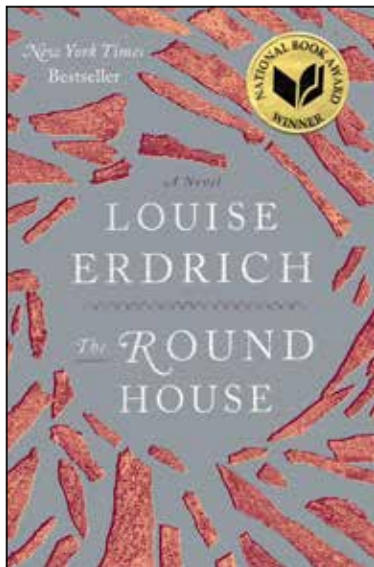




## Book Reviews



### THE ROUND HOUSE

BY LOUISE ERDRICH

HarperCollins Publishers, New York, NY, 2012. 336 pages, \$27.99.

Reviewed by Elizabeth Kelley

When I saw that Amazon.com advertised that *The Round House* by Louise Erdrich was “[l]ikely to be dubbed the Native American *To Kill a Mockingbird*,” I knew I had to read it. Although *The Round House*’s plot is not as accessible and heartwarming as Harper Lee’s classic, its characters are every bit as complex, and its presentation of the underlying social and economic issues just as vivid. With good reason, *The Round House* spent weeks on the *New York Times*’ bestseller list and won the National Book Award for fiction in 2012.

*The Round House* is the story of Joe Coutts, a 13-year-old boy raised on a reservation in North Dakota during the 1980s. His father is a tribal judge. The book opens with a brutal attack on Joe’s mother. Like many survivors of sexual assault, she retreats into silence and solitude while her husband and son feel powerless to bring back the woman they once knew.

Judge Coutts fumes that someone would violate his wife in this way, but he also is haunted by the possibility that some disaf-

fectured litigant who appeared before him exercised this sick sort of revenge. For his part, Joe feels awkward around his mother because of the nature of the attack, yet at the same time, remains a kid still in need of a mother. Both father and son redirect their emotions and embark upon an investigation to find the perpetrator.

Erdrich’s portrayal of the psyche of an adolescent boy—with all his insecurities and fantasies—is sensitive and compelling. So too are her portrayals of the menagerie of characters who surround Joe. Indeed, no character and no relationship in *The Round House* is simple. The characters include the ex-Marine turned reservation priest, Father Travis; Joe’s aunt Sonja, the former stripper who mothers him but also remains the object of his teenage fantasies; and Linda, the white woman abandoned by her birth family because they thought she was “retarded” and who was raised by a reservation family.

Lawyers should be particularly interested in *The Round House* because it grapples with a couple of important areas of Indian Law. The first is the Indian Child Welfare Act. This statute was passed by Congress in 1978 in order to preserve Native American culture. Specifically, it was enacted in response to the high number of American Indian children who were taken away from their families by public and private agencies. In *The Round House*, we meet characters who were in fact taken off a reservation and raised in state institutions.

Another issue that *The Round House* addresses—and indeed, this lies at the heart of the book—is sexual assaults on reservations, and in particular, the race of the perpetrators. I will not divulge the results of Joe’s and his father’s investigation, or how justice is finally administered. How all that unfolds is something you should experience for yourself. In an afterword, however, Erdrich writes:

This book is set in 1988, but the tangle of laws that hinder prosecution of rape cases on many reservations still exists. “Maze of Injustice,” a 2009 report by Amnesty International,

included the following statistics: 1 in 3 Native women will be raped in her lifetime (and that figure is certainly higher as Native women often do not report rape); 86 percent of rapes and sexual assaults upon Native women are perpetrated by non-Native men; few are prosecuted.

Louise Erdrich deserves the many awards she has received for her many novels. In particular, she is to be commended for bringing to mainstream attention the plight of contemporary Native Americans. *The Round House* proves that richly detailed fiction can effectively teach about culture, history, and politics. ☉

*Elizabeth Kelley is a criminal defense lawyer based in Spokane, Wash. She has a special commitment to representing individuals with mental illness and developmental or intellectual disabilities who are accused of crimes. She has served two terms on the board of the National Association of Criminal Defense Lawyers, has served as the chair of the Mental Health and Corrections Committees, and is currently the chair of the Membership Committee. She hosts two radio shows, Celebrity Court and Celebrity Court: Author Chats.*

### JUSTICE AND LEGAL CHANGE ON THE SHORES OF LAKE ERIE: A HISTORY OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO

EDITED BY PAUL FINKELMAN AND ROBERTA SUE ALEXANDER

Ohio University Press, Athens, OH, 2012. 374 pages, \$49.95.

Reviewed by Christopher C. Faille

“No State shall ... deny to any person within its jurisdiction the equal protection of the laws.” The state action requirement of the Equal Protection Clause of the Fourteenth Amendment has been central to the debates over the significance of

*Brown v. Board of Education* (1954), which demanded the end of state-enforced racial segregation in education, and *Brown v. Board of Education* (1955), which demanded that it occur “with all deliberate speed.”

By the early 1970s, legal and political debates over the implementation of *Brown* had come to center on court-ordered busing, which looks at least to many of its foes inadequately anchored by any state action. The courts have (runs the common complaint) moved from desegregation to integration, and in pursuit of the latter cause they are trying to undo the consequences of the racial segregation of neighborhoods that comes about from *private* action, such as the buying and selling of homes, the renting of apartments, and so forth.

