

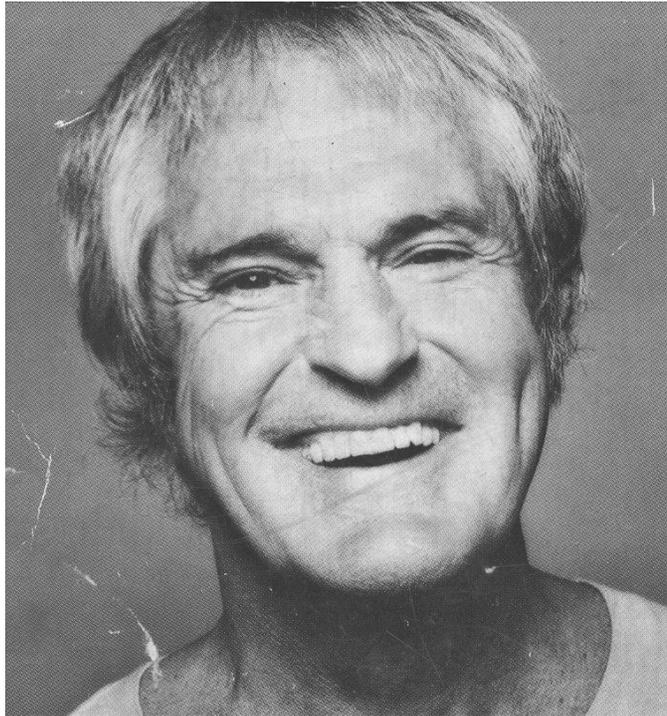
Chapter 19: The Leariad

In the information age, you don't teach philosophy as they did after feudalism. You perform it. If Aristotle were alive today he'd have a talk show.

Timothy Leary

A. Leary in My Life

Dr. Timothy Leary (1920-1996), the distinguished (and to some notorious) psychologist, author, philosopher, visionary and psychedelic pioneer, has been enough of a *leitmotif* at so many points in my life as to require a chapter of his own. His story is a fascinating and important one and not yet quite fully known or understood. The more I learned of this story the more interesting it became for me. In this chapter I am following the same rule as elsewhere in this memoir – I am not writing a history of my times, only recounting what I remember of my own life. Accordingly this chapter is not going to be a biography or even a character sketch of Tim Leary, whom despite all these connections I knew only relatively slightly. Because of its resonance and epic quality I have thought of Tim's story as the Leariad.



Tim wrote extensively, if often inaccurately, about his life in such books as *Flashbacks*, *High Priest*, and *Confessions of a Hope Fiend*. They are all very entertaining. After his death biographies by others began to appear. Predictably, they had markedly differing views of Tim's personality, and of his work and its impact. It is going to take a long time for a consensus about the "true" story to emerge. What sort of cooperation did he really give the federal authorities to get out of prison? Whose agent (if anyone's) was Joanna Harcourt-Smith "Leary," what was her game, and how did Tim come to be busted in Afghanistan? What really happened with Eldridge Cleaver in Algeria and with Michel Hauchard in Switzerland? What was the Brotherhood of Eternal Love all about, if about anything beyond making LSD? Did Joanna set up George Chula, Leary's Orange County attorney, for a bust, as has been alleged? I don't know – except for some of the Joanna

part, I wasn't there, and even about most of that I am still uncertain. But it has been a fascinating story all the same, as much as I know of it.

Naturally I knew of Timothy Leary as a public figure long before I met him – he was a famous man in the 1960s as a propagandist for LSD. The press, with its instinct for trivializing, called him the High Priest of LSD, and indeed as noted he called one of his books *High Priest*. I was fascinated, but had no access to LSD. I could probably have found some if I'd looked hard enough, but speed was my drug in those days (see Chapter 17.D).

Sometime around 1965, my friend Al Uhrie was murdered in the East Village and his wife Barbara took their young child up to the Catholic Worker retreat in Dutchess County, New York. Peter Miller and I brought some of her clothes and other things up to her there, and while we were in the neighborhood stopped off at Millbrook. Millbrook was the Hitchcock/Mellon estate near Poughkeepsie in the Hudson Valley which the younger members of the family – Billy, Tommy and Peggy – had made available to Tim for psychedelic romps. We parked outside and walked through the gate – no one stopped us – and peered around.

