

The Jagged Edge

Desperate for success, Jeffrey Zander compiled a record of battlefield valor and courtroom heroics. But after he bungled a case as a military lawyer, the Marine Corps began to discover it was a tale that no officer and gentleman should tell.

BY LINCOLN CAPLAN

Jeffrey Zander was a war hero and had the medals to prove it. A captain and judge advocate in the U.S. Marine Corps, he gave a stirring account of how he became the first American Marine awarded the Croix de Guerre by the French government since 1917.

It happened while he was taking part in Operation Frequent Wind during the evacuation of Saigon in April 1975. A bus filled with refugees was hit by mortar fire, and the driver was badly hurt. Zander ran from shelter and, through a torrent of incoming shells, piloted the bus to safety. The Marines gave him a Bronze Star for his bravery and a Purple Heart for shrapnel wounds suffered during the rescue.

A review of his performance as a Marine lawyer would later observe that his "prior enlisted and Vietnam service adds an 'indefinable' character to his presence. ..."

Lincoln Caplan, a lawyer, writes regularly about the law. He is a contributing editor for Newsweek and his most recent book is "Skadden: Power, Money, and the Rise of a Legal Empire" (Noonday/Farrar, Straus & Giroux).

In 1988, in his judge advocate training class, Zander ranked first among all 300 who were graduated that year. During the next three years, when he was stationed in Okinawa, Japan, he prosecuted 64 cases, obtaining convictions in all but one.

In August 1991, he was transferred to Hawaii. There, serving as defense counsel in 41 cases, he bore his share of losses but won decisive victories. Two years later, when he was 37 years old, he was picked to attend a master's program for the cream of American military lawyers. "Truly exceptional officer!" a superior wrote about him. "Bright, knowledgeable, leads by example from the front ... Top 5 percent of the captains I have known."

If Zander sounded too good to be true, it was for a reason. The brilliant war record was an invention, and Zander, a law school graduate, had never bothered to take a bar exam. He had gotten into the Judge Advocate General Corps by doctoring some papers, and then, not content to leave well enough alone, got hooked on awarding himself medals.

Every time he stood up on behalf of a client in a court-martial and declared that he was certified as a judge advocate under the Uniform Code of Military Justice, he violated the law. In September 1994 he was found guilty of felony charges, sentenced to the brig, and expelled from the Marines in disgrace. But for a plea bargain under which his time in the brig was limited to 120 days, his sentence would have been seven years.

The prosecution dropped a charge that might have required figuring out what led Zander to carry out his fraud--what went on inside his head--yet that's the primary mystery in his case.

To Zander, who proposed that the Marines let him resign without punishment by a court, the government's pursuit of him was clearly excessive.

According to him, he was a good lawyer who, except for an inexcusable impulse to inflate his military record and a bogus entry made under extreme stress into the company of Marine judge advocates, served

his clients ably and deserved credit for his work. His deceit didn't spoil his basic character; his merit was reflected in his service at the bar and in his willingness to admit his wrongs.

From the day the Marines began to unravel his scheme in 1993, until the end of the legal case the government brought against him, Zander restrained himself from telling this silver-lined story to the media. (By his account, he turned down interview requests from many television programs, including "Hard Copy" and "Prime Time Live.") He was concerned that a court might hold any public statements he made against him. Once he pled guilty to felony charges, however, and was serving time in the brig at Quantico, Va., he agreed to talk to the *ABA Journal*.

Zander was generally forthcoming, cooperative and, to the best of his ability, truthful. However, that word has a special meaning in the Zander universe, where rationalizations flare in the sky like supernovas.

