

PLAYBOY INTERVIEW: MELVIN BELLI

a candid conversation with the embattled, outspoken attorney who defended Jack Ruby

"The mad genius of the San Francisco bar" . . . "a court jester" . . . "a publicity-mad pettifogger" . . . "the S. Hurok of the legal profession"—these are among the kinder things said about San Francisco attorney Melvin Mowyon Belli (pronounced "bell-eye"). That he is unquestionably among the greatest living trial lawyers, however, is conceded even by Belli's legion of enemies, including no few as formidable in stature as the American Bar Association, the American Medical Association, most major insurance firms, J. Edgar Hoover, Robert Kennedy, Richard Nixon and, perhaps most recently, the city of Dallas, Texas, ever since Jack Ruby—with Belli as his counsel—was sentenced to death there for the murder of Lee Harvey Oswald.

An eminent attorney long before the Ruby trial, "Belli has had more effect on the law in the past ten years than any 50 lawyers in the last century," in the possibly overenthusiastic opinion of a colleague. Indeed, many of his cases have established, or carried forward, major precedents in America's civil and criminal law. Defending those accused of rape, robbery, assault, arson, murder, fraud, pimping, income-tax evasion, forgery and even overtime parking, he has won literally hundreds of criminal cases. But he is best known as "The King of Torts"—a title he cordially dislikes—for his victories in more than 100 personal-injury and medical-malpractice suits, in which he has earned for clients awards rang-

ing from \$100,000 to a record-setting \$675,000. He has also pioneered the use of "demonstrative evidence" before juries—graphic, and sometimes grisly, courtroom displays of artificial limbs, autopsy photographs, skeletons, mannequins, X rays, witnesses on stretchers—inspiring William Prosser, former dean of the University of California Law School, to call him "a Hollywood producer," and his trials "epics of the supercolossal." So potent is the Belli image, however, that defendant insurance companies have sometimes made substantial settlements when mere mention was made that Belli might be hired.

An international law practice, plus a prodigious schedule of writing, lecturing and teaching, takes Belli around the world, usually followed by a wake of controversy. But no case has earned him as many headlines as the one he lost 15 months ago in Dallas, where he caused a courtroom sensation by leaping up after the announcement of the verdict, tears in his eyes, to denounce the death sentence for Jack Ruby as "the shotgun justice of a kangaroo court."

It was to explore the issues and the aftermath of this historic trial, as well as the other unpopular causes he has espoused during his 32-year career, that we went to San Francisco early this spring for an exclusive interview with the embattled 57-year-old attorney. He greeted us in the three-story Belli Building, which he had bought from ten Chinese

owners and spent \$450,000 restoring to such turn-of-the-century elegance that it has been formally designated State Landmark Number 408 by the California Historical Association. The local San Francisco Gray Line tours include a glimpse from the street through the picture window of his ornate office, where Belli himself may be seen at his vintage desk consulting with clients and colleagues amid a spectacular Victorian mélange of heavy crystal chandeliers, velvet chairs, leather couches, antimacassars, quill pens, oil paintings, awards for Belli's forensic triumphs, thousands of legal and medical books, an array of apothecary jars, several human skeletons and a 25-foot-long bar. With a small communications network of telephones and speaker systems, Belli maintains touch with 18 lawyers on the premises, their secretaries, private investigators and sundry other specialists attending the cases of clients by the dozens who have been lured by Belli's magic name and lofty courtroom batting average.

In a casual display of expansive graciousness, millionaire Belli flipped to us the keys to his Rolls-Royce Silver Cloud for our use during the visit; and he wined and dined us regally in his \$280,000 Twin Peaks home. During our weeklong series of conversations, we accompanied him to speaking engagements and joined him at his tailor's for the fitting of three new suits. And on our first morning in town, we even helped



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"I'm for hire. I'll defend anyone who comes to me—even the president of the Bar Association suing a guy for accusing him of being in favor of civil rights, due process of law and against wire tapping."



"I've endured my share of slings: 'Belli's a nut, a charlatan, an egomaniac.' Sure, I'm flamboyant; I can afford to be—I'm a damn good lawyer. You've got to ring the bell to get the people into the temple."

him transplant geraniums in his office window box as his fire-engine-red slacks and shirt wowed the ogling tourists in the street outside. In this bizarre setting, we began by posing a hypothetical question.

PLAYBOY: You said once that "any lawyer worthy of the name has a commitment to defend the pariahed, unpopular defendant." You proved your point when you defended Jack Ruby. Would you have been as willing to defend Lee Oswald if he had lived?

BELLI: I would have hated to, for I loved Jack Kennedy very much. But as a lawyer, I must acknowledge that any man charged with any crime, however heinous, is entitled to competent representation. So if Oswald had lived, and he hadn't been able to obtain other competent counsel, and I had been asked to take his case—yes, I would have represented him. If I had refused, I feel I would have had to turn in my shingle. I like to think that the American Bar hasn't sunk so low that there are not other defense attorneys in this country who would have done the same thing.

PLAYBOY: Do you think Oswald's rights as an accused were adequately protected by the Dallas authorities?

BELLI: Oswald's treatment by the law was the biggest scandal in the history of American justice. The world saw the horrendous spectacle of Oswald, without legal counsel, interrogated for hours and thrust into that Friday-night mob-scene "press conference" and shouted questions in police headquarters corridors. He had no counsel to object as dozens of self-seeking, self-serving "authorities" volunteered to the press their prejudicial, incriminating and otherwise unwarranted statements regarding Oswald's guilt. He went a full day without counsel. In my belief, the public's mounting outcry shamed the city into sending the president of the Dallas Bar Association, H. Louis Nichols, to visit him in his cell. As far as I know, Nichols has never been inside a trial courtroom except for official inductions to office, eulogies and ceremonial purposes; this legal paragon then did what strikes me as unthinkable and unforgivable by giving an interview to the press that probably destroyed Oswald's obvious and valid defense, that he was mentally deranged. Nichols told the press that "he looked perfectly all right to me," which gratuitously and automatically helped the Dallas establishment condition public opinion against any insanity defense by Oswald. Where was an Oswald defense counsel to scream in protest when Dallas' prosecutor told millions watching on television, "Oswald is the guilty man. There is no doubt about it, and we're going to fry him!" What kind of defense counsel would have consented to the Dallas police department's utterly unbelievably stupid act of marching Os-

wald right out into the open—for television? An expert defense counsel for Oswald should have been of urgent priority for the American Bar Association—while he was alive. But not until Oswald was safely dead did he get a counsel. When his lawyer couldn't be embarrassed by being seen sitting next to an assassin, an unpopular defendant, then national A.B.A. president Walter E. Craig was appointed to represent Oswald at the Warren Commission hearing.

PLAYBOY: Despite the *Warren Report*, the belief persists in some circles, especially abroad, that Oswald and Ruby were parties to a right-wing plot against the President's life—a plot in which the FBI, the Secret Service and even the Warren Commission conspired to conceal "the truth." Do you feel that these suspicions have any substance?

BELLI: They're hallucinatory and utterly preposterous. Do you want to know who I believe is solely responsible for starting these rumors? The Dallas police department and the Dallas district attorney's office. Their ominous insinuations that Oswald and Ruby knew each other started during the trial. In the judge's chambers I tried to persuade the D.A. to announce in court that there was no truth to those rumors—which could have been quashed right there—but it appeared to me that the D.A. encouraged them, so as to make Jack Ruby seem some kind of conspiratorial monster. So the rumor that he had killed Oswald to "silence" him got cabled abroad, and it steadily mushroomed, besmirching the image not only of our law-enforcement agencies, but of our nation. It has been made to appear that our FBI either could not or would not report the full story of the "plot." There was even an outrageous rumor that our own President Lyndon Johnson conspired in the assassination, to succeed to the Presidency. Now, I know as much about the assassination as any man alive, and I can tell you flatly that it was the barren, solitary act of Lee Oswald. He was a crazy man. And he and Ruby were strangers. Those are facts. The most incredible thing to me is why the FBI didn't pass along to the Secret Service the lengthy file it had on Oswald. But as much as I detest the type of man that J. Edgar Hoover is, I can't make myself believe that the FBI or the CIA or anyone else suppressed knowledge of any plot. On the Warren Commission, we had seven wise and honorable men, some of the best. If they couldn't come up with the truth, then God pity us all!

