

Review and Comment

A Cheer for Lawyers

Society's much maligned creature, the lawyer ("First thing we do, let's kill all the lawyers." Shakespeare, *King Henry VI*) may yet be society's best protection against overweening corporate power and malfeasance. It is true that this country seems overly addicted to litigation, and the Bush administration's hope to limit liability has considerable appeal to all who worry that "ambulance chasers" are winning outrageous settlements; yet, when set against the far more outrageous forms of profiteering we've been seeing, that of the lawyers not only looks the more reasonable by comparison, but it also has a public value.

A decade ago it seemed almost quixotic for lawyers to take on civil cases against tobacco companies for health damages suffered by their clients. In fact, the plaintiffs in some of those cases prevailed, and the various anti-smoking ordinances that have followed ultimately owe their existence to the lawyers who took on the cases.

Even though some legislation has been working its way through Congress to re-regulate areas of corporate, banking and accounting behavior, it may be that the more effective actions are those being undertaken by lawyers. In the August 5/12 issue of *The Nation*, national affairs correspondent William Greider suggests that a San Diego-based lawyer named William Lerach has been doing more than anyone else to bring over-reaching CEOs to account. Greider cites large financial settlements, together with agreements to reorganize their boards and establish controls against fraud, that Lerach and his team at Milberg Weiss Bershad Hynes & Lerach have won against Cendant, Dollar General, Wisconsin Energy, Samsonite, Occidental Petroleum, Corrections Corporation of America, WellPoint and Calfed. Contending that CEOs need "adult supervision," Lerach has now, through an Enron lawsuit, "targeted nine of the most powerful investment banks as insider culprits," Greider writes.

In making "shareholder value" the overriding objective of corporate management, CEOs and their boards have too often sacrificed responsibility to employees and to their companies' long-term health and productivity. We've seen CEOs and other officers escaping with huge windfalls even as they engineered their own corporations' demise. As Greider points out, Lerach is somewhat held back from criticizing shareholder value since many of the employee pension funds he represents use that very principle as a basis for their damage claims.

Still, Lerach would like to see corporations take a broader view of their obligations to society. "These are our companies," Greider quotes Lerach as saying. "We own them. There are reasons beyond money to litigate." He would like to see each corporation have an ethics officer with true authority; he would require the rotation of auditors every three years; he would have tough controls on insider trading and a holding period on stock options to keep CEOs from cashing out when the stock price is dropping and other shareholders are losing out.

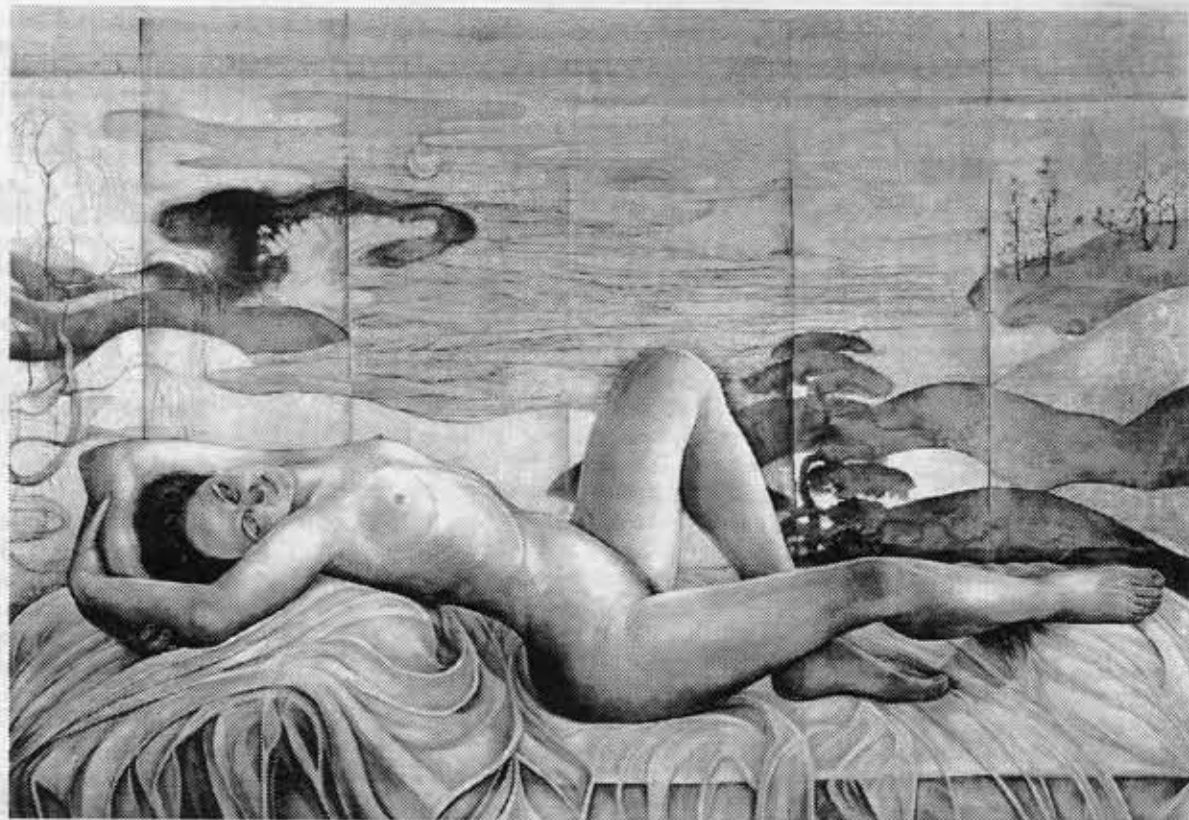
Ours is a society based on competition. Capitalism is inherently competitive, an engenderer of conflict (even as it also encourages efforts to create monopolies that destroy competition). It is dynamic, volatile, in tension — and therefore more powerful than socioeconomic systems based on cooperation. But even a capitalist society requires some cooperation to survive. And so we have laws.

