

3/18/72

Dear James,

Attached are copies of letter I have today written to the Federal Communications Commission, NBC, CBS, ABC and Westinghouse. I also have pending before the FCC now requests for time to respond to Foreman on CBS and Bishop on Westinghouse. It has been a long, tiring morning!

I will give these to Bud for him to give or mail to you after he reads them when he is here this coming week. I discussed writing them with him in advance, as I had earlier discussed the whole idea with Jim.

In fairness to Bud, I think you should understand that he can't handle these cases for me. I would imagine if there is not a conflict it would be alleged anyway and besides, he is already overly-committed. This means that I'll have to seek other help. I do not know if it will be available, but if it is not I'll do what I can myself, as I have to this point.

If and when there are developments I'll let you know.

Sincerely,

3/18/72

Mr. William Ray, Chief
Complaints and Compliance Division
Federal Communications Commission
Washington, D.C.

Dear Mr. Ray,

In the past I have made a number of requests under applicable FCC regulations for an equal and fair opportunity to present the other-than-official side on radio and TV stations and networks licensed by the FCC, in the Martin Luther King-James Earl Ray case. In not one case to date has this been granted. In not a single case or in a single way of which I know has the public been given any but the official version of the fact and all the many issues and questions of national concern and importance inextricably involved. Among those presented by licensees on this one, official side are a number of authors, including William Bradford Huie and Jim Bishop, several ~~lawyer~~ writers, Percy Foreman and Arthur Hanes, Sr., and a former Attorney General of the United States who was parti pris in this matter.

Now a major publisher with enormous resources and a vast investment in a book, only one of which is a six-figure advance, is about to issue this book, "An American Death", by Gerold Frank. It would seem impossible for the investment to be recovered without the most extensive free use of the people's air, by radio and TV. And this book is but another one-sided presentation of the official version. I believe I am the only one qualified to present the other side adequately and to your knowledge from previous correspondence, I have been refused, which means that the people have had and now again will have access to only one side, one version. I believe this is wrong under FCC regulations. But the media's dedication to one-sided presentation even extends to "Public" TV, which as a network and through two individual licensees has also refused to air the other-than-official side in this case and all that is involved in it.

I do not know whether simultaneous presentation of contrasting views and facts are required under the regulations when it is possible, but I think the interests of the public and of fairness are best served by it. Accordingly, I have written letters, copies of which are enclosed, to NBC, CBS, ABC and Westinghouse, all of whom have aired the other side and have refused to air the one for which I believe I alone can speak. Like all the others aired, Mr. Frank avers that James Earl Ray was the lone assassin. Mr. Ray has never been tried and is seeking a public trial. He cannot speak for himself, but he has authorized me to do so for him, as I have informed all the licensees I have written. Mr. Ray not only denies he was the assassin or even an assassin but, under duress, when he had reason to believe his life might be endangered by it, insisted upon saying this. Under these circumstances, I believe further and irreparable harm can be done to him as well as to the people's right to both sides in all that is involved in this case.

My request for simultaneous appearance with any made by Mr. Frank is not one raising a question of prior restraint but rather is an effort to at long last and too late see to it that there is a fair opportunity for the presentation of both sides on all the many important national interests and concerns involved. I do hope, especially with the one-sided record of which you are aware, that there is some proper means by which the FCC can help effectuate this.

Sincerely,

Harold Weisberg

3/18/72

Mr. David E. Henderson, Executive Vice President
Westinghouse Broadcasting System
244 W. 44 Street
New York, N.Y. 10036

Dear Mr. Henderson,

In August 1969 you personally denied my request under FCC regulations to present the other than official version of the assassination of Dr. Martin Luther King, Jr. and the case of James Earl Ray, that request then based on what was said on your stations and your David Frost Show by Mr. Ramsay Clark. Since then Mr. Frost and your stations and others through you have again given but a one-sided presentation, that of Mr. Jim Bishop, on the appearance of his book. When I wrote the Frost Show and asked to be permitted to present the other side, there was no written response, but Mr. Bishop was presented for a second time, on each occasion Mr. Frost going out of his way to plug Mr. Bishop's book, which is still another way of effecting a larger audience for a one-sided presentation on a subject in which there are many issues and questions of national importance and concern involved. I have also made a similar request of your station, WJZ-TV and have been denied. In that case your station, after asking for a copy of my book, FRAME-UP, the only version of the other-than-official side, refused to air me and that side, then telling me fear was the reason, fear inspired by the airing of mild criticism of the FBI, which really did the investigation for public authority in the King/Ray case.

