The Treatment of Conscientious Objectors
in War Time, 1775-1920

DISSERTATION
Presented in Partial Fulfillment of the Requirements for
the Degree of Doctor of Philosophy in the Graduate
School of The Ohio State University

By

Russell Howard Seibert, B. A., M. A.

OHIO STATE UNIVERSITY
The Ohio State University
1936

Approved by:

Homer W. Hackett
Adviser
The levelled gun, the battle-brand,
We may not take;
But, calmly loyal, we can stand
And suffer with our suffering land
For conscience' sake.

—John G. Whittier
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>I  The Issue Defined</td>
<td>6</td>
</tr>
<tr>
<td>II  Pennsylvania in the Revolution</td>
<td>22</td>
</tr>
<tr>
<td>III  Objectors in Other States</td>
<td>66</td>
</tr>
<tr>
<td>IV   The North in the Civil War</td>
<td>94</td>
</tr>
<tr>
<td>V    The Confederacy</td>
<td>122</td>
</tr>
<tr>
<td>VI   The World War G. O. and Governmental Policy</td>
<td>142</td>
</tr>
<tr>
<td>VII  In the Army</td>
<td>182</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>218</td>
</tr>
</tbody>
</table>
INTRODUCTION

From the founding of Pennsylvania, two hundred and fifty years ago, conscientious objection to war has been a problem confronted by the governments of this country during each conflict in which they have engaged. To William Penn's colony had come several sects seeking, among other things, freedom from the necessity of bearing arms. To a very large extent this freedom was theirs, for the so-called Quaker element, with the support of sympathetic persons, controlled Pennsylvania politics until the French and Indian War. First among these pacifist sects were Penn's coreligionists, the Friends, popularly called Quakers. Others included the Mennonites, German Baptist Brethren or Dunkards, Schwenkfelders, and later the Moravians — all opposed to violence.

During the French and Indian War and earlier ones the persons today called conscientious objectors created only a slight problem. Some of the colonies excused them from militia service, although in time of invasion an alternative might be required, such as caring for the wounded, extinguishing fires, and helping the women, children, aged,

—Professor Case thinks General Smuts coined the term conscientious objector some time before the World War in South Africa. —Clarence Marsh Case, Non-Violent Coercion: A Study in Methods of Social Pressure, 4.
and infirm. But up to 1775 the pacifist sectarians were able to maintain their principles without serious difficulties.

It was during the American Revolution that the problem of conscientious objection became more troublesome. Thereafter, in each of the wars involving the conscription of men, the Civil and World Wars, the issue has had to be met, not because the conscientious objectors were numerically so strong, but rather because despite their small numbers they were so persistent and determined in their stand, so indomitable. This study, limited to those three wars, has been undertaken with the following purposes in mind: first, to determine what provisions have been made by the various governments, state, Confederate, and National, for relieving conscientiously scrupulous persons; second, to find out how those provisions have actually been executed; and, third, to learn the attitude of the civil and military officials toward conscientious objectors.

In no way is the study meant to be a history of the various sects with which it largely deals. For that reason their origins lie beyond the scope of this work. It is enough to know that they opposed war and violence upon religious grounds.

Yet several characteristics might be mentioned. The German and Dutch sects, the Mennonites, Dunkards, Schwenkfelders, and Moravians, were, with the possible exception of the last, strict non-resistants basing their opposition to war upon tradition and a literal reading of the New Testament. The Society of Friends, on the other hand, has too actively opposed war to be considered a strict non-resistant sect. Its members are rather non-violent resistsants. Whereas the Anabaptist sects withdrew from civil government, the Friends have frequently participated actively in political affairs.

The Quakers' opposition to war is a way of life. They occupy a middle ground between the religious literalist and the modern non-religious, philosophical conscientious objector. It is not upon some specific Biblical injunction that they stand, although their opposition is deeply rooted in the New Testament. An authoritative statement issued by them at the close of the World War put it thus: "[Friends] do not rest their case on sporadic tests. They find themselves confronted with a Christianity, the Christianity of the Gospels, that calls for a radical transformation of man, for the creation of a new type of person and for the building of a new social order, and they take this with utmost seriousness as a thing to be ventured and tried".  

---

For three reasons more space is devoted to the Friends during the American Revolution and Civil War than to the other sects: first, during those conflicts they always took a more active and unyielding stand in support of their principles; second, their numbers were larger than those of the other sects, for both of which reasons they were better known to the authorities; and, third, they have always kept more systematic records during periods of war. The other sects, however, are not by any means neglected.

The term conscientious objector, as used in the following chapters, is limited to persons opposed to participation in all wars on religious, moral, or other intellectual grounds, whether or not they are members of sects whose tenets or principles forbid such participation. Although the conscientious objector was sometimes confused with the Tory in the American Revolution, the Copperhead and Peace Democrat in the Civil War, and with the pro-German in the World War, he was none of these. His position was unique. Neither should it be assumed that the conscientious objector was a man without sympathies. He might be strongly sympathetic with the avowed aims of one party to the conflict, but he was convinced that a worthy end could never be justifiably attained by immoral means. Therefore by refusing to fight he believed he was serving the best interests of his country.

of humanity, of his God. Moreover for him to have violated his conscience would have been to commit moral suicide. As a young objector in the World War wrote: "... one must be true to his ideals, for without them, life is but the existence of the brute".

\[5\text{The Friend, XCI (1917), 80; Charles Horton Cooley, Human Nature and the Social Order, 333-334.}\]
CHAPTER I

THE ISSUE DEFINED

In any study of the treatment of conscientious objectors during the American Revolution, Pennsylvania is necessarily the focal point, for it was there that their numbers were greatest. Friends, Moravians, Mennonites, Schwenkfelders, and Dunkards were all to be found within its borders, besides other sects numerically unimportant, all of whom had conscientious scruples against bearing arms. In Pennsylvania the problem of conscientious objection in war time can also be studied in all its diversity, and diversity is one of its chief characteristics.

When England undertook her new taxation policy after the Seven Years War, the Philadelphia Quakers joined in the non-importation agreements. Then upon the repeal of the Stamp Act they passed a characteristic resolution "that to demonstrate our zeal to Great Britain, and our gratitude for the repeal of the Stamp Act, each of us will on the 4th of June next, being the birthday of our gracious Sovereign, dress ourselves in a new suit of the manufactures of England, and give what homespun clothes we have to the poor". Later at

---

1 Philadelphia Yearly Meeting for Pennsylvania and New Jersey was composed of some thirty thousand Friends. — Rufus M. Jones, et al, The Quakers in the American Colonies, 565.
the time of the non-importation measures against the Townshend duties the monthly meeting advised the Friends to have nothing to do with them; however, many prominent Friends did not follow this advice and the value of imports declined more in Pennsylvania than in any other colony. Few mercantile houses in Philadelphia made greater sacrifices than that of the two Quakers, Abel James and Henry Drinker.

Quaker opinion also divided over the question of supporting the Association in 1774-75, although the official expression was again against it. The Meeting for Sufferings, December 15, 1774, expressed its sorrow that certain of the Friends in the Pennsylvania Assembly had agreed, or at least had not expressed their dissent, to the resolutions approving "the resolves and conclusions of the Congress held in this city in the Ninth and Tenth months last, which contain divers resolutions very contrary to our Christian profession and principles".

4"Effects of the 'Non-Importation Agreement' in Philadelphia, 1769-1770". The Pennsylvania Magazine of History and Biography, XIV (1890), 41 n.
5Claude H. Van Tyne, The Causes of the War of Independence, 446.
6Quoted from Isaac Sharpless, The Quakers in the Revolution, 107.

It is barely possible as one Quaker historian suggests, although no positive evidence has been found, that the Friends, who were usually very scrupulous where contracts were concerned, realized that the charter granted William Penn reserved to Parliament the right to place "any imposition, custome or other taxation" upon the people of Pennsylvania, their goods or estates, and so thought that they did not have as much reason to object to the acts of
The German sectarians, who took little part in public life, were less directly concerned with the Association. Among the records of the Moravians living at Lititz, however, is a resolution of February 27, 1775, to discontinue the sale of tea in the community store.

As early as January of the same year, the Meeting for Sufferings of the Philadelphia Yearly Meeting of Friends, comprising the provinces of Pennsylvania and New Jersey, issued an address to its members warning them against war and insurrection and stating their well-known testimony against all violence and uprisings. Each member was to guard against measures which might give others occasion to remark that as a people the Friends had departed from their professed principles. Thus they were not to allow themselves to become involved in the prevailing "Troubles & Commotions" even to the slightest degree. The "End & purpose of every

---


Pennsylvania Magazine, XXVI (1912), 122.

The Quakers are organized into independent Yearly Meetings, each of which is composed of a number of monthly and quarterly meetings. The monthly meeting is the local business meeting of the Society, which besides the usual concerns of such an organization disciplined its members. The Meeting for Sufferings was first established in this country at the time of the French and Indian War to assist members who suffered as a result of their "peaceable testimony". It gradually assumed other duties and became in time a continuing executive body acting between sessions of the Yearly Meeting.
measure to which they [were] desired to become parties" should be carefully considered, and all should carefully guard against "the asserting & maintaining our Rights, & Liberties, which on Mature Deliberation, appear not to be dictated by that 'wisdom which is from above, which is pure, peaceable, gentle, & full of mercy & good Fruits'. Those who did err were speedily to be dealt with by the monthly meetings according to the discipline of the Society, and an attempt made "to convince them of their error, in which Labour", read the minute, "let all be done in true Charity & brotherly Love".

Before the Yearly Meeting met in the latter part of September, a line of red-coated soldiers, intent on seizing that arch-intriguer, Samuel Adams, and the supplies gathered by the Whigs at Concord, had met at Concord bridge a determined group of Americans, and soon the fateful shot was fired which Emerson said was heard around the world. Naturally the sympathy of the Quakers was divided and some few began to train with the militia bands. The entire problem raised by this resort to arms, therefore, came before the

---

9Minutes of the Meeting for Sufferings of Philadelphia Yearly Meeting, 1 month 12, 1775. (These minutes will hereafter be cited as Min. of the Phila. Mtg. for Sfgs.) A somewhat similar warning had been issued by the New York Meeting for Sufferings in December, 1774. —Ibid., 1 mo. 26, 1775.

Several Quakers who had been elected to the Bucks County, Pennsylvania, Committee of Safety at the end of 1774 refused to assume their duties; four others sat on the Committee until July, 1776, when they asked to be relieved of further attendance because of conscientious scruples. —"Minutes of the Committee of Safety of Bucks County, Pennsylvania, 1774-1776". Pa. Magazine, XV (1891), 264.
Yearly Meeting for deliberation.

Friends were again urged to be careful lest they manifest any "approbation or Countenance to such things as are obvi-
ously contrary to our peaceable profession & Principles". 
Monthly meetings were to make an attempt to reclaim those 
who had deviated from Friendly principles, but if the errant 
one disregarded such efforts he was to be disowned by the 
Society. As this policy was strictly adhered to by all 
the Yearly Meetings throughout the Revolution many a
weaker branch was pruned away.

Not only did the Friends have a testimony against war, to
use their phraseology, but also against all revolutions. It
seems that this belief in obedience to the existing govern-
ment arose in England in the seventeenth century, when, to
avoid the suspicion that they might be connected with the
plots of that period, their leaders taught submission to
the duly constituted authorities so long as such obedience
did not disturb their consciences.

The first public statement of this opposition to in-
surrection at the time of the Revolution was a notice issued
by the Philadelphia Meeting for Sufferings on January 24,
1775. Of political writings and addresses to the people

\[10\] Extracts from the Min. of the Phila. Yearly Meeting, 9
mo., 29, 1775.

\[11\] Caroline Hazard, The Narragansett Friends' Meeting in
the XVIII Century With A Chapter on Quaker Beginnings in
Rhode Island, 168; Warren H. Wilson, Quaker Hill: A
Sociological Study, 39; Jones, The Fundamental Basis of the
Peace Testimony, 15; Extracts from the Min. of the Phila.
Yearly Meeting, 10 mo. 4, 1779.

\[12\] Jones, et al., The Quakers in the American Colonies,
562.
tending "to excite disaffection to the King as Supreme Magis-
trate", it said, "we are led by a sense of Duty to declare
our entire Disapprobation of them, their Spirit, & Temper,
being not only contrary to the Nature & Precepts of the Gos-
pel, but destructive of the Peace, & Harmony of Civil So-
ciety". Such actions, it continued, disqualify men for a
judicious consideration of such measures as would most ef-
effectually obtain a redress of grievances, whereas decent
and respectful addresses to the King from those in authority
would bring relief and at the same time avoid violence and
bloodshed. "We are therefore incited by a sincere Concern
for the Peace & Welfare of our Country, publickly to declare
against every usurpation of Power and Authority, in Opposi-
tion to the Laws & Government & against all Combinations,
Insurrections, Conspiracies, & illegal Assemblies. . . ."

Thereafter Friends not only had to be opposed to warlike
measures, but could take no part in a revolutionary govern-
ment established to gain independence. Such a negative
attitude could only result in a quiet opposition to the
American cause. However, statements of a similar tone were
not uncommon at that period. Six months later on the very
floor of Independence Hall the chaplain of Congress prayed
for "our dread sovereign Lord, King George", and believed
that an "envious cloud of false witnesses" surrounded his
throne and intercepted "the sunshine of his favor".

13 Min. of the Phila. Mtg. for Sfgs., 1 mo. 24, 1775.
14 Claude H. Van Tyne, The War of Independence: American
Phase, 327.
Another half year passed, and men's minds more often harbored thoughts of independence. Then in January, 1776, came Thomas Paine's bold pamphlet with its passionate denunciation of Kings, vigorously calling upon men to accept independence, and making articulate for the first time the thoughts and emotions of many. It turned the tide for independence, but the Friends refused to be swept along with the angry rush of waters.

Published within a few days of Paine's "Common Sense" was an address "to the People in General" entitled "The Antient Testimony & Principles of the People call'd Quakers renew'd with respect to the King and Government". Three thousand copies were printed and distributed by the Philadelphia Meeting for Sufferings. All through the Revolution this Ancient Testimony on Kings was to plague the Friends and be used by their critics to prove the unfriendliness of the Quakers for the American cause. The address was a plea for still further efforts at a peaceful solution of the current grievances and a warning against revolution. After a recital of the blessings with which they had been favored, it continued:

The benefits, advantages, and favour we have experienced by our dependence on, and connection with, the Kings and Government, under which we have enjoy'd this happy state, appear to demand from us the greatest circumspection, care and constant endeavours, to guard against every attempt to alter, or subvert that dependence and connec-

It hath ever been our Judgment and Principle, "since we were called to profess the Light of Christ Jesus, manifested in our Consciences unto this Day, that the setting up and putting down Kings and Governments, is God's
peculiar Prerogative; for Causes best known to himself; and
that it is not our business to have any hand or contrivance
therein, nor to be busy bodies above our station, much less
to plott [sic] and contrive the ruin, or overturn of any of
them, but to pray for the King and safety of our Nation,
and good of all Men. . . . " Antient Testimony 1696 in
Sewel's History.

May we therefore firmly unite in the abhorrence of all
such writings and measures, as evidence a desire and
design to break off the happy connection we have heretofore
enjoy'd, with the Kingdom of Great Britain, and our just
and necessary subordination to the King, and those who are
Lawfully placed in Authority under him. . . . 15

Opposition to the movement for independence was not un-
usual when this address was published, but during the next
few months the independence party grew rapidly in numbers,
and it is not strange that in the minds of some the terms
Quaker and Tory were soon confused. However the Quaker be-
lieved that all things come to him who waits, and, having
adhered to his doctrines under various forms of tyranny since
the time of George Fox, he now prepared to suffer again for
the sake of his conscience if need be. 16

15 Min. of the Phila. Mtg. for Sfgs., 1 mo. 20, 1776.

In the third edition of Common Sense, published in 1776,
Paine printed as an appendix a reply to this "Ancient Testi-
mony", in which he hotly retorted: "If the bearing arms be
sinful, the first going to war must be more so. . . . Where-
fore, if ye really preach from conscience, and mean not to
make a political hobbyhorse of your religion, convince the
world thereof, by proclaiming your doctrine to our enemies,
for they likewise bear Arms. Give us proof of your sincer-
ity, by publishing it at St. James's, to the commanders in
chief at Boston, to the admirals and captains who are
piratically ravaging our coasts, and to all the murdering
miscreants who are acting in authority under Him whom ye
profess to serve. . . . Ye appear to us to have mistaken
party for conscience. . . ." —Moncure Daniel Conway, ed.,
The Writings of Thomas Paine, I, 123-124.

16 John Adams noted in his diary that the Quakers "had
hitherto acquiesced in the measures of the colonies" and many
"had been as explicit and as ardent as we were. But now these
people began to see that independence was approaching, they
started back". —Charles Francis Adams, ed., The Works of
As early as 1774 the authority of the Pennsylvania Assembly began to fail, and by the middle of May, 1775, it had practically disappeared; the executive power had also changed hands, having been seized by the Committee of Public Safety under Franklin's influence. A year later, on June 8, a Provincial Conference, a revolutionary body of one hundred and eight members, met in Philadelphia and assumed control of the colony. It then issued a call for a Provincial Convention to form a new government, and so the political situation passed into the hands of the radicals.

Convening three months later, the Yearly Meeting made further recommendations to its members consistent with its earlier admonitions. Inasmuch as the new government was "founded and supported in the spirit of wars and fightings", no Friend was to "accept of or continue in public affairs of any kind either of profit or trust", nor was he to take part in elections, pay any fine, penalty or tax in lieu of personal service for carrying on the war, nor allow his children, apprentices or Servants to do any of these things. Disownment was to be the lot of those violating these injunctions. Friends were also to be careful "to avoid engaging in any trade or business tending to promote war" and particularly to avoid sharing in the spoils of war by buying or selling prize goods.

John Adams, II, 407.
18Extracts from the Min. of the Phila. Yearly Mtg., 9 mo. 24, 1776. Practically the same stand was taken on these various issues by the Quakers in other states.—Hazard, The
Little more could be done by the Quakers to isolate themselves from the revolutionary events of their time. But that little was accomplished by a public letter of December 20, 1776, in which Friends were urged to pay no allegiance to the new government of Pennsylvania:

Thus we may with Christian firmness withstand & refuse to submit to the arbitrary injunctions & ordinances of men, who assume to themselves the power of compelling others, either in person or by other assistance, to join in carrying on war, and of prescribing modes of determining concerning our religious principles, by imposing tests not warranted by the precepts of Christ or the laws of the happy constitution under which we and others long enjoyed tranquillity and peace. 19

Thus the official position of the Friends was clear. From the first rumblings of rebellion until the signing of the peace treaty it was indubitably true that the Society of Friends, as an official body, not only in Pennsylvania but elsewhere, endeavored to maintain a policy of strict neutrality and continually urged upon its members the same course.

This fact is evinced time and again by the resolutions of the

---

Narragansett Friends' Meeting in the XVIII Century, 168; Wilson, Quaker Hill, 38-39; A Journal of the Life, Travels, and Gospel Labours of that Faithful Servant and Minister of Christ, Job Scott, 70; Stephen B. Weeks, Southern Quakers and Slavery: A Study in Institutional History (extra vol. XIV of Johns Hopkins University Studies in History and Political Science), 184-185, 189. (This work will hereafter be cited as Weeks, Southern Quakers.) As late as 1784 the Baltimore Meeting for Sufferings warned Friends not to pay taxes imposed for sinking the war debt. Min. of the Balt. Mtg. for Sfgs., 5 mo. 10, 1784.

19 Min. of the Phila. Mtg. for Sfgs., 12 mo. 20, 1776. See also ibid., 6 mo. 19, 1777, and Extracts from the Min. of the Phila. Yearly Mtg., 10 mo. 1, 1778. For the similar position of Friends in other states, see Weeks, Southern Quakers, 191; Min. of the Balt. Mtg. for Sfgs., 5 mo. 7, 1781; Julia S. White, "The Peace Testimony of North Carolina Friends Prior to 1860". Bulletin of Friends' Historical Society of Philadelphia, XVI, 64.
Yearly Meetings and the Meetings for Sufferings. Quakers were to aid neither side, no matter where the sympathies of the individual might lie; rather were they to withdraw as far as possible from public life. No profit might be made at the expense of another’s misery, and goods distrained in lieu of fines might be taken without opposition. So in time the storm would pass, and then the Quaker might return to a more active role in society.

Unwilling to condone violations of these Quaker principles the various meetings of the Philadelphia Yearly Meeting struck from the records the names of nearly four hundred and fifty who had been guilty of one offense or another, some of which seem trivial today. In this way were weeded out of the Society those whose convictions were not as sound as the sect thought necessary.

To decide what opinions and sympathies were held by the majority of the individual Quakers is a much more difficult problem than that presented by the official body. There can

\[20\] Sharpless, *The Quakers in the Revolution*, 128, 204-205.

\[21\] The most frequent causes for disownment were paying military fines, training with the militia, joining the army, and taking the test. However, one Friend was "dealt with" for being concerned in appraising the value of some guns taken for military purposes; another for redeeming a chair that had been distrained, and a third for making wheels for cannon carriages. Friends were not even to purchase goods imported in armed vessels. —Extracts from the Min. of Phila. Yearly Mtg., 10 no. 4, 1779; Abstract of the Records of Warrington Monthly Mtg., York County, Pa.; Gilbert Cope collection of the Friends' Falls Monthly Mtg. Papers; J. Smith Futey and Gilbert Cope, *History of Chester County, Pennsylvania*, 111.
be no doubt that all shades of opinion were represented within the denomination. One evidence of this is the fact that about four hundred members were expelled from the Society because they espoused the American side by enlisting in the army, affirming allegiance to the revolutionary government, or by accepting positions under it, and that on the other hand perhaps a score were disowned for supporting the British cause in a similar way.

Whether this proportion of twenty to one represents the division of sympathy within the sect can never be accurately determined; however, it is accepted as representative by most Quaker authors. To the writer such a proportion of patriot sympathy seems extremely doubtful.

Contemporary opinion is not at all conclusive. Just five days before Washington ruined the Hessian Christmas celebration at Trenton, General Greene wrote: "The Friends... are almost to a man disaffected". And Mathieu Dumas, who had just come from France, soon detected that "the Quakers, with an outward show of indifference, at the bottom of their

22John Adams' estimate that one-third of the Americans were Loyalist in sympathy is frequently accepted. Certainly if that estimate was at all true for the entire country, it is hardly possible that among the Quakers of Pennsylvania, a state not especially noted for the proportion of patriots in its population, the number sympathizing with the American cause should have been so great. Their pacific views alone were enough to influence them in favor of the status quo. Furthermore the Quakers occupied a high social position in Philadelphia and the surrounding country and were fairly wealthy — both facts causing them to tend toward conservatism.

23Peter Force, editor, American Archives, Fifth Series, III, 1242.
hearts inclined towards the party of the King".  

Another Frenchman, travelling in the United States in 1786, took "great pains" to discover the attitude of the Quakers during the war, and "the truth", he concluded, was "that the majority... did not incline more to one party than to the other". Neither did John Adams, writing in the early spring of 1777, believe the Quakers were Tories. In a letter to a friend he expressed himself as follows:

If [Howe] imagines that ninety-nine in one hundred of those [Pennsylvania Quakers] are his friends, he is mistaken again, for I believe in my conscience that a majority of them are friends to nobody but themselves; and Howe will find them full as great an encumbrance and embarrassment to him as we have found them to us.  

A German officer writing home in 1776 thought the Friends were trying to maintain a neutral position, while another wrote that "Quakers, Mennonites, etc., drill with the rest [of the Whigs]."

Thus it is evident that contemporary observers noted many expressions of sympathy in the Society of Friends. Yet it seems fair to conclude that the great majority of them, especially those who lived in the country, sympathized silently with the American cause. The Friends of property and social standing in Philadelphia, a number of whom were

---

26 The Works of John Adams, IX, 459.
27 Letters From America, 1776-1779, 178; appendix II, 239.
later exiled to Virginia, sympathized no doubt with the
British, but passively so. Holding these various shades of
opinion, the great majority of Quakers tried earnestly to
remain as neutral as possible.

None of the German noncombatant sects took as uncompromising a position as the Quakers. The Mennonites, although they stoutly maintained that they "could neither institute nor destroy government", were willing to join the Dunkards in a joint petition to the Pennsylvania Assembly in which they expressed their willingness to pay taxes, to subject themselves "to the higher Powers", and to be just as accommodating as their consciences would possibly allow. Nevertheless some Mennonites did refuse to pay war taxes, their attitude varying apparently according to the locality.

28Sharpless, The Quakers in the Revolution, 131, 151, 204-206; Political Leaders of Provincial Pennsylvania, 210; Futhey and Cope, History of Chester County, 110-111; George Smith, History of Delaware County, Pennsylvania, From the Discovery of the Territory Included Within Its Limits to the Present Time, 339; Gilbert Cope, "Chester County Quakers During the Revolution". Bulletins of the Chester County Historical Society, 1902, p. 15.

29C. Henry Smith, The Mennonites: A Brief History of Their Origin and Later Development in Both Europe and America, 226; Bender, loc. cit., I (October, 1927), 24-25. One delegation of Mennonites informed the Lancaster County Committee of Safety that individual members of the sect whose consciences permitted might bear arms. —C. Henry Smith, The Mennonite Immigration to Pennsylvania in the Eighteenth Century, 289.

At the outbreak of the Revolution there were probably about 7500 Mennonites and Amish in Pennsylvania, nearly all of whom lived in the southeastern part of the state. —Bender, loc. cit., I (Oct., 1927), 26.

Much less punctilious than either the Quakers or Mennonites were the Moravians, who lived around Bethlehem, Pennsylvania, and in western North Carolina. Throughout the Revolution they sympathized with the American cause more than the other pacifist sects, and one of their prominent ministers advised those Brethren who were elected to the newly established County Committees to serve. War taxes and commutation fees they were as willing to pay as is mankind generally.

The Schwenkfelders, numerically less important, probably suffered as little as any of the noncombatant sectarian. Although none directly connected with the church bore arms on either side during the struggle, all were willing to pay the fines imposed for non-performance, and apparently the burden of paying such fines was sometimes shared by all. Perhaps because none had scruples against paying such impositions, the Schwenkfelders were almost never suspected.

---

31 Adelaide L. Fries, ed., Records of the Moravians in North Carolina, II, 876, 888, et passim; cf. 882-883. (Hereafter this work will be cited as Fries, Records.) "Extracts from the Records of the Moravian Congregation at Hebron, Pennsylvania, 1775-1781". Pa. Magazine, XVIII (1894), 449-450; "Diary of the Hon. William Ellery of Rhode Island. — October 20 to November 15, 1777". Pa. Magazine, XI (1887), 325-326. Only naturally some Moravians sympathized with the British, as did the manager of the store at Bethlehem who, after a custody of many years, was forced to resign because he impetuously declared that he "had sufficient rope in his store to hang all Congress". — Wilbur H. Siebert, "The Loyalists of Pennsylvania". The Ohio State University Bulletin, XXIV (1920), 32.

By the time of the Civil War the Moravians no longer entertained scruples against bearing arms.
of treason or disloyalty.

Thus various attitudes were held toward the issues raised by the Revolution, but one other principle besides the refusal to bear arms was maintained in common by the majority of all these sects — Friends, Dunkards, Mennonites, Schwenkfelders, and Moravians. That was a refusal either to swear or affirm allegiance to the new governments, although toward the end of the conflict compromise affirmations were sometimes agreed upon. The maintenance of this position was frequently as burdensome as the refusal to serve in a military capacity, and for Friends resulted in more imprisonments. Especially difficult was the situation in the smaller communities where the officials had little knowledge of the sectarianists' religious principles.


CHAPTER II

PENNSYLVANIA IN THE REVOLUTION

Soon after the battle of Lexington and Concord those sectarians of Pennsylvania with conscientious scruples against bearing arms met with their first difficulties, for voluntary military associations were forming, and every able-bodied man was expected to join. Both Moravians and Mennonites were called to drill in May, 1775. The Moravians positively declined, and sent a declaration to Congress and the Northampton County Committee giving their reasons, which were based upon the exemption granted them by an act of Parliament in 1749. They soon realized this would be treated with contempt.

By the end of June the County Committee had decided that those who would not drill must pay a fine, but no action followed until the Assembly passed a militia act in the fall.

Meanwhile the Mennonites in Lancaster County, although they had expressed "their willingness to contribute cheerfully to the common cause otherwise than by taking up arms," had suffered some violence for refusing to muster. Handbills in English and German were therefore struck off by

\(^{1}\)Fries, Records, II, 878; Joseph Mortimer Levering, A History of Bethlehem, Pennsylvania, 1741-1892, 440-441.
the County Committee warning the populace against a repetition of such action toward non-associators. But before the bills could be distributed, the Committee explained in a letter to the Continental Congress, their publication became known and the associators, who paid scant attention to their officers, threatened to seize them. One of the bills was obtained, fixed to a whipping post and shot to pieces. That evening after some rioting one of the Committee members found his front door tarred and feathered.

On July 18 Congress recommended that each colony form a militia, and then added:

As there are some people, who, from religious principles, cannot bear arms in any case, this Congress intend no violence to their consciences, but earnestly recommend it to them, to contribute liberally in this time of universal calamity, to the relief of their distressed brethren in the several colonies, and to do all other services to their oppressed Country, which they can consistently with their religious principles.

Here was work that the pacifist sectarianists could cheerfully perform, and without hesitation they went ahead. Indeed such work was already being done. Exactly one year before, the Moravians of Lititz had contributed to the relief of Boston, and the Friends' Meeting for Sufferings on July 6, 1775, had issued an appeal to all members of the Yearly Meeting to contribute for the "Relief of the

---

2Smith, The Mennonite Immigration, 287-292; Hartzler, Mennonites in the World War, 26-27. Both these books quote valuable original sources.


Necessitous of every Religious Denomination" in Massachusetts. The response of the monthly meetings was generous, and by November £2000 had been sent to the New England Friends to be distributed by them. Further remittances brought the total amount contributed by the Friends of the Philadelphia Yearly Meeting to £2540, which was distributed among three thousand families.

In sending this money to New England the Friends specifically directed that "It is not our intention to limit the distribution to the Members of our own, or any other religious Society..." Very few Friends, in fact, received any benefit from it. Members of the committee distributing the money travelled along the sea-coast from Rhode Island to New Hampshire administering aid. Even Nantucket and the Isle of Shoals received help. As this work of mercy was begun before Congress made its recommendation, that resolution probably had little effect upon the work as a whole. Such philanthropic endeavor is a characteristic of the Quakers, and not least so in time of war.

More in answer to the recommendation of Congress was action taken by representatives of several non-resistant

---

5Min. of the Phila. Mtg. for Sfgs., 7 mo. 6, 1775.
6Min. of the Buckingham Monthly Meeting, 8 mo. 7, 1775; Abstract of the Records of Warrington Monthly Mtg., 9 mo. 9, 1775; Futhey and Cope, History of Chester County, 61.
7Min. of the Phila. Mtg. for Sfgs., 11 mo. 2, 1775 and 11 mo. 6, 1775; Biographical Sketches and Anecdotes of Members of the Religious Society of Friends, 403.
8Min. of the Phila. Mtg. for Sfgs., 11 mo. 17, 1775.
9Biographical Sketches and Anecdotes, 404.
groups, probably Schwenkfelders and Moravians, and possibly Mennonites and Dunkards, at a meeting held in Reading, September 1. This meeting sent a resolution to the Berks County Committee of Safety in which they agreed to raise subscriptions for the purposes recommended and turn the money over to the Committee for its distribution. An accompanying letter explained that while they could not bear arms, they were conscious of the justice of the American cause and willing to support it in other ways.

The question of exempting those conscientiously scrupulous of bearing arms from military service caused much discussion in Pennsylvania in 1775. Both sides presented petitions to the Assembly. On October 27 one was presented by the Meeting for Sufferings of the Friends, which reminded the Assembly of their historic reason for migrating to America and the guarantees placed in the charter at that time for the protection of conscience, which guarantees were to remain forever inviolable. To prove that those guarantees were not confined to acts of worship they quoted that section of the charter which declared that no persons who acknowledged one God and lived peaceably should be compelled "to do or suffer any... Act or thing contrary to their religious Persuasion" "we therefore earnestly entreat you", continued the petition, "carefully to guard against any Proposal, or Attempt to

---

10 Bender, loc. cit., 24.
deprive us, and others of the full enjoyment of Liberty of
Conscience. ..."

This brought an immediate reply from the Committee of the
City and Liberties of Philadelphia which tried to refute
the Quaker position historically, and which denounced the
Quakers as persons unfriendly to the liberties of America.
"These gentlemen", the remonstrance said, "want to withdraw
their persons and their fortunes from the service of the
country at a time when their country stands most in need of
them". He "who receives an equal benefit ought to bear an
equal burden".

Two other petitions were addressed to the Assembly by the
Officers of the Military Association of the City and the
Privates of the same organization. The latter said the
petitioners were utterly at a loss to know how military
service "could interfere with the consciences of religious
men", while all three petitions loudly proclaimed their
tender regard for "Liberty of Conscience" as a sacred thing,
and suggested that persons with genuine religious scruples
were few compared to those who "made conscience a con-
venience". Here was an argument that was to be used when-
ever the question of conscientious objection arose, be it
the eighteenth or twentieth century.

\[11\] Min. of the Phila. Mtg. for Sfgs., 10 mo. 25, 1775.
\[13\] Ibid., 1783-1785.
Moved by the fear that they might be required to serve in
the militia, the Dunkards joined with the Mennonites in
presenting in November still another petition to the
Assembly, which was "most graciously received". It tact-
fully but firmly stated that they would pay taxes and cheer-
fully aid the Hungry and Thirsty, but take other men's lives
they would not.

The question of exemption was settled the next day when
the House recommended that all male white persons between
the ages of sixteen and fifty should join the association
immediately, but that those conscientiously scrupulous of
bearing arms "ought to contribute an equivalent to the time
spent by the associators in acquiring the military disci-
pline". The equivalent was soon defined as two pounds ten
shillings, later raised another pound, to be assessed
annually. Thus was established the principle of a commuta-
tion fee, a principle followed throughout the Revolution.

14 Bender, loc. cit., 24-25.
15 The Statutes at Large of Pennsylvania from 1682 to 1801,
VIII, 492-493.
16 Ibid., 514, 541.

When in September, 1778, the British occupation of New
York forced Washington to begin his long retreat across New
Jersey, Pennsylvania put forth greater effort to fill the
ranks of the militia. In accordance with this policy the
rate against a non-associator was increased to twenty shill-
ings per month. Moreover "every non-associator above the
age of twenty-one years [had to] pay in addition to the afore-
said fine at the rate of four shillings in the pound on the
annual value of his estate. . . . ." In cases of poverty,
sickness, or bodily inability, however, these taxes might
be reduced or entirely abolished by the commissioners. The
money so collected was to be used for the relief of the
families of poor associators who were in service and to
An act of March 17, 1777, introduced a new feature.
Nothing was said about exempting conscientious objectors, but all persons refusing to serve had to provide substitutes. The law read as follows:

if any person shall neglect or refuse to serve or find such sufficient substitute in his place... the lieutenant... of the county nearest to where such delinquent resides shall... provide... a substitute for such person so refusing or neglecting, and to charge such sum... together with reasonable expenses for procuring the same, to such delinquent, to be recovered by distress and sale of his goods and chattels, lands and tenements... 17

The expense of this substitute was to be borne in addition to the rate of three pounds ten shillings still supposed to be assessed against the non-associator. But apparently these fines were not collected in many counties, because laws were passed in both February and June, 1777, attempting to enforce their collection. The same irregularity was found in the requirement concerning substitutes. Around Bethlehem the provision was rigidly enforced, while at Lititz, where there was another Moravian community, little or no effort was put forth toward its enforcement after a protest had been made by most of the sectarians. Much seemed to depend on the attitude of the county officials.

