

spectacle to an act carried out behind closed doors in the wee hours of the morning. The botched hanging of William Williams (chapter 6), who had to be hoisted up and strangled by rope for 14 minutes after his feet touched the ground, finally gave anti-death penalty proponents the power to end capital punishment in Minnesota. A final chapter explores the causes and consequences of the 1920 lynching of three young black men who were wrongly accused of raping a white teenager.

Although there is nothing specific about Iowa in this case study, Iowans, as residents of another state without a death penalty and with a low murder rate, will find much of interest. Iowa, too, has a history of extralegal violence, as Michael Pfeifer has highlighted in his many publications on violence in the Hawkeye State. And, like Minnesota, Iowa moved away from public executions during the Progressive Era and eventually banned the death penalty. Bessler's message is clear. States such as Iowa and Minnesota that have abandoned the death penalty should be admired for their modernity and recognition of human rights.

Bessler did extensive archival research in newspapers, private papers, and legal and legislative records. Ample photographs provide a visual history of those who brought an end to the death penalty in Minnesota and those who were killed by legal and extralegal executions. The author is a skilled storyteller who grabs readers' attention. *Legacy of Violence* is an important addition to a growing historiography that focuses on regional variations of lynching outside the American South.

*Establishing Justice in Middle America: A History of the United States Court of Appeals for the Eighth Circuit*, by Jeffrey Brandon Morris. Minneapolis: University of Minnesota Press, 2007. xx, 441 pp. Illustrations, notes, index. \$39.95 cloth.

Reviewer James W. Hewitt is adjunct professor of history at Nebraska Wesleyan University and has been a practicing lawyer for 52 years. He has written a history of the Nebraska Supreme Court.

The drama of the courtroom has made millions for those who write about it, who detail the excitement of cross-examination and the impeachment of witnesses. The reading public devours every offering by Scott Turow, John Grisham, and Richard North Patterson—books about trials, witnesses, lawyers, judges, and nefarious schemes. But one would search in vain for a fictional account of the intellectual aspects of review by appellate courts of the errors that may have occurred in those sometimes mundane, sometimes breathtaking trials.

It is up to scholars such as Jeffrey B. Morris to detail the work of courts of appeal. Our legal system affords more than one bite at the

apple. In virtually every instance, the losing party at trial has the right to seek review by a higher court, a court possessing the power to reverse the result of a trial if error has occurred. In the federal judicial system, those reviewing courts are the U.S. Courts of Appeal. Morris has told the story of the Court of Appeals for the Eighth Circuit, the court that oversees trial results in the Midwest.

Writing under the auspices of the Eighth Circuit Historical Society, the author has produced a laudatory chronological history of the court from its creation as a circuit court in 1862, when it possessed both trial and appellate jurisdiction, through the end of the twentieth century. The court, as presently constituted, encompasses Minnesota, Iowa, Missouri, Arkansas, North and South Dakota, and Nebraska. Morris writes of major cases decided by the court over the years, with special emphasis on cases indigenous to the region, those involving agriculture, transportation, American Indians, bankruptcy, and debtors' rights.

He lists all of the judges who have served on the court since its inception and characterizes them as liberal, moderate, or conservative. Since 1862, 11 Iowans have served as judges on the court: John F. Dillon, George W. McCrary, Walter Smith, William Kenyon, Seth Thomas, Martin Van Oosterhout, Roy Stephenson, George Fagg, David Hansen, Michael Melloy, and Steven Colloton. Although never a judge on the court, Samuel F. Miller of Keokuk, Iowa's only member of the U.S. Supreme Court, was the circuit justice overseeing the work of the court for years after its inception. In a burst of legal incestuousness, Miller managed to secure the appointment of Dillon and McCrary, both of Keokuk and both of whom had been previously allied with him in the practice of law, as the first two judges on the court.

Morris conducted oral interviews with virtually all of the living active and senior judges of the court, immersed himself in regional history, and analyzed hundreds of cases decided by the court, following and discussing as well those that were ultimately decided by the U.S. Supreme Court on appeal. His research was wide ranging and impressive.

He discusses to some extent how the Courts of Appeal free up the U.S. Supreme Court to decide matters of great public significance, and he offers statistical evidence of how the court's case load has swelled over the years. He does not, however, show how few cases the Supreme Court hears each year, a substantial contrast. He recites in some detail how the court has administratively attempted to enhance its efficiency, mentioning how much of the decisional work is done by administrative staff rather than by the judges. He briefly notes how the court has

curtailed opportunities for oral argument, without discussing the importance of such argument.

Because the book was produced for the court's historical society, it is highly complimentary of the court, raising questions about the author's objectivity. The book is obviously intended primarily for lawyers and judges and may leave lay people wondering about how the court functions. There is no discussion of how cases are filed, how they are set for argument, how the panels to hear the cases are selected, how decisions are reached, or how and why cases can be heard by the entire court after they have been heard by a panel. Morris assumes the reader knows all of these things, but it may be disconcerting to a lay public accustomed to seeing all nine of the Supreme Court justices present for oral argument.

But all in all, the book is a successful exposition of the work of a busy and capable court intent on bringing legal finality to much of the litigation in the region. Iowans should find interesting discussions of cases involving bridges over the Mississippi River, the attempted repudiation of municipal bond obligations, the right of students to exercise disruptive speech at school, and a host of others. Like all of their midwestern brethren, Iowa readers can take pride and pleasure in learning from this thoughtful and perceptive analysis of one of their government's most important but least understood entities.

*The Great Strikes of 1877*, edited by David O. Stowell. The Working Class in American History Series. Urbana and Chicago: University of Illinois Press, 2008. ix, 197 pp. Illustrations, notes, index. \$65.00 cloth, \$20.00 paper.

Reviewer Colin J. Davis is professor of history at the University of Alabama at Birmingham. He is the author of *Power at Odds: The 1922 National Railroad Shopmen's Strike* (1997) and *Waterfront Revolts: New York and London Dockworkers, 1946-61* (2003).

In this commendable new volume on the 1877 railroad strikes, editor David O. Stowell has collected a stellar cast of historians. Joshua Brown's examination of the illustrated press's treatment of labor unions and the 1877 strikes sets the tone for the book's collection. Brown discusses how *Frank Leslie's Illustrated Newspaper* captured and then modified the imagery of downtrodden Pennsylvania miners and railroad workers. *Leslie's* tried to distinguish between rioters and strikers, arguing that each group held a different place in the unfolding dramas. The examination is an interesting one but left this reader wondering about the *Leslie's* editors' political view of workers and strikers.