The Student Newspaper of the New York University School of Law

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New SBA Officers Elected

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Charlotte Slaiman ’14

Employment stats come under fire

Law Revue photos. The real reason you picked up The Commentator.

Did you know there is a Chick-Fil-A at NYU?

On March 28, the All-ALSA Coalition held a moment of silence in the Vanderbilt Courtyard “to honor the memory of Trayvon Martin, to condemn the racist and hate that his death represents, and to show our frustrations and outrage that such events continue to plague our society.” Martin was killed last month by George Zimmerman, who has not been charged with a crime.

Deb Ellis ’82

PILC Dean Departs, Stirring Uncertainty

By Grant Tax ’14
Staff Editor

After nine years leading the Public Interest Law Center to new heights, Deborah Ellis ’82 will end her time at NYU Law, leaving behind a storm of speculation over the future of public interest at the school.

Last month, Dean Richard Revesz announced Ms. Ellis, the Assistant Dean for Public Service, would depart at the end of May. The move appears to have been sudden and unplanned — NYU does not have a successor lined up. A search committee composed of faculty, administrators and student representatives has been convened and charged with finding a successor before the beginning of the next academic year. Dean Revesz said he would appoint an interim Assistant Dean if necessary, and estimated the search would take about four months.

The administration has dismissed the idea that Ms. Ellis’s departure heralded a change in the way public interest would be handled at the school.

“[Ms. Ellis’s departure] in no way diminishes our institution’s long-held dedication to public interest work,” said Jeannie Forest, the school’s Vice Dean. “It’s a huge part of our identity and we plan to continue that and — if anything — broaden it. We are committed to maintaining our full range of programs, services, and financial support.”

Despite the assurances, news of her departure has fomented a gamut of rumors among the student body. There is speculation her sudden departure was the result of a paradigm shift between Ms. Ellis and the school. A few have even gone so far as to claim the schism developed because the school, still smarting from a recent drop in its U.S. News & World Report ranking, was looking to focus resources on areas outside of public interest as a means of moving back up.

Dean Revesz tackled some of the ambient anxiety at a well-attended town hall meeting on March 20. Responding to a question about whether Ms. Ellis’s successor would need to have certain ideas about how PILC would be run, based on the premise that Ms. Ellis had left because of a “difference in vision,” Mr. Revesz declared, “There is no secret plan; if there was, I would have told the search committee. I can’t speculate on why Ms. Ellis left. People leave jobs for all sorts of reasons, but there was nothing about a difference in vision. We have an excellent public interest program, but it doesn’t mean it can’t be better. We are looking for someone who will do a really good job and carry forward what we are doing.”

Ms. Ellis herself has been reserved when offering her reasons for leaving. “I decided I had accomplished all that I wanted to accomplish and I decided to move on,” Ms. Ellis said. There was no particular impetus for her decision, Ms. Ellis said, but when asked how long she had been planning her departure, she paused and did not answer. Ms. Ellis has

Continued on page 7
Leighton Briefs the This American Life Apple Scandal

I am livid about the Mike Daisey—This American Life—Foxconn scandal. Livid. Let’s brief this out so we can all be on the same page.

I. The Parties
Mike Daisey (defendant) is a huge Apple nerd. Defendant loves his Macbook and his variety of iPhones (I believe his collection includes a couple ipods, a phone, and a pad). In 2010, he visited China to investigate the factory conditions at Foxconn, a behemoth of production for American technology companies. Based on what he learned, he created a stage show called “The Agony and the Ecstasy of Steve Jobs.”

II. The Facts
Ira Glass (plaintiff) is the host of critically acclaimed NPR radio show “This American Life.” If you have ears and a brain you will like a couple of stories — and if you already attune yourself to it in your free time anyway (David Sedaris, David Rakoff, Sarah Vowell, anybody?), they teach you a little (and sometimes more than a little) and they generally tell interesting, compelling stories about Americans. One guy worked at Macy’s as an elf during Christmastime; one guy went on a month-long juice cleanse and was thrilled with the results until he looked through the grapevine that his languid appearance had inspired rumors that he was dying of cancer. They send journalists to investigate all kinds of things — the assassination of Osama bin Laden, the status of local government during the recession, and the creative ways they’re coping with budget cuts, and the fall-out at Penn State after the Jerry Sandusky pedophilia scandal last fall, to name a few.

Sidenote: For the last three years, I have been plagued by the resemblance between Ira Glass and Barry Friedman’s speaking voices. I literally begin every one of my criminal procedure classes (at 9 am, sharp) with Ira’s voice in my head: “Hey there, podcast listeners.” It puts me in an infinitely good mood and probably leaves a weird, vacant, inexplicable smile on my lips that surely taunts or frightens “B” as he begins his lecture.