We saw some people who seemed to be tripping, but they did not interact with us much. Tim and Rosemary were not around – I think this was during a time when they got away from the big house and went back into the woods. Everyone was tripping more or less constantly at Millbrook. Looking back on, it I feel sure that if we had said excuse us, please, we have come up from Columbia to try some LSD, please let us have some, they would have turned us on. That's what we wanted, but we were too timid to ask, and so after looking around for a while and feeling kind of desolate because we weren't in on what was happening, we left. I wonder what would have happened if I had dropped acid at Millbrook in 1965 instead of waiting six more years.

My next connection with Tim Leary came in 1970. As described in [Chapter 12.B](#), in 1967 and 1968 I was running the Student Draft Information Center at Columbia. My staff assistant Rev. Bob Price, a Methodist minister, decided to burn his draft card. His lawyer at the time was Michael Kennedy, whom I got to know slightly through Bob's case. When in the winter of 1969-70 I came to San Francisco to look for job for the summer, I found that Kennedy had moved there and had a small political firm called Kennedy & Rhine. He hired me for the summer, and later after I graduated I became an associate in his office (see [Chapter 15.A](#)). I mention this because Tim Leary was one of his clients, and that summer of 1970 I worked on his case and finally met him.

Tim had been busted in Laguna Beach, Orange County, in a car with his wife Rosemary and his son Jack and lots of dope. The dope was for personal use, but it was still dope. He and Rosemary were convicted of possession of marijuana. Rosemary, sentenced to six months, was out on bail pending appeal. Tim, who had been sentenced to ten years

(more for being “the most dangerous man in America,” as Nixon called him, than for the dope itself), was in prison at California Men’s Colony in San Luis Obispo.¹ CMC, as it was called, was really two prisons – CMC East and West. CMC West, where Tim was housed, was a minimum security facility. Tim recounted in one of his books that they gave him psychological tests to decide where to house him, and since as a psychologist he had written the tests himself he was able to make the results show him as a docile, conventional character with an aptitude for gardening.

I was working on his appeal and request for bail pending appeal. As recounted in [Chapter 15.A.](#), I spent all summer on it and analyzed that case from every angle, trying to write an appeal brief which would peel all the various quanta of dope – the roach in the ash tray (probably planted), the dope in the back seat, the hash in Rosemary’s hat – out of Tim’s legal possession and control. Meanwhile Tim was working on something he called the *Eagle Brief* – I read it and it seemed completely useless, no legal analysis at all but a lot of windy rhetoric about freedom and Native Americans and how he and Rosemary were eagles in captivity. It was directed to the United States Supreme Court, asking for bail pending appeal, a pointless maneuver as the Supreme Court did not have jurisdiction in his case. I have since read that it was dated on the day of Tim’s escape. It was later published and copies appear on the specialized book market.

Anyway, Michael sent me down to San Luis Obispo to convey his satisfaction with the Eagle Brief and to bring him up to speed on what I was doing with what I thought of as the *real* brief. I’m pretty sure now that at this time Tim already knew he was going to escape, and perhaps knew this too (although I have no evidence of that). But even if so, a timely appeal had to be filed anyway. I of course had no idea that any escape was contemplated.

So I went to the airport and got into the co-pilot’s seat in a tiny 5-seater plane.² The great radical defense attorney Charles R. Garry (1909-1991) was a passenger too – he was going down to CMC East to see Huey Newton. Very heady company for a second-year law student. I knew it was hot in San Luis Obispo in the summertime, so I wore a sun helmet. I passed into the prison and was brought to see Tim. As I was wearing the sun helmet I took the liberty of saying “Dr. Leary, I presume.” Tim thought this was very funny, and indeed it was a good line.³

¹ Daniel Ellsberg, who published the Pentagon Papers, was also the most dangerous man in America. There were a lot of them in those days. Actually Richard Nixon himself was the most dangerous man in America.

² For the view – I wasn’t flying the plane.

³ Nowadays I wouldn’t be admitted to a California prison in a sun helmet.

So we talked about my draft brief, and Tim didn't seem all that interested, which struck me as odd at the time but now I understand why. When that part of the discussion was over I said there was something else I wanted to ask him – was it OK to take LSD? I had heard all the talk about chromosome damage – was there anything to that?⁴

Tim assured me that that was all nonsense, that these “studies” were done on people who were using all kinds of other drugs or who had self-referred to psychiatric facilities, bad science propagated for political reasons, and there was no basis for believing there was any physical danger to LSD. He may also have given me some basic cautions about set and setting. Basically he was giving me permission to trip, since I seemed to need permission. He must have done this hundreds of times. I have since given similar permission to plenty of other people (although not to everyone who has asked me).⁵ As it happened I didn't actually take any acid until October of the following year. But Tim had freed me to do it when the time was right.

