

Benj. Salmon convicted of evading draft.

Jury in Federal Court Finds Denver Pacifist Guilty of Refusal to Return Questionnaire.

Benjamin Joseph Salmon, Denver pacifist, was found guilty in the federal court this noon of refusal to fill out and return his draft questionnaire to his local exemption board.

The jury was out only three minutes.

The penalty is one year in the county jail, at the conclusion of which the defendant must enlist in the army. The case was the first of its kind, it is understood, in the United States. Salmon's attorneys were given until Feb. 23 in which to file a motion for a new trial.

Salmon has been permitted his liberty under \$2,000 bond given at the time of his arrest. He was accompanied from court by his wife and mother, while a number of friends were present during the trial.

Salmon, in his testimony and thru argument of his counsel, based his refusal to sign the questionnaire upon his religious scruples against war and his membership in a religious sect the creed of which is opposed to war.

The court ruled that the proper place to make his objections was in the questionnaire and before the exemption board, that possibly his religious scruples and convictions might be sufficient to gain him exemption from military duty by his local exemption board; that defendant was on trial for refusal to fill out and return his questionnaire to his exemption board as required by statute.

The court ruled that the defendant's religious opposition to war did not enter into the case, and the name of the religious society, the creed of which is opposed to war, and to which Salmon insists he belongs, did not come out in the testimony. Later he refused to discuss the matter.

Salmon is a member of the Catholic Church, and was recently dropped from membership in the Knights of Columbus, a catholic organization, for, it is said, his attitude towards the position the government is taking in the war.

Salmon's counsel introduced a letter written by him to President Wilson, which was in possession of Harry Tedrow United States District Attorney, in which, among other things, Salmon, said:

" My Dear Mr. Wilson: Compl ying with your edict of recent date, I am hereby notifying you that I have this day registered. Your mandate was autocratic and contrary to the constitution. I must tell you now that I will refuse to be conscripted and I will not become a party to this plan of organized murder.

All men are my brothers. God is my father. He has said, " Thou Shalt Not Kill", If the human law tell a person

to violate the divine law, the human law should be ignored.

" Show me any atrocity committed by the Germans that can out-do the Ludlow murders.

"Hypocrite, cast first the beam from thine own eye and then you will see clearly the mote in your neighbor's eye!"

District attorney Tedrow sought to show that Salmon had distributed printed copies of his letter to the president, but the court sustained objection of Salmon's counsel.

Judge Lewis ruled yesterday afternoon, when the case opened, that a plea of religious scruples might have been proper before the draft board, but was improper in the case before the federal tribunal.

Attorney Whitehead, for the defense, was interrupted in his interrogation of jurors as to whether religious scruples would sway their judgment, by judge Lewis, who said that so far as he knew, nothing of a religious character would be presented in the case.

As brought out by the evidence furnished by J.H. Mooney, chief clerk for Denver Draft board No. 1, and E.V. Holland, a lawyer, who assisted registrants in making out their questionnaires, Salmon, instead of returning his questionnaire, wrote a letter to the board explaining that because he believed Christ's injunction, "Thou Shalt Not Kill", and "Love Thine Enemies", he did not believe in war. He further stated that if he signed the questionnaire and furthermore answered the question in it calling upon signers, whether claiming exemption or not, to make choice of the branch of the service preferred, if their claims should be denied, he would be putting himself under the military authorities which he could not conscientiously do.

Mr. Mooney declared that subsequent to Salmon's arrest on Jan. 4th, the laws governing the questionnaire were fully explained to him, and he was afforded another opportunity to escape trouble, but still refused to comply with the rules. Officer A. P. Clark testified briefly to having arrested Salmon by warrant of the board.