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Book Review [The Implosion Conspiracy]

BOOK REVIEW

THE IMPLOSION CONSPIRACY. By Louis Nizer. Doubleday and Company: 1973. Pp. 495. $10.00.

Twenty-one years have passed since Julius and Ethel Rosenberg were electrocuted for stealing the secret of the atomic bomb and passing it to Stalin's Russia.[1] Several books have been written about the Rosenberg case, some arguing that the Rosenbergs were the innocent victims of an anti-semitic capitalistic frame,[2] others that the Rosenbergs got what they deserved,[3] but nearly all accounts were written with a strong bias.

The maturity of a new generation has stilled the emotions of the moment, and in recent months we have had occasion to review this greatest spy case in all history. Julius and Ethel Rosenberg have been the subjects of an ABC Theatre presentation[4] and are now the central characters in Louis Nizer's best seller, *The Implosion Conspiracy*.

Mr. Nizer brings to bear on his subject a wealth of experience as a distinguished New York trial attorney. A prolific writer,[5] Mr. Nizer has written the most scholarly and important book of his career—*the* definitive book on the Rosenberg case.

The Implosion Conspiracy is more than a summary of the trial and appellate record; it is also a gripping human drama about two people and the law. Julius and Ethel Rosenberg were arrested by agents of the FBI in the summer of 1950, tried and convicted of conspiracy to commit espionage in March, 1951, and executed in June, 1953.[6] All attempts to secure appellate relief

1. Strictly speaking, the Rosenbergs were convicted of conspiring to steal information pertaining to national defense and transmit it to the Soviet Union. The indictment listed twelve overt acts in furtherance of the conspiracy, not all of which related to the atomic bomb.

2. *See, e.g.*, W. REUBEN, THE ATOMIC SPY HOAX (1955); J. WEXLEY, THE JUDGMENT OF JULIUS AND ETHEL ROSENBERG (1955); *See also*, W. & M. SCHNEIR, INVITATION TO INQUEST (1965).

3. *See, e.g.*, S. FINEBERG, THE ROSENBERG CASE: FACT AND FICTION (1953); O. PILAT, THE ATOM SPIES (1952).

4. *The Trial of Julius and Ethel Rosenberg*, ABC Theatre, Jan. 28, 1974.

5. *See, e.g.*, L. NIZER, THE JURY RETURNS (1966); .L NIZER, THINKING ON YOUR FEET (1963); L. NIZER, MY LIFE IN COURT (1961).

6. The Rosenbergs were executed in the electric chair at New York's Sing Sing prison shortly after eight o'clock on the evening of June 19, 1953.

and executive clemency failed. The eyes of the world were watching, and when the executions were carried out, there were protest demonstrations heard around the globe.

The Implosion Conspiracy does not address itself to the guilt or innocence of the Rosenbergs. Instead, a very legal question is raised: was there sufficient evidence for the jury to find the Rosenbergs guilty? Nizer says yes.

The hero in Nizer's book is not Julius or Ethel, but their attorney, and justly so. Emanuel Bloch, trial counsel for Julius and appellate counsel for both Julius and Ethel, devoted himself completely to the cause of his clients. His was a devotion as personal as it was professional. When, despite his ceaseless efforts, his clients died, part of Emanuel Bloch died as well. Six months later, harassed and exhausted, Bloch suffered a heart attack and died. As Nizer put it: "He died in the service of his clients."[7] Emanuel Bloch did his profession proud.

Mr. Nizer's talent for breathing life into the dead trial record is the strongest feature of his book. Drawing upon his extensive trial experience, Nizer vividly reconstructs the events of the courtroom. He brilliantly analyzes the actions of trial counsel: explaining why particular courses of action were followed, proposing alternative strategies, and without captiousness or arrogance, pointing out mistakes by counsel on both sides. And all the while, the reader feels himself a front row spectator to the courtroom drama and a disbelieving observer of the darker side of the law.

But more important than his description and explanation of the technical legal steps involved in the criminal process is Mr. Nizer's educative description of the law as a process of decision-making. The model of the "law" that probably still prevails is the concept of a transcendent body of rules somehow beyond the control of mere mortals. One cannot read *The Implosion Conspiracy* and retain such a view of the "law." Nizer's book reveals the law as a process of decision-making,[8] which is a function of several variables:[9] rules, principles, role, self-image, language, perception, conception, morals, and intuition. For example, in their final appeal, attorneys for the Rosenbergs

7. L. NIZER, THE IMPLOSION CONSPIRACY 53 (1973) [hereinafter cited as CONSPIRACY].

8. In praising Jerome Frank's *Law and the Modern Mind* and *Courts on Trial* at one point in the text (CONSPIRACY 374) and in some of his own introductory comments (*Id.* 7, 9-10), Nizer implies that one of his goals is to unveil the law as a process of decision-making.