### Reed v. Rhodes

Now we have *Justice and Legal Change on the Shores of Lake Erie*, a collection of essays on prominent cases decided by the U.S. District Court for the Northern District of Ohio. The book contains several fine contributions, some of which would warrant being expanded into books of their own. Melvin Urofsky, for example, discusses, with both detail and verve, the trial of Eugene V. Debs for speaking in opposition to the military draft. Likewise, Martin Belsky treats perceptively of this federal district court’s contribution to the jurisprudence of church-state separation. Other essayists discuss litigation involving pollution on the Cuyahoga River, the Kent State shootings, and the immigration status of the convicted Nazi war criminal John Demjanjuk. But, as the reader may have discerned from the

opening paragraphs of this review, I will focus on the chapter on racial discrimination. A fuller discussion of this chapter may well whet the reader’s appetite for the rest of the book.

The chapter in question is “Bringing *Brown* to Cleveland,” by Richard B. Saphire, of the University of Dayton School of Law. It is a fine and illuminating discussion about how the U.S. District Court for the Northern District of Ohio responded to the Supreme Court’s rulings in the two *Brown* decisions, and how this court responded as well to the demands of the appellate court above it, when it had to address the issue of racial segregation in the schools of the city of Cleveland.

Much of the chapter is devoted to a discussion of *Reed v. Rhodes*, as the litigation filed in 1973 was known by the time it came to trial in 1975. Chief Judge Frank Battisti issued a ruling on Aug. 31, 1976, that, as Saphire tells us, “was to fill over ninety pages in the federal reporter.” The first-named plaintiff, Robert Anthony Reed, was a student, and the first-named defendant, James A. Rhodes, was the governor of the state at the time of the trial.

### A Judge in the Trenches

Judge Battisti’s decision, as summarized in this book, demonstrates why anti-busing arguments based on the claim that racial discrimination in public schools does not result from state action were often unpersuasive to the district court judges in the trenches. Battisti acknowledged the defendants’ claim that the public school system in Cleveland and pertinent state authorities had no involvement in the “private action” that had led to segregation. But he surveyed facts from 1935 to 1970 and found that such practices as the location of new school construction, the assignment of faculty members and school administrators, special transfers (allowing white students to transfer from predominantly black to predominantly white schools), relay classes (doubling up classes within overcrowded black schools), “intact busing,” and the like, all belied that claim.

Let’s focus on “intact busing” for a moment. This was a practice, employed when black schools were overcrowded, of bringing the students in those schools to white schools as “intact” groups, so as to preserve the separation of races even with respect to students within the same build-

ing. One of the black student plaintiffs, Yvonne Flonnoy, testified that her third-grade classmates in this situation were (in Saphire’s paraphrase) “placed in one row at the back of classroom ... not allowed to participate in any activities at the receiving school; they were not permitted to take gym, nor were they allowed to eat lunch” with the students of the receiving school.

Judge Battisti described such behavior as an “outright theft of those students’ rights to even an equal educational experience.” He said that, although the defendants’ witnesses had sought to give race-neutral explanations for their policies during the trial, their efforts to do so were “desperate.”

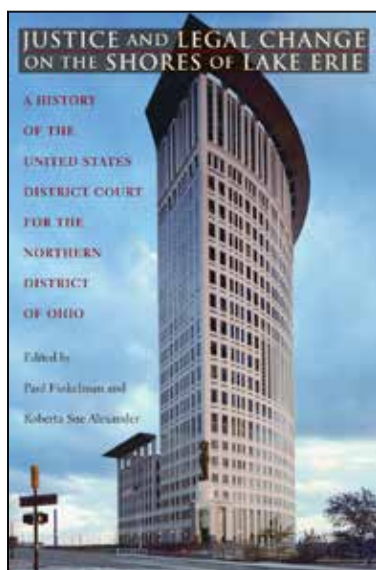
His decision on the question of liability was straightforward. He found that Cleveland had engaged in intentional discrimination against black children. Due to intervening maneuvers by the defendants, he didn’t order specific remedies until a year and a half later, in February 1978.

### A Doozy of a Plan

His remedial plan was a doozy. He reconstituted himself as a robe-wearing one-man school board. He ordered, for example, that Cleveland would have to create a “department of desegregation implementation,” which was to report to the court rather than to the supervisor, and that the city would have to purchase up to 600 new buses for the implementation of the new transportation system. One of the stated objectives of the order was that the “racial composition of the student body of any school within the system shall not substantially deviate from the racial composition of the system as a whole.”

The defendants appealed this remedial decision, and the issues involved became the focal point for further litigation slugfests until 1994, when, after 16 years of trench warfare, the parties agreed to a consent decree.

The consent decree, which on its face was to have a term of six years, exempted certain schools from the racial balance requirement of the 1978 order, obligated the state to spend \$295 million on desegregation efforts, and had the city kick in another \$275 million. It also refined the processes of implementation and compliance established by the 1978 order. Significantly, too, it allowed for a defendants’ motion for determination of unitary status; that is, for a judicial determination that the goal



of racial desegregation had been accomplished. Thus, the consent decree held out the hope that such a motion could dismantle most of the decree at some point prior to its scheduled expiration in 2000.

Judge Battisti passed away in October 1994, and Judge Robert Krupansky became responsible for further proceedings in *Reed v. Rhodes*. Judge Krupansky later transferred the case to another jurist, George White, and it was White who in 1997 determined that Cleveland had achieved unitary status. The plaintiffs appealed, and the Sixth Circuit affirmed in what Sapphire calls “a very brief, unanimous, and unpublished opinion.” The remaining elements of judicial supervision were lifted on schedule in 2000.

### What did it all achieve?

Costs and benefits: there’s the rub. A quarter century of litigation and the positive difference to Cleveland schools, the difference in the lives of Cleveland students, appears to have been minimal.