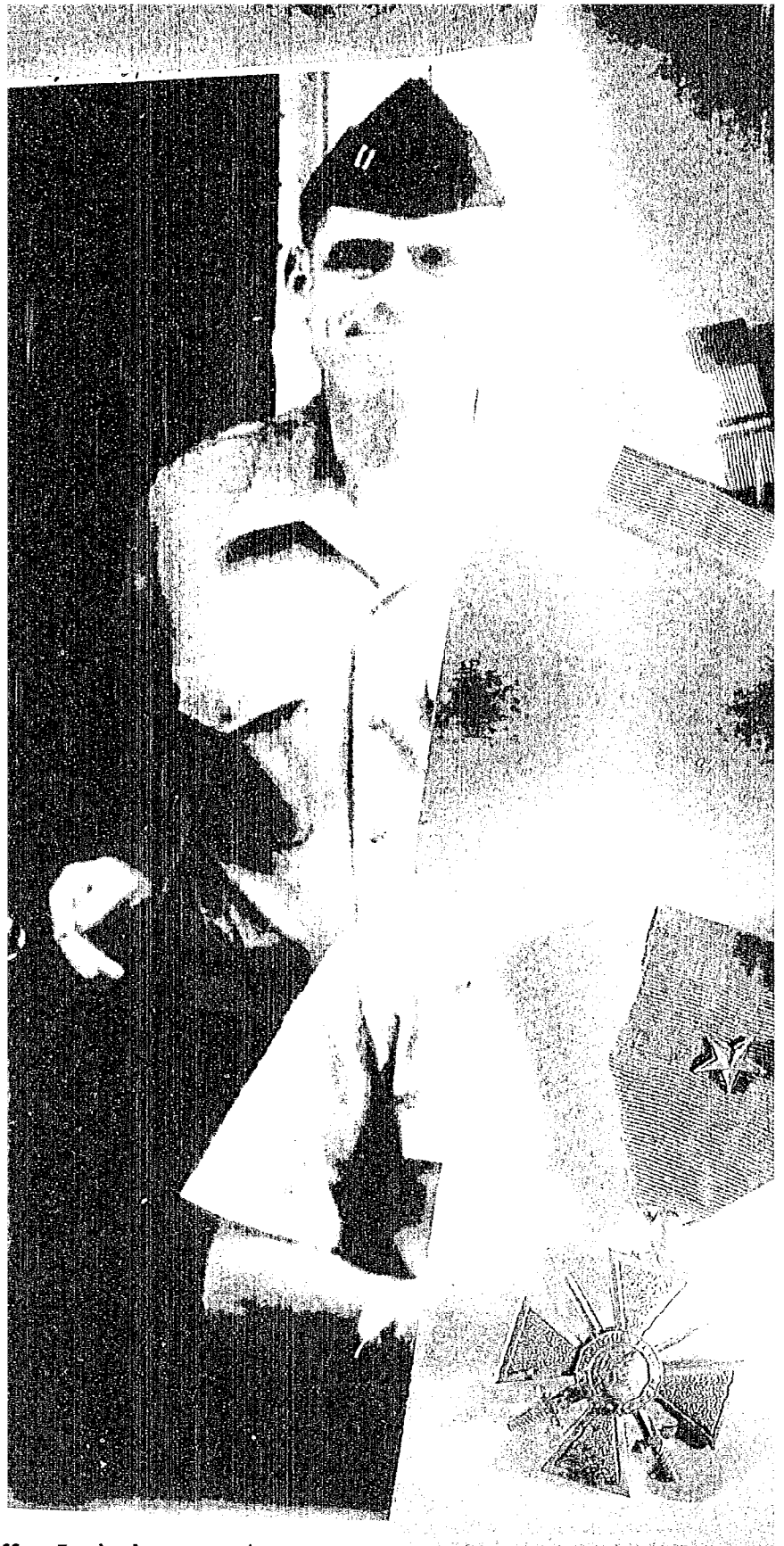
Remarkably, Zander seems not to see his deception as fraud, but as creating a context in which his true abilities could shine forth. He clings to the notion that he's a red-hot lawyer, although he blames his crime on a faulty reading of a military regulation. He was, in fact, being investigated for rendering ineffective assistance of counsel when his charade came to an end.

Background Check

At first meeting, Zander comes off as earnest and likable. He is stocky and of middling height. He has bushy eyebrows, intense brown eyes and a gap in his front teeth. His hair is thinning, his fingernails square and closely trimmed. His words have a winning, down-to-earth quality, with traces of Nebraska, where he was born in Omaha in 1955, on the Fourth of July, to a struggling teen-age couple.

His father, Charles, was then 17 and a mechanic for an oil company just across the border in Iowa. His mother, Shirlee, turned 17 the day after his birth. Her job was to take care of Jeffrey (and, later, his younger brother and sister). She also helped out at the restaurant her mother owned 30 miles north of Omaha.

When Jeffrey was 18 months old, his father enlisted as a private



Jeffrey Zander leaves court-martial proceedings at military courthouse, Quantico, Va., 1994.



Capt. Mark McConnell:
The medals represent
'self-aggrandizement and
ego gratification.'

He had been studying for a degree in business administration from Columbia College, based in Columbia, Mo. Like two-thirds of the college's students, Zander took courses at a Columbia branch campus near where he was posted. In December 1983, Zander got his B.S. from Columbia in Salt Lake City (he was working as a Marine recruiter). He shifted from active duty, in which he had risen to staff sergeant, to the reserves. In the fall of 1984, at 29 years old, he enrolled at Brigham Young University's Reuben J. Clark Law School.

He'd had a vague interest since high school in being a lawyer, which crystallized while he studied for his college degree. Law school was "a heaven and hell" experience for Zander. The schoolwork itself was hard (he says he was a "fair" student, in the upper half of his class), and some of the hell was personal. By the end of his third year, he says, he and his wife had two young children and \$30,000 of debt.

Subsisting on a modest stipend under the G.I. Bill, they lived in a \$125-a-month apartment and were so strapped for cash that they resorted to charging milk and bread on their gas credit card. Zander and his wife took part-time jobs at night as telephone solicitors. The stress of law school and of being poor eventually fractured the marriage. "We were talking about getting a divorce," Zander reported. "It was extremely ugly. ..."

The summer after graduation, Zander was assigned to the law center of the Marine base in Twentynine Palms, Calif. In the evenings, for a month or so, he drove west about 90 miles through the San Bernardino Mountains to Riverside, to take a review course for the California bar.

"It was just insane. You work all day, you go to class, you take the practice tests, you've got to study on your own time. That three- or four-hour drive in there, along with work in the day—there wasn't time to adequately prepare."

