

## **THE ZAPRUDER FILM: Recent Research and Legal Issues**

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The most recent research on the death of JFK has revolved about the Zapruder film and its authenticity, including questions about whether Abraham Zapruder actually took the film that bears his name. These developments were substantially advanced during The Zapruder Film Symposium, Duluth, MN, 9-11 May 2003, which I organized and moderated on the Duluth Campus of the University of Minnesota. The invited speakers included Jack White, David Healy, John Costella, David Mantik, and David Lifton.

Among the most important discoveries to emerge from the conference were that different copies of the film—the Lifton “Z Film” (undated), the Macmillan CD, “JFK Assassination: A Visual Investigation” (1993), Robert Groden’s “The Assassination Films” (1995), and MPI’s “Image of an Assassination” (1998), are literally different versions insofar as the present different amounts of information in each of their frames. A comparison is provided below, prepared with the assistance of Scott A. Lederer.

Perhaps even more striking was the discovery that even the best of these, the MPI (1998) recording, which advertises itself as “a state-of-the-art digital replication of the camera original—a copy that will serve researchers for years to come”—turns out to be missing frames 155-156 and 208-211, the alleged “splices” in the film, but has frames 331 and 332 in the opposite order and is also missing frames 341, 350, and even 486, which is the film’s final frame! These are documented in “Zapruder Film Frame Comparisons” below.

Fortunately, John P. Costella, Ph.D., an expert on light and the properties of moving objects, has created a new version of the film that not only compensates for these shortcomings but also introduces aspect ratio correction (which expands frames horizontally) and pincushion distortion correction (which pulls frames outward at their corners) as well as adding “ghost panels” from prior and succeeding frames and masking the sprocket holes to enhance viewing the frames in “The New Zapruder Film” below.

These results and additional new studies of the film may be found in a new book based upon The Zapruder Film Symposium, *The Great Zapruder Film Hoax (2003)*, which I have edited. The evidence that the film is not merely altered but has been fabricated by creating a whole new film includes the unresponsive spectators, an impossible frame 232, Stemmons Freeway sign anomalies, lamppost verticality inconsistencies, the missing limousine stop, the Greer backward head turn, the disappearing blood spray, the “blob” of gushing brains, the Greer forward head turn, the absence of tissue debris on the limousine trunk, the missing Connally left-turn, and (what Lifton calls) the “full flush left” problem.

Indications that Zapruder may not have taken the film that bears his name are substantial and growing. In a new Appendix I added to the book for its second printing, for example, Costella has reviewed the preparation of the MPI video and found several in addition to those discussed in the first printing. A photo of the sixth floor of the Book Depository is shown and Zapruder remarks that he “must have been in the line of fire”. Yet the film that bears his name shows all the shots having occurred before the President even passes Zapruder, suggesting that, *if Zapruder was there*, the shots must have occurred further down Elm Street, but also raising the prospect that Zapruder was not there filming at all!

Zapruder had the reputation of being a shrewd businessman, who capitalized on the film by negotiating with *Life* on Saturday for the sum of \$50,000, which in today’s currently would be on the order of nearly \$300,000. That may sound impressive yet, according to Richard Stolley, who made the purchase for *Life*, Zapruder did not let any other media organization competing in the bidding and, when Stolley apprised him that he had gone as high as he could go without authorization from New York, Zapruder settled—even though Stolley was in effect conceding that he would be willing to go higher for the film.



The latest development concerns this photograph, which Rich DellaRosa, who manages the forum, has recently posted on *JFKresearch.com*. Several contributors to the thread have observed that they cannot properly operate the camera without putting their eye to the viewfinder and that they are skeptical that he could not have done so in the manner shown here. Since Zapruder wore glasses, he obviously had problems with his vision that made it problematical for him to operate the camera without them. This suggests the following dilemma regarding whether Zapruder could have taken the film that bears his name.

