

ANOTHER WICHITA SEDITIONIST?

Elmer J. Garner and the Radical Right's Opposition to World War II

by Virgil W. Dean

On Friday, May 5, 1944, the *Washington Post* announced the death of Elmer J. Garner, one of thirty defendants then on trial for sedition in the federal district court for the District of Columbia. At eighty years old, Garner, a Wichita, Kansas, editor, was the senior member of this notorious assortment of alleged seditionists: an assembly that included the much better-known William Dudley Pelley, leader of the Silver Shirts; former German-American Bund führer Gerhard Wilhelm Kunze; Chicago's Elizabeth Dilling of "We, The Mothers, Mobilize For America, Inc." and publisher of *The Red Network*; and fellow-Wichitan Gerald B. Winrod, preacher, publisher, and 1938 senatorial candidate.¹ Garner's role in this World War II drama ended in a Washington boarding house exactly two years after his first indictment.

The other twenty-nine alleged seditionists endured an additional seven months of tedious courtroom maneuvering. Each defendant had at least one attorney, most of whom were court appointed because the defendants had pled indigence. When finally begun on April 17, 1944, the trial proceedings were something of an anticlimax. The defendants' publications had long since been silenced, and eight of the thirty were already in jail on other state or federal charges. Attorneys used numerous motions and objections to delay the proceedings; jury selection alone took two weeks. Finally, with the death of presiding judge Edward C. Eicher on November 30, 1944, chief prosecutor O. John Rogge and the attorney general announced "a nolle prosequi," and the "Mass Sedition

Virgil W. Dean, historian and editor for the Kansas State Historical Society, completed his master's degree at Emporia State University and his Ph.D. in U.S. history at the University of Kansas with an emphasis in twentieth-century political and agricultural history. An earlier version of this article was presented at the Missouri Valley History Conference in 1992.

1. *Time* 44 (May 1, 1944): 17-18; *New York Times*, May 5, 1944, July 24, 1942; *Wichita Beacon*, May 5, 1944; *Topeka Daily Capital*, May 5, 1944; Cabell Phillips, *Decade of Triumph and Trouble: The 1940s* (New York: Macmillan Publishing Co., 1975), 116; Leo P. Ribuffo, *The Old Christian Right: The Protestant Far Right From the Great Depression to the Cold War* (Philadelphia: Temple University Press, 1983), passim; Clifford R. Hope, Jr., "Strident Voices in Kansas Between the Wars," *Kansas History* 2 (Spring 1979): 58.

The U. S. A.
First, Last
And All
The Time

Millions For Defense Not A Cent For Tribute

VOLUME 11

PRICE, FIVE CENTS

Wichita, Sedgewick County, Kansas, Thursday, January 30, 1941

NUMBER 10

The Time

Wichita

PRICE FIVE CENTS

Wichita, Sedgewick County, Kansas, Thursday, January 30, 1941

PRICE FIVE CENTS

WAR AND DICTATORSHIP!

(The Following Is an Editorial From The Chicago Tribune)

Conservative Thinkers If Mr. Roosevelt's house bill
monopolies will eventually

**Gambling Devices And
The Local Pay Off Issue**

**President F. D. Roosevelt
And The US Constitution**

(In the occasion of his Third Term inauguration as President of the United States, January 20, 1941, Franklin Delano took a solemn oath "So Help Me God" SUTTORF, PRINTER FENDED the United

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Had Franklin D. Roosevelt val-
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staggering under a bonded incum-
of \$65,000,000,000 while
taxpayers single

The following is an editorial from The Chicago Tribune:

(The Following is An Editorial From The Chicago Tribune)

[illegible]

Gambling Devices And The Local Pay Off Issue

"UN-AMERICANA"
BY CHARLES B. HUGHSON
Editor *Nation's Weekly*
"AMERICA IN DANGER"
OMAHA, NEBRASKA

Each new administration in Selwicks County, is faced, on coming into office, with the gambling and liquor problem. Selwicks has a little group who invariably are anxious to put pressure on officials to allow them to place their dumbbells.

It is sad to relate but we have some business men in Selwicks who honestly believe that the town cannot be grown up unless this group is allowed to phoned in to a better contest.

Gambler produce nothing for community and are a disqualification race to any town. We have many who have lived here for years and have done a tap of a screw for worth while. The town has been a waste of some over a week since judges have been turned out and that those who enforce

E. J. GARNER AND HIS SON INDICTED BY GRAND JURY

**Publishers of Wichita Weekly Face
Prison Terms; Stories of
B...**

PUBLISHED BY GR
Publishers of Wichita Weekly Face Long
Prison Terms; Stories in Paper
Bring Federal Action
 E. J. Garner

James, were named in indictments returned Saturday by the federal grand jury in Kansas City, Kas., according to word received from that city.

Both men were charged in the indictment with "acts tending to discourage the recruiting in the enlisted service of the United States and to cause insubordination and disloyalty and mutiny in the armed forces of the United States."

Carries a prison sentence not to exceed 20 years and or a fine not to exceed \$10,000.

Capias for the arrest of both men were being prepared in Kansas.

ERIC...pared in Kansas
ABOUT TO DE...
INTERNATIONAL JEW...
MAY LIVE, IF AND WHEN
HOUSE BILL No. 1776 IS
ENACTED BY CONGRESS."

Garner only recently returned
(Please turn to Page 8, Column 1)

"THOU SHALT NOT KILL!"



E. J. Garner

Wichita Beacon, May 2, 1942.



Emporia editor William Allen White (right) and Wendell L. Willkie, the Republican party's 1940 presidential nominee, were internationalists who supported President Roosevelt's foreign policy before and after Pearl Harbor. As a result, both men ("the turncoat" Willkie and "Bilious Alum" White) came under attack in the pages of *Garner's Publicity*.

Trial," or *United States v. McWilliams, et al.*, simply ended after 102 days in court.²

This "biggest and noisiest" and "ludicrously undignified" sedition trial, however captivating, has been covered by others and thus is not the locus of this article.³ Instead the focus here is a single defendant—E.J. Garner, editor and publisher of *Publicity*—who stands out only because of his age and the timing of his death. Who was this Kansan who stood accused of "conspiring to Nazify the U.S.," and what propelled this obscure,

eighty-year-old heartland printer to these depths—bringing him his "fifteen minutes of fame" but causing him to end his days under an assumed name, nearly penniless in a Washington, D.C., boarding house?

E.J. Garner was born in Toledo, Tama County, Iowa, on January 1, 1864, one of thirteen children born to Sarah Biggs and William Garner. The family moved to north-central Kansas in the mid-1870s and established a 160-acre farm two miles north of Downs in Osborne County. In addition to the obligatory farm chores, Elmer Garner learned the printer's trade working for the local newspaper, and in 1885 he left the farm to begin his life's work as a full-time printer and publisher.⁴ He first

founded the *Almena Star* in Almena, Norton County, Kansas, and then the *Almena Advance* in May 1889, which, after moving to the city of Norton the following year, became the *Farmers' Advance*. The latter, by some accounts, was the state's first Farmers' Alliance or Populist newspaper.⁵

Census, 1880 and 1900, Kansas, Osborne County, Ross Township; Kansas State Agricultural Census, 1885, Osborne County, Ross Township; Obituary of William Garner, *Downs Times*, July 30, 1885; *Publicity*, June 6, 27, December 5, 1940. Elmer J. was born James E. and had a twin brother John E. For some reason during the 1890s, Elmer reversed his initials and became E.J. Garner; the change became permanent after the turn of the century.

