

Arguments for attempting to “take” the camera original film

If the taking succeeds, the US government would have control over the most famous piece of evidence related to the assassination

If the taking succeeds, the US government may conduct all appropriate forensics examinations of the camera original film

The Review Board will be applauded by those who believe that the film should be owned by the US government, that the price of the film is unimportant, and that Congress would not otherwise approve the purchase.

Arguments for a negotiated arrangement with the Zapruder family

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.

In its preliminary analysis, the Department of Justice has concluded that the JFK Act does not authorize the Review Board to take private property, including the Zapruder film. If the Review Board were to attempt to take the film, and if either the Department of Justice or the Court of Federal Claims were to determine that the Review Board does not have taking authority, the consequences 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;

- 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

- 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

If the Review Board were to attempt to take the film, the film’s status may not be determined for a significant period of time because of the possibility of protracted litigation with an uncertain outcome.

If there were a negotiated settlement along the lines currently outlined, the

Review Board would

give Congress the opportunity to exercise its legal authority to acquire the film on behalf of the US

immediately be able to conduct forensics tests on the film

immediately be able to make arrangements to make a cost-free high quality copy of the film and be able to distribute copies 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.

The original film is a “wasting asset” whose evidentiary value has and will deteriorate over time. The US government

By attempting to take the film, the Review Board risks the political cost of 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)

e...z-film