



Morton Janklow

BOOKMAKER

It's raining best-sellers for lawyer turned literary agent Morton L. Janklow.

By Kevin Haynes

There are no magazines to browse through in the reception area outside the New York City offices of lawyer and literary agent Morton L. Janklow.

Just books—nearly 40 of them. All hardcover, mostly best-sellers. Danielle Steele, Judith Krantz, Sidney Sheldon, and Joe McGinnis are among the featured authors, as are Tom Wolfe, William Safire, and biographer Robert Caro. The familiar titles are all neatly stacked and spread out beneath the square, smoked glass table that's nestled between a small sofa and two chairs, like an inverted window display at a trendy bookstore.

It's the equivalent of a trophy case for Janklow and his partner, Lynn Nesbit, who three years ago teamed up to form Janklow & Nesbit Associates, the most financially potent literary agency in the world.

Janklow reportedly earns more than \$1 million a year by taking a 15-percent cut of the lucrative deals he negotiates for his well-known clients. He's also still a partner in the neighboring corporate law firm of Janklow, Newborn & Ashley, though he estimates 90 percent of his time is spent on literary endeavors.

So perhaps this goes a long way toward explaining why, when Janklow steps through the door and says hello, he forgoes the small talk of "How are you?" to ask a more pertinent question: "What are you reading?"

Once inside his sleek office overlooking Madison Avenue and 57th Street, Janklow is happy to answer his own question. Surprisingly, neither title is likely to end up on the beach next summer.

Seems he's just finished the first drafts of two books by clients: a biography of Harry S. Truman and—get this—a book about physics, *Dreams of a Final Theory*, by Nobel Prize-winning physicist Steven Weinberg.

"It's an analysis of a particle physicist's pursuit of the final laws of science, the ultimate laws that govern the universe," Janklow explains in his rapid-fire delivery.

But Janklow doesn't stop there. Prone to superlatives and hyperbole, he devours any suggestion that *Dreams* may be the physics equivalent of Stephen Hawking's recent (and unexpected) best-seller, *A Brief History of Time*.

"It's a more important book than Hawking's," Janklow says matter-of-factly.

Likewise, he pronounces the Truman bio by historian David McCullough, to be published in June, "one of the greatest biographies I've ever read."

Could be. But at the least both books seem atypical for the agent who helped transform Judith Krantz from a *Cosmopolitan* contributor to a multimillion-dollar enterprise.

"They're not a departure," Janklow insists. "I always get talked about as an agent for best-selling authors, which we are. But we have always had an enormous number of intellectual books here."

Janklow fidgets in his chair. He constantly crosses and uncrosses the legs of his gray plaid slacks, taps the toes of his black loafers, and folds his arms across an aqua tie and monogrammed white shirt, showing off gold cuff links the size of quarters. Maybe bigger.

Then Janklow cites a few more of the lesser-known authors in his stable, including Craig Nova, a young novelist

KEVIN HAYNES, a free-lance writer living in Brooklyn, is a 1979 graduate of Syracuse University with a degree in magazine journalism. His previous articles for Syracuse University Magazine include a profile of fashion designer Betsey Johnson.

ANNE LEBOWITZ

who has earned critical raves but little commercial success. Janklow thinks Nova might break through with his upcoming book, *Trombone*.

Janklow is also high on the "very esoteric" writing of poet Diane Ackerman. In fact, Janklow is the subject of a poem in Ackerman's most recent book, *Jaguar of Sweet Laughter*. The poem, which is titled "Letter of Retainer," begins: "Dear Mort (my fine agent whose name means death)..."

Not in the publishing world it doesn't. To Steele, Sheldon, Thomas Harris (*Silence of the Lambs*) and all the other home run hitters on the Janklow team, the man is nothing less than a godsend.

"He is first and foremost a negotiating lawyer and not an old-fashioned literary agent," says Safire, who met Janklow 45 years ago when both were freshman at SU, and has long been a client of his law firm. "I knew that before anyone."

When Safire's agent died in 1973, he asked Janklow to take over. "He said he did not have time for three-hour lunches with publishers," Safire recalls. "I said, 'You don't have to be ordinary. You're a tough-minded lawyer.'"

Janklow maneuvered a difficult course to sell Safire's book on the Nixon Administration, *Before the Fall*. He was then retained by Bernard and Marvin Kalb, who were battling with their publisher over a biography of Henry Kissinger. Convinced the book was worth a lot more money elsewhere, Janklow returned the Kalbs' \$20,000 advance to their publisher and later resold the book to Little Brown. The price: \$250,000.

How'd he do it?

Janklow smiles. "Sales techniques," he says. "Part of my success was the fact that I never wanted to be in the business and therefore I was not very subject to pressure from publishers. I had no need to curry favor from them."

From day one with Safire, Janklow has always considered himself a writer's advocate, not a mediator or broker between the author and the publisher.

"I started with the assumption that I represent the person who creates everything," Janklow says, "and it's up to me to price it and decide who can [publish] it and what rights they should have."

"When I call a publisher," he adds, "he knows there's only one direction to my loyalty."

TWO PRESIDENTS AND A DUCHESS

Janklow's client list reads as much like a glance through *Who's Who* as it does a browse through your local bookstore. Here are some of the authors represented by the firm of Janklow & Nesbit Associates:

PETER ARNETT
BARBARA TAYLOR BRADFORD
PRESIDENT JIMMY CARTER
CLARK CLIFFORD
JACKIE COLLINS
MICHAEL CRICHTON
JOAN DIDION
JOHN GREGORY DUNNE
SENATOR ALBERT GORE JR.
THOMAS HARRIS
ROBERT HUGHES
MICHAEL KORDA
JONATHAN KOZOL
JUDITH KRANTZ
DOMINIQUE LAPIERRE
FRAN LEIBOWITZ
DAVID MCCULLOUGH
JOE MCGINNISS
ROBERT PIRSIG
RICHARD PRICE
JANE BRYANT QUINN
PRESIDENT RONALD AND NANCY REAGAN
JAMES RESTON
RICHARD RHODES
ANNE RICE
A.M. ROSENTHAL
WILLIAM SAFIRE
CHANCELLOR HELMUT SCHMIDT
WILFRED SHEED
GAIL SHEEHY
SIDNEY SHELDON
DANIELLE STEEL
GAY TALESE
HUNTER THOMPSON
GARRY WILLS
TOM WOLFE
THE DUCHESS OF YORK

Janklow's life story reads like the best-sellers in his office. He grew up in Queens, New York, the son of a lawyer whose success was squeezed by the Depression.

Thanks to an extraordinarily high I.Q., he entered SU in 1946 at 16, majoring in political science with a minor in English and philosophy, although he spent much of his time playing poker.

"I was, in fact, a professional gambler," he says. "When I was in college and law school I played cards almost every day of my life—almost any kind of game for almost any kind of stakes."

