

Abscam Defense Lawyer Is Used to Big Cases

Tigar Burning Bright

BY TAMAR LEWIN

National Law Journal Staff Reporter

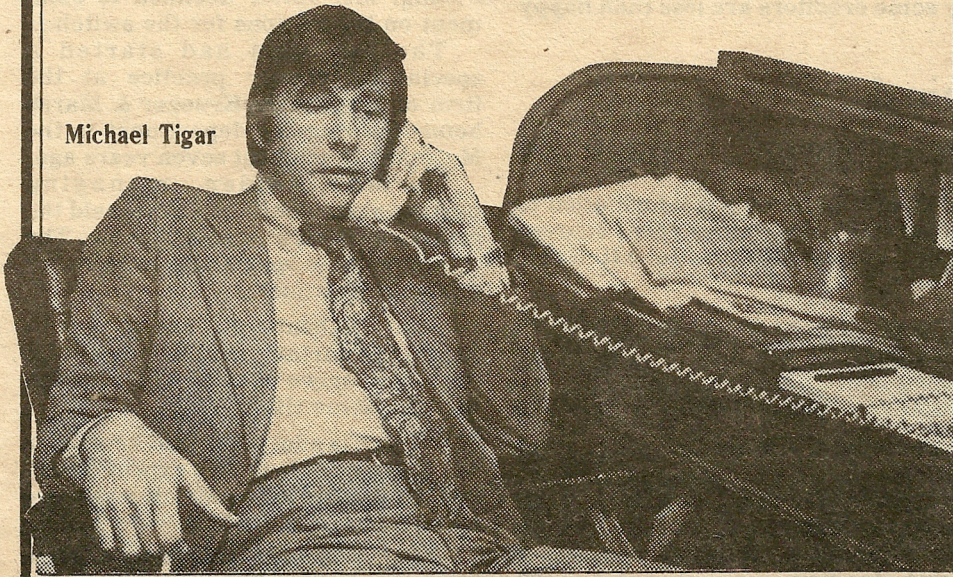
WASHINGTON — Michael Tigar didn't last long on the French Riviera.

He retired there to write in 1972 — at 31, already a star among lawyers for the New Left, with the Angela Davis trial, the Chicago Seven trial and a whole squadron of anti-draft cases behind him.

Mr. Tigar, however, is not cut out for raising chickens on a French hillside, even if it's spiced up with a part-time international law practice and occasional trips to England, Italy and Switzerland to research his book.

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Michael Tigar



Abscam Defense Lawyer Draws on Radical Roots

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"It was very quickly clear that I wasn't going to spend the rest of my life in France," said Mr. Tigar.

He's back in practice today and juggling clients as diverse as Rep. John Murphy, D-N.Y., who has been linked to the Abscam scandal; Isabel Letelier, who is seeking money damages for the 1976 assassination of her husband, former Chilean ambassador Orlando Letelier; and Truong Dinh Hung, who is out on bail while his espionage conviction is under appeal.

Still, Mr. Tigar hasn't abandoned his radical roots. The book that came out of his short-lived retirement, "Law and the Rise of Capitalism," written with his second wife, Madeleine Levy, is Mr. Tigar's history of how law evolves to serve the interest of the dominant class.

Seeing him now, an intense, 39-year-old chain-smoking Washington lawyer who talks a lot about living out a purpose in life, it is hard to imagine Mr. Tigar's idyll in France.

Jailed for Contempt

Turmoil is more his style. Ever since he was a law student at Berkeley, Mr. Tigar has been at the center of one controversy or another.

First it was his defense of the Free Speech Movement. Then it was Justice William Brennan's decision to withdraw the offer of a Supreme Court clerkship because some California conservatives disapproved of Mr. Tigar's political activities.

There was the time Judge Julius Hoffman threw Mr. Tigar into jail for contempt of court during the Chicago conspiracy trial. And the time Mr. Tigar invited the Guerrilla Theater into the class he taught at UCLA law school.

