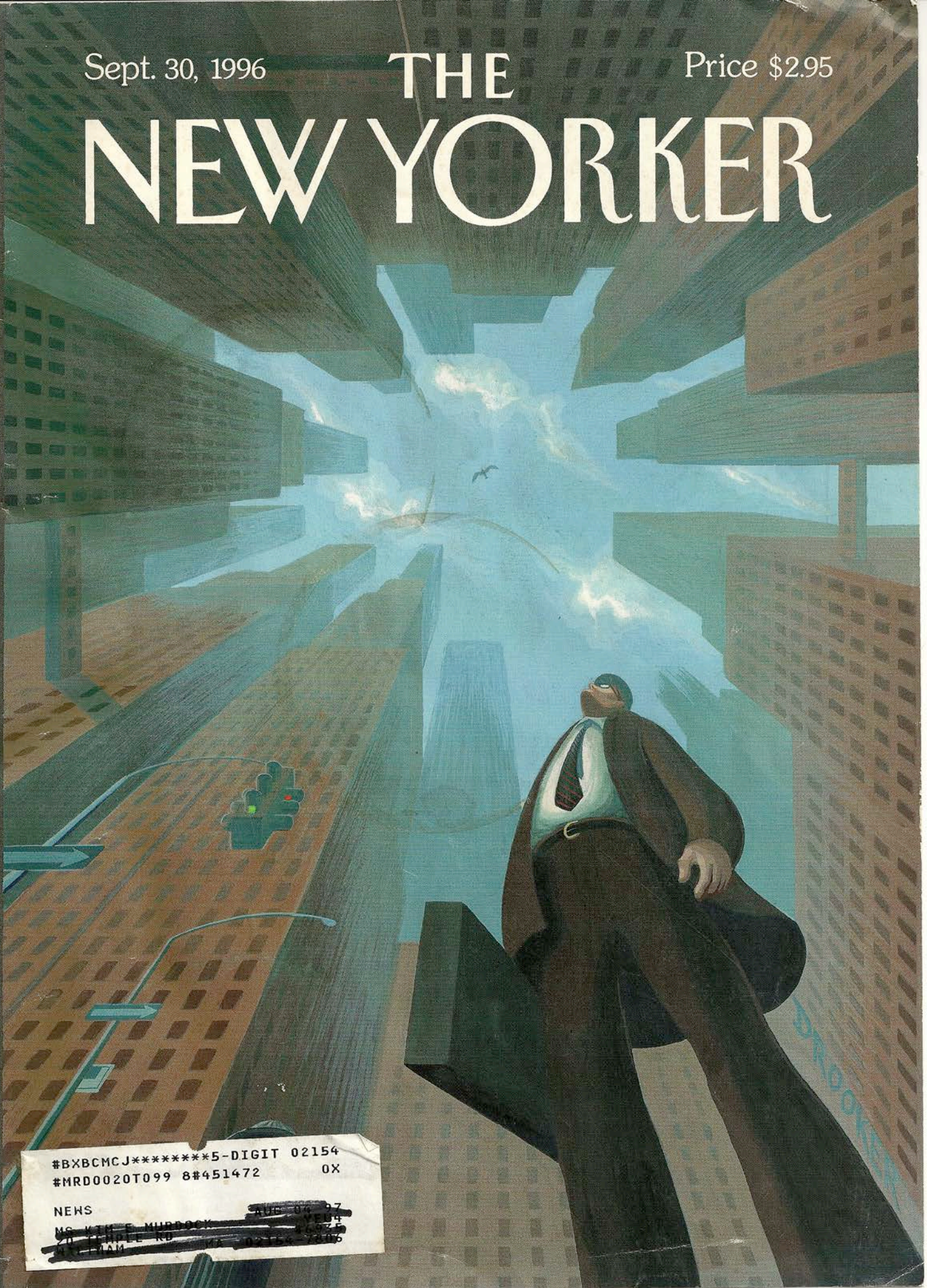


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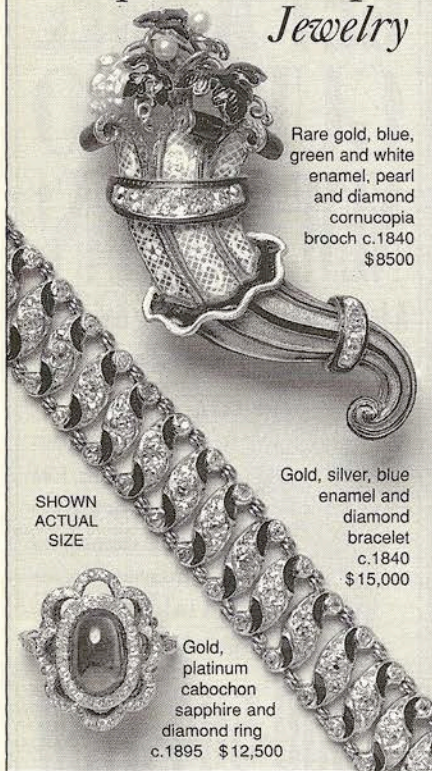
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ANNALS OF LAW

THE MAN WITH TIMOTHY McVEIGH

How will Michael Tigar, the self-styled Clarence Darrow, defend the fringe rightist Terry Nichols?

