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WHAT TO SEE. WHAT TO DO. A COMPLETE GUIDE.

COUNTRY



BY JOE NICK PATOSKI

THE HIGH TIMES OF GERRY GOLDSTEIN

THE SAN ANTONIO LAWYER STARTED OUT DEFENDING FRIENDS WHO HAD BEEN BUSTED FOR SMOKING POT. TWENTY-FIVE YEARS LATER, HIS CLIENTS ARE BIG-TIME DOPE DEALERS AND INTERNATIONAL COCAINE KINGPINS—AND HE BELIEVES HE'S SAVING THE WORLD.

THE ARREST AND EXTRADITION IN JANUARY OF REPUTED MEXICAN drug lord Juan García Abrego created something of a stampede among criminal lawyers. The McAllen office of Abrego's longtime counselor, Roberto "Bobby Joe" Yzaguirre, was overwhelmed by sales pitches from attorneys all over the country, forceful or flattering letters and faxes explaining why they and they alone should be hired as part of the defense team. Farther

BY MIMI SWARTZ

north, in Houston, speculation about who would get the job was rampant. Florida dope lawyers pumped their Texas colleagues ("Is it you?" they wanted to know). One lawyer sparked a blaze of gossip after spying the name "Frank Rubino" on the visitors log at the Harris County jail, where Abrego was incarcerated. ("Wasn't me," the Miami attorney for dictator-drug smuggler Manuel Noriega said.)

Though Abrego could be quite charming and humorous—"You'd feel very comfortable if he was selling you a car," said one acquaintance—he would not hold much allure for the average per-

son. After all, the 51-year-old car thief turned kingpin was alleged to have presided over the flow of Colombian cocaine through northern Mexico into the U.S., an operation that reaped \$20 billion a year, according to estimates by the Drug Enforcement Agency. He was believed to be armed and dangerous—Abrego's indictment charged him with authorizing "the murders of numerous individuals," which were thought to include everyone from business rivals to nosy journalists. There were additional charges of money laundering, drug smuggling, and attempted bribery. There were dark hints of political assassinations, of corruption within the now

tainted administration of former president Carlos Salinas de Gortari. There was the dubious distinction, in 1995, of a spot on the FBI's Ten Most Wanted list. Innocent until proven guilty, okay, but either way, Juan García Abrego looked at best like a pretty bad guy.

Unless, of course, you were a criminal lawyer: then you knew that everyone was entitled to the best defense possible, that if society cannot treat the worst of us with fairness, then what of the rest of us? Maybe the extradition wasn't legit. Maybe the investigation was fishy—the DEA and the FBI were rumored to have cut deals with more than seventy felons to get their man. There were lots of maybes, except, of course, for one: The Abrego case was the legal equivalent of a gusher. Along with a fee that could hit seven figures, it offered lots of media coverage that doubled as free advertising—in other words, big money up front and down the road in the form of future clients. Juan García Abrego might get life without parole, but the lawyer who represented him couldn't lose.

Roberto Yzaguirre knew this as well as anyone, of course, but as the only lawyer actually hired by Abrego, he had other concerns. Having represented clients facing drug-related charges in the Valley for more than twenty years, he knew that alone he lacked the resources to go against the federal government in a case of this magnitude. And as a man whose courtliness belied his shrewdness, he had

known whom he wanted as partners from the beginning. Tony Canales, a criminal lawyer from Corpus, was an obvious choice: The former U.S. attorney was an old friend who spoke Spanish and knew the ways of the federal government, particularly the federal government in South Texas, better than just about anyone. But Yzaguirre needed someone else to complete his team, someone who was not just a great trial lawyer and a great drug lawyer but a great book lawyer, someone with the intellect to, at a moment's notice, tip the vagaries of the Constitution in his client's favor. Someone who, if need be, could work out the negotiations should Abrego decide to cooperate with the government, testifying against an even bigger fish like, say, Sahinas himself. Someone who had no problem representing the worst of us and, in fact, saw that as a matter of conscience. When you came right down to it, there really was just one man for the job.

"Goldstein!"
 "GOLDstein!!"
 "GOLDSTEIN!!!"

