

‘Great Lawyering’

THE STORY OF PASSMAN & JONES
AND THE ZAPRUDER FILM.

WRITTEN BY JERRY ALEXANDER

What I am about to tell you is a story. Certainly not as historically accurate and astute as any of those written by real historians about those terrible days, but a good story, nonetheless. The story is about some lawyers who rendered extraordinarily good legal services under very trying circumstances. If it varies in some detail from some other account of these incidents, I apologize, but I must tell and remain true to this story because it is now a firm legend. It is the story of the two founders of my firm, Sam Passman and Shannon Jones Jr., and their work from November 22 through November 25, 1963—four short days—in representing Abraham Zapruder, who took the Zapruder home movie of the assassination of President John F. Kennedy.

This is their story as recounted by them to me, starting 10 years after the events and revealed in snippets over lunch or cocktails, and then toward the end of Sam’s life—as best as he could remember events 40 years after they occurred. It was never told at the time because good lawyers in that day did not want publicity, especially when their client did not want it. It was a different time . . .

Let me set the scene for you. In 1963:

1. I was 17 years old and in high school.
2. The population of Dallas was 679,684 (1960).
3. Gasoline was 31 cents per gallon. A new Cadillac cost \$5,026. A mansion (on Beverly Dr.) in Highland Park cost \$150,000.
4. Dallas had two newspapers, the *Dallas Morning News*, and the afternoon paper, the *Dallas Times Herald*.
5. There were 1,568 members of the Dallas Bar Association.
6. There were no law firms in Dallas that were not 100% based in Dallas. There were no “national law firms” anywhere in the United States.
7. The largest law firms in town were Strasburger Price, Thompson & Knight, and the Locke firm or Locke Purnell. The largest of these, Thompson & Knight, had about 40 attorneys.
8. There were no personal computers or word processors—on the earth.
9. There were no fax machines.
10. There were no cellphones.
11. The firm of Passman & Jones was 11 years old.
12. Sam Passman was 51 years old.
13. Shannon Jones Jr. was 37 years old.



ABOVE FROM LEFT: Sam Passman and Shannon Jones Jr.
PHOTO COURTESY OF PASSMAN & JONES

14. Harold Barefoot Sanders was the U.S. attorney for the Northern District of Texas and was 38 years old.

15. Nationally and internationally, it was a little over one year after the Cuban Missile Crisis.

ABRAHAM ZAPRUDER AND THE GARMENT DISTRICT

Abraham Zapruder was a client of Sam Passman’s and of the firm of Passman & Jones. He was involved in the fashion business in Dallas, which at the time was thriving. The offices of Passman & Jones also happened to be located in the Adolphus Tower.

Zapruder’s office was in a building on a corner that was close to this garment district, or part of it, at the corner of Elm and Houston streets. He rented the fifth and sixth floors of the Dal-Tex Building, which was directly across the street from the Texas School Book Depository, now the Dallas County Administration Building and home to the Sixth Floor Museum.

A PRESIDENT DOESN’T COME TO TOWN EVERY DAY

All Zapruder had to do to take his movie was to walk across the street from his office, but he had forgotten the new movie camera that he had just received as a gift. The movie camera, at the time, was the top of the line and a very high-tech instrument: a home movie camera that would take movies in color with a very high degree of resolution, even though it was 8 mm. His secretary chided him that he needed to go home and get his camera and come back, since “A president doesn’t come to town every day.” He did so, came back to the parade route, walked across the street from his office and positioned himself on a concrete pedestal with the grassy knoll to his back, the Texas School Book Depository to his left and above him. He chose this position so he could take pictures of the presidential motorcade as it made the hairpin turn off Houston Street and onto Elm Street to go under the underpass and out Stemmons Freeway to the luncheon that had been scheduled for the president at the Dallas Trade Mart. The president’s limousine would come directly at him, no more than 25 yards away.

CAMERA ROLLING

Zapruder took his film and somehow had the presence of mind to keep his camera rolling as the events unfolded before him. He was a very kind man, a family man, and was very disturbed by what he had seen. Zapruder realized its importance, as did others who immediately started trying to “help him” get the film developed.

There was a reporter from Channel 8 News, the *Dallas Morning News* affiliate; there was a Secret Service agent; and there was a Dallas police officer all involved in chauffeuring Zapruder around to try to help get the film developed.