Convinced he was program-

in the Army, starting a 20-year career that carried him to captain. The Zanders moved around the United States, from Nebraska to New Jersey to Alabama, and were stationed in Germany. Until he was 15, Jeffrey was an All-American achiever: a clarinet player with a marching band in second grade; an acolyte in church through middle school; and a winner of almost all the merit badges for Eagle Scout.

When he was a high school sophomore back in the States, his parents split up. His father had the money to support him, so Jeffrey lived with him. In 1973, he finished high school in Denby, Va. Jeffrey says he was "a nerdy, geeky type," with unexceptional grades and no prospects for the future.

To his mother, he was an able, outgoing kid who went through a troubled stretch, wrenched by divorce but forced to live under the roof of a father with whom, his mother says, his dealings have

"usually been complicated."

Zander's father moved to Cocoa Beach, Fla., and Jeffrey trailed along. He bummed around for a few years, waiting tables and teaching tennis at a country club. He didn't go to college because he lacked the money.

Zander's father nudged him toward the military, arguing that the Vietnam-era G.I. Bill would end soon and, with it, his best chance to get an education. Like his brother, a West Point graduate who served for 13 years in the Army, Jeffrey didn't need much persuading about the allure of military life.

First Time Around

In 1976, he enlisted in the Marines. He did boot camp at Parris Island, S.C., a tour in Monterey, Calif., and became a Mormon. Then he was assigned to Salt Lake City, Utah, where he met his future wife, Christine, a lifelong Mormon. They were married in 1981.

Jeffrey Zander:
'I was depressed, mad. That was what governed my actions.'

ming himself for failure, he says, he quit the bar course. Initially he planned to try again. "I thought, 'I'll go back home at the end of the summer with the money I've saved and job hunt or do something to carry myself through to the next exam.'"

Then he remembered a conversation he had had with a supervisor, about the qualifications required to be a Marine lawyer. The officer said he had gone to an unaccredited law school but was certified as a Marine lawyer because he was a bar member.

By the Book

According to Zander, he looked up the governing section of the Uniform Code of Military Justice—§ 827, Article 27(b). In his mind, it provided a loophole that allowed him to serve as a full-fledged judge advocate without having been admitted to a bar. The article begins:

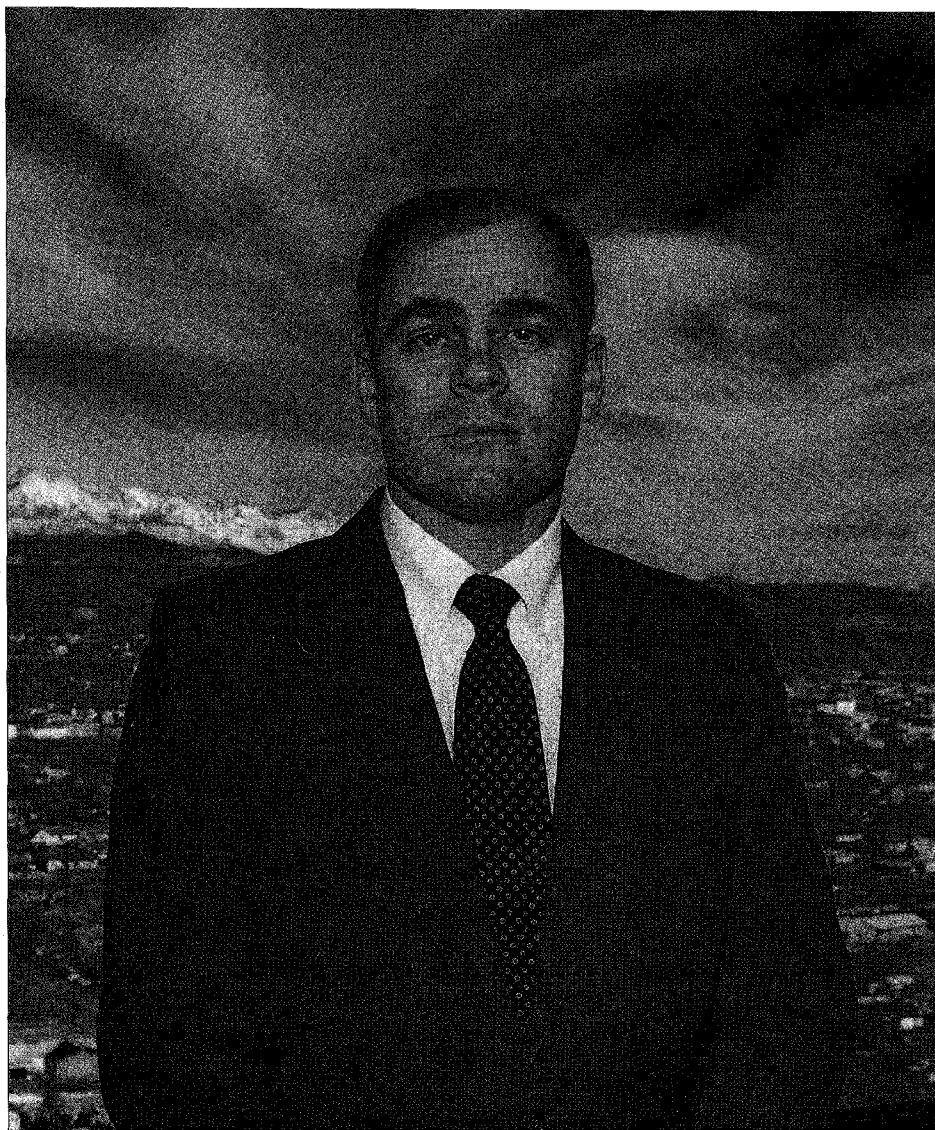
"Trial counsel or defense counsel detailed for a general court-martial

(1) must be a judge advocate who is a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; ... and

(2) must be certified as competent to perform such duties by the Judge Advocate General of the armed forces of which he is a member."

