

MAY 18, 1992

Dear Harold,

I am sure you have most of the clippings by now. You might have the "Directors Guild of America magazine". The anti Stone article was written by Mel Stuart who was a documentary maker with David Wolfe. I worked with Stuart on a TV Series "Believe It or Not". He was a terrible person to work with but very sharp and knows film and research. He and his secretary had been present at the Robt. Kennedy assassination - They both told me there was no conspiracy in either ~~the~~ incident. But,  
Paul

# Casting the First Stone...

## Conspiracy Controversy Continues

### Counterfeit History

There is no question that Oliver Stone is a remarkably gifted director and it may be that the furor over his film *JFK* will finally force various government files regarding the assassination of Kennedy to be opened. This is a positive achievement. It will clear the air, even though it may not provide any definitive answers to the questions that have plagued us for almost 30 years.

But despite the good that may come of his film, one can have serious reservations about the means by which Mr. Stone has achieved his ends. Does a filmmaker have a moral right, (obviously he has a legal one) to use distortion, deception and fabrication to present what must finally be judged as a highly personal, not to say eccentric interpretation of what may be the central tragedy of recent American history? As a result, this highly publicized and widely distributed film is filled with spurious, or at best unproven allegations which will unfortunately become the definitive record of the assassination for a generation of moviegoers around the world.

For anyone moderately familiar with the details of the Kennedy assassination, sitting through *JFK* is an excruciating experience. Since only a minuscule portion of the population has ever read through the Warren Commission Report, or examined other interpretations of the events surrounding November 22, 1963, the director has an audience of innocents to address. Unlike Mr. Stone, I don't think people come away from *JFK* believing it's "only a movie." Ever since the film opened I have encountered intelligent, well-informed people who have embraced Mr. Stone's "counter myth" (his term) without reservations. Even those who retain a degree of skepticism still don't realize that from its very opening moments, *JFK* is permeated with sins of omission

and commission, and other sleight of hand as he blends factual footage with recreations and documented observations with hearsay. I don't believe the majority of people watching the film are familiar enough with the details of the events that happened 29 years ago to discern the difference between fact and speculation.

This film is not in the tradition of *Citizen Kane*, where the life of a well-known public figure was transformed into a work of artistic fiction. *JFK*, using the techniques of pseudo-documentary realism, unfortunately has its roots in the less grand tradition of polemic and propaganda that reaches back to the tactics of the Dreyfus trial, through Joseph McCarthy and today's "spin" on Willie Horton. Under the guise of history, it pleads a special personal cause and offers a relentlessly dark vision of American politics and institutions.

It is impossible to list all of the misinterpretations and distortions in *JFK* within the confines of a short article, but it might be of interest to point out a few examples of the inventiveness that goes into making a "counter myth."

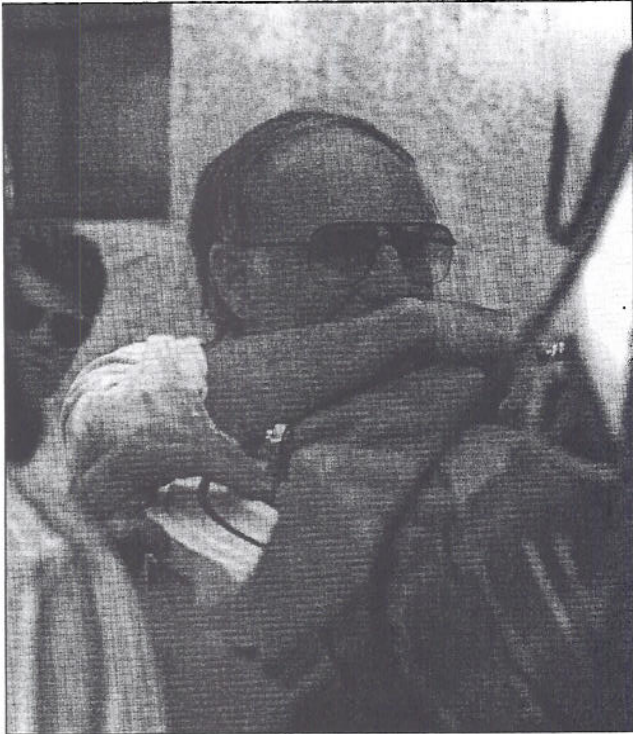
1. Mr. Stone has a member of New Orleans District Attorney Jim Garrison's staff claim that the famous still of Lee Harvey Oswald (holding a rifle similar to the one found in the book depository) was probably a fake photo because shadows cast by the sun are not evident in it. Then he creates a retouched photo of actor



