uncompromising absolutism" about the speech clause (p. 191) and yet describes the justice's acceptance in *Ashcroft* v. *ACLU* (2002) of "community standards" as a limitation on Internet speech.

Today's readers will be well aware of the sometimes bitterly opposing views of the justices in campaign finance cases such as *Citizens United* v. *FEC* (2010). Why does such a seemingly straightforward statement—"Congress shall pass no law . . . abridging the freedom of speech"—lead to such contrasting interpretations? The authors appropriately concentrate in their separate essays on "their" justices, but the editors would have performed a service by providing an overall analysis. It might begin by pointing out that the Court has never grappled successfully with the basic question of whether or how the clause should be interpreted differently when applied to challenges against action by the states, rather than the federal government. Or, perhaps more pertinently, the country at large has never considered whether it wants what was meant as a prohibition only against federal action to apply equally to that by states and municipalities.

This brings us to the matter of the editors' choice of justices to be examined, and the lacuna referred to at the beginning of this review. The range of approaches to speech law covered by the nine chosen is, for the most part, useful if a bit idiosyncratic (rather than the influential Antonin Scalia, for example, including the far-less-important Clarence Thomas as an indication of the way originalism has been applied to the First Amendment), pointing up as it does the very diverse directions in which speech jurisprudence could have gone and still might conceivably go. But the major reason for the justices' divergence is that they do not agree on what the speech clause was meant to do, and why.

The only justice to pen a thorough-going discussion of the rationale was Louis Dembitz Brandeis, who did so in *Whitney* v. *California* (1927). His concurrence in that case has become the cornerstone of this country's approach to speech and is regularly cited by the justices in virtually every speech case to come before them. Its omission here means that students will be hard-pressed to understand the rationale that is in the justices' minds as they examine not only the kinds of cases they have decided in the past but also today's and tomorrow's pressing speech questions, including use of the Internet for bullying and terrorist recruitment. It is unfortunate that this volume will not be helpful there.

Failed Promises: Evaluating the Federal Government's Response to Environmental Justice. Edited by David M. Konisky. Cambridge, MA: MIT Press, 2015. 269p. $53.00 cloth, $30.00 paper.
doi:10.1017/S1537592716004837

— Julie Sze, *University of California, Davis*

David Konisky's edited collection is a timely and useful contribution to environmental justice scholarship, specifically from public policy analysis. Konisky lays out the policy context in his introduction, in particular, President Bill Clinton's 1994 Executive Order 12898 ("Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations"). This EO called on all agencies of the federal government to incorporate equity considerations into their programs, politics, and activities. The order was in reaction to Civil Rights and environmental justice organizations that highlighted racial disparities in environmental pollution.

Throughout the 1980s, partially influenced by a number of high-profile protests in communities of color against toxic and industrial facilities (Kettleman City in California and South Camden in New Jersey, for instance), a growing body of activism and scholarship organizations and scholars focused on the question of whether communities of color (e.g., African American, Latino, and Native American) were disproportionately exposed to environmental pollution. One of the important early conflicts was in Warren County, North Carolina, where in 1982, a primarily low-income black community protested a controversial toxic waste dump. This protest symbolically initiated the environmental justice movement across the United States (E. McGurty, *Transforming Environmentalism: Warren County, PCBs, and the Origins of Environmental Justice*, 2009). Environmental justice activism targeted the "unequal protection" from environmental pollution by local, state, and national regulatory agencies, for example, whether there were lower financial penalties for environmental violations in minority communities and slower cleanup times (discussed in M. Lavelle and M. Coyle, "Unequal Protection: The Racial Divide in Environmental Law," in Richard Hofrichter, ed., *Toxic Struggles: The Theory and Practice of Environmental Justice*, 1993). The U.S.-based environmental justice movement developed as an explicit reaction to the lack of adequate attention to race and class issues by mainstream environmental movement organizations, and pushed regulatory agencies to take their concerns seriously.

Early environmental justice movements and scholarship in the United States have generally focused on aspects of environmental inequalities, injustices, and environmental racism (depending on the framework of the scholar and disciplinary orientation). As environmental justice scholarship exploded in the 1990s, the academic field expanded to encompass sociology, public health, geography, law, philosophy, and political theory, as well as interdisciplinary fields such as ethnic studies and the environmental humanities. Its practitioners extend their analysis into many different fields and to address different issues, though serious policy analysis has lagged in relation to quantitative studies and sociological analysis.

