UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FORUM ON OPEN ACCESS TO GOVERNMENT RECORDS INC., Plaintiff, v. DALLAS COUNTY HISTORICAL FOUNDATION, d/b/a THE SIXTH FLOOR MUSEUM AT DEALEY PLAZA, and NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, Defendants.	§	Civil Action No.: 3:25-CV-2034-B

APPENDIX IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANT DALLAS COUNTY HISTORICAL FOUNDATION'S SECOND MOTION TO DISMISS

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DECLARATION OF MARK L. JAVITCH

I, Mark L. Javitch, declare as follows:

1. I am an attorney licensed to practice in the State of California, Bar No. 323729, and I am counsel of record for Plaintiff Forum on Open Access to Government Records Inc. in this action, admitted pro hac vice. I make this declaration in support of the Forum's opposition to the motion to dismiss the First Amended Complaint filed by Defendant Dallas County Historical Foundation (the "Museum").

2. The facts stated in this declaration are within my personal knowledge, and I am competent to testify to them. I make this declaration to place before the Court true and correct copies of documents referred to in the Forum's brief and to state what I did and when.

The Forum's April 2025 requests to the Museum

3. On April 3, 2025, I wrote to counsel for the Museum on the Forum's behalf. In that letter I requested the Museum's permission for the Forum to use the copyright the Museum asserts in the Zapruder film for the Forum's publication, and I requested the information in the Museum's possession bearing on whether frames 154 through 157 and 207 through 212 of the film are original. That letter is filed as Exhibit J to the Forum's First Amended Complaint (Doc. 37).

4. On April 15, 2025, counsel for the Museum answered my letter of April 3, 2025, and denied the majority of the Forum's request. The Museum's response is Exhibit K to the First Amended Complaint.

5. On April 15, 2025, I asked counsel for the Museum whether the Museum would withdraw its opposition to the Forum's pending requests to the National Archives, and on April 16, 2025 counsel responded that it would not, on the ground that such requests constitute copying without a license. The Forum's inquiry and the Museum's response are Exhibits L and M, respectively, to the First Amended Complaint.

6. On April 24, 2025, counsel for the Museum directed the Forum to an online licensing form on the Museum's website; that direction is Exhibit O to the First Amended Complaint. I completed and submitted that form on the Forum's behalf and received an automated confirmation of its submission; the form as submitted and the confirmation are Exhibit P to the First Amended Complaint.

Neither the Museum nor its counsel responded to that submission, and as of the date of this declaration no response has been received.

The Forum's October 2026 requests to the National Archives

7. On October 8, 2026, I submitted on the Forum's behalf a request under the Freedom of Information Act for all communications between the National Archives and the Dallas County Historical Foundation from January 1, 2022 to the present. A true and correct copy of that request is attached as Exhibit 1.

8. On October 9, 2026, I submitted on the Forum's behalf a further request under the Freedom of Information Act, seeking records identified in that request by National Archives Identifier, any existing digital reproduction of the archived copy the Catalog designates Copy 5, records describing the archived copies, records concerning the use restriction appearing in the Catalog, instruments between the National Archives and the Museum and its predecessors, and vendor and procedure records. The request also asks that the records be made available for public inspection in an electronic format under 5 U.S.C. § 552(a)(2)(D). In that request the Forum offered to pay the full cost of reproduction, to use any vendor the agency approves, and to accept whatever terms the agency requires for the handling of any film element, and stated that it does not ask the agency to subject the original film element to handling. A true and correct copy of that request is attached as Exhibit 2.

9. Each of the requests described in Paragraphs 7 and 8 states that it is made under 5 U.S.C. § 552, that it is not a discovery request, and that the Forum does not seek the records through discovery in this action. As of the date of this declaration the agency has acknowledged receipt of both requests. On October 9, 2026 I also transmitted the request described in Paragraph 7 to the National Archives' Operational FOIA Division and to its General Counsel FOIA Office. By letter of October 14, 2026 that Division assigned it tracking number NGC27-023. The agency has produced no records in response to either request.

The published pages of the National Archives

10. On October 26, 2026, I reviewed the Electronic FOIA Reading Room of the National Archives at archives.gov. It did not contain the notice described in Section 4 of the Non-Exclusive Copyright License Agreement filed with the Museum's motion. A true and correct copy of that page as it appeared on that date is attached as Exhibit 3.

11. On October 26, 2026, I reviewed the published Frequently Asked Questions of the National Archives concerning records of the assassination of President Kennedy at archives.gov. A true and correct copy of that page as it appeared on that date is attached as Exhibit 4.

12. On October 9, 2026, I reviewed the National Archives Catalog at catalog.archives.gov and captured the records for National Archives Identifier 1024554, titled *Abraham Zapruder Film of John F. Kennedy Assassination:*

Forensic Version, Local Identifier 541-MISC-1; National Archives Identifier 1029673, titled *Abraham Zapruder Film of John F. Kennedy Assassination: De-scratched Version*, Local Identifier 541-MISC-1A; and National Archives Identifier 13251, a record of the United States Secret Service in Record Group 87 bearing Record Number 154-10003-10087, together with the copy-level tables appearing on the first two records. Each of the three records carried the statement: "The reproduction rights to this film are held by the Sixth Floor Museum at Dealey Plaza in Dallas, Texas." Each designated the record "Use: Fully Restricted." True and correct copies of those pages as they appeared on that date are attached as Exhibit 5.

Correspondence with the United States Copyright Office

13. Between June 2025 and October 2026 I corresponded with the United States Copyright Office on the Forum's behalf concerning the registrations the Museum asserts. A true and correct copy of that correspondence, comprising my requests and the responses I received, is attached as Exhibit 6.

Declarations filed by the defendants in prior litigation

14. Attached as Exhibit 7 is a true and correct copy of the Declaration of Nicola Longford filed by the Museum in *FOIAConsciousness.com LLC v. National Archives & Records Administration*, No. 3:24-cv-00997-JD (N.D. Cal.), as ECF No. 26-1 on April 24, 2024. I obtained that copy from the docket of that case.

15. Attached as Exhibit 8 is a true and correct copy of the Declaration of Daniel Rooney filed by the National Archives and Records Administration in the same action as ECF No. 43-1 on September 5, 2024. I obtained that copy from the docket of that case.

The instruments filed with the Museum's motion

16. The Forum did not negotiate, request, agree to, or accept either the Covenant Not to Sue or the Non-Exclusive Copyright License Agreement filed with the Museum's motion. Neither instrument was provided to me or to the Forum before it was filed. I first learned of each of them on October 5, 2026, when the Museum filed them with its motion.

17. On October 6, 2026, following the parties' conference under Rule 26(f), counsel for the Museum wrote to me concerning the Covenant Not to Sue. A true and correct copy of that message and of the thread in which it appears is attached as Exhibit 9.

18. On October 16, 2026, at 3:45 p.m. Pacific time, I sent an email on the Forum's behalf to Charles E. Phipps, counsel for the Museum, copying Glenn Pudelka and Andrew Tucker Davison, responding to the message described in Paragraph 17 and asking the Museum to state its position on ten matters concerning the Covenant Not to Sue and the Non-Exclusive Copyright License Agreement. Among other things, the message asked whether the Museum now permits the Forum to obtain and to publish the highest resolution or commercial

grade versions of the Zapruder film; whether the Museum is willing to furnish such versions from its own holdings; whether the Museum will advise the National Archives that it does not object to the Forum's Freedom of Information Act requests; and what the Museum understands the terms "non-commercial grade" and "sensational" to mean as those terms are used in the License. The message asked for a response by October 23, 2026. I sent it so that the Museum's positions on those matters could be placed before the Court in connection with the Forum's opposition to the present motion. A true and correct copy of that message as sent, and of the replies described below, is attached as Exhibit 10. On October 23, 2026, counsel for the Museum replied that the Museum was "continuing to work on The Museum's responses to your questions below, but request more time to do so," and requested "a one-week extension." The reply also offered the Forum an extension of its deadline to respond to the present motion. The reply did not state the Museum's position on any of the ten matters. On October 26, 2026, counsel for the Museum wrote again, stating that the Museum "is considering an amendment to the license to NARA" and renewing its request to extend the briefing schedule. The reply and the October 26 message are included in Exhibit 10. As of the date of this declaration the Museum has not stated its position on any of the ten matters.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the date stated below at San Mateo, California.

Dated: October 26, 2026 /s/ Mark L. Javitch

Mark L. Javitch
JAVITCH LAW OFFICE
Counsel for Plaintiff Forum on Open Access
to Government Records, Inc.

EXHIBIT 1

FOIA Request to the National Archives — Communications with the Museum (Oct. 8, 2026), and its transmission to NARA (Oct. 9, 2026)

Javitch Law Office
3 East 3rd Ave., Ste. 200
San Mateo, CA 94401
(650) 781-8000
mark@javitchlawoffice.com

October 8, 2026

By email

Matthew D. Tanner, Trial Attorney
Intellectual Property Section
Civil Division, U.S. Department of Justice
matthew.d.tanner@usdoj.gov

Re: Freedom of Information Act Request — Communications between NARA and the Dallas County Historical Foundation d/b/a The Sixth Floor Museum at Dealey Plaza

Dear Mr. Tanner:

This is a request under the Freedom of Information Act, 5 U.S.C. § 552, submitted on behalf of Forum on Open Access to Government Records Inc. (the "requester"), a Texas corporation.

I. Record requested

All communications between NARA and the Dallas County Historical Foundation, including any entity doing business as The Sixth Floor Museum at Dealey Plaza, and including any officer, employee, agent, attorney or representative of either, from January 1, 2022 to the present.

The request reaches communications in any form, including letters, electronic mail and attachments to electronic mail, text and instant messages, and records reflecting oral communications, including notes, memoranda, calendar entries and call logs.

II. Form of production

The requester asks that records be furnished in electronic form, as searchable PDF or in their native electronic format, by email or by electronic download.

III. Search

The requester asks that NARA search the records of, at a minimum, the Office of the Archivist, the Office of General Counsel, the Office of Research Services, the Special Access and FOIA Program, the Motion Picture, Sound and Video Branch, the Moving Image and Sound Branch at the National Archives at College Park, and the staff responsible for the John F. Kennedy Assassination Records Collection. The requester asks that the search include electronic mail, including the accounts of present and former personnel whose records remain within NARA's control.

The requester notes that the Foundation is a single, named, non-governmental entity and that the request is bounded by a stated date range. A search for correspondence with a named entity over a stated period is an ordinary one, and the requester asks that NARA conduct it as such.

IV. Fee category and fee waiver

The requester requests a waiver of all fees under 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government — specifically, whether and on what terms a federal agency conditions public access to a record in its custody on the permission of a private party. The requester publishes research concerning the records of the assassination of President John F. Kennedy, has published a book and two periodicals on that subject, and has the demonstrated ability and intention to disseminate what it obtains to the public. The requester has no commercial interest in the records themselves.

In the alternative, the requester asks to be treated as a representative of the news media under 5 U.S.C. § 552(a)(4)(A)(ii)(II), on the basis of the publications described above.

If fees are assessed notwithstanding the foregoing, the requester agrees to pay fees up to $250 and asks to be consulted before any greater amount is incurred.

V. Administrative matters

The requester asks that NARA assign a tracking number and furnish it, together with its determination of the fee category and the fee waiver request, within the period 5 U.S.C. § 552(a)(6)(A)(i) allows.

If NARA concludes that this request is insufficiently particular, the requester asks that NARA say so and identify what further description would permit a search, rather than denying the request.

This request is submitted to you in your capacity as counsel for NARA in *Forum on Open Access to Government Records Inc. v. Dallas County Historical Foundation*, No. 3:25-cv-02034-B (N.D. Tex.). The requester asks that you transmit it to the NARA office

responsible for processing requests under the Act, and that you confirm the date of that transmittal. If you would prefer that the requester submit it directly through NARA's published channel instead, or in addition, please say so and the requester will do that promptly.

This request is made under 5 U.S.C. § 552. It is not a discovery request, and the requester does not seek these records through discovery in the above action.

Please direct all correspondence to the undersigned at the address and email above.

Respectfully,

/s/ Mark L. Javitch
Mark L. Javitch

Gmail

Mark Javitch <mark@javitchlawoffice.com>

Fwd: 3:25-cv-02034-B Forum v. Dallas - New FOIA Request to NARA

1 message

Mark Javitch <mark@javitchlawoffice.com> Fri, Oct 9, 2026 at 4:54 PM
To: mopix@nara.gov, NARA General Counsel FOIA Office <foia@nara.gov>

Dear NARA FOIA,

This is a request under the Freedom of Information Act, 5 U.S.C. § 552, submitted on behalf of Forum on Open Access to Government Records Inc. (the "requester"), a Texas corporation.

I. Record requested
All communications between NARA and the Dallas County Historical Foundation, including any entity doing business as The Sixth Floor Museum at Dealey Plaza, and including any officer, employee, agent, attorney or representative of either, from January 1, 2022 to the present.

The request reaches communications in any form, including letters, electronic mail and attachments to electronic mail, text and instant messages, and records reflecting oral communications, including notes, memoranda, calendar entries and call logs.

II. Form of production
The requester asks that records be furnished in electronic form, as searchable PDF or in their native electronic format, by email or by electronic download.

III. Search
The requester asks that NARA search the records of, at a minimum, the Office of the Archivist, the Office of General Counsel, the Office of Research Services, the Special Access and FOIA Program, the Motion Picture, Sound and Video Branch, the Moving Image and Sound Branch at the National Archives at College Park, and the staff responsible for the John

F. Kennedy Assassination Records Collection. The requester asks that the search include electronic mail, including the accounts of present and former personnel whose records remain within NARA's control.

The requester notes that the Foundation is a single, named, non-governmental entity and that the request is bounded by a stated date range. A search for correspondence with a named entity over a stated period is an ordinary one, and the requester asks that NARA conduct it as such.

IV. Fee category and fee waiver
The requester requests a waiver of all fees under 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government — specifically, whether and on what terms a federal agency conditions public access to a record in its custody on the permission of a private party. The requester publishes research concerning the records of the assassination of President John F. Kennedy, has published a book and two periodicals on that subject, and has the demonstrated ability and intention to disseminate what it obtains to the public. The requester has no commercial interest in the records themselves.

In the alternative, the requester asks to be treated as a representative of the news media under 5 U.S.C. § 552(a)(4)(A)(ii)(II), on the basis of the publications described above.
If fees are assessed notwithstanding the foregoing, the requester agrees to pay fees up to $250 and asks to be consulted before any greater amount is incurred.

V. Administrative matters
The requester asks that NARA assign a tracking number and furnish it, together with its determination of the fee category and the fee waiver request, within the period 5 U.S.C. § 552(a)(6)(A)(i) allows.

If NARA concludes that this request is insufficiently particular, the requester asks that NARA say so and identify what further description would permit a search, rather than denying the request.

Respectfully,

/s/ Mark L. Javitch
Mark L. Javitch

---------- Forwarded message ---------
From: **Mark Javitch** <mark@javitchlawoffice.com>
Date: Thu, Oct 8, 2026 at 2:54 PM
Subject: Re: 3:25-cv-02034-B Forum v. Dallas - New FOIA Request to NARA
To: Tanner, Matthew D. (CIV) <Matthew.D.Tanner@usdoj.gov>
Cc: Jonathan Gross <jonathansgross@gmail.com>

Dear Matt,

Please see this new FOIA request for NARA.