This law never proved very satisfactory. Besides the

17Ibid., 83.
18Ibid., 49, 124-128.
19Fries, Records, III, 1410-1411.
Quakers some of the other sectarians refused to furnish substitutes, and the County Lieutenants spent much time trying to procure them; especially was this true in such counties as Lancaster where the officer complained that the militia would be chiefly composed of substitutes. From Hanover one harassed official wrote to the president of the Supreme Executive Council, "the Grate Number of Quakers, Mennonest & Dunkers in this County ocations the Companys to be so hard to be filled up. . . . So many scrupolis people as we have ocation much hiring and deter the busiess much".

To simplify the procedure and hasten the completion of the state's quota, the law was changed so that a person refusing to serve or furnish a substitute when called for duty was to be fined £40. This act was passed December 30, 1777. Just four days earlier another law had been passed assessing "upon all the estates real and personal of every person not subject to nor performing military duty. . . an additional sum equal to what such person shall be charged in the state tax". So in addition to the heavy fine of £40, the taxes of such a person were doubled. The same month Washington retired to Valley Forge.

The two laws just mentioned remained in force nearly two years or until the autumn of 1779. The only alteration was

\[\text{20} \text{Pa. Archives, 1 ser., V, 407.} \]
\[\text{21Ibid., 768.} \]
\[\text{22Statutes at Large of Pa., IX, 187.} \]
\[\text{23Ibid., 167.} \]
one granting tax collectors new powers. If a person refused to pay his military taxes thirty days after demand, and this the Quakers usually refused to do, officers were empowered "to break open... any house, trunk, box, chest, closet, cupboard or other things", and distraint the offender's goods and effects. Owners of real estate might have it sold. If no distress could be found, the person might be arrested and held "without bail or mainprise until payment be made".

In October and November, 1779, the double taxation of those refusing to perform military service was abolished and a fine substituted ranging from £100 to £1000 in accordance with the offender's wealth.

An entirely new militia act of March 20, 1780, repealed former laws and provided fines equivalent to the value of one and a half or two days' labor for failure to attend musters, and a fine equivalent to one day's labor for each day he failed to perform his tour of duty. Offenders unable to pay such fines were to be placed in jail for four months; and such persons as were possessed of an estate and refused to do their tour of duty were to pay an additional fifteen shillings in every £100 on all their ratable property within the state.

24 Ibid., 367-370.
25 Ibid., 442; X, 31-32.
26 Ibid., 144-173. An act of September 22 said that many of these fines had not been collected either. —Ibid., 225-227. 
At Hebron, Pennsylvania, three pounds six shillings was taken as the equivalent of a day's labor in July, 1781. —
In the light of these laws it is evident that the conscientious objector did not have an easy row to hoe. Especially difficult was the situation of the Quaker who felt he could conscientiously pay neither the required commutation fee nor the special taxes levied to carry on the war. Consequently he had to submit to the seizure and sale of his goods or property, a procedure which usually cost him much more dearly than would have the fine alone.

In the fall of 1776 the Philadelphia Yearly Meeting of Friends recommended that the subordinate meetings keep a regular record of all "sufferings" among members resulting from their "peaceable testimony", and that these records be sent annually to the Meeting for Sufferings at Philadelphia. For this purpose local committees were usually established, which also advised and encouraged members under trial, visited those in authority to elucidate the tenets of Friends, and interceded on behalf of imprisoned ones. Very friendly relations with officials frequently resulted from these interviews.

27 Extracts from the Min. of Phila. Yearly Mtg., 9 mo. 28, 1776.
28 Puthey and Cope, History of Chester County, 243; Ezra Michener, A Retrospect of Early Quakerism; Being Extracts from the Records of Philadelphia Yearly Meeting and the Meetings Composing It, 373-380. Hereafter this will be cited as Michener, Retrospect.
Most of the meetings kept detailed accounts of distrains, giving the amount of the fine, the officer making the distress, and the value of the goods seized. The Meeting for Sufferings always insisted upon a moderate evaluation of such seizures "computed in money current in these provinces before the present commotions, without regarding the high prices occasion'd by the depreciated Currency". Thus the evaluations are significant. At the end of each year the reports of these distrains and other "sufferings" were summarized. Even so the summarizations fill well over a score of large pages. In 1779 distrains of more than £9550 were reported. For the entire period 1777-1784 the total amount recorded was over £87,650, and as some meetings failed to report, the total direct loss of property may have been considerably larger.

These distrains were made to pay fines for refusing to muster or go to war, and to pay for substitutes; others were made to pay taxes "for protecting and defending the said County" or for other warlike purposes. Officers sometimes refused to state why seizures were made. Finally a small portion of the goods seized was for the use of the American army. Although some form of pay or promissory note was usually proffered for such goods, the Friends generally felt that they "were not free to receive pay", and

\[29\] Min. of the Phila. Mtg. for Sfgs., 9 mo. 17, 1778 — 9 mo. 16, 1784.
\[30\] Ibid., 9 mo. 16, 1779; see also 9 mo. 17, 1778; 9 mo. 21, 1780, et passim.
instances such as the following were not uncommonly reported:
"They also took from Joshua Sharpless one blanket worth 10s.
and left money with his son a lad; but Joshua afterwards
31
sent the money to them".

The seizures included all kinds of live stock, farm equip-
ment, grain, furniture, bedding and wearing apparel. In a
memorial to the state legislature, dated 12 month 18, 1781,
Chester County Quakers furnished examples of distrains made
upon members of their monthly meetings within a period of
two years:

From Abia Taylor, six horse creatures, nine cattle,
sixteen sheep, two swine, a feather bed, two oaks of
flour, one hundred and twenty-five bushels of wheat, and
twenty of corn, rye, and buckwheat . . . . £234. 1. 6

From John Hoopes, Jr., four horse creatures, a yoke
of oxen, seventeen other cattle, thirty sheep, six swine,
a watch, and five sides of leather . . . . £233. 15. 0

They then summarized thus:

Within one of our Monthly Meetings alone hath been taken,
since the year 1777, exclusive of the late large tax and
divers preceding demands, not yet taken account of by us,
from about one hundred and twenty families, property to
the amount of £5108 19s. lid., rated at such prices as the
several articles would have generally sold for eight or
ten years ago. . . .

Divers of those recited are farmers having families of
small children, who live on poorish land, and, in prosper-
cous times, just lived reputably above want; but are, with
many others, so reduced by the conduct of collectors,
under the sanction of law, as to have no cow left, and
some but one horse, some no sheep, and greatly stripped
of other utensils, clothing, &c. 32

31Quoted from Sharpless, The Quakers in the Revolution,
178.

32Quoted from Futhey and Cope, History of Chester County,
246; cf. Michener, Retrospect, 391-392. For interesting
accounts of distrains kept by individuals, see ibid.,
396-397, and Albert Cook Myers, Immigration of the Irish
This same memorial complained of the insolent conduct of the tax collectors, "some of whom have rifled houses, broken doors, &c., while sufficient property was to be had without such measures". And the annual report of the Meeting for Sufferings spoke of distrains "double, treble & fourfold" the value of the fine demanded. Conversely it mentioned that "some of the persons employ'd in this oppressive Business have declared themselves very averse thereto, and manifested some care to avoid excessive distrains".

Some officials were even so lenient or definitely hostile to such exactions that the fines were never collected.

The Moravians and Schwenkfelders suffered little, if any, from distrains as they seem to have had no scruples against paying military fines. To equalize these at least a portion of each sect agreed to stand together and bear in common the fines that might be imposed, but at times even fines might prove a heavy financial burden. Thus there is evidence that a Lieutenant at Bethlehem made deals with the substitutes he hired whereby both he and the substitute profited at the

33 Michener, Retrospect, 390.
34 Min. of the Phila Mtg. for Sfgs., 9 mo. 16, 1779.
35 Statutes at Large of Pa., IX, 49, 124-128; Bender, loc. cit., 27, 46 n.
36 See above p. 20.
37 "The Conduct of the Schwenkfelders during the Revolu-
tionary War". The Pennsylvania-German, XI (1910), 660; J. Taylor Hamilton, A History of the Unitas Fratrum, or Moravian Church, In the United States of America (vol. VIII of The American Church History Series), 472; Levering, A History of Bethlehem, Pa., 437.
expense of the Moravians who had to pay the bill. If under
the circumstances there had been no such collusions it would
indeed have been amazing.

Like the Moravians and Schwenkfelders, the Mennonites
ordinarily paid the fines exempting them from military serv-
vice with little objection, but at the same time they differed
according to locality as to whether they could pay the
special war tax levied upon all inhabitants, some joining
with the Quakers in saying they could not. As recorded in-
stances of forcible seizures of property are extremely rare,
however, it is probable that the great majority paid.

The militia law of April 3, 1779, had provided for arrest-
ing and holding without bail until payment was made such
persons as refused to serve or pay military fines when no
distress could be found; an act of the next year empowered
officers to imprison such persons ten days if they failed to
attend muster, and four months if they failed to perform
their tour of duty. While these laws may have been

38Levering, A History of Bethlehem, Pa., 472.
39Smith, The Mennonites, 226; Bender, loc. cit., 27, 46 n.
See Pa. Archives, 2 ser., III, 376, for distraints upon the
goods of Mennonites. According to two letters printed in
the Pa. Archives, 1 ser., V, 405-406, a group of twelve or
thirteen Mennonites of Lancaster County threatened the lives
of officers collecting militia fines, June 25, 1777, and
killed one of them with the colter of a plough, whereupon
the officers shot three of the Mennonites. There is no
further record of the case.
40Statutes at Large of Pa., IX, 367-368.
41Ibid., X, 155, 160. On one occasion thirteen Moravians
who refused to serve in the fall of 1777 were arrested and
paraded through Lancaster to the accompaniment of drum and
fife while the crowd yelled "Tories". They were imprisoned
some counties, it is certain that in many others they were carried out, for Mennonites, Quakers, and Moravians felt their effect, especially the first two sects. Even before these acts were passed many conscientious objectors had been imprisoned for periods of three days, one, two, and even six weeks. After March, 1780, the imprisonment was frequently for the full four months, and as late as 1782 two Quakers were confined for over ten months. However it should be emphasized that such incarceration was only to occur when the objector had no goods that might be distrained.

When the large number of conscientiously scrupulous persons in Pennsylvania is considered, it is evident that the proportion imprisoned was extremely small. Imprisonment was not his usual lot for refusing to bear arms. Instead his amercement was a financial burden, frequently quite heavy. This he might pay voluntarily, as did most of the German sectarians, or like the Friends he might sit passively by while the tax collector made distraint upon his chattels or estate.

briefly, but upon pleading their inability to pay the required fines, most of them were reduced by one-half. — "Extracts from the Brethren's House and Congregation Diaries of the Moravian Church at Lititz, Pennsylvania, relating to the Revolutionary War". Penn Germania, I (1912), 851-854.

42Ibid., 852-853; Min. of the Phila. Mtg. for Sfgs., 9 mo. 17, 1778; 9 mo. 16, 1779; 11 mo. 21, 1782; William and Thomas Evans, eds., The Friends Library: Comprising Journals, Doctrinal Treatises, and other Writings of Members of the Religious Society of Friends, VI, 289; J. S. Hartzler and Daniel Kauffman, Mennonite Church History, 138-139.
It has already been noted that the noncombatant sectari-ans felt they could not conscientiously affirm allegiance to the revolutionary government of Pennsylvania. As the so-called test acts were designed to differentiate between the friends and foes of the state, it was only natural that a group which tried to maintain a policy of neutrality, a group for which no legal provision was made, would run afoul the laws. It was this fact rather than objection to bearing arms that was to result in the comparatively fre-quent imprisonment of Quakers, and the hectoring of the Moravians.

By an act of June 12, 1777, all residents of Pennsylvania above the age of eighteen were within the next six weeks to take an oath or affirmation of allegiance "to the common-wealth of Pennsylvania as a free and independent state" and to abjure the king of Great Britain. Anyone refusing was to be "incapable of holding any office or place of trust in this state, serving on juries, suing for any debts, elect-ing or being elected, [and incapable of buying, selling or transferring any lands, tenements or hereditaments]", and was to be disarmed. Moreover anyone travelling out of his county or city without a certificate of allegiance was to be considered a spy and committed to the common jail upon his refusal to swear, "there to remain without bail" until he did swear or produce such a certificate.

43Statutes at Large of Pa., IX, 110-114. Arms in the hands of non-associators were to have been confiscated in accordance with a law of July 19, 1776. Ibid., 11-12.
By a supplement to the act, passed in October, every male white, sixteen or over, who was suspected of unfriendliness to the American cause was to be given the test, and if he refused to take it be committed to jail until he did so, the costs of which were to be recovered upon his goods and chattels.

Even more drastic was the act which became effective June 1, 1778. To the disabilities already imposed upon non-jurors above the age of eighteen were added others making it impossible for them to carry out any action at law, even to the extent of being the guardian of a child or making a will. Furthermore the taxes of non-jurors were to be doubled. All these disabilities were to continue throughout the life of the offender. Professional men were hardest hit, because teachers, merchants, lawyers, doctors and certain others who refused to swear were forbidden the practice of their professions on penalty of being fined up to £500.

So stringent a law called forth protests not only from the Moravians and Quakers, but from some of the Whigs as well. An Alexander McDowell, writing to the Vice President of the Supreme Executive Council of Pennsylvania, said that he had visited several counties where the Mennonites and Quakers were numerous. Many of them had informed him that they would be willing to affirm their faithfulness to the state.

\(^{44}\) *Ibid.*, 147-149.
\(^{46}\) *Levering, A History of Bethlehem, Pa.*, 502; *Min. of the Phila. Mtg. for Sfqs.*, 8 mo. 5, 1778.
if the affirmation did not imply an obligation to fight. To require more of them, they thought, was persecution. Some of the Whigs, McDowel wrote, also favored a special affirmation for such persons so as to increase the friends of the state and decrease discontent.  

Nevertheless conscientious objectors felt the effect of this and the previous laws many times before they were repealed. At Bethlehem the County Lieutenant, John Wetzel, took a particular delight in hounding and harrying the peace sectarians of that region. Scarcely had the first test act had time to become effective before he ordered committed to jail a Schwenkfelder who promised to be true to the state, pay taxes, and help his country by carting goods or in any other way his conscience permitted. His sole offense was his refusal to take the test upon the ground that he had affirmed allegiance to the king when he was naturalized, and for him to renounce it now, before the outcome of the contest, would constitute perjury "before God and in his conscience".

Upon hearing the facts of the case the Executive Council wrote to the justice who had committed him pointing out that a non-juror was to be imprisoned only for "travelling out of the county or city" in which he lived without a certificate. "I am directed by the Council", continued the letter, "to desire you to be careful not to extend this law further than the words of it will justify". Shortly after-

---

47Pa. Archives, 1 ser., VI, 572.
48Ibid., V, 432-433. This reason was not infrequently given by those who had been naturalized.
wards the Schwenkfelder seems to have been released. 49

Despite this warning Wetzel, who in February, 1778, was called before the Executive Council of the state to answer charges of oppressive conduct brought by the militia of the county, resumed his persecution of the Moravians. Early in April twelve Moravians with certain others were arrested, marched through Bethlehem with much show of guard, and finally confined at Easton until the end of the month. Wetzel swore that they were enemies of the state and threatened them with another arrest when released. Within a week they were summoned before another magistrate to take the test, and eventually a goodly number were worried into doing so.

Meanwhile in May the Moravians and Schwenkfelders had addressed to the Assembly an urgent appeal for relief. The only result was another letter to Wetzel from Vice President Bryan of the Executive Council, which shows clearly that high state officials differentiated between Tories and those declining to take the test on grounds of conscience. He wrote:

The Moravian[sic] and Schwenkfelders have been very urgent with Assembly to relax the Test, and free them from the

---

49"The Conduct of the Schwenkfelders during the Revolutionary War". *The Pennsylvania-German, XI* (1910), 661-663.

50Levering, *A History of Bethlehem, Pa.*, 496-499. The fact that some of the Brethren had taken the test caused such deep sorrow and dissension among the congregation at Lititz that Holy Communion was not celebrated for over five months. "Extracts from the Brethren's House... of the Moravian Church at Lititz, Pa." *Penn Germania*, I (1912), 857-859.
abjuration part. . . . as these people are not to be feared either as to numbers or malice, it is the wish of government not to distress them by any unequal fines, or by calling them, without special occasion happens, to take the oath at all. The disabilities ensuing upon their own neglect are heavy, and will without further pressing . . . operate strongly upon them.

On these grounds, we wish it to be understood, that Council and Assembly desires to avoid any noise from the people above mentioned, and to have them dealt with, as others, in regard to the delinquency in the militia. 51

Lieutenant Wetzel feigned deep hurt as a result of the implications of this letter, and replied that he "should be heartily sorry to distress any one individual, or set of Men with unequal fines", and that he would ever endeavor "to treat mankind in such a manner as no part of his Conduct should . . . be looked upon as rigorous".

In September all the inhabitants of four Moravian towns were summoned to appear before two justices at Allentown. Rev. Ettwein immediately rode to Philadelphia, where he was informed by government officials that such proceedings were utterly illegal, and that the summons should be ignored. This action enraged the two justices, and they proceeded to issue another summons mentioning by name all the male inhabitants of one of the towns, many of whom had already suffered a month's imprisonment at an earlier date. This procedure proved only slightly more successful. Later it was learned that John Wetzel was also the instigator of these summons.

51 Pa. Archives, 1 ser., VI, 541.
52 Ibid., 551
53 Levering, A History of Bethlehem, Pa., 500-503; Pa. Archives, 1 ser., VI, 751.
Still another appeal was sent to the Assembly by the Moravians in October, 1778. Referring to it, John Boyard, Speaker of the House, said, "we have made a sharp weapon and madmen have gotten it into their hands. We must try to get it from them again." Surely this was true of Wetzel.

During this same period Mennonites, Quakers, and Dunkards were also feeling the rigors of the law. At one time six Friends were imprisoned at Lancaster, one of them for a period of sixteen months and several of the others for nearly a year. Meanwhile the Meeting for Sufferings busied itself making appeals to the Pennsylvania Assembly and visiting the officials who committed the men in an effort to secure their release.

Such Quakers as were imprisoned were usually those travelling outside their own county without the required certificates of allegiance. There is no record whatever of a systematic harassing of Friends who remained quietly at home, as was true of the Moravians at Bethlehem by John Wetzel. Considering their numbers the Quakers seem to have fared much better under the test acts than did the Moravians.

Certainly the Mennonite community in Northampton county received severe punishment. There the non-juring Mennonite men were banished in 1778 by the local court despite a memorandum from their non-Mennonite neighbors to the Supreme

---

54Levering, A History of Bethlehem, Pa., 502.
55Min. of the Phila. Mtg. for Sfgs., 8 mo. 4, 1778; 8 mo. 5, 1778; 9 mo. 17, 1778; 12 mo. 24, 1778; 12 mo. 31, 1778; 9 mo. 16, 1779; 9 mo. 21, 1780.
Executive Council stating that the men were "of unblemished reputation for uprightness and integrity" and that their unfortunate attitude came "from an unhappy bias in their education, and not from a disaffection to the present Government". Some of these Mennonites had even furnished teams for the continental service. Yet not only were they banished, but their personal estates were confiscated including beds, bedding and Bibles. And this, because they refused to take the test.

In other communities, and especially in the larger ones such as Lancaster where their principles were well understood by the county officials, the Mennonites fared much better. Under such circumstances they were usually treated leniently, for the officials knew they were not disloyal, and either the test was not given to them or they escaped with nothing more serious than a fine. Thus throughout the entire war, and this fact is important, the treatment of conscientious objectors was nearly always milder than that accorded Tories.

The drastic test act of June 1, 1778, was too severe to remain on the statute books. It had called forth petition after petition, and even sensible Whigs desired its repeal. Accordingly an act of December 5 swept away all former disabilities laid upon non-jurors. Henceforward they were to

56 Smith, The Mennonite Immigration, 299-303; Fries, Records, III, 1419. It is possible that the Council allowed the return of these men.
be excluded only from holding office, from electing officials, and from serving on juries during the time of their refusal to swear, but not quite a year later non-juring teachers were again forbidden to keep school except in private houses.

With these laws the Moravians were fairly well satisfied. But not so, the Quakers. As they maintained schools both for their own children and the poor of other denominations, they did not want to see them closed again as a result of this law requiring teachers to be jurors. In 1778 Joshua Bennet had been fined £100 and costs at Lancaster for teaching Friends' school without having taken the test. This fine he had refused to pay. After seven months in jail, during which neither state nor jailor received fine nor fees, he was released. Nor was his case a lone exception, although some Quaker schools had closed voluntarily.

To avoid a repetition of this necessity still another petition was addressed to the Pennsylvania Assembly. In it was one clause which must have been self-evident to more than Quakers. It read: "because of Oaths the Land mourns, and the multiplying the use of them... renders them familiar, [and] Debases the Minds of the People... "Denying that they were actuated by political motives, and

58 Statutes at Large of Pa., IX, 305.
59 Ibid., 406.
60 "Extracts from the Brethren's House... of the Moravian Church at Lititz, Pa." Penn Germania, I (1912), 859.
61 Min. of the Phila. Mtg. for Sfgs., 12 mo. 17, 1778; 9 mo. 21, 1780; Sharpless, The Quakers in the Revolution, 184.
insisting that "we are real Friends to our Country", the Friends requested the repeal of the test laws "that the Means of Education & Instruction of our Youth... may not be obstructed". Nothing resulted however as the Quakers, maintaining that they were a religious, not a political body, refused to answer a list of detailed questions as to their political opinions presented them by the Committee of Grievances of the Assembly.

Although the Yearly Meeting of Friends was unwilling to take any stand on the question, those Quakers who adhered most rigidly to their principles believed they were no more justified in accepting the paper money issued by the colonies to defray the extraordinary expenses of war than they were in paying military assessments. Both, they felt, were used for warlike purposes.

One John Cowgill, who refused to accept the paper currency, was advertised in the newspapers as an enemy of his country, and later, to the beating of a drum, was driven through town on a cart with a placard attached to his back inscribed: "On the Circulation of the Continental Currency depends the fate of America". His corn was refused at the mill and his children were sent home from school. A Quaker merchant who took a similar stand had his store closed by the Committee

---

62 Min. of the Phila. Mtg. for Sfgs., 11 mo. 3, 1779.
63 Ibid., 3 mo. 6 and 27, 6 mo. 15, 1780.
64 Extracts from the Min. of the Phila. Yearly Mtg., 9 mo. 29, 1775.
65 Min. of the Phila. Mtg. for Sfgs., 9 mo. 17, 1778.
of Inspection.

In one other particular the Quakers came athwart public opinion. Perhaps it is best expressed in a memorial to the Pennsylvania Assembly in which they said that "as they could not join with others in shedding the Blood of their Fellow men... neither could they unite in rejoicing for the Advantages gained by such bloodshed: as they could not fight with the Fighters, neither could they triumph with the Conquerors". Consequently on days publicly set aside for feasting and rejoicing in commemoration of severing all ties with England or in celebration of important victories, the Friends continued "to open their Shops and follow their lawful Occupations... as usual on other Days", and resolutely refused to illuminate their houses. For this action they had to suffer the indignation of the patriots, usually expressed by throwing stones through their windows and breaking into and plundering some of their houses.

66 Henry D. Biddle, ed., Excerpts from the Journal of Elizabeth Drinker From 1759 to 1807, A. D., 40. Virginia Yearly Meeting advised its members not to accept the paper money; in North Carolina Friends could do as their consciences directed. —Weeks, Southern Quakers, 184. For the experience of a Rhode Island Quaker who refused to accept the Continental currency see A Journal of the Life, Travels, and Gospel Labours of that Faithful Servant and Minister of Christ, Job Scott, 52-56.

67 Biddle, op. cit., 45, 137; Jacob Cox Parsons, Excerpts from the Diary of Jacob Hiltzheimer of Philadelphia; 1765-1798, 46; Min. of the Phila. Mtg. for Sfgs., 11 mo. 15, 1781; Anna Rawle, "A Loyalist's Account of Certain Occurrences in Philadelphia after Cornwallis's Surrender at Yorktown". Pa. Magazine, XVI (1892), 104-107; Pa. Archives, 1 ser., IX, 450-454. On the other hand the Moravians observed such days. Pa. Magazine, XXXVI (1912), 122. The Moravian diarist at Lititz recorded on December 11, 1783: "A
Other Friends living on the frontier suffered from the suspicion, sometimes held by the frontiersmen, that they gave information to the hostile Indians. This suspicion arose from the fact that the homes of the Quakers, who always tried to maintain friendly relations with their red-skinned neighbors, were more often spared from attack. Two Friends of western Pennsylvania so suspected were seized and committed to jail by a military officer without any charge being placed against them. Soon taken before a private Court of Sessions, they were sent to the Lancaster jail upon their refusal to give bail of ten thousand pounds that they would not appear in that part of the state during the rest of the war. There they were held eleven months without a charge of any kind ever being brought against them. Meanwhile their wives and nine children had been driven from home and their property seized.

Everyone suffered from the foraging parties of both armies, but the refusal of the pacifist sectarians to engage in the war indubitably increased their chances of being the victims of American parties. Washington's orders alone furnish ample evidence of that fact. In giving instructions as to the day of Thanksgiving appointed by the National Government.

In the evening, for joy at the return of peace, we illuminated our houses, the trombonists playing meanwhile much to our delight". "Extracts From the Brethren's House... of the Moravian Church at Lititz, Pa." *Penn Germania*, I (1912), 860.

68 Min. of the Phila. Mtg. for Sfgs., 6 mo. 22, 1780; 9 mo. 21, 1780; 12 mo. 20, 1781; James Bowden, *The History of the Society of Friends in America*, 337-338.
seizure of clothing for the army on the eve of the bitter
winter at Valley Forge he added, "Obtaining these things
from the Quakers... is recommended". The Supreme Execu-
tive Council and other officials issued similar orders. In
this way much food was procured for the armies operating in
eastern Pennsylvania from the rich Mennonite farmers, who,
unlike the Quakers, accepted the certificates of indebted-
ness usually offered for such provisions.

Besides supplying the American armies with provisions, the
Moravians had fine large buildings in the small towns of
Bethlehem and Lititz that were used for some time as the
general army hospital. The Single Brethren's House at Beth-
lehem was twice occupied, once from December, 1776, to the
end of March, 1777, and again the next winter for a period
of seven months, during which the entire community suffered
one terrible epidemic. The work was of a nature that appealed
to the humanitarianism of the Moravians, so they responded
with great readiness to the suffering about them, and Dr.
Ettwein accepted a position as the regular hospital chap-
lain. Despite the extremely crowded conditions and the in-
convenience necessarily resulting from such a situation,
the Moravians complained little. An ameliorating factor
that arose from having a body of officers and men sta-

69 The Writings of George Washington from the Original
Manuscript Sources, 1745-1799, IX, 318; X, 124, 404; XI,
114. See also Force, ed., American Archives, 5 ser., III,
1842.
70 Futhey and Cope, History of Chester County, 97; Bender,
loc. cit., 48.
71 Ibid., 32-33; Pa. Archives, 1 ser., VIII, 329.
tioned at Bethlehem was that their presence protected the town from foraging parties.

Like other inhabitants the peace sectarians had soldiers quartered in their homes whose conduct was not always what the stern Quaker or Mennonite conscience approved. Just as grievous was the occasional practice of electing conscientiously scrupulous men to offices the electorate must have known they could not accept, such as collectors of military taxes, and then fining them twenty pounds, hard money, for refusing to serve. In some instances this seems to have been done with the very intention of causing them embarrassment.

True to their policy of neutrality the Quakers appeared little excited by the possibility of a British occupation of Philadelphia toward the close of 1776. Writing from that city, December 21, just after Congress had somewhat ignominiously adjourned to Baltimore, Robert Morris gave a picture of the place: "This city was, for ten days, the greatest scene of distress that you can conceive; everybody but Quakers were removing their families and effects, and now it looks dismal and melancholy. The Quakers and their

---


73 Min. of the Phila. Mtg. for Sfgs., 4 mo. 16, 1779; Biographical Sketches and Anecdotes, 326-328; "Extracts from the Brethren's House... of the Moravian Church at Lititz". Penn Germania, I (1912), 859.
families pretty generally remain. . . ."\textsuperscript{74}

This attitude of unruffled calm in the midst of confusion together with their refusal to bear arms, to pay allegiance to the revolutionary government, and to rejoice over victories of the Continental Army, when such were forthcoming, naturally brought down upon the Quakers a storm of criticism, and their leaders fell under suspicion. Unfortunately for them just as the British were again advancing upon Philadelphia, this time by way of Chesapeake Bay, in the late summer of 1777, another incident occurred which tended further to inflame the minds of the patriots against the Society of Friends.

August 22 General Sullivan, seized on Staten Island some baggage, among which he found a number of important papers which he forwarded to Congress for its perusal. One of them appeared to be a communication from a Yearly Meeting of the Friends at Spanktown, New Jersey, to the British intelligence, which read as follows:

No. 1. Where is Washington? What number of men or cannon?
2. Where is Sterling? What number of men and cannon?
4. Where is Dayton and Ogden? What number?
5. Whether there be any troops passing or repassing?
6. Intelligence from Philadelphia.
7. Intelligence from Albany.
8. Be very particular about time and place.

Information from Jersey, 19 August, 1777.
It is said General Howe landed near the head of Chesapeake Bay, but cannot learn the particular spot, nor when. Washington lays in Pennsylvania, about twelve miles.

\textsuperscript{74}Force, ed., \textit{American Archives}, 5 ser., III, 1334.
from Coryell's Ferry.
Sullivan lay about six miles northward of Morristown, with about two thousand men. 75

That this was a spurious document there can be no doubt today. As the Quakers pointed out, no Yearly Meeting had ever been held at Spanktown, a name sometimes applied to Rahway, New Jersey, where there was a Quarterly Meeting. In the second place the letter professed to contain information from New Jersey under date of August 19 concerning the arrival of the British at the head of Chesapeake Bay, an event which did not occur until August 22. Congress must certainly have known this. Thirdly, General Smallwood, stationed in New Jersey, carefully examined the Quakers of that region, and dismissed them, convinced that they were wholly innocent. Finally it seems absurd on the very face of it that any Yearly Meeting should place its name to information of so damning a character.

Nevertheless, Congress appointed a committee to consider the matter. Apparently this committee had not too much faith in the papers, since in its report almost no mention of them is made. In spite of this it recommended drastic action against the leading Quakers of Philadelphia. As its recommendations were accepted by Congress and so express the attitude of that body toward the Philadelphia Quakers

76 Min. of the Phila. Mtg. for Sfgs., 8 mo. 24, 1780.
it is worth quoting the resolution at some length:

That the several testimonies which have been published since the commencement of the present contest betwixt Great Britain and America, and the uniform tenor of the conduct and conversation of a number of persons of considerable wealth, who profess themselves to belong to the society of people commonly called Quakers, render it certain and notorious, that those persons are, with much ranour and bitterness, disaffected to the American cause; that, as these persons will have it in their power, so there is no doubt it will be their inclination, to communicate intelligence to the enemy, and, in various other ways, to injure the councils and arms of America:

That... a certain seditious publication... signed ". . . in and on behalf of the meeting of sufferings held at Philadelphia... the 20th of the 12th month, 1776," was published, and, as your committee is credibly informed, circulated amongst many members of the society.

That, as the seditious paper aforesaid originated in the city of Philadelphia, and as the persons whose names are under mentioned, have uniformly manifested by their general conduct and conversation a disposition highly inimical to the cause of America, therefore,

Resolved, That it be earnestly recommended to the supreme executive council of the State of Pennsylvania, forthwith to apprehend and secure the persons of Joshua Fisher, Abel James, James Pemberton, John James, Henry Drinker, Israel Pemberton, John Pemberton, Samuel Pleasants, Thomas Wharton, Thomas Fisher, son of Joshua, and Samuel Fisher, son of Joshua, together with all such papers in their possession as may be of a political nature.

And, whereas, there is strong reason to apprehend that these persons maintain a correspondence and connection highly prejudicial to the public safety, not only in this State but in the respective states of America,

Resolved, That it be recommended to the executive powers of the respective states, forthwith to apprehend and secure all persons, as well among the people called Quakers as others, who have... evidenced a disposition inimical to the cause of America; and that the persons so seized be confined in such places, and treated in such manner, as shall be consistent with their respective characters and security of their persons:

That the records and papers of the Meetings of Sufferings in the respective states be forthwith secured and carefully examined, and that such parts of them as may be of a political nature, be forthwith transmitted to

77 See above p. 15.
Congress. 78

Acting in accordance with this recommendation of Congress, the Supreme Executive Council of Pennsylvania seized about forty men, September 2-4, and without granting them trial or hearing hurried them into confinement at the Mason's Lodge. Most of the men arrested were offered their freedom upon the condition they would sign a pledge to commit no treasonable act and promising not to depart from their dwellings. Some complied; others, including all the Quakers, about twenty in number, refused, maintaining such a demand violated their rights as citizens of Pennsylvania.

The Prisoners encountered great difficulty in learning under what warrant they had been arrested, and what charges, if any, had been placed against them. This circumstance, coupled with the fact that among those imprisoned were the most prominent Quakers of the state, led one hundred

79 Gilpin, ed., Exiles in Virginia, 66; Min. of the Phila. Mtg. for Sfgs., 9 mo. 8 and 11, 1777.
80 Concerning the papers sought by the gentlemen appointed to arrest the Friends, their report was as follows: "In fourteen of the arrests... 'no papers'; of Mr. 'no papers found of a public nature'; of Samuel Emlen, Jun., 'confined to his bed; we broke open his desk, but found no papers of a public nature'; of Henry Drinker, 'a number of papers found of a public nature, belonging to the Monthly Meeting'; of John Pemberton, 'a number of papers in a brown bag'; of William Lenox, Jun., 'had a pocketbook and some papers'; of Wm. Smith, (broker), 'his chamber is locked up for the inspection of his papers, the key in the possession of Captain Smith'; Samuel Jackson, 'out of town; no search has been made for papers as yet'". —Bowden, The History of the Society of Friends, II, 321.
82 Israel Pemberton was dubbed "the king of the Quakers" by
and two of the Philadelphia Friends to protest to the President and Council of Pennsylvania against their arrest as "an alarming violation of the civil and religious rights of the community".

Giving little heed to the protest, the Executive Council proceeded to dispose of the case as rapidly as possible. Informing Congress, upon whose advice the arrests had been made, that the Quakers refused to bind themselves with promises "of any kind," the council suggested that the prisoners be sent to Virginia, and inquired whether Augusta and Winchester "would not be suitable places".

Upon learning that they were to be sent into confinement the imprisoned Friends drew up a petition, in which they insisted that both natural justice and law demanded "that the party accused should know what he is to answer to, and have an opportunity of showing his innocence". They then

---

the populace. He had served in the Assembly and there taken an active part on its committees. His brother, James Pemberton, "was a member of the Meeting for Sufferings... from its origin in 1756 till 1808 a few months before his death. He was for about thirty years, including the Revolutionary War, the Clerk of the Yearly Meeting, the practical president of that court of last appeal of the Quaker system". He had also served in the Assembly in 1755 and 1756 and again after 1765. It was he who founded the Pennsylvania Abolition Society and persuaded Benjamin Franklin to accept the presidency. From the time of his arrest James Pemberton kept a journal of the exiles which is published in Gilpin, ed., *Exiles in Virginia*. Both men were probably British sympathizers during the war, but earnestly endeavored nevertheless to maintain a policy of neutrality. — Sharpless, *Political Leaders of Pennsylvania*, 202-210, 214-215.

