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The Role of Judging 50 Years After the “Chicago Seven” Trial: A Remembrance of Charles R. Garry

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The Role of Judging 50 Years After the “Chicago Seven” Trial: A Remembrance of Charles R. Garry

*Tucker Carrington**

INTRODUCTION	969
I. SOME BRIEF HISTORICAL CONTEXT	970
II. THE BEGINNING.....	976
III. LOS SIETE.....	980
IV. HUEY NEWTON	981
V. HUAC.....	983
VI. GARRY’S LEGACY	984

INTRODUCTION

Standing alone, the “Chicago Seven”¹ is capable of evoking an entire era. Of the Seven, several are themselves individual cultural icons: Abbie Hoffman, Jerry Rubin, Tom Hayden. Likewise, the defense lawyers: William Kunstler, Leonard Weinglass, Gerald Lefcourt. Ever heard of Garabed Robutlay Garabedian, though? Or how about Charles Garry? I hadn’t. Didn’t know the first thing about either of them. I knew all about Bobby Seale, of course. Who could forget Seale? He had protested so vociferously and so often that the presiding judge ordered him bound and gagged and eventually hauled out of the courtroom, at which point the Eight became the Seven.² Seale’s main beef? That his lawyer wasn’t allowed to participate.³ The name of that lawyer? Garabed Robutlay Garabedian. AKA Charles Garry. Turns out they were the same person. Together they made for one hell of a lawyer.

But I’m getting ahead of myself.

When Professor Bruce Green first suggested the 50th anniversary of the Chicago Seven as a starting point to discuss the role of judging, I

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1. During the trial, the judge ordered one of the defendants, Bobby Seale, bound and gagged in response to his disruptions and insults to the court. The judge granted him a mistrial and severed Seale from the case. Thus, the case, which once consisted of eight defendants, became known as the Chicago Seven. *See United States v. Seale*, 461 F.2d 345, 350 (7th Cir. 1972).

2. *Id.*

3. *Id.*

turned to my friend David Fechheimer for his thoughts. Fechheimer, a longtime private investigator in San Francisco, seems to have figured in some way in just about every progressive, legal zeitgeist since the mid-1960s: Huey Newton, Eldridge Cleaver, Angela Davis, George Jackson, the Soledad Brothers, the Patricia Hearst kidnapping. When I asked him in an email if he was involved in the Chicago Seven Trial, he wrote back immediately: “I worked for Charles Garry. Call me.” I did. Fechheimer’s fond recollections of Garry gave rise to others’ who had known and worked closely with him. They have likewise generously added to the memories collected here.

I. SOME BRIEF HISTORICAL CONTEXT

First, a bit of factual background to set the stage. Even though he did not participate in the Chicago Seven Trial, Charles Garry’s absence was conspicuous. Bobby Seale wanted the lawyer he chose, Charles Garry, to serve as his counsel. More specifically, as one of Garry’s former colleagues, John Philipsborn, recalls from his conversation with several Black Panthers, Garry’s participation was dictated by his position as counsel for the Panther Party itself. Garry was also senior in age and in experience, “and the Panthers tended to view Charlie as someone who could be trusted with their narratives,” Philipsborn says. Along the same theme, Ellen Podgor notes in her article that, of the other defense counsel in the case, William Kunstler, “brought to the table a celebrity reputation” because he “represented Martin Luther King, Jr., Stokely Carmichael, and H. Rap Brown . . . [But] Kunstler . . . counted on Attorney Charlie Garry being the leader of the team.”⁴

Judge Julius Hoffman had other ideas, however. Even before the trial commenced, the proceedings had grown contentious. In the first of what would be a series of extraordinarily vituperative acts, as Professor Podgor recounts, Judge Hoffman compelled Gerald Lefocurt to fly to Chicago to answer a contempt charge where he spent the weekend cooling his heels in the Cook County jail.⁵ Another defense attorney, Michael Tigar, was in Sausalito, California, taking in the sun on the deck of the Smothers Brothers’ yacht, when he was arrested and chaperoned by the U.S. Marshals Service to Chicago.⁶ Garry was able to travel to Chicago on his own. He had filed a motion requesting that the trial be postponed for six weeks.⁷

4. Ellen S. Podgor, *A Small Slice of the Chicago Eight Trial*, 50 LOY. U. CHI. L.J. 821, 825–26 (2019).

5. *Id.* at 832.

6. *See id.* at 833 n.91 (citing WILLIAM M. KUNSTLER WITH SHEILA ISENBERG, *MY LIFE AS A RADICAL LAWYER* 18 (1994)).

7. CHARLES GARRY & ART GOLDBERG, *STREETFIGHTER IN THE COURTROOM: THE PEOPLE’S*

He had been suffering from severe gallbladder attacks, and his physician advised immediate surgery.⁸ When he appeared in front of Judge Hoffman, he promised the court that he would try the case immediately after his operation and recovery.⁹ According to Garry, Judge Hoffman granted continuance after continuance in his courtroom that morning, even wishing one lawyer best wishes on his South Seas trip with his wife. But he turned Garry's request down cold.¹⁰

As it turned out, Garry's lawyering would control the trial anyway. "Don't submit to anything in that courtroom," he told Seale before U.S. Marshals spirited him out of California, "because you're illegally there!"¹¹ According to William Kunstler, once Seale had made his initial outburst about the court's refusal to allow Garry to represent him, Kunstler told Seale that he had made his point and to settle down and participate in the trial as best he could. But Seale followed Garry's advice and refused to back down. "[Charlie] was right, and I was wrong," Kunstler later said.¹² "Because of that the judge went crazy! . . . Because Charlie took the course he took, I think the whole trial was skewered. America saw a trial of a black man bound and gagged in the courtroom. And that was really the end of the trial. . . ."¹³

Charles Garry was much more than a lawyer in the Chicago Seven Trial, of course. Garry's parents were Armenian refugees fleeing the Turkish massacres.¹⁴ His name change came, he says, out of necessity; bigotry against Armenians did not end at Ellis Island. And he was born in Bridgewater, Massachusetts, not the Bay Area where he is most closely associated and where he practiced for decades and achieved his notoriety. In an effort to escape factory work and improve his family's position, Garry's father moved the family to Selma, California, in the San Joaquin Valley, in 1914. Garry's first real job was in a cannery. He later worked at a dry cleaner. Both of these jobs politicized him, and in 1934 he aided Upton Sinclair's bid to win the California governorship. In 1938, he graduated from San Francisco School of Law (Garry never attended college, a development that "burnished" his perceived lack of sophistication and everyman charm) and immediately began representing

ADVOCATE 184 (1977).