Best,
Mark Javitch

Forum - New FOIA Request to NARA Sent 10-8-26.pdf
21K

EXHIBIT 2

FOIA Request to the National Archives — Film Records, NAID 1024554 and 1029673 (Oct. 9, 2026)

Gmail

Mark Javitch <mark@javitchlawoffice.com>

Re: Forum - Freedom of Information Act Request

1 message

Mark Javitch <mark@javitchlawoffice.com> Fri, Oct 9, 2026 at 4:31 PM
To: mopix@nara.gov, NARA General Counsel FOIA Office <foia@nara.gov>
Cc: "Tanner, Matthew D. (CIV)" <Matthew.D.Tanner@usdoj.gov>

Dear FOIA Officer:

On behalf of my client, Forum on Open Access to Government Records Inc., and pursuant to the Freedom of Information Act, 5 U.S.C. § 552 et seq., my client requests the following records.

REQUEST 1

NAID 1024554 — *Abraham Zapruder Film of John F. Kennedy Assassination: Forensic Version*, Local Identifier 541-MISC-1, Record Group 541. https://catalog.archives.gov/id/1024554 (Version titled Copy 10)

NAID 1029673 — *Abraham Zapruder Film of John F. Kennedy Assassination: De-scratched Version*, Local Identifier 541-MISC-1A, Record Group 541. https://catalog.archives.gov/id/1029673

Together, "the Film Records."

REQUEST 2 — Any existing digital reproduction of the 8mm original

Any digital reproduction, of any resolution, of the archived copy the Catalog designates **Copy 5** of NAID 1024554 and describes as "the out-of-camera original 8mm archival copy, made on Kodachrome II direct reversal film stock." My client does not request that the agency subject that element to handling.

REQUEST 3 — Records describing the archived copies

Records sufficient to identify, for each archived copy of each of the Film Records, the element from which that copy was made, including preservation files, laboratory work orders, media occurrence documentation, and cataloging worksheets.

REQUEST 4 — Records concerning the use restrictions

All records concerning the creation, addition, review, approval or maintenance of the use restriction appearing in the Catalog for each of the Film Records, including the statement that "[t]he reproduction rights to this film are held by the Sixth Floor Museum at Dealey Plaza in Dallas, Texas," including records identifying who authorized that statement, when it was added, and the basis on which it was adopted.

REQUEST 5 — Instruments governing the Film Records

All agreements, licenses, deeds of gift, memoranda of understanding, permission protocols and other instruments between the National Archives and Records Administration, on the one hand, and the Sixth Floor Museum at Dealey Plaza, Dallas County Historical Foundation, LMH Company, the heirs of Abraham Zapruder, or Time, Incorporated, on the other, concerning the reproduction, licensing, permission to use, or asserted copyright in the Film Records or in the Zapruder film.

REQUEST 6 — Vendor and procedure records

Records identifying the laboratories or vendors the agency approves for the reproduction of 35mm motion picture film, and records setting out the procedure by which a member of the public may arrange and pay for such reproduction, including vendor lists, standard operating procedures and published guidance.

Public inspection in an electronic format

The Catalog pages for both Film Records state that they are "Not Yet Available Online."

Section 552(a)(2)(D) requires each agency to make available for public inspection in an electronic format copies of all records, regardless of form or format, that have been released to any person under § 552(a)(3) and that have been requested 3 or more times. 5 U.S.C. § 552(a)(2)(D)(ii)(II). That duty is affirmative. It does not depend on a request, and its performance is not owed to my client alone.

My client requests that the agency make each of the Film Records available for public inspection in an electronic format on that basis.

The Film Records have been the subject of repeated requests. To the extent either Film Record has previously been released to any person under § 552(a)(3), the obligation under § 552(a)(2)(D) attached upon that release, and my client requests that the agency perform it now, without awaiting the disposition of the present request. To the extent the agency considers the obligation to attach only upon release to my client, my client requests performance upon such release.

In the alternative, and only if the agency concludes that the three-or-more-times standard is not met, my client submits that these records are ones which, because of the nature of their subject matter, have become or are likely to become the subject of subsequent requests for substantially the same records. 5 U.S.C. § 552(a)(2)(D)(ii)(I).

My client requests that the copy made available for public inspection be the record as released, at the same resolution and without cropping, resizing, colour correction or other alteration, and that it be indexed as § 552(a)(2) requires.

Cost and the means of reproduction

My client wishes to remove any practical obstacle to reproduction. If the agency lacks the in-house capacity to produce a digital reproduction from the copy identified in Request 1, or prefers that the work be performed by an outside laboratory, my client will pay the full cost of that work and will use any vendor the agency approves, on whatever terms the agency requires for the handling of the element, including that the work be performed at an agency facility or under agency supervision.

My client makes this offer in aid of the agency's obligations under 5 U.S.C. § 552 and not in substitution for them. This remains a request under the Freedom of Information Act. My client does not ask the agency to treat it as an order for reproduction services under 36 C.F.R. part 1254.

Fees

My client intends to use these records in its published work, including a book it offers for sale and advertising for that book. My client notes that under 5 U.S.C. § 552(a)(4)(A)(ii)(I) the commercial character of an intended use bears on the fees chargeable and not on an agency's obligation to disclose. My client will pay the fees properly assessable in whatever category the agency assigns. Please notify me before incurring fees in excess of $500.

If you need any clarification, please let me know.

Thank you,

/s/ Mark L. Javitch

Mark L. Javitch Javitch Law Office 3 East 3rd Ave., Ste. 200 San Mateo, CA 94401 (650) 781-8000
mark@javitchlawoffice.com

Attorney for Forum on Open Access to Government Records Inc.

EXHIBIT 3

National Archives Electronic FOIA Reading Room (captured Oct. 26, 2026)

Freedom of Information Act (FOIA)

FOIA Reference Guide
Electronic (FOIA) Reading Room
NARA FOIA Regulations
NARA FOIA Directives
FOIA Annual Reports
Department of Justice FOIA Guidance
Privacy Program Resources
Congressional Hearings & Testimony
Contacts
Archival Fee Schedule
Other FOIA Resources

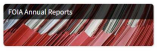
NARA Electronic Reading Room/FOIA Library

The National Archives and Records Administration (NARA) processes FOIA requests for two distinct types of records in our legal custody: Operational and Archival. Operational records are the records created by NARA and its employees in the process of carrying out its mission and responsibilities as an executive branch agency. These records include contracts, agency policies, employee directories, and other types of policy, administrative, and personnel records. These requests are processed by NARA's Office of General Counsel. Archival records subject to FOIA are the records created by Executive branch agencies and the White House that have been accessioned into the legal custody of the National Archives and include records subject to the Presidential Records Act (PRA) that have been transferred to NARA since the Reagan Administration. Archival records are located at NARA's archival facilities in the Washington, DC area and around the country, as well as at our Presidential Libraries. The FOIA does not apply to records of Congress and the Supreme Court, archival records created by Legislative and Judicial branches, or records at the pre-Reagan Presidential Libraries.

In addition, NARA's National Personnel Records Center (NPRC) also processes FOIA requests for official personnel files of retired military service members and retired civilian Federal employees on behalf of the military services and the Office of Personnel Management (OPM).







NARA Operational Records

Submit all FOIA requests for operational records to foia@nara.gov. If you submit your request to another NARA office, that office will re-direct your request to the Office of General Counsel, the component responsible for processing FOIA requests for NARA's internal operational records. Frequently requested and high-profile records are often posted to this webpage and can be found below under *Selected Operational Records*.

Selected Operational Records

- NARA Inspection and Duplication Film Report (Zapruder) March 28, 2002
- NARA Notice 2024-015 Responsible Use of Artificial Intelligence
- Employee Communications Blocking ChatGPT for NARA Usage
- Limited Waiver of Executive Order 13989 for Dr. Colleen Shogan
- Information Security Oversight Office (ISOO) list of Classified Documents Outside of Government Control (March 2023)
- Plan to Eliminate Records Backlog at the National Personnel Records Center, May 25, 2024
- Plan to Eliminate Records Backlog at the National Personnel Records Center, November 25, 2023
- Plan to Eliminate Records Backlog at the National Personnel Records Center, May 25, 2023
- Plan to Eliminate Records Backlog at the National Personnel Records Center, February 24, 2023
- Records related to treatment of NARA museum visitors on January 20, 2023, during the March for Life event
- Records related to Pence Vice-Presidential Records Covered by the Presidential Records Act (PRA)
- Records related to the return of Biden Vice-Presidential Records Covered by the Presidential Records Act (PRA)
- Records released in response to Presidential Records Act (PRA) questions under the Trump Administration
- Records responsive to FOIA requests about President Trump's return of 15 boxes of records from Mar-a-Lago
- Complaint, Exhibits, and Attachments in U.S. v. Navarro (lawsuit seeking recovery of Trump Presidential records), filed August 3, 2022
- 2020 Presidential Election Unofficial Certificates submitted to The Office of the Federal Register
- Records Related to the Request for Presidential Records by the House Select Committee to Investigate the January 6th Attack on the United States Capitol
- NARA Tribal Consultation Plan
- National Archives and Records Administration's Procedures Relating to the COVID-19 Pandemic
- Records Related to the Equal Rights Amendment
- Records Responsive to Multiple FOIA Requests Regarding NARA's use of the 2017 Women's March Photograph in conjunction with its *Rightfully Hers: American Women and the Vote* Exhibit
- Deed of Gift of Jaqueline B. Kennedy's Pink Chanel Suit worn on November 22, 1963
- National Personnel Records Center - Case Reference Guide
- Obama Presidential Library Agreements
- National Personnel Records Center Referral Response, FOIA Request: Abigail Spanberger
- Congressional Correspondence related to the nomination of Brett M. Kavanaugh to the U.S. Supreme Court
- NARA OIG Report 16-06, Audit of NARA's Preparation and Planning for the Receipt of President Obama's Administration's Records and Artifacts, 2016
- NARA's Presidential Transition Briefing Books
- Formal Correspondence with State Department regarding use of private email accounts, 2015-2016
- Memorandums from AOTUS to POTUS concerning the JFK Assassination Records Collection Act, 2018
- FOIA Management Oversight and Backlog Reduction Plan

Frequently Requested Operational Records

- National Archives Freedom of Information Act (FOIA) Logs
- National Archives Organizational Phone List
- National Archives Organizational Fax List
- National Archives Organizational Chart
- National Archives Regulations and Directives
- National Archives Contracts
- National Archives Premium Travel Reports 2009 – 2013
- National Archives Performance Ratings: A Distribution Analysis, Fiscal Years 2010-2014
- National Archives Sequestration Report , Fiscal Year 2013
- Code of Emergency Federal Regulations
- Letters of Notification of Intent to Release Presidential Records

Office of Government Information Services (OGIS)

- About OGIS
- Mediation Program
- Compliance Program
- Annual Reports
- Contact Information

Policy Statements/Administrative Staff Manuals

- National Archives Directives and Regulations

Final Orders and Opinions

- The National Archives has no records in this category.

Archival Records

Information on Researching and Making FOIA Requests for Archival Records

- Research Archival Records
- NARA's Special Access and FOIA Office in the Office of Research Services processes most FOIA requests for archival records of executive branch agencies.

Selected Archival Records Released under FOIA

- 1977 court order addressing FBI surveillance tapes and transcripts of Dr. Martin Luther King, Jr., *Lee v. Kelley*
- William Pelham Barr's Selective Draft Card and Selective Service Classification Ledger
- Joseph Biden's Selective Service Draft Card and Selective Service Classification Ledger
- Howard Schultz's Selective Service Draft Card and Selective Service Classification Ledger
- Bernard Sanders' Selective Service Draft Card and Selective Service Classification Ledger
- Donald John Trump's Selective Service Draft Card and Selective Service Classification Ledger
- Nazi War Crimes Interagency Working Group (IWG) Records
- Special Prosecutors and Independent Counsels Records
- 9/11 Federal Aviation Administration Finding Aid
- 9/11 Commission Records
- Department of Justice (DOJ)
- U.S. Air Force Project BLUE BOOK: Unidentified Flying Objects (UFOs)
- John F. Kennedy (JFK) Assassination Records Collection
- Digitized FBI Files
- Records of Independent Counsel Kenneth W. Starr, Brett Kavanaugh Attorney Work Files
- Report of Special Master John W. Kern, III Concerning Allegations of Improper Disclosures of Grand Jury Information by Office of Independent Counsel Kenneth W. Starr (Jan. 29, 1999)

Frequently Requested Archival Records

- Alien Files (A-Files)
- Census Records
- Civilian Government Employee Personnel Files
- Entry and Exit (I-94) Records
- Federal Prison Records
- Federal Register Publications
- Genealogy Records
- Immigration Records
- Law Enforcement and Investigation Records
- Military Service Records and Official Personnel Files
- Naturalization Records
- Passport Records
- Vital Records (birth and death certificates, marriage licenses, divorce decrees, and wills)
- Visa Records

Presidential Records

Presidential records released under the FOIA can be found at the following links to the respective pages of each NARA Presidential Library subject to the PRA/FOIA:

- Reagan Library
- George H.W. Bush Library
- Clinton Library
- George W. Bush Library
- Barack Obama Library
- Vice-Presidential Records

Because the FOIA does not apply under the PRA until 5 years after the President has left office, Trump's Presidential records will not become subject to FOIA until January 20, 2026.

PDF files require the free Adobe Reader
More information on Adobe Acrobat PDF files is available on our Accessibility page.

This page was last reviewed on June 20, 2025.
Contact us with questions or comments.

EXHIBIT 4

National Archives JFK Assassination Records Frequently Asked Questions
(captured Oct. 26, 2026)

About the JFK Records
Main Page
Background
Frequently Asked Questions (FAQs)
Press Releases

Warren Commission
Introduction
Inventory
Report
Records of Key Persons
Photos from Exhibits
Federal Records Guide Description

House Select Committee on Assassinations
Report

Assassination Records Review Board
Background and Lists of Records
Final Report

Other Resources
JFK Presidential Library
JFK Links from the Archives Library
Contact Us

Frequently Asked Questions about JFK Assassination Records

Table of Contents

- After President Trump's Executive Order, why aren't all JFK assassination-related records publicly available yet?
- What is an "assassination-related" record?
- How will I learn about newly released records?
- Why aren't all of the records online?
- Why are a few of the records sealed?
- Why are there multiple releases?
- What do you know about the "backyard photographs"?
- Can I see the artifacts?
- Can I access the autopsy report?
- Are the images in the Collection public domain or under copyright?
- Where is the Zapruder film? Can I get a copy of it?
- I am interested in acquiring copies of some of the records in the John F. Kennedy Assassination Records Collection. What is the process to do so?
- Can I view President Kennedy's clothing?
- Can I view Mrs. Kennedy's pink suit?

Frequently Asked Questions (FAQs)

After President Trump's Executive Order, why aren't all JFK assassination-related records publicly available yet?

President Trump's Executive Order on the Declassification of Records Concerning the Assassinations of President John F. Kennedy, Senator Robert Kennedy, and the Reverend Dr. Martin Luther King, Jr. (E.O. 14176) required that the Director of National Intelligence and the Attorney General, in coordination with the Assistant to the President for National Security Affairs and the Counsel to the President, present a plan for the full and complete release of records relating to the assassination of President John F. Kennedy. The National Archives and Records Administration (NARA) looks forward to implementing the plan at the President's direction and in coordination with the originating agencies.

