

4/4/72

Mr. J. Marshall Wallborn, Assistant General Counsel
National Broadcasting Company, Inc.
30 Rockefeller Plaza
New York, N.Y. 10020

Dear Mr. Wallborn,

You may not have received my April 1 response to your reasonable and fair letter of the 30th before it was proven to be false, through, I am quite confident, no fault of yours. I refer to last night's four hours of deification of Gerold Frank on your WNBC's Long John Nebel Show.

You wrote "NBC has no present plans to air any programs including Gerold Frank or his book "An American Death". What NBC had by then done is more than arrange for this appearance but more, had departed from the format with which I am familiar and, instead of having in the panel those who held and would express an opposing view, had two sycophants who vied with each other and Nebel in the most sickening plugging of the man and his work.

The least of my complaints, although I would hope NBC would not be happy with what he did, was the gratuitous insult to me Nebel dragged in for no good reason. I had done his show in the summer of 1966. He then confronted with with, besides his own strongly-expressed views contrary to mine, Victor Lasky and Kieran O'Daughtery. If you want to hear for yourself the abuse to which I was then subjected, listen to but the opening of that show, which was taped. It was a direct assault on my personal integrity. In time, I defended myself with sufficient effectiveness that Nebel was unhappy. Even though he had stacked his own deck.

Now if Doubleday, Frank's publishers, owned your facility, I think they'd have been ashamed to engage in the kind of hard sell that characterized this show - hard sell of the man, the book, its line and content. The signal faded here, but after I was told about it I listened from before 9 until ~~the~~ superselling and at midnight. I do not think there was a station break that did not include Nebel's gratuity and partisanship, "this is the true story of the King assassination", in almost these exact words every time, usually accompanied by such advice and injunctions as this is the definitive work, "I highly recommend to you", "We are talking about a book I personally recommend you get a copy of. It is the true story", "Please remember the title of the book that I highly recommend to you...you must get a copy...", "This one here [i.e., this book] is a real special. It is the true story of the assassination", "we're talking about the true story about the assassination", "he [Frank] has brought out all the facts", "this is the really definitive book on the subject" and other such. Toward the end a listener asked, "you keep emphasizing that this is the true story." Nebel's response was "Ido, sir." And when two listeners tried to even ask a question about any other point of view than Nebel's, Frank's and the panels', they were both cut off abruptly and were I they, I'd consider offensively.

As I believe I wrote you, I am alone in having investigated and written a book on the unofficial side of the many and various issues inextricably involved in the story of this assassination. Mr. Nebel, as was his and NBC's right, did not invite me to do his show on it. However, when a listener phoned in, apparently having read my book, to start to compare its representation of fact with Frank's, Nebel cut him off abruptly with, "I am not a fan of Mr. Weisberg. I think he does a good job of raising chickens." [I'd be interested in his source of the unfactual and the basis of the irrelevant opinion.]

When the listener persisted in trying to say that FFAME-UP gave the contrary view required of licensees, Nebel interrupted him with an indignant, "We're not talking about FFAME-UP" and abruptly cut the listener off.

I think this was needlessly insulting, if not intendedly insulting to me. It is not a standard followed on the show with what was not irrelevant but was used to shelter the guest from criticism and disputing of his views by another listener, nor was it the standard applied to other things on those four hours. I submit that the one work on the other side is what should have been talked about, quite the opposite of the partisanship and bias of which, despite your intent, NBC is now part.

And throughout there was but the single view, the official one, the apology for the lawyer who made the invidious deal (I hope the lawyer in you can agree with this opinion), the defamation of Ray against which I warned you (Nebel: "Ray had fired that single bullet" and Nebel: "He admitted he killed King), and endless ridiculing of those who hold contrary views to the official on any of the assassinations. I can supply quotes from my notes if you want them, but I presume the tape is available to you.

Now there are many substantial questions of national and as a lawyer I hope you will agree legal importance involved in this complicated case. It is loaded with significances. Yet NBC told its audience in many states, including that in which the judges and potential jurors live such things as "There are no legal reasons for the case to be opened." It is under appeal, and on at least one issue it will get to the Supreme Court. You can't be an expert in this, so let me give you but a couple of illustrations.

There was no trial. In the substitute for it, exculpatory evidence (in my possession) was withheld from that jury as it was from the defense. Exculpatory evidence, totally exculpatory, was confiscated and also and to this day is withheld from the defense. The pay of the lawyer, Percy Foreman, was dependent upon the literary rights, of which he held 60%, William Bradford Huie held 40% and Ray held zero. Once there was a trial, everything was public domain, and there were no literary rights from which anyone could earn anything. When in the last minute Ray backed out of the deal into which he had been intimidated by the threat of "barbecuing" he was then bribed by Foreman. I can provide you with copies of these letters, of which there are two, each stipulating he must keep his mouth closed for 24 hours. The judge presided over the plea-bargaining in open violation of the standards of the bar, as enunciated by the man now Chief Justice. Ray was held for eight months without knowing whether it was day or night, with closed-circuit TV on him, two microphones connected to tape recorders, and intense artificial light. His lawyer had to show the notes he made to the guards inside the cell before he left. Yet in a Tennessee case in which the man then judge had been prosecutor, when he held a prisoner/accused for but 36 hours under artificial lights, without the TV and tape recorders, the Supreme Court of the United States reversed and sent the case to trial (Ashcraft v Tennessee). At your request, I will go on and on. My purpose here is to indicate that there are many substantial questions of national importance and concern, all hidden and misrepresented in your one-sided presentation. Parenthetically, I ask you as a lawyer if you consider that when this can happen there can be justice, especially in such a crime as this.

Now, having cut off even listeners who wanted to ask questions on the other side, and with NBC in several places having refused to air the side I alone can, Nebel said he would have Frank back for more of this side as soon as Frank returns from a trip on which, in other places, he will be given the same chance to give the people the single side.

Aside from questions of opinion, I would appreciate a chance to respond to the factual inaccuracies and to present what you accurately describe as controversial issues of national importance, those misrepresented, those pretended not to exist, and on behalf of Ray, to rebut the false statements about him.

Sincerely,

Harold Weisberg