

Stanford *Lawyer*

DOWN A DANGEROUS ROAD

When everyone else
is fleeing the mayhem,
Human Rights Watch dispatches
Peter Bouckaert '97
to get the facts.



*If you have been appointed
to the bench recently,
we want to know about it!*



In October 1999, Stanford Law School unveiled its Judiciary Atrium in an effort to pay tribute to the more than 300 alumni who had served or were serving on the bench. The display is housed in Crown Quadrangle, on the first floor of F.I.R. Hall, the Law School's classroom building, and is available for students, faculty, alumni, and visitors to view at any time.

The atrium is updated at the end of each summer to reflect new appointments to state supreme and superior courts, federal district and appellate courts, international and tribal courts, and the United States Supreme Court. If you, or a fellow alumnus/a, have been appointed to any of these courts and do not appear in the atrium, please contact Karen Lindblom, Assistant Director of Development, Stewardship, at 650/723-3085 for information about how to be included in this permanent recognition piece.

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Globalizing the Law

BY KATHLEEN M. SULLIVAN

Dean and Richard E. Lang Professor of Law and
Stanley Morrison Professor of Law

INTERNATIONALISM MAY HAVE been a budding theme in Carl Spaeth's mind when as a young American Rhodes Scholar at Oxford, he married a British bride, Sheila, who later became the Law School's enchanting first lady (see p. 16). It is certainly a theme he brought to fruition as the Law School's Dean from 1946 to 1962.

Fresh from a post on inter-American relations at the U.S. State Department, Spaeth taught new courses on international law and institutions, began collaborations in international studies across the campus, and made the Law School a crossroads for those in the thick of foreign affairs. It was through the Spaeths and a Stanford Law School education that the young Warren Christopher '49 became acquainted with the great Secretary of State Dean Acheson, little knowing then that some nine presidential administrations later, he would ascend into that high position himself.

International tensions look very different today than they did a half century ago. The Cold War is past, and wars among sovereign nations fought by uniformed soldiers on confined battlefields have become the stuff of memory and summer movies.

The nation has mounted a new defense against a loosely affiliated, deliberately invisible, global network of sub-state, non-sovereign agents of terrorism that bears no resemblance to previous "wars."

Ethnic, tribal, and religious conflicts with ancient roots repeatedly flare up with astonishing ferocity in a fragmenting world where boundaries between nations have been repeatedly redrawn (see p. 6).

At the same time, new regional and international organizations have emerged to consolidate shared interests and to represent common values, from the European Union with its new single currency to the international criminal tribunals that seek to set and enforce universal human rights principles that transcend national membership.

Corporate organization likewise spans national boundaries today, providing new challenges where conflicts arise between domestic and foreign standards of conduct, whether involving the use of child or slave labor, the employment of religious minorities, or the expectation that bribes will be paid to bureaucrats (see p. 11).

Non-governmental international organizations have

expanded and multiplied, dispatching their members across the globe to expose and spur response to human suffering in ethnic conflicts and sweatshops alike. If Carl Spaeth's generation saw international humanitarianism in the image of General George C. Marshall, today's law graduate might see it in the image of the bearded and blue-jeaned Peter Bouckaert '97, traveling from Kosovo to Afghanistan to Jenin to the Congo on behalf of Human Rights Watch (see p. 18).

In this new era, taking an international approach to legal education is more vital than ever. Since the events of September 11, our awareness of a world of competing legal regimes has expanded exponentially, and with it our need to understand those regimes and to be prepared to justify our own in the face of them.

At the Law School, we are seeking to renew for a new century Carl Spaeth's vision of an internationalized law school. We are offering more international law courses in the next several years than we have for a generation. We have launched an ambitious cross-campus collaboration with the Institute for International Studies and the Graduate School of Business to build a new Center for Democracy, Development and the Rule of Law. We will welcome to campus this fall eighteen foreign lawyers to our new LL.M. programs in corporate governance and in law, science, and technology.

Just as Carl Spaeth became Dean at the dawn of a new era marked by the post-war trials of war criminals, the foundation of the United Nations, and the first international declarations and covenants on human rights, we stand now at the beginning of another, different era marked by new forces of globalization that are at once centripetal and centrifugal.

Common to both eras, though, is the acute need for well-trained lawyers with a sophisticated international perspective, such as those we feature in this issue, to provide sharp, bold leadership in initiatives for development, democracy, and peace.



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Stanford Lawyer
(ISSN 0585-0576)
is published for alumni and friends
of Stanford Law School.

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559 Nathan Abbott Way,
Stanford, CA 94305-8610;
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of Leland Stanford Junior University.
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Stanford Lawyer is listed in: Dialog's
Legal Resource Index and Current Law
Index and LegalTrac (1980-94).

Issues of the magazine since 1966 are
available on microfiche through William S.
Hein & Co., Inc., 1285 Main Street,
Buffalo, NY 14209-1987. Issues since
Fall 1999 are available on-line at
www.law.stanford.edu/alumni/lawyer

Printed on recycled paper

The "Good-bye Law School" Index

Some rough numbers on recent graduates' forays into the real world,
and on the overall job market. Some of these figures are preliminary estimates as
members of the Class of 2002 are still finalizing their plans.

JDs awarded in June: **182**

Number of 2002 graduates with law firm jobs: **MORE THAN 110**

Number of judicial clerkships for the next three years accepted by 2002 graduates: **55**
City with the most Class of 2002 clerkships, starting by January 2003: **SAN FRANCISCO, 5**

Number of Class of 2002 clerkships in Anchorage, starting by January 2003: **3**

Number of Class of 2002 clerkships in Philadelphia, starting by January 2003: **3**

Number of 2002 graduates with other jobs in public interest or government: **AT LEAST 10**

Number of 2002 graduates who had lined up jobs in business: **AT LEAST 9**

Number of 2002 graduates committed to pursuing another advanced degree: **AT LEAST 3**

Number of 2002 graduates who plan to be writing a novel this fall: **AT LEAST 1**

★★★★★★

A recruiting firm's projected annual increase in law firm salaries nationwide,
as of December 2001: **0.5 PERCENT**

The same firm's projected annual increase a year earlier: **6.3 PERCENT**

Number of firms that announced associate layoffs in the Bay Area since August 2001: **10**

In fall 2001, number of 3Ls who participated in the Campus Interviewing Program: **77**

Number of 3Ls in the Campus Interviewing Program a year earlier: **49**

In fall 2001, number of law firms doing on-campus interviews: **249**

In fall 2000, number of law firms doing on-campus interviews: **251**

Number of interviewers who canceled campus visits because of the September 11
attacks or logistical problems in getting to Stanford: **14**

In fall 2001, number of corporations that conducted interviews for nonlegal jobs: **3**

In fall 2000, number of corporations that conducted interviews for nonlegal jobs: **11**

Number of Class of 2002 members who responded to this magazine's exit poll: **97**

Percent of exit poll respondents who are very worried about the economy's
impact on their job prospects: **33**

Percent of exit poll respondents who described their job hunt as a nightmare: **4**

Percent of exit poll respondents who described their job hunt as a breeze: **25**

Percent of exit poll respondents satisfied with the job they have lined up for the fall: **90**

★★★★★★

Number of exit poll respondents who were engaged or married in the last three years: **15**

Number of exit poll respondents who met their spouse or fiancé at the Law School: **4**

Number of exit poll respondents who had a child while enrolled in the Law School: **6**

Number of exit poll respondents who do not plan to have children: **7**

Number of exit poll respondents who plan to have three or more children: **34**

Number of exit poll respondents who plan to take off a year to care for children: **28**

Number of male respondents who plan to take a year off for child care: **11**

Number of female respondents who plan to take a year off for child care: **17**

Percent of exit poll respondents who hope to be a full-time parent in 10 years: **3**

Who hope to be studying cooking in Tuscany: **15**

Who hope to be a partner at a major law firm: **20**

Who hope to be dealing with major issues in a political or government position: **25**

Percent of exit poll respondents with more than \$100,000 of debt: **44**

Percent of exit poll respondents whose primary reason for joining a firm was to
cover student loans: **46**

Percent of exit poll respondents who feel law school was worth the tuition: **90**

★★★★★★

Sources: Stanford Law School Office of Career Services; projected salary increases from the Affiliates, the Legal
Staffing division of Robert Half International, as reported in *The Recorder* (Dec. 28, 2001); number of firms doing layoffs
based on a Nexis search of *The Recorder*; exit poll conducted by *Stanford Lawyer* magazine is available at
<http://www.law.stanford.edu/alumni/lawyer/63/survey/>

Déjà Vu or 2002? Dot-Com Hits Pay Dirt!

The bubble has burst, but PayPal CEO Peter Thiel '92 (AB/BS '89) cuts a \$1.5 billion deal for his start-up.

VISITING PETER THIEL at PayPal headquarters last spring was like stepping through a time warp. The sparkling new offices in Mountain View—just a block away from Netscape's first home—had that fresh cubicle smell reminiscent of the heyday of the Web. The company's officers were on average 31 years old. Outside Thiel's modest corner office hung a skull and crossbones pirate flag, just like the one that Steve Jobs flew over the Macintosh development team at Apple. Almost everything about PayPal screamed dot-com, and it radiated the bullishness of two years ago.

But there's one big difference: Instead of going bust, PayPal announced on July 8 that eBay was going to buy it for roughly \$1.5 billion in eBay stock. Assuming the deal clears regulatory hurdles, it's a very happy ending for a charmed firm that only five months earlier scored the first successful public offering by an Internet consumer company since 1999. Unlike dozens of other newly public dot-coms, PayPal quickly became profitable in the wake of its IPO, and in June its shares were trading at least 50 percent higher than the initial offering price. When the terms of the sale to eBay were first released, PayPal shareholders were reported to be getting a premium of about 18 percent.

Thiel, the company's 34-year-old CEO, explains in a nutshell why PayPal has flourished where others failed. "It's a very simple concept," he says of the company's product. "You e-mail money to people." On the firm's IPO road show, he was struck by how he was pitching his company to people who actually were using the service—even the bankers and their spouses. "Everyone understands it," he says. Not only is the concept easy to grasp, so is the business model. PayPal takes a cut of every transaction it handles. Analysts predict that by the end of this year, PayPal will handle 124 million transactions with \$6.8 billion in online payments.

At the Law School's Board of Visitors meeting in March, Thiel



Peter Thiel '92 (AB/BS '89): 14 all-nighters for an IPO.

was a featured speaker, and other alumni flocked around him. An investment banker inquired whether Thiel might need help on future dealings, while a venture capitalist expressed regret for not having invested in the company.

If the success had gone to Thiel's head, it didn't show. "I'm just happy that we managed to get out," he remarked. He still lives in the same one-bedroom apartment that he moved into four years ago, and his advice to students was blunt: Follow your heart. He told the Law School audience how he joined a New York law firm right after graduating Stanford Law School in 1992 but left seven months and three days later. "I felt I wouldn't be able to compete with people who were insanely passionate about corporate law," he said. "My overall trajectory wasn't planned out."

But Thiel had an entrepreneur's instinct for improvisation. As the manager of his own hedge fund, he invested in the company that would become PayPal. The original—and unlikely—notation was to build a business that would allow people to beam money to each other through their Palm Pilots. Thiel agreed to be interim CEO, and soon he and the other founder were morphing the company's technology into software that let people securely e-mail money to each other over the Internet. It was not an obviously great idea at the start. From 24 users in September 1999, the service nudged up to 12,000 users in December of that year. But it was enough to eventually raise more than \$200 million in private venture funding.

Armed with a flush marketing war chest, PayPal proceeded to buy customers. New accounts got a \$10 credit on their first purchase just by signing up. And then the eBay community discovered PayPal. Many eBay sellers lacked credit card merchant accounts and found the PayPal service easy, inexpensive, safe, and much faster than waiting for checks to arrive by mail. At first, eBay tried to compete with PayPal, pushing its own alternative. But by June, PayPal was still the most-used payment system on eBay and ac-

counted for at least one-fifth of eBay transactions. eBay apparently decided that if you can't beat them, you might as well buy them.

The sale is supposed to leave PayPal as a distinct and dominant brand, with Thiel still in charge. It dwarfs its nearest rival, Citibank's c2it, whose 400,000 users are less than 3 percent of PayPal's estimated 16 million users, as of June. PayPal is clearly the 800-pound gorilla of person-to-person Web payments.

If the success had gone to Thiel's head, it didn't show. "I'm just happy that we managed to get out," he remarked. He still lives in the same one-bedroom apartment that he moved into four years ago, and his advice to students was blunt: Follow your heart.

The President's New Judge in Utah

Paul Cassell '84 (AB '81) survives a confirmation battle.

The cerebral Thiel makes for an unlikely chief gorilla. A devout libertarian, Thiel says that reading Aleksandr Solzhenitsyn's *Gulag Archipelago* and J. R. R. Tolkien's *Lord of the Rings* as a San Mateo High School student awakened him to the dangers of state power. He likes to quote English philosopher Edmund Burke's admonition: "Power corrupts, absolute power corrupts absolutely." He studied 20th-century philosophy as an undergraduate at Stanford, and his time on the Farm later led to his cowriting *The Diversity Myth*, a 1998 book that offers a conservative critique of the University's embrace of multiculturalism. (Thiel's coauthor is David Sacks AB '94, now PayPal's chief operating officer.)

Thiel had planned on attending graduate school at Yale until a visit to New Haven in the winter convinced him to enroll at Stanford Law School. That legal training helped earlier this year when he had to go through the IPO. At the last minute, a small software company filed a patent infringement suit against PayPal for allegedly stealing its payment technology. While Thiel dismissed the claim as a nuisance—the suit was subsequently withdrawn—the threat nearly derailed an offering that already had its share of skeptics. "Our lawyers said it was the most difficult IPO they had seen," Thiel recalls, noting that the regulatory filing, known as the S-1 document, went through nine drafts. He personally pulled 14 all-nighters with the legal team.

It's all part of the life of a start-up executive, where one day you're arranging for financing, another you're drawing up a business plan, and the next you're planning a marketing campaign. It wasn't what he was looking for when he graduated from Stanford Law School, but he was well prepared for it. "A Stanford legal education," he said in March at the Law School, "teaches you to think outside of the box and think creatively, and that's what working at a start-up is all about."

