



THE TRIBUNAL: RESPONSES TO JOHN BROWN AND THE HARPERS FERRY RAID

EDITED BY JOHN STAUFFER AND ZOE TRODD

The Belknap Press of Harvard University Press, Cambridge, MA, 2012. 570 pages, \$39.95.

Reviewed by Paul Finkelman

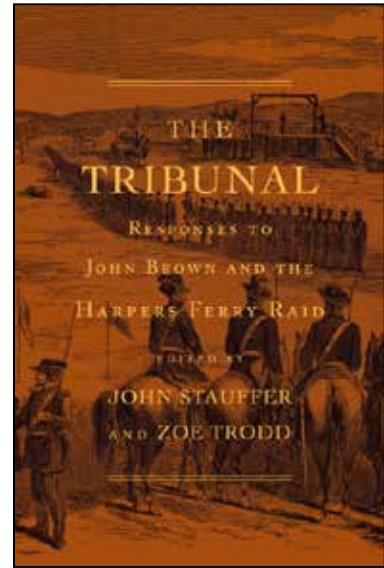
John Brown haunts America in every generation. Hero of antislavery? Martyr to black freedom? Revolutionary? Madman? American's first terrorist? Historians and popular scholars continually argue over how to even characterize him.

The "terrorist" claim seems overblown and by modern standards almost silly. In Kansas, in 1856, Brown led a group of men who seized and killed a handful of Southerners who had vowed to kill Brown and his sons. These men were involved in the violence and killing known as bleeding Kansas. Modern Americans are horrified that he killed his enemies with swords and modern scholars talk about how he "hacked" them to death. The killings were at night on the Kansas plains, and wisely Brown did not shoot off guns, which would have alerted other Southerners of his presence. This was a civil war and a guerilla war, and there was significant killing on both sides. But, when Brown killed his enemies he carefully singled them out. In one house he touched no one, because they were not involved in the violence. In another house he made sure a woman who was ill would have neighbors to help her, and even looked in on her before he left. He had killed her husband who was an enemy guerilla, but unlike modern terrorists, Brown carefully avoided killing innocents and bystanders. Similarly, when, in 1859, he seized the United States armory in Harper's Ferry, Va. (now Harpers Ferry, W.Va.), Brown had enough explosives to blow up much of the town, and for hours no one knew he was there. It would have been a field day for a terrorist, but not for Brown. While he held much of the town at his mercy, he destroyed little; he hoped that slaves would leave their masters and flock to him and that they could exit the

town with weapons, but would avoid needless destruction or killing anyone. While in the town, Brown stopped a train on its way to Washington, D.C. A terrorist would have blown up the train; Brown let it go.

If not a terrorist, then what was Brown? He was clearly deeply committed to the abolition of slavery, and willing to confront the violence of slavery with his own violence. He was surely "sane" in a modern sense of the term, even though his actions seem, in retrospect, to have been "crazy." Brown did not set out in life to attack slavery with violence. He stumbled into a civil war in Kansas when he went there to help his ailing sons who were trying to settle the territory and found themselves in a mini-civil war. Brown brought his sons weapons to defend themselves from their well-armed pro-slavery neighbors, and was soon involved in combat. But, he spent more time helping slaves escape from Kansas and Missouri than he spent fighting Southerners. He then returned to the east, where he hatched a fantastic—and surely foolish—plot. He would seize weapons at the Harpers Ferry arsenal and then engage in guerilla tactics—not to kill Southerners but to help slaves escape to Canada. He failed miserably, led his brave and committed younger comrades to unnecessary deaths, and was himself hanged. In the process, he became a martyr for liberty and an icon for those who truly hated slavery. Frederick Douglass (who declined to join Brown) would later note that he "lived" for the slave while Brown willingly "died" for the slave.

In last quarter century there have been numerous biographies, historical novels, and other books about Brown. The best biography is surely Robert McGlone's *John Brown's War Against Slavery*. It is meticulously researched and thoughtfully written. Others, such as Evan Carton's *Patriotic Treason: John Brown and the Soul of America*, and Tony Horwitz's *Midnight Rising: John Brown and the Raid that Sparked the Civil War*, are provocative and fascinating. Horwitz, a journalist and author of the brilliant *Confederates in the Attic*, doubtless overstates the role of the Harpers Ferry raid in his title, but the



book is well worth attention. My own book, *His Soul Goes Marching On: Responses to John Brown and the Harpers Ferry Raid*, focuses on the aftermath of the raid and its effect on American society and the world, with essays on how Northerners, women, blacks, Southerners, and the international community responded to the raid. In that book I argue that only after the disaster at Harpers Ferry did Brown embrace a new role—as a martyr to liberty—but that once he embraced that role he and his anti-slavery allies brilliantly "manufactured" Brown into a martyr.

Brown's raid clearly did not cause secession, much less the Civil War. Some secessionists mentioned Brown as a factor in their anxiety over continuing to be in a union dominated by free states. Southerners made clear they were leaving the Union because of the persistent hostility to slavery in the North, the refusal of Northern states to acquiesce in the spread of slavery into all the territories, the failure of Northern states to embrace and enthusiastically enforce the Fugitive Slave Law of 1850, and most of all, because a man who openly hated slavery—Abraham Lincoln—had been elected President. Lincoln, along with all other leading Republicans, denounced Brown. It is more likely that the raid hurt than that it helped the Republican cause in 1860, even though Lincoln and almost every other Republican

emphatically rejected Brown's tactics. John Andrew, the strongly abolitionist governor of Massachusetts, was the only Republican to even mildly support Brown, and his comments illustrated the discomfort Brown's violence caused, as he declared "I pause not now to consider ... whether the enterprise of John Brown and his associates in Virginia was wise or foolish, right or wrong; I only know that ... John Brown himself is right." Andrew could sympathize "with the man" and "with the idea" but not with the tactics. No other Republican came even that close to endorsing Brown.