THE ATTORNEYS GATHERED IN MIAMI'S FOUNTAINEBLEAU hotel for the 1996 midwinter meeting of the National Association of Criminal Defense Lawyers make way for Gerald Goldstein like supplicants in a temple. He has flown in from his San Antonio home this morning and will fly out shortly after his speech. Whipping a cart of visual aids through the hotel's gilded warrens, he has the air of a man unable or unwilling to downshift. Even without his haste, Goldstein would stand out amid these cheerful conventioners in their sport shirts and jeans. His salt-and-pepper hair is slicked back, taming curls that twenty years ago approximated an Afro. Long past the age of love beads and bell-bottoms, when he first made a name for himself defending conscientious objectors, Goldstein now wears scholarly tortoiseshell glasses, which complement his impeccably crafted sport coat, which is enhanced by a contrasting orange-and-green tie and the crispest white shirt. At 52 he is trimmer than he was at 42, his hawk-like nose and deepening crow's-feet telegraphing wisdom, not age. The enfant terrible has become an éminence grise, simultaneously elite and egalitarian. "Hey, brother! Hey, brother! Hey, brother!" he says by way of greeting, having his cake and eating it too.

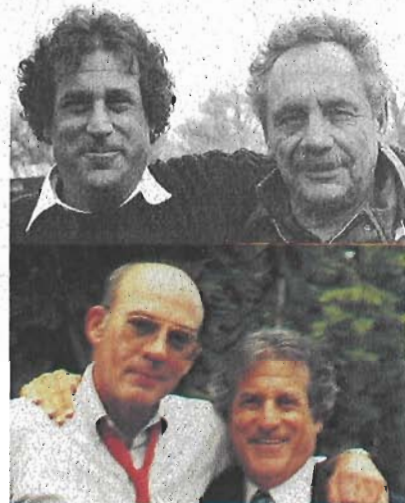
So it has always been with Gerald Goldstein, a man who has made his reputation championing civil rights and his fortune defending dopers, two activities that frequently and fortuitously overlap. He has never shied away from a controversial case—in 1974 Goldstein, no fan of government censorship, defended a San Antonio theater manager's right to show *Deep Throat* and, in 1990, rap group 2 Live Crew's need to be as nasty as they wanted to be; infuriated by overzealous prosecutors, in 1980 he represented one of Texas House Speaker Billy Clayton's cronies in the kickback scandal known as Brilab. Even so, it is safe to say that drugs have been Goldstein's life. It was his 1978 appeal that reversed the convictions in what has come to be known as the Piedras Negras Jailbreak Case, in which two Texans stormed the border city's jail and, Rambo style, freed fourteen American inmates charged with drug offenses. Goldstein was an early and influential supporter of the National Organization for the Reform of Marijuana Laws. He is a counselor and

loyal friend to superhead Dr. Hunter S. Thompson, wrote an amicus brief on behalf of Noriega, and has defended on drug charges the sons of such prominent men as BeBe Rebozo and assorted San Antonio swells. The majority of newspaper clippings framed on his office walls have to do with his victorious work in the field of drug-related defense work: a 1979 *High Times* article that named him one of the top ten dope defenders in America; a 1983 *San Antonio Express* story headlined POT CONVICTIONS THROWN OUT, POLICE SURVEILLANCE WAS TOO ORWELLIAN; a 1985 *Texas Lawyer* story titled "U.S. Must Return \$10 Million to Drug Smuggler"; a 1989 *San Antonio Express-News* story headlined FEDERAL CASE DEAD IN RECORD DRUG DEAL. Let the general public scowl—"Rich libertarian is druggie mouthpiece" the late, irascible *Express-News* columnist Paul Thompson declared in another clipping on the wall—Gerald Goldstein loves his work.

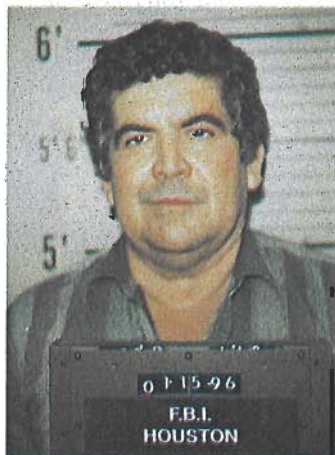
And why shouldn't he? It has earned him the profound respect of his colleagues, who elected him president of the Texas Criminal Defense Lawyers Association in 1992 and president of the National Association of Criminal Defense Lawyers in 1994 and 1995. He is a sought-after commentator on CNN, a frequent contributor to op-ed pages, the kind of guy whose number is in the Rolodexes of reporters around the nation. If Americans are ambivalent about drugs—outraged by their destructiveness but bitterly divided over what to do about them—then Gerry Goldstein is the embodiment of that ambivalence, and has profited mightily from it.

