

And Now, for the Defense . . .

Justice: The lead lawyers in the OKBomb case share tenacity, a flair for the theatrical and a strategy that puts the government, not their clients, on trial

THEY STAND ACCUSED OF WICKED crimes. The president denounced the men who blew up the Murrah building in Oklahoma City as "evil cowards." The attorney general wants the death penalty. Hundreds of federal agents are looking for evidence to convict them. And both men are basically broke.

In other times and in other places, Tim McVeigh, charged in the bombing, and Terry Nichols, accused of abetting the crime, would have trouble finding anyone to defend them. Only in the land that gave us the Bill of Rights and the O. J. Simpson trial would these two sad figures be entitled, at federal expense, to the best defense lawyers money can buy. Mike Tigar, Nichols's attorney, is a flamboyant classicist and playwright; Stephen Jones, McVeigh's counsel, is wry, relentless and cunning. Both are about to become household names. Last week NEWSWEEK visited Tigar and Jones as they prepared their cases:

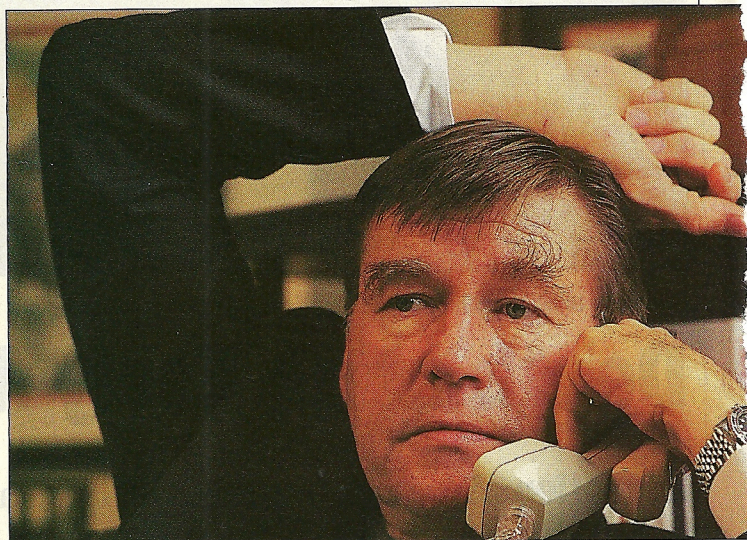
TIGAR, THE JOSEPH D. JAMail Professor of Law at the University of Texas, was working himself into a state of righteous indignation as he sat in his tastefully furnished office in Austin. "The Terry Nichols case," he proclaimed, "is about an effort by the government to twist the law of complicity out of all recognition." He had already quoted Shakespeare, the Bible and Sherlock Holmes at one preliminary hearing. With characteristic humility, Tigar describes himself as a "warrior bard"—someone who defends "liberty" with legal precedent, poetry and smooth talk.

Tigar was chosen to defend Nichols after the judge in the case, David Russell, saw a videotape of Tigar performing at a folk festival at the Smithsonian. Tigar had been playing his favorite role: defending a death-penalty case.

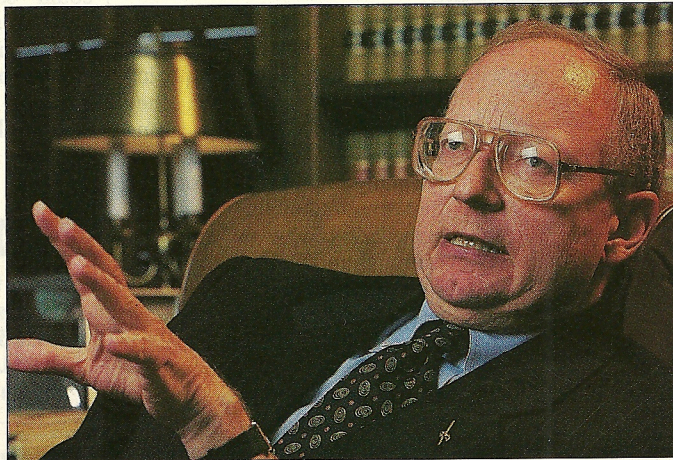


CLIFF SCHIAPPA—AP

A 'warrior bard': Armed with quotes from Shakespeare and Sherlock Holmes, the flamboyant Tigar (right) defends Terry Nichols

