
Foster Jury Given Radical Education: C.E. Ruthenberg Acts As Professor of Communism and Capitalism in Michigan Syndicalism Case

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ST. JOSEPH, Mich.—The jury went to school. Charles E. Ruthenberg was the professor.

It was during the trial of William Z. Foster for criminal syndicalism when the defense put Ruthenberg, Secretary, Workers Party, on the stand to tell 12 men and women about Socialism, Communism, revolutions, the collapse of capitalism, and the Third International.

Ruthenberg is a self-educated man of about 40, the son of a Cleveland longshoreman. He looked quite like a professor, talked fluently, as he sought to show that the gathering at Bridgman was a philosophical gathering not bent on violence and armed insurrection.

He quoted Lenin as saying before a meeting of the Third International that the use of force in the United States was “nonsensical.” The Communists, he said, were acting on the supposition that the disruptive forces at work in the capitalistic state would lead ultimately to a social revolution. It was the duty of the Communists so to train the workers that they would be prepared to take over the control of industry and the state when that time came.

He traced the history of the breaking up of the Socialist parties of all countries in 1914. In 1919, the Communist Party was organized openly in Chicago. In January 1920, the federal and state governments attacked the party and 6,000 members were arrested. As a result the party “went underground.” This situation existed up to 1921. Then a faction arose which believed that the party could again function in the open, and on Christmas Day, 1921, the Workers Party of America was formed, which included many who

were not Communists.

A threatened split among the Communists was what led to the meeting at Bridgman, he testified. One group believed that there was still enough of free speech left in America to enable the Workers Party to become openly the advocates of communism.

Over the objection of the prosecution, Ruthenberg, in answer to the question, “What party overthrew the tsar’s government?” said that no party had done or could do that thing, that such an overthrow of power could only come through a movement in the great mass of the people, the workers. The answer was later stricken out by the judge.

Later on the witness said: “The Communist view is that force is not a weapon for a small group or party to use. If force is resorted to it must come out of the social and political conditions existing in a country. An advocacy of force in the United States today would be nonsense.”

Tries to Prejudice Jury.

Prosecutor Gore tried to impress the jury by dissecting Ruthenberg’s answer of yes, in answer to the question: “Is it not a fact that you consider the present government of the united States a capitalist government? And the government of the state of Michigan? And that this applies also to your own state of Ohio? And you consider the judicial and legislative institutions are capitalistic?”

But when the prosecutor attempted to bring within this category the present jury also, as a part of

the capitalistic judicial institutions, he was considerably surprised by Ruthenberg's answer, "Oh, the jury, that is a different matter." Gore would not permit Ruthenberg to tell why he considered that the jury was a different matter.

And the jury was interested when Defense Attorney Walsh later, in spite of the continued interruptions by Assistant Attorney General Smith and his assistants, succeeded in getting Ruthenberg's opinion that it was possible for a jury, even in a capitalistic court, to return a verdict in the interests of the workers, providing the jury contains workers or working farmers who are not dominated by capitalistic ideas or authority.

The prosecution must have thought this a dangerous idea for presentation to the jury as they fought for 15 minutes to prevent the question from being answered, and then tried to have it stricken from the records. But as in so many other points of the trial, the prosecution, through its eagerness to appeal to petty prejudice, had opened a way for the defense to in a measure educate the jury.

Not a Communist Official.

Asked the direct question, "Was William Z. Foster an official of the Communist Party at that time?" Ruthenberg answered, "He was not."

By repeated questioning, Walsh hammered home

the fact that the Trade Union Educational League is not a part of the Communist Party, but is an independent organization in which there are Communists, Socialists, trade unionists, Republicans, and Democrats.

Before opening court White told the jury that the intimations of possible jury tampering, brought to their attention at the close of Friday's court session [March 23, 1923], was in no way to be connected with the efforts of either the defense or the prosecution, and should not be permitted to influence their decision in this case.

In answer to questions as to whether the defendant William Z. Foster was a delegate to the Communist Party convention held at Bridgman, Ruthenberg replied, "He was not," and explained how Foster had come to the convention as a fraternal delegate in response to an invitation extended to him by the party.

The state's star witness, Francis A. Morrow, had rough sledding during his passage through the morning session. "I must take that back," and "I must have been a little confused yesterday," were two of the startling announcements to which this witness treated the jury and audience in the court.

Edited by Tim Davenport.

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