

A Paranoid State: The American Public,
Military Surveillance and the Espionage Act of 1917

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Abstract

“A Paranoid State” examines the influence of middle to upper class anxieties through military intelligence officers’ investigations of the American public in the First World War. Products of their past, Military Intelligence Department officers built upon a history of espionage activities in the Philippines and in episodes of strikebreaking at the turn of the century. On a massive scale for the first time in U.S. history, agents of military intelligence conducted a campaign of surveillance upon American citizens. These military officers were influenced by a larger movement in American society during the First World War, as evidenced by Congress’ passage of the Espionage and Sedition Acts and thriving vigilante organizations such as the American Protective League. While historians argue that the Wilson administration took advantage of the war-induced anxieties to eliminate major socialist and radical groups, such as the Wobblies, the argument offered here is that without the political paranoia that was pervasive among American elites and the middle-class those extreme actions may not have been successful.

Acknowledgements

Here marks the end of the beginning. As an afterthought as an undergraduate at Indiana University, I added history for a triple major in my junior year. I had no idea at that time, or even upon graduation in 1999, that I would head to graduate school for history, especially since I authoritatively exclaimed that “I would never go to graduate school.” However, in 2002, I did just that at California State University, Northridge. My intention was to study the Second World War. In the three years since my undergraduate education ended, I had voraciously read veterans’ memoirs. I was fascinated with Paul Boesch’s *Road to Huertgen: Forest in Hell* and intended to study that tragic battle. I was extremely interested in the human experience in war. I am grateful for Steve Bourque’s suggestion that I focus on the First World War instead. I am even more grateful that he introduced me to Pete Kindsvatter, who I have pestered every year at the annual conference of the Society for Military History since 2003. I am very appreciative of Pete’s advice and the influence he has had on me as an historian for almost a decade now.

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Introduction

On the rainy evening of April 2, 1917, President Woodrow Wilson addressed a joint session of Congress to request a declaration of war against Imperial Germany. A little over a month later, the president signed the Selective Service Act into law. The president explained that he was confident that the entire nation desired to do whatever was required to win the war, but in the new war of the 20th Century, not all could go fight the Germans. Conscription offered a way to manage the people's contributions by retaining skilled workers in factories and weeding out the physically and mentally unfit from those who would don a military uniform. Not all Americans were willing to have the federal government manage them in this war. Whether pacifists (religious or otherwise), socialists, advocates for women's rights or the civil rights of African-Americans, some Americans did not agree with fighting a war against Germany. Fearing their power to persuade others and to wreck the mobilization machinery, Congress passed the Espionage Act in June 1917. Legislators were especially concerned about protecting the healthy fighting spirit of the nation's young men. They specifically decreed it to be unlawful to "cause disloyalty" or to "obstruct the draft."¹

Disloyalty, though, was often in the eye of the beholder. When socialists espoused a philosophy of international equality—that workers had no reason to kill each other—many in Congress, the Wilson administration, and military authorities claimed they were being disloyal. When a fringe religion such as the International Bible Students Association claimed conscientious objection and preached against war, military

¹ Robert H. Ferrell, *Woodrow Wilson and World War I 1917-1921* (New York: Harper & Row, 1985), 1.

authorities declared them to be disloyal. In order to stop groups deemed disloyal from influencing draft-age men, military intelligence officers investigated them, kept them under watch, broke into their offices, seized their documents and literature—sometimes with warrants, sometimes not, sometime openly or often covertly in the dead of night.

Products of their past, Military Intelligence Department (MID) officers built upon a history of espionage activities in the Philippines and in episodes of strikebreaking at the turn of the century. On a massive scale for the first time in U.S. history, agents of military intelligence conducted a campaign of surveillance upon American citizens. These military officers were influenced by a larger movement in American society during the First World War, as evidenced by Congress' passage of the Espionage and Sedition Acts and thriving vigilante organizations such as the American Protective League.²

There is a significant body of literature on radicals during this period—such as the Industrial Workers of the World—and vigilante groups in various regions of the United States. However, surprisingly little has been written about the activities of the U.S. Army during its first truly organized attempt at home front surveillance. A handful of studies have been written regarding so-called “negative” intelligence on the home front during the First World War. Some twenty-five years ago, Bruce Bidwell researched MID's history and organization; several years later Joan Jensen described MID agent's activities regarding plant protection; and Roy Talbert detailed the role of Army personnel in subverting radicals. However, a detailed study of intelligence officers' investigations of civilians and their subsequent attempts to achieve court convictions has yet to be written.

² See Joan Jensen *Army Surveillance in America, 1775-1980* (New Haven: Yale University Press, 1991); Emmerson Hough, *The Web* (Chicago: The Reilly & Lee Co, 1919); and Christopher Cappozzola, *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen* (New York: Oxford University Press, 2008).

In addition, no other work attempts to place MID officers into the larger cultural context within American society. My dissertation builds upon these previous works by examining specifically how MID agents conducted investigations of certain individuals and organizations and how the Justice Department utilized that information in their federal cases. The present study predominantly focuses on people and groups that have yet to be integrated into the history of military intelligence or included in the political culture of the period.³

The goals of this dissertation are three-fold. First, to explicate the effects that decades of strikebreaking and anti-socialism activity had on the United States military by examining the targets of and reasons behind their investigations. This study seeks to place the U.S. military into the larger historiography of class antagonism and hostility toward socialism of the time. As well, the study argues that their activities went well beyond war hysteria and the mantra of 100 percent Americanism. A second purpose is to investigate how military officers perceived civil liberties, especially the First Amendment, in the circumstances of America's first truly conscripted army. Through Title 1, section III of the Espionage Act of 1917, cross-sections of American society were brought under scrutiny for supposedly disloyal views and actions.. Thus, this dissertation examines a religious organization, various socialists, social workers, as well as citizen-

³ Bruce W. Bidwell, *History of the Military Intelligence Division, Department of the Army General Staff: 1775-1941* (Frederick, MD: University Publications of America, Inc., 1986); Joan M. Jensen, *Army Surveillance in America, 1775-1980* (New Haven: Yale University Press, 1991); Roy Talbert, *Negative Intelligence: The Army and the American Left, 1917-1941* (Jackson: University Press of Mississippi, 1991); Wayne E. Lee, *Warfare and Culture in World History* (New York: New York University Press, 2011), 3. In this dissertation, I utilize a definition of culture recently described by Wayne E. Lee in *Warfare and Culture in World History* which is: "any group of humans living or working together over time develops 'habitual practices, default programs, hidden assumptions and unreflected cognitive frames' that inform their choices, or indeed they will have created 'a repertoire or 'tool kit' of habits, skills, and styles from which people construct 'strategies of action.'"

soldiers and auxiliary organizations. These were not anarchists in the vein of Emma Goldman or reputed radicals such as the Wobblies (Industrial Workers of the World). Their actions were not overtly disloyal, but military authorities feared the implications of their words and distrusted their intentions. At a time in American history when “free speech” had yet to be tested by the Supreme Court and the rapid expansion of federal agencies blurred the line of already ill-defined jurisdictions for investigations, the United States military ventured beyond military camps and installations to interfere directly with the lives and livelihoods of numerous Americans. Lastly, this study treats the people involved as active participants in the larger narrative. The subjects of investigations maintained their own interpretations of their civil liberties and the law. They were not mere victims, but defended and negotiated their views vis-à-vis the government representatives. The majority held a certain faith that federal officials, though supporting an opposing view, were to be trusted—that if they could persuade these officials to accept the legitimacy of their interpretations and thus avoid conflict.

In “A Paranoid State,” I argue that the prewar period created a level of political paranoia among civilians and military officers alike, especially intelligence personnel. Though this approach will draw upon Richard Hofstadter’s *The Paranoid Style in American Politics*, that interpretive method will not be the primary foundation for the argument of paranoia used here. Instead, the current analysis relies chiefly upon the formulation of political paranoia propounded by political scientist, Robert S. Robins, and psychologist, Jerrold M. Post, in their collaborative work *Political Paranoia: The Psychopolitics of Hatred*. Their model more appropriately addresses the cultural effect of paranoia among segments of American society to which many military officers

belonged.⁴ The authors described seven elements of paranoia that could be translated to the political arena. However, not all seven were necessary for a person or group to have paranoid tendencies. The most important tendency, suspicion, applied best to military intelligence officers in the First World War. They practiced what the authors described as “top-down reasoning.” Intelligence officers’ preconceived notions about the true intentions of the individuals and groups they investigated drove their inquiries. For the most part, they did not follow the evidence and then formulate their conclusions, but the other way around. Agents viewed more benign or contradictory evidence as insincere and intentionally designed to throw them off of the trail. Another important aspect of the authors’ paranoid model was centrality. The military officers could not conceive of any other intention than to disrupt conscription and the overall war effort. They did not consider that many non-religious or non-radical conscientious objectors or pacifists were more concerned about their civil-liberties and did not intentionally seek to interfere with the overall war effort. The subjects of these investigations feared the encroachment of the government into individual lives and politically did not agree with how the Wilson administration prosecuted the war. However non-violent these objectors’ approaches may have been, government agents believed their true intention was military sabotage.⁵

⁴ The emphasis here is on social psychological aspects of political paranoia. This is in no way a medical diagnosis using paranoid delusions or any other derivative of medical paranoia.

⁵ Richard Hofstadter, *The Paranoid Style in American Politics and Other Essays* (Cambridge: Harvard University Press, 1965); Robert S. Robins and Jerrold M. Post, *Political Paranoia: The Psychopolitics of Hatred* (New Haven: Yale University Press, 1997), 8-11. As mentioned here, I will refer to Hofstadter’s model of a paranoid style and the re-evaluation of that model that has taken place over the past couple of decades, such as with Kathryn Olmstead’s *Real Enemies: Conspiracy Theories and American Democracy, World War I to 9/11* (New York: Oxford University Press, 2009). I take a bottom-up approach in my research which focuses upon the people affected by a paranoid style. Recently, John Farrell used Robinson and Post’s model in *Paranoia and Modernity: Cervantes to Rousseau*. From a psychological perspective, a good place to look for the history of paranoia is Aubrey Lewis’s “Paranoia and Paranoid: A Historical Perspective” in *Psychological Medicine* Vol. 1, Issue 1 (1970), 2-12; and a reconsideration by David

Another applicable aspect of paranoia was “fear of loss of autonomy.” This referred to a fear of any external group or individual, no matter how powerful, which threatened the status-quo. The elite and middle-class had long held radicals and socialists as an uncompromising group that sought to tear down the current capitalist democracy. Their fears represented the ultimate loss of autonomy. During the war, radical and socialist groups signified a threat to the government’s authority to conscript citizens. Military officers continually warned that if they were lenient, even to a handful of objectors, the situation would snowball out of control. A large segment of society would begin “slacking” and use conscientious objection as an avenue to escape their duty. Hand-in-hand with the fear of losing autonomy was military officers’ “projection” upon these disloyal groups. Though the Freudian term for projection refers to attributing internal changes to external causes, Robins and Post argued that for political paranoia, projection “is the tendency of people who are . . . frightened to attribute exaggerated size and power to their enemies.” The authors explained that the projection of a paranoid person (or group) was through the misinterpretation of reality, not necessarily a distortion of facts. The focus was the “hidden motives” not the most obvious and observable interpretations.⁶

Political paranoia is a very useful concept in the context of U.S. military intelligence and surveillance of civilians in the First World War. Current historiography, much like immediate post-war apologists, relied upon the notion that war hysteria drove

Harper, “Deconstructing Paranoia: An Analysis of the Discourses Associated with the Concept of Paranoid Delusion” (PhD Dissertation, University of East London, 1999).

⁶ Ibid, 11-12. See Robert Wiebe, *The Search for Order, 1877-1920* (New York: Hill and Wang, 1967); and *Who We Are: A History of Popular Nationalism* (Princeton, NJ: Princeton University Press, 2002); Robert H. Zeiger, *Organized Labor in the Twentieth Century South* (Knoxville: University of Tennessee Press, 1991).

Americans to extremes. David Kennedy popularized this concept in his important work, *Over Here* (1980, rev. ed., 2003). Subsequent histories have followed suit. However, war hysteria does not adequately address the entrenched anti-socialism of this time period. While historians such as Kennedy are correct in arguing that the Wilson administration took advantage of the war-induced anxieties to eliminate major socialist and radical groups, such as the Wobblies, the argument offered here is without the political paranoia that was pervasive among American elites and the middle-class those extreme actions may not have been successful. As historian John Whiteclay Chambers wrote repression “was entwined with the fabric of American society as well as with wartime nationalism and mobilization which encouraged it.” The class and status derived paranoia was so pervasive that it affected important sections of the government, including the federal courts, Congress, and the military. This is evident from Congress members’ overwhelming passage of the Espionage Act of 1917, along with the harsher provisions of the Sedition Act of 1918. Federal judges upheld the strictest interpretations of these Acts, as did the military intelligence agents conducting the investigations. They deemed any interpretation other than their own as disloyal and evidence of a “nefarious” plot.⁷

Historians have examined various related issues regarding surveillance, but none have brought the three perspectives of the suspects, investigators, and court proceedings together nor placed them within a political paranoid framework. Joan Jensen pioneered

⁷ David M. Kennedy, *Over Here: The First World War and American Society* (New York: Oxford University Press, 2003), 50, 55, 68, 79-83; John Whiteclay Chambers, *To Raise an Army: The Draft Comes to Modern America* (New York: The Free Press, 1987), 208. Ronald Schaffer’s book, *America in the Great War: The Rise of the War Welfare State* (New York: Oxford University Press, 1991) is another influential work that utilizes war hysteria, and so too does the more recent work by Christopher Cappozzola, *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen* (New York: Oxford University Press, 2008).

the study of the evolving American perception of internal security and the military. She chronicled how the U.S. military did not conduct espionage or surveillance until the Spanish-American War in *Army Surveillance in America, 1775-1980*. Prior to that, military officials relied upon civilians to provide this type of intelligence. However, when she examines military intelligence officers' surveillance operations in the First World War, Jensen focuses on efforts at plant protection, i.e. military facilities, industrial facilities of war time goods, and naval yards. Her study does not venture into the multifarious attempts to catch moderate or pacifist Americans in disloyal acts for the purpose of federal prosecution under the Espionage Act.⁸

Roy Talbert's work, *Negative Intelligence*, focuses more upon the radical elements in the country and does not utilize the vast majority of primary sources in Record Group 165 at the National Archives. Instead, he relies mostly upon sections of those files on microfilm. Similarly, Bruce Bidwell's important chronicle of military intelligence activities does not venture into domestic surveillance, but focuses squarely upon foreign and combat intelligence. Other monographs that deal with the military and surveillance, such as Andrew Birtle's *U.S. Army Counterinsurgency and Contingency Operations Doctrine, 1860-1941* focus more upon combat zones, unconventional warfare, and occupations than domestic surveillance on the home front.⁹

Most recently, Alfred McCoy's monograph on surveillance and MID's first director, Ralph Van Deman, built upon aspects of Joan Jensen's work by highlighting techniques he learned and honed in the Philippines. Men like Van Deman, McCoy

⁸ Jensen, 2, 168-9

⁹ Talbert, xi-xiv; Bidwell, 178; Andrew Birtle, *U.S. Army Counterinsurgency and Contingency Operations Doctrine, 1860-1941* (Washington, D.C.: U.S. Army Center of Military History, 1998).

argues, transplanted those tactics to the domestic United States during the First World War. However, he ignores the already existing and vibrant civilian investigative organizations, such as the Pinkertons, who were adept at infiltrating unions and radical organizations. Thus, a wealth of knowledge already existed on surveillance operations, which influenced military intelligence on the home front. Paul Taillon's book *Good, Reliable, White Men: Railroad Brotherhoods, 1877-1917* and Jennifer Fronc's *New York Undercover: Private Surveillance in the Progressive Era* expound upon civilian surveillance, which is important for a study of military investigations, especially considering the rapid expansion of the military that absorbed civilians with no military training. My research incorporates both military and civilian aspects of surveillance.¹⁰

American society and the structures by which that society was governed were changed dramatically by the experience of the First World War. Arguably, the most notable change occurred regarding the question of civil-liberties. In 1919, Supreme Court Chief Justice Oliver Wendell Holmes made an epochal and controversial ruling regarding free speech in the case *Schenck v United States*. He propounded the test of "clear and present danger," that a person who yells fire in a crowded theatre is responsible for the subsequent chaos. His ruling came after the war and the Espionage cases examined in this dissertation. Thus, there was no existing legal ruling from the

¹⁰ Alfred W. McCoy, *Policing America's Empire: The United States, The Philippines, and the Rise of the Surveillance State* (Madison: University of Wisconsin Press, 2009); Paul Michel Taillon, *Good, Reliable, White Men: Railroad Brotherhoods, 1877-1917* (Chicago: University of Illinois Press, 2009); Jennifer Fronc, *New York Undercover: Private Surveillance in the Progressive Era* (Chicago: University of Chicago Press, 2009). Unfortunately, neither this historian nor any other have yet to discover documents on the training that these new intelligence officers received or their civilian background.

highest court in the land when Department of Justice attorneys prosecuted members of the International Bible Students or Congressmen Victor L. Berger.¹¹

Legal studies of constitutional law are invaluable for understanding how members of the legal system and the public perceived their civil liberties. Legal scholar Zechariah Chafee published *Freedom of Speech* in 1920, making it an important and timely work on the controversy during the war. More recently, Geoffrey Stone's *Perilous Times: Free Speech in Wartime* and Justice William H. Rehnquist's *All the Laws but One* tackles the changing legal perceptions of freedom of speech jurisprudence. However, these works mostly deal with the major Supreme Court cases and their repercussions. Monographs that analyze civil liberties during wartime have largely ignored the negotiation between all participants. It is just as important to understand how civilians'—specifically those indicted—and intelligence officers' interpreted civil liberties before the Supreme Court made its ruling.¹²

A study of free speech in wartime cannot ignore the topics of pacifism and conscientious objection. Both fell under the jurisdiction of the Espionage Act and conflicted with military needs during the war. Historian Peter Brock was a prolific writer about pacifism throughout history. He argued that pacifist objection to war had a diverse history and lacked an organized form prior to the Civil War in the United States. According to Brock, the First World War created “a world pacifist movement.” It was more common in Judeo-Christian societies, since both religions emphasized personal responsibility. “‘Conscientious objection,’ embodying this sense of personal

¹¹ Geoffrey R. Stone, *Perilous Times: Free Speech in Wartime: From the Sedition Act of 1798 to the War on Terrorism* (New York: W. W. Norton & Co, 2004), 135, 198.

¹² Ibid; Zechariah Chafee, *Free Speech in the United States* (Cambridge: Harvard University Press, 1967); William H. Rehnquist, *All the Laws but One: Civil Liberties in Wartime* (New York: Alfred Knopf, 1998)

responsibility, forms an essential part of pacifist ideology.” However, pacifist objection could vary immensely among the different religious or sectarian pacifist groups. The International Bible Students, who are the focus of Chapter 3, were more akin to socialists’ political pacifism than other religious pacifists. Those two groups withheld their violent participation in current events until the war for their higher calling emerged. For Bible Students, that war was Armageddon and the Second Coming of Christ. For socialists, that war would be to topple capitalist society. Brock stated that Bible Students’ objections to war were absolute, in that they would not accept alternate services, whereas many other religious pacifists would. Both the socialists and the Bible Students, “represent a proletarian element.” The Bible Students, however, lacked the “rationalism of the nonsectarian peace movements” and included many uneducated and impoverished Americans. They remained on the periphery of American society and pacifistic thought until the First World War.¹³

Charles Chatfield, another historian of pacifism, argued that Americans altered the connotation of the term pacifism in the First World War. Prior to the war, it referred to someone working toward international peace. Pacifism was a noble endeavor. During the war, patriotic pressures altered its meaning, identifying pacifists with draft evaders, socialists, Bolsheviks, and radicals. In the aftermath of American participation in the Great War, Chatfield explained that the word encompassed much of its prewar meaning again, but for parts of society, it never lost its vile connotations. Thus, those who adhered to a strict definition of pacifism during the war, i.e. refused to participate under any

¹³ Peter Brock, *Pacifism in Europe to 1914* (Princeton: Princeton University Press, 1972), 471; Peter Brock, *Pacifism in the United States: From the Colonial Era to the First World War* (Princeton: Princeton University Press, 1968), 18, 866, 918-9

circumstances, the word gained a new narrower definition. Some American pacifists, such as Roger Nash Baldwin, “combined vigorous social action with absolute rejection of violence.” Chatfield also stated that during the war what he termed the “American peace movement” became political and aggressive. Whereas in the prewar years intellectuals led the pacifist—or peace—movement, during the war, “it acquired a socialist base.” Hence, it incorporated (or was perceived as embodying) a more radical element. Chatfield argued that the movement stopped short of revolutionary support. Since patriotism and violence bombarded them from all sides, members of the peace movement associated physical aggression with an authoritarian state and social conformity. Thus, they opted to link their ideals for social equality with peace. According to Chatfield, the intellectual peace movement did not ponder conscientious objection prior to the war. They focused their energies more on the decision making process which led to war, emphasizing arbitration and rationality.¹⁴

Between 1914 and 1917, however, the peace movement splintered. Many of the older peace societies, such as the American Peace Society, joined in the nationalistic aim of peace along American ideals. This also meant that they supported an American peace through force, since their rhetoric joined that of the war hawks by stating that Prussianism prevented peace. Those left in the movement in 1917 were “a progressive coalition, to which antiwar Socialists were added.” They created organizations such as the People’s Council of America for Peace and Democracy, a group that military

¹⁴ Charles Chatfield, *For Peace and Justice: Pacifism in America, 1914-1941* (Knoxville: University of Tennessee Press, 1971), 4; Charles Chatfield, “World War I and the Liberal Pacifist in the United States,” In *The American Historical Review*, Vol. 75, No. 7 (Dec., 1970), 1921-2.

intelligence officers perceived as infested with socialists and whose aim was to stop conscription and the war effort at all costs.¹⁵

Military Intelligence Division officers early concluded that threats to America's security came not only from Germany but as well from American civilians. In order to discover who they deemed a threat and why, it is essential to utilize their correspondence. The language they used in their internal memorandums, especially their subject headers, and between civil and military agencies revealed much about their attitudes and understandings of the people and ideas they investigated. The people MID officers investigated also left a record. Intelligence officers seized or copied a great deal of their subjects' writings which included personal correspondence, pamphlets, books, and posters. Additionally, MID records also contained interviews conducted between intelligence officers and the subject of their investigations. In some instances, I also examined newspaper articles about events and important people, as well as the personal papers of the supposedly disloyal citizens. In addition, I utilized court transcripts to analyze the evidence and arguments that both the defense and prosecution utilized in their federal court case. When dealing with these trials, I remained cautious, keeping in mind that all parties involved had their own agendas and motives when they spoke. Most important to my approach of the sources was to analyze the language with the context of their expected audience in mind. This approach borrows from Derek Edwards and Jonathan Potter's discursive studies, especially with regard to maximizing and minimizing description. Furthermore, I found Michael Blain's argument regarding political movements as war with words on a different plane to be useful. He incorporated

¹⁵ Chatfield, *For Peace and Justice*, 10-1, 15.

Kenneth Burke and Michel Foucault into his analysis of political movements. This was informative when applied to military intelligence officers who believed they were fighting a war at home, but had to avoid violence at all costs. However, not all participants perceived their relationship in this light. For instance, Roger Nash Baldwin thought and hoped that he could work with the War Department. He did not view himself at odds, or at war, with them until the Secretary of War officially cut all ties to the National Civil Liberties Bureau. Lastly, besides using the Robins and Posts political paranoid model, I also rely upon Roger Brubaker and Frederick Cooper's formulation of identity. When interpreting the writings of either the military intelligence officers or the subjects of their investigations, I pay special attention to how the historical actors identified themselves and each other.¹⁶

The chapters that follow portray military intelligence officers' political paranoia through their investigations of civilians, usually to obtain a court conviction under the Espionage Act of 1917. Chapter 1, "Lacking Intelligence: A Short History of the Military and Domestic Intervention, 1789-1885," traces the history of federal military intervention in domestic disputes, interpretations of civil liberty, and military use of intelligence gathering. In order to appreciate the significance of the Military Intelligence Division's existence and what intelligence officers did in the Great War, it is important to first understand how military authorities reached a decision to conduct surveillance on American citizens. The establishment of the Military Intelligence Division is the subject of Chapter 2, "Appreciating Intelligence: Forming the Military Intelligence Division,

¹⁶ Jonathan Potter, *Representing Reality: Discourse, Rhetoric and Social Construction* (Thousand Oaks, CA: SAGE Publications Inc, 1996), 191; Michael Blain, "Power, War, and Melodrama in the Discourses of Political Movements," In *Theory and Society*, Vol. 23, No. 6 (Dec., 1994), 805-8; Roger Brubaker and Frederick Cooper, "Beyond 'Identity,'" In *Theory and Society* Vol. 29, No. 1 (Feb., 2000), 1, 6-11.

1885-1917.” This chapter picks up with the first creation of an intelligence department and examines the socioeconomic environment in which intelligence officers came from. In addition, it investigates the creation of the Military Intelligence Department that would conduct surveillance during the First World War. Chapter 3, “Faith and Fear: The International Bible Students Association and Religious Pacifism,” examines the military intelligence investigation of the International Bible Students Association. Bible Students espoused a pacifistic message against all violence, except participating in Armageddon. They were a fringe religion in 1917 which the Selective Service Act did not recognize. Therefore, its members were ineligible for conscientious objector status. In addition, they preached pacifism to the public and disseminated *The Finished Mystery* which MID officers charged contained seditious language. They feared Joseph Rutherford’s interpretation of the Selective Service Act and the influence his religion could have among draft-age men. Chapter 4, “A Matter of Conscience: Chasing After Roger Baldwin and the National Civil Liberties Bureau,” explores intelligence officers’ investigation of the Civil Liberties Bureau that endeavored to protect all conscientious objectors and everyone’s civil liberties. Here too, MID officers’ feared Roger Baldwin’s interpretations of the draft law, as well as the information he disseminated about conscientious objection. They believed he and the National Civil Liberties Bureau helped to create and fortify conscientious objectors against military authority. In Chapter 5, “People’s Councils, YPSL’s, and Bergerites,” military intelligence officers focus their efforts upon socialists. They feared the influence socialists would have among young men, since they argued that the current war was for capitalism. Victor L. Berger and others supported international socialism and equality among all men, which precluded

going abroad to kill. In addition, Berger ran for Congress in 1918, winning a seat before the Armistice. Yet, he was the editor of a socialist newspaper that intelligence officers believed pandered to radicals and Germans. They also associated many other groups, such as the People's Council of America for Peace and Democracy, with socialism and therefore perceived them as a threat. Lastly, Chapter 6, "The Threat from Within," examines intelligence officers' attempts to monitor men within the military, as well as Americans in auxiliary units working with soldiers.

Throughout this study, the goal is to provide evidence that military intelligence officers exhibited political paranoid tendencies in their wartime investigations. In pursuit of their subjects, they often stepped outside their legal bounds, and they employed such illegal tactics as sneaking into business offices at night to steal documents. The story told here is depressing and, hopefully as well, enlightening.

CHAPTER ONE

Lacking Intelligence: A Short History of the Military and Domestic Intervention, 1798-1885

“Congress shall make no law . . . abridging the freedom of speech, or the press.”¹ – United States Constitution

“The Sedition Act was an ineffectual attempt to extinguish the fire of defamation; but it operated like oil upon the flames.”² – John Quincy Adams

The Military Intelligence Division first came into existence as a section of the U.S. Army in 1885. Even then, it was not a properly functioning intelligence section and it was short lived. Not until mid-1917 did the U.S. Army have the beginnings of a productive intelligence department. Even so, the U.S. military did not completely overlook intelligence work throughout its history. The focus, when there was one, was on terrain and estimated enemy soldiers and populations. Even this work was haphazard. In a study of this topic, it is important to examine how Army leadership came to the decision to adopt a section devoted to intelligence. By 1917, the Army was no stranger to dabbling in domestic affairs. Though they had not established any organized unit to spy on civilians, military leaders did occasionally hire civilians to do just that. After public opinion turned against the Pinkerton Agency in 1892, it became legally impractical for any government agency to hire them. So how did the Army move during the crisis of World War I to undertake spying on American civilian? One aspect of this narrative entails looking at the military's role in civil disturbances. While most Americans held an antipathy to large, professional peace-time armies for fear of where their allegiances might be directed in the realm of politics, the legal boundaries keeping the military out of

¹ “The Constitution of the United States,” Amendment 1.
http://www.archives.gov/exhibits/charters/bill_of_rights_transcript.html (Accessed on March 1, 2012).

² John Quincy Adams, *Memoirs of John Quincy Adams: Comprising Portions of His Diary from 1795 to 1848*, Vol. 9, ed. Charles Francis Adams (Philadelphia: J. B. Lippincott & Co., 1876), 307.

civil affairs were murky at best. Lastly, this chapter will explore civil liberties and civil-military relations. The Espionage Act of 1917 was not an American anomaly. This measure had precedents in the Alien and Sedition Acts of 1789 and President Abraham Lincoln's suspension of habeas corpus in the Civil War. Ultimately, though, military intelligence officers were more concerned about what came to be termed in the 1930s "the fifth column," the hidden threat to the nation's security among the American citizenry. This threat was not limited to German agents among the populace, but included pacifists and conscientious objectors, those who were anti-war or anti-British, as well as radicals, such as socialists and anarchists, who would affect other soldiers with their aggressive class consciousness.³

President Woodrow Wilson asked Americans to remain neutral in thought as well as action when Europe erupted in war in 1914. Although Congress declared war on Germany in April 1917, some Americans refused to accept that the debate over neutrality had not ended. Whether they were pacifists, socialists, anti-war advocates, or simply against involvement in this particular conflict, dissenters wanted the debate to remain in the public eye. However, government officials believed that Congress and the President ended any justification for further discussion with the declaration of war. The dominant view was that if segments of society continued the debate, they would distract Americans

³ Bidwell, 52-6. Another threat to the war effort that concerned military intelligence officers was racial unrest. I do not focus on this in this aspect current work. There are, however, a large number of good works on the subject. For more on racial tensions and surveillance see Theodore Kornweible, Jr, *"Investigate Everything": Federal Efforts to Compel Black Loyalty During World War I* (Bloomington: Indiana University Press, 2002); William J Breen, *Uncle Sam at Home: Civilian Mobilization Wartime Federalism, and the Council of National Defense, 1917-1919* (Westport, CT: Greenwood Press, 1984); Mark Ellis, *Race, War, and Surveillance: African Americans and the United States Government during World War I* (Bloomington: Indiana University Press, 2001); Nina Mjagkij, *Loyalty in Time of Trial: The African American Experience during World War I* (New York: Rowman & Littlefield Publishing Inc., 2011); and Chad L. Williams, *Torchbearers of Democracy: African American Soldiers in the World War I Era* (Chapel Hill: University of North Carolina Press, 2010).

from what should be their sole focus-- supporting the war effort. Military intelligence officers feared continued discussion would create a mob of ignorant masses revolting against the war effort. Members of Congress worried that peacetime laws were not enough to safeguard Americans from disloyal dissent; therefore, they passed the Espionage Act on June 15, 1917.

There were similarities between the Espionage Act and the earlier Alien and Sedition Acts of 1798.⁴ The latter prohibited anyone to “conspire together, with intent to oppose any measure or measures of the government of the United States, which are or shall be directed by proper authority, or to impede the operation of any law of the United States.” The Act asserted that no one should interfere with officials conducting government business. Section 2 declared:

that if any person shall write, print, utter or publish, or shall cause or procure to be written, printed, uttered or published, or shall knowingly and willingly assist or aid in writing, printing, uttering or publishing any false, scandalous and malicious writing or writings against the government of the United States, or either house of the said Congress, or the said President, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law” after a court conviction would be liable to a fine up to two-thousand dollars and imprisonment of no more than two years.⁵

While it was not directed specifically at the President of the United States or other government officials, the Espionage Act emphasized similar concepts as the Sedition Act

⁴ I will address similar language in both acts here with some historical background of the earlier Acts to follow.

⁵ “An Act for the Punishment of Certain Crimes Against the United States (Sedition Act)”, found in A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774-1875, Statutes at Large, 5th Congress, 2nd Session at <http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=001/llsl001.db&recNum=719> (Accessed on October 15, 2011)

of 1798, such as using false language or spreading lies with the intent of hindering the war effort. Section 3 of Title I stated

Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies and whoever when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished.⁶

This section of the Espionage Act specifically prohibited speaking or writing anything that would negatively affect Americans', especially draft-age men's, support for the war. In 1918, members of Congress argued that the Act needed more teeth. They passed the Sedition Act, which was a revision of only Section 3 of Title I of the original. In the revision, legislator's language was very similar to that of the Sedition Act of 1798. For instance, lawmakers included a provision against those that might:

willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language intended to bring the form of government of the United States or the Constitution of the United States . . . into contempt, scorn, contumely, or disrepute.⁷

The fact that politicians amended only this particular section of the Espionage Act is revealing. They included specifics against publishing dangerous material which were previously covered under Section XII regarding the mailing of seditious material.

Government officials feared that "disloyal" Americans could get around the mail by

⁶ United States, *The Statutes at Large of the United States of America from April 1917 to March 1919: Concurrent Resolutions of the Two Houses of Congress and Recent Treaties, Conventions, and Executive Proclamations Amendment to the Constitution*, Vol. XL (Washington, D.C.: Government Printing Office, 1919), 219.

⁷ *Ibid.*, 553.

distributing material by hand or using otherwise “legitimate” or unsuspected mailing addresses or organizations. More important, however, was the fact that most government investigations into “disloyal” persons were conducted under the auspices of Section 3 of Title I. By strengthening this particular section of the Espionage Act, members of Congress implied not only that the previous version needed to be strengthened, but also that they desired to make it more inclusive. Their alterations listed more aspects of interference with the military and incorporated the U.S. government, Constitution, and the American flag into the enumeration of prohibited acts. In all likelihood, they were directing this provision at socialists, Bolsheviks, and anarchists. Eugene V. Debs’s conviction occurred in November 1918, after Congress amended this Act. Likewise, Victor L. Berger and other socialists stood trial later in 1918 and 1919.⁸

Similarly, when the Federalists in Congress passed the Sedition Act of 1798, they perceived a real threat from Democratic-Republicans who they feared would whip the masses into a fervor resembling the violence of the French Revolution. Federalists felt that Democratic-Republicans were going too far in their criticisms of the Adams administration and passed the Sedition Act to curb what they considered libelous language.⁹

At the same time, President John Adams asked Congress for appropriations to expand the Army and Navy in the event of a war with France. Americans’ fears of a war with France were exacerbated by the XYZ Affair, where the French foreign minister refused to meet with American envoys until offered a substantial bribe. In the years

⁸ Zechariah Chafee, *Free Speech in the United States* (Cambridge, MA: Harvard University Press, 1967), 50-1.

⁹ Geoffrey Stone, *Perilous Times: Free Speech in Wartime: From the Sedition Act of 1798 to the War on Terrorism* (New York: W. W. Norton & Co, 2004), 34-44.

preceding 1798, many Federalists already believed that a connection between the Republicans and the French existed. Jacobin societies sprang up in different parts of the nation. Federalists feared these societies were a precursor to a French styled revolution in the United States. In reaction, Congress enacted legislation to allow the President to create a Provisional Army of ten-thousand soldiers and an Eventual Army, in the event of an emergency. In addition, they authorized the President to organize a New Army of volunteer companies. This latter army was the only one of the three to come into existence. For all intents and purposes, Alexander Hamilton commanded this new volunteer force with the intention of establishing a permanent federal military and hopefully suppress Republican opposition. However, the only action the New Army experienced was in subduing the Fries Rebellion in 1799.¹⁰ The military had no role in the arrest or investigation of individuals under either the Sedition or Alien Friends Act of 1798. Secretary of State Timothy Pickering did most of the legwork, compiling information about suspected aliens or seditious persons and submitting them to the President for signed warrants. President Adams then signed and issued the warrants for individuals' arrest; and the U.S. Marshals were the government representatives that enforced them.¹¹

¹⁰ Richard H. Kohn, *Eagle and Sword: The Federalists and the Creation of the Military Establishment in America, 1783-1802* (New York: The Free Press, 1975), 188-9, 195, 209, 214; Allen R. Millett and Peter Maslowski, *For the Common Defense: A Military History of the United States of America* (New York: The Free Press, 1984), 101; Russell F. Weigley, *History of the United States Army* (Bloomington, IN: Indiana University Press, 1967), 99-103; Robert W. Coakley, *The Role of Federal Forces in Domestic Disorders, 1789-1878* (Washington, D.C.: Center of Military History United States Army, 1988), 69-70. Richard Kohn explains that Federalist actions were not directly intended crush the opposition party. On pages 217-18, he states, "To view the Alien and Sedition Acts and the military program in 1798 as a partisan effort to crush an opposing political party than as an attempt to silence and protect the nation in a wartime crisis is to misread completely the mood of the Federalists and the country in the spring of 1798." The real threat these behind these measures was stopping French activities within the U.S., which Federalists believed the Republicans were a part of.

¹¹ "Judiciary Act of 1789", found in *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774-1875, Statutes at Large*, 5th, <http://memory.loc.gov/cgi->

As President, Thomas Jefferson issued the first directive to Army regulars to detain individuals, specifically Aaron Burr, whom he feared was planning not only a domestic revolution, but also a filibuster against Spanish territory in 1806. Burr's intentions not only implied a possible armed rebellion, which could necessitate military action to suppress as had the Fries or Whiskey Rebellions, but also risked a war with Spain. Brigadier General James Wilkinson, commander of the U.S. Army in the West, instituted unofficial martial law in New Orleans, the presumed location of Burr's rumored rebellion. In addition, Wilkinson ordered several of Burr's associates arrested without warrants. Meanwhile, the state militias of Kentucky, Ohio, Virginia, and Mississippi Territory separately mobilized to apprehend Burr and his men. Faced with fighting the Mississippi Territorial militia or Wilkinson, Burr chose to surrender to the militia. He convinced the territorial authorities that his true intention was to attack Spain. The Governor of Mississippi, Robert Williams, and the grand jury denounced Wilkinson's actions in Louisiana and the President's call for militia to apprehend Burr. In addition, Williams refused to hand Burr over to Wilkinson's men. During the controversy over what to do with Burr, he escaped. Soldiers from Fort Stoddart intercepted him on his way to Spanish territory. Burr stood trial for treason in Virginia and was acquitted by Chief Justice John Marshall. In the aftermath, President Jefferson had to defend Wilkinson's unwarranted arrests in New Orleans. Burr's associates also gained their freedom. Although Jefferson defended Wilkinson's actions, the President disregarded the military's role in suppressing the potential rebellion. Jefferson did,

bin/ampage?collId=llsl&fileName=001/llsl001.db&recNum=719 (accessed on January 15, 2012); James Morton Smith, "Enforcement of the Alien Friends Act of 1798," In *The Mississippi Valley Historical Review*, Vol 41, No 1 (Jun., 1954), 92-3. Section 27 of the Judiciary Act of 1789 established the U.S. Marshals.

however, support a measure that Congress passed in 1807 allowing the executive branch to use federal troops in whatever scenario that also warranted the use of militia to quell domestic disturbances. This act was to get around the difficulties of how Burr and his associates were apprehended as well as the limited jurisdiction of local, state courts which freed them.¹²

Throughout the next half-a-century, there were no major questions regarding the military, civil liberties and free speech. Federal soldiers mobilized for Nat Turner's Rebellion, the Nullification Crisis, and the Dorr Rebellion. They occasionally organized under *posse comitatus* to enforce the Fugitive Slave Act and made use of the so-called Cushing Doctrine, especially during the Border Wars in Kansas. During all of these episodes in the 19th Century, civilians conducted the major intelligence gathering.

Most military intelligence work revolved around geography. Topographical and geographical work was haphazard throughout the first half of the century, and the War Department had no organized intelligence units. Captain Meriwether Lewis and 2nd Lieutenant William Clark's expedition into Missouri was partly for gathering intelligence on the terrain. The Army did not have similar information prepared for the War of 1812 against Britain. They lacked intelligence on not only the terrain, but possible enemy strength and disposition of the Indigenous populations along the border with and into Canada. While Congress authorized the expansion of topographical personnel in the Army, after the war the majority of these officers were discharged in the post-war demobilization. Some Army officers actively pursued activities that would fall under the purview of intelligence. For instance, there were several officers who traveled to Europe

¹² Coakley, 78-83. Wilkinson supposedly had direct knowledge of Burr's intentions because he was a co-conspirator until October 1806 when he notified the President.

and observed different military aspects which they reported upon returning to the United States. Major Sylvanus Thayer, a member of the Corps of Engineers, traveled to Europe on a two year observation trip in 1815. Upon his return, he became the U.S. Military Academy's fifth superintendent. His European journey influenced many of his decisions about curricular priorities, decisions which solidified the mission of West Point and influenced its future direction. In 1829, Lieutenant Daniel Tyler visited both French and British artillery schools and adapted what he learned for the U.S. Army. However, officers considered these activities as foreign intelligence and did not entail any covert surveillance activities.¹³

When the United States declared war on Mexico in 1846, the Army was ill-prepared once again from an intelligence standpoint. The only information about Mexican territory that the War Department possessed was a diary of Lieutenant Zebulon Pike. In December of 1806, Pike was reconnoitering the Colorado Rockies when Spanish soldiers captured him and transported him to Chihuahua, Mexico where he remained until July 1807. He kept a journal that was the only reliable source of information about that region of North America available to the military in 1846. In fact during the war the Mexicans practiced better intelligence and counter-intelligence than did the Americans. They intercepted many messages and orders, including a full set of General Winfield Scott's strategy and plans for an amphibious landing at Vera Cruz. The resulting battle between Mexican General Santa Anna and American commander Zachary Taylor was a tenuous American victory. However, Scott did organize his own "Mexican Spy Company," comprised of Mexican outlaws and officered by a Virginian. It not only

¹³ Ibid, 95, 100-2, 110-1, 115, 119-21, 128-44, 155, 161-3, 166, 168-9; Bruce Bidwell, *History of the Military Intelligence Division, Department of the Army General Staff: 1775-1941* (Frederick, MD: University Publications of America, 1986), 12-13, 16-19.

scouted for Scott's invasion force after landing at Vera Cruz, but also infiltrated Mexico City, passing vital information regarding defenses to Scott's besieging army. However, the espionage unit did not survive as a permanent staple of the U.S. Army after the war.¹⁴

During the American Civil War, officers on both sides of the conflict realized the importance of intelligence gathering. Even so, neither the Union nor the Confederates created a centralized intelligence organization to oversee such operations. General George McClellan had a working relationship with Allan Pinkerton, a Scottish immigrant who had created the Pinkerton National Detective Agency in the 1850s. When McClennan became commander of the Army of the Potomac, he brought "Major Allen" (Pinkerton's *nom de plume*) with him. The two complimented each other, though not in an advantageous manner. Pinkerton had a propensity to overestimate the enemy's numbers, while McClellan was overly-cautious. The result of their collaboration was McClellan's extreme reluctance to advance upon the enemy. After President Lincoln relieved McClellan of command, Pinkerton remained employed by the War Department as a civilian investigator examining war claims against the government until 1865.¹⁵

Pinkerton's departure from military life did not spell the end of military intelligence work. One of Pinkerton's men, Major John C. Babcock, was the intelligence officer for General Meade. Separately from Major Allen's efforts under McClellan, Union Colonel Sharpe organized a field intelligence unit to gather information on enemy movements and numbers. He was so successful that his talents were in high demand. General Rosencrans requested Sharpe's services in Tennessee and General Ulysses S.

¹⁴ Ibid, 13, 23-5; Millett and Maslowski, 154-5.

¹⁵ Bidwell, 29, 31

Grant transferred him to his General Headquarters upon taking command of all Union armies.¹⁶

The Confederate Army was not to be outdone in the field of intelligence gathering. Colonel Thomas Jordan headed the most famous espionage ring which included Rose Greenhow, a prominent socialite in Washington, D.C. The Confederates also utilized their Signal Corps in innovative ways to assist their scouts and other government agents to enter and leave the Union, as well as in obtaining Union newspapers. Confederates were quick to realize that the lax censorship of news in the Union proved the best source of information on Union Army. However, true espionage that infiltrated enemy organizations to gather information was still accomplished by civilians and not a trained officer corps. The cavalry remained the main arm of intelligence gathering, even with the introduction of balloons by the Union Signal Corps.¹⁷

The military's role on the home front during the Civil War proved varied and controversial. Fearing domestic rebellion and responding with a heavy hand, President Lincoln suspended the writ of *habeas corpus* on April 27, 1861 in the vital lifeline between the nation's capital and the rest of the Union. Federal troops traversed a corridor between Philadelphia and Washington, D.C., mostly in Maryland, where Marylanders accosted Union soldiers traveling through Baltimore. On at least one occasion, a clash of arms occurred that resulted in the death of four soldiers and about a dozen citizens of Baltimore. Secretary of State William H. Seward urged the President to suspend *habeas corpus*. Lincoln believed such an act would enable General Winfield Scott to subdue

¹⁶ Ibid, 31-2.

¹⁷ Ibid, 32-7.

dissent and lawlessness in Maryland. However, he feared the consequences of limiting an important civil liberty. In addition, the authority of the President to do so was dubious at best and had never been tested. Article I, Section 9, the portion of the Constitution dealing with Congress, contained the most explicit description of when *habeas corpus* could be suspended; therefore many believed that it was a Congressional power, not a Presidential one.¹⁸

Not long after President Lincoln suspended the law, Union General Benjamin Butler, originally from Massachusetts, led his regiment into the center of Baltimore. He set up camp and set about quelling the unruly citizens. By May 13, a state of martial law existed in the city. Following Lincoln's new directive, Butler authorized his soldiers to arrest citizens deemed to be untrustworthy. Butler's actions in Baltimore would lead to a conflict between the judicial and executive branches of government. On May 25, soldiers arrested John Merryman, at his home at two in the morning. Merryman was a lieutenant in a Maryland secessionist cavalry unit which supposedly destroyed bridges and telegraph wires. Chief Justice Roger Taney presided over Merryman's case, which tested the federal government's power to suspend *habeas corpus*. The Supreme Court's decision, known as *Ex Parte Merryman*, characterized Lincoln's action as an usurpation of power. Previously, in 1857, Justice Taney famously ruled in the South's favor in the *Dred Scott v. Sanford* case. In *Ex Parte Merryman*, Taney reprimanded Lincoln for assuming that the suspension of *habeas corpus* was a presidential power. In addition, he

¹⁸ Coakley, 229; Abraham Lincoln, *The Martyr's Monument: Being the Patriotism and Political Wisdom of Abraham Lincoln, as Exhibited in His Speeches, Messages, Orders, and Proclamations, from the Presidential Canvass of 1860 until His Assassination, April 14, 1865* (New York: The American News Co., 1865), 140-1; Brian McGinty, *Lincoln and the Court* (Cambridge, MA: Harvard University Press, 2008), 66-7, 69-71; Jennifer L. Weber, *Copperheads: The Rise and Fall of Lincoln's Opponents in the North* (New York: Oxford University Press, 2006), 32-3.

reminded the President that the civil courts were open and functioning in Maryland. Thus, the military had no jurisdiction to make arrests or try civilians in military tribunals in Maryland. The only role the military could play was to assist the U.S. Marshals as part of a *posse comitatus*, if requested to do so. President Lincoln heartily disagreed. In an address to Congress, he reasoned that the Constitution allowed for the suspension of *habeas corpus* when the public's safety required it. With Union soldiers unable to travel through Baltimore or reach the nation's capital, Lincoln believed such a state of emergency existed. In addition, Maryland juries and judges, caught up in the moment, could not be relied upon to objectively pass judgment upon their fellow Marylanders. Thus, government representatives could not uphold law and order without the suspension of *habeas corpus*. By doing so, the President believed he upheld his duty to the Constitution and did not circumvent it. Besides, as Lincoln famously observed: "To state the question more directly, are all the laws, but one, to go unexecuted and the government itself go to pieces, lest that one be violated?"¹⁹ Meanwhile, soldiers continued to arrest civilians, including the mayor of Baltimore, George Brown, in September, 1861.²⁰

Baltimore was not the only city to face difficulties and to see federal forces stepping in. Congress approved President Lincoln's call for additional soldiers by passing the Militia Act of 1862. The Act required the states to contribute another 700,000 men to the Union Army, mostly through volunteers. However, relying upon voluntarism proved insufficient for the manpower needs of the war. In August, just a

¹⁹ McGinty, 60-3, 65-87; Stone, 85-7; James McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 174-6, 287-90; William H. Rehnquist, *All the Laws but One: Civil Liberties in Wartime* (New York: Alfred Knopf, 1998), 32-9; Lincoln, 57-73.

²⁰ McPherson, 289.

month after Congress passed the Militia Act, Secretary of War Edwin Stanton outlined how state governors could fulfill their quotas by using drafts to augment shortages of volunteers. Some citizens did not accept this idea very well. In parts of Maryland, for instance, communities threatened government officials enforcing the draft. Governor Bradford requested federal soldiers to help quell the unrest; however, the department commander, Major General John Wool, cited a lack of manpower to assist him. Besides, he did not want to get caught up in the legal issues that might arise nor the headache of dealing with civilian detainees. State authorities needed federal assistance to make arrests, for they could not handle the situation on their own. Since this was the case, it also stood to reason that a state would be unable to secure the arrested citizens. Ultimately, the Union's general-in-chief, Henry Halleck, reassigned a regiment of Marylanders and three cavalry from McClellan's Army of the Potomac to Baltimore. Civil unrest subsided due to their presence. A similar scenario occurred in Pennsylvania, where, following claims of large scale disturbances, General Wool sent a unit of artillery to assist local authorities. Once again, the presence of federal soldiers appeared to have quelled open unrest.²¹

Anti-draft sentiment during the same period in Wisconsin posed a different challenge. In at least two counties north of Milwaukee, riots broke out against the draft. Wisconsin Governor Edward Salomon bypassed the Provost Marshal and the War Department by ordering soldiers to the trouble areas. He sent units from Wisconsin volunteer regiments still in training to West Bend, Green Bay, and Port Washington. The riot in the latter city grew particularly destructive. Rioters accosted random people on the streets, targeted the homes of prominent citizens and well known Masons. One group

²¹ Coakley, 230-2.

even occupied the docks, challenging federal authorities to stop them. The Provost Marshal of Wisconsin, Walter McIndoe, took eight companies of men with him to Port Washington. He met little resistance and arrested 130 citizens whom he sent to Camp Randall for detention. The War Department already had its hands full with legal proceedings over President Lincoln's Militia Act and was unsure about the legality of the military holding citizens as prisoners. Therefore, Secretary of War Stanton approved paroling any individual McIndoe thought eligible, and those remaining in custody were paroled by General John Pope in December. While there were legal questions over the right of the states to draft citizens to meet President Lincoln's quotas, the state of Wisconsin had no qualms about charging the federal government for the damages incurred due to the draft riot at Port Washington.²²

The draft riots of 1862, however, did not compare in size or controversy to those in response to the federal Draft Law of 1863. This act established draft boards for 178 districts throughout the Union and quotas for each district. If volunteers in a district proved insufficient, then the local boards were responsible for meeting the required number. In addition, U.S. Army Provost Marshals, who were directly responsible for matters relating to conscription, could arrest persons they deemed either disruptive to or attempting to evade the draft. The first major resistance to the new draft law occurred in Ohio. Representatives of the War Department conducted the day-to-day activities of the draft, from enrolling, examining, and, ultimately, drafting men into the Army. However, not every American supported conscription. On one occasion, armed Ohioans attacked the provost marshals freeing their comrades. War Department officers attempting to

²² Ibid, 234-5. The Twenty-Eighth Wisconsin Volunteers mustered into federal service on 13 October 1862 and the riot at Port Washington erupted on 10 November. <http://www.28thwisconsin.com/>

fulfill their enrollment duties were waylaid all over the state. Brigadier General James Mason, commanding federal troops near Columbus, Ohio, believed that a large group of armed men, estimated to be as many as 900, were conspiring to disrupt the draft. He ordered a battalion to the area to quell the uprising as peacefully as possible. The soldiers were to read the governor's proclamation requiring the armed men to disperse while the provost marshal arrested anyone he deemed a threat. However, when an advance guard of soldiers approached the insurgents' meeting area, armed citizens fired upon them. At least three civilians were wounded. The military commander, Colonel William Wallace, met with local leaders and agreed to withdraw if the men for whom the marshal had warrants surrendered. Similar incidents occurred elsewhere in the Union. In Indiana, for example, citizens clashed with provost marshals, and federal forces had to oversee implementation of the draft.²³

Ohio was the home of one of Lincoln's most outspoken critics, Clement Laird Vallandigham. A "Peace Democrat" or "Copperhead", Vallandigham used every opportunity to get his anti-Lincoln message heard. In May 1863, he saw such an opening. President Lincoln transferred General Ambrose Burnside earlier in the spring to the Army of the Ohio after his defeat at Fredericksburg as commander of the Army of the Potomac. Displeased by the disloyal sentiment he found in the Midwest, Burnside issued General Order No. 38 in April. He declared that persons who expressed opinions that supported the Confederacy, in any way, would be arrested, tried as traitors, and banished or executed. Hearing of Burnside's order, Vallandigham took the opportunity to challenge it by giving a two hour speech at Mt. Vernon, Ohio, lambasting the President and Burnside for trampling civil liberties. Burnside had loyal citizens and two soldiers

²³ Ibid, 236-41.

reporting on Vallandingham's speech. Learning about the seditious nature of his address, Burnside took the liberty of sending 150 soldiers to arrest Vallandingham at his home in the early morning of May 5. After allowing him to dress, they shipped him off to a prison in Cincinnati.²⁴

Ohioans responded violently, burning down the office of a Republican newspaper. General Burnside followed through with an earlier threat and declared martial law in Montgomery County. A military tribunal sentenced Vallandingham to spend the rest of the war in a federal prison, even though he stated he did not recognize the jurisdiction of a military court to sentence a civilian. President Lincoln did not authorize Burnside to arrest Vallandingham. However, he defended his general's actions explaining that the Constitution allowed for government action in times of rebellion or invasion that went beyond peacetime measures to protect the public. He argued that Vallandingham's words could incite disloyal action which would endanger public safety. Lincoln was willing to release his political prisoner if the committee of Ohio Democrats contacting him would acknowledge the state of rebellion in the U.S. and support the Union soldiers in every way possible. The Ohio Democrats refused to agree to Lincoln's terms, and the President banished Vallandingham to the Confederacy. Southerners were unwilling to entertain the Northern Democrat who still believed in reuniting the nation and allowed him to slip away on a blockade runner. Vallandingham moved to Canada, just over the border from Detroit, and from that locale he ran a losing campaign for governor of Ohio in 1863.²⁵

In addition to the remarkable act of having military personnel arrest Vallandingham, officers of military units banned Democratic Party pamphlets they

²⁴ McGinty, 185-6; Weber, 93-5.

