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UFO UpDates Mailing List

Re:

From: **Steven Kaeser** <steve@konsulting.com>
Date: Wed, 01 Oct 1997 10:05:19 -0400
Fwd Date: Fri, 03 Oct 1997 23:04:25 -0400
Subject: Re:

[The following arrived at UpDates with Maccabee's comments appearing as broken lines and visually a mess. As some subscribers are aware, when messages arrive here and don't conform to the Posting Instructions for this List they are returned to sender with the suggestion that they be re-formatted. I returned the message to Steve, who has, as yet, not responded.]

In view of the fairly intense messaging regarding Gulf Breeze and Walters I've broken my promise to myself and reformatted Maccabee's comments in the post below. I don't think I'll be doing it again.

ebk]

>From: c549597@showme.missouri.edu [Barbara Becker]

Re:

>Date: Tue, 30 Sep 1997 09:47:38 -0500
>To: ufo updates <updates@globalserve.net>
>Subject: Re: One Picture is Worth a Thousand Words

>What happened to my critics? Steve, Don, Roger et al? I thought we
>were going to have a good discussion. Do you not understand the
>law? Or does your silence indicate agreement?

>BB

COMMENTARY ON THE BARBARA BECKER'S SEPTEMBER, 1997 DISCUSSION OF THE ED
WALTERS/GULF
BREEZE SIGHTINGS

by Bruce Maccabee

Barbara's article is reproduced verbatim except for the notes at the end
which are references to copyright law.

.....

From: c549597@showme.missouri.edu [Barbara Becker]
Date: Sat, 27 Sep 1997 13:36:17 -0500
Subject: 'The Gulf Breeze Paper'

ONE PICTURE IS WORTH A THOUSAND WORDS
Copyright 1997 Barbara Becker

For those not familiar with the Gulf Breeze, Florida (USA) UFO
story or one of its most controversial characters, Edward
Walters, I will present a brief history. A complete account can
be found in The Gulf Breeze Sightings: The Most Astounding
Multiple Sightings of UFOs in U.S. History. Ed Walters and
Frances Walters. Morrow Publishing, 1990.

COMMENT: The interested reader should also have available the
recent book UFOS'S ARE REAL, HERE'S THE PROOF (UARHTP) by Ed
Walters and Bruce Maccabee (Avon, 1997) in which there is a
discussion of several of the early photos and the difficulty in
faking them.

Other sightings in Gulf Breeze are described in THE GULF BREEZE
SIGHTING (TGBS), which Barbara mentioned, in ABDUCTIONS IN GULF
BREEZE (AIGB) by Ed and Frances Walters (Avon, 1994) and in "Gulf
Breeze Without Ed" (GBWE), a paper presented at the 1991 MUFON
Symposium which concentrates on the hundred or more sightings by
other witnesses.

It is important to know that many other witnesses reported UFOs
flying around Gulf Breeze in the same time frame and, hence, it
is possible that others could have photographed them. This
applies in particular to "Believer Bill" (discussed below) who
claimed to have photographed UFOs at a location that turned out
to be just behind Ed's (old) house. ("Jane", described below,
claimed her photos were taken long before the Gulf Breeze flap.)

(Barbara continues:)

According to Walters, on November 11, 1987, he was at his
home in Gulf Breeze, when he looked out of a window and saw
a grayish-blue craft hovering just beyond a pine tree in his
front yard. He grabbed his Polaroid Colorpak camera and
proceeded to take five photographs of the mysterious object.
After showing the photos to his wife, Frances, they decided
to turn them over to friend and editor of the Gulf Breeze
Sentinel Newspaper, Duane Cook.

Six days later, on November 17, Ed Walters presented Duane
Cook with the five photographs. The first and fifth of this
series, along with a letter from the photographer, "Mr. X.",
were reproduced in the Sentinel on November 19. Ed Walters
claimed he continued to photograph the object(s) until May 1,
1988. It is impossible to know exactly how many photographs
Walters actually took. Thirty eight of Walters' photos are
used in the book, along with two from allegedly undisclosed
sources. This paper will focus on the two other photographs
and issues involving them.

