

Abraham Lincoln and the Structure of Reason

By David Hirsch and Dan Van Haften

Savas Beatie, New York, NY, 2010. 439 pages, \$34.95.

REVIEWED BY HENRY COHEN

Abraham Lincoln had less than one year of formal schooling in his life. He did not attend law school or even apprentice with a lawyer. Although he nevertheless became a successful lawyer and served a term in the House of Representatives in 1847–1849, he continued to feel deficient in his education. An early biography of Lincoln suggested that Lincoln’s “intercourse with members of Congress and with the cultivated society of Washington had, without doubt, made him feel his deficiencies more keenly than ever before.”

Lincoln scholar David Donald described what Lincoln did after his term in Congress ended:

On his return to Springfield he told his law partner, [William] Herndon, that he felt “a certain lack of discipline—a want of mental training and method,” and characteristically he set about making up his deficit. ... [H]e secured a copy of Euclid’s principles of geometry and with determination began to work through the theorems and problems. With quiet pride he reported [later] that he had “studied and nearly mastered the Six-books of Euclid.”

In *Abraham Lincoln and the Structure of Reason*, David Hirsch and Dan Van Haften argue that Euclid did not merely provide Lincoln with intellectual discipline and logical exercise. Rather, Lincoln also consciously used Euclid’s principles to craft his post-1849 speeches, legal arguments, and other writings. Hirsch and Van Haften see this fact as “[a] secret that has been hiding in plain sight,” which, they boast, it took two people—a

lawyer [Hirsch] and an engineer with a strong mathematical background [Van Haften]—to discover. Lincoln himself apparently did not reveal to anyone, even William Herndon, his law partner of 17 years, that Euclid was his “trade secret, supplying the structure for his arguments and speeches.”

Hirsch and Van Haften show how Lincoln used Euclid to structure his speeches and other writings. They do so by including in the book numerous texts of Lincoln’s, broken up (“demarcated”) according to the six elements of a Euclidean proposition. “Euclid used the elements to prove or demonstrate each proposition or problem of geometry. Lincoln translated the language and logic of Euclidean geometry into an understanding of the elements of a proposition that he could apply to the law and politics.” The six Euclidean elements are enunciation, exposition, specification, construction, proof, and conclusion.

This review is not the place to bring you up to speed on Euclid (nor I am qualified to do so), but I will briefly paraphrase the authors’ explanations of these six terms to give you a sense of their meaning. The enunciation states what is given and what is sought, and the next two elements—the exposition and the specification—elaborate, respectively, upon what is given and what is sought. The fourth element, the construction, adds facts that are lacking in the given and that are needed to find what is sought. The proof draws an inference from the propositions that have been admitted, and the final element, the conclusion, reverts to the enunciation and confirms what has been proved. Rather abstract stuff, and this review will not burden you with any more of it. To effectively understand the six Euclidean elements, I believe that one would have to practice demarcating texts. The authors describe two methods for doing so, but, unfortunately, their book has not inspired me to take up the challenge.

What benefit is to be derived from demarcating Lincoln’s speeches and writings into their Euclidean elements? According to Hirsch and Van Haften,

such demarcation makes the location of Lincoln’s words in a particular element of a Euclidean proposition “as important as the words themselves” and “provides added insight because of the mere position of those words and phrases in the various elements. ... Simply by knowing where a phrase is, one knows why it is, and how it means; one not only understands Lincoln’s communication better, one senses the choices he made in composing it.” Furthermore, Hirsch and Van Haften write, “Nearly anyone can use Lincoln’s technique for both personal excellence, and to insist on excellence from others. The elements of a proposition do not abide sophistry. ...” We should use Lincoln’s technique, the authors add, “to demand the substance and rigor of Lincoln not only from our politicians, but from ourselves.”

How do Hirsch and Van Haften know that Lincoln consciously used Euclid as a template for his speeches and other writings? Lincoln never stated that he did, but Hirsch and Van Haften presumably would claim that the fact that they have been able to demarcate so much of Lincoln’s post-1849 prose into its Euclidean elements confirms that Lincoln used the Euclidean template. Perhaps that is true, but, admitting my lack of expertise, I wonder if it is. Euclid’s elements seem so vague as to cause me to suspect that one could demarcate any logical piece of writing in accordance with them, even if the author of the writing had not been familiar with Euclid.

Contributing to this suspicion is that Hirsch and Van Haften demarcate some of Lincoln’s writings that did not attempt to prove anything. In his address in 1864 at the Sanitary Fair in Baltimore, Md., for example, Lincoln noted that people used the word “liberty” in two different ways: “With some the word liberty may mean for each man to do as he pleases with himself, and the product of his labor; while with others the same word may mean for some men to do as they please with other men, and the product of

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their labor.” The only thing that Lincoln did here was to state a fact (albeit in a manner implicitly critical of defenders of slavery). He did not construct an argument, so it seems a stretch for Hirsch and Van Haften to have demarcated this speech into its Euclidean elements. Another Lincoln document that Hirsch and Van Haften demarcate into its Euclidean elements is his brief acceptance of the official notification he received in 1865 of his election to a second term as President. It too contains no arguments.