²⁵ Weber, 96-7; Coakley, 240-1.

deemed to be seditious. If “Peace Democrats” argued against President Lincoln and did not support the use of military force against Southerners, then most Union soldiers did not support them. In fact, many Union soldiers hated Copperheads as much, if not more, than they hated Johnny Reb. When the 54th Illinois went on furlough in Mattoon, Illinois in early 1864 they amused themselves by tormenting local Democrats, including prominent citizens such as a judge, by compelling them to swear an oath of allegiance to the Union. By March, Democrats in Illinois were fed up. They organized an armed party to strike back at the soldiers. A firefight erupted in Charleston which resulted in the deaths of six soldiers, two Copperheads, and a Republican. Union soldiers acted on their own in this and similar incidents. However, officers’ decisions to bar the Democratic Party’s information from reaching soldiers’ hands influenced their opinions and their actions of Democrats. Overall, soldiers’ voices at the polls supported their anti-Democrat and anti-Copperhead feelings.²⁶

Federal soldiers also participated in quelling the largest draft riot of the war in New York City. A mixture of anti-draft sentiment, racial antagonism, and class warfare, the New York riot began on July 13, 1863 and lasted for four days. Federal and state soldiers augmented the police force, as did the Invalid Corps, a body of wounded military reservists, from New York and New Jersey. On the first day of the draft, mobs were able to overrun defenders dispersed around the city and too few to stop the masses of rioters. As the first day of clashes ended, about 700 federal soldiers, 500 militia, and 800 police were deployed to quell the disturbance. Though soldiers and local police often worked in conjunction with each other while, for example, charging enraged mobs, they retained separate commands. On several occasions the following day, July 14, soldiers shot into

²⁶ Weber, 115, 120-1.

masses of rioters after warning shots went unheeded. Soldiers had to fight their way back to headquarters as well, sometimes resorting to their bayonets. By the afternoon, Secretary of War Stanton ordered five more infantry regiments into the city.

With reinforcements from Pennsylvania arriving on July 16 and policing large sections of lower Manhattan from around Washington Square to Central Park. By the time the city quieted down, thirty-five federal infantry, twelve Regular Army and fifteen state units in federal service, as well as eight artillery regiments were located in the city and remained there for about a month. Riots also occurred in Boston, Buffalo, Troy, Portsmouth, Newark, Jersey City, and Philadelphia, but none of these were as severe as in New York City. The Civil War proved a precursor for, and in some cases worse than, what would occur some fifty years later during the Great War. However, in 1861, an enemy army threatened the capitol of the nation. Soldiers waged battle on American soil. In contrast, Americans on the home front in 1918 were not as close to the battle front. The United States was not physically threatened by a menacing army in its backyard.²⁷

The draft riots marked the end of immediate domestic federal intervention in the North. After 1865, federal forces remained in the South to maintain martial law until each seceded state ratified the 14th Amendment and re-joined the Union. Even after that occurred, soldiers remained in the South to maintain law and order, usually justifying their presence under *posse comitatus*, although they also intervened at times to support Republican policies.

The first major peacetime application of federal force in domestic affairs, since the Jacksonian era, took place during the Great Railroad Strike of 1877. Americans experienced a severe economic depression after 1873. Over the following four years,

²⁷ Coakley, 242-55.

thousands of business went bankrupt and millions of Americans were unemployed. Railroad speculation and overextended credit spurred the bubble that burst in 1873. Thus, the railroad industry acutely felt the depression. Management set about cutting wages as a way to offset their financial collapse. While some employers were slashing the wages of workers, they did not do the same for managerial salaries or shareholder dividends. In July 1877, president of the Baltimore and Ohio Railroad, John Garrett, decided to cut wages by an additional ten percent. For many railroad workers, that was the end of the line. On July 16, 1877, workers went on strike in Baltimore, Maryland and Martinsburg, West Virginia. This set off a chain reaction across seven states and paralyzed approximately 75,000 miles of railroad or two-thirds of the nation's rail lines. President Rutherford B. Hayes called out the Regular Army to restore law and order. He was reluctant to use federal forces, but state governors and business men convinced the President that relying on state militias would not suffice. State militias were reluctant to shoot upon rioters with whom they either sympathized with or knew personally. Governors were loath to force their state's militia to take action and thereby order the killing of registered voters. Approximately one hundred people died in the ensuing violence. Where clashes occurred between armed mobs and soldiers, they were with militia not the Regular Army. Nevertheless, President Haye's decision to rely upon the Regular Army instead of federalizing the militia set a precedent for the post-Civil War era.²⁸

²⁸ Ibid, 268; Clayton D. Laurie and Ronald H. Cole, *The Role of Federal Military Forces in Domestic Disorders 1877-1945* (Washington, D.C.: United States Army Center of Military History, 1997), 19-21, 29-33; Paul Michel Taillon, *Good, Reliable, White Men: Railroad Brotherhoods, 1877-1917* (Chicago: University of Illinois Press, 2009), 37-8, 71; Robert H. Wiebe, *The Search for Order 1877-1920* (New York: Hill and Wang, 1967), 10; Weigley, 281; Millett and Maslowski, 263; Joan Jensen, *Army Surveillance in America 1775-1980* (New Haven, CT: Yale University Press, 1991), 34-5.

The President relied upon new legislation from 1874, the *Revised Statutes* (RS), to authorize the Regular Army's intervention. Statutes RS5297 to 5300 granted federal authority to aid states' governments dealing with insurrections or other disruptions to civil authority. Most relevant to the 1877 strike were RS5298 to 5299, which authorized the use of federal forces when trade and commerce were "unlawfully restrained". Thus, railroads were vital parts of national security which the Great Railroad Strike of 1877 disrupted. Issuing a statement for the law breakers to disperse, President Hayes invoked RS5300 which threatened federal involvement. Police officers distributed pamphlets with the President's statement on July 19, but strikers ignored the message. At this stage of the strike, Americans who impeded the rails were a conglomerate of legitimate railroad strikers, sympathetic workers from coal and other industries, as well as masses of others, sympathizers or those caught up in the atmosphere of confrontation. The mass of discontented had stationed locomotives and freight cars to block the railways. They allowed mail and passenger cars to travel but stopped all other commercial freight. Soldiers began riding on the rails forcing the rioters to choose between either open defiance of the U.S. government by attacking federal soldiers or dispersing. Strikers opted to avoid confrontation with the soldiers, allowing the trains to travel unimpeded. Although they occasionally threw rocks at the passing trains, there were few clashes between soldiers and the protesters. Strikers usually dispersed before any serious violence erupted. However, the most destruction and violence occurred in Pittsburgh. Here, too, the riots died down with the arrival of federal forces.²⁹

Most post-1877 activity where federal forces intervened in domestic affairs was based upon either the Posse Comitatus Act of 1878 or the same statutes that President

²⁹ Laurie and Cole, 19-21, 29-35. Rioters also attacked state militia in Baltimore and other areas.

Hayes invoked. The Posse Comitatus Act prohibited the use of federal force at the request of anyone other than the President of the United States. Southern politicians pushed for this legislation in the aftermath of their experience of having Republican civil authorities in the South who sometimes relied upon federal soldiers to enforce their policies. It was also a southern attempt to remove federal military enforcement of Reconstruction civil rights legislation. However, the Ku Klux Klan Act permitted the President to use federal forces for exactly that purpose. Some domestic episodes where the Regular Army saw service under the aforementioned laws were the Pullman Strike, anti-Chinese riots, Coeur d'Alene, and lawlessness in the trans-Mississippi. In several of these episodes, federal forces did not act as a *posse comitatus*, as they had in the Antebellum period and Reconstruction, but along the lines President Hayes outlined in protecting federal property. Congress moved to limit the role of the federal army in domestic affairs. Hayes experienced a backlash to his decisions in the Great Railway Strike, even though rioters did not confront federal forces. Once they arrived or conveyed that they would respond with force, the crowds dispersed. However, except for the Ku Klux Klan Act (1871), subsequent legislation curtailed the use of the Regular Army to deal with domestic problems.³⁰

In the aftermath of the flood of legislation limiting the federal role, corporations moved to hire private armies to protect their interests. The Pinkertons profited immensely from the climate against federal interventionism. They emerged as the only available organized “mercenary” agency to deal with domestic tensions. In the 1870s, Pinkertons became armed guards for corporations, protecting property and even conducting undercover investigations of workers. Business managers hired Pinkerton

³⁰ Ibid, 57-9, 85-7, 111-3; Jensen, 34-7.

detectives to infiltrate unions and spy on their workers. More important, the United States military also hired them.³¹

The Pinkerton National Detective Agency made a name for itself by infiltrating the infamous Molly Maguires. The Mollies were a group of Irish coal miners in Pennsylvania that allegedly conducted a covert campaign of terror, assassinating mine managers, and labor agitation. After four years of undercover work, Pinkerton provided information to civil authorities, which they used in 1877 as evidence that led to the trial and execution of ten members. Because, as noted previously, the federal government had no adequate investigative arm throughout most of the 19th century and, indeed, prior to World War I, on occasions federal agencies employed the Pinkertons.

The only federal agency employing investigators was the Selective Service, a branch of the Treasury Department. The Selective Service investigated counterfeiting and land fraud. Congress created the Justice Department in 1872, but it only dealt with legal matters and had no investigatory authority. Thus, the Treasury Department, Justice Department, and Post Office hired private detectives to get to the bottom of federal violations. All that changed in 1892. During the Homestead Strike, Pinkertons in the employ of the Carnegie Steel Company engaged in combat with strikers, killing several. Union workers at Homestead, just outside of Pittsburg, went on strike in the face of wage cuts and increased hours, as Andrew Carnegie attempted to break the union. Henry Clay Frick, chairman of Carnegie Steel, fired all the steel workers in face of a strike and hired three hundred Pinkertons. Workers organized a small army and confronted the

³¹ Jensen , 40-2. Jensen argues that it was not publicly acceptable for military personnel to conduct covert surveillance until after the Spanish-American War when the exploits of Lt. Andrew Rowan' "message to Garcia" was publicized, 49.

Pinkertons, many of whom were from out of state. At the end of a ferocious gun battle, seven strikers were dead along with five Pinkertons.³²

Public opinion turned against the detective agency for killing civilians. Several states passed anti-Pinkerton laws which outlawed the hiring of out-of-state police forces or mercenary groups. States such as New Jersey, New York, and Massachusetts adopted anti-Pinkerton laws. The House and Senate convened separate investigative committees to discover what happened. Allan Pinkerton's sons, Robert and William, inherited the Pinkerton Agency when he died on July 1, 1884. Therefore, it was Robert who testified before the House committee. He defended their practices at Haymarket as legal, since they were hired to defend their employer's property. Regardless, the strikers were the group that violently blocked the legal entry of the Pinkerton men into the town where the gunfight erupted. The Congressmen did not find fault with a corporation's right to protect its property; nor did they have problems with the hiring of scabs. They did, however, respond by passing legislation which prohibited any federal agency or government official of the District of Columbia from hiring Pinkertons. While this act did not have an immediate effect, it would inform later military surveillance practices. Since the military could not hire detectives to spy on American citizens, they would have to rely upon either civilian volunteers or do the spying themselves. For some time, however, neither the majority of military officers nor the public were comfortable with this concept. Pinkertons were absent from governmental handling of an unemployed march on Washington in 1894. Rumors spread that the marchers were militant and the capital was in danger, however, it turned out to be a peaceful demonstration. If Pinkerton

³² Ibid; Kyle Anthony, *'To Hesitate is Cowardly': Radicalism and American Manhood, 1870-1920* (Lawrence, KS: PhD Dissertation, University of Kansas, 2011), 28.

armies were on the decline, detectives were not. Later in the year, private detectives worked with government officials during the Pullman Strike.³³

George Pullman embarked on a social experiment when in 1880 he established Pullman, Illinois. He organized a corporate town to keep workers safe from vice and crime, as well as insulate them from trade unions and strikes. The Panic of 1893, which would last five years, hit railroads hard. Pullman had to cut prices on his renowned Pullman cars. Thus, to remain competitive, he also cut wages and his work force while also retaining the same prices on rents and at his company stores. In addition, Pullman had the General Manager's Association (GMA) on his side. Meanwhile, Eugene V. Debs was organizing workers in the newly established American Railway Union (ARU) which Pullman workers appealed to for aid. Debs did not immediately throw his support behind Pullman laborers, but he did assist them in organizing and with fund raising. With confidence then, members of a workers committee went to Pullman management on May 10, 1894. The next day, Pullman fired three members of the committee and a local strike remained in effect for the next couple of weeks. On June 12, the ARU agreed to a national strike where laborers would refuse to work on any train with a Pullman car attached. However, Pullman and the GMA had a valuable ally on their side in U.S. Attorney General Richard Olney who had been a railroad lawyer prior to his government position. Olney remained on retainer with a company in Chicago. Sympathetic with the railroad companies, the Attorney General sought several injunctions against the strikers and the ARU for interfering with the mail. According to Olney's interpretation, any train

³³ Jensen, 42-4; Robert Michael Smith, *From Blackjacks to Briefcases: A History of Commercialized Strikebreaking and Unionbusting in the United States* (Athens, Ohio: Ohio University Press, 2003), 14-20, 39; James Mackay, *Allan Pinkerton: The First Private Eye* (New York: John Wiley and Sons, Inc, 1996), 236-7.

with a mail car attached to it was an official mail carrier. Thus, by interfering with any of the other cars would constitute a federal offense. Olney and the GMA sought to escalate the strike to bring in federal intervention. They did not trust the National Guard in Illinois to handle it well, nor the state's pro-labor governor, John P. Altgeld. Olney succeeded in convincing President Grover Cleveland to intervene on an unverified report that strikers became violent at Blue Island Rail Yard.³⁴

Once again, the military stepped in to assist a state government. Unlike in previous scenarios, the commanding officer, Colonel Robert Crofton, split his units up into smaller contingents based upon the advice of U.S. Marshal John Arnold. These detachments (comprising ten to twenty men) were too small effectively to deter strikers. In addition, for all intents and purposes, they became auxiliaries of the police and marshals, in direct violation of the Posse Comitatus Act. This policy had the added disadvantage of making matters worse since strikers were not deterred. On July 7, the bloodiest violence erupted when Illinois National Guardsmen made a bayonet charge into a mob throwing rocks at them.³⁵

Not until July 10 did local police, National Guardsmen, U.S. Marshalls, and Regular Army officers began to coordinate their actions. However, throughout most of the strike, federal soldiers were left in the dark regarding information. Lt. General Nelson Miles, commander of the department, sought assistance in obtaining intelligence about the strikers. He contacted General Manager's Association representative John Egan who hired informants and detectives on Miles's behalf. From the reports Egan

³⁴ Laurie and Cole, 134-5; Nick Salvatore, *Eugene V. Debs: Citizen and Socialist* (Chicago: University of Illinois Press, 1982), 114-5, 130-1; Richard Schneirov, *The Pullman Strike and the Crisis of the 1890s: Essays on Labor and Politics* (Chicago: University of Illinois Press, 1999), 4-8.; Taillon, 110-1, 116-7.

³⁵ *Ibid*, 140-5.

supplied—distorted by his own preconceptions, Miles believed that the Pullman Strike was the start of a nationwide class war. He feared his troops were on the front line of a revolution against the government.³⁶

Disappointed with how his subordinates were performing their duties, General Schofield released General Order 23 on July 9, 1894. This order would remain unchanged on the books until 1937. It stated that any “mob” which interfered with U.S. federal law, or endeavored to damage federal property, would become a “public enemy”. Schofield authorized the use of force as appropriate deemed by the highest ranking officer on the scene. Thus, if an officer believed it necessary to fire their weapons, including artillery, into the crowd, Schofield supported such a step. He did require, however, that officers assess the composition of the crowd and offer ample opportunity for the less radical elements to disperse. Whenever mobs materialized, a large number of innocent bystanders would also be present, not understanding the danger. If the crowd did not disperse after a warning, soldiers could charge the crowd with bayonets. Schofield explained that this would drive the point home to innocent observers. They would then detach themselves from the radical core, enabling the soldiers to escalate the use of force to subdue the threat.³⁷

Though the American Railway Union hoped that a general strike would emerge from the localized Pullman affair, that did not happen. Using information that Egan’s informants supplied, Miles sent soldiers in support of U.S. Marshals to quell and arrest strikers throughout Chicago. On July 10, federal agents also arrested Eugene Debs and other members of the ARU leadership. On August 5, the ARU had effectively ended the

³⁶ Ibid, 138, 146.

³⁷ Ibid, 146-7; Salvatore, 133-6.

strike. An estimated thirteen people died during the Pullman strike, fifty-three incurred wounds, and federal agents arrested 190 individuals. A judge sentenced Debs to six months in prison. Miles's handling of the strike in Chicago lent credence to labor's fears that the federal Army was at the beckon call of big business.

The Supreme Court's decision to uphold the Circuit Court's ruling in Eugene Debs' case set a precedent for future federal intervention in strikes. The court rejected Debs' request for a writ of habeas corpus and proclaimed that the federal government had a right to intercede when the mails or interstate commerce were disrupted. "Intervention" might lead to the involvement of U.S. Army forces when federal officials believed the state authorities could not secure the mail or interstate commerce. During the Pullman Strike, some officers also learned the value of utilizing informants among the populace. Miles used this type of information to his advantage to subdue the strikers.³⁸

Though Miles gleaned some benefit to obtaining intelligence from informants, neither he nor other officers would make a habit of it. The American military would not learn to appreciate intelligence gathering beyond geographic features, production strength, and troop numbers until they became involved in the First World War. Prior to that event, military officers did not give much thought to conducting surveillance of the American population.

³⁸ Ibid, 150.

CHAPTER TWO

Appreciating Intelligence: Forming the Military Intelligence Division, 1885-1917

“When the service was inaugurated in April and May, 1917 it had no guide or pattern. It knew in only a general way what it was expected to accomplish. There was nothing tangible in the enemy it had to face which would permit it to manoeuvre into effective position. It knew it must meet espionage with counter espionage; it knew that there was a wealth of information concerning the enemy and concerning friends and neutrals which it was vital to lay hands upon; but how it should organize its force in order to meet the demands was a perplexing problem.” – History of Military Intelligence Division¹

The labor strife of the late 19th Century brought the federal army into conflict with American laborers. On the surface the military retained its apolitical appearance, though, the truth was that federal intervention, while maintaining law and order, rarely supported the reasons laborers struck in the first place. Even with federal interference, for the most part, military officers did not venture outside of their legal authority. They did not view their role as a domestic police force, but as the nation’s protectors from external threats. During the Philippine War, however, a small cadre of officers would learn that external threats could appear from within. They understood that words could also have persuasive power that could influence the uneducated masses. It would not be until 1917 that these officers, specifically Colonel Ralph Van Deman, would finally get his wish, a permanent Military Intelligence Division.

The prospect of a class war preoccupied many middle and upper class Americans. For industrial America, the first major impression that a class struggle was on the horizon was the Great Railroad Strike of 1877. This strike represented the threat of what a

¹ “History of Military Intelligence Division,” Unpublished Manuscript, In RG 319, Entry 270, Box 21 (College Park, MD: National Archives and Research Administration II), 137. Hereafter referred to as MID History. This history was written immediately after the war, but never published or disseminated. It was retained by the leadership of MID under lock and key, only taken out for new recruits to read. As far as historians can tell, there is only one loose leaf copy in existence, and very few people know about it even today, as evidenced by the very few references to it in monographs on surveillance.

general, national strike could do.² Several years later, in 1881, a little over 100,000 workers went on strike at about 471 locations. Five years later, workers around 400,000 workers struck 1,432 times in a single year. This trend would continue in the 1890s. Journalists likened these labor disputes to the Paris Commune of 1871 where, for a few months after France's defeat to Germany, communists turned society on its head. Whether parading the phantom of the Paris Commune before American readers was purely hyperbolic or not, an influential segment of society was afraid of what the outcome of the strikes might be. Historians have long debated the American fears of a class war. Richard Hofstadter drove the discussion with his *Age of Reform* in 1955 in which he argues Progressives were more concerned about status displacement, or anxiety, than economic concerns. In the wake of industrialization, these mostly Northeastern, middle-class Americans whom Hofstadter termed "mugwumps," saw a crass breed of man rise to prominence nationally through the acquisition of massive wealth. Hofstadter further holds that Progressives wanted to reform society to regain their stature. If Progressives had any commonality it was in their support of reform.³

While historians have critiqued *Age of Reform* since Hofstadter authored it, there was some merit to the concept that anxiety rather than economics fueled the class divide. Progressives encompassed more than just displaced elites who worried about regaining political influence. They were more than the middle-class that felt squished between an organizing labor movement and organizing industry. Historians, such as David Thelen

² A general strike is when the majority of workers from all the various industries go on strike together, thus halting business in the nation entirely.

³ Paul Michel Taillon, *Good, Reliable, White Men: Railroad Brotherhoods, 1877-1917* (Chicago: University of Illinois Press, 2009), 71; Kyle Anthony, "'To Hesitate is Cowardly': Radicalism and American Manhood, 1870-1920," PhD Dissertation (University of Kansas, 2011), 22-4; Richard Hofstadter, *Age of Reform* (New York: Vintage Books, 1955), 135-143.

and Samuel P. Hays, substantially diversified the Progressive Movement. Thelen argued that in Wisconsin, Hofstadter's Progressives had little to do with pushing through reforms. Instead, reformers came from all different classes and social groups. Hays added upper class elites into the reforming mix. Robert Wiebe argued that Progressives, comprising a modern middle-class, sought a new organizational order through government and business cooperation to combat the corruption of both.⁴

The Progressive Era did not exhibit a cohesive movement that historians have been easily able to define. In fact, historians continue to debate what the Progressive movement was, who participated in it, and its general affect upon American society. Yet, most studies of the period would agree that the various groups comprising Progressivism sought some method of social reform. Class conflict existed throughout the 19th Century. Industrialization simply exacerbated socioeconomic undertones. According to Richard H. Steckel and Carolyn M. Moehling, for almost a century before 1910, the top 20 percent of American society in New England increased their wealth accumulation from 72 to 98 percent while the top 1 percent went from 20 to 35 percent. Near the end of the 19th Century, about one-eighth of Americans owned 50 percent of the nation's wealth. In urban centers, crime rates were on the rise, as were disease and poverty. For this reason, and to keep workers away from union influence, Pullman created the socially experimental Pullman Town just south of Chicago in 1880. Kenneth McNaught argues

⁴ Hofstadter, 216; Alan Brinkley, "Richard Hofstadter's the Age of Reform: A Reconsideration," *Reviews in American History*, Vol. 13, No. 3 (Sep., 1985), 470-2; Samuel P. Hays, "The Politics of Reform in Municipal Government in the Progressive Era," *The Pacific Northwest Quarterly*, Vol. 55, No. 4 (Oct., 1964), 158-62, 164-5, 167; Robert H. Wiebe, *The Search for Order 1877-1920* (New York: Hill and Want, 1967), viii 111-3; Robert McCormick, "The Discovery that Business Corrupts Politics: A Reappraisal of the Origins of Progressivism," *The American Historical Review*, Vol. 86, No. 2 (Apr., 1981), 248-50; Robert D. Johnston defended the applicability of Hofstadter's *Age of Reform* in "The Age of Reform: A Defense of Richard Hofstadter Fifty Years On," *The Journal of the Gilded Age and Progressive Era*, Vol. 6, No. 2 (Apr., 2007).

that the majority of Progressives worried about socialism, both in private and public discourse, and labored to discover an alternative for the working class. Theodore Roosevelt, McNaught states, was very concerned about the socialist threat. ““Some of these are socialists, some of them merely lurid sensationalists; but they are all building up a revolutionary feeling which will most probably take the form of a political campaign.”” According to McNaught, socialist papers were in wide circulation by 1912 with two million readers and very influential writers. “Socialism merited the fears of the orthodox.” As early as 1903, Colorado businessmen, with state government support, worked to destroy William Haywood’s Western Federation of Miners. They decried the seditious and “un-American” nature of the organization.⁵

In addition, there was a massive immigrant element that “invaded” the United States between 1870 and 1914. After 1890, the majority of immigrants came from Eastern and Southern Europe as opposed to the Western Europeans who dominated previous groups. Between the Civil War and the Great War, approximately twenty million foreigners immigrated to the U.S. looking for work. The influx of people whom some old stock Europeans and native born Americans perceived as inferior compounded

⁵ Richard H. Steckel and Carolyn M Moehling, “Rising Inequality: Trends in the Distribution of Wealth in Industrializing New England,” *The Journal of Economic History*, Vol. 61, No. 1 (Mar., 2001), 178-81; Michael Pearlman, *To Make Democracy Safe for America: Patricians and Preparedness in the Progressive Era* (Chicago: University of Illinois Press, 1984), 3; Richard Schneirove, *The Pullman Strike and the Crisis of the 1890s: Essays on Labor and Politics* (Chicago: University of Illinois Press, 1999), 7; Peter Lyon, *Success Story: The Life and Times of S. S. McClure* (New York: Charles Scribner’s Sons, 1963), 208; Kenneth McNaught, “Socialism and the Progressives: Was Failure Inevitable,” In *Dissent: History of American Radicalism*, ed. Alfred F. Young (Dekalb, Ill: Northern Illinois University Press, 1968), 259-260; Melvyn Dubofsky, “The Radicalism of the Dispossessed: William Haywood and the IWW,” *Dissent: History of American Radicalism*, ed. Alfred F. Young (Dekalb, Ill: Northern Illinois University Press, 1968), 186; For more on economic conflict in the 19th Century, see Charles Sellers, *The Market Revolution: Jacksonian America 1815-1846* (New York: Oxford University Press, 1991). A good example of class conflict from this century is Carol Sheriff, *The Artificial River: The Erie Canal and the Paradox of Progress, 1817-1862* (New York: Hill and Wang, 1996). To get more of a synthetic interpretation of the Progressive Movement and it failings, see Michael McGerr, *A Fierce Discontent: The Rise and Fall of the Progressive Movement in America* (New York: Oxford University Press, 2003).

with the sanitation problems in urban areas and the volatile job market caused a large segment of American society to seek reforms. Leading figures, such as Theodore Roosevelt and General Leonard Wood, sought to reestablish civic virtue among Americans while instilling core American values in foreigners. They believed that American society had become overly materialistic. Immigrants, they argued, came to the United States for economic prosperity and therefore were too selfish and ungrounded in American selflessness. Not only were immigrants only out for their personal economic success, but they also congregated together, retaining their ethnic and cultural diversity. Even military intelligence officers admitted, “the famous American melting-pot had not fused its assorted contents with complete success.” Roosevelt thought that native born Americans at least had a natural born connection to the selfless spirit of the American Revolution, but foreigners needed to learn it. Roosevelt and others believed that Americans had become too focused upon their personal material well-being. A class war was a distinct possibility. Elihu Root, former Secretary of War under Roosevelt and reformer the army said of Americans in 1916, “As we have grown rich in material things we have grown poor in spirit.” Roosevelt’s brand of Progressive intended to combat the greed of the nation by instilling people with morality. Americans needed to learn the virtues of manhood and working together for the betterment of society. Success came to those who were willing to work hard and had a sense of duty to their fellows. “They are the men and women who have the courage to strive for happiness which comes only with labor and effort and self-sacrifice, and only to those whose joy in life springs in part from

power of work and sense of duty.” Roosevelt carried his belief in the virtue of Americans to his advocacy of the Preparedness Movement.⁶

Not all Progressives agreed with Roosevelt’s interpretation. Randolph Bourne, for instance, argued that the nation’s social problems should be addressed through education, not through militarism. He exclaimed, “Our need is to learn how to live rather than die; to be teachers and creators, not engines of destruction; to be inventors and pioneers, not mere defenders. Our cities and isolated farms alike are mute witnesses that Americans have never learned how to live.” Other Progressives believed they could work with the military to educate the masses in the vein of Roosevelt. Raymond D. Fosdick, director of the Committee on Training Camp Activities (CTCA), was one such Progressive. The CTCA promoted 100 percent Americanism that was every American was equal and foreigners could not have a dual identity, such as German-American or Irish-American. Fosdick and other CTCA member focused their efforts upon reforming the working class and industrial army. By doing so, their cultural perceptions influenced how they “reformed” men in uniform or in the factories. They forbade working class entertainment and activities, most notably gambling and drinking, and proposed more civilized activities, such as football and baseball. Meanwhile, there were leading Progressives, such as Jane Addams and David Starr Jordan, who were concerned; or as

⁶ National Security League., *Proceedings of the Congress of Constructive Patriotism: Held under the Auspices of the National Security League, Washington, D.C., January 25-27, 1917* (New York: National Security League, inc., 1917), 23; Pearlman, 2-6, 11-3, 15-6; Theodore Roosevelt, *Theodore Roosevelt, an Autobiography* (New York: Da Capo Press, 1985), 94, 378; Roger Daniels, “The Immigrant Experience in the Gilded Age,” In *The Gilded Age: Perspectives on the Origins of Modern America*, ed. Charles William Calhoun (New York: Rowman & Littlefield, 2007),75-6; Gail Bederman, *Manliness & Civilization: A Cultural History of Gender and Race in the United States 1880-1917*(Chicago: University of Chicago Press, 1995), 200-1, 214; MID History, 1900. For more on the immigrant population in America see John Higham, *Send These to Me: Immigrants in Urban America* (Baltimore: Johns Hopkins University Press, 1985). For how the military progressively attempted to make immigrants 100% American during the war see Nancy Gentile Ford, *Americans All! Foreign-born Soldiers in World War I* (College Station: Texas A&M University Press, 2001).

historian Milton Cantor stated, they were “justifiably fearful of the obvious growth of socialist power” during the war.⁷

Despite some growing anxieties over a potential class war and the military’s role in the domestic disputes of the late 19th Century, military authorities remained focused upon conventional warfare. Beginning to grasp the benefits of an information gathering unit, the War Department organized the Military Intelligence Division (MID) in 1885.⁸ The new organization answered to the Adjutant General and was given the responsibility of collecting information that might be useful to the military establishment. Though officers learned to value intelligence obtained by covert agents, such as during the Pullman Strike, they still believed that topographical data was the most important information worth gathering. The Adjutant General asked all officers to collect information on terrain while on hunting or fishing trips to assist the new agency. He also charged qualified officers with discreetly accumulating similar details across the border in Canada. In 1889, the Secretary of War authorized MID to collect confidentially any information deemed militarily useful. This was a tall order, since the MID staff only numbered three civilians, one serving as supervisor and two assistants, as well as one military officer. To meet the demand of assessing all the reports that officers sent in,

⁷ Randolph Bourne, *Education and Living* (New York: The Century Co., 1917), 75-6; Christopher Capozzola, *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen* (New York: Oxford University Press, 2008), 25; Nancy K. Bristow, *Making Men Moral: Social Engineering During the Great War* (New York: New York University Press, 1996), 35-7, 56-7, 65, 79; Milton Cantor, “The Radical Confrontation with Foreign Policy: War and Revolution, 1914-1920,” In *Dissent: History of American Radicalism*, ed. Alfred F. Young (DeKalb, Ill: Northern Illinois University Press, 1968), 229;

⁸ In 1882, the Navy established the Office of Naval Intelligence (ONI), the first peace time, military intelligence agency. ONI officers worked abroad to gather information on new naval technologies with the emphasis of making Alfred Thayer Mahan’s vision of an advanced American navy securing economic and political dominance in the world come true. For more on ONI see: Jeffrey M. Dorwart, *The Office of Naval Intelligence: The Birth of America’s First Intelligence Agency, 1865-1918* (Annapolis, MD: Naval Institute Press 1979); Mark Russell Shulman, “The Rise and Fall of American Naval Intelligence, 1882-1917,” *Intelligence and National Security* 8 (Apr., 1993); and Robert G. Angevine, “The Rise and Fall of Naval Intelligence, 1882-1892: A Technological Perspective,” *The Journal of Military History*, Vol. 62, No. 2 (Apr., 1998).

MID's office staff slowly grew in size over the years. In 1892, the Secretary of War gave specific instructions for the agency's mission as one to obtain information on American and foreign communication and travel capabilities, along with intelligence on manpower, production, and supply. Intelligence officers were also to prepare military attaches for overseas duty in regard to collecting foreign information. They also worked to produce maps and publications regarding all the relevant information officer sent in along the Secretary of War's guidelines and prepare it for dissemination among the rest of the Army. Lastly, intelligence officers gathered information on the preparedness of the National Guard and preparing manuals for their use. The Military Intelligence Division's staff grew to eleven Army officers on the eve of the Spanish-American War with forty more assigned to National Guard offices. Military officers collected a great deal of information on Cuba during the 1890s which they disseminated throughout the Army. Unfortunately, either the information they gathered was not good enough or officers during the Spanish-American War did not read or appreciate its value. During Congressional hearings after that war, several generals complained about the lack of good intelligence.⁹

In contrast, Americans had not collected any intelligence on the Philippines. When Commodore Thomas E. Dewey defeated the Spanish fleet at Manila in May 1898, MID had to scramble to obtain information for an American army dispatch to pacify the archipelago. From the beginning there were misunderstandings. Dewey, like most Americans, did not know what U.S. intentions in the Philippines would be. He did know, however, that he needed to defeat the Spanish. Thus, he approved bringing the head of

⁹ Bidwell, 52-6. Bidwell states that MID assignments were so broad because the War Department still did not have a functioning General Staff in 1892. Therefore, the Secretary of War heavily relied upon the Adjutant General and MID for various tasks.

the Philippine rebellion against Spain and government in exile, Emilio Aguinaldo, with him. On May 1, Dewey defeated the Spanish ships moored at Manila. Between that date and May 26, when Dewey was informed that he should avoid lending overt support to the revolutionaries, Aguinaldo took charge of the insurgency. He declared Philippine independence on June 12, believing the U.S. would fully support him. However, in late December, President McKinley decided to extend American control over the entire archipelago, even though the Filipino revolutionaries held the majority of the islands, including Luzon. The President believed that Aguinaldo's newly established Malolos Republic would be unable to withstand internal pressures to acquiesce in an American occupation.¹⁰

Once the war to suppress Philippine independence began, General Elwell Otis, who became the military governor in August, established an intelligence bureau. He created the Bureau of Military Insurgent Records, which was also referred to as the Department of Military Intelligence (DMI), to obtain and sift through Filipino documents, many of which were obtained from military units in the field. He sent documents to the War Department which supported Filipino brutalities, lawlessness, and conspiracies against the U.S. When President McKinley sent an investigative commission to the Philippines they established their own civilian intelligence gathering structure, under Dr. Frank S. Bourne, since they did not trust the military. In addition, the War Department, unhappy with Otis's lack of progress, sent a civilian operative of their own to covertly investigate the situation in the Philippines. To complicate matters, 1900 was an election year. McKinley was concerned about how the public would react to the situation in the Philippines. Therefore, he moved to have civilian leadership take control

¹⁰ Ibid, 62-3; Jensen, 90-3.

of the archipelago. He sent William Howard Taft as head of a commission to investigate the islands and negotiate with the Filipinos.¹¹

Taft believed that civilians should take immediate control of governing the island. He heard reports from many Filipinos that the military occupation was fueling the insurgency. Yet there were some elite Filipinos who merely sought reform, not independence, and worked as informants for General Otis. In one province, Benguet, military officers accepted the assistance of a previously pro-Spanish religious sect in identifying insurrectionists. The Guardia de Honor grew into an intricate counterinsurgency organization numbering several hundred and spanning the entire province. The American officer in charge, Colonel William Duvall, utilized the group's reports for subsequent military trials of captured guerrillas.¹²

Taft strongly disagreed with the military's methods. He believed that they had turned the otherwise quiet and receptive province of Benguet into one of terror and secret societies. Taft was well aware of the advantages of an intelligence service. Political blackmail was rampant in Manila, and he relied upon a civilian police force to conduct undercover surveillance. This civilian force, however, also resorted to torture and extortion. In Taft's investigations as chairman of the Philippine commission, he completely disregarded the military's intelligence organization and relied solely upon the reports his civilian agents collected. According to those reports, he believed that the military exaggerated the insurgent threat to retain control of the islands. When Taft

¹¹ Ibid, 95-6; Alfred W. McCoy, *Policing America's Empire: The United States, The Philippines, and the Rise of the Surveillance State* (Madison, WI: University of Wisconsin Press, 2009), 76-7.

¹² Ibid, 98.

became the civilian governor of the Philippines in 1901, he utilized civilian operated political surveillance to check opposition to American rule.¹³

The Philippines were rife with surveillance networks. The civilian police force utilized one, the military, individual Filipino politicians or political groups, as well as the Filipino Scouts and the constabulary forces operated their own networks as well. Through the use of surveillance, the American military was able to finally crush the Malolos Republic in March, 1901 by capturing Aguinaldo. However, the military still feared rebellion for decades afterward and grappled with repeated warnings that Filipino dissidents would gain aid from foreign nations such as Japan. An important aspect of American involvement in Philippine surveillance was that many Americans were racially prejudiced against the Filipinos. Citizens of the islands did not have the same rights offered by the U.S. Constitution since they were inhabitants of a colony and not a state or territory. However, questions remain regarding how much the American experience in the Philippines influenced surveillance on the home front a little over a decade later in the First World War.¹⁴

During the Spanish-American War, one previously lackluster American officer emerged to become what one scholar has termed the “father of U.S. military intelligence.” Captain Ralph Van Deman worked in the Military Information Division in 1898 when Congress declared war on Spain. Feeling underappreciated, he transferred out of MID and went to Cuba and the Philippines where he recorded topography. In February 1901, he took command of the newly-established Department of Military Intelligence in Manila. Van Deman linked the military’s 450 disparate posts throughout

¹³ Ibid, 97, 102.

¹⁴ Ibid, 101, 103, 105-8.

the islands with civil and other agencies conducting covert surveillance. In doing so, he established a file card system of information on guerillas and suspected insurgents. He disseminated all pertinent information to both military and civil personnel. This was a practice he would also establish as head of the Military Intelligence Division during the First World War. Along with his ability to collate massive amounts of information, he brought to Manila an inclination to absorb too readily an extraordinary narrative that he developed by combining those multifarious intelligence reports. Thus, he viewed disparate groups or isolated incidents as parts of an ambitiously grand scheme within a larger picture of dissent. Though his conclusions were baseless, Van Deman constantly feared the resurgence of an insurrection or a Japanese invasion. He infected not only the organization he led, but many of the military officers with whom he fed the information. His eccentric beliefs partially led to Taft's mistrust of the military intelligence reports and his reliance upon his own surveillance system.¹⁵

Regardless of how successful military intelligence officers perceived their surveillance activities in the Philippines to have been, there would be no similarly organized unit in the War Department for some time. In fact, MID ceased to exist as of 1908. Major Van Deman went on a couple of topographical reconnaissance missions in China and Latin America prior to and after the War Department scrapped MID, but he would conduct these operations under the auspices of the Philippine intelligence unit. Upon returning to the War Department in 1915, Van Deman noted the lack of any other officer with knowledge concerning military intelligence. This would remain the status quo until May, 1917.

¹⁵ Bidwell, 56-7; McCoy, 77-82.

After disobeying a direct order by General Hugh Scott, the Army's Chief of Staff, to discontinue efforts at intelligence gathering, as well as going over his head directly to the Secretary of War Newton D. Baker; Van Deman successfully got MID reinstated under his command. His next move was to set MID up as a clearing house for intelligence across agencies. The Office of Naval Intelligence (ONI) dated back to the 1880s but focused mostly on ports and naval installations. The Bureau of Investigation (BOI) was a newer agency which Congress established within the Justice Department in 1908. The Bureau comprised about three hundred personnel on the eve of American entrance into the World War. The last major government investigative arm was the Secret Service which Congress decided early on did not have the authority to conduct broad domestic investigations outside of its purview within the Treasury Department. Though all three of these agencies had existed longer than MID, all intelligence, whether domestic or international, were deemed crucial to the national security of the United States. Therefore, no matter what agency procured the information, MID had a vested interest in it.¹⁶

Upon organizing MID fell under the auspices of the War College Division within the Tables of Organization. The Chief of MID would report directly to General Joseph E. Kuhn, Chief of the War College Division of the General Staff. Van Deman was unhappy with this arrangement since his department was removed from direct involvement in the General Staff, the brains of the U.S. Army. He believed that MID should report directly to the Chief of Staff and be located precisely where his department could have the most influence and access the most up-to-date information. After a good deal of wrangling, he finally got MID transferred to the War Department General Staff in February 1918, but as

¹⁶ McCoy, 296-7; Capozzola, 41; MID History, 22-4.

part of a newly organized Executive Division. When Major General Peyton C. March took command as Chief of Staff in March, however, he set about transferring MID directly to the General Staff. This became effective on August 26, establishing military intelligence as G-2, an equal department alongside operations, purchasing, storage and traffic, and war plans within the War Department's General Staff. From then on, the Chief of MID would answer only to the Chief of Staff and the Secretary of War.¹⁷

At the start, Van Deman and his staff undertook the task of organizing their new department. They established two branches within MID which reflected how they defined intelligence. They defined positive intelligence as "the study of the military, political, economic, and social situation abroad." Negative intelligence referred to enemy activities on the home front. The MID History described the importance of negative intelligence as:

The man or woman of foreign sympathy in the United States, who prevented the enlistment of one soldier, impaired his loyalty, prevented or delayed his arrival in France, hampered the supplies he required, or in any other of a thousand ways canceled that one man's usefulness to this nation, did as much for the Kaiser as the German soldier who killed an American in battle.¹⁸

The author continues with hyperbole regarding the "ruthlessness" of Germany and that nation's mastery of espionage. Americans, on the other hand, were opposed to military espionage in the past. Due to the multifarious ethnic composition of American society and the geographic vastness of the nation, the United States was an easy target for German subterfuge. In addition, the MID history charged that German agents were sabotaging the American people long before the neutral nation entertained thoughts of

¹⁷ Bidwell, 110-1; 116-8; Ralph Van Deman, "Memoirs," Unpublished Manuscript, (Washington, D.C.: Center of Military History), 59.

¹⁸ "History of Military Intelligence Division," Unpublished Manuscript, In RG 319, Entry 270, Box 21A (College Park, MD: National Archives and Research Administration II), 9. Hereafter referred to as MID History.

war. These covert agents tainted American opinion of preparedness. They instituted a propaganda campaign of peacefulness “to persuade the country to inaction.” The accusations which this history makes offer valuable evidence of how intelligence agents perceived pacifism. They saw German subterfuge in opposition to conscription, lenient exemption boards, and pacifist or anti-war organizations. The author explained that rumors and actions which affected productivity or morale at home had the same effect as a “defeat on the battlefield.” Thus, “the activities of many elements in the pacifist movements, the extremists among the socialists and the IWW, were as proper subjects for investigation and repression as mutinous soldiers, deserters or traitors in the ranks.” By extension, MID officers included conscientious objectors in this list. Similar to a large proportion of society, military officers viewed conscientious objectors as slackers, men who were purposefully avoiding their duty to the nation. In addition, objectors could negatively influence other soldiers. Thus, organizations that assisted conscientious objectors in any way also became suspect.¹⁹

Historian Alfred McCoy argues that Van Deman established MID in the image of his Philippine equivalent. He brought in personnel with whom he had worked in the Pacific, such as Colonel Dennis E. Nolan. As well, he arranged commissions for civilians with backgrounds in detective work. However, an appendix of the official, unpublished MID history offers a contradictory assessment. For starters, the majority of MID officers received little to no training before plunging into their delicate work. This is extremely important because the majority of intelligence officers were newly inducted into the military.²⁰

¹⁹ MID History, 3, 9, 13.

²⁰ McCoy, 298-9.

Six-hundred and twenty officers from all sections of MID submitted their biographical information. They did not include information about civilians or enlisted men, and there were certainly a number of officers who did not submit anything. Some responded only with their names and no additional information. However, the 620 who replied offer an extraordinary window into the composition of MID at the time of its reestablishment and throughout the war. For instance, contrary to the idea that MID was comprised of veterans from the Philippine War, only about seven percent had prior military experience and that number included a small number from the National Guard. One of these men, Fred Wilson, was in the Information Division in the Philippines and rejoined the Army in mid-August 1917. In addition, there was also a dearth of civilian detectives or investigators. Only three percent had prior experience in the detective or police fields. Captain Ralph Dudley, who joined MID September 4, 1918, had worked for the Pinkerton Agency for twenty-one years. Gerald Holdridge was a criminologist for the Secret Service prior to his commission in the Army in late September 1918. Henry Pratt had experience as a criminal investigator for twenty-one years with the Washington, D.C. Metropolitan Police Department; and George Walden was the Vice-President of Walden Detective Agency in New York City. Both entered MID in November 1917. Notably, Major Nicholas Biddle, who directed the New York City office, was a former Deputy Police Commissioner, though he was a partner in a firm dealing with estates and trusts for his day job. There were also a few detectives from the New York City bomb squad and one Police Superintendent. The most strongly represented civilian occupation comprised lawyers, who accounted for approximately twenty-two percent of MID officers. Ten percent identified themselves as writers or journalists and another ten

percent were college professors. All told, more than 40 percent of those represented went to college with about 33 percent of those identified as Ivy League schools. This figure was derived from those who specifically responded with information about education history, but many, such as a number of the 18 percent of businessmen and bankers may have attended universities and simply not listed it. “It is doubtful if a more representative body of editors, college professors, business experts, lawyers, newspaper men, diplomats, travelers and explorers, were ever gathered together in this country.” Regardless, MID officers were overwhelmingly well educated and from the middle to upper ranks of American society.²¹

The 620 respondents split evenly between those engaged in what was termed “negative” and “positive” intelligence.²² Of those who responded, 411 were stationed in Washington, D.C. either for the duration of their commission or at least for a part of their service. Forty-five identified themselves as assigned to the AEF--with eight members of that group serving in Siberia. Another thirty-one were stationed in New York City, eight on Governor’s Island, thirteen in San Francisco, eleven at Fort Sam Houston and Philadelphia, and another fifty-five officers serving as military attaches. Others were in the training camps, forts, or assigned as individuals in cities around the country.

According to Van Deman and some of the records, MID had about 1,000 civilians, 29

²¹ MID History. 138. The biographical appendix does not include page numbers; however, continuing sequentially from the last numbered page of the history the appendix is 2134-2293. Enlisted personnel and civilian employees may very well have had backgrounds in detective or investigative work. For instance, Van Deman states that Biddle hired a large number of police officers since he was a former Deputy Police Commissioner. However, records of either enlisted or civilian personnel are either lost or have yet to be discovered. Therefore, this study relies heavily upon and specifically addresses MID officers. For more on Van Deman’s recollections about his time with MID see Ralph Van Deman, “Memoirs,” Unpublished Manuscript, (Washington, D.C.: Center of Military History).

²² As mentioned on page 52, MID defined positive intelligence as “the study of the military, political, economic, and social situation abroad.” Negative intelligence referred to enemy activities on the home front. See MID’s official unpublished history page 9, 50-1, 54 for more.

non-commissioned officers, and 282 officers at the end of the war. In all likelihood, this figure only accounted for those working with MID in the War Department in Washington, D.C. and not the other offices around the U.S.²³

At the beginning of MID's establishment in 1917, Major Ralph Van Deman headed the intelligence section with two officers assigned as staff. However, Van Deman worked in practice as a one man intelligence agency. At the end of July, Van Deman received a promotion to Lieutenant Colonel, and his section grew to seventeen officers, himself included. The work of the department was distributed along the following lines: one officer assisted Van Deman; three dealt with counter-espionage (one of those focusing specifically on military matters and another German suspects); another two with organization: one with anti-draft matters and the foreign press: two interpreters: two officers dealt with publications and another two with codes; one dealt with war history and records; one with industrial problems; and one poor soul worked with Department of Justice records.²⁴

A major and continuing challenge for MID arose from the approval by Congress of a draft measure. President Wilson called the Selective Service Act "a more perfect organization of our man power." Yet he and conscription's other supporters did not want to repeat the mistakes of Lincoln's administration during the Civil War. For many Americans, the thought of a new draft elicited memories of the New York Draft Riots of 1863. To avoid a similar disaster, the Wilson administration decided to hold draft registration at places Americans associated with freedom and democracy such as local schools and churches. These were the places where most people went to vote in

²³ MID History, 139, 2134-2293; Bidwell, 110-1; Jensen, 181.

²⁴ MID History, 38-9, 1225.

elections. Also, the draft boards, the people who would make the decisions as to who would be eligible for the draft or exemptions, as well as what class they would be in, were from the local communities. The decision to have local citizens in charge of the day-to-day aspects of conscription was done for two reasons. First, it put local faces on the draft boards; thus, registrants would associate the draft with their obligations to their community and not the federal government. The assumption was that people they knew and trusted were making the decisions. Second, the national debate over conscription revolved around constitutional authority. If locals administered conscription, the operation would appear not to be an exercise of federal power, even if ultimately the Secretary of War had the final say in draft matters.²⁵

The Selective Service Act required Americans between the ages of twenty-one and thirty-one to register. The first registration day was on June 5, 1917. There would be three registration days in total throughout America's involvement of the war. Of the four million American men who donned a uniform, about sixty-seven percent went through the draft. On that first day, about ten million men registered for the draft.²⁶

Approximately four-thousand local draft boards existed across the country. President Wilson approved the lists that Governors from each state sent him. Similar to the composition of MID, local draft boards were comprised of professionals such as lawyers, bankers, undertakers, and government clerks. They were the prominent citizens in their communities. Much like the dollar-a-year men who sat on the different boards

²⁵ *Selective Service Regulations: Prescribed by the President Under the Authority Vested in Him by the Terms of the Selective Service Law (Act of Congress Approved May 18 1917)* (Washington, D.C.: Government Printing Office, 1917), iii; Christopher Capozzola, *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen* (New York: Oxford University Press, 2008), 26-8; John Whiteclay Chambers III, *To Raise an Army: The Draft Comes to Modern America* (New York: The Free Press, 1987), 179-183. Chambers offers a superb examination of the debate over conscription and its implementation.

²⁶ Kriedberg, 278; Chambers, 184, 186-7.

and committees to assist in managing the war effort, the local draft board members were all volunteers. These men were predominately native-born American white men who shared the same racial, ethnic, and class assumptions of their day. If a board had a predominantly ethnic feel to it, such as a principally Italian community that lived with an Irish minority, they often drafted the minority in larger numbers. In some instances, the draft boards used their authority to weed out those they considered to be the dregs of society by sending them into the military. J.B. McDonald has written:

Many of the Local Draft Boards seemed bent on ridding their counties of undesirables rather than on furnishing soldiers to the Army. All sent in by one board in North Carolina were rejected, and 33 out of 51 from another county. Such being the character of men to be examined by the thousand, it was not possible to discover all their ailments on a preliminary examination. Only a few have been so determined and discharged in the more than two months of their stay in the 30th Division.²⁷

Local draft boards also disdained conscientious objectors whom they believed, as did U.S. Army officers, to be slackers.

The Selective Service Act contained provisions for exemptions on the basis of conscientious objection, but only for recognized religious organizations with pacifism as a main tenet. Rule XIV further stated that:

Any registrant who is found by a Local Board to be a member of any 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 . . . shall be furnished by such Local board with a certificate to the effect that . . . he can only be required to serve in a capacity declared by the President to be noncombatant.²⁸

Thus, the local draft boards made the decision as to who qualified under this provision.

In addition, those whom the board recognized as conscientious objectors were not free

²⁷ J. B. McDonald, "Report of Investigation Concerning the Method Employed in Selecting Draft Men for Transfer to the 30th Division," 4 February 1918, In Record Group 159, Box 57, Camp Sevier (College Park, MD: National Archives and Research Administration II).

