

## Weather

**Today:** Thunderstorms.

High 84. Low 64.

**Sunday:** Cloudy, showers.

High 82. Low 66.

Details, Page C2.

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## Haggling Over History, U.S. Bids for the Zapruder Film

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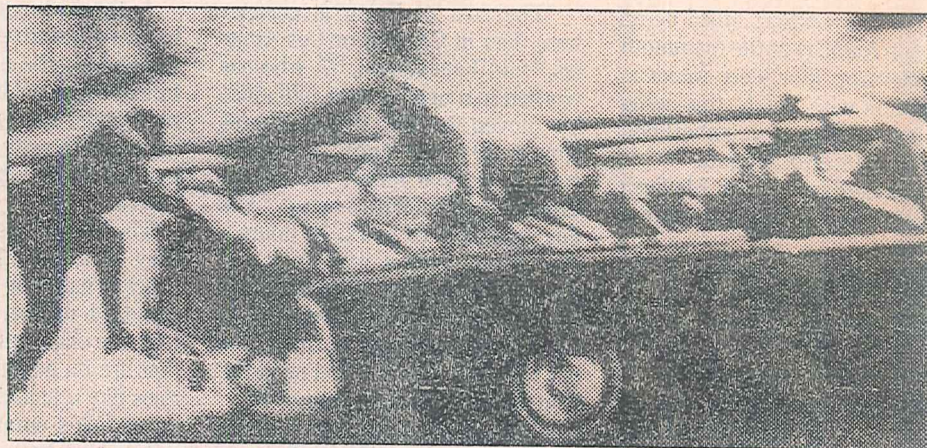
Abraham Zapruder wouldn't even have had his Bell & Howell movie camera with him if his secretary hadn't prodded him to go home and get it. At first, he planned to poke it out the window of his office in the Dal-Tex Building as the presidential motorcade passed by. Later, he decided to go outside to find a better perch.

What the Dallas dressmaker caught on film that day, Nov. 22, 1963, is one of the most stunning visual documents of the 20th century: a sunlit depiction of the assassination of President John F. Kennedy. Described by experts as the single most important piece of evidence about the 1963 murder, the 26-second home

movie captured in gory detail the shot that killed Kennedy. It has been in cold storage at the National Archives for the past 23 years but the in-camera original, and the copyright, still belong to the Zapruder family.

That will change Aug. 1 when it becomes public property, an official "assassination record" designated last year by a unanimous vote of the Kennedy Assassination Records Review Board. But with the deadline approaching, the film has become the subject of stiff negotiations between the Justice Department and lawyers for the Zapruders over what price to put on this unique piece of history.

They are millions of dollars apart. The Zapruders have asked for \$18.5 million for the film and the copyright, informed source-



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**In a frame from Zapruder film, a Secret Service agent climbs toward first lady Jacqueline Kennedy on back of presidential limousine in Dallas after President Kennedy was assassinated Nov. 22, 1963.**

es said, and have hired Washington power lawyer Robert S. Bennett to press their claim. The Justice Department contends that price is much too high and has offered \$750,000 while suggesting it might go as high as \$3 million.

Unhappy with the figures thrown out by Justice, the Zapruders are considering

litigation that would invoke their constitutional right to "just compensation" for property seized by the government. Sources close to the family point out that Kennedy's walnut cigar box, a present from comedian Milton Berle, fetched

See ZAPRUDER, A7, Col. 1



\$574,500 at a 1996 auction. The desk JFK used to sign the Nuclear Test Ban Treaty sold for \$1.43 million.

"The Zapruders have been very reasonable, very generous in their dealings with the government," Bennett said. "They have no desire to exploit the situation. They've offered the government a digitally enhanced, first-generation copy at no charge. They simply want to get this resolved."

"There is also a serious question of whether the government even has a right to take the film," added Bennett's law firm colleague, Richard L. Brusca. Government officials contend the broad terms of the 1992 law setting up the assassinations board automatically made the film U.S. property—even before Aug. 1. In any case, Brusca said, "the point is that the family is willing to give it to the government for much less than what we believe we can get for it on the open market or at an auction."

