

# **THE CLASS STRUGGLE**

## **Communism on Trial in the USA.**

*By I. Amler.*

Communism has been pronounced no crime in the State of Michigan, U.S.A.

“Criminal Syndicalism is a doctrine advocating crime, sabotage, violence, terror and all other abnormal methods of action for the accomplishment of changes of an economic or political nature. The fact that the changes that the Communists

desire, cannot be achieved without violence cannot serve a necessary manifestation of criminal syndicalism.

"According to the laws of Michigan, advocacy and propaganda of theories and doctrines of class struggle, mass action, soviet system, trade unionism, internationalism, the affiliation of American trade unions to the Red Labor International, support of the Russian Soviet Government, independence of the working class movement, Communist activity, social revolution and other changes of an economic, political and trade union character, which are contained in the documents of the Communist Party or evidence given at this trial, do not constitute in themselves crimes."

"The only charge against this man (Foster) is that voluntarily and jointly with the Communist Party, he formed an organization for the propaganda and advocacy of doctrines of criminal syndicalism. But this alone would not constitute a crime if it should be proven that Foster and the Communist Party did advocate violence as a method of carrying out the desired changes."

These words in the instruction of Judge Chas. E. Whelan to the jury trying William Z. Foster, American labor leader, was an eminently fair interpretation of the criminal syndicalism laws of Michigan. After thirteen hours of deliberation, the jury returned to the court room to announce that they could not agree on a verdict. The jury was discharged and Foster was released. Whether he will be retried depends on the result of the trial of Charles E. Ruthenberg, Secretary of the Workers Party, who was charged with the same offence. As Ruthenberg was the chief witness for the defense and gave a clear presentation of the Communist point of view, it is most improbable that his trial will result in any other decision, that is provided there is no pack of politics and the same judge is allowed to preside.

Foster's trial was of the greatest significance to the Communist movement of the United States. The Communist Party was organized in September, 1919. On November 7, 1919, the Party planned to celebrate the Russian Revolution by a public demonstration. But it was called off, owing to information reaching the Party that *the Government intended to make a blood bath of it*. This indicated clearly the attitude of the authorities toward the propaganda that was being carried on with great enthusiasm by the Communists.

On January 1 and 2, 1920, the Federal Government carried out wholesale raids on the Communist Party branches, arresting some 5,000 members. Many of the arrested comrades were alien who were immediately held for deportation. Although the whole procedure was illegal—a recent investigation by a Senate Committee pronounced it an outrage—, Attorney General Palmer continued with his work of terrorization, so that the Communists were forced underground.

They continued to work as an underground organization but in December, 1921, upon the formation of the Workers Party, they found a means of public expression. They soon discovered that they could conduct a large part of their work through the Workers' Party, owing to its openness and legal status.

The second convention of the Workers' Party in December, 1922, demonstrated that the major part of Communist activity in the United States at the present time can be carried on openly and aboveboard, so that the idea has arisen of the Communists utilizing *only* the Workers Party as their means of reaching the masses and organizing them for revolutionary work.

Being an illegal party, the Communist Party had to hold all its meetings, conventions etc. secretly,—not because of the nature of the deliberations, but merely because membership in the Party has constituted a crime in most States of the Union. A convention of the Party took place at Bridgman, Michigan, in August of last year. The Government had a spy there in the person of a delegate from one of the eastern districts of the Party. A raid was made on the convention, but by the time that the Department of Justice agents and the sheriff of the County arrived, the majority of the delegates had disappeared.

The arrest, however, of more than 20 active Communists has raised the issue of Communism in the United States: is it a crime to be a Communist in America and belong to an organization carrying on propaganda whose immediate goal is the establishment of a Workers' Republic, as opposed to bourgeois democracy?

A short time after the convention, Foster was arrested at the office of the Trade Union Educational League, charged with having participated in the Party convention. The convention of the Trade Union Educational League occurred about two weeks later. A raid was made on it and two more comrades arrested. The convention thereupon proceeded with its work, which was highly successful. The very success of the TUEL convention was one of the main reasons for the organized attacks on Foster and the organization of which he is the head.

The cold-blooded attacks on the Party convention and the TUEL, immediately aroused the anger of the militant and pro-

gressive workers in all parts of the country. Most of the comrades arrested are *active trade unionists*. Many large labor organizations protested against the high-handed raids of the Government. The Labor Defense Council was formed and received the support of several State Federations of Labor and city central bodies.

Although a most serious matter, these raids served to put the Communists before the working class of America in the proper light and to make the workers understand that the Communists were not some wild foreign animals, but militant workers with a definite revolutionary program.

The economic and internal political situation of the country served to procure for the Communists the support of large sections of the working class. The strike of the shopmen, miners and textile workers was in progress at the time of the Party convention. Attempts were made to terrorize the strikers and their families. The Government of the United States outdid itself in the utilization of force. Spies, provocateurs, Government agents, private guards, the press, the church, militia, constabulary and federal troops were prepared and used against the workers by the capitalists. The latter had launched a campaign to destroy the labor organizations employing the euphonious slogan of "open shop", which in reality aimed at putting an end to unionism in the United States.

On September 1, Attorney General Daugherty issued his infamous injunction, which prohibited all strike activities, sympathy with the strikers and any manifestation of support of the strike by anybody and everybody. This was a most sweeping injunction, such as the working class of America had never experienced in the many years of governmental terrorization. Daugherty blandly stated that he would use the "whole power of the Government in defence of the open shop".

The effect of the injunction on the working class, however, was electric. Protest after protest was made by labor organizations. Even Gompers was compelled officially to demand the impeachment of Attorney General Daugherty. It looked as if the workers of America at last were being aroused to militancy against the capitalist class and to an understanding of the role of the State in capitalist society.