What is an "assassination-related" record?

The official definition of an assassination-related record was established by the Assassination Records Review Board (ARRB), which was given the responsibility by the Kennedy Act. The definition, which can be found in Chapter 2, page 18 of the ARRB Report , reads:

(a) An assassination record includes, but is not limited to, all records, public and private, regardless of how labeled or identified, that document, describe, report on, analyze, or interpret activities, persons, or events reasonably related to the assassination of President John F. Kennedy and investigations of or inquiries into the assassination.

(b) An *assassination record* further includes, without limitation:

(1) All records as defined in Sec. 3(2) of the JFK Act;

(2) All records collected by or segregated by all federal, state, and local government agencies in conjunction with any investigation or analysis of or inquiry into the assassination of President Kennedy (for example, any intra-agency investigation or analysis of or inquiry into the assassination; any inter-agency communication regarding the assassination; any request by the House Select Committee on Assassinations to collect documents and other materials; or any inter- or intra-agency collection or segregation of documents and other materials);

(3) Other records or groups of records listed in the Notice of Assassination Record Designation, as described in §1400.8 of this chapter.

The federal government created assassination-related records for a variety of reasons. Even before November 22, 1963, a few agencies maintained information on certain individuals later linked with the assassination. Many agencies gathered and created records immediately following the assassination in pursuit of investigations or ongoing business. Still more agencies assembled material in response to the five formal commissions or committees established to investigate various aspects of the assassination or related subjects. Records reflecting all of these functions comprise the John F. Kennedy Assassination Records Collection.

To research records specifically regarding Kennedy's administration, please visit the John F. Kennedy Library.

How will I learn about newly released records?

Newly released records will be accessible on the President John F. Kennedy Assassination Records Collection web page.

Why aren't all of the records online?

The JFK Assassination Records Collection consists of millions of pages, photographs, electronic items, and artifacts, most of which are available for public access at the National Archives at College Park, MD. The National Archives is currently prioritizing the digitization of these records to make them more widely accessible online. Since January 2024, over 700,000 pages have been digitized and made available through the National Archives Catalog.

Why are a few of the records sealed?

Congress created the Collection when it passed the President John F. Kennedy Assassination Records Collection Act of 1992. This statute directed all federal agencies to transmit all records relating to the assassination in their custody to the National Archives and Records Administration (NARA). The Act also created a temporary agency, the Assassination Records Review Board (ARRB), to ensure that the agencies complied with the Act.

Virtually all of the records identified as belonging to the Collection have been opened in part or in full. Those documents that are closed in part or in full were done so in accordance with the President John F. Kennedy Assassination Records Collection Act of 1992.

The Act provided for the protection of various types of information for 25 years. Information that continued to be protected after 25 years could only be withheld under Section 5, Section 10, or Section 11 of the Act. These sections deal with information that would cause harm to military defense, intelligence operations, law enforcement, or conduct of foreign relations if released, is sealed by a court, subject to grand jury secrecy protections, or tax returns.

Each agency proposing continued postponement of information beyond December 15, 2022 prepared an unclassified Transparency Plan that details the event-based or

Section 5, Section 10, or Section 11 of the Act. These sections deal with information that would cause harm to military defense, intelligence operations, law enforcement, or conduct of foreign relations if released, is sealed by a court, subject to grand jury secrecy protections, or tax returns.

Each agency proposing continued postponement of information beyond December 15, 2022 prepared an unclassified Transparency Plan that details the event-based or circumstance-based conditions that would trigger the public disclosure of postponed information.

On January 23, 2025, President Donald J. Trump signed Executive Order 14176, titled "Declassification of Records Concerning the Assassinations of President John F. Kennedy, Senator Robert F. Kennedy, and the Reverend Dr. Martin Luther King, Jr," which stated that "Within 15 days of the date of this order, the Director of National Intelligence and the Attorney General shall, in coordination with the Assistant to the President for National Security Affairs and the Counsel to the President, present a plan to the President for the full and complete release of records relating to the assassination of President John F. Kennedy."

Newly released records will be accessible on the President John F. Kennedy Assassination Records Collection web page.

Why are there multiple releases?

Records in the Collection have been periodically re-reviewed for additional information that can be released and then subsequently released to the public.

What do you know about the "backyard photographs"?

There are three different backyard photographs. Two were located at the time of the Warren Commission and are filed as CE 133A and 133B. A third was discovered by the United States House Select Committee on Assassinations (HSCA) and is filed as HSCA F Exhibit F-180. An explanation of the history of all three photographs is located in HSCA Report, Volume II, pp. 319–322.

Can I see the artifacts?

It is NARA policy to make evidentiary objects available for viewing only when a researcher's needs cannot be met by a review of photographs, reproductions, or descriptions of the object and when production of the original will not cause damage or harm to the original. We encourage researchers to review the digitized preservation photographs of the "Exhibits and Other Evidence from the President's Commission on the Assassination of President John F. Kennedy (Warren Commission), 1959–1964" that are available through the National Archives Catalog.

We will be glad to consider your request to see the physical evidence in person if you will:

1. Identify which specific exhibit or exhibits you wish to see. A general request to see all of the physical exhibits is not sufficient.
2. Indicate which of the photographs, drawings, measurements, and descriptions of the exhibit and any other documentation relating to it you have examined.
3. Indicate briefly why the documentation available on the exhibit does not satisfy your research objectives and how those objectives might be met by observation of the original exhibits.

Can I access the autopsy report?

The National Archives has an electronic copy of Appendix IX (Commission Exhibits 387 & 391). If you would like to receive a hard copy of Appendix IX, please write to us and provide us with a postal mailing address.

Are the images in the Collection public domain or under copyright?

Some of the images in the Collection may be copyrighted. Where obvious copyright or donor-imposed restrictions apply, written releases from the copyright owners may be required before reproductions will be made. It is the user's responsibility to obtain all necessary clearances. Any use of these items is made at the researcher's or purchaser's own risk.

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specific conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research." If a user makes a request for, or later uses a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement.

The National Archives reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

Where is the Zapruder film? Can I get a copy of it?

The original Zapruder film is part of the Collection and is in the custody of the Moving Image and Sound Branch at the National Archives at College Park, MD. NARA may make a single fair-use copy of the film and sell it to any researcher. However, the copyright for the film is owned by the Sixth Floor Museum in Dallas, TX. If a researcher chooses to publish the film in any way, he or she will need to obtain permission from the copyright holder.

I am interested in acquiring copies of some of the records in the John F. Kennedy Assassination Records Collection. What is the process to do so?

You may view the records at the National Archives at College Park, MD, and make your own copies. If you cannot make the trip please write to us at inquire@nara.gov.

Can I view President Kennedy's clothing?

The apparel worn by President Kennedy on November 22, 1963 is in the legal and physical custody of the National Archives. The President's apparel was used as evidence during the 1963–1964 Warren Commission investigation into the assassination. When the work of the Warren Commission ended, the apparel was transferred to NARA under a deed of gift.

The apparel is located in a secure area, under climate-controlled conditions, and stored flat in special containers for preservation purposes. NARA created detailed color photos of these materials as part of a larger preservation effort to photograph the significant artifacts in the JFK Assassination Records Collection.

Can I view Mrs. Kennedy's pink suit?

Mrs. Kennedy's suit resides at the National Archives in a secure area, under climate-controlled conditions, and stored flat in special containers for preservation purposes.

Caroline B. Kennedy donated the suit to the National Archives through a deed of gift, signed in 2003. Access to the clothing and personal effects of Mrs. Kennedy are restricted for 100 years from the date of execution of the deed of gift.

Contact Us

Reference Inquiries
Email: inquire@nara.gov

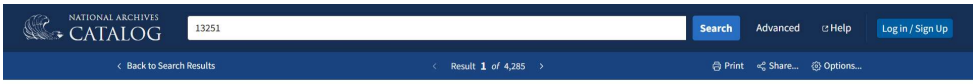
Media Inquiries
Email: public.affairs@nara.gov

PDF files require the free Adobe Reader.
More information on Adobe Acrobat PDF files is available on our Accessibility page.

This page was last reviewed on April 8, 2025.
Contact us with questions or comments.

EXHIBIT 5

National Archives Catalog records — NAID 13251, 1029673, and 1024554
(captured Oct. 26, 2026)



Record Group 87: Records of the U.S. Secret Service » Series: Moving Images Relating to Protective Services

Item NOT YET AVAILABLE ONLINE

Duplicate Copy of Zapruder Film

NAID: 13251 | Local ID: 87.38 | Moving Images | Produced: November 22, 1963

Not Yet Available Online

This item consists of amateur film footage of President John F. Kennedy's assassination, made by Dallas resident Abraham Zapruder, it captures President Kennedy's motorcade as it passed through Dealey Plaza.

This film is a duplicate copy.

Dates

This item was produced or created on November 22, 1963.

The creator compiled or maintained the parent series, Moving Images Relating to Protective Services, between ca. 1934–ca. 1974.

Edit Status

Audiovisual record(s) in this item have not been edited.

General Notes

Contributor: Other, Zapruder, Abraham

Sound

Audiovisual record(s) in this item are silent.

Access: Unrestricted

Use: Fully Restricted

Use of all of these archival materials is restricted for the following reason:

+ Copyright

The reproduction rights to this film are held by the Sixth Floor Museum at Dealey Plaza in Dallas, Texas.

Subjects and References | 4

People	Places	Media Types	Topics
Kennedy, John F. (John Fitzgerald), 1917-1963	Dallas (Tex.)	Motion pictures	Presidents

Part of | 2

Record Group 87
Records of the U.S. Secret Service
1863 – 1999
Explore this Record Group

» Series
Moving Images Relating to Protective Services
ca. 1934 – ca. 1974
Explore this Series

Creator

Most Recent

Department of the Treasury. U.S. Secret Service. (1943 - 2003)

Archived Copy

The following may not represent the current availability of these records.
If you plan to access these records in person, please contact the following location prior to your visit to confirm current availability.

National Archives at College Park - Motion Pictures
8601 Adelphi Road, College Park, MD, 20740-6001 (301) 837-3540 (301) 837-3622 mopix@nara.gov

Copy	Copy Status	Specific Media Type	Details
1	Preservation	Film Reel	

Control Numbers | 5

National Archives Identifier
13251

Local Identifier
87.38

NAIL Control Number
NWDNM(m)-87.38

Other Identifiers
Agency File Number: 200.00
Record Number: 154-10003-10087

Tags

Log in to contribute! Need Help? | Policy

Comments

Log in to contribute! Need Help? | Policy



Record Group 541: Records of the Assassination Records Review Board » Series: Moving Images Relating to the Assassination of John F. Kennedy

Item NOT YET AVAILABLE ONLINE

Abraham Zapruder Film of John F. Kennedy Assassination: De-scratched Version

NAID: 1029673 | Local ID: 541-MISC-1A | Moving Images | Produced: November 22, 1963

Not Yet Available Online

This film of President John F. Kennedy's assassination, made by Dallas resident Abraham Zapruder, captures President Kennedy's motorcade as it passed through Dealey Plaza.

Dates

This item was produced or created on November 22, 1963.

The creator compiled or maintained the parent series, Moving Images Relating to the Assassination of John F. Kennedy, between 1992–1998.

Edit Status

Audiovisual record(s) in this item have not been edited.

General Notes

This "de-scratched version" of the Zapruder film was made with a defused printing light source to help eliminate some of the appearance of defects in the original 8mm film.

Sound

Audiovisual record(s) in this item are silent.

Access: Unrestricted

Use: Fully Restricted

Use of all of these archival materials is restricted.

The reproduction rights to this film are held by the Sixth Floor Museum at Dealey Plaza in Dallas, Texas.

Subjects and References | 2

People: Kennedy, John F. (John Fitzgerald), 1917-1963

Topics: Assassination

Part of | 2

Record Group 541
Records of the Assassination Records Review Board
1992 – 1999
Explore this Record Group

Series
Moving Images Relating to the Assassination of John F. Kennedy
1992 – 1998
Explore this Series

Creator

Most Recent
Assassination Records Review Board. (10/26/1992 - 09/30/1998)

Archived Copies | 9

The following may not represent the current availability of these records.
If you plan to access these records in person, please contact the following location prior to your visit to confirm current availability.

National Archives at College Park - Motion Pictures Full Details

8601 Adelphi Road, College Park, MD, 20740-6001 (301) 837-3540 (301) 837-3622 mopix@nara.gov

Copy	Copy Status	Specific Media Type	Details
1	Reference	Film Reel	
2	Reference	Film Reel	
3	Reproduction	Film Reel	
4	Reproduction	Film Reel	
5	Preservation	Film Reel	
6	Preservation	Film Reel	
7	Preservation	Film Reel	
8	Preservation	Film Reel	
9	Preservation	Film Reel	

Control Numbers | 2

National Archives Identifier
1029673

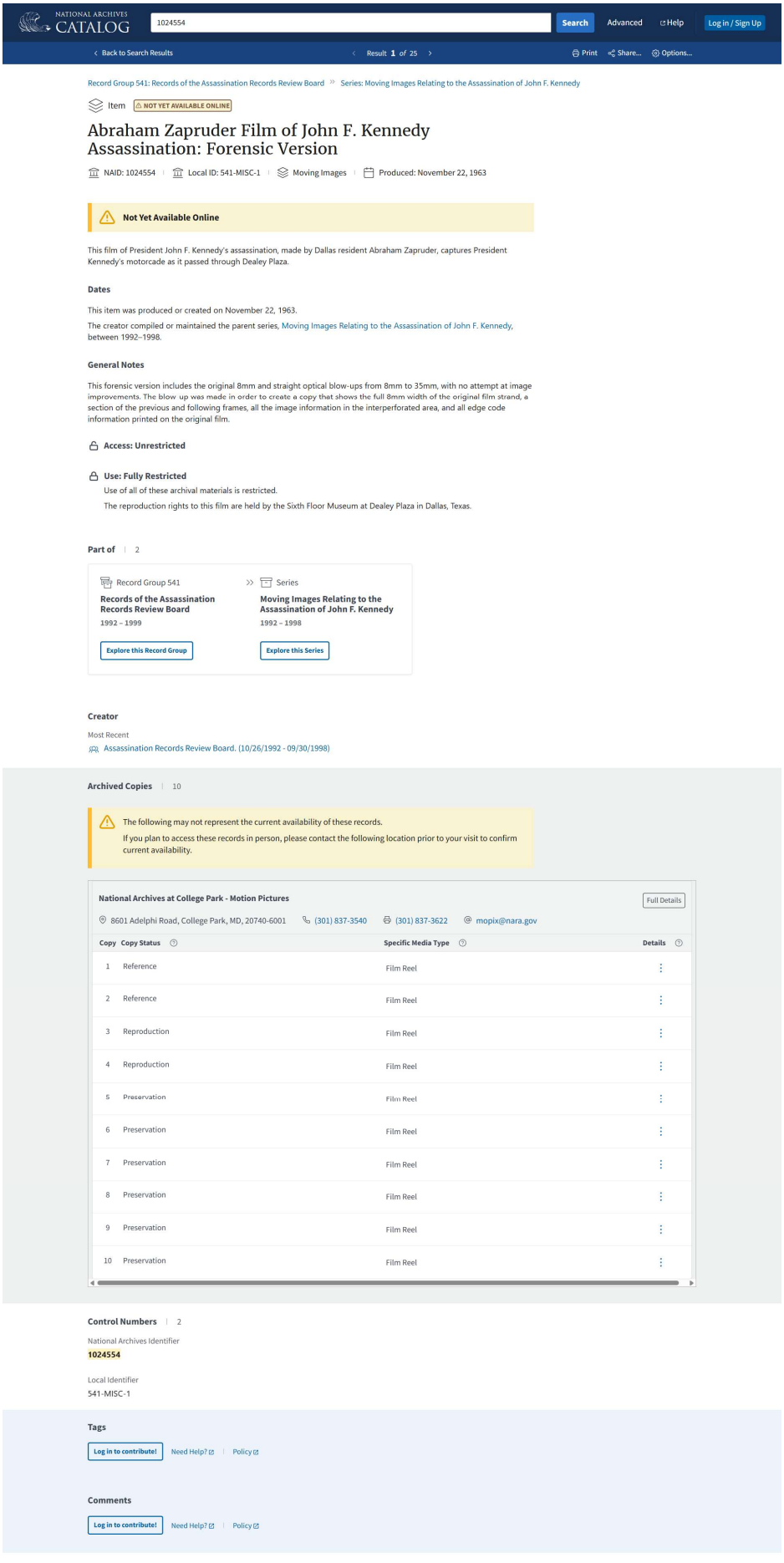
Local Identifier
541-MISC-1A

Tags

Log in to contribute! Need Help? | Policy

Comments

Log in to contribute! Need Help? | Policy



NATIONAL ARCHIVES CATALOG

1024554 Search Advanced Help Log in / Sign Up

Back to Search Results | Result 1 of 25 | Print Share... Options...

