
Yipsels and the Socialist Sediton Trial.

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Published in *The Young Socialists' Magazine* [Chicago], v. 13, no. 3 (March 1919), pp. 10-12, 17.

Part II — The Defense.

Adolph Germer was the first witness for the defense and he testified to the position of the Socialist Party of America on war and militarism ever since the organization of our party. He explained several speeches and article attributed to him and weathered his cross-examination in good style. Harriet Part Thomas, noted club woman and wife of the well-known University of Chicago professor, testified for Germer as to one of the meetings in question and simply overwhelmed the young prosecutor in the battle of wits that attended the cross-examination. Eleanor Dagget Karstens, secretary to Jane Addams, corroborated here in every detail. Several National Office employees backed up other points of Germer's story.

Engdahl was the next witness and he stood absolutely pat on his socialist principles. Out of the files of *The American Socialist*, he read anti-war proclamations from every country in Europe, everywhere the same even to the very words and phrases, not only before their nations got into the maelstrom but long afterward. And the men who signed those proclamations were now officials and premiers of their native lands. He told of the procedure that resulted in the final barring of *The American Socialist* from the mails, and in this he was corroborated by Frank P. Walsh, joint chairman of the War Labor Board and chairman of the one-time Industrial Relations Commission, and by Clarence Darrow, prominent pro-war Chicago attorney.

Walsh's testimony was exceptionally frank. He

stated he had always been anti-war, that he had campaigned for Wilson on that issue, but that he had given up all his time to war work since our country got into it. He was an anti-socialist, but he believed in free press and free speech, he went to Washington to help try to preserve it, and he had seen infinitely worse articles in capitalist papers than those for the publication of which the socialist papers had been suspended. Asked if pictures portraying the realities of war would not chill the ardor of boys who might otherwise enlist he replied that it would some, and it would not with others, because no two men are alike, but for the most part it would not make any serious difference. Although not so outspoken, Darrow's testimony was pretty much the same.

Then came the Yipsel end of the case. First witness was Mannie Deutsch of New York City, brought in by the prosecutor to prove up a certain letter. But he did not receive that letter, he said, so they told him to "refresh [his] memory, [he] had received it all right." He was kept coming back to the Federal Building 3 times a day for about a week in the effort to refresh his mind, until suddenly they ordered him to leave town on 2 hours notice. He came into the courtroom to while away those 2 hours, whereupon he was seized and chased out of the building and told not to show up there again. He testified to this effect a few minutes before adjournment on Christmas Eve, and threw the whole courtroom into an uproar.

"We'll cage him!" roared one prosecuting attorney.

"You will like hell!" replied a lawyer for the de-

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fense, “you cage him and there will be some more to be caged.” They almost came to blows.

It developed that while Deutsch was strongly pro-war and worked in the ordnance division of the US Navy, this did not interfere with his Yipsel activities, as he continued service as Deputy State Organizer in New York and on friendly terms with [YPSL National Secretary Bill] Kruse.

Then came a string of fine, clean-cut Yipsel witnesses who set matters to right about this famous Yipsel City Convention. So overwhelmingly was their proof that the Judge intimated that no further witnesses would be necessary on the point. Eighteen year old Nettie Appel was described by the plute scribes as the coolest witness of the trial, while soft-voiced, gentle-souled Ruth Elson told all about “Bill” Kruse’s work for the Yipsels. Sarah Smith, ex-City Secretary and present City Treasurer, veteran of half a dozen visits to the Federal Building, typified the spirit of the Yipsels in her testimony. She charged the prosecutor with having sent men to invade her bedroom after midnight, with taking all her papers without any legal process, with trying to foist “minutes” of a convention upon her that were never written up, and with various other charges that did not sound well in court. When asked whether she had ever heard the Yipsel girls use the alleged motto: “The hand that holds the musket shall never hold mine,” she replied indignantly, “I should say not, my fiancé is an active Yipsel and he is now in France, and he can hold mine just as soon as he gets back. He is anxious now to get back into the Yipsel work.”

Fine looking and finely intelligent as were the girl witnesses, the boys proved themselves their worthy companions. The star witness among the boys was Dick Handwerk, while others who testified were Louis Sherman, Joe Shapiro, Isadore Rothenberg, and David Mendlesohn. But Handwerk was easily the star. He had been called down to the Federal Building 21 times in 3 months, the careful account being kept at the suggestion of the District Attorney himself. He said he had been offered an easy berth in the Army, “just like Schiller” if he would “tell the truth as we see it.” He was also offered freedom from all annoyance because of a debt he owed the Socialist Party local if he would “come through.” They had asked him also to sign a statement which they had prepared for him,

but he refused because it was not true, according to his story.

