

A handwritten signature in cursive, appearing to read 'Zapruder', is centered at the top of the page. The signature is written in dark ink and is enclosed within a faint rectangular border.

Chapter 1

Abraham Zapruder Films the Assassination.

November 22, 1963

On Friday morning the 22nd the 59 year old Abraham Zapruder drove seven miles from his home to his shop in the Dal-Tex building at 501 Elm Street where he manufactured ladies dresses.¹ Kitty corner lay the public park of Dealey Plaza. A co-owner of Jennifer Juniors, Inc., with his young partner Irwin Schwartz², the heir of his deceased partner, Zapruder managed the factory and Schwartz the sales.³ Zapruder had been born in Russia where he and his family had experienced terrible persecution. Once Polish soldiers stopped a train he and his brother were riding, took his brother off and shot him; brutal Cossacks regularly ravaged his village.⁴ America gave him freedom and opportunity and a good life. He spoke with a slight accent.⁵

Excited about President John F. Kennedy coming to Dallas and about watching the motorcade that planned to go through Dealey Plaza just outside his window Zapruder

¹Interview with Irwin Schwartz, 1994, Sixth Floor Museum.

²Schwartz was in his thirties.

³Ibid.

⁴Schwartz.

⁵Ibid, *New York Times*, Aug. 31, 1970, 22.

had forgotten to bring his movie camera!⁶ His clerks and staff chided him.⁷ Zapruder thought he was too short to take pictures of the motorcade for the crowd would block his view.⁸ His secretary Lillian Rogers finally convinced him to go home for it⁹ with the clinching argument "the President didn't come through the neighborhood every day".¹⁰ The crowds would be light in the Plaza, she said.¹¹ Zapruder drove back home, picked up the camera, and returned to the office.¹²

Zapruder was very much an amateur cameraman. The previous autumn from the Dallas Peacock Jewelry store he had purchased a Bell & Howell 8-mm Director Series movie camera, Model 414 PD, Serial No. AS 13486, with case.¹³ It had a good zoom telescopic lens, but federal authorities never recorded the specifics and make.¹⁴ It took images on a 25-foot spool of 16-mm color film, but only on one half of the film. When the film came to the end of the strip, one reversed the spool in the camera and recorded on the other half. Upon development, the laboratory precision split the 25 feet, then spliced the ends together to make a 50 foot film of 8 mm width.¹⁵ That day of President Kennedy's visit to Dallas he had loaded his camera with Kodachrome II outdoor film with only a handful of frames already used to film his grandchildren playing.¹⁶ Only by inspecting the film edge as printed in volume 18 of the Commission exhibits, however,

⁶Richard B. Stolley, "What happened next . . .", *Esquire* (November, 1973) 134.

⁷Interview with Richard B. Stolley, 1994, Sixth Floor Museum.

⁸John Bloom, DTH [must add citation]

⁹Zapruder, 5H570.

¹⁰Stolley, "What", 134.

¹¹Bloom, DTH [must add citation]

¹²Schwartz.

¹³Lawrence Howe, Vice President Bell & Howell, to Lawson Knott, Administrator of General Services, December 12, 1966, in Harold Weisberg, *Photographic Whitewash* (Hyattstown, MD, by the author, 1967), 151.

¹⁴It is not found in the official records, testimony, and publications.

¹⁵Interview with Jeff Chamberlain, of the Dallas Kodak lab, 1994. Sixth Floor Museum.

¹⁶Chamberlain's remarks on the type of film.

can the type of film he used be identified with certainty, for the official investigation into the assassination never obtained that information; at least its records do not contain it.¹⁷

Zapruder's first thought he could film JFK from the window of his office.¹⁸ As the time drew near though he walked down to Elm Street on the Plaza to find a site where he could "take better pictures".¹⁹ He rejected several places. "I tried one place and it was on a narrow ledge," he told the Warren Commission in July when he testified before its staff member Wesley Liebeler in Dallas, "and I couldn't balance myself very much. I tried another place and that had some obstruction of signs or whatever it was there and finally I found a place farther down near the underpass that was a square of concrete . . ."²⁰ To check on the proper functioning of his take-up reel he shot a few frames of three nearby people, including his employee Marilyn Sitzman.²¹ He thought he could use the small concrete abutment forming part of a pergola built on the slope of the north knoll of the plaza, half way between the depository and the railroad underpass, but hesitated to use it as a perch. He suffered from vertigo and was afraid he could not keep steady on the abutment, but his office clerk Sitzman told him she would hold on to his coat and the two scrambled up on the four-foot high stumpy pillar.²² Behind them stood the pergola and then a sidewalk and beyond that a heavily wooded fence that enclosed a parking lot.²³ She held onto him.²⁴

¹⁷Following Weisberg, WWII, and the film edge as printed in 18H1-80.