Record Group 541: Records of the Assassination Records Review Board » Series: Moving Images Relating to the Assassination of John F. Kennedy

Item NOT YET AVAILABLE ONLINE

Abraham Zapruder Film of John F. Kennedy Assassination: Forensic Version

NAID: 1024554 | Local ID: 541-MISC-1 | Moving Images | Produced: November 22, 1963

Not Yet Available Online

This film of President John F. Kennedy's assassination, made by Dallas resident Abraham Zapruder, captures President Kennedy's motorcade as it passed through Dealey Plaza.

Dates

This item was produced or created on November 22, 1963.

The creator compiled or maintained the parent series, Moving Images Relating to the Assassination of John F. Kennedy, between 1992–1998.

General Notes

This forensic version includes the original 8mm and straight optical blow-ups from 8mm to 35mm, with no attempt at image improvements. The blow up was made in order to create a copy that shows the full 8mm width of the original film strand, a section of the previous and following frames, all the image information in the interperforated area, and all edge code information printed on the original film.

Access: Unrestricted

Use: Fully Restricted

Use of all of these archival materials is restricted.

The reproduction rights to this film are held by the Sixth Floor Museum at Dealey Plaza in Dallas, Texas.

Part of | 2

Record Group 541
Records of the Assassination Records Review Board
1992 – 1999
Explore this Record Group

» Series
Moving Images Relating to the Assassination of John F. Kennedy
1992 – 1998
Explore this Series

Creator

Most Recent

Assassination Records Review Board. (10/26/1992 - 09/30/1998)

Archived Copies | 10

The following may not represent the current availability of these records.

If you plan to access these records in person, please contact the following location prior to your visit to confirm current availability.

National Archives at College Park - Motion Pictures Full Details

8601 Adelphi Road, College Park, MD, 20740-6001 (301) 837-3540 (301) 837-3622 mopix@nara.gov

Copy	Copy Status	Specific Media Type	Details
1	Reference	Film Reel	
2	Reference	Film Reel	
3	Reproduction	Film Reel	
4	Reproduction	Film Reel	
5	Preservation	Film Reel	
6	Preservation	Film Reel	
7	Preservation	Film Reel	
8	Preservation	Film Reel	
9	Preservation	Film Reel	
10	Preservation	Film Reel	

Control Numbers | 2

National Archives Identifier
1024554

Local Identifier
541-MISC-1

Tags

Log in to contribute! Need Help? Policy

Comments

Log in to contribute! Need Help? Policy

EXHIBIT 6

United States Copyright Office correspondence — deposit MU7813 not retained (June 27, 2025)

Gmail

Mark Javitch <mark@javitchlawoffice.com>

RE: inspect deposit MU7813 15May67

1 message

CopyCerts <copycerts@copyright.gov> Fri, Jun 27, 2025 at 1:23 PM
To: Mark Javitch <mark@javitchlawoffice.com>
Cc: CopyCerts <copycerts@copyright.gov>

Good afternoon,

Unfortunately, the work (MU7813) in your request are out of our retention period and is no longer part of the Copyright Office collection. Therefore, it is not available for reproduction.

Please note that Section 704, D of the Copyright Law (paraphrased) states that deposits not selected by the Library, or identifying portions or reproductions of them, shall be retained under the control of the Copyright Office, including retention in Government storage facilities, for the longest period considered practicable and desirable by the Register of Copyrights and the Librarian of Congress. After that period it is within the joint discretion of the Register and the Librarian to order their destruction or other disposition.

DDUP

Customer Service Representative Records Research and Certification Division |

Office of Copyright Records /| U.S. Copyright Office

101 Independence Ave, SE.

Washington, DC 20559-6001

Phone: 202-707-1796

copycerts@copyright.gov

From: Mark Javitch <mark@javitchlawoffice.com>
Sent: Thursday, June 26, 2025 1:05 AM
To: CopyCerts <copycerts@copyright.gov>
Subject: inspect deposit MU7813 15May67

CAUTION: This email message has been received from an external source. Please use caution when opening attachments, or clicking on links.

Dear Copyright Office,

How may I inspect the deposit for MU7813, 15May67, KENNEDY ASSASSINATION. Time, Inc. 10 sec., color. Appl. author: Abraham Zapruder. 1967 Motion Pictures and Filmstrips.

Thank you,

Mark Javitch

Javitch Law Office

3 East 3rd Ave. Ste. 200

San Mateo CA 94401

(650 781-8000

EXHIBIT 7

Declaration of Nicola Longford, FOIAConsciousness.com LLC v. NARA, No. 3:24-cv-00997 (N.D. Cal.), ECF No. 26-1

LOCKE LORD LLP
Daniel A. Solitro (SBN 243908)
dsolitro@lockelord.com
Madeleina Halley (SBN 341540)
madeleina.halley@lockelord.com
300 South Grand Avenue, Suite 2600
Los Angeles, California 90071
Telephone: (213) 485-1500
Facsimile: (213) 485-1200

Attorneys for Respondent
DALLAS COUNTY HISTORICAL FOUNDATION D/B/A THE SIXTH FLOOR MUSEUM AT DEALEY PLAZA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FOIACONSCIOUSNESS.COM LLC, a California limited liability company, Plaintiff, vs. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, a federal agency, Defendant, and DALLAS COUNTY HISTORICAL FOUNDATION d/b/a THE SIXTH FLOOR MUSEUM AT DEALEY PLAZA Respondent.	Case No. 3:24-CV-00997 *Hon. James Donato* **DECLARATION OF NICOLA LONGFORD IN SUPPORT OF RESPONDENT'S NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFF'S COMPLAINT FOR LACK OF PERSONAL JURISDICTION** Date: June 6, 2024 Time: 10:00 a.m. Courtroom: 11

DECLARATION OF NICOLA LONGFORD

I, Nicola Longford, declare as follows:

1. I am the Chief Executive Officer of the Sixth Floor Museum at Dealey Plaza (the "Museum"), the respondent in this matter. I have served as the director of the Museum since 2005. I make this declaration in support of the Museum's Motion to Dismiss Plaintiff's Complaint for Lack of Personal Jurisdiction. The facts set forth herein are true of my own personal knowledge. If called as a witness, I could and would competently testify to the facts set forth herein.

2. The Museum is a non-profit corporation that has always been incorporated in the state of Texas. Its principal place of business is and has always been in Dallas, Texas. The Museum itself, and the offices from which its activities and affairs are managed, is located at 411 Elm Street, Dallas, Texas, with its main exhibit on the sixth floor of the former Texas School Book Depository Building, from which the Warren Commission determined Lee Harvey Oswald shot President John F. Kennedy on November 22, 1963.

3. The Museum is dedicated to chronicling the life and legacy of President Kennedy and the events of his assassination. The Museum has exhibitions and hosts education and public programs dedicated to this mission, all in Dallas, Texas.

4. As part of its collection, the Museum possesses over 90,000 historical items and materials which include documents, objects, films, photographs and other media, as well as over 2,500 oral histories, related to President Kennedy. The Museum is the holder of the copyright to the Zapruder film, a video recording shot by bystander Abraham Zapruder which captured President Kennedy's motorcade passing through Dealey Plaza and the assassination. This film was critical in investigating and understanding the sequence of events that led to President Kennedy's death.

5. In 1999, the Zapruder family donated the copyright to the film to the Museum.

6. Although the Museum owns the copyright to the film, the Zapruder camera original film itself is designated an "assassination record" under the President John F. Kennedy Assassination Records Collection Act and is held by the National Archives and Records Administration ("NARA") in Baltimore, Maryland. NARA apparently holds other versions of the film as well. When someone

submits a Freedom of Information Act ("FOIA") request regarding the Zapruder film to NARA, the requestor must first obtain written permission from the Museum authorizing release. Generally, the Museum receives an email from the requestor stating that NARA referred them to the Museum to obtain permission, at which point the Museum reviews the request and, if approved, sends an authorization for release to both NARA and the requestor. A true and correct copy of the "Guidance on Requesting Copies of the Zapruder Film" published by NARA and provided to the Museum is attached hereto as **Exhibit 1.** In addition, NARA's website also links to the Museum and states that anyone seeking copies of the Zapruder film must first obtain permission from the Museum in its "Frequently Asked Questions" page.[1]

7. Since 2003, the Museum has received and granted authorization to NARA for 27 FOIA requests for release of the film or portions thereof. Of those requests, 5 were from requestors in California.

8. The Museum does not solicit inquiries regarding access to any of the items in its collection but it has a procedure where someone interested may request approval for a copyright license to any copyrighted materials. The Museum typically grants licensing requests free of charge to researchers or others with an academic interest, but may charge a licensing fee for commercial use of the film. Since October 2022, our records show that the Museum has received 16 such requests from persons or entities from California, 12 of which related to the Zapruder film. These license requests were not submitted through FOIA or NARA but instead made directly to the Museum.

9. The Museum is a physical space located inside the former School Book Depository Building in Dallas, Texas. The Museum has historically had very little contact with the state of California. It has no physical presence in California, and none of the Museum's executives or employees live in California or have lived in California when working for the Museum. The Museum is not registered to do business in California, nor does it have a designated agent for service of process in California.

[1] NARA's Frequently Asked Questions page regarding the John F. Kennedy Assassination Records Collection can be found at https://www.archives.gov/research/jfk/faqs.

10. The Museum maintains a website at www.jfk.org, which provides information on visiting the Museum and its history and collections. Persons wishing to visit the Museum may purchase tickets on the website.

11. The website has an online museum store from which users may purchase books or products inspired by the Museum's mission such as mugs, magnets, posters, T-shirts, etc. The online store is not directed to a particular state, including California. In the last year, our records show that the Museum fulfilled 24 online orders shipped to California.

12. The Museum has never received a request regarding the Zapruder film from Plaintiff FOIACONSCIOUSNESS.com. The Museum did not know about its FOIA request, or NARA's response thereto, until the Museum was served with the Complaint in the pending lawsuit. To my knowledge, the Museum has never had any interaction with Plaintiff on any subject.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on April 23, 2024 in Dallas, Texas.

Nicola Longford

Nicola Longford

EXHIBIT 1

NATIONAL ARCHIVES

Guidance on Requesting Copies of the Zapruder Film from the National Archives and Records Administration (NARA)

The Zapruder Film, documenting the assassination of President Kennedy, is an official record of the John F. Kennedy Assassination Records Collection at the National Archives at College Park, MD. There are multiple copies of the Zapruder Film held by NARA in different Record Groups; the original film is held in Record Group 541 (Records of the Assassination Records Review Board).

NARA conducted preservation work on the original film in 2002. This preservation project yielded two distinct versions of the original film:

> The forensic version (NARA local identifier number 541-MISC-1) is a straight optical blow-up from 8mm to 35mm with no attempt at image improvements. It is considered the archival preservation copy which was made in order to create a copy that shows the full 8mm width of the original film strand, a section of the previous and following frames, all the image information in the inter-perforations, as well as all edge code information printed on the original film.
>
> The de-scratched version (NARA local identifier 541-MISC-1A) was made with the same intent and framing as the above version, but used a defused printing light source to help eliminate some of the appearance of defects in the original 8mm film.

In addition to the above, NARA holds a first generation copy of the film from the Secret Service, which was made on the day of the assassination. This version of the film contains the 6 missing frames absent from the original film, after suffering damage during printing in 1963. The Secret Service copy of the film (NARA local identifier 87.10) does not contain the same edge-to-edge coverage noted above, and is not of the same quality level as 541-MISC-1. There are two versions of the 87.10 film which differ only in color balances, one is lighter and one is darker.

Reproduction master film copies of each of these versions exist in 35mm positive (INTPSK) and negative (INSK) color emulsions.

Although NARA has legal custody of the Zapruder Film, and it is considered a federal record, the copyright to the film owned by the Sixth Floor Museum in Dallas, Texas. NARA will make a reference copy of the film available in its research room in College Park for public viewing upon request. Researchers wishing to order a copy of the film must first obtain written permission from the Sixth Floor Museum:

NATIONAL ARCHIVES *and*
RECORDS ADMINISTRATION
8601 ADELPHI ROAD
COLLEGE PARK, MD 20740-6001
www.archives.gov

The Sixth Floor Museum at Dealey Plaza
411 Elm Street
Suite #120
Dallas, TX 75202
Phone: (214) 747-6660 (Permission)
Toll-Free 888-485-4854
Fax: (214) 747-6662
**********.jfk.org/

The Sixth Floor Museum must send a written copy of any permission granted to the Motion Picture, Sound and Video Branch of NARA. The permissions can be forwarded via email to: mopix@nara.gov.

For additional information on purchasing copies of items from the Motion Picture, Sound, and Video Branch of NARA, please review the information available on NARA's web site.

If the staff of the Motion Picture, Sound, and Video Branch can be of any further assistance, you may direct written inquiries to:

NARA
Motion Picture, Sound and Video Branch (RDSM)
8601 Adelphi Road, Room 3360
College Park, MD 20740-6001

You may also contact us via email at: mopix@nara.gov, or dial our reference line: (301) 837-3540.