BY JEFFREY TOOBIN

IN the pretrial hearings in the Oklahoma City bombing case, Timothy McVeigh is generally the first defendant escorted from the lockup of the federal district courthouse in Denver to his seat at the defense table. McVeigh is twenty-eight years old, but, thanks to a blondish brush-top crewcut and an ever-present smirk, he could easily pass for nineteen. As McVeigh enters Judge Richard Matsch's courtroom, he strains immediately to scan the spectator benches (which are sometimes full, sometimes not) for familiar faces. Only about a dozen of the Oklahomans who either lived through the explosion at the Alfred P. Murrah Federal Building on April 19, 1995, or lost relatives to it still attend every hearing in Denver, where the trial is being held. Those survivors stare back at McVeigh with hatred and bafflement.

Terry Nichols, the other defendant, appears a few minutes later, and he rarely lifts his eyes from the floor. He is thirteen years older than McVeigh, his former Army buddy, but has none of McVeigh's electric presence. Bespectacled and partly bald, Nichols sits in the courtroom for hours without speaking, or even changing expression. He is so spectral a figure that it would be hard to notice his arrivals in the courtroom if it weren't for the way his lawyer chooses to herald them.

When Nichols appears in the doorway, his lead attorney, Michael Tigar, snaps to his feet. This curious gesture has the effect of making those not standing—most notably the ten or twelve representatives of the prosecution who are in court on any given day—look almost rude. It's just hokey atmospherics, of course, but it sends a message. Tigar, who is one of the most theatrical defense attorneys in the country, says that he wants only to convey his respect for his client, but clearly he also wants every eye in the courtroom on him.

The first week in October, Tigar will ask Judge Matsch to grant Nichols a severance from McVeigh—that is, a separate trial. Tigar's principal claim is that the government will present such overwhelming evidence of McVeigh's guilt in the bombing that Nichols, against whom the proof is thinner, will be unfairly prejudiced. But his bid for a severance also reveals his strategy to win Nichols's freedom. The severance issue represents Matsch's last major decision before he sets a trial date, probably for early next year.

The Oklahoma City trial will address the largest act of terrorism ever committed on American soil. Both defendants face the death penalty, and if McVeigh and Nichols are convicted they could become the first people executed on federal charges since 1963. The indictment is fifteen pages long, and five of those pages consist entirely of the names of a hundred and sixty victims of the explosion. The prosecutors arranged the names of the victims by age—from "Charles E. Hurlburt, 73" to "Gabreon Bruce, 4 months." (Nineteen of the dead were five years old or younger.) The first week of the trial—when the prosecutors describe the explosion itself—is likely to be harrowing. In as much detail as Judge Matsch will allow, the prosecutors will probably show the jurors footage of the tiny children, some alive and some dead, being carried out of the smoking wreckage, and of rescuers extricating bodies from the tons of twisted steel. The prosecution may call Carl Spengler, a doctor, who can describe how he set up a triage site on the sidewalk to evaluate which of the children removed from the Murrah building's day-care center could be saved. Another possible witness is Daina Bradley, who was pinned under so much wreckage that rescue workers had to amputate her leg in order to set her free. (Bradley survived, but her two children and her

mother died in the blast.) There are dozens of similar stories from which prosecutors can choose.

The government's case will unfold like a macabre road movie. The indictment charges that, starting in the fall of 1994, Nichols and McVeigh gradually collected raw materials for a bomb. Prosecutors are likely to present a meticulous reconstruction of how these two men, often using assumed names, bought or stole the ingredients and stashed them in storage lockers in Kansas and Arizona. It is undisputed that they travelled together a good deal during this period, buying and selling small weapons at gun shows in various parts of the country. During these journeys, the prosecution alleges, Nichols and McVeigh gathered more than four thousand pounds of ammonium-nitrate fertilizer, diesel and racing fuel, and other explosives, and later combined them to make a fertilizer bomb.