9. For an excellent treatment of this process, see W. BISHIN & C. STONE, LAW, LANGUAGE, AND ETHICS (1972).

argued that the defendants were illegally sentenced to death. The Rosenbergs were convicted under The Espionage Act of 1917[10] which authorized the court to impose the death penalty. In 1946, however, Congress passed the Atomic Energy Act,[11] which also made criminal the disclosure of atomic secrets. Under the 1946 Act, capital punishment was permitted *only* if the jury recommended it. The jury in the Rosenberg case made no such recommendation. Therefore, the argument concludes, when Judge Kaufman sentenced the Rosenbergs to death in 1951, he exceded his authority by violating the "legal rule" that, where two statutes cover a similar crime, the one providing for the lesser punishment is to govern.

By what authority then, could the Rosenbergs be executed? The answer is the authority vested in six of the nine Supreme Court Justices who believed the 1946 statute inapplicable to the Rosenbergs. Five of the six-member majority believed that because all of the overt acts relating to disclosure of atomic secrets occurred before 1946, the government in 1951 could not constitutionally have tried the Rosenbergs under the 1946 Act for espionage committed before its enactment. The sixth member of the majority, Justice Clark,[12] believed a different "legal rule" governed the issue of overlapping statutes. Justice Clark cited "legal authorities" which hold that, where Congress has passed two statutes, both of which forbid certain conduct, the government may choose to invoke either.[13]

Justices Frankfurter and Black were unsure about the "legal" conclusions and wanted more time to "discover" what "law" should be applied.[14] Justice Douglas was sure what "law" applied. He insisted that because the acts under the conspiracy took place four years after the 1946 Atomic Energy Act, the death penalty could be imposed only if the jury recommended it. He wrote: "I know deep in my heart that I am right on the law."[15]

But as Mr. Justice Holmes has said: "The prophecies of what the courts will do in fact, and nothing more pretentious, are what I mean by the Law."[16]

The Implosion Conspiracy is not without its weaknesses. Nizer observes in the introduction that the trial of Julius and Ethel

10. War & National Defense Act § 32, ch. 30, § 2, 40 Stat. 218 (1917), *as amended*, 18 U.S.C. 794 (1954).
11. Atomic Energy Act § 1816, ch. 724, § 16, 60 Stat. 773 (1946), *as amended*, 42 U.S.C. §§ 2271-81 (1969).
12. Rosenberg v. United States, 346 U.S. 273, 294-95 (1953).
13. *Id.*
14. *Id.* at 296 (Black, J., dissenting); *Id.* at 301 (Frankfurter, J., dissenting).
15. *Id.* at 313.
16. Holmes, *The Path of the Law*, 10 HARV. L. REV. 457, 461 (1897).

Rosenberg was a "political" trial,[17] but he fails to emphasize sufficiently that the anti-communist feeling engulfing the nation in 1951 was reaching hysterical proportions;[18] he also fails to assess its probable impact upon the Rosenberg trial.

Finally, the book does not explore the question of motivation. Why did the Rosenbergs do it? The author focuses much of our attention on the personalities of the two central figures. Both Julius and Ethel were born in New York City during World War I. Both were raised in poverty during the harsh days of the Depression. It is not surprising, therefore, that both Julius and Ethel turned to radical politics. But what moved this young, very loving,[19] couple of modest means to fight social injustice by masterminding a spy ring that provided military secrets to a foreign nation they had never visited—Stalin's Soviet Union? We will probably never know.

The most dramatic moments of the Rosenberg story occur near the end of the book, after their trial. For the legal scholar, these chapters, describing in vivid detail the horror of execution, are the most important. In the aftermath of *Furman v. Georgia*,[20] Nizer's poignant account of the execution of the Rosenbergs is relevant and timely evidence that the death penalty is "cruel and unusual punishment."

Nizer's account ignores the traditional arguments against capital punishment—its efficacy as a deterrent, the possibility of irrevocable mistake, and its discriminatory imposition—and concentrates on what he sees as fundamental objections to execution. Capital punishment is horribly cruel, and it is arrogant. One cannot help but feel a little differently about the death penalty after reading Nizer's account of the death of Julius Rosenberg in *The Implosion Conspiracy*:

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17. CONSPIRACY 6.