In addition, Lincoln had not only, as he said, “nearly mastered” Euclid, but, according to Hirsch and Van Haften, had “internalized” him. Would that fact have caused Lincoln’s writings to be Euclidean even if Lincoln had not consciously attempted to make them so? Furthermore, even before he mastered Euclid, Lincoln, in 1836, at age 27, had become a lawyer and must have been a good logical thinker then, and no doubt improved his logical skills in the succeeding years. Hirsch and Van Haften acknowledge that, even before Lincoln became a lawyer, he had “studied *A System of Geometry and Trigonometry: Together with a Treatise on Surveying*. From it he learned basic geometric definitions, rudimentary logic of geometric proofs, and trigonometry.” This too might have contributed to making Lincoln a Euclidean thinker even before he studied Euclid.

“Fondly do we hope—fervently do we pray—that this mighty scourge of war may speedily pass away.” This line from Lincoln’s second inaugural address is one of the numerous instances in which Lincoln’s writing was not only logical but also poetic. Hirsch and Van Haften do not analyze the poetic quality of Lincoln’s writing, but they acknowledge it and attribute it in part to the logical quality of the writing. “Lincoln’s structured logic,” they claim, “yielded better poetry. . . . The logical structure of a Euclidean proposition provided the framework for Lincoln’s poetry. The elements kept the poetry focused, on subject, and perfectly timed.” “In some Lincoln speeches,” Hirsch and Van Haften

write, “the poetry veiled the geometry.” Nevertheless, they assert, “the poetry is the frosting; Euclid is the cake.”

The authors offer an example of how Lincoln’s use of Euclid made his writing more poetic. A sentence in Lincoln’s second inaugural address reads, in full: “And the war came.” Hirsch and Van Haften note that the power of that sentence is achieved by its understatement, and that a lesser writer might have said something like this: “And the war, with all its terrible suffering and needless bloodshed, came about despite all our efforts to prevent it.” But, Hirsch and Van Haften add, Euclid as well as Lincoln deserves credit for the superior shorter sentence. “The fact that the sentence appeared in the exposition meant that it *had* to be phrased as an undisputed fact identifying what needed to be investigated in the construction. The structure dictated that Lincoln should avoid argument, overstatement, or conclusory reasoning at that point. Only simple, non-argumentative statements are appropriate within an exposition.”

Abraham Lincoln and the Structure of Reason contains much besides Lincoln’s use of Euclid, and, although this other material is interesting, its connection with the book’s thesis is often not apparent. Hirsch and Van Haften, for example, discuss the practice of law in Lincoln’s time and show how things have changed since then. They explain the role of the judge and the jury in a trial, and they explain voir dire, opening statements, direct examination, cross-examination, closing arguments, and jury instructions. They offer advice to practicing attorneys, such as that they should “beware of an opposing party who conveys the idea of wanting to settle. Even if genuine, it may keep them from preparing for trial.” And, criminal defense lawyers should not ask their clients if they are guilty, because clients are not qualified to answer that question. Instead, lawyers should ask, “What is the worst anyone will testify about you (or the situation)?” Sometimes Hirsch and Van Haften relate this material to Lincoln, such as by including a few pages of transcripts of Lincoln’s examining

and cross-examining witnesses. Often, however, one wonders what this material is doing in the book.

The book quotes many apparently random anecdotes about Lincoln, some of which are amusing and most of which I do not recall having read before, even though I have read many books about Lincoln. One was about the time that, while court was in session, Lincoln told a story to a clerk, which, the clerk said, was—

so irresistibly funny that I broke out into a loud laugh. The Judge called me to order, saying, “This must be stopped. Mr. Lincoln, you are constantly disturbing this court with your stories.” Then to me: “You may fine yourself five dollars.” I apologized, but told the Judge the story was worth the money. In a few minutes the Judge called me to him. “What was the story Lincoln told you?” he asked. I told him, and he laughed aloud in spite of himself. “Remit your fine,” he ordered.

Honest Abe?

I have saved for last what Hirsch and Van Haften clearly consider an important historical discovery. They call it a “deception” and a “sleight of hand” by Lincoln in his speech at Cooper Union in 1860—the speech that led to his national renown and to the presidency. Lincoln addressed the issue of whether the Constitution, as the *Dred Scott* decision claimed, forbids the federal government from regulating slavery in the territories. The Constitution does not explicitly address the question, so Lincoln attempted to show that the framers believed that it did not prohibit such regulation. He did so by showing that a majority of the signers of the Constitution—21 of 39—had voted for legislation that regulated slavery in the territories. “Presumably,” Hirsch and Van Haften write, “an honorable Congressman would not vote to abuse his power by voting to do something he thought unconstitutional.”

Lincoln’s alleged deception consisted in including among the 21 signers three whose only votes for legislation

that regulated slavery in the territories had occurred before the Constitution existed. Such votes, obviously, could not have implied an opinion about the constitutionality of the legislation in question, and 18 of 39 does not constitute a majority. Lincoln said nothing false in the speech, but his inclusion of those three signers, according to Hirsch and Van Haften, was misleading, and Hirsch and Van Haften assert that “Lincoln’s fudge had to be intentional.” If this was a fudge, then it may have been intentional, but, in Lincoln’s defense, if, until now, no readers of the Cooper Union address for the past 150 years have noticed this problem, then isn’t it possible that Lincoln didn’t notice it either?

In fact, however, this question need not arise, because Hirsch and Van Haften, I believe, are wrong: Lincoln’s counting pre-Constitution votes was not illegitimate, let alone deceptive. Lincoln considered the votes on two pre-Constitution pieces of legislation that sought to prohibit slavery in the Northwestern Territory (as Lincoln called the area). Lincoln explicitly noted that both votes occurred before the Constitution was ratified. He wrote, “In 1784, three years before the Constitution,” and “In 1787, still before the Constitution.”