¹⁸Stolley, "What"; &H570.

¹⁹7H570.

²⁰Ibid.

²¹The film and interview of Marilyn Stizman, 1994. Sixth Floor Museum; 7H571.

²²Interview of Sitzman.

²³

²⁴Sitzman interview

Zapruder and Sitzman had the best views of the assassination than anyone on Dealey Plaza. Zapruder peering through the telephoto lens was an unsurpassed witness.²⁵ They watched from about 72 feet from the center of Elm Street, and about 200 feet from the seven story Texas School Book Depository, which loomed to their left or east, the only building on the plaza.²⁶ At 12:30 the President's motorcade arrived from the east off Houston Street²⁷ slowly turning left one hundred and twenty degrees onto Elm Street, a street that curved in and downward toward the center of the park to join Main and Commerce Street to dip beneath the Triple Underpass of the railroad tracks. He kept his eye steady to the telescopic lens, filming, and despite sounds and commotion around him, never stopped until after the limousine carrying its grisly cargo disappeared from view to his right.²⁸ "I was shooting through a telephoto lens," he later told Warren Commission staff attorney Wesley Liebler.²⁹ The lens magnified everything he saw and focused his eye precisely on JFK.

Three years later Sitzman recalling the scene for a critic stated that the last shot came from the front of JFK³⁰ and "they" had seen it hit "on the side of his face . . . above the ear and to the front . . . And, we could see his brains come out, you know, his head opening . . ." ^{who?} ³¹ No FBI agents, Secret Service agents, or Warren Commission staff would interview her; she would not be called to testify by the Commission or any other

²⁵The maps give a good visual orientation. See, Robert Cutler's map of Dealey Plaza.

²⁶From the Robert Cutler map.

²⁷A good description is Harold Weisberg, *Whitewash--The Report on the Warren Report* (Hyattstown: By the author, 1965), Dell edition, 1966, 49, 65, 78, 103-110.

²⁸He describes this in his testimony before the Warren Commission, volume 7 of the *Hearings and Exhibits of the President's Commission* (Washington: Government Printing, Office, 1964), 569- . Also the interviews of Sitzman and Stolley.

²⁹7H571.

³⁰In the official findings Lee Harvey Oswald of course fired from behind.

³¹Copy of interview in AARC files in Washington, taken by Tink Thompson; cited in his *Six Seconds in Dallas* (New York: Bernard Geis Associates, 1967), 102. Thirty years later Sitzman memory appears to have changed and she said from behind the President, Sixth Floor Museum interview.

federal body. Zapruder told Secret Service Agents that day the shot came from behind him³² and in July testified before the Commission that "I saw his head opened up and the blood and everything came out."³³ Commission staffer Wesley Liebeler cut off his testimony from the location of the shooter.³⁴

He had taken 486 frames of film on about a six-foot strip of film that would take about 22 seconds to view.

Immediately after filming Zapruder's secretary recalled he took down his camera from his eye and screamed, "They killed him! They killed him! They killed him!"³⁵ For a while he wandered "incoherent, in a state of shock."³⁶ As he expressed it in testimony before Commission staff,

And then, I didn't even remember how I got down from that abutment there, but there I was, I guess, and I was walking toward--back toward my office and screaming. "They killed him, they killed him," and the people that I met on the way didn't even know what happened and they kept yelling, "What happened, what happened, what happened?" . . . I kept on just yelling, "They killed him, they killed him, they killed him," and finally got to my office and my secretary--I told her to call the police or the Secret Service--I don't know what she was doing, and that's about all. I was very much upset.³⁷

He put the camera still loaded with its film in his safe and sat in his office at his desk weeping.³⁸ The scene had so shocked him that for the rest of his life he never got over the horrible sight and suffered recurring nightmares.³⁹

³²US Secret Service Forrest Sorrels to Inspector Kelley, Memorandum, January 22, 1964. CO 2-34-030, NA

³³7H571.

³⁴Weisberg, WWII, 131-141. Liebeler's harsh and incomplete examination of him incensed Zapruder who expressed his disgust afterwards to Schwartz, Schwartz interview.

³⁵Bloom, DTH [cite to be added]

³⁶The words of Sitzman, Stolley, "What happened," 135.

³⁷7H571.

³⁸Schwartz; Zapruder, 5H571-72.

³⁹Ibid; *New York Times*, August 30, 1970.

A few minutes later one of his shipping clerks lingering on Dealey Plaza who had heard and seen him exclaim about his filming JFK told a policeman that her boss had a motion picture of the assassination.⁴⁰ The officer got his partner and carrying their shotguns as was standard practice for emergencies walked over to Jennifer Juniors to obtain the film.⁴¹ Zapruder refused to give the film to the officers. He would hand it over, he said, only to someone in authority.⁴² The officers remained.

