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# Ferguson Opens Defense Case in Anarchy Trial:

## Charles Ruthenberg, First Witness, Narrates His Life Story Before Judge Weeks: Lovatt Testifies: Prosecutor Rorke Attempts to Label Defendant as Organizer of Communist Left Wing.

Unsigned article in the *New York Call*, v. 13, no. 300 (Oct. 26, 1920), pp. 1, 4.

With Charles E. Ruthenberg on the stand, the defense of Ruthenberg himself and Isaac E. Ferguson on a charge of Criminal Anarchy before Judge Bartow S. Weeks opened its case in the Supreme Court here yesterday [Oct. 25, 1920].

Ferguson, in opening the case as counsel for the defense, declared that he did not believe it necessary to call a long list of witnesses, to involve the jurors and the court in a welter of examination and cross-examination and to bury the clear outline of the case in the usual hugger-mugger of court procedure in order to refute the allegations of Alexander I. Rorke, assistant district attorney, and the witnesses for the state.

All he proposed to do, he said, was introduce the defendants themselves to the jury. He would permit them to get acquainted with the characters of the two men that the state wishes to convict of criminal anarchy, the opinions they hold and the reasons behind those opinions, and on these things, and these things alone, he told the 12 men who must pass upon Ruthenberg and himself, he would rest his case.

In pursuance of this, Ruthenberg was on the stand most of the day, his life and opinions being subjected to an exhaustive examination.

Prior to this George Robert Lovatt of Win-

nipeg, Canada, star witness for the prosecution, and the man who dilated upon the ramifications of the Winnipeg strike, was subjected to the sharpest sort of cross-examination by Ferguson. Lovatt previously appeared as a witness in the Larkin, Winitsky, and Gitlow trials.

Yesterday Ferguson produced some of the testimony of Lovatt in the Winitsky trial in order to show how the state's star witness had contradicted himself.

### **Prosecution Witness Befuddled.**

Lovatt had told Ferguson that there were no non-strikers in Winnipeg in sympathy with the strike of May 15, 1919. During the Winitsky trial, as the records showed, Lovatt stated that there was an organization of 6,000 soldiers who had been overseas. This organization held daily meetings in the public square to express sympathy for the strikers.

Judge Weeks took exception to the word "scab," as used by Ferguson. Ferguson asked Lovatt if there were any scab activities during the strike.

"If you talk the language of the street in the courtroom," said Judge Weeks, "you must translate it. This court does not speak or hear the lan-

guage of the street.”

Ferguson involved Lovatt in a glib statement that proved to be guesswork as to the number of strikers in Winnipeg who had families. Lovatt stated that half the strikers, or 10,000 men, had families and were, therefore, representing one-fifth of the people of Winnipeg, 200,000 in number.

Lovatt was forced to a flat statement that the strikers in Winnipeg made no effort to usurp the city government and did not even discuss such a contingency. The strike grew out of a dispute in the building and metal trades for better hours and wages, he acknowledged

### **Lovatt Loquacious.**

Lovatt showed a tendency to air his own opinions and interpret his testimony freely. He stated that the dairymen applied to the general strike committee for permission to operate wagons “because they were afraid the babies would die without milk.” Ferguson objected to Lovatt’s acting as a “volunteer lawyer.”

During Ferguson’s cross-examination of Lovatt, Judge Weeks ordered Rorke to pay strict attention to the questions. At various points in the questioning the Judge raised moot points that would have done him credit when he was himself a prosecuting attorney. Rorke did not avail himself of these suggestions to make objections.

Ruthenberg gave the details of his life as follows:

He stated that he joined the Socialist Party in January 1909, and had been its candidate for mayor of Cleveland, Ohio, where he was born in 1882, for Congress, and for Governor of the state. His conviction for violating the Conscription Act, in 1917, came at a time when he received the third largest vote for mayor of the city of Cleveland.

### **Indicted as Anti-Conscriptionist.**

“I was indicted in June 1917 for making

speeches in Cleveland against conscription. I began serving my sentence in February 1918. During this period I was making a campaign for Mayor of Cleveland, and speaking everywhere. I made a special point in my speeches of the fact that I was under Federal Indictment. I received 27,000 votes out of a total of 100,000 votes cast in November 1917.”

“The fact that 27,000 citizens of Cleveland,” said Judge Weeks, “wanted an ex-convict, who had violated the laws of the United States, to represent them as mayor does not prove anything material to this case.”

Ferguson charged that he was anticipating the Judge’s instructions to the jury as to Ruthenberg’s credibility. The testimony was allowed to go on record.

Rorke objected to Ruthenberg’s testimony that he had a wife and a boy of 15, now attending the public high school of Cleveland. He claimed that this was bidding for the jury’s sympathy.

### **International Aspects.**

The international aspects of the class struggle were made the subject of much discussion. Ruthenberg sketched the development of the First, Second, and Third Internationals. He outline the growth of Right and Left Wing Socialism, both here and in Germany and Russia.

Cleveland was overwhelmingly Left Wing in 1919, said Ruthenberg. He was secretary of the local organization and editor of a weekly Socialist newspaper. He was elected a delegate to the Left Wing Conference in New York City, June 21, 1919. Before June 20, when he arrived for the conference, he had not been in New York City. He left the city on June 23 to get out his newspaper, and attend a convention of the Ohio State Socialist Party in Cincinnati, June 27. He was also a delegate to the first Communist Convention in Chicago, September 1919.

Rorke conducted a short cross-examination

before court adjourned. He developed that the trial of defendants was postponed twice, in order to dispose of an indictment against them in the Chicago courts. Although Rorke insisted that this arrangement was by suggestion of the defendants, Ruthenberg struck to his assertion that the District Attorney of Illinois arranged the matter with Rorke, independent of the defendants' wishes in the matter.

Rorke also developed that Ferguson, among others, offered a plan for the organization of the Left Wing movement, and that Ferguson's plan formed the basis for a series of debates. The final scheme of organization was a result of the joint discussions, Ruthenberg stated.

"By the way," added Rorke, "have you ever been to Russia?"

Ruthenberg said that he had not. Rorke followed up by asking if Ruthenberg had been in Germany.

"Then you have not seen the Soviets at work," Rorke charged. "You do not know of your own knowledge know anything about either of these movements."

The case will be resumed this morning.

*Edited by Tim Davenport.*

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