PLAYBOY: What significance do you attach to Warren's statement, during the Commission's deliberations, that the full story of the assassination "won't come out in our lifetimes"?

BELLI: None. That was a horse's-ass thing for Justice Warren to say. I don't

know what he meant, but I don't think he meant anything ominous by it. If you're looking for untold facts, though, I can tell you something most people never knew. The night before Oswald was shot, I learned, a Dallas policeman and his girlfriend talked with Jack Ruby, trying to get him to approve of the idea of having Oswald lynched. Their reason was that they knew what a weak-minded guy Jack Ruby was. At the trial, I never mentioned the cop and his girl, because I never could locate them again; they just disappeared.

PLAYBOY: Why did you take on the Ruby case? Some say it was for the publicity.

BELLI: Look, I'm for hire. I will defend anyone who comes to me—even the president of the Bar Association suing a guy for defamation, for accusing him of being a liberal, in favor of civil rights, due process of law, and against wire tapping. My service to the community as a trial lawyer is that I am for hire by either side. As far as publicity is concerned, I'd had my fill of that long before that travesty of a trial ever came along. My motive in taking the case was that I hoped I might be able to do something for that sick man, Jack Ruby, for psychiatry, for law, and for tolerance. But I didn't volunteer for the job. Jack's brother Earl asked me if I would take the case, and he offered me a defense fee of \$100,000.

PLAYBOY: Did that sum play any part in your decision?

BELLI: I agreed to take the case for the reasons I've just stated. But since you've brought up the money, it might interest you to know that I never got anything like \$100,000 for the case. What I got was debts—bills, expenses for our defense team, for the medical experts who flew to Dallas to testify for Ruby, and other costs. I did get about \$12,000 from the Rubys, but I paid for every other cent of the costs out of my own pocket—about \$15,000. It might also interest you to know that I was offered \$100,000 from another source not to defend Jack Ruby. I'm not saying what source.

PLAYBOY: There has been some speculation that the offer came from a well-known right-wing Dallas oil millionaire.

BELLI: If that's what you heard, that's what you heard.

PLAYBOY: That's all you want to say about it?

BELLI: No more—now.

PLAYBOY: All right. Once you accepted the case, what made you decide on a plea of temporary insanity?

BELLI: The incontrovertible evidence of psychiatric examinations. Jack Ruby was and is a very sick man who belongs in a mental hospital. We owed to our national image a dramatic example of how the American legal system pursues

and protects a defendant's rights. We owed to our own law an exposure of the incongruities in our law's understanding of mental illness. Indeed, for the world to see and appreciate the modern medical specialty of psychotherapy at work was one of the great promises of that trial. And those brilliant clinical experts—psychologists and neurologists—who examined Jack Ruby put together an unmistakably clear picture of a mentally unstable man whom the assassination had stunned and shocked and impelled into frantic, attention-seeking compulsions beyond his power to control. Nothing I've ever sensed in advance about the line of defense for a client has ever been more graphically justified by the evidence—or more ignored by a jury.

I never dreamed what a kangaroo court of mockery and errors and prejudice in law and decency we were going to face in that city. There isn't one fair-minded lawyer who won't appreciate what I'm saying when the transcript can be read. I've disagreed with jury verdicts before; every lawyer has. But I've never felt that the jurors weren't honestly trying to do their very best—except on that black day there in Dallas.

PLAYBOY: Bitter criticism and even American Bar Association censure have been leveled at you for shouting after the verdict, "May I thank the jury for a victory of bigotry and injustice!" How do you feel about it now?

BELLI: As outraged as I did then. It was a spontaneous outburst of horror at the callous death sentence from a jury that had taken actually less than one hour to consider all of the complex scientific testimony about that pitiful, afflicted little man. I shouted long, vituperatively, and in tears, that a kangaroo court and a bigoted jury had railroaded Jack Ruby to purge their collective conscience in a rape of American justice that made Dallas a city of shame forevermore. Too often have our courts of law shown us that vindictive streak, that drive to heap society's sins upon an individual, that hypocritical refusal to face facts inherent in which are unpleasant truths about ourselves. The watching, listening world needed to hear a voice from among those Americans who recognized what had happened, and who were sickened by Dallas' cruelty, the smugness, the community defensiveness and the blind determination to crucify one man for everyone's sins.

PLAYBOY: Do you think that's any more true of Dallas than it would have been of any other city where the President might have been murdered?

BELLI: It's *uniquely* true of Dallas. Dallas is unlike any other city in America; even the rest of Texas, thank God, is different from Dallas. Federal Judge Sarah Hughes called Dallas "the only American city in which the President could

have been shot." Every major publication had veteran writers there who appraised and reported Dallas in such terms as "murder capital of the world," "a sick city," "a festering sore," "a city of shame and hate." Here is a city where a minister told his flock, "If any of you vote for this Catholic Kennedy, don't you ever come to my church again." Here is a city where I took my wife and son to a beautiful Baptist church and on the Sunday program an usher gave me, the Lord's message was squeezed down in a corner under the church's impressive balance sheet full of dollar signs. Here is a city where I entered a barbershop, unrecognized, and someone discussing the trial said, "I hear they got those Jew psychiatrists out from Maryland," and someone replied, "Yeah, with their slick Jew lawyers." I swept the towel from around my neck, stood straight up, gave the Nazi salute, yelled "Achtung! Heil Hitler!" and goose-stepped outside. Here is a city whose prosecutor said of a St. Patrick's Day parade, "Maybe we're pressing our luck too far to allow another parade so soon for another Irishman!" And the same prosecutor said, "Well, if they want to look inside of Jack Ruby's brain, we'll give it to them after we fry him!"

Dallas is where Adlai Stevenson was spat upon and hit upon the head with a picker sign, and where the American flag was hung upside down by General Edwin Walker, an ardent advocate of the philosophy of the John Birch Society. In Dallas in 1960 even Lyndon Johnson and his lady had been insulted. Dallas is a city where the "Minutewomen" get on telephones and call all over with such messages as "Mental health is Communistic" and "Fluoridation of water is Communistic."

PLAYBOY: Aren't you describing the activities of a lunatic fringe?

BELLI: Look, I'm not talking about *all* the citizens of Dallas. I'm talking about the oligarchy that *rules* and *runs* the city. I'd be the first to admit that some of America's truly fine people live there. In Dallas I met two of the greatest stand-up guys I ever knew: Stanley Marcus of Neiman-Marcus—it took visceral courage to speak out as he did; and Rabbi Silverman—he was one of the bravest men there. No, my contempt is reserved solely for the city's archreactionary oligarchy. You know what made them madder at me than anything else? It was when I said what *symbolized* Dallas for me: a gold-plated bider I'd seen with a philodendron growing out of it. They were enraged at the implication that they hadn't known what to do with it. Well, I take that back. They *do* know what they can do with it.

I'll never forget how Sheriff Bill Decker said he was going to see to the "safety" of Joe Tonahill, my trial assistant,

and me: He was going to have a police car deliver us to court "because there's so much high feeling around here." I told him, "Look, I appreciate your concern, but we're going to walk down goddamn Main Street to the courthouse. Whenever it gets to the point here in America, in my own country, that I can't walk down any main street as a trial lawyer, then I'll have to take down my shingle." And I would. I'd go to Congress and walk outside wearing a sandwich board. I'd howl to the heavens. I might have to do some flamboyant things to get my story heard, but you know I know just how to do it. In any case, we *did* walk down that Main Street in Dallas to the trial, but I'm going to tell you the truth, I was scared shitless. I used to say, despite all my enemies, that no one would ever actually want to shoot me. But now, after walking down that street and seeing the hate in the eyes of everyone who watched, I never would say that again.

