

young men and women who "brooded and read" but "longed to do something concrete to solve social problems" (p. 10-11). These young people were "troubled by the contrast of wealth and poverty" they saw around them, and "concerned because most of the people" they knew "accepted or ignored the contrast" (p. 14-15).

After introducing the major actors and the original impetus in settlement work, Davis deals topically with the successes and failures of the settlement movement. While the device of topics, like "Immigrants and Negroes" and "Working Women and Children," permits a detailed and careful examination of important areas of settlement concern, it confuses the sequence of events, forces considerable repetition on the author, and gives too even a picture of the settlement effort. The settlement worker's urgent sense of immediacy and the confusion with which he had to deal is lost in the author's effort to obtain clear judgment by taking one topic at a time.

The list of urban reforms Davis shows as attributable to settlement workers is long and impressive. He is careful to acknowledge that in many cases—as with the development of kindergartens—the settlements did not originate the ideas, but they were instrumental in demonstrating their usefulness in dealing with urban problems and in getting their acceptance on a wide scale. His thesis that the settlements were "spearheads" of urban reform is justified by his arguments from a mass of information, much of it relatively unused by other historians. The book can certainly be useful to those concerned with urban affairs today, and it is a careful, authoritative examination and judgment of the role of settlement workers in early twentieth century urban reform.

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*Judicial Power and Reconstruction Politics.* By Stanley I. Kutler. (Chicago: The University of Chicago Press, 1968. Pp. ix, 178. Frontispiece, notes, bibliographical essay, index. \$5.95.)

In deciding the Dred Scott case so as to support slavery in the territories, the Supreme Court brought down upon itself throughout the North wrathful criticism that did not soon subside. During the Civil War, and even the postwar years, hostility persisted toward the southern and "dough-face" judges who, it was said, had perverted their judicial powers. When old Chief Justice Roger B. Taney died in 1864, one remark was: "Better late than never."

According to most historians, the consequence of the Court's unfortunate intrusion into the politics of slavery was a greatly weakened position in American government that extended well into the era of Reconstruction. Thus it became timid, if not docile and impotent, at a time of great constitutional stress and strain; and it meekly stood aside as one Radical measure after another bent the Constitution rather badly.

Stanley Kutler concludes that this interpretation is highly inaccurate. Actually, he argues, the Court was remarkably independent in confronting inflammable issues and was boldly creative in deciding significant cases in various fields of law. To be sure, there were numerous assaults upon the high tribunal, particularly at moments when it was feared the justices would upset policies of congressional Reconstruction. Proposals to neutralize or reform the Court, such as the perennial one to require a two thirds vote on constitutional issues, came forward. Some of them succeeded; for example, the number of judges was decreased, and the circuits were redrawn at the expense of the hitherto dominant South. But basically, the author contends, there was an abiding respect for the Court as an institution and for the process of judicial review, notwithstanding dissatisfaction with members of the bench. As evidence of this, Kutler describes legislative measures for removal of litigation from state to federal courts, and he shows that the Supreme Court emerged from the period as a stronger body than it had been.

Undeniably, the Radicals had some anxious moments. After the *Milligan* decision forbidding military trials where civil courts were open, the congressional leadership feared that the Court would invalidate the Reconstruction Acts because they established military justice in the ex-Confederate states. It turned out that petitions from Mississippi and Georgia were rejected on the ground that they presented political, not justiciable, questions. Then, when the *McCardle* appeal seemed to present the issue in the proper form, Congress intervened by removing jurisdiction. Despite contemporary charges, as well as historians' later interpretations, that the Court ignominiously backed away, Kutler points to the subsequent *Yerger* decision reclaiming some of the jurisdiction which had been thought to be lost. But even in *Yerger*, the Reconstruction Acts remained untouched, probably because of the division of the judges on the constitutional question.

This book is thoroughly researched in manuscript and other original sources, is competently written, and will undoubtedly be a standard reference on Reconstruction history.

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