

funded health-care systems usually deny it occurs. Rationing decisions are often hidden behind terms such as “priority-setting” (p.20).

¶74 The second part discusses rationing’s legitimacy problem and how it can be remedied through the deliberative process of the legal system. This is the heart of Syrett’s thesis. Scholars and public policy experts are, he contends, too quick to dismiss the legal system’s role as ill-advised, slow, and cumbersome for most rationing decisions. Instead, he argues, the legal system’s role as a neutral arbiter of conflicts should play an important role in addressing rationing’s legitimacy problem and making rationing decisions more palatable to the general public.

¶75 The last chapters apply Syrett’s thesis to practice by looking at three common law court systems—England, Canada, and South Africa—and how they have handled rationing decisions. These countries were chosen because they have similar court and health-care systems but have handled rationing cases differently. Syrett acknowledges, after examining these systems, that his basic thesis remains unanswered. He hopes, nonetheless, that his analysis will give health-care policy-makers additional ammunition to address the problems associated with health-care rationing.

¶76 *Law, Legitimacy and the Rationing of Health Care* includes an index and a table of cases, and while heavily footnoted, a bibliography or list of works cited would also have been useful. Because much of the book surveys the literature on rationing, a bibliography would have provided further research resources for readers.

¶77 *Law, Legitimacy and the Rationing of Health Care* is an important contribution to the scholarly literature on health-care rationing. It is highly recommended for any academic law library, especially one with an international or foreign health law collection. It would also be an excellent selection for a general academic library with a collection in international health-care policy.

Wiegand, Shirley A., and Wayne A. Wiegand. *Books on Trial: Red Scare in the Heartland*. Norman, Okla.: University of Oklahoma Press, 2007. 286pp. \$24.95.

Reviewed by Jennifer L. Behrens

¶78 In the summer of 1940, Oklahoma City police raided a small bookstore that had known ties to the Communist Party. Under the pretext of searching for bootlegged liquor, officers seized boxes of Party literature, as well as hundreds of mainstream literary works like *The Grapes of Wrath* and *War and Peace*. Nearly two dozen people were detained on suspicion of “criminal syndicalism,” or advocating the overthrow of government through speeches, writings, or distribution of literature. Bookstore proprietor Bob Wood, his wife Ina, and two associates eventually stood trial for these charges. All faced a ten-year prison sentence for the content of the seized materials, which many commentators noted could also be found in most academic or public libraries at the time (p.168). The defendants became a *cause*

célèbre for free speech advocates, attracting the attention of prominent authors and musicians, the American Civil Liberties Union, and even First Lady Eleanor Roosevelt (who donated \$25 to the defense fund). However, national press attention faded as World War II took over the headlines, and the story of the Progressive Bookstore raid was nearly lost to history.

¶79 Marquette law professor emeritus Shirley A. Wiegand and husband Wayne A. Wiegand, an American Studies and Library and Information Studies professor at Florida State University, first discovered the case while perusing back issues of *Wilson Library Bulletin*. They spent the next six years reviewing trial transcripts and FBI files, interviewing the surviving players, and bringing this incredible true story to life. Thanks to the rich narrative detail, *Books on Trial* progresses almost like a novel; in fact, it is not difficult to envision the story becoming a feature film.

¶80 The Wiegands begin with a vivid description of the August 1940 raid, and the mistreatment faced by the twenty detainees. Most were jailed for days without being informed of the charges against them, nor were their families informed of their whereabouts. In the most extreme example, police detained three members of the Lewis family but were reluctant to arrest teenage Wilma, so the young girl was simply left on the street while her parents and brother were inexplicably taken to jail (p.5). Detainees were held under false names, denied access to lawyers, and could post bail only at the absurdly high sums of \$50,000–\$100,000 (in 1940 dollars!). As the media caught wind of the story, bonds were reduced and charges dismissed, but the Woods and their two associates were left to stand trial.

¶81 Following this absorbing introduction, the Wiegands go back in time to place this Oklahoma “red scare” into appropriate historical context. Chapter 2 explores the development of the Communist Party in Oklahoma in the two decades leading up to the raid. This chapter reads more like a history textbook, and mildly disrupts the book’s narrative flow; like a child hearing a bedtime story, the reader longs to return to the “good parts.” But this section does effectively illustrate the political hostility faced by the bookstore defendants, and the motivation on the part of the prosecutors, both of whom were suspected of exploiting the case for their political ambitions (p.110).

¶82 These early chapters expose the sole weakness in *Books on Trial*: the downside of such meticulous research is a tendency at times to include entirely too much information (for example, it may not have been necessary to inform us of each detainee’s height and weight). Fortunately, the book fully recovers its stride by the time the first trial begins in chapter 3. These chapters draw effectively from the primary sources to paint the portrait of local injustice and national outrage: even after all four convictions were overturned on appeal, most still questioned how the defendants could have been convicted at all.

¶83 Although there are obvious parallels to be drawn between the government’s actions in *Books on Trial* and today’s climate of heightened “national security,” the

Wiegands never belabor this analogy. Thanks to its accessible tone, *Books on Trial* is recommended for law school and general academic libraries, and may also appeal to public libraries with strong collecting interests in legal history and civil rights.