

If this verdict, gained in such a manner, is allowed to stand, then members of organizations of Conscientious Objectors are *de facto* guilty of conspiracy to violate the Draft Law, and may be indicted, convicted and sent to prison.

It is this which makes the case of Fraina peculiarly important to the Socialist and revolutionary movement, and an active propaganda is necessary to assist the defense in its fight.

The case arose out of a meeting of Conscientious Objectors at the Labor Temple, New York City, Thursday, September 27, one of many at which Fraina has spoken. The speakers scheduled were Fraina, Cheyney, Arturo Giovannitti, James H. Maurer and Charles Sonnenschein.

The meeting was packed, and more than sixty detectives were present in the audience, as well as United States Marshal McCarthy and United States Ass. District Attorney Harold A. Content. Cheyney acted as Chairman, and then Fraina spoke. As Fraina was saying, "They cannot conscript the Conscientious Obector. They cannot do it, because we have made up our minds and we are going to stick," Marshal McCarthy and a squad of detectives charged upon the speaker, dragged Fraina off the platform and brutally dispersed the audience, many women going into hysterics and fainting at the brutality.

In the rear of the hall Fraina was guarded by two detectives, and after the meeting was completely broken up; McCarthy asked him if he had registered. Fraina admitted that he had, but refused to show his registration card upon the Marshal's demand. "You have no authority to ask me that, and I refuse," said Fraina. The Marshal's anger was aroused and he ordered Fraina's arrest on the charge of not having registered. A few minutes later he changed his mind, and said that the charge should be made disorderly conduct. Fraina was taken to Police Headquarters, where he spent the night as a "detained prisoner." In the meanwhile, Cheyney had been arrested on the charge of not having registered.

The next day, however, the two young men were indicted on two counts for conspiracy to violate the draft law, and held in \$2,500 bail each. Hearing was set for the following Friday.

On the following Tuesday Ass. District Attorney Content appeared before the Federal Grand Jury and secured a new indictment on the charge of violation of the criminal section of the Espionage Act, and a hearing was held the following day. Counsel for the defense tried to secure sufficient time to prepare their case, but the government refused, orders having been received from above to rush the case to a conviction.

When the case went to trial, there were two indictments against the defendants, and two counts in each indictment.

The indictment under the Draft Law alleged, (1) that the defendants had conspired to themselves violate the Draft Law by agreeing to refuse military service, and (2) that they had conspired to aid, abet and induce others to violate the law.

The indictment under the criminal section of the Espionage Act alleged, (1) an actual attempt to "willfully cause or attempt to cause insubordination, disloyalty, mutiny and the refusal of duty, in the military and naval forces of the United States," and (2) a conspiracy to commit the same offense.

The maximum penalty under the two indictments is 22 years' imprisonment and \$20,000 fine for each defendant.

The prosecution introduced as evidence the speech made by Cheyney as chairman of the meeting, and the speech of Fraina, as well as his leaflet on "Conscientious Objectors," which was distributed at the meeting.

The passages in Fraina's speech considered most objectionable by United States Assistant District Attorney Content were as follows:

"It has been borne strongly into my mind that it is not simply by force or by physical authority that a reactionary and oppressive government maintains its rule and its control over the people. Force and physical authority go a great way, but the governments and the ruling capitalist interests that governments represent have another power, another force, much deeper and more subtle, much more poisonous and difficult to combat—a force which they use for the purpose of imposing their wishes and interests upon the people, and that is the force of symbols, the power of ideas. This country judging from the capitalist stand-