

[JFK Main Page](#)

[Return to Zapruder Alteration Page](#)

on 3 film history obviously
erroneous. But on Fetzer
magnificent did come

WHY THE ZAPRUDER FILM IS AUTHENTIC

Presented in Dallas on Friday, 11/20/98 by
Dr. Josiah Thompson

Comments will be forwarded. Email: Clint Bradford

Preface

Educated at Yale, Josiah Thompson received his Ph.D. in philosophy in 1964. Inbetween studies, he spent a couple of years in the Navy with Underwater Demolition Team 21. He taught at Yale and then Haverford College and rose to the rank of Professor of Philosophy.

In 1976, he resigned his tenured professorship to work as a private investigator in northern California, starting his own investigations firm in 1979.

In the past twenty years, he has participated in cases ranging from child kidnapping to white collar crime and insurance defense. He has investigated over one hundred murder cases, eighteen of them carrying the death penalty. His investigation of a 1991 Virginia case persuaded then-Governor Wilder to commute a death sentence to life-imprisonment on the eve of the scheduled execution.

A number of his cases have garnered national attention. He participated in the defense of Bill and Emily Harris in the Patty Hearst kidnapping, and of Huey Newton on murder and assault charges. He also participated in the successful defense of Chol Soo Lee on murder charges (an ABC-TV "20/20" segment and basis for the film, "True Believer"), and was defense investigator for attorney Stephen Bingham (acquitted on five counts of murder in the "San Quentin Six" case). His most recent high-profile cases include being investigator for Timothy McVeigh in the Oklahoma bombing trial and investigating the bombing of environmental activists Judi Bari and Darryl Cherney.

His hardcover 1967 and paperback 1976 publications of Six Seconds in Dallas - A Micro-Study of the Kennedy Assassination live up to their sub-titles' promise: "Six Seconds in Dallas is infuriating." reviewed the Los Angeles Times, "for it suggests the kind of analytical study the Warren Commission failed even to attempt." His 1988 book, Gumshoe: Reflections in a Private Eye, has been called "the best book ever written about the life of the private eye."

The text below covers several points raised in the "Zapruder alteration" debate. Dr. Thompson walks us through what devious persons would have thought if they decided to undertake the alteration of the Zapruder film. Then he provides us with a "Zapruder Film Possession Timeline." He next debunks two re-hashed assertions that were recently published in James Fetzer's "Assassination Science" - first, that the NPIC possessed the Zapruder film on November 22, 1963, and second, Fetzer's tendency to pull facts out of context from others' works to suit his needs - and forsake the original authors' intent.

- Clint Bradford, 11/24/98

DR. THOMPSON: Before turning to the Zapruder film in particular, I want to situate it under a more general horizon.

If altered, the Zapruder film would be an example of a more general phenomenon: the alteration of physical evidence by the authorities in a criminal case. Yes, it does happen. Not often. In fact, it's almost unique.

In over twenty years of experience as a criminal investigator, I've seen it happen only once or twice. But it does happen. In fact, right now I have a death-penalty case where I think it happened. Let me tell you about it.

[HERE FOLLOWS A BRIEF DESCRIPTION OF THE POSSIBLE SUBSTITUTION OF A CARTRIDGE CASE BY THE INVESTIGATING OFFICER IN A MURDER CASE.]

Whether or not a substitution was made in this case is not the point. What is the point is the considerations that would make such a substitution plausible, that would make someone even try it: Note first that the crime scene cartridge case was in the custody of the person carrying out the substitution. Note second that, since the cartridge case was linked to no other evidence in the case, once the substitution was made there was no way for it to be discovered. Note third that the person who substituted the cartridge case knew exactly what he had to prove by the substitution.

Now let's try on another hypothetical example for size. Let's say that a particular letter is found at a crime scene. Let's say that that letter was the output of a computer at a remote location. Let's also say that the investigating officer had some incentive to change the wording in the letter.

If you were that investigating officer, what questions would you ask yourself? Wouldn't you first ask whether there were other copies of the letter? Had the writer kept a copy in a safe place or given it to someone else? Was the text of the letter kept on the computer? Even if it had been deleted from the hard drive of the computer, was there a backup somewhere? The alteration of evidence in a criminal case is a desperate act. Would you take that chance if you knew that irrefutable evidence of the alteration might turn up somewhere else? And how could you ever be sure?