²⁸ *Selective Service Regulations*, 40-1.

from their obligation to the war effort, only service as a combatant. Some absolute conscientious objectors would not agree to any non-combatant service as well. They wanted to avoid anything that had to do with the military. Most non-combatant service still required men to wear a uniform as they remained under military authority, while absolute objectors eschewed anything military. Not until March, 1918 did the President define eligible non-combatant service as certain jobs within the Medical Corps, Quartermaster Corps, and engineer service. The President also claimed at that time that those conscientious objectors who did not receive recognition from their local boards, but whose scruples, religious or otherwise, were against participating in war should also be offered non-combatant service.²⁹

In April, 1918, the President articulated the policy that when a conscientious objector's scruples also went against non-combatant service the military should segregate such persons. Officers were to keep a list of these men's names to send to the Army's Chief of Staff and the Secretary of War. The latter would on occasion require that he be updated as to these objectors' status. "A specially qualified officer of tact and judgment" was to segregate these men. He should also understand that he should "impose no punitive hardship of any kind on them, but not to allow their objections to be made the basis of any favor or consideration beyond exemption from actual military service, which is not extended to any other soldier in the service of the United States." In March 1918, President Wilson stipulated that military authorities should not court-martial conscientious objectors unless they violate Articles of War 64 or 65, which deal with refusing to obey lawful orders in times of war. If military officers sentenced objectors in

²⁹ Ibid; National Civil Liberties Bureau, *The Facts about Conscientious Objectors in the United States* (New York: National Civil Liberties Bureau, 1918), 7-9.

a court-martial then they should not be confined in a penitentiary, but the disciplinary barracks. On the other hand, if a conscientious objector registers for the draft but does not report for duty, which they considered deserting, or went absent without leave (AWOL), subsequent to reporting for duty, they would be punished accordingly; regardless of being an objector or not.³⁰

Although the President drafted a more detailed explanation of how to handle conscientious objectors in 1918, objectors did not have any recourse for leaving the military once inducted. They had options for service, but those were within the military structure. Newton D. Baker, Secretary of War, issued his own orders in April 1918, after the President, stating that officers could court-martial conscientious objectors who refused noncombatant service and were either defiant, active in propaganda, or whose objection appeared insincere. Baker ordered all identified conscientious objectors who refused to serve and have not been sentenced by court-martial to be transferred to Fort Leavenworth, Kansas. The Secretary of War convened a Board of Inquiry comprised of a representative of the Judge Advocate, the federal court, and Dean Harlan F. Stone of Columbia's Law School. The board was to interview the objectors collected at Fort Leavenworth to determine if they were sincere in their objections to military service. The Board could then recommend that the conscientious objector be furloughed from the Army for agricultural work. However, "under no circumstances will conscientious objectors otherwise qualified to perform military duty be discharged from their responsibilities under the Selective Service Law." If the Board did not recommend a conscientious objector for a furlough, or the objector either refused such or failed to do sufficient work and was sent back to the military, then the only option remaining to him

³⁰ Ibid, 9-10.

was to accept non-combatant service as defined by the President of the United States. Military authorities would also hold these objectors more accountable under the Articles of War. Hence, if the conscientious objector still refused non-combatant work, then officers would interpret that as a willful violation of a lawful order in war time.³¹

At the outset of American involvement in the First World War, as previously noted, Van Deman acted as a one man intelligence agency. His organization grew steadily as the perceived threat on the home front and consequent work load increased. At the start, he assigned intelligence officers on a geographical basis to handle the day-to-day inquiries and any major situations that might arise. However, it became exceedingly difficult for the small staffs to continue doing both functions. Therefore, Van Deman and his staff arranged MID in the U.S. into two main categories: Military Intelligence (M.I.) Sections 3 and 4. Both sections dealt with counter-espionage, but M.I. 3 was concerned with matters within the military while M.I. 4 dealt with those in the civil sphere. The principal focus of this study deals with M.I. 4 and issues in the civil sphere. The final chapter of the study treats aspects of MID's work on problems within the U.S. Army.³²

Van Deman established both sections around the same time in November 1917. Military Intelligence Section 4 was not as organized as Section 3 and experienced ongoing upheaval. Eventually, it would comprise subsections lettered A through L, though some of these were to merge with other divisions of MID by the end of the war. These subsections included an executive (A), a general negative intelligence for the geographical departments of the U.S. (B), one for enemy finance and trade (C), a propaganda section (E), general negative intelligence among the civilians of the U.S. as

³¹ Ibid, 11-2.

³² MID History, 48-9.

well as in foreign nations (F), legal and liaisons (G), prominent counter-espionage cases (H), labor and sabotage (I), and research (L). Subsection C of M.I.4 did not last very long, other sections dealing with plant protection, mail censorship, passports, a library and museum, newspaper summaries were all at one time attached to M.I.4 then either assigned to other sections or became new sections of their own. The feeling among intelligence officers was that M.I.4 dealt with more elusive problems which came and went affecting how well concrete structural policies could be implemented. "Counter-espionage in the civilian population was a less compact and less divisible undertaking than counter-espionage in the army; problems arose, threatened, and vanished, and expediency necessarily overruled precision." Since domestic surveillance was quite new for the military, and certainly for the officers who joined MID, it became difficult to uncover suitable candidates for the section. Ultimately, Major Herbert Parsons, one of the early chiefs of M.I.4 settled upon accepting former lawyers as commissioned officers for the majority his sections work and writers for the censorship work while it was attached to M.I.4. However, the biggest factor in determining who would make qualified officers for civilian surveillance was "zeal and general mentality." From his experience in accepting new personnel, Parsons learned that decisions based upon a person's written history, that is published articles, legal briefs, etc., sometimes led to rigid or extreme candidates. On the other hand, hiring candidates with good intentions and high energy meant that officers might make mistakes, but would be more versatile in amending or learning from them.³³

Any personnel joining MID, no matter what section, required training. This was problematic since the majority of MID leadership was also learning on the job, the Army

³³ MID History, 1177-83.

was expanding exponentially, and the civilian population was similarly mobilizing for wartime production. Thus, there was an immediate need for intelligence officers. In January 1918, Major Henry T. Hunt replaced Parsons as the Section Chief in charge of fifteen officers. Training of these men and additional officers encompassed “a series of daily oral conferences.” Hunt expected all section officers to attend these meetings where an officer would provide information and everyone would openly discuss a problem. These meetings were supplemented with “informal interviews between the officers of the Section.” It is unclear whether all officers of M.I.4 attended these meetings, including those from all over the U.S., or all attendees were stationed in D.C. which seems more probable. Hunt discontinued the conferences in August 1918 due to the overwhelming size of the staff and the institution of a “daily work report” which “served much the same purpose.” In September, Major Wisely Brown, formerly the Chief of M.I.3., replaced Hunt as Section Chief. He reinstated the daily conferences but as lectures followed by informal discussion. They were geared toward specific subsections to manage the size of the meetings. Ultimately, though, “thorough supervision and coaching of new officers was the only means of rounding them out and testing their ripeness.” For Hunt, this meant spending most of the first part of 1918 personally reviewing all of his officers’ written work; and often handing back multiple communications for correction. Apparently, M.I.4 did not formulate any other organized attempt at training personnel.³⁴

A look at the training regimen of M.I.3 offers not only a good comparison, but also highlights the disorganized nature of M.I.4. All the sections of MID experienced the same problem early on, a need to obtain intelligence officers. Unlike intelligence offices

³⁴ MID History, 1185.

which M.I.4 needed to create from scratch in cities around the country, M.I.3 had to establish them within existing or already organizing units. At the start, the commanding officers of the infantry divisions selected their intelligence officers. This was problematic for two reasons. First, the commanders had no concept of what intelligence work entailed. Second, not only did the same apply to the selected officers, but they were usually chosen for their lackluster reputations elsewhere in the army. Thus, they perceived assignment as intelligence officers as a career killer. When assigned to MID, the officers often did not understand what their duties were, had no idea how to complete them, and therefore “felt hopelessly lost in their new and very difficult task.” Therefore, in many instances, the man who became an intelligence officer was ill-suited or simply subpar. In addition, since commanding officers did not understand intelligence work, he often continued doling out additional duties to the selected officer. It became extremely difficult for intelligence officers to complete all of these obligations. The addition of disciplinary investigations, including vice and liquor, engendered animosity between MID and other soldiers, a problem which interfered with the intelligence officers’ purported duties. Captain William C. Smiley discovered this fact when he completed the first inspection of several training camps in February 1918. He concluded that “in a great many cases the work done had little chance of apprehending any real German agent or saboteer (sic) and would have only have availed to catch the ignorant and relatively harmless shouter of ‘Hoch der Kaiser.’” Unlike M.I.4, the staff of M.I.3 established a training school which amounted to an experimental two week class which ended sometime in July 1918. A second class for incoming intelligence officers was also

offered sometime in the early fall. The course reportedly doubled the efficiency of the officers and altered their perception of their task as a “hard-luck assignment.”³⁵

However, the perception of MID as a dead-end in the military persisted. Men who became intelligence officers were bypassed for promotion. Officers of the same grade in other areas of the service rose in the ranks more quickly, especially those in the line overseas. To combat this, Colonel Mastellar implemented a new plan. First and Second Lieutenants who attended the intelligence training program and displayed aptitude would be promoted upon completion of the course. He would also transfer those with promise in the “replacement” camps to newly formed divisions slated for overseas service. Assistant Intelligence Officers, generally lower ranking officers, who saw service overseas and gained experience in positive intelligence would be eligible to return to the U.S. for a promotion to Major as a division intelligence officer. Mastellar’s policy altered intelligence officers’ attitude toward their work, instilling in some of them an overzealous desire to do well.³⁶

Even with the changes in promotion and training, problem with unenthusiastic and unqualified intelligence officers persisted. Van Deman and his staff deemed it vital to have intelligence officers littered throughout the Army. However, it was impossible to obtain enough officers, especially with the manpower needs in Europe in the Summer and Fall of 1918. There were many posts throughout the U.S. at smaller installations, such as at supply depots, where there were either no intelligence officers or one that was responsible for multiple duties beyond intelligence work. Mastellar instituted a program of “group observation” where an intelligence officer would be responsible for multiple

³⁵ MID History, 499, 1162-5.

³⁶ Ibid, 1165.

locations and in assisting any officers assigned to deal with intelligence work there. However, in many instances it was “the blind leading the blind” as these officers did not receive training. Pamphlets were used to supplement training, but in many instances the officers were so busy they never read them.³⁷

Ultimately, there was no large contingent of trained counter-espionage officers either to fill the ranks or to train new inductees. The two sections of MID dealing with negative intelligence either organized their instructional sections haphazardly or late in the war. Neither did the military commission a large number of civilians versed in detective work. Intelligence officers were often left with their intuition and personal views of the world to guide them. They were predominately well educated lawyers. In certain types of cases, like routine background checks for commissions in the military, MID would rely upon the APL. However, that organization was also comprised of a mixed group of professional Americans, the majority of which were not detectives or investigators. No officers of MID left a record of who their agents and informants were; thereby, leaving unanswered whether they relied heavily upon professional investigators in other capacities. Evidence suggests, though, that the majority of informants were everyday civilians who were willing to take the risk of spying for MID.

It took a long time for the U.S. military to organize for domestic surveillance. Throughout the early Republic and the 19th Century, the military relied upon civilians to undertake intelligence related work. Once the Army did organize what became MID, they did so in an atmosphere of political paranoia. Rampant labor unrest rendered Americans more tolerant of the use of detectives. In the aftermath of Pinkerton violence during the Homestead Strike, military authorities were left with few options for

³⁷ Ibid, 1165-6.

surveillance among civilians other than conducting it themselves. However, the public and the military viewed such work as unbecoming for an officer. It would take the efforts of Van Deman and his experience at what was perceived as successful surveillance among the Philippines to finally convince the Secretary of War to allow MID's creation. This decision came too late, though, for there to be a cadre of trained personnel at the start of American participation in the Great War. As a result, MID officers kept intact middle to upper class views of society, and those preconceptions, as we shall see, colored their reasoning and their actions. Many, perhaps the great majority of these officers manifested politically paranoid tendencies about pacifists, conscientious objectors, and socialists—individuals and groups they perceived to be inherently disloyal.

CHAPTER THREE

Faith and Fear: The International Bible Students Association and Religious Pacifism

“In general the religious objectors were ignorant men of low mentality, not intentionally disloyal but absolutely dominated by their religious leaders, bigoted, selfish, hidebound. Some of them were unquestionably sincere. Many of them beyond a doubt were like the objector at Camp Jackson, a member of the I.B.S.A., who frankly said to the Intelligence Officer: ‘I have no conscientious objection to wearing it (a uniform), I would not have to wear it, I sure would have objected to it.’” - “History of Military Intelligence Division”¹

Prior to 1917, the United States Army had intervened in domestic disputes and dabbled in domestic surveillance, through proxies and in the Philippines. Colonel Ralph Van Deman, Director of the Military Intelligence Division (MID), took military activity in a new direction. His intelligence officers focused on finding dissidents before they could cause significant problems for the war effort. To do so, they spied upon American citizens. A common viewpoint that Van Deman subscribed to was that wartime often required extraordinary measures. In the case of the International Bible Students Association (IBSA), military intelligence officers not only spied upon civilians, but also raided their businesses and private residences. Though MID officers were ostensibly trying to safeguard America, the means by which they did so trampled on civil liberties. Intelligence officers’ inexperience and lack of training was part of the problem, but their actions stemmed more from the prevailing set of beliefs they shared, which were a reflection of the beliefs they held in their former civilian lives. Political paranoia, common among the upper class, colored officers’ perceptions of IBSA pacifism and motives. Consequently, they used top-down reasoning in their investigation. Military Intelligence Division officers identified a conspiracy against conscription and the war

¹ “History of Military Intelligence Division,” Unpublished Manuscript, In RG 319, Entry 270, Box 21A (College Park, MD: National Archives and Research Administration II), 599. Hereafter referred to as MID History.

effort where one did not exist. Since Bible Students resided all over the nation, MID officers projected upon them fears of a vast network of disloyals lurking among ordinary citizens. Society did not recognize the International Bible Students Association as a legitimately organized religious sect. Intelligence officers saw them as a radical fringe group; rules concerning religious objection to war under the Selective Service Act of May 1917 did not apply to them.

In 1917, the Italian government drafted Frank D'Onofrio into the military against his will. He refused to participate in any military activity. In a letter to fellow IBSA member Giovanni De Cecca, D'Onofrio described how inhumanely the Italian Army treated him. D'Onofrio proclaimed himself a peaceful man; after all, he was a good Christian. De Cecca disseminated copies of D'Onofrio's letter to other members of the International Bible Students Association. This act brought the full weight of the U.S. government and military upon him and the IBSA. Unprecedented in U.S. history, an organized Military Intelligence Department conducted an investigation of American citizens that included raids of offices and private residences. The investigation was thorough, with remarkable inter-departmental cooperation. Their overriding concern was neutralizing a perceived subversive threat.²

Before the United States entered the European conflict, President Woodrow Wilson encouraged neutrality in both thought and action—essentially upholding pacifism as acceptable. However, once the United States entered World War I, neither pacifism

² The Introduction of this work covers the historiography of military intelligence, as well as intelligence activities against radicals and for plant protection during the war. Chapter 1 examines the military's role in strikebreaking. However, there are no case studies into MID's investigations on particular cases, especially those that are not radicals in the vein of the IWW or anarchists. For more on these other MID activities of special note are Joan M. Jensen, *Army Surveillance in America, 1775-1980* (New Haven: Yale University Press, 1991) and Roy Talbert, *Negative Intelligence: The Army and the American Left, 1917-1941* (Jackson: University Press of Mississippi, 1991).

nor conscientious objection was tolerated. Participation in the world's first truly modern industrialized war necessitated immense and rapid national expansion, as well as an immediate and total shift from neutrality and pacifism to absolute endorsement of war. In such an environment, anything or anyone that did not fall into line could—as in an enormous factory—stop or slow production. Government personnel, military and otherwise, could not allow anyone to resist or impede the advancement toward war. Intelligence officers believed that any person or group espousing pro-peace beliefs could negatively influence society and sap the fighting spirit of the nation. De Cecca and the International Bible Students Association were victims of that paranoia.³

In the letter D'Onofrio mailed to his “Brothers in Christ,” he described how he “performed a great confession of faith.” He did not want to receive military training, but his captain convinced him that instruction never killed anyone. However, when officers ordered the men to handle wooden stakes as weapons, D'Onofrio absolutely refused. He proclaimed, “I cannot do so, because my conscience does not permit.” God was his commander and he did not take orders from any worldly authority. When D'Onofrio persisted in refusing to drill even under penalty of a court martial and execution, the officers locked him in a cell. From then on, he worked in a kitchen from four in the morning to ten at night. In the missive to his fellow believers, D'Onofrio described how

³ Woodrow Wilson, *The Wisdom of Woodrow Wilson: Being Selections from his thoughts and comments on political, social and moral questions* (New York: Brenatno's, 1919), 144; Clifford Putney, *Muscular Christianity: Manhood and Sports in Protestant America, 1880-1920* (Cambridge, MA: Harvard University Press, 2001), 175-7; Kristin L. Hoganson, *Fighting for American Manhood: How Gender Politics Provoked the Spanish-American and Phillipine-American Wars* (New Haven, CT: Yale University Press, 1998), 94.

the other men and officers shunned and ridiculed him; but he did not care. “The Lord’s will be done.”⁴

D’Onofrio’s letter came to the attention of the Military Intelligence Division through an attaché in Rome, Italy. According to the Italian Intelligence Service, a society known as the Watch Tower Bible and Tract Society was waging a propaganda war against both Italy and the United States by “exploiting false conceptions of the duties of the Christian religion.” The Italians feared that if others accepted these religious “theories,” then “a state of military disintegration” would be the consequence.⁵

It did not take much for U.S. military officers to agree. However, they did not have much to go on. The Italians informed their U.S. allies that the Watch Tower Bible and Tract Society published D’Onofrio’s letter in a circular that was mailed by one Giovanni De Cecca from Brooklyn, New York. The head of MID, Colonel Ralph Van Deman, forwarded this information to their New York office, headed by Major Nicholas Biddle. Van Deman requested that Biddle take appropriate action to stop this group’s “nefarious propaganda;” citing D’Onofrio as a perfect example of the harm the Watch Tower Society’s “peace propaganda” could do.⁶

Van Deman’s apprehension was that pacifist propaganda would sap the fighting spirit of draft-age men. Military officers concluded that the threat to undermine

⁴ Frank D’Onofrio, letter to Watch Tower Bible and Tract Society, October 1917, In Record Group 165, Entry 65, Box 2770, Folder 10110-510/1 to 510/36 (College Park, MD: National Archives and Research Administration II). From here on, MID will be used to denote the Military Intelligence Division.

⁵ Ibid. The Italians were especially fearful of any threat to soldiers’ morale since they suffered a terrible defeat at Cappareto in October which virtually destroyed Italy’s military capabilities without Allied troops and support.

⁶ Ibid; Colonel Marchetti, letter to George H. Allen, November 27, 1917, In Record Group 165, Entry 65, Box 2770, Folder 10110-510/1 to 510/36 (College Park, MD: National Archives and Research Administration II); Ralph H. Van Deman, memorandum to Nicholas Biddle, January 9, 1918, In Record Group 165, Entry 65, Box 2770, Folder 10110-510/1 to 510/36 (College Park, MD: National Archives and Research Administration II).

America's efforts to motivate its men and society at large to wage the industrialized modern war required in 1917 could come from any number of places. Over the past half-century, there had been several interventions by the U.S. Army in civil disturbances between unions and corporations.⁷ A pattern of military activism to protect property and business interests had developed. Now, however, danger was sprouting from another section of American society-- pacifists, those who opposed any justification for the recourse to state-sponsored violence. President Woodrow Wilson told Americans in 1914 to not only be neutral in action but also in thought. The moral high ground which he staked was shared with a growing number of groups in the United States that believed civilization had evolved beyond the need for armed violence. Once Congress declared war, however, the military officers and government representatives alike wanted citizens to focus on defeating the Central Powers. If Americans had learned anything from observing the past three years of events in Europe, it was that they had joined a "total war" that demanded every segment of society contribute to the war effort. In a war of attrition that promised to ground on endlessly, every resource became vital to the nation's and the Allies' survival. No one could accurately predict when the war might end; thus, resources and manpower could not be wasted. Manpower was the most vital resource in a war where men were dying by the hundreds of thousands. In 1916 alone, over one million British, French, and German men became casualties on the Western Front.⁸

Since bodies were one of the most important resources in this conflict, and the one that the Allies desired the most in 1917, those responsible for raising and training

⁷ See Chapter 1 for more on this topic.

⁸ Woodrow Wilson, *The Wisdom of Woodrow Wilson: Being Selections from his thoughts and comments on political, social and moral questions* (New York: Brenatno's, 1919), 144; Michael Neiberg, *Fighting the Great War: A Global History* (Cambridge, MA: Harvard University Press, 2005), 170, 202.

America's military forces could not allow any portion of the American public to go to waste. The military would not rely upon voluntarism in this war. Congress passed the Selective Service Act on May 18, 1917 for the purpose of managing American manpower. President Wilson called upon the nation to contribute where they were most needed, and not necessarily where they wanted to be. "A nation needs all men; but in the endeavor that will best serve the common good . . . each man shall play the part for which he is best fitted." Men registering for the draft were to be classified according to where the local boards felt they could "best serve the general good." Thus, according to the President, the draft was the best way to manage successfully a nation that "volunteered in mass." Wilson said the draft was "a new manner of accepting and vitalizing our duty to give ourselves with thoughtful devotion to the common purpose of us all."⁹

With war hysteria rampant and "100% Americanism" the mantra of the day, military intelligence officers reflected the paranoia of society at large. Van Deman proclaimed that "nefarious propaganda" was lurking in every corner. His officers' investigation, and the federal case of the IBSA leadership that followed, exemplified the lengths intelligence officers would go when their perception of a threat superseded their reasonable doubt.¹⁰

The International Bible Students Association, which became the Jehovah's Witnesses in the 1930s, were caught up in societal perceptions of obligation and reform. In 1879, Charles T. Russell, a Congregationalist layman and self-proclaimed prophet, began publishing *The Watch Tower*, a religious newsletter. Five years later, he created

⁹ Woodrow Wilson, and Oliver Marble Gale, *Americanism: Woodrow Wilson's Speeches on the War - Why He Made Them - and - What They Have Done* (Chicago: The Baldwin Syndicate, 1918), 47-9, 51, 55-6, 62-3, 71

¹⁰ Van Deman, memorandum to Nicholas Biddle, January 9, 1918 (College Park, MD: National Archives and Research Administration II).

the Watch Tower Bible and Tract Society in Pennsylvania, an organization which assumed legal responsibility for this publication. Russell propounded a form of millennialism, heralding that Armageddon and the second coming of Christ were imminent. As “Pastor” Russell and his followers began to move doctrinally further and further away from other Christian organizations, they began referring to themselves as Bible Students, while outsiders branded them “Russellites.” In 1909, Russell moved the headquarters of his organization to Brooklyn, New York and in 1914 another office, the International Bible Students Association (IBSA), was established in London. Russell died in 1916 and Joseph F. Rutherford took leadership of the Bible Students. Rutherford was born in Missouri in 1870. He practiced law there for fifteen years and served as a Judge on the Circuit Court in Missouri in accordance with terms for special cases. He was not a regular judge. Even so, people often referred to him as Judge Rutherford. In 1910, he became a member of the New York Bar and was Russell’s lawyer on several occasions when people sued him for being a fraud. By 1918, officers of MID were aware of the “Russellites” as a religious organization, although its members were not apparently considered a threat to national security.¹¹

On February 19, 1918, intelligence officers unearthed the link between the Watch Tower Bible and Tract Society and the IBSA and concluded that they were “one and the

¹¹ Rutherford, *US v Rutherford et al*, in unpublished “Stenographer Minutes”, Vol 2, June 1918, in RG 165, Entry 65, Box 2773 College Park, MD: National Archives and Research Administration II), p 1421-2; Marley Cole, *Jehovah’s Witnesses: The New World Society* (New York: Vintage Press, 1957), 51; W. Homer Lee, Interview of Mr. Lee, March 2, 1918, In Record Group 165, Entry 65, Box 2770, Folder 10110-510/40 to 510/85 (College Park, MD: National Archives and Research Administration II); M. James Penton, *Apocalypse Delayed: The Story of Jehovah’s Witnesses* 2nd ed (Buffalo, NY: University of Toronto Press, 1997), 28-9. As to how the organization went through a crisis after Russell’s death and how Rutherford reorganized the group see Marley Cole, *Jehovah’s Witnesses: The New World Society* (New York: Vantage Press, 1955) and James Beckford, *The Trumpet of Prophecy: A Sociological Study of Jehovah’s Witnesses* (Oxford, England: Basil H. Blackwell, 1975); Andrew Holden, *Jehova’s Witnesses: Portrait of a Contemporary Religious Movement* (New York: Routledge, 2002), 18-9; Walter Guest Kellogg, *The Conscientious Objector* (New York: Boni and Liveright, 1919), 52. Kellogg claims that Russell was “rabidly pacifist.”

same.” They identified the headquarters for the organizations in Brooklyn; and a few days later, a new publication of the organization came to their attention. The Committee on Public Information reported that IBSA members were promoting *The Finished Mystery*—supposedly the posthumously published writings of Pastor Russell—in the U.S. The Canadian government had recently banned the book as pro-German. Around the same time, military intelligence officers began receiving complaints from concerned citizens across the nation regarding pro-German preachers. Dan W. Locke, a lawyer in Everett, Washington wrote to the Secretary of War, Newton D. Baker, informing him about a dire situation. He warned that members of the International Bible Students Association were engaged throughout the country preaching conscientious objection. Locke stated that he had attended a meeting of the IBSA and “listened as he (the preacher) spread his insidious doctrine, that Christ condemned murder” and therefore no true Christian could serve in the military. When Locke challenged the speaker regarding obligations of American citizens, the preacher answered that Christians were members of Christ’s kingdom and therefore had no responsibilities to earthly nations. If this was not disloyal, then Locke demanded to know what was.¹²

Fearing that a national organization was influencing Americans toward pacifism, intelligence officers began investigating *The Finished Mystery* in late February. They brought what they believed was a case of disloyalty to the attention of the Department of Justice. As mentioned in Chapter 2, many intelligence officers were lawyers prior to the

¹² Author unknown, memo, February 19, 1918, In Record Group 165, Entry 65, Box 2770, Folder 10110-510/1 to 510/36 (College Park, MD: National Archives and Research Administration II); R. H. Van Deman, memorandum to Nicholas Biddle, February 21, 1918, In Record Group 165, Entry 65, Box 2770, Folder 10110-510/1 to 510/36 (College Park, MD: National Archives and Research Administration II); Dan W. Locke, letter to Newton D. Baker, February 8, 1918, In Record Group 165, Entry 65, Box 2770, Folder 10110-510/1 to 510/36 (College Park, MD: National Archives and Research Administration II);

war. Colonel Van Deman gave them a lot of latitude to interpret the law as they saw fit, since they were experienced in such matters as civilians. According to these MID officers, *The Finished Mystery* was seditious. The proof, they argued, was found in pages 247 to 253 which explicitly challenged patriotism, stating, “Nowhere in the New Testament is patriotism encouraged.” The book argued that since nations’ utilized patriotism to support wars and, more importantly, excite their citizens to kill, then patriotism was murder. In fact, the author states that the “war is an open and utter violation of Christianity.” As far as the Espionage Act was concerned, this was an absolute violation of U.S. law.¹³

Major Biddle contacted Assistant U.S. District Attorney, Charles J. Buckner, and urged him to consider a case against the International Bible Students Association and Watch Tower Bible and Tract Society. To this end, Buckner requested an interview with available witnesses. Biddle’s office rounded up several soldiers from Camp Dix, NJ and Camp Upton, NY, as well as handing over to Buckner all pertinent information obtained thus far. Three days later, on February 25, Biddle obtained a warrant to search IBSA’s headquarters in Brooklyn. The Espionage Act of 1917 did not give the military legal jurisdiction outside of shipyards or areas where military munitions and supplies were warehoused; therefore, MID had to go through civilian channels for the authority to search civil locations. On February 27, Buckner authorized the Military Intelligence Division to execute a raid upon the business office of a religious organization and the

¹³ Agents C-291 and C-258, report on IBSA, March 2, 1918 In Record Group 165, Entry 65, Box 2770, Folder 10110-510/40 to 510/85 (College Park, MD: National Archives and Research Administration II); Agent C-308, report on “The Finished Mystery”, March 18, 1918, In Record Group 165, Entry 65, Box 2770, Folder 10110-510/40 to 510/85 (College Park, MD: National Archives and Research Administration II).

private residence of its leader. Their writ also stipulated that “the seditious fomenter” Giovanni De Cecca be arrested.¹⁴

During the raid at 13-17 Hicks Street, Brooklyn, MID officers discovered Frank D’Onofio’s original letter. De Cecca admitted that he helped distribute copies of the letter in Italy as well as in the U.S. In addition, they discovered a letter De Cecca wrote to his brother coaching him on how to convince a military tribunal of court martial that he was a conscientious objector. This was at the heart of intelligence officers’ fears and the root of disloyal, pro-German activity of the IBSA: they preached and published words that could sap the fighting spirit of Americans. They were more paranoid, however, of disloyal citizens teaching men how to evade the draft. It was sabotage, pure and simple. Intelligence officers argued that if De Cecca’s brother were a genuine conscientious objector, he would be able to convince others of that fact by his sincerity. If he were truly a pacifist, he would not require coaching.¹⁵

Later in the day, after the raid on the Hicks street headquarters, intelligence officers continued their search just a few blocks away on Columbia Heights at Rutherford’s and several other society members’ homes, the Bethel House. They discovered an unsealed wireless instrument that officers believed was of sufficient strength to do “considerable work.” Though the radio was not connected, and therefore could not transmit, the intelligence officers believed that it had been disconnected when

¹⁴ Nicholas Biddle, memorandum to R. H. Van Deman, February 22, 1918, In Record Group 165, Entry 65, Box 2770, Folder 10110-510/1 to 510/36 (College Park, MD: National Archives and Research Administration II); John B. Trevor, memorandum to Nicholas Biddle, No date, In Record Group 165, Entry 65, Box 2770, Folder 10110-510/1 to 510/36 (College Park, MD: National Archives and Research Administration II); Joan M. Jensen, *Army Surveillance in America, 1775-1980* (New Haven: Yale University Press, 1991), 168-9. See Jensen for more on how Van Deman continued to push the envelope and extend MID authority. Talbot also discusses the intelligence agencies power struggles on pages 66-67.

¹⁵ Ibid; Giovanni De Cecca, letter to Jerry De Cecca, October 26, 1917, In Record Group 165, Entry 65, Box 2770, Folder 10110-510/1 to 510/36 (College Park, MD: National Archives and Research Administration II).

the raid at Hicks street was taking place.¹⁶ Joseph F. Rutherford was in residence at the time and intelligence agents questioned him there. They asked to see a membership list to which Rutherford replied, “Our only roll of members is written in Heaven.” When officers asked how he interpreted the Selective Service Act, Rutherford stated that he and his lawyer understood the law required conscientious objectors to be members of a “well recognized religious body opposed to the taking of human life” which was organized before May 18, 1917. Rutherford interpreted the act to mean the organization had to have been recognized in existence prior to that date, not necessarily that an individual must have been a member at that time. In other words, individuals might still join after May 18 and thus become exempt to the draft law. He may have perceived the religious exemption as similar to one for marriage. The Selective Service Act allowed draft boards to recognize marriages after May 18, but only when they believed the marriage was sincere and not attempt to avoid military service. Rutherford did not articulate his interpretation in this manner, however.¹⁷

Intelligence officers were afraid of Rutherford’s views on the draft law. After the raid, they concluded that a small cadre of men had obtained control of the IBSA for “ulterior purposes.” Their aim was to distort the organization’s “tenets (that) appeal to the sincere religious emotion which is apt to be particularly developed among the more ignorant classes of the population.” If Rutherford’s interpretation of the Selective Service Act were to be accepted legally, then it would be easy to imagine that the Bible

¹⁶ MID officers were probably concerned that the radio was being used to contact German ships off shore. Radios that were sealed were done so to keep an enemy from using it. This practice occurred a lot in Latin America where American and British agents attempted to get German merchant ships’ radios sealed so they could not pass along information to German raiders. For more on radios see Jonathan Reed Winkler, *Nexus: Strategic Communications and American Security in World War I* (Cambridge: Harvard University Press, 2008).

¹⁷ Trevor, no date; Office of the Provost Marshal General, *Selective Service Regulations* (Washington, D.C.: Government Printing Office, 1917), 55.

Students' membership would skyrocket. Rutherford claimed that the Secretary of War, Newton D. Baker, knew of and did not disapprove of the Bible Students and their pacifist stand. However, he had no way to verify this for the skeptical MID officers.¹⁸

Intelligence personnel believed the best route to stopping the “nefarious propaganda” of the Bible Students was to prosecute De Cecca. After all, according to the law, he willfully disseminated disloyal material. If intelligence officers from all the training camps located Bible Students who would attest to receiving the D’Onofio letter, then MID officers thought they could obtain an indictment of De Cecca under the Espionage Act of 1917. Congress passed the Espionage Act on June 15, 1917. A portion of Section 3 of Title I stated that those who “willfully cause or attempt to cause insubordination, or disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service” shall be punished. Such a person would be subject to a fine of up to ten thousand dollars, or imprisonment up to twenty years, or both. Armed with this provision of the Espionage Act, MID officers sought any evidence that could bring an indictment against the IBSA. They hoped De Cecca’s trial would lead to incriminating evidence that the Department of Justice could use to prosecute Rutherford and other high-ranking members of the Bible Students. In search of their larger goal, MID agents conducted raids on other IBSA locations throughout the country.¹⁹

¹⁸ Ibid; National Civil Liberties Bureau, *The Facts About Conscientious Objectors in the United States: Under the Selective Service Act of May 18, 1917* (New York: National Civil Liberties Bureau, 1918), 6.

¹⁹ Jensen, 168; Roy Talbert, *Negative Intelligence: The Army and the American Left, 1917-1941* (Jackson: University Press of Mississippi, 1991), 66; William H. Manz, ed., *Civil Liberties in Wartime: Legislative Histories of the Espionage Act of 1917 and the Sedition Act of 1918* vol. 1 (Buffalo, NY: William S. Hein and Co., Inc, 2007), 8.

On February 28, 1918, agents in Los Angeles became aware of advertisements for the book *The Finished Mystery*. They reacted very quickly. By March 2, they obtained a search warrant and entered the IBSA's California headquarters, 808 South Figueroa Street, to discover evidence confirming that this seditious book was being distributed. They seized forty books and brought W. Homer Lee, chairman of the Los Angeles branch of IBSA, in for questioning. Lee gave a brief history of the organization and defended *The Finished Mystery*. He believed the book did not promote anarchy, that it merely revealed passages from the scriptures that highlighted proper actions as a precursor to world peace. However, Lee stated that if the government ruled that portions of the book were seditious and demanded its removal from circulation, then he would be happy to comply. Intelligence officers' response was to confiscate all of Lee's copies of *The Finished Mystery*. They impounded several thousand copies of *The Finished Mystery*, more than were taken from the Brooklyn office in late February.²⁰

Van Deman hoped to create an immense network of intelligence that could achieve convictions in civil courts by cooperating with the Department of Justice and its investigative arm, the Bureau of Investigation (BOI). Thus, he kept the civil agencies apprised of MID's investigation into the IBSA. On March 9, he sent to Alexander Bielaski, chief of the Bureau of Investigation, a memorandum of their progress thus far. He hoped to discover more incriminating evidence, especially in regards to *The Finished Mystery*. In addition, on March 12, he had everything MID compiled sent to the

²⁰ W. Homer Lee, statement, March 2, 1918, In Record Group 165, Entry 65, Box 2770, Folder 10110-510/40 to 510/85 (College Park, MD: National Archives and Research Administration II); Agents C-291 and C-258, report on IBSA, March 2, 1918 In Record Group 165, Entry 65, Box 2770, Folder 10110-510/40 to 510/85 (College Park, MD: National Archives and Research Administration II); Agent C-308, report on "The Finished Mystery", March 18, 1918, In Record Group 165, Entry 65, Box 2770, Folder 10110-510/40 to 510/85 (College Park, MD: National Archives and Research Administration II).

Department of Justice for legal action. Then all the case files were sent to the U.S. Attorney in Brooklyn on March 23. Approximately every week, Van Deman was in correspondence with Bielaski and the Department of Justice or their Brooklyn office. He was adamant about getting the latest information to these departments in order to expedite a trial against the IBSA. To that end, he constantly sought and sent updates regarding *The Finished Mystery*.²¹

Joseph Rutherford decided to be proactive by sending someone to Washington, D.C. to sort out this mess before it was too late. Frederik H. Robison arrived in D.C. with a letter of introduction from Rutherford to Secretary of War Newton D. Baker. The chief purpose of Robison's visit was to discover what portions of *The Finished Mystery* the government found objectionable with the intent of excising them for continued distribution. Robison did not receive his audience, however, and was sent to MID for an interview instead. Once there, he explained that *The Finished Mystery* was part of a series of books the International Bible Students Association and Watch Tower Bible and Tract Society published. So far, Robison explained, seventy-five thousand copies had been sold for sixty cents, the cost of publication. He admitted that the organization's founder, Pastor Russell, did not author the book, but Clayton Woodworth of Scranton, Pennsylvania did. In addition to authoring the book, Woodworth was also the primary

²¹ R. H. Van Deman, letter to A. Bruce Bielaski, March 9, 1918, in Record Group 165, Entry 65, Box 2770, Folder 10110-510/80 to 510/115 (College Park, MD: National Archives and Research Administration II); R. W. Williams, "Daily Report," March 12, 1918, in Record Group 165, Entry 65, Box 2770, Folder 10110-510/1 to 510/36 (College Park, MD: National Archives and Research Administration II); R. H. Van Deman, memo to Bielaski, March 23, 1918, in Record Group 165, Entry 65, Box 2770, Folder 10110-510/40 to 510/85 (College Park, MD: National Archives and Research Administration II); Ellen T. Finch, memo to Bielaski, March 25, 1918, in Record Group 165, Entry 65, Box 2770, Folder 10110-510/40 to 510/85 (College Park, MD: National Archives and Research Administration II); R. H. Van Deman, letter to Bielaski, April 2, 1918, in Record Group 165, Entry 65, Box 2770, Folder 10110-510/40 to 510/85 (College Park, MD: National Archives and Research Administration II); R. W. Williams, memo to Captain Hunt, April 8, 1918, in Record Group 165, Entry 65, Box 2770, Folder 10110-510/40 to 510/85 (College Park, MD: National Archives and Research Administration II); There is a dearth of records from the other agencies to MID. So, it would appear this departmental cooperation was mostly one sided.

proofreader prior to sending it to publishing. According to Robison, ““this book had not had very much attention from the main office in New York, because they were in a rush to get it out.”” Originally, he also claimed that they published the book prior to the United States’ entrance into the Great War. However, there was a reference to the seven billion dollars appropriated by Congress for the war; so, Robison acknowledged he must have been mistaken.²²

It was very important to MID officers to find out if the book’s publication occurred before or after U.S. entry in the war. After all, April 6, 1917 marked the moment that pacifism and anti-war sentiment was no longer acceptable. They discovered that the seditious portions of the book may have come from a speech given by Reverend John Haynes Holmes, an outspoken pacifist and opponent to the war. Unfortunately for the Reverend, MID officers learned about this when the Germans began using it as propaganda. They dropped portions of his sermon, supposedly quoted in *The Finished Mystery*, over British troops on the Western Front. On April 1, 1918, the *Washington Post* published an article about it, thus bringing the incident to the attention of MID. Regardless of how bad this appeared for Holmes, MID officers were still trying to verify the date his sermon was written. They interviewed Holmes on April 2, whereupon he claimed he gave the sermon prior to U.S. entrance into the war.²³

Van Deman feared that both Holmes and the IBSA were striving to deceive the government. As with Robison’s interview earlier in March, it was obvious to many MID agents that Holmes was lying. His sermon could not have occurred prior to U.S. entrance

²² F. H. Robison, statement of interview, March 5, 1918, In Record Group 165, Entry 65, Box 2770, Folder 10110-510/40 to 510/85 (College Park, MD: National Archives and Research Administration II).

²³ Unknown, memo to Alexander Bruce Bielaski, March 23, 1918, , In Record Group 165, Entry 65, Box 2770, Folder 10110-510/40 to 510/85 (College Park, MD: National Archives and Research Administration II);

in the war, since it referred to the money appropriated for it. Furthermore, if the distributors of the book were seditious, then it was only logical to extend that designation to the man who spoke the words. Van Deman immediately sent a message to the Bureau of Investigation. He urged that Holmes be interviewed by their department if need be, but that a case should be brought against him. In Van Deman's opinion, they had both Holmes and the IBSA in a thorny situation. If Holmes admitted the words printed in *The Finished Mystery* and dropped as leaflets on Allied soldiers were his, then he could be "convicted of out of his own mouth." If, however, those words were not his, then the publishers of *The Finished Mystery* could be prosecuted under a New York state law that cited "the making or uttering of any document which falsely represents the opinion or beliefs of any other person" would be considered "forgery in the third degree." Many of the MID officers understood the complexity of the law, since they were lawyers as civilians. Thus, they devised what they hoped would be a win-win situation where they achieved convictions.²⁴

Van Deman wished to cast his net as widely as possible. Whether he would ensnare IBSA's leadership through a prosecution of Giovanni DeCecca, or through Reverend Holmes, Van Deman was determined to get Rutherford and his associates. He already had evidence to bring the publishers of *The Finished Mystery* to trial. In early March, BOI agents brought Clayton J. Woodworth into their Scranton, Pennsylvania office for an interview. At that time, Woodworth admitted that he added the pages in question. In fact, he wrote most of the offensive material himself, inserting it into Pastor Russell's original work in February 1917. After American entrance into the Great War,

²⁴ R. H. Van Deman, letter to Alexander Bruce Bielaski, April 2, 1918, In Record Group 165, Entry 65, Box 2770, Folder 10110-510/40 to 510/85 (College Park, MD: National Archives and Research Administration II);

Woodworth added portions of Holme's writing as well. He proofed the book sometime in late June and began printing after Congress passed the Espionage Act. Special agents of BOI questioned him about the meaning of some of those passages. For instance, they asked him what he meant when he equated patriotism to murder and thus "the spirit of the Devil." Woodworth's response was that he was referring to the character of the German government. Yet, he did not state so in the book, urged his interrogators. Even better, if the book equated the German government with the devil, they wanted to know why he had not simply published it in Germany. Woodworth's only reply was that he was in the process of getting the work translated for such a publication. Since he did not specify Germany in any of the seditious sections and he published the book in the United States, the BOI investigators concluded that he must have referred to American patriotism. Therefore, he knowingly and willingly violated the Espionage Act. When confronted with this accusation, Woodworth's only response was, "you put me in a very difficult position."²⁵

Government agents wanted to do more than put him in a difficult position, they aimed to place him behind bars. Apparently, they also did not aim for leniency. Woodworth admitted he published *The Finished Mystery* the same month that Congress passed the Espionage Act. Though it must have been sometime in the two weeks after, thus the Act had just taken effect. Even if Woodworth were to have argued that he could not stop production or was unaware of the Act's implication on his book, MID officers would not have been willing to offer any sympathy. Instead, they pursued an intensive investigation to put IBSA's leadership behind bars and cripple their organization. At this

²⁵ John M. MCourt, resume of facts to Alexander Bruce Bielaski, March 9, 1918, In Record Group 165, Entry 65, Box 2770, Folder 10110-510/1 to 510/36 (College Park, MD: National Archives and Research Administration II);

point, in a perfect display of top-down reasoning, not only were they unconcerned about who was ultimately responsible for inserting the seditious remarks, but they were also nonchalant about whether the offending passages were excised. Intelligence officers believed they caught the IBSA leadership in an overt violation of the Espionage Act. When Rutherford sent Robison to D.C. to speak with Secretary Baker, his primary objective was to discover which portions of the book were unacceptable and, if they expunged them, whether the book could be redistributed. However, no one at MID would advise him concerning the legality of any of the IBSA's publications.²⁶

Joseph Rutherford was not about to leave it there. He believed that if he brought his case to the proper authority, then IBSA would no longer be on the government's hit list. On March 18, he stopped by the MID offices in Brooklyn claiming that he had spoken with Judge Advocate General Enoch Crowder. According to Rutherford, Crowder approved of the IBSA as a "recognized religious body." Thus, local draft boards incorrectly ruled on the sincerity IBSA members' claiming conscientious objection. Rutherford relayed that General Crowder stated he would communicate this decision to Secretary Baker. Prior to Rutherford's visit to MID in Brooklyn, on March 7, he sent a circular to all of the organization's local leaders offering assurances. He relayed that a telegram from Washington arrived stating, "No disposition on the part of the government to interfere providing pages two forty-seven to two fifty-three inclusive are eliminated." While they waited for the new, censored versions, members should discontinue selling and distributing the book and remove the objectionable pages from those used for classes. By mid-month, offices around the country began advertising that the seditious pages were being removed and new, censored additions were to be sold.

²⁶ Robison, March 5, 1918.

Either Rutherford hoped to be let off by showing his organization's good intentions, or he received assurances from someone with authority. If such assurances were given, they were never relayed to MID. In fact, at least four days before Rutherford visited the New York office, Van Deman issued orders to other MID offices to disregard proposals by IBSA members to excise the seditious material in order to continue distributing *The Finished Mystery*. On March 14, he told the U.S. Attorney in Alabama that the book was in violation of the Espionage Act and should be immediately confiscated. However, he suggested leniency to those distributing the book, as long as there was no obvious intent to disrupt the war. If, after a warning, they continued to disseminate the work, then the U.S. Attorney should prosecute. At least MID agents were willing to give the organization's members a second chance, even if none was forthcoming for their leadership.²⁷

On May 5, Rutherford visited a Bible Students' meeting in Washington, D.C. A MID agent was in attendance, listening for disloyal remarks. Yet, the agent reported Rutherford "paid a glowing tribute to the President." Rutherford explained that the current war was foretold in the scriptures and that "those who engaged in it were following a Divine command; that those sacrificing their lives in behalf of their country would inherit eternal life as the result." Rutherford's statements were diametrically

²⁷ Robison, March 5, 1918; Nicholas Biddle, letter to Van Deman, March 13, 1918, In Record Group 165, Entry 65, Box 2770, Folder 10110-510/40 to 510/85 (College Park, MD: National Archives and Research Administration II); R. H. Van Deman, memo to Robert N. Bell, March 14, 1918, In Record Group 165, Entry 65, Box 2770, Folder 10110-510/80 to 510/115 (College Park, MD: National Archives and Research Administration II); Unkown, "Seditious Pages in 'Pastor Russell' Book to be Eliminated," in *Star-Telegram*, March 13, 1918, In Record Group 165, Entry 65, Box 2770, Folder 10110-510/40 to 510/85 (College Park, MD: National Archives and Research Administration II). Certainly, a cultural environment that lowered people's tolerance toward disloyalty existed during the war. For more on the this, see Christopher Capozzola, *Uncle Sam Wants You: World War I and the Making of the Modern Citizen* (New York: Oxford University Press, 2008); Joan M. Jensen, *The Price of Vigilance* (New York: Rand McNally and Co., 1968); David M. Kennedy, *Over Here: The First World War and American Society* (New York: Oxford University Press, 1980).

opposite to those IBSA members had previously been preaching. Now, he supported war, the very thing that his organization was so passionately opposed to that its members would rather face execution than participate in it. However, Rutherford's change of heart was not enough to sway intelligence officers. As far as they were concerned, once Rutherford published and disseminated disloyal words, he was guilty of interfering with the war effort. No excuse of ignorance would suffice and Rutherford's sudden support of the war certainly would not.²⁸

By the beginning of April, the U.S. Attorney was presenting evidence before a grand jury. United States Marshals arrested Rutherford and six others, including Woodworth, Robison, and DeCecca, on May 8, 1918. About a month later, on June 2, they were defending themselves in the federal court in Brooklyn. The prosecution alleged the defendants "'committed a conspiracy' which took place and (was) consummated the first of July, August, September, October, etc."²⁹ The defense had to disprove whether these men intended to, and if they did, obstruct the draft with their words. The battle that ensued in the New York federal court was whether intelligence officers' perceptions of sedition made someone guilty of violating the Espionage Act, even if the supposed perpetrator did not intend to violate the act.³⁰

Former Judge Isaac R. Oeland headed the prosecution. He focused much of his line of questioning on proving that the defendants did not support the United States in war. By establishing that the Bible Students disapproved of American involvement in the

²⁸ F. C. Baggarly, "J. F. Rutherford: Supposed German Matter," May 5, 1918, In Record Group 165, Entry 65, Box 2772, Folder 1 Rutherford (College Park, MD: National Archives and Research Administration II).

²⁹ Mr. Sparks, in *US v Rutherford et al*, June 1918, unpublished Stenographic Minutes Vol 1, in RG 165, Entry 65, Box 2773 College Park, MD: National Archives and Research Administration II), p 3.

³⁰ Mr. Fuller in *US v Rutherford et al*, June 1918, unpublished Stenographic Minutes Vol 2, in RG 165, Entry 65, Box 2773 College Park, MD: National Archives and Research Administration II), p d61-2.

war, Oeland could then demonstrate not only their condemnation of the Selective Service Act, but their obstruction of it.³¹

Upon Judge Oeland's cross-examination of Joseph Rutherford, his first question was whether he was "opposed to the Selective Service Act."³² Rutherford explained that he was not, but simply endeavored to assist men in receiving the proper classification as conscientious objectors where applicable. He admitted that he never helped anyone get into the draft, nor did anyone ask him. Neither did he dissuade anyone from entering the military. Those seeking advice from Rutherford were members of the Bible Students; leading Oeland to a new line of questioning regarding IBSA's induction practices. After all, intelligence officers feared that IBSA members' violation of the Espionage Act was a direct threat to military and government autonomy. They believed Bible Students influenced draft-age men to become conscientious objectors. Rutherford claimed he never sought legal advice about accepting new members after Congress passed the Selective Service Act. Furthermore, Rutherford explained that Bible Students did not proselytize and he had no recollection of accepting new members after May 18, 1917. Then again, there was no way he could prove that he did not, since he claimed he did not maintain membership lists. During his testimony, Rutherford explained that Bible Students had a responsibility to spread the message of God. In doing so, they strengthened the consecrated and warned them of the Second Coming. In addition, they announced to the world that hope remained for humanity. He did not believe this was sedition. Intelligence officers did. The message that Bible Students preached was

³¹ Judge Oeland had practiced law and been a judge in Texas before moving to New York. Frank Eberle and Harry Van Denmark, *The Texas Magazine*, Vol 4 (Houston: Charles A. Newning, 1911), p 51.

³² Judge Oeland in *US v Rutherford et al*, June 1918, unpublished Stenographic Minutes Vol 2, in RG 165, Entry 65, Box 2773 College Park, MD: National Archives and Research Administration II), p 1455.

against all wars, including this one, except for the battle of Armageddon. Therefore, intelligence officers feared that their anti-war message would sap draft-aged men's fighting spirit.³³

Since Rutherford did not retain a list of members, the question remained as to how anyone would know who was a Bible Student. Rutherford explained that only consecration made someone a member. First, an interested person had to familiarize himself or herself with and accept Pastor Russell's writings. Then the potential member would locate a local IBSA group to study with, known as a class. Once accepted and proving a sincere belief in Russell's interpretations, the supplicant could become consecrated; thereby, becoming a member. The crux remained how one could tell who was consecrated. Rutherford explained that he knew if someone was consecrated after speaking with them for five minutes. Yet, supposed members contacted Rutherford via the mail. Unable to speak to them in person, intelligence officers were skeptical that he could tell who was or was not a member. Moreover, they were concerned since Rutherford offered these men advice on conscription. At his trial, Rutherford assured that he could discern the consecrated even from a letter, simply by the language they used.

Anyone who has made a consecration to the Lord has such an illumination of his mind on spiritual things that he can understand God's word and no one else can. The apostle mentions this in Corinthians, 2:14, where he says, 'But the natural man receiveth not the things of the Spirit of God for they are foolishness unto him; neither can he know them, because they are spiritually discerned' – but God has revealed them to us by His spirit.³⁴

While Rutherford and other consecrated members could spot one another within a five-minute conversation, local draft boards of unconsecrated gentiles would have no such

³³ Ibid, 26-27, 1455-60.

³⁴ Ibid, 1461.

luck. Some draft registrants simply wrote IBSA headquarters to request affidavits verifying IBSA was a religious organization. They would then present the signed affidavit to their local draft boards. The prosecution was perturbed by the fact that Rutherford's office had produced eighteen hundred affidavits. As far as Judge Oeland was concerned, the very fact that so many affidavits were stockpiled was a sign of guilt. In addition, Oeland and intelligence officers believed that Rutherford planned to offer them to anyone who asked, thus unavoidably assisting fake conscientious objectors with evading the draft. Just as problematic, Rutherford gave no instructions to his Brooklyn staff on the use of the affidavits. He testified that he assumed they would only be given to consecrated members. Displaying a bit of naiveté, Rutherford believed that only consecrated members would be seeking an affidavit. Therefore, he never clarified explicitly who should receive them to his staff. Judge Oeland argued Rutherford's negligence, if it was truly unintentional, could undermine the draft. However, the affidavit was only to inform local draft boards about the IBSA's status as a religious organization against the use of violence. Registrants would also have to supply additional affidavits from their local religious organization to vouch for their membership. Although the prosecution seemed unaware that the affidavits, in and of themselves, was not sufficient for exemption from the draft, the fact that the organization prepared so many was disturbing. For intelligence officers, this stockpile spoke directly to their fears that the IBSA organized a vast effort to interfere with conscription. To make matters worse, Rutherford signed several blank affidavits. He left the registrant's name empty on the form, then left on a trip about mid-January 1918. This, coupled with the fact that Rutherford did not instruct his office personnel with who qualified for an

affidavit, was disastrous. Even if Rutherford was simply being negligent, if those blank affidavits with his signature on them fell into the wrong hands, potentially, anyone's name could be filled in, consecrated member or not.³⁵

Logically, then, the next question regarded who they were giving these affidavits to. Ultimately, this line of questioning brought Judge Oeland's to the topic of conscientious objection. Rutherford, like other witnesses before him, stated that it was up to a man's individual conscience whether he would or would not take up arms for the government. "If you ask me individually I say my individual inclination is to go into war, because that has been my ambition from youth to lead an army."³⁶ He would judge no man for his decision. However, when Oeland pressed him on whether a member could adhere to the draft and remain in good standing with IBSA, Rutherford said no. He explained that a fully consecrated member could not possibly retain good standing with the society if he went to war. By participating in mortal combat, he would no longer be in good standing with God. Rutherford endeavored to sidestep Oeland's attempts to brand him as completely disloyal to the war effort. In a response to clarify his opposition to war in any form, he explained that he disapproved of consecrated members going to war, but not other Christians or members of other religions. For intelligence officers, who tirelessly worked on investigating the IBSA, Rutherford's statement was evasive. After all, Rutherford's interpretation of the conscription law was that anyone could join the IBSA after May 18, 1917 and be eligible for exemption from the draft. If that were so, and it became common knowledge that anyone could join the Bible Students and

³⁵ Ibid, d7-10.