From an e-mail of 2005: Some people thought LSD should only be administered by experts in white coats (like them!) to "patients" and "subjects" in a sterile experimental setting. That kind of professional priestly control was just what Tim despised. Tim recognized from his own psychedelic experiences that this was not the best approach, and freeing LSD from medical and/or psychiatric control was one of his greatest accomplishments.

The alternative to administration by psychiatrists with clipboards is not necessarily "recreational" use, except in the broadest sense that it helps us re-create ourselves by dissolving our programming and conditioned way of seeing. It can also be recreational in the fun sense, and experimental in the non-lab sense, and sacramental, and as many other adjectives as anyone wants to use.

Tim loved to shake people up. Some of them (like me) are still shaking.⁶



⁴ Not as it turns out that I have needed my chromosomes for anything much.

⁵ This the psychedelic succession – each adept lays hands on candidates of the next generation, as hands were laid on him. I am of the lineage of Timothy Leary, who was himself of the lineage of Anthony Russo, who first suggested psilocybin to Tim in 1960. When I turned Joel Solkoff on, he too became of the lineage of Russo and Leary. People who first turned on at one of Ken Kesey's acid tests are of his lineage rather than Leary's. In a poetic sense, all acidheads everywhere are of the lineage of Aldous Huxley.

⁶ Not *still shaking* in the sense of agitation or instability – shaking in the sense that what psychedelics started in motion within us is still moving.

I also met Rosemary that summer, in Michael's office. I'm sure Michael didn't represent Rosemary – he couldn't have represented them both as their legal interests conflicted. But he represented her husband, and there she was in his front room in the fire-engine red Victorian at 2424 Pine Street. She was drinking from a bottle of organic cherry juice and asked me if I wanted a hit. We didn't talk beyond that exchange, and I didn't see Rosemary again for another 12 years, but she later became one of the very closest friends of my life.

When I went back to law school in the fall of 1970, I used the Leary case as the basis for my moot court problem. My brief in the case itself had been filed and I was awaiting word of the response by the California Court of Appeal. I can still remember the shock I felt when, lying in bed in Philadelphia watching the news on television, I heard for the first time that Tim had escaped from CMC.

I will not recount here the dramatic details of his escape, through the agency of the Weather Underground (was Mark Rudd part of it then?), and subsequent flight, with Rosemary, to Algeria and asylum-*cum*-house-arrest in Eldridge Cleaver's so-called "Black Panther Embassy" there. Tim tells the story with great wit and charm in *Flashbacks* and elsewhere. I knew nothing of any of this and have no personal information beyond what has been published and what Rosemary later told me and wrote in her unpublished memoir. When Tim escaped, his appeal was dismissed as abandoned, and he and Rosemary became fugitives. And that was the last I heard of either of them for a while.

- After Tim fled and ended up in Switzerland, Kennedy & Rhine had to sell his house in Berkeley. I took care of getting French translations of the documents certified by Berlitz, to send to Switzerland to be signed and notarized, and English translations of the French notarization certified so the transfer could be recorded in Alameda County.

As recounted in [Chapters 15.A, 16](#) and [17.F](#), I moved to San Francisco when I graduated from law school in 1971, took the bar examination, took acid, was admitted to the bar, dropped out of law practice, and took lots more acid. Joel Solkoff came to live with me in my apartment on Fell Street; we moved to Mullen Avenue and took lots of acid, and then he moved to a house on 24th Street. Meanwhile Tim and Rosemary fled Algeria to Switzerland, they broke up, Rosemary left for Sicily and further exile adventures with John Schewel, Tim hooked up with the adventuress Joanna Harcourt-Smith, was busted with her in Afghanistan, and was brought back to Folsom, a high security California prison near the appropriately named hamlet of Represa in Sacramento County. And here's where my involvement in the Leariad resumed.

Joel was at this time trying to make a living as a free-lance journalist, and got the idea of doing a story on Tim. I think he sold the idea to *Oui*, a glossy semi-pornographic

magazine started in 1972. It was a Playboy product, with naked women but also with intellectual pretensions; Jon Carroll, formerly of *Rolling Stone* and now (2010) a columnist for the *San Francisco Chronicle*, was the editor. To do the story Joel needed to visit Tim, but access to Tim was controlled by Joanna, who had gone through a form of occult “marriage” and called herself Joanna Leary although Tim was still legally married to Rosemary. Joanna had relocated to San Francisco to agitate for Tim’s release, or so she wanted it to appear. Nothing was ever quite what it seemed with Joanna.

