



## THE TALK OF THE TOWN

### COMMENT

#### *The execution of youth.*



IN the summer of 1924, in a stifling Chicago courtroom, America's most celebrated trial lawyer, Clarence Darrow, delivered what is still America's most celebrated oration against capital punishment. The guilt of Darrow's clients, Nathan Leopold, Jr., and Richard Loeb, was not in question. Neither was the depravity of their crime: they had kidnapped and bludgeoned to death a fourteen-year-old boy, and they had done it for fun. An indignant press and public demanded that they be hanged. To save them from that fate was Darrow's only goal. He spoke for twelve hours, piling argument upon ingenious argument—he even suggested that Leopold had been corrupted by reading Nietzsche.

Darrow's speech was stirring and brilliant. But Judge John Caverly rejected all his arguments except one. "The court is moved chiefly by the consideration of the age of the defendants," he wrote. "This determination appears to be in accordance with the progress of criminal law all over the world and with the dictates of enlightened humanity. . . . The court believes it is within his province to decline to impose the sentence of death on persons who are not of full age." At the time, Leopold was nineteen years old; Loeb was eighteen. They received life sentences.

This week, in Virginia, two people are scheduled to be executed for crimes they committed when they were even younger than Leopold and Loeb: Chris Thomas, now twenty-six, who killed his girlfriend's parents in 1990, and Steve Roach, now twenty-three, who mur-

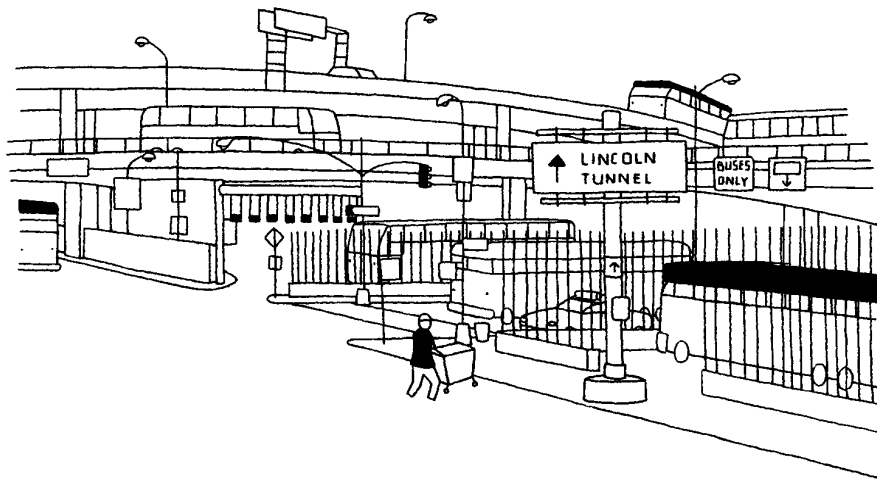
dered an elderly neighbor in 1993. Glen McGinnis, now twenty-six, is scheduled to die later this month in Texas for killing a laundry attendant nine years ago. In all three cases, the chance of further appeals is remote. Twenty-three of the thirty-eight states that allow the death penalty permit the execution of juvenile offenders, some as young as sixteen. Governor George W. Bush, who has presided over more than a hundred executions, has stated that the "current status of the State of Texas"—allowing seventeen-year-olds to be strapped to the death gurney—"is appropriate."

In 1988, the Supreme Court narrowly made it unconstitutional to execute anyone under sixteen, but some believe it's a decision that is open to challenge. Two states, Florida and Montana, recently raised the minimum age for execution—from sixteen to seventeen and from sixteen to eighteen, respectively. On the other hand, partly in response to a recent spate of juvenile shootings, such as the case of Nathaniel Abraham, a thirteen-year-old boy in Pontiac, Michigan, who will be sentenced this week on a second-degree-murder charge, there have been pleas

from elected officials in some states to lower the legal age to as young as eleven. Thirteen men convicted of crimes committed as children have been executed since the death penalty was reinstated, in 1976. Today, seventy more await execution.

The two factors that Judge Caverly cited in sparing the lives of Leopold and Loeb—the progress of criminal law all over the world and the dictates of enlightened humanity—have fared differently during the intervening decades. Criminal law around the world has indeed made progress. Capital punishment has been abolished in Europe. In Russia, Boris Yeltsin recently commuted seven hundred death sentences. According to an Amnesty International report issued last month, only five other countries besides the United States—Iran, Nigeria, Pakistan, Saudi Arabia, and Yemen—have executed juvenile offenders in the last decade, and Yemen has since banished the practice.

