

Book Review:

The Communist Trials and the American Tradition:
Expert Testimony on Force and Violence and Democracy

By John Somerville, PH.D.
New York, International Publishers, 2000
\$12.95, Pp. 269.

Reviewed by Jerry Harris

Since 9-11 there have been growing attacks on the civil liberties of Americans and immigrants. The U.S. Patriot extends the government's power to spy and control our lives in hundreds of new ways. The authorities target immigrants for legal harassment, people are jailed without the right to a lawyer or trial, and now we have the Total Information Awareness Program headed by contra affair criminal John Pointdexter to create files on every living American. In such times its important to study and remember other periods when the civil liberties of Americans were under attack. John Sommerville's book exposing the manipulation of our courts and laws during the MaCarthy era has renewed value in today's context.

Dr. John Somerville was a noted scholar of philosophy teaching courses on Marxism-Leninism at Columbia, Stanford and other major universities. He was called upon by the Defense to testify as a non-communist expert in Smith Act trials in Philadelphia and Cleveland, and this book, first published in 1956, stands as a key document on the issues of civil liberties and free speech.

Spending ten days on the witness stand Dr. Somerville engaged in a detailed explanation of the teachings of Marx, Lenin, Stalin and the U.S. Communist Party on the issues of revolutionary force and violence. This entailed a battle with the prosecution over the interpretation of fundamental Marxist ideas about majority will, conspiracy and democracy, and the revolutionary heritage of the Declaration of Independence. Since the State had no evidence of any planned attempt to overthrow the government of the United States the trials became a struggle over ideas. There were no guns, bombs, or documents the government could point to, or for that matter anything in the history of the Communist Party that gave evidence of a plan for violent revolution. Therefor only the writings of Marx and Lenin could supply the government with its case. At one point Dr. Somerville describes how the courtroom became a virtual library with books piled on the tables of the defense and prosecution and wheeled in on dollies with chapter, page and verse quoted and scrutinized.

Indeed, most of the book is an examination of the actual court transcripts of Dr. Somerville's testimony with his comments on the faulty logic of the prosecution. In this book Somerville gets to bring forth all the arguments not allowed in court and you can sense his frustration over what he viewed as the logical stupidity of the State's case. Again and again he uses formal logic to deconstruct the prosecution's arguments. Such a fully informed philosophical defense makes for

some delightful reading. One can see how Dr. Somerville testimony is very much about his own deeply held beliefs in the freedom of speech. His defense of the Communist Party became a defense of American civil liberties. Yet for all the brilliance of Dr. Somerville's arguments most of the defendants in these trials were sent to jail. To understand the guilty verdicts one must understand the political context that drove these cases beyond logic or philosophy.

Reading through Dr. Somerville's book one can learn important contemporary lessons as well as historic ones. Here we have a thorough going defense of democracy, so well reasoned and defined we can't help but reflect on the democratic failures in the socialist countries. Unfortunately Dr. Somerville's logic would have been ignored in the Stalin trials or the Cultural Revolution. Certainly the left today has a better understanding of the fundamental importance of civil liberties. It's rare to hear free speech attacked as a "bourgeois freedom" unnecessary to extend to non-proletarian ideas under the worker's dictatorship. Among Marxists and radicals today there is a renewed emphasis on democracy and its unbreakable link to building socialism. Dr. Somerville's book certainly lends philosophical weight to such thinking.

A major point of debate in the trial was the State's insistence that Communists were actually lying about the need for majority support when it came to establishing a socialist government. The prosecution hammered away again and again attempting to prove the Communist Party would somehow conspire to seize power with only a minority. Ironically George W. Bush, with the support of the Supreme Court, was far more successful establishing a minority government than the Communist Party. A Supreme Court that jailed Communists fifty years ago on the false premise that they would take over the government without a majority and thereby violate American democracy. How times have changed!

As interesting as this book is it is not one for students just beginning to study the McCarthy period, Communist Party history, or those with just a passing interest in the subject. But the book certainly enriches our understanding of the actual Smith Act trials and the tone of the government attacks. For those interested in legal history, social philosophy, basic logic and political science the book can put these often abstract disciplines in the context of important social developments and the real lives of men and women who sought radical solutions to America's problems. One thing both the defense and prosecution could agree on is that ideas have importance and consequences. That by itself is an important lesson in today's political landscape where 30 second soundbites have replaced political debate.