Moreover, Hirsch and Van Haften do not state in full the question that Lincoln addressed. They write, “The issue Lincoln addressed was whether the Constitution forbids the Federal government from regulating slavery in the territories.” In fact, the question that Lincoln posed in the Cooper Union address was, “Does the proper division of local from federal authority, or anything in the Constitution, forbid *our Federal Government* to control as to slavery in *our Federal Territories*?” Lincoln’s answer was that a majority of the framers “understood that no proper division of local from federal authority, nor any part of the Constitution, forbade the Federal Government to control slavery in the federal territories.”

Although Hirsch and Van Haften quote Lincoln’s answer, they do not seem to notice the phrase “proper division of local from federal authority,” which Lincoln used in his statement of the question as well. Yet

Lincoln explicitly applied the phrase—and did not explicitly mention the Constitution—in his analysis of the votes on the two pre-Constitution pieces of legislation that he considered. As to the 1784 legislation, Lincoln said that, on the understanding of three men who voted to prohibit slavery in the Northwestern Territory, “no line dividing local from federal authority, nor anything else, properly forbade the Federal Government to control as to slavery in federal territory.” As to the 1787 legislation, two more men voted for it, Lincoln said, “thus showing that, in their understanding, no line dividing local from federal authority, nor anything else, properly forbade the Federal Government to control as to slavery in federal territory.” Lincoln even though the votes on the 1784 and 1787 legislation did not reflect an understanding of the Constitution, they did reflect an understanding of “the proper division of local from federal authority.”

If one ignores the context of the Cooper Union address, then one might argue that “the proper division of local from federal authority” might refer to the Constitution’s principles of federalism, and that, when Lincoln referred to “any part of the Constitution” as an alternative to “the proper division of local from federal authority,” he might have meant any *explicit* part of the Constitution, in contrast with federalism, which the Constitution does not mention explicitly. Because Hirsch and Van Haften ignore the phrase “the proper division of local from federal authority,” they have no occasion to make this argument. In any case, this argument is weak—Lincoln did not say “explicit”—and it fails when one places the Cooper Union speech in context.

The context, which Hirsch and Van Haften do not discuss, is that the Cooper Union address was a response to an article by Stephen A. Douglas in *Harper’s New Monthly Magazine*.¹ In that article, Douglas wrote that he sought “to mark distinctly the dividing line between Federal and Local Authority,” with the power to regulate slavery in the territories exclusively on the “local authority” side of the line.

Douglas added, “This dividing line between Federal and Local authority was familiar to the framers of the Constitution.”² He showed that, even when the colonies were under British rule, as to slavery they had the right of “exclusive legislation ... within their respective limits.”³ Local authority over slavery continued, Douglas contended, under the Articles of Confederation and under the Constitution.

Thus, when Lincoln looked at how the framers had voted on legislation to regulate slavery in the territories before ratification of the Constitution, he was replying to the question that Douglas had raised. He was not fudging anything. If Lincoln had been addressing solely the question that Hirsch and Van Haften say that he was addressing—whether the Constitution prohibited the federal government from regulating slavery in the territories—then they would be correct that it would have been illegitimate for him to have counted the framers’ pre-Constitution votes on the subject. But that was not the sole question that Lincoln was addressing. He was asking, to repeat, “Does the proper division of local from federal authority, or anything in the Constitution, forbid *our Federal Government* to control as to slavery in *our Federal Territories*?”⁴

Abraham Lincoln and the Structure of Reason is not for the person who has not read a standard biography of Lincoln; after all, Lincoln’s use of Euclid and his alleged deception in the Cooper Union address are esoteric matters. Lincoln aficionados, however, will find these matters worth reading about, even if the book does not inspire them to take up demarcating Lincoln’s speeches. And, although the material about practicing law seems out of place in the book, the numerous quotations and anecdotes about Lincoln can make the book fun to read.⁵ **TFL**

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Endnotes

¹See Harold Holzer, LINCOLN AT COOPER UNION: THE SPEECH THAT MADE

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ABRAHAM LINCOLN PRESIDENT (2004). Holzer writes that Douglas' article "began what deserves to be recognized as the final round of the Lincoln-Douglas debates: *Harper's* vs. Cooper Union." *Id.* at 35. Hirsch and Van Haften quote from Holzer's book, as well as from the review of it by Nathan Brooks in *The Federal Lawyer* (March/April 2005).

²Stephen A. Douglas, *The Dividing Line Between Federal and Local Authority: Popular Sovereignty in the Territories*, 19 HARPER'S NEW MONTHLY MAGAZINE 519, 521 (Sept. 1859) (available at Google books).

³*Id.* at 522.

⁴Holzer, *supra* note 1, at 125, writes, "The word 'division' hearkens back to Douglas's screed on 'the Dividing Line,' and Lincoln will mockingly allude to the proper 'line dividing' local and federal authority seven separate times in the speech."

⁵Vince Treacy of Washington, D.C., alerted me to the material that Hirsch and Van Haften overlooked in their chapter on the Cooper Union speech, and his comments on various drafts of this book review were crucial to my discussion of the matter.

Law 101: Everything You Need to Know About American Law (3rd edition)

By Jay M. Feinman

Oxford University Press. 2010. 347 pages, \$27.95.