Mr. Tigar is, everyone agrees, brilliant. The facts and figures that go in one ear and out of the other in most people stay firmly lodged inside Mr. Tigar's head. He uses them to argue, to win cases or to keep people from getting too close.

Often, he parries personal questions with answers that start like, "In 1448, in the town of Grasse . . ." or "On Feb. 1, 1960, in the town of Greensboro . . ."

Asked for a copy of the book that he wrote in France, he responds, "What language would you like it in?"

A Sense of Power

"I used to think he might grow out of that," says one lawyer who has known him since his California days. "He's not a particularly accessible human being. Like a lot of brilliant men, he's insecure enough to spend a lot of time showing how brilliant he is."

Mr. Tigar, the big, broad-shouldered son of a Los Angeles machinists' union official, projects a strong sense of personal power, a feeling that he can do anything he wants to do.

"Before I went to law school, a friend of mine told me to be first in the class and the editor of law review or it wasn't worth it," said Mr. Tigar, with no hint of a smile.

And so he was: first in the class all three years, and editor of the law review. He still keeps, on the wall of his office, the certificate of perfect attendance from his elementary school days in Glendale, Calif.

"He's possibly the best lawyer in the country for political cases," said a Washington attorney who has worked with Mr. Tigar on several cases. "For one thing, he can not be surpassed on scholarship. Secondly, he can move within the higher circles of law clerks

and judges and agency officials and be accepted as an equal, because they all respect his credentials. But he's not seduced by them. He doesn't share their values and he doesn't want to be like them."

Adds Michael Kennedy, a New York lawyer who has been one of Mr. Tigar's closest friends for many years: "He's usually low key in court, and extraordinarily articulate. His forte is his ability to relate to judges, a quality that's rare among litigators. Most of us are better at relating to juries. I think judges like something about his professional manner."

'Lawyers Who Care'

Mr. Tigar is one of the heroes of the political left. He has represented everyone from H. Rap Brown to Cesar Chavez's son. He still does a lot of public speaking, preaching the gospel at Movement meetings on, say, the Cuban legal system.

"Lawyers who care have an obligation to live out their own view of history," he said. "We identify in our practice problems we think we can do something about. Law is a structure made of words, open to interpretation



ORLANDO LETELIER: Assassinated in 1976, his wife has hired Michael Tigar in her quest for damages.

with open places and ambiguities. It can be used as a force for change.

"When I was flying around the country on Selective Service cases, we got the conviction rate down to where, if we could have provided legal services to everyone who wanted to resist, they could not have continued the draft. That was important."

Tigar & Buffone, the five-lawyer firm he set up when he left Williams & Connolly two years ago, devotes 35 percent of its time to pro bono work.

"The level of compensation reported for partners at large firms is really more than you need to educate your kids and have a nice house and do whatever else you think is important," said Mr. Tigar, who has two children from his first marriage and now lives with his third wife on a farm in Waterford, Va. "If you charge those rates and you don't need that much money, it leaves lots of time for pro bono work."

Foreign Immunity

One of the biggest public interest cases the firm is handling right now is the civil suit for damages from the Chilean government for the assassination of Mr. Letelier and Ronni Moffitt,

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the former ambassador's co-worker at the Institute for Policy Studies here.

The suit makes innovative use of the Foreign Sovereign Immunities Act to attack human rights violations, and earlier this month, U.S. District Judge Joyce Hens Green ruled that the federal district court here had jurisdiction over the case even though the Chilean government argued that it should be immune.

One of the themes that Mr. Tigar returns to, in his book and his conversation and his practice, is that the codification of the dominant legal ideology can often be used to help those challenging that ideology.

The Letelier case is an example of that — taking a law designed to allow suits against foreign corporations hiding behind the veil of their country's sovereign immunity, and using it instead to expose and get compensation for Chile's alleged political assassination.

Mr. Tigar's political allies tend to shrug off his representation of establishment types like John Connally, Bobby Baker and, now Mr. Murphy, on the ground that even the most radical lawyer has to pay the rent.

But Mr. Tigar says money is not what motivates him.