5. *Almena Star*, December 17, 1885; *Almena Advance*, May 3, 1889; Kansas State Agricultural Census, 1885, Osborne County, Ross Township; *Downs Times*, May 11, October 15, 1885; Connelley, *History of Kansas and Kansans*, 1210; *Kansas City Star*, May 3, 1942. In 1886 Garner married Georgia L. Wardell, who worked as associate editor of the *Advance*. Their only child James F. was born in 1895. U.S. Census, 1900, Oklahoma Territory, Logan County, Guthrie.

2. See Phillips, *The 1940s*, 120; *Time* 44 (December 11, 1944): 24; *Saturday Evening Post* 217 (January 6, 1945): 88.

3. *Time* 44 (December 11, 1944): 24. For more detailed accounts of the "mass trial," see Morris Schonbach, *Native American Fascism During the 1930s and 1940s: A Study of Its Roots, Its Growth and Its Decline* (New York: Garland Publishing, 1985) 409-18; Ribuffo, *The Old Christian Right*, 189-215.

4. William E. Connelley, *A Standard History of Kansas and Kansans*, 2d ed., 5 vols. (Chicago: Lewis Publishing Co., 1928), 3:1210; U.S.



Initially the *Advance* was a typical rural newspaper carrying local and farm-related items, but early in 1890 Garner began carrying "Alliance-Union News" and a regular column by "Kansas Ben" Clover, vice-president of the National Farmers' Alliance and Industrial Union (F.A.&I.U.) and president of the Kansas and Cowley County alliances. The paper increased its editorial commentary and was now, without equivocation, an Alliance newspaper.⁶

Even before June 5, 1890, when the weekly was relocated, renamed, and designated the "official organ of the Norton County F.A.&I.U.," Garner had established some consistent themes that would seldom be absent from his publications during the next half century.⁷ He was a committed prohibitionist, wrote and carried columns with an antiforeign (specifically, anti-British) message, became obsessed (as were many Populists) with the belief in a financial conspiracy that oppressed the farmers of America, and developed into an accomplished user of anti-Semitic rhetoric with frequent references to "Shylock's" sinister dealings.⁸ Garner was persistent in his advocacy of farmer cooperatives and enthusiastically endorsed the work of the People's Convention and the People's ticket in the election of 1890.⁹

6. *Almena Advance*, March 7, 1890.

7. The *Farmers' Advance*, Norton, June 5, 1890, announced the move from Almena and name change. "J.E. Garner" was cited as publisher and Art Gentzler as editor, with Georgia L. Garner continuing as associate editor.

8. *Almena Advance*, March 7, 1890. This first reference to Shylock appeared in a published letter written by B.H. Clover. The term Shylock is used several times and, for Clover at least, is obviously used symbolically to represent money interests.

9. *Farmers' Advance*, June 19, August 21, September 11, 1890. The latter issue is apparently the last extant copy, although Garner's

Although one must be careful not to make too much of the link between Garner's interwar (1920-1940) anti-Semitism and his Populist origins, the persistence of conspiratorial theory and symbolic anti-Semitism in the Greenback-Populist tradition can not be ignored. For most old Populists, anti-Semitism remained "entirely verbal," a rhetorical symbol for the ills of a society and an economic system that were beyond the control of the average citizen; for Garner, however, it was to become an ideological underpinning.¹⁰ It also should be noted that E. J. Garner was nothing if not versatile where party affiliation was concerned. Throughout most of his professional life, Garner identified himself as an independent but can be linked to most of the major political parties and movements of his era; in 1893 he even appeared as a candidate for police judge on the Logan County Prohibition ticket.¹¹

A plethora of relatively short-lived publication ventures followed Garner's departure from Norton, beginning with the *Logan Republican* (Phillips County, Kan-

publication of this paper may have continued until he purchased the *Logan Republican* in December 1892.

10. Richard Hofstadter, *The Age of Reform: From Bryan to F.D.R.* (New York: Vintage Books, 1955), 80; Schonbach, *Native American Fascism*, 59-60; "People's Platform of 1892," in *National Party Platforms*, comp. Kirk H. Porter (New York: Macmillan Co., 1924), 166. See also the contrasting views of Norman Pollack, "The Myth of Populist Anti-Semitism," *American Historical Review* 68 (October 1962): 76-80; Pollack, "Fear of Man: Populism, Authoritarianism, and the Historian," *Agricultural History* 39 (April 1965): 59-67; Larry A. McFarlane, "Nativism or Not? Perceptions of British Investment in Kansas, 1882-1901," *Great Plains Quarterly* 7 (Fall 1987): 232-43; and many others who have joined in this lively historiographical debate. See Worth Robert Miller, "A Centennial History of American Populism," *Kansas History* 16 (Spring 1993): 59.

11. *Logan Republican*, April 6, 1893.

sas) in December 1892. At the end of the century, he moved to Guthrie, Oklahoma Territory, and plied his trade for nearly two decades in that territory and new state.¹² First Garner worked as the editor and publisher of the *Oklahoma State Register*, an eight-year-old Populist weekly; in 1900 he moved to Coyle and founded the *Cimarron Valley Clipper*, a small weekly later affiliated with the Democratic party.¹³

Life as the sole editor in this small Oklahoma town eighteen miles northeast of Guthrie apparently suited Garner as he remained in that position for more than a decade. In the mid-1910s, however, the Garners moved back to Kansas, eventually settling in Emporia where Elmer purchased the Emporia Print Shop.¹⁴ Soon son James, who had joined his father in the shop, was off to Melvern to edit the *Review*, and in April 1926 Elmer Garner purchased the Emporia based *Neosho Rapids Record*, which he renamed the *Kansas State Bugle*. According to a biographical sketch published in William E. Connelley's 1928 *A Standard History of Kansas and Kansans*, Garner was making this weekly "a power in the safeguarding and advancing

12. Ibid., December 29, 1892; *Solomon Sentinel*, March 17, 1897; *Ottawa County Democrat*, Bennington, May 6, 1898, February 24, 1899.

13. *American Newspaper Directory . . . Thirty-Second Year* (New York: Geo. P. Roswell and Co., 1900); *American Newspaper Annual*, 1899 (Philadelphia: N.W. Ayer and Son, 1899), *American Newspaper Annual*, 1903-1914; U.S. Census, 1900, Oklahoma Territory, Logan County, Guthrie.

14. The Garners first moved to Wichita where E.J. worked as a printer and publisher and then editor of the *West Wichita Tribune*. In the early 1920s, James F. Garner worked as a printer for the *Wichita Beacon*. *Wichita City Directory*, 1917 and directories for 1918-1922; *Emporia City Directory*, 1926, 105.

