

## Requiem for a Radical

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people didn’t know whether to regard it as an occasion for nostalgia and rededication,” one friend said of Fay Stender’s funeral, “or whether to accept it as a requiem for a time of vision in their lives that was finished for good.” State Supreme Court Chief Justice Rose Bird came. Radical attorney Charles Garry, Fay’s onetime mentor, was there too, passing through the crowd and dolorously shaking hands. The Bay Area’s left-wing legal community showed up *en masse*. But most of the three hundred or so mourners were more anonymous, an odd miscellany of people—activists and supporters, friends and fellow travelers—Fay had collected in too short a lifetime.

If the mood of the funeral was perplexed, it was largely because her death had been anticlimactic and the very idea of a memorial service something of an afterthought. Most of the people who were close to Fay had already mourned her during the last tortured year of her life. There were few tears inside

the Sinai Memorial Chapel. The casket was almost completely hidden by a cloud of white gladiolas: death put at a distance. The speakers didn't summon the great rallying cries of the past or wave the bloody shirt, as they might have had she died a few years earlier, under different circumstances. They merely tried—somewhat awkwardly—to recall the person she had been, as wife, mother, co-worker, and, of course, as advocate for the oppressed and attorney of last resort for desperate men.

Although the eulogies were subdued in their remembrance of the past, few of those present had forgotten that time of radical enthusiasm when Fay stormed the political barricades as the attorney for Black Panthers Huey Newton and George Jackson, and state prison authorities publicly branded her "the most dangerous woman in California" and privately referred to her as "the Dragon Lady." Virtually everyone present could have recalled some story of Fay in action from that period—badgering establishment attorney friends until they agreed to file writs for one or two of the black felons who wrote her hundreds of letters a month; barging into the office of San Quentin warden Louis Nelson to inform him that the prison reform movement whose godmother she had become would soon be taking over his penitentiary; driving herself past exhaustion to try to free her lover, George Jackson, and the other Soledad Brothers. Although less well known than Charles Garry, William Kunstler, and other radical street fighters in the courtroom, she was perhaps more deeply typical of the Movement and closer to being the paradigmatic radical—relentlessly pushing at human limits; driven to a fine rage by perceived injustices; searching for personal authenticity in her revolutionary commitments; and, at the climax of her career, finally losing the distinction between clients and comrades, work and life.

If references to these triumphant days were curiously muted at her memorial, however, there was scarcely a mention of the personal drama of Fay's last years—the withdrawal from her earlier commitments and the attempt to fashion a new identity out of family and feminism; the violent interruption of this rebirth by an ex-prisoner who claimed to be acting in behalf of the abused memory of George Jackson when he fired five bullets into her; and finally the last months of paralysis and

pain, and the lonely suicide half a world away from those who had wanted her to struggle as hard in her own behalf as she had for others.

Perhaps the issues of Fay's life and death were too complex. Perhaps her tragedy, almost Greek in the relentless operation of irony and fate, conveyed too daunting a message for people whose commitments had been bruised by the conservative decade that followed. Yet this omission caused a feeling of incompleteness to hover over the funeral, as if it were a tale without a moral, a lesson purposely ignored.

After the service was over, the mourners filed outside and stood on the sun-splashed pavement for a moment. The talk was often more of themselves than Fay: distances traveled in the years that had slipped by since the halcyon days of the radical movement; accommodations made and compromises struck, as well as promises kept. At the cemetery, there was a brief graveside ceremony, where those present were invited to bid a last farewell by tossing a handful of dirt onto the coffin. "As this was happening," one of Fay's closest friends said later on, "you could almost hear her muffled voice—the old Fay, the one we wanted to remember. 'Now wait a minute!' she seemed to be saying. 'Hold on, dammit! There was more to it than that!'"

Like others who burst onto the radical scene in the Sixties, Fay acquired a media personality—cool and unyielding, her face squeezed in a perpetual concentration that pinched her features; remote and ironic, a machine fueled solely by logic. The insights of those who knew her well present quite a different picture.

She was a woman at odds with herself, riven by contradictory feelings. She worried about her looks, about the propriety of being so interested in clothes, about the possible hypocrisy of using makeup on a face she felt was plain. In fact, it was a far more arresting face than she imagined—oblong and strong-chinned; eyes close together; a smile that had to bloom through clenched teeth, the vestige perhaps of traumatic childhood orthodontia. She was a middle-sized woman who feared, correctly, that she gave the impression of awkwardness and bulk. Her profound identification with the

"locked-upness" of prisoners came, at least partly, from the feeling that she had been sentenced to solitary confinement in a body that failed to express her. The irony was that while she might experience herself as gawky and inept, those who knew her intimately, especially women, regarded her as one of the most forceful persons they had ever met. In any case, during the course of her life, she evolved a strategy of self-presentation that worked: infusing her physical presence with the passionate intensities of her intellect; developing a swooping manner that moved people in paths she considered righteous.

She could be arbitrary, self-aggrandizing, relentless in behalf of the causes she took up, pushing people beyond their limits into angry recalcitrance which then surprised and hurt her greatly. Yet she was capable of tremendous generosity, gifts of self so utterly uncalled for that the recipients felt bound to her for life. In one well-remembered incident, a friend who had been close to her for years confided about a destructive love affair she felt powerless to terminate; unable to believe anyone incapable of forcing her life to yield to her will, Fay called the friend a "loser" and lost her for good. Such insensitivity, something close at times to moral blindness, was counterpointed by an almost pathological worry that people would think ill of her, the nameless people with whom she collided in her workaday life. Fay could be devastated by a garage attendant who criticized her parking.

Her radicalism seemed to come so naturally that everyone assumed she must be a red-diaper baby or at least a New Yorker coming out of an ambience in which left-wing politics was practiced as a sort of close-order drill. In fact, her family was conservative and conventional, middle-class Jews with three generations of roots in California, pious and yet unostentatious in their faith. It was only in oblique ways that her family situation, including its Jewish culture, spawned angers and yearnings that eventually found political expression.

The father, Sam Abraham, was a quiet man with a stern sense of life's opportunities and hazards, who had apparently been saddened when his first child was not a boy. Fay always felt that her younger sister, Lise, was prettier and more winning. This left conspicuous achievement as her only path. Her mother, Ruby, reinforced this choice in ways that later aug-

mented Fay's rebelliousness. She made her take piano lessons from the age of three and practice long hours; she bound her hands at bedtime to keep her from destroying a possible concert career by sucking her thumbs. She forced Fay to wear hideous orthopedic shoes, not because of any physical disability, but to ensure that she would have beautiful feet later in life; and she made her wear hated braces so that her smile would one day look right. Even after Fay had been shot and was lying in intensive care, she complained of the way that Ruby Abraham smoothed her brow: the touch was too harsh, feeling more like an attempt to train her hair than soothe her hurt.

The family moved from San Francisco to Berkeley in 1942, when Fay was nine years old. She became a "Berkeley person," a term referring more to outlook than to geography. She was affected by the political and cultural liberalism radiating outward into the community from the university, the sentiment that would eventually result in the birth of the New Left. Friends remember her complaining of being "chained to the piano," although in fact she played well enough to have made a debut with the San Francisco Symphony, playing the "Emperor" concerto, at the age of fourteen. She was a loner, restless and impatient with frivolity, anxious to skip the ambiguity of adolescence and attain adult powers and responsibilities. While acquaintances competed for a place in Berkeley High School's exclusive and possibly anti-Semitic sororities, Fay spent weekends with the Quakers, touring hog farms just outside the city limits, foul-smelling places where impoverished families of blacks lived in communities of muddy roads and tar-paper shacks.

She was rebellious, but there seemed to be more to it than the casual anarchy of most teenagers. She sometimes concealed a *Time* magazine in her music book and read cover stories on international affairs while practicing her scales. Sometimes she would take the bus to San Francisco on a Saturday with a girlfriend and spend the entire day going through all the museums in Golden Gate Park—the De Young, Natural History, the Steinhart Aquarium—walking down the halls and opening every door she could find marked "Private." Not long before quitting the piano altogether, she defied her par-

ents by going to the local Congregationalist church to play for Sunday service, although even there she might break into the middle of some solemn Christian hymn with a few bars of a popular song.

She was conscious of her desires and feelings, but it was in a literary rather than analytical way. Wendy Milmore, one of her closest high school friends, remembers envying her ability to "turn out four or five beautifully calligraphed pages on her innermost thoughts while sitting on a bench for fifteen minutes waiting for a bus." When she went to Reed College, an Oregon liberal arts school with a reputation for iconoclasm and reform, Fay planned to major in literature. But between her sophomore and junior years, she went to Mexico on a Quaker project to inoculate peasants against typhoid, an experience that changed her goals. She transferred to Berkeley for her senior year, prelaw now, and roomed with Ying Lee Kelley, a future member of the radical caucus of the Berkeley City Council. Ying was Betty Lee then, the daughter of Chinese immigrant parents. Fay found this fact attractive, and they had lengthy discussions not only about racism but about communism and imperialism too. "Fay dealt in big ideas even then," Ying recalls.