III. The Parties: Mike Daisey (top) and Barry Friedman, I mean This American Life

When I first heard Mike Daisey’s show, I was shocked. I listened to it in my kitchen while I made dinner one night and I literally dropped my jaw. I paused, knife in hand over half-chopped kale, and stared at the wall with my mouth agape. “Oh. My. God. This is crazy,” I said out loud, to no one. Mike Daisey had me talking to myself. I think I may have even mummified his dramatic hush-toned, slow-cadence speech.

“The Agony and the Ecstasy of Steve Jobs” makes you want to raise your factory standards. Sure, Foxconn wasn’t the site of the assault, but they were behind bars for this atrocity hidden behind creative license. Well, not completely. Mike Daisey should be behind bars for this atrocity hidden behind creative license. Hence, the problem is that they aren’t still using the product. I still think their labor standards should be better than — not commensurate with — local norms. My initial reaction to the story felt like a Torts exam issue spotter: intentional infliction of emotional distress, negligent story-telling… wasn’t there some controversy recently about criminalizing lying? I’m pretty sure that was limited to lying about certain statutes but Mike Daisey should be behind bars for this atrocity hiding behind creative license. Well, not behind bars, that’s barbaste. Come on, we’re NYU students and NPR listeners; we don’t necessarily even believe in jail for violent criminals. Mike Daisey deserves a strong slap on the wrist but maybe a pat on the back also — because Ira Glass and millions of NPR listeners are now talking about substandard labor conditions in China. Mike Daisey may not have seen or done the things he said he saw and did, but he turned an eye to a human rights problem that needs attention. And his story (and the subsequent retraction show) are worth a listen and available here: http://www.thisamericanlife.org/

Leighton Delligere '12
Editor-in-Chief

The Problem: Mike Daisey (top) and Barry Friedman, I mean This American Life

Comment

The Eager Reader

Comment

The Agony and the Ecstasy of Steve Jobs” needed to be fact-checked. And Daisey did. He tried to contact the translator who traveled through China with him but that call proved fruitless. Instead, he decided to do something. In China, there were underage workers at Foxconn but his translator would not talk to him about it, because he and she do not; the blacklist was not in fact sealed by the government and not likely dastardly; the people poisoned by hexane were not at Foxconn but in a different factory in a different city and Mike Daisey never met them; there were no cameras in the dormitories and the bit about the tape is preposterous. Daisey surely in-process highways in China but Cathy the translator assured the crew at NPR that they were never perfectly driven near the edge of an 85-foot drop.

IV. The Takeaway
Stepped on the drama (reach), does the show have anything to contribute to our discussion of Apple’s role as a global labor policy-maker?

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Dear Editors:

As a recent graduate of the law school, I have no idea what to make of NYU’s recent rebuttal to claims that the school is distorting the employment prospects of its graduates. On one hand, I appreciate the school both providing a public response to this important issue and aggressively defending its reputation. At the same time, the response strikes me as shockingly defensive in its tone and substance, and it misses an opportunity to position NYU at the forefront of the law school transparency movement.

When the law school is suggesting Professor Paul Campos is using “tainted numbers,” directing the criticism being directed at law schools today, for many of us employment statistics based upon “how NALP, the ABA, and U.S. News guides them into an increasingly volatile job market. It is long past time for NYU to recognize the part it plays in placing students into tremendous debt and forcing them into an increasingly volatile job market.

It was told that NYU gathers statistics based upon “how NALP, the ABA, and U.S. News guides them into an increasingly volatile job market. As a recent graduate of the law school, I have no idea what to make of NYU’s recent rebuttal to claims that the school is distorting the employment prospects of its graduates. On one hand, I appreciate the school both providing a public response to this important issue and aggressively defending its reputation. At the

The reality is that the number yet apparent. It was a tremendous shock for me to realize that as prestigious as NYU is, the opportunities for which I came to law school simply would not exist by the time I graduated. I only recently found employment yet, today, for many of us employment statistics still does not always equate to financial security. I do not blame NYU for my situation, but I do take umbrage at the school’s subsequent behavior.

As the legal job market worsened and was ruthlessly transformed during my time at NYU, the standard response from the school was that everything would be okay, that NYU graduates were still a cut above the rest. I understand if the school was trying to cushion the blow to my class or to avoid a panic, but it was tremendously upsetting for me to see this response being used with the students that came after me. During admitted students days and information sessions for prospective, there was very little honest discussion about the price of an NYU law education and one’s prospects upon graduation. Just try to find NYU’s graduate employment statistics on its website. While they are currently on the front page via this rebuttal, most of the time the stats are buried; they certainly aren’t easily advertised to prospective students.