Sapphire doesn’t see this as discrediting the efforts he has described and I have just summarized. Indeed, he praises Battisti for having the “personal courage, intellect, stamina, and conviction” that allowed him to make the effort over the final 20 years of his life. But, as Sapphire also acknowledges, actual improvements as a result of this Sisyphean toil seem elusive.

Sapphire writes, “If the measure of success lies in the achievement of dramatic (or, for that matter, even measurable) changes in the racial composition of the Cleveland schools, the record is indeed a bleak one.” More damning still, “if success is measured in terms of improvement in the actual quality of education received by minority, or indeed all, students, the record is no less problematic.”

So, how was it worth it? There are costs, after all. That \$295 million from the state, the \$275 million from the city—those millions didn’t come from thin air. Also, one may plausibly contend that the voters of Cleveland suffered some damage to their rights, in that their votes for or against school board members became a good deal less meaningful once Judge Battisti effectively took over many aspects of the running of the schools. It would be good to know that something valuable came out of such costs. Unfortunately, from the evidence provided by this chapter, we cannot know that.

### Final Thoughts

Perhaps it is time that we look again at how courts might accept the facts of racial segregation, acknowledge without blinking the long (and continuing) history of state involvement with such segregation, and rule on those facts as the plain language of the Equal Protection Clause requires, *without* judges involving themselves in a teleologically futile role as day-to-day and decade-after-decade administrators of school systems.

Perhaps the courts, and even vulnerable schoolchildren like Robert Anthony Reed or Yvonne Flonnoy, would be better off if the courts confine themselves to declaring when there has been an equal protection violation, stating clearly what it is, and ordering that it stop (subject of course to enforcement for violations of those court orders). None of this really calls for more complicated remedial plans, quotas, transportation schemes, or compliance officers.

Equal protection remains a tricky goal. All that can be said decisively, with this chapter of this fine book as an item of evidence, is that our legal system hasn’t gotten it right yet. ☺

*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 IMMIGRATION CRUCIBLE: TRANSFORMING RACE, NATION, AND THE LIMITS OF THE LAW

BY PHILLIP KRETSEDEMAS

Columbia University Press, New York, NY, 2012. 213 pages, \$85.00 (cloth), \$28.00 (paper).

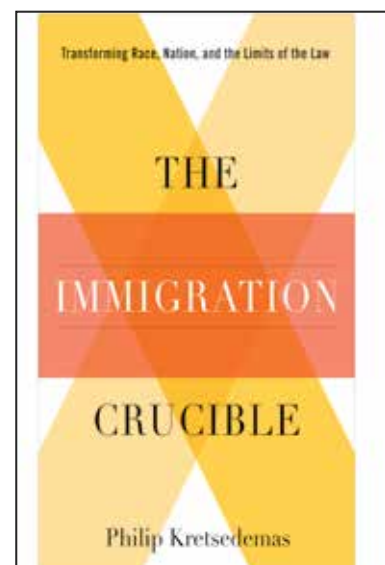
### Reviewed by R. Mark Frey

Last year, 2012, we witnessed some of the most contentious elections in United States history. Passions ran high and tempers flared as voters were served candidates—national, state, and local—with starkly contrasting visions for this country. Today, in the aftermath, we find both Republicans and Democrats unified in their commitment to make 2013 the Year of Comprehensive Immigration Reform. It seems appropriate, then, to look at Philip Kretsedemas’

*The Immigration Crucible: Transforming Race, Nation, and the Limits of the Law*, a book devoted to a discussion of immigration policy that may give readers some insights into the immigration legislation that Congress has begun crafting.

Philip Kretsedemas is an associate professor of sociology at the University of Massachusetts Boston, where he has devoted several years of research to immigration policy, immigration enforcement, and immigrant marginality. Prior to his current position at the university, Kretsedemas spent two years as a communications director and policy analyst with the National Immigration Project in Boston. According to Kretsedemas, immigrants have historically been viewed with ambivalence, while our country’s immigration policy reflects an overtly economic perspective. As he sees it, those in the anti-immigrant camp view immigrants as “the other”—people who are different from the majority and are responsible for taking undue advantage of social services here, displacing many from their jobs, and driving down wages for all workers. From this perspective, immigration is a drag on the economy, and it is not surprising to hear calls for limiting which individuals and groups should be allowed into the United States. The pro-immigrant camp, by contrast, according to Kretsedemas, views immigrants as hard workers willing to fill jobs that native-born workers are unwilling to take. Immigration from this perspective is good for the economy.

Although the two camps appear to be diametrically opposed in their views of immigrants, Kretsedemas maintains that they agree when it comes to the matter of



immigration enforcement. Both support tough immigration laws.

Consider, for example, that the 1996 Immigration Reform Act, which has been criticized for inaugurating the current era of get-tough immigration laws, was enacted under the Clinton administration. Meanwhile, the Obama administration has not only continued most of the immigration enforcement initiatives of the Bush administration but has also significantly intensified them. ... Indeed, the continuities in the immigration priorities of the past several administrations have been more striking than their differences.

Strange bedfellows indeed, but, according to Kretsedemas, it's a necessary result with an immigration policy that takes a restrictive economic view of immigration and immigrants. And, how is this tough enforcement manifested? For the anti-immigrant camp, enforcement is necessary to get those "others" out of the country, and this includes increasing the authority of state and local law enforcement to ferret out people who are subject to removal. "A good example is the role that the 2000-2008 Bush administration played in overturning prior legal precedent to affirm the inherent authority of local governments to enact their own immigration laws."

For the pro-immigrant side, it's about restricting immigrant rights while still encouraging immigration, presumably for the benefits resulting from a steady flow of labor. How would the pro-immigrant camp restrict immigrant rights? By keeping immigrant workers without status in limbo ("a kind of de facto statelessness"), ever vigilant to the prospect of deportation while still forming an integral part of the social and economic fabric of the United States. These workers' lack of status would make it difficult for them or their supporters to organize for their rights.

