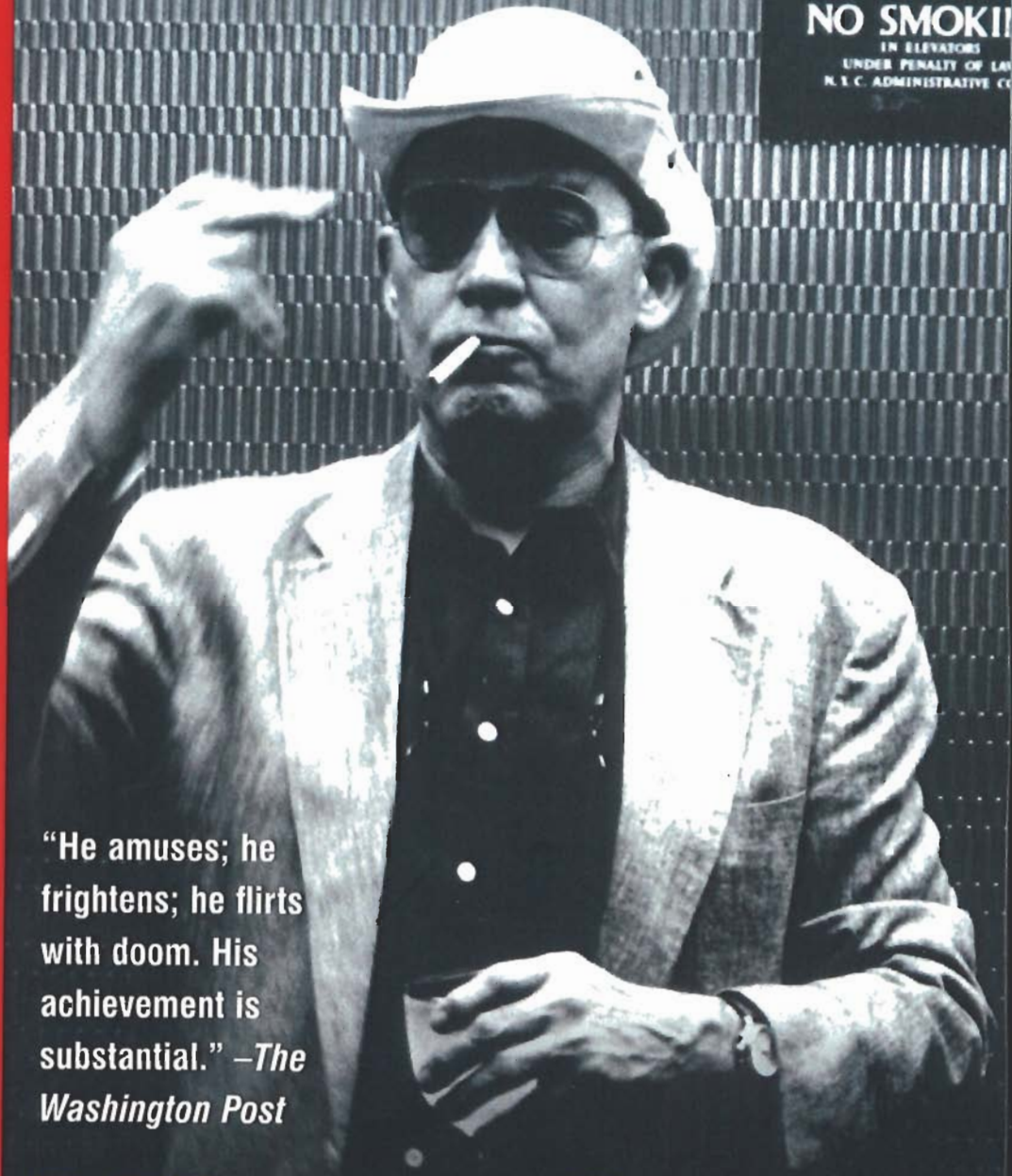


HUNTER S. THOMPSON



NO SMOKING
IN ELEVATORS
UNDER PENALTY OF LAW
N.Y.C. ADMINISTRATIVE CODE

“He amuses; he frightens; he flirts with doom. His achievement is substantial.” —*The Washington Post*