Now let's take a photograph of a crime. First, you'd have to know exactly how you wanted to alter it. Secondly, you'd have to be sure no other copies - no negative hidden away, no second copy residing in someone else's possession - existed. Thirdly, you'd have to be sure that no other photographs taken by anyone else later would surface to expose the alteration.

With these considerations in mind, consider whether you would undertake to alter the Zapruder film. First, you'd have to know exactly what you wanted to show in your alteration. Second, since the film in question was a movie, you might very well have to alter not just one frame, not just one sequence of frames, but many. Thirdly, *what about the other films?* At least thirty-eight people were taking pictures that day in Dealey Plaza.

At the very least, the Muchmore and Nix films also would have to be altered. The Muchmore film was purchased by UPI on Monday, November 25th, and shown the following day on WNEW-TV in New York City. On Friday, November 29th, the Nix film was also purchased by UPI and shown the next week in theater newsreels.

But the critical problem for anyone thinking of altering the Zapruder film is not the Muchmore and Nix films. It is all the other films you don't know about - films developed outside Dallas by people from out-of-state who just happened by...or by foreign tourists who would get their films developed in their home countries. Any one of these unknown films could expose your alteration.

If one sat down for a long, long time it would be difficult to come up with a situation where alteration was more unlikely than in a film of the assassination of President Kennedy - a murder occurring at noon in a public square in front of hundreds of witnesses, an unknown number of whom were taking photographs of it.

Unlikely? Yes. Foolhardy? Yes. Impossible? No.

What makes it impossible is the actual provenance of the film itself. Recall above the example which showed the foolhardiness of faking a letter if you were not in possession of all the copies. This situation is repeated with respect to the Zapruder film. For a minute, come along with me as we plot

Zapruder and his film's movements over that crucial weekend thirty-five years ago...

NOVEMBER 22, 1963

8:00 am

Abraham Zapruder arrives at the offices of Jennifer Juniors. Marilyn Sitzman and Lillian Rogers persuade him to retrieve his 8 mm. movie camera from his home.

11:30 am

Zapruder returns to his office after retrieving his camera.

12:30 pm

Zapruder films the assassination from a pedestal in Dealey Plaza.

12:45 pm

Zapruder returns to his office and locks the camera in his safe.

1:30 pm

Reporter Harry McCormick takes Secret Service Agent Forrest Sorrels to Zapruder's office. Emotionally upset, Zapruder agrees to furnish Sorrels with a copy of his film - if Sorrels will agree that the copy is only for use by the Secret Service and that it would not be shown or given to any media. Sorrels agrees.

1:45 pm

Together with Zapruder's partner, Irwin Schwartz, Sorrels, McCormick and Zapruder drive to Dallas Morning News. Since they can't process the film, they walk to WFAA-TV. Zapruder is interviewed live; Schwartz is photographed with the camera.

2:15 pm

A police car takes Sorrels, Schwartz, Zapruder and McCormick to the Kodak plant. Zapruder makes arrangements for the processing of the film. Phil Willis meets Sorrels at the Kodak plant and also agrees to furnish the Secret Service with copies of his 35 mm. slides. Sorrels gets a phone call and leaves for Dallas Police Headquarters.

3:15 pm (est.)

The processed film is shown to fifteen to eighteen people. To have copies made, Zapruder must take camera original to Jamieson Company.

4:00 pm (est.)

Zapruder has three (3) copies made by the Jamieson Company. He requests affidavit that no more copies were made.

4:30 pm (est.)

Zapruder returns to Kodak plant with the original and three (3) copies. He has the three (3) copies processed and requests affidavits from Kodak personnel that only three (3) copies were processed.

Afternoon

Richard Stolley and Tommy Thompson of LIFE fly in from Los Angeles. LIFE stringers Patsy Swank and Holland McCombs learn that Zapruder has film of the assassination. Forrest Sorrels receives two of the three first generation copies and assures Zapruder they will be used only for official purposes by the Secret Service.

Evening

Stolley sets up offices in the Adolphus Hotel and begins calling Zapruder's home at fifteen minute intervals. Zapruder, shaken by the day's events, drives aimlessly around Dallas.

9:55 pm

Secret Service Agent Max Phillips sends one of the two copies to Secret Service Chief Rowley in Washington, D.C. In an accompanying note, Phillips says that "Mr. Zapruder is in custody of the 'master' film."