Nowhere is this ambivalence more apparent than here, in Miami, a place revitalized in part by a TV show about two drug-busting cops in silk suits, a place that now pays the price for its drug culture in the form of murdered tourists. The lawyers gathered here seem immune to this irony, absorbed in the investigative databases on display or in swapping war stories ("I got a reversal in my drug case—that means my client will only have to serve ten years back to back," says one. Says another: "I just won a two-billion-dollar forfeiture!") They gossip—"I hear Abrego's cooperating, so it'll be an 'easy case for y'all,'" one lawyer says, baiting Goldstein—or they make plans for drinks at the Delano, the hot new hotel owned by Ian Schrager, the man who helped make cocaine a glamorous drug in the eighties with his club in Manhattan, Studio 54. The drug culture isn't just a culture nowadays but an economy, one that is so pervasive that many Americans regard it as unavoidable.

So, predictably, when it comes time for Goldstein's speech, drugs aren't the problem, the government is. The subject of the seminar is "Motions That Win Cases," and Goldstein's topic is "Bail and Detention Hearings: Making the Best of a Bad Situation," but it's really the Gospel According to Gerry. He flips through case after case on the overhead [CONTINUED ON PAGE 134]



Top to bottom: Goldstein with wife Christine; with mentor Maury Maverick, Jr., who gave him his start defending conscientious objectors to the Vietnam War; and with gonzo Aspen pal Hunter Thompson.



Above: A mug shot of Mexican drug kingpin Juan Garcia Abrego. Opposite: Goldstein on the go.

High Times of Gerry Goldstein

[CONTINUED FROM PAGE 117] projector, using an illuminated pointer for emphasis. His voice picks up velocity as he speaks; five minutes into his subject, he is furious. "No, no, said the Queen," he intones, paraphrasing his favorite quote, from *Alice's Adventures in Wonderland*. "First the punishment, then the verdict." To Goldstein, we are seeing a serious threat to liberty as we know it. The evidence: minimum mandatory sentences in drug cases; the Comprehensive Crime Act of 1984, which revamped the federal criminal code to make way for more police officers, more prisons, and more prosecutors while eliminating parole ("The Incomprehensible Crime Act," he calls it); paid informants as witnesses for the prosecution ("What do you think they'd do to you or me if we paid five hundred thousand dollars to a witness?"); Senate Bill 3, which proposes to make it felonious for an attorney to incorrectly cite the law in a criminal case ("They would indict us like a ham f—ing sandwich if they think we misspoke"); cops who beat prisoners ("I call this the South Texas Miranda warning . . . you have the right to remain silent as long as you can stand the pain"); the national disgrace that is the warehousing of young African American males, one out of three in California either awaiting trial, in prison, or on parole ("They could be sending these f—ers to Harvard for thirty thousand dollars a year!").

In Goldstein's world, every person is always just one lawyer away—one clever motion, one shrewd objection—from jackboots kicking in doors at the direction of elected officials. "There really is just us," he warns, pronouncing the words as one.

Two hours later Goldstein is still in overdrive. He's back at the airport, heading for home—San Antonio tonight and then, for the next few days, a frenzied itinerary that includes Houston the next morning, another swing back to Miami, and as soon as possible, a return to Aspen, where Goldstein has a second home and where he indulges his passion for skiing. If he lives in flight, so be it. Life is good, you can have it all. You can have a house in Aspen and your business in San Antonio. You can be a civil liberties hero and a kingpin-defending pariah. You can live on the edge and you can be part of the establishment. You can be a man of ideas and a man of action. You can, you can, you can. Even an airport yogurt dispenser, offering two distinct and traditionally opposing flavors, gets the Goldstein treatment. Faced

with the choice of vanilla or chocolate, he opts for a swirl. "I hate giving anything up," he mutters, an admission that speaks to far more than his preference in snacks.

