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# The Yipsels and the Socialist Sediton Case:

## Part I — The Prosecution's Case.

by William F. Kruse

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The great court battle just ended has proved one thing at least beyond all argument — that the Young People's Socialist League is one of the most important phases of work in the socialist movement. The "Yipsels" have always contended this, and a small but constantly increasing number of older comrades loyally stood by them. Debs, Kirkpatrick, Anna Maley — these were some of the names that could always be found backing up the young movement. To this is now added the prosecution department of the Democratic Administration. This new testimonial has convinced some of the most conservative of our comrades of the importance at least, if not the value, of the young socialist movement.

The real charge levelled against the socialists on trial is identical with that against Socrates in ancient Greece — we sought to corrupt the minds of the young by teaching the truth as we see it, but which is very unpopular and dangerous to the masters of our day. We sought to "corrupt the minds of the youth" by teaching the truth about war, by circulating the international socialist position as defined in the official publications of our party. But above all, we sought to "corrupt the minds of the young" by fostering a social and educational organization of young people, whom the capitalists look upon as their very own preserve of future wage slaves.

Therefore we are traitors to the very foundations of their system of exploitation. There is no doubt about

it. They want the young to continue in their service. Though the YPSL we seek to enlist the youth in the service of humanity. There is a clash here and as soon as our work promises to become effective they give us battle with every means within their power.

It came as a painful surprise to some of the defendants that the prosecution should level its heaviest attack on the Young People's Socialist League. But this is only natural since on this field we attack capitalism on its most vulnerable point. An election of an easygoing political opponent here and there is annoying to our masters, but not really dangerous. When, however, a movement seriously begins to lay its foundations for future triumph in the fiery hearts and free, fearless minds of

the younger generation it is time for the gentlemen of place and power to take heed to their future.

The Yipsels bore the brunt of the attack, and they withstood it splendidly. More than a dozen young boys and girls mounted the witness stand and gave their testimony so directly and unhesitatingly that they proved its living truth by their demeanor. They did not hedge or dodge, and especially in the barrage fire of cross examination did their coolness and intellectual keenness show itself. The prosecution could not dent their stories nor swerve them from the truth.



William F. Kruse  
on the witness stand

And what stories they had to tell! One boy told of being brought from New York, kept here for a week and then ordered out of town on two hours notice because he could not truthfully testify just to the prosecutors' liking. A girl was introduced as a hostile witness by the government, and on cross examination told how she had been held in a New York hotel two days without warrant or subpoena. She was "hostile" evidently because she had insisted upon legal process before coming to Chicago. Another boy told of being promised an easy berth in the army and the liquidation of all debts if he would testify to the "truth" as the prosecution saw it. A girl told of having her bedroom invaded after midnight by "investigators" who flashed an electric light in her face and demanded that she get up and turn over all her records to them. One of the principal documentary exhibits disappeared very mysteriously just before the socialists were to take it out for expert examination. An impeaching witness, a young girl of 18, was haled down to the Federal office within two hours after her name was first mentioned in the case, a statement was prepared for her to sign, and when she refused to do so because it was untrue she was held from 6 o'clock in the evening until midnight, part of the time being left alone in the room with the man whose credibility she was to impeach for the defense, and at the late hour of her release, when she was told by the prosecutors that they could not use her but they did not want the defense to have her, she was sent home in company with the same renegade to both sides against whom her testimony, some days later, would be levelled. These are only the high spots. They are just incidents. They could be added to indefinitely. The Chicago Yipsels have had some of their most essential records held in custody over a year, they have had their meetings persistently spied upon, they have found agents of the prosecution within their membership ranks, and all through they have stood bravely and unflinchingly for the cause to which they had consecrated their lives.

As for my small part in the defense, I have been criticized for taking the attitude more of a crusader who sought to convert the jury to his beliefs than a witness who sought to dodge the nets the prosecution sought to spread for his unwary feet. That may be either a criticism or a compliment — to me it is the latter. This was not a trial of five men, it was a clash of

two conflicting principles mutually exclusive, the capitalist principle versus the socialist.

