

944 Indian River Drive  
West Columbia, S.C. 29170  
March 18, 2015

Dr. David Hamrick, Director  
University of Texas Press  
2100 Comal St. Stop E4800  
Austin, TX 78712-1303

Re: Unauthorized use of images in *José Martí: A Revolutionary Life* by Alfred J. López

Dear Dr. Hamrick:

It has come to my attention that your press has made an unauthorized use of my intellectual work in the book entitled *José Martí: A Revolutionary Life* written by Alfred J. López. The author neither asked for nor received permission to use two images from my academic website that appear at <http://www.latinamericanstudies.org/mantilla.htm>. The two images are the Manuel Mantilla death certificate on page 199 of his book and the María Mantilla birth certificate on page 200.

My academic website, part of my University of South Carolina-Columbia courses, was created in 1997 and it has my name and email contact information on the main page. It also contains a list of my academic publications at <http://www.latinamericanstudies.org/articles.htm>. Dr. López is knowledgeable of my academic work because he cites my essay “Fernandina Filibuster Fiasco: Birth of the 1895 Cuban War of Independence,” *Florida Historical Quarterly*, Summer 2003, on page 387 of his bibliography and six times on page 375 in notes 117, 120, 121, 123, 127, 131. He is also familiar with my website because on page 375 of the book, note 128, he cites a document that I transcribed from the U.S. National Archives [available at <http://latinamericanstudies.org/1895/RG-36.pdf>]. I have never met nor communicated with Professor López and he never contacted me before taking the Mantilla documents in question.

A Google Images search for “Maria Mantilla birth certificate” and “Manuel Mantilla death certificate” shows that these documents appear on the Internet exclusively on my website. I am curious to know who Dr. López indicated in your Illustration Permission Form as granting him permission and publication rights for the images.

Just because images are on the Internet does not mean they are “free” to expropriate. Dr. López not only took my two images without request but he is now making a profit from them and using them as his own intellectual work.

The copying and use of another person’s work without their permission is not only unlawful but violates the American Historical Association, *Statement on Standards of Professional Conduct* (2011) (hereinafter the “Standards”).<sup>1</sup> The Standards of Professional Conduct state that

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<sup>1</sup> American Historical Association, *Statement on Standards of Professional Conduct* (2011), <http://www.historians.org/jobs-and-professional-development/statements-and-standards-of-the-profession/statement-on-standards-of-professional-conduct>.

Dr. David Hamrick  
March 18, 2015  
Page 2

“[p]racticing history with integrity means acknowledging one’s debts to the work of other historians” and “document[ing] [one’s] sources.”

Dr. López and the University of Texas Press violated these Standards by copying my work without asking for permission or, at a minimum, giving me credit. The Standards declare “[t]he expropriation of another author’s work, and the presentation of it as one’s own, constitutes plagiarism and is a serious violation of the ethics of scholarship.” (emphasis added).

Images from my academic website sell for \$150.00 each or \$100.00 each if four or more. Last year, Pearson Education, Inc., of Livonia, MI, purchased one of my images for \$150.00 under account number C00291625. They subsequently sent me IRS form 1099-MISC for this transaction.

I am therefore requesting that your press oblige me with \$150.00 for each photo, plus an additional \$100.00 each in amercement for publishing them without my permission, for a total of \$500.00.

I hope that this matter can be resolved amicably and expect a response from you by April 17, 2015. If you do not comply with my request, I will take further action. Please feel free to respond via the above address or my University of South Carolina email adelacov@mailbox.sc.edu.

Sincerely,

Antonio Rafael de la Cova, Ph.D.

**From:** McLeod, John A [jmcleod@utpress.utexas.edu]  
**Sent:** Thursday, March 26, 2015 1:55 PM  
**To:** DE LA COVA, ANTONIO  
**Subject:** Your letter re the Jose Marti book

Mr. Antonio Rafael de la Cova, Ph.D.

Our Director, Dave Hamrick, received your letter and has asked me to follow up on his behalf.

Our author did not see information, nor have we, on your website about requesting permission or paying image use fees for pictures of the two documents, which are in the public domain. Nonetheless, we do agree to pay the image fees. We are a non-profit scholarly press much like the University of South Carolina Press, and we would appreciate it if you would accept \$150 for each image and not charge us a penalty fee. As you likely know, most university press budgets are very tight. We believe \$300 for the use of the two images is more than fair by industry standards.

We must state that paying the image fees is in no way an acknowledgment that our author has violated any intellectual property rights. We also feel strongly that he has not violated the spirit of the AHA's standards of professional conduct.

Our editorial assistant will follow up with you to arrange payment once we have received your response.

Thank you for your consideration.

John McLeod  
Assistant Director and Rights & Permissions Manager  
University of Texas Press  
(512) 232-7605  
Visit us at <http://www.utexaspress.com>

944 Indian River Drive  
West Columbia, S.C. 29170  
April 2, 2015

John McLeod  
Assistant Director and Rights & Permissions Manager  
University of Texas Press  
2100 Comal St. Stop E4800  
Austin, TX 78712-1303

Re: Unauthorized use of Images in *José Martí: A Revolutionary Life* by Alfred J. López

Dear Mr. McLeod:

Thank you for your prompt response to my letter to Dr. David Hamrick.

In regard to whether the images on my academic website are in the public domain, as you indicate, the 1988 Berne Convention Implementation Act, which amended the 1976 Copyright Act, explicitly states that the enjoyment and the exercise of copyright shall not be subject to any formalities. See Berne Convention Implementation Act of 1988, Pub. L. No. 100-568, § 2, 102 Stat. 2853 (*codified as amended at 17 U.S.C. §101 et seq.*). Copyright is automatically secured when the work is created. 17 U.S.C. § 201.

Under the Berne Convention, notice is not a condition of protection; the use of copyright notice is optional. Therefore, just because my website, which is my intellectual property, does not explicitly state under each image that you must request my permission for using them, does not mean that the images are automatically in the public domain and free to use without my permission.

In fact, a work is automatically protected under the Copyright Act and falls into the public domain only after the copyright term of the author's life plus an additional 70 years after the author's death. The only other way that a work could fall into the public domain is if the author chooses that the work fall into the public domain by expressly stating that the author donates the work to the public domain for anyone to use. Nowhere on my website do I state that my images are in the public domain. Thus, the presumption when there is no explicit notice is that all of my images are protected.

Hence, even if the author, Dr. Alfred López, did not see information on my website about requesting permission or paying image use fees, he should have nonetheless contacted me to request permission to use the images for publication and profit. As I previously indicated, Dr. López is familiar with my academic work and website, since he cites a link to a document that I transcribed from the National Archives and extensively cites my essay *Fernandina Filibuster Fiasco* which also appears on my website.

