

2/8/75

Dear Peter,

Thanks for taking the time. You confirm what I suspected, to the degree you know it. If it was about that particular incident, it was this strange character Lifton. I have a copy of what he sent the Times (not you personally) and it was in 1968.

I am quite proud that even behind my back so few claims of inaccuracy have been made. The date not one to my face and no single complaint of unfairness. With the volume of work I've printed and with the like of Huie in direct confrontation and Foreman fleeing it, not a bad record.

And I'm glad that there was no problem for you, that Jerry got it twisted. That is what bothered me.

I'm glad you included a copy of the story because while I remember it well, with your usual care you had picked up the confirmation I had. I did not single-source.

I was accurate. The FBI was not. Their other inaccuracies precluded a definitive denial to you because it would have made a controversy about the other errors.

And in all of this nobody asked how the FBI could have been so wrong, or was this a way to run an investigation, with so many unasked and unanswered questions.

This has gotten me to thinking. I read the mail when it came after midday and the recollections are on my mind. I want to record them because I do not keep a journal and some of it is topical today. It will also be a way of saying that while I am taken to be one who overstates, the contrary is generally true. Those knowing less about the data are not always in a good position to evaluate.

I remember not only the story but the circumstances surrounding it. I did not tell this in the next book, which recounts in xeroxes of the official documents the sudden rush to get that camera back into official hands and in the Archives, whence none could get it save by suit. However, when it was relevant to nothing the same government that seized Ruth Paine's camera refused to return it to her.

There was a Minority Report show on Channel 5, later syndicated, to which all the Commission members and most of the lawyers had been asked. All declined. But the show had much impact and was syndicated. Prior to the syndication the staff asked for and was given a Majority Report show. Fairness doctrine notion.

I learned about it, knew of the rejected invitations, and wrote WNEW-TV that when reciprocal courtesies were extended, as the senior member of the minority I would accept.

They called me up laughing and said if I really wanted to face a gang-up I was on. Same ground rules, preliminary discussion to agree the night of December 5, taping the next night. I broke off a pleasant evening with Giangiacomo Feltrinelli and Ruggiere Orlando and went to the station to find myself alone. The Commission staff refused to debate me in a gang-up.

But I'd unexpected this to happen. So, I arranged two things: not to release the book prior to the taping so I'd not blow what I had, of which this FBI report and the pictures were not in my view the most significant; and to give the break to a friend who had been kinder to me than any other communicator, Jack McKinney, then of WCAU, Philadelphia. His show was aired the night before your story appeared. And I did it.

But at the time the government decided that it just had to get that camera in its hands the book was not out. The printer had it and prior to that there had been only four xerox copies. I know where they went. I did not send one to J. Edgar Hoover. However, before the printer had copy Hoover undertook to respond to charges I'd not yet made. I never could get a copy of his release from the FBI, but the Times printed it verbatim.

The timing of the rush to get the camera is in these documents in Photographic Whitewash. You will see there that blank receipts were signed for it and it was hand-carried. They just did get it into official hands before the book was out. Just.

Hoover knew in advance the content of that book. I can't believe that Harrison Salisbury, like Conroy, Bell or Channel 5 gave him a copy. It is easier to believe that there was fooling with the mail. The copies I sent my London agent had these problems. What I sent first class never did reach him. What I sent insured never failed. I have communications with him on this. Pretty much the same cost me British publication of the first book, also established by dated communications from him and a publisher.

There was a fair amount of this. Twice with two German publishers.

The late Saint Edgar was pretty uptight about it. I did not then know that the CIA was curious enough to take its own steps. I learned this the next years, as I now recall. I have records of the entire business.

So, if I can't be certain about the source, I am of the fact, that Hoover knew the content of the new book and undertook to answer it while it was unpublished and when it was in publisher hands; and that the rush to get the camera was so great, the procedures so unorthodox, they had to know their deadline, which I'd not announced.

Your story reports part of this rush. The next book published all the records I could get.

The inference of surveillance and interference is not, I think, unreasonable. In other cases I know it is fact.

