

## Justice of Shattered Dreams: Samuel Freeman Miller and the Supreme Court During the Civil War Era

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*Justice of Shattered Dreams: Samuel Freeman Miller and the Supreme Court during the Civil War Era*, by Michael A. Ross. *Conflicting Worlds: New Dimensions of the American Civil War Series*. Baton Rouge: Louisiana State University Press, 2003. xxii, 323 pp. Illustrations, notes, index. \$69.95 cloth, \$24.95 paper.

Reviewer Christopher M. Curtis is assistant professor of history at Iowa State University and a fellow in the Center for Agricultural History and Rural Studies. He is researching nineteenth-century land tenure and law reform.

Michael Ross has written an engaging biography of Samuel Freeman Miller, the only U.S. Supreme Court justice from Iowa. Miller served on the court from 1862 until 1890, during the tumultuous years of Civil War, Reconstruction, and the corresponding ascendancy of corporate capitalism.

President Abraham Lincoln appointed Miller, along with justices Noah Swayne, David Davis, and Stephen Field, in order to create a "Republican" court that would initially check and then unravel the corrupting influences of the southern-dominated Taney Court, the notorious architect of the *Dred Scott* decision. Miller embraced his task with zeal; he consistently supported the president's wartime policies and Congress's reconstruction programs.

Miller is best known, however, as the much maligned author of the court's majority opinion in the 1873 *Slaughter-House Cases*, in which he offered a narrow definition of the ambiguous federal powers inherent in the broad language of the Fourteenth Amendment. His limited interpretation of the amendment thus facilitated the development of the "separate but equal" doctrine that informed "Jim Crow" laws and the court's subsequent ruling in *Plessy v. Ferguson* (1896).

Ross's biographical approach to the "life and times" of Justice Miller favors the "times" more than the actual "life" of his subject. Although grounded in evidence from Miller's personal correspondence, particularly the rich exchange with his brother-in-law William Pitts Ballinger, Ross focuses more on the political than the personal. Aspects of Miller's personal life remain largely in the background except when they intersect with his public life. Accordingly, Ross's method provides us not with a hagiography of the "great man" but rather a historical interpretation of a specific period from the perspective of one particularly well-placed Iowan. Indeed, Miller was anything but the traditional "great man." Instead, he shared the fate of his self-proclaimed hometown of Keokuk—that of a tragic hero whose unfulfilled legacy reminds us that for every American success story, there are far more stories of "shattered dreams."

Miller, Ross tells us, was the quintessential parvenu who succeeded in an antebellum America that was, in fact, a world open to "men of talent." Repulsed by the prospect of farming for a living in his native Kentucky, Miller decided instead to pursue a career in medicine. Enrolling in the medical college at Transylvania University to learn his trade, he quickly became a physician and began practice in the small town of Barbourville, Kentucky. Always the entrepreneur, Miller apparently chose Barbourville because of its potential for economic growth since it was located along the trade route through the Cumberland Gap. In 1850, after prosperity had failed to appear, Miller packed up his family and moved to Keokuk. By that time, he had already changed careers as well, joining the bar in part because he recognized that the practice of law afforded more social prominence than did the life of a physician and more readily fostered an entry into politics. Miller was initially a Whig, but his experiences as a self-made man made him susceptible to the free-labor ideology of the Republican Party when it emerged in the 1850s.

Ross contends that Miller's time in Keokuk was the defining period of his life. In the early 1850s, Keokuk appeared as the proverbial Elysian Field for merchant capitalists—a river town built on a commitment to trade, commerce, and real estate speculation. But sporting a service economy with no substantive productive industries, Keokuk was hit particularly hard by the Panic of 1857 and found itself entangled in a mass of public debt. During the optimistic speculations of the boom period, the town had sold municipal bonds to eastern financiers to fund improvement projects. When the economic downturn occurred, the town could no longer afford to pay the interest on the bonds. Keokuk, like many other towns in Iowa and the Midwest, spent the next two decades trying to repudiate those debts but was consistently frustrated by federal court rulings in favor of creditors. Miller heard many of those types of cases as a Supreme Court justice, often writing eloquent opinions in defense of merchant towns such as Keokuk, but always finding himself in the minority on a court that he considered as increasingly dominated by the nefarious influence of eastern capitalists. In crusading against these financiers, Miller compared them to southern slaveholders, a class of men who made their living off the labors of others. In this manner, Miller revealed himself as a prophet of the Populist agrarian reform movement of the 1890s as well.

Ross's sophisticated analysis is occasionally intruded upon by his sympathetic treatment of his subject. The most obvious instance of this is manifested in his assessment of Miller and the court's earliest rulings on Lincoln's controversial Civil War policies. Ross overstates the signifi-

cance of the court's influence on the conduct of the war, particularly in discussing the 5-4 ruling in the *Prize Cases* (1863) in favor of the administration's blockade of the southern states. Ross suggests that "had the dissenters carried the day, the Union war effort might have been badly undermined" (87). Yet he admits that Lincoln and the Republican Congress would most likely have simply ignored an unfavorable decision as they did in *Ex Parte Merryman* (1862). One might also reasonably wonder why Ross persists in characterizing Miller as a moderate in terms of Reconstruction policies. As Ross himself explains, Miller quickly embraced Radical Republican plans for exiling and executing Confederate leaders, prohibiting Confederate officers from holding political office, and granting freedmen the right to vote. Furthermore, Miller's opinions in *Mississippi v. Johnson*, *Ex Parte McCordell*, and even the *Slaughter-House Cases* all upheld the principles of the military reconstruction program advocated by the Radicals in Congress.

This well-written book will be of value to both academic specialists and history aficionados. Its accessibility makes it potentially excellent for classroom use. Its extended narrative of nineteenth-century Keokuk will interest those fascinated with Iowa history. Most significantly, however, Ross makes an important scholarly contribution by illuminating the central role of the U.S. Supreme Court justices in fashioning the new American nation in the years following the Civil War.

*Edmund Booth: Deaf Pioneer*, by Harry G. Lang. Washington, DC: Gallaudet University Press, 2004. x, 213 pp. Illustrations, notes, bibliography, index. \$29.95 paper.

Reviewer John Williams-Searle teaches American history at the College of St. Rose. His research examines Gilded Age and Progressive Era workplace accidents and work-related disabilities.

Harry G. Lang's biography of the educator, farmer, argonaut, newspaper editor, and deaf activist Edmund Booth is fascinating, moving, and occasionally frustrating. After childhood meningitis rendered Booth blind in one eye and almost completely deaf, he attended the American School for the Deaf in Hartford, Connecticut. Under the tutelage of Thomas Hopkins Gallaudet and Laurent Clerc, Booth quickly developed sign language, reading, and writing skills. Within three years, Booth became an instructor at the school. Dissatisfied by pay discrepancies between hearing and deaf teachers, he resigned in 1839.

Booth then pursued one of his former students and future wife, Mary Ann Walworth, to the Iowa frontier. Together, they settled on land that would become the town of Anamosa. By 1849, however, he

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