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Book Reviews

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BOOK REVIEWS

THE PASSIVE JUDICIARY: PROSECUTORIAL DISCRETION AND THE GUILTY PLEA

By Abraham S. Goldstein

Baton Rouge and London: Louisiana State University Press, 1981. Pp. xi, 104, notes, index. $12.95.

Reviewed by *Donald G. Gifford**

The prosecutor is the dominant figure within the criminal justice system, yet courts and commentators traditionally have ignored the impact of the prosecutor's discretionary choices. During the past two decades, commentators, led by Kenneth Culp Davis, have begun to acknowledge the significance of prosecutorial discretion and have called for reforms based largely on internal controls such as written guidelines.[1] In *The Passive Judiciary: Prosecutorial Discretion and the Guilty Plea*, Abraham Goldstein, Sterling Professor of Law at Yale University and the former Dean at that school, goes beyond these earlier commentators and argues that courts must take the primary role in protecting both defendants and the public against abuses of prosecutorial discretion. Professor Goldstein suggests that because of the prosecutor's partisan role within the adversary system, reliance solely upon internal controls or the prosecutor's obligation as a "minister of justice"[2] is misplaced (pp. 6-7). Goldstein disagrees with earlier commentators who implied that courts are not able to play an effective role in controlling abuses of prosecutorial discretion (p. 73). He points to the anomaly of judges who are "imperial" elsewhere in asserting control over executive authority, but who are "passive" in second-guessing prosecutors' charging, dismissal and plea bargaining decisions, decisions that courts should be comparatively well equipped to deal with, according to Goldstein (pp. 55, 71).

The Passive Judiciary is based upon the Edward Douglass White lectures delivered at Louisiana State University in Baton Rouge, Louisiana in March, 1977. While disavowing any intent to "convert lectures into treatise" (p. 1), Professor Goldstein nevertheless presents a com-

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1. *See, e.g.*, 2 K. DAVIS, ADMINISTRATIVE LAW TREATISE 278-80 (2d ed. 1978); Abrams, *Internal Policy: Guiding the Exercise of Prosecutorial Discretion*, 19 U.C.L.A. L. REV. 1 (1971); Bubany & Skillern, *Taming the Dragon: An Administrative Law for Prosecutorial Decision Making*, 13 AM. CRIM. L. REV. 473, 495-505 (1976); Noll, *Controlling A Prosecutor's Screening Discretion Through Fuller Enforcement*, 29 SYRACUSE L. REV. 697, 707-12 (1978); Thomas & Fitch, *Prosecutorial Decision Making*, 13 AM. CRIM. L. REV. 507, 518-22 (1976).
2. *See* MODEL RULES OF PROFESSIONAL CONDUCT § 3.8, Comment (1981).

prehensive and well-documented overview of the formal exercises of prosecutorial discretion within the criminal process. Included in the discussion are the prosecutor's discretionary choices in charging (pp. 3-11), in granting dismissals or *nolle prosequi* (pp. 25-32), and in plea bargaining (pp. 33-51).

Professor Goldstein begins by describing the nature of prosecutorial discretion. In deciding whether to charge a suspect with a crime or whether to accept a plea to a lesser offense, the prosecutor considers not only whether there is sufficient evidence to prove that an offense has been committed, but also "equitable" and "practical" factors such as the circumstances of the instant offense, the offender's past record, the defendant's potential cooperation with law enforcement authorities, and the prosecutor's attitude toward the statute in question. Courts have been reluctant to review these decisions.[3] As Professor Goldstein remarks. "the courts seem almost to have forgotten principles of legality which they have enforced energetically elsewhere in the criminal law" (p. 5). When victims of crimes seek to compel prosecution, courts find that victims lack "standing" (p. 4).[4] When a defendant charged with a crime claims unequal treatment in the charging process, the courts hold that unequal treatment does not constitute a constitutional violation unless motivated by considerations of race, religion, or a desire to prevent the exercise of constitutional rights (p. 10).[5] Even when a defendant alleges such a violation, Professor Goldstein finds such "norms of equality and rationality . . . difficult to enforce in the courts" (p. 11).[6]

