
Krafft Begins 5-Year Prison Term: Socialist Victim of Legal Slip, Cheerful: Comrade Twice Candidate for Governor Reasserts His Innocence

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Prison doors closed yesterday [June 15, 1918] upon Frederick Krafft, one of the best known and best loved Socialists of the Eastern states, twice candidate for Governor of New Jersey.

No tears were shed and no moans heard as Krafft entered the dark, dingy cell of the Essex Country Jail at Newark, where he will be detained until the government takes him to the Atlanta penitentiary, where he is to work out a 5-year sentence of imprisonment.

The veteran Socialist walked buoyantly towards his cell, talking confidently with the half dozen friends who accompanied him to the prison doors. He insisted that he does not wish to be pitied. He goes to prison for an offense of which he declares he is innocent, a fighter still, and ever a forward-looking Socialist.

Krafft, 58, is a native citizen of the United States and a man of high intellectual attainment. In his youth he studied for the ministry, but the early death of his father forced him into a business career. He was connected with one of the large life insurance companies for 25 years, and subsequently was in charge of the business management of a daily newspaper in New York City. His later years were largely devoted to public speaking and writing.

Meeting Disturbed.

On August 9, 1917, Krafft was addressing a large open-air meeting at Market and Washington Streets, Newark, under the direction of the Socialist Party. The meeting was disturbed by two or three young men, causing Krafft to ask that a policeman be sent for. The officer, regardless of the fact that the Socialists have always held meetings without permits,

demanded a permit for the meeting, and arrested the speaker because he could not produce one.

Krafft was released that same evening on cash bail and ordered to appear in court to answer the charge of speaking without a permit. The following morning he was turned over to the United States commissioner on complaint of Corporals Gunning and Barton, indicted on the charge of violation of the Espionage Act, and released on \$5,000 bail. On September 7 [1917], he was tried on that charge, found guilty, and sentenced to 5 years' imprisonment and a fine of \$1,000. The conviction was affirmed by the Circuit Court of Appeals.

In the opinion of many non-Socialists who have followed his case closely, Frederick Krafft is the innocent victim of a palpable error, and his conviction is a gross and grave miscarriage of justice.

They are convinced that the statements attributed to him and upon which his conviction was based, never were and never could have been made by him.

This statement, as recited in the indictment, was as follows:

"I can't see how the government can compel troops to France." "If it was up to me I'd tell them to go to hell." "It's a damn shame." "I can't see why the Socialists here have not the same rights as in Germany." "They send their own Senators down to Washington to vote on conscription and they will not let the people do it."

U.S. Calls Five Witnesses.

To substantiate the charge the government called 5 witnesses. The first, Martin T. Gunning, a corporal in

the National Guard, testified he had heard Krafft make the alleged remarks in the following language:

“I do not see why the government can compel troops to cross the ocean. It is not in the constitution and it is a damned shame. Why in hell should we do it? Why have not the Socialists in this country the same right as they have in Germany to vote for or against the war? They send their own Senators down there to vote for conscription. Why don't the people have a chance?”

The witness Arthur Rein, who was next called by the government, gave the following version of the alleged incriminating remarks of Frederick Krafft:

“Why have not the Socialists the same right to vote against conscription or the war as the Socialists in Germany?” And something else was said there. He says, “They sent their own Senators to Washington to vote on the conscription law instead of letting the people do it.”

Witnesses Differ.

The third witness, David M. Silverberg, testified as follows:

Q. Do you remember the words that he used or some of the words that he used?

A. Yes. I remember him saying that the Socialists have their Senators at Washington, and regulating this war. He said: “Why cannot the Socialists of America have the same right as the Socialists of Germany to vote for or against this war?”

And, finally, the testimony of Alfred Barton, a private in the National Guard of New Jersey, is as follows:

I said to Corporal Gunning: “There is something the matter over there,” and we started over, and we got in the center of the crowd, and when we got there he was saying: “I cannot see how the government can compel troops to go to France. If it was up to me I would tell them to go to hell. It is a damned shame. Why have not the Socialists of America the same privilege as they have in Germany?” He said: “They have their own Senators down there vote for conscription, instead of having the people vote.”

Speaker Misunderstood.

A New York man, who has followed the Krafft case closely from the beginning, said today: “A most superficial examination of the statements above quoted

is sufficient to convince any person of intelligence and discrimination that the witnesses did not understand the speaker. They joined the audience after Krafft had finished his main speech. What they overheard were snatches of remarks made in answer to questions from the audience and their version of such statements show that they did not get the connection, meaning, or even drift of the speaker's remarks.

“The statements of the 5 witnesses are conflicting and grossly inconsistent with each other, and they attribute such palpable absurdities to the speaker, a man of conceded intelligence and erudition, as to render them utterly incredible on the face.

“Is it, for instance, imaginable that Frederick Krafft could have asserted in a public speech that ‘the Socialists in Germany have the right to vote for or against the war’ and ‘that they send their own Senators down there (in Germany) to vote for conscription,’ or ‘Why have not the Socialists the same right to vote against conscription or the war as the Socialists of Germany’ or ‘The Socialists have their Senators in Washington regulating this war?’”

Twelve Witnesses for Krafft.

And, still, this is the testimony upon which the conviction of Frederick Krafft and his sentence of 5 years' imprisonment are based.

In opposition to this testimony the defense called 12 witnesses who testified consistently and in positive terms that Krafft did not make any of the statements attributed to him in the indictment. These witnesses were all reputable and intelligent citizens. In most cases they had no personal acquaintance with Krafft and no sympathy with his general political views. They all were present at the meeting through the entire period during which the alleged incriminating remarks are claimed to have been made by the speaker.

The defendant in his own behalf emphatically denied having made the statements attributed to him. He gave his version of his whole speech, which was an elaborate discourse on the origin of the constitution of the United States and a defense of the right of Congress to declare war and to raise an army by conscription.

His testimony on the subject is concluded by the following statement:

I said, furthermore, that a great many citizens of the United States are dissatisfied with the declaration of war, and I said: "That is a very erroneous position to take. No American citizen should criticize the President or Congress, especially when the Constitution of the United States distinctly declares that Congress has the right to declare war. If Congress has the right to declare war, it must also find the necessary paraphernalia to carry on the war, and one of the necessary requisites is to get soldiers. Now, war had been declared against Germany. That was a fact. Now, what was the next step to take? Shall Congress simply declare war and let it stay at that? The next thing is to accept volunteer soldiers. If the volunteer soldiers are not sufficient, the Constitution of the United States distinctly says that Congress has the right to raise the necessary contributions for that army." And so, all the way through, I showed that as an American citizen all my life, who enjoyed all the benefits of this country, I surely am a thorough patriot, and I would never have made the statement that they placed in my mouth.

The citizens above referred to declare that from their personal knowledge of Krafft's views and record, as well as from all probabilities of the case, they are thoroughly convinced that a great wrong has been done him, and that this is preeminently a case for full and speedy executive clemency.

Edited by Tim Davenport.

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