

emo 11/4/99

Harold & Lil

I take computer in hand to (finally) answer your letter of(not too long ago?)

It took something like the Zapruder film decision (of which am sending along the day's run on the AP wire for no reason at all since you probably knew it post haste and ad hock anyhow?)

What still rankles on that front is how that idiot Dan Rather saws the clear film and which way the head snapped and (a) didn't realize what he saw -- and what it meant (b) saw it wrong (c) knew damn well what he saw and, like Kenny O'Donnell, was too chicken to sidestep the emperors' waltz, or (d) saw a shining path to the top at CBS.

At any rate, how are things going with you two? Better than before, I hope.....

What's amusing about that Zapruder thing --- (are we doomed to keep going back to the assassination thing? Here I was trying to be a bit social and -- pop -- back at the same old stand?)

Anyhow (see?), the government's first priority was to gain custody of the corpus delicious and therefore the autopsy -- but to keep the Zapruder film at arm's length so it couldn't be pressured to show it in the Hauls of Government etc.

And so.....?

Maybe the escape hatch is autobiography? Well, I'm still at the same old grind, well past retirement age and as stubborn as you are, I hope.

Do you have a computer system, e-mail etc? (I remember you once told me you wouldn't get a phax machine to avoid inundation, etc.)

Anyhow, in case you have a computer hidden in the cellar, my E-mail addresses are:
BREGAN@CAHNERS.COM (at work, but don't hesitate, spend plenty of time here)
And

NUSSEX@AOL.COM

(if you ask, will explain Nussex in next letter or whatnot)

also, don't hesitate if you need anything from New York City.
(would include New Jersey, where abode is, but I think someone who lives on Old Receiver Road has little need for things New Jersey)

regards
bob regan

ps address here is now American Metal market
350 hudson street
new york, ny 10014

PM-Zapruder Film,0175<P>

URGENT<P>

WASHINGTON (AP) _ Arbitrators declared today the government must pay the heirs of Abraham Zapruder \$16 million for film that Zapruder took of the assassination of President Kennedy, the Justice Department said.

The settlement was disclosed by spokeswoman Chris Watney.

The Zapruder family had asked for \$30 million. The government offered a million. A three-member arbitration board was established when lawyers on both sides failed to agree on the level of compensation for the film, which was owned by the Zapruder family but held in storage by the National Archives.

The government has to compensate the Zapruder family because the Assassination Records Review Board in 1997 declared the film the permanent possession of the people of the United States.

The Zapruder family had said the film should be valued like the works of Dutch painter Vincent van Gogh or pop artist Andy Warhol whose "Orange Marilyn" silkscreen of Marilyn Monroe sold for \$17.3 million last year.

MORE<P>

AP-ES-08-03-99 1106EDT

PM-Zapruder Film, 1st Add,0250<P>

WASH: last year.<P>

Government appraisers had said that without projection, the Zapruder film was a strip of celluloid wound around a plastic reel. They said that when Sotheby's auction house in New York sold 1,200 items from the estate of former first lady Jacqueline Kennedy in 1996, the highest amount paid for any one item was \$1.4 million for an antique French desk where President Kennedy signed the Nuclear Test Ban Treaty.

In a decision that can't be appealed, the arbitrators decided that the film was worth \$16 million. That does not include the copyright, which, at least for now, will be retained by the family.

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Through the lens of his Bell & Howell movie camera, Zapruder said he heard a shot and saw Kennedy lean over and grab his left chest.

"Before I had a chance to organize my mind, I heard a second shot and then I saw his head opened up and the blood and everything came out and I started _ I can hardly talk about it," Zapruder said, sobbing. Later he added: "I was still shooting the pictures until he (Kennedy) got under the underpass. I don't even know how I did it. ... I was walking toward _ back toward my office and screaming, "They killed him! They killed him! They killed him!"

AP-ES-08-03-99 1110EDT

PM-Zapruder Film, 1st Ld-Writethru,0516<P>

Arbitrators set \$16 million as value for assassination film<P>

Eds: COMBINES.<P>

By DEB RIECHMANN<P>

Associated Press Writer<P>

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"Today's decision by the arbitration panel secures the original Zapruder film for the public and guarantees that it will be preserved in the National Archives, where it belongs," David W. Ogden, acting assistant attorney general for the Civil Division, said in a statement.

"The resolution of these issues ensures that this evidence of one of the most tragic events in American history will be protected for scholarly and research uses," Ogden said.

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AP-ES-08-03-99 1117EDT

PM-Zapruder Film, 2nd Ld-Writethru,0595<P>

Arbitrators set \$16 million as value for assassination film<P>

Eds: SUBS 2nd graf to show the decision not unanimous; INSERTS 6th<P> graf, no immediate comment, and subs 7th graf pvs, The government to UPDATE with Justice Department statement.