*The retouched photo of actor Gary Oldman portraying Lee Harvey Oswald, as seen in JFK.*

## DGA FORUM

Gary Oldman (who plays Oswald in his film), as "proof" of his conclusion. But the original still of Oswald shown in the Warren Commission Report has all the required shadows. Certain publications retouched the picture to make it look clearer, but that is acknowledged by the Warren Commission. There is no evi-



Mel Stuart

dence or proof of tampering with the original. In fact, there is another pose of Oswald with his rifle and gun on the original roll of film taken by his wife, Marina, in May 1963, the authenticity of which has not been disputed, and which no one claims has been retouched. It is not mentioned in *JFK* — possibly because it reinforces the Warren Commission conclusions.

2. Mr. Stone dramatizes a scene in which he speculates that a Dallas detective led Jack Ruby through a "secret" door so that he could easily murder Oswald, thereby implicating the Dallas Police in the plot. The fact is that Ruby merely walked down an unguarded ramp to the underground garage where he shot Oswald. This was further borne out in two subsequent lie detector tests given to Ruby. There is not one shred of evidence that anyone on the Dallas Police helped him.

3. As a key point, Mr. Stone

states that Oswald could not possibly leave his perch on the sixth floor of the book depository, put his rifle behind some boxes, and run down four flights of stairs to the second floor lunchroom where he was seen by a witness, just 90 seconds later. This calculation is crucial in discrediting the belief that Oswald

was the assassin. When preparing the film *Ruby and Oswald*, which I directed, I followed Oswald's path precisely as described by Mr. Stone and ran down to the second floor room in 75 seconds, as did several Secret Service men when they reenacted Oswald's actions for the Warren Commission. Incidentally, for reasons known only to Mr. Stone, the narration states that Oswald ran down five flights

of stairs instead of four.

4. Six employees of *The Dallas Morning News* testified under oath that Jack Ruby was at the newspaper office between 11:15 a.m. and 1:00 p.m. on November 22, preparing an ad for his Carousel club. There is a copy of the ad with his signature. But that doesn't help the conspiracy theory. So, in *JFK*, Mr. Stone chooses to dramatize a scene showing Ruby in a pickup truck around noon in Dealy Plaza close to the book depository. This scene is based on the account of a woman who "thinks" she saw someone who looked like Ruby in a pickup truck at that time.

5. This list could be expanded for pages, but perhaps one moment in *JFK* can stand for all the rest. The most basic record we have of the assassination is the famous Zapruder film. All theories about the death of President Kennedy must finally circle back to it. Yet, in the climactic moment of the film,

when Mr. Stone tries to justify his speculative conspiracy theories, he has no compunction about using his own reenactment footage along with a few very quick intercuts of archival and Zapruder footage. When you examine the

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sequence carefully, you will find that almost all of the footage in this sequence is Mr. Stone's, not Zapruder's, yet people leave the theatre feeling that they have seen a replay of the Zapruder film. It's a brilliant job of editing, but it's lousy history.

At what point does such methodology turn dramatic license into trash journalism? Someone once said that dramatic license ends when a person can win a successful lawsuit against you. Does anyone believe that this film could have been made if Clay Shaw, Earl Warren, Lyndon Johnson or even David Ferrie were alive today?

