

Dear Jim,

7/17/68

During my morning therapy I thought about your idea and agree that it would be better to file the Zapruder suit not under FOIA and with FOIA incidental to it. I also had a few other ideas.

I believe our thinking should go back to the suit before Gesell in which, not that we expected to prevail on that issue, we asked for a temporary restraining order. That was then the right thing to do and it was helpful in the ultimate outcome.

In fact the Zapruders have commercialized this great tragedy while LHM alleges others have that in mind. Their copyright has been misused to suppress quintessential evidence in a great tragedy, the crime of the century.

We must also allege and then prove that this suppression, from the outset, had an enormous effect on what the nation and the world could know and believe about a crime that turned the world around, and disenchanted so many of our young people. We can prove these things and more and this time there is a reasonable prospect of some attention to the suit. Such allegations in the complaint can help attract the attention the issue and the merits deserve. It also is possible that having opened the matter the Houston Chronicle may have more than the usual interest.

With Life's exclusive it made on the few frames it selected available to anyone, and to the best of my knowledge limited this to wealthy corporations. When I forced attention to the missing frames of the original back in about 1966 Life stated that it was making copies of them available through AP. I was unable to get copies from AP of those frames although it did sell me copies of other pictures, including the original of the Altgens third picture. I had some ^{one} go to their offices in New York, World Wide Pictures is that AP subsidiary, and they would not even let him look at those frames, rather prints, allegedly made available by Life.

In 1966 I brought to light what utterly destroys the official account of the explanation and what is indispensable in it and this litigation can get it the attention my use of it in Whitewash II did not get. Most basic in the official explanation is that the first shot was fired by Oswald at Frame 210. The Zapruder film proves this is not true. The official account is that before that frame it was not possible for Oswald to shoot the President because of the dense foliage of the live oak tree, which prevented it. If, in the official explanation, there had been a shot before Frame 210, it could not have been fired by Oswald or anyone else in the window. The Commission and its supporters all agreed that Phil Willis took his picture used by the Commission at the instant that shot was fired. Willis also so testified.

However, my examination first of the slide published by the Commission and then of the slide itself at the Archives made it clear that Willis had, in fact, taken that picture before Frame 202, or when it was not possible for the shot to have been fired from that window. Willis is seen in the marginal part of ~~that~~ the film, what is not seen on projection and is not duplicated in copying, stepping off the curb where he had been standing when he took the picture and he is seen moving the camera down from his eye while he steps into the street to take the next picture to which he testified and which the Commission published. On this basis alone the official story is disproved. But there is more on which my recollection may not be entirely clear. I remember that I went into this and that it involves the straight-line relationship between the Zapruder and Willis pictures and I think the position of Secret Service Agent Clint Hill. I am not now clear on whether the Betzner picture similar to Willis' duplicate the situation entirely. And, if you agree, there is much more we can add to this, including such things as the ignored evidence about the first shot and the shirt collar, etc. Or, we address the national and public need for free access and the denial of the right to own and suppress history by Zapruder.

I did use the unclear prints made from the published frames in the 26 volumes on TV from coast-to-coast without complaint by Life or Zapruder.

Another such illustration is used by Chip re Connally's wrist and I can add to what he used what the Commission knew and suppressed on instant reaction to a shot from his wounds. That Chip uses that frame that way is not commercialization but scholarship to which the nation and history are entitled.

I would only a few such illustrations but if you desire more, then we can use the photographic representation of where two of the policemen were, two not used as witnesses by the Commission and ignored by the FBI until scandal later compelled Director Kelley^{or} to interview one of them. I have his memorandum prepared in his own handwriting the night of the investigation in his disappointment over not having been questioned by the police or the FBI. It is emotional and it also destroys the official account. (I gave this to Nigel Turner and he has film he thinks is exceptionally good and important.) The Zapruder film is essential in establishing his position and his ability to state what he states. This also is true of Chaney and I have what he said that was taped and then used in a record Gordon McClendon gave me. He saw JFK shot in the face. His other cop, I think his name was Freeman, saw Connally hit by a separate, second shot. So, positioning him is also essential and that requires access to the Zapruder film, for me the original for clarity.

Later. This is an appropriate means and an appropriate time for using this and similar information in court and to hope that it gets attention and to do what is not improper to get it attention. I think the sooner the better, particularly because the irresponsible TV and other efforts are getting considerable attention and, as time goes on, will get more attention. Some are quite irresponsible, deceptive and misleading. They amount to disinformation, too.

It also is important to be able to position other witnesses who are in the film, like the agents in the followup car who said what is opposite the official story.

I'll be in further touch with Jerry Urban on this when I can, in confidence.

I've tired. I may write further about this later.

Best,

H. K. 100