

Columbia Broadcasting System, Inc.  
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Law Department

RE: 8330-F1A  
C9-668  
C10-1048  
C10-1277  
C12-488  
C12-844

Dear Mr. Ray:

This is in response to your letter dated December 23, 1971, in connection with the complaint of Mr. Harold Weisberg concerning the appearance of Mr. Percy Foreman on the MERV GRIFFIN SHOW broadcast on the CBS Television Network on February 4, 1971, and rebroadcast on April 23, 1971. On this program, five prominent attorneys, F. Lee Bailey, Melvin Belli, Vincent Hallinan, William Kunstler, and Mr. Foreman appeared and, during the broadcast, there was a short discussion on the subject of the James Earl Ray case. As we indicated to the staff, because of the intervening holidays, we have counted the ten days commencing with the date of receipt of your letter.

You have inquired of us whether certain matters discussed on the broadcast by Mr. Foreman raised controversial issues of public importance at the time of the broadcast. In our view, the statements made by Mr. Foreman, who represented Mr. Ray at the time of his plea of guilty to the assassination of Reverend Martin Luther King, did not raise a current controversial issue of public importance.

Although Mr. Weisberg, in his most recent letter to the Commission, raises other subjects to which he requests an opportunity to respond, we believe, based on the extensive previous correspondence in this matter, that the thrust of his complaint concerns the statements made by Mr. Foreman on the James Earl Ray case, and more pointedly, the alleged injustice in the court's acceptance of Mr. Ray's plea of guilty. We note that many of these other subjects relate more to the content of Mr. Weisberg's book "Frame-Up", than to the subjects covered in the broadcast. We also take note that the broadcasts were two years after the James Earl Ray plea, which occurred on March 10, 1969.

Moreover, reference to this particular case was merely in passing during the course of a ninety-minute discussion by five leading defense attorneys on many areas of interest, including famous past cases in which they had participated.

There were many areas of discussion as to which there were varying points of view expressed by the panelists. We note, in addition, that the audience, which was composed in part of law students and police officers, participated in the discussion by way of asking questions of the panelists and making comments.

We note further that Mr. Kunstler, who had been special trial counsel to Martin Luther King, conducted a brief examination of Mr. Foreman concerning the James Earl Ray case, during which, for instance, Mr. Kunstler made the following statement:

"Many of us suspect there were other people involved and that the plea was an arrangement to prevent their names coming to light."

In sum, during the brief interchange, Mr. Kunstler presented a contrasting viewpoint to the position taken by Mr. Foreman concerning the circumstances surrounding both the assassination and Mr. Ray's guilty plea.

Furthermore, the broadcast did present contrasting viewpoints on other matters now raised by Mr. Weisberg in his December 14, 1971, letter to the Commission, including a discussion of representation in political trials, representation of indigents, criminal justice, and generally, the defense of unpopular causes.

To answer your further inquiry, CBS did, of course, provide significant coverage of the Martin Luther King assassination and the James Earl Ray case at the time of those events. However, in connection with this complaint, we do not believe that it is necessary or appropriate to require CBS to summarize that extensive coverage occurring more than two years ago.\*

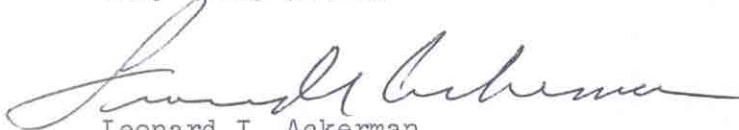
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\*See Comments of CBS in Docket No. 19260, Phase Two, pp. 17-18, filed December 20, 1971.

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In sum, we believe that CBS has acted reasonably and in good faith in rejecting Mr. Weisberg's request for time under the fairness doctrine and thus the request for relief should be denied.

Very truly yours,



Leonard I. Ackerman  
Attorney

Mr. William B. Ray, Chief  
Complaints and Compliance Division  
for Chief, Broadcast Bureau  
Federal Communications Commission  
Washington, D. C. 20554

January 7, 1972

cc: Mr. Harold Weisberg