'Socially Important Issues'

"I know a practice mixing Murphy and Letelier might excite some criticism, but that's not a fight I want to get into," he said. "I don't see representing Murphy in Abscam as any contradiction of other things I have fought for. Murphy's case involves issues I have always cared about. It raises the most profound questions about how the secret police operate in the United States. Do they have the right to spy on people? These are socially important issues.

"There are some clients we wouldn't take," he said. "I suppose I wouldn't have represented Richard Helms when Ed Williams did, but I conceded that if I had freedom of choice about the clients I would work for while I was at Williams & Connolly, obviously Ed did too."

Edward Bennett Williams represented Mr. Helms, a former CIA director, on charges stemming from his 1973 testimony before the Senate Foreign Relations Committee on the CIA's role in the 1970 Chilean election.

In what has come to be regarded as a classic example of graymail — the threat to reveal damaging national security information — Mr. Williams got his client off with a \$2,000 fine.

Mr. Tigar first went to Mr. Williams' firm right after his 1966 graduation from law school, when Justice Brennan withdrew his clerkship offer. He was at the firm for three years before going back to California to teach at UCLA.

Mr. Tigar continued his practice of law while he taught at UCLA, a division of energies that bothered the school's administration. The final straw was Mr. Tigar's commitment to try a 1970 conspiracy case involving a group of persons arrested during a Seattle demonstration in support of the Chicago Seven. The trial required his presence in Seattle for most of the week, jamming his entire teaching schedule into a few days.

"My recollection is that we had a talk around Christmas and he offered to resign at the end of the year," said Murray Schwartz, who was dean at UCLA at the time of Mr. Tigar's resignation.

After leaving UCLA, and spending two years based in France, he returned to Williams & Connolly in 1974, and made partner in 1976.

Openly Admiring

For Mr. Williams, Mr. Tigar was a kind of protege, quick on his feet, good in court and possessed of a classic

litigator's ego. Mr. Williams was openly admiring of Mr. Tigar's talents. Once, according to a newspaper account, Mr. Williams leaned over at the end of a particularly adept courtroom performance and said, "Mike, you made chicken salad out of chickenshit."

Others at Williams & Connolly, though, never got too close to Mr. Tigar. Some say he was too arrogant for their taste, some say he was just a loner, but most agree that while he did a terrific job of lawyering, they didn't have too much in common with him.

It seems to have been the same at UCLA.

"He didn't quite fit," said one of his colleagues there. "He's too much of an activist to be happy as an academic. I think it felt like confinement to him, although he's very charismatic and very skilled at performing in front of classes.

"I can't see him at a regular law firm, either, because daily practice would probably seem too much a collection of details without an overall social context. He'd rather talk and think and write about the big picture of politics or history."

Tigar & Buffone is built to accommodate that political consciousness.

"We do have political discussions about which cases we want to handle and what direction we should be taking," said Mr. Tigar. "This is a group of folks who share a general view about the kinds of questions lawyers should be interested in."

Selective Service Reporter

One of the areas the firm is likely to be increasingly involved with is the resurgence of anti-draft work.

Last time around, Mr. Tigar was the editor of the Selective Service Reporter, a practice manual designed for lawyers who wanted to help people fight induction. Between the reporter, which is credited with halving the government's conviction rate, and *Gutknecht v. U.S.*, 396 U.S. 29, a 1970 case in which Mr. Tigar won an 8-0 ruling abolishing the Selective Service's delinquency regulations, Michael Tigar was probably the leading anti-draft lawyer in the country.

"I'd say the level of distrust of registration is at least as high as during the Vietnam war. I'm already getting calls, more every day, asking how

to fight against the move toward registration," said Mr. Tigar.

He climbs again on his soapbox.

"This country is in the midst of a profound economic crisis," he said. "High unemployment and inflation began to appear in the Vietnam war. It's a sign that the traditional nostrums aren't working. What better way to handle unemployment than to increase military spending. It's the same old story."

If he weren't sitting in his fancy Dupont Circle office, it could be 1969 — or 1984 — and Michael Tigar could be making the revolution.

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