

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GERARD ALEXANDER SELBY, JR.
6913 Donachie Road
Baltimore, MD 21239

and

HAROLD WEISBERG
7627 Old Receiver Road
Frederick, MD 21701

Plaintiffs

v.

HENRY G. ZAPRUDER

and

THE LMH COMPANY

Defendants

JACKSON, J. TPJ

88- 3043

OCT 20 1988

COMPLAINT FOR PRELIMINARY AND PERMANENT IN-
JUNCTIVE RELIEF AND FOR DECLARATORY JUDGMENT

[The Copyright Act, 17 U.S.C. §§ 101, et seq.; The
First Amendment to the United States Constitution;
The Declaratory Judgment Act, 28 U.S.C. § 2201, et seq.]

JURISDICTION AND VENUE

1. This action arises under the Copyright Act of 1976,
17 U.S.C. §§ 101, et seq., the First Amendment to the United
States Constitution, and the Declaratory Judgment Act, 28 U.S.C.
§§ 2201, et seq.

2. This court is vested with subject matter jurisdiction
pursuant to 28 U.S.C. § 1338(a).

3. Venue lies in this judicial district pursuant to 28 U.S.C. § 1400(a), since each defendant resides, has an agent, or may be found in this district.

PARTIES

4. Plaintiff Gerard Alexander Selby, Jr. ("Selby") is a graduate student at the University of Maryland, College Park. He is working towards a Master of Arts degree in the Department of Communication Arts and Theatre. He is the producer of a documentary videotape ("the videotape") entitled "Reasonable Doubt" which critically examines the ballistics and medical evidence pertinent to the theory of the President's Commission on the Assassination of President Kennedy ("the Warren Commission") that a single bullet inflicted all seven nonfatal wounds suffered by President Kennedy and Governor Connally during the assassination. It is generally conceded that if this theory is not true, then there must have been a conspiracy to assassinate the President. "Reasonable Doubt" incorporates many frames from the famous home movie film ("the Zapruder film") taken by Abraham Zapruder.

5. Plaintiff Harold Weisberg ("Weisberg") is a journalist and author who has written six books on the assassination of President Kennedy. He is recognized as a leading authority on the subject.

6. Defendant LMH Company is the alleged current owner of the copyright to the Zapruder film.

7. Defendant Henry G. Zapruder ("Zapruder") is the son of the late Abraham Zapruder. Upon information and belief, Zapruder acts as the agent for the LMH Company. Zapruder maintains a law office in the District of Columbia.

BACKGROUND

A. Selby and Zapruder

8. In April 1985, plaintiff Selby decided to produce a videotape documentary on President Kennedy's assassination to fulfill the requirements of the "production thesis" option for a Master of Arts degree in the Department of Communication Arts and Theatre. Declaration of Gerard A. Selby, Jr. ("Selby Declaration"), ¶2.

9. That same month Selby contacted the office of defendant Zapruder and requested permission to use the Zapruder film in his documentary. Mr. Zapruder's secretary, Anita Dove ("Dove"), advised Selby to write Zapruder a letter outlining his intentions for the videotape. Selby did so. When he received no reply, he sent Zapruder two follow-up letters. There was no response to these letters either. Selby Declaration, ¶¶3-4.

10. In March 1988, Selby completed a preliminary version of his videotape documentary. The videotape includes substantial use of the Zapruder film. Id., ¶5.

11. Since April 1, 1988, the Discovery Channel, a national cable television network, and the Arts & Entertainment Network,

have expressed an interest in obtaining the rights to air "Reasonable Doubt" in November 1988, and several television distributors have said that they believed it would do well in foreign TV markets, as well as in home video distribution. Id., ¶6.

12. During a phone conversation with Zapruder on June 29, 1988, Zapruder told Selby that the standard charge for worldwide TV distribution was \$30,000. Selby told Zapruder that this was impossible because he had had to borrow money to make the videotape, which cost \$18,000. He told him that the most he could possibly make from a deal with the Discovery Channel would be \$10,000-15,000. However, he offered Zapruder several possible payment plans, including giving him all the monies Selby earned from the videotape until the \$30,000 was paid off and paying him \$5,000 a year for six years, whether or not Selby made any money from the videotape. Zapruder refused to accept either of these offers, but he told Selby that he would "work something out" because he didn't want to close down Selby's project. He told Selby that he would get in touch with him as soon as he returned from a week's vacation. Id., ¶8.

13. On July 14, 1988, Selby again contacted Zapruder's office. Zapruder's secretary, Dove, told him that Zapruder could not talk with him that day or for the next couple of weeks, and that she had no idea when Zapruder would get back in touch with him. She also told him that if he used the Zapruder film without paying for the rights, he would be sued. At the conclusion of

this conversation, Dove requested that Selby send Zapruder yet another letter. Selby said that he would, but he requested that Dove have Zapruder call him as soon as possible. She said that she would. Id., ¶9.

14. On July 18, 1988, Selby sent Zapruder, by certified mail, the letter which Dove had requested in their phone conversation on July 14th. Zapruder never responded to this letter, nor did he phone Selby. Id., ¶¶9-10.

15. On September 2, 1988, Selby again contacted Zapruder's office. Dove acknowledged receiving Selby's letter of July 18th and said that they would get around to answering it "sometime." When Selby pressed for some idea of how much he might have to pay for film rights, Dove said she could not give that information over the phone. She also said that she and Zapruder had not decided on the price yet. She did confirm, however, that the price for worldwide television rights was \$30,000, and she indicated that the standard fee for network news programs was \$15,000 for a one-time worldwide airing. Selby once again asked Dove to have Zapruder give him a call. Again, Zapruder has failed to call. Id., ¶12.

16. The Discovery Channel has offered to pay Selby \$10,000 for a two-year contract to air his documentary, with the first six months of the contract being broadcast exclusive and the entire term of the contract being cable exclusive. See Declaration of W. Clark Bunting ("Bunting Declaration"), ¶3.

17. The Discovery Channel will not purchase or air the documentary until all rights, including the rights to the Zapruder

film, have been secured by Selby. Bunting Declaration, ¶3.

18. The Discovery Channel is interested in airing Selby's videotape on or prior to November 22, 1988, the 25th anniversary of President Kennedy's assassination. After that date, the value of the documentary to the Discovery Channel will be substantially reduced. Id., ¶4.

19. On October 13, 1988, Selby was informed that his documentary had been awarded the Golden Eagle Award from the CINE ("Council on International Non-Theatrical Events") Film & Video Festival. This means that his documentary, along with other CINE Golden Eagle Winners, will represent the United States of America for the next year in film and video festivals held throughout the world. Selby Declaration, ¶14.

B. Weisberg and Zapruder

20. Although the LMH Company claims to hold a copyright in the Zapruder film, the original of the film is maintained by the National Archives and Records Administration ("NARA"). This film contains approximately 486 frames. About 22% of the film surface of each frame lies between the sprocket holes. On about two-thirds of the frames, this material has never been reproduced.

21. By letter dated November 19, 1987, plaintiff Weisberg wrote NARS through his attorney, James H. Lesar ("Lesar"), and requested that he be allowed to have slides made which would capture the missing sprockethole material. The letter stated that this would "make possible scholarly study of this latent photographic

evidence, and that it [would] preserve this 'lost' evidence for posterity." Lesar concluded his letter by stating that he had discussed the Weisberg project with Zapruder and understood that he interposed no objection to it. Lesar sent a copy of his letter to Zapruder. See Exhibit 1.

22. By letter dated December 4, 1987, Leslie C. Waffan ("Waffan"), Motion Picture, Sound & Video Branch, NARA, replied that NARA could provide 2x2 color slides of the Zapruder film containing images between the sprocket holes. He also stated that NARA required written permission from Zapruder before the slide order could proceed. See Exhibit 2.

23. By letter dated January 21, 1988, Lesar requested that Zapruder send a "letter of release" to NARA's Still Picture Branch as soon as possible. See Exhibit 3.

24. By letter dated March 2, 1988, Zapruder replied to Lesar's January 21st letter, stating that he had no record or recollection of whether "you intend to use the requested material for commercial or noncommercial purposes." He stated that if Lesar would confirm in writing "that the material is exclusively for personal use and is not intended to be exhibited or reproduced for consideration[,] . . . we will be pleased to provide you with a limited license (no license fee) together with authorization for the material." See Exhibit 4.

25. By letter dated March 4, 1988, Lesar gave the requested assurance that Weisberg intended to use the materials for noncom-

mercial purposes, namely, his examination and study, and did not intend to exhibit or reproduce them for consideration. See Exhibit 5.

26. In April 1988, not having received any authorization from Zapruder, Lesar phoned him. During the conversation Zapruder told him that a letter authorizing NARA's Still Picture Branch to undertake the project would be sent in a couple of days. See Exhibit 6.

27. Still not having heard from Zapruder by May 27, 1988, Lesar wrote him again on that date. He enclosed a copy of his letter to Zapruder of March 4, 1988, and asked that in view of the long delay, Zapruder attend to the matter forthwith. Id.