I was at home on Mullen Avenue when Joel called me, rather late, and asked me to come right over to his 24th Street apartment and talk about getting Tim out of prison. So I went over, and there was Joel with Joanna and some other people. They had various wacky ideas about petitions and political pressure and so on. I patiently explained the legal situation to them, as far as I knew it. I didn’t tell them anything client-confidential – indeed I didn’t know anything specific to Tim’s case that had not been either in the news or in publicly filed court papers. Most of what I told them had to do with the legal system, which they did not understand very well, and with the futility of that kind of approach in almost any criminal case (and especially this one) that has already gone to judgment, which they did not understand at all.⁷ As I recall there was some slight hinting about extra-legal means for releasing Tim – I said at once I would have nothing to do with that, and advised them not to have anything to do with it either.

Joanna (right) was a very formidable personality. She was brilliant, she was beautiful, she had enormous psychic and sexual power, and she spoke English with an elegant aristocratic European accent. She was accustomed to using her charisma to get people to do what she wanted. What she wanted at the moment, or so she said, was to get Tim released (did she get him arrested also?), and she quite openly bent all efforts to that end. I’m not sure what she wanted from Joel – maybe a favorable story, or maybe a chance for herself or Tim to use the pages of *Oui* to make a public statement. Joel wanted Joanna to give him access to Tim – in theory he didn’t need her permission to visit Tim, but he did need Tim’s agreement to see him and this Joanna either controlled, or said she did.



⁷ There is no point in parading in front of the gate at Folsom Prison with a sign saying *Free Timothy Leary*. Even if you convince the warden, he still can’t free Timothy Leary – only the governor can do that. The governor at the time was Ronald Reagan.

Anyway Joel began hanging out with Joanna and helping her with various things. He found an apartment for her on Alta Street on Telegraph Hill – I was amused to read later in the press that the CIA had found this apartment for her. Joel and I spent a lot of time with her there. I tripped there with them on at least one occasion and maybe more. I slept on her living room floor one night and when I woke up Ken Kesey was there. Paul Krassner was part of that scene also.⁸ Conversation was very quick and ideas were very advanced. Through Joanna I read the earliest drafts of the book that ultimately became *Exo-Psychology*, containing Tim’s eight-level evolutionary psychology, of which I will say more in [Part B below](#).

- The first version I saw was called *Neurologic*, which was printed as a small booklet with Joanna’s name on the copyright line (Tim’s ownership of his own copyrights had been compromised in a shady deal with Michel Hauchard). Joanna gave these out and I still have a copy, which I will leave to Yale. Some of them were stamped as a limited edition of numbered copies; mine was marked No. 1 but I later learned that there were a lot of No. 1 copies. Inside the front cover it said “This book is another reason why Dr. Timothy Leary is incarcerated in solitary confinement since January 18, 1973 in a California prison.” Later there was a longer typed version called *Interstellar Neurogenetics*, of which I also had a copy at one time in a fat 3-ring binder, gone now. I think *Starseed* may have been the first one. Tim had a way of writing the same book many times. The inconsistencies among the versions of his story and philosophy in his many books are part of the fascination and mystery of the Leariad.

Joanna tried to use her sexual power to vamp me into joining her army of devotees working to free Timothy. I had taken enough acid by that time to see what she was up to, and declined, with love and thanks, to be vamped. I think Joanna developed more respect for me when she saw I was unvampable. I gave her what legal and practical advice I could, and we remained good friends. Joel was more adventurous and perhaps more trusting, and he and Timothy and Joanna had some remarkable psychic adventures which I forbear to relate, as they are not part of my story.

Eventually I moved back to New York to go to library school and lost touch with Joanna. Tim was not released from prison until Governor Jerry Brown let him out in April 1976. He had by that time made whatever deal he made with the federal authorities, and

⁸ Ken Kesey (1935-2001) was an author and noted acidhead, best known for his 1962 novel *One Flew Over the Cuckoo’s Nest*, much later a movie (Oscar for best picture, 1975), and for the psychedelic school bus trip described by Tom Wolfe in his book *The Electric Kool-Aid Acid Test* (1968). Paul Krassner, author and journalist, was a prominent figure in the underground culture of the 1960s and editor of *The Realist*, an outrageous satirical magazine.

he was finally free of legal entanglement for the first time in many years, probably since the infamous Millbrook bust conducted by Dutchess County Assistant District Attorney G. Gordon Liddy ten years earlier.⁹ Rosemary, as will be seen, was not free and remained a fugitive for many more years.

