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ISSUES & COMMENTARY

What Price History?

To establish a market value for the Zapruder film of the JFK assassination, a government panel weighed esthetics and emotion as well as historical significance.

BY MARY PANZER

After a discreet delay to mark the public mourning for John F. Kennedy, Jr., who died in a plane crash in mid-July, it was announced in early August that the U.S. government will pay \$16 million to the family of Dallas businessman Abraham Zapruder for the original 8mm film that was in his camera on Nov. 22, 1963, when he went downtown to see President John F. Kennedy's passing motorcade. The 6-foot-long strip of celluloid that records Kennedy's assassination is now the most expensive photographic artifact ever sold. Its 494 frames last all of 26 seconds when projected.

The purchase was mandated by a 1992 federal law that declared all documents pertaining to the Kennedy assassination the property of the U.S. National Archives, where they are to be preserved and made available to researchers. In 1998 the government finally turned its attention to the status of the Zapruder film. Zapruder himself had died in 1970, and the film had been stored at the National Archives since 1978, with the understanding that the family retained all reproduction rights. When the family offered to hand over an exact copy of the footage, the government declined, insisting that it would settle for nothing less than ownership of the actual film—perhaps to fend off the unceasing accusations by conspiracy theorists that the film was altered to conceal crucial evidence. The ensuing negotiations over a fair reimbursement price stalled after the government reportedly offered \$3 million in compensation (some sources say \$10 million) and the Zapruders countered with a demand for \$18.5 million. At length the two parties agreed to binding arbitration. In late May, after filing numerous affidavits, the lawyers for each side presented witnesses before a three-member arbitration panel in a Washington, D.C., courtroom.

This is not the first time that the government has paid what seems a king's ransom for historic photographic records. In 1875, Congress awarded the aging Civil War photographer Mathew Brady \$25,000 (\$4.5 million in today's dollars) for about 5,000 glass negatives, several hundred prints and publication rights. Brady's work has since illustrated countless books and documentary films, and the public can consult prints stored in open files at the National Archives. The Zapruder film, by contrast, cannot be projected or reproduced without the consent of the family. Moreover, if it is to physically survive, it must remain more or less permanently in a cold, dry, dark vault. Indeed, the members of the arbitration panel never set eyes on the strip of film whose value they set out to ascertain.



This page, three of the 494 frames from Abraham Zapruder's 8mm film of President John F. Kennedy's assassination in Dallas, Nov. 22, 1963. ©LMH Co., Washington, D.C.

isn't even much fun to look at. Neither film strip nor baseball has the kind of display value that attaches to all the other objects both sides cited to bolster their arguments. Both lack even the direct personal connection that autographs or more mundane objects promise, when one knows that Marilyn Monroe did wear *that* sweater. When it comes to objects like celluloid film or battered baseballs, the main value seems to lie in the associations that they arouse in the observer, and the desires that those associations kindle.

Nothing today can compete with the widespread desire to own objects associated with celebrities, and no group of celebrities inspires us more than the Kennedy family. The 1996 Sotheby's sale of household goods belonging to Jacqueline Kennedy Onassis elicited six-figure sums for Jack's golf clubs and for Jackie's fake pearls—indistinguishable from the kind you could find at a yard sale for \$5. So while the government's lawyers claimed that what was being evaluated was essentially a strip of historic film—albeit a very rare and unusual example—the Zapruder lawyers and their experts pointed to the undeniable power that this artifact exerts over our collective imagination. They asked the arbitration panel to imagine the film as the only repository of the rays of light that shone from the president's limousine and hit the frames of Kodacolor II in Zapruder's camera; Bennett called it “the most important piece of criminal evidence in the history of the United States.” He was shameless but effective when he scoffed at those who saw it differently: “If we had the Shroud of Turin here, they would say it is just a rag.”

In his summation, Bennett momentarily shed the

role of Washington insider and revealed why this piece of film aroused even his desire. All those who were alive on Nov. 22, 1963, know where they were when they heard the news of the president's death. Bennett told of being a young lawyer in Washington on that day, and driving home across the Fourteenth Street bridge, devastated by sorrow, his face covered with tears. His narrative forced everyone in the courtroom (at least those who were old enough to recall that day) to remember it all again.

That is where the film's value lies. As Beth Gates Warren said in her affidavit, “the viewer of the film is subjected to a world of emotion, as the memory of the past collides with wonder at the thought of what might have been.” Many collectors recognize their passionate pursuit of rare historical objects as bound up with a longing for a more innocent past. But in this case, Bennett and Warren acknowledge an equally powerful desire to *unmake* history. Warren imagines a buyer who wants to own this artifact because he or she wishes so fervently that the events it records had never taken place.

The Zapruder lawyers argued this desire was worth \$30 million. The government lawyers countered that “the cold facts of the marketplace,” which measures carefully and has no sentimental memory, would award the film a value of \$1 million, no more. During the course of the proceedings, all three arbitrators complained that the parties offered them no middle ground.

In their majority decision, Judges Arlin M. Adams and Kenneth Feinberg rejected the minutely detailed testimony of the government's experts, ascribing greater credence to the “persuasive,”

“impressive,” “uncontradicted” testimony of the experts associated with Sotheby's and Christie's, who had laid out their arguments in terms that anyone could understand. Without detailing the way that they had arrived at the \$16-million figure (which amounted to a simple split down the middle, with a bit extra thrown in for the Zapruders), the judges stated that they were convinced someone might well pay that amount simply to own this celluloid icon. Acknowledging the dissent of their colleague Justice Walter E. Dellinger, they said that any other conclusion “would require the panel to reject critical testimony presented . . . by auction-house experts.” In a separate statement, Justice Dellinger accepted the government experts' premise that the film is essentially a historical artifact, concluding that a price of \$3-\$5 million would have provided “ample recognition” of its real value.

The market for historic material will undoubtedly profit from the prestige that accompanies eight-figure sales, and canny movie collectors may recognize a new prize in “camera original” film. But the big winners appear to be the auction houses, whose names endowed the Zapruder witnesses with unsailable authority. Surprisingly, the arbitrators found no reason to doubt that the drama of an auction room might well persuade at least two bidders to compete for the privilege of owning the film from Abraham Zapruder's camera. The panel's decision tells us what it costs to know that this contest will never take place. □

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