Zander ignored (b)(2), which required that he be "certified"—as defined by the military, that meant a member of a bar as well as a law school graduate. Zeroing in on the "or" in 27(b)(1), he decided that the rule could apply to him in reverse: Since he was a graduate of an accredited law school, that alone qualified him for judge advocate service. He says he didn't consult anyone else because that risked exposing his scheme. It also suggests he didn't want an opinion to the contrary.

Around then, he says, he heard rumors that the federal government's push to trim the deficit had prompted military planners to



sharpen their budgetary knives to cut entry-level programs for judge-advocate candidates like him. His recruiter confirmed the scuttlebutt. He advised Zander to get on active duty as soon as possible.

"I asked him, 'What's left to get me on active duty?' He said all I [needed was] a bar membership." Zander recalls thinking: "I'm going to fraudulently enlist in the Marine Corps," but offers extenuating circumstances—he was under duress.

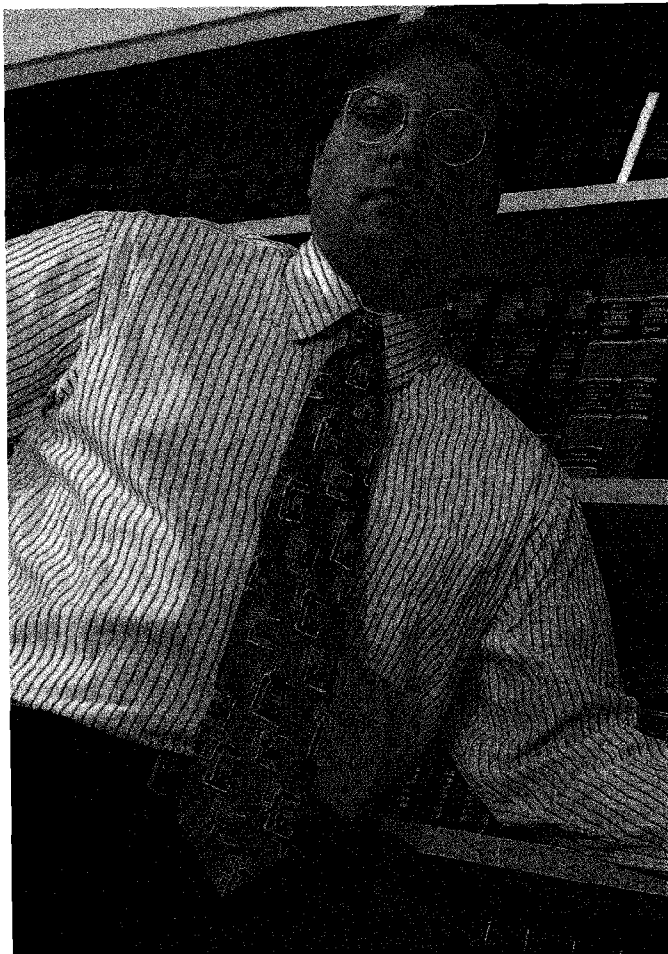
A marriage counselor had convinced Zander and his wife that, once he entered the Marines, the stress between them would disappear. The magic wand would be a paycheck, amounting to \$25,000 a year. "That was weighing heavily on my mind when we didn't have any money, and it looked like the prospects for going on active duty in the Marine Corps were going to be zero."

Zander thumbed through Martindale-Hubbell, the directory of

American lawyers, and found a California bar member named James Henry Zander. In a file at the Twentynine Palms law center, he found a decree from the Superior Court of San Bernardino County, Calif., that legally changed someone's name. He doctored the decree, whitening out the names and inserting new ones so it looked like James Henry Zander had changed his name to Jeffrey.

The next day, he drove 150 miles to the California bar office in Los Angeles and showed the phony decree to a clerk. In less than a minute, he left with a new membership card carrying his name.

But he also had done something even he admits was crazy: He gave himself some medals. Eventually, his collection would grow to include the Combat Action Ribbon, National Defense Service Medal, Antarctica Service Medal, Armed Forces Expeditionary Medal, Humanitarian Service Medal, and



Charles Gittins: Finalized Zander's guilty plea at his court-martial.

first bad moment came when he began the course for all junior officers called the Basic School, at Quantico. He was required to sign a request for certification as a judge advocate stating, "I was admitted to practice before the bar of California on 17 August 1987."

That sent him scrambling to the library to do some research. Zander was hoping to find a regulation that would say something about the document he was about to sign.

