

TERRY HAMBIEN  
4300 Bishop WAY  
SACRAMENTO, CALIF.  
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## Taxpayers Gouged on Zapruder Film

**S**URELY the grisly 26-second film strip of President John F. Kennedy's assassination is the most extraordinary amateur movie ever made, but is it worth \$16 million to American taxpayers as a sad memento?

A federal arbitration panel thought so, and this week ordered the government to pay the heirs of Abraham Zapruder, the man who captured the tragic moments on film.

The graphic footage of Kennedy being shot in the head while riding in a Dallas motorcade on Nov. 22, 1963, is indelibly etched in America's memory. It is the most complete visual recording of the murder.

Two years ago, the Assassination Records  
→ AUGUST 5, 1999

Review Board declared the film strip public property, requiring the government to reimburse the Zapruders for its market value.

The Zapruders argued that the film was a unique cultural and artistic icon worth at least \$30 million at auction. The Justice Department said the fragile, six-foot-long celluloid strip was worth only \$1 million.

The arbitration panel split the difference.

That's fine for the Zapruders, but it would have been smarter to return their film and let them auction it off themselves.

That would have saved taxpayers \$16 million, which seems a lot for a piece of historic film too fragile to go through a projector.

## MAIN NEWS

### Zapruder film ruling

A panel of federal arbitrators rules 2-1 that the government must hand over \$16 million to the family of the late Abraham Zapruder, whose film of President Kennedy's assassination was seized by authorities. The amount is the highest ever paid for such an American artifact and the decision is described as a way to ensure that the crime evidence will be "protected for scholarly and research uses."

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Alan Lewis, left, of the National Archives shows the container of film shot by Abraham Zapruder, above.

Associated Press  
file photographs

## Zapruder: Value of film's content was key issue

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lion.

David Ogden, acting assistant attorney general for civil cases, said the arbitration panel's decision "ensures that this evidence of one of the most tragic events in American history will be protected for scholarly and research uses."

Zapruder, a Russian-born clothing manufacturer, recorded the JFK motorcade on 8 mm film with his new Bell & Howell camera as the presidential procession rolled along Elm Street in downtown Dallas on Nov. 22, 1963.

Zapruder sold the film for \$150,000 to Time-Life Inc., which published frames of it in *Life* and *Time* magazines. The publishing firm returned the film to the family for \$1 after Zapruder's death in 1970. The film has been stored in a 25-degree room at the National Archives in College Park, Md., since 1978.

The family and the government agreed to submit the case to arbitration last year after the Assassination Records Review Board, set up by a 1992 act of Congress, declared the film the possession of the U.S. government.

In justifying its asking price, the Zapruder family compared the film footage to rare collectibles, such as da Vinci manuscripts, paintings by Andy Warhol or Picasso, or even Mark McGwire's 70th home run ball.

"Simply stated, the Zapruder film is one of a kind," Adams and Feinberg wrote. "There are no comparisons."

The two jurists spent much of their 12-page brief rebutting arguments Dellinger offered in a separate seven-page opinion.

Dellinger argued that the powerful content of the film — Kennedy being shot, his wife cra-

dling him and then crawling across the back of the limousine — should not be considered in assessing the film's value because those images are widely available through copies.

The absence of a collectors' market for historical film footage, Dellinger said, shows that the Zapruder film has a more limited value than works of art that have sold for tens of millions of dollars.

"I believe that the award of \$16 million is simply too large an amount in light of the evidence in the record," Dellinger wrote.

Adams and Feinberg, though, rebuked Dellinger for ignoring testimony during a two-day hearing in May from two renowned auctioneers who said the Zapruder film would fetch at least \$25 million — and possibly two or three times that much — if sold by bid.

Adams and Feinberg said the content of the film, as the most famous recording of the JFK assassination, is central to its value. Its emotional power has increased with time, they said, and a burgeoning auction market has increased the value of all collectibles.

And the jurists said items tied to Kennedy have been appreciating at an especially rapid rate, "apparently based on the emotional significance associated with President Kennedy."

