ForeWord Reviews

HISTORY

The Fear Within: Spies, Commies, and American Democracy on Trial
Scott Martelle
Rutgers University Press
978-0-8135-4938-5

Seasoned journalist Scott Martelle returns with an excellent analysis of perhaps the most important American political trial of the twentieth century, at least with regard to the rights of everyday citizens. In *The Fear Within: Spies, Commies, and American Democracy on Trial*, the author introduces the key players with measured grace. The personal details of their lives, gleaned from memoirs and other family documents, remind us that the social and political persecution hedged by the 1940 Smith Act were perpetrated on, and by, real people.

During the trial, the government's attempts to quash the spread of communism—ostensibly for its totalitarian nature—approach an extremism of its own. FBI infiltration of communist circles, legal-system manipulation, an untrustworthy jury, and the media's shaping of public opinion combined against the continued activities of these scapegoats. Readers will find it fascinating to learn how mundane the acts of spying and betrayal could be to those who undertook them—and yet, how the simultaneous threat of discovery or reprisal elevated these activities to a dangerous plateau. When uncovered, their betrayals are palpable.

Perhaps even more interesting than the revelations about the mindsets of the men whose very ideological framework was on trial are the glimpses into the attitudes and thoughts of the prosecution. Judge Harold R. Medina, who himself underwent marginalization, only to 'overcome' it by becoming an elite of the same ilk, is a fascinating character to have at the center of a debate about the rights of a minority group; the author paints him empathetically, helping to underscore the inescapable influence of subjectivity in judicial actions.

Thousands upon thousands of pages worth of court records are distilled into a lively and entertaining (even when tragically so) narrative. Personalities emerge clearly from the page, and their conflicts are felt deeply: the frustration of lawyers and judges who cannot (or refuse to) see their own values inverted by the processes they undertake, how wit and sarcasm could be made into tools of the defense when facing a trial perhaps unwinnable under its own rules, and the pace at which public opinion could whip up mobs and inspire acts of violence against not only activists, but their families, embroil the scenes with dread. In a contest they could have no expectation of winning, these diverse people faced a series of near-impossible decisions; their

determination to defend their rights at any cost is a beacon throughout the story.

The Fear Within uncovers essential questions about the nature of contemporary liberal democracy: How do you defend yourself in court when the legal system itself is a tool of the thing you are accused of attacking? Are there limits to free expression? What's important to understand, and what Martelle does well to reveal, is the humanity behind every law and legal decision. By providing just enough background and context to make the passing of such an extreme law possible to comprehend, one that would activate distrust and fear in nearly every worksite, neighborhood, and institution—and by queuing-up modern-day examples of similar reactions to threats on the state in his introduction—the author seamlessly makes use of history to tell us more about ourselves. The gathering together of large groups of 'pro' and 'anti'exemplars—both under banners of freedom—reveals how tenuous the hold on power is by the state, and how desperately it will work to maintain its control.

Patty Comeau