At the University of Chicago, where she went to law school, Fay took courses with Malcolm Sharpe, who had written a book about the Rosenbergs. He invited her to help him with an appeal in behalf of the "third man" in the celebrated atomic spy case, Morton Sobel. When friends from California came to visit her and asked to go sightseeing, she took them on walking tours of Chicago's slums. She was interested in whatever political activism dared take place in the long shadow of McCarthyism. After a meeting of the student chapter of the proscribed National Lawyers Guild (which the attorney general had not long before identified as a "Communist front"), Fay went up to talk to the group's chairman, Marvin Stender, about her experiences on the Quaker project in Mexico. After courting for three months, they got married, a relationship both saw as a joint venture in behalf of the oppressed.

By 1960, Fay was back in Berkeley, where she and Marvin found the political climate favorable to their commitments.

Twenty-eight years old, a lawyer with two young children, a boy, Neal, and a girl, Oriane, named after a character in Proust, she was a dynamo—mercurial, energetic, almost driven, interested in a wide spectrum of liberal and left-wing causes. In addition to working part time for a firm of left-wing lawyers headed by Charles Garry, she joined with her husband and three other lawyers to found the somewhat extravagantly named Council for Justice. A forerunner of later law collectives, the Council was "an umbrella group to do good," which at the time included helping a little-known Tulare County organizer named Cesar Chavez and filing suits on behalf of Negroes discriminated against by Bay Area landlords. She was involved with everything from legal aid to militant motherhood.

Betty Ann Bruno, now a local TV reporter, recalls encountering Fay at this time. Bruno had been having trouble nursing her first child and, after looking vainly to traditional sources for help, came across an organization called Nursing Mothers Anonymous. Attracted by its slogan ("Don't reach for the bottle, reach for the phone"), she called, and Fay answered. "It was her home phone. She was the founder and probably the only member of this organization. She asked me what my problem was and had lots of ideas to help. She just talked to me as often and for as long as I needed, just gave of herself. That was the thing that seemed incredible to me. I was just some strange woman who was having some problems, and there she was." Afterward, they became friends, and Fay enlisted Bruno's lawyer husband to support a suit she had filed on her own against laws barring fathers from the delivery rooms of California hospitals. Eventually their legal brief got the law changed.

Fay seemed to be everywhere at once. Yet there was something unfinished in her personality, a restlessness, a sort of undisciplined searching that suggested desires no ordinary life would satisfy. One friend of that period says: "Given her talents, Fay was one of the least happy people I knew." Another, Rose Linsky, recalls: "She was exceedingly ambitious in a way that neither Marvin nor I understood. I remember the three of us were in their apartment after an evening in which they had gone to some political to-do. She was full of enthusi-

asm about whom she had met and what the contacts would mean to her. Marvin and I were aghast at the analytic, calculating ambition. We found ourselves looking at each other more than once over this kind of thing in her."

Ann Ginger, Fay's lifelong legal colleague and the head of the Meikeljohn Institute, says: "She was searching for meaning that was greater than the money she could earn, and greater than the legal principles she could establish. She wanted her life to have meaning, so much so that when her clients did not have as much meaning as she wanted them to have, she endowed them with meaning." The writer Gregory Armstrong, who later worked with Fay on the George Jackson defense, agrees: "She was like others on the Left in those days—she was very hungry. She was in pursuit of the great dream you'd do anything for."

The civil rights movement of the early Sixties provided both an arena and a community of support for her quest. From her political base in the Council for Justice, she became the moving spirit behind the Bay Area Friends of SNCC, the Student Nonviolent Coordinating Committee, a radical civil rights organization headed by Stokely Carmichael, which had become impatient with the nonviolent reformism of Martin Luther King, Jr. Fay organized fund-raisers and benefits for SNCC activists. One Passover, like many Jews in the Movement, she organized a "freedom seder" for the local SNCC members. The service related the liberation of the Jews from their slavery in Egypt to the civil rights struggles of American Negroes. "The ritual was there and the tradition," remembers Samne Kater DeWitt. "But instead of Rabbi Camahel talking about how many plagues there actually were, there would be a quote from Martin Luther King about the civil rights movement." In 1964 and 1965, Fay went south to work on the Mississippi Summer Project and put forth a tremendous effort filing briefs for the Mississippi Democratic Freedom Party's challenge of the Democratic establishment at the presidential convention.

Two years later, when Stokely Carmichael launched the slogan of "Black Power" and extended the principle of self-determination to SNCC itself, telling SNCC's white supporters to leave the organization, Fay defended the decision. "I was

furiously," remembers Samne DeWitt, a Holocaust survivor. "I had a big argument with Fay about it, and also about the growing anti-Semitism of the black movement. Fay was understanding of their feelings because of the legacy of white oppression, Jewish landlords, and that sort of thing. I said, 'I absolutely will not tolerate this. I'm not supporting an organization that's anti-Semitic. There's nothing to understand from my point of view.'" Fay disagreed with equal vigor.

One black organization that was radical and did not reject white support after the emergence of black power was an Oakland-based group called the Black Panther Party. Since its formation out of an Oakland street gang a year earlier, the Party had concentrated its efforts on cases of police brutality in the ghetto. Patrolling the streets in armed squads, which was legal at the time, they observed arrests and informed people of their rights. Unlike SNCC, which had closed its doors to whites, the Panthers called for a black-white coalition. Unlike the reformist Congress for Racial Equality and the Southern Christian Leadership Conference, the Panthers had a Marxist analysis of racism and a clear "revolutionary" program. In the spring of 1967, the Panthers were still an obscure grouping, but in October of that year, an event took place that was to catapult them into the national limelight. Fay, through her connection with the Garry law firm, was thrust by the same event into the center of one of the most important political trials of the decade.

On the night of October 27, Huey Newton, founder and minister of defense of the Black Panther Party, left a gathering celebrating the end of his probation for a knifing incident three years earlier and, just before dawn, was stopped by Oakland policeman John Frey. Ten minutes later, Frey was dead, with five bullet wounds, two of them entering his back from a distance of twelve inches. Newton had been wounded, as had a back-up officer called to Frey's aid. Two eyewitnesses, the back-up officer and a black bus driver who had happened on the scene, identified Newton as the killer. The Panther leader was charged with murder.

The defense argument was that Officer Frey and Newton had both been shot in the chaos of the moment by the officer who arrived as back-up. But the implications of the

courtroom rhetoric, reflecting the escalating radical vision of the time, implied that even if Newton *had* done the shooting, the act was justified. In a pioneering version of what would soon become a radical cliché, Garry, with Fay assisting, put the “system” itself on trial. Newton went on the stand and lectured the jury about racism with the disarming earnestness of a young divinity student espousing a muscular Christianity. He told about his past—how as a high school graduate left illiterate by his education he’d taught himself to read out of a dog-eared copy of Plato’s *Republic*; how he’d recruited former street criminals for his political movement. He and Garry fashioned for the trial a persona that resembled a contemporary Frederick Douglass. Within months, Newton had become a cut figure, whose poster in black beret and leather jacket sitting on an African rattan throne, with a spear in one hand and a rifle in the other, began decorating college dorms all over America.

The “political defense” Garry and Fay conducted gave perfect expression to the radical viewpoint of the time and became a model for the trials of Angela Davis, the Chicago Seven, and others that followed. The focus was shifted away from the particular events of that October night and toward society. Before the proceedings had even started, Garry had challenged the racial composition of the grand jury and then of the trial jury itself. His brief, which Fay was instrumental in putting together, became a precedent-setting case in the law governing jury selection. Eventually the court, the police, and the victim himself were indicted by the defense as agents of a racist and criminal system that had conspired to oppress Huey Newton because he was a fighter for black liberation, to deprive him of his rights, and now to threaten his life. So tied was the defense presentation to the radical philosophy of the hour that, in the radical community at large, questioning Newton’s innocence became tantamount to questioning the fact that American society was racist and that black people were oppressed.

By the time Newton was finally convicted for manslaughter, the nation had undergone a convulsion. The Tet offensive had punctured the illusion that there was light at the end of the Vietnam tunnel. Detroit and other urban black

ghettos had erupted in violence. Student rebels had momentarily seized Columbia and other universities. Martin Luther King and Bobby Kennedy had been gunned down by assassins, and lawmen had clashed with demonstrators at the Democratic convention in Chicago, in a scene of uncontrolled mayhem that conjured images of a police state.

The mood of the Left was increasingly apocalyptic. Weatherman, the militant faction of Students for a Democratic Society, had raised the slogan “Bring the War Home.” Radical theory projected the metaphor of America’s imperial thrust in the Pacific onto the domestic map: white America was the mother country; blacks were a colonized people with a right, indeed a duty, to free themselves from oppression, by armed force if necessary. At an SDS convention, the Panthers were proclaimed the vanguard of the revolution and were adopted in the New Left’s imagination as a sort of domestic Vietcong fighting for freedom in the urban jungles.

Fay had handled all the legal motions in the Newton trial, and when the verdict was in, she handled the appeal. It was based on a technical error in the judge’s instructions, and two years later it freed Newton. While working on this appeal, Fay went to Garry and told him she was leaving the firm to be a trial lawyer herself. “I told her she was superb at the law,” recalls Garry, “but she was not a trial lawyer. Emotionally she could not handle a jury trial. She was rigid and got too involved with her clients.” Nonetheless, Fay left Garry to join the Berkeley firm of Stender, Franck, Hendon, Hill & Ziegler, which soon after was restructured to become the first law “collective” in the Bay Area, with no internal status distinctions and with pay according to need rather than work. The firm handled court actions resulting from demonstrations, as well as draft resistance and drug cases.