REVIEWED BY JOHN C. HOLMES

This third edition of *Law 101* attempts to communicate an understanding of the American legal system, including constitutional law, the litigation process, tort law, business and contract law, property law, and criminal law and procedure. Jay Feinman avoids legal jargon in exploring the foundations and nuances of the law, as well as how lawyers, judges, and others involved in the legal system operate. In so doing, he uses extensive examples and raises questions as well as providing answers.

Feinman notes the fascination that

ordinary Americans have with the law, as evidenced by movies such as "The Paper Chase," "Legally Blonde," and "To Kill a Mockingbird," as well as by the many law-related TV series and the frequent attention that the news media give to lawsuits and to criminal trials.

Feinman uses hypothetical situations as well as real cases (often famous and sometimes outrageous) to make his points. For example, in explaining the litigation process, he uses the actual case of the Robinson family of five who, when passing through Oklahoma on their move from New York to Arizona, was struck by a drunk driver going more than 90 miles per hour. The Robinsons did not sue the drunk driver, but instead sued Audi, the German manufacturer of their own car; Volkswagen of America, Inc., the company that imported Audis; the regional distributor; and the dealer that sold them the car. The Robinsons claimed that faulty construction, particularly of the gas tank, caused serious injury to family members when the car was engulfed in flames and the doors were stuck shut. Though filed in state court in Oklahoma, it reached the U.S. Supreme Court as *World-Wide Volkswagen Corp. v. Woodson*. Feinman uses the case to examine such questions as where litigation should be brought, what laws will apply, where federal jurisdiction will be permitted, when mediation is desirable and how it is accomplished, what civil procedure is, how a lawsuit begins and how it is defended, how parties obtain pretrial information, how a trial is conducted, and what remedies and procedures are available after trial.

In discussing property law, Feinman explains what personal and real property is, why property law is necessary, how property can be acquired and sold, transfer on death, trusts and collective ownership, landlord and tenant relationships, eminent domain, and Internet property problems.

Feinman introduces constitutional law by illustrating the many ways in which the average citizen is affected by issues such as minimum wage laws, capital punishment, affirmative action, abortion rights, and the dis-

play of religious symbols. He provides an enlightened history of the circumstances surrounding the drafting of the Constitution as well as its historical evolution and importance. He discusses such important cases as *Marbury v. Madison*, *Brown v. Board of Education*, *Gibbons v. Ogden*, and *Schechter Poultry Corp. v. United States* in explaining the impact and interpretation of the various articles and amendments to the Constitution. He also describes our federalist court system as well as the separation of powers and the system of checks and balances that the Constitution established.

Feinman prefaces *Law 101* by stating that, although "lawyers can find statutes, judicial opinions and learned commentary on the law, [t]his book is for everybody else." The fact that this is the book's third edition indicates that there have been many nonlawyers (and perhaps even a few lawyers) who have found the book of interest. Feinman's style makes for easy reading, and *Law 101* is chock full of analyses, anecdotes, examples, questions, and legal reasoning set out in lay terms. Overall, the book provides an excellent explanation of what American law is, and it frequently suggests ways in which it might be improved. **TFL**

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Law of Attraction

By Allison Leotta

Simon & Schuster, New York, NY, 2010. 279 pages, \$25.00.

REVIEWED BY JOANN BACA

Remember the name Allison Leotta, a new author in the crime mystery genre. (She also happens to be the daughter of Alan Harnisch, past national president of the Federal Bar Association.) You will be hearing her name often

in the years ahead. Her self-assured first novel, *Law of Attraction*, has an intricate but fast-paced plot as well as sharply drawn and compelling characters.

Leotta is a federal prosecutor in Washington, D.C., specializing in felony sex crimes and domestic violence. Her dedication to her chosen field is obvious in *Law of Attraction*, as her passion for the rights of victims of domestic violence infuses the novel. Leotta mines her experience as a federal prosecutor to good effect, providing realistic descriptions of everything from case preparation to trial procedure to the intricacies of plea bargaining. She peppers her novel with details—from the mundane to the gritty to the terrifying—that make it ring true.

Law of Attraction has an immediacy that is sometimes missing in the often-formulaic genre of crime novels. In the novel, we meet Anna Curtis, a Harvard Law School graduate who is laboring in her first legal job: assistant U.S. attorney in the Superior Court Division of the U.S. Attorney's Office, handling domestic violence cases. Of all the positions she might have accepted, this was the least glamorous, but she had personal reasons for taking on its challenges. Her secrets fuel her sense of justice and injustice, which provides the impetus for her to work the long hours that her job demands. But Anna's work becomes complicated by her attraction to a public defender, Nick Wagner, a former classmate at Harvard Law School. When they end up on opposite sides of a domestic violence case, the complications increase.

The domestic violence case involves Laprea Johnson and D'marco Davis, a young couple from the meaner streets of the nation's capital. Laprea is an abused woman, and D'marco is her abuser. The domestic violence that mars their relationship propels the novel through a series of painful legal and personal decisions that roils not only the couple but also the lawyers on both sides of the case.

Anna strives to do the right thing for her case and her career, but she finds it hard to draw some ethical lines, and she fears that her life is becoming a constant series of compromises and missed opportunities. When she is

given an almost unheard-of opportunity to be second chair on a prosecution led by Jack Bailey, the renowned head of the Homicide Section, Anna's dilemma becomes even more pronounced. Still, she doggedly pursues a prosecution against D'marco, even as the apparently open-and-shut case takes turns she never anticipated.