Now Doubleday is about to issue still another version of that one, official side in the form of a book titled "An American Death" by Gerold Frank. There is an enormous cash investment in this project, beginning with a publicly-reported six-figure advance. I do not believe this project can succeed without the free use of the people's air. I believe that if Westinghouse airs Mr. Frank it will compound its violation of FCC regulations and will preserve a perfect record of partisanship where the people are entitled to both sides. And I believe I am the only one qualified to make any kind of effective presentation of the other-than-official side.

I do not believe FCC regulations require simultaneous presentation of both sides, but I think in this case and with Westinghouse's record fairness really does. I therefore ask that if you do air Mr. Frank you make it possible for me to appear in confrontation, to present to the same audience and at the same time this other side to which I believe the people should have equal access through your publicly-licensed facilities.

Mr. Frank says Mr. James Earl Ray was the sole assassin. Mr Ray has never admitted it and, in fact, denies it. He has never been tried and is now seeking a trial. His rights to a trial may be jeopardized by partisan airing of his case. He is in jail and for this and other reasons cannot speak for himself. He has authorized me to speak for him based on the content of my work and book (which is a year old and not on general sale). So, my request for equal opportunity to present this other side, should you now air Mr. Frank's unofficial version of the official version, is also in the name and with the authority of Mr. Ray.

Sincerely,

Harold Weisberg

3/18/72

Mr. Julian Goodman, President
National Broadcasting Company
Rockefeller Center
New York, N.Y.

Dear Mr. Goodman,

Doubleday is about to bring out a book titled "An American Death", represented as a study of the assassination of Dr. Martin Luther King, Jr., and saying that James Earl Ray was the lone assassin. Beginning with a six-figure advance to the author, Gerold Frank, and including extraordinary advance book-club offerings, this commercial project cannot succeed without the unpaid use of the electronic media, meaning the people air. It presents one, the official side, of a number of questions of national interest on which NBC has already refused to present the other side and has, extensively, presented this official side in the past. One of your licensees, for example, after presenting William Bradford Huie in a view indistinguishable from Frank's, refused to permit me to air the other side.

Aside from the questions of fact, such as is the crime solved, did Ray commit the crime, there are other issues of national importance that daily assume greater significance in our troubled society. There is the broad question of justice in spectacular crimes, did the system of justice work in this case; can an unpopular defendant get justice when faced with a determined prosecution dominated by political considerations and, in reality, taken over by the federal government; can or does the commercialization of such crimes by those of financial and literary interests prevent justice and frustrate the normal workings of the law; can defense counsel be dependent upon this commercial interest and not be hopelessly ridden by an irreconcilable conflict of interest (the literary property vaporizing at any trial, which makes everything there adduced public domain); can society and its system of justice survive what amounts to a conspiracy to prevent a trial, a special form of plea-bargaining; can a judge violate the standards of the bar with impunity and preside over this plea-bargaining and dictate the terms of the agreement and the sentence prior to the case reaching him in open court; can the federal government intrude itself into a purely state crime without subverting the law and justice; can and should defense counsel first threaten the death of the defendant and then bribe him into silence, especially in a crime of this nature and with its consequences, the greatest cost in damage in our history being but one; and many, many other; I shall be glad to detail to you on request. I think these are more than enough to show the relevance of FCC regulations to this case.

There is also the question of the rights of the accused, defamation of him to which he cannot reply, and, whether or not it is NBC's intent, propaganda against and intrusion into his efforts to obtain a full, open and public trial, something there has not been in this case. This cannot but be adversely affected by presentation of Frank's partisan views. Ray is in jail and cannot defend himself. Even if this were not the case, because of pending legal appeals it is impossible. He has read my published version of the crime and the functioning of society in it, the book FRAME-UP which NBC and its licensees refused to present to its audience and the only study on that side of this case and these issues, and he has authorized me to ask for equal time of you in his name and in his defense. He has denied being the assassin and Mr. Frank says he was the lone assassin. He has never admitted being the assassin. There is no possibility of personal profit to me in this, although that is irrelevant, because my study is a year old and not to my knowledge in any bookstore.