By DEB RIECHMANN<P>

Associated Press Writer<P>

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"The resolution of these issues ensures that this evidence of one of the most tragic events in American history will be protected for scholarly and research uses," Ogden said.

There was no immediate reaction from the Zapruder family or its lawyers.

The Constitution requires the government to provide "just compensation to the owners of private property that is taken for the public good," the department noted in a statement. The government had to compensate the Zapruder family because the Assassination Records Review Board in 1997 declared the film the permanent possession of the people of the United States.

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AP-ES-08-03-99 1123EDT

DJ Arbitrators: \$16M Must Be Paid For JFK Assassination Film

@Tab0:

WASHINGTON (AP)--Arbitrators Tuesday declared the U.S. government must pay the heirs of Abraham Zapruder \$16 million for film that Zapruder took of the assassination of President John F. Kennedy, the Justice Department said.

A three-member arbitration decided the monetary sum on a divided, 2-1 vote, said spokeswoman Chris Watney. The decision can't be appealed.

That doesn't include the copyright, which, at least for now, will be retained by the family.

The Zapruder family had asked for \$30 million. The government offered a million. A three-member arbitration board was established when lawyers on both sides failed to agree on the level of compensation for the film, which was owned by the Zapruder family but held in storage by the National Archives.

"Today's (Tuesday) decision by the arbitration panel secures the original Zapruder film for the public and guarantees that it will be preserved in the National Archives, where it belongs," David W. Ogden, acting assistant attorney general for the Civil Division, said in a statement.

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(END) DOW JONES NEWS 08-03-99

11:40 AM - - 1 11 40 AM EDT 08-03-99

PM-Zapruder Film, 3rd Ld-Writethru,0838<P>

Arbitrators set \$16 million as value for assassination film<P>

Eds: RESTORES dropped "panel" in 2nd graf; SUBS 6th graf, There<P> was, with 2 graf's to UPDATE with family and Lesar comment; CORRECTS Dellinger title in pvs final graf, But acting; ADDS 1 graf's of quotes.

By DEB RIECHMANN<P>

Associated Press Writer<P>

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"The resolution of these issues ensures that this evidence of one of the most tragic events in American history will be protected for scholarly and research uses," Ogden said.

"We believe the result reached by the arbitration panel is fair and reasonable," the Zapruder family said in a statement. "We are relieved that the Zapruder film is now permanently part of the United States archives."

Some Kennedy assassination researchers, however, don't think the government should have paid a nickel to the Zapruder family. "It's evidence in a criminal case," Jim Lesar, president of the Assassination Archives and Research Center, said as arbitrators were deciding the compensation issue.

The Constitution requires the government to provide "just compensation to the owners of private property that is taken for the public good," the department noted in a statement. The government had to compensate the Zapruder family because the Assassination Records Review Board in 1997 declared the film the permanent possession of the people of the United States.

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In a decision that can't be appealed, the arbitrators decided that the film was worth \$16 million. That does not include the copyright, which, at least for now, will be retained by the family. Zapruder, a dress manufacturer, cried when he told investigators in July 1964 of how he filmed the assassination while standing on a concrete abutment along the route of the president's motorcade through Dallas.

Through the lens of his Bell & Howell movie camera, Zapruder said, he heard a shot and saw Kennedy lean over and grab his left chest.

"Before I had a chance to organize my mind, I heard a second shot and then I saw his head opened up and the blood and everything came out and I started _ I can hardly talk about it," Zapruder said, sobbing. Later he added: "I was still shooting the pictures until he (Kennedy) got under the underpass. I don't even know how I did it. ... I was walking toward _ back toward my office and screaming, "They killed him! They killed him! They killed him!"

The arbitration panel could not reach unanimity on how much to pay the Zapruders.

The chairman, former federal appeals court judge Arlin M. Adams, and panel member Kenneth Feinberg, wrote, "We are comfortable that the sum of \$16 million is a fair and accurate reflection of the true value of the Zapruder film" at the time the government took ownership of it.

But Walter Dellinger, a former solicitor general and now a law professor at Duke University, disagreed. He said \$16 million was "simply too large an amount in light of the evidence in the record." He said \$3 million to \$5 million would "prove ample recognition to the value as a historical object of this strip of film."

"The Zapruder film is one of a kind," the panel's majority wrote, with no way to compare its value to the price of any single object ever sold. So the majority relied heavily on the testimony given by auction house experts who put the value at \$25 million or more.

AP-ES-08-03-99 1217EDT

AM-Zapruder Film, Bjt,0676<P>

Government must pay \$16 million for movie of JFK assassination<P>

AP Photo<P>

By DEB RIECHMANN<P>

Associated Press Writer<P>

WASHINGTON (AP) _ The government must pay the heirs of Dallas dressmaker Abraham Zapruder \$16 million for his film that captured the assassination of President Kennedy _ 26 seconds of history the Zapruder family said should be valued like a van Gogh.