Officers Of The Wichita Brinkley Good Government Club



Elmer J. Garner, with the backing of the Brinkley Good Government Club, founded *Publicity*, a Wichita weekly devoted to singing the candidate's praises. Garner (center), secretary of the Brinkley club, is flanked by two other officers: Harry A. Boone (left), president, and J.K. Fortney, vice-president.

of civic and industrial interests in Kansas."¹⁵

E.J. Garner was indeed a skilled printer who published a paper with an impressive appearance that claimed to be "A Progressive paper for a Progressive People," but an analysis of the *Bugle's* content reveals a message that more appropriately can be described as reactionary. Garner insisted that his was an independent newspaper that advocated prohibition, farmer cooperatives, and stood "one hundred percent for Protestant American patriotism." The *Bugle* was also against big business (especially critical of the "speculative gamblers" on the Chicago Board of Trade) and was isolationist (opposed to U.S. par-

ticipation in the World Court), but more importantly it supported Ku Klux Klan activity and devoted considerable space to the vilification of William Allen White of the *Emporia Gazette*; or as the Garners would have it, "Silly Willy" (or "Billious Alum" White) of the "Empory Guess-At-It."¹⁶

In fairness it should be emphasized that the Garner farm message was a positive one, which supported the Farmers Union pro-

gram and pointed out numerous flaws in the "prosperity decade." E.J. Garner also identified Benito Mussolini, Italy's fascist *Il Duce* after 1922, as a "Man Who Will Bear Watching"—a dangerous man who could be a "menace" to the world. Mussolini reportedly was receiving support from the rich and powerful in the U.S., including editor White and many other old Progressives, while the *Bugle* criticized the despot and the "several hundred thousand black shirted ignorant subjects who cheerfully bow to his every whim." On the down side, however, it also must be stated that an anti-Catholic (or anti-"Romanism") theme appeared in much of Garner's criticism of Mussolini.¹⁷

15. Connelley, *History of Kansas and Kansans*, 1210; *Kansas City Star*, May 3, 1942; *Kansas State Bugle*, Emporia, April 9, 1926; *Melvern Review*, October 8, 22, 1925.

16. *Kansas State Bugle*, April 23, July 2, 1926; *Melvern Review*, November 5, 1925, September 9, 1926; *Publicity*, Wichita, June 6, 1940. James F. Garner edited the *Review* from October 15, 1925, to August 26, 1926, and then joined his father on the *Bugle*. The younger Garner's message, which actually began six months before the *Bugle*, was nearly identical to that of the father; predictably both also propagated an anti-modernist (anti-Darwinist) message and preached fundamentalism. Although not as theologically oriented as Winrod, the message was virtually the same. The *Defender* also began publication in April 1926. Ribuffo, *The Old Christian Right*, 80-127.

17. *Kansas State Bugle*, April 9, July 23, 1926. See also Ribuffo, *The Old Christian Right*, 19.



Garner's association with the *Kansas State Bugle* continued to the end of the decade when, with the onset of the Great Depression, he found a kindred spirit and philosophy in the person of Dr. John R. Brinkley of Milford, Kansas. The doctor, known for his male rejuvenation surgery (or goat gland transplants) and his "Medical Question Box" of the air, broadcast over his powerful Milford radio station KFKB (Kansas First Kansas Best), preached a social and political message, laced with fundamentalist Christian theology, that was nearly identical to Garner's.¹⁸ When Brinkley launched the first of three unsuccessful bids for the governorship of the state of Kansas in September 1930, Garner, by now a resident of Wichita, Kansas, helped organize the city's "Brinkley for Governor Club."¹⁹

The doctor's amazingly successful write-in campaign fell just short of victory, but he and his supporters wasted no time preparing for 1932. Within three weeks Elmer J. Garner, with the backing of the Brinkley organization, founded *Publicity*, a Wichita weekly devoted to singing "the doctor's praises" and preparing the Kansas electorate for the next

election.²⁰ The first issue of Garner's new four-page tabloid, whose business and advertising managers were also "Officers of the Wichita Brinkley Good Government Club," reprinted the entire Brinkley platform and a few weeks later ran "A Progressive American Platform Endorsed by *Publicity*." In addition to Brinkley's pledge to provide "Free text books for Kansas school children," the *Publicity* credo included the following planks: "Public ownership of natural resources" and utilities, including transportation; the "development of a strong farmers' co-operative movement" and "trades union movement"; the enactment of legislation to "prevent the centralized control of credit, banking and farming"; the "elimination of war profits" and the "Conscription of Capital as well as man power in time of war"; and "Compulsory referendum on disputed questions between contending Nations before a declaration of war."²¹

The first issue of *Publicity* also featured the renewal of Garner's journalistic war on William Allen White. In a November 9, 1930, *Kansas City Star* column, "Why Kansas Ran Wild," White offered a postelection analysis that was predictably unflattering with respect to the good doctor's campaign. "Because we can all read," wrote White, "those who can read and think logically like to believe that we are all wise. The Brinkley vote gave that theory a jolt."²² Garner's equally predic-

table rebuttal called White a "slimy traducer of humanity and human rights." For the rest of its existence, or nearly eleven and a half years, *Publicity* featured "anti-Whitisms" on a regular basis. This was especially significant at the end (1940-1942) when the Emporia editor chaired the internationalist Committee to Defend America by Aiding the Allies, whose positions on the European war and the Hitler menace were diametrically opposed to those long held by editor Garner.

To the end, *Publicity* also continued to devote considerable space to the Brinkley message, even though the doctor moved his family and entire operation to Del Rio, Texas, in 1933. This, Garner's last publishing venture, was by far his most successful, at least partially because of the financial support he almost certainly received throughout much of this period from the Brinkley fortune. As late as the spring of 1941, *Publicity* reserved one of its four pages for a reprint of ("America's Champion of Americanism") "Doc" Brinkley's "Sunday Evening Chat," originally broadcast by XER-A radio, just across the Mexican border from Del Rio. These messages were devoted almost exclusively to isolationism during the months leading up to Pearl Harbor and blended nicely with the paper's overall content, which had become increasingly antiwar, anti-British, anti-Roosevelt, and anti-Semitic.²³

Garner considered himself a Jeffersonian Democrat and, throughout the decade of the Great De-

18. Gerald Carson, *The Roguish World of Doctor Brinkley* (New York: Holt, Rinehart and Winston, 1960), passim; Francis W. Schruben, "The Wizard of Milford: Dr. J.R. Brinkley and Brinkleyism," *Kansas History* 14 (Winter 1991-1992): 226, 232; Schruben, *Kansas in Turmoil, 1930-1936* (Columbia: University of Missouri, 1969); Hope, "Strident Voices in Kansas Between the Wars," 59.

19. Schruben, "Wizard of Milford," 233-37; Hope, "Strident Voices," 59; Homer E. Socolofsky, *Kansas Governors* (Lawrence: University Press of Kansas, 1990), 167; Donald R. McCoy, *Landon of Kansas* (Lincoln: University of Nebraska Press, 1966), 92, 112-13, 182-83. This controversial gubernatorial election was the second closest in the state's history with Harry Woodring (D) receiving 217,171 votes; Frank Hauke (R) 216,920; and Brinkley 183,278.