—Lonn Johnston

IT WASN'T EXACTLY a smooth road to the federal bench, but Paul Cassell survived the political speed bumps that have hobbled so many other judicial nominees. On May 13, the Senate confirmed him as a U.S. District Court Judge in Salt Lake City—328 days after President George W. Bush first proposed him for the job.

Cassell made some liberal senators edgy with his record of leading the fight to overturn the *Miranda* rule. In a case before the Supreme Court in 2000, *United States v. Dickerson*, he had unsuccessfully argued that police aren't constitutionally required to inform suspects of their right to remain silent. Indeed, Senate Judiciary Chairman Patrick Leahy (D-Vt.) complained that Cassell's "one-man war on *Miranda*" placed him "outside the mainstream of modern American jurisprudence."

Leahy was one of 20 Democratic senators who voted against Cassell's appointment—the largest number to oppose any of President Bush's 57 judicial confirmations as of that day.

Still, Cassell, previously a professor at the University of Utah College of Law, won over 67 senators with his sterling academic credentials, his work on behalf of the victims' rights movement, and his understated and reasoned testimony before the Judiciary Committee. "There's a difference between being an advocate and a judge," Cassell told the senators. "Some of the judges I most admire, such as Ruth Bader Ginsburg and Thurgood Marshall, successfully made the transition from the role of open-minded advocate to that of a fair judge."

Cassell had not only the strong backing of his home state senator, Orrin Hatch (R-Utah), but also of California Senator Dianne Feinstein (AB '55), a Democrat who praised him as "bright, sensitive, and even-handed, with a very deep concern for those

victimized by crime."

On the day of the vote, Cassell watched the proceedings with students and colleagues at the University of Utah. For a minute or two, the vote count stalled at 50—just short of the majority he needed. "That was the one anxious moment," he was quoted as saying in *The Deseret News*. "I was glad to see it finally come to a resolution." He expects to begin hearing cases this summer, and his law school's voice-mail message mentions that he is looking for clerks.

The judgeship is a new opportunity, Cassell says, to put into practice what he learned at Stanford Law School: "Those lectures from Professor Cohen about federal jurisdiction suddenly have new relevance."



Paul Cassell '84 (AB '81) worked to overturn the *Miranda* rule.

Middle East Mediator

SOON AFTER RECEIVING her JSM from Stanford Law School in May 2000, Diana Buttu's career took an unexpected turn: She became a legal adviser to the Palestinian Authority's negotiating team. Since then she has been actively involved in negotiations with the Israelis and has regularly appeared on the television news show circuit. Law School Lecturer Jonathan Greenberg, Academic Director of the Stanford Program in International Legal Studies (SPILS), taught Buttu in the Law School's International Conflict Resolution seminar. What follows is an edited transcript of Greenberg's May 2002 interview with Buttu for *Stanford Lawyer*:

Q: DID YOU IMAGINE WHEN YOU WERE A GRADUATE STUDENT AT STANFORD LAW SCHOOL THAT YOU WOULD BECOME ONE OF THE PALESTINIAN AUTHORITY'S KEY NEGOTIATORS?

A: I thought that I was going to end up pursuing a doctorate and having a wonderful life at Stanford. It was the furthest thing from my mind.

Q: HOW DID YOU, A CANADIAN CITIZEN OF PALESTINIAN ORIGIN, WIND UP IN THIS ROLE?

A: The reason that I was first brought into the project was because some members of the Palestinian negotiating team had read my SPILS thesis ["Compensation for the Palestinian refugees of 1948: An analysis under international human rights law"] and thought that I could provide some insight into the process of compensation. My task became to develop a file on the refugee issue, which really hadn't been developed previously in the process of negotiation. It was particularly useful when we got to the [January 2001] Taba negotiations, in which compensation was addressed for the very first time.

Q: TELL US MORE ABOUT THE TABA TALKS.

A: There was an attempt to use law as a framework for negotiations. We tried to

look at our differences from a problem-solving perspective. We saw, for instance, that the Jordan Valley lease option that Israel had wanted at Camp David went away, and that the settlement blocs Israel wanted to annex had also shrunk substantially. Unfortunately the talks ended after only six days because the Israeli elections were about to happen a week later, and then Sharon was elected.

Q: CAN YOU TALK MORE ABOUT YOUR ROLE AS LEGAL COUNSEL TO THE PALESTINIAN NEGOTIATING TEAM?

A: I was dropped into this situation in which we had a whole host of negotiators who hadn't been familiar with the use of lawyers and viewed lawyers as people thrown in at the last second to make sure that there are no major glitches. But lawyers can work with the process to ensure that there is a framework to that path and to the negotiations, and that the final outcome is legally sound. This was completely lacking throughout the period of Oslo. Even now it's difficult as a lawyer to try to assert to the Palestinian negotiation team how important it is to use the law as a guiding framework. And it does not help that the Israeli team has steadfastly refused to abide by the law.

Q: YOUR FOCUS AT STANFORD WAS ON THE PALESTINIAN REFUGEES, PARTICULARLY THE ONE MILLION LIVING IN REFUGEE CAMPS. ISRAELIS ARE AFRAID THAT AN ABSOLUTE "RIGHT OF RETURN" WOULD PROHIBIT THEM FROM MAINTAINING AN ISRAELI STATE THAT IS BOTH DEMOCRATIC AND JEWISH, WHICH IS ISRAEL'S PURPOSE. DO YOU THINK THERE'S A SOLUTION BOTH SIDES CAN AGREE ON?

A: I do, and it was something that we talked about at great length at Taba. For example, you can do it through a series of formulas. For instance, in any given year, perhaps there are X number of Jews making *aliyah*. So then we could add a certain number—a percentage of X—that could be non-Jews who could return. There are other ways; you can do it over a staggered period of time, et cetera. To simply say to a Palestinian refugee, "I'm sorry you're going to have to give up this claim," is not going to work, because it will create 3.5 million people who are going to actively undermine any peace agreement. You need to address the legitimate rights of these refugees. I want an agreement that is not simply a piece of paper; I want one that will work.

Q: HOW DO YOU APPROACH THE IMPASSE OVER THE ISRAELI SETTLEMENTS IN THE WEST BANK?

A: There are many creative ways that can address this problem rather than focusing on sovereignty. For example, we can incentivize settlers to move back into Israel, since many of them have been incentivized to move into Palestinian territory. We can let them stay, and they can become Palestinian citizens. We can have a phasing-out period, a certain withdrawal period in which Israelis are allowed to choose. Or we can have Israelis living in Palestinian territory who vote in Israel but live and perhaps work in Palestine. There are a number of creative ways that we can address a problem that seems intractable. This is something I learned from our class at Stanford, International Conflict Resolution.



Diana Buttu JSM '00: Her Law School SPILS thesis led to her moving to Ramallah for work.

LAUREN SHAY

Making the Grade

Stanford Law School owned the #2 rank for the third consecutive year in *U.S. News & World Report's* annual survey of the nation's best law schools. The magazine's survey also placed in the top 10 the Law School's programs in environmental law (#4), intellectual property law (#8), and tax law (#9).

Henry T. Greely (AB '74), C. Wendell and Edith M. Carlsmith Professor of Law, was elected to chair the Stanford University Faculty Senate for the 2002–03 session.

Carlos Badger '31 joined what appears to be a two-member club. He turned 100 on April 14 and became one of two known centenarians still practicing law in California. He has his own office in Modesto, where he helps clients who have been denied Social Security and other entitlements.

Among California law schools, Stanford topped the rankings for students who passed the July 2001 California Bar Exam on the first try, with 93 percent passing the test.

The Stanford Fisheries Policy Project received a \$163,000 grant from the Pew Charitable Trusts to study the nation's fisheries management system. The program is under the direction of Barton H. (Buzz) Thompson Jr. JD/MBA '76 (AB '72), Vice Dean of the Law School and Robert E. Paradise Professor of Natural Resources Law; Barbara A. Block, Stanford University's Charles & Elizabeth Prothro Professor in Marine Sciences; and Law School Lecturer Josh Eagle.



Carlos Badger '31: He's 100 years old and still practicing law. (This photo was taken in 2001 on his 99th birthday.)

The American Bar Association chose Deborah R. Hensler, Judge John W. Ford Professor of Dispute Resolution, to receive the Robert McCay Award for tort scholarship.

James Gaither '64 and G. Bradford Jones JD/MBA '80 were included in *Forbes* magazine's story and list, "The Top 100 Venture Capital Dealmakers."

UC Berkeley's Haas School of Business selected Stanford Law Professor Tom Campbell as its new Dean. "We will miss him greatly as a colleague at the Law School," says Law School Dean Kathleen M. Sullivan, Richard E. Lang Professor of Law and Stanley Morrison Professor of Law. "But Stanford's loss is Berkeley's great gain."

Q: HAVE YOU FOUND YOUR STANFORD LAW SCHOOL EDUCATION HELPFUL TO YOUR WORK IN OTHER WAYS?

A: The Mediation course has been used in a very interesting way, primarily in the outreach program to Israelis. Dana Curtis [who teaches Mediation] was instrumental in teaching me just how important it is to listen. So we go into Israeli homes—we've done this roughly 70 times—and we just talk to Israelis. Everybody is welcome, from right to left, and we just talk about what happened at Camp David, why did the uprising start, what were the Palestinians' expectations during Oslo, how do we get out of this, and how do we move forward. A lot of the people who attend want to vent their anger, and they do. The Mediation course taught me just how important it is to listen to what they are saying, to take

that in and respond in a manner that addresses their concerns but also raises ideas that are very important to me.

Q: HOW HAS IT BEEN FOR YOU PERSONALLY TO MOVE TO RAMALLAH TO TAKE ON THESE RESPONSIBILITIES?

A: It has been rewarding. At the same time, I've had about the worst 19 months of my life, living in the occupied territories.

Q: I UNDERSTAND THAT YOU'VE HAD AT LEAST ONE HARROWING EXPERIENCE.

A: On the night of Israel's first invasion of Ramallah, I heard tanks roll onto my street. Soldiers broke down the front door of my apartment building, then proceeded to break down the doors of every apartment. There were about six soldiers with

guns trained on both my neighbor and on me. I was repeating over and over again, "I'm a Canadian citizen, my friend is an American citizen, we have no weapons, please don't hurt us."

A soldier told me I had two options, either to stay in the apartment or to leave. And he recommended that I leave. Given that my apartment faces the road, there was going to be a lot of gunfire, and I would not be safe. As we were leaving, we asked the Israeli soldier whether he could guarantee that we wouldn't be shot. He said, "No, I cannot guarantee that you won't be shot." I then asked him, "Will you guarantee that you won't shoot me?" He said, "Ma'am, I can guarantee you nothing."

And I said, "Well, how do you expect me to get to my car?" He said, "Just duck, and run as fast as you can." So we did.

Three-Strikes Law: Grist for the Moot

IFE IN JAIL FOR STEALING NINE VIDEOTAPES?

At first glance that looks like an extreme sentence. But throw in California's three-strikes law, the 1996 Congressional act restricting federal courts' review of prison sentences, an array of rulings on the writ of habeas corpus, and you get the highly charged case, *Roe v. Andrade*, which the Supreme Court is scheduled to hear later this year.

For those wanting a preview of this fall's arguments, there was no better place to be on May 3 than the Law School. On that day, the finalists in the 50th annual Marion Rice Kirkwood Moot Court Competition squared off on whether it is unconstitutional—cruel and unusual punishment—to sentence Leandro Andrade, an admitted heroin addict with a long rap sheet, to at least 50 years in jail for stealing \$153.54 worth of videotapes.

Sitting as the United States Supreme Court were the first and only mother and son combo to serve on the federal bench, Judges Betty B. Fletcher and William A. Fletcher, who are prohibited from hearing real cases together, and Judge Raymond C. Fisher '66, all of the U.S. Court of Appeals for the Ninth Circuit. The room was packed with a standing-room-only crowd of more than 200, including several defense attorneys who are helping to prepare the actual arguments in *Roe* and a sister case coming before the Supreme Court, *Ewing v. California*.

On the surface, the critical question in *Roe* is whether the California law goes too far by requiring a minimum sentence of 25 years to life in prison for a third felony, even when it's a "wobbler"—a crime like petty theft that can be tried as either a felony or a misdemeanor. But an underlying issue is this: How free a hand do federal judges have to review and overturn sentencing decisions?

Not much, said Daniel Lenerz '02 and Julian Mortenson '02, who presented arguments for the petitioner, California Attorney General Bill Lockyer. They argued that the California Court of Appeals acted within the bounds of the law by upholding the trial judge's sentence, and that, in turn, the judges on the Ninth Circuit Court of Appeals who ruled that Andrade should be resentenced

had overstepped their authority.

Lenerz maintained that as long as the court says it used the proper rules to evaluate whether the sentence is grossly disproportionate—as the California Appeals Court did in *Roe*—then it passes the first of the two-prong test established in prior Supreme Court rulings. "To review the analysis," he explained, "would be akin to grading the state court's paper."

And Mortenson then added that the sentence met the second prong requiring that the sentence stand unless it is so egregiously wrong that it is objectively unreasonable: Andrade had committed 10 felonies over a 15-year period, including transporting marijuana and burglary, and had acknowledged that he would continue to do so to satisfy his heroin habit. Judge Fletcher (the mom) seemed skeptical: "But is there anything in the record to show he was violent?"

Mortenson quickly responded, "He committed very dangerous crimes and socially harmful crimes."

Next came Randall Gaw '02 and Rachel Hoover '02, representing the respondent, Andrade. First up was the issue of how this sentence compared with other sentences. "On the one hand, you have murdering rapists and carjacking kidnappers receiving 6 to less than 20 years in jail, and on the other is a shoplifter receiving a life sentence," said Gaw. "That has to create the necessary inference that the punishment at issue is grossly disproportionate, if not downright ludicrous."

Hoover then urged the Court to take action, arguing that the opposing counsel had overstated the degree of deference the federal courts must pay to state sentencing decisions. "It is still this court's job . . . to right grievous wrongs that have occurred and that are unconstitutional under the federal Constitution," she said.

Judge Fisher did not appear moved. "Our job is not to sit as umpires on state court decisions," he said.