Tim's cooperation and release led to widespread public debate among Tim's former allies. Paul Krassner, for example, said Joanna "led Tim by his dick" into betraying the psychedelic left. There is probably some truth to that. In a famous open letter in 1974, asking 44 questions about the matter, Alan Ginsberg defended Tim or at least warned people off premature judgment against him, and there was a lot of truth to that too. The debate on how to think of Tim went on for a long time and contributed to the murkiness and ambiguity of the Leariad, and limited Tim's life choices and professional opportunities after his release. Was he Galileo or a rat-fink or both or neither or just what? This debate is nowhere near resolution even today (2010).

As noted, Rosemary was still a fugitive. After Tim handed her over to John Schewel in Switzerland in 1971, she traveled the world with John, who was her lover and protector. John, whom I got to know later, was tall and imposing and brilliant and a definite alpha male, and he had some money. They lived in Sicily for a while, and then in Afghanistan, where John was in the hashish business (Rosemary told me a *burqa* was great for concealing hash), and then in Colombia, and later in Costa Rica and elsewhere in the Caribbean under the shadowy protection of the fugitive financier Robert Vesco. She was on the run this whole time, having fled with Tim and not served her six-month sentence for the Laguna Beach bust. She later showed me the Garry Davis World Passport she traveled on, which local immigration officials solemnly stamped with visas.¹⁰ In 1976,

⁹ Not part of my story, but important for other reasons, was the Laredo bust in 1965. Tim was arrested for marijuana in Laredo, Texas, in a car re-entering the United States from Mexico. He was convicted under the Marihuana Tax Act (the quaint spelling was a federal affectation) for not having marihuana tax stamps to prove he had paid the tax; if he had paid the tax he would have been busted for possession. Pretty neat. Tim took this one to the U. S. Supreme Court for real, on the ground that this statutory scheme was not a genuine revenue measure and violated the constitutional privilege against self-incrimination. He won – see *Leary v. United States*, 395 U.S. 6 (1969). Typically, even winning did not solve his legal problems, as not all of the charges against him for this bust were related to the Marihuana Tax Act.

¹⁰ The World Passport is the creation of the peace activist Garry Davis, to undermine control by nation-states of the individual right to travel. Davis points out that Article 13(2) of the Universal Declaration of Human Rights provides that "everyone has the right to leave any country, including his own, and to return to his country." The World Passport does not indicate the nationality of the bearer. For more on the World Passport see www.worldservice.org/docpass.html.

while she was abroad, Tim divorced her in a Mexican proceeding which Rosemary told me she only heard about after the fact.

Rosemary returned to America secretly in 1980. The story she told me was that, having no acceptable passport, she re-entered the United States on water skis from a yacht off the Florida coast. And maybe she did. She lived underground in various places, and by 1983 was staying in Provincetown under the name Sarah Woodruff (Woodruff was her maiden name). My Truro neighbor Judy Given, now dead, told me that Rosemary was in Provincetown and re-introduced me to her, and we became good friends. I spent a lot of time with her in her rented house, I think on Bradford Street near Cookie's restaurant. She worked at the Provincetown Inn as a manager.

The secret of who Sarah Woodruff really was, and that she was a fugitive from justice, was the worst-kept secret in Provincetown. Of course I never told anyone. But among her circle of friends, including Judy Given and Naomi Wolf and Diana Stander and others, indiscretion became almost a game. It worried me and I kept telling them not to tell so many people about this, it was putting Sarah in danger. My warnings were not heeded, although the disaster of her discovery never came. I myself never called her Rosemary until the charges against her were finally dropped in 1994, for fear I would forget and use her true name in public.

Eventually Rosemary decided to leave Provincetown. A friend of hers in Arizona offered her a place to stay and found her a job selling Pontiac cars. A less suitable job for Rosemary would have been hard to imagine, and she was not happy there. We stayed in touch, though, and finally I wrote to her suggesting she come back and stay with me in Truro. My house (see [Chapter 25](#)) had a wing with three little-used bedrooms and a private bathroom – I told her she was welcome to stay there, rent-free, as long as she liked. I was kind of lonesome in that house in the woods by myself, and would be glad to have her company. She accepted my offer and came to stay with me in Truro. I was now officially harboring a fugitive.

Rosemary and I made a happy community in Truro. We were not lovers, but we were very intimate friends and spent a great deal of time together. I traveled a lot, especially in the winter, and it was nice to have someone to come back to. I think Rosemary and I were both glad to vary our solitude. Rosemary was extremely good company – we talked about all kinds of things, and of course we both had taken a lot of acid so we had that background in common. She laughed at my jokes, and I laughed at her jokes, and we exchanged books (she was an insomniac and read through books at an amazing rate). We invented a variation of backgammon called Pamet backgammon which we played hour after hour – I have written down the rules of this beautiful and uniquely balanced game in [Document 25-5](#). We talked quite a bit about the Leariad and she filled me in on a lot of it – for example, she showed me Tim's letter to her in which he urged her to come in from

underground and talk to the police. Rosemary was incensed by this letter for years afterward.

