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Rights in the Balance: Free Press, Fair Trial, and Nebraska Press Association v. Stuart

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Iowa boasted 10,253 route miles of railroad in 1915; there followed a gradual erosion to 8,651 route miles by 1965. By that time, railroads long since had lost their dominance of the state's transportation landscape. Severe paring was required—including substantial line reduction and dramatic business combination that resulted in only a handful of major carriers. The shakeout continued until only slightly over 4,000 route miles remained in the state as the twenty-first century dawned. An alternative to line abandonment, at least in some instances, was sale of specified routes to short lines or regional roads. That process accelerated after the industry was finally partially deregulated in 1980. Iowa's experience reflected a national pattern.

Steve Glischinski's *Regional Railroads of the Midwest* offers a snapshot of this movement toward regional railroads, focusing on a dozen roads—including three that emerged to serve slices of Iowa's domain. Glischinski cites the Chicago Central & Pacific (which acquired Illinois Central properties in Iowa) as the "midwest prototype" of the national trend toward creating smaller carriers with restricted reach. He also includes as part of his study the Iowa, Chicago & Eastern (subsequent operator of certain former Milwaukee Road lines) and Iowa Interstate (successor to the former Rock Island main line across Iowa from Davenport to Council Bluffs). The success of these and other "regionals" has depended on their willingness to provide customers with a high-quality transportation product at an attractive price. This they have done. And, happy to say, their success has mirrored the renewed vitality of the nation's railroad industry at large over the past three decades.

Regional Railroads of the Midwest is beautifully illustrated, is an easy read, and offers a quick survey of an important element of the heartland's contemporary transportation package.

Rights in the Balance: Free Press, Fair Trial, and Nebraska Press Association v. Stuart, by Mark R. Scherer. Lubbock: Texas Tech University Press, 2008. xxi, 242 pp. Illustrations, notes, bibliography, index. \$40.00 cloth.

Reviewer David J. Bodenhamer is executive director of the Polis Center and professor of history at Indiana University Purdue University, Indianapolis. His books include *Our Rights* (2007) and *Bill of Rights in Modern America* (rev. ed., 2008).

When two constitutional rights collide, which one takes precedence? That question is at the center of *Nebraska Press Association v. Stuart* (1976), a landmark U.S. Supreme Court case that pitted the Sixth Amendment's guarantee of a fair trial against the First Amendment's protection of free press. The case involved the murder of six family members in Sutherland, Nebraska, and the trial court's subsequent

suppression of the defendant's confession as well as the contents of a note he wrote on the night of the crime. The Supreme Court concluded that the adverse publicity posed few threats to protection of the defendant's right to a fair trial before an impartial jury. In overturning the gag order, the justices reiterated the court's long-standing commitment to the principle of no prior restraints on the freedom of the press.

Mark Scherer, associate professor of history at the University of Nebraska–Omaha, tackles the complex legal maneuverings of the case in a well-researched, clearly written, and engaging study. A former practicing attorney, he expertly leads readers through the complex legal issues at stake, but his account is not simply a discussion of constitutional law. It is also a compelling human story on at least two levels: the tragedy of the Kellie family and the mentally deranged killer; and the interplay among the various actors—lawyers, editors, and judges—who grappled with the case for months as it wound from trial through state and federal appeals to the U.S. Supreme Court. This focus on the human aspect of the case represents Scherer's greatest contribution. Previous scholarship on the case has centered primarily on the final constitutional pronouncement, but he helps us to see the case as a whole. It is a healthy reminder that even the most significant legal doctrines stem from local causes.

This attention to local circumstances also marks Scherer's work as significant for readers with an interest in state and local history, but in approaching the case in this way, Scherer has another aim in mind. He suggests that the case must also be understood as part of a Great Plains legal culture. The idea of uniquely regional legal cultures is still a contested notion among scholars, in part because most legal and constitutional history has concerned national developments. Convincing arguments have been made on behalf of distinctive New England and southern legal cultures, but the question of whether law in the Great Plains states was qualitatively different—and if so, how—remains open because it has received scant attention. Although Scherer early announces a hope that his explorations will yield insight into the nature of a Great Plains legal culture, he disappointingly does not come back to his initial query. Anyone seeking an answer to that question will need to look elsewhere.

But this quibble should not detract from what Scherer has accomplished. In pursuing its claim that judges could not gag the press, the Nebraska Press Association earned a significant First Amendment victory. A unanimous Supreme Court, albeit in five separate opinions, strongly reinforced the principle that any prior restraint of the press was presumptively unconstitutional. In this impressive book, Scherer

helps us to understand why the decision has been universally proclaimed as a landmark for press freedom, but he also does something equally important. By anchoring the case in its Nebraska context, he reminds us how individual rights, so clear and compelling in their abstract expression, are controversial and often in conflict when experienced in daily life. Ultimately, how we reconcile and balance these rights in theory and practice tells us much about the nature and vitality of our experiment in constitutional liberty.

Little House, Long Shadow: Laura Ingalls Wilder's Impact on American Culture, by Anita Clair Fellman. Columbia: University of Missouri Press, 2008. xi, 343 pp. Notes, bibliography, index. \$34.95 cloth.

Reviewer John J. Fry is associate professor of history at Trinity Christian College in Palos Heights, Illinois. He is the author of *The Farm Press, Reform, and Rural Change, 1895–1920* (2005).

In this book, Anita Clair Fellman presents an encyclopedic analysis of the roles that Laura Ingalls Wilder's Little House books have played in American culture. Fellman argues that since their publication in the 1930s and 1940s, the eight works in the series have affected thousands of American schools and millions of American families. Ultimately, she argues, these works of children's fiction contributed to the rise of political conservatism in the late twentieth century.

The book begins by examining the lives of Wilder and her daughter, Rose Wilder Lane, Wilder's collaborator in writing the books. Several scholars have examined the differences between Wilder's actual life and the stories told in the series. Some have commented on the ways that the authors' opposition to the New Deal and Lane's later commitment to libertarianism might have shaped the books. Fellman takes these observations one step further by pinpointing the exact ways the stories encourage an individualist, antigovernment, and family-oriented vision of the American frontier and American history. These chapters are somewhat dark, emphasizing economic deprivation and family conflict that will surprise lovers of the Little House books, although probably not scholars of the mixed nature of family experiences on the frontier.

Subsequent chapters consider the uses of the Little House books in schools, homes, and public discourse. Fellman provides a nearly exhaustive list of how Wilder and the series intersect with our lives. Entire units in public schools have been based on the books, both in language arts and in social studies. Seven different historic sites in seven different states commemorate events from the family's life. In