To establish a motive, the prosecution is likely to try to paint McVeigh and Nichols as right-wing extremists with political grievances against the government which evolved into murderous rage. Nichols was, at the very least, a troubled young man. He grew up and lived most of his life on a farm on the Lower Peninsula of Michigan. After graduating from high school, in 1973, he quickly dropped out of

college and bounced from one low-level job to another. In 1981, he married a woman older than he was, and they had a son, but the marriage failed. Then, on May 24, 1988, at the relatively advanced age of thirty-three, Terry Nichols enlisted in the Army, and was sent to train at Fort Benning, Georgia. Timothy McVeigh and Michael Fortier, another central figure in the Oklahoma case, enlisted on the same day.

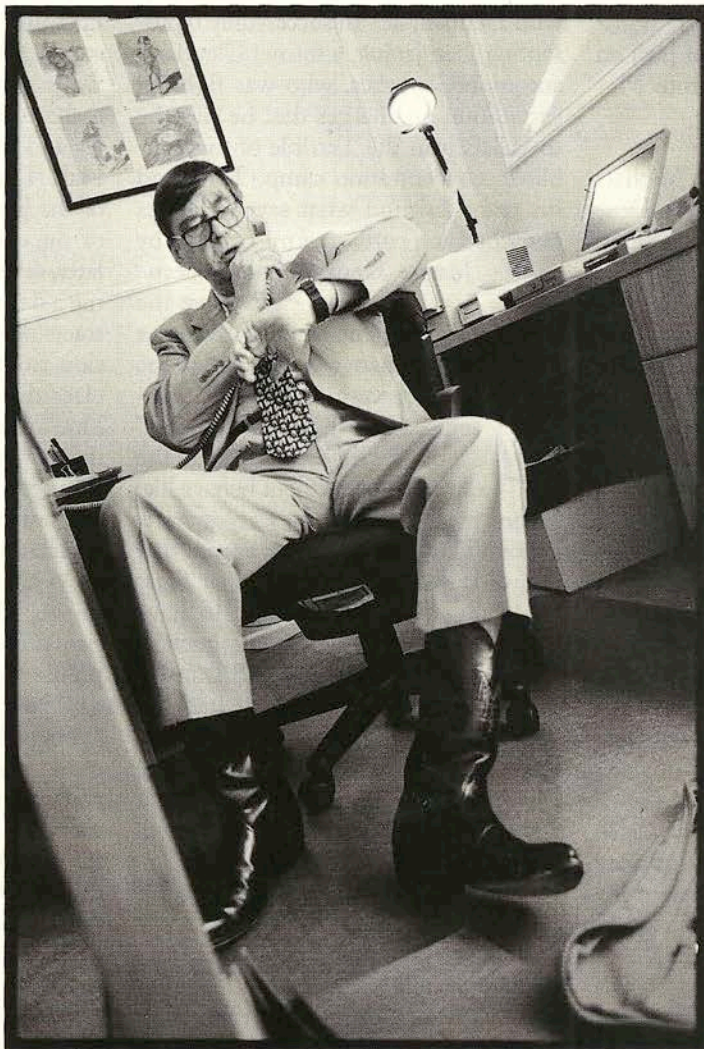
At Fort Benning, Nichols and McVeigh found that they shared a passion for extreme-right-wing politics. Nichols

is reported to have read survivalist magazines, stored freeze-dried food for use in case of a nuclear war, and put all his savings in silver and gold bullion. McVeigh is said to have had a particular obsession with "The Turner Diaries," a racist and anti-Semitic novel that describes a vicious attack by white Amer-

dice" in red ink on currency, apparently to claim that paper money was not legitimate. In 1992, having been sued in Michigan for failure to pay bills, Nichols shouted in court that the judge had no jurisdiction over him. His personal life did not improve, either. In 1990, he travelled to the Philippines, signed up with a mail-order-bride company, and met Marife Torres, who was then seventeen. They quickly married, and Nichols returned home to make arrangements for her to come to the United States. When Marife did come to Michigan, the following year, she was six months pregnant with another man's child. Still, Nichols accepted the boy, Jason, as his own, even as he continued to stumble from job to job. A private tragedy compounded the couple's difficulties: on the morning of November 22, 1993, Terry and Marife Nichols found that in the night the two-year-old Jason had accidentally suffocated, with his head inside a plastic bag.

