CONSCRIPTION POLICY, CITIZENSHIP AND RELIGIOUS CONSCIENTIOUS OBJECTORS IN THE UNITED STATES AND CANADA DURING WORLD WAR ONE

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ABSTRACT

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In democratic societies, governments often assume extraordinary powers during wartime, thus redefining, at least temporarily, the relationship between citizens and the State. During the First World War, the democratic governments of the United States and Canada conscripted their citizens to fight on the distant battlefields of Western Europe. Conscription created unique challenges for both governments as a number of eligible men, in both Canada and the United States, refused to recognize their government’s authority to compel them to take up arms. Though the number of conscientious objectors was rather small, they were a remarkably diverse group that was highly visible. This created challenges for policy makers. The war would not wait and these almost unprecedented conscription policies was being made and revised even as they were being implemented.

The war years were a difficult time to oppose government policy as both Canada and the United States employed impassioned rhetoric and expanded coercive powers to encourage all citizens, and resident aliens, to give the government their full cooperation. The young men who would later become religious conscientious objectors were peaceful, industrious and law abiding. They were generally considered to be highly valued members of society. The war, and specifically conscription, changed this positive perception. Complicating matter even further was the fact that many conscientious objectors were German immigrants, or the descendents of German immigrants. They frequently read and spoke German, often more fluently than they read
or spoke English. These men, and their co-religionists, were now viewed as unpatriotic, untrustworthy, ignorant and dangerous.

This dissertation examines the manner in which conscientious objectors challenged, either directly or indirectly, the basic authority of the state. It explores how conscientious objectors were identified as a threat, and how the governments of Canada and the United States tried to contain that threat. It also examines the ways in which citizenship was a contested and evolving concept in both Canada and the United States during the war, and particularly during the period of conscription, especially for recent immigrants and their descendants whose ethnic background and religious beliefs made them a highly visible minority and set them apart from the dominant culture.

Examining conscription policy, and how it applied to conscientious objectors, during this particular moment in history not only sheds greater light upon the creation and implementation of conscription policies, but is crucial to answering larger questions about cultural attitudes in the United States and Canada toward vulnerable and marginalized populations. These issues remain highly relevant as both the United States and Canada become more diverse and continue to attract large numbers of immigrants.
To those of the United States and Canada who fought in World War I, those who created conscription, and those who objected.

All did what they believed was necessary.
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I would also like to thank the many helpful archivists at the National Archives at College Park, Maryland; National Archives Canada; and the Mennonite Church USA Archive. You helped locate numerous valuable resources and made my research trips extremely productive.

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PREFACE

Conscription policies and practices during the World War I in both the United States and Canada have been examined many times but rarely have these policies and practices been examined together or compared to one another. Likewise, the experience of the religious communities to which the vast majorities of conscientious objectors in both the United States and Canada belonged has been examined before, but once again the response of these religious communities to the implementation of conscription, first by the United States and shortly thereafter by Canada has rarely been considered in a transnational context. The religious communities were transnational and conscription created transnational problems for the conscientious objector and for the state; therefore, a transnational approach to these questions has advantages that national approaches lack. A comprehensive transnational study of how these religious communities understood their relationship to the state has not yet been written.

Sociologist Max Weber defined the state as “a human community that claims the monopoly of the legitimate use of physical force within a given territory.”¹ The relationship between the two states and the conscientious objectors during World War I was complex. Although the number of conscientious objectors was not great enough to pose any real danger to the conscription policies, or the larger war effort, of either nation they nonetheless posed a direct challenge, and a very real threat, that the states could not ignore.

Yuichi Moroi observes in Ethics of Conviction and Civic Responsibility: Conscientious War Resisters in America during the World Wars that conscientious objectors posed a serious challenge to both the legitimacy of the state and to its authority. By refusing to recognize the legitimacy of the state’s monopoly on the use of physical force, the conscientious objector were

placing limits upon the legitimacy of the state itself. By refusing to participate in violence, organized and sanctioned by the state, the conscientious objector challenged the authority of the state to mobilize individuals for any purpose.\(^2\) If the state could not entice the conscientious objector to recognize its authority, by accepting non-combatant service, it risked losing that authority; therefore the state felt compelled to direct physical violence (court-martial) against the conscientious objector and to deny him some of the basic liberties enjoyed by citizens (imprisonment). Because the state is a human community, composed of human actors, the states frequently exerted more physical force (torture) against the conscientious objectors than was legitimate, even then they were not always able to compel the objector to respect their authority. Instead they created martyrs.

Conscientious objectors also challenged Victorian notions of gender roles which celebrated manliness as a willingness to protect the home front by enduring the rigors of warfare and braving the horrors of battle. These notions were widely shared by the majority of Americans and Canadians. Conscriptionists in both the United States and Canada also frequently shared assumptions about the superiority of an Anglo-Saxon or White race and felt a shared destiny which united them in the struggle against Prussianism. They worried that African-Americans, French-Canadians and conscientious objectors of any ethnicity were not fulfilling their obligations as citizens nor making commensurate sacrifices in the struggle to win the war. One justification for conscription, though rarely acknowledged as such, was to address fears of race suicide.

Another significant challenge that conscientious objectors posed was not to the authority of the state, or to the Victorian notions of gender roles, but to the authority of organized religion.

Specifically conscientious objectors challenged the widespread dominance of mainline Protestant denomination in defining the values and the limits of moral dissent. Mainstream Protestantism in the early 20th century in both the United States and Canada had been heavily influenced by the Social Gospel movement, which argued that Christianity had a progressive mission to address social problems and promote social justice. During the war, however, a different tradition, a “muscular Christianity” which emphasized service, courage, and sacrifice, was ascendant. It was embraced by a broad spectrum of society from the dignified Princeton president, John Grier Hibben, who described peace “bought” with compromise as “a living hell,” to the popular, unrefined, revivalist preacher Billy Sunday who thundered before a crowd of 40,000 on Easter Sunday April 9, 1917, three days after the United States declared war, that “in these days all are patriots or traitors, to your country and the cause of Jesus Christ.” This new, “muscular Christianity” easily coexisted with a militant nationalism.

When well known bishops declared, without the least sense of shame, that “if Jesus were living to-day he would be fighting in the trenches of France,” and popular evangelists published letters in the Los Angeles Times calling for Christian pacifists to be lynched, it was a difficult time to be a religious conscientious objector. Whether the conscientious objector came from a dissenting historic peace church or were themselves dissenting from one of the mainline denominations, religious conscientious objectors posed severe challenges to the close relationship which existed between the mainline Protestant denomination and the government.

The position of the Roman Catholic Church is particularly interesting when examined from a transnational perspective. In the United States the Roman Catholic Church’s position on

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conscription was almost identical to that of the mainline Protestant denominations. The U.S. Church enthusiastically supported the government and urged its members to fully support the war. In Canada its official position was the same; however, because of the unique situation in Quebec there was much greater ambiguity about the church’s overall support for the war. Though there was tremendous opposition to conscription in Quebec and widespread avoidance of military obligations, there were almost no French Canadian conscientious objectors. The Church would not vigorously condemn those who sought to avoid military service, but since the Church considered the war just it would not tolerate members who dissented on conscientious principles.

The United States and Canada share a 5,525 mile border, which created numerous problems in implementing conscription, not the least of which was that the border was easily crossed and presented a tempting solution to many men who wished to avoid being conscripted during the war. Although it is impossible to know for certain exactly how many men crossed the border in order to avoid military service, it is clear that the number was relatively small, though many more certainly contemplated such a move, and policy makers, with some justification, feared a much greater exodus. It is quite likely that many more conscientious objectors would have left the United States for Canada had Canada not instituted conscription by the Military Service Act just 67 days after the United States passed the Selective Service Act.

The majority of men who did cross the border in order to escape conscription belonged to either the Mennonite or Hutterite faith. The best estimates suggest that approximately 600 Mennonites and 1,000 Hutterites left the United States for Canada in 1918, but this count significantly overstates the number of men who left to avoid military service as the Hutterite total represented the migration of entire communities when only a small percentage of these immigrants were actually liable for conscription. This extraordinary action, however, illustrates
quite well the advantage of a transnational study, because conscription policies affected not only those individuals who were personally liable for conscription, but society as a whole.

While the United States and Canada shared long, sometimes acrimonious, history, both maintain a number of cultural traditions inherited from Great Britain. One of the most important of these traditions was a general high regard for citizen soldiers and voluntary enlistments and a disdain bordering on contempt for conscripts. Universal military obligation was also one of the chief criticisms of “Prussianism.” However, this tradition was upended on January 27, 1916 when Great Britain implemented national conscription for the first time. The United States and Canada both instituted conscription in 1917. It is difficult to imagine either doing so had Great Britain not led the way the previous year.⁶

The history of conscientious objectors during this period is extremely complex. The sheer variety of conscientious objectors frustrated policy makers as well as military officials. In addition to the relatively familiar groups such as the Society of Friends, commonly known as the Quakers, as well as the Mennonites and the Brethren, who were collectively identified as the historic peace churches, there were smaller less familiar groups such as the Christadelphians, the Seventh Day Adventists, the Dunkards (Brethren), the Molokans or “Holy Jumpers”, the Hutterites, and the International Bible Students Associations (who were sometimes referred to derogatorily as the Russellites and would later change their names to the Jehovah’s Witnesses). Complicating matters further, at least from a policy perspective, were the internal divisions that defined many of these peace churches. The Mennonites in particular were prone to divisions into various sects. It is not surprising that both government officials and military officers had difficulty understanding the fine points of doctrine, culture and history that separated Amish

⁶ New Zealand instituted conscription later in 1916 but voters in Australia rejected conscription on two separate occasions during the war.
Mennonites, Progressive Mennonites, “Old” Mennonites, and “Old” Amish. Although they disagreed on many points of doctrine and policy, these groups held very similar views concerning military service and non-resistance.

Many of these religious objectors’ doctrine included obedience to government, which they typically considered instituted by God, as a tenet of their faith just as they viewed pacifism and non-resistance. When the tenets of their faith conflicted with one another, however, they faced a terrible dilemma which tested their allegiance to their God and their government. Although the historic peace churches tended to be deferential and conciliatory when they objected to government policies, they nevertheless objected. The church communities included many men and women who were not personally liable for military conscription and with the exception of the Seventh Day Adventists and the International Bible Students the churches were older than either the United States or Canada. Many of the members of these churches were descended from men and women who had migrated to North America generations earlier in order to avoid military service in Europe. Their history and doctrine supported the option of migrating again if it became necessary to be obedient to their God, though their long attachment to their land and the significant amount of acculturation that had occurred in most of the communities argued against making any such decision hastily or lightly.

In addition to these relatively large and well organized peace churches there were also a seemingly unlimited number of small sometimes loosely organized sects including the Apostolic Christian Church, the True Light Church, the Christian Catholic Church in Zion, the Christian Catholic Apostolic Church, the Christian and Missionary Alliance, the Calvary Baptist Church of Altoona, the Plymouth Brethren, the Assemblies of God, the Old Order German Baptist Brethren, various orthodox Jewish sects, and the Bahai Movement which at least to some degree
prohibited or discouraged its followers from participating in war. There were also a number of conscientious objectors who identified themselves as “humanitarians,” atheists, agnostics, vegetarians, idealists, moralists, college students, professors, social workers, socialists, anarchists, Wobblies or some other type of radical. These conscientious objectors often disagreed with the religious conscientious objectors more often then they agreed with them. These differences, however, can be overstated and in some respects the distinction between religious and secular objectors is somewhat artificial as they struggled with many of the same questions and experienced many of the same challenges.

While the governments of the United States and Canada both theoretically and rhetorically valued religious freedom and even made some effort to treat conscientious objectors fairly, neither felt any real sense of urgency when it came to protecting the rights of conscientious objectors. Furthermore, these concerns about religious liberty which were expressed from time to time by the president and prime minister become less consistent when they reached the level where policy is actually implemented. The exemption boards and the officers in the army camps had other concerns which often took precedence. The military intelligence apparatus in both the United States and Canada generally viewed conscientious objectors as adversaries. Likewise, the public in both the United States and Canada was generally unsympathetic and often viewed conscientious objectors of all stripes with some degree of hostility. Whatever their motivations for objecting, the collective resistance of the conscientious objectors eventually changed conscription policies in both countries, but the objectors often paid a heavy price for this resistance. A number of them became martyrs.

Many of the official histories of the war touch upon conscription and conscientious objectors. Colonel A. Fortescue Duguid’s *Official History of the Canadian Forces in The Great*

There are a number of very fine general histories of the home front in both the United States and Canada that deal prominently with conscription. David Kennedy’s Over Here: The First World War and American Society first published in 1980 and John Whiteclay Chambers’ To Raise an Army: The Draft Comes to Modern America (1987) and are both classics. Christopher Capozzola’s Uncle Sam Wants You: World War I and the Making of the Modern American Citizen (2008) and Nancy Gentile Ford’s. The Great War And America: Civil-Military Relations during World War I (2008) both offer compelling new takes on the impact of conscription upon American society.

Conscription figures prominently in Desmond Morton’s A Military History of Canada (1992) and When Your Number’s Up: The Canadian Soldier in the First World War (1993) which are two excellent general histories of the Canadian experience during World War I. Elizabeth Armstrong’s The Crisis of Quebec, 1914-1918, first published in 1937 by Columbia University Press remains the classic study of the attitudes of French Canadians and the mistrust and resentment on all sides that led to Canada’s “conscription crisis.” J.L. Granatstein and J. M. Hitsman’s Broken Promises: A History of Conscription in Canada (1985) examines the reason why Canada turned to conscription and the problems associated with that decision. Robert Rutherford examines how the war, and conscription, impacted local communities in Hometown Horizons: Local Responses to Canada’s Great War (2004) while Amy Shaw’s Crisis of
Conscience: Conscientious Objection in Canada during the First World War. (2009) focuses specifically upon the issue of how conscientious objectors responded to conscription.


Charles Chatfield takes a broad look at the idea of pacifism in the United States and the role that the conscientious objectors of World War I played in creating a pacifist example for the objectors of World War II in For Peace and Justice: Pacifism in American, 1914-1941 (1973). Thomas Socknat examines the same topic in Canada in Witness against War: Pacifism in Canada, 1900-1945 (1987). Both Chatfield and Socknat focus primarily upon political and other non religious objectors, but there is a wealth of secondary sources, published by sectarian as well as academic presses, which focus primarily upon religiously motivated objectors.

James Juhnke’s Vision, Doctrine, War: Mennonite Identity and Organization in America, 1890-1930 published by the Herald Press in 1989 and Gerlof Homan’s American Mennonites and the Great War, 1914-1918 also published by the Herald Press in 1994 are two comprehensive histories of the Mennonite Church that deal prominently with their response to conscription. Arlyn John Parish’s Kansas Mennonites during World War ONE, published by Fort
Hays Kansas, State College in 1968, does an excellent job of examining the various Mennonite sects that settled in Kansas, while Victor Peters’ *All Things Common: The Hutterian Way of Life* published by the University of Minnesota Press in 1965 is extremely useful as a general history of the Hutterites. M. James Penton’s *Jehovah’s Witnesses in Canada: Champions of Freedom of Speech and Worship* published by Macmillan of Canada in 1976 and William Kaplan’s *State and Salvation: The Jehovah’s Witnesses and Their Fight for Civil Rights* published by the University of Toronto Press in 1989 are both very good general histories of the International Bible Student movement in Canada during the World War I.

There is also a tremendous volume of primary sources, published and archival, relating to conscription and conscientious objectors during World War I. Annual reports published by government agencies, particularly the *Annual Reports* of the United States War Department, are quite useful. More pertinent to the topic of conscientious objectors and conscription are various special reports.

The Office of the Provost Marshal General explained Selective Service regulations to the public in the *Bulletin of Information Concerning Registration and Conscription under So-Called Draft Act*. Provost Marshall General Enoch Crowder also published a number of official reports the most important of which was the *Second Report of the Provost Marshal General to the Secretary of War on the Operations of the Selective Service System to December 20, 1918* (1919) and *The Spirit of Selective Service* (1920). Colonel James S. Easby-Smith, Judge Advocate of the United States prepared a collection of documents relating to conscientious objectors which was published by The War Department in 1919 under the title *Statement Concerning the Treatment of Conscientious Objectors in the Army*. The Division of Psychology of the Office of the Surgeon General issued an Official Report in 1921 titled *Psychological Examining in the United States*
Army which described, among other things, the results of the psychological exams that were administered to the conscientious objectors. The General Staff of the War Department published a number of important documents that explained the role of Military Intelligence as it related to the home front and how they understood the problem of opponents of conscription including conscientious objectors. The two most important of these reports are *The Functions of the Military Intelligence Division* (1918) and *Propaganda In Its Military And Legal Aspects* (1918).

In Canada, the Military Service Branch of the Department of Justice made the argument in favor of conscription in *For The Defence of Canada* (1917). The Military Service Branch also published *The Military Service Act, 1917 Manual for the Information and Guidance of Tribunals in the Consideration and Review of Claims for Exemption* (1918) which explained the regulations governing conscription to the exemption tribunals who would make the important decision regarding exemptions on the local level. Harold Arthur Clement (H.A.C.) Machin, the Director of the Military Service Branch of the Justice Department made a post war review of the conscription policies of the Canadian government in *Report of the Director of the Military Service Branch to the Honourable The Minister of Justice on The Operation of the Military Service Act, 1917* (1919)

Many of the prominent politicians, government officials, and even military officers involved in creating or implementing conscription policies during the war later published their public papers and addresses. The *Papers of Woodrow Wilson*, edited by Arthur S. Link and others, was published by Princeton University Press in 69 volumes between 1966 and 1994. Oxford University Press published *Life and Letters of Sir Wilfrid Laurier* edited by Oscar D. Skelton in two volumes in 1921. Sir Robert Borden’s memoirs were published by McClelland and Stewart in two volumes in 1969. A collection of Major-General Leonard Woods views on
conscription were published by Princeton University Press under the title *The Military Obligation Of Citizenship* in 1915, two years prior to the entry of the United States into the war. Secretary of War Newton Baker published *Frontiers of Freedom* in 1918. Major Walter Guest Kellogg, who chaired the Special Board of Inquiry that screened conscientious objectors to determine their sincerity published *The Conscientious Objector* (1919) which is arguably the most important monograph dealing with conscientious objectors published by a United States military officer during or after the war.

The various churches in the United States and Canada also published extensively during and after the war in order to make their position known to their members, the respective governments, and to the general public. The *Petition from All-Mennonite Convention at Carlock, Illinois, to President Woodrow Wilson* (August 30-31, 1916) was an early statement of the Mennonite position on non-resistance and their view of conscription. A second statement, published the next year by an entirely different conference of Mennonites, *Mennonites On Military Service, A Statement of our Position on Military Service as Adopted by the Mennonite General Conference* (August 29, 1917) was more controversial but also more influential. *The Finished Mystery*, published by the Watch Tower Bible and Tract Society (1917), was perhaps the most controversial publication by any religious body during the war. It led to a schism within the International Bible Students Association and was ultimately banned in both Canada and the United States.

After the war, the various churches published their own histories of the war years that detailed their responses to the numerous challenges of the war including but not limited to the matter of conscription. The Mennonite Publishing House published J.S. Hartzler’s *Mennonites in the World War: or, Non-resistance under test* which went through many additions, the first of
which appeared in 1921. Guy F. Hershberger’s *War, Peace, and Non-resistance* published by the Herald Press also went through several editions the first of which was published in 1944. The Watch Tower Bible and Tract Society published *Jehovah’s Witnesses in the Divine Purpose* in 1959. All of these accounts were at least somewhat self-critical of the churches for being too willing to seek compromise with the governments.

A number of political parties and civil liberties organizations also published documents relating to conscription policy and conscientious objectors. The Civil Liberties Bureau of the American Union Against Militarism (AUAM) argued for a more inclusive policy regarding conscientious objectors in a pamphlet *Conscription and the “Conscientious Objectors” Facts regarding exemption from military service under the conscription act.* (1917) The National Civil Liberties Bureau (NCLB), which split from the AUAM in 1917, further developed this line of argument in numerous publications including: *The Facts about Conscientious Objectors in the United States (Under the Selective Service Act of May 18, 1917)* (1918); *The Individual and the State: The Problem as Presented by the Sentencing of Roger N. Baldwin* (1918); and William Hard’s *Your Amish Mennonite* (1919).

The civil liberties organizations were particularly active in arguing for the immediate release of imprisoned conscientious objectors after the war ended. The NCLB republished Winthrop D. Lane’s *The Strike at Fort Leavenworth* in 1919 and the Committee of 100 Friends of Conscientious Objectors published a pamphlet *Who are the Conscientious Objectors?: a plea for justice for those in prison for conscience’ sake* that same year. The American Industrial Company a “manufacturer of piano hardware” which had never published anything before, and did not publish anything after, published and distributed three very polemic pamphlets during and after the war: *“Crucifixions” in the twentieth century* (1918); *Desecration of the Dead by*
American “Huns;” (1919) and The “Mutiny” at Fort Leavenworth Disciplinary Barracks, July 22, 1919 (1919). All three of these pamphlets were highly critical of the government’s policies concerning conscientious objectors. Though they were widely distributed to members of Congress and other policy makers it is difficult to say what, if any, effect they had upon either public opinion or government policy; however, they certainly drew the attention of Military Intelligence.

A number of conscientious objectors eventually published their memoirs and many of them are quite well written. Among the best are: Ammon Hennacy’s, The Book of Ammon (1970); Julius Eichel’s The Judge Said “20 Years” (1981); Mitchell Hobart’s We Would Not Kill (1983) and Howard W. Moore’s Plowing My Own Furrow (1985). A number of particularly compelling biographies have also been written about individual conscientious objectors including Luisa Thomas’s Conscience: Two Soldiers, Two Pacifists, One Family: a Test of Will and Faith in World War I, published by Penguin Press in 2011. Luisa describes the fascinating story of Norman Thomas, her great-grandfather, who was a Presbyterian Minister, chairman of the New York No-Conscription League, a co-executive secretary of the Fellowship of Reconciliation, a member of the Executive Committee of the American Union Against Militarism, and a founding member of the American Civil Liberties Union. Torin R. T. Finney’s Unsung Hero of the Great War: The Life and Witness of Ben Salmon was published by Paulist Press in 1989. Finney notes that Salmon was the “first known Catholic in American history to directly challenge in any detail the Church’s ‘just war’ teachings.”

John Stahl has collected a number of accounts of the Hutterites’ experience with conscription in Hutterite CO’s in World War One: Stories, Diaries and other accounts from the United States Military Camps (1999). Melanie Mock makes an excellent case for the importance
of the numerous unpublished diaries, journals and letters produced by these conscientious objectors and includes several in *Writing Peace: The Unheard Voices of Great War Mennonite Objectors* (2003). Peter Brock has done exactly that by collected a number of useful memoirs in his *‘These Strange Criminals’: An Anthology of Prison Memoirs by Conscientious Objectors from the Great War to the Cold War* (2004).

The views and opinions of the general public in both the United States and Canada can be roughly assessed through innumerable newspaper accounts of conscription and conscientious objectors, and J. Castell Hopkins remarkable series *The Canadian Annual Review of Public Affairs*, which was published annually from 1901-1939, is always a good source on any topic related to politics or public policy. Many of the most interesting sources however remain archival sources.

In the United States National Archives Record Group 163, the records of the Selective Service System of World War I are particularly relevant. Within this record group two collections are particularly valuable. The eleven boxes which contain the General Correspondence 1917-1919 of the Provost Marshal General's Office provide insights into all aspects of the draft and its implementation. Likewise the three boxes from the Provost Marshal General's Office which compose the “Chronicles” collection is a remarkable source which has not yet been adequately utilized by historians. This collection contains the records of hundreds of draft boards from across the country and provides an unparalleled view of the selection process and the interaction between the exemption boards and the drafted men, including the conscientious objectors, who appeared before the board.

Equally as important in understanding how the United States military viewed conscientious objectors and other opponents of conscription is Record Group 165, the records of
the War Department General and Special Staffs. The General Staff was authorized by Congress in 1903 and included three divisions; the most pertinent to conscientious objectors was the Military Intelligence Division (G-2). The collection containing the Correspondence, 1917-41, of the Military Intelligence Division is invaluable. It contains numerous internal communications, memorandums and reports that reveal the assessments and concerns of the military intelligence community, which were then relayed to the larger military and political establishment. Perhaps the most interesting of these reports is titled rather descriptively Mennonites, Sub Section “A” Note on the Mennonites.

The National Archives of Canada holds a similar trove of unpublished documents. Record Group 24, which contains the Department of National Defence Army records, is most valuable, particularly the boxes that compose the “Army Headquarters” collection. This collection contains the Routine Orders issued to Commanders of Military Districts, the numerous secret and confidential memorandums that were exchanged between military and government officials during the war and a number of reports prepared by the Canada’s Military Intelligence division. Particularly significant were: Routine Order 471 Treatment of Conscientious Objectors; a undated secret memorandum titled Relating to the possibility of disturbances in Montreal; a series of confidential memorandums titled Anti-Conscriptionists prepared by the Intelligence Officers of the various military districts for the Assistant Director of Military Intelligence in the summer of 1917; and “Mennonites” prepared for the Provost Marshal on October 15, 1918.

Because so many conscientious objectors were tried by court martial, the National Archives of both the United States and Canada contain a larger number of transcripts from various court martial proceedings and other judicial rulings related to conscientious objectors. Often transcripts were requested by the conscientious objectors or by their churches so copies of
many of these proceedings are also housed in the church archives. One of the more revealing transcripts is the *Proceedings of a Regimental Court Martial* assembled at Winnipeg, Manitoba on January 24, 1918 to investigate alleged ill-treatment of conscientious objectors, a copy of which is contained in Record Group 24 of the National Archives of Canada.

The various churches also have extensive archival holdings. The Mennonite Church USA maintains two archives in Goshen, Indiana and in North Newton, Kansas. The most important collection at the Goshen archives is the Peace Problems Committee collection which contains the extensive correspondences of Aaron Loucks and Jonas Hartzler, who played extremely important and controversial roles as intermediaries between the Mennonite Church and the United States government on a number of matters particularly the treatment of Mennonite conscientious objectors. The North Newton archives houses the Schowalter Oral History Collection on World War I conscientious objection. These church archives remain an underutilized source for the study of conscription and conscientious objectors.
PART 1. THE CREATION OF CONSCRIPTION POLICIES IN THE UNITED STATES AND CANADA

CHAPTER 1. PRE-WORLD WAR I CONSCRIPTION IN THE UNITED STATES AND CANADA

In April 1862 the Confederate States of America passed the first “national” conscription law in United States history. Able-bodied men, aged eighteen to thirty-five, were liable for three years of military service. These age limits were ultimately raised to fifty, and lowered to seventeen. Certain occupations, including religious ministers, were granted exemption from the draft, as were owners or overseers of twenty or more slaves. In 1863 the law was amended to allow for the hiring of a substitute.

Limited conscription began in the Union States in 1862, with the Enrollment Act of 1862, which granted exemptions to a limited number of high government officials, ministers, and men who were the sole support of widows, orphans, or indigent parent. It also allowed for the draftee to furnish an acceptable substitute, or to pay a commutation fee of $300, which was applied by the government for the procurement of a substitute. The Enrollment Act of 1862 was superseded on March 3, 1863 by “the first genuine national conscription law in American history.”

This legislation created an elaborate federal organization, headed by Col. James B. Fry, the nation’s first Provost Marshal General, to implement the draft. Penalties for violating the draft were severe; however, enforcement of the law was sporadic, and heavily reliant upon the bounty system. This created a host of problems, without leading to effective enforcement of the

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conscription law. The bounty system, along with the provision for hiring substitutes, were the most obvious deficiencies of the Civil War draft.

There was widespread opposition to conscription throughout the war, in both the Union and the Confederate States. Fry noted that,

Every imaginable artifice was adopted to deceive and default the enrolling officers. Open violence was sometimes met with. Several enrollers lost their lives. Some were crippled…In certain mining regions organized bodies of men openly opposed the enrollment, rendering it necessary that the U.S. authorities should send troops to overcome their opposition. There were secret societies, newspapers, and politicians who fostered and encouraged this widespread opposition.\(^2\)

The most notorious case of open resistance to the draft occurred in New York City. On Sunday, July 12, 1863 newspapers published the names of the first men chosen in the draft. Rioting broke out the next day. It continued unabated for four days, producing some of the ugliest incidences of violence in a horribly violent war. Ultimately, federal troops diverted from Gettysburg, Pennsylvania, were required to quell the riot. Fred Shannon, scholar of the Civil War draft, noted that the death toll “has never been exactly calculated and estimates vary all the way from 74 to 1,200 dead.”\(^3\)

Open, violent opposition to conscription, best exemplified by the New York City riot of July 1863, commanded the most notoriety, but was relatively rare. There were countless other ways, mostly non-violent, by which individuals resisted and evaded the draft. These forms of resistance were arguably much more significant, than the relatively infrequent examples of open resistance and outright violence. One particularly macabre form of avoiding the draft involved self mutilation, specifically the amputation of toes and fingers or the pulling of teeth. Although these attempts were sometimes successful, they frequently failed. Shannon noted that:

\(^3\) Ibid.
… sometimes not enough toes and fingers were amputated to do any good. The pulling of teeth also sometimes fell short of the desired result, Either too many were left or it was found that the victim could still masticate his food and tear cartridges with his back teeth.  

The historic peace churches faced enormous difficulty during the Civil War. Civil War historian Arthur Ekirch points out that Quakers and other pacifists “suffered severe hardships and in some cases were sentenced to death” but he points out that this “extreme penalty was not carried out.” Despite a clear and well established doctrine and long history of pacifism, all of the historic peace churches had individual members who violated official church doctrine and volunteered for military service, usually for non-combatant service, but a few accepted regular combatant duties. The commutation fee largely eliminated the problem of conscientious objectors, as most Quakers and other potential conscientious objectors ultimately paid the commutation fee, thus the spectacle of prosecuting men for conscientiously refusing to go to war was largely averted though many struggled with the ethical implications of sending a substitute to take their place when their own conscience prevented them from going. If the fee was viewed as voluntary, some Quakers refused to pay it, but if it was viewed as a tax, most decided it was their lawful duty to submit to the fee.

Congress revised the Draft Act on February, 24 1864. This second Draft Act was “the first Federal law to provide for the special handling of conscientious objectors as such.” Under its provisions, “sworn religious conscientious objectors” would be offered noncombatant service either in military hospitals or caring for freedmen, although in practice neither of these options appears to have actually been implemented. The law also amended the $300 commutation fee,
which would no longer be used to procure a substitute. Instead the commutation fee would be applied directly for the benefit of sick and wounded soldiers. This provision largely resolved any lingering ethical dilemma that many conscientious objectors had felt over paying someone else to participation in carnal warfare. The Second Draft Act, in addition to providing more generous conditions for conscientious objectors, also increased the penalties for those who violated the law. Persons who secured fraudulent exemptions would now be reclassified as deserters and subject to military tribunals.  

All of the historic peach churches sent representatives early in the war to appeal directly to President Abraham Lincoln and Secretary of War Edwin Stanton. They generally found both men sympathetic but “reluctant to recommend relief to pacifists, however much they sympathized, because they feared it might encourage draft resistance.” This concern was not entirely unfounded. Shannon writes that “one of the most singular phenomena of the day… was the remarkable increase of ‘Quakerism’ in New York City’s sixth ward, where even broad hats could not disguise the Irish countenance they shaded.” Eventually the president and the secretary of war’s concerns about granting exemptions to the Quakers receded. Civil War historian E.N. Wright acknowledges that Lincoln and Stanton eventually “went farther than Congress had gone in giving consideration to conscientious objectors.” Wright points out that “for the duration of the war, [the Lincoln administration] respected more and more the wishes of those conscientiously opposed to bearing arms, by not forcing them into any kind of service against their will.”

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10 Shannon, *The Organization and Administration of the Union Army*, II: 249.
11 Wright, *Conscientious Objectors in the Civil War*, 86.
Conscription had a very mixed record during the Civil War. It was extremely controversial at the time and vilified by military officers and politicians after the war. J.G. Randall and David Donald, who wrote *The Civil War and Reconstruction*, consider the Draft Act “one of the crying scandals of the war.” They are particularly critical of the “vicious bounty system and the undignified, if not venal, system of bargaining in substitutes and commutation money.”

Conscription during the Civil War, despite its many shortcomings, might have been remembered in a more positive light had it produced better results. Provost Marshall Fry noted that 86,724 drafted men were “excused from military service by payment of the commutation money” leaving 168,649 “actually drafted.” 117,986 of these men however, provided substitutes. Thus only 50,653 men actually had their “personal service” conscripted, and only 46,347 of them actually entered the Army.”

Randall and Donald have calculated that the number of men that entered the army directly as a result of conscription amounted to “only about 6 percent of the Union forces.” It can be argued that this figure unfairly discounts the commutation fees and the 117,986 substitutes, neither of which would necessarily have been procured without the Draft Act, but the impression was widespread that conscription during the Civil War had been ineffective at best, and given the widespread ill will and opposition it created, perhaps even counterproductive.

The issue of conscription was mostly dormant in the United States between the Civil War and World War I. Conscription was never considered during the brief war with Spain in 1898. The Universal Military Service Act of 1903 made all male citizens between the ages of eighteen

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13 Ibid.
14 Ibid.
and forty-five subject to military service; however, it contained explicit exemptions for members of religious organizations opposed to war.\(^{15}\)

Although there was nothing comparable to the Draft Act of 1864 in Canadian history, Amy Shaw, author of *Crisis of Conscience: Conscientious Objection in Canada during the First World War* argues that “conscription was not a novelty in Canada.” Shaw also notes that laws governing compulsory militia service had always included provisions for conscientious objection.\(^{16}\) For instance, the Assembly of Upper Canada granted Quakers, Mennonites, and Tunkers [later known as Brethren in Christ] exemptions from the yearly militia exercises under the first Militia Act of 1793 with the intent of attracting these immigrants from Pennsylvania.\(^{17}\) These exemptions were honored during the War of 1812, though all conscientious objectors were required to pay a supplementary tax until 1849.\(^{18}\)

The noted Canadian historian J.L. Granatstein, author of *Broken Promises: A History of Conscription in Canada*, observes that the First Militia Act of the new Confederation, which received royal assent on May 22, 1868, added a “reserve militia” comprised of “all physically fit males between the ages of eighteen and sixty” to the regular volunteer militia, which drilled annually. Both the regular and the reserve militia were “liable for service unless exempted or disqualified by law.” Exemptions were granted to “judges, clergymen, professors, staff of penitentiaries and lunatic asylums, and the only sons of widows.”\(^{19}\)

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17 In 1899 Doukhobors and Hutterites were granted the same exemptions that had previous applied only to the Quakers, Mennonites, and Tunkers. Shaw notes that “together, these five groups constitute the historic peace churches in Canada.” Shaw, *Crisis of Conscience*, 21.
In 1873 Canada made an “arrangement” with Russian Mennonites in order to encourage them to settle in Canada. An 1873 Order in Council promised “entire exemption” from military duties or service, in times of peace or war, as well as generous land grants, including eight townships in Manitoba, for their exclusive use.

Despite an early history of conscription, Shaw notes that by 1914 Canadians had “little direct experience with military conscription.” The volunteer militia was last called out during the Northwest Rebellion of 1885, and the contingent that was sent to fight in the South African War was composed entirely of volunteers, commanded, and mostly paid for by the British government.

Canada’s experience during the South African War had lasting consequences. Canada offered, by an Order-in-Council in October, 1899, to equip and transport to South Africa a body of volunteers who would then be maintained at the expense of Great Britain. Because this contingent was raised entirely from the regular militia and volunteers, conscription was not an issue, but it was the cause of significant debate and considerable tension between Anglo and French-Canada. This debate foreshadowed many of the cleavages that would emerge a little more than a decade later.

Elizabeth Armstrong, author of the classic study, *The Crisis of Quebec, 1914-1918* notes that the South African War “proved that Canada could no longer dissociate herself entirely from the wars of the Empire.” The South African War was a significant moment in Anglo-French relations, as “English-speaking Canada, moved for the first time by an imperial patriotism, insisted that Canadian volunteers should be sent to the aid of the mother country,” but “French Canada was on the whole uninterested, and saw no reason to involve Canada in a quarrel that in

no way concerned her.” Armstrong writes that “the abuse heaped on Quebec for her lukewarm attitude by English speaking Canada was symptomatic of the fact that racial peace was only skin deep and that whenever a really vital issues appeared the cleavage between French and English Canadians was all but unbridgeable.” The arrangement, by which Canadian forces were commanded and paid for by Great Britain, was not popular in Quebec where it was widely believed that the policy was “contrary to the tradition of Canadian autonomy.” The controversy over the South African War lead to the emergence of a new generation of leaders in Quebec, particularly Henri Bourassa, who founded the “Nationalist” movement at this time. Bourassa would be the public face of opposition to conscription during the World War I.22

While some of the differences between the Great War conscription policies of the United States and Canada can be traced to this difference in recent historical experience with conscription, many of the differences stem, as Armstrong and others suggest, from the ethno-linguistic cleavages in Canadian society that stretch even farther back in Canadian history. Racial issues also figured heavily in the decisions regarding conscription in the United States, but there was nothing comparable to the unique relationship, dating back to the Constitutional Act of 1791, between Anglo and French-Canadians. This relationship largely determined the timing of Canada’s implementation of conscription, by dictating against turning to conscription until the system of volunteering had utterly failed.

The United States and Canada both had a history of conscriptions and of recognizing religious conscientious objectors prior to World War I, though for many years prior to that war both nations had relied upon volunteers to fight their wars and had thus avoided the need for conscription. In the United States the Civil War draft set a precedent for conscription and the

treatment of conscientious objectors which was applied, with some modifications, in the Selective Service Act of 1917.

It is not surprising that the conscriptions policies of the United States and Canada during World War I were somewhat similar. The United States and Canada shared cultural traditions inherited from Great Britain including a marked preference for voluntary enlistments and citizen soldiers over conscripts to defend the nation as well as a general respect for personal and religious liberties. These traditions suggested that there would be a reluctance to rely upon conscription and if conscription was implemented that there would be at least some provisions made to exempt conscientious objectors.

There were also factors, unique to each nation, which tended to make their conscription policies, and particularly their provisions for conscientious objectors, different. Perhaps the most significant of these factors were efforts by the Canadian government to encourage immigration, particularly explicit guarantees that members of select religious groups would be entitled to exemption from military service. The 1873 Order in Council which promised “entire exemption” from military duties or service, to Russian Mennonites to encourage them to settle in Canada, was the most important of these agreements, though a similar agreement was made in 1898 with Russian Doukhobors.

Conscription promised both risks and rewards. The risks were great. Germany relied upon conscription as did most European powers, while both the United States and Canada had traditions that favored voluntary enlistments. How could the North American Democracies implement conscription without calling into doubt the fundamental assumption that the citizens of the United States and Canada enthusiastically supported the war? The rewards, however, were also great. Conscription promised a more orderly mobilization of the available manpower. This
would cause the least amount of disruption to vital agricultural and industrial interests which were also necessary to winning the war.

Political leaders in both the United States and Canada carefully assessed both the risk and rewards before finally choosing to implement conscription. Initially these political leaders had favored a policy that relied upon voluntary enlistments, however, the calculus of risk and reward began to change in 1916 and 1917 as it became obvious that volunteerism, which carried its own risks, was failing in Canada. By the time the United States declared war, on April 6, 1917, the failure of volunteerism in Canada was obvious, and both the United States and Canada were moving toward a policy of conscription.
CHAPTER 2. THE FAILURE OF VOLUNTEERISM IN CANADA AND THE MILITARY SERVICE ACT

Prior to World War I Canada had a standing army of just 3,000 men. As it became evident that war was increasingly likely, Colonel Sam Hughes, the Minister of Militia, summoned a special meeting of the Militia Council on July 30, 1914. The Militia Council agreed that in the event of a war, a contingent of about 20,000 men would be sent to the front.¹

In 1910, Prime Minister Sir Wilfrid Laurier had declared that “when Britain is at war, Canada is at war. There is no distinction.” Though Laurier was the leader of the opposition Liberal Party when Canada, along with Britain, declared war on Germany on August 4, 1914, this sentiment remained. Canadian historian Desmond Morton notes that “Canada was visibly united. Cheering throngs in Montreal outnumbered crowds in Toronto.”²

Henri Bourassa, who would later become a fierce critic of the war, published an editorial in Le Devoir, on September 8, 1914 in which he acknowledged that Canada was “an Anglo-French nation, bound to England and France by a thousand racial, social, intellectual and economic ties.” He added that it was her “national duty” to “contribute, with the limits of her strength and by such means of action as are suitable for her, to the victory and above all the endurance of the combined efforts of France and England.” Bourassa prudently cautioned however that

… to make this contribution effective, Canada must begin by resolutely looking her real situation in the face, must give herself an exact accounting of what she can and cannot do, and ensure her own internal security, before undertaking or prosecuting an effort which she will not, perhaps, be equal to sustaining to the end.³

Bourassa, however, quickly became more critical of the war, and skeptical that Canada should play such a prominent role. On December 21, 1914 he complained in *Le Devoir* that “In the name of religion, of freedom, of loyalty to the British flag, the French Canadians are being called upon to go and fight the Prussians of Europe.” Bourassa asked, “Are we to allow the Prussians of Ontario to impose as masters their domination in the very heart of the Canadian Confederation, under the shelter of the British flag and British institutions?”

It was this type of fiery rhetoric that made Bourassa a spokesman for discontent in Quebec and, outside of Quebec, one of the most hated men in Canada.

Parliament, however, was not in the mood for prudence. A special session of Parliament convened on August 18 and in a period of just four days, quickly and unanimously approved all of the government’s war measures: at one point Laurier insisted that the government measures be read into the record and not simply passed. The most important of these measures was the War Measures Act which not only gave “retroactive authority for the steps which had already been taken by the Governor General-in-Council,” but also “provided for censorship, suspension of habeas corpus in certain cases, control of immigration and trade, and wide powers with regard to arrest.”

The first call for volunteers for overseas service had been issued on August 3, 1914, one day prior to the declaration of war. These volunteers arrived at the new camp at Valcartier, Quebec on August 20, 1914. Following an abbreviated training, the first Canadian contingent, a division of more than 30,000 men, sailed for Europe at the end of September. This rather modest initial commitment expanded rapidly, and plans for a Second Division were announced in

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4 Ibid., 332-333.
5 Ibid., 63-65
October. Shortly after this first division was shipped overseas the mobilization efforts began to demonstrate serious difficulties and inefficiencies which became more pronounced with each additional contingent that was raised. Morton notes that after the first contingent set sail “many of their best officers had already gone. Equipment was scarce. Men waited months even for uniforms.”

Elizabeth Armstrong wrote that the speed with which the first contingent was “equipped and trained, the general excitement prevalent at the time, all tended to make the shortcomings of the plan seem insignificant,” but she noted that “the entire lack of a scheme for supplying reinforcements was overlooked simply because by the time the first contingent was ready to sail there were almost enough recruits on hand to form a second contingent.”

Prior to the war a new, more efficient, mobilization plan had been prepared by British and Canadian staff officers that “projected a regionally and racially balanced force based on the existing militia organization.” Sir Sam Hughes, Minister of Militia and Defence, was well aware of this plan, but according to Morton he had “taken little interest in it and, now that it was needed, scrapped it.” Instead, mobilization was “organized his way, by means of hundred of telegrams to commanding offices and personal friends.” Morton adds that Hughes’ “detestation of professionalism and his absolute confidence in himself were never more in evidence than at the moment war broke out in 1914. Almost as if it were a principle of life, everything had to be improvised.”

In an effort to stimulate recruiting, and encourage an *esprit de corps*, Hughes encouraged the creation of special interests units and units which represented local geographical areas. Any

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8 Armstrong, *The Crisis of Quebec*, 81
village which raised at least twenty-five recruits would have the men housed within its boundaries, in unused buildings and schools while the unit conducted its preliminary training. Perhaps more significantly, battalions would be limited to men from a single county and commanded by local citizens. Any benefit in *esprit de corps* or boost to enrollment, however, was undermined by the fact that once the units arrived in Britain they were “broken up to provide reinforcements for casualty-riddled battalions already in France.” Barbara Wilson notes another inefficiency in this local organization scheme, namely that, “local militia units were ordered to provide quotas of men for overseas service, and when the quota was reached recruiting ended in that particular locality.” Many of these difficulties would have been experienced regardless of who the Minister of Militia and Defence was, or how recruitment was organized, but some of them certainly could have been lessened or avoided altogether, if someone other than Sam Hughes had held the post.

Patriotic recruiting and volunteerism worked remarkably well at first, “in eleven months, the old units raised almost ninety thousand men. Ottawa paid nothing. Advertising, band instruments, even the new battalion cap badges were financed by regimental funds or local subscriptions.” The system worked so well in fact that the defects inherent in this policy were easy enough to overlook for a long time. An impressive total of 123,966 men volunteered for the CEF’s infantry battalions. This represented an extraordinary commitment from a nation with a total population of just over eight million. But ultimately volunteerism failed.

Steps were taken to make recruitment more efficient. J. Castell Hopkins, editor of *The Canadian Annual Review of Public Affairs*, noted that “the government had taken its first steps

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10 *Ibid.*, xxv  
towards helping recruiters in the middle of June 1915 when it ‘intimated’ that central, rather than regimental, recruiting offices would be set up ‘at specific points’ and that recruiting would be continuous.”

Wilson notes similar efforts to make recruitment more productive including “a slight lowering of medical standards, the removal of the troublesome requirement for consent of parents or wives, and the repeal of the regulation which permitted recruits to change their minds on the payment of fifteen dollars.”

Recruitment was hampered by the fact that, “full employment and high wages at home lessened the possibility that men might enlist for economic reasons.” Wilson argues, however, that the greatest difficulty limiting enlistment was “the inability of recruiters, clergy, or politicians to alter the conviction of those who felt that the war was a European affair of little concern to Canadians and that too much Canadian blood had already been shed in battle.”

Just prior to the departure of the Second Division, Canadian forces in France suffered their first significant casualties. In March 1915, the Germans engaged the Canadians at Ypres and St. Julien. The Canadians held their positions but suffered extraordinary causalities, some units lost fifty percent of their strength. Many of these casualties were inflicted by the first use of gas in the war. This had a sobering mood on the home front.

The Lusitania was sunk on May 8, 1915 shortly after the Second Division sailed for England. Over one hundred of the 1,198 victims were from Ontario. Barbara M. Wilson, editor of Ontario and the First World War, 1914-1918, notes the surge in volunteers that followed the sinking of the Lusitania; “for several weeks thereafter enlistment figures soured as young

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16 Ibid., xlix.
17 Ibid., 102.
Canadians joined the crusade.” But, she adds that “it was not to last,” and “by the beginning of July the recruiters once again faced the problem of obtaining enough volunteers.” Meanwhile, Canada’s commitment to the war continued to grow.

Plans were announced early in January 1915 for a Third Contingent to be recruited immediately. Sam Hughes had optimistically announced to the House of Commons on February 25, 1914 that he could, “raise three more contingents in three weeks if necessary,” but it quickly became apparent that raising the Third Contingent would be more difficult than the prior two. A. F. Duguid records that in the early weeks of the war some 30,267 volunteers across Canada joined the armed forces. The number of volunteers declined slowly after the first few weeks of the war and then it declined drastically in the summer of 1916. Almost 60 per cent of the men who volunteered did so before the end of 1915. Although 170 battalions were formed after October 1915, only 40 of them reached full strength. From July 1916 to October 1917, only 2,810 men volunteered and went overseas as infantry.

Morton points out that by the summer of 1915, few people still believed that the war would be short or exciting and “no one needed work.” He notes that factory owners had begun to demand that skilled workers be sent home from overseas and farmers in rural areas had raised wages and were pleading with the government for “harvest leaves” so that soldiers could help

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18 Ibid., xxxi.
21 When the 136th Battalion arrived in England in the autumn of 1916 after months of recruiting in central Ontario it mustered only 472 men, less than half its authorized strength, and almost one third of the men (144) were unfit for service. Half were either over- or under-age. Desmond Morton, A Peculiar Kind of Politics: Canada’s Overseas Ministry in the First World War, (Toronto: University of Toronto Press, 1982) 75.
with the harvest. The labour shortage was so acute that by 1916 even most enemy aliens who had been interned earlier in the war had been paroled or released outright.  

Morton notes, however, that “because of faulty statistics, Hughes’s blind optimism, and the proliferation of battalions and troops everywhere, hardly anyone in Ottawa noticed that recruitment was drying up. Only in November 1916, after Hughes’s resignation, did the truth begin to emerge.”

Hughes is frequently blamed for the ultimate failure of patriotic recruiting and volunteerism. Robert Craig Brown and Ramsay Cook argue that Borden and Hughes “appear to have cared little, and to have understood even less,” the “complexity of French-Canadian sentiments.” Consequently their recruitment plans were “poorly conceived and ineffectively implemented.” As a result the “very real enthusiasm French Canadians had expressed at the beginning of the war” was “quickly dissipated and even transformed into icy hostility.”

Tim Cook provides one of the most nuanced assessments of Sam Hughes and his role in recruitment in The Madman and the Butcher. Cook describes Hughes as “vindictive, unreasonable, cocksure, bigoted, and egocentric” but he notes that he was also a “complex character.” He credits Hughes with “raising an enormous volunteer fighting force” and with carving a “war munitions industry from nothing.” He concedes that Hughes “failed to win over French Canada,” but argues that he has been unfairly scapegoated over the years for the low

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23 Ibid., 136-7.
number of Quebec recruits, but argues that it is unlikely that any other minister in Borden’s
government could have done any better.27

Morton blames Hughes for abandoning the militia’s “careful tradition of Canadien
representation.” But he argues that the problems went deeper. He writes that “myths and alibis
fail to explain Quebec’s recruiting record.” Morton disputes the assertion made by O.D. Skelton
and others that the poor record was the result of assigning a “Methodist recruiting officer” to
Quebec. He also challenges the notion that the situation would have been fundamentally
improved by the creation of more exclusively French battalions, noting that even the highly
decorated 22nd Battalion failed to fill its ranks. Morton is quite critical of Laurier’s leadership,
noting that his “wholehearted recruiting effort consisted of two brilliant speeches.” Quebec was
the only province in which Ottawa spent federal dollars for recruiting. Colonel Arthur Mignault
spent $30,000 in 1916 but “achieved little.” Morton even absolves Henri Bourassa of much of
the blame noting that his campaign against Ontario’s suppression of French-language education
was not responsible for the indifference toward the war in Quebec, though it certainly did not
help the situation any. Morton argues that

French Quebec showed no burning sympathy for a blesses de l’Ontario, for all the
eloquence of their leaders. Having a respected nationaliste,Colonel Armand
Lavergne, tell them not to join a “somewhat interesting adventure in a foreign
country” only confirmed a decision made long before.28

Morton points out that “since Confederation, successive ministers and generals had simply
ignored the special emotional and linguistic needs of a militia for French Canada.” The efforts of
“a few excellent and devoted officers” were “outweighed by misfits and time-servers in the
thirteen CEF battalions that struggled for Québécois recruits.” Morton is clear that Hughes
deserved some of the blame for the ultimate failure of patriotic recruiting but he adds that “few

27 Ibid. 384
ever acknowledged that his chaotic methods had found almost half a million volunteers.” The most significant failure under Hughes’ leadership was the fact that “barely thirteen thousand of them were French-speaking.”

The fact that so few Quebeckers volunteered could not be blamed entirely upon Hughes, though many tried to do just that. Morton notes that “embarrassed Quebeckers blamed Hughes’s Orange bigotry, Methodist recruiting officers, and the minister’s failure to distribute high commands to French-Canadian officers or to create a French-speaking brigade.” Later historians noted that French Canadians “married young and stayed on the farm” and that few French speaking Quebeckers “considered the war their crusade and few tried to change their minds.” Morton points out that in three years Sir Wilfrid Laurier “delivered only two eloquent recruiting speeches.” He adds that Colonel A.O. Fags complained that prominent citizens “declined to address recruiting rallies,” that lesser figures “wanted to be paid for the job,” and the French-speaking members of a Woman’s Recruiting League “did their best to put obstacles in the way to stop the movement.”

One reason why volunteerism ultimately failed, and conscription proved necessary, was that no one anticipated how long the war would actually last or how great Canada’s commitment of troops would eventually become. Despite rising indifference, even opposition, in Quebec and elsewhere, commitments continued to increase. On April 10, 1915, Prime Minister Sir Robert Borden announced that there were already 36,500 Canadian soldiers overseas, 53,000 in Canada, and a total of 101,500 men of all branches under arms. By December 31, 1915, there were 213,000 men under arms, 180,000 of which had been raised in 1915. Still there were constant

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29 Morton, _When Your Number’s Up_, 63.
30 Ibid., 61-2.
31 Lucas, _The Empire at War_, II, 16-17.
calls for more volunteers.\textsuperscript{32} Shortly after the New Year in 1916, Borden appealed to bring the Canadian forces up to 500,000.\textsuperscript{33} Canada did not reach this goal, but it came remarkably close.

In the first three years of the war, Canada raised an army of 437,387 men by voluntary enlistment. The United States would have had to raise an Army of 5,511,000 volunteers to match that effort on a per capita basis. In an uncharacteristically blunt, but accurate, appraisal of the limits of the volunteer system, H.A. C. Machin, Director of the Military Service Branch of the Justice Department wrote that the country was “reeling from its efforts” in providing a volunteer force. He argued that it was necessary to “resort under legal sanction to the young men who had failed to hear any compelling call to service as their brothers sailed overseas.”\textsuperscript{34} Lieutenant-Colonel H.T. Rance made a similar observation at a meeting of western Ontario colonels in early 1917. He noted that “the men have been talked to death by the preachers and newspapers and magazine, and one half of the people of the county will recruit the other half… They are gone who are willing to go as volunteers, the others must be pressed.”\textsuperscript{35}

Had Canada been able to rely upon a volunteer system for the duration of the war, there would, of course, have been no conscientious objector problems. Conscription was not a new idea in Canada. It had been debated by politicians before the war, and patriotic and recruiting leagues had been calling for it in earnest as early as 1915 but Canadian officials were slow to embrace the idea.\textsuperscript{36} Sam Hughes expressed the feelings not only of many military officers but also many civilians when he stated that the idea of conscription “insulted Canada’s manhood.”\textsuperscript{37}

Conscription was also dangerous politically. \textit{Nationaliste} fears that Sir Wilfrid Laurier’s

\textsuperscript{33} Ibid.
\textsuperscript{34} Lieutenant- Colonel H.A.C. Machin, \textit{Report of the Director of the Military Service Branch to the Honourable The Minister of Justice on The Operation of the Military Service, Act, 1917} (Ottawa: J. De Labroquerie Taché Printer to the King’s Most Excellent Majesty: 1919), 44.
\textsuperscript{35} Morton, \textit{When Your Number’s Up}. 63.
\textsuperscript{36} Ibid., 64.
\textsuperscript{37} Ibid., 48.
creation of the Royal Canadian Navy in 1910 would eventually lead to conscription cost the Liberals votes in Quebec and helped Robert Borden’s Conservatives win the election in 1911.  

Had the war been shorter Canada almost certainly would have relied exclusively upon volunteers. Despite significantly diminished returns from recruitment efforts, Canada relied exclusively upon volunteers for more than three years until this approach completely failed. Recruitment slowed by the middle of 1916 and dramatic declined in the Spring of 1917, when just 4,000 men were enlisting per month. Not only was this “far below replacement needs,” but “many of the volunteers opted for any corps but the infantry, making even those low numbers deceptive.”

Canadian policy makers then faced the difficult choice of either reducing the nation’s commitment to the war, or attempting to maintain that commitment through a policy of conscription.

Volunteerism did not fail due to a lack of effort, nor did it fail due to opposition from Canada’s churches. Special recruiting sermons were preached in most Ontario churches, and one, delivered in Ottawa by the Rev. W.T. Herridge before the summer campaign got under way, was published and distributed “by request of the Honourable the Minister of Militia and Defence.”

Thomas Socknat argues that at times the churches “resembled auxiliary recruiting units for the government.”

This was certainly the case with the Methodist Church. At the start of the war, Dr. Samuel Dwight Chown, the sixty-one year old general superintendent of the Methodist Church began “tromping the hills of British Columbia conditioning himself for possible service as a

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38 Morton, When Your Number’s Up 48.
40 Wilson, Ontario and the First World War, xxxiv.
combatant.” Chown published an open letter on the war in September, 1914 in which he stated that “we are persuaded that this war is just, honorable and necessary in defence of the principle of righteousness and the freedom of our Empire in all its parts.” He specifically addressed “our people, loyal Methodists and true,” and urged them to “enlist in the Canadian army, unless you feel you can serve the Dominion better at home in peaceful avocations than in the thickest of the fight.” He concluded that “when that conviction gives way, go to the front bravely as one who hears the call of God.”

The Protestant churches were especially critical of Quebec, and what they perceived to be the indifferent attitude of the Roman Catholic Church. Dr. Chown asked in late 1916 if it was “fair to leave the province of Quebec to retain its strength in numbers, ready for any political or military aggression in the future, while our Protestants go forth to slaughter and decimation?” Bliss notes that in the December election Methodists’ like most other Protestant churchmen, threw open their pulpits to Unionist speakers and their church halls to Unionist election meetings. Resolutions were passed on all levels of the church organization favoring the Unionist cause.

Despite its unwavering support for the war and patriotic recruitment the Methodist Church was also criticized for the actual results of these efforts. Anglicans “worried aloud about ‘the strain of failure in national duty’ of Methodism” and “Anglican mathematicians” calculated that the Methodist Church was “sending only 50 per cent of its ‘share’ of recruits” which was “the lowest percentage of any Protestant denomination.” Methodist leaders disputed this and just like French-Canadian politicians complained that the government’s religious categories were

43 Brown, Canada 1896-1921, 267.
44 Bliss “The Methodist Church and World War I”, 46.
45 Ibid., 44.
'inaccurate and biased.’ Dr. Chown vowed in 1918 that Methodists ‘do not now and never will accept’ the government’s figures. Two years earlier, however, the Methodist Church’s own Army and Navy Board had reached a similar conclusion which they shared with the Methodist clergy in a confidential letter. The Board concluded that ‘in this awful crisis in British history and Christian civilization the Methodist Church is not playing a noble part.’”

A series of orders in council were passed in September 1916 to encourage reluctant Canadians to play their noble part. The National Service Board was created by (PC 2251) of September 20 and (PC 2287) and (PC 2288) both of September 23. It met for the first time on October 9, 1916, and recommended a national registration of the country’s manpower. It also recommended that badges and certificates be given to men considered to be of greater value in their civilian occupations than in the army, and the creation of National Service Boards for women.

National Service Week began on New Year’s Day, 1917. All males between the ages of 16 and 65 were asked, as their patriotic duty, to complete a questionnaire distributed by the Post Office. This questionnaire requested the name, age, place of birth, nationality, parentage, marital status, number of dependants, physical condition, trade or profession, and present occupation of the respondent. The questionnaire made no reference to military service, but it did ask if the respondent would be willing “to change your present work for other necessary work at the same pay during the war?” It also asked if the respondent was willing, if their railway fare was paid, “to leave where you now live, and go to some other place in Canada to do such work?”

Farm and labour organizations throughout Canada were skeptical of this scheme. The Trades and Labor Congress eventually recommended that trade unionists comply with the

40 Ibid., 44.
47 Wilson, Ontario and the First World War, lii-liii.
registration plan, and the eastern trades councils generally instructed their members to comply, but the leadership of the western labour movement recognized the scheme as a prelude to conscription and urged their member not to fill out the registration cards. The Winnipeg Trades and Labor Council declared its unyielding opposition to conscription and called for a national referendum on the issue. It then joined with the socialists and established an Anti-conscription League.49

National Service Week was generally considered a failure. In spite of an extensive promotional campaign which emphasized that registration was not a first step towards compulsion, in reality it was, and most Canadians realized this. 1,549,360 cards were returned, although 206,605 were either only partially completed or left completely blank and the National Service Board reported that roughly 20 percent of Canadian males between 18 and 65 did not return their registration cards at all.50 John English declared in The Decline of Politics: The Conservatives and the Party System 1901-20 that the national service scheme, which he described as an attempt to “encourage enlistment by registration,” had “failed dismally; by implication, so too had the voluntary system of recruiting.”51 In January 1916, 29,212 men enlisted. In December 1916, just 5791 men volunteered. Borden, who had repeatedly promised Canadians that there would be no conscription, refused, for the first time in a meeting with a labour delegation in December, 1916 to reiterate that promise.52

In the essay “Conscription in the Great War,” J.L. Granatstein noted that from October 1915 to September 1917, “the government directed that a minimum of 50,000 Canadian

49 Socknat, Witness against War, 63.
50 Nicholson, Canadian Expeditionary Force, 220.
52 Martin Robin, Radical Politics and Canadian Labour, 1880-1930 (Kingston, Industrial Relations Centre, Queen’s University, 1968), 122.
Expeditionary Force (CEF) volunteers be retained at home on training or other duties to protect against all eventualities." In order to release these men for immediate overseas service, Prime Minister Sir Robert Borden announced plans to form a Canadian Defence Force (CDF), to be used strictly for home service, on February 14, 1917. CDF recruits would serve at a slightly lower rate of pay and allowances than members of the CEF, but like CEF recruits, they would serve until six months after the end of the war. The Militia Department proposed that CDF volunteers join the active militia and train alongside CEF volunteers. Recruitment began in March 1917, and it was expected that the CDF would be at its authorized strength of 50,000 men by April and in camp by May. Recruiters optimistically announced that “An opportunity is now afforded to those who have been prevented from undertaking Overseas service to join this movement.”

Given the difficulty in recruiting for the CEF by this point, it was unrealistic to believe that anywhere near 50,000 volunteers would sign up for the CDF. When the United States officially entered the war on April 6, 1917, the justification for maintaining a large force for homeland defense, namely, to protect Canada from German agents operating out of the United States, largely evaporated. The entry of the United States into the war, while certainly welcome news in Canada, eliminated any possibility that recruiters would be able to meet their target of 50,000 volunteers for the CDF. Still the magnitude of their failure was shocking. By April 25, 1917 fewer than 200 men had signed up for the CDF. April 1917 also coincided with the engagement at Vimy, which although an impressive Canadian victory, came at a very high cost. Canadian casualties for April 1917 were 23,939; while volunteers for the Canadian

Expeditionary Force numbered just 4,761.\textsuperscript{55} A paltry 1,858 recruits had enlisted for the CDF by the end of May, at which time plans for the CDF were cancelled.\textsuperscript{56} Granatstein and J.M. Hitsman argue that “preordained as it may have been, conscriptionists in the government, the military, the media, and the public viewed the CDF failure as proving that only compulsion could produce men now.”\textsuperscript{57} Granatstein adds that “conscription’s hour had arrived.”\textsuperscript{58}

Borden was abroad for three months from February 14 until May 14, 1917 in order to participate in the Imperial War Cabinet. During that time Czar Nicholas of Russia abdicated, the United States declared war on Germany, and Canadian troops captured Vimy Ridge at a cost of 3,598 Canadian lives. In May 1917, Sir George Foster, the acting Prime Minister during Borden’s absence wrote in his diary “enlistment is at a very low ebb. Only compulsory service can meet the situation; and although it is full of grave difficulties, come it must.”\textsuperscript{59} A week later Borden, who had also concluded that conscription was necessary, returned from his much publicized tour of Europe where he had visited wounded Canadian troops and been pressured by British leaders to institute conscription.

On May 17, Borden announced to the cabinet that a change in policy was essential. Francophone ministers from Quebec warned that there would be severe political consequences for the Conservative Party in Quebec. According to H. B. Neatby, biographer of Borden’s political rival, Sir Wilfrid Laurier, Borden viewed conscription not as “a strategic act to win the war, but an ideological commitment to guard Canada’s honor.” Neatby argues that Borden’s pledge could only be redeemed if the war effort were pushed to the limit. Conscription had

\textsuperscript{55} Nicholson, \textit{Canadian Expeditionary Force}, 546.
\textsuperscript{56} Wilson, \textit{Ontario and the First World War}, liv.
\textsuperscript{57} Granatstein, \textit{Broken Promises}, 49ff.
\textsuperscript{58} Granatstein, “Conscription in the Great War,” 67.
become for Borden and his supporters an absolute “moral necessity.” J.W. Dafoe, another Laurier scholar, argues that conscription became a “test and a symbol.” John English concluded that to conscriptionists “the justifications were unassailable.” The United States had recently implemented a selective draft and Canada “would be disgraced if she refused to follow.” Specifically, Canada’s “honour and her new voice in the Empire symbolized by her prime minister’s participation in the Imperial War Cabinet would perish.” This prospect was “unthinkable” to Borden and to hundreds of thousands of other Anglo-Canadians.

This view is certainly supported by the Borden’s choice of words when he announced his decision to Parliament on May 18, 1917. Borden stated that “thousands of men have made the supreme sacrifice for our liberty and preservation… Common gratitude, apart from other considerations, should bring the whole force of this nation behind them. I have promised that this help shall be given.” Borden announced that he had been impressed by the “extreme gravity of the situation,” and noted that it was “apparent … that the voluntary system will not yield further substantial results.” He concluded by announcing that:

… early proposals will be made on the part of the Government to provide, by compulsory military enlistment on a selective basis, such reinforcements as may be necessary to maintain the Canadian army in the field as one of the finest fighting units of the Empire. The number of men required will not be less than 50,000 and will probably be 100,000.

Beyond this, he offered no specifics. The country debated the merits of conscription for almost a month.

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While this debate played out in public, behind the scenes Borden turned to Solicitor General and future Prime Minister, Arthur Meighen “the brightest and toughest of his ministers” to design the conscription legislation. Meighen, mindful of the promises that Borden had made to respect religious beliefs and his desire to disrupt business and family life as little as possible, studied the Selective Service Act, recently passed in the United States, and used it as the model for the Military Service Act (MSA).65

Desmond Morton describes the claim, made by “later, generations of Liberal historians” that Borden “dreamed up conscription to save his party or to distract the public from the imminent collapse of Canada’s newest transcontinental railways” absurd. Morton points out that the prospect that conscription would be accepted, by Parliament or the public, was far from certain. Australia, “a far more homogeneous country than Canada” had twice rejected conscription. Opposition from Quebec was a certainty and organized labour might also be a formidable foe. Morton adds that farmers in Ontario and the West “wanted sons and labourers to stay home to harvest increasingly profitable crops.”66

Borden tried, and failed, to secure an endorsement from former Prime Minister Laurier. As leader of the opposition Liberal party, Laurier’s support would have guaranteed an easy and quick implementation of the Military Service Act, but Laurier was deeply conflicted. Oscar Douglas Skelton of Queens’ University, a political advisor to and future biographer of Laurier, warned Laurier not to overestimate public support for conscription. Skelton, who John English describes as “one of the shrewdest observers of Canadian politics,” noted that “‘the voice of Toronto’ is not the voice of God, nor of the nation as a whole. In the circumstances, the Liberals must not despair, must maintain cool heads, and await the unfolding of events. Never should they

65 Morton, When Your Number’s Up, 65.
help the Tories ‘in pulling their chestnuts out of the fire.’” This advice confirmed a position that Laurier was probably already inclined to take.

On May 29, Borden extended an invitation to Laurier to join the government and to assist in the creation of a cabinet composed equally of Liberals and Conservatives under Borden’s leadership. It was proposed that as soon as the Military Service Act was passed the new government should seek the verdict of the country. Pending this popular endorsement conscription was not to be enforced. On June 7, 1917 Laurier released a letter which explained his views on conscription and declared that “I have not seen my way clear to join the Government on the terms proposed.” Laurier’s refusal to join the new government coupled with his refusal to extend the Parliamentary term, which had already been extended once, necessitated a wartime election.

Public sentiment was certainly divided over conscription. There was a noticeable outpouring of support for Borden, the war effort, and conscription. Meetings and rallies were held throughout Canada, especially in Ontario. Thomas Socknat, scholar of anti-war movements, notes that many pre-war progressives, quickly embraced conscription. Despite some “initial anti-conscription sentiment, the mainstream of Canada’s church, labour, and farm communities accepted conscription, as well as the whole war effort, as compatible with their broad goals of social reform.”

Socknat notes that the War and particularly the issue of conscription presented Canadian pacifists with “a crisis.” The majority of pre-war pacifists quickly supported the war, but a few, mostly “Quakers and some feminists and social gospellers, remained stalwart pacifists.” Together they “began to formulate a new pacifist ethics as they united their opposition to war

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69 Socknat, Witness against War, 65.
and violence with a leftist critique of the capitalist social and economic system as the breeding ground for international and domestic violence.” Socknat notes a “complementary though more traditional pacifist witness” that was “exhibited by Canada’s sectarian pacifists.” He also notes the relative weakness of the pacifist coalition in Canada.

In Britain the Union for Democratic Control and the No-Conscription Fellowship organized “a socialist-pacifist base” but there was “no practical coalition of pacifist forces” in Canada “nor was there an active peace party.” Even at the end of the war there was “little understanding of the pacifist ethic in Canada and little evidence of inquiry into the ethics of war or Christian pacifism in the centers of theological training.” Socknat notes that the Fellowship of Reconciliation, a “newly formed Christian pacifist organization” which “engaged in activities on behalf of aliens and conscientious objectors and in the promotion of a radical vision of social and moral reconstruction” in both Britain and the United States did not exist in Canada until after the war.70

The absence of a Canadian Fellowship of Reconciliation is interesting, for in its absence other anti-militarist and radical political organizations took the lead in organizing protests against conscription. Many called for the conscription of wealth, instead of, or in addition to, the conscription of manpower. These groups, however, while indeed numerous, were generally small and politically marginalized. They were also unable to clearly articulate, much less agree upon, a plan. Robert Rutherford, author of Hometown Horizons: Local Responses to Canada’s Great War, notes that the “diverse supporters” of various proposals to conscript wealth not men, “never agreed upon precisely how this would be implemented.” He adds that “such disparate groups, scattered across the country, had little chance to mount an effective campaign to revise how

70Ibid., 88-89.
conscription was applied, or even to agree on key objectives.”71 John Thompson, another scholar of the regional impact of the war, agrees. Thompson points out that to Western farmers, conscription of wealth “meant the introduction of an income tax coupled with heavy taxation of the abnormally high profits of Central Canadian manufacturers.” He describes many of these conscription of wealth plans as examples of regional protests against “the ‘Big Interests’ in the East.”72 Parliament, however, never gave any serious consideration to any of these proposals.

Borden revealed the details of his conscription plan to Parliament on June 11, 1917 when the bill that would become the Military Service Act was given its first reading in the Commons. By presenting this proposal Borden ruled out enforcement of the existing Militia Act, stating that the selection should be based upon “an intelligent consideration of the country’s needs and conditions.” He added that “we must take into account the necessities of agriculture, of commerce, and of industry.”73

The debate over the Military Service Act was lengthy and divisive, and the outcome was far from certain. One English-speaking Parliamentarian insisted that the only reason that Canada as a whole was faced with conscription was that French Canada had failed to do her duty.74 Elizabeth Armstrong, however, provides a different interpretation, noting that:

Hardly a French Canadian spoke against the Military Service Bill who did not insist that his compatriots felt deeply that the only country to which they owed loyalty and service was Canada and that to ask them to rush to the aid of France and England was asking a great deal too much.75

Laurier spoke at length on this proposal on June 18th. He argued that the Government had “cast aside its oft-repeated assurances” that conscription would never be resorted to, and he asked

74 Ibid, 185.
whether this new measure “will not be more detrimental than helpful to the cause which we all have at heart.” He added that “the law of the land” which antedated Confederation, but had been renewed by Confederation was that “no man in Canada shall be subjected to compulsory military service except to repel invasion for the defence of Canada.” Laurier argued that “there never was any danger of invasion on the part of Germany. Nobody can say that Canada, for one instant during the last three years, was in danger of invasion.” Many English-speaking Liberals stood with Laurier and argued that the conscription bill would bring inevitable disunion to the country. They accused the party in power of subscribing to the slogan of “win the war and damn Quebec,” a policy which they warned would only result in “a very hollow victory at best.”

Finally, Laurier introduced an amendment deferring further consideration of the Bill until it could be “submitted to and approved of by the electors of Canada.” Laurier’s Amendment was defeated 62 to 111 on July 5th. That same day the Military Service Act passed its second reading 118 to 55.

The vote was much closer in the Senate, which still had a Liberal majority. A vote to cancel an exemption clause for divinity students passed by just nine votes, but the vote on the second reading of the bill passed with 29 votes. The third and final reading of the Bill then passed with a comfortable margin. On July 24, 1917 Parliament passed the Military Service Act, which took effect on August 29, 1917.

The MSA applied to all male British subjects between the ages of 20 and 45. Men who were conscripted were liable for service for “the duration of the war and of demobilization.”

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78 Ibid., 345.
included provisions for some religious conscientious objectors. A registrant could be exempted if he conscientiously objects to the undertaking of combatant services and is prohibited from so doing by the tenants and articles of faith, in effect on the sixth day of July, 1917, of any organized religious denomination existing and well recognized in Canada at such date, and to which he in good faith belongs.80

As in the United States, exemptions granted on conscientious grounds were from combatant service only. Unlike the United States, a schedule appended to the Act named several classes which, “as a matter of right” were exempt from all service, both combatant and non-combatant. These included “those persons exempted from Military Service by Order in Council of August 13th 1873, the ‘Western’ Mennonites, as well as the Doukhobors, exempted by Order in Council of December 6, 1898.” These scheduled appendages created, apparently unintentionally, two categories of privileged religious conscientious objectors. The more recent immigrants, living in the west, lured to Canada in 1873 or 1898 were entirely exempt from both combatant and non-combatant service. Mennonites, Brethren in Christ, and Quakers who had been encouraged to immigrate to Canada, in many cases more than 100 years earlier by an Order in Council in 1793, and had settled primarily in Ontario, were still liable to perform non-combatant service.

The Department of Justice was responsible for enforcement of the MSA. A Military Service Council, was created on September 3, 1917 to “advise and assist in the administration and enforcement” of the MSA. Lieutenant-Colonel H.A.C. Machin, a Conservative MLA from Kenora, was named director.81 Official announcements were published in the press on September

81 The Military Service Council was composed of E.L. Newcombe, K.C., Deputy Minister (Chairman), O.M. Biggar, Edmonston, John H. Moss, K.C., Toronto, L. J. Loranger, K.C., Montreal, and Lieut.-Col. H.A.C. Machin, Kenora, Ontario. The duties of the Military Service Council were transferred to the Military Service Branch of the Department of Justice, directed by H.A.C. Machin on June 15, 1918.
introducing the Military Service Act (MSA) and explaining the need for reinforcements. The announcements explained how to apply for an exemption and the penalties for disobeying the order.

Although Robert Rutherdale argues that the passage of the Military Service Act was an acknowledgement “that the voluntary, community-based approach to recruitment was failing and that compulsory service, with administrative authority returned to the federal level, was necessary to force men into the military” the passage of the MSA cheered conscriptionists.\(^8^2\) Still, it would be several months before the first “drafted men” would arrive in France and conscription remained highly controversial.

Even as the conscription apparatus was being created and men were being ordered to appear before the tribunals, a great deal of uncertainty remained. Laurier’s refusal to join Borden’s Union Government complicated and delayed the formation of that government, but on October 12, 1917 Borden announced that sufficient members of the Liberal party had joined his Conservatives, to allow the formation of a new Union Government. The platform of the Union Party called for the vigorous prosecution of the war and the immediate enforcement of the MSA. The day after the Union Party was formed, October 13, 1917, the first call, for “the defence and security of Canada, the preservation of our Empire and of human liberty” was issued to Class 1 men, (unmarried men and widowers without children between the ages of 20 and 34) to register, which required them to sign either a “Report for Service” or “Claim for Exemption” on or before November 10, 1917.\(^8^3\)

Though conscription did not achieve universal participation, registration proceeded surprisingly smoothly throughout the country, and it generally met or exceeded even the most

\(^8^2\) Rutherdale, _Hometown Horizons_, 156.
\(^8^3\) Morton, _When Your Number’s Up_: 66.
optimistic expectations. Registration began slowly in Quebec, where 80 percent of those who registered waited until the final week to do so. This was obviously a reason for some concern, and a harbinger of greater difficulties to come, but Machin chose to interpret it as a positive sign and proudly credited the “publicity instituted by the Council” for the fact that most registrants complied with the law and registered before the deadline.\(^8^4\)

On October 18, 1917 Borden announced the formation of the Union Government, which was dedicated to giving “representation to all elements of the population supporting the purpose and effort of Canada in the War.”\(^8^5\) Two weeks later Borden called a general election, scheduled for December 17, 1917. Granatstein writes “during and after the progress of the Military Service Bill through Parliament and through the formation of an almost wholly English-speaking coalition government and a bitter, divisive election in December 1917, conscription dominated the public debate.”\(^8^6\)

This General Election was widely viewed as a referendum on conscription. Until the results were in, the future of the MSA remained uncertain.\(^8^7\) On November 4, 1917 Laurier delivered an Election Manifesto which contained his most complete thoughts on conscription. He declared that the Government had introduced a bill to make military service compulsory with which he “found it impossible to agree.” He denied that this position was inconsistent with his “oft-expressed determination to assist in winning the war.” He argued instead that “this sudden departure from the voluntary system was bound more to hinder than to help the war.”\(^8^8\) Laurier objected to the fact that the Government’s policy of conscription “conscripts human life only, and that it does not attempt to conscript wealth, resources or the service of any persons other than

\(^8^5\) Hopkins, *Canadian Annual Review, 1917*, 587.
\(^8^6\) Granatstein, *Conscription in the Great War*, 67.
\(^8^7\) Wilson, *Ontario and the First World War*, Iv-Ivi.
\(^8^8\) Stacey, *Historical Documents of Canada*, 64.
those who come within the age limit prescribed by the Military Service Act.” He explained his opposition to proceeding further under the Military Service Act until “the people have an opportunity to pronounce upon it by way of a referendum.” He pledged that he and his followers would “carry out the wishes of the majority of the nation as thus expressed.” He also reiterated his “strong appeal for voluntary recruiting” and stated that “it is a fact that cannot be denied that the volunteer system, especially in Quebec, did not get a fair trial.”

Despite this impassioned defence of the volunteer system, Borden’s Union Government won a resounding victory. The Liberals swept Quebec, winning the popular vote by a margin of 167,353 votes compared to just 44,461 in 1911, and claimed sixty two of sixty five seats; but Ontario elected sixty-two Conservatives, twelve Union-Liberals, and just eight Liberals, and only two of fifty-five candidates in the West were straight Liberals. Nationwide the government obtained a popular majority of more than 300,000 and won a majority of seventy-one seats. Elizabeth Armstrong wrote that the election results were undoubtedly a “mandate for the enforcement of the Military Service Act and the active prosecution of the war.”

This victory for the Union Government was made possible, however, by one of the most racially inflammatory elections in Canadian history. Morton notes that by election day,” the Unionist campaign had become a crusade of English-speaking Canada against Bourassa and the German Kaiser. Thanks to election promises, conscription had been reduced to a punishment for “slackers” and French Canadians.” On Election day, December 17, the Mail and Empire told its readers that “a vote for a Laurier candidate was a vote for Bourassa and against the Canadian army at the front; it was a vote against the British connection and the Empire and a vote for

89 Ibid., 65.
90 Ibid., 65-66.
92 Morton, A Military History of Canada, 156.
Germany, the Kaiser, Hindenburg, von Tirpits, and the German officer who sank the Lusitania. “

The results of the election were also influenced by a number of changes in the law that changed the franchise. The Wartime Elections Act, enfranchised mothers, wives, sisters and daughters of soldiers while simultaneously disenfranchising conscientious objectors, enemy aliens, and naturalized immigrants who had arrived in Canada from an enemy country after 1902, was instrumental in securing this victory. Nearly as important was a pair of Orders in Council passed on December 3, 1917, just days before the election which solidified the rural vote for Borden and the Unionists. The first of these Orders in Council allowed the Minister of Militia and Defence, to discharge from Military Service “a person engaged in agriculture” if that person has applied for exemption and been refused, if the Minister of Militia and Defence, “is of the opinion that the services of such person are essential for promoting agricultural production”94. The second Order in Council, passed that same day, authorized the Minister of Agriculture to appoint representatives to each registration district who would act in an advisory capacity ‘to guard the national interests in connection with the production of foodstuffs.’95 These measures did a great deal to reassure farmers, who were generally concerned about a shortage of labor during the planting and harvesting season. Many of the exemptions were later cancelled on April 19, 1918 as a result of what turned out to be the final German offensive of the war, but Barbara Wilson argues that these Orders in Council “undoubtedly … won many rural votes for the Unionists two weeks later.”96 The victory of the Union Government on December 17, 1917

93 Armstrong, The Crisis of Quebec, 207.
94 PC 3348 of 3 Dec. 1917.
95 PC 3349 of 3 Dec. 1917
96 Wilson, Ontario and the First World War, lvii.
indicated that the majority of Canadians supported conscription, at least for others. The vast
majority of those who were eligible for conscription sought personal exemptions for themselves.

Registration was to be completed by November 10, 1917 but as of that date just 21,568
men had reported for service. While this was considerably more than would have volunteered,
exemptions were widely sought after, and rather freely given. The registrars were “ready to begin
the call of draftees to the colours” on December 18, 1917; however, the delays in Quebec and
Saskatchewan and “the approach of the Christmas season” postponed the first call until January
3, 1918. On January 3, 1918 every province except Nova Scotia and Prince Edward Island,
where further delay was necessitated by the Halifax explosion of December 6, 1917, began to
issue calls. The calls were “limited to the capacity of the various depot battalions to handle the
men called up, varying from 25 to 200 per day.” These calls “continued in some districts up to
the signing of the Armistice.”

Arthur Currie, and the men of the Canadian Corps complained about the “interminable
delays in making conscription effective.” Morton argues that even when it finally came into
effect “it was not a brilliant success. Pressed for compromises and for the full protection of
individual rights, Meighen’s law said more about exemptions and appeals than service.”

The Military Service Act included provision for “an elaborate judiciary machine so that
no man could feel that opportunity had been denied him properly to prosecute a claim for
exemption.” This judiciary machine included three levels of tribunals to review applications for
exemptions. 1,395 local exemption tribunals were created, as were 195 one-man appeal courts.
Final authority rested with the Central Appeals Tribunal, presided over by Justice Lyman P. Duff
of the Supreme Court of Canada. Each of these local exemption tribunals consisted of two

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97 Ibid., 6.
98 Morton, A Military History of Canada, 156.
members, generally “ordinary citizens unskilled in the law or judiciary work.” One member was appointed by a Board of Selection established by a joint resolution of the Senate and House of Commons and the other was appointed by a County or District Judge. These tribunals began to review exemption claims on November 12, 1917. A “miscarriage of the books of instructions to tribunals” delayed the work of the Saskatchewan boards, while an “indisposition of certain tribunals to the prompt disposition of their cases” combined by the “fact that many of these tribunals were fairly swamped at the end of the registration period by the flood of registration” delayed progress in Quebec, but Machin reported that “practically all local tribunals outside the provinces of Saskatchewan and Quebec” had decided the original claims for exemption by December 5, 1917. Either the draftee or the government could appeal a ruling.\(^99\)

In Quebec 113,291 of the 115,602 registrants applied for exemption. This general trend held true throughout Canada, and the percentage of registrants who applied for exemptions in Ontario, 118,000 of 125,000 men, was only marginally less than in Quebec. Nationwide, the local tribunals heard a total of 395,162 appeals for exemptions. They placed 112,625 of these appeals into a low medical category, and allowed 222,363 on other grounds. They disallowed just 56,991 claims.\(^100\)

Machin praised the appeal tribunals and the Central Appeal Judge for the “real task and the fundamentally difficult one of co-ordinating the Military and Civil needs of the Dominion, in a country already stripped of its finest personnel.” He reported that they had to “listen to and properly allocate the pleadings and arguments for special protection” of every “department of our national activities, all the way from wireless operators to religious sects.” He noted that if the appeals tribunals and the Central Appeal Judge had acceded to all these requests they would have

\(^99\) Ibid., 6.
\(^100\) An additional 3,182 decisions were still undecided when the war ended. Ibid., 6.
“left nothing available for the army but a motley crew of tramps.” Nevertheless, the appeals tribunals also allowed far more appeals than they disallowed.

The appeals tribunals heard 120,448 cases. Due to the fact that so many of the local tribunals had initially decided in favor of the applicant, it is not surprising that the majority of the cases heard by the appeals tribunals, 82,862, were initiated by the registrars. Just 37,587 were brought by the registrant. The appeals tribunals allowed 83,667 appeals (8,433 as low medical categories, and 65,244 on other grounds) and disallowed just 36,781 cases. There was an additional 9,990 appeals that had not yet been resolved when the war ended. These appeals were generally decided quickly and by January 31, 1918 “the great bulk of appeals from decisions of local tribunals outside the province of Quebec had been disposed of by the appeal tribunals.”

Decisions of the appeals tribunals could themselves be appealed to the Central Appeal Judge, Justice Lyman Duff. Duff heard 42,300 cases, the majority of which, 33,220, were originated by the registrars, with just 9,080 being pressed by the registrants. He allowed nearly as many as he disallowed. Duff allowed 369 cases as low medical categories and 17,140 on other grounds. He disallowed 20,240 cases. 4,551 cases were undisposed of when the war ended. Over all, 50,299 conscripts were denied exemption. By April 1, 1918, only 20,025 MSA men had reported for service, 6,775 others had volunteered, and 4,495 evaders had been captured.

Machin favored a “definite and aggressive Government policy to protect and reinforce” certain industries including: “lumbering, especially that part which deals with aeroplane spruce, munitions work, shipbuilding, mining, wireless activities, power development, fishing, and agriculture.” He praised the “tribunals through their selective process” and the “registrars

101 Ibid., 46.
102 There were more dispositions than original claims for exemption because many claims were counted as more than one case as it went upon appeal from the local to both higher courts. Ibid., 9-10, 46.
103 Morton, When Your Number’s Up, 67.
through their discretion in review” for having “nobly succeeded in protecting and in disturbing in very small part these industries” but he believed that the problem could have been “solved best and the situation immensely helped” by drafting “all men in low categories, whose exemption claims outside physical were refused, for service in industries pertaining to the national interest.” He argued that this would have increased the “stability and strength of such industries” and simultaneously liberated “a considerable number of “A” men for that noble work which only the strongest can perform.”

Machin was upset that a large proportion of men were incorrectly placed in lower medical categories than they should have been. He was also highly critical that men, who were properly placed in low medical categories, were not drafted for “prescribed national service.” He argued that it could not “logically be defended” that a man who possessed “some minor physical defect, which renders it poor policy to risk him in the trenches” should have had “absolutely no duties compulsorily imposed upon him in the great national crisis now happily passed, while his brother of slightly better physique should have had to take his vicarious chances in No Man’s Land.”

After the original claims for exemption had been decided, the registrars felt that “there were many men who were granted exemption, whose grounds for holding such exemption were invalid and in other cases it was thought that investigation would show that the reasons for granting the exemptions in the first place were not longer existent.” Machin agreed with this assessment and wrote that despite the completion of the disposition of cases under the original hearings the tribunals had not “exhausted all available means for producing men for the Army from among those Class I registrants who claimed exemption.” In late January 1918, Machin

104 Ibid., 29.
105 Ibid., 28.
instructed the registrants to begin investigations of the files of all men granted exemptions. The new public representative was authorized to “prosecute such review operations.” All men who had been granted exemptions were sent a questionnaire, as were many of their employers. Machin wrote that “it was through this system of questionnairing to a large extent that the splendid results of the review operations were obtained.”

The extraordinary rate of exemptions resulted in the cancellation of all exemptions, other than those for conscientious reasons, in April 1918. A pair of Orders in Council passed on April 20, 1918 did much to guarantee that the army would not be composed entirely of “motley tramps” as H.A.C. Machin had once feared. Both of these Orders in Council were emergency measures brought on by the “awful fury of the Hunnish waves” that “broke and rolled over the British Army in March.” Machin argued that it was obvious to “all who were unblended by inordinate selfishness that we must be prepared, not only for unprecedented sacrifices in the field, but also, if we were not to break faith with those who sleep in Flanders Fields, that a reserve of unexpected proportions had to be provided.”

The first of these Orders in Council, P.C. 919, expanded Class I to include unmarried nineteen year old men as well as those who had turned twenty subsequent to October 13, 1917. Men who became widowers without children subsequent to May 6, 1918 were also reclassified as Class I. P.C. 919 also included provisions for continuous registration of unmarried men as they reached their nineteenth birthday. Proclamations were issued requiring these men to register on either May 6 or May 15, 1918. Shortly after their registration, however, the military situation on the Western Front stabilized, and then greatly improved, and these men were never actually

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106 Ibid., 62.
107 Machin, Report of the Director of the Military Service Branch, 16-17.
called for service. The second Order in Council passed on April 20, 1918, P.C. 962, instructed the Minister of Militia to issue instructions to men aged 20-22 to report for duty “irrespective of any exemptions granted or claimed.” The registrars were instructed to call the men “with urban addresses” prior to “those living in country districts.” Machin reported that the two Orders in Council of April 20, 1918, resulted in 53,649 of the “choicest recruits from amongst ages whose withdrawal from industry could be most easily effected” being made “almost instantly available.”

Two other Orders in Council were passed within a month of PC 919 and 962 which were also intended to insure that the choicest recruits were instantly available. The first of these, P.C. 1013, passed on April 30, 1918 required that on and after June 1, 1918, every male person not on active service who “might be reasonably suspected to be within Class 1 but was not, either by reason of age, marriage, nationality, etc.” should carry documents to prove that he was not in fact within Class 1. Machin noted that this particular order was designed to assist the police in the apprehension of defaulters.

The second Order in Council, passed on May 20, 1918, removed any time limits for the registrar or public representative to lodge an appeal. This was both a response to the “refusal of certain appeal tribunals properly to interpret existing regulations” as well as an effort to blunt recent court challenges to the cancellation of exemptions which had occurred under PC 962 on April 20.

Neither of the Orders in Council of April 20, were particularly popular with the public, and one month later, on May 22, 1918 an Order in Council created provisions for the granting of

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108 Ibid., 15, 60.
109 Ibid., 17.
110 Ibid., 29.
111 Ibid., 13.
military leaves “of more or less indefinite extent” in cases “of extreme hardship.” As a result of
this Order, 8,200 soldiers of the 20-22 Class, who just one month earlier had had their
exemptions cancelled, were sent home on compassionate leave. Another 12,744 men were given
harvest leave in the spring and summer of 1918. These provisions, however, did not go far
enough to satisfy those who were unable to obtain a leave. Machin reported that:

… probably no procedure of the military authorities has caused more criticism of
the Act throughout the country than that in connection with the issuance to
draftees of harvest leave and compassionate leave together with the earlier work
of the leave of-absence boards.

Machin was somewhat critical of this May 22, 1918 Order in Council, though his objections
were based upon somewhat different grounds. He felt that the criticism was “largely caused by
the fact that the procedure took absolutely no cognizance of registrars and their essential records
and vital knowledge of each case.” He pointed out that thousands of men “who were unable to
present valid claims for exemption to satisfy the fairest tribunals in the land secured more or less
indefinite leave by presenting their side of their case to perhaps one single military officer.” He
noted that “the Act itself was blamed for giving exemption to men who were known locally to
have no valid claims for such.”

Certainly Machin correctly identified one source of criticism of the May 22 Order in
Council, as those men who were successful in receiving furloughs were scrutinized when they
returned to civilian life, but it is rather telling that he does not mention the even more obvious
source of criticism, the thousands of men between the ages of 20 and 22 who had their
exemptions cancelled and were not able to obtain a furlough. While they may have begrudged
their peers who did, their real cause for complaint was their own conscription, and their failure to
receive leaves “of more or less indefinite extent” and not their peers’ success.

112 Ibid., 33.
Machin though made a rather passionate defense of the overall policy citing its “absolute equity and fairness” and noting the “great and unexpected emergency of the existing situation where time alone could count.” He argued that in the fall of 1917 when our military needs were not excessive, bona fide farmers were of more national assistance on the farms than in the trenches; in the spring of 1918 when a great catastrophe was threatening our Armies in France, our agricultural needs had of necessity to fade into the background, every man physically fit to be made ready and the boys called from the farms; by early summer it had become confidently felt that Germany was making her last despairing and unsuccessful effort, that the allied reserves were ample for all present needs and as a result the farmer soldier boys in Canada were sent back to their farms and to the work, which by the turn of events, had become more important than that they could perform at the Front.  

Machin emphasized the steps that were taken to soften cases of extreme hardship and praised the “successful results immediately obtained.” He concluded that “it is doubtful if there was effected any more far-sighted legislation relative to military service” adding that few bona fide farmers were refused harvest leave.” He observed that it did not seem that “even isolated groups of farmers have any right to claim unfair treatment through this particular operation of the Military Service Act.” Despite Machin’s belief, many bona fide farmers were wary of the operation of the Military Service Act, and many felt that they had received unfair treatment.

Machin noted one important difference in the way the appeals process worked compared with the United States. The local boards in the United States were principally concerned with questions of dependency and had no jurisdiction over industrial or agricultural claims. In the United States, any decision of a local board could be appealed to a district board, but only those claims which came within the original jurisdiction of the district boards, i.e., on grounds of

113 Ibid., 18.
114 Ibid., 17.
industry or agriculture, could be appealed to the presidential board. The decision of the district board was final in all matters within the original jurisdiction of the local boards.\footnote{Machin, \textit{Report of the Director of the Military Service Branch}, 6.}

Machin noted that the Canadian system increased the “initial jurisdiction of each of its units” and that the opportunity for appeal “imposed much heavier duties” on Canadian tribunals than on their counterparts in the United States. The delegation of responsibility for making basic policy decisions to the registrar and appeals tribunals created a great deal of confusion and unnecessary anxiety. Central Appeals Judge Duff only ruled in May 1918 that the Church of Christ (Disciples), Pentecostal Assemblies, Plymouth Brethren, and the International Bible Students’ Association (Jehovah’s Witnesses) failed to meet the necessary qualifications for conscientious objection, until this ruling local and appeals tribunals had to reach their own conclusions.\footnote{The International Bible Students were, of the religious conscientious objectors, the most adamant in their passive resistance to conscription policies on both sides of the border, and were imprisoned in far greater proportion to their overall membership than any other religious group. Individual Bible Students received some of the harshest treatment from military officials in both the United States and Canada.}

Likewise, Duff did not rule until July 1918 that Mennonites, Dunkards (Tunkers), Christadelphians, Seventh-Day Adventists, and the Society of Friends all qualified for religious exemptions. Machin admitted that the “very gradual appeal privileges” of the Canadian system “greatly added to the work of the Central Appeal Judge in comparison with that of the presidential board” and that all of these differences “tended to slow up the process of selection.” Still, he defended the Canadian system by noting that it left fewer “loop-holes for irreparable injustice or injury to the national interest to enter.”\footnote{Ibid., 9.}

Machin reported that difficulties arose in connection with the issuance of Routine Orders to Commanding Officers by Militia Headquarters and of Circular Instructions to registrars by the Military Service Branch. He reported that:
In the majority of cases, these orders and instructions were drawn up and dispatched without consultation between the departments concerned: as a result, not only were our Circular Instructions often such that in order to meet the registrar’s wishes, Officers Commanding would have had to contravene existing Routing Orders, but occasionally the effect of Routine Orders was to nullify the most important work of registrars and tribunals.