Kretsedemas' central thesis is that U.S. immigration policy has been based on a strict economic perspective of immigrants and the degree to which they benefit the U.S. economy, and that this policy has been increasingly reliant upon enforcement. But, to Kretsedemas, that's not the whole story. Underlying this pragmatic perspective is a much more nuanced and subtle

view of immigrants involving such issues as cultural pluralism, racial differences, immigrant assimilation, and national identity. In his chapter, "Race, Nation, Immigration," Kretsedemas examines two key U.S. Supreme Court decisions that tackled the question of race and citizenship. In *Ozawa v. United States*, 260 U.S. 178 (1922), he notes that the Court found Asian nationals to be ineligible for citizenship because they were not white. And, in *United States v. Bhagat Singh Thind*, 261 U.S. 204 (1923), the Court found Thind to be ineligible for citizenship because he did not meet the criteria for what was "popularly known as the Caucasian race." According to the Court, for all practical purposes, race was not a biological concept but rather a social construct, which, in Kretsedemas' words, should be "interpreted in light of popular sentiments that had been shaped by the history and culture of a nation." The irony of the *Thind* decision, writes Kretsedemas, "is that it preserved the integrity of white citizenship by undermining social Darwinist arguments that had been used to justify the racial exclusions of the Jim Crow era."

*The Immigration Crucible* shines in its call for a new vision of immigrants, immigration, and immigration policy—a policy that acknowledges the growing diversity of U.S. society while seeking to address the continued marginalization of immigrants in this country. As Congress tackles immigration reform in 2013, Kretsedemas calls for a vigorous public debate about these issues and the American experiment—"a discussion about 'who we are' as a national people."

Once again, the main point of distinction is not between white and nonwhite or immigrant and native born, but between a defensive, preservationist type of identity politics and a more open, transformational understanding of political-cultural identity. This latter kind of identity (or project) requires an openness to new interpretations of what could be broadly defined as the U.S. national identity.

In late 2012, the U.S. Census Bureau stated that, by 2043, just three decades from now, whites will no longer comprise the majority population. In fact, there will be no majority population, and the United States will for the first time be truly plu-

ralistic. The critical question, though, is how those different populations will be integrated into the social, economic, and political fabric. Will power be distributed and shared by those diverse groups or will a minority population hold power, dictating policies and marginalizing others?

The coming immigration debate factors into this analysis. Kretsedemas' book is most vibrant and dynamic when it discusses the necessity for a vigorous debate about immigration policy, especially as it relates to factors of race, cultural pluralism, immigrants, and marginalization. Let's hope that policymakers seize the opportunity to grapple with these weighty issues while they consider changes in our immigration laws. ☉

*R. Mark Frey is an attorney based in St. Paul, Minn. He has practiced immigration law for almost 25 years with an emphasis on political asylum, family immigration, removal defense, and naturalization.*

## **LINCOLN'S LADDER TO THE PRESIDENCY: THE EIGHTH JUDICIAL CIRCUIT**

BY GUY C. FRAKER

*Southern Illinois University Press, Carbondale, IL, 2012. 324 pages, \$34.95.*

## **LINCOLN'S FORGOTTEN FRIEND, LEONARD SWETT**

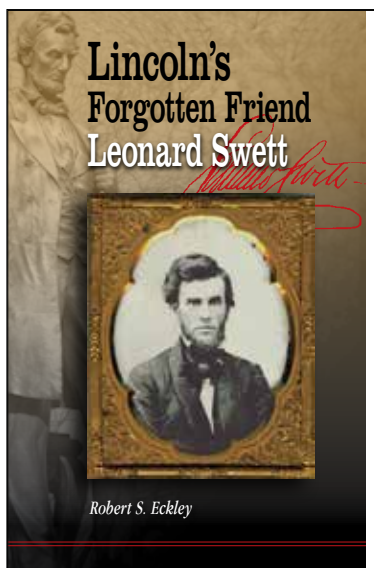
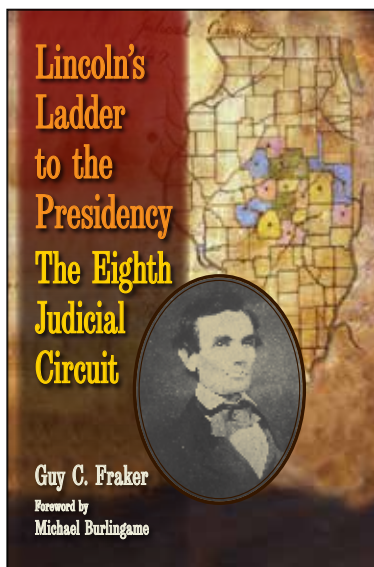
BY ROBERT S. ECKLEY

*Southern Illinois University Press, Carbondale, IL, 2012. 306 pages, \$34.95.*

**Reviewed by Henry S. Cohn**

Guy C. Fraker's *Lincoln's Ladder to the Presidency: The Eighth Judicial Circuit* is an intriguing look at Abraham Lincoln's legal career and the role it played in his attaining the presidency and in shaping his presidency. Fraker, a long-time attorney in Bloomington, Ill., previously wrote about the travels of the attorneys of Illinois' Eighth Judicial Circuit in "The Real Lincoln Highway: The Forgotten Lincoln Circuit Markers." The "highway" of this article (available online) consists of stone monuments erected in the 1920s to mark the route taken by Lincoln and other 19th-century circuit-riding attorneys through the Eighth Judicial Circuit.

