

9/2/67

Dear Steve,

Thanks for your roundrobin mailing dated 8/30. I am proceeding along the same line but a little differently, as I have been from the night of the first CBS show, when I filed an immediate demand. I will keep you informed, either directly or through Maggie, to whom I have been sending copies of everything. I have too hurriedly prepared a page by page commentary on these shows, of a more personal nature because I think that appropriate for a number of reasons, one of which is that I am the owner of a copyright, something most critics in their thinking do not consider. I think that in addition to other things, CBS plagiarized. I do not know if at the proper time I will have counsel available, but an offhand opinion by a publishing-field lawyer is that they did, within the meaning of the law, plagiarize in their handling of Alvarez (whose integrity I have no reason to question) and in taking credit for themselves for "their" discovery of this hitherto undiscovered "new evidence" in the Zap film. Actually, Alvarez in CBS mentioned no single frame of the Zap film, including 221 and 227, that I did not earlier so analyze and publish. There is no doubt of CBS' knowledge.

Your point on "wide discretion" is an excellent one. FCC is under great pressure on this, particularly on smoking and its position on that.

I would prefer that you regard this as confidential, but I intend carrying this further. I cannot yet go to the FCC for my evenness with CBS are not completely closed. My correspondence with them (and many others) still continues. It is my plan to get an official forum, either before the FCC or in a court in appealing their negative decision. Knowing this, anything appropriate of which you think or that you know can be helpful and I would appreciate this. If you have extra copies of any of the pertinent FCC decisions and regulations to spare, you can save me this additional work and cost at the appropriate moment.

I do keep those of us I can trust informed. What I am anxious to prevent is not as much its use by others as what I would regard as its misuse, as has already happened with other materials. I hope to be able to arrange a strike out there in the near future, after copies of Oswald in New Orleans are in the bookstores, and we perhaps will then have a better opportunity to talk. When this time comes, if there is any help you can offer, that, too, will be appreciated.

You once wrote that you planned coming here in September. If this is still true and you want to work with some materials I have discovered but have not had the opportunity of exploiting, please let me know. I doubt if we will have moved by then, but if we have and you are willing to spend an hour and a half each way on the bus, I can provide you with housing and meals. It is not beyond possibility that I can also arrange housing for you in Washington. I presume your financial condition may require this. Let me know in time to try and work something out, should you desire it... The status of my own work is this: with no more interruptions than I can now anticipate I should finish the text and appendix notes for the next book in 15 days of work. Oswald in New Orleans should be in distribution in a month. Parallax, but without their normal (S&S) distribution. We will be improvising it. I expect to be copyrighting a very limited Xeroxed edition of the appendix, which Parallax is not now doing in the book whose size and cost precludes it. I will, at my cost, Xerox additional copies for those so desiring. Best to you all. Sincerely,

# CITIZENS' COMMITTEE OF INQUIRY

BOX 150

380 WESTWOOD PLAZA

Los Angeles, California 90024

STEVEN J. BURTON  
GARY D. KUKES  
Co-Chairmen

JACKIE PILCHER  
Secretary

August 30, 1967

TO ALL CRITICS:

This is a report on our request ~~on our request~~ for time to reply to the "CBS News Inquiry: The Warren Report".

On July 7, Leon R. Brooks (Vice President and General Counsel) replied to my telegram of July 5. This letter crossed in the mails with my letter of July 13. Mr. Brooks refused the request stating:

"We find no basis for the charge that significant viewpoints on any controversial issues of substance were not given in the broadcasts."

On July 20, I wrote to Mr. Brooks citing the premature nature of his refusal and stating that I expected his reconsideration in the light of my letter of July 13. On July 28, Albert Hayden Dwyer (General Attorney) reiterated in two brusque sentences CBS' refusal to grant our request.

At this point, I consulted with our attorney who advised us to make a formal complaint to the FCC. On August 10, I did so, outlining explicitly and in detail exactly how the FCC regulations apply to this case and enclosing copies of all correspondence between myself and CBS. On August 25, Mr. Ben F. Waple (Secretary) replied, stating:

"The question before the Commission is whether the licensee, in discharging his obligation under the fairness doctrine, can be said to have acted within the wide discretion afforded it to make judgments in this area of broadcasting journalism, Report on Editorializing 13 FCC 1246.

Given this standard we do not believe that the network can be said to have exceeded that wide discretion in the circumstances."

In other words, the FCC has adopted a policy of non-regulation -- allowing the licensees to make all decisions

independently of FCC regulations. I have since re-read the Report on Editorializing and it contains no mention of 'wide discretion' in this area (stations are given total discretion in determining format and who will present conflicting opinions).

So here the matter will end, with one last letter to Mr. Waple (cc: all commissioners). When I first embarked on this venture, I fully realized the futility of such a move and the great improbability of success. These people simply will not face the issues and will use any excuse, rationalization, perversion, or lie to avoid any semblance of justice. This, some of you had told me before and I did not disagree -- but slight hope, perhaps naive hope, was always present as it always is.