- Another Jennifer Juniors clerk on Dealey Plaza saw Harry McCormack, reporter for the *Dallas Morning News* and told him of what Zapruder had filmed.⁴³ McCormick continued over to the Sheriff's office on Houston Street, located south of 501 Elm. In the meantime at 12:45 p.m. Forest Sorrels of the United States Secret Service had left Parkland Memorial Hospital and had returned to the plaza.⁴⁴

- In his January 22, 1964, report on the film to Inspector Kelley, Chief of the Secret Service, Sorrels explained how he came in contact with Zapruder.⁴⁵ Witnesses to the assassination had been taken into the Sheriff's office to be interviewed and Sorrels had gone there to interview them. While in the Sheriff's office McCormack came up to him. Sorrels "had known [him] for many years". McCormack told Sorrels about Zapruder: "I have a man over here that got pictures of this whole thing."⁴⁶ Sorrels replied, "Let's go see him."⁴⁷ Together the two men walked over to Zapruder's office.⁴⁸

⁴⁰Sitzman and Schwartz interviews.

⁴¹Schwartz.

⁴²Ibid.

⁴³Schwartz interview.

⁴⁴He thought it was around 1:00 p.m., but his chronology appears to be slightly off. 5H347-48.

⁴⁵Memorandum, Sorrels

⁴⁶5H352.

⁴⁷Ibid.

⁴⁸Dan Rather, *The Camera Never Blinks. Adventures of a TV Journalist* (New York: William Morrow and Co., 1977), 125, reports the incident in general terms and from second hand sources that is slightly at variance with the first hand accounts of Schwartz.

By the time Sorrels and McCormick entered Zapruder's office Irwin Schwartz had arrived to join his partner.⁴⁹ A few minutes earlier he had phoned the office from across town only to be told by the secretary that policemen were in the office and wanted the film, which Zapruder had placed in the safe. The safe was directly behind her. Schwartz had told her to lock it.

Eight months later Sorrels recalled his meeting with Zapruder for the Commission. "And Mr. Zapruder was real shook up. He said that he didn't know how in the world he had taken these pictures, that he was down there and was taking the thing there, and he says, 'My God, I saw the whole thing. I saw the man's brains come out of his head.'"⁵⁰ Sorrels then asked him "would it be possible for us to get a copy of those films."⁵¹ For the Chief of the Secret Service, Sorrels related Zapruder's reply setting down for us a glimpse of the commercial concern of the man even at the early critical period, a feature fated to run throughout the history of the film's various owners.

Mr. Zapruder agreed to furnish me with a copy of this film with the understanding that it was strictly for official use of the Secret Service and that it would not be shown or given to any newspapers or magazines as he expected to sell the film for as high a price as he could get for it.⁵²

At this point two larger questions arise. One asks the question whether Zapruder would have given the original to the government at that time if authorities had asked for it rather than a copy? *Life* magazine representative Richard Stolley believed that in his shock Zapruder would have given the film to the government if he has been asked, "If the federal government had not been in such disarray at that moment . . . someone would

⁴⁹Schwartz. He had been on the other side of Dallas at a lunch with friends when he heard of the assassination. He then drove back to the office.

⁵⁰7H352.

⁵¹Ibid.

⁵²Sorrels to Kelley, previously cited.

probably have asked Zapruder for the original film and he probably would have relinquished it".⁵³ Secret Service Agent Sorrels' report on Zapruder's expectation only thirty minutes after the assassination "to sell the film for as high a price as he could get for it" seems to mitigate Stolley's observation.

A further question arises. Why should authorities ask for a citizen to provide evidence vital to understanding a murder? Why did not Sorrels or the police not seize the film? Police properly seized the rifle found in the depository, improperly took Marina's nail file and pregnancy records as federal property in a murder investigation, confiscated Ruth Paine's personal items, and acquired similar items not faintly related to the crime by preemptory action without asking permission.⁵⁴ Moreover, they did not need to ask permission to acquire criminal evidence, for seizure was normal operating procedure by officials in the United States and Dallas and perfectly legal and indeed socially imperative. Perhaps in the Zapruder instance they were too shaken by the event and not thinking squarely, a perfectly normal reaction to stress and emotion. No answer seems possible now but again we confront the blankness in the historical record caused by the refusal of the Commission and its staff to provide even a skimpy account.

Sorrels and Zapruder had to find a place to develop the film. McCormick is reported in an interview of Schwartz taken thirty years later as saying "Channel 8 will do it"⁵⁵, but that appears to have memory-skipped the first effort made that day to develop the film. Schwartz played a major role in the affair that day and evening, but was never interviewed and never called as a witness.⁵⁶ Sorrels stated a month after the killing that

⁵³Stolley, What".

