

The man to see was Edward Bennett Williams

By Rob Bunzel

This is the third installment for the Daily Journal of histories for trial lawyers from the shelves of law-related books left to my firm by Bill Edlund, who passed in late 2016. The wisdom Bill curated is the basis for this series. This article concerns "The Man to See: Edward Bennett Williams: Ultimate Insider; Legendary Trial Lawyer," by Evan Thomas (Simon & Schuster, 1991), who was Newsweek's Washington bureau chief.

While Williams represented Jimmy Hoffa in 1957, the New York Post wrote: "The byword in difficult federal cases is, when in trouble, get Ed Williams." Hence the title of Thomas' book. Williams worked and lived "at the intersection of the WASP sporting set and the Irish political mafia," and Thomas' rich biography of Williams connects politics, law and sport in the nation's capitol from the 1950s through Williams' death in 1988.

Williams was said to, "have an affidavit face," and founded the Washington, D.C. firm Williams & Connolly. He represented high profile clients such as: John Hinckley, Jr., Frank Sinatra, Hugh Hefner, John Connally and Frank Costello. Williams' pal Art Buchwald liked to say that Williams "made a career of defending the scorned, the degraded, the oppressed — no matter how rich and powerful they are."

Williams distinguished legal from moral guilt: "The latter, he liked to say with appropriate reverence, 'I leave to the majestic vengeance of God.'" On representing Joe McCarthy, Williams noted that a doctor would not be criticized for treating an injured driver who caused the accident nor a priest for providing him last rights, and "neither one of them has asked the character," of the man.

Williams believed in premium billing and not itemized hourly work: "If I wanted to charge by the hour, I'd be a plumber." When representing Hugh Hefner after Playboy was subpoenaed in the wake of Watergate over alleged cocaine trafficking, Williams talked U.S. Attorney Big Jim Thompson out of an indictment. Williams sent Hefner a bill for \$250,000. It just said "for services rendered." Hefner gladly paid.

In 1984, Williams negotiated a plea deal with Rudy Giuliani for \$170 million in fines for Williams' client Marc Rich, the fugitive financier holed up in Switzerland. Williams was paid over \$2 million. He said, "I hate this case. This is a bad case. The only good thing about it is the fee."

Williams was also the ultimate practitioner. "A criminal lawyer is like an eminent brain surgeon," Williams told Newsday in 1964, "both are concerned with technique and the patient is incidental." He said that "the satisfaction



Edward Bennett Williams, circa February 1970

comes from doing the job well, not from saving the man from the electric chair." Williams came across as "dull by design" in the courtroom with "a human touch." He rarely showed off, saving his emotions for closing argument. Every move during trial was methodical and "aimed at building a foundation for closing argument," and he drafted summations before trials began. Williams thought lawyers jumping up to object were "insecure showboaters," and that objections "just served to irritate the judge and jury."

Williams was close friends with Joe DiMaggio and confided to DiMaggio "about the tremendous pressure he felt to win every case, even though he knew the best lawyers lose 40 percent of the time." He would tell young associates: "I'll tell you what a great trial lawyer is. ... He keeps his client from getting indicted in the first place." When representing takeover tycoon Victor Posner, Williams delayed the case, forcing prosecutors to re-indict Posner by demanding a series of evidentiary hearings. When Williams' associates impatiently pushed to go to trial, Williams quoted — in "his cracked version of Confucius" — that "he who seeks justice may catch it."

Williams was always aggressive. When one of his cows got loose from his estate, a doctor "rushing to an emergency" hit the cow and totaled his car. The doctor sued. "Kids," Williams told his family, "I'm going to

give you a lesson in life. Always be the aggressor. I'm going to sue this guy's ass off for killing my cow." The doctor dropped the suit.

Williams believed a criminal defendant needed to testify: "If a defendant doesn't take the stand, he might as well take his toothbrush to court on the last day and say good bye." At the same time, his clients were told to clam up before trial. In 1963, while representing Senator Bobby Baker on a bribery charge, Williams advised Baker, "You'd have to be a complete Mongoloid idiot to do anything other than take the Fifth Amendment."