20. *Publicity*, November 20, 1930; Schruben, "Wizard of Milford," 237.

21. *Publicity*, January 16, 1931.

22. *Kansas City Star*, November 9, 1930; editorial quoted in its entirety with Garner comment in *Publicity*, November 20, 1930.

23. *Publicity*, February 13, 1931, April 6, 1933, March 24, September 22, 1938, February 16, 1939-January 2, 1941, August 28, 1941; Schruben, "Wizard of Milford," 231-32.

With his right hand upon the holy bible and his left over his heart when inaugurated as President, FDR swore to preserve, protect and defend the constitution. As charged, of many violations, he has forfeited his right to be the nation's chief executive should voluntarily retire.

PRICE FIVE CENTS

Wichita

Wichita, Sedgwick County, Kansas, Thursday, November 6, 1941

Kansas

"DO RIGHT AND"

A TIMELY

PRICE

TUNE IN ON
XER - A
Every Sunday Night
For Special Message
BY
Mrs. Jno. R. Brinkley
7:15
Dr. John R. Brinkley
8:15

PRICE FIVE CENTS

PRICE FIVE CENTS

Wichita

Wichita, Sedgwick County, Kansas, Thursday, November 6, 1941

Kansas

"DO RIGHT AND KANSAS"

A TIMELY WARNING

PRICE

Union Now!

Old Reed, Hobbs, Smith Insurance Probe Urged

...the Seize" LET AMERICA

UNMASKED

THE NEWS BEHIND THE NEWS

By Edward James Smythe
Editor of these columns, though
of "Publicity."

Mr. Smythe is given
his viewpoints do not necessarily always reflect

**"Jewish Persecutions"
or "Jewish Corruption"**

Food For **STARTING IN MAY 1960**

Food For
Conclusi

The U. S. A.
First, Last
And All
The Time

ions
tion "

IN MAY 1941 ISSUE "SERMONS ON THE JEWISH QUESTION" AS A LAYMAN VIEWS IT... LAYMAN

U.S.A.
first, Last
And All
The Time

PUBLICITY

TRUTH LIGHT
DO RIGHT AND FEAR NO MAN

LET THE PEOPLE RULE

Wichita **Kansas**

Wichita, Sedgwick County, Kansas, Thursday, May 8, 1941

PRICE FIVE CENTS

DEMAND HIS UNHOLY CRUSADE TO CATAPULT
His Unholy Crusade To Catapult
 Before the election last fall President Roosevelt made these statements:
 "I hate war. I have one supreme determination—to keep to keep war away from these shores for all

His Unholy Crusade
Axis War Prophesied By
Englishman 14 Years Ago

Before the election last fall these statements:
"I hate war. I have one supreme determination—
do all I can to keep war away from these shores for all

people, read Hebrews 1:1, 2. God, who spoke in times past unto the fathers, spoke in time past unto the fathers, behold, a bright cloud overshadowed them; and behind a voice said, This is my Son, the Beloved, in whom I am well pleased.

THINK!

"Who nominated Hitler?"—Hitler.

"Who nominated Mussolini?"—Mussolini.

"Who nominated Stalin?"—Stalin.

"Who nominated Roosevelt?"—Roosevelt.

"Who nominated Willkie?"—THE PEOPLE.

VOTE FOR WILLKIE

Like the Republican Central Committee that circulated this card during the 1940 campaign, the Garners identified FDR with the abuse of power, and for them a third-term victory was synonymous with dictatorship. Throughout the campaign Garner proudly displayed a Willkie-Burke campaign button on his jacket lapel. But within weeks of the Roosevelt victory, he pegged Willkie a fake and part of the administration's "Jewocrat" cabal.

pression, gave special attention to the plight of the nation's farmers, as he had done during his entire career. He supported the New Deal proposed by Franklin Roosevelt in 1932 and 1933 over Hooverism; and although always independent in politics, Garner generally was sympathetic to Kansas Democrats. While championing Dr. Brinkley's second independent bid for the governorship, *Publicity's* editor let his readers know that he much preferred incumbent Democrat Harry Woodring over the eventual winner, Republican "Alf 'Fox' Landon." He also urged his "progressive and independent" friends to vote for Democrat "Senator George McGill, who has made good."²⁴

24. E. J. Garner to Edward Schrater, and Garner to Grant D. Smith, September 23, 1932, George McGill Papers, 1932 Campaign, box 68, Library and Archives Division, Kansas State Historical Society; *Publicity*, July 21, September 15, 22, 1932; Schruben, *Kansas In Turmoil*, 88; Socolofsky, *Kansas Governors*, 165-79. Landon received 278,581 votes to Woodring's 272,944 and Brinkley's 244,607. Landon, of course, would be reelected in 1934 setting up his 1936 presidential bid.

By the late thirties, however, Garner's commitment to the New Deal had begun to weaken. In 1938 he supported the Kansas Democratic ticket, but expressed sympathy for the candidacy of Dr. Gerald B. Winrod, the Wichita radio evangelist and anti-Semitic publisher of *The Defender Magazine* and *The Revealer*, who sought the Republican nomination for the U.S. Senate.²⁵ Little evidence as to the extent of their relationship has been found, but Garner and Winrod were kindred spirits; as fellow Wichitans and supporters of Dr. Brinkley, it must have been considerable. Ideologically their views were quite similar. Winrod's fundamentalist and anti-Semitic message was understandably more theological, but as reflected in the pages of *Publicity*,

25. Hope, "Strident Voices in Kansas," 55-57; *Publicity*, July 4, 1940; Ribuffo, *The Old Christian Right*, 90; Darrell Dean Garwood, "Gerald Burton Winrod and the Republican Senatorial Primary of 1938" (Master's thesis, Emporia State University, 1982); Gail Ann Sindell, "Gerald B. Winrod and the *Defender*: A Case Study of the Radical Right" (Ph.D. dissertation, Case Western Reserve University, 1973).

Garner shared with the evangelist/publisher a conspiratorial view of history that helped mold his views on most contemporary issues. In August 1940 a regular columnist used the pages of *Publicity* to pronounce Winrod "one of our greatest Americans."²⁶

As the crisis in Europe intensified in 1939-1940, Garner, while still supporting Democrats for most state offices, found himself identifying more and more with segments of the Republican party nationally. He preferred the "Irishman," Democrat William H. Burke, despite the fact that he was pro-New Deal, to the "Jew," incumbent Republican Gov. Payne Ratner, in the election of 1940.²⁷ But he be-

26. *Publicity*, September 22, 1932, July 4, 1940, April 24, 1941; quote from Edward James Smythe's column, August 1, 1940.