Machin cited registrants who claimed exemption as “conscientious objectors, or as exceptions to the Act, or on account of the War-time Elections Act, or as aliens.” He noted that these claims were often investigated “sometimes by all three tribunals” and denied. The registrant was then ordered to report for duty. When they arrived at the Depot Battalions, however, they were often informed by the Military Officer of Routine Orders which “provided that if they could convince the Commanding Officer of their right to have exemption on the above grounds, they would be discharged and returned to the registrar’s jurisdiction.” Machin complained that:

…without any reference whatever to registrars, who alone possessed the complete history of the cases, men continued to receive virtual exemption on the authority of one Military Officer and in supersession of the judgment of our best tribunal, until the matter was finally adjusted and the order changed, so that consultation and agreement with the registrar was necessary before discharge.\(^\text{118}\)

It is interesting, given the difficulty that military officers experienced when they did accept conscientious objectors, how much these “virtual exemptions” irritated Machin. While some of the objectors would, under some level of coercion, eventually accept non-combatant service, they were, as a group, clearly more trouble to the military than they were worth. Despite the “judgment of the best tribunals” the military would have probably been better off if more commanding officers had discharged these men and returned them to the registrar’s jurisdiction instead of sending them to the cantonments.

Military officials in both the United States and Canada were forced to improvise solutions to the conscientious objector problem until the political leaders were able to provide

\(^{118}\) Ibid., 32-33.
better guidance. Eventually the policy makers devised and implemented more thoughtful policies, which not only anticipated but also began to solve the problem of conscientious objectors. The United States and Canada both moved slowly but surely toward the creation of an alternative service option which would allow conscientious objectors to avoid being subject to military authority entirely and both nations successfully implemented alternative service options during World War II. However, the initial resistance to alternative service from politicians, military officials, and the general public was too great in both the United States and Canada when conscription policies were first being created to make such an option possible during World War I.
CHAPTER 3. THE UNITED STATES DECLARATION OF WAR AND THE PASSAGE OF THE SELECTIVE SERVICE ACT

The previous experience of the United States with conscription during the Civil War and Anglo-French tensions in Canada were two of the three most significant factors that account for differences in the conscription policies of the United States and Canada. The third was the relative late entry of the United States into the war which had profound implications not only for the conscription policies of the United States but also for bilateral relations between the United States and Canada. Historian Michael Bliss notes that Canada fought for three years longer and suffered ten times the proportional casualties of the United States. Bliss concludes that the Great War was “a more profound experience for Canadians that it was for the Americans.”

John Herd Thompson and Stephen J. Randall point out that while public criticism of the United States was muted during this period of neutrality “private expressions [or anger and resentment] were scathing.”

H.L. Keenleyside notes a “sustained Canadian animosity toward the United States between August, 1914, and April, 1917.” He concedes that this attitude was “based largely on misunderstanding and on a very inadequate appreciation of the real conditions in the United States” but he calls this attitude inevitable as “America waxed richer and stronger [while] Canada suffered, fought, and sacrificed her prosperity and her sons.” Keenleyside notes that for nearly three years “America counted her profits while Canada buried her dead.”

President Woodrow Wilson did not ask Congress for a declaration of war against Germany until April 3, 1917. Initially, there was considerable opposition to this request, but ultimately the House passed the war declaration 373 to 50. The Senate later passed the

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declaration 82 to 6, and war was officially declared on April 6, 1917. The United States was not well prepared for war on April 6, 1917, but it was certainly in a much better position than Canada had been on August 4, 1914. Both President Wilson and his Republican opponent Charles Evans Hughes had stressed their desire during the 1916 election campaign to keep the United States out of the war, but there had been a growing preparedness movement as it became increasingly evident that the United States might be drawn into the war.

Meirion and Susie Harries, argue in *The Last Days of Innocence: American at War, 1917-1918* that “most staff officers argued that war on the European scale would be impossible without resorting to the draft.” One of the most prominent spokesmen for this preparedness movement was former Chief of Staff Major-General Leonard Wood, who was convinced that “the war resources of a nation can only be employed to the greatest advantage when used as a national force under national control and direction.” He feared that “voluntary enlistments based on patriotism and the bounty” could not be “relied upon to supply men for the army during a prolonged war.”

In an address at Princeton University in 1915, Wood argued that the United States had been “drifting for years” and that “no real military preparations of an adequate character have been made.” He defined military preparedness as “the organization of all the resources of a nation- men, material, and money – so that the full power of the nation may be promptly applied and continued at maximum strength for a considerable period of time.”

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a “general lack of a sense of individual responsibility for military service.” He called the “reliance on volunteer enlistment” one of the “gravest sources of danger to the Republic.”

By the summer of 1916 conscriptionists had become increasingly convinced that “the volunteer system should be replaced in wartime with selective compulsory national military service.” John Whiteclay Chambers argues in *To Raise an Army: The Draft Comes to Modern America* that belief in the need to compel the “less patriotic” to serve in the army was reinforced by the decision of the British government in 1916 to introduce national conscription for the first time in the nation’s history. This action not only legitimized the idea of national conscription, it also “weakened the Anglo-Saxon volunteer military tradition.”

The United States military was not united behind the idea of conscription. Enoch Crowder, the Judge Advocate General who would later be appointed the Provost Marshall General and become conscription’s greatest advocate, stated that a military draft was “not in harmony with the spirit of our people.” He added that “all of our previous experience has been that it causes trouble and that our people prefer the volunteering method.” Crowder would later regret this statement, but President Wilson also firmly resisted the idea of conscription.

Chambers notes that;

> Wilson and [Newton] Baker repeatedly rejected various recommendations from the General Staff for selective wartime conscription. Indeed, throughout February and most of March, the president and the secretary of war insisted to the military planners that the wartime army be raised, at least until enthusiasm subsided, entirely by voluntary enlistment.

David Kennedy, author of *Over Here: The First World War and American Society*, notes that both President Wilson and Secretary of War Newton Baker had shown “decided coolness”

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6 Ibid., 10.
9 Chambers, *To Raise an Army*, 130.
toward the idea of conscription. Just as Robert Borden won the Premiership in 1911 due at least in part to nationaliste claims that Laurier’s Naval Service Bill would lead to conscription, Baker had become Secretary of War in 1916 partly “because of the “Pro-conscriptionist views of the previous Secretary of War, Lindley Garrison.”\(^{10}\) As late as February 1917, both Wilson and Baker had “affirmed their faith in the volunteer system, and refused to endorse proposals for universal training.”\(^{11}\) Baker specifically worried that “there would undoubtedly be great suspicion aroused if compulsory service were suggested at the onset and before any opportunity to volunteer had been given.”\(^{12}\) Wilson, however, abruptly changed his mind concerning conscription less than a week before he delivered his war message to Congress. Chambers writes that “despite antiwar and anti-draft sentiment, the popular volunteer tradition, and the political strain to the Democratic party and its leadership in Congress” Wilson chose to “abandon the old system of U.S. volunteers and rely from the beginning upon a selective national draft” and became “the draft’s most vigorous defender.”\(^{13}\) He went so far as to authorize Baker to print and distribute thirty million draft registration forms before the Selective Service Act had even passed Congress.\(^{14}\)

Historians have struggled to explain Wilson’s change of heart. Like Prime Minister Borden, however, once Wilson decided upon conscription he became an enthusiastic proponent. In some respects both men followed public opinion, as there were small, but influential constituencies of conscriptionists in both Canada and the United States, but it is more accurate to say that both Borden and Wilson led public opinion. The majority of citizens in both nations


\(^{11}\) Ibid.

\(^{12}\) Chambers, *To Raise an Army*, 130.

\(^{13}\) Ibid., 134.

seemed to favor voluntary recruitment over conscription, and the opposition to conscription in both nations was large and determined.

Borden’s decision is easiest to explain. Patriotic recruitment had been given a chance in Canada and after working quite well for a considerable period of time it had reached its limits. Great Britain had turned to conscription early in 1916. Borden faced intense pressure from the British government and his own military commanders to impose conscription, and by the time Borden decided that conscription was necessary the United States had not only entered the war, it had also chosen conscription. Although it has been argued that Borden’s decision was political, this argument is unconvincing. The political risks far outweighed any political advantages that might have been accrued, and Borden was certainly aware of this. If anything Borden made the decision to turn to conscription despite political considerations.

Wilson’s decision is more difficult to explain. The easiest course of action would have been to turn first to voluntary patriotic recruitment, as both Great Britain and Canada had done. Conscription was not an absolute military necessity in 1917. Postwar analysis by the US Army confirmed that “extensive enlistment of U.S. volunteers could easily have produced an army of 1.5 million men in 1917.” This was the initial goal of the Administration and the General Staff and was nearly as large as the ultimate size of the American Expeditionary Force which reached 2 million by the Armistice in November 1918.\(^\text{15}\) Political considerations certainly played a greater role in Wilson’s decision than in Borden’s. The political costs were much smaller. Wilson had already won reelection and would not have to face a referendum as Borden had done. Wilson certainly desired to prevent Theodore Roosevelt from raising a volunteer corps and leading it to its fate in France; however, preventing this foolhardy endeavor made military as well as political sense. Much of Wilson’s opposition to conscription prior to the declaration of

\(^{15}\) Chambers, *To Raise an Army*, 171.
war might have been posturing. During the election even entertaining the idea of conscription would have undermined the message that Wilson was the candidate to “Keep us out of War.” Even after the election was won Wilson’s final efforts to arbitrate a peace between the warring parties depended upon the United States being perceived by Germany as an uninterested third party. While it is true that relations with Germany deteriorated rapidly after Wilson’s reelection, openly debating the merits of conscription would not have been helpful for this last effort at diplomacy. The most convincing explanation, however, is that Wilson had not given a great deal of thought as to how an army should be raised until after he had made the decision to go to war, and then the realization, based upon both the British and Canadian experiences, that volunteerism was unnecessarily disruptive to the economy and even counterproductive to the war effort, convinced Wilson, Baker, and a host of other senior political and military leaders, that conscription was the only logical way to proceed. Wilson wrote on May 5 that the idea of the draft was “not only the drawing of men into the military service of the Government, but the virtual assigning of men to the necessary labor of the country. Its central idea was to disturb the industrial and social structure of the country just a little as possible.” David Kennedy argues that this suggests that “in the early spring of 1917 the President did not contemplate the draft primarily as a device to raise a huge army and field it in France. Conscription was to serve primarily as a way to keep the right men in the right jobs at home.”16 Regardless, it would take some time to draft the regulations, so volunteerism was not entirely avoided, but the stated intention from the very beginning was to turn to conscription as soon as possible. The short period of time between the declaration of war and the implementation of Selective Service, when patriotic volunteerism was relied upon to meet the manpower needs of the military, was cited by opponents of conscription as proof that conscription was never necessary, as well as by

16 Kennedy, *Over Here*, 148.
supporters of conscription who pointed to the enthusiasm of many young men to leave essential war industries in favor of going to war.

A flurry of wartime legislation followed the declaration of war, most of which passed easily, often with little or no debate. The one notable exception was the conscription bill, which, like the declaration of war itself, was highly controversial and faced determined opposition. One representative proclaimed that he saw “more danger in establishing the conscription system” than from “any German invasion or any German army.” Another representative called conscription an “un-American plot of financial interests to suppress labor and Socialist discontent with the “iron hand of the military.””\(^\text{17}\)

Chambers notes that the War College Division, members of Congress, Baker and the president “all exerted some important influence” but it was Enoch Crowder “more than any other individual, who created the modern American Selective Service System.”\(^\text{18}\) Crowder, described as a “bony, vile-tempered bachelor whose hobby was work and whose creed was efficiency” had a reputation as “one of the best brains in professional administration.” He proved capable of the task and created a system that was a marked improvement over the Civil War era draft.\(^\text{19}\)

Military strategists had given some thought as to how they would quickly raise a sufficient army. Long before Wilson asked Congress for a declaration of war, the Army General Staff had begun planning for universal military training. This plan, which was never implemented, was completed by January 1917. Crowder, however, was highly critical of the


\(^{18}\) Chambers, *To Raise an Army*, 180.

\(^{19}\) According to Meirion and Susie Harries his office lacked “filing cabinets, accumulated memoranda, or any other of the impedimenta of the bureaucrat.” Crowder ascribed his efficiency to “a generous supply of tags marked EXPEDITE” the Harries’ note that “dust never settled on his desk.” Harries, *The Last Days of Innocence*, 93.
General Staff’s plan. He was particularly dismayed that the General Staff proposal followed closely “the plan adopted in the Civil War.”

Crowder described the Civil War draft act as “very slow, very expensive, and intensely unpopular.” He stated that the Civil War legislation “was worth little as a guide.” He concluded that the Civil War plan “had been so intensely unpopular in its enforcement as to result in practical failure.” He attributed most of the opposition to conscription to the long standing notion, reinforced by the Civil War experience, that conscription violated personal liberty, and that conscripts were reluctant and ineffective soldiers. This negative assessment obscures the fact that by providing “emphatic warnings of things to be avoided,” the Civil War draft, proved to be a valuable guide in 1917 as policy makers once again set about to draft America manpower.

Crowder demonstrated far greater political savvy than the General Staff. Even with the “outpouring of public support” that followed the declaration of war, it was neither desirable, nor politically feasible, to pass a conscription law along the lines proposed by the General Staff. Drafting an alternative proposal, however, was not easy and despite a sense of urgency it could not be accomplished immediately. As soon as Congress began to debate conscription the public began to offer their suggestions and criticisms. Concerned individuals and groups, representing every conceivable special interest, flooded Washington with letters to congressmen and the War Department.

Congress debated the Selective Service bill for over a month. Large majorities in both houses of Congress nevertheless eventually passed the Selective Service Act on May 18, 1917, which established a “liability for military service of all male citizens” and authorized a selective draft of those between 21 and 31 years of age [later extended to cover all those 18 to 45], as of

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20 Ibid., 103.
June 5, 1917 for service over the period of emergency.” The act authorized “voluntary recruiting” at the President’s discretion, but prohibited all forms of “bounties, substitutions, or exemptions purchased for money or other considerations.”

The Selective Service Act granted complete exemptions to ministers, divinity students, and some public officials. Furthermore, the president was given the discretion to offer complete exemptions to men in essential occupations or with dependent wives, children, parents or other family members. Consideration was also granted to:

… members of any well recognized religious sect or organization at present organized and existing and whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed or principles of said religious organization

Conscientious objectors who met these stringent criteria were granted “limited exemption from combat service” but remained liable to “service in any capacity that the President shall declare to be noncombatant.” Those objectors who did not meet these criteria received no consideration at all.

Early proposals called for the Selective Service Act to be administered by the nation’s postmasters, but it was eventually decided to vest the authority in the state governors, which was an important concession which enhanced “popular legitimacy and public consent,” but it was largely symbolic. Gerald E. Shenk notes in “Work or Fight!”: Race, Gender, and the Draft in World War One that Federal officials “set policy and coordinated overall operations state and local officials did the real work of selection.” The administration of the draft, particularly the

23 An Act to authorize the President to increase temporarily the Military Establishment, approved May 18, 1917, Public Law No. 12, 65th Congress, H.R. 3545, U.S., Statutes at Large, XL, Part 1, 78.
24 Coakley, Antiwar and antimilitary activities in the United States, 68.
25 An Act to authorize the President to increase temporarily the Military Establishment.
26 Ibid.
“real work of selection” may have been in local hands but Crowder exerted a tremendous amount of control, and the important policy decisions were all made in Washington. Crowder, never shy about lavishing praise upon an idea he liked, pointed out the many advantages of the voting precinct plan: “it would operate through familiar, well-known instrumentalities; it would be speedy; it would be controlled; it would be fair, and it would instantly invite the aid and cooperation of every local community throughout the land.” Crowder noted that the precinct plan promised a “uniform national policy, nationally defined and nationally directed,” while still allowing for important decision to be made on the local level. Chambers points out that in “contrast to continental Europe, the creation of the mass army in America” was “accomplished with a deference to the continued importance of localism and an emphasis upon the temporary, selective nature of the draft.” Chambers adds that with its decentralized system of local boards, the Selective Service System “contributed greatly to public acceptance of a wartime national draft.”

Crowder unabashedly viewed conscription as a positive experience. He viewed conscription not only as the key to military victory but also as an important step in forging a new American identity. He wrote “From this conflict within ourselves emerged a full-grown Americanism, a faith in the nation and its purposes, that spelled victory even before a single transport began its dangerous passage across the Atlantic.”

On some levels these two characteristics, uniformity and local control, were incompatible, and Crowder would stress the advantages of each at different times and to different audiences. Crowder believed that local control, or at least the appearance of local control, was the key to avoiding the widespread criticism and resistance that had accompanied the Civil War conscription. He praised the precinct plan as “the enunciation of the true democratic doctrine of

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27 Chambers, *To Raise an Army*, 11.
local self-government,” and noted that it “put the administration of the draft into the hands of the friends and neighbors of the men to be affected.” In reality few important decisions were left to the state or local level. Ultimately this proposal for “supervised decentralization” prevailed, and 4,648 Local Boards, 158 District Boards, 1,319 Medical Advisory Boards and 52 State Headquarters were created to gather information and pass judgment on nearly twenty-four million men.

Despite concerns that local draft boards would not be impartial, overall the administration of Selective Service was surprisingly free of political influence and local control was almost universally praised. The most important decision that was largely in the hands of local officials was on individual exemptions. This was of tremendous importance to the individuals who actually appeared before the draft board. Conscientious objections were just one of several criteria upon which a claim for exemption could be based. The sympathy with which these boards viewed men making claims for exemption varied widely from one board to the next.

Although a few religious conscientious objectors received some benefit from this local autonomy, the inconsistency worked to the disadvantage of most conscientious objectors. While the Selective Service Act clearly privileged those religious conscientious objectors who belonged to a small number of recognized historical peace churches over other, equally sincere, objectors, administrative decisions necessary to implement the act extended some privileges to conscientious objectors beyond this narrow group and eventually offered some protection to other religious objectors as well as to many political and secular objectors.

29 Ibid., 120.
30 Ibid., 355.
31 The War Department ruled on December 19, 1917 that men with non-religious scruples against combatant service were also eligible to apply for recognition as conscientious objectors, but like many of its directives concerning conscientious objectors it issued this order secretly, so as not to draw attention to it.
On May 22, 1917, four days after Congress passed the Selective Service Act, Crowder was officially named Provost Marshal General, and placed in charge of administering the draft. He was keenly aware of the difficulties that his predecessor, Provost Marshal Fry, had faced during the Civil War, and found just one aspect of the Civil War plan that he admired: “if it had anything to recommend it, it was the military control and the power behind it for enforcement.” Here Crowder was heartened, for the Selective Service Act of 1917 did not lack for effective enforcement mechanisms. It called for:

one year’s imprisonment for failure to register, for false statements on registration, or for assisting another to evade the draft. Federal, state, and local officials were authorized to assist in enforcing the law and each registrant was required to carry his draft or classification card at all times. If a registrant failed to return his questionnaire or to report for physical examination on call, he was mailed a special order direction him to report for military service at a specified time. If he still failed to report he was held to be in the military service and hence a deserter subject to court-martial.

Crowder certainly was not the most objective observer; he rarely acknowledged the validity of any criticism of Selective Service, but even so his observations about selective service and about religious conscientious objectors are valuable and informative. He was also typical of conscriptionists. These individuals, both Democrats and Republicans, members of the government, members of the military as well as civilians, shared similar views on conscription and conscientious objectors. Crowder, because he was responsible for administering the draft had much greater direct impact upon conscientious objectors then most conscriptionists.

Just months after 50 congressmen and 6 senators - among them Congresswoman Jeannette Rankin of Montana who stated “I wanted to stand by my country, but I could not vote for war” - defied the President and voted against a declaration of war, Crowder dismissed

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32 Ibid., 122.
33 Ibid., 115.
34 Coakley, Antwwar and antimilitary activities in the United States, 69.
opponents of conscription by stating that “they object to a system that would, in their judgment, cast a doubt upon the patriotism of the people.”

Crowder believed, rather naively, that once Congress passed the Selective Service Act, the debate and the controversy would quickly evaporate. Crowder operated under the assumption that the nation, as a whole, strongly supported the war and that American men were eager to enlist and to fight. The war, however, was deeply unpopular with large segment of the population. Crowder developed an elaborate justification and defense of conscription, based upon the faulty premise that conflated conscription and citizenship.

Conscription in America was not to be a drafting of the unwilling, for the total of her able manhood had volunteered en masse. The Federal Government would not invade the state and snatch away its citizens. The citizens themselves had willingly come forward and pledged their service.

Crowder sincerely believed this, but as a loyal bureaucrat he was also repeating a carefully prepared argument. When the details regarding register were first published, Wilson had issued a statement that the Draft was

in no sense a conscription of the unwilling; it is, rather, selection from a nation which has volunteered in mass. It is no more a choosing of those who shall march with the colors than it is a selection of those who shall serve as equally necessary and devoted purpose in the industries that lie behind the battle line.

To a large extent, it was true that volunteers had readily come forward, but the idea that conscription was not the “drafting of the unwilling” was both simplistic and overly self-serving. It failed to account for the large and assertive peace movement that had emerged in the United States during the two and a half years of American neutrality, and the deeply felt objections of

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35 Ibid., 108.
36 Ibid., 125-126.
pacifists and others to participate in war. It also failed to anticipate their refusal, despite severe penalties, to accept conscription.

Wilson’s somewhat smug statement drew much criticism from anti-war critics. Max Eastman, editor of *The Masses* wrote that “in declaring that his selective draft is ‘in no sense a conscription of the unwilling; it is rather, selection from a nation which has volunteered in mass,’ he builds himself up to a height of casuistic complaisance from which the fall may be tragic and terrible.” Eastman continued that “if anything is true, it is true that this nation has not volunteered either in mass or any other way.” Later Eastman proclaimed that “for my part I do not recognize the right of a government to draft me to a war whose purpose I do not believe in. But to draft me to a war whose purposes it will not so much as communicate to my ear, seems an act of tyranny, discordant with the memory even of the descent kings.”

Having rejected conscription, Eastman soon found his rights as a citizen severely curtailed. *The Masses* was banned from the U.S. Mail and Eastman and other editors were charged under the Espionage Act with “unlawfully and willfully…obstruct the recruiting and enlistment of the United States.”

Progressives and socialists also formed a large constituency of citizens who opposed conscription. They dominated most of the secular peace organizations, such as the Women’s Peace Party and the American Union Against Militarism (AUAM) both of which were founded in January 1915. After the United States entered the war, the government made a determined effort to convince these peace activists, and the general public, to support the war.

Nancy Gentile Ford argues in *The Great War And America: Civil-Military Relations during World War I* that “the violent reaction of many to the Civil War draft ‘haunted’ Wilson and Baker, and both men worried about the prediction from a member of Congress that the streets would ‘run red with blood’ during the first registration in 1917.” Therefore, Baker

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“insisted on using propaganda to ‘sell the draft’ and connect conscription with a sense of patriotism.”39 Careful consideration was given to even minor details. Baker explained to Congress that “the administration sought to improve the image of the procedure, by avoiding the use of negative-laden terms like ‘conscript,’ ‘conscription,’ and even the ‘draft.’” Instead, they “sought rhetorically to emphasize positive concepts of ‘selection’ and ‘Public service.’ Thus conscripts became ‘selectees’ and ‘servicemen,’ and the conscription bureau became the ‘Selective Service System.’”40

Charles F. Howlett explains in *History Of The American Peace Movement, 1890-2000* that the established peace movement “faltered and fell into disarray.” By April 1917 “most of its leaders had joined the war effort, determined to establish a universal peace along American lines.” He argues that they were “accustomed to look for evil on the surface, not in the hearts of man.” As a result the “identified it with one nation – Germany.” The peace movement had been co-opted. The leaders because convinced that “peace was held at bay by Prussianism” and that “victory became the prerequisite of progress.”41 The American Peace Society, founded in 1828 was certainly co-opted. *The Advocate of Peace*, the society’s journal argued in May, 1917 that

> We must help in the bayoneting of a normally decent German soldier in order to free him from tyranny which he at present accepts as his chosen form of government. We must aid in the starvation and emaciation of a German baby in order that he, or at least his more sturdy little playmate, may grow up to inherit a different sort of government from that for which his father died.42

Many progressives and socialists eventually did support the government, but others remained vocal critics, especially of conscription.

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40 Chambers, *To Raise an Army*, 182.
42 *Advocate of Peace*, LXXIX [May, 1917], 138.
Eugene Debs, who was nominated for President five times by the Socialist Party was sentenced to ten years in prison for urging resistance to the draft in a speech in Canton, Ohio on June 16, 1918\textsuperscript{43} The National Civil Liberties Bureau, which emerged from the AUAM in October 1917, under the leadership of Crystal Eastman and Roger Baldwin, was specifically focused on assisting conscientious objectors. Roger Baldwin was eventually sentenced to a year in jail for refusing to report for the draft.

There had been pacifists before World War I, but as Charles Howlett argues they had, for the most part, been sectarians “motivated by obedience to religious injunctions against killing and against complying with the military.” There were important differences between the sectarian pacifists and the progressive pacifists as Howlett and nearly every other scholar that has studied conscientious objectors during World War I has noted. Howlett notes that “if sectarians had eschewed social reform, few progressives had stressed the war question, and even fewer seriously considered conscientious objection to war service.” He adds that “the prewar advocates of peace hardly sensed the possibility of divided loyalties. The assumed that war was anachronistic.”\textsuperscript{44}

Crowder and other conscriptionists, including most members of local registration and exemption boards, were generally quick to dismiss the lingering concerns, and to question the loyalty of anyone who continued to oppose conscription either as individuals or as religious or political bodies. Opponents of conscription were frequently denounced as anti-American. Their citizenship was denied and they were frequently condemned as being pro-German. Conscientious objectors were frequently dismissed as selfish, self-righteous and ego-centric. Former president Roosevelt described opponents of conscription as “professional pacifists, poltroons, and college

\textsuperscript{43} Debs was also disenfranchised for life. On December 23, 1921 President Harding commuted Deb’s sentence to time served.

\textsuperscript{44} Howlett, \textit{History Of The American Peace Movement}, 54.
sissies.”

He also alleged that “the bulk of the conscientious objectors were slackers, pure and simple, or else traitorous pro-Germans.”

President Wilson did nothing to improve the perception of conscientious objectors and other pacifists when he announced “what I am opposed to is not the feeling of the pacifist, but their stupidity. My heart is with them, but my mind has a contempt for them. I want peace, but I know how to get it, and they do not.”

The public perception of conscientious objectors remained mostly negative throughout the war, and even those officials who might have been inclined to deal more leniently with them were constrained by this overwhelmingly negative public perception. Newton Baker noted in his *Statement concerning the treatment of conscientious objectors in the army* that the “tendency during the past two years” was to associate the conscientious objector “either with pro-Germanism or with the extreme radical group in economic theory as represented by the I.W.W.” Baker likened this to the tendency during the Revolutionary War to associate “the conscientious objector of those days with Toryism.” Only after the war had ended was there any notable shift in public perception toward a more favorable or forgiving view of the conscientious objectors.

Crowder’s understanding of the opposition to Selective Service was limited, naive and ultimately, self serving, and this was true for most conscriptionists. They failed to recognize that opposition to conscription was often rooted primarily in deeply held religious conviction and/or serious disagreements about the duties of democratic citizens during times of war. Crowder believed that most opponents supported the war and that opposition to conscription was rooted in

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an outmoded view of conscripts as less courageous or patriotic than volunteers. This attitude, he was confident, could easily be overcome through education. Crowder assumed that many men would have to be “convinced that compulsory military service was the fairest way to raise an army” but that once so convinced that they would “readily put aside time-honored customs and devotion to the past, and throw himself wholeheartedly into the new scheme; however repugnant it might be to his beloved traditions and preconceived ideas.”

Crowder was partially correct that there certainly was some stigma attached to conscription, and government propaganda inadvertently reinforced this stigma, in an effort to shame men into doing their duty, but Crowder’s analysis also contained flaws. It is true that many Americans did believe that conscripts were not as patriotic as volunteers. But for most of those who opposed conscription, and certainly for all of the religious conscientious objectors, the notion that their patriotism would be called into question was not of primary importance. As a percentage of the draft age population, conscientious objectors were not particularly numerous, but their understanding of their “common duty” was vastly different from Crowder’s.

The first significant test of support for conscription occurred on Registration Day, June 5, 1917. Crowder reported a general “apprehension” as federal officials awaited “the response of the American people to the first considerable demand of the war.” Though there were sporadic, local anti-draft demonstrations, registration occurred orderly and peaceably throughout most of the nation. The Chicago Herald declared that, “in spite of objections, oppositions, agitations, plots, it is clear that the vast majority of people in America believe in this summons to arms.”

Robert Coakly, historian for The Department of the Army, concedes that registration day, and the selective service program as a whole, were largely successful. However, he argues that this

49 Ibid., 108-09.
50 Ibid., 125.
51 Peterson, Opponents of War, 1917-1918, 27.
… success story owed much to the vigor with which the government enforced the act and suppressed antiwar sentiment, to the mounting of an intensive propaganda campaign, and to public support for the war effort that bordered on mass hysteria.\(^5\)

Whatever the reasons for the success, Crowder was certainly relieved by the results. His nagging fears were unfounded. He reported, with his typical amount of embellishment that

> June 5 is destined to become one of the most significant days in American history. Between sunrise and midnight of that day virtually the entire male population of the United States between the ages of twenty-one and thirty had appeared for enrollment for service. ..... Thenceforth the outcome of the war with Germany was never for a moment dubious.\(^5\)

It was not at all unusual for Crowder to make such grandiose claims, however it was certainly true that Registration Day had gone about as smoothly as even the most optimistic conscriptionists could have hoped, and it certainly was a tremendous blow to Germany.

A total of 9,586,508 men, between the ages of 21 and 30, were registered on June 5, 1917. Only a tiny fraction, about 6,000 men indicated conscientious objections to military service to their local draft boards.\(^5\) On May 20, 1918 Congress amended the Law to make youths who had come of age after the initial registration on June 5, 1917 liable to military service. This second registration occurred on June 5, 1918, one year to the day after the first registration. The “Class of June, 1918” included 735,834 men. On August 24, 1918 a “supplemental” registration was conducted to enroll the men who had turned 21 in the 70 days since the second registration on June 5. A total of 159,161 men were registered in the “supplemental” registration. One week later, on August 31, 1918 Congress enacted the last significant amendment to the Selective Service Act, expanding the age limits of those liable to service to include men aged eighteen to forty-five. The third, and final, registration, which

\(^{52}\) Coakley, *Antiwar and antimilitary activities in the United States*, 69.  


\(^{54}\) Ibid., 22.
included men ages 18-20, and 32-45, occurred on September 12, 1918. Crowder was ecstatic. 13,395,706 men were enrolled “without the slightest difficulty or disturbance” in what was ultimately the final registration of the war. A total of 24,234,021 men were registered in the three registrations and the supplemental registration.  

President Wilson had initially insisted that recognizing individual conscientious objections would be “impossible… because it would open the door to so much that was unconscientious on the part of persons who wished to escape service.” The Selective Service Act, allowed members of religious sects opposed to war to claim exemptions from combatant service as conscientious objectors when they registered. While this was generous by Civil War standards, it was not as generous by contemporary standards as it failed to address the large number of pacifist and political opponents of the war. This legal double standard was criticized by many secular groups, including the Committee of 100 Friends of Conscientious Objectors, which pointed out that the Selective Security Act “left wholly out of consideration many of the most sincere and convinced objectors. The law assumed dogmatically that only organized sectarian religion could develop true conscience.”

Conscriptionists retained a lingering concern that any liberalization of the qualifications governing exemptions would encourage the “overnight growth” of a number of objections. Beyond the actual numbers however, they viewed any change in the exemptions as enabling men to avoid fulfilling their obligations as citizens and a betrayal of those who had already been

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55 The day after each registration, the local boards randomly assigned each registration card in their possession a serial number. In order to guarantee impartiality, a single national drawing was held to determine the order of liability. Secretary of War Baker drew the first numbers in the first and second drawing on July 20, 1917 and June 27, 1918. President Wilson drew the first number in the third drawing on September 30, 1918. All three drawings took place in the Senate Office Building. Crowder, The Spirit of Selective Service, 31, 41,171-172.


57 Committee of 100 Friends of Conscientious Objectors, Who are the Conscientious Objectors?: a plea for justice for those in prison for conscience’ sake. (Committee of 100 Friends of Conscientious Objectors: New York, 1919), 6.
conscripted. When Secretary Baker issued confidential orders on December 19, 1917 extending conscientious objector status to all persons “who in good faith entertain religious or other conscientious scruples against warfare,” the number of men who became eligible to claim conscientious objectors status was relatively insignificant, yet many conscriptionists felt deeply betrayed.

Registration was just the first step in securing a conscript army. Crowder was determined to “produce men” as rapidly as they could be “absorbed by the army,” but he was also determined to “bring about the least possible disturbance in the normal composition of peace-time industrial life.” The first task, and in many ways the most important and controversial, was to determine “the order of liability in which the registrants would be called for examination and service.” The best means to ensure impartiality was through a central lottery. This lottery occurred in the Senate Office Building on Friday July 20. The Secretary of War drew 10,500 capsules, each one representing approximately 4,500 young men.

Although it was still uncertain how many men the army would require, after September, 1917 it was clear that exempting all 6,000 men who had claimed conscientious objections at the time of registration would not have adversely impacted the Selective Services ability to produce 500,000 conscripts. This option, however, was never seriously considered. Although some discretion was given to the local draft boards, the clear intent of the Selective Service Act was to spread the obligation for compulsory military service broadly throughout the eligible population.

On July 12, 1917 quotas for the first draft of 687,000 men were issued to the states. As it was first enacted, the Selective Service Act had a significant flaw in the way that it calculated the quotas assigned to each state. The levy was initially distributed “in the ratio which the population

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58 Ibid., 127.
59 Ibid., 128.
The most obvious flaw with this procedure was that it did not consider that part of the population that was exempt from conscription due to alien nationality which varied greatly from state to state. The result was that men who were eligible for conscription who lived in states with a large alien population were more likely to be conscripted than eligible men who lived in states with a smaller alien population. This was far from ideal, and the flaw was immediately apparent. It was corrected on January 15, 1918, by a joint resolution in Congress “authorizing the President to apportion quotas, not by population, but by class.”

Although not as pronounced, the concentration of pacifist religious sects in certain counties created a similar inequality. Crowder rectified this on August 11, 1917 when he ruled that all designated conscientious objector draftees would be “forwarded to a mobilization camp” and treated as part of the draft quota of a state and district. Though this solved one problem, it certainly created others. It made little sense to force men upon the military who would at best only be willing to accept a limited amount of non-combatant duties and who in many cases would refuse even that.

Despite these flaws, the Selective Service system certainly met its primary goal, which was to quickly provide men for the army. It also, to a large extent, changed the public perception of conscription, and was remarkably successful in democratizing the war. Selective Service provided some protection to some conscientious objectors, but not as much as leaders of the historic peace churches had hoped for or expected, and certainly not as much as civil libertarians desired, but it was easy for Crowder to overlook these criticisms. The selection process was

60 Ibid., 213.
61 Crowder notes that “The plan of apportioning quotas upon the number of men in Class I was the necessary corollary of the classification method. If it had not been adopted, we should have witnessed the spectacle of one State or local board furnishing its quota from Class IV while another board still had an ample Class I.” Ibid., 214-15.
remarkably quick and efficient, the army “lagged behind its schedule” and strained to accommodate the men selected in the first draft along with those that volunteered. By December 15, 1917 the Army had been able to accept just 516,000 drafted men. Crowder noted that these men were “promptly furnished by the boards from an ample supply.”

Crowder began to envision a far greater role for selective service than simply providing men for the military. He understood that as “the call for fighting men grew louder, it would have to be met by weeding out from the less essential industries the man-power they employed for more useful service in the fighting forces” and began to see that Selective Service would play a vital role in “controlling the distribution of manpower within the civil industries themselves.”

Crowder realized that the first step in reaching an ideal solution to this problem was to “secure an accurate survey of the whole [economy]” and then to rank “the nation’s man-power in the order of its military and industrial importance.” That autumn he began “the work of reframing the Selective Service regulations, with the view to introducing true selection.” Within two months he had created a more orderly system to replace the “conglomerate mass of man-power.” These new regulations, promulgated on November 15, 1917, while arguably more rational, were considerably more complicated than the initial regulations that had governed the selection of men for the first draft.

Registrants were now to be placed into five classes. Class I represented the men available for the army, Class V, the legally exempt. Classes II – IV were ranked in order “of their industrial and domestic importance.” These regulations became effective one month after they were promulgated, when detailed questionnaires, which would be used to place registrants into

64 Ibid., 143-144.
65 Ibid., 145.
66 Ibid., 147.
67 Ibid., 147.
the appropriate class, were mailed to the local boards on December 15, 1917.\textsuperscript{68} This new system removed some, but not all, of the autonomy that local boards had in granting exemptions and in choosing, from among the pool of registrants, who should be selected to fill their quotas.

Crowder’s reorganization plan for placing registrants into different classes was successful on a number of levels. Crowder had several complicated objectives, all of which directly involved the federal government in the coordination and control of the nation’s economy to a degree that would have been unthinkable prior to the war. Crowder’s classification system was the first serious attempt to determine which occupations were essential. The concerns of conscientious objectors were not a high priority.

In addition to the enforcement provisions contained in the Selective Service Act of 1917 a number of other pieces of wartime legislation, most notably: the Espionage Act of June 15, 1917, the Trading with the Enemy Act of October 6, 1917, the Sabotage Act of April 20, 1918, and the Sedition Act of May 16, 1918 gave the government extraordinary powers, certainly greater than it had exercised at any time since the Civil War, to compel compliance with wartime policies. These new wartime measures were coupled with a massive propaganda campaign, headed by George Creel. Together, these actions created an extremely hostile climate for conscientious objectors, and other dissenter.

Individual acts of nonviolent opposition were far more numerous, and much more significant than the few isolated cases of organized, sometimes violent resistance. Crowder reported that “individual draft evasion was, on the whole, more widespread than organized resistance.” Crowder classified individual draft evaders into three categories, slackers, delinquents and deserters. Slacker were defined as men who had “failed to register.” Delinquents were defined as men who had registered but “failed to file questionnaires or report to their local

\textsuperscript{68} Ibid., 145-146.
boards for physical examination when called.” Deserters included those delinquents who had “failed to obey the subsequent special orders directing them to report for duty at a specific time and place.”

A large but unknown number of men chose to simply ignore requirements to register, and therefore avoided military service. This, however, was a risky strategy as the atmosphere for conscientious objectors and draft evaders in 1917 was vastly different than it had been during the Civil War “when the government infrequently backed its legal authority with sufficient policing power.” The investigative capabilities of the Justice Department and other agencies of the Federal government such as the Secret Service and Military Intelligence increased rapidly and prosecuted draft dodgers vigorously. Enforcement of these new measures fell primarily to the Justice Department, recently augmented by the American Protective League (APL), an official auxiliary corps of 250,000 members. Investigating potential violations of the law proved to be a stupendously large and difficult endeavor, and the quality of the assistance rendered by the APL has been questioned by contemporaries and historians alike, but Attorney General Thomas Gregory, correctly noted that “never in its history has this country been so thoroughly policed.”

Military Intelligence played an important, though often overlooked, role in investigating conscientious objectors and other opponents of war. Military Intelligence took the threat from pacifists and conscientious objectors very seriously. “Every true patriot is a believer in peace, provided it is not purchased at the price of freedom or honor. The word “pacifist” is applied generally to a believer in peace at any cost, an immediate peace, though it may in the end grow intolerable and compel another war.” Military Intelligence viewed this threat very broadly. It explained the threat in the pamphlet The Functions of the Military Intelligence Division:

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69 Coakley, Antiwar and antimilitary activities in the United States, 1846-1954, 77.
70 Peterson, Opponents of War, 20.
Pacifists have been so played upon by German agents, that they have been more or less unwittingly recruited as active agents of the German cause, and have become a dangerous element of the population, since it is manifest that any activity whatsoever which retards or diminishes the maximum efficiency and enthusiasm of a country at war, is inimical to the success of that country, and gives the enemy aid and comfort.\(^{71}\)

As the professional intelligence gathering organization of the United States Army, these conclusions were devastating to conscientious objectors and other pacifists. They carried tremendous authority and reinforced the worst fears of the conscriptionists and the public. Especially damming was the connection that Military Intelligence made between conscientious objectors and German propaganda. This connection was made clear in a second pamphlet published by the General Staff, *Propaganda In Its Military And Legal Aspects*.

This pamphlet began sensibly enough by conceding that “it would be hysterical and ridiculous to blame or credit Germany or German inspiration with all the difficulties put in the way of a successful prosecution of the war. Some of the most dangerous elements have no love of Germany, and even include her among their detestations.” However, it then argued that

… whoever, for whatever motives, frustrates or diminished the maximum efficiency of the machinery for executing the will of the nation in this war, has the hearty support of the enemy agencies. Sooner or later, almost without fail the investigation discloses among the moving spirits a person of hostile proclivities.\(^{72}\)

Military Intelligence offered very little room for legitimate differences or alternative views of “the will of nation.” They conceded that “religious opposition to war represents one of the most perplexing and delicate phases of the whole situation.” They cited an “eminent jurist” who argued that the Selective Service Act “takes the individual conscience into account. The thing that is unjustifiable during the war is the organized and deliberate creation of conscientious objection that did not genuinely exist before.” The General Staff noted that “this and other

\(^{71}\) Ibid., 16.

\(^{72}\) United States, War Department, General Staff, *Propaganda In Its Military And Legal Aspects* (Washington: Military Intelligence Branch, Executive Division, General Staff, 1918), 101.
Governments have long respected the tenets of the Friends or Quakers, but there can be little patience with their hasty and fraudulent imitators.”

Military Intelligence was especially critical of any religious opposition to war that originated from any denomination other than one of the three recognized Historical Peace Churches. “Many such efforts to scurry to cover have been made by various sects formed or adopted for the purpose, and so-called “conscientious objectors” have sprung up on all sides to dignify their cowardice or their anti-Americanism by the white-feather name of conscience.” Regardless of their opinion on the necessity or fairness of conscription Military Officers generally felt that now that the conscription act had become law “it must be enforced.”

Despite the determined suppression of dissent, there were isolated instances of open resistance to the war, and specifically to conscription. The most notorious example of open resistance to conscription occurred in three rural Oklahoma counties in the summer of 1917. The so-called Green Corn Rebellion, an ill-conceived plan for a march on Washington designed to convince President Wilson to stop the war quickly imploded as local authorities, and patriotic organizations joined with local businessmen and merchants, including some who served on the draft boards to intervene forcefully and decisively. Four hundred and fifty marchers were arrested. One hundred and eighty five were actually indicted for conspiracy to destroy bridges and cut telegraph wires in what proved to be a mostly futile effort to prevent enforcement of the draft. 150 were ultimately convicted.

In some ways the Green Corn Rebellion, composed mostly of debt-ridden tenant farmers and sharecroppers, seemed to confirm the conscriptionists prejudices as it was led by an organization, the Working Class Union (WCU) with indirect ties to the IWW. Furthermore, it

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72 Ibid., 103.
73 Ibid., 104.
74 Coakley, Antiwar and antimilitary activities, 76.
had not been entirely peaceful, as supporters had quickly resorted to violence and other coercive tactics. Similar, though smaller anti-draft disturbances occurred elsewhere in Oklahoma where the WCU was strong, as well as in areas in Texas where a similar organization, the Farmers and Laborers Protective Association, had influence.\(^7^6\)

Crowder reported in 1919 that “resistance to the enforcement of the selective service law…..was from the national point of view negligible” but he admitted that there were “in a few scattered localities, some pitched battles between resisters and county and state forces.” Crowder estimated that the number of casualties that arouse from such resistance was between “15 to 20 persons.” He showed surprisingly little interest in these cases as they were “in every case” handled by the local authorities “without assistance from the National Government.”\(^7^7\) Because these “few scattered localities” turned out to be “mainly rural areas in the southwest, [and] mining towns in the Rockies….. and isolated mountain regions of Appalachia” they were far less prominent than the rioting that had occurred in New York City during the Civil War, and thus easier to dismiss lightly.

Early in the war, while the Selective Service Act was still being debated a number of mass meetings attended largely by Socialists, anarchists and “Wobblies” [International Workers of the World] were held in New York and other major cities. These meetings were frequently broken up by patriotic mobs. Some of these protests continued even after the law was enacted and the first registration was completed. The Emergency Committee of the National Executive Committee of the Socialist party issued a proclamation on June 10, 1917 appointing July 4 as the “day in which liberty-loving citizens of the country should assemble in mass-meetings and

\(^{76}\)Ibid., 76-77.

demand that the Government of the United States submit the Federal Conscription Act to a referendum of the people.” The proposed referendum stated

This is said to be a war for democracy. The least that can be done to bear this claim is to give the people a chance to decide whether they want to be slaughtered in this unjustifiable war.

Congress violated the federal constitution in passing the conscription law and broke its trust with the people. Congressmen at the very onset exempted themselves from the provisions of this law, which fastened the shackles of militarism upon the young men of the nation. Therefore, we demand that the conscription law be amended by adding a provision to the effect that the law be submitted to a referendum vote of the people, and that its operation be suspended until it shall have been approved upon such vote. 78

This proclamation, for all its bluster, accomplished little. It is impossible to predict how the proposed referendum would have fared had it been placed before the American voters. Australian voters twice rejected similar referendums, and Canadian voters supported the Union Government in what was essentially a referendum on conscription only after rather blatant political manipulations of the franchise, but there was no election mechanism to force early elections in the United States or such a referendum before the voters during a regular scheduled election. The Socialist Party was already marginalized and it was quickly becoming even more of a pariah. Even members of Congress who had opposed the declaration of war and had voted against the Selective Service Act likely did not appreciate the Socialist Party lecturing them on how they had “violated the federal constitution” and “broken its trust with the people.” Whatever the public might have initially thought about the declaration of war and the passage of the Selective Service Act, most agreed with the sentiment expressed by Military Intelligence that now that the conscription act had become law “it must be enforced.”

The courts represented a much greater threat to conscription; in fact the courts which had the authority to overturn acts of Congress posed the only real threat to the Selective Service Act. Georgian Populist Tom Watson raised $100,000 and helped to launch a constitutional challenge of the Selective Service Act. He argued that the Selective Service Act violated the Thirteenth Amendment’s prohibition against involuntary servitude. Lawyer Harry Weinberger joined the case and argued that the exemption for clergymen and divinity students violated the First Amendment’s establishment clause separating church and state.79

The Supreme Court may have had the authority to overturn the Selective Service Act, but the judicial branch has generally deferred to Congress and the executive branch during wartime. Every lower court that heard a challenge to the draft denied it, so it was no surprise that the U.S. Supreme Court ruled unanimously in January 1918 that conscription was constitutional. Chief Justice Edward White, writing for the Court in Arver v. United States, argued that “the very conception of a just government and its duty to the citizen includes the reciprocal obligation of the citizen to render military service in case of need and the right to compel it.” White noted that “the power of the state depended upon its right to compel military service. To believe otherwise challenges the existence of all power.” He added that “Power that depends upon consent is in no substantial sense a power.” White clearly articulated the challenge that conscientious objectors posed to the state, for they refused to give their consent and viewed the obligation of citizenship quite differently.80

Much of the nation enthusiastically embraced the war and conscription, but there were problems to be addressed. The war increased the demand for labor just as the draft and volunteerism virtually eliminated unemployment. Even with government controls, the resulting

80 Capozzola, Uncle Sam Wants You, 28-30.
labor shortages drove wages significantly higher than soldier’s pay. Meanwhile, the army had
difficulty absorbing all the men who volunteered or were conscripted. Ironically, the most
serious threat to the success of Selective Service, at least according to Crowder’s perspective,
was volunteerism. Without the least bit of irony he reported that the greatest hurdle that Selective
Service had to overcome in order to complete its “task of supplying fighting men” was “the
volunteer system.” It is worth noting that it was the failure of volunteerism that caused Canada to
resort to conscription, while it was the continued enthusiasm for it in the United States that in
Crowder’s words “nearly wrecked the system and nearly destroyed all the devoted labors of the
Selective Service personnel.”

This strange perspective makes sense only if the purpose of Selective Service was larger
than keeping the army well supplied with men. If that was the only purpose, it would not matter
in the least whether these men were drafted or volunteered; in fact volunteers would probably be
preferred. If, however, reorganizing the economy in order to maximize productive output was an
equal or even greater purpose of Selective Service, then the volunteer system which relied upon
individuals making their own decisions was indeed a problem.

Crowder, the progressive era pragmatist who had witnessed the effects of voluntarism in
Great Britain and Canada, wanted to maximize not only military manpower but also “useful”
economic activity. He complained that the volunteer system “did more than destroy the ability of
Selective Service to keep account of man-power and to mobilize it promptly. It destroyed all
hope of accomplishing an efficient and effective distribution of that manpower.” Crowder was
distraught that “concurrently with the operation of the Selective draft, the army went ahead with
its recruiting services. Men within the age limits prescribed by the Selective Service Law were

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82 Ibid., 165-166.
permitted to volunteer if they did not come within the current quota of their respective boards.”
Crowder continued that “it was highly inadvisable” for the army to continue to allow volunteers
while also relying upon Selective Service to meet its demands. Even after the army stopped
accepting eligible volunteers between the ages of twenty-one and thirty on December 15, 1917, it
continued, until the summer of 1918, to recruit men who were not liable for the Selective draft.83

Crowder considered the Navy as an even more egregious offender. Selective service
legislation initially applied only to the army. The Navy and the Marine Corps remained entirely
voluntary organizations. Crowder acknowledged, however grudgingly, that “the navy had to
have sufficient men, as did the army,” but he objected to the inefficient manner with which they
obtained those men. Crowder’s fundamental critique of the flaw of the volunteer system was that
nearly a year after the passage of Selective Service there were still many men, in many cities,
who were apparently idle. Crowder bemoaned the observations that

in the early summer of 1918 there were in America thousands of youths idling
their time upon the city streets, carried upon the navy’s inactive list, while crops
were rotting in the fields because the farmer boy had gone to camp. Ungarnered
crops and blasted prospects had been the inevitable result of the volunteer
system.84

On August 31, 1918 “all branches of the service were relegated to the Selective draft in securing
the man-power necessary for their purposes.”85

World War I was the world’s first protracted conflict between fully industrialized powers.
None of the absolute religious conscientious objectors, the majority of whom were engaged in
agriculture, a vital industry, were opposed to continuing to work in their civilian occupations.86

83 Ibid., 159.
84 Ibid.
85 Ibid., 167-168.
86 Although some members of historic peace churches, particularly the Hutterites, were bothered by the idea that
their work in agriculture, indirectly contributed to the war effort, and many groups were reluctant to contribute to the
Red Cross, or buy War Bonds.
Holding them indefinitely in the army, after they refused to fight, prevented them from working. This theoretically prevented them from freeing up another man to take their place. This satisfied no one. Crowder fully realized the importance of the civilian workforce to the successful prosecution of the war. He wrote

… the army and navy were taking men who were best able physically to do the fighting. But fighting in the trenches was only one part of the nation’s task in the war. The other part, the part that fell on the other men, was to set free the men who were needed in the ranks of the army.\textsuperscript{87}

Ironically, this was the same line of argument that many conscientious objectors would raise when they refused to accept any form of military service, even non-combatant service. Crowder would find this line of argument far less persuasive when made by conscientious objectors, though he himself had stated that “every man who helped to set free a fighting man was helping to fight and to win the war.”\textsuperscript{88}

Crowder became particularly obsessed with slackers. To a large extent, the mostly patriotic public, and the press, also shared this obsession. In the public debate, and in many official communications, the term slacker was applied liberally too any apparently physically fit man who was not in the military regardless of their reason or draft status. Conscientious objectors in particular were frequently referred to derogatorily as slackers.

Crowder issued the infamous “work or fight” order on May 17, 1918. Chambers notes that although it was “touted as a highly forceful measure, ‘work or fight’ was much more moderate than proposals for national service or the conscription of labor.” He argues that it was Selective Service’s “gesture to reduce pressures from business and agricultural interests and

\textsuperscript{87} Crowder, \textit{The Spirit of Selective Service}, 201.
\textsuperscript{88} Ibid. 154-155.
opposition Republicans for dramatic action, while at the same time seeking to avoid disrupting the support of the A.F. of L. leadership for the draft system.”

Open, sometimes violent opposition to conscription was extremely rare. Thousands of men tried to evade conscription in other ways, some legal others not. In the aggregate, these attempts to avoid conscription, although they never directly threatened the success or the legitimacy of the Selective Service system, were much more significant than the isolated acts of open opposition. In both the United States and Canada, opposition to conscription was motivated, at least in part, by deep seated issues that existed prior to the war. In Canada that involved unsettled issues between Anglo and French-Canadians and between British-born and Canadian-born citizens. In the United States the issue was a bit more complicated. Crowder wrote that open resistance to conscription occurred in the west and southwest “only in regions where social and economic discontent was endemic and the influence of radical organizations connected with the IWW or the Socialist party was strong.” He explained the resistance in Appalachia largely as “a question of traditional resentment against any sort of outside interference.” Thus Crowder attributed, and dismissed, all organized resistance to conscription either to backwardness or the influence of radicals. Crowder and other conscriptionists would later associate most religious conscientious objectors with a similar backwardness, and would assume that if the conscientious objector was not a member of a historic peace church he must be a political radical. This view was, at best, only partly correct.

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89 Chambers, To Raise an Army: 194.
90 Coakley, Antiwar and antimilitary activities, 75.
PART II. IMPLEMENTATION OF CONSCRIPTION

CHAPTER 4. RESISTANCE TO THE MILITARY SERVICE ACT IN QUEBEC

Estimates of the number of French Canadians who volunteered, and later who were conscripted, was contentious from the very beginning. During the debate over the Military Service Act in June 1917, Sir Edward Kemp, who had succeeded Hughes as Minister of Militia and Defence, stated that the first contingent of the Canadian Expeditionary Forces included 1,217 who spoke French. Kemp added that as of April 30, 1917, 125,245 Canadian-born members of the Expeditionary Forces spoke English, while only 14,100 spoke French, and 5,904 of them served in units organized outside of Quebec. This statement was quite a shock to many Canadians, especially to those from Quebec. Laurier publicly questioned the figure, and declared in a statement to the House that he was convinced that the real number was closer to 20,000. On December 31, 1917 Action catholique estimated that 37,000 French Canadians had volunteered.91

Elizabeth Armstrong has argued that “as the war progressed and racial feeling grew to unprecedented bitterness,” the government “became wary of giving out figures about what everyone knew was the inadequate part that Quebec was taking in recruiting.”92 Whatever the reason, there were very few “official” estimates of the number of French Canadians in the army. Recruits were categorized as British-born, foreign-born, or Canadian-born, but no distinction was made of English or French nationality of Canadian-born recruits. In Canada as a whole, 77 per cent of the population was native-born according to the 1911 census, while 70 percent of the First Contingent was British-born.

Conscription certainly had a profound impact upon the ratio of Canadian-born to foreign-born in the CEF. When Prime Minister Borden addressed the Commons on the war effort in March 1918, he estimated, based upon figures furnished by the Department of Militia and Defense, that there were 16,268 Canadians of French descent in the army. After the war, Acting Minister of Militia and Defence Major General Sydney Chilton Mewburn stated that of the 549,359 men who had enlisted in the army, 228,751 had been British-born and 286,705 Canadian-born. It was also reported that 19,050 of a total of 83,355 men who were enlisted under the MSA had come from Quebec.\(^93\)

Desmond Morton notes the irony that the Canadian Expeditionary Force “one of our first great national institutions” was “dominated by the foreign-born.”\(^94\) He calculates that Ontario and the western provinces together accounted for 61 percent of Canada’s population but, they provided 73.3 per cent of CEF enlistments; Quebec, with 27.3 per cent of the population, supplied only 14.2 percent, and most of them came from the 18 percent of Quebeckers who spoke English. Sixty-two per cent of Quebec’s infantry volunteers joined English-speaking battalions.\(^95\) Morton adds that the MSA “allowed the Canadian-born to become a 51.2 per cent majority by November 1918.” Still the majority 53.0 percent of the 470,224 soldiers who served overseas during the war were foreign born. Had the war continued this would have changed as 61.1 percent of the 194,869 who never left Canada were native born. American-born volunteers contributed 1 percent of the CEF overseas.\(^96\)

The disparity between English and French-speaking volunteers led to vicious recriminations. In English Canada “editors and politicians blamed Henry Bourassa and other

\(^93\) Ibid., 247-249.
\(^94\) Desmond Morton, *When Your Number’s Up*, 278.
\(^95\) Ibid., 61.
\(^96\) Ibid., 278.
nationalistes for subverting Quebec. Others blamed farmers and business for their selfishness, wives and mothers for their overprotectiveness, and the young for sheer pleasure-seeking.”

Morton provides a more nuanced assessment, noting that there was “a limit to the number of Canadians willing to face the harsh life and cruel death of an infantry soldier.” He points out that across Canada, most men of military age never volunteered and that those who “lived on farms, were married, or had jobs or deep ancestral roots in the country were least likely to enlist.” According to this analysis it was no coincidence that the Maritimes “ranked only a little ahead of Quebec in recruiting rates.” Morton noted that Quebec was far more industrialized than any other province, and thus offered the most well paying jobs in wartime munitions and textile plants. He argued that it was “no wonder” that recruiting was “easier in the Gaspé than in Montreal.” He added that neither France nor England had much “emotional appeal to a people that had been abandoned by the Old World eight generations earlier.”

H.A.C. Machin realized that the 1917 election “proved very conclusively that a large percentage of the province of Quebec was energetically opposed to compulsory military service.” He added that events during the past year had shown that “many sections of that province were hostile to the enforcement of the law itself as expressed in the Military Service Act” and in “one notable instance, which constitutes a single exception throughout the Dominion, this hostility broke forth in open riotous defiance of law and order.” He argued, however, that:

In justice to the average citizen of Quebec it is only fair to point out that all the evidence which has reached this Branch, including many police reports and results of investigations, have shown conclusively that whatever defiance to the law has been encountered in that province was caused, not so much by any premeditated and well-thought out intent to default on the part of the common

97 Ibid.
98 Ibid., 63.
people, as by the evil teachings or influences to which they were unfortunately subject.

Machin believed that it was “inconceivable” that a people

… of such splendid personal morality as the French-Canadians should fail to take proper issue when a question of international morality was gripping the entire world, if the campaign of education as to the real issues of the war had been generally supported by the educated or popular leaders of that province.

At least that is what Machin wrote in his post-war report. The evidence, however, suggests that either the “educated or popular leaders” of Quebec did not support the “campaign of education as to the real issues of the war” or, more plausibly, that Machin was simply wrong in his belief that the French-Canadians had the same understanding of the “proper issue.”

There was some hope, which proved to be misguided, that conscription might improve the tension between Anglo and French-Canadians. The *Etoile du nord* cautioned its readers, on August 16, 1917, that resistance to the Military Service Act after it had become law was not only useless but dangerous. French Canadians were urged to submit bravely to the ordeal. “They should never miss an opportunity to drive those who were responsible out of power, but they should attempt no resistance beyond what was strictly legal.” A week later the *Etoile du nord* argued that any active resistance to conscription would be disastrous for French-Canada.

The hierarchy of the Roman Catholic Church, along with most elected political leaders, urged a similar respect for and obedience to the law, but the public remained cool to conscription, and the sense of isolation within Quebec remained stronger than ever. Henry Bourassa, for instance, remained unreconciled. On January 3, 1918 he continued his blistering condemnation of the war and conscription in *Le Devoir*:

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Unfortunately, under the spell of the intense propaganda of Imperialism, carried on for the last twenty years, our rulers have chosen to turn Canada’s intervention in the war into an Imperial contribution. They have also lost all sense of national requirements, and, from the start decided to bankrupt Canada to help the Mother Country.\textsuperscript{102}

The situation in Quebec was extremely frustrating to most conscriptionists. The perception that Quebec had not voluntarily done its part led to resentment and anger throughout the rest of Canada, particularly in Ontario, and an almost reflexive defensiveness within Quebec. Armstrong notes that in English-speaking Canada there were rumors of a steady stream of deserters from Quebec who were seeking refuge in the United States and when deserters were rounded up in Montreal, the French-Canadian press pointedly demanded to know whether the same zeal was being shown to apprehend the slackers in Ontario.\textsuperscript{103}

Though there was nothing even approaching a “steady stream of deserters” fleeing Quebec for refuge in the United States, the draft evasion rate for the Quebec’s three military districts was significantly higher than anywhere else in the country. In Quebec 40.83 percent of the men ordered to report failed to do so, and became defaulters. The corresponding percentage for Ontario was 9.28 percent.\textsuperscript{104} The vast majority of these defaulters remained in Quebec where passive resistance to the MSA was almost endemic.

Protests were initially limited to mostly peaceful demonstrations and the occasional destruction of private property. Protest meetings were held throughout the province, especially in Montreal, immediately following the announcement of conscription. On the evening of May 23, 1917 three thousand people met at the Champ de Mars, and proceeded to the business section where they broke the windows of the \textit{Patrie} with cries of “Down with conscription.” On the

\textsuperscript{104} Armstrong, \textit{The Crisis of Quebec}, 238.
same evening 10,000 were said to have attended an enthusiastic meeting at the Parc LaFontaine. The following evening Médéric Martin, the mayor of Montreal, urged a meeting of 15,000 to put their trust in Canada’s most respected francophone former Liberal Prime Minister Sir Wilfrid Laurier, but nevertheless the crowd got out of hand and proceeded down one of the main thoroughfares of the city and again broke the windows of La Press and Patrie, attacking a number of soldiers along the way. On May 26, the Montreal Gazette reported Armand Lavergne, former Liberal member of the Canadian House of Commons, and more recently former Nationaliste member of the Legislative Assembly of Quebec, as saying that he would go to jail or be shot before he would accept conscription.¹⁰⁵

Civilian and Military officials alike predicted violence in Quebec in response to the enforcement of the Military Service Act (MSA); in fact, they considered it almost inevitable. They disagreed, however, about how serious a threat it was, and how they should respond to it when it occurred. Protest meetings, fiery rhetoric, and the destruction of private property were certainly reasons for concern, but violence was far less common or widespread than many had predicted. The crowds rarely fought with the police and there was very little that military authorities could do to counter these demonstrations without arousing even greater protests. When violence finally broke out on April 1, 1918 the military responded decisively.

Military planners had long been concerned about the frequent theft of dynamite and the widespread ownership of firearms throughout the province. In a June 1, 1917 memorandum on the “Sale of Firearms” G. E. Burns, District Intelligence Officer, Military District No. 4 wrote Major F. E. Davis, Assistant Director of Military Intelligence, that in the recent past there was “an indiscriminate sale of firearms in this District.” Amendment of the Criminal Code, 3 & 4 George ⁵th, CHAPTER 13, imposed new regulations, but did not significantly change the overall

situation as Burns reported that “it is pretty safe to say, however, that a large proportion of French Canadians have in their possession firearms of some sort.” He downplayed the significance of this noting that “a large number of sporting good merchants carry a stock of sporting rifles, but the total quantity would be immaterial from a military standpoint.” He concluded by stating that

There has been a great deal of wild talk on this subject and possibly some of it has a foundation, but for the most part is grossly exaggerated or is absolutely baseless. People under excitement are apt to accept statements without question and repeat them to others, generally adding something thereto which grows like a rolling snowball in damp weather.  

Seven weeks later on July 19, 1917 Burns sent another confidential memorandum titled “Anti-Conscriptionists” to Davis that reflected a keen awareness of a growing threat. It stated bluntly that “there is no use disguising the fact that there is a large section of the public who are bitterly opposed to conscription, and that the enforcement of the Act, when it goes through, if it be attempted, will stir up the sore heads, and there may be trouble.” Burns, however, also expressed confidence that the situation could be dealt with. He dismissed the Anti-Conscriptionists as “would-be politicians of a low type, labour leaders, Socialists, Anarchists, and the like” adding that “those attending the Meetings are mostly of the laboring class.” He reported that “as a rule the reporters of both the French and English newspapers exaggerate the number attending” and concluded by stating that “I am of the opinion that the mobs attending these Meetings so far can easily be handled by the Police, if they so desire.”

Sir Percy Sherwood, Chief Commissioner of Police of Canada, had a similar view of the situation in Quebec. In a letter written July 23, 1917, Sherwood informed Major-General

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106 Memorandum: Sale of Firearms, G. E. Burns, District Intelligence Officer, Military District No. 4 to Major F. E. Davis, Assistant Director of Military Intelligence, Military Headquarters, Ottawa, June 1, 1917, Army Headquarters RG24-C-1-a. National Archives of Canada (hereafter NAC.)

107 Confidential Memorandum Anti-Conscriptionists, The District Intelligence Officer, M.D. No. 4 to Major F. E. Davis, Assistant Director of Military Intelligence, Ottawa July 19, 1917, Army Headquarters RG24-C-1-a. NAC.
Chief Commissioner of Police, Canada to Major-General W. Gwatkin, Chief of the General Staff, July 23, 1917, Army Headquarters RG24-C-1-a. NAC.

Montreal from [illegible] to Minister of Militia, Sir Edward Kemp, July 20, 1917, Army Headquarters RG24-C-1-a. NAC.; This alleged disaffection was immediately investigated and on September 17, Ptv. E. Jacobs, G.M.P. reported to The Assistant Provost Marshal, M.D.4., that “I find that the majority of the Hebrew citizens are very much against conscription, but did not make any hostile remarks, also will not offer any resistance when the conscription act is enforced.” Copy of Report, Ptv. E. Jacobs, G.M.P. to The Assistant Provost Marshal, M.D.4., September 14, 1917, Army Headquarters RG24-C-1-a. NAC.
claim that this force was commanded by “Yvon Larose, a former office of the Unites States Army.” Lalumière elaborated that:

Catholic priests in the eastern townships, where the French population is intermingled with English-speaking farmers, have been busy for some time fomenting similar trouble, openly preaching resistance if a conscription act is passed, and talking about enlisting on the side of the disloyalist Papel Zouves, who fought for the Pope in the Italian Revolution.

The New York Times concluded by noting that “the authorities are taking further measures to cope with possible trouble, and in the event of the disloyal factions attempting violence in election week… there are some unpleasant surprises awaiting them.”

This particular article, due to the sensational allegations and the reputation and circulation of the New York Times, created a sensation. It also created a bit of a crisis within the Intelligence community. The first reaction, on the part of Burns, was to engage in some damage control. In a memo to the General Commanding Military District Four, dated July 26, 1917 Burns argued that “there seems to be a great tendency on the part of the public to exaggerate these rumors, and to attribute undue weight to the utterances of the speakers at the anti-conscription meetings, who, for the most part, are non-representative citizens.”

General Wilson also dismissed the New York Times article. In a letter to Gwatkin, also dated July 26, he argued that “the statement about Lalumière having five hundred men drilling is absolutely without foundation.” Wilson was undoubtedly correct that this claim on the part of Lalumière was meritless, but ominous rumors were persistent and the intelligence community gradually began to give them greater credence. The rumors gained credence in the opinion of the

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111 Memo: Anti-Conscriptionists, District Intelligence Officer, M.D. No. 4 to G.S.O., M.D. No. 4, July 26, 1917, Army Headquarters RG24-C-1-a. NAC.
112 Maj. General E.W. Wilson, Commander of the Montreal Garrison to Major-General W. Gwatkin, Chief of General Staff, July 26, 1917, Army Headquarters RG24-C-1-a. NAC.
intelligence community partly because of the lingering concern about the position of the Roman Catholic Church, in Quebec. At best the Church gave passive support to conscription, but to many conscriptionists the Catholic Church in Quebec seemed to be part of the problem.

The position of the Catholic Church in Quebec toward conscription was enormously complex. Officially the Church supported the war and conscription, but there was little enthusiasm for this position, and as was widely noted, many parish priests openly opposed conscription. H. C. Griffith, wrote a memo on August 2, 1917 in which he reported that “[Archbishop] Bruchesi said he had written pastoral letters, but some of the clergy refused to read them to the people.” Griffith added that Bruchesi “did not care to take further action lest he lose his control.” Griffith concluded with his own personal observation that “I find every Frenchman so far, Liberal and Conservative alike, absolutely opposed to conscription.”

Burns became convinced that there was merit to the rather wild allegations concerning the Papal Zouves, and thus several Catholic Churches were placed under surveillance. On August 3, 1917 Burns wrote to Assistant Director of Military Intelligence Davis that “40 guns are hidden” in the basement under St. Clements Church. He added that “they are supposed to be 1000 guns distributed amongst the ‘Suaves and Zozique’ Regt. in Montreal.” Burns also reported that “guns and ammunition are hidden” in St. Peters Parish and St. Edwards Church. No guns or ammunition were ever found hidden in churches, but Burns remained convinced that these allegations were true. He insisted that “this information you can absolutely rely on Chief, as we got it from a suave and a Catholic woman on the promise we would keep it confidential.”

However, a few days later, on August 6, 1917 Burns backed away from this claim, writing that

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113 Untitled Memorandum H. C. Griffith, August 2, 1917, Army Headquarters RG24-C-1-a. NAC.
114 District Intelligence Officer, Montreal, to Asst. Director of Military Intelligence, August 3, 1917, Army Headquarters RG24-C-1-a. NAC.
“after personal interviews with the informants” he was “of the opinion that these reports are the result of, more or less, imagination.”\textsuperscript{115}

This opinion, however, was not universally accepted. Just two days later, on August 8, 1917 B. L. O’Hara, the Intelligence Officer for Military District No. 5, reported to the Chief Commissioner of Police in Ottawa, that French-Canadians “say that if they must die they will die on Canadian soil fighting conscription.” O’Hara added that “the Parish Priests are undoubtedly egging on the people against conscription.” He conceded however that “in most case they have not come out openly and preached from the pulpit resistance to the law”\textsuperscript{116} An undated, confidential memo, titled \textit{Unconfirmed Rumors}, written about this time, reported that “a certain young Officer, is said to have made the statement, that the French Canadians had all the arms and ammunition they needed and that they were stored in the Churches and the moment the Priests said so, the people would rise.”\textsuperscript{117}

Elizabeth Armstrong writes that “nothing could better illustrate the attitude of the Church than a speech made early in June [1917] by Archbishop Bruchesi, of Montreal.” Mgr. Bruchesi argued that the Church had done everything in its power to prove its loyalty. The Archbishop concluded “by telling the faithful that during the conscription debate they were free to express their opinions, but that they should beware of going too far and should remain within the bounds of reason in the discussion.” Armstrong argues that “it was obvious that French Canada was rapidly becoming a unit in opposition to the war policy of the Dominion government, when one of the acknowledged leaders of the Quebec hierarchy came so near to open disapproval.”\textsuperscript{118}

\textsuperscript{115} \textit{Memorandum : Anti-Conscriptionists} from District Intelligence Officer, August 6, 1917, Army Headquarters RG24-C-1-a. NAC.
\textsuperscript{116} \textit{Secret Memo}, B. L. O’Hara, Intelligence Officer, Military District No. 5, to the Chief Commissioner of Police, Ottawa, August 8, 1917, Army Headquarters RG24-C-1-a. NAC.
\textsuperscript{117} Confidenceal. \textit{Unconfirmed Rumors}. [undated] Army Headquarters RG24-C-1-a. NAC.
\textsuperscript{118} Armstrong, \textit{The Crisis of Quebec}, 181.
G. E. Burns reached a similar conclusion in an intelligence report dated August 10, 1917. Burns interviewed His Grace, Archbishop Bruchesi, who “expressed great indignation” that any of the “rumors that were going around in connection with drilling and the storing of arms in the various schools and churches” were “for one moment believed.” The Archbishop professed the “utmost loyalty for his church, but expresses himself as opposed to conscription.”119

The Catholic Church was extremely influential in Quebec, and while Archbishop Bruchesi was certainly justified in his indignation over the willingness of the government and the press to believe some truly outlandish rumors, the indifferent attitude of many priests toward conscription was indeed a source of real concern. Equally serious however, were concerns about the reliability and even loyalty of Municipal police forces and French Canadian militia battalions. In a confidential memorandum to Major F. E. Davis dated July 19, 1917 Burns noted that 884 of the 1,075 members of the Montreal police force were French Canadian. He argued that “the majority of the French Canadian policeman are sympathizers with the anti-conscriptionists, but they have taken, as yet, no active interest.” Burns conceded “in justice to them,” that during the riots last month when the widows of the Conservative French Canadian newspaper La Patrie were broken “they clubbed the mob indiscriminately and dispersed it successfully.120 G.W. Wilson reported to Major-General W. Gwatkin on August 6, 1917 that he had “no confidence” in the “efficiency and trustworthiness” of the Montreal Police because of its lack of progress in “tracing the dynamite stolen from the quarries.121

119 Anti-Conscriptionists Memo from the District Intelligence Officer, Military District No. 4 to the General Officer Commanding, Military District No. 4, August 10, 1917, Army Headquarters RG24-C-1-a. NAC.
120 108 were Irish, 39 English, 14 Scotch and the remainder “miscellaneous”, Confidential Memorandum Anti-Conscriptionists, The District Intelligence Officer, M.D. No. 4 to Major F. E. Davis, Assistant Director of Military Intelligence, Ottawa July 19, 1917, Army Headquarters RG24-C-1-a. NAC.
121 Maj. General E.W. Wilson, Commander of the Montreal Garrison to Major-General W. Gwatkin, Militia Headquarters, Ottawa August 6, 1917, Army Headquarters RG24-C-1-a. NAC.
After interviewing Major General F. L. Lessard, H. C. Griffith expressed similar concerns about French Canadian soldiers. In an August 2, 1917 memo to Army Headquarters, Griffith reported that Lessard predicted that “the conditions will be serious if conscription passes.” Griffith added that Lessard could get “no satisfaction” from Quebec authorities on “what they propose to do to enforce the law.” Griffith predicted wide spread passive resistance and Lessard reported that he did not think “his French-Canadian soldiers will be willing to act against the “passive resisters”122

As the protests grew in intensity, authorities began to have increased doubts about the loyalties of their own troops. A source informed Maj. General E.W. Wilson, Commander of the Montreal Garrison on August 9, 1917 that, “No reliance can be placed on the 258th.” He recommended that “the battalion ought not to remain in possession of arms, and that it should be taken away from Montreal.”123 Lessard eventually reached this same conclusion after “an attempt was to be made to capture the small arms in the Sherbrooke Armouries.” In a confidential August 17, 1917 report to Gwatkin, Lessard wrote that “I have come to the conclusion that we cannot rely upon the Composite Battalion here- in fact- some of the officers have admitted as much.” Lessard reported that if any action is to be taken “it must be done so that it will not rouse up the public.” Lessard reported that he was “having the Scotch Battalion from the Lower Provinces (the 236th) temporarily mount all guards at Levis and Quebec.” He reported that “this will be done very gradually and quietly.” He concluded by bluntly stating that “the news I now have to give you relating to conscription is very bad.” He predicted that “if they

122 Memorandum, H. C. Griffith, August 2, 1917, Army Headquarters RG24-C-1-a. NAC.
123 W.S. to Maj. General E. W. Wilson, Commander of the Montreal Garrison, August 9, 1917, Army Headquarters RG24-C-1-a. NAC.
were made to act” he was sure it would “bring on bloodshed.” In case Gwatkin had missed the
point, Lessard warned, “We are now at the brink of a precipice.”

Lessard, who was perhaps the best known French-Canadian officer in the pre-war militia
and had been considered the most likely candidate for the command of the proposed French-
Canadian brigade which never materialized, was in a position to judge both how the public
would respond if conscription passed and how his French-Canadian soldiers would react.

Lessard, along with the Hon. P. Blondin, who had resigned his cabinet office as Postmaster
General to accept a commission, had participated in the last great recruitment drive in Quebec
before the passage of the MSA. Together, Lessard and Blondin had held recruiting meetings
throughout the province, where they encountered an indifferent and sometimes riotous public.
During this recruitment drive in April and May 1917 troops passing through Quebec were pelted
with rotten vegetables, rocks and ice. The net result of this province wide effort was a
disappointing ninety-two volunteers.

One of the events that had lead Lessard to declare that the Province was on the brink of a
precipice was the failed assassination attempt on Hugh Graham, 1st Baron Atholstan on August
9, 1917. Lord Atholstan, President of the Montreal Star Publishing Company which published
several newspapers including the Montreal Herald and the Montreal Daily Star, was one of the
most outspoken advocates for conscription in Quebec. Though the intelligence community had
been aware of, and concerned about, the widespread availability of it, they had not been very
successful in securing, or even accounting for, dynamite in the province. The Montreal Daily
Star reported the attempt “followed the receipt of threatening letters by Lord Atholstan bearing
American postmarks warning him that the adoption of the Conscription Bill would be followed

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124 Major General F. L. Lessard to Gwatkin, August 17, 1917, Army Headquarters RG24-C-1-a. NAC.
within ten days by his death and the death of other prominent persons in Montreal and Ottawa.”

In a related story *The Montreal Daily Star* reported that “Sir Robert Borden has had many letters and communications threatening death to him if the Conscription Bill goes into effect.”

The assassination attempt on Lord Atholstan failed, but that was due more to luck and incompetence on the part of the would-be assassins than by anything the authorities had done. The incident served as a clear warning that opposition to conscription in Quebec could quickly turn violent. The failure of the intelligence community to uncover the conspiracy was no surprise. A letter from Sir Percy Sherwood to Major General Gwatkin, on August 13, 1917, elaborated on the difficulty in obtaining reliable intelligence. Sherwood noted that “many secret agents were attending all meetings and trying hard to find out what was taking place but they were well known to all and were useless.”

Although military and government authorities publicly minimized the likelihood of violent resistance to conscription in Quebec, privately, the military was planning a very vigorous response to the very real possibility of a widespread, violent uprising. A secret memorandum *Relating to the possibility of disturbances in Montreal* began with the blunt assessment “there is likely to be trouble at Montreal when the Military Service Act becomes operative.” There was, however, no clear consensus on how to deal with this predicted trouble.

B. L. O’Hara, Intelligence Officer, Military District No. 5 suggested to Major F. E. Davis, on June 8, 1917 that “in the event of an emergency arising, the simplest solution of the difficulty (in my opinion) would be to get a couple of cruisers up to Quebec and land a thousand men or so with their machine guns.” O’Hara predicted that “such a show of force at the first sign

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127 Chief Commissioner of Police, Canada to Major General W. G. Gwatkin, Chief of the General Staff, August 13, 1917, Army Headquarters RG24-C-1-a. NAC.
128 Secret Memorandum *Relating to the possibility of disturbances in Montreal* [undated] Army Headquarters RG24-C-1-a. NAC.
of any disorder would probably “nip it in the bud.” General Wilson, however, advised Gwatkin, against “bringing in any considerable force of outside troops to Montreal.” In a confidential report on July 20, 1917 he argued that “such action might tend to arouse the anger of a certain element of the population and aggravate the public.” Wilson acknowledged that “a certain number of people” felt differently, but he believed that “a show of force would have a detrimental influence upon those who might be disposed to riot.” As a precaution, he had already “removed all arms and ammunition, that would not be required in case of emergency, to a place of safety.”

Wilson had a very good understanding of the public reaction to making any large show of force, particularly if it involved bringing in outside forces, and he seemed much more confident that any disturbance could be dealt with by the police, backed by French Canadian militia units if necessary. But Wilson was very much in favor of being properly prepared to deploy military force, should that become necessary. On August 6, 1917, a little more than two weeks after the previous letter, Wilson again wrote Gwatkin. He was highly skeptical of an idea, which was then circulating, of using “armed aeroplanes” to “terrify the mob” noting that “I doubt very much whether it would have any effect on a mob in the streets, and of course it would be almost impossible for them to use their machine guns on the streets.” Wilson did suggest, however, “that we receive authority to fix up three or four motor lorries, on which we could place machine guns in case of necessity.”

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129 B. L. O’Hara, D.I.O. 5th Military District, to The A.D.M.I, Ottawa June 8, 1917, Army Headquarters RG24-C-1-a. NAC.
131 Maj. General E.W. Wilson, Commander of the Montreal Garrison to Major-General W. Gwatkin, Militia Headquarters, Ottawa August 6, 1917, Army Headquarters RG24-C-1-a. NAC.
Regardless of whether the government chose to make a large show of force, or reply in a more restrained manner, there were considerable military assets nearby to deal with any eventuality. A July 20, 1917 report described “upwards of 10,000 troops of all sorts” under arms in Ontario and “upwards of 4,000” in the Province of Quebec. The author of the report noted that he feared, “the Socialists much more than any other group; they are not unlikely to give trouble; but we have adequate means for dealing with them.”\(^\text{132}\) A confidential letter to the Minister of Militia, Sir Edward Kemp dated August 5, 1917 contained a very accurate appraisal of the likelihood of violence, and Wilson’s attitude. The author wrote that “there is not likely to be serious trouble until the Military Service Act becomes operative; and General Wilson is satisfied that he can deal with any situation likely to arise.”\(^\text{133}\)

Although Lessard was well aware of the danger of rousing the public, any significant movement of troops in Quebec was bound to attract attention. One week after promising to replace the Composite Battalion “very gradually and quietly” and warning Gwatkin that “We are now at the brink of a precipice” the situation became even more dangerous as details of the troop movements and the military contingencies appeared in the press. Again, the paper that broke the story was *The New York Times* which ran a story on August 24, 1917 under the sensational headline “Preparing to Crush Canadian Sedition: Home Troops Held in Readiness for Enforcement of the Conscription Act: Sale of Arms is Checked: Quebec Street Orators to be Silenced as Soon as the Law is Proclaimed.” The *New York Times* article reported, inaccurately, that “Enforcement of the conscription bill is in the hands of the military authorities, a fact which

\(^{132}\) [illegible] Montreal to Minister of Militia, Sir Edward Kemp, July 20, 1917, Army Headquarters RG24-C-1-a. NAC. The report details the deployment of these forces, At Montreal and at St. Jean P.Q. there are immediately available nearly 1000 men; another 1000 could be brought in at short notice from Valeantier, without endangering the safety of Quebec; another 1,000 could be brought from Bordon (General Logie has been warned): Ottawa, Kingston and London could contribute detachments; Colonel Leslie, at Petawawa, has 500 ready at short notice to entrain.

\(^{133}\) Confidential Letter to Minister of Militia, Sir Edward Kemp, August 5, 1917, Army Headquarters RG24-C-1-a. NAC.
few seem to realize. As the proclamation of the act will automatically make everybody within the
prescribed age limits a soldier, the civil authorities had no concern with the bill in any form.”

The New York Times also noted that:

It is significant in this connection that three Scottish regiments which came here on their way overseas have had their orders to sail canceled; and other regiments at Ottawa and Valcartier camps which were also slated to sail for Europe some days ago have been ordered to remain. Recent advices from England state that cruisers have been dispatched to these waters with considerable forces of marines, and it is indicated that in the event of any organized efforts to interfere with the execution of the conscription act, the Government will call upon outside forces to help if that necessity arises.134

Ernest J. Chambers, Chief Press Censor of Canada, was only partly able to suppress these accounts. He sent telegrams on August 26th to editors of Canadian newspapers that “nothing should be published about sensational and dangerous report as to changes in Quebec garrison,” but by this time the information was already widely disseminated.135

Anti-conscription meetings were held nearly every night in Montreal in July and August, 1917. Armstrong writes that these meetings “outdid anything that had previously been seen in French Canada in the course of the war.” These disturbances climaxed on the nights of August 29 and 30 when a crowd of some seven thousand persons was “urged to clean up their old guns” and a collection was taken for the purchase of new arms. Armstrong adds that “private soldiers, allegedly from the 22nd French Canadians told of the hardships at the front and urged the young men not to enlist.” When the police attempted to break up the meeting violence erupted and “one man was shot and four policemen were hurt.”136

Despite a noticeable rise in violence, the government was very eager to portray a situation that was under control, and to challenge any public perception to the contrary. On

135 Ernest J. Chambers, Chief Press Censor to the Editor, Morning Chronicle, Quebec, August 26, 1917, Army Headquarters RG24-C-1-a. NAC.
August 30, 1917 Chambers, wrote to Edgar Sisson, Esq., Division of Vice, Committee on Public Information, Washington, D.C., to complain that some of the “penny-a-line correspondents of United States newspapers in Canada” were “exploiting what they are apparently finding to be a profitable field of enterprise” by “retailing for their papers all sorts of highly colored and grossly exaggerated stories” regarding the anti-Conscriptionist movement in Quebec. Chambers then went on to argue that if there was any violence in Quebec, it would be because “a few irresponsible hot heads” were “misled into over-estimating their importance by inciting statements appearing in the press and elsewhere.” Chambers continued by noting that there was a “very deeply grounded suspicion in the minds of many well able to judge, that enemy agency may be at the bottom of this very determined attempt to incite certain unsettled elements in this Country to acts of disorder.” He concluded by suggesting that Sisson would be doing a “good turn for our common cause” if he could “pass word around” that these stories were “most grossly exaggerated” and “suspected of being of enemy origin.”

Despite the crescendo of violence in August 1917, that left one civilian dead and four policemen hurt, the authorities maintained control, and the protests abated somewhat, until the protest movement experienced a resurgence in the Spring of 1918. This resurgence coincided with the last major German offensive of the war, which greatly increased tensions between the conscriptionists and the protestors. This time, when rioting broke out, it occurred not in Montreal, but in Quebec City.

Anti-draft protesters in Quebec City burned a dominion police station on the evening of March 29, 1918. The dominion police immediately appealed to the military authorities, but they were unable to intervene until the mayor, H. E. Lavigneur requested assistance and read the

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137 Confidential, Chambers, Chief Press Censor for Canada, to Edgar Sisson, Esq., Division of Vice, Committee on Public Information, Washington, D.C., August 30, 1917, Army Headquarters RG24-C-1-a. NAC.
crowd the Riot Act. Lavigueur was reluctant to do either, and attempted unsuccessfully to convince the crowd to disperse. Later that evening the crowd sacked the offices of the *Chronicle* and the *Evénement*.

The next evening, March 30, the crowd burned the office of the Registrar of the Military Service Act to the ground. The dominion police immediately faulted the Quebec police for not providing adequate protection. Brigadier General J. P. Landry, Commander of Military District 5, finally appealed to the Minister of Militia for the authority to intervene to protect property and restored order. A battalion of 800 Toronto soldiers was immediately dispatched to Quebec City. They quickly made their presence known, and charged the crowd with bayonets, which only enflamed the delicate situation. Eventually Maj. General Lessard, backed by 1,000 more reinforcements, was placed in command.138

Easter Sunday, March 31, 1918 “was marked by one long continuous riot, culminating in bloody outbreaks in the evening.” The climax to the violence, however, occurred the next evening, Monday April 1. Prime Minister Borden read a startling account, of the night’s events, to Parliament, on April 3, 1918:

> From house tops, side streets, snow banks, and other places of concealment, the rioters opened fire point-blank on the troops who, as on the previous night, displayed great steadiness and forbearance under sever provocation. But, at length, after several soldiers had received bullet wounds, it became absolutely necessary for the troops to return the fire in self defence, for the protection of the public, and to prevent the situation passing entirely beyond control. Five soldiers were wounded, and of the crowd 4 were killed, many were injured, and 58 were arrested. By 1:20 next morning order had been re-established and by 5 a.m. the troops had returned to barracks.139

The rioting had barely subsided before Burns was reporting on the cause of the riot to Davis. On April 1, 1918 Burns reported that he had interviewed several prominent French-Canadian

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139 Ibid.
citizens all of whom “appear to be greatly perplexed over the situation and, without exception, denounce the actions of the rioters.” Burns reported that they all agreed that the primary cause of the disturbances was a “lack of judgment on the part of some of the Dominion Police Authorities in the apprehension of absentees under the M.S.A.” specifically their dealings with men who had complied with the law but, “through some mistake on the part of the Registrar, find their names on the lists of absentees.” Burns added that they also faulted “erroneous and grossly exaggerated reports in the Press about the mistakes made by the Dominion Police in the application of the law” and the “apparent hostility to the M.S.A.” by some Montreal newspapers, notably La Presse. Finally they blamed “the sympathetic sentiments of a certain element of the Clergy to the theories advanced by Mr. Henri Bourassa who is made out to be a great patriot.”

In the wake of the riots, Prime Minister Borden acknowledged the need for some amendments to the MSA. These amendments were designed, not to appease the rioters, but to force their compliance. The first amendment called for the automatic cancellation of the exemption of any man who openly resisted the enforcement of the act and his immediate incorporation into the armed forces. On April 4, 1918, just three days after the rioting was brought under control, Order in Council (P.C. 834) was passed which retroactively authorized Landry’s intervention and broad powers to the General Officer or the Officer Commanding the Military District, throughout Canada, to act in the event of future riots, insurrections, or civil disturbance. The Governor-in-Council was authorized to supersede the “jurisdiction and powers of the Civil Courts,” and declare that orders of the General Officer or of the Officer Commanding the troops, shall “in all respects be obeyed by the civil population, and that

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140 Quebec Riots D.I.O. M.D. 4 to A.D.M.I, April 1, 1918, Army Headquarters RG24-C-1-a. NAC.
offenders against the law, or persons disobedient to such military orders shall be tried and
punished by court martial.”

A Coroner’s jury, investigating the four civilian deaths, ruled on April 13, 1918 that allour “victims” had been “killed by a bullet fired from a rifle by the soldiers of His Majesty’s
forces.” The jury ruled that the victims “were innocent of participation in said riot.” They
determined that the riot was caused by the “tactless and grossly unwise fashion in which the
Federal police in charge of the Military Service Act did their work.” It concluded that the
Government should “reasonably indemnify the families of the victims who have been found
innocent and unarmed, and the pay indemnities to all who suffered damage from that riot.”

Newspapers repeated the claim that the enforcement of the Military Service Act had been clumsy
overbearing and unnecessarily brutal. They went so far as to accuse the police of having
employed notorious French-Canadian criminals as *agents provocateurs*.

Machin’s observations and statements pertaining to the level of support for the Military
Service Act in Quebec are strangely inconsistent. He was certainly not a Francophobe, as many
military officers and Anglo politicians were, and he certainly acknowledged shortcomings on the
part of French-Canadians both before and after the passage of the Military Service Act, but more
often he was an apologist, even when some of the evidence does not entirely support his positive
interpretations. Much of his defence, of the efforts of French-Canadians, is not convincing.

Machin noted that on March 28, 1918, and subsequent days

open riots and violence ensued in which the rioters practically destroyed the office
of the deputy registrar under the Military Service Act for that district, burned and
ruined the majority of the files and valuable official documents of that office, and
eventually made necessary the very exceptional act of calling upon the military

143 Ibid., 463-4.
144 *Chronicle*, March 6, 1918; Canada, April 8, 1918; *Presse*, March 21, 23, 24, 1918 cited in Armstrong, *The Crisis of Quebec*, 232.
authorities for the protection of property and the restoration of the King’s peace.  

He praised the Officer Commanding [J. P. Landry] who, at the direction of the Minister of Militia and Defence, acted “manifestly in the general interest and for the protection of the public, assumed the responsibility to command and direct the operations of the troops for the protection of life and property and the restoration of peace.”

Machin noted that P.C. 834 had the effect “of making certain leaders in Quebec realize to what state of lawless disorder their teachings had brought their falsely guided disciples.” He noted that not only were there no further open disturbances against the enforcement of the Act in this province, but our “statistical formulation of results obtained under the Act shows conclusively that the province of Quebec has done reasonably well in furnishing men under the compulsory draft.” He added that “many accounts of the heroic deeds of the Canadian Armies on the Western Front are inseparably associated with the linked names of Jean-Baptiste and Johnny Canuck.”

While Jean-Baptiste may indeed have acquitted himself just as proudly at the front as Johnny Canuck, the “statistical formulation of results” was heavily skewed by the fact that all registrars outside the province of Quebec were instructed, on or about August 1, 1918, to temporarily stop calling men “in order that Quebec, which at that time was far behind largely owing to the fact that the Depot Battalions could not absorb sufficiently fast the men whom the registrars had ready, especially as a result of the call of the 20-22 Class, might catch up.” Quebec did not reach “parity with other provinces in its call” until October 3, 1918. Instructions were then issued to resume the call, but the influenza epidemic had “broken out in practically every
district” which caused the General Offices Commanding to ask the registrars “not to call any more men.” Machin noted that “as a matter of fact, outside the province of Quebec comparatively few men were called for duty after August 1, 1918.”\(^{148}\)

The “statistical formulation of results” was also heavily skewed by a “general amnesty” and a “well co-ordinated campaign to clear up the defaulter situation in Quebec.” Acting upon the belief that “a more intelligent understanding of the ideals underlying the Military Service Act” was then “prevalent in even the most refractory parts of the country” an Order in Council issued on August 1, 1918 granted a “general amnesty to all deserters and defaulters” who reported voluntarily on or before August 24, 1918. A total of 5,477 defaulters and deserters, more than half of the 10,004 who were on military strength on November 11, 1918, took advantage of this relatively lenient amnesty. Machin conceded that it had been rumored that “many of these men who surrendered themselves were lame, halt and blind” still he concluded that “there is no question that a very large percentage of them was made available as reinforcements with very little trouble and expense.”\(^{149}\)

This amnesty program, which applied to the entire nation, was just one part of a “well co-ordinated campaign” put into effect during the late summer months by the military police and the registrars “to clear up the defaulter situation in Quebec.” Quebec was divided into districts. A special protecting certificate was drawn up at the Military Service Branch and sent to “every man under the registrar’s jurisdiction, who, though perfectly regular in his status, did not and could not properly possess a regular exemption certificate.” The police then “followed immediately

\(^{148}\) Ibid., 3.
\(^{149}\) Ibid., 24.
into each individual district” and every man was required to “show cause why he was not in possession of proper documents.”