Caught up in the increasingly stark radical vision of the time, Fay continued to work on Newton’s appeal, visiting him regularly at the San Luis Obispo Men’s Facility. These visits seemed to provide Fay with a cause that gave coherence to her life. She seemed to friends to be almost in love with Newton. They looked deeply at each other during her visits, sometimes touching when the guards’ attention wandered. Newton told her about another young black, who was already a legend in

her and others, and got French playwright Jean Genet to write an introduction, which gave the book automatic intellectual standing. Her idea was to use the book to make Jackson the symbolic political prisoner, the black Daniel uttering prophesies of judgment from the brutal depths of the lions' den. Activists and supporters, as well as journalists from around the world, flocked to the cause.

Jackson told a friend that his abiding impression of Fay, formed at this time, was of someone talking about the trial and "waving her hands like a conductor."

Fay got state legislators to visit Soledad and convinced the Congressional Black Caucus to initiate an investigation of conditions. Using the surveys and field work gathered by teams of sociologists, she obtained a change of venue for the trial and got Jackson transferred to San Quentin, where he would be free from guards' reprisals.

Fanned by the praise of Newton and Jackson, who called her his "small and mighty mouthpiece," her reputation spread like prairie fire among inmates in the prisons of California and other states. Letters postmarked from prison began to arrive in her office, a few at first and soon an avalanche. Using the people she had gathered around the Soledad Brothers Defense Committee, Fay founded the Prison Law Project to deal with the pleas for help and began to address what she saw as the larger issues of the criminal justice system. She began to speak on campuses and at other public forums, denouncing conditions at Soledad: "Every citizen in the country ought to do something about O Wing of Soledad and others like it. The only thing I can say is that it's the Dachau of America. . . ."

Almost incandescent with energy, she pushed herself as remorselessly as she pushed others, working around the clock, sometimes dragging ten-year-old Oriane to meetings and prisons with her. It was a period of terrible urgency, when "revolutionary violence" was being advocated by certain sections of the Movement as a necessary means to deal with the encroaching "police state." White radicals like Tom Hayden were promoting the strategy of "liberated zones." The Panthers appeared locked in a bloody war with the police forces of several cities, a guerrilla combat that had claimed dozens of casualties and caused Eldridge Cleaver to jump bail for a

clandestine flight to Algeria. Radicals called the police program "genocide," and when police raids on Panther headquarters were rumored, they would stand outside to bear witness. Fay was always a step further: she would be *inside* the Panthers' barricaded redoubt, sleeping among the automatic weapons that were propped near sandbags.

"My identity is becoming almost anti-professional," she told a student seminar in the summer of 1970, "and in some sort of way that of a political prisoner. In fact, I sometimes wonder whether my effectiveness will ultimately be enhanced or impaired. I don't enjoy cars and clothes anymore. I don't enjoy vacations. I don't live in that world anymore. I've gotten so schizy going back and forth that I really prefer to spend my working time in prison. In the most selfish way, I have a better time when I am talking to a prisoner. I enjoy myself more; I am more human; I feel more love than when I am in the Supreme Court being treated courteously and having the privileges of being a lawyer. . . . I don't use the expression 'my clients' anymore. . . . That expression is going out of my vocabulary and is certainly going out of my thinking. I feel that they are comrades."

Such transcendent thinking involved a great leap forward, a stepping out into a territory that was intellectually undiscovered and, some of her old friends thought, perhaps undiscoverable: John Irwin, a former prisoner at Soledad who had served his time and after his release obtained a degree in sociology and became a leader of the Prisoners Union, was called into the Soledad Brothers case at about this time. Fay wanted him to listen to tape recordings made of the prisoner witnesses who would testify against Jackson and suggest ways of discrediting them. During his time at the Soledad Brothers Defense Committee offices, Irwin was taken aback by the ease with which Fay and her associates accepted a sentimental and, to his way of thinking, benighted view of prisoners simply as victims of social circumstances, and of prisons simply as an early warning system of the fascist state toward which all American social institutions were tending. "I don't think Fay ever understood the commitment to criminality that many of the persons she dealt with had. Fay really had a strong belief that

prisoners were going to be in the vanguard of the social revolution." Irwin was disturbed by the romantic acceptance of violent solutions and by what he saw as a kind of sexual romanticism: "It was mostly women who were doing the organizing. They had each picked their favorite Soledad Brother and were kind of oo-ing and ah-ing over them, like teenagers with movie stars. I couldn't believe it."

Eve Pell, recruited by Fay for the Prison Law Project from the activities board of the San Francisco Museum of Art, was one of the women Irwin remembers. While not disagreeing with his conclusions, she explains the deep feelings of guilt and insecurity that led to the need to romanticize prisoners and their society: "I went to San Quentin to see George from such a position of weakness. Here I am this bourgeois housewife from the upper class, the other end of the social scale from George Jackson. When I went to see him, it was the first time I had ever been in a prison. I thought: This man is not going to like me. This man is going to say, 'Go back to your dumb little life and don't bother us revolutionaries.' Well, that didn't happen. We had this amazing conversation. Visiting someone inside the walls of a prison has to be one of the most intense experiences any person could ever have. There you are in this horrible, horrible setting, with guards and officials who don't want you there and are trying to keep you out. And you're talking to some guy, and this guy is focusing on you with a quality of attention that I don't think you'll ever get anywhere again. He has one hour out of six months to make contact, and he does. I think that's half the reason why almost every woman I know in the Project fell in love with some prisoner."

Fay was not invulnerable to these feelings. Through the ingenious contrivances that prisoners devise, she had become sexually involved with Newton in prison, and authorities at Soledad once had to separate her physically from Jackson and drag her out of the visiting area with her clothes half off. (Gregory Armstrong recalls being at Fay's house for dinner the night Angela Davis was caught by federal authorities after fleeing the Bay Area in a hasty incognito; seemingly buoyed by the tribulations of the woman to whom Jackson had addressed some of his most erotic letters, Fay served dinner on family china that had not been used since her wedding.)

But Fay's romanticism was political as well as personal, coloring the case she built, the alliances she forged, and finally the cause into which she poured all the considerable force of her personality. It was a flaw in her own makeup, as she later came to realize, but even more the flaw in the radical worldview: the belief that the facts of experience were inferior to its hidden "truth"—the readiness to reshape reality to make the world correspond to an idea.

The political myth of George Jackson that Fay helped to construct exemplified the radical willingness to tinker with the facts to serve a greater truth. The ten years of servitude for a seventy-dollar robbery, which Fay attempted to make notorious as a miscarriage of justice, was, on close inspection, something different from what she made it seem. The holdup was Jackson's third serious offense, the culmination of a record that dated back to an arrest for assault when he was fifteen. The indeterminate sentence was repeatedly extended, but not because of a cruel caprice on the part of the California Adult Authority. Jackson's path inside prison was far from model. He had organized a prison gang called the Wolf Pack as a black equivalent of the Aryan Brotherhood and the Mexican Mafia. He ran the prison gambling operations and once attempted to cut a Chicano inmate's throat for welshing on a ten-dollar bet, and he boasted to Eve Pell of having killed twelve men in his prison career and of his "revolutionary" plan to poison the water system of his native Chicago if he was ever released. (Jackson had described this plan in one of the prison letters that Fay suppressed in the course of creating his public myth.) While Fay was working to build the illusion of Jackson's sacred victimhood, he was out to create another kind of myth—of a "wild nigger" embodying absolute, almost cosmic vengeance. Jackson could be articulate, intelligent, and completely charming to those who came to see him during visiting hours, but he was a different person inside the prison world. In *Who Killed George Jackson?*, journalist Jo Durden-Smith quotes a prisoner he interviewed: "He was the meanest mother I ever saw, inside or out. . . . If you didn't get out of his way, or do things the way he wanted 'em done, you better watch your ass. I mean, he was into everything when I was inside. Dope,

booze, peddling ass—you name it. Strong arm. Hit man. He was making his way in the joint.”

And eventually Jackson began to chafe under Fay’s portrayal of him as an innocent. He felt that it diminished the mad dog manhood he had fought so hard to establish. He wanted her to know the version of self he had perfected during all those years in prison. In April 1970, he wrote her: “The family, the nuns, the pigs, I resisted them all. I know my mother likes to tell everyone that I was a good boy, but that isn’t true. I’ve been a brigand all my life.” To have taken his hint, however, would have involved a more detailed inventory of her own character (and the Movement’s) than Fay was at that time prepared to make. By the fall, the gap between the image she was projecting and what Jackson saw as his true self began to create serious friction between them.

“Fay cut so much material away from [Soledad Brother],” he complained in a letter to Eve Pell, “that it turned out more her than me; there were several hundred pages of remedy left out.” These “remedies,” which Fay had excised, were later printed in the posthumous *Blood in My Eye*, Jackson’s last revolutionary will and testament, which explained that “the power of the people lies in its greater potential violence”:

There are thousands of ways to correct individuals. The way is to send one armed expert. I don’t mean to outshout him with logic, I mean correct him. Slay him, assassinate him with thuggee, by silenced pistol, shotgun, with a high powered rifle shooting from four hundred yards away and behind a rock. Suffocation, strangulation, crucifixion . . .

Jackson reached out to Fay on July 28, 1970, in a letter that attempted to name the chasm that had come to separate them and through which they would both eventually fall to their destruction:

Dear Fay, Dear Fay,  
The possibility of us, as persons, misunderstanding each other will always rest on the fact that I am an alien.

