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'Get Percy Foreman'
Thomas Martin and
Patrick O'Bryan

This is nonsense. Fighters cannot train twice a day. The fact is that Clay deceived the press because he refuses to put all his equipment together in one workout. He may spend an entire workout slipping and blocking punches.

Liston, in contrast to the previous fight, has been training hard. "Last time, he was training with kids, with midgets," said one trainer. "This time he has boxed with men." Having once misjudged Clay as a flannelmouthed amateur, Liston now knows him for what he is—shrewd, calculating and a very good fighter. When the two men weighed in for their first fight in Miami Beach, Clay stomped and raved so wildly that the boxing commission doctor announced, "Frankly, I think he's scared to death." Clay's pulse was 120, almost double his normal rate.

Actually, Clay had given a performance that could not have been touched by the best of Lee Strasberg's method actors. Visiting the Fifth Street Gym recently, Dr. Ferdie Pacheco, Clay's personal physician, explained:

"He felt Liston would be cautious of a crazy man because Liston didn't know what a crazy man would do. Liston felt that anybody he snarled at should become timid, and this confused him.

"... he weigh-in," Dr. Clay was almost most Oriental de- even have to un- tor checked Clay's s, heart rate and completely normal.

Next Monday, of course, it will not be necessary for Clay to stage another weigh-in tantrum. Indeed, says Dr. Pacheco, the absence of some reason for scheming against Liston has been hurting Clay, although it is possible that a reason will emerge. At present, though, Pacheco says, "I don't even know if he's very interested in fighting."

Clay has always been his own most devoted fan, but on a recent afternoon, when his aides and I settled down in his living room to watch a film of the first Liston fight, he wandered off to his bedroom. For anyone who has not seen the film before, the experience is most illuminating. Liston had quit at the end of the sixth round, claiming he had torn the biceps tendon below his left shoulder when he had missed with a hard left hook in the first round, yet his performance was anything but that of a cripple. The film shows the off-target punch clearly—and also shows that Liston immediately followed with three left jabs. He compared himself to a man fighting with his left arm strapped to a tree, yet he carried both fists high to the very end, and he punched almost exclusively with his left. In the final round, moreover, he threw his prettiest left hook. It was a short,

crisp punch, thrown with the elbow tight to the body, with all of Liston's 218 pounds behind it. Clay, moving deftly away, allowed it to graze his chin.

While doctors confirmed Liston's injury, the suspicion was that Liston, accustomed to the dominance bullies enjoy, had no taste for fighting a man who could trade him six punches for one. "Every time you see him before," concluded the sage Bundini Brown, "you see him chasin' the rabbit. But had you ever seen the gun in the rabbit's hand? The champ creates punches. He's the type of fighter who do not know what he's doing himself. Like a painter, he is a stranger to his own talent."

Also, by Clay's own admission he is a fighter who knows fear. During his campaign to convince Liston that he was a lunatic, he once found Sonny shooting craps in a Las Vegas casino and proceeded to harass him, collecting a crowd. Finally Liston left the table, beckoning Clay to a far corner of the room. Liston fixed him with a long, murderous look, then slapped him sharply across the face. "W-wha' fo' you do that?" Clay stammered, and then retreated from the room.

Clay's history of calculated deceptions now prompts the suspicion, of course, that his present case of galloping religion is but another decoy to serve who knows what end. Clay himself strengthened the suspicion when he declared, "Just by my being a Muslim, that should draw a bigger gate. I make Liston white—a white hope. He was a gangster, now I have made

him clean." On reexamination, however, Clay's remarks were nothing more than cute verbiage. He well knows—and, indeed, one of his Kentucky owners privately has said so—that his commitment to Islam has cost him roughly two million dollars in commercial endorsements.