83Pa. Archives, 1 ser., V, 574.
quoted two sections of the Declaration of Rights, which formed a fundamental part of the Constitution of Pennsylvania then in force. These guaranteed "a speedy public trial by an impartial jury," stated that no man should "be justly deprived of his liberty except by the laws of the land, or the judgment of his peers", and denied the right of search to an officer unless acting under a duly sworn warrant, which had not been used in these arrests. They concluded with a demand for "an audience, that so our innocence may appear and persecution give place to justice".

Forwarding this protest to Congress, the Council of Pennsylvania asked if it might not free "such as would yet swear, or affirm, allegiance to this state". Congress acquiesced, but the Supreme Executive Council soon learned that it was one thing to get the consent of Congress; quite another to reconcile the Quakers to such a plan. Instead of submitting, the prisoners proceeded to lecture the Council as to its conduct. "Your duty", they wrote, "... is confined to the executing the laws as you find them, and does not extend to the making new ones to salve your own irregular conduct". They then declared that the oath required of them was "unknown to the laws and constitution"

86Pa. Archives, 1 ser., V, 586. The Pennsylvania Council was afraid the prisoners would "raise a ferment".
and "an ex post facto law made to criminate by a refusal those who before were innocent". And, they asked with some logic, if they were persons so dangerous that they need to be sent to "so remote and dangerous a part of the country. . . how will the public be secured by our taking either of the tests you have proposed?"

Meanwhile Congress had recommended that the Quakers be given a hearing by the Council to see what could be offered in their defense. But the Council, believing itself weighed down with more important matters, informed Congress that it was too busy to give all the Quakers a hearing, and that granting a hearing to only a part would be unfair to the rest. So it, in turn, earnestly requested that Congress "hear and dispose of the gentlemen prisoners in the Mason's Lodge". Judging such action improper, however, inasmuch as the prisoners were citizens of the State of Pennsylvania, Congress disposed of the situation by recommending their immediate departure for Virginia.

The Executive Council, refusing to be influenced by the various remonstrances of the Friends, accepted this advice at once and issued orders instructing the custodians of the prisoners as to the manner in which the latter were to be

---

90 Ibid., VIII, 722-723.
treated during the journey. In this regard there seems to be no ground for complaint. The prisoners, if they pre-
ferred, were to be allowed the use of their own carriages; otherwise they were to be placed in light covered wagons "in such manner as not to be crowded;" and "every suitable accommodation" was to be procured for them on the way. At no time do they appear to have been mistreated by the guards, and on several occasions they were permitted to spend the night with friends. No doubt the respectable position held by these men in Philadelphia and the lack of evidence against them did much to mitigate their treatment.

Several days after their departure the party was overtaken by two friends carrying writs of habeas corpus for nine of the number, allowed by Chief Justice McKeam of Pennsylvania, which were served on the two guards. These, however, refused to obey them. Two days later, September 16, the Pennsylvania Assembly passed a bill prohibiting any judge or officer of the Supreme Court from issuing such a writ "to obstruct the proceedings of the said Executive Council against suspected persons" during the period of imminent danger. Under this law new orders were hurriedly forwarded to the guards, who, the Council must have feared, might obey the writs which had been served previously.

92 Pa. Archives, 1 ser., V, 600.
93 Ibid., 1 ser., V, 607.
94 Gilpin, ed., Exiles in Virginia, 133-158.
95 Ibid., 135-139.
In Virginia the Quakers were to be disposed of "in a manner suitable to their respective characters and stations," avoiding on the one hand "unnecessary rigour" and on the other their "injuring the interests of our country". They were given the liberty of the town of Winchester, where it had been decided they might remain, and were to be supplied every necessary they might want, but at their own expense. To the thrifty Quakers this last in itself was a cruel blow.

The inhabitants of Winchester did not give the Quakers too warm a welcome, and before they had been in exile three months complaints reached the Pennsylvania War Office that the exiles, who had been permitted to reside at the homes of Quakers in the vicinity, had influenced the latter to refuse the Continental currency. Inasmuch as the Quakers were guilty of corresponding with their friends without previously showing their letters to the American Commissary of Prisoners as was required, their removal to Staunton, Virginia, was ordered by the Board of War. Before this could be executed, however, a protest from the prisoners brought about its revocation.

The deaths of two of the exiled Friends in March, 1778,

97"The Diary of Robert Morton Kept in Philadelphia while that City was occupied by the British Army in 1777". Pa. Magazine, I (1877), 18-19.
99Ibid., 74-75.
100Gilpin, ed., Exiles in Virginia, 194, 204.
one at the age of sixty-seven, were most unfortunate events
for the families of these men against whom no charge of aid-
ing the British could ever be proved, and against whom none
was ever even placed. But these events seem to have had
little, if any, influence upon the negotiations which re-
sulted in their release.

In Philadelphia even some of the patriot party were made
uneasy by the arbitrary arrest and banishment of the Friends,
and the feeling grew among members of the Pennsylvania Coun-
cil that their continued exile might be detrimental to the
patriot cause on future occasions. Especially was this true
after a very spirited address to the inhabitants of Pennsyl-
vania had been published on behalf of the prisoners. One
Philadelphia lawyer noted in his diary that "many of the
warmest Whigs think this an instance of unjustifiable op-
pression", and he characterized the whole proceedings as
bearing "the mark of the most wanton Tyranny ever exercised
in any country". Even some of the members of Congress
acknowledged that most Quakers had no other wish than to
remain at peace.

Consequently the Executive Council of Pennsylvania asked
Congress to deliver over to it the exiled Friends, as the
"affairs of the Commonwealth of Pennsylvania are so circum-
stances as to admit the return of the prisoners". This

101 Ibid., 211-215.
102 "Diary of James Allen, Esq., of Philadelphia, Counsellor-
At-Law, 1770". Pa. Magazine, IX (1885), 292-293; Journals
of Continental Congress, X, 238.
transfer accomplished, the Council made the most careful provision for the return of the Quakers, several of whom were in a low state of health. The escorts were instructed to treat them "with that polite attention and care which is due from men who act upon the purest motives to gentlemen whose station in life entitles them to respect, however they may differ in political sentiments. . . ."

Their return to Philadelphia closed an incident in the history of Pennsylvania which was of no special credit to her. Nothing whatever was accomplished by sending these men to Virginia. On the other hand, it should be remembered that these Quakers were banished, correctly or not, as "enemies of their country," as Tories, and not as conscientious objectors. Nevertheless their conscientious scruples were largely responsible for making them appear in that light. In consideration of these facts and the passions that exist during a war, the treatment accorded them was moderate.

When the British army occupied Philadelphia late in September, 1777, the Friends were generally united on a policy of non-assistance to either army. Whatever treatment might be accorded them or their goods, they determined to maintain a policy of neutrality and go quietly about their business no matter which party controlled the city. In this determin-

103 Ibid., 228, 260.
104 Pa. Archives, 1 ser., VI, 405.

One spectator, at Cornwallis's entry into Philadelphia
tion they were fairly successful, but such action could hardly fail to keep alive the suspicion of the patriots.

It was this, no doubt, that caused Washington to send Brigadier General Lacee Jr., the following orders on March 20, 1778:

Sunday next, being the time on which the Quakers hold one of their general Meetings, a number of that Society will probably be attempting to go into Philadelphia. This is an intercourse that we should by all means endeavour to interrupt, as the plans settled at these meetings are of the most pernicious tendency.

Should any of the Quakers bedriving horses fit for the army they were to be seized and turned over to the Quarter-master General. In passing on these orders to his subor-

at the head of his red-coated troops, was Robert Morton, the sixteen year old step-son of James Pemberton, one of the Quakers then in exile at Winchester. Young Morton's diary, kept during the period of the British occupation, shows that he was a keen and penetrating observer for one of his years, and considering the intense emotions this youthful Friend must have encountered, the tone of the diary is quite neutral, yet withal one can detect a certain amount of Tory sympathy. In subsequent months, however, the attitude of the writer underwent some change, more respect being expressed for the patriot cause. This was the result of close contact with the British soldiery, for he complains of the potatoes, vegetables and other goods seized by the Hessians and British "notwithstanding the gracious proclamation of his Excell'y to protect the peaceable inhabitants in a quiet possession of their property". —"The Diary of Robert Morton". Pa. Magazine, I (1877), 1, 23, 30, et passim.

By January 15, the Meeting for Sufferings was quite saddened at the consequences of having the British army in Philadelphia, and thought the times called "for deep humiliation". Especially disturbing was the news that "Stage Plays are proposed to be exhibited in the Suburbs". In May the young Friends were cautioned against the "Spirit of Dissipation Levity and profaneness which sorrowfully has spread and is spreading and principally promoted by the Military among us in and near this City". —Min. of the Phila. Mtg. for Sfgs., 1 mo. 15, 1778; 5 mo. 14, 1778.

106 Writings of Washington, XI, 114. See also ibid., 121.
dinates General Lacey added the injunction that they were
"to fire into those who refused to stop when hailed, and
leave their dead bodies lying in the road". Already at
an earlier date directions had been given by the executive
of Pennsylvania to watch all the Quarterly Meetings of the
Friends, as British agents would, "without doubt, be busy,
& mischievous".

When in June, the British prepared to evacuate the city
the Quakers were again the only ones to show no signs of
perturbation. All about them was confusion as the British
and Loyalists prepared to leave, but they calmly followed
their usual occupations.

Almost upon the heels of the departing army streamed into
Philadelphia many of the patriots who had been forced to
flee nine months earlier, and soon the city was in the
hands of a crowd intent upon driving out every vestige of
loyalism. The real Tories had fled to New York; but mob
passion had to be satisfied, and during this period two
Quakers who had given some aid to the British, Abraham
Carlisle and John Roberts, were tried before Chief Justice
McKean and convicted of high treason.

Abraham Carlisle, a carpenter, had accepted a commission
to superintend passes through the British lines during the
period of occupancy, because he had a wide acquaintance and

---

109 Sharpless, The Quakers in the Revolution, 150.
110 See Pa. Archives, 1 ser., VII, 45-52, for the notes of
the Chief Justice at Carlisle's trial.
believed, as many witnesses testified, that he could in this manner alleviate some distress, in which hope he had been successful. Nevertheless the Friends expressed to him their uneasiness that he should undertake such a post, but their endeavours to persuade him to withdraw from it did not prove effectual.

Evidence at the trial was inconclusive. While accused of calling one man a "rebel son of a bitch", and a couple of others similar names, two women testified that although their husbands were officers in the American army, and Carlisle knew it, he had granted them passes and allowed them to carry goods out of the city. At the most the evidence indicates aiding the British in a most innocent manner. One group of one hundred and fourteen petitioners asking mercy for him said: "If he did hurt to some, he did good to a much greater Number, and of this greater Number many of Your Petitioners compose a part".

John Roberts was a miller, nearly sixty years old, a man of unimpeachable character with a benevolent disposition. Naturally sympathetic with the British, he was deeply moved when his friends were arrested and sent to Virginia. He thersupon hastened with the intelligence to the British army in the hope the plan might be frustrated. Later falling into

---

111 Etting Collection: Early Quaker Series, 92; Sharpless, The Quakers in the Revolution, 192.
113 Ibid., 55.
disfavor with his neighbors, he took refuge within Philadelphia, then occupied by the British, and was thereafter seen on at least one occasion with the English army outside the city. At the trial he stoutly maintained that he was forced to go along as a guide against his will.

While in Philadelphia Roberts used his influence to have many who had been imprisoned by the British freed. At one time he even went a prisoner's security that he would remain in the city. Yet the prisoner escaped, and for some time thereafter Roberts was held in his place. One hundred and forty-four persons testified that they had either been freed as a result of his efforts, or that Roberts had used "his utmost endeavours to save us from that Repacious hand [of Lord Cornwallis]."

Inasmuch as the two men had violated the principles of the Friends and given some aid to the British, the Quakers took no official action in their favor, although many individual Quakers joined in petitioning the Supreme Executive Council for mercy. In all, at least thirty-one memorials and petitions bearing over 1500 names were sent to the Council asking mercy for the two. Among the signers were militia officers, the jurors and grand jurors in the two cases, and Chief Justice Thomas McKean who had presided at the trial.

---

114 Etting Collection: Early Quaker Series, 92; Pa. Archives 1 ser., VII, 21-58; see Futhey and Cope, History of Chester County, Pa., 115, for a paper written by Roberts in his defense while in prison.
116 Ibid., 21-58.
But all were in vain, and "in a public conveyance, with their coffins before them and ropes about their necks, they were carried to their execution".

---

CHAPTER III

OJECTORS IN OTHER STATES

In the other states during the American Revolution the treatment of conscientious objectors differed little from that in Pennsylvania, although only certain of the features might be found in any one state. Thus in one, conscientious objectors might be fined three, or even seven, times as heavily as other persons; in another they might be excused unconditionally, but in none were any wholly new features involved. Nor did the attitude of the various sects vary much from province to province. In all, the Friends were the most unyielding in their conscientious scrupulosity; the Moravians the most friendly to the American cause, yet firm in their refusal to abjure the king until the final settlement of the conflict. Because of the similarity of treatment, the other states may be dealt with in less detail than Pennsylvania where the problem of conscientious objection was much greater.

In New Jersey the Friends who refused to take an affirmation of abjuration and allegiance were fined from five to twenty pounds. This sum together with the substitute fees and military taxes had almost always to be collected by

---

1 Acts of the Council and General Assembly of the State of New-Jersey, 27-29. Non-juring schoolmasters were fined six pounds for every week they taught school.
distrain. But in making distress the New Jersey officials were quite clement, for in nearly every case reported to the Philadelphia Meeting for Sufferings the Quakers estimated the value of the goods seized as slightly less than the sum demanded. Nevertheless, the total distrains even then amounted to nearly $11,000.

Numerous Friends who had no chattels that might be seized and others who refused the continental currency were imprisoned, usually for periods less than three months.

One of the most interesting cases in New Jersey concerned Thomas Redman of Haddonfield and Mark Miller of Woodberry, both of whom were imprisoned eight weeks for reading in their respective meetings in January, 1777, the "Ancient Testimony with respect to the King and Government". The mittimus charged them with the "Reading of a piece of print, tending to Subvert the Minds of the people in this State, & refusing to take the Test...", which had been offered them only after their arrest. The magistrates seemed ill-disposed toward the two men, but both the lieutenant who arrested them and their jailer were unusually kind.

At the end of the second month they were taken into court, where an attorney who was present defended the two men without any application from them, moved, he explained, by the

---

2 Min. of the Phila. Mtg. for Sfgs., 9 mo. 1778—9 mo. 16, 1784.
3 Ibid., 9 mo., 17, 1778; 2 mo. 19, 1779; Evans and Evans, eds., The Friends Library, VI, 291.
"Principle of Liberty". The court's sentence, a fine of five shillings each and imprisonment until paid, must have been determined solely by a desire to embarrass the Quakers. If true, the determination was in vain, for the jailer immediately stepped to the bar and informed the justices that the fines had already been paid him. What kind friend was responsible for this, the Quakers were never able to learn.

Virginia Quakers in good standing in their monthly meetings had been exempted since 1766 from arming themselves and from attending musters. But when the militia were called into actual service, Friends refusing to serve had to furnish a substitute or pay a fine of ten pounds. Shortly after the outbreak of hostilities in 1775 Mennonites were granted the same privileges, and the militia act of the next year carried much the same exceptions.

Strangely, no immunities whatever were extended Quakers and Mennonites by the act of 1777. This omission may have been an oversight as later laws partially remedied the situation by making provision for procuring substitutes.

5 "Some Account of Mark Miller & Thomas Redman's Imprisonment in Gloucester Jail in 1777". This is a manuscript diary kept by Redman during his imprisonment. See also Min. of the Phila. Mtg. for Sfgs., 1 mo. 30, 1777; 5 mo. 22, 1777.

6 William Waller Hening, The Statutes at Large: Being a Collection of all the Laws of Virginia, from the First Session of the Legislature, in the Year 1619, VIII, 241-245.

7 Ibid., IX, 34.

8 Ibid., 139.

9 Ibid., 267.
But meanwhile several cases of harsh treatment occurred.

In September soldiers took fourteen Friends from their homes in Frederick County to Winchester, where an attempt was made to compel them to drill. Although they were forced into line at swords' points and threatened with death, the Quakers refused to perform any military service. Toward the end of the month they were sent to join Washington's army lying north of Philadelphia. There further efforts to induce them to train proved as fruitless as former ones, and, although guns were tied to several of the younger men, they refused to have anything to do with them.

As soon as Washington was informed of these facts he ordered their immediate discharge with passes to return home. During the entire period of arrest—three or four weeks—the Quakers had refused to accept any provisions from the army, and depended on the kindness of Friends along the way for food.

A number of other Friends, taken from Loudoun County, Virginia, were humanely treated and after a short time were allowed to return home. In 1778, however, a Quaker was drafted and ordered to stand guard over part of General Burgoyne's army, then prisoners in Virginia. Upon his refusal to do so he was court-martialed by young officers,


11 Min. of the Phila. Mtg. for Sfgs., 2 mo. 26, 1778.
sentenced to be flogged, and in the presence of a large
crowd received over three dozen lashes with a cat-o'-nine-
tails. Not even then did he yield. He was afterwards of-
fered various noncombatant employments in the army, being
retained until his term expired, but none would he accept.

Experience with such indomitable wills may have influenced
the legislators of Virginia to return to the liberal laws
of previous years. At any rate the act passed in October,
1777, to provide troops for the Continental Army exempted
both Friends and Mennonites from personal service, although
substitutes were to be procured and paid for by a general
levy upon the respective societies. This plan of taxing an
entire society for substitute fees differed from other
states, and had much to commend it so far as individual mem-
bers were concerned. The laws of 1780 and 1781 providing
both for raising Continental troops and establishing the
militia carried the same provision. In 1782, when the
change of being called was greatly reduced, Quakers and
Mennonites were exempted from Continental service upon pay-
ment of fourteen pounds, and from militia service by

12 William Hodgson, Select Historical Memoirs of the Reli-
gious Society of Friends, Commonly Called Quakers, 345;
Evans and Evans, eds., The Friends Library, VI, 299.

13 Hening, Va. Statutes at Large, IX, 245. As this law was
passed shortly after Congress had warned the states to watch
the meetings of the Quakers, as a result of the Spanktown
forgeries (see above pp. 50-51), it would appear that
Friends were little suspected by Virginians. — Journals of
the Council of the State of Virginia, I, 499-500.

14 Hening, Va. Statutes at Large, X, 261-262, 314-315, 
334-335, 417-418.
procuring a substitute, the expense of which was to be borne
by the individual. If he was unable to pay the sum, it was
to be collected from the Society.

These laws show a genuine regard for the conscientious
objections of the sectarians tempered by the urgent need
for their services. To the Mennonites such a solution was
fairly satisfactory, but as always the substitute fines and
war taxes had to be collected from the Quakers by distress,
 reducing many of them to great want.

The test act that was passed in 1777 by the Virginia
Assembly required "all free born male inhabitants" above the
age of sixteen to swear or affirm allegiance. Those who re­
 fused lost all their electoral rights, could not hold office,
serve on juries, sue for debts, or buy lands, tenements, or
hereditaments. At the end of the war, however, a distinc­
tion was made between those non-jurors who refused from con­
scientious scruples and those who refused to swear for
other reasons. Accordingly Quakers and Mennonites, in 1783,
were relieved of the disabilities imposed upon non-jurors,
so that if property had been bought in the meantime the
purchase was to be deemed valid, "as if the above recited
act. . . had never been made".

15 Ibid., XI, 18, 175.
16 Min. of the Phila. Mtg. for Sfgs., 1778-1784; Samuel
Kercheval, A History of the Valley of Virginia, 149; Weeks,
Southern Quakers, 189.
17 Hening, Va. Statutes at Large, IX, 281-283.
18 Ibid., XI, 252-253.
In none of the Southern states were non-jurors forbidden to teach school as in Pennsylvania and New Jersey.

Maryland, at the beginning of the Revolution, left the amount of the fines to be collected from those unwilling to serve in the militia to the discretion of the Committees of Observation, but the Maryland convention recommended that those refusing to serve from religious principles should be given special consideration. If the Committees thought it wise they might wholly remit such fines. Later, however, conscientiously scrupulous persons were subject to triple taxes, and inasmuch as the Friends opposed listing their property for taxation they also had to pay a double assessment on that score. Heavy dirstaınts resulted. All appeals to the state legislature were in vain, and it was not until 1782 that these exactions were lifted.

Within North Carolina lived Moravians, Mennonites, Quakers, and Dunkards, presenting a problem as varied as that in Pennsylvania. The records for North Carolina are also unusually complete making possible a more thorough study of that state.

19Force, ed., American Archives, 4 ser., VI, 1504; Min. of the Balt. Mtg. for Sfgs., 6 mo. 29, 30, 11 mo. 10, 1778; 2 mo. 11, 5 mo. 10, 1779; 5 mo. 8, 1780; 8 mo. 15, 1782; Smith, The Mennonites, 282; Mennonite Immigration, 305.

During September, 1781, as the land forces were closing in on Cornwallis at Yorktown, there were many seizures of horses and other supplies for the army from the Quakers. Thus ten Friends listed property seized within two months at £230-20-0, valued at prices existing prior to deprecia-
Although there were undoubtedly some among the Moravians whose sympathies were wholly Loyalist, and although they were accused time and again of being Tories, it is nevertheless true that the sympathy of the majority was with the Whigs, as a careful reading of their records throughout the Revolution will show. As early as September, 1775, the community store at Salem, managed by Traugott Bagge, began to furnish the American troops with supplies and accepted the new paper money in payment. In time Bagge virtually became the purchasing agent for the American forces in that region, though without commission. Toward the end of the war, after the Moravians at Salem had frequently lodged soldiers at the tavern and in their own homes, they even erected a barracks and powder magazine outside the town for the use of the soldiers quartered upon them.

None of the other pacifist sects went so far in aiding the Americans. This action cannot be entirely accounted for, though, by the Moravians' friendliness for the Whigs. It resulted partly from the fact that they were not as conscientiously scrupulous as the others. Between Moravians

---

20 Fries, Records, II, 850.
22 *Ibid.*, II, 884, 889. Although the Moravians had no conscientious scruples against accepting the issues of Continental and state currency, they had no more love for it than anyone else, and passed it on as quickly as possible.
24 *Ibid.*, IV, 1563, 1576, 1676, 1775 *et passim*; 1881. The erection of the barracks was done partly to protect the quiet of the town and also to save themselves the inconvenience of quartering soldiers in their homes.
and Quakers there was the greatest contrast. Moravians opposed the bearing of arms, but they seemed always to harbor a mental reservation that in time of actual defense there might be some excuse for their use.

In January, 1776, as the result of a coincidence from no fault of theirs, the Moravians fell under suspicion. A careful investigation by the Committee of Safety followed, during which the Moravians gave the committee a public declaration of their position:

we intend [it read] to demean ourselves as hitherto as quiet people, who wish the welfare of the Country and Province, & that we nor either of us will not at any time intermeddle in political affairs, we will cheerfully assist and support the Country along with our other fellow Inhabitants in paying of Taxes and any thing else that is not against our Conscience & Privileges upon which we have settled here & that we in no Case whatever shall or will do any thing that shall be detrimental to the good Province we inhabit.

This promise entirely satisfied the committee, and they gave the Moravians a written guarantee of their protection, which stood the latter in good stead on several later occasions. Thereafter they were generally on friendly

---

25 Ibid., II, 898; IV, 1513, 1698. This same willingness to compromise is seen in a letter from Bishop Ettwein of Bethlehem, Pennsylvania, to Bishop Graff of North Carolina in 1778: "As to the Officers in your County we advise that you do everything possible to make friends of them; a pair of boots, a pair of shoes, 1£ lbs. of coffee, and the like, are often good arguments that one is in the right, and may avoid many Pounds of fines, — to take advantage of this weakness is surely no sin". —Ibid., III, 1426. See also 1126-1129.

26 Ibid., III, 1348.

27 Ibid., 1040-1041, 1349.
terms with the local Committee of Safety and the militia officers. When suspicious events arose their word was accepted as sufficient explanation; their honesty seems never to have been questioned.

In 1778 Brethren Bagge and Bluhm had the following sound and practical advice on how to remain neutral to recommend to their fellow sectarians. Judicious Moravians would, they said,

1) beware of all persons who wish to tell them secrets.

2) They would behave as children of God toward our neighbors of all parties; not make barter or trade difficult on account of money; much less make objections or refuse to serve them with necessary articles or with care if they wish to refresh themselves among us or lodge with us.

3) They would carefully avoid all disputes about political matters and all predictions as to which party will win in the end, and they would keep their thoughts to themselves.

Exactly as in Virginia, so in North Carolina Quakers by the militia act of 1770 were exempted from musters, but in time of insurrection or invasion had either to serve, provide a substitute, or pay a fine of ten pounds. This partial exemption was omitted from the act of 1774 and fines of five or ten shillings were exacted for failure to attend musters, and of ten pounds for failure to serve if called.

---

28 Ibid., 1026-1028 et passim. In May, 1776, the Salem merchant, Bagge, was given a pass by the local Committee of Safety endorsing him as a "True Friend to American Liberty". —Ibid., 1352. See also IV, 1680.

29 Ibid., III, 1364.

30 The State Records of North Carolina, XXIII, 787-788.

31 Ibid., 940-942.
During 1776 the Moravians were called upon to serve against the Indians, but they made no response and no fines were imposed. This leniency may have been due to Colonel Armstrong, the militia officer of Surrey County, who was a real friend of the Brethren. They were also usually successful in having their members exempted from musters, although they at times had trouble, which, they felt, arose from the fact that some of their more worldly-minded youths showed no unwillingness to serve.

In 1777 two militia acts were passed. That of April continued the scale of fines imposed in 1774, but the act of November provided that Quakers, Moravians, Dunkards, and Mennonites in good standing in their respective societies were to be fined £25 in lieu of personal service. This sum was to be collected from either the individuals or the society as a whole, and was to be used to carry on the war.

The enforcement of these laws varied. Those living in Surrey County, where the Moravians were most numerous, paid no fines whatever despite the fact that the Brigadier General of the district had given express orders that they were to drill and go to war. However, in Rowan County, where their principles were less well known, several

---

22 Fries, Records, III, 1069; IV, 1677.
23 Ibid., III, 1063, 1070, 1086.
24 Records of N. Carolina, XXIV, 1-5.
25 Ibid., 114-117. Governor Caswell ruled that one Quaker who had been disowned for marrying outside the society should be exempted on the same grounds as the others. — Ibid., XIII, 274-275, 289-290.
members had to pay.

From 1778 to the end of the Revolution the four noncombatant sects were exempted from militia duty. But during that period all those of militia age were subject to three-fold taxes, and if they refused to return an inventory of their taxable property they were subject to an additional four-fold tax, or a total tax seven times as great as that of others. Later when a specific provision tax was levied by the North Carolina legislature to be paid in corn, rice, flour, oats, pork, etc., these same surtaxes applied.

In addition to these extraordinary taxes the Quakers, Mennonites, Moravians, and Dunkards had to furnish their full share of clothing, and pay, in proportion to their numbers, for substitutes for the Continental troops raised in 1778. These expenses the Moravians bore jointly.

Although these exactions were very burdensome the Moravians still thought them preferable to military service, and so were careful not to abuse the privilege by taking in new members or by granting certificates of membership to those who did not abide by their principles. This discretion on

---

36 Fries, Records, III, 1130, 1364.
37 Records of N. Carolina, XXIV, 190-198, 358-367.
38 Ibid., 204, 281-282; XVII, 643, 645, see also 725.
39 Ibid., XXIV, 344-345, 390-392, 435, 438. In 1782 the possible seven-fold tax was reduced to four-fold, and in 1783 all such extraordinary taxes were repealed. —Ibid., 454, 492.
40 Ibid., XII, 639-641; XXIV, 156.
41 Fries, Records, III, 1205, 1208.
42 Ibid., IV, 1729-1730, 1782.
their part may account for the decision of the Surrey County Court that only the provincial tax need be paid three-fold, and that the County tax might be paid at the regular rate.

The North Carolina Quakers do not seem to have gone to the extreme of refusing to pay these surtaxes, as did their fellow-members in Virginia and Pennsylvania. Nevertheless in the earlier years of the war, when their goods were frequently distrained to pay militia fines, they refused to accept any surplus due them from the sale of their chattels. But again the state gave evidence of its desire to be just by applying this surplus to the payment of their taxes.

The North Carolina test act, passed in 1777, brought forth many protests from the peace sectarians. It required all former officers of the British King and all who had had business relations with persons in Great Britain during the past ten years to take an oath of abjuration and allegiance or depart from the state within sixty days. Entire use of the law courts was also forbidden to those who refused to comply.

Although the Friends declined to take the test, they expressed their position in happy terms. Stating that they could never take part in wars or the "setting up and pulling

---

43 Ibid., 1516, 1525.
44 Weeks, Southern Quakers, 189.
45 Records of N. Carolina, XXIV, 137.
46 Quakers might make affirmation.
47 Records of N. Carolina, XXIV, 9-12.
48 Ibid., 75.
down [of] kings and governments" and that "the proposed affirmation approves of the present measures", they concluded as follows:

We hope that you will consider our principles a much stronger security to any state than any test that can be required of us; as we now are and shall be innocent and peaceable in our several stations and conditions under this present state; and for conscience sake are submissive to the laws, in whatever they may justly require, or by peaceably suffering what is or may be inflicted upon us, in matters for which we cannot be active for conscience sake. 49

The letter of the law, requiring the banishment of non-jurors, seems never to have been carried out so far as the sectarians were concerned, although others were forced to flee the state. But the law did not permit a non-juror to enter land in the land office as required, not even that on which he lived, although one who had taken the oath might enter the land of a non-juror and the latter could take no legal action. Under these circumstances both Moravians and Quakers suffered, and possibly Mennonites and Dunkards as well.

As soon as others began entering their land in the summer of 1778, the Moravians petitioned the North Carolina Assembly for relief. They asked that they, like the Quakers, might be allowed to substitute an affirmation for an oath, and that they be not required to abjure the British King, because their missionary activity so frequently took them

49Quoted from Weeks, Southern Quakers, 192.
50Fries, Records, III, 1129; Weeks, Southern Quakers, 192.
51Ibid., 192; Fries, Records, III, 1205-1206; John Preston Arthur, Western North Carolina: A History (From 1730 to 1913), 632.
into lands under the English crown. "And none of us", they declared, "will scruple solemnly to promise: That he will not do anything injurious to this State or the United States of America, & that he will not give an Intelligence, Aid or Assistance to the British Officers or forces at War with these or the other States".

Despite this promise the Assembly was disinclined to act, but soon rumors reached it that the Moravians, who were excellent craftsmen and farmers, might emigrate unless they were secured in their property. Fearing this might actually happen the Assembly in August extended the time in which Quakers, Moravians, Dunkards, and Mennonites might take the required affirmation to the next January. Aside from the extension of time this afforded no relief.

Accordingly Quakers and Moravians presented new petitions for relief in January, which were at last successful. The report of the joint committee of the two houses which considered these memorials manifested a commendable tolerance of minority opinion:

"... as the end of all government is to make every member of the Community equally happy, and as in a State settled by people of different Religions this equality of political Happiness is inseparable from an Indulgence to those whose religious Opinions make them object to the usual form of promising fidelity to the State... the people called Moravians and Quakers should be permitted to take a special affirmation".

52 Fries, Records, III, 1373-1375.
53 Ibid., 1206-1207.
54 Records of N. Carolina, XII, 809, 810, 871.
The act that was finally passed applied also to Dunkards and Mennonites. The peace sectarians were to affirm "either an active or passive obedience" to the State of North Carolina, and declare that they would "not abet or join the Subjects or Forces of the King of Great Britain. . . . by any means". Those taking such an affirmation were permitted to reenter their lands at the land office and were to be restored to all the rights and privileges of citizenship, except exemption from the surtaxes imposed for not bearing arms. No other state, except Rhode Island, made so great a concession in the matter of the test.

The Moravians with few exceptions took the affirmation at once, and before the year was out Bishop Graff was calling the Continental Army "our army". The Quakers, however, concluded they could not take any test while a struggle continued which had to be determined by force. Nevertheless they thanked the Assembly for past favors, and requested that they might continue unmolested "until proof be made that our behavior manifests us to be unworthy thereof and we hope our conduct will always demonstrate our gratitude".

As some entries of land belonging to the sectarians con-

---

56 Ibid., XXIV, 219. The Records state that this law was passed at the April-May session of the Assembly in 1778. Other evidence in the Records and conclusive evidence in Fries, Records, shows that the law must necessarily have been passed in February, 1779. See Fries, Records, III, 1281-1282, 1397-1399, 1429-1431.
57 Ibid., 1281-1282.
58 Weeks, Southern Quakers, 192.
continued to be made by others, a law of 1780 declared all such actions null and void.

Friends in both Virginia and North Carolina had been exempted from militia musters at the beginning of the Revolution. In South Carolina and Georgia they must have been too weak to influence legislation at that time as there is no indication that they received special consideration. But by the Georgia militia laws of 1777 and 1778, both Moravians and Quakers were exempted from military service. Nevertheless in 1780 the Friends reported to their Yearly Meeting that they had "been illegally deprived of both Liberty and Property".

The South Carolina laws made no recognition whatever of the peace sectarians, and consequently they were subject to fines up to £500 for not serving when the militia was called out on duty. The first test act of February, 1777, was also severe — too severe to be enforced; the act of March, 1778, moderated the penalties inflicted upon non-jurors therefore. Thereafter they suffered the same disabilities as were imposed in Virginia. Persons entering the State had to take the test at once or be held in jail until £10,000 was posted as security for their immediate departure.

59 Records of N. Carolina, XXIV, 329.
60 A. Fries, Records, III, 1212; Weeks, Southern Quakers, 190.
61 The Statutes at Large of South Carolina, IV, 465-468.
62 Ibid., I, 135-136, 147-151.
Under this act two Quakers, in the course of a religious visit to the southern states, were arrested near Ninety Six. As they refused to post the necessary security they were held about two and a half months. They were later taken to Charleston and granted permission to travel among the local Friends. After a total detention of six months a special act of the Assembly granted their final release, whereupon the two men continued their mission.

Some Quakers resided in New York and in all the New England states, but in none were their numbers large, Rhode Island probably having proportionately the greatest number. Except for the shaking Quakers, or Shakers, living near Albany, New York, none of the other peace sectarians were to be found in this region. When all these states are considered together, the treatment of persons with "tender consciences" was unusually clement.

The New England Meeting for Sufferings writing to the Philadelphia Friends in August, 1778, said that "Friends in Massachusetts are not call'd upon for personal Service" except in a few instances in which cases application to the civil authorities had secured their release. Nor had the Quakers sent in reports of any distrains upon goods at that time. Massachusetts authorities called upon Friends

---


64 Min. of the Phila. Mtg. for Sfgs., 10 mo. 16, 1777; 6 mo. 15, 1780.
for no military requisitions of any sort during at least the first two and a half years of the Revolution, and letters after that date give no reason to believe that the situation changed.

The New Hampshire militia laws were most liberal in their exemptions which included "Ministers of the Gospel, Elders and Deacons of Churches, Church-Wardens, Grammar School-Masters, Masters of Arts, the Denominations of Christians called Quakers", and a few others. Quakers were also exempt from call at the time of a special alarm, and until

---

65 Ibid., 9 mo. 17, 1778; 10 mo. 16, 1777.
An interesting example of the leniency of the officials of this region is shown by the case of William Rotch, a wealthy Nantucket Friend. (It was on three ships he had chartered to the East India Company that the Boston Tea Party took place.) In 1764 he had taken over the goods of an insolvent merchant. Among these were a number of muskets with bayonets. As hunting was popular on the island the muskets sold rapidly, but Rotch always removed the bayonet before each sale.