The broader issues of social justice and domestic violence that Leotta incorporates in the novel touch most of the characters to a greater or lesser degree. Leotta weaves legal, social, and psychological analyses into her story without disrupting its flow or preaching to the reader. She provides just enough information about complex issues but does not overwhelm the reader with details. She shows an immense appreciation for the efforts of federal prosecutors, although public defenders may find that she is not sufficiently supportive of their work. Considering Leotta's career as a prosecutor, however, it is understandable that her personal frustrations regarding defense attorneys would spill into her protagonist's viewpoint. Ultimately, though, *Law of Attraction* is not about prosecutors or defenders so much as it is about domestic violence, which Leotta shows cannot be cured by legal means, because, by the time problems rise to the level of prosecution, lives have been tainted, if not destroyed.

This review will say no more about the plot, so as not to deprive the reader of the full effect of the novel. Just trust that the twists and turns of *Law of Attraction* will satisfy the reader's interest. Leotta's straightforward and fluid writing style does not call attention to itself, and the novel is difficult to put down. Leotta imbues the narrative with local color, and readers who have lived in Washington, D.C., will recognize the restaurants and watering holes that she mentions. Leotta also crafts distinctive, colorful individuals, and she can depict an oxygen-depleting foot chase or a harrowing car chase as easily as she can provide an empathetic view of her characters' long hours of paper-shuffling drudgery. She leaves you with a heady dose of the taste and feel of the world that her protagonist, Anna Curtis, inhabits.

Law of Attraction is a moving and

sometimes tragic courtroom drama. What really happened to Laprea Johnson? That question lies at the heart of this fine novel. But as with all truly good crime fiction, that answer is not as simple as it seems. **TFL**

JoAnn Baca is retired from a career with the Federal Maritime Commission. Her husband, Lawrence Baca, is the immediate past president of the Federal Bar Association.

Rules of the Game: Detention, Deportation, Disappearance

By Asim Qureshi

Columbia University Press, New York, NY, 2009. 220 pages, \$26.50.

REVIEWED BY LOUIS FISHER

A number of books have been written on the policy of the administration of George W. Bush to subject suspected terrorists to rendition—sending them abroad to other countries for interrogation and torture. Two earlier studies were published in 2006: Stephen Grey's *Ghost Plane: The True Story of the CIA Torture Program* and Trevor Paglen and A. C. Thompson's *Torture Taxi: On the Trail of the CIA's Rendition Flights*. *Rules of the Game*, by Asim Qureshi, a senior researcher with Cageprisoners, makes two principal contributions. It looks at the role of the British government in the rendition program, and it seeks to understand the impact of the program through the personal experiences of individuals and their families subjected to rendition. Cageprisoners is a London-based human rights organization dedicated to raising awareness of detainees held at Guantánamo and other locations after the Sept. 11 terrorist attacks. As explained on its website (www.cageprisoners.com/about-us), Cageprisoners relies on "Islamic doctrines relating to due process to highlight in the Muslim world the same policies that exist in the non-Muslim one; by doing so that aim is to reach a common understanding of what is at stake in terms of human behaviour

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and how to promote a return to human rights.” Much of Qureshi’s book consists of interviews with people caught up in the rendition program, but it also has interviews with military and civilian lawyers who provided legal assistance to the detainees.

The book’s title borrows from a statement by former British prime minister Tony Blair: “What I’m trying to do here is, and this will be followed up with the action in the next few weeks as I think you will see, is to send a clear signal out that the rules of the game have changed.” A clear signal? The rules of the game can always change with new legislation, but Blair signaled that the rules had changed without legislative action. He appeared to take a first conceptual step toward arbitrary and abusive government actions, probably justified by the “higher good,” as interpreted by government officials. In this changed political atmosphere, the damaged individuals are initially those of a minority, whether innocent or guilty. Over time, as governmental abuses continue and accumulate, the damage spreads from the minority to the society at large—first with lower standards of social justice and later with incentives on the part of the minority to retaliate against an unjust system.

This theme is developed on the first page of Qureshi’s introduction. On Feb. 5, 2003, Secretary of State Colin Powell told the United Nations Security Council that a link existed between the Iraqi regime and the suspected use of the poisonous chemical ricin in Great Britain. His claim was used to help justify the invasion of Iraq, which began a month later. But there turned out to be no ricin and no plot, even though the suspects were held in detention for three years until finally acquitted unanimously by a jury. The story symbolized the way that governments, in a time of emergency, “have chosen to subvert their own legal systems in an attempt to counter terrorism.” Attempts to “counter terrorism” can produce its own terrorism: punishing individuals without cause. The purpose of Qureshi’s book “is to present the stories of those who have been personally

affected by the ill-conceived reaction to the terrorist threat of the United States and her allies.”

Efforts by Western nations to combat terrorism after Sept. 11 “have fast become associated with abuses of human rights on a global scale. Terms such as arbitrary, detention, incommunicado, torture and secret are being coined wherever one finds policies aimed at tackling a terrorist threat.” Qureshi recognizes that injustice has not simply pit the West against the East or non-Muslims against Muslims. Minorities everywhere throughout history have been held in detention without being charged: “the Jewish people in Germany, blacks and coloureds in South Africa, Kenyans ruled by British, Algerians under French rule, Japanese in the US and even the Irish in the United Kingdom.” The author quotes Gareth Peirce, a human rights lawyer who defended the Guildford Four during the “Irish Troubles” and now represents Muslim detainees in Britain:

We should keep all this in mind as we look at the experiences of our new suspect community. Just as Irish men and women, wherever they lived, knew every detail of injustice as if it had been done to them, long before British men and women were even aware that entire Irish families had been wrongly imprisoned in their country for decades, so Muslim men and women here and across the world are registering the ill-treatment of their community here, and recognizing, too, the analogies with the experience of the Irish.