⁵⁴National Archives; *Federal Register*, November 1, 1966.

⁵⁵Schwartz, Sorrels, 7H352, Rather, *Camera Never Blinks*, 125.

⁵⁶Schwartz was puzzled on why they did not call him.

"we took Mr. Zapruder to the Dallas Morning News and to their radio station offices . . .

"⁵⁷ Before they left 501 Elm Street, however, Schwartz opened the safe, got the camera with the film still in it, and together with Sorrels, McCormack, and Zapruder piled into the police car and drove to ^{the nearby} newspaper office, the police blowing the sirens to clear the pedestrians.⁵⁸

The *DMN* was not equipped to develop it so they went to nearby WFAA-TV station. At the station while Sorrels spoke with persons about developing it the Channel 8 news people proceeded to interview Zapruder live on air, broken by the announcement of the President's body leaving Parkland Hospital, which occurred around 1:35.⁵⁹ A photograph of Zapruder being interviewed was taken.⁶⁰ Channel 8 said they could not do it, but suggested Eastman Kodak Processing Laboratory at 3131 Manor Way near Love field had the facilities to process it. They phoned Kodak and Sorrels asked the lab to develop it right away, it was "official business," said Sorrels, "and we need it now." Kodak agreed. Sorrels, Zapruder, Schwartz, and McCormick loaded back in the police car and were driven to the laboratory.⁶¹

McCormack, Zapruder, Schwartz, and Sorrels with the two policemen arrived it appears sometime between 2:00 and 2:30 p.m. The plant was ready for them.

Schwartz recalled for interviewers that he watched the girl process the film through the glass window on the processing machine.⁶² As they waited for the development a telephone call came for Sorrels telling him they had arrested a man for the

⁵⁷Sorrels to Kelley, previously cited.

⁵⁸Schwartz.

⁵⁹Clip of film exists.

⁶⁰A copy is in the Sixth Floor Museum.

⁶¹Schwartz interview.

murder of Police Officer J. D. Tippit and he was wanted down at the police station.⁶³

One policeman stayed while the other drove Sorrels downtown. Before Sorrels left he said to Zapruder, in words recalled by Schwartz, "If it comes out get me a copy".⁶⁴

Processing took over an hour. The developed film came out as 16mm with the Kennedy assassination on one half and in inverse order of the other half other material. The Kodak lab had a small projection room where Zapruder permitted it to show the uncut, 16-mm, film to Zapruder, Schwartz, McCormick, and Kodak staff. The assassination sequence appeared on just one half of the screen. The film was "needle point" clear, its impact stunned the viewers. McCormick remarked that Sorrels would want a copy of that.⁶⁵

Kodak did not have the facilities to make a duplicate. The staff suggested they take it to Jamison Film Company who could make duplicates from Zapruder's developed film. The duplicates would then be returned to Kodak to be developed and processed.⁶⁶ Zapruder agreed. He then had P. M. Chamberlain, Jr., Production Supervisor in the Kodak Laboratory, formally swear to the work done.

In the affidavit Philip Chamberlain "duly sworn deposes and says" that he was Production Supervisor and received and processed the Kodachrome II Film of "A. Zapruder."⁶⁷ The film was "not cut, mutilated or altered in any manner during processing". Further, while in the possession of Kodak "it was not shown to any person other than employees of said laboratory of known integrity in the ordinary course of

⁶²I follow Sorrels, Zapruder, and Schwartz here, the interviews of Jack Harrison and Philip Chamberlain, Kodak employees are riven with memory lapses, obvious errors, and contradictions, Sixth Floor Museum.

⁶³Schwartz interview, but all sources concur.

⁶⁴Schwartz.

⁶⁵Schwartz.

Schwartz; Chamberlain interview, Sixth Floor Museum.

handling the same". He also affirmed that at the end of the processed film and carrier strip Eastman Kodak Company perforated the carrier strip at the time of processing with the identification number of 0183. It was signed and sworn to before a notary public.

Before they departed for Jamison Film Company Zapruder thought of their dress business they had walked out on and he remarked to Schwartz, "Let us close the plant". The police drove Zapruder and Schwartz to their factory and McCormick to the *Daily News*.

The partners found the Elm Street plant deserted and open. They closed up, walked the two blocks up Elm to the parking lot where Schwartz' car was parked, and drove to the Jamison Film Company at 3825 Bryan Street. By then it was 6:00 p.m.

