

nothing, absolutely nothing, he will not do in order to salvage for himself whatever scrap of significance he can find in the shambles of his life.” Republican Sen. Barry Goldwater went further, charging Nixon with violating the Logan Act, which bars private citizens from conducting unauthorized foreign policy. “If he wants to do this country a favor,” Goldwater added, “he might stay over there.”

From Ronald Reagan, Ford did not receive the deference usually accorded to a sitting President of the same party. Reagan saw Ford’s elevation to the White House as an inconvenience to Reagan’s quest to succeed Nixon as President, a quest that Reagan slyly hid under an “aw shucks” attitude that aimed to portray him as interested in the presidency only if called upon. Nixon, by contrast, was congenitally unable to prevent himself from behind-the-scenes scheming against all his successors, with the aim of keeping his hand in foreign policy, at which he perceived himself to be uniquely skilled. Yet, despite Nixon’s conniving, some of his presidential successors perceived him as brilliant and, in strict confidence, sought his advice, while shunning public appearances with him.

Bill Clinton and George W. Bush, though born only a month apart in 1946—the closest of any two American Presidents—could hardly have had more different backgrounds: one, from a patrician family of wealth, who seemed to have little purpose or direction prior to the age of 40; the other, from a hard-scrabble background, who never knew his father, but who began his political career while still in law school and became governor at the tender age of 32. Both left office under severe criticism for their actions in the presidency.

Clinton felt that George W. Bush never forgave him for beating his father in the latter’s reelection attempt. Nor was “Poppy” Bush happy with Clinton’s campaign against him, which he thought went beyond the usual nasty politics. Both Bushes felt that Clinton besmirched the office by his sexual escapades. Consequently, the relationships between Clinton and the two Bushes had nowhere to go but up. And that’s where they went. Upon greeting Clinton in the now-traditional transition meeting, George W. Bush requested assistance in giving effective speeches. Clinton was only too happy to give his usual long-winded explanation. Despite further rough patches, eventually the good nature of the three former Presidents enabled them, despite their differences, to

develop warm relationships that continue to this day, with the elder Bush and Clinton joining in numerous goodwill tours aimed at alleviating traumatic conditions resulting from events such as the earthquake in Haiti and the nuclear meltdown in Japan.

Although Eisenhower as past President was probably called upon most for his advice by his successors, Nixon was able to insert himself even more. Reagan, because of his poor health, was seldom consulted, and Kennedy died in office. The strangest actions, which most strained relationships, were, apart from Nixon’s, those of former President Carter, who seemed unable to resist setting his own agenda when called upon to assist the President. During Reagan’s second term, Carter “made a point of sitting down with tyrants to whom the United States was often actively opposed or sometimes covertly working to weaken, such as Hafez al-Assad in Syria in 1983 and Daniel Ortega in Nicaragua in 1986.” The authors add that Carter often treated conversations “like personal ministries, bringing up religion and spirituality in an effort to scratch out some common ground with despots.” With respect to the Clinton/Carter relationship the authors state: “Despite the fact—or maybe because—they both shared Southern roots, a Baptist’s faith, and bragging rights as the only Democrats to win the White House between 1964 and 2008, the two men quarreled as much as they got along. Each man would test the other’s ability to forgive.” Perhaps the epitome of their sour relationship occurred in 1994, when Clinton sent Carter to North Korea, the authors write, “to deliver a message and bring back intelligence about Kim Il Sung’s nuclear intentions. Instead he brokered a deal to forestall a crisis—which he announced on CNN. White House officials ... did not try to contain their fury.” And yet, the authors conclude, “for all the collateral damage, the trip was a success.”

This well-written book contains splendid revelations of the inner workings of the presidency, and of the many successes, as well as some miscues, that have occurred when members of the Presidents Club have given advice to their successors. *The Presidents Club* is objective, yet it expresses political judgments where warranted. It is a must-read for political junkies like me, and, even my wife, who is not a political junkie, found it a page-turner. ©

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REBELS AT THE BAR: THE FASCINATING, FORGOTTEN STORIES OF AMERICA’S FIRST WOMEN LAWYERS

BY JILL NORGREN

New York University Press, New York, NY, 2013. 268 pages, \$29.95.