Mr. Stone rails at what he considers a web of lies about the assassination and yet he has no compunction in using tactics just as insidious as the ones he denounces. He has become "them." Was there a plot? Mr. Stone has every right to believe there was one, but any intelligent case he might have made is undermined by his distortions of reality and by the techniques he employs to buttress his unproven conclusions.

Mel Stuart

Producer/Director - *Four Days in November*

Director - *Ruby and Oswald*  
Los Angeles

# Puzzling Evidence



Oliver Stone

Since the release of *JFK*, I have been called a number of unsavory things, but never quite so many at once as in Mel Stuart's piece, "Counterfeit History." In one vindictive burst, Mr. Stuart accuses me of using the tactics of the Dreyfus Trial, Joe McCarthy and the Willie Horton Affair. As for the examples of my "misinterpretations and distortions" which he denounces me for, here are the facts.

1. *The backyard photo.* There are four known distinct prints of "Oswald" posing with his rifle in his Dallas backyard. All four have numerous problems — ranging from their origin to their chain of possession — the inconsistency of the various shadows simply being the best-known and most obvious. Our mock-up of the photo with Gary Oldman in the Oswald pose is identical to the original in virtually every detail, illustrating how easy it is to fake a photo. Despite the Warren Commission's acceptance of the photos as authentic, the 1976-79 House Select Committee on Assassinations found the photos troublesome enough to convene a panel of experts to examine the photos. Although the panel claimed they are authentic, it could not

resolve many nagging doubts. Most recently, the Dallas Police files revealed a similar photo of the Oswald backyard, but with no figure in it, fueling more speculation.

2. *Ruby enters the basement.* The Warren Commission could not prove that Ruby came in via the main ramp — in fact, testimony from several policemen and press people indicated that Ruby almost certainly used another route.

3. *Fleeing the sniper's nest.* While it is theoretically possible for Oswald to have hidden the gun, wiped the prints off the cartridges and run down the stairs so as to be calmly drinking a Coke on the 2nd floor within 90 seconds of the shooting, the evidence of the case makes the odds of it *actually* happening extremely low. During that critical 90-second period, photographs of the Book Depository show no less than three different configurations of boxes in the "sniper's nest." In other words, somebody is moving boxes around in the 6th floor window during the time when Oswald is allegedly fleeing his perch. Most people would agree there's something conspiratorial in this.

Additionally, is Mr. Stuart *really* taking into account the time needed to gather up the three ejected cartridges scattered among boxes and rearrange them neatly side by side beneath the window sill? The time needed to find the spot to stash the rifle, or the time necessary to wipe his prints from both the stock and the barrel? And remember, if Oswald runs down the rickety stairs, doesn't he call attention to himself? Then how does he recover his breath so quickly before Mr. Baker spots him, and, as asked in the film, why does he buy a Coke and wander out the farthest exit at such a cool pace? In conclusion, we have no more evidence of Mr. Oswald's Olympic athletic abilities than we do of his marksmanship abilities.

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The "original" photo of Lee Harvey Oswald as shown in the Warren Commission report.

never let these deeds or words drive us into narrow nationalism or ethnocentrism.

As members of the Directors Guild of Japan, we wish to further deepen the mutual understanding and friendship between our American colleagues and ourselves.

We look forward to continued fruitful communication between the two Directors Guilds.

*Yuji Namba, Secretary General  
Yasuhiro Yoshimatsu, Member of the Board  
Directors Guild of Japan  
Tokyo*

*We too are concerned about the increasing anti-Japanese and anti-American sentiments in our respective countries. Passions among our respective countrymen and politicians all too often are misdirected and ill-conceived.*

*We take this opportunity to reaffirm the friendship and partnership of our two Guilds. We join with you in pledging that we will not allow the actions or words of others to drive a wedge between the Directors Guild of Japan and the Directors Guild of America.*

*Arthur Hiller, President  
Glenn J. Gumpel, Executive Director  
DGA*

## Help!

I have been an active member of the DGA since 1962. Until two years ago, I was working in the industry as a UPM/1st AD, making around \$100,000 a year—sometimes more, sometimes less.