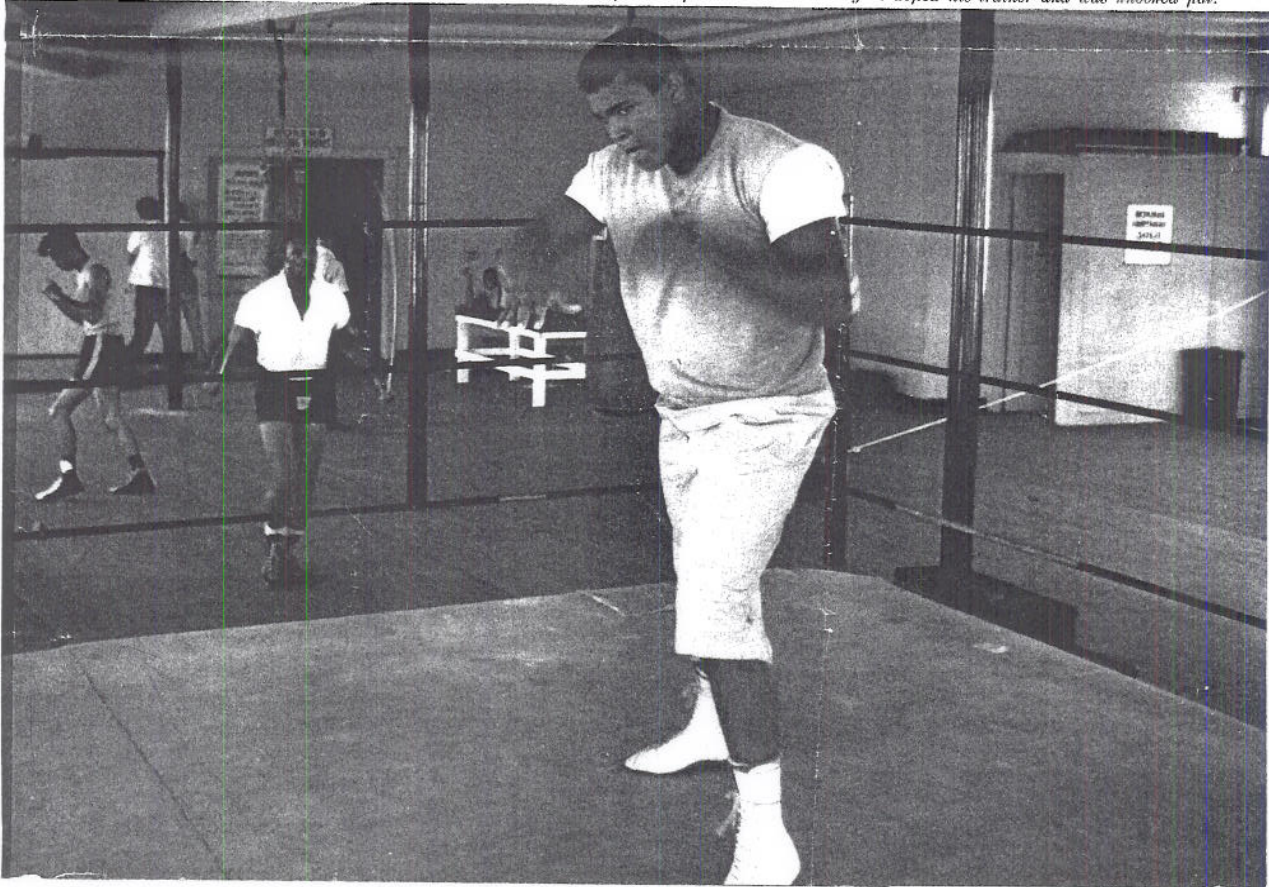
Surprisingly, the curious coalition—Kentucky Christians and Muslim mouthpiece—has rowed its boat harmoniously. "They're nice fellas," says Clay. Gordon B. Davidson, attorney for the syndicate, says of the champion's Muslim affiliation: "Our public comment has to be no comment. Cassius has never criticized the group in public, and we feel we owe him the same loyalty."

Meanwhile, largely because the champion's cultist pronouncements galled the public, Clay the fighter continues to be labeled an impostor, though in only 20 professional fights he has developed into one of the most beautiful fighting machines ever seen in the heavyweight division. If he is in anything like good condition, and if the sight of Liston's left hook reawakens him from his theological meditations, he should knock out Liston Monday. But the ifs loom large. When last seen, Clay was lolling through another day, his attention distracted by the vision he holds of himself as a commentator on the times.

"I think I will buy me a two-motor Beechwood [sic] so I can jump in it and go someplace quick," he said thoughtfully. "They might want me to speak at some college."

THE END

Fifth Street Gym. He has shown flashes of old speed and power, but refuses to follow orders. One day he defied his trainer and was knocked flat.



Are you charged with murder most foul?
Is the evidence damning?
Have you even, perhaps, confessed?
There is still hope.

'Get Percy Foreman'

By Thomas Martin
and Patrick O'Bryan



Strands of hair framing his forehead, Foreman interviews prospective clients in his Houston law office.

It was a singularly cheerless time for Mrs. Ethel Simpson. In four days of unrelenting testimony, the state's prosecutor had relentlessly hammered home the theme that the slight, middle-aged Fort Worth housewife had murdered her husband for the basest of reasons—\$13,000 in life insurance.

Ballistics tests showed that a gun belonging to Mrs. Simpson was the murder weapon. Paraffin tests revealed that she had fired a gun. Under expert police grilling, Mrs. Simpson had confessed to the murder, and the prosecutor introduced the confession into evidence. With a final flourish he pointed a shaking finger at Mrs. Simpson and thundered, "Make this woman pay for her crime in the electric chair."