8. *Id.*

9. *Id.*

10. *Id.*

11. CHARLES GARRY: STREETFIGHTER IN THE COURTROOM (Roxanne (Parnagian Bezjian) Makasdjian 1991), available at <https://www.youtube.com/watch?v=cmnY2Wdjaas>.

12. *Id.*

13. *Id.* (Kunstler recalling the trial). The trial of the Seven resulted in a mixed verdict. All of the convictions were later reversed on appeal. As for Seale, he was sentenced to four years for contempt of court, but his conviction was later reversed, as well.

14. GARRY & GOLDBERG, *supra* note 7, at 7–9.

labor unions. After a stint in World War II,¹⁵ Garry established himself first as a union lawyer and, after a few years of practice, found kindred spirits and formed a multipartner firm that would go on to involve itself in seemingly every high-profile political case of the generation. Garry died in 1991.¹⁶

In her foreword to Garry's autobiography, *Streetfighter in the Courtroom*, Jessica Mitford captures well Garry's general contribution as a lawyer.¹⁷ She makes her point by contrast. Mitford had attended the trial of Dr. Benjamin Spock, William Sloane Coffin, and several others, who had been charged with conspiring to disrupt the Vietnam draft.¹⁸ Coffin's attorney, James D. St. Clair, proceeded on a theory that his client had not intended to impede the draft process by turning in draft cards; instead, he had actually *expedited* the process.¹⁹ Mitford characterizes St. Clair's theory as a "shabby bit of legal chicanery."²⁰ And then she contrasts it with Garry's theory of defense of seven political activists in Oakland, also charged with conspiracy for their antidraft demonstrations.²¹ Instead of trying to soft-peddle his clients' activities, Garry presented witness after witness—forty-seven in all—who testified about their radical political activities and the ultimate "rightness of their cause."²² As Frank Bardacke, one of the defendants, explained it: "[Garry] turned our trial into a teach-in on free speech, police brutality, and the war in Vietnam—just as he turned the Huey Newton trial into a

15. Telephone Interview with John Philipsborn. According to Philipsborn's recollection of conversations with Garry about this period of his life, Garry

was in his forties, and a practicing lawyer and eligible to enter the officer corps when he enlisted. There was some question, because of his association with the representation of "rabble rousers and labor leaders" of whether the Army would accept him. He refused to enter the Army as anything other than an enlisted man—he would proudly display photos of himself in his enlisted man's uniform.

Id.

16. Garry suffered a series of strokes. Marvin Stender tells the story—he swears not apocryphal—that after his first, as he was being wheeled out on a stretcher by an EMT, Garry was asked whether he had a headache. He answered: "I don't get headaches; I give them!" Telephone Interview with Marvin Stender.

17. Jessica Mitford, *Forward* to GARRY & GOLDBERG, *supra* note 7, at ix–xi.

18. Coffin, Spock and three other co-defendants stood accused of violating the Universal Military Training and Service Act, which punished anyone who "knowingly counsels, aids, or abets another to refuse or evade registration or service in the armed forces." 50 U.S.C. § 3811(a) (2012); Daniel Lang, *The Trial of Dr. Spock*, NEW YORKER, Sept. 7, 1968, at 38, 38. All but one of the defendants were convicted, but their convictions were reversed, and the government declined to re prosecute.

19. Mitford, *supra* note 17, at x.

20. *Id.*

21. *Id.* Karen Jo Koonan, who contributed to the memories of Garry for this piece, was involved in organizing and then participated in these demonstrations. She was never indicted, however.

22. *Id.*

teach-in on racism and self-defense.”²³

Garry’s more particularized contribution was comprised of a good many component parts. Among them was his insistence on extensive *voir dire*. According to Garry’s friends and colleagues who remember, Garry invented the form, as long as the form under discussion is an exhaustive approach to the process that is as much about educating the judge and jury about the overriding political and social issues in the case as it is about choosing unbiased jurors. Philipsborn, who practiced with Garry later in his career, says that Garry “not only initiated penetrating and broad *voir dire* on the basis that it was essential to minimize racism and prejudice among jurors, but he also insisted on asking questions to ferret out deference to government power, and embedded a number of techniques into his approach that encouraged the use of *voir dire* as a means to elicit a discussion on attitudes.” Several publications on jury selection carried exemplars of his approach, including a book-length treatment from the National Lawyers’ Guild, *Minimizing Racism in Jury Trials*.²⁴

In addition, Garry’s insistence on rigorous investigation knew no bounds. Garry understood that the government was always better resourced than the criminal defendants it prosecuted. So he made it a point to be the exception to that rule. To say that he typically knew far more about the case than anyone else in the courtroom is to sell Garry short. And what he knew about the case was not simply limited to the facts, but it extended to the deep context of those facts. Huey Newton’s Black Panther trial? Garry immersed himself in the literature, everything he could get his hands on: Malcolm X, Richard Wright, W.E.B. DuBois, Frantz Fanon. He was the consummate “storyteller,” Karen Jo Koonan, an activist and long-time acquaintance, says. “He was able to take the political principles that animated the entire legal case and place it into a story that resonated with the jury,” the story’s concussive effect rippling out into the audience and then to the demonstrators on what he understood to be the larger field of battle: the movement in the streets.

In the end, perhaps Garry’s most consummate skill was his recognition and insistent claim that “courtrooms are not equipped for justice.”²⁵ Richard Hodge, Garry’s co-counsel in several cases, said it succinctly: Garry “viewed the courtroom as a reflection of racist society.”²⁶ Frequently people who operate like that, who give no quarter, grow quickly tiresome; their position is a triumph of self-aggrandizement over

23. *Id.*

24. *See generally* MINIMIZING RACISM IN JURY TRIALS (Ann Fagan Ginger ed., 1968).

25. CHARLES GARRY: STREETFIGHTER IN THE COURTROOM, *supra* note 11.

26. *Id.*

principle. Lawyers who are like that typically do their clients a disservice because they value ideology over their clients' interests. In spite of his rigid position, Garry was not that kind of lawyer. He was possessed of a saving grace. Several of Garry's former clients have explained how they experienced it.

