

December 26, 1967

Dear David,

Many thanks for your memorandum on the speed of Zapruder's camera. It is closely reasoned. I believe you are correct as to the central fact: that camera ran at 18.3 frames per second, its factory-set "run" speed. For this you have the tests made by the FBI and the speed check by the manufacturer, Dell and Howell after the camera had been returned to it. It follows that deductions made by the FBI on the basis of Zapruder's film about the speed and locations of President Kennedy's limousine are valid if calculated correctly. And it follows further Weisberg was in gross error in attempting to invalidate those calculations on the basis of an ambiguous phrase in the Dec. 4, 1963 report of FBI Agent Barrett citing Zapruder as the source of information his camera ran at "normal speed or 24 frames per second."

What is not convincing in your memorandum is the theory you develop to explain Barrett's erroneous description of Zapruder's camera speed. It lacks the force of the conclusion of a Euclidean theorem; it does not rise above the level of probability. The root difficulty is the lack of solid fact and the resort to speculative improbability to construct a logical explanation.

Everything in your explanation hinges on an assumption of confusion by Agent Barrett of the camera and film speeds of Zapruder's equipment. But inasmuch as the film speed was, as you note, 25 not 24 as Barrett put it, you make a further assumption: Barrett, who presumably didn't know the difference between camera and film

speeds and mistook the latter for the former, reduced the speed he was mistaking for the camera speed from 25, its true designation, to a non-existent 24 in order to make it conform to "a commonly used camera speed." On the basis of what data is that assumption made? Am I correct in assuming you cite none because you have none? A probability which rest on another probability, neither of which has a factual basis, cannot be considered seriously as proof.

To lay a groundwork for acceptance of this implausible schema, you cite the Dec 2, 1963 report of FBI Agent Abernathy on his interview with assassination amateur photographer Orville Nix, in which Abernathy mistakenly gave the speed of the latter's camera as 40 frames per second, a manifest impossibility you note because the camera, a Keystone Model K 810, has only one speed - 16 frames per second. That fact taken in conjunction with the fact the film reportedly used by Nix in photographing the assassination has the documented "speed" of 40, makes the likelihood Abernathy originally confused camera and film speeds almost a certainty. Had he been a Commission witness and been questioned about the matter he might have clarified it.

Certainly two FBI agents making mistakes in the camera speeds of these two assassination photographers calls for explanation. Was it coincidence stemming from ignorance on the part of both agents about photographic matters as you suggest? What do we know about what they knew about such things? In the absence of indicative, let alone persuasive, data how can we attempt an explanation at all? What basis do we have for assuming that these agents, interviewing two unconnected individuals two days apart, made the

same error in each instance? Is it really your thought that Abernathy's confusion of Nix's camera and film speeds proves, indicates, or makes it probable or likely Barrett confused Zapruder's camera and film speeds? It is possible, of course. But in the absence of persuasive evidence it is a gratuitous assumption the more easily rebutted in polemical confrontation because of its need to posit an additional and arbitrary inaccuracy on the part of Barrett in the matter of Zapruder's film speed. It could not sustain scrutiny in adversary proceedings in a court of law.

A like methodological error of imposing a speculative solution on a body of fact was committed by philosophy professor Thompson in his Six Seconds In Dallas. After demonstrating the great unlikelihood of fairy-tale bullet CE 399 having been found on the stretchers of President Kennedy or Governor Connally in Parkland Hospital, and having adduced relevant, if not convincing, data to suggest it was found on the stretcher of a third patient, thereby increasing the probability it was planted, Thompson speculates this may have been done without evil intent by someone who meant to keep it as a souvenir but who got rid of it conveniently in order not to become involved with officialdom. To increase the probability of this possible but far-fetched idea Thompson cites the well-known American habit of collecting souvenirs and the specific instance of an individual in Parkland Hospital who asked for President Kennedy's undershirt as a souvenir.