Professor Goldstein locates the origins of judicial reluctance to review charging decisions in the history of judicial review of the prosecutor's dismissal or termination of charges (pp. 12-24). Traditionally, courts did not review the prosecutor's decision to *nolle* charges; political accountability was regarded as a sufficient check on the prosecutor's actions. Professor Goldstein traces the development of reform in the early twentieth century, when courts for the first time assumed considerable control over the termination of charges. He notes that this movement toward greater judicial involvement, however, has been halted by separation of powers concerns of a constitutional dimension. Professor Goldstein uses Judge Edward Weinfeld's description of the separation of powers issue as an example of the contemporary judicial approach (p. 20). Judge Weinfield says that if the prosecutor's motion to dismiss were denied "The court in that circumstance would be without power to issue a mandamus or other order to compel prosecution of the indictment, since such a direction would invade the traditional sep-

3. *See* Gifford, *Equal Protection and the Prosecutor's Charging Decision: Enforcing an Ideal*, 49 GEO. WASH. L. REV. 659, 674-85, 709-16 (1981).
4. *See, e.g.*, Linda R. S. v. Richard D., 410 U.S. 614, 616-17 (1973).
5. *See, e.g.*, Oyler v. Boles, 368 U.S. 448, 456 (1962); United States v. Berrios, 501 F.2d 1207, 1211 (2d Cir. 1974).
6. *See also* Gifford, *supra* note 3, at 674-78.

aration of powers doctrine."[7] The discussion of the separation of powers issue is critical to Professor Goldstein's analysis. He believes this concern to be the primary articulated reason for judicial reluctance to review not only the prosecutor's dismissals, but also the charging and plea bargaining decisions (pp. 51, 53). Professor Goldstein argues that separation of power concerns should not prevent judicial review of the exercise of prosecutorial discretion (p. 54).

After a brief overview of the interplay of prosecutor and judge in conferring immunity from prosecution (pp. 25-32), Professor Goldstein turns his attention to judicial oversight of plea bargaining. Professor Goldstein avoids the error made by most courts and commentators who believe that because everyone—prosecutors and defense attorneys—consents to plea bargains, it therefore follows that the process is legitimate and desirable.[8] Professor Goldstein eloquently describes this illusion of legitimacy by consent:

> . . . everyone appears to benefit. The defendant avoids the risk of a heavier sentence than he in fact receives; his counsel obtains his fee with less effort; the prosecutor obtains a conviction without risking acquittal at trial; and the state determines guilt more economically because it is not put to its constitutional burden of proof. The only loser may be the public interest in maintaining a system of criminal justice based on complete accuracy and a constitutional procedure (p. 33).

Professor Goldstein rejects what he describes as the Supreme Court's "marketplace" model of plea bargaining (p. 37). He is concerned with the effect that inaccurate pleas—pleas that do not reflect the nature of the seriousness of the offense—have on sentencing and parole decisions and on statistical analysis of criminal activity. The result of routine plea bargaining, according to Professor Goldstein, is to frustrate the legislative purpose of how designated offenses are to be treated (p. 45).[9]

Because the buyers and the sellers in the market place of plea bargaining are not protecting correctional objectives in plea bargains, Professor Goldstein calls for a more active role for the judiciary to assure that the guilty plea is entered to a charge which accurately reflects the offense committed (p. 45). He argues that "the nature and meaning of a statutory body of criminal law" cannot be "left to partisans inevitably captive of their role" (pp. 45-6). However, in making this analysis, Professor Goldstein fails to recognize that the trial judge also is a "captive of his role" who wants to dispose of cases expeditiously through plea bargaining and who is not in the best position to prevent defendants

7. United States v. Greater Blouse, Skirt & Neckwear Contractors Association, 228 F. Supp. 483, 489-90 (S.D.N.Y. 1964).

8. *See, e.g.*, Brady v. United States, 397 U.S. 742, 750-53 (1969); United States v. Krasn, 614 F.2d 1229, 1233 (9th Cir. 1980); United States v. Swinehart, 614 F.2d 853, 858 (3rd Cir.), *cert. denied* 449 U.S. 827 (1980); Church, *In Defense of Bargain Justice*, 13 LAW & SOC'Y REV. 509, 511-13 (1979).