It was impossible to do more checking than I did, in part because the government had gotten rid of the camera. In the next book you'll find one particular picture with the same history only with that they had to get it back several times. It has never been published. I could not locate a duplicate of the camera. Finally I did, after much more than a year. I did check with my camera shop. The FBI would not even give me a published press release. Hoover never answered me on anything. What I wrote was accurate. The reenactment by the FBI was a third less in time than the time attributed to the crime. The FBI knew the Zapruder film had been cut and frames removed. It was silent about it, before I brought it to light and afterward. Liebeler at least on the Commission staff knew it and he, too, was silent. I have since learned of other and vital excisions.

Understand these are in the original, after it left Dallas.

The man is dead and it now makes no difference, but Zapruder lied to you. He gave me an accurate account of those things of which he'd talk, like the number of showings he had for agents and when they brought people in to see the copy he had, one of the original Dallas, dupes. (Copies appeared to have been pirated in the original processing.) Where he wouldn't talk is about money, how much he got. It was more than the official story of \$25,000, which he gave away. He would not say how much and he would not produce his contract and Life had already confirmed to me that it was enormously more. He would not let me tape the interview and I didn't sneak a tape but I made notes immediately.

You correctly understand my intention, to present the evidence I can and to let people do their own thinking. I know of nobody who has ever presented as much in facsimile. I would do more if it were possible. I mean financially possible. I have the stuff in hand and it is irrefutable. Especially what the Commission did not have.

Perfection is not a state of man. On fact I do strive for it. My books are rough drafts because there is too much I feel won't get done unless I do it, so I press on to other matters. I never avoid confrontation on fact and in recent years I have been doing my best to arrange it. You should have seen this in Whitewash IV, where I dared charges of perjury against me. Not, I add, for the first time. In confidence until it happens I now tell you of the next. It is less than two weeks away.

In Civil Action 2301-70 I sued for the spectrographic analyses. In what is not perjury only if it is all semantics, the government deceived Sirica, who was willing enough to be deceived. This case went to the Supreme Court and is one of four cited in the Senate debates on amending the law (5/30.74) as requiring change in that exemption. The Senate is specific: it is overriding that decision.

As soon as I got the more immediate of the Ray work off my back I started exhausting my administrative remedies all over again. They have been stonewalling. If we do not have ~~the money to pay the amended law becomes effective, that day I will file a new suit. If I can find the money I'll have a press conference and copies of all the papers I'll be~~ what I seek the day the amended law becomes effective, that day I will file a new suit. If I can find the money I'll have a press conference and copies of all the papers I'll be

giving the court. Lesar is doing his preparatory work now and I've drafted for him a lengthy affidavit to be attached. Attached to the affidavit will be documents, proofs.

The government will have and now has what I regard as serious problems. If they give me what I ask for they admit deliberate fraud in the Warren Report and on the basis of all the records outside the FBI (those I've not seen) deception of the Commission. The whole thing will come apart.

If they give me what seems to support the official mythology, I have in my possession more than enough to prove they have contrived another fake. And if they refuse they fly into the face of the Congress, which was explicit on this particular suit.

Meanwhile, I'm going to dump a load of solid proof on them in the court record and they'll have a difficult time pulling more false swearing.

The FBI always knew I never made a false claim or charge and probably knew I had the proof. Now the lawyers know it. This is the only one of ~~the~~ four I've lost. Where I've seemed to lose it is because they gave me what I wanted. I did get a summary judgment once.

They have power and I don't. But what are they now going to do?

Mo Waldron has his answer: they'll take care of me.

I don't expect it. But he saw what I've done in the Ray case. It includes proving that the FBI agent who swore in both cases swore falsely in the Ray case. He did not appear to defend himself and the State did not even consider trying to rebut. It had neither him nor another rebuttal witness and did not cross our witness on this point.

I'm building a hell of a record in court, Peter. The papers are not reporting it, but it is there, subject to challenge and without any challenge.

Despite all our considerable handicaps we did much in the Ray evidentiary hearing. We made each of the State's rebuttal witness our own. Kidnapped them, each and every one, and each and every one was a ~~surpr~~ surprise witness. (The state finally gave us a fake list, not one of whom it called on rebuttal.) It got so rough on the State they took a recess to deliberate their course. I had hardly gotten into the corridor and lit up when that bear arm of Martin's was hugging me and asking, "Harold, you old bastard, don't you know what overkill is?"