Kingdom of Fear

Loathsome Secrets of a Star-Crossed Child in
the Final Days of the American Century



The Doctor speaks at a press conference on the steps of the Pitkin County courthouse with Black Bill and lawyers Hal Haddon and Gerry Goldstein, after all charges were dropped

(Nicholas Devore III)

Letter from Lawyer Goldstein

June 15, 2002

Dr. Hunter S. Thompson

Owl Farm

Woody Creek, Colorado

Re: *It's Been an Interesting Ride*

Dear Doc:

As I headed out to deep East Texas, I was marveling at your huevos for standing up to our hometown police when they ran amok through your roost at Owl Farm. Your willingness, then and now, to take a stand against intolerance, wherever it rears its ugly head, is a testament to your tenacity. Your reputation may be that of the poet laureate of our generation, but you teach us by more than just word. Your example of political and social activism speaks volumes about good citizenship. As you reminded me recently:

“The only thing necessary for the triumph of evil, is for good men to do nothing.”¹

A lot of water has passed under the bridge in the intervening decade since we stood on the steps of the Pitkin County Courthouse, basking in the celebrative sunshine of that victorious moment, and most of it has seen the erosion of Constitutional guarantees set in place by our Founding Fathers as a bulwark to protect the governed from their government. For example, the United States Supreme Court has since ruled that the police can:

- Search your home based upon the consent of someone who has absolutely no authority to give same,²
- Stop your car based upon an “anonymous tip” completely lacking any indicia of reliability,³

1. From an undated letter written by English political writer Edmund Burke (1729–1797) to Thomas Mercer.

2. *Illinois v. Rodriguez*, 497 U.S. 177 (1990).

3. *Alabama v. White*, 503 U.S. 953 (1990).

- Subject a motorist to mandatory sobriety tests without any indication they have been drinking or that their driving is impaired,⁴ and
- Hold innocent citizens for up to two days without giving reason or recourse.

The tragic events of September 11, 2001, changed more than Manhattan's skyline; it profoundly altered our political and legal landscape as well. Anyone who witnessed the desecration of those buildings and the heart-wrenching loss of life, who didn't want to run out and rip someone a new asshole, doesn't deserve the freedoms we still enjoy. However, anybody who thinks for one moment that giving up our freedoms is any way to preserve or protect those freedoms, is even more foolhardy.

Yet barely one month later, on October 26, 2001, Congress overwhelmingly passed the USA Patriot Act. It rolled through the Senate on a vote of 99 to 1, and the lone holdout, Wisconsin Senator Russ Feingold, said he didn't really know whether he was opposed to the bill or not, he just wanted to read it before voting. There were only two copies of the 346-page document extant at the time, and the Senate had been run out of their building by the anthrax scare.

That single Congressional enactment authorizes the detention of non-citizens suspected of terrorist acts without filing of charges or resort to judicial authority, permits roving wiretaps, and extends to American citizens the secret proceedings, surveillance, and wiretaps of the Foreign Intelligence Surveillance Court, which sits in a vault atop the Department of Justice Building, and allows only Deputy Attorneys General of the United States to appear. Imagine an adversary process that allows only one side's advocate to appear. No wonder that in its 24-year history not a single request for surveillance was turned down. Not until last month, when the secret judge refused to apply these secret proceedings to citizens, cataloging 75 instances

4. *Michigan Department of State Police v. Sitz*, 496 U.S. 444 (1990).

where the FBI had lied to them. The Just Us Department has appealed that secret decision to a secret appeals court, presumably at some other secret location.

At the same time, the Bureau of Prisons, by executive fiat, has authorized monitoring of attorney-client communications by direction of the Attorney General, without any judicial authorization. Almost one hundred and fifty years ago, the Supreme Court reminded those in power:

The Constitution of the United States is the law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of [the Constitution's] provisions can be suspended during any of the great exigencies of Government.⁵

But this is not the first time civil liberties have been eroded in the face of national crises. Abraham Lincoln suspended the Great Writ of Habeas Corpus, Woodrow Wilson had his Palmer raids, and Franklin Roosevelt interred Asian-American citizens for no reason, other than their national origin. All of this is enough to make even the most ardent civil libertarian throw up their hands. But not you, Doc, no, you have refused to remain silent or to go quietly into the night. Your tireless defense of others, faced with official oppression, stands in the best tradition of true patriots.