White Southerners of course vilified Brown and when leaving the Union mentioned him in their secession documents. But, he was "old news" by 1860-1861, and he was also dead by then, having been captured by federal troops and executed by the state of Virginia. The "new news" and the live threat was the political movement that Lincoln led, which white Southerners believed threatened slavery, "the greatest material interest of the world," according to Mississippi's document justifying secession.

The Tribunal: Responses to John Brown and the Harpers Ferry Raid, is the latest addition to the John Brown bookshelf. John Stauffer and Zoe Trodd have put together a massive 570-page collection of documents about Brown and his raid. A short introduction sets out Brown's life and history. I have some problems with it. Noting Brown's miserable failures as a businessman, Stauffer and Trodd assert that Brown "never would have become the same militant abolitionist had he not gone bankrupt." This analysis is problematic, at best. Most bankrupts do not become social activists, and some wealthy, successful, and admired men do become social activists and revolutionaries. In 1859 wealthy and successful men—such as Gerrit Smith, Samuel Gridley Howe, and Rev. Thomas Wentworth Higginson—supported Brown financially. In 1860-1861, wealthy and successful men all over the South supported secession and war. Material success does not preclude a commitment to social change, and a failure in the marketplace rarely leads to radicalism. Despite my disagreement on this point, overall this is a useful introduction to a complex man.

The real meat of the book however, is not the introduction, but the documents. Here the editors have done a great service

for anyone interested in Brown. They have put together primary sources ranging from Brown's early life to responses from all over America and around the world. The collection will not so much shed new light on Brown himself as it will help us to better understand the responses to Brown. In this regard, it is unfortunate that the editors have no documents from the Southern secession conventions. But they do include some true gems, such as "Old John Brown, a Song for Every Southern Man" and an obscure speech by John Wilkes Booth, who condemned Brown for his "treason" and noted that he "saw John Brown hung" and therefore "blessed the justice of my contrys [sic] laws." The irony of the speech and its soon-to-be traitorous author illustrates the importance of Brown and the complexity of his role in American history. ☉

Paul Finkelman is the President William McKinley Distinguished Professor of Law and Public Policy at Albany Law School.

LIFE WITHOUT PAROLE: AMERICA'S NEW DEATH PENALTY?

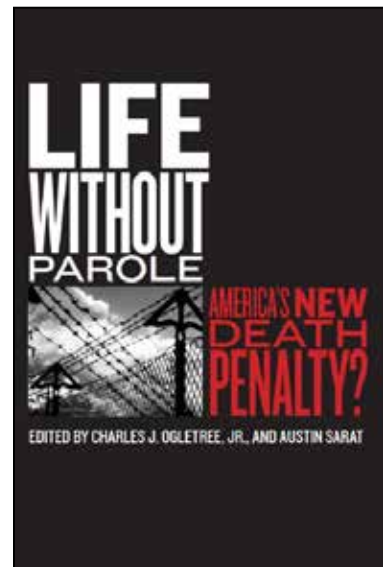
EDITED BY CHARLES J. OGLETREE JR.
AND AUSTIN SARAT

New York University Press, New York, NY, 2012. 334 pages, \$26.00.

Reviewed by Paula Mitchell and Tara Lundstrom

In *Life Without Parole: America's New Death Penalty?*, edited by Charles J. Ogletree Jr. and Austin Sarat, eight essayists examine the fluid nature and expansion of the sentence of life without parole (LWOP) in the United States and urge a more rigorous consideration of the moral, political, social, and legal implications of the sentence. As the editors note, ample scholarship addresses the late 20th-century incarceration boom in the United States, but little attention has been given to LWOP.

Crime and punishment have always been fluid concepts, as evidenced by the fact that our definition of each has evolved. Under the reign of Henry VIII, 72,000 people were executed for committing crimes punishable by mandatory death under the so-called Bloody Code—crimes as trivial as stealing a rabbit, counterfeiting



stamps, and unlawfully felling a tree.

As the first essay in *Life Without Parole* describes, the system adapted to these harsh sentences by rejecting problematic capital prosecutions through mechanisms such as the king's use of the pardon power, the prosecutor's unreviewable power to decline to prosecute, and the strategic and creative use by trial judges and juries of doctrines such as strict construction of criminal statutes. Although death penalty jurisprudence in the United States has similarly come to incorporate equitable discretion at the time of sentencing, no equitable considerations factor into LWOP sentences. The only discretion in LWOP sentencing rests solely in the hands of the "prosecutor, who controls the charging decision, but who concurrently has an institutional incentive to charge high in order to maximize bargaining power and thereby extract favorable and expeditious guilty pleas."

The number of LWOP sentences has tripled in the last 16 years. Of the 140,600 inmates serving some form of life imprisonment, more than 41,000 are serving LWOP. Nearly 10 percent of those inmates (well over 3,000) were convicted only of drug, property, or other nonviolent offenses and sentenced to LWOP under habitual offender statutes. Two-thirds of LWOP inmates are nonwhite.

As the editors observe, LWOP sentences send a particularly disruptive message to distressed minority communities—one that says offenders from those communities are "distinctly *irredeemable*." Indeed, many nations outside the United States have rejected LWOP as inconsistent with

human rights and human dignity, because “no human being should be regarded as beyond improvement.” In Europe, where no juvenile offenders—regardless of their offense—can be sentenced to LWOP, the debate now is whether LWOP is an acceptable sentence for *adult* offenders. Other countries question whether life imprisonment in *any* form is a legitimate punishment. In Brazil, Costa Rica, Colombia, El Salvador, Peru, and Mexico, for example, sentences of life imprisonment (even with the possibility of parole) are not permitted because they are considered inconsistent with human rights.

Pointing to the Supreme Court’s holding in *Graham v. Florida* (2010) that sentencing a juvenile to LWOP for a non-homicide offense violates the Eighth Amendment, one contributor to this book suggests that the United States may be in line to follow this trend because it appears that the high court is signaling a willingness to review severe sentences. In June 2012, two weeks after *Life Without Parole* was published, the Supreme Court held in *Miller v. Alabama* that the Eighth Amendment forbids a sentencing scheme that mandates life in prison without possibility of parole for juvenile homicide offenders. (It did not prohibit LWOP for juveniles pursuant to individualized sentencing.) Nevertheless, a closer look at the Supreme Court’s Eighth Amendment jurisprudence suggests that the United States is not about to ban LWOP across the board. In the 30 years leading up to *Graham*, the Supreme Court invalidated only one noncapital sentence, in *Solem v. Helm*, and that case is considered by members of the Court and by scholars to be an outlier. As the court summed up in *Rummel v. Estelle* (1980), sentencing is “purely a matter of legislative prerogative,” such that “successful challenges to the proportionality of sentences should be exceedingly rare.”