9. *See* Gifford, *Meaningful Reform of Plea Bargaining: The Control of Prosecutorial Discretion*, 1983 UNIV. ILL. L. REV. 37, 66-70 (1983).

from pleading to offenses not reflecting the seriousness of their activities.[10]

Professor Goldstein appears to be urging the abolition of plea bargaining in most cases, except where the prosecutor cannot prove the original charges (pp. 45-47). He suggests that the sentencing judge can accommodate most of the current objectives of plea bargaining, including individualizing justice and encouraging cooperation with law enforcement authorities, through sentencing concessions. Implementation of Professor Goldstein's approach would substantially reduce plea bargaining because in most plea bargains the primary factor is the prosecutor's attempt to individualize justice by taking into account the circumstances of the offense and the characteristics of the offender,[11] factors which Professor Goldstein would disallow. This significant reduction in plea bargaining, according to Professor Goldstein, can be accomplished by judicial rejection of plea bargains. He does not address the feasibility of this approach in view of the judicial self-interest in encouraging plea bargaining.

Having described the important roles played by prosecutorial discretion in the criminal process and the current unwillingness of courts to review the exercise of such discretion, Professor Goldstein's solution is more active judicial scrutiny of dismissals and grants of immunity, as well as plea bargains. He suggests that prosecutors be forced to offer a "rational explanation" when making such a decision (p. 60). The court would then review the prosecutor's decision and the articulated explanation to ensure that the prosecutor's decision is rationally related to a legitimate law enforcement objective and is consistent with the way similar offenders have been treated (pp. 58-67). Professor Goldstein acknowledges that because such requirements would be met with strong institutional pressures from prosecutors, judges may need to independently investigate the facts of the case by reviewing the prosecutor's files and even by calling witnesses to testify at hearings (pp. 68-69). Professor Goldstein forsees that gradually a "common law of prosecutorial discretion" will develop to guide prosecutors' discretionary decisions and judicial review of such decisions.

Professor Goldstein makes an important contribution when he suggests that the victims of crimes be given a greater role in formally participating in decisions on dismissals, charge reductions, guilty pleas and sentencing (pp. 70-73).[12] This new role for the victim apparently would

10. Professors Rossett and Cressey describe the trial judge as one member of the "Committee on Criminal Justice":

> In that system, a single judge, prosecutor and public defender serve the same courtroom, collectively processing all the felony cases coming into it. The three members of the committee work with each other daily, face-to-face, sometimes for years. These justice committees, like all committees, develop stereotyped routines which get cases processed but which give only passing individual attention to each.

A. ROSSETT & D. CRESSEY, JUSTICE BY CONSENT 173 (1976).

11. *See* Gifford, *supra* note 9, at 42-45.

12. For similar suggestions that victims be given a role in the plea bargaining and sentencing

be to offer testimony and informal input to the judge before the judge approves the prosecutor's decision (p. 69). Professor Goldstein understands the important role of the victim in breaking up the consensus achieved by the "Committee of Justice":[13] "It would provide the judge with a party who has a genuine interest in challenging and correcting the version of facts and law proferred by the prosecutor or defense counsel or both" (p. 73).

Professor Goldstein's central thesis is that courts possess the competence, and indeed the obligation, to review prosecutorial discretion. He correctly and expressly rejects "the error of most recent commentators" who, according to Goldstein's view, argue that the judiciary "cannot play an effective role" in controlling prosecutorial discretion (p. 73). In itself, it is an important contribution for a scholar of Professor Goldstein's magnitude to be urging courts to be more active in scrutinizing prosecutorial discretion. One can hope that the judiciary heeds Professor Goldstein's call to arms, and if they do, *The Passive Judiciary* is an immensely important book.

The difficulty with *The Passive Judiciary* is that it promises too much for the courts' ability to oversee prosecutorial discretion. Professor Goldstein is correct when he suggests that the real explanation for judicial resistance to supervision of prosecutorial discretion is concern about the institutional competence of the judiciary to undertake this task (pp. 54-55).[14] Professor Goldstein passes over these difficulties too lightly, however, when he states that "the prosecutor's decisions are no more intricate than others routinely dealt with by judges" (p. 55). Admittedly, the problem of institutional competence is not one of expertise; the judiciary is well qualified to pass upon questions of the sufficiency of evidence and the appropriateness of considering mitigating factors in handling the defendant's case. The difficulty in judicial review of prosecutorial discretion rather stems from two interrelated factors largely ignored by Professor Goldstein.

