

Route 12  
Frederick, Md. 21701

Sept. 28, 1975

Mr. Les Midgley  
CBS News  
524 West 57th St.  
New York, N. Y. 10019

*Certified - Return  
receipt*

Dear Mr. Midgley:

This past Sunday, as soon as I learned of the fact and the content of the suit CBS filed in Memphis allegedly for access to evidence in the case of James Earl Ray, I immediately wrote Dan Rather informing him I would not agree to be interviewed. My reason for writing Mr. Rather, to whom I have never so much as spoken, is so he would understand there was nothing personal in that decision.

My reasons include that your suit was prejudicial to the rights of James Earl Ray, to justice and the normal working of the law in general. By its nature and content, it confronted me, as Mr. Ray's investigator, with a conflict of interest I had to resolve in his favor. You left me no ethical alternative.

On Monday when your researcher phoned me to set up a filming for yesterday, I reported my refusal and the reasons. Your researcher disagreed with the validity of my reasons. I said if CBS sent a copy of all the papers you filed and I found on reading them that I had misinterpreted the verbal representations of them, I would reconsider. To date I have not received these papers. If a phone call had been made to your Memphis counsel, I would have had them several days ago.

I cannot believe that professional news people would not know that the filing of a suit of this character would confront me with precisely this conflict of interest and that there is only one ethical way to meet it. Nor can I believe that CBS was unaware that, in filming Mr. Ray's counsel before filing this action, it was contriving a situation that, at least in appearance, was adverse to their professional interests and reputations.

CBS has been in fairly regular touch with us. The last time someone from CBS who was here was only a week before you filed this action. Yet there was never any mention of it.

It is also obvious, in answer to the argument given me of claim to "the public's right to know" that the same public has had the same fight for many years without CBS serving that right. Yet you delayed four and a half months in filing this suit, until if contested it could deny you access until after the airing of your special. In fact, CBS failed to report the disclosure in court of the meaning of the evidence for which it now pretends to have filed a legitimate suit. It was there. Every day.

Every aspect of this troubled me, including the fact that your suit was not necessary to any news need but was of potential commercial and promotional value. You may not be aware of it so I tell you I believe this whole situation was deliberately rigged for specific purposes that do not include legitimate news development or reporting. I also believe I can prove it beyond reasonable doubt.

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This combination of facts set me to thinking. I then realized that while you are going into the JFK assassination none of your "special" staff has spoken to me about it. There are reasons for regarding this as truly exceptional.

I wrote and published the first book on the Warren Commission. You personally read it in the limited edition when I proposed to CBS what you personally then rejected only to do identically that, if less than honestly, in 1967, when you personally were in charge of it. Your then superior read it, asked if he could keep it longer for you to read it and you then returned it to me. You might want to consult CBS files on this. I do have my records and I think there may well be relevance today.

Before you really got into this new special, your library phoned me to purchase my books. I then spoke to your Kennedy researcher and, not for the first time, offered to engage in a normal business arrangement with regard to what I believe is my work. (Not my "confessions!")

I have written perhaps 500% more than anyone else on this subject and have published what is generally regarded as most of the responsible work. There is not much of significance that I did not publish before anyone else did and my work is my own. It does not, in my view, become public domain on publication.

I have filed more Freedom of Information lawsuits to obtain and publish suppressed JFK assassination evidence than all others combined and probably more than any other writer in history and on any subject. One of these suits is the first cited in Senate debates as requiring the amending of the law. The fact is that your Washington bureau phoned me about the last one to be in court and then refused to report what I obtained by it, significant evidence.

I could add much more but I do not think it necessary to advise you of more than one other exceptional non-news event. The script writer on the King part of your show, Ernest Leiser, came here, ostensibly to prepare himself for scripting the questioning by Rather. In the presence of witnesses, one of whom is a respected reporter who happened to be here, I asked that we tape our discussion and that he and CBS have its own copy. I had and specified reasons. He declined. He then took no notes. And from my own news and other experience which goes back more than 40 years, he did not pursue the claimed purposes for coming here. The questions he asked were based on factual inaccuracies. He was an overt partisan. He even argued the side of the prosecution when it was utterly unreasonable. So much so that the reporter left.

That reporter was here for about an hour and a half of the time Leiser was. I have since asked him if he remembers a single thing Leiser did in all that time in pursuance of his ostensible purpose in coming here. The answer was "not one."

I have made clear to everyone at CBS who has ever spoken to me on this subject that I regard my work as my own and while I am willing to help CBS in any way possible I am not willing to and in fact would not give any of my work away. There is no possibility of doubt on this and there is an abundant record.

CBS is like any other corporation or person in business. It wants its business to be profitable and it wants to eliminate all unnecessary

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costs to this end. A normal arrangement with me would have saved CBS a fortune in costs and time. When in this case it has spent what must be large sums of money in what has to be an attempt to rip off my work where a normal arrangement would have been less costly and more honest, I have and raise questions.

Please take this letter to be a repetition of my assertion of my rights and a refusal to give them to CBS.

I repeat belief that the past is relevant. I made more than one proposal to CBS prior to this special. You did buy my books from me. There is no indication you plan what is normally considered a review.

Yours truly,

Harold Weisberg