Though Machin’s dismissal of the Easter Riot as the “single exception throughout the Dominion” where hostility “broke forth in open riotous defiance of law and order” and his conclusion that “statistical formulation of results” indicated that the province of Quebec had “done reasonably well in furnishing men under the compulsory draft” can perhaps be justified, it was also true that the most serious “irregularity” in connection with the administration of the Military Service Act also occurred in Quebec. Machin reported that “great credit has accrued” to the efforts of the local exemption boards, however, he noted that some districts, notably in the province of Quebec, granted a “very large percentage of claims.” Desmond Morton notes that many of these decisions “looked political.” For instance every student at Quebec’s Laval University was exempted, and a Montreal tribunal heard 2,595 cases in two days, and exempted 2,021. In contrast, he cites an officer who watched proceedings at a St. Catherine’s, Ontario tribunal who wryly commented “I believe even a dead man would have to show a good reason.” The extraordinary percentage of claims granted in Quebec necessitated “considerable expense and delay” as a “very large proportion” of these decisions were appealed to the appeal tribunals and the Central Appeal Judge. Machin even favored limiting the jurisdiction of local tribunals “purely to questions of dependency, because that is the one thing for which local knowledge is essential.” He argued that this would have shortened the “long drawn out system” with “probably no lack of justice.”

Machin also reported that anonymous complaints had been received as to “irregularities within the Quebec office under the first two deputy registrars.” These complaints were

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150 Ibid., 24.
151 Morton, When Your Number’s Up, 66.
investigated, but “nothing tangible resulted.” However, after Mr. Jules LaRue assumed the office of deputy registrar the existence of false exemption certificates was “finally proven.” Machin praised LaRue for his “tireless assistance” in discovering the plot. Private detectives were assigned to the case, and they discovered “a regular conspiracy” at Montmagny, Quebec to forge exemption certificates and sell them. Machin noted that at the time of his report “four well-known men” had been arrested and committed for trial.\textsuperscript{153}

It is not inconceivable, and in fact it appears likely, that Machin downplayed his criticism of the effort in Quebec in his \textit{Report of the Director of the Military Service Branch}. One possible motive might be that with the war over he saw no advantage in highlighting Quebec’s deficiencies, which were already widely known. A harsh assessment of these efforts would have served no useful purpose, and might even have frustrated efforts at national reconciliation.

Although passive resistance to the draft remained widespread throughout Quebec for the remainder of the war, the riots in Quebec City from April 29 through May 1 were indeed unique. Although there were civilian casualties and significant property damage the military easily regained control, and the legislation passed by the government in the days immediately after the riots ensured that the military would remain in control for the duration of the war. There was in fact a slight, but noticeable, improvement in the relationship between the two Canadian linguistic groups in the closing months of the war. Armstrong writes “the Quebec riots pointed the lesson that the French Canadian nationality could not possibly gain by armed rebellion against constituted authority.” She acknowledges that “passive resistance continued even after the riots of April, 1918” and concedes that “there were still hundreds, if not thousands, of French Canadians hiding from the draft officers.” But she argues that events at Quebec made French Canadian political leaders of all parties realize that unless they made some “gesture of

\textsuperscript{153} Ibid.
submission and indicated a willingness to co-operate in Canada’s war effort, their people would be politically annihilated by the revenge of English-speaking Canada at the end of the war.”  

The government also made a conciliatory effort and an amnesty was passed in August for defaulters in Class 1. This was “openly admitted to be an effort to bring in those French Canadians who were in hiding from the draft.” Armstrong also credits the break-through of the Allied armies at Amiens on August 8, 1918, and the following “Hundred Days” in which the Canadian Corps was constantly in action, suffering 30,000 casualties between the end of August and the armistice, as an important event that served to unite Canadians. Victory, suddenly and unexpectedly, seemed imminent, and the 22nd French Canadians played a prominent role in the fighting. The performance of the 22nd French Canadians provided some tangible proof, to apologists and critics alike, that French Canadians were making real and significant sacrifices in the war.  

Desmond Morton summarizes the conscription debate “like so many Canadian disputes” as a “dialogue of the deaf.” He notes that Bourassa viewed Borden as an imperialist who was “gladly handing over Canadian money and lives at Britain’s command.” Borden likewise despised Bourassa as a narrow provincialist, fanning petty grievances.” Borden viewed Canada’s role as that of an ally, while Bourassa “like many Americans before 1917” insisted that the war “was not Canada’s concern. At best, it was a chance to get rich, but only if men stayed home to produce munitions and food.”  

Borden considered Bourassa view “servile and unworthy.” Morton adds that Borden defied the stereotype of Canadians as a selfish, materialistic people” noting that “behind the dull, colourless personality, burned idealism.” He argues that Bourassa failed to perceive that the

154 Armstrong, The Crisis of Quebec, 243.  
155 The Canadian Gazette Extra, Ottawa, August 2, 1918 cited in Armstrong, The Crisis of Quebec, 244.  
156 Sir Charles Lucas, The Empire at War, (London, Oxford University Press, 1921) II, 244.
“sentiment which he called imperialism was another expression of Canadianism, different from his own, but still nationalism.” He also notes that “Borden and his allies were no less myopic. They failed to realize that Bourassa, too, was a Canadian nationalist. His vision of Canada’s future was one of increasing independence from imperial commitments and responsibilities.” Morton concluded that “these two versions of Canadian nationalism clashed in 1917, and victory went to the British-Canadian nationalists.” He adds that “it was their most resounding triumph. But it was also their last.”

In the postwar years, Borden’s vision of Canadian nationalism came to resemble Bourassa’s. Fueled by pride in the accomplishments of Arthur Currie and the Canadian Corps and a growing self-confidence, Canada moved rapidly toward greater independence and a more equal relationship with Great Britain. Borden himself had demanded a seat for Canada on the Imperial War Cabinet and at the Paris Peace Conference. The Statute of Westminster, which granted Canada and the other Dominions full legal freedom, except in those areas where they chose to remain subordinate followed not long after on December 11, 1931. Long before this, however, Canadians had turned Borden’s Conservatives out and returned the Liberal party, now headed by Mackenzie King, to power. The Conservatives lost more seats than any previous governing party in the federal election of 1921. Even the upstart Progressive Party won more seats in 1921 than the Conservatives.157

World War I was a significant turning point in Canadian history. The emergence of a distinctly Canadian nationalism in the years after the war had much to do with a widely shared pride in the heroics of the Canadian Corps and the growing realization that independence was a viable alternative to continued Dominion status within the British Empire. The Conservative defeat in 1921 represented to some extent a referendum on Borden’s support for conscription but

157 Morton, A Military History of Canada, 154; Brown, Canada 1896-1921, 274.
it also reflected this sense of Canadian nationalism which had been growing for several years prior to the war. The war introduced issues of national importance that had to be addressed quickly and the traditional deference to British leadership became a detriment to implementing policy in a timely manner. Likewise, the war accelerated the evolution of Canada’s political institutions to the point where it was possible, and even desirable, for them to become truly independent of Great British. This growing nationalism was most clearly noticeable in the increasingly independent actions of Borden and Parliament, however, even the Courts, who were extremely conservative and deferential to Parliament showed a greater Canadian identity, separate and independent from that of the Empire.
CHAPTER 5. THE LANDMARK CANADIAN HABEAS CORPUS CASES

The Union Government’s success at the polls on December 17, 1917, which gave it a mandate for the enforcement of conscription, was due largely to the relatively generous criteria for exemptions, especially to farmers, provided by the Military Service Act. The issue of exemptions, however, remained politically tricky even after the election, as the government sought to maximize production of war materials, in particular foodstuffs, while keeping a large force in the field.

On January 6, 1918 the Hon. W. R. Motherwell, Minister of Agriculture for Saskatchewan, wired the Minister of Militia to complain that bona fide farmers and farm laborers were being drafted. He warned that “many farms would go uncultivated unless these conditions were changed.”\(^1\) Sensitive to the fact that the Government wanted to maintain, or even increase, agricultural production, the Militia Department announced on Feb 8, 1918, that “special attention should be given to applications for exemption made on behalf of farmers and farm labourers.” The Militia Department also encouraged Military Officers to grant farmers and farm laborers 30 day leaves of absence whenever possible.\(^2\)

Gradually, however, exemptions of all types became harder to obtain. On March 15, 1918 Central Appeals Justice Lyman P. Duff ruled that the Plymouth Brethren were not entitled to claim religious conscientious objections. Similar claims for exemption by member of the International Bible Students Association were repeatedly denied. Indians were ruled to be exempt, but in April 1918, officers in the Canadian Militia were declared to be eligible for conscription. In May, 1918 naturalized Aliens, who had been disenfranchised under War-time Election Act, were ruled eligible for conscription. By the middle of May members of the legal

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\(^2\) Ibid., 465.
profession, medical, dental, and veterinary students had all lost their automatic exemption status. Still, agriculture continued to enjoy a privileged place. Winnipeg grain buyers were exempted in June “so long as they continued in that profession or as farmers.” Duff would ultimately hear more than 439,000 appeals. The majority of the exemptions granted by Duff went to farmers.3

The German spring offensive in March 1918 created a crisis, and pointed out the inadequacy of the conscription system. The need for additional soldiers was acute. Minister of Militia and Defense Sir Edward Kemp warned that “at current rates of conscription, there might be no men left by July 1.”4 The only significant untapped sources were young men who had previously been considered below the draft age and those who had been previously granted exemptions. On April 15, 1918 Borden submitted a proposal to His Excellency, The Governor in Council, Victor Cavendish, 9th Duke of Devonshire, to cancel previous exemptions. Borden reported that there was

an immediate and urgent need of reinforcements for the Canadian Expeditionary Force, that the necessity for these reinforcements admits of no delay and that it is essential that notwithstanding exemptions heretofore granted a substantial number of men should be withdrawn forthwith from civil life for the purpose of serving in a military capacity.5

The proposal continued that due to “the number of men immediately required and to the urgency of the demand time does not permit of examination by exemption tribunal of the value in civil life, or the position, of the individuals called up for duty.”6 The government called a secret session of Parliament on April 17 to explain why it had to cancel exemptions. Parliament debated the cancellation of exemptions in open session two days later on April 19. Borden then

3 Ibid., 468.
5 Respectfully Submitted by Prime Minster to His Excellency, the Governor in Council, April 15, 1918, RG 24 vol 6566 H.Q. 1064-30-73 vol. 1. National Archives Canada. (hereafter NAC)
introduced a resolution to amend the Military Service Act and authorize the calling out at once of men ages 20-22 inclusive and, if necessary from 19 to 23 yrs of age. Borden did propose that the Minister be allowed to grant a “leave of absence” without pay to any man “by reason of the death, disablement or service of other members of the same family while on active service in any theater of actual war.”

This proposal met stiff opposition from a determined minority in Parliament led by Laurier who objected on the ground that the resolution “involved a wide departure from the enactment of the Military Service Act” and “a still wider departure from the principles of constitutional government, of which at one time we were proud, and which we have always considered a safeguard of the people against the encroachment of the Executive power.” J. Castell Hopkins wrote that Laurier not only criticized the Government for its Orders-in-council and for the alleged failure of the M.S.A. in its Quebec administration, but also “urged the exemption of farmers’ sons.”

After a number of amendments, one of which would have exempted all young men engaged in the “production of foodstuffs on Canadian farms,” were rejected, Parliament passed (P.C. 919) on April 20, 1918 which required all unmarried 19 year old men, as well as those who had turned 20 prior to Oct. 13th, 1917, to register. A second order, (P.C. 962) also issued on April 20, 1918, cancelled exemptions for 20, 21 and 22 year old men. A Proclamation was issued on May 4, which ordered all 19 year old men to report for service, though any married prior to April 20th would be exempted. In order to make enforcement of the new regulations easier another

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7 Ibid.
8 Ibid., The draft contained a statement that was later stricken “which shall came into force as soon as approved by resolution of both Houses of Parliament”
9 Ibid., 460-61.
10 Ibid., 461.
11 The younger men were never actually conscripted, but many of the latter group were. Hopkins, *The Canadian Annual Review, 1917*, 461.
Order-in-Council required that everyone in Class 1 carry upon their person ‘written proof of exemption or non-liability for service.’\(^\text{12}\) Morton notes that “discreet protests won concessions for religious conscientious objectors and soldier’s brothers. Furious farmers, who had saved their sons in 1917 and now lost them, got them back again briefly, but only for seeding and harvest leave. Otherwise, the government was firm.”\(^\text{13}\) Eventually, an Order in Council was issued on May 25, 1918 that provided slightly more generous criteria for limited exemptions, but these could still only be granted in cases of “severe hardship.”\(^\text{14}\)

Very quickly after these exemptions were cancelled men who were affected by the new regulations began to challenge the legality of the Orders in Council. On June 27, 1918 Mr. Justice Arthur Aimé Bruneau of the Supreme Court, Montreal, heard a test case of 15 soldiers who petitioned for release on the ground that the Government had illegally suspended the Habeas Corpus Act.\(^\text{15}\) The court ruled in favor of the petitioners. It declared that the Order-in-Council cancelling exemptions was “ultra vires,” or beyond the powers of the government. This judgment however, was not rendered until July 5, 1918. In the interval another case, which would ultimately have much greater significance, was decided by the Alberta Supreme Court.\(^\text{16}\)

The first legal decision challenging the legality of P.C. 919, on the basis of a habeas corpus appeal, was the case of Norman Earl Lewis, argued by ex-M.P. for Calgary R.B. Bennett, K.C., before the appellate division of the Supreme Court of Alberta. Bennett argued that Lewis was illegally held by the local Military authorities: Colonel George Macdonald, D.O.C., Military District 13, Calgary, Lieut.-Col. P.A. Moore, Commanding the 1st Alberta Depot Battalion, and

\(^{12}\) Ibid., 462.

\(^{13}\) Morton, When Your Number’s Up, 68.


\(^{15}\) Judge Advocate General to Lieut.-Colonel F.W. Hibbard, Assistant Judge-Advocate-General, Military District No.4, Royal Trust Building, Montreal, June 21, 1918; RG 24 vol 6566 H.Q. 1064-30-73 vol. 1. NAC.

Maj. J. M. Carson, who in addition to being the Assistant Judge Advocate General for Military District 13 was also the local Registrar. The court delivered a 4-1 split decision on June 28, 1918. The majority of the court: Justice Beck, C.A. Stuart, W.C. Simmons and J.D. Hyndman, ruled in favor of Lewis. The lone dissenting opinion was that of the Chief Justice Horace Harvey.

Justice Beck delivered the majority decision which found that the government did not have the power, under the War Measures Act, to pass Order-in-Council 919 which was therefore invalid and “all exemptions cancelled by the Order in Council of the same day (PC 962) remained in full force and effect.” Beck declared that it was an astounding proposition that Parliament, after spending many weeks in discussion of the Military Service Act which, perhaps more than any other Bill, had been the subject of antagonism, both within and without Parliament, should leave it open to the Governor-in-Council to revoke this Act in whole, or even in part.17

Mr. Justice Hyndman added that, “men holding exemption certificates granted by lawfully-constituted tribunals are, by statute exempt from service. It is, therefore, a right derived from statute and, in my opinion, can only be taken away by statute.”18 The Court’s order was stayed for two weeks to permit the matter to go to the Supreme Court of Canada.19

The initial response from Colonel George Macdonald, D.O.C. 13, Calgary suggests that he was prepared to comply with the ruling, going so far as to extend the principles of the ruling to any subsequent cases where draftees would contest their status. On Wednesday, July 3rd Macdonald, telegraphed the Militia Council in Ottawa to inform it that there were a “large number of men warned for draft who come under class of cancelled exemptions.” Macdonald noted that in view of court’s ruling in the Lewis case he “presume advisable withdraw these from

17 Ibid.
18 Ibid., 469;
19 A.J.A.G., M.D.13, Calgary, Alta, June 28, 1918, to Judge Advocate General, Militia Headquarters, Ottawa, RG 24 vol 6566 H.Q. 1064-30-73 vol. 1. NAC.
draft until case decided by Supreme Court Canada.” But Macdonald was well aware of the potential consequences of such action and realized that he could not implement this policy without authorization from his superiors in Ottawa. He concluded his telegram with the plea to “Please Advise. Urgent.”20 When Macdonald’s telegram, asking for instructions, arrived in Ottawa, the policy makers within the military and government were already debating their response to the Lewis decision. In contrast to Macdonald, who seemed willing to comply with the court’s decision, they consistently took a hard line against recognizing the Court’s decision.21

The Militia Council, in the course of preparing a response for Macdonald, consulted with Deputy Minister of Justice, R.L. Newcombe. All parties agreed that the legal basis of the decision was “ill-founded.” They also agreed that “the principles of the Lewis judgment should not be acted upon in other cases.” Newcombe conceded, however, that “any men in respect of whom fresh proceedings were commenced and whom the D.O.C. was required to retain by the Court must, of course, be retained.” Newcombe advised the Militia Council that it would be difficult to promptly schedule an appeal before the Supreme Court, because the Court was recessed. He suggested that if an appeal “could not be taken” that the case be dealt with “by regulations under the War Measures Act” At the conclusion of this consultation with Newcombe the Militia Council drafted a telegram for Macdonald advising him that “no attention should be paid to the principle of the judgment in the Lewis case and that men to whom it might apply should be dispatched on drafts notwithstanding, only such as commenced fresh proceedings being retained in the district.”22

Before sending the telegram, the Militia Council felt that the matter should also be referred to the Privy Council. The Acting Minister of Militia and the Judge Advocate General

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20 MacDonald’s Telegram No. 46 was sent late in the evening on the 2nd and arrived in Ottawa early on the 3rd.
22 Ibid.
met and discussed the matter with the Acting Prime Minister the Hon. C.J. Doherty at 1 pm on July 3rd and then presented it before the Privy Council at its 2 pm meeting. All of the members of the Privy Council present at that meeting- Major-General W. G. Gwatkin, Chief of the General Staff; Major General E.C. Ashton, the Adjutant-General, Major General J. Lyons Bigger, the Acting Quartermaster-General; Lieut. Colonel O.M. Bigger, the Judge Advocate General- were members of the military. It is little surprise that they agreed that “the military program should be carried out in all respects as laid down” In fact, their opposition to the Alberta court went even further than the Militia Council’s as they believed “that no attention should be paid to any order of a court and that this decision applied even in the case of Lewis.” This extremist position carried the debate and a circular telegram was consequently dispatched at the conclusion of the Privy Council meeting to all District Officers Commanding which stated that,

> It has been decided not to permit effect to be given to judgment of Alberta Court deciding that order in Council of 20th April P.C. 919 cancelling exemptions has not the force of law. No writ of habeas corpus or other proceeding based upon any lack of force in that Order in Council will be recognized or any return made to it. Mode of dealing with any man named in any such writ will not be altered by reason thereof. He will be placed on draft in same way as if no proceedings taken.

This circular telegram, like much of the communication from the Militia Council to the District Officers Commanding, was confidential and not to be made public, even under court order.23

The decision by the Alberta Supreme Court, and the Government’s refusal to recognize that decision, created an atmosphere of uncertainty surrounding the legality of (PC 919) that was not fully resolved until July 20, 1918, more than three weeks later, when the Supreme Court of Canada ruled in the government’s favor in a related case, that of Private George Edwin Grey, which was expedited in order to provide clarity on the Lewis decision. Until then conscription once again faced an uncertain future in Canada.

23 Ibid.
The Lewis decision, like most matters related to conscription, was divisive along the familiar fault lines of province, ethnic group and occupation. There was a good deal of support for the decision in Alberta, and in rural communities in general, where agriculture played an inordinate role in the economy, and where farmers, and farm laborers, had been the primary beneficiaries of the now cancelled exemptions. On July 1, The Edmonton Bulletin reported that the previous week the Military had “railroded 1,500 men out of Calgary for Overseas, most of whom had held exemption papers such as that held by young Lewis. Their exemption papers had been taken from them and the exemption cancelled.” The Bulletin warned that “of the two or three thousand men still in Calgary the larger number held exemptions. …. These men many be shipped Overseas in defiance of the law as laid down by the Alberta Supreme Court while the Lewis case is under appeal.”

Supporters of conscription, of course saw it differently. The Ottawa Journal was particularly critical of the ruling. On July 4, 1918, the Journal argued that even “the ordinary layman not versed in the law” would recognize that the decision seemed “to ignore two very vital factors,” namely that the Governor-in-Council acted under the authority of the War Measures Act, which “specifically vested almost unlimited powers with the Cabinet to deal with just such emergent conditions as those the Orders-in-Council in question was designed to meet” and that a clause of the Military Service Act provided that nothing in the Act itself “should interfere with or detract from the powers vested in the Governor-in-Council under the War Measures Act.”

These two points were ones that the government articulated repeatedly both before and after the Lewis decision.

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24 *Edmonton Bulletin*, July 1, 1918.
The Department of Militia and Defense articulated their arguments quite clearly in an undated Draft of a Possible Memorandum for Publication by the Acting Prime Minister. In their view the Supreme Court of Alberta “has, it appears, acted upon the view that respect and obedience to the orders of the Courts, no matter of how doubtful validity and based on no matter how completely technical grounds, is of paramount importance even in face of the exigencies of the war situation.” The memorandum noted that the War Measures Act was passed almost four years ago, and “a large body of legislation has come into force” under it. It argued that this legislation “has been uniformly supported by the Courts.” The memorandum then stressed that the cancellation of exemptions was unique. It conceded that any other Order in Council could have been suspended “until a decision had been obtained from the Supreme Court of Canada or Parliament had been called together” but the Order in Council cancelling exemptions was “wholly different.” It argued that P.C. 919, which had only been in force for three months before being struck down by the Lewis decision, was already having the desired effect: 70,000 exemptions had been cancelled and 60,000 men had been ordered to report for duty with 15,000 of them already sent overseas to reinforce the Canadian contingent. The memorandum pointed out that those men “taken into service and dispatched overseas will be available for front line duty, if they are required, during the summer and fall” and warned that “practically all the men available for reinforcements are within the principle of the judgment of the Alberta Court.”

The memorandum argued that there were only two alternatives, “either the war program had to be carried out or it had to be abandoned.” A delay of “even three or four weeks … would make the whole difference between the men being and not being available for duty in the present crisis of the war.” The Government acted “with the full realization of the consequences

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26 Draft of a Possible Memorandum for Publication by the Acting Prime Minister, RG 24 vol 6566 H.Q. 1064-30-73 vol. 1. NAC.
involved” and it “believed, and still believes, that the people of Canada desire to throw their whole weight into the war at the present crisis.” The decision of the Alberta Court was “based on a purely technical ground” and the provisions in question had “been approved by Parliament, although not in the form of a statute.” It also argued that “the war effort of Canada should not be suspended while lawyers debated such a question.” It contended that “even if the opinion expressed by them [the court] were approved, it would only be necessary to call Parliament together, as no one can anticipate that Parliament would reverse the conclusion to which it arrived by a very large majority on April 9.” The memorandum concluded by emphasizing the seriousness of the present military situation, by including an extensive quote from a recent statement made by Lieut.-General Currie, commander of the C.E.F., published in the June 20th issue of the *Canadian Gazette*.

The situation is a serious one, and it is better for all people to know the fact. Germany has struck four mighty blows with success on each occasion... The Boche has not attacked the Canadian front. ... The turn of the Canadian corps must come.... I know that the Boche will not take any part of our line except over the dead bodies of your Canadian fellow citizens.... And so we stand in a great cause, on the eve of great events.

Currie concluded with the plea that “we have to preserve the British Empire. It would be a terrible calamity if anything should happen that would make the peoples of the British Empire hesitate at such a juncture. The British Empire must be saved.”

The 30 days that passed between the Lewis and the Grey rulings were exceedingly frustrating to the Government, the Military, and those Canadians who wanted to see the British Empire saved and the war prosecuted fully, without any interference. On July 13, more than two

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27 Ibid.
weeks after the Lewis decision, the *Ottawa Journal-Press*, expressing its frustration with the court and its apparent intransigence by declaring that the Alberta Judges “ought to be in gaol.”

Canadians gave up many of their civil liberties during the war with surprisingly little protest. The War Measures Act of 1914 gave extraordinary power to the executive and legislative branches and the Supreme Court was largely deferential. Those Canadians who attempted to defend their rights in the courts, generally met with disappointment. The Lewis decision was therefore a surprising deviation from the norm. With the Government refusing to make concessions, a flood of Habeas Corpus petitions were filed in Canadian courts in the weeks after the Lewis Decision.

Many in the legal profession, whether they agreed with the ruling or not, understood the political implications of the Lewis ruling and realized that it would almost certainly eventually be overturned. While there was no shortage of clients who wished to challenge the cancellation of their exemptions, there seems to have been a genuine and relatively wide spread reluctance on the part of barristers to challenge the government in court if those challenges were not likely to be sustained.

J.J. O’Connor, Esq., Calgary wrote to the Minister of Militia, on July 2, 1918 asking if the Minister “would you be kind enough to advise me the course the Government intends taking with regard to the 21 and 22 year class men who were called up for military service by order in council P.C. 919” O’Connor stated that he had “a number of clients who are asking me to make similar application for their release.” He concluded by noting that he would “deem it a favour

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and I believe it would be in the interests of justice to first find out the attitude your Department is taking in this matter.”

Similarly, J.T. Huggard, Barrister, Winnipeg who represented six men all 22 yrs old, “in various Barracks here” also wrote the Minister of Militia on July 2, 1918. Huggard noted that he had been “acting for some time for them” and was preparing to file writs of habeas corpus on their behalf however he preferred “to wait further disposition of supreme court Lewis case.” He asked if the Minister of Militia would “instruct these parties to be held pending said disposition.” He explained that he did not want to “embarrass the government” and would “prefer not to move publicly in court.” But he asked if it would “be possible to have matters arranged and parties not removed from jurisdiction until Lewis case finally disposed of.”

The government was not willing to agree to any such proposal, and was insistent upon pushing forward its conscription policies, including the enforcement of P.C. 919. On July 10, 1918, the Deputy Minister replied to O’Connor stating that “it is not proposed to retain in Canada any men whose exemptions were cancelled by Order in Council P.C. 919, but on the contrary these men will be dealt with in all respects in the same way as they would otherwise have been.” The Deputy Minister then disputed the ruling of the Alberta Court that had granted the writs of Habeas Corpus “based upon the technical ground that that Order in Council has not the force of law.” The Minister added pointedly that “no advantage will, consequently, accrue to your clients by the commencement of habeas corpus, the right to habeas corpus having, indeed,

29 J.J. O’Connor, L.L. B. Barrister, Solicitor, Notary Calgary, Alberta to Minister of Militia, Ottawa, Ontario July 2, 1918 RG 24 vol 6566 H.Q. 1064-30-73 vol. 1. NAC.
30 J.T. Huggard, Barrister, Winnipeg, Man. to Minister of Militia, Ottawa, Ont. July 2, 1918; RG 24 vol 6566 H.Q. 1064-30-73 vol. 1. NAC. The men Huggard represented were: Nazare Dionne Mathurin, Gouffie Horace McDougal, August Caron, Achille Plamondon, Joseph Plamondon, Joseph Ramsey and Ovide Landry. Huggard noted that Nazare Dionne was an expert tractor operator trained in Minneapolis and that there were two tractors and double implements all complete on a farm of 700 acres, 350 of which were planted in wheat. The farm also included 90 head cattle. There were only an “aged father and boy on farm. No hired man”. He added that “other cases somewhat similar.”
been taken away by Order in Council of the 20th April, P.C. 1013.” Despite their initial reluctance both Huggard and O’Connor eventually filed writs.

Much of the frustration on the part of the Ottawa Journal-Press and others who had similar views on conscription was that even after the Militia Council and the Privy Council had clearly indicated that they had no intention of abiding by the ruling of the court, the Alberta Court showed no inclination of backing down. Quite the contrary, in the ensuing crisis it became apparent that the court intended to have its ruling enforced. The Militia Council was kept informed of the latest developments in Alberta by a steady stream of telegraphs, primarily from Carson, who along with Macdonald and Moore had been cited in the Lewis Decision.

On July 4, 1918 Carson reported that the Appellate Division of the Supreme Court of Alberta had ordered that Lewis be kept in Alberta “until disposition of his case by courts.” Carson added that other habeas corpus cases had commenced in which similar orders might be made. Realizing the direct contradiction between the Court Order and the instructions contained in the circular telegram, he asked the Militia Council in a very direct manner: “Shall I obey Court orders or send men on draft?” Carson concluded this telegram with the plea that the Council “Consider my liability contempt Court. Reply urgent.” This and subsequent telegrams suggest that at the very least, Carson, like Macdonald did not relish the idea of defying the court order.

The Militia Council’s reply arrived that evening, July 4, via a confidential night-letter. Carson was assured that “you will be under no liability for contempt of Court.” It pointed out that the Adjutant-General’s orders “are addressed to District Officer Commanding who will take

32 O’Connor launched a case of habeas corpus proceedings in Court Kings Bench, on July 17, 1918 “based upon the technical ground that the Order in Council has not the force of law” Major-General, Deputy Minister, Ottawa to J.J. O’Connor, Esq., LL. B., Barrister, Solicitor, Etc., Calgary, Alta. July 10, 1918. RG 24 vol 6566 H.Q. 1064-30-73 vol. 1. NAC.
33 “Report” July 15, 1918, RG 24 vol 6566 H.Q. 1064-30-73 vol. 1. NAC.
the responsibility of acting upon them and who will resist if necessary any interference with himself or his subordinates in their execution.” It restated the government’s decision “not to allow courts to interfere with dispatch of reinforcements overseas in present emergency” and promised that the government “will assume responsibility for acts of officers and will no doubt if necessary pass a sufficient act of indemnity.”

It is clear, from the conclusion of their instructions, that the Militia Council in Ottawa seriously underestimated the resolve of the Alberta Court. The Militia Council predicted, with a misplaced bit of hubris, that due to the “overwhelming reasons compelling Government to adopt this course” the Court “will not desire to enter into a contest and will refrain from pushing matters to extremes.” The reply concluded with the hopeful, and given the overall tenor of their instructions, ironically vague, suggestion that “perhaps you could assist in having this attitude adopted.”

The Privy Council revisited the habeas corpus issue the next day. The result of this deliberation was Order in Council P.C. 1697 which clearly indicated that the government had no intention of recognizing the legitimacy of the Lewis decision, or any other habeas corpus ruling that had been, or might be, issued by any other Canadian court. Order in Council 1697 referenced both the Lewis judgment and a report of the Acting Minister of Militia. It stressed that the military conditions made it “imperatively necessary that the principle of the judgment should not be permitted to have effect” and argued that “if the exigencies of the military situation were to be met” Order in Council 919 of 20th April could not be suspended pending appeals. P.C. 1697 ordered and directed that

men whose exemptions were cancelled pursuant to the provisions of the Orders in Council of the 20th April, 1918, …. be dealt with in all respects as provided by the

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34 Ibid.
35 Ibid.
said Orders in Council, notwithstanding the said judgment and notwithstanding any judgment or any Order that may be made by any Court, and that instructions be sent accordingly to the General and other officers commanding Military Districts in Canada.

These instructions were immediately sent by circular letter to all District Officers Commanding.36

The Alberta Court was equally determined to see the Lewis decision enforced. That same day, July 5, Colonel Macdonald was served with orders from the Hon Justice Stuart “that eight draftees named in order shall not be sent out district by military authorities.” These eight draftees, like Lewis, and any other draftee who protested the cancellation of his exemptions, had been assigned to the 1st Alberta Depot Battalion commanded by Moore. Moore had been named in the Lewis case, but through some oversight was not named in the Court order of July 5. Unless Macdonald countermanded the order contained in the circular letter implementing P.C. 1697 it was likely that some or all of the draftees named in the court order of July 5 would be sent out of Military District 13 on the next contingent which was scheduled to leave that afternoon.37

These conflicting orders placed Macdonald in an impossible situation. He must have concluded that a sin of omission, in refusing to enforce the Court order, was more acceptable than a sin of commission, the violation of the orders from his superior officers contained in the circular letter, as he took no steps to instruct Moore to prevent the eight draftees from being sent out of the district. Neither did he make any special effort to hurry their departure. He informed the Adjutant General in Ottawa that “in view of your telegraphic instructions” he was “taking no steps to ascertain whether the men named in order were on the draft that was to leave Calgary at

36 Ibid.
37 Ibid.
4 that afternoon." In essence MacDonald was forcing responsibility further down the chain of command to Moore who while not named in the court order of that morning was certainly aware of it. MacDonald had apparently settled upon a policy of willful ignorance that might, at least temporarily, give him some degree of plausible deniability should he be summoned before the court, an action which he believed was imminent. This strategy, which could not work in the long or even medium term, nevertheless provided the briefest of respites.

On the evening of the 9th, MacDonald informed Ottawa that the court had ordered Moore, to appear the following morning and to “produce in court” the “various draftees mentioned in former court orders.” The court also ordered that the “draftees not be removed from district pending proceedings.” Chester Norton was the lead draftee mentioned in this order. MacDonald was relieved that this order was directed only at Moore, and that he had not yet been served with such an order. He added that he was inclined to have Moore appear in court alone, without himself or Carson, and “merely state he is acting in all matters under my instructions.” If the court would then order MacDonald himself to appear, he would explain that he was acting on instructions from Ottawa. MacDonald indicated that he did not plan on divulging to the court the contents of any of the confidential telegram, instructing him to ignore the court’s decisions. He concluded by asking Ottawa to “kindly rush any instructions or advice including clear statements as to divulging whole or part of confidential wires.”

That evening, after MacDonald’s telegram arrived in Ottawa, a conference took place between Gwatkin, Biggar, and Brig-General R. J. Gwynne, the Acting Adjutant-General. They

40 “Report” July 15, 1918 RG 24 vol 6566 H.Q. 1064-30-73 vol. 1. NAC.
quickly drafted a reply to MacDonald informing him that neither he nor Moore should appear in court. Instead they instructed Carson to appear and,

respectfully direct the court’s attention to order in Council date, 30\textsuperscript{th} April, 1918, P.C. 1013, para 5 and also to Order in Council 5\textsuperscript{th} July, P.C. 1697, and have him explain to Court that having regard to terms of Orders in Council referred to no interference with training and disposition of men whose exemptions are cancelled is permissible and that with utmost respect O.C. Depot Battalion and D.O.C. must abide by the Orders they have received and are obliged to refuse to obey direction of court.\textsuperscript{41}

The Militia Council retroactively approved these instructions the next morning.

Carson’s appearance before the court in Edmonton received a great deal of attention in the press. The front page of The \textit{Calgary Daily Herald} carried the headline “Crisis in Habeas Corpus Cases: Military Officers Warned They May Be in Contempt.” Norton was represented in court by J.E. Varley. Leo. H. Miller represented the other draftees who’s “cases will be disposed of at the same time and in the same manner as that of Norton’s.” The \textit{Daily Herald} noted that, “Col. Moore was not in court this morning, neither was Norton.”\textsuperscript{42}

Carson contended that habeas corpus proceedings were invalid and “made it very clear” that the military authorities “consider the present habeas corpus agitation anything but patriotic and very distressing to the morale of the entire army.” The court was unimpressed by this argument. Even Chief Justice Harvey, the one member of the court who had ruled in favor of the government in the original Lewis decision, was particularly critical of this argument. Harvey’s statement, that he did not have “the least hesitancy in saying that the order-in-council is not applicable in this case, and I almost have a doubt as to whether the parliament of Canada could abolish habeas corpus proceedings with a statute” demonstrated his frustration with the Government and the military, who in the two weeks since the Lewis decision had done nothing

\textsuperscript{41} Major-General, Deputy Minister, Ottawa to J.J. O’Connor, Esq., LL. B., Barrister, Solicitor, Etc., Calgary, Alta. July 10, 1918. RG 24 RG 24 vol 6566 H.Q. 1064-30-73 vol. 1. NAC.

\textsuperscript{42} “Crisis in Habeas Corpus Cases”, \textit{The Calgary Daily Herald}, July 10, 1918.
to recognize the authority of the court and had instead clearly indicated that they had no intention of compromising. Harvey’s frustration with the government and its blatant disregard for the authority of the court only grew as the hearing continued.

Major Carson revealed that Colonel Moore had instructions from the adjutant-general in Ottawa to disregard entirely any court orders pending the hearing of the appeal in the case of Norman Earl Lewis. He cited the order-in-council of July 5, which instructed all officers commanding military districts in Canada to carry out the terms of the order of April 20, cancelling the exemptions of 20-22 year old men “notwithstanding any order that may be made by any court.” Harvey objected that this seemed to be “a more expeditious way than to appeal to the supreme court of Canada.” Carson repeated that “the need of the men is very great” and added that “these judgments and their possible reversal by the Supreme Court of Canada are a serious matter.” Harvey admonished that “there was only one case before us” and he added that “judgment in it was suspended for two weeks.” He observed that those two weeks had passed, still the judgment was “not now in operation and nothing has been done.”

Carson replied that “quite a number of lawyers have been advising men to disobey orders to report to duty” Harvey stated that he believed “most of the lawyers act within legal measures.” Carson disputed this, stating that “one lawyer in the last hour …. has advised one person to throw off his uniform as it belongs to His Majesty.” Carson added that “there is a serious condition since his lordship’s order, and there is not preservation of order among the troops. Solicitors are advising the men – one lawyer I know of and other I believe- forcibly to resist entraining.” Harvey remained unmoved by this argument and replied “that is very bad advice, and I doubt if any responsible solicitor is giving that advice.” Carson shot back that “one very

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43 Ibid.
44 Ibid.
responsible one told me at 9:30, and the Provost Marshal said yesterday, that lawyers were
telling men they couldn’t be classified as deserters in this connection.” Harvey informed Carson
that “the men are there, and the proper procedure is through court.” Harvey did acknowledge the
seriousness of the impasse and warned Carson that “if the military authorities here disrespect the
courts I would not be surprised if there would be a rebellion here.” Carson did not try to dispute
this. He repeated his contention that “the men are being incited daily by lawyers and other men,”
but he shifted blame to the Court arguing that “this conditions is entirely due [to] the judgment of
the court.” Carson added that

if your lordships were wrong and judgment is reversed there would be rather bad
results, and no steps have been taken by the court to preserve in any way these
things, as the court held that the man was illegally in the service, and thousands of
men will be helter skelter throughout Canada, jeopardizing everything while
wearing the uniform.

The Court eventually recessed, and Chief Justice Harvey ordered that Colonel Moore must
appear at 2 o’clock that afternoon “and produce the bodies asked for by the order of court or
abide by the consequences of contempt.”

When the Court reconvened at 2 pm, it did so without Moore or any of the named
draftees. The Calgary Daily Herald reported that “the court room was packed to almost
suffocation Wednesday afternoon to hear the second step in the effort to bring Col. Phil Moore
before the court, but the colonel did not appear.” Once again Carson was the sole representative
of the government. The afternoon was just as contentious as the morning.

Harvey asked Carson if the commanding officer “was instructed to disobey the order of
this court?” Carson answered, “that is practically the fact.” Justice Beck asked whether the
Military Service Act was for the elimination of habeas corpus. Carson replied, “no, for the

45 Ibid.
46 “Col. Moore Refuses to Appear and Attachment Writ is Issued for Him” Calgary Daily Herald, July 11, 1918.
enforcement of it.” Justice Beck replied, “I see; in order the better to enforce the act they are taking men who do not come under the act.” Harvey then stated “then the government is proceeding illegally, but we are powerless to stop it.” Carson replied “yes, for the time being.”

Carson then suggested a way out of the crisis “your lordships could make a declaratory statement of the facts, but not put into effect steps to carry it out.” He added that,

It is far from the intention or desire of any of the officers to disregard the court’s desires, but they are officers of the expeditionary forces and are placed in an awkward position for they are ordered to do one thing by the court and another by the highest military authority in Canada. Both men have been at the front and both are good citizens. The facts are they are simply officers obeying specific orders of specific officers.

J.E. Varley, representing Norton, objected to this statement and reminded the court that “one branch of the Dominion government is willfully disobeying the laws of the land.” Varley noted that “unfortunately they have obeyed the officers and not the court.” He asked “why not disobey the other end and send their regrets and appear in court? We are not under military law here.”

Carson strenuously objected to the use of the word “willful” in connection with Moore’s refusal to appear before the court. He argued that an officer was not “willful” when obeying a superior officer. Chief Justice Harvey seemed somewhat sympathetic to Moore’s predicament. He asked Carson “wouldn’t he be court-martialed if he disobeyed a superior officer as he has disobeyed the court?” Carson argued that “one would hardly think that Col. Moore, after years in the C.E.F. would willfully disobey the court’s orders.” He added that “I am inclined to think his military punishment would be greater.” Chief Justice Harvey seemed to take offense at that assumption, and replied “you can’t be too sure of that.”

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47 Ibid.
48 Ibid.
49 Ibid.
The Court’s position had become as uncompromising as that of the government. Harvey noted that “the question is whether the rights of the country exist or do not- whether the courts have any power or it is gone.” Later he noted that “it is unimportant whether our decisions are upheld by the Supreme Court of Canada, but our decisions are the law of the province until reversed, and the men could be held here and then cared for by the military authorities in case of a reversal.” Carson objected to this proposal by suggesting that, “the men are getting out.” Harvey replied “they can’t leave Canada.” Carson argued “they get out through friends who help them cross the border.”

J.E. Varley, then asked Carson directly “where is Norton – is he still here in the province?” Carson replied that he did not know. Varley asked “have there been any orders issued to take him out of the country?” Carson again stated that he did not know. Varley then addressed the court and argued that Justice Brunneau, at Montreal, had dealt with a similar case and it was beyond the power of anyone to prevent habeas corpus proceedings unless authorized by statute. Varley argued that “this order-in-council is no more binding than the other order-in-council and nothing short of a statute could take away the right of habeas corpus.” Carson replied that “nothing short of an ancient writ could bring Col. Moore here.” To which Harvey shot back “I dare say the sheriff could.”

Carson found the idea of an open arrest of Moore “very distasteful” and he pleaded with the court to refrain from such action. The Chief Justice suggested that “Col. Moore cannot be dealt with until he is before the court and evidently nothing short of a writ of attachment will bring him here.” Carson insisted that “Ultra Vires [beyond power] is more or less in the air.” He added that even if the sheriff were able to compel Moore to produce Norton in court, a possibility

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50 Ibid.
51 “Crisis in Habeas Corpus Cases,” The Calgary Daily Herald - July 10, 1918.
that he considered very remote, he questioned “whether it would be lawful to bring the body of anybody into court.”

Varley complained bitterly that Moore was circumventing the court by giving statements to the press “that were calculated to throttle the channels of justice.” He then insisted that the Court compel Col. Moore to appear, in person, and moved that a writ of attachment be issued for him. A writ of attachment was issued by the appellate court for Moore shortly after three o’clock, and Sheriff Fred Graham and Detective Waugh were “dispatched in a motor car to bring the officer before the court.”

The *Calgary Daily Herald* reported that the sheriff “quietly left by the rear way while a large crowd thronged the upper corridor of the courthouse awaiting developments.” However, the crowd was disappointed as the sheriff did not return that afternoon, and the justices left shortly before six o’clock, after declaring Moore would have to be held until morning if he was found. Macdonald reported to the Adjutant General that the sheriff “was in search of Officer Commanding Depot under order attachment” but as of 9 pm, the sheriff had not located Moore. Macdonald noted that he had “provided guard” and would “act with discretion and moderation.” He concluded by reporting that the situation was “destroying discipline and exciting draftees.”

Macdonald also sent a telegram to the Privy Council. He reported that Carson had appeared before the Court alone, and “complied with your telegraphic instructions and submitted contention and orders in council to Chief Justice.” He noted that Carson reported his “impression that Court will disregard both orders Council referred to in your telegram.” He added that the Court appeared determined to “carry out their judgment as against your telegraphic instructions

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52 “Col. Moore Refuses to Appear and Attachment Writ is Issued for Him,” *Calgary Daily Herald*, July 11, 1918.
53 Ibid.
54 Ibid.
55 O. C. Thirteen, Calgary, Alta to Adjutant General, Militia Headquarters, Ottawa, Ont. July 10, 1918.
to me and mine to officer commanding depot.” Macdonald emphasized that he could not “too strongly impress probability commitment officer commanding depot and possibly myself.” He asked for more explicit instructions. Specifically Macdonald asked the Militia Council to,

wire particularly rush whether myself and officer commanding Depot shall resist arrest and if so in what manner and to what extend and further to what extent any forcible mean directed by court shall be resisted by me.\textsuperscript{56}

Macdonald clearly intended to portray a sense of imminent danger in this message to the Militia Council. Throughout the entire crisis he had consistently sought some sort of concession with the court which the political and military leaders in Ottawa had refused to grant. Now, after the pointed exchange in court earlier that day, he wanted to convey to them the likelihood of imminent violence if they continued to be adamant against some sort of concessions. It appears that he also wanted to shift responsibility in the event of any such violence to them.

MacDonald’s urgent appeal led to a hasty conference between Gwatkin, Gwynne, Biggar and Major-General Sir Eugene Fiset, the Deputy Minister of Militia and Defense. They prepared instructions for Macdonald, that he should “if necessary, but with the least use or display of force, resist arrest and other forcible measures.” These instructions were read to Newcombe by telephone. Newcombe approved, but suggested the addition of the phrase “the matter will be further considered by Government.” Fiset then communicated the text of the telegram and reply, with Newcombe’s addition, to the Acting Prime Minister, the Hon. C.J. Doherty. Doherty approved but suggested the additional instructions to “wire present situation without delay.” These instructions were sent to Macdonald, Wednesday evening.\textsuperscript{57}

\textsuperscript{56} “Report” July 15, 1918 RG 24 vol 6566 H.Q. 1064-30-73 vol. 1. NAC.

\textsuperscript{57} Shortly after 8, the Judge Advocate General, not realizing that the telegram had already been sent, reached Mr. Burrell by telephone, Mr. Burrell also approved with the text of the telegram. Mr. Burrell was the Minister of Agriculture from October 16, 1911 until October 12, 1917 when he became the Secretary of State a position he held until December 30, 1919, he was also concurrently the Minister of Mines, in addition to being Acting Minister of Militia and Defence. “Report” July 15, 1918 RG 24 vol 6566 H.Q. 1064-30-73 vol. 1. NAC.
The next day, Thursday July 11, Newcombe and Bigger raised the issue in the Privy Council which resolved “to make a further statement to the Court.” Newcombe, wired his agent in Calgary, James Muir, and instructed him to “attend immediately …. on behalf of the Minister of Justice.”

Macdonald had informed the Militia Council that he had become aware of a “midnight rumour” that the provincial police were planning to “forcible arrest” Moore. Macdonald “ordered additional strength to guard with mounted vedettes surround barrack.” He had also placed “necessary arms and ammunition” in the Quarter Masters stores “if issue required.” If Macdonald had any lingering concerns about violating the directives of the court, this telegram clearly indicated that he was prepared to resist civilian interference with military affairs on the military post.

These rumors were confirmed the following morning, when Sheriff Graham and two police called on Macdonald “to ascertain probability peaceful arrest officer commanding depot and whether arrest would be resisted.” Macdonald informed the sheriff that that any effort to arrest Moore indeed would be resisted. After meeting with the Sheriff, Macdonald proceeded to the barracks and “learned they had been there prior to their visit to me, but were not permitted see officer commanding depot.” The situation was quite tense. Had the sheriff and the two police officers encountered Moore that morning, they certainly would have attempted to take him into custody, and they certainly would have been prevented from doing so. Macdonald immediately recognized the seriousness of the situation, and went to great lengths not to let it spiral out of control. He reported that he had “not yet armed guards nor has there been any necessity for such.”

J. Castell Hopkins describes these events as “a tense period… in which it appeared that

58 Ibid.
59 Ibid.
the Provincial Court and the Military authorities might have a direct clash.” He elaborated that “the local barracks became a scene of great activity with armed guards and machine guns in evidence and press declarations that any effort at arrested would be resisted” Hopkins added that Chief Justice Harvey declared that “the Sheriff has been met with armed military resistance in his effort to execute the writ”⁶⁰

Later that morning, in Calgary, Chief Justice Harvey telephoned Carson and requested that he appear before the Court that afternoon. Carson did appear, as did James Muir, who took the lead in arguing the government’s position. Muir stated that the Government “was constrained to give effect” to the provisions of the Order in Council of April, 20, 1918. Muir stressed the “imperative requirements of the military situation” and argued that “the ordinary statutory processes had proved inadequate” for the purpose of making good the reinforcements required for the Canadian Expeditionary Force which necessitated “special means of selection.” Muir added that “the conditions continue, and the demand for fresh reinforcements for our troops at the front is still insistent.” He argued that

The powers of legislation enacted by the War Measures Act are conferred in terms as broad as those which describe the powers of Parliament under the British North America Act, and these extraordinary legislative powers of the executive, of a nature altogether exceptional, were sanctioned by Parliament for no other reason than to enable the Government to provide for the public security against any crisis or emergency which the war might produce.⁶¹

Muir assured the court that the Government and its advisers has “considered carefully” the decision of the Supreme Court of Alberta and the Government “is advised, with the utmost respect and deference to the court, that the learned judges who held against the validity of these measures have failed to interpret the intention of Parliament, and have in consequence denied a power which is essential to the national safety.” Muir added that accordingly the Government

⁶¹ “Report” July 15, 1918 RG 24 vol 6566 H.Q. 1064-30-73 vol. 1. NAC.
was taking steps to have the questions “reviewed and determined by the Supreme Court of Canada as matter of special urgency at the earliest possible moment.” He argued that in the meantime that it was not “compatibly with the public safety” for the administration of the regulations to be suspended as “delay may involve disaster.” He “humbly suggested” that the court consider the “gravity of the present circumstances” and stay all further judicial proceedings pending the “hearing and determination by the Supreme Court of Canada of the questions upon which they depend.”

In an effort to convince the court to suspend judicial proceedings, Muir stated that it was “confidently anticipated” that such a delay would not exceed a period of about two weeks. He “respectfully submitted that any disadvantage which may ensue, either in respect to the court or to the individual” was “vastly outweighed by the irretrievable consequences which threaten the commonwealth if in this time of crisis necessary military operations be impeded for the execution of an order which within so short a time may not impossibly be reversed for error.” After Muir had finished the court adjourned until the next morning, Friday the 12th, without delivering any judgment or opinion.

Although the habeas corpus crisis was most acute in Calgary, by mid July similar cases had been filed all across Canada. The repercussions of the Lewis decision were most evident in Quebec. The Calgary Daily Herald reported that Percy Ryan had secured writs of habeas corpus for four men detained in Montreal, and that these writs had been served on Lieut-Col. Piche, the officer commanding the military district, and Lieut.-Col. Gingras, officer commanding the French-Canadian battalion. Failure to produce the men by Friday, July 12th meant that “the ruling of contempt of court will be moved, and if granted, will be followed by the arrest of officers

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62 Ibid.
63 Ibid.
found in charge of the men.” The *Calgary Daily Herald* noted that Ryan’s action followed a decision of Justice Bruneau that the Military Service Act did not supersede the Habeas Corpus Act.  

In a separate case, Asst. Adjutant-General at Quebec, Acland, reported to the Deputy Minister of Justice on July 11, 1918 that nine writs of Habeas Corpus had been served on General Landry. Ackland noted that the proceedings were being handled by the officers of the District staff “pending action by your agents.” He asked for guidance, and concluded that “I should be glad to know whether you will instruct your agents or whether you desire that any special instructions should be sent to the District Officers Commanding.”

On July 13th, F.W. Hibbard wrote to the Judge Advocate General that “a writ of Habeas Corpus based upon grounds covered by the Alberta case has been issued at St. Johns, P.Q.” Hibbard strongly urged that “in this and similar cases R.O. 526 should not be insisted upon” and suggested that the person be “produced in Court.” Hibbard added that “under these circumstances, in view of what appears in the public press concerning the case to be brought before the Supreme Court, I do not think there would be any difficulty in securing postponements until the decision of the Supreme Court has been rendered.” Hibbard stressed that if this policy was followed he anticipated that “anything like an unfortunate conflict with the Civil Courts will be avoided” but he added that “if the latter insists upon proceeding then issue might be taken.”

Earlier that morning, the Deputy Minister of Justice and the Judge Advocate-General attended another meeting of the Privy Council. The result was a telegram sent to Muir instructing

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65 Major-General, Deputy Minister, Ottawa to the Deputy Minister of Justice, Ottawa, Ont. July 11, 1918. RG 24 vol. 6566 H.Q. 1064-30-73 vol. 1. NAC.  
66 F.W. Hibbard, Hibbard Gosselin and Moyse, Advocates, Montreal to Judge Advocate General, Department of Militia and Defence, Ottawa, July 13, 1918, RG 24 vol. 6566 H.Q. 1064-30-73 vol. 1. NAC.
him to remind the Court that the need for men at the front was vital, and that any cessation of military movement could be disastrous. He was also instructed to state that the Government was “most anxious” that there should be no conflict between authorities, but “if it occurs by reason of refusal to act on suggestion of suspension, responsibility must rest upon Court.” The Adjutant-General also informed Macdonald that the “Necessary minimum of resistance required to prevent arrest of Colonel Moore will be used and all proper precautions taken.” The Privy Council recommended against a “display of force unless this appears to be necessary to induce Court and public to understand that Government have definitely decided that orders of Court will not be permitted to interfere with military program.”

Muir presented the contents of the two telegrams from the Justice Department to the appellate court on the 12th, but the court “remained firm” and delivered a lengthy written judgment requiring the sheriff to proceed tomorrow, [Saturday the 13th] “to obtain bodies [of] draftees.” The judgment pointed out “the sheriff’s duty in obtaining assistance of police and all able bodied citizens of Province.” Although it was clear that the court had no intention of backing down, the written judgment did contain one very significant concession. The Court agreed that “all proceedings would stand stayed upon my [MacDonald] giving undertaking not to remove from Calgary judicial district any draftee who has already applied for habeas corpus and is still in Alberta without giving sheriff twenty four hours notice of such removal.”

Macdonald recognized immediately that this was the first real movement, by either the court or the government, toward a potentially positive solution to a very volatile problem. He met that evening at City Hall with the Chief Justice and sheriff and gave the undertaking that the Court requested. He informed Ottawa of this the next morning. Macdonald’s telegram on the

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68 “Report” July 15, 1918 RG 24 vol 6566 H.Q. 1064-30-73 vol. 1. NAC.
69 Ibid.
morning of the 13th was candid and unambiguous, and was clearly intended to impress upon Ottawa the seriousness of the situation. Macdonald informed Ottawa that “citizens generally were worked up to high excitement and bloodshed appeared inevitable.” He wrote that as “matter now stands that sheriff is ordered to make no attempt to obtain bodies of draftees or of officer commanding deport during existence my undertaking.” Macdonald was obviously not certain that Ottawa would approve of his initiative in giving his undertaking. In order to increase the chances he suggested that if they deemed it advisable he would send Carson to Ottawa “to explain all matters.”

In Ottawa, the Acting Prime Minister, the Minister of Soldiers’ Re-Establishment, the Acting Minister of Militia, and the Judge-Advocate-General considered this latest development. They sent a telegram to Macdonald informing him that they had decided to abide by his undertaking to give twenty-four hours notice of intention to remove the men and they reassured him that he would indeed be “given an opportunity to carry it out.” Having accepted his solution, they concluded by stating that “attendance of A.J.A.G. at Ottawa is not necessary.”

The *Calgary Daily Herald* trumpeted the compromise in a front page headline “Ottawa to Respect Undertaking Given by Col. MacDonald” on July 13, 1918. In the article Macdonald explained that “he acted entirely on his own initiative at the meeting at the city hall last night in giving the undertaking.” Macdonald went to great lengths to argue that in “giving effect to this he was not disobeying any order from Ottawa which previously was communicated by Major Carson for him to the court.” He specifically cited Field Service Regulations which read: “Notwithstanding the greatest care and skill in framing orders, unexpected local circumstances

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70 He pointed out however that as Carson was a registrar under the M.S.A. that arrangements for his trip would have to be made by Justice Department, “Report” July 15, 1918 RG 24 vol. 6566 H.Q. 1064-30-73 vol. 1. NAC.
71 These instructions were submitted to the Minister of Customs, who also concurred. “Report” July 15, 1918 RG 24 vol 6566 H.Q. 1064-30-73 vol. 1. NAC.
may render the precise execution of the orders given to a subordinate unsuitable or impracticable.” Although his superiors in Ottawa had retroactively endorsed his actions, it was evident to all informed readers that Macdonald had taken a bold risk to achieve a peaceful resolution to this crisis.  

This was not the solution to the habeas corpus controversy that the Government had wanted, but faced with a *fait accompli* it was a solution that they could accept. It is very doubtful, however, that Macdonald would have received prior approval from Ottawa to make the undertaking. Macdonald clearly had a much better understanding of the seriousness of the local situation. The court, by ordering the sheriff, with the assistance of the police and “all able bodied citizens of the Province” to proceed the next morning, had forced Macdonald to make a decision. Macdonald could have allowed the sheriff to remove the draftees, but this would have contravened his direct instructions from Ottawa. It would also have had enormous implications throughout Canada, where the success or failure of the conscription program hung in the balance. Macdonald certainly had the ability to prevent the sheriff from obtaining the draftees, but he understood that this would make bloodshed almost inevitable. Neither of these options seemed palatable. Therefore he accepted the compromise, offered by the court, and gave the undertaking not to remove from the Calgary judicial district any draftee who had already applied for habeas corpus without giving the sheriff twenty four hours notice.

This compromise did not resolve all the issues arising from the Lewis decision. The merits of the case itself, and the constitutionality of P.C. 919, remained unresolved, but the compromise allowed these questions to be solved in a courtroom, and not through violence and the barrel of a gun. In so doing it also salvaged a bit of the integrity of the Alberta Supreme Court and the Judicial Branch. There was a noticeable sense of relieve in Calgary. The *Calgary Daily Herald*  

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Daily Herald praised Macdonald’s actions, and credited him with removing “the dark cloud which for the past few days, and especially yesterday has hung ominously over the city.”\textsuperscript{73} This solution, however, was temporary, and local. In Calgary, and across Canada, new cases arose daily. On July 18, 1918 Macdonald informed the Adjutant General that he had been served “with five further writs of habeas corpus.”\textsuperscript{74}

Even after endorsing Macdonald’s compromise with the Alberta Supreme Court, the government resisted fully embracing the concept of compromise. On July 15, 1918, three days after the compromise, the Adjutant-General sent a circular telegram to Officers Commanding in Military Districts 1, 2, 4, 5, 7, 10, 11, and 12 which stated that:

… in cases any writ or order is made for the production of the body or other disposition of men not under arrest or in detention, submission or return might be made to the effect that the officer to whom the writ is directed is not the custodian of the man concerned and has not control over his body or his movements except to the extent authorized by military law and in view of the specific orders on the subject which he has received from superior authority he cannot under military law legally order the man to attend at the court.

The circular telegram added the curious argument that “as the man’s physical freedom of movement is not in any way affected by his being a soldier the writ of habeas corpus or other order is improperly issued and void.” The circular telegram instructed the Officers Commanding to “avoid conflict with Court until Supreme Court has given judgment and apply to adjourn cases.” If pressed they were to cite paragraph 3 of Order in Council 1013 issued on April 30, 1918. The circular telegram concluded by stating that the foregoing instructions were “not to be communicated except to agent of Department of Justice.”\textsuperscript{75}

\textsuperscript{73} Ibid.
\textsuperscript{74} O. C. Thirteen, Calgary, to Adjt. General, Ottawa, July 18, 1918. RG 24, 6566 HQ 1064-30-73. NAC.
\textsuperscript{75} Circular telegram Adjutant-General Ottawa to G.O.C.S. of M.D. 1, 2, 4, 5, 7, 10, 11, 12 July 15, 1918; RG 24 vol 6566 H.Q. 1064-30-73 vol. 1. NAC.
The circular telegram was not sent to Military District 13, but Macdonald continued to receive instructions from Ottawa detailing how he should handle future writs of habeas corpus. A draft of the telegram that endorsed Macdonald’s decision to give the undertaking to the court made clear that this agreement “covers only the cases of men in respect of whom applications for habeas corpus have already been made.” The telegram noted that “in the case of those men there is no objection to giving twenty four hours notice of the intention to move them from the District, and you will give that notice as you have agreed, but this should not be done without further communicating with Headquarters, and need not be done unless circumstances compel their removal between now and the latter part of next week.”

One of the reasons why the government was reluctant to adopt a more conciliatory attitude toward the courts was because the same day that Macdonald reached his agreement with the Alberta court, a test case finally reached the Supreme Court of Canada. A definitive ruling, that would address the larger constitutional issues, was imminent.

On July 12, 1918, the case of Private George Edwin Grey of Nipissing, Ontario reached the Supreme Court of Canada in Ottawa. A hearing was set for July 18, in what was widely viewed as a test case of the validity of the Orders-in-Council. In accepting the Grey case, the court acknowledged that it would not hear an appeal “from the Alberta case but this would be accepted as decisive and would prove more expeditious.” The importance of the case was highlighted by the fact that all six judges of the Supreme Court returned from their holidays and sat on the case. The Montreal Gazette noted that this was “the first special summer sitting in the history of the Supreme Court.”

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76 Draft telegram to D.O.C. 13, Adjutant General, RG 24 vol 6566 H.Q. 1064-30-73 vol. 1. NAC.
77 Hopkins, The Canadian Annual Review, 1918, 470.
78 “Supreme Court Declares M.S. Order Valid, Justice Idington and Brodeur Dissented” [Special to the Gazette.] The Montreal Gazette, July 20, 1918.
A definitive ruling on the constitutionality (P.C. 962) was desperately needed because “all over Canada, Military proceedings were being held up and injunctions asked for and the Courts appealed to in hundreds of Habeas Corpus proceedings.” The Commander of Military District 10, Winnipeg reported to the Adjutant-General on July 17, 1918 that after a habeas corpus proceeding was launched, the court immediately adjourned until the 25th “as Bench expressed desire not to be called on to deal with such cases until after Supreme Court had rendered decision in Alberta cases.” He added that the court indicated that “any further cases will be dealt with same manner.” J. Castell Hopkins cites three additional examples. The first occurred in Montreal where Mr. Justice C. E. Dorion of the Quebec Superior Court “ordered [on July 11th] two officers to be arrested for contempt of Court, if by July 17th, they had not produced a certain soldier in Court for release.” Hopkins also cited an example from Vancouver where a writ “was made returnable in two weeks, or after the Ottawa decision would become known.” Lastly Hopkins noted that Chief Justice Sir W. Mulock of Toronto “held up 69 cases in one day, until the Ottawa decision was heard.”

The Government preferred to test the validity of (P.C. 962) through the Gray case rather than by pressing the Alberta appeal, for two reasons. The first reason was procedural. The Montreal Gazette pointed out that “the application in the Gray case was made as to a court of first instance and could be disposed of expeditiously.” The Grey case was “heard and adjudicated upon in a week, whereas an appeal from the Alberta judgment could not have been brought before the court in less than two months under the rules of procedure.” Just as importantly,

80 Brig-Gen Cmdg. M.D. 10, Winnipeg, Man., to The Adjutant-General, Militia Headquarters, Ottawa July 17, 1918 RG 24 vol 6566 H.Q. 1064-30-73 vol. 1. NAC.
82 One of the justices however did feel that the application for habeas corpus should have been heard by one justice and have been referred to the other five only by way of appeal. “Supreme Court Declares M.S. Order Valid, Justice Idington and Brodeur Dissented” [Special to the Gazette.] The Montreal Gazette, July 20, 1918.
George Edwin Grey was in custody for refusal to obey the lawful command of a superior military officer “an offense punishable by imprisonment in accordance with the provision of the British Army Act, adopted by express stipulation of the Canadian Militia Act.”

The significance of the imminent Grey decision was immediately clear. On July 17, the *Calgary Daily Herald* reported:

> Whether Canada’s war efforts can be continued unabated and without interruption will be decided by the Supreme Court of Canada very quickly after tomorrow…. If the government wins, the military department can proceed again to enforce the act vigorously and to send forward reinforcements. If it loses, 40,000 young men now in khaki may have to be released until parliament can be summoned to rectify the law.

The *Calgary Daily Herald* noted in particular the unrest which the Lewis decision had created in Quebec:

> The act in the cities at least had been accepted as a matter of course, the men were responding as well as could be expected, even those between the ages of 20 and 22, who had had their exemptions cancelled. In the country districts there was still much feeling, but the situation was gradually righting itself. Mr. Bennett’s move has created a great feeling of unrest in the province and has made it much more difficult to enforce the act.

The *Toronto World* reported on July 18, 1918 that there was “considerable gossip as to what may happen when the habeas corpus case, involving the validity of the order in council cutting out all exemptions under the Military Service Act … comes up for hearing in the supreme court tomorrow.” The article stressed that “the case is not an appeal from the Alberta supreme court although its decision might practically set aside the ruling of the Alberta court.”

Given the precarious situation in France, the general conservative and deferential attitude of the court, the political reality that the Orders-in-Council enjoyed broad support in Parliament,

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83 Ibid.
85 “Habeas Corpus In Supreme Court. Application of G.E. Grey, a Draftee of Nipissing, Comes up Today.” *The Toronto World*, July 18, 1918.
and the enormous consequences of ruling against the government, Private George Grey faced an enormously difficult task in convincing the Court to rule in his favor. Still the government was taking no chances. W.N. Tilley, K.C., and E.L. Newcombe Deputy Minister of Justice, who argued the case for the government, consulted with C.J. Doherty the Minister of Justice until midnight, the night before the trial in order to put “the finishing touches of the government’s case.”

Aime Geoffrion, K.C., of Montreal, who the Calgary Daily Herald described as “one of the ablest lawyers in the country” argued the case for Private Grey. Geoffrion acknowledged that “the present case was hurriedly gotten together for hearing before the Supreme Court of Canada so as to obviate the necessity of appealing the Lewis case.”

R.B. Bennett who had won the Lewis case in the Supreme Court of Alberta was also in court assisting Geoffrion in arguing the case. Bennett objected to the fact that the case would be heard as a reference by the government to the Supreme Court rather than a controverted case. He pointed out that “if the Supreme Court ruled against Grey, there could be no judicial appeal.” He also suggested that Justice Duff should recuse himself because he was also the Central Appeal Judge under the Military Service Act. Specifically, he noted that F.H. Chrysler, K.C., of Ottawa, who was the original counsel for the petitioner “has been acting as counsel for the justice department in the exemption cases that have come on appeal before Mr. Justice Duff.” Bennett was not successful in this appeal and Duff heard the case.

The substance of Grey’s argument was almost identical to the arguments made in the Lewis case. Geoffrion and Bennett both argued (a) that Parliament cannot delegate its major

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86 Ibid.
87 Ibid.
88 “Supreme Court Declares M.S. Order Valid, Justice Idington and Brodeur Dissented” [Special to the Gazette.] The Montreal Gazette, July 20, 1918.
legislative functions to any other body; (b) that is has not delegated to the Governor-in-Council the right to legislate at all so as to repeal, alter or derogate from any statutory provisions enacted by it; (c) that if such power has been conferred it can validly be exercised only when Parliament is not in session.\textsuperscript{89}

The case was decided quickly and the Court announced its decision “in the presence of an audience which filled the court room” on July 20\textsuperscript{th}, 1918. Four judges - Sir Charles Fitzpatrick, Sir Louis Day, Lyman Poore Duff and Francis Alexander Anglin - declared the order-in council cancelling exemptions from military service to be “valid and binding” and that “the motion for habeas corpus must be refused.” Two members of the court, Justices John Idington and Louis-Philippe Brodeur, dissented.\textsuperscript{90}

The majority judgment written by Mr. Justice Anglin stated that although “the circumstances of the two cases differ somewhat in points not material…. the issue is therefore clean-cut and … precisely that recently passed upon by the Supreme Court of Alberta in the case of Norman Earl Lewis.” Anglin noted that there were “many thousands of young men throughout Canada, most of them already drafted, and a considerable number of them already overseas or en route to Europe” who were affected. He added that “the importance of the matter involved is obvious, it has occasioned much public excitement and unrest, and numerous applications for writs of habeas corpus are already pending in the Provincial courts.” He then stated that it was “in the public interest that the question of validity of these orders-in-council should be authoritatively determined by this court.” These factors led Anglin, and the majority of the court, to conclude that “it was within the legislative authority of the Parliament of Canada to delegate to the Governor-in-Council the power to enact the impugned orders-in-council. To hold

\textsuperscript{89} Ibid.
\textsuperscript{90} Ibid.
otherwise would be very materially to restrict the legislative powers of Parliament.” Anglin added that examples of limited delegations by Parliament of their legislative powers “have been so frequent that it is almost a matter of surprise that their legality should now be considered open to question.”

Anglin did concede that “the amendment of a statute or the taking away of privileges enjoyed or acquired under the authority of a statute by order-in-council is an extreme exercise of the power of the Governor-in-Council to make orders and regulations of a legislative character.” He also conceded that “the exercise of legislative functions such as those here in question by the Governor-in-Council rather than by Parliament is no doubt something to be avoided as far as possible” but he cited the fact that “we are living in extraordinary times which necessitate the taking of extraordinary measures.” This led Anglin to support the government’s position that subsection 13 of the Military Service Act, which stated that nothing in this act “shall be held to limit or affect the powers of the Governor-in-Council under the War Measures Act of 1914” put “beyond question”:

the purpose of Parliament to enable to the Governor-in-Council in cases of emergency as defined, to exercise the powers granted by S. 6 of the War Measures Act even to the extent of modifying or repealing, at least in part, the Military Service Act itself.

Finally, Anglin noted that the court was concerned with satisfying itself with the question of “what powers Parliament intended to confer and that it possessed the legislative jurisdiction requisite to confer them.” Anglin concluded that “upon both these points, after giving to them such consideration as has been possible, I entertain no doubt and but for the respect which is due

91 Ibid.
to the contrary opinion held by the majority of the learned judges of the Supreme Court of Alberta. I should add that there is, in my opinion, no room for doubt.”\(^92\)

Mr. Justice Idington and Louis-Philippe Brodeur, however, both found room for doubt. Mr. Justice Idington argued that “it was not competent for the Government to proceed under the War Measures Act of 1914 to repeal and render inoperative provisions of the Military Service Act and to substitute therefor what the Government deemed necessary or advisable.” Idington took offence to, and could not accept, the “bald proposition” put forward in argument that, notwithstanding the “elaborate provisions” of the Military Service Act “evidently designed as a paramount code to govern the mode of selecting draftees under its provisions in substitution for the Militia Act and all therein contained was liable to be repealed or nullified by an order-in-council.” Nor could Idington as a matter of law subscribe to any doctrine as contained in the startling propositions put forward that it was quite competent for the Governor-in-Council to have proceeded under the War Measures Act of 1914 not only independently of but to repeal and render inoperative all the provisions of the Military Service Act of 1917 and to substitute therefore what the Governor-in-Council might ‘deem necessary or advisable,’

These views led Idington to conclude that the application for habeas corpus should be granted.\(^93\)

The ruling in the Grey case, despite the relatively close 4-2 decision, was a complete and total victory for the Government. The *Montreal Gazette* noted that “a judicial precedent is established which will be a deciding factor in all similar cases…The judgment will dispose of a considerable number of cases now pending in which men whose exemptions were cancelled have sought writs of habeas corpus.” The *Montreal Gazette* also noted that “the decision of the majority of the Supreme Court will obviate the necessity of a special session of Parliament.”\(^94\)

\(^{92}\) Ibid.  
\(^{93}\) Ibid.  
\(^{94}\) Ibid.
The Adjutant-General struck a conciliatory tone in a circular telegram to G.O.C.s of all districts issued on July 20, 1918, the day of the Grey decision which stated that it was “assumed that all courts will follow judgment of Supreme Court in habeas corpus and no further conflict with court is desired. Agents of Department of Justice have been instructed accordingly. You will obey all orders or directions made by any court.” However, the circular telegram instructed the G.O.C.s to “notify Headquarters immediately” if the court “refuses to follow judgment of Supreme Court.”

Most courts did follow the Supreme Court ruling, but some of the Quebec judiciary refused to accept the decision. On August 6, 1918, Mr. Justice D. Monet of the Superior Court at Montreal, ordered the Military authorities to release two men on the ground that “the Parliament of Canada, far from having the right to delegate to the Governor-in-Council power to suspend the right of Habeas Corpus in Canada, does not even possess for itself that power.” Likewise, on October 11, 1918 Judge F. X. Choquett of Quebec found two officers guilty of illegal arrest, because the Order-in-Council under which they acted was invalid. Mr. Justice Arthur Aimé Bruneau, who had heard the first challenge to the suspension of the Habeas Corpus Act in July also refused to dismiss pending cases.

Norman Earl Lewis eventually won his release from military custody, but only briefly. On July 24, 1918 Lewis was released under the order of habeas corpus in accordance with instructions received by the military authorities, but immediately after he appeared outside Victoria Park barracks he was ordered back for duty again by representatives of Registrar

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95 Adjutant-General, Circular telegram to G.O.C.s of all districts, July 20, 1918, RG 24 vol 6566 H.Q. 1064-30-73 vol. 1. NAC.
96 Hopkins, The Canadian Annual Review, 1918, 471.
Carson’s office. The *Calgary Daily Herald* reports that Lewis “did not raise any objection, but at once obeyed the order.”

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97 “Very Brief Liberty is Enjoyed by Lewis,” The *Calgary Daily Herald*, July 25, 1918.
CHAPTER 6. THE DILEMMAS OF CONSCIENTIOUS OBJECTOR POLICY IN THE UNITED STATES

While the experience from the Civil War was of some use to Congress and the War Department in drafting and administering selective service policy during World War I because it provided ample examples of mistakes to avoid, there was far less experience dealing with conscientious objectors. Certain occupations, including clergy, had been granted exemptions, and it had been possible for anyone to hire a substitute, but neither the Union nor the Confederacy had initially made specific exemptions for conscientious objectors. Both did eventually make some provisions by which religious objectors could fulfill their duty through noncombatant service, but these were not always put into practice.

Thus, during World War I the War Department struggled, without the benefit of any real historical precedent to guide them, to create and implement policies to deal with the many different categories of conscientious objectors. The most relevant precedent existed in Great Britain, which had been dealing with conscientious objectors since the Military Service Act became effective on March 2, 1916.

Lois Bibbings studied conscientious objectors in Great Britain, but many of her conclusions are equally valid in the United States and Canada. She notes that many Britons in the First World War viewed conscientious objectors and their supporters as a “suspect community.” She adds that was not necessarily new, that there are always “such groups around ‘us’ but who ‘they’ are changes.” Both the soldier and the conscientious objector were “represented as a type with the despised category conchie conflating all the very different men into on hated common identity,” and that “objectors were imagined to embody a range of despised traits and were depicted as the antithesis of the soldier.” The contrast was striking “if the military man was brave, loyal, patriotic, self-sacrificing, and true, the CO had to be cowardly, disloyal, unpatriotic,
selfish, and traitorous.” Thus, conscientious objectors “represented rogue and subversive masculinities and were to some degree segregated (with prisons and the Home Office Scheme camps) as a means of controlling and silencing them.” In addition to being considered “pathetic specimens who were unmanly and degenerate, conchies were often viewed as posing a threat to the war effort by their very existence. Pacifism, it was feared, could spread.” Segregation served to contain the “disease…lest the contagion spread, or if possible, cured so they could be reintegrated into manhood.” The Christian conscientious objector, in particular was frequently “portrayed as a heretic who failed to see or willfully ignored the true teachings of the Bible.” His refusal to fight was to “turn Christianity upside down,” as “the very essence of Christianity is to fight.” The CO was also often castigated for his refusal to fight against evil (Prussianism) and the devil (the Kaiser).\(^1\)

Bibbings notes that over the course of the war approximately 16,500 men objected to the Military Service Act. This represented just 0.33 percent of the 4,979,902 men who either volunteered or were conscripted into the military. Just 5,944 “obstinately refused” to accept the exemption granted to them. Even fewer, just 985 were absolutists who refused to accept “any alternative service even when it was offered to them under the Home Office Scheme.”\(^2\) The British experience suggested two conclusions. The first was that the absolute number of conscientious objectors would be small. There was no reason to believe that the percent of objectors would be significantly different from that in Great Britain, and in fact it was almost identical. A total of 4,743,826 men volunteered or were conscripted into the armed forces of the United States. Of these 20,873 or .44 percent made initial claims as conscientious objectors. The second conclusion that could be drawn from the British experience was that a still smaller


\(^2\) Ibid., 128.
percentage of these conscientious objectors would be absolutists who would refuse noncombatant service. These absolutists, while not likely to be numerous, would present difficulties.

On May 23, 1917 six representatives of the peace churches -- the Brethren (or Dunkers) Mennonites and Friends (or Quakers) -- met in Washington, D.C., “for the purpose of seeking some means of co-ordination of effort, especially in the matter of our representation before Congress and governmental departments.” After “prayerfully considered” their “common obligations and duties as Christians, and as the inheritors of a tenet of faith, consistently maintained through many generations, that carnal warfare and blood conflict are contrary to the teaching and examples of our Lord,” they drafted a “Statement of Voluntary Committee Representing Certain Religious Bodies Advocating Peace And The Avoidance Of All War.” They expressed gratitude to the government and “the consistency” of their forefathers for their exemption from military or naval service but realized that “it entails responsibilities impossible for us to avoid.” They then described a two-fold obligation: “first, of reaffirming and revitalizing within our own limits the Christian Gospel of Peace…. and secondly, of so relating ourselves to others and letting our light shine before men that these principles and testimonies may be extended and become effective in our national and social life.” To further these ends they recommended that the:

... various Conferences, Yearly Meetings, or delegated Councils appoint one or two persons duly authorized to act for their respective bodies to constitutes a committee which, in a united and concerted way, may have watch over the situation, devise plans, present our position and claims to the various departments of our government, and labor together in the interests of our time-honoured and Scriptural teachings of peace.3

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Presenting their positions in a “united and concerted way” would certainly have made sense and might even have achieved greater results. Despite this positive start, however, the appeal failed to attract any support as the various peace churches were not able to reach a level of consensus. James C. Juhnke notes that Silas Grubb, pastor of the Second Mennonite Church in Philadelphia and editor of *The Mennonite*, was one of the two Mennonites who signed this appeal but Grubb “could speak only for a narrow constituency – English-speaking Mennonites in the East who had separated from the larger conservative groups.” The churches were not even able to reach consensus within their own Conferences, Meetings and Councils much less with each other that would have been necessary to create such a united committee. In late June 1918 representatives from the General Conference’s Western district, the Mennonite Brethren, and the Krimmer Mennonite Brethren agreed on a proposal “to accept agricultural or Red Cross work.” The larger and more conservative “Old” Mennonite Church, however, refused to endorse Red Cross work, or agricultural work not performed under civilian authority. Similar disagreements occurred in all the peace churches. Donald Kraybill notes that church districts within an Amish affiliation typically took “similar stances on an issue, but not always.” The “informal and decentralized patchwork” of their affiliations frustrated government officials who were “often searching for a quick answer to how ‘the Amish’ view a particular issue.”

The various peace churches were not able to effectively coordinate their efforts regarding militarism and the draft until after the war. Instead they continued to send individual delegations to Washington that at best worked together on an *ad hoc* basis. Nearly all of the peace churches sent petitions to Washington in the spring and summer of 1917 requesting exemption from

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participation in war in any form, and Secretary of War Newton Baker and other high ranking members of the War Department met numerous times with delegations from the historic peace churches, and somewhat less frequently with representatives of civil liberties groups such as the National Civil Liberties Bureau (NCLB). On June 17, 1917 a three-man delegation from the General Conference Mennonite Church (GC) arrived in Washington and met with several members of Congress. Later they met with Secretary Baker and Provost Marshal Enoch Crowder. Gerlof Homan notes, however, that this delegation “achieved nothing.” Baker “gave the impression of a friendly person who promised to do everything possible for them.” He told the delegates that “it would be ‘a sad sad affair’ if Mennonite young men would leave the country, as H. P. Krehbiel threatened they might if drafted.” At Baker’s suggestion the delegates informed Crowder that Mennonite draftees “might be able to do such work as irrigation, draining, farming, restoration work abroad, or other service outside the military establishment which aims to support and save life and which would not result in personal injury or loss of life.” But Crowder offered only vague promises to “find a way to respect their conscience.” In early August, 1917 the Franconia “Old” Mennonites dispatched a delegation to Washington, which was likewise warmly received by Baker who suggested that they let the men go to the camps, where they could do what their conscience permitted them to do.” Juhnke notes that these Mennonite delegations “always found Baker friendly – unlike the career military man who headed Selective Service, General Enoch Crowder.” This may in fact be true, but in reality neither man, despite promises to the contrary, was able to offer the Mennonites what they

7 Ibid., 52-53.
wanted, which would be the freedom to follow their conscience and not be harshly punished for doing so.

One of the most significant delegations to Washington was sent by the Mennonite General Conference and headed by Aaron Loucks. Quite by chance they met members of the Franconia Conference and Old Order Amish delegations. Upon the advice of Senator Altee Pomerene of Ohio, the various delegations agreed to send a small committee consisting of Loucks, D.D. Miller and S.G. Shetler [all members of the Committee appointed by the Mennonite General Conference] to see Secretary Baker. On September 1, 1917 these three met with Baker, and had a “very satisfactory conversation.” Baker informed them that Mennonite draftees would be “tried on conscience,” but assured them that they would not be forced “to cross over” and to wear the military uniform because they already wore a “distinctive garb.” At the conclusion of the meeting Baker and the delegates seemed to have reached agreement on ten points, including the understanding that conscientious objectors would be held in special detention units where they would not have to wear uniforms, drill, or serve in any capacity that violated their creed and conscience. They would not have to accept noncombatant service but could be assigned to other tasks not under the military arm of the government. Baker concluded the interview by affably putting his hand on D. D. Miller’s knee with the words, “Don’t worry. We’ll take care of your boys.”

Baker made frequent assurances concerning the treatment of conscientious objectors, but these assurances did not always become official policy, and there is ample evidence that Baker was not entirely honest and forthcoming when he extended assurances to these delegations.

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9 Interview of D. D. Miller, Box 44, Guy Hershberger Research in Archives of Mennonite Church, Goshen, Indiana; Committee on Information, Information to Mennonite Registrants Concerning their Status under the Selective Draft Law (n.p, 1918), 6. cited in Homan, American Mennonites and the Great War, 53-54; and Oral Interview, Orie O. Miller, March 4, 1972, Stoltzfus notes, file 237.
Arthur Link, noted biographer of Woodrow Wilson wrote that Baker “frustrated by the difficulties of accommodating all these sects” wrote jokingly to Wilson on September 20, 1917 that he was “beginning to feel that nothing short of a comprehensive knowledge of Professor James’s book on ‘Varieties of Religious Experience’ will ever qualify a man to be a helpful Secretary of War.”\(^\text{10}\)

A few weeks after assuring D. D. Miller that the War Department would “take care of your boys,” Baker informed Loucks that there had been a misunderstanding. Draftees who refused any kind of service would not be assigned nonmilitary work but would remain in detention camps, where they would wait for “such disposition as the government may decide upon.”\(^\text{11}\) The committee met with Baker a second time on October 23, but failed to change his mind.\(^\text{12}\) Other delegations followed, but in general they were also disappointed. Donald Kraybill notes that interactions between the Amish and the state can be viewed as “negotiations replete with the vocabulary of mediators, arbitrators, and brokers.” He points out that conflict resolution often involved “bargaining, compromise, concession, acquiescence, and nonnegotiable issues.” He argued that these negotiations reflect “the vested interests of a traditional religious minority and the official desires of the state.”\(^\text{13}\) This is true; however, the War Department always held the upper hand. When policy changes were made that benefited, or seemed to benefit, conscientious objectors, they came because Baker, or President Wilson, was convinced that the changes were also in the Army’s own best interest. Despite the perception among many within the military establishment that Baker was unnecessarily lenient with conscientious objectors, the reality was

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\(^\text{11}\) Interview of D. D. Miller.

\(^\text{12}\) Homan, American Mennonites and the Great War, 54.

\(^\text{13}\) Kraybill, “Negotiating with Caesar,” 18.
that despite being polite and conciliatory, Baker did not make any significant concessions to any of these delegations.

Robert Coakley notes that “of all the various groups that opposed the war” the small group of conscientious objectors represented “the most difficult problem of all.” Like Bibbings he concedes that “some were undoubtedly among the slackers, delinquents, and draft deserters,” but notes that “usually conscientious objectors complied with the law, registered, and if found physically fit, were inducted into the Army.”

Conscientious objectors in the United States were required to report for induction if called by their Local Boards. As the first inductees began to arrive in military camps in September and October, 1917 it became clear that instructions from the War Department on how to handle conscientious objectors were unclear and inadequate. Part of the explanation lies in the fact that conscientious objectors were such a novelty and with the crush of wartime legislation and regulations, no one within the government or the military had given them much thought.

The War Department stated in 1919 that it had “acted on the principle that the defense of the country is a duty inherent in citizenship, and it has not sought to excuse those who declined to perform this duty, whatever the reason.” It conceded that “our institutions are conceived in liberty of thought and action” but added that

the War Department has been either amazed or discouraged to find that here and there liberty has run riot with duty and produced individuals who put the accent in the wrong place and who prefer to be or to pose as martyrs, rather than perform the service so bravely and freely given by the great majority of the arms-bearing population of the country.

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It was not the intention of the War Department to create martyrs, but in some cases that was the predictable result of its policies.

On September 1, 1917 Secretary Baker issued a ruling that conscientious objectors were to be segregated from other conscripts and offered noncombat service once they arrived in camp. Conscientious objectors would not be required to wear a uniform nor would they be required to accept noncombatant service, if doing so violated their conscience. Those who refused to perform noncombatant service in the camps were to be held in detention to await a government decision on their ultimate fate. Great pressure was applied to camp commanders, who generally already had extremely unfavorable opinions of conscientious objectors, to convince them, at the very least, to accept “non-combatant service.” They were not given precise instructions how they were to achieve that objective. Left to their own devices, they were remarkably successful. Some 4,000 men who arrived in camp as declared conscientious objectors eventually agreed to accept non-combatant work, as defined by the military, in the camps.

Conscriptionists generally denied any abuse occurred or downplayed its significance, and indeed sometimes it is difficult to distinguish harsh treatment from abuse and what was lawful from what was not. Lois Bibbings concedes that “some of the techniques employed to make a CO a soldier or to enact punishment upon him were not dissimilar from the general horseplay and realities of military discipline for the ordinary soldier,” but she adds that “there is some evidence to suggest, however, that these punishments were more severe and more inventive in the case of COs.”

George E. English, historian for the 89th division housed at Camp Funston, where by most accounts the worst abuses occurred, wrote that the “icy bath in the small hours of

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16 Bibbings “Conscientious Objectors in the Great War,” 134.
the cool night of early fall was a splendid test of the qualities of the embryo soldier.” These icy baths were applied to Mennonite objectors and regular soldiers alike, though from numerous accounts it does appear that they were applied more regularly and with more vigor to the conscientious objectors.

When abuse was brought to light, conscriptionists tended to blame it not upon malice on the part of the military establishment but upon lax or unfortunate oversight in the hastily organized chaotic camps, but Socialist Party leader Norman Thomas pointed out that “some of the worst brutalities occurred in the last month of the war when there was no longer the excuse of the confusion of establishing new camps and the difficulty of installing proper machinery for dealing with objectors.” Indeed, the most publicized cases of abuse, the so-called “Camp Funston Outrages,” occurred between July 5 and October 21, 1918.

Charles Chatfield notes that “the worst conditions reported were at Camp Meade, Camp Funston, and Fort Riley; all under Major General Leonard Wood.” Wood, like Theodore Roosevelt was denied a battlefield command and instead relegated to the important but relatively unglamorous job of commanding various training camps. He considered conscientious objectors “enemies of the Republic, fakers, and active agents of the enemy” and complained that:

Not only are they refusing to play the part of loyal citizens, but they are also, by work and example, spreading discontent among other men. Their conduct is reprehensible in the highest degree, and if men of this character, in fact, enemies of the government, are not dealt with vigorously, their evil influence will be far reaching.

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Melanie Mock argues in *Writing Peace: The Unheard Voices of Great War Mennonite Objectors* that “government policies asked the military officers to compromise the military culture they had been taught for the good of conscientious objectors.” At its core, the confrontation between military officers and Mennonites over the issue of noncombatant duty reflected “differences in cultural expectations and an unwillingness for either side to forego their own ideologies.” Military officers had been trained to “form their conscripted recruits into devoted fighting men, by whatever lawful means possible.” She adds that most officers “longed to see combat duty, and resented being detailed to the boring duty of overseeing conscientious objectors.”

Major Walter Kellogg suggested that “no more monotonous or exacting service was rendered than that of the red-blooded Army man whose duty it was to constantly care” for war objectors.” Yet “insubordination had long been dealt with in the military not by ‘tact and consideration’ but by brashness and brutality, in-your-face mockery and physical intimidation.” Military officials “resisted the demand for a kinder, gentler form of training.” Wood complained that the War Department’s policy of “tact and consideration” was “not only a menace to good order and discipline” but that it “put a premium on disloyalty.” Wood’s critique may have attracted more attention because of his fame and notoriety, however, it was widely shared throughout the ranks of the military. Give this wide divergence of cultures and values it is somewhat surprising that there were not more problems. Mock concludes that “government policy and objector reactions to policy forced a compromise of those principles on both sides.” Eventually compromises were reached; however, it was a long and very difficult process.

Wood biographer Hermann Hagedorn contends that Wood had no complaint against the

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“religious objectors,” the Mennonites, the Holy Rollers, and others who were cheerfully doing non-combatant work; but he raged at the orders which forced him to give “kindly consideration” to a group of men, practically all of foreign birth or origin, who refused to do any work whatsoever; who endeavored to convert their guards to communism, and posted at their quarters signs: “Bolshevist Tent,” “Lenin and Trotsky tent,” or “International Socialist Tent.”

It is certainly true that Wood had a special animosity toward the politically-motivated objector, and that by and large the Mennonites and other religious objectors were spared many of the worst abuses of the “Camp Funston Outrages.” However, religious objectors suffered nearly as much at camps commanded by Wood as non-religious objectors. This was true at most camps. Because religious objectors were far more numerous than political objectors, the majority of conscientious objectors who were victims of abuse were religious objectors. Stephen M. Kohn lists seventeen objectors in *Jailed for Peace: The History of American Draft Law Violators, 1658-1985* who “died in jail as a direct consequence of torture or poor prison conditions.” It is perhaps unfair to claim that all of these men died “as a direct consequence” of being conscientious objectors. In most cases multiple factors were involved “torture” or “poor prison conditions” being only one of the causes, and the great influenza pandemic, that killed soldiers and civilians alike had an especially high mortality rate at Camp Funston, where the War Department had decided to send conscientious objectors. It is interesting, however, that twelve of the objectors listed by Kohn were religious pacifists, three were socialists, and the remaining two were of unknown faith or political persuasion.

The War Department estimated that “political objectors” constituted about 10 percent of all objectors, but Chatfield notes that this figure “was meaningless by definition because the category was so vague.” Most “political objectors” were Socialists but many of them “never

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appeared on Selective Service rolls because they were imprisoned under the Espionage Act or for failure to register for the Draft.” Ammon Hennacy, who spent nearly eight months in solitary confinement in Atlanta for distributing antiwar leaflets and then was prosecuted for failure to register, is a well known example.  

The NCLB kept track of, and publicized the mistreatment of objectors. It reported “a number of cases of brutal treatment of objectors, either by officers or enlisted men” in *The Facts about Conscientious Objectors in the United States*. This pamphlet illustrates brilliantly that the relationship between the NCLB and the government, while being adversarial, was more complex than it is frequently portrayed. Surprisingly, it conceded that such abuse “would be expected,” adding that all these cases, which included the “forcing on the uniform, forcible feeding of hunger-strikers, forcible labor, exposure to cold, deprivation of food, beating, attempted terrorization by weapons, and hazing by soldier mobs” were “called to the attention of the War Department, and in most cases satisfactorily and promptly attended to.” The NCLB observed that “taunts, epithets and threats of violence have been the common lot of objectors everywhere they come in contact with bodies of soldiers. Threats by officers of court-marital and long imprisonment have also been frequent,” but “most of the regular officers and a very large proportion of the soldiers have shown a human regard for objectors and respect for the Secretary’s policy.” It was noted that “the brutalities occurred chiefly at army posts and regular army or militia camps where drafted men were a novelty – particularly those who took the position of the conscientious objector. In several cases the officers and men guilty of brutality

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26 Chatfield, *For Peace and Justice*, 76.
were severely disciplined.” Thus, “everything considered, the number of such cases was surprisingly small (perhaps 40 altogether up to April 1).”

During the war over one hundred cases of physical cruelty, including “beatings, bayonetings, torture, and unreasonable confinement” were reported to the bureau, and this was surely only a fraction of the cases that occurred. Generously, the NCLB concluded that the War Department “tried honestly to prevent brutality, although it did not always succeed.” Chatfield notes that in general the Bureau viewed the War Department as “liberal and shrewd” in dealing with its obdurate charges.” This degree of patience and understanding is even more characteristic of historic peace churches than the NCLB.

Undoubtedly, one of the reasons that the NCLB is often remembered as being somewhat one dimensional is because that is how the government perceived it to be at the time. While the general tone of The Facts about Conscientious Objectors in the United States was remarkably understanding and patient, it did raise some troubling issues including the tragic case of Ernest Gellert who “after going through six months of varied experience, including a court-martial, finally committed suicide as a protest against his treatment, and in the hope that it might led to better treatment for other men.” The NCLB moved quickly to draw attention to Gellert’s suicide. Walter Nelles, counsel for the Civil Liberties Bureau, wrote to President Wilson and informed him that on April 8, 1918, at Fort Hancock, New Jersey, Ernest Gellert “put his left breast against the mouth of a loaded rifle and pulled the trigger with a stick.” Gellert’s suicide note read “I fear I have not succeeded in convincing the authorities of the sincerity of my scruples against participation in the war. I feel that only by my death will I be able to save others

28 Ibid.
from the mental tortures I have gone through. If I succeed I give my life willingly.” The War Department, however, disputed that Gellert had been treated poorly. They conducted a quick investigation and exonerated the offices involved in the case. The Chief of the Military Intelligence Branch Lieutenant Colonel Marlborough Churchill stated in a memorandum for Keppel that the army had shown “patience, sympathy, and tolerance” toward Gellert, and was not to blame. Churchill not only exonerated the military of any responsibility but in an especially audacious conclusion he stated that “the organization which encouraged and supported Gellert in his attitude and which is most to be blamed in the whole unfortunate affair is the National Civil Liberties Bureau.” Churchill’s memorandum accused the NCLB of “exploiting Gellert’s death” to “encourage opposition to the war.”