27. *Ibid.*, August 8, 1940. In a column entitled "Political Primer," James Garner wrote that "NO JEW OR JEW STOOGE, should be elected to any office." Ratner was an elder in the Christian Church (Disciples of Christ) in Parsons, but his father was Jewish. "Ratner was also the target of ethnic slurs" during his first campaign in 1938, according to Socolofsky, *Kansas Governors*, 183.

came increasingly fond of Kansas' isolationist senator, Republican Arthur Capper, whom he quoted and praised regularly in the pages of the weekly; and he forcefully defended and supported the G.O.P. presidential ticket in 1940—Wendell Willkie and Charles McNary. The Garners (father and son) expressed the belief, as did many regular Republicans and some Democrats at this time, that a third term for Roosevelt would mean dictatorship and totalitarianism for the U.S. On July 25 James Garner wrote that Willkie was "the man to whom all Gentile American Citizens should rally in November."²⁸

Many right-wing columnists were not so willing to accept Willkie, but the ticket was made reasonably palatable for E.J. Garner, a long-time farm advocate, by the presence of McNary for vice-president. Garner's support for the internationalist Willkie was probably somewhat disingenuous—at least he was not FDR; but he seemed genuinely enthusiastic about Senator McNary who in the 1920s had co-sponsored the McNary-Haugen farm relief bill. McNary, Garner editorialized, "has been the farmer's friend for years" and "was the author of the famous McNary-Haugen bill having much to do with the co-operative marketing problem."²⁹ Garner

28. *Publicity*, April 13, September 13, 1939, June 13, July 4, July 25, August 8, August 22, September 19, October 17, November 21, 1940.

29. *Ibid.*, July 11, 1940. See also *Kansas State Bugle*, May 14, 28, July 9, 1926. The McNary-Haugen bill, which was vetoed three times by President Coolidge, would have provided relief to farmers with the implementation of a two-price system for agricultural commodities. In 1927 Garner wrote that if the McNary-Haugen bill were vetoed by President Coolidge "it will prove to the farming fraternity at large that Silent Cal is anything but their friend." Although even McNary-Haugenism fell short of the actual need, it was the "best yet offered to give the actual farmer relief." *Kansas State Bugle*, February 25, 1927.

considered McNary "a real honest-to-God follower of the furrow," while Secretary of Agriculture Henry A. Wallace was "a purely college-bred newspaper FARMER."³⁰

At the end of the depression decade, the Garners collaborated on the publication of a weekly paper that claimed five thousand readers in Kansas and subscribers in forty-four of the forty-eight states in the Union. While still concerned about traditional rural and farm issues like prohibition, commodity prices, and "the Speculative gambling operators on the Chicago Board of Trade," they had become increasingly hostile toward the New Deal and the entire Roosevelt administration, especially its handling of American foreign policy.³¹ They were open in their expression of anti-British and anti-Jewish sentiment and, while their foreign policy pronouncements generally reflected the still respectable isolationism of the America First Committee, *Publicity's* anti-Semitism was increasingly that of the "Radical Right" or American fascist element that had become quite worrisome to the administration. So bothered were some that, with the president's blessing, they launched a "militant counterattack" against right-wing activists. Liberals and leftist radicals feared the possibility of a Hitler or Mussolini in the U.S. and thus were relentless in their "cam-

30. *Publicity*, July 25, October 3, 1940.

31. Garner to Arthur Capper, July 24, 1939, Arthur Capper Papers, General Correspondence, box 11, Library and Archives Division, Kansas State Historical Society; regarding the commodity futures market, with reference to a Garner editorial, see United States Congress, *Congressional Record* (Washington, D.C.: Government Printing Office, 1939), 84: 9498.

paign against what they regarded as native fascism."³²



During the summer of 1940, and sporadically through to the fall of 1941, *Publicity* featured a column written for it by Edward James Smythe, a notorious New York-based Nazi sympathizer and "onetime speaker at [German-American] Bund and Ku Klux Klan rallies."³³ Smythe's column, which carried a mild disclaimer from the host paper, was entitled "Unmasked! The News Behind the News." Always virulently anti-Semitic, from beginning to end it was replete with terms like "Jew bankers," "Jew controlled press," "Jew Mistress," and "Jew-ocracy." In his June 6, 1940, column, for example, Smythe insisted that the first step in preparedness must be to get all Jews out of public office. He singled out Roosevelt adviser Bernard Baruch who Smythe insisted should not be in any position of public trust because of his ties to the Rothschilds and other "Jew Bankers." Despite these well-known Wall Street connections, Baruch had controlled the government from behind the scenes since the days of Woodrow Wilson, Smythe wrote. "He is the most dangerous man in America today. Out with him." A week later Smythe congratulated King Leopold of Belgium for surrendering his army rather than having it "slaughtered for the Jew bankers of England and France," condemned the administration's Jewish refugee policy, and argued that

32. Ribuffo, *The Old Christian Right*, xii, 178, passim; see also Charles F. Croog, "FBI Political Surveillance and the Isolationist-Interventionist Debate, 1939-1941," *Historian* 54 (Spring 1992): 441-58.

33. *Time* 43 (May 1, 1944): 17.



Sen. Arthur Capper (center) and other members of the Senate Foreign Relations Committee listen to testimony from the secretary of war on January 30, 1941, during consideration of the Lend-Lease bill. The Kansas senator, an avid isolationist, had known E.J. Garner for many years.

the only dangerous "Fifth Column in America" was "the Asiatic Communistic" Jewish one "headed by Walter Winchell, New York Jew propagandist and scandal columnist."³⁴

Winchell was also a favorite target of editor Garner. A popular columnist and radio broadcaster, Winchell began warning Americans about the potential danger of Hitler's Nazi Germany in 1932. He also attacked Fritz Kuhn and, according to his biographer, "was the first reporter to note the Nazi intentions of the German-American Bund that Kuhn headed." An unflinching supporter of the New Deal and Roosevelt, Winchell had frequent invitations to the White House and became an intimate of FDR's. He championed the administration's internationalist policy and, reflecting the president's

attitude, attacked mainstream isolationists—America Firsters—as well as those on the radical right, labeling the former "The Assolationists." In *Publicity*, however, it was "Jew Winchell" who frequently was portrayed as "Public Enemy No. 1" and characterized as a "DIRTY DAMN LIAR!"³⁵

In addition to Edward James Smythe, *Publicity's* contributors included at least five others destined to become codefendants in the mass sedition prosecution of 1942-1944: H. Victor Broenstrup, attorney for William Dudley Pelley, of New York City and Noblesville, Indiana; David J. Baxter, organizer of the Social Republic Society, of Colton and San Bernardino, California; Eugene Nelson Sanctuary, a New York writer who also con-

tributed to Winrod's publication *The Defender*; Ellis O. Jones, an organizer of the Los Angeles-based Friends of Progress; and Hudson de Priest of Wichita and New York, who also wrote for Winrod and organized subscription prize contests for him and Garner.³⁶

On July 25, 1940, during the midst of the national debate over the Burke-Wadsworth bill (Selective Service Act of 1940), *Publicity* initiated a regular column entitled "Political Primer," compiled and edited by James F. Garner.³⁷ The

34. *Publicity*, June 13, 20, 1940. In the latter column, Smythe referred to Winchell as "Valter 'Vomit' Vinchell."