COMMENT: Strictly speaking it is "impossible" to know how many

pictures Ed took... because he was not being watched 24 hours a day. The reader should not, however, be caught by the implication that he may have taken many more UFO photos. There is no evidence that he took any UFO photos other than what he released in the 1990 book (TGBS) and in the 1997 book (UARHTP).

 (She continues:)

The first photographs seemingly corroborating Walters' photos were submitted to the Sentinel on December 3, 1987, accompanied by a letter by an anonymous person, later to be called, "Jane". A second batch of nine photographs was submitted to the Sentinel on December 23, 1987 by a person using the pseudonym of "Believer Bill". One of the nine photos, along with a letter from Bill, was printed in the Sentinel on December 24. These are photos 39 and 40 in the book. What do they have to do with Ed Walters other than they prove his story? Well, actually they dispute his story.

 COMMENT: Dispute his story? A statement of her opinion, not fact (see below).

 (She continues)

During the first week of January 1988 a friend of the Walters' family, Tommy Smith, came forward and stated that he had been involved in Walters' UFO "prank". Smith said that Walters had originally asked him to claim to be the photographer of hoaxed photos and to deliver them to the Sentinel but he refused. Among Smith's other assertions was a claim that the "Believer Bill" and "Jane" photos printed in the Sentinel were actually taken by Walters in cooperation with another friend.

 COMMENT:

Tommy Smith did not "come forward" publicly until June, 1990. His testimony about Ed faking photos is about as solid as a Swiss Cheese.

Ed told the UFO investigators in January 1988 that a young man had shown Ed UFO photos. The young man had told Ed that he was exploding firecrackers in Gulf Breeze when a UFO had appeared and he had photographed it. He asked Ed if he should be go public? Ed pointed out the problems he (Ed) was having with all the publicity over his photos and he cautioned against it. The young man did not publicize his sighting and asked for anonymity.

Ed respected the young man's wishes and did not tell the UFO investigators the man's name. (Hence there was no investigation of the young man's sighting.) More than 2 years later, in June 1990, after Tommy Smith had gone public with allegations of hoaxing by Ed, Ed stated that the young man was, in fact, Tommy Smith. Ed's testimony was supported by another young friend of Tommy's who told me and other investigators that Tommy had told him, in late 1987, about exploding firecrackers and seeing and photographing a UFO.

The person Tommy "came forward" to with his story was his father. According to his father, lawyer Thomas Smith, at a press conference in June, 1990, Tommy told him in late 1987 of a UFO sighting with pictures. According to Thomas Smith, a few days or weeks later Tommy told him the pictures had been faked by Ed. Neither Smith said anything in public about these allegations until June, 1990. At the press conference Mr. Smith was careful to avoid criticizing any of the other Gulf Breeze witnesses, including those who claimed to have seen exactly the same thing that Ed photographed.

Tommy's photos were analyzed. Tommy had claimed that Ed had faked them by double exposure methods. However, analysis revealed no evidence of double exposure and, in fact, the photos appeared to be just single exposures, not double exposures as Tommy had indicated.

The shape and color of the depicted UFO was consistent with what Ed had photographed.

 (She continues:)

The Gulf Breeze Sightings was published in 1990 and included the following copyright notice and acknowledgment: "Copyright: 1990 by Ed Walters and Frances Walters. Clippings on the page following page 256 reprinted with permission of Pensacola News Journal." Why weren't "Believer Bill" and "Jane" acknowledged

as the Pensacola News Journal had been? How could Walters use the "Believer Bill" and "Jane" photos without the permission of the photographers? I wrote to the publisher, William Morrow, and asked them who owned the copyright to the "Believer Bill" and "Jane" photos. They replied, Ed Walters.

In order to understand the significance of that admission, it is necessary to learn a little bit about Title 17 of the United States Code - Copyright Act of 1976. The most important thing to remember is that copyright belongs to the original author, in this case the photographer (1), until the copyright expires or is transferred to another party through a legal document called a "transfer agreement" (2). It does not matter if the author is anonymous, or uses a pseudonym, nor does he work need to be registered at the Library of Congress for the copyright to be in effect. However, registration is a safeguard against infringement. Thus, whoever Bill and Jane are they own the copyright to the photos and letters submitted to the Sentinel.

