

November 5, 1997

Mr. Steven D. Tilley
Chief
President John F. Kennedy Assassination Records Collection
National Archives Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Dear Steve:

The purpose of this letter is to memorialize in writing the Review Board action and seek to clarify the status of the videotape copy of the 8mm film taken by Mr. David F. Powers in Texas on November 21-22, 1963, which is in The President John F. Kennedy Assassination Records Collection (JFK Collection) at the National Archives and Records Administration (NARA).

It is our understanding that the original film is located at the John F. Kennedy Library (JFK Library), along with Mr. Powers' other undeeded and unprocessed collection of materials. After communication was initiated by the Review Board in 1995, Mr. Powers allowed the film to be copied in 1996 and the videotape reproduction placed in the JFK Collection. The Library had provided the original film to the Review Board, which then turned it over to the Motion Picture, Video and Sound Branch at NARA, for copying purposes. Thus, the videotape at issue is a copy, and it was never owned by Mr. Powers. He was kept fully informed and approved of all actions relative to the film and the copying. Thus, as a preliminary matter, the videotape copy does not come within any deed of gift issue.

As a follow-up to several telephone discussions and a meeting at his home in Massachusetts, Mr. Powers was advised, in accordance with prior arrangements, in a September 12, 1996 letter from the Review Board, that a copy of his film had been made for inclusion in the JFK Collection (copy of September 12, 1996 letter from Thomas Samoluk to David Powers attached). He was advised in the letter that as part of the JFK Collection, the film would be made available to the public. The only issue left unresolved at that time was whether or not Mr. Powers wanted the videotape copy in the JFK Collection to have a copyright notification label on it. In a subsequent conversation on

November 12, 1996, Mr. Powers stated that he did want a copyright notification with the videotape copy because his only concern was that the film not be used in a commercial documentary without his approval.

Under the authority granted by The President John F. Kennedy Assassination Records Collection Act of 1992 (JFK Act), the Review Board followed NARA's recommended course of action and designated the Powers film copy as an assassination record on October 16, 1996. The designation was noticed in the Federal Register on December 6, 1996 (copy of Federal Register attached).

The Review Board agreed with NARA that the formal designation of the videotape copy of the Powers film as an assassination record under the JFK Act was the most appropriate means to make it a part of the JFK Collection. The original film remains at the John F. Kennedy Library. Thus, because Mr. Powers did not donate the film copy in the JFK Collection and the original film remains at the JFK Library, a federal facility, from where it was acquired for copying, the Review Board determined that a formal designation of the film copy as an assassination record was appropriate and sufficient to make it a part of the JFK Collection.

Thank you for your time and attention to this matter. I hope that this letter clarifies the status and the history of the videotape copy of the Powers film which was designated as an assassination record and included in the JFK Collection at NARA. Please do not hesitate to contact me, if you have any comments, questions or would like to further discuss this matter.

Sincerely,

Thomas E. Samoluk
Deputy Director

enclosures