Fraker begins *Lincoln's Ladder to the Presidency* by relating Lincoln's days on his



father's farm near Decatur, Ill. in 1830, his move to New Salem, his qualifying for the bar, his election to the Illinois legislature, and his settling in Springfield. He also writes of Lincoln's first law partner, John Todd Stuart, who was a cousin of Mary Lincoln's, as well as his second partner, Steven J. Logan. After having become a skilled attorney, Lincoln left Logan to form a partnership with William Herndon. Fraker also details Lincoln's role as a legislator in laying out the Eighth Judicial Circuit, a land area more than twice the size of Connecticut.

Fraker describes Lincoln's achievements as he rose from a poor farm hand in 1830, to a successful railroad attorney in the late 1850s, to his triumphant winning of the 1860 presidential election. Fraker makes use of the DVD-ROM "Law Practice of Abraham Lincoln: Complete Documentary Edition (University of Illinois Press, 2000),

updated as "The Law Practice of Abraham Lincoln, Second Edition" (Illinois Historic Preservation Agency, 2009).

Unlike Anderson University professor Brian Dirck, Fraker does not see Lincoln's years at the bar as consisting mainly of suing on behalf of creditors and defending debtors. Fraker points out that, even in an early case with John Todd Stuart, Lincoln represented a defendant in a criminal prosecution and a civil suit charging that his client had struck the victim with a scythe. There was also an important murder case with Steven J. Logan in which the defense team produced evidence that the so-called victim was alive and well. Fraker quotes Herndon's statement that Lincoln "was purely and entirely, a case lawyer," meaning that he would represent whichever side hired him, without regard to the nature of the cause. Lincoln took on cases of slander, real estate, wills, and torts, in addition to debtor-creditor suits. He served as a prosecutor and even as a substitute judge.

During his circuit riding, according to Fraker, Lincoln formed bonds with other attorneys in central Illinois. Lincoln continued to ride the circuit into the late 1850s, when he ran for the U.S. Senate against Stephen A. Douglas. Lincoln's attorney friends encouraged him to shrug off his defeat when the Illinois legislature chose Douglas, and they backed Lincoln for President in 1860 at the Illinois Republican state convention in Decatur and at the Republican national convention in Chicago. Lincoln's nomination by the Republican Party virtually sealed his winning the presidency, in light of the rupture of the Democrats into northern and southern factions.

Fraker shows the Illinois circuit-riders' role in the Lincoln administration, with several of them appointed to cabinet and sub-cabinet posts. He raises the question of why, in light of the fact that there were two openings on the Supreme Court at the time of his first inauguration, Lincoln did not appoint his longtime friend and trusted advisor David Davis to the Supreme Court until 1863. Did Lincoln resist rewarding Davis and other circuit-riders until they pressured him? Did Davis' standing as a mere Illinois trial judge worry Lincoln?

Fraker provides mini-biographies of judges and attorneys in the circuit. These included circuit judge Samuel Treat, later a federal district judge and a pall bearer

at Lincoln's funeral; and attorney Ward Hill Lamon, who once handled a case with Lincoln on behalf of a conservator. Fraker writes: "Lamon arranged for a retainer of \$250. Lincoln presented his argument so forcefully that he won in a mere twenty minutes. He directed Lamon to return half the fee. After protesting, Lamon did so, astonishing the client." David Davis chastised Lincoln, "You are impoverishing the Bar by your picayune charge of fees." Fraker, who co-curated a permanent exhibit at the David Davis Mansion in Bloomington, Ill., also discusses Davis' life—his 300-pound girth, his education at Yale, his real estate-based wealth, his conflicts with Mary Lincoln, and his devotion to his wife, Sarah, who was also one of Lincoln's closest friends.

Fraker covers the travails of the circuit-riders. Travel required hours of riding a horse or driving a buggy over wide stretches of prairie, wading through wetlands and rivers, staying at bedbug-filled inns, and eating inedible food. In the town of Pekin, in Tazewell County, Davis reported the sand to be a foot deep and the place "horribly dirty." Although many of the circuit-riders hated the stress of travel and their days away from home, Lincoln found circuit-riding the happiest time of his career. As he rode along, he engaged in private thoughts; in remote inns, he studied Euclid and Shakespeare. With the construction of the railroads in the 1850s, Lincoln's final circuit-riding days, before he departed for Washington in 1861, became more civilized.

Relying frequently on Davis' diary, Fraker takes the reader into each county seat, describing Lincoln's participation in the daily docket, as well as the attorneys' lodgings and after-hours entertainment. In Pekin, the lawyers preferred to stay at "Mrs. Wilson's" boardinghouse, rather than at the principal hotel. The boardinghouse was "fine and comfortable," according to Davis, and each attorney had his own bed. Here Lincoln made political connections with attorney Henry Grove, later an active Republican who became a valuable Lincoln ally in the 1850s. In one humorous incident, Fraker relates that a bat entered the Pekin courthouse and was circling the courtroom. Lincoln was chosen, because of his height, to remove the creature. He failed with a coat, but he succeeded in sweeping the bat out a window with a broom.

Lincoln's love of circuit-riding stemmed in part from the fun he had with the other

attorneys after court adjourned each day. In Decatur, they listened to Jane Johns' singing and piano-playing at the Macon House. In a highlight of the book, Fraker describes Lincoln's stay at the McCormack House in the Vermilion County seat of Danville. It was from this residence in 1859 that Lincoln sent his acceptance to speak at Cooper Union in New York City, where he gave the speech that moved him into the top tier as a presidential candidate. Lew Wallace, later a Civil War general and the author of *Ben Hur*, visited the McCormack House to view the circuit-riders at play; the local population knew that their arrival made for a good show. Wallace witnessed Lincoln emerging victorious from a storytelling contest with the other attorneys. "His hair was thick, coarse, and defiant; it stood out in every direction. His features were massive, nose long, eyebrows protrusive, mouth large, cheeks hollow, eyes gray, and always responsive to humor."