The sentencing schemes that legislatures have been choosing since the 1970s are highly punitive and unforgiving. Much of America’s penological history was grounded in the idea that convicts are “flawed but fixable,” and that it was the state’s responsibility to help remediate those flaws with an eye toward reintegration into society. In California, for example, “[b]y the early 1970s ... nearly all serious offenders [were sentenced] to an indeterminate term of between one year and life in prison,” with

parole boards determining when an individual was ready to be released on parole. Over the last 40 years, however, legislators have shifted away from the reintegration model to one of “wholesale exclusion,” as evidenced by the move from indeterminate to determinate sentences, the enactment of harsh habitual offender laws, and the decision by many states to adopt LWOP. The shift away from reforming offenders and toward isolating and punishing them progressed alongside the emergence of “society’s collective disposition toward the people the state has incarcerated” and a commitment to the idea of their permanent exclusion. This notion is based on the belief that those persons who are subject to criminal punishment “forfeit [] their status as political citizens and moral equals.” LWOP—permanent exile—has become emblematic of that exclusionary ideal.

LWOP is considered by some to be a sentence even worse than death, in part because inmates on death row continue to have meaningful engagement with the law throughout their term of incarceration, whereas inmates sentenced to LWOP (with rare exceptions) find themselves suddenly, finally, and “permanently outside the legal and political world.” Because capital cases are given careful, solemn attention at every stage of the proceedings, reflecting the collective awareness of the gravity of state-sponsored killings, those subject to capital punishment retain their status as a full moral agent with a place in a shared moral world. Not so with those given LWOP sentences, which “are meted out readily and seemingly with little reflection as to either the extreme severity of the penalty or its proportionality to the crime.”

Those advocating abolition of the death penalty have pushed for LWOP as a fairer and more reliable option, but this advocacy has proved a double-edged sword. The rapid and overlooked rise of LWOP sentences, like the death penalty, condemn a prisoner to no hope of redemption, yet avoid the heightened scrutiny afforded to capital sentences.

The essays in *Life Without Parole* are rich in their descriptions of LWOP from a legal, historical, and sociological perspective. Certain redundancy in that description is perhaps unavoidable, as all the essays address the same overall topic, albeit from varying perspectives. But, far from detracting from the book’s message,

the repetition serves to underscore the scale of the problem.

Solutions to this intractable dilemma are not readily apparent. Much of the book leaves the reader feeling that the situation is hopeless. Learning from the anti-death penalty movement’s unwitting contribution to the exponential growth of LWOP, one essay warns against adopting a similar “LWOP is different” mantra. Advocating from this position would pose its own difficulties, as LWOP sentences encompass far too heterogeneous a group, one that evades easy classification. Even the precise import of a sentence of LWOP falls apart on close scrutiny. Is there any meaningful difference between LWOP and long term-of-years sentences, or between LWOP and life with the possibility of parole, where parole is almost never granted?

Abolishing LWOP outright is rightly viewed as unlikely to occur, particularly in the context of extreme cases. Alternate avenues for reform include imposing substantive limits to LWOP and implementing procedural reform. Substantive limits may include eliminating LWOP for certain categories of individuals, such as juveniles, the mentally handicapped, habitual offenders, or drug traffickers, or requiring greater proportionality between the offense and the sentence. Procedural reform might entail affording defendants the same protections provided in capital cases or requiring a second look at LWOP sentences after a period of incarceration.

Hope for meaningful change is tempered by the current political climate, line-drawing difficulties, and inequities. Drawing categorical distinctions leaves the plight of vast numbers of prisoners unaddressed and relies on justifications that divide lifers based on which subset of the population is deemed more deserving, rather than addressing concerns common to all. Moreover, although the Supreme Court in *Graham* showed its willingness to carve out an exception for juveniles, it has shown little sympathy for other categories of lifers and has strongly deferred to state legislatures and courts in reviewing LWOP sentences for proportionality. By the same token, broader procedural reforms may prove politically infeasible, as they would come at considerable financial cost and would require reversing society’s 30-year commitment to retribution as the prevailing penal rationale, and renewing its faith

in rehabilitation.

The brightest glimmer of hope appears in the book's final essay, which explores the potential role that the value of dignity may play in shifting the debate. It advocates for a penal system that "enforces a degree of respect for the prisoner as a rights-bearing citizen different from others only in the loss of the right to liberty and those other impositions necessary to effectuate the loss of liberty." Drawing from examples further afield, it sees hope in the newfound success of movements advocating for end-of-life care, same-sex marriage, and changes to laws governing involuntary mental health treatment.

Progress toward reform is already apparent since the book's publication in June 2012. In addition to the Supreme Court's decision in *Alabama v. Miller*, California enacted Proposition 36, which modified its three-strikes statute to impose a life sentence only for felony convictions that are "serious or violent." By bringing attention to a long-neglected issue, *Life Without Parole* makes a significant contribution to raising public awareness of the massive numbers of prisoners serving LWOP sentences in the United States and the desperate need for systemic reform. ☉

Paula Mitchell is a career judicial law clerk for the Hon. Arthur L. Alarcón, senior judge of the Ninth Circuit Court of Appeals. She is also an adjunct professor of law at Loyola Law School in Los Angeles, where she teaches Habeas Corpus and Prisoner Civil Litigation. Paula has practiced in major law firms in New York and Los Angeles, focusing on high-stakes litigation and appeals in both federal and state courts.