First, the development of a workable body of common law governing prosecutorial discretion is not administratively feasible. When justifying his decision to dismiss a charge or to accept a plea to a lesser offense, the prosecutor might routinely state that there is not sufficient evidence to convict the defendant on the original charge. For the judge

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processes, see N. MORRIS, THE FUTURE OF IMPRISONMENT 55-57 (1974); A. ROSSETT & D. CRESSEY, JUSTICE BY CONSENT 174 (1976); Gifford, *Meaningful Reform of Plea Bargaining: The Control of Prosecutorial Discretion*, 1983 UNIV. ILL. L. REV. 37, 90-95 (1983). A number of jurisdictions formally allow victims some input into these decisions. *See, e.g.*, FLA. STAT. ANN. § 921.143 (West Supp. 1982); N.Y. CRIM. PROC. LAW § 170.40 (McKinney (1981). Studies suggest that victim input is feasible, and that victims generally are not intransigent when involved in the process. *See* W. KERSTETTER & A. HEINZ, PRETRIAL SETTLEMENT CONFERENCE: AN EVALUATION 44-46, 131 (1978).

13. Professor Goldstein describes the often accommodative relationship between prosecutor and defense attorney as follows: "By the time the matter is presented to a court, defense counsel and prosecutor may no longer be at odds; they may be in agreement and have a stake in blurring the underlying facts." (p. 70). *See also supra* note 10 and accompanying text.

14. *See also* Gifford, *supra* note 3, at 682-85.

to independently verify the lack of sufficient evidence may be impossible, and at the very least is difficult and would involve hearings approaching full-blown trials in length and complexity. To develop "a common law" of prosecutorial discretion would require the trial court to write an opinion when ruling on a motion to dismiss or when approving a plea bargain; meaningful common law requires written opinions to be used as precedents and presumably appellate review.[15] While it is true, as Professor Goldstein argues, that courts frequently address issues that are more complex, the difficulty of judicial overview obviously is increased enormously when this judicial inquiry may be required in even the most trivial of the hundreds of thousands of criminal cases each year which involve dismissals or plea bargains.

The second factor making judicial review difficult is the wide variety of factors the prosecutor may consider in deciding to dismiss a charge or to plea bargain, including the sufficiency of the evidence, the defendant's cooperation with law enforcement authorities, and equitable factors such as the circumstances of the offense and the characteristics of the offender. In all or almost all cases, the prosecutor will be able to justify his decisions as rationally related to some law enforcement objective.[16] Professor Goldstein's requirement of a reasoned explanation, without more, will do little other than to grant a judicial imprimatur to the prosecutor's decision. Professor Goldstein virtually admits this point when he states that most prosecutorial strategies "would be upheld because they are rational accommodations of overlapping or conflicting statutes and available resources" (p. 63). Professor Goldstein apparently would restrict the objectives of plea bargaining and would disallow plea bargains justified by the prosecutor on the grounds of equitable factors relating to the circumstances of the offense or the characteristics of the offender. Such an attempt to restrict plea bargains probably would fail, as similar restrictions in the past have failed, because it is in the institutional interests of prosecutors, defense attorneys, and judges to undermine such bans.[17]

Throughout this book Professor Goldstein appears to discourage reliance on internal controls over prosecutorial discretion, such as guidelines, and urges instead the remedy of judicial review (pp. 52, 73). Yet ultimately, it is a combination of internal controls and judicial review

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15. For detailed discussions of the requirement of written opinions as an essential element of common law adjudication, see generally W. REYNOLDS, JUDICIAL PROCESS 57-61 (1980); Reynolds & Richman, *The Non-Precedential Precedent — Limited Publication and No-Citation Rules in the United States Courts of Appeals*, 78 COLUM. L. REV. 1167, 1189-94 (1978).
16. *See generally* Ely, *Legislative and Administrative Motivation in Constitutional Law*, 79 YALE L.J. 1205, 1208, 1235-49 (1970).
17. *See generally*, *e.g.*, M. RUBINSTEIN, S. CLARKE & T. WHITE, ALASKA BANS PLEA BARGAINING 17-28, 237-38 (1980); Church, *Plea Bargains, Concessions and the Courts: Analysis of a Quasi-Experiment*, 10 L. & SOC. REV. 377, 384-400 (1976); Heumann & Loftin, *Mandatory Sentencing and the Abolition of Plea Bargaining: The Michigan Felony Firearm Statute*, 13 L. & SOC. REV. 393, 416-24 (1979); Mathey, *Some Determinants of the Methods of Case Disposition: Decision-Making by Public Defenders in Los Angeles*, 8 L. & SOC. REV. 187, 190 (1973).