11:00 pm

Stolley reaches Zapruder at home and asks to come out and view the film. Zapruder declines. They agree to meet the next morning at 9:00am at Zapruder's office.

NOVEMBER 23

8:00 am

Stolley is waiting at Zapruder's office when Zapruder arrives. The film is screened for Stolley. Stolley agrees that LIFE will pay Zapruder \$50,000 in two installments for print rights to the film. Stolley leaves with the original and perhaps the remaining copy. The original is sent to Chicago where the LIFE editorial staff has assembled to prepare the new issue to be on the newsstands the following Tuesday, November 26th. During the preparation of black and white copies, the original is broken in several places by photo technicians. Splices are made.

At some time this weekend, a copy of the film is sent to New York where it is viewed by C.D. Jackson, publisher of LIFE. Jackson decides to acquire all rights to the film and so instructs Stolley.

Evening

Since copies cannot be made in Dallas, Gordon Shanklin, FBI SAIC in Dallas, is instructed to send the copy the FBI obtained from Sorrels by commercial flight to Washington, D.C. Shanklin does so, at the same time requesting that the FBI Lab make three, second-generation copies, one for Washington and two for the Dallas Field Office.

NOVEMBER 24

Zapruder may have screened the film for Forrest Sorrels and other law enforcement agents.

NOVEMBER 25

Morning

Stolley meets with Zapruder in the offices of Zapruder's lawyer. The negotiations end with LIFE purchasing world-wide rights to the film for \$150,000.

During these negotiations, Dan Rather is shown the film. He neglects to make an immediate bid but elects to check with New York first. During a radio broadcast with Richard C. Hottelet and Hughes Rudd, Rather describes the film which he has "just returned from seeing." Later that day, Rather describes his viewing of the film on the CBS Evening News. Rather could only have seen this film at this time if Zapruder had retained one copy and provided Stolley with only the original the previous Saturday.

NOVEMBER 26

Morning

LIFE begins newsstand distribution of the November 29th issue. At the same time, various LIFE editors order up prints of the film for viewing in their offices. I was shown one of these in October 1966. Since control was lax, bootleg copies began to circulate.

What emerges from this chronology is a single important fact:

At no time during this hectic weekend did the original of the film ever leave the custody and control of Abraham Zapruder and LIFE magazine.

Two first-generation copies were provided to Forrest Sorrels of the Secret Service in the late afternoon of November 22nd. One of these copies was shipped to Washington that night. The other was turned over to the FBI and sent by commercial air to Washington the next day. But the original stayed with Zapruder until the morning of November 23rd when Dick Stolley walked out of Zapruder's office with it under his arm.

That original remained under LIFE's custody and control until it was given back to Zapruder's family in the 1970s.

But how do we know that LIFE did not conspire in the alteration of the film? As it is impossible to prove any negative, so it is impossible to prove this negative. **But there is no shred of evidence that it happened.** On Monday, November 25th, many millions of LIFE magazine copies went into the mails to subscribers with black and white frames from the film, and, about the same time, copies of the film began appearing in editors' offices. Had the conspiratorial alteration of the film by LIFE and the government already taken place? If not, it would have been too late. With unknown copies floating around, the toothpaste could no longer have been put back in the tube.

Recently, another thread in the fabric has become visible.

On Saturday morning, November 23rd, 1963, Zapruder sold just print rights to LIFE for \$50,000. Other media were clamoring at Zapruder's heels, and two days later he sold additional rights to LIFE for \$100,000 more. Are we to believe that Zapruder - always a shrewd businessman - had let Stolley walk out of his office with both the original and the last first-generation copy? How would Zapruder be able to negotiate with the media for the remaining rights to his film?

Had he given up his last copy of the film, then Dan Rather could not have viewed the film in the offices of Zapruder's lawyer on the morning of November 25th.

Had he given up the last copy of his film, he could not have shown the film numerous times to Forrest Sorrels and others over that weekend. Recently, a new fact has come to light via the inquiries of the AARB. Their report disclosed that "...the Zapruder family's company possessed a third, first-generation copy of the Zapruder film."

If Zapruder retained a first-generation copy of the film, then there was no time ever when the toothpaste could have been put back in the tube. You say that Zapruder and LIFE could both have cooperated with the government in the alteration of the film? You can say this if you will. You can believe it, I suppose...