OUT OF ORDER: STORIES FROM THE HISTORY OF THE SUPREME COURT

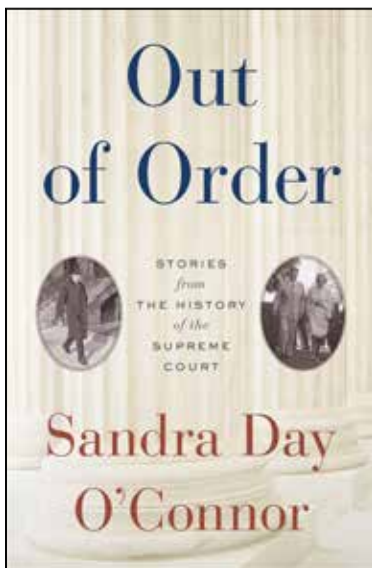
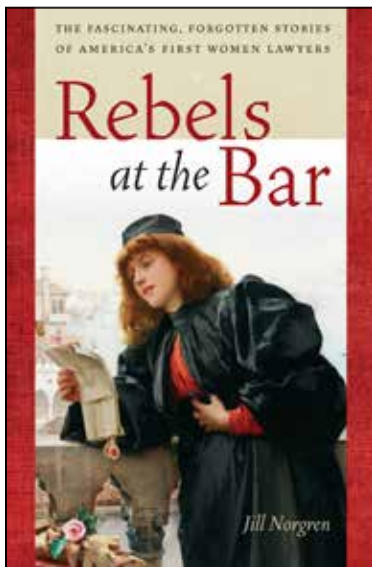
BY SANDRA DAY O’CONNOR

Random House, New York, NY, 2013. 233 pages, \$26.00.

Reviewed by Elizabeth Kelley

Last spring, when Sheryl Sandberg, the chief operating officer of Facebook, released her book, *Lean In: Women, Work, and the Will to Lead*, discussion raged over whether women have stalled in their pursuit of leadership in the workplace and whether women’s alleged lack of ambition has been the cause. Sandberg has been criticized because she makes her observations from a position of privilege and is viewed as having little in common with the average woman. She is Harvard educated, and, in 2012, she earned millions from her salary, bonus, and stocks. Moreover, critics charge that she ignores the fact that women have choices and that the decision to opt out of the workplace is now their own because legal barriers to advancement have been abolished. Whether or not you agree with Sandberg’s book, the fact is undeniable: *Lean In* has renewed the debate about women’s status in the business world.

Into this context come two new legal history books: *Rebels at the Bar: The Fascinating, Forgotten Stories of America’s First Women Lawyers* by Jill Norgren and *Out of Order: Stories from the History of the Supreme Court* by Sandra Day O’Connor, the first female justice on the U.S. Supreme Court. One book is almost entirely focused on 19th-century women lawyers. The other is by an impor-



tant recently retired justice who happens to be female. These books are not only both legal histories, but they share the same iconic photo of the four female Supreme Court justices: Sandra Day O'Connor, Ruth Bader Ginsburg, Sonia Sotomayor, and Elena Kagan.

Rebels at the Bar identifies Jill Norgren as “Professor Emerita of Political Science and Legal Studies at John Jay College Criminal Justice, and The Graduate Center of The City University of New York,” and her book is scholarly. It is also, however, straightforward and relatively brief—slightly more than 200 pages, excluding endnotes, bibliography, and index. It has little analysis, but the stories of the lives of this first generation of women lawyers are so rich that they speak for themselves.

Rebels at the Bar begins with two chapters devoted to the conditions that aspiring

women lawyers faced in the 19th-century United States. These are followed by profiles of legal pioneers such as Myra Bradwell (publisher and political activist), Belva Lockwood (the first woman admitted to the U.S. Supreme Court), and Clara Foltz (the first woman admitted to the California bar and one of the first proponents of a public defender system).

No history of women lawyers would be complete without a sampling of Victorian-era quotations about the suitability of women to practice. Some of the quotations in *Rebels at the Bar* are amusing, but others point to something more insidious. For example,

[A]t the end of lectures [at Hastings College of Law], the women received a “Dear Madam” letter from the registrar. Formally, no explanation was proffered; informally officials told the two women that “their presence, particularly their rustling skirts,” bothered the male scholars.

