

May 1, 1918

Messrs. Whitehead and Vogl  
Colorado Building  
Denver, Colo.

Dear Sirs:

I must beg indulgence for my great delay in answering your letter to me about the Salmon case. I believe myself in the line of argument which you indicate, and I wish I could believe that it had a chance of decent attention in the courts. As I cannot, however, I cannot recommend any appropriation from the meagre funds of the Civil Liberties Bureau for the Salmon case.

I enclose a copy of my own brief in the Supreme Court on free exercise of religion. The same and other aspects were also raised in other briefs. You will recall the sentence towards the end of the opinion in which the Court waved these questions away as carrying refutation in their very statement.

I wonder if the case which you mention on page 4 of your letter to me as referred to by Judge Lewis is not that of William Horsely, district attorney at Terre Haute, Ind. Judge Anderson there held that a state official could not as such be held criminally for neglect of a duty imposed under Section 6 of the draft law. If you have found any other decision more sweeping, I should be obliged for the citation. I am, with best wishes,