
Foster Case in Hands of Jury: Verdict is Momentarily Expected; Only Defendant and Ruthenberg Testify.

by Robert M. Buck

Unsigned article in *The New Majority* [Chicago], v. 9, no. 14 (April 7, 1923), pg. 1.
Attributed to editor Robert Buck.

St. Joseph, Mich.— As this issue of *The New Majority* goes to press, the case against William Z. Foster has reached the jury, and before the paper is read a verdict may be announced.

Taking of testimony was concluded Friday of last week [March 30, 1923]. There is no court in this city on Saturday, and Monday was election day, so arguments by the lawyers were put off until Monday [April 2]. The judge read his instructions to the jury Wednesday morning [April 4] and the jury retired.

The speeches to the jury of the lawyers for the prosecution were merely attempts to fan into flame the prejudices a farmers' jury might be presumed to have against socialistic doctrine. There was nothing new about the pleas. They said that radicals didn't believe in the family, the home, religion, or patriotism, and that if the jury didn't find Foster guilty they would all lose their farms and their homes and their families. Most of this line of silly twaddle was dished out by Charles Gore, the prosecuting attorney of Berrien County, thus demonstrating why an assistant Attorney General of the state had to be assigned to take direction of the prosecution out of his hands. It was disappointing to find a man with a brain so childish as to seriously entertain the ideas that he expounded to the jury. It was evident from his manner that he believed the juvenile bunk he was handing out.

Speeches for the Defense.

Assistant Attorney General [O.L.] Smith, on the other hand, said that men have a right to believe in dictatorships of proletariats, communism, soviets, or

anything else and have a right to publicly advocate such beliefs. He tried to show that Foster sought to stir up armed insurrection.

Humphrey Gray, for the defense, made a quiet, logical defense of Foster quite in contrast to the harangue of Gore; and Frank P. Walsh, closing for the defense made an impassioned plea that held the crowded courtroom spellbound, interesting even the newspaper reporters. His plea included a stinging attack on Morrow, alias Ashworth, the spy who sat in the Bridgman convention as a delegate. His speech was studded with epigrams, of which following are samples, extended quotation being prevented by lateness of the arrival of this news:

There is more menace to you and to me in the mahogany desks in one building in Wall Street than there is in the 45 men who voted at the Bridgman convention.

It is a very poor American indeed, one without faith in the institutions of his country or in the quality of his countrymen, who sees a menace in communism.

We have got to pause and consider if the welfare of our government lies in the hands of Mr. Spolansky, Mr. Wolf, Mr. Shanahan, and Mr. Morrow (Department of Justice spies).

Walsh concluded his address by saying:

If you crucify Foster, by taking his life from him and making him spend it behind the prison bars, he nevertheless walks out of this courtroom still retaining his manhood and his honor, to quote the poet, his "head bloody but unbowed."

The defense put only two witnesses on the stand. C.E. Ruthenberg, the next defendant to be tried,

qualified as an expert on radical doctrines and gave the lie to many of the claims of the prosecution.

Following his testimony foster took the stand. He denied that he was a member of the Communist Party or the Workers Party. He said the communists composed only about 10 percent of the Trade Union Educational League. He stamped the account of his speech at the Bridgman convention as unreliable and told what he did say, in place of the things he was charged to have said.

Edited by Tim Davenport.

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