U.S. District Judge John Tunheim of Minneapolis headed the congressionally mandated Assassination Records Review Board, which seized the film from the Zapruder family. The Fifth Amendment of the U.S. Constitution requires the government to provide "just compensation" for any private property it takes.

After reading both the majority and dissenting opinions, Tunheim said he agreed with Dellinger that Adams and Feinberg had

placed too large a value on the Zapruder film.

"The fact that there is such an intense interest in Kennedy-related materials helped make this award as high as it is," Tunheim said. "I consider the amount to be excessive, particularly since the family will retain the copyright to the film. But I am relieved that the case is finally resolved. The important point is that the original will remain in the hands of the American public forever."

The Zapruders called the decision "fair and reasonable." The family also said it is seeking to transfer the copyright control over the film to a public institution.

Zapruder's family was represented in the case by Robert Bennett, a well-known Washington lawyer who defended President Clinton in the Paula Jones sexual-harassment case.

The family, which allowed scholars to use the film for free, earned \$878,997 in royalties from its reproduction between 1976 and 1997.

The government chose Dellinger as an arbitrator while the family selected Feinberg; the two of them then picked Adams, who chaired the panel.

Dellinger, a former assistant attorney general and acting U.S. solicitor general, declined to comment on whether his former employment in the Justice Department influenced his decision in the case. He noted in an interview that the value he placed on the film — \$3 million to \$5 million — is still three to five times more than the government's price tag.

The film — just a quarter-inch wide and 6 feet in length — was damaged during the seven years it was owned by Time-Life. One or two frames were lost, and it was spliced together at two points.

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# \$16 Million for Film of JFK's Death

Arbitrators set price  
for Zapruder footage

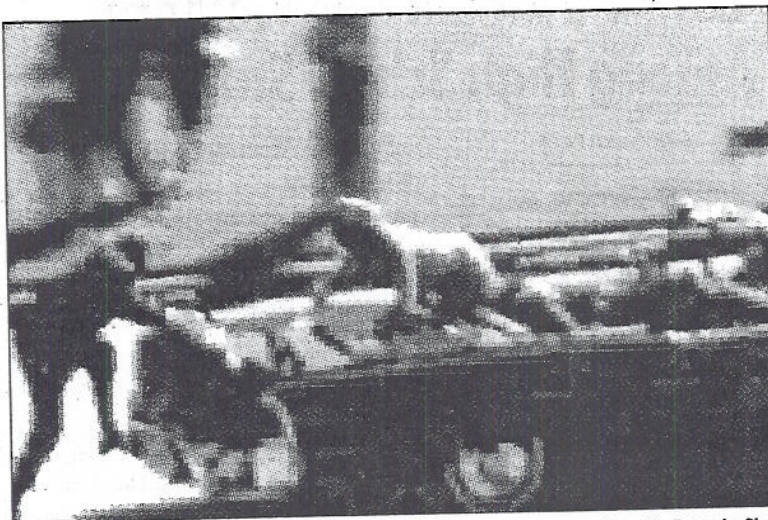
By Deb Riechmann  
ASSOCIATED PRESS

WASHINGTON — 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 that the Zapruder family said should be valued like a van Gogh.

In a 2-to-1 vote, announced by the Justice Department yesterday, 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 gen-



From the Zapruder film

The 26-second film by dressmaker Abraham Zapruder captured President John F. Kennedy's assassination at Dealey Plaza in Dallas.

eral 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 com-

promise. 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 pri-

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# \$16 Million For Film of JFK Death

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vate property taken for the public good.

Government appraisers had argued that as long as the film was simply being stored rather than showed, Zapruder's movie was essentially worth no more than any other strip of celluloid wound around a plastic reel. They said that excluding jewelry, 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 her husband used in signing 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. That assessment was challenged by some Kennedy assassination re-

searchers, who 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."



