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Book Review: Darkest Before Dawn: Sedition and Free Speech in the American West

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Darkest Before Dawn: Sedition and Free Speech in the American West. By Clemens P. Work. Albuquerque: University of New Mexico Press, 2005. x + 318 pp. Illustrations, appendixes, notes, bibliography, index. \$34.95 cloth, \$19.95 paper.

During World War I a crowd in Lewistown, Montana, removed all German language textbooks from the high school and burned them while forcing the principal to kiss the American flag. Elsewhere in Montana, residents were convicted of sedition for uttering casual remarks about the inefficiencies of wartime food rationing or refusing to buy Liberty Bonds. German-speaking residents of Montana were fined and imprisoned for voicing their pacifism, socialism, or even their skepticism, whether in a beer hall or from the pulpit. With newspapers declaring that there were "but two classes of citizens: patriots and traitors," the state and the nation descended into a nationalistic fervor whose excesses violated the nation's most important ideals of personal liberty. This timely book tells this important story in a way that puts the Montana experience squarely at the center of this national tragedy.

Clemens Work, director of graduate studies at the School of Journalism at the University of Montana, begins the story with Elizabeth Gurley Flynn and other International Workers of the World speakers on the street corners of Missoula. As Flynn, Big Bill Haywood, Frank Little, and others spread the Wobbly challenge to capitalism around the lumber mills, mining towns, and migratory farm camps of the West, they invariably met with repression and jail. In their defense, they argued the cause of free speech, which was at the time, as Work explains, a narrowly circumscribed right that was usually balanced against property rights and overwhelmed by local public nuisance regulations. With the coming of the Great War, this limited right receded even further in the face of government propaganda and popular hysteria. Hundreds of IWW leaders were prosecuted under the Espionage Act, Frank Little was lynched in Butte, and Judge Charles Crum

was impeached for expressing pro-German sentiments.

There are heroes in *Darkest Before Dawn*, notably U.S. Attorney Burton K. Wheeler, who refused to prosecute many of the accused, and Judge George Bourquin, who disallowed many of the convictions under the Espionage Act because of his strict enforcement of individual rights over against the power of the state. Outraged at not being able to convict the traitors in their midst, the governor and the legislature passed a tougher Sedition Law, which Montana Senator Thomas Walsh carried to the U.S. Senate where it passed in 1918 with only three words changed. Prosecution under this Sedition Law continued for two years after the war during the Red Scare, but in what Work calls the "grand irony," the appeals from these cases laid the groundwork for the Supreme Court's more aggressive defense of free speech as a fundamental First Amendment right later in the century.

For readers of this journal, the most interesting part of Work's lively account is also the most original: the details of the sedition prosecutions in central and eastern Montana. Ranchers who muttered their dissatisfaction with the government, farmers who spoke German and refused to buy Liberty Bonds, and workers who expressed admiration for the German military were all prosecuted, some seventy-eight cases in all. Most of the Montana cases came from the agricultural prairies of the state, not the mining and lumber towns. Some of the prosecutions represented personal grievances, ethnic hatreds, or persecution of political views (notably the Non-Partisan League), but Work does not identify a clear social or economic pattern to the hysteria.

Whether one's interest is the national debate over the Patriot Act or the social and political history of the Great Plains region, this book is a must-read. It is great narrative history, with an active story carried along by colorful characters, suspense, humor, and tragedy. It is also a book that has moved people to right the wrongs of the past. The efforts of a group of law students at the University of Montana

seeking pardons for those convicted under the 1918 Sedition Law met success on May 3, 2006, when Governor Brian Schweitzer signed a Proclamation of Pardon for the seventy-eight persons convicted of sedition.

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