It will always be my fault. The secret things that I hide from almost everyone, and especially the people who are sweet and gentle and intellectually inhibited from grasping the full range of the ordeal of being fair game, hunted, an alien, precludes forever a state of perfect agreement. You dig what I’m saying now you’ve conceded this much. Keep it always in mind, strain with me. . . .

The letter was a warning. Its crucial sentence came later on: “An intellectual argument to an attacker against the logic of his violence—or one to myself concerning the wisdom of a natural counter-violence—borders on, no, it overlaps the absurd!” Jackson was trying to warn Fay about his own character, which she refused to understand, and about the ante that was about to be upped. A few days later, seventeen-year-old Jonathan Jackson, laboring to be worthy of his brother, that mythic figure radicals had manufactured, walked into a Marin County courtroom where a trial was in progress, pulled a .38 from the flight bag he was carrying, and took the judge, an assistant district attorney, and three women jurors hostage, with the idea of hijacking a plane to Cuba and ransoming them for the Soledad Brothers. Within minutes, Jonathan, two prisoners, and the judge were dead, and another prisoner and the assistant D.A. were seriously wounded. This was the beginning of the apocalypse that had come to dominate Jackson’s life and writings. After his little brother’s martyrdom, there was no way that Jackson the “for-real man,” as Huey Newton called him, could emerge from prison other than with guns blazing.

Soon a revolutionary “army” was training in the Santa Cruz Mountains, with weapons stolen from the Camp Pendleton armory. Named the August 7th Movement to commemorate the courthouse raid and martyrdom of Jonathan Jackson, it had as its nucleus Black Panthers, together with a few white student radicals who had been calling unsuccessfully for revolution and now saw black prisoners as the only “vanguard” with sufficient desperation to provide the spark for an uprising. “We have two perfectly harmonious fists,” Jackson wrote Jimmy Carr, his chief lieutenant, who had recently been paroled from San Luis Obispo, “the left ‘front ram’ of the Black Panthers’

political thrust and the left 'back ram' of the August 7th Movement." The first target for this army was San Quentin itself, focus of Jackson's extravagant plan involving smuggling in guns for an insurrection that would coincide with the short-circuiting of the prison's electricity and the arrival of jeeps to spirit away the prisoners who scaled the walls.

Jackson put pressure on all his supporters to get behind these plans. One woman on the defense committee, who is still too frightened to be named, recalls: "George asked everybody to bring him guns. It was standard. Weapons and sex—what does any prisoner want? I was too scared, so I said no. But others didn't."

Jackson wanted to use funds from the Soledad Brothers Defense Committee to finance his military venture. At first, emissaries like Jimmy Carr were sent to Fay and, according to other committee members, made "extortionist threats." Fay didn't budge. The last thing she wanted was to see Jackson, whom she thought she could free through the courts, get hurt in some wild adventure. "She felt she had won the case in the public relations arena and would win it legally," recalls Marvin Stender. "It was like him saying, 'I don't trust you.' She was personally affronted. Her attitude was, 'I was smart as a lawyer and did these superhuman things to get you out legally, and now you're going to go and blow the whole thing.'"

In late 1970, there was a head-on confrontation between the two of them in the San Quentin Adjustment Center visiting room, an "epic shouting match" in which Jackson attacked her about the Defense Fund and the royalties from *Soledad Brother*. Eventually she relinquished control of all moneys to him. A friend who called her soon after was shocked by her depressed tone of voice. "I'm not very much involved anymore," Fay said. "I'm thinking of leaving the case. I've done all that I can do."

It was a time of terminal crisis for the Left, of paranoia and despair, when the violence rhetorically aimed at the larger society turned inward. Agents had infiltrated the Panthers and Jackson's "army." As well as a training area, the Santa Cruz Mountains had become a killing ground, where the burned corpses of "soldiers" thought to have been informers were hastily buried, leaving shards of bone in full view. Pressured from

within by its own revolutionary rhetoric and from without by police surveillance, the radical grouping around the Panthers began to experience something like the erratic cell division caused by metastasis. Eldridge Cleaver's military wing split from the more gradualist Newton-dominated Panthers, leading to the formation of the Black Liberation Army. Jackson sided with Newton, although it was reportedly Newton's last-minute decision to pull Panther "support forces" out of the Marin courthouse raid that had left his brother Jonathan vulnerable. Meanwhile, the white radicals who had connived in this "vanguard operation" were also splitting apart. Members of the Revolutionary Union left to form the more military Venceremos Brigade (later to split again, leading to the formation of the Symbionese Liberation Army, which would kidnap Patty Hearst). It was Venceremos that urged Jackson to make his move.

Like other radicals who operated on an intuitive rather than an ideological basis, Fay was bewildered by the nature of these events as well as by their velocity. An acquaintance who went to see her at home was surprised to find her sitting listlessly in her bathrobe, reading Nero Wolfe stories. It was not only Jackson who had turned his back on her, but Huey Newton as well. He had recently gotten out of prison on the strength of the appeal Fay had drafted. But at a party sometime after his release, he had ignored her in a deliberately cutting way, leaving her to stand alone on the periphery of the event for the entire evening. Charles Garry later took her to a meeting in the \$750-a-month apartment Newton had rented overlooking Oakland's Lake Merritt, the "gilded cage" Cleaver's rival faction said symbolized his remoteness from revolutionary reality. "She started criticizing Huey and the way he was living," Garry recalls. "It ended up in a verbal brawl, and she left."

By June, everything seemed to be unraveling. Jackson's confidant Gregory Armstrong wrote at the time: "Without Fay there is no center. Quiet hopelessness has taken possession of everyone. . . . Without Fay it must seem as if reality itself has disappeared—the reality of the intense struggle that Fay, his mighty mouthpiece, had brought to the case, with her uncompromising need to defeat her enemies—some enemy, any

enemy—with the sense of motivation she brought with her, the sense of frenzied activity, the sense that she was locked in a mortal combat and wouldn't accept defeat, the endless number of activities she initiated, the breathless battlefield reports. . . . ”

Jackson had turned over the royalties from *Soledad Brother* and moneys in the Defense Fund to the Black Panther Party, whose field marshal he had become. In February 1971, Fay left the case and was replaced by a young attorney from her radical law group named Stephen Bingham. A few days after their break, Jackson wrote a mutual friend: “Call Fay right now and simply say, ‘George said he loves you no matter what.’”

In spite of that assurance, a new element had entered Fay's life—fear. Because she had opposed Jackson's suicidal plans, it was whispered on the prison movement's paranoid grapevine that she was a “sellout” and possibly even a “police agent.” She made her final decision to leave the case when she opened a piece of mail one day and found a razor blade—a chilling enough message even without an accompanying note.

When Jackson asked to see Fay late in June, the person who relayed the message noted that her face was torn with fear. “I'm not going in there alone,” Fay said. “I'll take another lawyer with me.”

On the morning of August 21, 1971, Stephen Bingham signed the east gate visitors' book at San Quentin and then waited for several hours to see his client. Finally, he went into the meeting, carrying a tape recorder with him. Minutes after Bingham left the visiting room, Jackson was back inside the Adjustment Center, going through the usual post-interview skin search. A clip of bullets hidden in his Afro wig clattered to the floor. Suddenly he was brandishing a 9-millimeter automatic that seemed to have materialized from nowhere. “The Dragon has come,” he said to the guards. Then he gestured to the prisoners as he ordered the cell blocks opened: “The Black Dragon has come to free you.”

There was a moment of euphoria and then the realization that there was nowhere to go. In the next few minutes, Jackson and his group of supporters released friends and

rounded up guards and enemies. The scene quickly careened out of control; within minutes, three guards and two white convicts lay in Jackson's cell choking on their own blood, their throats slit by razor blades embedded in toothbrushes. As authorities moved to isolate the uprising, Jackson realized that the game was up. True to his vision of himself, he yelled to his friends, “It's me they want!” and charged into the prison yard, firing blindly at the guard towers above, where sharpshooters lay on their bellies, waiting for him to come into their sights. The first of the two shots fired back at Jackson splintered his shinbone; the next one caught him in the tenth rib, ricocheted up his spine, and exited the roof of his skull. His body somersaulted limply as he fell dead on the gravel path.

The abortive escape left a thicket of unanswered questions behind. What was the role of Stephen Bingham, who disappeared after the event? Was he aware that his tape recorder contained a gun—the theory of prison officials who reconstructed the event? Had Jackson been set up? If so, was it by the Cleaver faction of the Black Panther Party? Or by Newton, fearful of Jackson's charismatic competition? Or was it a conspiracy of the state intelligence agents acting in concert with prison authorities? Those who have tried to answer these questions have found themselves walking down a hall of mirrors. Jackson's death has become the radical equivalent of the Kennedy assassination, involving hypotheses of intrigue which became ever more bizarre with close examination.

Fay was devastated. “She wasn't surprised,” says her husband, Marvin. “It didn't seem like it could end any other way. But it was a very, very personal blow to her.” She loved Jackson; she had said to friends that, outside her own family, he and Newton were the only people she had ever been willing to die for. In the middle of her grief, however, she found cause for alarm. The California attorney general's office suspected her of aiding the military escape plan. She was also a subject of suspicion by those who were concerned because her involvement with Jackson's defense had made her privy to truths that could be dangerous. “She was afraid of the authorities,” says Marvin. “And she was afraid of the people she'd helped.”

