
Ruthenberg Second Michigan Defendant: Prosecution Jolted When First Juror Called Voices Opposition to Criminal Syndicalism Law.

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Published in the *Miami Valley Socialist* [Dayton, OH], v. 10, whole no. 581 (April 27, 1923), pg. 6.

ST. JOSEPH, Mich.— A little jazz was introduced into the proceedings of the first day of the trial of C.E. Ruthenberg, charged with violating the Michigan Criminal Syndicalism law. Prosecuting Attorney Gore began his quizzing of the prospective jurors by calling venireman Ray Tony, a Berrien County farmer.

Prosecutor Gore asked Tony if he was familiar with the terms of the Criminal Syndicalism statute. The answer was a short and categorical “Yes.”

Q. Do you believe this syndicalist law is a good law?

A. I do not.

Q. You do not believe this law should be enforced?

A. I do not.

Mr. Tony was excused for cause.

As the first move in the trial, attorneys for the defense and for the prosecution conferred with Judge Charles E. White as to the admissibility of papers and documents alleged to have been taken from the satchel of Ruthenberg, as evidence in the case. The court reserved decision on this question.

Second Spy Named.

Attorney General Smith then added to the information in this case the name of Louis Loeber, said to be the much vaunted “second undercover man of the Department of Justice” who attended the Bridgman convention in the role of a party member and delegate. This witness for the prosecution was not used in the Foster trial, which resulted in a jury disagreement. He is expected to create great havoc in the forces of the defense.

But announcement of his availability did not result in any show of enthusiastic interest by the courtroom audience, which consisted of just 6 citizens. Before the afternoon session was finished, the audience had increased to a dozen. General interest in the prosecution of these cases seems to have subsided with the ending of the Foster trial; the proceedings today were quite dull and perfunctory throughout.

Attorney Frank P. Walsh, chief counsel for the defense, presented a writted motion requesting a full bill of particulars in the Ruthenberg trial. This motion was denied, the court holding this to be an unnecessary request.

Before beginning his questioning of the prospective jurors, Prosecutor Gore stated to them:

Specifically, Mr. Ruthenberg is charged as follows: That on the 20th day of August, 1922, in the township of Lake, county and state aforesaid, the defendant Ruthenberg did voluntarily assemble with a certain society, group, or assembly or persons — to wit: the Communist Party of America, formed to teach and advocate the doctrine of criminal syndicalism, contrary to the form of the statute prohibiting crime, sabotage, and violence, which statute was passed by the legislature of this state in 1919.

Some Eager to Be Jurors.

The veniremen questioned seemed to be either overanxious to get on the jury, or else equally overanxious to avoid such service. The first sort agreed with every suggestion offered by the prosecutor — sometimes even in advance of the question itself; although admitting that they had read much about the case in the newspapers, they had never expressed or formed

an opinion with regard to the guilt or innocence of the defendants, nor had they even heard such an expression of opinion, either way, by anybody else. These were tentatively accepted as jurors, subject to later questioning by Defense Attorney Walsh. The other veniremen had all formed such an ineradicable opinion that no amount of testimony and evidence would serve to change it.

Of the 16 jurors examined, however, the prosecution permitted but 3 to get away in this manner, and presented the required dozen for Defense Attorney Walsh's consideration. When the court adjourned Walsh had passed two jurors — O.E. Servis, St. Joseph, and Frank W. Ward, Benton Harbor, member of the Machinists' Union and an ex-serviceman.

In the venire of 30-odd there are no women listed.

Edited by Tim Davenport.

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