

I. The “Takings” Option

A. Pros:

1. The Review Board will have attempted to ensure that:

the US government would have control over the most famous piece of evidence related to the assassination

the US government would be able to conduct forensic examination of the camera original film now and in the future (with as yet undiscovered methods)

the Zapruder Film would be kept intact and would be preserved under the highest archival standards

2. The Review Board would be applauded by those who believe that the film should be owned by the US government (regardless of price and regardless of Congressional intent).

B. Cons:

1. The Review Board risks the decision that it does not have taking authority by either the Department of Justice or the Court of Federal Claims. The consequences of such a determination would include:

the US government would be required to return the original film to the Zapruder family upon demand;

the US government could conduct no forensics tests on the camera original film;

the US government would lose the opportunity to make a high quality digitized copy of the film;

the US government would be unable to distribute copies of the film at cost.

2. The Review Board risks:

incurring the approbrium of Congress and the taxpayers who may be required to pay for the film (potentially between 13.9 and 30 million dollars)

3. The US government would not be able to obtain the early high-quality copies of the film that may have more evidentiary value than the original

II. The Negotiated Arrangement Option

A. Pros:

1. The Review Board would ensure that the US Congress, the institution that has the unequivocal authority to take the film, would have a full opportunity to decide whether the US Government should acquire the film for a price established by the marketplace and not by the courts or by “experts.”
2. A negotiated settlement along the lines currently outlined would:
 - give Congress the opportunity to exercise its legal authority to acquire the film on behalf of the US
 - allow for immediate forensic tests to be conducted on the film
 - allow a cost-free high quality copy of the film to be made immediately and would permit copies to be distributed at cost to the public
 - would obtain the cooperation of the Zapruder family for pursuing early high-quality copies of the film that may have more evidentiary value (albeit less “trophy” value) than the original.

B. Cons:

1. Although the Review Board could attempt to ensure that the film would be preserved, it would not necessarily be able guarantee that the film would be preserved.
2. The Review Board would risk the approbrium of the public for having not insisted that the original film be kept by the US Government.