It is in this absence within the fields of environmental policy analysis that Konisky's work is unique and adds a distinctive approach and analysis. The central question

that he poses for the volume is whether environmental equity has indeed become a core consideration in federal decision making. More specifically, he asks, "have the EPA and other deferral agencies moved to make environmental justice a core component of their decision-making in permitting, standard setting, economic analysis, enforcement and other arenas?" (p. 5).

In the 20-plus years since EO 12898, there has been a veritable explosion of academic research and policy development at the federal and state levels, but almost no serious policy assessments at the federal level. The short answer to the author's question, therefore, is not so much. But the achievement in this volume is to come to that conclusion through serious policy analysis, which will, with time, also serve as an exemplary historical account of the contested environmental politics in relationship to race and class over the last two decades. It is easy for environmental justice social movement actors to charge federal agencies with inaction and ineffectiveness. It is much harder to document exactly how, and with that analysis to offer a possibly different road map for the future. As he writes in the introduction, the purpose of this volume is to determine "whether the policies put in place to address such violations—past, present, and future—have been effective" (p. 16). In answering such an important question, he has assembled key scholars from diverse fields (political science, law, environmental policy, criminology, and economics) who have authored key chapters that stand on their own, while retaining a coherence in the volume itself.

The thematic framework that structures *Failed Promises* is around three approaches to justice: distributive, procedural, and corrective. The first focuses on the equitable distribution of environmental burdens and benefits, the second on procedural and decision-making processes, and the last on how lawbreaking is resolved (p. 16). While the division of tripartite approaches to justice makes analytic sense, the chapters do not clearly align with these categories. Rather, they focus on different topics. Eileen Guana's chapter examines the actions of the Environmental Protection Agency body that adjudicates administrative appeals of permitting decisions to argue that environmental justice challenges to new permits have been largely unsuccessful. The next two chapters focus on environmental rulemaking and standard setting. Another chapter focuses on participation, while the last two focus on corrective justice—on empirical data in one and legal decisions in the other. Each of these chapters is tightly focused on a specific topic and makes its argument very clearly. One of the strengths of the volume is the clear writing within each chapter, although the major weakness is tying the individual chapters to the overall thematic framework of distributive/procedural/corrective.

The strength of this volume is that speaks explicitly to the fields of environmental policy implementation, as well as to regulators, policy analysts, lawyers/practitioners, and so on (as well as those training in those fields as undergraduates and graduates). The downside of such an approach is that some of the chapters are so grounded in their specific fields that interdisciplinary orientations to the same topic are not included in the analysis. For example, several important works in sociology (Jill Harrison) and political philosophy (Davis Schlosberg) explicitly address environmental justice from the competing notions of justice that Konisky uses as the overall framework for the volume. Also, there is an important question of whether state-level analyses are relevant, since certain places like California have embarked upon aggressive state-level environmental justice policy (several scholars have written at length on California's environmental justice policies in pesticide drift, climate change, and water policy, for example).

As Konisky writes, however, *Failed Promises* cannot cover all dimensions of environmental justice but chooses as its focus "the regulatory activity at the heart of the environmental protection system" (p. 17). On this vitally important topic, he has successfully assembled an impressive array of authors in spelling out how environmental justice matters in federal policy. It is a vital contribution to several fields, particularly where environmental policy meets practice.

Subsidizing Democracy. By Michael G. Miller. Ithaca, NY: Cornell University Press, 2013. 201p. $39.95.
doi:10.1017/S1537592716004849

— Jonathan Mendilow, *Rider University*

This is one of the first book-length examinations of the ways in which (partial or full) public funding of state-level campaigns have altered the "strategies, behavior, and emotions of candidates and voters alike" (p. 8). *Subsidizing Democracy*, is not solely a historical analysis, however, for it serves to assess whether public funding could present an alternative to the political finance regime established by the Supreme Court in *Citizens' United* (2010) and attendant verdicts. The underlying premise is that reforms are required "to restore fairness, opportunity, and integrity to American elections" (p. 12). This tacitly assumes a concept of "fairness" different from the "market approach" adopted by the *Citizens' United* ruling.

In the words of Justice Anthony Kennedy, all who participate in the public exchange of ideas use money to fund speech. Such speech is motivated by the hope "that the candidate will respond by producing those political outcomes [that] the supporter favors." Large-scale donors "may have influence over or access to elected officials," but the ability of money to purchase "ingratiation and access" is a beneficial proof that "democracy is premised on responsiveness." The outcome, according to Michael Miller, exacerbated and gave ideological cover to problems that Clean Elections reforms sought to overcome: a) the