Best oralist: Randall Gaw '02



A win-win: Gaw and Rachel Hoover '02, best team; Julian Mortenson '02 and Daniel Lenerz '02, best brief.

Alumni Honors

William M. Barnum, Jr., JD/MBA '81 (AB '76), Diane Geocaris '75 (AB '72), and Laura Padilla-Taylor '87 (AB '83) were named in April to the Stanford Associates Board of Governors. It has 18 members who each serve a three-year term.

Barnum and Miriam Wolff '40 (AB '37) were also recipients of the 2001–02

Stanford Associates Award, which salutes volunteers who provide exemplary service to the University over an extended period of time. Richard G. (Dick) Mansfield '58 (AB '56) was a winner of the Stanford Associates Outstanding Achievement Award, which is bestowed upon volunteers who did exceptional work over the last year.

Also in April, the newly appointed

members of Stanford Associates included 12 Law School graduates: Charles G. Armstrong '67, Peter Bewley '71, Elizabeth A. Grimes '80, Gail Block Harris '77 (AB '74), C. Bradford Jeffries '55 (AB '53), G. Bradford Jones, JD/MBA '80, Julie McMillan '84, Sara Peterson '87, Donald J. Querio '72 (AB '69), David A. Smolen '95 (AB '88, AM '96), W. Richard West '71, and Wolff.



MARCO P. ZECCHIN (3)

Mother and child reunion: Arguments were heard by Judges Betty and William Fletcher, mother and son, with Judge Raymond C. Fisher '66 (right), all from the U.S. Court of Appeals for the Ninth Circuit.

An hour of arguments had passed. All four had been peppered with sharp questions, but had given as good as they had got. It was hard to see the decision that was coming. The judges filed back into the room. Justice Fletcher (the mom) spoke. "Sometimes we say presentations are so close, but we don't really mean it," she said. "This time we really mean it." She then announced that Lenerz and Mortenson won the best brief award, Hoover and Gaw the team excellence award, and Gaw the best oralist. She then turned to her right, "Junior Fletcher, anything you want to add."

Judge Fletcher (the son) smiled. "All I can do is say, 'Mom is right.' We could have debated [about the winners] for another hour." Judge Fisher echoed the praise. "Would that all arguments on the Ninth Circuit be as good and as well prepared."

It was almost over, but the younger Fletcher had one more comment. It wasn't about the arguments, but a question of law about the statute, 28 U.S.C. § 2254, which, he said, may "clip the wings" of the Supreme Court by limiting its ability to review state sentences. "I'd like to make an argument that in this case, with this application, 2254 is unconstitutional," he said. "You could hear me nudging you toward that argument, but no one would take it."

"And properly so!" declared Judge Fisher, leading the audience to break out in laughter. All except the lawyers in the crowd who were readying the real case for the Supreme Court. They were busy taking notes.

WANTED

Memories of Moots Past

The Law School is preparing a history of the Marion Rice Kirkwood Memorial Moot Court Competition to honor its 50th anniversary at Alumni Weekend 2002. We are missing or need to confirm finalists' names, winners' names, and/or names of the president and members of the Moot Court Board for these periods: 1951-65 and 1971-80. We also need the names of judges in the years before 1962. And finally we would like any anecdotes, photos, posters, or memories that you would like to share about the competition. Please contact Law School Lecturers Randee Gorin Fenner, rfenner@stanford.edu, 650/723-4502, or Lisa M. Pearson, lpearson@stanford.edu, 650/723-4502.



LINDA CICERO

ANOTHER LARGE MARK OF DISTINCTION

The green in front of the Law School is now graced with a striking 40-foot totem pole, titled *The Stanford Legacy*. Installed May 6, it features a weeping Jane Lathrop Stanford grieving over the loss of her son. The artist Don Yeomans designed it in the traditional Haida style and carved it from a 400-year-old western red cedar. The pole is a gift to the University from Fred Rehms, MBA '61.

HAT TRICK FOR THE LAW SCHOOL

THE BURTON FOUNDATION has given its annual award honoring excellence in legal writing for three years, and Stanford is the only law school to have had a student win in each year.

Tamra Boyd '01 is the school's latest recipient of the Burton Award for Legal Achievement. She was one of 10 winners selected for their work as law school students, in addition to awards granted to 15 partners from the top 500 firms.

Law school deans and law firm managing partners nominate the writing submissions. The winners are chosen for use of "clear, concise language" and for avoiding "archaic, stilted legalese," according to the application guidelines provided by the Burton Foundation.

Previous Stanford Law School winners are Michele Friedland '00 and Robert Hur '01.



BITTERSWEET ENDING AND A NEW BEGINNING: The board of the East Palo Alto Community Law Project voted in May to close shop by the end of the summer. It was launched 18 years ago by Law School graduates and students, led by Jim Steyer '83, Peggy Russell '84, Michelle Mercer '86, and Steven Dinkelspiel '85. (The photo is from the ribbon cutting at the ceremonial opening.) The Law School is committed to opening a new community law clinic by September 1 that will be based in the East Palo Alto and East Menlo Park communities.

Chilling Effects Online

The Stanford Center for Internet and Society is educating the public about their rights when faced with a Cease and Desist notice.

DEE DRESLOUGH KNOWS how to paint fantastic, intricately detailed pictures of dragons. She does not know how to deal with lawyers. So five years ago, when she received a Cease and Desist notice demanding that she close down her online gallery devoted to pictures inspired by the *Dragonrider of Pern* series, Dreslough quickly complied.

"I just panicked," says Dreslough, who was then 26 years old. "I thought we were going to lose our house."

Dreslough's experience is not particularly unusual, and the chilling effect on her and thousands of others has led to a pioneering project by the Electronic Frontier Foundation, Stanford Law School's Center for Internet and Society, and several other law schools. The new initiative? Chilling Effects, an online clearinghouse (www.chillingeffects.org) that provides the little guys with a resource for analyzing and understanding these ominous-sounding notices, often from lawyers representing the world's largest media companies.

The idea was originally conceived by a lawyer at Harvard's Berkman Center for Internet and Society, but Stanford has been involved from the beginning. The site went live in February, permitting anyone who receives or sends a C&D to enter it into the group's database. Students, under faculty supervision, then break down the notice, highlight key terms, provide background about the relevant legal rules, and post the analyzed version on the site. The goal is to make it easier for non-lawyers to gauge the risks they face. (The students offer no direct legal advice.)

The submitted notices fall into a dozen or so topic areas, with each law school handling different ones—Stanford has taken on copyright, derivative works, and fan fiction. Each topic has its own page that includes primers on the subject, written by students before the site launched. Stanford Law School Lecturer Jennifer Granick supervised seven students who have been working on the project:



Laura Chavkin '03, Geoff Godfrey '03, Jason Gonder '02, Suzann Moskowitz '03, Nimira Patel '03, Peter Suen '02, and Stephanie Zeller '02.

"This is great experience for students," Granick says, "because they see the kind of legal disputes that real people in the Internet world are finding themselves in. They also learn how to communicate legal information in a way that lay people can understand."

And the students are helping to determine the nature of free speech in the cyber age. For instance, fan fiction, in which devotees of a particular movie or book create new stories and characters based on the original, has been around for years. With the advent of the Web, fan-fiction makers are now able to reach a much wider audience, but they also can be tracked down more easily by companies who want to stop it. Intimidated fans may pull their material without being fully informed of their rights. "That's detrimental to the rest of us," says Granick. "We don't get to enjoy these works."

Dreslough posted on the Chilling Effects site the C&D notice she received from author Ann McCaffrey's lawyer so that others could learn from it. "The fandom was so much a part of my life, and I lost it all," says Dreslough, a Massachusetts mother who now runs a support group for other fans who receive these letters. "McCaffrey had the right to take an inch. I gave her a mile. I totally turned tail, and I'm still mad about it."

Doing Well by Doing Good

Being a thoughtful corporate citizen can help your bottom line.

BUSINESSES MUST “add values” to the way they conduct themselves around the globe—tackling the “spread of HIV,” the “global climate change,” and “human rights abuses.”

Those might sound like the words of a Greenpeace activist, but actually they’re from a top executive at Coca-Cola. It was Deval L. Patrick, the company’s executive vice president and general counsel. He was urging an audience of pension fund managers and trustees to look beyond assets and business plans, and consider also “the way a company respects its employees, how responsibly it behaves as a steward of the environment, and how engaged it is in the communities where it operates.”

Patrick was a keynote speaker at the Fiduciary College, an executive education program at the Law School at the end of April. It was underwritten by Coca-Cola and cochaired by Professor Joseph Grundfest ’78 and Richard H. Koppes, Calpers former general counsel and now of counsel at Jones, Day, Reavis & Pogue.

Most of the three-day program was de-

voted to the brass tacks of fiduciary duty. Grundfest in the opening session advised attendees to step back from the legal details in evaluating decisions and think: “How would you feel if you read this on the front page of the newspaper?” Another panel discussed drawing the line between responsible board oversight and micromanagement. And over lunch, Patricia Dunn, Global CEO of Barclays Global Investors, reminded the participants, “Avoiding conflicts of interest is the most fundamental requirement we have.”

Patrick’s speech added another dimension to a fiduciary’s list of responsibilities. Globalization is forcing people to rethink the scope of corporate good citizenship, he said. No longer should “doing well” and “doing good” be viewed as conflicting or even independent of each other. “For years, it was believed that business faced a stark trade-off between shareholder value and social responsibility,” he said. “I believe we are learning gradually that this was a false choice all along.”

Patrick, a onetime visiting professor at the Law School, said: “In today’s world the



Coca-Cola's top lawyer, Deval L. Patrick, dismisses the idea of a “stark trade-off between shareholder value and social responsibility.”

right thing to do is also the prudent business choice. After all, there is no shareholder value in boycotts and sanctions over an accusation of human rights abuses in the workplace. There is no shareholder value in the inefficient use of natural resources.

“On the other hand, there is shareholder value in being known as a responsible partner to responsible governments. There is shareholder value in being an environmental steward. There is value in living up to and surpassing the expectations of investors, customers, business partners, employees, and neighbors in the communities where we operate.”

An Empty Web: Where has all the info gone?

A former White House aide talks about Web sites and his time at the top.

The Web is no place to post blueprints of nuclear power plants. But when emergency response plans for chemical spills are removed from the Internet, has the government’s antiterrorism campaign gone too far?

Former Clinton Chief of Staff John Podesta thinks so. “It is a huge mistake to make information inaccessible,” he said in the first of two talks at the Law School on April 16.

In that first lecture, sponsored by the Center for Internet and Society, Podesta criticized the Bush administration for its “wholesale removal” of information from federal Web sites. Following the Sept. 11 attacks, the administration ordered agencies to remove “sensitive but not classified information that could be misused.”



John Podesta, former Clinton chief of staff, gave two talks at the Law School.

Podesta calls the order broad and vague. Without better guidelines, public access is being needlessly sacrificed, he says. When the EPA’s environmental facts database was taken off-line, for example, chemical spill emergency response plans disappeared as well. “Openness doesn’t destroy security,” he said. “It often aids or increases security.”

In Podesta’s talk later in the day, sponsored by the Stanford chapter of the American Constitution Society, he recounted some lighter moments as chief of staff. During a visit to India, Clinton and his team were invited on elephant rides. Everyone was dying to go, but Podesta did not want any photos of Clinton atop the symbol of the GOP.

In a feat of political daring, they waited for the press to leave. The aides then got on the pachyderms, though Clinton did not. Some journalists still managed to get pictures, but Podesta had gotten his ride.

—Linly Harris

Slavery's Legacy: Are Reparations Owed?

F "POLITICAL CORRECTNESS" plagues campuses across the nation, it certainly wasn't evident on March 12 at the Law School. That evening two scholars debated the merits of the effort to win reparations for the descendants of slaves.

On one side was Charles Ogletree Jr. (AB '74, AM '75), a professor at Harvard Law School and cochairman of the Reparations Coordinating Committee, who was at Stanford Law School as a Distinguished Visiting Fellow at the invitation of Dean Kathleen M. Sullivan. On the other was John McWhorter (PhD '93), an associate professor of linguistics at UC Berkeley and author of a number of books, including *Losing the Race: Self-Sabotage in Black America*. The event was organized and moderated by Stanford Law Associate Professor R. Richard Banks (AB '87, AM '87) as part of his "Night School" lecture series on race and diversity. Here's a quick take from both sides.



Ogletree

THE ARGUMENT FOR "We can't forget those millions of Africans who lost their lives and have never been compensated for what they had to endure. And we can't explain the legacy of African Americans today without seeing the connection to slavery."



McWhorter

THE ARGUMENT AGAINST "The basic idea [behind reparations] is that America needs to realize the ravages of institutional racism. These things don't have to go away before we get ahead. We black people are very strong. . . . Where do we get the idea that we as such a strong people can get ahead only when conditions are perfect?"

LITTLE PROGRESS "Integration was a nice idea in America, but it was only for the talented tenth—if that many. Integration never benefited the vast majority of African Americans: they are still suffering from the legacy of slavery We still have a dual society."

MORE PROGRESS "The fact is that when we're talking about reparations we're not talking about a culture of ghetto people. In terms of a ballpark figure, one can say half of African Americans have reached the middle class. The number who are living under the poverty line continues to shrink, and at this point is under one-quarter."

AN UNSETTLED SCORE "Facts matter. Numbers matter. From 1619 to [the passage of the Civil Rights and Voting Rights Acts by] 1965, that is more than 340 years of [oppression and second-class citizenship]. From 1965 to 2002, the government began to address these problems. But think about whether we have come close to addressing centuries of discrimination with a few decades of programs."

A BALANCED ACCOUNT "When I first started hearing about the new reparations idea, my immediate thought was, 'Didn't we have that already?' What were the reparations that African Americans started getting in the mid-1960s? Welfare was expanded to blacks in urban areas. . . . That was a reparation. . . . Affirmative action. That was more reparation. . . . My problem with reparations is not that we don't deserve a leg up. The issue is we already got reparations."

A CLOSING THOUGHT "Fifty-two percent of those in jail today are African American, though we make up only 7 to 8 percent of the population. Black people are not inherently criminal. There is something fundamental about our system that continues disparities on the basis of race. You can't explain why a small population is so over-represented, other than the continuing legacy of slavery."

