

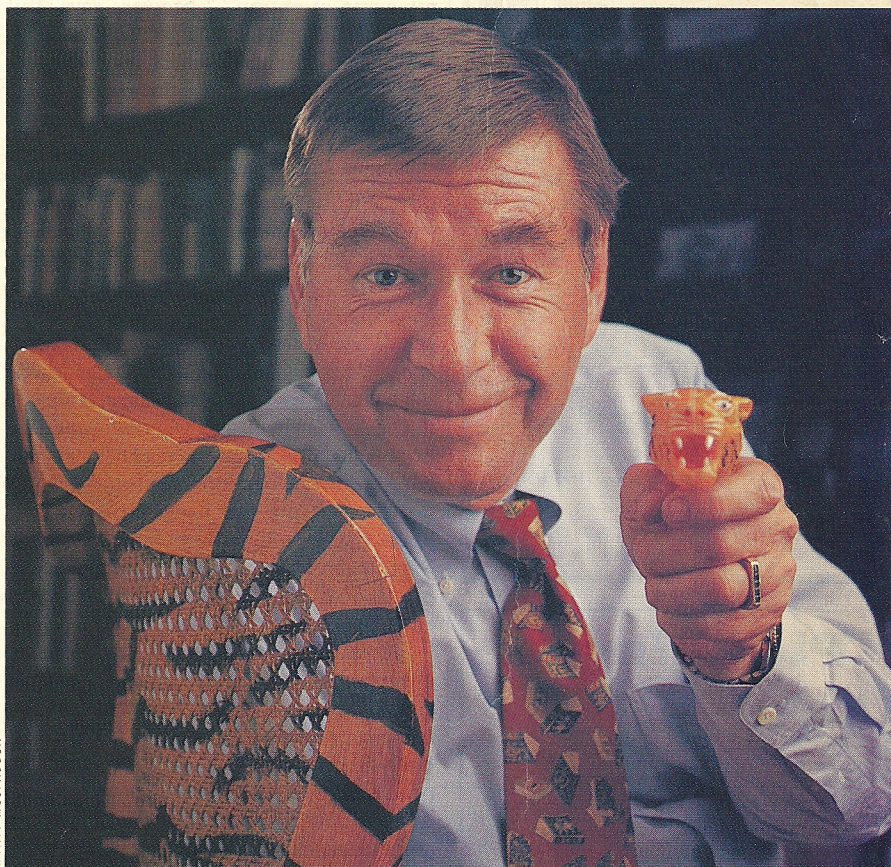
# StateWide

Edited by David McCormick

## Tigar's Beat

An Austin attorney tears into the government's case against a suspect in the Oklahoma City bombing.

**B**E AS STRONG AS YOU are," Mike Tigar said into the phone receiver one day in late May. Then he hung up and shook his head. "That was Terry Nichols. He was sobbing on the phone. They've been holding his wife for thirty-three days. She's pregnant, and he only just found out now. They won't let him see his daughter. They're videotaping his every move. He can't even sob in privacy. They've manacled him with leg irons. He's being held under conditions that are greatly more onerous than the conditions to which convicted mobsters in that very facility are subjected. We're seeing law enforcement practices urged by the



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Justice Department and the FBI that are absolutely unprecedented."

Tigar's juices were flowing. No, make that gushing. The 54-year-old University of Texas at Austin law professor has made a career out of defending unpopular clients—in this case, an accused conspirator in the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, which left 168 people dead and an entire nation stricken with horror and rage. While other attorneys went out of their way to announce publicly that they would refuse to represent Nichols if asked, Tigar (pronounced "Tiger") hesitated for only as long as it took him to discuss the matter with his family. "To tell you the truth," he says, "I'm tired of the high jinks, now witnessed daily on national television, of lawyers making a laughingstock of our profession.

**Although Mike Tigar has an air of amused unflappability, he's relentless on a case.**

I'm anxious to demonstrate to the American public what honorable representation is all about."