³⁶ Ibid, 1468.

avoid military service, then MID officers feared that the war effort would come to a standstill. Worse still, they feared this could lead to the United States losing the war.³⁷

Regarding the Selective Service Act, Joseph Rutherford claimed to be neither for nor against it. He did not oppose it because the government said it was the law. Judge Oeland countered, “But in your conscience and behind the law and underneath the law you are opposed to the Selective Draft Act or anything that calls men to war?”³⁸

Rutherford referred once again to the differentiation between a consecrated and unconsecrated Christian. It was alright for the latter to participate, but not the former. He disingenuously stated that he had argued the US government could not have avoided war. He referred to a speech he gave saying as much in Washington, DC three months after Congress declared war. However, many of his public addresses alluded to the war as the herald of Armageddon and the second coming of Christ. In this context, his support of US entry into the war was insincere. Nonetheless, Rutherford disagreed that he defied the US government. He claimed to support the US decision to enter the war because that was what the government decided. The same applied to the Selective Service Act. He did not oppose the act because the government deemed it necessary.³⁹

Rutherford’s writings and the beliefs of the IBSA as described by Pastor Russell belied Rutherford’s testimony. In a letter to A. Insberg, an IBSA member in Massachusetts, he wrote, “We know that the present institutions are unrighteous, because (they are) controlled by imperfect men. We know that the present order is Babylon, and that the day has come for it to go down in a great time of revolution and anarchy which

³⁷ Ibid, 1465-70.

³⁸ Ibid, 1471.

³⁹ Ibid, 1471-2; Unkown, “Memo,” 10 March 1918, In RG 165, Entry 65, Box 2770, Folder 10110-510-40 to 85 College Park, MD: National Archives and Research Administration II).

shall follow the war.”⁴⁰ Robert Henry, a military intelligence officer with the Thirty-First Division at Camp Wheeler, Georgia, interviewed a conscripted Bible Student. His understanding was that the interpretation of Ezekiel and Revelations in *The Finished Mystery* explained that all the governments of the earth would need to be overthrown in order for Christ’s kingdom of peace to be established. Private R. C. Petree expressed his belief “that there should be a revolution in this country, as well as all others, and that the United States government, while probably the best in the world, must be overthrown and anarchy must come.” Even so, Petree stated that no IBSA member would actively bring about a revolution, only work to enlighten others to do so. Henry observed that Petree appeared a zealot in this belief and that he might not adequately represent the group as a whole. However, he was a perfect example of what such indoctrination could do.⁴¹

In his letter to Insberg, Rutherford advised him to follow his conscience. He assured the young draftee that the Bible Students met the requirements for exemption. Even if the military recognized him as a conscientious objector, however, President Wilson ordered the majority of objectors to take up non-combatant work instead. Non-combatants still had to wear a military uniform. According to Rutherford, Insberg had two choices, comply or refuse and go to jail, possibly risking death by a firing squad. If he refused and went to prison, then he would have more time to reflect upon the truth of the Lord. Such an outcome would be a blessing, “Probably, the Lord wants some of His saints in prison for a while to tell the element they meet there that the King of Heaven is at hand and soon all their sufferings will cease if they turn to righteousness.” In fact, Rutherford made reference to a passage in Hebrews 11 which he interpreted as saying

⁴⁰ Ibid, 1474.

⁴¹ Ibid; Robert S. Henry, “IBSA,” 17 March 1918, In RG 165, Entry 65, Box 2770, Folder 10110-510-40 to 85 College Park, MD: National Archives and Research Administration II).

that more suffering on earth would lead to a “better” resurrection when the time came. In the event that he was executed, Insberg would find a quick path to the Lord. Intelligence officers could easily perceive Rutherford’s language as supporting dissent to the draft and military authorities; regardless of whether he claimed that it was nothing of the sort. He explained that he was not advocating disobedience, merely offering the young man options. In addition, Rutherford did not believe Insberg would be shot. He was only relaying possibilities so Insberg could fully understand his position. Rutherford also denied any intent at subversion. He understood Insberg was fully consecrated and as such had made up his mind not to participate in the war.⁴²

Though intelligence officers primary concern was the IBSA’s influence in creating conscientious objectors, the heart of their case against the organization’s leadership were those few pages in *The Finished Mystery* that condemned the war. At the trial, the prosecution inquired if Rutherford approved of the book, in its entirety. Rutherford read the manuscript he received from Woodworth and Fisher from February to April 1917 and at that time endorsed it. The version he saw did not include the lecture by John Hays Holmes. In fact, he did not read that portion until early March 1918. He assumed the version that would go to print was the manuscript he read and therefore never double-checked. Rutherford claimed he did not even reexamine the book after the Canadian government raised objections to it in early 1918. He did not learn about the questions raised over the book in Canada until Fisher, one of the publishers, told him in March. In his defense, Rutherford explained that the Canadians did not protest any specific portion, so he deemed it unnecessary to review the book. The prosecution accused Rutherford of advising his members in Canada to defy the law. He retorted that

⁴² Ibid, 1474-80.

he merely recommended they consult a lawyer. Rutherford did not actually believe the Canadian government considered the book seditious. He thought the ecclesiastical ministers there were pressuring the government to censor *The Finished Mystery*. Portions of the book were critical of the ministry. News reached Rutherford that Canadian civil authorities arrested some IBSA members for having the book in their possession, but there was no clarification on specifically why this occurred. In a letter distributed to members, Rutherford applauded their brethren in Canada for holding firm and advised “them to employ the best lawyers and fight to the finish.” The prosecution used this as verification of IBSA’s intent to defy civil authorities. Rutherford responded that it was their right to make a proper defense. Besides, he believed that the government officials really did not have a problem with the book. The ecclesiastical system in Canada was pressuring the civil authorities regarding *The Finished Mystery*.⁴³

In regards to the US authorities’ objection to the book, Rutherford stated he did not believe the book, including the “offensive” material, was harmful to the government. He claimed not to agree entirely with Holmes’s article, but believed it did not hamper the government’s prosecution of the war. One part Rutherford agreed with was Holmes’s criticism of patriotism. In this portion of the book, patriotism was linked to the great evil of the anti-Christ. Rutherford’s interpretation of patriotism was quite contrary to that of the government. Rutherford testified that his understanding of patriotism was that it was a hatred of other people. Reading through the Scriptures, he was unable to locate where it advocated this type of patriotism. Rutherford believed that the kind of patriotism advocated in Europe, for instance, was a great deception. From his experience traveling there, his perception was that their patriotism was negative and directly caused the hatred

⁴³ Ibid, 1435-8, d26-8, d33-6, d56.

that led to war in 1914. He testified that a true definition of patriotism is “love of country, a willingness to sacrifice one’s self.”⁴⁴ However, on page 247 of *The Finished Mystery* it stated “‘Patriotism – is in reality murder’,” and both murder and war are contrary to the teachings of Christianity. In *The Finished Mystery*, the bracketed statement “a narrow minded hatred of other people” followed the word patriotism as clarification of the term. Of course, military intelligence officers disagreed with Rutherford’s definition of patriotism. For them, patriotism was love of one’s country. They feared that Rutherford was intentionally twisting Christianity in order to persuade ignorant draft-age men to evade conscription.⁴⁵

In addition, the problem with Rutherford’s explanation was that nowhere in the book was there a clarification that “patriotism,” “narrow minded hatred,” or anything else only applied to European nations and not to the United States. Judge Oeland reasoned that if Rutherford’s interpretation of the Bible was that all killing was wrong, no matter what the circumstances, then the book could logically apply to American participation in the war as well. *The Finished Mystery* states, “‘Everywhere and always murder in its every form is forbidden; and yet under the guise of patriotism, the civil governments of earth demand of peace loving men the sacrifice of themselves and their loved ones’.” The United States, as a civil government, required the very same of its citizens upon entry into the war. Rutherford replied that America did not belong to the “kingdoms” which was a reference to Europe. However, that word did not appear in the text; and if it had, there would be no way for a reader to differentiate what it meant. Judge Oeland inquired how a reader of the text might recognize that the United States was excluded.

⁴⁴ Ibid, d28.

⁴⁵ Ibid.

According to Rutherford, the answer was simple. “The United States has always been a government of peace.” Judge Howe, the presiding judge, interjected that it was the court’s duty to interpret the language in question, not the defendant’s. “So the witness or the defendant cannot read in there anything that is not there. That must be taken in its plain, ordinary sense.” In addition, the fact that other people or written work utilized the same or similar language was irrelevant. In his opinion, the argument over clarity of the language utilized in *The Finished Mystery* was settled.⁴⁶

The defendants had to surmount numerous difficulties in this trial. Foremost was not only the interpretation of the words in *The Finished Mystery*, but also of the defendants’ intentions. The defense’s success centered on disproving the prosecution’s allegation of intent to commit a conspiracy. In this interpretation, the Bible Students’ religious views colored their words. In order for these believers to join God’s kingdom on earth as well as in the afterlife, they had to become fully consecrated. Full consecration meant abhorring and avoiding all violence, self-defense included. By the very nature of their religious beliefs, they could not participate in selective service nor support America’s entry in the war. The prosecution, presiding judge, and military intelligence officers may have detested their unsupportive behavior; however, the question was not necessarily whether they had a right to hold that view. It was if their beliefs influenced others to think the same.⁴⁷

In the court’s opinion, the question of religious intent was answered in the Supreme Court case of *Reynolds v US* in 1878. In order to challenge the federal statute prohibiting polygamy, Brigham Young, then head of the Mormon Church, had his

⁴⁶ Ibid, d28-31.

⁴⁷ Trial, 1438-40, 1474, d30, d57-8.

secretary, George Reynolds, arrested for violation of the law. In a unanimous decision, Chief Justice Morrison R. Waite ruled that the religious practice of polygamy tore at the fabric of society. It crossed the line between church and state and therefore the First Amendment did not protect it. Judge Howe understood that ruling to mean that religious intentions did not excuse infractions of the law. After Congress passed the Espionage Act on June 15, 1917, IBSA religious intentions no longer shielded them from the law.⁴⁸

However, the Supreme Court never undertook a ruling on freedom of speech. They would not do so until *Schenck v US* in 1919. The defense in the Rutherford case took a view contrary to that of the court on the definition of intent. They intertwined freedom of religion and freedom of speech in their argument against intent to commit conspiracy, whereas the court adhered strictly to a definition of religious intent vis-à-vis the Supreme Court ruling in the Reynolds case. Judge Howe likened the act of marriage with publication. Both acts may be right in regards to their religious beliefs; nevertheless, they are actions a man chooses to take. “The plain statement there is a religious belief is no defense to the act knowingly done, and that ignorance of the law is no excuse whatever.” Just as the Reynolds case proved polygamy illegal, regardless of religious intent, publishing language that violated the Espionage Act, then, was equally illegal.⁴⁹

The defense argued that if the language used was illegal, then the question of intent would be moot. However, the indictment under which the defendants appeared in court was that they had intent to commit conspiracy. Therefore, the question of their intent was paramount to the case at hand; whether or not they intended to or did obstruct

⁴⁸ Howard Ball, *The Supreme Court in the Intimate Lives of Americans: Birth, Sex, Marriage, Childrearing and Death* (New York: NYU Press, 2004), 78-9.

⁴⁹ Trial, D60-1.

the draft. “The language the statute prohibits in this case is not the publication of this language but doing the thing the prosecution claims was intended to be done, sought to be done. It is our contention that takes it out of the state of affairs considered by the Supreme Court in the Reynolds case.” According to the defense’s interpretation of the law, the publication was not illegal. A violation was incurred if the language actually obstructed the draft. The court contended that it was immaterial to prove if someone was dissuaded from registering or heeding the call of selective service. The very fact that the language could be interpreted to have such an effect was enough. In this case, it was clearly apparent to the court that IBSA’s intention was to promulgate a religious belief contrary to the United States’ government. Yet, Rutherford never approved the final manuscript that Woodworth printed. Under a strict interpretation of Howe’s argument, the publisher was at fault, but Rutherford’s intent regarding the book could only be proven by the first draft he approved. The problem with this line of argument, however, was that Rutherford, or any other Bible Student, did not move to strike the seditious portions of the book after its printing. In addition, though Rutherford eventually ordered the objectionable portions taken out of the book, he testified that he believed they were not harmful to the government. In fact, he would remove the entire book from circulation if the government deemed it necessary. This disturbed the court and MID officers a great deal. Rutherford removed those specific pages only because the government did not like them. Personally, he did not think the book “as a whole” violated the law.⁵⁰

Regardless of what Rutherford believed his religious intent was, Judge Harland B. Howe disagreed. The judge was not the most unbiased person to preside over this case. In fact, this was not his first dealing with a religious element U.S. attorneys accused of

⁵⁰ Ibid, D61-3.

violating the Espionage Act.⁵¹ Howe was a federal judge in Vermont. He presided over a similar case in January 1918, concerning a Baptist turned Pentecostal minister in Windsor, Vermont. In that trial, the defense attorney also argued that the defendant had no intent to obstruct the war effort, but that the prosecution took the defendant's language out of context. A dispute within the church the defendant preached at compromised the trial, leading to a hung jury. However, U.S. attorneys retried the case in March. Howe presided once again. In the second attempt by the government to gain a conviction, Judge Howe disallowed any reference to the church row. The judge would ensure such "immaterial" evidence did not distract the second trial's jury, as it had in the first. Historian Gene Sessions described how the prosecution was able to focus the trial on patriotism rather than religious conflict. After nine days, the jury found the defendant guilty of creating an atmosphere of disloyalty among draft-age men. The Vermont trials proved that Judge Howe was quite familiar with cases involving religious intent and the Espionage Act. He came to Brooklyn to preside over the Rutherford case because it was determined that there were no unbiased judges to be found in the New York federal court. However, Howe was anything but unbiased. Just as he disregarded the very notion of intent in early 1918, he did so in the Rutherford trial.⁵²

Intent was paramount to this trial. The section of the Espionage Act the Department of Justice indicted these men under clearly stated "intent to interfere." They had to "willfully" and with "intent" seek to impede or cause insubordination. The

⁵¹ Howe, age forty-five in 1918, had been appointed a federal judge by President Wilson in 1915, after running unsuccessfully as the Democratic candidate for the governorship of Vermont in 1914. He graduated from "the law department" of the University of Michigan in 1894, practiced law in St. Johnsbury, and served in the Vermont legislature prior to his appointment as federal judge. For more on Judge Howe, see Gene Sessions, "Espionage in Windsor: Clarence H. Waldron and Patriotism in World War I," *Vermont History* Vol 61, No 3 (Summer 1993), p 133-155.

⁵² Gene Sessions, "Espionage in Windsor: Clarence H. Waldron and Patriotism in World War I," In *Vermont History* Vol 61, No 3 Summer 1993, 144-9.

language of the law stressed an individual's purpose. Therefore, it would be more appropriately applied to a person who was deliberately attempting to obstruct the draft than someone who unintentionally did so. The defense argued this very point.

A man cannot unintentionally violate the Statute, because if he violates the Statute he has got to have an intent under the terms of the Statute . . . our contention is there is no intentional violation of the Statute – if he interferes with the draft without intending to interfere with the draft and it was not intended by him to be an interference with the draft, we contend it is not a violation of this Statute.⁵³

Jesse Fuller, one of the defense attorneys, contended that a person could preach a sermon on a religious topic, such as the Prince of Peace, then publish and sell that sermon. The sermon and subsequent acts were what the man intended to do—to spread the word of God, or at least his interpretation of it. Hypothetically, if soldiers or draft-age men were then to read that published sermon and riot, the preacher could not be indicted under the Espionage Act. According to Fuller, the question for the jury would not be whether the preacher intended to deliver and disseminate the sermon, but if he intended to impede the draft with it. Consistent with the language of the Espionage Act, the preacher would not be guilty since he never intended to impede the draft and therefore did not violate the law.⁵⁴

Judge Howe took exception to this view. In his opinion, a man that committed a crime and did not realize it was a crime, committed a crime regardless. He believed that Fuller's explanation amounted to backpedaling and was the argument of someone attempting to avoid justice. It would be easy for a criminal to state, after the fact, that he did not intend his actions to have the consequences they did. Although Judge Howe harassed Rutherford about the timeframe under which the defendant reviewed *The*

⁵³ William H. Manz, *Civil Liberties in Wartime: Legislative Histories of the Espionage Act of 1917 and the Sedition Act of 1918*, Vol 1 (Buffalo, NY: William S. Hein and Co, Inc, 2007), 8.

⁵⁴ Trial, 1417-20.

Finished Mystery, removed the objectionable portions, and why, the Judge excluded any testimony regarding Rutherford's attempts at clarification. Rutherford began to testify that he personally sought the advice of the Attorney General in Washington, D.C. However, Howe abruptly interrupted him by stating, "Never mind that."⁵⁵ He put an end to the discussion by stating, "Well, I think the Court has an understanding of the law, and I wish Counsel would hand up to the Court the authorities on which they have their interpretation of the law." Howe referred to the fact that there were no legal precedents to support the defense's interpretation. Most importantly, the highest court in the land, the Supreme Court, had not made any attempt to interpret the Espionage Act, or Free Speech, prior to this case.⁵⁶

Near the end of the trial, Judge Howe inquired whether the language published in *The Finished Mystery* should be interpreted on its own value or through the testimony offered in court. He was not interested in intent, but simply in the meaning of the language used. Frederick Sparks, the other defense attorney, argued that all the evidence presented in the case should be considered. He contended that in a civil case, where there may be a dispute over a contract and the language is straightforward, then the court may instruct the jury on how to interpret it. However, if there was any ambiguity in the language, where one signatory acted upon the language one way and the other another, then it must be left to the jury to decide the proper interpretation. On the other hand, in a criminal case, "where intent is the essence of the crime" it must be left to the jury to decide on interpretation. The prosecution disputed this interpretation. Oeland explained that "the language must be taken in its ordinary everyday acceptance, the construction

⁵⁵ Trial, D37.

⁵⁶ Ibid.

which one ordinarily would place upon the use of that language.” Judge Howe agreed, stating that “there is nothing here for the court to construe.” He did not believe the language was at all ambiguous. Therefore, he was implicitly instructing the jury to interpret the language as he and the prosecution had defined it throughout the trial.⁵⁷

It would have been difficult for the jury to ignore the obvious harmony between the court and the prosecution. On a question as to whether the court could dispute the decision of a local draft or exemption board, Judge Howe consulted the prosecutor, Judge Oeland, for his opinion. Howe mentioned a New York case in the Circuit Court of Appeals where the judge upheld the local boards and military tribunals, thus ensuring no civil court could overturn those decisions lest bedlam ensue and the military would be unable to pursue the war. According to Oeland’s recollection, nothing new had occurred since that ruling and he thought the Supreme Court may have upheld the ruling. Therefore, Judge Howe overruled the defense’s argument that letters and other papers to draft boards be struck from the record because they did not prove a conspiracy. In another instance, the defense argued that Rutherford could not be prosecuted as an individual because he acted in the capacity as an officer of an incorporated organization, Judge Howe again deferred to Oeland. “What do you say about that, Mr. District Attorney? This is another new question to me.” Again, Oeland explained that he did not believe such an argument was valid. A man acting as the part of an organization still acts as an individual. His office would not shield him from prosecution. After his statement, Judge Howe denied the defense’s motion.⁵⁸

⁵⁷ Trial, 1602-3.

⁵⁸ Trial, 56-7, 59-60.

At times, the judge seemed to be doing the prosecution's job, as well. While the defense was questioning Rutherford about *The Finished Mystery*, Judge Howe interjected. He began to press Rutherford on his perceptions of the book. Rutherford thought, "as a whole," the book was lawful. Judge Howe wanted him to admit that he held a completely contrary view of the book than the government, that he fully supported the portions that prompted the indictment against him. Since Rutherford would not oblige, Howe summed up his position for him. "It is good, does not violate the law, and that the soldier boys and those of military age who read the book, and all the rest of us should read the book and adopt its teachings and follow it, that is your position?" Rutherford's answer of "practically so" met with Howe's scorn. "Don't say practically so, say that is so." Rutherford did not appreciate the judge putting "words in my mouth." Howe snapped at Rutherford on other occasions as well. He did so regarding the objectionable pages of the book when Rutherford explained he had not seen them and therefore had not read them. The judge disbelieved that Rutherford did not direct it to be printed. Upon his denial, Howe insisted, "Yes, you had it printed and distributed and knew what was in it." Whereupon, Rutherford reaffirmed his ignorance. When discussing the censorship of *The Finished Mystery* in Canada, the prosecution emphasized that government's objection to the book as well as Rutherford's seeming unwillingness to review it while Canadian members sat in jail. However, when Rutherford attempted to clarify a difference in the Canadian case the judge stopped him. "That is immaterial." So, while the Canadian example could be touted as proof that the book was seditious, the defendant was not given the opportunity to explain how the two cases were different. Neither did Judge Howe allow any inference to other books that

contained similar language, but went unprosecuted. His reasoning was that another person committing a crime is not a defense for someone else to commit one. Yet, one nation barring a book as seditious was acceptable in Howe's opinion.⁵⁹

Judge Howe also did not allow the defendant to express his understanding of what it meant to be a conscientious objection. Since a major contention of the trial was the affect IBSA literature had upon draft-age men, specifically influencing them to become conscientious objectors, it might have been appropriate to include it in the trial. Howe disagreed. "What difference does it make here? You have no right to define what a conscientious objector is to disobey the military authorities. It does not make any difference why he is a conscientious objector. The army should be let alone as far as civilians are concerned." The judge succinctly summed up the attitude of many regarding the military's prosecution of the war. Just as he was unwilling to question the authority of military tribunals or draft boards, here he avoided questions pertaining to what he perceived as military jurisdiction. However, the military was still beholden to civil authorities. When Congress passed the Espionage Act, it was decided that civil courts would handle the cases that came under its jurisdiction, even when men in uniform were the perpetrators. Draft boards were civilian operations, though they answered to the Adjutant General of their respective state. Civilian organizations influenced the military, such as the Committee on Training Camps Activities. Ultimately, the military had to answer to civilian authorities embodied in the Secretary of War and the President of the United States. Regardless, Judge Howe was not going to allow such discordant views in his courtroom.⁶⁰

⁵⁹ Trial, 32-3, 40, 64-6.

⁶⁰ Ibid, 13-14.

Even without the cards apparently stacked against him, Rutherford did not make a good impression at the trial. His actions smacked of negligence. First, he did not proofread a final version of *The Finished Mystery* before it was printed. In fact, there was little to no oversight of the publishers, who were also the authors. Second, with the difficulties in Canada, Rutherford should have taken steps to ensure something similar did not occur in the US. On the contrary, though, he appeared to desire a run-in with the government over his objection to war. At one point, he confessed that he sought legal advice in order to challenge Selective Service by having one of his members intentionally arrested for refusing to obey the draft law. He admittedly abandoned the idea, but it certainly did not assuage the military intelligence officers' or the court's fears. Consequently, on June 19, the jury found the defendants guilty of violating the Espionage Act. Judge Howe gave DeCecca a ten year sentence and everyone else twenty years.⁶¹

From the moment representatives of MID became aware of the IBSA in late 1917, Van Deman relentlessly sought to incriminate them. His goal was never anything short of incarcerating the group's leadership and main perpetrators for disloyalty. In pursuit of this objective, Van Deman remained in constant contact with civil agencies. From the moment he initiated conversations with the Department of Justice, he continuously kept them apprised of the investigation's progress. As soon as MID agents discovered the connection between IBSA organizations and the D'Onofrio letter, they cooperated with the Department of Justice to acquire a warrant and pounced on the organization's headquarters. The fact that IBSA had no direct link to the military, other than a handful of conscientious objectors claiming membership, did not deter them. While there were

⁶¹ Box 2770, Folder Folder10110-510-40-510-85, PC120090-1: March 16, 1918

questions regarding legal jurisdiction, such as whether the military had the authority to raid privately owned structures, they conducted themselves within the law as established by the Espionage Act. Intelligence officers obtained search warrants and ultimately let the U.S. Marshals arrest the perpetrators.

Most importantly, MID officers exhibited an overzealousness to punish the perpetrators of this “nefarious propaganda.” Bible Students had offered to remove the seditious material from *The Finished Mystery* and, by March 1918, members discontinued speaking subversively in public. Yet, intelligence officers could not overcome their top-down reasoning, having already concluded that the religious organization was disloyal. They did not trust IBSA members’ outward transformation, neither was Van Deman interested in providing leniency for IBSA’s leadership in any form. What he and other intelligence officers saw was a national network of religious zealots working to undermine the draft. Any attempt by Rutherford to expunge the overtly seditious portions of *The Finished Mystery* was merely an effort to keep their disloyal message in the public domain. Military intelligence officers did not see anything in Bible Students’ actions other than a conspiracy to disrupt the war effort. Their political paranoia did not allow them to entertain the notion that Bible Students merely sought religious freedom and their First Amendment right to preach. Rutherford mishandled *The Finished Mystery*, the affidavits, and everything else to the detriment of his organization. To the intelligence officer’s eye, the situation was not mismanaged, but a direct attempt to undercut military autonomy. Besides, the Bible Students’ message was that anarchy must reign for Armageddon to begin. Whether the consecrated actively sought to create a state of anarchy was beside the point. Simply by preaching such an

idea, they could influence others who did not share their scruples against violence to take action against the government. In a world where socialists, anarchists, and unionists challenged the status quo, intelligence officers easily projected their fears of an interconnected network of treachery onto the IBSA.

The reality was that Bible Students had a negligible effect upon the draft. In fact, the overall number of conscientious objectors in the U.S. Army was miniscule. By March 20, there were only about four thousand objectors refusing to serve in the military, only 316 of which a board of inquiry found to be insincere. Out of an expanded army of about four million, four thousand was practically imperceptible. And yet, MID officers pursued this religious organization as if they were a grave threat to the United States' war efforts, stretching the boundaries of their investigative power further than was perhaps proper or necessary.⁶²

⁶² Marvin A. Kreidberg and Merton G. Henry, *History of Military Mobilization in the United States Army 1775-1945* (Washington, D.C.: Department of the Army, 1955), 276.

CHAPTER FOUR

“You Supply the Men, We’ll Supply the Conscience”: Chasing After Roger Baldwin and the National Civil Liberties Bureau

“For the maintenance in war-time of the constitutional rights of free speech, free press, peaceful assembly, liberty of conscience and freedom from unlawful search and seizure.”
– National Civil Liberties Bureau motto

“The charge is direct that it is encouraging men to claim conscientious objection as a means of securing exemption from service.” – Member of the War Department’s office of the Chief of Staff

When the United States decided to manage its resource of manpower through Selective Service, it encountered a form of opposition that would otherwise have remained on the fringes of the war effort. Conscientious objectors came from all walks of life. They used religion, politics, or simply personal pacifism to justify their objections to participating in the war effort. Some men objected only to military service, but would participate in other forms of work that might aid the war. Others outright refused to assist in any area that might be perceived as part of the war effort. For the military, any defiance could be disruptive. Yet, few would risk their own safety to champion the conscientious objectors’ cause. Similar to other volunteer organizations throughout the war, a group of progressive citizens offered to assist the government manage conscientious objectors for the betterment of the individuals as well as the nation. While members of the War Department accepted the proffered help at first, they soon came to the conclusion that the organizations involved cared too much about the objectors themselves and not enough about the war effort. Military intelligence officers implanted and fueled this distrust. The National Civil Liberties Bureau (NCLB)¹ was the most prominent defender of conscientious objectors (CO). Army officers in the Military

¹ I will use the National Civil Liberties Bureau, NCLB, and the Bureau interchangeably throughout this chapter.

Intelligence Division (MID) were paranoid that this organization was pro-German or had been infiltrated by German agents who sought to disrupt American conscription. They sought proof of this through the organization's publications, correspondence, activities, and associations. None of which, they argued, supported the war effort, but instead propagated the vile notion of conscientious objection by any justification.²

Members of the American Union Against Militarism (AUAM) established the Civil Liberties Bureau in May 1917, after Congress passed the Selective Service Act. The purpose of the new organization was to safeguard civil liberties by assisting men vis-à-vis the draft. They were concerned that many draft registrants would not understand how to claim an exemption under the new law. In addition, members of the AUAM believed that ultra-patriotism would infect all levels of American society during wartime, which could result in citizens and government agents overstepping legal boundaries and impeding citizens' rights. They wanted to ensure there was a safeguard during the war and especially so that some groups, such as supporters of universal military training and preparedness, did not establish permanent impediments to civil liberties.

At the age of thirty-three, Roger Nash Baldwin took charge of the newly established Civil Liberties Bureau. He was a longtime champion of civil liberties and a recent addition to the AUAM national headquarters in New York City. Baldwin belonged to a wealthy Massachusetts family and was the eldest of eight siblings. In 1905, he graduated from Harvard University, whereupon he took up his life's passion as a social worker. Over the following eight years, he was a probation officer for a juvenile court in Boston and Secretary of the Civic League in St. Louis before becoming the

² I will use conscientious objector, CO, and objector interchangeably throughout this chapter.

Secretary of the AUAM.³ Roger Baldwin was an outspoken pacifist. His parents raised him as a Unitarian and Baldwin took to heart the religious teachings regarding helping his fellow man. A family friend described him as “possessed always of a great interest in the welfare of his fellow beings;” and he brought this conviction to his social work. He also agreed with other pacifist social workers and progressives, such as Jane Addams, that America should remain neutral in the Great War. Baldwin also subscribed to the aspect of socialism that perceived of humanity as homogenous and not separated by national constructs. Accordingly, he associated wars more with capitalist agendas that did not benefit the citizens that nations conscripted. However, Baldwin did not consider himself a socialist and disagreed with the more radical socialist ideas. He agreed that patriotism and war was counter-productive to the main progressive goal of bettering mankind. Thus, he resolved that if war and conscription should come to America, he would conscientiously object to participating.⁴

Baldwin’s convictions led military intelligence officers to become overly concerned about his activities. He sympathized with the plight of conscientious objectors; and as an agnostic, his objection to war was based solely on his conscience. A disagreement grew among members of the American Union Against Militarism over how best to aid conscientious objectors as well as protect civil liberties in the war. The

³ Roger N. Baldwin, 22 August 1918, Interview with Colonel Masteller, In Record Group 165, Entry 65, Box 2779, 10110-709-23 (College Park, MD: National Archives and Research Administration II), 4; Jas T. Bush, Letter to Major W. H. Loving, 20 April 1918, In Record Group 165, Entry 65, Box 2779, 10110-709-15 (College Park, MD: National Archives and Research Administration II); Roy F. Britton, Memo regarding Roger Baldwin, 23 March 1918, In Record Group 165, Entry 65, Box 2779, 10110-709-10 (College Park, MD: National Archives and Research Administration II); Unknown, Memo on the Committee of Five of the Secret Order of the Guillotine, 5 January 1916, In Record Group 165, Entry 65, Box 3295, 10434-8-15 (College Park, MD: National Archives and Research Administration II), 1; Robert C. Cottrell, *Roger Nash Baldwin and the American Civil Liberties Union* (New York: Columbia University Press, 2000), 1, 42-4, 47-8.

⁴ Cottrell, 7, 46-7.

majority of Baldwin's colleagues did not want to draw undue attention to themselves, especially at a time when patriotism and paranoia were more pronounced. They sought to "work out a long range program, being more interested in preventing universal military training" whereas Baldwin and a few others, including Crystal Eastman, the sister of the famous socialist Max Eastman, thought they should do everything they could, within the law, to assist conscientious objectors immediately. Such a decision would invariably create friction with some government agencies, especially the War Department. Baldwin believed that somebody had to defend conscientious objectors, most of who did not know their rights and would not receive fair treatment. In addition, Baldwin believed that if citizens relinquished their democratic rights during the war, then they might not get them back once the guns fell silent. Though he realized he would be walking a thin line, his intentions were to remain within the law. Baldwin's insistence led to the separation of the Civil Liberties Bureau from the American Union Against Militarism in October 1917.⁵

A few months later, on January 8, 1918, the National Civil Liberties Bureau (NCLB) held a conference with other pacifist organizations to discuss Secretary of War Newton D. Baker's policy regarding conscientious objectors. In attendance were representatives from the league for Democratic Control, the New York Bureau of Legal First Aid, the American Friends' Service Committee, and the Fellowship of Reconciliation. They produced a memorandum which they submitted to Newton D. Baker, the Secretary of War. The attendees understood that neither the President nor the Secretary of War would make any alterations to their policies regarding conscientious objectors anytime soon. However, they wanted to relay their concerns to the War

⁵ Ibid.

Department for future action. “It is rather as a practical problem on which we offer the recommendations, believing that it is the desire of the War Department to avoid the injustices which would make a controversial issue of liberty of conscience.” Their recommendations explicitly portrayed Baldwin’s, and by extension the National Civil Liberty Bureau’s, views on military handling of conscientious objectors.⁶

From previous conversations with the War Department’s representatives, Baldwin believed that the Secretary of War would accept the conference’s liberal recommendations.

The conference attendees defined objectors “as men who take the stand that it is morally wrong for them to participate in this war.” They offered detailed recommendations for handling conscientious objectors. First, they advocated that military authorities and local draft boards should treat all conscientious objectors fairly by the same standards, regardless of whether they belonged to a religious organization or not. They referred to the tendency of military officers to accept religious objectors of acknowledged pacifist religions, but no others. They hoped to address army officers’ fears that recognition of non-religious objectors would open a floodgate of men claiming exemptions. If a man should consciously object to war, but not belong to a recognized religion that propounded an abhorrence to war, then most military authorities assumed that he was faking. Military officers worried that “slackers”⁷ would utilize conscientious objection as a loophole to avoid military service. Second, if an objector refused to proceed to the training camps and remained in contact with their draft board, conference attendees suggested that

⁶ Roger Baldwin, “Confidential Bulletin on the Conscientious Objector,” 16 January 1918, In Record Group 165, Entry 65, Box 3295, 10435-15-7 (College Park, MD: National Archives and Research Administration II), 1.

⁷ Slackers was the term applied to disloyal Americans who shirked their duty and did not chip in to do their part for the war effort.

military officials should treat them the same as other objectors. They counseled that the military should not prosecute these men for desertion. Instead, military personnel should move them to their respective camps upon their arrest and treat them like any other objector. They believed the objector was still following the law, as far as his conscience would allow, and made no attempt to evade authorities. On the contrary, this type of objector remained in contact with his draft board, while also following his conscience to avoid military service. He could have run off or not registered for the draft at all, but chose not to. Therefore, military authorities should not prosecute them for desertion.⁸

Third, they advised the Secretary of War to propose alternative services under civilian control, “such as the Friends’ Reconstruction Unit and Agricultural work.” Such a recommendation would enable objectors to accept alternate services, do their part to assist the nation during the crisis, and uphold their objection to military service. Some objectors refused to participate in anything that would assist the war effort. The War Department and President Wilson did not outline any recourse for claimants other than military service, alternate service within the military, or court-martial. The conference attendees suggested that conscientious objectors could go to “special detention” centers or “internment camps if the number of men justifies it.” When military authorities court-martialed objectors they often handed out immensely varying sentences. There were no standards. Baldwin suggested the Secretary of War rectify this. He also recommended that when an inductee refused to don the military uniform, their court-martial sentence should not “exceed the duration of the war.” Even better, the punishment should be the same as violating the Selective Service Act, which was only one year. In addition, the

⁸ Baldwin, “Confidential Bulletin on the Conscientious Objector.”

practice of court-martialing an objector more than once for what was essentially the same offense should stop immediately.⁹

They hoped that the War Department would emphasize “positive instruction” regarding dealings with objectors and disavow “coercive methods to determine conscience.” The conference attendees were reacting to reports that military officers were “torturing” conscientious objectors in order to force them to cooperate.¹⁰ They believed that military personnel should remove all the objectors they held in guard houses or were otherwise segregated. Conference attendees also recommended that the Secretary of War review all of the cases of all objectors who had been court-martialed. If Baker determined that any of them were unfairly tried, then the military should return them to the camps and treat them like the other claimants. Baldwin understood that the Secretary would not immediately act upon these recommendations. However, he was under the impression that they would be well received. In the meantime, he thought any instances of injustice should be reported to the War Department and cases of men arrested for desertion should be forwarded to NCLB.¹¹

By holding a conference on conscientious objection and making recommendations to the Secretary of War, Roger Baldwin did not view himself as an agitator or seditious dissenter. His desire was to cooperate with the War Department on establishing fair protocols and practices within the military to not only help all conscientious objectors, but also to assist the military in weeding out “slackers” and “pretenders.” He did not see this as a cross-purpose, nor did he take into account how paranoid military officers would be about the former. He believed he could aid both the

⁹ Ibid, 1-3.

¹⁰ Ibid, 1-2. A guard house was the Army camp or installation’s jail.

¹¹ Ibid.

War Department and objectors. Part and parcel with this approach was the need to inform Americans about conscientious objection and Secretary Baker's policies toward it. In July 1917, the National Civil Liberties Bureau published a pamphlet, "Conscription and the 'Conscientious Objector': Facts regarding exemption from military service under the conscription act." According to their pamphlet, which they stated was based upon "official sources and verified with officials of the War Department," of thirty-six state constitutions that allowed for drafting men into military service, twenty-eight also contained provisions for conscientious objection. The NCLB pamphlet explained that members of the War Department resisted a similar stipulation in the Selective Service Act because it would be too difficult for local draft boards to determine the sincerity of individual conscience. Though the conscription act specifically stated only members of "well-recognized religious sects or organizations whose creed or principles are opposed to participation in war" would be considered conscientious objectors; the authors of the pamphlet believed it left the door open to others. Defenders of conscientious objectors wanted to know how those administering the Selective Service Act, i.e. draft and exemption boards as well as representatives of the War Department, were interpreting the Act's language. They hoped that a strict interpretation would not be the official practice. However, it was clear through their correspondence that government agents would follow the letter of the law, while also attempting to curb violence toward and ill-treatment of objectors.¹²

There were real problems with how various military personnel treated conscientious objectors. This was partly due to the lack of official guidance as well as

¹² National Civil Liberties Bureau, "Conscription and the 'Conscientious Objector': Facts Regarding Exemption From Military Service Under the Conscription Act" (July 1917), 1, 3, 8.

confusion with the law. For instance, a man registering for the draft might claim an exemption as a conscientious objector. If he refused the physical examination prior to meeting with the exemption board, according to the Selective Service Act, authorities could arrest him and try him in a federal court. However, he might agree to the physical exam, but the draft board subsequently denied his exemption. In this scenario, the draftee might refuse to entrain to a military camp, in which case military authorities would court-martial him for desertion. Once the exemption board denied the draftee's claim, they considered him inducted into the military. According to Roger Baldwin, the man in either scenario was essentially prosecuted for the same offense by two different authoritative bodies. Instead, he argued, they should be dealt with in the same manner. Similarly, the punishments determined by the courts should be standardized. The NCLB pamphlet mirrored Baldwin's thoughts by stating, "There is no reason why a courtmartial (sic) in San Francisco should impose on a conscientious objector a different or longer sentence than one in Boston." Conscientious objectors received prison sentences from one year to up to thirty-five years. In one instance at Camp Travis, Fort Sam Houston, Texas forty-five Mennonites received twenty-five year sentences in a military prison. In addition, Baldwin proposed that civilian authorities run conscientious objector detention centers instead of the military. He believed that most conscientious objectors were willing to render service to their nation. They simply did not want to do so under military authority. If given the opportunity, no trial or punishment would have been necessary. Conscientious objectors were not common criminals and therefore were "not in the same class with the ordinary offender against the law." In some instances, nonreligious objectors refused military service but volunteered for noncombatant service. Though

there were cases where military authorities court-martialed the objector instead and sent him to a military prison. It was also apparent that men who willingly joined the military did not understand this very different perception of war. Unable to comprehend the alien way of thinking that was conscientious objection, “even the best of them will be inclined to deal with them harshly, if not brutally.” Furthermore, it was not advisable to send these men to regular penal facilities. The authors of the NCLB pamphlet argued that it would make martyrs of them.¹³

The experiences of the British are informative here. In 1916, due to the massive number of casualties on the Western Front, the British Parliament decided to resort to conscription by passing the Military Service Act. In contrast to the American decision in 1917, the British did not define conscientious objection, but left it up to the local authorities to determine each case individually. The British and American systems invariably shared many of the same difficulties. However, law makers in the United States had the benefit of observing how the British handled cases of conscientious objection in the hopes of replicating their successes and avoiding their failures. The fact that the British did not define the basis for conscientious objection was a boon to those claiming exemption. In England, a man could claim an exemption due to illness, if he thought he could better serve the nation in another capacity, because his removal would create “serious hardship” upon others, or “on the ground of a conscientious objection to the undertaking of combatant service.”¹⁴

¹³ Ibid, 11-12; “Minutes of the Directing Committee,” 5 November 1917, In Record Group 165, Entry 65, Box 2779, 10110-709 (College Park, MD: National Archives and Research Administration II); National Civil Liberties Bureau, “War-Time Prosecutions and Mob Violence: Involving the Rights of Free Speech, Free Press and Peaceful Assemblage” (New York: National Civil Liberties Bureau, 1919), 41-2; Baldwin, 22 August 1918, Interview, 8.

¹⁴ “Exemption from Military Service in Great Britain,” 65th Congress, 1st Session, Document No. 62, Presented by Senator La Follette (Washington, DC: Government Printing Office, 1917), 5.

The British Military Service Act was more compulsory than the American counterpart.

On July 15, 1915, Parliament passed the National Registration Act which required all men and women between the ages of fifteen and sixty-five to register information about their employment and skills. Once Parliament passed the Military Service Act in January 1915, all unmarried men who registered were regarded as enlisted into the military. Over sixteen thousand conscientious objectors claimed exemption from 1916 to the end of the war. Approximately 6,000 of those were upheld, the exemption tribunals allowed another 5,000 to provide non-combatant support, and they denied the rest. Those designated for non-combatant service were to join depot or reserve units. They drilled without weapons and learned to use various tools in order to conduct work in France well behind the front lines. However, another almost 2,500 conscientious objectors declined to participate in the exemption process or disagreed with the tribunal's decision. When they refused to comply with the military, they were arrested. British leaders decided in May 1916 that court-martialed objectors would serve their sentences in civilian penitentiaries.¹⁵

Roger Baldwin and other members of the NCLB viewed American conscription and handling of conscientious objectors in light of the British experience. Hence, they were concerned about placing convicted conscientious objectors in civilian prisons. Objectors suffered at the hands of military men, so Baldwin preferred to see them under civilian authority. According to National Civil Liberty Bureau records, there were approximately one hundred recorded cases of abuse. At Camp Jay, New York some

¹⁵ Charles Messenger, *Call-to-Arms: The British Army 1914-18* (London: Cassell, 2005), 130-2, 136-7, 139.

officers punished conscientious objectors by putting them in solitary confinement and handcuffing them to their cell windows so they would have to stand on their tip-toes for eight or nine hours of the day. Complainants also reported bayonettings, beatings, and other tortures such as being forced to subsist on only bread and water for extended periods and being sprayed with cold water from a hose to force them to don a uniform.¹⁶

In February 1918, the National Civil Liberties Bureau began having difficulties with its relationship to the War Department over the Bureau's activities among soldiers. On the sixth, Ralph Van Deman, Chief of the Military Intelligence Division, transmitted a memorandum on the NCLB to all intelligence officers throughout the Army, which amply indicated the level of political paranoia present. He accused the organization of liberally producing reading material that had "the obvious intent to disrupt American patriotic sentiment." Van Deman wanted his intelligence officers to be alert for any material NCLB members sent as well as all information relating to them. He was very concerned about the organization's offers to assist military prisoners free of charge. The National Civil Liberties Bureau also circulated a petition among soldiers. The petition "characterizes postal censorship and military discipline as 'mob violence' and 'violation of American Liberties.'" In mid-November, a naval intelligence officer from the Office of Naval Intelligence (ONI) reported that an undercover agent overheard Roger Baldwin make seditious and disloyal remarks. His report reflected intelligence officers' projection of a vast disloyal network working to undermine government and military authority. The officer either over-embellished or completely fabricated subversive remarks attributed to Baldwin by stating that Baldwin told him, "'well my friend I am fighting for Germany.'"

¹⁶ Charles Chatfield, *Pacifism in America 1914-1941* (Knoxville: The University of Tennessee Press, 1971), 57.

He continued by asking for trusted men to distribute seditious material to soldiers. The naval officer also reported that Emma Goldman, a renowned anarchist, told an agent ““that Baldwin has the best system of anti-draft organization . . . he has enrolled over 10,000 young men throughout the country’.” As if all of that was not incriminating enough, the officer also believed Baldwin must have been in the employ of Pacho Villa in Mexico.¹⁷

The naval report brought the worst fears about Baldwin to life and confirmed the most distressing material in his dossier. Military intelligence officers took the report very seriously. They relied on their top-down reasoning, seeing the evidence as irrefutable support of their fears. Besides, a trusted colleague from a sister organization, the Office of Naval Intelligence, provided a firsthand account. In an interview, several months later, intelligence officers pointedly inquired into his relationship with Goldman and whether he had ever set foot in Mexico. Later in 1918, they would ignore Baldwin’s negative answers during the interview and list the accusations from the naval report with other incriminating evidence to convince the Department of Justice (DOJ) to prosecute Baldwin. Shortly after receiving the naval report, Army intelligence officers began sending reports of their own suspicions from the training camps. An officer with the 77th Infantry Division at Camp Upton, New York sent a memo to MID headquarters on December 9, 1917. As far as he knew, the National Civil Liberties Bureau at that point had an “undetermined National classification,” meaning no one at MID had officially designated them as a threat yet. However, he believed the organization was “very

¹⁷ Ralph Van Deman, National Civil Liberties Bureau Memorandum, 6 February 1918, In Record Group 165, Entry 65, Box 3599, 10589 12 (College Park, MD: National Archives and Research Administration II); National Civil Liberties Bureau, “To the Congress of the United States,” In Record Group 165, Entry 65, Box 3259, 10435-13-6 (College Park, MD: National Archives and Research Administration II).

dangerous and individuals, if they can be identified, probably should be prosecuted.” He continued to describe how the NCLB was “encouraging drafted men to claim ‘conscientious objection.’” By the end of December, Ralph Van Deman forwarded a report from C. A. Millikin, an intelligence officer at Camp Cody, New Mexico, to Major Nicholas Biddle in the New York office. The officer in New Mexico suggested that NCLB activities be investigated since pamphlets sent by them were reaching the soldiers in camp. He was apprehensive that the literature could convince soldiers to object to military service and thus halt conscription. Millikin sent another memorandum to Van Deman earlier in the month denouncing the leadership of the American Union Against Militarism, the parent organization of the National Civil Liberties Bureau, as “one of the most insidiously active anti-war organizations.” He considered their propaganda “poisonous (sic).” Millikin was afraid that the organization’s leadership were “nearly treasonous” and MID officers had to discover a “remedy” to stop them.¹⁸

In late January, Army intelligence officers uncovered evidence that supported their fears. They believed that Baldwin was establishing an umbrella organization to disrupt the draft. MID agents intercepted a letter from Baldwin soliciting legal assistance from willing lawyers across the nation. For intelligence officer, this was proof that Roger Baldwin was heading a central organization to unify disparate groups of dissenters with the sole purpose of impeding the draft. Intelligence officers saw this hidden motive behind what might also have appeared as a group seeking to obtain free legal advice for

¹⁸ Cottrell, 65; Brown, “Individual Report,” 9 December 1917, In Record Group 165, Entry 65, Box 3599, 10589-12-296 (College Park, MD: National Archives and Research Administration II); Ralph Van Deman, Memorandum to Major Nicholas Biddle, 31 December 1917, In Record Group 165, Entry 65, Box 3295, 10434-8-4 (College Park, MD: National Archives and Research Administration II); C. A. Millikin, Memorandum on the National Civil Liberties Bureau, 13 February 1918, In Record Group 165, Entry 65, Box 3599, 10589-12-19 (College Park, MD: National Archives and Research Administration II); Malone, “National Civil Liberties League and Its Director,” In Record Group 165, Entry 65, Box 3762, 10902-13-155 (College Park, MD: National Archives and Research Administration II), 1-2.

conscientious objectors across the country. The thought of a national network working on behalf of objectors disturbed Van Deman. He was also concerned that that NCLB conducted all of its work on the behalf of “conscientious objectors” pro-bono. As the mailed solicitation stated, “Attorneys who are co-operating with us agree to permit cases to be referred to them, and those which seem worthwhile, they are asked to take without fee.” In addition, the letter criticized the government’s handling of the war. “The rights of both individuals and minorities are being grossly violated throughout the country.” Baldwin maintained that his organization’s ultimate purpose was to protect civil liberties. However, Van Deman and other intelligence officers feared that even if Baldwin was sincere, his organization would, if it had not already, fall prey to German manipulation to undermine the war effort.¹⁹

On January 24, the intelligence officer at Camp Meade, Maryland added his suspicions to the mounting anxieties. He forwarded a National Civil Liberties Bureau pamphlet titled “Confidential Bulletin on the Conscientious Objector” to Van Deman. The pamphlet described the conference the organization hosted in New York on January 8. According to the intelligence officer “these instructions are a measure of the complete organization of certain societies who tend to impede the progress of our mobilization.” He feared that the NCLB, along with other seditious organizations, was adding to a growing problem at Camp Meade. This particular camp contained about 155 conscientious objectors. The intelligence officer described them all as members of the International Workers of the World (IWW) and “socialists of the worst kind.”²⁰ He

¹⁹ National Civil Liberties Bureau, Letter to Frederick C. Swanson, 23 January 1918, In Record Group 165, Entry 65, Box 3295, 10434-8-6 (College Park, MD: National Archives and Research Administration II).

²⁰ To associate someone with the IWW or socialists was to designate them as disloyal and troublesome since military authorities were paranoid of those two groups.

feared that their impact on other soldiers' morale "might be disastrous." If military intelligence took immediate action to curb this organization's activities and bring about a decision on the question of conscientious objectors, then they could use "sincere religious ones" in alternative service while court-martialing the "troublesome ones."²¹

Sometime in January, Major Biddle requested that a member of the local American Protective League (APL) investigate the National Civil Liberties Bureau. The APL was a voluntary civilian vigilante organization. American Protective League agent E. T. Williams compiled a report on NCLB activities. According to Williams, NCLB members corresponded with about 3500 conscientious objectors, 700 radical newspapers, 200 labor unions secretaries and 48 state socialist party secretaries, as well as a number of pacifists of varying race "and other elements of unrest and disturbance." Williams feared that such a large mailing list was only the beginning of a large propaganda machine set to hamper the war effort on a national level. National Civil Liberties Bureau writers advised people to "comply with the law to the limit of his conscience," which Williams observed "clearly places a man's conscience above the law." In addition, Baldwin appeared to have close associations with known radical attorneys and groups, such as the IWW. "The writer's impression of this organization is that they are carrying on a subtle, dangerous, seditious propaganda very carefully keeping within the law, but bordering very closely on giving aid and comfort to the enemies of this country." Williams' thoughts mirrored many military intelligence officers. They feared that men like Baldwin

²¹ S. J. M., Memorandum on Morris Trasken, 24 January 1918, In Record Group 165, Entry 65, Box 3295, 10434-15-8a (College Park, MD: National Archives and Research Administration II).

intimately knew the law and, therefore, how to avoid breaking it while intentionally spreading a seditious message.²²

Williams revisited NCLB on February 1 to obtain lists of correspondents in the military training camps as well as financial contributors. Originally, NCLB members assured Williams they would provide him with the information he sought. However, Walter Nelles, one of the organization's lawyers, stonewalled him. Nelles refused to hand over the documents once he saw Williams sign his APL number and "for use Department Justice" on the receipt. The lawyer also would not accept Williams's APL badge, which the Justice Department issued with the words Secret Service. Nelles would only relinquish the documents to an official member of the Department of Justice.²³

Major Biddle was not about to let his investigation stall due to an intransigent lawyer. Around the same time that Williams was conducting his inquiry, a military agent, C. L. Lloyd, snuck into the NCLB office in New York City at night to obtain information. He copied letters referencing conscientious objectors and took copies of their pamphlets and publications. His next move was to seek employment with Baldwin to become an inside man. Lloyd stumbled upon a letter describing how Baldwin's publicist was unable to continue working for him. A few days later, on February 14, C. L. Lloyd introduced himself to Roger Baldwin as "a freelance journalist extremely interested in matters of political, economic, and social and labor conditions, etc." Lloyd summarized the Bureau's objective as attempting to assist conscientious objectors to military service in any way, which Baldwin corroborated. They agreed that they would

²² E. T. Williams, "Final Report," 31 January 1918, In Record Group 165, Entry 65, Box 3599, 10589-12-49 (College Park, MD: National Archives and Research Administration II).

²³ E. T. Williams, "Supplemental Report," 4 February 1918, In Record Group 165, Entry 65, Box 3599, 10589-12-34 (College Park, MD: National Archives and Research Administration II).

meet several times throughout February so that Lloyd could familiarize himself with Baldwin's views in preparation to begin work on March 1.²⁴

Meanwhile, intelligence officers from the training camps continued to report NCLB related information to Van Deman. The intelligence officer at Camp Meade described how the Bureau was in constant contact with the 156 conscientious objectors there. Camp officers seized numerous pieces of propaganda from COs at the camp and forwarded much of it onto the MID chief. NCLB "representatives in New York wire the War Department at least once a week regarding alleged difficulties at Camp Meade and are a source of continual trouble and obstruction." The intelligence officer was convinced that NCLB members' conduct was "illegal, disloyal and seditious." In his opinion, "the government should disband this organization." Hunter S. Marston, an intelligence officer from the headquarters of the Eastern Department in New York City, forwarded one of his agent's reports concerning the NCLB as well as declaring that "there seems to be no question but that these people are engaged in both hampering the work of the Draft and in disseminating peace propaganda."²⁵

According to an anonymous operative who was undercover as a drafted conscientious objector, Baldwin told him he would "never work with any military organization in any capacity whatever." Another NCLB member, a Mr. Morgan, told the operative that chances were very good the military would send him home as mentally

²⁴ Nicholas Biddle, Memorandum on Morris Franklin, 7 February 1918, In Record Group 165, Entry 65, Box 3295, 10435-13-9 (College Park, MD: National Archives and Research Administration II); C. L. Lloyd, "Report E," 25 February 1918, In Record Group 165, Entry 65, Box 3295, 10434-8-12 (College Park, MD: National Archives and Research Administration II).

