

J.P., JW
HR, JL

9/6/71

Mr. Nicholas Johnson, Commissioner
Federal Communications Commission
Washington, D.C.

Dear Mr. Johnson,

Five weeks ago I sent you a carbon copy of my August 8 letter to Mr. Royal Blakeman, counsel of the Merv Griffin Show, again asking for time under the Fairness Doctrine to make adequate response to not only the one side, but the grossest inaccuracies of that side in the matter of the assassination of Dr. Martin Luther King, Jr. and James Earl Ray. My earlier request had been rejected. I sent this letter by certified mail. It was delivered, receipted August 10, and to date Mr. Blakeman has made no response.

This is, I believe, more than a controversial issue on which both sides should be presented. It is a public issue in many respects, including the functioning of government, the viability of the basic institutions of society, even whether or not it is possible for what anyone can call justice to be the end product of trials in cases of this magnitude.

In selecting Percy Foreman to appear on the Merv Griffin Show and in then having these questions and issues raised by Mr. Griffin, I believe the Show obligated itself to more than offer, but to solicit a presentation of the other side which, it happens, nobody else can represent because I have done the only work on that side. I am not a lawyer, but I have before me a clipping from Broadcasting for 5/18/70, part of the headline of which says the FCC says that "Broadcasters who deal with controversial issues must seek out spokesmen with contrasting views." This story further quotes the Supreme Court as saying in the Red Lion case "that broadcasters are required not only to give adequate coverage to public issues but to do so at their own expense..."

Yet speaking for the Show Mr. Blakeman insisted to me that this matter "is solely within the discretion of the producer of the show." Despite Mr. Foreman's responses to Mr. Griffin's questions, Mr. Blakeman pretended that "we are unaware of statements made by Mr. Foreman...which would require...the presentation of other viewpoints." I supplied him with what he should have had, direct quotations of such statements, and Mr. Blakeman is silent.

For your convenience I enclose another carbon of my unanswered letter so that you can see some of these comments, the incredible permeating error of the famous lawyer who did no more than preclude the working of our system of justice, and the nature of what was given so wide a partisan airing.

I write to be informed of what is required of me in appealing this refusal of either the Merv Griffin Show or CBS, which has a similar record on the subject of political assassinations, for I do desire to invoke the regulations of your Commission to the end that I be offered adequate opportunity to present the other side of these questions. Thank you for whatever help you can provide.

Sincerely,

Harold Weisberg