Had Dr. López notified me, he would have discovered that I have a number of other Mantilla family documents because María Mantilla's husband, César Julio Romero y Acosta (1872-1951) is my father's uncle. I may have also put him in contact with María Mantilla's only surviving son,

John McLeod  
April 2, 2015  
Page 2

95-year-old Eduardo, my great-uncle, who presently resides in Hawaii. He gave me this 1935 letter from his mother to his brother César, that is also exclusively on my website  
<http://www.latinamericanstudies.org/marti/maria-mantilla-1935.pdf>

Dr. López cites one line of this letter on page 249 of his book with note 104, but the citation for it on page 370 erroneously states “Mantilla death certificate.” He likewise refers to the letter on page 198, note 19, which he correctly identifies on page 364 as proceeding from my website and accessed on August 1, 2013. This is another indication of Dr. López’s thorough familiarity with my website.

During the last eighteen years that my academic website has been online, I have had numerous authors, publishers, encyclopedia editors and producers from the History Channel and other documentaries email me to ask permission to reproduce my images. They have afterward proceeded to purchase the product and send me the corresponding IRS form. Dr. López is the only person who has appropriated my work without prior notification and profited from it.

In my letter to Dr. Hamrick I wrote that I was curious to know who Dr. López indicated in your Illustration Permission Form as granting him permission and publication rights for the images. Could you please tell me what Dr. López stated in the form as being the source of my two images and who authorized their use?

While I recognize that you are a non-profit scholarly press, you understand that an author must first receive authorization before using somebody else’s work. My images reproduced in *José Martí: A Revolutionary Life* were taken without my permission, and your press and the author are making a profit from selling the book.

In the spirit of compromise, and as an effort to amicably settle this matter, I will reduce the amercement fee by half to \$50 for each image and ask that you please properly compensate me the \$400 for using my two images without permission. I am sure that the press can recuperate this loss by deducting the amount from the author’s royalties. I also ask that in any future printings of the book, I receive proper credit for the images as:  
<http://www.latinamericanstudies.org/mantilla.htm>.

I hope that we can settle this matter fairly and promptly.

Sincerely,

Antonio Rafael de la Cova, Ph.D.

**From:** McLeod, John A [jmcleod@utpress.utexas.edu]  
**Sent:** Monday, April 06, 2015 11:19 AM  
**To:** DE LA COVA, ANTONIO  
**Subject:** RE: Your letter re the Jose Marti book

Mr. Antonio Rafael de la Cova, Ph.D.

We agree to pay the image use fee as outlined in your letter and we have flagged the editorial file with changes to attribution of the images. Those changes will be made in both the print and eBook editions when the book transitions into a paperback edition.

Angela Lopez, our editorial assistant, will be in touch with you to coordinate the payment.

John

UNIVERSITY OF TEXAS PRESS

April 8, 2015

Dear Professor de la Cova:

I've enclosed two forms necessary to process payment for use of your photos in the book *José Martí: A Revolutionary Life*. First is the Payee Information Form (PIF) that will need to be filled out where indicated; please note that we need a copy of your social security card or a photo ID. And lastly, I have enclosed an invoice that will need to be signed and dated.

Thank you for your help and time.

Sincerely,



Angelica Lopez  
Editorial Assistant  
University of Texas Press

MAILING ADDRESS

Post Office Box 7819  
Austin, Texas 78713-7819

STREET ADDRESS

2100 Comal Street Stop E4800  
Austin, Texas 78712-1303

P: 512.471.7233

F: 512.232.7178

WWW.UTEXASPRESS.COM



INVOICE

Antonio De La Cova  
944 Indian River Drive  
West Columbia, SC 29170

April 8, 2015

Description

Use permission for images in *José Martí: A Revolutionary Life*

Fee: \$400.00

Signature:

Antonio de la Cova Date April 15, 2015

**From:** Lopez, Angelica [alopez@utpress.utexas.edu]  
**Sent:** Friday, May 15, 2015 1:47 PM  
**To:** DE LA COVA, ANTONIO  
**Subject:** Re: Authorized payment of \$400 for the use of my photos

Dear Professor de la Cova,

Our business office spoke to the University's Office of Accounting, and it looks like the check is still being processed. They hope it should be out within a week. Apologies for the inconvenience as we have to wait for the University to clear our checks.

Please let me know if you have not received it at the end of next week.

Thanks,

--

Angelica Lopez  
Editorial Assistant  
University of Texas Press  
Mail: P.O. Box 7819  
Austin, TX 78713-7819  
Street: 2100 Comal St. STOP E4800  
Austin, TX 78713-7819  
Phone: (512) 232-2589  
Email:[alopez@utpress.utexas.edu](mailto:alopez@utpress.utexas.edu)

THE UNIVERSITY OF TEXAS AT AUSTIN

**OFFICE OF ACCOUNTING  
P.O. BOX 7159  
AUSTIN, TEXAS 78713-7159**

25

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944 INDIAN RIVER DR  
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**Comments:**

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# THE UNIVERSITY OF TEXAS AT AUSTIN

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PAY: \*\*\*\* FOUR HUNDRED \*\*\*\* DOLLARS

AUSTIN, TX

DATE

05/22/2015

30-9  
1149

**TO THE  
ORDER OF:**

DE LA COVA, ANTONIO R  
944 INDIAN RIVER DR  
WEST COLUMBIA, SC 29170-3872

FROST NATIONAL BANK  
CORPUS CHRISTI

VOID 180 DAYS FROM DATE OF CHECK

\$\*\*\*\*\*400.00

Associate Vice President for Finance

Associate Vice President for Financial

  
Director of Accounting and Financial Management

#### **Director of Accounting and Financial Management**

" 5584251 " 61149232226 " 294038304 "

June 8, 2015

Dr. Antonio de la Cova  
Instructor, Department of Anthropology  
University of South Carolina  
817 Henderson Street  
Gambrell Hall, Suite 440  
Columbia, SC 29208

Dr. de la Cova:

I am writing in response a string of defamatory statements you have made about me on Babalu Blog and elsewhere. Your assault against my professional reputation has reached its apogee in Alberto de la Cruz's article of June 5 entitled "Publisher of Purdue University professor's book on José Martí cuts check for plagiarized images." Except for a single sentence by the putative author by way of introduction, the article consists entirely of a scanned check issued to you by the University of Texas at Austin, publishers of my most recent book, and an email from you in which you cite said check as proof of my "theft," of my having "plagiarized" his work. In a comment you added below the article proper, you further accuse me of having plagiarized an article you apparently published in 2010 on someone's website.