35. Bob Thomas, *Winchell* (Garden City, N.Y.: Doubleday, 1971), 99-101; *Publicity*, July 11, 1940, April 17, November 6, 1941, February 5, 1942.

36. *New York Times*, July 24, 1942, May 5, 1944; *Publicity*, September 26, 1940, April 17, 1941, and others.

37. *Publicity*, July 25, 1940; Philip A. Grant, Jr., "The Kansas Congressional Delegation and the Selective Service Act of 1940," *Kansas History* 2 (Autumn 1979): 196-205. FDR signed the bill into law on September 16, 1940. With respect to the advisability of a peacetime draft, the Garners' position paralleled that of the entire Kansas congressional delegation, minus one: Cong. John M. Houston, the state's lone Democrat in Congress, whose district included the city of Wichita.

first "Primer" registered the editor's opposition to national conscription, which he insisted was not needed for the proper defense of America. The younger Garner argued that on this issue and others, the president had "utterly ignored the REAL JEFFERSONIAN DEMOCRATS of the country and went off half-cocked with a bunch of JEW-O-CRATS." Throughout the campaign of 1940, both Garners were adamant in their opposition to a "third term" and, like many Republicans and anti-New Deal Democrats, claimed a Roosevelt victory in November would mean an end to democracy in America. Thus James Garner called on the Christian electorate to unite in order to "block Roosevelt and his Jew Stooze's plan for DICTATORSHIP."³⁸

In the months following Roosevelt's third term victory, *Publicity* accelerated its anti-British rhetoric, opposed the administration's lend-lease proposal, and having been unsuccessful at the polls during the previous election, began calling for the impeachment of Franklin D. "ROOSEVELT AND HIS JEWISH CAMARILLA," which now included "the turncoat" Willkie.³⁹ The president, according to the editor of *Publicity*, had overstepped his constitutional authority, "violated his oath" to protect and defend the constitution, and was methodically "trying to involve the United States in Europe's Holocaust [sic]." Throughout this fateful year, the paper endorsed

"the Capper brand of anti-War American Patriotism 100%."⁴⁰

Convinced, however, that it was just a matter of time before administration "warmongers" led American boys directly into the "slaughter pens of Europe," *Publicity* announced in September its "Stand If We Enter the War": "Should the JEW DEAL force this country into the English-Jewish-German-Communist War, we shall stand, as we have ALWAYS stood, for the DEFENSE of our country" but against sending armies overseas. Thus when war finally came to America in December 1941, *Publicity* reiterated its abhorrence of war but insisted that since the U.S. had now been attacked, all Americans must back the president and his people so the conflict could be quickly ended; and Garner inserted "Remember Pearl Harbor!" into his masthead.⁴¹

Initially the editor announced the temporary discontinuance of several of the paper's regular features, and echoing Col. Charles A. Lindbergh, called for a unity of purpose to meet the challenge of war. Regardless of how one felt about the wisdom of the pre-December 7 policies, the U.S. had been attacked and "we must retaliate"—"lets all fight for future peace." "[A]ll of us are 'all out' to defeat the Nipponese," *Publicity* announced on December 18, insisting

that "there are now no isolationists or interventionists."⁴²

Recognizing the critical role of the newspaper in raising and sustaining public morale in time of war, in a special editorial feature Garner sought to "clear up any misunderstanding or misinterpretations" regarding *Publicity's* policy and demeanor. Despite its previous comportment toward the administration and the war in Europe,

with the Declaration of War, we have joined in the march of a united nation. . . . Let no one misinterpret the so-called isolationist sentiment that prevailed in the columns of *Publicity*. It represented a difference of opinion, not a contrast in patriotism. Franklin D. Roosevelt is OUR PRESIDENT and our leader in this extraordinary emergency and this publication and its editor join wholeheartedly with true Americans in pledging our ALL-OUT support to him in an effort to bring this war to a decisive, speedy and just termination.⁴³

At the same time, however, the editor reminded his readers that the Japanese had essentially accomplished what some U.S. and British officials had hoped for—full American participation in the European war. Garner also raised questions about the reasons for the remarkable Japanese success at Pearl, and after the first of the year, became increasingly critical of policy choices, domestic and foreign, related to the prosecution of the war. Especially prominent by

38. *Publicity*, September 19, 1940.

39. *Ibid.*, September 4, 11, February 20, 1941. *Publicity* began calling for FDR's impeachment with headline and short comment above the masthead in every issue through October 16. Willkie earned the Garners' ire by supporting the administration's lend-lease proposal and other foreign policy positions after the 1940 election.

40. *Publicity*, September 18, February 27, January 9, 1941. Although closely identified with the America First Committee, Senator Capper, a Quaker pacifist, was not officially connected with the isolationist organization; he appeared at its Kansas rallies, however, and shared most of its beliefs prior to U.S. entry into the war. John W. Partin, "Senator Arthur Capper, 1936-1941" (Master's thesis, University of Kansas, 1973), 199, 215-16, 223-24; Homer E. Socolofsky, *Arthur Capper: Publisher, Politician, and Philanthropist* (Lawrence: University of Kansas Press, 1962), 202.

41. *Publicity*, September 4, December 11, 1941.

42. *Ibid.*, December 11, 1941.

43. *Ibid.*, December 18, 1941.



The New Deal, Since Its Very Inception, Has Given Encouragement and Aid to Subversive Elements in the United States

Here are the FACTS:

STALIN'S RED RUSSIA RECOGNIZED

One of the first acts of Roosevelt's Administration was recognition of Soviet Union, subsequently rapist of Finland and Baltic Republics, signer of the bloody non-aggression pact with Hitler, co-conqueror of Poland. Every Communist revolutionary in the United States cheered President Roosevelt's recognition action which gave Soviet Russia respectability in the family of Nations.

DIES' COMMITTEE FRUSTRATED

From the beginning the Dies' Committee to Investigate Un-American Activities has been hampered by Administration opposition and indifference. Chairman Dies accused Secretary of Labor Perkins and Secretary of Interior Ickes of "a well planned campaign of misrepresentation, sarcasm and ridicule."

"FELLOW TRAVELERS" IN HIGH POSTS

"Fellow travelers" in high government and hold important key positions." Publication by the Dies Committee of a list of 563 Federal employees, members of the Communist organized League for Peace and Democracy, was denounced by President Roosevelt as "sordid."

MRS. ROOSEVELT AND AMERICAN YOUTH CONGRESS

Mrs. Franklin D. Roosevelt has sharply criticized the Dies' Committee and openly championed the Communist led American Youth Congress, entertaining its leaders in the White House. Early this year Mrs. Roosevelt called a meeting at the home of Edward J. Flynn, Tammany boss of the Bronx and now Chairman of the Democratic National Committee, to raise funds for the Youth Congress, branded a Communist Front by the Dies Committee.

EARL BROWDER, COMMUNIST, NEW DEAL SUPPORTER

Earl Browder, convicted Communist Party secretary and now its nominee for President of the United States, told the Dies' Committee Communists unanimously supported the policies of President Roosevelt and the New Deal, including the Supreme Court Packing Bill. "The tradition against a third term must be set aside," said Earl Browder.