But I can't. I think it's silly.

At this conference two years ago, Professor James Fetzer declared that a "historical turning point" had been reached: The alteration of the Zapruder film had been proven!

When my colleague here, Hal Verb, had the temerity to disagree, the Professor told him he was "irrational."

When earlier this year, I had the temerity to disagree, I was told by the Professor that "...you have thereby discredited yourself as a commentator on these matters."

Well, Professor Fetzer is a commentator here today and you will be able to judge his commentary. But since he is here, I want to close by taking up two of his contentions.

First, that the original of the Zapruder film was sent to the National Photographic Interpretation

Center on the evening of November 22nd.

Second, that famed eyewitness identification expert Elizabeth Loftus has produced findings showing that salient details of events are remembered with 98% accuracy and completeness.

In a recent email to me, Professor Fetzer wrote:

"A study that appears in ASSASSINATION SCIENCE [states that] the film appears to have been in the hands of the National Photographic Interpretation Center run by the CIA already Friday night, where an original and three copies were struck and then returned to Dallas in time for a small group of reporters, including Dan Rather, to view the film in a preliminarily-edited version."

The study referred to is by Mike Pincher and Roy L. Schaeffer. These writers manufacture out of whole cloth a flight of "at least the original and one copy" from Dallas to Andrews Air Force Base on the night of the 22nd and a return flight of the altered film to Dallas in the early morning hours of November 23rd. They do this without a single fact to support their fancy. They even cite the Max Phillips note (quoted above), but never tell the reader that Phillips also pointed out that "Mr. Zapruder is in custody of the 'master' [read 'original'] film."

They - and apparently Professor Fetzer - have simply misinterpreted the so-called "CIA 450 Documents" discovered by Paul Hoch in the early 1980s.

These documents recount the preparation of four photo briefing boards for government officials based upon NPIC's analysis of the film. The question at issue is the timing of the shots. The selection of frames for the briefing boards makes clear that NPIC is looking at the same film we see today.

Telltale information is found on page six of the documents which refer to the December 6, 1963 issue of LIFE. Hence, the examination was carried out not on November 22nd - but sometime in December 1963. The copy of the film analyzed was the Secret Service copy, whose agents stayed with the film while the briefing boards were prepared. AARB located and interviewed two former employees of NPIC who stated that internegatives were made of only single frames to be mounted on briefing boards and that they never "reproduced the film as a motion picture."

Professor Fetzer makes his second claim in his own recognizable style. He wrote to me:

"On Table 3.1 of Elizabeth Loftus, EYEWITNESS TESTIMONY, appears a summary of research with 151 subjects which reports that, when a group of subjects considered what they were observing to be salient or significant, they were 98% accurate and 98% complete with respect to their observations, which reinforces their importance as evidence. Even though you appear to accept the widely-held belief that eyewitness testimony is unreliable, Loftus' findings provide one more striking indication that opinions that are popular are not always true."

"Indeed, to think that a view must be true because it is widespread is to commit the FALLACY OF POPULAR SENTIMENTS... While you have cited an appropriate expert in Elizabeth Loftus, you have misrepresented her findings concerning eyewitness testimony in relation to the assassination of JFK... Indeed, David [Mantik] offers a calculation that, whenever dozens of witnesses all recall an event...in the same way then they are almost certainly correct. If a single witness has a 2% chance of being wrong, then if all ten witnesses report the same event, the probability they are all wrong is 02 to the 10th power or 10 to the minus 17th, which equals .0000000000000001!"

There are so many errors in these few lines that it is difficult to know where to begin.

First of all, these are not Elizabeth Loftus' findings, but the account of an experiment published in the Harvard Law Review by Marshall, et al. entitled, "Effects of Kind of Question and Atmosphere of Interrogation on Accuracy and Completeness of Testimony." The focus of the study is not "salience" or "accuracy" or "completeness" - but, rather, methods of interrogation.

Elizabeth Loftus cited the study in her book - but these are not "her findings."

Had Professor Fetzer taken the trouble to look at the article he cites, he would have recognized that the "salient items" were not picked out by the people tested in the experiment, but by staff members and high school students. Hence, he misspeaks in saying, "...when a group of subjects considered what they were observing to be salient or significant, they were 98% accurate and 98% complete with respect to their observations."