He found nothing, and to him, nothing meant that the certification form was not legally binding.

So he went ahead and signed it, reminding himself that he thought he was still qualified to serve under 27(b)(1).

Zander had another bad moment when he arrived at the Naval Justice School: "I thought, 'Isn't there going to be something where these guys check, you know, to make sure your bar membership is annually updated? If they checked, would they say, 'Are you current? Have you been disbarred for not paying your dues, for child abuse, who-knows-what?' But that never occurred, year after year."

Beginning of the End

Serving for the next three years in Japan and the next two in Hawaii, far from the scenes of his crimes that gave him pause, Zander amassed experience as a judge advocate. The more time he logged in court, the thicker his file of sterling fitness reports, and the bigger his reputation.

The fraud of entering the JAG Corps seemed to fade away, tucked far in the recesses of his mind. That day in Los Angeles when he got his fake bar card, he says, he felt "heavy dissonance." In the Pacific

theater, he felt none.

His own brand of theater ended abruptly in 1993, when Zander was stationed at the Marine Corps Air Station in Kaneohe Bay, Hawaii. Zander had defended a private accused of passing bad checks. A court-martial didn't yield the punishment the prosecution had sought, so it went after him in a second trial for a batch of checks it had held in reserve. Zander filed a charge of vindictive prosecution. The Marine legal command overseeing the prosecution responded with an accusation of ineffective counsel.

Zander says the charge was groundless and that it was motivated by personal animosity. Others confirm that the prosecutor did not like Zander.

During the post-trial hearing, the defendant had been asked four times whether he had been told by Zander he had a choice between one trial or two. The defendant had said no, four times. Reviewing the record, the prosecutor noticed that each "no" had been changed to "yes" and found that the audio tape of those exchanges had disappeared. Although Zander put the blame on his client, Zander was the only person with anything to gain from the switch. He became the prime suspect.

In a standard inquiry, an agent of the Naval Criminal Investigative Service (the Marines Corps is under the Department of the Navy) interviewed Zander—making him one of 132 Marine officers investigated in 1993, out of 18,430 officers then in the corps.

Zander waived his right to remain silent and, with an Army lawyer acting as his counsel, agreed to answer questions. The investigator went through a checklist. Because Zander had been charged with ineffective counsel, the investigator asked what bar the captain was a member of—so the agent could see whether similar charges had been filed against him.

Zander replied that he had been a member of the California bar since 1987, as he had claimed on his request for certification at the Basic School for junior officers. According to a stipulation of fact he later signed, "This statement was completely false, and Captain Zander knew at the time he made it that it was false."

The investigator found him out

Navy-Marine Corps Parachutist Wings.

The first time he did it, he was angry at the Marines and at the prospect of being frozen out, Zander recounted. "They'd hung me out to dry. I was in an I-don't-[care] kind of attitude."

To authenticate several of the medals he gave himself, he created a fake discharge certificate showing that he had served for a year in the Navy, from 1974 to 1975—the year before Zander actually joined the Marines.

The form, a DD214, stated that he had been a Boatswain's Mate 3rd Class and was entitled to wear the Bronze Star, Purple Heart and the other awards. He admits it was "a stupid, arrogant act."

Back in Salt Lake City, in 1987, Zander reported to his recruiter that he had taken the California bar and was waiting for the results. In October, when his money was running low, he brought the recruiter his fake bar card. According to Zander: "He said, 'Just in time.'"

Zander recalls telling himself, "I'd lied to get me in, but that would be the end of it." It wouldn't. His

when a colleague called the California bar. James Henry Zander had reinstated his own name in bar files in April 1988, erasing Jeffrey's. The bar had had no entry of his ersatz membership for more than five years.

In the case against Zander, the prosecution dropped charges that he tampered with the record. It had strong circumstantial evidence but no eyewitness, and he fervently denies he did it. But the inquiry was the basis for the action against him, which would culminate in his court-martial.

During the summer of 1993, the Marine Corps cancelled Zander's orders to the master's program in law and reassigned him to its headquarters in Washington, D.C., where he did legal scut work. By the fall, Zander knew his run in the Marines was over. For the first time, he informed his wife about the lie he had been living for six years.

He tried to resign with an OTH—other than honorable discharge—arguing that a quiet departure would spare the Marines the indignity of public attention to what he now calls his "scam." His request was denied.

In a general court-martial, the most severe forum in which the Marines could seek punishment, he was charged in April 1994 with three sets of violations of the Uniform Code of Military Justice. Marine statistics aren't available yet for 1994, but the year before, only 10 Marine officers were court-martialed—one-half of one-thousandth of the officers in the corps. In the eyes of the Marine Corps, Zander was one of its truly bad actors and deserved the max.

While a statute of limitations barred prosecution against Zander for lying his way in to become a judge advocate, the charges against him started with his intent to dupe the investigator that he was a bar member, and mounted. For claiming he was properly certified as a judge advocate, he was charged with conduct unbecoming an officer and a gentleman. He was also charged for wearing the medals he knew he wasn't entitled to, because he had given them to himself.

