

COLLECTED WRITINGS & OTHER WORK

Michael E. Tigar

1960s

1970s

1980s

1990s

2000s

2010s

MET Books

MET Cases & Arguments

MET Mementoes

South Africa

FOREWORD

This is a collection of essays, articles, radio scripts and plays – or as many of them as I could find – dating from 1961, .pdf versions of some of my books, material about my work in South Africa, some material from cases on which I have worked, and some mementoes and correspondence. The items are arranged in volumes. There is some repetition of theme and content, but they trace a writing career from the first work I can remember selling – for \$25, a legal career that goes back to my law school days, and even some events from high school. Each folder has a Table of Contents that gives a short description of each item. My career path during these 50+ years is described in *Fighting Injustice* (2002).

In the METBooks folder, I have included pdf versions of most of my books, though not any editions of *Federal Appeals: Jurisdiction & Practice* and not the first editions of *Law and the Rise of Capitalism* and *Examining Witnesses*. Of course I would prefer that you buy these books.

I have also done many programs and presentations that are on DVD, and proedgroup.com has some of those. In 2012, I appeared in a re-enactment of the Clarence Darrow bribery trial, as Darrow's lawyer Earl Rogers. Santa Clara Law School produced a DVD of this program, and one can order it from them, or watch it at <http://digitalcommons.law.scu.edu/darrow/Trial/>. I had a part in a documentary on the Croatian hijacking case, *Lovers & Madmen*, available in English at <http://www.youtube.com/watch?v=wp6pqS1-VMU>.

During the late 1950s and early 1960s, I appeared on or produced many radio programs for Pacifica Foundation Radio (KFPA, KPFK, WBAI). You can find those at <http://www.pacificaradioarchives.org/>.

A number of my oral arguments, including all seven of them in the United States Supreme Court, are available on various websites and in law school libraries; text of the more recent Supreme Court arguments is also on Westlaw. I have included some of them in a volume entitled MET Oral Arguments. I have written many motions and briefs for litigated cases. Many of these are available on Westlaw and LEXIS by using my name as a search term. For cases that had some public attention, some of this material is in libraries.

Over the years, I have given many lectures. Some of them are in this collection. Most are not, because they do not survive except as notes. For example, my lectures at the Université Paul-Cezanne in Aix – on the death penalty, criminal law, freedom of expression international human rights, 13th Century French customary law, and other topics – are not here. I spoke in French and from notes.

In Google Advanced Scholar Search, with my name as the search term, one finds many articles, book chapters and essays that I was not able to download. As of 2014, Washington College of Law library maintained a Michael Tigar web page with other materials.

I have changed my mind on some of these topics. Some of my writing is unclear, ill-organized, or otherwise infelicitous. However, I have left the texts as they were. (I am chagrined that I often did not observe the distinction between “that” and “which,” even though I have had a copy of Fowler for more than almost 50 years.) Some of the original scripts that are reproduced are difficult to read, with interlineations and strikeouts. I have left most of them that way rather than re-typing them.

The materials are in approximate chronological order, by date of publication.

HOW THESE FILES ARE ARRANGED

All files are in .pdf format. The writings for each decade are arranged in a folder names for that decade. Within each folder, the first item is a Table of Contents that contains a brief description of each item and the filename of each item. The items within each decade have filenames that begin with a numeral, to provide a more-or-less accurate chronology.