²⁵ S. J. M., Memorandum on the National Civil Liberties Bureau" 8 February 1918, In Record Group 165, Entry 65, Box 3599, 10589-12-8 (College Park, MD: National Archives and Research Administration II); Millikin, Memorandum on the National Civil Liberties Bureau, 13 February 1918; Hunter S. Marston, memorandum on National Civil Liberties Bureau, 13 February 1918, In Record Group 165, Entry 65, Box 3599, 10589-12-7 (College Park, MD: National Archives and Research Administration II), 1.

unfit if he continued his objection. Morgan also emphasized that if anyone in the military should mistreat him, he should contact the NCLB immediately. Mistreating objectors was unconstitutional. He explained that the NCLB existed to “defend conscientious objectors from abusive treatment whenever military authorities endeavored to force them to obey orders.” For intelligence officers, Morgan’s statements were an example of NCLB members inciting men to disobey military orders. Morgan’s counsel that mistreated men contact the NCLB underscored military men’s suspicions that the organization was not only working to undermine the draft but also rally the forces of opposition to them.²⁶

With information coming in from several training camps across the country, it became apparent to Van Deman that the best option for catching Roger Baldwin and other NCLB members was through their literature. It appeared that the Bureau intended to establish contacts in every camp. Therefore, on February 14, Van Deman once again messaged all intelligence officers throughout the Army to be attentive to all incoming mail. “The literature distributed by the Bureau is of such striking character that it cannot long escape attention.” Once officers identified everyone who was sending and receiving the literature, the organization would thoroughly be “under observation.” MID agents uncovered numerous attempts by NCLB members to “secure information concerning soldiers in our camps who might wish to escape military service on the ground of conscientious objection or of violation of their constitutional rights.” Intelligence officers were paranoid that Baldwin’s bureau urged men, in and out of uniform, to evade military service by declaring conscientious objection. “The activities of a large number of the members . . . have been pernicious from the beginning; their whole attempt has been to

²⁶ Marston, memorandum on National Civil Liberties Bureau, 13 February 1918, 10589-12-7, 2.

preach down patriotism.” They had even been a hindrance to patriotic organizations, such as the American Protective League. Not only did NCLB members refuse to cooperate with an APL agent, but an article in the New York Evening Call, a socialist newspaper, described how Baldwin warned radicals and labor unions about APL agents among them. “The Bureau advises radical and laboring men that they are under no obligation to answer any questions put to them or aid in investigations instituted by the ‘American Protective League.’” To intelligence officers, it appeared NCLB members advised resistance to any patriotic group assisting the war effort. Van Deman thought they were collecting sufficient information on Baldwin and the Bureau “to institute actions of some sort.”²⁷

Military intelligence agents were not the only ones concerned about the National Civil Liberties Bureau. Throughout 1917, Roger Baldwin had a working relationship with the Secretary of War’s office. He often dealt with Frederick Keppel, one of Newton D. Baker’s top aides, though he sometimes also had direct access to the Secretary. This relationship not only gave Baldwin and the National Civil Liberties Bureau legitimacy, but also fulfilled his desire to assist the government while championing the moral cause of the conscientious objector. However, on February 26, Keppel wrote to Baldwin, expressing his concern over an “embarrassing situation” that was arising. He was troubled that several military officers whom the Secretary of War relied upon were suspicious of the National Civil Liberties Bureau. Keppel warned Baldwin that the

²⁷ Ralph Van Deman, memorandum on the National Civil Liberties Bureau, 14 February 1918, In Record Group 165, Entry 65, Box 3599, 10589-12-35 (College Park, MD: National Archives and Research Administration II); Unkown, memorandum for Colonel Van Deman, 19 February 1918, In Record Group 165, Entry 65, Box 3599, 10589-12-65 (College Park, MD: National Archives and Research Administration II), 1-2; W. C. Smiley, Memorandum for Captain Hunt, 28 February 1918, In Record Group 165, Entry 65, Box 3599, 10589-12-37 (College Park, MD: National Archives and Research Administration II).

Bureau's members might soon find themselves at odds with the War Department. While Keppel was "glad to receive the suggestions and advice of individuals regarding these men (conscientious objectors), the Department may before long decline to have any communication with the Civil Liberties Bureau." Baldwin understood the ramifications in Keppel's statement. He knew that if his organization lost access to the War Department not only would he have a more difficult time affecting policies aimed toward conscientious objectors, but he might also face major impediments to aiding objectors, not to mention personal prosecution.²⁸

Baldwin wrote a response which was intended to clarify his position before he rushed to Washington, D.C. to meet with Keppel in person. He was more than willing to adhere to whatever suggestions Keppel would advise. After all, Baldwin had been dealing with him for some time and believed that Keppel not only understood the unenviable situation of conscientious objectors, he also agreed with Baldwin's efforts on their behalf. Baldwin believed he maintained full disclosure with government agents on every activity, whether it was providing legal aid to individuals in court or advice to conscientious objectors. He believed his every action was legal and that his policy of transparency was an adequate defense against any naysayers. Baldwin ensured he kept the Department of Justice informed of all aspects of the Bureau's involvement in every legal case. Everything he and other members did for conscientious objectors he communicated to the War Department. Baldwin realized that some members of the War Department were suspicious of him. He argued that his organization did nothing to "enlist conscientious objectors." Their publications were not propaganda and they only

²⁸ Frederick Keppel, Letter to Roger Baldwin, 26 February 1918, In Record Group 165, Entry 65, Box 3295, 10434-8-9 (College Park, MD: National Archives and Research Administration II).

responded to those who contacted them first, thus he was only assisting those who already claimed conscientious objection and was not interfering with the draft by recruiting an army of objectors. In addition, he reasoned that the work NCLB members performed was a great benefit to the War Department. The Bureau acted as a central “clearing house” for not just conscientious objectors, but all the smaller organizations dealing with them. War Department personnel could get all the information they needed through the NCLB without tangling with the administrative headache involved with the numerous other agencies concerned with conscientious objectors. While not a perfect arrangement, it was still a beneficial one. Most importantly, Baldwin believed his actions were in line with Secretary Baker’s views. All of his correspondence with conscientious objectors, in and out of the camps, was maintained in full view of the War Department. In addition, Baldwin attempted to forestall problems for the War Department. Some of the grievances he addressed could prove an embarrassment to the Secretary, such as instances where military personnel mistreated objectors; events that Baldwin hinted would make for “controversial public issues.” In order to prevent such an awkward situation for the War Department, Baldwin stated that Secretary Baker asked him to work with the news agencies that would normally print accounts of conscientious objectors “in an endeavor to prevent any publicity during this uncertain period before the formulation of a definite policy.” With all that he had already done, in cooperation with the War Department, Baldwin could not understand why Keppel believed an “embarrassing situation” was emerging.” “In these efforts we cannot see how we have violated the federal statutes, nor do we see the reason for any conflict with the Government any more now than during the entire nine months past.” While Roger Baldwin realized members of

the War Department were suspicious of the National Civil Liberties Bureau, he did not appreciate how acute their political paranoia was.²⁹

Regardless, Secretary Baker was the judge and jury for all conscientious objectors. Baldwin was willing to alter his conduct in accordance with the Secretary's wishes. "On this matter of conscientious objector, . . . knowing his liberal and sympathetic attitude we would follow any course of action that seemed to him most helpful in arriving at a practical and satisfactory solution." Baldwin believed Secretary Barker's desires kept military atrocities toward conscientious objectors to a minimum. Knowing the Secretary's policy toward objectors, Baldwin thought that most military personnel were reluctant to abuse them. However, "it is, of course, better known to you than it to us that (sic) many military officers are openly hostile to Secretary Baker's policy on this matter and that they naturally feel very great resentment that any such organization as ours is allowed to maintain friendly relations with the Department."³⁰

Baldwin also emphasized that he and the members of the NCLB would not remain inactive. If government representatives wanted to stop his and others' aid to conscientious objectors, they would have to forcibly shut them down. Until then, he would continue in his efforts to ensure fair treatment for objectors; he hoped with government assistance. "The exact method of that service must be determined by the decisions of Secretary Baker." If the organization were no longer able to correspond with objectors, then he would continue doing so personally, as an individual. Baldwin

²⁹ Roger Baldwin, letter to Frederick Keppel, In Record Group 165, Entry 65, Box 3295, 10434-8-8 (College Park, MD: National Archives and Research Administration II), 1.

³⁰ Ibid, 2.

expressed his sense of obligation to the men that turned to him for assistance, since he publicly offered his services to them.³¹

After receiving Baldwin's response, Keppel turned to Van Deman for an appraisal of the man and received a hint of the Colonel's political paranoia. The MID chief acknowledged that this was a tricky situation. The problem was not with sincere conscientious objectors, "but from the fact that this organization – the National Civil Liberties Bureau – which Mr. Baldwin represents is certainly to be taken advantage of by men who are not Conscientious Objectors, but who will use this method to fulfill their military obligations." More importantly, Van Deman suspected that the enemy, namely Germans, had already infiltrated the NCLB and were using it to disseminate their propaganda. Regardless of the lack of evidence, this was the explanation he and other intelligence officers believed. In addition, for them, it was the only logical explanation as to why American citizens would support obvious slackers, i.e. non-religious conscientious objectors, and in the process interfere with the war effort. "Anything which will embarrass the Government or hamper our military preparations, or in any way throw a monkey wrench into the machinery, is good propaganda for German agents, and they are certainly taking advantage of every opening." In Van Deman's opinion, NCLB members were practically seditious and certainly not making it easy for the rest of the nation to prosecute the war. Yet, he could not devise an easy way to suppress such an organization. Any forcible action would turn them into martyrs, which could only aid German agents in the U.S.

It seems to me that the practical way to handle this, will be by personal dealings with Mr. Baldwin, if he can be persuaded that his activities should only take

³¹ Ibid, 3.

certain lines, and that if he does not confine himself to these lines, he is unpatriotic, we may be able to control the activities of his society.³²

Compulsion should remain a last resort. Van Deman knew that he and Keppel understood where the Secretary of War stood regarding conscientious objectors. If Keppel could convince Baldwin of that point of view, then he should be able to continue serving sincere objectors while avoiding aiding the enemy. Trusting Van Deman as an “open-minded Army officer,” Keppel forwarded his response onto Baldwin.³³

For Baldwin, Van Deman’s assessment was not altogether good. While it appeared that the MID chief either did not want to prosecute him, or simply did not have enough evidence at this point, it was apparent that Baldwin was headed toward a confrontation with the War Department. He would have to alter his policies to avoid this scenario. The question was how and whether Baldwin would be willing. Clearly, Van Deman was not going to halt his investigation. If Keppel could convince Baldwin to alter his methods, perhaps by limiting his publications and being less public, then Baldwin’s propaganda could be curbed. The Secretary of War and his staff, including Keppel, believed that Baldwin was “absolutely sincere and that his anxiety for the ‘civil liberties’ of the soldier is not entirely groundless.” However, they were unsure about the rest of the National Civil Liberties Bureau. The question at hand was whether the Secretary should continue allowing Baldwin access to his office. Baldwin was in a habit of making regular visits to discuss individual cases of “alleged infringement of ‘civil liberties.’” Major Biddle requested permission to gain access to all NCLB papers and correspondence. “If

³² Van Deman, memo to Keppel, 9 March 1918, 1-2.

³³ Ibid; Cottrell, 64; Frederick Keppel, memorandum for Colonel Van Deman, 2 March 1918, In Record Group 165, Entry 65, Box 3599, 10589-12-33 (College Park, MD: National Archives and Research Administration II); Ralph Van Deman, memorandum for Mr. F. P. Keppel, 9 March 1918, In Record Group 165, Entry 65, Box 3599, 10589-12-40 (College Park, MD: National Archives and Research Administration II), 1.

Mr. Baldwin is sincere as to his methods and policies, as explained in a letter to Keppel, he will not hesitate to let us do this.” On the one hand, if Baldwin allowed Biddle access to all his records, then the investigation would receive a boon. Biddle would finally obtain all the documentation necessary for a prosecution. On the other hand, if Baldwin refused, then he would prove all the military officers’ suspicions. Roger Baldwin retained his trust in government representatives and independently offered Major Biddle access to all NCLB files.³⁴

Understanding that there is criticisms (sic) among certain army officers that the activities of this Bureau are encouraging resistance to military authority in the cantonments by men holding themselves out as conscientious objectors, we beg to ask that an official inquiry be made through departmental channels of all our activities on this matter.³⁵

Baldwin offered all the Bureau publications to date, including those prior to the NCLB’s break from the AUAM on October 1, 1917. He also submitted his mailing list and a news article he distributed to interested newspapers that same month. He even submitted all of the Bureau’s correspondence, which was stored at their New York office, for any official representative to peruse. Baldwin then clarified his organization’s position regarding objectors:

The principle of liberty of conscience for which we have made these efforts, does not admit of propaganda in war time. A man’s conscience is too much an individual matter founded upon deep personal conviction to be treated from any such standpoint. Our efforts have been directed solely to insuring those men who held themselves out as conscientious objectors, of just and humane treatment, both under the law and such regulations as are, and may be made by the Secretary of War.³⁶

³⁴ Nicholas Biddle, memorandum to Ralph Van Deman, 6 March 1918, In Record Group 165, Entry 65, Box 3295, 10434-8-19 (College Park, MD: National Archives and Research Administration II); Ralph Van Deman, memorandum to Nicholas Biddle, 7 March 1918, In Record Group 165, Entry 65, Box 3599, 10589-12-39 (College Park, MD: National Archives and Research Administration II).

³⁵ Roger N. Baldwin, letter to Nicholas Biddle, 7 March 1918, In Record Group 165, Entry 65, Box 3599, 10589-12-47 (College Park, MD: National Archives and Research Administration II), 1.

³⁶ Ibid, 2.

With an honest appraisal of his situation, the NCLB director explained to Biddle that he understood how difficult his goal would be without the War Department's support. However, he hoped that disagreements of opinion would not doom that cooperation. Thus, he requested an official inquiry to exonerate NCLB members. In good faith, Roger Baldwin hoped the investigation would clear his organization and his earnest work in behalf of maintaining civil liberties in wartime.³⁷

However, after examining the National Civil Liberties Bureau's records, Major Biddle concluded, "this organization serves no good purpose." He interviewed Baldwin, went through their correspondence at the New York office, and determined that their activities should be stopped. Was the verdict preordained? In the interview on March 8, Major Biddle confronted Baldwin with his correspondence to Keppel. Baldwin presumed that the difficulties with the War Department centered on his activities with conscientious objectors. He feared, though, that some of NCLB members' other activities might be misconstrued. For instance, in January they published a pamphlet, "The Case of the Christian Pacifists at Los Angeles, CA." It detailed the attempt of some ministers in California to hold a conference on the current militaristic Christianity in that state. The federal court in California found the author of the pamphlet, one of the clergymen, to have violated the Espionage Act. Baldwin was concerned the California ruling could lead to government officials labeling other publications that might not strictly deal with conscientious objectors as seditious. Major Biddle addressed the fear that NCLB members spread conscientious objection among soldiers through correspondence by inquiring how Baldwin compiled his mailing list of approximately 3500 objectors. Baldwin explained that the majority of them contacted the Bureau prior to the Selective

³⁷ Ibid.

Service Act when he publicized the organization with the AUAM. New correspondents learned of the NCLB through newspaper articles about the organization or from the advertisements prior to Congress' declaration of war. However, Baldwin's statement was incorrect. The AUAM did not establish the NCLB until May 1917, after Congress declared war. In addition, the "Appeal to Reason," a socialist periodical, ran a column on the Civil Liberties Bureau that elicited about 100 responses. Other organizations, such as the League for Democratic Control, American Liberty Defense League, labor unions, and socialist organizations also might tell the draft-age men about the NCLB.

Approximately, three to four soldiers contacted the National Civil Liberties Bureau a day. Baldwin emphasized that his mailing list did not expand after June 1917; neither he nor any other member of the Bureau solicited correspondents. Major Biddle had obvious problems with this explanation. Baldwin published numerous pamphlets that, by their very nature, Biddle considered advertisements. He disbelieved that the mailing list only had 3500 men, especially since people responded to not only NCLB publications, but also others. The Major added that if journalists printed articles about the Bureau, such as the "Appeal to Reason", or non-Bureau members advised someone to contact the NCLB, they practically acted as press agents. Baldwin countered that he could not be responsible for when someone outside his organization wrote about him or referred people to him. A Quaker named Furness frequently visited the training camps and often told non-Quakers if they needed advice to write the NCLB. Baldwin did not think the Major could hold him responsible for that. However, Biddle did just that. He believed the National Civil Liberties Bureau's very existence was a threat. In addition, he distrusted Baldwin's assertion that Bureau members did not solicit members. After all,

Baldwin maintained a publicity bureau. If they did not solicit conscientious objectors, then the Bureau did not need one.³⁸

Baldwin rationalized that there was a distinction between publications and publicity in newspapers with the act of individually contacting men of draft-age. The information Baldwin published about conscientious objectors was in the public domain and was every citizen's right to know. It was especially important for the American who was "considering his relation to his Government." Since the information Baldwin published was not illegal, it could not be considered seditious. In fact, Baldwin believed that the Government should support the NCLB because they assisted in getting the information to the populace. If men knew their rights beforehand, then conscientious objectors could be properly classified from the start and there would not be any trouble with them in the training camps.³⁹

In addition, Baldwin had an agreement with the newspapers to withhold publishing articles on conscientious objectors in the cantonments. Secretary Baker asked Baldwin to restrain from publishing such articles and ensure that the papers he associated with did the same. Baldwin attempted to assuage Biddle's fears by highlighting the benefit this policy was for the War Department. On December 1, conscientious objectors at Camp Upton in Long Island, New York reportedly went on a hunger strike to protest their treatment. Charles W. Ervin, editor of the *New York Call*, a socialist paper, received numerous complaints from readers because he was not printing anything about it. Ervin contacted Baldwin telling him "that the best interests of those fellows all over the United

³⁸ Nicholas Biddle, "Roger Baldwin," 8 March 1918, In Record Group 165, Entry 65, Box 2779, 10110-709 (College Park, MD: National Archives and Research Administration II), 1; Norman Thomas, "The Case of the Christian Pacifists at Los Angeles, CA" (New York: National Civil Liberties Bureau, 1917), 1.

³⁹ Ibid, 2-3.

States lay in keeping quiet until Secretary of War had finally decided upon his policy.’” He explained that the NCLB requested as much, to which they responded ““to hell with the Civil Liberties Bureau; they are standing in with the Government.’” The general feeling was that these men were suffering and initiated a hunger strike to bring attention to their plight; yet, the very journalists who should have been publicizing it were not. So, in his opinion, Baldwin believed that it was in the best interest of the War Department that they maintained a publicity bureau.⁴⁰

Addressing Biddle’s main concern, and that of most military officers’, Roger Baldwin professed contempt for slackers. He did not think his organization created opportunities for slackers to shirk their duty. Responding to this accusation, Baldwin pronounced, “No, I am sorry I cannot admit it, for this reason; that the pain and social isolation that the conscientious objector suffers is far and away greater.” Regardless of whether there was a slight possibility that slackers might attempt to exploit the Bureau, it was worth it to aid conscientious objectors. However, Major Biddle argued that such a man, especially one who was determined to hamper the training of his fellow countrymen, might join a sect or organization which would readily accept him. The hypothetical slacker might see an advertisement or read an article on the NCLB in the papers. He might think to himself, ““Why, here is the opportunity for me,”” and contact Baldwin’s organization. “Are you not, in that instance, aiding and abetting a slacker, which you don’t approve of?” Baldwin countered that this hypothetical man probably saw these articles or advertisements before the first draft registration. In any event, it was

⁴⁰ Ibid, 5.

more important to run the risk that such a fellow existed than to allow the sincere conscientious objectors to suffer.⁴¹

The question that hung in the air, however, the one that set Biddle's political paranoid imagination running wild, was if Baldwin could tell if an objector was sincere. A conscientious objector who justified their unwillingness to serve in the military upon a non-religious abhorrence to war was not only alien to Biddle, but also seemed impossible to verify. Baldwin's answer was that he could. He claimed that National Civil Liberty Bureau members always discovered the pretender and ignored him upon the discovery. Major Biddle had obvious doubts about Baldwin's ability to ferret out fakers. However, if Baldwin was speaking the truth, then what was more disturbing was the fact that Baldwin never reported any of these "slackers" to the War Department. If his desires to work with the government on behalf of sincere conscientious objectors was true, then Biddle wanted to know why he would refrain from reporting the fakers. Surely it was in the sincere objector's best interest that Baldwin reported the slackers. Baldwin responded by defending the slacker.

'A fellow who deep down in his heart is not willing to stand the gaff is going to give in very quickly under pressure and our experience has been that these fellows have got so much yellow in them that they will give right in; I think they make very poor soldiers myself and that is one reason why I have been opposed to compulsory service.'⁴²

For Major Biddle, this reply was unacceptable. It was not Baldwin's decision to approve or reject draftees. If the slacker who was willing to pose as a conscientious objector went unreported, then he was not only free to influence others, but he was getting away with evading his legal obligation. Biddle believed it was every citizen's duty to report such

⁴¹ Ibid, 3-4.

⁴² Ibid, 5-6.

individuals. In addition, at the center of intelligence officers' political paranoia was the possibility that the pretender could be a German sympathizer or socialist agitator who decided that the best way to impede the mobilization was to pose as a conscientious objector and convince others to object too. Baldwin did not recall ever meeting anyone who had professed sympathy for the Central Powers, so he disagreed that it was a real threat. As far as the law would allow and in accordance with Secretary Baker's policies, Roger Baldwin insisted he only assisted sincere objectors.⁴³

Major Biddle's understanding was that the NCLB existed to prevent brutalities toward conscientious objectors. Baldwin admitted he knew of only about a dozen cases of brutality in the U.S. If cases of brutality were already limited and the NCLB's main purpose was to halt such cases, then Biddle argued there was no other reason for the organization's existence. Therefore, Baldwin could stop his work now and dissolve the organization. Baldwin countered that the organization also sought to assist objectors who did not want to be in the military but were willing to provide an alternative service. "Let me see if I understand you," Biddle responded, "You would base the efforts of your society upon an endeavor to see to it that those who are real conscientious objectors do some real work." If this were true, then conscientious objectors should not be exempt. Yet, Biddle's assessment of Baldwin's efforts were to undermine the war effort through conscientious objection, the opposite of Baldwin's statements in the interview.⁴⁴

Nicholas Biddle did not believe he would obtain candid answers from the NCLB director. Therefore, while he interviewed Baldwin, he also had other agents prying into the organization's activities. Biddle instructed Grant Squires, a civilian lawyer, to

⁴³ Ibid, 6.

⁴⁴ Baldwin, letter to Frederick Keppel, 2.

investigate Baldwin. On March 15, Squires visited the subject at his New York office. He claimed that Baldwin was willing to grant him access to all NCLB files. What Baldwin was unaware of, was that Squires had broken into his offices ten nights prior to read through some of those files. By the time of the interview with Biddle, Baldwin's correspondence with conscientious objectors was limited to sending pamphlets to those who contacted him, and assuring them he would forward their complaints onto the War Department. Squires verified that the organization had about 3500 objectors on file. However, as Biddle surmised in their interview, Squires also noted that Baldwin never forwarded any complaints onto the objector's commanding officer. It appeared that the NCLB director believed himself to be the sole advisor to the objectors' consciences. Baldwin defended this policy to Squires, stating that if he contacted the commanding officers, nothing would change. Their treatment would remain the same. Baldwin added that if pressure to restrict his activities continued to mount he would require an interview with Colonel Van Deman. Without the National Civil Liberties Bureau as an outlet beyond the military for conscientious objectors, Baldwin believed that the military ran a larger risk of trouble with them. In addition, Squires related the Bureau's main priority at the moment was upholding the rights of free speech, which Baldwin stated were being trampled upon all over the country.⁴⁵

Squires exhibited the same political paranoia affecting the military intelligence officers. He accused Baldwin of making seditious comments against the government.

Director Baldwin frankly declares he opposes this war, thinks it could and should have been avoided at all costs and sacrifice, says he is almost a Socialist and close to being a believer in I.W.W. tenets and practices. He declares that he thinks the sinking of the Lusitania entirely excusable if citizens of the U.S. saw fit to risk

⁴⁵ Grant Squires, letter to Major Nicholas Biddle, 16 March 1918, In Record Group 165, Entry 65, Box 2779, 10110-709 (College Park, MD: National Archives and Research Administration II), 2-3.

their lives on that vessel on its last voyage after Germany's published warnings of the treatment it was to receive. Thinks the invasion and violation of Belgium and its treaty rights justified by the fact that she maintained an army, when she should have been relying without an army on said treaty rights. Thinks that the war is continued now by and in the interest of Wall Street and contract profiteers, and because England and the allies are combined in a(n) illegal trade league against Germany.⁴⁶

Baldwin acknowledged to Squires that in any other nation, government authorities would have already executed him for treason. However, he believed that if a democracy restricted free speech, then it was "not worthy to survive."⁴⁷

Roger Baldwin's attempt to clear himself and the NCLB of suspicion did not go well. When Major Biddle contacted Colonel Van Deman regarding the investigation, his recommendation was not what Baldwin had hoped. Biddle branded him a socialist and an agitator. While he admitted the NCLB director personally made a good impression, he warned that the organizations' literature must be taken at face value. "To the general mass of people who do not see him, his organization stands simply for a method by which the 'slacker' as well as the conscientious objector can and does attempt to evade his duty." In Biddle's opinion, there was little difference between their propagandist pamphlets and simply writing directly to draft-age men. In addition, NCLB members sent a bulletin to "interested" objectors asking them to establish "local committees" and procure lawyers. Where Baldwin argued he created a central organization or a "clearing house" of information for conscientious objectors that could work with the War Department, Biddle saw a group of disloyal slackers organizing at all levels of society. Intelligence officers analyzed the pamphlets and drew the "appropriate" conclusions from the language. For instance, the NCLB published a pamphlet that Norman Angell wrote,

⁴⁶ Ibid.

⁴⁷ Ibid, 3.

“Why Freedom Matters.” In it he stated that “The State” could not tell a man to kill certain other men. By doing so, the men they ordered became enslaved. In another pamphlet by Norman Thomas, “War’s Heretics,” he pronounced that a man should exclaim his obedience to God rather than engage in combat. One of the more seditious pamphlets, “Conscription and the Conscientious Objector,” attempted to convince objectors “by plain innuendo” to test the religious section of the Selective Service Act by claiming membership in other pacifist organizations. One of Biddle’s agents reported an incident where a draftee claimed membership in “League of World Patriots,” a socialist organization, drawing a connection to NCLB literature. From these publications, Major Biddle argued that Baldwin’s organization negatively influenced draft-age men.⁴⁸

Besides, Biddle and others firmly believed that the Bureau was “very near borderline of sedition.” They perceived in the National Civil Liberties Bureau as an organizing element for a vast national conspiracy against the draft and military authority. The fact that Baldwin associated with disloyal socialists simply proved to intelligence officers how reprehensible his character was. According to Biddle, it made no difference whether Baldwin’s activities on behalf of conscientious objectors were sincere. The conference on conscientious objection that Baldwin hosted in January 1918 was attended by “Socialist and Pacifist organizations; the majority attending being radical labor representatives, strongly affiliated with the IWW.” As far as Biddle was concerned, Baldwin brought together the worst and most disloyal segments of society. He asserted:

Baldwin’s repeated statements to the Secretary of War and others in authority that he and his organization are not soliciting appeals from conscientious objectors or

⁴⁸ Roger Baldwin, “Letter to R. L. Rotzel,” 13 March 1918, In Record Group 165, Entry 65, Box 3762 (College Park, MD: National Archives and Research Administration II); Unknown, “Supplementary Memorandum: National Civil Liberties Bureau,” In Record Group 165, Entry 65, Box 3599, 10589-12-13 (College Park, MD: National Archives and Research Administration II), 1-2.

endeavoring to foster this class, may be technically true, but by their admitted endeavor to become the clearing house of all organizations interested in conscientious objectors, including not only religious sects but various socialist organizations, including the I.W.W., they must necessarily, acting for these organizations, further the feeling of discontent and impede the progress in the camps.⁴⁹

Upon completing his investigation, perusing the NCLB files and committee minutes, as well as the various reports from other sources, including Squires, Biddle concluded that “while it is undoubtedly true that there are many organizations of a similar character that are capable of doing much more harm, I do not feel that this is an excuse to allow them to continue.”⁵⁰

A few days later, Baldwin contacted Biddle to clear up any misconceptions. He still hoped he could salvage his relationship with the War Department. He defended himself by reminding Biddle that he voluntarily requested an investigation into himself and his organization. Biddle might easily take out of context their activities by simply perusing the shorthand of the committee minutes. The Major agreed, but on different grounds. While he also thought it would be difficult to ascertain exactly what the reasoning and purpose was for activities listed in the minute books; Biddle determined that “the more you do know of the purpose behind their activities, the less justification there seems to be in allowing them to continue.” As far as he was concerned, the evidence supported his evaluation. Major Biddle accused Baldwin and other NCLB members of eagerly aiding anyone who attempted to evade military service, conscientious objector or not. He also alleged, contrary to Baldwin’s statements, that the

⁴⁹ Nicholas Biddle, “Roger Baldwin – Death of Ernest Gellert,” 16 April 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-43 (College Park, MD: National Archives and Research Administration II).

⁵⁰ E. J. Hall, memorandum from M.I.B., 8 June 1918, In Record Group 165, Entry 65, Box 2779, 10110-709-17 (College Park, MD: National Archives and Research Administration II); Nicholas Biddle, memorandum to Ralph Van Deman, 18 March 1918, In Record Group 165, Entry 65, Box 2779, 10110-709-1 (College Park, MD: National Archives and Research Administration II), 2-3.

NCLB director contacted men who did not initiate communications with his offices, as well as spreading slanderous statements about supposed brutalities against conscientious objectors in the training camps. Ironically, Baldwin's impression was that Major Biddle "on the whole seemed not unfavorably impressed with the way we were handling the problem of the conscientious objector."⁵¹

Consequently, Baldwin returned to his activities. He published a bulletin on new legislations the President signed on March 16, known as the "Furlough Bill." The Bill's main purpose was to ensure there was enough farm labor to meet planters' needs. With the "Furlough Bill," the President gave Secretary of War Baker the authority to set quotas of drafted men from across the nation to be utilized on farms. They would be furloughed with or without pay for as long as he deemed necessary to "engage in civil occupations and pursuits." According to Baldwin's bulletin, Secretary of War Baker might grant these furloughs to conscientious objectors as alternative service. In fact, Baldwin thought groups such as the Friends Reconstruction Unit, Red Cross, and YMCA might also be included. Nothing was clear about how the War Department would administer the new law until Baker made a definitive decision. Baldwin sent the bulletin to conscientious objectors in the training camps and to Major Biddle. He attempted to assuage the Major's fears by explaining that this was not propaganda, but simply public information they shared with those who were interested. Only known conscientious objectors received them because "It would not, of course, do to have a bulletin which deals so

⁵¹ Roger N. Baldwin, letter to Major Nicholas Biddle, 21 March 1918, In Record Group 165, Entry 65, Box 2779, 10110-708 (College Park, MD: National Archives and Research Administration II); Nicholas Biddle, memorandum on the National Civil Liberties Bureau and Roger Baldwin, 22 March 1918, In Record Group 165, Entry 65, Box 2779, 10110-709 2 (College Park, MD: National Archives and Research Administration II), 1-2; National Civil Liberties Bureau, "Minutes of the Directing Committee," 11 March 1918, In Record Group 165, Entry 65, Box 3762 (College Park, MD: National Archives and Research Administration II).

speculatively with the problem get into the hands of men who have not taken a definite stand. As you know, we have no sympathy with soft-backed fellows who are only looking for an easy way to save their skins.”⁵²

However, Major Biddle and other intelligence officers did not believe Baldwin’s stated intentions. Irrespective of whether he truly found it undesirable to have the CO bulletins fall into non-objector’s hands and thereby run the risk of influencing a soldier’s beliefs, the bulletin and others like them fortified objectors who otherwise might have reconsidered their position. Captain Spencer Roberts, acting intelligence officer at Camp Meade, Maryland, brought attention to one of the paragraphs detailing how NCLB members believed absolute objectors would be dealt with in the aftermath of the new law. Military authorities would either court-martial those who refused alternative service, or detain them in segregated units, or discharge them if they determined them “mentally unfit for service.” The bulletin claimed the latter had already occurred on several occasions. Summing up most intelligence officers’ opinions, Roberts argued that any man who rejected the “very generous” terms of alternative service “should be court-martialed or imprisoned. To furlough any men of this class will permit them to escape the duty prescribed by law, and to keep them indefinitely segregated or to find them mentally unfit for service will introduce another avenue of escape.” Roberts knew from

⁵² Michael Neiberg, *Fighting the Great War*; National Civil Liberties Bureau, “Bulletin on the Conscientious Objector,” No. 5, 23 March 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-19 (College Park, MD: National Archives and Research Administration II), 1; Roger N. Baldwin, letter to Nicholas Biddle, 30 March 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-17 (College Park, MD: National Archives and Research Administration II). Framers of the Selective Service Act did not perceive agriculture as an important wartime activity on the same level as factory work. It took almost a year from the declaration of war to add a measure for agriculture. With the demands for food growing from not only the American military but the Allied nations as well, this was a necessity, especially, since two-thirds of Britain’s food stuffs came from overseas and the war disrupted the flow of goods from her empire. Russia also stopped supplying the Allies with grain when the Bolsheviks took control in October 1917. So, it was imperative to ensure that the harvest for 1918 was a productive one.

experience. The conscientious objectors at Camp Meade were exceedingly stubborn. He linked the NCLB to at least one objector's obstinacy and feared they affected more. Roberts was not the only one, Captain Norman Harrower, acting division intelligence officer, at Camp Devens, Massachusetts, uncovered thirteen NCLB pamphlets and bulletins when searching an objector's effects. He wrote to the MID Chief, "The effect of this literature upon the Conscientious Objectors is bad, making them more obstinate in their stand and less open to arguments for patriotism and loyalty." Harrower exemplified military political paranoia fearing that an NCLB agent was in uniform among the conscientious objectors. He charged that Private William Gordon not only spread propaganda, but also solicited contributions. Harrower alleged that the private fortified those conscientious objectors who might otherwise have waived in their convictions. The bulletins and pamphlets Gordon distributed on behalf of the NCLB "encouraged a soldier in risking trial for inciting mutiny." However, he did not have any proof that Gordon influenced other soldiers, just yet.⁵³

Major Biddle was at his wit's end. He wrote to the chief of MID, "it would certainly appear to me that the time has come when his (Baldwin's) activities should be curbed." He could not understand why the Department of Justice had not brought a case against Baldwin and the NCLB yet. His frustration came through in his memorandum to Van Deman. If the "various documents," including the minutes of the directing committee's meetings, did not suffice, he would "respectfully suggest" every intelligence officer stationed in a training camp forward any information associated with the NCLB to

⁵³ Ibid; Spencer Roberts, memorandum on National Civil Liberties Bureau, 4 April 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-20 (College Park, MD: National Archives and Research Administration II); Spencer Roberts, memorandum on National Civil Liberties Bureau, 10 April 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-35 (College Park, MD: National Archives and Research Administration II).

the central office or to his own in New York. He would “be very glad to make a further examination from this end.” Yet, Alfred Bettman, a special assistant to the U.S. Attorney General, disagreed. He reviewed the file that intelligence officer Captain Malone prepared for the DOJ. Malone compiled a cogent fourteen page brief against Baldwin. He included the majority of their evidence to date within seven categories; first, the purpose of the organization and Baldwin’s life; second, the activities of the Bureau among soldiers in the camps; third, the organizations activities outside the camps; fourth, “Its representation of the so-called intimate relations existing between itself and the War Department – Secretary Baker;” fifth, its relationship and sympathies with other societies; sixth, attorneys that worked with the organization; and seventh, the Bureau’s published propaganda. The Justice Department had been anxiously awaiting such an organized and detailed list of evidence against Baldwin.⁵⁴

Contrary to Biddle’s opinion, Bettman thought there was no basis for a prosecution. In fact, he stated “the purpose of this Bureau, as set forth in its declaration of purpose, strikes me as not only lawful but a good one.” He understood that during the pressures of wartime, some Americans would overzealously seek to subdue liberties such as free speech. However, “a fair balance between the right of the individual and the needs of the country is more apt to be struck in actual practice if there exists individuals or organizations which lay the emphasis on the rights and liberties of the individuals,” as well as against lawlessness. Bettmen argued that the organization should remain active as long as it did not use its proposed purposes to indulge in “unlawful propaganda.” He advised keeping the organization under surveillance, especially its literature, to ensure

⁵⁴ V. H. R., letter to General Marlborough Churchill, 26 September 1918, In Record Group 165, Entry 65, Box 3762, 10902-13 (College Park, MD: National Archives and Research Administration II).

they did not overstep their bounds. He recognized that, thus far, they had worked well at remaining within the law. For Bettman this was not a sign of guilt, in contrast to the view of many military intelligence officers. He countered the Army officers' political paranoia with a balanced response.⁵⁵

Regardless of Bettman's reasonable assessment of Roger Baldwin and the NCLB, the intelligence officers' political paranoia had finally become persistent enough to affect the War Department. For Frederick Keppel, Third Assistant Secretary of War, the opinions of the military officers took precedence. By May 11, he wrote to Van Deman to inform him that now he wanted to bring the Colonel's opinion of NCLB to Secretary of War Baker for a final decision. Keppel even joked about the amount of correspondence Baldwin sent him. He was working on clearing the back-log of letters and noted Baldwin's "typewriter ought to appeal to the Labor Department for relief." A few weeks earlier, he forwarded one of Baldwin's complaints to Van Deman for comment. The NCLB director repeated that the "Military Secret Service and the Department of Justice" objected to his organization's efforts on behalf of conscientious objectors on the basis of legality as well as decency. Once again, Baldwin defended himself and the organization, citing their willingness to alter their activities in accordance with government agencies, if only they would specify what he was doing wrong. In his opinion, "the only reason that these efforts are not construed to be in violation of the Espionage Act are that they are

⁵⁵ Roger Baldwin, letter to Major Biddle, 13 April 1918, In Record Group 165, Entry 65, Box 3762 (College Park, MD: National Archives and Research Administration II); Nicholas Biddle, memorandum on Ernest Gellert, 16 April 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-56 (College Park, MD: National Archives and Research Administration II); Nicholas Biddle, "Roger Baldwin - Death of Ernest Gellert," 16 April 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-43 (College Park, MD: National Archives and Research Administration II); A. B. Bielaski, letter to R. H. Van Deman, 27 April 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-49 (College Park, MD: National Archives and Research Administration II); Alfred Bettman, Memorandum to Mr. Beilaski, 22 April 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-48 (College Park, MD: National Archives and Research Administration II).

carried on only in cooperation with the War Department, and with the full knowledge of the officers of the Department.” Van Deman went on the attack in his response. He reiterated that the NCLB distributed “pacifist propaganda,” in and out of the cantonments, as well as among civilians and soldiers alike. He disagreed with Bettman’s support of the organization’s proposed objective of protecting conscientious objectors. Van Deman claimed there was ample evidence suggesting that the organization assisted “anybody and everybody to evade the draft,” sincere conscientious objector or not. Contrary to one of Baldwin’s earlier statements, Van Deman accused NCLB of making first contact with everyone they could, regardless of whether they had claimed exemption on the grounds of conscientious objection or sought the NCLB’s advice. Military officers believed NCLB members associated with about twenty different nefarious radical organizations, such as the IWW, and in many instances financially funded them. Some of these organizations were already under investigation or on trial, including the “‘Finished Mystery’” crowd.⁵⁶ As far as they could tell, most of these organizations had no connection with the NCLB’s purpose of protecting conscientious objectors. In addition, the Bureau distributed literature that the Department of Justice and Post Office determined was in violation of the Espionage Act. Van Deman reiterated Baldwin’s misrepresentation of working in cooperation with the War Department. Roger Baldwin did not work with the War Department in an official or unofficial capacity. He encouraged COs to remain obstinate, believing he could “negotiate” better terms on their behalf with the Secretary of War if they did not collaborate. He enticed these impressionable men by emphasizing the minimum penalties the War Department might enforce and the maximum leniency. Van Deman perfectly summed up his impression of

⁵⁶ Discussed in Chapter 3.

Baldwin and the NCLB by stating “You supply the men, we’ll supply the conscience.” Regardless of how Bettman, the Bureau of Investigation, or the rest of the Department of Justice thought about the National Civil Liberties Bureau, Van Deman and his military intelligence officers believed their violation of the Espionage Act was indisputable and they set out to prove it.⁵⁷

Three days later, with additional testimonials coming from military intelligence officers, Keppel decided to break contact with Baldwin. He deemed it necessary to inform “Baldwin that we had better part company, in view of the inability of the Association which he represents to confine its activities to its ostensible field.” On May 19, he did just that.⁵⁸

I have had a talk with the Secretary of War with reference to the question which you raised and I have also consulted some of his military associates, and we have all come to the conclusion that, under the circumstances, it would not be in the public interest for us to continue to supply information pursuant to your request, or otherwise to cooperate to in any way with the Civil Liberties Bureau. I have before me a memorandum from the Military Intelligence Branch, which gives in detail evidence of activities of the Bureau which seem to justify this decision, and of which I had not personally known.⁵⁹

Nicholas Biddle was delighted. At last, the War Department had officially broken its association with the National Civil Liberties Bureau. Biddle claimed his pleasure came from denying Baldwin any semblance of legitimacy with his assertions of a close

⁵⁷ F. P. Keppel, Memorandum to Colonel Ralph Van Deman, 11 May 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-66 (College Park, MD: National Archives and Research Administration II); Ralph Van Deman, letter to Keppel, 15 May 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-69 (College Park, MD: National Archives and Research Administration II), 1-3.

⁵⁸ Frank Keppel, memorandum to Captain Henry T. Hunt, 18 May 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-119 (College Park, MD: National Archives and Research Administration II).

⁵⁹ F. P. Keppel, Letter to Roger Baldwin, 19 May 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-71 (College Park, MD: National Archives and Research Administration II).

association with the Secretary of War; not from the fact that the organization had actually achieved any success with their propaganda among the soldiers.⁶⁰

The break in relations had the added effect of infusing the military intelligence investigation with renewed vigor. Van Deman, Biddle, and the numerous other officers working on the case now had confidence they could compile a case against Baldwin that the Department of Justice would have to accept. An agent was attempting to get Baldwin charged with contempt of court in the Chicago IWW case. Baldwin was in Chicago and met with William “Big Bill” Haywood, director of the IWW, on several occasions. Through one of those meetings, Baldwin agreed to have NCLB publish a pamphlet, “The Truth about the I.W.W.,” which the Post Office previously pulled from the mail. Marlborough Churchill, who took command of MID after Van Deman left for Europe in June 1918, wrote to the Solicitor of the Post Office regarding this pamphlet. It was a perfect example of how Baldwin was conducting himself beyond assisting conscientious objectors. In case a trial would not put Baldwin out of business, MID agents thought of other ways to get at him. Van Deman learned that George A. Plimpton, the owner of the building the NCLB occupied, was a loyal American. He would require his tenants to vacate the building if the Justice Department charged them with disloyalty.⁶¹

At the end of July, Captain Philip Termini, intelligence officer in the 153rd Depot Brigade at Camp Dix, informed MID that he had the first piece of evidence proving that Baldwin attempted to interfere with the military. One of the soldiers at Camp Dix,

⁶⁰ Nicholas Biddle, letter to Ralph Van Deman, 28 May 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-110 (College Park, MD: National Archives and Research Administration II).

⁶¹ Ralph Van Deman, memorandum to Nicholas Biddle, 27 May 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-107 (College Park, MD: National Archives and Research Administration II); J. E. Spingarn, Memorandum to Captain Malone, 27 June 1918, In Record Group 165, Entry 65, Box 2779, 10110-709-18 (College Park, MD: National Archives and Research Administration II); Marlborough Churchill, letter to Judge William H. Lamar, 3 June 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-112 (College Park, MD: National Archives and Research Administration II).

Frederick Bartlett, a former conscientious objector now assigned to the Quartermaster Corps, had a conversation with the NCLB director. When he told Baldwin that he was thinking of accepting noncombatant service, his current Quartermaster position, the NCLB director told him he did not have to unless he wanted to. Termini believed this was Baldwin's attempt to talk the soldier out of accepting alternative service. In fact, Camp Dix proved to be a hotbed of Baldwin activity. At least ten conscientious objectors signed sworn statements that they had not heard of or been in contact with Roger Baldwin until meeting him in the training camp. Termini argued this was positive proof that Baldwin did not merely correspond with objectors contacting NCLB for advice, but actively sought "conscientious objectors." Termini found a sympathetic ear in R. W. Finch, member of the Department of Justice. Finch asked the intelligence officer to submit all the questionable letters from Baldwin so he could forward them to Mr. DeWoody, a U.S. Assistant Attorney. "It was the opinion of Mr. Finch that Baldwin is one of the most dangerous men in the United States today."⁶²

Intelligence officers thought their fears were justified, especially as Roger Baldwin continued his activities with the National Civil Liberties Bureau, while his relationship with Keppel and Secretary Baker were in tatters. Just days after Keppel's letter, NCLB published Bulletin No. 8 for conscientious objectors. Military intelligence officers were particularly disturbed that the bulletin offered details to conscientious objectors that had not been released yet. It described a Board of Inquiry that would review all courts-martial of conscientious objectors and meet personally to interview

⁶² Philip J. Termini, memorandum to J. E. Spingarn, 22 July 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-140 (College Park, MD: National Archives and Research Administration II); Philip J. Termini, memorandum to J. E. Spingarn, 20 July 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-131 (College Park, MD: National Archives and Research Administration II).

them, regardless of their current status. In the bulletin, NCLB members reiterated their objectives to have the War Department recognize all conscientious objectors, religious or otherwise, and in doing so “relieve (them) of all obligations to perform service for the government.” If such an understanding became law, then the draft would essentially revert to a “volunteer system” where anyone could claim conscientious objection and “opt out” of military service. Harold Butler, the intelligence officer reporting on Bulletin No. 8, feared that “the National Civil Liberties Bureau is an enemy of the government and that it is seeking to obstruct the military operations of the government in every conceivable way.” Butler construed the bulletin to suggest that both insincere conscientious objectors and distributors of propaganda should not be disciplined. Butler feared the NCLB’s influence and hoped there was a way to halt them as soon as possible.⁶³

Yet, Baldwin simply would not let up. He wrote Keppel again on August 3, almost two months after his “close relations” with the War Department ended. The NCLB director did not understand why Keppel no longer answered his correspondence. He continued writing in a personal capacity, not an official NCLB one. Even though Baldwin applied a conciliatory tone to his correspondence, Keppel no longer responded. Baldwin could not understand why.

You can well imagine that the present situation is highly unsatisfactory and frequently embarrassing. This is no fault of mine. It is due to the inherent difficulties created by the Department’s attitude to an organization, whose work is obviously perfectly legal, or we would long ago have experienced conflict with the law.⁶⁴

⁶³ Harold Butler, memorandum on National Civil Liberties Bureau, 18 July 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-127 (College Park, MD: National Archives and Research Administration II).

⁶⁴ Roger Baldwin, letter to F. P. Keppel, 3 August 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-148 (College Park, MD: National Archives and Research Administration II).

Baldwin no longer received responses on inquiries of simple public policy, information that he understood should have been available to any citizen. He was not about to neglect his responsibility to conscientious objectors nor, he warned, could he continue to keep unfortunate publicity from appearing in the press under the circumstances. "It is at a point now where publicity of a most unfortunate sort in the liberal and religious press is likely to jeopardize the good work already done." Keppel's response was less than informative. Since Secretary Baker decided his policy toward the NCLB, the only thing he could do was ask MID to reopen their investigation of them to ascertain whether a modification was justified. He then forwarded his response onto Churchill who replied that he would not alter a word.⁶⁵

Military intelligence personnel also inundated Alfred Bettman with requests to initiate a prosecution against NCLB members. He was frustrated by the military officers' method, which was to simply drop by his office and describe their suspicions in person. Bettman discerned their apprehension that the "matter of conscientious objectors tends to grow rather than diminish." However, he could not do anything with random reports. He required a "comprehensive report" on anyone suspected of stirring up conscientious objection. "It is the accumulation of such activity which will make out a case, not any single sermon or any single piece of literature or single statement." In Bettman's opinion, the Military Intelligence Division was the best option for creating such a report. After all, they appeared obsessed with the matter.⁶⁶

⁶⁵ Ibid; F. P. Keppel, letter to Roger Baldwin, 13 August 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-149 (College Park, MD: National Archives and Research Administration II).

⁶⁶ Alfred Bettman, Memorandum to Lieutenant Van Dusen, 15 August 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-151 (College Park, MD: National Archives and Research Administration II).

Meanwhile, Baldwin was still attempting to get back into the Secretary of War's good graces. He contacted Colonel Van Deman to discover what exactly he and his organization had done that was so problematic for the military. Not once had anyone from the War Department, or more importantly, from the Military Intelligence Division, specified what Baldwin and the NCLB had done wrong. Members of the National Civil Liberties Bureau were set to meet with Secretary Baker sometime in August regarding their status. Baldwin hoped he could meet with Van Deman before that to discuss the complaints against the NCLB. Thus, on August 22, Baldwin presented himself for an interview with Colonel Masteller, an MID representative. Masteller grilled Baldwin on several key issues. At the top of Masteller's list was Baldwin's relationship to the IWW, a group that, to paranoid military officers, was the epitome of a disloyal group. In Baldwin's opinion, the IWW was a union of unskilled workers. However, he did not think their treatment in the shadow of the war was justified. Corporations and the federal government were using wartime measures as an excuse to destroy them. Agents of the Department of Justice in Chicago, for instance, continually raided the offices of the IWW Defense Committee, hampering their ability to compile a proper defense. Baldwin commented that those government agents "acted entirely out of accord with the organization." While he did not necessarily believe in the IWW's "radical philosophy," he thought they deserved a fair trial. Thus, he facilitated the distribution of "The Truth about the I.W.W.," but did not finance it. Baldwin also helped obtain an assisting attorney for Mr. Van deVeer, the defense lawyer for the 116 members of the IWW on trial. In addition, Baldwin admitted his Bureau printed a circular asking members to get "fair statements" to local papers. He did not think newspapers were offering a fair

representation of the IWW, so he established “liaison agents” with other socialist organizations to remain apprised of their activities. However, his actions on behalf of the IWW merely fed Army officers’ paranoia regarding his own organization. For instance, NCLB members established a small fund to assist the IWW Defense Committee. To Masteller, this was proof Baldwin’s organization funded radical and socialist groups. MID agents were also aware that other socialists, including the Socialist Party, requested aid from NCLB. The Socialist Party was in debt, Baldwin explained, but he only offered to pay their bail so members could properly prepare their defense. Beyond that, he stated the socialists should provide for themselves. Masteller then accused Baldwin of publicly criticizing Congress and the Post Office.

Did you not in a mass meeting in New York, adopt a resolution, Jan. 1918, to the Congress of the U.S. which stated that exploiting business interests are deliberately crushing labor, under the cloak of ‘patriotism’ while robbing the consumer and piling up huge war profits, that the P.O. Censorship was destroying the institution of the free press; and that the P.O. Dept. refused even to account either to Congress or the people for its acts of suppression, and that the efforts of the war were used as a means to crush labor.⁶⁷

Baldwin’s reply was simply, “no.” The interviewer followed up with several questions regarding Baldwin’s pacifist publications and statements as well as those against the government’s handling of the war. Once again, Baldwin denied every instance, adding that his organization did not mail anything to which the Post Office objected.⁶⁸

Masteller turned his inquiries to Baldwin’s stance on conscientious objectors and the War Department’s handling of them. According to MID agents, the number of conscientious objectors coming into the camps had risen. Baldwin declared ignorance,

⁶⁷ Roger N. Baldwin, interview by Colonel Masteller, 22 August 1918, In Record Group 165, Entry 65, Box 2779, 10110-709-22 (College Park, MD: National Archives and Research Administration II).

⁶⁸ Ibid; Roger Baldwin, letter to Colonel Ralph Van Deman, 17 August 1918, In Record Group 165, Entry 65, Box 3762, 10902-13-153 (College Park, MD: National Archives and Research Administration II).

still quoting their tally at twelve hundred. The Bureau was only in contact with about half that number. He believed the new Board of Inquiry, which was reviewing all conscientious objector cases, was making great progress. However, their existence did not eliminate the need for the National Civil Liberties Bureau. Soldiers still mailed in complaints. Too many conscientious objectors remained in military prisons, serving sentences of twenty-five years. Masteller wondered why Baldwin was so critical of the military boards' handling of the conscientious objectors' cases. The NCLB director admitted it was no fault of the military officers, but if civilians also sat on the ruling boards, then experts with knowledge that military officers did not possess could add their voices. Otherwise, "a C.O. doesn't have a chance, and there are as many different kinds of conditions as there are men." For Masteller and other intelligence officers, this statement represented the largest threat Baldwin posed. For these Army officers, Baldwin's statement was very clear; any and every man could claim conscientious objection on whatever grounds they chose. More importantly, they believed Baldwin wanted the military to accept each and every claim, thus the draft would fail and the United States would be unable to field an army in France. "As many different kinds of conditions as there are men," supported Van Deman's statement to Keppel about three months prior that Baldwin's philosophy was "you supply the men, we'll supply the conscience." Baldwin explained that he did not believe there were truly many slackers in the nation. There were simply men who abhorred war and killing, many that would happily support their country in some other way.⁶⁹

⁶⁹ Van Deman, letter to Keppel, 15 May 1918, 3; Roger N. Baldwin, interview by Colonel Masteller, 22 August 1918, In Record Group 165, Entry 65, Box 2779, 10110-709-22 (College Park, MD: National Archives and Research Administration II).

