

the "common school" ideal, dating back to Horace Mann, and to all the benefits associated with that ideal—the unifying, socializing mission of the public schools. In this view, such a reform would mean a tragic abandonment of public education as an instrument for ameliorating the loss of civic solidarity and cultural coherence. To critics such as Professor Vitz, however, that solidarity and coherence have already been irretrievably lost, and the public schools are now agents of ever more embittered divisiveness, even serious injustice, for which fundamental restructuring offers the only real solution.

THE TREE OF LIBERTY: A DOCUMENTARY HISTORY OF REBELLION AND POLITICAL CRIME IN AMERICA. Edited by Nicholas N. Kittrie¹ and Eldon D. Wedlock, Jr.² Baltimore, Md.: Johns Hopkins University Press. 1986. Pp. 714. \$39.50.

*Robert A. Rutland*³

Political crimes range from speech-writing to assassination. They are by definition aimed at the Establishment (by whatever name). Some are punished lightly (limitations on travel), while others invite a hangman's noose. This heavy volume is a documentary history of political crime since the Revolutionary War, especially during the period beginning shortly before the Civil War and lasting through the next century as the pace of life accelerated via steam, fossil fuels, and split atoms.

The editors distinguish between political crimes and acts that are merely "motivated by religious, economic, social, or racial concerns," but the lines are sometimes too finely drawn to be noticeable. Thus John Brown is accorded two sections, while Joseph Smith's tormentors are ignored. Private coercion does not count, but governmental repression does; we read about the Haymarket conspiracy, but not about the Republicans' use of "copperhead" labels to terrorize Iowa Democrats in 1862.

To counter the "Peaceable Kingdom" image, the editors present the bulk of a radical heritage that would seem to make the notion of a pacific American stream of history a gross distortion. They point to Theodore Parker's 1848 chant: "We are a rebellious

1. Edwin A. Mooers Scholar and Professor of Law, American University.
 2. Professor of Law, University of South Carolina.
 3. Research Professor of History, University of Tulsa.

nation." Even the Founding Fathers were "political offenders all" and "the nation was born of treason."

This said, the editors set out to collect documents related to major instances of political crimes, starting with an example that antedates Columbus: Edward III's 1352 treason proclamation. They stress that "unorthodox and extralegal political means in America may be . . . reformist" rather than "insurrectionary"; for "Political disorder in this country has usually been directed to modifying the use of power by government, not overthrowing it." They also discern a shift from "direct action to militant advocacy . . . particularly in the courts." In other words, the trend has been toward briefs rather than bombs.

The early records are spotty. The new state of Pennsylvania went after the loyalists, perhaps out of spite, and in the two treason cases presented one culprit was acquitted and another executed. The circumstances of the crimes are missing, so we cannot tell whether the judges were too severe in one case, or too lenient in the other. The brief introductory notes give a cursory outline of the problem, but we need more background before we can judge the fairness with which patriots dealt with loyalists during the Revolutionary era.

The editors generally selected instances of law breaking rather than of restraint, and of extreme punishment rather than of leniency. A case in point is the treatment of the so-called loyalists of 1776 or the Whiskey Rebels of 1795. Jefferson chose to emphasize, in his *Notes on Virginia*, "that though this war has now raged near seven years, not a single execution for treason has taken place"; Washington's pardon of two convicted "rebels" is printed without acknowledging how common such pardons were (e.g., after Shays's and Fries's Rebellions). The emphasis in the selected cases is on proscription rather than liberality, and gives the impression that radicals were luckless both in courtrooms and in the marketplace of ideas.

To their credit, the editors have avoided any tendency to treat radicalism as heroic. Neither "Big Bill" Haywood nor Oliver Wendell Holmes, Jr., is depicted as a sinner or a saint. Indeed, the editors might have made a great deal more out of Holmes's remark that, "Every idea is an incitement," but they may have assumed that their readership would find such emphasis gratuitous. Over a third of the cases relate to the situation since 1947, when the cold war and airborne international terrorism created a climate of opinion similar to the hysteria of the 1850s. Historians will note that James Madison's fifty-year involvement in American politics mer-

ited two entries, while Senator Joseph McCarthy's meteoric career required five.

A useful appendix with a concordance and list of cases increases the work's value for scholars.

SECRECY AND POWER: THE LIFE OF J. EDGAR HOOVER. By Richard Gid Powers.¹ New York, N.Y.: The Free Press. 1987. Pp. 624. \$27.95.

*John C. Chalberg*²

In the fall of 1919 the nation's first full-blown "red scare" was well underway. Already Attorney General A. Mitchell Palmer's home had been the target of an incompetent bomber. Letter bombs addressed to such prominent and powerful Americans as J. P. Morgan, Judge Kenesaw Mountain Landis, and John D. Rockefeller had been discovered in a New York City post office. Extraordinary general strikes, an extra-legal police strike, and a massive steel strike dotted the nation's landscape. Vigilante groups and congressional committees were arming themselves for the coming battle. What was a Quaker Attorney General to do as the nation shuddered in anticipation of a Bolshevik uprising?

Palmer's immediate response was to organize within the Justice Department a Radical Division, whose charge was to round up and summarily deport alien radicals before they could serve as a welcoming committee for the incoming Bolsheviks. But who would carry out such an operation?

Already at work within the Bureau of Investigation was a recent George Washington Law School graduate who had begun his government career in 1913 as a junior messenger for the Library of Congress. With America's entry into World War I he had graduated to Justice where his first task was to process paperwork concerning German aliens. By war's end the Bureau of Investigation, in cooperation with the Bureau of Immigration, had orchestrated the arrest of over 4,000 "alien enemies," mostly Germans.

By 1919 another kind of alien enemy was abroad in the land: the Bolshevik, who had replaced the Hun at the top of the list of American demons. The shift was a relatively easy one to make. After all, many leftists had opposed American involvement in

1. Professor of History, City University of New York, College of Staten Island.

2. Professor of History, Normandale Community College.