The government has charged that McVeigh and Nichols financed their bombing operation, at least in part, by arranging to rob a firearms dealer in Royal, Arkansas, on November 5, 1994. Shortly after that alleged robbery, Nichols travelled to Las Vegas, to which his first wife and their son had moved. The

woman, Lana Padilla, has said that Nichols seemed secretive and downcast on this visit. She feared that he was suicidal, or was possibly heading off on some dangerous adventure. He told her that he was leaving her and their son a package with a letter inside, which they should open in the event of his death. The letter, which Padilla opened the day after Nichols left Las Vegas, included a cryptic message for McVeigh. "This letter would be for the purpose of my death," Nichols told McVeigh, and then he provided McVeigh



Tigar: "It's hard to find a case where the government has as great a stake and didn't break the rules." Photograph by Christopher Anderson.

icans on ethnic "undesirables" and also describes the bombing of a federal building with a massive fertilizer bomb. After less than a year, Nichols left the Army, asking for a hardship discharge. McVeigh lasted a little longer, but the two men stayed in touch. Nichols's politics turned ever more extreme.

In the early nineteen-nineties, Nichols began adopting the language of the militia movement: he renounced his American citizenship and declared himself "a nonresident alien." He stamped the words "Discharged Without Preju-

with detailed instructions on how to empty the contents of several of their storage lockers. Nichols informed McVeigh of the pseudonyms he had used to rent the lockers, and he hinted, further, that their activities had not been discovered by the police. "As far as heat—none that I know," Nichols wrote, and he added that in the event of his death McVeigh should "liquidate" the storage lockers. "Your [sic] on your own," Terry Nichols wrote McVeigh. "Go for it!!"

THE first time I spoke with Michael Tigar, over dinner recently in Denver, I asked him why he had taken the case. Though he grew up in Los Angeles and has lived most of his adult life practicing law in Washington, D.C., he has mastered the persona of the Western country lawyer: cowboy boots, outsized silver belt buckle, and home-style indignation. His motto seems to be that of John Wayne—"Talk low, talk slow"—but he often interrupts the ranch-hand act with great curlicues of erudition. He answered my question about the Nichols case with a quote he attributed to Ruskin: "There is no snare set by the fiend for the mind of man more dangerous than the illusion that our enemies are also the enemies of God." Through many hours of conversations with me, Tigar dropped one obscure quotation or another every few minutes—a diversionary tactic, I concluded, for keeping hard questions at bay.

Tigar has long had a reputation as a crusading leftist attorney, and he seems at first a peculiar choice to represent a right-wing extremist who is accused of mass murder, but, in fact, the case marks a strangely appropriate culmination of Tigar's career. He has always served clients holding a wide range of ideological views—from bombers in the Students for a Democratic Society to the accused (and exonerated) Nazi war criminal John Demjanjuk, and from suspected gays in the military to John Connally. The common theme of these contentious cases is Tigar's hostility to the oppressive hand of the state. Like many talented criminal-defense attorneys, he excels at shifting the focus of his trials from the behavior of his clients to the misbehavior of police and prosecu-

tors. He will, of course, try to do the same for Terry Nichols.

When I pressed Tigar to explain why he had chosen to become Nichols's court-appointed attorney, he replied, "It's hard to find a case where the government has as great a stake as this one and didn't break the rules—Sacco and Vanzetti, the Rosenbergs. We saw it with Demjanjuk." In successfully representing Demjanjuk, a former Cleveland automobile worker, who was fighting extradition on charges that he was the so-called Ivan the Terrible of the Treblinka concentration camp, Tigar and his team did find what several judges described as a pattern of misconduct by



Justice Department prosecutors. "This is a case where the government decided the rules didn't matter," Tigar said of the Nichols case. "I think it's a disgrace. But that's the pattern."

Is it? Did the F.B.I. and the Justice Department behave like rogues in the Oklahoma City investigation? Thus far, it does not appear that they did. The best complaint that Tigar could muster when he tried to have the court suppress statements Nichols made during a nine-hour F.B.I. interrogation was that the agents had not been candid with Nichols about the extent of their interest in him. But Judge Matsch rejected Tigar's plea, saying that people in custody are not entitled to full disclosure by the authorities.

Tigar has won other arguments before Matsch, however—the most important being a change of venue from Oklahoma to Colorado—and he may well win more. In our conversations, Tigar even hinted at a daring strategy for victory in the jury portion of the trial. It appears that, in a case where there are scores of actual victims, Tigar will attempt to portray his client as a victim, too—a victim of an overzealous investigation and a fanatical co-defendant. Tigar's rhetorical gifts may enable him to succeed with this ploy. Tigar is so skilled, in fact, that his career raises provocative questions about the moral ambiguities of a defense attorney's job.

TIGAR has always had a romantic, even grandiose, view of the law. When he was twelve, he announced that he wanted to be a lawyer. His father, an aircraft worker and a union

leader (he died when his son was fifteen), gave him a copy of Irving Stone's book "Clarence Darrow for the Defense," and told him, "This is the kind of lawyer you have to be." The figure of Darrow runs like a leitmotiv throughout Tigar's life. With a fleshy face, bushy eyebrows, hair flopped onto his forehead, and pants hitched well above his waist, Tigar at age fifty-five is even starting to look a little like Darrow.