Copies of all correspondence between myself, CBS, and the FCC are available to you upon request.

Best wishes to all,



Steven J. Burton,  
National Chairman,  
Citizens' Committee of Inquiry

# CBS

Columbia Broadcasting System Inc.  
50 West 52 Street  
New York, New York 10019  
(212) 65-4300

Leslie R. Brooks  
Vice President and General Counsel

Dear Mr. Burton:

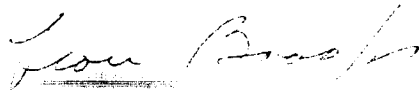
This is in reply to your telegram of July 5, 1967 to Dr. Stanton, requesting an opportunity under the Federal Communications Commission's fairness doctrine to reply to the CBS News broadcasts, A CBS NEWS INQUIRY: "The Warren Report."

Those broadcasts consisted of a four-part detailed examination of major questions raised by critics of the Warren Commission Report on the assassination of President John F. Kennedy, reviewing the Commission's findings about events before, during and after the assassination of the President and the murder of Lee Harvey Oswald, and also criticisms of these findings.

In the course of its Inquiry, CBS News sifted the mass of evidence considered by the Commission and the critics, conducted its own experiments, and conducted separate interviews of certain witnesses, critics and Commission members. In reaching its own conclusions as to the persuasiveness of the Warren Report and of its critics, CBS News agreed with the Report's main findings and, at the same time, agreed that certain of the criticisms were not frivolous. For instance, CBS News concluded that the Warren Commission should have insisted on production of the autopsy x-rays and photographs.

While, in reaching its conclusions, CBS News differed with the views of some of the critics of the Warren Report, we find no basis for any charge that the broadcasts were biased. Controversial issues of substance were not given in the broadcasts. Accordingly we will not grant your request for time to respond.

Very truly yours,



Mr. Steven J. Burton  
National Chairman  
The Citizens Committee of Inquiry  
North Hollywood, California

July 7, 1967

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# CITIZENS' COMMITTEE OF INQUIRY

BOX 150

380 WESTWOOD PLAZA

Los Angeles, California 90024

STEVEN J. BURTON  
GARY D. KUKES  
Co-Chairmen

JACKIE PILCHER  
Secretary

July 20, 1967

Mr. Leon R. Brooks  
Vice President and General Counsel  
Columbia Broadcasting System, Inc.  
51 West 52 Street  
New York, New York 10019

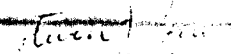
Dear Sir:

I received today your letter of July 7, 1967 denying our request for time to reply to your "CBS News Inquiry: The Warren Report."

As you realize, your letter pre-dated my letter to Dr. Stanton of July 13, 1967.

Since the major point of your letter is answered in full in my letter of July 13, I expect your reconsideration.

Sincerely yours,

  
Steven J. Burton,  
National Chairman,  
Citizens' Committee of Inquiry

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# CBS

Columbia Broadcasting System, Inc.  
48 West 52 Street  
New York, New York 10019  
LI 2-765-4321

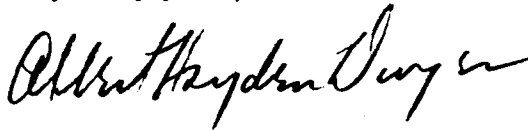
Albert Hayden Dwyer, General Attorney

Dear Mr. Burton:

This is in reply to your letter of July 13 to Dr. Stanton, which elaborated on your telegram of July 5, requesting an opportunity under the Federal Communications Commission's fairness doctrine to reply to the CBS News broadcasts A CBS NEWS INQUIRY: "The Warren Report".

We have considered that letter, your correction letter of July 15, and your letter of July 20 to Mr. Brooks, and we again conclude that there is no basis for the charge that significant viewpoints on the controversial issues of substance were not given in the broadcasts.

Very truly yours,



Mr. Steven J. Burton  
National Chairman  
Citizens' Committee of Inquiry  
Box 150  
380 Westwood Plaza  
Los Angeles, California 90024

July 27, 1967

# CITIZENS' COMMITTEE OF INQUIRY

BOX 150

380 WESTWOOD PLAZA

Los Angeles, California 90024

STEVEN J. BURTON  
GARY D. KUKES  
Co-Chairmen

JACKIE PILCHER  
Secretary

August 10, 1967

Federal Communications Commission  
Washington, D.C. 10554

Dear Sirs:

Enclosed are copies of all correspondence between the Columbia Broadcasting System, Inc. and the Citizens' Committee of Inquiry concerning our request under the FCC "fairness doctrine" for an opportunity to respond to the "CBS News Inquiry: The Warren Report".

Since CBS has refused our request with virtually no explanation, the Citizens' Committee of Inquiry hereby makes a formal complaint to the Federal Communications Commission.