Clark Clifford introduced Williams to President Lyndon Johnson, and Williams told Johnson to fire J. Edgar Hoover because the FBI's bugging of Martin Luther King Jr. was "politically dangerous as well as morally wrong." Johnson responded by telling a fishing story about his uncle who tented with a sleepwalker because his uncle would "rather have him inside the tent pissing out than outside the tent pissing in." This was consistent with a primary Williams' rule — get as many of the witnesses, co-defendants and their lawyers as possible "under the defense tent." This made it harder for prosecutors to flip co-defendants or other targets. Williams "hated cases with multiple defendants," and wanted "total control over everyone." His law partner Joe Califano laughed, noting: "Ed used to say that we don't have a conflict until our lawyers meet

in court." His colleagues summarized Williams' maxim borrowed from LBJ: "It's better to have the camel in the tent pissing out than outside pissing in."

In court, Williams "sought every conceivable advantage." Irrked that government and plaintiff counsel sat closer to the jury, Williams would get to court early, and he and his associates would move the defense table an inch or two a day toward the jury box, and move the plaintiff table an inch or two away, until by the end of trial they were equal distance to the jury. Williams liked to scoff at jury science by saying "I take the first twelve in the box." But Michael Tigar said, "That was a lot of B.S. He carefully chose jurors. But he used his gut." He would strike Scandinavians (too pro-government) and keep Irish (pro-underdog). He used peremptory challenges to remove "anyone who looked like a street dude or revolutionary — anyone who might like to see a rich white establishment type marched off in chains."

Williams knew when not to ask questions. He often observed that "nothing is often a good thing to do and always a brilliant thing to say." In representing criminal defendants, Williams "didn't bother to take notes in an initial interview" because he knew the clients were lying. At trial, Williams "had to be in charge." In court, "if an associate whispered in his ear, the young lawyer would never make that mistake again." Williams also employed delaying tactics, what Williams called "putting age on the case," because the longer a case lasted the more circumstances changed.

Williams was respectful of the youngest members of a legal team. When Williams' client George Steinbrenner was charged with making illegal campaign contributions to Nixon, the case was handled by a young prosecutor named John Koeltl. Williams told lawyers in his firm to treat Koeltl, who was not yet 30, with as much respect as Leon Jaworski. "The youngest guy is just as important. You never undercut him."

In 1975, when representing John Connally, former Treasury Secretary for Nixon and former governor of Texas, who was accused of paying \$10,000 to a milk lobbyist, Williams put Lady Bird Johnson, Robert McNamara and Dean Rusk on the stand as well as Barbara Jordan of Texas — the latter to be "effective with the mostly black jury." Williams was apprehensive about next calling the Reverend Billy Graham, but he did so and asked Graham: "What is your work at the present time, sir?" Graham replied, "I am an evangelist, preaching the gospel of Jesus Christ all over the world." There was an audible "A men" from the jury box from an elderly lady who had come to the jury voir dire "carrying a Bible." Williams turned away to hide his smile. When Connally was acquit-

ted, Nixon called and said to Williams, "I wish you were my lawyer. It's too bad you represented the Post."

Williams had been shrewd about Watergate. He told Bob Woodward that "there are too many people involved. This is going to blow." Within a few days of the Watergate break-in, Williams told any reporter who would listen, "Forget about the burglaries. The story is the money. Keep your eye on the money," Williams pushed his friend Ben Bradlee at the Post "to press forward with the Watergate story with a high degree of confidence that, in the end, the Post would not be proved wrong." And yet Williams was "a bit wary" of press freedom. He thought the Supreme Court's New York Times v. Sullivan decision was "Earl Warren's one great mistake."

Williams in the 1980s told talk show host Larry King that President Ronald Reagan was "the dumbest man he ever met. He tells baseball stories in the morning and repeats them in the afternoon as if no one had ever heard them." Yet Williams invited Reagan as his guest for the Orioles opening day in April 1986. Williams joined Reagan's foreign intelligence advisory board and became close to CIA director William Casey. Casey often "mumbled incomprehensibly." But Williams was not fooled: "Casey's mumbling grows in direct proportion to the toughness of the questions" being asked.

In 1984, four years before his death, Williams told reporters that he had billed 3200 hours in a year. He resisted moves to open an office in Los Angeles and was "indifferent" to big law firm benefits, scoffing at the idea of sabbaticals. "Retiring or taking time off wasn't contest living, it was giving up." Williams also "derided lock-step compensation as socialism."

In January 1986, Williams began representing Michael Milken, the Drexel Burnham junk bond king. "The fact that the stuffed shirts on Wall Street resented Milken made him more appealing to Williams." And writing Williams a \$2 million personal check didn't hurt. "Williams carried the check around in his wallet and gleefully waved it at his partners." ■

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