
After 8 Years, the Michigan Cases Come to Life Again Through Ham Fish's Attacks: Capitalists Insist on Trial of Foster, Browder, Bedacht, Minor, Weinstone, and Others.

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ST. JOSEPH, Mich.— The courtroom of the Superior Court of Berrien County, Michigan, in St. Joseph, Michigan, is a historic place. In this room, Comrade Ruthenberg was convicted in 1923 of criminal syndicalism. In the same room, Comrade Foster was tried for the same “crime.” Last Thursday [March 26, 1931], in this room, there was staged another act in the grim farce called capitalist justice.

In 1922, the Communist Party held its convention in Bridgman, Michigan. For this crime the delegates were indicted and held for bail ranging from \$7,500 to \$10,000. The right of individual trials was obtained by the defendants. C.E. Ruthenberg was tired and convicted. In the trial of William Z. Foster, the jury disagreed. Since then none of the defendants were never called for trial, in spite of repeated requests.

On Jan. 1 [1931] a new Attorney General came into office in Lansing, Michigan. He is evidently eager to share the national laurels for red-baiting with Hamilton Fish. After more than 8 years had elapsed after the arrest, the Attorney General submitted the motion to the court to set aside the order for individual trials, originally granted, and to bring all of those arrested to trial.

The defense reminded the court of the existence of a document, popularly known as the Constitution of the state of Michigan, and an-

other document, equally well-known as the Constitution of the United States. Both of these documents guaranteed any accused speedy trial. The defense contended that upward of 8 years of time elapsing since the arrest could not be called a speedy trial. Here is an obvious case of political persecution. The Attorney General's office considered it politically expedient not to proceed against the arrested for all these years, but now, they consider the dear old public sufficiently poisoned by the ravings of Hamilton Fish, Matthew Woll, and other fascist agents of the war-breeding capitalist rulers of the United State, to risk another trial.

To prepare for just such emergencies, the capitalist legislature of Michigan, in 1927, changed the court procedure. It robbed the accuse of the right of separate trials. It also robbed them of their right to select the jury and practically transferred that right to the judge.

Last Thursday [March 26, 1931], before Judge White, in the Superior Court of Berrien Country, both motions, that of the prosecution and the one of the defense, came up for argument. The prosecution was represented by Assistant Attorney General Gillas. The defense was in the hands of Maurice Sugar of Detroit and Humphrey Gray of Benton Harbor.

The prosecution was ably and energetically

assisted by the judge. The judge told the defense, before it started, that he had already made up his mind to grant the motion of the prosecution and deny the motion of the defense. He stated in truly capitalist justice fashion that he had conferred with the prosecution about the case, and that it was he himself, who had suggested to the prosecution its motion.

According to the eminent judge, it is not the business of the court to guard a defendant against any infringement of the defendant's constitutional rights. According to Judge White's construction (and his interruptions are borne out by the practice of all capitalist courts), the judge and the prosecution can tear the constitution to shreds and throw the pieces into the face of any defendant. That is what the constitution is for. It is up to the defendant to protest. And when, as in this case,

the defendants do protest, then the eminent judge explains that this isn't the time for a protest.

The Assistant Attorney General sat through the proceedings without opening his mouth. The judge pleaded his case. The motion of the prosecution wasn't even read. The judge granted it without hearing it. It was directed against the accused and that was sufficient ground for granting it. All the rights Judge White condescended to grant to the accused was that, if they didn't like this ruling, they can go to the Supreme Court and try to have it reversed. After this destructive performance of capitalist justice, Judge White set the date for the trial of the accused for June 1.

Among those called for trial are William Z. Foster, Earl Browder, Max Bedacht, Robert Minor, William Weinstone, and other active leaders of the Communist Party.

Edited by Tim Davenport.

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