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Book Review of The Supreme Court under Edward Douglass White, 1910–1921, by Walter F. Pratt, Jr.

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economist Edwin Kemmerer of Princeton University. The worldview of these powerful men "celebrated both capitalism and imperialism" (p. 16).

The financial missionaries took their nascent professional-managerial expertise to Latin America (especially to the Caribbean and the Andes), the Near East, and Europe after the Great War. As practiced, dollar diplomacy contained assumptions about America's strategic priorities, the need for economic and banking modernization, and the centrality of race and manhood to the conduct of human affairs. Rosenberg chooses to focus upon the latter two. Incredibly, civilization itself—at least as the dollar diplomats understood it—depended upon the success of financial advising. This belief, indicative of their cultural outlook, led to flexibility in financial and commercial matters by politicians, bankers, and their agents. In the Americas, for example, what occurred in the Dominican Republic around 1905 became the basic model for dollar diplomacy elsewhere in the region. The actions of the U.S. government changed over time from deploying military force to negotiating agreements in order to install financial agents acceptable to investment banks headquartered in New York City.

Rosenberg is especially suggestive concerning the race and gender context of America's financial activities after the War of 1898. Kemmerer "would explicitly frame his economic advising in terms of manliness" (p. 35). On a policy level, the Roosevelt Corollary to the Monroe Doctrine reflected a unique mixture of duty, threat, and destiny to "organize and uplift child-like races" (p. 39). The Caribbean and its environs served as a laboratory for this civilizing mission. In the process, expertise in the daily business of commerce and finance became the engine of U.S. global prestige.

America's financial missionaries were consequently aware of the many perils in the world they were seeking to reshape. During the 1920s, the unilateral approach that served public and private interests in Latin America readily gave way to cooperative ventures with non-American bankers in Europe. Given the troubles afflicting Europe's postwar economy, America's agents, such as Charles S. Dewey in Poland, were not as capable as they should have been. Dollar diplomacy 1920s-style accordingly made few friends in Europe, or in Persia for that matter. The power of nationalism was decidedly greater than the allure of economic stabilization and integration.

Rosenberg's most important chapter, "Faith in Professionalism, Fascination with Primitivism," is conceptually rich yet suffers somewhat from insufficient documentation. She makes a plausible case, however, that the civilizing financial mission of the United States in the first three decades of the century, as manifested in America's relations "with unfamiliar and racially different lands . . . fed a fascination with the 'primitive,' that is, with those seen to be at a lower level of the chain of development" (p. 199). Not all Americans accepted the imperial mission inherent in dollar diplomacy. Some of its foes in public and private life deeply

distrusted the new power of bankers, while others believed that the exercise of financial power abroad was imperialistic and therefore dangerous to America's own liberties. One critic of the excesses of dollar diplomacy, overlooked by Rosenberg, was Herbert Hoover.

Ultimately, dollar diplomacy failed. There were too few qualified economic and financial experts to do the difficult job of advising; reputations of advisers themselves too often mattered more than did sound policy; and even though financial advisers may have been needed abroad, they were not necessarily trusted by host governments. Rosenberg's remarkable book removes the illusion of impartiality that has too often been central to the history of those financial experts who were employed as dollar diplomats. In so doing, she has solidified her position as a leading scholar of culture and gender in international history.

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WALTER F. PRATT, JR. *The Supreme Court under Edward Douglass White, 1910–1921*. (Chief Justiceships of the United States Supreme Court.) Columbia: University of South Carolina Press. 1999. Pp. xx, 296. \$39.95.

The practice of using chief justices to define periods in Supreme Court history is an imperfect device at best, and to his credit Walter F. Pratt, Jr. does not try to inflate the significance of his thoughtful study. "I cannot argue," he tells us, "that the White Court crafted a distinctive identity for itself" (p. xviii). Instead, he seeks to explore the gradual and nuanced processes of judicial change as the Court moved from the problems and assumptions of nineteenth-century jurisprudence to those of the twentieth.

Pratt adopts a chronological approach, examining in sequence each of the eleven terms over which Edward Douglass White presided. He seeks to capture the general flavor of each: relevant social and political background, contributions of individual justices, the size and content of the docket, and the Court's ordinary as well as famous cases. The advantages and disadvantages of the approach are apparent. On the positive side, it roots the Court firmly in a slowly evolving context and suggests a variety of possible interconnections between its decisions and contemporaneous but doctrinally unrelated matters, whether internal or external to the Court. On the negative side, it tends to obscure major developments and to diffuse Pratt's general arguments. Such an approach demands a substantial concluding chapter which, unfortunately, is lacking.