During Garry's defense of the Oakland Seven, specifically his closing argument, he pointed out to the jurors that his clients felt that they had a *duty* as loyal citizens to stop the Vietnam War effort.²⁷ All of his clients were radicals and revolutionaries and had not exactly wrapped themselves in the flag, but as Garry talked about how patriotic his clients were, he did just that, eventually ending up on one knee, reciting Emma Lazarus's poem from the base of the Statue of Liberty: "Give me your tired, your poor, your huddled masses . . ." ²⁸ The defendants were mortified.²⁹ The jury cried; so did Garry.³⁰ One of the jurors, a World War II veteran officer, who Garry insisted on leaving on the jury, understood that the defendants were engaged in a war, a new and different kind of war to be sure, but a war over the same fundamental principles.³¹ The jury acquitted.³²

It may well be that Garry viewed the courtroom as a reflection of a racist society, but as Richard Hodge notes, "Charles did as much as anyone in history—in legal history—to change that orientation."³³ "He always empathized with his clients to the point where he would be on trial himself. That takes a lot out of a person. Maybe sometimes more than it takes out of the client," Huey Newton said about his friend and lawyer.³⁴ "You have to believe in people to be the kind of lawyer that Charlie is," recalls longtime National Lawyers Guild leader, Karen Jo Koonan, "and to win the way he wins. . . . That's really his magic."³⁵

It should be said here—and it was said by many of the folks with whom I spoke—that Garry was not perfect, and his career was not unblemished, whatever that may mean. Most notably, in his later career, for example,

27. *Id.*

28. *Id.*

29. *Id.*

30. *Id.*

31. Telephone Interview with Karen Jo Koonan; Philipsborn, *supra* note 15.

32. See Koonan, *supra* note 31. In discussing the verdict, Koonan recalls that the prosecution played a tape of a pre-rally meeting that the defendants had been involved in, the theory being that the "incendiary" language would buttress the government's case. In the intervening two years between the indictment and the trial, however, the rhetoric had escalated to such a degree that the rally's speeches discussions seemed relatively mild and reflected growing opposition to the war. *Id.*

33. CHARLES GARRY: STREETFIGHTER IN THE COURTROOM, *supra* note 11.

34. *Id.*

35. *Id.*

he became involved with—and barely escaped with his life as a result—Jim Jones and the Peoples Temple.³⁶ But as Philipsborn explains, Garry’s disastrous involvement with Jones was a byproduct of Garry’s empathic qualities.

He saw in the Peoples Temple, at least as it existed at a certain place and time in San Francisco, a school, a congregation, that ministered and offered sanctuary to the poor and marginalized. Because of his way of conferring a kind of unfiltered loyalty on those whose ideas and presence he liked, he extended his notion of what was righteous in the Peoples Temple’s initial notions of racial justice and equality to Jim Jones himself, and Garry was rightly pilloried for speaking up for Jones after it became evident that the situation in Guyana was taking a tragic turn—during which he was almost killed by some of Jones’s henchmen as Jones set on the rest of his followers.³⁷

It was a mistake that others made too, but when made by a lawyer in regard to his client, it carries additional ramifications. When made by a lawyer like Garry, who was involved in the types of cases in which he frequently handled, the mistakes and regrets and damage loom larger. Given the era, but without excusing it, all of it seems *sui generis*.

Those are the facts. What follows is the color commentary, which is where, I hope, the true aspects of Garry’s spirit and legacy will come alive again. Strictly speaking, I have taken a good deal of liberty in addressing this symposium’s subject matter: the role of judging fifty years after the Chicago Seven. But Charles Garry’s contributions and legacy hover over this entire era, informing in their own way not just the role of judging, but the engaged role that lawyers must assume in the representation of their clients, especially when those clients are unpopular as a result of their controversial political views or their marginalized status.

To the extent that my effort to pay tribute to Garry is realized, I owe all credit to Garry’s former friends and colleagues who agreed to speak with me. My conversations with David Fechheimer,³⁸ as well as several

36. Jim Jones was the founder of the Peoples Temple. In the 1960s he moved his operations to California and later to Guyana. Because of reports that his organization was holding people against their will and committing other violations, California Representative Leo Ryan led an inquiry. Ryan and several others were shot to death on an airstrip in Guyana as they were en route back to the United States. That same day, Jones and 918 Peoples Temple members committed mass suicide in their compound. *Jonestown: Mass Murder-Suicide, Guyana [1978]*, ENCYCLOPEDIA BRITANNICA (May 2, 2019), <https://www.britannica.com/event/Jonestown-massacre>. Garry’s involvement with Jones and his representation of the Peoples Temple was complex, tumultuous and contentious. Garry was present in Guyana, along with Congressman Ryan when Peoples Temple members assassinated Ryan and committed suicide. Garry had fled, along with Mark Lane, a fellow attorney, into the jungle to escape. See John M. Crewdson, *Mark Lane and People’s Temple: A Cause to Back, then Condemn*, N.Y. TIMES (Feb. 4, 1979), <https://www.nytimes.com/1979/02/04/archives/mark-lane-and-peoples-temple-a-cause-to-back-then-condemn-mark-lane.html>.

37. Philipsborn, *supra* note 15.

38. Sadly, David passed away in early April, 2019, after complications from open heart surgery.

others—Karen Jo Koonan,³⁹ Marvin Stender⁴⁰ and John Philipsborn⁴¹—all took place by phone. To speak at any length to these folks is to be engaged in conversations about events that occurred over a half century ago in some of the most turbulent times in this country’s history. I will readily cop to being a work in progress when it comes to cultural literacy. On the spectrum, though, I like to think that I am closer to enlightenment than to blissfully ignorant. Garry’s friends are too kind to have made me feel ignorant, but nevertheless I did come to the conclusion that enlightenment is evidently a state to which one can only aspire and never fully attain. For that reason, I have sprinkled this interview with footnotes, many of which do more than cite a source. My intent is to offer context, or a fuller explanation of something or someone that was explicitly mentioned during our conversations. I suspect that many readers will find these notes superfluous; but for others—readers like me—I hope they fulfill a twin purpose: to add depth and explanation to the recollections and to pay additional tribute to the subjects, many of whom paid a stiff price for exercising their beliefs, or for defending others’ right to exercise theirs. Chief among them, of course, is Charles Garry, who I hope is introduced—or reintroduced—in a way that adds another small contribution to an already rich but still under-appreciated legacy.

II. THE BEGINNING

Among Garry’s friends, there seemed to be a general consensus that, historically speaking, the best starting point to track Garry’s rising star as a national, radical lawyer is a singular place: the docks along San Francisco’s Embarcadero during the 1934 general strike. It is from this point that his long, close, relationship evolved with famed private investigator Harold “Hal” Lipset,⁴² and, from there, his association with

He was 76. This Article, from conception to finished product, would not have been possible without him, his astonishing memory, his storytelling ability, his generosity, and maybe most of all, his astute appreciation for the human condition, its good and its bad. He was a sweet man. He had so many other stories still to tell. Sam Roberts, *David Fechheimer, a Reserved but Adroit Sam Spade, Dies at 76*, N.Y. TIMES (Apr. 3, 2019), <https://www.nytimes.com/2019/04/03/obituaries/david-fechheimer-dead.html>.