The trial of the Communists thus became an affair of the *whole working class*.

In December, 1922, the Conference for amalgamating the 19 existent craft unions of the railway industry took place in Chicago. This conference was a tremendous success. Before and since that time, the Trade Union Educational League has succeeded in launching broad amalgamation campaigns in the mining, needle, printing, textile and other industries—campaigns that promise to revolutionize the trade union movement of the United States.

As a consequence, no man is more hated and feared by the capitalists and the reactionary leaders of the American Federation of Labor, than William Z. Foster. And no man in the American labor movement enjoys a higher reputation for skill, militancy and honesty than Foster.

Gompers has gone up and down the country denouncing Foster. The capitalists have endeavored to arouse sentiment against him by charging him with being an "agent of Moscow".

The Labor Defense Council, perceiving that the trial of Foster and the twenty-one other comrades would be of great bearing on the future of the American labor movement, decided to spare no expense in the defense of the men.

In taking preliminary testimony, the lawyer for the defense discovered that the Government had a spy at the Convention—a man who had been in the employ of the Government for five years. He also discovered another spy whose testimony had a most specific effect on the case and exposed the methods employed by the Government and its agents in the persecution of militant workers.

There does not exist in America a Federal "criminal syndicalism" or "criminal anarchy" law. In other words, the Government of the United States cannot prosecute workers on any such trumped up charges. There is a law of that nature, however, in at least 35 States. The Government of the United States, therefore, "innocently" instructs the States to carry out the man-hunts on the militant workers—while it acts as the secret cooperator. There has not been a single raid on the radicals and revolutionists without the Department of Justice having been either the instigator of it or having participated in it.

The raid at Bridgman was engineered by William J. Burns, chief of the Department of Investigation of the Federal Department of Justice. Burns is the head of a notorious detective and strike-breaking agency. There is another agency—the Thiel Detective Agency, which does similar vicious work. In the employ of both firms was a notorious spy, by the name of Bailin. This man was instructed to join all militant organizations, including the Communist Party, the I.W.W., etc. He used to steal reports

that he made to one firm for the other. It is the method of the detective agencies to keep alive scares of murder plots and conspiracies supposedly fomented by radicals.

The campaign against the accused comrades took on tremendous force. It was known that the steel interests of the country would furnish any amount of money to put Foster behind bars. Despite the fact that the governor of Illinois had pardoned 16 comrades convicted of belonging to the Communist party, despite the fact that the governor of New York had pardoned five comrades convicted of "criminal anarchy", despite a general wave of liberalism that seemed to be crossing the country, Wall Street was pressing the charge and launched a far-reaching campaign to crush the rising Communist movement.

But all to no avail. The clear exposition of Ruthenberg as to the purposes and aims of the Communists, the straightforward statements of Foster, the open, frank stand taken by the defense—this is the Communist movement, this is what it stands for—what are you going to do about it?—built up a strong wall. The prosecuting attorney ran the whole gamut of juristic chicanery. He accused the Communists of conspiring to overthrow the government, destroy religion and wipe out the home.

Although these appeals generally have met with a response from American juries, this jury refused to be befuddled. The issue was quite clear and all attempts to cloud it would merely react against the confusers. The jury composed of nine farmers, a woman, a grocer, and a non-union railroad man, after 13 hours deliberation, refused to convict.

The significance of a Communist movement in the United States cannot be over-emphasized. The importance of this verdict to the movement likewise cannot be overestimated. Although this is the first test that has been made of the Michigan Law, it is similar to the laws in 34 other States, in which generally convictions have been had. It means the beginning of a general movement for the repeal of all such dastardly attempts to suppress the working class movement.

The greatest feature of the disagreement of the jury and the subsequent freeing of Foster is, that the Communists can once more carry on their work in the open in the United States. Not that they have any illusions as to the tolerance with which they will be greeted by the capitalist class. They know very well that as soon as the movement takes on speed and momentum, the capitalists will find a pretext to attack it. In the meantime, however, the Communists will make use of every channel for open work—doing so with the determination that, next time, they will not so easily be driven underground.

The release of Foster demonstrates that it is no crime to be a Communist in the State of Michigan. The Communists of America must start a nation-wide campaign together with all organized labor to wipe all "criminal syndicalism" and "criminal anarchy", laws from the statute books of the 35 States in which they exist. They must also start a campaign for the release of the class war prisoners who fill the American prisons as a result of prosecution under these and other war time and ante-war time legislation. Mooney, Billings, Chaplin, Sacco, Vanzetti, Blankenstein, Dolla, Ford, Suhr, Bental and the many members of the I.W.W. and other comrades in prison must come out.

## A Monster Communist Trial in Horthy Hungary

By E. L.

On April 12, the monster trial of our brave Hungarian comrades begins. The main accusations are against Ernst Singer, Josef and Franz Greiner, Emerich Katzburg, Geza Revész, and Cornel Szabo. Horthy's executioners will sentence more than 69 comrades. The chief accused are emigrants, the others are Hungarian workers of all categories, partly from Budapest, partly from the provinces, for the most part functionaries of their trade unions. The indictment charges them with the crime of having made preparations for overthrowing the state by force. The indictment literally states that they have committed this crime by co-operating with the III International in organizing an under-ground Communist Party in Hungary, and in organizing a widely ramified nucleus system in the social democratic trade unions, and in the separate factories and workshops, not only in Budapest, but in many parts of the provinces. They are accused of the following method among others: they have penetrated into the trade unions, factories, and workshops, and have traced out those individuals who are inclined to extremes. In these individuals they have awakened and maintained discontent and bitterness by means of oral propaganda, and by newspapers and pamphlets proclaiming the teachings of communism—mainly the periodicals edited by Ernst