Slumped in a chair beside his jittery client, Defense Attorney Percy Foreman seemed to be taking little notice of the drama in the courtroom. His eyelids drooped. The shoulders of his massive, 250-pound frame sagged perceptibly, and

twin strands of long, iron-gray hair fell in loops on either side of his broad forehead like a huge parenthesis.

But when Foreman rose to conduct his defense, he was a picture of brisk efficiency. He straightened his flowing silk tie, deftly buttoned the jacket of his dark suit and advanced confidently toward the waiting jury. He had little doubt about his basic strategy.

"In a murder case," he explained later, "you should never allow the defendant to be tried. Try someone else—the husband, the lover, the police, or if the case has social implications, society generally. But never the defendant."

A rapid succession of defense witnesses depicted Mrs. Simpson's slain husband as a man of unmitigated violence. Mrs. Simpson vividly described nocturnal beatings at the hands of a husband she called "a brute with an ungovernable temper," and vowed she would have left him long ago "if it hadn't been for the children." As the jury strained to catch

the sobbing widow's words, Foreman asked softly, "Why did you shoot him?"

A look of horror crossed Mrs. Simpson's face. "He was after me with a hunting knife," she quavered.

Even more effective than Mrs. Simpson's testimony, however, was Foreman's depiction of the slain husband as a sadistic animal-hater. Witnesses whom he called suggested that Simpson might have been responsible for poisoning some 20 dogs and "stomping to death" a puppy. During his closing argument, Foreman evoked the full horror of such savagery before resting a paternal hand on Mrs. Simpson's shoulder.

"This woman's life," he told the jury softly, "was hell on earth. Any man who would beat his wife and even stomp a poor puppy to death. . . ." Momentarily overcome, Foreman paused, shook his head, then added, "Send this woman back where she belongs—to the people who love her, to her children."

Six hours later, when the jury returned

a verdict of "not guilty," a cheer swept the courtroom and Foreman heaved an audible sigh. Mrs. Simpson burst into fresh tears, embraced her grinning defense counsel and cried out, "Thank God for Percy Foreman."

Over the past 30 years similar expressions of gratitude have been voiced by hundreds of accused murderers who owe their freedom or, at any rate, their survival to Foreman. So formidable is his reputation as a defense attorney that one state legislator, arguing unsuccessfully for the abolition of capital punishment in Texas, based much of his plea on Foreman's courtroom successes. "Nobody who has the money to hire Percy Foreman," said the lawmaker, "has any real fear of the death penalty."

Foreman's record has, indeed, been little short of miraculous. During his flamboyant career he has represented no fewer than 700 accused killers who had the presence of mind to tell loved ones, "Get Percy Foreman." More than half

'Nobody who has the money to hire Percy Foreman as attorney has any real fear of the death penalty.'

'Get Percy Foreman'

of these never stood jury trial at all. Either they were nobbled by skeptical grand juries, or they capitalized on Foreman's uncanny legal horse trading, pleaded guilty to lesser crimes, and thereby exchanged dates with the electric chair for prison terms—usually short ones. Only 50 of the 700 ever so much as went to jail. And of the 370 murder cases which Foreman has brought before a jury, only one ended in death for the accused, a hapless restaurateur named Steve Mitchell, who shot his wife to death one quiet evening in 1952.

"The trouble with that case," Foreman recalls, "is that it was a thoroughly senseless killing, and the circumstances surrounding it were pretty gruesome. Anyway, you can't win 'em all."

No one doubts that he does try, however. "In Texas," says Foreman, "there are thirteen grounds on which murder is justifiable by state statute. A person is innocent when one or more of these grounds is applicable. My clients are innocent either because they did not perform the acts of which they are accused, or because the acts were justifiable."

While Foreman's talents earn him the undying gratitude of his clients—along with rather handsome fees—some lawyers with whom he has battled in court have expressed bitterness about both his tactics and his concept of justice. "Justice, hell!" one former adversary sneers. "The only justice he knows is get 'em off and get their money."

Foreman is equally unpopular with

certain Houston police officials. They object mainly to his contention that murder confessions are almost always obtained under duress—physical or otherwise.

A classic opportunity for Foreman to make this allegation presented itself in 1950, when a rackets figure named Vincent Vallone was murdered, in the approved underworld manner, by an assailant firing a shotgun from a speeding sedan. Local lawmen headed by the highly popular sheriff, C. V. (Buster) Kern, and his sidekick, Texas Ranger Johnny Klevenhagen, launched an all-out hunt, and Houston's newspapers confidently predicted that the two—known locally as the "Gold Dust Twins"—would soon produce the killer.

