#### REVIEWS

#### ACADEMY

### 52 Root Causes

Turn-of-the-century Chicago had a radical idea: Don't just punish crime, but reform criminals and the society that produced them. BY ADAM COHEN

#### PRACTICE

## 56 The Quest to Be Called a Tribe

The lure of casinos has raised the stakes for federal recognition. BY MICHAEL NELSON

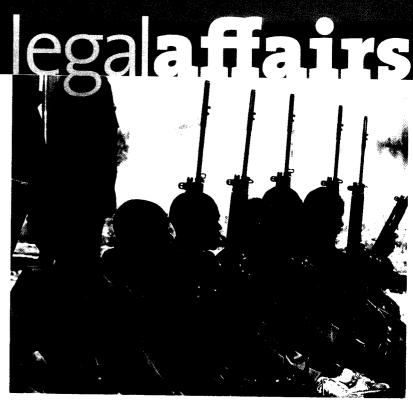
### ACADEMY

#### 59 Elsewhere

Gun control statistics fall on deaf ears, canine courts, and other ideas from the nation's law reviews.



In Defense of Prostitution



Cleaning House page 69

## STORIES

### 61 Marshall's Law

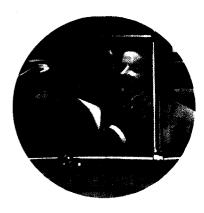
Burke Marshall deserves credit for ensuring the passage of Kennedy's Civil Rights Act of 1964, but the reticent antitrust lawyer never took it. BY DIANE MCWHORTER

## 65 Passing Fancy

In the Jim Crow South, courts understood that rigidly enforcing the rules against mixed marriage would have been a disaster—for whites. BY DANIEL J. SHARFSTEIN

## 69 Cleaning House

Sierra Leone's war crimes tribunal defied history by going after the victors, not just the losers, in the country's civil war. BY ERIC PAPE



THREET 72 Adam's Rib

legalaffairs 3

**DIANE MCWHORTER**Burke Marshall's Memory

JEFFREY ROSEN
Why Abortion Isn't Fetal Homicide

The Love Charm, a story

COS FIFTH SEPTIMENT SEPTIM

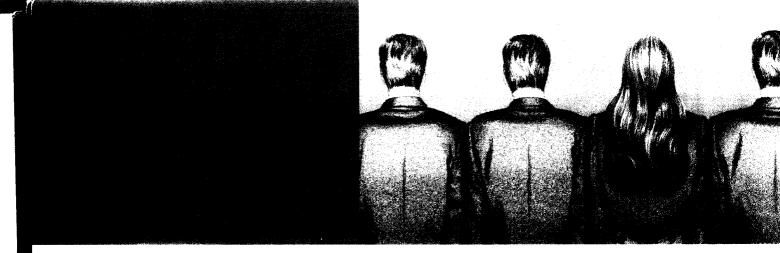




US \$8.95 | CAN \$9.95 www.legalaffairs.org

# Sex and the ...

City Benjamin Smith on Linda Fairstein's New York
Office Gabrielle S. Friedman on The Desire-Free Workplace
Supreme Court Fred Strebeigh on Ginsburg's Gift
Brothel Heidi Fleiss on The Oldest Profession



cover art by RUTH MARTEN

# 5 The IG

#### SCENES

6 Mock Trial's Big Dance BRIAN MONTOPOLI

Tennessee tries to repeat as national champions.

# 10 Sue Yourself DASHKA SLATER How to practice law without a lawyer.

11 To Be Continued
SAM GOODSTEIN
Stall tactics for hire in Texas courtrooms.

13 No Boundaries
TYLER MARONEY
A New Jersey town's Jewish Question.

#### THE PRUDENT JURIST

**15** Was it ethical for Richard Jaffe to defend Eric Rudolph on the *Today Show*?

#### CASES & CONTROVERSIES

**17** A no-fly list, ads and addiction, and the treaty of the swan.

### TERMS OF ART

18 Stock Phrase

LEN COSTA

Wall Street analysts don't fess up to their bad behavior, they "neither admit nor deny" it.

#### ARGUMENT

20 A Viable Solution

JEFFREY ROSEN

Why it makes sense to permit abortions and punish those who kill fetuses.

# Sex and the Law

# 24 The Practitioner By Benjamin Smith

Linda Fairstein changed the way rape is prosecute But will she be remembered for her pragmatism o her bad publicity?

# 30 The Real Harm By Gabrielle S. Friedman

Sexual harassment law should fight discriminatio not regulate desire.

# 37 Standard Bearer By Fred Strebeigh

Long before she joined the Supreme Court, Ruth B. Ginsburg challenged it to treat gender like race.

PLUS: A BIGGER TENT BY KATHARINE MIESZKOWS

# 44 Profiling's Gender Gap By Daniel Brook

If a woman can do anything a man can do, doesn't that include terrorism?

PLUS: COMING OUT TO AMERICA BY TYLER MARO

47 The Love Charm A Story by Eugene Volokh

## **Disclosures**

- 29 EX OFFENDER BY ROBERT J.
- 35 IN DEFENSE OF PROSTITUTION BY HEIDI FLEISS
- 43 MY GAY DIVORCE BY LAURIE ESSIG