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### Maccabee Comments on Becker's '97 Gulf Breeze

From: **bruce maccabee** <[brumac@compuserve.com](mailto:brumac@compuserve.com)>  
 Date: Thu, 9 Oct 1997 10:00:20 -0400  
 Fwd Date: Thu, 09 Oct 1997 21:15:46 -0400  
 Subject: Maccabee Comments on Becker's '97 Gulf Breeze

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

by Bruce Maccabee

REVISED version (10/07/97)(B. Becker's paper extracted)

(This paper may be circulated freely with proper attribution.)

What follows is an analysis of Barbara Becker's recent discussion of the Gulf Breeze/Walters sightings. She claims that Ed Walters had no legal right to reproduce the "Bill" and "Jane" photos in his book "THE GULF BREEZE SIGHTINGS" (TGBS) (W. Morrow Pub, 1990) unless he actually took the pictures. But, if he took the pictures then he faked the "Bill" and "Jane" witness stories to support his other sightings and photos and hence everything is probably a fake.

These photos were supplied to the Gulf Breeze SENTINEL newspaper in December, 1987, after Ed's first photos were published there (in Nov., 1987). The photographers were and still are anonymous. "Bill" provided 9 prints, a small 110 format mini-camera he used to take the photos and a letter describing how he happened to take them. From his description investigators later determine that they were taken within a half a mile of the house where Ed lived in 1987. They show one or two UFOs in each picture, although "Bill" said he saw three at once but couldn't get all three into a single photo. (Note: if this were a fake he could have gotten a photo with 3 UFOs in it.) After his 9th photo he said they "began to glow bright white and disappeared straight up." These pictures were taken in the evening of Dec. 22, according to "Bill." He had them developed immediately. He went home and later that evening typed the letter and then went to the SENTINEL office and dropped the camera, photos and letter into a mail slot at about 11:00 PM, according to a second letter he wrote to the SENTINEL two months later. They were found the next morning (December 23, 1987) by the SENTINEL staff. "Bill" said he kept the negatives.

Early that same morning (Dec. 23) Ed Walters saw three UFOs in back of his house and he managed to photograph them before they zipped away. This was about 12 hours after "Bill's" photo. (See photo 18 in TGBS). Ed took this photo to the SENTINEL and admitted he had taken it. (This was the first photo he admitted taking.) The next issue of the SENTINEL presented one of "Bill's" photos (showing two UFOs) and letter along with Ed's photo (showing 3 UFOs) for comparison.

Ed reproduced this photo by "Bill" (photo 40 in TGBS) in the book.

In early December (weeks before the "Bill" photo) "Jane" sent to the SENTINEL two photos taken with a 35 mm camera. In a letter she said the photos were taken in June, 1986 near Shoreline Park in Gulf Breeze. One of the prints was published in the SENTINEL on Dec. 3. This photo was published in TGBS (photo 39) for comparison with the other photos. Three months later(March 1988) she called Ed and told him how the sighting occurred, but said she was afraid of reprisals from her family and church if she went public. She did not give her real name.

Ignoring what is stated in the letters we know the following: the photos provided by "Bill" probably were taken with a 110 format camera, as he said. The prints are quite grainy, consistent with 110 format film blown up to a standard 4x5 print size. The small camera he provided with the film uses the 110 film cassette as part of the camera body (the "camera" is just a tiny lens and a shutter). The "Jane" prints, on the other hand, are not grainy but rather are consistent with 35 mm format camera quality.

Ed has been accused of using the old Polaroid camera to create double exposure fake photos. (This is fully described in UFOS ARE REAL, HERE'S THE PROOF by Ed Walters and Bruce Maccabee, Avon, 1997, where I present evidence that contradicts the double exposure explanation.) However, if we assume that Ed faked these "Bill" and "Jane" photos, then we could deduce from this assumption, as Barbara does (see below), that he was capable of faking any number of 110 format and 35 mm format photos as well as the Polaroid photos. But this raises a question: if he was able to fake using a 110 format or 35 mm format camera, why didn't he produce even more such fakes? They would have been much more convincing than the Polaroid pictures he produced since, with the old Polaroid it was very easy to create double exposures, but it would not be so easy to fake 110 and 35 mm camera photos.

.....