As a student, Tigar was a prodigy and a showoff. He graduated from Berkeley and went on to its law school, Boalt Hall. There he was the editor-in-chief of the law review and the valedictorian of the class of 1966. Even thirty years later, several fellow-students recalled for me a day when Tigar informed his contracts professor that he thought a decision from Quebec was relevant to the class discussion. The professor asked him to read it, and Tigar proceeded to do so, somewhat haltingly. The professor urged him to move along, and Tigar apologized, adding, "It's just that I'm translating from the French as I go."

While Tigar was still a law student, he was selected for a clerkship with Justice William J. Brennan, Jr., in the Supreme Court term to begin in the fall of 1966, but he never got the job. "When they announced my name as a clerk, some right-wing columnists started writing that Brennan shouldn't hire me," Tigar told me. Because Tigar had led student protests in Berkeley against the House Un-American Activities Committee and had then travelled to a student conference in Helsinki, his hiring became a brief cause célèbre among conservatives. Unnerved by the attention to his clerk, Brennan asked Tigar to provide a written summary of all his political activities. After Tigar said he would do so only if Brennan agreed not to share it with anyone else, Brennan withdrew the clerkship offer. The breach between Tigar and Brennan healed, though, and Tigar keeps inscribed photographs of the Justice in his office.

Tigar faced a choice common to young lawyers of his generation—to do good or do well. Tigar tried to do both. He signed up as an associate at the Washington law firm of the trial lawyer Edward Bennett Williams, who brought Tigar into several of his highest-profile cases—for such clients

as the former Lyndon Johnson aide Bobby Baker, Adam Clayton Powell, and John Connally.

Williams believed in what he called "contest living," and Tigar shared his ferociously competitive approach to legal work. When Connally was about to face Watergate-related criminal charges, Williams and Tigar brought the former Texas governor and Treasury Secretary into a conference room and battered him for days in practice cross-examinations. For Williams, trials were wars. In that spirit, Tigar dubbed the conference room the Situation Room. For all his passion to win, though, he still tried to have things both ways. Connally, after he was acquitted, gave Tigar four pregnant purebred heifers for a Virginia farm that he then owned. Tigar, in turn, donated one of the offspring to a Cuban agricultural collective.

Indeed, Tigar always kept a hand in the movement as well as in Williams's profitable firm. Williams allowed Tigar to maintain what amounted to his own law practice out of the downtown-Washington offices of Williams & Connolly. His efforts even included staying in touch with some of the most wanted fugitives of the period. Tigar's friend Scott Armstrong, a Washington writer on national-security issues, observes dryly, "Mike maintained a relationship with Bernadine Dohrn when she wasn't as easy to find as most people." Williams also let Tigar found and run a publication called the *Selective Service Law Reporter*, which was a repository of legal information for draftees and their counsellors and lawyers. Tigar pushed his privileged status to the limit. "I once used the Williams & Connolly letterhead to file articles of incorporation for S.D.S. in Washington," Tigar told me. "When the partners found out, they voted seven to one to fire me, but, since the one was Williams, I got to keep my job."

While Tigar was at John Connally's Texas ranch in 1975, he received a call to a notorious bombing trial in the same courthouse in Denver where Nichols is

being tried. Cameron David Bishop was an S.D.S. leader who was charged with dynamiting four high-voltage transmission towers in Colorado in 1969, and he had spent several years on the lam before he was captured and brought to Denver for trial, where Tigar and his friend Hal Haddon defended him. Before the trial, the government had made plea bargains with two of Bishop's confederates in the bombings. Tigar's considerable trial skills didn't stand much of a chance against that kind of evidence. Bishop was convicted in three of the four bombings, but Tigar's legal acumen saved his client from jail. Bishop had been charged with committing acts of sabotage during a time of "national emergency." Under the narrow legal definition of that term, Tigar found, the only national emergency even hypothetically still in existence in 1969 was, strangely, the Korean War. "We argued on appeal that no rational person could think the Korean War was still going on in 1969," Tigar explained. "The Tenth Circuit agreed, and dismissed the whole case. Cam never did a day in jail." (After the trial, Bishop moved to Dixmont, Maine, where he was elected to the school board.)