At times, Qureshi hesitates to judge injustice for what it is. The humanitarian aspect of control orders in England—detaining suspects while British officials built a case against them—“is problematic.” Chapter 3 is an effort to identify “problematic” methods used by Western democracies to detain suspected terrorists and try them. The process of sending people to another country for interrogation and likely torture is “problematic.” Detention poli-

cies for the Muslim community in the United States “have become extremely problematic.” The word “problematic” has about a half-dozen meanings and should not be used when describing methods that violate legal and procedural safeguards. Similar caution appears in Qureshi’s statement that “both Bosnia and Britain have implemented rules that seek to strip people of citizenship in order to have them sent to other countries where they may face the prospect of ill treatment.” Individuals sent to Egypt, Syria, and other countries with a clear record of torture faced something more degrading than ill treatment. Qureshi does speak forthrightly about the Memoranda of Understanding signed by the British government when it sent individuals to other countries noted for torture. Those memos “have been dubbed worthless due to the lack of enforceability in the international arena.” Of course, the U.S. government signed similar memos, without any capacity to know what methods of interrogation would be used.

In a Cageprisoners interview, Lieutenant Commander Charles Swift explained why the trial system established at Guantánamo was misnamed “military commissions.” A set of orders providing for procedures to be used was written by Secretary of Defense Donald Rumsfeld and his defense counsel, “and the person who is in charge of administering them is a civilian appointed by the secretary of defense. So they are basically civilian controlled instruments.” Moreover, the administration labeled the people tried before these commissions as “enemy combatants,” which Swift said was another word for “criminals.” To that extent, “they are presumed guilty.” In civilian courts, the accused is presumed to be innocent and the burden is placed on the government to establish guilt.

Qureshi quotes from Secretary of State Condoleezza Rice when she traveled to Europe on Dec. 5, 2005, to explain the U.S. position on rendition: “For decades, the United States and other countries have used ‘renditions’ to transport terrorist suspects from the country where they were captured

to their home country or to other countries where they can be questioned, held, or brought to justice.” In that statement, she gave a number of examples, including “Carlos the Jackal,” captured in Sudan and brought to France. She did not explain, and possibly did not understand, that those individuals were brought to trial, given counsel, and had access to procedural safeguards. Her examples had nothing to do with extraordinary rendition, where people are not brought to trial but are subject solely to interrogation and torture.

Toward the end of the book, Qureshi states that two-thirds of the prisoner population in Guantánamo came not from Afghanistan but from Pakistan. The Pakistanis “sold foreigners and their own citizens in a bid to be seen as a country at the forefront of fighting terror, rather than as a potential target of US belligerence.” After the Sept. 11 attacks, the U.S. military began a series of covert operations in Bosnia and Herzegovina, kidnapping people suspected of ties to terrorist organizations. During the 1990s, Muslims had entered Bosnia to help repel Serbian forces intent on ethnic cleansing and atrocities committed against civilians. Beginning in fall 2001, the U.S. military looked with suspicion on anyone with ties to Saudi Arabia or other Muslim countries. Even Muslims who had become Bosnian citizens were kidnapped and taken away for interrogation and detention. In addition to the cooperation of the British, the United States gained the support of Sweden, Denmark, and other allies who were asked to participate in illegal and abusive practices. These sovereign nations, with their history of civil liberties, appeared to lack the capacity to say: “No. We will not assist in activities that violate our laws and our constitutions.” **TFL**

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(University Press of Kansas, 2008). The views expressed in this review are solely his own.

Confronting Cyber-Bullying: What Schools Need to Know to Control Misconduct and Avoid Legal Consequences

By Shaheen Shariff

Cambridge University Press, New York, NY, 2009. 275 pages, \$21.99.

REVIEWED BY ELIZABETH KELLEY

Bullying and cyber-bullying are the flavors of the month. Everyone is talking about them. They are the subject of a cover story in *People* magazine. They were the subject of a feature article in *Newsweek*, Anderson Cooper ran a special about them, and columnists throughout the country have been writing about them.

Sadly, a couple of tragedies, which occurred after this book was published, provoked the national discussion: the suicide of Phoebe Prince, a 15-year-old Irish girl in South Hadley, Mass., who was tormented by a bunch of kids in her high school; and the suicide of Tyler Clementi, a freshman at Rutgers University who committed suicide after his roommate allegedly video streamed him over the Internet kissing another man.

Everyone agrees that cyber-bullying is a problem, but no one can quite come up with a solution. *Confronting Cyber-Bullying*, by Shaheen Shariff, describes how various countries, especially the United States and Canada, are grappling for a solution to the problem.

Shariff is an associate professor of education at McGill University. As such, *Confronting Cyber-Bullying* is a scholarly book and, at least for this reader, was tough going. Nonetheless, I persevered to the end, because the interesting facts about this terra incognita subject that Shariff reports, as well as her keen insights into it, make it worth wading through the citations, the studies she describes, and the sometimes heavy prose.