On September 15, 1917 Baker ordered camp commanders to hold the conscientious objectors, then estimated to be between 1,800 to 2,000 men, segregated pending further disposition of their cases. He explicitly forbade any “punitive hardship” be inflicted upon them. On October 10, 1917 Baker issued a second confidential order which directed that draftees who refused to participate in drills were to be segregated to keep their ideas from spreading to the rest of the camp. This order specified that efforts were to be made to convince them to accept military service, but it did not clarify what steps officers could or should use, though it did specify that the attitude of conscientious objectors be “quietly ignored” and that they be treated with “kindly consideration.”

30 Walter Nelles to President Woodrow Wilson, April 16, 1918 cited in Early, A World without War, 98.
31 MID, Churchill to Keppel, File No. 10902-38 cited in Kohn, Jailed for Peace, 33.
32 Ibid.
A total of 20,873 men, ages 21-31, made conscientious objector claims to their local boards, and were subsequently inducted into the Army, but most did not take the next step and make a formal claim after they arrived in camp. Undoubtedly some conscientious objectors sent into the army were not legitimate, but it is surprising how few pressed their claims after arriving in camp. Just 3,989 “representing a hard core of men who could not be persuaded to recant” actually claimed conscientious objector status in camp. Certainly the physical and mental duress and “inhuman treatment” designed to test the “genuineness” of their convictions which awaited them when they arrived in camp convinced many to drop their claim.\(^{34}\)

While the conscription law was being debated in Congress, and while Crowder was drafting the regulations, there was a great deal of anxiety and uncertainly over how many men would seek to avoid registering with selective service, or would somehow seek to avoid serving, either by securing an exemption or making a conscientious objection claim. Penalties for failing to register or to report had to be sufficiently punitive to act as a deterrent but it was difficult, with few precedents, to determine how unpleasant the alternative had to be. It quickly became apparent that only a small percentage of eligible men were claiming conscientious objector status and whatever threat they posed to the nation, the war would not be lost because of men avoiding their “duty” by exploiting provisions in the legislation allowing them to make conscientious objector claims. The War Department noted that “the ratio of men professing conscientious objections in the camps to the total inductions is as 3,989 to 2,810,296, or 0.0014 percent.”\(^{35}\)

Of the 3,989 who did claim to have conscientious objections in camp, most were willing to accept non-combatant service, and a few agreed to drop their conscientious objections entirely. Certainly harsh and abusive treatment played a role, but many officers chose to reason

\(^{34}\)Ibid.; *Statement concerning the treatment of Conscientious Objectors in the Army*, 9.
\(^{35}\) *Statement concerning the treatment of Conscientious Objectors in the Army*, 9.
with the objectors, and this route proved to be highly effective. Robert Coakley notes that army officers often used “diplomatic means.” He cites the example of the most famous conscientious objector of the war, Alvin York “who belonged to a pacifist religious sect.” York, however, was shown unusual leniency in camp, treated kindly, and became convinced by his first company commander of his duty to fight and kill for his country. He became the most decorated American soldier of the war. Many conscientious objectors followed a similar path as Alvin York, and while none of them were as decorated as the former lay minister from Pall Mall, Tennessee, many of them did make fine soldiers. The War Department stated that:

Thousands of young men whose religious, political, or humanitarian scruples prevented them from accepting military service were given noncombatant service. Many of them found it possible later to accept the view of their fighting comrades, and some of the most conspicuous and gallant actions of the war were performed by men who at the outset found military service at variance with the dictates of their religious beliefs.\footnote{\textit{Coakley, Antiwar and antimilitary activities in the United States}, 79.}  

William Hard, writing for the \textit{New Republic}, in an article reprinted in pamphlet form by the NCLB, urged the army to treat conscientious objectors with greater care. Though the article is titled “Your Amish Mennonites” Hard made clear that he was neither a Mennonite nor a pacifist. He stated that he “would not permit Jesus Christ himself, as man, however much I worshiped him, to escape his manhood duty of military service without doing some alternative service.” His criticism was that the conscientious objectors were not “given the option of performing that service under civilian orders.” Hard also objected to “military criminal courts-martial[s], military criminal life-long sentences, military criminal solitary-confinement [in] body-breaking prisons” which he viewed as overly punitive and unjust.\footnote{\textit{Coakley, Antiwar and antimilitary activities in the United States}, 79.}  

\footnote{\textit{Annual Report of the Secretary of War, 1919}, 36} \footnote{William Hard, \textit{Your Amish Mennonite} (New York: National Civil Liberties Bureau, 1919), 19-22.}
Hard contended that “5,500 conscientious objectors were drafted.” He wrote that Secretary Baker and Assistant Secretary Frederick P. Keppel “urged the commanding officers to speak with the tongues of angels and of serpents and to do their military best peacefully to beguile those 5,500 zealots into peacefully accepting non-combatant service.” He noted that more than 4,000 did, and over 1,000 more eventually accepted farm furloughs. This left only a few hundred who refused to cooperate until the very end, but Hard added that “Alfred Dryfus was only one. Some difficulties cannot be brought to settlement numerically.”

Hard’s article is a perfect example of the difference in approach between the historic peace churches and most religious objectors on one hand, and the political parties and civil liberties groups on the other. Hard denounced the court-martials as “barbarisms” and the sentences handed down by them as “atrocities.” The historic peace churches tended to be far less critical, or accusatory in their tone. Though they might agree in principle on some points with the secular organizations statements produced by the historic peace churches tended to be much more deferential and conciliatory in nature and in their choice of words. Obedience to government, which they considered instituted by God, was in addition to pacifism and non-resistance also one of the tenets of their faith. While some of the religious denominations could be litigious, and the civil liberties organizations also attempted to work with the government to solve problems, the civil liberties organization were far more likely to be openly confrontational, and they were frequently more critical of the government than was characteristic of the historic peace churches.

These differences, however, can be overstated. The historic peace churches were almost always respectful and differential, but the civil liberties organizations could also be deferential at times. The Civil Liberties Bureau of the American Union Against Militarism (AUAM) published

39 Ibid.
a pamphlet in July 1917 *Conscription and the “Conscientious Objectors” Facts Regarding Exemption From Military Service Under the Conscription Act* which began with a disclaimer that

The facts contained in this pamphlet are gathered entirely from official sources. Those statements which do not appear in official documents have been verified by consolation with officials of the War Department. The purpose of this pamphlet is to enable any interested citizen to get accurate information on the relation of conscription to the “conscientious objector,” not to aid or influence men to resist the conscription act. The pamphlet should be read in connection with the accompanying leaflet, kindly furnished by the Provost Marshall General. The Bureau stands for a liberal, statesman-like solution of the problem of liberty of conscience.\(^40\)

It is interesting that even the Civil Liberties Bureau described “liberty of conscience” as a “problem.” The pamphlet then describes four “Suggestions made to Secretary of War Baker [June 30, 1917] by the AUAM for dealing with “Conscientious Objectors” under the present law, the “Selective Service” Act.” These four suggestions related to: Civil and Military Trials; Prompt Trials; Uniform Penalties; and Detention Camps Under Civil Authority. Specifically under this last point the Civil Liberties Bureau suggested that these camps should be under civilian rather than military control as “it is difficult for army men to understand the point-of-view of men opposed to participation in war, and even the best of them will be inclined to deal with them harshly, if not brutally.”\(^41\)

The next year the National Civil Liberties Bureau published a pamphlet *The Facts about Conscientious Objectors in the United States* that resembled even more closely the tone of similar pamphlets published by the historic peace churches. *The Facts about Conscientious Objectors in the United States* conceded that claiming conscientious objector status “in war-time

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\(^{40}\) *Conscription and the “Conscientious Objectors” Facts regarding exemption from military service under the conscription act.* (Washington, D.C., The Civil Liberties Bureau of the American Union Against Militarism, 1917), 1.

\(^{41}\) Ibid., 11-12.
in the face of an almost universal misunderstanding of the issue involved is difficult.” These
claims were “not always comprehended by the military authorities [and] it is not surprising that
public opinion should be impatient and intolerant of men who seem so obstinately callous to the
world’s tragedy.”

*Life* Magazine published the “Conscientious Objectors’ Creed,” a sarcastic example of
public opinion as it related to conscientious objectors:

I believe in peace and in determined obliteration of all feelings of wrath and
indignation for crimes against humanity and civilization. I believe in a supine
endurance of all insults, and in a cringing compliance with the forces of bestiality,
destructions and lust. I believe in opening our gates to madmen and leaving our
homes defenseless. I believe that if a war is to be fought, it should be fought by
someone else. I believe in milk and water, in namby-pambyism, in veiled eyes
and soft hands, in mealy mouths and fat stomachs, in the encouragement of
cowardice, in forgiveness of everything rotten and in slavery everlasting, for the
Kaiser’s sake. Amen.

The Conscientious Objectors’ Creed, while self-evidently critical of the conscientious objector,
softened its criticism somewhat by being witty and even humorous. Most critics of conscientious
objectors were not nearly as subtle, nor were they concerned with being humorous.

When conscientious objectors took absolutist positions refusing to accept even
noncombatant work, and camp authorities lacked the authority to discharge them from the
military, a deadlock was inevitable. One possible solution to this problem would have been to
furlough these absolutists and allow them to fulfill their non-combatant service under civilian
oversight. The leaders of the historic peace churches and most of the civil liberties organizations
that generally opposed conscription strenuously argued in favor of this approach. The Committee
of 100 Friends of Conscientious Objectors made exactly this argument in its widely circulated
pamphlet *Who are the Conscientious Objectors?* The Committee began with some surprising

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42 *The Facts about Conscientious Objectors in the United States* (Under the Selective Service Act of May 18, 1917)
(New York City: National Civil Liberties Bureau, 1918) 3-4
praise for both the President and the War Department, which acknowledged that they have “from the first far exceeded in liberality the Congress which framed the Draft Act.” They blamed “the subsequent mistreatment of objectors in Camps and prisons” on “the weakness revealed in the execution of its policy” and not on the War Department’s “intention toward war’s heretics.” Ultimately they arrived at a conclusion, which many in the War Department would likely have agreed with, that “the cardinal mistake was, in fact, that these men were ever given into military control. Their disposition should have been left to a civil commission, into whose hands they should have come direct from the draft boards.”

A proposal suggesting this approach was circulated throughout the War Department as early as 1917, but Crowder displayed his capacity for counterintuitive reasoning and made the highly legalistic objection that the Conscription Act had authorized the President to assign inductees to noncombatant service only in “the military establishment” and did not authorize him to conscript men for civilian service. Conscripting men for civilian service would have been acceptable to the vast majority of conscientious objectors, but likely would have been unpopular with the general public which supported a less compromising policy, and was never a realistic option politically. Crowder’s opposition to this proposal dashed any hope for a quick solution to the conscientious objector problem. The idea, however, would survive and it would form the basic approach toward conscientious objectors that the United States followed during the Second World War. Canada also examined similar proposals to employ conscientious objectors in “alternative service” under civilian oversight and was moving toward implementing such a plan.

44 Committee of 100 Friends of Conscientious Objectors, Who are the Conscientious Objectors?: a plea for justice for those in prison for conscience’ sake. (Committee of 100 Friends of Conscientious Objectors: New York, 1919), 6-7.
when the war ended. Like the United States, Canada would follow such a policy during the Second World War.

Another possible solution to the problem of “absolutist” conscientious objectors under military authority would have been to find some other reason, even a contrived or transparent reason to discharge them on an individual case-by-case basis. This was not a very efficient method, nor could it ever be officially endorsed, but this approach had some advantages. It would allow the government’s policy on conscientious objectors to remain firm, yet it would allow local military commanders some latitude in discharging troublesome absolutists. Initially Secretary Baker, and many officers within the Army, assumed that the majority of conscientious objectors must be mentally or psychologically deficient. Baker informed Wilson that most religious objectors “really have no comprehension of the world outside their own rural and peculiar community.” He added that “Only two of those with whom I talked seemed quite normal mentally.”

James Juhnke argues that “the belief that conscientious objection was a mental illness – that, in short, one would have to be crazy to be a CO- was never far from the surface.” He explains that “it probably did not help that one Mennonite, uncomfortable with English, had quoted Jesus as saying ‘Give to the Kaiser what the Kaiser’s is.’”

Baker ordered mental examinations for all conscientious objectors in March 1918: this approach however yielded disappointing results because, to Bakers great surprise, virtually no conscientious objectors were found to be mentally or psychologically unfit. Christopher Capozzola adds, however, that:

46 Newton Baker to Woodrow Wilson, October 1, 1917, in PWW, vol. 44, p. 288
48 Frederick Palmer, Newton D. Baker; America at war, based on the personal papers of the Secretary of War in the World War (New York, Dodd, 1931), 1, 341-342.; “Orders from Adjutant General of Army to the Commanders of all Camps,” April 10, 1918 in Statement Concerning the Treatment of Conscientious Objectors in the Army, 40.; Mark A. May, “The Psychological Examination of Conscientious Objectors,” American Journal of Psychology,
This vision of mental deficiency was no minor matter; some opponents of war – particularly those who had trouble articulating their concerns in the nice, neat language of liberal theory – found themselves labeled “feebleminded” or “insane” and interned for the duration of the war, or longer.49

Conditions for individual conscientious objectors varied greatly from camp to camp. The War Department admitted in 1919 that “there may have been here and there instances of mistreatment of individual conscientious objectors on the one hand or too great tolerance for their views on the other, may perhaps be admitted as being inevitable, but the general solution of the problem has been most satisfactory.”50 Those conscientious objectors who were subjected to mistreatment, however, would take issue with this characterization.

The reports from intelligence officers verify that conditions varied greatly from camp to camp. Complicating matters in the cantonments was President Wilson’s tardiness in defining “non-combatant service.” Ten months passed after the first conscientious objectors were inducted into the army before the President finally defined “non-combatant service.” This was particularly unfortunate because Gerlof Hofman points out that President Wilson “was inclined to define noncombatant status as soon as possible,” but Baker proposed “to postpone the definition.” Baker was convinced that any early announcement would “encourage further conscientious objection.” He preferred instead to “proceed with the draft and find suitable work for the men in the camps.” Crowder who “felt no great sympathy toward conscientious objectors, even though at one time he seemed to have favored exempting them from all military service” supported this policy.51 This policy worked, or at least, the desired outcome was obtained. On September 19, 1917 Baker informed Wilson that “it does not seem… as though our problem was

XXXI (April, 1920), 152-165. Arlyn John Parish was only able to identify one Hutterite from South Dakota as failing this mental test. Parish, Kansas Mennonites During World War I.
50 Annual Report of the Secretary of War, 1919, 37.
51 Homan, American Mennonites and the Great War, 51.
going to be … so large that a very generous and considerate mode of treatment would be out of the question.” Baker added that he felt “quite sure that our policy of not announcing in advance the course to be taken had limited the number of these objectors to those who actually do entertain scruples of that kind.”\textsuperscript{52} In retrospect it seems clear that this outcome would have been obtained even if an advanced announcement of the intentions for those objectors had been made.

In all camps it was non-commissioned officers, and other soldiers, who had the most direct contact with conscientious objectors, while responsibility for creating and implementing policies usually fell to higher ranking offices and the camp Military Intelligence Officer. Not every camp had Intelligence Officers, and those who were assigned to camps were frequently reassigned or resigned, often with the aim of being transferred to combat units bound for France. Furthermore the number of conscientious objectors in any particular camp was constantly in flux, so Intelligence Officers often had poor or incomplete knowledge of the conditions that conscientious objectors faced in their camps.

Lacking specific guidelines, and with innumerable other pressing concerns, camp commanders never considered conscientious objectors a high priority. Most of them seemed content not to take an active interest in the conscientious objectors while others were willfully ignorant of the physical, mental and psychological coercion that was inflicted upon the objectors usually by fellow soldiers or non-commissioned officers. Often this coercion amounted to abuse. Occasionally this abuse was severe and prolonged and amounted to torture. In many cases camp commanders took an interest only after negative publicity led to official investigations and court-martial proceedings against the abusers.

Efforts by the War Department to keep many of the policies concerning conscientious objectors secret, so as to discourage more men from coming forward with objections, resulted in

\textsuperscript{52} Newton Baker to Woodrow Wilson, September 19, 1917 in PWW, vol. 44, p. 221.
a very inefficient system for relaying orders and unintentionally contributed to an environment of uncertainty that led to abuses. Camp commanders were often uncertain which orders were in effect and were frequently infuriated when conscientious objectors received “confidential” orders through non-military channels before they did. The rapid turnover of both officers and conscientious objectors made it difficult not only to relay orders promptly but also to monitor the treatment of conscientious objectors in the various military cantonments. Oversight was poor, and the War Department often learned of abuse from representatives of the historic peace churches or civil liberties organizations.

The Army and War Department had a mixed record in the way they handled these allegations of abuse when they were called to their attention. Gerlof Homan argues that Baker and Keppel “could have done much more to warn military officials to abide by the War Department’s instructions, and to listen to and investigate complaints.” He accuses them of having a “see, hear, and speak no evil” attitude, but “a few investigations did result in legal action against military personnel.” At Camp Dodge, Corporal Poindexter was court-martialed, sentenced to ninety days, and reduced in rank for the well documented abuse of Mennonite George Miller. As was so often the case, Poindexter was soon released and reinstated.53

Homan holds the War Department primarily responsible; however, he concedes that “there would have been more court-martialed if conscientious objectors had been willing to press charges.” The conscientious objectors, however, were often reluctant to press charges, or even complain. Menno Diener of Arthur, Illinois explained: “We felt that we could not conscientiously testify against them for it would be helping to punish them and cause ill feelings

between resisting and non-resistance.” Diener thought, and many conscientious objectors agreed, that doing so would lead to a “poor light of Christianity in our church and backyard.”

There were several well publicized instances of the harsh treatment of conscientious objectors causing serious physical harm and occasionally even death, but many within the War Department and the Provost General’s office were more concerned that the public would get the impression that the Army was being too soft on those men who refused to shoulder arms.

Secretary Baker wrote that:

As a result of our efforts to see that these men got a square deal, no more and no less, it was sometimes charged that we were more interested in them than in the men who were willing to fight. The problem being a new one, we had to make adjustments as we went along, which accounted for a number of orders and instructions, this again giving to some people the idea of an undue interest in the whole question.

When the War Department did act to hold those responsible for abuse accountable, it did little to appease critics and it brought relentless criticism from a number of constituencies. After first denying all accounts of the “Camp Funston Outrages” Baker eventually conceded that there were problems and this led eventually to “a few high-profile dismissals of army officers [five officers including two majors] were discharged from the Army following the “Camp Funston Outrages”, however, a few months later, and a congressional investigation.” Major Frank White Jr., the judge advocate at Funston and the son of a former senator from Alabama, was at the center of the scandal which ended his military career. White, like Wood, was well known for having “little tolerance for the secularists, whom he termed ‘so-called conscientious objectors.’” White dismissed these men for having “pretended to have conscientious objectors based upon the view

54 Homan, American Mennonites and the Great War, 121.
55 War Department, Statement concerning the treatment of Conscientious Objectors in the Army, 9.
of obligations which they owed to the country.”56 White fought back after being dismissed. He enlisted the support of the American Legion, and launched a very public campaign against Baker and his “supposed coddling of subversive pacifists.” The Kansas legislature was a staunch supporter and denounced Baker’s actions as “an insult to the United States Army” that “has placed a premium on slackerism, cowardice, and mawkish sentimentality.” Keppel advised Baker that “good departmental and public policy” dictated “lenient discipline and honourable discharges for officers who had severely beaten objectors at Camp Funston, Kansas.” James Juhnke argues that “the public apparently agreed” and that Baker “quietly changed the discharges of the military officers who perpetrated the Funston Outrages from dishonorable to honorable” in order to “forestall a second congressional investigation which would be directed squarely at himself.”57

Largely as a result of the government’s own propaganda efforts which created a frenzied climate that portrayed patriotism in a narrow sense, the War Department spent a considerable amount of effort defending itself against charges that it was not dealing severely enough with conscientious objectors. The Secretary of War felt it necessary to personally refute several rumors made by “newspaper stories and addresses by excited people.” One of the more sensational rumors, which Baker took the trouble to specifically address, was that his “wife was a Mennonite.” Baker also disavowed rumors that “the Department had printed an order in


German for the convenience of slackers” and that “the whole policy was I.W.W. propaganda in
disguise.”

Rumors and factual errors concerning the treatment of conscientious objectors were
undoubtedly annoying, but they were relatively easily addressed. A more difficult critique of
conscientious objector policy - one that military intelligence officers frequently shared - was that
any perception of lenient treatment of conscientious objectors who were openly defying the
government’s authority would influence others; specifically, those who while they might not
approve of government policy on conscription or a number of related issues such as the purchase
of war bonds, were thus far complying. If resistance became widespread, it could erode the
nation’s ability to fight. It was evident relatively early on, that the army, through conscription
and volunteerism, would not have difficulty raising an almost inexhaustible number of men;
therefore, the small number of conscientious objectors was not an immediate concern for the
nation’s safety. Military officers, however, were tremendously concerned about any precedent
that decisions regarding conscientious objectors would create. They projected their concerns onto
hypothetical future conflicts. Baker summed up the feelings of many military officers when he
reported that “the opinion was freely expressed that the announced policy of the department
would breed a million slackers for the next draft.”

The War Department and the Army were both ill-prepared to deal with conscientious
objectors when the United States went to war. Decisions concerning conscientious objectors
were made by officials of the War Department and by military officers, based upon false or
inaccurate information. Sometimes they had little or no information at all. Military intelligence
officers worked diligently to gather information on conscientious objectors but frequently these

58 Ibid.
59 Ibid.
investigations failed to provide useful intelligence in a timely manner. Complicating the formation of any serious, consistent policy on conscientious objectors was uncertainty surrounding how and when the President would define what constituted “non-combatant” service. The ten month interval from May 18, 1917 when the selective Service Act went into effect, until the President defined noncombatant service on March 20, 1918 were filled with a great deal of confusion. Mennonite historian Lewis Heatwole writes:

> the failure of the under officers in the training camps to get the proper interpretation of orders issued from the War Department at Washington as to the treatment of noncombatants from a church whose creed forbids its members to engage in war is any form was responsible for much of the sufferings of noncombatants in camp.\(^60\)

Heatwole adds that the conscientious objectors were “frequently brought under severe test, and as far as possible were made to appear very small and despicable in the eyes of the regular soldier.”\(^61\)

Conscientious objectors in both the United States and Canada were repeatedly “brought under severe test” during World War I. Lewis Heatwole correctly identified one of the major sources of sufferings of noncombatants: the failure of the War Department in the United States and the Militia Department in Canada to communicate clearly to the officers in the training camps the rules and regulations pertaining to the treatment of conscientious objectors. However, the “severe test” that the noncombatants experienced in camp cannot be attributed entirely to a failure in communications. Much of the suffering occurred by design. The predominate view of government officials and military officers in both the United States and Canada was that citizens had an “inherent duty” to defend the nation during times of war. Because they had forsaken their duty as citizens, the noncombatants had forfeited their rights and protections as citizens. The

\(^60\) Lewis Heatwole, *Mennonite handbook of Information, by L. J. Heatwold; issued by authority of the Mennonite general conference, through its Historical committee*. (Scottdale, Pa., Mennonite publishing house, 1925), 91.

\(^61\) Ibid., 91-92.
conscientious objectors had a fundamentally different understanding of their duty as citizens. These different views led to repeated clashes, which began from the moment the conscientious objectors first appeared before their local draft boards.
CHAPTER 7. CHRONICLE OF THE SELECTIVE DRAFT

On November 28, 1918, as the 4,545 local and district draft boards which had “toiled up to the moment the armistice was signed” were busy completing their final duties, and anxiously looking forward to disbanding, Provost Marshal General Crowder made one final request. In order that the War Department “may have the benefit of your experience,” he asked the boards to record “for the archives of this office, some of the typical human incidents of the draft in your community.” Crowder explained that his intention was to preserve the “human element” which was not to be found by a “dry study of the documents containing the statute, the regulations, the telegrams, and the reports of statistics.” He stressed that this was “merely a request or suggestion,” not a requirement, and the boards were given only until the end of the year to submit their reports, but he was adamant that “this drama must not be allowed to pass unrecorded. The future historian must not search in vain for its traces.”

The response was overwhelming. Hundreds of draft boards, representing every state and territory and every possible type of districts replied, many in great detail. Crowder apparently intended to publish this Chronicle of the Selective Draft and he made some editorial notes on the reports, but it was never published. So, despite Crowder’s intentions, these reports have been largely overlooked by historians. This is unfortunate because they provide a unique perspective into the role that local and district boards played in implementing the draft and administering conscription policy. The unfinished Chronicle not only provides much greater detail into the role

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1 Crowder provided some guidelines. He asked for “some of the typical human incidents of the draft in your community, incidents pathetic, humorous, patriotic, selfish- what you will, as long as they are the most interesting incidents typical of the administration of the selective service draft.” He suggested examples “illustrative of the pathos, humor, patriotism, and popular sentiment which have marked it throughout.” With examples divided into four major categories: Pathetic, Humorous, Patriotic, and Miscellaneous. With further subdivisions grouped according to the “three great stages in the administrative process, viz, Registration, Classification, Mobilization.” Enoch Crowder, Provost Marshal General, To Members of Local and District Boards, November 28, 1918. Folder I, Alabama to Connecticut, Form No. 94; Chronicles of the Selective Draft; Selective Service System, World War I (Chronicles of the Selective Draft); Provost Marshal General's Office, Record Group 163 (RG 163); National Archives at College Park, MD (NACP).
of local and district boards, it also provides, exactly as Crowder had hoped it would, a noticeably different perspective than that contained in “the statute, the regulations, the telegrams, and the reports of statistics.”

The local draft boards were responsible for the initial decision on a conscientious objection claim, but even if they recognized the claim and issued the objectors a form 1008, the draftee was still liable for non-combatant duty and in most instances would be ordered to camp. Regardless of how the local board ruled, the inductee had to validate his claim again after arriving at camp and convince sometimes skeptical military authorities of his sincerity. H.C. Peterson and Gilbert C. Fite note in their classic study of American pacifists, *Opponents of War, 1917-1918* that “this latter step appears to have been difficult.”

Most of the reports submitted for the *Chronicle of the Selective Draft* do not make any mention of conscientious objectors as most of the local districts had only a handful of conscientious objectors. The Local Board for Murphysboro, Illinois reported just “one experience with the ‘Religious Objector’ and are glad to say that this has been sufficient.” The Local Board for Girard, Pennsylvania noted that they were “blessed with comparatively few religious objectors. However, one would bob up occasionally.” They then described a registrant who remarked to the examining doctor “you know I can’t fight.” When questioned on this statement he replied “I belong to such and such a church and it is against our religious principles to fight.” The doctor continued the examination and remarked “why that is the same church that

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2 Many of the boards shared Crowder’s concern for how their work would be remembered by historians. The Local Board for Division #20 North Side City Hall, Pittsburgh, Pa. wrote that “An able historian with verbiage and phraseology unlimited could write a volume and not cover the subject.” The Local Board for Division #20 North Side City Hall, Pittsburgh, Pa.; Massachusetts to Pennsylvania Folder II Pennsylvania; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
4 Jackson Co. Local Board, Box No. 424, Murphysboro, Ills., Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
the Kaiser and all his friends belong to.” The Board does not record whether the registrant passed his physical exam. The doctor’s absurd comment that the “Kaiser and all his friends” belong to a church whose religious principles prevent its members from fighting illustrates the hostility some religious conscientious objectors faced, particularly those such as the Mennonites who were ethnically and culturally German.

Christopher Capozzola makes the very insightful observation in *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen* that conscientious objection’s “public nature distinguished it from slacking, draft dodging, and desertion – which, in practice, were also rejections of military obligation.” Capozzola points out that draft dodging and desertion “were evasions of the state” while conscientious objection, by contrasts, “was a confrontation with it.” Despite this, many exemption boards viewed conscientious objectors as just another class seeking to gain deferments. They frequently were quite critical even of “legitimate” conscientious objectors.

Local Board No. 34, Chicago complained of “another member of the ‘Tribe of Evasion’ presented the plea that he was a Quaker.” He was inducted despite his claim of a “sore thumb” and “became an army deserter several months after induction.” The Local Board for Wilmington, Ohio wrote that “so far as the County of Clinton is concerned the one DARK CHAPTER was written by the Society of Friends. The position of the CONSCIENTIOUS OBJECTOR is absolutely indefensible.”

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5 Local Board for Division No. 2 for the County of Erie, State of Pennsylvania, Girard, Pa., Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
7 Nationwide 4.45 percent of inductees were reported for desertion. Many were later “Accounted for as not deserters.” Chicago Local Board No. 34, Chicago, Illinois; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
8 Local Board Clinton County, Wilmington, Ohio., Massachusetts to Pennsylvania Folder I, Massachusetts to Ohio. Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
In those districts, with just a few conscientious objectors, the board might have found the objectors distasteful or annoying, but they certainly did not make it difficult for them to fill quotas even before the War Department ruled that conscientious objectors would count toward the boards quota, nor did they cause an undue hardship for the other men in the district. However, the majority of religious conscientious objectors were clustered into a few districts; and in those districts they did present real challenges.

Very frequently local boards held conscientious objectors in absolute contempt. Local Board No. 1, Topeka, Kansas called the “so-called Conscientious Objector…a worthless commodity.” Some boards tended to view Conscientious Objectors with a bit more respect, particularly if they agreed to accept non combatant service and their numbers were not so significant as to create resentment within the community or an undue hardship in filling quotas. Local Board No. 1, Wichita, Kansas described a religious objector with “a perfectly good Quaker claim for a non combative certificate.” When asked on his questionnaire if he claimed the exemption he answered “No, not for this war.” The chairman of the board wrote him a letter “and complimented him on his willingness to discriminate between wars.”

Local Board No. 45, Philadelphia gave an example that reflected “how just was the part of America in the war.” A registrant who had “proven his claim to a non-combatant classification” was “sent to Camp with his “Zero” card [Form 1008].” He was a “man of more than average intelligence” and he was immediately made company clerk. He was also “very popular among all the boys with whom he associated.” Shortly after arriving in camp this man “wrote to the titular head of his Church and told him that in order to be true to himself he must

9 Local Board for Division No 1, City of Topeka, State of Kansas; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
10 Local Board No. 1,Wichita, Kansas; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
be true to his country, and declared that he had taken up arms for the preservation of Democracy.” The board added that he was later selected as a candidate for the Officer’s Training School and was commissioned some time before the signing of the armistice which ironically “prevented his being sent over-seas.”

The District Board for Wichita Kansas described two young Friends (Quakers) “having fair claims for exemption” who as soon as their cases were decided “arranged to leave their farming with other men and applied to be sent at once to France.” The Board noted that “long before they would have been in camp, whether they had gone as conscientious objectors or not, they were right up near the front lines building the hospitals, and doing other ‘Reconstruction’ service.” The board praised these “C.O.” men as “red-blooded and patriotic. Their whole bearing when asked about their cases was manly.”

Local Board No. 1, Coraopolis, Pennsylvania reported that “the number of religious fanatics was very small.” They described one, however, who, citing Second Corinthians 5.20 claimed religious conscientious objections because he “had never voted or registered for voting.” The board reported that this “reference was always somewhat vague to the Board.” The registrant “made no other claim for deferred classification believing he would be accorded a place in Class 5 because he Just couldn’t shoulder a gun.” The Board rejected his claim and reported that “he experienced several months of Army life.” Despite the fact that the Board had rejected his claim for exemption, its members did not seem to harbor any animosity toward him.

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11 Local Board No. 45, Philadelphia, Pa.; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
12 District Board of Kansas, Second Division Wichita; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
and once the armistice was signed, the Board “recommended to the Commanding Officer that the conscientious objector be discharged.”  

Conscientious objectors were frequently persuaded to drop their claim and be inducted.  

Local Board Number 2, Harrisburg Pennsylvania reported that:  

Jonathan [not his real name] was a member in good standing of the Mennonite Church, which teaches non-resistance. His entrance into the military service was therefore attended by misgivings, but he found that his principles were respected. He came out with flying colors holding a very responsible position that required rare nerve to get.  

Jonathan had a “kindly C.O.” and they agreed that he would be put to work in the camp corral. Jonathan, a “rube,” went to work breaking a difficult mule called “chained lightning” but to many observers’ surprise he “came out on top and the mule was crushed into submissiveness.”  

The Board reported that “by that feat Jonathan inspired respect in the minds of the doughboys for his conscientious scruples. He ended up in a non-com rating and a job to his liking—caring for much of the stock in the camp” The Board does not record how the Mennonite Church viewed Jonathan or whether his actions inspired respect in their minds, but it seems rather unlikely.  

Occasionally boards grudgingly admired the conscientious objector’s courage, but mostly they considered them terribly misguided. Local Board No. 5, Oak Park Illinois reported that they had few conscientious objectors, only four who “qualified for the cipher” as well as “half a dozen others whose cases were not covered by the S.S.R.” Nevertheless it printed a letter from one of these registrants that was “typical of the warped point of view of these men.” In the case of the Amish and Mennonites in particular, the boards generally considered their objections to be

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13 Local Board of Division No. 1 for the County of Allegheny, State of Penns, Coraopolis, Pennsylvania. Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.  
14 District Board for Division No. 2, Middle Judicial District of Pennsylvania, Harrisburg, Pa. Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.  
15 Local Board for Division No. 5, Oak Park, Illinois; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
just another of their peculiar customs that was an unfortunate result of their isolation from the modern world.

Boards took pride in seeing objectors become soldiers. Local Board No. 1, Goshen, Indiana described the registrants of their district “a majority of whom were conscientious objectors and timid country boys.” The Board described one of these “unassuming, lanky country boy” who “walked into the office … and asked if this was the place where they swore in the soldiers.” He was an orphan who had been working for a “farmer—conscientious objector—some distance from town and the latter had refused to haul him in, because the boy had said he would accept service and waive his rights as a member of the Mennonite church.” The Board concluded by stating that “he made an excellent soldier, is now in France, said in a recent letter (we have kept in touch with him) that he had been having the time of his life and thought that he would like to stay in the army.”

It was quite common for local boards to view conscientious objectors as insincere. Local Board No. 40, Philadelphia reported that “for a time the board was tempted to think, that in a community which had, under its accepted beliefs so few supplying ‘conscientious objectors,’ that a high percentage of the community objected without conscience.” Local Board No. 8, Philadelphia reported on a conscientious objector who stated that he did not “think men ought to kill.” He operated a slaughter house, and although it is not clear that he ever said so, the Board implied that he would “kill a burglar.” The objector indicated that he was a Christian Scientist.

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16 Local Board for Division No. 1, for the County of Elkhart, State of Indiana. Chronicles of the Selective Draft; Provost Marshal General’s Office; RG 163; NACP.
17 History of Draft Board 40 of Philadelphia: To the Dead. (with an Honor Roll), 11. Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
The Board replied, “Christian Science, eh! Well, believe you’re going to make a good soldier – Rainbow Division for this gentleman, officer.”\textsuperscript{18}

Conscientious objectors were frequently dismissed as nothing more than cowards. Local Board No. 2, Worcester Massachusetts reported that “sometimes we talked intimately with a real pacifist (not of the German kind) and we saw what often lay behind genuine pacifism was just a neurotic horror of pain and death.”\textsuperscript{19}

The Local Board for Shawnee County, Kansas complained of a “lack of appreciation, on the part of the public, that American was at war.” It reported a “considerable amount of disloyalty in this county and it was by no means altogether due to German birth or descent. It was due more to the distorted idea of liberty.” The Board rejoiced that if the war did “nothing more than to Americanize America” it would not have been in vain and lamented that:

Prior to the war conditions in this county were exceedingly bad and, instead of being the world’s melting pot where all the peoples of earth were being fused into a democracy, American was in real danger of being the world’s garbage can.

They were convinced that not many young men were “yellow, but their parents were. Generally, the boys were willing to go and do a man’s part, but the parents were not willing to have them do so.” The Board then described a “case of saffron hued Americanism.” A young man asked for a deferred classification based on the fact that he was a religious objector. “He claimed to be a minister of the gospel and investigation developed the fact that he is a member of the International Bible Students Association which has been placed under ban by both this Government and that of Canada.” The Board revealed its thoughts on that matter when it wrote

It has always been the conviction of this Board that there is and can be no valid ground under such a claims for escaping military duty. A man may be a coward

\textsuperscript{18} General Review, History of Draft of Local Board No. 8 Philadelphia, Pa. 9. Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
\textsuperscript{19} District Board for Division 2, Commonwealth of Massachusetts, Worcester, Mass.; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
and afraid to go into the service, but that, in itself, should be the reason assigned and not that it is against his religious belief.

The Board then stated that the International Bible Students Association’s “real headquarters were in Berlin as he finally confessed and its real object, pacifist if not pro-German.”

It defies credibility to believe that the registrant actually confessed this. If he was a legitimate Bible Student, and there is no reason to believe that he was not, he would have known that the statement was nonsense. If on the other hand he was falsely claiming to be a member of the Bible Students in some misguided hope of gaining a deferment from conscription, it is hard to believe he would “confess” something that was bound to cause his claim to be rejected. The Board concluded by noting that:

This case is mentioned at length as being at the farthest extreme. Others were yellow but they tried to hide it more or less. This man was frankly yellow and he is the only registrant, and the only man that we know about who has defied Uncle Sam and got away with it. As for the “religious objector there aint no such animile [sic].”

Regrettably, it did not elaborate how the applicant “defied Uncle Sam and got away with it.”

The most difficult tasks that the exemption boards faced was determining the legitimacy of claims made by conscientious objectors. The Selective Service Act favored members of the historic peace churches: the Mennonites, the Society of Friends, and the Brethren. Generally speaking these churches did not do a lot of missionary work or seek converts. Their members usually came from families which had belonged to these churches going back many generations. In those situations, it was a pretty straight forward decision to determine who qualified for a religious exemption. Local Board No. 2, Canton Ohio reported that the work of the board was made relatively easy by the fact that as “an outward expression of their faith is simplicity in dress

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20 Although they were drawn from a cross section of the public, and were not ethnically German, members of the International Bible Students Association were frequently considered Pro-German. Local Board for Shawnee Country, Kansas. Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
and growth of luxuriant chin beards, the upper lip being clean shaven. Men and women alike wear clothes of somber black or gray and hooks and eyelets are pious substitutes for worldly buttons.”

In some cases it was relatively simple to deny a claim as obviously fraudulent. Local Board No. 2, Canton, Ohio reported that within its jurisdiction was “a large colony of a sect which does not believe in war and which furnished a liberal quota of conscientious objectors.” It expressed a somewhat favorable opinion of this “colony” noting that “these people are thrifty, prosperous farmer folk seldom engaging in any other than agricultural occupation.” One day the Board beheld “a radiant vision” who presented himself,

…clad in noticeable tweeds of perfect fit. His cravat was a splash of vivid pink. Natty tan oxfords merged with gaily striped hose. A fedora hat sat jauntily on close barbared crown and clean shaven cheeks and jowl were smooth and pink. He was the last word in advanced dressing and a triumph of sartorial art.”

The Board reported that “the vision” declared “in a too aggressive tone” that his “religion forbids war.” It added that “the young registrant of bright colors claimed communion of faith with the religious colony which would have viewed his attire as an affront to providence.” Under examination it was quickly revealed that “the claimant was not only unacquainted with elementary tenets of his adopted religious belief but knew nothing whatever about it.” They conclude by noting that “in due course his order number was called and he exchanged gorgeous raiment for a serviceable suit of khaki.” It is worth noting that the Board was familiar with the tenets of faith and noted not only the worldly dress of the “radiant vision” but his “too aggressive tone.”

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21 Local Board for Division No 2, City of Canton, State of Ohio. Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
22 Ibid.
In many cases, however, determining the legitimacy of conscientious claims was much more complicated and the applicants had to be carefully questioned as to their own personal beliefs. The Local Board for Colville, Washington reported that some fathers “insist that their sons are of the same faith as a sort of heritage, while the facts disclose that the offspring never entertained the notion of a creed until the bold specter of war loomed ahead of the nation.” The Local Board for Wooster, Ohio described their “peculiar experience with one Andrew G.” who had passed his physical examination and had appeared under the order of the Board for induction. The Board noted that “his entire family had belonged to the Mennonites,” but the registrant and several others in his neighborhood had withdrawn from the Mennonite Church and had joined the International Bible Student’s Association. Whatever his parents might have thought of his having joined the International Bible Student’s Association, both his father and mother appeared with the applicant on the day he was to entrain for Camp Sherman. Andrew “at once took from his pocket a discourse which had been prepared and commenced to read it, standing at the door of our office.” Just as he was finished reading this discourse, the Sheriff stepped into the room and was directed to take charge of the registrant by the chairman. “G. refused to go with the Sheriff and showed his intention to resist and within ten seconds the Sheriff had the handcuffs on him.” The board reported that:

This proceeding had the desired effect, as the young man then and there promised if we would let him take his people home in the automobile, he being the only one who could drive it, he would appear when we would next order him to do so. He came according to his promise, was sent to Camp Sherman, and was found to be a good cook and is still there in service.

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23 Local Board for the County of Stevens, State of Washington, Colville, Washington. Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
The desired effect extended to “G’s. brother, a Mennonite” who “visited G. at Camp and soon after was called for service, and asked our Board to remove from his questionnaire his claim as a C.O.”

The local boards did not have much discretion when it came to judging religious based claims for exemption. However, they did have some discretionary powers, if other factors, such as an industrial or dependency claims, were also relevant. Applicants who made multiple claims even if they were legitimately entitled to them, however, risked causing the board to view them with great skepticism. The Local Board for Wooster Ohio described Mr. M “the most persistent C.O. with whom we had to deal.” Mr. M made “every possible claim [an agricultural claim as well as dependency claims both for his wife and for his mother] to secure deferred classification, even to getting married after his registration.” Nevertheless the Board denied all of his claims. Mr. M appealed to the District Board and received a personal interview, but the District Board also denied his claims and sustained the decision of the Local Board. Mr. M, along with over fifty others, was ordered to appear for induction. The board had “called in a few substitutes for emergency, and when our quota was filled, as was our custom, we appealed to the men appearing as to whether any of them know of any soldier who should be further postponed.” The persistent Mr. M then rose and made his appeal to the other inductees stating “the condition of his wife, that she and his mother were dependent upon him for support.” After M had made his appeal, the chairman asked him, in front of the other inductees “if you were further postponed for this year, and any man would come to your home and assault this wife in her pregnant condition, would you resist him?” Mr. M answered “not if it would require force of arms.” The chairman then submitted his case to his “comrades who are present to be inducted with you.” Not one

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24 Local Board for Wayne County, Wooster, Ohio. Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
responded that they felt that M should receive further postponement and “every man responded with a hearty No.”

The Wooster Board, as well as the District Appeal Board, was clearly determined to see M inducted regardless of the fact that some of his multiple potential exemption claims, most notably his pregnant wife, appear to have had at least some merit. This case also reveals the unusual, but not unprecedented, practice of calling substitutes. In most cases this was to guarantee that the quota was filled, but in this case at least the local board also made the unusual last minute appeal to the men themselves whether any of them knew of a soldier who should be further postponed. In some circumstances it is likely that the board would have been moved by such last minute appeals, but not in this case. In this particular case the entire appeal was theater. There was no chance that the Chairman would have submitted the case to M’s “comrades” unless he knew that they would soundly reject the appeal. A somewhat similar observation was made by Local Board No. 1, Lynn, Massachusetts that reported that “the boys themselves did not hesitate to guy a conscientious objector and shame him before the other registrants.”

The line of questioning, concerning how M would respond if a hypothetical intruder were in the process of assaulting his wife or mother was one that at some point was put to almost every conscientious objector. Conscientious objectors were often asked this very question when they appeared before the exemption boards, again when they arrived in camp, and frequently thereafter as military officers attempted to convince them to accept noncombatant service. If they were court-martialed they were usually asked this question, or some variant of it, during the court martial proceedings. The overwhelming majority of conscientious objectors answered, in apparent sincerity, in the same manner that M did, that they could not resist such attacks with

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25 Ibid.
26 Local Board for Division No. 1 City of Lynn, State of Mass.; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
violence. There was no good reply to this hypothetical question. Regardless of how the conscientious objector answered, he would either forfeit his claim as a conscientious objector, or, as was the case with M, open themselves to contempt and scorn.

Naturally, men who seemed to be grasping for any possible reason to gain deferment were often met with increased skepticism when they claimed conscientious objections. Louis Williams Francis, a married man from Silverton, Texas operated a livestock farm with his father and two brothers who were both under military age. He submitted a notarized affidavit to the War Department on May 23, 1917 which stated that he was a “natural born citizen of U.S.A. a Caucasian. I have never had any military training. I am married. I am a stock farmer on the farm with my Father and two brothers who are under military age.” Francis added that he was a “traction engineer and keep the engine in service most of the time Plowing, Threshing, Hauling and feed grinding.” He argued that “this work is left to me on account of me not being able to do much walking or standing. I have ingrown toe nails and sweaty feet, also rheumatism in my right leg caused from a fall when a small boy.” He added that “I am a member of the Church of Christ and according to my understanding of the Bible and the dictates of my own conscience and cannot conscientiously serve as a soldier.” Finally, he argued that he thought he could “better serve my Country by remaining on the farm and raising all the food that is possible for our fellow soldiers.”

Local Board No. 7, South Hadley Falls, Massachusetts reported a similar case in which the applicant seemed to be grasping at any reason to secure an exemption before belatedly discovering conscientious objections. The Board labeled the case “Neither humorous, pathetic or patriotic—simply disgusting.” A young man “educated and brought up in good circumstances,

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27 Notarized Statement, Louis Williams Francis, Silverton, Texas to the War Department of the U.S. Government, May 28, 1917; Box 7; General Correspondence 1917-1919; Provost Marshal General's Office, Record Group 163; National Archives College Park, MD (NACP.)
and American born” filed an exemption claims based upon his position as assistant secretary to
the Y.M.C.A. (a position that the board suspected he accepted for the sole purpose of making an
exemption claim) as well as a dependency claim for his mother. It was later learned that the
applicant had perjured himself in claiming that he was the sole support for his mother, when in
fact he had a living brother. Both exemption claims were denied, as were his appeals. He later
left the YMCA and went to work in a factory doing government work and filed a new claim on
industrial grounds, which was also not allowed. He then claimed poor health but was found
physically fit by the examining physician. He appealed this to the medical advisory board which
also declared him physically fit for military service.

Finally when he was called to go to Camp he announced to the Board that it
wasn’t any use to send him as he should put in a claim as a “C.O.” This was a
new one to the Board and when asked what it signified, he replied “conscientious
objector.” After having exhausted every means possible to evade the draft and
having been convicted of perjury in his questionnaire, the Board was not naturally
in a very sympathetic mood toward him and he was given some very plain advice.
The Chairman read to him from a newspaper of that day an account of two
soldiers in a certain camp who had been sentenced to 20 years in a federal prison
for being objectors and warned him not to make a fool of himself or he would be
liable to land in the same place.

In camp he was “arrested for disobedience to an officer and was tried and sentenced to fifteen
years in a federal prison.” The board reported that “this was the sole case of this nature” that it
dealt with but “it was the unanimous opinion of the members that a “C.O.” was the most
disgusting, detestable and damnable species, bred, reared and tolerated in this land of
freedom.”

In many cases, this skepticism was surely justified. The Local Board for Phoenix,
Arizona reported that “the conscientious objector during the great war played an important and
disagreeable part in the affairs of the local boards.” It cites, as an example, the case of Welcome

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28 Local Board for Division No. 7, State of Mass, South Hadley Falls; Chronicles of the Selective Draft; Provost
Marshal General's Office; RG 163; NACP.
C. Smith, who “first applied for exemption upon the grounds that he was a member in good standing of a religious cult opposed to war, then he claimed exemption upon the ground of self belief, and then claimed exemption on industrial grounds by reason that he was a yardman for railroad.” The Board report that:

Investigation into every claim of Smith failed to justify exemption. He had gone into the railroad yard as a means of obtaining an industrial claim. He therefore had had only a few days experience and his position could be easily filled by a man outside the draft age. His other claims for exemption were also rejected on just grounds by the local board. He appealed his case to the district board which sustained the local board. He then appealed his case to the president of the United States. The president sustained the district board.\textsuperscript{29}

Smith was sent to Camp Funston as a non combatant where he “scrubbed out and handled garbage, while men of the right sort drilled and prepared for battle.” The Board added that

The conscientious objector, if the case of Smith is typical, was nothing more than a plain, ordinary coward. To lie, to go to any extremity to evade the requirements of the draft and to keep from doing his duty by his country in time of war, although ever willing to live off the country at all times and prosper though it in time of peace.\textsuperscript{30}

Many denominations, when they realized that war and conscription were imminent, issued official statements on their doctrines. To critics this looked like they were conveniently adopting new positions, carefully crafted to take advantage of exemptions contained in the Selective Service Act. In some cases this might have been the true, but in most it appears that they were simply declaring publicly what they had long believed privately. While they might be codifying pacifist beliefs for the first time, they were in fact deeply held and quite sincere. Indeed the reality of war forced many denominations and many individual members of these denominations, to grapple for the first time with the reality that their faith might cause conflict with their duties

\textsuperscript{29} Nationwide 1,584 men appealed their draft status to the President of the United, the majority of which, 1,025 were returned without action, while just 29 were reversed. Local Board for Maricopa County, Phoenix, Arizona; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.

\textsuperscript{30} Ibid.
as citizens. All denominations had dissenting individuals. Churches that supported the war had
members who felt a conscientious need to oppose it, while churches that strictly forbid their
members from participating in the war had members who volunteered. These dissenters
complicated the work of the local boards tremendously.

C. W. Pelton of Conneaut, Ohio, wrote to Senator Warren G. Harding on May 28, 1917
in order to call his attention to “a sect known as The Assemblies of God, with headquarters at
1243 North Garrison Ave., St. Louis, Missouri.” Pelton noted that

In their articles of religion that were revised and promulgated at their annual
conference last fall, there is not a word, not the slightest hint of the doctrine of
non-resistance. In fact it was never dreamed of until after the declaration of war
when the Ex. Committee hastily and illegally stampeded to pass a resolution
embracing this doctrine, and then memorialize the President, setting up this
doctrine as an exemption from draft upon their members.

Pelton added that he was a member of this denomination, but he was also “an old soldier and a
partier through and through.” He added that he felt “humiliated and disgraced by this action that
puts me in such a false position.” He concluded by stating that he felt that Senator Harding
would “do all in your power to head off this gang of cowards and slackers.”

Harding forwarded the letter to the Secretary of War with the comment that it would
“doubtless be of some interest to the Judge-Advocate General in the matter of allowing
exemptions from service on account of religious belief.” Provost Marshal General Crowder
replied to Harding noting that “it is not anticipated that the members of the Exemption Boards,
who will have the power of passing upon exemptions, exclusions or discharges, will permit
themselves to be imposed upon by any subterfuge.” Crowder elaborated that:

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31 C. W. Pelton, Conneaut, Ohio to Senator Warren G. Harding, May 28, 1917; Box 10; General Correspondence
1917-1919; Provost Marshal General's Office, Record Group 163; NACP.
32 Warren G. Harding, United States Senate to the Secretary of War, War Department, June 2, 1917; Box 10;
General Correspondence 1917-1919; Provost Marshal General's Office, Record Group 163; NACP.
… before one can be excused from service on the ground of religious belief, the facts necessary to authorize such exemption must be found by the Board after investigation and examination into the claims of those seeking to be so excused, and the spirit of the country, as gathered from communications coming to this office, appears to indicate that persons will not be likely or without proper showing, exempted on account of their religious beliefs.\textsuperscript{33}

Some conscientious objectors, especially those who spoke German, which many of the Mennonites did, were suspected of being disloyal or Pro-German. Local Board No. 2, Los Angeles wrote that:

… conversation, correspondence and questionnaires with registrants and their families reveal every shade of loyalty from the intensest [sic] devotion, one hundred per cent American, to almost one hundred percent negative. I said almost, for none have dared openly to avow their disloyalty, but absolutely disloyal, clothed their naked wolfsness in the cloak of the “Conscientious Objector.”\textsuperscript{34}

The local boards usually believed that if they were able to get the men to the military camps that the military would be able to change their attitude. Most of the boards seemed to agree with Secretary of War Baker who wrote to President Wilson that the effect of sending conscientious objectors to military camps would be that “a substantial number of them would withdraw their objection and make fairly good soldiers.”\textsuperscript{35} The Local Board, East Hartford, Connecticut for example reported as “Humorous” the case of “a man who had been serving a public institution as a guard, undoubtedly carrying firearms for emergency use. He claimed to be a “conscientious objector” and sustained his claim with the proper proof. On the day of his

\textsuperscript{33} E.H. Crowder, Provost Marshal General to Honorabe W.G. Harding, United States Senate, June 4, 1917; Box 10; General Correspondence 1917-1919; Provost Marshal General's Office, Record Group 163; NACP.

\textsuperscript{34} Local Board No. 2, Los Angeles Co., Pomona, California; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.

\textsuperscript{35} Frederick Palmer, \textit{Newton D. Baker; America at war, based on the personal papers of the Secretary of War in the World War} (New York, Dodd, 1931), 31.
induction, he seemed jovial and happy and as the train pulled out of the station he was one of those who were shouting the loudest and enjoying the occasion.”

The authority of the exemption boards ended once the men were entrained, but many of the boards remained very interested in what happened to the men after they arrived in camp. The Chairman of Local Board No. 1, Coraopolis, Pennsylvania “had the privilege” of visiting Camps Lee and Camp Hancock. He was “agreeably surprised to find the modest boys broadened and strengthened by their contact with others.” He praised the “wonderful change wrought in the character and appearance of the young men who here to fore had such uncontrollable habits.” He received a “very cordial” welcome and reported that “not a single man resented in any way, or indicated any malice whatever at being drafted into service. On the contrary, they were unable to do enough for the member of the Board who had a part in their induction.”

Conscientious objectors were required to restate their objections to their commanding officers once they arrived in camp. The pressure upon the men to accept non combatant service once they arrived in camp was intense. It was also frequently abusive. While some of the most notorious cases of abuse were fairly well publicized and documented, it was much more pervasive than these few cases, and for most conscientious objectors it began long before they actually arrived in the camp.

The Local Board for Blair County Pennsylvania reported sending twenty-two conscientious objectors, the majority of whom “were of the Mennonite faith,” into the military. While two of these objectors were en route to camp, “a brawny blacksmith” who had been appointed leader of the contingent summoned the two objectors before him. “The objectors told

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36 Local Board for Division No. 1, for the County of Hartford, State of Connecticut. East Hartford, Conn.; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
37 Local Board for Division No. 1, for the Country of Allegheny, Pennsylvania. Coraopolis, Pennsylvania.; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
him that they were men of peace.” The blacksmith was so incensed that “he beat and mauled the objectors so severely that they were placed in a Hospital Ward, upon their arrival at Camp.” The board adds that one of these objectors “who aired his views in a manner displeasing to his commanding officer, spent the greater portion of the year in a guard house in Camp Lee.”

Local Board No. 1, Elkhart Indiana described one applicant, “W” derisively as a “Chin-whiskered little Amishman” who spoke English poorly and was “decidedly averse to being drafted.” They admitted that “his religious right to non-combatant service appeared good” but he was placed in Class One. A “temporary farm release measure” saved W until the big July movement of draftees. At that time all the farm releases were revoked because of the great need for men. The Board then “proceeded to corral all the Amish, Mennonites and conscientious farmers in the district.” In the meantime “bad reports had been coming in about W’s religious principles. His connection with the Amish church had not been of long standing.” The Board noted that “when the July contingent entrained W was among them. He was desolate. Amish he appeared but he didn’t bear that magical little form- the possession par excellence of all objectors- Form 1008.” Elsewhere in its report that same Elkhart board noted, with apparent satisfaction that “this district is said to have the largest representation of any district in the country in Fort Leavenworth, Kansas approximately 20 religious objectors from here are serving sentences of from 5 to 20 years.”

Men with the misfortune of making conscientious claims before a hostile board such as Phoenix, Arizona or Elkhart, Indiana were very likely to be “put to the test” and it is not surprising that a large percentage of conscientious objectors from these districts ended up being

38 Local Board for Division No. 1 for County of Blair, State of Pennsylvania; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
39 Local Board for Division No. 1, for the County of Elkhart, State of Indiana, Goshen, Indiana; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
40 Ibid.
sentenced to Leavenworth. They could expect no sympathy from their local board and almost
certainly ended up in the army. In at least some cases, however, the conscientious objector was
rejected once he arrived in camp. District Board No. 2, Harrisburg, Pennsylvania described the
“most determined man” with whom they had to deal. After making every conceivable effort to
“evade service” Seth Butterworth, “that name will conceal his identity,” was inducted into the
military service at Camp Meade. Later, Seth “blithely returned home from camp bearing a
discharge from the military authorities hinting along with other things that Seth lacked
personality.” The Board reported that “the last CHAPTER” in this case was their report that Seth
had advised his “fellow conscientious objectors to refuse to don uniforms and do any work at
camp as the surest method of securing a discharge from the military service.”

Only a small number of conscientious objectors ever faced court martial. This was due to
a number of factors. Conscientious objectors were geographically concentrated in certain
districts and some boards used what discretionary powers were available to them to keep
conscientious objectors out of the military, but others were insistent on sending even the most
adamant objectors into the military. In some cases these objectors encountered sympathetic
commanding officers who were lenient and did not seem eager to force them to make decisions
that could only lead to court martial proceedings, but this appears to have been the exception.

41 District Board for Division No. 2, Middle Judicial District of Pennsylvania, Harrisburg, Pa.; Chronicles of the
Selective Draft; Provost Marshal General's Office; RG 163; NACP.
42 Local Board No. 45, Philadelphia, Pa.; Chronicles of the Selective Draft; Provost Marshal General's Office; RG
163; NACP.
Many of these objectors who were inducted into the military eventually became martyrs to some extent in the camps.

Regardless of how they viewed conscientious objectors, most boards attempted to place the young man into the proper class. This was not always easy. A small but not insignificant number of men from mainline denominations which supported, in some cases enthusiastically, the war objected to this practice. These men were typically regarded as fanatics or “religious cranks” which is how the Local Board, Ottawa County, Miami, Oklahoma dismissed a registrant from the Presbyterian church who professed religious scruples and argued that he could not be conscripted as “the Government has not right to take away his Constitutional rights.”

Although religious conscientious objectors did not always base their argument on this, or even raise the issue of their Constitutional rights, the encounter between the conscientious objector and the state was always about the rights and obligations of the citizen and their relationship to the state. The Phoenix, Arizona Board, which sent Welcome C. Smith, a man with a most tenuous claim of conscientious objection into the army, was apparently hostile to all conscientious objection claims and, in at least one notorious case, they sent an objector that seems to have had very valid reasons not to be sent. The board reports that the case “had a flash of humor in it but showed the tragedy of misleading religious belief.” The “Rev.” P.R. Starks was “placed in the minister’s class of the selective draft upon the strength of his own statements as set down in his questionnaire.” Initially, the Board conceded that Starks:

… was a member of a religious cult which did not believe in war, but rather believed in the “peace at any price” propaganda, a belief held by thousands upon thousands at the beginning of the war, before the nation, filled with strange ideas about peace, awoke and saw, like a flash from heaven, that peace can only be obtained primarily through war and can only be maintained at any time through eternal vigilance.

43 Local Board Ottawa County, Miami, Oklahoma; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
The Board reported that when the call to arms came “there was a scurrying to cover of the conscientious objectors.” It noted that “Stark was one of these. He was one of the many who were ‘too good to fight.’” In an interesting insight into the way that many boards viewed religious objections the Board added that “this was an insult to God, America and the real man, for the real man is never too good to fight in the preservation of peace, especially when enemy cannon are thundering at his door.” The Board later determined that Starks, like many ministers of pacifist sects or “religious cults,” had never been ordained. While he certainly could have been considered a lay minister, the Board determined that he was not a minister at all and summoned him to a hearing. When asked if he was an American, Starks replied “No, I am a citizen of the kingdom of heaven. Therefore I am an alien in the United States, only her for a time. My home is in heaven.” The Board then asked him what he would do “if some person struck him in the face” He replied, “I would pray to God.” Starks testified that he “was not interested in the wars of the world.” The board placed him in Class I and sent him to Camp Cody, N.M. for military training because it determined from his questionnaire that “his mortal carcass…was born in the United States.” It soon heard from Camp Cody that “Starks had absolutely refused to drill or do any kind of work about the camp, although he would eat.” He was eventually court martialed and sentenced to a term of 20 years in Leavenworth prison. The Board reported that Starks’ story “went all over the country” and one editor commented that “the military authorities at Camp Cody are at a loss to know what to do with Mr. Starks, and shooting by court martial has been suggested.” The Phoenix Board approved of this suggestion noting
that “as Mr. Starks claims as his residence, the kingdom of heaven, we should advise that he be returned to his home by the shortest and quickest route.”

Sociologist Max Weber defined the State “as a human community that claims the monopoly of the legitimate use of physical force within a given territory.” Yuichi Moroi observes in *Ethics of Conviction and Civic Responsibility: Conscientious War Resisters in American during the World Wars* that conscientious objectors pose a serious challenge to the state’s legitimacy and authority. The case of the “Rev.” P.R. Starks clearly illustrates this challenge. Starks rejected the legitimacy of the state’s use of violence, and by refusing to participate in this violence, he challenged the “authority of the state to mobilize individual for its purposes.” The state, in this encounter represented by the Local Board for Maricopa County, unable to compel Starks to recognize its authority has no choice but to direct some of its physical force against Starks. The board sends Starks to Camp Cody, N.M. were another agent of the State, the United States Army applies physical force in an effort to convince Starks to recognize the State’s authority and consent to military training. When Starks denies States legitimacy by claiming to be an “alien in the United States” and continues to reject the State’s authority by professing allegiance to a higher authority as a “citizen of the kingdom of heaven” the State is diminished and “at a loss to know what to do.” Though Starks was clearly a legal citizen of the United States, the State must eventually deny him the rights normally associated with citizenship and restrict his freedom through court martial and a 20 year prison sentence.

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44 Local Board for Maricopa County, Phoenix, Arizona; Chronicles of the Selective Draft; Provost Marshal General’s Office; RG 163; NACP.
Though the encounters between the State and the conscientious objector were not usually as literal as this, they all revolved around a similar conflict as the conscientious objector challenged the “authority of the state to mobilize the individual for its purposes” in this case the purpose being the “employment of violence.” If carried to the extreme these conflicts could only end in one of two ways. Either the conscientious objector made some concession and recognized the authority of the state, or the state was compelled to use some degree of violence, in most cases court martial and incarceration, against the objector.

The *Chronicle of the Selective Draft* certainly recorded the “human element” of conscription though it may have revealed more of the “drama” than Crowder had ever intended. During World War I the local draft boards made millions of decisions, each of which had profound implications, concerning the men who appeared before them. In many cases the boards literally decided who would live and who would die. For the most part the boards approached this work in a somber manner with the proper amount of respect and diligence, but the boards were composed of human beings, each with their own strengths and weaknesses, their own prejudices and peculiarities. They occasionally made mistakes, and they frequently took offense when they were challenged. Though some boards were sympathetic to conscientious objectors, most viewed them as adversaries and believed it was their duty to convince them to set aside their objections and become soldiers, or at least accept noncombatant service. Many of the conscientious objectors did just that and did not press their objections. For those who persisted, their encounter with the local board was just the first of many such encounters with a government determined to make them respect its authority and accept its definition of noncombatant service.
PART III. THE CONSCIENTOUS OBJECTORS

CHAPTER 8. THE FACE OF THE CONSCIENTOUS OBJECTOR IN THE UNITED STATES – THE MENNONITE CHURCH, AARON LOUCKS, AND THE PEACE PROBLEMS COMMITTEE

A number of non-recognized sects, most notably the International Bible Students attracted their share of scrutiny and criticism in the United States but, for a number of reasons, not the least of which was their overwhelming numerical supremacy, it was the historic peace churches that provided the public face of the religious conscientious objector in the United States, and more often than not that face was Mennonite.

The Mennonites, an Anabaptist denomination named after their founder Menno Simons (1496-1561) a former Catholic priest, originated in Germany and Switzerland early in the sixteenth century. They believed in the separation of the church and the state and to some extent the separation of the church from the surrounding culture. They respected secular government but insisted that there were certain religious matters over which secular government had no authority. They rejected the authority of the State churches of Europe and were viewed as heretics and severely persecuted. Their early history is full of tales of persecution and martyrs, chronicled in great detail in Martyrs Mirror. First published in 1660, Martyrs Mirror along with the Bible, were fixtures in almost every Mennonite home during World War I.

Persecutions in central Europe caused entire Mennonite communities to emigrate, many to the United States and sizeable Mennonite communities existed in Pennsylvania prior to the American War for Independence. The Civil War led to conscription and the first great test for these American Mennonites. Many accepted noncombat work in hospitals and others hired
substitutes, but most chose to pay the special fine of $300 in the North or $500 in the South, and very few were prosecuted for not actively supporting the war.\(^1\)

American Mennonites were not tested again until World War I. Because of their experience during the Civil War, they remained wary that conscription might once again become a reality but as the years passed they increasingly began to see it as more and more remote. The war which broke out in Europe in 1914 was troubling, but it also seemed distant. So long as the United States remained neutral, there was no immediate cause for concern. Allan Teichroew argues that “Mennonites were an isolated people in World War I. The average Mennonite, General Conference, (Old) Mennonite, Amish, or other, paid scant attention to the problems created by the failure of international diplomacy.”\(^2\)

On the eve of World War I there were more than a dozen Mennonite sects in the United States. Most lived in exclusive Mennonite communities and supported themselves by farming. There was considerable difference among the various sects in the importance that they placed upon the practice of nonconformity with the world. The Mennonite Church (MC), sometimes familiarly called the “Old” Mennonite Church, and General Conference Mennonite Church (GC) were the two largest Mennonite bodies in the United States and accounted for over half of all Mennonites living in the United States.

The “Old” Mennonite Church was the largest Mennonite group in 1917, with nearly 35,000 members. They had been in the United States longer than most Mennonites and remained one of the most conservative Mennonite bodies in the United States. Most (Old) Mennonites were descendants from immigrants who had come some 150 years earlier from Switzerland and

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the Palatinate. They often spoke German at home, though most were equally comfortable with
English. “Old” Mennonites practiced a strict doctrine of nonconformity which they enforced,
when necessary by denying the offender the right to participate in communion.³

The General Conference Mennonite Church formed in 1860 when immigrants from south
Germany and progressive Mennonites from Pennsylvania sought “a more outward-looking
Mennonite church” that embraced missions, Sunday schools, and higher education. Many of the
Russian immigrants that arrived after 1873 joined the General Conference Mennonite Church. In
1917 the General Conference had about 15,500 members who lived mostly in Kansas, Nebraska
and Oklahoma.⁴

The Mennonites were the largest, but not the only, Anabaptist sect in the United States.
Donald B. Kraybill, editor of The Amish and the State, notes that “Hutterites, Mennonites, and
Amish, each with their own internal subgroupings, all trace their roots back to the Anabaptists.”
Most Anabaptists were leery of politics and many refrained entirely from the political arena.
Usually they refrained from sending their children to public schools except in communities
where they were a majority. Ironically, “the desire to control the public schools” sometimes
served as an incentive for Mennonite immigrants to acquire United States citizenship. The
process of acquiring citizenship, however, was not the same as accepting the conscriptionists’
understanding of the duties of citizens.

Arlyn John Parish, author of the classic study Kansas Mennonites During World War I,
notes that when the United States was still neutral “most of these European Mennonites in
Kansas expressed a deep sympathy for the German people with whom they still had a common
culture and language.” He points out that donors to the German Red Cross, which included

⁴ Melanie Springer Mock, Writing Peace: The Unheard Voices of Great War Mennonite Objectors (Telford,
individuals, youth groups and congregations, were periodically printed in the newspapers. One of these newspapers, Der Herold, which Parish describes as “less partisan than some” argued that the war was caused by “the expansionism and lust of power of barbaric and despotic Russia, the desire for revenge of France and the economic jealousy of England.”

The declaration of war followed closely by the Selective Service Act was devastating to the Mennonites. Allan Teichroew notes that “the law was shockingly un-American” to the Kansas Mennonites “who equated a military draft with Junker militarism.” C.H. Krehbiel expressed their sense of betrayal when he wrote that “we did not believe that that was possible in the United States.” The factious nature of the Mennonite community, divided into many competing and jealous sects, did not serve them particularly well when they were confronted with conscription in 1917. It made it difficult to speak with one voice, and almost impossible for them to effectively reach out to other peace churches or secular peace organizations to present anything resembling a united front to the government. As a result there was a lot of duplicated effort, as numerous Mennonite sects sent delegations to Washington D.C. seeking information and promises that their members would be exempted from compulsory military service. This was also frustrating to government officials, as some Mennonite groups eventually relaxed their opposition to non-combatant service, while others held firm. Despite their many differences, all Mennonites agreed on certain fundamental principles. When the United States declared war on Germany, all of the eleven separate Mennonite sects in Kansas “held that it was sinful for an individual to take any part in carnal warfare.” Parish argues, however, that “after only a year and a half of having their doctrine challenged, there was a noticeable difference in the nonresistant position taken by the Mennonites.” He concedes that this change “was barely perceptible in the

6 Teichroew, “Mennonites and the Conscription Trap”, 11.
official doctrine proclaimed by the Mennonite leaders” but he argues that “it was quite evident in
the actual stand taken by the Mennonite in the military encampments and at home.”

Melanie Mock notes that representatives of the General Conference Mennonite Church,
Mennonite Brethren, and Krimmer Mennonite Brethren told governmental leaders they would
accept “service in agricultural or the Red Cross and failing that, might even agree to do
noncombatant work.” She points out that their offer of service “contradicted the position of other
groups. (Old) Mennonites took a firmer stance in their discussions with government authorities,
rejecting any form of duty under military government, combatant or noncombatant.” This lack
of unity hindered the Mennonite efforts to introduce themselves and explain their beliefs to
government officials and to the broader American public. It allowed their image to be controlled
by military officials who were more skeptical of conscientious objectors and by critics that were
less sympathetic. A report on Mennonites prepared by Military Intelligence noted that “the spirit
of loyalty and patriotism is entirely lacking in these people, killed by the narrow prejudices and
environments in which they have been brought up since their first settlement in this country.”

This is not to say that a united effort to educate the public and selective service officials
would have made much of a difference. The positions relative to conscription, regarding what the
government was asking and what the Mennonites were able to concede, were quite far apart.
This lack of agreement and coordination, however, did not help the situation and government
officials and military officers can perhaps be forgiven for their failure to understand why some
Mennonites continued to refuse non-combatant service when others had agreed to accept it.

The first tentative steps at establishing a dialogue and answering the question

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7 Parish, Kansas Mennonites During World War I, 1-2.
8 Mock, Writing Peace, 39.
9 “Mennonites”; Box 3761, 10900-25 to 10902-12; Military Intelligence Division Correspondence, 1917-41;
Records of the RFSG, RG 165; National Archives College Park, MD (NACP.)
"In What Fundamentals Do Mennonites Agree?" - first posed by I. A. Sommer in *The Mennonite* - resulted in the first All-Mennonite Convention held at Berne, Indiana in 1910. Eight other All-Mennonite Conventions were held irregularly thereafter until 1936. Only the Second All-Mennonite Convention, held at Carlock, Illinois, August 30-31, 1916 occurred during World War I, but the United States was still neutral at the time. The fact that no Convention was held during the period of American belligerence, when such a dialogue would perhaps have been most relevant, demonstrates how factious the various Mennonite sects were and how each had a strong prejudice in favor of addressing war related problems individually.

The Second All-Mennonite Convention appointed a committee to speak for Mennonites collectively, but James C. Juhnke notes that this was “an ad hoc voice.” He points out that “it did not speak for the Old Order Amish and Old Order Mennonites, who had ignored the misnamed ‘All Mennonite’ movement.” Nor did it “speak for the much larger Amish Mennonite and ‘old’ Mennonite bodies, for they had specifically opposed the convention.”10 At the conclusion of the Second All-Mennonite Convention, the delegates sent a rather tepid petition to President Woodrow Wilson expressing their conviction “that war can never serve as an effective solution to international complications” and that “arbitration and other conciliatory methods, rather than military force, should be encouraged as a far better instrument for the securing of international justice.”11

At the end of March, 1917 J.A. Huffman of the Mennonite Brethren in Christ presented petitions from the Second All-Mennonite Convention to “special friends for our cause” in Congress. Huffman was specifically referring to Congressman B.F. Welty, “a former Bluffton

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[Ohio] boy, and once a member of the Mennonite Church;” and C.W. Ramseyer, Congressman from the Sixth Iowa District, a member of the Mennonite Church from Pulaski, Iowa. Huffman’s faith in Welty and Ramseyer, however, was misplaced. Both Welty and Ramseyer voted for war on April 6, 1917, and both later supported the Sedition Act of 1918.12

The final language of “An Act to authorize the President to increase temporarily the Military Establishment” which was approved on May 18, 1917 provided exemptions for well – recognized religious sects or organizations at present organized and existing and whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed or principles of said religious organizations, but no person so exempted shall be exempted from service in any capacity that the President shall declare to be noncombatant.13

Mennonites certainly qualified as members of well-recognized religious sects, however, a period of uncertainty followed as regulations governing exemptions and defining noncombatant service, were drafted.

Registration for the draft was required by June 5, 1917, and although the president had not yet defined what constituted noncombatant service, most Mennonite leaders instructed their eligible young men to “present themselves to the authorities and meekly inform them that under no circumstances can they consent to service,… under the military arm of the Government.”14 It appears that most Mennonites who were required to register followed the advice of their church and did so, frequently presenting a certificate of church membership to the registrar. Allan Teichroew explains that Registration Day “brought no difficulty from any Mennonites” because “none of the Mennonite groups opposed registration on principle and it stood as the first example

12 Juhnke, Vision, Doctrine, War, 222-223, 229.
13 An Act to authorize the President to increase temporarily the Military Establishment, approved May 18, 1917, Public Law No. 12, 65th Congress, H.R. 3545, U.S., Statutes at Large, XL, Part 1, 78.
of general Mennonite acquiescence to military requirements.” He points out that the *Gospel Herald* reasoned that “to obey it was in accord with the Biblical teaching which taught that Christians should be subject to the powers that be.” The *Gospel Herald* added that it provided “an opportunity to make an important public witness on the issue of non-resistance.”

The “Old” Mennonite Church did not organize under a central conference, the Mennonite General Conference, until 1898. The Mennonite General Conference then met biennially until 1971. It was strictly an advisory body to the Mennonite Church. Church authority continued to reside in the independent district conferences, some of which never formally joined the Mennonite General Conference, though they were still considered very much a part of the Mennonite Church. Despite this complicated structure and the absence of any binding authority, the pronouncements of the Mennonite General Conference on matters of faith carried great weight, and had tremendous influence upon the various district conferences, that comprised the Mennonite Church. James C. Juhnke notes that by 1914 the “Old” Mennonite Church had achieved “more organizational solidarity and uniformity [through the Mennonite General Conference] than the GC [General Conference Mennonite Church] branch had.”

Juhnke notes that “effective authority” in the “Old” Mennonite Church rested with the bishops. Bishops “ran the various (and much older) district conferences, and established and enforced rules for church procedures and personal styles of life.” Juhnke argues that the World War would “show how successfully the “Old” Mennonites’ general conference might set standards for bishops to enforce at the district and local level.” He notes for example that the

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15 Teichroew, “Mennonites and the Conscription Trap,” 11.
16 The Mennonite General Conference which represented the Mennonite Church or the “Old” Mennonites should not be confused with the General Conference Mennonite Church which was the second largest branch of Mennonites in the United States during the First World War.
conference adopted a strong statement against taking part in “carnal warfare” in 1915 at Archbold, Ohio. Members who “bore arms” were to be “disowned from membership.” Two years later, at the Yellow Creek church in northern Indiana, the conference adopted “the most comprehensive statement on military service made by any Mennonite group during the war.”\(^{19}\)

On August 29, 1917, the Mennonite General Conference, representing, sixteen district conferences of the “Old” Mennonite Church from the United States, Canada and India met at the Yellow Creek Church, near Goshen, Indiana, to address war related issues. At the end of this conference the delegates issued “an expression of our position on the doctrine of non-resistance as applied to present condition brought on by the world war now raging.” One hundred and ninety eight delegates or other representatives signed the statement titled, *Mennonites on Military Service*, sometimes referred to as the “Yellow Creek Statement.” The “Yellow Creek Statement” was much more direct and confrontational than the *Petition from the All-Mennonite Convention* which had been issued the previous year. The Mennonite General Conference did not explicitly require that violators be excommunicated, but it did say it expected both members and congregations to show “an attitude of submission and loyalty.”\(^{20}\) A number of factor explain the change in tone of the two documents, not the least of which was the fact that the “Yellow Creek Statement” represented the views of the more conservative “Old” Mennonite Church which had not participated in the All-Mennonite Convention. The fact that United States was no longer a mere observer but was now a participant in the War was also significant.

*Mennonites on Military Service* began by stating that “we hold that Christian people should have no part in carnal warfare of any kind or for any cause.” The statement claimed protection offered under “Selective Draft Law enacted May 18, 1917” noting that the Mennonite

\(^{19}\) Ibid.

\(^{20}\) Ibid.
General Conference was one of the churches “whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein.” The statement expressed deep regret, that the exemption was “practically nullified (save in the matter of bearing arms)” by the “further provision empowering the government to impress non-resistant people into non-combatant service.”

*Mennonites on Military Service* acknowledged “Past Favors” and rejoiced “that freedom of conscience is thus recognized by the laws of our land.” It noted that “We still have among us brethren who suffered for conscience’s sake” during the Civil War. These brethren “recall with much gratitude the freedom from military service which that exemption secured for them.” It expressed “hope that when the powers that be fully understand our position with reference to military service” that the clause in the Selective Draft Law pertaining to non-combatant service might be “accordingly modified.” They very clearly stated their difficulty with non-combatant service

> as a Christian people we have always endeavored to support the government under which we lived in every capacity consistent with the teaching of the Gospel as we understand it, and will continue to do so; but according to this teaching we cannot participate in war in any form; that is, to aid or abet war, whether in a combatant or non-combatant capacity.22

The signers of *Mennonites on Military Service* were quite aware of the potential consequences of their position. They addressed what would become a frequent perception, that:

> … no one who really understands our position will accuse us of either disloyalty or cowardice; for our record had proven our submissiveness to the powers that be, and to maintain our position under present conditions requires greater courage than to accept non-combatant service.

*Mennonites on Military Service* included a direct appeal to the President of the United States “and all others in authority to bear with us in this attitude and not to construe our position as a

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21 *Mennonites on Military Service*, 1917.
22 Ibid.
lack of appreciation for past favors or as an act of disloyalty; also to grant unto us full liberty of conscience and the free exercise of our faith.”

It concluded with some recommendations “To Our Brethren Liable for Military Service.” Specifically these brethren were advised to “comply with every requirement of the government” while “availing themselves of every opportunity to present their claims for exemption.” They were instructed to exercise care not to “commit any acts that could be rightfully interpreted as desertion or treason.” When summoned to enter the military service, they were instructed to “present themselves to the authority and meekly inform them that under no circumstances can they consent to service, either combatant or non-combatant, under the military arm of the government.” Finally, they were instructed to submit “to any penalty the government may see fit to inflict, trusting the Lord for guidance and protection.”

Allan Teichroew argues that the “problem” of this “humbled, obedient attitude of the Mennonites at this early stage was that it weakened the strongest of their demands for absolute exemption.” He explains that “the privileges” the Mennonites were seeking “were inherently radical; they were asking for no less than the right to determine the reality of their own culture and religious identity.” He notes that this “same quest had precipitated their immigration to America, kept them on secluded farms, encouraged the establishment of Mennonite schools, and led them to retain the German language.” Now he argued it meant “maintaining their conscientious scruples against war in a twentieth century State mad with war.”

Teichroew points out that even before the Yellow Creek Conference, the Mennonite Church had been forced into defining their non-conformist, nonresistant claims in terms of the State, leading the

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23 Ibid.
24 Ibid.
bishops of the Lancaster Conference, for example, to appeal for agricultural work on the basis that it would be the most efficient use of man power.”

Because there was some disagreement within the Mennonite Church on how to respond to conscription, particularly on the issue on non-combatant service, the fact that so many leaders signed their names to the Yellow Creek Statement is particularly significant. James C. Juhnke argues that by doing so the Mennonite Church “committed its leaders and district conferences much more deeply than it could have done merely by declaring a conference position.”

*Mennonites on Military Service* was typical, if perhaps slightly more confrontational, of the statements issued by other peace churches. It clearly articulated the long standing doctrine of the Mennonite Church while being very carefully worded to stay, as much as possible, within the law. Nevertheless, *Mennonites on Military Service* was not received well by certain members of the government and military.

R.H. Van Deman, Chief of the Military Intelligence Branch, wrote to A. Bruce Bielaski, Chief of the Bureau of Investigation, Department of Justice, on April 12, 1918 to report that he had received and studied a copy of *Mennonites on Military Service*. He drew special attention to the recommendation that “under no circumstances can they [members of the church] consent to the military service, either combatant or non-combatant, under the military arm of the government.” He also noted that “the list of Church heads and officials appear to be largely German or German extraction. It would seem that this resistance to the very liberal provisions of the “Selective Draft Law” regarding Conscientious Objectors” is a very insidious piece of pro-

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26 Ibid.
German propaganda.” Van Deman suggested that an “investigation of the Mennonites and their activities might bring to light interesting revelations.”

In addition to drafting *Mennonites on Military Service*, the delegates to the Yellow Creek Conference also appointed Aaron Loucks, S.G. Shetler and D.D. Miller, to a Peace Problems Committee, to represent the Mennonite General Conference in its interactions with the government and the public. Aaron Loucks (1864-1945) of Scottdale, Pennsylvania was the dominant figure, and the logical choice to chair, this important committee which was often referred to as the “Loucks Committee.”

Loucks had joined the Mennonite Church in 1887, and was ordained a bishop in 1893. He helped found the *Gospel Witness* in 1905, the same year he also helped to establish the Mennonite Publishing House in Scottdale. Loucks served as general manager of the Mennonite Publishing House until 1935. A military intelligence report overstated the case somewhat, but not much, when it concluded that

The Rev. Aaron of Scottdale, Pa. and a Mennonite publication called the “Gospel Banner” edited by him and published in the same town, dominate and control the policy and workings and doctrine of the Mennonite Church. He was appointed at the Gospel Conference held in Indiana in March 1918 as one of three Bishops authorized to handle all cases of Conscientious objectors and protesters against war service, but Loucks was supreme.

It is interesting to note the numerous factual errors in this single paragraph. Aaron Loucks had nothing to do with The *Gospel Banner* which was published by a different branch of Mennonites, the Mennonite Brethren in Christ Church, and while the “Gospel Conference” was indeed held in

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28 R.H. Van Deman, Chief of the Military Intelligence Branch to A. Bruce Bielaski, Chief of the Bureau of Investigation, Department of Justice, April 12, 1918; Box 3761; Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.


30 *Mennonites, Sub Section ‘A’ Note on the Mennonites* – Captain Malone, [Undated], Box 3761; Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
Indiana, it was held in August 1917 not March 1918. While it was not accurate to say that Loucks either dominated or controlled the “policy and workings and doctrines of the Mennonite Church” it is fair to say that he was extremely influential.

The Peace Problems Committee was primarily focused upon conscientious objectors. They visited and corresponded with hundreds of conscientious objectors in military camps as well as their families back home. They also met and corresponded with government officials on the behalf of these conscientious objectors. The Peace Problems Committee, however, was also actively involved with a number of other war related problems that affected the larger Mennonite community, most notably the controversy over the “voluntary” Liberty Loan Drives.

The Committee’s work began on a very promising note. Within a week they were granted an audience with Secretary of War Newton Baker which appeared to resolve satisfactorily many long standing questions pertaining to the issue of religious conscientious objectors. The committee reported to church leaders that Baker had “received us very kindly” and that they had reached an agreement on “a policy which on the surface seemed satisfactory to both church and state.” Indeed, their account of the meeting was quite agreeable to the Mennonite General Conference. The committee noted that Baker had assured them that “none of our brethren need serve in any capacity which violates their creed and consciences.” They reported that if called “they should report at the place designated on their notice” and added that once they arrived in camp they were to “report to the army officers the church to which they belong and their belief in its creed and principles.” Having stated their nonresistant position, they could expect to be placed “in detention camps, where they would be properly fed and cared for.” While in camp they would not “be uniformed nor drilled.” They would be offered the option of accepting noncombatant service, but “they need not accept any in violation of their conscience.” Men who
could not accept any service, combatant or non-combatant, would be held in detention camps “to await such disposition of their cases as the government may decide upon.” Mennonite ministers would be allowed “to visit the brethren at these camps and to keep in touch with them.” They would also be “privileged to give this information and advice to our brethren in private or in public meetings.”³¹

It seemed possible, at this early point, that the relationship between the government and the Mennonite General Conference would be complimentary. Church leaders almost universally encouraged registrants to report to the training camps if selected, but, as the men began to arrive in the military camps in September and October, 1917 it became clear that the government expected all nonresistants to accept some form of military service. On October 10, 1917 the War Department issued a confidential order which stated that if handled correctly, most conscientious objectors would likely renounce their religious objections.

The order specified that efforts were to be made to convince conscientious objectors to accept military service, but it did not clarify what steps officers could or should take. Experimentation was encouraged, at least implicitly, and officers were instructed to report the results of their efforts so that it could be determined which methods were most successful in converting conscientious objectors to solders. At many camps, including Camp Funston, conscientious objectors were assigned to the Department of Sanitation where they were directed to carry garbage. Conscientious objectors at Funston and elsewhere who refused to obey orders were beaten, denied food, made to stand at attention for hours, sprayed with fire hoses, given cold water showers and exposed to an almost endless variety of creative and cruel punishments.

³¹ Mennonite Church USA Archives- Goshen, Peace Problems Committee, 1/2 Loucks and Hartzler, 1918-1919 Correspondence June 1-30, 1918.
The effect, if not the intent, of this Confidential Order of October 10, 1918 was that officers were encouraged to ignore requests for exemptions from drills and work details, and if possible compel the conscientious objector to participate until such time as their cases could be reviewed. Those who refused to work or participate in drills were to be segregated to prevent their ideas from spreading to the rest of the camp. Many conscientious objectors were thus kept in the regular army, in segregated units, for the duration of the war. Eventually, the War Department was compelled to issue orders that the conscientious objectors were not to be tortured. These orders did not end the physical punishment at Funston, where officers both denied the evidence and shifted the blame onto overenthusiastic but unknown subordinates.32

Military officers, however, were not the only people working diligently to influence the behavior of the religious conscientious objectors, through church literature and personal letters from family members and church leaders urged nonresistance. Mennonite ministers were initially granted time to visit and talk to the men alone and unsupervised even at Camp Funston. However, this relatively unfettered access did not last long. Military officers already censored all mail to and from conscientious objectors, and they soon began to closely monitor visits with clergy. Though it appears that these ministers were mostly supportive of the young men, and merely encouraged them to continue down the path of non-resistance that they had already freely chosen, the threat of excommunication was also very real and undoubtedly the young men were well aware of it.

While Mennonites On Military Service was clear that “under no circumstances” could Mennonite draftees “consent to service, either combatant or non-combatant.” Church leaders were sympathetic to the difficult position of their drafted men. They were also aware that

32 “Orders from the Adjutant General of the Army to the Commanders of all camps,” October 20, 1917 in Statement Concerning the Treatment of Conscientious Objectors in the Army, 37.
actually resorting to excommunication would have created problems between the Mennonite community and their non-Mennonite neighbors, and within the Mennonite community itself. The most notorious case of a Mennonite being excommunicated involved Clayton Welty, son of Deacon Andrew Welty of the Salem Mennonite Church, a General Conference Mennonite Church congregation near Dalton, Ohio, who voluntarily enlisted in the Marine Corps. Clayton was a Bluffton College graduate and his enlistment was heartily endorsed by the student newspaper, *The Wittmarsum*, which described his response to “democracy’s call” a “noble one.”

In March 1918, Pastor Adam W. Sommers announced to the congregation his decision to expel Welty for not abiding by the church’s constitutions. A number of members who disagreed with this decision were also expelled. Three months later Welty was seriously wounded in combat and returned home. Local patriots were furious that a wounded veteran had been expelled and rumors circulated that they would burn the church down. The sheriff interviewed Sommers and the Sunday school superintendent, and Federal agents from Cleveland joined in the investigation. U.S. District Attorney Edwin S. Wertz of Cleveland, who would later be the prosecuting attorney in the government’s historic case against socialist Eugene Debs, favored prosecution, but he was overruled by his superiors in the Justice Department who noted that the congregation had not prevented Welty from enlisting and that the church had a right to decide its own membership. Welty lived but never returned to the church. In 1919 Sommers resigned.

In a somewhat similar case Jonas Dietz of Hubbard, Oregon, joined the army and was

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excommunicated from his “Old” Mennonite congregation. But his parents remained members, and when he died of battle wounds in France, the funeral was held in his home church.”

While Mennonites who volunteered for combat duty were the exception, all of the peace churches had at least a few members who volunteered and many others who agreed to serve after being conscripted. Albert Keim notes that most of the Amish young men who were drafted in World War I became conscientious objectors, but John Bontrager, the son of Bishop Eli Bontrager, “much to his fathers’ regret, enlisted and worked in a machine shop south of Paris as a mechanic.” James C. Juhnke notes that “draftees’ responses varied widely.” Willis Shumacher, whose grandfather had paid three hundred dollars to avoid the Civil War draft, accepted regular military service at Camp Sherman, Ohio. By chance he was assigned to a noncombatant position in the Medical Corps. After the war he returned to his home congregation, Grace Mennonite (GC) of Pandora, but he apparently had no regrets about his time in the regular army as he also joined the American Legion. Gerlof Homan notes that “a few Mennonites accepted full combatancy” but he points to the Eicher Emmanuel and Wayland Churches in southeastern Iowa, both of which belonged to the (GC), who’s “support for the war effort was unswerving and their praise for those who rallied to the colors unstinting.” He adds that “many if not most members were proud to be ‘100 percent Americans’ and to show their loyalty by rendering military service.” In late 1918, ten members of these two churches were “either in or on their way to France as soldiers; five were in the Navy.” Gerlof notes that only one individual from the Wayland congregation “refused combatant or non-combatant service.”

This enthusiasm for participating in the war was remarkable for any church associated, even

35 Juhnke, Vision, Doctrine, War, 236.
37 Juhnke, Vision, Doctrine, War, 236.
38 Homan, American Mennonites and the Great War, 164.
remotely, with the Anabaptist movement. In fact it was probably the most extreme example from either the United States or Canada.

With only a few exceptions Mennonite ministers were firmly against the war. They exerted tremendous influence upon any young man, many of whom had never been away from home before and who might be wavering, but try as they might, Mennonite ministers could not be at every camp as often as they would have liked. When Mennonite ministers were not available, military officers arranged for a YMCA minister to speak. From all indications, the Mennonite conscientious objectors resented this rather transparent attempt at propagandizing. The YMCA ministers routinely “voiced the country’s then-predominating theology of trench salvation and holy war.” One Mennonite conscientious objector, Ura Hostetler, recorded in his diary that “some civilian Anti Christ was here and talked to us something awful. May God show him the light before it is to late…… Claimed to be a minister of the gospel.”39

The Mennonite ministers had a variety of very effective strategies to counter the government’s efforts to influence their young men. P.W. Pankratz had never been formally baptized. He was in uniform, and wanted to join the regular army and go overseas, but his uncle Frank Pankratz, the minister at the Lehigh church, collaborated with his father and a church elder to baptize him in absentia. His father appears to have supported this action but, perhaps to place additional pressure on P.W. to decline combatant service P.W. notes that he was told that if his father did not agree to the baptism in absentia that “they’d throw him out of the church” as well. Apparently this rather extreme action worked as Pankratz was not sent overseas. In fact, he was court-martialed and sentenced to 35 years as a conscientious objector. The editor of Mennonite Life seems just a little skeptical that this account is entirely accurate and notes that “if his report

39 Mock, 62.
is to be trusted, Pankratz is surely the only Mennonite whom the military authorities refused to allow into regular service.”  

In November 1917 Baker shifted the advantage to the military by announcing that the War Department would no longer recognize the authority of the clergy over the nonresistant men in military camps. He declared that “the Government of the United States is not dealing in the matter, and cannot deal, with organized religious bodies, but must of necessity deal with individuals.” By this time, however, many of the Old Mennonites, Holdeman, and Amish, had already determined that the work that was asked of them in the camps was a type of war work, and were refusing to perform any work in the camps, to wear uniforms, or to accept pay. By March, 1918 most of the rest of the conscientious objectors who had not already accepted noncombatant service were also refusing.  

In many ways the work of the Mennonite General Conference’s Peace Problems Committee (PPC) was similar to the work performed by the secular National Civil Liberties Bureau headed by Roger Baldwin. Charles Chatfield, speaking primarily about secular organizations such as the NCLB, argues that “the traditional position of non-resistance, submission to the state and withdrawal from conflict, increasingly seemed to be inadequate to the total crisis of 1917-18.” He adds that “Pacifist might refuse to support the war, but they nevertheless felt impelled to serve that cause for which others were fighting.” Interestingly both the NCLB and the PPC worked diligently, but with little success, to find some form of alternative service outside of the military. However, Loucks and the PPC differed in some very important ways from Baldwin and the NCLB. While both worked to advise and assist conscientious objectors, the PPC’s focus was much narrower. The PPC only represented

41 Ibid., 40
42 Chatfield, For Peace and Justice, 54.
Mennonites, and not even all Mennonites, while the NCLB defended anyone claiming to be a conscientious objector. The committee also approached its work in a different manner. Despite the somewhat confrontational tone of *Mennonites on Military Service* the PPC adopted an attitude, which was generally followed by the rest of the Mennonite General Conference, of being as respectful and deferential as possible. The committee repeatedly attempted to find some common ground with the government that would offer an alternative to its members being forced to choose between non-combatant service or court-martial.

