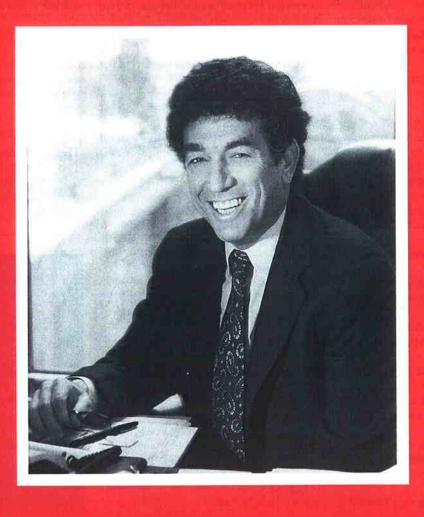
HEENEY AWARD WINNER

An Interview With Gerald B. Lefcourt



NACDL Third Vice President Gerald B. Lefcourt became the twelfth winner of the Robert C. Heeney Award at the last annual convention. On behalf of The Champion, Thomas F. Liotti, a partner in the Garden City, New York law firm of Liotti and Skelos, a Life Member of NACDL and current President of the New York State Association of Criminal Defense Lawyers (NYSACDL), interviewed the winner of the association's highest honor at Lefcourt's Manhattan office.

THE CHAMPION: What does the Heeney Award mean to you?

GERALD LEFCOURT: The award was bestowed by people whose own devotion

to the defense function I greatly admire. For that reason I accepted the award with particular pride, and humility. Since everyone knows that the toughest judges are one's peers, it is especially meaningful. Receiving the award also renewed my vigor for working harder than ever to fulfill the objectives of our association, which I think is the most effective and important vehicle for change

THE CHAMPION: Tell us about your upbringing.

GERALD LEFCOURT: I grew up in Jersey City, New Jersey, in a poor neighborhood. My father was the community optometrist, so we were better off than most. By the

time I was in fifth grade, there were just three white kids in my class. I do not recall any racist talk or being aware that people were different, but I do remember it was a tough neighborhood with gang wars — black gangs versus white gangs. There was nothing about that experience per se which led me to a career in the law in general, or to my political views — that came later.

THE CHAMPION: When?

GERALD LEFCOURT: Representing indigent defendants. I was a second-year student at Brooklyn Law School in 1967, participating in an honors program through which I interned with the Legal Aid Society. This was a turning point for me. The

conditions were deplorable. Lawyers were given massive caseloads — not clients to work for. Defendants were stacked in pens, all black or Hispanic, screaming "What is going to happen to me? What am I charged with? Could you call my wife/girlfriend for me?" They were obviously not being properly represented.

These people were being told that they had a right to counsel, but it had no meaning, having counsel brought nothing with it. We had no resources, no training, and no time to be effective. It was lip service. I had 300 cases in one day on a calendar in the Youth Part. That was not "equal treatment under the law."

THE CHAMPION: You've said before that 1968 was a turning point for you. What happened in 1968?

GERALD LEFCOURT: Columbia blew up in the spring. Twelve hundred students were arrested. The country started to come apart — or so it seemed to me then. I left Legal Aid and volunteered to represent the Columbia University students who had been arrested. Since I was the only one with any criminal law experience, I was asked to represent the ones facing the most serious charges: Mark Rudd and Martin Kenner; both facing attempted murder charges. So, with no office, no staff, and working out of my apartment, I had these heavy cases coming out of the Columbia rebellion of 1968. We also represented the Black Panthers; and I had Abbie Hoffman. I became totally involved for the next five to seven years.

THE CHAMPION: What about the National Lawyers Guild. Wasn't 1968 around the time they started percolating?

GERALD LEFCOURT: Yes. In fact, I volunteered for the Columbia cases through the National Lawyers Guild. The founders of the Law Commune - Fred Cohn, Bill Crane, my sister-in-law Carol Lefcourt were all very active in the Guild. We all sort of grew out of that. The Guild had something called the "Mass Defense Office" which was committed to providing lawyers for large scale antiwar busts, which were occurring all the time. Students were rebelling at the City College of New York (CCNY), New York University (NYU), all over the place. Of course, we could not represent them all, so we started to train students to represent themselves.

THE CHAMPION: At that point you were a bit older than Mark Rudd and those peo-

ple. But you identified with them. Columbia was a student rebellion, right? They were talking about the building of a gymnasium. That was not the big issue of the day.

GERALD LEFCOURT: The issue was the Vietnam War, for them and for me. And so-called "defense" research. The students did an analysis of the Columbia trustees and their relationship to the war establishment. All of that stuff, the Columbia gym and participatory democracy were issues. The students wanted to be able to participate in the decisions of the university. But it always came back to the war.