PLAYBOY: Was your outburst in court the reason for your being dismissed as Ruby's lawyer after the trial?

BELLI: I was not fired. I bowed out of my own accord. I lost my objectivity that day in Dallas. Once I lose my objectivity, I've lost my value in our adversary system of justice. So I got out of the case. It's as simple as that.

PLAYBOY: What do you think will result from the appeal of Ruby's conviction which is now pending?

BELLI: I think that everyone in law knows what will almost automatically happen when an appellate court reviews that trial transcript away from that emotionally charged Dallas courtroom. I pray to God that the terrible miscarriages of American justice that trial transcript contains will cause the case to be reversed. And I pray, for the sake of that sick, pathetic little man, Jack Ruby—whose already paranoid-schizophrenic condition has deteriorated shockingly during his long imprisonment without psychiatric care, and who has tried several times to commit suicide in his cell, once by butting his head against the wall—that his cruel death sentence will be commuted to life imprisonment in a mental hospital, where he has belonged since the day they put him in Dallas' city jail a year and a half ago.

PLAYBOY: Do you favor capital punishment in murder cases where the assailant is adjudged mentally sound?

BELLI: I don't favor institutional vengeance under *any* circumstances. Who in God's name has the right to pass judgment on the life of another human being? Who's to usurp this divine prerogative? Only a primitive mind sanctions this kind of barbarity. Just look at the creeps who are in favor of it; you get the feeling they want to be the ones to pull the switch. Dick Nixon is all out for

capital punishment; I can't think of a better argument for its abolition. I only wish I could take him, and all the rest of them who believe in gassing and "frying" felons, through the agonizing ordeal of the last days of waiting in the death house to be hanged or electrocuted, through the gut-wrenching last meal, through the writing of the last heart-breaking letter to one's wife or daughter. Let me do just this, nothing more—and I'd be able to defeat capital punishment singlehandedly.

PLAYBOY: Do you disagree with the view that the death penalty deters crime?

BELLI: Naturally, punishment does deter *some* crime. A lot of crime hasn't happened because whoever considered it simply feared he'd wind up in the clink. But you've got a different breed of motivation in murder—because of its irrationality. Most murderers just don't *think* in terms of consequences; they don't think at all, as a matter of fact. Thus, the death penalty does very little, if anything, to deter murder. I've seen prisoners join a jailbreak, going right past condemned row, doing exactly what they knew could put *them* in the death house, and it didn't deter them a bit.

PLAYBOY: Examining another aspect of American justice in a recent book called *Innocence*, author Edward D. Radin estimated that some 14,000 people each year are convicted, imprisoned and in some cases executed for crimes they didn't commit. Are those figures accurate, in your opinion?

BELLI: We can't have any way of knowing for sure unless their convictions are reversed—and nothing like that number are. Circumstantial evidence can often be loaded or misleading, and eyewitnesses can be mistaken or untruthful, but I'm still not among those who feel that a great number of innocent people are convicted because of either. I have too much respect for our system of law to believe that justice could miscarry so often and on such a scale. Over and above that, I've had the practical experience to deny the allegation. But, of course, miscarriages do occur, and probably always will, for man-made law will always be fallible; but even if it happens only once in a million cases, we must rectify it and look for means to improve our system of justice so that the same mistake isn't made again. If by protecting the rights of an accused, providing him as we do with recourse to appeal for a reversed decision on the basis of irregularities in the conduct of his trial, we enable ten guilty men to go free because their lawyers get them off on a "legal technicality," it would still be better than for one innocent man to be convicted and imprisoned, or even executed, because he had no such recourse.

PLAYBOY: A moment ago you brought up the fallibility of eyewitness testimony. Would you regard policemen, who fre-

quently testify in criminal cases on behalf of the prosecution, as more reliable witnesses than the average man in the street?

BELLI: I'm glad you asked that question. It happens to be one of the axes I grind in my book *Dallas Justice*. In it, I said I was convinced that the testimonial credibility of policemen on the witness stand is often highly suspect, for it stems from the belief, deep in their law-abiding hearts, that they are serving a higher truth than justice when they testify for the prosecution. They often know a lot about the case in which they are testifying that might be helpful to the defendant—but they sometimes neither make it available to his attorney nor mention it in court. They are convinced—it's part of being a cop—that the reason the defendant is sitting there is that the law, their part of the law, has done its job and that the job of judge and jury is to provide a quick, questionless conviction and a stiff sentence. The presumption of innocence until guilt is proven is for lawyers, not for cops. The man *must* be guilty, they think, or else why has he been arrested, arraigned and brought to trial? So they sometimes convince themselves that a modicum of truth stretching or truth omission on their part could achieve the desirable end that strict adherence to the rule of evidence could not.

Perhaps, of all people, from what you've read of me, and because of what I've just said, you wouldn't expect me to say this, but I think the average American policeman not only is a good guy, but he's underpaid, overworked, and a pretty damned good human being. He goes out of his way to help kids, and to help people in trouble. It's only the black sheep, the errant cop, who gets into the newspapers. And thank God there aren't many of them.

PLAYBOY: The U. S. crime rate is steadily rising, and many law-enforcement officers are convinced that part of the cause lies in the courts' insistence on strict rules of evidence that provide lawyers, as you mentioned a moment ago, with "legal loopholes" to spring their clients. How do you feel about it?

BELLI: What the police mentality seems unable to comprehend is that these "loopholes," these technicalities of the law, are among the inalienable protections against the violation and usurpation of human rights. I admit that I've seen a few flagrantly guilty men slip through legal loopholes and go scot-free in my time; but far more often I've seen these same loopholes used to save innocent men and women who would otherwise have perished or been sent to prison for the best years of their lives. No, that's not the reason for the rising crime rate. And it's certainly not because people are growing more lawless and depraved, as some have darkly hinted. As a matter of

fact, I think we're slowly growing better. More likely it's because of the catapulting rate of population growth among the poor, the uneducated and the underprivileged in our squalid, sprawling city slums; because of the struggle to retain our individual identities in an increasingly anonymous mass society; because of our liberation from Victorian sexual strictures, which has set many young people morally adrift; because we find ourselves burdened with more leisure time than ever before, and the Devil is finding work for idle hands; and maybe partly because we have too many laws telling us what not to do—some of them damned silly laws. Instead of trying to legislate morality for adults, why don't we try teaching it to children? The better, the more tolerantly, the more sympathetically we educate our children, the less crime we'll have when they grow up.

PLAYBOY: Another "legal technicality" decried, and occasionally defied, by law-enforcement officials is the Constitutional amendment that safeguards the public from "unreasonable searches and seizures," thus prohibiting police, say on a gambling or vice raid, from entering a private residence without knocking, or from searching a premises without a warrant. Do they have a valid complaint?

BELLI: In a word, no. I'm still Victorian enough to feel that my home is my castle. Damn it, if I were growing marijuana in my back yard, I'd still insist that J. Edgar get a search warrant before I'd let him wipe his feet on my door mat. Once the uninvited have the carte blanche right to prowl my home and search my person, next they'll be trespassing in my *mind*, as they're already trying to do with truth serum and lie detectors. Such Gestapo information procedures are not only unnecessary but unendurable in a democracy.

Except perhaps to our God, we all have a façade, even to our closest friends; some of us even to ourselves, and to our spouses—our spouses in particular, for that matter. It may not be good that we have it, but I don't believe the state or anyone else has a right to pierce that façade without the individual's consent—even though it might be good therapy for us to have the veil drawn aside. But that's the psychotherapists' realm, not the cops'.

PLAYBOY: How do you feel about legalized wire tapping? Is it morally or legally defensible?

BELLI: Wire tapping, like lie detectors and truth serum, isn't only impolite, it's morally, legally, innately wrong; it stinks of spying. We can't let Big Brother get away with it. He's already got his long arm up to the elbow into our pocket-books, our offices and our daily life.

PLAYBOY: Doesn't your own firm employ wire tapping in its investigative work?