While trying to deal with Jackson's death, Fay was also confronted with a rebellion from within her Prison Law Proj-

ect. In some ways it was similar to conflicts that had destroyed other radical organizations of the day: a polarization pitting collectivism against "elitism," politics against expertise. The other side was led by younger radicals—most of them nearly a generation younger—activists and law students Fay had recruited and transformed largely through her own enthusiasms.

The trauma involving the constellation of issues surrounding Jackson's death was causing Fay to pull back and question her fierce identification with prisoners, but the radicals in the Prison Law Project were eager to go forward in the struggle. They assumed that the Project would defend the San Quentin Six, those prisoners charged with the murders committed in the Adjustment Center during Jackson's escape attempt.

"We wanted to be involved," recalls Eve Pell. "We regarded the Six as righteous political brothers who'd been singled out for persecution by the fascist prison system. Naturally the system wanted to get these black and brown leaders, and we couldn't let that happen. For us, it was an intense emotional identification with them as heroes, as lovers, as comrades." But while fear prevented her from spelling out her reasons, Fay said no. "Fay didn't want to get involved," recalls Eve, "and we couldn't understand why, because it was the most important thing that was happening. She had led us into involvement with the prisoners on a personal and political level, and then held back."

The radicals split from the Prison Law Project, forming the Prison Law Collective. Struggle for control of a thirty-thousand-dollar foundation grant made the parting all the more acrimonious. Fay traveled to New York and persuaded the donors to give all the money to her organization, after which she offered the Collective five thousand dollars. Outraged by the gesture, Collective members went to her office on a Sunday morning and took half the typewriters and other office equipment. Fay circulated a letter of denunciation among the prison movement's funding sources and to National Lawyers Guild members. Collective members characterized the letter as "red-baiting" and regarded her actions as a "stab in the back." Once friends and comrades, the two sides faced each other across invisible barricades. "It was like a divorce,"

says Eve Pell, who joined the radical Collective. "There was the same kind of bitterness, the same emotions. By the time of the Attica prison uprising in October, which George had inspired, we weren't speaking to each other."

Fay pushed on with her work, although she sought more professional channels, such as the bar association's individual rights section and its subcommittee on prisons. About George Jackson and her decision to leave the case she would say nothing, not even to those closest to her. "Suddenly she was scared to death of those people she'd worked with and defended," recalls one close associate. "It became an operative part of her life after that. She was constantly afraid of somebody doing something to her because of things that went all the way back to the Soledad Brothers Defense Committee."

She no longer courted the attention of desperate men. Soon after Jackson's death and the split in the Prison Law Project, the Stenders received word that an inmate in a southern California prison was planning an escape and intended to visit with them on his way out of the country. At one time this was exactly the sort of intrigue Fay might have jumped to participate in. When the inmate actually did escape, she hid out her family for three weeks, sleeping on the floors of friends' houses to avoid having to deal with him as he passed through.

A cynical strain began to surface in Fay's outlook. On her birthday following the Law Project split, she was given a calligraphed inscription of one of Murphy's Laws: *No Good Deed Goes Unpunished*. "It had become her favorite saying," notes Marvin Stender, "so she put it on the mantelpiece."

Fay could no longer turn a blind eye to the results of her prison work. "She saw the revolving door syndrome," says Marvin. "Time after time she would get somebody paroled or moved from maximum security to the main line, and a month later he would be back." Doron Weinberg, one of Fay's law partners, recalls her negative reaction to an inmate she had once helped. "He was paroled, and within a month he supposedly threw his girlfriend out the window. She knew the man well, and he had hurt the woman badly. She was beginning to feel feminist issues very strongly. She wanted to know that everything was all right with the guy's case, but she didn't want to have anything to do with it. In the end, it didn't turn out

well. I defended him, his parole was not revoked, he didn't go back to prison, and he killed someone." Of all the prisoners she had gotten released, Fay once blurted out to her husband in despair, "only one, absolutely only one, stayed out."

In 1974, Fay closed the Prison Law Project and shortly afterward stopped taking prison clients. She began a family-law practice, specializing in custody cases and developing an esoteric sideline in representing psychiatrists and family counselors at licensing hearings. She helped to found California Women Lawyers and ran a yearlong project on child custody for the organization. She became increasingly interested in feminist issues and gay rights.

She was still driven, going from one project to the next, and not even stopping to take care of herself at times when her body faltered. Once, when she was about to try a case in Los Angeles, she became so ill that her doctor told her she had to go home immediately and get in bed. Instead of taking his advice, she found another doctor, who would deal with her on her own terms. "I've got a trial in Los Angeles," she told him. "What shall I do, given the fact that I'm going to Los Angeles?" But despite such incidents, she was not as disregarding of her person as she seemed. She had not resolved the childhood ambivalences over her appearance that had dogged her so long. She had a morbid fear of incapacitation and disfigurement. In 1975, she had to have a lump removed from her finger. Before the operation, she asked Marvin to promise that if the lump were diagnosed malignant, he would not give his permission for the finger to be amputated, even if it meant saving her life. Marvin refused. "We had the biggest fight of our whole marriage over my saying 'a finger is not worth your life.' Fay got a friend, who agreed to her condition, to stay in the operating room instead."

Although moving away from prisoners and prisons, she did take a case in 1977 that seemed to promise to rekindle some of the spirit of the Sixties. It involved the claim of Jane Scherr, longtime companion of *Berkeley Barb* founder and publisher Max Scherr. She had lived with him, taken his name, borne him two children, and helped him build the most successful of all underground papers, but when they separated he resisted her claims for a share of the property. Fay immediately saw its political implications (which were similar to the subsequent

and celebrated Lee Marvin "palimony" case), but her efforts to build it into a feminist *cause célèbre* were frustrated when Max produced a legal Chicana wife and three children from a marriage preceding his relationship with Jane. A subsequent suit on implied partnership was also frustrated through the efforts of Max Scherr's attorneys Doris Walker and Harry Margolis, old friends and old leftists as well, who Fay felt had conned her into delaying her filing while the *Barb's* assets were spirited out of the country. "The Left betrayed me," Fay told friends and associates, allowing the confrontation to fester into a bitterness that isolated her even more within the community that had once been her main support.

Barbara Price, a junior member of the Stender law firm, remembers Fay leaving her front office and pounding down the hall, still moving fast although there was nothing now that needed urgent action. She often argued with Marvin because he was too easygoing in billing and never pressed clients for payment. She installed a pump organ in her office to help her ventilate tension at the end of the day. The song she played most often was "The Battle Hymn of the Republic," because she like the mighty chord progressions.

It was the "Me Decade," a time when many radicals were turning their energies to human potential movements and careers. Fay, too, began to look inward. She was in her mid-forties and had never really taken time to deal with her personal dimension, her political commitments having condemned such activity as bourgeois. But radical politics, on which she had staked everything, had failed her, and now she was forced to reassess herself. She was very capable of dealing with others' problems, legal and personal, but seemed not to know quite how to begin to rebuild her own life. She saw that she had let relationships with those closest to her lapse and moved, somewhat clumsily at first, to heal them. Her daughter, Oriane, for instance, had grown up to be a lovely young woman, of whom Fay was both proud and a little envious. "In a way, she compared me to herself as a teenager," says Oriane. "She was sort of jealous of me because I was popular and successful with the whole social scene in a way she never was. We used to have fights over makeup and things. I would say, 'Give me a break. If I want to spend an hour in front of the

mirror, I will.'” After months of struggle, the two of them had joined a mothers and daughters group, and Fay found herself talking about issues involving self and expectation as a woman, which she had never allowed herself to consider.

She began to wonder if she wanted to practice law at all. In 1978, she began to write articles for the feminist journal *Chrysalis* and joined the editorial board of the *San Francisco Review*, a new literary magazine. She returned to the piano and began practicing seriously for the first time in nearly thirty years.

She became more and more interested in feminism and was drawn increasingly to a community of colleagues where the issues of personal life and politics seemed to merge—the community of gay women lawyers. She had joined the board of Lesbian Rights and had invited her gay lawyer friends Patti Roberts and Barbara Price to serve on the board of the Child Custody Project. “We were clearly there to be a lesbian voice,” says Price. “Fay did not want to raise the questions herself, but by backing us she forced the board to deal with the issues of lesbian custody and came into serious conflict with the traditionalists present.” Someone who didn’t know Fay might have said that she had merely gotten involved in the next trendy movement, transferring her concern from one “oppressed group,” black prisoners, to another, women. But there was more to it than that. The commitment to feminism and gay rights was part of a process of discovery that was forcing her to dig up the layers of self buried under years of political extraversion.

As she socialized more and more in the lesbian legal community and felt herself attracted to other women, Fay began to seriously examine the possibility of such a relationship and the problems it would entail. It would offer a relief from the macho oppressiveness of black male prisoners, but it was a formidable step in other ways, leading to relationships perhaps even more intense than the heterosexual ones she had known, and less easily controlled. “She talked about the social conventions,” Price recalls. “She was worried it would hurt her professionally. She was terribly afraid of what her kids would think. She was also worried about the hurt it would cause Marvin.”