Tara Lundstrom is a judicial law clerk for the Hon. Arthur L. Alarcón, senior judge of the Ninth Circuit Court of Appeals. She previously worked as a staff attorney for the Ninth Circuit and as an attorney advisor for the San Francisco Immigration Court. She practiced removal defense as an associate attorney for Van Der Hout, Brigagliano & Nightingale, LLP. She graduated Order of the Coif from U.C. Berkeley School of Law (Boalt Hall) in 2006 and summa cum laude from U.C. San Diego in 2002.

DRINKING WATER: A HISTORY

BY JAMES SALZMAN

The Overlook Press, New York, NY, 2012. 320 pages, \$27.95 (cloth), \$16.95 (paper).

Reviewed by Christopher Faille

Here are three critical facts about water: it is the universal solvent; it is seldom found in pure form; and life is impossible without it. The first of these three facts is responsible for the second. Because almost anything *can* dissolve into water, bases and acids and lots of other stuff do dissolve into it. Much of what is in water (yes, even water coming down as rain, and even water that just bubbled out of a spring on the side of a mountain) can harm us.

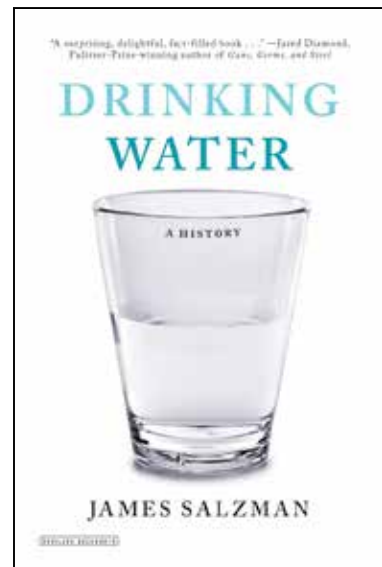
Further, the fact that life is impossible without water is itself a two-sided observation. It means that we humans, as living beings, need a constant supply. But it also means that lots of other living beings, unless they are strained out, will be in the water. If we swallow it, we swallow them.

Mythology

Water, then, is both necessary and dangerous. Unsurprisingly, a great body of mythology has developed about this stuff, and early in this book James Salzman regales us with some of it. The Sumerian fertility goddess Ishtar was said to have sought without success the magic water that would have allowed her to revive her dead lover, Tammuz. The Norse god Odin drank from a sacred spring beneath the roots of the World Tree and thereby gained wisdom. Finn, a Celtic hero, gained his wisdom somewhat less directly: he ate a salmon that had swum in a magic well. And of course legend ascribes to a real-world explorer, Ponce de Leon, an unquenched desire for the waters of the Fountain of Youth.

In our own day, travelers (especially those who live in first-world places and plan trips to third-world places) routinely warn one another: "Don't drink the water." I had long suspected that such warnings were overstated, and indeed that they represented a sort of post-imperial bias. That much is an easy inference to draw from the self-consciously amusing names given to the digestive troubles that follow from ignoring that advice: "Montezuma's Revenge," the "Delhi Belly," and so forth.

But James Salzman, a professor at the



School of the Environment at Duke University, seconds such warnings. Even water that is perfectly safe for the locals can cause great misery for a traveler who has not spent his life with those particular microorganisms and who as a consequence has not developed the corresponding immunity. (It is also true, of course, that there are many waterborne diseases not rendered harmless to the locals by custom, and that cholera in particular remains a widespread deadly problem in developing countries.)

Context for Controversy

Drinking water is the stuff of furious legal and policy controversies in the United States at present. One example will suffice: litigation over the gasoline additive MTBE, a carcinogen, constituted one of the great mass-tort issues of the early years of the new century, and the withdrawal of MTBE from the marketplace for fear of contaminated ground water may have increased the gas prices we pay at the pump.

Salzman only mentions MTBE once, briefly. His book doesn't follow any such issues in any detail or with any sense of analytical fury. It is not that kind of book. Rather, it is a brisk, readable, history of attitudes toward drinking water, a survey that takes in the lead pipes of ancient Rome as well as the plastic bottles with an Aquafina label on each that sit in row after row at your local grocery store. It might well be read as a splash of cold fresh context by any of those embroiled in the many potability controversies of our day.

Too Much Detection

One problem over which Salzman does pause is that contemporary science allows us to detect the presence of various chemicals in water at much lower levels of concentration than ever before. Why is this a problem rather than (or as well as) an advance? Because it gives rise to worries about what might, until recently, have been considered the purist samples of the stuff around, and the worries don't necessary come with any new wisdom about what, if anything, to do about the newly detectable contaminants. It is the sort of situation that has given rise to the expression, "too much information!"

For an example, people often flush unused pharmaceutical products down their toilet, or they digest the product, and their excretions later contain residues of the same pharmaceuticals. Treatment plants aren't designed to remove drug residues, so they can make it through the arduous path into the water supply. *But*, Salzman says, the concentrations are very low, "sometimes in parts per billion or even parts per trillion." Is the presence of pharmaceuticals in the drinking supply at those levels a problem, or merely a curious fact?

One part per trillion: think about that. As Salzman also tells us, it is "the equivalent of one drop of water diluted into twenty Olympic-size swimming pools." So, are we getting too much information? ☺

Christopher Faille graduated from Western New England College School of Law in 1982 and became a member of the Connecticut bar soon thereafter. He is at work on a book that will make the quants of Wall Street intelligible to sociology majors.

OUR LIVES, OUR FORTUNES, AND OUR SACRED HONOR: THE FORGING OF AMERICAN INDEPENDENCE

BY RICHARD R. BEEMAN

Basic Books, New York, NY, 2013, 418 pages, \$29.99.

Reviewed by Charles S. Doskow

Richard Beeman's account of the movement to American independence is gripping, even if the reader knows the subject well and has no doubt as to how it ends. Although largely an account of the three

Continental Congresses (1774, 1775, and 1776), *Our Lives, Our Fortunes, and Our Sacred Honor: The Forging of American Independence* keeps us informed throughout of the public opinion of the time—of the urge for freedom on the part of some, and the support for English attempts to subdue the impending rebellion on the part of others. The meetings in Philadelphia did not take place in a vacuum. The people of the 13 colonies had their own interests, their own experiences. Not all were eager to follow the lead of Massachusetts, that hotbed of resistance to the Crown.