"There was a coterie of card players at Syracuse. You could lose \$50 to \$70 a night, which in those days was a lot of money." A losing streak forced him to start working a midnight shift at a freight loading company. He says he hasn't touched a deck of cards in 15 years.

After graduating in 1950, he headed to Columbia University's law school, where he earned his law degree in 1953. Thirty years later, he donated \$1 million to the school to establish the Morton L. Janklow Program for Advocacy in the Arts. He is also a member of several boards, including the Guggenheim Museum and the President's Independent Committee on Arts Policy.

You might say Janklow is well-connected. His wife, Linda, is the daughter of Hollywood producer Mervyn LeRoy and the granddaughter of movie mogul Harry Warner. The couple, renowned for their high-brow socializing and lavish parties, have two grown children: Angela, who writes for *Vanity Fair*, and Lucas, an aspiring rock musician.

Janklow's professional association with Nesbit, in December 1988, made headlines. The press hailed the merger as a perfect marriage. There was a lengthy profile in the *New York Times Magazine*, and a gushing tribute in *New York* dubbed "MegaMort." (The nickname stuck.) The gist of every story was that Nesbit's more literary clients were a brilliant complement to Janklow's commercial heavyweights.

"We both laughed about that," Janklow says. "At the time [Nesbit] came here I had seven Pulitzer Prize winners and five National Book Award winners. She had Sally Quinn, Michael Korda, and at one time she even represented Kitty Kelly. Nobody paid attention."

Not likely. The publishing world has paid close attention to Janklow as he's negotiated one nifty deal after another.

In the mid-seventies, Janklow pitted the Literary Guild against the Book-of-the-Month Club in an auction for the rights to Safire's *Full Disclosure*. The guild paid \$275,000 instead of its initial proposal of \$75,000 and the clamor later helped Janklow sell the paperback rights to Ballantine for nearly \$1.4 million.

In 1979, he sold Bantam the reprint paperback rights to Krantz's *Princess Daisy* for a record \$3.2 million and later sold astrologer Linda Godman's *Love Signs* for \$2.25 million, the most ever for a nonfiction title.

In November 1989, he became the first agent to have three titles top the *New York Times*' best-seller lists simultaneously: Danielle Steele's *Daddy* (fiction), Nancy Reagan's *My Turn* (non-fiction), and Sidney Sheldon's *The Sands of Time* (paperback).

"He's a tough and shrewd negotiator, the best," says Michael Korda, editor-in-chief of Simon & Schuster and a long-time friend and legal client of Janklow. Korda is also a best-selling author in his own right (*The Fortune*).

"But I must say Mort is well-informed about what a publisher can give up and what he can't give up," says Korda. "You may disagree with him, but he'll come up with a sensible figure that he can defend. The number is just part of a package."

Korda is even more impressed by Janklow's dedication to his friends. He says if everyone carried a "God Forbid" card, for use only in dire emergency, he knows what would be on it.

"On one side of my card would be the name of the best criminal defense attorney in New York City," Korda explains, "and on the other side would be Mort Janklow's home phone number."

"If you went to the Four Seasons at lunchtime," he adds, "and asked everyone at the bar whose name would be on their card, I'll bet a lot of them would say Mort Janklow."

It's been said that Janklow exudes power. To an extent, that's true. But it's not the kind of power that instills fear, except perhaps in publishers. It's power as in the no-nonsense ability to get things done.

Success, says Janklow, may start with a good idea, but it's achieved by action.

"There are people who get wonderful ideas all the time and never see them through," he says, his voice growing more insistent. "It's about doing it. That's what I tell my children all the

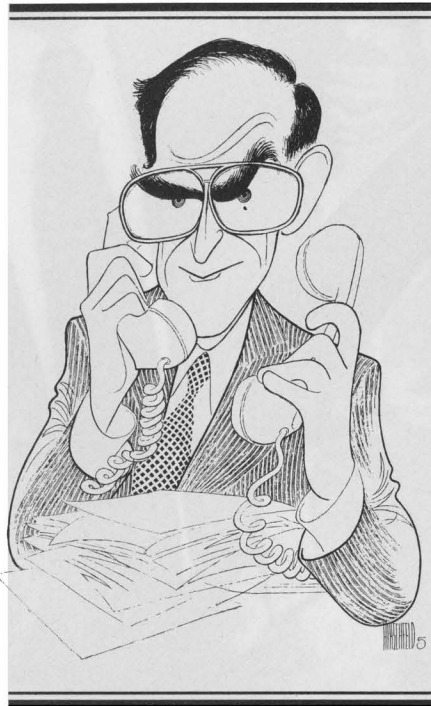
time. 'It's about *doing it*.'

"I could sit down with an editor at lunch and between us we'll have 50 ideas for great books by the time they serve the main course. But who's gonna do them?"

Especially these days. The entire industry is in a state of flux. Publishing houses are merging, dumping divisions, or shutting down. Editors are routinely jumping ship and taking some of their best authors with them.

"There's tremendous volatility in the business," says Janklow. "The only stable, dependable, ever-present resource for an author is his agent."

Here's what else that fidgety, wealthy



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agent has to say about the state of publishing and life as MegaMort:

On huge advances: "This is a business of self-fulfilling prophecies. If you enthruse the publisher and convince him that this is a book that has a real shot, he conveys that to the sales force, which conveys it to the bookstore. One of the ways you enthruse a publisher is by making him pay a lot of money."

On his reputation for reeling in huge advances: "That's what the press is attracted to. The press pretends it's interested in great literature, but it isn't really interested in literature at all. It's interested in advances and gossip. All you've got to do is read the *New York Times*'s book columns

and that's what you're reading: who got what and for how much."

On his firm's criteria for taking on a new client: "Interest. It can be piqued by a brilliant piece of writing or something as crass as 'Oh my God, can we make money for this person.'"

On his clients: "There are some authors who sign a contract, go away to write a book and you don't hear from them for a year and a half. There are other authors who are regularly in contact. I speak to Danielle Steele almost every day of my life, at least once, if not more. And not frivolously. She's got a huge enterprise."

On the recession's impact on book sales: "There are fewer books being published, but that's all to the good. The industry was publishing 50,000 books a year and 47,500 were not being published properly. Some modicum of judgment on what to publish is long overdue."

On his personal taste: "If I was only going to be involved with books that are to my taste, I would have a much smaller business than I have. A fellow who just likes Brahms quartets is exhibiting a fine taste in music, but he's not gonna understand Metallica. I like to think I can understand both Metallica and Brahms quartets."

On negotiating: "You have to know what your real objectives are. The second most important thing is to understand what your opponent needs and where his emotional vulnerabilities are. Sometimes people are triggered into emotional reactions by something that is of very little consequence to the fundamental discussion. You have to be sensitive to those kinds of things. You have to understand their strengths and weaknesses and sometimes their neuroses."

On the value of his legal experience: "It makes every difference in the world, partly because everything that's done in this business ends up in contractual form. Most agents who are not lawyers are busy practicing law without a license—and most of them are incompetent."

