

September 13, 1977

Dear Mr. Matthews:

Time Incorporated is the copyright proprietor, in trust for the photographer, of 107 photographs taken by Joseph Luow in Memphis, Tennessee, in April of 1968. The photographs pertain to events and circumstances surrounding the death of Martin Luther King, Jr., and were lent to the FBI in connection with its investigation into the King assassination. At no time have any rights to reproduce or copy the photographs been granted to the FBI.

Upon information and belief, and with the possible exception of one of the photographs, all the photographs are protected by either statutory or common law copyright. Those of the Luow photographs which were first published in several editions of the April 12, 1968 issue of LIFE Magazine were given protection by the statutory copyright on those editions (Claim to Copyright Registration Nos. B 422404, B 422405, and B 422406). Those of the photographs which have never been published are protected by common law copyright.

I am informed that Mr. Harold Weissberg has requested, under the Freedom of Information Act, that copies of the Luow photographs be made for him by the FBI. As copyright proprietor of the photographs, Time Inc. objects to any such unauthorized copying.

Time Inc. has offered, in correspondence with Mr. Weissberg, to make as many prints of any of the photographs as he desires at our standard print charge. This is the same rate as any customer for Time Inc. prints would be charged.

Mr. Weissberg indicated to Time Inc. in correspondence in 1976 that he had at that time no interest in publishing any of the Luow photographs. However, he further indicated that if he did publish any of them,

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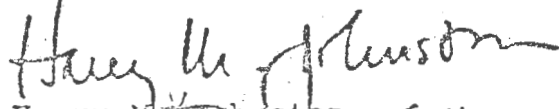
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he would pay as license fees the same amount he pays United Press International for one-time reproductions of UPI photographs. Time Inc. has no authority to grant book publication rights to any of the Luow photographs; this right was reserved by the photographer himself. Additionally, UPI rates are not the same as Time Inc.'s. Many non-book customers have purchased reproduction rights in the Luow photographs for payments ranging from \$500 (for the use of several photographs by WNET-TV in 1975) to \$5000 (for the use of one photograph by the German magazine Der Stern in 1968). These payments reflected normal commercial negotiations between the parties, with Time Inc. acting as Luow's agent.

For the reasons reflected in this letter, Time Inc. opposes any copying of the Luow photographs by the FBI.

Sincerely yours,



Harry M. Johnston
Associate Counsel

114

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HMJ:abs