
RECENT PUBLICATIONS

THE TRAGEDY OF WILLIAM JENNINGS BRYAN: CONSTITUTIONAL LAW AND THE POLITICS OF BACKLASH. By Gerard N. Magliocca. New Haven, Conn.: Yale University Press. 2011. Pp. x, 238. \$40.00. History has not been kind to William Jennings Bryan, portraying him as the man who lost three presidential elections and unpersuasively opposed teaching evolution in the *Scopes* trial. In *The Tragedy of William Jennings Bryan*, Professor Gerard N. Magliocca argues that Bryan sparked an even larger, though lesser-known, defeat: a dramatic transformation in constitutional law in which the legal and political establishment fought back against Bryan and the Populist movement. In the 1890s, the Supreme Court established several new constitutional principles to thwart the Populists' goals of redistributing wealth, nationalizing industry, and building a biracial political coalition in the South. Magliocca examines both the sociopolitical conditions that led to the Populist movement's rise and the political backlash that caused the movement's fall as evident in Court decisions in the fields of contract, property, tax, and civil liberties. This book — a bold rethinking of the causes and catalysts of constitutional developments during the Progressive Era and beyond — could inspire reevaluations of other social and political movements that had unexpected effects on constitutional interpretation, politics, and the law.

THE JUDICIAL POWER OF THE PURSE: HOW COURTS FUND NATIONAL DEFENSE IN TIMES OF CRISIS. By Nancy Staudt. Chicago, Ill.: University of Chicago Press. 2011. Pp. xii, 199. \$25.00. Congressional declarations of war, troop deployments, and revenue-raising laws are familiar legislative and executive responses to foreign policy crises. According to this innovative study of judicial decisionmaking, they also function as cues to Supreme Court Justices, who strategically adjust federal budgetary constraints in pursuit of the optimal level of national defense consumption. Investigating thousands of Supreme Court and lower federal court opinions, courtroom filings, and law clerk memoranda, Professor Nancy Staudt exposes the implicit judicial power of the purse, presenting compelling evidence that in fiscal and tax matters between the government and private parties, Justices support the government when cues from the elected branches indicate that costly military activities are necessary for national security but side with private parties when credible cues signal that military activities are excessive. Staudt's thesis dynamically expands the scholarly understanding of the macro-level factors that influence judicial decisionmaking. This book challenges conventional perceptions of federal power dynamics and revives the debate over the extent to which considerations of national interests should sway judicial preferences.