John Schewel came for occasional visits – these were a strain on Rosemary, as John, although he meant well, had a somewhat overbearing personality. Rosemary wrote and rewrote a memoir in the form of a series of stories, including chapters on Millbrook and the Algeria episode. They were very interesting but needed work, and Rosemary didn't like to write, so the manuscript was never finished. Her brother Gary Woodruff has it now, and I hope once the question of Tim's papers is finally settled (see below) he will lodge Rosemary's papers with Tim's.

Toward the end of my time in Truro, after it became evident that we were going to have to sell the house, Rosemary moved to an apartment in Provincetown which she shared with her friend Eleanor Dalton. I left Cape Cod in 1988 and did not see Rosemary again for a while, although we stayed in touch. She seemed unhappy in Provincetown, though, so I invited her to come to San Francisco and stay in my guest apartment on the lower level of my house – this apartment is described in [Chapter 27C.1](#).

Having Rosemary as a housemate was just as much fun in San Francisco as it had been in Truro. She stayed there for more than two years, and we played a lot of Pamet backgammon. I think it was during this time that she gave me a rare privately printed copy of *In Tao We Trust*, a psychedelic edition of the *Tao te Ching* she and Tim had created. If Tim's papers are not responsibly disposed of, I will leave it to Yale.

During this time she made contact again with Timothy. She had a lot of resentment over the summary way she thought he had treated her, but Tim was over 70 by now and definitely on the downslide physically, so she relented. When he said he needed her help she agreed to visit him and did give him some help and moral support toward the end of his life. There was even some talk of remarriage, but that never happened. The naked opportunism of Tim's looking to Rosemary again wife-wise, after having separated from his fourth or fifth (do we count Joanna or not?) and final wife Barbara in 1992, was too transparent.

At some point during my second stay in California, probably around 1979 or 1980, I saw Tim perform his night club act in two venues. One was a small café at Carl and Cole, now gone; the other was the much larger Masonic Auditorium on Nob Hill. He was funny at Cole and Carl, at the start anyway – he made a joke about Bob Dylan getting back together again, as if he were a band that had broken up – perhaps you had to be there. But then he went into his philosophy and evolutionary psychology, which are deeply interesting but not suitable for a stand-up comedy routine. It was very disturbing and inspired pity and anguish rather than laughter, in me anyway. Why was he doing this? His philosophical books were not appreciated – he was typecast forever as the High Priest of LSD, a popular entertainer – maybe he thought he had to use that persona to get

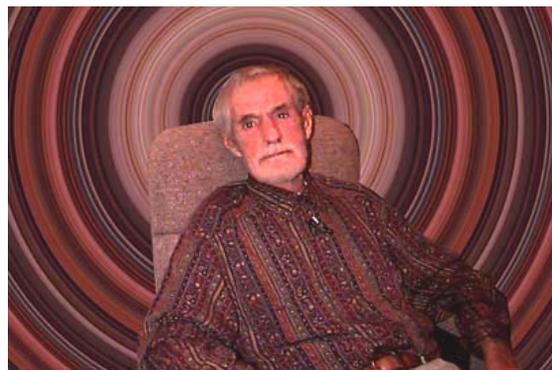
his serious ideas understood. The Masonic Auditorium show was embarrassingly worse – I felt really bad for Tim. His name sold tickets but he didn't seem to know what he was doing up there. He was a funny guy, but not a comedian.

Through Rosemary, I met Tim again for the first time since my prison visit. He was in San Francisco and wanted to see her; the three of us met for lunch at Cliff House, and he came back to my house and spent the night. I gave him my bedroom. If I can reconstruct the date I will put up a plaque saying TIMOTHY LEARY SLEPT HERE.

I went down to Los Angeles to see him in December 1992. He was living in a house in Laurel Canyon, in the heights above Beverly Hills – Sunbrook Court was the little *cul-de-sac* where his house was. Tim was in his computer period then. He had always liked young acolytes (who wouldn't?), and there were a lot of techno-savvy young people (cyberpunks) around. I got the feeling that Tim was not 100% in control – he was brilliant sometimes but a little vague at other times. I later learned he was doing a lot of not-so-psychedelic drugs, including quite a bit of alcohol. It was a lion-in-winter kind of scene, but I was glad to see him and glad to see the house, which was disorganized and full of half-completed projects and artwork by Keith Haring (who had recently died). Tim signed some copies of *Exo-Psychology* for me – one said “To David, with gratitude and admiration for your counsel.” When was this counsel given, and about what? I remember speaking to him on the phone every so often in the early 90s and advising him, although I cannot now remember what we talked about.

