1/11/72

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

Dear Mr. Ray,

= My ability to make as complete rejoinder to his letter of the 7th, which Mr. Ackerman of CBS has kindly sent me a copy, is limited by an accident in which I almost lost a thumb. I would like, briefly, to make a few points in connection with it.

Who else was on the show with Mr. Foreman could not be more irrelevant because not one was possessed of the fact required to give any part of any other side, that requiring specific and detailed factual knowledge. But were it at all material, all but one of those named have taken a position on the political assassinations that is, in essence, in accord with that of Mr. Foreman and at least three have refused to accept cases on the side other than Mr. Foreman's.

If there ever was any question - and I submit there was not - of whether the subject of these political assassinations "raised controversial issues of public importance", news developments of the past few days ought lay that to rest. As a matter of fact, this past Sunday, when CBS was giving what has become unfortunately typical, one-sided misrepresentation in the guise of news, I made another effort. In this case, having to do with the granting of access to suppressed evidence by a man with a public record of sycophancy, a man precluded from such access by a contract with the government, of which I can supply a copy, CBS conspicuously departed from the accepted norms of reporting and failed to present any other side, failed to ask anyone in a position to know whether what it was airing was credible when on the face of it it could not be. Persuant to my understanding of regulations, I asked immediately for time of my local CBS ststaion, an independent. Its conduct was exemplary. It phoned me back within a half hour and told me to call CBS in Washington, which I did. I was speaking to one Joe Wershba (phon) when he cut me off, saying he was busy, and that he or a reporter who knows me for the past, would call me back promptly. I have heard no single word, CBS then went further and gave this one side extensive national TV coverage in the guise of news in which an overt propagandist was carefully fed lines by the "questioners". This is propaganda, not news, and by every standard of my earlier news experience and current observation is a radical departure from customary news practices.

I therefore add a request for time to respond to Dr, Lattimer's one-sided and, as it happens, false presentation by CBS, and to this end I will commit myself in advance to respond to only that on which CBS aired him, by radio and TV both. Under any circumstances I do believe response to such an inquiry is required and I do believe that in any concept of news it has to be prompt.

Were it true, as Mr. Ackerman alleges, that "these subjects relate more to the content of Mr. Weisberg's book 'Frame-Up', that to the subjects covered in the broadcast, and it is not except to the extent that this book exposes what is wrong in the Ray case, how incredible it is that CBS, which goes so far out of its way to air the contents of books where those contents are so congenial to the preconceptions of those who profit from the use of the public's air, would deign to make such a point. CBS has made news of books.

It makes other uses of them in its use of its licenses. But if the intent here it to makes the subtle suggestion that I seek personal profit, a value CBS is generous in extending to others, that, as Mr. Ackerman must know if he knows anything about this, has to be false for the book is a year old now and if it is on sale anywhere, I can't give you the name of a single store carrying it.

If there ia any relevance to the notion that"the broadcasts were two years after the James Earl Ray plea, which occurred on March 10, 1969", I would note that at that time CBS failed in its public obligation and did not seek to present the other side in its generous airing of Mr. Foreman, other public officials parti pris, etc. But should the timing be a point, Mr. Ackerman fell far short of informing you adequately, because at the time of the broadcast in question, there was then pending before the court in Tennessee a motion for an evidentiary hearing in this matter, something on wbich so partisan a broadcast could have exerted an adverse influence. Carrying this further, I was at that hearing. No representative of CBS was. It is my understanding that when Mr. Ray's counsel asked for a copy of this broadcast from CBS, CBS refused it.

There can be no relevahce in the proportion of the time on that show devoted to this subject. One would not regard as significant the time in a three-hour-long movie required to shout the single word "fire!" when there was none. I have not asked for the time of the entire show to respond. I have asked only for a reasonable time to make response to this one part of that show in which Mr. Foreman dumped a rather considerable amount of misinformation on a currently- significant question of public interest. Here I note that Mr. Ackerman has a double standard. He makes a nasty inuendo about my book but he is without reference to the need for self-justification Mr. Foreman felt, time for which CBS provided on its, not his, initiative, as the transcript will show. (CBS has not provided it to me.)

Unless Mr. Ackerman is prepared to show some relevance to what I have raised, not the other things not related, his invocation of the participation of the audience, regardless of its inclusion of law students and the like, none of whom had or could have had any of the required knowledge, can not ungerously be described as an obfuscation or a misrepresentation. They did not present any aspect of the other side of this question. Nor does Mr. Ackerman say they did, not in a single instance. Nor does the single suspicion quoted from Mr. Kunstler address this. Far from "presenting a contrasting viewpoint", all Mr. Kunstler did was report a suspicion and he clearly labels it as no more than that.

Because of CBS's failure to provide me with a transcript of a tape I cannot address the next paragraph but if I can judge from the most that is said for it, it does not meet the requirements of the requests I have made relating to this specific case, which in and of itself is one of important natuonal interest.

Whether or not is is, as he claims not "necessary or appropriate to require CBS to summarize that extensive coverage" of the "James Earl Ray case at the time of those events", I note that Mr. Ackerman doesn't even suggest that it presented other than the one, official, prosecution side. The one case of which I know is in a sense relevant. CBS provided a reporter and an airplane to fly one of Ray's brothers to the jail and as a consequence thereafter aired a totally false statement attributed to Mr. Ray, the accused.If its extensive news coverage was of other than the side side, I am not aware of it, unless Mr. Foreman's justification of his own misconduct and the proclamation of his client's guilt be considered the other or another side.

Should you desire further response, I will be happy to make it when my capability permits. By copy of this letter to him, I am asking Mr. Ackerman for CBS time on all media for the other side of what it has just aired through Dr. John K. Lattimer, a urologist in no sense qualified as an expert, the President's uring not being an issue in the assassination, and the fact of his lack of expert qualification being carefully hidden by CBS.

Sincerely,