On thoughts of retirement: "None at all. One of the things that's nice about this business is you could cut back in a way that you could not do with a law practice."

"I've always traveled a lot. I'm away when I want to be. I'm terrifically involved when I want to be. So I have a very, very good life. It would never occur to me to go play golf somewhere." ■



Philip Hochberg

OFFENSE

On the

Sports leagues look to Phil Hochberg to protect their broadcast interests on Capitol Hill.

By Renée Gearhart Levy

The cold Minnesota winter was made even icier last year when the Minnesota North Stars hockey team chose to broadcast the Stanley Cup finals on pay-per-view cable television.

The action raised a storm of criticism, nowhere stronger than among Minnesota congressional representatives in Washington, who threatened federal legislation to bar championship games on pay television.

"The whole use of pay, pay-per-view, pay-cable, cable even, is something which Congress finds troublesome," says Philip R. Hochberg, a Washington attorney who over the last 20 years has defined the field of law regarding broadcasting rights and sports, particularly cable television. "The issue comes up on a regular basis."

The challenge for sports' interests, he says, is to get their side of the story told, before Congress—in its haste to respond to perceived ills—passes legislation that will affect the economic well-being of the teams and leagues.

As Washington counsel for the National Hockey League, Hochberg met with congressmen and their staffs to explain the position behind the North Stars' decision. As a result, no legislation was ever introduced.

Hochberg plays the diplomatic role often. As a registered lobbyist for the NHL, the College Football Association, the National Basketball Association, and the Football Bowl Association, he continuously monitors what's happening on Capitol Hill and in the federal agencies to protect the interests of his clients. (They also include the Major Soccer League, the National Association of Collegiate Directors of Athletics, numerous professional sports teams, and broadcast stations.)

"It's a matter of . . . going to Congress or going to the agencies and saying, 'Wait a minute. Does this really make sense?'" says Hochberg.

He says, for example, Congress is considering copyright legislation that would make it legal for anyone to excerpt and sell portions of television newscasts, including clips of sporting events. It would be possible for anyone to package and sell a highlight film of any sports team, something which many teams do for themselves. "I've gone back to Congress and said, 'If you want to do this in the news area, that's fine. It has a legitimate purpose,'" says Hochberg. "But recognize that sports is a unique product."

An admitted sports nut, Hochberg would have rather been a sportscaster himself, but lost out on an announcing job for the Syracuse Chiefs while in college. (The job went instead to a young Marv Albert.) He dropped out of law twice (once while attending George Washington University Law School and once early in his career) to try his hand at a radio career, and for the last 30 years has moonlighted as an announcer for nearly every Washington-area sports team except the Georgetown Hoyas. He's currently stadium announcer for the Washington Redskins and public-address announcer for the University of Maryland football and George Washington University basketball teams.

In his practice, Hochberg has successfully married his two great passions—sports and broadcasting—creating a successful legal specialty that barely existed 20 years ago.

"Had this type of practice existed when I was an undergraduate or in law school, I would have tried to get into it," says Hochberg, a 1961 speech communications graduate of Syracuse University. "But it didn't exist."

Then came cable television. In 1970,

Hochberg was an associate at a Washington firm practicing communications law when he was asked to do research about cable TV and sports for a client—a cable television station in Owensboro, Kentucky, that was trying to do business with the Kentucky Colonels of the now defunct American Basketball Association.

Cable was a nascent field. Nothing had ever been written about cable and sports. After struggling through his report, he decided the subject merited further study.

Hochberg ended up writing an article about cable and sports that appeared in the *Sporting News* in July 1971, in which he proclaimed a new era beginning in sports broadcasting—thanks to cable television—which would benefit the sports fan.

Soon after, Hochberg was contacted by the Philadelphia 76ers. And then the National Hockey League. Other teams and leagues followed.

By the late seventies, when Congress decided to investigate a number of alleged abuses occurring between television and sports businesses, Hochberg had developed enough expertise to be chosen special counsel to the House of Representatives' subcommittee on communications.

When he returned to private practice, sports communications matters became the overwhelming majority of his caseload.

"The practice has evolved as cable has become a much more integral part of all sports," says Hochberg. "Cable is no longer the unknown kid on the block. Everybody is involved, and the problems of an individual team have now become the problems of an entire league. The focus of the practice has shifted from representing Team A with problem X and Team B with problem Y, to 'let's help the league look at problems X, Y, and Z.'"

Problems such as securing royalties for United States' sports leagues whose games are aired on American stations that are picked up by Canadian cable subscribers. Or the College Football Association's experiments with pay-per-view. Or helping the NBA on immigration matters for its foreign athletes.

"I like to say I have a typical Washington practice," says Hochberg. "With very atypical clients." ■

RENÉE GEARHART LEVY is senior associate editor of this magazine.

CHOICE

The Politics of

Celeste Lacy Davis is one of the many lawyers who may someday settle the abortion question.

By Renée Gearhart Levy

W

hen the Supreme Court hears the case *Casey v. Planned Parenthood of Southeastern Pennsylvania*.

this term, the court will essentially be reviewing the constitutional basis for its decision in *Roe v. Wade*, which interpreted the constitution to provide for women's legal right to abortion.

On both sides of this emotionally charged issue are teams of lawyers, equally determined to have their view ruled the law of the land.

For Celeste Lacy Davis, senior attorney in Planned Parenthood's national office in New York City, the charge is to present an outcry to the court on the need to preserve *Roe v. Wade* on behalf of the pro-choice movement. She is in charge of coordinating Planned Parenthood's amicus (or "friend of the court") effort.

The court will be supplied with numerous amicus briefs from various experts in the subject at hand, in addition to reading arguments from both litigants in the case.

"It's a rather massive undertaking to coordinate as many as 1,500 organizations that will come together . . . to agree on statements to be said to the court on the need to save *Roe v. Wade*," says Davis. "It's a matter of bringing together a huge number of forces from around the country, to get them to work speedily to agree on some basic things."

From the time the court announced on January 21 it would hear the case, Davis had six weeks to pull together briefs in six categories predetermined by Planned Parenthood: a scientist's brief; a psychological violence brief; a medical brief; a historian's brief; a women of color brief; and a "Save Roe" brief, a catch-all

category that numerous women's organizations support.

She contacted psychologists and psychiatrists to talk about the effects of women having to carry an unwanted pregnancy to term and also the effects on a child who comes into a world unloved and unwanted.

She searched out the viewpoints of eminent scientists to substantiate Planned Parenthood's view that no one knows when life begins, and historians to advise the court on how long liberty and privacy interests have been recognized in this country.

She found physicians to declare abortion less medically dangerous than carrying a baby to term, and other experts to discuss how a disparate amount women of color will suffer if the right of choice is lost.

No doubt the opposing counsel spent the same six weeks assembling briefs arguing the opposite points of view. This is how social principles are pounded out in the American legal system.