But it's clear that Tigar especially relishes the chance to square off against what he sees as government bullies. He has been there before. Soon after graduating from law school, Tigar helped defend the Chicago Seven radicals against charges of inciting riots at the 1968 Democratic Convention. Later he would represent leftist UCLA philosophy professor Angela Davis, who was accused of abetting the murder of a judge; later still, he defended John Demjanjuk, a retired Cleveland autoworker accused of being the infamous Nazi concentration camp guard Ivan the Terrible, who would tell



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Tigar, "If not for you, I am hanging." Most recently, in 1994 Tigar and his friend Houston attorney Dick DeGuerin defended Senator Kay Bailey Hutchison against Travis County district attorney Ronnie Earle's charge that she intentionally destroyed incriminating computer files. "To expose how that district attorney's office used its powers for partisan political purposes was a big deal to me," Tigar says proudly.

A dominant theme in each of these cases is the heavy-handedness of government investigators. And the Nichols case is no different. The motion filed by Tigar on May 25 to release Nichols from custody outlines a "pattern of deception" on the part of the FBI in the treatment of Nichols, ranging from unlawful interrogation techniques to "repeated leaks of grand jury information." The thought has occurred to Tigar that President Bill Clinton's political fortunes may depend on the outcome of the Oklahoma investigation, which may explain the FBI's tactics. "The White House has reminded us that Clinton once taught constitutional law," he says. "When I heard that, I said, 'Well, I'm glad he didn't inhale it.'"

Tigar may know a thing or two about inhaling. An unabashed leftist ("My political views may have matured somewhat over the years, but they really haven't changed," he says), he obtained his law degree from Berkeley in 1966. The native of Glendale, California, then joined the prestigious Washington, D.C., firm Williams and Connolly before forming his own practice in 1978 and finally, in 1983, accepting an offer to teach law at UT. Somewhere along the way he became fluent in Spanish and French (each spring he lectures French law students in Aix-en-Provence), trained himself to be a gourmet cook, wrote three plays ("And there are pieces of a novel in my laptop," he says), and developed a yen for sailing. His multitude of interests notwithstanding, Tigar is a crea-

ture of the law, having argued cases before the U.S. Supreme Court since the age of 28 in addition to authoring several scholarly texts and directing the American Bar Association's litigation committee. The considerable heft of Tigar's well-known ego is partly offset by his charm, but what redeems him is a fur-

iously energetic devotion to his clients. "Mike Tigar is appropriately named," says U.S. Fifth Circuit Court of Appeals senior judge Tom M. Reavley. "They could've looked all over the world and not found a more zealous defender for Nichols." Asked to compare Tigar's courtroom tenacity with that of Dick DeGuerin, Reavley says diplomatically, "No one has more pepper in him than Tigar."

Tigar and DeGuerin nearly joined forces once again in Oklahoma City. DeGuerin was given first crack at representing alleged bombing conspirator Timothy McVeigh. The prospect excited DeGuerin, whose reputation for defending pariahs rivals that of Tigar. But among DeGuerin's concerns was that his participation in the Oklahoma City case might, as he puts it, "provide an artificial link" between it and the Branch Davidian case, since DeGuerin represented cult leader David Koresh and maintains that his client did not have the terroristic impulses of the Oklahoma City bombers. He declined to represent McVeigh, and the job went to Richard Burr, another Houston lawyer, who has worked with Tigar before in death penalty cases. Another Houstonian, former U.S. attorney Ronald G. Woods, is assisting with Tigar's representation of Nichols. Ironically, Woods was once an FBI agent who was assigned to investigate radicals in Berkeley in June 1966—one month after Berkeley radical Tigar moved to Washington, D.C.

Though Tigar possesses an air of amused unflappability, it's clear that his passion for the Oklahoma City case is consuming. He is quick to ridicule the statement McVeigh allegedly made to Nichols, "Something big is going to happen." Scoffing, Tigar says, "What the hell does that mean? He could've been talking about some kind of Oklahoma-style foreplay for all we know!" He paints his client as a "gentle-spoken man" whose interrogators are cruel and byzantine in their rush to judgment. To the millions of Americans who remain appalled by the terroristic bombing, Tigar's aggressive advocacy may sound disturbing and even outrageous—for now, at least. That may well change when Tigar gets his day in court.

ROBERT DRAPER