It is Professor Fetzer's practice to ascribe nonsensical views to people and then criticize them for holding them. Likewise here. The Professor ascribes to me the silly idea that "...a view must be true because it is widespread." Then he exposes me as having committed "the fallacy of popular sentiments" for holding such a silly idea.

This isn't argument. It's just silliness!

Then there is Professor Fetzer's claim that I have "misrepresented" Elizabeth Loftus' findings with respect to the Kennedy assassination. It is not only I who "accepts the widely-held belief that eyewitness testimony is unreliable," it is also Elizabeth Loftus. In fact, it is precisely her work which brought about this "widely-held belief." The cover of *Eyewitness Testimony* states that the book "...makes the psychological case against the reliability of the eyewitness."

This is the book's single, unifying theme. Eyewitness testimony is both unreliable at its inception and subject to corruption by later acquired information and questioning.

Since I'd worked with Elizabeth Loftus on two cases (most recently the Oklahoma City bombing case), I asked her what she thought of the use the Harvard Law article had been put to by David Mantik and Professor Fetzer. She wrote back:

"It is fair to say that salient details are remembered better than peripheral ones. Also, it is easier to mislead people about peripheral details.

"It is WRONG [her emphasis], however, to say anything like 98% of salient details are accurately remembered. If that was shown in the Marshall case, it is only with those subjects, with that stimulus material, in that study. We virtually never make claims about absolute percentages because the real percentages in any situation depend on so many other factors."

So much for my alleged misinterpretation of her views.

Next is Professor Fetzer's quotation of a statistical error by David Mantik. Here, as in so many other things, he wraps himself in David Mantik's skirts. But David Mantik is mistaken when he writes:

"If a single witness has a 2% chance of being wrong, then if all ten witnesses report the same event, the probability they are all wrong is .02 to the 10th power or 10 to the minus 17th, which equals .000000000000000001!"

They both got it wrong. As Art Snyder will be able to explain to you, they confused a Type I Probability (false negative) with a Type II Probability (false positive). I am sure Professor Fetzer will go on for hours in argument with Art Snyder about this. As for me, I know zip about probability theory and find the important point to be Elizabeth Loftus' "...it's wrong to say anything like 98% of salient details are accurately remembered."

You may wonder why I've taken the time to attack Professor Fetzer here. It is because he expresses a trend in assassination research which I find odious.

His emphasis on credentials and the cult of expertise (or alleged expertise) is demeaning to the tradition of inquiry we all share as a community. When the final history of this case is written it will be based on the canons of acute historical research. These canons have nothing to do with how many

initials you can hang after your name or how often you're called "distinguished."

They have to do with the evidence you put forward for your view and the reasonableness of the interpretations you hang on that evidence. That's what Sylvia Meagher and I believed when we started working together in the 60s. It was a long time ago in virtually another country. It was 1965... 66... 67, and here and there people were beginning to distrust what they'd been told.

There was Mary Ferrell in Dallas, Penn Jones just outside Dallas, Sylvia Meagher in New York City, Paul Hoch in Berkeley, Cyril Wecht in Pittsburgh, Vince Salandria in Philadelphia, Harold Weisberg in Maryland, Ray Marcus and David Lifton in Los Angeles... and many, many more. *A housewife, a lawyer for the school board, the editor of a small paper, a graduate student, a young professor, a WHO official.* We were little people. People who had only a few things in common -- inquiring minds, an unwillingness to be intimidated by public attitudes, more than a little tenacity, a bit of modesty and a willingness to laugh at oneself. None of us had any money or hoped to make any money out of this. We were doing it for its own sake. We formed a community... the closest thing to a true community of inquiry that I've ever known.

We shared information on a transcontinental basis. I still remember the excitement with which Vince Salandria and I received our copy of the Sibert-O'Neill Report from Paul Hoch! None of us gave a damn for credentials because - as we put it - "There are no Ph.Ds in assassination research."

Back then - with the might and majesty of the federal government aligned with the news media in defense of the Warren Report - performing assassination research was somewhat like doing research on UFOs. It was not respectable. And so we formed our own community and helped with each others' research and critiqued each others' drafts. It's that community which still stands in my mind's eye as the ideal - and it's that community to which I owe my loyalty.

That community lies at the farthest remove from "Assassination Science" and its promoter.

Josiah Thompson, 11/98

[JFK Main Page](#)

[Return to Zapruder Alteration Page](#)

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