In the last two years, the business has fallen apart entirely.

For instance, in a recent issue of *The Hollywood Reporter* in the "Films in Production" area, only seven out of the 25 films in production are staffed by DGA personnel. We are staffing only 28% of the independent features! This is where my income went, and the incomes of many good, honest, hard-working DGA members.

I am appealing to my Guild to take steps to make sure that this does not happen to anyone else. The jobs I would have had are going to non-DGA people. If our Guild does not compete with the non-DGA people, more and more members will be in my position.

The trade papers tell the unhappy

story. The time to act is right now.

*Robert J. Koster  
Tarzana, CA*

*(Editors' note: While the numbers Mr Koster cites do not reflect the actual data, the Guild is very concerned with lower-budgeted films produced by non-signatory companies and has been aggressively pursuing this arena.)*

## To Die For?

The DGA's recent elimination of the \$3,200 life insurance benefit, regardless of other coverage, comes about as close as one can get to a betrayal of a sacred trust. There is a serious question here of ethics and morality.

If the Directors Guild is in money troubles, why put the burden on the backs of its senior members, most of whom are no longer employable or insurable? To them a promise has been made, a long-standing commitment pertinent to their finances as they reach retiring and dying age.

This equity has been taken from the membership without consent and without recourse. The very least that could have been done was to open this up to the general membership for a referendum.

In addition, the reduction of membership dues for older members is ludicrous in light of the death benefit cancellation. At the membership reduced rate of \$100 per year, it would take 32 years to break even with the lost insurance benefits. My preference would be to pay the higher dues and keep the irreplaceable insurance intact. Perhaps this could be an option.

Another solution might be to work out a self-pay or partial self-pay arrangement for members 65 and older, permitting them to keep the insurance coverage. Or continue the \$3,200 coverage for all present members, but set a cut-off date when the "either/or" insurance coverage would take effect for future members — those to whom a death benefit promise has not been made.

If we could afford the death benefit when the membership was small, how come we can't afford the same uninflated dollar amount now, when membership fees and dues are higher?

*John Neukum  
Studio City, CA*

## Puzzling Evidence

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### 4. *Julia Ann Mercer's testimony.*

Mercer told the FBI about her experience in Dealy Plaza shortly after the assassination. Although this was before Ruby shot Oswald, Mercer claims she positively identified a photo of Ruby as the driver of the pickup truck. Moreover, Ruby's whereabouts are not accounted for the entire period during which he claimed to be at *The Dallas Morning News*. The Warren Commission did not follow up on Mercer's story and it remains a tantalizing lead (corroborated by Oswald's mother's claim that the FBI also showed her a photo of Ruby before he shot her son) in the JFK case.

5. *The Zapruder film.* With regard to the courtroom scenes of JFK, Mr. Stuart ignores the two most obvious improbabilities in the Zapruder film — the magic bullet sequence, which is shown uninterrupted, and the fatal headshot, which is also shown uninterrupted several times. Our intercuts to the shooters were inserted to clarify for the audience the origin points of the bullets. The film's obvious truth — that the President was killed by a shot from the front — is not lost on Mr. Stuart; he's so shocked he can only attribute it to clever editing. Perhaps if he had had access to the Zapruder film for his *4 Days in November*, he wouldn't have filmed a simple reconstitution of the Warren Commission Report.

The trouble with Mr. Stuart's comments is that his knowledge of the JFK case begins and ends with the Warren Report, published almost 28 years ago. Since then, there have been other investigations, both public and private, including the 2 1/2-year House Select Committee on Assassinations. Many more witnesses have been questioned and hundreds of thousands of government documents have been declassified — many of which were withheld from the Warren Commission by various intelligence agencies. It is from this larger pool of evidence that JFK draws its interpretation of the events surrounding the assassination.

*Oliver Stone  
Santa Monica, CA*