Duane Cook used the photos in the newspaper with the permission of Bill and Jane. When they submitted their photos and letters to the Sentinel they gave Cook a nonexclusive license to publish the materials. This means that the copyright owner allows the work to be used in a specific way, with permission, without relinquishing any of their own exclusive rights, or copyright. This allowed Cook to use the materials in the Sentinel or any derivative work in the same series (3). When Cook published the Bill and Jane materials, he actually secured their copyright as part of a collective work, the newspaper (4). Even though Cook had possession of the material objects, the photos and letters, he did not own them, nor did he have the authority to turn them over to a third party for publication (5).

There are only two ways that Walters could legally own the copyright. He could have a transfer agreement (6) from Bill and Jane or he could be the photographer. I obtained a copy of his Registration from the Library of Congress in Washington, D.C. USA. Walters copyright registration for the photographs used in The Gulf Breeze Sightings is VAU-164-606, this is public record. It is a two page document, but we will only be concerned with questions 1,2 and 4; the remainder being irrelevant to this discussion. The following is taken from the registration.

- | | |
|---------------------------|---|
| 1) Title of this work: | Gulf Breeze Sightings |
| Nature of this work: | Photographs |
| 2) Name of author: | Edward Daniel Walters |
| Nature of authorship: | Photos taken by Edward Daniel Walters |
| 4) Copyright claimant(s): | Edward Walters / POB 715 / Gulf Breeze, Fl. |
| Transfer: | N/A |

The copyright form gives the following instructions for item four: "If the claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright". Ed Walters states the he is the author of the work - the photographs - he claims the copyright ownership and there is not a transfer agreement. This can not be misinterpreted. He claims to be the photographer of all photographs used in the Gulf Breeze Sightings which would include the "Believer Bill" and "Jane" photos.

I decided to write to Walters and ask him. I began a brief correspondence with him in February of 1997. I wrote four letters, received three replies. The only one of real concern is the one dated March 8, 1997. In it I once again asked Walters if he were the rightful owner of the "Believer Bill" and "Jane" photos he used in The Gulf Breeze Sightings. He replied:

Ownership was given me by Cook. The reg. copyrights are recorded w/Lib. of Cong. You are still on NOTICE. Signed, Ed Walters. P.S. next day. My copyright attor. assures me I have ownership. (Also copyrighted with Morrow Publishing. I will not address this further.) SEE YOU IN COURT.

Once again Walters' ownership is confirmed. Walters states he owns the copyright to the "Believer Bill" and "Jane"

Re:

photos and his attorney backs that up. Morrow says he owns the copyright, his attorney says he owns the copyright, and he says he owns the copyright then I think it is clear that Ed Walters owns the copyright. Unfortunately for Walters this admission gives credibility to Tommy Smith's claims that Walters took the Bill and Jane photos. With this in mind, all of Tommy Smith's claims should be reevaluated.

COMMENT:

Anyone who wishes a detailed analysis of Tommy Smith's claims can request it from brumac@compuserve.com. There is a brief commentary on Tommy's claims at the web site www.skiesare.demon.co.uk. Read the paper entitled Ed Walters, the Model and Tommy Smith".

>From the copyright evidence it is apparent that Ed Walters created "Believer Bill" and "Jane". He took the photographs, used two different types of cameras, a "Hot Shot" for Bill and a 35 mm for Jane. This demonstrates his ability to use cameras other than the Colorpak and to produce multiple exposures. In addition to the photographs and letters, he fabricated a telephone call from the nonexistent Jane; including a transcript of the make believe conversation as a chapter in his book. It is obvious that Ed Walters is capable of an elaborate and sustained deception. This must at the very minimum cast doubt on everything he has said and done.

COMMENT: This discussion about the copyright does not prove Ed created the Bill and Jane photos. Hence Barbara's claim that "this demonstrates his ability..." is also not proven. In contradiction to Barbara's conclusion, many other factors in this case indicate that Ed told the truth because many of the photos he took were beyond his capability to fake.

<SNIP>

(I have deleted Barbara's references 1-6 to documents which discuss copyright law)

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