I have already contacted Mr. de la Cruz separately and made my position on the matter very clear. You are welcome to read the text of that letter in its entirety, not on Babalu Blog, although I invited them to publish it, but on Manuel Tellechea's José Martí Blog:

<http://josemartiblog.blogspot.com/2015/06/professor-alfred-lopez-responds-to.html>

In response to my letter, Babalu Blog has removed the libelous article from their lineup, although it remains accessible on the internet via a Google search. At some point after that you posted more defamatory material on your own website, latinamericanstudies.org, consisting of your correspondence with the University of Texas Press in which you accuse me of "unauthorized use of [your] intellectual work" and of violating the American Historical Association's *Statement on Standards of Professional Conduct*.

I have been aware of your false claims against me since at least March of this year, and had frankly ignored them, since they were merely comments on other people's articles. Your most recent defamations, however, rise to a different level, and threaten direct harm to my professional reputation as a writer and scholar.

DISTINGUISH *yourself*

You should know that my publisher decided to send you that check over my strong objections. I warned them that, far from avoiding conflict, their payment would only embolden you to do exactly as you did. You should also know that, contrary to your speculation in your comment on the June 5 article, you have directly cost me not a dime; that payment went out to you with the stipulation that it not be counted against my royalties. So this matter is not at all about money, but about your libelous assault on my professional reputation, my honesty, and my character as a human being.

Apropos of honesty and character, I find it revealing that either you or Mr. de la Cruz chose not to include in his article the letter from the University of Texas Press that accompanied the check. In that letter my editor, Casey Kittrell, directly states “that paying the image fees is in no way an acknowledgment that our author has violated any intellectual property rights. We also feel strongly that he has not violated the spirit of the AHA’s standards of professional conduct.”

Despite the damage you have already done, and the mental and emotional distress you have caused me and my family, I am willing to believe that you truly believe that I have wronged you. So in what remains of this letter I will attempt to explain how, by your libelous accusations, you have actually wronged me. Specifically I will demonstrate: (1) why my use of the documents in question does not, and could never, constitute plagiarism; and (2) why you cannot in fact claim any ownership or intellectual-property rights over the documents. In the course of that argument I will explain why your most recent claim that I plagiarized your 2010 article is also false. I will then conclude by stating what you must do to resolve the difficult situation into which you have placed yourself by your ill-advised libels against me.

I apologize in advance for duplicating much of the following explanation from my letter to Mr. de la Cruz.

As you know, every college and university publishes a statement defining plagiarism, which they universally consider a serious act of academic misconduct. Many of Purdue’s individual colleges issue their own discipline-specific guidelines, which the Office of the Dean of Students neatly summarizes in the following statement:

Purdue prohibits “dishonesty in connection with any University activity. Cheating, plagiarism, or knowingly furnishing false information to the University are examples of dishonesty.” [Section B.2.a, [Code of Student Conduct](#)] Furthermore, the University Senate has stipulated that “the commitment of acts of cheating, lying, and deceit in any of their diverse forms (such as the use of substitutes for taking examinations, the use of illegal cribs, plagiarism, and copying during examinations) is dishonest and must not be tolerated. Moreover, knowingly to aid and abet, directly or indirectly,

other parties in committing dishonest acts is in itself dishonest.” [University Senate Document 72-18, December 15, 1972]

Plagiarism is a special kind of academic dishonesty in which one person steals another person’s ideas or words and falsely presents them as the plagiarist’s own product. This is most likely to occur in the following ways:

- using the exact language of someone else without the use of quotation marks and without giving proper credit to the author
- presenting the sequence of ideas or arranging the material of someone else even though such is expressed in one’s own words, without giving appropriate acknowledgment
- submitting a document written by someone else but representing it as one’s own

Purdue’s University Copyright Office further clarifies:

Copyright infringement and plagiarism are two different issues. Copyright is a federal law that protects original works from being copied and distributed without the author’s permission unless one of the exceptions applies. Plagiarism is passing off someone else’s work as one’s own or lack of attribution. There is no federal or state plagiarism law but there can certainly be severe repercussions for plagiarizing.

Copyright infringement example: Incorporating an entire poem by Maya Angelou into a published work without her permission. The poem is properly attributed to Ms. Angelou.

Plagiarism example: Using a line or even an entire poem by Maya Angelou in a paper and not attributing the poem to the author or citing the source. It would appear that the poem is the creation of the person writing the paper and not Maya Angelou.

We may summarize these texts this way: Plagiarism is the theft of another’s intellectual work as one’s own, while copyright infringement is the copying or distribution of works owned by someone else.

You cannot plausibly claim that I have committed either plagiarism or copyright infringement, since you are neither the author nor owner of the documents in question. I have not used your written work, published or unpublished, in my own book without attribution. In fact, the only work of yours that I have ever read is your 2003 article “Fernandina Filibuster Fiasco,” which—as you have yourself pointed out—I made extensive use of in my

book and cited accordingly. I accessed the documents in question directly as pdfs from a page on your website containing photographs of the Mantilla family. I only read your article on Maria Mantilla just today, after seeing your mention of it on Babalu Blog.

Your claim of plagiarism thus stems largely from my use of two documents: Manuel Mantilla's 1885 death certificate (p. 199 of my book) and Maria Mantilla's 1880 birth certificate (p. 200). I acknowledge having found these two documents at [www.latinamericanstudies.org](http://www.latinamericanstudies.org), a website you apparently created in 1997 and still operate. As you know, in the book I attribute each of those documents to their respective sources: the City of New York and the City of Brooklyn. Both are *public documents*, available to anyone who wishes to ask for them. You do not, could not possibly, own those documents, any more than I could own your birth certificate by acquiring a copy from your place of birth, or on Ancestry.com. Let me make this as plain as I can for you: *Neither Manuel Mantilla's death certificate nor Maria Mantilla's birth certificate belong to you.*

Thus, according to the definitions of plagiarism and copyright infringement I have cited in this letter—really, by any definition of these, including the one you cite in your letter to my publisher—I am guilty of nothing more than a bit of expedience, because using the scans from your website saved me an additional trip to New York City. I want you to understand this with complete clarity: *By any reasonable definition of the terms, I am not guilty of either plagiarism or copyright infringement.* And again, this is for one simple reason: *You can make no legal claim to ownership of documents in the public domain simply by posting them on a website.* Even if you were the first to publish them.