The prosecuting attorneys were wild with rage. “Mr. Clyne and Mr. Milroy will both take the stand!” shouted Joe Fleming, the young assistant prosecutor, “Yes, and I’ll take the stand myself.”

Bill Cunnea, socialist lawyer, suggested mildly, “Well, I guess you had better all three take the stand and call in counsel to conduct the case.”

But the promise was not kept by the other attorneys, and Cunnea pointed this out to the jury, much as it aroused the wrath of his opponents.

[Irwin St. John] Tucker on his own behalf made a very good witness, introducing the facts that were behind practically every line he ever wrote. Witnesses in corroboration of him were Dean Robert M. Lovett, of the University of Chicago, and Father Anderson, whom he assists in church work.

[Victor] Berger was on the stand 3 days and subjected to a grueling cross-examination. A large number of corroborating witnesses also mounted the stand, including Sheriff [Ed] Melms, Chief of Police Jansen, Senator Arnold, Editors John M. Work and Leo Wolffson, and Miss Elizabeth Thomas, President of the *Leader* Association, all of Milwaukee.

One of the most dramatic incidents of the entire trial was when Mildred Haessler, followed by her husband, Carl Haessler, former University of Illinois professor and Rhodes scholar, and now serving a 12 year term at Leavenworth as a conscientious objector, mounted the stand. Mrs. Haessler testified that after her husband went to jail she got a job teaching school, that she was sent for and told in the Federal Building that if she or her husband testified for the prosecution “it would not hurt her husband, in fact, it might help him.” She was asked how long she had been married and when she replied “A year today,” hardly an eye in the great marble courtroom was dry. This was a fitting anniversary of their wedding!

Then Carl Haessler was brought in, under armed guard. The poor young corporal entrusted with this job looked very uncomfortable about it, and confided to a Yipsellette in the witness room that he thought the people looked at him as if he were a worm — but he couldn’t help it. She chatted with him in a friendly spirit and put him at ease. Haessler mounted the stand and gave a brilliant exhibition of frank, fearless radi-

calism. He did not hedge or dodge on any question, regardless of the conclusions and consequences. The prosecution sought to show that Berger had influenced him to refuse to put on the uniform, whereupon the youngster replied: "I should say not — Berger is an old fogey, he is too slow to travel in my company." They asked him if he had not any conversations with Berger about the war, and if so, what Berger had said.

"Oh, yes, I had lots of talks with Berger about the war. You see, I might say that I knew Victor Berger before I was born, since he knew my mother and father. But I don't remember what he said on those talks; I remember distinctly what I said, but his views did not impress me at all. I was far more interested in my views anyhow than I was in his."

"But didn't Berger tell you not to put on the uniform, but instead to be a good internationalist?"

"I should say not," replied Haessler, "why he even took me aside and told me not to be a damned fool, that I was too young and rash and impulsive. He was a two-shirt internationalist, he had his national shirt and under that his international shirt. I couldn't agree with him on that, so I went my way and he went his."

Haessler also told how prosecutor Clyne in charge of this very case had interviewed him in Leavenworth, trying to get something against the defendants, and that other CO had been quizzed there.

Prosecution's Rebuttal a Boomerang.

After the defense rested its case, the prosecution brought in several of their agents for rebuttal. They had to sail over stormy seas. A young investigator named Milroy tried to break down Handwerk's story but only increased the wreckage when he called the Yipsel organizer a "crook" but admitted he tried to get a signed statement for use in the case, and that had he gotten a "crook's" statement he would have been glad to use it.

A Mr. Plummer, designated by the [prosecution] as "Head of the Secret Service," next tried to impeach the credibility of Miss Hattie Gussie, who had shown up the duplicity of the prosecution's star witness, Schiller. But when he admitted keeping the girl in the same room with Schiller, and holding her for hours in trying to get a signed statement which she said was not true, he looked very much embarrassed.

"Hindenburg" Clabaugh, head of the "Dept. of Inquisition" was brought on to try to impeach Tucker's story. But he was completely torpedoed when, upon being pressed for the name of a single individual who told him that a certain alleged riot on the Lake Front had been caused by the distribution of stickers, he mentioned the name of Chief of Police, John Alcock. Alcock was subpoenaed in and testified that while he might have had a conversation with Clabaugh about the riot and about stickers, it was at least a year after the time fixed by Clabaugh.