In the end you will find it this way with my JFK work.

I'm getting tired and I'm weary of being broke, so I hope it is soon!

When I met with you and Gene Roberts there was another man. He sat opposite you, I think was shorter and chunky, with gray hair and I think an accent. And wasn't Corry on the crew, too? I didn't meet him but I heard he was. If Gene is the one who was at the Archives. Without a Seeing-eye dog he did not distinguish himself.

I've wandered again to inform you. If the papers - and it will be for the first time - pay any attention to this new suit it might be the end of a national travail and it will be the end of the gruesome fiction. The first case went to the Supreme Court without a single news story. And without testimony from a single witness, either. This time I'm starting to make the record before the beginning.

Best wishes,

Harold Weisberg

The New York Times

TIMES SQUARE NEW YORK N Y 10036

February 6, 1975

Dear Harold:

Somehow something has gone haywire via Jerry Policoff, and I'm sorry that you seem to have gotten distressed about some idea that somebody around here criticized me for using some of your material. That never happened. I don't remember what it was that Jerry and I might have discussed, but based on your letter, it might have been the story on the FBI report that the Zapruder camera was set to operate at 24 frames a second instead of 18.3 frames.

What I would have said to Jerry or to anyone was that you have been meticulous in reproducing the material you have found, so that anybody could make his own interpretations as well as have the benefit of your interpretations. This is greatly to your credit. You know I don't agree with a lot of your interpretations--but you have presented the basis of your views from the original data. You did that with the FBI report; I thought it was certainly a new finding; I went out to see what explanation there could be; the FBI report was then countered by what I got from Bell & Howell. And the result was the story you undoubtedly saw at the time. But nobody ever objected to its being run--and I still think offering all the facts we could on all sides was a contribution.

You have some suspicion about a David Lifton. I'm afraid my memory is dimming a great deal on everything. I have a strong feeling I should remember that name, but offhand I don't. It doesn't show up in our morgue file or in the computer infobank since the start of 1969--which doesn't mean that we might have used something about him some day, because the morgue is not what it used to be. But there was no "editorial wrath" against me on that story or others--the editors didn't want to use our round-up report, but the contention was that anything we had found that was news we had already thrown into the paper, as in the case of your FBI report. Anyway, don't do any worrying.

With respect to the Belin story, I gave the material to the national desk, which was planning a profile that never seems to have gotten used. There was a thought to using both the criticism and his defense as part of such a biographical story. Maybe some day there will be a news peg and it will show up. It was to be handled by the Washington bureau. On your happiness about Max Frankel, I'm sorry--Max is a very fine man as well as reporter. He was not involved in the Times study of 1966 in which Gene Roberts and I had the headaches.

With best wishes,

Sincerely yours,

Peter Kihss
Peter Kihss

Critic of Warren Commission Disputes Film Timing of Assassination Shots

By PETER KIHSS

A critic of the Warren Commission contended yesterday that a key timing for the assassination of President Kennedy should have been reckoned at 3.5 seconds instead of 5. The contention evoked new, although mainly private, rebuttals.

The critic, Harold Weisberg, argued that this shorter time would imply a second assassin to account for Oswald's firing an earlier shot. The period at issue is the time in which the commission held President Kennedy and Gov. John B. Connally Jr. of Texas, who both most probably wounded by Lee Harvey Oswald as a lone assassin.