18. I am indebted to Professor Thomas J. Pressly of the Department of History, University of Washington, and Professor Arval A. Morris of the School of Law, University of Washington, for helping me to appreciate the emotions of this period. Dr. Pressly is currently preparing a book exploring the concept of the right of revolution in United States history. A portion of the book explores the national attitude during the Red Scare.

19. Theirs was a love unparalleled. The letters written by the Rosenbergs to each other while in prison and quoted toward the end of the book reveal a deep and abiding love. Their last moment together is particularly moving:

> At 7:20 P.M., the guard moved up behind Julius and put his hand on his shoulder. He knew that he had to be prepared for his death at eight. He put his two fingers to his lips and pressed them toward her on the mesh screen. She did the same. They pressed so hard that the tips of their fingers bled as they touched through the mesh. This was their good-bye kiss.

CONSPIRACY 479.

20. 508 U.S. 238 (1972).

His eyes were dimmed by fright. He saw none of the witnesses or others in the room. His ears were probably deaf to all but the pounding of his heart. His legs gave way. The guards held him up firmly, and dragged him toward the monster. There they turned him and lowered him, like an invalid, into it. With dispatch, resulting from many rehearsals, another guard dipped his fingers in a jar, and with a circular motion rubbed adhesive paste on the shaven part of the head. Then he knelt and rubbed conductive paste on his calf. Thereafter, he placed electrodes with attached wet sponges on both areas.

After a guard had removed Julius' eyeglasses, folded them gently and put them aside, they proceeded to strap him into the chair.

His hands were clenched in his lap. The guards forced them apart and strapped them at the wrists to the arms of the chair. His fingers seized the edge of the chair and turned white squeezing it, as if it was his support rather than the instrument of death. Another brown strap was tied across his lap, his chest and around his head. He was breathing fast and with effort. His eyes were closed tight. His lips were sucked in. Then a wide black leather hood was dropped over his head. This was not as much a merciful act for him, as it was to protect witnesses and others from the sight of fractured lenses of the eyes, a blue burnt tongue, and fearful distortions of the muscles, as they were convulsed by shock.[21]

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21. CONSPIRACY 479-80. Subjecting a person to the terror of execution is cruel. The aftermath, as Nizer describes it, is repulsive to one's senses:

> The warden stepped forward. It was precisely eight o'clock. He nodded. The electrician pulled a huge switch downward in a firm unhurried movement.
>
> Two thousand volts, delivered at the maximum eight ampheres, crashed Julius violently against the straps. For thirty seconds the crackling noise of the current continued, as his body snapped back and forth like a whip, the straps creaking from the strain. His neck seemed to grow several sizes. Yellow-gray smoke rose in wisps from his head.
>
> The current was turned off. The rigid straining body collapsed limply. As the whining noise stopped, a deathly silence pervaded the room. It was broken by a second charge, reduced to five hundred volts at four amperes to prevent "cooking." It continued fifty-seven seconds.
>
> Again, there were sizzling noises and an involuntary spastic dance of the body against the straps. When the switch was released, Julius' body collapsed like a puppet dropped unceremoniously. A third charge of less voltage was given to be certain that all bodily functions had been deranged and death insured. After fifty seconds, the switch was lifted. Julius was hanging limply over the straps.
>
> The prison physician . . . stepped forward. He ripped the T-shirt, applied the stethoscope, nodded and said as required by law, "I pronounce this man dead!" He wiped his upper lip with the back of his hand.
>
> There was a hideous stench in the room of burning flesh, urine and defacation. The guards stepped forward and untied the straps. They lifted Julius onto a gurney, which a third guard had brought into the room, and wheeled him out into the autopsy room.

The numbing terror experienced in those final moments of life is unimaginable. Subjecting a person to that kind of brute fear is torturously cruel.

To sentence another to death is also arrogant. It requires that the sentencer assert, at least implicitly, a sense of moral superiority. Capital punishment is unnecessary for the protection of society; a life sentence is the severest penalty ever needed to protect a society from a particular criminal. Thus, to impose death necessarily involves a judgment about another's moral fitness to live. Throughout his book, Nizer probes the self-righteousness, first of the Rosenberg accusers, and later of their executioners.[22] Neither Presidents Truman nor Eisenhower, Attorney General Brownell, nor even a hurriedly reconvened Supreme Court, escape Nizer's subtly critical pen. His attack on self-righteousness is particularly timely in light of the recent revelations about a "law and order" national administration. And it was not too long ago that a prominent politician suggested in a campaign speech that there are some dissenters who should be separated "from our society with no more regret than we should feel over discarding rotten apples from a barrel."[23] The speaker was Spiro Agnew.

