
Ruthenberg Jury Selection, Day 3

by T.J. O'Flaherty

Mimeographed press release of the Workers Party of America Press Service,
April 18, 1923. Copy in Comintern Archive, RGASPI f. 515, op. 1, d. 211, ll. 75-76.

(Morning Session, April 19th)

(Special Wire) St. Joseph, Mich.— The surprise of this morning's session was the discovery that under the laws of the state of Michigan no citizen can qualify to sit as a juror unless that citizen is a property owner. This resulted in the removal of Roy Aiken, box factory worker, from the jury, the only propertyless worker in the panel called to give a fair and impartial trial to C.E. Ruthenberg, also a propertyless worker. Mr. Aiken owns a house which happens to be in his sister's name, but because his name is not on the assessment roll, he was considered unqualified.

Taken in connection with the peremptory challenge by the state of the only union man on the jury list, our readers can draw their own conclusions, regardless of the fairness of the judge, as to the handicap under which C.E. Ruthenberg suffers in facing twelve men who must necessarily possess property and are presumably in favor of a system of which the private ownership of socially essential property is a cornerstone.

All the claims made by the prosecution, that all are equal under the laws of this country and the state, sound hollow and meaningless in the face of this evidence that a workingman without property is not qualified to sit in judgement of his fellow man regardless of personal character, provided he is not endowed with wealth in the form of property and pays taxes.

Rumors of a surprise were spread yesterday evening by the prosecution, but the only surprise that materialized was the one referred to above. William Z. Foster's bail was reduced from \$10,000 to \$5,000 yesterday afternoon.

Henry E. Gillette of Benton Harbor was excused because of defective hearing, and a Mr. Bricken for prejudice. During his examination by Attorney Gore, Mr. Gillette admitted that a certain person who had a conversation with him caused Gillette to ask some questions as to whether Ruthenberg was a citizen or was arrested for opposing the war. In spite of his efforts to be fair it was clear that he was prejudiced. While this incident was being thrashed out the stool pigeons, male and female, appeared very interested.

It might be remarked here that Mrs. Morrow wears a dress this morning which rendered service during the Foster trial. She sits in a strategic position

in full view of the jury, without going into descriptive details it may be said to be more fitting for a ballroom floor than a decorous courtroom. Several gold teeth, glittering wristwatch, and several rings testify to the wizardry with which a dollar-a-day fink injected into his household economy.

Mr. Riggs, formerly a member of the Painters' and Decorators' Union, was drawn in Mr. Gillette's place and a Mr. Fred Stanker, a Benton Harbor farmer in Roy Aiken's place. All jurors are asked the usual questions, the jury is expected to be completed this afternoon as the defense has exhausted all its peremptory challenges and the prosecution only has one left.

• • • • •

(Afternoon Session, April 19th)

St. Joseph, Mich.— Selection of a jury to try C.E. Ruthenberg for violation of the Michigan Criminal Syndicalism law was completed here shortly after resumption of court this afternoon. The State used its last peremptory challenge on Mr. Riggs, painter and former union member.

Judge White denied motion of defense for return of papers taken from Ruthenberg at the time of his arrest. As in the Foster trial, the jury will not be locked up.

Prosecutor Gore opened the trial for the State at 2:15 pm.

Edited by Tim Davenport

1000 Flowers Publishing, Corvallis, OR · November 2011 · Non-commercial reproduction permitted.