But you see, for at least one of those documents you cannot make that claim either. You see, a scholar far more accomplished than either of us, the late and eminent Dr. Carlos Ripoll, first published Manuel Mantilla's Certificate of Death in "Martí: La esposa y la amante," published in Diario las Américas on Sunday, May 15, 1988. That particular article as well as the reproduction of the Death Certificate were also included in Ripoll's book *La vida íntima y secreta de José Martí* (1995), which you will find at:

[http://web.archive.org/web/20020819094826/http://www.eddosrios.org/marti/Vida\\_Intima/Intima\\_esposa.htm](http://web.archive.org/web/20020819094826/http://www.eddosrios.org/marti/Vida_Intima/Intima_esposa.htm)

But you don't have to take my word for it. On p. 12, footnote 3 of the *Anuario del Centro de Estudios Martianos* 12 (1989), we find this:

"Carlos Ripoll, de quien se ha dicho, con razón, que su habilidad para encontrar datos significativos de la vida de Martí es superada por su tenaz vocación de traicionar el legado del héroe de nuestra América, **publicó el 15 de mayo de 1988** — y en periódico afín a su

condición de contrarevolucionario: **Diario de las Américas, editado en Miami — el facsímil del certificado de defunción de Manuel Mantilla."**

So you see, even Dr. Ripoll's enemies in Cuba knew that he was the first to reproduce Mantilla's death certificate. You either did not know this, or you found them yourself in Ripoll's writings and scanned them to your own website. Per your argument in your letter to my publisher, ignorance would be no excuse—and you would owe at least part of the money from the University of Texas Press to the estate of Dr. Ripoll.

I have not yet been able to locate Maria Mantilla's birth certificate among Dr. Ripoll's publications, but am nearly certain that he published that document first as well. But of course that is a side issue, since publishing the documents first would give Dr. Ripoll no more claim to ownership than it does you.

Regarding José Martí's possible paternity of Maria Mantilla, my discussion of it bears no resemblance to your article beyond the recounting of facts and assertions widely known in Martíán circles. In fact, my brief analysis of the matter delves significantly further into the question, and speculates in more detail, than anything in your writings. My conclusion on the matter, that the question is essentially unanswerable at this point, also does not appear in your discussion of it.

I could continue, but I trust that by now you take my point: No plagiarism, no infringement, no "theft" of any kind has occurred, because I have stolen neither your words or ideas—or anything else to which you can plausibly claim ownership. In claiming otherwise, as you have repeatedly done, you have committed libel against me and, without grounds or provocation, defamed my character and threatened my professional reputation.

Despite that, and despite the time I have wasted on this matter that I could have spent more productively, I bear you no ill will. As a show of good faith I thus extend to you the opportunity to withdraw your accusations from latinamericanstudies.org, and publish a clear and unambiguous retraction in a venue of your choosing: Babalu Blog, your own website, or a different online or print source. Do that, and I will consider the matter between us closed.

You need to understand, however, that I cannot permit you to continue spreading your libelous claims about my professionalism, my honesty, and my character. If you choose to stand by your statements after receipt of this letter, I am prepared to take any and all actions available to me to protect myself, my character, my reputation, and my career from your defamatory assaults.

You have my permission to publish this letter on your website if you so desire, but only in its entirety.

Sincerely yours,



Alfred J. López  
Professor of English and Comparative Literature  
Department of English  
Purdue University

Cc: David Hamrick, Director, University of Texas Press  
John McLeod, Assistant Director and Rights & Permissions Manager, University of Texas Press  
Casey Kittrell, Sponsoring Editor, University of Texas Press  
Donna L. Ferullo, Director, University Copyright Office, Purdue University  
Alysa C. Rollock, Vice President for Ethics and Compliance, Purdue University  
Suresh Garimella, Vice President for Research, Purdue University  
David A. Reingold, Justin S. Morrill Dean of Liberal Arts, Purdue University  
Steven R. Schultz, Legal Counsel, Purdue University  
Tom Herr, Senior Partner, Herr & Phillips, LLC  
Amaury Cruz, P.A., The Lexarian Firm  
Jamie Tarich, Partner, The Tarich Law Firm  
Steven E. Eisenberg, Partner, Lipscomb Eisenberg & Baker PL  
Jesse M. Abad, Law Offices of Jessie M. Abad  
Mary Anne Fitzpatrick, Dean, College of Arts and Sciences, University of South Carolina  
Kenneth Kelly, Professor and Chair, Department of Anthropology, University of South Carolina

**To:**

Lopez, Alfred J [alopez@purdue.edu]

*Sent Items*

Wednesday, June 10, 2015 5:43 PM

Professor López:

I am in receipt of your letter. As my email automatic response indicates: "I am presently out of town conducting research and will be checking my email infrequently."

To properly respond to your allegations, I need access to your book and documents that I have at home. Months ago I made rent arrangements in a distant city until mid-July.

After I return home, I should be able to reply around the end of July.

Sincerely,

Antonio R. de la Cova, Ph.D.

Adjunct Professor of Anthropology, History, and AFAM

University of South Carolina

Department of Anthropology

Gambrell Hall, Room 439

Columbia, South Carolina 29208

Lopez, Alfred J [alopez@purdue.edu]

[Actions](#)

**To:**

[DE LA COVA, ANTONIO](#)

**Cc:**

[ckittrell@utpress.utexas.edu](#)

Wednesday, June 10, 2015 6:48 PM

Dr. de la Cova:

I take this to mean that you will not remove or retract your libelous statements for at least several weeks. This is unacceptable. Thus I am now forced to submit this matter to Purdue counsel, and to begin the process of retaining an attorney for myself. No need to respond any further to me - you will be hearing from one or both of them in due course.

--Al Lopez



Reply to:  
Steven Eisenberg, Esq.  
[seisenberg@lebfirm.com](mailto:seisenberg@lebfirm.com)

July 2, 2015

Via U.S. Certified Mail and E-Mail (adelacov@mailbox.sc.edu)  
7014 1820 0000 1236 1699

Dr. Antonio de la Cova  
Instructor, Department of Anthropology  
University of South Carolina  
817 Henderson Street  
Gambrell Hall, Suite 440  
Columbia, SC 29208

Re: Lopez v. de la Cova

Dr. de la Cova:

This law firm represents Professor Alfred Lopez in connection with his authorship of the book *José Martí: A Revolutionary Life* and the libelous statements you have made in connection with this book. If you have legal counsel representing you in this matter, please immediately provide this letter to your legal counsel.

The purpose of this letter is to demand that you cease and desist from the making of any further defamatory statements and that you retract and remove from publication any existing statements. The specific statements at issue appear in an email which you appear to have sent to an internet blog known as Babalu Blog which republished the defamatory and incendiary statements you made in your email, in comments you submitted to Babalu Blog and in your letter to The University of Texas Press published on your website.

The email which you sent to Babalu Blog (with my emphasis of the predominant defamatory statements) is as follows:

The University of Texas Press sent me a check for \$400 as a settlement for the theft of two documents from my academic website by Fidel Castro apologist Prof. Alfred J. López for his book José Martí: A Revolutionary Life.

The press agreed to pay \$150 for each purloined image plus an additional \$100 penalty for unauthorized use.