EXHIBIT 8

Declaration of Daniel Rooney, FOIAConsciousness.com LLC v. NARA, No. 3:24-cv-00997 (N.D. Cal.), ECF No. 43-1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FOIACONSCIOUSNESS.COM LLC, PLAINTIFF, V. NATIONAL ARCHIVES & RECORDS ADMINISTRATION, DEFENDANT.	CASE NO. 3:24-CV-00997

DECLARATION OF DANIEL ROONEY

I, Daniel Rooney, under 28 U.S.C. § 1746, hereby declare as follows:

1. I currently serve as the Director of the Special Media Records Division for the National Archives and Records Administration ("NARA" or "the Agency"). I have held this position since January 5, 2020. Prior to this position, I served as the Branch Chief of NARA's Motion Picture, Sound and Video Branch since June 2010. In that capacity, I directed all archival functions of the Branch that has custodial and collection management responsibilities for the moving image and recorded sound holdings of NARA. Prior to this, I served as an Archivist from October 2004 to June 2010 in two different Branches of NARA: the Motion Picture, Sound and Video Branch and the Civilian Textual Records Branch. In these positions I routinely carried out archival functions such as providing reference services to the public, accessioning records into NARA, completing archival processing and

description projects, and managing digitization and special access request projects. Prior to that position, I served as an Archives Technician in NARA's Still Picture Branch, where my primary responsibilities were providing reference services such as public research room monitoring, pulling and refiling records, responding to offsite public inquiries, and conducting searches for photographic records upon request of internal and external customers and researchers. I have worked at NARA since August 26, 2002. I hold a bachelor's degree in history and political science from Loyola University Chicago, and a master's degree in Library and Information Science from the Catholic University of America.

2. In my official capacity as the Division Director, I have primary responsibility for the management and oversight of three Branches, or records custodial units, each comprising unique special collections primarily organized by media types: cartographic, architectural and aerial photography records; moving image and recorded sound records; and photographic and other graphical works records. I direct Branch managers in carrying out archival functions for each collection. I ensure that physical and intellectual control of the collections are maintained. I coordinate with other NARA offices as needed to ensure appropriate accessioning of new records into the custody of NARA, as well as arrange for the preservation of records under my purview. I develop and maintain professional relationships with records management officials within NARA and at other federal agencies. I oversee personnel and staffing issues for the Division and serve as the reviewing level supervisor to the Division's Branch Chiefs. I also serve on the Leadership Team for NARA's Office of Research Services. In this role, I coordinate with other managers and the Executive for Research Services to set office wide priorities, coordinate projects, establish customer service practices and standards, and engage in public programming and other

public outreach activities as needed by the agency. I participate in review of agency policies and oversee the work of two functional coordination teams. One of my primary responsibilities is directing the operation of three special media research rooms, and other public facing reference activities at NARA's College Park, MD facility. In this role, I ensure that the Division provides appropriate access to NARA holdings to the public. The Division serves records in its onsite research rooms, responds to offsite requests for records identification and reproduction, responds to Freedom of Information Act requests for archival and NARA operational records, and refers requests to other agencies or repositories as appropriate.

3. Due to the nature of my official duties, I have worked with special media records from the John F. Kennedy Assassination Records Collection at NARA for approximately fifteen years. I have conducted research into records from this collection in response to numerous types of requests, and to assist public users in their use of the materials. I have created reference and training materials for NARA staff related to special media records from the John F. Kennedy Assassination Records Collection (JFK Collection) and have trained and instructed staff members on performing similar reference functions for JFK Collection records. I am familiar with the procedures followed by NARA in responding to requests for access to film and other special media items in NARA's holdings, including requests for access to film material related to the assassination, such as the Zapruder Film and copies thereof. I have had occasion to correspond and collaborate with other archival repositories and institutions which hold related collections of Zapruder Film records, such as the Sixth Floor Museum in Dallas, TX. Specifically, I am aware of the requests for access to the items made to NARA by Plaintiff FOIAconsciousness.com that are at issue in this litigation. I am also aware of how NARA has responded to Plaintiff's request.

4. The statements contained in this declaration are based upon my personal knowledge, upon information provided to me in my official capacity, and upon conclusions and determinations reached and made in accordance therewith.

NARA'S SPECIAL MEDIA RECORDS DIVISION - A GENERAL OVERVIEW

5. For the special collection types noted above, the responsibilities of the Division include the following functions: establish and maintain intellectual and physical control of records, including the storage, arrangement, and security of accessioned and donated records and the space housing them; solicit, negotiate, review, and make recommendations on offers to donate documents or other historical materials and determine whether it is in the public interest to accept them for deposit; accession into NARA records and other materials that have been determined by the Archivist to have sufficient value to warrant continued preservation; provide access to accessioned records, information from them or surrogates; operate research rooms; manage the system of general public inquiries; collaborate with Preservation Programs to safeguard, identify, and mitigate risks to records to ensure their preservation; collaborate with Museum Programs Division staff in support of archival access and outreach, education, and exhibit programs; analyze records to confirm provenance, describe filing systems, and identify technical processing problems, legal restrictions on access, and potential research or other value; prepare descriptive guides, lists, inventories, and other finding aids; and perform research in the administrative history of Federal agencies.

6. The Division manages records in a wide variety of analog and digital formats, and actively digitizes records for public access and other special requests.

PROVENANCE OF THE ZAPRUDER FILM

7. The "Zapruder Film" refers to the 8mm motion picture film made by Abraham Zapruder of the November 22, 1963 assassination of President John F. Kennedy. Mr. Zapruder was a

private citizen and owned the out-of-camera original film that he shot that day.

8. By letter dated July 10, 1978, Henry Zapruder, son of Abraham Zapruder (deceased), on behalf of LMH Company (a Company owned by Abraham Zapruder's widow and children), proposed terms under which NARA would store the Zapruder Film, free of charge, "to safeguard this important historical record."

9. The July 10, 1978 letter contained several conditions, including but not limited to:

> "1…understood that the Film will be held by the Archives solely for storage purposes and that the Archives has acquired no rights whatsoever to the Film.
> …
> 3. The Archives will take necessary steps to insure that no one has access to the Film except any of the aforementioned partners of the LMH Company or any person designated in writing by any one partner, or his legal representative…
>
> 4…[the Film] shall not be used for screening, nor shall any copies be made from it t any time, for shall it be inspected nor used for any purpose whatsoever without the written permission of any of the partners of LMH Company."

A true and correct copy of the letter is attached as Exhibit A.

10. Between 1978 – 1998, access to the out-of-camera original Zapruder Film, and any copies of the Zapruder Film, was granted only pursuant to the terms stipulated in the July 10, 1978 letter.

11. In 1997, the Assassination Records Review Board ("ARRB"), established by the President John F. Kennedy Assassination Records Collection Act of 1992 (Pub. L. No. 102-526, 106 Stat. 3443 (1992), hereinafter the "JFK Act"), issued a "Statement of Policy and Intent with Regard to the Zapruder Film, April 24, 1997." ("ARRB Statement of Policy"). A true and correct copy of the statement of policy is attached as Exhibit B.

12. Among other things, the ARRB Statement of Policy:

> "Resolved, that the Zapruder film is an 'assassination record' with the meaning of the [JFK Act];

> Resolved, that the Review Board will do all in its power to ensure that the best available copy of the Zapruder film shall become available to the public at the lowest reasonable price;…
>
> Resolved that the Review Board intends to exercise its authority, as formulated in its enabling legislation, to direct that the film be transferred, on August 1, 1998, to the John F. Kennedy Assassination Records Collection at NARA, and that the Review Board will work with Congress to resolve this issue."

13. Following the August 1, 1998 formal transfer of the out-of-camera Zapruder Film from NARA's physical custody to NARA's physical and legal custody, as part of the JFK Collection, the United States and LMH Company signed an Arbitration Agreement setting forth the terms under which the legal taking by the Government of LMH's property would be resolved. A true and correct copy of the Arbitration Agreement is attached as Exhibit C.

14. Among other things, the terms of the Arbitration Agreement include:

> B. The private property at issue is more particularly described as the out-of-camera original film of the assassination of President John F. Kennedy that was taken by Abraham Zapruder on November 22, 1963, and that was reviewed by the Commission to Investigate the Assassination of President John F. Kennedy (also known as the Warren Commission) ... This property is referred to in this Agreement as "the Film" and does not include the copyright in the Film ("the Copyright").
>
> . . . .
>
> E. LMH has retained ownership of the Copyright. The Government's right to use the Film is governed by the copyright laws of the United States, including the doctrine of Fair Use, 17 U.S.C. § 107, and the JFK Records Collection Act of 1992. Nothing in this Arbitration Agreement alters LMH's right to fully enforce its Copyright.

15. On August 3, 1999, the Department of Justice released a Statement regarding the decision by the arbitration panel. The Statement noted that "[u]nder the terms of LMH Company's agreement with the government, LMH will retain ownership of the copyright of the film and control over commercial uses of the film." A true and correct copy of the arbitration decision is attached to this declaration as Exhibit D. It is my understanding that LMH transferred its

copyright to the Sixth Floor Museum in December 1999. NARA has treated the Sixth Floor Museum as the rights holder since.

NARA POLICY REGARDING REPRODUCTION OF MOTION PICTURE ITEMS

16. NARA typically makes available reference copies of motion picture items in its archives, as a preservation measure to protect the original records. Researchers requesting access to motion picture items from NARA holdings in the public research room in our College Park, Maryland facility are usually provided with one of a variety of analog or digital copy formats, depending on when the copies were created or accessioned by NARA. The video copies available in the research room are all, by definition, lower quality than the original accessioned record because of the method of reproduction. Researchers can use these versions to make additional copies on a self-serve basis for the researcher's own use.

    - DVD: NARA has DVD duplicators onsite, and researchers can bring their own blank DVDs or purchase blanks in the room for $2. NARA also has Public Access PCs, on which researchers can copy DVDs to their own external or online storage. Researchers can also use their own laptops.
    - VHS: NARA has DVD burners researchers can use to copy from videotape; as above, they can bring their own blank DVDs or purchase blanks in the room for $2. Researchers can also bring their own laptop and connect to the playback equipment with their own capture card to create a video file.
    - DVD and video decks are listed as allowable equipment in our Research Room Rules, so researchers could bring in a deck to make copies on dvd or videotape (#66 here: https://www.archives.gov/research/research-room-rules).

NARA also provides a list of individuals on its website[1] who can be retained by a researcher to conduct research, including making these sorts of self-serve copies. These individuals are not NARA employees, and NARA does not oversee or supervise their work.

17. For researchers who do not wish to make self-serve copies, or for researchers who require high-quality reproductions, NARA offers a reproduction service through selected vendors.[2] These reproductions are typically higher resolution and, for example, suitable for inclusion in documentary films screened commercially. If requested, the vendor will use a reproduction method and technology to make a copy that is as close in quality to the original as possible. The costs of the reproduction will vary according to the number of reels, the running time of the source material, the type of copy requested, and other factors, such as shipping. Some NARA vendors have basic pricing information on their websites, which can be used to determine approximate cost(s). NARA uses vendors to fulfill these reproduction orders for motion pictures in the holdings of the National Archives because it does not have enough in-house resources to staff this need in a timely manner. On average, the NARA Moving Image and Sound Branch receives and responds to approximately 2,530 reference inquiries per fiscal year from the public. An average of 680 vendor order requests are approved each fiscal year. Each order varies in number of physical items pulled by NARA staff and provided to the vendors for reproduction.

18. When approving items for vendor orders, NARA typically conducts reviews for any extant information about rights holders which may exist, and reserves the right to require

[1] https://www.archives.gov/research/hire-help/media.html?format=motion-pictures
[2] The process for ordering reproductions is at https://www.archives.gov/research/motion-pictures/order-copies#:~:text=Although%20the%20National%20Archives%20and,reproduction%20process%20with%20contracted%20vendors.

permission from rights holders to approve vendor order requests where the rights holder is known or can be determined through materials available to NARA staff. In such situations, copyrighted motion picture records in NARA's holdings are not readily reproducible by NARA without consent of the rightsholder. Both through its website and through responses to individual members of the public requesting copies of records within its possession, NARA warns users about possible rights restrictions which may exist in NARA holdings. In addition to the potential liability for copyright infringement of both NARA and its vendors if it were to reproduce a copyrighted work without a rights holder's consent in a manner that would not constitute a "fair use," failure to respect copyright law would make it more difficult for NARA to work with potential donors across our holdings as well as administer Federal records holdings that contain copyrighted materials. Moreover, NARA has determined that Exemption 4 of the FOIA permits NARA to refrain from providing NARA-made copies of motion picture records subject to an in-force copyright where the rights holder is known or can be determined. NARA's position is that such materials are commercial in nature, obtained from an outside source, and maintained in confidence in the sense that only the copyright holder has the right to authorize reproduction of a copyrighted motion picture work.

NARA'S ZAPRUDER FILM HOLDINGS

19. In addition to the out-of-camera original Zapruder Film, which is assigned to NARA Record Group 541 (*Records of the Assassination Records Review Board*) and the President John F. Kennedy Assassination Records Collection, NARA also holds numerous additional copies of the Zapruder Film. These copies essentially can be categorized in three distinct descriptions:

- copies of the film that were acquired by agencies of the federal government that investigated the assassination of President John F. Kennedy (e.g., the FBI, the Secret Service, the House Select Committee on Assassinations, and the Assassination Records Review Board)
- copies of the film from private citizens or non-federal institutions that were obtained by the Assassination Records Review Board, or donated directly to NARA
- copies of any of the above film(s) that were created by NARA for preservation, reproduction, and access purposes (in other words, copies of the copies).

20. As such, different versions of the Zapruder Film in NARA's holdings may be assigned to different federal record group numbers or donated materials collections. NARA fills requests for access to the out-of-camera original Zapruder Film, and any copies thereof, in the manner described above. Because the rights' holder for the Zapruder Film is known to NARA staff to be the Sixth Floor Museum in Dallas, Texas, NARA requires permission in writing from the museum to proceed with filling a vendor reproduction order for any requester. Once a requestor asks the Sixth Floor Museum for permission, the Museum, upon approval of the request, notifies NARA of the approval. NARA staff will then proceed to fill the order. NARA has conducted a search, and was unable to locate any records indicating a denial of such permission.

21. NARA allows researchers to make self-service copies of the reference copy of the out-of-camera Zapruder Film and any version in its holdings which is available to the public in NARA's research room, as described in paragraph 16 above. NARA provides general warnings about copyright and other use restrictions which may exist in its holdings.

THE WEITZMAN VERSIONS OF THE ZAPRUDER FILM

22. Among those non-governmental actors who created versions of the Zapruder Film was

Moses Weitzman. As explained in the ARRB's Final Report:

> Moses Weitzman is a special effects film expert…Weitzman worked for his client, Time-Life, on the original Zapruder film in the late 1960s and was the first to enlarge the 8mm Zapruder footage to 35mm format. Although Weitzman gave his best Zapruder footage to Time-Life, he retained some imperfect 35mm internegatives (exhibiting track and framing error) he had made directly from the original Zapruder film. Weitzman used these internegatives to demonstrate his technical ability to enlarge 8mm film directly to a 35mm format…Weitzman testified about the historical importance of the Zapruder film at the Review Board's April 1997 public hearing, and he donated a 16mm copy to the JFK Collection…

Assassination Records Review Board, FINAL REPORT 138-139 (1998). There are three versions of the Weitzman Film at the National Archives in College Park in the records of the ARRB, two of which Plaintiff requested in this case.[3]

23. First, Plaintiff requested the ARRB's VHS copy of the film donated by Mr. Weitzman, which has identifier 541-LIBRARY-54.

