

# A. D. Coleman

adc@photocritic.com

[The following letter appears on-screen at timestamp 6:35 in Patrick Jeudy's 2004 film Robert Capa, l'homme qui voulait croire à sa légende, the Spanish-language version of which, Robert Capa El hombre que quería creer su propia leyenda, was found online at <<https://www.youtube.com/watch?v=ctsd90TZHV4>> on August 2, 2015. The addressee heads the production company for which this film was made. — A. D. Coleman]

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Milbank Tweed Hadley and McCloy LLP \*  
1 Chase Manhattan Plaza # 47  
New York, NY  
(212) 530-5000

January 14, 2003  
BY MAIL AND VIA EMAIL  
(unreadable)

Mr. Luc Martin-Gousset \*\*  
Point du Jour Productions \*\*\*  
38, rue Croix des Petits Champs  
75001 Paris  
FRANCE

Dear M. Martin-Gousset:

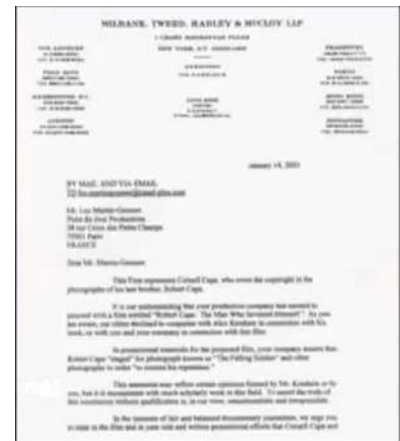
This firm represents Cornell Capa, who owns the copyright in the photographs of his late brother Robert Capa.

It is our understanding that your production company has elected to proceed with a film entitled "Robert Capa: The Man Who Invented Himself." As you are aware, my client declined to cooperate with Alex Kershaw in connection with his book, or with you and your company in connection with this film.

In promotional materials for the proposed film, your company asserts that Robert Capa "staged" his photograph known as "The Falling Soldier" and other photographs "to increase his reputation."

This statement may reflect certain opinions expressed by Mr. Kershaw or by you, but it is inconsistent with much scholarly work in this field. To assert the truth of this conclusion without qualification is, in our view, unconscionable and irresponsible.

In the interests of fair and balanced documentary journalism, we urge you to state in the film and in your oral and written promotional efforts that Cornell Capa and other noted scholars of photography do not accept Mr. Kershaw's conclusions concerning the alleged "staging" of "The Falling Soldier" or other Robert Capa photographs.



The promotional materials further state that the biography of Robert Capa written by Richard Whelan was "rigorously censored by ... [Capa's] family, the Magnum agency and the American trustees of the International Center of Photography."

The foregoing statement is material and defamatory and has been published with a reckless disregard for the truth. The statement is damaging to the reputation of Robert Capa, Cornell Capa, Richard Whelan, Magnum Photos, and the International Center of Photography. Accordingly, my client demands that you cease and desist from the further dissemination of this or any similar statement in your promotional materials, your film or otherwise.



Your promotional materials are also inaccurate insofar as they state that your film will be the first film about Robert Capa. The American Masters series of the U.S. Public Broadcasting System has, with the full cooperation of Cornell Capa, completed a 90-minute documentary about Robert Capa, which will be shown at the Sundance festival this week and will be broadcast on the BBC later this month. It will be shown on American television this spring. Again, we ask that you revise your promotional materials accordingly.

Finally, please be advised that your company has no right to reproduce any photographs by Robert Capa or Cornell Capa, nor to create any derivative work(s) based on any Capa photographs. Any use in your film of a Capa photograph, including any derivative work you create based on a Capa photograph, will be an infringing use in violation of my client's copyright.

My client has engaged legal representation in France and will monitor this situation closely.

Yours truly

/s/ John Sare \*\*\*\*\*

CC Mr. Cornell Capa

Ms. Elisabeth Logeais \*\*\*\*\*  
SCP d'avocats UGGC & Associate, Paris

\* Milbank Tweed Hadley and McCloy LLP is a high-powered NY law firm.  
<<http://www.milbank.com/>>

\*\* Luc Martin-Gousset is President & producer at Point du Jour International.

\*\*\* Point du Jour Productions is a Paris-based producer and distributor of documentary films and investigative reports. <<http://www.pointdujour-international.com/point-du-jour-international-presentation-equipe.php?PHPSESSID=546c3db6f968618997093ceace3d48c7>>

\*\*\*\* Sare, then a partner in Milbank, specializes in Tax-Exempt Organizations, Art and Museum

Law, and Trusts and Estates.

<[http://www.pbwt.com/sare\\_john\\_bio/](http://www.pbwt.com/sare_john_bio/)>

\*\*\*\*\* Logeais is a partner in UGGC; among her specializations are intellectual property and copyright. <<http://www.uggc.com/avocat/cv/elisabeth-logeais>>

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*[Note: Because this document was published readably via on-screen display in a motion picture that premiered on May 12, 2004 and has since received international distribution in three different languages without objection from its author, his client(s), or the addressee, it has become a matter of public record, available for citation in whole or in part, especially for scholarly and/or journalistic purposes. The screenshots above serve as evidence of its publication; this transcription proves its legibility. The transcription, created by A. D. Coleman, should be credited to him; he asserts no claim to copyright of the content. It was first published at his blog, Photocritic International <<http://photocritic.com>>, on August 16, 2015:*

*<[http://www.nearbycafe.com/artandphoto/photocritic/wp-content/uploads/2015/08/Cornell\\_Capa\\_letter\\_re\\_Patrick\\_Jeudy\\_film\\_2003.pdf](http://www.nearbycafe.com/artandphoto/photocritic/wp-content/uploads/2015/08/Cornell_Capa_letter_re_Patrick_Jeudy_film_2003.pdf)>. — A. D. C.]*