

Lawyer tells court 'Da Vinci Code' didn't borrow from another book

By JILL LAWLESS
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A lawyer for the publisher of the blockbuster thriller "The Da Vinci Code" chipped away at the claims of two authors who allege copyright infringement, forcing one of them to concede that a key element of the case is wrong.

Michael Baigent and co-author Richard Leigh are suing Random House in Britain's High Court for alleging infringing the copyright of their 1982 book, "The Holy Blood and the Holy Grail."

They claim Dan Brown's best-seller appropriated the architecture of their work, which explores theories that Jesus married Mary Magdalene, the couple had a child and the bloodline survives.

In court documents, they claim that a synopsis Brown sent to

publishers pitching his work contained key themes from their nonfiction book, presented in the same order. Under cross-examination by Random House lawyer John Baldwin, Baigent acknowledged the points were not in the same order.

"You're right, Mr. Baldwin," he said.

If the writers succeed in securing an injunction to bar the use of their material, they could hold up the scheduled May 19 release of "The Da Vinci Code" film, starring Tom Hanks.

Random House lawyers argue that the ideas in dispute are so general they are not protected by copyright.

During a third day cross-examining Baigent, Baldwin also argued that many of the ideas in "The Holy Blood and the Holy Grail" were not featured in Brown's book, a mixture of code-breaking, art history, religion

and mystical lore that has sold more than 40 million copies since it was published in 2003.

Baigent insisted that "our basic conclusion was the fundamental theme of 'The Da Vinci Code.'"

But he acknowledged that some of the details and incidents in the earlier book were not in "The Da Vinci Code."

"Mr. Brown was writing a novel, and these kinds of finer details of history presumably weren't at the forefront of his mind," Baigent said.

Baldwin suggested that "The Da Vinci Code" account of the founding of the medieval order of the Knights Templar, which contains an inaccurate date, did not come from "The Holy Blood and the Holy Grail."

"My conclusion would be I've got no idea where Mr. Brown got his information from," Baigent said. "He didn't get it from me."



Linda Kelly Talley
GENEALOGY

Don't make assumption mistakes

Have you ever made up facts about your ancestors as you are researching?

Did you want to be related to a movie star or president and casually added the name to your database, with links that never existed?

Have you ever changed a marriage date that you knew to be true, to make a birth date legitimate, or accepted information about your family history that you suspected was wrong?

You might think it doesn't matter, until a genealogy cousin contacts you for information on your shared lines and you give him a copy.

Now the story changes. What started as an innocent little white lie for you becomes dishonest, inaccurate research for others.

Many genealogists in turn pass the information along, maybe to the Internet, and suddenly many family lines contain wrong information.

A genealogist is a person who is focused, smart, organized, friendly, sharing, dedicated, patient, persistent and often pushy.

Hopefully, integrity is also a part of your description.

We have all made unintentional errors, which is why I always suggest to beginning genealogists to use a pencil with an eraser.

As I have done research for this article, I have discovered two things about my ancestors.

- The book, "Pitfalls In Genealogical Research" by Milton Rubincam, describes a family history example that was written with provable errors and even with this proof the descendants wouldn't change their work because of a Mayflower connection.

The family originated in Piscataway Township, Middlesex County, New Jersey, the same place my Drake ancestors lived.

The FitzRandolph family that the author writes about has been intertwined with the Drake family for many years. I don't see a direct connection to my particular ancestors, but if it happened to this family, why not mine?

- Another example hits closer to home. Terence L. Day wrote an article titled "Check Branches of Family Tree for Frauds."

He describes Swedish-born Gustav Ludvig Ljungbert, who forged genealogies under the pen name of Gustav Anjou. He immigrated to America in 1890 and died about 1942.

The subject of Day's article is the Beach family, which came to New Haven, Conn., around 1643.

This family is my line. Day describes this Beach family manuscript as "so riddled with misinformation that it suggests fraud or an amazing incompetence."

Anjou wrote and sold pedigrees for years at prices ranging from \$250 to \$9,000 apparently making up information he couldn't find and adding it to correct documentation of his work.

Check the information you have collected. Be suspicious and verify facts.

Linda Kelly Talley of the Johnson County Museum of History writes this column on alternate Saturdays. Comments can be sent to ltalley@cco.johnson.in.us.

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