The first Continental Congress in 1774 was not only a meeting of individuals who were not known to each other personally, but of people from colonies and regions who had little prior contact or exposure to one another. The delegates were required to work together, and eat and drink together, toward a common end. Some were committed to an improved relationship with the mother country; others never wavered in their commitment to independence.

The title of the book—*Our Lives, Our Fortunes, and Our Sacred Honor*—reflects the overriding fact that the members of these self-appointed bodies understood that they would be taking a major risk by committing themselves to the cause of independence. And, although we now know that they were successful in both achieving independence and in keeping it after a long war, that result was by no means certain.

Much of the debate was between two positions of the patriots: declare independence now, or delay until we have given the king one more chance. Much of the legislative history is the account of the "one more chances" the colonists gave to the king and parliament, all of which were abruptly rejected.

That debate continued through the three sessions of the convention, as the conventions took major steps toward independence, including the 1774 creation of the Association, which was an agreement to boycott British goods, and the 1775 Olive Branch Petition to the king, which he ignored. And, outside the convention were the battles of Lexington, Concord, and Bunker Hill, all in 1775.

Beeman tells us that between the adjournment of the First Congress and the convening of the Second Congress in the fall of 1775, the climate of public opinion

had moved strongly toward a declaration of independence. He accounts for that move by actions on several fronts, including the continuing repression by the British and the emerging views of the colonial leaders.

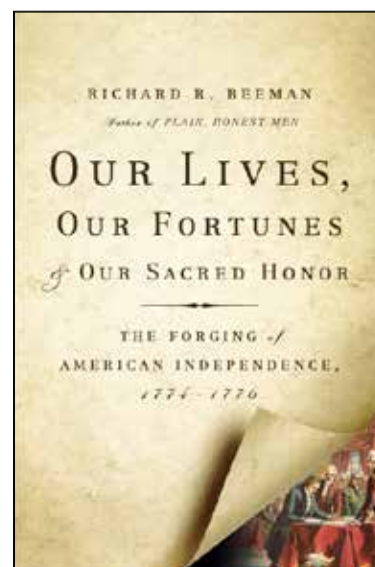
The book describes many fascinating personalities, but the unifying personality throughout is John Adams, completely committed to the goal of independence and not overly patient with those less determined than he. He made every effort to keep the conventions on the straight and narrow path.

But Adams recognized his own limitations. At times he took a back seat, acknowledging that his prominence could do more harm than good to a particular proposal. (A scene in the Broadway musical "1776" shows the ensemble of the convention singing "Sit Down, John.")

Adams was at daggers drawn with John Dickinson, a much-respected Pennsylvania delegate and the leading advocate of keeping the hope of reconciliation with the mother country alive. Following a debate on the Olive Branch Petition, Adams left the floor and went into an adjacent yard. Dickinson followed him, and angry words ensued.

Their accounts of the encounter differ, Adams' diary assigning himself the role of pacifier, accusing Dickinson of verbally assaulting him. The known traits of the two suggest that perhaps Adams was being disingenuous. He was the known hothead, Dickinson the cool and collected debater. Neither spoke to the other thereafter. (Had they been Southern gentlemen, a duel might well have resulted.)

The figure of George Washington domi-



nates the 1775 session, at which, in the uniform of the Virginia militia, he made his first appearance. He was named then and there to head the Continental Army. He promptly departed for Boston, the scene of the military action. Adams gave himself credit for Washington's appointment, which had the intended effect of bringing a Virginian (and a Southerner) into leadership of the independence faction.

The legislative history of the three conventions is one of committees. All matters raised were referred to committees, which were usually elected by the full body, and proportioned to represent both regional interests and the two sides of the ongoing debate. The body itself often transformed itself into the Committee of the Whole, a technique also adopted by the Constitutional Convention in 1787.

But outside the Convention, the movement for independence took shape in 13 separate colonies. Beeman takes us through the discussions in each of them, as they struggled with their British masters, and opinion began to support the movement taking place in Philadelphia. Tom Paine's "Common Sense," published in January 1776, contributed.

The climax of the legislative struggle, on July 1 and 2, 1776, was what John Adams later called "The Greatest Debate of All." The issue was the ultimate one: whether to adopt a declaration of the independence of the 13 colonies, now calling themselves states. Speaking after the eloquent Dickinson, Adams gave himself full credit for the adoption of the resolution, which narrowly passed with the necessary votes of nine states.

Beeman credits Adams: although "no Demosthenes or Cicero, ... he had, through hard work, become a darned good courtroom lawyer." Adams, in his autobiography, begins his account of his final argument, "All was silence. No one would speak: all eyes were Turned upon me." Dramatic enough.

A side note: As the vote was being taken, Dickinson and another opponent of independence left the table of their Pennsylvania delegation, which they knew would cast its vote for the resolution, thus "pulling themselves 'behind the bar,' that rail which to this day keeps visitors to the Assembly Room of Independence Hall from actually walking into the space where the delegates to both the Continental Congress

and the Constitutional Convention of 1787 carried out their deliberations."

I know what the author means. The room has been preserved, and (along with the Liberty Bell) is part of Independence National Historical Park in Philadelphia, managed by the National Park Service. A recent visit was most disappointing, for exactly the reason cited: visitors are herded quickly in and out of the back of the room, and what I had anticipated to be a meaningful historical experience was rushed and incomplete.

It is, nonetheless, a wonderful thing that the venue remains. And, as wonderful is the tale itself. We are fortunate to have as readable and cogent account of it as *Our Lives, Our Fortunes, and Our Sacred Honor*. ☺

Charles S. Doskow is dean emeritus and professor of law at the University of La Verne College of Law in Ontario, California, and a past president of the Inland Valley Chapter of the Federal Bar Association.

