

June 15, 1976

Mr. Richard M. Beason
Director, Editorial Services
TIME Incorporated
Time & Life Building
Rockefeller Center
New York, N. Y. 10020

Dear Mr. Beason:

Your letter of June 15 is so unresponsive to mine, so at cross purposes with my clear intent and stipulates the unreasonable and unnecessary so much in a manner inviting suspicions that ought not exist, I feel I must reply at some length and with an initial explanation of a situation of which you may or may not be aware.

TIME is a wealthy, powerful corporation. It has used this wealth to acquire some of the most essential evidence in major crimes, two of the political assassinations that, regardless of what one believes of the official accountings of them, have torn this country apart. Obviously, TIME has a perfectly legitimate right and interest in acquiring whatever is of journalistic interest to it. However, in the JFK and King assassinations, what it has really bought and the right it has exercised in both cases is suppression.

TIME bought the Zapruder film. TIME kept anyone else from using it. TIME suppressed the financial arrangements with Zapruder, permitting a grossly false representation of it to be made by Warren Commission counsel and to be perpetuated in the official published records of the Commission. TIME was silent about the destruction of the original frames that just happen to coincide with the point at which the Commission alleges it was first possible for the President to have been struck and at which, in the Commission's version, he was first struck. When I brought this to light and with that brought pressure on TIME, TIME announced it was releasing prints of these frames for unrestricted use. TIME refused to provide me with prints when I wrote and asked for them. I know of no picture agency to which TIME provided copies that distributed any. I know and published the fact that in the AP's files there is a note on those frames that, in effect, says, "over our dead bodies."

Coincidentally, TIME's interpretation of its journalistic interest just happened to coincide with the nonpublication of those frames of the film that are in dispute and have been for years. It coincides with official positions and preferences.

Coinciding with this TIME also bought the rights to other evidence, some quite improperly obtained and all used in prejudice to truth and national interest. It was used in what amounts to official sycophancy, not journalistic good practice.

There is the picture first stolen from the Dallas police evidence, taken in an illegal search, of Oswald holding a rifle said to be the one used in the crime. TIME, Inc., paid money for this stolen property and, despite its testimony before the Warren Commission, altered that picture to make it consistent with the then-current official stories about that rifle.

At a time when public opinion was being molded to accept the official conclusions that in fact were preconceptions, Oswald's "diary" was stolen. TIME, Inc., paid \$4,000.00 to the one who delivered it and a much larger sum to Oswald's widow. Early in an ongoing investigation it helped limit what that investigation might conclude while shaping public beliefs.

Joe Louw was on assignment for Public TV when Dr. King was killed. He did not, when he heard the shot, think of his assignment and any responsibilities to Public TV. He grabbed his personal still camera. It could have recorded much less and did record much less than a movie camera could and would. But if he used the movie camera the exposed film belonged to Public TV. So he became less the reporter of this great tragedy and more the money-grubber, used his own film and sold it to TIME.

TIME's interest was in schmalz, not fact, in this trauma. Having the wealth with which to buy Louw's film and the disposition to use only that which is without evidentiary value, it now claims a right to prevent meaningful study of that which it suppresses. After more than eight years TIME suppresses.

But TIME shames to say this or to admit it to itself. Instead, you insist upon abnormal and impossible conditions for my study and refuse, quite obviously, from your own words, to abide by professional and commercial norms. You are determined either to prevent my scholarly study or to squeeze the last possible commercial profit from your financial ability to claim to own the information you have steadfastly suppressed.

So that your publications could meet their journalistic responsibilities, on a number of occasions I gave copies of the results of countless hours of work, made pictures available, arranged for and conducted interviews for TIME, Inc., all without any compensation. Now you want to commercialize this subject and me? Interfere with my work, work that for all your wealth you have avoided?

When I write and tell you I will pay normal commercial rates for prints I promise not to publish, why do you pull all this fancy-ants Philadelphia-lawyer jargon on me about making a trip all the way to New York for no more than my letter and your certain knowledge tells you I have already done?

The cost in fare alone is greater than the normal commercial cost of the prints I want to study in detail and at leisure. Besides, if you have copyrighted these pictures, Washington is much closer and they are required by law to be available at the Library of Congress.

I am in a post-blebitic condition. I am 63 years old. I have my own work to do. Why should I have to spend two days just getting to see what I have already seen, or make an examination separate from the other evidence I have collected? Why should TIME want and stipulate this? What reason can TIME have other than suppression and the pursuit of official interest for not selling me copies of the prints I want at normal commercial rates?

You buy this exclusive evidence of a major crime, refuse to publish it, suppress it and tell me, after eight years, that for research only "license fees can be discussed when you (I) visit the (your) agency."

Has your corporation not been through this before, in the Gais case, and does it not have judicial guidance, whether or not it has any concern for anything other than suppression?

As you know, I am in court under the Freedom of Information Act on this. I am not going to accept any of your conditions and I am prepared instead to make an issue of them in court. I have promised, in writing, not to steal. I have

promised to pay normal rates for prints. In my view, if you do not accept these terms, I am satisfied you have violated your copyright, which requires publication, not suppression.

