
Convict Fraina and E.R. Cheney: Young Men Charged with Opposing Draft Face Heavy Sentences Next Monday

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Edward Ralph Cheney, son of Dr. Edward Cheney, Professor of History at the University of Pennsylvania, and Louis C. Fraina, Socialist speaker, writer, and editor, were found guilty on the charge of conspiracy to persuade men of draft age to evade the conscription law by a jury in the United States District Court yesterday [Oct. 18, 1917]. They face a maximum penalty of two years in a federal prison and a \$10,000 fine each.

The young men were remanded until Monday morning [Oct. 22] at 10:00, when they will be sentenced by Federal Judge Robert T. Irvine. Harold A. Content, Assistant United States District Attorney, who prosecuted the case for the government, told a *Call* reporter late yesterday afternoon that he does not believe the maximum penalty will be imposed.

Louis B. Boudin and Howard Cheney, attorneys representing the accused, announced that they will make a motion on Monday to dismiss the verdict on the ground that no proof of crime has been presented.

The jury deliberated two hours before reaching a verdict, and at one point they asked the judge to repeat to them his charge on the law of conspiracy.

In his original charge to the jury, Judge Irvine practically repeated the ideas of Content's address to the jury, asking for a conviction.

The evidence on which the two men have been convicted consists of alleged statements made by them in speeches addressed before the League of Conscientious Objectors at a public meeting on September 27 at the Labor Temple. The state-

ment which, in the opinion of Content, the prosecuting attorney, was most seditious was that made by Fraina: “They cannot conscript a conscientious objector. We will not be conscripted, either to fight or to do noncombatant service.”

The argument made by the attorneys for Cheney and Fraina is that such statements, no matter how foolish they may be considered, cannot be construed as conspiracy.

Edited by Tim Davenport

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