

11/4/86

Accord allows use of Zapruder film

By JERRY URBAN
Houston Chronicle

A Maryland documentary film maker has reached a settlement giving him the legal right to use the home movie that recorded the assassination of President John F. Kennedy nearly 25 years ago.

The film maker, Gerald "Chip" Selby Jr., has reached a settlement with the copyright holder of the so-called Zapruder film that will allow him to use the film in his upcoming A&E Cable Network documentary.

Last month Selby, 26, a graduate student at the University of Maryland, sued the copyright holder, LMH Co., claiming he shouldn't have to pay \$30,000 for the rights to use the film because his documentary constitutes "fair use" of the historical, 8mm color film.

Selby's attorney, James Lesar of Washington, D.C., said Thursday the settlement agreement prohibits him from voluntarily disclosing its terms.

However, a statement accompanying the agreement suggests Selby may be required to pay significantly less than \$30,000 to use the film, at least initially. If the documentary is financially successful, Selby could eventually be required to pay the \$30,000 originally demanded for worldwide, non-exclusive rights.

LMH Co. represents the interests of the family of Abraham Zapruder, the now-deceased Dallas dress manufacturer who on Nov. 22, 1963, made what has been called "the most famous home movie in history."

"In my mind there still remain very significant public issues as to whether or not the public interest is being served by a private copyright holder being able to dictate the use of the film of a historical event which is crucial to the American people's understanding of their own history," Lesar said.

Selby said he agreed to a settlement because he wanted his documentary shown in time for the upcoming 25th anniversary of the assassination.

James Silverberg, an attorney representing LMH in the suit, would not comment other than to read the

prepared statement attached to settlement. The statement essentially says an amicable settlement was reached.

Washington tax lawyer Henry Zapruder, who handles sales of rights to the film made by his late father, could not be reached for comment.

Selby and Lesar speculated that Henry Zapruder agreed to the settlement because the suit could interfere with negotiations to sell the rights to production companies that want to use the film in anniversary specials.

Selby said he understands some production companies are refusing to pay for the rights to use the film because of ethical considerations.

The lawsuit contended Selby's First Amendment rights to free speech interests override the copyright holder's federal statutory rights.

The film is particularly important to Selby because he says it supports his theory that more than one gunman fired at Kennedy.

The documentary is entitled *Reasonable Doubt: The Single Bullet Theory and the Assassination of John F. Kennedy*. It contends that the Warren Commission, which in the mid-1960s investigated the assassination, was wrong in concluding that Lee Harvey Oswald was the lone assassin and that one of the bullets went through Kennedy and struck former Texas Gov. John Connally.

"We see (on the film) that Connally is hit much later than Kennedy," Selby said. "So that shows that they're not hit by the same bullet. The Zapruder film is the key to the whole thing."

"If we didn't have Zapruder film then everyone would believe that Lee Harvey Oswald was the sole assassin — that's how key it is."