BELLI: Yes, I'm afraid we do. I don't

have to *like* it to be forced to appreciate the fact of its widespread use, which makes its counteruse unavoidable. If I'm a layman, I can turn away from an ugly wound, but not if I'm a surgeon—and as a lawyer, I *am* a surgeon of sorts; I have to use every means at my command to represent my client, just as a surgeon has to use every instrument or drug at his command to save his patient. It's simply that bugging is now so commonplace that no conscientious and realistic lawyer, however much he deplors it, has any choice but to use it.

PLAYBOY: Among the staunchest supporters of legalized electronic surveillance is the FBI. What do you think of its vaunted reputation for scientific crime detection?

BELL: Their technical expertise is more impressive than their reputation. Sure, it's a patriotic institution, as sacrosanct as motherhood—but both can get a bit sickening when overportrayed, which they are. While it spends its time and the taxpayers' money chasing two-bit car thieves and looking for Communist spies in Greyhound bus stations, organized crime continues to get fat off of prostitution, dope, gambling, "juice" and murder for hire; it's the nation's biggest business. With its resources and its power, there's no reason in God's world why the FBI couldn't have broken up the syndicate long ago if Hoover really wanted to. The reason he hasn't is simply that syndicate bigwigs are so good at covering up their tracks that it's hellishly difficult to get a conviction, and he wants to keep his precious FBI's gleaming escutcheon unbesmirched by failure.

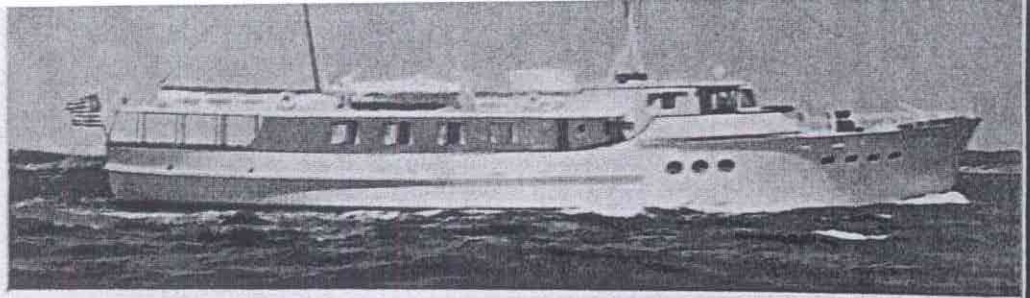
PLAYBOY: We take it you're not one of his greatest admirers.

BELL: You might say that. If you want a good scare, get a copy of Fred Cook's book, *The FBI Nobody Knows*, and read it some dark night. It tells the cold, hard facts about Hoover. As the FBI's revered director, he's done a great job—of making his position more secure than that of most crowned heads in this troubled world. Hoover's dictatorial ideas and ideology have no place in a position of such power in a democracy.

PLAYBOY: What is his ideology?

BELL: The ideology of fascism, of rightism. Look at how many ex-FBI men are members of the John Birch Society; I wonder where they picked it up. Hoover is an archreactionary autocrat who deprecates the concept that "we the people" are fit to govern ourselves. He's a dangerous, dangerous man whom we should have gotten rid of a long time ago. Given full rein, he'd legalize not only wire tapping but search-without-warrant and no-knock-and-enter; in the name of law and order, he would completely abandon due process and the constitutional protections guaranteed to every citizen.

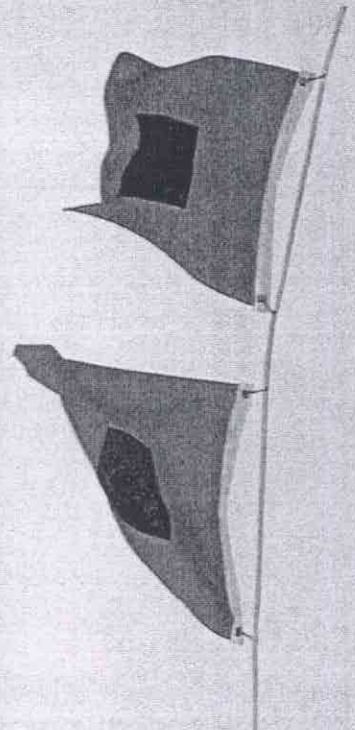
PLAYBOY: Aren't you going a bit far?



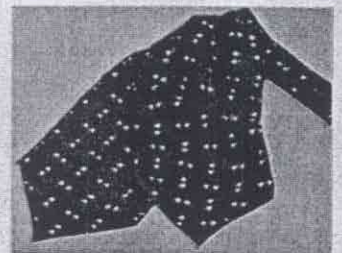
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BELLI: I probably am—because I'm telling the truth. When this appears in print, I fully expect a knock at the door from Mr. Hoover's gray-flannel minions. They've already tried to tap my phones and monkey with my mail. But I've had uninvited nocturnal visitors before. I'm ready for them. The question is: Are they ready for me?

PLAYBOY: Speaking of violating individual rights, do you feel, as some have charged, that Robert Kennedy, as Attorney General, unduly and extralegally harassed Teamster boss Jimmy Hoffa?

BELLI: God pity Hoffa. Any individual is in trouble today if he gets the eagle after him. One vicious man, Bobby Kennedy, subverting the powers of government, made it a mission to "get" Hoffa. Now, Hoffa's done a lot I don't like—but I think some of his convictions will be reversed. If Hoffa has done wrong—and maybe he has—the law will take care of him. He should be prosecuted, not persecuted.

PLAYBOY: *Fact* magazine recently attributed to you the following remarks about Robert Kennedy: "He's the most vicious, evil son of a bitch in American politics today. . . . Sure, he wants to be President, but what he *really* wants is to become head of the universe. . . . The *Pope* isn't safe with that little bastard around. . . . He's arrogant, rude, and even ignorant of the law. . . . He's the monied Little Lord Fauntleroy of government. . . . Every newspaperman knows what he is, and even Johnson can't stand him, but everybody is too scared of the son of a bitch." Are these accurate quotes?

BELLI: That's what I said. But I certainly didn't expect to see it on the cover of a magazine; indeed, I didn't expect to be directly quoted. But I've since had hundreds of both lawyers and laymen write and telephone me to say, "I wish to hell I'd had the guts to say the same thing." Kennedy as Attorney General had absolutely no experience for the job as top lawyer of the United States. Who is this man, who has never been in a courtroom, to tell me how to act, or to tell my colleague trial lawyers how to act? Which he did. But quite apart from that, and his vendetta against Hoffa, I know of nothing Bobby Kennedy as Attorney General did that he could point to with pride.

PLAYBOY: How about his department's dedication to the enforcement of civil rights legislation?

BELLI: His office did a tremendous and good job on civil rights; but in *Jack* Kennedy's Administration, could any Attorney General's office have done less?

PLAYBOY: What do you feel can be done to rectify the mockery of justice in Southern courts, which perennially exonerate whites charged with murdering Negroes?

BELLI: These segregationist barbarians

—the ones who pull the trigger and the ones who let them off—affront not only the law of man but the law of God; they disgrace themselves and our country before the world. But this conspiracy of hate and bigotry won't last; its days are numbered. In practical terms, however, we can't change the state laws or the inbred prejudices that keep them in force. I'm afraid we must resign ourselves to the fact that these atrocities, and these travesties of justice, will continue until the white South learns to understand and respect the spirit as well as the letter of due process and equality before the law. It just takes time. Pretty soon all the subterfuges, tricks and deceptions designed to circumvent the civil rights laws will have been tried by the die-hards and eliminated by the Supreme Court. Then, and only then, will Negroes in the South begin to enjoy the fruits of true freedom.

PLAYBOY: Do you share the conservative view that the present Supreme Court, because of its trail-blazing decisions in civil rights, censorship, school prayer and the like, is "too liberal"? And do you agree with those who feel that it has begun to unrightfully usurp legislative authority?