For all of its extensive facilities and with the unquestionable competence of its professional staff; the complexity^{ies} of this case are such that adequate understanding may well be denied NBC. It cannot, for example, use its own personnel to present the other side on all the many issues involved or in defense of the rights of Mr. Ray. Acquitting command of the fact required in itself makes this impossible. Thus, in my view, with the best of intentions in the world NBC cannot air Mr. Frank and meet its obligations as the FCC has interpreted them without the presentation of an expert on the side opposite Mr. Frank's, of whom I am the only one. In the past NBC has refused to present what I may call "my" side on all these issues, ranging downward from such net shows as "Today" to local licensees. Thus it would seem that the same standards should be applied to the elaborately-orchestrated presentation of the official version represented by Mr. Frank and his book.

I realize it is unusual to make a request like this prior to the airing of Mr. Frank. But I hope you also realize that once he is aired without simultaneous presentation of the other side, it is not possible for the view and representation of fact other than his to catch up with what he will have to say to defend his work and sell it or to reach the same audience. I suggest that raising this with you in advance of airing provides you with the opportunity to meet your obligations more fully and fairly.

With the precedent it has set of refusing to air me, the only expert on my or Ray's side, I think it would be wrong for NBC now to air Mr. Frank and the official view which has been presented extensively and exclusively. But if NBC decides to again air the one side of this case, I do think it should simultaneously present the other side, which I alone am competent to do, being the only one who has done the requisite work and investigation. Thus I ask of you that should NBC present Mr. Frank in any way, it make it possible for me to appear in confrontation so that the people may have both sides simultaneously.

There is no possibility of gain for me in this, as there is for Mr. Frank. I recognize that I may be helping him financially where the same is not possible for me. But I think the over-riding issue is the access of the people on their air to all sides of the many questions and issues of national importance that are, inevitably and inextricably, involved in any airing of any aspect of the overall subject.

I do hope you will agree with me.

Sincerely,

Harold Weisberg

3/18/72

Mr. Leonard Ackerman, Attorney
Columbia Broadcasting System
54 West 52 St.,
New York, N.Y. 10019

Dear Mr. Ackerman,

In the past I have asked and been refused the opportunity of presenting the other than official version of the King assassination and the case of James Earl Ray on CBS and by you. Although my request related to the appearance of Percy Foreman on the Merv Griffin Show, this was not the only one-sided presentation by CBS, others that I recall being other presentations of Mr. Foreman and of William Bradford Huie and, I think, Jim Bishop. Many issues and questions of national importance and concern are involved in any one-sided airing of any aspect of this case and to the best of my knowledge, CBS has not only aired this one side alone but it has also refused to air me when I am the only expert on the other side, the only one who has taken the enormous time required for an investigation of the fact and relevant issues as distinguished from the commercial but really irrelevant schmalz. For your understanding, prior to my writing you, a year ago, on the appearance of my now-dead book FRAME-UP, CBS refused to air this side and prior to that did the same on the occasion of my filing a Freedom-of-Information suit against the government (successful) to obtain suppressed evidence in this case.

Now Doubleday is about to bring forth Gerold Frank's "An American Death", a retreading of the same official version of this case that has never come to trial. Its appearance in a few weeks coincides with James Earl Ray's efforts to get an open trial and can seriously prejudice Mr. Ray's rights and possibilities. Beginning with a six-figure advance and including a number of pre-publication book-club arrangements, the commercial success of this venture would seem to be impossible without the free use of the people's air, including by CBS.

Under the circumstances and with the CBS partisan record on this subject, I believe it would be wrong for you to make still-new, one-sided presentation of this subject and all that is inevitably involved in it. If CBS does present Mr. Frank, I think it should make possible simultaneous appearance by me as the only one qualified to present the side opposite Mr. Frank's. Simultaneous appearance may not be the requirement of the regulations, and there is no possibility of any profit in it for me, but I hope you will agree that real fairness can be achieved in no other way if CBS or any of its licensees or programs presents Mr. Frank.

Mr. Frank, like the others CBS has aired, says Mr. Ray was the lone assassin. Mr. Ray, because he is in jail and for other reasons, some of which should be obvious to you, cannot speak for himself. He has authorized me to speak for him. He not only denies he was the assassin or an assassin, but there has been no judicial determination on this and in the substitute for a trial, if there can really be such a thing, it is quite explicit that he there denied this charge. Even under duress you should understand he refused to say he killed.

