

3/9/71

Mr. Angus Kolachan
Metro Editor
The Commercial Appeal
Memphis, Tenn. 38101

Dear Mr. Kolachan,

Your letter of March 4, refusing me copies of pictures in your magazine taken at the time Dr. Martin Luther King was assassinated in Memphis, is a great disappointment to me. I think it is a decision against every interest, including your own, as I shall explain.

First let me point out that the Memphis Publishing Co. had a virtual monopoly on what pictures could be taken because it owns both papers, the TV stations, and supplies the photographic services to both wire services. Thus you are in the position of being the only place from which any pictures taken at the scene of the crime and at the time of the killing can be obtained save for LIFE, which did make its pictures available, including to you, for they are in your files. You are the only source in the entire world of the pictures I seek for you alone were in a position to take them and you alone did. Thus, unfortunately, you are in the position of editing history and sitting on the evidence of a major crime, the most costly in our history.

Unfortunately, the files of one of your papers have already been burglarized. What pictures it may have taken are no longer in the library. Thus, someone other than you might have copies of these pictures in any event. If yours are stolen or damaged, no copies will exist anywhere. With an event of this character, this should not be the case.

Moreover, your decision does not represent the policy of the Memphis Publishing Co. because while I was in Memphis one of its pictures was made available to the prosecution and was used in court and on the paper's front page as presented in court. Thus, the Memphis Publishing Co. is in the position of making its pictures available for purposes of prosecution but refusing to make them available when there is the possibility they might be used for defense of an accused. As I told you, it is possible the pictures of which I asked copies can contain what might be exculpatory evidence, and I further promised to write you and explain all the evidentiary and factual values I found in them. Until I can study them closely and compare them with the information I have, I cannot know.

I know of no newspapers in the country which refuse to make copies of their pictures available for such purposes, subject to the preservation of their rights, and in no other case has any paper ever refused requests similar to that I made of you. All of which I know and with which I have dealt have standard prices for copies not to be printed and extra charges for printing.

I think it is fair to say that nobody has made the study of this crime and its official handling that I have made. Thus, there is nobody who can be in a position to understand the fact they may contain as I can. Surely no newspaper wants to be in the position of censoring fact, censoring or suppressing information, or withholding what may bear on any crime but particularly on one of this magnitude. Particularly, I would hope, with the suffering this crime has caused Memphis and with a man in jail saying he did not fire the fatal shot, would your company want all questions answered, all fact brought to light, all evidence given its possible meaning.

As you know, I went out of my way to let you know my beliefs and what my book says. You know it says that what we should be able to expect of officialdom, local and national, in my opinion we did not get. So, while you make your pictures available to these local officials, you refuse to make them available to me, knowing I believe your local officials failed in their responsibilities. This is particularly unfortunate because my book is critical of the FBI and, from what I was told in Memphis, you were employed by the FBI. I am sorry if this puts you in an embarrassing position, but if it does it is because you have taken a position for withholding your pictures selectively and a position opposite what most newspapers expect for themselves, free access to information. Freedom of information ought to be the right of every writer on every side of any subject.

There are special contexts in which I hope you will reconsider your decision, perhaps made in haste and at a time when you had the FBI.

First, with the appearance of my book I will be on talk shows. I have already had requests from both coasts. I do not have to tell you how sharp some of the questions and questions can be. What will I say if they ask me about pictures of the scene of the crime and at the time of the crime? Or if I say what I believe these pictures show and I am asked to prove it? You would not, I hope, want me to reply that your company is suppressing them, will not let me have copies. Nor would I want to say it. There is already too much distrust in the land about the political assassination, with little faith in their official explanations. The last thing I want to do is anything that might inflame this feeling. Let me add that of the ordinary people with whom I had contact while I was in Memphis, regardless of race or station in life, I met no single one who is in any way satisfied with that trial or the functioning of society. One of the surprising things is that no single black to whom I spoke was in any way critical of Ray and all who offered my opinion said he had not gotten justice. I recall only two who expressed my opinion in support of the official one, and they were officials themselves.

Next, there is pending a legislative investigation. I have no way of knowing whether I will be called as a witness, but, when I have written the only book analyzing the crime and how the institutions of government worked and this is the committee vested with that responsibility, it would not be unusual for them to call me. As soon as I learned of the possibility I wrote the chairman of the committee and told him if I could be of any help in any manner, I would regard it as my obligation to do what I properly can. If this investigation comes to pass and I am called as a witness, I think you can understand the position I will be in and what I will have to say.

In your letter you say, "I told you at the outset release of any pictures or copies of pictures from our files is quite out of the question." This is not in accord with my recollection or with your Mr. Trotter's understanding, for he, in fact, made excuses of two of the pictures for me. I phoned you in advance, you invited me down, apologized for having to leave for recruiting, turned me over to Mr. Trotter, who took me into the morgue and got the file in which I was interested. After I went over there in haste, not dreaming that you would do this exceptional thing of refusing me copies, I returned the file to Mr. Trotter with these few pictures of which I desire copies segregated and asked. Had Mr. Trotter have understood you to have said that "copies of pictures from our files is quite out of the question", would he have provided two?

It is not that I have asked something of you for nothing in return. I have made the standard offer of paying regular rates, whatever yours are. And I have gone further and offered you for nothing in return what value I might add to these pictures. At the same time, I have told you that I believe my study will add value to them. Frankly, let me tell you that most papers are quite willing to help on this subject. The last four of which I have made requests have refused payment. All seem to want the truth established, whatever

that may ultimately turn out to be. I do hope the Memphis Publishing Co. will not be the exception.

All writers in a society such as ours bear special responsibilities not imposed on writers by societies of different character. On matters of important public interest, of which I hope you can agree this crime and the official performance are two, if we fail our obligations, how can our society work? Is this not more true when the normal functioning of our system of justice was by-passed?

You and other writers in Memphis at the time of the crime had deadlines to meet and lived in the turmoil of great crisis. If there is anything you did not see or anything you did not understand, you cannot be faulted, for both were inevitable. Then you had to go on to other matters, which is the way of life with newspapers and those writing for newspapers. Today, the cost of making the kind of two-year study I have made is prohibitive for newspapers, and that neither of yours did is not something for which you can fairly be criticized.

However, refusing to make copies of your pictures freely available three years after the crime, and especially when it is your practice to make them available to the local prosecutor, is entirely different in character. It puts you in the position of censoring history, of becoming a partizan of one side, that of the prosecution, of suppressing evidence in a major crime, and of limiting the rights and possibilities of another writer and of reporting. I do not believe - and I certainly do not want to believe - this is your intent. However, especially because of the monopoly you now as then enjoyed, you are the only source in the entire world. I think you made this decision in haste, under the normal pressures of your position and the added burden of illness, without thinking it through.

I hope that you can find the time to think this through now, that you will come to see and understand this as I do, and that you will provide the copies of the pictures. If you have any doubt of my keeping my word about not printing them without paying you your regular, additional price, I will do that in advance. And I again assure you that I will study them promptly on receipt and promptly inform you what I find after comparing them with the other data I have. For this you will owe me nothing.

I do appreciate your kind wishes for the success of the book. When I first wrote you I also asked the publisher to send you a copy. I do not know what his budget of press copies is, he has not written me about it generally or my request that you get a copy. And I do not have a copy of my own. However, I do hope it will be impartially and thoroughly examined and fairly presented in Memphis. In Memphis were there anywhere else. The tragedy of the crime was hurt enough without the lingering doubts of another Dallas.

Sincerely,

Harold Weisberg