Babalu previously exposed Prof. López as the protégé of accused Castro spy Lisandro Pérez, both of whom have disparaged this blog and the Cuban exile community. The controversy began when Jorge Ponce started promoting and defending López and his mediocre work.

Dr. Antonio de la Cova  
July 2, 2015

It is now proven without a doubt that Prof. López, who is not a trained historian, is a thief who plagiarized my academic work. Note that in my exchange of letters with the University of Texas Press they twice did not respond as to who López indicated in their Illustration Permission Form was granting him permission and publication rights for the stolen images.

Moreover, in the reader submitted comments to the blog, you appear to have written the following:

antonio2009

June 5th, 2015 at 3:30 PM Log in to Reply

Very unpleasant indeed for Prof. Alfred J. Lopez, since the \$400 is coming out of his book royalties, he will have to sell more than 100 books to cover that. I will enjoy spending every penny of that check and have already invited my attorney to dinner the next time that we are in Miami. We will raise a toast to Jorge Ponce for pointing me in the right direction toward this reward. Ponce might have hoped to forget about it but now he and Silvio Canto, Jr. can no longer boast about the merits of Lopez's mediocre work, which includes plagiarized material stolen from the Internet. Check out my 2010 article "José Martí y la paternidad de María Mantilla" <http://eichikawa.com/2010/05/jose-marti-y-la-paternidad-de-maria-mantilla.html> and you will see how Lopez afterward plagiarized largely from it for his book. I am sure that Lopez will also never forget this incident and neither will the University of Texas Press if he ever tries to publish with them again.

In response to Professor Lopez's demand, Babalu Blog removed your submissions from its lineup, although the information is still accessible via an internet search.

It is apparent that your submission to Babalu Blog is malicious and specifically intended to injure Professor Lopez's reputation. As Professor Lopez has previously explained to you and as undoubtedly you were aware at the time you submitted the referenced libelous statements to Babalu Blog, your statements are incorrect. You have based your accusations of theft and plagiarism on Professor Lopez's republication of two publicly available documents which you have republished on your website as follows: Manuel Mantilla's 1885 death certificate and Maria Mantilla's 1880 birth certificate. These two documents do not constitute your work; nor are they documents over which you could claim ownership. They are clearly and obviously official records which are in the public domain. Accordingly, Professor Lopez could not have plagiarized or stolen these documents. Nonetheless, you have publicly asserted that Professor Lopez is a plagiarist and a thief.

You have also republished your letter to Mr. Hamrick and the University of Texas Press on your website, [www.latinamericanstudies.org](http://www.latinamericanstudies.org). That letter contains similar defamatory statements including those which accuse Professor Lopez of plagiarism, unauthorized use of [your] intellectual work and the violation of the American Historical Association's Statement on Standards of Professional Conduct. You have included the response from the University of Texas Press which specifically states that payment to you should not be construed to be an admission of any wrongdoing, yet you leave out this fact in your submissions to Babalu Blog implying that payment is, to the contrary, such an admission.

Moreover, in your submitted comments to the blog, you have accused Professor Lopez of plagiarizing a 2010 article written by you. You provide no basis for that statement. The truth is that

Dr. Antonio de la Cova  
July 2, 2015

Professor Lopez's discussion in his book of Jose Marti's possible paternity of Maria Mantilla bears no resemblance to your article. As Professor Lopez advised you in his previous letter to you, his analysis of the matter delves significantly further into this question. The mere fact that he discusses commonly known historical facts in his book does not support your libelous claim of plagiarism.

As you know, Professor Lopez attempted to discuss this with you via his June 8, 2015 letter to you. You responded to his letter by stating that you need access to records at your home and that you would be unable to respond until the end of July. As the documents at issue are two official public domain records, it is unclear why resolution of this matter must wait for such a long period of time. The statements which you have made are clearly inaccurate and the longer that this goes unresolved, the greater the potential injury to Professor Lopez's reputation.

As we are sure that you are aware, defamation of character is a serious matter. Unfounded accusations of theft and plagiarism, in an academic setting, are particularly serious. In this case, the accusations are not only unfounded but are inflammatory and seemingly designed to attract attention and maximize injury to Professor Lopez. Although, as expressed in his letter to you, Professor Lopez is willing to be reasonable, this must be resolved immediately.

Accordingly, demand is hereby made that you immediately remove from your website your letter to the University of Texas Press. Demand is further made that you immediately cause Babalu Blog to remove from the Internet your submission and comment and that you remove any other publication of the falsehoods attributed to you which are set forth in this letter. Finally, demand is hereby made that you publish a retraction of your libelous statements and cease and desist from any further defamation of Professor Lopez. Should you choose to comply with these demands, please confirm compliance by written letter to me no later than July 15, 2015.

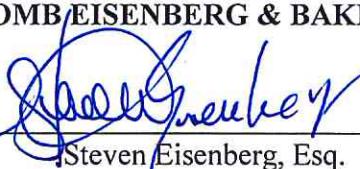
The law of defamation provides an injured party with a legal claim against the person making the defamatory statements as well as a right to the recovery of substantial damages including punitive damages which damages are designed to punish the person for making the defamatory statements. Please be advised that Professor Lopez reserves the right to avail himself of all rights and remedies provided to him by the applicable law in the event that you refuse to comply with the demands set forth in the preceding paragraph.

**GOVERN YOURSELF ACCORDINGLY.**

Sincerely yours,

**LIPSCOMB EISENBERG & BAKER, PL**

By: \_\_\_\_\_

  
Steven Eisenberg, Esq.

817 Henderson Street  
Gambrell Hall, Suite 440  
Columbia, SC 29208  
July 13, 2015

Steven Eisenberg, Esq.  
2 South Biscayne Blvd.  
Penthouse 3800  
Miami, FL 33131

Re: Reply to July 2, 2015 Letter Regarding Unauthorized use of Images in *José Martí: A Revolutionary Life* by Alfred J. López

Dear Mr. Eisenberg:

I am replying to your letter dated July 2, 2015 accusing me of defaming Dr. Alfred J. López.

The elements of a cause of action for defamation are: (i) a false and defamatory statement concerning another, (ii) unprivileged publication to a third party, and (iii) damage to the individual.

Truth is an absolute defense to a claim for defamation. Even if a statement reflects negatively on an individual, it does not constitute defamation if it is true. Dr. López appropriated the two images at issue, Manuel Mantilla's 1885 death certificate and Maria Mantilla's 1880 birth certificate, from my website without my permission and without giving me credit for the images in his book, *José Martí: A Revolutionary Life*. He purports that these are "public documents" and according to his letter to me of June 8, 2015, attributed them in his book "to their respective sources: the City of New York and the City of Brooklyn." However, those are phony citations taken from the 19th century titles on the documents. The correct academic citation for both is: "New York City Department of Records and Information Services, Municipal Archives."