Still, Tigar's intellectual ambitions were never satisfied by his legal work. In 1971, when he was thirty, he took a leave to live in France for a couple of years, and during that time he wrote a book called "Law and the Rise of Capitalism." The book chronicles how, over

nearly a thousand years of European history, lawyers helped shape the political and economic change from feudalism to capitalism. Tigar concludes the book with a look forward to the role of lawyers in the tumultuous America of the late seventies. "The challengers to bourgeois power have been many, but it is now clear that of the many contenders, Marxian socialism, which set the pattern of world revolution in this century, is the most likely to succeed in replacing it," Tigar wrote. "When Marx described the immanent tendencies of capitalism to irrationality and collapse, the matter was perhaps in doubt. This is no longer the case."

Tigar ends his volume with a call to "a new jurisprudence of insurgency," which would go beyond mere demands that "constitutional principle be honored and constitutional promises kept." Rather, he continued, "lawyers truly committed to social change will follow the example of their predecessors in the bourgeois revolution and take a clearly revolutionary position." What is even more striking about Tigar's book than the dated academic Marxism is his messianic sense of lawyers at the center of a historic fight for social change.

The contradiction between these sentiments and life at a corporate law firm overcame Tigar shortly after he returned from France. In 1977, he quit Williams & Connolly to start his own small law office in Washington; all the lawyers had to devote a third of their time to pro-



eric Tutelbaum

"Goodbye, Roland. If you ever feel like talking, I'll be on Maury Povich in early November."

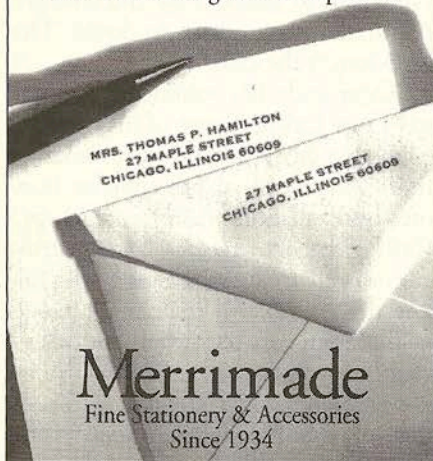
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bono efforts. (The firm's pencils were engraved with the words "Reasonable Doubt at a Reasonable Price.") Still restless, Tigar left his firm in 1984 to teach at the University of Texas law school, in Austin, where he remains on the faculty. In subsequent years, he has combined teaching and law practice.

Tigar, who has three children, suffered the scare of his life in Austin in 1989—one that has something of an echo in the Oklahoma City case. On December 16, 1989, Judge Robert S. Vance, of the United States Court of Appeals for the Eleventh Circuit, was killed by a letter bomb near Birmingham, Alabama. Vance's law clerk at the time was Jon Tigar, Michael's only son. In the confusing moments when news of the bombing first emerged, Michael could not find out where it had taken place, or even if his son was alive. "It was awful," recalled Hal Haddon, who was talking to Tigar at the time. "We couldn't get any news." Tigar wound up calling the director of the F.B.I., William Sessions, a Texas acquaintance, to confirm that Jon was not hurt. In 1991, Walter Leroy Moody, Jr., a political extremist and disappointed litigant, was convicted of killing Vance and also a civil-rights leader with letter bombs.

I asked Tigar if he thought that there were any echoes of the Vance case in the Oklahoma City trial.

He chose his words with care. "This case both is and is not an echo of it," he said. "You certainly see in what's been released in the writings of Timothy McVeigh an ideology, a life pattern, that looks pretty clear to some. Terry has no resemblance either to Moody or to the kind of person who would find himself doing something like this. There is in Terry a marked aversion to violence that's central to his character. Terry raised fawns."

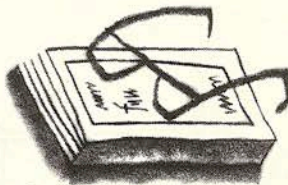
TERRY raised fawns? It's an almost comically misleading characterization of Nichols's character, but it contains the germ of Tigar's strategy for saving his client from death by lethal injection. Tigar believes that every defense in a criminal case needs a theme—a one- or two-sentence summary that the jury can easily understand. Citing an ex-

ample, Tigar told me, "The theme in the Demjanjuk case was that the government, with its superior knowledge and superior information, hoodwinked the court." Last month, Tigar took time off from the Nichols case to represent Major Debra Meeks, who faced as much as eight years in military prison and the loss of her pension because she was charged with committing consensual sodomy during a two-year lesbian relationship with a civilian named Pamela Dillard. Even though the prosecution produced explicit love letters from Meeks to Dillard, Tigar won an acquittal, because he was able to portray Dillard—who had acknowledged having fallen in love with Meeks—as a scorned, vengeful woman. He was also able to make a subtle appeal for jury nullification, it seems. "I told them about Cicero's oration in defense of a General Murena," Tigar said. "He said that lawyers were obsessed with technicalities, but that it was soldiers who understood the real meaning of human rights." Thus, the theme for Tigar's defense of Meeks was that the members of the military jury had an obligation to defend Meeks as one of their own.