BELLI: What do you mean by "liberal" and "conservative"? If you mean that "liberals" are more concerned with human rights, and "conservatives" with property rights, I think that's as good a definition as any. According to that definition, the present Supreme Court is the most liberal we've ever had. But *too* liberal? No. As for assuming legislative authority, of course it has. But *unrightfully*? No. For good or for bad, our Supreme Court has without question become the second legislature in Washington. I say that not in criticism, only as something in the nature of things. I happen to think we have a *great* Supreme Court, the greatest decision-making Court we've ever had, the most humanitarian in our history. Earl Warren is a great administrator; he has integrity, ability. The individual justices are sincere and hard working; they try hard to be objective, to put country above personality; they're the best we've ever had. The Court has done the American people great justice in rendering the law consonant with the changing needs and increasing complexities of the contemporary world.

PLAYBOY: Since the turn of the century, many attempts at censorship of sexually explicit books and films have been made by the U. S. Post Office, the U. S. Customs Bureau, various state governments and scores of religious and citizens' censor boards. Almost all of these bans have been judicially overruled, some of them in historic decisions by the Supreme Court. With whom do you feel should ultimate authority rest for pass-

ing on the "redeeming social merit" of allegedly obscene creative works?

BELLI: With the public, through the courts. If I were defending a so-called "dirty" book, I'd feel a jury of my peers fully qualified to judge its redeeming merits. Juries do a damned good soul-searching job that speaks for their community's collective morality. Let literary men, ministers, professors, the tolerant, the bigoted, the broad-minded and the narrow-minded all have at it in a jury room. The sparks of conflict will shed the light by which justice may be illuminated. Only a jury will arrive at a judgment that is the wish, the temper of the community—which I think should be the ultimate criterion of judgment.

PLAYBOY: How do you feel in general about the much-discussed revolution in sexual attitudes and practices that's taking place in America today?

BELLI: I believe in the Constitution, the Bill of Rights, and sex, and not necessarily in that order. But sex has been here since the Garden of Eden and no overnight revolution in the sex relationship is going to accomplish anything good. Greater candor, yes; greater permissiveness, no. I can't believe that premarital and extramarital relations per se can lead to a fuller life or more enduring happiness. I'm certainly not Victorian, except in my office decor, and I've certainly seen enough of life as an able-bodied seaman, knocking around the world with Errol Flynn, and trying cases in every state; but I do not believe, in this particular area of human relationship, that lack of will power will achieve any greater degree of happiness. I will say, however, that I don't think we're more meretricious sexually than lecherous old grandpa. We've just brought sex a little more into the open. And that's all to the good.

PLAYBOY: You and Errol Flynn were close friends, weren't you?

BELLI: Yes, we were. We met when I was retained to represent a sailor who had been accidentally harpooned in the foot by a guest on Errol's yacht, the *Zaca*. When I went down to Hollywood to question Errol and walked in wearing a white suit and a black Homburg, his eyes lit up. He had always been impressed with the histrionics of trial law, and I've always felt that I might have been an actor. After I'd taken his deposition, we had a most enjoyable legal tussle, and a friendship began. He was great company. He lived life to the fullest; he was up at all hours; he drank vodka before he got out of bed in the morning. And he had the Devil in him. He loved pixy tricks, and played more than his share of them. In a dresser drawer, I remember, Errol kept about 30 emerald-looking rings, which he'd give to girls, telling them with great feeling, "This belonged to my mother."

He and I also played great jokes on

each other. One hot afternoon in Paris, Errol took off all his clothes to be cool and lay down on his bed for a nap. I left him sleeping soundly and went downstairs to the hotel bar and sold tickets for five dollars apiece to about 20 women—Frenchwomen and tourists—whom I brought upstairs for a guided tour of Errol in the altogether. Well, we were all tiptoeing through the bedroom when some silly Frenchwoman began giggling and yelled “Fleen! Fleen!” and woke him up. Did he get sore!

This was in 1949. I had been in Rome on a business trip, and was about to leave for Tokyo when Errol called from Paris. He said, “Dear boy, you’ve got to come to Paris. They’ve got me over a barrel.” I went, intending to stay two days, and stayed months. Errol was making a movie partially financed by the French government and there were plenty of complications on which he needed my help. We stayed about half the time on the Zaca, anchored off Nice. Errol would go down to the bilge, where he kept some gold ingots hidden, bring one back, row to shore with it, turn it in for currency—and we’d be off for a night at the casino.

In Paris, at the Belle Aurora, an exquisite little French restaurant, after we’d gotten up at noon, we’d sit from about one to four and have imaginary trials, drinking bottles of calvados. That’s applejack made in Normandy country; it would chase white lightning out of business. We’d drink and invent legal cases, usually murders, which we tried on the spot. People would crowd outside in the street until they blocked it. I’d accuse Errol and examine him, then he would accuse me and examine me. We’d get almost to the point of blows.

In later years, back in this country, my family came to know Errol well. He sometimes stayed with us. But he wasn’t well. My little son, Caesar, called him “a sick man”—the perception of children. My wife would plead with him to take it easier. He told her, “Look, I’ve done everything twice, why should I bother? If I had an attack, there wouldn’t be anyone to give a damn.” Right at the end, he was planning to play me in a film. It was about this time that he sent me galleys of *My Wicked, Wicked Ways*. I wasn’t home when he telephoned, on his way to Vancouver to sell the Zaca; it was like selling his life. He told my wife, “Tell the guy I love him; just tell him that for me.” Then, later—it was midnight—I was in bed at our Los Angeles home when Errol’s valet telephoned and said, “He’s gone.”

PLAYBOY: You talk about him like a brother.

BELLI: I guess we were brothers, in a way—though I was an only child. Like him, I’m wild, enthusiastic; I love people. I’m a Leo, you see, born July 29, 1907.

PLAYBOY: In Sonora, California, according to your biography. Is that where you grew up?

BELLI: Until I reached college age, when I went off to the University of California in Berkeley. But I almost didn’t make it. I was the valedictorian of my high school graduating class, but I had to sue the principal to get my diploma.

PLAYBOY: How did that happen?

BELLI: Well, I was brutally attacked the evening before graduation—by a huge bottle of whiskey. I was so sick the next day that I couldn’t get to school to make my speech, and when the principal found out why, he withheld my diploma. He was adamant, so my father took me to see an old family friend, a judge. When the judge heard the story, he said, “My boy, you’ve been wronged!” And he hauled out of his desk a couple of writs, a replevin, a bench warrant, a couple of *subpoena duces tecums*, a habeas corpus, a *habeas diploma*, a handful of old bail bonds, and he stuck all of them together with notary public seals and red ribbon and he marched over to the school and served all of it on the principal. I got my diploma on the spot. Up to that day I had been thinking about being a doctor, but right then I knew the law was for me.

My father lost his money in the crash, so I had to work my way through college as a soda jerk, a summer farm hand and things like that. I even wrote off for free samples of things like soap and shaving cream and sold them to my fraternity brothers. After I graduated, I spent a year traveling around the world on merchant ships as an able-bodied seaman. Then I entered the University of California Boalt Hall Law School. I stood a lucky 13th in a class of 150.

In 1933, when I got my degree, I was lucky enough to get a job as a Government investigator, posing as an itinerant bum, moving around with the Okies. My name was supposed to be “Joe Bacigalupi.” I was supposed to submit reports on what the Okies were talking about and what they wanted. I had a card with a special Los Angeles telephone number to call if I ever got in really bad trouble—not for just getting arrested or beaten up; it had to be really important. I never had to use it. One of my first deep impressions was watching Los Angeles deputy cops standing on the city line clubbing back poor Okies trying desperately to get into the city to get on relief rolls, or at least to get a meal. Eventually, I wrote a report that was used as the basis for migratory-worker relief in that area.

Moving out and about then, riding in and on and underneath freight cars, “bumming,” standing in soup lines, sleeping in skid-row “jungles,” I don’t know how many times I got thrown out of different towns about the Southwest—

but I know that’s when I developed my deep, strong sympathy for the underdog and the outcast, and it’s where I learned about the kangaroo courts in this country. Well, after that migratory hobo investigation job ended—Say, I seem to be telling my life story. Do you really want to hear it?

PLAYBOY: Certainly.

