

affairs

REVIEWS

APPRECIATION

42 The Jazz Man

Charles Black's upbringing in the segregated South inspired his lifelong fight for civil rights.

BY AVIAM SOIFER

RULE OF LAW

44 Danger in Numbers

Why it makes sense to have harsh punishments for conspiracy.

BY NEAL KUMAR KATYAL

GENRE

48 Reversals of Fortune

How Hollywood makes heroes out of lawyers.

BY PATRICK KEEFE

FIRST PERSON

52 Opinions For Sale

Confessions of an expert witness.

BY STEVEN MOSS



One Country, One System? page 61



Reversals of Fortune page 48

STORIES

57 HTP in Cincinnati

An Ohio county has put its public records on the web. **AMY BENFER** on whether the records are now too public.

61 One Country, One System?

DOREEN WEISENHAUS on Beijing's effort to curb speech in Hong Kong.

65 Reds, Whites, and Blue Laws

MAX GARRONE on how to get a boutique zinfandel from California to Texas.



EXHIBIT

68 The Comic-Book Bar

NEAL KUMAR KATYAL

Conspiracy Theories

PATRICK KEEFE

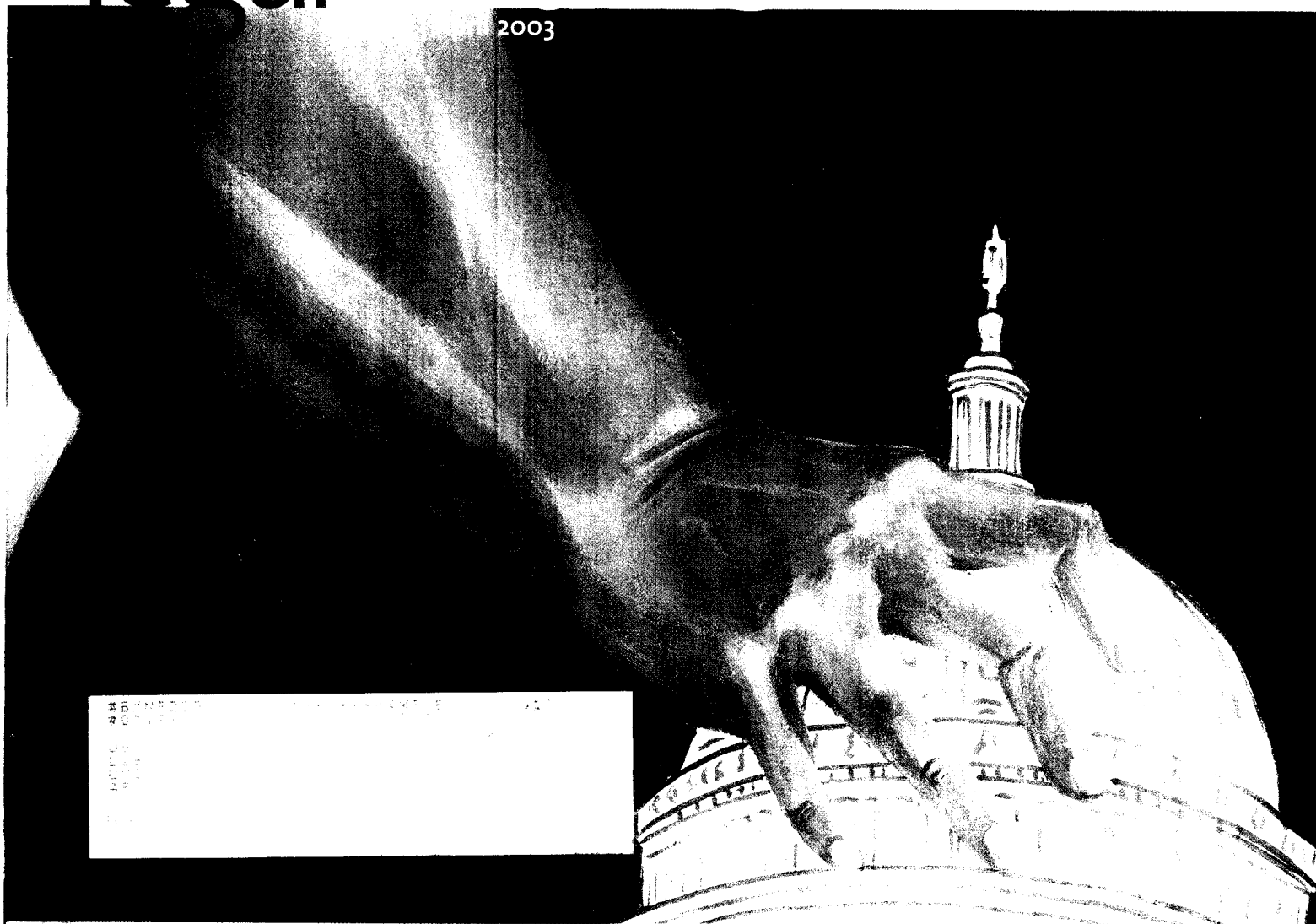
Lawyers on the Silver Screen

HIROSHI MATSUBARA

Japan's Powerful Prosecutors

legal

2003



ISSN 1068-4869
CODEN LEGAFF
0 74470 94504

The Strong Arm of the Law

Cass R. Sunstein and Orin S. Kerr square off over judicial activism and whether the Rehnquist Court has gone too far.



US \$8.95 | CAN \$9.95
www.legalaffairs.org

1 Swing Votes

LINCOLN CAPLAN

SCENES

6 Identity Crisis

DASHKA SLATER

Turning Aristotle into law.

8 Battle of the Bands

JOSHUA DAVID MANN

The Shallows v. Thee Shallows.

11 Trial by Prosecutor

HIROSHI MATSUBARA

Up against Japan's 99.8 percent conviction rate.

13 Guanxi in Guangzhou

KATHERINE A. MASON

A Chinese client cuts his own deal.

16 The Harlem Youth Court

KIM DEITCH

Where kids are judge, jury, and attorney.

ARGUMENT

18 For Credit

AVI SCHICK

Tax credits are better than school vouchers.

TERMS OF ART

21 In Defense of the Slippery Slope

EUGENE VOLOKH & DAVID NEWMAN

A good decision now can lead to a bad one later.

NUMBERS

25 The Trouble With Class Actions

Following the money from two big payouts.

cover illustration by ARTHUR E. GIRON



Catch-21 page 36

THE STRONG ARM OF THE LAW

26 A Hand in the Matter

By Cass R. Sunstein

Unrestrained by constitutional history and the democratic process, the Rehnquist Court has pushed its agenda on the rest of the country.

31 Upholding the Law

By Orin S. Kerr

We aren't living in an age of activism. Critics hype a few controversial decisions, but miss the Rehnquist Court's pattern of restraint.

36 Catch-21

By Nell Bernstein

California's recently passed Proposition 21 treats teens who commit crimes as adults. Photographs by Joseph Rodriguez