The laws alone don't do it, however. They didn't prevent the corporate excesses we've been seeing. It takes lawyers (including judges) to find ways to apply the laws to protect people from organizations and interests that, by their power, can unbalance the whole society. While much can be said against our adversarial legal system, such a system is probably necessary to our competitive culture (as against a more cooperative culture in which truth would be sought through consensus), and the lawyers that this system produces — though one almost hates to say it — may be our true guardians.

Clark Gesner

It was a shock to all of us here to learn of the sudden and untimely death of Clark Gesner. As thoughtful as he was talented, Clark brought to his reviews for the Heights Press an unabashed enthusiasm for theater and theater people. Often playfully, gently ironic in conversation, he had qualities that cannot be replaced. He was a joy to work with.

—Henrik Krogius, Consulting Editor
Brooklyn Heights Press & Cobble Hill News



WRONG NUDE? Simon Dinnerstein's 1998 painting, 'Passage to the Moon,' was reproduced in the July 18 issue of the Heights Press (and our Phoenix sister publication). In a letter below the artist complains that another, more recent depiction of a nude, ample and frontal, should have been shown instead. His work is on view at the ACA Galleries, 520 W. 20th Street, Manhattan. Courtesy ACA Galleries, New York

LETTERS

Wanted the Other Nude

To the Editor:

I became aware of Carl Blumenthal's writing through his very interesting review of the book *The Jews of Brooklyn*. Mr. Blumenthal singled out my work for discussion and your paper reproduced one of my drawings to accompany the article.

After reading that review, I contacted Carl and sent him a recently published book on my work. A few weeks ago, I spoke with him about a group exhibit, which includes a large drawing of mine, *Purple Haze*.

Mr. Blumenthal and his wife visited my studio and my home, where he interviewed me for about three hours. He had a strong response to my art and his questions, involvement and curiosity were quite admirable.

On Thursday, I saw the *Phoenix* article (July 19) that he wrote. In his text, Mr. Blumenthal focused much of his attention on the image *Purple Haze*. I was amazed to discover that the actual image was not reproduced. I called Carl and we spoke about this gaffe.

I have just learned, to my shock and annoyance, that the reproduction of this image was censored because the subject is a nude!

Carl Blumenthal mentioned how surprised he was by your editorial decision. He had reviewed the use of this image with the production staff at your newspaper and believed that the reproduction was set to accompany his article.

While my drawing *Purple Haze* is provocative, sensual and mysterious, it is absolutely not pornographic or salacious. I resent the petty minds of your editorial leadership. I deplore the Bible Belt mentality in Brooklyn Heights and believe that your readers deserve more credit for their intelligence

and sophistication!

Simon Dinnerstein
Park Slope

Henrik Krogius responds: *Bible Belt? That's a first for us. We did, after all, publish a reproduction of what was very much a nude by Mr. Dinnerstein (see above), even if perhaps not as provocative a one as "Purple Haze," in addition to reproducing two other works by him and giving the account of his work the better part of two pages, with Carl Blumenthal's extensive description of "Purple Haze" and information on where those who would like to may see it.*

The complaint raises the question of the subject's (Mr. Dinnerstein's) right to dictate what illustrations should accompany an article about him. That right we can't accord him.

As to the decision on whether or not to reproduce "Purple Haze," we recognize that many publications would have no hesitation, and that at least some of our readers would hardly bat an eyelash. The latitude of what is published in the Heights Press and its Phoenix sister paper has increased greatly in recent years, and we are still testing the waters of what is deemed acceptable in family publications in our neighborhoods. Mr. Dinnerstein is quite entitled to raise that question, and we would welcome reaction from our readers.

Outdoor Films a Hit

To the Editor:

Despite your remarks ["Outdoor Film Series Returning, But the Viewing Loses Comfort," by Don Evans, Arts & Entertainment section, Heights Press of July 11] we are pleased to report that after two hugely successful film nights, the so-called comfort-loss has not prevented any movie-goers from enjoying themselves on the lawn of Empire-Fulton Ferry State Park.

In fact, attendance for this, the Third Annual Brooklyn Bridge Park Summer Film Series, has topped the two previous years. Since most movie-goers walk, cycle, or take our free shuttle bus to the park, there have been no complaints concerning parking or the "new" park entrance on Water Street. We invite you to join us for our last night (August 1) to see for yourself what a delightful and relaxing event the Film Series truly is!

Sara Scheufele
Brooklyn Bridge Park Coalition

Sound Off!

Letters and opinions are

welcome on this page. Send to:

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or e-mail at edit@brooklyneagle.net

The New 'Marty' Style at Borough Hall

By Dennis Holt
Senior Editor

On the very day that there was a ceremonial reopening of the Brooklyn Heights Promenade (see page 24), Borough President Marty Markowitz threw a big party for State Parks Commissioner

Bernadette Castro at Borough Hall.

The stated reason for the party was to thank her, and the state, for support of Brooklyn park projects. In particular, Markowitz noted the state's critical support for Brooklyn Bridge Park, a new state park on the long-neglected Williamsburg water-

Please turn to page 30