The Channel 8 reporter tried to get the film developed at Channel 8 but did not have the proper equipment. They finally figured out that they would have to go to the Eastman Kodak film lab near Love Field Airport. At some point, either before Zapruder reached the film lab, or while he was at the film lab, he called his lawyer, Sam Passman, and brought him up to date on what had happened and what was going on. He told Passman that the Secret Service wanted two prints of his film to use to help investigate what had happened and that he had already readily agreed to that. Passman said that was, of course, the right thing to do.

Passman advised Zapruder to start keeping track of everyone who touched or handled the film. Shannon Jones Jr., who knew about copyright law and protecting music, books, and films—artistic intellectual property from his own artistic pursuits—was also involved. He reinforced the importance of “chain of custody” type documentation for both evidentiary purposes for any investigation and for copyright purposes.

In connection with the development of the Zapruder film, the first of several documents was created the afternoon of the assassination.

Even though Eastman Kodak could develop the film, no one at the lab could make a print, but the technicians who developed the film had seen the film in a viewer. It was very high quality and sharply focused. What it showed was troubling and shocking. Zapruder was not allowed in the dark room, so he did not see the film through the viewer, but the technicians confirmed he had captured on film what he saw through the camera’s sight as he was filming—the assassination of President John F. Kennedy.

Since the Kodak labs could not make a print from the negative, the group went to Jamieson Lab in downtown Dallas to have prints made. Passman saw to it that Jamieson Lab signed the same type of agreement as had the Kodak lab.

Three prints were made: two for the Secret Service (one of which was for the FBI)—as promised—and a negative (which was really a “positive”) and print for Zapruder. They all left Jamieson Film Company. Firm legend has it that Zapruder gave the print and the negative to the Passman & Jones law firm for safe keeping in its safety deposit box for Friday night.

Late that Friday evening, Passman called his friend, Barefoot Sanders, who was the U.S. attorney for the Northern District of Texas at the time, and they discussed the events of

the day. Passman told Sanders what Zapruder had and that Passman was concerned because there were rumors that martial law might be declared in Dallas. Passman wanted to be sure that martial law would not be declared and the Constitution would not be suspended so that individuals’ property rights, such as Zapruder’s rights in this film, would still be recognized, especially since Zapruder had given prints to the Secret Service. Sanders assured Passman no such thing would occur, “not on his watch.”

The next day, Saturday morning, November 23, 1963, the first screening of the film occurred. It occurred in Passman & Jones’ office on the conference room wall in the Adolphus Tower. Both Passman and Jones attended that screening. The Secret Service was represented, as was the FBI, and, of course, Zapruder was there also.

By noon Saturday, many different people had been contacting Zapruder about purchasing the film, or suing him to get the film, or just taking the film from him. Literally hounding him. It was a frenzy. A second showing of the film was arranged. Included among them were Richard Stolley for Time Life Inc. and Dan Rather for CBS. Most of the other media representatives were from the East Coast in the media center around New York City. Zapruder referred to them as “pushy.”

Stolley was based in Los Angeles and had called Zapruder that Friday night and Zapruder liked him. He was not “pushy” and listened to Zapruder’s concerns about the film and its publication. Stolley flew to Dallas and arrived on Saturday afternoon in time to see the film.

After the film was shown, Rather recently said that he told “Mr. Zapruder’s lawyer” that he had an ethical duty to go report what he just saw in the film but wanted an assurance that nothing would be done with regard to selling the film until he got back.

LAWYER, COUNSELOR, AND FRIEND

Passman was also listening to Zapruder’s concerns. Zapruder was torn—he did not want to profit from the tragedy and felt horrible about what had happened. He was upset by the film and looked at it as a burden. He was afraid that if he sold the film to a publisher, it would be exploited in poor taste and give him and his family a bad name.

Passman advised Zapruder that he had done a great public service by giving two prints of his film to the Secret Service and by cooperating at every level of law enforcement. Passman advised that what Zapruder needed to do was sell what was now the most valuable home movie that had ever been made for his family’s future financial security. The value of the film was at its height at this moment in time.

Passman said there are contract terms he could write to control the film’s use and that Passman and Zapruder could come up with some way to put a substantial portion of the money paid for the film toward good works.

