

Historical Epic Is Focus of Copyright Dispute

By SHARON WAXMAN

LOS ANGELES
A legal conflict is brewing over one of the summer's biggest potential blockbuster movies, the Crusades epic "Kingdom of Heaven," with a prominent author accusing the film's director, Ridley Scott, and the studio releasing the film, 20th Century Fox, of stealing his research for their screenplay.

In a letter this month, a lawyer for James Reston Jr., author of "Warriors of God: Richard the Lionheart and Saladin in the Third Crusade," accused the studio of violating American and international copyright law by using "events, characters, scenes, descriptions and character tensions" in the film that were "strikingly similar" to his narrative history.

A lawyer for the studio responded last week with a five-page rebuttal that said the creators of "Kingdom of Heaven," to be released on May 6, had never read Mr. Reston's book. The letter added: "The works are not substantially similar. In fact they are completely dissimilar, other than having in common some elements that are historically authentic."

But Mr. Reston's lawyer, Timothy DeBaets, said his client would decide this week whether to pursue a lawsuit, since he was convinced that his painstaking work over three years — including research in original sources in the Library of Congress and several Arab countries — had been lifted by the screenwriter William Monahan, who was hired by Mr. Scott.

"The key thing in the letter is, they say no one read it," Mr. DeBaets said. "We don't believe that, and we have evidence to the contrary. I think they read Jim's book and took material from there, and after the fact it's easy to run around and find stuff, since it's history."

Indeed, the fact that the film and the book are both rooted in historical events may make Mr. Reston's claim difficult to prove in a legal area where claimants regularly accuse studios of stealing their ideas and only rarely prevail.

Michael J. Plonsker, a lawyer with the Los Angeles firm Alschuler Grossman Stein & Kahan who litigates such cases, said winning them was difficult but not impossible.

"History is not copyrightable," Mr. Plonsker said. "But if the manner in which you tell about a historical event is a particular expression of character or sequence of events, that is copyrightable. If you can show that the defendant had access and that the works are substantially similar, which is the legal standard, then you can win."

Mr. Reston insists that his history of the Third Crusade, when Richard the Lionheart tried to wrest control of Jerusalem from the Muslim conqueror Saladin, fleshed out many obscure details from the period and brought to life minor historical characters who turn up in "Kingdom of Heaven." The book, published a few months before 9/11, has sold about 100,000 copies worldwide.

Among those characters, Mr. Reston said, is Balian of Ibelin, the central figure of the Scott film. Played by Orlando Bloom, Balian is depicted in the film as a knight who maneuvers among the political intrigues of his Christian allies while trying to protect Jerusalem from Muslim attackers seeking to regain the control they lost in a previous Crusade.

In Mr. Reston's book Balian is described as nothing less than a hero: "A tall man of noble bearing, this blue-blood had for years reigned his fief well from his castle in Nablus as his father had done before him." According to the book, Balian found himself in the besieged city of Jerusalem after securing permission from the enemy leader, Saladin, to rescue his wife; once he was there, the locals begged him to stay and defend the city.

But Fox's letter said Balian had featured prominently in original sources and secondary works, including "History of the Crusades," a three-volume work from the 1950's by Sir Steven Runciman.

"The reality is that your client's book concentrates upon Richard the Lionheart and Saladin, and Balian is not a significant part of the text," the letter said. In Mr. Reston's book, Balian is

mentioned on only about 10 pages.

Mr. Reston, however, believes he has a smoking gun. In December 2001 the producer Mike Medavoy, who had bought an option on "Warriors of God," sent the book to Mr. Scott with a letter suggesting that they collaborate, after speaking to the director's lawyer, Skip Brittenham. "There are lots of great characters in this story — think 'Lawrence of Arabia' and 'A Man for All Seasons,'" Mr. Medavoy wrote.

He said an assistant to Mr. Scott had called him to decline collaboration. "What was said at the time was, he had a Crusade project of his own," Mr. Medavoy said.

An announcement in *Variety* three months later confirmed that Mr. Scott indeed had his own Crusades project, which would focus on "the religious Crusades of the 11th century," to be written by Mr. Monahan. In a statement, Mr. Monahan said that he was "astounded by these false, unfounded allegations" and that he had been a student of the Crusades since he was 14.

Mr. Reston, the son of the New York Times editor and columnist James Reston, said he thought the matter was closed until he saw a Times article in August 2004 that revealed the film was about the Third Crusade, in the 12th century — the period covered in his book — and not the First Crusade.

Asked about the matter recently, Mr. Scott, who is still finishing the film in England, said he had not read Mr. Reston's book, nor any book about the Crusades. "Categorically, I don't read anything, for just this reason," he said, referring to the dispute. "I draw the fences up."

He said that Mr. Monahan had relied on original documents and several Muslim authors, and that chronologically "we were between the Second and Third Crusades" from the start.

Mr. Reston remained unconvinced. "I suppose there is a legal argument," he said, "that he had it in mind all along, that they knew of Balian of Ibelin, that he got all this from somewhere else, reading 1950's Cambridge, England, stodgy old histories. But I don't think so."