which will allow for meaningful judicial scrutiny of the prosecutor's discretionary choices in plea bargaining and in dismissals. Specific guidelines listing factors that the prosecutor can take into account and indicating the legal consequences warranted by the presence of each factor are necessary if courts are to be able to decide that the prosecutor's decision is not "rational." Some reliance on prosecutors' willingness and ability to police themselves, except in egregious cases when the judiciary should intervene, is necessary if the control of prosecutorial discretion is ever to become a reality. In his concluding paragraphs, Professor Goldstein reaches this synthesis himself and talks about combining "formal rules," reasoned explanations and judicial review. Ultimately Professor Goldstein does not urge a mutually exclusive or competing way to control prosecutorial discretion, but rather a shift in emphasis away from exclusive reliance on prosecutors' ability to govern themselves and toward mutual obligations to be shared by courts and prosecutors.

With its origins in a stimulating series of lectures, *The Passive Judiciary* does not purport to offer a detailed prescription for how the judiciary should control prosecutorial discretion. Nor does Professor Goldstein's book offer precisely the mixture of internal controls and judicial mechanisms which this reviewer believes is most feasible.[18] What it does do is identify the exercise of prosecutorial discretion as an important area that courts have been reluctant to review and to argue effectively that the articulated reasons for judicial abdication are not convincing. These accomplishments alone make *The Passive Judiciary* a very important contribution and required reading for judges and prosecutors alike.

18. *See generally*, Gifford, *supra* note 9, at 74-90; Gifford, *supra* note 3, at 685-709.

THE EDUCATION OF DAVID STOCKMAN AND OTHER AMERICANS.

By William Greider

New York: E.P. Dutton, Inc., 1982. Pp. xxx, 159, appendix. $5.95 paper.

Reviewed by *Jeanne J. Swartz* * and *Thomas R. Swartz* **

If you have read William Greider's essay in *The Atlantic* entitled "The Education of David Stockman,"[1] skip this book. Fully one-half of this short book is a reproduction of that article. The remainder of the book represents an inadequate attempt by Greider and his publisher, E.P. Dutton, Inc., to justify reprinting this article in book form. However, if you have not read Greider's essay, which shook the public's confidence in the Reagan Administration in December 1981, then this book is highly recommended. Although Greider does not appear to fully recognize it, his essay may be more relevant today than it was eighteen months ago when it first appeared in print. The continued relevance of Greider's essay raises at least three conspicuous questions which the author fails to address:

(1) Why is the Stockman story still relevant eighteen months after it first appeared in print?
(2) What does it tell us about current policy?
(3) Does it provide any valuable insights into President Reagan's policy during the second half of his first term of office?

Greider would have us examine the appearance of his original article as a moment in history. To this end, he provides the reader with the blue-print that Stockman brought with him to the Office of Management and Budget (pp. 139-59) and the reasons why Stockman would be so candid in his remarks (pp. xiii-xxx).

Greider's book pleads for you to remember Greider's moment in the sun. He wants you to remember that it was his article that forced the teary-eyed Stockman to face the national media and explain that his luncheon with the President was "more in the nature of a visit to the woodshed after supper."[2] Greider wants you to remember that it was his article that gave us all those damning quotes:

We are interested in curtailing weak claims rather than weak cli-

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1. Greider, *The Education of David Stockman*, ATLANTIC, Dec. 1981, at 27.
2. *Transcript of Stockman's Statement and News Conference*, N.Y. Times, Nov. 13, 1981. at 38, col. 1.

> ents. . . We have to show that we are willing to attack powerful clients with weak claims (p. 13).
>
> Laffer sold us a bill of goods (p. 16).
>
> I don't have time, trying to put this whole package together in three weeks, so you just start making snap judgments. (p. 28).
>
> The defense budget. . . (is) a kind of swamp of $10 to $20 to $30 billion worth of waste that can be ferreted out if you really push hard (p. 25).
>
> Equity ornaments (p. 26).
>
> None of us really understands what's going on with all these numbers (p. 33).
>
> I'm just not going to spend a lot of political capital solving some other guy's problem in (the year) 2010 (p. 41).
>
> I don't believe too much in the momentum theory any more (p. 44).
>
> I have a new theory—there are no *real* conservatives in Congress (p. 44).
>
> I've never believed that just cutting taxes alone will cause output and employment to expand (p. 49).
>
> But, I mean, Kemp-Roth was always a Trojan horse to bring down the top rate (p. 49).
>
> It's kind of hard to sell 'trickle down'. . . so the supply-side formula was the only way to get a tax policy that was really 'trickle down'. Supply-side is 'trickle down' theory (p. 50).
>
> Defense is setting itself up for a big fall (p. 61).
>
> Some of the naive supply-siders just missed the whole dimension. . . You don't stop inflation without some kind of dislocation. . . The supply-siders have gone too far (p. 65).
>
> Whenever there are great strains or changes in the economic system. . .it tends to generate crackpot theories, which then find their way into legislative channels. (p. 66).