At Jamison Zapruder asked Schwartz if he wanted a copy too and he said yes. Zapruder had three duplicates made. The firm took an hour to process the duplication. When completed Zapruder required Frank B. Sloan, Laboratory Manager, to swear, depose and say in an affidavit.⁶⁸ that he had received the Kodachrome II film from "A. Zapruder" and made "Three (3) duplicate copies. That the film was not cut, mutilated or altered in any manner during the printing operation." He further swore that the film was not shown to any person other than employees of the lab "of known integrity in the ordinary course of handling the same". The identification number 0183 "was printed onto the said duplicate copies". Sloan swore before Walter Spiro, Notary Public for Dallas County, and signed it.

Schwartz and Zapruder then returned to the Eastman Kodak Laboratory to have the duplicates processed. They possessed the three duplicates and the original. It took an

⁶⁷Affidavit of P. M. Chamberlain, Jr., November 22, 1963. Mantick archives

⁶⁸Affidavit of Frank R. Sloan, November 22, 1963, Mantick archives.

hour. When the lab finished developing the films, it split, spliced, and prepared them as 8-mm. film with the identification numbers of 0185, 0186, and 0187 affixed to the end of the filmstrips respectively. For each duplicate print prepared Zapruder had Tom Nulty, Production Foreman for that shift at Kodak, swear out an affidavit; it was signed, and notarized.⁶⁹

In the Kodak projection room Zapruder permitted the 8-mm to be shown to the employees of the new shift.

With the three duplicates and one original, plus four affidavits, Zapruder and Schwartz set out to find Sorrels.⁷⁰ It was now after nine o'clock. The men drove downtown to the Dallas Police Station to search for the Secret Service Agent whom Zapruder had promised a copy of the original, but who had disappeared for the last five hours. Years later Schwartz recalled in an interview that the police station was "like a zoo". People, press, and officers were everywhere and they could not find Sorrels. They jumped on top of a desk and over on the side of the large room saw Sorrels to whom they waved. He came over and they told him they had a copy of the film for him.

But, incredibly, he was too busy to accept it! Then in an extraordinary question he asked them, "Do me a great favor, take it to my office on Irvey Street." So the two citizens trudged on, eight hours now they had scrambled all over town to get the graphic depiction of the assassination with what would turn out to be crucial evidence into the hands of the federal government, which to say the least was casual about it all.

⁶⁹Tom Nulty affidavit 0185, November 22, 1963, ibid 0186, ibid 0187. Mantick.

⁷⁰Schwartz interview.

Schwartz and Zapruder drove to Irvey Street and eventually located the small Secret Service office tucked away there.⁷¹ They entered and found a Secret Service man in his shirt sleeves and shoulder holster waiting for them. Schwartz's reflections on the meeting seems to suggest a casual attitude on his part. They handed over two copies of the film, signed a paper, and left. It was after nine at night.

The Secret Service dispatched a copy to Washington by commercial airplane pilot courier with a covering memorandum dated 9:55 p. m.⁷² Secret Service Agent Max O. Phillips wrote "Enclosed is an 8 mm movie film taken by Mr. A. Zapruder, 501 Elm St., Dallas, Texas (RI8-6071). Mr. Zapruder was photographing the President at the instant he was shot." Then he added the striking information he had received from Zapruder in his office within the hour, "According to Mr. Zapruder, the position of the assassin was behind Mr. Zapruder." Oswald of course was alleged to have been behind JFK and the official findings on the assassination absolutely requires him to be there. Phillips further noted Zapruder kept his master copy and gave "two prints" to "SAIC Sorrels, this date". He needlessly introduces confusion by stating "The third print is forwarded" when he meant one of the two, no. 3 of nos. 2 and 3, was forwarded.⁷³ Sorrels and the Dallas office kept the other print, no. 2. In a few hours a copy of the Zapruder film was in Washington.

The really disgraceful affair of how the investigative agencies acquired copies of the film demonstrated a basic character of the federal investigation into the assassination President Kennedy. Officials took a decidedly indifferent approach to garnering essential

⁷¹Schwartz interview.

⁷²Phillips to [not stated in indistinct copy] 11/22/[63] Warren Commission files NA; reproduced in Weisberg, *Photographic Whitewash*, 15. First published in Weisberg, WWII, 141.

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in front of Zapruder

in spirit of themselves?

photographic evidence with a strange reliance upon the serendipitous kindness of strangers who fortuitously proved to be faithful, tireless, innovative, and supportive, rather than perform the careful investigative work expected from professional officers charged with the responsibility of the criminal investigation. Conceivably, as far as Sorrels knew, the film could have shown the actual assassins and enable them to be identified. Without protection and supervision the film could also have been subjected to alteration, destruction, or even the assassins attack upon the photographer.

