

RAISING THE DEAD

THOUGHTS ON DEAR ZACHARY: A LETTER TO A SON ABOUT HIS FATHER



In a perfect world, you would not be reading this essay; I would never have made a film called *Dear Zachary: a letter to a son about his father*; and my friend, Dr. Andrew Bagby, would be alive, well and healing scores of folks through his practice of family medicine. But the harsh truth is that Andrew, my best friend since the age of seven, was brutally murdered by a sociopath on November 5, 2001, in the parking lot of a state park in western Pennsylvania, and the events that followed proved even more horrifying. I'm furious with the government of Canada for facilitating the outcome, and, with this movie, I'm advocating reform to their bail system. Judging from the response I've seen to this film at festivals all year, a lot of people agree with me.

I didn't start out wanting to change a bail system; I just wanted to create a video memory album of my friend. My mother had asked me repeatedly over the years if I would get rid of the boxes of VHS tapes lining my old bedroom closet, which contained the original raw footage from my childhood movies spanning almost two decades. "What are you ever going to need those tapes for?" she asked. The moment I got the news of Andrew's murder, I had the answer. I went through every single one of them, watching the corner of every frame for his face. I listened with the volume turned way up for every last sound he made

By Kurt Kuenne

off-camera. I waited through take after take until the young me yelled, "Cut!" so I could hear Andrew's own words, not the ones I was putting in his mouth. It was then that I realized the true magic of movies: The moment they were invented, death ceased to be absolute. Andrew was dead, but on these tapes, he lived.

Andrew's ex-girlfriend was charged with his murder, but by then she had already fled to Canada, where she was arrested and set free within hours on \$75,000 bail awaiting extradition; the Crown prosecutor didn't even put up a fight. (In a horrible breach of professional ethics, \$65,000 of this total was signed for by her *personal psychiatrist*.) \$75,000. That was the value they placed on my friend's life. For that amount, they were willing to risk the life of anyone who came into contact with her, including the eight people who immediately filed restraining orders against her, fearing for their safety. Even more appalling, none of this money was required for release, not even proof of ability to pay - just a signature.

Then came the kicker. She held a press conference to announce that she was pregnant with Andrew's child. As time passed and this proved to be true - she named the little boy Zachary - I realized that the memory album I was crafting for friends and family would have a deeper significance than I could ever have imagined. In those boxes of VHS tapes lay the magic that would allow Zachary to meet a dead man - his father.

I began traveling the continent interviewing Andrew's family and friends, collecting memories for Zachary before they faded into the mists of time. Andrew's parents moved to Canada to fight for custody of Zachary.



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The Canadian government continued to let his accused murderer walk free on bail with full custody of the child of the man she was accused of killing, while extradition hearings dragged on for months. And months. And months. Andrew's parents had to be civil to this monster in order to see the only grandchild they would ever have. They were put through a level of emotional torture and life endangerment that few would be able to stomach. Then things got worse. Much worse.

There was a point at which it became clear to all of us that the film I was making needed to be made public, as the outcome of this situation was unacceptable and future recurrences would only be stopped by public awareness and legal change. And that's how you came to be reading this essay.

I've been traveling to festivals since January 2008 with this film. I've met so many wonderful people (including the editor-in-chief of this magazine) who have been incredibly supportive. I've received scores of emails from citizens all over the world, including good Canadians appalled that this was allowed to happen in their country and who have written their government in support of a law denying bail to accused murderers awaiting trial.

But the moment that touched me the most was when I overheard a woman describing the film to a friend, and I realized she was talking about Andrew as if she had known him.

He lives.

The magic of movies indeed. -MPM



top: Dr. Andrew Bagby (left) and filmmaker Kurt Kuenne pose for a photo at Bagby's graduation from UC Irvine in June, 1995. middle: David and Kathleen Bagby celebrate Christmas 2002 with their grandson, Zachary Andrew. above: Kurt Kuenne gives the 1 y.o. Zachary a big kiss upon meeting him July 2003.