The Arrest of Fraina

Our Editor Faces 22 Years Imprisonment and $20,000 Fine

ON Thursday evening, September 27th, a meeting of Conscientious Objectors was held at the Labor Temple, New York City, under the auspices of The League of Conscientious Objectors. The speakers scheduled were Arturo Giovannitti, Louis C. Fraina, Charles Sonnenschein, and Edward Ralph Cheyney, chairman.

The meeting was perfectly orderly, its purpose being to create public sentiment to compel the government to consider the case of the non-religious Conscientious Objectors.

Toward the end of Fraina's address, and just as he had said, "They cannot conscript the Conscientious Objectors; they cannot conscript us because we have made up our minds and we are determined to stick," United States Marshal McCarthy and a squad of detectives charged upon the platform and placed Fraina under arrest. The detectives, of whom sixty were present, then brutally dispersed the audience, and there was a small riot for a time, many women going into hysterics.

Marshal McCarthy asked Fraina 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 demand it," said Fraina, "and I shall not produce it." The Marshal thereupon ordered Fraina's arrest on the charge of "failure to register;" but a minute later changed his mind and told the detectives to hold Fraina on a charge of disorderly conduct. But at Police headquarters he was held as a "detained prisoner."

In the meanwhile, Ralph Cheyney, who is a son of Prof. E. P. Cheyney of the University of Pennsylvania, and the founder and first president of the Intercollegiate Socialist Chapter at the U. of P., was also placed under arrest on the charge of failure to register.

The next day, however, Fraina and Cheyney were arraigned before Commissioner Hitchcock on the charge of conspiracy to violate and evade the Draft Law, Assistant United States District Attorney Harold A. Content having decided on the more serious charge. The defendants were released on bail, and a hearing set for the following Friday.

On Tuesday, however, Content appeared secretly before the Federal Grand Jury, and secured indictments against Fraina and Cheyney on the charge of conspiracy, and on a new charge of violating the criminal Section of the Espionage Act. The new charge alleges that the defendants **"did knowingly and feloniously, when the United States was at war, attempt to cause insubordination, disloyalty, mutiny and the refusal of duty in the military and naval forces of the United States, against the peace of the United States and their dignity, and contrary to Section 3 of the Act of June 15, 1917."**

The indictment of Fraina and Cheyney is the first in the City and State of New York under the criminal section of the Espionage Act, and their case accordingly assumes an important aspect as a test case.

The defendants face a maximum penalty of twenty-two years' imprisonment and $20,000 fine, the penalty on the conspiracy charge being two years in prison and $10,000 fine, and the penalty on the Espionage Act being 20 years and $10,000 fine.

There are a number of important issues involved in the Fraina-Cheyney case. The first is the general one of freedom of speech, which has been brutally trampled upon during the past six months. Then there is the test case of the criminal section of the Espionage Act, which if allowed to stand will strike a terrific blow at the freedom of criticism.

The most important issue is that of the Conscientious Objectors. Fraina, who is named as principal in both indictments, has been a leading figure in the Conscientious Objector movement of New York. The government, apparently, refuses to consider the case of the non-religious Conscientious Objector, and is engaged in a conspiracy of silence against the Conscientious Objectors, and their trial is a trial of the whole Conscientious Objector movement.

Louis C. Fraina has been for eight years active in the Socialist movement, as speaker, writer and editor. He was successively on the editorial staff of The Daily People, managing editor for two years of The New Review, and is to-day editor of The New International and one of three editors of The Class Struggle.

A Defense Council is being organized, which at the time of writing consists of Anna Strunsky Walling, Louis B. Boudin, Joseph Schlossberg, Algernon Lee, Scott Nearing, Elizabeth Freeman, Mary E. Marcy, Austin Lewis, Ludwig Lore and S. J. Rutgers.

The Defense Council calls upon you to adopt protest resolutions, organize protest meetings, and contribute to the Defense Fund. The case must be fought to a finish. All money and copies of resolutions should be sent to S. J. Rutgers, 92 West End Avenue, Manhattan Beach, Brooklyn, N. Y.

WE NEED YOUR HELP!

Our Paper is in a most critical condition, because of a breakdown in the health of our Editor, financial exhaustion and almost insurmountable difficulties in the distribution. We can only continue on the basis of bundle distribution through our branches, members and sympathizers.

The justification of our paper lies in the actual support and sacrifices of the members of the Socialist Propaganda League and rebels generally. We don't want a paper run by a few, we stand for organization and propaganda towards mass-action.

The suppression from above should develop the fullest and most active fighting spirit in our ranks. We are willing to stick to our part if enabled by your power. We will try to get out the paper at least every month, BUT THE NEXT ISSUE WILL ONLY APPEAR IF SUFFICIENT SUPPORT IS FORTHCOMING IN THE FORM OF BUNDLE ORDERS, donations and active help in the distribution.

We put it entirely up to you and will act in accordance with the outcome of this practical referendum.

THE PRESS COMMITTEE.

A WORD FROM GEORGE NESIN

WE have received a letter from our comrade George Nesin, who is serving a term on Blackwell's Island for free speech. His spirit, naturally, is unbroken, as may be learned from the conclusion of his letter: "I am not sorry for my being here, though I'd like to be out. The ancient legends of magic wands were probably originated in prison, where in certain ways it is possible to bring forth freedom under the most object conditions of slavery, to see light where darkness reigns supreme, to conceive of beauty and victory where ugliness and defeat are our lot. We will win."

A general strike in Brazil, food riots in Portugal, general unrest in Spain, riots in Sweden, Switzerland and Holland. Such are conditions in neutral countries. There is a limit to endurance and no amount of war spirit will do the trick in the long run.

The Columbus camp of Bisbee's 1200 deported miners has been denied food by the U. S. Government. It was consequently broken up. Those who returned to Bisbee have been arrested, others are going from place to place, exiles in their own "country." Best off are those American workers who crossed the border into Mexico. "We are all being treated fine" they write from foreign soil.