Davis, a 1971 graduate of Syracuse's School of Speech and Dramatic Arts and a 1986 graduate of the City University of New York Law School at Queens College, has worked for Planned Parenthood for two years, after doing criminal appeals for New York City's Legal Aid Society and AIDS discrimination work for the city's Commission on Human Rights.

Ninety-five percent of the work conducted by Planned Parenthood's legal staff of seven involves reproductive rights issues, namely women's access to abortion. Davis is responsible for a variety of legal functions, but spends the majority of her time on litigation in state and federal courts throughout the country representing individual Planned Parenthood affiliates.

Her cases are diverse, including the

challenge of a parental notification statute in Ohio for minors who want access to abortion. She also defended a California clinic that was threatened by city government with the loss of community development grants if the clinic—which did not perform abortions—chose to do so in the future.

In her short tenure with Planned Parenthood, Davis has developed a subspecialty in clinic harassment issues.

"I've developed intimate knowledge of [anti-abortion] groups like Operation Rescue," she says. "I deal with things like clinic blockades, fake abortion clinics, and residential picketing related to abortion."

She fields legal questions from affiliates—"We hear we're Operation Rescue's next target. What can we do?"—and advises them on legal tactics.

Many municipalities are attempting to draft legislation—which she is often called upon to analyze—to regulate the kind of First Amendment-protected picketing that may go on in front of health-care facilities. They are "trying to describe as illegal those kinds of activities that Operation Rescue gets involved in," says Davis.

Because of her expertise in this narrow aspect of the law, Davis was asked by the *American Bar Association Journal* to write in its November 1991 issue on whether the Justice Department was right in intervening on behalf of Operation Rescue in Wichita, Kansas, last October. She argued in opposition to the Justice Department's involvement; a professor from Northwestern University School of Law argued in defense.

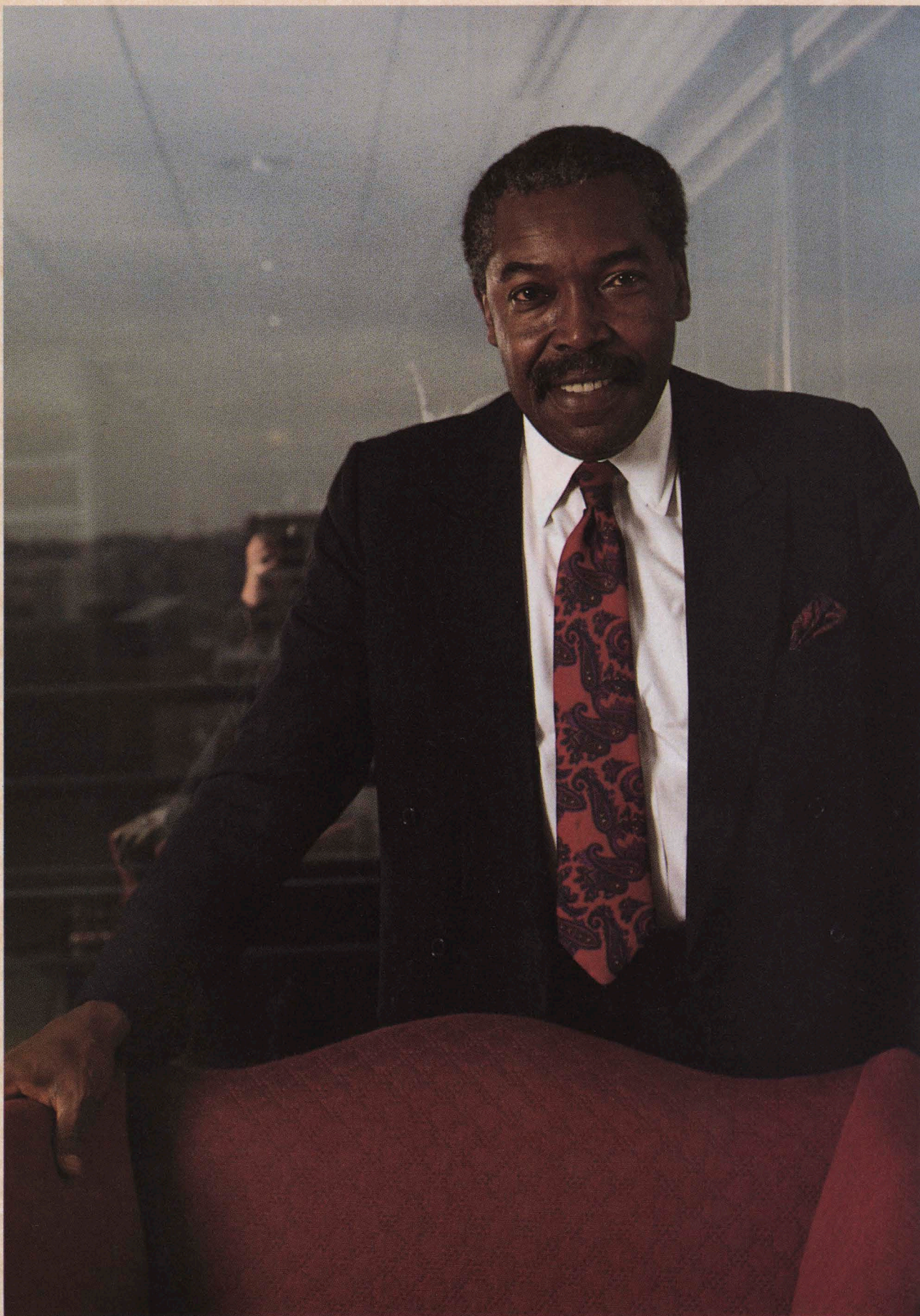
Unlike corporate or criminal lawyers, who may not personally believe in the cases they try, Davis says her conviction to the right of choice is essential to her work.

"Public interest lawyers tend to be people who are committed about the causes they represent," she explains. "That's why they do it. You don't get monetary gratification for it. I don't think you could possibly be an effective advocate in this area and not have a serious conviction on one side of the question or the other." ■

RENÉE GEARHART LEVY is senior associate editor of this magazine.



Celeste Davis



Vincent Cohen

TWO CITIES

A Tale of

Litigator Vincent Cohen has spent his life and his influence trying to make them one.

By Michael Kranish

When Vincent Cohen looks out the window of his prestigious Washington, D.C., law office, he sees two cities. The first of them, the political city, has changed dramatically since he came to town an idealistic young lawyer 30 years ago. As a result of years of effort by people like himself, the city's political structure now reflects its population and is largely governed by blacks.

The other city Cohen sees, the economic city, has changed little, however. Most corporations, banks, and law firms are still dominated by whites.

While Cohen abhors this dichotomy, he also understands it, because unlike most Washingtonians, he lives in both worlds. A renowned litigator—he was profiled in a 1988 *National Law Journal* chronicling 10 of the nation's top attorneys—Cohen is hired frequently by some of the nation's largest corporations to handle multimillion-dollar cases.