In this country, David Tanenhaus, a historian of juvenile justice, points to "a general loss of faith in children and the rehabilitative idea." Most states now have provisions to try juveniles accused of certain offenses in adult court. Some



states house children in adult prisons. Executing children seems to be a logical extension of such thinking. But that thinking is cruel and perverse. Youth is more than just a chronological fact. The young are susceptible to influence and impulse, and so they are even less likely than adults to be swayed by the “deterrent” effect of capital punishment. The death penalty for adults is an abandonment of hope. The death penalty for children is an expression of despair.

—ALEX KOTLOWITZ

## DEPT. OF HOOPLA

*The New Year stumbles in.*



IT was reported last week that eighty per cent of Americans stayed home to enjoy the opening of the new millennium. This was a startling figure, although it requires further analysis: we need to know how many celebrants were clasped in the bosom of their families, and how many sealed themselves into storm cellars with a candle, a .45, and enough tortilla chips to last three months. Contrast the extrovert spirit that prevailed in Australia, say, where government statistics have revealed that the only citizens who failed to leave

the house on December 31st were the McGarry family of Perth. The city of Sydney, which, despite the looming Olympics, looks pretty happy about itself, laid on an extravagant party in the harbor.

Whether this made it the Greatest Show on Earth was a matter of inflamed debate. China—the place that invented fireworks, as well as noodles, the printing press, and peeling students off tank tracks—emblazoned the heavens above the Great Wall. Layers of light ascended the Washington Monument and, with geometric elegance, the Eiffel Tower. In a daring act of multiculturalism, the good people of Tonga rose at midnight to sing the “Hallelujah Chorus” from Handel’s “Messiah.” Then, there was New York. Estimates put the number of revellers at more than two million, of whom at least forty-six were resident New Yorkers. Nobody in his or her right mind headed for Times Square, for the simple reason that if you wanted to get out of your right mind you had to go elsewhere; Mayor Giuliani, not content with gluing shut the manholes in case anyone was reading the Koran in the sewers, had declared midtown to remain an alcohol-free zone for the entire evening. The joke is that the only visitors who would applaud such a move were the same Islamic fundamentalists he was

trying to keep out. One wonders how major an event would have to be before the Mayor thought it worthy of a beer. As rogue Korean warheads plummet toward Forty-second Street, will he announce free hazelnut mocha for children under ten? One thing is certain: thanks to the Giuliani precautions, grandparents in 2080 will be able to regale the kids with tales of that amazing night when they stood shivering beneath a giant underpants billboard and sipped apple Snapple.

For once, New York could have taken a lesson from London. There, underfoot, as revellers walked across Blackfriars Bridge at two in the morning, empty champagne bottles made a lush pastoral carpet of green and gold. At the Oxo Tower, on the South Bank, where the eighth-floor Restaurant, Bar and Brasserie threw the most geographically desirable party of the night, cocktail specialists could pass seamlessly from a Y2K—basically, a gingered-up White Lady—to a One Second To . . . , the effects of which could still be felt Eight Hours After . . . Dancing took place beneath fluorescent, Warholish portraits of Faces of the Millennium. There were, on balance, few experiences more suited to a fading, farcical century than trying to moonwalk to “Blame It on the Boogie” under a picture of Bertrand Russell.

Russell, of course, blamed it on expansionist Western capitalism. He would not have relished the last hours of 1999. The rule governing fireworks, for instance, is quite simple. If  $x$  is the amount of money that it would be prudent to spend on your fireworks display, and if  $y$  is the number of people whom you expect to attend, then the actual expenditure should be  $3x + y$ . There is a further rule, which states that on the occasion of a new century the equation should change to  $3(x + y)$ . Real fireworks addicts whisper darkly of  $y$  to the power of  $x$ , but that is unrealistic. The London fireworks, launched from a string of sixteen barges along the Thames, were as intemperate as one could have wished. The last time the city took so apocalyptic a pounding was in 1940, when the Luftwaffe flattened the docks; now, as then, St. Paul’s Cathedral vanished in the smoke and slowly reappeared, ghost gray. What better than



harmless hellfire to presage a fresh start?