He wore glasses, so clearly he suffered from poor vision (nearsighted or astigmatic, for example), but wearing them would have made it all but impossible to film the motorcade. If he was wearing them, then it would have been all but impossible to film the motorcade (since he could not have attained proper focus on his subject given the mode of operation of the camera). If he was not wearing them, however, then it would also have been all but impossible to film the motorcade (since he could not have attained the proper focus on his subject given his own lack of visual acuity). Either he was wearing glasses or he was not. Therefore, it would have been all but impossible for Zapruder to have taken his film.

Recent research by David W. Mantik, M.D., Ph.D., which he presented to the Dusquesne University Symposium, “Solving the Great American Murder Mystery”, on 21 November 2003 deserves wide dissemination. For this journal, Mantik has elaborated the points that he made during his formal presentation in an informal fashion, which makes them easier to follow. His latest work has substantiated findings he previously published in studies that appeared in *Assassination Science* (1998) and in *Murder in Dealey Plaza* (2000). He advances additional grounds establishing that the autopsy X-rays have been faked and that the authenticity of critical autopsy photographs has also been empirically disproven.

Mantik's study reveals that a white patch was imposed upon the back of the skull in the lateral cranial X-ray (to conceal a massive blow-out caused by a shot from in front), that a 6.5 mm bullet fragment was added to the A/P (anterior/posterior) X-ray (in an effort to implicate an obscure Italian rifle of that caliber), that frontal bone is missing from X-rays of the President's cranium (even though other evidence, such as Jackie's testimony and other autopsy photographs show the front of his face intact), that the pattern of metallic fragments displays a fuzzy white cloud (which could be an effect of the use of a mercury bullet), that the Harper fragment came from the rear of the skull (substantiating the blow-out to the back of the head), and that the "red spot" featured by the HSCA in its report on the medical evidence has been faked (where the back of the head show was much lower).

As if these results were not stunning in themselves, a review of the Discovery Channel's documentary, "Death in Dealey Plaza", provides unexpected evidence confirming that Mary Moorman was indeed standing in the street when she took her famous photograph, where the Polaroid reenactment photograph intended to replicate Mary's original turns out to include too much area to have been taken from the grass. Unless the Curator of The Sixth Floor Museum and his associates in creating this documentary have faked their own reconstruction, therefore, their own program provides addition proof that Mary was in the street and that the Zapruder film, which shows her on the grass, has itself been fabricated.

The rest of this special issue is devoted to several lawsuits involving copyright issues in relation to the film. The first, *Gies v. Time-Life*, concerned the violation of an agreement between Josiah Thompson and Time-Life for him to use frames from the film in a book he was preparing, which he was not allowed to do. In its decision, the Court quotes *Nimmer on Copyright* in support of the conclusion that photographs are copyrightable. But Nimmer has defined a category of photographs—called "news photographs"—where form and content (idea and expression) concerning newsworthy events merge to the extent that nothing but the presentation itself can suffice, which pose an exceptional case.

More recently, on 23 November 1998, a civil suit was filed by three attorneys on behalf of the Assassination Archives and Research Center in Washington, D.C., and Passage Productions, which wanted to make use of the film. Their objective was to dispute the government's approach toward the acquisition of the film as an "assassination record" without concurrently obtaining the copyright, even though as much as \$30,000,000 had been suggested as compensation. (It would turn out to be \$16,000,000.) The plaintiffs argued the family had abandoned its copyright through highly selective enforcement and charged excessive fees—up to *fifty times* the industry standard—for the use of its frames.

The question of copyright extends across multiple issues, including fair use and criticism, since it can be difficult if not impossible to criticize work you cannot cite. It was not a part of this lawsuit, but the question of authenticity raises fascinating issues, especially if it has been altered at the hands of government agents or employees, since government documents are not covered by copyright protection—not to mention the copyrightability of a film fabricated to conceal the true causes of death of the 35th President of the United States! The government made payment before the case was heard, thus rendering it moot.

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