HARVEY H. CHAMBERLIN*

A fourth guard entered with a mop and bucket. He wiped off the seat with a dark brown sponge. He mopped up the puddle underneath the chair and left a powerful scent of ammonia to disguise the smells of an involuntary death.

Id. at 480.

22. In dying, Ethel Rosenberg seemed contemptuous of her executioners, as she rejected a last minute opportunity to save herself: " 'Ethel, for the sake of the children who need you, will you say something which can still save you? Must this tragedy be completed?' " *Id.* at 481. A United States Marshal stood by to halt the execution if only she would confess and inform on co-conspirators. She refused, saying: " 'I have nothing to say. I am ready.' " *Id.* " 'I should far rather embrace my husband in death than live on ingloriously upon such bounty.' " *Id.* at 437. "She had a Mona Lisa smile . . . and looked every witness in the eye. Some could not return her gaze." *Id.* at 481. The will of this woman was so great that after three long shocks had been administered, the doctor stepped forward to pronounce death, but "stepped back bewildered. Instead of uttering the ritual words ['I pronounce this woman dead'], he looked at the warden and said in a hollow voice, 'this woman is still alive.' " *Id.* at 482. Ethel Rosenberg had to be electrocuted a second time.

23. N.Y. Times, Oct. 31, 1969, at 25, col. 4 (late city ed.).

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THE FINEST JUDGES MONEY CAN BUY. By Charles R. Ashman. Nash Publishing Corporation: 1973. Pp. 309 + Appendix. $7.95.

It is difficult to read *The Finest Judges Money Can Buy* without being reminded of certain aspects of the Watergate affair. Because of the appalling number of lawyers involved in the sordid details of Watergate, there now seem to be serious doubts within the legal profession about the adequacy of lawyers' training for ethical responsibility. Charles R. Ashman's book about corrupt judges invites the same disquietude in the even more shocking arena of judicial misconduct.

Focusing on those lawyers who become judges, Ashman's book is written more for laymen than for attorneys. It offers a detailed, colorful picture of rampant judicial corruption. Because this picture is undoubtedly plausible to many non-lawyers, the book is one from which both lawyers and judges can derive considerable benefit. It will make them more keenly aware of just how corrupt the legal system can appear to be in the eyes of the public.

The Finest Judges Money Can Buy also calls to mind broader issues of corruption in government. The Watergate scandal has recently focused attention on the executive branch, but one need only think back a few years to recall a period when the misdeeds of various members of Congress were under scrutiny, and another period when the activities and caliber of prominent members of the federal judiciary were the news of the day. These periodic scandals, occurring among the three branches of government, raise certain questions about the self-policing powers of our governmental system. Perhaps our system of government can tolerate major scandal in only one branch at a time. Perhaps limits are posed by patterns of public attention, considerations of political expediency, and the limited resources of investigative officials. When scandal emerges in one branch, the other two branches are called upon in various ways to perform the policing and remedial functions which the derelict branch needs.

Ashman does not deal directly with the links between the subject matter of his book and the Watergate affair, although he does make a few passing references to Watergate events. He is deeply concerned, however, with public confidence in our system of government in general, and in the judiciary in particular. As he declares at the conclusion of the book, "[u]ntil the public has complete confidence in its courts, it cannot have complete confi-

dence in its country."[1] The major question which Ashman raises is this: How much public confidence in the judiciary is justified? His answer: next to none.

The two central difficulties I find in Ashman's presentation are, first, that his format and style leave room for doubt as to the accuracy of his conclusion, and, second, that although there are numerous opportunities for analysis of the information he offers the reader, he quickly passes by almost all of them.

The book consists primarily of seventy-four short case histories of specific judges, past and present, who have engaged in reprehensible activities. The most frequent areas of misconduct are bribery, income tax evasion, and non-judicial participation in pending cases. The descriptions of the judges' wrongdoings, encompassing both mundane and exotic offenses, make fascinating reading. Ashman's dramatic, angry style is quite effective in maintaining reader interest.

