

UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF COLUMBIA

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JUN 11 1982

JAMES F. DAVEY, Clerk

HAROLD WEISBERG,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 78-0322
	:	
WILLIAM H. WEBSTER, ET AL.,	:	
	:	
and	:	
	:	
FEDERAL BUREAU OF INVESTIGATION,	:	Civil Action No. 78-0420
ET AL.,	:	
	:	(Consolidated)
Defendants	:	

MOTION FOR AN ORDER COMPELLING DEFENDANTS TO SEEK JOINDER  
 OF COPYRIGHT HOLDERS PURSUANT TO RULE 19(a)

Comes now the plaintiff, Mr. Harold Weisberg, and moves the Court for an order compelling defendants to seek the joinder, pursuant to Rule 19(a) of the Federal Rules of Civil Procedure, of all copyright holders of materials withheld in the above cases on the grounds that the Copyright Act, 17 U.S.C. § 101 et seq., and Exemption 3 bar their release under the Freedom of Information Act.

A Memorandum of Points and Authorities and a proposed Order are submitted herewith.

Respectfully submitted,

  
 JAMES H. LESAR  
 1000 Wilson Blvd., Suite 900  
 Arlington, Va. 22209  
 Phone: 276-0404

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 14th day of June, 1982, mailed a copy of the foregoing motion to Mr. Henry LaHaie, Civil Division, U.S. Department of Justice, Washington, D.C. 20530.

  
 JAMES H. LESAR

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,  
Plaintiff,

v.

WILLIAM H. WEBSTER, ET AL.,

and

FEDERAL BUREAU OF INVESTIGATION,  
ET AL.,

Defendants

Civil Action No. 78-0322

Civil Action No. 78-0420

(Consolidated)

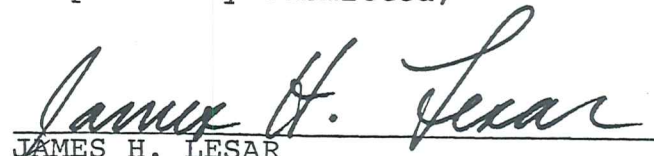
MEMORANDUM OF POINTS AND AUTHORITIES

The April 15, 1982, affidavit of FBI Special Agent John N. Phillips states that Dallas Field Office file 89-43-1A81 is denied plaintiff on the grounds that it is protected by Exemption 3 and the Copyright Act, 17 U.S.C. § 101 et seq. See Phillips Affidavit ¶3(g). Although Agent Phillips does not describe the record, it appears that it is the famous "Zapruder film", a home movie of the assassination of President Kennedy which is perhaps the most important single piece of evidence pertaining to the President's murder.

The status of allegedly copyrighted materials under the Freedom of Information Act was discussed by the District of Columbia Circuit in a case of first impression, Weisberg v. U.S. Dept. of Justice, 203 U.S.App.D.C. 242, 631 F.2d 824 (1980). The Court held that copyrighted materials may constitute agency records under FOIA. Id., 203 U.S.App.D.C. at 246, 631 F.2d at 828. It also held, however, that joinder of the copyright holder under Rule 19(a) of the Federal Rules of Civil Procedure should have been sought. Id., 203 U.S.App.D.C. at 246-249, 631 F.2d at 828-831.

Accordingly, this Court should order defendants to seek the joinder of any copyright holders of materials withheld under claim of copyright unless said copyright holders agree to the release under FOIA of the materials in which they hold a copyright.

Respectfully submitted,



JAMES H. LESAR  
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Arlington, Va. 22209  
Phone: 276-0404

Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,  
  
Plaintiff,  
  
v.  
  
WILLIAM H. WEBSTER, ET AL.,  
  
and  
  
FEDERAL BUREAU OF INVESTIGATION,  
ET AL.,  
  
Defendants

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: Civil Action No. 78-0322  
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O R D E R

Upon consideration of plaintiff's motion for an order compelling defendants to seek the joinder of copyright holders, defendants' opposition thereto, and the entire record herein, it is by the Court this \_\_\_\_\_ day of \_\_\_\_\_, 1982,

ORDERED, that plaintiff's motion be, and the same hereby is GRANTED: and it is further

ORDERED, that defendants shall have \_\_\_\_\_ days from the date of this Order within which to effect the joinder of the copyright holders to any and all materials that are being withheld from plaintiff on the grounds that their release is barred by the Copyright Act, 17 U.S.C. § 101 et seq., and Exemption 3 of the Freedom of Information.

UNITED STATES DISTRICT JUDGE