Tigar told me that his defense of Terry Nichols would begin with "blocking and tackling," and I asked him what that meant.

"If they say he went somewhere, let's see if he really did," he replied. "We'll do that for every meeting. Every time they say Terry did something, let's talk to everyone and see if the stories all line up." This is a typical defense strategy in a case that relies heavily on eyewitness identifications

of a defendant. In the context of this case, the strategy shows some promise for Nichols, and even for McVeigh. The prosecution remains haunted by the prospect of "John Doe No. 2," a person (or persons) whom some witnesses have told authorities they saw with McVeigh in the days before the bombing. After many months of investigating these sightings—by distributing artists' sketches of John Doe No. 2, among other things—the prosecutors have acknowledged that the witnesses who claim to have seen this person (or persons) may have simply been mis-



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still a summer dress,
like fierce dogs awakening.

That night, among friends in a closed room,
I listened to the heavy rain pelting the window
and the voice of a dead man on tape:
the reel was turning
against the direction of time.

—YEHUDA AMICHAI

(Translated, from the Hebrew, by Chana Bloch.)

taken. Perhaps that is so, but the possibility of the second Mr. Doe gives the defense attorneys a convenient bogeyman on which to pin at least some of the responsibility for the bombings.

The evidence against Nichols is too strong, though, for Tigar to think that he can shift responsibility for all of his client's actions to a phantom named John Doe. So his strategy seems to depend heavily on blaming McVeigh. Tigar can concede at trial that there may have been some discussions of a dramatic protest on April 19th, the second anniversary of the storming of the Branch Davidian compound in Waco, Texas, but he can argue that Nichols withdrew from McVeigh's conspiracy. (Even the prosecution concedes that Nichols was not present in Oklahoma City when the bomb exploded.) Support for this idea may come from the government's own witnesses. Last summer, prosecutors reached a plea bargain with Michael Fortier, who was McVeigh and Nichols's Army buddy. Fortier agreed to plead guilty to conspiring to transport stolen firearms (from the Arkansas robbery) and to lesser charges in return for a sentence of twenty-three years. The prosecution has a duty to advise the defense of exculpatory information, though, and the lead prosecutor, Joseph Hartzler, informed Tigar in a letter that Fortier had testified before a grand jury that "Mc-

Veigh solicited his assistance in the bombing in early 1995 because Nichols was expressing reluctance." Hartzler also said that Fortier's wife had testified that "McVeigh was upset in early 1995 because Nichols wanted out and did not want to mix the bomb."

Tigar will certainly focus on how differently McVeigh and Nichols behaved in the immediate aftermath of the bombing. McVeigh was arrested on the day of the bombing. Two days later, Nichols, having heard his name mentioned on television as a possible accomplice, voluntarily went to the police station where he met with F.B.I. agents and answered their questions. Before the jury, Tigar will lean heavily on the fact that Nichols, unlike McVeigh, went to the authorities of his own accord. Nichols did make some damaging admissions to the agents, among them that he knew how to make a fertilizer bomb and that he had picked up McVeigh in Oklahoma City, near the federal building, just three days before the bombing. But Nichols also denied to the agents that he'd had any role in the bombing—the story he has maintained to this day.

Tigar will shortly spring the legal component of this defense strategy—his argument, scheduled for October 2nd, that Nichols is entitled to a separate trial from McVeigh. Generally, defendants who are indicted together—as McVeigh and

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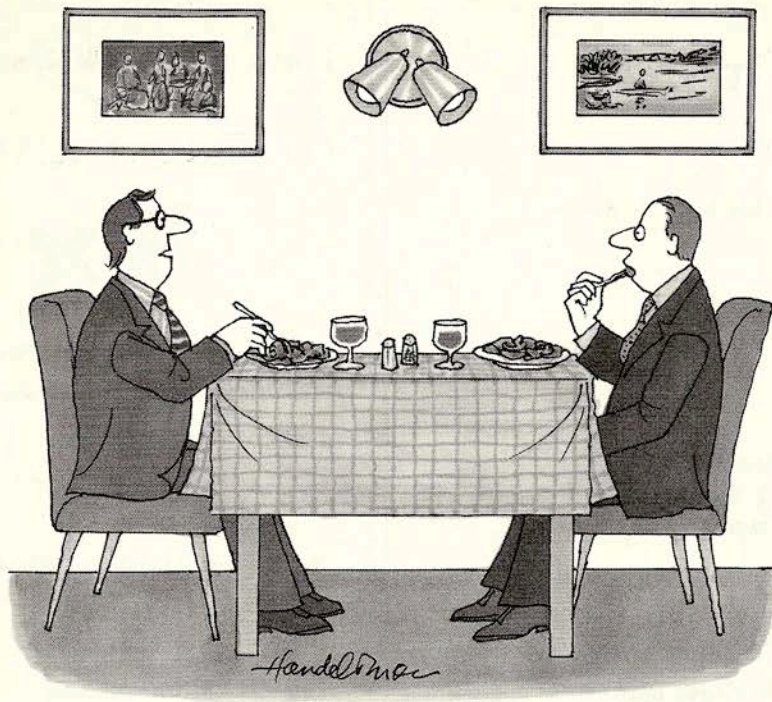
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*"As a nation, we may be spending our children's money,
but at my house it's the other way around."*