But some of these corporations hire him for more than just his legal skills, Cohen says. They also hire him because they believe a black attorney might have a better chance of winning a case in an urban courtroom.

If there's a form of racism in this practice, it doesn't trouble Cohen. "[Corporations] open the door for me," he says. "If I'm bad, the door wouldn't be open. But if I'm black and I'm good—and I'm good—the door will open again."

Cohen wasn't always so welcome. When he graduated from law school, firms wouldn't hire him for the same reason: his skin color.

As an undergraduate, Cohen had been a hero of the men's basketball team. He led the Orangemen in scoring

each of his three varsity seasons, averaging 24.2 points per game as a senior, a performance that is still considered one of the greatest in SU history.

The defining moment in Cohen's life came shortly after his graduation in 1957. A professional basketball team offered him a \$5,500-per-year contract. At the same time, SU's College of Law offered Cohen a \$3,500-per-year scholarship. Back then, professional basketball players were paid much less than lawyers, and Cohen traded the basketball court for the law court.

"My mother made the point that it really was the time to come away from short pants and a bouncing ball," Cohen says. "She would always say, 'You're very articulate. You talk like a lawyer.' So I always wanted to be a lawyer."

Cohen, who says he was the only black at SU's College of Law during his 1957-60 enrollment, graduated *cum laude*. Then came one of the greatest disappointments of his life.

"When I graduated from Syracuse University law school—in the top 10 percent and on the law review—I went down to a major firm in New York City and said, 'I'd like a job,'" Cohen remembers. "They said, 'Vince, we'd hire you but we do not hire Negroes. We don't hire Negroes because our clients wouldn't like us to hire Negroes. It's not us. If we were hiring Negroes we would hire you. You have fine credentials.'"

Cohen eventually found a job as a trial attorney with the power company Consolidated Edison, where he stayed two years.

Then, in 1962, Attorney General Robert Kennedy began a quest to hire highly qualified black attorneys. When a Justice Department official called SU's College of Law for suggestions, Cohen was recommended and the Justice Department promptly hired him.

For five years during the height of the civil rights movement Cohen roamed the country for the government in a job he describes as a "circuit-rider litigator." In 1967, he became director of compliance for the Equal Employment Opportunity Commission, hoping to use his position to ensure that blacks weren't unfairly denied employment as he had been.

"I thought we could eradicate corporate discrimination," Cohen says. "I learned there was politics involved."

So in 1969, his idealism gone, Cohen did what he had always dreamed of doing: he joined a major law firm, Hogan & Hartson. He became a partner after three years and has remained at the firm ever since, specializing in corporate litigation.

But while corporate law pays his salary, Cohen would just as soon talk about his *pro bono* cases or his experience in Washington politics, which has been bittersweet.

Cohen was campaign chairman for the mayoral candidacy of his former boss, Equal Opportunity Chairman Clifford Alexander. Alexander lost that race, but Cohen went on to form close ties with the new mayor, Marion Barry. Among other volunteer jobs, Cohen served on Barry's transition committee in 1978 and his campaign finance committee in 1986.

But when Barry was convicted in 1990 on the misdemeanor charge of possessing cocaine, Cohen wrote a widely noticed *Washington Post* opinion piece urging Barry to get out of politics, saying Barry was "doing all in his power to prevent the healing of the city or himself." Barry subsequently lost his race for city council.

Cohen's main concern nowadays is his advocacy for civil rights and his belief that today's college generation doesn't know enough about the discrimination that his generation suffered. He says discrimination is still pervasive, only less pernicious.

He tries to impress that upon his three children, Robyn, 26, Traci, 24, and Vincent Jr., a 21-year-old reserve guard on SU's basketball team. Vincent Jr. did it the hard way, making the team as a non-scholarship walk-on. While he may not be as big a basketball star as his father, he has the same dream as his dad: He's headed for law school. ■

MICHAEL KRANISH, a 1979 graduate of Syracuse University, is the White House correspondent for the Boston Globe.

Christopher Gillam



COFFEE

Mr.

For Christopher Gillam, daily issues amount to more than just a hill of beans.

By Jamie Beckett

The enticing aroma of fresh-brewed coffee fills the hallways of Nestle Beverage Company's San Francisco headquarters. Giant advertising posters featuring Hills Brothers' yellow-turbaned coffee drinker, 1940s-era housewives, and Norman Rockwellian families extol the benefits of the deep brown brew. At a company store, employees get discounts on jars of Taster's Choice, cans of Chase & Sanborn, bags of Sark's gourmet beans, or any other of Nestle's six coffee brands.

On the third floor of this coffee temple, Christopher Gillam sips from a ceramic cup emblazoned with the Hills Brothers logo. His office is equipped with its own coffee maker, as well as two special air filters to buffer visitors from the smoke of his ever present cigar. It is only a little after 9 a.m., but Gillam is already consuming his third cup of the 15 he'll drink during the day.

"My lawyer colleagues thought I was crazy," recalls Gillam, executive vice president for administration at Nestle Beverage, of his involvement with the company. In 1983, the father of three mortgaged his house and emptied his savings accounts to join four other investors in the acquisition of Hills Brothers, then a struggling company with sales of \$347 million.

As it turned out, Gillam, a 1966 graduate of SU's College of Law, wasn't so crazy. In 1985, Hills was scooped up by Swiss food giant Nestle S.A., a \$2-billion beverage empire. That same year, Gillam left his job at a Washington, D.C., law firm and moved to San Francisco after two of his investment partners—who became chairman and president of Nestle Beverage—asked him to join them as the company's third-ranking executive in charge of, among other things, legal issues.

That job keeps Gillam on the move, one day solving a manufacturing problem at a roasting plant in Suffolk, Virginia, and the next hammering out a merger with a tea company in Los Angeles.

Legal issues percolating at Nestle, one of the world's largest food companies, are similar to those at any corporation—employee discrimination, mergers and acquisitions, environmental laws, and complying with burgeoning state and federal regulations for product packaging and labeling.

"I've never encountered a situation where Nestle has asked me how to get around a law," says Gillam. "It's always, 'How do we comply?' It makes it a good place to work—especially for a lawyer."

One particularly prickly problem involves a dump in Lone Pine, New Jersey, which the Environmental Protection Agency has designated as a Superfund clean-up site. Nestle disposed of coffee bean hulls there, but says other users illegally dumped toxic substances. Nestle is now one of more than 20 companies wrestling with the questions of how to clean up the site and who will pay.

Another high-priority issue is sexual harassment, added to Gillam's agenda during the Clarence Thomas Supreme Court confirmation hearings. It's Gillam's job to make sure employees know and obey laws relating to on-the-job discrimination and harassment. In the months following the hearings, he met with the company's top Equal Employment Opportunity lawyer and human relations personnel to decide how to inform Nestle Beverage's 3,500 workers. The solution: mass distribution of the company's policy statement forbidding sexual harassment and workshops on the issue for every employee.