BELLI: All right, you asked for it. Well, I got desk space in a small San Francisco law firm. But nothing happened. I just sat there. Finally, in 1934, a well-known defense lawyer took me on for the lordly wage of \$25 a month. But nothing happened there either, so I managed to save \$20 and went down to Los Angeles looking for a better job. One big lawyer there who turned me down I later opposed in a case; I won my client a \$187,500 settlement. The guy could have hired me in 1935 and sent me to Palm Springs for the rest of my life at \$100 a week and still saved his client money. Now he tells people, “I recognized Belli as a comer the first time I saw him.” Sure he did! I know ever since then, I’ve never refused to see a guy fresh from law school. You never can tell.

I finally learned to quit waiting for business to find me. If I was going to get any clients, I decided people would have to know I was around. I got the idea of spreading it around that I’d take, free of charge, any cases of criminals in lots of trouble. One of the first clients I found was Avilez, “the Black-Gloved Rapist.” He had been tried, convicted and sentenced to a total of 400 years. For whatever it was worth, I got 200 years knocked off his sentence. He wrote me a thank-you note. After that, I got a number of other hopeless cases—one of them a convicted counterfeiter who had resumed printing the stuff right in San Quentin’s print shop.

Although I didn’t realize it at the time, the case that first showed me the thing that would later get me on my way was that of a young Negro convict named Ernie Smith. He had been indicted for murder for killing another convict, in a fight in the San Quentin prison yard. Smith told me he had done it in self-defense, that the other man was about to throw a knife at him. I couldn’t believe it, but the captain of the guard confirmed for me that most of the convicts carried knives. He showed me a desk drawer full of over a hundred lethal-looking pigstickers, explaining, “We take away the big ones.” Before the trial, I served a subpoena on the captain of the guard, ordering him to come to court with his drawer full of knives to be admitted into the evidence. Walking past the jury box with it, I was struck by a hell of a thought. My whole case, every argument to determine if Ernie Smith would live or die, was *in that drawer!* So I “accidentally” stumbled and dropped it; a hundred wicked-looking

knives spilled all over the floor in front of the shocked jury—broken saw blades, sharpened files with tire-tape handles, the works. The jurors took one look and they *knew* it had been self-defense. You realize what I had hit upon by accident? The effect of *demonstrative* evidence in trials. I might never have talked those jurors into seeing self-defense, but I had *proved* it when I dropped that drawer.

Well, that's background. I had a lot of different cases after that, all kinds. And I gradually built up a pretty good practice, at least enough to live on.

PLAYBOY: How did you come to specialize in personal-injury suits?

BELL: Mainly because when I entered practice, the average individual who had suffered a personal injury faced a pretty dismal financial-award prospect if he went to court. Well up into the 1900s, settlements were in the neighborhood of \$1100 for the loss of a leg, \$5500 for the loss of a male organ. Sometimes people who were even paralyzed with permanent spinal injuries would get simply *nothing*, perhaps on the basis of a "contributory negligence" claim by the defense. Some states had laws making \$10,000 the maximum allowable death award.

The average suffering, scared, inexperienced plaintiff had usually been rendered penniless by medical costs and the loss of habitual income. If he did get an attorney to go to court, a fee of one third of the average award wouldn't permit the attorney to present a really persuasive case. And when 12 well-meaning but confused jurors sat hearing a jumble of legal terminology they couldn't understand, if the plaintiff got anything, it was the usual, totally inadequate award.

Well, I began to make a practice of showing demonstrative evidence to juries: human skeletons, moving pictures, enlarged X rays, still pictures in color, infrared pictures, wooden scale models. When the jurors graphically *saw* the nature and extent of injuries, my clients began getting substantially increased awards. And when other personal-injury attorneys around San Francisco, then around California, caught on and began doing the same thing, the whole picture of awards began improving.

It was about then that the defendant insurance companies began campaigning against us. Awards were getting "too high." "Ambulance chasers!" they called us. "Shysters!" Since personal-injury law is 75 percent of all trial work, their implication was that only 25 percent of lawyers in America were respectable—a thought to conjure with.

PLAYBOY: Still, any business—including the insurance companies—must make a profit to survive. Isn't it reasonable that they would resist personal-injury awards of often hundreds of thousands of dollars?

BELL: Tell me: Who is the victim—the

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poor injury-bankrupt plaintiff trying to collect adequate damages from a rich insurance company; or the rich insurance company trying to whittle down or avoid payment of an adequate award for a personal injury inflicted through the fault of the defendant whose paid-up insurance premium that company has regularly collected? Which is the greater perfidy? You talk about insurance-company profits—well, let me tell you something: The insurance companies are among the world's biggest businesses, and they got that way by taking in unbelievable amounts of the public's money in premiums—billions of dollars a year. The public is buying protection. But the insurance-company executives seem to forget that they are holding the public's money in *trust*. They come to regard that money as *theirs*, and they'll be damned if they'll give it up without a struggle. They accept your money readily enough, but did you ever try to *collect* any money from a big insurance company? Nine times out of ten, when the time comes to pay off, they fight tooth and nail to get out of their obligation.

Their cries that adequate awards threaten to bankrupt them are *nothing* alongside their shrill cries whenever someone suggests now and then that the state take over their business. Isn't it odd for someone claiming to be losing so much to scream so loudly against losing the opportunity to keep on losing money? No, the six-figure adequate awards I've pioneered are equitable, just and necessary. These awards are here to stay, and I think the trend is *further* upward. But I will guarantee you that awards to the personal-injury plaintiffs will never keep pace with the insurance companies' fantastic and mounting profits.

Let me ask you something: Except an adequate award, what else can be offered to the personal-injury victim? We have nothing that will make the permanently injured victim whole again, nothing that will let him walk without a limp, nothing but drugs to let him sleep without pain. For many, one day not even morphine any longer eases their frightful suffering, and the only alternative left is a cordotomy—the severing of the spinal cord to halt the dreadful journey of the pain impulses to the brain. Think about that the next time you see one of these propaganda pieces about the “high awards” that are “ruining” the country's insurance companies. Think about those pitiful personal-injury victims who tempt one to say “They'd be better off dead.” But the law forbids them to choose death; they have no legal choice but to go on living—and suffering. Think about the double amputees, the “basket cases,” the traumatic psychotics, the paraplegics, the spinal-injury invalids, the blinded, the grotesquely burned and scarred. Think about the permanently immobilized

cases, the people who were once just like you and me but who are doomed for their lives to a wheelchair or a brace, or to the indignities of bowel and bladder incontinence.

Let me give you an example of a typical case of mine and let *you* decide whether the award I won for my client was “too high” or not. He was a happy, redheaded kid, just back from the War. He had a wife, a child, a job, and then his life was ruined in an accident caused by the negligence of the San Francisco municipal railway. He suffered a crushed pelvis, and a rupture of the urethra at the juncture of the prostate gland. He will be impotent for the rest of his life. And every tenth day for the rest of his life he must endure a painful urethra catheterization, or his urethra will close, whereupon his bladder would burst. His hospital and doctor bills were over \$25,000 at the time of trial, and they will be at least \$2000 a year as long as he lives. Two years afterward, I saw that boy again, and what I had feared within myself had happened—his wife had divorced him, his home was gone; he had nothing left but the remainder of his award money. Would you swap places with that boy for the \$125,000 he was awarded? Or for a million dollars? Two million? Ten million? I think not.

Yet according to them, the noble, stalwart simon-pure insurance companies are being “victimized by fakers” for \$50,000 and \$100,000—just for having lost a lousy arm or leg! When I started winning this kind of award, they began sending out letters and buying expensive ads aimed at potential jurors in personal-injury cases: “Keep those awards low, or you'll force your automobile insurance to go up.” Bushwa! Today, with personal-injury awards higher than ever before, insurance-company stocks are among the best market buys.