A CLOSING THOUGHT "Reparations are glamorous. It's a way of indicting whites for their heartlessness. The reparations issue is really a distraction from what really needs to be done, especially since we have received them in the past."

2002 Graduation Awards

READ MORE POETRY, was the advice offered by Pamela S. Karlan, Kenneth and Harle Montgomery Professor of Public Interest Law, as she received the 2002 John Bingham Hurlbut Award for Excellence in Teaching at the commencement ceremony on May 19. "Poetry will help to remind you that law and justice and truth and liberty are connected to honor and courage and pride and pity," she said.

The Class of 2002 also voted to give the Staff Appreciation Award to the Robert Crown Law Library Staff, which was



RUSS CURTIS (2)



praised for running a library for the 21st century. Paul Lomio and Erika Wayne accepted the award on behalf of all their colleagues. [For more on graduation, see page 73.]

Women,



Dean Kathleen M. Sullivan

Leadership, and Stanford Law School



Debra Zumwalt '79, Mary Cranston '75 (AB '70)

As chair of a special Bar Association of San Francisco task force, Mary Cranston '75 (AB '70) is leading an ambitious charge to break what many see as the glass ceiling for women at law firms. In May she and her colleagues, representing some 50 firms in the Bay Area, announced their intention that women comprise 25 percent of all the firms' partners by 2004; that each has at least one female chairperson or managing partner by 2005; and that all of them embrace flexible work schedules.

Cranston, the firm chair for Pillsbury Winthrop, began working with the task force last fall, but the issue took on new urgency after she attended the Women and Leadership conference at the Law School on March 8. "It hit me between the eyes with a new insight," she says. "The young women at the event were seeing a career at a firm as the equivalent of being sent to Siberia, while for me it has been an ever-expanding career with infinite choices and great autonomy. I realized how important it was to address this."

The conference, organized by the Law School and the American Bar Association's Commission on Women in the Profession, drew several hundred of the nation's most influential attorneys and judges to take stock of why women are under-represented in the top echelons of private practice. People disagreed over whether

the so-called glass ceiling is the result of institutional gender bias or of independent empowered young women deciding to opt out of law firms, but still the outlook was upbeat.

Speaker after speaker marveled at how far women's clout in the profession has grown—for instance, more than half of first-year law students nationwide are now women. The impressive accomplishments of Stanford Law School's alumnae, celebrated at a gala dinner that evening, provided an added boost of hope that more will follow in their footsteps. Addressing the students and recent graduates in the audience, Dean Kathleen M. Sullivan remarked, "It's a world of opportunity that is mind boggling—I would have killed to enter a world like the one you're going into."

For conference transcripts and streaming video, go to <http://womenlaw.stanford.edu/conference.wal.html>

BUILDING CONSENSUS: Julie Matlof Kennedy '91 (AB '87) and Charles Koob '69 talk with Law Professor Deborah Rhode, the chair of the ABA Commission on Women in the Profession. "A central problem for women lawyers is the lack of consensus that there is a significant problem," Rhode said. "Gender inequalities in leadership opportunities are pervasive; perceptions of inequality are not."



TOASTING BARBARA: Cheryl Mills '90 (above) called Professor Barbara Babcock, the Law School's first female professor, a hero and a mentor. Babcock (left) was being honored for her 30 years of teaching at Stanford at the gala dinner, for which Christy Haubegger '92 gave the keynote address. Linda Grais '93 also offers thanks.

Of course, there's still room for improvement, and Deborah Rhode, chair of the ABA's Commission on Women in the Profession and Stanford's Ernest W. McFarland Professor of Law, outlined the predicament. While 30 percent of lawyers are women, they account for only about 15 percent of federal judges and law firm partners. "Over the last two decades we have witnessed a transformation for women in law, but not in leadership positions," she said in the conference's keynote address. The problem, by Rhode's account, can be traced to such constraints as traditional gender stereotyping, inadequate access to mentors and informal networks of support, and inflexible workplace structures. "Working mothers are held to higher standards than working fathers and are often criticized for being insufficiently committed, either as parents or professionals," she said.

There is, however, another explanation about why women are lacking in top law firm positions: they are opting against working at the big downtown firms, which are increasingly obsessed with billable hours. On one panel, Fern Smith '75 (AB '72), a U.S. District Court Judge and director of the Federal Judicial Center, recalled that she and her classmates all wanted to work at big

firms, but that's not the case for the more recent graduates. None of Smith's 13 female law clerks chose to make the climb to partner at a mega-firm. "Each of these women was strong enough and confident enough to draw her own vision," she said. "Perhaps what we're seeing now [at the big firms] is not a traditional glass ceiling, but a glass door: A lot of women don't want to walk through it, and I say good for them."

While the audience, including a few dozen men, clapped appreciatively, Smith's words didn't perfectly fit the crowd. After all, every other seat appeared to hold a woman who was a partner or even managing partner, a general counsel or a judge. "If there was ever an A-list of lawyers greater than this one, I don't know what it is," said Sullivan, and undoubtedly part of the reason for the female firepower was that the event was drawing on years of Stanford alumnae.

At the dinner that evening, Sullivan noted that while Harvard, Yale, and Columbia had policies barring admission of women until, respectively, 1950, 1917, and 1928, Stanford Law School was open to women from its inception at the turn of the century. Its alumnae and women faculty can claim a string of firsts, includ-



HONORABLE ALUMNAE: The Hon. Fern Smith '75 (AB '72), Judge of the U.S. District Court for the Northern District of California and director of the Federal Judicial Center, catches up with another member of the bench, the Hon. Pamela Rymer '64, a Judge for the U.S. Court of Appeals for the Ninth Circuit. Said Smith: "Perhaps what we're seeing now is not a traditional glass ceiling but a glass door, and a lot of women don't want to walk through it."

ing Sandra Day O'Connor '52 (AB '50) as the first woman on the Supreme Court, Shirley Mount Hufstедler '49 as the first Secretary of the Department of Education, and Professor Barbara Babcock, who became the School's first female professor in 1972, writing the first casebook dealing with sex discrimination.

The dinner honored Babcock, the Judge John Crown Professor of Law, for her 30 years of teaching at the School. The room was full of her former students. Cheryl Mills '90, former White House Deputy Counsel, said that it was a turning point in her career to be able to learn from a hero and a mentor like Babcock. Christy Haubegger '92, the founder of *Latina* magazine, said that the confidence she developed from attending Stanford Law School—and from Babcock's encouragement—bolstered her to pursue her dream to launch a magazine.

Babcock did not bask in the praise; she called on the crowd to take the fight to the next level. "We must now force the profession to accommodate the lives of women," she said. "We must change the workplace based on the ten-hour day, the six-day week, an atmosphere of extreme hierarchy, constant testing, and all-out competition—in which little time remains for family and communal life, pleasure, or pro bono publico."

Saving History

Barbara Babcock has made sure that California's first woman lawyer isn't forgotten.

THE NAME OF CLARA SHORTRIDGE FOLTZ, the first woman to join the California Bar, fell into obscurity after her death in 1934. Then Law School Professor Barbara Babcock came along.

Now the trailblazing lawyer has a building bearing her name, thanks to Babcock. In February, Los Angeles County renamed its main court complex the Clara Shortridge Foltz Criminal Justice Center, after learning about Foltz on a Web site that Babcock and her students created about women lawyers. (See www.stanford.edu/group/WLHP/.)

"It's the kind of recognition she always sought," says Babcock.

When Babcock first heard about Foltz more than a decade ago, she was stunned that the legal pioneer had fallen into the dustbin of history. After all, Foltz successfully lobbied the legislature to allow women into the Bar. She sued UC Hastings so that it would admit women. She later became the first female deputy district attorney in Los Angeles County. Most important, she hatched the idea of a public defender's office, presenting it at the 1893 World's Fair.



At the rededication ceremony for the courthouse—the same one where O.J. Simpson was tried—U.S. Supreme Court Justice Sandra Day O'Connor '52 (AB '50) credited Babcock's work for "contribut[ing] much of the knowledge we have of Foltz today."

Babcock has become so familiar with Foltz that she can practically hear Foltz's voice, and the professor knows that Foltz would be particularly pleased to have this building carry her name. In the one surviving scrapbook that Foltz kept, the frontispiece has a picture of the old red sandstone L.A. County courthouse, where she both prosecuted and defended cases.

Charming the Law School

Sheila Spaeth's warmth and kindness helped turn Stanford into a legal powerhouse.

BY JONATHAN RABINOVITZ

On a sunny April morning, Sheila Spaeth opens the door to her gracious Spanish-style home on the Stanford campus. Her eyes still have the sparkle that endeared her to a generation of Law School students, professors, and their families, and she offers the same warm welcome. It was from this home that she helped her husband, the late Dean Carl Spaeth, transform the Law School from a respected regional institution into an internationally renowned center for scholarship and legal training. In June the Law School established the Carl and Sheila Spaeth Professorship to honor this contribution, but on this day two months earlier, Sheila is perplexed about the plan.

"Does my name really have to be on this chair?" she says. "I didn't do anything—it was all Carl." Her son, Grant, gently corrects her. "Pop was, at the core, rather shy," he explains. "You were a partner not just in your marriage, but also in helping him to do his job: You made the School a friendly, warm, memorable place."

Sheila is not convinced, but she does not argue. Coffee is ready, hot-cross buns are on the table, and the guests need to be seated.

Sheila Spaeth is now 96—her husband died in 1991—but she distinctly remembers the day in the summer of 1946 that set her on the road to Stanford. Carl was then working for the State Department and trying to decide whether to pursue a career in the Foreign Service or take an offer from Yale Law School. The Spaeths had gone to Carl's college reunion at Dartmouth, and Carl had told John Sloan Dickey, Dartmouth's president, that he did not wish to be bothered with any phone calls. Stanford, however, had just set its sights on him as a dean, and a persistent recruiter kept ringing. Sheila says that Dickey finally prevailed on Carl to take the call, but even after that he was reluctant to fly to California for a meeting. "He was all for going back to New Haven or getting another posting with the State Department," she says, "but I made him come out here for the interview."

Some trustees met Carl Spaeth at San Francisco Airport, and they went to the Bohemian Grove. "The joke in the family has always been he came out of the Grove as the Dean of the Law School," Sheila says. "It's not true, but he did fall in love with the redwood trees." And by the end of the trip he was also smitten with Stanford. He agreed to start in September. He returned to the East to tell Sheila, excited but also chagrined. "You know, I've

moved you around a lot, and I've always found us a nice house," she remembers him saying. "Well, I just bought a dump." He apologized, but said that the old house on the Stanford campus—the same one she lives in today—was available, and their children, Grant and Laurie, would need to start school soon.

Little did either of the Spaeths know that the house on Gerona Road would soon become a hub of Law School activity—part student lounge, part faculty club, and part lecture hall. At that time the Law School was just a few rooms on the Inner Quad—"It was very small, and very modest," she remembers—so the Spaeths used their home for a series of events that brought new vigor to the School. Sheila says at first she had been puzzled why the house had an outside staircase to the second floor, but she quickly put it to use. Students could use the rooms on the second floor without having to knock. "They were in and out all the time," she says. "It was a very different time, being that the war had just ended and many of the students were married." She was a role model to many of the wives. "I got to know many of them, and we stayed in touch over the years," she recalls.

There were barbecues before football games, poker games among professors, and cocktail parties for VIPs. Sheila made it all happen.

When Carl established *Stanford Law Review*, some of its meetings took place at the house, Sheila notes. Warren Christopher '49, the first president of the *Law Review*, recalls being welcomed there. "She was a marvelous hostess," he says. "She charmed a generation of students with her graciousness." She and Carl were young, approachable, and, in their own way, glamorous: the Dean a former diplomat, his wife a British native who spoke with a genteel accent. Together the Spaeths broke down the natural tendency toward formality between professors and students, and created a tightly knit community. "Many graduates' fondest memories of Law School are of Sheila," Christopher says.

Professors regularly came to dinners and faculty meetings at the house. Professor John Merryman would play jazz on the grand piano in the parlor, Sheila might play something from a Gilbert and Sullivan opera, or others would play Broadway show

**Sheila Spaeth**

tunes, while everyone sang along. Laurie, the Spaeths' daughter, mentions that a few years ago, she and her mother were sitting in a hotel lobby in London, when the widow of an alumnus introduced herself: "Oh, you're Mrs. Spaeth! My husband loved to tell me about how he would sing songs from *My Fair Lady* with you!"

There were barbecues before football games, poker games among professors, and cocktail parties for VIPs. Sheila made it all happen. She took it upon herself to have faculty wives over, particularly new arrivals who were getting acclimated to Stanford. "I served a lot of roast beef," Sheila says, remarking that she still has the books tracking the expenses. "When we moved here, there was a faculty of roughly 16 professors, and you could have them all at one dinner party—you couldn't do that today, the School is too big."

But the home was more than just a gathering place for Stanford; it was a salon for some of the day's leading public figures. Carl Spaeth was close to Adlai Stevenson, a friend of George Ball, and an admirer of Secretary of State Dean Acheson, who spoke at the house about the then-new Marshall Plan. Phil Neal, who was being recruited to join the faculty at that time, remembers attending the dinner and enjoying the sense that he had been offered an insider's glimpse at the nation's politics. Neal says that when asked who the next president would be, Acheson answered immediately, "Thomas Dewey," though he then declared himself personally for Harry Truman. "He launched into the most eloquent praise for the president I had ever heard," says Neal, who decided soon after that night to take a job at Stanford.

In 16 years as Dean, Carl Spaeth created a new institution. The first four endowed professorships were established. Students began coming from across the nation instead of predominantly from California. Top professors were recruited from the best law schools in the East in an unprecedented fashion. And the Law School not only moved into larger quarters, it also opened a new dormitory, Crothers Hall. He brought new supporters to the

Law School—individual donors as well as foundations. Sheila insists that she had nothing to do with that, but her warm nature must have made some remember Stanford more fondly.