39. Koonan is the granddaughter of loyal union members. Her grandmother was a lifelong member of the International Ladies’ Garment Workers’ Union; her father a member of the Amalgamated Meat Cutters and Butcher Workmen of North America. She worked in Indianola, Mississippi during the Civil Rights era and in 1997 became the first nonlawyer president of the National Lawyers Guild. For years she has worked as a nationally-renowned jury consultant.

40. After graduating from law school in Chicago, Stender moved to the Bay Area to practice law. For more than a decade he and Garry practiced together in the same law firm.

41. Philipsborn is a San Francisco-based attorney who works nationally on capital cases at both the trial and appellate levels.

42. Harold “Hal” Lipset was a revered private detective who lived and worked in the San

a core group of attorneys whose aggressive and constant representation of leftist causes would define an era. Lipset had been a criminal investigation division officer during World War II, after which he got married and relocated to San Francisco. He soon fell in with a group of very progressive and well-established Bay Area lawyers who grew to rely on his services. Among them was Vincent Hallinan. Hallinan and his colleague, James Martin MacInnis, had made names for themselves by representing Harry Bridges. Bridges, an Australian who had immigrated to the United States and become a San Francisco longshoreman, founded the International Longshoremen and Warehousemen's Union and became its first president. He and others lead the general strike at the Embarcadero. The United States Army violently confronted them. Thereafter, the government spent most of the 1940s trying to deport Bridges, claiming that he lied on his citizenship application about whether he had ever been a member of the Communist Party.⁴³ According

Francisco Bay Area for decades. He was most famously known as a developer of miniature surveillance devices, including one which he used to bug an olive in a martini. Professionally, he altered the reputation of the private investigation business generally and private investigators themselves more specifically. "It's not all girls, guns, booze and punching out the thugs," he once said, "I don't even carry a gun." Myrna Oliver, *Harold 'Hal' Lipset; Detective Known as the 'Private Ear'*, L.A. TIMES (Dec. 10, 1997), <https://www.latimes.com/archives/la-xpm-1997-dec-10-mn-62582-story.html>. By staffing his office with younger, educated, and in many instances people who did not fit the stereotypical hard-boiled, gumshoe investigator type, Lipset revolutionized the job. Richard Carlson, who once worked for Lipset, begs to differ on this point in a long piece about Lipset published in *The Weekly Standard*: "Hal Lipset's obit in the *New York Times* said he hired many intellectual operatives. I don't know about that. I must have been out the day the intellectuals arrived. But the detectives who worked for Hal were a clever group, and ballsy, and I liked them." Richard Carlson, *Rat Lines and Stakeouts*, WKLY. STANDARD (Jan. 22, 2007), <https://www.weeklystandard.com/richard-w-carlson/rat-lines-and-stakeouts>. Regardless, Lipset was also very successful. He ran his business out of a 25-room Victorian mansion in the Pacific Heights section of San Francisco. According to Carlson, "[t]wo locked rooms contained Hal's broad collection of uniforms and disguises: mailman, security guard, waiter, dozens of conventioneer's badges ('Hi, I'm Kurt.'). etc. Telephone linemen's pole-climbing equipment and hard-hats for wire-tapping forays hung from hooks." *Id.*

43. In 1934, the longshoremen went on strike, paralyzing the entire port. When police got involved, riots broke out. On July 5, 1934, two men were killed in the rioting, and a number of police were injured. According to Johnny Miller of *SFGate*, the *San Francisco Chronicle* reported the following day that

"Blood ran red in the streets of San Francisco," [and more] than 15,000 men and women followed the coffins up Market Street in a procession that astounded the city and that was followed by a general strike that stopped the city in its tracks. The Australian-born Bridges, often accused of being a member of the Communist Party, faced a series of deportation trials all the way to the Supreme Court. Ultimately all the charges were dropped. One U.S. Supreme Court decision said, "The record in this case will stand forever as a monument to man's intolerance of man. Seldom, if ever in the history of this nation has there been such a concentrated and relentless crusade to deport an individual because he dared to exercise the freedom that belongs to him as a human being and is guaranteed to him by the Constitution."

Johnny Miller, *Harry Bridges Dies at 88*, SFGATE (Mar. 26, 2015, 4:17 PM), <https://www.sfgate.com/entertainment/article/Harry-Bridges-dies-at-88-1990-6161792.php>.

to Fechheimer, “they were extraordinarily rough trials filled with fake witnesses for the government—priests who weren’t priests, wild shit.”⁴⁴ When it was all over, Bridges avoided prison. His lawyers did not fare as well. Hallinan launched his 1952 Progressive Party presidential campaign from his jail cell.⁴⁵ His running mate was Charlotta Bass, an African American woman and the first female vice-presidential candidate.⁴⁶

Once Lipset’s relationship with Hallinan and others solidified, they became the go-to shop for radical causes in need of legal representation. Their circle grew to include Doris Brinn Walker,⁴⁷ who was a tobacco worker and union organizer for the Communist Party, and Brinn’s law partner, Bob Treuhaft.⁴⁸ (Treuhaft was married to Jessica “Decca” Mitford.) “These were tough, tough people who tried cases all the time,”

44. Telephone Interview with David Fechheimer.

45. Hallinan spent six months in prison for contempt. Bruce Lambert, *Vincent Hallinan Is Dead at 96; An Innovative Lawyer with Flair*, N.Y. TIMES (Oct. 4, 1992), <https://www.nytimes.com/1992/10/04/us/vincent-hallinan-is-dead-at-95-an-innovative-lawyer-with-flair.html>. MacInnis also spent time in prison as a result of the same trial. JULIE SHEARER & SIDNEY ROGER, A LIBERAL JOURNALIST ON THE AIR AND ON THE WATERFRONT: LABOR AND POLITICAL ISSUES, 1932–1990 313 (1998), http://content.cdlib.org/view?docId=kt1000013q&brand=calisphere&doc.view=entire_text.

46. From Bass’s acceptance speech in Chicago:

I have fought not only for my people. I have fought and will continue to fight unceasingly for the rights and privileges of all people who are oppressed and who are denied their just share of the world’s goods their labor produces. I have walked and will continue to walk in picket lines for the right of all men and women, of all races, to organize for their own protection and advancement. I will continue to cry out against police brutality against any people, as I did in the infamous zoot suit riots in Los Angeles in 1944, when I went into dark alleys and reached scared and badly beaten Negro and Mexican American boys, some of them children, from the clubs and knives of city police. Nor have I hesitated in the face of that most unAmerican Un-American Activities Committee—and I am willing to face it again. And so help me God, I shall continue to tell the truth as I know it and believe it as a progressive citizen and a good American.

