

November 5, 1997

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

Dear Mr. Tilley:

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

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.

As a follow-up to numerous prior communications, Mr. Powers was advised 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 a 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.

My understanding is that on September 30, 1996, you recommended to David Marwell that the Review Board designate the videotape copy of the Powers film as an assassination record

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

The Review Board agreed that the formal designation of the Powers film copy as an assassination record under the JFK Act was the most appropriate means to make it a part of the JFK Collection. The undeeded original film remains at the John F. Kennedy Library. 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, Mr. Powers did not actually make a donation to the JFK Collection, although he was kept fully informed and approved of all actions relative to the film and the copying. 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 records was appropriate and sufficient to make it a part of a 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 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,

T. Jeremy Gunn  
Executive Director

enclosures