On the outbreak of the Revolution application was made for the bayonets upon several occasions, but he refused to hand them over as bayonets were "purposely made and used for the destruction of mankind". For this refusal some threatened his life, but despite that he took an early opportunity to throw the bayonets into the sea.

A short time afterwards he was called before a Committee at Watertown, near Boston, for an explanation of his action. He gave a full account of his proceedings; whereupon the chairman, Major Hawley, said that everyman had "a right to act consistently with his religious principles" and so exonerated Rotch. —Memorandum Written by William Rotch, 2-5.

Rhode Island Quakers who refused to surrender small arms in their possession were excused upon almost identical grounds. —A Journal of the Life. . . of. . . Job Scott, 51-52.

some time in 1778 they do not seem to have been liable to
the special war taxes when they composed a majority in a
town or parish.

Rhode Island, faithful to its traditional regard for con-
science, passed "An Act for the relief of persons of tender
consciences" in February, 1777, that was more liberal than
any other exemption law passed during the wars considered
in this study. Not only Quakers, but any person "of sober
life and conversation" who affirmed "that the art of war
and fighting... either offensively or defensively, is
utterly inconsistent with my belief, as a Christian" was
to be exempted, although at the request of civil magistrates
such persons were to help extinguish fires, remove the sick,
women and children, and offer assistance "of a charitable or
merely civil nature" in time of public distress. The same
act excused Quakers from any fines incurred for neglecting
militia duty prior to the act.

This extremely liberal law remained in effect only two
months, for too great an increase in the number of "tender
consciences" resulted. A new law provided for the procur-
ing of substitutes for such persons at their expense, and

\[67\text{State Papers. Documents and Records Relating to the}
\text{State of New-Hampshire During the Period of the American}
\text{Revolution, VIII, 773.}

\[68\text{Records of the Colony of Rhode Island and Providence}
\text{Plantations in New England, VIII, 122-123, 128-129.}

\[69\text{Ibid., 204-207.}\]
so led to numerous distrains upon the goods of Friends. 70

In the matter of tests Rhode Island's liberal position was maintained throughout the war. Quakers and all others conscientiously opposed to bearing arms were excused from swearing. When in 1778 a bill requiring everyone to swear allegiance was referred by the Assembly to the people in their town meetings, the bill was so strenuously opposed that it was never reported.

During the greater part of the war New York Quakers were fined for not serving in the militia, but after 1760 they were assessed a special tax in lieu of military service. In 1777 some Friends had been imprisoned as disaffected persons, but those that could prove they were truly neutral or friends of the American cause the New York Commissioners for detecting Conspiracies were willing to let go without affirming allegiance. Even after the passage of an act in 1778 requiring neutral persons who might have sufficient influence to do some mischief to swear or affirm allegiance or be

70 Min. of the Phila. Mtg. for Sfgs., 9 mo. 17, 1778. The Quakers of Rhode Island, as others of this region, suffered much from the reiding parties of both British and Americans.

71 Records of the Colony of Rhode Island, VII, 567-568.


73 Minutes of the Committee and of the First Commission for Detecting and Defeating Conspiracies in the State of New York, II, 346, 359; Alexander C. Flick, ed., History of the State of New York, IV, 344.

74 Minutes of the Committee... for Detecting and Defeating Conspiracies, I, 85, 98-99, 108, 114, 156, 169, 170, et passim.
removed within the enemy's lines, Friends do not seem to have suffered much.

Throughout the war a Yearly Meeting of the Friends was held on Long Island, then in British possession, to which the Friends on the mainland sent representatives. Ordinarily the passage through the American and English lines was made with no difficulty, but on occasional instances these journeys brought them under suspicion. Once six of twenty-one Friends who had been to Long Island were committed to the Fleet prison, but the fact that the others were not molested would indicate that ordinarily the Quakers were not suspected.

The Shakers, besides refusing to bear arms themselves, were active in dissuading others from doing so. Toward the end of July, 1780, six members of the sect, two of them women, were arrested on this charge. Upon admitting their guilt they were committed to prison, and later the two women were removed within the enemy's lines. One of these was allowed to return in about six months, "it appearing that many of the Persons of the said Persuasion [had] been reformed."

---


77 Minutes of the Committee... for Detecting and Defeating Conspiracies, I, 315, 317-318; II, 320, 323, 323, 387; Public Papers of George Clinton, First Governor of New York, VII, 499-490, 499-496; Janney, History of the Religious Society of Friends, III, 468.

Throughout all the complications of their peculiar situation the peace sectarians received almost without exception kindly and considerate treatment from the leading men with whom they came in touch. Usually the closer the contact between them the more sympathetic were the officials. Despite the frequent petitions showered upon the various legislatures and authorities and the numerous complaints made, officials were always courteous, "in a pleasant disposition of mind", or at least entirely civil and willing to meet the conscientious objectors half way.

When army surgeons considered converting other buildings belonging to the Moravians at Bethlehem into hospitals, after the Brethren had already inconvenienced themselves as much as they could well do, John Hancock, Samuel Adams, Richard Henry Lee, Henry Laurens, John Adams, and certain other members of the Continental Congress in Bethlehem at the time issued an order avert ing the action. In North Carolina a visit of the Assembly to the Moravian village of Salem resulted in the establishment of happy relations.

Washington's attitude toward the sectarians arose from a slight appreciation of their principles and a realistic understanding of the exigencies of war. This may be noticed in a number of instances. In two letters sent to the Pennsylvania Council of Safety, January 1777, he urged the absolute necessity of forcing every person able to bear

79 Levering, A History of Bethlehem, Pa., 465-466.
80 Fries, Records, IV, 1659.
arms to give his personal service, except such as are "Con
scientiously scrupulous against it in every Case". In the
fall of that same year, just before Washington and his men
were to suffer from privation so unnecessarily at Valley
Forge while the British banqueted in Philadelphia, Wash-
ington issued orders for his officers to scour the countryside
for blankets, shoes, stockings and other articles of cloth-
ing for the Continental Army. "Obtaining these things from
the Quakers and disaffected inhabitants", he added, "is
recommended". Likewise an order issued in November closes,
"In doing this you are to take care, that, the unfriendly
Quakers. . . do not escape your Vigilance".

Brissoot de Warville, who talked with Washington in 1788,
records that the latter "acknowledged to [him] that in the
course of the war he had entertained an unfavourable opinion
of the Society", because coming from Virginia he was not
well acquainted with its principles. Yet in spite of this
opinion Washington extended every courtesy to the wives of
the Quakers banished to Virginia when they asked permission
to send supplies to the exiles and also requested permission
to proceed to Yorktown that they might endeavour to obtain

81 Writings of Washington, VII, 35, 79.
82 Ibid., IX, 318.
83 Ibid., X, 124. See also 404.
84 Brissot de Warville, op. cit., quoted from Sharpless,
Political Leaders of Provincial Pennsylvania, 211. See
also Writings of Washington, VIII, 44-45.
the release of their husbands. 85

In 1789, in answer to an address from the Society of
Friends, Washington wrote:

Government being among other purposes, instituted to
protect the persons and consciences of men from oppression,
it certainly is the duty of rulers not only to abstain
from it themselves, but. . . to prevent it in others.
. . . I assure you very especially, that in my opinion,
the conscientious scruples of all men should be treated
with great delicacy and tenderness; and it is my wish
and desire, that the laws may always be as extensively
accomodated to them, as a due regard to the protection
and essential interest of the Nation may justify and
permit. 86

Generals Putnam and Greene also showed a genuine regard
for the principles of the Friends. When Putnam was left
to guard the city of Philadelphia "to the last extremity"
in December, 1776, he gave orders that all were to do their
share, "persons under conscientious scruples alone ex-
cepted." He also released two Quakers who had been thrown
into prison for refusing to bear arms or work on the in-
trenchments of the city.

Both the British and American armies allowed Quakers to
89
pass through their lines time and again. Two Friends
making a religious visit to South Carolina and Georgia, who
had at times met with rough treatment, however, applied to

85 Ibid., XI. 221, 223-224; "Extracts from the Journal of Mrs. Henry Drinker, of Philadelphia, from September 25,
86 Quoted from Gilpin, ed., Exiles in Virginia, 236.
87 George Bancroft, History of the United States of America,
V, 468.
88 Evans and Evans, eds., The Friends Library, VI, 289.
89 Min. of the Phila. Mtg., for Sfgs., 10 mo. 16, 1777, et
passim.
General Greene, who had been reared a Quaker, for a pass. This he granted and in a letter to them wrote, "I shall be happy if your ministry shall contribute to the establishment of morality and brotherly kindness among the people, than which no country ever wanted it more". He then expressed the hope that he might be favored with the good wishes of the Quakers who he knew were "fond of both political and religious liberty."

British officials as well as American indulged the scruples of the pacifist sects. In New York City in January, 1780, the English General excepted Quakers when ordering the enrollment of all males between the ages of seventeen and sixty. And in 1778 an officer reported to General Clinton as follows:

We had an Opportunity of destroying part of the Baggage and Equipage of Pulaski's Legion, by burning their Quarters, but as the Houses belonged to some inoffensive Quakers... I know, sir, that you will think with us, that the Injury to be thereby done to the Enemy would not have compensated for the Sufferings of those innocent People.

When one considers the hot passions engendered in war time, especially during a civil war, and the fact that in the minds of many the terms "Quaker", "Moravian", "Mennonite", and "Tory" must have appeared synonymous, the treatment of conscientious objectors during the American Revolution was

---

90 See Margaret E. Hirst, The Quakers in Peace and War: An Account of their Peace Principles and Practice, 394, for Greene's entire letter; Weeks, Southern Quakers, 187.
91 Cox, Quakerism in the City of New York, 77.
92 Documents Relating to the Revolutionary History of the State of New Jersey, III, 159.
lenient. On the whole they suffered very little, financial losses, sometimes large, being their greatest injury. Certainly they were not persecuted except in a very few localities.

What persecution did occur was the result of the malevolence of some petty official, like John Wetzel toward the Moravians at Bethlehem, whose malicious intentions were usually checked by an appeal to higher authorities; or oppression might occur where the conscientious objector, though innocent, was considered a Tory, inimical to the American cause and capable of doing it damage. Such suspicions were held concerning the Philadelphia Quakers who were exiled to Virginia. But these generalizations are just another way of saying that conscientious objectors received little ill-treatment for their opinions or actions as such. The wonder is that they were not more often treated as Tories.

The explanation, no doubt, lies in the fact that they were all members of fairly well-recognized sects which served as palladiums for their members. Quakers, Mennonites, Moravians, and the other sectarian had been known before the crisis as industrious and honest men of character, worthy of confidence. During the Revolution the peculiar dress of the Mennonites and speech of the Quakers identified them. These eccentricities acted as pegs upon which the public might hang its vague impression that these
people were really good citizens, devoted to human welfare. Furthermore these people had settled in America to escape persecution for conscience' sake, and honorable governments fighting for liberty and freedom, could scarcely fail to heed the moral claim of such persons for special consideration. Such consideration was in a large measure granted.

CHAPTER IV

THE NORTH IN THE CIVIL WAR

The question of the conscientious objector arose in the first session of Congress when amendments to the newly adopted constitution were being considered. Believing that it was "highly politic" to add "a declaration of the rights of the people", Madison in the House of Representatives proposed several amendments, two of which limited the power of Congress over conscience. These were as follows:

The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext, infringed. . . .

The right of the people to keep and bear arms shall not be infringed; a well armed and well regulated militia being the best security of a free country; but no person religiously scrupulous of bearing arms shall be compelled to render military service in person.

To prevent the states, which Madison felt were more apt to abuse their powers than the Federal Government, from violating conscientious scruples, he offered a third amendment restricting their powers: "No State shall violate the equal rights of conscience, or the freedom of the press, or the trial by jury in criminal cases".

Every government, Madison reasoned, "should be disarmed of powers which trench upon those particular rights". Furthermore a "respectable number" of citizens were desirous of such amendments.

\[^{1}\text{Annals of Congress, 1 Cong., 1 sess., 434-441.}\]

94
After being submitted to a committee in which the phraseology was somewhat changed, these amendments were debated in the House. There was almost no opposition to the purpose of the amendments, although one or two thought the entire subject might better be left to the states. When Gerry suggested that only persons belonging to religious sects whose principles forbade the bearing of arms should be exempted, he received no support. Another thought that such people should pay some equivalent, but Sherman immediately pointed out, undoubtedly bearing the Quakers in mind, "that those who are religiously scrupulous of bearing arms, are equally scrupulous of getting substitutes or paying an equivalent. Many of them would rather die than do either one or the other".

In the end all three amendments were adopted by the requisite two-thirds majority, and were sent to the Senate. There they were killed. Whether they met their fate in the committee room or on the floor, the meager Senate records do not reveal. However it was, the fate of the conscientious objector was henceforth left to the tender mercies of Congress and the state legislatures. But in time it was to become increasingly true, as Madison remarked, that the greatest danger to the rights of the people was "not found in either the Executive or Legislative departments of Government, but

---

in the body of the people, operating by the majority against the minority".

Between the Revolutionary War and the Civil War the various peace sectarians underwent no great testing of their principles, for during neither the War of 1812 nor the Mexican War was a national conscription law enacted. State militia requirements sometimes brought certain sections of the Society of Friends into difficulties, but usually special provisions were made for their relief or an appeal to higher officials who were acquainted with their principles proved successful.

Friends living in Indiana during the War of 1812 appealed to the legislature for such "an alteration in the military laws as may appear to the Legislature reasonable, equitable and humane", and for a time much clemency was shown them. Later, however, the urgency of the situation in the West called for more stringent measures, and the Quakers suffered some trials which do not appear to have been very excessive. There was a similar testing of their "peaceful testimony", to use the words of the Friends, in North Carolina and Virginia. In the latter state in 1814, and probably the next year as well, there were some instances of their imprisonment for refusing to bear arms.  

---

3Ibid., 437  
6Ibid., I, 422-423.  
7Weeks, Southern Quakers, 194, 196.
Nevertheless by the middle of the nineteenth century many state constitutions and laws provided especial treatment for Quakers and other noncombatant sectarians. Article XII, section 6, of the Indiana Constitution of 1851, which was quite typical of such exemptions, reads, "No person conscientiously opposed to bearing arms shall be compelled to do militia duty; but such person shall pay an equivalent for exemption; the amount to be prescribed by law". Thus conscientious objectors were exempted from active participation in the militia, but the fact that some equivalent, usually in the form of a commutation fee, was frequently required, showed either that the principles of the Society of Friends were not fully appreciated or at least that they were not entirely accepted. Six states provided exemption upon such terms; several left the matter in the hands of the legislators; and seven constitutions were silent on the subject.

The provisions in other states varied. Unconditional exemption from militia service for certain sects was granted by Maine alone.

Upon the passage of national conscription acts these state provisions were superseded. They are significant, however, in that they show a policy continuing from the period of the

---


9 Wright, Conscientious Objectors in the Civil War, 39-40. This study will hereafter be cited as Wright, Objectors. Dr. Wright has made a careful, scholarly, and detailed study of his subject, and one that has proved of great value to the present writer.
American Revolution of extending peculiar privileges to the peace sectarians. Moreover when the Civil War conscription acts were debated in Congress, frequent references were made to these provisions.

Friends began to question their own attitude toward the approaching conflict as early as January, 1861. One member thought they should not even vote because the officials elected would have to participate in a war, and the voter could not follow the man for whom he had cast his ballot. But such an extreme position was not generally held. Officially all branches of the Society of Friends, the two largest of which were the Orthodox and the Hicksite, were opposed to all military service and requisitions, but the younger generation, as well as many others among the rank and file, particularly those engaged in commercial and political activities, had given this peace testimony little personal consideration. Furthermore, certain factors in the Civil War made it particularly difficult for members to maintain their traditional position.

For more than a generation Friends had been champions of the freedom of the slaves; many of them had been ardent

---

10 Congressional Globe, 37 Cong., 3 sess., 994.
11 Wright, Objectors, 41.
12 The Hicksite division occurred in 1827-1828.
13 Min. of the Phila. (Orthodox) Mtg. for Sfgs., 1 mo., 17, 1862; Min. of the Baltimore (Hicksite) Mtg. for Sfgs., 9 mo. 8, 1861.
abolitionists. One's highest duty, they had come to feel, was to promote that freedom. It was the supreme cause of their age and one that was never to be forsaken. But there was likewise the historic tradition of peace to be maintained. Here were two convictions that now conflicted, each of which was deeply rooted in the humanitarianism of the Quakers. That the former was sometimes victor over their peace principles, and that numerous members volunteered for service is not, therefore, surprising.

But Friends were quickly cautioned to abstain from all part in the conflict. Quite in line with the admonitions at the time of the American Revolution the Philadelphia (Orthodox) Meeting for Sufferings, on the very day Fort Sumter was first fired upon, encouraged its members "faithfully and firmly to uphold the plain Scripture testimony against all wars and fightings, whatever it[might]cost them". At least one or two editors of Quaker periodicals refused to report any news of the war.

Before the first draft occurred, the question of war taxes and bounty fees was the most important issue faced by the Friends, and one concerning which there was no unanimity of opinion. In 1861 Joshua Maule refused to pay an 8½ % tax, expressly designated for the war, and reluctantly the tax collector was obliged to distrain some of his goods. Other

---

15. Min. of the Phila. (Orthodox) Mtg. for Sfgs., 4 mo. 12, 1861.
16. Wright, Objectors, 45.
Quakers of the same meeting had paid the tax, and Maule wrote almost bitterly of the laxness of their convictions and the unhealthy condition of the Society of Friends. In an address to its members the Baltimore (Hickite) Meeting for Sufferings was very indefinite upon the subject of taxes. It said:

... some will view [special taxes] as imposed "for the express purpose of war", and therefore believe that the payment of them would infringe upon our testimony against this horrible barbarity. While others will take the view that... Government is indispensable. ... [and if] every one were to contribute to the expense of those Acts only which he approves, the Government could not be maintained, and anarchy and confusion... must necessarily ensue. 18

Each person was left to decide the question according to his own conscience, although the payment of such taxes was apparently suggested. This was likewise the position of the Indiana Quakers. The New England Yearly Meeting went farther and definitely recommended the payment of all taxes.

Military fines and bounties Northern Friends generally agreed should not be paid. Thus the Baltimore (Hickite) Friends in the same address quoted above stated unequivocally:

We are all united in the belief, that as we are opposed to war, in all its aspects and consequences, and cannot perform military service of any kind, we therefore cannot consistently or conscientiously, pay any fines imposed as a punishment "for non-performance of these

17 Ibid., 46-47.
18 Min. of the Balt. (Hickite) Mtg. for Sfgs., 9 mo. 8, 1861.
19 Wright, Objectors, 48.
20 Ibid., 48-49.
services", or anything connected therewith. 21

The Federal Militia Act of July 17, 1862, provided for mustering in the militia between the ages of 18 and 45, apportioning the numbers among the states according to population. Enrollment was to be under state control unless its action was deemed deficient; whereupon the President might issue rules covering such defects. Acting under this law Lincoln, on August 4, ordered a draft of 300,000 militia for nine months' service.

Conscription was not expressly provided by this law, but was read into the act in two ways. First, the authority vested in the President to issue regulations was construed to include the power of ordering a draft; and second, universal military liability was involved in the provision including "all male citizens between the ages of eighteen and forty-five" in the militia. Thus national conscription was achieved through reliance upon state laws, supplemented by presidential regulations.

General Order #99, issued by the Adjutant General's Office regulating the enrollment, provided that persons exempted from militia duty by their state laws should also be exempt

21 Min. of the Balt. (Hicksite) Mtg. for Sfgs., 9 mo. 8, 1861. There were some exceptions among Friends even concerning the payment of commutation fees. In Iowa one monthly meeting borrowed the necessary amount to pay such fees for those of its members who were unable to do so themselves. —Louis Thomas Jones, The Quaker of Iowa, 334.
22 United States Statutes at Large, XII, 597.
23 Randall, Constitutional Problems, 245-246.
under this act. Conscientious objectors, therefore, turned their attention to their state governments.

In Iowa the Quakers, Amana Inspirationists, Mennonites, and Dunkards petitioned the extra session of the General Assembly for relief from military service. They were supported by Governor Kirkwood who, in his message to the legislature on September 3, urgently recommended their exemption upon the payment of a sum of money, which was finally fixed by the legislature at $300. An alternative was the furnishing of a substitute.

Indiana's constitution exempted conscientious objectors upon payment of an equivalent determined by law, but as this sum had never been specified, Governor Morton asked the Federal War Department to do so, and suggested $200 as a fair commutation fee. The suggestion was accepted. Some three thousand persons thereupon established their claims for exemption and a number of fees were paid. It was finally decided, however, that the state legislature alone had the right to fix the amount, and so the fees already paid were returned.

In Ohio conscientious objectors, members of a church whose creed forbade self-defense or the use of arms, were relieved

---

25 Jones, The Quakers of Iowa, 256-257, 333.
27 William Dudley Foulke, Life of Oliver P. Morton, I, 199.
of military service for an equivalent of $200. This provision was made by Governor Tod, who acted upon his own authority, and by October he reported that thousands of dollars had already been paid. New York Shakers and Quakers were exempted by an order of the State Adjutant-General’s Office, but later persons conscientiously scrupulous were only exempted upon payment of $300 or the furnishing of a substitute.

More liberal were the exemption laws of Maryland. There a delegation of Friends was assured by the Governor and Commissioners of Enrollment that they would not be disturbed, and they were not. Pennsylvania exempted Friends for an equivalent in the form of a levy upon goods. This provision is undoubtedly accounted for by her previous experience with the Quakers, who nearly always refused to pay commutation fees.

Rhode Island and Massachusetts on the other hand repealed their exemption laws despite the protests of the Friends. A communication from the Federal War Department to the Governor of Massachusetts did provide some relief, however. It directed:

Quakers cannot be exempted from draft by this department, but anyone that is drafted may subscribe, & take the enclosed oath or affirmation, and transmit it to

29 Ibid., 669.
30 Min. of the Mtg. for Sfgs. of New York (Orthodox) Yearly Meeting, 5 mo. 29, 1863, cited in Wright, Objectors, 55.
31 Min. of the Balt. (Orthodox) Mtg. for Sfgs., 10 mo. 18, 1862.
32 Wright, Objectors, 54-55.
this department with proper testimony, as to the standing of the party, and an order will be made relieving him from military duty. 33

Meantime the Friends continued to urge one another to refrain from military service and from rejoicing over military victories, and the Meeting for Sufferings of the Philadelphia (Orthodox) Yearly Meeting appointed a committee "to give such advice and assistance to our young Friends as they may be favored to do, encouraging and strengthening them in the faithful support of our Christian testimony against war. . . 34

. . . "

The Federal Militia Act of the summer of 1862 proved inadequate so the plan of national conscription gained favor in Congress. Consequently a bill for drafting into the United States Army all male citizens between the ages of 20 and 45 was introduced; whereupon the Orthodox Friends of the Philadelphia Yearly Meeting sent four representatives to Washington with a memorial presenting their historic stand against all wars and their inability to pay commutation fees or furnish substitutes. A brief but satisfactory interview was had with President Lincoln and also with the Chairman of the Military Committee of the Senate, who informed them it was too late to add amendments to the bill. The heads of nearly all the departments were called upon,

33 Min. of the Mtg. for Sfgs. of New England Yearly Mtg., 11 mo. 11, 1862; 2 mo. 4, 1863; 6 mo. 13, 1863, quoted in Wright, Objectors, 56-57.
34 Min. of the Phila. (Orthodox) Mtg. for Sfgs., 1 mo. 17, 1862; 8 mo. 25, 1862; Wright, Objectors, 57.
35 Min. of the Phila. (Orthodox) Mtg. for Sfgs., 2 mo. 24, 1863.
and the Secretary of War assured them he was well acquainted with the peace principles of the Friends. Other memorials were presented to Congress by Friends of the Baltimore and New York (Orthodox) Yearly Meetings.

At the time these memorials were being presented, Congress was debating the Conscription Act finally approved on March 3, 1863. Various amendments were offered exempting conscientious objectors. In the House Thaddeus Stevens first championed their rights and said the Mennonites were among the best and the most loyal of men but could not bear arms. Hence he gave notice of an amendment which would relieve conscientiously scrupulous persons even of paying for a substitute. However, all these amendments were voted down, and the law allowed no unconditional exemptions upon grounds of conscientious objection to bearing arms. All able-bodied male citizens between 20 and 45 were liable to conscription. Exemption was granted only upon furnishing "an acceptable substitute" or upon payment of a sum "not exceeding three hundred dollars" to be determined by the Secretary of War.

Because of some question that arose concerning the law, Colonel Joseph Holt, Judge Advocate General on the Army, gave the following opinion under date of August 1, 1863, concerning the position of conscientious objectors under the Act:

36Ibid., 3 mo. 20, 1863.
37Min. of the Balt. (Orthodox) Mtg. for Sfgs., 3 mo. 16, 1863.
38Congressional Globe, 37 Cong., 3 sess., 1861.
39U. S. Stat. at Large, XII, 731-737.
Persons having conscientious scruples in regard to bearing arms are not on that account exempt. They are not found in the list of exempted classes, and the act expressly declares that no persons but those enumerated in that list shall be exempt. The Society of Friends, and others entertaining similar sentiments, if drafted, may find relief from their scruples in the employment of substitutes, or in the payment of the $300. 40

This law was acceptable to some of the peace sectarians, and a considerable number of Quakers paid the commutation fee, although they were usually disowned like those who bore arms. But to the most conscientious Friends the payment of money with which a substitute was to be hired was little better than personal service. Consequently they went through some real trials in adhering to their principles.

Statements of the Quaker position were handed different Provost Marshals throughout the country, and the Western and New England Yearly Meetings sent representatives to Washington on behalf of drafted Friends.

In November, 1863, two Friends from one of the Baltimore Yearly Meetings interviewed Secretary Stanton concerning two members of their meeting who were under arrest. He set forth "with much feeling" the embarrassment which the Friends caused the government "as well as himself personally in his efforts to grant [Quakers] exemption unconditionally" when the law made no provision for such action. As the

41 Jones, Later Periods, II, 730; Bertha M. H. Shambaugh, Amana: The Community of True Inspiration, 164-165
43 Wright, Objectors, 69-70.
draft act was to be made more stringent, he wanted some definite course for him to pursue decided upon very shortly.

Stanton was very sympathetic and had clearly given the matter much thought. He therefore took this opportunity to suggest that the Friends call a conference of all the yearly meetings in the North to consider a plan he had formulated which should satisfy both them and the government. He proposed to exempt all Quakers from military service upon payment of $300 into a special fund for the benefit of the Freedmen. This money would be paid to a special agent and its disbursement would be entirely in the hands of the Quakers, in whose efforts to alleviate the condition of the manumitted slaves he expressed deep interest. By no other method that he had been able to devise could he legally exempt Friends.

In accordance with his wishes twenty-five Friends representing the Yearly Meetings of New England, New York, Baltimore, Ohio, Indiana, and Western met in Baltimore, December 7, to consider the proposition. It was in vain. A resolution was unanimously adopted that the acceptance of such an offer would compromise a vital principle and so must be rejected. As one of the Philadelphia Meetings for Suffer-

---

44 Min. of the Balt. (Orthodox) Mtg. for Sfgs., 11 mo. 21, 1863. Secretary Stanton's father had been a Quaker, but had been disowned for marrying outside the society. —George C. Gorham, Life and Public Services of Edwin M. Stanton, I, 7.
45 Ibid.
46 Ibid., 12 mo. 31, 1863; Min. of the Phila. (Orthodox) Mtg. for Sfgs., 12 mo. 4, 1863.
ings explained in a letter to its members:

The object to which the penalty or commutation money may be applied does not change the principle. . . . Though the money may be applied to feed the hungry and clothe the naked, the payment of it in lieu of military service, is a practical avowal that human power may coerce a man's conscience. . . . 47

A committee appointed for the task communicated these views at length to Secretary Stanton and said that the Friends would continue their acts of mercy among the Freedmen, the sick and wounded "as a matter of Christian duty", not to gain exemption. They also expressed to him their very high appreciation of his kindness and favors.

Secretary Stanton showed "great courtesy and kindness", but also said firmly that "he could understand no such abstraction as that", and as no more could be done for them, "the law would have to take its effect". But he did add, as the committee reported:

that if any meeting or body of Friends chose to place funds in his hands, in advance, to a greater amount than would be requisite to cover all their members who would be likely to be drafted, he would receive their funds and release all such as should be drafted, and apply the funds as previously proposed. He voluntarily observed that he would hold this plan open, and that the Society in general, or any Meeting or individual Friend might avail themselves of it. 48

The rejection of his plan sorely disappointed Stanton, for he was sincerely desirous of relieving persons conscientious-

47 Ibid., 12 mo. 18, 1863. The "absolutist" in the World War was to take a stand very similar to this.

48 Min. of the Belt. (Orthodox) Mtg. for Sfgs., 12 mo. 31, 1863. Before adjourning, the general conference of Friends appointed a joint committee to watch future legislation and the execution of the draft.
ly scrupulous against bearing arms. But his kindness to conscientious objectors was not at an end. A few days later, December 15, 1863, the following letter was sent to the Assistant Provost-Marshall-Generals:

The Provost-Marshall-General directs me to inform you that, in accordance with orders from the War Department, persons who establish the fact before boards of enrollment that they are conscientiously opposed to bearing arms and to paying the commutation money for exemption from draft, and that they belong to a religious society whose creed prohibits them to serve in the Army or to pay commutation money, shall when drafted be put on parole by the provost-marshal of the district in which they were drafted to report when called for. 49

This order was a definite victory for all those who had been absolutely firm in their opposition to everything that smacked of military service. It was also a tribute to the sympathetic understanding of the Secretary of War.

But as a result of the new Enrollment Bill before the 38th Congress a flood of memorials rolled in on Lincoln and Congress asking that exemption might be written directly into the law. One of the first of these was from the Amana Society of Iowa. Several delegations of Friends appeared before the Military Committees of both houses and were given extended interviews in which the committees showed deep interest in the problem of conscientious objection. At all times the Friends met with patience and respect from these Congressmen. One of the delegations made the interesting comment that they were sure unconditional exemption would

50 Cong. Globe, 38 Cong., 1 sess., 95.
have been granted Friends by a majority in each house had Congress not feared embarrassing the government further at a time when resistance to the draft already constituted a serious problem in several parts of the country.

In Congress the question of exempting ministers and conscientious objectors was debated on several occasions. During a discussion as to what commutation fee should be paid to permit exemption, Senator Ten Eyck of New Jersey pointed out that neither a commutation fee nor the furnishing of a substitute would afford relief to many Quakers. But an amendment that would have satisfied such objections was defeated, and the provision for conscientious objectors in the act of February 24, 1864, reads as follows:

And be it further enacted, That members of religious denominations, who shall by oath or affirmation declare that they are conscientiously opposed to the bearing of arms, and who are prohibited from doing so by the rules and articles of faith and practice of said religious denominations, shall, when drafted into the military service, be considered non-combatants, and shall be assigned by the Secretary of War to duty in the hospitals, or to the care of freedmen, or shall pay the sum of three hundred dollars to such person as the Secretary of War shall designate to receive it, to be applied to the benefit of the sick and wounded soldiers: Provided, That no person shall be entitled to the benefit of the provisions of this section unless his declaration of conscientious scruples against bearing arms shall be supported by satisfactory evidence that his deportment has been uniformly consistent with such declaration. 55

51 Min. of the Balt. (Orthodox) Mtg. for Sfgs., 10 mo. 22, 1864. See also Cong. Globe, 38 Cong., 1 sess., 100, 144, 151, 205, 262.
52 Ibid., 84-85, 204-208, 254-255.
53 Ibid., 205.
54 Ibid., 255.
This section evidently inserted at the request of Secretary Stanton, was the best he could do without the official co-operation of the Society of Friends. Western, Ohio, New York, and Indiana Meetings for Sufferings allowed their members to act as their consciences permitted, and many individual Quakers made use of the provision.

Another law of 1864 abolished the privilege of commutation for others, but upon the insistence of Thaddeus Stevens, the status of the conscientious objector was left the same as in the last act. More and more thereafter the government respected the wishes of conscientious objectors, and *The Friend*, a Quaker periodical, thought that it was almost universally true that whenever the objector refused to make any commutation whatsoever he was paroled "until called for". Another authority states that in numerous instances a very conscientious Quaker, when drafted, notified the local officials that under no circumstances could he accept military service, pay an equivalent of any kind or voluntarily proceed to camp, but that if he must be taken to camp by the officers he could always be found at his home, the address of which was plainly given. Under such circumstances he was not often

---

58 Wright, *Objectors*, 86.
59 XXXVIII, 71.
molested.

The constitutionality of these Federal Conscription Acts was never tested before the United States Supreme Court, but was firmly upheld by other judicial opinion. Foreshadowing the Selective Draft Law cases of the World War, the lower courts held that the power to "declare war" and to "raise armies" is not qualified as to means, and that conscription is a "necessary and proper" means to "carry into effect" these powers. Had the laws been tested before the Supreme Court, Professor Randall believes "there is little doubt that the court would have upheld the act as it upheld confiscation and other war measures".

It was fortunate for conscientious objectors within the Union that they found in President Lincoln and Secretary Stanton two men who were friendly toward them at all times. Of nearly all the highest civil authorities in the Federal Government it may at least be said that they were tolerant of the noncombatant sects, and often distinctly friendly.

At all times Lincoln treated the Friends with respect and consideration, and on numerous occasions he thanked them for their prayers. When the Friends of Great Britain and the United States urged upon their respective governments a peaceful solution of the Mason and Slidell controversy,

---

60 Jones, Later Periods, II, 736. See also Min. of the Phila. (Orthodox) Mtg. for Sfgs., 7 mo. 22, 1863.
61 Randall, Constitutional Problems, 269, 272, 274.
62 Wright, Objectors, 121.
Lincoln wrote in reply to the New England Quakers:

Engaged, as I am, in a great war, I fear it will be difficult for the world to understand how fully I appreciate the principles of peace, inculcated in this letter, and everywhere by the Society of Friends.

Grateful to the good people you represent, for their prayers in behalf of our common country, I look forward hopefully to an early end of war and return of peace.

Your obliged friend,

A. Lincoln. 63

Many times he listened sympathetically to delegations of Friends, and paroled or pardoned conscientious objectors 64 whose cases were brought to his attention. In one instance in 1862 he ordered an honorable parole to be granted a Quaker who had already been court-martialed and sentenced to 65 be shot. The man was never recalled thereafter. Perhaps Lincoln best expressed his sympathetic attitude toward conscientious objectors in a letter he wrote the widow of Joseph John Gurney, a Quaker of New Jersey:

Your people, the Friends, have had and are having a very great trial. On principle and faith opposed to both war and oppression, they can only practically oppose oppression by war. In this hard dilemma some have chosen one horn and some the other. For those appealing to me on conscientious grounds I have done and shall do the best I could and can, in my own conscience, under my oath to the law. 66

Secretary Stanton was also very sympathetically inclined toward the peace sectarians, and numerous cases are on record in which he relieved objectors from service. The

63 Min. of New England Yearly Meeting of Friends, 1862, pp. 17-19.
64 Autobiography of Allen Jay, 97; Ethan Foster, The Conscript Quakers, 8-9, 16, 25.
65 Wright, Objectors, 124-125.
minutes following give typical examples of his action:

Several young men who were drafted and felt conscientiously restrained from violating the Christian testimony against all wars and fightings, were arrested by order of the Provost Marshall's and sent under military guard to the Rendezvous for drafted Soldiers in this city; but prompt and persevering applications to the Secretary of War at Washington and some subordinate officers, in all instances procured their release, tho sometimes after confinement and a considerable exercise of patience. . . .