Charlotta Bass, Candidate for Vice President of the U.S. of the Progressive Party, Address in Chicago: Acceptance Speech for Vice Presidential Candidate of the Progressive Party (July 5, 1952), available at <https://www.blackpast.org/african-american-history/1952-charlotta-bass-acceptance-speech-vice-presidential-candidate-progressive-party/>.

47. Walker, an avowed Communist, was a lawyer for several high-profile clients, including Angela Davis, whom she represented on murder and kidnapping charges in the 1970s. She was a 1942 graduate of Boalt Hall, and the only female in her class. In the 1950s she represented several clients charged and then was convicted for violating the Smith Act, anti-sedition legislation that was passed in part to help the federal government deport Harry Bridges, discussed *supra*. In *Yates v. United States*, 354 U.S. 298 (1957), Walker and several other lawyers prevailed to have their clients’ convictions reversed and the Act held unconstitutional. She was the first woman to serve as national president of the National Lawyers Guild.

48. Treuhaft’s firm later became Treuhaft, Walker and Burnstein. Walker worked at the firm for over fifteen years. Mitford’s book, *The American Way of Death*, was a blistering expose of American funeral homes and associated services, the idea for which was born out of Treuhaft’s experience with clients whose husbands had been killed in industrial accidents and who were being charged extortionate fees for funeral arrangements and services. See generally JESSICA MITFORD, *THE AMERICAN WAY OF DEATH* (1963).

Fechheimer recalls. “They were great lawyers, and they were fearless. They were all no bullshit people in a way that’s kind of hard to imagine today.”

For his part, Garry attended law school at night—at San Francisco School of Law—and worked during the day at a dry cleaner. He used the dry cleaner’s pressing table as a desk. He was admitted to the bar in 1938. To Fechheimer, that Garry’s path would cross with Lipset, Hallinan, Treuhaft and others, was “natural.” They all shared a commitment to radical causes, but they were also able to be radical in their own ways. Their circle grew, adding Frank McTernan,⁴⁹ Benjamin Dreyfuss,⁵⁰ Garry, Julius Keller.⁵¹ Later, Allan Brotsky⁵² and Marvin Stender.⁵³ Fechheimer recalls them collectively: “They were all interested in the labor unions. They were all interested in the rights of black people. They were all kind of exemplary. None of them was particularly interested in being rich.”

Their courageousness also won them a place of trust with the African American community, and, as a consequence, they represented “almost every black person who slipped on a bus or in a Safeway store” for the better part of three decades, recalls Fechheimer.⁵⁴ Their devotion to representing members of marginalized communities was deep—and broad. It allowed Garry opportunity to hone and urge colleagues to follow a particular trial skill: turning “bad” facts into virtuous ones. Marvin Stender recalls a trial in which one of the firm’s lawyers sued the City of San Francisco over a hazardous sidewalk. Somehow or another the city attorney learned that the plaintiff had been drinking when he tripped and injured himself. Much was made of this vice to the jury. In closing, Garry’s protégé took a page out of Garry’s book, and as Stender recalls the story being told, argued that “a man who is intoxicated is every bit as

49. McTernan, aside from his representation of many 1960s student radicals, also represented members of the Free Speech Movement on the Berkeley campus.

50. Dreyfuss represented, among others, Eldridge Cleaver and Daniel Ellsberg, who faced charges for releasing the “Pentagon Papers.” Dreyfuss also worked with Helen Sobell, whose husband, Morton, was convicted along with Julius and Ethel Rosenberg, and served a 30-year sentence on Alcatraz. *Benjamin Dreyfus, 73; Lawyer for Underdogs*, N.Y. TIMES, Oct. 5, 1983, at D25.

51. Julius Keller died of lung cancer not long after joining the firm.

52. Brotsky also had a storied career as a progressive lawyer. During the Vietnam War, he represented countless draft resisters and war protesters, including demonstrators who blocked military supplies at Port Chicago, one of the main embarkation points for napalm shipments to Vietnam.

53. Stender’s wife, Fay, had been working with Garry on prisoner rights cases for several years before Marvin joined the firm. In fact, as Stender recalls, he and Fay left Chicago, where they had both attended law school, with a personal introduction from University of Chicago Law Professor Malcolm Sharp to Garry, whom Professor Sharp referred to as “the most unknown political lawyer of the century.”

54. Fechheimer, *supra* note 44.

deserving as a sober one to a safe sidewalk, and in many ways, is of far greater need.”⁵⁵ Garry’s and the firm’s reputation within the community led to them becoming the lawyers that the Black Panthers turned to for representation.⁵⁶ Garry himself was later retained as the Panthers’s chief counsel.⁵⁷

Fechheimer, a former college student turned Dashiell Hammett fan turned Pinkerton agent, eventually came to work for Lipset and through him became acquainted with, and then extremely close to, Garry—both professionally and personally. If you worked with Garry for any length of time, Fechheimer says, you became part of an extended family: “He was an Armenian, a Hamidian from Fresno, with no social airs or self-important pretensions. He lived for many years with his wife in Daly City.”⁵⁸ Philipsborn echoes that observation: “He had a generosity of spirit, an openness with his intentions. A lot of barriers to a useful, enjoyable relationship—like generational or cultural divides—would simply fall to the side.”

That said, Garry’s generous, unprepossessing demeanor belied a formidable toughness. He was not a large man, and, like many men—especially, perhaps, lawyers—who tend to look silly when they get pissed off, Garry, according to Fechheimer, “just looked like trouble.” Many people have noted Garry’s penchant for yoga;⁵⁹ Fechheimer also recalls Garry’s vitamin obsession, bottles of which covered his desktop. No conversation about Garry with those that knew him well is without a mention of Garry’s frequent malapropisms and his penchant for garish clothes—bright red and green suits and spray-painted wing tip shoes.

III. LOS SIETE

Fechheimer associates their working friendship which lasted for years with the famous 1970 *Los Siete* trial.⁶⁰ At the time, Garry was

55. Stender, *supra* note 16.

56. The Black Panther trials were actually a series of trials that occurred across the country in the 1960s and 1970s. The two most famous occurred on opposite side of the country—in the Bay Area and in New Haven.

57. When the Black Panthers sought a lawyer to defend Huey Newton in a Bay Area trial, they interviewed Charles Garry. “Are you as good as Perry Mason?” one Panther asked him. “I’m better,” Garry replied. “Both of us get our clients off, but Mason’s are innocent.” *The Panthers’ Honky Lawyer*, TIME MAG., Jan. 12, 1970, at 32.

