



## **A Mob Intent on Death: The NAACP and the Arkansas Riot Cases**

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1950s and 1960s and if approved, will, according to Department of Defense sources, be conducted under much tighter controls. However, whether testing is now underway or not, Cole's general political and ethical point is correct. We need to consider carefully whether it should be the policy of the U.S. government to authorize the release—in an open-air setting less than one hundred miles from Salt Lake City—of bacteria and other simulants that have any potential to cause harm, however carefully the project is monitored.

FRANCES V. HARBOUR

*University of Maryland*

**A Mob Intent on Death: The NAACP and the Arkansas Riot Cases.** By Richard C. Cortner. Middletown, CT: Wesleyan University Press, 1988. 278p. \$27.95.

Beginning with Clement E. Vose's account of the NAACP's quest to end racially based housing discrimination, analysts have been intrigued with organizational use of the courts to create social change. Vose's study moved a generation of scholars into this line of inquiry, a line that continues to flourish into the late 1980s.

As with most fields of study, scholars now approach group litigation in diverse ways. Some paint broad pictures, exploring the range of litigants and their strategies and tactics; others follow in the tradition of Vose, fascinating us with stories of group involvement in specific cases. Of this latter group, Richard C. Cortner stands as a leader. Over the past two decades, he has reconstructed, in a most detailed and thorough manner, such litigation quests as the ACLU's to gain judicial recognition of symbolic speech, the Women's Rights Project's to attain gender-based equality, and that of a coalition of more locally based groups to attack legislative apportionment.

Though Cortner's usual *modus operandi* is the case study, he never loses sight of the more immediate objective of understanding the total phenomenon of group litigation. Indeed, many of our conceptual constructs have evolved from Cortner's contextual examinations. Among the most important of these may be the "disadvantaged thesis," holding that groups

unable to secure goals in the more political processes and institutions often turn to the courts for redress. In short, Cortner's attention to important detail, his meticulous use and documentation of sources, and his elegant writing style have brought many a litigation campaign to life, making the complexities of group litigation comprehensible.

In this spirit *A Mob Intent on Death* does not disappoint. Like Cortner's previous works, it is a highly readable and interesting account of the NAACP's litigation campaign in *Moore v. Dempsey* (1923), a landmark Supreme Court decision having major implications for the conduct of state criminal trials. And, like Cortner's past efforts, the book is a careful blend of the complicated set of historical events triggering the case, the legal factors at work during the suit, and those affecting the NAACP's participation. The story itself is told in painstaking detail, all of which is carefully documented with heretofore unmined archival sources and secondary literature.

In short, *A Mob Intent on Death* stands on its own as an excellent account of a most significant constitutional case. As usual, though, Cortner sets his sights beyond the particular contribution of *Moore*, bringing to light important aspects of the phenomenon of group litigation and providing scholars with fodder for future research endeavors.

Among the most important of these involves the capacity of organizations to undertake litigation, with a particular focus on the NAACP. It has often been the case that scholars point to the NAACP as *the* model litigating group. Fueled by stories of its prowess in the restrictive covenant and school desegregation cases, we have something of an awe-inspired reverence for its ability to etch its policy views into law. In fact, we base much of our understanding of litigation success and of the factors contributing to it on the activities of the NAACP and the NAACP Legal Defense Fund. In *A Mob Intent on Death*, we see a slightly different NAACP, a young organization struggling to overcome some basic weaknesses, namely, an uneven pool of legal talent at the trial court level, financial difficulties, and periodic leadership voids. That it was able to win the case despite these problems is significant. But the growth process it underwent during the course of this litigation may be equally as important. In this vein, Cortner's

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message is a clear one: "The NAACP's participation . . . contributed to its growing fund of experience in the conduct of constitutional litigation as a means of attacking the injustice and discrimination practiced against blacks" (p. 192). This maturation, in Cortner's view, certainly contributed to its later successes and, ultimately, to its "vitality as an organization."

This is a most important finding, one that has clear implications for current research on organizations, in general. It speaks to the evolutionary process that many successful groups must undergo before they are fully able to realize their policy objectives. Put in these terms, the NAACP's tremendous victory in *Brown v. Board of Education* was in part the culmination of the learning process it underwent during *Moore*.

This and numerous other findings make *A Mob Intent on Death* a must reading for all scholars concerned with interest groups, the courts, racial injustice, and the development of law. It stands as a solid contribution to an important and enduring field of study.

LEE EPSTEIN

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**Freedom at Risk: Secrecy, Censorship, and Repression in the 1980s.** Edited by Richard O. Curry. Philadelphia: Temple University Press, 1988. 448p. \$29.95.

**Human Rights in the States: New Directions in Constitutional Policymaking.** Edited by Stanley H. Friedelbaum. Westport, CT: Greenwood, 1988. 345p. \$39.95.

When U.S. historian Richard O. Curry was a Fulbright lecturer in New Zealand in 1981, he had an Orwellian encounter with the International Communications Agency (ICA) of the U.S. government. Curry had been invited to Australia to give a few lectures, but the ICA wanted to ask him some questions first. How, they wondered, did his topics fit into "the Australian 'game plan' of the ICA"? Jokingly, he said that he wasn't planning to create an international incident talking about subjects like the American Civil War and Reconstruction but, if he did, that a friend of his had urged him to make it a big one. The ICA official snapped back in all seriousness, "If you do,

you'll never get another Fulbright" (pp. 179-80).

If this had been an isolated conversation, we probably would not have learned about it, nor would *Freedom at Risk* have been compiled. But Curry discovered that his situation was not unique and that other U.S. scholars were being systematically harrassed by Reagan administration agencies bent on institutionalizing secrecy, censorship, and repression, preventing the free flow of information and using knowledge in its war to win the hearts and minds of the U.S. people. *Freedom at Risk* documents these and other attacks on the civil liberties of U.S. citizens carried out during the Reagan years.

The parade of horrors is long, according to the unusual group of historians, lawyers, law professors, journalists, writers, activists, and miscellaneous academics represented in the Curry volume. The 25 essays and excellent introduction argue that the Reagan administration pushed its domestic and foreign policy agendas by suppressing information it found offensive or dangerous and spreading information it knew to be false. The administration severely restricted the ability of scholars to use the Freedom of Information Act, excluded from the country foreign nationals whose views were critical of administration policies, centralized the management of government information in the Office of Management and Budget, which then made the information less accessible by privatizing further collection, muzzled government officials who might speak to the public or the press, removed Watergate-era guarantees that the intelligence services would not pry without good reason into the private lives of citizens, spread viruses of international disinformation that then infected U.S. intelligence operations, encouraged widespread information gathering on ordinary citizens through drug testing and polygraphs—the list goes on and on. To consolidate its position, the Reagan administration filled the federal courts with judges who were likely to be hostile to the rights claims that the victims of these policies might have made at law.

The picture painted in the Curry anthology is bleak for those worried about the protection of civil liberties. The progress detailed in the Friedelbaum book is somewhat—but not a great deal—more hopeful on the point. If the federal courts are going to abdicate in protect-