<http://www.nyc.gov/html/records/html/home/home.shtml>

That is how they are cited on footnote 14 of my article "Fernandina Filibuster Fiasco: Birth of the 1895 Cuban War of Independence," *Florida Historical Quarterly*, 82:1 (Summer 2003): <http://www.latinamericanstudies.org/academic/fernandina.pdf>.

To acquire those images, I had to travel to New York City at my own expense, spend hours doing research at the municipal archives to find them, pay the fee for each image, for which I have receipts, and then spend time on Photoshop editing each image so that they could be readable before finally posting them on my website.

Dr. López admitted in his letter to Babalu Blog, dated June 6, 2015, that he took the two images from my website: "**I found these two documents at [www.latinamericanstudies.org](http://www.latinamericanstudies.org)**, a website created in 1997 and still apparently operated by [Dr. de la Cova]" (emphasis added). In the letter that he sent to me, dated June 8, 2015, he also admitted to taking the two images: "**I acknowledge having found these two documents at [www.latinamericanstudies.org](http://www.latinamericanstudies.org)**, a website you apparently created in 1997 and still operate" (emphasis added). Therefore, there is no dispute as to the truth

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of my statements that Dr. López purloined the two images from my website. Indeed, the images that appear in his book are identical to the ones from my website, right down to the pixel rates and Photoshop markings.

In my correspondence with the University of Texas Press, I asked them twice to inform me who Dr. López cited in their Illustration Permission Form as granting him permission and publication rights for the images. The press never responded to my inquiry, leading me to believe that either the forms do not exist or that Dr. López did not indicate that he took the images from my website without permission, which he now acknowledges.

While the University of Texas Press did include a standard legal boilerplate exculpatory clause in their email to me stating that “**We must state** that paying the image fees is in no way an acknowledgment that our author has violated any intellectual property rights. **We also feel strongly** that he has not violated the spirit of the AHA’s standards of professional conduct” (emphasis added). The press’s statement is a standard legal boilerplate exculpatory clause to shield themselves in case of any future legal actions against them. The language they used “we must state” and “we also feel strongly” is not an outright denial of Dr. López’s plagiarism. Moreover, their action of paying the image usage fees and an additional amercement is an acknowledgment of Dr. López’s wrongful conduct.

As I stated in my first letter to the University of Texas Press, on March 18, 2015, Dr. López’s actions constitute a violation of the American Historical Association’s (AHA) *Statement on Standards of Professional Conduct* which indicate that “[p]racticing history with integrity means acknowledging one’s debts to the work of other historians” and “document[ing] [one’s] sources.” Dr. López did not accurately acknowledge where he retrieved the two images and did not properly document his source for the images and instead used a phony citation. Thus, he violated the AHA *Standards of Professional Conduct*.

Nonetheless, the University of Texas Press’s attempted denial of Dr. López’s conduct is futile as Dr. López already conceded that he did in fact take the two images from my website. Therefore, my statements of Dr. López do not constitute defamation because they are in fact true.

Dr. López, in his letter to me on June 8, 2015, is erroneous in assuming that I received a letter from the University of Texas Press accompanying the \$400 check that was sent to me in payment for the two images taken from my website without permission. The check came directly from their accounting office without any further communication. Dr. López is also mistaken when believing that his editor Casey Kittrell wrote to me. I have never received a letter or email from Mr. Kittrell nor communicated with him in any form.

I sent my exchange of letters with the University of Texas Press to Bob May, Professor Emeritus of History at Purdue University, who has been my academic mentor since 1990 and was a member of my dissertation committee. He vaguely recalled by phone being on a grant committee that financed Dr. López’s research and on June 7, 2015 emailed me this: “That correspondence is

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absolutely fascinating and I am saving it just in case any copyright issues arise ever in my own work. What wonderful references to appropriate copyright statute and so on. Good for you in protecting the hard work you exert in establishing and maintaining your wonderful web site!"

Regarding removing my comments from Babalu blog, I am not affiliated with that blog, like Jorge Ponce, Dr. López's cheerleader in that forum. I have no way of deleting those blog posts, the same way that I cannot remove my comments from the *New York Times* or other electronic publications. My statements were mostly in response to Dr. López's disparaging rant against Babalu blog and the historic Cuban exile community, patterned on Cuban Communist propaganda, in the Huffington Post blog on March 18, 2015: [http://www.huffingtonpost.com/alfred-j-lapez/cuban-americans-behaving-badly-or-the-cayman-in-winter\\_b\\_6844576.html](http://www.huffingtonpost.com/alfred-j-lapez/cuban-americans-behaving-badly-or-the-cayman-in-winter_b_6844576.html) in which he stated in part:

"It was only my discovery of a **tiny, but very grumpy cyber-outpost of old-school Cubans [Babalu Blog]** (emphasis added) hating on a book that I have written but they have not read – that gave me my thesis." He concluded by emphasizing what his "former colleague – to the hardliners, 'accused Castro spy' – Lisandro Pérez would call their 'expiration date.'"

If Dr. López affirms that Babalu blog is "a tiny, but very grumpy cyber-outpost of old-school Cubans" I don't understand how that "tiny" blog can "maximize injury" to his reputation. In my criticism of his book in my Babalu response, on March 25, 2015 at 1:16 PM, I challenged those disagreeing with my conclusion of *José Martí: A Revolutionary Life* to respond and stressed: "I welcome their opinion to stimulate academic debate." Neither Dr. López nor his apologists responded to my challenge.

I have referred to Dr. López's work in my capacity as a scholar having critically reviewed thirteen books (1997-2007) for academic publications: <http://www.latinamericanstudies.org/articles.htm>. I consider Dr. López a "Fidel Castro apologist" for citing the dictator's *History Will Absolve Me* in Martí's biography, which I believe is irrelevant and politically motivated. Likewise, in my review of Anthony DePalma's book, *The Man Who Invented Fidel: Cuba, Castro, and Herbert L. Matthews of the New York Times*, I stated that "DePalma, like Matthews, is an apologist for the terrorist acts of Castro's 26th of July Movement"

<http://www.latinamericanstudies.org/academic/cuban-affairs.pdf>. DePalma, however, did not complain about my constructive criticism, nor threaten the academic publication with a lawsuit.

