
Fraina and Cheney Cases Are Postponed: Will Come Up October 10 — Are First Charged Under Espionage Law

Published in *The New York Call*, vol. 10, no. 278 (Oct. 5, 1917), pg. 5.

Postponement until October 10 [1917] was granted in the trial before Judge Irvine in the United States District Court of Louis C. Fraina, editor of the *New International* and one of the editors of *The Class Struggle*, and E. Ralph Cheney, former president of the University of Pennsylvania chapter of the Intercollegiate Socialist Society, and some of Prof. E.P. Cheney of the University of Pennsylvania. They were charged with conspiracy to violate and evade the draft law and violation of the criminal section of the espionage law.

The first charge carries a maximum penalty of two years imprisonment and \$10,000 fine, while the second charge entails a maximum of 10 years imprisonment and a fine. These are the first trials under the criminal section of the espionage law. The Masses, The American Socialist, and several other radical publications have been barred from the mails under the civil section of the same law.

Both defendants are out on \$2,500 bail each. Fraina and Cheney were both arrested on September 27 at a meeting of conscientious objectors held in the Labor Temple on 14th Street, which was broken up by the United States Marshal McCarthy. Cheney was acting as chairman and Fraina was speaking at the time.

Fraina tells an interesting incident of his stay in the Tombs prison. A fellow prisoner, observing him reading *The Call*, asked

if he was a Socialist, and on being answered in the affirmative, replied:

“Well, there’s another Socialist round the corner. Come round and see him.”

“I went round,” said Fraina, “and there met William Hendel, who is a member of the party in the Bronx. He has been here for 29 days, and has no idea regarding what is going to happen to him. He is held for refusing to appear for physical examination.

Edited by Tim Davenport

1000 Flowers Publishing, Corvallis, OR · October 2013 · Non-commercial reproduction permitted.