

*To Go Free: A Treasury of Iowa's Legal Heritage*, by Richard, Lord Acton and Patricia Nassif Acton. Ames: Iowa State University Press, 1995. ix, 372 pp. Illustrations, notes, indexes. \$39.95 cloth.

REVIEWED BY THOMAS R. BAKER, UNIVERSITY OF IOWA

Iowa's historiography could certainly benefit from a body of solid research on the judicial branch of government. Despite the availability of primary sources, historians and law scholars alike have largely ignored jurisprudential developments within the Hawkeye state. Thus, the Actons' efforts to rediscover valuable legal texts deserve applause.

In *To Go Free* Richard and Patricia Acton successfully capture the texture of the state's rich judicial legacy through a combination of colorful firsthand accounts, short essays, and snapshot passages from treaties, statutes, constitutional provisions, and judicial opinions. By focusing on the development of civil liberties in the Hawkeye state, the Actons ensure that their book not only treats a refreshing subject for historians and lawyers alike; it is also a subject with contemporary applications. Thanks to the courage of lawyers, judges, and legislators, progressive notions of constitutional rights due African Americans, immigrants, and other ordinary citizens often prevailed in the Hawkeye state, notwithstanding occasional episodes of oppression.

The book's attractiveness owes much to the husband-and-wife team of authors. Richard, an Oxford-trained modern historian and an English barrister to boot, is fully knowledgeable about the Anglo-Norman foundation of America's legal culture. His instinct for thoroughness in research is balanced by a special talent for storytelling. Although a relative newcomer to the Hawkeye state, Lord Acton has published a considerable number of articles in various Iowa publications, historical and otherwise, and he is an exemplary writer. Patricia complements her husband's literary prowess with years of personal experience working in Iowa's legal profession. A law professor and lifelong resident of Cedar Rapids, Patricia's contributions to *To Go Free* reflect her keen interest in Iowa history as well as her professional commitment to progressive law reform.

The thirteen short essays in *To Go Free* may prove to be the book's greatest historiographical contribution. Essay topics include the former slave Ralph, Barclay Coppoc, Hans Claussen, the Cherry Sisters, Judge Charles Bradley, Bonnie and Clyde, and Mary Beth Tinker, as well as the Constitutional Convention of 1857, Iowa's first law school, the abolition of the death penalty in 1872, the Jones County Calf Case from the 1870s, Governor Harding's so-called Babel Proclamation, and the constitutional ban on lotteries. Although limited to relatively well-known figures and subjects, the essays' value lies in the personal

details unearthed by the authors and the literary skill with which they present them.

The practice of law and the third branch of government form a dual centerpiece of *To Go Free*. The Actons' notion of legal history further limits the focus of the text to civil rights issues such as suffrage, free speech, criminal justice, and abortion. Other legislative issues are largely ignored by the authors. Thus, considerable energy went into research on capital punishment, but relatively little attention is devoted to the right-to-work law or liquor law enforcement, for instance. Because the Actons do not assess the impact of electoral behavior on the judicial branch, there is no attempt to consider the extent to which partisan political realignments affected the judicial branch in the 1850s, the 1930s, or the post-World War II era.

The Actons devote roughly half of the book to the period before 1880. Considerable source material has survived from the frontier era, and that section of the book will leave the strongest historical impression on readers. At a time when only twenty lawyers could be found in Iowa Territory and the three state supreme court judges also served as district court judges, trials had to be held in such places as general stores. In one case, an anxious bailiff found himself up to his neck in a cask of molasses. Many of the state's most famous court cases during the frontier era involved David Rorer, a Burlington attorney who freed his own slaves in Arkansas before relocating to Iowa in the 1830s. Besides being forced to take part in his own criminal trial after he shot and killed another attorney during an argument, Rorer earned the distinction of successfully defending the rights of Ralph, an African-American lead miner from Dubuque; Daggs, a Missouri slave owner; Dick, a fugitive slave; and the Burlington & Quincy Railroad, among other clients.

The post-1880 material is generally disappointing. Anecdotes are scarce in the final six chapters, and there are only two recollections by twentieth-century lawyers. With few descriptions of the practice of law and even fewer tales of judges' personalities, the post-1880 chapters consist primarily of disjointed fragments of judicial opinions and statutes. The comments accompanying the twentieth-century material merely serve to introduce each excerpt and do not attempt to synthesize the material in a given chapter.

Relatively little material appears on the rights of urban laborers in Iowa. The essays on the Jones County Calf Case and the Cherry Sisters hardly capture the spirit of the Gilded Age and the Progressive Era, times when monumental labor-management conflicts erupted in Iowa and across the nation. As for the new spirit of urban reform that

prevailed in the 1960s, the Actons identify only a handful of the many laws that have revolutionized the legal environment in Iowa.

The economic and social transformations wrought by the industrial revolution certainly challenged a legal system rooted in agriculture, yet urban-based developments in the law are not prominently represented in *To Go Free*. In fairness, the Actons consciously chose not to write an interpretive social history like Lawrence Friedman's pathbreaking *History of American Law* (1973). They modestly claim that they are "manifestly *not* attempting to write a 'history' at all, but rather, to give an *impression* of history" (vii). Thus, they make no attempt to wrestle with such questions as the impact of Anglo-American law on the state's frontier history, or, conversely, the frontier's impact on the evolution of American law. And although the name Acton is on the book's cover, readers should not expect to find a discussion of whether the power conferred on Iowa's judges tended to corrupt them.

By resurrecting and compiling legal material from the nineteenth century and synthesizing information for their essays, the Actons have done their share of work. With this backdrop now in place, it is high time to undertake an extensive oral history project into the changing practice of law in the twentieth century. Lawrence Friedman defines legal history as a social process, and to a certain extent the Actons see American law as a mirror of society. What is absent from *To Go Free* is an explicit acknowledgment that the process of resolving legal disputes constitutes a distinct culture unto itself, a culture that shapes history and that, in turn, is remolded by modernization.

*From the Other Side: Women, Gender, and Immigrant Life in the U.S., 1820-1990*, by Donna Gabaccia. Bloomington: Indiana University Press, 1995. xvii, 256 pp. Tables, notes, bibliography, index. \$29.95 cloth, \$12.95 paper.

REVIEWED BY APRIL SCHULTZ, ILLINOIS WESLEYAN UNIVERSITY

Donna Gabaccia's *From the Other Side: Women, Gender, and Immigrant Life in the U.S., 1820-1990* has been long awaited by those who desire a fuller understanding of immigration to the United States. As Gabaccia points out, the immigrant has for the most part been presumed male or, in the best of circumstances, a marginal woman. Women, of course, have always been a part of the immigrant story and at times have even outnumbered men. In this sweeping synthesis, Gabaccia puts women at center stage. The book is fascinating reading for anyone interested in immigration history. But it will prove particularly

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