One [Pennsylvania Quaker] was taken to the Army and treated with great severity by a subordinate officer. Information of his sufferings being transmitted to the Committee in Philadelphia a letter briefly stating the case was written to the Secretary of War. Some delay took place 'ere this letter reached him, but immediately on its reception he telegraphed to the writer of it, saying, "Your letter has just reached me; N.B. shall be immediately discharged, and if the name of the officer or officers who maltreated him are furnished he or they shall be dealt with in such manner as will prevent any repetition of such conduct."

The Committee for Drafted Friends then concluded this report by stating that it had "uniformly been treated with respect" when dealing with governmental officials. But not only was respect shown; more important was the fact that favorable action followed almost without fail.

Undoubtedly the most noteworthy action that Stanton took on behalf of conscientious objectors was his order, in December, 1863, to parole those who opposed both military service and the payment of a commutation fee. He it was, too, who had made the proposals which had been rejected by the Baltimore Conference of Friends but which had been later incorporated in the conscription act of 1864. Perhaps the

67 Min. of the Phila. (Orthodox) Mtg. for Sfgs., 4 mo. 15, 1864.
68 Ibid., Min. of the Balt. (Orthodox) Mtg. for Sfgs., 10 mo. 21, 1864.
solicitous attitude of both Lincoln and Stanton toward the
Friends is explained by a reply given a delegation of
Quakers in 1865 by the Secretary of War: "He [Lincoln] and my-
self felt that unless we recognized conscientious religious
scruples, we could not expect the blessing of Heaven".

Certainly the Friends were not unappreciative of the many
favors they received from these two men and other govern-
mental officials. Numerous expressions of regard are to be
found among their minutes. Upon the death of Lincoln the
New England Yearly Meeting recorded its sorrow at "the vio-

ten death of our beloved Chief Magistrate" and added: "We
 acknowledge the deep debt of gratitude due from us, as a
religious society, to him for his tender regard to our con-
scientious scruples. . . ."

In general the Federal Congressmen were also cordial to
conscientious objectors and showed deep interest in their
views upon war. However, as was to be expected, they

69 Min. of the Phila. (Hicksite) Yearly Mtg., 1866, pp. 12-
14, quoted in Wright, Objectors, 189. See also Min. of the
Balt. (Orthodox) Mtg. for Sfgs., 10 mo. 21, 1865.

70 Min. of New England Yearly Meeting, 1865, pp. 13-14. See
also Extracts from Min. of Phila. (Hicksite) Yearly Mtg.,
1865, pp. 18-19; Min. of the Phila. (Orthodox) Mtg. for Sfgs.,
4 mo. 15, 1864; 9 mo. 15, 1865; Min. of the Balt. (Orthodox)
Mtg. for Sfgs., 10 mo. 21, 1865. The attitude of Secretary
of State Seward was apparently quite different from that of
Lincoln and Stanton. On one occasion when Stanton was
interviewing two Friends, Seward entered the office. After
hearing the conversation he became quite angry with the
Quakers and reprimanded them severely for not fighting. —
Foster, The Conscript Quakers, 14-15.

71 Min. of the Balt. (Orthodox) Mtg. for Sfgs., 10 mo. 22,
1864.
frequently misunderstood the attitude of the most conscien-
tious, thinking that commutation fees or civilian service
would satisfy the scruples of this class. Despite this error
the Quakers appreciated all efforts made in their behalf,
realizing, as a resolution of the Baltimore Conference put
it, "the great privilege of living in a government whose
legislators and rulers appreciate and respect our conscien-
tious scruples".

Senator Clark of New Hampshire exemplified the sympathetic
Congressman when he stated on the Senate floor:

I think it may be trifling with grave matters to compel
people to fight whose consciences forbid them to do it.
These Quakers and Shakers, so far as I know them, are
among our most patriotic people; and you shock their
religious feeling and their religious sense if you com-
pel them to bear arms; but if you excuse them from mili-
tary service they will pour out of their subsistence to
aid the country, and their blessings to help your cause.
They had better be excused. 73

It might be expected that civil officials would respect
conscientious scruples, but when the attitude of military
officials is studied a different question arises. It appears
that the highest authorities in the Union Army were more
considerate of the religious objectors than were the subor-
dinate officials. This difference may be partly explained
by the fact that the former had very little actual contact
with the objector, while the subordinates felt the responsi-

72Min. of the Indiana Mtg. for Sfgs., 6 mo. 22, 1864,
quoted in Wright, Objectors, 132.
73Cong. Globe, 37 Cong., 3 sess., 994. The opposite atti-
tude was given expression by Senator Connors of California
when he retorted, "I think more of the country than I do of
their consciences". —Ibid., 38 Cong., I sess., 206.
bility rested upon them to enforce discipline and break the "obstinacy" of the conscript.

Evidence concerning the attitude of the generals is not plentiful, but there is some. When the Religious Order of the Holy Cross petitioned for exemption from military service, both Generals Grant and Sherman endorsed the request. Of General Halleck's opinion of religious objectors no direct evidence has been found, but inasmuch as he remained a member of the Friends' Meeting at Newport, Rhode Island, throughout the war, the result of an oversight caused by his removal to the West, it seems probable that he would have been sympathetic.

Courteous treatment of objectors, even at the hands of subordinate army officials, was not unusual in the North, and especially was this true when the officers learned that the objector was a Quaker. A. M. Jenkins, who was drafted into the Army at Dayton, Ohio, in the fall of 1862, was later discharged upon his refusal to perform any military service. During that time he said he was never mistreated, and many officers were unusually kind, like the captain who took the boy to his own quarters rather than put him in the guardhouse, which was full of the worst characters in camp.

Another Ohio Quaker, Barclay Straton, drafted in September, 1864, was sent to the training camp at Columbus. While there

---

74 Official Records, 3 ser., III, 844-845.
75 Wright, Objectors, 153.
76 Ibid., 153-156, 158.
he wrote concerning the major: "He certainly made fair, and, I thought, candid, promises that I would be relieved, and I must gratefully acknowledge that his assurances that I would not be called upon to drill, muster, or be forwarded to the front, as hundreds have been since I came here, have all been realized this far". Stratton was later sent South with the army, but at no time does he seem to have been treated unkindly, even though he refused to do hospital work. In the end he was paroled until called for.

Such considerate treatment was not, however, universal. The officers with whom William and Edward Smedly, cousins, came into contact "manifested great resentment by wordy abuse and threatenings of punishment" because they refused to drill. Another Quaker, William Shaw, wrote of the Major-General before whom he was taken:

When we came before him, we found a man tremulous with rage. After he had spent himself railing out against us my friend was about to reply when he forbade him saying, "Not a word out of your mouth. Your stubborness may even be the means of causing a mutiny among my men, but you are not to have your way", and closing with, "Now go back to your quarters and when you are commanded to drill, Drill! You will have to do it, even if we have to place two bayonets before and two behind you, or if we have to run them into you".

As in so may other cases of a similar nature an order from Secretary Stanton finally released Shaw and his friend from the dirty guardhouse in which they had been confined.

Punishment far more severe was meted out to Cyrus Fringle

---

77 The Friend, LXVIII, nos. 28-30.
78 Ibid., LXXXI, nos. 49 and 51.
79 Wright, Objectors, 161-163.
of Vermont, who was drafted in 1863 because he refused to pay the commutation fee. By some officers he was treated kindly; by others, harshly, but the worst treatment occurred after he had been sent south with the army. In the diary which he kept, he recorded the following:

Two sergeants soon called for me because he had refused to clean his gun], and taking me a little aside, bid me lie down on my back, and stretching my limbs apart tied cords to my wrists and ankles and these to four stakes driven in the ground somewhat in the form of an X.

I was very quiet in my mind as I lay there on the ground soaked with the rain of the previous day, exposed to the heat of the sun, and suffering keenly from the cords binding my wrists and straining my muscles. . . .

[But upon release] The relaxation of my nerves and muscles after having been so tensely strained left me that afternoon so weak that I could hardly walk or perform any mental exertion. 80

Another Quaker who had been sent with some troops to Virginia had, upon his refusal to bear arms, "been tied up in the woods with mules, suspended by his hands after the manner of slaves, until he could hardly stand alone, deprived of shelter, food, and finally put in the guardhouse" where he was kept for six or seven weeks, seriously impairing his health.

However, in all fairness it should be remembered that on the whole conscientious objectors in the North were treated with moderation, and that in each case cited above the man was ultimately discharged or paroled, frequently upon Stanton's order. In September, 1865, the committee appointed

---

80 The Record of a Quaker Conscience: Cyrus Pringle's Diary, 76-79. The entire diary is a very interesting account of his experiences in the army. He was finally released upon parole after Friends had interceded with Lincoln.

81 Cong. Globe, 38 Cong., 1 sess., 255.
to advise Friends drafted in the Philadelphia (Orthodox) Yearly Meeting reported that they had "given attention to every case which came to their knowledge", and that "their labors on behalf of those in suffering have in every instance been successful". Many times Friends were given temporary paroles by the military officials while the particulars of the case might be forwarded to Washington for more final action.

In conclusion the following extract from the Minutes of the Philadelphia (Orthodox) Meeting for Sufferings is quoted at some length in order to give a summary picture of the outcome in 150 cases where Friends were drafted:

It appears, by the Reports of the subordinate meetings, that 150 members of this Yearly Meeting were Drafted during the late war, in addition to some of those reported last year. Of these, 38 were released on the plea of physical disability; 1 as being under age; 1 as being over age; one on account of informality in proceedings; one as having been a non-resident of the district he was drafted in; one was discharged without reason assigned; 16 were notified of the draft, but were never called on to report; 34 were discharged through others paying the exemption money for them; generally without their privity or consent; 5 were released by County Officers paying for substitutes in their places; 24 paid the $300 commutation money and were released according to the provisions of the Law; 7 procured Substitutes; 4 went into the Army. Two of those who refused on conscientious grounds to serve in the army, or to pay a commutation, or hire a substitute, were arrested as deserters, but prompt application to those in authority procured a speedy release on parole. Five were arrested, forced into Military Clothing, and sent, some to Barracks, and some to a Camp in Philadelphia.

82 Min. of the Phila. (Orthodox) Mtg. for Sfgs., 9 mo. 15, 1865.
83 Ibid., 4 mo. 14, 1865; 9 mo. 15, 1865. Occasionally Friends were forcibly attired in military uniform while detained in camp. — Ibid., 4 mo. 15, 1864.
84 4 mo. 13, 1866.
On application to the Secretary of War, they were all released after periods of confinement varying from a few days to 5 weeks. Three were drafted and sent to Camp Curtin, near Harrisburg, but on application for them to those in authority by Friends of Philada [sic], they were in a few days released. One was sent to the Army, but after two months of trial and suffering, his release was obtained by application to the Secretary of War. Four of those who appeared before different Provost Marshalls and stated their conscientious Scruples were heard with kindly consideration and were not afterward molested.

As a result of Friends' refusal to pay bounty and other military taxes they again suffered distrains upon their property as in the American Revolution. Fifty-six persons in the Philadelphia (Orthodox) Yearly Meeting had goods seized to an average value of $75 each, the distrains averaging about a quarter greater than the tax originally demanded. Friends in nearly all sections of the North suffered some what similar seizures of property, but certainly the property losses of conscientious objectors during the Civil War were not nearly as great ordinarily as were those during the American Revolution when non-jurors had sometimes to pay double, triple, and even seven-fold taxes.

85 Min. of the Phila. (Orthodox) Mtg. for Sfigs., 4 mo. 13, 1866.
86 Wright, Objectors, 183-187.
CHAPTER V

THE CONFEDERACY

The situation of Friends in the South differed decidedly from that in the North. For one thing they were fewer in number and the Confederacy was in greater need of men. But far more important was their opposition to slave-holding, a position they had actively maintained since the 1780's. This widely known characteristic coupled with their testimony against war and revolution did not tend to make the sect a popular one. Their situation, therefore, rather closely resembled that of the Quakers during the American Revolution, for not only were they opposed to the war but they were also suspected of being somewhat sympathetic with the enemy. Hence it is not surprising that their lot was a harder one to bear than that of their brothers to the North.

The constitutions of Alabama and Texas exempted conscientious objectors from militia service upon payment of an equivalent; those of Mississippi, Tennessee, and Virginia left the problem to the legislatures, while the other

1An Account of the Sufferings of Friends of North Carolina Yearly Meeting, 4. Hereafter this will be cited as N. C. Sufferings.

2The records of North Carolina Yearly Meeting say, "We were still loyal at heart to the government of the United States, and though submitting passively to a temporary usurpation, this was little merit in a community that called for the utmost zeal in the new cause". —Quoted in Fernando G. Cartland, Southern Heroes or The Friends in War Time, 126.
constitutions made no mention of the subject. Under the Confederate Act of February 28, 1861, these provisions, or lack of provisions, little concerned the conscientious objectors, for the law called for volunteers only. But on March 6 and August 8 respectively two more measures were passed. Both permitted calling the state militias into Confederate service. Conscientiously scrupulous persons in North Carolina and Virginia, in which states lived most of the Southern Quakers, Mennonites, and Dunkards, then addressed their own legislatures for relief.

The law passed by North Carolina in September was fairly liberal, stating that objectors on religious grounds "shall not be compelled to muster or perform military duty except in cases or insurrection or invasion, or pay any tax for said exemption, but they shall be subject to taxation in time of insurrection, invasion or war, and also to furnish their quota of men or pay an equivalent".

Meanwhile the Meeting for Sufferings of North Carolina Yearly Meeting had approved a short declaration of principles concerning war, which had been sent to each monthly

---

3 The Statutes at Large of the Provisional Government of the Confederate States of America, 43, 45, 176.
4 A Memorial to the General Assembly to the State of North Carolina now convened in Extra Session at Raleigh: Wright, Objectors, 93.
5 Public Laws of the State of North Carolina, Second Extra Session, 1861, chap. 17, quoted in Wright, Objectors. The italics are his.
meeting. Similar action had been taken by the Goose Creek Monthly Meeting of Virginia, and a little later a special session of the North Carolina Meeting encouraged its members to remain faithful to their peace testimony. The following advice sent to the quarterly meetings shows the stand of the Southern Friends late in 1861:

Being thus careful to abstain from war, and everything connected with war, we cannot conscientiously pay any fines that may be imposed upon us, individually for non-performance of military duty, but rather quietly submit to have the value of the same distrained by the proper officer; yet do we pay all taxes imposed on us as citizens and property holders, in common with other citizens, remembering the injunction, "Tribute to whom tribute is due, custom to whom custom"; believing that upon the Government rests the responsibility of how they expend this tribute or custom; nor do our views prevent us from contributing our mite toward the relief of the sick and suffering, (soldiers as well as others,) but on the contrary we feel it required of us, like the good Samaritan, to bind up the wounds of any we may find by the way-side, to feed the hungry, clothe the naked, and pray for our enemies even though they may have despitefully used and persecuted us. 7

Such advice was similar to that given three generations earlier. Also reminiscent of the Revolutionary period was an unsuccessful attempt in the North Carolina State Convention to pass a test oath requiring every free male above the age of sixteen publicly to renounce all allegiance to the United States and also to promise to "support, maintain and defend the Independent Government of the Confederates". The penalty for refusal was banishment within a month.

Friends opposed the bill as did also Governor Graham, who

---

6 Ibid., 92, 94.
7 Min. of North Carolina Yearly Meeting, 1861, p. 7.
came to their support. In a speech against the test he said:

This ordinance wholly disregards their peculiar belief, and converts every man of them into a warrior or an exile. True, they are allowed to affirm, but the affirmation is equivalent to the oath of the feudal vassal to his lord, to "defend him with life and limb and terrene honor". . . . This ordinance, therefore, is nothing less than a decree of banishment to them . . . . Upon the expulsion from among us of such a people, the civilized world would cry, shame! 8

In Virginia the Dunkards and Mennonites asked exemption from military service in a joint petition to the legislature. The bill which was enacted March 29, 1862, provided relief for conscientiously scrupulous persons, members on that date of churches whose tenets forbade the bearing of arms, only upon the payment of "five hundred dollars, and in addition thereto, the further sum of two per cent of the assessed value of said applicants taxable property". If unable or unwilling to pay this amount the person "shall be employed . . . in the capacity of teamster" or such service as does not require bearing arms.

As some Dunkards and Mennonites, although willing to pay such a commutation fee, had been forced into the army before the passage of this bill, direct appeals were successfully made on their behalf to state officials and army officers.

By April, 1862, some Friends had also been drafted into the army; so the North Carolina Yearly Meeting of that year appointed a committee of fifteen to aid such members. Five

8 Weeks, Southern Quakers, 304-305; N. C. Sufferings, 7.
10 Wright, Objectors, 96.
Friends were also sent to memorialize the state legislature. They pointed out that Quakers had always opposed military service, and that there were fewer than 10,000 of their sect in the South while in the North there were over 200,000; therefore, they begged that they might be exempted during the current conflict. Their pleas must have carried some weight, for when the new conscription act for North Carolina was passed it provided exemption for Friends, but only upon payment of $100.

April 16, 1862, the Confederate Government took upon itself the regulation of the draft. No provision was made for conscientious objectors, although the Secretary of War might permit substitutes under conditions to be prescribed by him. During the summer a committee of four Friends corresponded with the Secretary of War, who informed them that he was willing to assign Friends to service "not requiring them to shed the blood of their fellow men", but that he was unable to issue a general order to that effect.

Other Friends were then appointed in August to prepare a memorial to the Confederate Congress. This again set forth their peace principles and called attention to their small numbers in comparison with the 200,000 Quakers in the North, adding:

---

11Ibid., 98-99.
12Public Laws of the Confederate States of America, Passed at the First Session of the First Congress; 1862, pp. 29-32.
13Wright, Objectors, 101.
but now our peaceful principles are in a measure disregarded and many of our members are called on to take part in the conflicting armies, while we understand that our brethren in the United States are not, and even if they should be called on, it is a consolation to us to know, that they cannot take part in this nor indeed any carnal war. 14

This memorial was presented to both the House and Senate, and a printed copy was handed each member at his desk. "We were treated with respect by every one with whom we conversed on the subject" reported the delegation of Friends, "and by some, with tenderness of feeling". The chairman of the Senate Committee on Military Affairs "told us to make ourselves entirely easy on the subject; that the Senate Committee... were unanimously in favor of recommending an entire exemption". The Friends also met the House Committee, where they answered searching questions concerning their principles to the entire satisfaction of the Committee. Jefferson Davis was then interviewed, but though he received them courteously he gave them no encouragement whatever.

Working toward the same end as the Quakers were the Dunkards and Mennonites, who were active throughout the summer months. The Dunkards in a petition to Congress said that most of their members had already paid the $500 penalty and two per cent surtax according to the Virginia statute, and so had fulfilled their contract. "We only ask Congress", they petitioned, "so far to respect our Rights, our Consciences, and the Act of the state of Virginia, as to

14 Min. of North Carolina Yearly Mtg., 1862, pp. 6-7.
15 Ibid., 8.
16 Cartland, Southern Heroes, 127.
Ratify the same..." Memorials were also presented from the faculty of the Theological Seminary at Columbia, South Carolina, asking for the exemption of theological students.

These petitions must have been effective, because the bill which became law October 11, 1862, granted exemption from military service for Friends, Dunkards, Nazarenes, and Mennonites, provided they furnished substitutes or paid a commutation fee of $500. Apparently these terms satisfied the scruples of Mennonites and Dunkards, although the payment of the fee caused considerable hardship, especially where both state and Confederate fees had to be paid. The Dunkards nevertheless went so far as to appoint January 1, 1863, a day of thanksgiving.

The Friends were not so easily appeased. Although the North Carolina Yearly Meeting expressed its appreciation of "the good intentions of those members of Congress who had it in their hearts to do something for our relief", yet it decided the fee could not conscientiously be paid. However it was recommended that "those parents, moved by sympathy, or young men themselves, dreading the evils of a military camp, [who] have availed themselves of this law... be treated in a tender manner". In Virginia numerous Quakers took this way out of their difficult position, partly no doubt

---

17Wright, Objectors, 102-104.
18Public Laws of the Confederate States of America, 1862, p. 78.
19Hartzler, Mennonites in the World War, 32-33; Wright, Objectors, 106-108.
20Min. of North Carolina Yearly Mtgs., 1862, p. 8.
because the Virginia Friends, fewer in number and so influenced more by circumstances, sympathized with the South more than the larger body of Quakers in North Carolina.

The constitutionality of the Confederate conscription laws was upheld in Southern courts, and the question of individual conscientious objectors was decided by a case in Alabama. Levi M. Stringer applied for a writ of habeas corpus to be discharged from a training camp in that state. Citing the Alabama State Constitution (Article IV, sec. 2) and alleging that he was a member of a Christian Church and conscientiously opposed to bearing arms, he maintained he was entitled to exemption upon the payment of a commutation fee. The Court ruled, however, that the Confederate act of October 11, 1862, superseded the state laws, and that only members of denominations cited in that act were entitled to exemption.

Certain clauses of that act were repealed in May, 1863, but the status of the noncombatant sects remained undisturbed. On February 17, 1864, the Confederate Government passed a new conscription measure, extending the draft to those between 17 and 50, but section 4 provided: "That no person heretofore exempted on account of religious opinions, and who has paid the tax levied to relieve him from service, shall be required to render military service under this

---

21 Memorial to Legislature of Virginia Issued by the Religious Society of Friends, at their Half Yearly Meeting, Held at Richmond, 10th m. 5th, 1863; Weeks, Southern Quakers, 304.

22 Wright, Objectors, 109, citing Ex Parte Stringer, 38 Ala., 457.
act." As the former acts included only those between 18 and 45, the Quakers were anxious to learn the fate of those between 17 and 18 and between 45 and 50. In memorials to President Davis and the House of Representatives it was pointed out that the number of such liable to conscription did not amount to 125 persons. As a result an amendment by the Confederate Congress authorized the Secretary of War to exempt such persons. However, this applied only to persons who were already members of the various sects on October 11, 1862. Since then a number of new members had been added, so once again the North Carolina Yearly Meeting sought relief from Congress, but this time in vain. New adherents were forced to suffer for their scruples, often very severely, except where relief was granted by the officials in individual cases.

It was undoubtedly fortunate for the conscientious objectors that the South decided to yield to superior force when it did, because the condition of the Confederate Army was such in 1865 that continued fighting would have demanded more conscripts. It is difficult to believe that the objector would have fared as well under another law.

---

23 Public Laws of the Confederate States of America, 1864, p. 211.
24 Wright, Objectors, 112-114.
26 Wright, Objectors, 116-120; N. C. Sufferings, 13-18.
Religious objectors in the South did not receive the same sympathy from their chief executive as did those in the North. On one occasion when President Davis received a delegation of Friends, he was courteous, but "remarked that he regretted to learn that there was within the limits of the Southern Confederacy a body of people unwilling not only to fight, but if needful to die in defense of their country". Such an attitude most certainly did not encourage advances.

The man through whom most appeals concerning conscientious objectors were handled was John A. Campbell, formerly Associate Justice of the United States Supreme Court. Upon the earnest request of the Confederate Secretary of War he had accepted the position of Assistant Secretary in October, 1862, and in spite of repeated offers to resign he was persuaded to continue at his post until 1865. Of the phase of his work in which this study is interested, he said, "I decided a vast number of cases for the exemption of citizens from military service. . . . I do not doubt that I alleviated much distress, mitigated the severities of the war to some persons, enforced justice and order in many instances, and won the respect of those having connection with the office, by a firm, impartial, and benevolent administration".

Judge Campbell at first made a most liberal construction of the exemption law so as to include all who were sincerely

---

scrupulous against bearing arms on religious grounds, even though they were not actual members of one of the peace sects. Some county conscription officials objected to this construction and attempted to withdraw such exemptions. John B. Crenshaw, of the Society of Friends, brought this to the attention of Campbell, who immediately issued the following order in September, 1863:

To the Bureau of Conscription

The Department has been compelled to regard the Act of Exemption rather as announcing a principle, than as designating persons in the case of the non-combatant sects of religion. In a number of cases persons who have been sent to the army have sturdily declined the performance of all duties in the field, and have at last been discharged. If the inquiry shall show that there is no disposition to evade the performance of duty, and that the faith is genuine, although the technical requirements of the Act of Exemption be not fulfilled, exemption has usually been allowed upon the payment of the tax: -- 30

Under this order exemptions continued to be granted until the passage of the more stringent conscription act of February, 1864. Thereafter many young men were sent to camp, and the best the Friends and other sects could do was to take up individual cases with Judge Campbell. In many

---

29 Crenshaw was a Quaker minister living near Richmond, Virginia. Because of his acquaintance and influence with men in authority he did much to aid the release of Friends and Dunkards from the Confederate Army. Almost his entire time was devoted to this task toward the end of the war. At times he walked twenty miles in one day visiting those who were in prison or army camps. Much of his success in having conscientious objects released, he felt, was due to the interest and leniency of Judge Campbell. —Quaker Biographies, 2 ser., III, 175-180. For extracts from his diary which is full of his considerate deeds, see Cartland, Southern Heroes, 347-352.

30 Memorial of J. B. Crenshaw to President Johnson, 6 mo. 3, 1865, quoted in Quaker Biographies, 2 ser., III, 161-182.
instances he was able to release them, and three Friends were released by one of his last official acts.

Another official sensitive to the scruples of the Friends was Governor Graham of North Carolina, whose speech against the Test Act proposed in the State Convention in 1861 has already been mentioned. Jonathan Worth, sometime member of the Legislature and Treasurer, and toward the end of the war Governor of North Carolina, was also sympathetic. His attitude toward conscientious objectors was well expressed in a letter written to Crenshaw, in which he remarked that he would gladly excuse from war all whom he believed to be conscientious in their scruples, and offered to cooperate freely with Crenshaw in what he considered his "truly Christian efforts to relieve the oppressed". Certainly Friends did not hesitate to appeal to him as this quaint note reveals: "There is three in Camp Holmes members of the society of Friends and we want thee to come over immediately on receiving these lines in order to pay our exemption tax and let us go home if thee cannot furnish us with the money we want thee to come and see us any how".

Evidence of the bearing of Confederate Generals toward

31 Ibid., 162.
32 See above pp. 124-125.
33 Cartland, Southern Heroes, 145-146.
34 J. G. de Roulac Hamilton, ed., The Correspondence of Jonathan Worth, I, 242. This note was from Nere and Seth Cox and Eli Macon, dated 6 mo. 17, 1863. Numerous letters are to be found among Worth's correspondence showing his sympathy for Quakers.
those conscientiously scrupulous is difficult to find, and
no record of Robert E. Lee's attitude has been found. How-
ever, at least General Jackson was lenient as his remark
concerning Dunkards and Mennonites shows:

There lives a people in the valley of Virginia, that are
not hard to bring to the army. While there they are
obedient to their officers. Nor is it difficult to have
them take aim, but it is impossible to have them take
correct aim. I, therefore, think it better to leave
them at their homes that they may produce supplies for
the army. 35

36
In the Official Records there is an account of an interest-
ing mass migration of these people that took place from Vir-
ginia in March, 1862. In two groups about ninety Mennonites
and Dunkards left their homes and attempted to flee West to
escape conscription, but they were soon captured and impris-
oned. Upon examination by a War Department official, they
said they had made efforts to procure substitutes, had aided
the families of volunteers, and some had furnished horses for
the cavalry. "All of them", the official reported "are
friendly to the South and they express a willingness to con-
tribute all their property if necessary to establish our
liberties". When informed that they would be exempted from
service upon the payment of a commutation fee, they said
they would cheerfully do so, or if unable to raise the re-
quired sum would willingly perform noncombatant service. The

35 David H. Zigler, A History of the Brethren in Virginia,
98, quoted in Wright, Objectors, 167.
36 See ser., III, 835, 837. See also Hartzler and Kauffman,
Mennonite Church History, 209-211; Cassel, History of the
Mennonites, 135-140.
officer then recommended that they be released if they would take the oath of allegiance.

Other conscientious objectors also received lenient treatment at the hands of subordinate officials. William Peters, who had been drafted several times, had always been able to persuade the officers not to take him. On one occasion, however, they said they had orders to take him dead or alive. To that he replied that if dead men were of any service to them in the army they could use him, but that in no other way would he be of any value in the military organization. Consequently he was again left undisturbed. Thereafter his civilian neighbors, who accused him of being a Union man, caused him the greatest trouble.

Although in these cases the conscientious objector fared well, treatment much more oppressive than that in the North was usually inflicted upon them in the South. An Account of the Sufferings of Friends of North Carolina Yearly Meeting, in support of their Testimony Against War, from 1861 to 1865, recorded immediately after the War, reads like a martyrology.

Before the Confederate Exemption Act was passed, rude arrests, short but uncertain imprisonments, and violent threatenings were the common lot of many who were drafted, but refused to fight. Certain objectors were even hung up by the thumbs for several hours. To avoid such treatment some escaped to the West and others engaged in occupations

---

37 Wright, Objectors, 170-171.
38 See also Cartland, Southern Heroes, for much material of a similar nature.
which would protect them from the draft, such as delivering mail or working at the State Salt Works. But "not a few" of the Friends found the latter work too much a part of the machine and so relinquished it.

Many Quakers, Mennonites, and Dunkards of draft age became "bushwhackers" for long periods at a time. These were men who lived in the woods as best they could, concealing themselves in bushes and caves, and eating whatever they were able to find. Usually this primitive fare was augmented by provisions smuggled by some relative in the dead of night at the risk of discovery. However this method of escape exposed the family to torture by the officials in their effort to learn the whereabouts of the concealed one. J. J. Allen, who avoided detection for twenty-two months by leading such a life, finally surrendered upon learning that his parents were being tortured because of his concealment.

Many persons were led to join the Society of Friends as a result of their opposition to war. Such a step, however, offered little hope of exemption inasmuch as the exemption law applied only to those who were already members of one of the noncombatant sects in October, 1862. Through the

---

29 N. C. Sufferings, 8-9; Cassel, History of the Mennonites, 136-137; Extracts from the Minutes of Balt. (Hicksite) Yearly Mtg., 1862, p. 32.

40 Jones, Later Periods, II, 743; Cassel, History of the Mennonites, 135; Hartzler, Mennonites in the World War, 33. For an interesting account of the manner in which some of these men lived, see David Dodge, "The Cave Dwellers of the Confederacy" in the Atlantic Monthly, LXVIII (1891), 514-521.

41 With their families they numbered some 600 in the North Carolina Yearly Meeting. — N. C. Sufferings, 11.
leniency of Judge Campbell the law was sometimes construed to
cover other cases, but such extension required special
application such as few could make, or if a discharge were
obtained it might come only after a long period of suffering.
Moreover such new adherents were looked upon with marked
suspicion by the officials, and consequently suffered severe-
ly in numerous instances.

One such unfortunate was Solomon Frazier, who was arrested
in December, 1864, and taken to Salisbury, the site of an
infamous Confederate prison. His subsequent treatment was
related by the North Carolina Yearly Meeting as follows:

On refusing to take a gun, he was subjected for two hours
to the brutal punishment known as bucking; in which the
person is placed in a stooping position, the wrists firm-
ly tied and brought in front of the knees, with a pole
thrust between the elbows and the knees, thus keeping the
body in a painful and totally helpless position. After
this he was made to carry a pole for two or three hours,
and then tied during the night. The next morning he was
tied up by the hands for two hours. The same afternoon
a gun was tied to his right arm and a piece of timber to
his neck. Unable longer to endure the weight of it, he
sat down in order to support the end of it upon the
ground, when he was pierced by a bayonet. They then
bucked him down again, and gagged him with a bayonet for
the remainder of the day. Enraged at the meekness with
which these cruelties and indignities were borne, the
Captain began to swear at him, telling him it was useless
to contend further, he must now take a gun or die. As the
Captain proceeded to tie the gun upon his arm, S. F.
answered quietly: "If it is thy duty to inflict this
punishment upon me, do it cheerfully — don't get angry
about it". The Captain then left him, saying to his men:
"If any of you can make him fight, do it — I cannot".

Such treatment continued several days longer, but was
finally given up, although Frazier was retained a prisoner

\footnote{N. C. Sufferings, 12-13.}
Even more extreme was the treatment accorded Seth Laughlin, another recent convert. After keeping him awake for thirty-six hours with bayonet pricks in a vain effort to force him to yield his scruples, they proceeded to buck him down three hours each day, after which he was suspended by his thumbs for an hour and a half. This procedure was followed each day for a week. He was next court-martialed for insubordination and condemned to be shot. "Guns, six loaded with bullets and six without, were handed to twelve chosen men". Asking time for prayer, which could hardly be denied him, Laughlin calmly and to the confusion of the soldiers prayed: "Father, forgive them, for they know not what they do".

At this each soldier lowered his gun refusing to shoot such a man, and the officers were forced to revoke the sentence. After more punishments and a period of sickness Laughlin died in a Confederate hospital.

His case was exceptional; nevertheless there were not a few recent converts who were bucked down, tied to a guard post, and abused in sundry ways.

But the conscientious objectors who usually suffered most in the Confederacy were those who refused even to pay a commutation fee. Almost without exception these were Quakers. An example of this group was William Hockett, who underwent experiences wholly like those of Seth Laughlin, even being saved from execution in a similar manner. On one occasion a

---

42 Ibid., 17.
44 Ibid., 13-16.
Colonel who had become terribly enraged spurred his horse repeatedly in an effort to ride over Hockett as he was lying on the ground, but each time the horse sprang aside.

Despite his refusal to serve, Hockett was forced to accompany Lee's army on its invasion of Pennsylvania in the early summer of 1863. During the retreat from Gettysburg, however, he was left behind because of illness, and was captured by Union cavalry as a rebel. For a time he was confined at Fort Delaware with four other Friends who had also been captured at Gettysburg. Then their imprisonment coming to the attention of Northern Friends, application was made to Secretary Stanton, who ordered their immediate release with transportation furnished to Philadelphia.

Despite these examples of extreme severity, for which subordinate officers, not privates nor the higher authorities, were usually responsible, and despite the fact that harsh treatment was more frequently the lot of conscientious

---


46These four Friends had received comparatively mild treatment while with the Confederate forces because of the humane Captain they were under. He wished that they would run away and often gave them furloughs, on one of which was assigned as a reason for it the fact that they were "of no manner of use in the army". —Ibid., 23-24.

47Min. of the Phila. (Orthodox) Mtg. for Sfgs., 9 mo. 16, 1863; N. G. Sufferings, 22-24. These Quakers later went on to Indiana where they lived near relatives until the close of the war allowed them to return to their wives and children. —Ibid.

Although two or three conscientious objectors in the South died as a probable result of the treatment inflicted, none died a violent death. —N. G. Sufferings, 25; Extracts from the Min. of Balt. (Hicksite) Yearly Mtg., 1862, pp. 32-33.
objectors in the South than in the North, it is not true that such treatment was the rule. Rather was it exceptional.

Exactly how many men that were drafted from among the non-combatant denominations, North and South, really served or refused to serve in the two armies is impossible to tell. The Confederate Government kept the better records, and these show that 515 noncombatants were exempted — all from the States of Virginia, North Carolina, and Tennessee.

That all Friends did not, to use the Friend's phrase, maintain their testimony against war must have led to some confusion among military officials. It certainly pointed toward the fallacy, which was to be so clearly revealed during

---

48 Official Records, 4 ser., III, 1103. The number exempted from each state was as follows: Virginia, 107; North Carolina, 342; East Tennessee, 66.