NOT INCLUDED IN THESE MATERIALS

- The Rights Of The Selective Service Registrant, in THE RIGHTS OF AMERICANS (1970)
- Socialist Law And Legal Institutions, in LAW AGAINST THE PEOPLE (R. Lefcourt ed. 1971)
- The Extradition Requirement of Double Criminality in Complex Cases: Illustrating the Rationale of Extradition, published in proceedings of Instituto Superiore Internazionale de Scienze Criminali Conference, Siracusa, Italy. I cannot find a copy of this paper.
- Videotape, Effective Argument to the Court, ABA Videolaw Seminars, 1989. This video program can still be found in libraries and from the ABA. Robert Hanley and others devised a hypothetical constitutional case about cigarette advertising and the first amendment. Teams of lawyers argued the case in a district court, a court of appeals and a mock Supreme Court – although then-Judge Stephen Breyer was on the mock Supreme Court. The advocates included James Ferguson, John Niels, James Brosnahan, Floyd Abrams – and me. I argued against Abrams in the final segment. The judges included Alvin Rubin and Patrick Higginbotham. This remains a great teaching tool and a lot of fun. The Duke law library has it and I am sure you can find it elsewhere.
- Videotape, Dealing with the S.O.B. Litigator, ABA Videolaw Seminars, 1989.
- FEDERAL APPEALS: JURISDICTION AND PRACTICE, Shepard's/McGraw-Hill, 1987
- Old California and New Ideas, California State Bar Morrison Lecture, September 24, 1994, Anaheim, California. I wish I could find the text of this lecture, which contained interesting material on the early career of Justice Stephen J. Field – the only Supreme Court Justice charged – briefly – with being an accessory to murder.
- Review, Revolution in the Balance: Law and Society in Contemporary Cuba, for Update, February 1995, p. 33
- Cross Examination of Expert Witnesses, in F. Rossi, EXPERT WITNESSES, American Bar Association (1991)
- Academic Freedom, Essay, OXFORD COMPANION TO THE SUPREME COURT OF THE UNITED STATES, 1990
- Conscientious Objection, Essay, OXFORD COMPANION TO THE SUPREME COURT OF THE UNITED STATES, 1990
- Michael E. Tigar's Opening Statement and Closing Argument, US v. Nichols, published by Professional Education Group as Volume XXV in the Classics of the Courtroom, searchable on Westlaw
- Essay, Story Within A Story Within A Story – Played Out In The Different Theaters Of Different Minds, reflections on Susan Glaspell's play "Trifles," for a conference in Israel, Spring 2000

- Introduction, *The Federal Courthouse Door: A Federal Jurisdiction Guide*, by James P. George (2002)
- *Empowering the Jury* (16 one-hour DVD presentations on all aspects of trial advocacy, available from Professional Education Group)

MICHAEL E. TIGAR – BRIEF BIO

Michael E. Tigar is Emeritus Professor of the Practice of Law at Duke University School of Law, and Professor Emeritus of Law at Washington College of Law, American University, Washington, D.C. He was Acting Professor of Law at UCLA and Joseph D. Jamail Chair in Law at The University of Texas. He has been a lecturer at dozens of law schools, judicial conferences and bar associations in the United States, Europe, Africa, and Latin America, including service as *Professeur Invité* at the faculty of law of *Université Paul-Cezanne*, Aix-en-Provence. He is a 1966 graduate of Boalt Hall, University of California, Berkeley, where he was first in his class, Editor-in-Chief of the law review and Order of the Coif.

He has authored or co-authored thirteen books, three plays, and scores of articles and essays. He has argued seven cases in the United States Supreme Court and about one hundred federal appeals, and has litigated cases in 22 states in state and federal courts. His latest books are *Trial Stories* (2008) (edited with Angela Jordan Davis), *Thinking About Terrorism: The Threat to Civil Liberties in Times of National Emergency* (2007), and *Nine Principles of Litigation and Life* (2009). His memoir is *Fighting Injustice* (2003).

His clients have included Isabel Letelier, the family of Ronni Moffitt, many victims of the Pinochet repression, Angela Davis, H. Rap Brown, John Connally, Kay Bailey Hutchison, the Washington Post, Fantasy Films, Terry Nichols, Allen Ginsberg, Leonard Peltier, the Charleston Five, Fernando Chavez, Karl Dietrich Wolff, and Lynne Stewart. He has been Chair of the 60,000 member Section of Litigation of the American Bar Association, and Chair of the Board of Directors of the Texas Resource Center for Capital Litigation.

In his teaching, he has worked with law students in clinical programs where students are counsel or law clerks in significant human rights litigation. He has made several trips to South Africa, working with organizations of African lawyers engaged in the struggle to end apartheid and, after the release of Nelson Mandela from prison, to lecture on human rights issues and to advise the African National Congress on issues in drafting a new constitution. He has been actively involved in efforts to bring to justice members of the Chilean junta, including former President Pinochet. Of Mr. Tigar's career, Justice William J. Brennan has written that his "tireless striving for justice stretches his arms towards perfection."

Mr. Tigar is listed in Professor John Vile's book, *Great American Lawyers: An Encyclopedia* (2001), as one of 100 "great" lawyers in United States history. In 1999, the California Attorneys for Criminal Justice held a ballot for "Lawyer of the Century." Mr. Tigar was third in the balloting, behind Clarence Darrow and Thurgood Marshall. In 2003, the Texas Civil Rights Project named its new building in Austin, Texas, (purchased with a gift from attorney Wayne Reaud) the "Michael Tigar Human Rights Center."