In due course the "Gold Dust Twins" apprehended a man named Diego Carlino, spirited him off to an obscure Texas Gulf Coast jail, and shortly thereafter announced that he had confessed all. To prove it, the two produced Carlino's typewritten "confession."

"They tortured this man to obtain this illegal confession," Percy roared during the trial. "Who in this courtroom wouldn't confess if he were left alone with these two men for an hour?"

As Percy bellowed, the eyes of the jurors shifted to the "Gold Dust Twins" seated in the courtroom—the rock-jawed Sheriff Kern and the equally granite-faced Ranger Klevenhagen. "Not guilty," said the jury, whereupon Kern and Klevenhagen emitted cries of rage, leaped the courtroom railing, pounced on Percy, and proceeded to pummel him until they were restrained. "See," one juror ex-

claimed triumphantly to another, "I told you the sheriff did it."

While Foreman's local fame chiefly derives from cases like the murders of Simpson or Vallone, some of his most lucrative practice involves civil cases, particularly society divorces. For the most part these fail to attract as much attention as a sensational murder trial, but Foreman handled one last year that made headlines for days.

On this occasion he represented a Houston society matron named Mrs. Cecil Blaffer Hudson in her marital struggle with her then-husband, Edward. So well did Foreman represent her, in fact, that Mrs. Hudson left the courtroom with not only her divorce but also the highest contested settlement in U.S. divorce history—a tidy \$6.5 million in cash, plus \$3 million in oil wells, stock, real estate, and art objects, as well as custody of the couple's two children and \$1,200 monthly for their support.

Foreman is perhaps best known, however, for a case he did not handle at all. Shortly after gunning down Lee Harvey Oswald, Jack Ruby issued a call for Foreman's services from his Dallas jail cell. But in one of the more bizarre twists of that period, Ruby's family balked at what it considered Foreman's demand for an excessive fee. As Foreman tells it today, "Somehow, there was a great deal of confusion over legal fees. Anyway, Ruby's family was quoted a figure which happened to be four times higher than the fee that I had actually asked, and they turned it down. I don't know how something like that happened—but it did."

At 62, Foreman candidly admits that he is a millionaire who can "pick and choose my own cases"—of which he generally has about 100 in various stages of progress at any one time. Of those he is presently handling, the one that seems most likely to produce headlines stems from the murder of millionaire banker Jacques Mossler in Miami Beach last June. Dade County authorities have charged Mossler's nephew, Melvin Powers, with the killing, and Mrs. Mossler, the widow, has retained Foreman to defend the young man. The case has not yet been brought before a grand jury.

Meanwhile, back in Houston, Foreman lives like the reigning local rajah he resembles. Like most Texas millionaires he has at his disposal a fleet of automobiles, but he prefers an aging Chrysler Imperial, which he drives himself. He and his second wife, Marguerite, a former German ballet and cinema star he met while on a business trip abroad in 1957, live in a sprawling, \$75,000 ranch house in Houston's swank Memorial Drive section. The house is guarded by a quartet of fierce Rottweilers, one of which recently bit his six-year-old daughter, Marguerite. Characteristically, Foreman defended the animal. "You can't blame the dog for doing what he was trained to do in a certain situation. He was trained to guard, and he was guarding."

Despite his present material success, Foreman insists he finds it difficult to forget that he grew up as an East Texas farm boy who once labored under the starry-eyed impression that justice and the law were synonymous.

"They're not," he argues. "The trial of a criminal case is a tug-of-war between the prosecution and the defense. It's more like an athletic contest, with each side trying to 'win' instead of trying to arrive at the facts of a case to determine justice under the law based on such facts."

Foreman's personal crusade at the moment is an attempt to upgrade the public image of the criminal defense attorney, which he fears has fallen into disrepute. "In the movies," he says, "you see the defense attorney pictured as a 'mouthpiece' or as a 'shyster lawyer,' concerned only with 'springing' his client." To help restore luster to the concept of the criminal defense lawyer, Foreman became the first president of a new legal organization called the National Association of Defense Lawyers—which, he maintains, "has a code of ethics more strict and demanding than any other bar association in the United States."

"The criminal defense lawyer," says Foreman, "was respected in America 50 years ago. Today he's still respected everywhere in the world but in America. We propose to see that he regains his place at the bar of America."

While he awaits this respect, Percy continues to win cases and make money. Asked recently whom he considered the greatest lawyer of the nineteenth century, he pondered briefly; then a broad grin flooded his features.

"Well," he said, "since I was born in 1902, the question is really irrelevant, wouldn't you say?"

THE END

A side of the great defender seldom seen in court: proud father Foreman with his wife and daughter, both named Marguerite.