Sometime after the 1992 visit to Beverly Hills Tim needed a will drawn. If this happened today I would write his will myself, but in 1992 I had only been back at the law for a few years and thought Tim would be better served by a proper law firm. Christopher's school friend Stephen Breimer, who had become a Beverly Hills entertainment lawyer, recommended a Century City firm to me, and I met with them to size them up and see if they would represent Tim. When this went well I met Tim there (he arrived with his associate Denis Berry, looking quite frail), made the introductions, and then left him and Denis with the lawyers. They drew the will which established the Futique Trust, which after his death held title to Tim's archives and copyrights for the benefit of his heirs.

Tim died on May 31, 1996, aged 75 – he had prostate cancer and it spread rapidly. At the end his fame, which had been in eclipse, flared up again briefly for the brave and unflinching way he approached death. After he died he was cremated and in 1997 some of his ashes were shot into space along with those of Gerard O'Neill (1927-1992), who developed the plan to colonize space at the planetary libration points, and Gene



Roddenberry (1921-1991), creator of *Star Trek*. Tim had been a pioneer theoretician of space colonization (*Terra II*), and would have been pleased to be included in this company.

Only seven grams of Tim's ashes went into space. Rosemary mixed a lot of the rest with glitter and put them in small plastic packets. At a party at her house in Aptos, Santa Cruz County, in 1997, on the first anniversary of Tim's death, she put these packets out in a basket for people to take as mementos. I was at this party and took three packets. One I gave to my brother Adam. Another I took to Benares (Varanasi) in India in 2001 and emptied into the Ganges from a rickety, unstable rowboat. And the third I still have, in an alabaster reliquary on the mantelpiece in my living room.

Michael Bowen was an old friend of Tim's to whom Rosemary had introduced me – he became my Hindu teacher, and I talk about him in [Chapter 18.F](#). After Tim died he invited Rosemary and me to a screening of a film called *Timothy Leary's Dead*, at a private screening room on Market Street in San Francisco.¹¹ Tim had flirted with the idea of having his head cryogenically preserved, although in fact he did not do this.¹² The film was a bizarre experience – it included a fake decapitation scene – and the experience was memorable mainly for the collection of old beatniks who were present at the screening. I was glad to have been included in a party like that.

To return to Rosemary, she stayed in my house in San Francisco (there I was, harboring a fugitive again) for more than two years. Then she found work as an innkeeper in a bed-and-breakfast place called the Pillar Point Inn, at Princeton, San Mateo County, on the ocean between Devil's Slide and Half Moon Bay. I would not say she enjoyed this work, but it was work.

Rosemary and Tim and I discussed many times how to get Rosemary out from under her status as a fugitive, which had been continuous since 1970 and which deeply affected and constricted her life. Finally in 1994 we decided that we would arrange an approach to the authorities not through me or a fancy criminal lawyer, but through a low-profile workaday Orange County criminal practitioner who knew everyone at the courthouse. My mentor Professor Bernard Segal was the first to recommend this approach. Tim found the right person – I cannot remember his name now. Rosemary raised \$5000 from a patron in San Mateo County. And I engaged the lawyer – I told him what the story was

¹¹ The film title was taken from a 1968 Moody Blues song called "Legend of a Mind," which was about Tim and began "Timothy Leary's dead. No, no, no, no, he's outside looking in." Lyric by Ray Thomas.

¹² Bring me the head of Timothy Leary!

and that we had \$5000 for this effort, and whatever he didn't use in making the deal would be his fee.

The lawyer approached a judge informally to test the waters. Our argument was that all this happened a long time ago. Rosemary had been under the influence of her charismatic husband (she winced when we told her this but she understood the need for it as an argument, and indeed there may have been some truth to it). She had lived a blameless life since then and was now nearly 60. Nothing would be gained by imprisoning her now, more than 20 years later – could not something be worked out?

The lawyer was successful – the case was settled for a fine and costs totaling \$1080. Rosemary pointed out to me the magical significance of this result, 108 being a Hindu sacred number. As agreed, the lawyer kept the rest – Rosemary's patron was a little shocked at not getting any change back, but that's what happens when you're a patron. Dennis Roberts, a distinguished Oakland criminal lawyer who had been an associate with me at Kennedy & Rhine, made an informal inquiry of the U. S. Attorney and found that Rosemary was not wanted on federal charges (for example interstate flight or passport violations).