When I started law school, the ramifications of the recession on the legal job market were not

Comment

Letter to the Editor

I WORK. I PLAY. AND I SAVED ON A CAR THAT HELPS ME DO BOTH. The Best In Class Alumni & Student Discount1 is the best discount from any car company for college students, graduate students or recent grads like me. And it can help you save too: hundreds, even thousands, on a new Chevrolet, Buick or GMC. I found a vehicle that helps me do it all. Now it’s your turn...

Best In Class Alumni & Student Discount

find your ride at bestinclassdiscount.com

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Progressive Student Congress Discusses Public Service at NYU

By Faith Grady ’12

What does it mean to be law students at a “Private University in the public trust”? Why do so many of us enter NYU using the phrase social justice in our admissions essays and later find ourselves billibegging and bonuses? As NYU solidifies its status as a leading law school, how should we define our responsibility to our status as a leader in public interest law? These and many other related questions were pondered and discussed Friday, March 23, at the First Annual Progressive Student Congress. Although it was the end of the week, with finals quickly approaching, and the day outside was spring-bliss perfection, a diverse group of nearly 70 NYU law students made it their priority to participate in the electrifying conversations that occurred during the Congress.

The Progressive Student Congress was organized by an informal group of law students unified by a desire to participate in discussions about the current state of NYU Law and the school’s evolving mission. To that end, the organization is not an officially recognized SBA organization, and does not have a formal leadership. Membership is open to all and the definition of what is “Progressive” is left to participants to define for themselves. Many of the participants appear to share broad common interests in the ability of NYU to prepare students for careers in public interest, the diversity of faculty and students at the school and the breadth of the coursework and clinic work available. There also seemed to be an understandment of anxiety and uncertainty among the members that NYU School of Law today is not as diligently serving its public service traditions as its public interest students as much as it capacity warrants.

The Congress, attended in Furman Hall 212 from 4:30-6:30 p.m., was impressively attended; the majority of seats in the large lecture hall were filled by a buzzing, diverse group of students representing all three classes and many disparate organizations at NYU. The introductory speaker was Bert Cadz, ’12, who is also an Editor-In-Chief of the Review of Law and Social Change. Mr. Cadz’s thoughtful remarks described the impetus for the Progressive Student Congress, as the Law School seems poised at a pivotal point in history. Inside the school, Deb Ellis, the leader of the Public Interest Law Center, is departing, and the recent entering classes are experiencing dramatic disparities in diversity, among a variety of other issues of concern. Finally, Cadzy said the purpose of the Progressive Student Congress was to take a look at how fully NYU Law is achieving mission of a “private university in the public service,” what more needs to be done, and how students from different communities at the law school can organize together to fight for their ideas and solutions. The discussions were lively and the report-backs to the entire Congress reflected that the majority of seats in the large lecture hall were filled by a buzzing, diverse group of students representing all three classes and many disparate organizations at NYU. The introductory speaker was Bert Cadz, ’12, who is also an Editor-In-Chief of the Review of Law and Social Change.

Mr. Cadzy’s remarks, five breakout groups were organized, covering distinct topics and they repaired to separate classrooms for 45-minute in-depth discussions concerning their topics. Once completed, the breakout groups reconvened all together in the main classroom to meet the invited speaker panel. The panel was moderated by Dana Young, a ’08, who had been a leader in organizing the event, and included CUNY Law Professor Victor Goode, NYU Law Professor Mark Tushnet, and NYU Law ’01 Alum/public interest practitioner Yurman Martinez. The speakers listened to each breakout group up to the groups made reports back to the main group concerning their discussions, conclusions, and open questions. The event then concluded with each speaker responding to the report-backs by offering their own perspectives, experiences, and advice in regards to the topics. The breakout groups were five in total: 1) Curriculum & Pedagogy, 2) Faculty and student diversity, 3) Private interest and pro bono, 4) Collective action, sustainability, and leverage and 5) SBA as vehicle for change. Attendees choose the breakout group of their choice and each group was led by facilitators who had prepared certain prompts and background information to foster the discussion. The discussions were lively and the report-backs to the entire Congress reflected that a great deal of substantive brain-storming had occurred during each breakout session. Many pro-active ideas and solutions were brought to the floor of the Congress in conclusion and received very positive responses. Professor Goode from CUNY Law School was the first speaker to respond to the reports of the break-out groups. In his sharp and incisive remarks, he cautioned that students must be aware of the limits on their energies and focus them on where they can do the most good, whether inside or outside the law school. Outside, the law school, Occupie Wall Street offers burgeoning opportunities for social change. Inside the school, there is a need to explore what has happened to Critical Legal Studies and its place in the pedagogy. In his conclusion, Professor Goode stated that many of the proposed ideas were achievable and offered his encouragement that students stay committed in realizing them. The next speaker was beloved NYU Law Professor Tony Thompson. Professor Thompson energized the room with his enthusiastic and inspiring speech. He encouraged the attendees to recognize that they’re doing something very important and learning valuable lawyering skills as they organize. His noted that the private versus public sector is an antiquated and divisive discourse that should be avoided because the job market for lawyers today dictates that professionals flow in and out of the sectors interchangeably. In conclusion, Professor Thompson reminded the audience that as students they have the power to make substantive changes in their law school and that their opinions will be considered as long as they strongly voice them and hone their advocacy skills.

