

tion of race in the work of W.E.B. Du Bois, moving from a biological essentialism to cultural and geographical environmentalism to social construction. Lastly, Dorothy Roberts' essay on Margaret Sanger and the role racism and eugenics played in propelling forward the birth control movement gives one pause to the pervasive role race has played in everyday American life.

In many ways this collection of essays crosses familiar ground, historians of American political thought have long connected racial and gender exclusion to the nation's ideals of liberty and democracy. Moreover, two essays – Gwendolyn Mink's and Gary Gerstle's – date from 1986 and 1999 and one wonders if the editors could have drawn from more recent scholarship. What *Racially Writing the Republic* does add to our understanding of the American political legacy is the way in which multiple identities outside of the white/black paradigm have had a lasting effect on the nation. By “re-writing” race into the United States' historical and political narratives, Baum and Harris have given us the tools to examine the ways in which race and racism continue to define the core beliefs of American identity and society. As George Lipsitz's excellent afterword on the troubling legacy of school segregation makes clear, racism continues to dog everyday life for all Americans. In the end, Baum and Harris' collection of essays makes us wonder who are the race rebels of today and why are there not more of them?

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**Brian McGinty, *John Brown's Trial* (Cambridge, Mass.: Harvard University Press, 2009).**

It may be typical to laud a praiseworthy biography as “the standard for judging the literature,” but in the estimation of this biographer there is little exaggeration in saying that *John Brown's Trial* by Brian McGinty is a singular and unparalleled standard for the study of the most important chapter in the life of the abolitionist. McGinty, an attorney and a seasoned historian, has provided the first fully developed study of the trial of Brown in Jefferson County, Virginia. Brown has been widely misrepresented and frequently misunderstood by historians, but he is popularly remembered for his failed effort to initiate a slave liberation movement by seizing a federal armoury in the town of Harper's Ferry, Virginia, on October 16, 1859. Brown scholars have usually sampled aspects of his trial, but no writer has provided a full examination of the legal character of the story. Yet McGinty does so in a manner readable and at times quite enthralling. The reader may sense some admiration for Brown too, but the author holds both him and his Virginia prosecutors up to the light of a cool, balanced, and reasoned analysis.

McGinty's treatment of the trial draws upon newspaper and journalistic accounts as well as previous research dating as far back as the post-Civil War era. There was no transcript prepared in Brown's trial, so the author has skillfully culled accounts of the trial and related themes from all available sources, including most of the significant archival collections. The book features an extensive bibliography of sources and many illustrations by contemporary newspaper sketch artists. McGinty makes a number of biographical errors and misstatements in the initial chapters of the book, but these are easily forgiven since the stated purpose of the book is so masterfully accomplished.

In addressing the question of whether Brown received a fair trial by his Virginia captors, McGinty provides both overview and fine detail. For instance, one of the ongoing themes he addresses is what the state prosecutor called "Count One" (110), the charge that Brown's invasion constituted treason against Virginia. Although one might assume the count of treason untenable because Brown was not a resident of Virginia, the author demonstrates that his prosecutors had a reasonable basis for the charge in Article III, Sec. 3 of the US constitution, which declares treason can be applied to aliens who violate allegiance based upon a government's protection, even "temporary" allegiance (78-79). The US, being a literal union of states, was thought to have provided the benefit of the rights and privileges of a citizen to white men like Brown while in Virginia; it could be thus argued that he had committed treason against the allegiance from which he had benefitted (202). However unlikely, Brown could not have been pardoned by the governor without the agreement of the State's General Assembly due to the treason conviction. A lesser theme of the book, though still important, is the legal history pertaining to issues of jurisdiction relating to the federal armoury, and whether Brown would be tried by the US government or by the State of Virginia for having invaded both the town and the federal facility at Harper's Ferry. Captured by US marines, he and his men were handed over to Virginia and thereafter bound under the authority and law of the state (83, 242).

McGinty is clear that from onset to conclusion, Brown's trial was flawed. Although officials prided themselves on having given him a fair trial, the author observes that "*dignity* and *decorum* do not translate into fairness when the accused is rushed to judgment and denied the effective assistance of counsel," when the verdict is not sustained by proof, vital legal issues are left unresolved, and even the defense's appeal is dismissed as an annoyance (286). Clearly, Brown and his men were rushed through trial in keeping with the calendar of the circuit court; even the most reasonable requests for delay were thus opposed by the prosecutor and denied by the judge. Given the prisoner's clearly enunciated purpose of coming to Virginia to free slaves, it is impossible to ignore the fact that he was tried within a system presided over by slave holders and judged by a jury of slave holders, the latter having deliberated only 45-minutes before returning a

guilty verdict. Brown was undoubtedly doomed from the start, but McGinty demonstrates how the abolitionist was repeatedly short-changed, especially due to the haste with which he was brought to trial. Largely stifled in his ability to obtain the kind of representation he sought, the same haste also undercut the highly qualified attorneys who finally made it to his side in the last hours of his short but well-publicized trial.

Notwithstanding his having been rushed to judgment, the reader shares McGinty's closing impression that John Brown, however imperfectly, made the best possible use of his trial in the end. In a kind of inspired declaration, Brown's address to the court (which McGinty identifies as a "remarkable" allocution) was the real moral climax of the trial (226). "Viewed in the long lens of history," the author concludes, "it is clear that John Brown was not really on trial in Charlestown" because "[he] turned the accusation against him into an accusation against slavery" (287). For the first time, in *John Brown's Trial*, we are given a front row view of Brown the prisoner — not as a victim, but as a thoughtful if not frustrated defendant, coming to terms with the limitations of justice for himself as well as the slave. Brown is rushed to the gallows, but not before turning his own judgment back upon his accusers, many of whom would shortly lose life, home, and treasure by rushing themselves into a treasonous war against the federal government.

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**Carole Boyce Davies, *Left of Karl Marx: The Political Life of Black Communist Claudia Jones* (Durham: Duke University Press, 2008).**

Claudia Jones contributed enormously to the American and British Left, but was subsequently lost in the historical narrative of American political radicalism for a number of reasons. First, Jones was a devout Marxist and member of the American and later British Communist Party who was deported at the height of anti-Communist hysteria. Second, she was a woman in largely male organizations. And finally, as a black West Indian living in the United States and England, she experienced the rampant racism and nativism within the Left as well as society. In her new biography of Jones, *Left of Karl Marx*, Carole Boyce Davies argues that when Jones was deported, the "radical black female subject" in the American Left was silenced as well (2). Jones embraced her identity and through her experience expounded on and eventually popularized the understanding that a black woman faced triple oppression. This idea, later adopted by black American feminists in the 1970s, most notably in the "Combahee River Collective Statement," arguably should place Jones firmly in the history of feminism and the Left. This is precisely what Davies accomplishes in her text.