58. According to Fechheimer, the FBI compiled an extensive, if not particularly substantive, file on Garry, which included a keen observation from one of the agents staking out Garry’s house: the house needed painting.

59. Garry was a yoga devotee. Seemingly anytime, anyplace, including the courtroom, where every day before the Erica Huggins and Bobby Seale murder trial commenced in New Haven, he would do a series of headstands. Mitord, *supra* note 17, at x.

60. On May 1, 1969, several young Hispanic men were in the process of moving some items into a house in the Mission District in San Francisco when they were approached by two police

recuperating from an operation (the same one that kept him from being in Chicago to defend Bobby Seale). While Garry was in the recovery room, Fechheimer remembers,

He got a phone call from someone, and he couldn't remember who it was. He told me that if I could find the person who called him he could win the *Los Siete* case. Well, I figured out who'd made the call and found the person [a story in itself, that involves an unhappy marriage, old phone bills, a chance trip to Colorado and lots of knocking on doors, the last of which landed paydirt], and she was a dynamite witness.

Indeed. She was the wife of the surviving police officer, who was the prosecution's main witness. Garry's defense theory was that the officers were corrupt, and that instead of the defendants wresting the officer's service revolver away and using it, it was the officers who escalated the encounter and fired the fatal shot.⁶¹ After locating the officer's estranged wife in Colorado, Fechheimer brought her to San Francisco for the trial, and put her up in Lipset's office, a posh Victorian mansion where she was the subject of threatening phone calls from her husband's police cronies. "She came to court and testified that her husband hated Latinos and regularly planted drugs and shit on them," Fechheimer recalls, "It was all very dramatic."

IV. HUEY NEWTON

In her article, Professor Ellen Yaroshesky writes that "[j]udges must move beyond . . . passive action and become more engaged judges to uphold justice."⁶² Implicit in Professor Yaroshesky's admonition is that it may not be the judge himself who engages this "action," but someone else—a lawyer, for example. And so it was with Garry, who was often the precipitating factor. For Garry, particularly in high profile, politicized trials, *voir dire* was one of the first tools he employed as a way to create active engagement. For Garry, *voir dire* was all about education—first of

officers, Joe Brodник and Paul McGoran. A fight broke out, and Brodnik was fatally shot with McGoran's gun. All seven of the defendants were charged with murder. Soon thereafter, the "*Los Siete*"—as the defendants were called—Defense Committee was formed, and with assistance from the Black Panther Party, raised money and support for the defendants' legal costs. Out of that effort grew a broader Hispanic support movement: the La Raza Information Center and the Brown Berets. The June 1970 trial was highly publicized and politicized. In attendance were several of the Chicago Seven. The prosecution theory was that the officers had been ambushed by multiple assailants, one of whom grabbed McGoran's gun and began firing. The defense theory was that McGoran himself had shot and accidentally hit his partner. The trial featured powerful testimony by McGoran's estranged wife that McGoran would commonly plant drugs and other evidence on criminal suspects. All seven of the *Los Siete* defendants were acquitted. MARJORIE HEINS, *STRICTLY GHETTO PROPERTY: THE STORY OF LOS SIETE DE LA RAZA* (1972).

61. *Id.*; Fechheimer, *supra* note 44.

62. Ellen Yaroshesky, *Judge Damon Keith: The Judicial Antidote to Julius Hoffman: Challenging Claims of Unilateral Executive Authority*, 50 LOY. U. CHI. L.J. 989, 1014 (2019).

the judge and then of the jurors. Choosing an unbiased jury, though important, was of secondary concern. Without a judge who understood the context of the defense, as well as the defense theory, many of Garry's trials would have been a lost cause from the outset. Garry's approach was in many ways diametrically opposed to the guiding philosophy of contemporary jury selection, but as Koonan notes, these types of cases were "*so new*, and they were taking place within the context of a larger mass movement," that his approach was the correct one under the circumstances. Take the Huey Newton trial, for example, which was conducted in Alameda County in Oakland. Securing a neutral venue and an objective judge seemed virtually impossible. Much of the tension, as Fechheimer recalls, was because of the presence of the publisher of *The Oakland Tribune*, William F. Knowland, who had been a United States Senator. "He was somewhat to the right of [Barry] Goldwater," Fechheimer says. "Oakland was a nasty town in those days. It was run by cracker whites, almost like a southern town. And Knowland, who has completely been forgotten, was the power directing the white community and the police department. He was a formidable presence at the time." Knowland did not want Oakland to become the free-for-all that he believed Berkeley—the neighboring town—had become after the 1964 Free Speech Movement.⁶³

It was in this atmosphere that Garry deployed his *voir dire* strategy that set the stage for the entire defense—a strategy that required the court understand the burgeoning black liberation movement and Newton's conspicuous role in it. Garry's *voir dire* tactics also paved the way for Newton to testify, a risky venture given the general public's perception of the Panthers and its militaristic leader. Many lawyers, including those who hew to "client centered" representation, claim that their client's voice has to be part of the trial, but that belief is not always honored in the breach. Garry firmly believed in the tactic on principle. Newton's testimony was lengthy, and included significant discussion of the black liberation movement and the rationale behind the founding of the Panthers. To Fechheimer, Newton's testimony was consistent with Garry's approach to being a lawyer in the first place. "In Charlie's mind," Fechheimer explains, "Huey wouldn't have been a defendant if he wasn't a Black Panther in Oakland. You can't separate one from the other." For

63. In the early part of the 1964 fall semester, the University of California at Berkeley administration barred students from using a central part of the campus to rally support for political protests. Out of this disagreement was born The Free Speech Movement, which lasted for the better part of that semester and included the arrest of several hundred students, the occupation of the main administrative building, and, ultimately, the enshrinement of students' ability to use the campus as a vibrant center for political debate. That movement was followed by increasingly large protests against the War in Vietnam and the draft.

many defense attorneys—this one included—putting a client on the stand is a terrifying proposition. For Garry, though, the types of cases he was trying, and the clients he was representing, meant that the whole premise of the charges that they were facing was a result of who they were and what they were insistent upon saying. And that necessarily had to become part of the trial. “Where better to get it from, Charlie thought, than from the horse’s mouth?” Fechheimer says.