I do not comprehend how stating that Dr. López "is not a trained historian" is defamatory. His title indicates that he is a "Professor of English and Comparative Literature," and he does not have a Ph.D. in History. In my review of Rodrigo Lazo's book, *Writing to Cuba: Filibustering and Cuban Exiles in the United States* <http://h-net.msu.edu/cgi-bin/logbrowse.pl?trx=vx&list=h-latam&month=0510&week=d&msg=JjgfW%2bWZUsmG6AKyhErbOw&user=&pw> I referred to similar problems that also appear in Dr. López's work. Since Lazo also has a degree in literature, I wrote that "A substantial problem with this work is its classification as a history book, which is not the author's main field of expertise . . . As a result of relying on weak sources, Lazo provides

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cursory biographical data on most of the leading exile literary figures.” Dr. López’s book likewise relies mostly on secondary sources, which is why, as a historian, I consider it a “mediocre work.”

I also commented on Babalu blog: “Alfred López is grateful in the acknowledgments to accused Castro spy Lisandro Pérez; Adriana Méndez Rodenas, an activist with the pro-Castro *Areito* magazine and Antonio Maceo Brigade and participant in the 1978 ‘dialogue’ with the dictatorship; and Emilio Bejel Aguilera, another *Areito* collaborator.”

Regarding *Areito* and the Antonio Maceo Brigade, on March 4, 1982, Florida Department of Law Enforcement (FDLE) officers Sergio Piñón and Daniel Benítez testified about it before a U.S. Senate subcommittee on security and terrorism investigating “The Role of Cuba in International Terrorism and Subversion” (<http://www.latinamericanstudies.org/terrorism.htm>). Piñon and Benitez declared under oath that the Committee of 75, *Areito* magazine, and the Antonio Maceo Brigade were “sponsored and headed by the Cuban DGI” intelligence agency: <http://www.latinamericanstudies.org/dialogue/Dialogo-DGI.pdf>.

For the record, Dr. López’s friend and mentor Professor Lisandro Pérez for years has been publicly accused of being a Castro agent by retired U.S. Defense Intelligence Lt. Col. Chris Simmons on Miami Spanish-language radio and television programs. Simmons described Pérez in his “Cuba Confidential” blog on June 12, 2012, under the post “‘Burned’ Cuban Agent Moves From Miami to the Big Apple,” <https://cubaconfidential.wordpress.com/2012/06/26/burned-cuban-agent-moves-from-miami-to-the-big-apple/>, as “Identified as a Cuban Intelligence agent by no less than three separate sources.” Pérez has never taken legal action for libel or defamation against Simmons for his statements. Furthermore, two Florida International University (FIU) associates of Dr. Pérez, active in the Cuban Research Institute that he directed, were convicted Castro spies: Prof. Carlos Alvarez and his wife Elsa Pérez, <http://www.latinamericanstudies.org/alvarez-espionage.htm>.

In 1993, Professor Lisandro Pérez also tried to intimidate me after I published the academic paper “Academic Espionage: U.S. Taxpayer Funding of a Pro-Castro Funding.” His threatening letter appears at the end of the document: <http://www.latinamericanstudies.org/espionage/FIU-espionage-1993.pdf>. In spite of his bravado of referring the matter to the university attorney “for legal action given the slanderous content of the document,” Professor Pérez never carried out his threat. He likewise threatened the *Diario las Americas* newspaper with a lawsuit after they published my essay in Spanish but Pérez also failed to act.

Another Fidel Castro admirer mentioned in the essay, Prof. Carmelo Mesa Lago, likewise threatened to sue me for slander but never did. In 1978, Dr. Mesa Lago had the audacity to declare to the *New York Times* that Castro “is a political genius, perhaps the only true genius among the world’s leaders today.” <http://www.latinamericanstudies.org/dialogue/nytimes-12-31-1978.pdf>

In regard to my statement that Dr. López plagiarized from my “José Martí y la paternidad de María Mantilla” article which appeared on a blog post on May 21, 2010 at <http://eichikawa.com/2010/05/jose-marti-y-la-paternidad-de-maria-mantilla.html>, which is also

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posted on my web site at [http://www.latinamericanstudies.org/maria\\_mantilla.htm](http://www.latinamericanstudies.org/maria_mantilla.htm), five years before *José Martí: A Revolutionary Life* was published, the following are my historical theories and propositions that I believe he plagiarized from that piece.

I am the first historian to ever indicate where José Martí is enumerated in the 1880 federal census, which I posted on my website here: <http://www.latinamericanstudies.org/marti/marti-census-1880.pdf>. No other scholarly publication has ever previously cited that page. A segment of that document, identical in PhotoShop markings to the one on my website, appears in Dr. López's book on page 202. The partial image caption states that Martí lived in "a boarding house owned by Henry C. Beers, June 8, 1880, entry from the 1880 U.S. Census." The name of Beers and the date do not appear on the image or anywhere else in his book. The correct academic citation should be: 1880 Federal Census, New York City, New York, page 20D, Records of the Bureau of the Census, Record Group 29, National Archives, Washington, D.C. Since Dr. López does not have the appropriate citation for the census page and does not indicate where he obtained it, it is obvious that he got the name of Beers and the date from my article "José Martí y la paternidad de María Mantilla" and from the document on my website without giving me proper credit.

Likewise, data about the Manuel Mantilla family in the 1880 federal census, which I mention in my article and appears on my web site <http://www.latinamericanstudies.org/marti/mantilla-census-1880.pdf> has never been published before, especially because the census misspelled the last name as "Mandilla." In consequence, Manuel Mantilla and his family do not appear on the census index and it would have been nearly impossible for Dr. López to find this data. I am the first scholar to publish this census data showing that Mantilla did not suffer ill health in 1880, when Martí boarded in his house, as other writers have erroneously repeated. This historical hypothesis, which I formulated in 2010, appears in Dr. López's book on page 198 but he omits citing this document in his endnotes. The correct academic citation is: 1880 Federal Census, New York City, New York, page 24D, Records of the Bureau of the Census, Record Group 29. National Archives, Washington, D.C. I believe that Dr. López plagiarized this thesis from my article as well as Martí's citation in the 1880 federal census. His failure to locate the archival source of these census records or to not properly cite them was another reason why I referred to his book as a "mediocre work."

It is also evident that Dr. López plagiarized citations from my article "Fernandina Filibuster Fiasco" which he cites on note 117 of page 375 in his book. For example, the *Florida Times-Union* articles for 1895 that he cites on notes 125, 126, 129, and 130, are referenced in my article and are also posted on my web site at: <http://www.latinamericanstudies.org/1895/Fernandina-articles.pdf>. I seriously doubt that he knows where this original material came from, as it is located in only one repository that he did not visit, and instead took it from my website. Dr. López likewise cited the *New York World* for 1895 on notes 122 and 125 and the *Savannah Morning News* for 1895 on notes 122 and 125. Nowhere else in his book does he cite those publications who articles appear on my website. The citations of those newspapers on his notes 125 and 126 on page 375 of his book were directly lifted from footnote 17 of my article "Fernandina Filibuster Fiasco." On his following endnote, 127, Dr. López cites my article. His sequence of note citations appears to be more than just mere coincidence and I regard it as plagiarism of my article and my website.