Interview from the Quantico Brig

In August 1994, Zander pled guilty to the charges, with some modification. He began serving 120

Capt. Christopher Rydelek: Zander 'thought' he was 27(b) qualified.

days in the Quantico brig, before expecting to leave the Marines early this year.

Quantico is an old Marine training base, an hour's drive south of Washington, D.C. The gate is open, meaning you only have to flash some form of ID and give a plausible reason for visiting to pass by the guardhouse. The place has a '50s feel: plain, weatherbeaten, squat.

To get to the brig, you drive about four miles to the end of the road. It's a low-slung building and looks newer and more attractive than most of the Quantico buildings, until you get close. Then you notice the bars, the thick, metal front door without a window, the barbed wire on the roof.

The brig houses anyone at Quantico waiting to be sentenced, ranging from credit-card thieves to murderers, and anyone whose sentence is less than a year. Guards dress in camouflage fatigues and swarm the door. Prisoners wear combat boots and orange suits, with collarless shirts and loose-fitting pants. Visitors have to sign in and surrender any keys.

Inside the brig, sitting around a conference table, Zander finally concluded his story (it had been six hours over the course of three visits). "I did that and I was wrong, and if I'm asked about it, I say so—it was the biggest mistake of my life." He emphasized that, having cooperated with the Marines and admitted his wrongs, he wanted to move on: "What I'd like to do eventually is make this part of my life irrelevant."

But as other lawyers involved with his case related—both for the defense and the prosecution—Zander's approach to the case was usually combative rather than coopera-



tive. Even then, his strategy highlighted what he had done right rather than his feelings of regret about doing wrong. This was the sole point of agreement between the sides. On the record, they offered chilly words of faint respect for each other, leaving a distinct impression of mutual repugnance.

Zander's explanation for his truculence was that the Marines overreacted to his case and often went after him unfairly.

He complained about the zeal of the prosecution ("Did I talk to you about the charge that I was using my family as a shield?"), about the legal basis for the charges of conduct unbecoming an officer and a gentleman ("Article 133 of the U.C.M.J. is ... the ultimate criminal law. ... If you push hard, you can criminalize whatever you want").

Warming to his theme, he continued about how, through leaks to the press, the prosecution made it difficult for him to defend himself ("You're not going to find regular duty judge advocates who are going to come into a courtroom and say good things about Captain Zander.

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It's not the politically correct thing to do").

He had two lawyers, plus the one who stepped aside. That was Maj. David Neesen, who assigned himself the case as the senior defense counsel at Quantico. His plea was negotiated by Charles Gittins, a one-time Marine lawyer who is an associate at Williams & Connolly in Washington, D.C.

Capt. Christopher Rydelek stayed with him throughout the case. Rydelek was serving as the executive officer of a tenants organization at Quantico, not practicing law, when Zander's case went forward. He and Zander attended the Basic School and the Naval Justice School together, and Zander made a formal request for Rydelek to serve as his counsel.

Rydelek would prove to be both an advocate and a reality check for Zander. Once the Marines rejected Zander's application to resign on his terms, Zander wanted to plead "not guilty" and defend himself. He was persuaded that he had to plead guilty or risk many years behind bars. "To a jury, I thought the medals alone would be worth a couple of years in the brig," Rydelek said.

Neesen was not so conciliatory. He explained, "We had differences in how the case should be presented." At a sentencing hearing, "They [Zander and Rydelek] wanted to put on a lot of evidence about how good a lawyer he was, and looking at the charges and what the offenses were, I simply saw it as a two-edged sword."

It would have been OK to offer his fitness reports as proof of his good character, Neesen told me. But going overboard, making him out as a hero, putting on "people who say he's the finest person they've ever seen, that's going to aggravate the judge, based on what you've pled to.

"It's one thing to say, 'I've tried to do my best,' and another to flaunt it," he said.

Neesen understood how loaded the Zander case was for the Marines: The corps was keen to settle because of the expense of flying in witnesses from Japan and Hawaii and the publicity a spotlight would draw. But many judge advocates were bent on exposing Zander in a full-blown trial if he did not seem fully to accept his wrongdoing.

With his own money (his legal expenses came to about \$15,000), Zander hired Gittins to complete the plea negotiation that Neesen started. According to the final agreement, Zander pled guilty to "wrongfully and dishonorably" representing to a series of courts that he was qualified and certified as a judge advocate—in other words, he was neither qualified nor certified under the Uniform Code of Military Justice. The government dropped language that "such representation constituted a willful concealment of his disqualification to act as detailed defense counsel."

But after Gittins helped finalize the guilty plea and Zander signed it, Zander re-

fused to accept its central meaning. Repeatedly, he returned to his loophole explanation, as if it exonerated him. That came across in the brig one day when Zander commented, "When we negotiated the pre-trial agreement, the big, big issue was whether or not I was qualified as a defense counsel."

I pointed out he was wrong. "The big issue was whether you *knew* you were not qualified. That's a giant difference."

"OK, let me go with what you said—whether I knowingly served [as a judge advocate]. That language was specifically pled 'not guilty' to in court. The judge came back to the government and warned them, 'Now, look, he's pleading not guilty to this [charge of willfully concealing that he was not a lawyer]. Do you have some evidence to put on on this, because if you don't, I'm going to have to find him not guilty.'"