And, in 1875, when opposing Lavinia Goodell’s application to the Wisconsin bar, that state’s chief justice, Edward G. Ryan, wrote that he believed it would be “revolting” that

woman should be permitted to mix professionally in all the nastiness of the world which finds its way into courts of justice; all the unclean issues, all the collateral questions of sodomy, incest, rape, seduction, fornication, adultery, pregnancy, bastardy, illegitimacy, prostitution, lascivious cohabitation, abortion, infanticide, obscene publications, libel and slander of sex, impotence, divorce; all the nameless catalogue of indecencies ... with which the profession has to deal, and which go toward filling judicial reports which must be read for accurate knowledge of the law. ... [R]everence for all womanhood would suffer in the public spectacle of woman so instructed and so engaged.”

The lives of these women are instructive and inspirational. But *Rebels at the Bar* contains at least two messages. First, discrimination against women was condoned even as post-Civil War America was beginning to dismantle racial discrimination. Before the war, abolitionists and proponents of women’s equality worked side by side.

During and after the war, however, proponents of women’s equality took a back seat. Indeed, gender was supposed to be part of the Fifteenth Amendment, but was deleted for political reasons.

Another message in *Rebels at the Bar* is that 19th-century female lawyers knew that true equality could be achieved only if access for women was provided systemwide. It wasn’t enough to allow women to go to law school or be certified to practice. To be full participants in the legal system, they had to have all the rights and privileges that men did, from being eligible to run for office, to having role models and mentors, to being allowed to join professional clubs, and down to being able to ride bicycles to work and being free of encumbrances such as hats in the courtroom.

Justice Sandra Day O’Connor is the direct beneficiary of the struggles and victories of these women. But make no mistake: the world that she confronted when she graduated from Stanford Law School in 1952 was not an easy one for women lawyers. There is the oft-repeated story (she does not recount it in *Out of Order*) of how at least 40 law firms would not even interview her after graduation, even though she ranked near the top of her class.

In fact, in the introduction to *Out of Order*, Justice O’Connor tells about how, decades before she was appointed to the Court, she and her husband were climbing its front steps as tourists. It was a Saturday, and the building was closed. At the time, she mused that that was as close as she would ever get to the Court. Contrast this to Sonia Sotomayor’s laser-like focus on becoming a judge when, as a little girl, she was inspired by watching Perry Mason on television, or to Elena Kagan’s dressing up in a judicial robe for her high school yearbook photo. What a difference a generation or less makes!

But for Justice O’Connor, *Out of Order* is not the place for personal reflections. Indeed, she refrains from taking positions on legal questions as well:

On the other hand, because [the Constitution] appears to permit suspension [of habeas corpus] “in cases of rebellion” and it is the President who never takes a recess and must always safeguard the nation as commander in chief, others say that Lincoln did only what the Constitution permits. This is not the place for me to offer my own views in that debate.

By contrast, last April, at a meeting with the editorial board of the *Chicago Tribune*, Justice O'Connor stated that it may have been a mistake for the Court to hear *Bush v. Gore*. One wonders why she didn't say that in *Out of Order* and create more buzz around the book.

Instead, *Out of Order* is a history of the Supreme Court, and a history written by someone who truly reveres the institution. She takes us from the first days of the Court when justices rode circuit among the trial and appellate courts throughout the young country, when the Supreme Court did not have a permanent building, and when oral arguments could last for 10 days. She spotlights some of the giants in the Court's pantheon, including Oliver Wendell Holmes Jr. and William O. Douglas. And she sprinkles wonderful anecdotes throughout; for instance, that Chief Justice Roberts, when he appeared before the Court as a lawyer, would always touch the statue of Chief Justice John Marshall on the Court's ground floor. If you are looking for an easily digestible history of the U.S. Supreme Court, look no further than *Out of Order*.

When President Reagan appointed Sandra Day O'Connor in 1981, she made history. Serving 25 years as a justice, she shaped history. And now, as a former justice, she is expanding the definition of life after the Court by her advocacy of stronger civics education in our schools and of the profound need for judicial independence, especially as it relates to campaign finance.

