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JAMES H. LESAR  
ATTORNEY AT LAW  
1000 WILSON BLVD., SUITE 900  
ARLINGTON, VIRGINIA 22209  
TELEPHONE (703) 276-0404

November 4, 1982

Mr. Henry G. Zapruder, Esq.  
Cohen and Uretz  
1775 K Street, N.W.  
Washington, D.C. 20006

Dear Mr. Zapruder:

Please accept my apologies for taking so long to get back to you. I've had so many court deadlines pressing upon me the last three months that I feel like I've been under siege. The smoke has finally cleared long enough--just long enough--for me to give some thought the matter concerning the "Zapruder film."

My client, Harold Weisberg, has been called the "premier authority" on the assassination of President Kennedy by two professional historians. The Assassination of President John F. Kennedy: A Comprehensive Historical and Legal Bibliography, 1963-1799, Introduction, p. 26. He is nearly 70 years old, in ill health, and his only regular source of income is a small social security check.

In 1978, in recognition of the benefit conferred upon the public by his work on the King and Kennedy assassinations, the Department of Justice determined that he was entitled to a waiver of copying charges for all records on these subjects in its possession. Previously, U.S. District Judge Gerhard Gesell has ruled that he was entitled to a fee waiver for 40,000 pages of records on the Kennedy assassination.

Mr. Weisberg's will provides that after his death his enormous collection of records on these assassinations--he has received more 300,000 pages of documents from the Department of Justice alone--are to be donated to the University of Wisconsin-Stevens Point. As you may gather from this, Mr. Weisberg's primary interest is scholarly, not commercial.

As I indicated to you in our last brief phone conversation, the conditions specified in your letter of August 5, 1982, are unsatisfactory. However, I am hopeful that we can work out an agreement which is acceptable to all concerned.

There is no objection to your first requirement, that the film copy shall have a copyright notice affixed to it. In fact, Mr.

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Weisberg has suggested to me that the film should be kept in a permanent container also bearing the copyright notice.

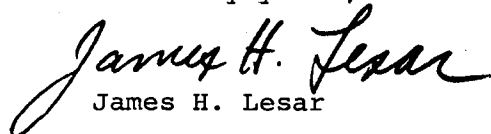
The remaining restrictions present problems, however. The study of individual frames requires the making of slides or prints, hence he cannot agree to the prohibition against making copies. Similarly, scholarship may require consultation with others, hence he cannot agree to not show the film to others. The same considerations pertain to the requirement that the film be returned to you within five years. The assassination of President Kennedy is of perpetual scholarly interest, and the film, including the particular copy in the possession of the FBI, is an essential part of the archive.

It seems to me that your interest is really confined to protecting against unconsented commercial use of the film. Agreement to affix the copyright notice accomplishes this; the copyright law protects against unlicensed commercial use to the extent that it does not constitute "fair use." However, Mr. Weisberg is certainly willing to sign an agreement that he will not make any commercial use of the film without your consent.

I hope that you will find this acceptable. If you have any questions, please do not hesitate to call me.

I would like to be able to inform Judge Smith where we stand on this matter sometime within the next two or three weeks. Therefore, I would appreciate it if you could give this matter your attention at your earliest convenience.

Sincerely yours,

  
James H. Lesar