Masteller acknowledged that military intelligence agents had been keeping NCLB under surveillance for some time. He let Baldwin know, "It is our impression that the work you are doing is unfavourable." Baldwin defended his organization as a boon to the War Department. Many conscientious objectors were frustrated, wanted to publicize their experiences, and were one step away from taking radical actions. However, the National Civil Liberties Bureau offered an outlet through which to funnel that energy. Baldwin provided them with public information they otherwise would not receive in the camps. He gave the men hope by working with Secretary Baker to solve the conscientious objection dilemma. Military authorities did not allow conscientious objectors to write to Secretary Baker; therefore they contacted the Bureau. Baldwin provided a voice on their behalf to the Secretary of War. While not all military personnel were cruel, some displayed an aversion to Conscientious Objectors. When a hypothetical Sergeant took a "personal disliking" to one of these men, "put him on bread and water, etc.," the victim would contact the Bureau. Baldwin tried to keep these scenarios from escalating out of control, in the camps and newspapers. He struggled to obtain military recognition of all conscientious objectors. Once achieved, objectors could work with the military to maintain their conscience while also assisting the nation to the best of their ability. Masteller's biggest issue came back to whether Baldwin could identify sincere objectors. Unlike his answer to Major Biddle, this time Baldwin admitted there was no way for him to know, since his contact with the majority of conscientious objectors was through letters. However, Baldwin stated the Bureau always advised against writing Secretary Baker. It was unclear from his statement whether this was to keep objectors

from wasting their time, or because the NCLB wanted to retain control of any information. In any event, he was only doing what any citizen had a legal right to do.

I am only doing what any citizen has a right to do. I think I have a perfect right – and I think a legal right; but I am afraid that is not what the War Department wants done . . . I believe on the whole, guard house, etc. is a pretty good test as to just how far a fellow will go. I believe every man of military age who believes in war should be in France . . . Conscientious objectors won't fight in the war. Most fellows' families stand by them.⁷⁰

During this interview, Baldwin contradicted earlier statements that conscientious objectors should be segregated and receive fair treatment. Here, he agreed with the military that putting these men in the guardhouse was a legitimate measure to “test how far a fellow will go.” His statement would not change any minds, however. As far as most military officials were concerned, as Masteller stated, their verdict was that Baldwin and his organization were disloyal.⁷¹

Officers' attitudes toward Baldwin would not matter, at this point. Roger Baldwin began to fight back after the August interview when it became clear that his relationship with the Secretary of War was irreparable. In court, National Civil Liberties Bureau lawyers challenged the New York Postmaster's decision to prohibit certain Bureau literature from being mailed. In previous cases where military intelligence officers or Justice Department agents had difficulty making their case, they could establish legal proceedings if the post office declared material unmailable first. Thus, Baldwin challenged this method in court, thereby forestalling an Espionage case against him. If Baldwin won the case against the Post Office, Marlborough Churchill hoped that

⁷⁰ Roger N. Baldwin, interview by Colonel Masteller, 22 August 1918, In Record Group 165, Entry 65, Box 2779, 10110-709-23 (College Park, MD: National Archives and Research Administration II).

⁷¹ Ibid.

the postmaster's reply would be to declare that the literature violated the Espionage Act anyway—a situation that never materialized.⁷²

By October, Lt. Colonel Nicholas Biddle was confused as to whether the U.S. District Attorneys would prosecute Roger Baldwin. Reading through the weekly supplemental report, Biddle came across an astonishing passage:

‘As a culmination of a long study of the offensive actions of the National Civil Liberties Bureau, the Legal First Aid Society and organizations of like influence in stimulating ‘conscientious objection’ and resistance to the draft, the Solicitor of the Post Office Department requested the detail of an M.I.D. Officer to New York to cooperate with the U.S. Attorney there. As a result of his visit, both organizations agreed to give up their work if criminal proceedings were discontinued.’⁷³

The Major was understandably upset. He and his staff continued to spend numerous man hours investigating Baldwin. General Marlborough Churchill replied that Francis Gordon Caffey, the United States Attorney of New York City, and George Gordon Battle, the lawyer for the NCLB, reached an agreement. Apparently, Department of Justice agents acted on a “legally questionable” search warrant when they seized some NCLB files and records. The warrant did not specify the “cause of complaint.” If this case went to trial, New York Attorney General Merton E. Lewis feared the files would be removed from the trial and destroyed. Thus, the invaluable information contained within would no longer be of any use in this trial or any future trial. Battle promised that if the DOJ released the confiscated records, then the people who financed the National Civil Liberties Bureau and the First Aid Legal Society would withdraw their money. By doing so, Battle “assured that these bodies would go out of existence.” In the meantime, the

⁷² Marlborough Churchill, memorandum “Sending of Prohibited Pamphlets thru the Mails by the N.C.L.B.,” 17 September 1918, In Record Group 165, Entry 65, Box 3762, 10902-13 (College Park, MD: National Archives and Research Administration II).

⁷³ Nicholas Biddle, memorandum to Marlborough Churchill, 11 October 1918, In Record Group 165, Entry 65, Box 3762, 10902-13 (College Park, MD: National Archives and Research Administration II).

unnamed MID officer present requested that all the names of conscientious objectors in contact with the NCLB be furnished. Military intelligence agents would round them up from across the nation and attempt to persuade them to relate the information in their correspondence. No one could move forward on this suggestion until the named persons received an opportunity, with counsel, “to reply or explain.” Once the Attorney General obtained this information, the case could proceed.

A few days later, NCLB lawyers succeeded in gaining an injunction against Thomas G. Petten, the Postmaster of New York City, to have certain pamphlets sent through the mail. Among the literature was “The Truth About the I.W.W.” Petten had pulled NCLB literature from the mail under the direction of William H. Lamar, Solicitor for the Post Office Department. They kept the pamphlets while awaiting a ruling by Lamar regarding their mailability, which never occurred. Therefore, NCLB lawyers argued that they were illegally withheld, to which counsel for the government did not object.⁷⁴

The victory over the pamphlets, however, was short lived. By the end of October, Roger Baldwin pled guilty to refusing to serve in the military; he received a one year prison sentence. Baldwin registered for the draft, but refused to take the physical examination. Before Judge Julius M. Mayer sentenced him, Baldwin addressed the court. He announced that he did not evade the draft and found those who did reprehensible. However, he “opposed any service under conscription, regardless of whether that service

⁷⁴ Marlborough Churchill, memorandum to Nicholas Biddle, 17 October 1918, In Record Group 165, Entry 65, Box 3762, 10902-13 (College Park, MD: National Archives and Research Administration II); National Civil Liberties Bureau, “For Immediate Release,” 17 October 1918, In Record Group 165, Entry 65, Box 3762 (College Park, MD: National Archives and Research Administration II).

in itself is morally objectionable.” His reasoning for refusing the physical examination was based on the coercive nature of selective service.

‘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 or ideals. I am opposed to this and all other wars. I do not believe in the use of physical force as a method of achieving any end, however good. My opposition is not only to direct military service but to any service whatever designed to help prosecute the war. I could accept no service, therefore, under the present act, regardless of its character.’⁷⁵

The oddity in Baldwin’s statement was that he claimed to object to anything which would assist in the war effort. However, some of his activities as Director of the National Civil Liberties Bureau did just that. Baldwin constantly advertised his association with the Secretary of War, often going as far as stating that he worked directly with Baker on the issue of conscientious objectors. By doing so, he was assisting the military to identify conscientious objectors and find them appropriate work, which often was alternative work supporting the war. Baldwin claimed his Bureau was a clearing house of information on objectors which was at the disposal of the War Department. Thus, he attempted to act, for all intents and purposes, as a sub-department of that government agency. If he truly wanted nothing to do with the war effort, he would not have voluntarily opened up his office files nor fought so hard to retain his relationship with the military. His actions, which he vociferously defended throughout 1918, belied his statement that he would never agree “to any service whatever designed to help prosecute the war.” Nevertheless, his statement in court demonstrated how he had changed over the past year, becoming more radical. He was certainly disillusioned by his experience

⁷⁵ “Pacifist Professor Gets Year in Prison,” *New York Times* (Oct 31, 1918), 11.

attempting to cooperate with a War Department comprised of military officers who were overly paranoid of socialists and ideologies that could not be easily defined.⁷⁶

The United States Attorney hoped, as did Nicholas Biddle and other MID officers, that Baldwin's removal would curb NCLB activities, since he was "the prime mover" of the organization. The Bureau was a shadow of its former self after Baldwin left.

Fortunately for them, the war ended a couple of weeks later and, with it, conscription.

Baldwin left prison on July 19, 1919, several months shy of his one-year sentence. The National Civil Liberties Bureau remained in existence and Baldwin became its director again shortly after leaving prison. On January, 20, 1920, he changed the Bureau's name to the American Civil Liberties Union, which was devoted to American liberties broadly defined to encompass those conscientious objectors remaining behind bars, racial equality, workers' rights and more.⁷⁷

Throughout 1918, Military Intelligence officers maneuvered against the National Civil Liberties Bureau. They successfully poisoned the Secretary of War's opinion toward Baldwin and his organizations. They accomplished all of this by projecting their paranoia onto the National Civil Liberties Bureau. The NCLB represented a threat because it was, as Baldwin stated, a "clearing house;" NCLB members brought pacifist organizations, which included socialists as well as conscientious objectors, under one roof. Thus, military officers feared they vied for power with the NCLB, which attempted to infest the War Department, general public, and drafted men with their vile propaganda. By walking the thin line between legal and seditious, Baldwin posed an even bigger threat in military minds than did the outspoken pro-German. The latter was easily

⁷⁶ Ibid.

⁷⁷ Francis Caffey, letter to R. J. Malone, 31 October 1918, In Record Group 165, Entry 65, Box 3762, 10902-13 (College Park, MD: National Archives and Research Administration II); Cottrell, 100.

identifiable and, under the Espionage Act, could be arrested. However, the law protected Baldwin and his associates. So, officers of the Military Intelligence Division waged a clandestine war against the National Civil Liberties Bureau. They eventually curbed NCLB activities, but not until the final hour of the war.

Intelligence officers' activities clearly demonstrated paranoid tendencies. They were suspicious of Baldwin's "sincerity" and the NCLB's stated purpose; thus, they applied "top-down reasoning." No matter how many interviews they conducted or how benign the evidence appeared, the military personnel knew it was all subterfuge. Their preconceived notions tainted their perceptions. They knew that members of NCLB could not truly be concerned about the rights of conscientious objectors, but must really be attempting to sabotage conscription. For these officers, there was no other viable explanation as to why loyal citizens would interfere with military matters. If Baldwin and his associates succeeded in winning recognition for any self-confessed objector, then not only would the draft fail, but either a socialist revolution would follow or Germany would succeed in paralyzing the American war effort. Either way, the military, and possibly the government of the United States, would lose its autonomy. Thus, for military officers who dealt with conscientious objectors, the NCLB and Roger Baldwin did not represent a small nuisance in the overall war effort, but a sizeable threat that could easily steamroll out of control. Military intelligence officers' judgment was affected by this paranoia that informed their investigation of the National Civil Liberties Bureau.

CHAPTER FIVE

Crashing the Party: The People's Councils, YPSL's, and Bergerites

“Every new ideal is followed by an unthinking mob.” – *Laura Hughes at meeting of the American Liberty Defense League*¹

“Radicalism soon became a more important criterion than one's attitude to Germany . . .”² – “*History of Military Intelligence Division*”

In the midterm elections of 1918, Victor L. Berger believed he could win election in Milwaukee to the House of Representatives. He had unsuccessfully campaigned for a vacated Senate seat in 1917 as well as several years prior. Berger believed his chances were good in 1918, though. The United States had been at war with Germany for over a year and Berger believed that many people in Milwaukee were opposed to the war. A co-founder of the modern Socialist Party and editor-in-chief of a widely read socialist paper, the *Milwaukee Leader*, Berger was the first socialist to win election to Congress in 1910. His showing at the polls in 1917 was promising. Berger's optimism proved justified; in November he won the election to the House of Representatives on the socialist ticket. However, not long after the election, federal prosecutors indicted Berger for the second time under the Espionage Act of 1917. Unlike the first attempt, this time prosecutors would not drop the case before trial. In 1919, a federal court convicted Victor Berger, along with a disparate group of other socialists. Congress would later hold separate hearings to keep Berger from taking his seat.³

¹ Hinton G. Clabaugh, memorandum on the American Defense League: Meeting at Corinthian Hall, 30 July 1917, In Record Group RG165, Entry 65, Box 2763, 10110-242-13 (College Park, MD: National Archives and Research Administration II), 5.

² “History of Military Intelligence Division,” Unpublished Manuscript, In RG 319, Entry 270, Box 21A (College Park, MD: National Archives and Research Administration II), 1979-80. Hereafter referred to as MID History.

³ Milton Cantor, “The Radical Confrontation with Foreign Policy: Wary and Revolution, 1914-1920,” in *Dissent: Explorations in the History of American Radicalism*, ed. Alfred F. Young (Dekalb, IL: Northern Illinois University Press, 1968), 217.

At the beginning of American involvement in the First World War, officers of the United States Army's Military Intelligence Division were extremely interested in socialists' activities. On the one hand, they viewed the socialist movement in America as well established. On the other hand, in classic paranoid style, they believed this movement had been hijacked by German agents and pro-German sympathizers and was a direct threat to the country's ability to prosecute the war. The subsection of the Military Intelligence Division tasked with investigating socialists was M.I.4. This group's initial mission was to uncover secret German agents in the United States. Later, they were also assigned the task of unearthing subversive socialists. Officers of MID perceived their assignment differently from other government agencies. By the end of the war, they did not view socialists as individuals that might transgress laws, but as part of a movement. Intelligence officers believed no single socialist could be dissociated from that larger and more dangerous movement. "Radicals were followed first as individual labor agitators or suspicious foreigners or trouble-makers until their steps led us to discover all radical movements."⁴

M.I.4 officers began shadowing socialists very early in the war, but did not formulate distinct motives, differentiating their investigation of pro-Germans and socialists, until the very end of the war. Intelligence officers inquired into the socialist movement's origins and causes; its leadership, various organizations, and supporters; what its true nature was; and "above all we want to know what bearing it has, actual or potential, on the military will and power of the United States." In pursuit of socialists disloyal to the United States, MID officers sought information from a growing

⁴ MID History, 1981.

intelligence network within the U.S., which included the Department of Justice , postal censors, patriotic civilians, and MID's own operatives. ⁵

Early on, intelligence officers determined that radicals and socialists were a threat to the government's autonomy. Interestingly, though, anarchists did not top this list of menaces. Military officers admitted that though anarchists were "theoretically the most radical element in our midst, and from a local police point of view the most dangerous, it has been of minor importance to Military Intelligence." Apparently, MID officers concluded that anarchist propaganda had little to no influence on Americans; anarchists were a "very small group," which was never pro-German nor a target for German influences. In addition, the movement's leadership in the United States, specifically Emma Goldman and Alexander Berkman, went to prison in mid-June 1917. This left other "radicals," especially what MID officers defined as "'right wing,'" or "German socialism" as the top concern. The official MID history stated that "in itself socialism is not subversive of the interests of the State and a political party endeavoring by ballot to bring it about may be just as loyal as any other political party either in or out of power." Thus, intelligence officers professed that even socialism, if it sought change through the ballot, was a legitimate political system. However, they feared that ethnic Germans dominated the Socialist Party in America. In addition, at its core, they feared the Socialist Party was not a political apparatus, but "rather a protest party which gathered unto itself all the discontented." Lastly, American socialists professed to be international, and thus "anti-national" and against patriotism. Their anti-capitalist stance meant that socialists blamed individualistic Wall Street interests for pushing the United States to war. By expressing this opinion, they disseminated propaganda against the war which

⁵ Ibid.

MID officers argued hardened the dissatisfied in the nation. “The baneful effect of this propaganda among persons inclined to be discontented, or averse for any reason to serve in the war, was soon apparent.” Regardless of the questionable redeem-ability of people who were already reluctant to support the war in any way; MID officers saw this anti-capitalist line of reasoning as a threat. The reason for imprisonment in all of the important Socialist cases listed in the MID history was either anti-draft or registration propaganda, or violating the Espionage Act.⁶

In their official history, intelligence officers displayed a discerning understanding of certain aspects of the socialist movement while simultaneously exhibiting political paranoid tendencies. On the one hand, they claimed to recognize the Socialist Party’s right to exist in America as another political entity. Military intelligence officers claimed that political parties, including the socialists, were legitimate if they worked within the prevailing political system, i.e. utilizing the ballot box. On the other hand, they condemned the socialists for “mustering the forces of discontent at the polls.” They feared evidence of a “slight increase” in votes for socialists in the ethnic German population; though, they admitted, “it was hardly enough to affect the war time elections.” MID officers even recognized that the infamous Industrial Workers of the World (IWW or Wobblies), failed on several occasions to create enough support for nation-wide strikes, even when utilizing popular appeals such as the trials of Eugene V. Debs and Thomas Mooney. Thus, there was no real threat that the Wobblies, or socialists, could succeed in halting the country’s day-to-day business on a local level, let alone a national one

⁶ Ibid, 1984-5.

Military intelligence officers' distrust and refusal to accept even socialism that worked within the American political system influenced their investigations of the group's members. MID officers exhibited political paranoia throughout their inquiries into socialists and socialist groups. Charles Emil Ruthenberg was one of the socialists intelligence officers kept under surveillance. He was a leader of the left wing of the Socialist Party in Ohio. In early September 1917, Ruthenberg wrote to Secretary of War Newton D. Baker. Secretary Baker had condemned the actions of soldiers across the nation, but specifically in Boston, where they physically broke-up public meetings where speakers were critical of the war. Baker announced that such behavior by men in uniform "would be promptly punished." Ruthenberg contacted Baker, who was a former mayor of Cleveland, about an incident there. The Cleveland Federation of Labor customarily invited candidates for local public office to speak at their Labor Day celebrations. Baker addressed them in 1911 and 1913 when running for mayor; Ruthenberg was invited to speak in 1917. After four other speakers, Ruthenberg delivered his own speech, but a group of soldiers stormed the stage and interrupted him. "As I was closing my speech a crowd of some twenty-five soldiers rushed for the stage, knocking down and brutally handling men and women in their path, and demanded that I discontinue my speech." The men in uniform remained on stage to ensure the proceedings did not resume. To clarify, Ruthenberg explained:

In order that their (sic) may be no misunderstanding, permit me to say that the audience of ten thousand people present had shown repeatedly, not only that they were not antagonistic to the criticism of the war and conscription policy of the government which I was making, but had participated again and again in a tremendous and almost unanimous demonstration of approval.⁷

⁷ Charles E. Ruthenberg, Letter to Newton D. Baker, 4 September 1917, In Record Group RG165, Entry 65, Box 2767, 10110-379 (College Park, MD: National Archives and Research Administration II).

Ruthenberg thought he was exercising his First Amendment right to free speech and provoking Baker to make good on his promise; instead, he found his letter and speech grounds for an investigation. After all, he tacitly admitted to violating the Espionage Act. In his speech he not only criticized the war, but conscription. He did so while soldiers and draft-age men were obviously among the “ten thousand” attendees. In all likelihood, Ruthenberg was neither disingenuous in his beliefs, nor reluctant to create a public spectacle. He was already out on bond, having previously been in court for convincing a young man not to register. However, the correspondence over this incident is revealing.⁸

Secretary of War Baker forwarded Ruthenberg’s letter onto MID along with a similar letter from the John G. Owens, Secretary of the Cleveland Federation of Labor, denouncing the same incident. MID officers immediately cooperated with Department of Justice agents to ascertain whether either Ruthenberg or Owens could be arrested. By their calculations, since Owens wrote a letter in defense of Ruthenberg, he must wholeheartedly agree with the contents of the interrupted speech. Likewise, Owens must also not have been phased by the fact that Ruthenberg’s words were in direct violation of the Espionage Act and incited a riot. This particular Major General, Carl T. Carter, believed that “if it had reached a stage where martial law was declared, a cessation could have been put to Mr. Ruthenberg’s activities.” According to several conversations he had with judges in Cleveland, they had no grounds to revoke Ruthenberg’s bond. Carter thought the soldiers’ conduct was inexcusable, but understandable. “They had recently been called to the colors, filled with patriotic enthusiasm, and doubtless could not comprehend the intricacies of the law which permits a Socialist to address and inculcate

⁸ Sally M. Miller, *Victor Berger and the Promise of Constructive Socialism, 1910-1920* (Westport, CT: Greenwood Press, Inc, 1973), 167; C. H. Cramer, *Newton D. Baker: A Biography* (New York: The World Publishing Co, 1961), 46.

the laboring men who listened and applauded his remarks.” Carter explained that the Department Commander faulted Ruthenberg completely and that he inflated his influence on the crowd in his letter to the Secretary of War.⁹

More importantly, Carter displayed his, and by extension many in the military’s, fear of socialism. “Socialism, which preaches the doctrine of discrediting and hampering the government while at war, may mislead unstable men and incite them to commit offenses which will demand the severest punishment to the misguided ones.” The Attorney General declared that agents of the Department of Justice could not interfere with free speech and thus could not disrupt these types of meetings. At the same time, he believed that the soldiers involved were overcome by “patriotism and resentment,” and should be warned against repeating their actions.

Department of Justice Special Agent Fitch relayed to Carter that there was nothing they could do about Ruthenberg at the moment, even if his “speech was very objectionable.” This episode revealed the close cooperation military intelligence officers had with their civil counterparts. They also displayed their objection to socialism and frustration with the laws protecting them. Hence, they could overlook vigilante exploits by loyal citizens on the ground, such as the soldiers at the Ruthenberg’s speech.¹⁰

One of Victor Berger’s codefendants, William F. Kruse, was the head of the American Liberty Defense League (ALDL), an organization similar to the National Civil Liberties Bureau, which supported the Constitutional rights of free speech and assembly, as well as defending conscientious objectors. The Bureau of Investigation (BOI) spearheaded the investigation of this organization with the aid of the vigilante American

⁹ Carl T. Carter, memo to The Adjutant General, 21 September 1917, In Record Group RG165, Entry 65, Box 2767, 10110-379 (College Park, MD: National Archives and Research Administration II), 1.

¹⁰ Ibid, 2.

Protective League (APL). Military intelligence officers were very interested in the ALDL not only because it openly aided conscientious objectors, but also because, unlike the Civil Liberties Bureau, it was overtly socialist.

The American Liberty Defense League held mass meetings all over the nation on a regular basis. They invited speakers, often members of the Socialist Party, to discuss differing aspects of civil liberties in wartime. On a very basic level, intelligence officers had a problem with this organization because anyone could attend these meetings. Thus, they might adversely influence draft-age men. Meetings always began with a local chairman introducing the League and its purpose. At one such assembly in Chicago on September 6, 1917, Chairman Newman explained that the ALDL was not a subdivision of the People's Council.¹¹ Although the two organizations shared many members who were also pacifists, unlike the latter organization, the ALDL was not a "peace organization." Instead, the ALDL existed because its members believed constitutional rights were vanishing in the shadow of the war. They believed in the "rights of free speech and free conscience." League representatives shrewdly called on Congress to amend the draft, instead of speaking out against Selective Service by demanding its repeal. They realized that if they did the latter, their organization would swiftly come under government attack through the auspices of the Espionage Act. Their strategy was to entreat citizens and government representatives to make the Act more constitutional. Specifically, they argued that exemptions were unconstitutional and needed to be amended. Furthermore, "the public had the right to discuss matters of the public welfare and safety." Chairman Newmann expressed his opinion that if the public did not have the

¹¹ People's Council is short for the People's Council of America for Democracy and Peace, a pacifist organization that will be discussed later in this chapter.

freedom to openly discuss grievances and concerns regarding their government, “then a breed of evils would arise.”¹²

Regarding the draft, Chairman Newmann complained that specific religions were exempt from the draft while anyone with a conscience against killing was not. He advocated that draft-age men intending to claim conscientious objection should write to Secretary of War Newton D. Baker. His hope was that if all probable objectors contacted the War Department, then the military would have a good sense of the number to expect and could prepare accordingly. He did not support avoiding registering for the draft or not responding if called. Newmann explained that those who did not respond would be branded traitors and men who refused to perform in the military would be court-martialed. The Chairman realized, however, that military men and local draft boards would not accept his view of conscientious objection. He expected that a large number of men claiming conscientious objection would face court-martial once in a training camp. Regardless, if registrants wrote the War Department of their intention to claim an objection, then they could work at streamlining and standardizing the court-martial process. One conscientious objector wrote a letter about his objection to his local board and was not received well. The chairman of the local draft board informed this young man that the law did not recognize him as a legitimate conscientious objector. Newmann explained, “That the government recognizes individual opinion, but only if you are inside the church.” Another wrote to Secretary Baker, professing that his conscientious objection was not founded on religious principles. Nonetheless, he could not relinquish his personal beliefs, therefore, “he could not serve the country in this War.” Newmann

¹² Charles Daniel Frey, Report on Meeting Liberty Defence League, 8 September 1917, In Record Group RG165, Entry 65, Box 2763, 10110-242-25 (College Park, MD: National Archives and Research Administration II), 1.

argued that the conscription act should be extended so that men such as this could serve their nation in an alternate capacity. These men were not slackers and would not avoid serving their nation in whatever way their conscience allowed. He supported his countrymen who desired to serve in the military and felt that conscientious objectors deserved the same respect.¹³

At another meeting in Chicago on July 27, 1917, William Nathanson described the American Liberty Defense League to three hundred and fifty people, mostly ethnic Russians. Like Newmann, he explained that the League was committed to supporting conscientious objectors.

A Conscientious objector is one who through conscience, governed by some universal power will not permit him to take the life of a human being. We have vegetarians who abstain from eating meat because they do not believe in spilling the blood of any living creature, but the conscription law says that they must go into the war, and spill human blood. We ask the American people who stand for fair play.¹⁴

Nathanson continued by illustrating what a CO was. He narrated how a young man told him he was a conscientious objector. He believed it was “better to be a coward than a dead hero.” Nathanson’s reply was that the man was not a conscientious objector. That was not what conscientious objection was. True objection to war was the woman who would rather see her two sons shot dead than go to the trenches and kill other sons.¹⁵

A Canadian, Laura Hughes, explained why the military feared conscientious objectors. She explained that conscientious objectors discovered the key to a “World of everlasting peace” without war. According to Hughes, military men could not

¹³ Ibid, 2-4.

¹⁴ Hinton G. Clabaugh, Report on American Liberty Defense League, 27 July 1917, In Record Group RG165, Entry 65, Box 2763, 10110-242-19 (College Park, MD: National Archives and Research Administration II), 1.

¹⁵ Ibid.

comprehend the objectors' concept. To illustrate her point, she offered an example of how men in uniform walk down a street knocking into people in their way and not altering their path. When a smaller civilian gets in their way, the little man will sidestep him "saying 'All right my dear sir, you may have your way.'" In essence, the military man attempted to obtain his goals through fighting "not by thinking." Even if it were true that violence solved disagreements, there would still be no need to do it by killing others. Hughes explained a simple boxing match between prize fighters would be enough. Her proposition was a bit naïve, of course, and her characterization of men in uniform was an overgeneralization. Her example did not address what a peaceful country should do on a national level. She implied that the pacifist should gracefully remove themselves, allowing the aggressor to maintain their trajectory. Such a strategy proved useless in the lead-up to the next war just twenty years later. Problems of appeasement aside, her example highlighted the core difference between her view as a pacifist and the war hawks. Military intelligence officers would read her words as disparaging of the military and influential pacifist propaganda. Their views were supported by some of her other statements. Hughes narrated how in England civilian conscientious objectors went to prison for disseminating pacifist ideas. "In France," she explained, "Conscientious Objectors faced the firing squad, but they did not dare to shoot, because the militarist knew that they would start the people in an uproar, and they feared this, because after all militarist is a coward at heart." Hughes continued by explaining how Russian soldiers refused to shoot upon striking workers and instead declared they would kill their officers. Her example was a dangerous one. Not only did her statement imply support for insubordination and shooting officers, a very un-pacifist action, but her next comment

advised objectors to remain obstinate, no matter the consequences. She stated, “It is hard to get under the shell of the militarist, but once you get him doubting, you have him on the go. It is far better for you to die for your ideals than to submit.” Death was not the only option, though. Hughes offered objectors hope. She described an example of a CO in England who was regularly arrested and beaten for not submitting to conscription. No matter what the authorities did to him, she explained, he remained true to his ideals. They eventually released him. Hughes argued that he had gotten “under their shell” and once they realized he “stood for a higher ideal” than theirs, they had no other option but to “admit he was right” and let him go.¹⁶

Though many of the speakers at these meetings criticized selective service, other than Hughes, they restricted themselves to its constitutionality. Several presenters also focused upon countering negative imagery of their organization and conscientious objection. They did all this to serve two purposes. First, it fit their agenda of raising awareness about free speech, the right of assembly, and conscientious objection. Second, they were well aware that government agents were among their audience. A Mrs. W. I. Thompson addressed an audience, telling them that she was going to speak her mind. She did not care that “there are any agents of the so called Department of Justice in this hall,” and that they could report on what she was about to say “without any fear on my part.” Presenters were well aware that government agents or simply overly patriotic citizens disrupted speakers at similar meetings, sometimes ending with arrest. Regardless, they imparted their message.¹⁷

¹⁶ Hinton G. Clabaugh, report on American Defense League, 30 July 1917, In Record Group RG165, Entry 65, Box 2763, 10110-242-19 (College Park, MD: National Archives and Research Administration II), 2-3.

¹⁷ Ibid.

However, MID officers saw cause for concern in some of the League's messages. For instance, Henry F. Shellow, addressing a Chicago audience on August 1, 1917, explained that conscientious objectors also translated to industry. As an objector opposed to war and anything dealing with war, it was probable he also opposed manufacturing munitions. Therefore, workers should also have the right to claim conscientious objection in the factories. Anyone who did not believe in killing another person should also oppose creating the weapons that enabled others to do so. At another venue, Ruth Pearson declared that conscientious objectors stood for democracy. Their stance through the war would ensure all Americans retained their democratic rights after hostilities ended. Pearson also requested that all the draft-age men who "will be forced to kill human beings which is against their conscience" to join the American Liberty Defense League. Seventeen draft-age men filled out cards and paid a fee to become members. More importantly for MID officers though, was the socialist message many presenters espoused.¹⁸

Several presenters spoke about different aspects of socialism, such as Charles D. Thompson. He stated that the peace terms the Socialist Party of America supported were those proposed by Socialist Party in Russia. These were also similar to the terms President Woodrow Wilson supported prior to American entry in the war; that is, a peace with no annexations or reparations. However, since Congress declared war on Germany, Thompson argued, the President remained silent on the terms Americans sought. Meanwhile, socialists across the world, in England, Austria, and the United States

¹⁸ Hinton G. Clabaugh, report on American Liberty Defense League meeting held at Social Turner Hall, 1 August 1917, In Record Group RG165, Entry 65, Box 2763, 10110-242-19 (College Park, MD: National Archives and Research Administration II), 3; Charles Daniel Frey, report on Meeting of American Defense League held at Corinthian Hall Masonic Temple, 14 August 1917, In Record Group RG165, Entry 65, Box 2763, 10110-242-10 (College Park, MD: National Archives and Research Administration II), 1.

supported the Russian proposal. Thompson stated that “they believe that by getting these terms of peace agreed upon by all nations concerned in this war, that they will do away with war and have a lasting world democracy.” For the intelligence officer reading this Bureau of Investigation report, the important aspect of what Thompson’s said was that the American Socialist Party supported the Russians. At another congregation William Eathanson, who a BOI agent described as “a short, plump man with bushy hair, who becomes very violent at times when he speaks,” disclaimed the capitalist class. He lamented that there were Federal judges that ruled against free speech even though others continued to uphold it. He bemoaned the fact that Samuel Gompers and the American Federation of Labor openly discussed the war unhindered because they sided with the government, while other workers’ organizations were attacked. The capitalist class was hindering workers’ rights to assemble and disseminate publications to discuss their ideas. He argued that if capitalists “had the power to prevent (workers’) meetings then they had a right to tell the capitalists that they refused to work; that they desired to stay at home and that they would make capital less powerful.”¹⁹

Intelligence officers were not only concerned about the presenters; they were also interested in the crowd these forums attracted. Plenty of draft-age men attended, so presenters would need to speak carefully or risk violating the Espionage Act. Often during the question and answer portion, the presenters would side-step awkward questions they knew could lead to trouble. One audience member in August inquired about the legal rights of conscientious objectors. Carl D. Thompson, one of the orators,

¹⁹ Hinton G. Clabaugh, report on Socialist meeting at Portage Park School, 23 July 1917, In Record Group RG165, Entry 65, Box 2763, 10110-242-8 (College Park, MD: National Archives and Research Administration II); W. L. Ferbushaw, report on mass meeting of Workmens’ Council of America, 19 September 1917, In Record Group RG165, Entry 65, Box 2763, 10110-242-8 (College Park, MD: National Archives and Research Administration II), 4.

referred him to an ALDL lawyer instead of publicly answering and having government agents misconstrue his words. In another instance, Mr. Gill, an audience member, desired to speak. An undercover informant, probably an APL member, who attended wrote: "a man about sixty years of age his face wrinkled, bald, wearing glasses and a grey suit . . . from his attitude it was evident that he intended to attack the government." However, another audience member interrupted him saying, "that he was going outside the purpose of the league." Another man, Mr. Kraft, stood to speak after Mr. Gill. He bemoaned the fact that his two sons ran off and joined the military. He stated that he would have dissuaded them from doing so. He argued that the European war was "unjust and unholy," adding that conditions in Russia were better than in the United States where the government took away Americans' civil liberties with conscription. An elderly woman also wondered why in 1916 President Wilson was against conscription and in 1917 members of Congress, especially Democrats, supported it. In some instances, attendees asked very direct questions, attempting to learn the true purpose of the ALPL. For instance, on one occasion where Laura Hughes was speaking, a gentleman asked whether "the League was holding meetings with the object of propagating the Conscientious Objector's ideas and spreading this propaganda to create new Conscientious objectors." She responded that the masses always follow those who have risen above them; "that every new ideal is followed by an unthinking mob." In addition, those new thinkers, propagating a new idea would receive harsh treatment, but win in the end. Hughes explained that men in Canada already learned this. Many rushed off to the trenches, thinking they would be heroes; only to learn that while they suffered

newspapers took no notice of them. However, she argued that conscientious objectors were all over the news.²⁰

Military intelligence officers' interest in the American Liberty Defense League's activities was obvious. They offered a forum for malcontents to air their grievances against the government. Many of the speakers and audience members alike were nearly seditious. Yet, all of the BOI reports described these public meetings as very orderly.

Irwin St. John Tucker was another codefendant with Berger who associated with the American Liberty Defense League. Special Investigator W. H. Jones described him as "a tall, thin man, as well as a very powerful speaker." Addressing a crowd in Chicago, Tucker welcomed an opportunity to assist the government. He claimed to disprove of strikes and was willing to work with government officials to prevent them from occurring. Tucker did not support the Industrial Workers of the World (IWW). However, his fear was that every time an official sent state or federal troops to intervene or conduct a raid it created more animosity among workers, leading to more strikes and difficulties. Each time government agents raided the IWW more dissatisfied workers became interested in the group, thinking there must be something to them if the government was so intent on destroying them. He also had problems of his own with the government. While he maintained his desire to work with the government, he was also critical of the Wilson administration. Tucker told an audience that "we are told that we must give all our democracy to Germany and in his opinion we have not enough for them

²⁰ Hinton G. Clabaugh, report on American Liberty Defense League Meeting at Corinthian Hall, 14 August 1917, In Record Group RG165, Entry 65, Box 2763, 10110-242-20 (College Park, MD: National Archives and Research Administration II); Charles Daniel Frey, report on Meeting Liberty Defense League, 5 September 1917, In Record Group RG165, Entry 65, Box 2763, 10110-242-25 (College Park, MD: National Archives and Research Administration II), 5; Clabaugh, report on American Defense League, 30 July 1917, 5-6.

and for us; that the American people are for a democracy of the working class.” He was enthusiastic that the mayor of Chicago granted the People’s Council permission to hold a meeting. However, part way through, the mayor informed them that the Governor Lowden sent African-American soldiers to break up the gathering. Not only that, but Tucker heard it rumored that this troop had recently killed their commanding officer and became unruly in southern Chicago. Tucker claimed that many citizens became interested in the People’s Council after the governor sent soldiers to break up their meeting. Lowden’s actions were their best advertisement. Tucker related that people alleged he was pro-Kaiser; but “he opposed all Kaisers.” He opposed any system ruled by one man, regardless of the nation, and including the United States. He did not seek to overthrow the American government, only “improve the conditions” for workers within it. To prove his point, Tucker related a story about Mark Twain, who “went into a restaurant and ordered tea and noticed that the name coffee was on the tea-pot, and when he called the attention of the waiter to the fact, the waiter poured the liquid into a pot marked tea.” He wanted “Democracy on the inside as well as on the label.”²¹

Part of the problem government agents, such as MID officers, had with Tucker was his actual and potential influence on soldiers and draft-age men. At a meeting in Dubuque, Iowa, he spoke to an audience with a large number of soldiers present. Special Investigator Jones reported that after his speech, all the soldiers in the hall contributed money when they were asked. Tucker denounced capitalists who made money from the blood of Americans shed in Europe. He told audience members that Department of Justice agents were sitting among them, listening intently to catch him. Therefore, if “he

²¹ W. L. Ferbushaw, 19 September 1917, 6-7; Hinton G. Clabaugh, report on American Liberty Defense League meeting at Social Turner Hall, 11 August 1917, In Record Group RG165, Entry 65, Box 2763, 10110-242-17 (College Park, MD: National Archives and Research Administration II), 1-2; Miller, 176-7.

said one word against the war anyone in the audience should throw a chair at him and he would not dodge same.”²²

Irwin St. John Tucker was dubious about why the United States entered the European conflict. According to a *Chicago Daily News* article he read on September 8, 1917, it was apparent that France was fighting to gain back Alsace-Lorraine. If that were true, then Americans were fighting so France would have control of the coal mines in that region. The U.S. must also be fighting so the country’s businessmen could receive payment on their loans. Thus, Americans were fighting until the Allies paid them back. Tucker believed that “lives are more precious than money; that when the lives are paid back then the money will be paid back.” Meanwhile, there was a coal crisis in the U.S. It appeared likely that the Wilson administration might send troops to take control of the coal mines to ensure production for the war effort. If that were so, then Tucker argued that the workers should keep them. By ensuring the workers of the nation could live properly, democracy at home would become stronger. “Let us make democracy so beautiful that we must not send armies across oceans to impress it on others.”²³

The problem was that this was not the case during the war. Tucker explained how the Post Office had censored twenty radical papers. He related how two federal judges demanded that the censor of the Post Office in Chicago, “a third-rate lawyer and third assistant post,” master,” supply evidence explaining why, specifically regarding *The International Socialist Review* and *The American Socialist*. In the case of the latter, Tucker stated he and others gained some ground. Post Office officials asked Tucker to come down to their federal office. He had printed an article in *The American Socialist*

²² Ibid.

²³ Ibid, 8, 10-11.

where the word “kill” appeared too often. Tucker described that the article came from the *Chicago Tribune*. “They told me that the *Chicago Tribune* propagated the war, while we used it for a different purpose.” Tucker related how the *Chicago Tribune* recently published an article denouncing the “one-man autocracy being forced upon the people of this country. He exclaimed, “*The American Socialist* could not publish an article like this and get it through the mail.” He also lamented that President Wilson had yet to state the peace terms for which the United States fought. The Socialist Party publicly sought the President’s answer and by doing so, Tucker claimed, the Department of Justice warned they would be watched “as suspects of treason.” He told an audience that Secretary of State Robert Lansing announced that America did not have peace terms; therefore, Tucker argued the U.S. must be fighting for the Allies’ terms. “As an American citizen with rights under the Constitution that was fought for by our forefathers, I will not be dictated to by any foreign country as to what terms of peace this country will make.”²⁴

Tucker also supported conscientious objection, which was the main reason he spoke at ALDL gatherings. Speaking at a meeting, he inquired whether “it is fair that the draft law which exempts members of a religious sect who have conscientious scruples against going to war and killing other human beings to be exempt when men who do not belong to any religious sect but still have a conscience and believe in the same thing as members of these sect” do not qualify for an exemption. Tucker explained, ““The Conscientious Objector stands in the same position as the American martyr stood 148 years ago, when they fought for the present Constitution that we are enjoying in this Republic.”” Similar to William Nathanson, Tucker believed true objectors were very courageous and did not appreciate slackers who posed as objectors. He related how a

²⁴ Clabaugh, 1 August 1917, 2-3.

Jewish man once asked him how he could join a Lutheran Theological Seminary.

Tuckers inquired why he wanted to know. The man stated if he joined one, he would be exempt from the draft. Tucker rebuked him, “telling him he was not a Conscientious Objector.” The man belonged to a religion he sincerely believed in, yet desired to join another which he did not simply to escape the draft. “The man was a coward at heart. The Conscientious Objectors do not want cowards in their ranks. We want men who will stand up, and if need be, die for the cause.”²⁵

Tucker was not shy about relating to audiences that U.S. Attorneys indicted him for two pamphlets he wrote, “The Price We Pay” and “Why Should We Fight.” Both were socialist and anti-war. In the former anti-conscription pamphlet, Tucker argued that conscription and death in a capitalist battle in Europe was the price Americans had to pay for ignoring socialism. He published “The Price We Pay” in June 1917 in *The World* and its passages evoked pain and death the war would bring. “Agonies of torture will rend their flesh from sinews, will crack their bones and dissolve their lungs; and every pang will be multiplied in its passage to you.” Tucker stated that the recruiting officers would continue seizing men, eventually taking the young and old alike to continue the carnage. However, the men of the nation would not be the only price Americans would have to pay. Cost of food would skyrocket as well. Americans would have to grow more and more, not just to feed the starving masses of workers who would no longer be able to afford meat, eggs, and butter, but to send to America’s hungry Allies too. “Starvation begins to stare us in the face – and we, people of the richest and most productive land on earth, are told to starve ourselves yet further because our allies must be fed.” Tucker argued that most of the sweat and toil that would go into producing all this food would

²⁵ Ibid, 1-2.

find its way to the bottom of the Atlantic anyway. He believed the Germans would use U-boats to sink anything Americans packed onto ships. The women at home, living in squalor while working in the munitions factories, might never have a family as all the men will die in Europe. This was already occurring in Europe where “fifty millions of babies can never be.” The men who make it back from the war will be broken, mentally and physically. “And all because you believe the silly lie, that ‘Socialist would destroy the home!’” The war waging in Europe was a commercial war, one started long before the current one. Though government officials might say that by removing the Kaiser permanent peace would follow, Tucker countered that the same was said about Napoleon. Yet, the years since 1815 witnessed “more and greater wars than the world ever saw before.” He lamented that socialists had been telling Americans for years that if the U.S. became involved in the European conflict then the entire nation would mobilize to effect more killing. The majority of Americans laughed at such an idea. “Now you call every person traitor, slacker, pro-enemy, who will not go crazy on the subject of killing.” Socialists offered another way; a way of cooperation and building to save lives instead of taking them. The death, suffering, and destruction; ***“It is the price you pay for your stupidity – you who have rejected Socialism!”***²⁶

Irwin St. John Tucker published his second seditious pamphlet, “Why Should We Fight”, in June 1917 as well. He began this one by relating how a Bureau of Investigation agent asked him to write something on why Americans should fight. The agent, whom Tucker described as “a splendid young American, a college-bred man, with frank courtesy and ready wit,” told him his pamphlets “were very subtle.” The irony was that he would stand trial for sedition for publishing this very pamphlet. However, the

²⁶ Irwin St. John Tucker, *The Price We Pay*, 1-4. Italics and bold as in original.

young agent told Tucker, ““The Secret Service hasn’t anything against the Socialists; what we object to are those who call themselves Socialists in order to bring discredit upon you by counseling violence.”” He claimed the BOI had no problems with the social revolution Tucker preached. This second pamphlet was a varied slightly from the first. He advocated fighting against autocracy, though, perhaps not for the reasons the young BOI agent believed. Tucker argued that “Kaiserism” was similar to the autocracy created by the moneyed power in America. The American version is harder to perceive, since they do not wear crowns, and not as “stupid.” He explained that these American autocrats want their workers to destroy the Prussian Kaiser so they would forget about their own troubles at home. “You must shoot into the enemy the conviction that he should establish a Congress like ours; in order to convince ourselves that we really have a Congress worth the powder it would take to blow up a muskrat.” They should go to war so they would forget about things like the Ludlow Massacre.²⁷ The BOI agent wanted Tucker to write about why workers should fight to protect their women, children, and property. However, that was not how Tucker perceived it. He sarcastically explained that Americans should fight to protect the property they never owned and will never obtain. “Fight to protect your property – you who have never owned a dollar beyond your daily needs, and never expect to.” They should go to war to protect their starving children, forced to live in hovels and forgo an education to assist their families by working in factories. More importantly, “Go forth and destroy the kings of divine right

²⁷ On April 20, 1914, Colorado National Guardsmen attacked a tent camp of striking miners. The gun battle lasted for ten hours. Women and children were among those living in the camp. At least one boy was killed along with seven strikers. Guardsmen executed another three strikers after capturing them. For more on the Ludlow Massacre, see Thomas G. Andrews, *Killing for Coal: America’s Deadliest Labor War* (Cambridge: Harvard University Press, 2008) and Scott Martelle, *Blood Passion: The Ludlow Massacre and Class War in the American West* (New Brunswick, NJ: Rutgers University Press, 2008).

abroad. And when the war is over you will have learned the means and methods of the destruction of kings.” He warned that when the soldiers came home, they would find the moneyed autocracy gave their jobs to immigrant Chinese or Mexicans. Then they might have the strength to “unchain” themselves. He complained that “For weary years we Socialists have talked and argued, persuaded and begged with you, to fight with weapons that leave no dead behind . . . but you laughed at us, and refused.” Yet now they carried weapons of destruction to pull down the reigning tyranny abroad. Since this was the case, Tucker urged, “Learn your lesson well. Your lesson is destruction of tyranny; learn it. Your lesson is that the world must be made safe for democracy; that lesson has been set for you by the ablest schoolmaster. Learn it. But learn one thing further; that is to tell a tyranny from a democracy when you have seen them.” Tucker believed that the only democracy worth anything to these poor Americans, the only democracy that could deliver on its promise of a lasting peace, was a democracy called socialism.²⁸

Although one Bureau of Investigation agent may have told Tucker the Bureau had no problems with his brand of socialism, BOI activities during the war told a different story. After all, U.S. Attorneys in Chicago indicted Tucker for these two pamphlets. If they did not have problems with Tucker’s socialism, they certainly did not appreciate his antagonizing anti-conscription and criticism of the current democracy. Military Intelligence Division officers did not appreciate socialism and worked to stay apprised of socialist activities on the home front. MID chief Ralph Van Deman contacted BOI director Alexander Bielaski on several occasions requesting their information on “the general activities of socialist, labor, and pacifist organizations.” Sometimes, Van Deman requested information regarding specific individuals, such as William Madison Hicks.

²⁸ Irwin St. John Tucker, *Why Should We Fight*, 1-3.

Bielaski replied, "He is apparently a very cheap type of professional socialistic agitator, who is constantly seeking funds for one cause or another." MID and BOI agents were concerned about socialist activities and Tucker's speeches and pamphlets discussed the topic which worried them the most, i.e. conscription and fundamental critiques of the government. In "Why Should We Fight," Tucker implied that men of the working class should heed the lessons of this war well. Though drafted into the military, they learned the arts of killing in order to destroy tyranny. That lesson, Tucker insinuated, should be applied at home in America as well. Not only that, but by shining a light on the ills of capitalism and relating them to the war, government representatives could argue that his intention was to disrupt the draft and urge men to resist the war, whether he explicitly stated that or not.²⁹

Besides his activities with the American Liberty Defense League and conscientious objection, Irwin St. John Tucker was also involved with another organization, the People's Council of America for Democracy and Peace, known as the People's Council. On May 30 and 31, a massive pacifist gathering occurred at Madison Square Garden in New York City. The First American Conference for Democracy and Terms of Peace completely filled the stadium's seating of fifteen thousand with others standing and many more unable to get in. Attendees at this gathering voted to create an organization called the People's Council of American for Democracy and Peace. The organizing committee based the principle behind this association upon the Council of Workmen's and Soldiers' Delegates in "New" Russia. They sought to establish peace

²⁹ Alexander B. Bielaski, Letter to Ralph Van Deman, 7 August 1917, In Record Group RG165, Entry 65, Box 2490, 10110-46-1 (College Park, MD: National Archives and Research Administration II); Alexander B. Bielaski, Letter to Ralph Van Deman, 20 June 1917, In Record Group RG165, Entry 65, Box 2717, 10110-26 (College Park, MD: National Archives and Research Administration II).

councils around the country comprised of locals banding together in support of the People's Council's goals. Members of the People's Council demanded that the Wilson administration explicitly state the terms for peace for which the country was fighting. They insisted that these peace terms adhere to those the Russian people proposed which called for peace without victory, or no annexations nor punitive indemnities, and the creation of an international organ to preserve world peace. In addition, members sought to defend civil liberties such as free speech and press, the right to assemble and petition the government. They desired a referendum on going to war and to repeal the Selective Service Act. Economically, members hoped to reduce the cost of living, improve labor standards, and pay for warfare by taxing the wealthy. The People's Council was an all-inclusive group. Any group at any level of society, local to international, containing at least fifty members and supporting the Council's ideals could send representatives. The organizing committee planned to hold the first People's Council mass meeting on September 1, 1917 in Minneapolis. From May until September, they set about disseminating their information to get organizations to join and send delegates. They hoped to number half a million by then. Since members attempted to create the organization from the ground up, they relied completely upon donations for funding. While the main purpose of the Council was to work for a peaceful end to the war and defend civil liberties at home; "the People's Council will be a 'people's power' body in constant operation." They envisioned establishing a headquarters in a major city with a permanent staff.³⁰

³⁰ Charles Chatfield, *The American Peace Movement: Ideals and Activism* (New York: Twayne Publishers, 1992), 40-44; Harriet Hyman Alonso, "A Shared Responsibility: The Women and Men of the People's Council of America for Democracy and Peace, 1917-1919" (Master's thesis, Sarah Lawrence College, 1982), 28-9, 51-3; Robert L. Barnes, report on People's Council of America for Democracy and Peace, 16

As far as government agents could discern, the People's Council was attempting to create a working political apparatus to begin a revolution in the United States similar to that in Russia. At the very least, the Council's organizing committee sought to build a new political party. Though no one explicitly stated it, some members did imply it. In addition, speakers at many of the meetings denounced the Wilson administration and capitalism. At a meeting in Cincinnati, Colon Schott, a lawyer, addressed an audience of the local Council. Schott "raved about the war and the U.S. being in it when we had no business there, and our President made a mistake in getting us in it." Prior to American entrance in the war, President Wilson blamed the European aristocracy for starting the war without the people's consent. Schott argued that in 1917, Wilson did the same thing to the American people. The confidential informant reporting to the Bureau of Investigation claimed that "this was a red hot meeting and was pro-German all the way." He asserted that Schott told the audience Americans had a right to openly speak their minds. The informant alleged he went so far as to state that people could openly conspire against the government. As long as citizens did not act on their words, Schott supposedly stated they were untouchable and the government could not prosecute them. If this accusation was true, then Schott made a dangerous claim and one that was in direct violation of the Espionage Act which explicitly outlawed not just actions, but any seditious speech. Talk of conspiracy was certainly seditious.³¹

In Seattle, Kate Sadler advocated revolution. She read parts of the Declaration of Independence to the crowd and proclaimed that Americans needed to fight for their

August 1917, In Record Group RG165, Entry 65, Box 2490, 10110-46 (College Park, MD: National Archives and Research Administration II), 2-3.