The most fitting thing about London's millennial effort was its blend of new technological hope and comforting, old-fashioned screwups. The waiting crowds were promised a wall of fire, two hundred feet high, that would flash up the Thames at eight hundred miles an hour, presumably singeing everything in its path. The mind reeled at the idea of a million British subjects beginning the new century with no eyebrows. In the end, nothing happened; the wall failed to ignite, and the London Eye, a four-hundred-and-forty-three-foot Ferris wheel near Waterloo Bridge, failed a safety inspection. Down in Greenwich, the place where time is timed, it emerged on New Year's Eve that, of the \$1.2 billion dollars spent on the Millennium Dome, almost none had been set aside for postage stamps to stick on invitations; the great and the good were therefore, to the delight of the moderate and the naughty, made to wait in line with ID for up to four hours before entering what is, in effect, the world's largest diaphragm.

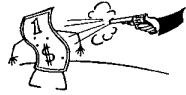
Once inside, the ten thousand visitors were treated to a floor show, a plas-



Prince Philip, Queen Elizabeth, and Tony Blair

tic glass of champagne, and a prayer. As the New Year broke, they launched into a mass rendition of "Auld Lang Syne." Singers crossed their arms and linked hands with those on either side, as custom demands; unfortunately, custom doesn't say what to do if the woman adjacent to you happens to be the Queen of England. Samuel Johnson was once asked why he had not wowed King George III with one-liners. "It was not for me to bandy civilities with my Sovereign," he replied. Tony Blair is nothing if not a bandy man. He took

## A LETTER TO PUFF DADDY



[Sean (Puff Daddy) Combs] was supposedly flashing wads of cash inside Manhattan's crowded Club New York—arrogantly tossing it about like confetti. . . . One annoyed man reportedly threw a stack of bills at Combs. . . . Combs brandished a gun, and one of his artists, a rapper known as Shyne, drew a 9mm Ruger and opened fire.—*Newsweek*, January 10, 2000.

DEAR MR. DADDY,

I am writing to apply for a position with your posse. I am available to start hanging with you 24-7, effective immediately.

You're probably saying to yourself, "I already have a huge entourage—what do I need some other clown for?" Well, the next time some guy throws a stack of money at you, wouldn't it be great to have someone in your posse whose job it is to catch the money before it even gets to you, thereby avoiding an unpleasant—and unnecessary—dis-

Mr. Daddy, I am that clown.

While no one has ever thrown a stack of money at *me*, I feel that catching flying stacks of money is the sort of

work I'm cut out for. I always bend down to pick up money on the street, for example, and I can't tell you how many coins I've fished out of couches. Catching a stack of money should be a snap for a sharp-eyed fellow like me.

And here's the beauty part: not only will I catch the stack of money—I'll dispose of it, permanently, allowing you to enjoy the rest of your evening dis-free.

What will I do with the stack of money? Maybe I'll go to Brooks Brothers and buy a new pair of cotton twill pants, or maybe I'll get that new Palm VII I've had my eye on. It really depends on how much money is in the stack of money.

I wouldn't expect you to hire me sight unseen. If you like, I could come by your offices, and you and the members of your posse could take turns throwing stacks of money at me.

In closing, I have only one request: if you decide to hire me, I'd prefer it if you could start throwing money around like confetti in the early part of the evening, say, seven-thirty to nine. I've never been much of a "night person."

Sincerely,  
ANDY (STACKY) BOROWITZ

the left hand of his sovereign and pumped it proudly up and down. The Queen offered the other hand to her husband but declined to cross her arms, the result being that she was forced to stand there and flap weakly like a chicken. The set of her mouth was the highlight of the evening: as billions of viewers looked on, Her Majesty assumed the steady, thunderous expression of a nun at a Robert Mapplethorpe exhibit. No doubt she was reflecting that, had she been the first Elizabeth rather than the second, she could have had the Prime Minister's entrails broiled in front of his eyes.

But the moment passed; a good time was had by nearly all. The world chose not to end, or even to shut down; computer wonks everywhere breathed easy once again and fingered their wads of overtime. The millennium bug has thus far failed to nip; the only substantial glitch was traced to Russia, where a software error caused a pneumonic lush to hand over nuclear codes to a war-hungry spook. The new President

chose to be photographed in a patterned zip-up cardigan; if Mr. Putin's foreign policy turns out to be as aggressive as his taste in knitwear, 2000 promises to be, at the very least, a colorful year. Maybe those fireworks were just an appetizer, after all. —ANTHONY LANE

