
Assembling With is Foster's Crime: Steel Strike Secretary First Person Ever Tried on Such Trashy Accusation.

by Robert M. Buck

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Attributed to editor Robert Buck.

St. Joseph, Mich.— William Z. Foster is on trial in this city on a charge that has never before been preferred against an individual in a criminal tribunal in this or any other country, so far as legal records show. He is charged with the “crime” of “assembling with.” In California and elsewhere members of the IWW have been sent to prison for being “members of” their organization. Destroyers of free speech in this and other countries have prosecuted men and women for “advocating” doctrines, although not charged with doing anything unlawful. But never before has a person been tried for merely “assembling with.”

Frank P. Walsh, chief counsel for the defense in the Michigan “red” raid cases, in his opening statement after the jury had been selected and the prosecution had stated what it intended to show, accused the United States government agents with not only provoking the raid by Michigan county officers under a Michigan statute, but with sole responsibility of perpetuating the underground policy of the Communist Party of America, so as to keep it “illegal.”

Walsh told the jury that Foster was present but one day at the Bridgman convention of the Communist Party [Aug. 17-22, 1922] and that he was there as a fraternal delegate, only, to deliver an oral address concerning the activities of the Trade Union Educational League. Concerning the Communist convention itself, in the deliberations of which Foster did not participate, Walsh said:

Government Casts Deciding Vote.

In 1920, the United States Department of Justice and others, following the split in the Socialist Party which resulted in the formation of the Communist Party and former Communist Labor Party, conducted wholesale arrests and raids, some 10,000 men and women being arrested within a few weeks. The Communist Party did not desire to operate secretly and there was no reason in the law why it should do so, but it was forced underground by the raids of the United States Department of Justice.

I think the evidence will show that the Bridgman convention was called by that group of members of the party who thought the time was ripe to change the policy and bring the Communist Party up from underground and make its meetings and conventions public so that newspaper men and Department of Justice spies, as well as everybody else, might attend them.

This group of party members though they had enough votes to effect this reversal of policy. There was little other business before the convention. Its purpose was not to plan to overthrow the government, but to arrange so that its deliberations thenceforth would no longer be secret.

There was a delegate in the convention named Morrow, who was an undercover agent of the United States Department of Justice. He was duly accredited, with a voice and a vote. When the vote came on the question of coming out from underground, it failed to carry by one vote, the result being a tie. Morrow voted against the change in policy. He, the government's own agent, was the one man solely responsible for keeping the Communist Party an “illegal” organization against its will, for without his vote against it, the policy would have been changed.

Taking of testimony is in progress. The witnesses are largely spies and stool pigeons of William J. Burns and the Department of Justice's Bureau of Investigation, of which Burns is the chief.

Edited by Tim Davenport.

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