

(Mount Clipping in Space Below)

# Percy Foreman: He Makes A

# Killing In The Murder Game

The Commercial Appeal Chicago Daily News

HOUSTON, TEXAS, March 22.—As long as we have a Percy Foreman to rear up in defense of murderers, lofty thoughts of abstract justice will have to take a back seat to showmanship and entertainment.

That is why courtroom buffs and newsmen who had returned seats to the James Earl Ray trial are now going about business. Foreman is a spell-binder, a great lawyer and a Gemath of a man with the dramatic instincts of a Barrymore.

He may have acted in the best interest of the man who pleaded guilty to the murder of Dr. Martin Luther King Jr. last week in Memphis, but it was a low blow to the fans of courtroom theatrics.

After 44 years of defending all manner of accused, Foreman's reputation has transcended the bounds of Texas, where, the saying goes, if you shoot someone down in cold blood at noon on a street crowded with witnesses, the very next thing you do is call Percy.

In 1930, Foreman had defended 30 accused murderers. Of these, only 1 had been executed, and only 52 had been sent to prison. The other 705 went free. No one has bothered to keep an accurate count since, but Foreman himself estimates he has defended perhaps 300 more murder cases. Only 10 of the clients was convicted.

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Foreman, 55, improves with age, and, despite a bad back, handles something like 40 criminal cases a week.

It isn't that Foreman needs the money. He entered the ranks of the millionaires more than a decade ago, and he often takes cases for nothing. ("I won't make a dime on the Ray Case," he remarked long ago.) But he has a terrible fee for a case that has more than a million dollars.

Perhaps the biggest fee Foreman has ever earned was from Mrs. Cecil Blaffer Hudson in a divorce suit several years ago. Foreman won for Mrs. Hudson custody of her two children and a settlement of six and one-half million dollars from the unfortunate husband.

"We're satisfied with the settlement," Foreman said after the trial. "At least it's more

than Bobo (the first Mrs. Winthrop Rockefeller) got. That is what Mrs. Hudson said she wanted — more than Bobo."

The Houston newspapers printed reports that his fee was a million dollars.

Foreman once was asked to compare himself with Clarence Darrow, Chicago's great criminal lawyer of the '20s and '30s. He replied:

"He and I are both interested in the same things — the rights of the poor and oppressed. If they're not poor when I meet 'em, they are when I'm through with them."

He will haggle over the smallest fee. Once he talked a pathologist client out of his microscope and a musician out of



Percy Foreman

— Staff Photo

her harpsichord. He will accept anything in lieu of a cash fee.

That is why he owns dozens of little houses and lots all over Texas, 2½ pounds of diamonds and storage sheds around Houston packed with stoves and refrigerators, furniture and antiques and heaven knows what else.

"I just don't have time to mess with all that stuff and practice law too," he says. "Maybe if I retire, I'll get time to look after it all."

Prosecutors and peace officers pray every day for Percy's retirement. The story that shows how lacerating he can be to the prosecution happened in 1950. Foreman, in defending a man accused of murder, so maddened Harris County Sheriff Buster Kern and Texas Ranger Capt. Johnny Klevenhagen that when the jury foreman said "not guilty," Kern and Klevenhagen — normally two taciturn, rock-faced men — emitted cries of rage, leaped the courtroom railing, pounced on Foreman and pummeled him until they were restrained.

"See," one juror exclaimed triumphantly to another, "I told you the sheriff did it."

As usual, Foreman had the officers in defense of his client.

His technique is nearly always the same.

First, he is always prepared. "He is a very thorough lawyer," says William Walsin, a former partner (Foreman and his partners never last long together). "He knows what the evidence will be."

Secondly, he goes for a jury trial (the Ray case was a rare exception), because, as he points out, "I'm pretty good with juries." He never asks people to serve on juries who work as scientists or accountants. "I want people who know human frailty," he says. "I like social workers, teachers and bartenders on my juries."

And once the trial is underway, Foreman tries his best to keep the attention off his client. "You should never allow the defendant to be tried," he says. "Try someone else — the husband, the lover, the police, or if the case has social implications, society in general."

Percy Foreman was born in a log cabin in the piney woods of East Texas. His daddy was a sheriff and Percy picked up

his love of the law by hanging around the courthouse. He dropped out of high school, but finally worked his way through the University of Texas Law School.

Even then, he had the Midas touch. He managed to save \$67,000 while a law student. "How did you do that?" someone once asked him, and he replied, "I sold cars, worked as a booking agent for the Marine Band and made speeches as a Chautauqua lecturer."

Of this initial capital, he blew \$28,000 on a terrible binge in Chicago in 1927.

"I decided I had better get back home before they took it all," he said. "So I went back to Houston and put the rest into my first law office. That was the beginning."

The end is nowhere in sight. He has 50 murder cases in various stages of preparation, 40 divorce suits, and he doesn't know how many other assorted

criminal matters hanging fire. On the facade of his office building is a two-story high

goddess of justice, executed in a gold mosaic, standing above the Golden Rule written in tile

over the door.

"I was completely right when I agreed to this," he says sheepishly. "I may have to change it to the goddess of liberty. My clients don't want justice, they want liberty."