Fay’s marriage had been a powerful source of stability during those years when the radical centrifuge threatened to pull her life apart. She had formed brief liaisons with other men, affairs she didn’t hide from her husband. There had been the passionate interludes with George Jackson and Huey Newton. And once, in the years preceding the advent of the Black Panthers, she had moved in for a time with an old college lover, a Communist who wrote abstruse theory for the Marxist journal *Monthly Review*. But she always had an almost subliminal compatibility with Marvin, even when they were on the outs. It was a preternaturally close affinity: the two of them even looked alike, strangers sometimes mistaking them for brother and sister. He was steady while she was volatile; Marvin could be easily satisfied, while she knew her appetites would always cause a rumbling in the pit of her existence. She appreciated him for his soothing predictability, yet she could not help seeing this quality as an expression of an emotional status quo—something against which to rebel.

It was a measure of Fay’s unarticulated conflict that even while she was contemplating an involvement that might jeopardize her marriage, she was also pouring deferred energies into their home. She had the entire house repainted, inside and out, the porch redone, and the furniture recovered. As a centerpiece, she had the kitchen completely remodeled, adding a standing fireplace, brick floor, skylight, and greenhouse window—an elegant arena more suited to a wife and mother devoted to keeping the nuclear family together than to a woman embarked on an odyssey that might destroy it.

In 1978, Fay ran as the only woman candidate for the board of governors of the State Bar of California. During the campaign, which she lost by a two-to-one margin, she met Katherine Morse, a young lawyer.\* They became lovers, and the affair brought the crises in her life to a head. Fay was forty-seven years old and had to pick a road to travel for the rest of her life. When the election was over, she announced that she was going to Europe for three or four months to take stock and decide what to do.

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\* A pseudonym.

Fay had arranged to attend a legal seminar in Warsaw on the rights of children and a Year of the Child conference in Sweden, but the trip had a far more personal dimension. It had aspects of a return to roots. She kept a notebook, in which she wrote her feelings about being a Jew in Europe. Wherever she went, she visited local synagogues and temples. She attended High Holiday services in Greece. She made a special pilgrimage to her father's birthplace in Russia. When she filed a report in the *California Women Lawyers News*, she concluded it with an observation about anti-Semitism:

On the most personal note of all, and yet to my mind vitally significant, the hospitality of the Polish lawyers was extremely cordial, but the anti-Semitism of the Polish society—manifested by a complete denial that Jews had existed, or did exist, by the ignoring of the Warsaw ghetto monument through four days of sight-seeing and touring—reminds us that some lessons are harder to learn than we have yet to face.

Fay went to Geneva and visited Roberta Brooks and Lee Halterman, old friends who worked in the office of Congressman Ron Dellums. The visit was going to be for one night, but, she wound up staying more than a week. "In a way, it was as though she couldn't leave," Brooks remembers. "She kind of just hunkered down with us. It was a difficult period for her. She was ready to make profound changes in her life." The three old friends wandered through the city's marketplaces and shops, trading confidences, exploring ideas and experiences. One day they drove to the east end of Lake Geneva to the Château Chillon and visited the dungeon where Byron's prisoner had languished, inscribing his name on the cold stone walls. How far Fay had come from the prisoners' movement was not discussed, but it was on their minds.

Among the issues Fay talked about with Roberta, none was more pressing than the decision she knew she had to make about her marriage with Marvin. "She was divided between wanting to be with her family, in her house, with her grandmother's china, as she put it, her kids and Marvin," explains

Brooks, "and with the dissatisfaction that gave her. She kept saying, 'Why can't I have my china and my house and all those other things?' and was angry because she couldn't have everything she wanted." She had pushed the issue to its decision point. "If she returned to the States after Geneva, she would go back to Marvin. If she stayed and went to Sweden, it was the end of their marriage."

The exciting, gratifying, and finally lacerating experiences of the past churned inside her. "From our discussions it was clear that her feminism drew in part on the time she'd spent representing men in prison," Brooks says. "They ripped her off on some level, she felt." She was bitter about something that had happened eight years earlier, before Brooks had even known her. "She told me that she and Huey Newton had been very close, and then when she saw him at a party after he was released on the basis of her appeal, he didn't even speak to her. Her attitude was, 'Jesus Christ, I sacrificed all those years. I sacrificed spending weekends with my family to go down there to San Luis Obispo to deal with his case, and then I see him in a room and he doesn't speak to me.'"

But there were certain aspects of her prison work Fay still didn't want to discuss. Only part of this reticence was caution. She had long since become critical of the self-delusion of the Left. Yet she still reserved a special place in her heart for the most romantic revolutionary of all. For a wedding present, she gave two friends a framed letter from George Jackson, urging her to keep up the fight. It was presented as if it were an icon.

Before she left Geneva for Sweden, there was an exchange of letters and a transatlantic phone call with Marvin about the marriage. A decision was reached to separate. Fay went on to Stockholm, where she lived for two months in a little apartment. It was the dead of the arctic winter of 1978, and the dark shadows of night fell at three o'clock in the afternoon. It was the first time she had lived alone.

In her apartment, she read and wrote. She was working on manuscripts about George Jackson and feminism. Never physically active, she now did push-ups daily—as Jackson had done in his solitary confinement—laboring until she could do

twenty in a row. She seemed to be growing into her body for the first time, learning to use and appreciate it. She dieted and lost thirty-five pounds. One night, she went to a piano bar and, after a few drinks for self-fortification, sat down to play. The patrons applauded and demanded an encore. She wondered if she could earn money professionally playing jazz piano. She sent her intimate friends a barrage of letters filled with a new kind of self-assessment.

When she got back to Berkeley, the cherry blossoms were in bloom, a false spring that natives know is always followed by sharp winter frosts. "Fay was really in the best shape of all the time I knew her in that period," says her friend Barbara Price. "She seemed very happy, with a strong sense of herself." Marvin had moved out, leaving the house to Fay and the children. Fay and Marvin agreed to dissolve the firm of Stender and Stender. With Price, Fay laid plans to organize a new office for women lawyers. She resumed her lesbian relationship with Katherine. She spent time writing and continued her program of physical exercise. She jogged daily on the Berkeley High School track and did lap swimming and weight lifting at the university gym. Her body grew strong; her spirits rose. One night her old friend Samme DeWitt saw her at a performance of Brahms's *German Requiem*, and Fay told her, "I feel confident, capable, and happy." It seemed that she had succeeded in her attempt to seal off the past and prevent it from leaking poison into her future.

It was 1:20 A.M. on May 28, 1979, when Fay's son, Neal, then twenty years old, was aroused by a knock at the front door. He had been only half asleep in a second-floor bedroom, having returned late from a party. Fay and Katherine were sleeping in another bedroom, and his sister Oriane was in still another.

Neal pulled on his pants and rimless glasses, then went downstairs. Switching on the porch light from the hall, he looked through the curtained window of the front door and saw a young black woman in a tan coat. Having grown up as Fay's son, he was neither surprised nor alarmed at the appearance of a stranger in the middle of the night. As he turned the dead bolt and opened the door, the woman was pushed aside

by a powerful black man in a dark leather jacket and blue watch cap. The young woman melted into the darkness; the man rushed forward, pointing a .38-caliber pistol in Neal's face.

"Does Fay Stender live here?" he demanded.

Neal answered that she did. The man ordered Neal to show him where she was. Starting up the stairs, Neal felt the snout of the pistol on the base of his skull. "Please don't hurt us," he pleaded.

"Get moving," the man snapped, "or I'll blow your fucking head off!"

When Neal knocked, a sleepy voice called out from his mother's bedroom. "What is it?"

He opened the door and entered. "There's a man with a gun who wants to talk to you."

The gunman stepped up and peered at the faces on the pillows. "Who's Fay Stender?"

"I am," Fay said as she sat up. Next to her, Katherine sank deeper into the covers, until she appeared to be only a pale, frightened face nesting in red hair.

"Prove it."

Fay reached into the desk drawer next to the bed and pulled out a MasterCard card.

"Don't you have anything better?" asked the man with the gun. She shook her head. "Get up," he said, gesturing with the gun. Fay asked if she could get a robe, and when he shrugged she went to the closet and put it on.

"Sit down at the desk," he ordered. "I want you to write something." As she fumbled for her glasses, the small sheltie dog Katherine had adopted snarled at the man. Fay warned him about the animal. As if momentarily forgetting the situation, he thanked her.

"Have you ever betrayed anyone?" he asked.

"No!" She looked up anxiously, worried by the menace in his voice, the tense, volcanic temper she remembered from working in prisons.

"Don't you feel you betrayed George Jackson?"

"No," she said, her voice rising.

A look of scorn crossed his face as he ordered her to write what he dictated. "I, Fay Stender, admit I betrayed

George Jackson and the prison movement when they needed me most."

She started to write but then stopped, as if she couldn't make her pen obey. "Now, this isn't true," she said. "And I would like to tell you why. This isn't true. I'm just writing this because you're holding a gun at my head."

He waved the gun impatiently, staring in a way that made her flinch. She wrote out the sentence, and he took the paper and folded it into his pocket. He asked for money. Neal took four dollars out of his wallet. Katherine sat up in bed and told the man that there was money in her purse. He grabbed it from the chair and emptied it but found nothing. Her face flushed, and she quickly explained, "Oh, I'm sorry. The money is in my pants." He pulled six dollars out of her pocket and then ordered Neal to tie her up. Neal looked around helplessly.

"Oh, man, use your belt." The gunman seemed disgusted at the display of honky incompetence. After Neal had tied Katherine's hands, as he was told, the man went over to the wall and pulled out an extension cord. Ordering Neal to lie face down on the bed alongside Katherine, he bound Neal's wrists behind his back.