Every time we have a problem in

our society, we want to enact new laws to deal with it. As *Confronting Cyber-Bullying* shows, the United States already has enough criminal laws to cover cyber-bullying by kids. Moreover, Shariff surveys a variety of civil remedies. But what Shariff espouses—and what I applaud her for—is that we should stress preventing cyber-bullying rather than responding to it after the fact in the form of criminal charges or lawsuits. In other words, we should be proactive rather than reactive. Shariff places the responsibility for preventing it on schools, acknowledging that educators must balance freedom of expression with creating an environment in which cyber-bullying does not occur. Shariff notes that cyber-bullying hinders learning not just for its victims, but also for all who know of and participate in it. She also notes that, unlike the bullying that we have tolerated in the past, cyber-bullying is not confined to the schoolyard. Twitter, MySpace, Facebook, YouTube, and texting are without confines, and occur 24/7. Moreover, cyber-bullying can be permanent and anonymous.

As Shariff points out, bullying is not new, and she reminds us of what the boys in *Lord of the Flies* did to Piggy. As her research shows, teen aggression has always existed as a result of raging hormones and because teenagers, sadly, mimic the aggressive behavior they see in adults. Complicating the matter is that teens are typically light years ahead of their parents and teachers when it comes to using the technologies that fuel cyber-bullying, making it difficult for adults to monitor the practice. And, as Shariff also points out, teen cyber-bullying is not aimed only at peers, but at teachers and administrators as well.

Because of rapidly changing technology and the new ways that we use such technology, *Confronting Cyber-Bullying* may well go through several editions. I suggest that future editions be a bit more accessible, because cyber-bullying interests people far beyond the ivory tower. And, in the spirit of the subject, I suggest that Shariff create a website or produce a

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YouTube video to further disseminate her findings and insights. **TFL**

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My Fellow Americans: Presidents Speak to the People in Troubled Times: Franklin D. Roosevelt to Barack Obama

By Michael Worek

Firefly Books Ltd, Buffalo, NY, 2009. 312 pages, \$29.95.

REVIEWED BY JOHN C. HOLMES

In *My Fellow Americans*, Michael Worek sets forth and provides background commentary on 50 important speeches of U.S. Presidents from Franklin D. Roosevelt to Barack Obama. Worek has chosen speeches that convey a sense of purpose and urgency during critical times, including the Depression, World War II, the Cold War, division at home over civil rights, the Watergate crisis, the Persian Gulf wars, and the current financial crisis. In these speeches, we encounter such memorable lines as Roosevelt's "the only thing we have to fear is fear itself," Kennedy's "ask not what your country can do for you; ask what you can do for your country," and Reagan's "government is not the solution to our problem; government is the problem."

Worek notes that, although Presidents have at their disposal the very best speech writers, the final product must be considered their own. Their speeches usually reflect the President's personality, character,

and viewpoints. Nevertheless, certain themes recur throughout the speeches in the book, including the importance of the American public in setting the course of the nation, the wisdom and ideals of our forefathers, the ability of the nation to overcome adversity, how the President will lead the nation in addressing problems, and a request for the blessings of God.

In his commentary, Worek emphasizes the circumstances, problems, and challenges that each speech addressed. In doing so, he provides an excellent and succinct chronological summary of the most important events of the last 75-plus years, as the United States developed into the leader of the free world.

Shortly into Roosevelt's presidency, 25 percent of the U.S. labor force was unemployed. Faith in capitalism was at a low ebb, and, with the stock market crash of 1929, society threatened to become unglued. Roosevelt, blaming the wealthy—ironically, the class from which he arose—created jobs, many through government agencies, such as the Public Works Administration and the Civilian Conservation Corps. The worldwide depression, however, catapulted Hitler to power in Germany and encouraged the emperor of Japan to invade neighboring countries in order to acquire raw materials. Worek finds that Roosevelt's policies to address the Depression were only marginally effective and sometimes flawed or counterproductive, and he notes that Roosevelt failed in his attempt to pack the Supreme Court in order to have his domestic initiatives declared constitutional. However, his determined leadership and inspirational speeches assisted in uniting the nation in its efforts to overcome the economic mess and to prevail in the long and difficult world war.

President Harry S. Truman, thought to be ill-equipped for the awesome job of President, led the country to the successful conclusion of the war and sought to heal the nation's wounds and to return the economy to a peacetime setting. Unfortunately, he faced the designs of the Soviet Union for world domination. To counter them, he insti-

tuted the Truman Doctrine, which included assisting European economic recovery through the Marshall Plan, taking part in the formation of the North Atlantic Treaty Organization (NATO), and supporting the establishment of the United Nations. When North Korea, supported by the Soviet Union and China, invaded South Korea, Truman, with UN support, sent our armed forces to fight the enemy. The important decisions that Truman made throughout his presidency—such as to drop atom bombs on Japan, demand unconditional surrender of Germany and Japan, provide for the Berlin airlift, initiate the Korean police action, and fire Gen. Douglas MacArthur for exceeding his authority—were not always popular at the time, but, since then, the decisions have been generally assessed as positive.

Though of contrasting career backgrounds and personalities and from opposite political parties, both Harry Truman and Dwight D. Eisenhower personified the small-town, Midwestern values of honesty, decency, and courage. A genuine hero in World War II, who rose to the position of supreme commander of Allied Forces, Eisenhower was blessed with a homespun likeable personality, and his presidency was marked by a reasonably successful "return to normalcy" (to quote Warren Harding's campaign promise after the prior world war). Knowing the horror of war, Eisenhower was a champion of peace. He was hardheaded in opposing Communist aggression, though he was faulted for failing to support Hungary's freedom movement after having encouraged it. Fiscally conservative, Eisenhower was able to oversee a balanced budget for the first time in decades. In his farewell speech at the end of his second term, he acknowledged the importance of continued vigilance in opposing Soviet expansion, but he warned of the danger of too much influence by the "military-industrial complex."