In accordance with the requirements for such a complaint set forth in FCC 64-611, we submit that:

- 1) The station involved is the Columbia Broadcasting System.
- 2) The particular issue discussed over the air was the assassination of President Kennedy. CBS Vice President Leon R. Brooks describes the programs as a "four part detailed examination of major questions raised by critics of the Warren Commission Report on the assassination of President Kennedy..." (Appendix #4)
- 3) The programs were carried (in Los Angeles) on June 25, 26, 27, and 28, 1967 at 8:00 p.m. each evening (on station KNXT).
- 4) The basis for the claim that the station has presented only one side of the question is contained in my letter of July 13, 1967 to Dr. Frank Stanton. (Appendix #2)
- 5) To my knowledge, the station has not afforded, and has no plans to afford, time for the presentation of contrasting viewpoints.

In our opinion, there are two avenues by which FCC fairness regulations apply to this case. One concerns the "fairness doctrine" alone. The other concerns the FCC Report on Editorializing.

The "fairness doctrine" stipulates that a broadcast station must allow conflicting points of view on controversial issues to be heard. It may be accurately stated that the "CBS News Inquiry: The Warren Report" presented only one point of view, that supporting the conclusions of the Warren Report. Therefore, fairness dictates that another point of view, dissenting from the conclusions of the Warren Report, must be broadcast on the CBS Network.

Also, and independently, we submit that the CBS programs were an editorial as defined in the FCC Report on Editorializing (sec. 11):

"--the use of radio facilities by the licensee thereof for the expression of the opinions and ideas of the licensee on the various controversial and significant issues of interest to the members of the general public afforded radio (or television) service by the particular station. In considering this problem it must be kept in mind that such editorial expression may take many forms ranging from the overt statement of the position by the licensee in person or by his acknowledged spokesmen to the selection and presentation of news editors and commentators sharing the licensee's general opinions or ..." (my emphasis)

Section 17 of the same report elaborates:

"The basis for any fair consideration of public issues and particularly those of a controversial nature, is the presentation of news and information concerning the basic facts of the controversy in as complete and impartial a manner as possible. A licensee would be abusing his position as public trustee of these important means of mass communication were he to withhold from expression over his facilities relevant news facts concerning a controversy or to slant or distort the presentation of such news."

This is precisely what my letter of July 13, 1967 is concerned with.

Furthermore, both the Editorializing Report and the 1960 Programming Statement make clear that a licensee is free to editorialize, but that if he does, he must meet the requirements of the fairness doctrine.



In FCC 64-611, it is stated,

"In passing on any complaint in this area (fairness doctrine), the Commission's role is...to determine whether the licensee can be said to have acted reasonably and in good faith."

In his letter of July 7, 1967, Vice President Brooks stated:

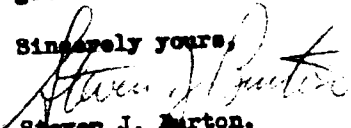
"...we find no basis for any charge that the significant viewpoints on any controversial issues of substance were not given in the broadcasts. Accordingly, we will not grant your request for time to respond."  
(my emphasis)

Assuming that CBS would act in good faith, this would mean that if someone else could find the required basis, then an opportunity to respond would be provided. We submit that my letter of July 13, 1967 (Appendix #2) constitutes proof of such a basis. It shows, to paraphrase the FCC Report of Editorializing, that CBS has used its position as public trustee of important means of communication to withhold from expression over its facilities relevant facts concerning a controversy, and to slant and distort presentation of such facts. Since we have received no reply to these charges other than a reaffirmation of the statement by Mr. Brooks from Albert Hayden Dyer, General Counsel (Appendix #6), we must conclude that CBS has not acted in good faith.

Therefore, we bring this issue before the Commission for a fair and just ruling.

We would appreciate swift action in this matter because of the nature of this particular controversy: It may be partially resolved when New Orleans District Attorney Jim Garrison goes to trial in October.

Sincerely yours,

  
Steven J. Barton,  
National Chairman,  
Citizens' Committee of Inquiry

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

AUG 25 1967

ADDRESS ALL COMMUNICATIONS  
TO THE SECRETARY

IN REPLY REFER TO:

8330-S  
C8-566

Mr. Steven J. Burton  
National Chairman  
Citizens' Committee of Inquiry  
Box 150  
380 Westwood Plaza  
Los Angeles, California 90024

Dear Mr. Burton:


This refers to your complaint of August 10, 1967 against Columbia Broadcasting System and the copies of correspondence between you and officials of that network concerning "The Warren Report" programs attached thereto.

We note that you contend that certain evidence was omitted and that in your view only one side of the issue was presented, while the network asserts that there is no basis for the charge that significant viewpoints on any controversial issues were not presented.

But the question before the Commission is whether the licensee, in discharging its obligation under the fairness doctrine, can be said to have acted within the wide discretion afforded it to make judgments in this area of broadcasting journalism, Report on Editorializing, 13 F. C. C. 1246.

Given this standard, we do not believe that the network can be said to have exceeded that wide discretion in the circumstances. Therefore, no action will be taken by the Commission concerning this matter.

Very truly yours,

  
Ben F. Waple  
Secretary

cc: Leon R. Brooks, Esq.