Gillam got his first taste of the coffee business in the seventies, during a bitter price war between Maxwell House and

Folgers. Procter & Gamble, the consumer-products colossus, had acquired San Francisco-based Folgers and began expanding the brand into markets in the East. Maxwell House, owned by General Foods, protected its turf by slashing prices, igniting a battle of nerves with its West Coast rival. Consumers benefited, but the titans' skirmishes ground up many small coffee companies.

Then a young attorney with the Washington firm of Akin, Gump, Strauss, Hauer & Feld, Gillam went to work for Hills Brothers and several other small coffee concerns. He had started out at the firm representing companies in disputes over the Nixon administration's wage and price controls. Now, he put his negotiating skills to work to persuade the Federal Trade Commission to put an end to the coffee wars. The FTC finally acted in 1979, when it filed an antitrust lawsuit against General Foods.

Today, Gillam's battles are as often in the marketplace as in the courts. Nestle is looking for ways to increase its market share at a time when coffee consumption is declining. In the early sixties, nearly three quarters of Americans could call themselves java junkies. Today, it's only half. Nestle is targeting the industry's few growth areas—gourmet, decaffeinated, and flavored coffees. In recent years, the company has launched more than a dozen new products, including canned iced coffee aimed at soft-drink loyalists, and Perfect Balance, a blend of regular and decaffeinated coffees.

One of Gillam's first assignments after moving to San Francisco was negotiating a deal to grow coffee for the first time on the Hawaiian island of Kauai. The venture is expected to yield two new products: whole Kauain beans to be sold in specialty stores, and ground coffee that will be marketed as 100 percent Kauain. Now Gillam, the corporate lawyer turned business executive, is working on a plan to make the plantation and processing plant a tourist attraction, complete with tours and a gift shop.

He likes that diversity. "I enjoy going in in the morning and not being 100 percent sure what's going to face me," says Gillam. "I seem to get curve balls thrown in my direction every day." ■

JAMIE BECKETT, a 1979 SU graduate with degrees in magazine journalism and American studies, is a business reporter for the San Francisco Chronicle.

WILDER *On the* SIDE

Paul Goldman's vision and moxie helped put the Virginia governor on the political map.

By Susan Feeney

Law is Paul Goldman's profession. Politics is his life. The alter ego of Virginia Governor L. Douglas Wilder, Goldman chairs the Virginia Democratic Party and is chief architect of Wilder's political campaigns, including his recent, aborted run for president this year.

In Virginia and New Jersey, Goldman practices business and contract law, with a little lobbying thrown in. He says he likes it. But it is politics that most often makes his eyes twinkle and lifts his bushy black moustache to reveal a wide mischievous grin.

The *Washington Post* called him Wilder's "pit bull," and Washington business magazine *Regardie's* titled a Goldman profile "Evil Genius."

"People complain," the magazine wrote, "that if they scratch Doug Wilder, they'll find Paul Goldman with a Southern accent."

All things considered, that's some feat. Goldman is a rumpled, Brooklyn-reared, health-food nut with a nose for political possibility and a face Groucho Marx's mother could love. He's a former VISTA volunteer with inherited wealth and three SU degrees (B.A., management, 1967; J.D., 1972; and M.P.A. from the Maxwell School, 1973).

Wilder, a genteel, silver-haired Virginian, attended segregated schools and traveled the hard road to become the nation's first elected black governor. Still, it was the law that brought the unlikely pair together.

A decade ago, Goldman brought suit against the Virginia Democratic Party and the state political establishment under the federal Voting Rights Act. Goldman claimed the state's primary election plan diluted the voting strength of blacks and people in Virginia's rural reaches.

Wilder was a natural ally. What's more,

Wilder had heard how the skinny Northern lawyer once outfoxed state party regulars, helping populist former lieutenant governor Henry Howell win the 1977 Democratic gubernatorial nomination.

Goldman's complaint against the party made gains, and the United States Justice Department took up the case. A settlement eventually followed.

Goldman worked behind the scenes in other campaigns, including Virginia Senator Charles Robb's successful 1981 campaign for governor, before Goldman and Wilder forged the bond—some say near partnership—that put both men on the map.

Few Virginians, even in 1985, thought the seat of the Old Confederacy was ready to elect a black to statewide office. Some nervous Democrats schemed to keep Wilder off the ballot for lieutenant governor.

"You always hoped you wouldn't get that kind of reaction in the 1980s, but you did," Goldman says. "You hoped you could prove them wrong."

Finding staff for Wilder proved difficult and, as Goldman put it: "I said I'd just stick around until we hire some folks." It turned out otherwise.

Goldman's sharp legal skills and shrewd understanding of the state's election laws and party rules gave Wilder a fighting chance. A Goldman-designed "station-wagon campaign" took the then-state legislator 3,500 miles to 300 Virginia towns and, in the end, the lieutenant governor's office. Goldman later helped engineer Wilder's 1989 rough-and-tumble winning campaign for the governor's mansion.

University of Virginia professor Larry Sabato, an admirer of Goldman who has known him since the late 1970s, says he is "offbeat" but "a superb strategist. He really is in the top ranks of strategists. I'd say he's pretty clever at manipulating the

system to the benefit of his candidate."

Goldman has made enemies, too. At home, he and Robb had a public falling out. In the national arena, Goldman ruffled feathers at the Democratic National Committee in Washington.

Much of the crossfire, however, is between Richmond and Albany. No one is quite sure how it began, this spat between political heavyweight Mario Cuomo and one of New York's own migrant sons.

Some say it started when Goldman called Cuomo "a Wall Street Democrat who sounds like Ronald Reagan." Or when, early on, Goldman pushed the national Democratic Party to pass a resolution rejecting all concessions to Saddam Hussein, after Cuomo caught flak for raising concessions as an option.

"It's just a strategy to build himself up by running down others," says Cuomo aide Brad Johnson. "We generally ignore him."

Johnson also proudly repeated a statement he made about Goldman to a New York newspaper; "I said something like, 'Paul Goldman is like a child pulling at your pant leg when you're trying to have a discussion with another adult.'"

Some say it's an obvious routine. Wilder as the good cop, Goldman as the bad cop. Goldman is used to the criticism. And it amuses him.

"Politics can be a difficult business," he says. "There's an old saying. If you've got the facts on your side, you argue the facts. If you don't, then you attack the other guy."

Goldman says he doesn't worry about detractors, though he's certainly going to take his licks for Wilder's belly flop in the presidential campaign arena. After a four-month effort, the governor's candidacy failed to make any discernible mark in New Hampshire.

Of Wilder, former Democratic National Chairman John White said, "He wasn't ready."

