

4/13/71

Dear Shey,

It has been more than two weeks since the second Bandy show was aired, more than a week since I spoke to Dolores. I write in my own interest, but I suggest that you consider whether it might not be in yours and your stations.

When Foreman threatened you and sent a threat to me via you and fled, you explained your predicament and that of your station, asked me to take it easy, make no mention of this on the show (and need I tell you what it would have done for my book?), make no new problems, and I acceded to your request. It was not in my interest, but I did. You know enough about this business to know it was a considerable personal sacrifice, as I know enough to know that a spurious lawsuit, which would have helped me, would have cost your station money. There is no such crime as unspoken libel. There is no libel in my book. I showed you the letter I wrote Foreman more than two years ago telling him what I believed, proposed saying, and seeking any explanation he would or could offer. He never replied. I provided you with a copy of the return receipt, so you know it was legitimate, as I say it.

I took it very easy on Hanes, as I later did on both Dwyer and Huie. If you doubt this, ask those of your people whom I call my earlier shows, especially the one your station rigged by having four well-prepared and articulate lawyers laying in wait, organized by the representative of a competitive publisher (and that isn't even TV Hoyle, is it?). I did your bidding.

I was libelled by Huie, and I think there is no reasonable question of malice. Bandy would not even permit me the modest, understated four-word response I kept asking. You came up and asked him to. When I said the very least I could, hardly the kind of response I would normally have made had it not been for your request, but enough to perhaps make reasonable people understand, even those four words were edited out. Viewers among the young people in the audience have told me these few words were edited out and that the show was proceed with Huie's clear libels.

Please do not take this as a threat, and I do not so intend it. But I emphasize that this is one of the things with which you make problems for me. Beginning with violation of the agreed format, that each of us would have equal uninterrupted time - need I tell you I had none? - I was not treated fairly. My book and I were both damaged. I think it not necessary to take you time with explanations. You know this business well.

When I have been on your station before, there was always such mail. One show there were 500 letters, rather exceptional. This time you have forwarded none. Or, if you have, I have not received them. Dolores described the mail and calls as rather good. I would like them, please. It is customary.

Dolores told me that copies of the tapes were being held up by your lawyers. They know there is no basis, at least not in the tapes, for suit by Foreman, Huie and Dwyer against you. The only one who does have a case is me, and I do not propose to pursue it. But I do want to be able to protect myself, particularly in view of the editing and the altered tapes. In communicating this request to your lawyers, I hope you will also confirm your requests of me and that I honored them.

Now another rather strange thing happened. Midday had asked that I appear. I did not ask them. I am now told they cancelled this. Of course, that is their right, but it cannot be because of the ARB ratings or the response directly to the station. Nor do I think it is because I even put on an uninteresting show.

Fairness and protection ought work two ways. I think you people should be as fair to me as I was to you, and should put me in a position to protect myself.

I have never heard from your lawyers, and I do not think that, without invitation, I should intrude upon them. But I tell you frankly I do not for one minute believe they are hung up on any threat of libel against Foreman and that, in any event, cannot apply to the second show. And there, I repeat, I was denied any opportunity for response and when I asked for but four words, they were edited out. Thus I was not only libelled but put in the position where I was made when face to face with it, a considerable defamation.

The very least I ought be able to expect is to be in a position to make adequate response should I ever be confronted with this. To the degree that is possible, it requires that I have the unedited tapes. So, I ask that you encourage their release to me as promptly as possible.

I hope the occasion never comes up again on any show you produce, but if it does and a man is called a Kluxer - especially to his face - I do hope you will then and there interrupt, demand proofs, and give the accused ample, uninterrupted opportunity for response. That and other things were, really, pretty raw.

And, they are not likely to encourage invitations from other shows. Especially not where the staffs are Jewish or black.

Sincerely,

Harold Weisberg