Perhaps Thompson's indulgence in unnecessary speculation with its ludicrously anticlimactic denouement is the dialectical obverse

of his "microstudy" of trajectories, films, and other physical data. As a philosopher, it is obvious and to his credit, he does not confine himself to an ivory tower. He projects himself into the world of reality and the affairs of men. And he teaches. If a primary aim of education, however, is development of the ability to think, one wonders what his students learn under his egis about the relation of theory to practice. Thompson's flight into fancy, unlike that of Bullet CE 399, may have been self-motivated. He may have been reluctant or afraid to face the conclusions of his own and others researches. Having opened a peephole through which to see officials planting evidence, he hastens to blot out the unwelcome sight. Having labored elaborately with scientifically precise chart, table, graph, and sketch to establish the presence and activity of three gunmen in Dealey Plaza on Nov. 22, 1963, he concludes his book with reassurance to the establishment his "collection of new evidence...does not prove that the assassination was a conspiracy..." The established educator, consultant to Life, and author is willing to acquire fame and money with a "new approach" to the assassination, but is careful, like Robert Kennedy among others, not to challenge the establishment directly and head on. In the school in which I learned how to think about political life and the role of men in it Thompson's performance would be recognizable immediately as opportunism. But he is, after all, only a minor offender.

Greater Willains than Thompson with regard to impermissible speculation from insufficient fact are to be found among the defenders of the government's policy on the assassination.

Two names will always come to mind in this connection. One is Dwight Mac Donald, film and literary critic, Esquire pundit, now a semi-repentant anti-war dissenter, who belabored the Warren Commission with a windy cudgel only to conclude it had delivered the truth despite itself. Noting, on television, a "cocky smirk" on Oswald's face before Ruby wiped it off, Mac Donald unraveled the former's personality and found it consonant with the "hard evidence" proving Oswald guilty. What was he paid for his villainous piece? And there is Manchester whose contributions to world culture include the phantasmagoric psychiatric biography of Oswald at the incredible rate of more than \$10 a word.

The arch-villain with respect to the matter I am expounding, however, is the Warren Commission. In the violence it did to reason it surpassed all its champions. Leaving aside the mountain of evidence convicting it of misfeasance, malfeasance, and nonfeasance, all of which, be it remarked, does not exhaust the bill of indictment against it, and confining our attention to a single point, we have the extraordinary spectacle of a prestigious body of carefully selected, politically sophisticated men, long experienced in business, finance, the law, international affairs, and the legislative, executive, and judicial branches of local, state, and federal government, asking the world to believe the connected murders of President Kennedy and Lee Harvey Oswald were done 48 hours apart while each victim was under elaborate professional guard, by two individuals unknown to each other, and each a self-motivated solo assassin.

It is not impossible. But its improbability is vast. To give it the semblance of plausibility the Commission had need of a

formidable body of incontrovertible proof. In the circumstances which gave the Commission life and dictated the course and outcome of its labors this was an impossible task. All the Commission could say, at bottom, was it had not found evidence of conspiratorial connection between Oswald and Ruby, and between either of them and any third person; and also, that, in general, it was impossible to prove a negative, an idea false on the face of it. Therby the Commission put itself in the absurd position of "proving" a "positive" - two connected murders by two unrelated solo murderers by an unproved and unprovable "negative" - no evidence of conspiracy. Some of the difficulties the Commission encountered in its futile effort to rationalize the assassination came to light after publication of its unanimous Report in the fall of 1964, attesting division among the Commissioners over vital aspects of its findings, which they resolved on the basis of neither logic nor speculation but exigent political necessity.

Crucial in this regard is Senator Russell's cynical public avowal he never believed in the theory of a single assassin of President Kennedy but bowed to the pressure of Earl Warren and was not permitted even a footnote in the Report to indicate his dissent, all of which incidentally, casts in a pitiable <sup>no prospective</sup> light Murray Kempton's New Republic pontification (was it in 1964 or 1965?) the Warren Commission had succeeded in writing a prosecution brief elevating the possible to the probable. Critics of the Commission, on the other hand, have demonstrated the spurious nature of its case. The government's attempt to impose its own logical explanation on ambiguous and recalcitrant evidence has failed.

"...foul deeds will rise, Though all the earth o'erwhelm the, to men's eyes, "cries Hamlet on learning his father's spirit is "in arms" on the battlements of Elsinore. That Kennedy was the victim of a conspiracy, let us remind philosopher-professor Thompson, is now widely regarded as a fact even in the absence of the micro identification of the assassins. It is a triumph of political instinct and truth over the establishment and, more specifically, over the policy of the Johnson Administration.

Notwithstanding everything I have written, the possibility exists your explanation of Barrett's error may prove to be wholly or largely in accord with truth. Why don't you circulate your memorandum to our friends for their opinions? Possibly they can supply the factual basis for your theory. And they may also clear up the problem of the overfast speed of the film made by the government during its reenactment of the assassination in 1964, about which you speculate as though in passing in your letter accompanying your memorandum, and which I suspect is more significant than the problem of Barrett's error

Sincerely,  
Thomas P. Ryan