

Richard M. Vallyly, *The Two Reconstructions: The Struggle for Black Enfranchisement*, Chicago and London: University of Chicago Press, 2004. Pp. 330. \$58 cloth (ISBN 0-226-84528-1); \$22.50 paper (ISBN 0-226-84530-3).

This is the best work ever written comparing Reconstruction after the Civil War with the reconstruction of race relations since World War II. Combining a mastery of the vast historical literature with a political scientist's emphasis on the ways coalitions and institutions are built, maintained, and eroded, Vallyly convincingly pushes economic and cultural factors to the side and restores mass and judicial politics to their rightful place at the center of the history of racial change in America. On questions large and small—for instance, the importance of black activism, the significance of the Union Leagues in the First Reconstruction and the NAACP in the Second, and the contingency and power of Supreme Court decisions—Vallyly consistently illuminates.

No one has explained more concisely why late nineteenth-century southern Republican parties were weak—because the party had no choice but to attempt “‘crash’ party-building in a war-torn land that was riddled with a historically violent political culture with a strong tendency toward one-partyism” (75). Yet, he notes correctly, these Republican parties effected substantial policy change during Reconstruction in civil rights and labor laws, land reform, biracial office-holding, and most of all, education. And the Reconstruction-era Republican parties were vital organizations with ancillary movement institutions—newspapers, militias, labor unions.

Nonetheless, Republican attempts to rebuild and expand the devastated southern infrastructure and extend governmental services to blacks and poor whites, who had largely been excluded from enjoying them before the War, were expensive, and they were bound to fail in the first economic downturn of the boom-and-bust nineteenth century economy. These efforts saddled the Republicans with a reputation for high taxes and corruption, and the depression of 1873–79 exacerbated the often bitter Republican factionalism of blacks against whites, southerners against both black and white carpetbaggers, and simply personal and economic interests against each other. Political violence by Democrats, unmatched elsewhere or at any other time in American history and few times in European history, stunted fledgling Republican organizations. But neither Republican policies, nor party divisions, nor Democratic violence immediately produced a solid South.

Reformers, Vallyly argues persuasively, tried to buttress African-American rights through a robust, nationalist “Republican constitutionalism” (105), consisting not only of the Thirteenth, Fourteenth, and Fifteenth Amendments, but also of the far-reaching Enforcement Acts of 1870–72, which sought to shelter individuals from the actions of private citizens, as well as of states. The Grant Administration rapidly increased prosecutions and judicial resources in the South in the early 1870s, temporarily suppressing the Klan in the Carolinas. What sapped the power of this legal revolution was the severe limits that the Supreme Court very quickly put on national power, contrary to the framers' intentions, in *The Slaughterhouse Cases* (1873) and *U.S. v. Cruikshank* (1876). When the Court later opened a window for federal election regulation, the first southern filibuster against legislation

supported by a president and majorities of both houses of Congress slammed it shut, defeating the Lodge Elections Bill of 1890 and allowing the southern states to proceed with the sequence of late nineteenth-century disfranchisement laws and constitutional amendments. Disfranchising blacks, but counting them for the purposes of representation in Congress and the electoral college, ironically handed southern Democrats enough power to delay until the 1960s the reconstruction of Reconstruction.

Like the northern Republicans of the First Reconstruction, northern Democrats from 1948 through the 1960s adopted pro-black policies, Valelly insists, because they needed black votes. Unlike the rapid initial enfranchisement of the 1860s, reenfranchisement after the outlawing of the white primary in 1944 proceeded gradually, and it has not (yet) been undone. The Supreme Court's decisions early in the Second Reconstruction, he emphasizes, had the opposite effect of its holdings early in the First Reconstruction, encouraging the elaboration of protections for minority rights, instead of squelching such protections. Although Valelly's analysis of coalitional strategies and movement developments in the two Reconstructions is as innovative as it is instructive, his parallels with the religious, non-electoral, intra-competitive modern Civil Rights Movement might have seemed even stronger if he had treated the abolitionists as part of the First Reconstruction. But this is a minor cavil.

Historians rarely compare different periods explicitly and almost never with the analytical rigor and mastery that Valelly continually displays. Political scientists and law professors rarely see events or decisions as so contingent as he does—the brief openings when the Fourteenth and Fifteenth Amendments and the 1965 Voting Rights Act could have passed, the crucial timing of Justice Joseph P. Bradley's circuit court opinion in *Cruikshank*, the fortuitous necessity of renewing part of the Voting Rights Act just after the potentially devastating *Bolden* decision in 1980. Valelly's unique perspective and perspicuity should remind us that the course of civil rights has never been inevitable, that the Supreme Court may, as it has before, foster retrogression, and that for minority rights to persist in a majoritarian democracy, the interests of the political coalition protecting the minority must outweigh those of the party benefitting from the minority's suppression. Reconstructions, never before so well studied as in Valelly's book, are inevitable in any ethnically or religiously pluralistic democracy.

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David S. Tanenhaus, *Juvenile Justice in the Making*, New York: Oxford University Press, 2004. \$35 cloth (ISBN 0-18-516045-2); \$18.95 paper (ISBN 0-19-530650-3).

Juvenile Justice concisely explores the development of the juvenile court system in Chicago from the 1890s through the 1930s. In the process, it analyzes shifting social constructions of the definition and causes of juvenile delinquency. The book