Anyway, when I won three verdicts for more than \$100,000 apiece in 1949 and 1950, I really began to draw fire from the insurance companies. “Belli is a Barnum!” they screamed. “The courtrooms are being turned into horror chambers!” But headway was being made everywhere. Asking not a cent of fee, I began lecturing all over the country—to law students, to bar associations, to groups of plaintiff lawyers. Sometimes my speaking in a state would start an immediate rise in personal-injury awards. An example of that is Mississippi, which was for many years one of this country's lowest-verdict states; soon after I addressed its State Bar Association in 1951, Mississippi awards rose sharply—to at least an equitable level.

Finally I decided that I would write a book of all that I thought was modern and just in trial procedures, in both criminal and civil law. It took me two years to write it; in those two years, I av-

eraged about two hours of sleep on week nights and one hour a night on weekends, but finally I turned out the three volumes that were published in 1955, called *Modern Trials*. I'm happy to say that it's become something of a standard textbook in the field.

PLAYBOY: What about your Belli Seminars? Will you describe what they are and what they do?

BELLI: For the past 13 consecutive years, I and my associates have held these Belli Seminars in almost every state and major city in America, and they have been widely and enthusiastically attended and accepted by trial lawyers, law students and even some laymen. In them we teach in all phases of modern trial law, on civil and criminal, substantive and procedural law. These seminars have done a lot for the law, but not one has failed to draw criticism from some local member of the American Bar Association, some insurance lawyer, or some large law firm with a “business practice.” They raise their old cry: My lectures are “illegal” or “unethical.”

PLAYBOY: On what grounds?

BELLI: I'm teaching lawyers how to raise awards to injured people. I'm teaching them how to sue malpracticing doctors who refuse to testify and who condone the American Medical Association's conspiracy of silence. I'm teaching lawyers how to sue the reluctant insurance company and how to serve the process evader. Among the politicians and the fat cats of the A. B. A. hierarchy, needless to say, none of this law for the benefit of the little man is particularly popular—though social-circuiting A. B. A. presidents are constantly trumpeting on the majestic subject “The Defense of Unpopular Causes,” and proclaiming that it's every lawyer's duty to give a courageous representation of his unfortunate brother, however unpopular he is, however heinous his crime. These are the same great vocal defenders who whimper, from behind their corporate desks, when some poor unfortunate's unpopular case has to be tried, “Sure, he's entitled to the best defense, but *you* defend him, I can't afford to!” Even worse, these preachers of lofty sentiments are the quickest to impose guilt by association on the lawyer of the heinous-crime client. And these same A. B. A. presidents are approving the abolition of law-school courses that would teach the student lawyer how to *try* an unpopular case! If we continue diminishing the hours devoted to criminal law in our law schools and increasing those devoted to taxation, accounting and the like, we may as well move over into the business-administration schools. Then the few of us remaining criminal lawyers and general trial men may as well be displayed at the monkey house where the public can stare at out

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PLAYBOY INTERVIEW *(continued from page 88)*

odd and nearly extinct species—attracted to the zoo by the A. B. A. presidents' public barking against us.

PLAYBOY: For a member of a nearly extinct species, you seem to be making a pretty good living. It's been reported that you earn more than \$300,000 a year from the "adequate awards" you win for your clients.

BELLI: Every penny I get, I earn! Do you think all a lawyer has to do is pick up a phone and get an insurance company to settle for \$100,000 and then bite off a third of it? To start with, I'm gambling when I take a case. Especially when it's a large award to be sought, the layman has no dream of the amounts of time and talent and money that the plaintiff's lawyer must invest in preparing the best presentation possible. If we get to court and a jury votes against my client, I've lost all I advanced—in cash as well as effort. I don't just sit in my office and work my cases. Our firm here, we aren't just some fat-ass corporation of lawyers sitting around thinking about new ways to screw the Government out of taxes; we are a firm of concerned and committed people representing men and women who need help. We care. It's the most precious thing we've got here, our *feeling* for the people who come here wanting help. I'm working my cases in the shower, when I'm trying to sleep and can't, when I'm on the john, when I'm driving my car, when I'm sitting in those late-night planes. If I win the adequate award for my client, I feel I *deserve* the one third I take for the work that got the award. Most personal-injury lawyers take a bigger cut than I do—many of them 40 and 50 percent.

PLAYBOY: Still, you've managed to amass a sizable fortune from the proceeds of such cases. How much would you say you're worth today?

BELLI: I could cash out today with—well, look, let's put it this way: I feel that after he makes a million dollars a guy should start counting his blessings instead of money. I'm counting my blessings.

PLAYBOY: Your remarkable success in winning six-figure awards, and earning five-figure fees, in medical-malpractice cases has made your name a red flag to the American Medical Association as well as to the nation's insurance companies. What's your brief against the medical profession?

BELLI: George Bernard Shaw wrote it better than I could say it, in *The Doctor's Dilemma*: "We're a conspiracy, not a profession. . . . Every doctor will allow a colleague to decimate a whole countryside sooner than violate the bond of professional etiquette by giving him away." The same as with chicken-hearted, fat-cat lawyers, my complaint isn't against the individual doctors; 99 percent of

them are great guys, doing their best and working hard. But here again, the individual doctor has a far higher code of ethics than when he acts in convention, through his association. With lawyers and doctors, it seems there's some sort of collective amorality, a callous mob psychology, that takes over the individual practitioner's ethics and honesty. Doctors as a group condone malpractice acts that individually they wouldn't dream of sanctioning. The individual doctor is so busy treating the sick and performing operations that he's forfeited the administration of his national organization to a bunch of dirty sons of bitches who try, because of their own shortcomings in their profession, to make him conform to what *they* think medicine should be. They tell him not to publicly criticize his fellow practitioners; they have usurped his conscience.

PLAYBOY: Do you think it's reasonable to expect a doctor to jeopardize his professional standing by testifying against a colleague?

BELLI: Look, every doctor is licensed by us, the public, to practice. His training, his talent, his title, is given to him in trust, by society. To whom, morally, does he owe more—to mankind, or to the A.M.A. and the insurance companies who underwrite his practice? Think of yourself as a victim of some doctor who was simply careless. Think of your being maimed, maybe irreparably, because of his bungling and of your being unable to get another doctor to testify against a wrong that he can plainly see.

My first malpractice case was my eye opener to this incredible conspiracy. I was retained to sue a doctor who had prescribed enemas and cathartics for a young man who was suffering classic *appendicitis* symptoms. The boy's cramping worsened, the doctor sent him to a hospital where he let him wait; the appendix burst and the boy died. Not only was the treatment patently wrong, but later I had good reason to believe that the doctor was intoxicated when he made the house call. Are you ready? I *lost* that case! Not one of this drunken doctor's colleagues would testify in court to what he had obviously done. Worse, five doctors testified in his *benefit*, including the head of one of our largest university hospitals. Five years later, that defendant doctor killed himself; he had become a dope addict and a habitual drunkard.

Twenty-five years have passed since then, but it's *still* next to impossible to get one doctor to testify against another, and it doesn't matter *how* flagrant the case is. Good old Doc Frebish may have come into the operating room dead drunk, carrying a rusty knife and wearing an old pair of overalls, but as long as he's a member in good standing of the

A.M.A., not one doctor in 10,000 will testify against him. You can *force* a doctor to take the stand as a witness, but all you can get out of him is a grudging acknowledgment that good old Doc Frebish may have forgotten to wash his hands before taking out Mrs. Smith's uterus instead of her tonsils, and that he may have absent-mindedly left a sponge in her abdomen, but that this "could happen to any of us," and certainly couldn't be considered negligent.

PLAYBOY: Aren't you exaggerating a bit?

BELLI: You think so? Listen, an entire *book* has been written about things left in patients—not just sponges and forceps, but rings, wrist watches, even eyeglasses, for God's sake. Imagine: "What time is it, nurse? I've lost my watch." "Just a minute, doctor, I'll put on my glasses. Oops! Where *are* my glasses?"

