

75-199670X

Mr. Harry M. Johnston, Editorial Counsel  
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Rt. 12, Frederick, Md. 21701  
8/15/76

Dear Mr. Johnston,

Aside from the fact that your letter of the 11th does not represent "standard business procedure" in general or in your corporate practise and to my knowledge it is helpful in asserting the right of a wealthy corporation to buy up unique evidence in a major crime, suppress that evidence indefinitely and then commercialize it.

It is further helpful in that you refuse to make any change in the record that shows clearly you act as an adjunct of the FBI in this entire matter.

While I strongly dispute the relevance of what you describe as "standard procedure" it is in fact not standard procedure. There is no "standard procedure" more certain to preclude commercial sale. Time, Inc. has regularly made prints available to others of whom I know. But in this case I did go all the way to New York and I was with some vehemence denied copies of any of this pictures under any circumstances and at any price. I was not allowed to view a single decent print. I was shown a set of contacts only. I can prove this in a number of ways because I then had a different interest than I now do. Then I was James Earl Ray's investigator seeking to prepare for a habeas corpus effort. Yours is the only agency that refused me prints. Because of the role in which I then was the lawyer who happens to be counsel for me in this present case, which is my own and not that of James Earl Ray and is for other purposes, has a dated copy of my report of my visit to your offices. He is not the only lawyer to whom I then reported and I have my own notes made in your offices.

This, of course, makes Time, Inc. even more of an adjunct of the FBI and in this specific case part of what now beyond any reasonable question is a cover-up of the FBI.

It cost me much more, in 1971, to go to your offices and be refused copies of these identical pictures you now offer at extortionate rates than buying an entire set at these extortionate rates.

If making the kind of study I make were possible from contacts I'd forget this entire matter. But my interest is not in schmals. It is in evidence. This requires the study of the minutest detail, not possible from magnified contacts.

I digress to put this in context for you, from a recent experience with other pictures I was able to obtain years ago. It was necessary to put some of these in evidence in 1974, in Memphis. I now need them for my present study. When I had to go to New York for another purpose this past March I went to that agency and lo! its files abound in pictures of a smiling Percy Foreman, dozens of copies of a single prints; and in other dozens of a single print of both Arthur Haneses looking at each other and nothing else in front of Westminster Abbey, there is no longer a single print or a negative remaining of any of those pictures of evidentiary value. I had, with my own funds, purchased prints of the now-missing pictures, those entered into evidence. Counsel arranged for the sixth circuit court of appeals to duplicate these prints. The clerk on several occasions reported that a photographer had duplicated and mailed the prints but in months they have not reached my lawyer.

If this is because of interference with the mail - and I do not for a minute believe

the clerk of the appeals court would or did lie - how many guesses do you need in limiting those who can interfere with and intercept mail? Have you a better candidate than one of the present "parties engaged in private litigation?"

Let me also upon your use of the word "private." Are you not saying in another way that you are in this and have been an adjunct of the FBI, which is a defendant in this present "private litigation?" You were a partisan in the earlier litigation in refusing to a defendant what you "volunteered" to the FBI, which thereupon suppressed them and did not make the exculpatory evidence in them available to the defendant.

Simultaneously you did make an effort to exploit that defendant against his own interest by trying to get him to add value to pictures you did not own but on which you did have an option. Because what you wanted was false you were by that act also interjecting yourselves into that litigation. This is a matter of court record in Ray v Ross, in the deposition of Percy Foreman, through whom you made the effort.

If one were to ascribe motive to your position, the most obvious is that writing only in support of the official account of this terrible crime Time, Inc., wrote contrary to evidence it had purchased and suppressed and now, because in its commercial operations it is dependant upon official sources it continues to suppress as one means of paying for these favors from officials.

There really is no question your interjecting yourself into private litigation. There is, very much, a question of whether or not you have acted as an arm in the FBI in this matter. Under the processes of the Court the FBI has produced only one letter from Time asking that I be denied copies of these pictures. That letter is dated after the FBI refused me copies and that FBI refusal was after government counsel made this representation in open court.

There is also no question of this because on your own you interjected yourself into this matter at the request of the FBI. If this were not true you would have no problem providing copies of prior correspondence.

"This is history in an Orwellian repetition. You did the same thing in the JFK assassination with the Zapruder film and thereby bear a major share of the responsibility for a great and lingering national trauma. When as a result of my exposure you were embarrassed you made a big deal of "releasing" the missing frames and thereupon refused to release them. My request for them is after a decade without response. And in a decade there has been no complaint about my publishing the limitation attached to the few you did let get into commercial hands. It says "over our dead bodies."

Not that these are the only missing frames or that those you released after destroying the originals are complete copies of the originals because they are not and can never be. Having purchased and exercised the right to suppress you then destroyed what cannot be replaced. And this with some of the "best evidence" relating to the murder of a President!

My counsel is now out of the country. When he returns I will give him this exchange. I will, of course, do as he recommends. But I will recommend to him that he make an issue of this before the Court. It is just too foreign to a great tradition going back to Zenger, Faine and Jefferson. It is also, as I see it, a commercial subversion of the meaning of a fine and democratic law, one valuable in giving viability to representative society.

My interest in these pictures is restricted to scholarly study. I have given you written assurance that I will not reproduce any without first paying you the going commercial rate. I have already spent much more than you are now asking only to be refused copies by you, as your own files must show. (Is this another reason for refusing to provide any now to establish truth?) You have refused my offer to accept less satisfactory prints from the FBI, which has a list of those I want, as I do not. There is an alternative. You can provide them and stamp any restriction you want to the back, which is "standard business procedure."

Sincerely, Harold Weisberg