Fay had tried to distract the man when he was emptying Katherine's purse, telling him that there was more money in the kitchen. He escorted her downstairs. She went to the kitchen counter and opened a drawer. Again she tried to state her case: "I didn't do it. I didn't betray George or anyone."

The man waved the .38 menacingly. "Come on. Come on." She gave him the forty dollars in the drawer, but before she had got all the bills out, he commanded her to walk into the hall.

He passed her and started toward the door. Just as he got there, he wheeled around suddenly, raised the gun, and braced his right wrist with his left hand, crouching into a police-style firing stance. The first bullet hit Fay in the stomach. He fired again and then again—five shots, all at point-blank range.

Upstairs, Neal heard his mother's screams. Rushing through the darkness, his hands still tied behind him, he kicked open the door to Oriane's bedroom and yelled to her to call an ambulance. Then, running toward the sound of Fay's voice,

he found her lying on the floor, her nightgown soaked with blood. "I'm dying," she cried.

At Herrick Hospital, doctors worked feverishly to save her. A tube was inserted in her chest to clear the blood pooling in her right lung. An exploratory laparotomy was performed, and a .38 slug was found floating in the abdominal cavity. A hemorrhage in her liver was controlled; one segment of intestine was removed because of multiple perforations. One bullet was removed from her right elbow, and another, which had lodged in the thoracic vertebra, was also removed. The bullets had hollow points designed to enlarge on impact.

She had been shot in the abdomen, chest, and both arms, with a grazing wound on the side of her head. Newspaper accounts the next day pointed out that the gunman seemed to have intended to imitate the pattern of a crucifix.

Fay began the first days of her convalescence amid the grinding pain that would not leave her the rest of her life. The bullet that had struck her vertebra, doctors told her when they thought she could handle the news, had left her with a paralysis from the waist down, which would be permanent. Fay was devastated by the news; she suspected that the numbness and restricted motion in her hands meant she would never play the piano again. A colostomy had been performed, which meant she would always be incontinent. She pressed doctors to tell her if she would be able to function sexually. Reading between the lines of their bedside manner, she knew she would not. "I wish I had died," she said when friends came to try to lift her spirits in those first days, as the enormity of it all began to hit her.

"Fay just couldn't understand," says Sanne DeWitt. "She was baffled that anyone would want to kill her. She was also terrified by the future. She'd always been one of those people who couldn't allow herself to rely on anybody. She would look at me and say, 'Please wipe my mouth.' I saw how painful it was for her just to ask."

The fact that the gunman did not know her, coupled with the betrayal note she had been forced to sign, made police look for suspects in the Black Guerrilla Family (BGF), a prison gang that had been cofounded by Jackson and regarded him as

a martyr. The BGF had ties to former prisoners on the outside and, it was reported, used them to carry out missions of vengeance growing out of internecine struggles in the prison movement. Oriane Stender told investigating officers that a few days before the shooting, she had bumped into Fleeta Drumgo (he and the third "Soledad Brother," John Cluchette, had been acquitted after Jackson's death), and he had told her someone was looking for her mother, a piece of news she passed off as hyperbole of the street.

On June 8, eleven days after the shooting, detectives at a narcotics stakeout on a San Francisco street corner identified themselves to three suspects. One of the men jumped back and reached into a vinyl bag for a gun. In the ensuing struggle, the gunman was disarmed. His bag was found to contain disguises, photos of a power station outside Folsom Prison, a list of foreign consulates and prominent business executives, and hollow-point ammunition. He was identified as Edward Glenn Brooks, an ex-con who had served three and a half years before his release from San Quentin. After posting bail, he and his two associates were released, and promptly disappeared.

After being notified of the arrest, the Berkeley homicide squad had begun a check on the three men and found that Brooks had been stopped by Oakland police prior to the Stender shooting. He had been in the company of Fleeta Drumgo and others who had once known Fay. Two days later, San Francisco police ballistic experts reported that bullets fired from the missing Brooks's gun matched those taken from Fay during surgery. Then, on June 14, Brooks was apprehended during a robbery attempt at a Berkeley bank. Later, he was identified by Neal Stender as the man who had shot his mother. Fay confirmed the identification from a videotape shown at her hospital bedside.

The arrest of a black ex-prisoner, who turned out indeed to be a follower of George Jackson, for the shooting of Fay Stender sent shock waves through the radical legal community. People who had spent their professional lives denouncing the criminal justice system as an instrument of racial and class oppression and defending accused criminals as social victims found themselves identifying with the efforts of the police and the district attorney's office. Fay's former law partner Doron

Weinberg remembers sitting with a group of radical attorneys when the news came of the arrest. "From the first reports it seemed like a bad search. Everyone in the room had to grapple with the same questions: Oh, my God, is this guy going to get out on a technicality? Is some civil liberties lawyer going to come along and get him off? Did the cops fuck up again?"

A Pandora's box of doubt and self-recrimination had been opened and would not close. "I was with two radical attorneys after Fay was shot," recalls Barbara Price. "They were talking to each other and saying out loud what I figured they had never said out loud before about their own criminal practice. They each spoke of how they had successfully defended people on assault and murder charges. They had defended them as radicals who felt it was the system that had put them in the position of being criminals. Within a few months of acquittal, their clients had each murdered some person. And now they had to live with that."

Speculation about the ultimate responsibility for the shooting centered on a Nicaraguan maximum-security prisoner named Hugo "Yogi" Pinell. Reputed to be the head of the Black Guerrilla Family, Pinell, one of the San Quentin Six defendants and former prisonmate of Edward Brooks, had been transferred to Folsom after being convicted of sitting a guard's throat during Jackson's abortive uprising. Although Pinell issued a statement from Folsom dissociating himself from the attempt on Fay's life, police were worried about information picked up from the street that Fay had been only one of several persons on a BGF hit list.

At the preliminary hearing for Brooks, the radical community received another jolt to its sense of security and self-identity when one of its hard-core veterans, a former employee of Fay's and member of the radical Prison Law Collective, showed up as part of Brooks's defense team. Linda Castro, a Chicana paralegal worker, was a personal friend of Brooks, but the justification she offered for taking up his cause was political: "I was just seething at the way the white Left reacted to Brooks' arrest. It was racist. They had never taken this attitude when someone was shot in the past. They had said third world people can't get fair treatment from the police and the courts. And yet, when one of their own was shot, they immediately

cooperated with the cops and used the same system they said could never treat people of color fairly.”

Castro's irrational presence caused a new wave of paranoia among her co-workers and former comrades in the legal Left, especially when it became clear that she had personal links to Yogi Pinell stretching back to the time when she had worked along with the other radicals in Fay's old law collective on the trial of the San Quentin Six. Was there really a "hit list"? What other names were on it? Says one radical lawyer: "We began to think, if Linda's involved, who might not be? You couldn't tell who your friends were anymore, and who your enemies."

An even denser cloud of fear enveloped the hospital room where Fay lay in agony. She was worried about Neal, an eyewitness to the crime; she was terrified for herself. "I can't run now," she said. "I'm just a target." In August, she left the hospital in a wheelchair, her whereabouts shrouded by elaborate security measures. Only a few people knew the name of the rehabilitation center where she went. She adopted an assumed name and identity for use there; friends went through whispered rehearsals with her at her bedside on the details of her new life history.

At first, she tried to force her way through physical therapy as she had through life, demanding that her body yield to her will and become functional again. She sat propped in front of a piano, commanding her hands to work, but finally gave it up because her fingers were too weak to strike the keys and her dead feet could not work the pedals. She was not able to sit up well enough to foresee even a life of limited mobility in a wheelchair, the pain in her back making any position except lying down almost unendurable. She talked about suicide constantly, begging her friends to help her by getting her sleeping pills. They told her that experts said it took a year to begin to cope with the trauma she had been through and that she must wait to see if she could adapt. "It isn't fair," she wept. "It isn't fair that I have to go through the worst part of this to prove to other people I'm of sound enough mind to make this decision for myself."

After her release she did not return to Berkeley. Instead she took an apartment in San Francisco, on the top floor of a

building whose location only a select few friends were allowed to know. She had a nurse, a watchdog, and occasionally an armed guard; friends wanting to visit her would be picked up late at night and taken there via a deliberately confusing route. She bought a gun and was issued a permit making her one of the few people in San Francisco allowed to carry it concealed. She was taken to the firing range periodically but worried that if a situation ever arose in which she would have to defend herself, her hands would be too feeble to permit her to use the weapon effectively.

She had told her lover Katherine that she didn't want her to visit. "Part of it," says Barbara Price, "was that Katherine was hovering over her, being protective. Fay didn't like that. But I think Fay also had a lot of concern for her. She knew she wasn't going to walk, wasn't going to be sexually functional, wasn't going to do anything. That's really why she pushed Katherine out. Her logic was obvious to me: As an act of love I need to prevent this woman from dedicating herself to me, or from going through the guilt of worrying about whether or not to leave an invalid. I'll solve it by just pushing her away. It was real hard on Katherine. Fay wouldn't answer her letters."

For a brief time she indulged the fantasy of patching up her relationship with Marvin and reassembling her family. But Marvin was living with another woman and, despite his continuing love, said no. "She felt remorse over this," says Price. "She knew that if she hadn't come back from Sweden and broken things up just six months before, he would have been right there for her, as he always had been, a twenty-five-year relationship of stability and affection. So there she was—no family, no home, nothing. And she couldn't really say she was wholly blameless in what had happened to her."