THE LAST LION, WINSTON SPENCER CHURCHILL: DEFENDER OF THE REALM, 1940-1965

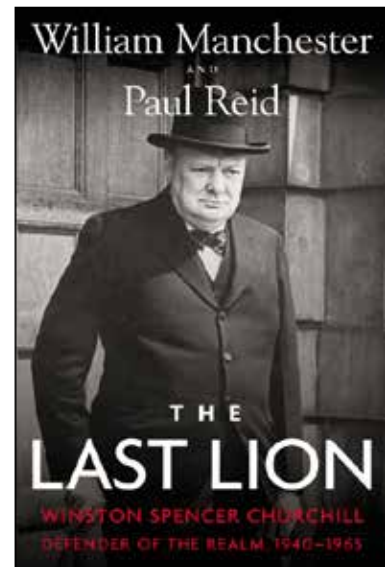
BY WILLIAM MANCHESTER AND PAUL REID

Little, Brown and Co., New York, NY, 2012. 1182 pages, \$40.00.

Reviewed by Christopher Faille

Some allies work with one another from the attraction of mutual opportunity or under the duress of danger and necessity, and do so despite wide differences in their views of the world and in their temperaments. Athens united with Sparta to foil the designs of the Persians. In early U.S. history, the northern colonies united with the southern against King George, despite the already-obvious differences that would prove sufficiently severe to lead to another war more than four score years later. In terms of personal leadership, too, the differences between John Adams and Thomas Jefferson were great, and their unity of purpose did not outlast Independence.

It is good—it at least appeals to our better sentiments—to think that *some* alliances are more than just dire necessities; or, that



allies, even if at first reluctant, can become friends in the course of their shared task.

The winning nations in World War II constituted an extraordinary alliance, and leaders of each of the victorious nations were as different from one another as it is possible to be: Chiang Kai-shek, Josef Stalin, Charles de Gaulle, Franklin Delano Roosevelt, and the subject of this biography, Winston Churchill.

I have long been under the impression—as a casual reader of a fair number of volumes about that war and those political leaders—that, although for the most part these were reluctant allies pressed together by the early successes of their shared foes, in the case of the two English-speaking leaders on that short list, there was also a fair amount of amiability. Roosevelt and Churchill addressed one another, in public, as one might imagine old friends would. William Manchester and Paul Reid's new book has in some respects required me to revise that view, heightening my understanding of the sharp tensions between them.

Three Volumes

This is the third volume of a set. The first volume appeared in 1983, William Manchester's *The Last Lion: Winston Spencer Churchill: Visions of Glory, 1874-1932*. Five years later came the second volume, *The Last Lion: Winston Spencer Churchill: Alone, 1932-1940*. After completing those two volumes, Manchester put the final one on the back burner and turned to another project, *A World Lit Only by Fire: The Medieval Mind and the Renaissance: Portrait of an*

Age, published in 1992. In 1998, Manchester suffered two strokes. He had, by this time, compiled extensive research materials for volume three of his Churchill biography, including interview transcripts, but he had only started the actual composition.

Over the following years, Manchester realized that his condition was not going to allow him to complete this project, and in 2003 he told his friend Paul Reid, a feature writer for *Cox Newspapers*, “I’d like you to finish the book.” Manchester passed away the following year.

So Reid picked up the torch, or the pen, and now we have the result. In what follows, I will use the name “Reid” as shorthand for “the authors of this volume,” intending of course no slight to Manchester’s role.

Most of the book concerns the first five years of the covered period of 1940 to 1965: once peace has returned, the rest of the book seems to rush us through the 20 remaining years of Churchill’s life, including the five years of his second tenure in No. 10 Downing Street beginning in 1951. Still, there is much to be said for a detailed history of the war as seen from the prime minister’s office in London, and this is a fine example of the life-and-times genre.

Bretton Woods

As I’ve said, one of the impressions Reid leaves with me is of Roosevelt’s and Churchill’s differences. They contended in the sharpest of terms about India, and more broadly about the future of the colonies of the European nations after the war. They also differed on questions of security—Roosevelt and his government didn’t trust their British counterparts with information about the Manhattan Project, for example—and the British didn’t enjoy not being trusted with such news.

Further, Roosevelt and Churchill diverged on the little matter of what the postwar economic and financial world would look like: it was Roosevelt’s government that pressed for an agreement that would make the dollar, not the pound, the world’s critical currency after the war. Churchill engaged in idle speculation about how the two countries might share a common currency, a “dollar sterling,” but that dream never became a program.

As Reid tells us, Churchill’s own six-volume history of the war must be employed as a source, but must be employed with some caution. On point after point, Churchill was

making his case for posterity, justifying those of his decisions that posterity might otherwise question. Some striking silences resulted. One of these: Churchill *never* in his memoirs so much as mentions the great monetary conference of July 1944, at which the brightest economic and financial minds of 44 allied nations met at the Mount Washington Hotel, in Bretton Woods, New Hampshire.

At Bretton Woods the critical talks seem to have taken place between the U.S. and U.K. delegations, and in particular between world-renowned economist John Maynard Keynes (newly titled Baron Keynes of Tilton at this time), who led the British delegation; and Harry Dexter White, his U.S. counterpart. White was working directly under Henry Morgenthau at the Treasury Department.

White and Keynes together, with the eventual concurrence of the other participants at the conference, agreed to a system that pegged the U.S. dollar to the value of gold at the rate of \$35 per ounce. Other currencies would have their value determined as against the dollar. It was this three-tiered monetary system (at the foundation, gold; on the second tier, the U.S. dollar; on the third tier, every other nation’s currency) that made of the dollar the world’s numéraire, a role the pound had once less formally fulfilled.

Perhaps the reason for Churchill’s silence on the point in his postwar memoirs was a simple instance of buyer’s remorse. For as Reid indicates, the deal was not a good one for the British Empire. Indeed, he refers the reader to a book by a British historian, Peter Clarke, pungently entitled *The Last Thousand Days of the British Empire*, in which the Bretton Woods accords play a large part.

