
The Chicago Socialist Trial.

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“As Socialists they were tried, and as Socialists they were condemned to 20 years in the penitentiary.”

This is the general consensus of opinion of the trial and conviction of the five national officials of the American Socialist Party.

This governmental attack on American Socialism was camouflaged under the usual charge that the five Socialists had conspired to create mutiny, insubordination and refusal of duty, and obstruction of recruiting and enlistment.

The Chicago Socialist trial was but one chapter in the endless attack upon the Socialist Party that began immediately after this country entered the war. The Post Office Department, during June, July, and August, 1917, carried on a campaign of suppression and interference against Socialist mail matter, newspapers, and magazines. On September 5, 1917, five months after the war started, a raid was conducted by Federal authorities on the National Office of the Socialist Party, 803 West Madison Street, Chicago. Samples of all Socialist literature, files of Socialist publications, copies of all mailing lists, numerous letters, and other matter were taken, during

a three days' occupation of the offices, after which the party was allowed to resume its activities.

The Indictment.

It was on the basis of the evidence gathered in this raid that a secret indictment was returned five months later, February 2, 1918, against Victor L. Berger, member of the National Executive Committee of the Socialist Party; Adolph Germer, National Executive Secretary of the Party; J. Louis Engdahl, editor of the party's official publications; William F. Kruse, Secretary of the National Young People's Socialist League; and Irwin St. John Tucker, former head of the party's literature department.

The indictment was not made public until March 9, 1918, when the news was given to the press reporters. All the defendants came into court voluntarily, accompanied by their lawyers, and furnished the required \$10,000 bail each.

This marked the real beginning of a court struggle that will engage the serious attention of American historians in the years to come. On April 27, a demurrer was filed against the indictment, citing 21 reasons why it should be dismissed. In October, 1918, a hearing was had before Judge Evans, in the Federal District Court. After taking

the arguments under consideration he ruled against the demurrer and turned down the plea of former ac-



quittal for Germer, based on the Grand Rapids, Mich., “not guilty” verdict of one year before. By this ruling he ordered all five Socialists to trial.

The Trial.

After the armistice had been declared, Nov. 11, 1918, and the World War had come to an end, no indications were forthcoming that there was to be any letup in the attack on the Socialist Party and its officials. Judge Kennesaw Mountain Landis, the trial judge, refused a change of venue, sweeping aside the charges of prejudice raised against him. The trial itself started before Judge Landis, Dec. 9, 1918, just nine months after the indictment had been made public.

Several days were taken up in securing a jury. Not a man in the entire panel of veniremen confessed to having read a book or pamphlet on Socialism, and when the 12 jurors selected were finally sworn, there was not a spark of intelligence in the entire jury box regarding the Socialist philosophy.

Into these ignorant minds the prosecution immediately began to pour a mass of assorted misrepresentation, falsehood, and prejudice, that had been gathered in by the secret service net spread out over the entire nation.

The Indictment.

Every great labor trial, political or industrial, has its Harry Orchard or Ortie McManigal. The Government presented a similar figure in this trial in the person of Arnold Schiller, former member of the Young People’s Socialist League, and former office boy in the circulation department of the *Chicago Socialist*. After being carefully schooled he was put on the stand as the first witness, and under detailed direct examination told a “yellow back” tale of how Kruse had sought to build an “underground railroad” from Chicago to the Mexican border for the benefit of conscientious objectors, the workings of which were to be augmented by the use of a German government secret code for purposes of correspondence. In all seriousness the prosecution presented a Rand-McNally map of Texas that was to be used as part of the great plot.

Schiller’s entire story crumbled under cross-examination by Attorney William A. Cunnea for the

defense. He admitted having been arrested as a deserter and sentenced to five months in the guard house, being released before one-fourth of his sentence had been served. The only thing he had ever done to promote “the underground railway to Mexico,” he confessed, was to purchase a 25¢ map of Texas in a stationery store and take one lesson in a class of Spanish.

Numerous witnesses were presented by the prosecution in an effort to bolster up Schiller’s story, and to show how all the defendants were interested in the Young People’s Socialist League, a “most seditious organization,” which even sought to organize a league at Camp Grant, a cantonment at Rockford, Illinois.

The remainder of the Government’s case consisted in reading copious extracts from *The American Socialist* and the *Milwaukee Leader*, getting all the Socialist anti-war leaflets and other literature into the court record, and horrifying the jurors with anti-war cartoons and pictures that had appeared in the Socialist press.

The Position of the Accused.

All of the defendants — Berger, Germer, Engdahl, Kruse, and Tucker — took the stand and gave their views on Socialism and the war. They refused to retract anything they had said or had written. They confessed they had placed reliance in the “free speech, free press, and free assemblage” provisions of the national constitution. Frank P. Walsh, chairman of the US Commission on Industrial Relations, and Clarence Darrow, the Chicago lawyer, told how they had gone to Washington with Seymour Stedman, Morris Hillquit, Amos Pinchot, and others, and had interviewed Postmaster General Burleson and Judge Herron, of the Department of Justice, in an effort to get an interpretation of the Espionage Act. Darrow, representing the Socialist Party, had even had an interview with President Wilson. But nothing was accomplished. An interpretation of the law was promised but never given.

The defendants in their turn read copious extracts from editorials and articles that had appeared in *The American Socialist* and the *Milwaukee Leader*, quoted extensively from books, pamphlets, and leaflets, to show the historic attitude of Socialism towards war. Germer told of the workings of the Socialist Party,

nationally and internationally; Berger reviewed his long and consistent service in the Socialist movement; Engdahl related the struggle of the Socialist and labor press against the censorship; Kruse battled for the Young People's Socialist League; while Tucker explained how he had written *The Price We Pay* and other leaflets. They were supported by scores of witnesses.

The Conviction.

The Government's appeal to jingoism and prejudice won out over the efforts of the Socialist lawyers to give the great problems involved in this case a sane and intelligent interpretation. After nearly five weeks the jury brought in a verdict of "guilty" on Jan. 8, 1919.

Immediately there began a breathtaking struggle for a new trial, based on an affidavit secured from the juror Thomas C. Nixon, of Chicago, who charged the Deputy Marshal William H. Streeter, one of the three bailiffs in charge of the jury, of repeatedly denouncing the defendants in the presence of the jurors while the

trial was going on, stating on one occasion that "every one of those fellows is guilty and if I had my way I would hang every one of them."

After a two day (Feb. 3-4) hearing Judge Landis overruled the defendants' motion for a new trial (Feb. 20) and the five defendants were asked if they had anything to say before the imposition of sentence. All five, in ringing addresses to the court, gave voice to their views regarding the trial and what they thought its significance to be. Following the five addresses Judge Landis imposed sentence of 20 years for each of the Socialist officials, to be served in the Federal prison at Leavenworth, Kan. He refused to release the defendants on bonds, pending the appeal, but granted a writ of error to the Federal Circuit Court of Appeals. Federal Judge Altschuler fixed the bonds at \$25,000 each, to be secured by \$100,000 worth of property, making a total of \$500,000 surety in all, which was raised by Chicago Socialists in a few hours. The five socialists were given their liberty pending appeal before the higher court.

Edited by Tim Davenport. Drawing by Dorothy O'Reilly Tucker.

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