

carefully evaluating all of the evidence. Certainly this book is well written, definitely a page turner, but it pretty much repeats the same old storyline found in Flexner's *Traitor and Spy* and a smattering of other secondary source treatments. As such, Peggy Shippen Arnold remains an elusive—and certainly controversial—historical figure.

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Harvey Bartle III. *Mortals with Tremendous Responsibilities: A History of the United States District Court for the Eastern District of Pennsylvania* (Philadelphia: St. Joseph's University Press, 2011). Pp. 273, illustrations, preface, index. \$35.00.

There are ninety-four federal district courts in the United States. These are the courts where litigation begins; they are the “work horses” of the federal court system. In 2008–9 the US Supreme Court heard 87 cases, the United States Courts of Appeal heard 58,000 cases, and the United States District courts heard 353,00 cases. *Mortals with Tremendous Responsibilities* is the story of one of these federal district courts, the US District Court for the Eastern District of Pennsylvania. The federal court in Philadelphia was one of the first district courts set up by Congress in the Judiciary Act of 1789 and this book covers the court from its inception to the present. The author, Harvey Bartle III, was appointed to the court in 1991 and served as its Chief Judge from 2006 to 2011. The volume, according to Judge Bartle, “is intended not only to memorialize the story of this court, but also to serve as a reminder of the consequential role that this court has played” in the history of the federal judiciary.

Many of the important cases in the legal canon had their beginnings in the Eastern District Court. *U.S. v. E.C. Knight Co.* (1895) is one of them. The Supreme Court upheld the ruling of the Eastern Pennsylvania District Court that a monopoly of manufacturing did not mean a restraint of trade. This decision seriously weakened the Sherman Anti-Trust Act. *Lemon v. Kurtzman* (1971), dealing with the separation of church and state, also began in Pennsylvania. The question involved a Pennsylvania state law that provided public funds to pay teacher salaries in sectarian schools. The district court upheld the law, but the Supreme Court overturned the

district court and ruled this law was “an excessive entanglement between government and religion.” The Supreme Court did allow some governmental aid for sectarian schools and developed the “Lemon” test for allowable expenditures.

There are many such cases detailed by the author, cases that are important historically, or legally significant, or cases that are representative of a particular era. But also included in this history are little-known cases. Some of the unique cases include the case of seaman Holmes, who after a shipwreck threw fourteen passengers out of a sinking lifeboat to their deaths. He was charged with homicide but convicted of manslaughter and the sentence was later remitted. I wonder if the classic Ethics 101 problem of “who would you throw out of a life boat” originated with *United States v. Holmes* (1842).

The composition of the court reflected American legal society. Through the eighteenth and nineteenth centuries, and for most of the twentieth century, the justices were white, male, and mainly Protestant. Bartle’s history of the Pennsylvania district court is also a history of diversity in the legal profession. The first African American justice, A. Leon Higgenbotham Jr., was appointed by Lyndon Johnson in 1963. The first female justice, Norma Shapiro, was appointed by Jimmy Carter in 1978. There are now twenty-two justices sitting on the Eastern Pennsylvania District Court and they represent the multicultural nation we have become.

My criticism of the book is that it can be repetitious: one judge from an old Pennsylvania family and prestigious law firm succeeding another judge from an old Pennsylvania family and prestigious law firm. This narrative occurs over and over again and begins to resemble the first chapter of Matthew tracing the genealogy of Jesus. I realize the author feels all the justices of the court are important to the history of the court; I just wish the author had left some details to footnotes.

I believe this book would be a very good resource for graduate students looking for a thesis or dissertation topic. Much has been written about the decisions of the Supreme Court, but this book points out the need for more research on the early life of a case, where the first determination of the law occurs, in a district court. I would recommend *Mortals with Tremendous Responsibilities* for legal libraries, instructors of political science and history, and anyone interested in legal history. It is a fine historical narrative of an important federal district court.

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