Look over the jury — not a man among them knew anything about socialism, and those who thought they did had it dead wrong. Thirty-eight talesmen were examined in all, and I kept track of the first twenty-five, after which the job was given up as hopeless. The average age was between 45 and 50. The youngest man was 27, the oldest 70. Another outstanding fact is the kind of work in which these 25 prospective jurors were engaged. There were five insurance men out of 25, and of these three had real estate offices on the side. Ten were farmers or connected with farm industries, as fruit growers, poultry men, livestock, etc. Of these ten, three were retired from active work, and three others owned exceptionally large and fertile tracts of Illinois land. Three were political job holders, two were small painter contractors, two were steel trust white-collar slaves, one was a newspaper owner, one an inventor, one a Bank President. Five were shopkeepers, of these one was a scab barber, one a wholesale shoe merchant who had trouble with the teamsters union, one the owner of a restaurant in a small town who depended on Court House trade, one a Scotch harness-shop owner, and one a retired general store keeper. Were there any workingmen among the crowd? Yes, there was — one! He was a teamster employed at the stockyards, educated in the Chicago Public Schools, of American parentage, a precinct worker for the Democratic Party, so hard worked that he thought the President made all the laws, but then, he had time to read the papers only once a week. He had never read anything about socialism, didn't know what it was — surely here was an ideal juror for the prosecution. Did they take him? They did not! They used their last pre-emptory challenge on him, probably because he had sense enough to belong to a teamsters' union.

On the point of nationality, too, some interesting discoveries were made. Out of the 25 on whom notation was made, 11 were found to be of British parentage. In other words, the British Empire, which furnishes only 10% of the foreign born population of Illinois, furnished 44% of these prospective jurors. Only 2 were of Germanic parentage, although there are three Germans to one Briton in Illinois. Two were of Scandinavian extraction. No Russians or Austrians were called, although there are more of either of these

nationalities than the British. There were fewer men of American parentage examined among these 25 on whom tab was kept than there were those of British parentage, notwithstanding the fact that 46% of the people of this state are native born of native parents. At one time an Englishman, a Scotchman, and an Irishman accompanied adjoining seats in the jury box so one young man sardonically remarked, "There sits the United Kingdom of Great Britain and Ireland."

The examination of the jurors brought to light the whole gamut of prejudices on which the prosecution must have figured in planning the case. All were in sympathy with this country's entrance into the war, only one expressed himself as opposed to war on principle. Two thought there was no difference between the anarchist and the socialist and the IWW, one was violently prejudiced against the conscientious Objector, most of the others had never heard of such a person. Only three admitted they had ever read a line on Socialism, two thought they had once heard a socialist speech but it made no impression on them. Two had never heard of the Espionage Law, three were not at all sure that the constitution of our country said anything about free speech. Six actually said that they thought the minority had absolutely no rights while the country was at war. Out of this aggregation we picked our jury.

Judging from the statements of the jury after the verdict, as quoted in the press, the case was tried on the real issue in spite of the lurid dime-novel tale with which the prosecution tried to embellish it. "We consider the St. Louis War Proclamation the most traitorous document ever published," said the 70-year-old foreman, a former Republican office holder and now a fruit farmer. "We gave much more consideration to the documents than to the testimony," said another. "We do not see why these men ever wanted to be tried by an American jury," said the owner of 480 acres of rich Illinois soil. "We did our duty as Americans," said a young insurance agent.

An American jury to be sure! Bankers, insurance men, contractors, retired farmers! Shopkeepers, inventors, newspaper owners! And 65% of the American people who work with hand and brain own only 5% of this nation's wealth! We would not have chosen that kind of a jury if we could have had a representative one, but we were not trying the case, we were asked to

sit in on it. It is surely a strange freak of the jury wheel that APLs [American Protective League members] were drawn into the box, but no one favorable to socialism got near it. And this in the 20th Century, in the year of 2 after the Russian Revolution!

But the trial was an interesting one, at least in the early stages. After the opening speeches were disposed of, in which the Yipsels were variously referred to as "that aggregation of seditionists," "this lair of young traitors," over whom the defendants "watched with tender solicitude," etc., etc., and after Stedman's attempted explanation of the international socialist movement was cut short by the surprising information that "the Socialist Party is not on trial," the opening guns boomed. Government counsel laconically announced:

"Call Arnold Schiller!"