MME. PERKINS AND HARRY BRIDGES

So lax was the administration of the immigration and deportation laws by Secretary of Labor Perkins, the administration was COMPELLED to transfer these functions to the Justice Department. Mme. Perkins consistently refused to deport Harry Bridges, West Coast radical labor leader and agitator. The House of Representatives voted 330 to 42 to deport Bridges unconditionally. The bill remains on the Senate Calendar awaiting action.

F.D.R. VETOES ALIEN DEPORTATION BILL

President Roosevelt vetoed a bill for the deportation of aliens engaged in espionage and sabotage on the ground the legislation was "unnecessary and superfluous." Do the families of the 47 dead and more than 200 injured in the Hercules Powder Plant explosion agree?

WHITE HOUSE OPEN TO COMMUNISTS

The White House latch has been lifted for known radicals and Communists when Democratic governors, members of Congress and other Americans have found the President "too busy" to see them. David Lasser, former head of the Communist organized Workers' Alliance, a delegate to the Moscow Twentieth Anniversary of the Russian Revolution, at the Alliance's expense, frequently has conferred with the President and described his reception as "very cordial." Aubrey Williams, former deputy WPA Administrator and now National Youth Administrator, has lauded the Workers' Alliance—called the moments spent with Lasser "the most memorable of my life." Herbert Benjamin, Secretary of the Alliance, a confessed Communist, testified before a House Committee that the Alliance was the result of four years of Communist Party effort.

RADICALS ON N.L.R.B.

David J. Saposs, former chief economist of the National Labor Relations Board, was censured by the Dies Committee for his "Communist views." Congress subsequently refused funds for Saposs' department. The Board continued his employment by giving him a new title, Edwin S. Smith, N.L.R.B. member, was on the Dies' list of American League of Peace and Democracy members. In 1938 Smith went to Mexico to attend the International Labor Congress which voted to ally itself with the Second Internationale.

E.J. Garner would have endorsed the sentiments expressed in this handbill distributed by the Republican National Committee. Publicity frequently sought to identify the Roosevelt administration and its supporters as the real threat to America: "your traitorous 'Fifth-Column' is the Jew, and the forces of Jewish Communism."

March 1942 was criticism of the Allies' "Germany first strategy," a popular theme with many conservative Democrats and Republicans.⁴⁴ Still, *Publicity* featured the

44. Ibid., March 19, 1942. "Japan Isn't Fighting This War in 1943; She Is Fighting It Now! — A. L. Blair" was printed above masthead.

columns of Arthur Capper as opposed to Edward James Smythe, and it encouraged readers to buy war bonds, plant Victory gardens, and support the Red Cross.

Publicity was nonetheless under siege. Walter Winchell continued to shine his national spotlight

on the radical right, and in February 1942 he branded Garner's Wichita weekly "The Hate-Spreading Rag." *Life* magazine, which *Publicity* also identified with the "Jewish conspiracy," moved in for the kill. Assisted by the "Wichita Daily Beacon Synagogue," Garner wrote, *Life* was seeking a "big smear" that could be used against him or the paper. In addition, for several months the editor had been staving off a U.S. Post Office assault that threatened *Publicity's* second class mailing permit; and according to the *Wichita Beacon*, Garner had been under FBI observation since before December 7, 1941.⁴⁵

Then in early April, according to Capper's *Topeka Daily Capital*, the old Wichita editor was summoned to Washington to testify before the "special [District of Columbia] grand jury investigating alleged subversive activities of a group of smaller magazines and newspapers which have been critical of the Administration." Cliff Stratton, the *Daily Capital's* Washington correspondent, wrote that the "Washington visit of Kansans" Winrod and Garner indicated "the 'witch hunters' of yesterday are the 'witch hunted'" of today. "There is some question . . . whether they are being examined for alleged anti-Administration or alleged anti-Semitic activities." But to the *Wichita Beacon*, published by the "Jewish Levand brothers," the investigation was aimed at "a bloc of widely scattered defeatist papers."⁴⁶

Elmer J. Garner, described by *Life* as a man "begrimed with

45. Ibid., February 5, March 12, 1942, October 30, November 20, 1941, February 26, 1942; "Voices of Defeat," *Life* 12 (April 13, 1942): 86, 94; *Wichita Beacon*, May 3, 1942.

46. *Topeka Daily Capital*, April 17, 1942; "Winrod Looks Worried After Jury Session," *Wichita Beacon*, April 17, 1942; Stratton quoted in *Publicity*, April 16, 1942; "Voices of Defeat," 94.



printer's ink and hate," returned to Wichita in time to assist in the publication of what became *Publicity's* last issue—Thursday, April 30, 1942.⁴⁷ On Saturday, May 2, area and national newspapers announced the indictment by a federal grand jury in Kansas City, Kansas, and arrest of "E.J. Garner and His Son" James. The charge was sedition; the initial trial date was set for September 8. The eleven-count indictment, which concerned itself only with actions subsequent to January 1, 1942, charged that the Sedgwick County defendants

did then and there intentionally, unlawfully, feloniously, and wilfully obstruct the recruiting and enlistment service of the United States to the injury of such service . . . through and by means of the printing and publishing at Wichita, Kansas, and the circulating and distributing at Wichita and elsewhere throughout the United States, among persons who were then and there available and eligible for recruiting and enlistment in the military and naval forces of the United States, as well as persons who were then and here liable for . . . service . . . under the provisions of an Act of Con-

gress entitled Selective Training and Service Act of 1940 . . . a certain newspaper called and known as "Publicity."⁴⁸

The bulk of this thirty-three page document consisted of "headlines, editorials, and printed matter" that the grand jurors found scurrilous—standard *Publicity* fare. Included were editorial assaults on Winston Churchill, "the English Lords of London and the International Financiers of Great Britain"; attacks on Franklin Roosevelt and Wendell Willkie, among other administration "Jewocratic" stooges; praise for "America's foremost air expert and ace pilot" Col. Charles Lindbergh; dire predictions of "civil war" in America, caused by the inevitable Russian style "cracking down"; and jabs at the administration's foreign and domestic policies: "Two Poplar Bluff, Mo., boys were recently sentenced to a two year pen term each for stealing auto tires. Maybe these lads are smart—maybe they'd rather serve a prison term than go 'smack the Japs!'"⁴⁹

The Garners managed to post bond—one thousand dollars each—but within a week the postmaster general announced that he had barred the mailing of the weekly. In July the "erstwhile publishers" faced a new indictment, this one linking them to a nationwide conspiracy of right-wing organiza-

tions and publications.⁵⁰ A second, presumably stronger, indictment replaced the first in January 1943, and a third, excluding James F. Garner, was handed up in January 1944.⁵¹

After more than two years of preparation, "The Great Sedition Trial," known officially as *U.S. v. McWilliams et al.*, began on April 17, 1944, in the U.S. District Court for the District of Columbia. Two years after his first trip to the nation's capital, the eighty-year-old great-grandfather returned to stand trial, an alleged participant in "an international Nazi conspiracy dedicated to Hitler's 'publicly announced' program to destroy democracy and establish 'national socialist or fascist' governments in the United States and elsewhere."⁵² Indigent and represented by court appointed counsel, Garner did not survive the jury selection phase of this farcical media circus. The initial indictment, issued by the District of Kansas, was formally dismissed due to "the death of the defendant, Elmer J. Garner," on September 11, 1944; but another continuance was

47. *Publicity*, April 30, 1942. This last issue included a brief report of "Our Washington, D.C. Trip," the editor's first visit to the nation's capital. Garner was called to Washington on April 7 and arrived April 9. As he had no hotel reservations he first stopped by Capper's office. In three minutes the senator's secretary had a place for him at the Plaza Hotel. On May 3 the *Beacon* reported that the seventy-eight-year-old Garner had visited Senator Capper daily while in Washington; the senator's office said Capper and Garner had been friends for forty years. The senator had made hotel accommodations for the editor, but this and other such actions reflected friendship and not a common political philosophy.