These efforts were dealt a serious and regrettable setback when Provost Marshall Crowder ruled that the Selective Service Act authorized the President to draft men only for service “in that portion of the military establishment, which he shall declare to be noncombatant.” According to Crowder’s interpretation the President was not authorized to conscript men and then assign them to civilian authority even if this is what the conscientious objectors desired. Until Congress passed new legislation specifying otherwise, conscripted men could not be placed under civilian authority. Although Crowder effectively closed the door on alternative forms of service with this ruling, Loucks and other church leaders continued to look for opportunities to create such alternatives.

One of the more interesting attempts to find common ground with the government involved the Mennonite Sanitarium, a “General Hospital Specially Equipped for Asthma and Tuberculosis,” in La Junta, Colorado. Loucks had suggested to D. S. Weaver, President of Sanitarium Board, that the Sanitarium might be used for reconstruction work. Allen H. Erb, Superintendent of the Mennonite Sanitarium, wrote to Loucks on June 25, 1918 to report on a special meeting of the Sanitarium Board. Erb wrote that “we understood your suggestion to mean

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that we do work other than tubercular work that is, general reconstruction work for maimed and crippled soldiers and dispense entirely with our present work.” He noted that the Board had concluded that it would not be “wise to accept the suggestion as interpreted above.” Erb cited three concerns. The first was the “great expense involved for a work and for improvements that would be only be temporary.” He added that “it would in no sense contribute to our present work in fact would almost destroy it making it necessary to build it up again from the bottom.” Next, Erb noted that the Board questioned “whether we could carry on the work on a large enough scale to attract the attention of the government.” Finally, Erb reported that the Board wondered “whether we have men in the church who have studied this problem sufficiently to make the work a success.”

Erb then offered an interesting observation “that caring for tubercular soldiers is also war relief work.” He suggested that the Sanitarium “employ our present equipment as a contribution in caring for 100 to 50 soldiers suffering from tuberculosis?” Any additional expense “involved in making the needed improvements for this work would not be a hindrance to the work already built up but establish it on a firmer foundation than ever.” He pointed out the benefit that “after the need for caring for soldiers had ceased we would have built up a strong reputation in a work that would be a valuable asset to us for the future.” Erb stressed the advantages of the climate and noted that it would “simply be a question of adding to our equipment according to the number of soldiers we would care for.”

This plan, unlike the somewhat similar Friends Reconstruction Unit, never actually materialized. However, it clearly demonstrates the desire on the part of the Mennonite leaders to

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44 Allen H. Erb, Superintendent of the Mennonites Sanitarium to Aaron Loucks, June 25, 1918, Mennonite Church USA Archives- Goshen, Peace Problems Committee, 1/2 Loucks and Hartzler, 1918-1919 Correspondence June 1-30, 1918.
45 Ibid.
find alternative service options that would be acceptable both to them and to the government. It also highlights the practical concerns that made these efforts difficult. Erb acknowledged that “the problem of discipline is one which will present many difficulties.” While he was willing, even eager, to offer the facility to the government, he wanted to be sure to “reserve the right to maintain the primary purpose of the institution i.e. to save men’s souls.” This would require that the Mennonites retain “perfect freedom in shaping the policies of the institution.” There was specifically a concern over the use of tobacco. Erb noted that “practically all soldiers smoke or chew.” If the facility admitted large numbers of soldiers “it would be almost out of the question to maintain our rule of abstinence from tobacco.” He noted “how obnoxious it would be to let them have freedom along that line.” He also raised concerns over the “problem of patriotic demonstration, etc. etc.”

These concerns were not surprising considering that Erb was proposing to admit soldiers to a hospital run by members of a historic peace church, but it is no small irony that this issue of “maintaining the primary purpose of the institution” was essentially the same concern that the military had with conscientious objectors in military camps. Erb’s letter concluded by noting that “we favor very much doing something and to me it is the brightest prospect we have ever had of putting the institution on a solid foundation for success. I think it would be an excellent chance for us to do something for our government that would in no sense violate our principle of non-resistance.”

The failure to reach an accommodation with the government regarding alternative service meant that even the recognized members of the historic peace churches had to report to military camps if they were called by their local exemption board. Albert Keim notes that the first

46 Ibid.
47 Ibid.
conscientious objectors “were sent directly to army camps, without a clear word from the War Department about their disposition.” This was partly because of the great speed with which things were moving but it had more to do with the fact that officials “hoped that being young and malleable, they might succumb to the peer pressure of the drill field.” Keim notes that “the real burden of deciding how to respond fell on the shoulders of the young conscientious objectors.” He points to a member of the Church of the Brethren who was sent to Camp Funston who complained that “We don’t know how far to go because our church hasn’t defined our privilege yet.” 48 Charles Chatfield notes that the Brethren finally took an official position against noncombatant military service after January, 1918, but this position was “compromised because leaders who visited Brethren objectors in army camps did not always advice taking the traditional nonresistant position.” 49

The first Mennonite conscientious objectors, who reported in late summer of 1917, were “placed in an unenviable position, uncertain of what the government would ask of them and uncertain too what the church expected of them.” 50 Melanie Mock notes that their diaries reveal their “profound sense of isolation and alienation, from their ethnic communities and from the communities in which they were forced to live, communities that reviled them for not wholeheartedly embracing the country’s militaristic fervor.” 51 Gerlof Homan writes that one of the first “supposedly definitive statements of action” made by a Mennonite group was that of the General Conference Mennonite Church, whose Exemption Committee advised its draftees in September 1917 to “accept only service designed to support and to save life. They were not to

48 Keim, “Military Service and Conscription,” 47.
49 Chatfield, For Peace and Justice, 55.
50 Mock, Writing Peace, 40.
51 Ibid., 20.
participate in any work that would result in personal injury.” While this might seem like a “definitive statement of action” in reality it would have been far more useful if it had been more specific. It was not possible, however, to offer more specific advice until church leaders had a better understanding themselves of the choices that the conscientious objectors would have to make in camp.

When a conscientious objector arrived in camp, he faced a dizzying number of decisions. Even if he was determined to refuse non-combatant service and make no compromises, many of these decisions were difficult. It was not always obvious exactly where to draw the line and the consequences of every decision were enormous. This was true for all conscientious objectors regardless of the reason for their objections. The American Friends Service Committee carried on special correspondence with conscientious objectors after the war that reveal a great deal about how the individual objector made these decisions. Arle Brooks and Robert J. Leach note in Help Wanted! The Experiences of Some Quaker Conscientious Objectors that these experiences from the “past war are instructive for pacifists today, in helping them to determine what stand to take, when and where to take the stand, and what may be the consequences.” They note that this correspondence demonstrated “how easily a man who has not carefully determined the implications of his belief can be pushed from a pacifist position into apparently innocent work connected with the military establishment, and how difficult it becomes afterward to remain even tolerably consistent under constant and severe pressure from military authorities.”

The first group of men to arrive in the camps faced the most uncertainty. Later draftees benefited from their experience, and left home with a greater familiarity with military

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52 Homan, American Mennonites in the Great War, 123, 131-132.
53 These files became part of the Quaker collection at Haverford College. Arle Brooks and Robert J. Leach, Help Wanted! The Experiences of Some Quaker Conscientious Objectors (Philadelphia: The American Friends Service Committee, 1940), 1.
procedures, but circumstances were slightly different at every camp, and procedures changed
over time, so to some extent each conscientious objector faced an unfamiliar, but generally
hostile, environment. One of their most common questions regarded the issue of wearing military
uniforms. Most resisted the uniform, though nearly all reported intense pressure to wear it. Many
report that their civilian clothes were taken away, either through physical force or by subterfuge,
and others report groups of soldiers physically forcing the military uniform upon them.

Wilfred Gingerich Co. C. 156 Inf. Camp Beauregard, Alexandria Louisiana wrote a hand
written letter to Aaron Loucks on June 10, 1918. Gingerich reported that he had been “compelled
to put on a uniform and to drill.” He added that, so far as he could tell, he was the only
Mennonite in camp. He admitted that “they have me here in such away that I don’t know what to
do.” He wrote that he would “go to headquarters here at Camp and see what they would say” but
that he could not “leave this street without the permission of the Lieut., who is doing all he can to
make me drill and to keep me in the drilling.”

Interestingly, Gingerich wrote a second letter to Loucks that same day. He began this
second letter by admitting that “I know I am a long way from Iowa, but am in great need of some
advice.” He wrote that he has been in camp “three weeks next Saturday” and he is “in a uniform
and drilling every day.” He noted that he wrote to “several ministers two weeks ago for advise
but haven’t heard from them yet.” Later he wrote that “they forced me into the uniform here, but

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54 Gingerich’s letter, like many from the conscientious objectors, was written on YMCA stationary which was
widely distributed to the soldiers in the camps. The stationary featured an image of the American Flag in the upper
left corner and the symbol of the YMCA in the upper right. “With The Colors” was printed between these two
symbols. Gingerich had carefully crossed out the slogan, “With The Colors” while leaving the Flag and the YMCA
triangle untouched. Wilfred Gingerich, Camp Beauregard, Louisiana to Aaron Loucks, June 10, 1918, Mennonite
Church USA Archives- Goshen, Peace Problems Committee 1/2 Loucks and Hartzler, 1918-1919 Correspondence
June 1-30, 1918.
haven’t given us guns yet.” He claimed that he “was thinking of refusing to carry one but wanted to hear from some ministers first as I haven’t received any advice at all.”

Captain Jackson R. Day, the Intelligence Officer at Camp Dodge, Iowa reported on June 3, 1918 that Gustaf Mastre of Grafton, North Dakota had “given the officers in charge of this Detachment considerable trouble since his arrival in camp from the fact that he refuses to shave.” Mastre had joined the Church of God in Christ Mennonite on May 31, 1917. Day reported, however, that he did not start to wear a beard “until about two weeks previous to his reporting to this camp.” Day also noted that Mastre “seemed to be a little uncertain as to just what the position of his church was in this respect; so he wired to Bishop F.C. Fricks of Ithaca, Michigan for advice, and received a telegram from Rev. Fricks stating that the wearing of the beard was the Church’s ordinance for all seasons.”

Mastre “persisted in his refusal to shave, until his slovenly and disorderly appearance became so distasteful to the Company Commander where the Detachment messed that Mastre was refused admittance into the dining room until he cleaned up.” After several days of fasting Mastre was “persuaded to allow Chaplain 1st Lieut. James A. Smith to shave him.” Day reported that Mastre then wrote to Rev. Fricks and “stated that he was shaved against his will” but Day disputed this contention. Day noted that Chaplain Smith informed him that “no threat was made nor force used whatsoever; and that Mastre submitted to the shaving very willingly.” Day added that he had censored the mail for the Detachment for Conscientious Objectors and had in his possession copies of letters from Rev. Fricke to Gustaf Mastre as well as letters sent by Fricke to Mastre’s father which were then forwarded to Mastre. Day believed that these letters would show that Rev. Fricke “has been guilty of violating the Espionage Act in causing insubordination...

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55 Mennonite Church USA Archives- Goshen, Peace Problems Committee 1/2 Loucks and Hartzler, 1918-1919 Correspondence June 1-30, 1918.
in the army by influencing the members of this sect not to accept non-combatant service or wear the uniform.”

Another area of concern was the matter of military pay. Like the uniform, this was not as simple a decision as it might at first seem. Ironically, had President Wilson’s initial intentions been implemented, this would not have been an issue for conscientious objectors. Originally, the Wilson administration, “influenced by conscriptionists organizations and the General Staff,” had proposed that “wartime citizen soldiers should serve out of patriotic duty, and therefore, need not be compensated with wages in addition to their sustenance.” Congress quickly rejected this proposal, as this went beyond what most Americans considered their patriotic duty and instead Congress actually doubled the current pay for soldiers. Privates in the United States army received $30 a month, along with allotments for dependents and War Risk Insurance. J.S. Shoemaker, of Dakota, Illinois, Secretary of the Mennonite Board of Missions and Charities, wrote to Loucks on August 5, 1918 seeking Loucks’ “opinion as to what our Boys should do relative to accepting pay from the Government while in Camp.” Shoemaker pointed out that presently there were “13 boys in Camp Grant,” who were segregated in tents and “none of them have accepted service of any kind” but were “offered the regular monthly pay.” None of the boys had accepted this offer, but “the officers are becoming insistent that they either accept the pay, or tell them what they shall do with it.” Shoemaker reported that the officers told the boys that “they have no right to use it for any purpose, unless the boys say what shall be done with the money.” He reported that “the boys are anxious to know what they shall do about the matter, whether they shall accept the pay, or direct that the same be turned to some other purpose.”

56 Mennonites, Sub Section “A” Note on the Mennonites; Box 3761; Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
Shoemaker readily conceded that he was “at a loss to know what instruction to give them.” He added that the problem was especially puzzling as the boys “not having accepted any service, either combatant or noncombatant” were “not serving the Government.” Hence, in his opinion they were “not entitled to any pay, but on the other hand they are kept in Camp, and not permitted to get out on farms and earn something, and their time is worth more than the regular army salary, hence looking at it in that light they would be entitled to receiving pay.” Shoemaker concluded by noting that “a few of our boys are poor and would need the pay very much.”58

J.S. Hartzler, who frequently answered Loucks correspondence, replied that “the boys will be the clearest in the end if they do not accept any pay.” Hartzler suggested that

The officer’s suggestion is but a trap. They cannot get the money from Washington if the boys do not sign up for it. That has been tested out at Taylor. It looks in this case as if the officers wanted something to laugh up their sleeves about, or had gotten the money in some roundabout way and must produce receipts for it, and if the boys do not accept, they cannot do it.

Hartzler added another reason to refuse the pay, namely that “the War Department would not allow it to be given to anything except the Red Cross, Y.M.C.A. work, W.S.S., or something of that kind, and we are falling over each other trying to escape all these war measures.” Hartzler repeated “for me, absolutely I cannot advice the boys to accept, and much less could I advise them to order it given to some of these war measures.” He did concede, however, that “this may seem needlessly stiff. I will not send it without Bro. Loucks’ ‘Jack Robinson.’ He may have something better to offer.” Hartzler concluded with the somber warning that “cords are being drawn a little closer all the time, and it looks as if more suffering on the part of the Church was near at hand.” As an illustration he noted that “I was chased out of Camp Gordon, very gently,

58 J.S. Shoemaker, Secretary of the Mennonite Board of Missions and Charities to Aaron Loucks, August 5, 1918, Mennonite Church USA Archives- Goshen, Peace Problems Committee 1/11 Loucks and Hartzler, 1918-1919 Correspondence Aug 5-9 1918.
but several others were handled a good deal rougher than I, and were threatened with imprisonment if they ever came back, and they were there to see their own sons.”

The matter of War Risk Insurance cards, which were typically signed by inductees shortly after arriving in camp, posed a controversy similar to that raised by military pay. Loucks received a letter written on June 29, 1918 that informed him that Daniel and Ezra Deter had been drafted and sent to Camp Grant. The letter stated that “they have been compelled to don the uniform, sign insurance cards, etc.” The author asked Loucks “what do you know about the insurance cards that they are required to sign? Shall be pleased to know what that means.”

Although the Mennonite Church could not support the government’s position that conscripted men were required to perform non-combatant service, the Mennonite Church never directly challenged the validity of the selective service law, nor did it seek to repeal or overturn the law, as several political organizations and secular peace groups did. The Peace Problems Committee merely sought to expand the exemptions, from an exemption from combatant service only to a complete exemption from combatant as well as non-combatant service, to which members in good standing of the Mennonite Church were already legally entitled. The Mennonite Church in fact showed a remarkable degree of patience and understanding with the government, even as it was drafting and imprisoning young Mennonite men. In some respects, this deferential attitude was just as effective as the more confrontational attitude of secular groups such as the NCLB.

The committee was ever vigilant to watch for individuals who might falsely claim to be Mennonite in order to bolster their conscientious objector claims, and it occasionally challenged

59 J.S. Hartzler to J.S. Shoemaker, August 7, 1918, Mennonite Church USA Archives- Goshen, Peace Problems Committee 1/11 Loucks and Hartzler, 1918-1919 Correspondence Aug 5-9 1918.
60 Letter to Aaron Loucks, June 29, 1918, Mennonite Church USA Archives- Goshen, Peace Problems Committee 1/2 Loucks and Hartzler, 1918-1919 Correspondence June 1-30, 1918.
the validity of those claims put forward by Mennonite or men claiming to be Mennonites. J. P. Bontrager of Filler, Idaho wrote to Brother Loucks on June 14, 1918 to report that “things are getting very serious in the west also, but we got the promise from the Captain in charge at Camp Lewis that Our Boys will be granted their Privileges, and be treated well, but some have made some trouble by claiming to be Mennonites, and were not.”61

Loucks wrote to Gideon Kauffman of Fair Oaks, Indiana on July 15, 1918 that “I am sorry to say that we can do nothing toward getting Solomon Yoder out.” Loucks explained that Yoder “had left his wife more than two and a half years before he was called. That clearly puts him into class I.” Loucks added that Yoder “cannot get out on religious grounds because he is not now a member of the Church.” Loucks was “more hopeful to get David Delegrange of Camp Taylor” out as a laborer but “there are a few things which we should possibly have cleared up a little as to insure you getting a hand.” The first thing that Loucks wanted confirmed was that Delegrange was indeed a Mennonite. By carefully scrutinizing these claims before endorsing them, the committee provided a valuable, though not always appreciated, service to the government.62

There were obvious incentives for the committee to scrutinize these claims. As members of one of the recognized historic peace churches, Mennonite men were afforded a certain degree of protection which privileged them over other conscientious objectors who did not belong to one of the recognized churches. The assistance that the Peace Problems Committee gave the government in identifying individuals, invariably non-Mennonites, safeguarded the privileged status of Mennonites, though this does not seem to have been their motive. Instead, they were

61 J. P. Bontrager, Filler, Idaho to Aaron Loucks, June 14, 1918, Mennonite Church USA Archives- Goshen, Peace Problems Committee 1/2 Loucks and Hartzler, 1918-1919 Correspondence June 1-30, 1918.
62 Aaron Loucks to Gideon Kauffman, Fair Oaks, Indiana, July 15, 1918, Mennonite Church USA Archives- Goshen, I-3-5.1 Peace Problems Committee 1/5 Loucks and Hartzler, 1918-1919 Correspondence July 12-15, 1918.
motivated by a respect for the law and secular authority except when it conflicted with their religious principles.

In a rather perverse way, conscription actually strengthened the Mennonite Church. In many cases it encouraged draft age men to contemplate, often for the first time in their lives, the realization that their religious faith and the expectations of them as citizens of the United States might not always be in harmony. The looming possibility of conscription encouraged many, who during times of peace might have postponed baptism and full membership in the church, to seek that membership as soon as they were eligible. Conscription defined a generation of young men and produced its fair share of martyrs. The young Mennonite men who kept diaries, or later wrote memoirs, invariably reported that whatever suffering they endured because of their nonresistant stand, ultimately strengthened their faith. They found strength in the company of others of their faith, and many formed enduring friendships with other conscientious objectors, often of different faiths, who also endured similar trials.

John A. Roth wrote to Aaron Loucks from the Depot Barracks of Camp Dodge, Iowa on August 23, 1918 that “the soldier boy’s some time treat us quite severe althou I could bear it thus far and with God’s help hope to continue so.” Roth reported that the conscientious objectors were now segregated and that there were eleven of them in all “Bro Smead and I are the only ones of our faith.” There were also three of the Bretheren Church, two of the Christadelphians, one Socialist, one Hebrew, one moral conscientious objectors, and “one young man who without a doubt is a fine Christian boy, However he does not claim any membership with any organization, institution or Church.” Roth reported that this young man said that “he has never saw any visible Church that lives up to the teaching of the New Testament Scriptures.” Roth also reported with evident concern that the Chaplain “who is in charge of the C.O.s here tell him he
sees but little chance for him from the fact that he doesn’t claim any membership with any Church or organization.” Roth added that he felt sorry for the boy because “I am sure he is sincere in his attitude and is very diligent in the study of the Bible. I would like very much if there is any chance of him being furloughed to have him be called with people of our faith.”

Loucks and the War Problems Committee performed an important, though controversial, role as an intermediary between the government and the individual draft eligible Mennonites. They offered conscientious objectors, as well as potential conscientious objectors, advice on a number of topics from emigrating to Canada to accepting or declining noncombat service. Any one of these topics put them at risk for legal prosecution. Loucks, because of his prominent role on the Peace Problems Committee and the massive volume of inquiries he received from conscripted young men and their families, was perhaps uniquely vulnerable. However, he continued to offer advice which, at least on occasion, could have resulted in his prosecution and conviction, though he was clearly cognizant of the fact that his letters were being monitored, and his every word was being closely scrutinized. The care with which he chose his words is most evident in the responses which he gave to inquiries about relocating to Canada. Because Canada offered, or at least seemed to offer, greater protection to Mennonites than the United States these inquiries were quite frequent.

About 45,000 Mennonites lived in Canada during World War I. They had close family and church ties to the approximately 80,000 Mennonites who lived in the United States, and many congregations on both sides of the border belonged to the Mennonite General Conference. Many of the Mennonites who had originally settled in Canada, from Europe, later resettled in the United States prior to the start of the war. Others had originally settled in the United States but

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63 John A. Roth, Camp Dodge Iowa, co. 37 10th Bat. 163 Dept. Barracks to Aaron Loucks, August 23, 1918, Mennonite Church USA Archives- Goshen, Peace Problems Committee 1/11 Loucks and Hartzler, 1918-1919 Correspondence Aug 21-26, 1918.
later moved to Canada. Canada was at war for two and a half years while the United States remained neutral, but Canadian Mennonites felt rather secure during this period as the nation relied exclusively upon volunteers. Still Lloy Kniss of the (Old) Mennonite Church later explained that because Canada was in the war two years before the United States “the churches in the United States prayed much for our brethren in Canada. Special prayer meetings were called in the churches and families prayed fervently.”

The United States had already declared war on Germany, and passed the Selective Service Act on May 18, 1917, before Canada passed the Military Service Act on August 29, 1917 so there was never an exodus of Canadian Mennonites to the United States in order to avoid military service. Mennonites from the United States viewed Canada, which offered exemptions from combatant as well as noncombatant service to certain Mennonites, as a safer location to live and avoid being conscripted.

Canada did not clearly or definitively define its policy regarding conscription as it pertained to those Mennonites who moved to Canada from the United States during the war until just a few weeks before the war ended. Order in Council (P.C. 2622) passed on October 25, 1918 declared that “only those Mennonites who had entered Canada under the arrangement, and their descendants who have continuously resided in Canada, are exempt.”

Until this Order in Council there was a great deal of confusion, uncertainty, and misinformation among Mennonites in the United States as to their exact legal status should they move to Canada. Americans who considered emigrating to Canada also had to consider United States laws, specifically Section 5 of the Selective Service Act which specified that “any person who shall willfully fail or refuse to present himself for registration or to submit thereto…. shall be guilty of a misdemeanor and shall, upon conviction ….be punished by imprisonment for not more than one year, and shall

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65 Parish, Kansas Mennonites During World War I, 13.
thereupon be duly registered" As they did with so many other questions, Mennonites turned to Loucks for answers.

D.H. Bender, Principal of the Hesston Academy and Bible School, Hesston, Kansas wrote to Loucks on August 26, 1918. This letter reveals not only the uncertainty caused by the unsettled policies, including the Canadian option. Bender was concerned that “many of the German Mennonite boys near here are going to Canada. It is causing quite a stir. I am not sure whether they are safe over there.”

Walter Ross, of Elida, Ohio wrote Loucks “for a little advice” on July 9, 1918. Ross stated that “we are thinking about going to Canada to make that our home,” Ross noted that because “we only have a small farm here and land is so high that we would like to go where land is cheap.” He mentioned his concern that “the three oldest boys are nearing the draft age and we was a little afraid that we couldn’t get across the oldest boy will be 21 the 7th of August the next 20 next April and the next will be 18 in March.” Ross repeated that “we have been thinking about changing localities for some time as the young people of this place are about all first cousins to our boy” He asked Loucks “what do you think about the three oldest ones and if they would be exempted.” Ross added that “we expect for the boys to have church letters or any other information you can give us.” Finally Ross concluded by stating that he hoped for a quick response “as our time will be short if we go.”

Loucks did indeed reply quickly, two days later he informed Ross that

Since the whole family could go to Canada to live, I do not think that you would have any trouble in crossing, but it might help you some if you could get some

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66 Selective Service Act of 1917, United States Statutes at Large (65th Cong., Sess. I, Chp. 15), 76-83.
67 D.H. Bender, Principal of the Hesston Academy and Bible School, Hesston, Kansas to Loucks, August 26, 1918, Mennonite Church USA Archives- Goshen, Peace Problems Committee 1/11 Loucks and Hartzler, 1918-1919 Correspondence Aug 21-26, 1918.
68 Walter Ross, Elida Ohio to Aaron Loucks, July 9, 1918, Mennonite Church USA Archives- Goshen, I-3-5.1 Peace Problems Committee 1/4 Loucks and Hartzler, 1918-1919 Correspondence July 9-11, 1918.
reliable person or persons to make affidavit before a Notary Public if to the effect that none of the sons, naming them, are of draft age. He advised Ross to “keep that in your pocket and use it only if it becomes necessary. This should be made just before you start.” Realizing the urgency of the situation, Loucks advised Ross that “if you go at all you should go very soon.” Loucks added that “Mennonites are exempt in Canada now, but they may change the law any time, and that would likely take them in then.” He emphatically urged Ross to “get your church letter to take along, and by all means go some place where they would have church privileges. That is very important.” Loucks then wished Ross success and concluded by stating that he hoped “to hear from you from your new home.” This conclusion left no doubt that Loucks approved of the scheme. Loucks was particularly explicit in his advice to Ross. Perhaps he felt confident enough to record his unfiltered thoughts because none of the Ross boys were currently eligible for the draft. There were other occasions when Loucks appeared to favor similar action yet was more circumspect.69

J. N. Hes of Palmyra, Missouri sent a handwritten letter to Loucks on June 30, 1918, inquiring, on behalf of “a bro. in our congregation if war situation is any better for drafted brethren in Canada?” Hes added that “this bro is 18 yrs. old and is expecting the draft to reach him in the future.” Specifically Hes asked “would it be a violation of the law for him to locate in Canada if the situation is more favorable?” Unfortunately, Loucks response to this particular inquiry is unknown. Apparently it was never committed to writing.70

Amendments to the Selective Service Act frequently changed the liability of individuals for military service. Every time an amendment was passed, or even proposed, anxiety within the Mennonite community heightened and elicited frequent requests to Loucks for information and

69 Aaron Loucks to Walter Ross, July 11, 1918, Mennonite Church USA Archives- Goshen, I-3-5.1 Peace Problems Committee 1/4 Loucks and Hartzler, 1918-1919 Correspondence July 9-11, 1918.
70 J. N. Hes, Palmyra, Missouri to Aaron Loucks, June 30, 1918, Mennonite Church USA Archives- Goshen, Peace Problems Committee 1/2 Loucks and Hartzler, 1918-1919 Correspondence June 1-30, 1918.
advice. Loucks replied to John F. Entz, of Parkston, South Dakota on August 6, 1918 confirming that there was indeed a bill before Congress, which Loucks was convinced would soon become law. Loucks wrote that “only 3 things can prevent it from becoming a law; (1), Divine intervention; (2), A great overwhelming victory of the Allies; (3), an unexpected break or deadlock in Congress. Neither one of these is very likely.” Loucks suggested “those who come within that limit, start for your new home at once before it becomes law” or be prepared to “stay in your present home …. to the end of the war.” Loucks apologized that he was not able to “give you more encouraging news. But you wanted facts, or you would not have asked.”

J.S. Hartzler gave essentially the same advice to D.D. Hershberger of Latour, Missouri on August 26, 1918. Hartzler wrote “those who have registered should make no effort to leave the United States as they would be likely to get into trouble. It might be rather expensive also.” Hartzler had different advice for those who are not yet liable but would “come in if the law changes.” He suggested that they “could cross provide they did it before the bill became a law.” Time of course was crucial, and Hartzler added that “in fact such should not wait another day.”

Hershberger had apparently asked for definitive advice about a particular situation, and Hartzler realized that Hershberger would likely not be entirely satisfied with his advice, although it was fairly clear, relatively specific, and unmistakably urgent. Hartzler acknowledged that “possibly you were expecting me to say whether you should go or not” but Hartzler was reluctant to make such a specific recommendation. He wrote “that I would not do. If, then, you did not like it, I would always feel that I was in a measure the fault.” What is most noteworthy about this rather cautious advice is that Hershberger was apparently a relative of Hartzler, as he added a personal note at the end of his letter in which he expressed his regrets at not hearing from Sarah

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71 Aaron Loucks to John F. Entz, Parkston, South Dakota, August 6, 1918, Mennonite Church USA Archives-Goshen, Peace Problems Committee 1/11 Loucks and Hartzler, 1918-1919 Correspondence Aug 5-9 1918.
since Uncle Dave passed away. He also apologized for not writing more noting that “much of the
time I have so much writing that has to be done that I do not get any other written. This makes
about 20 for today. Some days I write twice as many letters.”

Many of these correspondences, certainly all of those written to men who had been
ordered to military camps, were being monitored. One of the strategies that Hartzler, Loucks and
other church leaders employed for avoiding legal troubles was to lay out general
recommendations and advice, but to allow the recipient, be they a conscientious objector, a
fellow minister, or a family member, to draw their own, often obvious, conclusions. There is
reason to believe, however, that they were at least on occasion much more direct in their advice
especially when they were speaking, as opposed to writing, and when the advice was intended
for someone they knew well.

In a letter from Loucks, per Hartzler, to J.B. Miller, Grantsville, Maryland dated July 15,
1918 Hartzler wrote that “it is rather difficulty and a little risky to give much of just what you
want, by letter.” He suggested that “it is not so far to Scottdale and the conditions are just so that
I believe it would be much better for him up in an auto, and some of you should come along with
him.” Hartzler concluded by stating that “I believe, taking all into consideration, it would pay.”
Whatever specific advice Loucks and Hartzler was prepared to give, they were reticent to
commit it to writing, knowing full well that their mail was often examined.

It is difficult to estimate how many American Mennonites crossed the border to Canada
during the war, and to determine their motivation. It appears, however, that the number that
actually left was negligible, although many more appear to have considered it. The public

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72 J.S. Hartzler to D.D. Hershberger, Latour, Missouri, August 26, 1918, Mennonite Church USA Archives- Goshen,
Peace Problems Committee 1/11 Loucks and Hartzler, 1918-1919 Correspondence Aug 21-26, 1918.
73 Aaron Loucks, per J.S. Hartzler, to J.B. Miller, Grantsville, Maryland, July, 15, 1918, Mennonite Church USA
Archives- Goshen, Peace Problems Committee I-3-5.1 Loucks and Hartzler, 1918-1919 Correspondence July 12-15,
1918.
perception, however, on both sides of the border, was that large numbers of Americans were seeking to avoid military service by seeking refuge in Canada.

The majority of Loucks time seems to have been spent corresponding with, and visiting conscientious objectors after they had arrived in military camps and indicated their intentions to refuse noncombatant service. Loucks wrote to Andrew J. Miller, Camp Jackson, South Carolina to wish him well. Loucks stated that

Because there are always some who are not true, It becomes necessary for the officers to put our boys to some pretty hard tests to see whether they are genuine. No one approves of hypocrisy, and yet there are always those who want to take advantage by hiding under the cloak of the righteous. It has always been so and always will be.

Loucks advised Miller that he “cannot blame the officers if they make you pass thru some hard tests.” He noted that “this is one mistake that many of our boys make.” Loucks revealed a real understanding of the difficulty of the task facing the military, noting that many Mennonite conscientious objectors “unjustly blame officers of being cruel, when they are simply trying to do their duty.” He did concede, however, that

now and then an officer exceeds his rights, but the speed with which justice is meted out is shown by one officer having struck one of our boys over the head, cutting it open so that the blood ran down over his face. Some one saw it, wired to Washington, and in 8 hours from the time that the young man was struck, the officer was before a court-martial.

This remarkable letter demonstrates a surprising level of trust and good faith in the government as Loucks noted that “under officers may be unjust, but Uncle Sam means to treat our boys right.” In the event that an “officer exceed his rights” Loucks suggested that “a letter to the Camp Commander stating exact conditions with the name of the offender, his position, etc., will usually
bring justice.” Loucks concluded the letter in a more somber manner, writing “hope that you have not fared as bad as some others.”

The trust that Loucks showed towards the government may have been exaggerated somewhat in this letter in order to encourage the reader. He almost certainly felt some frustration with the government and may have doubted that they were as fully committed to “treating” the Mennonite boys as well as they said, however putting his faith in God and the government certainly must have seemed like the right thing to do, if only not to give the government a reason not to trust the Church.

Loucks received, and replied to, countless letters from the families of conscientious objectors. One such letter was written by Eli N. Gish of Lancaster, Pennsylvania on June 28, 1918. Gish wrote on behalf of “our son and brother in the faith Warren Gish who is located at Columbus Barracks, Columbus Ohio.” Eli wrote that Warren “has had another severe trial of his faith.” Warren had agreed to “put on the uniform after being threatened with a court-martial and a 20-25 year prison sentence.” Eli argued that despite this concession, Warren had always “meant to stand firm and still claims that he will in no circumstance give up his faith as practiced by Mennonite Church.” Eli explained that Warren had agreed to non-combatant service only because he had “no brethren to council him, and no time given him to ask advice and as they represented a term of 20 to 25 years awaiting him as an evil doer which would let him out of prison at 50 years of age he gave way to noncombat service.” Eli felt that Warren “should have the same privileges as the other brethren.” He asked Loucks to “send some of the brethren from Ohio to visit and comfort him.” Eli reported that he told Warren “to write to you at once and

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74 Aaron Loucks to Andrew J. Miller, Camp Jackson, South Carolina [date illegible], Mennonite Church USA Archives- Goshen, Peace Problems Committee 1/11 Loucks and Hartzler, 1918-1919 Correspondence Aug 21-26 1918.
explain the circumstances to you. Of course he is ashamed of giving way and thus may have
delayed to inform you.”

Warren F. Gish, wrote Loucks, from the Columbus Barracks, the next day, June 29, 1918.

Apparently he had received a letter from Loucks earlier that same day, as he noted that “when I
got the letter it was opened. I do not know whether you did not seal it securely or whether it was
opened by the postmaster.” Warren then explained the circumstances by which he agreed to wear
a uniform and perform non-combatant service. He wrote that the corporal assured him that if he
refused he would receive “25 yrs. at Ft. Leavenworth at hard labor. That made me feel pretty
bad.” Warren spoke with the corporal “and told him that they didn’t understand my position here
at headquarters.” He couldn’t understand why he “did not have the same privileges as our
brethren at Camp Meade had.” He wrote to Loucks that “you know yourself that the officers here
do not understand our attitude. The Capt of my Company said the law in regard to C.O.s is if
they will not accept the uniform and the service goes hand in hand with it, they will be court-
martialed.” Warren then tried to explain to Loucks his decision to accept the uniform

the war may last only a year or so and God can keep me thru the war and I can
worship him when I come out. He knows that I have not denied the faith and that I
was really forced into it. No doubt they meant to keep me here and not give me
the privileges of our brethren in the various camps.-detention, segregation etc.

Warren stressed that he “certainly would like to be delivered from the non-combatant service.”

He added that he fully expected punishment from the church, but he hoped that they would be
forgiving of his decision given the circumstances. He argued that “I am non-resistant at heart and
always will be a Mennonite. I desire that the church will not censure me too hard because they
can never understand the condition I was in.” Gish added that if he was sent to prison for 25
years he would “be an old man nearly 49 yrs old when I come out.” He feared what such a

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75 Eli N. Gish, Lancaster Pennsylvania to Aaron Loucks, June 28, 1918, Mennonite Church USA Archives- Goshen,
Peace Problems Committee 1/2 Loucks and Hartzler, 1918-1919 Correspondence June 1-30, 1918.
prolonged exposure to the evils of army life would do to him, noting that “the thought of the army life with its cursing, singing of popular songs, dirty talking make a Christian feel out of place and he is out of place there.” He repeated that he would not have voluntarily accepted service but had been “under threat of court-martial for refusing to wear the uniform.” Gish concluded by stating that “I have earnestly besought God to keep me from the evils of army life and I still am a Christian and will stand for Him.”

At times the volume of requests was overwhelming. Both Ura V. Aschliman, Camp Sheridan, Alabama and his mother, Mrs. B. Aschliman, Stryker, Ohio sent numerous letters to Loucks requesting advice and assistance. On August 26, 1918 J.S. Hartzler replied for Loucks to Ura at Camp Sheridan acknowledging that they had “received several letters from you and your mother in which you ask help and advice.” Hartzler noted that Mrs. Aschliman “almost censured us because we did nothing for you” but he begged Ura for understanding and patience noting that “if Bro. L. would be on the go continuously where he is asked to go, he could not nearly keep up with the calls that are coming in.” Hartzler advised Ura that if he feels he is “being treated unjustly by under officers” he should “write exact conditions, giving dates and names, and mail to Camp Commander, Camp Sheridan, Ala.” Hartzler wrote that “I believe that you will find him inclined to do things right for you.” Hartzler added that “should this fail write us giving definite information and we may be able to do something by correspondence. We will try at least.”

About the same date Hartzler wrote a similar letter to Ura’s mother. He again pointed out how busy Brother Loucks was, noting that “if he went to all the calls that are now in, he would not get through in 4 weeks if no more came. Besides it is very clear that he can not be gone all

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76 Warren F. Gish, Columbus Barracks to Aaron Loucks, June 29, 1918, Mennonite Church USA Archives-Goshen, Peace Problems Committee 1/2 Loucks and Hartzler, 1918-1919 Correspondence June 1-30, 1918.
77 J.S. Hartzler to Ura Aschliman, Camp Sheridan, Alabama, August 26, 1918, Mennonite Church USA Archives-Goshen, Peace Problems Committee 1/11 Loucks and Hartzler, 1918-1919 Correspondence Aug 21-26 1918.
the time.” Hartzler then added that “your son is sadly mistaken when he thinks that everybody else is getting attention. We are doing what we can, but there is a limit to our possibilities.” He repeated the instructions that Ura should first go through proper channels, and “write to the Camp Commander, (not his company Commander) and state specifically what his grievances are.” Hartzler was optimistic that this would resolve the situation favorably. He added that “if that does no good we will try to look after him as soon as we can, but that may be some time yet.”

Loucks received a number of requests from men whose claim to be Mennonites was questionable at best. Unless he knew the applicant, or his family, personally, and was confident that they could legitimately claim to be Mennonite, Loucks appeared to have viewed these requests with some skepticism. Loucks, and other church leaders, also expressed a surprising tendency to ascribe the best of motives to military officers, even when it was clear that conscientious objectors were being widely abused in the military camps. Loucks consistently advised young men not to compromise their beliefs, but to be patient, and to trust the military to rectify the situation. He probably realized, correctly, that this approach would be more successful in the long term, than being obnoxiously defiant, even when the conscientious objector clearly had a moral and legal right to demand better treatment. This approach was also much better for the rest of the Mennonite Church, which was confronted by an increasingly skeptical public and their increasingly hostile neighbors.

On August 23, 1918 J. S. Hartzler replied for Loucks to a letter written by Amos M. Showalter at Fort Riley, Kansas. Hartzler apologized for Loucks’ absence, noting that “he has so many calls here that it is not possible to look after them all.” Hartzler promised that as soon as

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78 J.S. Hartzler to Mrs. B. Aschliman, Stryker, Ohio [undated, probably August 26, 1918], Mennonite Church USA Archives- Goshen, Peace Problems Committee 1/11 Loucks and Hartzler, 1918-1919 Correspondence Aug 21-26 1918.
Loucks returned he would be given your request and “he may be able to combine yours with some others.” In the mean time Hartzler suggested to Showalter that perhaps his “attitude” had “invited present conditions.” Hartzler wrote “of course I know that you did not intend that it do so.” He explained “you understand that the officers would not do their duty if they did not try to find out whether the C.Os, were sincere. Hartzler suggested that perhaps Showalter had displayed “too much urgency to get before the Board of Inquiry” and an attitude which would cause them to assure you ‘that they were not trying to persecute,’ you, might suggest that you were more afraid of the persecution and a desire for adventure, than a matter of conscience.”

Hartzler stressed that he was not “saying that such is the case, but if it is, the officials would be untrue to their country if they did not put you thru the grill to find out your true attitude.”

It is remarkable how Hartzler seemed to assume that the military officers were acting appropriately and that Showalter might somehow be at fault. Hartzler clarified that he was not “discussing the idea of yielding or standing for no service.” He noted that this “would be unwise to discuss even if I were ever so much inclined to urge you to take up service of some kind.” He explained that if he should “urge you to accept and something would happen you, might forever hold it against me that if I had not urged you, it would never have been.”

Hartzler pointed out that “on the other hand, to advise one not to accept service of any kind might be interpreted as a violation of the espionage law.” He added that “those things you must decide for yourself, much as some of your friends would like to visit you, give you all the comfort that they could, with all of this, you must decide these things for yourself.” Hartzler then offered a bit of advice

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80 Apparently Hartzler frequently used this explanation, that he was reluctant to give specific advice because if the advice proved to be wrong, the recipient might hold it against him. He stated nearly the same thing three days later, on August 26, 1918, when he replied to D.D. Hershberger, of Latour, Missouri.
now, while I feel sure that you are sincere, others may not believe that because of something which you said or did, I hope that whatever stand you take you will be able to show that you are sincere and that you are going to be true to what you believe God wants you to do.

Hartzler’s next statement, that “insincerity is disgusting to anyone, and all the more so when hid behind Christianity,” again seemed quite critical of Showalter. Perhaps Hartzler felt defensive because he followed it up by stating that

you inquire whether any of our church men are behind the bars but I assure that that such is not the case, but like many of the boys in camp who have stood the court-martial the church men are going to go just as far in the support of government as they can, but at the same time stand by what they believe the Bible teaches, if it means loss of liberty, property, or even life itself.

Hartzler than declared “as for myself, my motto is, “God first, government and fellow-man second, and myself last.” As I see it this is the only stand for me to take. Matt. 16:25.” He concluded with a word of encouragement “hope that you will remember that the Church is praying for you and that God may bless all your trials to your good.”

Hartzler’s was correct to point out that the “church men” by “standing by what they believe” were exposing themselves to severe legal consequences. S.C. Yoder, of Kalona, Iowa wrote to Loucks on Sept. 2, 1918 after he learned that Loucks had “been in communication with the Dept. of Justice, with reference to the prospective prosecution of the Ministers and Bishops who signed the General Conference Resolution on the Military Question [Mennonites on Military Service].” Yoder wanted to find out “what the prospects are of getting into the penitentiary on that score.” Yoder was one of the 198 Bishops, Ministers, Deacons, Lay Delegates and Representatives of the Mennonite Church that had signed Mennonites On Military Service. He reported that “all the Iowa ministers who have signed the document were called before Special Agent Sherwood, at Washington, Iowa, Saturday and a number of questions asked

81 J. S. Hartzler to Amos M. Showalter, Fort Riley, Kansas. August 23, 1918, Mennonite Church USA Archives-Goshen, Peace Problems Committee 1/11 Loucks and Hartzler, 1918-1919 Correspondence Aug 21-26 1918.
and statements taken.” Yoder noted that Dr. Stone “is at the head of the movement to imprison all who had signed it.” Yoder described Stone as “one of the worst trouble makers that I have known” but added that

I am not alarmed as to the outcome in the matter. I am sure that we would be able to gather an array of evidence against him, in the matter of putting out information to encourage mob violence in the Wayland scrape, that would be much more dangerous to face that anything he is able to gather against the church.82

Yoder had good reason to be concerned. It was no secret that the Justice Department considered bringing charges against some one hundred Mennonite leaders under the Espionage Act of June 15, 1917. Indictments were prepared but ultimately none of these cases were actually prosecuted. A handful of Mennonite leaders were, however, tried for other offences closely related to their criticism of the war. The two most notable cases were that of Samuel H. Miller of Sugar Creek, Ohio and that of Lewis J. Heatwole of Randolph County, West Virginia. Both cases are somewhat atypical in that they actually proceeded to trial and resulted in convictions but they illustrate quite clearly the coercive power of the state.

Samuel H. Miller, who had signed Mennonites On Military Service, was a minister of the Amish Mennonite Church. He served on its publication board and was the editor of the Amish Mennonite newspaper The Budget. On May 15, 1918 while Miller was actually away from the paper The Budget published a letter by Manasses Bontrager which advised readers against buying Liberty Bonds. Miller addressed a handwritten letter to “Dear Brother L” on June 27, 1918 that explained the charges that were filed against him.

Miller wrote that “the enemy has finally landed an indictment against me at the Federal Court of Cleveland [U.S. Attorney Edwin S. Wertz]. The charges are the article in The Budget on

82 S.C. Yoder, Kalona Iowa to Aaron Loucks, September 2, 1918, Mennonite Church USA Archives- Goshen, Peace Problems Committee 1/11 Loucks and Hartzler, 1918-1919 Correspondence Sept 1-6 1918.
May 15, and for instruction our draftees as for Gen. Conf. recommendations.” Miller informed Loucks that “they wanted me to promise hereafter to instruct the boys to obey all orders of the authorities, (which I could not do as a nonresistant), and then the case would not be finished.” Miller reported considerable support locally for his position noting that “the business men of Millersburg see what is being done, and they are trying to do something in the case, as it has indications to hurt their business.” Miller was determined that the case “must be annulled or finished, as I do not want it to stand on the docket for further trouble” but he asked “what do you and brother K. say?” He concluded by noting that “I am not discouraged. Pray for me.”

Miller received a reply the next day, June 28, 1918. Loucks had gone to Camp Greenleaf, and Miller was advised to wire Loucks in Atlanta, but in his absence Hartzler read Miller’s letter to Brothers Kauffman, N.E. Miller, Reist, and J.R. Shank. Hartzler informed Miller that they were “unanimously agreed that your letter has the right ring with one exception.” They noted that they “would not advice you to push the matter to trial or demand its removal from the docket.” Instead they advised Miller to “leave that matter to them. That will show non resistance in its truest sense, and we believe that it will glorify God most.”

Miller took their advice and did not “push the matter” but the case was eventually brought to trial anyway. Miller wrote Loucks on August 8, 1918 to let him “know about some of my experiences under the indictment.” Miller reported that he had pled guilty the previous day to “publishing the article that caused the trouble.” He added that “the court permitted me to explain how it happened, and then pronounced a $500 fine to settle the case. Cost and fine will be about $1,000.” Miller also reported that before the judge pronounced the fine “he said the worst thing against me was to put my signature to the paper at Wakonuae Ind. Mennonites on Military Service Problems Committee 1/2 Loucks and Hartzler, 1918-1919 Correspondence June 1-30, 1918.

83 S.H. Miller, Sugar Creek, Ohio to Aaron Loucks, June 27, 1918, Mennonite Church USA Archives- Goshen, Peace Problems Committee 1/2 Loucks and Hartzler, 1918-1919 Correspondence June 1-30, 1918.
84 Ibid.
Service, a copy of which he had in his possession.” Miller added that he still had “about 25 of those papers yet and a federal man is coming after them tomorrow.” He warned Loucks that “I think it means trouble for the House for sending any more through the mails, as well as any one handing them out to others.” Miller then reflected upon the trial,

I had the most unpleasant experience this week that I ever had, but can truthfully say “Hitherto hath the Lord heard me” Many thought I would miss it by not getting a good attorney and make a defense, but I am satisfied the full trust in the Lord and the prayers of Gods people were of greater value than the best attorney in the land. God’s people prayed [illegible] by the help of God out of prison and I believe they kept me out.

Miller concluded by predicting that “our trials in the present crisis is not over yet, and if all around act like a little wet bunch at Millersbury O. do it would be as bad as in Germany.”

The Miller Case is interesting for a number of reasons, not the least of which is the role played by U.S. Attorney Edwin S. Wertz of Cleveland Ohio. Wertz had previously advocated prosecuting Pastor Adam W. Sommers for expelling Clayton Welty but he had been overruled by his superiors in the Justice Department. Similarly Wertz had tried to bring charges against all 198 Mennonites who had signed the “Yellow Creek Statement” Mennonites On Military Service but had been prevented because the Justice Department determined that “there was no evidence that the Mennonites had attempted to make converts or urged members who wanted to fight to change their minds” The Miller conviction was a nice win for Wertz but it was a mere prelude to his signature moment, the conviction of Socialist Eugene Debs in September 1918. Miller was correct that the present crisis was far from over, and Mennonites on Military Service was not the only document that caused legal trouble for the Mennonite Church. Other trials would follow, most notably the Lewis Heatwole case, but there were no mass arrests of Mennonite ministers.

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85 S.H. Miller, Sugar Creek, Ohio to Aaron Loucks, August 8, 1918, Mennonite Church USA Archives- Goshen, Peace Problems Committee 1/2 Loucks and Hartzler, 1918-1919 Correspondence June 1-30, 1918.
86 Homan, American Mennonites and the Great War, 75-76.
Lewis J. Heatwole was bishop of the Middle District of the “Old” Mennonites’ Virginia conference. He was also “one of the most progressive Mennonite leaders of the East.” For many years he had voluntarily supplied information to the U.S. Weather Bureau. Heatwole had replied to inquiries from Rhine Benner, a home missionary who worked in West Virginia’s mountainous Randolph County. Heatwole informed Benner that although some Mennonites had “yielded under pressure,” it was important for people at home to be as faithful as the men in the military camps. The church’s position, he said, was to “contribute nothing to a fund that is used to run the war machine.” These letters came to the attention of District Attorney Stuart W. Walker of Martinsburg, West Virginia. Walker decided to prosecute and the charges were drawn up more carefully than they had been in the Miller case. The trial was scheduled for Sept 17, 1918. Heatwole and Benner retained the counsel of George N. Conrad, an able criminal defendant, who was also a respected state senator. Conrad’s office wrote Loucks on September 5, 1918 regarding one of the documents that had been cited in the indictment. Conrad wanted clarification of the circumstances surrounding the “printed general letter mailed” August 29, titled “Meeting the Issue” [which Loucks had written]. Specifically, he wanted to know the “date on which this paper was prepared and whether or not it was written under the sanction of the other two members of Gen. Conf. Committee.” The attorney argued that had Loucks signed his name “as Chairman of that committee, the paper would carry much better in courts where our brethren are arraigned for violation of the Espionage Laws.” Conrad also advised that “from 8 to 10 persons both within and without the Church who know Bro. Benner be on hand at the time of the trial.” L.J. Oteatuole earnestly pleaded, on behalf of Conrad “that Loucks or Bro. Shetler or both be of that number, not so much for the purpose of testifying but for the moral effect it may have on the minds of the Judge and the U.S. District attorney.”

87 L.J. Oteatuole, Dale Enterprise, Virginia to Aaron Loucks, September 5, 1918, Mennonite Church USA Archives-
appeared at the trial and Heatwole and Benner both pled guilty and were each fined a thousand dollars, which the Virginia Conference paid. Heatwole later made two unsuccessful attempts to have his conviction reversed.  

Loucks himself was carefully scrutinized by both the Justice Department and Military Intelligence. Lt. Col. Marlborough Churchill, the Chief of the Military Intelligence Branch informed Mr. A. Bruce Bialaski the Chief of the Department of Justice’s Bureau of Investigation on June 3, 1918 that “many reports have reached this office concerning the very pronounced activities of Rev. Aaron Loucks and Rev. F. A. Fricke, Scottdale, Pennsylvania, Bishop and Priest respectively, of the Amish Church, which is a brand of the Mennonite Sect.” Churchill argued that “it would seem that a very definite case could be made out against both these men.” He concluded by stating that “there is absolutely no question or doubt about the fact that the activities of the Mennonites and Amish religious organizations are doing as much harm with their pacifist and anti-war views as any similar organization in the country today.” This lead him to conclude, emphatically that “their activities ought to be silenced at once.”

Loucks usually exercised a great deal of restraint and self-control in his letters and his public statements, however, he apparently was not so guarded in a sermon which he delivered on Sunday morning, June 23, 1918 in Tiffin, Ohio. In this sermon Loucks is alleged to have referred to a group of business men, who were raffling off some thrift stamps using a “wheel of fortune” in the public square, as a “bunch of cigarette suckers gambling in war stamps.” Churchill relayed this information to the Justice Department on July 25, 1918. According to this report Loucks was “taken to task for this utterance, and told that he didn’t know the meaning of the word ‘liberty.’”

Goshen, Peace Problems Committee 1/11 Loucks and Hartzler, 1918-1919 Correspondence Sept 1-6 1918.
M. Churchill, Lt. Col. F.A. N.A., Chief, Military Intelligence Branch, Executive Division to Mr. A. Bruce Bialaski, Chief, Bureau of Investigation, Department of Justice, June 3, 1918; Box 3761; Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
Loucks is alleged to have replied “that is all bunk; you fellows are coming around here telling me what I can and cannot say in my pulpit. It is my pulpit and I can say anything I please.”

Churchill reminded Bielaski, that he had advised him on July 3, that the Justice Department “intended bringing suit against” Loucks. Churchill suggested that this latest incident furnished “a connecting link in the chain of evidence that your office already has against him.” Churchill clearly considered Loucks a problem, and he wanted that problem solved. However, he wanted the Justice Department to solve the problem for him. This was typically of the relationship between Military Intelligence and the Justice Department. As the General Staff explained the function of the military and naval counter-espionage services in these matters was “less executive or punitive than informational.” The “constituted civil authorities” retained full power to act. Military Intelligence viewed its’ role as keeping the appropriate civil authorities “informed and provided with evidence.”

Churchill felt that the Justice Department had been provided with more than amble evidence and he was clearly frustrated that Loucks was never prosecuted. Though he was never prosecuted, Military Intelligence’s suspicion and resentment towards Loucks continued after the war. On January 15, 1919 Military Intelligence discovered Loucks name on a list of passport applicants. They promptly informed the State Department that Loucks was “hardly a fit subject to receive a passport and the protection of a country which he had consistently refused to aid.”

Nancy Gentile Ford argues that the military “generally worked in harmony with government agencies in matters of counterintelligence work” but she notes that “civil-military relations sometimes resulted in conflict.” She notes that the War Department praised its

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90 General Staff, The Functions of the Military Intelligence Division (The Military Intelligence Division, General Staff, 1918), 16.
91 Mennonites, Sub Section “A” Note on the Mennonites. Box 3761; Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
92 Ibid.
“important and ‘powerful’ partnership with the U.S. Department of Justice in fighting against enemy propaganda” and that Justice Department agents were “indispensable in directing military related material to MID.” However, she points out that military leaders “strongly disagreed with key judicial judgments which defined disloyalty.” Military Intelligence officials were “disturbed when the Justice Department dismissed a number of anti-war writings after concluding they did not violate the Espionage and Sedition Acts.” She adds that they contended that the Department of Justice “should have ‘been embarrassed’ by some judicial decisions that dismissed the writings of ‘hostile propagandists,’ simply because no specific military information had been given to the enemy.”

It would be wrong, however, to conclude, based upon this criticism from the War Department’s Military Intelligence Division, that the Justice Department was anything other than vigilant in prosecuting “hostile propagandists.” Samuel Miller, Lewis Heatwole and Rhine Benner were all prosecuted for their somewhat critical advice regarding the sale of War Bonds. Their trials certainly served as a warning to the Mennonite Church that its leaders and members could be prosecuted for any criticism of the war, even for the advice that they gave to conscientious objectors. The very real threat of prosecution seemed to have the desired effect, and while most ministers continued to inform their conscripted young men of the options legally available to them while reminding them of the official position of the church, they then let the men themselves reach their own conclusions. Likewise, they were careful not to advise the men to refuse to obey orders or perform non-combatant service, at least not publicly.

The relationship between the various Mennonite sects and the United States government during World War I was complex and while there were clearly issues that caused conflict the relationship was certainly not one-dimensional. Allan Teichroew argued that the “policy of both

93 Ford, *The Great War And America*, 67.
the Mennonites and the government was not to alienate the other.” He noted that government spokesmen “never failed to appear sympathetic to Mennonite appeals, and Mennonites shrouded their petitions for exemption in patriotic language.”

James Juhnke is a bit more critical of this strategy. He argued that Secretary Baker only “seemed to offer protection” and that various Mennonite bodies “never did understand the extent to which Wilson and his officials were themselves responsible for hysteria at the local level.” He argued that “confusion and confrontation grew out of Baker’s delays and deceits, William McAdoo’s “voluntary” drives to help finance the war, and Justice Department actions to prosecute the conscientious instead of mob leaders and arsonists. Mennonites saw all this as local excess and temporary aberration, not as a flaw in American democracy.”

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94 Allan Teichroew, “Mennonites and the Conscription Trap”, 12.
CHAPTER 9. PRIVILEGED AND NON-PRIVILEGED CONSCIENTOUS OBJECTORS IN THE UNITED STATES AND GENERAL ORDER 28

The tremendous diversity of religious conscientious objectors, in both the United States and Canada, created great challenges for policy makers. Both nations, at least initially, chose to limit exemptions from combatant service to members of historic peace churches, largely because there was no practical way to test an individual’s sincerity, and membership in a recognized historic peace church was the only reasonable proxy. These policies created a significant difference between the members of the recognized peace churches and all other conscientious objectors. Both nations were reluctant to recognize more churches, though there were certainly churches that deserved to be recognized, and although the United States eventually extended this benefit to “sincere” individuals regardless of their religious affiliation, both nation continued to insist that conscientious objectors remained liable for non-combatant service until the closing weeks of the war when both nations began, through furloughs and other programs, to remove the conscientious objectors from military authority entirely. This important change in policy was the result of two factors. First, the political leaders of each nation sincerely desired to recognize and preserve the right of individuals with honest conscientious objections to carnal warfare to make their objects known and thereby secure personal exemption. These leaders were reluctant, at first, to be overly generous in their recognition of this right, as they were concerned that it might be abused, and could potentially undermine the entire conscription program, but they grew confident as the war progressed that the number of men who would make conscientious objections would be statistically insignificant. Second, the conscientious objectors themselves were a small but highly determined minority. They contested government policy at every possible opportunity and in every possible way. Government and military officials were constantly evaluating conscriptions policies, which were frequently revised, and the protest of
the conscientious objectors kept the fairness of conscription policy consistently in the minds of policy makers. Eventually conscription policy was revised on terms that were acceptable to both governments and more favorable to the conscientious objectors. There was, however, tremendous suffering and sacrifice. There was also resistance. Although many within the military and the public supported the change, this attitude was far from universal and there was a certain amount of pushback. It was certainly not a simple story of progress from one policy to a better policy.

Although both nations recognized limited rights for certain religious conscientious objectors, any religious objector who fell even slightly outside of these government-recognized categories, or who pressed their rights a little too strenuously, by refusing to accept non-combatant service for instance, was generally dismissed as a “religious crank.” This was made relatively easy because most churches enthusiastically supported the war and conscription. Worth Marion Tippy, the Executive Secretary of the Commission on the Church and Social Service as well as a member of the Joint Committee on War Production in 1918, explained the position of most churches in the United States in *The Church and the Great War*. Tippy admitted that conscientious objectors “do not constitute a homogeneous group” still he argued that most were “as a rule, social liberals.” Many “so-called conscientious objectors are not genuinely such, but are political objectors or men who are seeking to avoid service.” Tippy explained that the “genuine objector acts from religious considerations. He objects to taking life under any circumstances, and he believes absolutely and only in non-resistance and in overcoming evil with good.” He argued that a socialist could not be a conscientious objectors because he is “quick to use force and does not hesitate to take life in the hour of revolution.”¹

Tippy noted that the position of conscientious objectors is “trying at best, and not so much because of what they may suffer from the Government or at the hands of indignant citizens, as because of the moral dilemmas into which they are forced.” They “enjoy a freedom and safety which have been won by the lives and sorrows of their fellow men,” enabling them to “buy and sell, eat and drink, work and play behind a bulwark of the bodies of their friends.”

Tippy cautioned that “conscientious objectors, especially political objectors, strike at the basis of democracy, which is government by majorities.” He suggested that just two alternatives existed in a democracy. Either there could be “discussion and submission to the decision of the majority with renewed discussion by the majority; and on the other, revolution, either that of arms or of personal revolt.” Only the first alternative was valid. “At a time when millions are freely sacrificing life and property why should not conscientious objectors be willing to make some sacrifice of opinions?” This meant that “conscientious objectors, no matter how patriotic then may be, are led by their attitude, however unwilling, into giving succor to the enemy, and moreover, “they tend to divide the forces at home. They strike at the last reserve of the nation’s power, its moral unity, in that they raise the question of the integrity of the war and of those who participate in its operations.”

Tippy conceded that “killing is dreadful under any circumstances,” but he pointed out that “our Lord said there are times when men should ‘fear not them that kill the body.’” Tippy then clarified that what the Lord had “meant to say” was that “too much ado can be made about death. When the alternative as in this war is to leave the wrongs of the war unrighted, to submit

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2 Ibid., 98.
3 Ibid.
5 Ibid., 99.
to a barbarous military power, to face a certain new era of vast armaments, then sensitiveness about killing is weak and sentimental.\textsuperscript{6}

While the mainline churches cited the Bible, or as Tippy did what the Lord “meant to say,” to support their view that the war was just and that Christians had an obligation to do their part, the historic peace churches, and a handful of individuals from these mainline churches, concluded that any form of participation in any war a violation of God’s command. Hence, “the only righteous way out for conscientious objectors is either to balance their scruples against the alternatives and take up arms in a holy cause; or to accept noncombatant service and give themselves to it with all their power.” To “refuse non-combatant service as contributory to the war is an impossible attitude” which would “mean to refuse to raise food except for one’s own use…to refuse to pay taxes or buy postage stamps or execute legal documents.” Moreover, “when, as in some communities, prosperous farmers are willingly reaping a harvest of war profits, but will not so much as contribute to the Red Cross, their attitude becomes impossible.” Tippy concluded that “while we live in this world we cannot escape the guilt of its sins, or the consequences of its ignorance and incomplete social organization” and challenged the conscientious objector by declaring that “the moral problem is not to find a perfect way but to seek the preponderating good.”\textsuperscript{7}

Making a conscientious objection and sustaining it through the challenges that the objector faced once they reached camp was not easy for anyone. Members of the peace churches, however, were privileged in a number of ways. The historic peace churches were not only officially recognized by the government but more importantly they had the support of their friends, family and churches. Lloy A. Kniss, recalled that:

\textsuperscript{6} Ibid., 100.  
\textsuperscript{7} Ibid., 101-102.
When any of the young men of the church left home to go to camp, there was always a farewell meeting at the church. Deep concern always pervaded these meetings. The farewell meetings were very impressive. A farewell meeting was called at our church for several of us who had to leave. Much good advice was given up and the speakers tried to encourage us. One thing I remember some gave us was the admonition not to fear them that can destroy only the body, but rather fear the One who can destroy both body and soul in hell.\(^8\)

Smaller peace churches lacked the official government sanction but conscientious objectors that belonged to them still had the support of their church and they often had they support of friends and family. Political and other non-religious objectors might have the support of their friends or family and if they belonged to a political party or organization that opposed the war they had that support as well. Individual religious objectors from churches that supported the war however had no sympathy; in fact they were typically castigated not only by their church, but usually by their friends and family as well.

Like the leaders of the major Protestant denominations, the hierarchy of the Roman Catholic in America almost unanimously declared their support for the American war effort, and Catholic men served with distinction in disproportionately high numbers in all branches of the armed forces. Sixteen thousand American Catholics were killed while just four American Catholics were imprisoned as conscientious objectors during the war. One of these men based his decision largely on his political views. Two others objected to fighting in what they considered an “unjust war” but did not necessarily object to fighting in a “just war.” Only one of these men, Ben Salmon, argued that all wars were inherently wrong that that there was no level of participation in any war that would be justifiable.\(^9\)

Torin R. T. Finney argues in *Unsung Hero of the Great War: The Life and Witness of Ben Salmon* that Salmon was “the first known Catholic in American history to directly challenge in any detail the Church’s ‘just war’ teachings.” He notes that Salmon believed that the concepts of jus in bello (just means of war) and jus ad bellum (just ends in war) were “incompatible with his conception of Christian social ethics.” Finney notes that Salmon’s “position of absolute non-resistance was more characteristic of Anabaptist than Roman Catholic beliefs.”

Given that Salmon was the only one out of millions of American Catholics to reach this position, it is not surprising that his path to this position was a bit complicated. Salmon described himself in a letter to President Wilson as a “practical Catholic.” He claimed “I do not belong to a religious sect whose ministers oppose war, but I belong to one whose Creed forbids its members from participation in war…. I am a Catholic…. not an apostate, but what is known in the Church as a ‘practical Catholic.’” Gordon C. Zahn, a Catholic conscientious objector during World War II who accepted the alternative service option which was not available during World War I, noted that Catholics who rejected the “call to arms” were viewed as violating the Church’s teachings about “the obligation to render obedience to legitimate authority.” Indeed, most Catholics viewed Ben Salmon with suspicion, and feared he had succumbed “to the influence of ‘heretical’ sects or radical, if not subversive, political movements and ideologies.” Finney notes that Salmon was “repeatedly urged to abandon his resistance by his wife and mother.”

Though he was deeply religious Salmon was also involved in progressive social reforms and these also shaped his views on conscription. Prior to American entry into the war, Salmon served as secretary of the Denver branch of the People’s Council of America for Democracy and

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10 Ibid., 6.
11 Ibid., 6-7.
12 Ibid., viii.
13 Ibid., 9.
Peace. Salmon registered as required to on June 5, 1917 but subsequently refused to complete the Questionnaire. Had he done so he almost certainly would have secured an exemption but not on account of his religious beliefs which he insisted should be recognized, but instead as the sole provider for a wife and widowed mother.\textsuperscript{14}

This protest on his part resulted in his being arrested in the first week of January 1918. He was convicted by the United States District Court in Denver and incarcerated at Fort Logan, Colorado in May after refusing to report for induction while out on bail. He was later transferred to Camp Funston, Kansas where he soon found himself locked in the guardhouse for refusing to wear a uniform or work in the yard. He was found guilty of “desertion” and spreading “propaganda” by a court martial and sentenced to death, but this was reduced to twenty-five years at hard labour in the United States Army Disciplinary Barracks at Fort Leavenworth, Kansas.\textsuperscript{15}

Salmon arrived at Leavenworth on his first wedding anniversary and immediately helped to organize a strike. He was sentenced to solitary confinement and placed on a bread and water diet for six months. He was in solitary in September 1918 when his first child was born. Finney argues that the military authorities used a “strategy of ‘petty persecutions’ in an attempt to break his will.” One of these persecutions was denying Salmon family visitations. His brother Joe arrived at the prison during a December snowstorm but was denied permission to enter. He waited outside, hoping that he would eventually be granted permission to visit. This permission was never granted. He subsequently contracted pneumonia and a week later he was dead.

In June 1919 Salmon was transferred to the Army War Prison at Fort Douglas, Utah where on July 13, 1920 he began a hunger strike for “liberty or death.” After thirteen days

\textsuperscript{14} Ibid., 3.
\textsuperscript{15} Ibid., 4.
without food or water he was transferred to the prison infirmary and forcibly fed. When military authorities could not persuade him to end his hunger strike he was transferred to St. Elizabeth’s Catholic Hospital in Washington D.C. where he was confined in a ward for the criminally insane. He continued his hunger strike despite forced-feedings and verbal abuse from the staff and other patients.

Finney notes that Salmon’s “most vocal opponents were the clergy and laity of his own Church…. every Catholic prison chaplain he encountered during the war attempted to dissuade him from his course, with one even refusing to give him absolution and Holy Communion.”

The Church’s disapproval of Salmon’s actions became particularly intense and apparent after he began his hunger strike. On October 25, 1918 Irish Republican leader and Lord Mayor of Cork, Terence J. MacSwiney had died in Britain after refusing food or water for seventy-four days. This had attracted great attention and considerable sympathy from Catholics in the United States, but Roman Catholic prison chaplains continued, both publicly and in private, to accuse Salmon of displaying “defective judgment.” Salmon, however, seems to have fully understood the consequences of his decision as he described his hunger strike as “murder on the installment plan.”

One particular priest who had publicly praised MacSwiney criticized Salmon for attempting suicide by undertaking a hunger strike in a nation with so many civil liberties.

Rodger Baldwin and the American Civil Liberties Union, the successor to the NCLB, publicized Salmon’s case through regular press releases and initiated legal action to attempt to force the War Department to release him. Hundreds of calls and letters eventually persuaded the War Department to release him rather having him die while in their custody. Though the recently organized American Legion protested the release of the nation’s “most notorious slacker,”

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16 Ibid., 7.
17 Ibid., 5-6.
18 Ibid., 5.
Salmon was finally pardoned given a dishonorable discharge from the army and released from federal custody on November 26, 1920. This gave Salmon the somewhat dubious distinction of being “the last conscientious objector in America to be freed in the aftermath of World War I.”

Socialist leader and Presbyterian clergyman Norman Thomas described Salmon as the most prominent of all war resisters, and the ACLU credited his hunger strike as the deciding factor in the release of the final thirty-three conscientious objectors, still in prison two years after the armistice. Although Salmon, the last objector to be released from prison, was a free man just a few days after the second anniversary of the end of the war, most conscientious objectors did not have their civil rights restored until President Franklin Roosevelt’s Christmas amnesty in 1933. Salmon, whose health had been negatively affected by his hunger strike, had died the previous year at the relatively young age of forty-three. The hunger strike was an effective, though rarely used, method of protest. Though Ben Salmon is a conspicuous exception, it was a tactic that appealed more too politically motivated objectors, and it was almost never used by member of historic peace churches.

Julius Eichel, “the only American imprisoned in both world wars for refusing to be drafted” also participated in a much publicized hunger strike. Eichel, who admired Eugene Debs, joined the Socialist Party in 1917. Though Jewish he was not religious. When an army doctor questioned him “didn’t Moses say, ‘An eye for an eye and a tooth for a tooth’?” Eichel replied that his “convictions against war did not derive from religion” and that he was not “responsible for what Moses was supposed to have said nor for what was in the Bible.”

Eichel’s lottery number was “near the top” and he was called for a physical early in September,

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19 Ibid., xiii, 1.
20 Ibid., 1.
22 Ibid., 25.
1917. He wrote a letter to his local board that he “refused to undergo the physical” as he had “no intention of becoming a soldier” and that he did not “acknowledge the government’s right to conscript” him.23

Julius and his brother David were turned over to a United States Marshal on December 6, 1917. The Marshal “could not discover where to dispose” of them as no army official would accept them because they had not passed a physical. Eventually, they were returned to the local draft board.24 Eichel reports that “the board members were very much upset by our insistence that we would neither take the physical examination nor submit to any other government imposition.” He notes that they “kept pointing to a poster, prominently displayed on the wall, which proclaimed: ‘This is by no means a conscription of the unwilling.’” Eichel reports that eventually “the board began to realize the irony of the slogan.” They were “asked repeatedly by various officials to submit to the physical examination as a personal favor to them to save them embarrassment and trouble.” He writes that they spent “more than half a day engaged in such arguments.”25

Eventually, they were handed over to two policemen who were instructed to take them to the nearest army post for induction “however, this was easier said than done, for no army post would accept us.” For three days they were taken from place to place in handcuffs and kept in local police stations at night to “prevent their escape.” Finally “it occurred to the officials that they could make inquiries regarding our disposal without dragging us around” so “the policemen had their burdens lifted from them.”26 Julies and David were incarcerated in The Tombs, in New York City “where life was monotonous and they mingled with prisoners being held for ‘every

23 Ibid., 14.
24 Ibid., 15.
25 Ibid.
26 Ibid., 16.
conceivable Federal crime.’” These prisoners “were very patriotic and would never pass up the chance to preach patriotism, no matter how miserably they themselves had behaved toward their fellow human beings.”

In the latter part of 1917 “a Federal ruling made it possible to turn us over to army officials” and they arrived at Camp Upton on New Year’s Eve. A few days later they were assigned to a barracks “at the extreme end of the cantonment” where they met a group of about twelve objectors who were in segregation. There were a dozen conscientious objectors in the barracks, none of which had been there more than a month. Conscientious objectors continued to arrive “until by summer we numbered over thirty.” At first, most of the men were religious objectors with a few who objected on Socialist or other humanitarian principles, but due to “discharges and other depletions, by the time summer drew near the religious objectors were in the minority.” Eichel reports that “Four Holy Rollers, black members of a Protestant sect, were discharged on the grounds that they were mentally deficient.” He notes that “although the four had had little formal schooling, they had a great deal of native intelligence and were sane enough to live normal lives during peacetime.”

Six of the objectors belonged to the International Bible Students. Eichel reports that one day Judge Rutherford “accompanied by military officers, appeared in our barracks and asked to have a private conference with his followers.” A four hour discussion followed in the far corner of the barracks that resulted in a decision that the Russellites would “don the uniform and accept non-combatant service.” Eichel was not impressed by Rutherford or this decision. He writes that

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27 Ibid., 19.
28 Ibid., 28.
“as far as we could discover, this was all done in an attempt to save Rutherford from a prison sentence.”

Eichel was one of five conscientious objectors that went on a hunger strike at Camp Upton in protest of new more restrictive regulations pertaining to their ability to move about camp and receive visitors. On the sixth day they were granted an interview with General Bell, the commander of the cantonment who had issued the regulations. Bell informed them that the regulations would not be changed and that he considered conscientious objectors a nuisance and had little sympathy for them. Bell informed them that if he had his way he would “either free us or shoot us.” The hunger strike ended when they realized it was futile. Eichel was later court-martialed and was sentenced to twenty years in prison for “refusing to murder.” He served eighteen months.

The line that separated religious and political conscientious objectors was often not clear. Ben Salmon based his conscientious objections upon his religious beliefs as a “practical Catholic” but he was also influenced by his work as secretary of the Denver branch of the People’s Council of America for Democracy and Peace. Norman Thomas was most known for his Socialist politics and his involvement with the Fellowship of Reconciliation but he was also an ordained Presbyterian minister. No one, however, better illustrates the artificial nature of the division between religious and political conscientious objectors better than Ammon Hennacy, who published his memoirs The Book of Ammon, in 1970.

Ammon Hennacy was arrested in Columbus, Ohio on April 5, 1917, the day before Congress declared war, for speaking out against the war. While on bail awaiting trial he was

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29 Ibid., 30.
30 Ibid., 31.
31 Eichel was required to register but was old enough that he would not have actually been drafted in WWII. He refused to register however and was arrested. A “super-patriotic Italian judge” sent him to jail and set bail at $25,000, Ibid., 9.
arrested again for passing out anti-war literature and “advising young men to refuse to register for the draft.” He was threatened with being shot if he refused to register by June 5, yet he refused and was sentenced to 2 years in the Atlanta Penitentiary. After nearly three months in solitary confinement, the Warden tried to convince him to fill out the registration form for the second war draft. Again he refused though he was threatened with “another year back in the hole.”

Although the war was over by the time he was released from prison, he was immediately arrested for having failed to register for the August 1918 draft. At his trial he was asked if he had “really refused to register for the first and second draft” and if he had “not changed his mind” and would he agree to “register for the third draft if and when it came along.” Hennacy had read the Bible and belonged to the Baptist Church when he was young but he had “entered prison an atheist and not a pacifist.” He added that he would “fight in a revolution but not in a capitalist war.” Hennacy reports that when he was in solitary, the Bible was “all I had to read.” He testified that “with all the time in the world” and “no one to talk to or influence” him, he “read it and became a Christian and a pacifist.” The judge dismissed the case though he still had to serve nine months in the Delaware County jail for his initial refusal to register. In his later life he remained “a Catholic, of a decided leftist bent.” He would later become a leader of the Catholic Worker movement, founded in 1933.

The conscientious objector experience was intense for everyone. It provided them with a great deal of time to examine their own beliefs and think them carefully through. It had profound implications for most of the men for the rest of their lives. It is little surprise that it changed many men. While not many conscientious objectors were transformed as dramatically as

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33 Ibid., 111, 118-119.
Hennacy, his transformation from an “atheist and not a pacifist” to a “Christian and a pacifist” was certainly not unique. Hennacy’s case is also a bit unusual as technically he was not even a conscientious objector. Because he never registered he was never actually drafted nor under military authority. Hennacy did however appear before his local exemption board. Hennacy and men like him who failed to fall into clearly defined categories presented special challenges to exemption boards.

A number of local boards, including the Local Board for Division No. 1, South Bend, Indiana, reported confusion in how to classify registrants “of the Jewish Faith” who claimed exemption because it was against their religion “to touch a dead body.”\footnote{Local Board for Division No. 1, South Bend, Ind.; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.} The Local Board for Division No. 2, Malden, Massachusetts reported an applicant who claimed exemption “because he was a member of an Order and direct descendant of those who bore the Ark in the Camp of the Israelites.”\footnote{Local Board for Division No. 2, City of Malden, State of Massachusetts; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.} On May 25, 1917, Rabbi B.L. Levinthal, of Philadelphia, “on behalf of the UNITED ORTHODOX RABBIS OF AMERICA, and in the interest of a relatively small group of the Jews of America” tried to call Crowder’s attention to the fact that

The KOHENIM, or Jewish Priests, who are the direct descendents of Aaron the High Priest of Israel in the days of Moses, constitute at present less than one-half of one per cent of the Jewish population……for the purpose of protecting them against religious defilement they are forbidden, inter alia, to come in contact with dead bodies, except in the case of their nearest kin.\footnote{Rabbi B.L. Levinthal, Philadelphia, to Provost Marshal General Crowder May 25, 1917; Box 5; General Correspondence 1917-1919; Provost Marshal General's Office, Record Group 163; NACP.}

It is not clear how Crowder responded to Levinthal or if this information was ever passed on to the local exemption boards. Similar questions were also addressed to Secretary Baker.

Representative Jacob E. Mecker of Missouri’s 10\textsuperscript{th} District inquired of Baker if “a strictly
orthodox Jew” would be able to obtain kosher food in the Army and “in the event that he could not obtain it and his religion forbids his eating any other kind, whether or not he would be rejected as a volunteer or subjected to draft?”37

In addition to the historic peace churches there were a large number of religious sects that based upon “common sense” appeared to qualify as peace churches, but they were not legally recognized as such. Many of these sects were quite small, and might be limited to a single congregation. Others were larger, and might even be loosely affiliated with a broader denomination, but they still lacked legal recognition. The Fourth District Board, Freeport, Illinois reported on a registrant who was “a member of the Bethel Full Gospel Assembly, a creed which disapproved of War.”38 There were also individuals, many of whom were most likely quite sincere, who did not claim affiliation with any church or sect. The Local Board Division No. 1 City and County of Honolulu, Territory of Hawaii received a letter from “an American registrant who evidently claims alienage on account of being a citizen of Heaven.”39 The Local Board for Division No. 2, Spokane, Washington rejected the claim of a “religious crank” who spent “considerable time in telling us it was against his religious scruples to fight.”40 The Local Board of Rush Country, Rushville, Indiana rejected a claim from an applicant who reported that “Jesus Christ had told him not to register.”41 The Local Board for Bartlesville, Oklahoma reported that “X came in with a bale of literature to prove his conscientious scruples, but we decided to leave

37 Jacob E. Mecker, 10th District Missouri, U.S. House of Representatives to the Hon. Secretary of War May 17, 1917; Box 7; General Correspondence 1917-1919; Provost Marshal General's Office, Record Group 163; NACP.
38 Fourth District Board, Freeport, Ill.; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
39 Local Board Division No. 1 City and County of Honolulu, Territory of Hawaii; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
40 Local Board for Division No. 2, Spokane, Wash.; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
41 Local Board of Rush Country of Rush, State of Indiana, Rushville, Indiana; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
him in class two." Until the War Department issued confidential General Order 28, which extended conscientious objector status to all persons “who in good faith entertain religious or other conscientious scruples against warfare” on December 19, 1917 such men were not given any official recognition under the Selective Service regulations.

General Order 28 represented a very significant change in policy. It extended a right which had been limited to a very specific group of citizens, members of historic peace churches, to a much larger group. While many civil liberties groups celebrated this welcomed change, it created some difficulties for local boards who had to determine what “conscientious scruples” were held in “good faith.” This was especially difficult if the conscientious objections were not explicitly religious in nature. Selective Service Headquarters for the Commonwealth of Pennsylvania, Harrisburg reported that “there were numerous “Vegetarians” who claimed exemption because they did not eat meat and would not be able to be sustained by the army ration.”

While the army’s inability to accommodate their dietary restrictions was certainly part of their claim for exemption, it seems that the headquarters missed the real conscientious scruple, a man who refused to eat meat, would certainly not be amenable to killing another human being even in war.

Although the Army was very successful in convincing most conscientious objectors to accept either regular service or noncombatant duty, a small number continued to refuse either of those options, and that created a problem that the Army could not ignore. As noted, Secretary Baker initially believed that most conscientious objectors were somehow mentally deficient. He proposed mental examinations with the intent of discharging from the army all those that failed.

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42 Local Board for the Country of Washington, State of Oklahoma, Bartlesville, Okla.; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
43 Selective Service Headquarters, Commonwealth of Pennsylvania, Harrisburg, Pa.; Chronicles of the Selective Draft; Provost Marshal General's Office; RG 163; NACP.
The examinations began in March 1918; however, they did not solve the problem as very few conscientious objectors failed the test.⁴⁴

*The Special Report of Psychological Examination* for Pvt. John Bergen conducted on August 16, 1918 began by noting that “this soldier has a mental age of 11.0 yrs on the Pointe Scale. His responses were accurate on the verbal tests. He is illiterate and rather difficult to handle, since he is very suspicious.” Later, the report speculated that “this extreme suspicion, particularly of papers, and his pain in his side, might indicate a psychopathic tendency. He declares that he loves everyone and prays for everyone.” Bergen was “not a member of any church. His parents are Mennonites and he claimed exemption on the ground of being a member of a family of Mennonites.” Bergen admitted that he “joined this church about 13 years ago but ‘fell off,’ that is drifted away from the church.” During this period Bergen “smoked and drank, and committed other sins for which he is sorry now.” On his way to camp he “was converted and now wants to follow the Lord. He objects even to non-combatant service.” The examiner reported that “there is grave question in my mind as to this man’s sincerity.” He concluded by recommending a “neuro-psychiatric examination”⁴⁵ Bergen received his neuro-psychiatric exam, which found “no evidence of mental disease and no mental defect” that same day. Nearly every Neuro-psychiatric examination given to conscientious objectors found the same thing.⁴⁶

Very rarely, however, these neuro-psychiatric examinations revealed something less routine. The *Psychological Examination* of Guy Davis revealed that the examiner had a great

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⁴⁵ Special Report of Psychological Examination on Pvt. John Bergen, John E. Anderson, 1st Lieut. San. C. N. A., School of Psychology, Section B, Camp Greenleaf, GA. August 16, 1918; Box 3761; Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.

⁴⁶ Certificate Of Neuro-Psychiatrist, [John Bergen] N.H. Brush, Capt. M.C.U.S.A., Infirmary Camp Greenleaf, Chickamauga Park, Georgia, August 16, 1918; Box 3761; Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
deal of skepticism regarding Davis’s claim. The report began by noting that “Davis is mentally fit for full military service. His intelligence is 12 yrs, on the Stanford Binet scale which is about the average soldier.” It continued to note that Davis was a member of the Church of Christ “says he has been a member for 3 years. He was farmer before coming into the army and say now that the Lord has called him to preach.” The examiner, however, was skeptical of this claim for he reported that Davis “knows absolutely nothing about the Bible although he says he reads it every day. He knows nothing about this Church to which he belongs.” He noted that Davis “says he hears voiced from heaven. But it is clear that he had no hallucinations.” Davis was “stubborn and refused to do many of the tests. The only way I could get a mental age on him was to camouflage the questions in religion.” The report continued that before Davis was converted “he says he used to drink, lie, steal, etc. but has reformed now.” Davis refused to “do anything connected with the army even to work on farm. His specific objection is that Jesus was a conscientious objector.”

The examiner concluded that Davis’ “sincerity is very doubtful. He is probably using his religion as a means of evading military service.” The report ended by stating that Davis “wants to go home to preach the gospel, although he never preached before being drafted.”

Following the Neuro-psychiatric exams at Camp Greenleaf, the Assistant Personnel Adjutant filed out a form titled *Conscientious Objectors Mennonites* that he sent to the camp Intelligence Officer. This form inquired about the name of the conscientious objector, the branch of Mennonite Church to which he belonged, the location and name of his home church, the name of his pastor, the date of his admission to the Church, and if non-resistance was specifically contained in the Creed of the Church. The final question asked: Has this man been coached?

Military Intelligence was convinced that most of the conscientious objectors who refused to

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47 *Report of Psychological Examination of Conscientious Objector* [Guy Davis], John E. Anderson, 1st Lieut. S. C., N. A., School of Psychology, Section B, Camp Greenleaf, GA. August 2, 1918; Box 3761; Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
accept non-combatant service did so because they were being coached. Unfortunately, only a small, and presumably nonrandom, sampling of the Neuro-psychiatric exams that were administered were preserved in the Military Intelligence Correspondence files but it is interesting that every report that was preserved indicates that the conscientious objector had indeed been coached.\footnote{Conscientious Objectors Mennonites [David B. Unruh] Asst Personnel Adjutant to the Intelligence Officer, Camp Greenleaf, August 16, 1918; Box 3761; Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.}

In an effort to limit the number of conscientious objectors to those whose claims were absolutely indisputable, the Selective Service Act created two broad categories of conscientious objectors: a privileged and a non-privileged class. Members of the historic peace churches belonged to the privileged class. They were granted immunity from combatant service. All other objectors belonged to the non-privileged class. They enjoyed no protections whatsoever until December 19, 1917 when the War Department issued General Order 28. General Order 28 extended conscientious objector status to all persons “who in good faith entertain religious or other conscientious scruples against warfare.” The fact that this sweeping change was initially kept confidential made it no less controversial. Canada’s Military Service Act created similar privileged and non-privileged classes of objectors, but there was nothing remotely equivalent to General Order 28 in Canada. Canada did gradually recognize more religious sects as privileged, but a far greater number remained non-privileged. The most visible of these non-privileged classes was the International Bible Students.
CHAPTER 10. THE FACE OF THE CONSCIENTOUS OBJECTOR IN CANADA – THE INTERNATIONAL BIBLE STUDENTS

The historic peace churches were international and firmly rooted in both the United States and Canada. Likewise, a large number of religious sects and denominations, some large some small, also existed in both nations. They were also members of genuine peace churches even though they failed to meet the legal definition in either country. These peace churches mostly refrained from politics and generally were not involved in either the peace movement or the national discussion about the war until conscription became a very real possibility.

Politicians and policy makers on both sides of the border were aware, at least in a general sense, of the conscription policies of their neighbor, but they did not make any serious studies of their neighbor’s conscription policies and there is no evidence that they made any conscious effort to draft similar policies. Instead, almost entirely independent of one another, they created conscription policies that very closely resembled one other in many respects, including the provisions made for religious conscientious objectors. Both the United States and Canada privileged the historic peace churches by allowing their members partial exemptions from combatant service, and in the case of some Canadian Mennonites and Doukhobors total exemptions, while other, equally sincere sects were not initially guaranteed any exemptions. Once conscription was implemented, most of these peace churches, especially those which were privileged with official recognition, did little to directly challenge the government’s authority to demand military service from its citizens. In many ways the International Bible Students, largely because they vigorously contested their exclusion from the list of sects officially privileged by the Military Service Act, eclipsed the historic peace churches as the face of religious conscientious objectors in Canada during World War I.
The International Bible Students, also known as the Russellites, and since July 1932 known as the Jehovah’s Witnesses, were founded by Pittsburgh businessman Charles Taze Russell (1825-1916) in the 1870’s. Russell, and his followers, believed that Christ would return to earth and would destroy Satan, along with any nation or religion that supported Satan, at the battle of Armageddon. They later became convinced that the second coming of Christ had already occurred, but was invisible and could be seen only with the eye of understanding.

M. James Penton, author of *Jehovah’s Witnesses in Canada: Champions of Freedom of Speech and Worship*, notes that “the Bible Student interpreted the Bible, which they considered the unerring, inspired word of God, literally, but they did not claim to have an infallible comprehension of the Scriptures.”¹

On July 1, 1879, Russell began publishing the magazine *Zion’s Watch Tower and Herald of Christ’s Presence*, later renamed *The Watch Tower*. In 1884 he established Zion’s Watch Tower Tract Society later known as the Watch Tower Bible and Tract Society. Under Russell, Bible Student “classes” were governed by locally elected elders. The only thing they shared in common was their “recognition of Russell as their pastor, the Watch Tower Society as their spiritual guide, and a general fellowship as brothers in Christ.”²

Pittsburgh Bible Students began sending Watch Tower literature to friends and relatives in Ontario as early as 1881, and Russell visited Canada frequently beginning in 1891. In 1909 the Society established an international news syndicate which distributed weekly sermons to newspapers in the United States, Canada and Europe. However, the International Bible Students, as they were officially known after 1910, were established in Canada relatively slowly and their early efforts were confined almost exclusively to English speaking Canada. In 1911 the federal

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² Ibid., 9, 11.
census recorded just one Bible Student in the entire province of Quebec. The first congregation
in Montreal, Canada’s largest city was not founded until 1916, and even then it was almost
entirely English-speaking. Penton notes that “no real attempt was made to convert French-
Canadians until after the war” but he argues that “Pastor Russell, the Watch Tower, and the Bible
Students were nevertheless well known to most Canadians outside Quebec by the start of World
War I.”

During World War I, the Bible Students would frequently be accused, in both the United
States and Canada, of being disloyal, or even pro-German, but their attitude toward the
government and the war was not much different from that of the Quakers, the Mennonites or any
of the other historic peace churches. The Bible Students believed that true Christians should
separate themselves as much as possible from society, to be “in the world, but not a part of it.”
They believed that they should refrain from voting or participation in politics, but that they
should be obedient to earthly authorities in matters not contrary to divine law. They also were
quite clear in their belief that killing was a sin.

In 1904 Russell elaborated his teachings on warfare and conscription in a tract The New
Creation. He wrote that:

… it is eminently proper that we should love and appreciate every good law and
all the servants of earthly law…. Hence, we neither traduce our native country, its
rulers, or its laws; but this does not mean that we must fight for these with carnal
weapons, nor that we must increase our responsibility by voting for them.

He added that:

… government may not always exempt those opposed to war from participating in
it, … We may be required to do military service whether we vote or not, however;
and if required we would be obliged to obey the powers that be, and should
consider that the Lord’s providence had permitted the conscription and that he
was able to overrule it to the good of ourselves or others.

3 Ibid., 35, 38- 40.
4 Ibid., 16.
Russell explained that Bible Students, if conscripted, should request a transfer to the medical or hospital department where their services “could be used with the full consent” of their conscience. Russell had prophesized that Armageddon would begin in October 1914. The outbreak of the Great War in July 1914 seemed to verify and reinforce this belief. Russell and the Bible Students concluded immediately that the war was “unjustified and unjustifiable.”

Although Russell had defined the Bible Student’s opposition to war, “carnal weapons,” and military service, he had not definitively and unconditionally opposed noncombatant service in the “medical or hospital department” and many of his comments including his opinion that “if compelled to serve in the ranks and to fire our guns we need not feel compelled to shoot a fellow-creature” were ambiguous.

Russell recognized shortly after the war broke out that his previous statements on conscientious objections were problematic and the prohibition against noncombatant service was made much more explicit. The September 1, 1915 issue of *The Watch Tower* addressed how a Bible Student should respond if faced with the choice between accepting the military uniform or facing a firing squad. It asked:

… would it be any worse to be shot because of loyalty to the Prince of Peace and refusal to disobey His order than to be shot while under the banner of these earthly kings and apparently giving them support and, in appearance at least, compromising the teachings of our Heavenly King?

The article explained that “of the two deaths we would prefer the former- prefer to die because of faithfulness to our Heavenly King.” It added that,

… certainly one dying for his loyalty to the principles of the Lord’s teachings would accomplish far more by his death than would the one dying in the trenches. We cannot tell how great the influence would be for peace, for righteousness, for

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God, if a few hundred of the Lord’s faithful were to follow the course of Shadrack, Meshack and Abednego, and refuse to bow down to the god of war.\footnote{Watch Tower, September 1, 1915}

Military and government officials in both the United States and Canada interpreted these positions as a change in doctrine and evidence of insincerity, but similar clarifications of doctrines occur in all denominations and many denominations, including most of the historic peace churches, were likewise clarifying their teachings on conscription. Penton notes that “the Watchtower has frequently indicated that many views expressed earlier in the Society’s publications were erroneous.” He explains that the Bible Students believed that “Jehovah and His word are perfect; His Witnesses do not claim to be.”\footnote{Penton, Jehovah’s Witnesses in Canada, 14.}

On November 15, 1915 The Watch Tower published excerpts from the Canadian Militia Act of 1906 which purported that conscientious objectors were entitled to exemption from military service. In January 1916, the British Parliament introduced the Military Service Act of 1916, which received Royal assent on January 27 and became effective on March 2, 1916. British Bible students, like all citizens of Great Britain, now faced the reality of conscription. Canadian Bible Students feared, rightfully so, that they would soon as well. The February 15, 1916 issue of The Watch Tower published a letter from Canadian Bible Student W.J. Hooper, which stressed that the Canadian Militia Act of 1906 required the applicant for exemption to file an affidavit stating his reasons with the local commanding officer of militia in the district in which he resided at least a month before he was to be drafted. The editor advised Canadian Bible Students between seventeen and a half and sixty years of age to submit a letter and affidavit, based on a statement prepared by J.F. Rutherford, to their local commanding officers of militia. Hundreds of these affidavits, which stated that as members of the Bible Students Association the applicant was required to “follow peace with all men and do violence or injury to none”, were
sent to local militia commanders. The affidavits further stated that followers of Christ must practice non-resistance and that the provisions of the Militia Act R.S.C. (1906) CHAPTER 41 were “in conflict with the teachings of the Lord Jesus Christ.”

These affidavits created a great deal of confusion, and not a little bit of anger, for Canada did not yet have any form of conscription, nor did it seem, to the local commanding officers to whom they were addressed, that conscription was imminent. Some commanding officers could barely conceal their contempt. The Brig-General, Commanding 4th Division wrote to Andrew Cuthbertson, Point St. Charles, Montreal, on March 2, 1916 acknowledging that he was “in receipt of a declaration that your religious principles will prevent you from enlisting for the defence of your home.” He wrote “you are the kind of man who if a rowdy came into your house and began thrashing your wife, you would turn your other cheek and let him thrash you, without resisting.” He added that he was:

… sorry that there are men who will resort to this excuse when there are Ministers of the Gospel, who are examples of the teaching of Jesus Christ, who have enlisted in the ranks and gone forward like men to defend their homes, and the homes of men like you who will hide behind a subterfuge in what is nothing more than a cowardly manner.

