

Assassination Records Review Board

600 E Street NW ▪ Suite 208 ▪ Washington, DC 20530

April 25, 1995

TO: File

FROM: Sheryl Walter

RE: Conversation with Harry Johnston, General Counsel, Time Warner Inc.
Re Legal Status of Zapruder Film

I spoke today with Harry Johnston regarding the fax I sent him last week outlining the issue that has arisen regarding the Zapruder film. He said he had pulled his file and that there is in fact a transfer of title to the physical object as well as an assignment of copyright. He also read me a copy of the press release, which says that Time Inc. had tried to donate the film to the government but due to a lingering interest of the Zapruders in the copyright royalties they did not feel they could do so without potentially harming the value of the copyright. The press release also indicates that it was understood that the Zapruders would physically store the film at the National Archives for preservation purposes.

Johnston read to me a relevant portion of the contract under which *Life* bought the film from Abraham Zapruder. It states that after *Life* had recouped the purchase price of the film (\$150,000) it was obligated to split 50/50 any additional royalties with Zapruder or his heirs. When in the mid-70s Time Inc. decided it did not want to be involved in licensing the commercial use of the film, it found itself to have a fiduciary duty to the Zapruders as to the value of the copyright. Johnston said that it appears that when the issue was discussed there was concern that by donating the film to the government the value of the copyright would be diminished. It also appears that Time Inc. felt at the time that its donation of multiple first and second generation copies would be adequate to serve the public interest. No consideration of the unique evidentiary value of the film seems to have been taken into account.

Johnston will review the documents he read me over the phone to determine if there is any proprietary or confidential information in them. If not (he thinks there will be no problem) he will send me copies. He offered his assistance if he can be in any way helpful in the future.