28. To date Lesar has received no further communication from Zapruder regarding the Weisberg project.

FIRST CLAIM--PLAINTIFFS' USE IS "FAIR USE"

29. Plaintiffs reallege all the allegations set forth in Paragraphs 1-28 above.

30. The use which plaintiff Weisberg seeks to make of the Zapruder film--scholarly examination and study of slides of the film containing the material between the sprocket holes--constitutes "fair use" under the Copyright Act, 17 U.S.C. § 107.

31. The use of substantial portions of the Zapruder film by plaintiff Selby in his video tape "Reasonable Doubt" constitutes

"fair use" under the Copyright Act, 17 U.S.C. § 107.

SECOND CLAIM--UNCONSTITUTIONALITY OF COPYRIGHT ACT

32. Plaintiffs reallege the allegations set forth in Paragraphs 1-28 above.

33. On information and belief, NARS will not copy slides of the Zapruder film in the manner desired by plaintiff Weisberg without the authorization of Zapruder because it believes that doing so would violate the Copyright Act, 17 U.S.C. § 101, et seq.

34. On information and belief, the Discovery Channel and other TV networks and videotape distributors will not purchase rights to Selby's documentary because they believe that showing it without Zapruder's authorization might violate the Copyright Act, 17 U.S.C. § 101, et seq., and subject them to suits for copyright infringement.

35. The Copyright Act, insofar as it applies to the Zapruder film, violates the First Amendment of the United States Constitution.

THIRD CLAIM--ABANDONMENT OF COPYRIGHT

36. Plaintiffs reallege all the allegations set forth in Paragraphs 1-7 above.

37. On November 25, 1963, Life Magazine, a division of Time, Inc., bought the original and all three copies of the Za-

Zapruder
 12/2/63
 1/1/64

pruder film and all rights therein from Abraham Zapruder for \$150,000 to be paid in yearly installments of \$25,000.

38. In its November 29, 1963 edition, Life Magazine first published some 30 frames of the Zapruder film. Zapruder film frames were also published Life Magazine's December 7, 1963 special "John F. Kennedy Memorial Edition," and in its issues of October 2, 1964; November 25, 1966; and November 24, 1967.

39. On May 15, 1967, Life registered the Zapruder film in the Copyright office as an unpublished "motion picture other than a photo play" pursuant to the Copyright Act of 1909, 17 U.S.C. § 5(m). The three issues of Life Magazine prior to this date in which Zapruder frames appeared had earlier been registered in the Copyright Office as "periodicals" pursuant to the Copyright Act of 1909, 17 U.S.C. § 5(b). The Memorial Edition had been registered in the Copyright Office as a book pursuant to the Copyright Act of 1909, § 5(a).

40. On November 18, 1967, Bernard Geis Associates published Six Seconds in Dallas by Josiah Thompson. This book copied many frames of the Zapruder film without the authorization of the copyright owner, Time, Inc.

41. In March 1975, the ABC-TV show "Goodnight, America," hosted by Geraldo Rivera, showed the Zapruder film to a national television audience. On information and belief, although ABC requested that Time, Inc. grant it permission to show the film, Time, Inc. refused, saying that the film was not available at any price. ABC proceeded to show the Zapruder film anyway.

42. On or about April 9, 1975, Time, Inc. assigned its copy-right in the Zapruder film to Lillian Zapruder, Myna Faith Hauser and Henry Zapruder, with Time, Inc. retaining unlimited, non-exclusive picture rights to the Zapruder frames.

43. In 1976 Robert Groden and F. Peter Model wrote a book entitled JFK: The Case For Conspiracy (New York: Manor Books, 1976). This book published, without authorization from the LMH Company or anyone else, all or part of 22 frames of the Zapruder film. Although the book was on the best seller list for several weeks, no suit was brought for copyright infringement, nor was any demand for payment made by the alleged copyright holder, the LMH Company.

44. On information and belief, a number of television stations, networks and programs have used, or intend to use, the Zapruder film without paying any copyright royalties to the LMH Company.

45. Copies of the Zapruder film can be purchased from Mr. Dave Hawkins of The Collector's Archive and other persons. Such sales have not been sanctioned by the LMH Company and the copies sold contain no notice of copyright.

46. On information and belief, despite widespread copying, sales and public showings of the Zapruder film, the LMH Company has never sued any person or company for copyright infringement.

47. The failure of the LMH Company to enforce its copyright claim against the aforesaid infringers and others constitutes abandonment of its copyright claim.

FOURTH CLAIM--VIOLATION OF NOTICE REQUIREMENT

48. Plaintiffs reallege all the allegations set forth in Paragraphs 1-7 and 42 above.

49. On information and belief, Zapruder, as agent for the LMH Company, requires, and since April 1975 has required, that all authorized copies of the Zapruder film have affixed to them a copyright notice which reads: "Copyright (c) 1967 by LMH Company, All rights reserved."

50. Said copyright notice fiolates the notice provisions of Section 19 of the Copyright Act of 1909, 17 U.S.C. § 19.

WHEREFORE, plaintiffs pray that this Honorable Court:

1. Issue a preliminary and permanent injunction enjoining the defendants from asserting that the sale of the rights to or the showing or copying of plaintiff Selby's documentary videotape "Reasonable Dougt: The Single Bullet Theory and the Assassination of President John F. Kennedy" infringes any copyright which the LMH Company may have in the motion picture film of the assassina-tion of President John F. Kennedy taken by Abraham Zapruder in Dealey Plaza on November 22, 1963 ("the Zapruder film");

2. Issue a preliminary and permanent injunction enjoining defendants from asserting that the making of slides by the Na-tional Archives and Records Administration of frames from the orig-inal of the Zapruder film containing the material between the

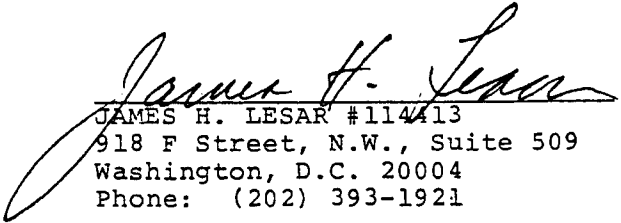
sprocket holes for plaintiff Weisberg infringes upon any copyright which the LMH Company may have in the Zapruder film;

3. Issue an preliminary and permanent injunction enjoining the defendants from withholding any authorization required by the National Archives and Records Administration to make slides of the original of the Zapruder film containing the material between the sprocket holes as requested by plaintiff Weisberg;

4. Issue a declaratory judgment finding that (a) plaintiffs' uses of the Zapruder film constitute "fair use" and do not infringe any copyright which the LMH Company may have in said film; (b) the LMH Company has abandoned its claim to own a copyright to the Zapruder film; (c) the Copyright Act is unconstitutional as applied to the Zapruder film as violative of the First Amendment to the United States Constitution; and (d) the copyright notice placed on the Zapruder film by the LMH Company violates the provisions of the Copyright Act;

5. Award plaintiffs attorneys' fees pursuant to 17 U.S.C. § 505; and

6. Grant such other and further relief as the Court may deem just and proper.


JAMES H. LESAR #114413
918 F Street, N.W., Suite 509
Washington, D.C. 20004
Phone: (202) 393-1921

Counsel for Plaintiffs

JAMES H. LESAR
ATTORNEY AT LAW
918 F STREET, N.W., ROOM 509
WASHINGTON, D.C. 20004
TELEPHONE (202) 393-1921

November 19, 1987

Mr. William Murphy, Chief
Motion Picture Sound & Video Branch
National Archives and Records Administration
Washington, D.C. 20408

Dear Mr. Murphy:

I represent Mr. Harold Weisberg, a writer who has authored six books on the assassination of President John F. Kennedy.

An acknowledged scholar on this subject, Mr. Weisberg has long paid special attention to the photographic evidence of the assassination. The most important piece of photographic evidence, the Zapruder film, is held by the National Archives. This film contains 486 frames. About 22% of the film surface of each frame lies between the sprocket holes. On about two-thirds of the frames, this material has never been developed. (Some slides with the sprocket hole material reproduced are contained in Warren Commission Exhibit 885.)

Mr. Weisberg seeks to have slides made which will capture the missing sprocket hole material. I am advised that this can be done without damaging the original film in any way. All that is required is that a photographer be allowed to bring a camera with a microphotographic lens to the Archives so he can photograph the original film frame by frame onto echtochrome film. This will require one day's time.

I believe this project is very much in the public interest. It will make possible scholarly study of this latent photographic evidence, and it will preserve this "lost" evidence for posterity.

Mr. Weisberg will bear any costs associated with this project.

I am sending a copy of this letter to Mr. Henry Zapruder, with whom I have discussed this project. It is my understanding that he interposes no objection.

