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## Zapruder Heirs Get \$16 Million For Dallas Film

By DAVID JOHNSTON

WASHINGTON, Aug. 3 — A divided Federal arbitration panel announced today that the Government must pay the heirs of Abraham Zapruder \$16 million for his film of President John F. Kennedy's assassination, the highest price ever paid for a historical American artifact.

The award for the quarter-inch-wide, six-foot long strip of film that experts said was too fragile to safely run through a projector cannot be appealed. The Government acquired Mr. Zapruder's 26-second film last year under a Federal law enacted in 1992 that requires all records of the Kennedy assassination to be transferred to the National Archives for preservation, research and other noncommercial purposes.

Today, two of the panel's three members, Arlin M. Adams and Kenneth R. Feinberg, wrote in their majority decision that the film made by Mr. Zapruder, as the Kennedy motorcade rolled through Dallas on Nov. 22, 1963, was "a unique historical item of unprecedented worth." A third member of the panel, Walter E. Dellinger, dissented. He said that the price set by the majority "was simply too large an amount in light of the evidence in the record."

Mr. Dellinger said that an award of \$3 million to \$5 million would have been more realistic. He said that since the Zapruder family already controlled the licensing of images on the film, the only issue was the value of the original film strip as a collectible object. Mr. Dellinger said there had been no documented sales of any

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other historically significant original film strips, a finding which he said, "strongly suggests that a camera original ordinarily has little independent value."

But the panel's majority said they were convinced that the film was immensely valuable by experts hired by lawyers for the Zapruder family who testified at a two-day hearing in May. The experts, former employees of auction houses like Sotheby's and Christie's, said the film was a one-of-a-kind historical relic.

The majority decision concluded that the film's worth had been further enhanced by the soaring prices commanded for Kennedy historical memorabilia in recent years, like the Louis XVI desk on which President Kennedy signed the Nuclear Test Ban Treaty in 1963, which sold at auction in 1996 for \$1.4 million.

The majority said it was also guided by the prices paid recently for other historically unique artifacts, like the \$30.8 million paid in 1994 by William H. Gates, the co-founder and chairman of the Microsoft Corporation, for the Leonardo da Vinci Codex, a rare notebook containing more than 300 illustrations and scientific writings by the artist.

"We believe the result reached by the arbitration panel is fair and reasonable," the Zapruder family said in a statement today issued by a family company, LMH. The statement said the family was pursuing a permanent transfer of licensing rights to the film, which the family retained, to a public institution.

The reproduction rights for the film, basically a home movie taken by Mr. Zapruder, were sold to Time Inc. shortly after the assassination, but in 1975 Time returned the rights to the Zapruder family for a dollar. Mr. Zapruder died of cancer in 1970.

The Government has had custody of the film since 1978 when the family deposited it for safekeeping at the National Archives but had acknowledged that the Zapruder family was entitled to fair reimbursement as owners of private property taken by the Government for public use.

When the two sides were unable to negotiate a settlement, the case

went to arbitration last October.

Robert S. Bennett, a lawyer for the family, said today that he was pleased by the decision. "The family and the Government agreed that arbitration was the most dignified way to satisfy the constitutional requirement of just compensation," he said. "This approach assured that the National Archives will possess the film for the benefit of all the American-people."

David W. Ogden, acting assistant attorney general for the Justice Department's Civil Division, offered no assessment of the amount of the award. He said in a statement, "The resolution of these issues insures that this evidence of one of the most tragic events in American history will be protected for scholarly and research uses."

The award was a clear-cut victory for the Zapruder family. The Government offered to pay the family \$3 million before the arbitration proceedings began, rejecting the Zapruder's proposal to settle for \$18.5 million, said several people who followed the case. The family also will receive an interest payment, which some lawyers said would increase the final award amount to about \$17 million. But the family must pay taxes and lawyers' fees.

Still, the price for the film is the most ever paid for a historical American artifact. An original print of the Declaration of Independence sold for more than \$2 million, and a manuscript of President Abraham Lincoln's "House Divided" speech opposing slavery sold for \$1.5 million.

Under the ground rules for the arbitration on the Zapruder film, each side appointed a member of the panel. Those two chose the panel's third member. The Justice Department selected Mr. Dellinger, the former acting solicitor general. Lawyers for the Zapruder family chose Mr. Feinberg, a well-known Washington mediator and arbitrator, who in the 1970's was general counsel for Senator Edward M. Kennedy, Democrat of Massachusetts.

Mr. Dellinger and Mr. Feinberg chose Mr. Adams, a former Federal appeals court judge who was the independent counsel in the investigation of Samuel R. Pierce Jr., the Reagan-era Housing Secretary.