Judge George Crothers had been a personal friend of Jane Stanford, but by the late 1940s he had fewer friends to whom to tell his stories. "Nobody would listen anymore except me," Sheila laughs. "He would take me to lunch and tell me the history of California." He lived alone at the Pacific Union Club in San Francisco. Sheila would go with him to the opera. "He used to tell me every time we went how he gave the money for the curtains!" She is delighted with her memories of him. "He never got dull to me," she says.

The move to Stanford was not without its challenges. Carl Spaeth was part of the new wave of liberals who came to the campus—his critics dubbed him the "red dean"—and at one point he came under fire for hiring a professor, the later renowned criminal law scholar Herbert L. Packer, whom some conservative critics derided as a communist sympathizer. "That was tough—I thought he was going to have to retire," Sheila says. But President J.E. Wallace Sterling and Dean Spaeth didn't give up. "He was going to fight that one," she recalls, "and I suffered with him." Carl Spaeth's obituary in *Stanford Law Review* says of his victory in this battle: "The episode was crucial for the development of the University. . . . [W]e stand higher today because of [this] uncompromising defense of academic values."

Sheila admits that she does not remember the dispute terribly well. Much happened after that event that leaves more pleasant memories: She helped to establish the University's program for international students, she was active in the art museum, and, of course, she continued to be a partner to Carl. The first year at Stanford grew to five decades. It was not what she had expected, but she has no regrets.

She offers her guests more coffee. She had a fall the other day, but that does not stop her from making sure that everyone else is taken care of. Her daughter is always by her side to help. "My the years have just flown by," Sheila says. "This was just going to be another place, and I didn't think it was going to be the rest of my life."

She pauses a moment, and becomes just the slightest bit exasperated. "I still don't know why you're putting my name on that chair!"

Carl Spaeth

Peter Bouckaert '97

has been at the forefront

of a new era in human

rights work. MAKING THE WORLD

A foreign correspondent

tells of Bouckaert's

travels to strife-ridden

lands to quickly spotlight

atrocities that once

would have remained

obscured for months,

for years, or forever.

Unsafe for Dictators

BY IAN FISHER

Ian Fisher is the Central Europe and the Balkans correspondent for *The New York Times*.

Peter Bouckaert's nickname back at the office is "Bait," which is to say if there is a war going on somewhere he is the guy most likely to get dangled in front of danger. He does not look the part. He irons his jeans. He wears neat checked shirts and top-siders. He says "dude" a lot. All of which makes him seem like a young lawyer who just stepped genially out of Casual Friday into something like hell, whether it is in Afghanistan, Jenin, Chechnya, East Timor, Sierra Leone, Kosovo, or Macedonia, where I shared an apartment with him last summer at a moment when another Balkan war seemed primed to explode. It is a mistake, though, to be fooled by his appearance.

"These are very dangerous men," the Afghan warlord General Abdul Rashid Dostum told 90 of his commanders recently. He was referring largely to Bouckaert, emergency coordinator for Human Rights Watch. After Bouckaert, 32, and his colleagues had spent weeks documenting abuses against ethnic Pashtuns, he then wrote a report one newspaper described as "a chilling litany of rape and murder." Dostum had all 52 pages of the report read out to his commanders, responsible for many of the crimes. He punctuated the recital with a warning:

"If any one of my commanders commits these kind of acts," he threatened, "I will kill him tomorrow."



Bouckaert, a trouble-shooter for Human Rights Watch, interviews victims of the war in Afghanistan.

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This is not exactly what Bouckaert—who graduated from Stanford Law School in 1997—has in mind when he says that human rights work must have a concrete impact. But Dostum himself made the larger point clear, when he told his men that a warlord's warriors must be more “careful” and treat the enemy a little, well, nicer.

“As human rights activists we want to stop abuses,” Bouckaert says. “We don’t just want to document them.”

He spoke with me by mobile phone from the rubble of the Jenin refugee camp in the West Bank, as likely as anyplace to find him last spring. You can also track Bouckaert through his appearances in the media: on *Nightline* one evening, CNN another, or in the pages of *The New York Times* or *The Washington Post*, which recently ran a flattering profile saying that Bouckaert is “emerging as one of the most skillful human rights investigators of his time.”

The trip to Israel and the Palestinian territories was the most recent stop in an especially busy year, sent into overdrive by the crises in Central Asia after the September 11 attacks and in the Middle East. It was also but the most recent example of the unusual, and more prominent, role that Bouckaert and Human Rights Watch are playing in a very unsettled world.

Dostum or United States congressmen to pay attention, and maybe even to react.

And it turns out, Bouckaert, soft-spoken, brave, in command of his facts, more calm than not, is quite good at all of this—the research, the writing, the dealing with victims and journalists alike.

“He is the kind of guy who could be dangerous in other circumstances,” said Sam Zia-Zarifi, a colleague at Human Rights Watch, who spent several weeks with him in Afghanistan after the September 11 attacks. “He is very talented and able and energetic. One assumes that whatever he had wanted to do he would have been good at it. He could have been a rapacious litigator or an obsessive politician.”

What Bouckaert has become is one of the most substantive members in a group he grimly calls the “Vulture Club.” That is the pack of aid workers, diplomats, human rights advocates, and journalists who shift from conflict to conflict, sometimes heroically, sometimes with insufferable machismo. He himself does not swagger, one of the traits I admire about him most, despite having what appears at first glance to be a pretty romantic job.

In Jenin, he and colleagues did the laborious work of interviewing most of the families of Palestinians killed in the May 2002 Israeli incursion (when just a few interviews will do for most

news stories)—and they established the minimum number of dead at 52, including 22 civilians. He did not, however, find evidence of the large-scale massacres that the Palestinians claimed, or the absence of abuses the Israeli army contended. As a result, the report pleased

neither side, though it was accepted as authoritative in the wide press coverage it received.

“We consider a suicide bombing just as serious a crime as violations carried out by the Israeli army,” he says. “This isn’t a job where you are going to make a lot of friends on the governmental level. But nothing makes my day more than exposing some little dictator or abusive warlord.”

I first met Bouckaert in 1999 in Kenya in his prebeard days, when he stopped by my office to discuss a report he had written on Uganda. The report was excellent, but I was distracted by something more personal: He spoke with no real accent, if with a touch of laid-back California. He seemed perfectly American, so I was prepared to pin on him a stack of assumptions about why

THOMAS DWORZAK/MAGNUM PHOTOS



Bouckaert and foreign correspondent Ian Fisher shared an apartment in Macedonia when the country was drifting toward war last summer.

That role, in short, involves not just the hard-nosed research into abuses that Human Rights Watch has always done (“Making the world unsafe for dictators since 1978,” reads a company T-shirt Bouckaert often wears). As information speeds around a distracted globe about more and more conflicts, the group’s goal has shifted more to getting its research before the public quickly—to force people like Ariel Sharon or Yasir Arafat,

It was the funeral of a Macedonian pensioner in Tetovo last summer, and Bouckaert was there to interview people who said they saw him murdered by National Liberation Army rebels.



he might be wading so deeply into African politics. But something was a half-note off: What was it, exactly?

The answer: He is a Belgian who did not really speak English until he moved to California at age 15. I have since realized that he does have an accent that can be a dead giveaway with a few choice idioms (such as, "You mudder-----!") He dotes over his food and wine in an un-American way. But this life as an outsider, if not as an obvious one, is a key to him and his work—and another reason it is a mistake to draw any quick conclusions based on how he looks.

He grew up mostly in a renovated farmhouse in Belgium, fishing, raising rabbits, collecting chestnuts. He did not travel widely, though his father, a biotechnology entrepreneur, did—and Bouckaert developed an interest in the outside world through presents his father brought back, from two adventuresome uncles, and from his grandmother's shop of knickknacks from Asia and Africa.

When he was eight, his brother, Thomas, younger than him by one year, was killed in a car crash—a tragedy his father, Joseph,

"As human rights activists we want to stop abuses," Bouckaert says. "We don't just want to document them."

says instilled a deep compassion. "He has been in touch with human problems and tragic problems very early," his father says. In 1985, the family, which by then included another boy, Mikael, moved to the San Francisco Bay Area for his father's new job. It was not an easy move, Bouckaert says.

"It was definitely an extremely radical life change," he says. "I barely spoke any English. I was basically a country hick coming to a society where coolness is high on the agenda. I definitely was not cool."

He says he was struck particularly by the disparity between white and black Americans. He made black friends, listened to rap, and ended up a student activist majoring in African-American studies at the University of California at Santa Barbara.

Bouckaert was back at Stanford Law School in spring 2001, speaking at the invitation of Dean Kathleen M. Sullivan, as part of her Lawyer Heroes series. But when he first enrolled at the

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School in 1993, he found it difficult to imagine that such a strong bond would ever form between him and the Farm. He felt out of place. On his first evening, at a potluck, students went around the table, stating their legal interests, he recalls, and one after another said securities law. "I thought to myself, 'I need to look up what this securities stuff is about,'" he remembers. As a 1L he missed the campus political activism of his undergraduate days, but it cleared the way for him to concentrate on academic work, taking virtually every course there was on international law and human rights. And so during those years his thinking matured. No longer did he simply oppose abuses on principle; he learned to analyze them in a comprehensive legal context. "I learned to defend my ideas," he says. "That meant putting them into a more rigorous intellectual framework."

Bouckaert didn't just attend classes. He sought out professors even if he wasn't taking their courses. That happened with Robert Weisberg, Edwin E. Huddleson Jr. Professor of Law, who says Bouckaert stopped by his office to pursue questions about race and criminal law. He was impressed by Bouckaert's career focus. "He had thought it through clearly and had a great idea

At Stanford Law School, he took virtually every course there was on international law and human rights, graduating with distinction. "He was not interested in conventional achievement," recalls a professor.

of what lawyers can do with human rights," Weisberg says. "He was not interested in conventional achievement. He came here full-grown." He worked as a research assistant for Weisberg, for Lawrence Friedman, Marion Rice Kirkwood Professor of Law, and Sophie Pirie '87, the then codirector of the Stanford Program in International Legal Studies. Those jobs, Bouckaert adds, honed the writing and research skills that today make his reports so impartial and authoritative. "If I had to choose again where to go to prepare for the work I do now, I would not hesitate a moment to choose Stanford Law School," he says.

Bouckaert, however, did not do law school in three straight years. He decided to take time off after his first year and applied to the main legal aid organization in South Africa, the Legal Resources Center. A lawyer who worked there at that time, Nicolette Moodie, remembers that they were looking to "get a little diversity" in their intern program. They were pleased to receive his CV, which included his undergraduate degree in black studies and his leadership of a black students group. "We thought we

finally managed to get a black intern," Moodie says. "When he arrived we were kind of taken aback: 'You weren't supposed to be white.'"

It was what he calls a "heady" time. He helped draft the legislation for the Truth and Reconciliation laws. He worked on a legal case that abolished the death penalty. He fell in love, with Moodie, and moved in with her four days after their first date. When he returned to Palo Alto in 1995, she accompanied him. Two years later, he had won the Richard S. Goldsmith Award for Student Writing in Dispute Resolution, become a senior articles editor on the *Stanford Journal of International Law*, and graduated with distinction. He then won a fellowship with Human Rights Watch—an organization, he says, "I knew little about at the time."

There is a story, now famous in human rights circles, about a meeting that took place in 1994 as the genocide in Rwanda hacked away the lives of half a million, maybe many more, ethnic Tutsis. Alison Des Forges, a Rwanda expert for Human Rights Watch, pleaded with Anthony Lake, then the National Security Advisor for the Clinton administration, to help stop the slaughter.

"He told her that we needed to shout louder," Bouckaert says. "What he was saying was that the political establishment only moves when it comes under tremendous public pressure. That was shown again in Bosnia and even in Kosovo. So we had to do a radical re-think of our methods."

The test was Kosovo, and Bouckaert, in his first major war, played a key role in a new direction for Human Rights Watch: not merely to write reports that went to print weeks or months after the abuses they documented, but for field researchers to work closely with reporters, sharing their information and findings in "real time," as one of Bouckaert's reporter friends says, to have a more immediate effect on policy.

In September 1998, Bouckaert joined Fred Abrahams, the longtime Kosovo expert for Human Rights Watch, who heard one night about a massacre of Albanians in a village called Obrinje. The two told Jane Perlez, a veteran *New York Times* correspondent, and they all went. There they found the corpses of three elderly people, "including a man who had his head split open and was still holding his cane," Bouckaert remembers.

In a nearby forest, they first found blood-soaked mattresses, one transformed into the soggy platform for a human brain. Then: "We walked past the shelter up a small gully and found the seven bodies that remained. First a group of mostly women, including a pregnant woman who had her belly ripped open. At



An elderly villager was weeping at the site of the Obrinje massacre, when Bouckaert arrived with *New York Times* reporter Jane Perlez. Twenty-one members of the Deliaj family were killed in the 1998 attack in Kosovo.

PETER BOUCKAERT/HUMAN RIGHTS WATCH

and the photos' ugly glare—helped galvanize U.S. intervention against Slobodan Milosevic, the Serbian leader. And it was strengthened by the expertise of Bouckaert and Abrahams and the authority of Human Rights Watch on the scene.

"The story would not have been as vivid or as strong without Peter," Perlez says.

But the result of Bouckaert's fieldwork goes beyond a newspaper story. Milosevic this year has been on trial before an international tribunal at The Hague. He is charged with committing war crimes in Kosovo in the late 1990s and in Croatia in 1991, as well as committing genocide in Bosnia-Herzegovina in the early 1990s. The first part of the trial, which began in February, is devoted to Kosovo, and affidavits submitted by Bouckaert and Abrahams were used in developing the case against the former Serbian leader. In June, Abrahams testified before the tribunal about the massacre in Obrinje, and Bouckaert's report was central to his testimony. He presented the pictures Bouckaert had taken, including the one of the two girls' bodies. The testimony and the evidence provides a strong challenge to Milosevic's defense—that the NATO bombings were the cause of the atrocities. The tragic events in that small village occurred before the Alliance had decided to intervene.

A year after his work in Obrinje, Bouckaert was named researcher for emergencies, which means he

Kosovo was his first major war, and he helped add a new dimension to Human Rights Watch: high-speed investigations that disseminate the results in "real time" so as to affect policy immediately.

the end of the gully, we found a mother and her two small daughters, aged five and seven, all three of them shot in the head.