49 In 1863 New England Yearly Meeting reported forty-three enlistments. —Min. of New England Yearly Mtg., 1863, p. 17. The next year Indiana reported, "all the Quarterly Meetings state that some of their members have been engaged in bearing arms". —Min. of Indiana Yearly Mtg., 1864, p. 12. Similar reports were made in other Yearly Meetings. See Min. of Iowa Yearly Mtg., 1864, p. 29; Min. of Western Yearly Mtg., 1862, p. 11; Extracts from the Min. of Balt. (Hicksite) Yearly Mtg., 1863, p. 11.

In the Confederacy the North Carolina Yearly Meeting received much better reports of the faithfulness of its members. —Wright, Objectors, 187-188.

One Friend who joined the army afforded a peculiar spectacle. Having thus violated one of the fundamental principles of his Society, he became a stickler for a minor tenet and refused to swear. He thereupon "affirmed" to do his duty at shooting and killing his fellow men. — Thaddeus S. Kenderdine, "Friends in the War of the Rebellion" in the Friends' Intelligencer, LXVI, no. 29, pp. 459-460, quoted in Wright, Objectors, 213-214.
the World War, of basing exemption upon grounds of membership in a sect rather than basing it solely and exclusively upon the conscientious scruples of the individual, difficult as those are to determine.
CHAPTER VI

THE WORLD WAR C. O. AND GOVERNMENTAL POLICY

The problem presented in the World War by conscientious objection to military service differed in several respects from that in former wars. For the first time the individualistic objector, a member of none of the noncombatant sects, put in his appearance in numbers sufficient to create a new situation. Formerly the noncombatant sects, although differing among themselves, had kept the maximum number of types of conscientious objection down to a relatively small figure, but the individualistic objector was not molded by the influence of such an organization. His appearance meant, therefore, that the types would henceforth be multifarious.

In the World War the Federal Government handled the problem of conscientious objection from the very first. This policy was new, for in the Revolution and Civil War the states had either wholly or in part settled the question. Now conscientious objectors could no longer appeal to their own local officials, but rather had to bring pressure to bear on the more distant government at Washington.

Probably more important in the final analysis than either of the factors just mentioned was the new role played by public opinion. Since 1865 the mighty industrial revolution had continued its rapid, ruthless and resolute pace.
Distances had shortened. An order issued by the War Department might be spread on the pages of newspapers the country over within an hour. Not only was the war fought in the trenches. The Montana wheat grower, the New Jersey munitions maker, the Mississippi Negro toiling in a cotton-field, even the nine-year old school child knitting woolen blocks, to be fashioned into soldiers' sweaters by others, were all performing a vital service for Mars. To speed their efforts, the government had to appeal to their imaginations. And so the Committee on Public Information with the aid of newspaper, poster, public platform, song and pulpit, dressed the American people in mental khaki. They, too, went to war. Thus the Juggernaut was given impetus, and when the War Department wished to show moderation to conscientious objectors it was faced with its terrible, crushing wheels.

Classification of conscientious objectors in the World War presents serious difficulties. Several classifications have been attempted, but none has proved wholly satisfactory. Professor Mark A. May, formerly first lieutenant, United States Army, classified objectors as (1) religious literalists, comprising 75% of the entire group, of whom the Mennonites were typical; (2) religious idealists, men of inordinate social vision, and (3) the socialist type, "likely to be well educated and very intelligent", a man whose
loyalty is to class, not country.¹ This classification may possibly be superior to that of Major Kellogg, who examined hundreds of conscientious objectors, although the latter's scheme has the advantage of simplicity. He also divided objectors into three groups: (1) the religious objector, (2) the idealist objector, and (3) the socialist.

In the following discussion of types, the present writer will use only slightly different terminology. All noncombatant sectarians will be included in the first class; in the second, all non-sectarian religious and idealist objectors; and finally the socialists. The last two groups appeared for the first time in the World War. Yet all three classes held abiding general principles in opposition to war, and so must be considered conscientious objectors.

Among the noncombatant sectarians were the now familiar Mennonites, comprising the largest number of objectors,

¹Norman Thomas, The Conscientious Objector in America, 19. Hereafter this work will be cited as Thomas, The C. O. in America. This is the best and most comprehensive study of the conscientious objector, frequently called the C. O., in the World War.

²Walter Guest Kellogg, The Conscientious Objector, 66-74. This work will hereafter be cited as Kellogg, Con. Obj. Major Kellogg was Judge Advocate, U. S. Army, and chairman of the Board of Inquiry established to examine conscientious objectors. The book is a result of his observations and impressions gained at that time.

³Among the socialist objectors only a minority favored open class war. The first and second groups and the majority of the third group opposed all wars. Of the total number those favoring violence in certain situations were extremely rare, though not insignificant from the government's standpoint. Cf. Kellogg, Con. Obj., 73.
Friends, and Dunkards. Of 360 religious objectors who were court-martialed and sentenced, 138 were Mennonites. These people were decidedly more consistent in upholding their traditional position than any other important sect. This was partly, if not entirely, due to the fact that they lived in isolated communities affording little contact with public opinion.

The Friends, on the other hand, were very well versed on current events and furnished what Major Kellogg thought were the most admirable objectors.

Besides these sects there were many others less well known, insignificant numerically, or comparatively new. In all about thirty such sects were represented, the most important of which were the International Bible Students, the followers of Pastor Russell and his successor, Judge Rutherford. Within this sect all nationalities were to be found, some quite

4Thomas, The C. O. in America, 48. When before the Board of Inquiry some Mennonites knew little or absolutely nothing about the Lusitania, General Foch and General Pershing. They confessed to having led sinful lives, and when asked in what way, they would reply that in their youth they had attended a couple of picture shows. Their education had been meager, yet they possessed a surprising knowledge of the Bible. —Kellogg, Con. Objr., 37-41. Kellogg gives extremely interesting, though not always consistent or unprejudiced, characterizations of all the important sectarians.

5Kellogg, Con. Objr., 34, 42-43.

6See ibid., 33; National Civil Liberties Bureau, The Facts About Conscientious Objectors in the United States, 30. (Hereafter this will be cited as Civil Liberties Bureau, Facts); Ernest L. Meyer, "Hey! Yellowbacks!": The War Diary of a Conscientious Objector, 83, hereafter cited as Meyer, Yellowbacks.
unable to speak English. Despite such differences between the sectarian objectors, as a group they were still the most homogeneous.

The following table of the religious denominations of 1,060 conscientious objectors in twelve camps, compiled by the Division of Psychology, Surgeon General's Office, is indicative of the proportion from each sect, and shows that more than one-half were Mennonites:

<table>
<thead>
<tr>
<th>Denomination</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mennonites</td>
<td>554</td>
</tr>
<tr>
<td>Friends</td>
<td>80</td>
</tr>
<tr>
<td>International Bible Students</td>
<td>60</td>
</tr>
<tr>
<td>Dunkards</td>
<td>37</td>
</tr>
<tr>
<td>Israelites of the House of David</td>
<td>39</td>
</tr>
<tr>
<td>Church of Christ</td>
<td>31</td>
</tr>
<tr>
<td>Church of God, etc. (colored)</td>
<td>20</td>
</tr>
<tr>
<td>Seventh Day Adventists</td>
<td>20</td>
</tr>
<tr>
<td>Pentecostal Assembly</td>
<td>13</td>
</tr>
<tr>
<td>All other denominations</td>
<td>206</td>
</tr>
</tbody>
</table>

Another illuminating table compiled in the same office shows the overwhelming number of objectors who based their objections to war upon Christian principles. Nearly five hundred cases in Camps Custer, Grant, Greenleaf, Pike and Sherman furnished the basis for the following summary:

- War is forbidden by church and creed .... 115
- War is forbidden in the Scriptures in general. 125
- War is forbidden by Christ specifically. .... 95
- War is forbidden by the Commandment .... 60
- War is forbidden by conscience .... 120

---

7 Thomas, The C. O. in America, 33-34; Kellogg, Con. Objr., 52-53; see also 128-129.
8 Ibid., 69.
9 Ibid., 128-129.
10 Ibid., 130. Prof. May in a study of 958 cases found that 90% objected on religious grounds; 5% on social; 3% on political and 2% on ethical grounds.
War promotes evil . . . . . . . . . 16
War is wrong in and of itself . . . . . . . 21
Other objections . . . . . . . . . . . . . . . . . 30

The non-sectarian religious and idealist objectors composed a very heterogeneous group. Erling H. Lunde, before a court-martial at Camp Funston, admitted he belonged to no established creed and was "out of the rut of orthodox thought", yet he maintained that his refusal to become a soldier had been "prompted by deep religious and moral convictions" which were "solidly grounded upon the teachings and example of Christ". Somewhat different was Harold Gray, who had always been a deeply religious boy, and who had engaged in Y. M. C. A. work among German prisoners in England before America's entry into the conflict. While performing such service he had become convinced that war was opposed to everything Christian and that the Y. M. C. A. was an integral part of the military arm. Believing it was cowardly to remain in England after the declaration of war by the United States, he returned to America and went to camp as an objector.

Roger Baldwin, director of the National Civil Liberties

11 Quoted from Case, Non-Violent Coercion, 267.
12 Kenneth Irving Brown, ed., Character "Bad": The Story of a Conscientious Objector as Told in the Letters of Harold Studley Gray. In these letters one can find a graphic example of the mental agonies one man went through in determining his stand. In England he had always been in doubt; at Camp Ouster, as a C. C., he seemed thoroughly happy and confident that he was doing right.
Bureau, is representative of still another type in the second group. Before a Federal Court in New York he made a clear statement of his position, of which the following is a part:

The compelling motive for refusing to comply with the draft act is my uncompromising opposition to the principle of conscription of life by the State for any purpose whatever, in time of war or peace. I not only refuse to obey the present conscription law, but I would in future refuse to obey any similar statute which attempts to direct my choice of service and ideals: I regard the principle of conscription of life as a flat contradiction of all our cherished ideals of individual freedom, democratic liberty and Christian teaching. 14

The present writer has placed Baldwin with the idealist objectors; others might classify him with the third group, the socialists. Thus there was not always a clear line of demarcation between the two.

The socialist objector based his opposition to war not upon religious, but rather upon philosophical and humanitarian grounds, and still more upon his extreme class-consciousness. As Morris Hillquit said:

The Socialist opposition to war is based not merely on humanitarian grounds, potent and compelling as these are, but principally on the deep-rooted conviction that modern wars are at the bottom sanguinary struggles for the commercial advantages of the possessing classes, and that they are disastrous to the cause of the workers, their struggles and aspirations, their rights and

---

13 This organization became the American Civil Liberties Union.
14 The Individual and the State: The Problem as Presented by the Sentencing of Roger N. Baldwin, 6. In sentencing Baldwin to prison Judge Mayer said: "It may often be that a man or woman has greater foresight than the masses of the people. And it may be that in the history of things, he, who seems to be wrong today, may be right tomorrow. But with those possible idealistic and academic speculations a Court has nothing to do". —Ibid., 13.
15

liberties.

Major Kellogg characterized the socialist objectors he had examined as very intelligent, extremely well educated and well informed. One of their most impressive traits was a marked boldness in their opposition to governmental policy and a perfect frankness when being examined.

From any of the three groups discussed might come the so-called "absolutist", a man who refused to perform any service under conscription the government might provide, no matter whether it was in the army or elsewhere. One such objector who was very desirous of joining the Friends' Reconstruction Unit refused to accept a furlough from the army to work with it. He must first be discharged. The absolutist was an individualist who directed his objection at conscription in and of itself, denying the right of the government to force him to do anything contrary to his conscience. The term "absolutist" thus measured not his sincerity, but the degree of his refusal to make terms with the government while under conscription.

The superior intelligence of the average conscientious objector in the World War was notable. In January and February, 1919, psychological examinations were given the


16 Kellogg, Con. Objr., 71-74; Case, Non-Violent Coercion, 260.

17 Thomas, The C. O. in America, 2-3; Kellogg, Con. Objr., 93-94; Clarence Marsh Case, "Conscientious Objectors" Encyclopaedia of the Social Sciences, IV, 211.
nearly 500 objectors then at Fort Leavenworth. Whereas
5 per cent of the men in a theoretical normal company would
have "very superior intelligence", 39.3 per cent of the
political objectors, and 12.8 per cent of the religious
objectors received that rating. Only commissioned officers
in the United States Army excelled political objectors in
the percentage of grade A men. Of the absolutist political
objectors, 59 per cent had "very superior intelligence",
thus excelling the 9000 commissioned officers that were
examined by 11 per cent. Only 10 per cent of the absolutist
religious objectors, however, received that rating.

The general level of intelligence of all groups can be
determined better by combining in one table all the men of
"average" or better intelligence. The following table gives
the percentage of such men for each group:

Percentages showing
"Average" or better intelligence

<table>
<thead>
<tr>
<th>Classification</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Theoretical Normal Company</td>
<td>65%</td>
</tr>
<tr>
<td>Approximately 20,000 white men</td>
<td></td>
</tr>
<tr>
<td>drafted and sent to Camp Lee in</td>
<td>45.1%</td>
</tr>
<tr>
<td>one month</td>
<td></td>
</tr>
<tr>
<td>Enlisted privates, all literate</td>
<td>68%</td>
</tr>
<tr>
<td>—2,393</td>
<td></td>
</tr>
<tr>
<td>Sergeants</td>
<td>95%</td>
</tr>
<tr>
<td>Candidates for Officers' Training Corps</td>
<td>94%</td>
</tr>
<tr>
<td>—8,819</td>
<td></td>
</tr>
<tr>
<td>Commissioned Officers</td>
<td>82.2%</td>
</tr>
<tr>
<td>—218</td>
<td></td>
</tr>
<tr>
<td>Political Objectors</td>
<td>81.4%</td>
</tr>
<tr>
<td>—84</td>
<td></td>
</tr>
<tr>
<td>Religious Objectors</td>
<td></td>
</tr>
<tr>
<td>—218</td>
<td></td>
</tr>
</tbody>
</table>

In other respects conscientious objectors seem to have
differed little from the soldiers. Major Kellogg has

18 Winthrop D. Lane, "Who Are the Conscientious Objectors?"
The New Republic, XXII (April 14, 1920), 215-217. See also
Case, Non-Violent Coercion, 183. One of the conscientious
objectors was a former Rhodes Scholar and a professor of
written that his examination of over eight hundred objectors convinced him that they were not cowards nor shirkers in the commonly accepted sense. That they were not "sissies" or "mollycoddles" was the almost uniform opinion of the army psychologists with whom Professor Case corresponded. Certainly a combination of high courage and deep religious conviction or unusual intellectual independence was required to maintain their heretical position in the face of severe punishment.

Professor Case made a careful study of conscientious objectors from the sociological approach immediately after the war, as a result of which he was convinced "the case for the psycho-physical normality of conscientious objectors as a class may be regarded as clearly established". He concluded that "these individuals reacted as they did to the war situation, not because they were mentally inadequate (or mentally superior), or emotionally unstable, or egocentric, but largely because they were convinced exponents of a group ideal and tradition which had been transmitted to them out of the past".

Shortly after the United States declared war, conscription became a foregone conclusion. Efforts were at once put forth by a number of organizations to secure for conscientious

19 Kellogg, Con. Objr., v.
20 Case, Non-Violent Coercion, 179-181.
21 Ibid., 193-195; see also 173-177.
objectors provisions at least as liberal as those in the
British act. The American Union Against Militarism, differ-
ent Yearly Meetings of Friends, especially those of Phila-
delphia, Mennonites, Dunkards, and the Fellowship of Reconcil-
iation worked for the legal exemption of all objectors. Con-
gressmen were appealed to by letter, telegram, and personal
interviews, and an informal committee composed of Jane
Addams, Lillian Wald, and Norman Thomas interviewed Secre-
tary of War Baker. He had given the subject comparatively

22According to the British military service acts of 1916
local tribunals might grant to conscientious objectors
absolute, conditional, or temporary certificates of exemp-
tion, or certificates of exemption from combatant service
only. All cases of genuine conscientious objection,
whether based on religious, moral or other convictions, were
embraced by the law, only objections based purely upon
political beliefs being ruled out.

Apparantly no unconditional exemptions were granted.
Rather the dispositions of claims were made in three ways:
(1) "By granting unconditional exemption from combatant
service only, in which event the claimants were ultimately
recruited into the Army for noncombatant service"; (2) "By
granting conditional exemption from combatant service only,
the condition usually being that the claimant should, with-
in the time fixed by the tribunal, engage in some specific
form of noncombatant service such as the ambulance service,
Red Cross, sanitary or hospital service, etc."; (3) "By
granting exemption from all military service upon condition
that the claimant engage within a period of time specified
by the tribunal in some specific work of national importance.

Approximately 5,600 objectors persistently disobeyed all
military orders and instructions, and so were court-mar-
tialed. The maximum sentence inflicted was two years,
although upon release the objector might be resentenced
for another two years. As time passed, however, these men
received increasingly lenient treatment, as a result of
which 4,646 were turned into various sorts of work of
national importance.

All British objectors, except at the very first, were
imprisoned in civil prisons. —United States War Depart-
ment, Statement Concerning the Treatment of Conscientious
Objectors in the Army, 55-59. (Hereafter this will be
cited as War Department, Statement); Thomas, The C. O. in
America, 179-180.
little consideration, and believed that exemption of pacifist sectarians would be sufficient. When told of the English situation he asked for a written memoir on it, and assured the three that there would be no brutality in the treatment of American objectors. The President could not be reached, but it was understood that he had expressed his dislike for the brutality inflicted on some British conscientious objectors.

The same individuals and organizations also got in touch with the Military Affairs Committees of House and Senate. At a hearing before a Senate sub-committee it was argued: (1) that conscience is individual, not corporate and sectarian as assumed by the proposed law; (2) that, as English experience had already shown, exemption from combatant service only would be unacceptable to many of the most sincere objectors; and (3) that a genuine war for democracy could hardly be waged by a conscription of conscience. Yet, though the committee was interested and courteous, the plea seemed of no avail.

Meanwhile the selective service bill, enacted May 16,

---

23 Ibid., 74-77; Min. of the New York Yearly Mtg. of the Religious Society of Friends, 1917, p. 88; Min. of Indiana Yearly Mtg. of Friends, 1917, pp. 57-58; Extracts from the Min. of the Phila. (Hicksite) Yearly Mtg., 1917, pp. 139-140; Extracts from the Min. of the Phila. (Orthodox) Yearly Mtg., 1918, p. 66; Min. of the Nebraska Yearly Mtg., 1917, p. 7; Min. of the Balt. (Orthodox) Yearly Mtg., 1917, p. 13; The Friend, XCI (1917), 531-532, 543.

The National Civil Liberties Bureau was an outgrowth of the American Union Against Militarism. It undertook to become a central clearing house for presenting issues to the War Department and for keeping in touch with conscientious objectors. —Civil Liberties Bureau, Facts, 24.
1917, was being debated in Congress. That part of section
four which dealt with the subject of this study reads as
follows:

... nothing in this Act contained shall be construed
to require or compel any person to serve in any of the
forces herein provided for who is found to be a member
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 organizations, but
no person so exempted shall be exempted from service in
any capacity that the President shall declare to be non-
combatant. ... 24

This, like the Civil War act of 1864, granted partial
exemption to sectarian objectors only, but unlike the
former act offered no means of escape other than noncom-
battant service. For that reason and inasmuch as non-
sectarian objectors were now a significant factor, it is
apparent that this bill was decidedly less liberal.

In the House, Representative Keating of Colorado offered
an amendment that had been submitted to him by three
Presbyterian ministers acting for the Fellowship of Reconc-
ciliation. It would have embraced all conscientious ob-
jectors, and would have provided alternative service for
them free of military control:

Nothing in this act shall be construed to require or
compel service in any of the forces herein provided
for by any person who is conscientiously opposed to
engaging in such service. Any person who shall have

24 U. S. Stat. at Large, XL, 78. This section was written
by General Crowder, Judge Advocate General; later as Pro-
vost Marshal General he was to interpret and execute the
law.—Letter of Newton D. Baker to the present writer,
Dec. 12, 1935.
been exempted from military or naval service on the grounds of conscientious objection shall be liable to be drafted and assigned by the President to any one of the following kinds of civil service under the civil branches of the Government:
Agriculture, forestry, reclamation of waste land, highway construction and repair, public education, prison work, social-welfare work, Coast Guard life saving, relief and reconstruction among non-combatant sufferers, any other civil service of national or international importance.
Any person so drafted shall serve during the period of the emergency and for one year thereafter, unless sooner discharged.

In support of the amendment Keating referred to the British act and asked, "shall it be said that here in America 3,000 miles from the scene of conflict we shall deal less generously with these men than they were dealt with in a country upon the verge of the great conflict?"
However, the great majority of Congressmen believed, as the War Department insisted, that a more liberal provision would afford an easy refuge for slackers. The amendment was consequently defeated 31 to 152. By actual count, as much time was spent in a discussion of the wording for exempting ministers as on the entire subject of conscientious objection.

In the Senate a similar fate awaited two amendments offered by Senator Thomas of Colorado and Senator La Follette of Wisconsin. Thereafter when such organizations as the Civil Liberties Bureau urged more liberal amendment, the War Department was uninterested and without its

---

25 Congressional Record, 65 Cong., 1 sess., 1528-1530; Civil Liberties Bureau, Facts, 24-25.
26 Thomas, The C. O. in America, 78.
recommendation Congress refused to act.

In August Representative Hayden of Arizona made an appeal for humane treatment of such objectors as were not included in the law, and suggested that they should be segregated from common criminals under civil authority. British experience showed, he explained, that soldiers were often brutal toward them. For the sake of justice he also thought a uniform penalty should be provided, but, although the Congressional Record says that his speech was followed by applause, no action resulted.

Some of those who had been working for exemption laws were bitterly disappointed that only sectarian objectors were included. But the Friends and Mennonites, who had unselfishly worked for the exemption of all, expressed appreciation that the principles they had long upheld were recognized to that extent.

Of the important peace sects the Mennonites took the most uncompromising stand on military service. At a general conference held in 1915 they had adopted a resolution to disown all members who bore arms as soldiers. When actually confronted with conscription they advised all those subject to the draft that under no circumstances were they to consent to military service of any kind, either combatant

---

27 Cong. Record, 65 Cong., 1 sess., 1473-1479; Civil Liberties Bureau, Facts, 25.
28 Cong. Record, 65 Cong., 1 sess., 5898-5901.
29 The Friend, XC (1917), 577, 625; Min. of New England Yearly Mtg., 1917, p. 45; Min. of Kansas Yearly Mtg., 1917, p. 34; Min. of Indiana Yearly Mtg., 1917, p. 58; Thomas, The C. O. in America, 78; Hartzler, Mennonites in the World War, 62.
or noncombatant. Rather were they to suffer any penalty that might be inflicted. Although a strong minority did accept noncombatant service finally, the young men of no other important sect upheld their traditional position as firmly.

The official position of the Friends was also in opposition to the war, but instead of advising its youth against all participation, as it had done in the Revolution and Civil War and as the Mennonites did in the World War, it advised each Friend to follow the dictates of his own conscience. The result was that the majority accepted military service, and one report shows an extremely high percentage of enlistments. It was such a situation that prompted a committee of Philadelphia (Orthodox) Friends, among whom the proportion in military service was not as

---


A Mennonite minister and bishop were convicted in the U.S. district court at Martinsburg, West Virginia, of having violated the Espionage Act by advising a congregation not to buy war savings stamps. Each was fined $1000 and costs. —Hartzler, *Mennonites in the World War*, 159-163.

Either voluntarily or under compulsion the majority of the Mennonites bought bonds, contributed to the Red Cross, etc.; the smaller branches were most opposed to such action. In such cases mobs at times broke into their homes with all manner of threats, and not a few men in Kansas were tarred and feathered. In Oklahoma, where the most serious attacks were made on the German speaking Russians, a minister was strung up to a telegraph pole, and only saved by the action of local officials. Two Mennonite church houses were also burned. In South Dakota the Huterites, after making contributions less than the local committee demanded, had hundreds of sheep and cattle driven off and sold, the proceeds from which were to be invested in war funds. Other Mennonites suffered severe beatings. —Ibid., 152-157; Smith, *The Mennonites*, 295-296.
large, to report: "We do not want to censure yet we are solicitous that a much larger percentage of our young men should feel impelled [sic] by Divine command to uphold our well-recognized principles against militarism". In a somewhat similar vein was the message to all Orthodox Friends, "We cannot accept Christ's teaching in theory and deny it in life and action". Combatant and noncombatant service the Friends, like the Mennonites and nearly all peace sects, regarded as morally equivalent.

As usual the Quakers undertook a constructive program, and the Mennonites, who had formerly taken only a negative attitude toward war, under the stress of public opinion, now joined them. Friends raised food, undertook sewing and knitting projects, taught English to foreign groups, in cooperation with the government aided alien enemies in need, and helped the Y. M. C. A. and similar organizations in any way possible. But a more unique service was rendered by the American Friends' Service Committee, to which the Mennonites contributed liberally both money and services.

31 The Friend, XCI (1918), 393-394; Extracts from the Min. of the Phila. (Orthodox) Yearly Mtg., 1918, pp. 14-15, 94; Extracts from the Min. of the Phila. (Hicksite) Yearly Mtg., 1917, pp. 23-24; 1918, pp. 132-133; Min. of Indiana Yearly Mtg., 1917, pp. 59-60; 1918, pp. 141-142; Min. of New England Yearly Mtg., 1917, p. 44; Min. of Western Yearly Mtg., 1918, p. 35; Statement of Baltimore Yearly Meeting and other uncatalogued material at Haverford College Library; Case, Non-Violent Coercion, 141-142. Perhaps the Inspirationists of Amana were the least scrupulous in regard to noncombatant service. — Ibid.

32 Extracts from the Min. of the Phila. (Orthodox) Yearly Mtg., 1918, pp. 69-72; Min. of the Balt. (Orthodox) Yearly Mtg., 1917, p. 35; Min. of the New York (Orthodox) Yearly
This Committee was established in the spring of 1917 by representatives of the three largest bodies of Friends in America — the Five Years' Meeting, the Friends' General Conference, and the Philadelphia (Orthodox) Yearly Meeting — all interested in standing together to meet the needs of Friends in war time and in performing some service of love. It organized a Friends' Reconstruction Unit to cooperate with the English Friends in relief work among the civilian population of the devastated areas of Europe. This offered to American Friends an opportunity for real service, and they contributed hundreds of thousands of dollars to the work. It was hoped that the work would be considered "noncombatant service" within the meaning of the law, and finally after much difficulty an arrangement was worked out with the government, which had always given its moral support, whereby ninety-nine conscientious objectors were furloughed to the Unit.

The American Friends' Service Committee also appointed a field secretary to visit the conscientious objectors in camp. He was often able to bring about better relations between the men and officers, and on numerous occasions he called to the attention of the commanding officer rulings concerning the C. O.'s that had been overlooked in


33 Rufus M. Jones, A Service of Love in War Time; Extracts from the Min. of the Phila. (Orthodox) Yearly Mtg., 1918, pp. 67-68; War Department, Statement, 25; The Friend, XCII (1918), 262.
the rush of other duties. Many of the Yearly Meetings had appointed draft committees to perform a similar local service. Perhaps no one was more active in such work than a representative of the Mennonite Church, Rev. Aaron Loucks, who devoted almost his entire time to camp visitation. His work did much to cheer both the C. 0.'s and their parents.  

According to the rules and regulations governing registration boards, promulgated by the President, a person claiming exemption from combatant service because of conscientious objection was to substantiate such claim by affidavit proof that he was a member in good faith and in good standing of a well recognized religious sect or organization. ... organized and existing May 18, 1917, and whose then existing creed or principles forbid its members to participate in war in any form, and that his religious convictions are against war or participation therein in accordance with the creed or principles of said religious organization.

If the local board deemed the claim valid, it was then to issue a certificate to the claimant exempting him from combatant service.

34 Jones, A Service of Love in War Time, 97-98; The Friend, XCI (1917), 297-298; Min. of Ohio (Conservative) Yearly Mtg., 1918, pp. 23-24; Min. of Western Yearly Mtg., 1917, p. 65; Min. of Wilmington Yearly Mtg., 1917, p. 49; 1918, pp. 31-32; 1919, pp. 44-45; Min. of Iowa Yearly Mtg., 1918, p. 50; Min. of Indiana Yearly Mtg., 1918, p. 79; Hartzler, Mennonites in the World War, 168-174. Louck's activities in advising his followers concerning their rights became so obnoxious to the War Department that he was threatened with the Espionage law. —Kellogg, Con. Obir., 99.

35 War Department, Statement, 15. New regulations, effective Dec. 15, 1917, did not differ essentially so far as religious objectors were concerned. Ibid.
Before registration took place on June 5, there was some discussion among conscientious objectors as to whether or not they should register. Most religious and radical papers and organizations interested in their fate strongly urged registration as a means of recording their protest. Thus the American Union Against Militarism, in a public statement signed by such persons as Zona Gale, Roger N. Baldwin, Rev. John Haynes Holmes, Norman M. Thomas, Oswald Garrison Villard and Lillian D. Wald, earnestly advised such a course, warning that public understanding and sympathy "should not be alienated by misdirected action". "Obedience to law, to the utmost limit of conscience", it added, "is the basis of good citizenship". Consequently there were few men who failed to register because of conscientious scruples.

Those who did refuse were tried in civil courts and imprisoned for periods not exceeding one year, after which they were compulsorily registered and made subject to the draft. In Arizona thirty-four Molokans, members of a Russian sect, who had migrated to America understanding they would here be exempt from military service and who had been assured by Mr. Tumulty that they would not be molested, refused to register, although as married men most of them would have been entitled to delayed classification. They were sentenced to civil prison, and ultim-

---

ately six of them were sent to the military prison at Fort Leavenworth.

The attitude of the registration boards varied according to their personnel. Inasmuch as the Provost Marshal General reported that a "very large majority of the district boards recommended that religious objectors should not be discharged", it is not surprising that a few boards refused to recognize conscientious objection, that some expressed anger when an objector filed his request for exemption, or that others refused to accept papers giving proof of his position. Some boards, notably that of Philadelphia, were extremely courteous. On the whole most objectors were able to make their position clear from the first.

Throughout the entire period of the draft 64,693 men filed claims for noncombatant service, of which 56,630 were allowed by the boards. Besides these there was a large but unascertainable number of men who tried to get certificates from their local boards and failed. Of the men whose claims were recognized 29,679 were classified in class I and found physically fit for general military service, and 20,873 of these were inducted into service. But in camp only 3,989 men ever made any claim for exemption from any sort of military service on conscien-

---

38 Hartzler, Mennonites in the World War, 88-89; Civil Liberties Bureau, Facts, 15, 29-30; The Friend, XCI (1917), 81. See also Second Report of the Provost Marshal General to the Secretary of War on the Operations of the Selective Service System to December 20, 1918, 325.
tious grounds. Thus out of a total of 2,810,296 men in-
ducted into the Army the conscientious objectors of all
39
types comprised only .0014 per cent.

In August Provost Marshal General Crowder issued a ruling
that religious objectors, for those were the only ones
recognized, would be drafted, sent to camp, and make up
40
part of the quota of the district from whence they came.
Until then the Friends, at least, had believed that non-
combatant service might be other than military, but there
was no doubt in the mind of General Crowder that the law
he had written, and that he was both to interpret and ad-
minister, meant that all service, be it combatant or non-
41
combatant, was military service.

From his ruling and from conscription in general the

39 War Department, Statement, 16, 24. The 3989 men who
made claim for exemption from military service after reach-
ing camp does not include those objectors who publicly re-
fused to register, like the Molokans, or who refused to take
a medical examination. Such objectors were sentenced by

According to the regulations conscientious objectors
were not to be classified by themselves, their classifica-
tion depending on such facts as age, marriage, number of
dependents, etc., on which grounds alone they might receive
defered classification. Yet some Mennonites seem to have
received deferred classification because their local boards
believed, no doubt wisely, that such men as were good pro-
ducers would be of greater benefit at home than in camp as
C. O.'s. —Second Report of the Provost Marshal General, 56;
Hartzler, Mennonites in the World War, 88.

40 Major Kellogg makes the extremely interesting observa-
tion that the inclusion of such conscientious objectors
was at variance with the requisitions made by the Adjutant
General. The latter had called for the delivery of men
qualified "for general military service"; obviously non-
combatants did not satisfy such a qualification. —Kellogg,
Con. Objr., 141.

41 The Friend, XCI (1917), 145; circular "To all Friends
courts refused to offer relief. Walter Nelles, Counsel for the National Civil Liberties Bureau, prepared a brief arguing that the guarantee in the first amendment to the constitution of the free exercise of religion prevented the Federal Government from conscripting men conscientiously opposed to participating in war. As amicus curiae, this brief was filed with the United States Supreme Court in connection with the cases involving the constitutionality of conscription, but the Supreme Court unceremoniously swept aside the contention without comment. Religion was not to hinder the Christian armies of America from waging the war to end war.

It was September before the cantonments were ready to receive the conscripts. The conscientious objectors then had to decide whether to respond to the summons to entrain for camp. The greater number responded after filing a protest with their local board. Numerous others, including many Friends and other sectarians, notified their boards that they would not entrain voluntarily but might be found at their home address. Such men were practically always arrested as technical deserters and taken to camp. A few were then court-martialed and imprisoned, but the great majority were treated as conscientious objectors. Indeed these men had far less trouble making their position clear to the officers than did those who mobilized voluntarily;

of Registration Age", 8 mo. 28, 1917, among uncatalogued material at Haverford College Library.

42Civil Liberties Bureau, Facts, 25.
neither did they face any distressing problems as to where to draw the line.

Those who had entrained voluntarily followed two courses of action in camp. One group consistently refused to perform any duties, which was in accordance with a regulation of the War Department, issued in September, stating that the nature of "noncombatant service" had not yet been decided, and that until further instructions objectors were to "be segregated but not subjected to any punishment for refusal to perform duty". A second group of objectors consented to perform certain duties, such as in the hospital or supply departments, until "noncombatant service "might be defined. At Camp Funston they were told such action would not prejudice their chances later to be assigned alternative service outside the army. Almost imperceptibly they were drawn into the military machine. When they realized where their action was leading and asked to be segregated according to the regulations, they were told that had they had genuine conscientious objections they would never have done any work in the first place. Such objectors always faced serious difficulties in having their status as conscientious objectors again recognized.

43 The Friend, XCI (1917), 249; Civil Liberties Bureau, Facts, 16-17. In April, 1918, the Judge Advocate General ruled that conscientious objectors who failed to report at camp when ordered might be punished as deserters, and Secretary Baker made it clear that in the future they would not be considered conscientious objectors. —War Department, Statement, 19-20; Civil Liberties Bureau, Facts, 13.

44 Ibid., 19; The Friend, XCI (1917), 249-250.
The Mennonites in the first month of mobilization raised the question of wearing uniforms. In a conference with representatives of that sect in August Secretary Baker had informed them that their members would not be required to do so. This promise was fulfilled by an order of September 25 directing that Mennonites should not be forced to wear the uniform, as the question of raiment was one of the tenets of their faith.

As conscientious objectors were not being segregated and mistreatment was occurring in some of the camps, a confidential order was issued October 10, 1917, directing that they be segregated and placed under the "supervision of instructors who shall be specially selected with a view of insuring that these men will be handled with tact and consideration and that their questions will be answered fully and frankly". The order then continued:

With reference to their attitude of objecting to military service these men are not to be treated as violating military laws thereby subjecting themselves to the penalties of the Articles of War, but their attitude in this respect will be quietly ignored and they will be treated with kindly consideration. Attention in this connection is invited to a case where a number of conscientious objectors in one of our divisions, when treated in this manner, renounced their original objections to military service and voluntarily offered to give their best efforts to the service of the United States as soldiers.