Uranium

Another incident throwing some light on the real nature of the alliance occurred a year before Bretton Woods. On May 12, 1943, while Churchill was in Washington talking over the Allies’ recent victories in North Africa and plans for striking northward from there, Sir John Anderson, of the Privy Council (and soon to become Churchill’s chancellor of the exchequer) learned that the United States had bought up the entire Canadian production capacity for uranium. It had effectively frozen the U.K. out of the Manhattan Project.

There may be a number of reasons the Roosevelt administration thought it had to keep the British in the dark, or allow them to infer what was going on only through such indirection. Perhaps it is just that sovereigns like to keep secrets, even from allies. Perhaps it was a sense that the British elite was itself rather leaky, and that anything shared would get out, to another but very troubling ally in Moscow, if not to Berlin.

It wasn’t until the Potsdam Conference, after Roosevelt’s death, after V-E Day, and after the first atom bomb test at Las Alamos, New Mexico, that Churchill was brought into the U.S. government’s confidence in this matter. The U.S. Secretary of War, Henry Stimson, gave him a briefing on what had just taken place in New Mexico.

India

Reid writes that Churchill and Roosevelt had their first serious political argument only four months after the attack on Pearl Harbor had made them allies. In April 1942, Stafford Cripps, the most prominent member of the Labour Party in Churchill’s non-partisan war cabinet, traveled to India to attempt to negotiate an understanding with the nationalist leaders, Gandhi in particular, by offering them a semi-independent status for the subcontinent after the war if they would assist in resisting the Japanese in the meantime. The talks weren’t going well. Churchill, Reid tells us, “kept Roosevelt abreast of Cripps’s progress, or lack thereof,” but did so “out of politeness,” not expecting that it was especially an issue with which the President should concern himself.

“When the talks broke down,” Reid writes, “Roosevelt blamed Churchill, in the most frank terms.” He had Harry Hopkins hand-deliver a letter on the subject to Churchill at his home, Chartwell, an estate in Kent.

The letter read in part: “The feeling is almost universally held here that the deadlock has been caused by the unwillingness of the British government to concede to the Indians the right of self-government. I feel I must place this issue before you very frankly, and I know you will understand my reasons for so doing.” Churchill was not happy, or even very understanding.

Crooked Timber

“Upon reading the message Churchill

unleashed a barrage of curses that echoed throughout the great house. After regaining (some) of his composure, he voiced his long-held belief that any imposition of political will by the [majority] Hindus upon one hundred million Indian Muslims would result in a total breakdown of order, and large-scale bloodshed, and this at the very moment the Japanese were waiting in the wings, with Gandhi and his 'Quit India' cohorts ready to accept the enemy peacefully, thereby easing a Japanese passage to the Middle East."

Though many will sympathize with Roosevelt's anti-imperialism, and Gandhi's devotion to peace, given the chaos that the postwar British departure did in fact generate on the subcontinent, it would be difficult to conclude that Churchill was in the wrong on this as a strategic matter.

Some worthy goals, then, conflict with other worthy goals. Good cannot satisfy itself with battling evil, but must of necessity also struggle with good. Such is a lesson familiar to admirers of Isaiah Berlin, who quoted Immanuel Kant: "Out of the crooked timber of humanity no straight thing was ever made." ☉

Christopher Faille graduated from Western New England College School of Law in 1982 and became a member of the Connecticut bar soon thereafter. He is at work on a book that will make the quants of Wall Street intelligible to sociology majors.

THE EXECUTION OF NOA P. SINGLETON: A NOVEL

BY ELIZABETH L. SILVER

Crown Publishers, New York, NY, 2013. 308 pages, \$25.00.

Reviewed by JoAnn Baca

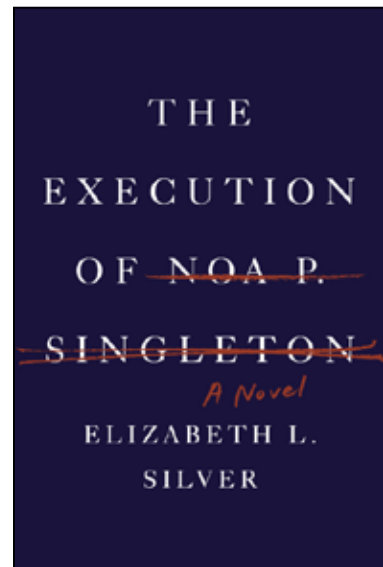
A first novel by a powerful new voice in crime fiction, *The Execution of Noa P. Singleton: A Novel* may keep you up at night. Elizabeth Silver's book maintains an eerie hold on the imagination, a hold that makes it impossible to close the covers and set the book aside, even when the clock strikes an early hour in the gloom of night. In fact, nighttime might be the best time to read Singleton's tale, for it contains distinct noir elements, including a cynical, world-weary narrator whose baffling passivity

creates a dark, disturbing miasma that permeates this tale of a murderer accepting her fate.

Singleton is six months away from execution, or "X-day," as she calls it. She is strangely resigned to it, in contrast to Patsmith, a neighbor on death row. Singleton expects nothing, requires nothing, and is deeply suspicious of anyone offering her that bluebird of fancy: hope. Yet she eventually succumbs to the enthusiasm of Oliver Stansted, a young lawyer who insists on helping her attain clemency. Stansted was hired by the last person Singleton would have expected—the mother of the young woman Singleton had slain, powerhouse attorney Marlene Dixon.

The novel, told alternately by Singleton and through letters penned by Dixon to her dead daughter, both reveals the strange, sad life that led Singleton to commit murder and explores the twisted, hidden grief that causes her and Marlene Dixon to pursue their separate paths to personal destruction. The propelling narrative comes from Singleton, who refuses to participate in her defense or appeals or to disclose the true circumstances of the murder of Sarah Dixon, even 10 years later when her X-day is imminent and when the possibility of clemency is dangled before her. Yet she writes her story down in the hope that the one person who believes she might be innocent will someday read it. By contrast, Dixon's infrequent but revelatory letters to her dead daughter provide an outlet for Dixon's otherwise subsumed rage, in addition to divulging critical aspects of the tragedy of which Singleton is unaware. Dixon reveals her motive for offering the slimmest of lifelines to Singleton in one letter: "I read books and articles and visited prisons to speak with some inmates, who, in between the cacophonous pleas for help, were able to answer questions about guilt, about responsibility, about their own narratives with such eloquence, such musicality that it brought me to visit Noa."