If Goldman has anything to say about it, there will be a next time, and it will be different. ■

SUSAN FEENEY, a Washington, D.C., reporter for the Dallas Morning News, is covering the 1992 presidential campaign. She is a 1983 graduate of the Newhouse School.



Paul Goldman

KURZBAN

Citizen

*Ira Kurzban, an immigrant's son,
champions the cause of today's huddled masses.*

By Margo Harakas

In Ira Kurzban's Miami office hangs a poster: "I shall continue to be an impossible person so long as those who are now possible remain possible." The words are the legacy of 19th-century political theorist Michael Bakunin.

To Kurzban, the impossible people are the low- and high-level bureaucrats who deny or pervert, often racially, the concepts of due process, equal protection, equal access, and the presumption of innocence.

Their victims are Kurzban's cause. Haitians primarily. But Mexicans, Nicaraguans, Guatemalans, and Salvadorans, too. Penniless immigrants thrown into a do-or-die flight from their homelands by violence and desperation, and now struggling for a normal life in the land of the free and the home of the brave.

The Brooklyn-born son of an immigrant who left Romania—alone—at the age of 12, Kurzban knows better than most the anguish of his clients. "The struggling with the language, struggling to get work," he says—and struggling most of all with a system they do not understand.

Kurzban was drawn to the practice of law by the belief "that law is an important vehicle for social justice."

A million immigrant farmworkers and amnesty applicants can tell you that it's so. The class action suit he argued before the United States Supreme Court on their behalf established that even those who come to this country illegally have the right to challenge government actions.

"Had the government won that case" says Kurzban, "it would have wiped out all we'd done in the past 13 years."

That victory did no less than reaffirm the principle of class-action suits. The

president of the American Bar Association called it the most significant case in the last quarter century.

"The Supreme Court is not big on giving rights to people these days," says farmworker advocate and lawyer Greg Schell. "Yet Ira argued that case very persuasively. . . . He got some votes that definitely were not there in the beginning.

"He is a lawyer's lawyer."

At Kurzban, Kurzban and Weinger (the first Kurzban is Ira's brother), the day begins with an hour-long conference call with the American Immigration Lawyers Association. Kurzban is general counsel to the Washington, D.C., group. There are calls also from Florida Senator Bob Graham's office and the Immigration and Naturalization Service (INS). And a visit from Rollande Dorancy, director of the Haitian Refugee Center, which Kurzban represents.

Fifteen to 20 percent of Kurzban's professional time is devoted these days to *pro bono* cases (although thanks to one of his successful government challenges, attorneys representing illegals are now entitled, should they prevail, to compensation from the violating agency).

The bulk of his practice, one that admittedly provides a comfortable living, involves corporate clients and others who can well afford his legal fees.

On this day, the clients seeking help with residency are white and middle-class, primarily foreigners married to Americans.

Dominican recording artist and comedian Carlos Alfredo stops by to inquire how he and his family, with no American relatives, can qualify for residency in the United States. In a few weeks, Kurzban tells him, a new law will go into effect offering special status to applicants of "extraordinary talent."

At 4 p.m. Kurzban is off to the University of Miami, where he teaches immi-

gration law.

One student complains about the number of books required for the two-credit course. "Well, we do it by the pound," quips Kurzban, a Phi Beta Kappa, who earned his bachelor's degree in political science at SU in 1971 and master's and law degrees from Berkeley in 1973 and 1976, respectively.

One wonders if these future Clarence Darrows and Ellis Rubins appreciate the stature of the man before them.

In case after case, this son of a contract painter with a sixth-grade education has rewritten immigration law. He proved the INS policy toward Haitians was woefully high-handed and racially biased. They and others were being jailed, he successfully argued, simply on the basis of race and national origin. And he secured for all refugees the fundamental right to apply for political asylum.

In five years, three cases—all of them won before a conservative high court.

Schell sees Kurzban as an example "of professionalism in the finest sense. . . . Not only is he a superb lawyer, but he feels a sense of obligation to give something back several times over."

Often in the face of bomb scares and physical threats.

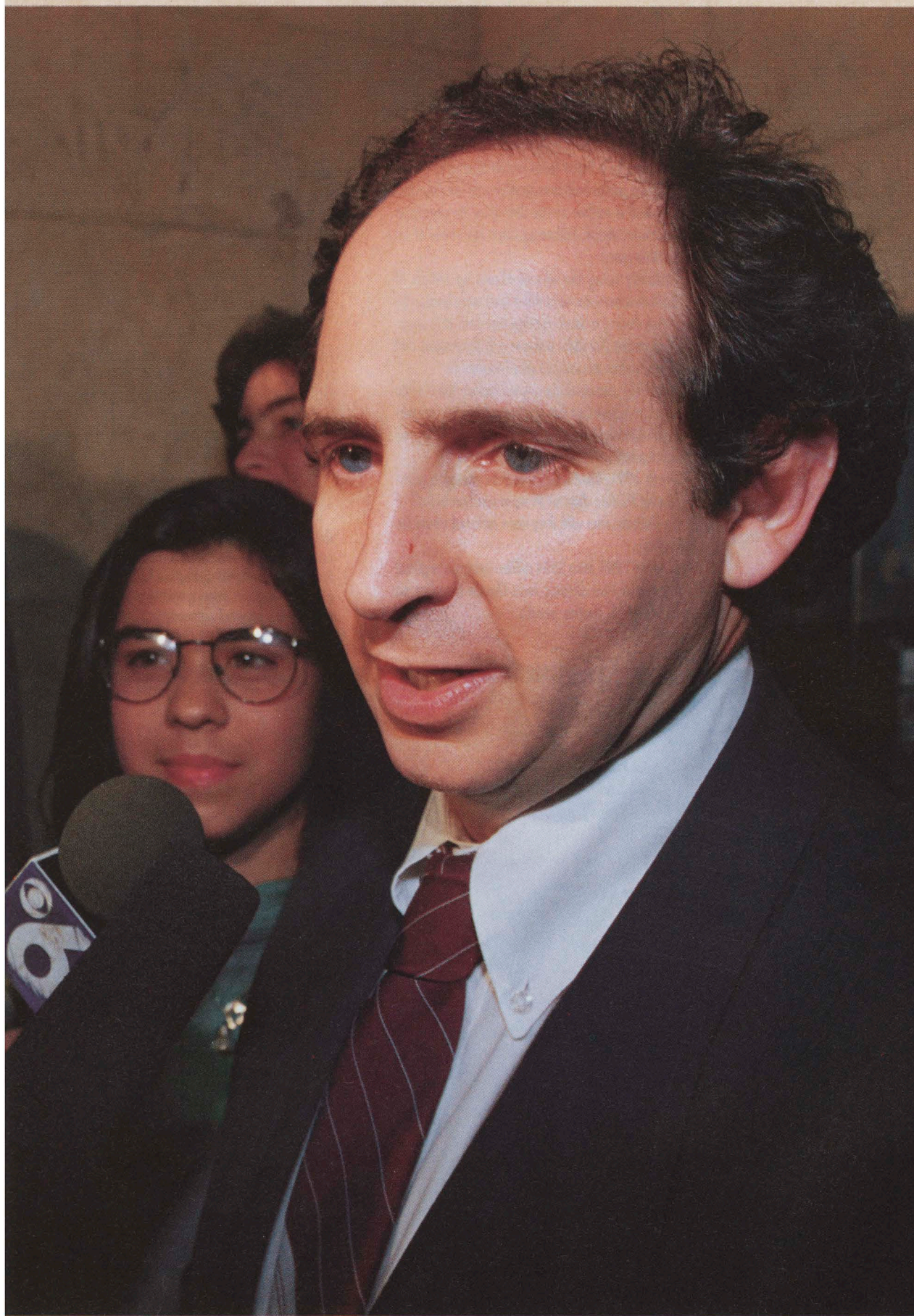
"He and the people in the group who have represented Haitians over the past 12 years or so have really accomplished something that no immigration lawyers or group of lawyers has ever before accomplished," Schell contends, "They have been able to keep a group of immigrants from a single country here against extraordinary efforts to deport them."

