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BOOK REVIEW

The Corrupt Judge, by Joseph Borkin. New York: Clarkson N. Potter, Inc., 1962. Pp. 310. \$6.00.

Subtitled "An inquiry into Bribery and other High Crimes and Misdemeanors in the Federal Courts," this detailed and absorbing account of appalling knavery by three judges in the 1930's and 40's vividly demonstrates that the worst human failings may occur even on the federal bench.

The three judges whose devious crimes are ably untangled include two senior Circuit Judges, Martin T. Manton of the Second Circuit and J. Warren Davis of the Third Circuit, and District Judge Albert W. Johnson of the Middle District of Pennsylvania. Each was engaged over a period of years in selling his decisions, rulings and appointments. Each was discovered, evaded impeachment by resigning from office, and was indicted. Manton was convicted and jailed, the first federal judge in history to earn this distinction. Davis and Johnson escaped imprisonment, but their criminality and disgrace are preserved in public records.

Judicial corruption is by no means a purely modern phenomenon as shown by the author's mention of the tragic impeachment of Sir Francis Bacon by the House of Commons in 1621 for accepting bribes after successively holding the offices of Solicitor, Attorney General and Lord Chancellor—the highest judicial post in England. But how serious a current problem is malfeasance on the Federal bench? Statistically it would seem to me not to bulk large. In our history there have probably been a total of some 4,000 federal judges of whom approximately 750 have been appointed in the past 30 years. In an Appendix, the author lists 55 Federal judges whose official conduct has been the subject of Congressional inquiry. Of these, eight were impeached (four were acquitted and four were convicted), nineteen resigned during investigation or after recommendation of impeachment, and six were censured. In the remaining 22 cases, the judges were either exonerated or no action was taken. In short, 33 out of some 4,000 judges—or less than one percent—were the subject of charges sufficiently serious to lead to impeachment, censure or resignation under fire. Mr. Borkin's book, published in 1962, cites no instance later than 1947 in which a federal judge has been the subject of investigation or charges.

The author finds "no discernible type of corrupt judge," but concludes from the Manton, Davis and Johnson cases that "unsettled economic conditions, particularly those associated with a depression, coupled with a deteriorating state of a judge's financial condition, produce a climate in which judicial corruption can flourish." This may be applicable to two of the three case studies—Manton and Davis—where speculation led to fiscal disaster, attempts to recoup and ever deeper involvement, turning the judges into easy marks for corruptors and even eager purveyors of their judicial functions. On the other hand, Mr. Borkin's broad conclusion would not appear

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