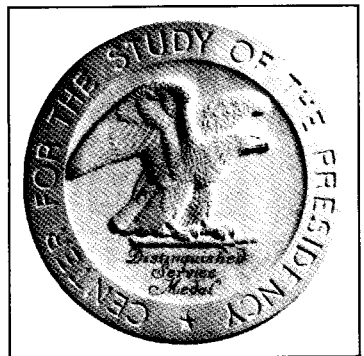


Presidential Studies Quarterly

Issue Themes:

Modern First Ladies

White House Organization



Space does not permit a full rundown of the annual assessments of Carter but an attempt will be made to summarize Rozell's conclusions. Rozell cites with apparent approval the statement by Carter speechwriter James Fallows that Carter did not put a great premium on public speaking. A typical Fallows comment cited is that "Carter's first major message to Congress on the economic recovery plan was the clear exception to the rule for speechmaking in this administration. In that speech, Fallows explained, Carter delegated responsibility to the speechwriters to create a speech with clear prose and simple connecting themes. While this speech succeeded in achieving those objectives, Fallows argued, that process of speechwriter-speechmaker interaction 'was virtually never repeated in [my] whole time there.'"

In citing self-criticism by former Carter staff members, Rozell says they "pointed out that any assessment of the President's agenda leadership must take into account two factors: (1) that the President's leadership style was not traditional by political Washington's standards and should be understood on its own terms; and (2) that institutional reforms of the 1970s have made presidential leadership of Congress more precarious than in the Lyndon B. Johnson years."

Specialists and journalists cited in summarizing critiques of the Carter Administration include Professor Thomas Cronin, Steven V. Roberts, R. Gordon Hoxie, Harry McPherson, Austin Ranney, Clark Clifford, James David Barber, Theodore Sorensen and Theodore H. White. Roberts felt the experts believed that "historians would regard Carter's foreign policy more highly than his domestic record." Even the *Wall Street Journal* praised Carter's "humanitarian values." Anthony Lewis, George F. Will and Peter Goldman are also cited. The analysis is light on broadcast commentators perhaps because of a feeling (the reviewer's surmise) that print media analysis was more perceptive and had more depth of understanding.

In general, Professor Rozell has written a good book and shows promise as a scholar. It is commended to readers of the *Quarterly*.

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HERMAN SCHWARTZ. *Packing the Courts: The Conservative Campaign to Rewrite the Constitution*. (New York: Charles Scribner's Sons, 1988), 242 pp. \$19.95 hard cover (ISBN N 0-684-18953-4).

Federal judges are a "subtle corps of sappers and movers constantly working underground to undermine the foundation of our confederated fabric . . ." Those words, written by Thomas Jefferson, could have come from the pens of Franklin Roosevelt, Richard Nixon, Ronald Reagan and the many other presidents who were dissatisfied with the state of law, courts, and the judiciary. Indeed, during the greater part of this century, relations between the president and the federal bench have been anything

less than cordial. Recall Eisenhower's famous quip that his "two biggest mistakes," as president, were "both on the Supreme Court." Or, Nixon's allegation that the Court had "the effect of seriously hamstringing the peace forces in our society and strengthening the criminal forces."

According to Herman Schwartz, though, the efforts of the Reagan administration to alter the state of the judiciary, and, thus, "the law," went beyond mere rhetoric. Reagan and his team of advisors sought to redo the federal judiciary from the top down and, then, back up again. Seen in this light, their vision of the ideal judiciary and their plans for implementation far surpassed their predecessors. Not only were they concerned with undoing specific legal decisions, but they wanted to capture the judiciary, filling it with "right-thinking" Justices and judges who subscribed to particular jurisprudential approaches, but who were not necessarily the best qualified. This made the Reagan court-packing effort—for surely this is what it was—all the more unique and, in Schwartz's view, all the more dangerous.