What the judge actually said was, "Now, does the government intend to go forward on the offenses ... to which the accused has pled not guilty?" Zander had turned a rote question into absolution. Because the government did not go forward on one offense, Zander *was* found "not guilty," but only of *willful concealment* of not being a lawyer. Indisputably, he was found "guilty" of not being qualified to practice as a judge advocate because he had never been admitted to a bar.

Listening to Zander characterize the matter, you would have agreed with him unless you knew the details of his case.

I looked to Rydelek, who was seated beside Zander, for an explanation. "It speaks to the whole issue in the case," he said. "Each time Jeff stood up and said he was 27(b) qualified, he thought he was. In fact, he wasn't, but the fact that he thought he was changes the entire complexion of the case. There was no deliberate misrepresentation to the court each time he spoke about his qualifications. It was negligence as opposed to willful misrepresentation."

"But you were living a lie," I said to Zander.

"Have I lied about the stuff in California?"

"I don't know."

"There is nothing in this whole scenario that I have denied. I have not denied anything about what I did in California. I have not denied anything about what I did on active duty. I have not denied anything about these medals and decorations. I haven't denied anything that I know of. All I'm saying is that, on this issue, the court found me not guilty"—which it did not.

Later, Rydelek explained Zander's version of the case like this: "He's so desperate to put himself in some favorable portrayal publicly that that clouds his recollection."

But, to Capt. Mark McConnell, Zander's revision was altogether in character.

McConnell helped prosecute Zander. A graduate of Florida State University College of Law and a public defender for seven years, he entered the U.S. Air Force as a judge advocate in 1989, when he was 34. McConnell was stationed in Okinawa, where his wife worked with Zander as a Marine prosecutor.

McConnell had no professional dealings with Zander but got the impression he was a thorough, diligent lawyer who "projected a huge ego." McConnell transferred to the Marines (he, too, topped his class at judge advocate school) and, in 1992, moved to Quantico.

When asked what he thought about Zander's loophole explanation, McConnell said flatly, "I think it's a lie." An instruction, or regulation, from the secretary of the Navy, issued in 1982 and revised in 1988, supplanted 27(b)'s prominent "or" with "and." It made plain that bar membership was a prerequisite for service as a judge advocate. Zander said he hadn't found the rule in his legal research—he'd never heard of it until he was under investigation.

For a lawyer in the Marines, where there's a regulation for almost everything, that was a striking failure. Or else a handy oversight, since it was impossible to prove Zander had known of the instruction.

McConnell, again: "In view of his approach as a complete and utter self-promoter and misrepresenter, I think it is a convenient fabrication. I don't think it is a sincere view. I believe the only reason he's put that forward is he got caught."

To McConnell, the medals were the key to understanding Zander's character. According to the stipulation of fact that McConnell negotiated with Zander and his lawyers, Zander faked a DD214 discharge form during "a period when he was not on active duty," meaning after 1983, "and prior to September 1987 ..."

The statement covered the time that Zander said he committed the fraud. Yet it was also broad enough to accommodate McConnell's theory about when Zander really re-created his past. The theory was prompted by Zander's explanation to him of why he faked the medals, which was different from what Zander told me.

McConnell: "His explanation was that he would be a war hero to the folks back home and, having taken that step, he had to follow through and wear them. If so, why didn't he create them before the summer of 1987 [when he claimed to have been admitted to the bar]?"

It made no sense that a man as smart as Zander was seriously worried about flunking the bar, McConnell speculated, trying to link the main elements of Zander's fraud. "But suppose he's concerned about the background check," McConnell proposed about the part of the bar application

that deals with character. "They [Zander and his lawyers] say he had to get into the Marine Corps in a hurry. I think he was afraid of the California background check, that he had previously fabricated [some of the medals, way before he says he did.]"

There was some folly in the array of medals Zander chose for himself. Like the Antarctica Service Medal: Zander allegedly received it right before Operation Frequent Wind. To get from the South Pole to Southeast Asia, McConnell pointed out, would require "something out of Tom Clancy." Zander would have had to be "the highest-speed, lowest-drag operator in the Marines."

Medal Fatigue

But, to McConnell, the medals represented "a persistent thread of self-aggrandizement, ego gratification and misrepresentation." Zander made purposeful use of them. Sometimes he wore one set, sometimes another, as if "circumstances drove what medals he was going to wear." The bottom line was that, doing what Zander did, "You drastically increase your stature in a community that values operational experience very, very highly."

Zander claimed that, once he wore his decorations at a duty station, he had to keep wearing them, or people would ask questions. He was caught in a box of his own making, compelled to reinforce a lie so he wouldn't expose it. By that theory—he felt guilty yet trapped—he would have rested on the laurels he had already given himself and not embellished them.

But, according to the stipulation of fact, he couldn't restrain himself. By the time he entered the JAG Corps, he had awarded himself a half-dozen medals, ranging from the Bronze Star to the Croix de Guerre. Then, while stationed in Japan, he added a couple of others to his rack. Finally, in March 1990, when he applied to be accepted as a career Marine, he added another two.