³¹ C. S. Weakley, report on People's Council Cincinnati Ohio, 20 August 1917, In Record Group RG165, Entry 65, Box 2720, 10110-114 (College Park, MD: National Archives and Research Administration II), 1-2.

freedom again. “It was time for the people to change the form of government in this country . . . She was ready to help overthrow the present government.” She also demanded President Wilson’s impeachment; claiming he was ““the traitorous servant of the people.”” Sadler urged her fellow Americans to heed the example of Russia’s revolution. At a meeting in Chicago, Alice Ware Dennitt stated ““we will have recognition or a universal strike.”” Members of the People’s Council also picketed near federal buildings. According to a confidential informant, one of the organizing committee members received “all information relative to Government actions.” Such a report created an additional concern that this organization’s members were conducting their own clandestine war against the government. They skulked in the shadows watching the activities of federal employees in anticipation of pouncing once they started the revolution. A group of “socialists” proclaimed at another meeting that ““we must force the issue now. We must select our committee from the Radicals and start action.”” MID officers reading the BOI reports found cause to worry. A socialist member of the Council claimed the organization was over one and a half million by August and still growing. Another member commented, “We have millions of dollars and we will get action.”³²

In addition, some members of the People’s Council discussed enlisting African-Americans in their cause. In Chicago, Elizabeth Freeman proclaimed ““The Negroes must be organized. They have a way of communicating that is wonderful. The negroes

³² Charles Daniel Frey, report on People’s Council of Democracy and Peace Minneapolis, 1 September 1917, In Record Group RG165, Entry 65, Box 2490, 10110-46 (College Park, MD: National Archives and Research Administration II), 2. Beasley, report on People’s Council, 17 August 1917, In Record Group RG165, Entry 65, Box 2759, 10110-219 (College Park, MD: National Archives and Research Administration II), 1-2; Charles Daniel Frey, report on People’s Council of Democracy and Peace Illinois Athletic Club - Chicago, 10 September 1917, In Record Group RG165, Entry 65, Box 2490, 10110-46 (College Park, MD: National Archives and Research Administration II), 1.

are more secret than the whites and are to be depended upon.” Charles Kruse added at another gathering “stir up blacks, ‘Radicals of the whites must get to the best of the Negroes: then a plan of concerted action.’” Eleanor Chambers from Los Angeles was learning about black history so she could better assist in inspiring them. Members of the People’s Council actions to stir up African-Americans during the war were tantamount to a conspiracy against the government, especially in the aftermath of the East St. Louis riots of July 1917.³³

Many speakers at People’s Council meetings condemned capitalism. William Brandt, editor of the socialist paper the *St. Louis Labor*, described to an audience how business owners influenced the Wilson administration’s warning to laborers to forgo strikes during the war. Capitalists made it very clear that strikes were disloyal. Brandt argued that not only did Americans have a legal right to free speech, but also to strike whenever they considered it necessary. “Therefore we want men in this body who will positively refuse to be good and who will go out and gather under this fold all their friends whose interest we can promote.” Of course, not all socialists were a threat. Caleb and Forrest Lipscomb, a father and son team who ran a family granary in Missouri, headed a local chapter of the People’s Council in Springfield. Special Agent Roy Pickford attended a meeting there and deduced that although all the attendees were

³³ Charles Daniel Frey, report on People’s Council of Democracy and Peace Illinois Athletic Club - Chicago, 10 September 1917, In Record Group RG165, Entry 65, Box 2490, 10110-46 (College Park, MD: National Archives and Research Administration II), 1; Charles Daniel Frey, report on People’s Council of Democracy and Peace Minneapolis, 1 September 1917, In Record Group RG165, Entry 65, Box 2490, 10110-46 (College Park, MD: National Archives and Research Administration II), 2. The race riot in East St. Louis was one of the worst in 20th Century U.S. history. For more see Elliott Rudwick, *Race Riot at East St. Louis July 2, 1917* (Chicago: University of Illinois Press, 1982); Charles Lumpkins, *American Pogrom: The East St. Louis Race Riot and Black Politics* (Columbus: Ohio University Press, 2008); Mark Ellis, *Race, War, and Surveillance: African Americans and the United States Government during World War I* (Bloomington: Indiana University Press, 2001); and Theodore Kornweibel, Jr., *Investigate Everything: Federal Efforts to Compel Black Loyalty During World War I* (Bloomington: Indiana University Press, 2002).

socialists, he did not recognize any “bad characters.” Forrest Lipscomb criticized Congress for conscripting men but not wealthy Americans’ money. He explained that this “is unjust as life is worth more than money.” At another meeting in St. Louis, Special Agent McLaughlin reported that a New Yorker, Abraham Plotkin, “spoke along socialistic lines.” He mocked the notion that American involvement in the war was for democracy. Plotkin explained how he was not the only one who held this view. People from all over the country requested that he and other members of the People’s Council come speak to them. Upon asking for donations, Plotkin explained that it would cost five hundred dollars a month to continue propoganda in St. Louis alone.³⁴

To MID officers and other government agents it was clear there was a connection between the Socialists and the People’s Council. Many of its members were socialist and they certainly spoke in those terms. Colon Schott, speaking to a local meeting of the Council, exclaimed “that the Socialists won the primaries in Dayton, Ohio . . . We have got the Politicians in Washington on the scared list right now.” A Mr. Bedderman, socialist of the 11th Ward in Cincinnati, proclaimed to a packed room that the Socialist Party was behind the People’s Council 100 percent. They would assist the Council in any way it could. In addition to the socialist content, Council members associated with the IWW. At meetings, some audience members identified themselves as radicals or members of the IWW before speaking their minds. A Bureau of Investigation agent learned that representatives of the IWW headquarters desired the mailing list of the

³⁴ F. W. Koch, report on People’s Council of America for Democracy and Peace, 13 August 1917, In Record Group RG165, Entry 65, Box 2490, 10110-46 (College Park, MD: National Archives and Research Administration II), 1; Roy H. Pickford, report on People’s Council for Democracy Springfield, August 1917, In Record Group RG165, Entry 65, Box 2490, 10110-46 (College Park, MD: National Archives and Research Administration II), 1-2; J. J. McLaughlin, report on People’s Council of America and Democracy and Peace, 28 August 1917, In Record Group RG165, Entry 65, Box 2490, 10110-46 (College Park, MD: National Archives and Research Administration II), 1.

People's Council for their own propaganda. Another operative, working undercover, met the head of a local St. Louis Council in the IWW hall. *The St. Louis Post Dispatch* reported the demise of a local People's Council in August 1918. They attributed the society's downfall to its associations with radical organizations such as the IWW.³⁵

Another organization which Military Intelligence officers and Bureau of Investigation agents were concerned about was the Young People's Socialist League (YPSL). Major Roy F. Britton at the St. Louis military intelligence office investigated the League in that city. One of his Sergeants, B. F. Hargrove, explained that the League was affiliated with the Socialist Party. They advocated a Bolshevik revolution in the United States, were associated with the IWW, as well as opposed the war and conscription. Hargrove joined the league so he could appear as a member while attending meetings. He claimed that William F. Brandt, the Secretary of the St. Louis Socialist Party, spoke at several gatherings. Brandt was disloyal on many occasions, speaking contemptuously of the government and the war, as well as supporting a revolution. Hargrove noted that another orator, Timothy Putnam Quinn, took an active role in the Chicago Hay Market Riots. As expected, he was also seditious. More importantly for the MID officers, the Young Peoples Socialist League's target audiences were thirteen to eighteen years old. This meant the League was "corrupting" the soon-to-be draft-age as well as those who already fell under the purview of the Selective Service Act. Hargrove identified men already in uniform who belonged to this League and

³⁵ C. S. Weakley, report on People's Council Cincinnati Ohio, 20 August 1917, In Record Group RG165, Entry 65, Box 2720, 10110-114 (College Park, MD: National Archives and Research Administration II), 1-2, 5; Charles H. Lena, report on People's Council of America, 10 August 1917, In Record Group RG165, Entry 65, Box 2490, 10110-46 (College Park, MD: National Archives and Research Administration II); Weakley, 2.Wendell, report on Machinists Union and I.W.W. activities, 24 November 1917, In Record Group RG165, Entry 65, Box 2758, 10110-199 (College Park, MD: National Archives and Research Administration II); Beasley, 1; "Pacifist Society Here Has Disbanded," *St. Louis Post Dispatch*, 3 August 1918.

influenced others. He feared that if men in uniform preached the same line as that at the meetings, then they could induce more men in uniform toward revolutionary ideals.³⁶

James H. Maurer, president of the Pennsylvania Federation of Labor and member of that state's legislature, traveled across the nation speaking at YPSL meetings. In Chicago, he spoke to a room of 500 people. An American Protective League Operative, working for MID, reported that the only overtly objectionable piece of Maurer's speech was his comparison of conscription to slavery. Maurer described to his audience how slave owners would thoroughly examine a slave before purchase and compared it to the contemporary draft. In 1917, "Uncle Sam is the master and is buying our young men after examination by our exemption boards." Physicians examined every physical feature of the registrant, from head to toe, and the draft boards inquired into all aspects of their lives before "making a purchase." Maurer asserted this violated the Constitution. He also explained that he was not a pacifist, but believed in fighting for himself, liberty, and democracy. The European War, he rationalized was someone else's war and therefore not his fight. In addition, it was not a war for liberty and democracy, "if it was there would be no need for conscription." The latter negated the former two. Captain Fray reported that Maurer evidently hid his "pro-German" attitude and focused on subversive attacks on conscription instead. At another meeting, Maurer reiterated the same points, but another speaker, Jack Carney, explained that in December 1916, President Wilson claimed no comprehension as to why Europeans were fighting, "but that he went out one night and got drunk and the next morning claimed that we ought to go to war with

³⁶ "Bolsheviki Aim to Make 'Reds' of Schoolboys," *New York Tribune*, 19 February 1919; B. F. Hargrove, report on Young People's Socialist League, 25 September 1918, In Record Group RG165, Entry 65, Box 2756, 10110-160 (College Park, MD: National Archives and Research Administration II); Roy F. Britton, report on Young People's Socialist League, 26 September 1918, In Record Group RG165, Entry 65, Box 2756, 10110-160 (College Park, MD: National Archives and Research Administration II).

Germany.” The reporting APL operative ironically stated that both men “very radically” denounced government transgressions of free speech. His statement highlighted the discrepancy between peace time and war when Constitutional amendments were suitable during the former yet radical during the latter. Another operative who was present, stated that Maurer asked the audience to donate money to the organization for the purpose of assisting members who would evade conscription. Lieutenant Colonel Ralph Van Deman, Chief of the U.S. Army’s Military Intelligence Division, wrote to Alexander Bruce Bielaski, Director of the Bureau of Investigation, concerned about Maurer’s speeches. “Maurer is making speeches throughout the country which, if not actually treasonable and seditious, are very close to the line.” Van Deman requested Bielaski to discover who was financing Maurer’s trip.³⁷

William F. Kruse, one of Victor Berger’s codefendants, was the National Secretary of the Young People’s Socialist League. He warned members in July 1917 to take heed as the “war clouds are growing blacker and blacker.” He advised local committees to ensure they had good people trained to take their place in the event government agents detained them for an extended period. “The war conditions may suddenly, without warning, rob a league of the officers on which it now depends for success.” He suggested that they train three trustworthy YPSL members, or yipsels,³⁸ for each committee person, such as the secretary and financial officer, so that the organization’s work would not lose momentum in an emergency. “If possible, see to it

³⁷ Charles Daniel Frey, report on Meeting of Young Peoples Socialist League, 14 August 1917, In Record Group RG165, Entry 65, Box 2756, 10110-160 (College Park, MD: National Archives and Research Administration II), 1-2; Charles Daniel Frey, report on meeting of Young Peoples Socialist League, 15 August 1917, In Record Group RG165, Entry 65, Box 2756, 10110-160 (College Park, MD: National Archives and Research Administration II); Ralph Van Deman, letter to Alexander Bielaski, 1 September 1917, In Record Group RG165, Entry 65, Box 2490, 10110-46 (College Park, MD: National Archives and Research Administration II).

³⁸ Members used the term Yipsel to denote someone in the YPSL.

that one of these three is a capable girl comrade, so that if the worst comes to the worst and all our boys should be imprisoned or otherwise done away with, the girls can keep things going.” Kruse also warned the letter recipients not to have an open election for these officials, but choose the people themselves. In addition, if they suspected their mail was compromised, then they should write him “in a plain envelope.” Kruse had cause to worry. Government operatives were not only reading his mail, but watching his and the organization’s activities. In October 1917, a member of the YPSL urged an audience of a vaudeville show at an IWW hall in Minneapolis to join the organization. ““He said their membership had been diminished because a large number of us have been sent to jail and the rest of us ought to be there.”” The agent reporting on the event stated that Alfred Tiala, the man speaking, was “a convicted slacker.” Tiala told the audience that the League wanted smart and resourceful members. They should not let anything hold them back ““because the jails are full, and they won’t even arrest you on a real charge now.””³⁹

Government agents claimed that socialists had a right to have a representative political party within the current political system. However, they had difficulty comprehending the complex and disparate organization that comprised the Socialist Party. Most government personnel were not interested in the nuances of socialism to differentiate them. Thus, U.S. Attorney Charles F. Clyne and Assistant U.S. Attorney Joseph P. Fleming drafted an indictment against Victor Berger, Adolph Germer, Louis Engdahl, Iriwn St. John Tucker, and William F. Kruse. They linked these men in a conspiracy against the government which ultimately they could not prove. The indicted men had little to no interaction with each other; and supported different socialist methods and organizations. The closest two were Berger and Adolph Germer who were friends.

³⁹ Ibid.

Germer was the Executive Secretary of the Socialist Party and managed the national office in Chicago. Kruse and Tucker may have been better acquainted through the Young People's Socialist League and the Peace Council. There was nothing concretely connecting all five men to a conspiracy, so the U.S. Attorneys focused their efforts on proving these men interfered with the war effort, specifically conscription.⁴⁰

At his trial, Victor Berger described the creation of and various splits in the Socialist Party. He explained that in the late nineteenth century, a political party existed in name only. Most socialists at that time were pure theorists of Karl Marx, but could not agree among themselves on the differing interpretations. Thus, there were numerous splits, one of which Berger was a part of in 1889 when they established the Cooperative Party. Soon after, it became the Social Democrat Society which later integrated with the People's Party in 1894. However, when that party merged with the Democratic Party in 1896, Berger and others socialists left to create the Social Democratic Party.⁴¹

According to Berger, "socialism all over the world is the same, it is only a question of methods." He believed there were two main methodological differences. The group Berger identified with was the "Constructive Socialists;" the group that believed in introducing socialism gradually into the existing capitalist structure. Berger thought of society as a living organism. If socialists attempted to speed up the growing process or create a catastrophic event to bring about socialism, both of which were unnatural, then the organism would not live long. "We do not believe in getting things by

⁴⁰ Miller, 195, 207-8.

⁴¹ Eugene V. Debs founded the party with Berger (one of the monographs from '68 mentions this too); Victor L. Berger, "Unpublished Transcript of *US v Berger et al.*," In Record Group RG165, Entry 65, Box 2753 (College Park, MD: National Archives and Research Administration II), 3933-5; Alfred F. Young, *Dissent: Explorations in the History of American Radicalism* (Dekalb: Northern Illinois University Press, 1968), 217.

force, and suddenly, overnight. We say evolution is greater than revolution.” Whereas, the other group, which Berger labeled the “Impossibilitists” or “Reds,” wanted socialism overnight, in a spectacular revolution.⁴²

Throughout his trial, U.S. Attorneys attempted to link Berger to the radical elements of socialism. Berger repeatedly claimed never to advocate violence. He adhered to the ideals of international socialism that opposed all wars as extensions of capitalism. The working class overwhelmingly comprised the fighting force in any war, while capitalists in the form of big businesses made millions of dollars in the war. “Wars between nations are, as a rule, the consequences of their competitions in the world markets, for each state seeks not only to secure its existing markets, but also to conquer new ones.” Berger explained that he was “against all wars,” however, he supported wars of self-defense. If another nation invaded the United States, then he would support the national defense. He also recognized wars of emancipation. However, he did not believe that America’s involvement in the European war was anything other than a capitalist war.⁴³

Prosecutors sought to prove that Berger was against the war and attempted to interfere with the American war effort. One of their arguments revolved around the St. Louis Proclamation which the indictment charged Berger disseminated. American socialists were against U.S. involvement in the war. On April 7, 1917, the Socialist Party held a convention in St. Louis to address the question of the party’s stance on the war. Woodrow Wilson asked Congress for a declaration of war on April 4 and two days later

⁴² Ibid, 3962; Seymour Martin Lipset and Gary Marks, *It Didn’t Happen Here: Why Socialism Failed in the United States* (New York: W. W. Norton & Company, 2000), 118; Sally Miller, *Victor Berger and the Promise of Constructive Socialism, 1910-1920* (Westport, CT: Greenwood Press, Inc, 1973), 55.

⁴³ Ibid, 3951.

Congressmen voted their approval. The convention produced a war proclamation that denounced the war and U.S. involvement. The majority report declared that “the Socialist Party of the United States is unalterably opposed to the system of exploitation and class rule which is upheld and strengthened by military power and sham national patriotism. We, therefore, call upon workers of all countries to refuse to support their governments in their wars.” The report continued by condemning the European war as a capitalist war that utilized the “oppressed and exploited workers.” The majority of socialists at St. Louis agreed that throughout the war, capitalists of the participating nations hoped to gain dominance over the economic markets of their enemies. However, the worker reaped no benefits whatsoever other than destitution, toil, and death. Socialists attending the convention overwhelmingly approved the majority report.⁴⁴

The report was problematic for government officials, though. First, it denounced the war which American was now involved. By speaking ill of the war and America’s European allies, socialists appeared disloyal. Second, according to the U.S. Attorney the report promoted resistance to the war effort by advocating that workers not support the war. The Espionage Act was not in existence in April 1917, so there was no law with which to take action. Besides, it would have been difficult to impossible for government agents to arrest every member of the Socialist Party at the convention. However, the U.S. Attorneys in Berger’s trial used the St. Louis Proclamation as evidence that not only did

⁴⁴ New York, Senate, Report of the Joint Legislative Committee Investigating Seditious Activities, *Revolutionary Radicalism: Its History, Purpose and Tactics with an Exposition and Discussion of the Steps Being Taken and Required to Curb it Being the Report of the Joint Legislative Committee Investigating Seditious Activities, Filed April 24, 1920, In the Senate of the State of New York*, Vol. I (Albany, NY: J. B. Lyon Co, 1920), 613-4.

Berger et al have a history of advocating resistance to the war effort; but they also conspired to do so.⁴⁵

Berger asserted that he would have drawn up a different proclamation. He had always played a prominent role in the party since its inception. At the convention, socialists voted to elect members to a Committee on War and Militarism that would draft a proposed socialist proclamation on the war. Attendees voted Berger the fourteenth member out of fifteen. He repeated this several times at his trial, indicating not only his displeasure at being added almost last, but as evidence that he was in a minority on the committee. He represented the more conservative elements of the Socialist Party. However, when Berger arrived in St. Louis, he “hardly knew the convention.” The radicals were running the show. Ultimately, though, Berger voted to accept the majority report. He described how he wrote a different proclamation, one with milder and more eloquent language, if not containing the same message. However, feeling that the committee would not even consider his message he tore it up. He told the courtroom, “If I had known that Mr. Clyne and Mr. Fleming were going to indict me I would have kept it.”⁴⁶

For the prosecutors, and by extension MID, the majority report was not the only message drafted at the convention. John Spargo penned a minority report that supported the nation’s efforts in the war.

To profess indifference to the result of the war now being waged, to desire either that the war end in a draw or in the defeat of the entente powers with which this nation is allied, is treachery to the principle of international socialism; furthermore, it is treachery to the democratic principles and intuitions of America. The identification of Socialism with this disloyalty and the essential principal of Americanism of the American people to our cause. We assert that Socialism is

⁴⁵ Ibid, 614; “Unpublished Transcript of *US v Berger et al*,” 4158, 4173, 4178, 4180-2, 4192.

⁴⁶ Ibid, 3962-3; Miller, 165-6.

not disloyal to the interest of the nation. Now, that the war is an accomplished fact, for the reason stated, we assert that it is our duty, our Socialist duty to make whatever sacrifices may be necessary to enable our nation and the allies to win the war as speedily as possible.⁴⁷

Spargo, Charles Edward Russell, and a small group of others withdrew from the convention. Some of them even withdrew from the Socialist Party after the convention. Berger explained that John Spargo “became just as rabid and pro-ally and pro-war as he had been before international socialistic.” Though Berger claimed to not have agreed wholeheartedly with the adopted proclamation, he still voted for it, even though there were other options available. He could have voted for the minority report or simply against the majority report. Prosecutors charged that he was against the war. Yet, this was the truth, a truth that Berger did not deny. He rejected the war based upon his understanding of international socialism that rejected all wars. In fact, Berger contextualized the proclamation with previous anti-war platforms that the Democratic, Republican, and Prohibition parties separately adopted in 1916. The Prohibition party, for instance, stated the following in their platform: “We are committed to a policy of peace and friendliness to all nations. We are opposed to the wasteful military program of the democratic and republican parties. Militarism protects no worthy institution. It endangers them all, while it is the high principles that have brought us as a nation to the present hour. We are for a constructive program and preparedness for peace.”⁴⁸

The prosecution was not concerned about any similarities to other party platforms prior to April 1917. What concerned them was that not only did Victor Berger vote for the anti-war proclamation, but they believed he went beyond even further to support it.

⁴⁷ Ibid, 4164-5.

⁴⁸ John Spargo emigrated from England to the United States in 1901 or '02. He was a preacher before becoming an “ardent Socialist agitator.” Ibid, 3975-8; *The Independent*, Vol. 87 (New York: Independent Corporation, 1916), 150.

While the minority report accepted America's involvement at war as a reality after April 6, Berger did not. He believed that a majority of Americans did not support the war. His perception was that business interests influenced Congress and the President to declare war. He hoped that a referendum on the war would alter that decision. For the prosecution, the war was indeed a fact, one which American representatives in Congress voted for on behalf of the nation. It was an unalterable truth which Berger and other socialists appeared unwilling to accept. However, by rejecting reality, they believed Berger went beyond supporting the proclamation to disseminating it to the public. By doing so, they argued that he attempted influence people to reject the war which was a direct violation of the Espionage Act. For instance, Berger's newspaper, *The Milwaukee Leader*, published the St. Louis Platform and supporting editorials.⁴⁹

Assistant Attorney Flemings questioned Berger regarding an editorial which the *Leader* ran on January 12, 1918 entitled "Our New Recruits." The article explained that socialist numbers were increasing. Though a majority of these new adherents had yet to join the Socialist Party, the author believed they gravitated to socialism due to the St. Louis Declaration. He advocated disseminating that proclamation and ensuring that all the new recruits read it. The author also believed it important for young people to read the new party program, which they also adopted at St. Louis. The War Proclamation was a temporary measure, but the party program presented the long term goals and current ideology of the party. Putting the St. Louis Proclamation into young men's hands was problematic for MID. It espoused an anti-war attitude which could affect draft-age men.⁵⁰

⁴⁹ "Unpublished Transcript of *US v Berger et al.*," 4172, 4188.

⁵⁰ *Ibid*, 4191-4.

Berger did not write the editorial on the new recruits; however, he did write one on December 30, 1917. He wrote “The Party Will Stand No Wobbling” as a direct upon socialists in public office, specifically Mayor Daniel Hoan of Milwaukee. According to the Fleming, Hoan objected to the St. Louis Declaration. He supposedly stated “that he could not be true to his faith and support the Constitution of the United States and at the same time adhere to the principles of that platform.” They were unable to provide sufficient evidence to prove that Hoan uttered these words, however, Berger learned that Hoan was “wobbling” on the Proclamation when asked about it at a political event. Therefore, Berger wrote that ‘the party will stand no wobbling; plain notice to all members, and especially to those who are seeking office. Of all times, this is the poorest time to hedge and wobble or to try to stay on the fence when a question of vital principle is asked, as for instance a question about the St. Louis Platform.’ Afterward, Hoan stood firm on the St. Louis Proclamation. This episode portrayed Berger’s, as well as the *Leader’s*, influence upon party members. Berger firmly believed in upholding the Socialist Party’s message, especially after the party at large voted on it. Although he did not completely agree with the platform, he supported the Party’s decision. Thus, he expected others to do the same.⁵¹

Assistant U.S. Attorney Fleming had a problem with Berger’s stance. He summed up his difficulty by asking, “And regardless of its effect upon the war situation, you were prepared to stand or fall by the declaration, weren’t you?” For Fleming, there was no doubt that the St. Louis Proclamation was anti-war. It did not matter whether it fit within a historical context of anti-war international socialistic thought. What concerned him was that Berger disseminated the Proclamation and influenced others’

⁵¹ Ibid, 4176, 4178.

opinions. Berger also defended the Proclamation, by explaining that nowhere in the Proclamation did the Socialist Party advocate breaking the law.

Here the Fleming had taken issue, similar to MID agents in other investigations, over the issue of Berger and others remaining within the law and doing no more. Berger stated he would “do what the law required me. Not a bit further.” In addition, the Socialist Party in 1915 added an amendment to their constitution against war. It stated, “Any member of the Socialist Party elected to office, who shall in any way vote to appropriate moneys for military or naval purposes, or war, shall be expelled from the party.”⁵²

At the same time, however, Victor Berger urged that he did go beyond what the law required. He printed advertisements for Liberty Bonds and the Red Cross, when he could get them. The prosecution attempted to prove that he did not frequently do so, charging this exemplified his lack of support for the war. However, Berger explained that businessmen paid for the advertising.

Well, usually patriotic business men paid for the ads. The Matrix, the basis of it, was given out by the representative of the administration, I suppose, and then it was up to the advertising manager of the various papers or of the paper to get enough business men to pay for the space, and that was with their compliments. Such was the case in Milwaukee and I believe all over the country. Gentlemen, it was a very hard thing for our advertising man to get any ads from anybody.⁵³

The Loyalty Legion in Milwaukee, for instance, boycotted anything connected to socialists. Berger explained that department stores which had been with the paper for a long time withdrew their advertising for the duration of the war. However, Berger

⁵² Ibid, 4173; Frank F. Wolfgram, Report on Victor Berger et al Alleged Violation Espionage Act, 13 May 1918, In Record Group RG165, Entry 65, Box 2721, Folder 3 (College Park, MD: National Archives and Research Administration II), 3. Interestingly, Morris Hillquit who co-authored the majority report at St. Louis, never received an indictment for his role in its creation. Miller, 208.

⁵³ Ibid, 4169.

proclaimed that he was a long time member of the Red Cross. He purchased Liberty Bonds and War Savings Stamps.⁵⁴

Yet, there were witnesses who claimed Berger would not advertise patriotic programs in his paper. For instance, employees at the First National Bank in Milwaukee were soliciting advertising for an upcoming Liberty Loan campaign in October 1918. One of them at the bank contacted J. J. Fleming, the Secretary of the Building and Trades Association located in Brisbane Hall with the *Milwaukee Leader*, about putting an advertisement in that paper. They desired to promote the campaign among the working class. Fleming told a BOI agent that the advertising lady at the *Leader* agreed to charge his account for the run of the advertisement. However, after two days of running the advertisement, a staff member of the newspaper contacted Fleming and told him the remaining two days would not be run. The man told Fleming it was on the orders of the editor, Victor Berger, that they stopped the advertisement. On another occasion, Berger reportedly denied a similar request to include an insert in the paper for a speech on behalf of the Liberty Loan and the Loyalty Legion. A member of the Loyalty Legion claimed the speaker, Charles Edward Russell, was a “representative of the United States Government and that should be considered.” However, the *Leader*’s advertising manager supposedly replied that Berger said “that they didn’t want to have anything to do with the U. S. Government.” There were a couple of problems with this complaint, though. First, Charles Russell was a former member of the Socialist Party who split at the St. Louis Convention. He supported preparedness and America’s entry into the war. Second, the member of the Loyalty Legion was probably Winfield R. Gaylord, another former socialist. He also broke from the party in support of the war. Historian Sally Miller

⁵⁴ Ibid, 4052, 4169-70.

described him as exhibiting “extreme, even paranoiac, hostility toward the Socialist party” after he repudiated the party at St. Louis. The men lodging their complaints with the BOI could not remember the *Leader* staff members they spoke to, but they could remember it was all Berger’s fault. Regardless, prosecutors at Berger’s trial attempted to prove that he was in fact against advertising the Liberty Bond drives and other patriotic activities.⁵⁵

One of the most important issues to the U.S. Attorneys and military intelligence officers was that of obstructing conscription, associating with the IWW, and advocating revolution. This was at the heart of the prosecution’s indictment of Berger. Though Berger claimed that he never advocated violence, Assistant U.S. Attorney Fleming located a disturbing editorial. On July 31, 1909, Victor Berger published “Should Be Prepared to Fight for Liberty at all Hazards” in the *Social Democratic Herald*. In the article, Berger foresees the country moving in a more plutocratic direction which would necessitate “a violent and bloody revolution.” Thus, workers should prepare themselves “to back up their ballots with bullets.” On trial, Berger explained that he was referring to the fact that the working class comprised the largest portion of the American population. Yet, the national political arena overlooked their interests. Thus, he postulated that their ballots were not counting for what they were worth. If that was the case, then they needed to “back up the majority of ballots by bullets.” However, Fleming countered, this smacked of revolution, which he stated Berger justified if “the people” did not get their way.⁵⁶

⁵⁵ Frank F. Wolfgram, Report on Victor L. Berger et al Alleged Violation Espionage Act, 6 May 1918, In Record Group RG165, Entry 65, Box 2721, Folder 3 (College Park, MD: National Archives and Research Administration II), 1-2; Miller, 73, 150-1.

⁵⁶ *Ibid*, 4145-51.

According to Fleming, his editorial clearly supported militant socialism. Fleming also believed Berger sympathized with the IWW. After all, he said as much in a letter on May 6, 1918. Replying to a request from the Industrial Workers of the World Defense Fund, Berger donated ten dollars. He told them,

Frankly speaking – I do not think much of the Industrial Workers of the World and their tactics in the past and I do not agree with syndicalism as such today – but I will gladly admit that the I.W.W. have stood the test of being a class organization infinitely better than the trade unions. Gompers’ cohorts have in the main proved to be the tail end of capitalism. That tail end is now being used as a weapon of the capitalist class very much like a crocodile uses his tail. I am beginning to believe that the I.W.W. (or some labor organization that will succeed it but that will inherit its matchless spirit) is destined to take the place of the American Federation of Labor in our country and fulfill the mission in which the A. F. L. has failed.⁵⁷

In fact, a Bureau of Investigation agent, R. B. Spencer, sent a copy of this letter to the Assistant Attorney General. He introduced it as, “EVIDENCE AS TO WHETHER VICTOR L. BERGER IS PATRIOTIC OR UNPATRIOTIC.”⁵⁸ Both the defense and the prosecution introduced Berger’s letter to discuss his attitude toward the IWW.⁵⁹

Victor Berger had a history of hostility toward the Wobblies. He explained that the IWW was an economic organization; whereas, the Socialist Party was a political one. Therefore, a socialist could belong to the IWW, but one who took to heart the socialist ideology would not uphold the IWW doctrine. Wobblies believed in utilizing sabotage, which Berger was strictly against. William D. “Big Bill” Haywood, Eugene V. Debs, and others founded the IWW in 1905. However, Haywood was what Berger termed an “Impossibilitist” and advocated the use of sabotage. Morris Hillquit, a good friend and

⁵⁷ Victor L. Berger, Letter to A. Wouri, 6 May 1918, *Victor Berger Papers*, Reel 54(Wilmington, DE: Scholarly Resources, 1994).

⁵⁸ *Ibid.* Capital letters represented as they are in the original report.

⁵⁹ *Ibid.*; “Unpublished Transcript of *US v Berger et al.*,” 4053, 4151-2, ; R. B. Spencer, Report on Victor Berger et al, 22 May 1918, In Record Group RG165, Entry 65, Box 2721, Folder 3 (College Park, MD: National Archives and Research Administration II), 5.

important figure in the Socialist Party, worked with Berger in 1912 to get Haywood ousted from the National Executive Committee of the Party. At that same meeting, Berger helped push through an amendment to the Party's constitution which prohibited promoting sabotage or any other form of violence. The historical record proved that Berger was antagonistic to the IWW and their advocacy of sabotage. He supported industrial unionism which the IWW was; and according to his letter, he hoped that another union would arise to replace the Wobblies and supplant the American Federation of Labor (AFL).⁶⁰

For the prosecutors and other government agents, Berger's history against the IWW was either an unknown or deemed unimportant. What concerned them more was that he donated money, no matter how small, and supported the "idea" of the IWW. Samuel Gompers agreed with the Wilson administration that there should be no strikes during the war. If workers stopped producing it could prove detrimental to the war effort. Not only did the United States need to quickly build its own armaments for a vastly expanding military, but also had to support the Allies' needs. Gompers was willing to work with corporations and the Wilson administration. William Haywood and the IWW, on the other hand, were against the war and continued to not only advocate strikes, but also sabotage. For Berger to even sympathize with such an organization, especially during a national emergency, against a loyal and patriotic union such as the AFL was evidence of disloyalty according to the U.S. Attorneys and government investigators.⁶¹

⁶⁰ "Unpublished Transcript of *US v Berger et al.*," 4052-3, 4152; James Weinstein, *The Decline of Socialism in America 1912-1925* (New York: Monthly Review Press: 1967), 14-5. Samuel Gompers had given Berger and other unionists plenty to complain about (the war, Pullman strike, etc).

⁶¹ *Ibid*; Spencer, 22 May 1918, 2-5.

The Bureau of Investigation had even compiled evidence that Berger was sympathetic if not an outright supporter of the IWW. A Wobbler informant for the BOI reported that Berger personally told him “he would give the IWW all the support that he could thru his paper and otherwise.” He described Berger becoming extremely agitated over the government raids of the IWW and Socialist offices around the country. The informant also recounted how Berger told him that the government agents were foolish to think the Socialist Party would leave “incriminating papers” lying about for them to discover. Such a statement, if it were true, had obvious problems for government agents. Berger admitted that there existed incriminating papers. Therefore, the Socialist Party was obviously trying to hide their traitorous activities.⁶²

In addition, Berger wrote an article in the *Milwaukee Leader* supporting the efforts of the IWW during the war. He claimed to not have firsthand knowledge whether the union was infiltrated by German influences or not, though he believed that they were not. Berger reminded his readers that he and his staff had often criticized the Wobblies. However, it was deplorable that the masters of industry would use the war as an opportunity to crush the organization. He lauded the Wobblies for their courage and struggle for “decent wages and decent working conditions even in war time.” Even if Berger disagreed with the union’s methods, he supported the workingman’s struggle which the IWW championed.⁶³

A former stenographer for the Socialist Party told investigators that they would probably find something of interest if they looked through Berger’s papers. This

⁶² J. M. Carter, Report on Alleged Plots of I.W.W. and Germans and Socialist Leaders, 11 September 1917, In Record Group RG165, Entry 65, Box 2721, Folder 2, 10110-120 (College Park, MD: National Archives and Research Administration II),1.

⁶³ Ibid, 2.

informant, however, wove some fantastic narratives to capture the BOI agent's imagination. She claimed that Berger moved away from socialism and currently identified himself as an anarchist and IWW. He was also aggressive and prone to violence. According to the stenographer, Berger had a violent temper when aroused and always carried a revolver. He drew his revolver in a stormy meeting one time, and Miss Thompson snatched it out of his hand." While Berger was known to have a temper and when aggravated would shout and bang a table surface for emphasis that appeared to be the only truth among this fantastical story. However, the nuggets of truth may have been enough for the purpose of the investigation. After all, there were others who claimed Berger was pro-German.⁶⁴

Berger's language regarding patriotism did not create any confidence in his loyalty either. An informant for the Bureau of Investigation in Milwaukee reportedly overheard Berger disparage patriotism. He was at a news stand in Brisbane Hall, the socialist hall in Milwaukee where the *Milwaukee Leader* offices were located, when the old vendor, "a radical Socialist", opened up a box of dime novels which included titles such as *The Boys of Seventy-Six*. The old man wondered aloud whether he should display this type of material on the stand. The informant reported Berger's response as, "No, we don't want that G—d--- stuff around. It creates too much patriotism." The St. Louis Proclamation also denounced patriotism as false and unreasonable; a passion that "obscured the struggles of the workers for life, liberty, and social justice." Instead, socialists supported the "ideal of international working-class solidarity," or as Berger referred to it as internationalism. He explained that "in fact, internationalism would be

⁶⁴ Miller, 208-9; H. H. Parker, Report on Victor Berger Milwaukee Neutrality Matter, 9 March 1918, In Record Group RG165, Entry 65, Box 2721, Folder 2, 10110-120 (College Park, MD: National Archives and Research Administration II).

impossible without a great deal of nationalism.” He described how socialists desired that every person of every nation have a full and promising life. The different national flags represented that promise, just as the Stars and Stripes of the American flag represented that for Americans. In this way, the red flag, which was often displayed by socialists, was an international flag which did not equate to disloyalty to any one nation. Berger believed that if a group of white men congregated in a room, one would be unable to tell if they were German, English, French, or whatever, until they opened their mouths and their accent or native language became apparent. Otherwise, they were all the same. Thus, according to Berger, socialists were “‘pro-English, pro-German, pro-French, pro-Prussian, pro-Russian, pro-humanity.’” During a period of heightened patriotism and One-Hundred Percent Americanism, “loyal” Americans would still perceive this as disloyal.⁶⁵

In addition, Victor Berger was an immigrant. He became a citizen of the United States in December 1884; and was originally from Austria-Hungry. His constituency in Milwaukee was predominantly German immigrants. In fact, of all the defendants on trial with Berger, only Tucker was not of German heritage. The fact that Berger constituency was German and his message was anti-war was a dangerous combination for government agents. If enough anti-war sentiment was aroused, they considered it possible that these Germans might take action to impede the war effort. A BOI agent warned, “It is therefore essential that the literature which he gets out be carefully censored, and the post office department should be cautioned in the matter.” There were also socialists or those affiliated with the Party that were willing to cast Berger in a pro-German light. For

⁶⁵ Ibid, 3942-3, 4040-1; Vincent W. Hughes, Report on Victor L. Berger Alleged Violation Section #3 Espionage Act, 16 June 1918, In Record Group RG165, Entry 65, Box 2721, Folder 3, 10110-120 (College Park, MD: National Archives and Research Administration II), 2; Wolfgram, 13 May 1918, 3-7.

instance, a Carl Sanburg of Milwaukee told a BOI agent that he was acquainted with Berger for twelve years. “In his estimation (Berger) is very pro-German.” He claimed that since the war began, Berger purchased a house for seventy-five hundred dollars and made additional improvements on it for twenty-five hundred. Given Berger’s meager salary, Sanburg believed he must be in the employ of the Kaiser. He also emphasized that the *Milwaukee Leader* was dire financial straits before the war, but since April 1917 had been thriving.⁶⁶

Algie M. Simons topped the list of those willing to testify that Berger was pro-German. Simons was an ex-socialist. Prior to 1916, he believed in disarmament but was always an Anglophile. In December 1916, he resigned his position as managing editor of the *Milwaukee Leader*. As a former socialist who was pro-Ally and supported the war, Simons endeared himself to the Wilson administration. Simons made such a reversal on his previous socialist position that he joined the Wisconsin Loyalty Legion.⁶⁷

Another former managing editor, J. Ed. Harris worked for Berger from December 1914 until June 1917. He told a BOI agent that he left the paper because Berger ordered him to ensure that the war news they printed did not offend Germans. “No headlines were to be put on German defeats and losses; and specific orders were that official reports from Berlin must be given the lead of war news.” Harris testified to Berger’s pro-German-ness during the trial. Another writer for Berger, Walter Wyrick, claimed Berger

⁶⁶ Frank F. Wolfgram, Report on Victor L. Berger et al Alleged Violation of the Espionage Act, 24 July 1918, In Record Group RG165, Entry 65, Box 2721, Folder 3, 10110-120 (College Park, MD: National Archives and Research Administration II); L. F. Miller, Report on Victor Berger Pro-German Activities, 31 July 1918, In Record Group RG165, Entry 65, Box 2721, Folder 3, 10110-120 (College Park, MD: National Archives and Research Administration II).

⁶⁷ Ibid.

reduced his pay because “he was a war patriot, and was getting too much money for a young fellow of his age.”⁶⁸

Osmor Smith claimed to have worked for the *Milwaukee Leader* from the start until February 1917 as a managing editor. He resigned from the paper due to its overtly pro-German bias which he blamed on Berger. Smith complained that Berger continually harassed him for writing about Allied victories. On one occasion, after he wrote an article titled “Germans Beaten on Land and Sea,” Berger told him “he wanted German victories played up and Allied victories down.” Soon thereafter, Ernst Unterman replaced Smith as the war news writer. He believed that Unterman was not only overly pro-German, but had been a former officer of the German Army. Smith charged that “in several cases where the news received over the United Press Service was not favorable to Germany, Unterman fixed it up to suit himself and favor Germany.” Since Smith reported Unterman as a suspicious gentleman and possible spy, BOI agents began an investigation to take him into custody.⁶⁹

Frank Wolfgram, a Bureau of Investigation Special Agent of Milwaukee, in cooperation with Stephen Pinckney, Special Agent in Miami, tracked down Untermann and interviewed him. Indeed, he had been a Lieutenant in the German Naval Reserve for about twenty-eight years.

He explained that Berger instructed him to “to favor as much as possible the German side, as long as it could be done without prejudice to our loyalty to the United States.”

However, he had to fit the war news in column and a half, which necessitated that he

⁶⁸ Ibid, 2, 4-5; “Unpublished Transcript of *US v Berger et al*,” 4060.

⁶⁹ Frank F. Wolfgram, Report on Victor L. Berger et al Alleged Violation of Espionage Act, 22 April 1918, In Record Group RG165, Entry 65, Box 2721, Folder 3, 10110-120 (College Park, MD: National Archives and Research Administration II), 1-5.

“BOIL down” the news. He believed that the news he presented in this manner was not misrepresentative. “As space was so short, the tendency naturally was to favor dispatches coming from correspondents on the side of the Central Powers, but enough were always produced from Allied dispatches to strike a fair average.” Untermann explained that he agreed with the position of the German Socialist Party, which like the other European socialists, supported their home nations in the war. According to him, in Europe the majority of socialists joined their nations when war came in 1914, while the minority sought to retain the international socialist line. Berger told him that “for practical purposes we were American citizens’ first, socialists second and partisans of Germany in the third place.” Untermann stated that by late 1916 he believed that German U-boat policy would force a confrontation with the United States. He asked Berger, in the event that this occurred what stance would he take for the paper. Berger pronounced that he would adhere to the official declarations of the Party’s National Conventions. For Untermann, this was unsatisfactory. He believed that the American Socialist Party would simply repeat the old platitudes. According to Untermann, the St. Louis Declaration confirmed that. “This declaration simply repeated the old socialist catch words, but left the party members without a guide as to their attitude toward enlistment and the support of the American Government during the war.” So, he resigned from the *Milwaukee Leader*. As it turned out, Untermann was exactly the type of socialist the government agents preferred. He believed “that it was the duty of the American Socialist Party to accept our entry into the war as a fact and a necessity, however unpleasant, and to support the American Government by an appeal to the membership of the party to obey the laws

and refrain from opposing it until peace had been restored.” Therefore, he left Berger’s paper and was avoiding politics for the rest of the war.⁷⁰

When Berger’s attorney asked him about pro-German news at his trial, he believed his paper did not give a preference. He explained that when Europe went to war, he wanted his paper to lead with news from Germany because the majority of newspapers led with news from the Allied nations.

The news was entirely in control of the British; they held the cables; nothing could come over, even from Berlin, that did not get the British stamp. Now, this is what happened: Day after day we had immense victories all the time on land and sea; but anybody who looked at the war map could see that those Dutchmen were going further into Belgium and France. But they were licked every day in the news all of the time . . . the Germans came within 17 miles of Paris.⁷¹

Berger believed it was better to offer a balanced perspective, even if both sides were lying. At least his readers could compare the two narratives coming out of the war and decide for themselves.⁷²

Victor Berger understood that socialists of German descent would empathize with their former homeland. However, he emphasized that their connection to their new nation superseded the old.

It is natural enough that German born Socialists should sympathize with their Fatherland, as it is natural that the English, the Scotch, the Irish, and the French should give their sympathies to their kin beyond the sea. But here they have made their homes. Here their children have been born. Here their future lies. Their material and sentimental bonds are stronger here than to any other land.⁷³

In addition, Berger claimed he wrote over fifty articles denouncing Kaiserism since the war’s start and many more prior to that. The *Milwaukee Free Press* on October 4, 1914

⁷⁰ Frank F. Wolfgram, Report on Victor L. Berger et al, 31 August 1918, In Record Group RG165, Entry 65, Box 2721, Folder 3, 10110-120 (College Park, MD: National Archives and Research Administration II), 4-5.

⁷¹ “Unpublished Transcript of *US v Berger et al.*,”3958.

⁷² *Ibid*, 3957-9.

⁷³ *Ibid*, 4010.

published a speech that Berger gave. He told an audience that “I would not fight for the Kaiser, for any king or any president. There are many things worse than war. Slavery is worse than war. If my wife and children were attacked, I would fight. I would not fight for any president, unless our people wanted to war, and unless our country was attacked’.” Though former employees, government agents, and other charged Berger was pro-German, he defended himself behind a shroud of socialism. He had two agendas with his newspaper. The first was socialism. As explained prior, international socialism was all inclusive; therefore, Berger argued could not be simply pro-German. Second, Berger’s audience was mostly Germanic. Thus, he wanted to offer a balanced account of the war, neither pro-German, nor full of Allied propaganda.⁷⁴

In July 1917, Ralph Van Deman, Chief of the Military Intelligence Division, contacted Alexander Bielaski, Chief of the Bureau of Investigation, regarding information about Berger. Van Deman knew Bielaski compiled a file on the ex-Congressman and socialist. Bielaski replied, offering some background on Berger and stating that “Berger’s paper has carried many pro-German articles but nothing of a character on which to base a federal prosecution.” On December 6, 1918, Bielaski was singing a different tune, this time in front of a Congressional Committee investigating brewers and German propaganda. Victor Berger’s name appeared on the list of approximately 2500.⁷⁵

⁷⁴ Ibid, 4010, 4071-4.

⁷⁵ Ralph Van Deman, letter to Alexander Bielaski, 6 July 1917, In Record Group RG165, Entry 65, Box 2721, Folder 2, 10110-120 (College Park, MD: National Archives and Research Administration II); Alexander Bielaski, letter to Ralph Van Deman, 14 July 1917, In Record Group RG165, Entry 65, Box 2721, Folder 3, 10110-120 (College Park, MD: National Archives and Research Administration II); “Unpublished Transcript of *US v Berger et al*,” 4078-80; James Langland, *The Chicago Daily News Almanac and Year-Book for 1919*, Vol 35 (Chicago: Chicago Daily News Co., 1919), 542-3.

Ultimately, not only did MID officers' concerns regarding obstructing conscription override all others, but they did for the Special Agents of the Bureau of Investigation and U.S. Attorneys as well. Berger gave a speech in Milwaukee on April 1, 1918. Over the following months, BOI agents attempted to ascertain how many draft-age men were in the audience. In another instance, a BOI agent investigated a young man who was with Berger in Brisbane Hall when he spoke with the news stand vendor about patriotic novels. Special Agent Frank Wolfgram tracked down the young man, Aleck Tomczyk, at Camp Wadsworth, South Carolina, with the Sixth U.S. Infantry Division. The young soldier could not remember Berger making any comment that disparaged patriotism and patriotic dime novels. He professed himself an IWW and socialist, but had only met Berger on two occasions. While he could not remember Berger making the remark, he said it could have been possible, since U.S. Attorneys were prosecuting him for disloyalty. At least four young men heard Berger give another speech on March 31, 1918. One of them left for Camp Grant in late May. Wolfgram continued investigating well into May and June in an attempt to ascertain if Berger's speaking negatively influenced draft-age men.⁷⁶

The attorneys followed suit when asking similar questions of Berger at trial. The defense attempted to undercut claims that Berger interfered with the draft. Seymour Stedman, Berger's defense lawyer, asked him if the Socialist Party ever instructed young men to enlist or to register for the draft. Berger could not recollect if such an official

⁷⁶ Frank F. Wolfgram, Report on Victor L. Berger et al Alleged Violation of the Espionage Act, 21 June 1918, In Record Group RG165, Entry 65, Box 2721, Folder 3, 10110-120 (College Park, MD: National Archives and Research Administration II); Frank F. Wolfgram, Report on Victor L. Berger et al Alleged Violation of the Espionage Act, 5 June 1918, In Record Group RG165, Entry 65, Box 2721, Folder 3, 10110-120 (College Park, MD: National Archives and Research Administration II); Frank F. Wolfgram, Report on Victor L. Berger et al Alleged Violation of the Espionage Act, 20, 21, 22 May 1918, In Record Group RG165, Entry 65, Box 2721, Folder 3, 10110-120 (College Park, MD: National Archives and Research Administration II); Hughes, 16 June 1918, 2-3.

statement was made. However, he and the Party urged all members to follow the law. The prosecution also inquired into the numbers of young men Berger noticed at socialist events he attended or presented at. The question and answer during this portion of the trial could be quite humorous. Berger had no idea how many men out of about four thousand attendees at one event were of draft-age. Assistant U.S. Attorney Fleming wanted to know how many aliens were present at the event and in Milwaukee all together. Confused, Berger repeated the question then decided that the prosecution could probably discover those figures from an official source. He would, after all, be guessing and added “I am a poor guesser.”⁷⁷

Ultimately, the prosecution revolved around Berger’s responsibility as managing editor of the *Milwaukee Leader*. Though on countless occasions, Berger denied having read many of the different portions of his own paper the prosecution read into the record as evidence. Berger explained that “if a man edits a paper of fourteen pages, as I did there, it is physically impossible to read one-half of it every day. I mean every line of it.” Therefore, he claimed not to read all the editorials in his paper or look over all the advertisements. He also did not read all the socialist literature that prosecution questioned him about. For instance, he stated that he read very little of the *American Socialist*, the newspaper the national socialist party published through the national headquarters in Chicago. Berger claimed to receive approximately fifteen different daily papers and several more monthly papers. He did not have time to read them all. As a member of the National Executive Committee of the party and he sometimes approved literature the national office would publish. However, as Berger explained to the prosecution, he did not run the party nor the other socialist newspapers. Irwin St. John

⁷⁷ “Unpublished Transcript of *US v Berger et al.*,” 4000, 4217.

Tucker's "The Price We Pay" was a perfect example. The *American Socialist* published it and then the national office distributed it in pamphlet form. Berger stated that he never read it in the *Socialist*, but saw the pamphlet version. He was a little upset by this because it never went through the National Committee. He thought it was quite good, but with some editing it could have been brilliant, "they could have made it one of the classics of the war." On occasion when Berger was in Chicago, his staff would print items that he did not necessarily approve of; such as when he was in Chicago for a National Executive Committee meeting and a meeting for the Peace Council. An article titled "Mass Meeting to Ask Referendum and Repeal of Conscription Law, Victor Berger, Editor of the Leader is in Chicago to Secure Speakers for the Mass Meeting to be Held Monday" appeared in the *Milwaukee Leader*. Berger explained that he did not approve the printing of the pamphlet as it was not an exact representation of what he was doing in Chicago, however, Berger had already left Milwaukee. "My boys sometimes do things that I do not approve of, and I did not know about this, they do it about this trial here." Though Berger made excuses about having not read or approved of many of the items in his paper that prosecutors questioned him on, he took full responsibility as the managing editor.⁷⁸

Ultimately, Berger would take responsibility for more than that. His stance on the war was clear. He was against it. The prosecution could not prove any conspiracy between him and his codefendants. However, the attorneys did highlight all of defendants anti-war speeches and writings. Any of these could influence a young, draft-age man to be noncompliant with Selective Service. The U.S. Attorneys displayed political paranoid tendencies by considering that these five men who had very little

⁷⁸ Ibid, 3985, 4213, 4222, 4225.

interaction with one another conspired to disrupt the war effort. They perceived the organizations such as the People's Council, Young People's Socialist League, the *Milwaukee Leader*, and others through "top-down reasoning." For the prosecutors, they were not individual organizations with similar goals but different support bases. By late 1918, when prosecutors indicted Victor Berger, these various groups represented a singular threat to the war effort. Support for the Socialist Party during the war was on the rise. In 1917, they polled four to five times more votes in some areas of the country than ever before, such as Chicago and Cleveland. Berger even polled the most votes ever won in Wisconsin in early 1918, a little over 25 percent of the overall vote, even though he did not win the Senate seat. Part of his success underlined his problems with the government agents. He polled two times better than any other candidate among Germans in Wisconsin. Socialists did not deceive themselves; they realized that many of the new supporters were against the war and not newly converted socialists. They emerged as an opposition party, but desired to maintain that momentum, since they perceived themselves as anything but simply a party opposed to the war.⁷⁹

In addition, Berger's first indictment, which did not go to court, came just a few days before the Senate election to replace Wisconsin Senator Paul O. Hastings. The Senator's brother, Gustave Hastings accidentally shot him in the back while the two were hunting ducks. Berger ran a vigorous campaign for Hastings seat. Of course, his platform was one of ending the war. He did not win election to the Senate and nothing came of the indictment. However, just a few days before the November election where Berger ran for Congress, U.S. Attorneys indicted him again. The timing of both

⁷⁹ Robert S. Robins and Jerrold M. Post, *Political Paranoia: The Psychopolitics of Hatred* (New Haven: Yale University Press, 1997), 8-11; Miller, 197, 205-6.

indictments was suspiciously politically motivated. The United States was at war and Berger vocally denounced the war. According to Special Agents of the Bureau of Investigation, officers of the Military Intelligence Division, and U.S. Attorneys, Berger and other socialists' success at the polls clearly threatened the autonomy of the government.⁸⁰

Government agents truly saw a national conspiracy against the war among these socialists and affiliated peace organizations. Though, on the one hand, they recognized that the Socialist Party was not strong enough to overthrow the established government through the electorate; nor did they have general support for a revolution akin to those in Russia. On the other hand, government agents saw hordes of discontented or disaffected Americans, many of whom were of German descent, and “projected” their fears upon the socialists. If any political party could unite the forces of discontent, they believed it was the socialists. Military intelligence officers and other government agents did not have to look too far to conclude that Berger threatened the war effort and U.S. government. His newspaper published anti-war editorials all the time. Men like Irwin St. John Tucker produced literature against conscription and the war. William Kruse indoctrinated American youth into an anti-war and anti-capitalist organization. Berger's agenda may have been constructive socialism, but all that meant was changing American government from within. Since any malcontent could hear or read their ideas, he would have a vast political organization to support his dissatisfaction. Without a vibrant Socialist Party and its affiliated organizations, the discontented American would drift with the current of patriotism; follow his brethren into the war, because he would have no other option. He

⁸⁰ Ibid; “Husting Is Killed By Brother In Hunt,” 22 October 1917, *The New York Times*.

would eventually due his duty. Yet, men like Berger created rallying points which were unacceptable under the Espionage Act and they feared threatened the war effort.⁸¹

⁸¹ Ibid, 10-11; MID History, 1984-5.