Now I have personal knowledge that most doctors privately *do* deplore this sort of thing. A number have told me privately of incompetent colleagues generally regarded as disgraces to their profession. "But Mel," they say, "don't ask me to testify against him. My insurance would be canceled." I can't really say I blame them; if you ever do actually get a doctor to take the stand and testify against another doctor's flagrant and perhaps tragic malpractice, he's regarded as a "stoolie" and will be ostracized for life. Score another victory for the conspiracy. This is the sort of thing I'm trying to fight. Is it any wonder my name is anathema to these people?

But you know, I take pride in the fact that there's an instructor in one San Francisco medical school who asks his students, "What man has done the most for medicine in the past century?" They name Pasteur, Lister. He says, "No—Melvin Belli, because the son of a bitch has made medical men conscientious about their courtroom testimony, and has made lawyers learn medicine."

PLAYBOY: Is a background in medicine essential for a lawyer?

BELLI: Absolutely. In our courts today, three fourths of the criminal and civil cases involve some understanding of some aspect of medicine and medical practice. If a general trial lawyer doesn't cultivate for himself something beyond a layman's knowledge of medical fields, he cuts himself off from essential information, and he deprives his client of an essential service. Every law student I meet, if he indicates to me that he wants to do something more worth while with himself than to be a jockstrap for some insurance company, or to keep some corporation's legal skirts clean, I advise him to arrange not only to see a complete autopsy but to learn firsthand about surgical procedures of every sort, to sit in on skin grafts, bone grafts, plastic surgery. I advise him to learn the functions of surgical instruments, to familiarize himself with hospital para-

phernalia and procedures.

Let me tell you a very simple case of where medical knowledge paid off for me, among the hundreds and hundreds of times that it has. This was as simple as merely knowing a word, a medical term, when I heard it. I was cross-examining a doctor who contemptuously attributed several of my plaintiff's complaints to "amenorrhea." When I got up to present my argument to the jury, I had a medical dictionary in my hand. I read aloud the meaning of that word; it wasn't something with which my male client was likely to be afflicted. It means "irregular menstruation." My client won a handsome award. By now I probably know as much medicine as I do law. Here in my office I've collected a bigger medical library than is owned by probably any doctor in San Francisco. It rivals my law library—in which 29 of the books are my own, by the way.

PLAYBOY: How do you find the time to study medicine, write books, give lectures, teach law courses—and still maintain your overflowing calendar of personal-injury cases?

BELLI: Well, somehow you manage to get done what you feel *has* to be done—especially if you don't see anybody else doing it. And besides, I love my work. But I sometimes wish I could be a werewolf, with two lives—the life I have now and another life. I yearn for the quietude and the thoroughness of dealing with only a few cases. The way it is now, I have to budget my time like a whore when the fleet's in. This morning I've been on the telephone, about different cases, with Canada, New York City, Pittsburgh, The Virgin Islands, and I've exchanged some cables with Hong Kong. I need time to work on my autobiography. I've been collecting stuff for 15 years. It's going to be big. And it's really going to lay into all those bastards.

PLAYBOY: Who do you mean by "all those bastards"?

BELLI: You know: Bobby Kennedy, J. Edgar, the A. M. A., the A. B. A., the insurance companies, ad infinitum.

PLAYBOY: Don't you sometimes feel that you've earned a few more enemies than you can afford?

BELLI: Maybe so. Maybe I should have better sense than to take them all on headfirst and simultaneously. Because you know what I'm scared of in this office today? The big frame-up! I'm always telling myself I have to watch my tongue. My fault is that of Adlai Stevenson. He likes to make cracks, too. It cost him the Presidency. But whatever the cost, I've got to fight for what I think is right—and against what I think is desperately wrong—or I wouldn't think much of myself as a human being.

I've told you how in my early days I began to acquire my bitterness against the guy with a billy, the entrenched powers. We see injustices all around us,

and we all want to cry out—but how many of us dare? We all see Big Brother's steady encroachment because we *don't*. I know we have to give up some freedom to have some safety, some order in society, but I simply cannot tolerate very much of Big Brother—those who claim to know what's better for you than you do.

I don't believe that the average person, *informed* people included, really realizes the swiftly increasing degree to which our country is being run and controlled by an *unseen* government—not only by the FBI and the CIA and the A. M. A. and the A. B. A.—but by foundations, banks, ad agencies, insurance companies, trust companies and their monolithic ilk. In insidious ways, they are prescribing our moral codes, limiting our freedoms. Their cold-blooded business ethics are becoming universally, and passively, accepted.

The A. B. A. is at war with me—like the A. M. A. and the insurance companies—because I'm at war with those who abet evil by keeping silent when they see wrongs being perpetrated and perpetuated by the greed, malice and deception of these self-seeking institutions. I'm under attack because I believe in *crying out* against injustice. God knows, I've endured more than my share of slings and arrows: "Belli's a nut, a charlatan, a publicity seeker, an egomaniac!" Sure I'm flamboyant. I can afford to be, because I'm a damn good lawyer. You've got to ring the bell to get the people into the temple. But my brand of nonconformism is so offbeat they don't know what to label it. About the only thing they haven't tagged me is "Communist." It's a wise thing they don't; I'd sue. This, mind you, after all I've done for the law. I've tried more cases, I've had more judgments affirmed on appeal, I've made more new law than probably any lawyer, group or firm in the past 15 or 20 years. After I'm gone, they'll be teaching courses about Belli. But the pack is out in full cry salivating over me. So be it. If I'm going to go down, I'm going to go down fighting.

PLAYBOY: Is your plight as serious as all that?

BELLI: You bet it is. And things have been coming to a head since the end of the Ruby trial. I was absolutely awed by the speed and the ruthless efficiency with which Dallas' multimillionaires retaliated against me for my uncharitable remarks to the press about their fair city. You've heard that money talks? Listen, money *screams!* By the time I got back to San Francisco I found that insurance policies of mine had been canceled without explanation; a book publisher had backed out on publishing *Black Date: Dallas*, the title I had planned for a book; mortgages had been foreclosed; my name had been withdrawn from

official lists of lawyers; my credit was frozen; some TV appearances and lectures were canceled. I'm not being paranoid when I say that those bastards in Texas were behind the whole thing. Why, you wouldn't *believe* some of the mail I got postmarked Texas. Imagine opening a letter addressed to you as "Dear Rectum." Heart-warming!

The best part of it, though, is their campaign—with the cooperation of the heads of the A. B. A., who have been waiting for an excuse—to have me kicked out of the American Bar Association. After the Ruby trial, I was notified that I'd be given a "trial," investigating my "conduct of the case"—though publicly I'd already been convicted by the A. B. A. "grievance committee." I was notified that my trial would be held in the Statler Hotel in Dallas. I replied that I wasn't about to come to Dallas. Out of curiosity I asked them if they intended for it to be held on the hotel's top floor with my seat next to the open window.

I was next peremptorily notified that my trial will be held in San Francisco instead. That suited me fine. Then they announced they had decided to take depositions against me. I asked that the depositions be delayed until a date when I could be present. Denied. I asked by what "rules of evidence" was I to be tried. No reply. I asked for the privilege of taking depositions on my own behalf. Denied. Next came an indefinite postponement of my trial. So I not only don't know *how* I'll be tried, or for *what* I'll be tried; I don't know *when* I'll be tried either.

PLAYBOY: Can you continue practicing if you're ejected from the A. B. A.?

BELLI: I don't have to belong to the American Bar Association to practice. I don't even have to belong to the A. B. A. to take books out of their library. To practice, I just have to belong to my own state bar. As Bob Considine said, "Being kicked out of the American Bar Association is like being drummed out of the Book-of-the-Month Club." I'd cry all the way to the bank.

PLAYBOY: Suppose you were disbarred also by the California state bar.

BELLI: Well, I've always got my solid-gold Honorary Life Membership card in the Bartenders' Union. Or maybe I could get the Coast Guard to renew my able-bodied-seaman papers. I think I might write, too. Back when I first started, I might as easily have gone into steelworking, or teaching, or exploring, or doctoring, instead of law—and I bet there are a lot of people who wish I had. But you know, it's hard for me even to think about having any other career than law. The law is my muse. She has in her wooing been a jealous mistress, but my courting of her these 30 years has been an exhilarating time.