I do hope CBS will meet its obligations under applicable FCC regulations and will be fair to Mr. Ray. Please accept this letter as our formal request, even though in advance of any airing of Mr. Frank, so that if he is aired genuine fairness may be possible.

Sincerely,
Harold Weisberg

3/18/72

President
American Broadcasting Company
New York, N.Y.

Dear Sir,

Doubleday, an enormous publishing and book-selling enterprise, is about to bring out Gerald Frank's book titled "An American Death". The investment in this work, beginning with a reported six-figure advance several years ago and today including a number of book-club offerings, is exceptionally large. Commercial success is impossible without the free use of the people's air by radio and TV.

A large number of questions of national importance are involved in any airing of any aspect of the subject of this book, the assassination of Dr. Martin Luther King, Jr., the workings of our system of justice in the very broadest concept and the rights of the accused, who has never been tried and is called the lone assassin by Mr. Frank. In fact, James Earl Ray, aided by volunteer counsel, is today seeking a trial. His rights, I believe, and his prospects of getting a public trial may be seriously impeded by a partisan presentation of the other side, that of Mr. Frank and his book.

Should you desire that I detail the national issues of significance I believe involved, I will be happy to do it. I think more than enough of them are obvious.

Mr. Ray, who is in jail and for that and other reasons cannot speak for himself, has authorized me to speak for him in this matter. To the best of my knowledge, and this includes Mr. Frank, nobody but me has made the elaborate and detailed investigation of the crime itself (as distinguished from commercial schmalz) necessary not only for the impartial presentation of the fact of the crime but also for the presentation of the other-than-official version of the crime and all the questions involved in it.

My extensive work resulted in the appearance of a book, FRAME-UP, a year ago. ABC and its licensees and affiliates, declined to present to the people the fact and content of this book, which are contrary to those presented by Mr. Frank. Let me trace this history for you, because it amounts to a policy position by ABC on the subject.

Your midwest news office was interested and referred me to your New York office. Aside from whatever, if anything, my publisher did, I then spoke to several people in Av Weston's office and supplied copies of the book. They referred me to the ABC Washington news office and I made a special trip there with the book, after phoning. I left the book with a member of Bill Lord's staff. In several subsequent conversations an assistant expressed an interest in airing some of the content of this study, but after a year it has not happened. That book, for all practical purposes, is now dead. There can be no profit in it or any presentation of me on the side of all these questions opposite that of Mr. Frank and others already and extensively aired by ABC.

The Dick Cavett Show presented Percy Foreman, the man who prevented a trial and whose commercial interest in the case as Ray's counsel was compromised by any trial, which would make the entire matter public domain. I wrote Mr. Cavett a number of times, without response. I sent him a certified letter, which was not accepted and was returned to me. I spoke his

agentx after a friend spoke to the agent and received his assurances that my letter would reach Mr. Cavett. There has been no response, not even acknowledgement.

So, on this subject, in all its ramifications and on all the national issues inextricably involved, ABC, probably without the knowledgem of management, has taken a partisan position and aired only one side. I think this violates applicable FCC regulations.

I think it probable that you have also aired William Huie, Jim Bishop and others whose positions and versions are for all practical purposes those of Mr. Frank and on that side alone. With this history, and having failed to air the one possible representation of the other side, represented by the extensive investigation I alena have conducted, were you now to air Mr. Frank in a further one-sided presentation to your audience, I think you would be in further violation of applicable FCC regulations.

Under these circumstances, I think it would be wrong for ABC or any of its licensees or programs, to present Mr. Frank and give his book the resultant free advertising, which would have the effect of promoting a still-further one-sided representation of the issues and questions of significance. If you disagree, then I hope you will make it possible for me to make simultaneous presentation of the other side. If Mr. Frank is confident of his own dependability and the viability of his work I would think he would welcome such a confrontation, and I do think it would be the closest possible compliance with the applicable federal regulations. It would also be an expression of fairness by ABC.

Mr. Ray denies being the assassin. He has never admitted it. He has never been tried, incredible as that may seem, especially considering the magnitude and great costs of this crime. He cannot now speak for himself, and he has authorized me to do this for him. I think fairness to him also requires compliance with my requests. I do hope you agree.

Sincerely,

Harold Weisberg