He concluded by stating that Cuthbertson’s declaration had been “placed on file.”

The fact that these declarations seemed orchestrated, and not spontaneous, aroused particular resentment and hostility from both the military and the general public. Arthur H. J Hill, Esq., sent a confidential letter to Brigadier General E.W. Wilson, Montreal on March 3, 1916 after noticing in The Gazette that Wilson had been receiving affidavits from “men claiming that, as members of the International Bible Students Association, they are entitled to conscientious scruples against any kind of fighting.” Hill reasoned that “strictly speaking all right minded

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9 Ibid., 43.
people have conscientious scruples against fighting, but there are times when scruples have to be forgotten.” He concluded by noting that the International Bible Society, “or at least its originator, Pastor Russell, has a reputation which hardly fits in with his followers’ claims for exemption.”

Harry J. Ross, Esq. Montreal wrote to Wilson, on March 4, 1916 concerning an affidavit “looking to his exemption from Military Duty” made before him by E. J. L. Roulston. Ross had made his own enquiries and had determined that Roulston had got his “inspiration and information for the affidavit from several volumes that Members of his Cult use as their guide and more especially from a Magazine called the ‘Watch Tower.’” Wilson thanked Ross for his information and pointed out that “there is no necessity for these forms being sent in, as none of these blackguards have been asked to enlist, nor is there any probability of conscription being enforced.” He concluded by wishing that “we were going to have conscription and I would take damn good care that every one of these fellows would be enlisted.”

On March 7, 1916 The Ottawa Free Press blamed the low number of volunteers in Montreal on the Bible Students. P. Bemon, the General Officer Commanding 6th Division, Halifax. N.S. expresses a similar viewpoint in a March 23, 1916 letter addressed to the Militia Council. Bemon noted that numerous applications had been received and that they were not “confined to one locality.” Bemon added that these applications, which were on a “specially

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13 Wilson can perhaps be forgiven for being so confident in March, 1916 when he stated that “there was not any probability of conscription being enforced” as there were no plan for conscription at that time, however, a little less than a year and a half later Wilson got his wish. The Military Service Act was passed on August 29, 1917 and before the war ended a great number of International Bible Student “blackguards” had been conscripted. Brigadier General E.W. Wilson, Montreal to H.J. Ross, Montreal, March 6, 1916, N.A.C. Dept of National Defence Army, RG 24-C-8 Vol. 4498.
printed form, are, to a certain extent, a hindrance to recruiting.” He concluded by requesting “instructions as to what action is to be taken in this connection please.”

The editor of The Victoria Week did not feel it was necessary to appeal to Ottawa for advice in how to handle the Bible Students. On March 18, 1916 The Victoria Week attacked Pastor Russell as “a liar, a humbug, a hypocrite and a fraud.” After reprinting the most salacious details from Russell’s 1906 divorce and concluding that the Bible Students were “simply a cover for a pro-Germans anti-recruiting propaganda,” The Victoria Week argued that “it is time for someone to act.”

Despite this, and other pleas, the Adjutant General of the Militia concluded that no action was warranted. Major General W. E. Hodgkins wrote to the district officer commanding at Winnipeg on April 3, 1916 that since “no steps have been made towards the enrollment of men liable for service, the claims now made for exemption are premature.” Hodgkins dismissed the suggestion that the Bible Students had interfered with recruiting and repeated that they had not transgressed any laws. Immigration officials, however, did act against Russell, who was traveling to a Bible Students Convention in Winnipeg. Russell was removed from a train at Gretna, Manitoba and returned to the United States in July 1916.

Russell who had been in poor health for a number of years died of an acute bladder infection on October 31, 1916. At the time of his death The Watch Tower had reached a

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15 In 1897 Russell’s wife Maria left him and the Bible Students. Seven years later she filed for a legal separation. The case went to trial in 1906. After a sensational trial that included allegations of “improper intimacy” with Rose Ball, who the Russells had raised as a foster daughter, a “divorce” from bed and board was granted on the grounds of mental cruelty. The Washington Post and the Mission Friend (Chicago) both reported these allegations and were later sued for libel. Russell initially won a verdict of one dollar, but after an appeal, Russell received a settlement of $15,000, a retraction, and an agreement that the two papers publish his weekly syndicated sermons. “Pastor Russell’s People Trying to Hurt Recruiting” The Ottawa Free Press, March 7, 1916.
17 Penton, Jehovah’s Witnesses in Canada, 40-41.
circulation of fifty-five thousand copies per issue but there were probably not many more than twenty thousand active Bible Students worldwide. After Russell’s death, The Watch Tower Society was governed by a three person executive committee, including Judge Joseph Franklin Rutherford, until the annual general meeting on January 6, 1917 when Rutherford was elected president by a unanimous vote. Russell’s death, and Rutherford’s succession as president of the International Bible Students, would have enormous consequences for the Bible Students.\textsuperscript{18}

On July 17, 1917 Rutherford, despite great controversy, published \textit{The Finished Mystery} which was “based on Pastor Russell’s notes” and advertised as Volume Seven of Russell’s \textit{Studies in the Scriptures}. Many Bible Students disputed the authenticity of \textit{The Finished Mystery} and Russell’s absence was keenly felt in the ensuing controversy which splintered the Bible Student movement.

Four of seven members of the Watch Tower Society Board of Directors attempted, unsuccessfully, to oust Rutherford and prevent the publication of \textit{The Finished Mystery}. Rutherford survived and was reelected as President of the Society in January 1918. Russell’s victory was complete as his supporters ousted his opponents and gained complete control of the Board of Directors. The schism, however, led to numerous defections and feuding factions many of which supported their own publications.\textsuperscript{19}

\textit{The Finished Mystery} was in fact written by C.J. Woodsworth and G.H. Fisher. Penton concedes that it “unmistakably reflected their styles of writing” but he concludes that it was “in fact, largely, if not wholly, his [Russell’s] posthumous work” and “certainly expressed his feelings.”\textsuperscript{20} It described patriotism as “a narrow minded hatred of other people” and described

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\textsuperscript{18} Judge Joseph Franklin Rutherford had became a baptized Bible Student in 1906, and served as legal counsel for the Watch Tower Society. Penton, \textit{Jehovah’s Witnesses in Canada}, 10.
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\textsuperscript{19} Ibid., 46-47.
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\textsuperscript{20} Ibid., 46.
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war as an “open violation of Christianity.” The Finished Mystery included a devastating criticism of the organized religions that supported the war. It denounced the “professed ministers of Christ” who were in fact:

… recruiting agents expected to preach the War as the will of God and the going to war as a meritorious matter that will have Divine reward and blessing. They must encourage recruiting, in obedience to the commands of their earthly king, and in violation of the commands of the Heavenly King, who has directed them to be peacemakers, and to follow peace with all men and do no murder, either under legal sanction or otherwise.21

For government officials in the United States and Canada, who already viewed the Bible Students with extreme skepticism, The Finished Mystery confirmed all their worst opinions.

The General Staff of the United States War Department devoted an entire section of its publication Propaganda In Its Military And Legal Aspects to “The Finished Mystery.” They noted that “under this strange banner a group of strange persons have waged a peculiarly vicious war by propaganda, and compelled the Government to prosecute an organization wearing the innocent name of the International Bible Students Association.”22 They argued that “under the guise of religion” the Bible Students had “inserted a vast amount of rabid pacifism and made vicious attacks on the present war.”23 They accused “Rutherford and the others” of not being content “with selling the volume to the Russellites” but of pushing “its circulation everywhere, especially among groups of soldiers.”24 The General Staff noted that “this sedition is contemptible enough” but “its magnitude and the false cant with which it appeals to devout dupes” was of military importance because it was “foisted with the most determined persistence

22 United States, War Department, General Staff, Propaganda In Its Military And Legal Aspects (Washington: Military Intelligence Branch, Executive Division, General Staff, 1918), 104.
23 Ibid.
24 Ibid., 105.
and cunning upon men already in uniform, to whom it could only be meant to appeal as an argument for mutiny and desertion.”

Colonel Ernest Chambers, chief press censor for Canada, had been hostile toward the Bible Students even prior to Russell’s death and the publication of *The Finished Mystery*. These prejudices were confirmed by *The Finished Mystery*. J. Gwallia Evans of the Kingston, Ontario Veterans’ Association drew Chambers’ attention to pages 250-53 of *The Finished Mystery*, which attacked militarism. Evans stated that to him such teaching was “conducive to treason if not inspiring treason itself.” D.A. Campbell, District Intelligence Officer in Winnipeg wrote Chambers to ask if something could not be “done to stop the publication or at least circulation in this country of this poisonous matter?” In October, 1917 Chambers wrote Secretary of State Martin Burrell, to ask that *The Finished Mystery* be suppressed. Burrell however, denied this appeal.

Had the Bible Student’s followed the behavior of the historic peace churches, they would have confined their challenge to the government to the publication of *The Finished Mystery*; however, they had a different view of their relationship to civil government and as their right to make conscientious objections was not recognized by either Canada or the United States, the Bible Students had more to gain and less to lose by being more confrontational. Penton writes that although the *Jehovah’s Witnesses* have regarded the political process as “fundamentally immoral” they “have been quite willing to use certain democratic rights to gain their ends.”

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25 Ibid., 105.
26 Ibid.
27 Ibid., 53.
28 Ibid., 51.
particular the Bible Students were willing to challenge the government through the courts. This strategy has been quite successful in the long run, but it had mixed success in the short term.  

David Cooke, a Bible Student from Winnipeg challenged the Canadian governments’ contention that the Bible Students were not an “organized religious denomination.” On January 4, 1918, Justice Lyman Duff, the Central Appeals Judge, ruled against Cooke in favor of the government. Duff confessed that he did not find the writings of the Bible Students “entirely self-consistent.” He argued that there was “some doubt” whether a member might not “conscientiously under the compulsion of legal necessity, engage in combatant military service.” He added, however, that it was not necessary to “form any opinion upon the exact nature of the doctrine, as touching the subject of non-resistance.” Instead, Duff denied Cooke’s appeal by ruling that the evidence did not justify the conclusion that the Bible Students “either individually or collectively” constituted an “organized religious denominations existing and well recognized in Canada” as defined by the Military Service Act.

Duff based this decision upon two points. First he questioned whether the Bible Students had a “common worship” which he ruled was an “essential characteristic of a ‘religious denomination’ within the meaning of Section 11.” Second, Duff ruled that the Statute required that eligible religious denominations have some “practical criterions” as a condition of membership. Duff suggest that he might have been inclined to rule favorably if he had found such condition, noting that he had “pressed for it on hearing,” but had found no evidence of such conditions and therefore that was “no indicia to serve as reliable guides for the Tribunals.”

29 Ibid., 21, 44.
30 Military Service Council, The Military Service Act, 1917 Manual for the Information and Guidance of Tribunals in the Consideration and Review of Claims for Exemption issued by the Military Service Council under the authority of The Honourable C. J. Doherty, Minister of Justice (J. De Labroquie Taché Printer to the King’s Most Excellent Majesty: Ottawa, 1918), 109.
31 Ibid.
32 Ibid.
Although the Bible Student’s opposition to carnal warfare was as sincere as that of any of the historic peace churches, Duff’s ruling was entirely correct from a legal standpoint. They possessed neither a common worship, nor “practical criterion” for conditions of membership. Suddenly Bible Students found themselves liable for military service with no hope of having their religious conscientious objections recognized.

Penton writes that “almost no one came to the Bible Student’s defence and nothing was said on their behalf in Parliament,” but he concludes that the government was not “anxious to suppress freedom of religion” and “moved slowly against a group which was openly opposed to supporting war and was thoroughly unpopular with much of the public.” This might have been true in 1917, but Duff’s ruling opened a floodgate of repression.

On January 14, 1918, ten days after Duff’s decision, Ernest Chambers wrote again to Secretary of State Burrell, to draw his attention to the latest Bible Student broadside and to recommend again that both The Finished Mystery and The Bible Students Monthly be prohibited. After remarking that these publications were objectionable because they caused disaffection and made recruiting difficult, Chambers emphasized that he had received complaints from the chief of police at Hamilton and intelligence officers throughout Canada. He argued that “the bitter attacks in these publications upon the churches of all denominations without distinction is noteworthy, even if the statements embodied in these attacks cannot be directly described as ‘objectionable.’” He then defended the “Canadian churches of all denominations, Christian and Jewish alike,” which had “rendered and are rendering invaluable service to the Country in sustaining a courageous and stout-hearted national spirit, a matter of the most vital importance.” Chambers was apparently unaware of, or uninterested in, the irony that The Finished Mystery had reached this same conclusion regarding the churches. Chambers and the Bible Students

33 Penton, Jehovah’s Witnesses in Canada, 69.
differed, of course, in how they viewed this “invaluable service.” Chambers commended the
churches for being “incessantly active in the encouragement of every national patriotic and
benevolent effort having any relation to the prosecution of the War,” and he praised them for
having “freely and ungrudgingly contributed of their very best manhood and womanhood to the
national cause.” He argued that their “conspicuous patriotic conduct” had established their “right
to claim to be organizations actively and usefully co-operating in the successful prosecution of
the war” which in turn “entitled” them to “protection against such attacks as those contained in
the publications of the so-called Pastor Russell Movement.” Chambers then pointed out that
Justice Duff had disallowed David Cooke’s claim to exemption from military service on
“conscientious grounds.” Chambers concluded by urging that that possession of *The Finished
Mystery* and *The Bible Students Monthly* be prohibited. This time, Chamber’s appeal was
successful. Order in Council (P.C. 146), passed on January 17, 1918, outlawed both *The Finished
Mystery* and *The Bible Students Monthly*. Possession of either was punishable by a maximum
fine of five thousand dollars and a prison sentence not exceeding five years. Four months later,
on July 18, 1918, the prohibition was extended to include “all publications, circulars, leaflets and
other printed matter of the International Bible Students Association, Watch Tower Bible and
Tract Society, Associated Bible Students.” The maximum penalty for possession of any of these
items remained a fine of five thousand dollars and five years imprisonment.

Once the Military Service Act was passed, most Canadian churches enthusiastically
endorsed conscription. Thomas Socknat notes that in English Canada conscription “triggered an

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35 *Canada Gazette*, July 20, 1918, 259.
emotional response, which, on the whole, intensified support for the war effort.”\textsuperscript{36} The condemnation of the clergy contained in \textit{The Finished Mystery} had clearly touched a nerve. It attracted a great deal of notoriety and negated nearly all of the limited good will that had once existed toward the Bible Students. A letter from the Presbyterian Rev. H. D. Johnston of Assinibois, Saskatchewan dated March 12, 1918 demonstrates how much animosity existed in Canada toward the Bible Students in the spring of 1918.

On Sunday evening March 10, 1918, Johnston had preached a sermon “Is the Bible as Interpreted by The International Bible Students Association (or Russellites) a constructive or a paralyzing force in Practical Morality and in Patriotism.” The title of the sermon alone demonstrates that Johnston was no disinterested third party, but he portrayed, and probably believed, himself to be both objective and impartial. He noted that before making the address he had invited the Bible Students in the congregation, to “note carefully what was being said and discuss any desired points at the close of the service.” Surprisingly “some half dozen Bible Students” accepted his invitation to discuss the sermon at the close of the service and “an hour or more was spent in the Church room in a discussion of the address and points arising from it.” The Bible Students must surely have disagreed with Johnston’s contention that “For Theological, Asychological, Historical and National reasons it was shown in the sermon that the above body of believers so construed the Bible as to render it a distinctly paralyzing force both in morality and in patriotism.” Johnston complained, somewhat ironically considering the entire nature of his sermon and letter, that “the general bearing of the Bible Students was one of Spiritual superiority to those not of this persuasion.” Johnston reported that “those in the immediate vicinity of the Bible Students reported that the latter did not join in the National Anthem sung at the close of the

above address.” He added that “certain of the Students frankly admitted that their belief compelled them to be “Neutral in the War.” Johnston reported that the Bible Students regretted Germany’s “atrocious methods” but considered Germany to be “God’s chosen whip” and believed that they should be “charitable towards that nation, since no doubt it contains just as good Christians as there are in our own Empire.” Johnston admitted that “the majority of the population esteem them as deceived fanatics,” but he added that “nevertheless the sect exerts a considerable influence against the vigorous prosecution of the War, this influence may be more indirect through their fanatic doctrine than through any direct effort.” He concluded that they must be disloyal as “their belief compels them to be pro-German in sympathy, if one is betting on a certain horse, he always likes that horse to win.”

Finally, Johnston explained the reason for his letter. He wanted to see “all pro/german stimuli…not only neutralized but destroyed.” He also wanted to see the Bible “saved from the discredit and edium this fantastic interpretation of it is likely to bring upon it from the spectators who are not its students.” He recommended that the ban placed upon “The Finished Mystery” be made effective. He also wanted a ban to be placed upon “public meetings by this sect for the duration of the War, in-as-much as these meetings are likely to be used for the preaching of the contents of ‘The Finished Mystery’.” He also suggested that “in-as-much as all the literature of this sect is fatalistic and subversive of Empire it should all be placed upon the ban of the Secretary of State for the duration of the War.”

Johnston’s call for a ban upon public meetings for the duration of the War never materialized, at least not on the Federal level; however, a number of cities, including Toronto and Vancouver had, at the request of veterans organizations, already prohibited the Bible

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37 Rev. H. D. Johnston, Presbyterian Church, Assinibois, Saskatchewan to whom it may concern, March 12, 1918, N.A.C., RG 24, vol. 843 HQ 54-21-10-21.
Students from holding public meetings. Specifically they were banned from using city halls or theatres. The Victoria city council went even farther and “declared war on the Bible students” and local police across Canada raided Bible Student meetings, homes and businesses in search of the banned publications. On February 18, 1918 the Ottawa Evening Journal announced that three wagonloads of literature had been seized in Ottawa, and five Bible Students, including W.C. Douglas of Douglas Brothers Printers, had been arrested.\footnote{Penton, Jehovah’s Witnesses in Canada, 54-55, 63, 74.}

The Bible Students, who by this time were also being drafted and facing persecution in the United States, were slow to respond to this steadily increasing prosecution. Rutherford wrote an open letter to Secretary of State Martin Burrell on February 20, 1918 in which he denied that either The Finished Mystery or The Bible Students Monthly were pro-German and blamed the mainline clergy for the government’s negative view of the Bible Student. Shortly thereafter a “statement of facts,” a protest by the Toronto congregation of Bible Students, and a petition to have the bans lifted, were printed and circulated in Canada.\footnote{Ibid., 64.} Furthermore, Rutherford eventually ordered pages 247-53 of The Finished Mystery removed and encouraged Bible Students to join in a national day of prayer in the United States in May, 1918, but these actions, which were repudiated after the war as mistaken compromises with the world, were insufficient, and too late, to satisfy critics of the Bible Students. Arrests and convictions of individual Bible Students, with sentences of imprisonment for up to three years, continued.\footnote{Ibid., 70. ; Jehovah’s Witnesses in the Divine Purpose (Brooklyn, N.Y.: Watch Tower Bible and Tract Society, 1959), 91-93.} Despite this growing scrutiny and some defections, the Bible Student movement expanded rapidly in Canada during the war, and a Canadian branch office of the Watch Tower Society opened in Winnipeg on January 1, 1918.
The United States, partially influenced by the Canadian example, also took legal, and extra legal, action against the Bible Students. Gary Botting notes that the courts “contributed their share to the suspension of civil liberties,” and that convictions for possession of a copy of the *Finished Mystery* typically resulted in a three year prison sentence.\(^{41}\)

The most significant criminal prosecution of the Bible Students in either the United States or Canada began on May 6, 1918 when warrants were issued for the arrest of eight officers of the society, including Judge Rutherford. The eight defendants were charged under the Espionage Act with conspiracy to cause “insubordination, disloyalty and refusal of duty in the military and naval forces of the United States of America when the United States was at war.” They were specifically cited for “personal solicitations, letters, public speeches, distributing and publicly circulating throughout the United States of American a certain book called “*Volume VII. Bible Studies. The Finished Mystery.*”\(^{42}\)

The trial lasted fifteen days. Judge Rutherford and six associates were convicted and sentenced, on June 21, 1918, to twenty years in the Atlanta, federal penitentiary.\(^{43}\) Requests to be released on bail pending appeal were denied. Rutherford declared the day of his sentencing the happiest day of his life, since “to serve earthly punishment for the sake of one’s religious belief is one of the greatest privileges a man could have.” Despite his imprisonment Rutherford was re-elected president of the Watch Tower Society on January 4, 1919 by a meeting, attended by some one thousand delegates from the United States and Canada. W.E. Van Amburgh, another of the eight, was reelected secretary treasurer.\(^ {44}\)

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\(^{41}\) Botting, *Fundamental Freedoms and Jehovah’s Witnesses*, 5.


\(^{43}\) The eighth defendant received a ten year sentence.

\(^{44}\) Penton, *Jehovah’s Witnesses in Canada*, 11, 70, 81-82.
Rutherford and the other Watch Tower directors served nine months in prison before their appeal for bail was heard by Justice Louis Brandeis of the U.S. Supreme Court. Brandeis ordered each of them released on $10,000.00 bail in March 1919. On April 4, 1919 Justice Ward of the Federal Second Court of Appeal ruled, in something of an understatement that “the defendants in this case did not have the temperate and impartial trial to which they were entitled, and for that reason the judgment is reversed.” A year later, all criminal charges were dropped. The United States lifted the ban on mailing privileges in April, 1919 while the censorship orders were repealed in Canada on January 1, 1920. Soon after being released, Rutherford ordered the distribution of thousands of copies of The Finished Mystery which had been hidden during his incarceration.

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45 Botting, *Fundamental Freedoms and Jehovah’s Witnesses*, 4.
47 Ibid., 5.
CHAPTER 11. CANADIAN MARTYRS- DAVID WELLS AND ROBERT CLEGG

The generally hostile attitude among the military and politicians, which was shared broadly by the Canadian public, was a major reason why a number of men, some of whom later became quite prominent, suffered greatly for their conscientious objections. A few paid the ultimate price. The first of these martyrs was David Wells, a Pentecostal.

Members of the historic peace churches usually had the full support not only of their church, but also, and perhaps even more importantly of their families. It was rare for a member of a historic peace church to have a relative, even a distant relative, who was in the military, but Bible Students, Pentecostals and other smaller evangelical peace churches frequently had family members in the military. Wells, the first conscientious objectors from Winnipeg, had two brothers serving in the British army, and his father was a 30 year navy veteran. Wells was sentenced to Stony Mountain penitentiary on January 24, 1918. He “became a raving lunatic” four days later and was removed to the Selkirk asylum on February 11. One week later he was dead.¹

Dr. J. J. McFadden, physician at Stony Mountain, Manitoba contended that “everything possible” was done for Wells from the moment he was taken to the penitentiary. He claimed that Wells had indicated his willingness “to join the army” and an effort was being made to return him to the military authorities but before anything could be done he had become a “raving maniac, and would neither eat, drink, talk or walk.” McFadden speculated that the “disgrace of being in the penitentiary evidently preyed upon his mind to an alarming extent.” Dr. Rice, superintendent of the Selkirk asylum, corroborated much of McFadden’s account and stated that Wells “was an acute case” that he had to be forcibly fed, and that “everything possible was done

¹ "‘Objector’ Dies Raving Maniac- David Wells, Serving Two Years in Stony Mountain, Dies in Salkirk Asylum," Manitoba Free Press, Tuesday, February 27, 1918.
to help him, but it was a hopeless case from the start.” The Winnipeg Telegram reported that Wells died of “exhaustion and collapse,” but the exact cause of Well’s death quickly became a point of contention.²

Members of his Pentecostal mission were prevented from visiting him while he was still at Stony Mountain and were given no information regarding his condition. His Death Certificate “hinted that probably Wells was wrong mentally for some time” but his friends disputed this, insisting that he was “in perfect condition, both physically and mentally” when he went to the penitentiary. Wells weighed 210 pounds when he was sent to Stoney Mountain, but his former pastor, Reverend Sweet, who provided over the internment, was “shocked at the condition” of Wells’ body at the internment.³

While it is difficult to say, with any sort of certainty, that either Wells’ insanity or his death were caused by his status as a conscientious objector, and could have been avoided had he not been sentenced to Stoney Mountain, it is not an unreasonable supposition, and these issues were widely perceived to be intimately related at the time of his death. The Pentecostal Missionites, however, did not pursue the matter further as other religious sects, the International Bible Students for example, might have. Rev. Sweet explained that the Pentecostals were not “united” on the question of objection to military service. Some of them were “believers in war” and others were not. Sweet noted that “they are not a unit” and that the matter would likely not be “discussed by them as a body.”⁴

While the Pentecostals did not officially pursue an investigation into the circumstances surrounding Wells’ death, the left-leaning Winnipeg Trades and Labor Council (WTLC) did.

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2 Winnipeg Telegram, February 27, 1918.
3 “‘Objector’ Dies Raving Maniac—David Wells, Serving Two Years in Stony Mountain, Dies in Salkirk Asylum,” Manitoba Free Press, Tuesday, February 27, 1918.
4 “Missionites Are Not United,” Manitoba Free Press, Friday, March 1, 1918.
While most members of the historic peace churches, especially the Mennonites, were farmers, members of the evangelical peace churches were much more likely to be employed in nonagricultural occupations. Wells was a drayman on the Canadian Northern railway, which explains the interest of the WTLC. At its regular meeting on March 7, the WTLC passed a resolution asking for an investigation of the circumstances surrounding the death of David Wells. This resolution declared that the public has been “greatly shocked” by the death of David Wells just three weeks after his incarceration at Stony Mountain penitentiary as a Conscientious Objector. It continued by noting that “there appears to be a widespread opinion that his insanity and subsequent death reflect upon his treatment while in prison.”

The resolution went further and charged that the Military Service Act was “discriminating in its application to Conscientious Objectors exempting those belonging to particular and specified sects but imprisoning others not belonging to no such sects.” The resolution requested that the Military Service be amended “as to apply equally to all bona fide Conscientious Objectors and that those Conscientious Objectors now suffering incarceration under the Act be immediately be released by being placed in the same category as those belonging to recognized sects.” The United States eventually did amend its conscription regulations to encompass a much broader class of objectors, but although Canada gradually recognized additional sects as eligible to claims conscientious objector status, it never allowed for individuals objectors who did not belong to a recognized sect, and even after the war ended neither nation “immediately released” conscientious objectors.

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5 “Want Death of Wells Investigated,” *Manitoba Free Press* Friday, March 8, 1918.
7 Ibid.
Although there were martyrs from every peace church during the war, Bible Students were most prevalent and at the center of two of the most notorious incidences involving conscientious objectors in Canada during World War I. Two particular Bible Students, Robert Clegg, and Ralph Naish, both from Winnipeg had the misfortune of being involved in both incidents.

The first of these incidents, which began on Tuesday, January 22, 1918, was widely reported in the press. It quickly became one of the most widely publicized controversies involving conscientious objectors of the war. Whether it warranted such notoriety, however, remains a valid question.

On January 25, 1918 the *Manitoba Free Press* broke the story with a lengthy article “CONSCIENTIOUS OBJECTORS SAID TO HAVE BEEN ROUGHLY HANDLED.” The article opened by stating that “It is charged that” Robert Clegg, “was subjected to inhuman treatment” which resulted in his being “rendered unconscious” which necessitated his removal to St. Boniface hospital. It also reported that a regimental court of inquiry had already been convened to probe the incident. The article noted that the military authorities “deny that the man was ever in an unconscious state.” Lieut.-Col. Osler, commander of the depot battalion, insisted that “the matter has been very much exaggerated.” Another “prominent officer who is familiar with the case” described the incident as “schoolboy pranks,” or “ragging,” and claimed that “brutality was never practiced for a moment.”

In addition to this front page story, the *Manitoba Free Press* also reprinted a sworn affidavit from Robert Clegg, a “member of the International Bible Student’s association, and a firm believer in the teachings and principles of this association.” Clegg stated in this affidavit:

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that he was “subjected to a violent treatment of ice cold water, which was from time to time direct at my neck, shoulders, spine, kidneys, forehead, chest.” Clegg reported a second treatment later that afternoon “under the direction of a returned soldier.” Clegg stated in the affidavit that this second treatment caused him to lose consciousness, and that later, while still unconscious, he was removed to St. Boniface hospital.⁹

The *Manitoba Free Press* also carried statements from Clegg’s friends and supporters including Private Paul Case, an American who had volunteered for service in the Canadian Army. Case corroborated much of the information contained in Clegg’s affidavit adding that “the soldiers of the barracks are highly incensed over such cruel treatment and have questioned if even Germany can beat it.” Case took particular offense to the claim that “the military authorities at the barracks claim to know nothing of it.” He wrote that “such things do not ‘carry on’ unless so ordered, neither are soldiers put in the guard house unless ordered to be confined there by a commissioned officer.” Case concluded by stating that “we, as men, regret there are those so debased who would tolerate such treatment on human beings when it would be unlawful to mete out such treatment even to a dog.”¹⁰

The *Manitoba Free Press* also reprinted a lengthy letter from Mrs. E. C. Tingling, a prominent socialite and long term resident of Manitoba, who had visited Clegg in the military ward, of St. Boniface hospital the previous evening, [January 23, 1018] and found him “in a very weak condition.” Tingling wrote that she was “personally acquainted with” General Ruttan, and that she had “interviewed him at his private residence last evening, and he gave me his word that

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¹⁰ Ibid.
the case would be investigated to the bottom and that the perpetrators of the outrage would certainly be punished.”

As critical and damaging as this series of article were, The Free Press also carried an editorial titled “Stop It!” This editorial argued that “The evidence is conclusive that methods of “hazing” and physical coercion have been resorted to in this city in the case of young men who have carried their resistance to the point of defiance of the army authorities.” Echoing the argument made by Case, the editorial argued that “it is idle to pretend that, in cases like this, the hazing is the result of spontaneous indignation by the companions of the recalcitrants; these things happen because someone in authority is desirous that they should happen.” The impact of this accusation was lessened only slightly by the reassurance that “it is to be assumed, however, that the responsibility for the happenings at Minto Street barracks does not extend beyond very subordinate officers. It is not possible to believe that the senior officers approve or will tolerate these practices.”

That same day, Friday, January 25, 1918 the Winnipeg Evening Tribune also reported on the Clegg case under the headline “Treatment of Drafted Men Under Probe.” The Evening Tribune noted that F.J. Dixon, [a member of the Manitoba Legislature for Center Winnipeg] “denounced the alleged harsh treatment of conscientious objectors at Minto barracks” that afternoon in the legislature. Dixon argued that “if men are to be treated in this manner for adhering to the dictates of their conscience, and they cannot find any better way to handle them, it would be better to line them up against a wall and shoot them.”

Dixon became one of the highest profile defenders of conscientious objectors in Canada following the “Minto Street Incident.” Prior to his impassioned speech on January 25 in the

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12 “Stop It!” The Manitoba Free Press, January 25, 1918.
legislature, Dixon wired T.A. Crerar, federal Minister of Agriculture, on January 24 and urged him to use his influence “against the barbarism.”\(^\text{14}\) At Dixon’s request, Crerar wrote to Sydney Chilton Mewburn, who had recently replaced Albert Kemp as Minister of Militia and Defence. Crerar quoted Dixon telegram that stated that “there is no doubt about the facts of the case” and argued that “the day of torture should be past.” Still quoting Dixon, Crerar argued that “if there is no other way of dealing with these men, it would be more humane to shoot them at once than to submit them to torture which endangers their reason.” Crerar concluded by adding that he had received “other private information” to the effect that the reports “seemed to be well-founded.”\(^\text{15}\) Mewburn, however, was not greatly concerned about Crerar’s telegram. He turned it over to the Adjutant-General with the flippant comment “probably a hot shower would be better than a cold one.”\(^\text{16}\)

Both the *Free Press* and the *Evening Tribune* were surprisingly supportive of Clegg, and at least in this case quite critical of the military. This negative publicity, combined with Dixon’s willingness to raise the issue in the Manitoba Legislature, created a serious crisis which could not be ignored. To his credit, General Ruttan, the General Officer Commanding Military District 10, realized the seriousness of the situation and took immediate steps to address the charges. He wired the Adjutant General in Ottawa on January 26, 1918 that “Reports greatly exaggerated. Full investigation already under way which will be completed today. Clegg being returned to Barracks today he has never been unconscious.”\(^\text{17}\)

\(^{14}\) F.J. Dixon, to T.A. Crerar, Minister of Agriculture, January 24, 1918, N.A.C., MD H.Q. 1064-30-67.
\(^{16}\) Memorandum from Mewburn to the Adjutant-General, January 24, 1918. N.A.C., MD H.Q. 1064-30-67.
The incident at the Minto Street Barracks involving Clegg, Naish and a third conscientious objector Charles Matheson, a Pentecostal, was remarkable not only because of the widespread publicity that it received, but also because of the swiftness of the response from the military authorities. A Regimental Court Martial was assembled in Winnipeg on Thursday, January 24, 1918 even before the first accounts had appeared in the press.\(^\text{18}\) M. James Penton dismisses this inquiry, characterizing it as “little more than a judicial farce.” He points out that the Court Martial relied heavily upon leading questions that were advantageous to the testimony of those who were accused of inflicting the abuse, that there was no cross-examination of witnesses, and that Private Paul Case, whom he describes as “the strongest witness for Clegg’s version of events, other than Clegg himself” was reluctant to testify unless the American Consul General was present.\(^\text{19}\)

These are all valid criticisms, and it is also true that the military authorities were quite anxious to remove this story from the front page of the newspapers, but Penton was not entirely fair to the military when he dismissed the inquiry as a farce. The Court of Inquiry was quite interested in learning exactly what had transpired at the Barracks. It heard from 24 witnesses, and many of the military witnesses were in fact closely cross examined. While Case was indeed a reluctant witness, he did verify that his statement that appeared in the press was essentially correct, and Matheson, Naish, and Clegg were all determined credible witnesses. It is worth looking closely at the Proceedings of the Regimental Court Martial as they reveal a great deal about the manner in which the military treated conscientious objectors, how this treatment sometimes led to abuse, and how the military responded to allegations of abuse.

\(^\text{18}\) The Court Martial was presided over by Major W.B. Wood, and included Captain H.S. Edwards, and Lieutenant R. Carr. 5384 Capt, D.A.A.G., Secretary, Military Sub-Committee, Military Service Act to John Livesey, Seq., Secretary-Treasurer, Manitoba Grain Growers’ Association, Swan River, Manitoba, March 2, 1918, N.A.C., RG 24 A Vol. 2028 Folder 1 (vol 1. H-Q- 1064-30-67).

\(^\text{19}\) Penton, *Jehovah’s Witnesses in Canada*
Sergeant Hugh Mackinnon, had been Sergeant of the Guard, in charge of Private Clegg’s “D” Company on Tuesday the 22nd. Mackinnon confirmed that Clegg was taken out twice that day by the Military Police under order of the Provost Sergeant. He testified that Clegg was changed when he was brought back in the morning “trembling from head to foot, and could hardly stand on his feet.” Mackinnon, however, was not present when Clegg was taken out in the afternoon.

Lieutenant Carr questioned Mackinnon about the nature of Clegg’s trembling. Mackinnon replied that “he was trembling a good deal, sometimes he got worse when I went in the door. He started rolling and pitching around.” Carr asked if perhaps Clegg was “trembling with rage?” Mackinnon replied that this might have been the case.20

The next witness, Captain William Edwin Code, 1st Depot Battalion, Medical Officer testified that he found Clegg “lying on the floor of the cell, apparently in distress, and apparently semi-comatose,” but he added that “his pulse and respiration as well as his body temperature except for his feet seemed normal.” Code argued that Clegg was not seriously ill and he felt Clegg was “malingering.”21

Carr’s cross examination of Mackinnon and Code certainly was leading; however, the court appears to have quickly concluded that Clegg’s version of events was basically accurate, though perhaps embellished. With each successive witness the Court became more sympathetic to Clegg’s version of events and skeptical of the testimony of some of the military personnel.

The seventh witness to testify was Provost Sergeant Gordon James Simpson. Simpson testified that he had been ordered by the Sergeant Major of D Company to give Clegg and

21 Testimony of Captain William Edwin Code, C.A.M.C., 1st Depot Battalion, Medical Officer, Ibid.
Matheson the “regimental bath prior to being clothed.” Simpson testified that Clegg defiantly stated that “they will never clothe me.” Simpson added that he then told Clegg that “he had better reconsider this thing, as he was going to soldier, and there was no use in him making enemies of men in Barracks. I also told him we had similar men to him, who had been conscientious objectors and had agreed to put on uniform and work around the Barracks.” Simpson, along with Private Lendrum and Private Dellar, then escorted Clegg to the Sergeants’ lavatory where Clegg absolutely refused to undress. Simpson “had him undressed, and he was placed in the shower bath.” Simpson testified that the water was warm but that he turned on the cold water at the end for “about a quarter of a minute.” He then took him out of the bath and “personally gave him a good rubbing down with the towel so that he would not catch cold.” Clegg absolutely refused to put his clothes back on, or to wipe off his feet. Simpson “clothed him” with the assistance of Private Lendrum and Private Dellar. Simpson insisted that “there was nothing absolutely wrong” with Clegg. Before he was allowed to get his clothes, he ordered Clegg to help unload some provisions. Clegg “absolutely refused to do anything to help unload any provision.” Simpson claimed that he ordered the men to “run him up the hall three times” in order that he “would not catch any cold.” Clegg “refused to run himself unless the men ran with him.” Simpson stated that “they ran once up and once back, and once up again and returned him to the guard room.”

Simpson testified that he was “detailed to go up town in the afternoon.” When he returned from town he found Clegg “lying in the guard room not saying a word.” He learned that the medical officer had already examined him. He spied upon Clegg serendipitously and “the man was lying there, and he didn’t seem to be suffering, and didn’t make any noise, and another fellow was sitting there talking with him. When I went in he started to carry on, and started to moan, just as soon as I opened the door he started to moan.” Simpson testified that the
ambulance was already on base because one of the soldiers had been injured by the street car. Although the Medical Officer had said nothing was wrong with Clegg, Simpson went to see the Adjutant and suggested that “if there should be something wrong with this man wouldn’t it be best to safeguard ourselves by sending him to the hospital.” Simpson concluded his initial testimony by stating that “this man gave me the impression when I first took him out of the guard room, when I first talked with him he said to me that he would be a martyr if necessary for the cause of God.” Simpson insisted that Clegg was “never abused at any time.” He testified that “at his regimental bath; and it was a regimental bath; there was nothing vicious or brutal about it.” He noted that Private Matheson “was bathed exactly the same way. I spoke to him exactly as I spoke to the other fellows, and he said he would put on his uniform and soldier…. And he is drilling in his uniform to-day.” He testified that he only took Clegg out of the guard room once and did not receive any instructions to have him taken out again.22

Most of Simpson’s testimony would be corroborated by other witnesses, but not all of it, and the court found enough inconsistencies to later recall Simpson to the stand. Simpson was one of only two witnesses to be recalled, and he was later arrested and charged with “committing assault occasioning actual bodily harm,” and tried by court-martial for his role in the “Minto-Street Incident.” Ironically, it appears, from Simpson’s own testimony, that it was his suggestion that Clegg be sent to the hospital. Had Clegg not been hospitalized at St. Boniface, it is highly unlikely that this incident, which would have been contained to the Barracks, would have attracted any outside attention. Simpson’s suggestion that it would be prudent to “safeguard ourselves by sending him to the hospital” suggests that Clegg was not simply malingering, though it is hard to say if Simpson would have suggested this course of action had the ambulance not already been on base. If Clegg was indeed in need of hospitalization, as he contends, this

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22 Testimony of Gordon James Simpson, Provost Sergeant, Ibid.
action by Simpson which led to the Inquiry might actually have saved Clegg’s life. Simpson, however, may have been concerned that if Clegg died, he would be facing much more serious charges. Although Simpson was the only person to be charged with abusing Clegg it is obvious, regardless of which version of events is true, that Simpson was not solely responsible for Clegg’s mistreatment. In many respects Simpson was a convenient scapegoat.

The ninth witness, Private Ben Dellar corroborated most of Simpson’s testimony. He added that before the regimental bath they asked Clegg if he saw “a woman getting killed right here would he help to succor, and he said he refused.” Dellar testified that Clegg appeared to be in good health when they returned him to his cell. Later Dellar testified that Clegg said “he would have nothing to do with the Military at all.”

The tenth witness, Captain W. C. D. Crombie, Adjutant testified that Sergeant Gibbons, the Medical Officer’s orderly asked his permission to send a man who was in the guard room to the General Hospital. According to Crombie, Sergeant Gibbons reported that the man “was in pretty bad shape, and he didn’t want to have the responsibility of keeping him in Barracks during that night.” Crombie granted permission to have Clegg sent to the hospital.

The eleventh witness, Battalion Sergeant Major, William F. Wilson reported visiting Clegg twice in his cell. The second time Wilson went to the door very carefully and looked through the door without opening it. He observed Private Clegg “lying in about the same position, but perfectly quiet. The first attempt I made to run the bolts out and open the door, he started shaking again, and showing the same signs he had shown an hour and a half before. This brought me to believe, accordingly, that my first opinion was right, and the man was faking.”

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23 Testimony of Private Ben Dellar, Ibid.
24 Testimony of Captain W. C. D. Crombie, Adjutant, Ibid.
Wilson also revealed that Clegg should never have been in the guard room in the first place. He testified that Corporal Phillips “mistook the instructions I gave him, which were very simple in this case- to take the defaulter back to his company- and he returned him to the guard room instead.” Wilson testified that he had never seen a conscientious objector being ill-treated. He testified that he had had some conscientious objectors brought to his room and had “tried to use whatever small influence I might have to induce them to do their duty.” He added that every time he had “asked them personally whether they had any complaint, and they had always answered that they had never been ill-treated, and had no complaints to bring up.” Wilson stressed that “this distinctly everyone I have seen, told me.”

Wilson’s testimony, especially the revelation that Clegg was supposed to be taken back to his company but was mistakenly returned to the guard room, is especially interesting because if true, and other testimony seems to corroborate it, it reveals that Clegg was subjected to the treatment that he received at least partly due to an unfortunate error. Wilson’s testimony does not in any way exonerate Simpson, or anyone else who may have mistreated Clegg, Naish or Matheson, but it does suggest that had proper procedure been followed the mistreatment likely would never have occurred. Wilson’s statement that his instructions were “very simple in this case” suggests that it might have been something more than simply a careless error that caused Clegg to be returned to the guardroom. The fact that both Naish and Matheson also received the “shower treatment” and that Matheson agreed to put on the uniform also suggests that Clegg’s treatment was calculated to influence him to agree to put on the uniform and was not simply an unfortunate but innocent mistake.

The twelfth witness, Private Paul Case, “E” Company, was certainly one of the most enigmatic. He stated that he was an atheist, but he “recognized that the oath which he has taken

25 Testimony of Battalion Sergeant Major, William F. Wilson, Ibid.
is binding and legal.” He admitted to being the author of the article “Cruel Treatment of Drafted Soldiers at Minto Street Barracks” though he “noticed one or two changes in it.” When asked what he knew of the “International Bible Student admitted to the General Hospital Tuesday evening, suffering from exhaustion” he suddenly became a reluctant witness stating that he would “rather be excused from making any statements, unless the American Consul General is present.”

Major Wood asked what the American Consul General had to say in this matter. He argued that since Case had made a public statement to the paper, which he acknowledged, he should not be afraid to answer questions before the Court. Case replied again that he would rather be excused from making any statements, unless the American Consul General was present. Wood reminded him that he was a soldier in the Canadian Army, and asked again what the American Consul General had to do with the case. Private Case replied that he was still an American citizen. He insisted that he was not refusing to answer the courts questions, but after initially agreeing that he had written the article that appeared in the paper, he asked to be excused from answering eleven different times before he was temporarily dismissed.

Case was later recalled, and Wood tried once again to “explain the reason for this Court sitting here, and the reason for you being in front of it.” He noted that “according to the paper last night” Case had “some knowledge of what happened to Private Clegg, and we want to know, under your sworn statement, on evidence, what that knowledge is.” Case replied that he had “already sworn to that statement that was in the paper” and again refused to answer any other questions. He asked again to be excused “unless the American Consul General is present.” Wood
replied “I have already told you that you are not excused. Do you refuse?” Case again asked to be excused, at which point he was withdrawn “in custody of the Regimental Sergeant Major.”

The thirteenth witness, Private Henry Ralph Naish, “B” Company was, like Clegg, a Bible Student and a conscientious objector. He testified that he was brought to camp last Friday, the 18th where he was “subjected to some very coarse and very rude remarks...from various of the officers” but he did not “retaliate” in any way. His spent his first day in the barracks sitting on a bench, outside the dining room “until the meal was practically finished.” He did not eat at all and left his dishes and was sitting alone when Clegg, who he described as his friend, came by and they talked about the stand they should take in regard to the dishes. They “decided that we should not have taken them.”

That night they slept in the basement on some benches and “roamed around all the next day [Saturday].” They slept on benches again that night and “roamed around all day Sunday.” During those two days he was brought up twice and asked to take his dishes or blankets, which he refused to do. On Sunday night they slept on “the stand where the piano is, downstairs in the basement.” He was separated from Clegg on Monday morning, and did not see him again “till the afternoon, when I was arrested for (I suppose) vagrancy, or something like that.” He was put in the lockup and Clegg was in the other cell. On Tuesday afternoon, the 22nd, Naish was taken to the basement by two Military Police and ordered to undress. He refused so they undressed him and one of them “practically threatened my life, said they would kill me if I would not submit.” Naish noted that he understood them to mean that the Military would kill him if he did not submit not they themselves. He testified he was “more or less pushed into this ice bath, this cold water shower.” He testified he thought he was in the shower for “a good five minutes. It was a very long time, anyway.” Afterwards he was asked if he was willing to “put the khaki on?” He

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26 Testimony of Private Paul Case, “E” Company, Ibid.
was put back into the shower for another four minutes, this time the hot water was turned on. He was again asked if he would put the khaki on. He did not answer and the cold water was put on again for about two minutes. After that he “fell down once through weakness, and he [Simpson] picked me up and leant me against the wall.” Naish testified that “they half dragged, half led me up; I was not able to walk. I was so weak. When I was put into the cell, my friend had been subjected to the second treatment.”

Naish testified that one Sergeant in particular threatened him stating that “if you want to make a martyr of yourself, we’ll martyr you.” He added that he was told that they would kill him “about three times.” Naish argued that the treatment he received in the bath was inhumane, and that he would “hardly need to complain about threats, but the language used by two or three of the men- this sergeant and one of these policemen- would hurt; certainly if it had been carried out, I would have been dead long ago. Otherwise the men have all treated me with great respect and great kindness.” Naish was reluctant to mention the Sergeant specifically but when informed by the Court that he was required to, he replied that he understood that the “man’s name is Sergeant Simmons, or Simpson, or something to that effect.”

Naish was asked if the Bible Students had agreed on certain behavior before they got to the barracks. He replied that they had, and that they had taken their stand immediately after being arrested. He added that “of course we intensified our ideas a little when we got acquainted with the different trials as they came along, but the general outline was the same.” He was asked if they “agreed not to do anything?” He replied “no, we didn’t promise that. We decided we wouldn’t do anything at the Military’s hand at all. We paid our way there as much as we could.” Naish disputed that he had said, on the 24th that he and his friends were “raising Cain, and would

be out of here tomorrow.” He agreed that he had told Sergeant Simpson that the “matter was being taken up, and I would probably be removed from here.”  

Naish’s testimony is significant because the graphic description of his own experience matches very closely, and apparently corroborates, many of the details contained in the press accounts of Clegg’s treatment. Naish’s testimony also reveals the inconsistency with which the military authorities dealt with conscientious objectors. The abuse that Naish described, which began with his “arrest for vagrancy” on Monday afternoon and then climaxed the next day is contrasted sharply with the apparent indifference with which the military authorities viewed Naish for the first three days when, by his own account, he was free to roam about the camp and his most serious complaint was that he was “subjected to some very coarse and very rude remarks.” Naish also points out the difference between how “one Sergeant in particular” treated him, and how the other men all treated him with “great respect and great kindness.” This inconsistency suggests that the military had little experience dealing with conscientious objectors and was still working out their procedures, which is not surprising as Naish, Clegg, Matheson, and Case were some of the very first conscientious objectors actually sent to Canadian military camps. Finally, Naish’s testimony certainly implicates Simpson in the abuse, but it does not indicate whether any higher ranking officers knew, or should have known, what was happening.

The fourteenth witness, James Joseph Gibbons, “C” Company, 1st Depot Battalion, Acting as Medical Sergeant, testified that Clegg was perfectly conscious when he was taken away and “just as normal as you and I.” He suggested that if Clegg caught a chill “he caught it in that ice-cold ambulance going to the hospital.” He noted that “they haven’t any heaters in it, practically.”

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28 Ibid.
The sixteenth witness, Private Charles Vincent Matheson “D” Company refused to take the oath because he was a conscientious objector. Matheson eventually agreed to make a “solemn affirmation” after which he kissed the Bible. He testified that he had come into the barracks a week earlier on Thursday the 17th of January, and that at first nothing happened that should not have. The ill treatment did not begin until Tuesday morning the 22nd. He had been placed in the guard room Monday night and kept overnight for refusing to “do something.” On Tuesday morning Clegg was fetched out, Matheson himself was fetched out later.

Matheson testified that he saw Clegg downstairs after his bath and after “they had run him around the basement.” He testified that he “saw the two policemen with him, and they were running him around and trying to heat him up after his bath.” Matheson testified that after being ordered to undress that he complied. He witnessed Simpson trying one or two of the showers and “heard him say something about the coldest. He selected this one and put me under it, turned the water on, and it was very cold, and as I stood under it, it got colder, till it became icy cold. My whole body began to heave, and I am kind of weak in the body, as it is, and can’t stand very much.” He added that he could not tell how long he was in the bath due to his “dazed condition.” Simpson asked “will you give in now?” He said no. Simpson put him in again. This went on “three or four times.” Simpson said “we will either break you or break your heart.” Matheson was then taken up to the guard room. Before he was put in Simpson informed him that this treatment would be every half hour, till he did give in. After dinner Simpson came back and “fetched” him down, and left him “in charge of these two fellows and he went away, and they put me in again, made me undress, and put me in again.” Matheson testified that “when the fellow turned the water on again, my body was in such a state I had to give in, and when I said what I did, I didn’t say it from my heart at all; it was just fairly wrung out of me.” Matheson
concluded by saying that he had “only once had a cold bath, and that was when I was immersed in baptism. I am not used to a cold bath; I usually take just as warm as I can.”

When asked if apart from the bath, he was treated pretty kindly on the whole. Matheson agreed that apart from Sergeant Simpson and one policeman he had been treated well, but he stressed that Sergeant Simpson “stood and he bullied me, and he bullied Clegg, both together. He said we would be flogged and put in the black hole. He generally made a bully of himself while he was speaking to us.”

Matheson, like Naish, corroborated many of the details that were reported in the press. He also confirmed that “apart from that Sergeant and this policeman” he had been treated well. The fact that Matheson agreed to “give in” even if he did not “say it from his heart” also provides something of a motive, other than maliciousness, on Simpson’s part, for subjugating the conscientious objectors to the showers.

The seventeenth witness, Peter Neufelt, testified that he undressed Clegg and turned on the tap water, and when it was warm enough he gave Clegg a bath. When questioned whether he lifted or pushed Clegg, he testified that Clegg had stepped forward voluntarily and all he had to do was lead him in. He had not had to use any force. The court was apparently skeptical of this claim because they questioned Neufelt again whether he had used force, and again he swore he had not. Neufelt was sharply cross examined on a number of other points, including the temperature of the water. He replied that “it was not what you would call hot, but just the way it should be for a bath.” Asked if it was lukewarm? Neufelt replied “Yes, Sir” but then, to clarify the court asked him if he knew “what “lukewarm” means?” Neufelt again replied “Yes, Sir.” Neufelt was asked again how long Clegg was in the bath. He replied “from one to two minutes, probably.” The court asked if he could “swear positively it was not more than two minutes?”

30 Testimony of Private Charles Vincent Matheson “D” Company, Ibid.
which he replied “Yes, Sir. And that it might be less.” The Court then returned, once again to the
temperature of the water, asking Neufelt if he would “swear positively again that the water was
warm?” Again, Neufelt replied “Yes, Sir.” Neufelt was then asked if he knew Private Matheson.
Neufelt testified that he had also given Matheson a bath on the same day “a little before we took
Clegg out.” He was questioned about the temperature of the water when they bathed Matheson.
Neufelt replied “between warm and cold. I can’t say just exactly the word. Lukewarm? It was
lukewarm?” The Court asked “if Private Matheson swears that the water was ice cold, and that it
was turned on his face, neck, chest, kidneys and privates, separately, he would be swearing to
something that was false?” Neufelt replied “Yes, sir.”

Neufelt was asked where he got his orders to bathe these men? He replied that he “didn’t
get orders.” Questioned then why he bathed them he replied that “it was part of our duty.” The
court replied that he “must have got orders if it was part of your duty.” Neufelt replied that “we
had orders to that effect long ago.” The court demanded to know “how long ago?” Neufelt
replied “we were not very long in Barracks when we started it.” The court asked “whom did
these orders come from, in the first place, do you remember.” Neufelt conceded that he did not.
Neufelt was asked if, after Clegg “was under the shower bath” if he had asked him if he would
“take his uniform now?” Neufelt replied “No, Sir.” The Court then asked, once again if Neufelt
would “swear positively” that he did not give Clegg this bath “as a part of any punishment to be
inflicted on him?” Neufelt replied “No, Sir.”31

The Court, after hearing from a number of witnesses, was obviously skeptical about the
length of time that Clegg had spent in the shower and the temperature of the water. It also
questioned if orders had been given to administer this shower and if it was not some form of
punishment. The court did not seem to be entirely convinced by Neufelt’s repeated denials, and

31 Testimony of Peter Neufelt, Ibid.
the questioning was far more intense than would have been the case if the Inquiry was simply a kangaroo court.

Following this intense questioning of Neufelt, the court recalled Sergeant Simpson to the stand. Simpson once again testified that the Company Sergeant Major of “D” Company came to him on the 22nd and said these men had to have a bath before going into uniform. Simpson testified that he asked Clegg, to take a bath but that Clegg had refused. Simpson admitted that he “spoke to him and told him he had better knuckle down, and that he was going to soldier sooner or later, and not to incur the enmity of the whole of his Company.” The Court sought to clarify if Clegg “understood from you that that bath was simply the regular bath given to any man previous to his getting his uniform, or whether any member of your Staff made him understand that that bath was a part of his punishment.” Simpson replied “No, Sir. It was not a punishment. He understood it was not a punishment.”

Simpson testified that he did not know that Private Clegg had more than one bath that day. He stated that he had left the barracks about two in the afternoon and was away when Clegg got his second bath. Simpson testified that he could not swear who the Military Police who bathed Clegg in the afternoon were, however, he was sure that they were not the same men “who were with me in the morning when they were bathed.” Simpson added that “the prisoner would have to have a bath, even if he was particularly clean, before he gets into his uniform, and that he had no discretion over that decision.”32

Simpson’s testimony was consistent with his prior testimony, and although the Court was obviously skeptical, they did not seem convinced that Simpson was lying. Much of their inquiry seemed aimed to determine if the baths had been intended as a punishment, or if Simpson was simply following orders and administering the regimental baths. The conscientious objectors

32 Testimony of Gordon James Simpson, Provost Sergeant, Ibid.
certainly felt that they were being punished, but there was some possibility that intentions could have been misunderstood. At the very least it seems that Simpson decided to make these baths as uncomfortable as possible but he might easily have believed that he was acting under orders. The fact that the only abuse alleged against Simpson involved verbal threats, the temperature of the water, and the length of time that the conscientious objectors were under the water, while potentially quite serious, and possibly even life threatening, seem to indicate that his actions had a purpose, and that he was not simply a sadist. Had it been his intention to abuse the conscientious objectors he certainly could have done so in many different ways which would have been much less ambiguous.

The nineteenth witness, Lieutenant A.T. Mathers, was a Medical Doctor, on staff at St. Boniface Hospital. Mathers confirmed that Clegg was brought in on a stretcher by the Military Ambulance, but he explained that he was “on part duty there, and part duty in Tuxedo, and part duty in Deer Lodge,” and he did not see the Clegg until the next afternoon. His assistant had seen Clegg the morning after he was admitted. Mathers reported that Clegg’s temperature was “Ninety-nine and two fifths, and his pulse was One hundred and twenty.” Mathers did not believe that Clegg was “ever in any dangerous physical condition” in fact he added he knew he was not, but he clarified that he meant he was never in any dangerous physical condition after being admitted to the Hospital. He admitted that he knew nothing about Clegg’s condition prior to his admission to Hospital, but since then he “has never been considered dangerously ill.”

When asked if Clegg’s symptoms could have been brought about by his own exertions, “such as, for instance, continual willful retching?” Mathers replied that he did not think so. When asked about Clegg’s cold hands and feet? He said again that he did not think so, adding that he
had never seen “a patient do anything of that kind.” He did admit however, that he did not believe that the patient was ever really ill enough to be sent to this hospital.\textsuperscript{33}

The twentieth witness, Nursing Sister Margaret Meechan, C.A.M.C. testified that when they first treated Clegg by massaging his limbs she thought he was “very cold.” She had phoned Mathers, who advised her to “give him a hot drink- a hot drink of brandy.” She testified that Clegg had improved after about an hour’s time. She had not witnessed any marks on his body showing that he had been roughly handled and agreed with Mathers that Clegg was never in a “serious condition.”\textsuperscript{34}

Although Dr Mathers and Nursing Sister Meechan concluded that Clegg had not been “dangerously ill” or in a “serious condition,” their testimony seems to lend some credence to the opposite conclusion. Clegg’s temperature was perfectly normal, when Mathers checked it nearly 24 hours after Clegg was admitted to the hospital, but his pulse of one hundred and twenty was still unusually high. Mathers testified that Clegg’s symptoms could not have been “brought about by his own exertions” and that he had never seen a patient bring about such cold hands and feet. Sister Meechan testified that her initial impression was that Clegg was “very cold.” Neither of their testimony is particularly enlightening as to the circumstances surrounding Clegg’s condition, and the suggestion by the fourteenth witness, James Gibbons that Clegg could have caught a chill “in that ice-cold ambulance going to the hospital” is entirely possible.

Finally, Private Robert Clegg, the twenty first witness, testified. Clegg explained that he had arrived at Minto Street Barracks on Friday the 18\textsuperscript{th}. He refused to sign papers that he believed were identification papers, just as he had earlier refused to sign papers at the Immigration Hall. He received no ill treatment the rest of that day or the next. He testified that

\textsuperscript{33} Testimony of Lieutenant A.T. Mathers, Active Militia, C.A.M.C., Ibid.
\textsuperscript{34} Testimony of Nursing Sister Margaret Meechan, C.A.M.C., Ibid.
he went around the barracks that Saturday and “from the worldly point of view, [nothing happened to him] I was not assaulted at all, only by abusive language, and that hurt more than anything else.” Sunday also was a calm day, and everything went all right on Monday till about two o’clock, then “some men came around where we [himself and Naish] were.” The leader of these men wanted them to go with them to work, but Clegg and Naish refused. Clegg testified that they did not go with him for “the same reasons why we refused to sign these papers. … because … we saw it would end up in taking part in militarism.” Clegg testified that he and Naish were then threatened that “they would be flogged and put in the black hole.” He testified that his “faith was too strong for anything of that kind” and he “refused to take it even then.” After this he and Naish were “taken back then and put into the clink…. Everything was all right then till Tuesday.”

On Tuesday he was taken before the Major and “some kind of a trial proceeded.” Clegg reported that he was sentenced to “two days C.B. [Correctional Barracks]” Clegg was left in the custody of the Military Police who were “all very kind; in fact, I thanked some of them for their kindness in treating me the way they did.” Later he was ordered downstairs, to the shower room. He was asked to undress, which he refused because he had been “brought in there against [his] will in the first place, and I thought if they are going to treat me in any way they have got to do it.” He noted that the man who took his clothes off did it gently and that he admired his courage “because the after-treatment was altogether different from this.”

Clegg testified that “a man who had three stripes on his sleeve [Simpson]” told him “he was going to make me do this work” he “turned on cold water, first on the back of my neck, and he held my arm while I was standing there, and this water was ice cold, at least it became ice cold.” When asked how long he was there, he admitted that he did not know but guessed about
fifteen minutes. He testified that he was taken with a pretty severe case of hiccoughs, and he “had great difficulty at times in drawing breath.” After the shower they “took my arms and he resorted to a certain treatment of circulation, which no doubt was a humane act. I will give the man that credit. He brought my arms back behind my shoulders, up over my head, and he beat [sic] me with the palm of his hand, it was a humane act in that way, to restore circulation, and then he gave the order to dress myself.”

Clegg testified that he was later escorted downstairs to another shower room by a different man, and a different escort. The man in charge told him to undress. He refused. The man replied “I want you to understand I’m a returned soldier.” Clegg testified to the court that “it didn’t matter to me, of course, what he was” He testified that he received “the same treatment as was administered in the morning, and approximately about the same length of time.”

Clegg testified that he ate very little on Saturday and nothing on Sunday or Monday, though he was hungry. When asked why he refused to eat he explained that “because we could see by refusing to sign anything, we couldn’t eat off the Company at all, and I was resolved to make this very, very clear in every detail.” Clegg admitted that he had talked this over with his friends who had come and visited with him.35

Clegg, of course, was the most important witness. His testimony was entirely consistent with the testimony of Naish and Matheson, as well as the accounts that had appeared in the press. The fact that Clegg was allowed to go about freely for nearly four days and “received no ill treatment the first three days except abusive language” suggests that the military was not yet capable of handling conscientious objectors in a systematic way. His testimony that the Military Police were “all very kind” and that the man who took his clothes off did it gently, and that he

35 Testimony of Private Robert Clegg, Ibid.
“admired his courage” also suggests that that treatment that he received in the shower was perhaps the aberration.

Clegg’s testimony that Simpson “turned on cold water, first on the back of my neck, and he held my arm while I was standing there, and this water was iced cold, at least it became ice cold” directly contradicts Simpson’s own testimony, but Clegg is quite clear that when he received “the same treatment” in the afternoon that it was administered by “a different man, and a different escort” which supports Simpson’s testimony that he was not involved in the afternoon showers. It seems at least plausible that the men who administered the afternoon showers were unaware of the earlier shower and believed they were simply obeying orders to administer the required regimental baths. Although the conscientious objectors likely would have informed them that they had already been showered, they could certainly be excused if they refused to believe these men who were so intent upon non-resistance and so opposed to militarism that they refused even to eat and proceeded to administer the showers anyway.

Clegg’s testimony that Simpson informed him, just before the shower that he “was going to make me do this work” and that the man who administered the afternoon shower made sure to inform him that he was “a returned soldier” suggests that these showers were a punishment, intended to convince the conscientious objectors to drop their objection to the uniform and noncombatant service and not simply the “regular bath given to any man previous to his getting his uniform.” Even if there was some grey area, and room for misunderstanding, Clegg’s testimony contradicted Simpson’s assertion that Clegg “understood it was not a punishment.” Surprisingly, however, Clegg had some kind words for Simpson. He admitted that Simpson’s actions after the shower were intended to restore his circulation and were “no doubt a humane
act.” It is also possible to interpret Simpson’s order that Clegg dress after the shower as a humane act, though one that Clegg, as a conscientious objector had no choice but to refuse.

Clegg’s testimony that he had been convicted at “some kind of a trial” before the Major and sentenced to “two days C.B. [Correctional Barracks]” contradicted Battalion Sergeant Major, Wilson claim that he instructed Corporal Phillips to return Clegg “back to his company.” If Clegg’s testimony is correct, it would lend credence to the idea that the showers that were administered were not the unauthorized actions of a few junior officers but were instead ordered by higher ranking officers in an attempt to force the conscientious objectors to drop their objections.

The findings of the Regimental Court Martial were not immediately made public. The *Manitoba Free Press*, continued its coverage of the Clegg case with an extensive article that appeared on Saturday, January 26, 1918. The *Free Press* reported that Clegg was still confined to St. Boniface hospital, though the authorities stated that he was “perfectly well” and was expected to leave the institution at any time.36

The *Free Press* noted that members of the legislature “discussed the matter informally” on Friday the 25th and “seemed to be of the general opinion that if the reports were true the parties responsible were deserving of censure.” They added that “it seemed to be the unanimous opinion that an investigation should be held to get at the facts, and if things were as bad as alleged, to punish those responsible.” Relatives and friends of Clegg, Naish and Matheson remained supportive, but were understandably “very much upset about the whole affair.” Matheson’s mother reported that she would “much rather have my boy put up against that wall and shot than he have to go and fight.” She added that he was “standing up for his Lord and he

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will keep on doing so. These boys have suffered for their Lord and will still suffer and then they will not fight.” The *Free Press*, while generally sympathetic to the conscientious objectors, nevertheless portrayed them, and their supporters, as religious fanatics. It reported that the interior of the Matheson home was “literally placarded with religious signs” and it noted that Mrs. Matheson bitterly complained that the *Free Press* was a “conscription paper because it supported the Union government.”

E.J. McMurray and J.F. Davidson, who had been “handling the cases of the conscientious objectors for some time” stated that they were “marking time” until the result of the military inquiry was announced. McMurray stated that he had always advised the objectors to “obey the law of the land and to put on khaki, but they had adamantly refused.” He added that “they would not listen to me at all.” He conceded that the military authorities had the right to punish the men, but “not by any such treatment as that meted out to the three men, especially Clegg.” McMurray was “acting for the conscientious objectors collectively” and wanted time to “make a general appraisal of the cases.” In the meantime, he hoped the “wave of indignation which had been caused would subside.” He added that he wanted “a fair deal for the military as well as these men.” He promised that “no warrants will be issued,” as he presumed that the senior officers “are all men who conscientiously do their work and are not to blame.” McMurray conceded that it was “so hard to understand when a man is making objection on conscientious grounds just how far one can go in trying to enforce him in obeying commands.” He argued, however, that it had been the policy of the state “to give people courage to form conscientious convictions on all matters, and if the nation produces that type of men, it is surely wrong to go to work and smash it.”

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37 Ibid.
38 Ibid.
The *Free Press* reported that there was a “distinct cleavage of opinion” regarding the authority to deal with the “offenders in a case such as this.” McMurray argued that men in the army were amendable both to military law and to civil law and that the civil law “must take precedence over army law.” General Ruttan, however, insisted that the men would be dealt with by the military authorities. Ruttan conceded that there are certain kinds of cases, such as desertion; where men are handed over to civil authority, but that “precedent establishes the fact that all ‘ragging’ cases have been dealt with by the military authorities themselves.”

The involvement of “several Americans at Minto Street” added “an interesting dimension” to this incident, but the American Consul in Winnipeg, Mr. Ryder stated that when these men “placed themselves under the British flag by joining the colors,” they went out of his jurisdiction. He stated that “although they are full-blooded Americans, I cannot do anything.”

E.R. Chapman, the Register under the Military Service Act argued that the conscientious objectors were “adopting a most unreasonable attitude.” He stated that it would be different “if they were to go to the colonel commanding the battalion and state their objections to actually killing a man,” but Chapman complained that “instead of this they have gone in direct opposition to the law and for this are liable to very severe punishment indeed.” He pointed out, correctly, that the Military Service Act distinctly stated that “there can be no exemption granted from non-combatant service. A man can be exempted from combatant service, but he cannot refuse to do non-combatant works, such as helping with army work in Canada.” Although he had no reason to be, Chapman was sure that “if these men showed reason” the officers would be “glad to meet them by assigning them to duty other than the actual killing of men.” He demonstrated a complete ignorance of the fate of many conscientious objectors in England when he cited them as an example for Canadian conscientious objectors to emulate. Chapman argued that they were

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39 Ibid.
“quite willing to do duty in the Old County,” he added that in fact “many of them were willing to work longer hours, so long as they did not have to go to the firing line.” He lamented, however, that the conscientious objectors at Minto Street were “not logical.” He suggested that their objections, if taken to their logical conclusion would result in their refusal to pay their taxes and to “obey a policeman on the street.” Chapman concluded by stating that “the best men among the conscientious objectors meet the situation half-way, I have had several such cases come under my notice.”

The *Free Press* reported that the returned men in the city “wish for every available man to be sent to the firing line” but they did not “hold with the treatment alleged to have been meted out to Clegg.” Both veterans’ organizations were “watching developments very closely.” Most of the returned men “take the stand that the conscientious objectors should be conscripted to work at home.” Ironically, this was essentially what most of the conscientious objectors wanted as well, provided that work was done under civilian, not military, oversight.41

While the results of the military inquiry were not immediately made public, details began to leak out. The military authorities continued to insist that Clegg was never unconscious and reported that “no evidence of abuse was brought out” at the inquiry. They also contested the claim that returned soldiers had been “present while the man was being given his bath.” Military men “in close touch with the case” repeated their statements “that every possible measure was taken to get the three men to obey orders. Returned officers talked with them for hours, while their barracks roommates also urged them to at least carry out their regular duties even if they were not prepared to shoulder a rifle.” There was also a report “current in barrack circles” that

40 Ibid.
41 Ibid.
another man claiming to be a conscientious objector declared that Clegg “had not been a conscientious objector until the Military Service act came into force.”

Friends of Clegg asserted in the press that Corp. C. P. Baker, who has charge of the hospital ambulance, found Clegg “on the floor in an unconscious condition with his coat and pants on, but no underwear.” It was Baker who transported Clegg to St. Boniface hospital, but Clegg’s supporters complained that he “was not called at the military inquiry held yesterday [the 25th].” In fact Baker was the last witness called at the Court Martial, and under oath he disputed the fact that Clegg was ever unconscious, though his testimony suggested that Clegg’s situation was indeed serious, and that he was in urgent need of medical assistance.

The Free Press also interviewed a soldier “who was concerned in the incident” and while he insisted that “the man was never held under the shower bath” his statement that “fifteen minutes under it as alleged by Clegg would have killed any man” does suggest that the incident was very serious and contradicts much of the testimony offered at the court martial concerning the “lukewarm” temperature of the water.

The military men argued that if Clegg was “made a hero” every “man who wants to become a slacker has only to talk conscientious objection.” Regarding the bath, they stated that is was “one of the principal items in the routine life of the army and that Clegg had been asked a dozen times to take it, on each occasion refusing.”

The Free Press noted that there were approximately 200 conscientious objectors in the district and “they are divided into many sects, each of which disputes the claim of the others to

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42 Ibid.
44 “Minto Barracks Cruelty Charges. Expected that Results of Military Inquiry Will be Made Public Today,” Manitoba Free Press, Saturday, January 26, 1918.
45 Ibid.
ask exemption on conscientious grounds.” They noted that members of one sect would “state emphatically” to the Appeals Court that “they wished in no way to be connected with certain other sects, and vice-versa.” About twenty objectors had already been drafted, and “it is stated that of this number only half a dozen have given any trouble to the military authorities.” The *Free Press* noted that there was no “organization among the objectors to fight the military authorities, each sect standing on its own merit. Some sects have taken that attitude that they will work in the Army so long as they are not sent overseas.” The article concluded by noting that “the Russellites, to which sect Clegg is said to belong, carry on most of their work through a huge publicity campaign. They are reported to be spending a million dollars a year in this respect.”

On Saturday January 26, E.J. McMurray and Archibald Cameron, head of the Winnipeg Bible Students’ Association, went to the police station and swore out information against Sergeant Simpson. The regular meeting of the International Bible Students was held the next day and was well attended as “nearly 200 persons were present at the regular meeting in the Odd Fellows’ hall….and another large assembly gathered in the evening.” Reporters “sat throughout the whole meeting” which might explain the otherwise surprising observation that “neither the prosecution of Sergeant Simpson, nor any phase of the Clegg incident was discussed,” but one of the “prominent member” noted that “we never discuss such things at our assemblies, nor will we ever discuss them in public.” He stated that “it is purely an individual matter, and each member concerned acts on his own responsibility.” Another member admitted that they had “formed a small committee privately among ourselves, and we have left the matter entirely in the hands of our counsel.” The *Free Press* noted, with just a hint of smugness, that “the report in another paper Saturday that a special meeting would be held to discuss the matter was entirely

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erroneous.” The *Free Press* also reported the somewhat surprising fact that Clegg’s brother was a returned soldier in Winnipeg, who had gone overseas nearly two years ago and had been wounded. Likewise, Archibald Cameron, the head of the Winnipeg Bible Students’ Association “had been a member of the Cameron Highlanders some years ago.”

On Monday January 28, Magistrate, Sir Hugh Macdonald was assured by Captain Goddard and Captain Whitia, recently appointed advocate for the military authorities in Military District No. 10, that the military enquiry into the matter “would be of the fullest character and that if any brutality was exercised the offenders would be punished.” F.J. Davidson “strongly opposed the hearing of the case solely by the military authorities.” He argued that “on the ground of public policy” the case should not be handled by the military court which “was always clothed with secrecy.” He added that “the public mind had been worked up” over the treatment of Clegg and it was “due to the public to know the facts of the case.” Davidson asked for an adjournment of the case until Thursday, January 31st as Clegg, despite repeated assurances that he was well, and would be released from the hospital, was still at St. Boniface.

Captain Whitia countered that if the case was dealt with in public or by a police magistrate every man who “had a grievance against any superior officer” would be able to “rush to the nearest police station and lay an information. In that event, nothing but the entire collapse of military discipline would result.” Whitia did not question the authority of the civil court to deal with the matter but he argued that the Army Act granted military authorities the power to deal with such cases. He assured the magistrate that if a court martial was found necessary for

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48 Ibid.
Simpson it would be ordered at once. He urged the court to “follow the English procedure and hand the matter over to be dealt with by the military authorities.”

Macdonald was glad to know that the “authority of the civil court was not questioned” but he ruled in favor of the military. He expressed his confidence that, in this case the military authorities could “award punishment if the charges as printed in the newspaper were found to be true.” He noted that “with a new force like this is, just being raised, the first essential must be to preserve discipline.” He added that “it would be absolutely subversive if every private who had a grievance could rush to a court of justice.” Under these circumstances, he agreed to “hand this case over to the military authorities, having the assurance that the fullest enquiry will be made and, if justice demands it, the guiltily shall be punished.” Simpson was then turned over to military authorities, placed under arrest and charged with “committing assault occasioning actual bodily harm” under A.A. Section 37 Para 1.

McMurray, of course, objected to this ruling calling it a miscarriage of justice to allow the military authorities to “try their own servants.” He added that he was “very much astonished at the turn the case had taken.” The Free Press reported that press accounts that Mr. McMurray had also sworn out information charging Lt.-Col. H. F. Osler and Major W. B. Wood with conspiracy with Simpson to commit an indictable offence, which had “appeared in an evening paper on Saturday” were incorrect, though McMurray did state that he was “going to take such action at a later date.” Military authorities refused official comment on the proposed conspiracy charges or claims for damages, although “most of the officers spoken to regard the claims for $15,000 damages as a huge joke.”

49 Ibid.
50 “Military to Deal With Minto Cases, Police Magistrate is Satisfied Justice Will be Done under Army Regulations,” Manitoba Free Press, Tuesday, January 29, 1918.
51 Ibid.
That same day, January 28, General Ruttan sent a telegram to the Department of Militia and Defense calling attention to the fact that “either the men in question were not conscientious objectors, or that, if so, they failed to take advantage of the provisions of the Military Service Act under which they are entitled to exemption (Military Service Act, Sub-Section F of Section 11).”\(^5^2\) A memorandum prepared for the Military Secretary, made clear that “nothing would, of course, justify any bullying of a soldier, whether a conscientious objector or not, and suitable disciplinary action will certainly be taken, if warranted by the facts.” It also promised that “if there should be any indication that there is anything approaching a practice of bullying draftees” that the Adjutant-General would send warnings out which would “bring the matter forcibly to the attention of those responsible.”\(^5^3\)

Promising to send warnings to those responsible for the “practice of bullying draftees” might not have been the most effective response on the part of the Adjutant-General but certainly the publicity surrounding the Minto Street Incident put anyone engaged in the “bullying of draftees” on notice that they were being watched, and the prompt arrest of Simpson indicated that they could not assume that they could act with impunity.

On Wednesday, February 6, General Ruttan issued a brief statement to the press that a district-court martial had been ordered in the case of Sergeant G. J. Simpson. The *Free Press* reported that the proceedings of a district court martial “are always held in secret and usually considerable time elapses before a decision is announced. It will be at least 14 days before there will be a finding in the present case.”\(^5^4\)

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53 Memorandum Department of Militia and Defence to the Military Secretary, January 31, 1918, National Archives, RG 24 A Vol. 2028Folder 1 (vol 1. H-Q-1064-30-67).
McMurray continued to object to Simpson being tried in a military court martial and sought a mandamus to compel Police Magistrate Macdonald to hear the case. McMurray and Davidson argued that “this was a case of public interest and that a civilian court was higher than a military one.” McMurray added that “if a man were killed his assailant would be tried by a civil court.” Judge Matcalfe did not find this argument compelling. He stated that “on the contrary, he would be court-martialed and shot.” Military authorities were not alone in opposing the mandamus. The Justice Department also wanted to see Simpson tried by military court martial instead of civilian courts. Deputy Attorney-General Allen, appeared on behalf of Magistrate Macdonald, and objected to the granting of the mandamus. He stated that the Justice Department felt that Magistrate Macdonald had “exercised wise discretion by refusing to proceed with the case.” Judge Matcalfe stated “it looks to me like a lot of fuss about the whole thing… But to be fair to all parties” he agreed to adjourn the case. This ruling allowed the military to go ahead with the court-martial, but was interpreted by some as leaving open the possibility of later returning the case to a civil court.\textsuperscript{55}

McMurray and Davidson appeared before Judge Galton on Wednesday, February 13 to request a mandamus compelling Sir Hugh Macdonald to hear the case in a civil court. The persistent McMurray noted that the affidavit of H.E. Cameron showed that Robert Clegg was “unlawfully assaulted on January 22.” He argued that “Canada is under civilian and not military law, and that whatever sentences are given by the military are only for the purpose of upholding of military discipline and not for criminal action.” Captain Harry Whitia, countered that both the victim and the accused, were in uniform and therefore under military jurisdiction.\textsuperscript{56}

\textsuperscript{55}Ibid.
\textsuperscript{56}Alleged Hazing Case Dismissed, Judge Galt Decides Justice Will Be Upheld by Lawful Military Court,” \textit{Manitoba Free Press}, Thursday, February 14, 1918.
The *Free Press* reported on a further nuance of the case when it noted that “much doubt was expressed as to the legality of Cameron’s affidavit in regard to Clegg.” The military claimed that Clegg had stated under oath that he had not authorized any action to be taken on his behalf nor had he requested that Simpson be arrested. McMurray admitted, under questioning from Whitia, that Clegg had not made any complaints; they had all been made on his behalf by Cameron, who he described as an “elder of the Bible Students’ society.” Judge Galt then interjected “oh, those people whose literature has just been prohibited in Canada.” McMurray confirmed this noting that he was “ashamed to say so.” Galt then upheld Whitia’s contention that there was no ground for granting a mandamus, as a redress “if justified by facts” could be obtained from the “legally appointed military court” and dismissed the case “with costs against plaintiff.” Two days later, on Saturday Feb 16, 1918, the court-martial “honorably acquitted” Simpson ruling that the charges against him were “absolutely groundless.” While McMurray’s efforts to have the venue changed to a civilian court was intelligent legal maneuvering, there was little chance that it was ever going to be successful and there was little reason to believe that a civilian court would have reached a different verdict.\(^{57}\)

Despite this ruling Clegg was certainly mistreated on January 22, 1918 though the exact nature of the incident, particularly its severity, remains a matter of dispute. The mistreatment most likely did not rise to the level of a criminal offence, and the charges that were filed against Simpson were probably directed at the wrong person. Certainly whatever responsibility Simpson did have, was widely shared, and most likely included higher ranking officers. Neither Lieut.-Col. Osler, commander of the depot battalion, nor Major Wood, who presided over the Court Marital, were ever charged with conspiracy, and though it was suggested that civil proceedings

\(^{57}\) “Alleged Hazing Case Dismissed, Judge Galt Decides Justice Will Be Upheld by Lawful Military Court,” *Manitoba Free Press*, Thursday, February 14, 1918.
were pending against Simpson they were never pressed. Matheson, Naish and Clegg, however, were each tried by court martial on February 22, 1918. All three pled guilty to “willful disobedience of order given by superior officer Army Act Section 9 subsection 1” and each was sentenced to two years imprisonment.

The Minto Street incident attracted an unusual amount of publicity and notoriety, but many of the basic facts remain in dispute. Even if the most serious allegations were true, it still represents a relatively minor case of mistreatment of conscientious objectors. Far more serious incidents occurred with some frequency and attracted little or no attention. Most were never documented and have been entirely forgotten. Matheson, Naish and Clegg were each victims of far more serious abuse later in the war, yet the Minto Street incident remains important. Because of the great amount of publicity this incident received a public discussion about conscientious objectors and specifically the treatment of conscientious objectors was initiated. Although the intensity of that discussion declined after the military inquiry absolved the military of any wrongdoing, the discussion did not end entirely. This discussion continued after the war and helped to shape Canada’s conscription policies during World War II. A similar discussion was occurring in the United States where change came quicker. The long awaited definition of non-combatant service and the implementation of the furlough program were the direct result of the discussion of the treatment of conscientious objectors in the United States.

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CHAPTER 12. CONSCIENTIOUS OBJECTORS AND CHANGE IN THE UNITED STATES

Although Canadian policymakers reviewed their policies toward conscientious objectors during the war, they did not manage to implement any significant reforms until after the war. Policy makers in the United States moved faster to institute significant changes and many were implemented before the war ended, however the full reforms were not in place until World War II.

On December 19, 1917 the War Department issued a confidential letter, General Order 28, which stated that all persons “who in good faith entertain religious or other conscientious scruples against warfare” were to be classed as conscientious objectors. This was the most significant expansion of the right to make a claim for exemption from military service based upon conscience that occurred in either the United States or Canada during World War I. Not surprisingly, the announcement was greeted with a great deal of skepticism, and not a little anger, from many conscriptionists.

Leonard Wood biographer Hermann Hagedorn notes that Provost Marshall Enoch Crowder was a prominent critic of Secretary of War Newton Baker’s “personal scruples against war” order. Hagedorn argues that Crowder approved of giving the “religious objectors” the “full benefit of the law, recognizing that they were obeying what they regarded as a divine mandate, binding on the conscience and sanctioned by the sacred traditions of their Church.” But he opposed any toleration of those who merely chose “to accept the loose and untried speculation of modern theorists who avow no respect for religious Scriptures and profess no authority over the conscience.” Crowder feared that legitimizing personal scruples against war would create an
“easy and impregnable refuge for an unlimited number of slackers.” Baker, however, ignored Crowder’s protest.¹

J. Hatheway of the Military Morale Section of Military Intelligence prepared a memorandum “Conscientious Objectors” on August 8, 1918 which reported that the act had been “interpreted liberally in recognition of the fact that men not connected with a religious organization may still honestly refuse to take part in war.” Hatheway then discussed certain sects that were “well known” to be Conscientious Objectors and in general had created “little difficulty.” Hatheway wrote that most of the members of The Seventh Day Adventists have “proved reasonable” and some have even accepted combatant service. He noted that some of the most influential Friends of Philadelphia have “denounced the extreme pacifistic position of certain members of the sect” and have “shown themselves aggressively in favor of participation in the war.” He lamented, however, that the “Young Friends” in Philadelphia have been “very troublesome” in their efforts to influence Conscientious Objectors. Though he included the Mennonites in the group of sects that had created “little difficulty,” he also acknowledged the Mennonites were the “most fruitful source of objectors.”²

Hatheway then discussed a number of “small and suspicious” religious organizations including the Apostolic Christian Church which he suspected of being a pro-German organization, possibly connected with the Mennonites. He noted that they were under investigation. Hatheway’s list also included: the True Light Church “a small and unimportant sect mainly found in N. Carolina”; the Christian Catholic Church in Zion or Christian Catholic Apostolic Church”; the Christadelphians “a small sect which has increased tremendously in the

² J. Hatheway, Captain National Army, Military Morale Section, Memorandum for Lt. Col Masteller Conscientious Objectors August 8, 1918; Box No. 3761; Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
last few years”; the Christian and Missionary Alliance, which “Maj. Biddle has investigated and informs us that it will bear watching”; the Calvary Baptist Church of Altoona which was “under investigation by Department of Justice”; the Plymouth Brethren; Assemblies of God; Old Order German Baptist Brethren and the Bahai Movement.  

Hatheway argued that it was never the intention to “treat all of these obscure religious bodies” as “recognized religious sects or organizations” but he noted that men “professing membership” in them have been treated as Conscientious Objectors with the result that the “activities of these ‘Churches’ present a most serious problem.” He pointed out that some of them have no conferences, or “real organization” and that it was “almost impossible to determine their status.” He added optimistically that progress was being made, and argued that “evidently the matter of ‘personal scruples’ needs closer definition and more restricted application.”  

Hatheway reserved his harshest criticism for the National Civil Liberties Bureau. He wrote that “they may be called pacifists or idealists or altruists or hypocrites.” He described Rodger Baldwin as the “strongest and most pernicious influence in preventing the realization of the purpose of the Selective Service Act that we have encountered” but he also grudgingly respected Baldwin noting that he was “possibly the most unselfish and altruistic, certainly the craftiest and most skillful in keeping clear of the law.” Ultimately, however, Hatheway was confident that Baldwin would run afoul of the law. He noted that “every day or two adds a little more to the evidence against him.” Hatheway also noted that the NCLB’s Bureau of Legal Advice, which offered free legal services to objectors, was, based upon the attorneys on their list,

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3 Ibid.  
4 Ibid.
a “thoroughly disreputable organization.” Hatheway claimed that many of them were “ripe for disbarment.”

   Baldwin and Loucks, although they had very different styles and opposed the Selective Service Act for very different reasons, used many of the same methods, and military officials viewed them in much the same light. Hatheway wrote that Baldwin had shown an “amazing degree of skill in nosing out objectors of every type.” He had written personal letter to them, furnished them with his bulletins and “encouraged them in every way.” The very same thing could have been written about Loucks.

   Hathway complained that “We are handling these men only as individuals, not as representatives of a tendency which is growing stronger, and which makes a strong appeal to the unthinking, the mentally inactive, the cowardly, the slackers.” He concluded with the insightful observation:

   We are treating symptoms only, without getting back to the source of the trouble. We do not know enough about the various organizations, religious, radical, pacifist, propagandist, which are influencing these men. Until we do know, until we can get evidence, and until we can bring action against these agencies, which will curb their activities, the problem of the Conscientious Objector will be an ever increasing menace.

   A second, equally significant change in the conscientious objector policy of the United States occurred on March 16, 1918 when Congress passed the Furlough Act, which authorized the Secretary of War to grant furloughs to enlisted men to “engage in civil occupations and pursuits.” Though hundreds of conscientious objectors were eventually furloughed to work on farms, the real concern in Congress was to alleviate the shortage of agricultural labor that threatened the harvest not to solve the problem of conscientious objectors.

5 Ibid.
6 Ibid.
James Junnke argues that Congress passed the Farm Furlough Bill “without being aware that its intent was to provide alternative service.” He speculates that had its members known the measure’s intent, Congress probably would have defeated the Farm Furlough Bill. However, this seems unlikely as it was not clear at first whether the law applied to conscientious objectors or not and the military only began to accept requests from conscientious objectors on May 31, 1918 after Crowder had advised the Secretary of War, that the law also “allowed” conscientious objectors to be furloughed. Juhnke is correct, however, that the Farm Furlough Bill did open the door for alternative service. It is one of the great tragedies of United States conscientious objector policies that it took so long to create an alternative service program. Canada, however, did not create an alternative service system until the Second World War.

The Furlough Act eventually solved many of the problems with conscientious objectors and it provided an important precedent that was later applied during World War II with even greater success. A committee of nine, composed of three representatives from each of the historic peace churches, was created to assist the government in placing conscientious objectors in civilian jobs. Although Aaron Loucks would have been a logical choice to serve on this committee, he was deliberately left off. This was mostly, perhaps entirely, because Third Assistant Secretary of War Frederick P. Keppel viewed Loucks not as a partner but as an adversary.

Arlyn Parish and others have concluded that the War Department’s attitude toward conscientious objectors improved after Keppel, the former Dean of Columbia University, was

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9 The Committee included three Brethren, three Friends, and three Mennonites, two of which were Old Mennonites and the third belonged to the General Conference, Arlyn John Parish, *Kansas Mennonites during World War One* (Hays, Fort Hays Kansas State College, 1968), 32.
appointed Third Assistant Secretary of War on April 19, 1918 and placed in charge of conscientious objector policy. Parish notes that Keppel showed a greater willingness to work with Mennonite elders than his predecessors. Keppel himself wrote that he had tried to make certain that “any citizen, entirely apart from our agreement or disagreement with his views as to warfare, should receive treatment appropriate to America in the twentieth century rather than a Prussian reaction to an annoying situation.” Gerlof Homan, however, is more critical. He admits that Keppel was not as “hostile” to conscientious objectors as many other federal and military authorities but he adds that Keppel wished most conscientious objectors had “followed the example of one-time conscientious objector Alvin York, who had changed his mind and become a war hero.” Homan writes that Keppel believed that conscientious objectors should be “given opportunities to think for themselves, by which he apparently meant that they should be freed from the churches’ and families’ influence so they might listen more to the government.” Homan admits that the government paid more attention to the problem of conscientious objectors after Keppel was appointed but he argues that Keppel did “little if anything to stop or investigate abuses, to discourage military officials from court-martialing conscientious objectors, or to instruct them to segregate the latter more quickly from the regular soldiers.”

Much of Keppel’s animosity towards Loucks stemmed from a single incident that occurred at Camp Dodge, Iowa on March 5, 1918. Military officers at Camp Dodge, were locked in a dispute with some thirty conscientious objectors, most of them Mennonites, who refused to wear uniforms or render service. Camp Commander General Edward H. Plummer, an ex-Quaker,

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10 Ibid.  
described by one of the objectors, Sanford C. Yoder, as “very cordial and sincere” nevertheless refused to segregate the conscientious objectors.

The conscientious objectors received conflicting advice from various visiting ministers, but most absolutely refused to drill or wear uniforms and the only work they would agree to was some kitchen work. Eventually they were transferred to the remount depot, which was commanded by Captain Brooks P. Sparks, who had a well deserved reputation as a harsh disciplinarian. Sparks managed to get most of the objectors to work, drill, and wear uniforms, but after a few weeks six decided once again to refuse and were placed in the guardhouse. Two of the six were from nearby Wayland, Iowa. Word of their uncooperative behavior got back to the community and aroused considerable resentment against the Mennonite community of Wayland. The Henry County Council of Defense warned Bishop Simon Gingerich of the Sugar Creek “Old” Mennonite church not to visit or advise the objectors at Camp Dodge.

Gingerich had previously been the “target of zealous patriotic citizens in southeastern Iowa” over his initial stand on War Bonds. He was hauled into the office of U.S. Marshal N.F. Reed of Ottumwa, forty miles west of Wayland, where he “signed a statement of public apology for his intransigence.” He agreed, apparently under duress, to buy $200 of War Savings Stamps immediately and pledged “on behalf of his congregation” to subscribed $5,000 for the Third Liberty Loan Drive. He also agreed to “display American flags on the church meetinghouse and on homes.” James Juhnke later described Gingerich’s concessions as “embarrassing.” He noted that they “violated no official or written church policy, but of course many Amish Mennonite decisions still rested on unwritten group consensus.” He adds that “in the postwar years some
young people who resisted codes of dress recalled Gingerich’s actions and used them against conservatives.”

In late February, 1918 a similar incident occurred in which Gingerich and two other ministers, Daniel Graber and Sebastian Gerig, were “pressured into signing an agreement promising to advise the draftees in Camp Dodge to put on their uniforms and obey the officers.” The very next day Gingerich “tried to repudiate the agreement.” He informed Dr. Stone, the head of the Henry County Council of Defense, “that his signature had been coerced.” Stone, of course, did not care; in fact, he proudly claimed credit for the forced agreement. He informed General Plummer that “we have been able to break down the noncombatant attitude in this community completely, so that I have forced a signed statement for publication from them.” Stone was optimistic that the agreement might even “discomfit that walking delegate of theirs from Pennsylvania, Loucks” and “bring a split in their entire organization” if as Stone correctly predicted, Loucks would try to “undo the work.”

The conscientious objectors were immediately informed of the agreement by their commanding officers and ordered to wear uniforms. Several men, however, continued to refuse and were threatened with execution. Just as Stone had predicted, Loucks and Sanford Yoder arrived at Camp Dodge a few days later, on March 5, 1918. Loucks addressed fourteen of the men, in front of their officers. He was careful not to instruct them that they “should not be soldiers” he even “assured them that the church would deal charitably, not harshly, with them” regardless of the decisions that they made. Nevertheless, most of the men decided to leave the remount depot and take off the uniform. One of the six incarcerated men, Roy Buchanan, later wrote that he was “very thankful for the advice” and he “wished they could have had the information earlier, before going to camp.” After this meeting the situation improved

dramatically for the conscientious objectors as the Commander at Camp Dodge essentially conceded defeat and mostly gave up trying to convince the conscientious objectors to wear uniforms or perform any type of work. The men in the guardhouse were released and the others were excused from drill and allowed to take off their uniform.\textsuperscript{14}

Federal authorities scrutinized Loucks especially closely after this successful intervention. A.P. Sherwood, special agent of the U.S. attorney’s office in Ottumwa, Iowa, investigated Loucks later that month and recommended legal action against him for possible violations of the Espionage Act. However, Attorney General Thomas Gregory was not convinced that Loucks had violated any laws. Undeterred by this opinion, in May 1918, the Henry County Council of Defense drew up eighteen charges and twenty-five complaints against the Mennonites, many of which were directed specifically against Loucks.\textsuperscript{15} Included with these complaints was a transcript of the speech Loucks gave to Mennonite draftees at Camp Dodge on March 5, 1918.\textsuperscript{16}

The Henry County Council of Defense accused Loucks of having “constantly assumed” a most “dictatorial and insulting attitude” toward army officers, and of having persuaded men who were willing to serve to choose other alternatives. Subsequently the Iowa Council of National Defense and the U.S. attorney in Ottumwa, Iowa, urged an investigation of Loucks, whom they identified quite ridiculously at the “president of the Mennonite Church,” a “German agent,” and an “oily hypocrite.” The government, they said, should “fight him without gloves.” They also recommended an investigation of the Mennonite Publishing House because of its “insidious literature.” Loucks continued his regular activities, but both he and Jonas Hatzler became much more cautious in their advice to the men. Other Mennonite leaders did the same. Henry Krehbiel,

\textsuperscript{14} Homan, \textit{American Mennonites and the Great War}, 128-9.
\textsuperscript{15} Ibid., 131-3.
\textsuperscript{16} Juhnke, \textit{Vision, Doctrine, War}, 239.
editor of The *Mennonite Weekly Review* and member of the GC’s Western District Exemption Committee, instructed draftee, Harry Graber, frankly that “we can give you very little support. You have to have your own views of pacifism because the pressure is too great on us. They can hold us for treason if we advise you to stand firm.”