Sincerely yours,

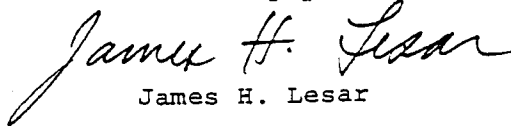

James H. Lesar

EXHIBIT 1

National Archives



Washington, DC 20408

DEC 04 1987

Mr. James H. Lesar
Attorney at Law
918 F. Street, N. W.
Washington, D. C. 20004

Dear Mr. Lesar:

This is in reply to your letter of November 19 on behalf of your client Mr. Harold Weisberg, concerning copies of slides made from the original of the film taken by Abraham Zapruder at the time of the Assassination of President John F. Kennedy (item 200.436, & 200(S)ZF.163-486).

As we had discussed, the original Zapruder film does have frames throughout which do contain images between the sprocket holes. We can provide your client with a set of color slides (2x2, \$2.65 each) of the 486 frames for approximately \$1300. Order forms are attached.

Please be advised that since we will need to reshoot 35mm slide film of the original 8mm motion picture film before we can make you a slide set, your order will take 8-12 weeks to complete.

In addition, you will need to obtain written permission from Mr. Henry G. Zapruder before the slide order can proceed. Please ask that the letter of release be sent to our Still Picture Branch (NNSP).

If you have any questions concerning the Zapruder motion picture film or the technical requirements for copying it, please contact me at 523-3291. If you have questions regarding the ordering of the slide set, please call Mr. Ed McCarter of the Still Picture Branch at 523-3010.

Sincerely,

Leslie C. Waffan
Motion Picture, Sound
& Video Branch

cc: Ed McCarter, NNSP

EX-107-2

National Archives and Records Administration

JAMES H. LESAR
ATTORNEY AT LAW
918 F STREET, N.W., ROOM 509
WASHINGTON, D.C. 20004
TELEPHONE (202) 393-1921

January 21, 1988

Mr. Henry G. Zapruder
Attorney at Law
1800 M Street, N.W.
Washington, D.C. 20036

Dear Mr. Zapruder:

Enclosed is a copy of a letter to me from Mr. Leslie C. Waffin, Motion Picture, Sound & Video Branch, National Archives regarding Mr. Weisberg's request for slides of the Zapruder film which will reproduce the images between the sprocket holes. He says that we need to obtain your written permission before the slide order can proceed.

We would appreciate it very much if you would send a "letter of release" to the Archives' Still Picture Branch as soon as possible, with a copy to me.

Thank you very much.

Sincerely yours,

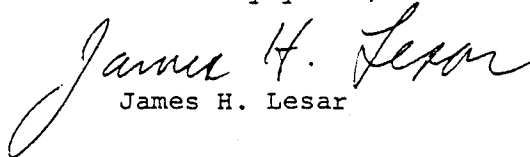

James H. Lesar

EXHIBIT B

Henry G. Zapruder
1800 M Street, N.W.
Washington, D.C. 20036

March 2, 1988


James H. Lesar, Esquire
Room 509
918 F Street, N.W.
Washington, D.C. 20004

Dear Mr. Lesar:

Please forgive the delay in responding to your letter of January 21, 1988. You may have told me, but I have no record or recollection of whether you intend to use the requested material for commercial or noncommercial purposes. If the latter, please confirm in writing that the material is exclusively for personal use and is not intended to be exhibited or reproduced for consideration. Under those circumstances, we will be pleased to provide you with a limited license (no license fee) together with authorization for the material.

Best regards.

Sincerely yours,


Henry G. Zapruder

HGZ:ald

EXHIBIT 4

JAMES H. LESAR
ATTORNEY AT LAW
918 F STREET, N.W., ROOM 509
WASHINGTON, D.C. 20004
TELEPHONE (202) 393-1921

March 4, 1988

Mr. Henry G. Zapruder, Esq.
1800 M Street, N.W.
Washington, D.C. 20004

Dear Mr. Zapruder:

In response to your letter to me of March 2, 1988, I write to confirm that Mr. Weisberg intends to use the requested materials for noncommercial purposes, namely, his examination and study, and he does not intend to exhibit or reproduce them for consideration.

If you choose to send the authorization to the National Archives' Still Picture Branch rather than directly to me, please send me a copy.

Thank you very much.

Sincerely yours,

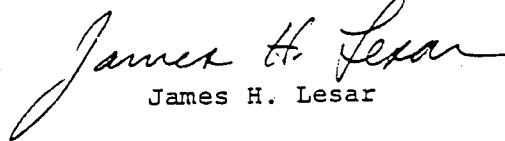

James H. Lesar

EXHIBIT 5

JAMES H. LESAR
ATTORNEY AT LAW
918 F STREET, N.W., ROOM 509
WASHINGTON, D.C. 20004
TELEPHONE (202) 393-1921

May 27, 1988

Mr. Henry G. Zapruder, Esq.
1800 M Street, N.W.
Washington, D.C. 20036

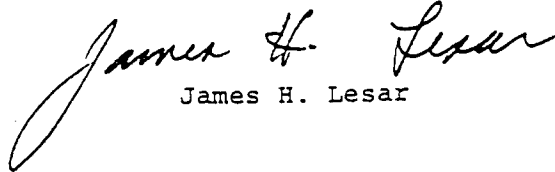
Dear Mr. Zapruder:

I enclose a copy of my March 4, 1988 letter notifying you that Mr. Weisberg intends to use the proposed reproduction of the Zapruder film frames with the material between the sprocket holes for examination and study, and that he does not intend to exhibit or reproduce them for consideration.

In April, not having heard from you, I phoned your office. When we spoke, you informed me that a letter authorizing the National Archives' Still Picture Branch to undertake this project would be sent you in a couple of days. If you did send it out, it must have miscarried in the mails, as I have still not received it.

In view of the long delay, I would appreciate it if you would attend to this matter forthwith.

Sincerely yours,


James H. Lesar

JAMES H. LESAR
ATTORNEY AT LAW
918 F STREET, N.W., ROOM 509
WASHINGTON, D.C. 20004
TELEPHONE (202) 393-1921

March 4, 1988

Mr. Henry G. Zapruder, Esq.
1800 M Street, N.W.
Washington, D.C. 20004

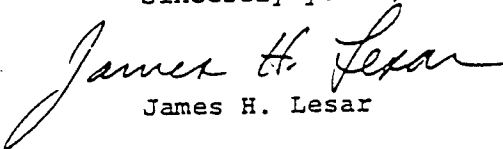
Dear Mr. Zapruder:

In response to your letter to me of March 2, 1988, I write to confirm that Mr. Weisberg intends to use the requested materials for noncommercial purposes, namely, his examination and study, and he does not intend to exhibit or reproduce them for consideration.

If you choose to send the authorization to the National Archives' Still Picture Branch rather than directly to me, please send me a copy.

Thank you very much.

Sincerely yours,


James H. Lesar

DECLARATION OF GERARD A. SELBY JR.

I, Gerard Alexander Selby, Jr., declare and say as follows:

1. I am currently a graduate student at the University of Maryland, College Park, working towards a Master of Arts degree in the department of Communication Arts & Theatre. I received a Bachelor of Arts degree in Radio-Television-Film at the University of Maryland, College Park in 1984.
2. I began work in the masters program in September 1984. In April 1985, I decided to produce a videotape documentary on President John F. Kennedy's assassination to fulfill the requirements of the production thesis option.
3. On April 12, 1985, I contacted the office of Henry Zapruder, who, as part of the LMH Company, was part owner of the copyright of the famous Abraham Zapruder home movie footage of President Kennedy's assassination. On this occasion I spoke not with Henry Zapruder but with his secretary, Anita Dove. I informed Miss Dove of my intentions to produce a documentary on the assassination and requested Henry Zapruder's permission to use the Zapruder film in my analysis of the events. Miss Dove told me to send Mr. Zapruder a letter outlining my intentions for the film and

they would get back to me (see attachment 1).

4. On September 16, 1985, after having not received any reply to my previous letter, I sent a follow up letter to Mr. Zapruder requesting his prompt attention in this matter (see attachment 2). Again, I did not receive a reply. Approximately six months later I sent one final follow up letter but, again, no reply. As of this date I have not received any replies of any kind from Mr. Zapruder or any of his agents regarding my request.
5. On March 11, 1988 I completed a preliminary version of the documentary (which has since been revised) entitled "Reasonable Doubt: The Single-Bullet Theory and the Assassination of John F. Kennedy." The documentary includes substantial use of the Zapruder film, which was essential to the arguments which I make in my videotape.
6. In late March 1988, I contacted Rex Recka of program acquisitions for the Discovery Channel, a national cable television network, in an attempt to interest Discovery in airing the show. On April 1, 1988 I was informed by Discovery that they were interested in obtaining the rights to air the show in November 1988. Since that time I have also received a similar offer from the Arts & Entertainment Network, and have contacted several television program

distributors who have said that they believe that "Reasonable Doubt" could do well in foreign TV markets as well as in home video distribution. However, as of this date, I have not received any interest or offers from foreign TV markets or home video distributors.

7. On April 25, 1988 I contacted the office of Henry Zapruder. Once again I did not talk with Mr. Zapruder but with his secretary Anita Dove, who told me that she handled all matters regarding the Zapruder film. She told me to send her a letter stating how I was going to use the film and where it would be shown. She also stated that while it was free for my thesis use, if I wanted to broadcast it commercially the cost for using the Zapruder film got "very expensive". I sent the letter on April 28, 1988 but did not receive a reply (see attachment 3).