24. Second, Plaintiff requested 541-LIBRARY-53, a version of the Weitzman Film "with manipulations done at the National Archives." The manipulations on this version of the Weitzman Film were performed by Charles Mayn, a former employee of NARA. Mr. Mayn was the supervisor of NARA's Audio-Video and Motion Picture Preservation Laboratories. I have reviewed records from Mr. Mayn, as well as office files in the Moving Image and Sound Branch, in order to determine what specific technical manipulations were performed on this copy. I have not found any background documentation or correspondence as to these manipulations. A legacy description of the item created by NARA staff after the records of the ARRB were accessioned by

[3] NARA items 541-LIBRARY-53 and 541-LIBRARY-54 are video recordings (VHS copies) of the Moses Weitzman version of the Zapruder Film that were used and studied by the ARRB, hence their designation in the ARRB "Library" series.

NARA provides as follows:

> Videotape version of the copy of the Zapruder film made by Moses Weitzman in 1972. The film shows the assassination of President John F. Kennedy. The "slo-mo" and manipulations on this tape were performed by Charles Mayn at the National Archives on August 2, 1996. Three variations of the Zapruder film are contained on this tape, including a very slow version that stops the film and forwards it, frame-by-frame, at the "road sign" before Dealey Plaza. This item is from the library of the Assassination Records Review Board This copy of the Weitzman version is shorter than the other Weitzman version found in this series, item 54.

25. These versions of the Weitzman Film, like other copies of the Zapruder Film discussed above, are available to the public for viewing at NARA's College Park facility. Self-service copies may also be made on site as described in paragraph 16 above.

26. Copies of the film may be made through NARA's vendor process, as described in paragraph 17, by obtaining permission from the Zapruder Film copyright holder, the Sixth Floor Museum. Because each version is derived from the original Zapruder Film, NARA understands that the Sixth Floor Museum's copyright over the Zapruder Film applies to all three versions of the Weitzman Film in its possession.

THE FOIA REQUESTS AT ISSUE

27. By email dated December 11, 2023, Mark Javitch, Esq., on behalf of Plaintiff, submitted a "FOIA request" (hereinafter the "Request") to NARA's Office of General Counsel at foia@nara.gov. A true and correct copy of the request is attached as Exhibit E. Specifically, the Request stated:

> On behalf of FOIACONSCIOUSNESS.COM, I would like to request from the National Archives in College Park, Maryland, copies of the following video cassettes:
>
> 1. Moses Weitzman's Version of the Abraham Zapruder Film NAID: 597131 Local ID: 541-LIBRARY-53[4]

[4] As is discussed below, there was an error in the NARA Online Catalog entry and this should be 541-LIBRARY-54.

> 2. Moses Weitzman's Version of the Abraham Zapruder Film with Manipulations Done at the National Archives NAID: 596950 Local ID: 541-LIBRARY-53: Format: Video: VHS. According to the Media Occurrence Note, The "slo – mo" and manipulations on this tape were performed by Charles Mayn at the National Archives on August 2, 1996.

Ex. E at 6.

28. By email dated December 12, 2023, NARA's Office of General Counsel informed Plaintiff that the Request was being forwarded to NARA's Motion Picture and Sound Branch, an office in the Special Media Records Division. A true and correct copy of this e-mail is attached as Exhibit F. In part, the December 12, 2023 email noted:

> Our office uses the *foia@nara.gov* address for FOIA and Privacy Act requests for the NARA's operational records (records created by this agency). Because your request is for records that may be archival records (records created by or originated in a different agency, but that may have been transferred to the legal custody of NARA), we are forwarding it by this email to our *Office of Research Services, Motion Picture and Sound branch,* which handles requests for the type of records you seek.
>
> That office will assign your request a tracking number and respond directly to you. In the future, if you need to follow up with that office directly, please contact them at the address below, or electronically via email (email is preferred).

Ex. E at 5.

29. By email dated Friday, December 22, 2023, the Moving Image and Sound Branch issued a response ("Response One") to the Request. A true and correct copy of this e-mail is attached as Exhibit G. In part it stated:

> I am writing in response to your Freedom of Information Act request of Dec 11, 2023 for records in the custody of the National Archives and Records Administration. Your request was received in the Moving Image and Sound Branch on Dec 12, 2023 and assigned FOIA tracking number **2412740**. You requested information regarding obtaining copies of:
>
> *1. Moses Weitzman's Version of the Abraham Zapruder Film NAID: 597131 Local ID: 541-LIBRARY-53* **Please note: It appears the catalog contains an incorrect local identifier for this item, and it should be numbered 541-LIBRARY-54**

2. Moses Weitzman's Version of the Abraham Zapruder Film with Manipulations Done at the National Archives NAID: 596950 Local ID: 541-LIBRARY-53: Format: `Video:
VHS. According to the Media Occurrence Note, The "slo - mo" and manipulations on this tape were performed by Charles Mayn at the National Archives on August 2, 1996.

Neither of these have any access restrictions or classifications, so no further FOIA review should be necessary. This concludes the processing of your request. If you have additional questions, please contact me directly.

A reference copy on DVD of *Moses Weitzman's Version of the Abraham Zapruder Film with Manipulations Done at the National Archives NAID: 596950 Local ID: 541-LIBRARY-53* may be screened in our research room in College Park, MD. However, permission to reproduce the Zapruder Film must be obtained from Sixth Floor Museum before copies may be made in the research room or purchased through our vendor order process. The contact for the Sixth Floor Museum is…

Due to the aforementioned numbering error, I will need to do further research to determine whether a screening copy is currently available for *Moses Weitzman's Version of the Abraham Zapruder Film NAID: 597131 Local ID: 541-LIBRARY-54.* I will follow up with you regarding this resolution; please feel free to reach out at any time.

Ex. E at 3-4.

30. Mr. Javitch, on behalf of Plaintiff, responded to NARA's December 22, 2023 email the same day:

Dear Ms. Mulligan,

Thank you for your response. Can you please clarify that you mentioned the record is on DVD, but the national archives website shows it is a VHS. Also, can you clarify why this request would need permission from a third party under FOIA law? And why would it be necessary to obtain permission from the Sixth Floor Museum? Wouldn't this copyright be owned by Moses Weitzman in any case? Is this your final determination or will you be getting back to me about the second version I requested?

Ex. E at 3.

31. By email dated Sunday, December 24, 2023, to Mr. Javitch appealed Response One as follows to NARA's Office of General Counsel. A true and correct copy of this e-mail is attached as Exhibit F. The e-mail reads:

> Dear Deputy Archivist: RE: FOIA Appeal - FOIA tracking number 2412740On behalf of FOIACONSCIOUSNESS.COM, I am appealing the denial of my client's request for copies of the below "Weitzman" versions of the Zapruder films. This response does not meet the requirements of the Freedom of Information Act because it failed to produce a copy of the film and it failed to cite any FOIA exemptions that would be required to withhold production. Further, one of the records requested could not even be located. Thank you for considering this appeal.
>
> Best regards,
> Mark Javitch

32. By email dated Tuesday, December 26, 2023, the Moving Image and Sound Branch responded ("Response Two") to Mr. Javitch's December 22, 2023 email, including clarification that reproduction of the reference copy of the films Mr. Javitch requested is allowed in NARA's College Park facility:

> Dear Mr. Javitch, This is in reply to your questions regarding the format of the reference copy of an item 541-LIBRARY-53, the availability of a reference copy of a second item, 541-LIBRARY-54, and the rights to reproduce both.
>
> For the item *Moses Weitzman's Version of the Abraham Zapruder Film with Manipulations Done at the National Archives NAID: 596950 Local ID: 541-LIBRARY-53*, a reference copy is available on DVD. The original is on VHS. As a preservation measure, we do not serve original moving image and sound records in our research room due to the risk of wear and damage through repeated use in playback equipment. At the time this reference copy was produced, our reference media was DVD.
>
> I have identified an available reference copy of *Moses Weitzman's Version of the Abraham Zapruder Film NAID:597131 Local ID: 541-LIBRARY-54*. This reference copy is on VHS and can be screened in our research room in College Park, Maryland.
>
> No permissions are required to access the reference copies and screen them in our research room. We generally require proof of permission to reproduce any copies of the Zapruder film, which is granted and licensed through the Sixth Floor Museum. This is a use requirement, not an access restriction. In researching the numbering error in the catalog, I have screened both reference copies, which have been available to researchers in our research room for many years, including on a self-serve basis. This means researchers have been able to make copies in our research room, and you could do the same. I apologize for the confusion. Users are

advised to determine whether permissions are required from the 6th Floor Museum as explained in our Use Statement here:

Where obvious copyright or donor imposed restrictions apply, written permission from the rights holders may be required before NARA approves a reproduction request. Where the status of an item that is part of NARA's holdings is unknown or cannot be determined, NARA will generally make it available for reproduction with a warning to the user that the responsibility for the subsequent use of the materials lies solely with the end user per NARA regulations at 36 C.F.R. 1254.62. This responsibility includes determining, for each of the items provided, whether all or part of the work has been copyrighted, and whether that protection has lapsed. This responsibility also includes determining whether any performance-based or other rights are claimed in the items provided.

I hope this information is useful. Please let me know if I can be of further assistance.

Ex. E at 2.

33. By two emails dated December 27, 2023, NARA's Office of General Counsel acknowledged receipt of the December 24, 2023 appeal filed by Mr. Javitch on Plaintiff's behalf. A true and correct copy of this e-mail is attached as Exhibit G.

34. Subsequent to the communications referenced above, Mr. Javitch and the Moving Image and Sound Branch exchanged several emails about records related to the Zapruder Film and copies thereof. To date, we are unaware of any visit to our College Park, Maryland facility by either Mr. Javitch or Plaintiff to access or reproduce a reference copy of the Weitzman Films requested in Plaintiff's FOIA request.

35. NARA has determined, with respect to the records at issue here, that (1) the requested records are not readily reproducible as NARA-made copies, as Plaintiff requests, and (2) Exemption 4 of the FOIA permits NARA to refrain from providing NARA-made copies of the requested records because they are subject to an in-force copyright where the rights holder is known or can be determined, as explained in this declaration.

***

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct, and that Exhibits A through G attached hereto are true and correct copies.

Executed this 5th day of September 2024.

Daniel Rooney

DANIEL ROONEY
Director, Special Media Records Division
National Archives and Records Administration
College Park, MD 20737

EXHIBIT 9

Email from counsel for the Museum concerning the Covenant Not to Sue
(Oct. 6, 2026)

Gmail

Mark Javitch <mark@javitchlawoffice.com>

RE: Forum v. Museum et al., 3:25-cv-2034 (N.D. Tex.) - Settlement Inquiry

1 message

Phipps, Charles <Charles.Phipps@troutman.com> Tue, Oct 6, 2026 at 12:52 PM
To: Mark Javitch <mark@javitchlawoffice.com>
Cc: "Pudelka, Glenn" <Glenn.Pudelka@troutman.com>, "Davison, Tucker" <Tucker.Davison@troutman.com>

Mark,

Thank you for coordinating the meeting today to discuss the matters specified in Rule 26(f) and the Court's Status Report Order (Doc. 43). To recap, we discussed settlement today and you indicated that you do not believe that the Covenant Not to Sue is sufficient to resolve the case as to the Museum. I invited you to provide any proposed revisions that would bring it into a condition that you would accept in order to resolve the lawsuit. The Museum welcomes any proposed revisions that are appropriate to resolve the lawsuit. As indicated below and previously, the Museum has been willing to resolve the lawsuit through settlement.

As discussed, it is my understanding that the Covenant Not to Sue means that, whatever copyrights the Museum has, it is not going to enforce them against your client and the other Covered Parties, and therefore the lawsuit is resolved; and is resolved regardless of whether you believe the Museum has any copyrights. Thus, your dispute over whether the Museum has any copyrights is not relevant to whether the Covenant Not to Sue is effective to resolve the lawsuit.

Sincerely,

Charles Phipps
Partner
troutman pepper locke
Direct: 214.417.9929
charles.phipps@troutman.com

From: Mark Javitch <mark@javitchlawoffice.com>
Sent: Wednesday, September 16, 2026 2:50 PM
To: Phipps, Charles <Charles.Phipps@troutman.com>
Cc: Pudelka, Glenn <Glenn.Pudelka@troutman.com>; Davison, Tucker <Tucker.Davison@troutman.com>
Subject: Re: Forum v. Museum et al., 3:25-cv-2034 (N.D. Tex.) - Settlement Inquiry

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Hi Charles,

Thanks for the email. I don't believe that would be productive at this time. However, I have another matter to discuss over a separate email.

Best,

Mark

On Tue, Sep 15, 2026 at 8:57 AM Phipps, Charles <Charles.Phipps@troutman.com> wrote:

> Mark,
>
> Following up on my requests below to discuss settlement. Please let me know if you are available this week, and if so, what times. If you are not interested in discussing settlement, please let me know. If I do not hear from you this week, then I will assume that you have no interest in discussing settlement.
>
> Thank you.
>
> Sincerely,
>
> **Charles Phipps**
> **Partner**
> **troutman pepper locke**
> Direct: 214.417.9929
> charles.phipps@troutman.com
>
> ---
>
> **From:** Phipps, Charles
> **Sent:** Wednesday, August 19, 2026 1:10 PM
> **To:** 'Mark Javitch' <mark@javitchlawoffice.com>
> **Subject:** RE: Forum v. Museum et al., 3:25-cv-2034 (N.D. Tex.) - Extension Inquiry
>
> Mark,
>
> Yes, happy to set out the agenda for the call. Wanted to discuss case procedure, especially in view of the potential amended complaint, and possible settlement.

Sincerely,

Charles Phipps
Partner
troutman pepper locke
Direct: 214.417.9929
charles.phipps@troutman.com

From: Mark Javitch <mark@javitchlawoffice.com>
Sent: Wednesday, August 19, 2026 12:12 PM
To: Phipps, Charles <Charles.Phipps@troutman.com>
Cc: Tanner, Matthew D. (CIV) <Matthew.D.Tanner@usdoj.gov>; Pudelka, Glenn <Glenn.Pudelka@troutman.com>; Davison, Tucker <Tucker.Davison@troutman.com>; Foister, Kara <Kara.Foister@troutman.com>; Bolden, Scott (CIV) <Scott.Bolden@usdoj.gov>
Subject: Re: Forum v. Museum et al., 3:25-cv-2034 (N.D. Tex.) - Extension Inquiry

---

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I'm sorry for the delay, I'll try to get you something still today.

Could you let me know what you would like to discuss so I could be prepared?

Best,

Mark

On Wed, Aug 19, 2026 at 6:47 AM Phipps, Charles <Charles.Phipps@troutman.com> wrote:

> Mark,
>
> Although I was hoping to receive a draft of the proposed amended complaint before today, in view of the deadline today, please note that the Museum does not oppose Plaintiff's motion for leave to amend the Complaint. The Museum reserves all rights and defenses.
>
> Please let me know when you have time for a call to discuss the case. Thank you.