Then came the argument. US District Attorney Charles Clyne opened for the prosecution, and in his two hour speech he dwelt largely on two favorite topics, the sinking of the Lusitania and the depravity of the Yipsels. He contended that the government had made out a case of conspiracy by circumstantial evidence, and that direct proof was not necessary.

William A. Cunnea was the first speaker for the defense and he pointed out the shift in the government's case. After Schiller and the other direct evidence had been discredited they resorted to so-called "circumstantial" evidence. He pointed out the manifest unfairness in the tactics of the prosecution, and the weakness of their case in view of the tremendous resources the government had at its command.

Henry Cochems, of Milwaukee, followed with a brilliant defense of the right of free speech and free assemblage and free press in war as well as peace.

Seymour Stedman closed for the defense with a thorough explanation of the nature and theory of conspiracy, and a defense of the international socialist position. His defense of the conscientious objector and of the Yipsel organization was a masterpiece of eloquence.

Then for over three hours Assistant US Attorney Joseph B. Fleming harangued the jury on the circumstantial evidence of the conspiracy, pointing out that the men were often together, that they all held official positions in the Socialist Party, that they wrote for the same papers, and spoke in the same meetings. Then he took each man separately, reading a sentence here and there from a long editorial or letter or speech, and in one case reading the very part of a letter purported to have been printed in the Yipsel Column that was actually left out. Time after time he would stretch the evidence almost to the breaking point, and when

notified that his time was almost up he hurried along desperately trying to crowd the greatest possible number of words into the shortest possible time.

The charge of the court can be looked at from two angles. What was actually said to the jury was not prejudicial to the defendants, although the indictment was read to the jury with great earnestness, care, and elocutional skill. It is from the viewpoint of what was not said that the socialists' criticism lies — out of 60-odd instructions asked for only about 4 were given, and many of those eliminated we thought we were clearly entitled to. Of course, on the other hand, the court might have said a great many things to our detriment, as countless judges have done before him. However that may be, events proved it unnecessary.

The jury retired, the court was cleared, and the socialists and their families walked around in the corridors waiting for the verdict. Kruse and Tucker and Mrs. Kruse and Mrs. Tucker made up a lively four-handed card game, with Berger's two daughters on the sideline as expert advisors. The jury was out over 4 hours, during that time it is reported that it took 3 ballots, the first 10 to 2 for conviction, the second 11 to 1, and the third unanimous for "Guilty."

The verdict was easily received by the defendants, and the Yipsels that crowded the courtroom swept up like a wave to shake hands with the convicted comrades, and then suddenly scattered like the four winds. They kept up a brave front, a smile on their lips while there were tears behind their eyes, but one and all they were afraid to stick together lest someone weakening for a moment might break the "morale" of the group. A small group went with the National Secretary [Adolph Germer] to a nearby vaudeville show and thence to supper, most went about their league work immediately with redoubled vigor.

The case is a test of the Yipsels — it is a test of

their temper and tenacity. They have been plunged into the white-hot fires of persecution and they have come out, not consumed or even charred, they have come out hardened and tempered for the new struggles that are to come.

They have a new sense of their importance to the socialist movement and to the world at large. They mean business from now on. Theirs is the business of educating themselves, and of enlightening their fellow men, yes, and theirs is the business of insuring happiness for themselves immediately and ultimately for the whole human race. They are going in earnest even at the business of having a good time. They are getting new members, they are holding better meetings, they are reading more books, they are distributing more literature.

Theirs is the future both in the socialist movement and in the world. They have been told that before and they gave it a passing thought now and then, at some brief moment when they were not too busy living life to think about it. But now they know that it is the living reality.

The Young People's Socialist League has received its baptism of fire in America and stood it well. The older Socialists will do well to give more serious thought and consideration to the need of organizing the young, but no matter what position may be taken by the old folks, the Yipsels will work harder and better than ever before.

The future belongs to the young, theirs are the wondrous colors of the dawn of Tomorrow, and the privilege of beholding that dawn with our own eyes, yea, even though it be through prison barred windows, is well worth all sacrifice and suffering that the struggles of the long, black night may entail. Tomorrow belongs to the young, dear comrades, come, let us meet the dawn.

Edited by Tim Davenport.

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