In June 1918, the Western Federal District Count of Pennsylvania ordered the seizure of the tract *Non-resistance* published by the Mennonite Publishing House. The warrant charged that *Non-resistance* had been used “in connection with and as a means” of committing felonies under the statues of the United States by “unlawfully, knowingly, and willfully conveying false reports and statements with intent to interfere with the operation and success of military and naval forces”; by causing “insubordination and disloyalty, mutiny, and refusal of duty”; by “obstructing and attempting to obstruct the recruiting and enlistment service”; and by “willfully uttering, printing and writing and publishing language to incite, provoke and encourage resistance to the U.S.”

Despite the apparent seriousness of the charges, action was not taken until August 30th when agents seized 150 copies of the tract. Loucks sought advice from Roger Baldwin, who found himself in a similar circumstance as the the Justice Department raided the office, and seized the records of the NCLB on August 31st. Loucks also appealed to the Department of Justice and received reassurances that no further action would be taken if the Publishing House agreed not to distribute more leaflets or tracts setting forth the church’s position on war. Loucks also turned to Roger Baldwin for advice. Although the threat lingered for the duration of the war, no further action was taken against the Mennonite Publishing House.

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18 Ibid., 75.
19 Ibid., 75.
Perhaps no further action was taken because Keppel was satisfied that Loucks had been sufficiently intimidated. Keppel explained to Captain Kerrigan, in a letter dated August 22, 1918 that he knew of “the activities of these people, so far as conscientious objectors are concerned, and particularly those of Aaron Loucks, which took place last March.” Keppel noted, however, that he did not expect “any more trouble with the Reverend Aaron, because we recently refused to accept his nomination as a member of the Advisory Committee of Mennonites, and have otherwise put the fear of God in him.” Keppel added that “The Drunkards were similarly warned of the error of their ways, by Colonel Call of the Judge Advocate General’s office and myself last month.” Keppel explained to Kerrigan that this represented the attitude of the War Department and it explained why “action was not pressed by M.I.D.”

Keppel’s letter to Kerrigan was reprinted in a thorough report *Mennonites, Sub Section “A” Note on the Mennonites* prepared by Captain Malone of Military Intelligence. This report acknowledged that ordinarily the Mennonite “is an unobtrusive, bewiskered person, who yields obedience to the laws, so long as the laws do not conflict with his religious belief.” This assessment was widely shared by most observers who were familiar with the Mennonites, and were inclined to be somewhat sympathetic to them and their religious objections. The intelligence report added that “in normal times he is a most desirable citizen,” but added the caveat “if the word citizenship can be applied to one without any sense of nationality.” The report then quoted “a well known writer” who stated that “the Stars and Stripes or Union Jack is meaningless to him. Ottawa or Washington is of little concern in his Philosophy- Timbuctoo or Kalamazoo look alike.” The report did recognize a somewhat nuanced difference in attitudes based upon generations with the older members and elders being “rock ribbed in their obstinacy”

20 *Mennonites, Sub Section “A” Note on the Mennonites* – Captain Malone, [Undated]; Box 3761; Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
whereas the younger ones were more “disposed to cut loose from the narrow prejudices that circumscribe them,” even going so far as being willing to “buy bonds and aid in many war activities.” The report included a concise but accurate statement that “as farmers, the Mennonites are 100% efficient- as militants, 100% deficient.”

Perhaps the most significant change to the Selective Service regulations occurred on March 20, 1918 when President Wilson finally defined certain military service, specifically the medical corps, the quartermaster corps and the Army engineers, as “noncombatant.” This announcement was long overdue, and was greeted with unabashed enthusiasm by the NCLB which noted in *The Facts about Conscientious Objectors in the United States* that the President’s Executive Order of March 20 was “a conspicuous contribution to the reconciliation of individual conscience and the State under conscription. It is quite the most statesmanlike solution yet effected in any country which drafts its men for war.”

The *New York Times* likewise praised the decision, predicting that “by clearly defining the sorts of toil which this country now can demand and insist upon getting from ‘conscientious objectors’” the executive order “will fairly well reconcile the ordinary American to the existence of these strange folk.” The *New York Times* did question “whether or not this decision will be equally pleasing to the strange folk themselves” but it dismissed their concerns by noting that “their opinions on the subject are not of much importance.” While not entirely pleasing to most of these “strange folk,” many decided that they could accept one of these options. There were, however, differences within the church, and among individual conscientious objectors, over how to respond to these newly defined policies.

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21 “Mennonites”; Box 3761; Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
A debate occurred within the church over how to instruct the Mennonite men in the army concerning noncombatant service. The men in camp eagerly sought this advice, and when they received it, it undoubtedly encouraged those who decided to be absolute objectors even when faced with the threat of court-martial and long prison sentences. Surprisingly, even the “Old” Mennonite Church “altered its stance, and now encouraged men to accept some chores within the camps.” While not abandoning its official position it recognized the reality that harsher trials likely awaited those men who continued to refuse and, as Gerlof Homan notes, “committee members also were proceeding with more caution because of concern that their recommendations to objectors might violate the Espionage and Sedition Acts.” Homan specifically cites Loucks and Hartzler who not only “told Mennonite men they should not openly refuse officers’ demands” but that they need also “explain ‘mildly’ why they found an order unacceptable.” Loucks and Hartzler decided that conscientious objectors could “clean up around the barracks and cook, for in rejecting even these jobs men were bringing trials upon themselves.” They could even choose to wear a uniform if they wished. They still believed that Mennonites might have to endure suffering for their beliefs, but they were confident that “suffering for Christ would be an opportunity to glorify God more than they could possibly do at home or anywhere else.” Homan notes that with this evolution in recommendations the “Old” Mennonites “came more into line with General Conference Mennonites who, even after Wilson’s edict, predominately believed their men could render some service and even wear the uniform, if their conscience allowed it.”

Over half of the conscientious objectors who had previously refused regular service found the President's definition of noncombatant service acceptable. Most of them went to work in the medical or quartermaster corps.

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Just as Loucks and Hartzler had predicted, on April 27, 1918 one month after defining noncombatant service, Secretary Baker reversed an earlier order and declared that “sullen or defiant” objectors as well as those whose sincerity was questionable or that engaged in “nonresistant propaganda” would now be subject to penalties under the Articles of War and could be tried by court-martial.25 Many within the military felt that this option was long overdue.

The General Staff noted:

> Efforts have been made to extend tolerance to those who have genuine religious convictions against war, by offering them non combatant service, such as the Quakers have been usually willing to perform. But there have been numbers of drafted men who have refused to wear the uniform at all or to obey any commands. If they were not dealt with rigorously the whole principle of universal service would fall to the ground. It has gone hard with those who have been led to reject the Government’s tender of peaceful tasks.26

With the Furlough Act passed, noncombatant service finally defined, and the War Department’s decision to proceed with court-martials against some conscientious objectors, the situation for conscientious objectors in the military camps began to change rapidly.

The War Department created a Special Board of Inquiry to interview the objectors to determine their sincerity and then make a decision regarding their eligibility for a furlough. This Special Board of Inquiry was chaired by Major Richard C. Stoddard of the Judge Advocate General’s Department until he was called to duty overseas in August after which it was chaired by Major Walter Kellogg.27 This procedure was generally acceptable to most conscientious objectors, and by nearly all religious conscientious objectors, though there were a few political conscientious objectors who strenuously objected, most notably, Julius Eichel. Eichel argued that

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25 “Orders from Adjutant General of Army to Commander of all camps,” April 27, 1918, in Statement Concerning the Treatment of Conscientious Objectors in the Army, 40.
26 United States, War Department, General Staff, Propaganda In Its Military And Legal Aspects (Washington: Military Intelligence Branch, Executive Division, General Staff, 1918), 108-9.
27 The remaining seats on the board were held by the Hon. Julian W. Mack of the United States Court of Appeals and Harlan Stone, Dean of the Columbia University Law School.
“the very philosophy behind the setting up of the Board was totalitarian, because it demanded that the objector grant it the right to determine his sincerity.” Eichel objected to the fact that the Board recognized objectors as sincere “only if they were motivated by religion.” Eichel was also troubled by the fact that anyone who accepted a furlough “must help the war effort by engaging in farm work” nothing that this was “repugnant to many objectors.” Eichel accused those who cooperated with the Board as “wittingly or unwittingly helping to spread the confusion which enabled the government to be arbitrary, discriminatory and irresponsible.”

Eichel’s position was extreme, but there was a certain logical consistency to it. Ironically, the New York Times made a similar point, though they drew a very different conclusion. On March 23, 1918 the New York Times asked how can a man

… whose conscience will not permit him to assist in the actual destruction of his country’s enemies…. Persuade that section of his ‘psyche’ to let him participate in activities that are just as essentially those of war as is that of going over the top or of firing a machine gun at an advancing German regiment?... The fully explicable pacifist would go to jail – or the gallows- before he … would chop down spruce trees in an Oregon forest, if he knew that the resulting lumber was to be used in making war airplanes.

Major Kellogg published a thorough report of his work on the board, The Conscientious Objector, which provides unique insights into the work of the Board and his view of conscientious objectors. Kellogg was careful to state that the opinions expressed are “not to be taken as those of the Board or of my colleagues on the Board” that “it is a transcript of my personal impressions only, supplemented here and there by some of the literature of the subject.” Despite this disclaimer the personal impressions recorded in The Conscientious Objector very

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closely mirrored the official policy of the War Department. This was reinforced by the fact that Secretary Baker agreed to write the Introduction, which lent the report an air of approval.\textsuperscript{30}

In the Introduction, Baker described “the so-called “conscientious objector.”” He noted that “out of the many tens of thousands who claimed upon one ground or another an irreconcilable objection to bearing arms or serving in a military enterprise, there remained at the end a very few hundred who persisted and so found themselves in prison and protesting.” He suggested that

… to a very large number who presented themselves in this attitude, mere contact with their fellows was enough to enlarge their view and bring them into harmony with the thought of their generation. Other great numbers found it impossible to bear arms, but not impossible to serve in non-military occupations equally necessary and equally arduous.\textsuperscript{31}

Baker did not express much sympathy when he wrote that “ones contempt for the slacker and the coward makes him naturally impatient of a man who refuses to take the risk of battle, and distrustful of excuses based upon conscience when one’s own healthy conscious shows the path of duty to lie in the direction of self-sacrifice.” He sounded much more sympathetic, however, when he added that:

there is no sure way of being just in dealing with a problem of this kind except to take each “objector” as an individual, consider his antecedents, his opportunities, his limitations; and when these have all been weighed the judgment may be erroneous, but at least it had in it the ingredients of inquiry and patience which make it better than hasty assumptions.\textsuperscript{32}

Bakers concluded by praising the work of the Special Board of Inquiry, writing that he had a “strong belief” that the Commission “enabled us with relative certainty to brush aside pretended

\textsuperscript{30} Kellogg, The Conscientious Objector, v-vi.
\textsuperscript{31} Ibid. xv-xvi.
\textsuperscript{32} Ibid. xvi.
scruples on the one hand, and on the other to extend protection to some defenseless and tragically burdened people.”

Despite the endorsement of the Secretary of War, there were numerous skeptics within the military who felt that Kellogg, and indeed the entire Board of Inquiry, was too lenient in its dealings with conscientious objectors. These suspicions began even before *The Conscientious Objector* was published. Chandler Sprague, Assistant Chief of Staff, G-2, wrote to Military Intelligence on January 30, 1919 to report that it had been brought to his attention that Major Kellogg, J.A.G.D., “is preparing to publish some sort of a monograph on Conscientious Objectors and their treatment.” Sprague’s informant was 1st Lieutenant Ben D. Wood, of the Base Hospital, Camp Kearney, who Kellogg had written asking for data on Conscientious Objectors. Wood was concerned that Kellogg’s “frame of mind” was “very lenient and favorable towards Conscientious Objectors.” Sprague reported that Lieutenant Wood held “the other viewpoint.” Sprague suggested that before Kellogg’s monograph was published, Military Intelligence “might be interested in looking it over.” He added that Lieutenant Wood stated that Major Kellogg was “a friend of his and a fine fellow personally” but that he is “inclined to sob a bit over Conscientious Objectors, and has, ….entirely the wrong viewpoint.”

Despite Sprague’s overblown concerns *The Conscientious Objector* was published in 1919, while many of the 503 conscientious objectors who had been court-martialed were still in the Military Disciplinary Barracks at Fort Leavenworth, Kansas. In the Preface, Kellogg states that prior to serving on the Board of Inquiry he had reviewed the court-martial records of conscientious objectors. Kellogg readily admitted that although he had “never set eyes on a conscientious objector,” he “firmly believed that they were, as a class, shirkers and cowards.”

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33 Ibid. xvii.
34 Chandler Sprague, Asst. Chief of Staff, G-2, to Military Intelligence Division, January 30, 1919; Box 3761; Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
Kellogg’s opinion gradually changed as he examined over eight hundred objector in twenty different military camps. He eventually came to believe that as a rule they were “sincere” and neither cowards nor shirkers, at least not “in the commonly accepted sense.” He explained, however, that their sincerity “makes them no less a national problem.”35

Kellogg offered some perspective, noting that “the number of men who present themselves as objectors is not, in comparison with the total draft, formidable. Numerically, the problem indeed is of small importance; as a matter of principal it is of great importance.” He added that “the problem is to be fair to the minority without thereby being unfair to the majority. A sovereign government must not oppress the honest objector nor, assuredly, should it grant him such special privileges that it thereby discriminates against its patriotic soldiery.”36 Kellogg conceded that “some injustice has unwittingly been done.” He argued that in “many instances the objector was unfairly treated” and “not infrequently his case was misjudged.” But Kellogg balanced this injustice with the injustice done to the

… splendid solider of each country who, without any instinctive love of fighting in their breast, were yet willing to enter the firing line, while these other men, no more God-fearing than they, were tamely suffered, because of their conscientious scruples, to engage in farming or in industrial work at home or, at the signing of the armistice, were being adequately maintained “over here” in comfortable camps by a paternalistic government.37

Kellogg and the Board had a difficult time relating to conscientious objectors. David Kennedy notes that the Board “seemed at times, like some camp officers, hell-bent on shaming men out of their declared convictions.” He notes that Kellogg “regularly asked claimants if they had bought Liberty bonds or Thrift Stamps, and somewhat less pertinently, if they were inclined to ‘drink,’ ‘smoke,’ or ‘go around with women.’” Kellogg “scolded one claimant for belonging

36 Ibid. 6.
37 Ibid., 5.
to ‘some nut society’ and told him he did not deserve to live in the United States.” Kellogg began another interview by telling the conscientious objector that “If I didn’t know that you were a conscientious objector, I would take you for a good wholesome boy.”

While Kellogg generally judged Mennonites to be sincere and thus eligible for furlough, he was not impressed by them. He described a typical Mennonite: “He shuffles awkwardly into the room – he seems only half awake. His features are heavy, dull and almost bovine.” Kellogg concluded that Mennonites were not only “ignorant” but also so “intellectually inferior” that they were “unworthy” of being American citizens. He wrote:

I doubt extremely if fifty per cent of the Mennonites examined, because of their ignorance and stupidity, ever should have been admitted into the Army at all; I am certain that ninety per cent of them need a far better preparation for citizenship than they have ever received…. They are, doubtless, according to their lights, good Christians, but they are essentially a type of Americans of which America cannot be proud.

Though Kellogg and the Board generally pitied Mennonites for their presumed ignorance and intellectual inferiority, they had far greater contempt for the Socialists. Charles Chatfield notes that “the Socialist was often well educated and intelligent, and this assured him of harsh treatment.” Kellogg stated that “you were bound to feel differently about him than you may have felt about the Mennonite…. He who should help, hinders and obstructs; he who should lead, by his examples incites others to revolt.”

The Special Board of Inquiry ultimately used a straightforward, if somewhat simple, criterion to determine a conscientious objectors’ sincerity. Membership in a recognized church prior to April 6, 1917 was considered a sure indication of sincerity. Those who joined after that

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39 Kellogg, Conscientious Objectors, 38.
40 Ibid., 41.
date were determined to be insincere. Chatfield argues that Kellogg simply “could not accept any absolutistic objectors because his judgments were based on a different set of values than theirs.”

He valued common sense and realism, they valued absolute truths. He thought of socials idealism as being synonymous with the Allied cause; they judged the Allies by their ideals, whether a free society, for the radicals, or God, for the sectarian. Kellogg, a government official responsible to the majority of the people, thought of the national community and the state as identical. The objectors, on the other hand represented minority groups opposed to the war, and they were conscious that the state was an agency distinct from their communities. For the major, the nation was sovereign; for the objectors, the nation was responsible. Radicals and sectarians, absolutists and noncombatant soldiers, all asserted their right to hold values different from the prevailing norm.***

Though the Special Board of Inquiry was far from perfect, and had it critics both within the military establishment and among the conscientious objectors, it was a significant step toward a better policy that served the needs of both the conscientious objectors and the nation. Harlan Stone, a member of the Special Board of Inquiry who would later became the Chief Justice of the United States Supreme Court, reflected in 1919 on the evolving treatment of conscientious objectors. Stone wrote that “if unhappily we should again find ourselves in an armed conflict, the record of our experience with the conscientious objector, and especially the common-sense interpretation of it, will be found to be of value not only to the military authorities but to the public at large.”*

Men who were judged to be sincere were offered furloughs for civilian work and they and the country were spared the unnecessary burden of court-martial. Most of these conscientious objectors were furloughed to work on farms. Many were sent to Iowa, South Dakota or Kansas where there was a particularly acute labor shortage during harvest season.**

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42 Ibid, 82.
43 Frazer “We Have Just Begun To Not Fight,” xv.
44 Ibid., 29.
In exceptional cases the Board of Inquiry furloughed conscientious objectors, 99 in all, for service in France with the Friends Reconstruction Unit. Some members of the military, however, remained quite dismissive and even hostile to the Farm Furlough program.

Ernest J. Hall 1st Lieutenant, Infantry R.C. reported in a memo dated June 20, 1918 that after the Board of Inquiry recommended men “for furloughs to work on farms etc.” the “problem of supervision arises.” He noted that the Quakers, Mennonites, and Dunkers have “volunteered to furnish supervisors of this work” but he added that the military authorities “doubtless look askance at the expediency of such supervision.” Hall then pointed out that the Seventh Day Adventist “firmly oppose combatant service, but insist on members of their faith, who are drafted, loyally serving in a non-combatant branch.” Hall offered the suggestion “that a committee in each supervisory district be composed of one from each of the three classes or entirely from the Seventh Day Adventists.” Hall also warned that “certain religious organizations have been put in a false position by an obstruction policy on the part of radical leaders, so that it may be well for the Board of Inquiry to bear in mind that all the worthy sects which profess objection to killing allow the individual to decide for himself as to participation in non-combatant service.”

Regardless of the generally skeptical attitude of many in the military, the Farm Furlough program went forward and, as the only real alternative to court-martials, it did a great deal of good in reducing “the problem” of the conscientious objector. Although there were some aspects of the program that raised concerns, most Mennonites, including the Mennonite Church, generally had a very favorable view of the Farm Furlough Program. Although Aaron Loucks was not a member of the Committee created to advise the War Department on the Farm Furlough

45 Ernest J. Hall 1st Lieut. Infantry R.C. Memorandum Conscientious Objectors for Mr. Keppel, June 20, 1918; Box 3761; Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
program, his efforts in matching conscientious objectors with eligible farmers for furloughs were perhaps his most beneficial service to the government.

Loucks explained the church’s eagerness to cooperate with the government in arranging furloughs in a letter to A.H. Rhodes of Columbiana, Ohio. “Our purpose” Loucks wrote, “is to help the Government find places which will be congenial to Government, to the employers, and to the boys.” This effort was one of the rare instances in which the interests of the government and the church coincided nearly perfectly. Furloughed conscientious objectors technically remained in the military but they were now under civilian oversight. The military was relieved of uncooperative conscripts who were more a determent than an asset, and the conscientious objectors returned to productive agricultural work.

Most of the Mennonite conscientious objectors had been employed in agriculture before the war, many worked their own farms or on their parent’s farms. Most desired to be furloughed to their homes, but government policy called for furloughing the men at least 50 miles from their local draft boards. The government raised no objection to the men being furloughed to the custody of other Mennonite farmers and although it was not expressly forbidden, Loucks felt that “It is best to avoid going to relatives.”

While many Mennonites viewed this 50 mile restriction as a final, and petty, form of punishment, Loucks and other church leaders recognized it as a prudent precaution given public opinion, and firmly supported this requirement. In a letter to Joseph A. Yoder, of Topeka, Indiana dated June 27, 1918, Loucks describe the requirement that men not be furloughed within 50 miles of their home as “wise” noting that “some who have been sent home are in danger of

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46 Aaron Loucks to A.H. Rhodes, Columbiana, Ohio, 1-3-5.1, Mennonite Church USA Archives- Goshen, Peace Problems Committee, 2/3 Loucks and Hartzler, 1918-1919 Correspondence August 21-26, 1918.
47 Ibid.
losing their lives because of the ill feeling in the community, caused by their return.\textsuperscript{48} Local patriotic groups protested the furlough system in Iowa and Ohio. James Juhnke notes that in both Madison and Dallas counties in Iowa, the patriots threatened the Governor with “breaches of the peace” if the conscientious objectors were allowed to stay. He adds that a mob of about forty persons had to be restrained by a county sheriff near Wellman and Kalona, Iowa. At least one group of furloughed men had to be sent back to Camp Dodge to “calm a negative ‘wave of feeling’ stimulated by their presence in the community.” Similar protests were also held in Champaign, Logan, and Fulton counties in Ohio.\textsuperscript{49}

Numerous factors had to be considered before approving a furlough, and the church and the government had slightly different priorities, but essentially their goals were compatible. The furlough application process demonstrated that these differences could be reconciled to promote a solution that was satisfactory to both parties. Loucks’ most important concern was that the men be sent to work for farmers that “are of the same church, or at least are sympathetic” otherwise he worried there was “likely to be trouble for all concerned.”\textsuperscript{50}

Loucks appears to have taken a particular interest in, and made extra effort to try to place, married men whose wives were expecting. Loucks began a July 15, 1918 letter to Monroe J. Yoder, Camp Taylor, Kentucky by stating that “I have thought a great deal about your case.” Yoder’s wife was apparently pregnant, and Yoder hoped to be furloughed to his home so that he could support her. Loucks was quite sympathetic, noting “the condition in which your wife is would make a difference with some Local Boards,” but Loucks was careful not to make any promises or raise any unrealistic expectations, noting that he was not sure whether it would have

\textsuperscript{48} Aaron Loucks to Joseph A. Yoder, Topeka, Indiana June 27, 1918, I-3-5.1, Mennonite Church USA Archives-Goshen, Peace Problems Committee, 1/2 Loucks and Hartzler, 1918-1919 Correspondence June 1-30, 1918.
\textsuperscript{50} Aaron Loucks to A.H. Rhodes, Columbiana, Ohio, Mennonite Church USA Archives- Goshen, I-3-5.1, Peace Problems Committee 2/3 Loucks and Hartzler, 1918-1919 Correspondence August 21-26, 1918.
made any difference with Yoder’s particular board. Loucks further cautioned that even if it would have made a difference, he was not sure “whether they could do anything after you are once in camp, but I believe that I would try it.” Loucks advised Yoder to “have her and your father go to the Local board and inquire into the matter.” He added that “it may necessary to have an affidavit made out by a doctor, but if it is, she could be examined and he could soon have a Notary Public write one.” Loucks suggested that if the Local Board is not helpful that possibly “the County Agent (Farm) or the Food Administrator of Lagrange County could help you in some way to get home.” Loucks suggested that “they had better try all these.” He appeared cautiously optimistic “since you are to be furloughed any way.” Loucks suggested that “in case none of these do any good, you had better try for a place at Gideon Kauffman’s (his son John is in your camp) of if he does not need you, he might know of someone who would know.” Loucks concluded his letter with a somewhat discouraging comment, noting “it is a little doubtful whether you could get as near home as Marshall Co., I just looked it up on the map.”

Partly as a result of wartime labor shortages, but also a function of the tightly knit Mennonite community, far more farmers applied to accept furloughed conscientious objectors than there were conscientious objectors eligible for furlough, so arranging furloughs “with people of their own faith” was a relatively simple matter, though the task of prioritizing the requests was enormous. Loucks’ committee saved the government an enormous amount of work by arranging these matches.

Furloughing conscientious objectors to perform alternative service under civilian oversight was one solution to the conscientious objector problem. The other was to court-martial the conscientious objector. The United States was involved in World War I for just nineteen

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51 Aaron Loucks to Monroe J. Yoder Camp Taylor, Kentucky, July 15, 1918, Mennonite Church USA Archives-Goshen, I-3-5.1 Peace Problems Committee 1/5, Loucks and Hartzler, 1918-1919 Correspondence July 12-15, 1918.
52 Ibid.
months, during which time 503 conscientious objectors, were court-martialed. Some conscientious objectors had already been court-martialed before the possibility of furloughs existed, and others were court-martialed before the Special Board of Inquiry had an opportunity to review their case and recommend furlough. The Board of Inquiry did not have the authority to review these sentences. The Board of Inquiry ruled that some objectors were insincere and others refused to cooperate, so even as men were being furloughed others were being court-martialed.

In most cases a single individual stood trial at these court-martials, but there were cases, including one particularly notorious case documented by the General Staff of the War Department in its pamphlet *Propaganda In Its Military And Legal Aspects* in which multiple conscientious objectors stood trial at a single court-martial. On June 10, 1918 a court-martial at San Antonio Texas imposed life sentences, later reduced to twenty five years, upon forty-five conscientious objectors, nearly all Mennonites from Oklahoma who were accused of “trying to do missionary work among men who were not conscientious objectors.” Although the men refused to wear the uniform, Military Intelligence only learned of this “missionary work” when the objectors, having been informed by “pacifist and pro-German organizations” that their “rights were being invaded” learned that there was “a lawyer in a nearby town who would take their cause.” Military Intelligence speculated that the objectors were probably “emboldened by the support which they were getting from pacifist and pro-German societies, and so they took the course which led to their undoing.” The General Staff argued that

The aim of these societies was not so much to help conscientious objectors as to weaken the army, a fact proved virtually conclusively by the ascertained knowledge that the American Civil Rights Bureau and another organization or two are simply children of the parent organization, the American Union Against Militarism. The connection between these organizations and the conscientious objectors in the camps was established definitely. It was shown almost beyond peradventure that the result of the activities of these societies would be an effort
on the part of the men who received their communications to attempt to influence non-conscientious objectors.\footnote{General Staff, \textit{Propaganda In Its Military And Legal Aspects}, 109.}

The American Union Against Militarism did spawn a number of organizations, most notably the National Civil Liberties Bureau, but no American Civil Rights Bureau existed. While it is entirely plausible that there was contact between the conscientious objectors in the camp and “another organization of two,” it seems unlikely that Military Intelligence understood the exact nature of that contact. It is preposterous that so many Mennonite conscientious objectors would associate with any “pro-German organization” and highly doubtful that they would engage in “missionary work among men who were not conscientious objectors.” It was a miscarriage of justice that the General Staff jumped directly to the dubious conclusion that the “the final court-martial action was the logical conclusion of the efforts of certain organizations and certain men to hurt the cause of the United States and help that of the Germans.”\footnote{Ibid.}

This court martial was highly unusual. While the outcome of these court-martials nearly always resulted in convictions, many in fact were not contested, they were rarely mass affairs, and usually, given the nature of the charges and the evidence, they arrived at the proper ruling. Whether those ruling were just of course is a different question, as is the related issue of whether these conscientious objectors should have been placed under military authority in the first place.

The 503 conscientious objectors who were court martialed represented a wide variety of religious groups as well as political and secular objectors; however, the largest single group was the 138 Mennonites.\footnote{2,000 Mennonites were conscripted, Guy F. Hershberger, in \textit{War Peace and Non-resistance}} Despite the fact that 138 Mennonites were convicted and sentenced to
Leavenworth Prison for an average of nearly twenty-years, Loucks and the Mennonite Church remained surprisingly reluctant to criticize the government.\textsuperscript{56}

A June 27, 1918 letter to J.H. and Ira Eigsti which predicted that “testing times are ahead, both for the boys and for those at home” noted that “experience has shown that those who stand true to their convictions get thru the best.” The letter argued that the “government wants to know who is true and who is trying to slip thru unjustly, and it has a right to know.” It suggested that “it is advisable to take a stand but not to be obstinate.” It agreed that those “whose attitude in camp is defiant” give good reason for court-martial. It pointed out that even a court-martial “will be reviewed by officers ‘higher up’ before they can be carried out.” The letter concluded by nothing that “there is very little danger for those who are true.”\textsuperscript{57} This attitude at first appears naive; however, it that they were not suggesting that the conscientious objector would avoid court martial or a conviction, these they accepted as the likely consequence of their stand, but instead they put their faith in God and trusted that their faith would ultimately see them through.

Public opinion became somewhat more sympathetic to the imprisoned conscientious objectors after the war, and the War Department was criticized for the harsh treatment that the conscientious objectors were subjected to, though much of the criticism came from the secular press and the non-religious civil liberty organizations. The Secretary of War reviewed the court-martial cases after the war and reduced or commuted most of the sentences. In January 1919 the Secretary ordered the remaining religious objectors released and discharged from the army. A special discharge was created, neither honorable nor dishonorable, for those imprisoned as well


\textsuperscript{57} Hartzler to J.H. and Ira Eigsti, June 27, 1918, Mennonite Church USA Archives- Goshen, Peace Problems Committee 1/2 Loucks and Hartzler, 1918-1919 Correspondence June 1-30, 1918.
as those who had accepted farm furloughs. This special discharge was printed on a distinctive blue paper and stated that the discharged had done no work while in the army.\textsuperscript{58}

The United States, like Canada, had a number of religious conscientious objectors who became martyrs, most notably the brothers David, Joseph and Michael Hofer and their brother-in-law Jakob Wipf, all Hutterian Brethren from South Dakota. David Hofer and Jakob Wipf survived their ordeal, but Joseph and Michael Hofer “lost their lives in prison under terrible circumstances.”\textsuperscript{59} The first account of these “terrible circumstances” to appear in print was a four page pamphlet “Crucifixions” \textit{in the Twentieth Century} published in December, 1918 by the American Industrial Company, Chicago. “Crucifixions” admitted that this case was not typical. It notes that it was “probably one of the worst of the present war’s persecutions in America” but it argues that it “typifies the spirit under which the war heretics had to suffer.” It notes that the four young Hutterites “believed, with an intense conviction, that their duty to their God utterly precluded any submission to military command.” Their refusal to “comply with any dictate of soldier authority” was no “degenerate whim nor yet the stubbornness of criminals- it was the highest spiritual conviction of deeply religious men.”\textsuperscript{60}

The American Industrial Company published a second four page pamphlet, \textit{Desecration of the Dead by American “Huns”} in February 1919. \textit{Desecration of the Dead} argued that “the attitude of the Huttrian Brotherhood with regard to participation in warfare is perhaps the most

\textsuperscript{58} “Memorandum from the Adjutant General,” Jan 17, 1919 in Statement Concerning the Treatment of Conscientious Objectors in the Army, 31.

\textsuperscript{59} “Christ or County?” David Hofer’s account as written by J. Georg Ewert in John Stahl, Joseph K. Wipf., et al, \textit{Hutterite CO’s in World War One: Stories, Diaries and other accounts from the United States Military Camps} (Hawley, Minnesota: Spring Prairie Printing, 1999), 32.

\textsuperscript{60} Jacob Wipf, “Crucifixions” \textit{in the twentieth century: the cases of Jacob Wipf and the three Hofer brothers, religious objectors to war, two of whom died from the effects of military atrocities in American prisons.} (Chicago: American Industrial Co., 1918)
uncompromising of all the various branches of the Mennonite Church. Their treatment by the
military authorities has therefore been unusually harsh."\textsuperscript{61} It also noted that

The case of these Hutterish Mennonites is one of peculiar severity; but hundreds
of Mennonites and other non-resistants have suffered similar indignities and
cruelties in the camp guard house and military prisons. If anyone has the nerve to
call these men “cowards,” let him do so! At any rate they are living examples of
what harmless religious people have to suffer in this enlightened day because their
views and convictions do not correspond with the rest.\textsuperscript{62}

David Hofer’s account of his ordeal was widely reprinted with additional details filled in.
One such account “Christ or Country?” was included in \textit{Hutterite CO’s in World War One}. The
three accounts are complimentary and entirely consistent, at least in their accounts of the facts.
There is a noticeable difference in tone, which is evident even in the titles, between the two
accounts published by the American Industrial Company and “Christ or Country?”

Hofer reported that the torment began on the train to the military camp when the other
young men on the train forcibly cut the beards and hair of the Hutterties. When they arrived in
Camp Lewis, Washington they refused to sign a paper promising to “follow all military
commands and obey.” They refused to march to the drill fields or to wear uniforms and were
immediately placed in the guardhouse. David, like many religious conscientious objectors,
recalled that “the most painful thing for them was the constant swearing and scolding they had to
endure.”\textsuperscript{63}

After two months in the guardhouse they were convicted by a court martial and sentenced
to 37 years, which was immediately reduced by the Commanding Officer to 20 years, in prison.
They were sent to the military prison on Alcatraz Island in San Francisco Bay where their clothes
was “forcibly removed.” They refused to put on military uniforms and were placed in solitary

\textsuperscript{61} David Hofer, \textit{Desecration of the Dead by American “Huns” a narrative} (Chicago: American Industrial Company. 1919)
\textsuperscript{62} Hofer, \textit{Desecration of the Dead.}
\textsuperscript{63} “Christ or County?” 33.
confinement in “the dungeon.” They were warned that if they did not conform they would stay there until they died “just as the other four we dragged out of here yesterday.”

They received nothing to eat and only a half a glass of water a day and for the first four and a half days, and were forced to sleep on the cold wet floor without any blankets. The last day and a half they “had to stand with their hands over their heads crosswise chained so high to the iron bars that they could barely touch the floor with their feet.” When they were finally brought out of the lower part of the prison into the prison yard, they were “covered with boils, bitten by insects and their arms were swollen so badly that they were unable to slip the sleeves of their jackets over them.” Some of the other prisoners were “overcome with compassion.”

*Crucifixions* notes that the authorities, “fearing the consequences of their action,” released Wipf and the Hofers from the dungeon. When they emerged they had contracted scurvy and were “broken in health, and barely managing to walk.” On November 24, 1918 they were ordered transferred from Alcatraz Island to Fort Leavenworth, Kansas. After a lengthy journey “chained together again, two and two, in charge of six armed sergeants” they arrived about 11 P.M. They were “herded into the middle of the street with loud shouting and urged on with bayonets, as if they were a herd of swine.” When they arrived at the gate they were “bathed in sweat.” They had to take off their own clothes and had to wait two hours in the cold night air before their prison clothes were brought to them. By then they were “almost frozen.” At 5 A.M. the next morning they once again had to stand outside in the cold.

Joseph and Michael Hofer could endure no more and were hospitalized. Jakob Wipf and David Hofer, however, continued to refuse to do work under military control and were placed in

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64 Ibid.
65 Ibid., 34.
66 Wipf, *Crucifixions.*
67 “Christ or County?” 35-36.
solitary prison cells. Conditions at Fort Leavenworth were “infinitely more favorable in respect to sanitation and the like” but they were still placed on a bread and water diet for fourteen days; “strung up” to the bars of their cell; and forced to sleep on the floor. Once it became clear that Joseph and Michael Hofer had only a few hours to live, Jakob Wipf was allowed to send a telegram to their wives. Joseph Hofer was dead and his body had already been placed into a coffin when his wife Maria arrived. She discovered “to her horror” that he had been dressed in a soldier’s uniform “which in his life he had so much rejected in order to be true to his convictions.” Michael died on December 2, 1918, but “was dressed in his own clothes, since his father and also his brother David, were present.” Within ten days of arriving at Fort Leavenworth both Joseph and Michael Hofer were dead. The official cause of death was pneumonia.

David Hofer was sent back to his cell in chains and he “stood there all day and cried; but I could not even wipe my tears away, since my hands were chained to the bars of my prison cell.” The next day, December 4, 1918 to his surprise, he was released, though he was denied permission to see his brother-in-law Jakob Wipf before he left.

Desecration of the Dead reported that “the piteous funerals of the two brothers and the sympathy shown by the whole Mennonite community was something indescribable.” It noted that “these young brethren having been away from home and their families for six months, always in close confinement, suffering tortures of soul and body; the effect of their return as

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68 Ibid., 36.
69 Wipf, “Crucifixions”
70 “Christ or County?” 36.
71 Ibid.
72 Ibid., 37.
corpses, is something that pen cannot describe.” It added that “the sufferers have gone to their well-deserved rest.”

Jacob Wipf’s strength eventually failed and he too was hospitalized. It was in the prison hospital that he related his story which was printed as “Crucifixions” in the Twentieth Century.” The interviewer noted that “as he spoke with me, patient and quiet, -though staunch in his unassuming heroism, he held neither malice nor hate against his oppressors. There was a gentle forgiveness for them.” Wipf admitted that he sometimes envied “the three who have already been released” and asked himself “why is the Lord so hard on me?” He wondered why he should “have to suffer so much longer single-handed?” But then he added that “it is a source of joy for me,” he realized that the Lord considered him “worthy to suffer for his sake” and he conceded that “life here is like in a palace in comparison with our former experiences.”

The treatment of the Hofer brothers and their brother-in-law Jakob Wipf was far from typical, but various aspects of their ordeal were experienced by many other conscientious objectors. Had Joseph and Michael Hofer not died from their treatment, and had Theodore Lunde and his American Industrial Company not decided to champion their cause, they might have endured their experience in relative anonymity, as was the case with most conscientious objectors.

It is interesting how the American Industrial Company, a “manufacturer of piano hardware,” adopted the cause of the Jakob Wipf and the Hofer brothers and published and distributed both “Crucifixions” in the Twentieth Century and Desecration of the Dead by American “Huns.” It is reminiscent of how the secular Winnipeg Trades and Labor Council publicized the death of David Wells and demanded an investigation into the circumstances.

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73 Hofer, Desecration of the Dead.
74 Wipf, “Crucifixions.”
75 Hofer, Desecration of the Dead.
surrounding his death. It is true that religious conscientious objectors enjoyed greater sympathy from the public, both during and especially after the war, than political objectors, and in some respects, these secular organizations were expropriating these extreme and tragic examples in an effort to portray them as the face of the typical conscientious objector. But there were also a number of political martyrs, and there were reasons unique to both of these cases, why secular organizations would take interest in them.

Wells was Pentecostal, and the Hofers were Hutterian. Neither of these religious bodies were inclined to publicize the story of their martyrs to the public, certainly not to the extent that a different religious organization such as the Bible Students would publicize the ordeal of Clegg, Naish and other persecuted Bible Students. Wells, in addition to being an adherent of the Pentecostal faith, was a working man, and a member of the Winnipeg Trades and Labor Council, so it was not surprising that they would call for an investigation into the cause of his death.

The involvement of the American Industrial Company in the Hutterites case is a bit more complex. Theodore Lunde, President of American Industrial Company, was a well know Chicago social activist and the father of Erling Lunde who was serving a twenty-five year sentence at the Disciplinary Barracks at Fort Leavenworth, Kansas. Neither father nor son belonged to a peace church, but Erling’s objections were based largely upon religious conviction. He testified at his court-martial defense that he was “out of the rut of orthodox thought,” but that in refusing to become a soldier he was prompted by “deep religious and moral convictions against war, which includes militarism and conscription.”76 The Lunde’s were as determined to follow their conscience as any religious objector and they were as willing to risk martyrdom. Erling, along with Evan Thomas, Howard W. Moore and Harold Gray participated in the

76 Chatfield, *For Peace and Justice*, 82.
notorious hunger strike at Fort Riley. Theodore Lunde was arbitrarily arrested and briefly
detained in the guardhouse after coming to Fort Riley to support his son and the other strikers.77

Crucifixions in the Twentieth Century argued that the suffering that the Hofers and Wipf
endured was “sufficiently startling to quicken the conscience of every American to shame that he
should be even a remote party to such oppression.” It concluded by noting that

… similar sufferings were meted out to all objectors to war, though in many
instances the coercion was not carried to such brutal extremes as in the case of the
Hutterians. But all suffered much the same – Christian and Jew- Socialist and
Moralist; - a thousand of them, and as clean cut and quietly brave group of
Americans as I have ever seen teamed to a common cause.78

The Hofers became martyrs to the nonresistant cause, and their case highlighted the
shortcomings of conscription policy as it was applied to the absolutist objector, however, their
case was extreme. The experiences of religious conscientious objectors were frequently riddled
with inconsistencies. There were moments, even in the experience of many Hutterites, where
they encountered sympathetic military officials.

John D. Unruh writes that “aside from the four men from Rockport [The Hofer brothers
and Wipf] who were severely tortured in Alcatraz and two of whom actually died from this
treatment” it cannot be said that “the treatment on the whole was unbearable.” Unruh notes that it
was “embarrassing; it was decidedly uncomfortable at times, both emotionally and physically; it
was terribly boring; and of course, it was unnecessary and futile” but he adds that “it does not
appear that months of harassment on the part of officials ever made a dent on the unwavering
faith and stubborn resistance of the Hutterian draftees.”79

77 Louisa Thomas, Conscience: Two Soldiers, Two Pacifists, One Family- A Test of Will and Faith in World War I,
78 Wipf, “Crucifixions. ”
79 John D. Unruh, “The Hutterites During World War I,” in Hutterite CO’s in World War One: Stories, Diaries and
other accounts from the United States Military Camps, ed. Stahl, John (Hawley, Minnesota: Spring Prairie Printing,
1999), 94.
Unruh also notes an “apparent paradox in the position of camp authorities.” On the one hand they were “extremely severe and at times almost inhuman” but they were “rather liberal with furloughs.” He cites frequent examples of men being given leave: Zacharias Hoffer was given ten days leave after his child died, and Jacob S. Waldner was given five days when his mother was near death. Unruh also notes that the camp authorities allowed frequent visits from colony ministers.\textsuperscript{80}

Policies toward conscientious objectors in the United States reflected an improvisational character all throughout World War I. This is not surprising considering that this was the first time that large numbers of conscientious objectors had been conscripted into the United States army and there was no real precedent in how to deal with men under military authority who refused to recognize that authority. One consequence of this improvisation was the lack of proper oversight, which encouraged a climate of abuse and resulted in a number of men, who absolutely refused to compromise with military authorities, became martyrs. This improvisational character also created opportunities for determined individuals such as Roger Baldwin and Aaron Loucks to shape policy and influence the outcome for some objectors. Loucks, Baldwin, and others like them played highly controversial roles. While they could justly claim that they were assisting the government in facilitating it policies regarding conscientious objectors by informing the objectors of the rules and regulations pertaining to them and of their rights, the government would have preferred for some of these objectors to have remained ignorant of their rights. Loucks and Baldwin skirted not only what was legal but more importantly what was acceptable to the authorities. Loucks came close to prison for his efforts and Baldwin ended up in jail, after he himself became subject to the draft laws, but both performed vital, if unappreciated, service.

\textsuperscript{80} Ibid., 95-96.
and both had a direct role in shaping the conversation about conscientious objectors and at least an indirect role in shaping government policy.
Lois Bibbings, who studied British policies toward conscientious objectors, concluded that one strategy for “dealing with CO’s and their supporters was to seek to conceal or silence them.” Speaking specifically of Great Britain she notes that “the decision to transfer objectors to civilian prisons was a means of hiding them away.”\(^1\) Canadian policy also encouraged sending conscientious objectors to civilian prisons.

On February 16, 1918 the Militia Council issued Routine Order # 208 “Relative to Conscientious Objectors Offering Passive Resistance.” This Routine Order stipulated that draftees who “allege” that they have conscientious objections to performing military service and “refuse to obey orders, offering passive resistance” but do not come “within the meaning” of Section 11, 1 (f) of the Military Service Act, 1917, which provided exemption “in the case of certain conscientious objectors” will be tried by District Court-Marital and sentenced to imprisonment under Section 9 (1) or 9 (2) of the Army Act. Upon conviction they will be turned over to the civil authorities for custody. However, “their release will be applied for” prior to the departure of a draft for overseas, so that they can be “attached” to that draft and sent “under arrest” with the draft.\(^2\) The motivation for sending conscientious objectors to civilian prisons was the same in Canada and this policy worked reasonably well in hiding the conscientious objector. However, if the purpose was to “conceal or silence” them, attaching them to drafts and sending them overseas “under arrest” utterly defeated the purpose.

Canada’s Routine Order # 208 was one of the most ill-conceived efforts, by either the United States or Canada, to address the problem of the conscientious objector. While the thought


of perfectly healthy men, who except for their refusal to recognize military authority were also law abiding and productive, idling away in prison for the duration of the war was not appealing to anyone, this alternative was even worse. The idea that these conscientious objectors who had been sentenced to prison in Canada for refusing to obey military orders, most going so far as refusing even to wear the uniform, would change their position once they were sent overseas was at best wishful thinking. At best, sending them overseas would pass the problem on to someone else, but any realistic appraisal of this Routine Order would have led to the conclusion that it was ultimately guaranteed to create even bigger problems. In fact, the problems related to implementing this policy were immediately apparent.

On March 4, 1918 General Ruttan, Commander of the Military District that included Winnipeg, asked the Adjutant-General for instructions on how to deal with conscientious objectors released from imprisonment in order to proceed overseas with the draft who “refuse absolutely to wear uniform or perform any military order whatsoever in connection with entraining.” The Adjutant-General replied the next day that “conscientious objectors should be sent overseas with draft.” He allowed for a bit of individual discretion when he added that “if impossible in individual cases return to Civil Authorities for completion of sentence.” Given these instructions, it is little surprise that Ruttan attempted to rid his district of conscientious objectors and send them overseas.

On April 8, 1918 the *Manitoba Free Press*, reported that “in accordance with the new policy adopted by the Union government” four Winnipeg conscientious objectors - Robert Clegg, Ralph Naish, Claude C. Matheson and Cedrick Wainwright, - “all of whom were

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identified with the Associated Bible Students” had been transferred to the depot battalion. It was “understood that they will be sent overseas with the next draft.” The *Free Press* noted that they had been sentenced to the penitentiary just three weeks earlier after being court-martialed for “persistently declining to obey orders at the depot battalion.” The *Free Press* reported that “military authorities will not discuss the matter” but “it is understood that the men have agreed to obey orders in future.” The article concluded by noting that “should their military records be good” military procedure provided that “the penitentiary sentences may be cancelled.” Exactly why military authorities “understood” that the men had “agreed to obey orders in the future” is not explained, but it turned out to be very wishful thinking.5

That same day, April 8, 1918 the Adjutant-General wired General Ruttan that he had received a number of telegrams protesting against Wainwright, Matheson, Naish and Clegg being sent overseas. The Adjutant-General noted that he had not received the proceedings of the District Court-Maritals, and he requested clarification “how and when these men were sentenced whether they have been in custody from time to time and what action is proposed with regard to them.”6 This was surprising considering the Adjutant General’s instructions to General Ruttan just one month earlier, that “conscientious objectors should be sent overseas with draft,” however, it appears that once the Adjutant General had some time to consider the implications of Routine Order #208 he realized that it would certainly be a disaster if it was actually enforced.

While the Adjutant General was waiting for the proceedings of the District Court-Martials, and a reply from Ruttan regarding what action he “proposed with regard to them,” he dispatched a Memorandum to the Secretary of Militia and Defence in which he acknowledged

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5 “Will Go Oversees- Bible Students May Become Good Soldiers Yet,” *Manitoba Free Press*, Monday, April 8, 1918.
that while it was “quite true” that Routine Order #208 called for military authorities to apply for “the release of conscientious objectors sentenced to imprisonment….immediately before the departure of a draft for overseas to which they will be attached, and with which they will be sent under arrest” he nevertheless doubted the “jurisdiction to make this order.” He argued that this was not what was contemplated by the Order-in-Council on the subject, approved as an appendix to Routine Order #205. He added that “even if it were, the Order-in-Council appears to require that the Minister himself should intervene in any case.”

The Adjutant General was not the only official to realize the consequences of Routine Order No. 208. On April 11, 1918 the Militia Council issued Routine Order 433 which cancelled paragraph 3 of Routine Order No. 208, and substituted the instructions that

Any man convicted will be handled over to the civil authorities for custody. If, in the opinion of the District Officer Commanding, there is any possibility of the man in question being persuaded to do his duty as a soldier, application will be made to Militia Headquarters for the suspension of the execution of the sentence under Order-in-Council dated the 4th February, 1918 (P.C. 259) Routine Order No. 205. If the execution of the sentence is postponed, the man’s release will be applied for and he will be attached to a draft for overseas.

Theoretically, this was a great improvement, as it would at least segregate the conscientious objectors and remove those who could never be convinced to “do their duty as soldiers” from military authority which would also prevent them from being sent overseas. However, there were still numerous practical difficulties that remained, not the least of which was the inherent tendency of District Officer’s Commanding to believe that under the right combination of inducements and punishments almost all conscientious objectors could be so convinced to do their duty as soldiers.

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7 Memorandum, Adjutant General to Private Secretary, Minister of Militia and Defence, April 8, 1918, N.A.C., RG 24 A Vol. 2028 Folder 1 (vol. 1. H-Q- 1064-30-67).
Routine Order No. 208 was reversed again, just eleven days later, on April, 22, 1918 when the Militia Council released Routine Order No. 471. Routine Order No. 471 stated that Men objecting to serve on conscientious grounds, will, in future, not be sent overseas, but will be obliged to serve within Canada in the C.E., A.S.C., C.O.C., or on clerical duties, and may be transferred accordingly. Those refusing to obey orders after such transfer, will be dealt with in accordance with the Routine Orders referred to in Paragraph I. hereof. [Routine Orders no 208 and 433]

The provisions of Routine Order No. 208, which called for conscientious objectors to be sent overseas were thus in place for just over two months, from February 16 until April 22, but twelve conscientious objectors were sent overseas in those two months. Routine Order No. 471 said nothing about returning those conscientious objectors to Canada and neither the Government nor the Military made any effort, at that time, to have them returned.

Routine Order No. 471 prevented additional conscientious objectors from being sent overseas, but this did not end the debate, as many members of the Canadian Military were not convinced that this was the correct policy. Various proposals for sending conscientious objectors overseas were debated long after April, 22, 1918. Sometime in July, 1918 Major-General, W.G. Gwatkin, Chief of the General Staff submitted four proposals to the Militia Council for the disposition of conscientious objectors. At that time there are about 100 conscientious objectors “under sentence,” 15 of whom had been tried by general court martial and their sentences were awaiting confirmation.

Gwatkin’s first proposal was to “continue sending them to the ordinary jails and penitentiaries and permit them to serve their sentences therein.” He noted, however, that this proposal had “very grave objections. The men are in many cases not, properly speaking, criminals, and to punish them adequately in this way may arouse public criticism.” His second

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proposal was to “bring them together at one place of detention specially established for the purpose.” He noted that “this has the objection of making these men (who are generally ready to work) of no value to the community.” His third proposal was to “adopt the policy adopted in the United States of not punishing conscientious objectors so found by a special tribunal, but permitting them to work as civilians at privates pay.” He noted that the “difficulty of this course is administrative chiefly. It would be almost impossible to enforce any limitation of pay.” His final proposal was to “organize a special unit for forestry duties in British Columbia.” He noted that there was a

considerable shortage of labour in connection with getting of white spruce timber for aeroplane manufacture and it is thought that these men might be usefully employed in a military organization employed on this duty, the services of all other men available being used in it, whether objectors or not.

The Militia Council replied on July 31, 1918 that it was decided that “this matter should be held in abeyance pending further consideration; and that in the meantime a memorandum should be prepared for the Minister.”

Major Grego Barclay, the Assistant Judge Advocate General, prepared this Memorandum which he submitted to the Judge Advocate General on August 8, 1918. Barclay wondered if there was not “a fifth way of dealing with these men.” Barclay argued that if they can be forced to work in a special forestry unit “there can be no objection on conscientious grounds, for having them do similar work in France or England- preferably the former.” He reasoned that “if they are prepared to do non-combatant service at all, their objection to perform it in any particularly place must surely be based on something other than conscientious grounds.” He noted that the trouble with the forestry unit option was that “many of them refuse to perform non-combatant service of any kind.” He argued that if they refuse to work in the forestry unit, there is no alternative but to

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“leave them in the ordinary jail or penitentiary to serve their sentences, or else liberate them altogether.” He objected to releasing them as he was convinced that this would “arouse much more public criticism than the punishment of these men by leaving them in jail for refusing to perform the ordinary duties of citizen of this country.” He concluded by noting that “if they are sent overseas, whether they like it or not, they can be dealt with in England.” Before making this suggestion Barclay might have benefited from inquiring how the twelve Canadian conscientious objectors who were already in England were getting on. Had he done so, he likely would have decided against sending more.\(^{11}\)

England certainly was not the place to deal with problems that could not be solved in Canada. As Desmond Morton points out in *A Peculiar Kind of Politics*, the situation in England was already plagued by numerous problems not the least of which were the uncertain lines of authority relative to the British government, the endless reorganizations of a confused Canadian command system and the high degree of political interference in all matters pertaining to the C.E.F.\(^{12}\)

Canadian military officers in England could perhaps be comforted by the fact that they only had to deal with a dozen Canadian conscientious objectors, as a number of conscientious objectors were nearly sent overseas long after Routine Order 471. As late as May 27, 1918, a full month after Routine Order # 417, the Adjutant General wired the General Officer Commanding Military District No. 2, in response to complaints, that Privates TG Wilkie and Norman Merkel both conscientious objectors had been “included in overseas draft leaving for East immediately.” The Adjutant General reminded the Commanding Officer that if the men were “bona fide

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conscientious objectors” they “should be dealt with under RO four seven one and not sent overseas.” Perhaps, not entirely convinced that this message would be complied with he concluded the wire by instructing the Commanding Officer to “report action taken.”

The presence of conscientious objectors in the drafts sent overseas placed Military officers in a difficult and unprecedented position. They tried, first on the troop transport and then again in England, to make them obey military commands. Just as they had done in Canada, the conscientious objectors informed the military officers of their conscientious objections and then refused to follow orders. There was a great deal of uncertainty as to how to handle these men once they had made their intentions clear. Overseas Headquarters requested further instructions from Ottawa, as well as clarification whether the sentences handed down by previous court-martials had been remitted or suspended.

On May 3, 1918 the Adjutant General informed Overseas Headquarters that it was “not open” to the soldiers “to set up as a defense to military service, a conscientious objection.” The Adjutant General noted that Section 11 of the Military Service Act of Canada provided that “an application may be made to a local tribunal established in the Province in which a soldier ordinarily resides for a certificate of exemption.” He also noted that “the Act further provides for appeals from local tribunals.” The soldiers in question of course were no longer in the Province in which they “ordinarily resided.” For this reason the “opinion” was “given that any person drafted for service under this Statute must put forward his right to exemption on conscientious grounds before one of these tribunals in Canada and that it is not open to him to raise his conscientious objections by way of defence to a charge laid under the provisions of the Army Act.” The Adjutant General added that “conscientious objectors under the British Military Service Act are similarly dealt with and it is not understood that any objections on conscientious

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13 Adjutant General to G.O.C. M.D. #2, May 27, 1918.
grounds will be allowed as a defense against a charge under the Army Act.” For these reasons
the Adjutant General requested that the “soldier be dealt with in the ordinary way in case he
gives any trouble.”\textsuperscript{14}

Apparently, out of an abundance of caution that his absurd ruling might be misconstrued,
the point was repeated in a second wire, sent the same day, also from the Adjutant-General also
to Overseas Headquarters that “these soldiers will be dealt with in the usual way and trained as
reinforcements, and in case they give any trouble, they will be disciplined in the same manner as
other soldiers are disciplined.”\textsuperscript{15}

That same day, May 3, 1918, the Adjutant-General forwarded information on nine
conscientious objectors to the Militia Council. The Militia Council was informed that “the
directions to the Officer Commanding Canadian Troops at Seaford …… outline clearly the
procedure taken against soldiers arriving from Canada with drafts, who claim to be conscientious
objectors. Already two have been tried by District Court Martial and sentenced to two years
detention each.” The Adjutant-General also requested that “in cases where soldiers undergoing
sentence of imprisonment, are dispatched to England with drafts, that a record of whether the
sentence has been remitted or suspended, be sent with the documents.” The Adjutant-General
informed that Militia Council that “in the meantime, the nine soldiers in question are being dealt
with in the usual way and are being trained as reinforcements.”\textsuperscript{16}

These unfortunate conscientious objectors, who were truly in a legal limbo, received
harsher, more sustained physical and psychological abuse than all but a few conscientious
objectors in either the United States or Canada. A Special Edition of \textit{The Golden Age} on

\textsuperscript{14} Adjutant General to Headquarters, Canadian Troops, Seaford, May 3, 1918, N.A.C., RG 24 A Vol. 2028 Folder 2
\textsuperscript{15} Ibid.
September 29, 1920 noted that England “became famous during the war for two centers of persecution where crimes against Christian conscientious objectors were committed such as to make the blood run cold.”

The first of these centers of persecution was Seaford Camp in Sussex. It was at Seaford that O.K. Pimlott, of Belleville, Ontario was dragged over knolls and dales by the feet, was kicked repeatedly, was pushed, kicked and punched around a field several times while officers watched from the hillside. Was beaten over the head with boxing gloves until unconscious, was bunted by the Sergeant Major with his shoulder and kicked again and again with heavy boots. Was thrown into a trench and again knocked unconscious.

Sydney Ralph Thomas of Haliburton, Ontario had “somewhat similar experiences” at Seaford. After stating that he was a conscientious objector and refusing to drill, Thomas was…

...kicked, punched, and goaded with sticks; was struck upon the head by a policeman and knocked unconscious; was dragged to feet again and goaded in ribs with stick for an hour and a half; was dragged shoved and kicked several miles into the country to the edge of a 150 foot precipice and threatened to be thrown over; was dragged by the feet and pounded over the head and face with gloves until blood flowed freely. This was repeated each morning for two and one half hours, and the same in the afternoon. Ten instructors took turns in beating him, threatened to bayonet him, shoved fingers into nostrils, pulled hair, jammed head into wall, shoved him against target and fired at him from other end of range, tried to shoot him at close range and cursed because the gun would not go off, knocked him into a trench and pounded him with the butt of a gun until unconscious.

Most of this brutal treatment at Seaford Camp in Sussex was meted out by fellow Canadians.

Sydney Thomas’ primary tormentor was Sergeant George Thomas, of Renfrew, Ontario.

Robert Clegg and Ralph Naish, who had been at the center of the Minto Street Barracks controversy, had experiences at Seaford that “were along the same lines” as Pimlott and Thomas.

Trained boxers, having on boxing gloves, were employed to strike these men as hard as they please. In one of these one-sided bouts Clegg was knocked down three times in succession and one of his ribs was fractured. While here he was forced at the point of a bayonet to attend religious services conducted by those whom he believed to be hypocrites, was doused with a pail of cold water, and
shoved, pulled, dragged, and kicked back to his hut, covered with mud from head to foot, reaching there more dead than alive.17

On June 7, 1918 the Adjutant General wired the Overseas Headquarters concerning nine conscientious objectors including both Clegg and Naish. He referred to Routine Order No. 471 and noted that it “was published as it was considered that conscientious objectors would be more trouble to you overseas than their service would be worth.” The Adjutant General said nothing about the conscientious objectors being returned to Canada, though he did suggest that “you might consider it advisable, under the circumstances, to have these men transferred to non-combatant units.” Of course this suggestion would solve nothing as the Bible Students and most of the other objectors refused to accept work in noncombatant units.18

The initial reports in the Canadian Press presented a very different portrayal of the experience of the conscientious objectors in England. On June 11, 1918 the Manitoba Free Press reported that “according to word which has reached Winnipeg,” Privates Clegg and Matheson “conscientious objectors are now ‘making good’ at a military training camp in England.” The article added that it was “expected that they will soon go to France.”19 This irony of this last statement is that the Free Press seems to be assuming that Clegg and Matheson will “soon go to France” as soldiers, when if they went at all, it would more likely have been as conscientious objectors. Great Britain had its own peculiar solutions to its conscientious objector problems. Lois Bibbings notes that “A number of objectors were sent to the front in France, where they would face death for further disobedience. None were shot, for although a number were sentenced to death, their punishment was subsequently commuted to penal servitude.”20 This

17 The Golden Age, Special Issue, Volume, No. 21, September 29, 1920, 710.
20 Bibbings, “Conscientious Objectors in the Great War,” 133.
policy was eventually discontinued as it proved utterly inefficient and imposed terrible burdens upon the military.

Eventually, military officials in England realized, as military officials in Canada had a few months earlier, that the best way to deal with these conscientious objectors was to court martial them and send them to civilian prisons. F.C. Wainwright, of Winnipeg was “shifted from one group of officers to another” before being sent to “England’s crowning shame, the Wandsworth prison, the most cruel military prison known.” The prison had two mottos, “We tame lions” and “We make or break you.”

No exercise was permitted at Wandsworth except as was obtained periodically by being kicked, cuffed and clubbed on back and legs until the blood flowed freely and the body was covered with bruises. For appearances sake, the men employed to administer these beatings, kickings and clubbings, were not allowed to mark the face, but had full liberties with all other parts of the body. These kickings, beatings and clubbings sometimes continued for two hours at a time. When unable to stand, from pain and weakness, the men were dragged back to their cells.  

Wainwright was joined at Wandsworth by John Gillespie, Robert Clegg, H.R. Naish, and Claude Brown, all of Winnipeg, and N.S. Shuttleworth, of Brandon Manitoba, all of whom, like Wainwright were conscientious objectors, who “had filed affidavits claiming exemption from participation in war, as provided for in the Militia Act of Canada.”

John Evans, a Christadelphian was also imprisoned at Wandsworth. After being inducted into the army and in early January 1918, Evans was taken under escort to the camp at Niagara Falls where he was forcibly dressed and severely beaten by a sergeant. He was later sent to England and on June 20, 1918 he was sentenced to the notorious “Glass House” the military division of London’s Wandsworth Prison. There he was repeatedly beaten. One day he was

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21 The Golden Age, Special Issue, Volume, No. 21, September 29, 1920, 710
summoned to a room set up for a military law court, which he learned “was to substantiate evidence concerning the abuse I had received by the barbaric sergeant at Niagara Falls.”

Evans was surprised to learn that they had “the complete details of the cases which they presented to me concerning which I affirmed was a true account of the incident.” He was then returned to his cell and “after this, except for the continuation of my bread and water diet, I received no further brutal treatment.” Evans realized that it must surely have seemed ironic to some in that court room to hear a prisoner substantiating evidence concerning the preparation of a military legal charge against a malefactor in Canada, when far more atrocious acts were being committed against the same prisoner by the same body that was supposedly defending him, in the very building which housed the court.”

Certainly everything about the experience of the Canadian conscientious objectors at Seaford Camp and Wandsworth prison was ironic, but Evans certainly experienced one of the more bizarre moments.

*The Golden Age* noted that “prior to the passage of those men through Wandsworth Prison the claim had been made that no prisoner had ever been sent there but what had been finally forced to yield to the will of the officers and obey orders.” The conscientious objectors may have walked out of Wandsworth without agreeing to serve in the military, but the prison experience extracted a toll upon all of them. *The Golden Age* noted that “none of these men have ever recovered the shocks to their nerves caused by the terrible treatment inflicted upon them, nor have they ever been recompensed for time taken.”

*The Golden Age* presented a disturbing but accurate account of the experience of the Canadian conscientious objectors in England. It was brutally honest in its criticism of the

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22 Peter Brock, ed. *These Strange Criminals*: An Anthology of Prison Memoirs by Conscientious Objectors from the Great War to the Cold War. (Toronto: University of Toronto, 2004), 91.
23 Ibid., 96.
24 *The Golden Age*, Special Issue, Volume, No. 21, September 29, 1920, 710.
Government for drafting then implementing this plan. This harsh criticism, even coming almost two years after the war ended, raised the ire of conscriptionists.

C.T. Hamilton of the Royal Canadian Mounted Police wrote Colonel A. Clyde Caldwell, Militia Headquarters on November 2, 1920 to inform him that *The Golden Age* was “the organ of the International Bible Students’ Association” which he described as “a sect which under the name of religion exercises a pernicious influence by stirring up animosity against the Government, and by inculcating the idea of the inevitability of a revolution in the minds of persons who normally would be law-abiding citizens.” Hamilton added that “this sect is denounced in the pamphlet recently issued by the Department of Labour.” He regretted however, that “proceedings cannot be taken in the ordinary way, the prohibition of the paper having lapsed.”

The number of conscientious objectors actually sent overseas was, mercifully, quite small, apparently just twelve men in all. Sending these men overseas solved none of Canada’s problems but it created tremendous difficulties for the Canadian military and for the Britain Government which had its own conscientious objectors and public relations problems. The conscientious objectors were not in England long before military authorities realized that most would not agree, even to noncombatant military service, and began lobbying to send them back to Canada.

On September 11, 1918 Canadian Headquarters in London sent a coded telegram to the Militia Department in Ottawa which stated that “we have 12 conscientious objectors now undergoing detention for refusing to obey Military Orders, with exception of 2 about whom no information available all applied in Canada to Tribunals but claims rejected as not belonging to

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recognized sect.” The telegram continued that three had agreed to join non-combatant units and were being released, but the

balance refuse absolutely to join any non-combatant unit, will not obey any orders. If kept here, they must be Martialled from time to time and sentenced to detention or imprisonment, as your policy is to deal with conscientious objectors in Canada and as these men were sent over in error, think you should agree to our returning to Canada 9 referred to as undesirable, after which, on further refusing to obey orders, you can Court-Martial and punish as thought proper.

The telegram concluded with the unusually blunt statement that “these men are of no use here, are constant menace to other soldiers undergoing detention with them. Trust every care will be used in sending over any more of this class.”

Eventually, the military authorities conceded that their effort to send conscientious objectors overseas had been a failure. On September 17, 1918 a circular letter to all District Officers Commanding Military Districts was drafted that announced that it had been “found necessary to agree to the return from overseas of certain conscientious objectors who were included in drafts, notwithstanding the provisions of R.O. 471” The circular letter added that “care will be taken in future to see that no men who cannot be made to perform military service are sent out of Canada.” It concluded by noting that “such proceedings as may be necessary to punish them will be taken here and any sentences imposed upon them will be served in Canada.”

On October 9, 1918 Headquarters of Overseas Military Forces of Canada, having received permission “to return to Canada of a number of conscientious objectors, now undergoing sentences of detention and imprisonment in this Country” forwarded to the Militia Council a list of 10 conscientious objectors for which arrangements were being made to return to

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26 Coded Telegram, ADCANEF [Canadian Headquarters in London] to Militia Department, Sept 11, 1918, N.A.C., RG 24 Vol. 5953 HQ 10-64 30-67 Vol. 3.
27 Confidential Circular Letter no. 382 to All District Officers Commanding Military Districts, Treatment of Conscientious Objectors, September 17, 1918, N.A.C., RG 24 Vol. 5953 HQ 10-64 30-67 Vol. 3.
Canada “at an early date.” The correspondence did not describe the treatment that the conscientious objectors had received in England, but it did note that all of the men on the list had “been offered and refused the alternative of service in non-combatant Units.” Their cases had been “most thoroughly investigated and, the opinion of all officers who have come in contact with them is that they hold bona-fide conscientious objections.” The conscientious objectors were eventually returned to Canada, arriving on Armistice Day, November 11, 1918. They were promptly given dishonorable discharges and released from the army.

Sending conscientious objectors overseas with military drafts was an ill-conceived plan from the very beginning. The fact that it was implemented at all, suggests that the Militia Council did not really understand the conscientious objectors they were dealing with. At the very least the Militia Council doubted their sincerity or underestimated the depth of their conviction. However, the alternative, sentencing conscientious objectors to civilian prisons, at a time when essential industries went wanting for labor, was hardly an ideal solution.

The reluctance to rely upon this solution is made clear in a letter from the Judge Advocate General to the Deputy Judge Advocate-General, Military District No. 12, Regina, Saskatchewan dated September 17, 1918. The Judge Advocate General wrote that “in the present circumstances it is most undesirable to send to prison men who are not really criminals, and if they must be sent to prison they should receive no heavier sentence than the public interest compels.” He offered the practical suggestion that “every effort should be made to confine the necessity of penal proceedings to those men who are really available for service.” He explained that men in category “B” or “C” should “when the service of men in these medical categories are not in demand, be ascertained to be medically unfit before it becomes necessary to give them an

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order, the disobedience to which must, in the interest of discipline, be the subject of a trial.” He argued that:

…it is better that an honest conscientious objector whom penal proceedings will not frighten should be given the benefit of the doubt, as far as his medical category is concerned, rather than that he should be placed in category “A” with the result that he must inevitably be sent to the penitentiary.

He conceded that in the case of physically fit men who “refuse to perform military duty of any kind, or who refuse without good faith to perform combatant duty, although willing to undertake non-combatant service” the public interest would best be served by “very heavy sentences.” He was confident that “the heavy punishment of one or two men is likely to deter from raising conscientious objections any but the most honest and convinced of fanatics, and leniency in hearing cases is, I think, likely to result in many refusals causing more widespread, if less poignant, suffering.”

The Judge Advocate General, while believing it was necessary to make examples of a few men who “refuse to perform military duty of any kind,” clearly understood that there were some “honest conscientious objector” whom penal proceedings would not frighten, and he understood that it was in the “public interest” to avoid, as much as possible, conscripting these men, because the only alternative would be to sent them to the penitentiary. He was not authorizing the improper assignment of low medical categories, but as that was a frequent occurrence anyway, one obvious conclusion from these instructions was that the Judge Advocate General was not going to be too concerned if “honest conscientious objector” who if conscripted would “inevitably be sent to the penitentiary” were instead “ascertained to be medically unfit.”

The Militia Council deserves a fair amount of criticism for Routine Order No. 208, however, there was no ideal solution to this problem. Canadian officials, however, cannot be

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29 Judge Advocate General to Deputy Judge Advocate-General Military District No. 12, Regina, Sask. September 17, 1918, N.A.C., RG 24 Vol. 5953 HQ 10-64 30-67 Vol. 3.
faulted for a lack of effort in seeking alternative that would have been more amenable to all involved: the conscientious objector, the military, and public opinion.

On July 15, 1918 the Naval Recruiting Secretary wrote General J.L. Bigger, of the Department of Militia and Defence in reply to an earlier inquiry about the possibility of the Navy employing conscientious objectors as cooks. The secretary stated that under certain conditions conscientious objectors could be “enrolled in the Naval Service, to train as cooks.” He added that there was indeed a need and that forty cooks were “now urgently required” but he stated that the conscientious objectors would have to be willing “to serve continuously until 6 months after peace is declared and that they would serve either ashore or afloat in any part of the world.” They would also “be under exactly the same conditions regarding naval discipline as combatant ratings.”

Apparently, the Department of Militia and Defence was inclined to agree to these conditions but eventually realized that they would be impractical. Bigger did not reply until August 9, when he informed the Secretary that “the list of men under sentence as conscientious objectors has been carefully gone over, and it appears most unlikely that any such number as forty will, under any circumstances, be made available for your purposes, in view of the restriction to men who are likely to volunteer.” He added that “almost every one of the conscientious objectors now in confinement have refused to perform military service of any kind, although they have been given an opportunity to do non-combatant service.” He concluded by noting that “enquiries as to their readiness to enlist would involve communication with the

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30 Naval Recruiting Secretary to General J.L. Bigger, Department of Militia and Defence, July 15, 1918, N.A.C., RG 24 A Vol. 2028 Folder 3 (vol. 2. H-Q-1064-30-67).
wardens of jails and penitentiaries, and it is not thought that the results obtained will be of much value.”

The lack of promising alternatives in Canada kept the idea alive of sending conscientious objectors overseas far after it should have been discarded. On August 21, 1918 the Militia Department cabled Canadian Headquarters in London informing them that “we have in custody about 100 conscientious objectors who refuse perform military service.” They asked “have you means of employing a limited number of the less refractory?” Three days later, on Aug 24, 1918 they were informed that they had “no means of employing any conscientious objectors,” and that the ones that were already there were “troublesome,” and that they were awaiting the Minister’s decision “as to disposal.” To ensure that there was no misunderstanding they added “please enquire that no more proceed to England, as your Minister understands situation here.”

31 General J.L. Bigger, Department of Militia and Defence to Naval Recruiting Secretary, August, 9, 1918, N.A.C., RG 24 A Vol. 2028Folder 3 (vol. 2. H-Q-1064-30-67).
32 Department of Militia to ADCANEF [Canadian Headquarters in London], August 21, 1918, N.A.C., RG 24 A Vol. 2028Folder 3 (vol. 2. H-Q-1064-30-67).
CHAPTER 14. THE BRITISH-AMERICAN CONVENTION AND THE HUTTERITES

Canadians wishing to legally enter the United States during the war had to first obtain a permit. H.A.C. Machin, Director of the Military Service Branch noted that there were a “great many applicants” for these permits and the head of the department “came into personal contact with the applicants, and was enabled to calculate whether a man’s category, as shown on his file, seemed consistent with the man’s appearance.” Based upon these observations “a considerable number of these men in low categories were sent before a Medical Board of Review and raised to category “A.” It was not difficult, however, to enter the United States without a permit.

One of the greatest challenges to the successful implementation of conscription in both Canada and the United States was the long, porous border between the two nations. Edward S. Barr of Gunflint, Minnesota, publisher of *The Marshfield Times: The Dairy Belt Newspaper* wrote to Senator Paul O. Husting on April 24, 1917 to report that “it has been suggested in various remote sections of the international boundary between our country and Canada, that watchmen may be necessary at some points to prevent the passing of people whose business is not all regular.” Barr cited the fact that “several parties of deserters from the Canadian troops and some seeking to escape Canadian Over-seas service have gone across without the formality of reporting.” He pointed out that “there is no customs here, and this is the best crossing for many miles east and west.” He warned that “in the summer it will be the principal passage by canoe.”

Likewise, it was easy for United States citizens to enter Canada. The Everett Commercial Club, of Everett, Washington, reported in May 1917 that “men eligible for military service under the pending army bill should it become law (as it no doubt will very shortly) are leaving the State

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of Washington and going to British Columbia, thereby avoiding the draft.” American consuls in Canada were “charged with the duty of filling out and authenticating the registration cards of such American citizens as desire to register” but American citizens were not required to register by either United States or Canadian law, until late in the war when finally a more systematic policy- the British-American Convention - was finally enacted.

It took “many months of strenuous efforts” before the Convention, negotiated directly between Canada and the United States covering the rights of one country in drafting for military service citizens of the other, was finally ratified “at request of the Government of Canada, and the United States” by Great Britain on July 30, 1918. It is interesting that it took so long to ratify this Convention as its terms were advantageous to both sides, and both governments seemed eager to reach an agreement. The Convention required that British citizens, between the ages of 20-44, both inclusive, who had been resident in the United States for at least thirty days, and United States citizens between the ages of 18-45, both inclusive, who had been resident in Canada for at least thirty days, to enlist or enroll in the forces of their own country; to enlist or enroll in the forces of their country of residence; or to claim diplomatic exemption. Those who did nothing by September 23, September 28, or October 12, 1918, depending upon their ages, would automatically become subject to the draft laws of the country in which they resided.

It was felt that Canadian and United States citizens were “serving the same cause no matter under what colours,” so no particular campaign of publicity was carried on to acquaint Canadians living in the United States with their choices under the Convention.4 Preparations were made “to dispose rapidly of perhaps 50,000 claims” however, this estimate turned out to be

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2 Miles Poindexter, United States Senate, Washington to Honorable Newton D. Baker, May 15, 1917; Box 5; General Correspondence 1917-1919; Provost Marshal General's Office, Record Group 163; National Archives College Park, MD (NACP.)
4 Ibid., 19.
“greatly exaggerated.” A total of 1,655 applications were made through the Military Service Branch for diplomatic exemption. 328 were granted on the ground of physical unfitness; 381 were granted on other grounds; 303 were refused; 278 were withdrawn; and 363 were “scheduled but in effect refused either through their advancing no claim or through the applicant being outside the scope of the Convention.”\(^5\) Machin noted that registration of United States citizens resident in Canada, involved “a great deal more consideration and labour.” A total of 32,072 United States citizens registered, 18,369 of whom were “consular registrants or had otherwise enrolled with the forces of the United States,” 3,066 were in Class 2-6, as defined by the Military Service Act, 2,245 were within Class 1 and claimed Canadian exemption, 8,257 were unclassified owing to the fact that their questionnaires had not been returned, a mere 132 were within Class 1 and reported for service. Even fewer, just 13, received diplomatic exemption through the American Consul General.

Because the majority of the United States citizens who fell within Class 1 and were not consular registrants were western farmers and would have valid claims for exemption, Machin estimated that no more than 500 would “have become soldiers in our forces.”\(^6\) Even this number was not realized because the war ended shortly after the Convention went into effect. Machin nevertheless justified the Convention, arguing that it “doubtless operated beneficially to the United States draft; and moreover it certainly became a very effective and useful instrument in the hands of the British-Canadian Recruiting Mission for the procuring of recruits for the Canadian Force among British subjects residing in the United States.” Furthermore, he stressed that the “cordial relations with our friends to the south” had been improved by treating all United States citizens “with the greatest consideration” and of interpreting the

\(^5\) Ibid.

\(^6\) Ibid., 20.
very stringent regulations drawn up covering their obligations under our military law in a spirit that ensued the understanding that such regulations were designed to punish real offenders and were not to be rigidly enforced for purely technical default or omission, where in fact no real or intended default existed.\textsuperscript{7}

One group that caused many conscriptionists to question this policy of treating United States citizens “with the greatest consideration” were the religious conscientious objectors who emigrated to Canada during the war.

Canadian Mennonites, who lived in western Canada, were protected by the Order-in Council of August 13, 1873 and completely except from any obligation under the Military Service Act, while Mennonites from Eastern Canada were, like Mennonites in the United States, granted an exemption from combatant service only and were still liable for non-combatant military service. This peculiar situation, in which the type of exemption granted, whether it applied to all military obligations or only combatant service, was dependent not only upon the individual’s conscience and the creed of their church, but also the province in which they lived, and then later when they entered Canada, and from where they came, applied only to Canadian Mennonites and Doukhobors. The apparent inconsistency in government policy caused many to question the underlying logic, and even the legitimacy, of the government decision and encouraged critics of conscription to press for more generous and compassionate treatment for all conscientious objectors.

The reluctance to grant a blanket exemption to Canadian Mennonites was influenced, at least in part, by reports of Mennonites, and Hutterites, from the United States coming to Canada in great numbers after the United States passed the Selective Service Act. Sensationally inflated estimates of the number of draft avoiding immigrants, ranging from 30,000 to 60,000 individuals were widely cited in the press, and quoted in debates in the House of Commons. The Honourable

\textsuperscript{7} Ibid.
J.A. Calder, Minister of Immigration provided a more realistic estimate when he placed the number at approximately 600 Mennonites and 1,000 Hutterites who entered Canada in 1918. Most postwar estimates agree with Calder’s figures. Whatever the exact number this influx of settlers created real problems for the Canadian government. They also, to a lesser extent, created problems for the United States government which was surprisingly indifferent, not only to them, but to all Americans who, for whatever reason, left the United States for Canada during the war.

These immigrants from the United States encountered hostile public opinion and angry demonstrations throughout western Canada. Canadian Mennonite ministers were suspected of signing exemption certificates rather indiscriminately, without regard to the bearer’s church affiliation or citizenship status. David Toews, Bishop of a church in Rosthern, Saskatchewan and chairman of the Conference of Mennonites in Central Canada, referred to informally as the “Bishop of Canada,” was at the center of one of these controversies.

Toews had been a member of the delegation of “Elders of the Mennonite Church” that had traveled to Ottawa in April, 1918, to discuss the issue of exemptions with H.A.C. Machin. Toews had been specifically authorized by Machin to counter-sign exemption certificates issued by ordained ministers. Toews become involved in a dispute with another minister, Klass Peters, who had once been a Mennonite but had later joined the Church of New Jerusalem. Toews contested Peters’ authority to sign exemptions insisting that his signature was the “only one recognized by the Headquarters, M.D. 12 as a properly qualified Bishop to countersign

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9 Allan Teichrowe for instance estimated that between six and eight hundred Mennonites and a thousand Hutterites moved from the United States to Canada, mostly to the prairie provinces in 1917 and 1918 Allan Teichrowe, “World War I and the Mennonite Migration to Canada to Avoid the Draft,” *Mennonite Quarterly Review*, 45 (July 1971), 219-49.
Mennonite certificates issued by Mennonite ministers.”¹⁰ Toews urged the government to bring charges again Peters, who he referred to as “an alleged Minister of the Mennonite Faith.” Peters was convicted on November 28, 1918, of having issued unauthorized exemption certificates. He paid a small fine and was released without serving any time.¹¹

Toews was extremely careful when he signed exemption certificates, and his authority to sign the certificates was clear, still he was also accused of fraudulently issuing exemptions. Toews vigorously defended himself, disputing the allegation that he had “committed fraud” in a letter to Minister of Immigration Calder. He noted that he had “had more to do with the signing of the certificates than any other Mennonite in Saskatchewan” and declaring that “in everything we did in connection with the Military Service Act, we have earnestly sought the direction of the authorities.” He demanded an investigation “if insinuations are made that there is fraud” and stated that he should be jailed if there was any truth to the allegations. He then included a passionate defense of Mennonites in general, rejecting that accusation that they were “parasites.” He argued that Mennonites supported themselves by “honest labor” and added that they did not “require anybody to shed his blood for us.” He concluded by arguing that they would rather die or “languish in prison or leave our homes and again settle in some God-forsaken wilderness” than serve in the military. Toews lamented that although

… everybody knew at the time of the last election, who was a Mennonite. Neither the registrar nor the members of tribunals or the public seem to know it now. We are asked whether a man is baptized or not, where he comes from, and whether the man and his parents have continuously and strictly followed the course of teaching set out by the articles of faith. We claim that there is no man on earth who continuously and strictly follows the teachings of his church.¹²

¹⁰ “Synopsis of Evidence to be Expected of Reverend David Toews”, N.A.C., RG 24 Vol. 115, file HQ 7168-1 pt. 1 7168 1 vol. 2.
¹¹ D.A.A.G., C.M.P.C., Ottawa, Ont. to Provost Marshal Canada, November 29th, 1919  Rex vs. Klass Peters.
The charges against Toews ultimately amounted to nothing. The Superintendent of Immigration, W.D. Scott reaffirmed that “any Mennonite, Dunker, or Amish, who produced a certificate from a recognized bishop of the church to the effect that he was, prior to July 6, 1917, and still is, a bona fide member of the church, is regarded at the present time as exempt from the provisions of our military act.”

The Mennonites were watched carefully by their neighbors and every fault was magnified, but despite occasional missteps they were for the most part extremely well behaved and, apart for their opposition to the war, remained model citizens. Still the constant attacks from their fellow Canadians were hurtful, especially when there might have been some underlying truth to them. Toews was an articulate and capable defender of Canadian Mennonites, which made him a prominent target. One Saskatoon paper described a Mennonite who had to appear in court for being drunk and engaging in “anti-social behavior.” The paper noted that “if Mr. Toews would have been there he would have sworn on it that Hamm was a good Mennonite!” Toews was perhaps being overly self critical when he admit in his memoirs “a large number of Mennonite young men behaved unseemly. Without consideration of the reputation of the Mennonites they visited the pool halls and the dance floors.” He noted however that “when they were placed in military camps they wanted to be freed.”

Thomas Socknat notes that “most Mennonite youth emigrated alone. With the encouragement of their families, they slipped across the border in underground fashion throughout the war years.” Mennonites from every sect moved, or contemplated moving, to Canada after the United States passed the Selective Service Act, but the Hutterites, who lived

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14 Ibid. 98.
and settled communally, attracted an inordinate amount of controversy on both sides of the border. The Hutterites, were a relatively small sect of Anabaptists, closely related to, but distinct from Mennonites. They followed the teaching of Johanm Hutter who was burned at the stake in Innebruck, Austria in 1536. Although they shared a common history and doctrine with the Mennonites, they were significantly different in a few respects, most notably in their practice of communal living and holding “all things in common.”

The Hutterites first arrived in the United States, from Russia, in 1874, part of the same migration that brought about 18,000 Mennonites to North American. They established Bruderhöfe, or communities of brethren, in South Dakota where they practiced common ownership of all property. Dr. Victor Peters, author of *All Things Common: The Hutterian Way of Life* points out that although the Hutterties all settled in the United States, they were also well known to Canadian immigration officials. In 1873 Hutterian representatives had visited Manitoba, together with the Mennonite delegation. The Hutterites considered moving to Canada again at the start of the Spanish-American War in 1898 and sent a three man delegation to Winnipeg. The immigration office in Winnipeg likewise sent an agent to visit the South Dakota colonies. This agent reported to Ottawa that “any inducement possible should be made to secure them.”17 In 1899 the Hutterites actually established a colony on the Roseau River east of Dominion City, in Manitoba. An Order in Council (1676) was passed on August 12, 1899 which stated that “it is expedient to give them the fullest assurance of absolute immunity from military service, not only to those who have already settled, but also to those who may settle in the future.”18 However, this colony was on poor land that was susceptible to flooding and with the

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18 Order in Council PC 1676, August 12, 1899.
Spanish-American War long over the Hutterite colonists abandoned Canada after only five years and returned to South Dakota.\textsuperscript{19} In 1915 there were about 1700 Hutterians, adults and children, living on fifteen colonies in South Dakota and two in Montana. Peters argues that “perhaps the most characteristic feature of these colonies was their complete seclusion. They took only a passive interest in the world about them, and the world in turn took no notice of them.”\textsuperscript{20}

After the United States entered the war, the Hutterians sent a three member delegation to “persuade government leaders in Washington that since not a single Hutterian sentenced to prison or military camps had changed his position, the government should provide some alternative for military service for young Hutterians.” The delegation made no secret of the fact that if the government refused to make such an alternative available they were willing to consider emigration.\textsuperscript{21} This was no idle threat. Hutterite leaders had once again begun to negotiate with Canadian immigration officials in 1917. The commissioner of immigration in Winnipeg reported to Ottawa on January 30, 1918 that “it would appear to me that these people are very desirable; that they are clean, honourable, industrious and law abiding, and that if they could be assured…. that the conditions…. provided for in Privy Council No. 1676 of August 12, 1899, would apply to them, they would be satisfied.” The Deputy Minister of the Interior approved of this plan.\textsuperscript{22}

There were several factors that compelled the Hutterites to seriously consider leaving the United States for Canada. Fifty-six Hutterites were conscripted. Many of them were sent to Camp Funston as nonresistant conscientious objectors. In November 1917 Jacob Hofer, John J. Wipf, and J.B. Entz, all from Alexandria, South Dakota, attempted to bribe officers at Camp

\textsuperscript{19} Peters, \textit{All Things Common}, 48.
\textsuperscript{20} Ibid., 43.
\textsuperscript{21} This delegation consisted of David Hofer, Elias Walter, and Joseph Kleinsasser.
\textsuperscript{22} Department of Citizenship and Immigration, file 58764, quoted by Peters, \textit{All Things Common}, 48.
Funston to release the fourteen Hutterites then in camp. A federal grand jury at Topeka, Kansas indicted Hofer on April 9, 1918 for the actual payment of $200, Wipf for writing a letter offering to pay $2000, and Entz for being an accessory to both actions. The three were released on bond until June 1920 when Hofer and Wipf were found guilty and fined $100 each and Entz was found not guilty.23

Like the other historic peace churches, there were also a small number of Hutterite men who voluntarily served in the military. The Aberdeen Daily News, reported on Robert Kleinsasser, a Hutterite from Mitchell South Dakota who felt that the war was “God’s war and if God don’t win the world is doomed to destruction.” Kleinsasser volunteered, and asked to be assigned to either the infantry or artillery. Ironically, his poor eyesight relegated him to the noncombatant medical corps.24

The Hutterites colonies, like communities of religious conscientious objectors elsewhere, were under intense pressure from their neighbors to participate in the “voluntary” Liberty Loan drives. Unruh confirms that some of the Hutterite colonies made concessions to this pressure. The Bon Homme Colony purchased $5,000 in Liberty Bonds on May 30, 1918 and the Huron colony contributed $512.85 to the Red Cross. They recognized that it was a sin to support the war but they justified their purchase by arguing that it was “not a great sin to help the government.”25

After their unfortunate attempt to secure the release of their young men through bribery had failed, with no prospect that Washington would establish a suitable alternative to military service for conscripted Hutterites, with the pressure from the surrounding communities increasing, and with an invitation from Ottawa to settle on the Canadian Prairie, it is no surprise

23 Unruh, The Hutterties During World War I, 97.
24 Aberdeen Daily News, May 1, 1918.
25 Ibid., 98.
that the Hutterites began to liquidate their assets and make preparations to emigrate to Canada. They deposited $1,000,000 in two Lethbridge banks and made a down payment of $200,000 for 27 sections of land.\textsuperscript{26} The \textit{Lethbridge Daily Herald} noted rather innocuously on March 12, 1918 that “several large blocks of land, particularly in Saskatchewan, have been taken over by big American land companies for purposes of colonization.”\textsuperscript{27}

Unruh notes that the Hutterites received assurances from the State Department that it “would hold nothing in the way of their departure” but the State Department, like the Treasury Department, was either indifferent to, or had little influence over, local patriots. These local patriots were not disappointed to see the Hutterites go, but they were determined to make their move to Canada as difficult as possible and contested the terms by which they would be allowed to leave. More specifically, they did their best to limit what they were allowed to take with them.\textsuperscript{28}

On August 21, 1918 the American Protective League, Sioux Falls Division, forwarded to their headquarters in Washington a long statement on the \textit{Hutterische Bruder Comeinda}, which was shared with the War Department. It described a plan by the Council of National Defense to induce the Hutterites, who had “consistently refused to buy bonds” to purchase Liberty Bonds. The plan was to “take and sell some of their stock and buy bonds with the proceeds.” The stock was sold, and $15,500.00 in bonds was purchased. The report does not describe the plan as extortion, though that is what it was.\textsuperscript{29}

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\textsuperscript{26} J. Castell Hopkins, \textit{The Canadian Annual Review of Public Affairs, 1917} (Toronto, The Canadian Annual Review, Limited, 1918), 724.  \\
\textsuperscript{27} “Colonization Scheme,” \textit{Lethbridge Daily Herald}, March 12, 1918.  \\
\textsuperscript{28} Unruh, \textit{The Hutterties During World War I}, 101.  \\
\textsuperscript{29} “Mennonites,” F.P. Keppel, Third Assistant Secretary of War, to Captain Kerrigan, August 22, 1918; Box 3761, Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.  
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On August 24, 1918 the APL reported that the South Dakota State Council of National Defense had initiated legal action blocking the sale of the Colony lands until certain conditions were complied with, namely that 2.5 percent of the sale price must be deposited in approved banks, for donation to the Red Cross and the Y.M.C.A. Desperate to leave the Hutterties agreed to this arrangement in an out of court settlement. The State Council of Defense, however, was not satisfied and they filed suit in May, 1918 against the Hutterische Brüder-Gemeinde of Bon Homme County. They sought dissolution of the corporation on the ground that it had “transacted business while claiming to be a religious corporation; that the leaders had undue influence over the members to the extent that they asked members to obey regulations that were contrary to federal and state laws; and that they refused to supply either men or money for the national defence.” The Hutterites argued that the state had been aware of their practices since their incorporation in 1905, that they lived together to practice their faith and that they engaged in agriculture primarily as a means of support. The court ruled against the colony, as did the South Dakota Supreme Court. The Secretary of the State Council of Defence is reported to have boasted after the initial court ruling that “this decision will absolutely exterminate the Mennonites in South Dakota.” This boast very nearly came true.\(^{30}\)

In addition to the harassment from the American Protective League and the State Council of Defense, the Hutterties drew an intense amount of interest from Military Intelligence. The Military Intelligence officer who summarized the American Protective League report for the War Department followed the common practice and freely used the term Mennonite when referring to the Hutterites. He noted that “the opinion in regard to the Mennonites seemed to be not so much

\(^{30}\) Ibid., 100.
that they were disloyal, as that they were spineless, and indifferent and therefore undesirable citizens. They are described as being dirty, shiftless and unprogressive.”

The Intelligence Officer assigned to Camp Lewis reported to the Military Intelligence Division about Andrew Turs, a member of the Hutterian Brethren which “forbids all aid to the Government even to the extent of the raising of food.” This information, though widely believed, was inaccurate. While, a number of pacifists organizations and individuals, the Hutterites among them, did at various times contemplate the ethical implications that their employment in agriculture or industry in the civilian economy did indeed make an indirect contribution to the war effort, they were unable to resolve this ethical dilemma, and none of these organizations, including the Hutterites, ever prohibited members from raising food or any other work of non-military nature in the civilian workforce. In fact they continued to encourage all of their members to be diligent workers, just as they always had. Ironically, this intelligence report also contradicts the common complaint that the Hutterites and other conscientious objectors were eager to profit from the war. The fact that both highly negative views of religious pacifists could coexist, and appeared credible to intelligence officers, demonstrates the lack of understanding of these conscientious objectors, but it also demonstrated the difficulty that Military Intelligence experienced in gathering information on these religious objectors, who were isolated from the rest of society. This paradox also demonstrates the willingness of Military Intelligence, and by extension the general public, to believe almost any negative report about conscientious objectors, however implausible or contradictory.