Another time at the McCormack House, an attorney entered Lincoln's room and found him engaged in a pillow fight with Davis. The attorney described Lincoln's yellow flannel nightshirt extending all the way to his ankles. "He was certainly the ungodliest figure that I have ever seen."

Fraker poignantly describes how, after Lincoln's assassination, the train carrying Lincoln's body to Springfield passed through a number of the Illinois towns in which Lincoln had practiced in the Eighth Judicial Circuit. What sets *Lincoln's Ladder to the Presidency* apart from the many others books about Lincoln is its detailed look at the circuit-riders' trips through each county in the circuit. Lincoln biographer Michael Burlingame, in his introduction, calls Fraker's book a "Baedeker" tour guide of Lincoln's and the other attorneys' semi-annual trips to the county seats.

One of Lincoln's closest companions from his circuit-riding days is the subject of Robert S. Eckley's new biography, *Lincoln's Forgotten Friend, Leonard Swett*. Eckley, who died last year at age 90, just weeks after completing his manuscript, has written a fine work, which complements Fraker's. Eckley brings renewed and deserved attention to Swett, who practiced law with Lincoln, played a key role in Lincoln's 1860 nomination and 1864 campaign, and who, after Lincoln's death, wrote about his intimate knowledge of Lincoln's career.

Swett was born and educated in Maine,

but his love of travel as a young man brought him first to the South and then to the Midwest. He settled in rural Illinois where he met David Davis, whom Swett saw as a modern Hercules in both skill and size. In 1849, at the Mt. Pulaski courthouse, Davis pointed out Lincoln to Swett, and their relationship began. For the next 10 years, Lincoln and Swett would spar with each other at times, but mostly they cooperated on cases. In fact, Swett was the last person to ride circuit with Lincoln in 1859 as Lincoln wound down his legal career.

Swett was almost as tall as Lincoln, had a beard and in those years kept his weight down; the public occasionally would confuse the two men on the street. In 1868, after Lincoln's death, he served as a model for Lincoln in the famous painting by George P.A. Healy called "The Peacemakers," which has been on display in the White House since 1947. It portrays, in addition to Lincoln, Generals Ulysses S. Grant and William T. Sherman, and Rear Admiral David D. Porter.

In 1860, Swett assisted Davis at Decatur in convincing the Illinois Republicans to endorse Lincoln, thereby starting the process that culminated in Lincoln's nomination in Chicago. He also campaigned heavily on Lincoln's behalf in Illinois and Indiana in the general election. In 1864, with victory in the war not in sight and Lincoln under fire, Swett also strongly supported the President against Democratic candidate George B. McClellan.

One would think that Lincoln would have selected Swett, a close political ally, for a patronage position, and, in the 1860s, Swett desperately needed a sinecure. But Lincoln never gave Swett a financial reward; instead, he tapped Swett to serve as an unofficial consultant and emissary. Lincoln, with Swett present, debated with himself over whether and when to issue the Emancipation Proclamation. He also had Swett accompany him to Gettysburg. In the summer of 1864, Swett and his wife Laura attended to wounded soldiers at a hospital, and Swett became overwrought. While Swett was telling Lincoln about it, Lincoln, hearing a bird singing, imitated it: "Tweet, tweet, tweet; isn't he singing sweetly?" Swett started to leave, thinking that Lincoln did not recognize the enormity of the soldiers' suffering. Lincoln assured him that he did.

After Lincoln's death, Swett moved to Chicago and attained the financial success

that had eluded him as Lincoln's unpaid advisor. He developed a wide-ranging legal practice, including representing a Hartford, Conn. insurance company and defending accused murderers, using his expertise in the insanity defense. He also defended those accused in the 1886 Chicago Haymarket riots. He tried to mediate the dispute between Robert and Mary Lincoln before Robert moved to institutionalize his mother. Swett became a pillar of Chicago society and was much sought after for his remembrances of Lincoln. He helped Herndon with his biography of Lincoln, and he was, Eckley writes, "the obvious choice as the principal speaker for the dedication" of Augustus Saint-Gaudens' statue of Lincoln in Chicago's Lincoln Park. "No person in Chicago—or, in fact, the nation—had known Lincoln better. ..." In an appendix to *Lincoln's Forgotten Friend, Leonard Swett*, Eckley provides a sampling of Swett's writings and speeches about David Davis and Lincoln. ☺

*Henry S. Cohn is a judge of the Connecticut Superior Court.*

## MY BELOVED WORLD

BY SONIA SOTOMAYOR

Alfred A. Knopf, New York, NY, 2013. 336 pages, \$27.95.

### Reviewed by Elizabeth Kelley

The dust jacket on this book is significant. Across the top, the author's name appears simply as Sonia Sotomayor, not as Justice Sonia Sotomayor. Across the bottom is the title of the book, *My Beloved World*, which is a phrase from the poem translated as "To Puerto Rico (I Return)," by José Gautier Benítez. In the background is a large picture of the justice smiling, and she is not in her judicial robes but in an elegant black suit. These details foreshadow what lies inside the book—the story of Sonia Sotomayor before she became a judge, of a woman sustained and propelled by her proud Puerto Rican heritage, and a woman who candidly takes us not just to Princeton University and Yale Law School, but to the lonelier places of her life such as her father's alcoholism and her failure to secure a job offer after working as a summer associate.

From the first chapter, our hearts open to the eight-year-old girl standing on a



chair to reach the stove. She is holding a needle in the flame of the gas burner to sterilize it so she can administer her own insulin. Both her mother and her father are too scared to do it.