"I'll never forget those two little girls in their anoraks," he adds. "I have a picture of their bodies being removed from the forest in my office. They remind me of why I do this work."

With the interviews they gathered on 13 deaths, Perlez wrote a front-page story in *The New York Times*, for which the editors made the rare decision to run explicit photographs of the victims. Human Rights Watch issued a press release, followed later by full-length reports. After the war, Richard Holbrooke, the American diplomat, was quoted as saying that the *Times* story—

is Human Rights Watch's main war reporter (thus the nickname "Bait"). Since then he has traveled to and written reports about Sierra Leone, Guinea, East Timor, Pakistan, Zimbabwe, Turkey, Azerbaijan, Hebron, as well as spent six months on and off monitoring the war in Chechnya, an especially hard assignment given the risk of kidnapping and assassination. Dan Williams, a reporter for *The Washington Post*, recalls how he first met Bouckaert in Nazran, in Ingushetia, the republic next to Chechnya, then kept running into him, it seemed, everywhere.

"I began to think he was more than one person," Williams says. "There didn't seem to be a tent in the refugee camps near

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Chechen women grieve at the February 2000 funeral of two sisters who were killed and then set on fire. A third sister carried their remains across the border to Ingushetia for burial. Bouckaert spent months monitoring the region, where aid workers are considered prime kidnapping targets.

He argued, insistently and persuasively, that what mattered was civilians killed, not the number, and that I should write a hefty reconstruction. That story appeared on the front page of *The New York Times* at the same time as his report. In short, he made sure that Ljuboten did not disappear.

Nazran where Peter hadn't been. And then, I began to spot him in other countries I happened to work.

"In Macedonia once, I rushed to the scene of the killing of five Albanians at the hands of masked gunmen—apparently from Macedonian security services," Williams says. "He was already at the scene of the crime, inspecting the blood-stained room, checking the angle of the bullet holes, interviewing survivors. He was like a cop on the beat. Then he said he was heading for the Far East."

Macedonia is where I saw him again, during the fighting last summer between the Macedonian army and a new crop of Albanian rebels. One of my first nights there, angry Macedonians stormed the Parliament, beating up journalists and firing off machine guns. They were not aiming, as far as I knew, but I still decided to write my story on the hotel room floor. There was Bouckaert, wandering in and out of my room, having a firsthand look on

the streets. The nation was sliding into civil war, which is exactly why Bouckaert was there.

I could say a lot about Bouckaert's uncanny ability to keep up with virtually everything, buzzing around in a fifth-rate car with Archie, his Albanian fixer, who had to endure his constant attempts at humor to take the edge off. Or about how he looked even-handedly into allegations about abuses by both Albanians and Macedonians. But the way he works—and its reach—was best summed up in the case of Ljuboten, which turned out to be the site of the worst single killing of the war.

He was actually back in New York in mid-August, when Macedonian security forces stormed the village in retribution for a nearby land mine explosion that killed eight Macedonian soldiers. The result was 10 ethnic Albanians dead and hundreds arrested—on a day when the nation's interior minister, Ljube Boskovski, was in the village itself commanding the troops.

A few reporters and I weaseled our way past roadblocks into

Ljuboten, while many corpses still lay unburied. But our stories did not get much attention, in part because of the small number of dead compared with the wars in Bosnia and Kosovo, in part because peace talks were becoming real news.

Even though the story had deflated, Bouckaert came back to Macedonia. He interviewed dozens of family members, concluding that the dead were civilians. He examined Boskovski's role. He argued, insistently and persuasively, that what mattered was civilians killed not the number and that I should write a hefty reconstruction. That story appeared on the front page of *The New York Times* at the same time as his report. In short, he made sure that Ljuboten did not disappear.

"His investigation and report into the killings at Ljuboten are absolute proof that what he does actually bears results," says Christian Jennings, a British journalist who covered Macedonia, noting that The Hague war crimes tribunal may well indict Boskovski.

"Peter's Macedonian investigations—which, we should remember, he was carrying out single-handedly and in the face of fairly significant governmental threats—provided some of the most solid evidence about the wrongdoings committed by both sides in a conflict covered by dozens of journalists."

Just to be safe, Bouckaert's bosses would not send him to Macedonia for a while.

When he is not someplace awful, Bouckaert lives in Brooklyn with Moodie, who works on HIV/AIDS efforts for the United Nations. He fishes and cooks in his spare time. They have a parrot. He does not have nightmares about his job.

"That's one of the most common questions people ask me: How can you deal with the tremendous amount of suffering you see?" he says.

Bouckaert is on a cell phone, talking to me again from Jenin. Earlier in the trip a distraught Palestinian father had begged him to look at and document the wounds of his dying son. Bouckaert responded, offering the man what little help he could, and then he continued to do still more interviews.

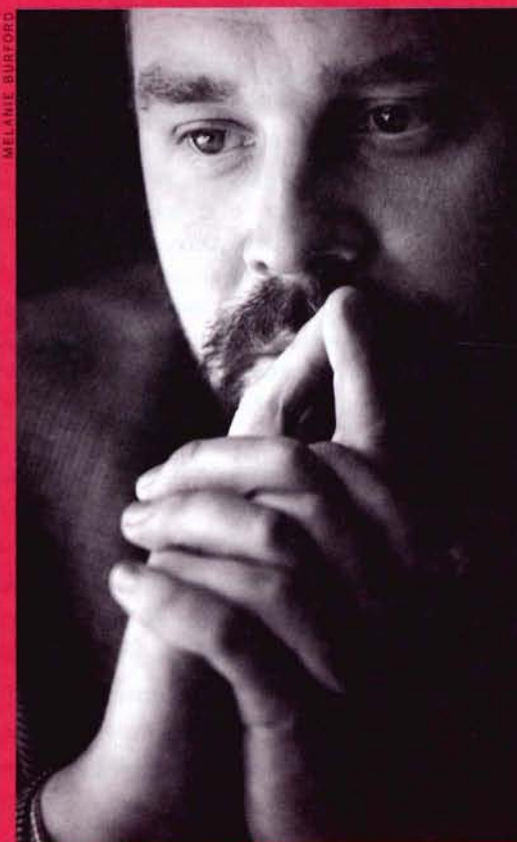
"The interaction I have with the people whose suffering I document," he says, "is much more complex."

He does not walk away haunted by some abstraction of horror: He sees concrete problems of actual people, and is inspired by their often-incomprehensible will to overcome.

"I get a tremendous amount of gratification and hospitality from them," he says. "I always find when I come home that I've learned something about the world but also about human resilience. I find it a privilege to do the work I do."

Bouckaert to Speak at Alumni Weekend

Peter Bouckaert '97, Senior Researcher for Emergencies for Human Rights Watch, plans to be on the panel, "War, Peace, and Civil Liberties: American Constitutionalism in the Wake of Terror" at the Law School's four-day alumni gathering, October 17 to 20. He is scheduled to join Mariano-Florentino Cuéllar AM '96, PhD '00, Assistant Professor of Law, Stanford Law School, and former Senior Advisor to the Under Secretary of the Treasury, Enforcement Division; and the Honorable Richard L. Morningstar '70, Herman Phleger Visiting Professor, Stanford Law School, and former American Ambassador to the European Union. The panel, which may include other speakers still to be determined, will explore the Constitutional, human rights, national security, and foreign policy implications of the nation's response to terrorism.



Peter Norbert Bouckaert '97

Professors in Print

Excerpts from faculty publications,
quotations, and commentaries



"The issue is so emotional and the stakes are so great we're likely to have great abuses from the exercise of discretion. So it would be better to go to a system that has less discretion rather than more."

R. RICHARD BANKS (AB '87), Associate Professor of Law, on developing policy to codify when and how law enforcement should consider skin color, in "Use of profiling to discover would-be terrorists," by Tovia Smith, *Morning Edition*, February 12, 2002

"It is much more about sharing the profits from genetic resources than it is about conserving biodiversity, about science."

JOHN H. BARTON '68, George E. Osborne Professor of Law, on the Convention on Biological Diversity, in "Biologists sought a treaty; now they fault it," by Andrew C. Revkin, *The New York Times*, May 7, 2002

"With a professional partnership like this, the assets of the firm are walking and breathing. The value of the firm rests in the human capital of the firm."

G. MARCUS COLE, Associate Professor of Law, pointing out that those suing Arthur Andersen cannot seize partners' personal assets, in "Andersen divided on options: Fight or plead scenarios leave partners at odds," by Delroy Alexander and Robert Manor, *Chicago Tribune*, April 12, 2002

"The problem with simply listening to the attorney general tell us we still need the Patriot Act to be safe—perhaps even a new Son of the Patriot Act—is not that he is wrong, but that we cannot tell if he is wrong. Instead of just arguing over whether we struck the right balance between security and liberty, we should demand that the Justice Department and the legislators who oversee it answer these questions: What are we doing to improve our ability to see if we have struck the wrong balance, and should we extend the parts of the Patriot

Act that will sunset or work to make the whole thing sunset?"

MARIANO-FLORENTINO CUÉLLAR (AM '96, PhD '00), Assistant Professor of Law, "When liberty and security collide," *San Jose Mercury News*, May 23, 2002

"The Ninth Circuit in this case was not out of step with people's lay understanding of what reasonable punishment is. Disproportionality is not rocket science. You don't need to have a law degree to get your mind around the idea that someone shouldn't go to jail for 50 years to life for a crime that could have been a misdemeanor and probably would have been a misdemeanor if the prosecutor was not trying to build his conviction record."

MICHELE LANDIS DAUBER, Assistant Professor of Law, on the Supreme Court case involving the three-strikes law, on *Forum with Michael Krasny*, April 9, 2002

"This paper argues that interventions that were external to the Southern economy were important in changing the quantity and quality of schools available to African-Americans. General economic forces, such as migration to urban areas and northern states and changes in industrial composition, had some influence on schooling quality levels but do not explain the particular timing of relative gains in schooling quality in Georgia. Because migration from rural to urban areas within the South does not appear to be a driving force behind the black relative gains in schooling quality, and because the advent of WWII does not match the timing of relative increases in teacher salaries, we must look elsewhere for the explanation. What remains as the most attractive explanation for the rapid gains in relative black/white educational quality is legal action in the form of a min-

imum-term-length law and civil suits regarding teacher pay equity, which are closely synchronized with relative improvements in quality. Across the entire South, the civil litigation campaign launched by the NAACP emerges as the dominant factor behind relative gains in teacher salaries."

JOHN J. DONOHUE III, William H. Neukom Professor of Law and Academic Associate Dean for Research; James J. Heckman; and Petra E. Todd, "The schooling of Southern Blacks: The roles of legal activism and private philanthropy, 1910–1960," *The Quarterly Journal of Economics*, February 2002

"The last thing these defendants needed was a weird defense and, unfortunately, that's what they got."

GEORGE FISHER, Professor of Law, on the trial of Marjorie Knoller and Robert Noel for the dog-mauling death of their neighbor, in "Next: The appeal," by Dennis J. Opatrny, *The Recorder*, March 22, 2002

"Enron gives a very useful tool a bad name for no reason. Structured finance is used for a zillion different and worthwhile purposes. The problem is Enron used it . . . to hide things."

RONALD J. GILSON, Charles J. Meyers Professor of Law and Business, on the impact of Enron's relying on complicated financial tools to camouflage the deals that led to its collapse, in "The brick stood up before. But now?" by Diana B. Henriques, *The New York Times*, March 10, 2002

"Countering genetic determinism is probably the most important public education issue in human genetics. . . . [Too many people believe that] genes are fate, which is scientifically false for almost everyone."

HENRY T. GREELY (AB '74), C. Wendell and Edith M. Carls Smith Professor of Law, on scientist J. Craig Venter's establishment of two thinktanks, in "Genetics' Venter uses his profit for new causes," by Scott Hensley, *The Wall Street Journal*, April 30, 2002

Sex, Race, and Bias Law

"The social-biological distinction cannot explain the law's quite different treatment of racial and sexual separate-but-equal segregation. It is a truism of civil rights law that mandated racial segregation, even with materially equal facilities, is invidiously discriminatory. By contrast, sex segregation has been readily accepted with respect to bathroom, dressing, and sleeping facilities and found debatable on a case-by-case basis with respect to separate educational facilities for males and females.

"We cannot plausibly explain these differences in treatment on the ground that biological differences justify the sex but not the race segregation. They make much more sense when one considers contemporary civil rights law as a strategic response to the social norms left in the wake of dismantled status hierarchies that valued whites over blacks, and men over women.

"A strategic response must take account of the nature of the enemy, and the different histories of racism and patriarchy help explain the varied responses to 'separate-but-equal' segregation. Racism and its legal manifestations have always rested squarely on an ideology of white supremacy. Attempts to justify segregation as a path to the separate development of different but equally valuable human groups have never been more than transparent rationalizations devised by white supremacists in response to external restraints on the simpler forms of discrimination.

"By contrast, the evolution of the ideology governing relations between the sexes has been more complex. From an earlier normative order based on the conception of women as clearly inferior, placed below men on the Great Chain of Being, the nineteenth century developed an ideology of separate spheres—that men and women were of equal worth, though different in their natures. Men were stronger, more logical, and more decisive, and thus more fit for the public spheres of marketplace, forum, and battlefield. Women were more flexible, intuitive, nurturing, and pure, and thus more suited for the private realms of home, church, and salon.

"Simple rationalization of male domination played a major role in this ideology, but there was more to it than that. The separate spheres theory was, in certain respects, a genuine first step on the road to legal and social equality for women. Indeed, the notion that women are importantly different from men but equal to them in worth still survives in the influential 'difference' strand of contemporary feminist theory. The ambiguous legacy of separate spheres ideology means that contemporary sex discrimination law must make a nuanced distinction between the manifestations of that ideology that are simply ruses for male supremacy and those that are reflections of egalitarianism."