Nichols were—are tried together. But a number of factors may lead Judge Matsch to separate the two defendants. First, there is the matter of inconsistent defenses: judges often feel that there is an atmosphere of unfairness when defendants seek to pin blame on each other in front of a jury. Second, there are Nichols's statements to the F.B.I. In a complex decision rendered on August 14th, Judge Matsch ruled that the statements were inadmissible hearsay evidence against McVeigh but admissible against Nichols. "Many perceptive figures in our case view that ruling as an augury that the judge will grant a severance," Tigar told me.

Finally, Matsch may grant separate trials because the amount of proof against the two defendants is so different. According to the indictment, McVeigh, using a phony name, rented the van in which the bomb was contained. An hour and a half after the bombing, McVeigh was stopped for driving without a license plate at a place that is about seventy miles from Oklahoma City, and on his shirt, authorities have claimed, was residue from the bomb itself. In a death-penalty case, Matsch may see the virtue in separating Nichols from a defendant against whom the

evidence, at this point, seems overwhelming. One of the prosecutors in the case recently confided to an acquaintance his admiration of Tigar's skills. "I wish Tigar were representing McVeigh, because nobody in the world could get him off," he said. "Unfortunately, he's got the guy with a defense."

A severance would dramatically change the complexion of the case against Nichols. Prosecutors, when they are forced to choose, invariably proceed first with their strongest case. This would mean trying McVeigh early next year and postponing Nichols's trial possibly until next summer, by which time at least some of the passions surrounding the event may have faded. If McVeigh has been convicted by then, Tigar's efforts to blame him before a second jury would have even more appeal. Or, with McVeigh convicted, Tigar and the prosecutors might settle on a plea bargain for Nichols—perhaps one like Fortier's. In any event, a severance would greatly strengthen Tigar's hand.

IN recent years, Tigar, like many other former sixties radicals, has virtually ceased to engage in politics. Instead, he writes plays. In his years at Texas, he has become an accomplished amateur

playwright, composing dramatizations of celebrated legal cases from the past.

One of Tigar's recent stage works draws on the Haymarket strikes in Chicago in 1886. On May 1st of that year, half a million Americans struck for an eight-hour workday, and Chicago police charged the protesters and killed four of them. At a rally several days later, seven police officers were killed. Eight protesters were indicted in the policemen's deaths, and after a trial that featured fabricated evidence and a rigged jury five of the defendants were sentenced to execution.

Tigar's lifelong hero, Clarence Darrow, worked for many years to secure pardons for the three surviving defendants. Tigar's play centers on an imagined debate between Darrow and Lucy Parsons, the widow of one of the executed men and an anarchist leader herself. Lucy Parsons argues that the system is so rotten and corrupt, so heavily stacked in favor of those in power, that justice is impossible. "When you put law and lawyers at the center of things, you are only getting in the people's way, and doing proxy for the image of the law the state wants us to have," she says. "The law is a mask that the state puts on when it wants to commit some indecency upon the oppressed."

In an indignant reply to Parsons, Darrow says of his efforts on behalf of individual defendants, "If I believed that, I would still be a lawyer for the railroad, and not making do with the fees the union can pay. Lucy, the law is a fence built around the people and their rights."

I asked Tigar whether the contest in the play resembled the one between his old self and his new one—between the man who wanted to save the world through Karl Marx and the one who hopes only to save Terry Nichols from execution. Not really, Tigar said, for, even today, he has sympathy for both Parsons's and Darrow's views. Indeed, one can see their influences in Tigar's plan for the defense of Terry Nichols. Yet in the end, given the stark and tragic circumstances of the bombing case, Tigar's rote denunciations of the state's police powers may well be less compelling than the reality of a hundred and sixty-eight dead Oklahomans. ♦