You championed the cause of a displaced young Inuit woman,⁶ who found herself in the grip of a draconian legal entanglement, calculated to imprison her for the crime of seeking the return of her purse from a thieving pack of rowdies. At your insistence, we gathered a team of legal eagles and launched a midday raid on the Leadville courthouse, nestled near the

5. *Ex Parte Milligan*, 71 U.S. 2 (1866).

6. Jesse Barron.

Continental Divide, in a King Air Beechcraft, stuffed so full of partisan supporters that Brother Semmes Luckett was heard to exclaim: "King Farouk didn't require an entourage this large."

More recently, you sent out a clarion call to defend an incarcerated Colorado woman,⁷ condemned to suffer a lifetime for the misdeeds of another she had barely met. The idea that a citizen could spend the rest of her life in prison for a crime she did not intend, want, nor desire should be foreign to any sense of justice and fairness. In response you brought the weight and legal prowess of the National Association of Criminal Defense Lawyers Amicus Committee to her defense, and rallied a Colorado Governor's wife, a Denver city councilperson, the Pitkin County Sheriff,⁸ a Presidential Historian, and yours truly to the steps of our State Capital, all to the strains of Warren Zevon belting "Lawyers, Guns and Money."

In 1990 you founded the Fourth Amendment Foundation, a collection of legal titans willing to take a stand against our government's increasingly pervasive intrusions into its citizen's privacy. While our forefathers were concerned that King George's Red Coats were breaking down their doors and rummaging through their underwear drawers, today we are faced with more sophisticated means of invading our privacy. The new technology is not physical. You cannot see it. You cannot feel it. But in a way, it is more sinister and dangerous because of that. Stealth-like, it steals your thoughts. It steals your conversations. It invades the crossroads between the Fourth Amendment right to be free from unreasonable search and seizure and the First Amendment rights to free speech and association. It cuts to the quick the citizenries' right to protest and complain about their government. The Fourth Amendment protection of a citizen's privacy against his or her government's intrusion is the linchpin upon which all other civil liberties rest. Freedom of speech and association, so essential to a free society, would mean little if the citizens' activities and communications were not protected from

7. Lisl Auman.

8. Bob Braudis, by far the most enlightened and intelligent law enforcement officer I've ever met.

government interference and interception. George Orwell created his sterile environment and maintained control over the citizenry, not by imprisoning their bodies, but by exposing their thoughts and communications to government scrutiny.

With recent advances in electronic technology allowing Big Brother to spy upon the most intimate and confidential parts of our lives and communications, the citizen today is in need of greater, not lesser protection. Yet in the face of the dreaded drug scare and threat of international terrorism, courts continue to erode the citizens' zone of privacy by paternalistically balancing these perceived dangers against the public's willingness to acquiesce. While the majority does "rule" in our republican form of democracy, our Constitution was designed to protect certain rights and liberties from that majority, as well as for them. Recognizing that "[a]mong deprivations of rights, none is so effective in cowering a population, crushing the spirit of the individual and putting terror in every heart . . . [as] uncontrolled search and seizure,"⁹ your Fourth Amendment Foundation vigilantly stands guard against further encroachments upon the citizens' diminishing expectation of privacy.

Doc, you are a fast take, and your comprehension and analysis of legal issues and theory are quite remarkable. You tenaciously cling to high principle, and expect no less from those around you. All of which probably accounts for why you are such a pain in the ass to have for a client. It takes a lot of love to represent you, Brother.

But the reason I'd do it again in a heartbeat, is that your selfless and indignant stand against injustice has served as a catalyst and stimulus for others, including myself. As Michael Stepanian reminded me at a recent gathering, "Hunter is necessary, now more than ever, Hunter is necessary."

Yours in the continuing fight,
(Signed) Gerald H. Goldstein
for Goldstein, Goldstein & Hilley

9. *Brinegar v. U.S.*, 338 U.S. 160, 180-181 (1949) (Jackson, J., dissenting)