



Robert Taylor

Making the Case for Direct Democracy

If money meant more to Beth Garrett, she would be a high-profile Texas attorney instead of the leading authority on referenda—and Arnold Schwarzenegger.

BY CARL MARZIALI

Everyone who knew Elizabeth Garrett at the University of Oklahoma expected her to do something important. No one knew what that something should be—but the practice of banking law did not exactly spring to mind.

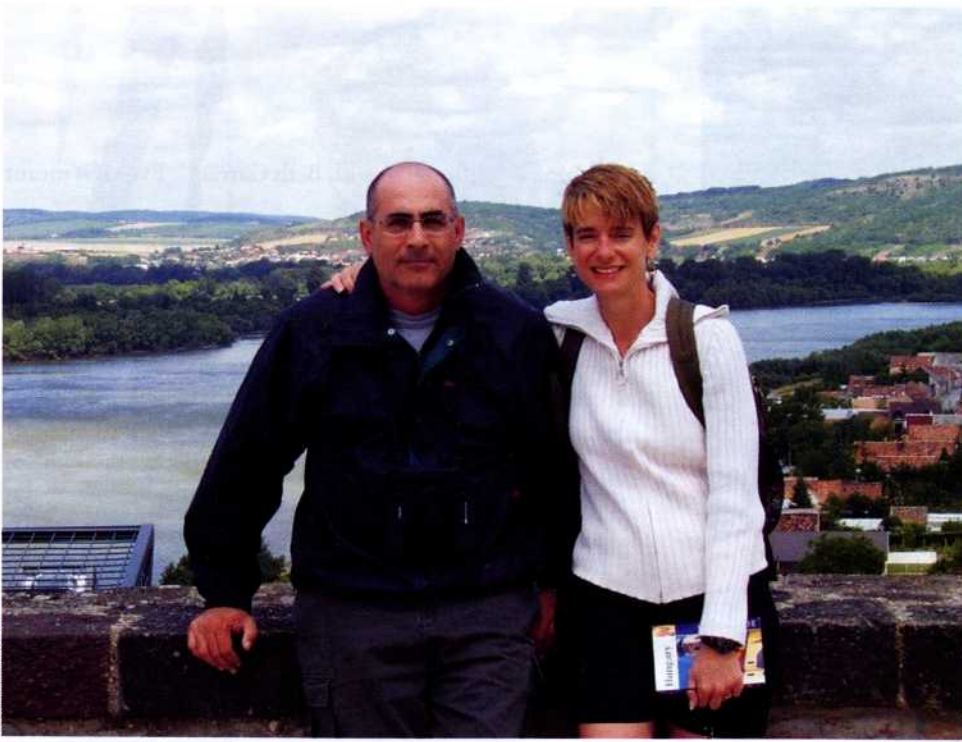
Yet there she was in 1990, staring at a job offer from a Texas law firm specializing in banking law. “Beth Garrett, banking litigation attorney.” Not an adrenalin pump of a title, but respectable—and the salary that came with the job was exceedingly respectable.

Garrett already had done her public service tours of duty—clerking with the legendary Thurgood Marshall at the U.S. Supreme Court, as well as a stint as a legislative intern on Capitol Hill during college. Maybe, she rationalized, it was time to settle down and join the thousands of JDs with a solid oak desk and a steady clientele.

This kind of quiet career move happens every day—except that in Garrett’s case, few career moves unfold quietly. For one thing, her first-place score on the Texas bar exam made her next step a matter of some public interest.

OU President David L. Boren, still a U.S. Senator at the time, remembers being on an airplane and picking up the *American Way Magazine*. Inside, a headline asked: Who will be the highest-paid new lawyers in the country? The answer included the name of a young woman from OU who had served as his summer intern.

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Every other year Beth Garrett, right, and her husband, Andrei Marmor, travel to Hungary to teach graduate law students from the former Eastern Bloc countries and the former U.S.S.R. at Central European University. An ethnic Hungarian born in Romania, Marmor escaped with his family to Israel at age 10 and met Garrett when they were faculty members at the University of Chicago. Both now teach at the University of Southern California.

That lesson stuck. David Levy, Garrett's favorite history professor at OU, remembers watching Garrett during weekly tests.

"She would finish the quiz ahead of the other students and, in the same motion, turn over the paper and reach for next week's reading," he says. "I never had a student, I think, who made better use of time than she did."

During downtimes, Garrett practiced her favorite hobby: cross-stitching, a form of needlepoint where the finished product is a decorative tableau. Mike Bresson, a college friend, remembers traveling through Italy with Garrett and a group of others.

"She was cross-stitching when everyone else was sleeping. She just never wastes a moment," says Bresson.

Garrett says she picked up needlepoint in eighth grade to pass time between rounds at debate competitions. Visitors to her USC office find the walls covered in cross-stitched state mottos (Oklahoma: *Labor Omnia Vincit*, "Labor conquers all things"), as well as landscapes of Jerusalem and Chicago. She often sends cross-stitched mementos to friends and family.

"I don't think you should ever just sit. I don't think that's what one should ever do, no matter what," Garrett says with something like religious fervor. "I've never been around people who just sat. I've never seen my parents sit and do nothing."

"After all, life is not all that long. Even if you're not working, there are so many places to see in the country and the world. There is seldom a good reason just to sit. You'll miss out on so many things!"

By the time Garrett graduated in 1985, joining her parents

and grandmother as OU alumni, she had been Top Ten Sophomore, Outstanding Senior Woman, a Phi Beta Kappa elected in her junior year and a member of Chi Omega social sorority. She was on Mortar Board, Pe-et and most other senior honoraries. She was, according to several faculty and administrators, in the 100th percentile not just of her class, but of her generation.

Among her most prestigious accomplishments since then, at least from an academic perspective, would be her juris doctorate from the University of Virginia, where she graduated first in her class, and her appointments to the faculty of the University of Chicago and USC's law schools, her association with Marshall and her classic casebook on legislation. But Garrett traces every academic plum to the tree of her work in Boren's office on Capitol

Hill. If not for that experience, she says, she might have become another legal theoretician narrowly focused on the court system.

"What I know is the legislature," she says. "That's always been my scholarly focus, and it turns out there wasn't much attention being paid to the legislative process in the law schools when I entered academics in 1994. When I was in the job market, some top schools told me that I belonged in political science. I would respond: 'Lawyers write the laws; lawyers implement the laws; lawyers interpret the laws—not political scientists. The study of legislatures and lawmaking is too important to be left to political scientists.'"

"She has a real sense of public policy and purpose," says Mark Weinberger, vice chairman Ernst & Young Tax Services, who worked alongside Garrett on Capitol Hill.

The courts are for parties who have totally failed to find common ground, says Garrett. Crediting the influence of her dad, she finds it more interesting to study the law as an instrument for setting policy, whether through regulation, legislation or direct democracy. And she is pulling others in her wake.

"There are many scholars now in the law schools, including some of my students, who are specializing in the field of law and politics, and looking at legal scholarship primarily from the perspective of what's happening in the political branches of government, not just the judicial branch."

Which shows, it doesn't always take a court to set a precedent.

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