There is not now much time before this will again be in court. I therefore have requests to make of you. I want you to know that if there is any disagreement with what I regard as professional, commercial and journalistic norms, I will ask my counsel to present the entire matter to the court, which considers this again July 1.

Of those prints the FBI showed me, which are not all TIME gave the FBI, I gave the FBI a list. I ask for an 8x10 glossy of each.

The FBI did not show me all these pictures. From prior experience I know it is not wise to let those whose interest is in suppression and who have a record of it know all I know. I specified to Special Agent Thomas L. Wiseman one only of the views not shown me. You have a list of what you gave the FBI in the originals. The FBI has those pictures it showed me. I know and can give the frame identifications of what I was not shown. My request is for an 8x10 glossy of each picture the FBI did not show me and my lawyer.

Your letter of May 6 to the FBI just happens to be dated the day after I made an issue of these matters. I was permitted to see those pictures May 5. Long before this the government made certain representations in court. Mr. Wiseman made certain representations to my lawyer and me. So, I am asking TIME, as it so often asks others in its quest for information, for a complete accounting of all of this, including copies of all records and with the understanding these records can be presented to the court.

This means any contemporaneous records having to do with your giving these pictures to the FBI and any restrictions then placed upon them. It also means the different kinds of prints, if any, the total number, to whom you gave them, etc. Whether or not you believe it, the FBI has actually sworn to the federal court first that it did not have these pictures and then that they exist only in its Memphis Field Office. Because I believe you do not have personal knowledge and because it is not my purpose to embarrass you or TIME - I have only the purposes I have put in writing - I want you to know that I know TIME, Inc., gave the FBI prints other than those displayed to me. By this I mean more than that I was not shown all. I mean prints of another form and size. As of now I do not want this for my writing, although it is remotely possible that the future may change my mind. I want this for presentation to the court to which the FBI has already sworn falsely on this. This is why I believe, in fairness to you, to me and to the court, it serves all interests for the court to have a full record.

Your letter of May 6 refers to a phone conversation without giving its date, saying who initiated it or whether in fact there was only that single phone conversation and no written or personal communication of any other kind. I am therefore asking, again with the understanding that it may be given to the court, for a complete accounting of all of this as it relates to my FOIA request, which dates to April 15, 1975. I mean to include copies of any and all letters in this request.

You and TIME pretend dispassion in all of this. I therefore ask you for any record showing you provided copies of these pictures or any other evidence to the Ray defense once Ray was arrested and charged or after he was extradited. If you have no such record, I would welcome any statement establishing this as journalistic impartiality that I can, in fairness to TIME, also present to the court.

You had at least one stringer in Memphis, among other sources. Those reports to you, of which I do have knowledge, have value in any investigation, either side. Your files on this are indicative of a large involvement of the underworld. You printed only a very small part of this information. Did you also provide any of this information or any other such information to either or both sides to the end that there might be a resolution of this terrible crime? Or is it only pictures you refuse to publish and refuse to sell that you suppress after eight years?

First the FBI, if more than a year later, and then you apply restrictions to me. I want you not to misunderstand my questions or their purpose. You have imposed abnormal, unprofessional restrictions upon me. Ask these questions to those officials who can regard it with favored treatment. Practice wall-nose to be commonplace and now a matter of official admission before the Church committee.

I am trying hard not to even appear to be slipping up on your blind side and in fact I am not. I am being forthright. I'll add to the foregoing that your corporate structure has an entirely different record with nuts and selfseekers. It has made prints available to these types. This, I think you should understand, is not consistent with denying them to me or is there being no written record between TIME and the government from the time it made its first representations about your desires in court on March 31 until your letter of May 6.

There should be no doubt in TIME's mind about my intentions. If I do not have in my possession a set of prints of those pictures described above and if I do not have what you assure me is a full record on all TIME, Inc., dealings with the government on this matter with enough time to confer with my lawyer prior to the hearing on July 1, I will ask him to make an issue before the court of all of this, including the FBI's right to deny me prints and TIME's right to buy unique evidence in major crimes and thereafter suppress it, no matter what kind of semantics you employ to disguise what in reality is suppression.

So that there can be no question on July 1, I am offering to pay you what I pay UPI for prints not for publication and should I later decide to publish any I will then pay what I pay UPI for the one-time use.

I close on a personal note. You are a corporate giant with interests and ownership in all elements of the media. (And I have given unpaid time to various of your corporate components, even to TV stations as far away as California.) You have a presumed interest in freedom of information and I hope a presumed interest in freedom of access to information. How would you feel if, after more than 14 months, you were being stonewalled by the government and it was using another publication giant to stonewall you. Or if you had been given representations in court about what another had supposedly stipulated and then found no written record for as long a period as between March and June?

My lawyer is Jim Lesar, 1231 4th St. N.W., Washington, DC 20024, 202/464-023.

Sincerely,

Harold Weisberg