Sotomayor as a little girl was surrounded by love—scores of aunts, uncles, cousins, and a worshipping although annoying little brother. More complicated were her parents—a kind but alcoholic father and a mother who worked long hours to provide for the family, particularly after Sonia's father died when she was nine. At the center of it all, like a force of nature, was the family matriarch, Sonia's grandmother Abuelita.

But make no mistake: this was not an idyllic childhood. The family lived in the South Bronx, surrounded by poverty and violence. Her parents often fought to the point of screaming. At the time that Sonia was diagnosed with juvenile diabetes, life expectancy for such children was short.

The little girl grew into a very smart teenager. An older classmate told her that she should apply to some Ivy League colleges. She didn't quite know what that meant, but she followed his advice. Her on-campus interviews made her feel a bit like Goldilocks: Radcliffe was too prim, Yale was too radical, but Princeton felt just right.

Prior to entering Princeton, Sonia feels the sting of racism. The school nurse makes a snide remark about Sonia's taking the place of someone more deserving, and when she and her mother are shopping for a suitable winter coat, the store clerk is decidedly unhelpful—until she learns that Sonia is bound for Princeton.

It is said that those with the clearest

goals have the best sense of direction and the greatest chance of success. That applies to Justice Sotomayor. As a child watching Perry Mason on television, she figured out that the judge made the final decision, and that's what she wanted to be. Every decision in her life flowed from that. Sotomayor reveals that she and her husband ended their marriage because her ambition and success eclipsed his.

Like most mother-daughter relationships, hers with her mother is complex. Undeniably, Celina sacrificed for her daughter. She bought a set of Encyclopedia Britannica in installments in order to feed the hungry mind of her young daughter. She worked long hours to send her to Catholic schools. But she seemed emotionally distant and overly harsh to Sonia's beloved father. Celina was glamorous to the point that she was called the Jackie O of Bronxdale. In contrast, Sonia was awkward and didn't care about clothes. Sotomayor reveals that in recent years she has repaired her relationship with her mother and that they are very close. But she is silent as to specifics.

If you are reading *My Beloved World* for insight into Sotomayor's judicial philosophy or thoughts about legal issues, you will be disappointed. But if you are reading it to understand the woman behind the justice, you will be fully satisfied. ☉

*Elizabeth Kelley is a criminal defense lawyer based in Spokane, Wash. She has a special commitment to representing individuals with mental illness and developmental or intellectual disabilities who are accused of crimes. She has served two terms on the board of the National Association of Criminal Defense Lawyers, has served as the chair of the Mental Health and Corrections Committees, and is currently the chair of the Membership Committee. She hosts two radio shows, Celebrity Court and Celebrity Court: Author Chats.*

## THE ADMIRALS: NIMITZ, HALSEY, LEAHY, AND KING—THE FIVE-STAR ADMIRALS WHO WON THE WAR AT SEA

BY WALTER R. BORNEMAN

Little, Brown and Company, New York, NY, 2012. 559 pages, \$29.99.

Reviewed by Neysa M. Slater-Chandler

What do Admirals Nimitz, Halsey, Leahy, and King have in common?

- They are the only U.S. Navy 5-star admirals.
- They were all U.S. Naval Academy graduates.
- They are the subject of the book under review.
- All of the above.

"All of the above," of course, is the answer. Walter R. Borneman's *The Admirals* interweaves the biographies of Chester W. Nimitz, William F. Halsey, William D. Leahy, and Ernest J. King, and it also tells the story of the U.S. Navy in the first half of the 20th century. Borneman's descriptions of the admirals' early lives bring their later achievements into better focus, and the reader will be surprised to learn how few steps away from the 19th century the U.S. Navy was during World War II. Every 20th-century naval officer, including two assistant secretaries of the Navy named Roosevelt, both of whom became President, was directly influenced by veterans of the Navy's 19th and early 20th century naval battles and thinking.

William D. Leahy, the son of a lawyer, was West Point's loss. He arrived in Annapolis in 1893, at an institution that reflected the "country's low regard for its navy." Ernest J. King arrived in 1897, just after Leahy graduated, and William F. Halsey in 1900 as a member of the last Naval Academy class to number fewer than 100. Chester W. Nimitz, who never received a high school diploma, arrived in 1901 and graduated in 1905.

Each man witnessed history early in his career. Leahy served under George Dewey, who in turn had served under David Farragut (he of "[D]amn the torpedoes, full speed ahead" fame). King and Nimitz were eye witnesses to the effects of the Russo-Japanese War; Halsey sailed in the Great

Book Reviews continued on page 95

†Sadie Fisher  
 \*Lysbeth L. George  
 \*Daniel P. Johnson  
 \*David W. Lee  
 \*Regan G. Strickland Beatty  
 \*Carolyn A. Walker-Romberg  
 \*Tynia A. Watson  
 \*Scott E. Williams

## Utah

\*Vicki M. Baldwin  
 †Robert T. Braithwaite  
 †James S. Jardine  
 \*Thomas J. Rossa  
 \*Michael J. Thomas

## ELEVENTH CIRCUIT

\*Harvey L. Strayhan III

## Atlanta

†Donald R. Andersen  
 \*John R. Bielema Jr.  
 †Renay F. Bloom  
 †John K. Larkins  
 \*Anne W. Lewis  
 †Marilyn P. Quail  
 \*Ronald Raider  
 \*Philip Savrin  
 †Coleen Schoch

## Broward County

\*James S. Benjamin  
 \*John N. Muratides

## Jacksonville

†Ernest Lee  
 †Jamie Pasquali

## North Alabama

†Dennis A. Mastando  
 \*George O. Winborne Jr.