Yurman Martinez, public interest lawyer and NYU alum, was the final speaker. Mr. Martinez was involved in student organizing efforts as a student at NYU and he spoke from his experiences. Mr. Martinez cautioned the students that he had seen many similar efforts from his time at NYU. Law rise and fall, and emphasized that the students today must find ways to make their efforts sustainable and practical. The words of the late Professor Derrick Bell were referred to in reminding the audience that they must be daring in the pursuit of inserting what is right.

Mr. Martinez implored the audience to work on meaningful, necessary, and inclusive goals that will be achieved through a united coalition of students, faculty, administrators, and alumni working together to better the institution as a whole and for the betterment of all.

On a positive and inspiring note, the Congress then recessed into continued discussions and refreshments. Attendees reported unanimously that they found the Congress to be a positive and thought-provoking experience. Adam Saper, a ’14 said, “While attendees seemed to span all classes, I was particularly proud and inspired to see so many 1L classmates invested in the event.” Their commitment to making their educational experience at the law school truly meaningful was reflected not only in their presence and immediate concerns, but through their thoughtful input about how to make lasting changes that can help better create a community for progressive voices and interests on the law school campus.” Without a doubt, NYU School of Law has a new force, the Progressive Student Congress, which is a unique venue in which students can organize and voice their opinions regarding change and public service at the institution.
Dear Peyton Manning,  

BY VANISH GROVER

An open letter to Peyton Manning:

Dear Peyton,

I first wrote this last week, before you had picked the Miami Dolphins as your future in the NFL. I was taken aback by your decision and, I have to admit, my first few words were, “how could you?”

But then I started to think about it, and the way you behaved throughout your career made it all seem spot on. You have met with me time and again to help get me where I am today.

I was hoping that you would retire. I was hoping that you would say to yourself: “Some day I want to be able to pick up my grandchildren.” I was hoping you would decide that at some point, your health going forward is more important than playing as a gladiator in front of millions of people. Players are destroying their bodies all the time — the shelf life of the average football player is three years. Players are destroying their bodies every single Sunday. Concussions, MCLs, ACLs, Achilles, spinal surgeries and severe nerve damage is beyond that point.

You ushered in the period of the aerial attack, the golden age of the quarterback. You showed us that it is possible for a goofy-looking Southern kid could be better than a model-dating pretty boy quarterback from New England. Now help football become safer.

Sincerely,

Vanish Grover

Deb has served so many crucial roles in my law school career. She is incredibly effective at her job — thanks to her generous, insightful guidance on internships, coursework, and activities. I approach graduation with a terrific job and a strong set of skills. Whether I’m wondering where I should spend my summer or if I need a haircut for an upcoming interview, I know she will give me a straightforward answer and that she will be spot on. She has met with me time and again to help get me where I am today.

But Deb’s role in my NYU experience encompasses so much more than her job title suggests. She is an inspiring female leader, outspoken and passionate in her concern for students and the public good. She is a constant source of personal support and understanding in the stressful, competitive law school world. Her warmth and compassion have been a huge source of comfort to me throughout my law school career.

Deb’s departure leaves a huge hole in the NYU community. Deb, you will be much missed!

-Mathilda Roberts ’12

Deb has been an amazing source of advice and support throughout my law school career. She provided helpful discussion and advice through two summer job searches and a clerkship application process. From creating innovative internship and fellowship resources to calling me from her home while she is talking through a decision, Deb has consistently gone above-and-beyond. I decided to attend NYU because of the public interest community and support and I’m saddened to hear that she will be leaving our ranks. Thank you for everything, Deb, and you will be missed.

-Laurin Jones ‘12

It would be easy enough to love Deb Ellis for her wonderful, tireless, and accomplished public interest attorney, respected and admired administrator, compassionate mentor, Green Bay Packers fan. But she’s so much more than that.