The FBI secured its copies of the film with a similar casual disdain for the crucial evidence, one could say even dismissive aloofness belonging to an institutional mind already formed by a decision that Oswald alone and unaided killed JFK. Any evidence to the contrary or any evidence that cluttered its Procrustean bed of "facts" was irrelevant to its primary task of defining Oswald's "guilt". Its copies came from the Dallas Secret Service retained copy. The following day, the 23rd, Inspector Kelley of the SS gave Sorrels' retained copy of the film (no. 2) on loan to FBI SA James W. Bookhout for the Bureau to make a copy.⁷⁴ Bookhout turned it over to SA Robert M. Barrett that day and he to Special Agent in Charge [SAC] of the Dallas Field Office Gordon Shanklin. He had failed to find a firm to duplicate it. At 4:55 p.m. SAC Shanklin telephoned FBI Headquarters to C. D. DeLoach to state "local film processing houses in Dallas were unable to handle this film".⁷⁵ Dallas Field Office had no movie projector to show the film, but when he held it up to the light he could see it showed both JFK and Connally being hit. He also affirmed Zapruder's account that the dress manufacturer had had three

⁷³Zapruder's affidavits from Jamison and Kodak plus the body of testimony and interviews sustain three prints, two to the government.

⁷⁴Robert M. Barrett and Ivan D. Lee, SAs FBI, to SAC Dallas, LHM 11/29/63. 89-43-1410; Sorrels Report.

copies made, given two to the Secret Service, and the other plus the original to Time and Life. DeLoach directed him "immediately" to place the film on the next commercial flight to Washington.⁷⁶

Whereupon a Dallas FBI agent hand-delivered the print to an American Airlines pilot of Flight 20, which left Dallas at 5:20 p.m.⁷⁷ In a cover memorandum for the rush of the film to headquarters Shanklin requested the Bureau Laboratory to make three copies, maintaining one for the Bureau and returning two to Dallas "by most expeditious means possible".⁷⁸ Alas, all the hurry was for naught; Shanklin could have accomplished the duplication more quickly in Dallas.

The much-praised Bureau Lab lacked the technical equipment and could not handle the film; it had to wait to a day to send in to a commercial developer closed on the weekend (on Monday the 25th).⁷⁹ The delay in returning caused the anxious Dallas FBI to phone Washington Supervisor George Benjamin, Division VI, at 8:40 p.m. the 25th to ask the status of the film and that it be returned for a Tuesday morning "show-up".⁸⁰ Benjamin initially claimed not to know about the film but then, presumably after checking, advised Dallas that the film would be sent via Braniff Airlines and arrive in Dallas at 3:21 a. m., the 26th, and agents should contact the pilot. Special Agent C. Ray Hall picked up the film at the airport and delivered it to SA Bookhout, who at 9:00 a.m. returned it to Inspector Kelley.⁸¹

⁷⁵C. D. DeLoach to Mohr, LHM, November 23, 1963, 62-109060-68.

⁷⁶Ibid.

⁷⁷Ibid; cover sheet of package, dated 11/23/63, 89-43-1A81.

⁷⁸SAC to Director FBI, LHM 11/23/63. 62-109060-1094.

⁷⁹Lyle G. Clark, ASAC to SAC Dallas, LHM, 11/25/63. 89-43-542.

⁸⁰Ibid.

⁸¹Barrett and Lee, memorandum.

But Washington sent only one copy of the film stating that would be sufficient for Dallas' use, although Dallas handled the criminal investigation and got one and Washington who essentially supervised got two copies. It added to its covering memorandum, "You are cautioned that this film is for official use only."⁸² Unfortunately, Washington did not follow its own office advice and established policy, for its agents took a copy home to delight surreptitiously family and friends.⁸³

On the 5th of December Shanklin notified Bureau headquarters that the Secret Service had requested a copy of the film for the Dallas Police Department. The next day Washington sent a copy for transmittal to the Secret Service and by them to the DPD, "if it so desires". A handwritten note by Dallas FBI agent or clerk C. Brown said that on the 9th the copy was turned over to SSA Cha. Kunkel.⁸⁴

After depositing the copies with the Secret Service on Irvey Street Schwartz took Zapruder to his car and they each went home. It was after 10:00 p. m.

At Schwartz' home about 10:30 the front bell rang. Three scruffy *Saturday Evening Post* photographers and a local woman who had once worked with Schwartz stood there. They offered Schwartz \$10,000 to be introduced to Zapruder. He refused and told them to leave.⁸⁵

At Zapruder's home around 11:00 the telephone rang. It was Richard Stolley of *Life* magazine inquiring about the film.⁸⁶

⁸²Director to SAC, Dallas, 12/3/63, 62-109060-1094.

⁸³Told to me by adult children of FBI agents outraged at their fathers' years ago behavior.

⁸⁴Director to SAC, Dallas, 12/6/93, 89-43-2659.

⁸⁵Schwartz interview.

⁸⁶Stolley interview.

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than
one?