In a 2-1 vote, announced by the Justice Department on Tuesday, arbitrators set the amount after lawyers for the government and Zapruder family could not agree on a price. The government offered \$1 million; the family asked \$30 million.

"The Zapruder film is one of a kind," arbitrators Arlin Adams, a former federal appeals court judge, and Kenneth Feinberg, wrote in a majority opinion. With no way to compare its value to any single object ever sold, they said they relied heavily on testimony given by auction house experts who tagged the value at \$25 million or more.

The third arbitrator, Walter Dellinger, a former solicitor general and now a law professor at Duke University, wrote that \$3 million to \$5 million would have been enough.

Gerald Posner, who wrote a book on the assassination, thought \$16 million was overly generous, too.

"I understand that it's the American way to get as much as you can for something, but there is something unseemly about it," he said.

Lawyers for both sides accepted the figure as an appropriate compromise. The family said in a statement, "We believe the result reached by the arbitration panel is fair and reasonable."

The film is stored in a 25-degree room at the National Archives in College Park, Md. The Assassination Records Review Board in 1997 declared the film the permanent possession of the people of the United States. The Constitution requires the government to pay owners of private property taken for the public good.

David Ogden, acting assistant attorney general for the Justice Department's Civil Division, issued a statement, saying the government was relieved that the film would not just be stored at the archives but would be part of its permanent collection.

Government appraisers had argued that without projection, Zapruder's movie was just a strip of celluloid wound around a plastic reel. They said the highest amount paid for any of 1,200 items from former first lady Jacqueline Kennedy's estate was \$1.4 million for an antique French desk where President Kennedy signed the Nuclear Test Ban Treaty.

The Zapruder family argued that the film should be valued like the works of Dutch painter Vincent van Gogh or pop artist Andy Warhol.

Some Kennedy assassination researchers don't think the government should have paid a nickel, especially since the amount does not include the copyright.

"I think it's outrageous," said Jim Lesar, president of the Assassination Archives and Research Center, a private collection of assassination documents. "It's not the ownership of the film that's the problem, it's the copyright."

He said the Zapruder family charges high rates to reproduce the film for documentaries. A "toll gate" has been placed on the right of the American people to study and research the film, he said. The family said it is working to transfer the copyright to a yet undisclosed public institution, but researchers wonder whether that will mean lower charges for using the film.

Robert Bennett, the Zapruder family's lawyer, called the family a "patriotic guardian" of the film that "rejected all offers to license the film for any purpose that could be considered distasteful or disrespectful of President Kennedy's memory."

Zapruder cried when he told the Warren Commission in 1964 how he heard a shot and, through the lens of his Bell & Howell movie camera, saw Kennedy grab his chest.

He broke down sobbing as he described a second shot and the bloody results that came "before I had a chance to organize my mind."

AP-ES-08-03-99 1637EDT

AM-Zapruder Film, 1st Ld-Writethru,0704<P>

Government must pay \$16 million for movie of JFK assassination<P>

Eds: SUBS graf 11th pvs, Government appraisers ..., to CORRECT that<P> desk was most expensive item sold only after excluding jewelry.

AP Photo<P>

By DEB RIECHMANN<P>

Associated Press Writer<P>

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AP-ES-08-03-99 1817EDT

WSJ(8/4): Film Of JFK's Assassination Gets Price Tag Of \$16M

@Tab0:By Ellen Joan Pollock

@Tab0: Staff Reporter of The Wall Street Journal

Is the Zapruder film Art? Or a crusty snippet of deteriorating celluloid?

Arbitrators charged with deciding how much the U.S. government should pay for the amateur footage of the assassination of President John F. Kennedy dodged those questions yesterday.

Settling a long-running argument, they put a \$16 million price tag on the 26-second film that experts agree should never be run through a projector and is now kept at 25 degrees in a National Archives complex in College Park, Md.

"Simply stated, the Zapruder film is one of a kind," said the majority decision, by two of the three arbitrators.

The money will go to the son and daughter of Abraham Zapruder, a dress manufacturer who took his home movie camera to Dealey Plaza on Nov. 22, 1963, to record the president's visit to Dallas and instead captured what is believed to be the clearest footage of his assassination.

Two years ago, the Assassination Records Review Board, created by Congress in 1992, ruled that the film should belong to the government. That set off a debate over how much the government should pay the Zapruders.

The family asked for \$30 million. Its experts likened the film to a work of art. They compared it to Vincent Van Gogh's "Sunflowers," Andy Warhol's "Orange Marilyn" and Leonardo da Vinci's Codex Leicester, a manuscript that documents his experiments with water. Bill Gates bought the Codex in 1994 for \$30.8 million.