The problem with his format is that after a while the case histories begin to take on the character of cumulative evidence. The reader soon hears enough to convince him there are many unfit judges, probably many more than he would have guessed when he began reading. Yet Ashman continues to press his point long after it has been effectively presented to the reader. Perhaps this flaw would not be so serious had the author been more precise in his criticism and attempted some overall evaluation of the American judiciary. As it is, we learn simply that there are many men on the bench who are not worthy of the public trust, but Ashman fails to indicate how widespread the problem has become.

He suggests that the entire judicial system is overloaded with crooks and incompetents,[2] but he offers us no explanation of the methods by which his seventy-four cases were selected. Since he fails to make any significant reference to the many worthy members of the judiciary, it is difficult to believe the national situation is as bleak as he asserts. Although the author dedicates the book to our non-corrupt judges, the punch line of the dedication—"Congratulations . . . to both of you."—forecasts the absence of serious information in the book from which his gloomy viewpoint may be evaluated. The tone of this dedication, as well as the title of the book, are also characteristic of a sarcastic, overly cute style of expression which becomes annoying. Although the subject of judicial corruption is highly appropriate for the expression

1. C. ASHMAN, THE FINEST JUDGES MONEY CAN BUY 263 (1973) [hereinafter cited as ASHMAN].

2. *Id.* at 173-74, 249, 261-62.

of anger, Ashman too often substitutes emotion and wit for hard fact.

Despite these shortcomings in format and tone, the case histories do amount to an impressive collection of data on judicial misconduct. Even though the book is written primarily for laymen, the wealth of its information commends it to the professional audience as well. There is some use of esoteric legal terminology without explanation, which suggests that Ashman was a bit uncertain as to his intended audience, but the total absence of legal citations and an index tends to confirm that he did not have a professional readership in mind.[3] The critical reader, whether attorney or not, is left wondering how Ashman has selected and obtained his information.

The author's only attempt at providing authentication for his work is manifested in an unusual document, called an "Affidavit of Verification," which the author has appended to the text. The "Affidavit" asserts that the affiant has personally checked Ashman's case histories for conformity with the relevant court records, appellate decisions, administrative and bar association reports, and other sources of information about the judges discussed. The affiant is identified only as a member of the California Bar; we are told his signature is "on file" with the original Affidavit in a San Francisco law firm. This intriguing document appears to be a slick attempt at solemnizing what precedes it. The reader is entitled to much more than this.[4]

As for the analytic content of the book, it is unfortunately sparse and superficial. Ashman offers an apparently representative sampling of judicial misconduct, but he could have provided much clearer categorization of the more frequent varieties of malfeasance. He attempts to categorize by grouping the case histories into distinct chapters of the book. The attempt fails, however, because the groupings seem arbitrary, and the case histories appearing under any one chapter heading could just as well have been placed in almost any other chapter.

Ashman offers very little explanation for *why* judicial recklessness with the public trust comes to pass. He is aware that he is dealing in part with basic questions of human nature, and fortunately he chooses to let the facts speak for themselves without offering any sermons on underlying moral issues. It would

3. *Id.* at 99, 103, 108.

4. Telephone inquiries by the author of this review to the San Francisco law firm regarding the original Affidavit were unsuccessful in obtaining the identity of the affiant. It was suggested Ashman be written directly for authorization to examine the firm's files. The senior partner was not certain whether there was a single Affidavit or a collection of many from different individuals.

have been useful, however, had he offered some hypotheses as to why members of the judiciary tend to commit specific kinds of misdeeds. For example, he might have explored the frequency of income tax evasion among judges or the frequency with which they receive "political campaign contributions" actually designed to influence their judicial decisions.[5] Perhaps there are certain pressures or temptations to which judges characteristically succumb. Presumably, the identification of such influences would be a prerequisite to more effective preventive measures.

Another area ripe for analysis but left virtually untouched by the author is the means of discovery of judicial wrongdoing. Again Ashman provides the raw data through the case histories, but that is all. His purposes would have been better served had he analyzed and compared the instances in which detection resulted mainly from criminal investigations, journalistic exposure, legislative investigations, self-policing by other members of the bench, organized bar inquiries, or other methods. It is illuminating, for example, to learn of the large number of instances in which the press stimulated remedial action against judicial abuses.[6] Ashman could have brought together other such patterns and thereby made his book much more useful.