Thomas C. Grey, Nelson Bowman Sweitzer and Marie B. Sweitzer Professor of Law, "Cover blindness," in *Prejudicial Appearances: The Logic of American Antidiscrimination Law* (Duke University, Paperback, January 2002), by Robert C. Post, with K. Anthony Appiah, Judith Butler, Grey, and Reva B. Siegel

PREJUDICIAL APPEARANCES
THE LOGIC OF AMERICAN
ANTIDISCRIMINATION LAW



ROBERT C. POST, with
K. ANTHONY APPIAH, JUDITH BUTLER,
THOMAS C. GREY, and REVA B. SIEGEL

"Plaintiffs continue to have powerful economic incentives to sue many companies for large sums of money. Whether these claims have merit is an entirely different issue, but the incentive to sue is alive and well."

JOSEPH A. GRUNDFEST '78,

W. A. Franke Professor of Law and Business, explaining why there hasn't been a decline in lawsuits since Congress passed the Private Securities Litigation Reform Act of 1995, in "Enron's Impact on the PSLRA," by Patricia J. Villareal, *Texas Lawyer*, April 29, 2002

"Lawyers who defend terrorists already pay an enormous price. Hate mail, death threats, bomb scares, and ostracism by other potential clients are routine costs of representing social pariahs. Now the government has added the risk that lawyers

suspected of being conduits of client messages will face wholesale invasions of privacy and felony indictments."

DEBORAH L. RHODE, Ernest W.

McFarland Professor of Law, on DOJ's felony indictment of the lawyer representing convicted terrorist, Sheik Omar Abdel Rahman, "Terrorists and their lawyers," *The New York Times*, April 16, 2002

"The holdings against the shareholders in the Skarbrevik-Felty line of cases are usually supported with the claim that 'corporate counsel represents the corporation, not its constituents.' This precept is typically invoked without elaboration as if it were sufficient on its face to dispose of the shareholder's claim. In fact, this precept merely raises the question of what the corporation's interests are in the circumstances

of the case, and the implicit answer the cases give is often highly implausible."

WILLIAM H. SIMON, William W. and

Gertrude H. Saunders Professor of Law, from his recent paper available on the Social Science Research Network, as quoted in "Representing organizations with internal conflicts," by Steven P. Garmisa, *Chicago Daily Law Bulletin*, May 6, 2002

"Our scientific research clearly shows that chocolate products contain lead and cadmium, heavy metal poisons known to the state of California's health experts to be hazardous to human health."

DEBORAH SIVAS '87, Lecturer in Law,

on the American Environmental Safety Institute's suing chocolate makers, in "Chocolate contains health hazards, according to a suit," *The Wall Street Journal*, May 9, 2002

SERVING UNCLE SAMUEL

William B. Gould escaped slavery to enlist in the Union Navy. A diary from his years

at sea inspired the forthcoming biography by his great-grandson,

William B. Gould IV, Charles A. Beardsley Professor of Law



William B. Gould IV

SUNDAY NIGHT, SEPTEMBER 21, 1862, IN WILMINGTON, NORTH CAROLINA. The evening is both dark and rainy when eight black men take possession of a boat and embark on the Cape Fear River, four blocks from where William B. Gould, one of the men, resides on Chestnut Street. It is 28 nautical miles to the mouth of the river as it flows into the Atlantic Ocean. And ahead lies heavily armed Fort Caswell, where the Confederate presence denies the U.S. Navy access to Wilmington's busy harbor.

As the boat silently sets out from Orange Street, Gould and the seven other men know that they must move quickly in the cover of darkness, for the alarm will soon be sounded for eight missing slaves. The word will go out promptly to the sentries posted along the Cape Fear River to be on the watch for these fugitives.

Down the river they descend southward toward the Atlantic, bending ever so slightly to the west at Smithville before the final dash down toward the cape itself. Though their boat possesses a sail, they dare not hoist it until they are in the

Atlantic's swell. Thus, the eight men must take turns at the oars on this journey. It will take the entire night of September 21–22 to proceed beyond the river and to avoid inevitable detection at daybreak.

On September 22, with their sail set high to catch the ocean's breezes, they are spotted by both the U.S.S. *Cambridge* and the U.S.S. *State of Georgia*, part of the North Atlantic Blockading Squadron. In her September 22 log, the *State of Georgia*, operating close enough to Fort Caswell to see it at 8 a.m., says: "At 10 saw a boat and at 10:10 *Cambridge* made signals and started in chase of boat. At 11:20 the stmr *Cambridge* sent a boat and reported picking up a boat with 8 contrabands on board."

Simultaneously another drama unfolds in Washington, D.C. The day before the escape from Wilmington, President Abraham Lincoln returns to the White House on Saturday to prepare for a Monday meeting with his cabinet about his intent to promulgate an emancipation proclamation. On Sunday morning, September 21, 1862, he rewrites the document, "the culmination of months of work and worry." On Monday, at almost the same time Gould and the seven others are picked up by the *Cambridge*, the president announces his intent to fashion a preliminary proclamation through which the slaves held by those in rebellion will be freed on January 1 by virtue of the president's military authority.

The following excerpt from *Diary of a Contraband: The Civil War Passage of a Black Sailor* (Stanford University Press, Fall 2002) was adapted for *Stanford Lawyer*. To place advance orders for the book, go to www.sup.org, call 650/736-1783, or e-mail lbritson@stanford.edu.

- Mend. At 9 Spoke Statue of Liberty
 9.50 Saw a sail S.W. by S. and
 signalized same to other vessels.
 Stood for strange sail and at 10.30
 picked up a boat with 8 Contrabands
 from Wilmington N.C. Stood back
 towards the Anchorage at 11.15.
 11.45 Anchored in 1 1/2 faths water 60 faths sho-
 red. point bearing N.W. by N 1/2 N.
 Names of Contrabands
 Joseph Hall

The backdrop is the USS
 Cambridge's log entry
 from September 22,
 1862, about picking up
 "a boat with 8 contra-
 bands"—Gould and sev-
 en other escaped slaves.
 In the foreground is the
 diary that Gould started
 five days later and
 continued through his
 service in the navy of
 "Uncle Samuel."

Gen.
 And
 Wm R
 John
 Chas
 John N
 Wm G

he had visited Wilmington, saw
 people all well. I felt very much
 relieved, but my joy was of short
 duration, for this evening I received
 a letter from my sister bringing
 me the sad news of the death of my
 mother. She died March 19th. The
 sad news for me. The first letter
 that I receive from my sister
 contain such news. wrote to her
 sister
 At Flushing, fine day. This being
 Holyday ashore (ascension day)
 took a stroll through the town.
 rival of A Dutch Ship. her Officers
 visited our ship
 At Flushing, fine day. we over-
 and repaired rigging, we received
 from the States. I received a paper
 we heard a report that Jarvis
 been captured, also that our
 are being disbanded and the
 discharged soldiers are going in
 numbers to Mexico. Look out

May 27th 18
 At Flushing, fine day. took
 last night I received an A
 A letter from Miss U.S. from
 went ashore to play. on
 first Poland man that lay
 water

May 28th
 At Flushing, fine day.
 inspection at 10. I saw
 last night A Boat car-
 some Officers, when
 the men were saved.
 carried out to the Boat
 the Bow of another
 saved, we recovered the
 received a mail from
 letter from C.W.P.
 death of my brother
 day received news of
 Jarvis. (he was a
 Cavalry. We also
 wall. at Havana
 hand on the
 conspirators. a

Mend
 W.C. Odion



William B. Gould, circa 1900, posed for this picture in his veteran's hat and the medals he was awarded for his Civil War service. The uniform is for his volunteer duty after the war as commander of a veterans' unit, called the C.W. Carroll Post 144 of the Grand Army of the Republic.

Two years later, in recalling his rescue, Gould writes that he and his companions were “kindly received by officers and men.” They seem to have been lucky in happening on the *Cambridge*, for there appears to have been considerable concern about the number of “contrabands” reaching the ships of the North Atlantic fleet. As one commander wrote to his superior in the Department of the Navy, “Fourteen contrabands have reached the *Monticello* and *Penobscot* and several the *Cambridge* within a few days, and as the vessels have not room for them, will you please direct what disposition shall be made of them?” But William A. Parker, the commander of the *Cambridge*, did not share this concern. On the contrary, just five days before he picked up the eight runaways, he had written to the same official, Acting Rear-Admiral S. P. Lee, proposing to make use of any contrabands he might encounter.

From September 27 onward, Gould kept a diary that chronicles his daily life in the navy. It is clearly the work of a literate man, one who shows every sign of having received something more than an elementary education, since he had

some knowledge of Shakespeare and French, as well as Spanish expressions. There are only two major hiatuses, one from May to October 1863, when he was hospitalized with the measles, and the other between late September 1864 and early February 1865, which appears to be a section that was lost. Gould's service career takes several forms. He begins, as noted, as a crewman on the U.S.S. *Cambridge*, part of the North Atlantic Blockading Squadron. And he later spends two years aboard the U.S.S. *Niagara*, chasing Confederate ships in the waters off Canada and around Europe. At the end of his service, he settled in Dedham, Massachusetts, where he was a leading citizen until his death in 1923.

By the time Gould took what he called “the Oath of Allegiance to the Government of Uncle Samuel,” the War of the Rebellion had become a struggle for freedom. The Emancipation Proclamation was issued in the wake of the bloodiest one-day battle ever, Antietam, and it became a beacon of hope for proponents of freedom and equality, not only in the United States, but throughout the world. Indeed in Europe, where the forces of reform and equality had been in retreat with the defeat administered to them in 1848, there was not a single republic left, prompting Lincoln's comment that the struggle for the Republic in the United States made the United States the “last, best hope of earth.”

Gould's diary tells us that, for him, these were the real goals and objectives of the war. Consider this comment in 1864: “[H]eard of the departure of one battalion of the 5th Regiment Massachusetts Cavalry from Camp Meigs for Washington, D.C. May God protect them while defending the holiest of all causes, Liberty and Union.” On occasion, his commitment to the cause of war brings him to heights of eloquence, most of all, perhaps, when he learns of the surrender at Appomattox:

On my return on board I heard the Glad Tidings that the Stars and Stripe[s] had been planted over the Capital of the D—nd Confederacy by the invincible Grant. While we honor the living soldiers who have done so much we must not forget to whisper for fear of disturbing the Glorious sleep of the ma[n]y who have fallen. Mayrters to the cau[se] of Right and Equality.

When the U.S.S. *Niagara* captures the *Georgia*, he writes:

[W]e boarded her and found her to be the Rebel Privateer “Georgia” from Liverpool on her way to refit as A cruiser but that next cruise that she makes will be for Uncle Samuel. This capture makes our Crew feel verry proud. They [the crew of the

SIMULTANEOUSLY ANOTHER DRAMA UNFOLDS IN WASHINGTON, D.C. THE DAY BEFORE THE ESCAPE FROM WILMINGTON, PRESIDENT ABRAHAM LINCOLN RETURNS TO THE WHITE HOUSE ON SATURDAY TO PREPARE FOR A MONDAY MEETING WITH HIS CABINET ABOUT HIS INTENT TO PROMULGATE AN EMANCIPATION PROCLAMATION.

Georgia] said that they ship'd in her to go to the Coast of Africa but they made A short voyage. That is one good deed for the "Niagara" and we hope that she will do many more before the cruise is up. We will now take A look for some of the other cruiseers of would be King Jeff.

As the war comes to a conclusion in 1865, he hopes that the "Conspiretors" being tried in Washington "shall reap their reward," and is gratified to hear that "Davis [had] been carried to Washington to be tried by court martial on the indictment of treason. We hope that the sour apple tree is all ready." He is dismayed and alarmed, then, to hear that the Confederates are being pardoned very quickly. From the tone of his statements on the Confederacy in general, he clearly felt that the rebels were guilty of treachery, and that it was unseemly to deal with traitors in an excessively lenient manner.

Gould's outrage was voiced on other issues, as well. While sailing the Atlantic in search of Confederate cruisers, he seems hardly to have been able to contain himself at the proposal making headway in some circles to colonize blacks outside the country. In one of the most passionate statements we ever hear from him, he speaks with vigor of his opposition to any such policy: "We see by the papers that the President in A speech intimates Colonization for the colard people of the United States. This move of his must and shall be resisted. We were born under the Flag of the Union and we never will know no other."

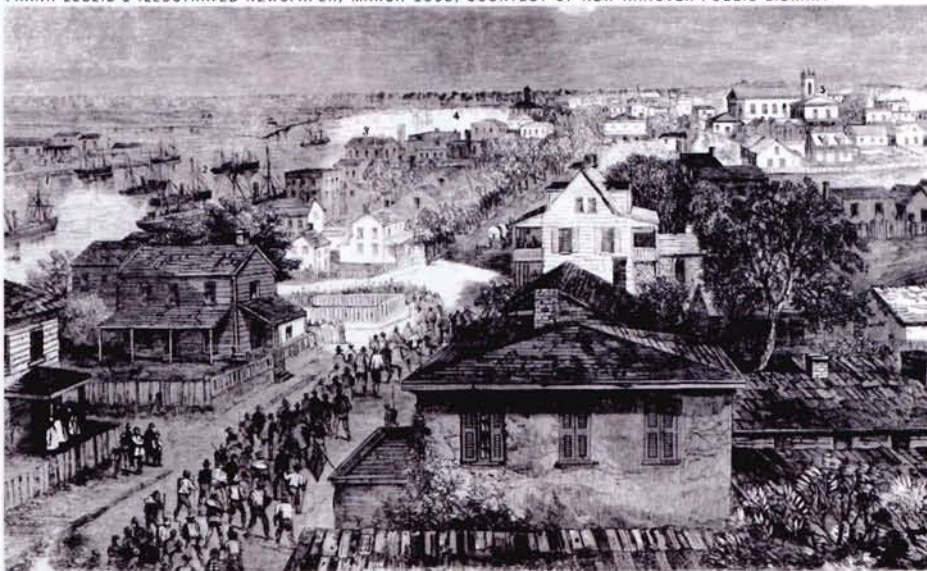
And Gould also expresses great outrage at the way some black soldiers who had been brought aboard his ship were treated:

Yesterday about 900 men of the Maryland (colard) Regiment came on board (they being transfer to the Navy) and took dinner then departed for Portsmouth N.H. They were treated verry rough by the crew. They refused to let them eat off the mess pans and calld them all kinds of names. One man his watch stolen from him by these scoundrels. In all they was treated shamefully.