# Zapruders get \$16M for JFK film

By Tom Squitieri  
USA TODAY

WASHINGTON — The federal government will pay \$16 million for the original 26.3-second color film of President Kennedy's 1963 assassination after an arbitration panel ruled Tuesday that it is "a unique historical item of unprecedented worth."

The panel's 2-1 decision is binding on the government and the family of the late Abraham Zapruder, who made the film.

The settlement ends a sometimes contentious skirmish that pitted historic and emotional memories of Kennedy's assassination against the cold reality of today's skyrocketing auction

values of historical objects.

"The only issue was how much," said Leslie Batchelor, one of the Justice Department lawyers involved in the negotiations over how much the family should receive under a 1992 law making assassination-related material public property.

The amount, halfway between the government's offer of \$1 million and the family's demand for \$30 million, is millions higher than the purchase price for other historical items.

Henry Zapruder, Abraham Zapruder's son, said accusations that the family is greedy are "a bum rap."

"We ended up owning that (private) property. Our Constitution provides for just com-

pensation for the government action in taking something, and that's what we're doing; that's what we're getting," Zapruder, 61, said in an interview.

The family retains the copyright on the film but is taking steps to transfer the ownership to a public institution. Family members already have collected \$879,000 in royalties.

The panel delayed release of its decision so it would not occur immediately after the death of John F. Kennedy Jr.

The film will remain at the National Archives, where it has been stored since 1978 in a special film-preservation room chilled to 25 degrees.

► Film's history, 5A

by the **HEAT?**

Just how miserable are you  
Write your story in 100 words, and register  
Find out where at **heat**

USA TODAY  
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# JFK film has weighed

## Zapruder told son to avoid ever seeing it

By Tom Squitieri  
USA TODAY

WASHINGTON — Abraham Zapruder was working in his dress manufacturing warehouse on Nov. 22, 1963, when he decided to take his new 8mm Bell and Howell camera, loaded with just-introduced Kodak color film, to watch President Kennedy's motorcade passing nearby.

The film Zapruder shot that day became a key piece of evidence in the investigation of Kennedy's assassination and spawned several never-proved conspiracy theories.

On Tuesday, Zapruder's heirs were awarded \$16 million by an arbitration panel as payment for the government's seizure of their father's film. It is the first payment ordered for a private item seized for its historical importance.

Henry Zapruder, Abraham's son, said the panel's decision provides "an element of acceptance" that the family's long association with the controversial film is ending.

"Even though this particular connection is a happenstance, it is something that has loomed large in our family life," he said in an interview.

The 26.3-second color film graphically shows the president being struck by assassin's bullets. Abraham Zapruder, who before the shooting was an avid photographer, rarely looked through a lens again. He died in 1970. At the time of the assassination, Henry Zapruder was a Justice Department lawyer in Washington. He still gets somber today when describing the call from his father just hours after Kennedy was shot.

"I said, 'No Dad, he is alive. I heard on the radio that they had taken him to Parkland Hospital (in Dallas).' But my father said, 'I've seen it in the camera and his head is blown off.'"

The film sat undeveloped for hours that afternoon, since no commercial facility in Dallas had the equipment to develop the advanced color film. Finally, the FBI called Kodak officials, who ordered their Dallas lab to open up and do a rush processing job.