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

(original version is Copyright 1997 Barbara Becker)

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NOTE TO READER: In the first version of my response to Ms. Becker I reproduced what she had written for the convenience of the reader. However, she has requested that I cease and desist from copying her material. Hence in what follows you will find brief summaries or paraphrases of what she wrote. For her complete paper please look elsewhere.

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SUMMARY of what she wrote in the first paragraph:

Barbara says she will present a brief history of the sightings and suggests that the complete account can be found in TGBS.

To which I made the following...

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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 was POSSIBLE FOR OTHERS TO PHOTOGRAPH THEM. This applies in particular to "Believer Bill".

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SUMMARY(Barbara continues with her brief summary of the sightings:)

Ed's first sighting was on Nov. 11, 1987 from the front of his home in Gulf Breeze. He saw the strange object moving by and got his Polaroid Colorpak camera. Over a period of several minutes he took 4 photos, then got more film and took a fifth photo. He showed them to his wife Frances and they wondered about what to do with them. Finally a week later Ed decided to take them to the local weekly newspaper published by an acquaintance, Duane Cook. He also presented Cook with a letter written by "Mr. X". These were published in the SENTINEL on Nov. 19. Ed continued to take photos of UFOs until 1 May 1988. "It is impossible" to determine the number of photos Ed actually took, although 38 are published in the book. Also published in the book are two from "allegedly undisclosed sources." Barbara's paper focuses on the legal ramifications of the publication of these two photos from "undisclosed sources."

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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).

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SUMMARY (She continues:)

An anonymous person, subsequently called "Jane", sent to the SENTINEL in early December two photos which were the first to apparently corroborate Ed's photos. Then on December 23 the SENTINEL staff found in their mail slot a set of 9 photos, a 110 format "minicamera" and a letter signed "Believer Bill." One of Bill's photos and one of Jane's photos was published in TGBS. Barbara asks, "What do they have to do with Ed Walter other than the prove his story?" She answers the question by stating that the "dispute his story."

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COMMENT:

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

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SUMMARY(She continues)

In early January, 1988 a family friend named Tommy Smith, "came forward" to claim that he had worked with Ed Walters on a "UFO prank." According to Tommy, Ed had asked him to take some fake photos to the SENTINEL and claim that he had taken them during a UFO sighting. However, Tommy refused. Subsequently Tommy claimed that the "Bill" and "Jane" photos were faked by Ed and another friend.

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COMMENT:

Barbara seems to have her history wrong here. Tommy Smith did not "come forward" publicly until June, 1990. Furthermore, 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 him (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 although he did repeat the story to the investigators. (There was no investigation of the young man's sighting at the time because Ed would not reveal his name.)

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, Robert M. (who wishes anonymity), who told me and other investigators that Tommy had told him, in late 1987, about exploding firecrackers and then seeing and photographing a UFO.

The only person besides Ed that 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.

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SUMMARY(She continues:)

Barbara points out that when TGBS was published in 1990 it included the statement (see inside front cover):"Copyright 1990 by Ed Walters and Frances Walters. Clippings on the page following page 256 reprinted with permission of PENSACOLA NEWS JOURNAL." Barbara then asks the question, "Why weren't 'Believer Bill' and 'Jane' acknowledged as the Pensacola News Journal had been?" She wonders how Ed could have used these pictures "without permission of the photographers." She wrote to the Morrow company to ask who owned the copyright to those photos. "They replied Ed Walters."

Barbara says the significance of "this admission" (by Morrow) can be understood by referring to Title 17 of the United States Code, Copyright Act of 1976 which says that the copyright belongs to the originator of the work, in this case, the photographer, up to the time that the copyright expires or the copyright is transferred to someone else via a document called a "transfer agreement." According to Barbara the copyright is in effect even if the originator is anonymous or uses a pseudonym and it is not necessary for the work (writing, photo) to be registered with the Library of Congress. "However, registration is a safeguard against infringement." Hence, Barbara concludes, "Bill" and "Jane", whoever they are, own the copyright to the letters and photos submitted to the SENTINEL.

By supplying the photos and letters to the SENTINEL "Bill" and "Jane" were giving the SENTINEL permission to publish them under a "nonexclusive license". Under this license the copyright owner gives permission to use the work (photos, letters) "in a specific way" (e.g., publication in the newspaper) without giving up "any of their own exclusive rights."

