
RECENT PUBLICATIONS

WE MUST NOT BE AFRAID TO BE FREE: STORIES OF FREE EXPRESSION IN AMERICA. By Ronald K.L. Collins & Sam Chaltain. New York, N.Y.: Oxford University Press. 2011. Pp. 439. \$34.95. In championing an absolutist interpretation of the First Amendment in a dissent to a 1961 Supreme Court decision, Justice Black closed by asserting: "We must not be afraid to be free." Drawing inspiration from Justice Black and his unyielding commitment to free speech, even in the face of powerful impulses to curb it, this new book by Professor Ronald Collins and educator Sam Chaltain offers a set of rich and nuanced accounts of landmark First Amendment cases of the twentieth century. The authors' description of these episodes — ranging from the Court's upholding of Benjamin Gitlow's conviction in 1925 for advocating the overthrow of the government to the Court's defense of newspapers' right to publish the Pentagon Papers in 1971 — skillfully blends history and doctrine, furnishing the reader with an introduction to core free speech cases through vivid and real-life accounts of the parties, judges, and attorneys involved. Collins and Chaltain thus successfully "bring to life the law and history of the First Amendment" (p. 3), providing a deeply engaging work of scholarship for general readers and students of the law alike.

CONVICTING THE INNOCENT: WHERE CRIMINAL PROSECUTIONS GO WRONG. By Brandon L. Garrett. Cambridge, Mass.: Harvard University Press. 2011. Pp. 367. \$39.95. Since the introduction of DNA testing in the late 1980s, several hundred innocent people have been exonerated by the technology, many while on death row. In this sobering new book, Professor Brandon Garrett mines the trial records of the first 250 individuals who were exonerated by DNA testing, in search of how and why justice failed them. Through the stories of the wrongfully convicted, Garrett exposes the systemic problems in the American criminal justice system that taint criminal investigations, trials, and appeals. In seventy-six percent of the 250 cases studied, for example, eyewitnesses misidentified the exoneree; in sixteen percent, exonerees were damned by false confessions. Notably, Garrett accuses the relevant actors not of bad faith but of inadvertent error. As he argues, "[h]uman error may be inevitable, but it can be minimized" (p. 269). To that end, Garrett supplements his analysis of these failures with sensible proposals for reform, such as instituting double-blind procedures for police lineups, requiring interrogations to be recorded in their entirety, and subjecting forensic laboratories to independent oversight and audits. Compelling and meticulously researched, *Convicting the Innocent* casts light on this harrowing issue and points a way forward.

LOCAL REDISTRIBUTION AND LOCAL DEMOCRACY: INTEREST GROUPS AND THE COURTS. By Clayton P. Gillette. New Haven, Conn.: Yale University Press. 2011. Pp. xiii, 235. \$50.00. According to the traditional theory of urban finance, any local redistribution of wealth is likely to chase away a locality's wealthier citizens and more successful businesses. Yet virtually every major locality in the United States redistributes wealth through policies such as living wage ordinances, subsidies for public stadiums, tax exemptions for businesses, and the exercise of eminent domain. How can this be so? In this sophisticated new book, Professor Clayton Gillette resolves this apparent contradiction. Gillette argues that local governments may redistribute wealth for benign reasons, such as local preferences for altruism and localized benefits of redistribution, as well as for malign reasons, such as the disproportionate political influence of a dominant interest group. As a result, Gillette argues, courts evaluating the validity of locally redistributive programs should look to the political processes through which those programs were enacted to ensure that only locally redistributive policies enacted for malign reasons are struck down. He discusses how doctrines that pervade state constitutions give the judiciary the means with which to address malign redistribution policies. Eschewing formalistic theorizing, this book engages in a thoughtful account of how altruism, community building, and diversity may motivate locally redistributive policies. Gillette's book will be of interest to legal scholars, political scientists, and municipal policymakers alike.

COLLATERAL KNOWLEDGE: LEGAL REASONING IN THE GLOBAL FINANCIAL MARKETS. By Annelise Riles. Chicago, Ill.: University of Chicago Press. 2011. Pp. xii, 295. \$27.50. The recent global financial crisis has brought new life to debates over the proper role of state financial regulation. In *Collateral Knowledge*, Professor Annelise Riles brings a fresh and thought-provoking perspective to the conversation. Rather than handicapping the quotidian question of the costs and benefits of regulation, Riles argues that de facto financial regulation comes from market actors on the ground — office staff, investors, and lawyers. Riles invokes the use of collateral in financial agreements as an example of the type of technical minutiae that form the basis of global financial regulation. By understanding these technical aspects of financial markets, Riles suggests, we can move toward reform efforts that are both more effective and democratized. Perhaps the most compelling contribution of *Collateral Knowledge* is Riles's reliance on her decade of ethnographic fieldwork in Tokyo's financial markets to detect what truly moves market actors. *Collateral Knowledge* is a worthwhile contribution to the discussion of the global financial crisis and the more democratic path we should forge in its wake.