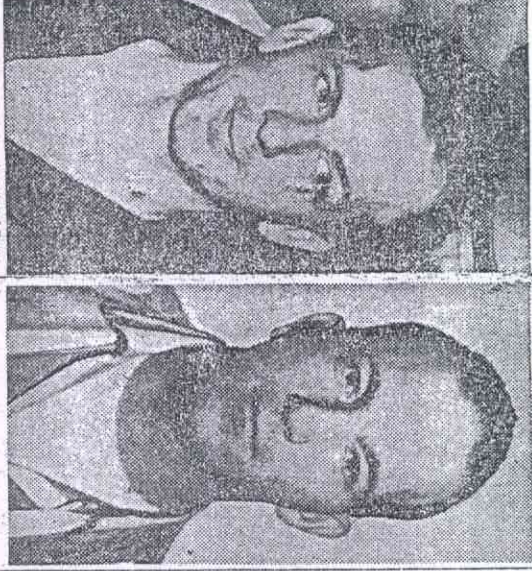
Oswald's rifle required 2.3 seconds between shots — three could be fired in 4.6 seconds. The commission held that there was "very persuasive evidence" that two bullets inflicted all the wounds, with one hitting both the President and Governor despite an apparent half-second difference in their reactions. A counterview to Mr. Weisberg's could be that expedited timing would help explain such a reaction difference.

Mr. Weisberg offered his timing interpretation in his second book on the case, "Whitewash II," which he published privately yesterday, and in an interview.

The book introduced a Federal Bureau of Investigation report of an interview with Abraham Zapruder that said Mr. Zapruder's movie camera, which took films of the assassination, had been set to operate at 24 frames a second. This would be 30 per cent faster than the rate the F.B.I. later used in its analysis—18.3 frames a second.

Mr. Weisberg also cited F.B.I. testimony, included in supplemental volumes of the Warren report, that a filmed re-contact between the President and Governor took only 3.5 seconds. Private rebuttals in official quarters held yesterday that this was a misreading of the film. Mr. Weisberg said that he had been explaining to the commission in a five-second time derived from the original Zapruder film.

Meanwhile, the Bell & Howell Company announced in Chicago yesterday that it had given the camera, which it had got from Mr. Zapruder for his own historical collection, to the National Archives, and that a United States marshal picked it up yesterday morning. Peter G. Peter-



A man thought to have been Lee Harvey Oswald, at left, was photographed in a doorway during President Kennedy's assassination. Billy Nolan Lovelady, right, testified he was that person. A new book contradicts his testimony.

Weisberg's new book, that he believed he had never been interviewed by an F.B.I. man. "I sent that camera down to Washington twice to be checked," Mr. Zapruder said, "and it was set at 18-something, 18.3 or 18.6 frames a second. I don't remember ever saying it was 24."

The F.B.I. document cited by Mr. Weisberg was taken from the National Archives. It was numbered file DL 89-44, dated Dec. 4, 1963, and credited to Agent Robert M. Barrett. Mr. Weisberg is a 63-year-old Hyattstown, Md., writer. He says he was a staff member of a Senate civil liberties investigating committee from 1936 to 1940 and an analyst in the Office of Strategic Services in World War II. He ran a poultry farm from 1943 to 1964.

He initially printed his first book, "Whitewash," privately by offset for 22,500 copies. This week it was issued in a 95-cent indexed edition by the Dial Publishing Company. Mr. Weisberg says his inquiries have put him into debt, but he hopes to publish a collection of exhibits from the Archives next February.

In his new book, Mr. Weisberg also published from the Archives two of the three photographs taken by the F.B.I. of Billy Nolan Lovelady, which had been left out of the report and 26 supplemental volumes by the Warren Commission. The Warren report had noted that Mr. Lovelady, supported by two other men, testified he was the person resembling Oswald who was photographed in a doorway during the assassination. Mr. Weisberg contended that "the man in the picture cannot have been Lovelady."

between Frames 166 and 210. The commission said the first shot that hit the President struck him at the back of the base of the neck.

The Warren commission also said that "for a fleeting instant, the President came back into view in the telescopic lens at Frame 186 as he appeared in an opening among the leaves." Mr. Weisberg's book notes that Mr. Zapruder's clear film became blurred at Frame 190 and for several frames thereafter, and suggested the amateur photographer had come under stress after seeing the President wounded.

In Dallas, Mr. Zapruder said a "certain amount of fuzziness" was inevitable with the telephoto position he was using. "Possibly I could have jugged the camera when the President was hit," he said, "but I was panicking when it happened, and this would make it a little unclear."

He noted the film has "a continuous motion," instead of any stoppage.