31 “Mennonites”; Box 3761; Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
32 F.P. Keppel, Third Ass’t Secretary of War to Captain Kerrigan, August 22, 1918; “Mennonites,”; Box 3761, Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
33 “Mennonites”; Box 3761; Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP. The Military Intelligence report included a statement that described the Hutterian Brethren, of Frankfort South Dakota as “A rabidly radical Pacifistic body, considered dangerous and under investigation.”
This inordinate amount of attention seems especially peculiar when the size of the Hutterite community is considered. There were nineteen Hutterian Brethren colonies in the United States when the United States entered World War I, seventeen in South Dakota and two in Montana. Just 56 Hutterites were drafted during the war. The migration of the entire community, which was never completed, would have amounted to just two thousand individuals. Nevertheless, it was a very dramatic event, and it caused concern among the public and government officials on both sides of the border.

F.P. Keppel, Third Assistant Secretary of War wrote to Captain Kerrigan, of Military Intelligence concerning this migration on August 22, 1918. Keppel noted that “the fact that the Hutterische Broodar Gemeidne or ‘Brusdefhaf Mennonites’ were emigrating to Canada made it desirable to ascertain what treatment could be accorded them by the Dominion Government.” Keppel cited “various conflicting reports” that had been made by the press and requested that the Military Intelligence Division “obtain definite information from the Canadian authorities.” Military Intelligence then reported that “the law at present governing Mennonites in Canada grants exemption under the Military Service Act to all applicants of that faith,” but it was “open to question” whether the recent immigrants were protected or not. The intelligence report added that the recently published correspondence between the Canadian Immigration officials and the Hustterische Society showed “that no specific assurance of exemption was given like that contained in the order in council issued for the Mennonites.” The report described the “German Mennonites of Southern Canada, who speak the German language and are almost unfamiliar with any other…. never recognized the functions of any Government, nor become identified with it,” because of this it was difficult to determine exactly which of them “come under this exclusion from draft service.” It added, somewhat ironically given the fact that Mennonites from the

34 Ibid.
United States were emigrating to Canada in the hope of gaining exemption from military service, that “they threatened the Canadian Governmental Authorities that if the treaty be not observed, they would emigrate to Argentina.”

The first colony of Hutterites left South Dakota for Canada in the summer of 1918. On September 7, 1918 “The Listening Post-Of Interest to Veterans” a regular column in The Lethbridge Daily Herald noted that “the Mennonites are attracting a great deal of attention in Veteran circles just now, and for good reasons.” The author, H.P. Maddison argued that “there is no doubt, but that, from the point of view of the returned man, and the man yet to return, the Mennonite problem is the biggest thing in Southern Alberta.” Maddison granted that “the alien question is a big one, but then they are not increasing very fast at this time, whilst the Mennonites threaten to engulf all the available land in this south country.” Maddison admitted that it puzzled him how any conscientious objector could “manage to justify his existence at this time.” He argued that “the fact that the government, back in 1873, gave these people the freedom of the country, and an undertaking that they would not be called for military service, is no decent excuse for their not being, in khaki at this time.” He noted that when that undertaking was given “our only thought of war was an Indian rising or two, or a small scrap in some out of the way portion of the globe. There was certainly no thought of a world-wide scrap in which the whole effort of the country would be trained to the utmost.”

At this point, Maddison’s argument took a decided turn, which probably revealed a truer, though less patriotic, reason for the widespread concern over the “Mennonite problem.” Maddison wrote that “from the Veteran’s point of view, the big thing is the buying up of large tracts of land in this country which should, in common decency, be saved for the men of the

35 Ibid.
36 “The Listening Post-Of Interest to Veterans, Conducted by H.P. Maddison,” The Lethbridge Daily Herald, Tuesday, September 7, 1918.
Canadian Army.” He complained that “it is admitted that there is not half enough land, within access of railroads, for the men who are likely to turn farmers when the fighting is over. Yet in spite of this, the government sells them tracts of choice land for their colonies.” Maddison cited the “tract of eighty-one square miles of the McIntyre lease, that they have bought” which would have “meant a good living for a big number of returned men.” Maddison concluded by stating that “something should be done, and done quickly, to stop the matter going any further, and it is up to the municipalities of the southern half of the province to get busy without any loss of time and petition the government to bar any more of these people coming into Canada.”

When Maddison spoke of the “Mennonite problem,” he was referring specifically to the Hutterite migration. It is more than a bit unfortunate that Maddison and most other commentators did not make any real effort to differentiate between the different sects. The Hutterite practice of living communally was especially unpopular with local patriots who accused them of acquiring the most desirable homesteads and profiteering from inflated price for agricultural commodities.

On October 1, 1918 “The Lethbridge Daily Herald, reported that “the Mennonites are here” and complained that “they won’t register for Military Service in the country from which they came.” It speculated, apparently sarcastically, that “maybe they are all too old” and demanded that “if so, they might produce the evidence.” It argued that those that were of military age “should be made to serve” but conceded that it did not appear that they could be “put into service” under existing laws, noting that “even if they are not exempt as Mennonites, they could claim exemption as conscientious objectors.” The Daily Herald noted that W. D. Scott, the Superintendent of Immigration was “being accused of assuring these people before they came to Canada that they were not subject to military service.” The paper defended Scott, however, by noting that he “merely stated the facts, as given to him by the militia department” which

37 Ibid.
“interpreted the Military Service Act as it exists today.” The Daily Herald argued that the Act should be amended to “cut out all the privileges grated to conscientious objectors and all Mennonites who have come to Canada since the act was passed, for it is clear the act was only intended to concern the Mennonites who were guaranteed exemption from military service away back in 1873.” The Daily Herald reported a “fairly unanimous opinion that these people should be kept out of Canada altogether.” It noted, however, that “no matter the race from which they originate” these Mennonites were American citizens and “under existing laws” Canada could not keep out American citizens.\(^\text{38}\)

The Daily Herald continued that “up to the present time” Canada had maintained that men who believed as “a cardinal principle of his religious faith” that it was wrong to “engage in war and slay his fellow man” should not be compelled to fight. As a consequence, “Mennonites, Doukhobors, Quakers, and certain other sects are exempt from military service” but are “liable to non-combatant service should they be called up.” The Daily Herald asked if Canada should “depart from this policy?” It noted that this was a decision for “Government and Parliament” but that they should make a “definite announcement of policy.”\(^\text{39}\)

The Daily Herald then cited the Edmonton Journal which argued that “a serious mistake was made forty-five years ago in agreeing to exempt from military service the Mennonites who were then negotiating with the Dominion authorities to come from Russia to settle in Canada.” the Journal argued that “we want no citizens who are not prepared to assume the full obligations of citizenship.” The Journal did concede that past claims “based upon the agreement of that year must be respected.”\(^\text{40}\)

\(^{38}\) “The Exemption Of The Mennonites,” The Lethbridge Daily Herald, Tuesday, October 1, 1918.  
\(^{39}\) Ibid.  
\(^{40}\) Ibid.
The *Manitoba Free Press* reported on October 16, 1918 that the migration of Hutterites to Western Canada “which has excited much attention and some protest has been completed, and all the members of this sect who were in the United States are now in Canada.” They noted that there were “approximately twenty separate communities” five of which were in Manitoba with the remainder in Alberta “all told they number some two thousand souls.”

The article then gave a lengthy, and surprisingly accurate, account of the history of the Hutterites, noting that “The Brethren of the Hutterisein Society are not Mennonites, but a kindred sect, having a like origin in the Anabaptist movement of the sixteenth century.” It also noted that “abstinence from any form of military service is a matter of religious obligation admitting of no compromise.” It recalled that there had been a movement of Hutterites from South Dakota to Manitoba in 1897, and it credited the Hutterites with being an “industrious folk and obedient to the ordinary requirements of the law.” It noted that the federal Department of the Interior had “sought to persuade the Hutterites to settle in this province” and that two colonies had moved to Dominion City. An Order-in-Council was passed “giving the assurance of privileges similar to those granted to the Mennonites in 1878, including unconditional exemption from military service” but the colony “remained only for a few years and then returned to South Dakota.”

The *Manitoba Free Press* stated that “the motive of the recent movement is not susceptible of misunderstanding. The Hutterties seek to evade military service.” It noted that published correspondence between Canadian immigration officials and the leaders of the Hutterische Society indicated “very clearly the concern of these people to secure absolute exemption from military service.” However, it pointed out that “they secured no assurance of

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41 “Hutterites, Who Settled Near Here, Reconciled to Obey School Law- Finding it is Useless to Seek Sectional Schools in Manitoba, Bernard Farm Settlers Have Informed Department of Education They Will Comply with Regulations- Migration of this Sect to Western Canada, Which has Excited Much Attention and Some Protest, Has Now Been Completed,” *Manitoba Free Press*, Wednesday, October 16, 1918.
42 Ibid.
exemption by Order-in-Council like that which was given to the Mennonites in 1873.” The *Free Press* concluded, however, that there was “little room for doubt,” that immigration officials “actuated by the view which until this time has had universal sanction and which regards as desirable all new settlers who are of thrifty and law-abiding habit” did not “anticipate the objections which have since been raised and did what they could to encourage the Hutterite migration.”

The legal status of the Hutterites and whether they had indeed secured absolute exemption from military service by moving to Canada remained a subject of great speculation and debate, until the final month of the war. On October 22, 1918, The *Seattle Post-Intelligence* declared that “settling in Canada does not, as a matter of fact, give these strange people the security and immunity they seek.” The *Post-Intelligence* pointed out that,

> As citizens of the United States they are subject to the convention governing such citizens resident in Canada. Should they fail to register as citizens of the United States within a specified time, they will become subject to the Military Service Act, which requires the enrollment of the conscientious objectors for non-combatant service.

How the *Seattle Post-Intelligence* came upon this information is not exactly clear. The government had not yet ruled decisively whether “these strange people” were or were not liable to non-combatant service under the Military Service Act. Three days later, however, the government finally enacted legislation clarifying the situation.

H.A.C. Machin reported that “considerable legislation” was enacted relative to Mennonites and Doukhobours in October, 1918. He noted that this legislation was “brought to a head” by the “great dissatisfaction” that existed in the western districts over the great numbers of men “whose status was questionable” yet were excepted by the Military Service Act, and by the

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43 Ibid.
44 *Seattle Post-Intelligence*, October 22, 1918 cited in “Mennonites,”; Box 3761; Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
“influx into Canada of large numbers of these men who were escaping compulsory service in the United States.” Machin was referring specifically to Order in Council (P.C. 2622) of October 25, 1918 which was passed in response to reports that some Mennonites who had been born in Canada, but had taken up permanent residence in the United States, were “now returning to Canada in order to escape military service in the United States, and claiming the benefit of the exception.” P.C. 2622 clarified that the protection of Order in Council of August 13th, 1873, applied only to those Mennonites in Canada, who had immigrated to Canada “pursuant to the arrangement evidenced by the Order in Council of August 13th, 1873, and their descendants.” They maintained that protection, however, only if they had resided “permanently in Canada” and “continued without interruption to be members of the sect or denomination of Christians called Mennonites.” Therefore Mennonites who had resided in Canada prior to the Order in Council of August 13th, 1873, as had most Ontario Mennonites, Mennonites who had not come directly to Canada pursuant to that Order, and any who had resided outside of Canada or had temporarily left the Mennonite faith, were not protected. A similar ruling was issued that same day, to cover Doukhabours, and their Order in Council of December 5th, 1828”. This was a clear and unequivocal defeat for the Hutterites, but it was not entirely unexpected and by the time it was announced the Hutterite migration was already well under way. The migration continued after the war until 1934 at which time the Bon Homme Colony was the only Hutterite colony remaining in the United States. Opposition to this migration also continued after the war.

Frank Epp describes a “high tide of nationalistic feeling in Canada” that “demanded from the whole population the wholehearted support of the war effort.” Epp argues that this feeling was “whipped up by community organizations, patriotic groups, and lodges, including the Great

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45 P.C. 2622 At The Government House At Ottawa, Friday the 25th Day of October, 1918 (Sgd) Rodolphe Boudreau, Clerk of the Privy Council, N.A.C., RG 24 Vol. 115, file HQ 7168-1 pt. 1 7168 1 vol. 2.
War Veterans, Sons of England, and British Citizens League.” Epp singles out the Loyal Orange Order of British North America as “one of the most influential, making its position known through public meetings and the press.” He notes that the chief objection to the Mennonites was “that they were slackers, would not learn the language, maintained a distinctive religion, and would not assimilate with other Canadians.”

As a result of this campaign the government, on April 8, 1919, rescinded the 1899 Order-in-Council (P.C. 1676) that had promised the Hutterites “absolute immunity from military service, not only to those who have already settled, but also to those who may settle in the future.” This action, however, neither reversed the migration nor appeased the opponents of the migration. Eight days later, on April 16, *The Ottawa Citizen* reported that the “situation concerning the migration of Hutterites and Mennonites from the United States into the prairie provinces of Canada grow more acute daily.”

The *Citizen* noted that the president of the Alberta GWVA “left Calgary hastily yesterday to come to Ottawa to make a plea to the government to take immediate action to avert trouble and possible bloodshed.” It added that “telegrams are pouring into GWVA headquarters asking that protests be made to the government to prevent any more Hutterites to come into the country.” The trip to Ottawa produced the desired results as the government listened to the GWVA and passed Order-in-Council (PC 923) on May 1, 1919 and (PC 1204) on June 9, 1919 which prohibited entry to “any immigrant of the Doukhobor, Hutterite, and Mennonite class.”

The Orders-in-Council noted that:

…”a wide spread feeling exists throughout Canada, and more particularly in western Canada, that steps should be taken to prohibit the landing in Canada of immigrants deemed undesirable owing to their peculiar customs, habits, modes of living, and methods of holding property, and because of their probable inability to

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48 Ibid.
become readily assimilated to assume the duties and responsibilities of Canadian citizenship within a reasonable time after entry.\textsuperscript{49}

Given this reception it is little wonder that a reverse migration began in 1937, and by 1950 thirteen colonies had returned to the United States. John Unruh argues that this reverse migration, which continued even during World War II was indicative that public opinion [in the United States] was quite different from the first World War and perhaps also that the colonies had been rather hasty in leaving in the first instance. Or, to put it still another way, the atmosphere in Canada, especially in the Province of Alberta proved less friendly than the Brethren had anticipated.\textsuperscript{50}

\textsuperscript{49} Frank H. Epp, \textit{Mennonite Exodus}, 94.
\textsuperscript{50} Unruh, \textit{The Hutterties During World War I}, 101.
PART IV. POST-WAR POLICIES AND EVALUATIONS

CHAPTER 15. FINAL EVALUATION OF THE MILITARY SERVICE ACT

At the end of the war, H.A. C. Machin asked each registrar to submit a short report “designed to point out those things which have distinguished the various districts in their acceptance of the principles underlying Canada’s Military Service Act, and to emphasize certain distinctive details of administration, which each registrar may desire to point out.”

The reports submitted by the registrars are enlightening. They highlight the peculiar problem of registration in French-Canada but they also reveal regional discrepancies not directly connected to the dispute between Anglo and French-Canada. Most of these reports do not mention conscientious objectors at all and those that do mention them only briefly. Clearly, with the possible exception of the western registrars, who took more notice of conscientious objectors because of the “Mennonite Question” they did not consider conscientious objectors a serious problem. In many respects the deputy registrar’s views closely mirrored Machin’s.

F.A. Labelle, Deputy Registrar, Hull, Quebec Military District 3 began his report by stressing that he was appointed Deputy Registrar on September 28, 1917 “without having solicited the position.” He accepted it only “after much hesitation” and then only “with the belief that in so doing I could be of service to my country and to my fellow-citizens.” Labelle admitted that at the onset the operations were “of a difficult nature” but he made the somewhat surprising observation that “the population in this part of the country was more or less well disposed toward the enforcement” of the law even though the law “was repugnant to them.”

Labelle was apologetic that the number of men registered in his district “appears small” but he pleaded that “the difficulties to overcome in summoning the draftees to appear before

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1 Lieutenant-Colonel H.A.C. Machin, Report of the Director of the Military Service Branch to the Honourable The Minister of Justice on The Operation of the Military Service, Act, 1917 (Ottawa: J. De Labroquerie Taché Printer to the King’s Most Excellent Majesty: 1919), 2.
their respective tribunals were immense, in view of the extensiveness of my territory.” Labelle explained that

the difficulties of communication due to the great distance of the post offices and the lack of stableness of our settlers of the north, who sometimes work on their farms and other times in the shanties, has meant that a large number of those called before the tribunals have been unable to do so, as they did not receive their notifications in proper time.

Labelle argued that it took several months before “our fellow-citizens could understand it [The Military Service Act, 1917] effectively being a new law and of a nature altogether unknown to the population of our country.” He added that the law had “never been thoroughly understood (particularly in the northern part of my district where the population is generally illiterate) on account of the difficulties this law offered and the several changes made in it by different Orders in Council.” He argued that “in many instances” it was “impossible even to the most willing citizens to obtain sufficient information on the application of the law” and he admitted that unfortunately “in several places, ill-intentioned people have made a practice of mystifying our well-disposed compatriots.” Labelle was happy to report that gradually as the population “came in contact with the enforcement of the law, understood its object and the purpose for which it was enacted,” they have “unhesitatingly obeyed the orders of the registrar and complied with the exigencies of the law.”

Like many registrars Labelle questioned the large number of men from his district that appeared on the list of defaulters. He speculated that the number would be “lessened greatly after being re-examined and checked with the records in other districts,” for he was convinced that several hundred draftees from his region had “been taken on strength in other districts.”

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E.H. Godin, Registrar, Montreal, Quebec M.D. 4 began by noting that there could be no denying that “a somewhat hostile sentiment against the Military Service Act” existed in the province. He blamed the “politicians and the press” who had generally “misstated the question before the public so as to induce our people to believe that, under the circumstances, abiding by the Military Service Act was not a duty.” Godin later ascribed the hostility towards the Military Service Act in his district to three main factors “the politicians, the parents, and the employers.” He added that he was certain that absence these factors that the young men of Class I, “apart from a certain number who personally objected to the Act- and these were to be found everywhere over the country- would have shown more readiness to enlist or report.”

Godin reported that registration began slowly with just 22,000 men (out of an estimated 74,000) registering in the first 21 days, but as the deadline approached it picked up and “the last five days brought 46,000 new registrants.” This was “a relief” but he noted that with “such an avalanche coming at the time when the Local Exemption tribunals started to sit,” along with “the sudden and very severe weather that interrupted communication all over the district,” that the “entire organization was overwhelmed.” Godin reported that for the whole month of November, the board went “through the hardest trial you can imagine.” He argued that another difficulty, particularly in Quebec, was “the question of languages.” He noted that this meant that he had to have “a bilingual staff, bilingual literature, bilingual forms, etc.”

Godin stated that his experience in applying the Military Service Act in his district had caused him to believe that “our young men were not generally prepared for that duty of citizenship which entails the obligation of military service when the country requires it.” This observation led him to conclude that “it would be a great advantage for the future of this country to maintain some form of military service which would call together boys of the same
generation, from different parts of the country, to be taught and trained for the important duties of the citizens towards his country.” He argued that “they would live for a time a common life, learning to know and esteem each other, and realize that they have the same flag, and that they ought to have a common conception of patriotism.”³

Jules Larue, Deputy Registrar, Quebec, Quebec, M.D. 5 noted that “as a whole the working of the Military Service Act gave satisfactory results in Quebec district, notwithstanding political prejudices which aroused the people against any decision coming from the Federal Government.” He admitted that conscription “caused some difficulty to trade and industry through the loss of employees,” but he added that he knew of “no essential industry obliged to close its doors on this account, and the victory of the Allies more than compensates all such temporary inconveniences.” He apologized by stating that “it must be taken in consideration that with some parts of this district there is practically no means of communication except in summer time.” Larue offered several examples including the Magdalen Islands which could only be reached by, or communicated with by, boats from the province of Nova Scotia.⁴

The three registrars from Quebec shared many of the same observations regarding the Military Service Act. They all admitted to difficulties and were somewhat apologetic about the results in their districts. They conceded that a “hostile sentiment” existed toward conscription and that many of the residents of their districts found the Military Service Act “repugnant” though they downplayed the significance of this public opinion and they agreed that the population gradually became more receptive to conscription as they became more familiar with it. They conceded however, that “ill-intentioned people” continued to cause difficulty. They

⁴ Report, Jules Larue, Deputy Registrar, Quebec, Quebec, M.D. 5 in Machin, Report of the Director of the Military Service Branch, 147.
tended to emphasize factors such as the great distance and weather but they also blamed politicians, the press, parents and employers. They disputed the large number of men from their district that appeared on the list of defaulters, insisting that many of these men had been taken on strength in other districts. They all showed some concern about the effect that conscription had on “trade and industry through the loss of employees” but none of them felt that this disruption had been significant. Only one of the three Quebec registrars specifically recommended the continuation of mandatory military service at the end of the war, but this was about the same proportion of registrars across the nation that recommended continued military service.

The reports from Ontario tended to note differences in the way conscription was administered in the French-Canadian sections of their districts compared to how it was administered in the other districts, but except for generally reporting a more supportive public attitude, the tenure of reports from Ontario were not notably different from those from Quebec.

Major H.P. Cooke, Deputy Registrar, Kingston, Ontario M.D. 3 reported that “generally speaking, there was in this district no open antagonism to the Military Service Act, and all tribunals exercised a good deal of care in making their decisions.” Cooke, however, pointed out that the Local Exemption Tribunals in the strong French-Canadian sections of the counties of Prescott, Russell, and Glengarry “granted exemption to practically every man who came before them, often on wholly insufficient grounds, if the subsequent decisions on appeal are any criteria.” Cooke cited as evidence that in those three counties there were a total of 2,776 claims and just 77 were disallowed. Moreover, he wrote “a very unduly large proportion of the men registered in this district who disobeyed their orders to report came from these same counties, and of such defaulters a large majority bore French-Canadian names.” Cooke complained that
this predilection toward granting claims necessitated “an undue amount of work in reviewing exemptions granted in these counties, that the Act might not be unfairly applied.”

Cooke did not limit his criticism to the French-Canadian sections of his district. He was also highly critical of the Agricultural Representatives who were appointed in the spring of 1918 to “certify to the Military authorities the necessity of bona fide farmers being allowed farm furlough after they were ordered to report for duty.” Cooke held these Agricultural Representatives responsible for the “gravest difficulty in the application of the Act.” He resented the fact that “in practically no instance after the old leave of absence board was abolished did the Agricultural Representative at Kingston consult the records of this office; the Agricultural Representative at Ottawa never did, nor to my knowledge did he ever apply for any information from here.” As a result of this “gross neglect to avail themselves of the reliable information collected by the various tribunals, and which could have been had for the mere asking,” Cooke reported that men were certified for farm furloughs on “grounds which in numerous instances were wholly insufficient and absolutely undeserving.” He accused the Agricultural Representatives of “an almost culpable negligence in investigating these men’s circumstances.” He argued that the Farm furlough was granted “on what may fairly be described as a wholesale scale, thus nullifying the work of the various tribunals.” He lamented that

The Act was made a laughing stock as a consequence; relatives of the other men, with equally or more deserving claims who could not get leave, were seriously aggrieved, and an undue amount of correspondence and blame was laid upon this office, which was in no way responsible for the issuance of such leave, as it was purely a military matter, and we were not consulted.\(^5\)

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This was a harsh criticism, but it reflected the lingering tension between the conflicting and unresolved goals of harnessing manpower effectively, and dividing it between military and economic, particularly agricultural, needs.

H.F. Beresford, Deputy Registrar, London, Ontario M.D. 1 reported that “taken as a whole,” the work of the 117 Local Exemption tribunals in his district was “satisfactory.” He acknowledged an initial concern, namely that “many of the gentlemen comprising the tribunals had no previous judicial or semi-judicial training, whereas the functions exercise were largely judicial, and that an entirely new, and to some minds, drastic piece of legislation was being dealt with.” Despite this concern he reported that “the work done was very creditable” though he does admit that there was on the part of a number of tribunals “a marked tendency to be generous, if not more, in granting exemptions.” He believed that “these tribunals were manifestly swayed by sentimental feelings or purely local conditions.” He concluded that “a lack of appreciation of the fact that the country was at war and of the great and urgent need for men had much to do with this.”

Beresford acknowledged “in common with the rest of the country” the “almost unanimous complaint from the farming community when the 20-22 Class cancellations were announced.” He explained how this cancellation impacted his work noting that

This office was for days flooded with farmers, farmers’ wives, sisters, and other members of the family- so much so that it became necessary to detail a man to keep some kind of order and the passage clear- all of whom had, or thought they had some special reason to urge why they, some member of the family, or some neighbor, should be left at home and not obliged to serve.6

C.L. Wilson, Registrar Toronto, Ontario M.D. 2 submitted the longest and most thorough report of all the Registrars. He began by noting that Military District No. 2, and “particularly the

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city of Toronto, had been almost completely drained of voluntary recruits by the date of the
Proclamation of October 13, 1917.” This produced public opinion “favourable to the
enforcement of compulsory service at the only possible means of providing the further necessary
reinforcements” He suggested that the fact that only about 4 per cent of the total registration that
reported for service was found to be physically fit, “demonstrates the necessity of resort to some
sort of compulsion.”

Wilson was proud to report the “active co-operation of nearly every section of the
community” which “relieved this office of many difficulties.” Perhaps most importantly “the
attitude of the press was universally favourable, and the splendid assistance rendered by the
newspapers is deserving of grateful recognition.” Wilson noted that the southern part of the
district, the central portion of old Ontario was “populated with well-to-do English-speaking
farmers.” It also included several “large centers of population, principally engaged in
manufacturing.” He noted that “a district of this character, pervaded by a reasonably favourable
public opinion, would provide no unusual obstacles to the enforcement of compulsory service.”
He contrasted this with the northern section of his district which included new Ontario which
was “sparsely inhabited, principally by French-Canadians.” He noted that “difficulties were
expected here” but was happy to report that they were “for the most part satisfactorily met.”

Wilson reported that some 65,000 men registered and over 27,000 were made available
for the Army during the twelve months that “active operations were carried on.” He noted that
“in spite of the favourable opportunities for exemption afforded by the Act and Regulations, only
the most deserving men succeeded in retaining exemption on other than physical grounds.”
Wilson also boasted that “statistics show conclusively that agricultural production was not
allowed to suffer, that war industries were safeguarded, and that non-essential industries were
reasonably protected.” Wilson, however, was still somewhat critical of the farming community which “appeared to overestimate the value of agricultural production as compared with military service” but he noted that “this state of mind was, however, undoubtedly fostered by the attitude of both the Dominion and Ontario Governments.” As a result he concluded that “farmers as a class had been most leniently dealt with in this district.” Wilson acknowledged that tribunal members in these communities and in some farming districts “were often subjected to severe prosecution,” but he reports proudly that despite this, “they did their duty.”

Wilson was highly critical of a number of men who were “ostensibly Canadians, enjoying all the privileges of citizenship, and who claimed exemption, but who, when ordered to report, informed the military that they were American citizens and were therefore given indefinite leave under authority of routine orders.” Wilson also reported that “trouble was experienced with the certificates of civilian doctors.” He argued that “these were frequently based more on sympathy with the draftee than on his physical disability.”

Wilson recommended that “the number of legal processes and delaying operations which may be resorted to under the existing Act and Regulations might be materially reduced without injustice to the public.” As an example he offered the case of “the son of a well-known Toronto family who made use of practically all of the fifty-odd operations countenanced by the Act and Regulations for evading military service in postponing the call.” The young man was finally ordered to report and was sent on his way to England “but it is stated that he was not permitted to get beyond the three-mile limit, being taken off the transport, and the country thereby losing an intelligent, though unwilling soldier.”

Wilson also mentioned “the French-Canadian and alien population, as well as the conscientious objectors and the Ontario Mennonites.” It is interesting that he mentioned these
diverse groups together, because other than his contention that they all “exerted almost universally a passive opposition” they had very little in common. He did not have any specific criticism of conscientious objectors, or Ontario Mennonites, nor did he specifically mention them anywhere else in his report. He did, however, criticize French-Canadian lumberman who “in most cases disappeared after registration.”

Wilson concluded his report by emphasizing “the obvious advantages which have accrued to the individual draftee from his experience with military service.” He recommended that “the adoption of some form of periodical military service in future would be productive of the most far-reaching results.”

Taken together the three Ontario registrars reported fewer difficulties and were far less apologetic than the Quebec registrars. There was “no open antagonism to the Military Service Act” in Ontario, and public opinion was generally much more “favourable to the enforcement of compulsory service” than in Quebec, but although the general attitude of the press was certainly positive it was a considerable exaggeration to report that “the attitude of the press was universally favourable.” The Ontario registrars were, despite “a marked tendency to be generous, if not more, in granting exemptions,” generally satisfied with the work of the exemption tribunals.

They were also proud to declare that “agricultural production was not allowed to suffer, that war industries were safeguarded, and that non-essential industries were reasonably protected.” They did report some problems in the French-Canadian sections of the province, and they were critical of the high number of exemptions granted in these sections, but overall these problems were relatively insignificant and “for the most part satisfactorily met.”

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7 Report, C.L. Wilson, Registrar Toronto, Ontario M.D. 2 in Machin, Report of the Director of the Military Service Branch, 152-158.
It is interesting, that just as in Quebec, one out of three Ontario registrars specifically called for “the adoption of some form of periodical military service” in the future. The Ontario registrars reported frustration with the inadequacies of the law to address American citizens who resided in Canada, and frustration with medical certificates issued by civilian doctors, but the biggest challenge outside of the French-Canadian sections all revolved around agricultural exemptions and farm furloughs. It was not surprising that “farmers as a class had been most leniently dealt with in this district.” The report of “almost unanimous complaint from the farming community” when the exemptions for men aged 20-22 were cancelled was in no way limited to Ontario. The critique that farm furlough was granted “on what may fairly be described as a wholesale scale, thus nullifying the work of the various tribunals” strangely parallels the criticism that was often leveled, at the exemption tribunals in Quebec. The Ontario registrars were correct in identifying the “attitude of both the Dominion and Ontario Governments” which sent conflicting signals about the “the value of agricultural production as compared with military service” as the basic source of the problem.

The controversy surrounding agricultural exemptions and farm furloughs, which was more prominent in the reports from Ontario than from Quebec, thoroughly dominated the reports from the three prairie provinces, however, on the prairie the registrars viewed these exemptions far more favorably. Questions surrounding conscientious objectors, the foreign-born, and American citizens were also more prevalent in the four western provinces.

J.M. Carson, Registrar, Calgary, Alta, M.D. 13 noted that if a man’s “habitual occupation was farming, and he was a producer of food,” he was allowed an exemption until November 1, 1917 which would allow him to complete the harvest. Each of these exempted farmers was required to furnish “a detailed report of his previous season’s operations.” If this report proved
satisfactory the farmer was then “allowed a further exemption” until June 1, 1918 which would allow him to finish planting. Carson noted that he was of the opinion that this procedure “resulted in an increase of energy and a corresponding increase in acreage under cultivation.” He ventured to state that “food production, particularly of grain and livestock, has been considerably increased as a result.”

Carson applied these same techniques, and reported similar positive results, to the coal fields. There, he obtained from “the various coal-mine owners and operators” a monthly report regarding each miner. He scrutinized these reports and then “compiled figures of the actual production of each coal miner registrant.” Carson was again quite pleased with the results, noting that he was of the opinion that “this procedure resulted in keeping the men at work, and I think it is safe to say caused the production of coal to be maintained, and probably increased.” He also noted that it was his belief that this procedure “was helpful as well in many ways to the mine owners and operators.”

Carson mentioned conscientious objectors only briefly, noting that there were “an average number of claimants in this district, on the grounds of conscientious objection.” They “covered a number of religions, some of which were not previously known to the general public.” He added that “at the time the armistice was signed there was considerable discussion and newspaper comment in Alberta regarding the arrival in the province of a large number of American Mennonites. It was claimed that they came here to escape military service.”

A. L. Haining, Registrar, Regina, Saskatchewan M.D. 12 reported proudly that “the registration under the Military Service Act in this district was the third largest in the Dominion, being exceeded only by Montreal and Toronto.” His district consisted of 161 local tribunals and

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fifteen appeal tribunals. He reported that the work of these boards “on the whole was performed in a fair-minded and public-spirited manner.” This work, however, was not easy. He noted that “the size of the province and the lack of rapid communication (which is a condition required in connection with the best administration of the work) greatly increased the difficulties of this office. Sometimes we had to make the date for hearing of claims for exemption months in advance.”

Haining admitted reluctantly that voluntary enlistments under the Military Service Act may have been necessary “in theory” but he reported that “in practice this had been our greatest source of trouble.” He reported “innumerable cases” that “have come to light” where orders to report for duty were properly dispatched, and the men, would “immediately voluntarily enlist in either the Royal Flying Corps, Royal Northwest Mounted Police, or other unit which had a popular reputation to the effect that the duties of these unites were of a much more pleasant character than those of the infantry.” To remedy this he suggested that “every draftee should have had to obey an order to report at the Depot Battalion from which he could have been quickly transferred to the unit which desired his services.”

Haining observed that “fifty per cent of the population of Saskatchewan is foreign born.” He noted that “the method used by the Military to dispense with the services of men whom they considered should not have been ordered to report owing to their nationality was to strike them off strength through Part 2 Orders as “Erroneously ordered to report.” He objected to this method arguing that “this heading is very misleading as the men were Canadian citizens and properly drafted after a consideration of their claims by tribunals.” He argued that if their services were not required “because of their enemy alien parentage” they should have been struck off strength
under some heading other than “Erroneously ordered to report” and then only after a “thorough investigation of their files as held in this office.”

Haining devoted exactly two sentences to “The Mennonite question” which he described as “very distressing.” He noted that “the final decision of the Government as to its policy regarding these people met with public approval,” but he offered the criticism “that it should have been put into effect at an earlier date.”

Capt. D. R. M. McLean, Registrar, Winnipeg, Manitoba M.D. 10 began by noting that in the prairie province, “the necessity of retaining sufficient men to carry on the season’s work in such a vital industry as agriculture may be appreciated easily.” For this reason he found it necessary “to abandon medical examinations of all men engaged in agriculture from the first week in August, 1918, until the end of the harvest season.” McLean admitted that “this materially reduced the number of men medically examined and made available in the district,” but he felt it was justified as it “certainly served the purpose of greatly assisting the farmer to care for the crop in Manitoba.” He noted that this was “particularly necessary as this province had probably the largest yield of any of the three western provinces in 1918.”

McLean observed that the general feeling in the district appeared to be that “the necessity to support the troops overseas was paramount and that only after that could the individual be considered.” He admitted that this was not the case in the “settlements where enemy alien nationalities were predominant.” He noted that “in one district, I believe, the Assistant Provost Marshal found it necessary to make a show of considerable armed force in order that the Act might be enforced and particularly contumacious defaulters apprehended and placed on trial.”

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McLean noted that a large percentage of the population of Manitoba is made up of aliens and men disfranchise by the War-time Elections Act. Because of this “great difficulty was met with” because

many aliens failed to understand the proclamations issued and registered, while men who were disfranchised by the War-time Elections Act understood, or at any rate claimed to have done so, that the War-time Elections Act absolved them from the necessity of registering as so called upon to do by the proclamation of the 13th October, 1917.

McLean also complained of “contradictory or unintelligible Routine Orders, and other instructions,” but noted that cordial relations were maintained with the General Officer commanding Military District 10 and the officers under him.” He added that most misunderstandings “resulted from the instructions referred to, and were cleared up as we went along.”

R.S. Lennie, Registrar, Vancouver, British Columbia M.D. 11 noted that “the population of the province is approximately 350,000, which includes an estimated foreign population of about 90,000, plus 20,000 native Indians and about 20,000 American, leaving an estimated total population of about 220,000 white British subjects.” He reported that “as a rule, the public were sympathetic and obedient in complying with the law and the orders issued from this office.” He added that “little or no friction was caused in the administration of the Act,” which he attributed largely to “the liberal use of telegraph and telephone.”

Lennie noted that the United States border with British Columbia was about 400 miles long, and the Alaskan border another 600 miles, and only a very small portion of either was protected by the immigration authorities. He argued that this “provided easy escape for those who desired to evade military service.” Immediately upon being appointed he “strongly

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recommended, after consultation with all the interested local departmental officials, that boats
under eighty tons should be cleared through the port of sailing, so that a thorough check could be
had on evaders.” He was disappointed that this recommendation was not acted upon, and he was
convincing that “a number of evaders escaped by this easy route.”

The controversy surrounding agricultural exemptions and farm furloughs, which was
more prominent in Ontario than in Quebec, thoroughly dominated the reports from the three
prairie provinces, however, on the prairie the registrars viewed these exemptions far more
favorably, than their eastern counterparts. On his own initiative the registrar in Alberta granted
special exemptions to men who’s “habitual occupation was farming” while the registrar in
Manitoba discontinued medical examinations from the first week in August 1918 until the end of
the harvest season for all men engaged in agriculture. They justified these actions by pointing out
that they resulted “in an increase of energy and a corresponding increase in acreage under
cultivation.” They just as certainly reduced the number of men made available for the military in
these provinces.

The Military Service Act was not originally envisioned to provide labour discipline, yet
this is exactly what it did, most obviously in the Alberta coal fields, where it “resulted in keeping
the men at work,” and “caused the production of coal to be maintained, and probably increased.”
Without question this was “helpful…in many ways to the mine owners and operators” but it also
antagonized organized labour.

The western registers, like their counterparts in Quebec and Ontario were critical of
voluntary enlistments. The tremendous distance, and “the lack of rapid communication,” which

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had also been a concern in both Ontario and Quebec was even more pronounced in some of the Western provinces despite the “the liberal use of telegraph and telephone.”

The British and Canadian born population was, for the most part, “sympathetic and obedient in complying with the law” but the registrars from the four western provinces administered districts with significant alien populations. British Columbia also had a significant Indian population, most of which was exempt under the Military Service Act. All of these groups presented specific challenges that were not as prominent in Quebec or Ontario. Some of these challenges were of a strictly administrative nature, such as the complaint that men who were disqualified for service “because of their enemy alien parentage” were struck off strength under the heading “Erroneously ordered to report” when the registrars contended that they had been properly ordered to report. Many of the challenges, however, were far more serious. The majority of the aliens had recently been disfranchised by the War-Time Elections Act. Many of them were enemy-aliens and their loyalty could not be taken for granted.

Questions surrounding conscientious objectors and American citizens were also more prevalent in the four western provinces. The long, mostly unwatched border with the United States, which provided an “easy escape for those who desired to evade military service” seemed to be a much greater concern to the registrars in the West, particularly to R.S. Lennie in British Columbia, than anywhere else, though similar conditions existed in both Quebec and Ontario. “The Mennonite question” was also the subject of a great deal of public attention in the west, especially in Alberta, though it was just barely mentioned in any of the registrar’s reports.

The registrar reports from the Maritimes are quite different from the reports from the other provinces, and reflect some very unique local circumstances. It is no surprise that the
Maritime registrars suggested the most significant changes in the structure of the tribunal system as they reported the greatest amount of frustration with the local tribunals.

W.W. Stanley, Registrar, Charlottetown, Prince Edward Island, M.D. 6 began his report by pointing out apologetically, that “for many years past there has been a great exodus of our young men to Western Canada and the United States. The Census of 1891 showed the population of Prince Edward island to be 109,078 and the Census of 1911 a population of 93,728, a decrease of 15,350 in two decades.” Stanley then complained that “the work of the local tribunals in general was not satisfactory.” He attributed this unsatisfactory performance to the fact that “some members were not fitted by training or education to deal effectively with all cases brought before them.” He conceded that

> It can be readily understood that it was very difficult for members of tribunals to be strictly impartial when dealing with cases of men with whom they were personally acquainted, and the fact that so many of our people were strong political and sectarian partisans made it difficult to select recruits without creating some dissatisfaction.

Stanley suggested that the Military Service Act would have been “more expeditiously administered if but one tribunal in each county, presided over by a man with legal qualifications, had been instituted.” Fifteen local tribunals were instituted in his district and Stanley described a rather unusual arrangement in which “some cases were scheduled to tribunals sitting outside the electoral districts in which the registrants affected resided.” This had been done in order to “evenly distribute the work” but it undermined the premise of local control and may also have contributed to the unsatisfactory performance that Stanley complained of.  

E. H. Nichols, K.C., Registrar, Halifax, N.S. – M.D. 6, began by referring to “the difficulties encountered in establishing an organization for carrying on our work.” He noted that

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“the dispatch with which it was necessary to assemble a staff made it impossible to secure trained help in a community of the size of Halifax, where, at best, there are few trained people out of employment at any time.” The explosion of December 6, 1917, which threw the whole city “into confusion,” and badly shattered the building that the registrar occupied, obviously made their work “more difficult.”

Nichols felt it was “his duty” to take the unprecedented step of specifically criticizing Local Tribunal 62, Cheticamp. He noted that in his opinion, this tribunal “did not come up to a fair standard of efficiency in their work.” He concluded that they had “failed in the discharge of their duties” by granting exemptions for 198 of 200 claims. Undoubtedly the two men who were unfortunate enough to have their claims for exemption denied, agreed with Nichols that the tribunal had “failed in the discharge of their duties.”

W.A. Ewing, Registrar, St. John, New Brunswick M.D. 7 reported that “there was little or no open hostility to the Act.” He noted that “any hostility displayed seemed to be confined to individual cases” but he qualified that remark by noting that there was not “any marked sentiment the other way.” Ewing noted that the Act apparently was “accepted as necessary and advisable under the circumstances existing when it became law.” He added, however, that there was a feeling, “in many localities that the Act should have been passed long before it was.”

Ewing reported that some of the sixty-two local tribunals, “were satisfactory, others not.” He then listed 20 that are “particularly deserving of commendation” and 3 whose work he considered unsatisfactory. He also criticized the work of the medical boards, which he felt “as a whole was not entirely satisfactory.” He noted that about 40 per cent of the men in low medical categories that he ordered for re-examination were placed in the “A.” class. Ewing concluded by

noting a difficulty “peculiar to this district” a serious outbreak of small pox that occurred shortly after the men were to report for duty. One third of the province was quarantined for several months “rendering it necessary to recall orders to report already issued, and to discontinue issuing any further orders to these sections until the quarantine was raised.”

The Maritime districts were the smallest geographical. They also had the smallest populations. Exemption tribunals throughout Canada were, by design, “personally acquainted” with many of the men who appeared before them. Perhaps this was more pronounced in the Maritimes, but most of the registrars outside of Quebec and French-Canadian sections of the other provinces were not overly critical of “strong political and sectarian” partisanship. Although most of the registrars reported some complaints with local tribunals, including the complaint that they were generally composed of men with little to no legal training, only on Prince Edward Island did the registrar report that “the work of the local tribunals in general was not satisfactory.” Nowhere else was a system instituted in which cases were scheduled “to tribunals sitting outside the electoral districts in which the registrants affected resided.” Some of the registrars might have approved of a single exemption tribunal “presided over by a man with legal qualifications” per county, however, only the Registrar from Prince Edward Island specifically suggested such a qualification.

The registrar in New Brunswick reported “little or no open hostility to the Act” but no “marked sentiment” in favor of it either. This same appraisal could have applied to many, perhaps to most, districts in Canada. While the other Provinces had been gaining population in the years immediately before the war, the Maritimes had been losing or barely holding steady. Their economies were therefore particularly vulnerable to disruptions. Securing a trained clerical

staff was a challenge faced by registrars throughout Canada, though the demographic peculiarities of the Maritimes might have made that challenge particularly difficult. The Halifax explosion of December 6, 1917 was a truly unique obstacle as was the smallpox epidemic that resulted in one third of New Brunswick being quarantined for several months, at least until the spring of 1918, when the widespread influenza epidemic caused similar disruptions throughout much of the nation.

Registrars throughout Canada were critical of the Medical Boards for placing too many men in low medical categories. Local Tribunal 62, Cheticamp, which granted exemptions in 198 of 200, may well have deserved special criticism; however, they were hardly the only local tribunal to “fail in the discharge of their duties.” Many tribunals in French-Canadian districts exempted an extraordinary high percentage of registrants, the Alberta registrar granted wholesale special exemptions to “habitual” farmers, and the Manitoba registrar suspended medical examinations completely until the harvest season was complete in the 1918.

None of the Maritime registrars mentioned conscientious objectors in their reports. This omission is telling. Outside of Alberta and Saskatchewan, where the “Mennonite Question” was intimately tied up with immigration from the United States the registrars barely noticed conscientious objectors. Numerically they were significant in just a handful of districts, and there were so many other ways to receive an exemption, even in 1918, that there was no real concern that men would fake a conscientious objection in order to avoid military service.

A total of 68,492 dispositions were rendered nationwide by the appeal tribunals. The vast majority 48,846 were allowed, with just 17,501 disallowed and 2,145 undisposed of when the war ended. Of the 48,846 appeals that were allowed, a mere 157 were allowed for religious
belief. This compares to the 12,360 that were allowed for agriculture, and the 8,629 that were allowed for low medical category.  

Any evaluation of the success or failure of conscription in Canada during World War I, and whether it was worth the price that was paid both in disrupting the economy and violating the civil rights and religious liberties of the citizens, must examine the number of men that it actually provided for military service, and comparing that number to what might reasonably have been expected had a strictly voluntary system remained in place. Not surprisingly Machin viewed conscription as a remarkable success.

Machin concluded that “in 13 months of actual operation the Military Service Act made 179,933 additional men available for military service.” However, this total is somewhat controversial. Machin arrived at this total by counting all Class 1 men who were turned over to military jurisdiction and who had at the time of passing from civil to military control were or had been placed in sufficient high medical category by competent military medical boards; together with all men of “A” and “B” categories still under civil jurisdiction on November 11, 1918, but whose claims for exemption had been finally refused and who were and are available for instant call.

Machin counted 26,225 men who were never actually called but who were “ready for instant call on November 11.” A total of 153,708 men were actually called, but “a considerable number of these men [16,108] were put in uniform, kept only for a short time in Canada and then lowered in category and returned to civil control.” Machin justified including these men in his total under the rather dubious claim that similar results would be “paralleled in any volunteer system” and that such a reduction “represents simply the ordinary stock deterioration of a business concern.” He also counted a “large number of men [24,139] put under military control [who] defaulted their Orders to Report and have never put on a military uniform.” When these men are excluded

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only 113,461 men were actually “made available” by the Military Service Act, but even that number is not completely accurate as 7,673 Class I men were “permitted to enlist in various units outside the Canadian Expeditionary Force.” On the other side of the ledger, Machin’s total of 179,933 “leaves out of consideration thousands of other men who would have been available for military service within a short period, as a result of the completion of the well advanced reviews of their cases by the registrars.” It also does not account for the 32,072 Americans who were registered and “would have yielded a considerable number for our Armies.”

A reliable count of the number of men who had defaulted under the Military Service Act was not possible, and estimates of the number that managed to escape conscription by defaulting were highly contentious. Even the most basic questions, such as how many men had actually defaulted in the first place, were disputed. Regardless of which total is accepted for men made “available for military service” or how to account for defaulters, there is no doubt that the Military Service Act provided a considerably greater number of men in 1918 than would have been convinced to volunteer. In this respect at least, the Military Service Act was a success. It remains a valid question though if this success was worth the price that was paid.

Carl Berger writes in *Conscription 1917* that “few events revealed the fragility of Canadian unity so dramatically as the conscription crisis of 1917. Canada entered the Great War enthusiastically and innocently; no one questioned the rightness of a struggle to preserve France and the Empire and to exterminate German militarism.” While it is easy to the blame the conscription crisis for the disintegration of this unity, the reality is more complex. Most of this enthusiasm and innocence was gone long before the Military Service Act was passed.

16 Ibid., 22.
17 Ibid., 1, 4.
A number of historians, including O.D. Skelton, Laurier’s biographer have contended that conscription was unnecessary and a failure. Skelton even argued that the real purpose of conscription was “not to win the war but to win the election.”

A.M. Willms notes that “most historians also seem to have accepted the thesis that conscription was a failure, that it did not produce worthwhile results.”\(^{19}\) But he disputes this assertion. Willms argued that “not only was conscription militarily necessary” but “Canada’s contribution to the fighting lagged behind that of her principal allies and sister Dominions until conscription was employed.”\(^{20}\)

Willms cited the Hon. Newton Wesley Rowell, an Ontario Liberal who joined the Union Government and served as president of the Privy Council from 1917-20, who testified that to equal Australia’s effort Canada should have had overseas at the end of January, 1917, 500,000 men; to compare with New Zealand her quota was 450,000, and with South Africa, over 400,000. In actual fact there were 284,000 Canadians in England and France. France and Great Britain had respectively four and three times as many men in the forces in proportion to their population.\(^{21}\)

It is hard to imagine that Canada could, or should, have increased its commitment to the war three or four times to match the effort of France and Great Britain. Still, it is very true as Willms pointed out that Canada’s home front never seriously suffered from a lack of manpower. Rowell claimed that “Canada had profited the most and suffered the least from this war of any of the nations of the empire.” He argued that “individuals were making great sacrifices, but the nation was not, either in manpower or in national wealth.”\(^{22}\)

Willms argued that the Military Service Act served its purpose. He noted that

\(^{19}\) Ibid.,12.
\(^{20}\) Ibid., 1.
\(^{22}\) Willms, *Conscription 1917*, 6.
The monthly enlistment was raised from 4,500 in December, 1917, to over 19,000 in January, 1918, while the average enlistment for the first eight months of 1918, until the war had been virtually won, was over 18,000 a month, whereas the average monthly enlistment during 1917 had been less than 6,000.

He noted that the total enlistment in the C.E.F., both draftees and volunteers, for the period the Act was in force to the end of the war was 156,018. This led Willms to the conclusion that the Military Service Act “was not a failure and it was not ineffective, even though the administration of it was inefficient.”

G.W.L. Nicholson, concedes that “while the administration of the Military Service Act was often inefficient and attended by many gross malpractices, the Act itself was neither a failure nor ineffective… it did produce the military results it was designed to produce.”

Desmond Morton also takes issue with the claim made by “later historians” that conscription was a failure. While he concedes that only 24,100 conscripted men “actually fought in France” he argues that the critics were “wise after the event.” He points out that “no one in 1914 predicted that the war would last four and a half years. No one in 1917 knew that the war would be over in a year.” Morton notes that the Military Service Act was “designed to find 100,000 soldiers. At war’s end, 99,561 MSA men wore the uniform of the Canadian Expeditionary Force.”

Although there Registrars barely took notice of conscientious objectors, and it would be easy to argue that statistically they were barely worth noticing at least from a purely military point of view, they represented something far greater than their numbers would suggest, and their very existence was bothersome to many conscriptionists. Public opinion in Canada both during

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23 Ibid., 13.
and after the war was generally skeptical and even hostile to conscientious objectors, even to members of the historic peace churches.

Lily C. Clark, of Ilderton, Ontario wrote the Minister of Militia, on October 18, 1918 that “a petition is being signed in the Cold Stream district by the “Quakers” on behalf of George Manly the objector doing 2 yrs in prison. It asks on the ground of greater food production that he be allowed out on ‘parole.’ Clark, who signed her letter “A Loyal Woman” because she did not want her name to be made public, beseeched the Minister “not to allow such an unworthy petition to have any weight with you. For the sake of the brave boys who have given their very lives, do not allow such a coward as George Manly to be let out of prison.” Clark also wanted to bring to the notice of the Minister the “fact that there are quite a few Quaker boys who are trying to get out of Military Service by applying to join the so called Reconstruction Unit in the States.”

She asked “is it fair because a boy has been born a “Quaker” that other boys should give their lives to protect them.” Clark concluded by stating that she had “the honor to claim 6 very dear ones in Khaki, so feel keenly this act of injustice being done by these Quakers.”

Clark received a reply the next day. The Judge-Advocate General wrote that she could “rest assured that this Department will take the necessary steps to see that no injustice will be done to those men who are already serving their country by releasing, without just cause for so doing, any man who has been convicted and sentenced to penal servitude for refusing to perform military service on conscientious grounds.”

The end of the war solved many war related problems, and it meant that there were no new conscientious objectors being drafted into the military, but it did not bring an immediate end

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26 Handwritten letter from “a loyal woman” (Private) Lily C Clark Ilderton, Ontario to Minister of Militia, Ottawa October, 18, 1918, N.A.C., RG 24 Vol. 5953 HQ 10-64 30-67 Vol. 3.
27 R.F.W. Captain, for Judge-Advocate General to Lily C Clark Ilderton, Ontario October, 19, 1918, N.A.C., RG 24 Vol. 5953 HQ 10-64 30-67 Vol. 3.
to the conscientious objector problem as those conscientious objectors who were already in the military or in prison had to wait many months while their fate was decided by policymakers. Public opinion in Canada was somewhat divided at the end of the war on the issue of pardons, with conscientious objectors generally viewed with more sympathy than deserters or defaulters, and both policy makers and the public watched with great interest to see how the United States addressed the issue.

One of those who argued “on behalf of the conscientious objectors,” was George Waite who sent a circular letter on December 10, 1918 to every member of the Dominion House of Commons, the Dominion Senate, as well as to every member of Provincial Legislatures “with the hope that Canada can be aroused from her indifference in extending simple justice to RELIGIOUS Conscientious Objectors to perform military service.” Waite argued that “it is a great pity Canada did not, in some measure, approximate the noble attitude of the Mother Country, in her respects to matters of conscience.” He added that it was also unpleasant “to find that Canada has failed to grasp her moral obligations to civilization in such regards, equally with her neighbor the United States.”

A similar sentiment was expressed by Capel B. St. George who wrote a hand written letter on February 15, 1919 to the Minister of Militia asking for information on the government’s intentions regarding conscientious objectors. He volunteered that “in my judgment they should be at once set at liberty, and compensated heavily for any financial loss sustained.” He noted that “with the country full of scoundrels, deserters doing what they like, to make criminals of God fearing, righteous living men is an eternal disgrace to the country.”

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29 Capel B. St. George to the Minister of Militia February 15, 1919, N.A.C., RG 24 Vol. 5953 HQ 10-64 30-67 Vol. 3.
Although there was considerable opposition, the trend in the months after the war was to solve the conscientious objector problem through the use of pardons. Twenty two conscientious objectors, originally sentenced to terms ranging to two years less one day up to ten years were released from custody between February 20 and March 8, 1919 a rate of slightly more than one a day.\footnote{Return of Conscientious Objectors Released from Custody, March 11, 1919, N.A.C., RG 24 Vol. 5953 HQ 10-64 30-67 Vol. 3.}

Because the number of conscientious objectors serving time in prisons was small to begin with, this policy of releasing them “from time to time, as the circumstances of the individual cases warrant” had freed all but a handful of conscientious objectors within six months of the end of the war. On April 28, 1919 the Deputy Minister of Militia informed The Under-Secretary of State that there were only 33 conscientious objectors still in jail for contravention of the Military Service Act.\footnote{Deputy Minister of Militia to The Under-Secretary of State, April 28, 1919, N.A.C., RG 24 Vol. 5953 HQ 10-64 30-67 Vol. 3.}

On July 30, 1919 The Lethbridge Daily Herald, in the article “Many Conchies Now Released” reported that all conscientious objectors “outside of exceptional categories arrested for non-compliance with the Military Service Act” had been released from prison by the government “except where misbehavior in prison or resistance of arrest made their retention desirable.” It added that “the larger part of those remaining in prison now have been arrested since the armistice, on charges of desertion.” It concluded by noting that “many appeals have been made for clemency and serious consideration has been given in every case where the punishments given were not light or trivial in the first instance.”\footnote{“Many Conchies Now Released,” The Lethbridge Daily Herald, Wednesday, July 30, 1919.}

The end of the war also raised new policy issues. The War had severely disrupted immigration, and many Canadians were determined to reevaluate Canada’s approach to
immigration now that the war was over. The War had provided many Canadians with a new perspective toward potential immigrants. On April 10, 1919 *The Lethbridge Daily Herald* ran an article “Greater Care Over Immigration.” This article argued that one of the “lessons of the war” from which Canada was profiting was that greater care was to be exercised on future immigration. The *Daily Herald* argued that immigration, “one of the most important policies of the Dominion, has been hitherto treated in a slipshod fashion,” which “has been the root of much evil.” It argued that, in an effort “to fill the vacant spots of Canada” the country had been “treated as some huge body clamoring for food, and to stifle the hunger pains there has been poured into it something to fill in a measure the vacuum without bothering much whether it was nutritive, or otherwise.” The *Daily Herald* praised the “greater restrictions to be placed on immigration.” The article added that the Union Government was “showing itself wise to the situation and making the most of the lessons that the war has been the teacher.”

The article then stated that the conscientious objector “has been found and placed at his value, so far as good and ideal citizenship goes, in the experience of the war.” It concluded that he was not “a wholesome individual to have in our midst when it is a call for every man who can bear arms to fight for the States.” It noted the “necessity of not adding to his kind.” The *Daily Herald* noted that before “the crisis” the conscientious objector “like the Quaker” may have “lived and flourished as some one with a peculiar belief that hurt no one in particular,” but the crisis “when true citizenship had to show and to exert itself,” had found the conscientious “wanting and worthless.”

The *Daily Herald* concluded by arguing that the policy of keeping the “wanting and the worthless” who “in the particular belief they hold, or flee to as a refuge to repudiate their lawful
obligations to the State which nurtures them,” from “infesting our shores is a wise provision in a scheme of healthy immigration on our traditionary ideals.”33

33 “Greater Care Over Immigration,” The Lethbridge Daily Herald, Thursday, April 10, 1919.
CHAPTER 16. EVALUATING THE SUCCESS OF SELECTIVE SERVICE:
“STUPENDOUS TASKS APPROACHED AND DONE”

On November 11, 1918 as an additional quarter of a million American men began to mobilize, the war abruptly ended. Crowder reported that “Selective Service had accomplished its purpose.”¹ By the War Department’s standards, conscription during World War I was extremely successful and had accomplished its purpose. Crowder described the nineteen months that the United States was involved in the war as “an era of achievement unparalleled in the nation’s history.” He pointed out that on April 3, 1917 the nation was “unorganized for war, opposed to compulsory service, unthinkingly despairing it as an institution antagonistic to free government,” yet by November, 1918 the nation had accepted Selective Service with “universal acclaim.” While this is a typical overstatement, Selective Service had allowed the nation to mold “mighty combatant and industrial armies” and “bring to naught forty years of diabolical military preparation.” Crowder notes that “stupendous tasks” were “approached and done” even when prospects seemed “dubious and success impossible.”

It is not surprising, given his intimate involvement that Crowder concluded that Selective Service was a complete and unqualified success, but he did have much to be proud of. On November 11, 1918 - the day the armistice was signed - there were about three and one-half million men in the United States military. The majority of these men, 2,758,542 of them, were in the military as a result of Selective Service, the remainder had volunteered.² An additional 1,426,446 men “had been finally classified, physically examined and found qualified for general

² Ibid., 363.
military service but not yet inducted.” 1,216,017 had “been classified in Class I but not yet physically examined.” 6,319,728 others were waiting to be classified.³

Crowder’s glowing appraisal of Selective Service was based not only upon the “stupendous tasks” that it accomplished, but upon optimistic estimations of what it would have accomplished had the war continued into 1919 and beyond. Crowder calculated that had the war lasted beyond 1919, which seemed very possible when he was drafting the Selective Service regulations in 1917, the United States could have fielded an army of 8,755,564 men “without invading any of the deferred classes.”⁴ The fact that Crowder predicted with great confidence and precision that the United States could, had the need arose, have placed 8,755,564 men in the field, a number far greater than twice what the United States actually deployed, without having to draft a single man from the deferred classes demonstrates the importance that Crowder attached to preventing an “invasion of the deferred classes.” Crowder considered the preservation of the deferred classes the strongest argument that he could make that a selective service should be used over volunteerism in any future wars.

Historians have generally agreed with Crowder’s assessment that Selective Service was a success. John Chambers argues that Selective Service represents “the first successful American experience with national conscription.” He adds that it was in World War I that “the modern draft first came to America.”⁵ Robert Zieger is a bit more guarded in his endorsement noting that “the efficacy of American-style Selective Service was never fully tested.” Zieger points out that the United States was only involved in the war for a short while and that “only about one-eight of those registered actually served in the armed forces, a far lower proportion than that prevailing

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³ Ibid.
⁴ Ibid.
among the Continental belligerents.” Zieger also points out that “Americans served largely
during a period of movement and triumph and were not called on to endure the rigors of trench
warfare for extended periods.” He questions whether America’s “relatively lax system could
have functioned efficiently if confronted with the circumstances that faced the British, French,
and German people for more than four years” noting that due to the end of this war this
“remained a question that mercifully needed no immediate answer.” Zieger points to some
ominous signs that serious challenges would have been encountered had the war lasted much
longer. He argues that the “aggressiveness of the ‘slacker’ raids, the government’s
encouragement of vigilante action, and the emotional patriotism of even the most respectable
newspapers provided a hint of the possibilities for brutality and infringement on personal
liberties had a true manpower crisis developed.” These are all very valid points, however,
similar challenges would have arisen had the United States relied upon patriotic recruiting during
the war.

The number of conscientious objectors in the United States during World War I was
statistically insignificant. Of course “contact with their fellows” was not sufficient to convince
all to accept service as Baker had predicted. There remained a small number of “absolutists.”
The War Department Annual Report noted that “the number of cases of final recalcitrancy is
remarkably small.” Norman Thomas praised the conscientious objectors, and the influence they
had exerted upon society, noting that “this insignificant fraction of the youth of American

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7 United States, War Department, Annual Report of the Secretary of War, 1919 (Washington: Government Printing
Office), 37.
challenged the power of the state when it was mightiest and the philosophy of war when it was most pervasive.” They said “you may kill us but you cannot make us fight against our will.”

At the end of the war, the Director of Military Intelligence issued M.I.3- Bulletin No. 39, a secret bulletin intended to elicit the opinions of the camp intelligence officers on the War Department’s policy toward conscientious objectors. These intelligence officers had a wide range of familiarity with conscientious objectors, and although many were hardly competent to answer the questions, most of them had strong opinions on policies concerning conscientious objectors. Almost invariably they favored stricter policies.

H.B. Williamson, the Intelligence Officer at Camp Wadsworth, South Carolina replied that the policy had been “on the whole, too lenient, in that it offered inducements to slackers to become conscientious objectors.” He felt that the War Department had made a mistake in “making public its policy of farm furloughs and segregation without necessity to perform duties.” He argued that this “offered a premium to those who wished to evade service” and noted that the effect of this policy had been “to diminish morale” and to create “resentment on the part of officers and enlisted men.” He stated that these inducements were “too attractive to the political and religious slacker to resist.” Finally he concluded by stating that “the early pardoning of all objectors would be a serious mistake.” He argued that in most cases sentences were imposed either because of defiant attitude on the part of the prisoners or because there was evidence that they were insincere. He reported that “the feeling on the part of officers and men is that there have been too few convictions, if anything.”

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9 H.B. Williamson, Camp Intelligence Officer, Camp Wadsworth South Carolina to Director, Military Intelligence Division, January 7, 1919; Box 3761; Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
Paul W. Bogusch, the Intelligence Officer for Fort Snelling, Minnesota reported on December 20, 1918 that it was “impossible” for him to answer all of the questions as he had only been acting in capacity of Intelligence Officer for two weeks. He did state that during his “experience in Army life” he had “never seen nor heard of a conscientious objector being mistreated.” Bogusch believed that conscientious objectors who refused to obey orders should receive “at least a 25 year sentence.” He believed that the War Department policy had been “wise” and was adamant against early pardons for objectors.10

E. F. Nendell, the Intelligence Officer for the Recruit Depot, Jefferson Barracks, Missouri had more experiences with conscientious objectors. He reported on 30 cases: 3 consented to combatant service, 18 were assigned to noncombatant service, with just 9 who refused all service. Nendell was one of the few Intelligence Officers who believed that their sincerity or lack of it was irrelevant. He felt that they should all “be placed in the same class.” He argued that any objector who refused “in any way to obey orders” should be punished “in the same manner as any other person subject to military law.” To Nendell, sincerity, or lack thereof, should “have no weight in awarding of sentence upon conviction.” He defended his position by noting that “refusal to obey an order in time of war of any person, be they either Christian or infidel, is a grave offense and should be punished with the utmost severity.” Nendell believed that propagandists should be considered traitors and “in all cases where facts are clearly established death sentence should be imposed.” In Nendell’s opinion “the method of treatment prescribed by the War Department is entirely too lenient” though he did not suggest any modifications to current policy in the event of another war, other than the suggestion that “it would be advisable to make the punishment and treatment a great deal more severe.” Nendell was adamant that all

10 Paul W. Bogusch, 1st Lieut., Inf., U.S.A. Intelligence Officer, Fort Snelling, Minn. to Director, Military Intelligence Division, Washington, D.C. Dec. 20, 1918; Box 3761, Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
conscientious objectors who have been tried and convicted should “be held to serve their entire sentence.”

James Whitney Hall, the Intelligence Officer for Fort Oglethorpe, Georgia had a rather low opinion of religious conscientious objectors. He reported that they “consist principally of men of low mentality and physical cowards, thoroughly without National pride. The few who had a higher mentality were usually radical and based their objections on other than religious grounds.”

Hall felt that the present method of treatment prescribed by the War Department is “good in many ways but is too lenient.” He provided an example of an “objector who was very radical, refused to put on the uniform or do any work, and was very insulting to any officer who questioned him.” This objector was tried under the 64th article of war and “sentenced to death by musketry.” Hall was dismayed, however, that “the reviewing authorities, presumably on some technicality, restored this man to duty with no punishment.” He noted the effect that this had upon the objector who “then became more rebellious than ever, creating more trouble and made fun of the attempt to punish him.” As a result the objector was “again the guard house under charges for violating the 64th A.W.”

Hall felt that the objector “should be given every opportunity to do his duty as a Citizen. He should be handled by the best and most tactful instructors, and every means exhausted to create in him a National pride and desire to serve.” If, however, the objector still “refused to do anything toward the support of the Government, he should then be disfranchised and all the

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11 E.F. Nendell, 1st Lieut., Cavalry, Intelligence Officer, Recruit Depot, Jefferson Barracks, Mo. to Director, Military Intelligence Division, Washington, D.C. December 23, 1918; Box 3761, Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
12 James Whitney Hall, Capt. M.C. Intelligence Officer, Ft. Oglethorpe, Ga. to Director, Military Intelligence Division, Washington, D.C. Jan. 6, 1919; Box 3761, Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
rights of a Citizen denied him.” Hall warned that the early pardoning of objectors “if they were justly convicted, would be very hazardous in the event of future wars.” He suggested that they should be made an example in a way that “will keep the yellow low brows of the Nation who are thoroughly without National pride, from feeling that they can shirk their duty to the Government that has protected them by posing as a conscientious objector.” He added the caveat that “this however, does not apply to the sincere objector on religious grounds, where it is established that his objections dated back previous to the entry of this Government in the war.”

Ernest J. Hall, the Assistant Intelligence Officer, 12th Division, Camp Devens, acknowledged alleged cases of mistreatment but characterized them as being “mostly minor and involving cold showers and exposure.” He described several of these “cases of mistreatment” and concluded several of these descriptions with the observation that “this man was a member of the International Bible Student’s Association, and active in spreading their literature in the camp.” He also reported that in each case “as soon as his case was brought to the attention of higher authorities his treatment was made to accord with the desires of the War Department” He described just one “case of mistreatment” that he considered serious, that of Clyde M. Bishop, Company F 42nd Infantry, who was made to wear a placard on August 31, 1918 bearing the inscription “I am yellow.” Bishop was also “severely beaten by enlisted men in his company.” Hall reported that the enlisted men were punished, and the officer responsible for not protecting the man severely reprimanded after the case was brought to the attention of the Intelligence Officer by a representative of the Seventh Day Adventist Church, of which Bishop was a member. Hall concluded with a few words of praise for Bishop noting that he was a Seventh Day Adventist, “willing to go over the top unarmed and assist the wounded, and was transferred to

13 James Whitney Hall, Capt. M.C. Intelligence Officer, Ft. Oglethorpe, Ga. to Director, Military Intelligence Division, Washington, D.C. Jan. 6, 1919; Box 3761, Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
the Medical Unit, where he might have the opportunity of making the supreme sacrifice, if necessary, in attending to the wounded on the battle field.”

In the last months of the war, conscientious objectors were transferred from most camps and concentrated at Camp Funston, Kansas, which quickly became notorious for the harsh treatment of conscientious objectors. Therefore, the report of Sidney H. Negrotto, Camp Intelligence Officer at Camp Funston, Kansas titled, *A last word on objectors* submitted on January 20, 1919 is of particular importance.

Negrotto reported that “about” six hundred objectors passed through Camp Funston. About fifty percent refused all service. Only one percent accepted combatant service, about five or ten percent were assigned to and accepted noncombatant service “which came within the full meaning of the law” and about thirty or forty percent accepted partial noncombatant service. Ninety-six conscientious objectors were court martialed, and 85 sent to Fort Leavenworth. Eight cases were still undisposed of when he completed his report.

Negrotto reported that about seventy percent of the objectors based their objections on religious grounds, with about thirty percent on personal, radical and nonreligious grounds. He judged only fifteen percent of those who based their objections on religious grounds were sincere, the rest of the religious objectors he felt were “in fact pro-Germans, radicals, Socialists and Bolsheviks, and based their claims, either through cowardice or disloyalty, on religious grounds purely as a means to evade service.” Negrotto felt that none of the nonreligious objectors were sincere, describing them as consisting “for the most part, radicals of the worst

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14 Ernest J. Hall, Captain, Infantry, U.S.A. Asst. Division Intelligence Officer, 12th Division, Camp Devens, Mass. to Director, Military Intelligence Division, Washington, D.C. December 23, 1918; Box 3761, Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
15 Sidney H. Negrotto, Captain, Infantry, U.S.A. Camp Intelligence Officer, Camp Funston, Kansas to Director, Military Intelligence Division, Washington, D.C. Jan. 20, 1919; , Box 3761, Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
type, who undoubtedly were being fed malicious propaganda which had for its purpose the
undermining of the military establishment.” Perhaps not surprisingly, given this assessment of
the lack on sincerity, Negrotto reported almost no success in converting conscientious objectors.
He estimated that “about one percent of both classes “a” and “b” were converted by treatment to
a sane point of view which would allow them to render combatant service; and perhaps ten
percent to accept noncombatant service.”\(^16\)

Although Camp Funston is widely considered to be among the worst camps as far as
abuse, and numerous examples were widely publicized, Negrotto reported that not a single case
of mistreatment of objectors had been brought to his notice. He did admit that at times in order to
enforce the “camp and guard house discipline,” it had been necessary to “apply certain measures
of punishment, which the objectors and their friends habitually referred to as maltreatment and
persecution.” Negrotto offered the example of nineteen conscientious objectors who were
confined for two months in the Military Police Guard House. He reported that they had been
“subjected to various disciplinary measures such as as ‘bread and water’ diet, ‘administering of
shower baths’, ‘restrictions on letter writing’ and in one or two instances the withholding of a
meal” but he argued that these measures were applied “only in the case of a few recalcitrants
who were particularly obnoxious in their personal cleanliness, or obstinate in their refusal to
obey the rules of the guard house concerning the discipline and the health of the other prisoners.”
Later, Negrotto reported that all of the cases tried at this camp were “for refusal to obey orders”
but he added that all of these objectors “were primarily propagandists.” He added that in every
case the “right man was justly punished.”\(^17\)

\(^{16}\) Ibid.
\(^{17}\) Ibid.
Negrotto suggested that the refusal to obey orders “should not in any case be tolerated.” He believed that sincere objectors refusing to obey legitimate military orders should be punished with at least fifteen years imprisonment at hard labor, while insincere objectors should face an “immediate death sentence,” and depending on the extent of their activities propagandists should receive penitentiary sentences at hard labor ranging from fifteen years to life. Negrotto argued that if the first objectors who refused to obey military orders were “summarily dealt with such punishment” that “a great deal of all the trouble experienced at the various camps would have been avoided.” He argued that the protection given these men was “a mistake and not consistent with the principles of military discipline and order.” Negrotto was especially resentful that War Department orders were “flaunted with impunity before the faces of the official who tried to enforce discipline.”

Negrotto regretted to report that the channels through which these orders reached the objectors as “still uncovered, but they reached them nevertheless, and in a good many cases way in advance of the official receipt of them at these headquarters.” He cited a letter from the Secretary of War to the President dated July 22, 1918, published in Upton Sinclair’s monthly magazine of October 1918, which he reports was widely circulated among the conscientious objectors at the various training camps, as “the cause of a good many converts to the side of the objectors.”

Negrotto was also highly critical of the Secretary’s confidential letter of October 10, 1917, advising “that the attitude of conscientious objectors be ‘quietly ignored’ and that they be treated with “kindly consideration.” He noted that this caused many of these objectors to refuse even non-combatant service. He added that “the radicals scored a victory” and became “so obstinate in their stand that at times they became unmanageable.” Negrotto argued that this letter

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18 Ibid.
encouraged the “weak and disloyal in taking an attitude opposed to their actual participation in
the war, which if allowed to spread would have wrought havoc in the military establishment.” He
pointed out that it was “only because of the sincere patriotism of the greater part of the American
soldiers who were inducted into the service that many more of them did not take advantage of
this protection and attempt to evade military service.”

Finally, Negrotto complained that the confidential letter of December 19, 1917 which
stated that all persons with “personal scruples against war” were to be recognized as
conscientious objectors, reached the hands of the objectors “through some unknown source.” He
noted that this letter

… through subsequently modified by the Department, was persistently used by
the objectors, the insincere along with the sincere, not only in claiming exemption
from all service, noncombatant as well as combatant, but in demanding kind and
considerate treatment while refusing to obey the ordinary orders necessary to
health and discipline. ¹⁹

Negrotto disapproved of the segregation of conscientious objectors, noting that it “proved very
unsatisfactory, for wherever they were grouped together the radicalism and disloyalty of the
insincere was spread over the entire group.” He elaborated, noting that “they would act in
concert in refusing to obey orders and in making unreasonable demands upon the authorities.”
As examples he noted that “they would go on hunger strikes, get up petitions maliciously
misrepresenting their actual conditions and so play upon the patience of those who had them in
charge that the situation became unbearable at times.”

Negrotto vigorously defended any “stringent methods” that were used against “these
sinister groups” noting that they were “necessary for the obvious purpose of setting off the ugly
aspect of the disloyal as compared with the loyal groups, and for the further purpose of raising
the morale of the latter.” He argued that “in a camp where thirty or forty thousand soldiers are

¹⁹ Ibid.
undergoing intensive training and that the same time amendable for the slightest breach of military discipline, the effect of pampering a small group of objectors cannot be otherwise than detrimental to the morale.” He speculated that if the War Department had not issued the above confidential orders and the Military Authorities had instead strictly interpreted Section 4, of the Act of Congress, dated Sept. 17, 1917 this would have “obviated, in not all, a great deal of the trouble experienced in various camps.” Negrotto lamented that differentiating between sincere and insincere religious objectors “is a matter most trying to those charged with the efficient prosecution of the war” but he warned that to deal leniently with those who refuse to accept noncombatant service as offered them in the Selective Service Act “was to invite disloyalty.” He later wrote that the refusal to obey a military order in time of war was in his opinion “an offense, the gravity of which is equal to that of desertion in the face of the enemy.”

Negrotto concluded his report by stating that while he felt that “in every case these men should have been summarily dealt with for refusing to obey military orders” nevertheless, he believed that “this class of men probably should have had some consideration from Washington in order to prevent them from becoming martyrs in the eyes of the small group they represented, and as a matter of public policy that the army might have the full support of the people.” He qualified this statement by noting that he believed that “the matter was carried to an extreme” and that “the sincere, as well as the insincere, should be made amendable to military discipline.” He suggested that should objectors be legally recognized in any future wars, they should be given such consideration “only as is consistent with the maintenance of military order and discipline.” He argued that the first cases of insincerity and those refusing to obey orders should be dealt “with such severity as to set an example to the rest of the class.” He strongly opposed the early pardoning of any of these objectors stating that they should be “made to serve out every

20 Ibid.
hour of the sentence imposed upon them.” He reasoned that the effect of pardoning these men at this time will “in the event of another war in the near future, be remembered by the objector and their friends of this small group, and as a result of any mercy or consideration given them now, is bound to grow in such proportion as to give rise to another problem of almost insuperable difficulties.”

Negrotto then made the curious argument that it was especially dangerous to pardon the conscientious objectors now because “the Bolshevik element is beginning to take a definite form in this country.” Negrotto did not suggest that the conscientious objectors currently in prison were in any way associated with the “Bolshevik element” though he had early declared that he believed that 85 percent of the religious objectors were “in fact pro-Germans, radicals, Socialists and Bolsheviks.” Instead he argued in favor of law and order and warned that it was dangerous to appear weak or conciliatory at that time, noting that “it is believed that the slightest encouragement given them is bound to prove disastrous in years to come.” Negrotto then explained that it would be wise to keep the conscientious objectors in prison for their own protection, noting that during the past eighteen months 157,000 or more soldiers who were trained at this camp “knew of the protection given the six hundred or more conscientious objectors by the War Department.” He explained that knowing the caliber of these men [the soldiers] the effect of exoneration, and their [the conscientious objectors] restoration to the same civil status as they themselves receive, cannot do otherwise than sow the seed of political discontent and encourage Bolshevism where loyalty was undoubtedly well planted.

Negrotto’s concern about the “Bolshevik element” was typical of the xenophobia which was becoming increasingly common in the press and in the public discourse though it preceded, by a few months, the full blown anti-radical hysteria that was the Red Scare.

21 Ibid.
22 Ibid.
It was clear that conscription would end once the war was over, but there was a variety of opinions as to what policy should be followed in regard to the conscientious objectors who had already been conscripted, specifically those who had also been court-martialed for refusing to obey orders, many of whom were serving twenty year prison sentences. Eliciting the opinion of the camp Intelligence Officers on this very question was one of the principal reasons the Director of Military Intelligence had sent out Secret Bulletin No. 39.

Many of the Intelligence Officers seemed to share Negrotto’s view that the conscientious objectors should be “made to serve out every hour of the sentence imposed upon them.” Although there was some difference of opinion, the report on Mennonites prepared by Military Intelligence noted that

practically all the Intelligence Officers agree that the cases should be carefully reviewed and all unjust sentences revoked, that sincere objectors should receive all consideration, that special privileges should be granted and sentences mitigated in recognition of good behavior, but that any wholesale pardoning of objectors would be an act of grave injustice to the men who were willing without evasion, to do their full duty.\(^{23}\)

The general public also weighed in on this question. Public opinion was somewhat more sympathetic toward conscientious objectors after the war, but the overall tenor was not inclined to be entirely forgiving.

Many patriotic organizations including the newly created American Legion protested the pardoning of conscientious objectors. On September 8, 1919 the Executive Committee and Advisory Board of the Hyde Park Post of the American Legion, having learned that “an organization known as the Amnesty League, is making an effort to secure the release of conscientious objectors and other slackers now serving sentence in military prisons” passed a resolution putting them “on record as condemning the activities of the Amnesty League, and

\(^{23}\) “Mennonites”; Box 3761, Military Intelligence Division Correspondence, 1917-41; Records of the RFSG, RG 165; NACP.
demanding that the patriotism of the Amnesty League be proven.” They passed a further resolution demanding that “District Attorney Clyne make a full and complete investigation of the Amnesty League, as to its personnel and its objects.” Similar resolutions were made by Legion Posts across the country.

Arlyn Parish notes that some of the determination on the part of the War Department to deal harshly with conscientious objectors arose from public pressure, specifically from newspapers. Both Baker and Keppel were indeed criticized by a number of newspapers, including the Kansas City Star, for their “conciliatory” approach toward conscientious objectors.

On January 13, 1919, the Kansas City Star stated, in an article titled “Coddling the Slacker” that “some grotesque things are happening in connection with the demobilization of American soldiers.” The Star alleged that there were a large number of “conscientious objectors” at Camp Funston. In addition to these conscientious objectors were “others, parading themselves as I.W.W., ‘International Socialist’ and plain disloyalists.” The Star reminded readers that “the honest ‘conscientious objector’ is a rare bird in these camps.” It stated that “these beings were drafted into the army. They wouldn’t drill, they wouldn’t wear a uniform, they wouldn’t bathe, and their uncleanliness was nauseating. They were, and are, disloyalists, traitors, many of them creatures of that Potsdam gang that is no more.” The Star also stated, inaccurately, that “they have been drawing their $30 a month army pay, the same pay that a loyal American fighting man was given. Furthermore, there is no record that any of these “objectors” even objected to drawing that $30 per.” It reported, with some satisfaction, that “of course every man of them got a “dishonorable discharge, conduct bad” when they were let go.” The article concluded, however,

24 Copy of Resolutions Adopted by Hyde Park Post American Legion- Chicago.
25 “Coddling the Slacker,” Kansas City Star, December 23, 1918; Parish, Kansas Mennonites During World War I, 43.
by noting that “that worries them not at all. They managed to keep their precious hides out of shrapnel range while the better men died.”

Nevertheless, President Wilson granted amnesty to nearly all remaining COs in November 1920. Ben Salmon, “the last conscientious objector in America to be freed in the aftermath of the First World War” was released from federal custody on November 26, 1920. The decision to grant amnesty resulted in furious condemnation, much of it directed at Secretary of War Baker who issued the actual orders. The Kansas legislature accused Baker of releasing a “crowd of marplots and conspirators” on an “already outraged nation.”

26 Parish, *Kansas Mennonites During World War I*, 43.
27 Their civil rights were not fully restored until President Roosevelt’s Christmas amnesty in 1933; Torin R. T. Finney, *Unsung Hero of the Great War: The Life and Witness of Ben Salmon* (New York, Paulist Press, 1989), xiii, 1.
CONCLUSION

The United States and Canada, which both began as colonies of Great Britain, shared many cultural traditions inherited from Great Britain. One of the most important of these traditions was a general high regard for citizen soldiers and voluntary enlistments and a disdain bordering on contempt for conscripts. Both nations had a long history of conscription and of recognizing religious conscientious objectors. Even so, for many years prior to World War I both the United States and Canada had relied exclusively upon volunteers to fight their wars. Neither nation had any recent experience with conscription or conscientious objectors. Both watched closely as Great Britain implemented national conscription for the first time in its illustrious history on January 27, 1916, and nations followed Great Britain’s example by instituting conscription in 1917.

Neither nation was particularly well prepared for war, or to deal with conscientious objectors when they implemented conscription. As Canada slowly moved closer to conscription, which it adopted in August 1917, war weariness set in and the country approached its breaking point. Volunteerism, which had worked so well early in the war, eventually failed and conscription was a last resort to keep Canada in the war without significantly reducing its commitment. However, conscription could not be implemented without calling a wartime election. After more than three years of war, it is not surprising that the December 1917 election, which was widely viewed as a referendum on conscription, would be divisive. Desmond Morton described the conscription debate accurately as a “dialogue of the deaf.” Subsumed within the debate on conscription were a number of larger issues that were themselves divisive and the 1917 election proved to be one of the most divisive in Canadian history.
One of the most important of these larger issues was competing views of Canadian nationalism and visions of Canada’s future. Robert Borden and the conscriptionists viewed the war as a commitment, entered into freely and willingly by a sovereign nation. They viewed the cause as just and they considered it necessary to implement conscription to keep the faith with those Canadians who had already paid the ultimate price for that cause. They dismissed critics of conscription as narrow provincials who did not understand Canada’s role in world affairs. Henri Bourassa and his “Nationalists” dismissed the war as an imperial adventure that was not, and could not be, in Canada’s best interest. They argued that the war had already cost far too much money and far too many lives.

Robert Borden’s Unionist Government won the election and conscription was implemented; however, it was a hollow, almost pyrrhic, victory. The country was deeply divided and the bitterness of the election undermined the legitimacy of the conscription. In the postwar years however, Borden’s vision of Canadian nationalism came to resemble Bourassa’s. Fueled by pride in the accomplishments of Arthur Currie and the Canadian Corps and a growing self-confidence, Canada moved rapidly toward greater independence and a more equal relationship with Great Britain. Already by the end of the war that relationship more closely resembled that of an ally than a colony.

The United States was also ill-prepared for war on April 6, 1917. Perhaps most glaringly there was no consensus detailing how the United States would raise an army. By the time the United States declared war, political and military leaders clearly preferred conscription, but it was far from certain that the United States would turn to conscription when there were plenty of eager volunteers willing to join the military. Conscription was intended as much to keep certain, highly skilled workers in the civilian workforce as it was to fill the ranks of the army.
Conscriptionists desperately wanted to avoid what they viewed to be the highly inefficient British and Canadian experiences with voluntary recruitment.

No sooner had conscription been passed in the United States and Canada than shortcomings became apparent and changes were made. In both nations the minimum age of eligibility was lowered while the maximum age was raised. Likewise, the criteria by which men could gain exemptions was extensively modified in both countries during the war. The primary considerations always remained ensuring that military needs were met and that economic activity, especially in agriculture and war industries, was only minimally disturbed. Though clearly of secondary importance protecting traditions and maintaining “fairness” was also relevant.

Max Weber defined the state as “a human community that claims the monopoly of the legitimate use of physical force within a given territory.”¹ Conscription poses special challenges for democratic states, not the least of which is the problem of conscientious objectors. When Chief Justice Edward White of the U.S. Supreme Court ruled in Arver v. United States that “the very conception of a just government and its duty to the citizen includes the reciprocal obligation of the citizen to render military service in case of need and the right to compel it,” he was clearly articulating the challenge that conscientious objectors posed to the state, for by refusing to be conscripted they publicly renounced this view of the obligations of citizenship. Conscientious objectors, slackers, draft dodgers and deserters all rejected the military obligations of citizens. Slacking, draft dodging and desertion were all private “evasions” of state authority but conscientious objection was a public “confrontation” with the state.²

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The tremendous diversity conscientious objectors, in both the United States and Canada, created great challenges for conscriptionists. Secular conscientious objectors based their objection upon any combination of moral, ethical, humanitarian, economic, political, philosophical, or social factors. Most religious conscientious objectors, particularly the absolutists, were “Biblical literalists.” One of the only things that these two groups agreed upon was that they could not participate in the war, but they had reached that conclusion from radically different starting points and they had little else in common. Like the military authorities many of the secular objectors complained that the Mennonites and other sectarian objectors “take their Bible with painful literalness,” and generally fail to address the problem of conscientious objection “from a modern point of view.”

Many, but certainly not all religious conscientious objectors, belonged to “existing and well recognized” religious denominations that prohibited their members from undertaking combatant services as a “tenant and article of their faith.” Both the United States and Canada recognized, the right of such objectors to be exempt from combatant duties, but both required the vast majority of conscientious objectors to accept noncombatant duties. All of the historic peace churches, and most other nonresistant churches, produced a public statement of their faith sometime during the war. One of the most influential of these documents Mennonites on Military Service stated that group’s obligation to “support the government under which we lived in every capacity consistent with the teaching of the Gospel.” The absolutist religious objector invariably believed that participation in war either, even in a non-combatant role, was inconsistent with the teaching of the Gospel. Although the Mennonites displayed a “humbled, obedient attitude” as they made their position clear, “the privileges” they were seeking “were inherently radical; they

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were asking for no less than the right to determine the reality of their own culture and religious identity.” These demands seemed even more radical when their religious identity was compared to a then ascendant alternative view of Christianity, a “muscular Christianity” which emphasized service, courage, and sacrifice. This new, “muscular Christianity” coexisted easily with a militant nationalism that passed as patriotism and served to reinforce a “twentieth century State mad with war.”

States can preserve their legitimacy despite a certain amount of lawlessness and private evasion of their authority, however if a state allows dissenters to publicly confront its authority and go unpunished, the very legitimacy of the state is called into question. By publicly refusing to participate, even in a limited way, in state-sponsored violence conscientious objectors posed an existential challenge to the states legitimacy. The conscientious objector could not accept the state’s requirement that they participate in carnal warfare and felt compelled to challenge the state. Many of these absolutist objectors resigned themselves to personal martyrdom rather than compromise their beliefs. The state could not ignore this challenge or allow it to go unanswered. There was not a lot of room to compromise between these two positions.

Both nations recognized Mennonites, Friends (Quakers) and Brethren (Dunkers) as historic peace churches and exempted their members from combatant duty. Canada also honored previous agreements and exempted “Western Mennonites” and Doukhobors entirely from the Military Service Act. Canada, through a ruling of the Central Appeals Judge, eventually recognized the Christadelphians and the Seventh-Day Adventists as historic peace churches but the exemption from non combatant service was never extended beyond the officially recognized historic peace churches.

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The United States eventually extended the right to claim an exemption to individuals with “personal scruples against war” which essentially encompassed all conscientious objectors, even non religious objectors, but again the exemption was from combatant service only. Non-combatant alternatives to military service were explored, and through the Friends Reconstruction Unit, actually implemented on a very limited scale. Alternative forms of service were also discussed but not implemented in Canada during the war.

Conscriptionists on both sides of the border held remarkably similar views regarding the benefits of conscription. The two most visible and influential conscriptionists Enoch Crowder in the United States and H.A.C. Machin in Canada prepared final reports that praised the efficiency and stressed the benefits of conscription while virtually ignoring any negative aspects. The large number of registrants who sought, and received, exemptions was of some concern to conscriptionists in both the United States and Canada, though the concern was much greater in Canada which struggled, even with conscription, to meet its commitments to the military. Ninety-five percent of Canadians called up in October 1917 claimed exemption for one reason or another, and more than half of all the men registered under the Military Service Act were eventually granted exemptions. This extraordinary rate of exemptions resulted in the wholesale cancellation of exemptions, except those granted for conscientious reasons, in April 1918. H.A.C. Machin had worried that if these exemptions were not cancelled all that would be left for the military was a “motley crew of tramps.” While this was perhaps a rhetorical exaggeration, the extraordinarily high rate of exemption claims indicated that after more than three years of war, most Canadians who were physically qualified and had any desire to serve had already volunteered. Those who remained, to a great extent, were either not interested in serving or not eligible for military service. The extraordinarily high rate of exemptions is also the primary
reason why Canada’s conscription policies were not as successful as the policies of the United States.

Neither nation was well prepared to deal with conscientious objectors when they instituted conscription. Conscriptionists in both the United States and Canada made a sincere, though limited, effort to accommodate at least some religiously motivated conscientious objectors, but they generally failed to understand the faith that motivated these objectors. Decisions concerning conscientious objectors were made by politicians, bureaucrats and military officers, based upon little or no information. The little information that was available was often false or inaccurate. Military intelligence officers worked diligently to correct this deficiency and gathered information on conscientious objectors but frequently these investigations failed to provide actionable intelligence in a timely manner. As a result they questioned the objector’s sincerity and underestimated their resolve. The idea that some men would object to all manner of military service on religious grounds and not be amendable to their carefully crafted arguments was difficult for conscriptionists to comprehend. They assumed that a reluctance to serve must be the result of cowardice or some other “deficit in character.” They believed that these deficits could be “overcome in some of these men but it would take special effort.” Their proposed solution was a policy of coercion.

Through various combinations of “tact and consideration” and brutality, physical intimidation and violence the United States and Canada convinced all but the most determined of conscientious objectors to drop or modify their objections and at least nominally recognize the state’s authority. The efforts to convince conscientious objectors to renounce their claim, in whole or in part, were pervasive and effective. Thousands of men who initially claimed to be conscientious objectors later became adequate, sometimes even enthusiastic soldiers. The most
determined objectors, however, could not be convinced to compromise and the state turned its power against them. These absolutists were marginalized through court martial and imprisonment.

The United States and Canada share a 5,525 mile border, which was mostly unguarded, which created numerous problems in implementing conscription. Because the state exists “within a given territory” a number of conscientious objectors, slackers, draft dodgers, deserters and other war resisters chose to leave the state, which they were citizens of, in order to try their luck in a territory and a different state. Although it is impossible to know for certain exactly how many men crossed the border in order to avoid military service, it is clear that the number was relatively small, much smaller than most of the wildly inflated contemporary estimates. The majority of men who crossed the border in order to escape conscription belonged to either the Mennonite or Hutterite faith. The best estimates suggest that approximately 600 Mennonites and 1,000 Hutterites left the United States for Canada in 1918, though only a small percentage of these Hutterites were actually eligible for conscription in the United States.

The controversies surrounding conscientious objectors did not fade away after the war ended. The fate of the conscientious objectors, who were sentenced to military prisons in the United States and civilian prisons in Canada, became a topic of heated debate. The precedent that would be set for future wars caused many conscriptionists to be adamant that conscientious objectors should not be released until they had served their full sentences, which in many cases would have meant life in prison. Despite this pressure, Ben Salmon, the last conscientious objector in either Canada or the United States Ben Salmon was pardoned, given a dishonorable discharge from the army, and released from federal custody on November 26, 1920. Although
the conscientious objectors failed to stop the war or their nation’s involvement in it, they had a remarkable impact on future draft resistance movements.

The result of this debate that occurred after the war was a framework, in both nations, for a more efficient conscription policy, which also promised greater justice to those men who would object based upon their religious or personal beliefs. When conscription was implemented in the United States and Canada during World War II, it resembled, in each nation, an improved version of their conscription policies from World War I.

The conscientious objectors also helped to bring about a subtle, but significant, shift in the positions of the mainline churches. In the waning days of World War II, the American Friends Service Committee looked back upon World War I and noted that during that war “pacifism had few adherents in the major denominations.” They argued, however, that “the experience of 1917-1918 and its sequel opened the eyes of the churches to the horrors, the waste, and the futility of modern warfare.” They pointed out that many church members were “awakened to the inconsistency of war with the doctrines they professed to believe.”

The American Friends Service Committee pointed out that “the major churches, through their official representing bodies, have, almost without exception, gone on record as opposing war and offering moral support to members who are conscientious objectors.” They noted that in 1930 the Federal Council of Churches of Christ in America, which represented most of the major Protestant denominations, held that “the duty of the churches to give moral support to those individuals who hold conscientious scruples against participation in military training or military service.”

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6 Ibid.
This subtle shift can easily be overstated for the major denominations in both the United States and Canada, almost without exception, supported their respective governments during the Second World War as patriotically as they had during the First, but there was a significant increase in the number of individual members of these denominations who declared themselves to be conscientious objectors during the Second World War. The churches continued to encourage their men to do their duty as citizens, and it was not easy to be a conscientious objector in World War II but the churches were, for the most part, more supportive of those individuals who found that they could not conscientiously go to war. At the very least the churches seemed less hostile to their own members who objected.
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