

Shirley A. Wiegand and Wayne A. Wiegand. *Books on Trial: The Red Scare in the Heartland*. (Norman, OK: University of Oklahoma Press, 2007), pp. 286. \$24.95. ISBN 978-0-8061-3868-8

The tension between civil liberties and national security is never so apparent as during wartime. This truism is underscored by the meticulously researched and footnoted *Books on Trial* by Wiegand and Wiegand.

At noon, August 17, 1940, Oklahoma City police stormed the Progressive Bookstore and arrested everyone inside, including all employees and eight customers. Simultaneously, the homes of known members of the Community Party in Oklahoma City were raided and several more people arrested. All told, 16 men and women were arrested that day for violating Oklahoma's criminal syndicalism law. The law in question was passed in 1919 during a period in American history when many states sought to protect themselves from overthrow by violent Socialist or foreign elements. This law is still on our books today, as is the ban on being a member of the Communist Party, which is an anachronistic leftover from the Red Scare. Perhaps one day Americans will look back on such laws as the USA PATRIOT Act and remember the fervency of the US's present War on Terror.

The trial scenes in the book are laughable. The prosecutors mangled criminal procedure in their kangaroo court. The cobbled-together defense team was chronically out of money and at every turn was thwarted by the unfair rulings of the judge. No, they may not know the charges against them. No, they may not have a list of the books and materials

that supposedly violate the syndicalism law. All of the books and pamphlets seized from the Progressive Bookstore and the defendants' homes were locked up in a cell at the Oklahoma County Jail. This last fact is the source of much amusement by supporters of the defendants, especially because such books as *The Grapes of Wrath* and Carl Sandburg's biography of Abraham Lincoln were held under such secure circumstances as evidence of a violent plot against America. Perhaps they believed the books might escape and infect all of America?

Concurrently with the criminal trial, the Oklahoma Senate began to hold hearings about the presence of Communists on the campus of OU. Defendants Eli Jaffe and Bob Wood were subpoenaed and sparred for hours with the Senators. The raucous public hearings were abruptly called into executive session, probably, as the *Oklahoman* reported, because it was unclear as to whether the "committee" or the "reds" were getting the better of it."

Although they were convicted at trial, the Oklahoma Supreme Court struck down the convictions in 1943, stating that the defendants' books and pamphlets did not constitute a clear and present danger, and that the prosecution refused even attempt to prove that the defendants had read them. The political context had changed during the intervening three years and now the US was fighting shoulder to shoulder with the evil Soviet Communists in order to defeat Hitler's Germany. Also, Robert S. Kerr, who "abstained" from the Red Scare, became Governor, replacing Gov. Leon Phillips

Nationally, the incident earned Oklahoma a reputation for its "hometown fascists," and civil libertarians across the country sent in money to help pay defense costs. *Publishers Weekly*, a magazine librarians depend on, routinely published the most indignant editorials rousing more support for the defendants. In an attempt to squelch Communism, Oklahoma inadvertently created a network of sympathizers. *Books on Trial* will undoubtedly reawaken the civil libertarian inside each of its readers, especially because the book is written in such an engaging tone. Most satisfying, perhaps, are the final pages which show what happened to each major actor in the famous Oklahoma raids of 1940.

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