Deb has a wonderful sense of humor, solidified in my mind by having seen her laugh - and hard - at the caricature of herself in the Law Revue. She has a commitment to her work that is beyond professional, certainly personal, and remarkably effective, as her many formal accolades demonstrate. Deb returns phone calls and emails at 10 at night and 8 in the morning and works tirelessly to advance our careers because she has absolutely internalized students’ successes as her success.

Those of us lucky enough to have her mentorship and guidance have benefited enormously from it. That NYU’s profound loss will inevitably be someone else’s gain, the pain of her departure but does not alleviate the profound sorrow over her departure. Our institutional commitment to public interest will now face a most difficult test, which is not whether the next PILC leader can possibly fill Deb’s shoes, but whether anyone who has the vision to grow out of the person we bring on, and I want to deal with students who have in different situations.”

Members of the search committee echoed the assurance that NYU would remain dedicated to the public interest. “There is nothing more important to the than the reputation of the law school in the public interest law field,” said Karen Freedman, a committee member and NYU School of Law Trustee. “That is what I am most proud of this law school for, I will do everything I can to keep on going.”

Other members spoke about the need for diversity, experience, and looking for candidates that would be best for the school.

Some students also see this as an opportunity for student input into the school’s future. The Ad Hoc Students for PILC, a group of 15 public-interest-students, has formed, hoping to take the pulse of the student body and work with the administration during the transition. “The Ad Hoc Students for PILC feel that new leadership often comes with innovation, with that in mind, this is a valuable moment for students to think about what model-dating pretty boy quarterback we would like to see in PILC and to discuss those ideas with the administration and search committee,” said Sara Maeder, a member, and Root-Tilden-Kern scholar.

Whomever they find, she will have some big shoes to fill. Dean Revesz and various faculty members attribute a number of accomplishments to Ms. Ellis. The Root-Tilden-Kern scholarship program grew from 12 students to 20 students each year, who receive full tuition. NYU’s PILC fair became the largest public interest job fair in the country. Summer funding was guaranteed for students and the program itself was expanded. She created the judicial clerkship office, which has earned the school a record number of clerkships. Recently, Ms. Ellis received a White House Champions of Change Award for her work.

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Why Cinema Remains Better Than Television: From The Wire to Luck

By Thomas Prieto ’13

Staff Editor

We have been in the midst of a golden age of television over the last decade. Dramas like “The Sopranos”, “Deadwood”, “The Wire”, “Mad Men”, and “Breaking Bad” have brought writing styles and techniques often reserved for novels, short stories, essays, and plays to television. “The Wire” is a Greek tragedy doubling as a sociological essay. Every great episode of “Mad Men” functions as a short story about the American bourgeoisie of the 1960s and their fragile and collapsing world. One of the greatest “Breaking Bad” episodes, “The Fly”, is the one-act, two-man play at its finest. “Justified” is pulp fiction at its best — big, mythological characters with murky allegiances, an impossibly cool and charismatic lead, and the large sums of money that bring the show into existence. The writer is one of the biggest stars in television; they outrank directors and exercise creative control. They write the dialogue, produce the episodes, and have control over every aspect of the show. The writing on “The Wire” is the best example of writing into television. However, most television shows that have a few (or often too many) directors. In order to maintain a uniform visual style, the style of the pilot is considered the “house style”. Unfortunately, this is why the rest of the “Boardwalk Empire” episodes are, directorially, mere bad imitations of “Sopranos”.

The episode featured classic Scorsese stylistic choices like tracking shots down hallways and even a montage featuring the deaths of multiple characters. Most television shows cycle through multiple directors in order to tell their story, each bringing their personal vision to the show. The show is as interested in the visual aspects of his program as the writing. C.K. always wanted to be a filmmaker when he was younger and has some experience making short films. C.K. is involved in almost every aspect of the show and plays the role of writer, director, and editor. The show takes advantage of the medium of television — both visual and writing.

Comment

The Man With a Name

An absolute masterpiece, Fritz Lang’s “M”, follows citizens, policemen, and criminals as they attempt to hunt down a killer of children (played by the fantastic Peter Lorre). Lang’s facility when cutting between different groups and locations and surrealist use of dialogue, which often becomes a monologue and/or narration, helps to re-create an entire society in a way that few films can match. Everything comes to a head in one of the cinema’s greatest scenes in which Peter Lorre is confronted by most of the town, which attempts to exact vigilante justice. The moral issues of the death penalty have never been dealt with as deftly as they are here.

Review in Brief: “M” (Fritz Lang, 1931)

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