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**THOMAS EAGLETON****Case Is The Same,  
Lawyer Is Different**

**W**hen I learned that Mike Tigar would represent Terry Nichols, I realized that his case would be handled in a much different manner than the trial of Timothy McVeigh.

I am not saying that the result will be any different. Nichols may also receive the death penalty. No, he didn't drive the bomb to the federal building; but, it appears, he did engage in some of the planning and preparation. Considering the horror of the Oklahoma City bombing, any jury may want to execute anyone who had any role in the carnage.



Nevertheless, the Nichols case will be handled differently. Nichols' attorney is Michael Tigar, and this portends a different tenor for the defense.

From his days in law school to his representation of Nichols, Tigar has been the unrestrained genius. Justice William Brennan once told me, "Tigar is the most ferocious lawyer I have ever

known. He has boundless energy and would skillfully use his remarkable talents to a greater extent than any other lawyer I have known."

Brennan should know. In 1966, he offered a Supreme Court clerkship to Tigar as Tigar was graduating from the University of California Law School. Tigar quickly accepted this offer, which is one of the highest distinctions that can be given to any law school graduate. Then Brennan got a call from J. Edgar Hoover saying that Tigar was an activist in campus left-wing events; that he attended a leftist youth conference in Helsinki; and that he was a rabid anti-segregationist.

In the '60s, we were still in the abyss of "un-Americanism." Hoover was not only Washington's biggest dirt digger, he was also Washington's biggest leaker. Brennan knew that once Hoover took him into his confidence, he was hooked. If he continued with Tigar's clerkship, Hoover would try to destroy both of them.

Brennan agonized. He finally decided that he would have to dump Tigar. No event in Tigar's life so stunned him. The greatest civil libertarian of our age felt he had to capitulate to J. Edgar Hoover. Justice Brennan considered it one of the great mistakes of his life. Just before he died, Brennan sent the man he rejected in 1966 a picture inscribed, "To Michael Tigar, whose tireless striving for justice stretches his arms toward perfection."

As for Tigar, he had driven clear across the country with his wife and children to talk to Brennan. As he left the Supreme Court building, after being told he would not, after all, be a Supreme Court clerk, he pulled out his wallet. He had \$10. With that he had to start anew on the Atlantic side of the nation.

Knowing Tigar's reputation for brilliance, Edward Bennett Williams hired Tigar, and he began making his reputation as a tough — very tough — trial lawyer. Through the years, whether working for Williams or working for himself, Tigar has had some of the more controversial clients of our time. These include Angela Davis, Gov. John Connally and John Demjanjuk.

When Orlando Letelier, Chile's Marxist foreign minister, and Ronni Moffitt were killed in a car bombing in Washington, D.C., Tigar worked for 15 years to trace the killings back to the Pinochet regime in Santiago. Tigar was presented an award for his steadfast efforts. He gave his acceptance speech in Spanish — not just any old Spanish, but Spanish in the Chilean idiom. By the way, Tigar teaches some law classes in France every year — in French, of course.

When the federal district judge was fretting about whom to appoint as Nichols' attorney, he finally decided that he needed a "heavy hitter." Thus, Nichols lucked out and got Tigar, the scrappiest lawyer around. McVeigh was stuck with the courtly Stephen Jones, who spent a lot of his time preparing for his next television interview.

Tigar is a professor of law at the University of Texas School of Law. He resides in Texas and does a lot of legal business initially generated by John Connally's words of praise. After his acquittal, Connally told everyone who would listen that, "Tigar is the best god-damned lawyer in this country."

Some day, the jurors will be picked in the Oklahoma City II case and the witnesses will take the stand. Time and again, Tigar says, "Terry Nichols wasn't there." At one of his rare news conferences, Tigar put the words on a poster board. "Terry Nichols wasn't there." That's his defense strategy pure and simple.

There are plausible explanations, Tigar thinks, for most of the rest of the evidence against Nichols. The trial comes down to the wily skills of a dogged attorney versus the mangled bodies from the Oklahoma City federal office building. The blood will spill in this case as it did in the first trial. Tigar is a "rule of reason" man. Can the rule of reason prevail over the hundreds of dead and wounded victims of the most horrid act of terrorism in America's history? The country wants to know. So, too, does Tigar.