Sincerely,

Charles Phipps
Partner
troutman pepper locke
Direct: 214.417.9929
charles.phipps@troutman.com

From: Mark Javitch <mark@javitchlawoffice.com>
Sent: Monday, August 17, 2026 4:53 PM
To: Tanner, Matthew D. (CIV) <Matthew.D.Tanner@usdoj.gov>; Phipps, Charles <Charles.Phipps@troutman.com>
Cc: Nicola Longford <nicolal@jfk.org>; Pudelka, Glenn <Glenn.Pudelka@troutman.com>; Davison, Tucker <Tucker.Davison@troutman.com>; Foister, Kara <Kara.Foister@troutman.com>; Bolden, Scott (CIV) <Scott.Bolden@usdoj.gov>
Subject: Re: Forum v. Museum et al., 3:25-cv-2034 (N.D. Tex.) - Extension Inquiry

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Dear counsel:

I write to you both under Local Rule 7.1(a) to confer regarding Plaintiff's anticipated motion for leave to file a first amended complaint that goes slightly beyond what the court permitted in the Order. The Court's August 5, 2026 Order permits amendment within fourteen days, so the filing is due Wednesday, August 19, 2026.

The proposed pleading alleges eight causes of action in place of the original nine.

Within the leave the Court granted, it repleads the original third cause of action, for fraud on the Copyright Office, and the original fifth, addressed to the Museum's title. The third is amended to plead when Time learned that frames had been damaged and to plead the Copyright Office's reliance affirmatively. The fifth no longer rests on either theory the Court found insufficient — it does not repeat the allegation that transfer documents were unsigned or illegible, and it does not repeat the licensing-agreement theory. It rests instead on the Copyright Office's own registration and recordation records.

The Court also gave leave to replead the original first cause of action, for lack of originality. Plaintiff does not replead it. The allegations directed to particular frames are retained, but as a branch of the count addressing the scope of the registration.

Plaintiff does not replead the original sixth cause of action, which was dismissed with prejudice, or the original seventh, which was dismissed for want of subject-matter jurisdiction.

Two causes of action are new. One alleges that statutory copyright was secured on publication with notice in 1963 rather than in 1967, and that the initial term expired without renewal. The other alleges that the registration does not

reach the frames reproduced in SCAM.

The four causes of action that survived dismissal — waiver as to frames 207 through 212, abandonment, fair use, and the FOIA claim — are carried forward with amendments. The waiver count is unchanged in scope and remains limited to those six frames.

Because leave is required as to the two new counts and as to the amendments to the surviving counts, I ask whether the Museum will consent in writing under Rule 15(a)(2), which would make a motion unnecessary. Second, if it will not consent, whether it opposes the motion.

The only cause of action directed to NARA is the FOIA claim, which survived NARA's motion in full. It is carried forward and amended to allege the origin of the practice under which reproduction of the frames is withheld — correspondence in 1967 between LIFE and the National Archives. No new claim is asserted against NARA, no new relief is sought from it, and none of the two new counts is directed to it.

I ask NARA the same two questions: whether it will consent in writing under Rule 15(a)(2), and if not, whether it opposes.

I am available by telephone today through Wednesday.

The proposed amended pleading will be attached to the motion, as Local Rule 15.1 requires. I am glad to provide a copy to either of you in advance of filing if that would assist in taking a position.

If I have not heard from you before the filing deadline, the certificate of conference will state that a conference was not held and give the reason.

Very truly yours,

/s/ Mark L. Javitch
Mark L. Javitch
Javitch Law Office
3 East 3rd Ave., Ste. 200
San Mateo, CA 94401
(650) 781-8000
mark@javitchlawoffice.com

On Mon, Aug 17, 2026 at 1:39 PM Tanner, Matthew D. (CIV) <Matthew.D.Tanner@usdoj.gov> wrote:

> Will do, and much appreciated.
>
> -Matt
>
> **Matt Tanner, Trial Attorney**
>
> Intellectual Property Section | U.S. Department of Justice
>
> T: (202) 305-9847 | matthew.d.tanner@usdoj.gov
>
> ---
>
> **From:** Mark Javitch <mark@javitchlawoffice.com>
> **Sent:** Monday, August 17, 2026 4:36 PM
> **To:** Tanner, Matthew D. (CIV) <Matthew.D.Tanner@usdoj.gov>
> **Cc:** austin.champion@championllp.com; ryan.reynolds@championllp.com; Phipps, Charles <Charles.Phipps@troutman.com>; Nicola Longford <nicolal@jfk.org>; Pudelka, Glenn <Glenn.Pudelka@troutman.com>; Davison, Tucker <Tucker.Davison@troutman.com>; Foister, Kara

<Kara.Foister@troutman.com>; Bolden, Scott (CIV) <Scott.Bolden@usdoj.gov>
Subject: [EXTERNAL] Re: Forum v. Museum et al., 3:25-cv-2034 (N.D. Tex.) - Extension Inquiry

If you make sure it lines up with the same date as the Museum.

Thanks,

Mark

On Mon, Aug 17, 2026 at 11:21 AM Tanner, Matthew D. (CIV) <Matthew.D.Tanner@usdoj.gov> wrote:

> Good afternoon, Counsel,
>
> I understand the Sixth-Floor Museum intends to seek a 30-day extension to their Answer deadline, currently set for this Wednesday. Would The Forum agree to a similar extension for NARA? The defendants' new Answer date would be Friday, September 18, 2026.
>
> Thank you,
>
> Matt
>
> **Matthew D. Tanner, Trial Attorney**
>
> Intellectual Property Section | Commercial Litigation Branch
>
> Civil Division | U.S. Department of Justice | Washington D.C. 20530
>
> T: (202) 305-9847 | F: (202) 307-0345 | matthew.d.tanner@usdoj.gov
>
> Address for delivery by Federal Express/UPS/DHL only:
>
> 1100 L Street, N.W., Room 8406
>
> Washington, D.C. 20005

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EXHIBIT 10

Correspondence with counsel for the Museum — the ten questions (Oct. 16, 2026) and the replies, including the amendment and extension request (Oct. 23 and 26, 2026)

Gmail

Mark Javitch <mark@javitchlawoffice.com>

Re: Forum v. Museum et al., 3:25-cv-2034 (N.D. Tex.) - RE: The Museum's Request for Proposed Changes to the Covenant Not to Sue;

1 message

Mark Javitch <mark@javitchlawoffice.com> Fri, Oct 16, 2026 at 3:45 PM
To: "Phipps, Charles" <Charles.Phipps@troutman.com>
Cc: "Pudelka, Glenn" <Glenn.Pudelka@troutman.com>, "Davison, Tucker" <Tucker.Davison@troutman.com>

Charles,

Responding to your email of October 6, 2026: as we study the new instruments, it is difficult to respond to your invitation to propose revisions without clarification of what the effect of the new instruments will be. The Covenant and the License were executed without the Forum's participation, and what they cover is not apparent from their text.

1. The new instruments do not appear to permit obtaining Zapruder materials from the National Archives for commercial purposes. Does the Museum now give the Forum permission to obtain the highest resolution and/or commercial grade Zapruder materials from the National Archives for its commercial uses, such as commercial publishing of books, videos and websites?

2. Neither instrument identifies the records to which it applies. This is confusing because the National Archives has hundreds of listings that result when searching "Zapruder." Does the Museum contend that the instruments require the Museum's permission to obtain the highest resolution versions and/or the commercial grade versions of the following listings:

(a) NAID 1024554, Abraham Zapruder Film of John F. Kennedy Assassination: Forensic Version, Local Identifier 541-MISC-1;
(b) NAID 1029673, Abraham Zapruder Film of John F. Kennedy Assassination: De-scratched Version, Local Identifier 541-MISC-1A;
(c) NAID 13251 and NAID 6920781, Secret Service versions of the Zapruder film;
(d) the Warren Commission slides reflecting frames 171 through 207 and 212 through 334, and the transparencies of frames 208 through 211;
(e) NAID 35532542, Zapruder copy held by the Federal Bureau of Investigation;
(f) NAID 6920757, Reenactment Shot Through Abraham Zapruder's Camera; and
(g) NAID 13223, JFK Exhibit #20: Duplicate Copies of Zapruder Film Made for the US Secret Service by LIFE (of TIME, Inc.)?

3. Under the new instruments, does the Museum still contend that any versions of the Zapruder film or Zapruder materials held by the National Archives are not readily reproducible because of the Museum's copyright, as the National Archives argued in FOIAConsciousness.com LLC v. National Archives & Records Administration, No. 3:24-cv-00997 (N.D. Cal.)?

4. Under the new instruments, does the Museum contend that any version of the Zapruder film held by the National Archives is confidential within the meaning of 5 U.S.C. § 552(b)(4), or is otherwise exempt from disclosure under FOIA, as the National Archives argued in FOIAConsciousness.com LLC v. National Archives & Records Administration, No. 3:24-cv-00997 (N.D. Cal.) ?

5. Does the Museum now consent to the National Archives furnishing to the Forum the highest resolution and commercial grade versions of the Zapruder film in response to any current and future FOIA requests sent by the Forum?

6. Is the Museum now willing to furnish the Forum the highest resolution and/or commercial grade versions of the Zapruder materials in its possession?

7. Does the Museum contend that its permission is required before the National Archives may comply with the Reading Room requirement to place frequently requested records online as to any version of the Zapruder film, such as the commercial grade or high resolution versions?

8. Will the Museum now advise the National Archives that it does not object to the Forum's Freedom of Information Act requests at issue in FOIAConsciousness.com LLC v. National Archives & Records Administration?

9. Does the Museum permit the Forum to publish the highest resolution or commercial grade versions of the Zapruder film, in whole or in part, in a work offered for sale and in advertising or promotion of such a work?

10. Several terms on which the instruments operate are not defined.

(a) Section 3 of the License permits the agency to allow the public to obtain a "digital non-commercial grade copy" of the film, and footnote 1 states that "NARA also refers to such copies as 'reference copies.'" What does the Museum understand "non-commercial grade" to mean, and by what measure — resolution, format, or otherwise — is a reproduction of commercial grade distinguished from one that is not?

(b) Section 5 of the License conditions the grant on the National Archives agreeing that it "will not, and will not take an affirmative act to encourage others to use the Zapruder Film in a sensational manner or in a way that emphasizes the film's violence. What does the Museum understand "sensational" and "punctuate or emphasize the episodes of violence" to mean? Does the Museum contend that Section 5 bears in any way on what the Forum, or any other member of the public, may do with a record the agency publishes?

(c) If the Forum were to obtain a reproduction of the Zapruder film that depicts the wounding of President Kennedy more graphically than the extant versions portray, and were to publish that reproduction for the purpose of discussing whether the film was altered, would the Museum consider that publication to be "sensational" within the meaning of clause (i), or to "punctuate or emphasize the episodes of violence" within the meaning of clause (ii)?

The Forum asks for a response by October 23, 2026.

Sincerely,

Mark L. Javitch
Javitch Law Office
3 East 3rd Ave., Ste. 200
San Mateo, CA 94401
(650) 781-8000

Gmail

Mark Javitch <mark@javitchlawoffice.com>

RE: Forum v. Museum et al., 3:25-cv-2034 (N.D. Tex.) - RE: The Museum's Request for Proposed Changes to the Covenant Not to Sue;

1 message

Phipps, Charles <Charles.Phipps@troutman.com> Mon, Oct 26, 2026 at 8:23 AM
To: Mark Javitch <mark@javitchlawoffice.com>, Omar Darwich <omar@darwichlegal.com>
Cc: "Pudelka, Glenn" <Glenn.Pudelka@troutman.com>, "Davison, Tucker" <Tucker.Davison@troutman.com>

Mark and Omar,

Just following up on the email below. The Museum is considering an amendment to the license to NARA and believes that the parties and the Court would benefit from an extension of the briefing schedule, as requested below. Thank you.

Sincerely,

Charles Phipps
Partner
troutman pepper locke
Direct: 214.417.9929
charles.phipps@troutman.com

From: Phipps, Charles
Sent: Friday, October 23, 2026 11:36 AM
To: 'Mark Javitch' <mark@javitchlawoffice.com>
Cc: Pudelka, Glenn <Glenn.Pudelka@troutman.com>; Davison, Tucker <Tucker.Davison@troutman.com>
Subject: RE: Forum v. Museum et al., 3:25-cv-2034 (N.D. Tex.) - RE: The Museum's Request for Proposed Changes to the Covenant Not to Sue;

Mark,

We are continuing to work on The Museum's responses to your questions below, but request more time to do so. A one-week extension is requested. We understand that your response to the Motion to Dismiss (Doc. 47) is due on Monday and are willing to grant you an extension of time. Please let me know how much time you may want in terms of an extension of Plaintiff's response deadline. Thank you.

Sincerely,

Charles Phipps
Partner
troutman pepper locke
Direct: 214.417.9929
charles.phipps@troutman.com

From: Mark Javitch <mark@javitchlawoffice.com>
Sent: Friday, October 16, 2026 6:45 PM
To: Phipps, Charles <Charles.Phipps@troutman.com>
Cc: Pudelka, Glenn <Glenn.Pudelka@troutman.com>; Davison, Tucker <Tucker.Davison@troutman.com>
Subject: Re: Forum v. Museum et al., 3:25-cv-2034 (N.D. Tex.) - RE: The Museum's Request for Proposed Changes to the Covenant Not to Sue;

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Charles,

Responding to your email of October 6, 2026: as we study the new instruments, it is difficult to respond to your invitation to propose revisions without clarification of what the effect of the new instruments will be. The Covenant and the License were executed without the Forum's participation, and what they cover is not apparent from their text.

1. The new instruments do not appear to permit obtaining Zapruder materials from the National Archives for commercial purposes. Does the Museum now give the Forum permission to obtain the highest resolution and/or commercial grade Zapruder materials from the National Archives for its commercial uses, such as commercial publishing of books, videos and websites?

2. Neither instrument identifies the records to which it applies. This is confusing because the National Archives has hundreds of listings that result when searching "Zapruder." Does the Museum contend that the instruments require the Museum's permission to obtain the highest resolution versions and/or the commercial grade versions of the following listings:

(a) NAID 1024554, Abraham Zapruder Film of John F. Kennedy Assassination: Forensic Version, Local Identifier 541-MISC-1;
(b) NAID 1029673, Abraham Zapruder Film of John F. Kennedy Assassination: De-scratched Version, Local Identifier 541-MISC-1A;
(c) NAID 13251 and NAID 6920781, Secret Service versions of the Zapruder film;
(d) the Warren Commission slides reflecting frames 171 through 207 and 212 through 334, and the transparencies of frames 208 through 211;
(e) NAID 35532542, Zapruder copy held by the Federal Bureau of Investigation;
(f) NAID 6920757, Reenactment Shot Through Abraham Zapruder's Camera; and
(g) NAID 13223, JFK Exhibit #20: Duplicate Copies of Zapruder Film Made for the US Secret Service by LIFE (of TIME, Inc.)?

3. Under the new instruments, does the Museum still contend that any versions of the Zapruder film or Zapruder materials held by the National Archives are not readily reproducible because of the Museum's copyright, as the National Archives argued in FOIAConsciousness.com LLC v. National Archives & Records Administration, No. 3:24-cv-00997 (N.D. Cal.)?

4. Under the new instruments, does the Museum contend that any version of the Zapruder film held by the National Archives is confidential within the meaning of 5 U.S.C. § 552(b)(4), or is otherwise exempt from disclosure under FOIA, as the National Archives argued in FOIAConsciousness.com LLC v. National Archives & Records Administration, No. 3:24-cv-00997 (N.D. Cal.) ?