Yet more often, Gould is prone to understatement, particularly when he was still assigned to blockade duties aboard the U.S.S. *Cambridge*. Of the shots coming from Fort Fisher on the shore of North Carolina, he says merely that they were "too close to us to be at all agreeable." In a similar vein, his only comment on the fire his ship took from the fort a few days earlier is that the rebels had "done some verry close shooting. Show's that they knew thair work." When, in mid-November, the *Cambridge* happens on a Confederate ship, he laconically writes, "We told them good morning in the shape of a shot." And he notes of a later engagement that they "[b]ore down and sent our respects from our Parrott [ship's gun]."

On the whole, Gould reserved his sardonic and understated writing style for serious subjects, and these he took up throughout his diary. But he often covered lighter matters, too, and here he tended to write more or less straightforwardly. For instance, he matter-of-factly notes visits to the *Niagara* by "ladies" and "visitors on board." He speaks of dancing and gaiety while a shipmate in correspondence speaks of "Ladies of rather doubtful character." And as the *Niagara* leaves Spain, he "bid[s], adue to Castiele and thair dark Eyed Beauties."

FRANK LESLIE'S ILLUSTRATED NEWSPAPER, MARCH 1865. COURTESY OF NEW HANOVER PUBLIC LIBRARY



This sketch of Wilmington, N.C., in 1865 shows the Cape Fear River and the corner of South Front and Orange Streets. It is at the foot of Orange Street, where Gould and seven other escaped slaves took a boat to begin their journey, down the river out to the Atlantic.

Other times he is able to speak in a self-deprecating manner, as when he describes one accident he had, an incident that must have been terribly uncomfortable, if not frightening, as a “bath”:

This Morning [March 16, 1864] I went to the supply store and got our stores then came down to the ward to return on board here. I took an unintentional bath. The Ladder that we had placed alongside of the warf for our conveyance of getting in and out of our boats the Ladder had become coated with Ice and as I descended the Ladder to the boat I slip'd from the Ladder into the River. I was rescued by the boats crew. It was verry cold and my face and clothes becamed coated with Ice. I soon got on board and changed my clothes. In the Evening I felt quite unwell from the effect of my bath.

The diary of William B. Gould is both eloquent and methodical. His work as a United States Navy man was undoubtedly sometimes “tedious,” the word that appeared in a letter he wrote to the abolitionist newspaper, *The Anglo-African*. The log of the ship frequently says: “nothing unusual has transpired,” “nothing transpired worthy of note,” “nothing important occurs,” “all hands painting, cleaning.” And yet, just as one is lulled with the sense that hardly anything ever came along to break the tedium, suddenly some reference to an event on the ship or a significant turn in the war insinuates itself. His diary required careful attention even in the midst of the many monotonous weeks.

Finally, it seems clear that Gould either had some prior exposure to the sea before he was assigned to the *Cambridge* or was an amazingly quick study once he enlisted in the U.S. Navy. Listen to his comments of March 29, 1864, while out on the Atlantic:

All last night we went before the gale. The Gale still blows fresh and the seas running verry high. We Ship'd several through the night and one sea fill'd the Ward Room with Water. I have got duck'd awfully last night. It was worth something to be upon the Deck although thare is so much danger in A storm. Thare is something verry sublime in one to hear the roar of the storm, the hissing of the Waves, the whistling of the Rigging and the Cannon like report of the torn sail and above all this the stern word of Command and the shrill sound of the Boatswain's Pipe. All ads to the granduer of the scene for thare is something grand in A storm. All night with eager eyes both Offercers and Men pace'd the Deck watching our Foretopsail feeling in A measure secure as long as we could carry Sail at all. It has stood through the night. Thare is no sign of the storm abateing. All the Galley fire is out and nothing to Eate is the cry and almost nothing to wear on account of the Water. Shine out fair sun and smote the Waves that we may proceed on our course and all be saved.

The calm he displayed in the teeth of the grandeur of the storm is particularly remarkable, given how *The New York Times* later reported that the ship had escaped from the “very jaws of death.”

But, as with other perils at sea, not least the Confederate enemy and discrimination, Gould was to persevere and to settle in Massachusetts at the conclusion of the war. The magnet was Cornelia Williams Read, with whom he had exchanged 60 letters during the course of the war. He had known her since childhood, and they married in November 1865 at the African Baptist Church in Nantucket. He was 28 years old.



Cornelia Williams Read Gould, circa 1890, married William Gould after the Civil War. The two corresponded often during his years at sea.

William B. Gould IV becomes an emeritus professor at the Law School in July. He has been an arbitrator in labor-management disputes for 37 years and was Chairman of the National Labor Relations Board.

2002

& CURRENT STUDENTS

Julian Mortenson '02 and **Kyle Wong '02** were elected class secretaries and will have their first column in the fall issue. Send news to Julian@post.harvard.edu.

Josh Klein '02 was awarded a clerkship with Justice **Sandra Day O'Connor '52** for the Supreme Court's 2004-05 term.

Skadden Fellowships were awarded to **Lynne Echenberg '02**, who will be working at the Bronx office of the Legal Aid Society's Juvenile Rights Division, and **Kathleen Kim '02**, who will be working in the San Francisco office of the Lawyers' Committee for Civil Rights.

Grady Jackson '02 is the winner of the Law School's Keck Award for Public Service, which recognizes a 3L student who has demonstrated outstanding nonscholarly public service during law school.

Four graduating Native American Law School students—**Beth Jervay '02**, **Heather Nason '02**, **Jessie Minier '02**, and **Carolyn Royce '02**—were honored with Pendleton blankets in May at the 30th annual Stanford Powwow, the largest student-run powwow in the nation with an estimated draw of 30,000 people.

Matt Sanders '02 was selected to participate in the Attorney General's Honor Program at the U.S. Department of Justice.

Holly Telerant '02 has been awarded a two-year Bet Tzedek Legal Services Fellowship to provide housing and employment legal services to low-income residents of the San Fernando Valley.

Dylan Vade '02 received two awards—an Echoing Green Fellowship and a grant from the Yale Initiative for Public Interest Law—to help in his efforts to establish the Transgender Law Center, which would be California's first full-time organization to protect people from transgender-based discrimination.

Deborah Hussey '03 has been awarded an American Association of University Women Educational Foundation Selected Professions Fellowship.

Angie Schwartz '04 and **Sarah Varela '04** received the Law School's Lisa M. Schnitzer Memorial Scholarship, which is awarded to 1Ls who have demonstrated a commitment to public interest and to helping the disadvantaged.

Barbara Llanes '04 won a Foley & Lardner First-Year Law Student Minority Scholarship.

A Helping Hand for a New American

As an immigrant to the United States from Haiti, **Alex-Handrah Aimé** has rarely found her non-citizen status giving her a leg up. So it was a pleasant surprise when she became the first Stanford Law School student to be awarded a Paul and Daisy Soros Fellowship for New Americans, a new national scholarship program specifically for immigrants and the children of immigrants. "The legal profession in this country has grown greater because of the contributions of new Americans," **Dean Kathleen M. Sullivan** remarked at a ceremony honoring Aimé in April. "We hope Alex-Handrah is the first of many Stanford Law School Soros Fellows."

Paul Soros was driven to start the program out of concern that this country was experiencing a wave of anti-immigrant sentiment, said Dr. Warren Ilchman, the program's director. It made its first awards in 1998, and this year selected 30 fellows from more than 1,000 applicants hailing from 141 nations. The two-year award pays \$20,000 annually, plus half tuition.

The 25-year-old Aimé, who is pursuing a joint law and business degree, moved to Brooklyn from Port-au-Prince when she was seven. Her father had spent a year in New York working as a cook and sharing an apartment with other immigrants to save the money he needed to bring over his wife and Alex-Handrah. A



Stanford Business School Dean Robert L. Joss, Alex-Handrah Aimé, Dean Kathleen M. Sullivan, and Warren Ilchman

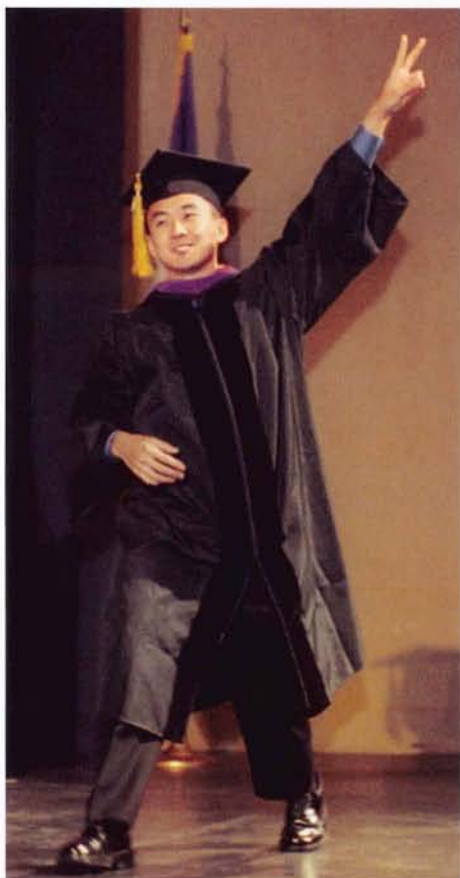
graduate of Bronx High School of Science, Alex-Handrah says she was fortunate to receive financial assistance to attend Harvard as an undergraduate, but she also recalls how one federal scholarship was cut off when a new law made it more difficult for immigrants to receive the aid.

Aimé just completed her first year at the Law School, for which she had been awarded a Herbert L. Packer Scholarship, through the generosity of **Stephen C. Neal '73**. Still, by June, she already owed more than \$30,000 in student loans. "The Soros Fellowship makes it much easier for me and other new Americans to benefit from the educational opportunities at Stanford and throughout the U.S. that are available nowhere else in the world," she says. Aimé has applied to be a citizen and hopes to pursue a career doing venture capital financing in developing nations.

Brigham Daniels '02, **Samantha Buckingham '03**, **Vanessa Frank '03**, **Corene Kendrick '03**, **Gladys Limon '03**, **Tia Martinez '03**, **Jonathan Sanders '03**, **Luke Barefoot '04**, **Rita Bosworth '04**, **Araceli Campos '04**, **Beverly Grossman '04**, **Anne Irwin '04**, **Alexis Karteron '04**, **Jenna Klatell '04**, **Dan McConkie '04**, **Elena Saxon-house '04**, **Angie Schwartz '04**, **Carrie Simons**

'04, **Shirin Sinnar '04**, **Jessica Steinberg '04**, **Sharon Terman '04**, and **Sarah Varela '04** have been awarded the Law School's Public Service Fellowships in recognition of their demonstrated commitment to public service, intent to seek permanent employment in that field, and academic achievement in their law studies.

Graduation 2002



PHOTOS BY RUSS CURTIS

SPRING SHOWERS BRING MAY GRADUATES. From upper left clockwise: Dean KATHLEEN M. SULLIVAN chats with Professor MARK KELMAN before her commencement address encouraging students "to inspire in those of us who had the pleasure of teaching you the pride in you as lawyers we have felt in you as students." . . . RACHEL HOOVER led the graduates into Memorial Auditorium, with JSD candidates HENRI TJIONG, ROSENDO RODRIGUEZ, and ADRIANA CAMARENA close behind. . . . BARBARA MERZ, a class president who introduced the students' video reminiscence about the last three years, hugs Senior Lecturer MAUDE PERVERE. . . . The rain did not start until after the ceremony, but by that time the champagne and strawberries were being served, and graduates were too happy to come in out of the rain. . . . HAMILTON TRAN did not walk across the stage: He floated on a cushion of sheer bliss.

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Thursday to Sunday, October 17 to 20



"Presidential Power in Times of Crisis: The Steel Seizure Case Revisited"

Cosponsored by the Stanford Alumni Association and the Stanford Graduate School of Business

The year 2002 marks the 50th anniversary of the United States Supreme Court's landmark decision in *Youngstown Sheet & Tube Co. vs. Sawyer*, better known as *The Steel Seizure Case*. Come hear a re-argument of this historic case before an extraordinary panel consisting of:

- **The Honorable William H. Rehnquist '52 (AB '48, AM '48)**, Chief Justice of the United States
- **The Honorable Sandra Day O'Connor '52 (AB '50)**, Associate Justice, Supreme Court of the United States
- **Gerhard Casper**, Stanford University President Emeritus and Professor of Law, Stanford Law School

The advocates presenting the case will be:

- **Charles E. Koob '69**, Chair of Litigation, Simpson Thacher & Bartlett
- **Karen L. Stevenson '98**, Associate, Hennigan, Bennett & Dorman

NEW! Stanford University Roundtable Forum: "Shifting Ground: Changing Realities in a Post-9/11 World"

Cosponsored with the Stanford Alumni Association

In the past year we have witnessed profound challenges to our political, economic, and spiritual assumptions. Many of our beliefs have been called into question as we struggle to make sense of the world around us both as a nation and as individuals. How do we balance national security concerns with concerns for personal freedom and civil liberties? Should immigration laws be reexamined in light of terrorist attacks? How have the events of the past year affected our views about racial and religious profiling? Can the needs of our economy be reconciled with our desires for peace?

Moderated by:

- **Kathleen M. Sullivan**, Dean and Richard E. Lang Professor of Law and Stanley Morrison Professor of Law, Stanford Law School

Panel is currently in formation.

"War, Peace, and Civil Liberties: American Constitutionalism in the Wake of Terror"

A panel discussion to explore the constitutional, human rights, national security, and foreign policy implications of the nation's response to terrorism.

Panelists to date include:

- **Peter Bouckaert '97**, Senior Researcher for Emergencies, Human Rights Watch (see cover)
- **Mariano-Florentino Cuéllar (AM '96, PhD '00)**, Assistant Professor of Law, Stanford Law School, and former Senior Advisor to the Under Secretary of the Treasury, Law Enforcement
- **The Honorable Richard L. Morningstar '70**, former American Ambassador to the European Union and 2002–03 Herman Phleger Visiting Professor, Stanford Law School

Dean's Circle Dinner

This gala dinner will honor members of the Dean's Circle—annual donors of \$10,000 or more. By invitation.

For additional information about these and other exciting Alumni Weekend 2002 programs and reunion activities, visit our Web site at <http://www.law.stanford.edu/alumni>.