Zapruder asked if he received any money, could he give

some to Jackie Kennedy and her children. Passman said they would be well provided for and then asked Zapruder what he thought about giving money to Dallas Police Officer J.D. Tippit's family. Tippit had been killed the day before also by Lee Harvey Oswald. Zapruder was very concerned about their well-being.

Passman said he would call his friend Felix McKnight, the managing editor of the *Dallas Times Herald*, and ask him if a fund was going to be established for Tippit's family, and if so, how McKnight thought Zapruder, after he gave a contribution to the fund, would be perceived. McKnight said he would start a fund and advertise it in his paper and tell everyone of Zapruder's generosity. McKnight said he thought that was a very generous thing to do and it would be well received by the community.

AGREEMENT REACHED

At a meeting on Monday, November 25, 1963, which occurred in the Passman & Jones offices in the Adolphus Tower, an agreement was reached and another document was actually prepared and signed that day. Stolley typed the agreement, since it was confidential and he was concerned that if a secretary typed it, she would be hounded by the media to find out what it said.

THE AGREEMENT:

- Sold the movie and all still photograph rights to Time Life Inc. for a substantial sum of money—\$150,000—which is reported to have a value of over \$1.5 million today.
- The first \$25,000 payment went to the Tippet family trust—a sum equivalent to around \$250,000 today.
- Passman and Jones had talked about how to retain an interest in the film for Zapruder. Passman suggested retaining the copyright, but Jones' experience in the music business had taught him many valuable lessons. Jones explained that whoever had the copyright would have to defend and enforce it.
- So, a 50% royalty interest was retained in the film for Zapruder. Time Life was conveyed the copyright with the duty to defend and enforce it. Now, Time Life had the obligation under the contract and copyright to protect the film and the copyright and to give 50% of any money it ever made off the film to Zapruder. In other words, *Life* magazine could publish stills from the film this first-time royalty fee, but Zapruder still owned a 50% profit interest in the form of a royalty with Time Life owning the other 50% of any showing of the movie itself or subsequent "stills" made therefrom.
- The contract also contained a clause that began: "*Time Life, Inc.* further agrees that it will present said film to the public in a manner consonant with good taste and dignity."

Passman had successfully addressed Zapruder's concern about how the film would be shown. Under that kind of time pressure, under those tumultuous circumstances, with a client being offered that kind of money, Passman and Jones both took time to slow down and take the long view and protect the future. They wrote what turned out to be a perfect agreement for the firm's client, which protected his interests and accomplished his civic goals.

Fast forward to 1998, 23 years later; literally by act of Congress, all original evidence from the Warren Commission and the government files and all such items in private hands became the property of the National Archives and Records Administration. The Zapruder film was, in effect, taken by eminent domain. The statute provided that an arbitration panel of five attorneys from the Justice Department would decide the compensation. They awarded \$16 million to the family.

This occurred because two lawyers in Dallas had the knowledge, skill, and fortitude to protect a client's property in very extreme circumstances. It also occurred because Passman acted as friend and counselor to Zapruder in convincing him to sell the film at the peak of its value and showing him how to do so to accomplish Zapruder's personal goal of assuring that a large portion of the money went to ease the pain for some immediate victims of the tragedy.

All after protecting it from confiscation in the first place. These were real lawyers who knew the law, could negotiate, close, and dictate documents without drafts that were practically perfect.

Great lawyering under tremendous pressure in a compressed time frame, all accomplished with typewriters, carbon paper, and landline telephones. Plus, basically doing the right thing all the way around, including not seeking publicity for their good work. This story was nowhere in the media at the time. How many of us could do that today? Most firms would have taken longer than four days to run their conflicts check.

What Passman and Jones did was zealously look after the interests of their client in the face of tremendous pressure, but they also did so in a highly intelligent and very astute manner. They make me proud to be called a lawyer. **TBJ**

This article, which was originally published in Headnotes, has been edited and reprinted with permission.



JERRY ALEXANDER

has been with Passman & Jones his entire legal career and focuses primarily on business disputes and business litigation but was trained as a general practitioner and still practices in various other areas. He was president of the Dallas Bar Association in 2016, chair of the State Bar of Texas Board of Directors in the 2019-2020 term, and a candidate for president-elect of the State Bar of Texas in 2023.