

1/21/72

Mr. William B. Ray, Chief
Complaints and Compliance Div.
Federal Communications Commission
Washington, D.C. 20554

Complaint of Harold Weisberg against WJZ-TV

Dear Mr. Ray,

Mr. Cahan of WJZ-TV has sent me a copy of his January 18 letter to you. It opens with error: "...in which Mr. Weisberg....sought an appearance on WJZ-TV's Arnold Zenker Show..." As I am confident you know, this is not the nature of my complaint.

However, it does address the licensee's determination to air but a single side on this subject I believe is controversial and does address nationally-important issues. Prior to the appearance of my book I phoned the station and spoke to the producer of the Zenker show. He solicited a copy of the book. When I delivered it, before it was read (the production assistant then having told me that the mailed copy had not arrived), I was told that the station management was so discomforted by reaction to some controversial shows it had just aired on the FBI that it would not air any more and was switching the character of the Zenker show in conformity with that decision. Thus the station is in the position of refusing to air one side and thereafter, not the twice mentioned in Mr. Cahan's letter but three times presenting Mr. Bishop. The third time he did not discuss his work, but Mr. Frost plugged it, and this appearance just by some kind of stange accident exactly coincided with the newspaper serialization of the Bishop book. The third Bishop appearance was no better than unpaid advertising and could serve no other purpose than to promote the book and this that side and that side alone. The last two Bishop appearances on the Frost show were after receipt by it of my request for time for response. And in this connection I note that the Frost show is owned by licensee's owner, if not by the same corporation.

The second paragraph of Mr. Cahan's letter is worth passing comment as it relates to the fidelity of what he told you: "Mr. Bishop explained his reasons for the opinion that James Earl Ray was hired to assassinate Martin Luther King." Mr. Bishop has no such information and this is an acknowledgement that Mr. Bishop did say that Ray alone was the assassin in this most costly crime in history. That is contrary to the allegation of the man he accuses. But that man cannot speak. He is in jail and his case is under appeal. If I do not suggest that it should not be discussed while under appeal, I do believe it should not be discussed ex parte and least of all in part of a publicity campaign for a biased presentation of what to me is non-fact and prejudice. One-sided presentation constitutes pressure on the judges. Whether justice worked in this case or can in such cases, whether one side only in such cases can get to the public, whether the case is solved, whether a solution was framed, the whole subject of political assassinations and many other aspects that need not be articulated to be presented to the audience are all controversial and all, I think, issues of national import.

If the assault on the character of the victim, which Mr. Cahan acknowledges, does not appear in my complaint, I am willing to add it. He was a national leader, the greatest modern-time leader of a minority people, the man who symbolized their yearnings, and any attack by air on his character, integrity or purposes is an attack on them and his cause and program. I think with a man of this stature the question of both controversy and defamation comes up, for his memory is defamed, one-sidedly. That Mrs. Walters disagreed did not remove the seeming authentication of licensee's presentation of Mr. Bishop as an expert and Mrs. Walter's lack of the facts on the case made it impossible to show that the other presentations by Mr. Bishop were fictions, as his misidentification of the alleged murder weapon, a minor

but unfortunately typical point I believe I referred to. As a commentary to Mr. Bishop's devotion to telling the truth and knowing what he is talking about, I note that in a single instalment of the serialization in The Washington Post there are two other and still different identifications of this one weapon.

I do not believe the references to time or airing in Mr. Cahan's letter have any relevance at all. I applied immediately for time for response. The time of the crimes whose effects linger and where the case is almost certain to go to the Supreme Court ought not be any kind of consideration in this case. But were it, I suggest that current news reports from Memphis and the lingering effects of the crime do address them.

I find it incredible that licensee's premeditation should extend to this letter. It holds forth two positions, both opposite that I want to present. The first is that Ray is the killer, and the second is "that he was not hired to do so". Of course, there is the added possibility, that he was hired to do so. But the obvious thing missing here, and it has enormous importance with all the political assassination, in itself the kind of subject that I believe falls within your regulations, that he did not do the killing, that the most costly crime in our history is unsolved. In turn this means assassins are free, justice has not been done, the courts and other instrumentalities of society failed and many other things not avoidable in any airing of a partisan view and of national importance and interest.

But if, as Mr. Cahan concedes, the character of Dr. King is a controversial issue, is it possible that anything having to do with his killing and subsequent events is not? This is licensee's position. I think it wrong. And I think mere protest that Dr. King was not a coward, either, hardly answers an "expert", presented in this capacity by licensee.

There is the inherent allegation that I seek to serve selfish interest in this matter in, "We understand Mr. Weisberg's disappointment in not being selected to discuss his book" by the station or the show. This is not "understanding". It is fiction. A book as old as this no longer has any position in the marketplace. My request was not for permission to sell my book, which happens to be the transparent purpose of at least two of the Frost shows with regard to Mr. Bishop's book. You can't sell a book not on sale. My request is clearly for the opportunity to present the other side, to respond to Mr. Bishop, with the same or equivalent potential for reaching the people reached by Mr. Bishop. And with WJZ-TV, the question is not one of "selection". It was made clear to me with some honesty that it was fear of reaction to what the station itself held to be controversial. It here argues both ways, turning me down on the Zenker show because the subject is controversial and turning me down on the Frost show because it is not. But the fact is that for whatever reasons, it has refused to air but a single side of what is, by its own earlier description, a controversial subject. I believe it meets your requirements in other ways, too.

I am not a lawyer hence may not be able to offer a qualified opinion, but the suggestion of the concluding sentence by Mr. Cahan, that "should future developments lead us to conclude that the role of James Earl Ray in the Dr. King tragedy should be reexplored", negates his claim that the subject died in 1968. I think the people are entitled to both sides close together, that delay alone should be considered violative of the regulations and the public interest. Were it falsehood that was aired, can the truth ever catch up once the public mind is fixed? And that over the public's air?

Sincerely,

Harold Weisberg

CC H.B.Cahan