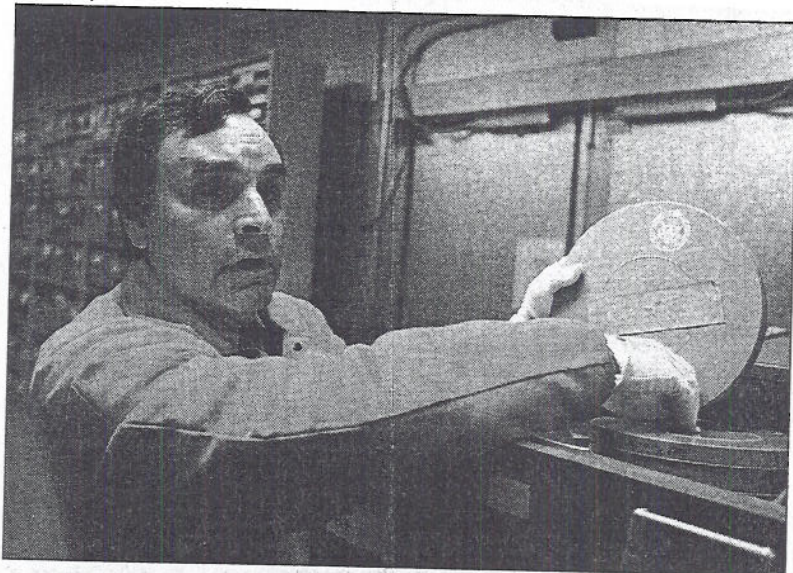
The night of Nov. 22, 1963, was the

only night the film spent in the Zapruder home. After that it was always in the possession of some U.S. government entity.

Henry Zapruder said he has never viewed the original film, seeing only copies in the movie *JFK* and when it appeared on television.

"The truth of the matter is, my father saw the film immediately. He

## on family



By Nick Wass, AP

**Government property:** Alan Lewis of the National Archives holds a canister believed to contain the original Zapruder film showing Kennedy's assassination.

said to me two or three days later, 'Son, you never want to see this.' And I have honored that," Zapruder said.

The original 8mm film is 494 frames and is 5 feet, 11½ inches long. It has been stored since 1978 at the National Archives in a special film-preservation room chilled to 25

degrees. The payment dispute was triggered by a 1992 law making assassination-related material public property. Sparring over payment began in 1996, with family appraisers saying the film was worth \$70 million or more as a historical document. Government appraisers came in with

an initial value estimated at \$750,000. Negotiations collapsed in October 1998. The arbitration panel heard arguments on May 25 and 26.

One government witness, John Staszyn, argued the film is not "fine art" and cannot compare to works of art that have been auctioned for millions. He said the bloody nature of the film also reduces its worth.

Appraisers working for the Zapruders argued that the film is a piece of history that should be valued like works of art. The film is "a cultural icon, a historic document and a unique object that has itself become

the embodiment of one of the most significant and well-remembered events of the 20th century," appraiser Beth Gates Warren said.

Conspiracy theorists insist the jerkiness in the film correlates to Abraham Zapruder's reaction to rifle shots he heard. By counting the jerks, conspiracy advocates insist many more shots were fired.

Henry Zapruder dismisses such theories. "You see the same movements in pictures of me taking my first steps on Rockaway (Beach)," he said. "You would think that I grew up being shot at."

► Panel's ruling, 1A

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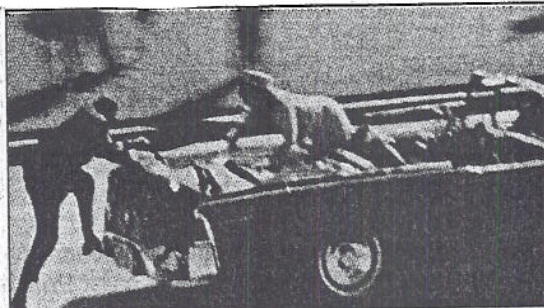
# \$16 million for Zapruder film

By James Rosen  
Bee Washington Bureau

WASHINGTON — A divided panel of federal arbitrators ruled Tuesday that the government must pay \$16 million to the family of the late Abraham Zapruder for seizing the original film he shot of the assassination of President Kennedy.

The price is the highest amount ever paid for an historic American artifact.

Arlin M. Adams, a retired federal appellate judge and former independent counsel, and Kenneth Feinberg, a Washington lawyer, chose a figure halfway between the \$30 million sought by the family and the \$1 million price tag the government



**The government must pay Abraham Zapruder's family \$16 million for the film he took of JFK's assassination, a federal panel decided.**

placed on the 26-second film.

Walter Dellinger, a Washington lawyer and Duke University law professor, disagreed with the other two panel members, saying in a dissenting opinion that the film is worth no more than \$5 mil-

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