THE CHAMPION: When did you develop an awareness of national issues?

GERALD LEFCOURT: While in law school I did volunteer work in the civil rights movement. At Legal Aid I was against the war, but I was not connected to others in any organized way. As soon as I was out, I became more and more involved in the antiwar movement in general. My clients were all antiwar activists, even those in the civil rights and Black Power movements.

THE CHAMPION: So your interest went well beyond just being a lawyer.

GERALD LEFCOURT: No question about it. I was with my clients, mind and body. People forget that when Columbia blew up in April 1968, there was no more school that year; there were no final exams. The university semester ended at the time of the arrest of 1200 students. The students started their own school. They called it the Columbia Liberation School and they had courses. I taught a course called "The Legal Rap," intended to de-mystify legal institutions.

THE CHAMPION: Then you go from Mark Rudd to what — the Chicago Seven?

GERALD LEFCOURT: No. The Black Panthers case in New York came before Chicago. In the summer of 1968 I got a call to represent these "Black Panthers" in Brooklyn. I didn't even know what they were. They were charged with assault. I went out there and I remember that three of them were charged initially with the assault of two cops and a fireman, who were off to the side of the courtroom at the arraignment. The three Black Panthers were brought out of the pen, bloody. One had a broken arm. One was bleeding from his

eye and one had a bandage across his head.

Two days after the arraignment, Bill Kunstler and I went to the preliminary hearing. We went to the floor of the courthouse where the hearing was to be held and we saw a throng of off-duty cops, hundreds, wearing shirts out of their belts covering their guns. They were screaming, "White tigers eat Black Panthers!" This is the year that George Wallace was running a racist campaign and these cops are screaming "Wallace for President." Many of them wore Wallace buttons.

While the cops were screaming, Bill and I tried walking into the court and the cops started kicking us. There were eight Black Panthers in the hallway and they couldn't get into the courtroom because all of the seats were taken by off-duty cops. Officers got riled up and stomped on the Panthers in the hallway. This received much press attention. The front pages of the newspapers introduced New York to the Black Panther Party.

THE CHAMPION: What was the result of the famous Black Panther 21 trial that occurred later in 1970-71.

GERALD LEFCOURT: They were originally charged with conspiracy to murder police officers and the bombing of police headquarters. Everyone was acquitted after nine months of trial.

THE CHAMPION: How did you meet Abbie Hoffman?

GERALD LEFCOURT: That was the third part of the amazing summer of 1968. Abbie wanted to meet me and when we first met we stayed up all night and talked. At the end of the night we made a pact. He said he wanted someone young and someone who was part of the movement, so he would make the revolution and I agreed to keep him out of jail so he could change the world. One month after I met him and after appearances in Chicago criminal courts, he was subpoenaed to testify before the House Un-American Activities Committee. Abbie asked me to represent him. I was just 26 years old and inexperienced, and I did not think I could do it. Abbie said he wanted me and that he knew I could handle it.

THE CHAMPION: What kind of person was Abbie?

GERALD LEFCOURT: He was charismatic and funny. He was a great organizer, a

very serious, hard worker. He would put in 14-hour days. He read every book and article. And he had a great sense of satire.

THE CHAMPION: Is it true that Abbie was on Nixon's list?

GERALD LEFCOURT: Sure, he was even talked about on the White House tapes. There was a full investigation of the Law Commune which was ordered by J. Edgar Hoover between 1969 and 1974.

THE CHAMPION: Did you handle all of Abbie's cases?

GERALD LEFCOURT: I handled about 30 criminal cases and many civil matters for him. When he died, he left me as executor of his estate that contained the monumental sum of \$2000.

THE CHAMPION: How did he finance his legal representation? Did he pay you?

GERALD LEFCOURT: Basically, I worked for nothing. In 1970, Abbie sold a book to be made into a movie. He was given a \$37,000 advance check and endorsed that check over to the Black Panther bail fund. He was totally pure and used his money for the movement.

THE CHAMPION: When did you get involved with the Chicago Seven?

GERALD LEFCOURT: April 1969. There were originally eight defendants. The eighth defendant was Bobby Seale, but he was severed because he insisted on representing himself when his lawyer couldn't be at the trial for medical reasons. So the



The Robert C. Heeney Memorial Award

The National Association of Criminal Defense Lawyers Board of Directors established the Robert C. Heeney Memorial Award in 1981. Mr. Heeney was the eighteenth President of NACDL. He was President during one of the most critical times for the association. His leadership has been a source of inspiration for all who have followed. The Heeney Award is given annually to a member who has given outstanding service to the association. The first Robert C. Heeney Memorial Award was given, posthumously, to its namesake.