8. On June 29, 1988 I talked by telephone with Henry Zapruder for the first and only time. The only reason that I was able to talk to Mr. Zapruder was because his secretary was out of the office when I called and Mr. Zapruder answered the telephone (on two earlier occasions on that day, Henry Zapruder's secretary told me that he had just stepped out of the office and that he had just gone to lunch). I explained to Mr. Zapruder at that time who I was and what I wanted (Despite my letters, he had no idea who I was.) Mr.

Zapruder then told me that there was no cost for the use of the Zapruder film in my thesis, but the cost for commercial use was very high. He said that their standard cost for worldwide TV distribution was \$30,000. (This amount is over 30 times higher than the per second rates charged by all of the newsreel libraries which I gathered historical footage from. For example, the costs per second for film/videotape footage from the Sherman Grinberg Film Libraries, which licenses ABC news footage, Twentieth Century Fox Movietone news and Worldwide Television News are \$45, \$45 and \$40 per second respectively. The rate being charged by Mr. Zapruder is equivalent to approximately \$1500 per second. See attachment 4.) I told Mr. Zapruder that there was no way I could possibly pay him \$30,000 because I had to borrow every penny that I possibly could just to make the videotape (the cost to produce "Reasonable Doubt", which is 51 minutes long, was \$18,000). I also told him that the most I would possibly make from a deal with the Discovery Channel was \$10,000 - \$15,000 (Discovery's subsequent offer was \$10,000). I suggested several possible payment plans with him, including giving him all monies that I made from "Reasonable Doubt" until his \$30,000 was paid off and paying him \$5,000 per year for six years, whether or not I made any money from the videotape. He refused to accept either of these offers but told me that we would "work something out" because he didn't want to close down my project. Mr.

Zapruder finished the conversation by saying that he was going on vacation for a week but would get back in touch with me as soon as he returned.

9. On July 14, 1988 I once again contacted Henry Zapruder's office and talked with Anita Dove. She informed me that Mr. Zapruder was busy and could not talk to me that day or for the next couple of weeks. In fact, she did not know when Mr. Zapruder would be able to talk to me. When I informed her that Mr. Zapruder had told me in our conversation of June 29, 1988 that he would call me back in a week, she said that it didn't matter what Mr. Zapruder had told me then, that he was not going to talk to me now and she had no idea when Mr. Zapruder would get back in touch with me.

At this point I told her that if I couldn't get any cooperation from Mr. Zapruder, then I was going to check into my legal options. She told me that that was fine, to go ahead, that someone had threatened to do that last month, and that they had checked into the matter and had determined that the copyright was legal. And, she said, if I went ahead and used it without paying for the rights that they would sue me, at which point she laughed. I then asked her if they had ever sued before and she replied yes. Because this was inconsistent with what I knew, I asked her to cite the cases. When she refused, I told her that they had never sued before and I knew it. Miss Dove then became upset and

wanted to know why I was being so "smart" with her. She said that here I was "wanting a favor" from them and then got all smart with her. She continued by saying that Mr. Zapruder was very busy and could not talk to me. Why would she lie to me about this, she asked. I told her that she had just told me a lie regarding the fact that they had never sued before. Miss Dove replied that the only thing that she could do was bring my request up with Henry Zapruder when he had some time. She said that they first had to have a letter stating how I was going to use the film. I told her that I had already sent them a letter two months ago and several more in the three years previous. After putting me on hold for approximately five minutes, she returned to tell me that they could not find my letter ("Did you send it to the right address?" she asked.) and requested that I send her another one. I told her that I would but requested that she have Mr. Zapruder call me as soon as possible because I was facing a deadline. She said that she would. Mr. Zapruder never got back in touch with me.

10. On July 18, 1988 I sent Henry Zapruder the letter requested above via certified mail (see attachment 5). The letter was sent to the exact same address as all previous correspondence. Approximately 7-10 days later I received the return receipt from Zapruder's office.

11. On August 31, 1988 I was contacted by Jerry Urban, a reporter from the Houston Chronicle, who had heard about my documentary and the fact that Zapruder wanted to charge me \$30,000. See Exhibit 5A.

He said that he was doing a story about this fact and asked if I would go on the record for his story. The following day, I told him everything that I knew regarding Henry Zapruder, including all of my contacts with him. We had approximately ten telephone conversations over the next three days during which I learned several things which later appeared in the story. For example:

a) In 1987, Richard B. Stolley, the director of special projects for Time Inc. contacted the office of Henry Zapruder on behalf of HBO (a subsidiary of Time Inc.) which is making a documentary for the 25th anniversary of the assassination. Stolley said an assistant to Zapruder stated that a one-time, non-exclusive use price in 1987 was \$20,000 and that the cost probably would go up in 1988.

b) One network executive, who spoke on the condition that he not be identified, said: "What I hear is there is a kind of rate card...They (network negotiators) are saying, 'Well, they're trying to stick us as high as they can go. They have a different rate if you are local public broadcasting, or if you're a local Houston station - a different rate for this and that.'"

12. On September 2, 1988 I once again contacted the office of Henry Zapruder. I talked to Zapruder's secretary, Anita Dove, who told me that Mr. Zapruder was still busy but that they had my letter and would be getting around to it "sometime". I told her that, because of my deadline, I needed to have some idea of what I was going to have to pay. She told me that she could not give me that information over the phone, that she and Mr. Zapruder had not decided on the price yet. I told her that Mr. Zapruder had stated to me in our only telephone conversation that the price for worldwide television rights was \$30,000. I asked her if that was correct. She replied that it was correct and continued to say that they had a standard deal for the networks (implying to me the network news programs); that the fee was \$15,000 for a one time, worldwide airing. She would not give me any other information about the rates. I once again asked her to have Mr. Zapruder give me a call as soon as possible. Mr. Zapruder never returned my call.

13. In my research on the assassination and the Zapruder film case I have learned of several uses of the film which, to my best understanding, would be considered infringement if the Zapruder film copyright is valid. They are:

a) In March 1975 author and Zapruder film expert Robert Groden appeared on the ABC television show "Goodnight, America" hosted by Geraldo Rivera. Groden had a

very clear, second-generation copy of the Zapruder film which Mr. Rivera wanted to use in the show. According to Groden, ABC contacted Time, Inc., who, at that time, still owned the copyright to the film, and requested permission to show the film. Time, Inc., however, told ABC that the film was not available at any price. ABC then told Time, Inc. that they were going to show the film anyway because it was too important to continue suppressing. The film was shown on the program and, according to Groden, two days later Time, Inc. sent ABC a release allowing them to use it free of charge. Shortly thereafter, Henry Zapruder contacted Time, Inc. requesting them to sue ABC. (According to Jerry Urban of the Houston Chronicle, the original contract between Abraham Zapruder and Time, Inc. stated that Zapruder was to receive 50% of all subsidiary monies received from the film. Therefore, the Zapruder heirs would have been entitled to 50% of all television sale revenues for the film.) When Time, Inc. refused, Henry Zapruder threatened to sue them, according to the provisions of the original contract. It apparently was at this point that Time, Inc. decided to sell the film back to the Zapruder heirs and on April 9, 1975, the copyright was assigned from Time, Inc. to Lillian Zapruder, Henry Zapruder and Myrna' Faith Hauser. The assignment of copyright, however, contained the provision that Time, Inc. would retain unlimited, non-exclusive picture rights to the Zapruder frames.

b) In 1976 (after the assignment of copyright back to the Zapruder heirs) Robert Groden and F. Peter Model wrote a book on the Kennedy assassination entitled, JFK: The Case for Conspiracy. That book, published by Manor Books, included all or part of 22 frames from the Zapruder film. In an interview with Robert Groden, he told me that he did not pay Zapruder anything to use the frames and, despite the fact that the book spent several weeks on the best seller list, Zapruder never contacted him requesting any money.

MPA
c) On October 12, 1988 I was contacted by Tom Stewart, a producer for the "Evening Magazine" television show at WPIX in San Francisco. Mr. Stewart had seen a copy of my documentary through a mutual friend and asked if he could use part of my videotape in a segment that they were doing on the Kennedy assassination. Specifically, he wanted to use several sections of my tape which included the Zapruder film. I briefly described the legal problem that I was having with the Zapruder film, namely the fact that Zapruder wanted \$30,000 from me, and that he could expect the same problems. Mr. Stewart told me that WPIX had apparently contacted Mr. Zapruder several years ago and that the asking price for the film was \$1,000 per television market (i.e. that for worldwide television use the price was \$30,000 but for individual, smaller TV markets such as San Francisco, the price was \$1,000.) Mr. Stewart also told me that WPIX had no intention of paying Zapruder anything,


that they had decided several years ago that they were not going to pay him any more money, and that several other TV stations in different markets across the country had also decided to do this.

d) While doing preliminary research into the assassination, I was informed that copies of the Zapruder film, as well as individual frames from the film, could be purchased from a Canadian, Dave Hawkins, who sold the film as part of his business, The Collector's Archive (see attachment 6). I was told by Mr. Hawkins that his actions were not sanctioned by Mr. Zapruder (in fact, the film sold by Mr. Hawkins contains no notice of copyright). In 1986, I purchased a 8mm copy of the film along with approximately thirty 35mm slides of individual frames which I used in my documentary.