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I have the constitutional right to freely express myself and will not be intimidated by Dr. López's accusations that I have defamed him. A statement of opinion does not constitute defamation. I will not be silenced and I will be heard. My comments regarding Dr. López are my opinion of his character based on his appropriation of my two images and his borrowing from my writings without due credit. I have the right to say and express my opinion regarding Dr. López's actions. Therefore, my statements are constitutionally protected.

Dr. López should have asked for permission, or properly cited my intellectual property and research, before purloining the two images from my website. If he would have asked for permission, or at least given me credit for the images, this entire matter could have been avoided.

Dr. López's hatred and public denunciations of the historic Cuban exile community, of which I am a public figure, prevented him from reaching out to me as a scholar, in spite of his citing in his book my academic article,

<http://www.latinamericanstudies.org/academic/fernandina.pdf>

a Mantilla-Romero family letter from 1935,

<http://www.latinamericanstudies.org/marti/maria-mantilla-1935.pdf>

and transcribed U.S. National Archives documents;

<http://latinamericanstudies.org/1895/RG-36.pdf>

all of which are posted on my website. Dr. López's enmity toward me is evident when copying his June 8th letter to my university department chair and dean by hardcopy and email. If he believed that would create a problem for me, he was wrong. Neither of these scholars have addressed this issue with me as they are strong proponents of academic freedom. This was the same failed tactic used against me by accused Castro agents Bernardo Benes and Professor María Cristina Herrera in 2005 and 2007, respectively, when they likewise threatened to sue me for defamation and notified my academic superiors.

Likewise, in 2007 another one of Dr. López's FIU bevy of pro-Castro scholars, Professor Marifeli Pérez-Stable, had ACLU attorney John de Leon threaten to sue me, Babalu blog and Henry Gómez for slander after I put on my academic website a copy of an FBI debriefing of Cuban intelligence DGI defector Jesús Pérez Méndez in which she and others are denounced as controlled by Cuban intelligence. <http://www.latinamericanstudies.org/spionage/Perez-Mendez-debriefing.pdf> Gómez's response appears here: <http://heraldwatch.blogspot.com/2007/03/herald-contributor-attempts-to-silence.html> This was just another failed attempt at intimidation, as no legal action was ever taken.

I was completely vindicated two years later when former Cuban political prisoner and U.S. Ambassador to the United Nations Armando Valladares published the article "Their men in higher ed" in the *Washington Times* on June 18, 2009.

<http://www.washingtontimes.com/news/2009/jun/18/their-men-in-higher-ed/>

Valladares quoted the defector's report saying that "Marifeli Pérez-Stable assumed the spy duties of DGI agent Lourdes Casal, a Rutgers University psychology professor, who died in Havana in

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1980. So extensive were Ms. Pérez-Stable's intelligence responsibilities that the DGI prepared annual plans for her." In spite of this exposé in a leading national newspaper, Dr. Pérez-Stable never denied the accusations nor took legal action for defamation.

In addition to truth and statements of opinion constituting a defense to a defamation action, consent is also an absolute defense to a claim of defamation. Dr. López's June 8th letter to me stated "**[y]ou have my permission** to publish this letter on your website if you so desire, but only in its entirety" (emphasis added). Dr. López also gave Babalu Blog permission to publish his letter. He also pinned his letter in the blog of his friend Manuel Tellechea:

<http://josemartiblog.blogspot.com/2015/06/professor-alfred-lopez-responds-to.html>. Therefore, Dr. López himself has made this matter available to the public by granting permission to publish online the correspondence concerning this matter. In consequence, my correspondence with the University of Texas Press as well as my email exchanges with Dr. López, this letter, and any further communication regarding this case will remain on my academic website. My website also contains all the documentation of a previous lawsuit for libel against me by accused Castro agents when I was a journalist in Puerto Rico in 1984. The case was eventually decided in my favor by the Puerto Rico Supreme Court: <http://www.latinamericanstudies.org/demanda.htm>

Following Dr. López's example of posting his letter to me in Tellechea's blog, I will likewise circulate all the correspondence related to this case to my blogger friends. We do not live in Dr. López's beloved Castro's Cuba, where there is no freedom or the right to freely express ourselves.

Lastly, please make your client aware that an unsubstantiated and frivolous legal action could result in his paying for my court costs and attorney fees. A party that brings forth a malicious prosecution that is not well grounded in fact, unwarranted by existing law, or filed for an improper purpose, can be sanctioned by the court. Moreover, a plaintiff in a malicious prosecution case may recover actual and compensatory damages as well as punitive damages, which I intend to do if it reaches that point. There are no reasonable grounds for Dr. López to initiate a defamation action against me because my statements regarding Dr. López are true. Therefore, his attempt at intimidating me via a threat of legal action is fruitless. I have no ill will or malice towards Dr. López, I simply wanted the University of Texas Press to be aware that Dr. López purloined the images from my website and that I should receive proper compensation and recognition, which they have already done. As I indicated to the press in my letter of March 18, 2015, Pearson Education, Inc. requested and purchased an image from my website last year, as have done other enterprises since 1997. Dr. López could have and should have asked for my permission to use the images or at least given me proper credit. He failed to do so and has already acknowledged his wrongful conduct.

Sincerely,

Antonio Rafael de la Cova, Ph.D.

**To:**

[Lopez, Alfred J \[alopez@purdue.edu\]](mailto:lopez, Alfred J [alopez@purdue.edu])

**Cc:**

[dhamrick@utpress.utexas.edu](mailto:dhamrick@utpress.utexas.edu); [ckittrell@utpress.utexas.edu](mailto:ckittrell@utpress.utexas.edu); [jmcleod@utpress.utexas.edu](mailto:jmcleod@utpress.utexas.edu); [ferullo@purdue.edu](mailto:ferullo@purdue.edu); [acrollock@purdue.edu](mailto:acrollock@purdue.edu); [sureshg@purdue.edu](mailto:sureshg@purdue.edu); [reingold@purdue.edu](mailto:reingold@purdue.edu); [schult51@purdue.edu](mailto:schult51@purdue.edu)

**Attachments:**

[Letter to Eisenberg 7-13-2~1.pdf \(97 KB\)](#)

Monday, July 13, 2015 8:43 PM

Professor López:

Attached is my letter to your attorney refuting your allegations and reaffirming that you plagiarized my work.

I have copied here some of the people that you copied on your letter to me on June 8, 2015.

Antonio R. de la Cova, Ph.D.

Adjunct Professor of Anthropology, History, and AFAM

University of South Carolina

Department of Anthropology

Gambrell Hall, Room 439

Columbia, South Carolina 29208