## DRESS-UP DEPT.

*The well-heeled and the wonky toast the millennium.*



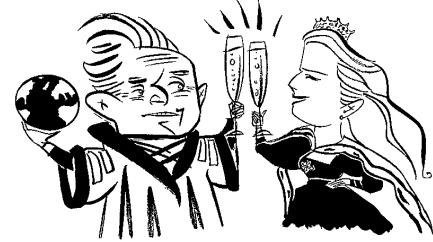
"DRESS as your favorite figure of the past millennium," the silver-embossed invitation to George and Susan Soros's New Year's Eve party said, and most guests did as they were bid. Shortly before seven, Galileo, Erasmus, and St. Francis of Assisi, not to mention Amelia Earhart and several Audrey Hepburns, gathered outside the Soroses' Fifth Avenue apartment, where a fleet of minibuses was on hand to

ferry them up to the speculator-cum-philanthropist's country estate in Katonah. Passing through iron gates, the distinguished guests approached a large red brick mansion, with a slate roof and a modern extension jutting out of one side—which, on closer inspection, turned out to be a fully equipped sports atrium. Once inside, they were greeted by liveried servants in white wigs. The Sorosos, famously kind hosts, had a rack of extra costumes standing by for those who had overlooked, or simply forgotten, their previous instructions. Jagdish Bhagwati, an eminent professor of economics at Columbia, chose to be the Emperor of Japan. His wife, Padma Desai, another noted economist, opted for the Empress of India.

After being individually announced by a butler, the guests drank cocktails in a tented area around the swimming

pool. "It was such a phantasmagoria," said Gloria Deák, who fulfilled a lifetime ambition by dressing as Gloria Swanson. (Her husband, the historian Istvan Deák, came as Noël Coward.) On the walls hung ten large oil canvases, one for every century of the second millennium, and each featuring an image of the hosts. Beneath these modest portraits, George and Susan Soros greeted their guests in person: George a trim and smiling Christopher Columbus, Susan a striking Queen Isabella of Spain. The crowd numbered about two hundred and fifty, and there were many familiar faces in unfamiliar garb: Steve Brill, the publisher of the magazine *Brill's Content*, had come as Winston Churchill, complete with top hat and cigar (in truth, the cigar was no stretch); Paul Volcker, the former chairman of the Federal Reserve Board, made an

imperious Zeus (nobody dared question his grasp of the calendar); Zbigniew Brzezinski, the former national-security adviser, was a spirited Karl Marx (although he told some guests that he was Father Christmas); and the former British diplomat Sir James Murray, a sprightly octogenarian, entered in a bright-yellow jacket, delighted



*George and Susan Soros*

to be announced as Hugh Hefner.

After a lengthy cocktail hour, the revellers took a footbridge across the pool—some stopping to stare at two gold-clad hired nymphs cavorting in the water—to the high-ceilinged atrium, where dinner was served. As Genghis Khan and Henry VIII and the rest tucked into lobster risotto, a troupe of trapeze acrobats whizzed to and fro above their heads. The acrobats were young, lithe, and dressed, or partly dressed, as signs of the zodiac. Two buff young fellows made a particularly strong impression, grinding sinuously against each other in an arresting interpretation of Gemini. "There was a beautiful young woman writhing above me as I ate," Bhagwati later recalled. "My wife said, 'Watch out! She's going to fall on you.' I said, 'I hope she does.'" When the assembly could avert its eyes from the sights above, there was music, including a piece composed specially for the occasion by Lewis Flinn and performed by a small orchestra.

At midnight, the crowd counted out the old year in fine voice, and gave the new one a resounding cheer. As the guests set off back to the city, at least some of them stared at the bronze medals they had been handed on the way out and wondered if the dawning millennium could ever match such understated splendor. Their hosts, in any case, had no such doubts. Beneath etched profiles of George and Susan Soros, the medals featured the following inscription: "Enlightened by the past. Embraced by the present. Empowered by the future." —JOHN CASSIDY



*"You don't have any time? Try fitting Taoist sex into your schedule."*

## DEPT. OF AMPLIFICATION

### Updating the smallpox vaccine.



A REALLY big act of bioterrorism has never occurred, as far as anyone knows, although the F.B.I. recorded more than thirty threats or attempts at bioterror during just the first week of January this year. One can only assume that sooner or later some terrorist will succeed, and an infectious organism will be deliberately released on a large population. The most dangerous bioweapon on the planet is *Variola major*, a form of the smallpox virus. Smallpox mirrors the Black Death of the Middle Ages in its virulence and contagiousness. During the nineteenth-century, it was eradicated as a disease that circulates in the human population, and officially it exists only in two laboratory freezers, one in the United States and one in Russia. Unofficially, illicit stocks are almost certainly being kept in several other countries, including Iraq and North Korea. There is a vaccine for smallpox, but the World Health Organization keeps only about one dose on hand for every twelve thousand people on earth. In any case, the vaccine wears off: most people today could catch smallpox easily, even if they were vaccinated in the past. The consequences of a bioterrorist act involving smallpox would be devastating.