While running for President, John F. Kennedy needed to defuse the issue of his Catholic religion, which he did with an articulate and thoughtful speech before the Houston Ministerial

Association. His inaugural speech, which was full of optimism and hope, promised: “we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and the success of liberty.” The Cuban missile crisis erupted early in his presidency, and the nation became more involved in the Vietnam War and anxious over the Berlin Crisis, which resulted in the erection of the Berlin Wall. Though he initiated such constructive international programs as the Peace Corps and the Alliance for Progress (to aid Latin America), as well as promoting an accelerated space program that would send men to the moon and back, most of his domestic agenda floundered. His short presidency ended tragically with his assassination, a tragedy that deeply wounded the American psyche, especially because he had been a popular, bright, youthful, and beloved President. Worek includes seven of his speeches in the book—the most of any of the featured Presidents.

Lyndon Baines Johnson succeeded in passing much of Kennedy’s stalled agenda, labeling it the “Great Society.” His determined, successful efforts in obtaining passage of the Civil Rights Act of 1964 was his greatest legacy, but his domestic political capabilities were not enough to offset the negative reaction to his decision to escalate the Vietnam War, which he had inherited from Kennedy, and he chose not to run for a second term.

Richard M. Nixon, known as an anti-Communist Cold Warrior, reiterated in his inaugural address his campaign promises for peace in the protracted Vietnam War, which had caused a severe division of opinion within the United States. Even into his second term, an end to the war eluded him. Nixon is remembered for opening diplomatic relations with the People’s Republic of China after years of no official communications between the two vast countries. Brought down by the Watergate scandal, Nixon was forced to resign as President, declaring: “In all the decisions I have made in my public life, I have always tried to do what was best for the Nation.”

Upon Nixon’s resignation, Gerald Ford assumed the presidency, because

he had been appointed vice president after Spiro Agnew’s resignation from that office. Ford moved swiftly to end what he called “our long national nightmare” by pardoning Nixon—an unpopular action at the time, but which history seems to have vindicated. In 1976, as Ford sought election to a full term, he was proud to announce that he had not involved the nation in any battles on foreign soil. Nevertheless, although one of the most likable and modest Presidents, he was burdened by the Nixon administration’s scandals and was defeated by Jimmy Carter, who had been the governor of Georgia.

Campaigning on the themes of honesty and decency, President Carter promised an “abiding respect for individual human rights,” which he often emphasized by his own strongly held religious beliefs. Worek points out, however, that “sincerity and honesty were no substitute for leadership and the ability to take decisive action.” Carter’s one-term presidency ended with Americans being held hostage in Iran.

Ronald Reagan acted quickly to restore the pride of the nation and the prestige of the presidency, declaring America a “shining city upon a hill” whose “morning had just begun.” He sought to cut government spending, except for the military, and created the Strategic Defense Initiative, nicknamed “Star Wars.” Unable to deal constructively with the prior Soviet leaders who died while Reagan was in office, in Mikhail Gorbachev he found a kindred soul who responded positively to Reagan’s challenge at the Brandenburg Gate in Berlin: “General Secretary Gorbachev, if you seek peace, if you seek prosperity for the Soviet Union and Eastern Europe, if you seek liberalization: Come here to this gate! Mr. Gorbachev, open this gate! Mr. Gorbachev, tear down this wall!” Reagan’s farewell speech when he left the presidency was full of joy and optimism and summed up the accomplishments of his terms in office.

George H.W. Bush was privileged to see the fall of the Berlin Wall, the withdrawal of Soviet troops from occupied countries, and the collapse of

Communist government in the Soviet Union and Eastern Europe. He led a successful war, called Desert Storm, against the aggressive military actions of Saddam Hussein’s Iraq. But the weakening of the economy and Bush’s tendency to sometimes appear disengaged and prone to mistakes contributed to his failure to win re-election in 1992.

Worek continues with the presidencies of William Jefferson Clinton, George W. Bush, and Barack H. Obama, highlighting their policies, actions, and speeches while in the Oval Office.

My Fellow Americans is illustrated not only with flattering photographs of the Presidents from Franklin Roosevelt on, but also of the events—often tragic—that occurred during their presidencies. These include photographs of soldiers in action against devastated backgrounds during World War II, the Korean conflict, and in Afghanistan; antiwar demonstrators; the terrorist attacks of 1993 and Sept. 11, 2001; and East German military guards atop the barbed-wired Berlin Wall.

Worek lauds the resiliency of America and the leaders who have risen to the presidency. Although each had his flaws and was challenged by events, all sought and nearly always received the good will and support of the American people in times of crisis. *My Fellow Americans* is inspirational in articulating the success of our nation through always difficult and challenging times, aided by the leadership and communication of the Presidents. Although *My Fellow Americans* is not exceptionally scholarly or comprehensive, I highly recommend it as an honest and objective history of recent times. The book should encourage optimism that current difficulties will be overcome as well as pride, enthusiasm, and quiet patriotism for the benefit of our blessed land. **TFL**

John C. Holmes served as a U.S. administrative law judge for 30 years, retiring in 2004 as chief administrative law judge at the U.S. Department of the Interior. He currently works part time as a legal and judicial consultant and can be reached at trvlnterry@aol.com.