Singleton is no fool; she sees clearly what Dixon is doing. "She's stuck there in that 'why' scratch on her record repeating *ad infinitum* until I pluck the disc from its player, clean off the scratch with a simple puff of my lips, and hand it back to her to hear the music properly. She hasn't a clue that records have been replaced with newer technology." The moments when Dixon confronts Singleton as they sit on



opposite sides of the partition separating lawyer from prisoner are struggles of will in which the forceful Dixon tries everything in her considerable arsenal to pull the secret of her daughter's last minutes from Singleton. To reveal more would be to give away much of the pulsing core of this novel. Just trust Silver to pull enough rabbits out of her hat to satisfy even the most jaded of readers.

There are men who figure prominently in the story, most significantly Stansted, the lawyer Dixon hires to assist her with the clemency process, and Singleton's father, Caleb, a man she hardly knew existed until he dropped into her life a few months prior to Sarah Dixon's death. Although they have important parts to play in the unfolding saga, they are not equals in any way to the women at the center of the narrative. Stansted is earnest but naïve, and Caleb is a damaged, selfish man, wanting to be a father but with no clear idea of how to go about it except on the most superficial levels. Their weaknesses contrast sharply with the starkly different but powerful women at the center of the tragedy, women who are also damaged and who also have failings, but who both exhibit strength and grit in remarkable proportions.

Silver is a masterful storyteller, weaving words hypnotically. Sentences can hover above a page and then soar, making it momentarily difficult to read on, as the beauty of the prose, though purple at times, compels a slow absorption, a lingering appreciation. When recalling a turning point in her relationship with Caleb, Singleton reports that "[i]nvisible streams of remorse

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South Florida

†Mauricio L. Aldazabal
†Roy K. Altman
*Jacqueline Becerra
†John D. Couriel
†Alissa M. Del Riego
*Carol Finklehoffe
†Jamie R. Galvin
†Spencer Garry
†Laura M. Gonzalez
†Giselle Gutierrez
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*Eric D. Isicoff
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†Elliot B. Kula
†George G. Mahfood
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†Jose R. Puig
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†Richard Serafini
†Jason B. Sherry
*Stuart Singer
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D.C. CIRCUIT

†Nicole C. Catá
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Capitol Hill

*Beth A. Esposito

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†Justin Meyers
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District of Columbia

†Michael J. Baratz
†Erin W. Burns
†Hanna Chouest
*Joan V. Churchill
†Ellen Dargie
†Noel De Santos
†Steven G. Fischer
*Siegmond F. Fuchs
†Matthew J. Kelly
*Francis Frank Lyman
†Jeffrey C. Nelson
*Luis M. Nido
*Romeo Quinto Jr.
*Susan E. Seabrook

†Susan L. Siegal
†Jeffrey Slack
*Ilene M. Tognini
†Trevor Tullius
†Steven vonBerg

Pentagon

†Clarence P. Guillory
†James G. Moxness
*John F. Naughton

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and regret drip from my dry eyes when I think about it and when I think about him.”

As the camera in the police interrogation room zooms in on her and the police questioning grows more intense, Singleton remembers in a stream of consciousness that “I could see nothing but the red blinking light of the camera expanding in girth, wider and wider, like a mutating starburst, until all that remained were red splashes of light, covering my eyes in miniature gunshots. ... Red bursts of bullets.”

Silver’s descriptions can snap a photograph so precise, the mind’s eye need not conjure anything, as there are no blanks to fill in. When introducing Stansted, Silver indicates, “Oliver trotted eagerly in first, like a wet surfer trying so desperately not to miss his second wave. ... A lone dimple nicked the center of his chin in a clean gunshot,” and “his voice was ... docile as a prostrated ocean, as if he had slipped from his mother’s womb begging for a nonprofit position and studio apartment to match.” Singleton sums up Stansted’s reason for offering his legal assistance: “He was not the first wide-eyed advocate to use me as a bullet point on his climb to success.”

Her father, Caleb, “was probably a lot younger than he looked. Lines curved their way into his forehead, haphazardly, as if even Mother Nature wasn’t sure how to age him.” She recalls particular moments from her arrest: “My hands were cuffed,

facing each other like confused children outside the principal’s office,” and, once in the police station, “[m]y eyes pickpocketed the room.” Living on death row for 10 years does not diminish Singleton’s wonder about life beyond those walls. “I do sit alone, sometimes, wondering whether the clouds are gathering together, communing like a collection of cotton balls in a tightly sealed ziplock bag, or ... if they’ve been vaccinated with a syringe of rainy dye so that only a select few darken into grays, blacks, and charcoals.”

Through Singleton, Silver’s pithy reflections on the legal system do not just pepper but cumin and saffron the book. For lawyers—Silver is one herself—this novel holds much wry commentary and some laugh-out-loud observations. While waiting for a lawyer to respond to her, Singleton observes “[i]t’s like law school trains these junkies to masticate language as if it’s gum.” As she contemplates the 12 jurors and one alternate who will hear her case in the overheated courtroom, she notes that “[t]here they were—twenty-six eyes serrating my every blink ... [t]hirteen individuals, marinating in the enclosed jury box like a carton of dried-out fruit.” In fact, to Singleton, “[j]ury trials are really nothing more than poorly written stage plays. You’ve got two authors writing opposing narratives and a director who is paid not to care about either outcome. ... Witnesses sit agape with

fury as they stumble across their rehearsed lines. If only they had practiced just once more ... the critics in the jury box would believe only them.”

What does one look for in a good novel? Fascinating characters, a terrific plot, depth of thought? Silver delivers all of these and more. Her prose is paradoxically both unflinching and poetic. She creates magic with unsparing truth. Is there innocence disguised within guilt? Is redemption possible? Can punishment truly fit the crime? *The Execution of Noa P. Singleton* raises and explores these questions, but the characters have answers only for themselves. ☉