At the outset, his Bronze Star—the fourth-highest medal a Marine can win—was the basic kind. By the time Zander put in for "augmentation" as a permanent officer, it had been elevated to a star with a combat "V" for valor, reserved for service members who have earned their star while exposed to danger in direct engagement with an enemy.

Contrary to Zander's fitness reports, McConnell had heard about a very different Marine. Beyond being dishonest, he was sarcastic and belittling, mean-spirited and bullying. McConnell: "It wasn't enough for Zander to win a case and say to his adversary, 'I beat you, didn't I?'" Zander, McConnell said, would rub the guy's face in it.

The zeal of McConnell's pursuit sparked charges from Zander of a vendetta. "It's not revenge, it's outrage," McConnell

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—Capt. Christopher Rydelek

'His explanation was that he would be a war hero to the folks back home, and having taken that step, he had to wear them.'

—Capt. Mark McConnell

declared, when told of Zander's complaint. "It's outrage at this extreme deviation from the standard of honor and integrity that Marines exemplify."

Buried in the record of his case, I found Zander's application to become an officer, dated March 1983. On his list of relatives who served in the military, Zander promoted his father two ranks, to lieutenant colonel. In an addendum about his own deeds, Zander claimed to have been captain of his high school tennis and track teams, and to have been district champion and state runner-up on the chess team. I asked him about each avowal, "Were you?" He replied, "No, not really." Zander had veered from the Marine standard to win a commission a decade before he was exposed as a deceiver.

Referring to Zander and his lawyers, McConnell went on, "They have sought to paint a dishonest, inaccurate view of Zander, so nothing he was not. They presented him as a person of valor and as a charismatic and hardworking lawyer. He wasn't the former and, even if people supported him, he wasn't a lawyer."

The final straw for McConnell was Zander's insistence that his crimes were victimless. Besides the corps itself, his victims included the Marines he served as defense counsel in courts-martial. Due process guaranteed them a qualified judge advocate, and Zander hadn't been.

As a final consequence, the Marines reviewed all the cases in which Zander served as defender. In 21 cases resulting in convictions after trial, a military review court released two Marines from long prison terms. It set aside punitive discharges for 17 other Marines, reinstating them on active duty or giving them honorable discharges. In each case, the Marine Corps paid all money forfeited as a result of punishment.

When I asked Zander whether he had experienced a crisis of conscience as he committed his fraudulent acts, he described a predicament that sounded psychological rather than moral: "At that moment in my life, I wasn't exactly in control of everything. ... I was depressed, I was mad, I was angry, I was upset. That was what governed my actions."

Zander's focus on feeling out of control and on the emotions that seemed to drive him raised the question whether he suffered from a nameable psychological problem.

At the outset of his case, the prosecution suspected that Zander might be diagnosed as having a mental disorder. The defense believed that a finding of mental illness might mitigate his punishment. But Zander was evaluated by a Navy psychiatrist who found that he did not suffer from any disorder.

Shirlee Zander, now 56, has a sweet nasal twang on the telephone. Because she and her son have lived far apart and haven't

had a lot of money to visit each other, they haven't seen each other much since he finished high school, 22 years ago. But she believes in her son's goodness, in his adherence to Christian standards.

I asked her why, when he was apparently in crisis in the summer of 1987, he hadn't borrowed money to tide him over rather than create a fake entry in the bar and then into the judge advocate corps.

"I have asked him and I would not say the answers were entirely to my satisfaction," she replied. "Jeffrey has never told me that he fictitiously became a member of the California bar. He said he lied on his enlistment—but that he said he was a card-carrying member, he never told me. If you know that to be a fact, then you are ahead of me. But I realize that what he's done is atrocious."

I asked: How could he do such a thing?

Shirlee Zander related a conversation with her son, where she told him: "You know, [Jeffrey], I have a multitude of friends and acquaintances, people I've worked with all over the place. Any one of them would say, if somebody came up on the street to them and said, 'Did you know Shirlee Zander's son was accused of a really big lie?' they'd say, 'No, you have the wrong person, because her son would never do that.' He said, 'I didn't think I would, either.'"

Reflections

A few weeks after getting out of the brig, Zander addressed the question of how he would support himself and his family as an ex-Marine.

"Haven't got a plan," Zander said. "I'll do something. I always have."

Would he miss practicing law?

"Yeah. I'll miss it. Have you ever heard people say, 'Life's not fair?' One of the exceptions is our court system. It's like being on another planet there. You can insist on fairness. Real life isn't fair, but the justice system is. I'll miss the level-playing-field aspect."

It was a reflective Zander who looked at his career as a litigator: "There are only two things that matter—how hard you've worked and how well you've honed your skills. You don't have to marry the boss's daughter to succeed. That's an arena where things are really fair."

For Marine lawyers, that arena now imposes an additional requirement, one they call the "Zander Rule." As a result of his fraud, the Marine code of honor has been narrowed. Judge advocates are obliged each year, through an instruction from the secretary of the Navy, to submit proof of their good standing in a bar.

"That diminution of the degree of trust placed in us we have Zander to thank for," said McConnell. "What we said we were, was accepted. Now it's not." ■

'There are only two things that matter—how hard you've worked and how well you've honed your skills.'

— Jeffrey Zander