Winners of the Heeney Award

1981-1982 Robert C. Heeney Rockville, Maryland

182-1983 William L. Summers Cleveland, Ohio

1983-1984 Alan Ellis Mill Valley, California

1984-1985 Ephraim Margolin San Francisco, California

1985-1986 Jeffrey S. Weiner Miami, Florida

1986-1987 Dennis N. Balske Montgomery, Alabama

1987-1988 Nancy Hollander Albuquerque, New Mexico

1988-1989 James M. Russ Orlando, Florida

1989-1990 Neal R. Sonnett Miami, Florida

1990-1991 Michael L. Bender Denver, Colorado

1992-1993 Gerald H. Goldstein San Antonio, Texas

1993-1994 Gerald B. Lefcourt New York, New York

case was called the "Chicago Seven" by the media but the movement called it the "Chicago Eight."

THE CHAMPION: Who were the Chicago Seven?

GERALD LEFCOURT: Abbie Hoffman, Jerry Rubin, Tom Hayden, John Froynes, Lee Weiner, David Dellinger and Rennie Davis.

THE CHAMPION: Who were the attorneys who represented them?

GERALD LEFCOURT: Leonard Weinglass, Michael Tigar, Michael Kennedy, Charles Garry, William Kunstler, and myself. During the arraignment, Bobby Seale went up to Dave Dellinger and asked him for his business card. Seale thought Dellinger was a lawyer. He didn't realize Dave was one of the defendants and his supposed coconspirator.

THE CHAMPION: What is your most vivid memory of those times?

GERALD LEFCOURT: Being in jail; also the violent demonstrations during the trials orchestrated by the Weather Underground. There is a statue in Chicago at Haymarket Square that was erected in memory of the cops who died during Haymarket riots nearly a century ago. The statue was blown up after the Chicago Seven trial started; it was erected again a year later but was then blown up again, as a symbolic statement for those seeking justice from the time of the union movement in Haymarket Square, right up to the leaders of the antiwar movement on trial in the same place. **THE CHAMPION:** What were some of the other cases you handled during that period?

GERALD LEFCOURT: The American Flag case; the Black Liberation Army cases, the Detroit Weathermen bombing case; I represented Miguel Pinero, the author of "Short Eyes;" I started to do more straight criminal work after 1974. One very significant case was the Foster-Laurie murder case. Henry Brown, an alleged member of the Black Liberation Army, was charged with the murder of two cops, and acquitted after a five-month trial and seven days of deliberations.

THE CHAMPION: Is there anyone whom you would not represent?

GERALD LEFCOURT: I would not represent neo-Nazis (skinheads). There has to be nothing that comes between the client and me to represent him. As long as I can be a real advocate, a champion, I can represent the client

THE CHAMPION: When did you begin

doing federal work?

GERALD LEFCOURT: I always handled federal cases. But in the late 1970s, early 1980s, I did more. I represented Marvin Kaplan in the Parking Violations Bureau/Stanley Friedman case in November 1986. That was the only one that U.S. Attorney Rudy Guiliani, now Mayor Guiliani, personally tried. Since then, its been one case after another.

THE CHAMPION: After representing the Black Panthers and Abbie Hoffman, you've been counsel to organized crime figure Matty "The Horse" Iannello; speaker of the New York State Assembly Mel Miller; hotel magnate Harry Helmsley; and the *Princeton-Newport/Drexel* case. Do you think you've lost touch with your old political self?

GERALD LEFCOURT: Because of my background, it took a very long time for me to be accepted within the legal community. Obviously I am not still standing on tables shaking my fists. I am not picketing the White House. Yesterday, I was

fighting government overreaching. Today, I think in many cases, I am still fighting government overreaching. Many of my cases overtly impact on the Bill of Rights and our notions of due process. The IRS Form 8300 litigation that I am working on for NACDL directly concerns whether the government can put its nose between lawyer and client. I have also been very active in the area of property forfeiture, which I think is an outrageous practice, fraught with violations of fundamental rights. So yes, the clientele has changed, no question, but the interesting and important issues are there.

THE CHAMPION: What advice do you have for people who are just starting out in the field of law?

GERALD LEFCOURT: Do not wait for people to come to you. Volunteer at what you love to do. You must have a vigilance in fighting for the Bill of Rights and for fair trials. There are terrible threats to our freedom and the criminal justice system must provide due process.

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