
The Verdict in the Foster Case

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Compared with the outcome of similar prosecutions in the past the jury disagreement in the trial of William Z. Foster and the Communist Party is a great victory for Communism in the United States.

The evidence brought before the jury in the form of the official documents of the Communist Party frankly stated in Communist viewpoint that the class struggle inevitably develops into an open struggle between contending classes and that the ultimate phase of the struggle between workers and capitalists would involve a resort to force. The viewpoint was also stated openly from the witness stand.

The charge of Judge Charles E. White, admitted that this statement of Communist principles was not a violation of the Michigan Criminal Syndicalist Law. He said that the prosecution must prove,

“Not alone that this party taught the theory that the social forces now in operation would of their own momentum bring about an encounter of forces between opposed social classes, but also that the party taught and advocated crime, sabotage, violence, and terrorism as the method or one of the methods of accomplishing the changes in the organization of society desired by the Communists.”

And he stated further:

“The word ‘sabotage’ as used in this statute means malicious injury to property; the word ‘violence’ means criminal acts of violence; the phrase ‘other unlawful means of terrorism’ means acts of a terroristic character constituting crime under the laws of this state.”

Under these instructions it is surprising that there should have been any struggle in the jury room and that a disagreement was the final result, for these instructions fully uphold the Communist right to do everything which they have done in the state of Michigan or elsewhere in the United States.

The Communist Party has never advocated acts of violence or acts of terroristic character constituting crime under the laws of the state of Michigan or any other state. What the Communists have done, and what they insist is their right, is to express their view, based upon historical precedents, that no privileged class has ever given up its power without a resort to force and that the class struggle between worker and capitalists will follow this historic precedent.

This is something entirely different from advocating acts of crime, sabotage, or acts of terrorism which are crime under the criminal law.

This was also the view taken by those members of the jury who stood out for an acquittal of Foster.

“The prosecution didn’t prove that the Communist Party advocated violence,” Russel Durm, one of the jurors who voted for acquittal, said. “That was the only thing we split on. We all agreed that Foster attended the Bridgman convention, knowing what was going on there and sympathizing with the movement.”

The Michigan trial in part at least seems to have understood the distinction which Judge White made. The fact that a distinction was made in the Michigan case is a decided victory for Communism. The Communists, now organized in the Workers Party, will continue their struggle in Michigan and elsewhere to establish their right freely and publicly to state their viewpoint, even including their viewpoint in regard to the part that force has played and will play in the class struggle.

They will maintain in the trials to follow the Foster trial as they have during that trial, the principles of Communism and the right of Communists publicly to proclaim those principles in speech and press.

Edited by Tim Davenport

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