Fay had protected some of her illusions for a long time, but she now had no intellectual or political armor left to stave off bitterness. "I should never have gotten into prison work," she told a friend. "This is what happens." And even more despairingly: "I would never again make the mistake of doing something for somebody else's benefit." The ironies of her life gnawed at her. "I structured my whole existence around trying to do something about racism," she said. "I moved my family to a neighborhood where my children would have friends of

all races. I passed up other opportunities so I could work with prisoners. Now this. It's too much to bear."

From her bed she filed a suit to get the massive costs of her care covered under workmen's compensation insurance—another landmark case of sorts, and her last. Meanwhile, the generosity she had shown friends, even during those times she had been most preoccupied, was now reciprocated. A committee was organized to raise money, a Fay Stender Trust Fund that would help pay the bills and allow her to live during a period of reentry into daily life. It was a form of encouragement for her to keep going. Eventually more than one hundred thousand dollars was raised. Yet even here there were hard lessons. One of the events was a benefit in San Francisco. There were only two or three blacks in an audience of nearly three hundred. Sanne DeWitt remembers Fay saying: "I don't understand it. I've done so many benefits for black causes. Where are the people I tried to help? Where are they now?"

To preserve her sanity, Fay turned her thoughts to the upcoming prosecution of Edward Brooks and what she knew would be her last appearance in a courtroom, this time as witness for the prosecution. "I'm just living for this trial," she told friends. "I want to see him put away." She regarded Brooks as a gun whose trigger had been pulled by others, and she spent hours contriving ingenious strategies to smoke them out. Some of her friends felt she had given in to paranoia. Yet events provided substance for her fears. A week after the shooting, Soledad Brother Fleeta Drumgo, looking disoriented, had appeared in the Garry law offices. He said he was a member of the Black Guerrilla Family, that he had known of the BGF's plans to shoot Fay two weeks before the event, and that he was willing to sell information. He reappeared on several occasions, sometimes wearing a gun in his belt, and named Yogi Pinell, head of the BGF, as the man who had ordered the shooting. To the police, Drumgo's information was just hearsay. But Fay's mother, Ruby, received a death threat in the mail, signed by the BGF, and one month before Brooks's trial was to begin, Drumgo was shot dead on an Oakland street corner, the victim of what police called "a gangland-style execution." At the funeral, Angela Davis eulogized Drumgo as "a Communist martyr."

On January 16, 1980, Edward Brooks entered the courtroom, moving with what both Neal and Fay described as a "swagger-walk." He strode over to his handful of supporters—virtually the only blacks present—and gave a clenched-fist salute, oddly torqued, like a punch arrested in midflight. Thomas Broome, the lawyer finally appointed to represent him after several of the radical attorneys who usually accepted such cases had declined, did his best, but the verdict was never really in doubt. The only real drama was what would happen during Fay's day in court.

On the morning of her appearance, the courtroom was packed with friends and supporters, many of whom had been present at the famous political trials of the past, of which this one seemed a grotesque parody. "Virtually everybody who was sitting in the room had either been doing criminal defense work or had been aligned with it politically all their lives," says Fay's attorney friend Mary Millman. "And now they were on the other side. There was a very heavy awareness of that." There was also an awareness of what had happened since Huey Newton stood trial in the same building thirteen years earlier, a time that seemed eons away in terms of innocence lost.

The Movement had long since destroyed itself through sectarian ecstasies and cannibalism, with each new year bringing a few pathetic Weathermen in from the cold after unglamorous underground lives waiting tables and watching afternoon soap operas. The other arm of the great black-white revolutionary coalition was equally diminished. The Panthers were implicated in Oakland graft and rackets, having reverted to their origins as a gang. Huey Newton was constantly in court, facing a variety of charges: murdering a prostitute (two hung juries), assault (acquitted), and being an ex-felon in possession of a gun (convicted). Eldridge Cleaver was back in the country after exile, repeatedly born again, most recently into the flock of the Reverend Sun Myung Moon. Bobby Seale, having been incommunicado from his former comrades because of fear for his life, had emerged on the East Coast, promoting a book of his barbecue recipes. And Yogi Pinell, having denied his complicity in the attack, had been offered "political asylum" by the new revolutionary Sandinista regime in Managua.

Shortly before her turn to testify, Fay was wheeled into

the courtroom by four armed guards, so completely disguised in a gray bouffant wig that many of her friends didn't recognize her until she took the stand. Deputy district attorney Howard Janssen led her dispassionately through the events of the fateful night some six months earlier. Their exchange on the shooting itself was emotionally flat, deliberately so, yet, as Mary Millman says, "You got goose bumps listening just because it was so analytical and removed":

Q: Where do you recall feeling the bullets?

A: I felt the first one in the abdomen, or stomach, and I felt a kind of snap, and I thought that it was a spinal cord thing, and I felt two bullets in either arm, one in each elbow, and I felt one in the chest, and I felt one in the head that sort of whizzed by but did touch me behind the ear.

The defendant did not take the stand to testify. The decision was his attorney's. "Brooks has a lot of moxie," Broome later said. "I think he really had some thoughts about wanting to get up on the stand and tell his story. But I don't think it's a story I wanted to hear." Specifically, Broome did not want Brooks to reveal his feelings about George Jackson, "which was something that he was really into and that would have hurt his case."

On January 25, the jury reached its verdict, finding Brooks guilty of attempted murder, burglary, and two counts of robbery. Four weeks later, in court once again before receiving a sentence of seventeen years in prison—Brooks stood up and asked for permission to read a statement. "And so the railroad continues," he began, glaring at the court, "and you have convicted another innocent man." Judge Harold Hove interrupted him and ordered the defense attorney to take over reading the document. But Broome read only a minute longer before the judge said, "I'm not going to sit here and listen to this," and ordered the statement filed.

Brooks's unread document was like a grim travesty of Fay Stender's career, calling attention to the "connection between conspiracies of the state and the so-called criminal jus-

tice system" and then proceeding to recite a litany of prison martyrs, including the three men shot in the Soledad yard back in 1970, Jonathan Jackson and those with him in the Marin courthouse raid, and George Jackson. Others not dead were also invoked, including Yogi Pinell, "framed and railroaded a number of times since 1969, including the S.O. 6 case, by the forces of the state, for the same reasons. All of these strong, beautiful black men have been and are being framed-up, assassinated, and subjected to assassination attempts simply because they stand and fight as men against the racism, injustice and in humanity that is so embedded in this Amerikkkan society."

After the sentence had been read and the judge was leaving the courtroom, Brooks, who had been blowing kisses to female supporters, suddenly sprinted across the room, swinging wildly, and lunged at the astonished prosecutor, Janssen, knocking him down before being subdued by bailiffs and dragged back, bleeding, to the courthouse jail.

After the trial, Fay would still not go out on the streets, but on rare occasions she did accept invitations to dinner or to a small party. She was like someone who had undergone a sea change, who had successfully passed some crisis and was now safely into the next phase. There was a new softness in her face. Neal's girlfriend, Amy, cut Fay's hair short, making her brown eyes seem larger, more liquid—vulnerable. It was as if events had gentled her. Somewhat fatalistically, she asked Katherine to visit her again.

She tried to find the conditions for continuing her life, using a lawyer's logic in a dispassionate consideration of her alternatives. But always she ran into dead ends. People urged her to get back to work. She said that it was possible she would do tax law. When asked about criminal appellate work, which had always been her forte, she replied, "Oh, no. I'd never do that again. I couldn't be that dumb."

Still in pain, unable to foresee any way of adjusting to life as a seriously disabled person, Fay began to order that part of her destiny still remaining in her control. With an intensity reminiscent of the schemes of the prisoners she had worked with, she began to plan an escape. She announced that she

you could be committed to a political goal, work for it, and be brilliant in its service—in a clean way—that's over for me. I don't know about the others, but I can't have that belief anymore.

"You don't ever quite believe you're vulnerable that way. I still represent clients who have varying levels of criminality. Many are on death row, and believe me, I have no illusions—these are dangerous, dangerous people. My attitude toward them is strictly professional: I am their lawyer, and I don't make the mistake of thinking I'm anything more than that.

"I guess it would be easy to say that Fay played with fire, and people who play with fire get burned. But it should count for something that she wanted to be a force for good in this world, that she was a brilliant, remarkable woman who dedicated her life to others and to making the world a better place."

As he said the words, Hendon's eyes rimmed with tears. Like others who missed Fay, he was mourning not merely for a lost friend but for a lost cause as well.

## chapter 2

### The Rise and Fall of the Weather Underground

#### Doing It

**F**very March 6, a small cluster of people with flowers in their hands gathers in front of a triangular brick structure whose modern lines set it off from the Federal-style town houses that front the rest of the block. Someone with a knack for places and faces, or an antiquarian's knowledge of radical Leftism, might make the connection. This oddly obtrusive building was inserted into the cavity caused by the town house explosion of 1970 that claimed the lives of three members of the Weather Underground. The people who stand in silence for a moment before setting down the flowers and walking off are their former comrades, among them former Weatherman leaders Billy Ayers and Bernadine Dohrn.

More than anyone else, Ayers and Dohrn embody the odd mix of characters and politics that propelled Weatherman onto the center stage of the American scene in the late Sixties, a strange and frightened augury even for those hypertrophied