Schwartz's *Packing the Courts* provides a remarkably accessible, thorough (at least through 1987), and interesting account of this effort and its implications. In the opening chapter, he sets the stage for the book, indicating the overall objectives of the administration and its *modus operandi* for implementing them. Subsequent chapters explore the administration's multi-layered strategy: to undo specific legal precedents (e.g., *Roe v. Wade*), to inject into the federal judiciary those with certain visions of law and of the way in which judges ought to proceed (e.g., a jurisprudence of original intent), and to obtain conformation of specific nominees committed to those ends (e.g., Manion, Bork). Each is extremely well-written and documented; indeed, throughout the book, Schwartz pulls off the most difficult of tasks, combining the journalist's instinct for gathering information about the behind-the-scenes maneuvering to implement the Reagan agenda; the scholar's for validating his perspectives, and the lawyer's for detailing important precedents and judicial philosophies. In short, he has written a book about the Reagan administration that can be read and enjoyed by virtually anyone with an interest in politics or law.

Beyond the overarching perspective Schwartz brings to his subject, scholars of courts, laws, and, the presidency will find two particular aspects quite useful. First, this is one of the few efforts about the relationship between the judiciary and the executive branch (and about the Reagan administration, in particular) that does not focus exclusively on the U.S. Supreme Court. Prior works by myriad scholars and commentators have explored all aspects of the Justice-President relationship from nominations to decision making to retirements. The Reagan administration's nominees to the Court, alone, have been treated in countless books and articles, with many more apparently on their way.

Much to his credit, Schwartz digs deeper, contemplating Reagan's appointments to the federal district courts and to the courts of appeals. Though those bodies may be less visible than the Supreme Court, they are nevertheless "crucial" arenas in today's political process: they hear an ever-increasing range of issues and, in most cases, are courts of last resort. Surely the Reagan team recognized this, as Schwartz documents,

attempting to make the most of their 372 nominations to these tribunals. In fact, as he suggests (and as the numbers indicate), Reagan's appointments were nearly two years younger than those of his last four predecessors (actually closer to four years less than Nixon's) and exhibited unusually high levels of past party activism. These sorts of statistics and the more descriptive and contextual analyses lend credence to Schwartz's view that the administration understood the importance of the lower federal courts and sought to entrench their views there, not just in the Supreme Court.

Also of great interest is Schwartz's effort to evaluate the efficacy of the Reagan effort. Exploring the impact of judges on law is always a difficult task; for Schwartz, writing in 1987, it was all the more so because the Reagan judges were just beginning to ascend to the Nation's benches. Nevertheless, he does a fine job on this score because he is quite cautious, wary of making premature judgments. He indicates that Reagan was largely, though not fully, successful in stacking the judiciary; and, that changes in the law will quite likely result.

On both counts, Schwartz's views appear accurate. Consider the current Supreme Court: Reagan appointees, if we include Rehnquist, now number four. And, what a unified foursome they make. In areas ranging from the death penalty to abortion to racial equality, they are voting together (often with White) and rewriting the law. Their more liberal colleagues are now complaining publicly about the Reagan judiciary. Whether Reagan was equally successful with his appointments to the lower courts remains to be seen, but preliminary scholarly evidence indicates that he was, indeed.

In the end, Schwartz's account is bound to stimulate debate in political, legal and scholarly circles of all ideological ilks. And, those discussions surely will not end any time soon. Who knows? As this "packed" judiciary takes shape and as America moves into the 21st century, presidents with different ideological predilections probably will take a lesson from this episode, attempting to de-Reaganize that very federal judiciary. Such is the stuff of past, present, and undoubtedly, future relations between the Executive and Third Branch of Government.

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DONALD S. SPENCER. *The Carter Implosion: Jimmy Carter and the Amateur Style of Diplomacy*. (New York: Praeger/Greenwood, 1988) 162+ pp. \$38.95 hardcover (ISBN 0-275-93041-6) .

Spencer brings a detailed and elaborate indictment against the Carter administration, charging that Carter and his advisers were not merely unwise or unfortunate or the victims of scattered blunders, but rather were guilty of embracing a stubborn