14. On October 13, 1988 I was informed that my documentary had been awarded the Golden Eagle Award from the CINE (Council on International Non-Theatrical Events) Film & Video Festival. This means that "Reasonable Doubt: The Single-Bullet Theory and the Assassination of John F. Kennedy", along with other CINE Golden Eagle winners, will represent the United States of America for the next year in film and video festivals held throughout the world.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15th day of October, 1988.



GERARD A. SELBY, JR.

Mr. Henry G. Zapruder
Morgan, Lewis, and Bockius
1800 M Street, NW
Suite 630, Washington, D.C.
20036

April 12, 1985

Mr. Zapruder,

I am a graduate student at the University of Maryland, College Park, currently pursuing a Master of Arts degree in the division of Communication Arts and Theatre. In my attempt to obtain this degree, I have proposed to my advisor, Gene Weiss, a video tape documentary on President John F. Kennedy's assassination as my production thesis.

Because of the importance of Abraham Zapruder's film of the assassination as evidence in the investigation of President Kennedy's death, I would like very much to secure your permission to use all or part(s) of the film, as well as slides or photographs of individual frames of the film which were made originally for the Warren Commission investigation.

I understand that the film is protected by copyright, and I re-emphasize that my use of the film or frames thereof will be only educational in nature. I also understand that if, after completion of my documentary, I wish it to be shown in public or for any kind of profit (i.e. film festivals, competitions, etc) I must again secure your permission to use the film for this purpose.

My planned completion date for the thesis is May 1, 1986. While I may not need the Zapruder film for the production until as late as February 1, 1986, it is necessary for me to know as soon as possible whether or not I may use the film, as my thesis probably won't be possible without it.

Please feel free to contact me if you have any questions concerning my request.

Sincerely,

Gerard A. Selby
4811 Norwich Road
College Park, Md 20740
(301) 779-4576

ATTACHMENT 1

September 16, 1985

Mr. Henry G. Zapruder
Morgan, Lewis, and Bockius
Suite 630
1300 M Street, N.W.
Washington, D.C. 20036

Dear Mr. Zapruder,

Enclosed is a copy of my letter of April 12 in reference to securing your permission to use Abraham Zapruder's film of President Kennedy's assassination for my Master's thesis.

Since the time of that letter I have changed my address and wished to inform you of such. Because of the tremendous amount of time, effort, and money that I am putting into my documentary, I reiterate my necessity in learning as soon as possible whether or not I will be able to use the Zapruder film in my thesis. If there is anything that I can do to help speed up the decision process, please feel free to contact me. Thank you for your time.

Sincerely yours,

Gerard A. Selby
9352 Canterbury Riding
Laurel, Maryland 20707
(301) 776 - 4946

ATTACHMENT 2

April 27, 1988

Henry G. Zapruder
c/o Morgan, Lewis & Bockius
6th Floor
1800 M Street N.W.
Washington D.C. 20036

Dear Mr. Zapruder,

I am a graduate student at the University of Maryland currently working towards my Masters Degree in mass communications. For my thesis, I am producing a videotape documentary on President Kennedy's assassination.

I wish to use in my documentary the Abraham Zapruder film of the assassination and while I understand that there is no charge for the thesis use, I am also interested in distributing my documentary when completed and therefore request the following information:

1. Cost for PBS/U.S. Cable broadcast
2. Cost for foreign television broadcast
3. Cost for U.S. educational distribution
4. Combined cost for all of the above uses

Please contact me if you require further information regarding my request.

Sincerely,

Gerard Selby
6913 Donachie Road
Baltimore, Maryland 21239

ATTACHMENT 3



SHERMAN GRINBERG FILM LIBRARIES, INC.

630 NINTH AVENUE • NEW YORK, N.Y. 10036 • (212) 765-5170

February 1st, 1986

	OVERALL MINIMUM LICENSE FEE	16mm ft	35mm ft	Second
THEATRICAL (No Television)	\$900.00	\$75.00	\$30.00	\$45.00
TELEVISION (U.S.) Network	750.00	62.50	25.00	37.50
TELEVISION (U.S.) Syndication	600.00	50.00	20.00	30.00
TELEVISION (Foreign)	600.00	50.00	20.00	30.00
PUBLIC TELEVISION (U.S.)	480.00	40.00	16.00	24.00
EDUCATIONAL (No Television)	420.00	35.00	14.00	21.00
PAY TV, CABLE (U.S.)	600.00	50.00	20.00	30.00
PAY TV, CABLE (Foreign)	600.00	50.00	20.00	30.00
NON - THEATRICAL	420.00	35.00	14.00	21.00
PRESENTATIONS, TESTS, ETC. (No Television)	600.00	50.00	20.00	30.00
GOVERNMENT, RELIGIOUS, CORPORATE (No Television) .	540.00	45.00	18.00	27.00
POINT OF PURCHASE	750.00	62.50	25.00	37.50
LIVE THEATRE, NIGHT CLUBS, CONCERTS, EXHIBITS, ETC	750.00	62.50	25.00	37.50
VIDEO CASSETTES (Home Use Only)	600.00	50.00	20.00	30.00
VIDEO DISCS (Home Use Only)	600.00	50.00	20.00	30.00

***** PRODUCTION FOOTAGE OF SPECIAL VALUE AT HIGHER RATES *****

MINIMUM USAGE: 6 2/3 seconds or 4ft of 16mm or 10ft of 35mm per YOUR CUT or EDIT

LIBRARY FACILITIES: \$25.00 per hour with a minimum of \$50.00
Use of FACILITIES by appointment ONLY.
Charges begin at the time reserved.

LIBRARIAN SERVICES: \$50.00 per hour with a two (2) hour minimum.
This includes the LIBRARY FACILITIES charge.

CANCELLATION of FACILITIES RESERVATION: \$25.00 will be charged.

The SHERMAN GRINBERG FILM LIBRARIES, INC. requires a deposit of \$400.00, payable prior to any film/tape duplication. This deposit is in addition to the actual duplication costs. It is, however, deductible from any final LICENSE FEES, but is NON-REFUNDABLE in the event of NON-USE.

AIR-QUALITY film or tape will be released ONLY upon FULL PAYMENT of LICENSE FEES.

ATTACHMENT 4

ALL CHARGES ARE SUBJECT TO CHANGE WITHOUT PRIOR NOTICE

TWENTIETH CENTURY FOX MOVIE NEWS, INC.



Library Price List

May 1987

LIBRARY USAGE FEES

The following usage fees will apply on Movietonews black and white sound and silent footage: All rates are based on per minute usage in 16mm and 35mm at American standards of 36 ft. in 16mm and 90 ft. in 35mm. All usage must be contracted for at the time the laboratory purchase order is placed. If at a later date, other usage is requested, the footage used will be subject to negotiation based on the appropriate category requested. All footage furnished is for use in contracted production only. No other use is permitted without the permission of Movietonews.

<u>USE</u>	<u>15 SECOND MINIMUM CHARGE</u>	<u>FEE PER MINUTE</u>	
WORLDWIDE TV, OR THEATRICAL FEATURE, OR DOCUMENTARY	\$675.00	\$2,700.00	
NETWORK TELEVISION OR MOTION PICTURE FEATURE OR DOCUMENTARY	500.00	2,000.00	U.S.A. ONLY
THEATRICAL MOTION PICTURE FEATURE OR DOCUMENTARY	500.00	2,000.00	U.S.A. ONLY
TELEVISION NETWORK NEWS (One Time Use)	350.00	1,400.00	U.S.A. ONLY
TELEVISION FEATURE (SYNDICATION OR PBS) OR CABLE/PAY TV	375.00	1,500.00	U.S.A. ONLY
LOCAL TV FEATURE OR NEWS (One Station Only) (One Time Use)	250.00	1,000.00	U.S.A. ONLY
FOREIGN TELEVISION FEATURE 1 COUNTRY	375.00	1,500.00	
FOREIGN TELEVISION NEWS 1 COUNTRY (One Time Use)	250.00	1,000.00	
INDUSTRIAL FILM IN-HOUSE, SALES MEETINGS, CORPORATE OR RELIGIOUS (NO TV)	250.00	1,000.00	U.S.A. ONLY
PILOT PRESENTATIONS (NO TV USE)	225.00	900.00	
EDUCATIONAL, CLASSROOM, IN-HOUSE USE, NO TV BROADCAST	250.00	1,000.00	U.S.A. ONLY
FOREIGN EDUCATIONAL, CLASSROOM, IN-HOUSE USE, NO TV BROADCAST	250.00	1,000.00	FOREIGN ONLY
U.S. AND FOREIGN EDUCATIONAL	350.00	1,400.00	

Page 2

.....continued.....