The photo of the four women justices that appears in *Rebels at the Bar* and *Out of Order* echos themes raised by Sheryl Sandberg's *Lean In*: women at the top of their profession, women who have knocked down barriers, women who were openly ambitious and succeeded in reaching their goal. But the picture many of us are waiting for is a picture of nine sitting justices, four or five of whom are women. Books such as *Rebels at the Bar* and *Out of Order* remind us that it is possible. ☺

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

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SPEAK OF THE DEVIL

BY ALLISON LEOTTA

Touchstone, New York, NY, 2013. 276 pages, \$25.00.

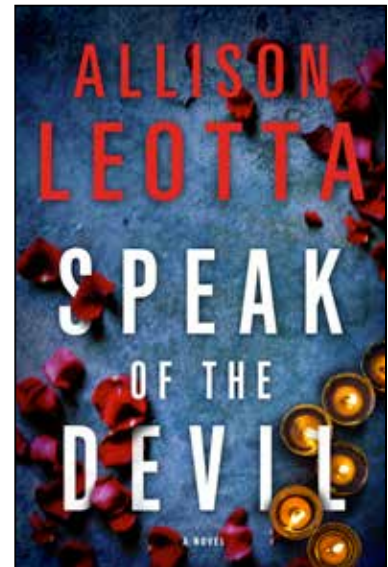
Reviewed by JoAnn Baca

With her third novel, *Speak of the Devil*, Allison Leotta has graduated from the hyphenated crowd of lawyer-novelists to become a full-fledged novelist. Her confident and mature style complements her impressive grasp of plotting and pacing. She is as skilled in ratcheting up tensions as she is in describing delicate moments of contemplation.

Detective Hector Ramos of the District of Columbia's Human Trafficking Task Force is conducting a brothel raid when he stumbles upon a much larger crime in progress. The brothel guard has been decapitated, men with machetes are carving up another man, and one of their compatriots is violently raping a prostitute. In the melee that follows, Ramos kills one perpetrator and captures another, but two others escape. The police know that the attackers are gang members, and their distinctive tattoos make it a simple matter to determine which gang is involved: the deeply feared Mara Salvatrucha, known as MS-13.

Ramos describes MS-13: "Other gangs try to make money, and they use violence to protect their drug business or fight over turf. For MS-13, the violence is the whole point of the gang. Their motto is 'Mata, Viola, Controla.' Kill, Rape, Control." Their leader in the Washington, D.C., area, and its fiercest and most notorious member, is one of the two men who escaped the brothel. His facial tattoos, filed-to-points teeth, and surgically implanted horns have earned him the sobriquet *El Diablo*, the devil. He appears so infrequently to gang members that many think he is a legend, and, for those who encounter him, death is often close at hand. As a gang member who knows him well reveals, "Diablo wanted, above all, to be feared. He enjoyed inflicting pain. And he was just as ruthless to homeboys as he was to [enemies], if the homeboys didn't obey orders."

The prosecution of those who attacked the brothel falls to Assistant U.S. Attorney



Anna Curtis. Leotta's earlier books (*Laws of Attraction* and *Discretion*, which I reviewed in the February 2011 and September 2012 issues of *The Federal Lawyer*, respectively), introduced us to Curtis as she investigated and prosecuted cases. In this third outing, Curtis is no longer the young lawyer gaining experience as a sex-crimes prosecutor in Washington, D.C., as in the first book, nor proving that she is up to the task of handling a case involving political pressure, as in the second. She is seasoned and exceptionally competent, and she needs to be at her sharpest in *Speak of the Devil*, for the stakes in this novel are high for Curtis on all fronts, personal and professional.

In developing her case against the thugs who attacked the brothel personnel, Curtis is without the assistance of Hector Ramos, the detective who would otherwise be her perfect witness. Ramos' shooting of one of the gang members removes him from participation in the case while the department determines if the shooting was justified. Proving who was involved using other witnesses and evidence collected requires all of Curtis' determination and ability, and her early successes earn her the ire of *El Diablo*, who "greenlights" her to be killed. "According to MS-13 rules, any member was bound to kill on sight a greenlighted person, using whatever weapon they had on them." However, rather than rely on the serendipity of a gang member's crossing the path of the lawyer, and to ensure that the hit is carried out as soon as possible, *El Diablo* assigns the task to Gato, one of his most trusted and senior MS-13 compadres. But Gato has private devils to contend