

Fighting Faiths: The Abrams Case, The Supreme Court, and Free Speech (Cornell Paperbacks)

By Richard Polenberg

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Jacob Abrams et al. v. United States is the landmark Supreme Court case in the definition of free speech. Although the 1918 conviction of four Russian Jewish anarchists?for distributing leaflets protesting America's intervention in the Russian revolution?was upheld, Justice Oliver Wendell Holmes's dissenting opinion (with Justice Louis Brandeis) concerning "clear and present danger" has proved the touchstone of almost all subsequent First Amendment theory and litigation.In Fighting Faiths, Richard Polenberg explores the causes and characters of this dramatic episode in American history. He traces the Jewish immigrant experience, the lives of the convicted anarchists before and after the trials, the careers of the major players in the court cases?men such as Holmes, defense attorney Harry Weinberger, Southern Judge Henry DeLamar Clayton, Jr., and the young J. Edgar Hoover?and the effects of this important case on present-day First Amendment rights.

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Editorial Review

From Publishers Weekly
When it reached the Supreme Court in 1919, the case of Jacob Abrams and four other Russian-Jewish immigrant anarchists who were convicted and eventually deported in 1921 became a precedent-setting test of the First Amendment. In an impressively researched and comprehensive summary of this extraordinarily complex case, Polenberg, author of One Nation Divisible, focuses on the Supreme Court's "clear and present danger" criterion determining limits of free speech, and the reasoning behind the dissents of Justices Holmes and Brandeis, which continued to influence the extent of freedom of expression until the 1969 adoption of the broader "likeness to incite" lawless-action interpretation of the First Amendment. The author recalls the motives that led the individual immigrants to espouse anarchism and what they suffered for their beliefs. He also compares U.S. surveillance, headed by the young J. Edgar Hoover, and prison conditions with the violent confrontations and more brutal treatment to which anarchists were subjected in Russia at the hands of the Cheka (and later PGU) secret police, which disillusioned even such staunch American radicals as Emma Goldman and Alexander Berkman. However, he notes, both governments favored deportation of anarchists. Photos not seen by PW.
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From Library Journal
No scholar has examined the 1919 Abrams caseabout denial of civil liberties during the Red scare afterWorld War Iin comparable depth and as subtly. Polenberg discusses the district and Supreme Court decisions; the five anarchist defendants; the New York City bomb squad; Judge Henry Clayton; prosecution and defense attorneys; J. Edgar Hoover; justices and legal scholars; and wardens and inmates in the prisons that briefly held the prisoners. Comparison of Soviet and U.S. treatment of anarchists adds a rich dimension. Massive learning and exacting scholarship make this essential reading for students of modern American law and history. Milton Cantor, Univ. of Massachusetts, Amherst
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Review
"A book crowded with intense, stubborn, vulnerable, idealistic, and mean-spirited people. . . . The kind of social legal history Dickens might have enjoyed."?Nat Hentoff, Washington Post Book World

"A marvelous . . . book that brings the people and the law to life. . . . It teaches us again, dramatically, that our Constitution lives because judges apply its eternal principles in the light of accumulated experience and wisdom."?Anthony Lewis, The New York Times

"Polenberg's abridgement is a successful distillation of the original sprawling transcript into a lean form that focuses our attention to acute questions of national loyalty and security, morality, ethics, politics, and human frailty."?Ellen Bales, Historical Studies in the Physical and Biological Sciences, 33:2

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Nicholas McNeal:

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