Experts dispatched by both sides have visited the Archives facility at College Park to inspect the original in the space it shares with Eva Braun's home movies and World War II documentaries. "They made several different copies in Dallas that day," said Les Waffan, the archivist who takes

care of the Zapruder film and about 18 copies in a room-sized freezer. "The color in the original is much better. It's still vibrant. It's in very good shape."

In fact, it's in good enough shape to be shown on a projector, but Waffan said, "I can't imagine it ever will be." Instead, its 480 pristine frames (six others were damaged by Life magazine but can be seen in copies) are laid out straight between Mylar sheets so the experts can peer at them with magnifying glasses.

The resulting appraisals are far apart. The Zapruder family has obtained valuations ranging from a low of \$22 million to a high of \$70 million while the Justice Department's experts submitted estimates ranging from \$1 million to \$13 million, sources familiar with the appraisals said.

Whatever the final settlement, the film, like almost every artifact from the Kennedy assassination, is steeped in controversy. It has been used to prove everything and anything: that Kennedy was killed by a shot from the front, that he was killed by a shot from behind, that he and Texas Gov. John B. Connally were both hit by a single bullet, that they were hit by separate shots. For some, it supports the Warren Commission's conclusion that Lee Harvey Oswald, acting alone, murdered the president. For others, it establishes a conspiracy.

"The film's historical importance cannot be gainsaid," said University of Wisconsin professor David R. Wrone, author of a brief history of Zapruder's work. "It is key for the timing of the assassination, the location of physical objects, the study of the single bullet theory, the directional snap of JFK's head in reaction to a shot, the refutation of senseless embroideries, and many aspects of the criminal investigation."

According to sources familiar with the government's position, Assistant Attorney General Frank Hunger, who is in charge of negotiations for the government, wants to settle without a trial because he fears a court may give the Zapruders what they want. But Hunger is also reluctant to meet their asking price and risk congressional criticism.

Review board members said they, too, consider the \$18.5 million price exorbitant—one privately called it "pretty outrageous"—but said it is essential to put the original in the public domain.

"There are always going to be claims by someone that this film has been altered," board Chairman John R. Tunheim, a federal judge from Minneapolis, said. "To have the original remain forever in the hands of the American people will assure us that it is an accurate and reliable piece

of evidence."

Tunheim said another "very important reason" for having the original lies in the possibility that technological advances may make it possible to extract more details from it.

Rep. Dan Burton (R-Ind.), chairman of the House Government Reform and Oversight Committee, voiced his strong support for securing the film after meeting with review board members June 4. In a June 5 letter to Hunger, Burton assured him that his committee "will not attempt to second-guess your sound judgment in seeking either a negotiated settlement of the cost or in litigating the case before the appropriate court. We need the original film to remain in the National Archives."

Abraham Zapruder, who died in 1970, sold the original and a first-day copy to Time Inc. on Nov. 23, 1963, for \$150,000. Concerned that a Jewish man's profiting from the assassination could touch off a wave of antisemitism, his lawyer suggested that he donate the first \$25,000 to a fund for J.D. Tippett, a Dallas police officer killed that day. Zapruder readily agreed.

But Time—unwilling to act as a censor and police its use—returned the original to the family in 1975 and they deposited it in trust at the Archives for safekeeping.

The family has charged fees for commercial uses of the film, such as in Oliver Stone's controversial film "JFK," but informed sources say revenues since 1963 have totaled only about \$650,000.

Zapruder's son, Henry, a Washington tax lawyer, said in a rare interview yesterday that he prefers public ownership and has been trying for the past five years to reach an amicable settlement with the government. His efforts, Zapruder said, have been met with flawed appraisals and even a rejection of his offer to submit to arbitration.

"My own view of the matter is that the main stumbling block is in getting the government to face up to the hard question of how much the film is really worth," he said. "If they knew that, we could come to terms. If they drive this case to litigation, we will get a fair-market valuation that will be much higher than what we are willing to settle for. We are trying to make a contribution."

#### FOR MORE INFORMATION

For a directory of Web sites with information on the Kennedy assassination, click on the above symbol on the front page of The Post's Web site at [www.washingtonpost.com](http://www.washingtonpost.com)