460 West 54th Street New York, N.Y. 10019 Phone (212) 408-8450 Telex 125395
A Subsidiary of Twentieth Century Fox Film Corporation

ATTACHMENT 4

TWENTIETH CENTURY FOX MOVIE TONNEWS, INC.



May 1987

Library Price List

<u>USE</u>	<u>15 SECOND MINIMUM CHARGE</u>	<u>FEE PER MINUTE</u>	
HOME VIDEO DISTRIBUTION ONLY	\$ 500.00	\$ 2,000.00	U.S.A. ONLY
HOME VIDEO DISTRIBUTION ONLY	675.00	2,700.00	WORLDWIDE USE
COMMERCIAL ADVERTISING: EACH SPOT			
WORLDWIDE	875.00	3,500.00	
NETWORK OR SYNDICATION	750.00	3,000.00	ONE COUNTRY ONLY.....OR U.S.A. ONLY

TERM

The standard licensing term is for a period of 5 years, excepting: PBS Television U.S.A. which is limited to a period of 3 years; and Commercial Advertising which is limited to a one year term, renewable; One time use only where indicated.

CHARGE PER CUT MINIMUM

16mm film - 4 ft. (6.66 Seconds)

35mm film - 10 ft. (6.66 Seconds)

A discount on quantity usage over 3 minutes is negotiable. All taxes, if applicable are in addition to the above rates.

PRINTING AND HANDLING CHARGES

To control the quality and insure the safety of our 35mm and 16mm original materials, all laboratory work will be done by a film processing company chosen by Movietonews. All charges are made on delivery of order and are billed separately from usage fees. Messenger fees, if and when incurred and applicable taxes, are in addition to quoted charges. On large orders, an advance will be made against anticipated lab charges. Advance lab payments will also be made on scratched print orders.

SPECIAL HANDLING

Cord-to-Cord Printing charges per segment in our lab. \$ 15.00

There is a minimum printing charge of 100 feet in addition to Cord-to-Cord.

Special rush charges vary depending on which lab is used.

Shrunk negative treatment and/or special printing charges vary depending on process used.

Page 3
480 West 57th Street New York, N.Y. 10019 Phone: (212) 408-8450 Telex 125395
A Subsidiary of Twentieth Century Fox Film Corporation

.....continued.....

STOCK FOOTAGE LICENSING RATE CARD

FEATURE FILM: \$4,200/Minute
\$1,800 Minimum
(Includes all broadcast rights, excludes home video rights.)

BROADCAST TELEVISION PROGRAMMING:
Worldwide Broadcast \$2,100/Minute
\$1,000 Minimum
Network, US and Canada \$1,500/Minute
\$ 750 Minimum
Syndication or Cable \$1,500/Minute
\$ 750 Minimum
All Television \$2,400/Minute
\$1,200 Minimum

EDUCATIONAL:
PBS and Non-Commercial Broadcast \$1,200/Minute
\$ 600 Minimum
Educational TV, World Rights \$1,800/Minute
\$1,000 Minimum
Educational Non-Broadcast \$ 900/Minute
\$ 500 Minimum

**GOVERNMENT, CORPORATE, INDUSTRIAL, TRADE
SHOWS, LIVE THEATRE:**
Non-Broadcast \$ 900/Minute
\$ 500 Minimum

HOME VIDEO: \$1,500/Minute
\$1,000 Minimum

BROADCAST COMMERCIAL & PAID POLITICAL SPOTS:
National and ADI Markets 1-5 \$ 750/Scene*
\$1,000 Minimum
Local or Regional \$ 400/Scene*
\$ 600 Minimum

NEWS APPLICATIONS:
International \$ 800/Story**
\$ 800 Minimum
National (U.S.) \$ 500/Story**
\$ 500 Minimum
Local or Regional \$ 300/Story**
\$ 300 Minimum

PUBLIC SERVICE ANNOUNCEMENTS \$ 300/Scene*
\$ 500 Minimum

- Processing charges are additional.
- Not to exceed 10 seconds except as negotiated.
- Spot News for regularly scheduled news or interview show. Not to exceed 90 seconds.

Effective from April 1987

Rates



WWTN

The Libraries

WWTN
Worldwide Television News
1963 – NOW

ITN
UK Independent TV News
1955 – NOW

PATHE
British Pathe Newsreel
1897 – 1970

Film and Video Tape Library
Worldwide Television News (WWTN)
321 WEST 44th STREET
NEW YORK, N.Y. 10036
Tel: (212) 265-4520 TELEX 285547

July 15, 1988

Henry G. Zapruder
c/o Morgan, Lewis & Bockius
6th Floor
1800 M Street N.W.
Washington D.C. 20036

Dear Mr. Zapruder,

I am a graduate student at the University of Maryland currently working towards my Masters Degree in mass communications. For my thesis, I am producing a videotape documentary on President Kennedy's assassination.

I wish to use in my documentary the Abraham Zapruder film of the assassination and while I understand that there is no charge for the thesis use, I am also interested in distributing my documentary when completed and therefore request the following information:

1. Cost for PBS/U.S. Cable broadcast
2. Cost for U.S. home video distribution
3. Combined cost for both of the above uses

Please contact me at your earliest convenience if you require further information regarding my request.

Sincerely,

Gerard Selby
6913 Donachie Road
Baltimore, Maryland 21239
(301) 262-4734 (Local number)

ATTACHMENT 5

Houston Chronicle

Vol. 87 No. 327

Sunday, Sept. 4, 1988

One Dollar ★★

Price tag on JFK death film: up to \$30,000

By JERRY URBAN
© 1988, Houston Chronicle

The family of the man who made the most famous home movie in history is selling the Zapruder film for as much as \$30,000 per use nearly 25 years after it captured the assassination of John F. Kennedy.

While the footage is under copyright protection, some believe profiting from the historical film

made by Abraham Zapruder Nov. 22, 1963, is wrong and that the home movie should be in the public domain.

"You shouldn't be able to copyright something like that," said David Wrono, a history professor at the University of Wisconsin at Stevens Point.

"It should be in the public domain, just like the crucifixion of Jesus. It's immoral, socially speaking," said Wrono, who teaches a class pertain-

ing to the assassination of Kennedy.

Chip Selby, a graduate student at the University of Maryland, sought permission from Zapruder's son, Henry Zapruder, to use the 22-second, color film in a documentary without being required to pay the \$30,000 fee for non-exclusive rights to unlimited use.

"I explained to him (Henry Zapruder) that I was a graduate student, and I didn't have that kind of money to pay," said Selby, whose documen-

tary, *Reasonable Doubt*, concludes that more than one gunman fired at Kennedy. "He kept saying that he didn't want to close down my project with the price and that we would work something out. But apparently he was just jerking me then, too, because he won't return my calls. He won't answer my letters or anything like that."

a client

Selby, whose documentary now includes a \$75 bootlegged copy of the Zapruder film that he obtained from Canada, said a representative of Henry Zapruder stated he would be sued if the right to use the film was not purchased.

But Selby, who plans to sell his documentary for educational purposes, said he is considering filing suit against Henry Zapruder. Selby, 26, says Zapruder's \$30,000 fee infringed on his First Amendment rights "because I can't say what I want to say about the JFK assassination because I can't pay this guy the money he wants."

Henry Zapruder, a 50-year-old tax lawyer who has been negotiating the sale of the film's rights out of his Washington, D.C., office, would not comment about his financial interests in the film. However, he did say: "Anybody who is using it for their own use, research, showing it to students, colleges, can have it free of charge, other than the costs of re-

See ZAPRUDER on Page 12A.

ATTACHMENT 5a

ATTACHMENT 5a

Zapruder

Continued from Page 1A.

renting the film. But if they're going to be making commercial use of it, then we charge."

Zapruder sells the rights to the film and stills through the family company, LMH Company.

Richard B. Stolley negotiated the 1963 purchase of the film and its rights for Life magazine and Time Inc. from Abraham Zapruder, who died in 1970. He said Abraham Zapruder was sensitive to accusations that he profited from the death of John F. Kennedy.

For many years, the public mistakenly believed that Life magazine paid Zapruder only \$25,000 for the film. In a 1973 article in Esquire magazine, Stolley let it be known that Life actually paid \$150,000 to Zapruder for the film in \$25,000 annual increments.

"That (\$25,000) was the only figure that anybody ever talked about during that time," said Stolley in a recent interview. "I don't ever remember having to deny that figure. It just got picked up and was repeated endlessly — and there really was nothing we could do about it because we had promised Zapruder we would not give the figure."

The \$25,000 was believed to have been the price because of confusion involving \$25,000 that Zapruder donated to the family of J.D. Tippit, the Dallas police officer gunned down by Lee Harvey Oswald, Stolley said.