Under this "permission" Duane Cook could publish the photos and letters "in the SENTINEL or any derivative work in the same series." The publication of the photos in the SENTINEL actually secured the copyright as part of a "collective work," i.e., the newspaper. However mere possession of the photos and letters did not mean that Duane Cook had the right or authority to give them to someone else (Ed, Morrow) for publication.

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## COMMENT:

It seems that Barbara is making an assumption here. "Bill" an "Jane" didn't include any restrictions on the use of their letters and photos. Barbara assumes they intended to retain the original copyright and were merely giving the SENTINEL the "immediate news" rights and the rights to use in following SENTINEL stories. However, suppose their intent was to give up all rights to the photos and letters? I suspect that most people, "Bill" and "Jane" included, are not as familiar with copyright law as Barbara and hence I suspect that they ASSUMED when they turned the photos over to the SENTINEL anonymously they were completely disassociating themselves and were relinquishing ALL THEIR RIGHTS to the photos. Had they given the photos to the paper with no intent to retain any rights, then Duane could have done anything he wanted to with them, including give them to Ed for publication. Of course, there is no documentation on this one way or another, so the question becomes, can Barbara prove that they gave the SENTINEL permission but intended to retain any and all other rights of publication?

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SUMMARY (She continues:)

Barbara lists two ways in which Ed would legally own the copyright: (a) he could have a transfer agreement from "Bill" and "Jane" or (b) he could be "Bill" and "Jane"(!). To find out exactly who owns the copyright Barbara got the Registration from the Library of Congress for the TGBS (VAU-164-606), which is a public record. Of the two pages in the document she reproduces the following, which is of the form "fill in the blanks:"

Question 1) Title: Gulf Breeze Sightings  
Nature: Photographs

Question 2) Name of Author: Edward Daniel Walters  
Nature of authorship: Photos taken by Edward Daniel Walters

Question 4 Copyright claimant(s): Edward Walters / POB 715 / Gulf Breeze, Fl.

Transfer: N/A

According to the copyright document "If the claimant(s) named here in space 4 (question 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". By giving the answer shown above to question 4, "Transfer: Not Applicable," Ed effectively claimed he was the author of the work since there was no transfer agreement. In other words, from the legal point of view, he claimed to be the photographer who took the Bill and Jane photos.

In early 1997 Barbara wrote to Ed four letters and received 3 replies. The interesting one is dated March 8, 1997. Barbara asked if Ed were the "rightful owner" of the "Bill" and "Jane" photos. Ed responded,

"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."

Thus, says Barbara, "Once again Walters' ownership is confirmed." Ed says he owns the copyright, Morrow says he owns the copyright and Ed's attorney says he owns the copyright. Hence, she writes, "I think it is clear that Ed Walters owns the copyright." The implication is that Ed took the "Bill" and "Jane" pictures and furthermore, "this admission gives credibility to Tommy Smith's claims that Walters took the Bill and Jane photos." She suggests that Tommy Smith's claims should be reevaluated.

COMMENT:

See the above comment about T. Smith. Anyone who wishes a detailed analysis of Tommy Smith's claims can request it from [brumac@compuserve.com](mailto:brumac@compuserve.com).

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SUMMARY (She continues)

The copyright evidence makes it clear that Ed took the "Bill" and "Jane" photographs. He used 2 types of cameras: a "Hot Shot" for Bill (110 format film) and a 35 mm for Jane. This is evidence that he was able to use cameras other than the Polaroid Colorpak and to make double exposures. Besides faking the photos and letters he also faked a telephone call from "Jane" (Page 225 in TGBS). Barbara concludes, "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."

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COMMENT: Barbara is missing a point, here. This discussion about the copyright does not prove Ed created the Bill and Jane photos because there are (at least) three possibilities:

- 1) it is possible that Ed and the lawyers are RIGHT and (gasp!) Barbara is wrong
- 2) it is possible that Ed is innocent of faking the photos but nevertheless is guilty of VIOLATING THE COPYRIGHT LAW because he got BAD ADVICE FROM HIS LAWYER (and the lawyers at Morrow). This wouldn't be the first time that the professionals screwed up in their profession. In this case someone could, presumably sue in the name of "Bill" and "Jane."
- 3) it is possible that Ed owns the copyright for the pictures as they appear in the book but does not actually OWN THE PICTURES. That is, if "Bill" or "Jane" ever show up (and prove who they are) Ed has to give them back to Bill and Jane and then Bill or Jane have perfect right to publish the photos any way they want without violating Ed's copyright.
- 4) It cannot be disproven that "Bill" and "Jane" intended to give away and assumed they were giving away, all rights to the photos and letters when they gave them to the SENTINEL. This is implicitly correct if (1) above is correct.