V. HUAC

It is worth noting at this point what has been implicit, and what Marvin Stender makes explicit: “Charlie Garry could be a *very* charming man. He could get away with things that a lot of lawyers couldn’t. He would just let his politics hang out,” Stender says, and then tells the story of Garry’s testimony at the House Un-American Activities Committee (HUAC) hearings in San Francisco. When asked if he were a Communist, Garry replied in the affirmative, and when he was asked a follow-up question about whether he therefore denied the existence of God, leaned into the microphone and answered, “Mr. Chairman, what the Communists do for their God is their own business. What I do for my God is my own, and none of yours!”⁶⁴

Garry’s challenges were not limited to the tenor of the times. Institutional problems plagued his cases, too, and Garry was not shy about fighting fire with fire. In 1959, HUAC held hearings in San Francisco. Several of the lawyers in Garry’s firm were subpoenaed to testify, Garry included. Eventually, a number of students and others were charged for various acts of disruption, but all of the charges were later dismissed with the exception of those against one Berkeley student. Garry was asked to represent him.⁶⁵

In preparing for the trial Garry and his co-counsel had gotten some police reports—reports that were inconsistent with what would be the prosecution’s theory: that the riot had all been started when a student jumped the barricade and grabbed an officer’s club. Garry had gotten the information, he claims, the “same way resourceful lawyers always had obtained such information . . . we paid for it.”⁶⁶ Absent his efforts, his client base, particularly people of color, were effectively shut out of what we consider today to be standard discovery practice. After a lengthy and highly contentious trial, Garry’s client was acquitted.

64. Stender, *supra* note 16.

65. The hearings and the events leading up to the mass arrests and trial are too lengthy to recount here. For an excellent primary source, see *KPFA’s Baptism of Fire*, MY KPFA, http://kpfahistory.info/huac_home.html (last visited May 29, 2019) (providing recordings of the HUAC hearings).

66. GARRY & GOLDBERG, *supra* note 7, at 74.

VI. GARRY'S LEGACY

Garry's connection to the Chicago Seven Trial and other high profile cases certainly colors his reputation, but it doesn't fully define it. Once the tear gas dissipates, the yelling is quieted, and order is restored, we're left with the question of Garry's legacy. What is it? What did it amount to in the end? Koonan answers that Charles Garry was "*the voice* of a movement. He was the right person at the right place at the right time. And I believe he saw himself as that voice, as well." When I asked Fechheimer, he found it somewhat difficult to answer because Garry, though defined in large part by his participation in so many high-profile cases, was not entirely defined by them. At some level, he always remained a lawyer's lawyer, driven by his heritage and his lifelong commitment to help whoever was in need, no matter their station.

Stender responds to the same question like a lawyer, with a considered list. First, he says, was Garry's expertise with *voir dire*. "People would run to the courthouse to listen to Garry pick a jury in a dog bite case," Stender says. Second was his contribution to the general rights of prisoners, including significant California state sentencing reform, through his lifesaving representation of Wesley Wells.⁶⁷ And finally, Stender says, "Charlie lived his politics through the practice of law. Not only in his choice of clients—anti-war activists, Black Panthers—but in the way he tried his cases, too." John Philipsborn responds with an uncannily similar list, echoing Stender by noting that there are entire areas of law— "diminished responsibility,"⁶⁸ for example, or contemporary approaches to *voir dire*, which find their roots in Garry's handling of sedition and loyalty cases⁶⁹ and then the Black Panther trials.

In addition, Philipsborn notes Garry's early efforts to challenge forensic evidence—efforts that were novel and that have specific resonance today. "Garry and his colleague, Bernard Diamond⁷⁰ at the University of California, not only originated the concept of diminished capacity," Philipsborn explains,

which depending on the iteration of it either involved presenting evidence to "negate" the existence of required state of mind element, or (in the California iteration of the doctrine in its heyday to "mitigate" or diminish the proven mental state from a specific intent. His work to

67. See *id.* at 24–38 (discussing Garry's representation when defending Wesley Wells from the death penalty); Theodore Hamm, *Wesley Robert Wells and the Civil Rights Congress Campaign*, SOULS: CRITICAL J. BLACK POL., CULTURE, & SOC'Y, Winter 2000, at 22.

68. See GARRY & GOLDBERG, *supra* note 7, at 38 (discussing Garry's use of the defense of "diminished responsibility" during his representation of Wesley Wells).

69. See *infra* note 73 and accompanying text.

70. Diamond received his medical degree from the University of California at San Francisco and joined the law faculty at Berkeley in 1963. He was also a clinical professor of psychology. He testified on behalf of Sirhan B. Sirhan in his trial for the murder of Senator Robert F. Kennedy.

exclude neutron activation analysis in one of his cases was accompanied by the presentation of the kind of scientific evidence that one can see presented when lawyers attack the reliability of certain categories of forensic science evidence today. While his style of lawyering was considered political and client focused (he would emphasize in argument that he would be talking about his client while others would talk about the law), he also was willing to either proffer, or try to bar, scientific and technical evidence that more “bookish” lawyers would not take on. He was doing these things years ago, and a number of lawyers learned from his example, and perfected other avenues of focused litigation.

In response to a question about who Garry’s clients would likely be today, Fechheimer answered more quickly: “Well, I think he would have been representing people at Guantanamo, and I think he would have been happy to have represented Edward Snowden. And I think he would still represent poor people and working people.” Koonan adds that he would have been right there beside the Parkland Teens advocating for gun control, and that he would have viewed Black Lives Matter as a contemporary iteration of the black liberation movement. Philipsborn adds that Garry would likely have played some part in First Amendment cases, remaining steadfast to his early defense of sedition and loyalty cases in the run up to and during the McCarthy era. “Garry found fascination in representing people who were iconoclasts, who were hated by others,” Philipsborn says, “and if they were sympatico with him then all the better. But if not then that was okay, too.”

In a moment of reflection about Garry’s legacy, Koonan tells a story about her time in Mississippi, the fall after Freedom Summer, when she travelled to Indianola, in the Delta, to teach people how to read and pass literacy tests so that they could register to vote. While she was there, the house where she was staying was bombed. Her mother, deeply upset, called the Department of Justice and refused to speak directly to anyone other than John Doar.⁷¹ Her persistence worked. Doar had two Mississippi FBI field agents go and speak with Koonan. They asked her if anyone had issued a specific threat. She told them no, not in words, but they had destroyed her house with dynamite. Well, they replied, until she could report a specific verbal threat there was nothing that they could do. As she accompanied them to their car, another car full local white men pulled up. Some of the men got out and started beating up one of Koonan’s male friends, a fellow civil rights worker. When Koonan screamed for the FBI Agents to intervene, they told her that it was outside

71. Doar was Deputy Assistant Attorney General for Civil Rights from 1961–65 and then head of the office from 1965–67. He spent much of his time dealing with the violence in Mississippi and prosecuting those responsible for it.

of their jurisdiction and drove away. At that point, she understood: This movement was not just about changing the hearts and minds of a bunch of cracker whites; it was about changing the structure of an entire system. “This is precisely what Charlie was so good at explaining to people,” she says, “that it was about a corrupt system.”