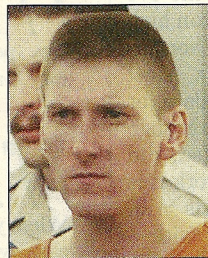


GREG SMITH—SABA



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'No cornpone': McVeigh lawyer Jones (above) is wry—and relentless



DAVID LONGSTREATH—AP

Theatricality comes naturally to Tigar. His aunt was in vaudeville and his father was a Hollywood extra; they changed their name from Locke to Tigar, and Tigar, further embellishing the image, sends faxes emblazoned with a lunging Bengal. Between successfully defending clients like black militant Angela Davis (accused of murder) and onetime Texas governor John Connally (charged with accepting a bribe), Tigar's found time to write three plays.

With roguish green eyes and a smoky voice, Tigar, who stands 6 feet 2, likes to show off his erudition and murmur profanities—sometimes all at once. Citing the legal case of an English king, George IV, Tigar allows, "Everyone knows he went around with his dick in his hand." At Berkeley in the '60s, Tigar was a rabble-rouser. He was also the top student in his law-school class and went to work for the famed defense lawyer Edward Bennett Williams. Tigar won his first case in the U.S. Supreme Court at the age of 29.

After wandering off to France to write a tome entitled "Law and the Rise of Capitalism," he set up his own law firm in Washington. The firm's pencils advertised A REASONABLE DOUBT FOR A REASONABLE PRICE. Tigar charges \$500 an hour and lives in a villa with a pool in the Austin hills. But he also defends poor clients for nothing. His fee in the Nichols case was set by the court at \$125 an hour, but he wants it lowered to \$100 to free up funds for defense investigators.

Tigar relishes unpopular cases. In 1993 he represented John Demjanjuk, accused of being a Nazi prison-camp guard. A noted legal ethicist, Monroe Freedman, challenged Tigar to justify representing such a repugnant client. "Let us all hurry to the

library and rewrite 'To Kill a Mockingbird,' Tigar retorted. "Atticus Finch is not a hero after all. He should have thought more of maintaining his law practice and refused to represent someone charged with a heinous crime." Unlike Atticus Finch's client, Demjanjuk got off. Tigar proved that the U.S. government violated Demjanjuk's rights by withholding exculpatory evidence.

Tigar knows how much the nation wants to avenge the Oklahoma bombing. He quotes Melville after the assassination of Lincoln: "... the People in their weeping/Bare the iron hand." He says the Feds are railroading his client. "We're planning," he says, "for an acquittal."

TIM MCVEIGH WAS HAVING trouble finding a lawyer. Three Oklahoma City attorneys declined the case before McVeigh got someone to represent him. Stephen Jones says he was honored to be asked. Jones, a staunch Republican, once worked as a junior aide to Richard Nixon; not long thereafter, he represented Abbie Hoffman. In 1970, an antiwar protester at the University of Oklahoma was arrested

for taunting ROTC students with a Viet Cong flag. A dozen lawyers refused his case. Jones agreed to represent the student radical, but his law firm told him to drop the case or quit. Jones heard he had been fired by the firm over his car radio.

Jones, who went on to represent oil companies as well as death-row murderers, is the most controversial lawyer in Enid, Okla. But "he's anything but a country lawyer," says Enid businessman Doug Frantz. "There's no cornpone with Stephen Jones." Although he can drop literary allusions as fast as Mike Tigar, mostly he wears down opponents with tenacity. "You better not give Stephen Jones an edge, or he'll take it," warns Merle Gile, an Oklahoma City lawyer. One rival counsel once became so frustrated that he marched into Jones's office and punched him in the nose.

Jones, 54, intends to "concede nothing" about the case against McVeigh. He suggests the Feds are relying on undependable witnesses—especially those who say they saw someone with McVeigh on or before the day of the bombing. "If there's no John Doe 2," he demands, "what does that say about their identification of McVeigh?" Jones knows he's making unpopular arguments, but a rush to judgment will only fuel conspiracy theories—and create the paranoia about government that led to the Oklahoma City bombing in the first place.

LINCOLN CAPLAN in Austin and
PETER ANNIN in Enid