If one of the above suggestions is correct then Barbara's "logical deductions" that (a) Ed created "Bill" and "Jane" stories and photos, (b) he knew how to fake photos with cameras "other than the Colorpak" and (c) Ed is "capable of an elaborate and sustained deception", are 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.

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ENDING COMMENT:

At the time of this writing, October 7, 1997, the book UFOS ARE REAL, HERE'S THE PROOF (Avon, paperback) has been available for about 8 months. Within that book are technical arguments which show that Ed's 1987-1988 photos were not faked. The book also includes descriptions of sightings in the last ten years which are even more complex in some ways than the earlier sightings, and these newer sightings were photographed with a Model 600 Polaroid or a 35 mm Canon camea and several were also videotaped. The videos are particularly convincing. Several of these videos, including the "beach video" and the "shadow video" are described in the paper ACCELERATION which can be found on the web site of the National Institute for Discovery Science (NIDS) at [www.accessnv.com/nids](http://www.accessnv.com/nids) (click on the "what else" button).

Ed is not the only person who has seen UFOs in Gulf Breeze, as everyone knows (including Barbara). There probably have been several hundred (I haven't kept count) sightings there in the last 10 years. TGBS discusses many of the early sightings. A reasonably complete list up to spring 1991 is in the paper GBWE

(mentioned above). In that paper I list 93 non-Ed sightings between Nov. 11, 1987 and July 30, 1988 and 82 non-Ed sightings between Aug. 1, 1988 and April 1, 1990. Between April 1 1990 and April 19, 1991 (the last date in the paper) there were 67 sightings, many of which were the "red bubba" type. (A "red bubba" sighting generally involved a single, or sometimes several, red lights moving through the sky which would turn white, flash brightly, and then disappear.) Ed was present at many, but not all, of these, as were dozens of other witnesses. Between November 1990 and July 1992 the Gulf Breeze Research Team (MUFON members in the Gulf Breeze/Pensacola area) logged about 170 sightings of red bubba or rings of light. (During a ring sighting the witnesses saw a circular or elliptical ring of discrete white or red lights. Sometimes a dark body or structure moving with the ring would block out the stars. Sometimes there were other lights associated with the ring.) There were also a few daylight craft sightings. Some of the bubba sightings are described in AIGB and in UARHTP.

In UARHTP there are discussions of 93 sightings in the Gulf Breeze area, 25 of which are Ed's, covering the period Nov. 1987 to Nov. 1995. (This includes the Sept. 16, 1991 ring sighting when I was present along with Ed and 30 other people.) Many of these sightings were of the bubba type. In several cases triangulation was accomplished and speeds were determined. In one case (Feb. 7, 1992) a diffraction grating was used to photograph a "bubba" and a road flare for comparison. The spectra were different. This and the speed calculations ruled out balloon-borne flares, the "standard" explanation, for bubba. UARHTP also includes the discussion of numerous daylight photos and videos by Ed as well as some by other people.

Barbara Becker has not discussed the more recent sightings by Ed nor has she discussed the sightings by others (except Bill and Jane, whom she rejects as witnesses). Instead, she has concentrated her effort on disproving the early photos and sightings by Ed. She has spent years trying to prove Ed faked his photos, as shown by her 1990 "Thoughtful Opinion" paper. Now, finally, her ultimate proof that Ed faked his photos seems to be based not on analysis of the sightings themselves, but on a legal technicality involving the publication of Bill and Jane photos.

This seems like a slender thread, indeed, on which to support her allegations of what must now be considered a massive hoax/conspiracy/cover-up by more than one person.

Or, would she rather have us believe that Ed's early photos were fakes, but the more recent (post 1988) photos (such as the January 8, 1990 photos taken in the presence of other witnesses who saw the UFO and saw Ed photograph it) are real?

Conventional skeptical wisdom would say you can't have it both ways. Either Ed faked them all or he faked none.

In an early response to the original version of this paper (most of what you have just read) Barbara complained that "All of your commentary on the (her) paper is 'old hat'. You have said the same things before in many places. Why don't you address the new issues I have raised?"

I think I have addressed the issues.

What do you think?

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