The results of this procedure were to be noted and submitted to the War Department for its future guidance. The order closed with the injunction: "Under no circumstances

45 War Department, Statement, 16-17, 36; Hartzler, Mennonites in the World War, 65-67."
are the instructions contained in the foregoing to be
given to the newspapers". Although the department main-
tained this was done to prevent the encouragement of in-
sincere objectors, Secretary Baker was accused of furtive 46
pacifism.

Ten days later the attention of commanders was again
called to this order inasmuch as mistreatment continued,
yet in several camps much more time passed before segrega-
tion finally resulted. In some it did not occur until
after the President's order of March 20, 1918. At the other
extreme was the camp in which conscientious objectors were
segregated a mile and a half away. In still another they
were placed in a building marked "quarantined".

Although sectarian objectors bearing certificates from
their local boards were the only legally recognized consci-
entious objectors, others by their inflexibility — at
times in the face of persecution — had forced commanders
to segregate them, too. Not until December 19 was official
cognizance taken of this situation. The Secretary of War
then ordered that "'personal scruples against war' should
be considered as constituting 'conscientious objections'
and such persons should be treated in the same manner as
other 'conscientious objectors.'" At last the War De-
partment had recognized a fact that had always been

46 War Department, Statement, 17, 38; Thomas, The C. O. in
America, 91.
47 War Department, Statement, 38; Civil Liberties Bureau,
Facts, 19; The Friend, XCI (1918), 405.
48 War Department, Statement, 39; Thomas, The C. O. in
America, 92.
evident; i.e., that conscience is individual, not corporate, or it is nothing.

But these various orders were meant to meet a temporary situation only. The final disposition of the conscientious objectors had still to be determined. One objector wrote that they were "an extra thumb, a sore thumb on the military fist — not even a thumb, for we are too minute, too impotent". Nevertheless though their numbers were small the uncertainty of their future was a constant irritant to all involved. To alleviate this situation a conference of most organizations directly interested in the C. O.'s met in January, 1918, and agreed on recommendations urging the War Department (1) to hasten the placement of those willing to accept noncombatant service in hospital and other such units; (2) to provide relief or farm work, or other alternative, non-military service for the considerable number that would accept it; and (3) inasmuch as the Department neither dared nor desired to release the absolutists, to confine them in detention camps like those provided enemy aliens, rather than have them suffer the drastic penalties inflicted by courts-martial.

But still no action followed, and the situation in the camps grew worse. Conscientious objectors were more and more frequently court-martialed for disobeying some minor

49Meyer, Yellowbacks, 83.
50Civil Liberties Bureau, Facts, 25-27; Thomas, The C. O. in America, 95.
command, despite the confidential order of October 10 forbidding such action.

Apparently several factors were responsible for the hesitancy of the War Department. Secretary Baker was pleased with the number of objectors who took up military service when handled tactfully. Thus Assistant Secretary Keppel wrote after the war in justification of the Department's policy:

Where their sincerity was assumed, as for example by Gen. J. Franklin Bell at Upton, out of a division made up from a cross section of the population of New York City, only thirty-odd men refused to accept military service. At another camp where it was assumed that they were insincere, 40 men were court-martialed and given long sentences for refusing to sow grass seed and plant flowers around the base hospital, an order obviously framed for the purpose of revealing the insincerity of the objector. 51

It was a mistake to believe that there were numerous General Bells in the army.

Then, too, the Department probably felt that valuable time needed for other matters should not be consumed in formulating a policy for a stubborn fraction of one percent of the men in the army. Still another factor that influenced the Department to feel its way was a fear of increasing the number of C. O.'s by too lenient treatment. Uncertainty as to the final outcome would tend to scare off others in later drafts who might be inclined to imitate them. Except for these reasons the War Department seemed honestly desirous of reaching a just solution to the

---

51 Ibid., 93; War Department, Statement, 8.
anomalous problem presented by conscientious objection.

After six long months, irksome to both officers and
objectors, an Executive order, subsequently published by
the War Department as General Orders No. 28, was finally
issued defining "noncombatant service" as certain service
in the Medical Corps, in the Quartermaster Corps, and in
the Engineer Service. The rest of the order was officially
summarized as follows:

Paragraph 2 provides for two classes of conscientious
objectors, i.e., those (a) who have been certified by
their local boards to be members of a religious sect
or organization as defined in section 4 of the act of
Congress; (b) who object to participation in war be-
cause of conscientious scruples but who have not
received such certificates from their local board and
directs their assignment of these men to noncombatant
service to the extent they are able to accept such
service without violation of "the religious or other
conscientious scruples by them in good faith enter-
tained". Commanding officers are directed through
a tactful and considerate officer to present the
provisions of this order to such persons; explain the
character of noncombatant service [as] defined and
secure acceptance thereto, and upon acceptance, to
give a certificate preventing the transfer of such
person to any other form of noncombatant service with-
out his consent, and recommends, whenever feasible,
assignment to the Medical Department.

Paragraph 3 provides for a monthly report on all
persons professing conscientious objections who are un-
willing to accept noncombatant service with the reasons
therefor. The Secretary of War will then classify
these persons and give further directions as to their
disposition. Pending such directions, however, it is
provided that declinants of assignment to noncombatant
service shall be segregated under the command of an
officer of tact and judgment who will be instructed to

52 Jones, A Service of Love in War Time, 110. On March
6, 1918, the Secretary of War ordered that reports be
sent him of trials by courts-martial. This was a result
of the increasing number of trials of C. O.'s. —War
Department, Statement, 39.
impose no "punitive hardship" upon them but not to allow their objections to be the basis of any consideration beyond exemption from "actual military service".

Paragraph 4 recommends uniformity of penalties in sentences of courts-martial under the sixty-fourth and sixty-fifth articles of war and prescribes confinement in the United States Disciplinary Barracks but not in a penitentiary except in cases of desertion.

Paragraph 5 provides for revision of sentences of courts-martial imposed prior to this order by the Secretary of War, with a view to their remedy by the President, if found at variance therewith. 53

This order was written after much consultation between Secretary Baker, Assistant Secretary Keppel, and General Crowder. It was a statesmanlike move in that henceforward religious and individual objectors were given similar treatment, but still many of the most perplexing problems remained unsolved, as only about one-third of the objectors were ever willing to accept noncombatant military service. What was to become of those who were willing to do alternative service outside the army only? What of the absolutists? The great majority of conscientious objectors segregated in the various classes fell in one or the other of these two classes.

Even the safeguards that were set up around conscientious objectors by the Executive order were seriously weakened by

53War Department, Statement, 18; for the order itself see 39-41.

"Punitive hardship" in paragraph 3 was construed to mean disciplinary punishment without trial; it did not refer to courts-martial. —Ibid., 19.

54Letter of Newton D. Baker to the present writer, Dec. 12, 1935.

55Kellogg, Con. Objr., 22.

56On April 18, 1918, Secretary Baker ruled that conscientious objectors accepting noncombatant service should not be required to bear side-arms. —War Department, Statement, 41.
another order of April 27 which directed that such objectors as were sullen and defiant in camp, or whose sincerity was questioned, or who were active in propaganda should be promptly court-martialed. Almost any objector disliked by an officer might be considered sullen, defiant, or insincere.

Meanwhile the Friends, dissatisfied with noncombatant military service, had been working to have service with the Friends' Reconstruction Unit accepted as an alternative. As early as August, 1917, General Crowder had bluntly informed them that all service covered by the conscription act was to be military. Nevertheless they went ahead with the training of their Reconstruction Unit, which was to work in the devastated areas of Europe. Passports were granted to such of the men as were so far down in the draft list that there was no likelihood of their being called in the first draft, and a group of trained Friends was finally sent abroad. The War Department insisted these men would have to return as soon as a draft including their names was made, but in time it realized how futile it would be to disrupt the valuable work of relief and reconstruction, with which it was at all times in sympathy, so that it might bring back to the United States men who would only swell the ranks of the C. O.'s — men with whom the Department still did not know what to do. Accordingly the Provost

Marshal's office arranged for delaying the "call" of Quakers already in France with the Reconstruction Unit.

Whenever it was suggested that many C.O.'s would be willing to perform alternative service not under military control, the War Department replied that under the selective service act it was not allowed to permit such service. An act of Congress of March 16, 1918, passed largely as the result of a threatened shortage of farm labor, remedied this situation and made way for the satisfactory disposition of another third of the conscientious objectors. It provided:

That, whenever during the continuance of the present war in the opinion of the Secretary of War the interests of the service or the national security and defense render it necessary or desirable, the Secretary of War be, and he hereby is, authorized to grant furloughs to enlisted men of the Army of the United States with or without pay and allowances or with partial pay and allowances, and, for such periods as he may designate, to permit said enlisted men to engage in civil occupations and pursuits: Provided, That such furloughs shall be granted only upon the voluntary application of such enlisted men under regulations to be prescribed by the Secretary of War.

When asked whether the provisions of this act might be extended to conscientious objectors, the Judge Advocate General ruled in the affirmative.

A series of orders, beginning June 1 and finally summed up in that of July 30, then provided for constituting a


board of inquiry composed of Major Richard C. Stoddard of the Judge Advocate General's Office, chairman (later succeeded by Major Walter G. Kellogg), Federal Judge Julian W. Mack, and Dean Harlan F. Stone of the Columbia University Law School. This board was to visit the camps in which conscientious objectors were segregated, interrogate personally those who were not under charges or being tried by court-martial, and recommend action in each case. Men determined to be sincere in their objections to combatant, but not to noncombatant, service were to be recommended for the latter; men sincere in their objections to both types of service were, on the recommendation of the board and the consent of the objector, to be furloughed for agricultural service, or in exceptional cases for industrial service or work in France in the Friends' Reconstruction Unit. Any man recommended for noncombatant service or for furlough who failed to avail himself of the opportunity and any man judged "insincere" was to be tried by court-martial.

Until the board could make a decision in his case, each

62 The order of July 30 authorized camp commanders to try by court-martial any C. O. whose case, "for any reason, should not await investigation by the board". Under this and previous orders scores of C. O.'s were court-martialed for refusing to obey military orders, frequently of a most trivial sort, intended to trap the objector. Under such orders the fate of the C. O. was entirely at the mercy of the camp commander. It is interesting to note that a majority of the men court-martialed came from three court-martial districts. Yet the board of inquiry had no authority to investigate such cases. —Ibid., I2, 46; Civil Liberties Bureau, Facts, I8.
objection was expected "to keep himself and his belongings and surroundings clean, and his body in good condition through appropriate exercise". He was also to prepare his own food. If, however, he objected he was not to be required to wear a uniform or bear side arms.

With the creation of the board of inquiry the government's policy for handling conscientious objectors was fully developed. After nearly a year of trial and error, of hesitancy, a statesmanlike plan had evolved, which had it been formulated months before, would have saved many an objector from the Disciplinary Barracks at Fort Leavenworth. But as it was now, objectors at one time willing and anxious to perform alternative service not under military control were to lie in prison in enforced idleness.

The board of inquiry was composed of men that were serious, high-minded, and honestly disposed to perform the task before them; i. e., to determine after a brief interview the sincerity of each objector. But no board ever faced a more difficult task. Evidence was scarce; the conscientious objector was in an unnatural environment; and the board was forced by lack of time to hurry through

---

[63] War Department, Statement, 42-47. A conference of organizations interested in the C. O.'s had recommended in January the creation of a board of three in each camp to examine and pass on the genuineness of each objector. —Civil Liberties Bureau, Facts, 26.
examinations. In less than eight months, from June, 1918, to January, 1919, the board travelled from camp to camp all over the United States and examined 2,294 alleged conscientious objectors, of whom only 122 were adjudged insincere. Such an accomplishment meant diligent work by the board members.

Major Kellogg said the board conducted the examinations with no regard for a definite procedure, but rather used whatever approach was best calculated to put the C. O. at ease. Though this may have been the intention, it was not always successful. An enormous cleft separated the military mind from that of the conscientious objector, and the latter could scarcely be other than ill at ease in the presence of the former. One objector thought that the little room in which he was heard, filled with men in uniform, was "warm, crowded, hostile", and he wrote of "the collective contempt of the ring of officers which was understandable but more goading than blows". Another said he was more or less ridiculed throughout his hearing.

Either one, two, or three board members, as was most convenient, conducted the examination, the extent of which varied according to the case. If the objector was, and had

---

64 Jones, A Service of Love in War Time, 114; Hartzler, Mennonites in the World War, 104; Thomas, The C. O. in America, 107; Brown, ed., Character "Bad", 119; Kellogg, Con. Objr., 26; War Department, Statement, 24; The Friend, XCII (1918), 20.

65 Con. Objr., 55.

66 Meyer, Yellowbacks, 92; Thomas, The C. O. in America, 113.
been prior to April 6, 1917, a loyal member of a well-recog-
nized pacifist sect, appeared honest, and carried a certifi-
cate from his local draft board, he was asked only a few
questions. If these were answered satisfactorily, and his
psychological examination and case history presented no
inconsistencies, he was usually recommended for the pre-
scribed exemptions. The non-sectarian objector, especially
the political objector, and anyone about whom there was
some suspicion was ordinarily examined at much greater
length, although one farmer that was adjudged insincere,
for what reason he did not know, said he was questioned
only two or three minutes. Those opposed only to the World
War, of which there were very few, were not considered con-
scientious objectors. Not infrequently the Board on its
own motion or on that of the objector granted a re-examina-
tion in doubtful cases.

Nearly 1000 men had accepted noncombatant service volun-
tarily and without examination by the board of inquiry.
Another 390 were recommended for such service by the board.

\[67\] Kellogg, Con. Obir., 26-31; Brown, ed., Character "Bad",
119-120; National Civil Liberties Bureau, Political Prison-
ers in Federal Military Prisons, 5-6; War Department,
Statement, 10-11.

The hearings were not without comic aspects. One Negro
who refused all combatant and noncombatant service spoke
with great fluency of Peter, Judas, and Webster in giving
the reasons for his stand. It was "Webster said this"
or "Webster said that"" relates Major Kellogg, "and
obviously Webster had been a large factor in his religious
life. I inquired what Webster's first name was, but he
was not sure. Asked if it were Noah or Daniel, he answered,
'Noah, yes sir, I guess dat is de gentleman's name.'"

---Kellogg, Con. Obir., 50.
Some of this group were given certificates limiting their work to service in a reconstruction hospital where men unable to be returned to military service were cared for, as it had been found that such work was acceptable to certain objectors unwilling to perform other noncombatant service.

The great majority of those examined, however, were opposed to all service within the army. They felt like the Mennonite who stated his opposition to noncombatant service in the following unequivocal terms:

all branches of service have one purpose; viz., to make the whole system a stronger organization of terrorism, destruction, and death. While I would not have been directly killing any one, I would have been doing a man's part in helping another do the act, and lending encouragement to the same. To support a thing and refuse to do the thing supported is either ignorance or cowardice. To refuse to go to the trenches and still give individual assistance to another doing so, is either an improper knowledge of the issues at stake or downright fear to face the bullets. I have a greater conscientious objection against noncombatant than against combatant service. I feel that the principle is the same, and that both are equally wrong. I would feel guilty toward the other man to accept service where the danger was not so great . . . .

Men taking such a stand were ordinarily recommended for farm furloughs. Of such recommendations there were 1500, only four of which were for objectors who opposed war on other than religious grounds. Quakers and objectors of superior intelligence and the necessary physique who might

\[68\] Ibid., 32-75; Hartzler, Mennonites in the World War, 52.

\[69\] Quoted from Ibid., 126-127.
be desirous of it were frequently assigned to the Friends' Reconstruction Unit. Eighty-eight recommendations of that nature were made.

For the absolutists, men who felt they could perform no service so long as they were under conscription and nearly always men of high intelligence, there was nothing that the board could do but assign them to noncombatant service. Thus some thirty-five men who were adjudged sincere and were offered furloughs refused them. Being then assigned to noncombatant service which they could not conscientiously perform, they were court-martialed and sent to Fort Leavenworth.

Most objectors had a genuine desire to do as much work as they could conscientiously perform. As farm help was badly needed in 1918 and a great many C. O.'s had been farmers all their lives, the agricultural furlough was a happy and highly successful solution. To the objector, honest work that he felt free to do came as a welcome relief from the humdrum camp life; to the nation were restored valuable services. Some objectors were placed on small farms; others were furloughed in groups to harvest crops in danger of loss from a local labor shortage, to carry on large-scale farming operations in the West, and to

\footnotesize{Kellogg, Con. Obj.\textsuperscript{70,} 75; War Department, Statement, 10-24.}

\footnotesize{Ibid.\textsuperscript{71}, 11; see also Brown, ed., Character "Bad", 212-213.}
undertake land reclamation. The employer paid the prevailing rate of wages for such work, ranging from $40 to $60 a month, but of that sum only $30, a private's pay, went to the C. O. The surplus, according to government regulations, was paid to the Red Cross. Railroad fare had to be paid by either the farmer or the objector, although there were occasions when the objector's Church bore the expense.

In some communities the furloughing of conscientious objectors caused trouble. Farmers who employed such men might be boycotted or receive threats of violence. In Fulton County, Ohio, where intolerance was at its worst, murder and incendiarism were threatened if the C. O.'s were not sent back to camp. As soon as Captain R. J. Hough of Camp Sherman, who had been extremely successful in handling C. O.'s and who had charge of the men, heard of the threats, he went to Fulton County, warned the people that these men were in the service of the United States, and that they were going to stay there even if it was necessary to defend them with troops. Against such prompt and decisive action the mob spirit soon died away.

The creation of the board of inquiry and the provision

---

72 War Department, Statement, 46, 49-50, 51; Hartzler, Mennonites in the World War, 105-108; Meyer, Yellowbacks, 123-124; Thomas, The C. O. in America, 116-118; The Friend, XCII (1918), 58; Kellogg, Con. Obj'r., 76-80; see also Min. of Western (Conservative) Yearly Mtg., 1918, p. 8.

Plans had already been approved to send furloughed men over-seas for farm work when the Armistice was signed. — Kellogg, Con. Obj'r., 113; War Department, Statement, 50.
for alternative service outside the army completed the
government's policy toward conscientious objectors. Though
tardily conceived, the policy was workable, and to the
great majority of objectors fair. But to the several
hundred objectors sentenced to imprisonment for terms
averaging over sixteen years, many of them guilty of
refusing to plant flower seeds or rake the parade ground,
the policy seemed to have elements of unfairness.
CHAPTER VII

IN THE ARMY

The treatment of conscientious objectors in camp did not follow one drab pattern. The objector himself, the particular officer in charge, and the camp were all factors influencing the situation. In some camps religious sectarians were better treated than those for whom the law had made no provision; in other camps all types of C. O.'s were treated similarly. An imperfect command of English or idiosyncrasies of person, dress, or manner ordinarily invited hazing, which might range from mere bullying to downright brutality. C. O.'s found conditions best probably at Camps Upton, Sherman, and Custer, partly because of the officers, and at least at Camp Upton because the segregated objectors refused from the first to do any work under military orders. Thus was eliminated endless discussion. Camp Grant was the worst of the large cantonments, according to one frequent visitor of the camps. In it both the spirit and the letter of War Department orders were violated, with Chaplain John Timothy Stone and the Y. M. C. A. secretaries giving the military their full support.

The first days in camp were generally an objector's worst.  

1Thomas, The C. O. in America, 128-130; Abrams, Preachers Present Arme, 139.
It was the intention of all officers to get as many men as possible to accept some form of service, combatant or non-combatant, and with this end in view pressure of all sorts was brought to bear upon the objector. Especially difficult were the days before he was segregated with other objectors. During that time he might be subject to kindly persuasion, insults and threatenings of every description, mock trials with real punishments, alternate hot and cold baths continued until the person was numbed, or even flattery. Every manner of name was spit at him. As one Mennonite passed by tents he heard called to him: "Shoot him", "Hang him", "Give us a sermon", "Come in and pray for us", "He's yellow".

Another, who had refused to wear the uniform, had all his clothes stolen at night, and the next day was ridden about camp in a wheelbarrow wearing nothing but his underwear.

Still others were thrown into garbage wagons and forced to carry heavy burdens up and down hill. Every means of gaining submission was tried; yet there were many who suffered no ill-treatment whatever.

—Hartzler, Mennonites in the World War, 94-132; Meyer, Yellowbacks, 31-57; The Friend, XCI (1917), 176, 291, 298, 322, (1918), 356-357; Jones, A Service of Love in War Time, 96; Civil Liberties Bureau, Facts, 19.

An example of popular feeling toward conscientious objectors is shown in this ingenious description from the Camp Sherman Base Hospital Journal, January 25, 1919:

"When the Creator had made all good things, it seemed there was still some dirty work to do, so He made the beast and the reptiles, and the poisonous insects; and when He had finished He still had some old scraps left over that were too bad to be put into the Rattlesnake, the Hyena, the Scorpion, and the Skunk, so he put all these together, covered it with suspicion, wrapped it with jealousy, marked it with a yellow streak, and called it a Conscientious
Many conscientious objectors were persuaded to take up some form of noncombatant service during those first days, only to realize soon that they were inevitably being sucked more and more into the military machine. To regain their status as a C. O. was then frequently a difficult matter. It was the uniform opinion of sympathetic observers that the man who from the beginning refused to perform any service, except to care for his own immediate quarters, fared best on the whole. To both officers and men his stand appeared consistent, and there was no endless discussion as to exactly how far he would go. The line was clear. On the other hand the objector who put on the uniform and performed service under military orders frequently lost the respect of the very officers who had persuaded him to give in.

Such conscientious objectors as stood firm against wearing the uniform and performing any service were segregated after varying lengths of time, segregation occurring more quickly toward the end of the war. Camp commanders interpreted segregation in various ways, and conditions within

Objector.

"This product was so fearful to contemplate that He had to make something to counteract it, so He took a sunbeam, put it into the heart of a child, the brain of a man, wrapped it in civic pride, covered it with brotherly love, made it a believer in equality and justice, a worker for and supporter of every good thing in the community, and called it an American Soldier. And ever since mortal man has had the privilege of choosing his associates. Let us all remember this in civil life". —Quoted from Abrams, Preachers Present Arms, 139 n.

the same camp might vary greatly from time to time. At Camp 
Meade C. O.'s were for a time placed in the Negro section 
of the camp and guarded by Negroes with bared bayonets, the 
intention evidently being to humiliate them. One of the 
worst situations was at Camp Taylor, where the objectors, 
almost entirely Mennonites, were forced to use the same 
mess-hall and latrine as the soldiers who had been segre-
gated because of venereal disease. The knowledge of their 
peril weighed on the C. O.'s like a nightmare. 

Ordinarily segregation was an improvement, as independent 
of camp life as possible. The men did their own laundry, 
kept their quarters clean, and cooked the daily rations of 
raw food provided them. In this way their obligation to the 
government was reduced to a minimum, and although a good 
deal of extra "roughing it" was required they were provided 
with much desired occupation.

In some camps discipline was strict and the C. O.'s 
heavily guarded at all times; in others they were permitted 
to take hikes twice a day far beyond the limits of camp with

---

4. The Friend, XCI (1918), 453, 608, XCII (1918), 141, 235-
236; Meyer, Yellowbacks, 68, 71.

5. Jones, A Service of Love in War Time, 98.

Most objectors were anxious to be of service in work they 
could conscientiously perform. During the influenza epidemic 
several groups asked the Civil Liberties Bureau to persuade 
the War Department to allow them to nurse, but red tape 
prevented any action from being taken by the Department.

While conscientious objectors were awaiting farm fur-
loughs at Fort Lewis, Washington, volunteers were called for 
to fight dangerous forest fires in the Cascade Mountains. 
Thirty objectors answered and spent the next six weeks in 
that work. —Thomas, The C. O. in America, 140-141.
no guards. Visitors were usually permitted, and when minis-
ters called religious services were frequently held in the
barracks. Yet the life was a humdrum affair to a large ex-
tent. Time was spent reading (occasionally only the Bible
was permitted), writing, doing voluntary work at the Y. M.
C. A. library which was under civilian auspices — the
American Library Association, cleaning up quarters, and in
discussion — endless discussion. One tent at Fort Riley
was placarded: "Wranglers; specialists in demands, counter-
demands and arguments. Open all night." But for an argu-
mentative mood the C. O.'s could hardly be blamed; they were
constantly being forced to defend their stand against
officers, privates, Y. M. C. A. secretaries and chaplains
anxious to convince them of the righteousness of war.

In discussions with officers the Negro's humor and per-
sistence was striking. At Camp Upton a number of psychia-
trists were trying to combat a devoutly religious Negro's
conviction against war, when Major Rossanoff asked, "Collier,
were you ever tempted by the devil"? "Yees sah", Collier
replied, "just like yoh all is temptin' me now".

Not infrequently the conscientious objectors were very
well treated by both men and officers. When Ernest Meyer
first arrived at Camp Taylor, orders were given that he was

6 Extracts from the Min. of the Phila. (Orthodox) Yearly
Mtg., 1918, pp. 95-96; Hartzler, Mennonites in the World War,
168-170; The Friend, XCII (1917), 236, 298, (1918), 381;
XCII (1918), 56, 92; Thomas, The C. O. in America, 130, 132;
Jones, A Service of Love in War Time, 102-103. See also
Meyer, Yellowbeaks, 86-87.

7 Thomas, The C. O. in America, 133.
to speak to no one, and no one was to speak to him. Such social ostracism could not be maintained, however. The men were soon whispering to him, mailing his letters at the Y. M. C. A. hut so as to escape the censor, and bringing him gum, ice-cream cones, and other trifles that he could not go out to buy. Even the sergeant that had given him a terrible bullying on his arrival in camp later expressed admiration for his firm stand.

Harold Gray wrote from Camp Custer: "The past week has also been fruitful in a deepening friendship with some of the soldiers. When I first came most of them treated me coolly, but that attitude is now beginning to change to one of friendliness and even confidence. I never realized how closely some of them were watching my life until lately when some of them have opened up". Another objector wrote that his sentries "were often apologetic about their support of the war", and that many of them became his best friends. Various C. O.'s have testified that guards both at camp and in prison were frequently changed to prevent their becoming too sympathetic with the views of conscientious objectors.

Government authorities, competent observers, the objectors themselves, and the chairman of the board of inquiry agree that those officers who handled the objectors in a sympa-

8Meyer, Yellowbacks, 53, 57.
9Brown, ed., Character "Bad", 114.
10Thomas, The C. O. in America, 133-134. See also The Friend, XCI (1917), 198.
thetic, kindly spirit were the ones most successful in in-
ducing them to take up some form on noncombatant service.
"A man has got to know his ground pretty well", commented
one of the C. O.'s, "to be able to resist kindness". Con-
versely where the insincerity of all conscientious objec-
tors was assumed, or where they were treated in a hostile
and arbitrary manner, difficulties resulted. The objectors
would take an intractable stand, perhaps even to the ex-
treme of a hunger strike. Otherwise, Major Kellogg has
testified, they "seemed desirous of avoiding any action
which would embarrass the camp authorities".

The average conscientious objector met with some rough,
but scarcely cruel, treatment. Yet cases of actual brutal-
ity did occur, and not so infrequently that they can be
ignored. Several concrete illustrations will be given, be-
cause it means little to read that men were forcibly clad in
uniform, stabbed with bayonets, jerked about with ropes
around their necks, and tortured with various forms of the
"water cure", or that others had their ear-drums punctured
as a result of savage beatings. At least two men were
plunged into the filthy of latrines, one of them head down-
der. Several had their eyes gouged.

11 War Department, Statement, 6; Brown, ed., Character "Bad",
105; Civil Liberties Bureau, Facts, 17; Jones, A Service of
Love in War Time, 124; Hartzler, Mennonites in the World War,
97, 103; Kellogg, Con. Objr., 82-88; The Friend, XCI (1918),
441.

12 The Friend, XCI (1918), 416, 441; Thomas, The C. O. in
America, 144; Meyer, Yellowbeaks, 59-60; Hartzler, Mennon-
ites in the World War, 123-124, 130; Civil Liberties Bureau,
Facts, 20.
One Friend, for refusing to don a uniform, was given a cruel beating by a corporal who also gouged his thumbs in the Quaker's eyes. For a time it appeared that his eyes were permanently injured, but after several weeks the sight began to return to normal. He then wrote to a friend: "I have been stripped and scrubbed with a broom, put under a faucet with my mouth held open, had a rope around my neck and pulled up choking tight for a bit, been fisted, slapped, kicked, carried a bag of sand and dirt until I could hardly hold it and go".  

A bearded Mennonite youth also learned what it meant to refuse the uniform. Though it was 98 degrees in the shade he was forced to stand in the withering heat of the sun against a barracks' wall with his bare head and heels touching the hot planks. "His blue eyes", wrote one spectator, "were bloodshot from the glare... His cheeks and forehead, where sweat had dripped, were streaked, showing red, scorched skin in the furrows under the grime". As was no doubt expected, he finally "keeled over, flat on his face" and had to be carried away.  

For refusing to obey commands that were given contrary to War Department orders, C. O.'s sometimes found themselves, along with the worst men in camp, in the guardhouse, where alternate diets, two weeks on bread and water and two weeks

---

on regular meals, were occasionally the fare. An objector in the Camp Pike guardhouse was put in heavy iron ankle shackles connected by a sixteen inch chain. He was then compelled to carry stones of from five to over one hundred pounds weight to a place on the other side of a creek bed about fifty yards distant. A Mennonite gave this description of his first days at Camp McArthur:

[For refusing to accept service of any kind] I was then taken to the stockade. The prisoners held a mock trial and sentenced me to "twenty-five tosses in the blanket and one hundred lashes with a leather strap." They immediately gave me the tosses and thirty-five lashes. They stopped to rest, gagged me, and proceeded to give me the remaining sixty-five lashes — this time using the buckle end on me. The same evening they held another trial, and this time sentenced me to five hundred lashes to be given the next evening.

While carrying out this sentence they would stop occasionally and ask me whether I would work now. Receiving a negative answer each time, they began again until the whole sentence was carried out.

At a later date when he again refused to accept any form of service he was placed in solitary confinement for twelve days on a bread and water diet.

The longest period of brutality, and some of the worst, occurred at Camp Funston under the command of Major-General Leonard Wood, who also had the supervision of Fort Riley, an adjacent post. Three political objectors at the latter post were strung up by the neck until they turned purple.

16Ibid., 128-129.

Despite the rough treatment to which they were frequently subject, only one objector tried to desert. —War Department, Statement, 9.
and were on the point of collapse. They were then lowered, the rope tied around their arms, and again they were hoisted off their feet. The guards next brought in a hose, and holding it about six inches away played a stream of cold water on their faces until they became unconscious; whereupon they were carried downstairs and dumped in a basement cell for their comrades to nurse back to life.

These men and other political objectors were later transferred to Camp Funston, where followed between September 5 and October 21 a period of continuous persecution. The men, who kept a group diary of their treatment, were time and again given cold showers to the point of collapse. Sometimes, as a War Department report shows, four cold showers were forced upon them in one day, they being pulled out of bed at midnight to be given one. When one man refused to scrub another with the brush used for cleaning toilet seats, as ordered, he was administered a severe beating, and then placed under the shower until he collapsed. When he regained consciousness he was hysterical. For six weeks the men met with variations of such treatment, during which time they were held incommunicado.

This persecution seems to have been due largely to the attitude of General Wood and the War Department's fear of moving against him. At the very time these events were occurring he condoned the treatment conscientious objectors were receiving, and said that objectors who would not accept noncombatant service were "frauds". On its side the War
Department was slow in investigating the situation, and even after most of the objectors' charges had been officially confirmed, no vigorous action was taken by Secretary Baker to enforce his orders. Although the investigator from the Inspector General's Department recommended that Major Taussig, Captain White, and three regular army officers be summarily dismissed, Secretary Baker, instead of following the recommendation so as to leave a stain on their names, censured the first two for neglect of duty and granted them honorable discharge after friends had interceded. The three regular army officers seem to have escaped all punishment.

Instances of cruelty usually occurred at the hands of non-commissioned or subordinate officers. This might be expected inasmuch as they were the ones in closest contact with the objector's obstinacy, and directly responsible for enforcing discipline. In fairness to them it should be mentioned that there was probably no more irksome assignment for a man whose blood was pounding with the desire to fight "the Hun" than to be placed in charge of a group of C. O.'s.

"At most camps", wrote one well acquainted with the situation, "there was a curious and irrational oscillation between stern treatment and even brutality and great

---


Ernest Gellert at Fort Hancock, New Jersey, after undergoing varied experiences committed suicide in the hope that he might call public attention to the treatment of conscientious objectors so as to ease their lot. — Civil Liberties Bureau, Facts, 20; Thomas, The C. O. in America, 145-146.
leniency". The intermittent intervention of the War Department was partly responsible for this, and back of the Department urging it to act in behalf of the objectors were a few organizations that had not been swept along by the war frenzy. Most important of these was the National Civil Liberties Bureau, which worked continuously to alleviate the condition of C. O.'s and maintain a semblance of freedom of thought and action during the war that was to make the world safe for democracy. The League for Democratic Control, the American Friends Service Committee, the New York Bureau of Legal Advice, the Fellowship of Reconciliation, and a few others were also interested in the objectors. The Christian churches, with the exception of the pacifist sects and certain individuals, very decidedly were not.

Secretary Baker and Assistant Secretary Kappel were opposed to the brutalities in camp, and at the beginning of the war promptly attended to abuses to which their attention was called. Later when they had been subjected to criticism for their attempts at a liberal policy and when the absolutists refused to accept alternative service, they grew more and more impatient. Unlike Secretary Stanton in the Civil War, they felt that if the conscientious objectors could not meet them half way, it would be the worse for the objectors. During the last half of 1918, after the Civil Liberties Bureau had fallen under the suspicion of the De-
partment of Justice, relations with that organization were almost cut off.

The creation of the board of inquiry in the late spring of 1918 was a decided step in the right direction, but even after it had undertaken its work of examination one of the worst failures of the War Department occurred — a failure unrelieved by any signs of intelligent administration. This took place at Fort Riley about the same time the brutality was occurring at Camp Funston.

Some one hundred and twenty conscientious objectors, many of them absolutists, who had been reexamined by the board at Fort Leavenworth, were suddenly transferred to Fort Riley, Kansas. Apparently this was done so that they might help harvest a large hay crop and do other work there. At the same camp, despite an elaborate system of classification of C. O.'s that had been worked out, were gathered other religious and political objectors of all kinds — some were awaiting farm furloughs, some were anxious to join the Friends' Reconstruction Unit, some had never been examined by the board, others were absolutists. The result was that there was no agreement among the objectors as to the work they would do. One group refused to do any work under military orders. Others would work upon certain conditions.

---

19 Abrams, Preachers Present Arms, 139-140, 149-150, 185; The Friend, XCII (1916), 247; Civil Liberties Bureau, Facts, 20; War Department, Statement, 10; Thomas, The C. O. in America, 110, 275.

20 War Department, Statement, 45.
Fifty-six of them finally refused to do any kitchen police, because a number of non-commissioned officers were eating the food they prepared. For this refusal they were marched onto a burning hot Kansas field, given tents, and told that every day each man could return to camp individually for his raw, uncooked rations, which he might prepare himself. There was no stove, no sanitary provisions, and at a distance one spigot that had a feeble flow of water. Conditions went from bad to worse as the days passed.

Four absolutists, Thomas, Gray, Moore and Lunde, decided to bring matters to a head by a hunger strike. "I am here against my will", wrote Gray, "and I do not intend to help the government keep me here against my will". To Secretary Baker they telegraphed:

We are ready and eager to work for society as private citizens, nor do we desire to engage in propaganda work against the state, but only to live useful, constructive lives in society.

... we understand that the government is not prepared to exempt conscientious objectors from compulsory service. We have therefore determined to refuse to eat as long as we are kept from following the pursuits we feel called upon to follow in life.