The government saw things differently. Its experts valued the film at between \$784,000 and \$1 million and likened it to footage of the assassination of King Alexander of Yugoslavia in 1934. It also pointed out that historical artifacts such as Eisenhower's D-Day order and Lincoln's "house divided" speech have been purchased for \$200,000 and \$1.5 million respectively.

But the majority of the panel bought much of the Zapruder family's argument. Noting that putting a value on the film "proved quite difficult," because it didn't fit into any obvious category, the two panelists said that they were persuaded by Zapruder family experts who said that at a well-publicized auction, the film would easily fetch an eight-figure price.

"In determining the fair market value of the Zapruder film, the arbitrators cannot ignore the impressive, and uncontradicted, evidence that was presented by auction experts," wrote panelists Kenneth Feinberg and Arlin M. Adams. "One can readily envision a situation where a wealthy person would purchase the Zapruder film for \$30 million or more and then donate the film to the Johnson Library in Texas, or the Kennedy Library in Boston, or, indeed, the National Archives." They added that "items associated with President Kennedy and his family have been increasing in value, apparently based upon the emotional significance associated with President Kennedy." The panel dated its decision on July 19, but postponed the announcement of it because of what people involved in the arbitration described as "sensitivity" to the death of John F. Kennedy Jr. on July 16.

The government and the Zapruders agreed to let arbitrators decide the price of the film last year after they were unable to reach a decision themselves. Mr. Feinberg, an arbitrator and mediator who was once chief of staff to Senator Edward Kennedy, was appointed by the Zapruder family. Walter Dellinger, a former acting solicitor general and now a partner at the law firm O'Melveny & Myers and a professor of law at Duke University, was appointed by the Justice Department. They, in turn, appointed Mr. Adams, a former federal appeals judge who is now a lawyer at Schnader Harrison Segal & Lewis in Philadelphia.

Mr. Dellinger disagreed with his colleagues, arguing that a more appropriate price for the film was \$3 million to \$5 million. That range, he noted, would have exceeded "the price paid for the most expensive single item of the Kennedys' personal property sold at auction (apart from jewelry) - the 1766 desk upon which President Kennedy signed the Nuclear Test Ban Treaty, which sold for \$1.4 million."

Mr. Dellinger also pointed out that the government has acquired only "the one-quarter-inch-wide by six-foot-long strip of 8mm celluloid that is the original," because the family retains the copyright. "In my view, the absence of any known market for other camera original film strips strongly suggests that a camera original ordinarily has little independent value."

The family had wanted the government to take over the copyright of the film, but the government didn't want to have to manage it as a commercial property. In a prepared statement yesterday, the family said it is "actively pursuing arrangements for transferring the ownership of the Copyright to a public institution which could continue our policies of proper caretaking on a permanent basis." The family said it is "relieved" that the film is now part of the U.S. archives, and that the panel's decision was "fair and reasonable."

Over the years, the Zapruder family has had to sort through many requests by people who wanted permission to use all or part of the film for a wide variety of purposes. Between 1976 and 1997, the family earned \$878,997 from the film, according to the arbitrators' decision. Last year the family licensed the film to MPI Home Video in Orland Park, Ill., which released it commercially. Roughly 131,000 copies have been sold. A person familiar with the family said in May that the family had netted less than \$300,000 from the video.

David W. Ogden, acting assistant attorney general for the Justice Department's Civil Division, said in a statement that the arbitrators' decision "guarantees that 1/8th the film 3/8 will be preserved in the National Archives, where it belongs. The resolution of these issues ensures that this evidence of one of the most tragic events in American history will be protected for scholarly and research uses."

The Zapruders will earn about \$1 million in interest as a result of the arbitrators decision. The government will also make some money. The Zapruders are expected to pay around 25% of the film's price in taxes.

(END) DOW JONES NEWS 08-03-99
11:52 PM- - 1 11 52 PM EDT 08-03-99

BC-Quotes,0163<P>

Current Quotations<P>

By The Associated Press<P>

"Every income taxpayer in America will get relief in this bill." _ Rep. Bill Archer, R-Texas, speaking Tuesday after Republicans wrapped up negotiations on a \$792 billion plan to cut personal income tax rates and provide relief from the marriage penalty, a measure that President Clinton has vowed to veto.

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"There's bipartisan recognition that there's a disaster out there." _ Sen. Tom Harkin, D-Iowa, after the Senate on Tuesday rejected a Democrat-backed \$11 billion bailout of the farm economy in favor of a smaller Republican package; lawmakers said they hope to work out a compromise later this week.

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"The Zapruder film is one of a kind." _ Arbitrators Arlin Adams and Kenneth Feinberg in their majority opinion awarding \$16 million from the government to the heirs of Abraham Zapruder for his film that captured the assassination of President Kennedy.

AP-ES-08-04-99 0203EDT