These are the words that have appeared and reappeared in our popular press. However, if we are to benefit from "Stockman's education," we must go beyond the shock value of these words and see if they provide us a glimpse of future policy initiatives.

What is most apparent in the Greider interviews with Stockman is the fact that Reaganomics was premised on faith. The public had to believe. If the public did believe, President Reagan's "economic miracle" might have become a reality while he was still in his first year in office. However, it soon became clear that one key group did not have the necessary faith—the business community. They did not respond to these new policies by rushing into the marketplace and investing. Instead the rate of business investment steadily fell during 1981 and 1982 as business decision makers responded to high interest rates and the presence of inflationary pressures which they believed to still throttle our domestic economy.

The more time that passes, the less confidence the public will have in this policy. Since more than two years have now passed and the economy still has not responded, it is unlikely that a "miracle" will be

witnessed. However, that does not mean that the Reagan administration will chart a new course. Reagan administration officials want to believe in this policy. They want it to succeed—for them, it is intimately intertwined with their philosophic roots or as Stockman says their view of "how the world works".

If supply-side economics does not set in motion a massive burst of economic activity, then we are likely to encounter some very predictable economic conditions. First and foremost will be the presence of record-breaking deficits. Some Reagan estimates suggest that his first budget year—fiscal 1982—resulted in a budget deficit in excess of $100 billion and that budget deficits will climb as high as $182 billion in fiscal 1983 and as much as $233 billion in fiscal 1985, unless public policy is dramatically changed. In the face of these deficits, relatively few policy options are available to the Reagan Administration. One policy option, however, is obvious. The Administration will continue to plea for further reductions in domestic spending.

The Administration has embarked upon a rather interesting course of action. Instead of maintaining an optimistic profile, it has chosen to convey a highly pessimistic countenance. This serves two purposes. First, when the economy begins to recover, the Reagan Administration can claim that its policies are working even better than expected. Second, and perhaps more importantly, these pessimistic forecasts exaggerate the financial plight of two major domestic expenditure programs: Social Security and Medicare/Medicaid. The Administration's posture allows it to argue for much deeper cuts in these programs than would be the case if it was forecasting a far more vigorous recovery.

It must be kept in mind, however, that crying wolf may indeed be the only option this administration has left. For without a robust economic recovery, even deep cuts in these "sacred cows" will do little to offset the projected budget deficits. Stockman is abundantly clear on this point: "Once you set aside defense and Social Security, the Medicare complex, and a few other sacred cows of minor dimension, like the VA and the FBI, you have less than $200 billion worth of discretionary room-only $144 billion after you cut all easy discretionary programs this year" (p. 39). That is, after the spending cuts of the first year, you would have to "zero out" all other domestic programs and make deep cuts in Social Security and Medicare/Medicaid if you were to eliminate the $233 billion deficit that Reagan's people are now forecasting. Without an economic program to stimulate the economy *there are no easy answers*. By now even the most dedicated Reagan supporters now understand this basic fact. In Stockman's words, "they really thought you could find $144 billion worth of waste, fraud and abuse" (p. 40).

In summary, Greider's essay not only provided headlines when it was released in December, 1981, but it provides a benchmark by which we can interpret current policy. It should be clear even to the uniniti-

ated, that the Administration's economic stimulus programs have failed. We as a nation did not have the necessary faith. The economy will recover, but its recovery will only provide proof that even a disasterous public policy can not long dampen the immense energy of our economic system. What remains for this Administration? Stockman *et al.* will continue to strip away as many domestic programs as they can before their time runs out. How will they justify this? If you have to ask that question, perhaps you should buy this book and reread Greider's essay.