That started things. Schiller mounted the stand, was sworn, and then sat in the witness chair smirking at the crowd. He was in soldier garb, having been caught in the first draft but kept in this country in easy berths to be used in this case while his entire regiment was on the battle line in France. His yellow skin and eyes matched perfectly the color of his OD uniform, and his black oily hair was equalled only in color by the looks he shot at the defendants.

He told his story. Yes, he had been a Yipsel, before he went into the Army, he had taken part in campaigns and discussions urging boys not to register, he had been the "reddest of the reds," Bill Kruse was quite "yellow" because he wouldn't go quite that far, but when the time came Schiller had registered and gone into the Army without claiming exemption. But not, however, before arranging for a German government secret code with which to correspond with Kruse, and planting an underground railroad, from Chicago to Mexico, by which Kruse was to populate Villa land with the rebellious hosts of Yipseldom. Kruse had urged him to organize a YPSL circle in Rockford, five miles from camp, and had also suggested that Schiller get together various Yipsel boys in camp for purposes of social intercourse. And finally, Kruse had written him a letter in this famous code, he had destroyed the letter, but he remembered that he answered Kruse's question as to when he would next be in Chicago with a six word reply, all in code.

His cross examination was even more interest-

ing. He admitted having been arrested as a deserter last January (1918), sentenced to five months in the guard house and released before one-fourth of his sentence was served. “Camp Yipsel,” which had been mentioned with a dark and mysterious air, was admitted to be nothing but a summer resort where Yipsels went camping and swimming in the summer time. And as for the “underground railway to Mexico,” he admitted that the only thing that he had ever done was to purchase a 25¢ map of Texas in a stationery store and take one lesson in a class in Spanish. So Kruse’s reputation as a subway construction engineer was considerably dimmed.

The defense put on five impeaching witnesses who testified that he had often expressed himself as extremely hostile to Kruse, that he would rather see him dead than alive, that he had to testify to anything “they” wanted him to say because he was “in the army now and army sentences are much heavier than civil sentences, and anyhow I have to save my own skin.” Thus it was that the Ortie McManigal or Harry Orchard of the Socialist Sedition Trial came to grief.

Another Yipsel in uniform who was impressed as their witness was Car Berreiter, Company Commander USN, brought in from Norfolk, Va., whose testimony was so damaging to the prosecution that it tried to impeach the credibility of its own witness.

Still another former Yipsel sailor boy was William Makus, a young Lithuanian, who was shown by documents introduced by the prosecution to have joined the navy immediately after, as he himself testified, he had signed a wild-eyed resolution that was never passed at a Yipsel convention. Why did he sign an antimilitarist resolution one day and join the navy the next? The letter explained — he was a tailor with a

good job, he was afraid of being drafted, so he joined the navy — as a tailor. Star witness.

Having been burned a couple times by these Yipsel witnesses, the prosecution decided to be more careful. In tripped Edna Peters, of Milwaukee, brought all the way from New York where she was attending the Rand School, to testify that she had written to Germer for 200 leaflets and distributed them with other Yipsels at 2 am at a time when the older Socialists of Milwaukee frowned on this literature. But the prosecutor was taking no chances, he asked that she be made the Court’s own witness because she was “hostile.” The defendant’s counsel were on their feet in an instant. “Hostile?” they chorused. The prosecutor intimated she wouldn’t say what he wanted her to. But the examination showed he was dead wrong, she was cool and collected, and above all, absolutely frank. But some other things came out that he didn’t like. She had been arrested in New York without a warrant or subpoena and held in a hotel for over a day before being served without any sort of process. Also they had tried to get her to make statements that were not true, so she objected. Hence she was a “hostile witness.”

This was about the extent of the case against the Yipsels, except for letters and circulars seized in the office. For many days, however, we were kept listening to ALP’s stories of how they were engaged in protecting a constitution that one had never read and another had not seen for twenty-five years. Speeches were testified to, and editorials, articles, shipping tickets, etc., were read by the bushel. Then came the defense’s side.

*[to be concluded next month]*

*Edited by Tim Davenport. Sketch by Dorothy O’Reilly Tucker.*

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