Even some of the military did not especially blame the boys for trying to force the issue. After thirteen days the strike was called off, when they were forcibly fed and assured by the War Department that not only would conditions in the tent colony be improved, but their segregation would be ended and the absolutists court-martialed. Moreover, as Evan Thomas was charged with defiance of the government for refusing to eat, the others feared it might look as if
they were striking for the right to commit suicide if they continued.

Major Kellogg soon visited the Fort and laid down the rule under which most of the conscientious objectors were ultimately court-martialed. The War Department's order of July 30 requiring objectors to keep their "surroundings" clean was meant, he said, to include the entire military reservation upon which the C. O.'s were quartered. Such a construction seems to have been utterly foreign to the spirit of the rest of the order, and it is highly probable, if not certain, that the War Department never envisaged such a construction when the order was written. Nevertheless his interpretation stood.

In a final effort to get the absolutists to accept either noncombatant service or a farm furlough, the commandant of Fort Riley, according to the objectors, reasoned with them as follows: "The trouble with you fellows is that you think too much. That's a mistake. Let the President do your thinking for you, that's what he's President for. Now I will give you men twenty-four hours to think it over and will return tomorrow for your final reply".

All the men were not absolutists; some had originally been quite willing to accept farm furlough or even certain types of noncombatant service. But under Major Kellogg's definition of "surroundings" the objectors were ordered, a few at a time, to perform work more and more outside the immediate limits of their quarters. In time this persistent
policy forced every one of the objectors into the position of a disobedient soldier. The criminals were then court-martialed, and under heavy sentences sent to the Fort Leavenworth Military Prison, euphemistically called the Disciplinary Barracks.

For 450 conscientious objectors a court-martial was the gateway to prison. Of the 504 objectors who were tried, only one was acquitted. In fifty-three other cases, however, sentences were disapproved. Many objectors had been court-martialed, contrary to both the spirit and the letter of War Department orders, before the appointment of the board of inquiry. It was in some of the more extreme of such cases that decisions were set aside, so that one man who had been sentenced to death was later paroled for farm work.

Objectors who were sentenced in accordance with War Department policy included (1) the absolutists; (2) those whom the board of inquiry had adjudged sincere in their opposition to combatant service only, and so had been ordered to accept noncombatant service, which they had refused; (3) men opposed only to the World War, of whom there were sixty-three; and (4) a few who might originally have

---

22 War Department, Statement, 53; Civil Liberties Bureau, Facts, 18; Thomas, The C. O. in America, 166.
accepted some service, but who were led to disobey an order 23
during the fiasco at Fort Riley.

A study of the sentences inflicted upon these men by
courts-martial can only lead to the conclusion that the
aim of the courts was not to do justice but to enforce
discipline. The court-martial, composed entirely of offi-
cers, was the strong right arm of the camp commander, not a
blindfolded and even-handed Astraea. For profiteering, "a
crime against conscience and patriotism alike", an army
captain was sentenced for two years; for refusing to cut
down a sunflower that stood ten feet outside the district in
which the objectors at Fort Riley were segregated, twelve
Mennonites were sentenced to twenty-five years each.

Unfortunately the C. O.'s were not tried for conscientious
25
objection, but for disobeying a specific order. Yet, that
the court remembered why the order had been disobeyed is
evident from the sentences just mentioned. The refusal to
cut down a sunflower was hardly deserving of a twenty-five
year sentence. Nor, so long as conscientious objection was
recognized by the law, was the carrying out of that objection
to its logical implications deserving of such a sentence.

This fact the government conceded when it released the

23 Ibid., 167; War Department, Statement, 11.
24 Thomas, The C. O. in America, 168, 179.
25 Sentences were inflicted for refusing to wear the uniform
or to be inoculated, for refusing to rake grass seed or to
accept noncombatant service, for refusing to eat, and for
many other reasons. Between the offense and the sentence
there seemed to be little relation.
objectors from prison many years before the expiration of their sentences.

The accused was supposed to have the choice of his own counsel, but conscientious objectors were actually permitted only to accept or decline the one counsel offered. As such counsel was usually assigned only two or three days before the trial, and inasmuch as the objectors felt no military mind could possibly present their case in the correct light, most of them declined even his aid. Several conducted their own trials; numerous others read only a prepared statement of their position before the court.

The trial itself was not of such a nature as to instill confidence in the objector that he was being fairly tried. The officers comprising the court often divided their attention between a newspaper and the remarks of their colleagues. Perhaps the most revealing of all words in the stenographic records of the trials were those with which one objector, who had tried vainly to attract his judges' attention, broke off his statement: "Aw, shucks, what's the use!"

Not uncommonly unfair arguments and questionable evidence were introduced, and even perjured witnesses were used in some trials as the following letter, written by a religious objector, shows:

---

26 Ibid., 170-174; Brown, ed., Character "Bad", 175-189; Hartzler, Mennonites in the World War, 112-113. For the statement of a Mennonite before the court, see ibid., 120-121.
Two of the sergeants, witnesses to our refusal to do military work, were sent away to other camps before our trials, but they detailed others for the purpose of giving fabricated testimony against us. Some of the boys, without the help of an attorney, cross-examined certain of these witnesses and discredited them so badly that they were withdrawn and other witnesses substituted. In one case it was conclusively proved that a witness claiming to be at the guardhouse at a certain time, was really at that time at the tent colony, half a mile away. . .

Robert Fox, a farmer boy, conducting his own defense, by cross-examination made Lieutenant Carter admit in open court that a certain statement in Lieutenant Carter's direct evidence was untrue, and Lieutenant Carter's admission stands in the typewritten report of the trial; but evidently the reviewing authority at Washington regarded the trial as regular and legal, for Fox stood chained up in solitary in the same row with me. 27

The attitude of the officers toward the conscientious objectors is reflected by the drastic sentences imposed by these courts-martial. Seventeen objectors were sentenced to be shot; 142 were sentenced for life, and in the remaining 345 cases the sentences averaged more than 16½ years. After these sentences had been reviewed and reduced slightly by reviewing authorities and the Judge Advocate General's Office they were executed as follows:

<table>
<thead>
<tr>
<th>Sentence</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 years</td>
<td>166</td>
</tr>
<tr>
<td>10 years</td>
<td>94</td>
</tr>
<tr>
<td>15 years</td>
<td>65</td>
</tr>
<tr>
<td>20 years</td>
<td>49</td>
</tr>
<tr>
<td>5 years</td>
<td>32</td>
</tr>
<tr>
<td>20 years</td>
<td>18</td>
</tr>
<tr>
<td>3 years</td>
<td>8</td>
</tr>
<tr>
<td>1 year</td>
<td>4</td>
</tr>
<tr>
<td>Less than 1 year</td>
<td>2</td>
</tr>
<tr>
<td>2 years</td>
<td>2</td>
</tr>
<tr>
<td>50 years</td>
<td>2</td>
</tr>
<tr>
<td>35 years</td>
<td>1</td>
</tr>
<tr>
<td>8 years</td>
<td>1</td>
</tr>
<tr>
<td>11 years</td>
<td>1</td>
</tr>
<tr>
<td>12 years</td>
<td>1</td>
</tr>
<tr>
<td>13 years</td>
<td>1</td>
</tr>
<tr>
<td>18 years</td>
<td>1</td>
</tr>
<tr>
<td>28 years</td>
<td>1</td>
</tr>
</tbody>
</table>

Sentence disapproved and accused released 53
Sentence suspended 29

503

27 Quoted from Thomas, The C. O. in America, 175-176.
28 War Department, Statement, 8-9.
29 Ibid., 54
Of the 450 objectors, chiefly absolutists, whose sentences were allowed to stand, a very large majority were religious objectors. Of Mennonites alone there were 138 who were court-martialed.

After sentence had been imposed the conscientious objector was sent to the Fort Leavenworth Military Prison, where he received the same treatment as the regular criminals, even to having a questionnaire sent his nearest relative asking, "How often has the prisoner been arrested and for what?", "Is he accustomed to getting drunk?", and similar questions.

As prisons go, Fort Leavenworth was probably little better or worse than the average. The men were ruled by the old iron-hand conception of discipline. Orderlies were frequently unprincipled prisoners who had curried favor with the officers. Infractions of discipline were punished by confinement in the "hole", the sub-basement solitary cells. For decent men, deeply religious men, one of the worst features of the prison was the moral filth in which they were contionously bathed. Sexual perverts, dope fiends,

30 Thomas, The C. Q. in America, 48; National Civil Liberties Bureau, Political Prisoners in Federal Military Prisons, 9. Hereafter this last work will be cited as Civil Liberties Bureau, Political Prisoners.

31 A few objectors had at first been sent to the military prisons at Fort Jay, Governors Island, New York, and Alcatraz Island, California. As a result of bitter complaints concerning the conditions there, however, they were transferred to Fort Leavenworth, and on September 21, 1918, the War Department ordered that thereafter all conscientious objectors convicted by court-martial should be sent to the latter prison. — Hartzler, Mennonites in the World War, 135; Thomas, The C. Q. in America, 187; War Department, Statement, 46-47.

32 Hartzler, Mennonites in the World War, 137; Civil Liberties Bureau, Political Prisoners, 12.
criminals of all types, and unworldly Mennonites were
crowded together. "Their filthy language and dirty stories
from the lowest underworld", wrote one Mennonite, "are
eough to drive a man crazy. One cannot read or think be-
cause of the constant stream of filth". Another objector
felt that the comments made on every side during the weekly
movie were so vulgar that it was often a relief to have the
show end.

One pregnant problem confronted every conscientious
objector when he entered the military prison. He had been
court-martialed and sentenced to hard labor for refusing to
work in camp. Could he conscientiously work now that he was
in prison? Most objectors decided in the affirmative; for
several reasons. Although they were still under military
control, they were no longer in the army. Moreover the work
was not of a military nature, and its products did not

33 Ibid., 3; Hartzler, Mennonites in the World War, 128;
Thomas, The C. O. in America, 188; Brown, ed., Character
"Bad", 200.

Bedbugs were not the least of the evils at Fort Leaven-
worth. Harold Gray in one of his letters gave this descrip-
tion of the exquisite discomfort they might afford: "It was
not long after lights went out before the bedbugs got busy.
It is the vermin, not the guards or bars, which make a
prison such a nightmare. To doze off after an exasperating
struggle only to be awakened a few minutes later to tear
madly at a foot or arm which has just been bitten and feel
as if all the blood in your body is being pumped into it at
high pressure, is a nightly experience of practically every
prisoner in hot weather. Many, many times that night I
got up and walked the floor, tired as I was". —Ibid., 238.

At another time he wrote: "I often lie awake and wage
war on my bedfellows when I should much prefer to be asleep.
If God made bedbugs, I wonder why He had to make so many?"
—Ibid., 214.
support the war more than those of any other farm, especially so since the objectors understood that the prison was not self-supporting.

Those that decided they could work were treated, as several said, "as well as a prisoner could expect". Together with all prisoners they were first put in lock-cells in the basement but if they proved to be safe with other prisoners they were soon transferred to a wing of the prison where the cells were open, thus allowing the prisoners to commingle. This situation the objectors did not always find especially desirable, because of the type of men with which they were thrown in contact. Good behavior was sometimes rewarded with a "star parole" which entitled the prisoner to work away from the prison on the dairy, poultry, or hog farm. In time many objectors received such parole and were assigned one certain task for which they were held responsible. Regular reports were required, but inasmuch as their work was so far from the prison, they were frequently able to get back only once a week.

Truly barbarous treatment was reserved for the objectors who felt that under no conditions could they work so long

---

34Hartzler, Mennonites in the World War, 142; Brown, ed., Character "Bad", 196.
35Kellogg, Con. Objr., 103-104; Smith, The Mennonites, 294; Hartzler, Mennonites in the World War, 137-138. A Mennonite wrote that many of the other prisoners had the "most loathsome and contagious diseases". —Ibid., 138.
36Ibid., 137, 143-144; Brown, ed., Character "Bad", 219-232. See also Ibid., 203, 204, 210.
as they were under military control. In October, 1918, a group of Russian Molokans were sent to Leavenworth. According to Major Kellogg "they appeared to be... of more than average intelligence", and "very probably were good fathers and model husbands whose good citizenship could hardly be questioned" before the war. As they had refused to register, they had been arrested and had already spent nearly a year in civil prison. There they had done the work that was demanded. But, as their religion forbade working under military orders, they refused to do so at Fort Leavenworth.

They were immediately placed in solitary, together with an orthodox Jew, in the sub-basement, where prisoners were forbidden to read, write, or talk, were on a bread and water diet every alternate two weeks, and where for nine painful hours each day they were manacled in a standing position to the bars of their cells. At night they slept on the cold cement floor between foul blankets with vermin as their only companions. As the Molokans were strict vegetarians, on religious principle, they could not even eat the prison bread, but after two of them had been sent to the hospital as veritable ghosts, the others accepted a diet of corn flakes and milk, which became their chief sustenance for more than eight months. On one occasion they suffered such a beastly beating that even the prison authorities were shocked, and suspended the corporal who administered

\[37\] Kellogg, Con. Objr., 48.
it. In Russia the Molokans had also suffered imprisonment for refusing to serve under the military, yet they swore that their treatment there was mild in comparison with that at Leavenworth.

Gradually, in the mysterious way in which news travels in a prison, the other conscientious objectors learned the fate of the Molokans and the others that had joined them on similar grounds. Led by Evan Thomas, who was subsequently confined in solitary continuously for nearly two months, a group of C. O.'s that had been working went on strike out of sympathy for those in solitary and in the hope that the attention of the outside world might be gained. By that time the solitary cells were becoming crowded.

Some of the prisoners who remained at work smuggled mail outside, so that friends might know what was happening. By December 6, 1918, although the press remained silent and

---

38 The Friend, XCII (1918), 267-288; Thomas, The C. O. in America, 50, 53-54, 189-190; Kellogg, Con Objr., 43-48; Civil Liberties Bureau, Political Prisoners, 9-13.


During this period Howard Moore, one of the objectors in the "hole", received $500 and the medal of the Carnegie Hero Fund Commission for bravery shown in rescuing a woman off Bell Island, Connecticut. —Ibid., 194; Civil Liberties Bureau, Political Prisoners, 15.

40 Clark Getts was found to be one who had smuggled news outside, so he was placed in solitary. The prison psychiatrist, finding him fairly cheerful and even rather jocose after two weeks, decided he must be crazy and placed him in an "observation ward", which was really the place in which the worst types of sexual degenerates were kept. "Here Getts was kept for two weeks under conditions too revolting to describe", and only more news smuggled outside finally secured his release. —Thomas, The C. O. in America, 194-195.
the public was largely apathetic, sufficient interest had been aroused to compel the War Department to abolish one of the worst features of solitary — mansoling. Because of the admissions it makes, the following news release by the War Department is worth quoting:

The Secretary of War authorizes the following statement: Disciplinary regulations in force in military prisons have been modified by the War Department Order. Fastening of prisoners to the bars of cells will no more be used as a mode of punishment. This and milder devices have been effective in the past in breaking the willful or stubborn opposition of prisoners of the usual military type, who would not submit to the work requirements of disciplinary barracks. Instead of being allowed to lie in bunks while others worked, they have been compelled to choose between working or standing in discomfort during working hours. Practically, under usual conditions, this has been more a threat than an actuality, and as such it has been effective. But during recent months, with the influx of political prisoners to disciplinary barracks, particularly at Fort Leavenworth, extremity of attitude on the part of this new type of prisoner has at times led to extremity of discipline, as provided by military regulations. These clearly were not formulated with the political type of prisoner in mind, and their effectiveness as deterrents has been questionable. Men have returned for repeated experiences of the severest forms of discipline. The most extreme of these is now discarded and the order is comprehensive. It applies not merely to political prisoners, but to those of every type. 41

Confinement in solitary continued a while longer, but about Christmas time the prison commandant agreed to release the objectors. They were then placed in a special stockade, and prison work under military orders was not required of

41 Quoted from ibid., 195-196.

The admissions in this news release of December 6 are all the more interesting because of a visit Secretary Baker paid Leavenworth in November. He was quoted in the New York World at that time as saying that he had seen "nothing but evidences of the most wholesome and sane discipline". —Abrams, Preachers Present Arms, 150.
them. The government's will-breaking policy had failed.

After the Armistice conscientious objectors furloughed for farm work and those not yet assigned to any work were among the first to be demobilized. With a few exceptions their discharges were on blue paper, signifying that they were neither honorable nor dishonorable, and bore the remark: "This is a conscientious objector who has done no military duty whatsoever and who refused to wear the uniform". At the bottom as "the beautiful farce of the Army's final gesture", to use the words of one objector, was the statement: "Not recommended for reenlistment". The objectors that had accepted noncombatant service were honorably discharged with their regiments, and were even granted the 43 Victory Medal and Button.

The War Department realized that conscientious objectors had not received uniform treatment at the various camps, and that many had been court-martialed unfairly. To advise the Department how it might remedy this situation somewhat, it asked Judge Mack and Dean Stone to interview the objectors

42 Thomas, The C. O. in America, 197.
Conditions in the solitary cells at Fort Jay and Alcatraz, in which several C. O.'s had been temporarily confined, were even worse than those at Leavenworth. See Hartzler, Mennonites in the World War, 146-147, and Civil Liberties Bureau, Political Prisoners, 3-8.

43 War Department, Statement, 33, 51-52, 54; Thomas, The C. O. in America, 119; Hartzler, Mennonites in the World War, 110; Meyer, Yellowbacks, 190. The Friends' Service Committee worked out an arrangement with the War Department whereby the men with its Reconstruction Unit would not have to return to America to be discharged. —Jones, A Service of Love in War Time, 122-123.
at Leavenworth and study their court-martial records. This the two men did, and in January they recommended clemency for 113 conscientious objectors who had never had an opportunity to accept furloughs for alternative service free of military control. Accordingly the 113 objectors were released January 27, 1919, after miserable months of unwarrantable imprisonment, and were given the blue discharge. By a misinterpretation of orders they were also given back pay, which they had to accept to be released. For this error both the War Department and the objectors were vehemently denounced.

The objectors who had been furloughed from camp had been compelled to sign the army pay roll, too, before they were discharged. But few of these objectors or the 113 released from Leavenworth kept the money. The War Department received as refunds of pay nearly $10,000; the Red Cross and similar organizations, over $20,000; and an unknown amount was returned to the United States Treasury. Other objectors contributed their money to the American Friends' Service Committee. From the objectors in one camp alone the Friends received a draft for $2400.

After January, 1919, the sentences of the imprisoned objectors were for one reason or another rapidly set aside or reduced, but there seemed to be neither rhyme nor reason to

\[44\text{War Department, Statement, 26-32; Thomas, The C. O. in America, 201-202.}\]

\[45\text{War Department, Statement, 32; Hartzler, Mennonites in the World War, 110; The Friend, XCII (1919), 344.}\]
the process. Evan Thomas, who had led the sympathetic strike for the Molokans at Fort Leavenworth, was released by February. Harold Gray, who had worked all the time he was there, was removed to the military prison at Alcatraz Island in July and was not discharged until September. Meanwhile solitary confinement was again resorted to for men who would not work. Up to the very day the last objectors were discharged, the army officials followed a policy of petty persecution in their attempt to get those who refused to work to do so.

By June, 1919, the War Department had received appeals from various organizations and petitions bearing over 25,000 signatures asking that immediate amnesty be granted all objectors. But the Department moved slowly, and it was not until November 23, 1920, two years after the armistice, and fifteen months after the last objector in England had been freed, that the order was given for the release of the last thirty-one objectors, whose only crime was loyalty to conscience. Among the thirty-one were both religious and political objectors.

Secretary of War Baker and Assistant Secretary Keppel were more responsible than anyone else for the attitude of

Ibid., XCII (1918), 334; (1919), 560-561; Extracts from the Min. of the Phila. (Hicksite) Yearly Mtg., 1919, p. 108; Thomas, The C. Q. in America, 203-249; Brown, ed., Character "Bad", 215, 225, 235, 243, 253; War Department, Statement, 8. See also Ibid., 32.
the War Department toward conscientious objectors, although General Crowder, administering the draft act, was responsible at times for important decisions. It was their intention, according to Secretary Baker, to express "the normal expectation of American public opinion". But American public opinion after months of war, after reading reams of propaganda, after hearing half-truths on all sides, and after worshiping week upon week at the altar of hate maintained by the Christian churches, was hardly normal.

Believing himself to be a liberal, Secretary Baker appeared genuinely sympathetic with the position of the conscientious objector in the early days of the war. Then followed weeks and months of strenuous, fatiguing work; days of harsh criticism; the subtle influence of propaganda meant for the masses; the failure of some conscientious objectors to accept the provisions made for them, to cooperate in any way with the military machine; charges of furtive pacifism; and demands that every able-bodied man serve his country in any way required of him. Such influences could not help having their effect, especially upon a man, like Secretary Baker, hesitant to strike a bold course. So, toward the end of the war he became more and more impatient with the objectors. Nevertheless he was always courteous in his dealings with their representatives.

47 Letter of Newton D. Baker to the present writer, December 12, 1935.
48 Case, Non-Violent Coercion, 122-133; Jones, A Service of Love in War Time, xiii-xiv, 109-110, 123-124; Hartzler, Mennonites in the World War, 88; Smith, The Mennonites,
Superficially, and perhaps fundamentally, Baker was not as tolerant in his handling of conscientious objectors as was Secretary Stanton during the Civil War. He seems never to have challenged General Crowder's construction of the selective service act, although it is a moot question whether the term "noncombatant service" as used therein might not have been so construed as to mean alternative service under civilian control. That certainly was the way in which the sectarians interpreted it when the bill was before Congress, and it is probable that Baker could so have interpreted it had he desired. His most considerate act was the inclusion of non-sectarian objectors under the term conscientious objectors. This ruling came as the tardy recognition of an unavoidable situation, but required more torturing of the law than would have a construction defining forestry and road-building as being within the meaning of "noncombatant service". It is not improbable that in both instances General Crowder's wish was the deciding factor.

Once it had been determined that all conscientious objectors must be sent to camp, there to be molded into the military service, it became inevitable that their treatment would be harsher than in former wars, when more than one avenue of escape was provided the objector. A "sore thumb" might cause little trouble at home; in the army it would

289; Civil Liberties Bureau, Facts, 23-24; Thomas, The C. O. in America, 110; Kellogg, Con. Objr., 100.
unavoidably be bumped.

The direct administration of the conscientious objectors was the responsibility of Third Assistant Secretary of War Keppel, a man of more real tolerance and possessed of a better understanding of the problem of objection than Secretary Baker. He was exceedingly kind in his dealings with representatives of the objectors, and many a wrong called to his attention received prompt rectification. But his tolerant and enlightened views did not receive the effective support of either Secretary Baker or the military. Public opinion greatly hampered Baker and Keppel in their efforts to work out a more just and humane policy for handling the objectors. At all times the War Department's and the army's attitude toward the objectors was less bitter than that of the newspapers and their readers, who severely criticized the alleged leniency of the government. In the newspapers and so in the public mind, all objectors were slackers, traitors, and "yellow"; conscience was regarded as a mere camouflage for fear. With the exception of a few journals like The Nation, The Survey, and The New Republic, the press refused to print any statement in favor of the objectors or any news concerning the brutalities they suffered. Public opinion had to be fed on hate, not

\[49\] Ibid., Jones, A Service of Love in War Time, 51; Thomas, The C. Q. In America, 95-96, 254-255. See also War Department, Statement, 8.
sympathy.

Assistant Secretary Keppel mentioned some of the charges made against the department in the following statement:

The newspaper stories and addresses by excited people made some of the most preposterous charges; for example, that my interest in the matter of the objectors was because my wife was a Mennonite which she is not; that the department had printed an order in German for the convenience of slackers; that the whole policy was I. W. W. propaganda in disguise. The opinion was freely expressed that the announced policy of the department would breed a million slackers for the next draft. 51

Fear of public opinion caused the War Department to issue several of its most tolerant rulings as "confidential" orders, not to be released to the newspapers. The same fear caused the abandonment of a plan that was practically completed whereby objectors willing to accept alternative service under civilian control would have been turned over to a commission composed of representatives of the Friends, Mennonites, and Dunkards. When the War Department on one occasion gave the Friends certain information, it asked that it not be given to the press or be used in public meetings because the department had often been "greatly embarrassed" by the publicity which seemed inevitably to

50 Civil Liberties Bureau, Facts, 27; Abrams, Preachers Present Arms, 138; Smith, The Mennonites, 297; Case, "Conscientious Objectors". Encyclopaedia of the Social Sciences, IV, 212.
51 War Department, Statement, 9.
52 Ibid., 38, 39.
53 Jones, A Service of Love in War Time, 111-113.
follow. Fear of a semi-informed public opinion hindered informed officials in their desire to alleviate evil situations. Thus the truth of the remark made by Madison more than a century and a quarter before was realized. While supporting a constitutional amendment to respect conscientious objections to war, he had said that the greatest danger to the rights of people was "not found in either the Executive or Legislative departments of Government, but in the body of the people, operating by the majority against the minority".

There is one great organization that might have been expected to defend the conscientious objector; viz., the Church. Yet in reality, with the exception of the non-combatant sects and a few individuals, there was no section of the American people more hopelessly the victims of mob hysteria than the clergy. The Sermon on the Mount was buried beneath tons of hate. The Church hated and persecuted with the worst, and no "Hun" was more fiercely condemned than the absolutist. High church officials favored showing the objector no consideration whatever, and one minister said that he could testify from his own experience,

54 Letter of August 2, 1918, from American Friends' Service Committee; among the uncatalogued material at Haverford College Library.
which had been great, that it was easier to talk to military officials and representatives of the War Department concerning objectors than with high officials of the Christian church.

Shortly after the close of the war, one of the greatest liberal ministers in this country wrote: ". . . the churches rivalled the security leagues and national defense councils in the fell business of fostering hate, sowing bitterness, and persecuting non-conformity. There was not an atrocity against the soul of man, not a blasphemy against the holy spirit of God, of which they were not guilty". Apparently the clergy were fearful lest the conscientious objectors, disloyal and yellow cowards, should destroy their beautiful story of a "holy war".

In camp no Y. M. C. A. official ever had one word of sympathy or of encouragement for the men that were earnestly endeavoring to lead what they considered a Christian way of life. The same was true of the chaplains. One Y. M. C. A. hut put up a sign saying it conscientiously refused to conscientiously serve those who conscientiously refused to


58 Abrams, Preachers Present Arms, 135.
serve their country.

The conclusion is inescapable that the officials of the War Department and the higher army officers were more tolerant of conscientious objection than was organized Christianity.

The man who declared "we fought for the right of men everywhere to choose their way of life and obedience" might have been expected to interest himself in the lot of objectors and arouse some public understanding of their position. But unlike Abraham Lincoln, Woodrow Wilson showed no interest in their fate.

In each war only that objector whose conscientious convictions were firm was able to maintain his position. In the World War the effect of public opinion, whipped into a frenzy by propaganda, increased his difficulties. So long as it is necessary for public opinion to become an integral part of the war machine, just so long will it be folly for him to hope for better treatment. As conscience has become more an individual, and less a corporate,


60 English clergymen and liberals were far more interested in the fate of conscientious objectors than were their brothers in the United States. —Abrams, Preachers Present Arms, 140-142.

60 Letter of Newton D. Baker to the present writer, December 12, 1935.
sectarian matter, the sect has been less effective as a palladium for its members; and as there can be no acid test of the sincerity of the conscientious objector, martyrdom becomes well-nigh inevitable.

If, as is often predicted today, another world war will destroy Western civilization, the man who refuses to fight may best be serving to preserve that civilization and to maintain his country's best interests. If that prediction is false, the conscientious objector will still have maintained his own moral integrity, will still be able to keep house with himself for having followed that which he considered noblest and best. And the individual who has consistently done that, be it in the trenches or in some concentration camp, has accomplished no mean thing.
BIBLIOGRAPHY

I. Manuscript Material

1. Meeting Records of the Society of Friends

   Abstract of the Records of Warrington Monthly Meeting
   York County, Pennsylvania, 1775-1783.
   Extracts from the Minutes of Philadelphia Yearly
   Meeting, 1775-1783 (Extracts for the years 1780
   and 1781 were missing).
   Minutes of Buckingham Monthly Meeting, 1774-1777.
   Minutes of the following Meetings for Sufferings:
   Baltimore, 1778-1784; Baltimore (Hicksite),
   1861-1865; Baltimore (Orthodox), 1861-1866;
   Philadelphia, 1775-1784; Philadelphia
   (Orthodox), 1861-1866.

2. Collections in Library of the Historical Society of
   Pennsylvania

   Etting Collection: Early Quakers
   Etting Collection: Pemberton Papers
   Gilbert Cope Historical and Genealogical Collection
   Pemberton Papers
   "Some Account of Mark Miller & Thomas Redmans
   Imprisonment in Gloucester Jail in 1777" (A
   journal kept by Thomas Redman.)

3. Correspondence

   Letter: Newton D. Baker to Russell H. Seibert,
   December 12, 1935.

II. Official Publications

1. Federal

   Annals of the Congress of the United States, 1789-
   1825.
   Gales and Seaton, Washington, 1834-1856.

   Congressional Globe, 1834-1873. Blair & Rives (et al.),
   editors and publishers. Washington, 1834-1873.
Congressional Record, 1874- Government Printing Office, Washington, 1874-


The Statutes at Large of the United States. ... 1789-1873. 17 vols. Little and Brown (later Little, Brown and Company), Boston, 1845-1873.

The Statutes at Large of the United States, 1873- Volume 18 et seq. Government Printing Office, Washington, 1875-


2. Confederate


The Statutes at Large of the Provisional Government of the Confederate States of America, from the Institution of the Government, February 8, 1861, to Its Termination, February 18, 1865. Inclusive, edited by James M. Matthews. R. M.
Smith, Richmond, 1864.

3. State


Documents Relating to the Revolutionary History of the State of New Jersey. 5 vols. Different printers, Trenton, New Jersey, 1901-1917.


Hening, William Waller, ed., The Statutes at Large; Being a Collection of all the Laws of Virginia, from the First Session of the Legislature, in the Year 1619. 13 vols. Printed for the editor, Richmond and other places, 1812-1823.


Pennsylvania Archives. Selected and Arranged From
Original Documents in the Office of the Secretary
of the Commonwealth, Conformably to Acts of the
General Assembly, February 15, 1851, & March 1,
1852. First series, 10 vols. Edited by Samuel
Hazard. Joseph Sevems & Co., Philadelphia,
1852-1854.

2 vols. (1776-1780). Charles J. Hoadly, State
Librarian, Hartford, 1894-1895.

Records of the Colony of Rhode Island and Providence
Plantations in New England, edited by John
Russell Bartlett. 10 vols. Different printers,
Providence, 1856-1865.

State Papers. Documents and Records Relating to the
State of New-Hampshire During the Period of the
American Revolution. . . Vol. VIII. Compiled
and edited by Nathaniel Bouton. Edward A. Jenks,
Concord, New Hampshire, 1874.

The State Records of North Carolina Published Under
the Supervision of the Trustees of the Public
XI-XXVI collected and edited by Walter Clark; the
Different printers and places, 1895-1914.

The Statutes at Large of Pennsylvania from 1682 to
1801, compiled by James T. Mitchell and Henry
Flanders. 16 vols. Different printers and places,
1896 (?)-1911.

The Statutes at Large of South Carolina, edited by
Thomas Cooper, et al. 10 vols. A. S. Johnston,
Columbia, South Carolina, 1836-1841.

4. Religious Denominations

An Account of the Sufferings of Friends of North
Carolina Yearly Meeting, in Support of Their
Testimony Against War, from 1861 to 1865.
(Published by order of the Representatives of
North Carolina Yearly Meeting of Friends).
William K. Boyle, Baltimore, 1866.

Gilpin, Thomas, ed., Exiles in Virginia: with Observa-
tions on the Conduct of the Society of Friends
during the Revolutionary War, Comprising the
Official Papers of the Government Relating to that

Memorial to Legislature of Virginia Issued by the Religious Society of Friends, at their Half Yearly Meeting, Held at Richmond, 10th m. 5th, 1863. George W. Gray, Richmond, 1863.

Minutes of the following Yearly Meetings: Baltimore (Hickite), 1861-1865, 1917; Baltimore (Orthodox), 1917-1918; Indiana, 1861-1865, 1917-1918; Iowa (Orthodox), 1863-1865, 1917-1918; Kansas, 1917-1918; Nebraska, 1917-1919; New England (Conservative), 1917-1918; New England (Orthodox), 1861-1865, 1917-1918; New York (Hickite), 1917-1918; New York (Orthodox), 1917-1918; North Carolina (Orthodox), 1861-1865, 1917-1918; Ohio (Conservative), 1917-1918; Philadelphia (Hickite), 1861-1865, 1917-1919; Philadelphia (Orthodox), 1861-1865, 1917-1919; Western (Conservative), 1917-1918; Wilmington, 1917-1919.

Proceedings of the Executive Committee of Baltimore (Hickite) Yearly Meeting of Friends. In Special Session Acting for the Yearly Meeting. 1918.

III. Biographies, Memoirs, & Writings of Public Men


Sparks, Jared, ed., The Writings of George Washington: Being His Correspondence, Addresses, Messages, and Other Papers, Official and Private, Selected and Published from the Original Manuscripts; with a Life of the Author, Notes, and Illustrations. 12 vols. Little, Brown, and Co., Boston, 1858.

The Writings of George Washington from the Original Manuscript Sources, 1745-1799, see Fitzpatrick, John C.

IV. Histories and Monographs


Cartland, Fernando G. Southern Heroes or the Friends in War Time. Cambridge, 1895.


Jones, Louis Thomas, The Quakers of Iowa. Iowa City, Iowa, 1914.


V. Periodical Articles


"The Diary of Robert Morton Kept in Philadelphia while that City was Occupied by the British Army in 1777." *Pennsylvania Magazine of History and Biography,* I (1877), 1-39.


"Extracts from the Brethren's House and Congregation Diaries of the Moravian Church at Lititz, Pennsylvania, relating to the Revolutionary War", translated by Abraham Beck. Penn Germania, I (1912), 849-862.


Lane, Winthrop D., "Who are the Conscientious Objectors?" The New Republic, XXII (1920), 216-217.


"Minutes of the Committee of Safety of Bucks County, Pennsylvania, 1774-1776". Pennsylvania Magazine of History and Biography, XV (1891), 257-290.


VI. Pamphlets

The Individual and the State: The Problem as Presented by the Sentencing of Roger N. Baldwin. 1918.


Mead, George Herbert, The Conscientious Objector (No. 33 of the Patriotism Through Education Series). National Security League, New York City, [1917?].


National Civil Liberties Bureau, Political Prisoners in Federal Military Prisons. The Bureau, New York City, 1918.

VII. Miscellaneous

Case, Clarence Marsh, "Conscientious Objectors". Encyclopaedia of the Social Sciences, IV, 210-212.


Uncatalogued material at the Haverford College Library on the World War.
AUTOBIOGRAPHY

I, Russell Howard Seibert, was born at Scotch Ridge, Ohio, July 3, 1908, and was educated in the public schools of that place, Tontogany, and Pemberville — all in Wood County. My undergraduate work was done at the College of Wooster, from which I graduated in 1930 with the degree of Bachelor of Arts. The next year I studied at the University of Chicago, and received the degree of Master of Arts in 1931. During the summer of 1931 and the first semester of the next academic year I took work in Education at Bowling Green State College. Since 1933 I have been in resident attendance at The Ohio State University.

During 1932-33 I was an instructor in history at Hanover College, Indiana, and for the past two years (1934-36) I have been a graduate assistant in history at The Ohio State University.