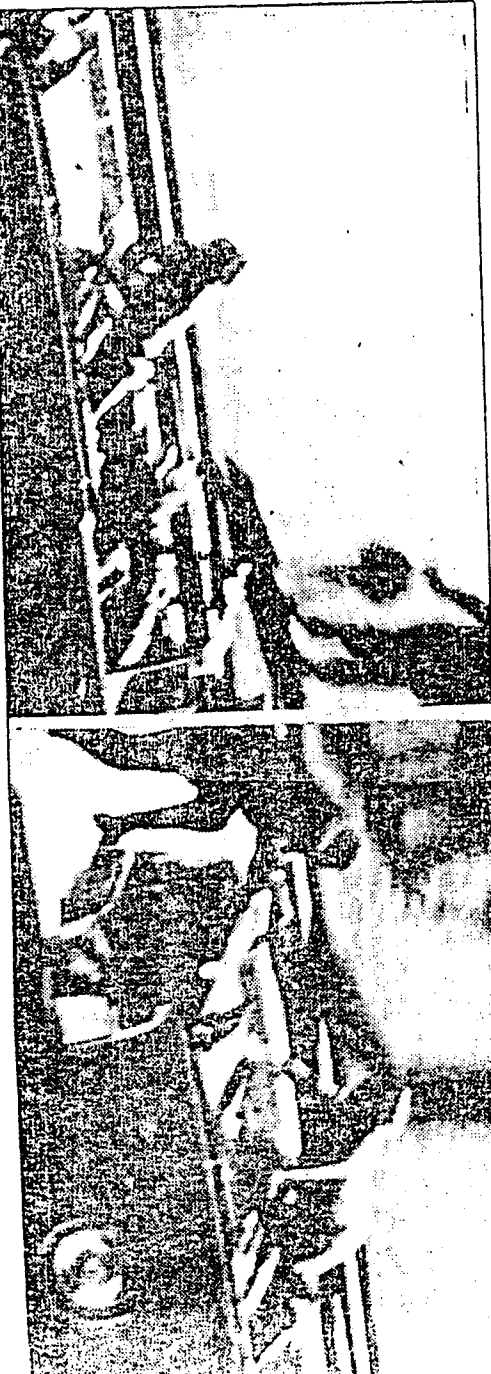
Time Inc. sold the original film back to the Zapruder family in 1975 for \$1. Stolley said Time Inc. did not feel comfortable controlling public access to the film. Time Inc. still has unpublished publication rights of the film, he said.

Stolley, now director of special projects for Time Inc. in New York City, said he learned that Henry Zapruder was asking thousands of dollars for the film when he called



Copyright 1967 LMH Comf

These are scenes from the Zapruder film, capturing the tragedy as John F. Kennedy was shot Nov. 22, 1963 in Dallas.



Zapruder's office recently on behalf of HBO, a subsidiary of Time Inc., which is making a documentary for the 25th anniversary of the assassination. Stolley said an assistant to Henry Zapruder stated a one-time, non-

exclusive use price in 1987 was \$20,000 and that the cost "probably would go up this year."

Abraham Zapruder, according to Stolley, saw the sale of the film as a way to provide financial security for his family. Abraham Zapruder's wife and his only other child, a daughter, live in Dallas.

Stolley suggested that Abraham Zapruder, who was a dress manufacturer in Dallas, probably would not

ATTACHMENT 5A

ATTACHMENT 5A

of sleazy way," Stolley said. "He really had real worries that somebody was going to take this and turn it into a kind of Times Square sensation... Abe was a businessman, but he was a very humane man."

Author Robert Groden, who provided a first-generation copy of the film to the ABC television network in 1975 in what he says was the first time the film was shown nationally, believes Henry Zapruder's handling of the film is questionable. "The worst part of the whole thing has been the suppression of the film," Groden said. "Not so much that one person is making a lot of money, but, if somebody wants to do something really good with it, they're restricted. It's like their hands are tied."

Groden, an industrial photographer who says he has never publicly revealed where he got his copy of the film, is currently working with a British television production company, which also is making a Kennedy documentary. Groden said the Zapruder film will be used in the documentary and that the purchase of the film is being negotiated through a British agent on behalf of the Zapruder family. He would not say how much the rights are being sold for.

Television networks in the United States also are negotiating with Henry Zapruder for upcoming anniversary specials.

One network executive, who spoke on the condition that he not be identified, said:

"What I hear is there is a kind of rate card... They (network negotiators) are saying, 'Well, they're trying to stick us as high as they can go. They have a different rate if you are local public broadcasting, or if you're a local Houston station — a different rate for this and that.'"

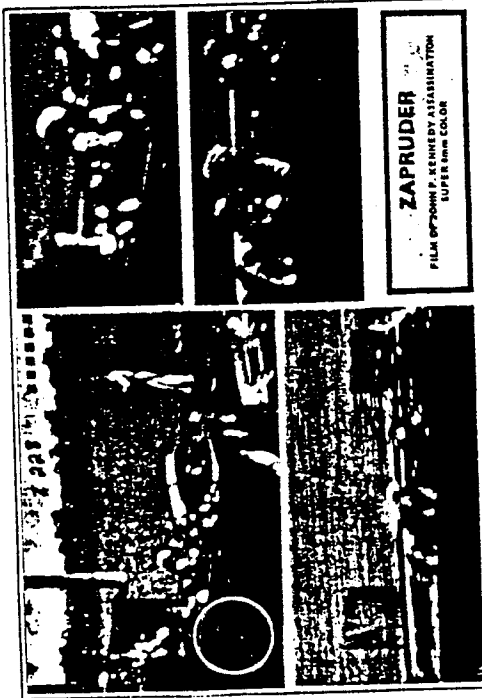
Although the Zapruders own the original film and the film rights, the 8 mm original today is being held on behalf of the family at the National Archives in Washington, D.C.

object to the rights being sold today if the film were used by legitimate news organizations.

"His great concern, and it was quite touching and eloquent, was that it not be presented in some kind

ATTACHMENT 5a

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THE COLLECTOR'S ARCHIVES HAS AVAILABLE COMPLETE, ORIGINAL PRINTS OF THE FAMOUS ABRAHAM ZAPRUDER FILM- AS RECORDED IN DALLAS ON NOV. 22, 1963. THE ZAPRUDER PRINTS ARE SPECIALLY PREPARED "OPTICAL EFFECTS" VERSIONS (THE SAME FILM AS SEEN ON THE 1975 ABC-TV "GOODNIGHT AMERICA" SPECIAL, WITH GERALDO RIVERA.) THE PRINTS, SPECIALLY PREPARED BY CRITIC ROBERT GRODEN, INCLUDE: "RE-FRAMED" SEQUENCES (TO ELIMINATE JERKINESS) AS WELL AS OPTICALLY ENHANCED SEGMENTS- FEATURING BLOW-UPS, FREEZE FRAME, AND SLOW MOTION SEQUENCES.

THE ZAPRUDER PRINTS ARE COMPLETE, WITH NUMEROUS REPEAT SEGMENTS- TO EMPHASIZE IMPORTANT ASPECTS OF THE FOOTAGE, KEY FRAMES, REACTIONS OF KENNEDY AND CONNALLY, ETC.

ALSO INCLUDED ARE SEQUENCES FROM OTHER FILMS TAKEN IN DEALY PLAZA (SUCH AS THE RARE DON COOK FILM) USED FOR CONTINUITY. QUALITY OF THE ZAPRUDER FILM PRINT IS SUPERB! AN EXTREMELY CLEAR EXAMPLE OF THE COMPLETE FILMING OF THE PRESIDENT KENNEDY ASSASSINATION. PRINTS OF THE ZAPRUDER/OPTICAL EFFECTS FILM ARE OVER 100 FT. IN LENGTH. IN SUPER 8mm. COLOR.

... PRICE: \$ 75.00

Instant Replay:
Zapruder's Little Home Movie
FRAMES #213 to 223

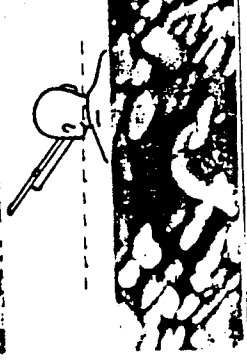
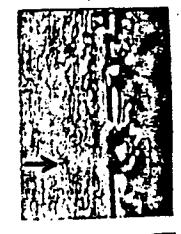
New our eyes catch something else a strange object in the right of frame #220. At first indistinguishable, it starts to rise and then it clicks. Why should we care? Because it is the only open umbrella in Dealey Plaza, and this morning a gray overcast weather has given way to brilliant sunshine and blustery winds, too much of an open umbrella. (Afterward, the size of the speckles by little had been closed until the motorcade turned onto Elm, and then it opened

FRAMES #207 to 217

Zapruder, it is in such, keeps on filming. At the time of the assassination, he is in the middle of the shrubbery to his right. We see it for the first time at #212, the distinct outline of a man's head. At #213, Zapruder stops panning for one frame, and the head, ears, and what could be the stock and barrel of a rifle, become vividly clear. Only to fade as Zapruder resumes panning towards the motorcade.

FRAMES #248 to 256

In his final frame, Zapruder also picks up the stockade fence. It is possible to discern the outline of at least one person who might, conceivably, have been a member of the hit team. At #256, he releases his finger from the camera.



This machine film strip—Grand Original scene write in living (and dying) color—expresses the Warren Commission cover-up even more vividly than the Nixon tape did the Kennedy assassination.