Pratt's analysis, however, is provocative, and it focuses on the challenges the Court faced in dealing with broad transformations in American life and government. Around that theme the book develops four interrelated arguments. First, it maintains that the White Court was caught in the early stages of the

transformation, usually catching mere "glimpses" of the future while looking to the past for guidance. Second, it stresses the extent to which the justices tried to apply the rules and concepts of the law by drawing on "shared meanings" that had developed in the nineteenth century from the common experiences of American life. The dynamic and diverse life of the twentieth century was fracturing those shared meanings, however, and increasingly the justices found them outmoded guides. Third, the book highlights the centrality of words and the imprecise and shifting nature of their meanings. Striving to apply inherited concepts, Pratt writes, "the justices found that they could not deal with those transformations without changing the meaning of words with which they had become familiar" (p. xvii). The words of the law evolved and took on new meanings in spite of the effort of the justices to hold them in place, and legal change came indirectly and often unintentionally. Not surprisingly, the number of dissents gradually rose, doubling from the first half of White's tenure to the second half.

Finally, the book argues, the most significant turning point in the White Court was the appointment in 1916 of Louis D. Brandeis, "the one justice who is best suited to deal with the new meanings" (p. xviii). The new justice recognized the malleability of words and appreciated the need to go beyond them by studying the human reality to which they referred. Brandeis's emphasis on change, social complexity, and the need for empirical research, Pratt argues, helped to replace nineteenth-century assumptions with what became "a credo for the twentieth century's jurisprudence" (p. 212).

Pratt has made a useful contribution to the literature of Supreme Court history. Most obviously, he confirms the fact that the Court rejected the vast majority of challenges to state and federal regulatory laws and that it sanctioned a substantial expansion of federal power under the Commerce Clause even while enforcing some judicial limits. Moreover, he points to the significance of the Court's slowly growing but still limited control over its docket, highlighting the fact that the Court continued to hear large numbers of relatively trivial cases and that it still lacked the ability to enforce its own independent agenda. The book is an able introduction both to the Supreme Court under White and to the emerging constitutional jurisprudence of the twentieth century.

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DAVID ALISTAIR YALOF. *Pursuit of Justices: Presidential Politics and the Selection of Supreme Court Nominees*. Chicago: University of Chicago Press. 1999. Pp. x, 296. \$27.50.

Selecting a Supreme Court justice is a two-step process: there is the nomination phase and then the confirmation phase. What receives journalistic and scholarly attention is usually the latter. Indeed, most

recent research has sought to explain how the rise of divided government, the changing role of the media, and the growing presence of interest groups have led to increasingly more bitter and openly political confirmation battles in the Senate. To wit, the controversies surrounding the failed nomination of Robert H. Bork in 1987, or the successful nomination of Clarence M. Thomas in 1991. Much less is known, however, about the process by which presidents come to name a nominee. Why are particular candidates chosen over others possessing similar or even superior professional and/or political qualifications? David Alistair Yalof provides answers to this question. Meticulously researched and superbly written, Yalof's book tells us more about presidential decision making during the nomination process than any previous study. It will undoubtedly become a seminal work on this subject.

Relying on evidence from presidential papers and interviews with former presidents, attorneys general, and other presidential advisors, Yalof systematically compares the selection practices of nine presidents, Harry S. Truman through Bill Clinton (Jimmy Carter, who made no Supreme Court nominations, is omitted). He concludes that modern presidents, while varying in style and process for selecting nominees, have generally failed to make effective use of the growing resources at their command during the selection process.

In the introductory chapter, Yalof sets out a series of factors that have influenced the selection of particular candidates and shaped the modern recruitment process generally. Such things as the timing of the vacancy, the popularity of the president, and the composition of the Senate are factors influencing the choice of particular candidates, whereas the growth of the Justice Department and White House bureaucracies, the rise of the organized bar, and the emergence of divided party government are examples of factors that have shaped the process more generally. Yalof creates a typology of three decisional frameworks that presidents utilize in selecting nominees: an open framework, in which a president waits for a vacancy on the Court before considering individual candidates or the selection process; a single candidate-focused framework, in which the individual nominee has been selected prior to the vacancy arising; or a criteria-driven framework, in which the president and his advisors establish specific criteria for prospective future nominees.

In the next five chapters (and in an epilogue covering the Bush and Clinton administrations), Yalof details the politics, personalities, and processes surrounding each nomination to the Supreme Court during the past fifty-five years. Walking readers through each of the thirty-two formal nominations to the Court during this period, Yalof tells an engaging story of how successive presidents often over-reacted to criticisms of their predecessors. He also takes up many of the historical debates about particular nominations. For instance, did Dwight D. Eisenhower promise Earl Warren a seat on the Court as a quid-