

Assassination Records Review Board  
600 E Street NW ▪ Suite 208 ▪ Washington, DC 20530

PRIVILEGED AND CONFIDENTIAL

April 21, 1995

Harry M. Johnston, III  
General Counsel  
Time Warner Inc. (Law Department)  
25th Floor  
75 Rockefeller Plaza  
New York, NY 10019

RE: Zapruder film

Dear Mr. Johnston:

I am contacting you at the suggestion of Gabriel Perle (who in turn was referred to me by Assassination Records Review Board member Prof. Henry Graff of Columbia University). This letter concerns an important issue that faces the government regarding the Zapruder film of the assassination of President John F. Kennedy. As is described below, it appears that the key to resolving this question may be in Time Warner Inc.'s legal files, and that your company may have an interest in the outcome.

The Assassination Records Review Board is an independent federal

agency established by Congress in the *Assassination Records Collection Act of 1992* (ARCA) to identify, collect, and make publicly available all records related to the assassination of President Kennedy and investigations into it. The ARCA provides that records (including film recordings) that were "created or made available for use by, obtained by, or otherwise came into the possession of" the Warren Commission and other congressional investigations into the assassination are to be placed by the Review Board in the "President John F. Kennedy Assassination Records Collection" (the Collection). The Collection was established by this legislation as a comprehensive historical record of this tragic event and will be housed at the National Archives and Records Administration's (NARA's) new modern facility in College Park, Maryland. <sup>1</sup>

The film made by Abraham Zapruder with a hand-held movie camera at the moment the president was assassinated is a key record of this tragedy. Every federal investigation into the assassination, starting with the Warren Commission, examined the film as a key piece of evidence. The film remains today a subject of great public and historical interest. Because the Zapruder film appears to fall squarely within the scope of records to be included in the Collection, the Review Board is seeking to determine its current legal status.

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<sup>1</sup> See 44 U.S.C. §2107 note Sec. 2 (1992). (copy enclosed for your reference)

It is the Review Board's understanding from the public record that *Life* magazine bought the original film from Mr. Zapruder in 1963. The Warren Commission's final report indicates that *Life* closely cooperated with the Commission's investigation, going so far as to send one of its photographic experts from New York to bring the original film to Washington and personally project it for the Commission members so that they could study the original, as the best and clearest depiction of that day's events, in detail. In 1975, the National Archives was informed by Lawrence Layburne, then Vice President of Time Inc., that transfer of the original film to the government was being proposed. Subsequently, the National Archives learned that Time Inc. had sold the copyright back to the Zapruders for "\$1 and other valuable consideration." Concurrently, Time Inc. deeded to the federal government first and second generation copies of the film. Henry Zapruder (Abraham Zapruder's son) in 1978 asked NARA to hold and administer the original film, which it agreed to do. The film has been in cold storage under preservation conditions since that time. NARA has administered the film for nearly twenty years at government expense, providing persons who wish to obtain copies a notice of the Zapruders' copyright interest. The Zapruders reportedly levy a substantial fee for use of the film and have received significant copyright royalty income in the years since they obtained the film's copyright for \$1 from Time Inc.<sup>2</sup>

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<sup>2</sup> Copies of an October 1974 National Archives internal memo memorializing Mr. Layburne's statement, the assignment of copyright from Time to Mrs. Zapruder, dated April 9, 1975, and Time Inc.'s deed of gift of copies of the film to the federal government, also dated April 9, 1975, are enclosed for your reference.

Significantly, no mention is made in any documentation in the federal government's possession of a transfer of ownership of the original film from Time Inc. to the Zapruders, only an assignment of copyright. No deed of gift transferring the original film to the federal government has ever been executed.

After the ARCA was passed, Henry Zapruder appeared at the NARA facility where the film is stored, claiming that he owns the original film and demanding that he be given possession of it. NARA refused, citing the ARCA. Zapruder has now notified the government that if it wishes to retain the original film at NARA he wants to be paid \$15 million dollars. In conversations with Zapruder, he has indicated that the family has no intention at this time of donating the film to the government based on what they believe is its great value on the open market. Although it is unlikely that the film is worth \$15 million, it is likely that it might be appraised at a significant sum given its unique characteristics as a historical artifact.

In looking into this issue on behalf of the Review Board, it appears to me possible that because only the copyright component of the film was transferred to the Zapruder family in 1975 and no evidence of other transfer of ownership of the original film is evident, Time Inc. may still have title to the original film even though possession of the film for a time appears to have passed into the Zapruders' hands. When I spoke with Mr. Perle about this issue earlier this week, he was adamant in his belief that

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*Time Inc. had donated the original to the government or understood that it was going to be donated to the government.*

*Given the paucity of information on this question currently in the government's possession, it may be that there is documentation in your legal files that could shed light on the film's current legal status. It would be most helpful to a speedy resolution of this issue if you might agree to allow me, as a representative of the Review Board, to have access to any such files that still exist. I would be happy to come up to New York at your office's convenience to review them myself rather than put your staff to any work. Any assistance you may be able to provide on this matter would be enormously appreciated.*

*If it turns out that ownership of the original film was never transferred from Time Inc. and your organization, as the successor to Time Inc., in fact still retains ownership of the original film, I would also like to discuss with you whether Time Warner Inc. would be interested in executing a deed of gift now to the government to deposit this film in the collection, as Congress intended, to ensure its preservation for the historical record.*

*Given what I am sure is your very busy schedule, I appreciate your attempts to return the calls I made to your office this week. If you have any thoughts on this matter or wish to discuss arrangements for the Review Board's access to documents you may have, I can be reached at (202) 724-0088, ext. 231 or by fax at (202) 724-0457. I look forward to speaking with you soon, and hope that we may be able to find a solution to this puzzle in the near future.*

*Sincerely,*

*Sheryl L. Walter  
General Counsel*