Kurzban will tell you that his successes have been collaborative. He credits the late Michael Hooper of the National Coalition for Haitian Refugees with initiating and pushing through the act that gave Cubans and Haitians an edge over other illegals trying to remain in this country.

And Father Gerard Jean-Juste for defending and publicizing the plight of Haitians in the United States. And University of Miami law professors Bruce Winick and Irwin Stotzky for joining the battles against the INS.

And, of course, the Haitians themselves, whose stark and compelling testi-

Adapted with permission from the Sun-Sentinel, Fort Lauderdale, Florida. Margo Harakas is a Sun-Sentinel staff writer.



|| *ra* Kurzban ||

mony ultimately tipped the scale for whatever social justice was gained.

Law, says Kurzban, generally favors the government. "Immigration law particularly is harsh and with little forgiveness."

Many people think that if a person works hard, pays his or her taxes, has children who are American citizens, and has not gotten into any trouble, that person should be welcomed in this country.

"The law is not like that at all," Kurzban says. "Unless you fit into one of the categories, it doesn't matter how exemplary your behavior is."

One of Kurzban's earliest cases involved an eight-year-old Haitian girl held for three weeks in a jail in West Palm Beach. Kurzban was horrified that in 20th-century America a child could be so callously treated. "No way would they have allowed a white child to be detained like that," he says.

Despite his significant successes, Kurzban says the immigration system remains seriously flawed, that it

THE CASES

Ira Kurzban's name is synonymous with immigration law. He is listed twice in *The Best Lawyers in America*, under both immigration and employment law, and is author of the definitive *Immigration Law Sourcebook*. Following are a few more of his notable cases:

- Currently suing the city of Miami on behalf of Haitian-Americans who claim they were beaten by police during a demonstration last year at a shopping center. Kurzban believes it is the largest civil rights/police misconduct case in America.
- May 1991. Successfully argued before the Florida Supreme Court that illegal aliens whom the government does not intend to deport are entitled to welfare benefits.
- March 1991. Filed a \$120 million lawsuit against former Haitian dictator Prosper Avril on behalf of six Haitians who said they were tortured under his regime.
- January 1988. Won \$504 million judgment against former Haitian dictator Jean-Claude Duvalier on behalf of the Haitian people.

makes a mockery of the concept of equal justice before the law, and paints the United States as a nation that tolerates inequality.

"We shouldn't be in the business of dehumanizing and institutionalizing people whose only crime is they came to the United States seeking freedom," he says. "Right now, we have a policy of incarceration. It's a policy that costs hundreds of millions of dollars and hasn't proved to be a deterrent."

Kurzban says the policy is wrong-headed and under-funded, using untrained people and resulting in civil rights abuses and people often being held in loathsome conditions.

"We can work out something better than that," he says.

Case by case, he's doing it. ■

In January, as a new wave of Haitian immigrants arrived by boat in Florida, Ira Kurzban was increasingly visible as a national spokesman for the rights of aliens. (He appears below speaking to earlier immigrants at the Haitian Community Center.)



FORT LAUDERDALE SUN-SENTINEL



Elaine Higgins

JUSTICE

Frontier

If you get chased by coyotes in Red Lodge, you need J.O.P. Elaine Higgins

By Andrea C. Marsh

Elaine Stutz Higgins once revoked the driving privileges of a local ranch hand for driving under the influence. A few days later, the young man passed her window toting a bale of hay on his bicycle.

That's typical for Higgins, justice of the peace in Red Lodge, Montana, a small mountain-resort town that serves as the Northeastern gateway for Yellowstone National Park.

Although not a lawyer, Higgins is the law in Red Lodge. As justice of the peace, she presides over the court of limited jurisdiction for Carbon County, population 7,000, hearing both misdemeanor civil and criminal cases. More serious offenses are heard in the state court.

"I'm in court all day everyday," says Higgins, who received her bachelor's degree in business administration from SU in 1951. She handles cases ranging from

fish and game violations to tenant/landlord disputes and civil action claims to traffic infractions.

Many of the cases heard in the Carbon County Court House, though, are alcohol-related.

"We're a resort town and a lot of people come here to play and recreate, so that brings a bunch to court," she says.

"I once dealt with a guy for trespassing. I asked him what he was doing in this other fellow's shed. He said, 'Well, some people dropped me off on the road and a pack of coyotes was chasing me.' Of course, he was under the influence."

Last year, a man wearing only swimming trunks was picked up for drunk driving. Higgins sentenced him to one month in jail. A month later, however, the weather wasn't quite so warm. Higgins had to fetch some clothes for him from the senior citizen's rummage room—swimming trunks wouldn't have helped him much in the snow.

Higgins became Red Lodge's justice of the peace almost by accident. Twenty-three years ago a friend suggested the former resort owner fill the justice of the peace vacancy. She's been holding down the law in the county ever since. Originally appointed to the seat, she has been elected every four years since.

While court time takes up most of her day, Higgins also does a brisk business marrying off both the locals and tourists, performing about 100 weddings a year.

A minister of the American Fellowship Church, Higgins marries couples in the Canyon Wedding Chapel, as well as a few other picturesque spots. She had the chapel built at the foot of Beartooth Mountain, overlooking Rock Creek.

"I do them on horseback, on skis, on the top of the ski mountain," she boasts. "We even have a hitching post out front of the chapel, in case somebody wants to bring their horse."

She once performed a Jewish wedding service on horseback, but when the groom got down and broke the glass it spooked the horses—everybody quickly jumped back and scrambled away.

"I also did a neat wedding in front of a teepee in four feet of snow," said Higgins. "The bride wore buckskin, I wore my ski outfit and then went on skiing afterward." ■

ANDREA C. MARSH, a 1987 SU graduate majoring in magazine journalism and geography, is an assistant editor of this magazine