Immediately after word of the assassination had reached *Life* offices in Beverly Hills, Richard B. Stolley, in charge of the large west coast office, had quickly assembled a team and rushed to the airport to catch a flight to Dallas.⁸⁷ The team was Stolley, reporter Tommy Thompson, and two photographers Don Cravens and Allan Grant.⁸⁸ By 4:00 they had reached Dallas and Stolley had established a command post in the Adolphus Hotel. Soon he received a phone call from Patsy Swank a *Life* stringer in Dallas, phoning from her home⁸⁹, who had word from a colleague reporter at the police station that a man with a name starting with Z had made a 8 mm motion picture of the assassination.⁹⁰ Soon she phoned again providing Stolley with a phonetic spelling of the name, "Za pru der".

With that fragment of a lead Stolley found Zapruder's name listed in the telephone book and called his home. No answer. He continued calling every five minutes until around 11:00 p.m. when Zapruder answered.⁹¹ From the tired man he learned that the film existed and that no one else had contacted him as yet. He discovered also that Zapruder had made three duplicates and given two the Secret Service. Also he told Stolley, federal agents had said he could dispose of it as he wanted and that "he knew the film was valuable". Zapruder was too tired to talk and ask Stolley to come to his office at 9:00 a. m. the next day.

Stolley appeared at Zapruder's office at 8:00. The red haired Stolley wore a suit, was neat, well mannered, calm, and business-like in stark contrast to the ragamillion

⁸⁷Interview of Stolley, Sixth Floor Museum.

⁸⁸Loudon Wainwright, *The Great American Magazine. An Inside History of Life* (New York: Alfred A. Knopf, 1986), 364.

⁸⁹Interview Stolley. Not the police station as sometimes reported.

⁹⁰Interview Stolley.

⁹¹Interview Stolley, Stolley, "What."

representatives of the press that flowed into the office in the next hour.⁹² Zapruder agreed to show the film to him. In his office he sat the projector atop a rickety TV table and cast the picture against the wall for Stolley and some Secret Service agents. Afterwards they returned to the outer office where the crude and rude press folk had gathered to watch the film.

The clamoring press then filled the inner office. To the packed room with standing room only Zapruder showed the film, according to his partner Schwartz four times, according to Dan Rather, a local television pressman, once. While this occurred Stolley stood in the outer office and chatted with Lillian Rogers, Zapruder's secretary. Zapruder came out and saw him; the Life representative's politeness and good manners pleased him.

Shocked by the film Stolley asked Zapruder if he could speak to him alone. Because Stolley had been the first to contact him Zapruder said yes. He trusted *Life* to handle the film in a proper manner and not exploit the tragedy. He also had formed a deep respect for Stolley who was the only decently appareled and well-mannered person among the clamoring press. Stolley opened the negotiations by stating he could offer \$15,000, which made Zapruder smile. They quickly pushed the sum up to Stolley's top figure of \$50,000 for print rights. Zapruder accepted.⁹³ Stolley sat at a typewriter and typed up a nine-line contract.

Nov. 23, 1963

In consideration of the sum of fifty thousand dollars (\$50,000.), I grant LIFE Magazine exclusive world wide print media rights to my original 8 mm color film which shows the shooting of President Kennedy in Dallas on Nov. 22, 1963. I retain all motion picture rights, but agree not to release the film for motion

⁹²Stolley *ibid*, and Schwartz stress the uncouth nature of the press.

⁹³Richard J. B. Johnston, "Movie Amateur Filmed Attack: Sequence Is Sold to Magazine," *New York Times*, November 24, 1963, 5.

picture, television, newsreel, etc., use until Friday, Nov. 29, 1963. You agree to return to me the original print of that film, and I will then supply you with a copy print.

Abraham Zapruder

Agreed to:
Richard B. Stolley
LIFE Magazine

Witnesses
[Lillian Rogers
Irwin Schwartz]⁹⁴

As part of the agreement Stolley required Zapruder to turn over to *Life* the master print plus the remaining duplicate, leaving Schwartz without a copy.⁹⁵ He sent the original to Chicago where *Life's* press was located in the massive R. R. Donnelley & Co. printing plant and sent the duplicate straight on to *Life's* New York City home office.

By noon of the 23rd then copies of the Zapruder film were in New York City, Chicago, Washington, D. C., and Dallas, in the control of a commercial organization, commercial printers, the FBI, and the Secret Service.

In Chicago the magazine had been locked in the presses, ready to print, but redid the issue to meet the emergency of providing news of JFK's murder. Mechanical constraints meant there was no time to run color photographs, so they went with black and white prints of thirty-one frames and ran them in the issue that appeared on Monday morning.