"YOUR MAMA WAS FINE," GOLDSTEIN says, consulting a client on a phone he has answered, with a cuff-shooting flourish, at the reception desk in the lobby of Goldstein, Goldstein, and Hilley. "Your family looked good. I explained to them what I thought was going to happen." It's a jail call, a client trying to decide between copping a plea or risking a trial. "Often," he continues, "we have to choose between difficult and unsatisfactory results. We have to choose between what's bad and what's worse. There was a large quantity of drugs found on those premises. You were charged with possession. It's almost a slam dunk." Goldstein listens for another moment and then takes off his glasses. Today he wears a blue blazer, gray flannel slacks, and a yellow tie, somewhere between canary and lemon. His cowboy boots are buffed to an inky black. "She's your mama," he says patiently. "She's gonna hear what she wants to hear. She's a wonderful mama and she's right there. And it's downhill from here. The court has ruled in our favor and has agreed not to add the gun charge . . ."

So begins a real-world morning for Gerald Goldstein. The office on the top floor of San Antonio's Tower Life Building looks like it could have belonged to a criminal lawyer practicing in the sixties: thirty-year-old paneling, dingy floors, fluorescent lighting hanging from oppressively low ceilings, worn leather chairs, and fraying rugs. Maintaining the decor is to some extent a tribute to Goldstein's 87-year-old father, Eli, who founded the firm, a business-law practice, as a young man. But it also speaks to an essential truth about Gerald Goldstein: He has always been more a creature of time than place, and that time was the civil rights era.

He is a descendant of rabbis and scholars; his great-grandfather played chess with Venustiano Carranza, the great Mexican revolutionary who was elected president in 1914. Goldstein was an only child, pampered, indulged, and inculcated with the liberal politics that were an article of faith in many Jewish homes of the fifties and sixties. "About forty-one years ago his parents were living around the King William area," Maury Maverick, Jr., explains, in a rumbling, grumbling godlike voice that befits his role as the long-standing liberal conscience of San Antonio. "I was at this Hanukkah party. All of a sudden there's this little boy who is about ten years old and is being this absolute pain in the ass. 'Who is that little boy?' I asked Aileen Goldstein. 'I don't know,' she said. 'He

must be some kid from the neighborhood.'"

It's lunchtime and Goldstein has driven his ancient bronze-colored Mercedes to the Liberty Bar, a social nexus of San Antonio's arts and politics set. Goldstein and Maverick, 75, try to meet for lunch at least once a week—maintenance on the father-son relationship they've forged over four decades. They make an odd pair: the rumpled, contentious, barely solvent son of a much-beloved congressman and mayor, and his rich, polished protégé, but the affection between them is palpable. "Maury represented an attitude that I thought was righteous and wanted to emulate. He radicalized my concept of the practice of law," Goldstein says.

"He's made so goddam much money it's unbelievable," Maverick counters when asked for comment on Goldstein's career. "And he's spent twice as much." Goldstein grins gamely but squirms a little under the ribbing.

"I expect to see Tigar tomorrow," he offers, a reference to an appointment in Denver. He'll be meeting with members of a law firm there who, along with Michael Tigar, a University of Texas law professor, and former federal prosecutor Ronald Woods, are currently representing Terry Nichols, who is accused of murder and conspiracy in the Oklahoma City bombing case. (Such is life now for high-profile guardians of civil liberties. With the country's swing to the right, they have found themselves representing not draft resisters, civil rights marchers, and marijuana puffers, with whom they were politically simpatico, but drug lords and religious or property-rights fanatics like the Branch Davidians or Randy Weaver, whose wife and child were killed in an FBI raid.) Goldstein speaks rhapsodically about the firm Tigar is dealing with in Colorado. "It's all public defenders," he says, "top to bottom."

"Gerry takes every now and then some death-penalty cases and poor-boy cases," Maverick says, ignoring Goldstein as he thoughtfully slathers goat cheese on a piece of bread. "He's better about that than most lawyers. He's got a lot of old-time Jewish radicalism in him."

In the spirit of compromise, the two drift into storytelling. In the late sixties Goldstein had a bachelor's degree in art from Tulane University and a law degree from the University of Texas, but he lacked . . . direction. "His problem was he was bored to death with his father's law practice," Maverick says. "He came to see me and said, 'My father is having me send collection letters to people who can't pay their bills.'" Rather than continue, Goldstein had decided to light out for Europe with his soon-to-be wife, Christine Sayre, a stunning blonde with a British pedigree. (The Goldsteins' 1969 wedding recep-