Efforts to create a meaningful stockpile of smallpox vaccine in the United States, as described in this magazine last summer ("The Demon in the Freezer," July 12th), were going nowhere for a long time. The process was mired in interagency rivalries and the different agendas of military and civilian planners. But late last August, Jeffrey Koplan, the new director of the Centers for Disease Control and Prevention in Atlanta, decided to put an end to the bureaucratic fumbling. He called a meeting of the main players from the Pentagon, the White House, the Food and Drug Administration, the National Institutes of Health, and the Department of Health and Human Services. Some two dozen officials flew to Atlanta and gathered around a long table in a room near Koplan's office. One participant, who took notes, said that after the

door was closed, Jeff Koplan made it clear—very calmly and politely—that no one would be allowed to leave the room until there was a plan for creating an adequate stockpile of smallpox vaccine. "I want to know the plan for next week and for next month. I want to see timetables. When are you going to get this done?" he said. The meeting wouldn't end until everyone in the room was in agreement.

JEFF KOPLAN is a thin man in his mid-fifties, with sparse blond-gray hair, wire-rimmed glasses, and pale-blue eyes. He dresses in gray suits and colorless ties, but he listens to rock and roll, bluegrass, and the blues, and he once played the mandolin. Koplan is one of the very few doctors in the world who have had hands-on experience managing patients who are dying of smallpox.

Koplan encountered smallpox in 1973. He had just finished his medical residency, and had joined the C.D.C. as an officer in the Epidemic Intelligence Service. He was sent to Bangladesh during the world's last outbreaks of *Variola major*. At the time, Koplan had a beard, and hair down to his shoulders, and he brought along Grateful Dead tapes to listen to in Bangladesh. He set up a ward in the Infectious Disease Hospital in Dacca, took a crash course in the Bengali language, and hired a man to buy food for the patients, since the hospital didn't supply any. He learned how to diagnose smallpox with his fingertips. "A blind person can diagnose smallpox from the feel of the lesions," he says. "Smallpox lesions have a velvety feel. While they look like bubbles on top of the skin, they feel much more deep-seated." Koplan found that nothing he did could change the outcome of the disease. Twenty-six years later, he did not want to have to manage an outbreak of smallpox in the American population.

The meeting Koplan called in August was extraordinary. Such meetings almost never occur in the federal government, where agencies guard their terrain, and where multi-agency decisions are made in tiny increments through negotiations among policymakers. Koplan refused to comment about the meeting to me, even off the record.

The meeting lasted for many hours,

and when it was over the representatives from the F.D.A. had agreed to a number of steps that would allow more rapid testing and licensing of the vaccine. The C.D.C. said it would take over management of the actual creation of the stockpile and would line up a biotech company to manufacture the vaccine. In perhaps three years' time—although there are no guarantees that this will occur—we could have a vaccine ready for mass production and stockpiling. It could not be used for routine, large-scale vaccinations like those that took place in the past, since the vaccine could make some people sick—people whose immune systems have been compromised by chemotherapy, or H.I.V., or an organ transplant. But the F.D.A. would release the vaccine in a national emergency.

A national stockpile of smallpox vaccine is more than just a prophylactic against disease; it would also provide a deterrent to terrorists, who probably would not choose to use a weapon that creates few casualties. And if there was extra production capacity for the vaccine, the United States would be in a position to whip out millions of doses for any other country that was threatened. This could effectively remove smallpox from the military arsenal of Saddam Hussein in a nonviolent way.

Jeff Koplan managed to affect public-health policy and national defense in a profound way in a matter of hours, but the moment was, for him, tinged with a sense of failure. "It's almost inconceivable that the incredible international human effort that went into eradicating smallpox could be overturned by malicious human acts," he says. "People subsumed all their differences working side by side to eradicate smallpox—Russians, Americans, Brazilians, Indians. In East Africa, wars were literally put on hold, and truces held, while everyone went into the field to get this done. It's such a painful thing to consider that someone could use smallpox for a negative purpose, particularly when you are aware that it could cause hundreds of millions of deaths."

I asked someone who had been at the August meeting if people were mad at Koplan for locking them into that room in Atlanta.

"I had a feeling they were grateful," he said. —RICHARD PRESTON