## Orlando

†Cindy Campbell  
 †Elizabeth R. Dilts  
 †Greg Fries  
 †Rachel D. Gebaide  
 †Augustus S. Invictus  
 \*T. Todd Pittenger  
 \*Robert W. Thielhelm

## Palm Beach County

†Paul A. Herman  
 \*Sidney A. Stubbs  
 \*Robert W. Wilkins  
 \*Sheryl G. Wood

## South Florida

†Katrina Acosta

†Yaniv Adar  
 †Maria T. Arsuaga-Byrne  
 †Lara B. Bach  
 \*Henry P. Bell  
 †William T. Boyd  
 \*Richard P. Cole  
 †Joel DeFabio  
 †Martin A. Feigenbaum  
 †Jeffrey Foreman  
 †James V. Hayes  
 \*Michael J. Higer  
 †Celeste Higgins  
 †Adalberto J. Jordan  
 †Melissa Madrigal  
 \*David S. Mandel  
 \*James M. Miller  
 †Tara J. Nelson  
 †Jonathan K. Osborne  
 †Steven Petri  
 †Michael Ponzoli  
 †Dustin M. Robinson  
 †Robert N. Scola  
 \*Jason B. Sherry  
 \*Edward Soto  
 \*Brian J. Stack  
 †Fernando J. Valle

## Southwest Florida

\*Patrick E. Geraghty

## Tallahassee

\*Herbert W. Thiele

## Tampa Bay

\*Alice R. Huneycutt  
 †Erin G. Jackson  
 \*Gregory W. Kehoe  
 \*Charles F. Ketchey  
 †Ray C. Lopez  
 †Nicholas G. Matassini  
 \*Leonard A. McCue  
 \*Brigid A. Merenda  
 †Lara J. Peppard  
 †Elizabeth A. Ridley  
 \*Lara J. Tibbals

## D.C. CIRCUIT

†Karen Anderson  
 †Heather Fincher  
 †Jaunita A. Flessas  
 †Anthony Sciascia

## Capitol Hill

\*William N. LaForge  
 \*Daniel Strodel  
 \*Paul S. Vamvas

## District of Columbia

†Lillian E. Adebayo  
 †Natalie Adona  
 \*Michael J. Baratz  
 \*Jean M. Baxley  
 \*Jeremiah S. Buckley

\*James H. Davidson  
 †Joe Fleishman  
 \*Nelson D. Hermilla  
 †Steven Paul Johnson  
 \*Terry H. Lee  
 †Roy Litland  
 \*Samuel J. Malizia  
 †David E. Martinez  
 \*Charles Medalen  
 \*George Misko  
 †Erika L. Morabito  
 †Jay Nanavati  
 †Brittany J. Nelson  
 †Jorge M. Oben  
 \*John L. Pensinger  
 †Sydney L. Pomykata  
 †Robert Russell  
 \*Robert B. Shanks  
 \*Sidney J. Silver  
 \*Thomas A. Stout  
 \*Richard P. Theis  
 †Chad A. Wallace  
 †Sarah A. Walters  
 \*Kenly R. Webster  
 \*Alexander Zakupowsky Jr.

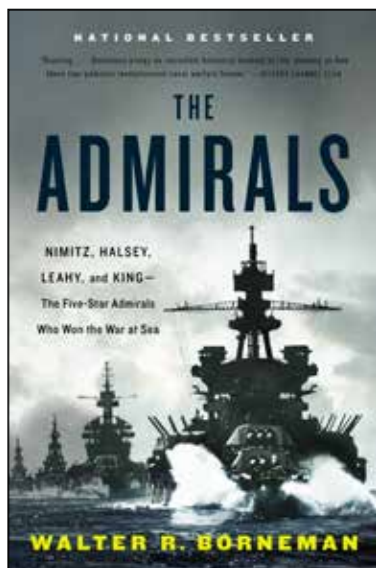
## Pentagon

\*Larry D. Anderson  
 \*James W. Schroeder

## BOOK REVIEWS continued from page 90

White Fleet. To think that these men could so easily trace their professional lineages and long careers back to officers serving almost 100 years before the four admirals would see the battles for which they became known would be unheard of in today's youth-focused, up-or-out military (Leahy served well into his 70s!).

These men were driven by technology.



Nimitz was posted early in his career to submarines and came to understand the importance of radio communications, diesel engines, and a future strength of the U.S. Navy—refueling at sea. King and Leahy, although admittedly enamored of battle-ships, appreciated the potential of naval aviation. Halsey understood the flexibility of destroyers. Each man also understood the need to remain learned in his profession and in the new technologies that so changed the Navy during the 20th century and helped the Allies win World War II.

*The Admirals* is well-documented with endnotes, and its appendices are helpful for non-naval types. A timeline would also have been helpful, as the reader will often find the jump from one man's story to another's as disorienting as a move from sea to shining sea.

Borneman includes a quotation from Vice Admiral Roland N. Smoot, which I predict will entice you to read *The Admirals*:

I've tried to analyze the four five-star Admirals that we've had in this Navy. You have a man like King—a

terrifically "hew to the line" hard martinet, stony steely gentleman; the grandfather and really loveable old man Nimitz—the most beloved man I've ever known; the complete and utter clown Halsey—a clown but if he said, "Let's go to hell together," you'd go to hell with him; and then the diplomat Leahy—the open-handed, effluent diplomat Leahy. Four more different men never lived and they all got to be five-star admirals, and why? Leadership. ☺

*Neysa M. Slater-Chandler is a 1985 graduate of the U.S. Naval Academy and currently is a U.S. government attorney. She is a former officer of the Pentagon Chapter and former chair of the Federal Career Service Division.*