The consequences flowing from exposure of judicial corruption is another area which Ashman could have explored more deeply. His explanation of state and federal removal processes and other supervisory machinery is very superficial. He makes many references to official investigatory bodies, but only rarely does he explain their function in any depth.[7] He does an excellent job, however, in explaining the unusual "special commission" which investigated the Illinois Supreme Court scandal in 1969.[8] Ashman could more clearly have coordinated his descriptions of the removal machinery in use in the particular jurisdiction with the results in each of the case histories. This would have made the book far more systematic and informative.

Finally, Ashman is most disappointing when he reaches the

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5. ASHMAN, *supra* note 1, at 62, 78, 83, 106, 157, 181-82, 204, *re* tax evasion. *Id.* at 37-38, 60-61, 64, 76, 101-02, *re* campaign contributions. The incidence of tax violations might also have been explored to determine whether prosecution for such crimes served merely as the most efficient avenue of redress for other violations of the public trust which were more difficult to prove.

6. *Id.* at 52, 54, 95-96, 206, 215.

7. Probably his best explanation of a removal process is of that utilized in Texas. *Id.* at 151.

8. *Id.* at 195-200. An error in the date of the commission's report occurs at p. 199. The report was issued July 31, 1969, not Sept. 30, 1969. REP. OF SPECIAL COMM. OF THE SUP. CT. OF ILL., IN THE MATTER OF THE SPECIAL COMMISSION IN RELATION TO No. 39797 (People v. Isaacs) 61 (1969). The author of this review served as associate counsel to this Special Commission.

primary issue of what can be done to eliminate the problem of judicial corruption. He predicts in the beginning of his book that there is "an answer,"[9] but never tells us what it is. He does make specific suggestions related to the life tenure of United States Supreme Court Justices and to the common practice of making political appointments to other judicial vacancies, even in jurisdictions which supposedly elect their judges.[10] These suggestions are provocative and worthy of further consideration, yet are left undeveloped.

In the final stage of his book, Ashman devotes excessive attention to policy-making by the United States Supreme Court. He fails to adequately discuss the problems of misconduct he has previously illustrated in the state and lower federal courts. In short, he does not offer a cohesive set of suggestions, much less "an answer," for either the discovery and correction of judicial corruption or its avoidance.

Ashman spends some time on the question of judicial selection methods, as most students of judicial behavior eventually do. He provides an explanation and some criticism of merit selection plans, arguing that because judges are, in effect, policy-makers like any other public officials, they should be elected by the voters. He asserts that the electorate should be exposed to the candidates' personalities and political philosophies through the election process.[11] Ashman's argument is uneven,[12] however, because, in the final analysis, he seems to favor popular election of judges more as a matter of unexamined democratic faith than as a method more likely to provide better judges.

Ashman's discussion of judicial selection explicitly recognizes the need for documented study of possible correlations between judicial quality and methods of selection. The frustrating aspect of this discussion is his failure to recognize that his own case histories provide a starting point for identifying any such correlations or their absence.[13] He acknowledges that "the debate contrasting methods of selection is conducted in a factual vacuum; both reformers and defenders of the status quo operate primarily on specu-

9. ASHMAN, *supra* note 1, at 8.

10. With regard to the lifetime appointment of Supreme Court Justices, Ashman suggests each Justice be appointed for a single term of eight years, after which he would become a federal district judge. *Id.* at 259-60.

Ashman's concern with political appointments to judicial vacancies focuses on the subsequent presentation of an incumbent to the voters the first time the new judge runs for election. He suggests greater use of special elections on an annual or other regular basis to avoid this effect. *Id.* at 247-49.

11. *Id.* at 245-46.

12. *Compare* ASHMAN, *supra* note 1, at 237-38 *with* ASHMAN 242-43.

13. *Id.* at 246, 249, 262.

lation."[14] Unfortunately Ashman does not apply his own research product toward filling this vacuum.[15]

As this discussion of *The Finest Judges Money Can Buy* has indicated, Charles Ashman's indignation at corruption in the judiciary in many ways limits the persuasiveness and clarity of his book, especially for a reader who is also a lawyer. Nevertheless, at a time when the American public seems more outraged over official misconduct than it has been for many years, Ashman's book is a basically responsible attempt to invite the American public to be outraged over the shameful things that do take place within our judiciary. Both the public and the Bar should heed writings of this sort as a spur toward vigilance in securing the highest possible quality of judicial skill and integrity.

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14. *Id.* at 249.

15. Ashman mentions in passing that Virginia "has done well" in finding an effective method of judicial selection, but he fails to give any details concerning its success. *Id.* at 82.

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