So the state no longer wanted her, and the feds didn't want her either, and Rosemary was free at last. She was immensely relieved to be rid of this old charge, and to be able to emerge into the sunlight, so to speak, for the first time in 24 years. She could hardly believe that she was finally able to get a passport, for instance. (I'm not sure she ever did really believe this, because she never got a passport.) She started using her real name again, and for the first time I called her Rosemary rather than Sarah. The name change took some getting used to.

She lived at the Pillar Point Inn until she became too ill to work. I visited her fairly often there, and later at the Aptos house she shared with Denis Berry (a woman despite her name). Rosemary had lung problems and heart problems, but she was profoundly enough addicted that she continued to smoke cigarettes despite many hospitalizations. Toward the end she received a small subsidy from a wealthy psychedelic veteran, and that is more or less what she lived on. But her health continued to decline, and she died of congestive heart failure on February 7, 2002, at the age of 66. I wrote an obituary for her which I attach as [Document 19-1](#).

The party I mentioned, at which Tim's ashes were distributed, was one of the best parties I ever attended. It became an annual affair, jointly hosted by Rosemary and Denis, who had known Tim well in his final days in Los Angeles. Lots of psychedelic notables came, including Ram Dass, Ralph Metzner, Robert Anton Wilson, Peggy



Hitchcock, Chet Helms, Nina Grabois, Michael Horowitz, and many others both prominent and obscure. I was one of the obscure ones, but I never missed any of these parties – the picture above was taken at one of them. The last one was held after Rosemary died.

When Rosemary died, the unfortunate decision was made to hold a sort of memorial service at her house, with everyone sitting around her body. I was there, and it was a very creepy experience, because Rosemary's body was not embalmed and the effects of rigor mortis were distressingly evident. Seeing Rosemary for the last time this way left a permanent image engraved on my brain that I wish were not there. We went around the room and most people said something. John Schewel was there and spoke briefly; so did Rosemary's brother Gary. When it came my turn I recited three times the Kali mantra that Michael Bowen had taught me: OM KALI DURGA NEMO NEMAHA. It seemed the only thing to say.



Later there was a proper memorial service on the lawn outside the Aptos house, and a lot of people spoke there too. I reminisced about our time together in Truro and in San Francisco, and about Pamet backgammon. A beautiful portrait of Rosemary (left) by Robert Altman (not the film director) stood against a hedge behind the podium – it made it seem as if Rosemary was there, watching the proceedings through a window frame.¹³ Small copies were distributed at the service – mine is framed and sits, with a black mourning ribbon, on the shelf right behind my desk.

Tim's will, drawn for him by the lawyers I introduced him to, created what is called a pour-over trust, by which all his estate was given to the Futique Trust, leaving nothing to be distributed from the estate itself. Tim lived in a rented house, and all he had of any value were some artworks given to him by artists like Keith Haring, his compromised copyrights, his papers and archives, and the rights to his likeness. His library included some books which were modestly valuable as association copies because they had been inscribed to him by famous people. The rights to his likeness had never been exploited. Rosemary was the principal (although not the only) trustee, and in the last years of her life she spent some time administering the affairs of the Futique Trust.

These papers and archives sat in storage near Santa Cruz for many years. They took up a lot of space. I kept asking Rosemary to let me make inquiries about placing them in a

¹³ The pictures of the younger Rosemary and the aged Tim are also by Altman.

university library, where they could be made available to scholars and be there when (eventually) Tim's work began to be appreciated for its intrinsic importance beyond his fame as a pop icon and drug symbol. But nothing happened. When Rosemary died Denis Berry succeeded her as Trustee, and still nothing happened. Finally in 2005 I succeeded in persuading Denis to let me make my inquiries, and I began the process of trying to place Tim's papers into permanent professional care, and incidentally make some money for the Trust's beneficiaries. I became the lawyer for the Trust for this enterprise.

Although I did arrange for placement in a university library, for a substantial six-figure payment, the Trust (i.e., Denis) rejected the deal, and as I revise this chapter in March 2009 the project remains stalled for reasons I cannot discuss without revealing confidential lawyer-client communications. I had hoped by placing his papers to do Tim a final service, and so repay the karmic debt I owed him for the permission he gave me to take LSD back in 1970. But it looks as if I will not be able to do this, as I am no longer in a position to influence what happens to his papers. If the true story of the Leriad is ever to be fully known, Tim's papers will be crucial (although not of course dispositive) in finally figuring it out.