In New York City *Life's* publisher C. D. Jackson viewed the duplicate copy with horror. Its shocking scenes convinced him, we are told by second-hand sources, that the magazine ought to acquire the film and keep its frightful death sequences out of the hands of exploiters and such a gruesome death of a president away from the public, although

⁹⁴From original, the two witness signatures are not on my copy and are added from Schwartz interview.

⁹⁵Schwartz.

why control of information about a President's murder belonged in the exclusive domain of Time, Inc. was never sufficiently explained. After a board meeting with Time, Inc. executives on Monday morning he directed Stolley to purchase all rights to the film from Zapruder.⁹⁶

Zapruder?
Stolley?

Stolley telephoned Zapruder Monday morning, the 25th, to discuss the possibility of purchasing all the rights, but he declined to meet until after the funeral ceremonies were finished.⁹⁷ With his regular attorney out of town Zapruder engaged Sam Passman to assist him. On the afternoon of the 25th, the day of JFK's funeral, they met in Passman's office for formal negotiations over purchase of the film and all rights. Late in the afternoon they had worked out a new contract that folded in the terms and conditions of the earlier agreement.

Zapruder agreed to "sell, transfer and assign to Time, Inc. all my right, title and interest (whether domestic, foreign, newsreel, television, motion picture or otherwise) in and to my original and all three (3) copies of 8 mm. color films which show the shooting of President John F. Kennedy in Dallas, Texas, on November 22nd, 1963."⁹⁸

He spelled out the number of duplicates that had been made. Three. One went with the original to Life, one went to the Secret Service in Washington, and one went to the Secret Service in Dallas.

Time, Inc. agreed to pay Zapruder or his heirs \$150,000 dollars, in installments of \$25,000 a year, the first immediately and the rest in equal sums on the 3rd of January of 1964, 1965, 1966, 1967, and 1968. In addition to the stipulated cash payment, Zapruder would obtain a source of income for the life of his copyright from any sales of the film by

⁹⁶Stolley interview; Wainwright, *Great American Magazine*, 369.

⁹⁷Stolley, "What", 135.

Time, Inc., for Time, Inc. agreed to pay Zapruder one-half "of all gross receipts derived by Time, Inc." for any "use, sale, showing, rental, leasing, licensing, or other publication of any kind or character whatsoever after" that exceeded \$150,000 in cash from gross receipts derived from the same sources.

Each calendar year Time, Inc. agreed to furnish a certified audited report showing the total gross receipts derived. If Time, Inc. sold or transferred its right in the film the purchaser should be bound by the terms of the contract. A paragraph stated Time, Inc. would present the film "to the public in a manner consonant with good taste and dignity", and, in the same sentence, would use its "best business judgment" for the "production of gross receipts".

A key paragraph of the contract required Time, Inc. to defend the copyright. The pertinent part reads, "Time, Inc. agrees to obtain, at its expense, such copyright protection, domestic and foreign, as it may deem necessary or proper for its own safety and to prevent any infringement thereof" In 1974 a controversy between the heirs of Zapruder, who had died in 1970⁹⁹, and Time Inc. over the efforts to enforce this clause would become a major factor in Time, Inc.'s decision to return the film to the Zapruder family.

There is a note to add about the sale of the film and rights. At the time of the 25th contract discussions Attorney Passman brought up a concern he had about the possibility of anti-Semitism intensifying toward Zapruder and Dallas Jews because of the large sum of money he had gotten for the film.¹⁰⁰ This was a genuine concern. With what Life's Stolley called "an inspired suggestion", Passman worked out a way to pay the initial

⁹⁸Copy of contract, NA. Mantick.

⁹⁹*New York Times*, August 31, 1970, obituary.

payment of \$25,000 to the Fireman's Fund set up for the widow of Police Officer J. D. Tippit, killed on the 22nd.¹⁰¹ Most persons believed that Zapruder gave the all the money Time, Inc. paid him to the widow making the dress manufacturer an inspired civic-minded citizen in the eyes of many Americans.¹⁰² As Stolley years later told of the price in his account of the negotiation he added that, "Zapruder asked that we not reveal it at the time".¹⁰³ With a blanket of commercial secrecy thrown over the price paid, the public could not know the actual sum and became ensnared by the fiction.

What is the sum?
 Billings told her in 1968 esp
 received more than \$400,000 or

¹⁰⁰Wainwright, *Great American*, 370; Stolley interview, Schwartz interview; Stolley, "What", 262.

¹⁰¹Ibid. Tippit's widow eventually received tax-free donations totaling \$647, 679, see *New York Times*, January 30, 1967, "Widow of 2d Oswald Victim [sic] Wed," 22. The widow did not acknowledge Zapruder's gift.

¹⁰²"Tippitt's widow Gets \$25,000 Paid for Assassination Movies," *New York Times*, November 28, 1963, 23.

¹⁰³Stolley, "What", 262.