CHAPTER SIX

The Threat from Within

“Most of these officers were very greatly disappointed in being given this unknown, and to them vague, work and had little real interest in it.”¹ – “History of Military Intelligence Division”

“There was vital need for immediate effective surveillance of the horde of potential enemy agents and disloyalists who had shown sympathy for the German arms or antipathy to any or all of the Allies.”² – “History of Military Intelligence Division”

When the United States entered World War I in April, 1917, the Army had to quickly expand. The task called for nothing short of inducting as many eligible men as possible into the ranks, both enlisted personnel and officers. However, swift expansion was a double-edged sword. On the one hand, from the military’s perspective, the “dissenting rabble,” those socialists and anarchists viewed by the upper echelons of society as undermining the American way of life and subverting the U.S. government, would be caught up in the net of inductees. On the other hand, the Army needed to commission officers on a grand scale immediately. For officers of the Military Intelligence Division (MID), infected with Van Deman’s paranoid vision, vigilance was of the utmost importance. Unfortunately, however, MID grew slowly. Neither the men who joined MID nor the commanders of the training camps and infantry divisions understood what the primary aim of garnering domestic intelligence was. Yet intelligence officers had to investigate everything brought to their attention--from the anonymous tip that one of the soldiers in X unit was a German spy to the auxiliary female chauffeurs who frequented the embarkation piers. Captain Henry Strack’s father, for

¹ “History of Military Intelligence Division,” Unpublished Manuscript, In RG 319, Entry 270, Box 21A (College Park, MD: National Archives and Research Administration II), 1163. Hereafter referred to as MID History.

² Ibid, 1166.

instance, frequently visited the training camp. At least one soldier thought this was suspicious. To compound the situation, another soldier saw Strack in possession of a fifty dollar bill, something so unusual that it caused some of the enlisted men to wonder who this mysterious visitor was. Thus, an anonymous report to the intelligence officer claimed that Strack and his father must be German spies. In another report, someone overheard Private John Henry Gerken make disloyal remarks about the draft. A YMCA man published "Don't Salute --- Shake" in a local newspaper. These cases and many other frivolous or well-intended claims required investigation by MID officers. In some instances, the cases did not go very far for lack of evidence. In others, intelligence officers recommended that soldiers be removed from sensitive work or be court-martialed. The outcomes were predictable. MID officers persecuted patriotic Americans in auxiliary units and in the Army, while at the same time inducting men they were investigating for disloyalty and sedition. While MID officers suffered from lack of training and a strong dose of incompetence, these reasons do not sufficiently explain the dogged persistence in pursuit of certain cases, instances in which MID alone in the intelligence community concluded that suspicion was warranted to pursue individuals. MID officers exhibited influences of political paranoia in their investigation of auxiliary units with the military as well as soldiers within the Army.³

Colonel Van Deman handled all aspects of domestic intelligence after he successfully lobbied for the creation of MID. From America's entry into the war up to July 20, 1917, he dealt with cases of disloyalty among military personnel as individual reports came to his attention. After that date he assigned three officers to handle these

³ Bruce Bidwell, *History of the Military Intelligence Division, Department of the Army General Staff: 1775-1941* (Frederick, MD: University Publications of America, 1986), 126.

cases with Major Parsons in command. Parsons divided the work among geographic areas and assigned them to the small cadre of officers handling both civilian and military cases. Not until December 1917 did Parsons designate specific officers to focus all of their attention on the military investigations. Major K. C. Masteller took responsibility for this. He and his small staff of three were overwhelmed with reports of disloyalty from within the military. For instance, in October 1917, an anonymous report came into MID that a civilian, by the name of Frank Glick or Gluck, was a suspicious person of influence. He held a position of trust as an athletic instructor and was recently employed at Princeton. The anonymous informant also believed this man was a former German Reserve Army Officer. In another instance, Sergeant George E. Lotze transferred to the 77th Infantry Division from Camp Mill. He was unpopular at his new “home” at Camp Upton and the intelligence officer received a report that he was a “shrewd pro-German.” With statements such as these coming in by the hundreds, the few intelligence officers on hand often worked until midnight and were still unable to stay ahead of the growing pile of reports. At the same time, this small group worked to recruit and train new personnel to assist with the mushrooming work. By late December 1917, Masteller was in charge of his own section of MID, an office designated Military Intelligence Section 3.⁴

Masteller’s section of MID handled all aspects of the investigations within the military. This responsibility included civilian personnel in the War Department and civilian organizations attached to or working with soldiers in and out of the camps. Section 3 grew larger than any other section of MID, even though its purview of

⁴ MID History, 496-7; “File 10203-38,” RG 165 War Department General and Special Staffs, M1194, Reel 82 (College Park, MD: National Archives and Research Administration II); “File 10080-1081,” RG 165 War Department General and Special Staffs, M1194, Reel 82 (College Park, MD: National Archives and Research Administration II).

operations was more limited than sections like M.I.4. By mid-January, M.I.3 consisted of three sub-sections with a total of fifteen officers. These men dealt with counter-espionage in the Army, in government bureaus and departments, and among foreign language speaking soldiers. By March 1918, the section had expanded to five sub-sections, twenty officers, and numerous clerical staff. Even so, M.I.3 officers were unable to keep pace with the reports they received. In addition, the section, many believed, was getting too large and unwieldy. Section 3 did not grow according to any plan, but splintered into sub-sections as necessity arose. The result was that officers no longer communicated regularly with each other; putting on blinders, they focused solely on the cases in front of them. Different sections no longer discussed matters with each other, thereby missing the larger picture or any broad connections and patterns in their caseloads. In April 1918, the number of officers increased to twenty-five, assisted by three civilian volunteers, twenty-five “agents and investigative police, and seventeen clerks and stenographers.” By August 1918, there were thirteen subsections within M.I.3. With regard to the effects of rapid expansion for the training of M.I.3’s staff, the author of the official, unpublished MID history observed: “Suffice it to say here that it was always handled in haphazard, hit-or-miss fashion in M.I.3, and that in a business so important and highly specialized as that of Military Intelligence the proportion of misses to hits was too high.”⁵

As the section dealing with counter espionage in the military, M.I.3 was responsible many military and civilian personnel. Other agencies with which they worked closely often forwarded cases or concerns that they deemed outside their sphere of intelligence work. For instance, desertion, draft dodging, and fraudulently donning a

⁵ Ibid, 497-501, 517; Bidwell, 122-3, 125.

uniform were legally within the purview of the Provost Marshal General's office. However, some of these cases came to MID officers. The MID history offered an evasive explanation, "While this came much closer to the province of M.I.D. since it usually did involve pro-Germanism or active disloyalty, draft evaders were supposed to be looked after by the Provost Marshal General's Office and the Department of Justice." To expedite the handling of such cases, M.I.3 officers agreed to investigate. More importantly, intelligence officers thought that shirkers (automatically seen as disloyal) had to be apprehended, and they were the only organization capable of doing so.

It was widely known in a general way that M.I.D. had some sort of organization that could find things out and run down offenders, that could get action. For the good of the Army, then, for the sake of getting some things done that needed doing, since there seemed to be no other organization to act at once, M.I.3 played Johnny on the spot and handled the business.⁶

Embracing this "can-do" attitude, intelligence officers investigated various groups and individuals whom they perceived to pose a threat to the war effort and, thus, national security.⁷

⁶ Ibid, 764.

⁷ Ibid.

Intelligence Matters		
Attempts to delay or wreck troop trains	11	
Food Sabotage	35	
Circulation of false rumors calculated to affect morale of the military forces	10	
Miscellaneous Intelligence cases	<u>50</u>	106
Miscellaneous, Mainly Non-intelligence Matters		
Deserters	300	
Draft Evasion	175	
Fraudulent Discharges	150	
Allotment and Insurance cases	100	
Impostors in uniform	220	
Liquor, vice and drugs	75	
Deserters from other armies	20	
Requests for information	50	
Applications for industrial furloughs	7	
Miscellaneous offenses	130	
Attempts to defraud soldiers and their families	20	
Other cases not readily classified	<u>140</u>	<u>1387</u>
Total	<u>1493</u>	<u>1493</u>

Figure 1: Table of miscellaneous cases referred to M.I.3 found in *MID History* page 765.

M.I.3's subsection "I" was responsible for investigating auxiliary organizations with the military, like the Y.M.C.A. and the Red Cross. At first, this subsection was attached to M.I.4. Since the investigations were mostly of people in uniform or "semi-militarized" groups, the section had joined M.I.3 by April 1918. While the civilians in aid groups were not technically in the military, they had access to military personnel and installations. An employee of the Y.M.C.A. could gain access to any military camp and set up operations near the front lines in a war zone. It was important to intelligence officers to ensure the personnel representing these civilian organizations were well

vetted. Notably, it was the American Protective League (APL) that actually brought this issue to military attention. In late October, 1917, an APL agent in Newark, New Jersey submitted a report expressing his concern regarding the Y.M.C.A.'s lax hiring policies. This agent learned that about 1500 men were in Y.M.C.A. uniforms after having their character investigated (i.e. their work ethic or run-ins with the law) but not their loyalty. Major Herbert Parsons expressed his concerns to the aid organization and the War Work Council. The Y.M.C.A. agreed to establish their own investigative arm, the Y.I.B. to scrutinize future hires before they were admitted to the organization. They also agreed, along with the Red Cross, to send MID information about their current and future personnel.⁸

Early on, M.I.3-I was mostly concerned with workers going overseas. Officers in this section began to conduct investigations into applicants for service abroad in April 1918 and had established standard operating procedures for vetting by June. If the people going to Europe were not trustworthy, they could become a problem for the U.S. military and her allies. The British and French did not often concern themselves with American citizens, believing they had already been investigated by an American agency before going abroad. The State Department held the authority to issue passports and agreed to listen to MID concerns. However, at the end of the day, officials of the State Department could, and sometimes did, issue passports over the objection of intelligence officers. For instance, Joseph Scott was set to go on an inspection trip for the Knights of Columbus in Ireland, England, and France. However, MID officers discovered that he might not be completely loyal; Scott had a history of disparaging the British. He had been the president of a film company which produced *The Spirit of '76*, a film of the American

⁸ Ibid, 1059.

Revolution. The producer of the film, Robert Goldstein, was convicted under the Espionage Act for attempting to influence public opinion against the British. The film portrayed the British poorly, specifically in a depiction of the Cherry Valley Massacre in Wyoming. Scott resigned from the company once Goldstein was indicted and had no apparent connection to the film. However, intelligence officers believed he was connected to a radical Irish group known as the Sinn Feiners and organized fund raisers for Sinn Fein. They also suspected him of participating in the Irish Rebellion. At a meeting of the Knights of Columbus in May 1917, with officers from the Army and Navy in attendance, Scott urged young men to join the Navy and avoid the Army. His reasoning was that in the Army men would be under British command; if enlisted in the Navy they would be on American ships officered by Americans. The Knights of Columbus protested MID's objection to Scott through political channels. Secretary of State Robert Lansing decided to allow Scott to travel to Europe but not to stop in Ireland. He reasoned that by allowing Scott to travel, he could undermine accusations that the British overly influenced American policy and that it would be politically advantageous to make such a concession to the Knights.⁹

Military Intelligence Section 3-I not only dealt with aid workers abroad, but also at home. Their purview was anything "involving the personnel or activities of any organization of a welfare character coming into contact with the Army." In many cases, this provision referred to workers who overtly preached pacifism. William H. Bundy applied to join the Y.M.C.A. overseas. Intelligence officers investigated him only to

⁹ Ibid, 1059-1063, 1068.

discover that he was a “propagandist of the International Bible Students’ Association.” They refused to allow him to travel abroad.¹⁰

In another case, an anonymous person contacted MID about a Reverend Alson Haven Robinson. The Reverend worked as the director of the War Camp Community Service, a part of the Commission on Training Camp Activities, at Newport News, Virginia. At the beginning of March 1918, MID officers received notification that Robinson was an “extreme pacifist.” The investigation that followed exemplified intelligence officers’ view of pacifists and peace groups after Congress declared war. It did not matter whether the evidence substantiated claims of Robinson’s pacifism. All that was necessary for MID officers to launch a rabid, full-scale investigation was the fear that he might be one. Though Van Deman exhibited sensible restraint in this case, his replacement and other intelligence officers mirrored larger cultural biases against pacifism in wartime.¹¹

Colonel Van Deman forwarded a request to investigate Robinson to William Low, Chief of the Intelligence Department of the YMCA. Several days later, Low responded that Robinson was a former Unitarian minister from Cincinnati. He knew he was working in Newport News and thought he might be working at one of the YMCA huts there. Low also believed that Robinson was disloyal. It is unclear what his source was in March 1918, but he learned that the minister “gathered the radical pro-German element about him, and that he was heard to counsel young men against going into the army,

¹⁰ Ibid, 1061.

¹¹ When well-known Progressive and pacifist Jane Addams argued that opposing war while the country was a belligerent did not equate disloyalty. She received a great deal of criticism for her stance throughout the war and in consequence the Daughters of the American Revolution expunged her name from their register. Christopher Capozzola, *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen* (New York: Oxford University Press, 2008), 147-9.; Allen Freeman Davis, *American Heroine: The Life and Legend of Jane Addams* (New York: Oxford University Press, 1973), 233, 288.

stating that it was wrong to engage in war.” By the end of March, Low knew that Robinson had an office on the same floor of the First National Bank building on which the YMCA offices in Newport News were located. Van Deman forwarded information to Low that Robinson had been forced out of his church in Cincinnati for being overtly pacifistic. A week later, Low heard from a former colleague of Robinson’s at the church. This unnamed minister was shocked to learn that Robinson was doing welfare work at a port of embarkation. He claimed that his former colleague was “rabidly pro-German.” To make matters worse, Low’s YMCA intelligence man at the port learned that Robinson interrogated some New Zealand soldiers who debarked at Newport News. He claimed to have overheard the Reverend putting one of the soldiers “through a perfect grilling process as to number of men, equipment, probable date of sailing etc.” A day after learning this disturbing news, Low informed Van Deman that Robinson had enticed his YMCA intelligence agent’s stenographer to join the reverend’s staff. ““She knows much about our work and may therefore be of service to him.”” The assumption behind these words portrays “top-down reasoning.” Low and Van Deman concluded without actual evidence that Robinson was disloyal and after the stenographer for a nefarious reason. The YMCA agent and MID officers alike believed that they had uncovered some sort of conspiracy that Robinson was planning. Their paranoid imaginations ran wild at the thought of a disloyal Unitarian minister with access to all the stenographer knew and using that information for nefarious purposes. While this new information piqued MID officers’ suspicions of Robinson, it had the added benefit of verifying that the subject did not work for the YMCA.¹²

¹² Ralph Van Deman, letter to William Low, 8 March 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); William Low, letter to Ralph

On April 15, Van Deman contacted Raymond B. Fosdick, chairman of the Committee on Training Camp Activities. The MID chief wanted to warn YMCA officials that they might have a viper in their midst and also to gain more information on Robinson. Once notified that he was being investigated, Robinson went to Washington, D.C. to meet with the Assistant Secretary of the War Camp Community Service, John Dickinson, and clear up the confusion. He denied any disloyalty, claiming to have always been in agreement with President Woodrow Wilson. Once Congress declared war on Germany, Robinson asserted that he supported the war from the pulpit. He had announced in a public sermon his lamentation that the differences between Germany and the United States could not have been settled diplomatically. Since a state of war existed, however, he would do all that he could to assist bringing about a “successful conclusion.” Countering the accusations of disloyalty, Robinson condemned them as baseless. He believed the person behind the allegation was the Emeritus pastor, Reverend George Thayer, at the First Congregational Church in Cincinnati. According to Robinson, Thayer became an Emeritus pastor after serving for thirty years; however, he did not want to relinquish his control of the church, especially to a young minister like Robinson. Thayer was supported by a small group of very influential people who dominated the church. Together, they were unwilling to accept changes Robinson had implemented.

Van Deman, 13 March 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); William Low, letter to Ralph Van Deman, 27 March 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); Ralph Van Deman, memo to IO Fort Monroe, 3 April 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); William Low, letter to Ralph Van Deman, 10 April 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); William Low, letter to Ralph Van Deman, 11 April 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); Ralph Van Deman, memo to IO Fort Monroe, 15 April 1918, Ralph Van Deman, letter to Raymond Fosdick, 15 April 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II).

Thayer may have been the unnamed minister whom Low contacted regarding the matter.¹³

Robinson's version of events was supported by a letter from J. Jefferson Tyndall, a former member of First Congregational Church in Cincinnati. Tyndall explained that Robinson was in a difficult position from the moment he joined the church. First, there was immediate friction between Robinson and Thayer. According to Tyndall, Thayer was displeased with the types of new members his successor brought into the fold. Thayer did not share the church records. In fact, he created two separate sets of books. The old minister kept records of members' monetary and social standing. He retained one set of records with those members of whom he approved and another set with those he did not. The former set represented members who would have voting rights, while the latter, no matter how much they contributed, would not be able to vote. Jefferson Tyndall stated: "There were dozens of people who had been attending the church for years, paying pew rent, attending all the social affairs of the church, and giving liberally of their means, who were dis-enfranchised when it came to voting on the resignation." Tyndall also reported overhearing Thayer exclaiming at Robinson in public, "I HATE YOU" and "I won't work with you" while "shaking his fist in Dr. Robinson's face." In addition to publicly berating Robinson, Thayer worked behind the scenes to defame and embarrass him. He did not share the membership information with Robinson, so that he

¹³ Ralph Van Deman, letter to Raymond Fosdick, 15 April 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); Ralph Van Deman, letter to Raymond Fosdick, 20 April 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); Alson Haven Robinson, interview with Dickinson, 19 April 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); John Dickinson, letter to Raymond Fosdick, 19 April 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); American Unitarian Association, *The Unitarian Register*, Vol. 97 (Boston, MA: American Unitarian Association, 1918), 1203.

would be unable to answer the most rudimentary questions a pastor should know about his congregation.¹⁴

Second, a small group of influential members, those who made all the important decisions for the church, were unhappy with Robinson. Among this group was former President William Howard Taft, who grew up attending the First Congregational Church. Tyndall related that other members of this group were manufacturers who had sold supplies to the Allies before American entrance into the war. Once Congress declared war, this group “wanted Dr. Robinson to immediately begin preaching the righteousness of War, the traitor-like character of the germans (sic) as a people; and to propound these doctrines at any and all times.” However, the congregation was partly comprised of longstanding German-American members. Upon joining the church in 1916, Robinson attempted to avoid offending members by refraining from discussing the war in Europe. He sought to create a place of worship where members could avoid “all thoughts of strife, hatred, and killing,” focusing on prayer and the “service of man.” If Robinson continued to tip-toe around the war after the U.S. entry, prominent members of the church could have branded him pacifistic and pro-German.¹⁵

Tyndall vouched for Robinson’s loyalty. He claimed the Reverend’s words about the war were always in line with President Wilson’s pronouncements. Robinson’s thoughts were always focused upon Christian morals and humanity. Tyndall related that the pastor had once stated that:

¹⁴ J. Jefferson Tyndall, letter to Dickinson, 21 April 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II), 1-3; Unknown, *The Spectator*, Vol 100-101 (New York: Chilton, Co., 1918), 197; Unknown, *Insurance Newsweek*, Vol 19 (New York: Vantage Enterprise, 1918), 10.

¹⁵ Tyndall, 1-3.

He opposed killing as such, but that if people had to (be) killed in order that democracy should survive, and if Germany could be taught her lesson in no other way, then he was in favor of killing them, although he personally might find it difficult to take a gun into the trenches and actually kill a fellow man.¹⁶

Once it became clear to Robinson that Thayer was determined to block him at every step, he resigned. He did so during one of his sermons. Tyndall related how the congregation was shocked. He claimed that eighty percent of the congregation told the Trustees to refuse Robinson's offer to resign. However, the cards were stacked against Robinson. Tyndall and his wife left the church in disgust soon after and moved to Alabama. At the time he wrote on Robinson's behalf, Tyndall was making his way to Europe as a secretary for the YMCA. Thus, at least one YMCA member was on Robinson's side.¹⁷

Raymond Fosdick forwarded Tyndall's letter and Robinson's interview to Van Deman. He asked the Colonel for his opinion and relayed his willingness to take whatever action the military desired. However, he made clear that he was not aware of any improprieties that would suggest Robinson's disloyalty. There were others, however, who did make such claims. Former President William Howard Taft, for instance, wrote a highly confidential letter about Robinson to the Department of Justice. At his insistence, they began an investigation of their own. Two other members of the First Congregational Church, James B. Stamford and Joseph Wilby, telegraphed Raymond Fosdick to inform him they "disapproved of (Robinson's) pacifist utterances and tendencies." They claimed that was the reason "his connection with the church was severed," although they had never witnessed him say or do anything to obstruct conscription. Captain Henry Pratt, the military intelligence officer at Newport News, had Milton B. Campbell, one of his operatives, pretend a friendship with Robinson. Campbell concluded that Robinson was

¹⁶ Ibid, 3.

¹⁷ Ibid, 1-3.

unsuitable for his position at the port. For starters, he did not think Robinson was a hard worker. Campbell observed that Robinson's two assistants did most of the work. Campbell did not think Reverend Robinson had accomplished anything before he hired the assistants. The operative "quite unintentionally" saw a budget proposal by Robinson. He was asking for \$1,500 for publicity, but Campbell could not think of any reason Robinson could possibly need to spend that much on advertising. On top of that, Campbell claimed Robinson told him that "he was making more money than he ever thought he would." Captain Pratt also participated in the investigation. He interviewed the chaplain at the port, whose name and organization he did not record. The chaplain told Pratt that Robinson did not belong in his line of work. He claimed the subject had no morals, once remarking "that he did not 'give a damn about the souls of soldiers.'" According to the chaplain, Robinson's only concern was ensuring the soldiers were entertained. "Robinson had very little respect for cloth of the minister, and showed very little real interest in the welfare of the soldiers." So, perhaps Robinson was incompetent, but that hardly means he was disloyal.¹⁸

Harold Nathan, an agent for the Bureau of Investigation, met with the Brigadier General Hutcheson, Commanding Officer at Newport News. He did not believe that Robinson was actively disloyal. However, he did think the subject was too much of a pacifist to remain at the port. His attitude might "invite discussion and criticism, and the further possibility that a man of this mental type might not be altogether trustable from a

¹⁸ Raymond Fosdick, letter to Ralph Van Deman, 26 April 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); Henry G. Pratt, Memo to Van Deman, 29 May 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); James B Stamford and Joseph Wilby, Western Union Telegram to Raymond Fosdick, 23 April 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); Milton B. Campbell, Memo to Henry Pratt, 24 May 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II).

psychological standpoint in the matter of handling the thousands of young soldiers who are debarking and will leave for France from this Port.” Nathan recommended that someone whose loyalty was certain would be better fitted to the work at Newport News.¹⁹

A member of the British Vice-Consulate in the U.S., one Mr. Fenworthy, agreed. He contacted Robinson in Newport News to assist a group of the arriving New Zealanders. Robinson helped arrange for the First National Bank to exchange their money. He also contacted local businesses and groups to organize entertainment for the foreign soldiers. A YMCA man on the New Zealand vessel overheard Robinson inquire if another transport was expected and when. He wanted to have entertainment arranged for their arrival. However, the eavesdropping YMCA representative notified military authorities about Robinson’s inquiries. He claimed that Robinson was gathering intelligence about the New Zealanders and their troop movements; therefore, he must be up to no good.

Another report described a clash between Robinson and a YMCA man. The former apparently began presenting moving pictures that “caused the disbanding of the (YMCA) religious services.” A naval intelligence officer reported that Robinson was to blame for instigating conflict with the YMCA. Naval files have Robinson listed as “hating the YMCA and everything connected therewith and (he) makes statements to that effect when he dares.” The fact that there was friction between Robinson and the YMCA makes their information on him suspect. Nevertheless, the YMCA’s close relationship

¹⁹ Harold Nathan, Memo on Alson Haven Robinson, 14 May 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II).

with MID ensured that their word would hold more weight than that of one former minister.²⁰

Regardless, the evidence in Robinson's case was inconsistent. Colonel Van Deman recognized this fact. Raymond Fosdick told the Colonel in late April that he would follow whatever recommendation the MID made. About a month later, Van Deman responded. He advised Fosdick to do nothing for the time being. "Apparently there are two widely divergent views of this man's attitude but all information would show him to be of energetic and progressive character whose services may be of great value." Less than a month later, on June 17, after Colonel Marlborough Churchill took command of MID and reviewed the evidence, he recommended Fosdick quietly transfer Robinson from Newport News. The only explanation for Churchill's reversal of Van Deman's recommendation could be in the dates MID received the information. Van Deman notified Fosdick of his decision on May 28. The very next day, MID officers received a summary report from the Office of Naval Intelligence, as well as one from the YMCA's intelligence agent and the MID intelligence officer at Newport News. These reports did not offer any new information, but in each the writers recommended Robinson be removed from his position. The larger concern for all was whether he was proven disloyal (which the YMCA agent emphatically believed) or not, the port of embarkation was too vulnerable to have anyone but the most trustworthy individuals occupy positions there. On the one hand, MID officers were conducting their due diligence by investigating reports of Robinson's disloyalty. On the other, they may have fallen prey to

²⁰ S. McCauley, letter to Marlborough Churchill, 29 June 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); Office of Naval Intelligence, Memo on Reverend Alson Haven Robinson, 13 June 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II).

a spiteful effort to discredit him by prominent members of the First Congregational Church, especially Thayer, and some YMCA men at the port. Fosdick transferred Robinson to a post in which he would not cause any trouble: Galveston, Texas. Perhaps it was better to err on the side of caution. To Van Deman's credit, he held off on a final ruling until he could learn more. However, his replacement, Marlborough Churchill, rushed to judgment. Trusting the YMCA and his officers' suspicion, even though the evidence was inconsistent, Churchill advocated removing Robinson from his position. Reflecting the national mood, Fosdick anticipated the MID's decision and took action on his own.²¹

The YMCA held a special status with the military. The War Department recognized it as one of five major organizations—the American Red Cross, YMCA, Knights of Columbus, Salvation Army, and Jewish Welfare Board—that worked closely with soldiers near the front lines in Europe. Thus, the War Department, in conjunction with the Department of State, agreed that members of these organizations would be thoroughly vetted by MID. Their representatives would also be subject to military discipline. The Secretary of State declared that other organizations would not require the same scrutiny. Their members retained the status of civilians traveling on business, regardless of the kinds of work they did in Europe. Some of the smaller organizations also worked closely with soldiers, and from the perspective of MID, could therefore pose a threat to national security. As previous chapters have shown, military intelligence

²¹ Walter McLean, Memo on Reverend Alson Haven Robinson, 29 May 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); William Low, Letter to Van Deman, 29 May 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); Malcolm McBride, letter to Marlborough Churchill, 26 June 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); Pratt, 29 May 1918.

officers often crossed the “imaginary line” separating the military services from civilians in order to investigate suspicious people. “Captain” Helen Bastedo was one of those subjected to MID’s scrutiny. In June 1917, Bastedo joined the Motor Division of the National League for Women’s Service. This was an organization that drove convalescing soldiers around New York City. Not long afterwards, Bastedo was appointed head of the Motor Division. Military intelligence officers initiated an investigation into Bastedo, even though there was a dearth of evidence that she was anything but patriotic. Through their investigation, military officers exhibited cultural prejudices against ambitious women that dated back to ideals of Republican Motherhood from the American Revolution. Some Americans still believed that women should not participate in the public arena. Through all American conflicts, women’s assistance was welcomed; they formed volunteer organizations and supported their men in war. However, in the First World War, unlike European armies that utilized women in many clerical positions in France, the United States Army hesitated to send a significant number of women overseas. Army leadership displayed the same resistance to female suffrage as did the multitude of Americans who decried suffragists’ public displays—parades and picketing. Though Bastedo was not appealing for the right to vote, she represented strong-willed and ambitious women. The suffragist movement reached a crescendo before the American involvement in the war. Intelligence officers’ clearly exhibited political paranoid tendencies when investigating her case.²²

²² Linda K. Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America* (Chapel Hill, NC: University of North Carolina Press, 1980), 11, 32, 67, 99-105, 112; Lettie Gavin, *American Women in World War I: They Also Served* (Niwot, CO: University Press of Colorado, 1997), ix-x; Robert H. Zieger, *America’s Great War: World War I and the American Experience* (New York: Rowman & Littlefield Publishers Inc., 2000), 141-2; Susan Zieger, “She Didn’t Raise Her Boy to Be a Slacker: Motherhood, Conscription, and the Culture of the First World War,” *Feminist Studies*, Vol. 22, No. 1 (Spring, 1996), 8, -11, 14-20. Gavin explains that the U.S. Navy readily accepted women into their ranks, about 11,000, as

The investigation into Helen Bastedo opened when a woman from Greenwich, Connecticut, told a U.S. Army officer that Bastedo had at least a dozen German Jews in her employ. According to this informant, she also provided a letter of introduction addressed to the German Crown Prince to a doctor going to join the German hospital service in 1914. Colonel Van Deman forwarded the information to Nicholas Biddle in August 1917. Biddle headed the New York City MID office, although he had not yet accepted a commission in the Army. He sent Lieutenant G. Munn to interview Grace Parker, President of the National League for Women's Service.²³

According to Parker, the League consisted of 250,000 women. Its officers were "women of the highest standing." The transportation section of the league had several hundred automobiles. All of them were owned and driven by the women volunteers. "Captain" Bastedo was in command. Parker reported that about seventeen of these women were of German heritage. However, "all of these women were chosen with the utmost caution, and three letters of recommendation from reputable people were required." She stated she had no reason to suspect the women with German last names. "She considers them all trustworthy and actuated by the highest ideal of patriotism and

yeoman for clerical work. Even though General Pershing requested an army of American women for the same purpose, the War Department never complied, only sending some. Alice Paul and the NWS began a new trend in American culture by picketing the White House during 1917 to force President Wilson to support women's suffrage. They silently held signs comparing Wilson to the Kaiser and Tsar, leaders of countries that supposedly repressed their citizens. Wilson and federal officials stood silently by while crowds physically assaulted the female picketers and D.C. police arrested them. By January 1918, after a public uproar ensued over the rumors that Paul and other women were tortured in prison, Wilson publicly supported suffrage. They represented strong willed and radical women that threatened to disrupt the political status quo. For more on Alice Paul see Sally Hunter Graham, "Woodrow Wilson, Alice Paul, and the Woman Suffrage Movement," *Political Science Quarterly*, Vol. 98, No. 4 (Winter, 1983-1984); Jean H. Baker, *Sisters: The Lives of America's Suffragists* (New York: Hill and Wang, 2005), 183-230; Belinda A. Stillion Southard, *Militant Citizenship: Rhetorical Strategies of the National Woman's Party, 1913-1920* (College Station: Texas A&M University Press, 2011); and Capazzola, 108-15.

²³ MID History, 1062; Ralph Van Deman, Letter to Nicholas Biddle, 28 August 1917, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); G. Munn, Report Re: 9140-2435, 28 August 1917, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II).

service.” As for Helen Bastedo, she was highly recommended by a very influential lawyer, Herbert L. Satterlee of J. P. Morgan. She volunteered the information that Bastedo traveled extensively abroad, was “rather ‘pushing,’” and circulated among very well-respected circles in America and Europe. Parker had no complaints about her work or her department. The only suspicious incident she could recall was when a wounded British soldier, one Colonel Grey, became very interested in Bastedo and her department. Parker believed the only explanation was that he was a “British Agent.” However, “Mrs. Bastedo is very open in her denunciation of the ‘Germans.’” Therefore, she had no suspicions about her. Despite this positive testimony, Munn remained concerned about the charge of disloyalty, especially after hearing that “Captain” Bastedo intended to establish a similar transportation service in France.²⁴

Following the all too familiar pattern, intelligence officers, concluding that where there was smoke a serious fire was likely, dug further into Bastedo’s connections. Irma Levy Lindheim was one of Bastedo’s drivers. Her husband, Norvin R. Lindheim, was a lawyer who had defended Germans in high profile trials after the U.S. entered the war. Carl Heynan, one of his defendants, was a former American consul to Mexico and member of the German Central Purchasing Agency. He worked on behalf of the Imperial German government in the United States prior to American entrance in the war. Subsequently, he stood trial with several others under the Trading with the Enemy Act for attempting to sabotage munitions manufacturing and shipment to the Allies by propagandizing among laborers. Lindheim was also the defense attorney for Dr. Hugo Schweitzer, a chemist and “leading spirit of Bayer & Co.” Schweitzer was charged with conspiring with a representative of the German Government to interfere with the

²⁴ Munn, 28 August 1917.

production of phenol, a vital ingredient for manufacturing high explosives. He stood trial under the Trading with the Enemy Act, as well.

Exhibiting the still prevalent notion of coverture—that husbands and wives shared the same will—military intelligence officers were concerned; Irma Lindheim was one of Bastedo's most trusted drivers. If Irma Lindheim shared her husband's attitudes, as they presumed, then her access to the military through Bastedo could prove dangerous.

According to one investigator, "these women have exceptional opportunities for seeing what is going on at docks, to and from which they drive officers of the Army."

Intelligence officers had reason to be concerned. If these women intended to collect information, they were in the perfect position to do so.²⁵

On November 16, 1917, Bastedo resigned her position with the National League for Women's Service. She had concluded, it appeared, that Grace Parks was not sufficiently ambitious and did not allow the transportation department to expand to its full potential. Therefore, she intended to establish her own motor service with the hopes of taking it to France. Lindheim also resigned and joined Bastedo in launching the new organization. From December 1917 to January 1918, Colonel Van Deman endeavored to discover if Bastedo was indeed seeking permission to take her new motor corps to Europe. His aim was to forestall such an event.²⁶

²⁵ U.S. Alien Property Custodian, *Alien Property Custodian Report: A Detailed report by the Alien Property Custodian of all Proceedings Had by Him Under the Trading with the Enemy Act During the Calendar Year 1918, and to the Close of Business on February 15, 1919* (New York: Arno Press, 1977), 43-6, 123-4; Charles Jeffrey, Letter to Ralph Van Deman, 26 September 1917, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); Linda K. Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America* (Chapel Hill, NC: University of North Carolina Press, 1980), 120-2.

²⁶ Nicholas Biddle, Memo to Van Deman, 22 November 1917, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II).

Hamilton Smith, an agent at Governor's Island, had Bastedo under watch. An anonymous informant communicated to Smith that she had been present when Bastedo took a phone call from an interned German. This informant claimed that Bastedo became "flushed and said she couldn't talk." This information was hardly reliable, having been transmitted through a third party, but intelligence officers took note of it. Another informant, Reverend H. T. Galpin, who worked with Dr. Walter Bastedo at St. Luke's Hospital, referred to Helen Bastedo as "vulgar." He alleged that he had overheard her make seditious statements. Galpin stated that the Bastedos had an unhappy marriage, but that Walter obscured the fact that his wife was German by telling people she was Spanish. In addition, Galpin claimed that before America entered the war, Helen Bastedo would regularly meet an associate of Johann Heinrich von Bernstorff, the German ambassador to the United States, at between five and six in the morning. Sergeant Holmes Mallory obtained her records from St. Luke's where she worked as a nurse.

According to information provided to Mallory by the superintendent of the hospital, Bastedo was patriotic on the surface but "very susceptible to male influence, and might be used as a tool." One of her former colleagues in the Motor Corps of the Women's Service League, a "Captain" Bayliss, also offered critical information. She informed an intelligence officer that Bastedo was "very pro-German." Bastedo hired an ethnic German nurse at her residence and left all information pertaining to the Motor Corps open for the nurse to see. Bayliss also accused Bastedo of being intimate with British Colonel Ivor Thord-Gray. Bayliss believed that Colonel Gray was from "German North Africa" because of his strange accent. Bayliss could have confused a British South African accent for a German North African one, or she simply believed reporting to MID

was an opportunity to slander a woman she disliked. She claimed that Thord-Gray was also attempting to publish a book on field fortifications that a government agency was blocking for revealing too much confidential information. Whether this was true or not, her claims fed intelligence officers' suspicions.²⁷

The Bureau of Investigation learned from another informant that the "Security League"²⁸ may have forced Bastedo "to resign because of doing erratic and irrational things" in late 1917. One of Sergeant Mallory's informants relayed the disturbing—to him—information that Bastedo was "intimate with Jews in the Motor Corps, also Inspector Pollock, APL, and Mr. Sackett, Racquet Club." Supposedly, the British were holding one of her former employees at the Motor Corps under suspicion of being a spy. To reinforce this allegation, Admiral Roger Welles, Director of the Office of Naval Intelligence (ONI), forwarded a report that Bastedo once had mentioned that the British would no longer let her into England, and she "was the agent of a country she did not disclose." Welles, however, revealed that Helen Bastedo's maiden name was Priest and that ONI had ascertained that her mother was Spanish and her father had been a general in the U.S. Army. ONI also reported that Bastedo had attempted to obtain the emergency plans for evacuating New York City in the event of an attack. An unknown informant had supplied all of this information, which might suggest it came from someone with a grudge or knack for gossip. MID was unable to verify whether the British had barred

²⁷ Unknown, Memorandum for File "Helen Bastedo", In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II).

²⁸ The Security League refers to the National Security League a Preparedness organization founded in 1914. Its members believed that the masses had lost their sense of civic duty and sacrifice. During the war the organization was ultrapatriotic and followed the political culture by turning to red-baiting. For more on this organization see Robert D. Ward, "The Origin and Activities of the National Security League, 1914-1919" *The Mississippi Valley Historical Review*, Vol. 47, No. 1 (Jun., 1960), 51-65; and John Carver Edwards, *Patriots in Pinstripe: Men of the National Security League* (Washington: University Press of America, 1982).

Bastedo from entering the country or if she had sought the city's evacuation plans. The fact, however, that ONI, a trusted sister agency, provided the information adding credence to the reports.²⁹

Van Deman recommended that an MID officer approach Bastedo as a representative of the War Department. On January 18, 1918, Lieutenant Munn approached and interviewed Helen Bastedo. He learned that 75 of the women working for her in the Women's League left with her when she resigned, leaving behind an officer and three privates. According to Bastedo, "The Motor Corps of America," her new organization, did work for officers at "the Army Building, Marine Corps, Department of Justice, Naval Intelligence, Major Marston, Governor's Island, and Lieutenant Latham, Aid to Information, Brooklyn Naval Yard." She claimed that the Office of Naval Intelligence occasionally used her to "search (for) various women entering the country." She told Munn that she was familiar with "German methods," making her well proficient at this type of work. Bastedo also stated she belonged to the American Protective League and was an agent of the Secret Service as well as another government agency. Her resume included work for British intelligence and the Marine Corps. Two British officers, including Lieutenant Colonel Ivor Thord-Gray, gave talks to her motor corps. When Munn confronted her about the letter of introduction to the German Crown Prince, she did not bat an eyelash. She confirmed that she was acquainted with German royalty. "She knew the Crown Prince very well, (she had) frequently gone on skating and coasting parties with him and members of his Staff, and that he had complimented her organizing ability." Perhaps still not realizing she was under investigation by MID, accepting Munn's cover about representing the War Department, Bastedo asked if he

²⁹ Ibid.

would post a flyer about her car service at MID's New York office. She emphasized that her transportation service was available twenty-four hours a day.³⁰

Obviously, other government agencies trusted Bastedo. She worked with sections of both the Army and the Navy, including the latter's intelligence group. The Department of Justice used her car service. She also claimed to be a member of the volunteer organization the American Protective League (APL) and the Secret Service. Some women were included in the 250,000 members of the APL, so she could have very well worked with them. If she did, then she may have been in possession of one of the Department of Justice badges they issued to APL members as an auxiliary of that department. Those badges had the words "Secret Service" printed on them. Not surprisingly, Army military intelligence was alone in raising suspicions about Bastedo. In fact, the Bureau of Investigation even recommended her car services to Major Biddle. Officials of that agency were stunned when he asked whether her allegiances had ever been questioned. MID representatives were manifestly fearful that a woman with Bastedo's connections and access to military and intelligence personnel could easily wreak havoc on the war effort. Yet, every other intelligence agency in New York City trusted Bastedo. MID officers often trusted the intelligence other agencies provided. Perhaps because she was female and headed an all-female organization, they could not put aside their prejudices and persisted in assuming that these women were up to no good. Instead of acknowledging that Bastedo had impeccable references and desired to be as involved as possible in the war effort, MID officers took to heart the rumors she

³⁰ Helen Bastedo, Interview with Lt. Munn, 3 January 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II).

was pro-German and projected their fears of nefarious purposes upon her and her organization.³¹

Bastedo was very well connected. Just a few days prior to Munn's interview with Parker, she had hosted an event at which approximately one hundred servicemen were in attendance. In June 1918, she organized a cruise up the Hudson for over one hundred soldiers. During her interview with Munn, a Naval Commander invited her and her staff to tea aboard his ship. The Lieutenant commented that "Mrs. Bastedo frankly admits that she has tried to meet all the influential people possible, both in the army, navy and civil life." She also related how she was attempting to get Saumel Untermeyer on her Board of Directors. He was an extremely influential lawyer who helped draft or amend federal financial legislation over the preceding years.³²

Though Major Biddle stated that MID was suspicious of Bastedo because Lindheim was one of her lieutenants, the records from the investigation focused upon Bastedo herself. Biddle claimed that he avoided aggressively pursuing the investigation of Bastedo for fear of alerting Lindheim that they had surveillance on her husband. During Munn's interview with Bastedo, a government agency called in to request a car. "One of the regular drivers was about to be sent out, when Mrs. Bastedo interrupted, and said Lt. Lindheim was to be notified that there was a very particular reason why she should answer this call, and that she (Lindheim) was to drop everything she was doing and proceed at once." Bastedo's action raised Munn's suspicions. He also learned that

³¹ Nicholas Biddle, Memo to Van Deman, 10 May 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); Christopher Capozzola, *Uncle Sam Wants You: World War I and the Making of Modern American Citizen* (New York: Oxford University Press, 2008), 122.

³² Munn, 28 August 1917; Marlborough Churchill, Memo to I.O. Hoboken, 13 August 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II).

Bastedo was aware someone was watching her. He concluded—wrongly--that the Bureau of Investigation must also have agents investigating her.³³

Five months passed with no new information coming up in the investigation. Then, in May 1918, Biddle learned that Bastedo had applied to join the Red Cross in an attempt to get to Europe. He wanted to warn the State Department to delay their decision. While he clearly believed she was disloyal, Biddle admitted he was unable to offer any proof: “I, personally, believe that she and Mrs. Lindheim . . . are not the type of women who should be put in a position where they can gather information that might be of use to the enemy, I am absolutely unable to furnish any evidence to substantiate such a recommendation.” In June 1918, Major L. B. Dunham, the intelligence officer at Hoboken, New Jersey—the American Expeditionary Force’s primary port of embarkation--requested information from MID Chief Marlborough Churchill regarding Bastedo. She and her drivers often visited the piers at the port. “Some (of) subject’s actions seem a little unusual and were reported to me.” However, he did not want to initiate an investigation without more information. “Whatever the truth may be with regard to Miss Bastedo, the fact remains there are considerable numbers of women of unquestionable proven character and loyalty associated with her.” In August, Churchill told the intelligence officer at Hoboken that “this office is extremely suspicious of Mrs. Bastedo, but has no evidence of definite disloyalty. We dislike to have a woman under

³³ Ibid; Nicholas Biddle, Memo to Van Deman, 22 January 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II).

such strong suspicion in close relations with Army affairs, such as driving convalescent soldiers.” This was a classic example of MID’s paranoid approach.³⁴

As MID officers stated, they did not have tangible evidence against Bastedo. Their prying in an attempt to uncover some basis for disloyalty, however, led MID officers to stumble upon an alleged lesbian sex ring. One of the female drivers lodged a sexual complaint to an intelligence officer on behalf of another driver, a nineteen year old girl, who desired to remain anonymous. She asserted that one of Bastedo’s Lieutenants, a Ms. Hopper, had harassed the young chauffeur. The complainant asserted that the Lieutenant invited the girl to tea one evening at a local café. Hopper met her “and kissed in a passionate way; not at all the greeting of one woman for another.” The Lieutenant then told the girl that she desired her more than anything. “The child says that she was badly frightened and repulsed efforts of Lt. Hopper to make love.” Formerly, the nineteen year old had admired Hopper, attempting to form a friendship “after the fashion of college girls who form perfectly proper attachments for each other.” She would do favors and run errands for her. The day after they met for tea, the Lieutenant took her on a supposed call in one of the cars. Hopper’s chauffeur drove.

During the ride, Lt. Hopper again attempted to make love to the girl, who repulsed her, saying: ‘Do you make love to every girl, like this?’ According to the girl, Lt. Hopper replied: ‘No, only to you, and to the girl who has been living with me; I was formerly very fond of her, but I am tired of her.’ When the girl resisted Lt. Hopper’s attentions in the automobile, she told Lt. Hopper to be careful, as the chauffeur would see her. Lt. Hopper replied, ‘Oh, that’s all right; never mind him; he’s all right.’³⁵

³⁴ Nicholas Biddle, 10 May 1918; Marlborough Churchill, 13 August 1918; L. B. Dunham, Memo to Marlborough Churchill, 28 June 1918, In RG165, Entry 65, Box 2070, Folder 10110-114 (College Park, MD: National Archives and Research Administration II).

³⁵ F. M. McClintic, “Report of Mrs. X., as to conditions, Motor Corps of America,” 14 September 1918, In RG165, Entry 65, Box 2070, Folder 10110-114 (College Park, MD: National Archives and Research Administration II).

Hopper warned the young woman not to look at her when in the office of the Motor Corps because “Bastedo would be jealous.” In fact, she made this statement so many times; the young girl got the impression that Bastedo was involved in similar activities. “Lt. Hopper mentioned Capt. Bastedo’s name in connection with jealousy so often that the girl thinks Capt. Bastedo may also be of the same caliber.” Yet, even this discovery was not evidence of the disloyalty of which many MID intelligence officers were convinced existed among Bastedo and her group.³⁶

Urged on by MID, the Department of Justice began investigating Bastedo and Hopper in October 1918. Marlborough Churchill, Chief of MID after May 1918, forwarded everything they had to the Bureau of Investigation. On November 27, however, the MID learned that the DOJ officials were not going to pursue a case due to lack of evidence. The New York office of the Bureau, to whom MID forwarded all their investigative material, sent the case file to the D.C. headquarters without any recommendation for further action. All the MID Chief could do was voice his conviction that Bastedo was not innocent. Again, however, there was “nothing more than suspicion upon which to base action.” Even the intelligence officer at Governor’s Island, the headquarters of the Army’s Eastern Department, told the MID Chief that he considered the case dropped, since “it does not seem to warrant further attention.” Mere suspicion was not enough for the DOJ to bring a case to trial.

Compelled by their top-down reasoning, MID officers brushed aside the lack of hard evidence against Bastedo and her organization. As had happened with the case against Robinson, intelligence officers only had their own projected fears on which to base a prosecution. Looking at an organized group of women led by another headstrong

³⁶ Ibid.

woman, the officers convinced themselves that Bastedo and her colleagues posed an immense threat, even though no other intelligence organization agreed with this assessment. Intelligence officers exhibited “centrality” of their political paranoia, believing that at the heart of Bastedo’s organization was a plot to undermine the war effort. However, at the end of the day, they had no proof and, therefore, there were no arrests made.³⁷

Intelligence officers’ suspicion and projected fears were directed not only toward auxiliary organizations or civilians, and minority groups, but also against citizen soldiers, the men temporarily answering the call-to-arms. One such case dealt with Erling Lunde, a pacifist and draft dissenter. He sought an exemption from conscription based on his status as married man and a conscientious objector. However, Lunde ran into problems. First, he and his father, Theodore Lunde, were known to military authorities as “rabid” pacifists. Second, Erling was married to Laura Hughes, who was well known as a Canadian pacifist to intelligence officers. After the war began in Europe, Hughes traveled around Canada speaking out against conscription laws. When the United States joined the war, she came south and did the same with organizations such as the American Liberty Defense League and People’s Peace Council—groups MID considered disloyal. Third, Lunde did not claim an exemption on religious grounds. He was not a member of one of the recognized pacifist religious denominations prior to passage of the Selective Service Act. As described in Chapter 1 of this work, draft boards did not recognize other

³⁷ Marlborough Churchill, Memo to Hugh Moore, 20 November 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); Hugh Moore, Memo to Marlborough Churchill, 27 November 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II); John M. Dunn, Letter to Alexander Bielaski, 14 December 1918, In RG165, Entry 65, Box 2720, Folder 10110-114 (College Park, MD: National Archives and Research Administration II).

forms of conscientious objection. Lastly, his marriage occurred in December 1917, six months after the Selective Service Act went into effect.³⁸

The Selective Service Act had several provisions regarding marriage as a justification for exemption. Legislators were clear that they did not intend the law to interfere with citizens' right to marry. However, the law stated:

Boards should scrutinize marriages since May 18, 1917, and especially those hastily effected since that time, to determine whether the marriage relation was entered into with a primary view of evading military service, and unless such is found not to be the case boards are hereby authorized to disregard the relationship so established as a condition of dependency requiring deferred classification under these regulations.³⁹

Lunde argued that his marriage was sincere and not an attempt to escape military obligation. He related how he met Laura Hughes in July, 1917. They were engaged in August, made a public announcement in September, and married on December 29, 1917. In February, 1918, the local draft board sent Lunde notice that it had placed him in Class 1, denying his claim for exemption as a conscientious objector. He appealed, providing three affidavits from friends familiar with his long-standing commitment to pacifism. The appeals board denied his reclassification.⁴⁰

He changed tack in late May. According to Lunde, the company he worked for, a piano manufacturer, had sent him to take classes in mechanical engineering due to a slump in business. During a class at the Armour Institute in Chicago, the professor asked for volunteers on behalf of H. B. MacFarland to become inspectors for the U.S. Railway Administration. Lunde immediately volunteered. The same day, he received military

³⁸ Marlborough Churchill, "Subject Erling H. Lunde", 1 August 1918, In RG165, Entry 65, Box 2763, Folder 10110-242 58-108 (College Park, MD: National Archives and Research Administration II);

³⁹ *Selective Service Regulations: Prescribed by the President Under the Authority Vested in Him by the Terms of the Selective Service Law* (Washington, D.C.: Government Printing Office, 1917), 36.

⁴⁰ Erling H. Lunde, Letter to Newton D. Baker, 1 June 1918, In RG165, Entry 65, Box 2763, Folder 10110-242 58-108 (College Park, MD: National Archives and Research Administration II).

notice to entrain to a training camp between May 29 and June 2. Two days later, MacFarland offered Lunde a position as a material inspector of cars and locomotives. Lunde immediately contacted his local draft board to reconsider his case as an industrial exemption. MacFarland wrote on Lunde's behalf to the District Exemption board. He explained that the work involved required men with the proper technical training, which Lunde possessed. Such men were very hard to find. In addition, MacFarland had learned at a meeting in Washington that men in this field would be exempt from the draft. Thus, Lunde should be reclassified. The exemption board and military authorities did not accept Lunde's new classification.⁴¹

Lunde also attempted to convince the draft board that his wife was dependent upon him because she suffered from a nervous disorder. He explained that Hughes's brother died while serving the Canadian Army in France in 1915; consequently, she suffered a nervous breakdown. In addition, his wife was pregnant. If the exemption board did not reclassify him, Lunde feared that Hughes's mental health would fail and endanger their unborn child. As with his other attempts, this one also failed. The question is why?⁴²

The explanation lies, it appears, with MID concerns about his and his wife's loyalty. Though Hughes may not have been speaking publicly against the draft in 1918, she did throughout the majority of 1917 and had been an anti-war campaigner in Canada before that. During meetings of the American Liberty Defense League, she had been quoted as disparaging the military. According to Hughes, military men were brutes and war was obsolete. If fighting were the answer, then there was no need for the mass

⁴¹ Ibid; H. B. MacFarland, Letter to District Exemption Board, 28 May 1918, In RG165, Entry 65, Box 2763, Folder 10110-242 58-108 (College Park, MD: National Archives and Research Administration II).

⁴² Ibid.

shedding of blood. “If we believed that we could settle all our civil wrongs by fighting we would take our prize fighters and put them in the ring to settle our disputes, but we have Judges on the bench for that.” She urged pacifists and conscientious objectors to continue resisting participation in the war. Eventually, she believed, the militaristic ideology would waver and be overcome by the higher ideal of peace. Such a struggle, however, would be long and hard. Many advocates of peace would die by militarists’ hands, but “it is better for you to die for your ideals than to submit.” Hughes was outspoken against what she termed the military machine and overtly supportive of pacifist resistance. For MID officers, she posed a dire threat. Intelligence officers described her as “a radical pacifist and member of the People’s Peace Council.” They feared she would undermine American men’s fighting spirit while further corrupting and strengthening those who were unsupportive, i.e. disloyal. In this scenario, cultural ideas about coverture may have reinforced intelligence officers’ views of the husband, instead of the other way around, as demonstrated in the previous example.⁴³

Hughes was not Erling Lunde’s only connection to overt pacifism. His father, Theodore Lunde, was a former treasurer of the People’s Peace Council. He resided in Chicago and was a purchasing agent or had some sort of business relation with the Norwegian government. In the middle of 1918, the elder Lunde contacted MID regarding why they were blocking a passport for Helen Sheehy-Skeffington, an Irishwoman who was known to the authorities. Skeffington was the widow of Francis Sheehy-Skeffington, a participant in the Easter Rebellion in 1916. The British

⁴³ Hinton G. Clabaugh, report on American Defense League, 30 July 1917, In Record Group RG165, Entry 65, Box 2763, 10110-242-19 (College Park, MD: National Archives and Research Administration II); W. R. Benham, “Earling Lunde: Conscientious Objector,” 14 June 1918, In Record Group RG165, Entry 65, Box 2763, 10110-242 36-57 (College Park, MD: National Archives and Research Administration II).

government had executed him. Helen Skeffington was a member of Sinn Fein, a movement which MID considered extremely radical and obviously anti-British.

Theodore Lunde's interest in Mrs. Skeffington clearly indicated his political leanings.

In addition to the influence of his questionable relations, MID did not believe the younger Lunde was a sincere pacifist. "It is the opinion of this office," one MID officer stated, "that neither son nor father are conscientious objectors at heart, and that it is merely a cloak, for Theodore Lunde has too often shown symptoms of belligerency." They projected the father's belligerence onto the son, disbelieving either man's sincere commitment to pacifism. Captain Charles Daniel Frey, the National Director of the American Protective League, discovered the elder Lunde was out on \$25,000 bail awaiting an appearance before a grand jury to answer charges under the Espionage Act. