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Book Review: *Books on Trial: Red Scare in the Heartland* By Shirley A. Weigand and Wayne A. Weigand

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Books on Trial: Red Scare in the Heartland. By Shirley A. Weigand and Wayne A. Weigand. Norman: University of Oklahoma Press, 2007. xvii + 286 pp. Illustrations, notes, index. \$24.95 cloth.

The subject of Shirley and Wayne Weigand's *Books on Trial* is the prosecution of several Community Party members and their friends by authorities in Oklahoma City. The prosecutions, which began in 1940, entailed charges of "criminal syndicalism" based largely on the defendants' connection to a Party-sponsored bookstore. *Books on Trial* recounts in detail the clumsy raids on the bookstore that set the prosecutions in motion; the rough treatment visited on the defendants by local authorities and citizens; the series of rigged trials resulting in the proprietor, his wife, and several others being convicted and sentenced to ten-year terms in prison plus significant monetary fines; and the campaign to exonerate the defendants, which eventually resulted in the convictions being overturned. *Books on Trial* shows how the main evidence of the defendants' legal culpability was actually books from the store, some hardly radical in tone and most never read by police or prosecutors. As a straightforward narrative, this story is not only engaging but an effective reminder of the repressive tendencies that lurk within the modern liberal state. What really distinguishes the book from most scholarship on the history of civil liberties, however, is its attention to the human costs and local origins and consequences of this episode of repression.

In this vein, the study uncovers the factors that actually motivated the government's campaign against the defendants. This focus on local context allows the authors to show that the prosecutions were rooted not simply in the local authorities' ideological hostility to communism or even the (obviously inflated) threat of communist revolution, but rather in a set of more prosaic concerns, particularly the local authorities'

hostility to the defendants' advocacy of social justice causes, including racial equality and basic labor rights in the Oklahoma City area. Critically, this perspective allows the reader to see the authorities not simply as ideologically crazed buffoons, overreacting in mob-like fashion to overblown threats, but rather in a more familiar and threatening light as defenders of a system of class and racial domination. Similarly, while *Books on Trial* goes to great lengths to acknowledge the problematic implications of Communist Party membership near the height of Stalinist terror in the Soviet Union, its empathetic attention to the defendants' lives before, during, and after the trials presents them as decent, well-intentioned people who were prepared to sacrifice a great deal for the cause of racial equality, labor rights, and other prerequisites of a just society.

Another virtue of *Books on Trial* is the light it sheds on the history of criminal syndicalism laws. Between 1917 and the start of the Second World War, about half of the states adopted criminal syndicalism statutes aimed at criminalizing attempts to effect social change by violent means—and in particular at criminalizing the radical labor union, the Industrial Workers of the World (IWW). But these statutes were actually written in such a fashion that mere membership in or support for an organization that could in any way be associated with a revolutionary agenda could be prosecuted as a serious felony, regardless of whether the defendant or anyone connected to him or her actually contemplated revolutionary violence. Between 1917 and 1969, when the Supreme Court finally held that political radicalism could only be prosecuted when accompanied by some genuine and imminent threat, thousands of people were charged with criminal syndicalism, and hundreds were convicted and sentenced to prison. At first, most defendants were with the IWW; by the late 1920s and 1930s Communists were increasingly targeted, particularly where they participated in contentious labor disputes.

Despite their widespread enforcement and the enormous effects they had on radical movements, criminal syndicalism laws have commanded little attention from scholars. A major reason for this seems to be that such laws were enacted at the state level and then enforced locally, making them less visible from the vantages scholars typically take on the history of civil liberties. Although *Books on Trial* is a case study, it nonetheless represents an important step away from this traditional neglect of criminal syndicalism laws. Its account of the Oklahoma City prosecutions offers a revealing picture of how these laws were actually enforced and illustrates the local political purposes usually served by enforcement. In this sense, some of the more startling facts brought out about the trials, including the way guilt was imputed by association or by mere possession of Party literature, actually serve to illustrate practices that were typical of most criminal syndicalism prosecutions.

What was not typical of criminal syndicalism prosecutions, though, is something also admirably depicted by *Books on*

Trial: the successful construction of a movement to discredit the prosecutions, free the defendants who had been convicted and sentenced, and clear those who still awaited trial. The vast majority of people convicted of criminal syndicalism endured their punishment in obscurity; and many, particularly IWW members, served lengthy prison terms. The Oklahoma City defendants escaped this fate largely because their plight was taken up by the International Labor Defense (ILD), an organization of the Communist Party famous for its role in the defense of the so-called Scottsboro Boys. The ILD organized the defendants' trial defenses and appeals and also played the lead role in a political campaign to bring pressure on the Oklahoma authorities. As the Weigands make clear, these efforts combined with a shift in attitudes about communism brought on by the United States' wartime alliance with the Soviet Union led to all convictions being overturned (on procedural grounds) and the state deciding to let all the cases drop. To its credit, *Books on Trial* recounts all of this while avoiding the tendency, which remains too common among civil liberties scholars, to attribute the defendants' eventual victory primarily to a self-correcting tendency on the part of the courts, by which they somehow recover a sober sense of justice and fidelity to the rule of law after temporarily abandoning these norms.

To be sure, to the extent that *Books on Trial* does exhibit an important flaw, it involves a related habit among civil liberties scholars to see repressive assaults on civil liberties occurring in cycles that reflect periods of "hysteria" and "scares" which punctuate an otherwise largely tolerant attitude towards radical ideas. *Books on Trial* appears to embrace this problematic notion. Ironically, though, the book's full account of the Oklahoma City case actually offers proof of a different perspective that sees political repression as more ubiquitous and normal in American history than is usually evident to scholars whose inquiries are overly focused on high profile cases and metropolitan affairs. As *Books on Trial* shows, repression all too often grows out of local conflicts about race, class, and other modes of power and exploitation. These conflicts do ebb and flow, as do the ideological disputes that frame them. But the rhythms they describe are by no means as spare, as dependent on national politics or the views of national elites, or as geographically uniform as conventional narratives about "Red Scares" (and now terrorism) would suggest. **Ahmed A. White**, *School of Law, University of Colorado*.