

Dear Jim, reur 8/5/82 and Zapruder's 8/5 on his father's film 8/7/82

You are correct. I cannot accept his restrictions. However, I do not think he intends them as restrictions. I think he wants to protect himself. He's the lawyer and I'm not but I think he doesn't necessarily accomplish his purposes.

I will attest that I will not make any commercial uses of the film and will not permit any to be made. I think he requires no other protection.

He probably doesn't know how the film is used in research and scholarship. I cannot agree not to show it to others because scholarship can require that. The same for returning the film in five years. This is a subject of perpetual scholarly interest and the film, that particular copy, about which he may know nothing, is an essential part of the archive.

He is undoubtedly aware that other copies are readily available, so there is no need for anyone to want a copy of that print for commercial purposes anyway.

I am quite in accord with any copyright or other notification being on that print and I'd prefer a permanent container also suitably marked. In fact, I'd also like a copy of the copyright to go with it.

The study of individual frames requires the marking of slides or prints of those frames so the prohibition of copying makes that provision impossible.

He puts himself in the position of dictating what can and cannot be done by scholars and in research and I can see how some of the so-called critics can use that to abuse him.

If he is unwilling to accept this kind of formulation, I think it is possible that he may wind up with no copyright at all. Given the history, all of which I'm sure he cannot know, as best a non-lawyer can offer an opinion, I think he would be unwise to have anything at all contested.

I am not an expert on fair use or copyrights, but I am certain that the only intent of a copyright is to establish the commercial rights. I am likewise confident that the copyright is not and cannot be a limitation of research or scholarship. Who can imagine, for example, that a copyrighted work of scholarship cannot be quoted by other scholars?

A specific on copying: I will, without doubt, want to make copies of at least four frames, those missing on the original and not reproduced in the 26 of the WC. There may be other frames missing on the original. If the copy I am provided does not include those frames, then it will be the wrong copy and I won't accept it. As far as showing it to others is concerned, I certainly will be in touch with Groden, and not only on those four frames. There is a prima facie case that other frames are missing in the original. Also, there is, without doubt, a need to study frames not duplicated by the FBI and not studied by the Commission.

If he is interested in knowing the uses I've already made, by all means tell him what you know, beginning with the fact that I am the first to have published frames, those showing that the four crucial ones are missing in the original. I also am the first to have used frames on TV. I brought the excisions to light.

Do you think he requires anything other than an assurance of no commercial use?

Best,

LAW OFFICES
COHEN AND URETZ
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

1775 K STREET, N. W.
WASHINGTON, D. C. 20006

August 5, 1982

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VIA CALL-A-MESSENGER

James H. Lesar, Esquire
Suite 900
1000 Wilson Boulevard
Arlington, Virginia 22209

Dear Mr. Lesar:

Attached is a form we have used in other cases but it may have to be modified for your particular circumstances. I will speak with you early in September when I return.

Best regards.

Sincerely yours,

Henry G. Zapruder
Henry G. Zapruder (akl)
(Dictated, but not read.)

HGZ:akl
Attachment

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

August 5, 1982

Mr. Harold Weisberg
7627 Old Receiver Road
Frederick, Maryland 21701

Dear Harold:

Enclosed is a letter which Zapruder apparently dictated to his secretary after LaHaie called her yesterday. (LaHaie was supposed to have heard back from Zapruder, who he called last Friday, but hadn't, and he was getting worried about the long lapse of time since Judge Smith ordered him to join the Zapruder film copyright holder, even though he had been out of town for three weeks. He was also uncertain about how to go about joining LMH.)

In my judgment we ought to have Zapruder's agreement substantially modified before you sign it. I think it is unnecessarily, particularly in view of the fact that the copyright really no longer has any validity.

I think it would be desirable to have the agreement modified so you can transmit it to to photographic experts and, of course, the University of Wisconsin when you die.

You should also be able to exhibit the film to other scholars without the written consent of LMH.

For purposes of study, it also may be necessary, or at least highly desirable, for you to be able to make copies. For example, you may want to have frames duplicated or quadruplicated, as I recall you had Groden do for you.

There is no reason you should return the film to Zapruder, particularly since you are not getting a copy of his film, but of the FBI's (not the Archive's, as he seems to think).

Let me know what you think.

Sincerely,


Jim

HENRY G. ZAPRUDER
1775 K STREET, N. W.
WASHINGTON, D. C. 20006

August 5, 1982

Mr. Harold Weisberg
c/o James H. Lesar, Esquire
Suite 900
1000 Wilson Boulevard
Arlington, Virginia 22209

Dear Mr. Weisberg:

This is in response to your request for permission to obtain a copy of the film of the assassination of President John F. Kennedy which has come to be known as the Zapruder film, for the purpose of using it for personal research.

LMH Company, a partnership, is presently the sole owner of the original film and the copyright thereon, and it desires to cooperate to the fullest extent possible in your request for permission to obtain a copy of the film. This is to advise you that you are authorized to obtain a copy of the film for the purpose described above upon the following conditions:

(1) There shall be affixed to the copy of the film exhibited a copyright notice as follows:

"Copyright ©1967 by LMH Company,
All rights reserved;"

(2) No use shall be made of the copy of the film beyond the use herein authorized without the prior written consent of LMH Company, and you recognize that you have no authority to authorize others to use or exhibit the copy of the film by simultaneously or subsequently transmitting or retransmitting the film or copies thereof;

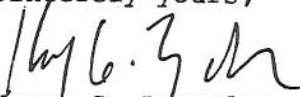
(3) You shall make no copies of the film or allow others to do so; and

(4) You will return the copy of the film to me at the above address when you are through using it, and in any event, will return it to me within five (5) years of the date of this letter.

Mr. Harold Weisberg
c/o James H. Lesar, Esquire
August 5, 1982
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If you will indicate your agreement to these conditions by signing and returning to me the two enclosed copies of this letter, I will send one of them on to the National Archives and will give them permission to send you a copy of the film.

Sincerely yours,


Henry G. Zapruder

HGZ:akl
Enclosures

ACCEPTED:

Harold Weisberg

Date