The man in the frame, Zapruder, who died in 1970, was a child's address manufacturer, whose firm (Jennifer Junction) was based in the Dal/Tex Building at 501 Elm Street, across Houston Street from the Texas School Book Depository.

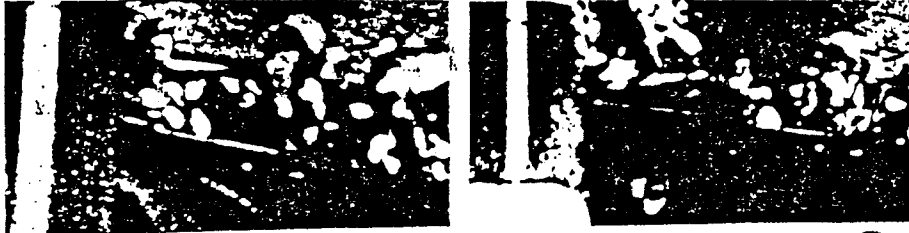
As the presidential motorcade made the slow turn off Houston and onto Elm at precisely 12:29:50, Abe Zapruder activated his Ball & Howell, and for the next few seconds, captured what may well be the single most dramatic piece of documentary footage of modern times!

The Zapruder film is the kind of document one can see time and again, each time catching a detail or a nuance overlooked the previous time. It bedevils even the most impartial of historians who see things in the film that, on scientific examination, appear impossible that they have not happened.

History does not often give us a play-by-play picture of the killing of a head of state. Richard Brady was not at Ford's Theatre the night John F. Kennedy was shot, but Abraham Zapruder was on Dealey Plaza the morning Kennedy was shot.

* FOR MORE INFORMATION, CONTACT: THE CASE FOR CONSPIRACY, BY P. PETER MODEL AND ROBERT J. GRODEN.

The Collector's Archives
BOX 671
HUDSON, QUEBEC
CANADA JOP 1H0



ZAPRUDER FRAMES

A complete selection of individual frames from the Abraham Zapruder film of the President Kennedy assassination is available. Quality of the stills is superb (superior to any printed in Life Magazine issues). The Zapruder frames have been reproduced from an original print of the film, from the collection of Robert Groden. All frames are available in "full-frame" format, with background area, etc. intact. Every Zapruder frame is now available, and orders will be accepted for any quantity. Any individual frame may be ordered, and bulk rates are available on quantity orders (see rates below). The Zapruder film frames available as follows:

- FRAMES: Z 133 -to- Z 224: This section represents the first frame (133) that the JFK limo is seen on Elm Street, as it approaches the Stemmons Fwy. sign, and the motorcade passes behind the sign. Willis and Betzner are seen recording their pictures as JFK begins to react to the first shot(s). Note- the "missing frames" (Z208 to Z211) damaged and deleted by Time-Life Inc. are available (these four frames only in B & W).
- FRAMES: Z 225 -to- Z 312: Reveals the JFK limo as it emerges from behind the Stemmons sign, and JFK and Gov. Connally react to wounds. The "umbrella-man" is seen, as well as witnesses Brehm, Hill, and Mary Moorman and the "Babushka-Lady" as they record their pictures. The motorcade proceeds along Elm Street to the point of the fatal head shot.
- FRAMES: Z 313 -to- Z 399: The JFK limo is seen at the point of the head shot (313) as the President reacts to the shot(s). The head wound is noted (314 through 340) as Jackie begins to climb toward the trunk of the car. SS agent Clint Hill is seen, with Jackie, as the limousine approaches the underpass, passing the grassy knoll area.
- FRAMES: Z 400 -to- Z 486: The limousine is briefly obscured by a tree, as it nears the underpass. In this section it has been theorized that a hidden "gunman" is seen in the foliage (407 through 415) as the limo passes. At the end of the footage Zapruder's panning camera picks up the area of the stockade fence, on the grassy knoll (450 to 480) at the point witnesses claimed to have seen shot(s)/smoke coming from. (The area subsequently identified by the HSCA in the "fourth shot"/acoustical tests).

Any Zapruder frame can be ordered in 5 X 7 (\$ 5.00) or 8 X 10 (\$ 8.00) format.

ALL FRAMES AVAILABLE AS 35mm SLIDES OR 3 X 5 PHOTO PRINTS. PRICES AS FOLLOWS:

- Price per frame (any quantity; please specify slides or prints)..... \$ 2.00
- Price per frame (on orders of 20 frames, or more)..... \$ 1.75
- Price per frame (on orders of 50 frames, or more)..... \$ 1.50

BLOW-UPS:

Zapruder frames are also available in "blow-up"/full enlargement format. These Z frames were specially prepared by Robert Groden (from his original "optical-effects" print of the film). The frames provide an extremely clear view, in close-up, for researchers interested in an analysis of movements and reactions of Kennedy/Connally as the shot(s) strike. The following frames available:

ANY Z FRAME, FROM Z-161 THROUGH Z-356 CAN BE ORDERED IN "BLOW-UP" FORMAT.

Available as prints or slides. (Please indicate "blow-ups" required). Prices are the same as for regular frames (see above). When ordering Zapruder frames simply indicate the frame numbers required, as well as formats desired; Note quantity discounts for prices. Special rates available for larger orders, or complete sets of frames. (Write for details).

ZAPRUDER FILM FRAMES:

Individual frames from the Z film can be ordered in any quantity. Simply state the frame-numbers required- specify the format (slides or photo prints) and the type ("full frame" or blow-ups). All Z frames are available in "full-frame" version- specifically frames Z-133 through Z-486. Blow-ups of Z frames (JFK and Connally in close-up) are also available- specifically frames Z-161 through Z-356. For researchers not familiar with the specific frames- a variety of "sets" are available (comprising Z frames selected for their evidentiary importance). The "sets" available as follows:

SET: A	Consists of 20 Zapruder frames- in "full frame" version.	@ \$35.00
SET: B	Consists of 50 Zapruder frames- in "full frame" version.	@ 75.00
SET: C	Consists of 100 Zapruder frames in "full frame" version.	@ 125.00
SET: D	Consists of 20 Zapruder frames- in "blow-up" version.	@ 35.00
SET: E	Consists of 50 Zapruder frames- in "blow-up" version.	@ 75.00
SET: F	Consists of 100 Zapruder frames in "blow-up" version.	@ 125.00

We can supply Zapruder frames individually, in any quantity. Price (on and order less than 20 frames) would be \$2.00 per slide (or) print.

The quantity discounts start at 20 (frames) and the reduction rate is progressive to 100 frames. As you can see by the listing- the "set" price of any 100 frames you might want is \$125.00.

We do have all Zapruder frames available- with the exception of two frames. These being Z155 and Z156. As these two frames were ruined by Life magazine on their original copy of the film- we don't have them.

The frames do exist on copy prints of the movie- but since the Zapruder frames we have were taken directly from the original print of the film, these two are missing.

We do have the four other damaged frames (Z208 to Z210) which Life also damaged. (This was because Time-Life produced some copies of these four frames, in the 1960's, in answer to the controversy that developed about them.)

So, we do have these- but only in b & w format (as this is what Time-Life distributed).

We have the Z frames in both "full frame" (all background/uncropped) and "blow-up" formats (where just JFK/Connally are centred in the frame, about X5 enlarged).

In the full frame format- we do have all Z frames, from Z133 (the first frame the JFK limo appears) through Z486. Deleting only those two frames (155/156) as mentioned above.

In the blow-up format we have the following frames available:
Z-161 through Z284 (and) Z-311 through Z-356

We do offer a bulk price for orders of all the Zapruder frames, should you require complete sets. They are as follows:

- Complete full-frame set (350 frames) \$375.00
- Complete blow-up set (170 frames) \$200.00
- All Z frames (full-frame & blow-up sets) \$525.00
520 frames, as above.

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ATTACHMENT 6

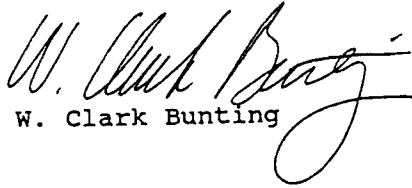
DECLARATION OF W. CLARK BUNTING

I, W. Clark Bunting, declare and say as follows:

1. I am Vice-President in charge of program acquisitions and development for the Discovery Channel, a national cable television network based in Landover, Maryland, which airs documentary programming.
2. The Discovery Channel is interested in purchasing the rights to air "Reasonable Doubt: The Single-Bullet Theory and the Assassination of John F. Kennedy", a videotape documentary which was produced and is owned by Gerard A. Selby, Jr.
3. The Discovery Channel is willing and has offered to pay Mr. Selby \$10,000 for a two-year contract to air the documentary, with the first six months of the contract being broadcast exclusive and the entire term of the contract being cable exclusive. The Discovery Channel, however, will not purchase or air the documentary until all rights, including the rights to the Zapruder film, have been secured by Mr. Selby.
4. The Discovery Channel is interested in airing the film on or prior to November 22, 1988, the 25th anniversary of President Kennedy's assassination. After that date, the value of the documentary to us will be substantially reduced.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 14th day of October, 1988.


W. Clark Bunting