Philipsborn makes a similar point, but from a trial lawyer’s perspective.

I saw a few of his openings and closings—after his “heyday” I guess—but even then you could see how he could reach people. “For those of you who believe in the individual, who stands up before you’re asked, who has a heart . . .” and so on. He just could connect so well and then get others to do the same when it came to this purity of motive. What distinguished Garry was this incredible ability to identify the person sitting at the defense table as deserving of something *much more* than just the presumption of innocence—he *loved* the schtick—“Other lawyers are going to get up here and talk to you about the law; the law isn’t fair, it’s not fair!”

Philipsborn also recalls that in the immediate aftermath of Garry’s death, there was significant interest in his files—from former clients, of course, but also the media, entities that he had represented, likely due to the files’ obvious historical value—and as Philipsborn and others started to go through the material, they were taken aback: the passport cases,⁷² the loyalty act and sedition cases,⁷³ civil rights, prisoner rights. As Philipsborn remembers: “To see Garry’s and his colleagues’ thumbprint on multiple eras of critical cases was deeply interesting and remarkably impressive.”

The very first time I spoke to Fechheimer about the Chicago Seven Trial, he immediately mentioned Garry, and when I said that I did not recognize his name, he told me a story about him that seemed to capture his spirit. The story begins in a 5,000 square foot San Francisco apartment at the crest of Russian Hill—where the Rice-a-Roni commercials are shot—and where as a result of an odd series of real estate episodes that Fechheimer claims could only occur in San Francisco, he was fortunate to land as a tenant. Robert Louis Stevenson’s widow had originally built the mansion as a single-family home, but it had later been divided into two large, two-story apartments with views of Coit Tower, Alcatraz, and San Francisco Bay.

According to the story, Garry telephoned Fechheimer one afternoon and asked whether Fechheimer might be willing to host a wedding and reception dinner in his fancy apartment.

72. See, e.g., *Kent v. Dulles*, 357 U.S. 116 (1958).

73. See, e.g., *Yates v. United States*, 354 U.S. 298 (1957).

“Sure,” Fechheimer told his friend. “When?”

“Now!” Garry told him. “We’re on our way!”

Among the several logistical issues presented was that no one really knew who the “we” was. Specifically, the groom. He had been introduced by some anodyne name—Bill Smith, or something. Turns out “Bill Smith” was on the lam from a drug charge. He was in the process of surrendering, which is why he had sought Garry’s help, but before he turned himself in for a long stint in prison he wanted to do right by his girl. With Fechheimer’s wife’s help, food, flowers, and several bottles of good wine were quickly procured, along with a minister of some dubious denomination. Before the service got underway there was friendly mingling among the hastily invited friends and wedding party. “And then a gasp,” Fechheimer recalls, “as the minister pronounced the banns and referred to the groom by his real name, ‘Eugene Lichtenberger,’ or something!” Even forty odd years after the incident, Fechheimer still laughs, enjoying the story.

In any event, the wedding was a success, and afterwards Bill Smith and/or Eugene Lichtenberger, accompanied by Garry, headed off to honeymoon with the United States Marshals Service. And that appeared to be the end of the story. Until not too long ago, when Fechheimer’s phone rang, and he answered to a voice on the other end identifying himself as none other than the decades-older Mr. Lichtenberger.

The reason for his call after all this time? He wondered if Fechheimer might happen to recall the evening—as though there may have been several other impromptu wedding fetes for federal fugitives in his apartment!—because he was looking for his wedding license and thought perhaps Fechheimer might have a copy. As he continued, he told Fechheimer that he had, in fact, turned himself in immediately after the wedding, spent several years in prison, and when he was released, his wife was still there, waiting for him.

“Right out of prison he got a good job selling Yellow Page ads. They had children, they were successful, the kids went to college, and now they’re grandparents,” Fechheimer recalls about the conversation. He and his wife were relocating to Canada to be closer to one of their children and their grandchildren, and for the first time since the affair at Fechheimer’s posh pad (he was later summarily evicted when the family trust sold the house for tens of millions of dollars) he had need of the marriage license.

“He later sent me a couple of snapshots from that night,” Fechheimer says. “I really hadn’t thought much, or at all, about that night since it happened. I’d never seen the photos before. Charlie is in them.”

I have seen them, too. Fechheimer sent them to me.

Garry is, indeed, in the photos. In my research for this piece, almost every image that I found of Garry featured him as the center of attention, which, under the circumstances, seemed natural enough. And so what struck me about these two photos was that he was not their focus; in fact, in each one it took me a second to locate him. In both he is off to the side, prominent but not central. He is dressed in an unprepossessing— for him, anyway—plaid flannel shirt. His hair has thinned and what remains could be fairly described as a comb-over. In one he appears to be saying something to the mustachioed groom, who is in the forefront, the bride to the left and slightly behind him, radiant and beautiful, dressed in jeans, a spray of white flowers in her hand, more in her hair. In the other, at the wedding dinner, taken later in the evening, Garry seems to be making some remark to Fechheimer, who is serving a platter of food, and who together with bride and the groom forms a triptych at the center of the photograph.

Of course, knowing what I know about the photo—its provenance and the story behind its coming together, in short, all I've been told and learned about Garry from his friends and colleagues—he still remains the figurative center of attention. He is there, after all, as a lawyer, and not just any lawyer—but perhaps *the* lawyer—who was so often and for so many years extremely prominent and particularly vocal in so many of this country's most contentious political trials during the 1960s and 70s. And on this night, he was also there for his other client base, his people—the anonymous and poor, the forgotten, the unpopular, the hated and, of course, the fugitives.

Charles Garry's light and remembered reputation may have dimmed over the passage of years. And whatever he was saying in each of the photos has been lost to time. Because of Garry, many of his clients went on to lead lives of real, significant accomplishment, including the more anonymous ones, like Eugene Lichtenberger. Given the kind of lawyer that he was and the legacy his friends describe him as leaving, maybe these pictures say it best—that it seems not just right and appropriate, but fitting—that the focus of that evening is on the celebration, the celebration that Garry the lawyer and Garry the Hamidian from Fresno orchestrated, on the groom and the bride, the two of them surrounded by fresh flowers, lighted candles, bottles of good wine, and a host of people who, in the spirit and exigency of the moment, have been transformed from strangers into ardent supporters in common cause, offering up well-wishes and generous blessings. And behind them all, a wall of windows that opens out to the propitious lights of San Francisco.