5. Does the Museum now consent to the National Archives furnishing to the Forum the highest resolution and commercial grade versions of the Zapruder film in response to any current and future FOIA requests sent by the Forum?

6. Is the Museum now willing to furnish the Forum the highest resolution and/or commercial grade versions of the Zapruder materials in its possession?

7. Does the Museum contend that its permission is required before the National Archives may comply with the Reading Room requirement to place frequently requested records online as to any version of the Zapruder film, such as the commercial grade or high resolution versions?

8. Will the Museum now advise the National Archives that it does not object to the Forum's Freedom of Information Act requests at issue in FOIAConsciousness.com LLC v. National Archives & Records Administration?

9. Does the Museum permit the Forum to publish the highest resolution or commercial grade versions of the Zapruder film, in whole or in part, in a work offered for sale and in advertising or promotion of such a work?

10. Several terms on which the instruments operate are not defined.

(a) Section 3 of the License permits the agency to allow the public to obtain a "digital non-commercial grade copy" of the film, and footnote 1 states that "NARA also refers to such copies as 'reference copies.'" What does the Museum understand "non-commercial grade" to mean, and by what measure — resolution, format, or otherwise — is a reproduction of commercial grade distinguished from one that is not?

(b) Section 5 of the License conditions the grant on the National Archives agreeing that it "will not, and will not take an affirmative act to encourage others to use the Zapruder Film in a sensational manner or in a way that emphasizes the film's violence. What does the Museum understand "sensational" and "punctuate or emphasize the episodes of violence" to mean? Does the Museum contend that Section 5 bears in any way on what the Forum, or any other member of the public, may do with a record the agency publishes?

(c) If the Forum were to obtain a reproduction of the Zapruder film that depicts the wounding of President Kennedy more graphically than the extant versions portray, and were to publish that reproduction for the purpose of discussing whether the film was altered, would the Museum consider that publication to be "sensational" within the meaning of clause (i), or to "punctuate or emphasize the episodes of violence" within the meaning of clause (ii)?

The Forum asks for a response by October 23, 2026.

Sincerely,

Mark L. Javitch
Javitch Law Office
3 East 3rd Ave., Ste. 200
San Mateo, CA 94401
(650) 781-8000

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FORUM ON OPEN ACCESS TO GOVERNMENT RECORDS INC.,	§	
Plaintiff,	§	
v.	§	Civil Action No.: 3:25-CV-2034-B
DALLAS COUNTY HISTORICAL FOUNDATION, d/b/a THE SIXTH FLOOR MUSEUM AT DEALEY PLAZA, and NATIONAL ARCHIVES AND RECORDS ADMINISTRATION,	§	
Defendants.	§	

DECLARATION OF ANDREW BOEHM

I, Andrew Boehm, declare as follows:

1. I am over eighteen years of age and competent to make this declaration. The facts stated here are within my personal knowledge, and if called as a witness I could and would testify to them.

2. I am a director of Plaintiff Forum on Open Access to Government Records Inc. (the "Forum"). I make this declaration in support of the Forum's opposition to the motion to dismiss the First Amended Complaint filed by Defendant Dallas County Historical Foundation (the "Museum"). I am not counsel for the Forum and I do not speak to any matter of law.

3. As a director, I am familiar with the Forum's records and I participate in the activities of the Forum. The facts stated below are known to me in that capacity.

The Forum and its publishing

4. The Forum is a Texas corporation organized for profit. It publishes research concerning the assassination of President John F. Kennedy and the records of that event, including comparative analyses of differing reproductions of individual frames of the motion picture filmed by Abraham Zapruder on November 22, 1963.

5. On May 6, 2025 the Forum published the book *SCAM: The Zapruder Copyright — How the Sixth Floor Museum Continues the Coverup*. The book reproduces frames of the Zapruder film. The Forum offers the book for sale to the public on Amazon.com, and it has been continuously available for sale there since May 6, 2025. The book is the publication the Forum's First Amended Complaint describes, and it is the work the Museum's covenant calls "the Book."

6. The Forum publishes two websites, ZapruderFilm.com and ZapruderShrugged.com. Each publishes articles reproducing frames of the Zapruder film. These are the two websites the Museum's covenant calls "the Websites."

7. The Forum has not obtained any license or permission from the Museum for any use of the Zapruder film. It has never been granted one.

The Forum's publishing after August 19, 2026

8. The Forum has continued to publish articles on both of the websites described in Paragraph 6 since August 19, 2026, the date its First Amended Complaint was filed.

The volume the Forum published on October 23, 2026

9. On October 23, 2026 the Forum published the book *Zapruder Frame-Up: Lies Told About the Zapruder Film to Frame Oswald — And How the Sixth Floor Museum and the National Archives Continue the Coverup*, written by Mark L. Javitch. Every frame the book reproduces was published before May 15, 1967. The book reproduces frames that appeared in Time, Incorporated's LIFE magazine in its issues of 1963 through 1966; the six frames that Time distributed to the Associated Press and United Press International on November 27, 1963; certain of the frames reproduced in the published volumes of the Warren Commission and in the Warren Report; and frames 207 through 212 as released by Time on January 30, 1967. The frames the book reproduces, each of which was published before May 15, 1967, are frames 126, 146, 166, 183, 193, 206, 207, 208, 209, 210, 211, 212, 213, 216, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 249, 254, 256, 258,

261, 262, 265, 267, 269, 273, 276, 277, 309, 312, 313, 314, 315, 316, 323, 325, 328, 337, 340, 343, 347, 349, 353, 355, 357, 359, 361, 363, 364, 368, 371, 372, 392. The Forum published the book and offers it for sale to the public on Amazon.com for commercial purposes, at ASIN B0HP7TFQ2M, where it has been available since October 23, 2026. A true and correct copy of the Amazon.com listing for the book as it appeared on October 23, 2026 is attached as Exhibit A.

9A. The book described in Paragraph 9 is not the book described in Paragraph 5. It is not an edition, printing or format of the book described in Paragraph 5, and no edition, printing or format of it was in existence on August 1, 2026. It does not appear on either of the websites described in Paragraph 6. The Forum has not obtained any license or permission from the Museum for any use of the Zapruder film in it.

The documentary motion picture the Forum will release

10. The Forum is producing a documentary motion picture titled *The Other Zapruder Film*, which it intends to release to the public on January 14, 2027. The Forum will offer the documentary for sale to the public as an online video on Vimeo at a price of $9.99.

11. The documentary will present a version of the Zapruder film that differs from the versions heretofore in public circulation. That version carries a different frame count, and in the frame it numbers 256 it shows the appearance of an additional shot and of blood. The documentary will feature recorded interviews with Robert Groden. The documentary will also inform the public of the controversy concerning the authenticity of the Zapruder film and of this litigation, and will present the frame-by-frame analysis of Sydney and Thom Wilkinson, including the transition that analysis identifies at frames 131 through 133 and the frames that analysis identifies as showing alteration following the head shot, in the range of frames 317 through 340.

12. The documentary described in Paragraphs 10 and 11 is not the book described in Paragraph 5, it is not an edition, printing or format of it, and it does not appear on either of the

websites described in Paragraph 6. No version of it was in existence on August 1, 2026. The Forum has not obtained any license or permission from the Museum for any use of the Zapruder film in it.

The Forum's podcast and advertising

13. The Forum is launching a podcast titled *Intersprocket*, which it will publish in regular episodes on an ongoing basis. In those episodes the Forum discusses and displays frames of the Zapruder film and addresses the issues raised in the books described in Paragraphs 5 and 9, including whether the Museum's copyright in the Zapruder film is valid and whether the frames reproduced in those books contain alterations — that is, whether those frames were produced in a camera photographing the events in Dealey Plaza or were instead produced in a studio. No episode of the podcast was published on or before August 1, 2026, and the podcast does not appear on either of the websites described in Paragraph 6.

14. The Forum has advertised, and will continue to advertise, its publications to the public using frames of the Zapruder film. The Forum also intends to sell merchandise, including t-shirts, that reproduces frames of the Zapruder film, in connection with the podcast described in Paragraph 13.

The reproductions the Forum requires

15. The Forum offers its publications for sale to the public, and it requires reproductions of the Zapruder film of the highest quality available for its historical analysis, and in order to be sufficient for commercial publication for that purpose. The reproductions available to it are not of the highest quality because the Museum and the National Archives hold versions that the Forum is not allowed to access or publish for commercial purposes.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the date stated below at Omaha, Nebraska.

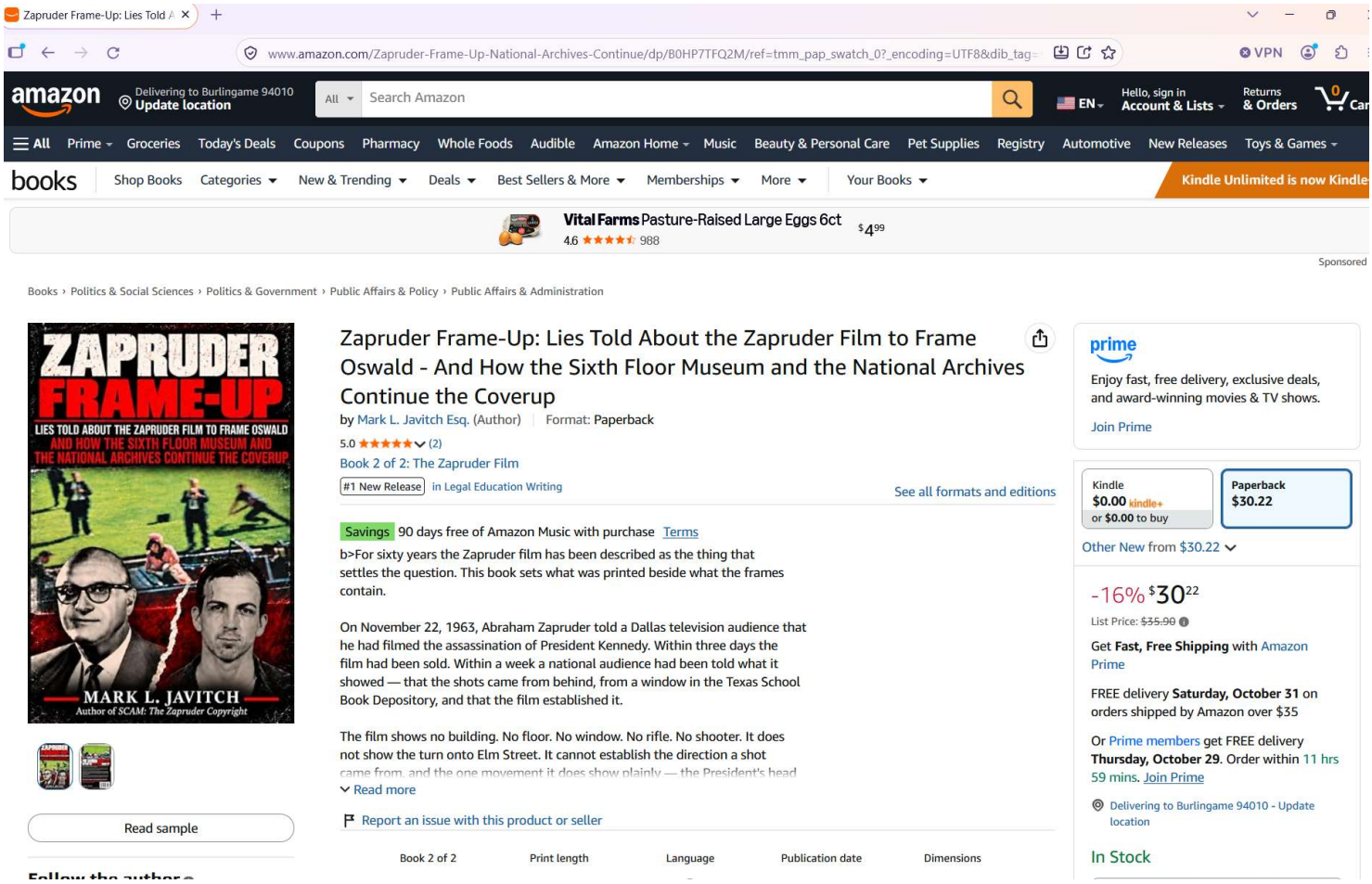
Dated: October 26, 2026

DocuSigned by:
Andrew Boehm
3AAE7AB056D248C...

Andrew Boehm

EXHIBIT A

Amazon.com listing for Zapruder Frame-Up, ASIN B0HP7TFQ2M (captured Oct. 26, 2026)


Zapruder Frame-Up: Lies Told A
www.amazon.com/Zapruder-Frame-Up-National-Archives-Continue/dp/B0HP7TFQ2M/ref=tmm_pap_swatch_0?_encoding=UTF8&dib_tag=
VPN
amazon
Delivering to Burlingame 94010
Update location
All
Search Amazon
EN
Hello, sign in
Account & Lists
Returns
& Orders
All
Prime
Groceries
Today's Deals
Coupons
Pharmacy
Whole Foods
Audible
Amazon Home
Music
Beauty & Personal Care
Pet Supplies
Registry
Automotive
New Releases
Toys & Games
books
Shop Books
Categories
New & Trending
Deals
Best Sellers & More
Memberships
More
Your Books
Kindle Unlimited is now Kindle
Vital Farms Pasture-Raised Large Eggs 6ct
4.6 988
$4.99
Sponsored
Books › Politics & Social Sciences › Politics & Government › Public Affairs & Policy › Public Affairs & Administration
ZAPRUDER FRAME-UP
LIES TOLD ABOUT THE ZAPRUDER FILM TO FRAME OSWALD
AND HOW THE SIXTH FLOOR MUSEUM AND THE NATIONAL ARCHIVES CONTINUE THE COVERUP
MARK L. JAVITCH
Author of SCAM: The Zapruder Copyright
Read sample
Zapruder Frame-Up: Lies Told About the Zapruder Film to Frame Oswald - And How the Sixth Floor Museum and the National Archives Continue the Coverup
by Mark L. Javitch Esq. (Author) Format: Paperback
5.0 (2)
Book 2 of 2: The Zapruder Film
#1 New Release in Legal Education Writing
See all formats and editions
Savings 90 days free of Amazon Music with purchase Terms
b>For sixty years the Zapruder film has been described as the thing that settles the question. This book sets what was printed beside what the frames contain.
On November 22, 1963, Abraham Zapruder told a Dallas television audience that he had filmed the assassination of President Kennedy. Within three days the film had been sold. Within a week a national audience had been told what it showed — that the shots came from behind, from a window in the Texas School Book Depository, and that the film established it.
The film shows no building. No floor. No window. No rifle. No shooter. It does not show the turn onto Elm Street. It cannot establish the direction a shot
Read more
Report an issue with this product or seller
Book 2 of 2
Print length
Language
Publication date
Dimensions
prime
Enjoy fast, free delivery, exclusive deals, and award-winning movies & TV shows.
Join Prime
Kindle
$0.00 kindle+
or $0.00 to buy
Paperback
$30.22
Other New from $30.22
-16% $30.22
List Price: $35.90
Get Fast, Free Shipping with Amazon Prime
FREE delivery Saturday, October 31 on orders shipped by Amazon over $35
Or Prime members get FREE delivery Thursday, October 29. Order within 11 hrs 59 mins. Join Prime
Delivering to Burlingame 94010 - Update location
In Stock