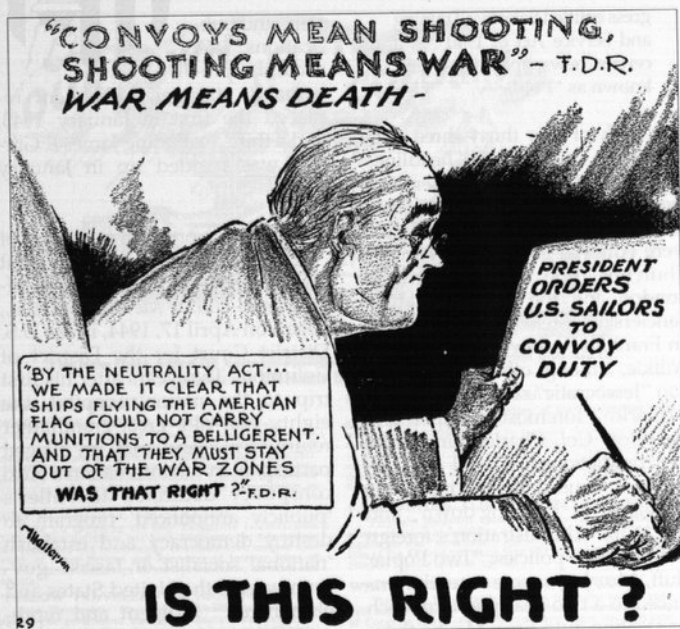
48. *Wichita Beacon*, May 2, 1942; *New York Times*, May 3, 1942; *U.S. v. Elmer J. Garner and James F. Garner*, Criminal Case File No. 2257, District Court of the U.S. for District of Kansas, Second Division; see also Schonbach, *Native American Fascism*; Felix S. Cohen and Edith Lowenstein, "Combating Totalitarian Propaganda: The Method of Suppression," *Illinois Law Review* 37 (November and December 1942), 193-214.

49. "Indictment," *U.S. v. Elmer J. Garner and James F. Garner*, 7. The specific issues of *Publicity* cited in the indictment were January 1, January 15, February 5, March 12, and March 19, 1942.

50. *New York Times*, May 9, July 24, 1942; *Wichita Beacon*, August 18, 21, 1942. Unable to post bond after their second arrest, the Garners spent several weeks in a Washington, D.C., jail. See also Phillips, *The 1940s*, 120, which states that the "legal-libertarian" Atty. Gen. Francis Biddle was reluctant to move against these "seditionists," but pressure grew especially after Pearl Harbor.

51. The first two indictments, which were known collectively as *United States v. Winrod*, were believed too weak to withstand court challenges, but they proceeded with the prosecution of thirty "seditionists"—twenty-eight men and two women—under the third indictment, based on the Smith Act. The composition of each indictment was somewhat different. Ribuffo, *The Old Christian Right*, 188-89, 193, passim; see also *Washington Post*, January 4, 5, September 1, 1943, January 4, 1944.

52. Ribuffo, *The Old Christian Right*, 196.



Publicity, November 27, 1941.

granted in "the cause as to defendant James F. Garner," who was forced to wait another three years for a dismissal.⁵³

The case of Elmer J. Garner is symptomatic of what historian Leo P. Ribuffo has called the "Brown Scare" of the 1930s and 1940s. Opposed tyranny and racism was commendable, but the methods utilized by the left in its pursuit of the radical right and many others who questioned Roosevelt's policies undermined civil liberties. The administration's conspiracy case against "thirty assorted Nazi propagandists and far right agitators . . . received almost unanimous

approval from the left but, like the Brown Scare in general, set precedents for suppression that liberals and radicals would later regret."⁵⁴

The Justice Department had indeed cast its net wide to haul in the editor of *Publicity*. However ill-conceived and repugnant his espoused views, especially with respect to racial issues (anti-Semitism), it strains the imagination to see Elmer J. Garner as a treacherous threat to the security of the U.S. or as even a participant in a vast nationwide conspiracy to subvert the armed forces of the country. In many respects Garner's views resembled those expressed by "respectable" elements within the country. Charles A. Lindbergh,

U.S. senators Burton K. Wheeler and Gerald P. Nye, U.S. representatives Hamilton Fish and Clare Hoffman, and many others were less dissonant than those of Garner's ilk, but they also were too prominent a target for the administration.⁵⁵ Garner was representative of a small, but vocal and vulnerable, minority of Americans and German nationals who infuriated the administration and its defenders. While Edward James Smythe and many others on the radical right were fascist and pro-Hitler, the Garners called on Americans to *not* buy Japanese goods and openly opposed "all isms except Americanism"—specifically, communism, nazism, and fascism!⁵⁶ In spite of the anti-Semitic diatribes that defiled the pages of *Publicity*, it can only be concluded that Garner was a victim, *not* of a "Jew"-driven conspiracy, but of the overzealous defenders of a "liberal" definition of Americanism. During the early Cold War years, the roles were reversed. Now the quarry was on the left of the political spectrum; the hunters—most notably Sen. Joseph R. McCarthy—were on the right. Both represented a "real and present danger" to the civil liberties guaranteed by the very Constitution they claimed to venerate.

(KH)

53. "Order," September 11, 1944, and "Motion to Dismiss," November 24, 1947, U.S. v. Elmer J. Garner and James F. Garner.

54. Ribuffo, *The Old Christian Right*, xiii.

55. Respected Wichita businessman R.H. Garvey was typical of many Kansans who applauded the efforts of the isolationist before the war, regarded "FDR and those around him" as "the most dangerous enemies of America," and considered the president's pre- and post-Pearl Harbor foreign policy nonsensical, if not treasonous. Garvey to Capper, May 27, 1940, August 17, 1943, Capper Papers. For Roosevelt's reaction to his isolationist critics, see Ted Morgan, *FDR: A Biography* (New York: Simon and Schuster, 1985), 523-24, 554-56, 580-83; James MacGregor Burns, *Roosevelt: The Soldier of Freedom* (New York: Harcourt Brace Jovanovich, 1970), 453-54; Ribuffo, *The Old Christian Right*, 178, 185-88.

56. *Publicity*, June 27, 1940, September 11, 1941.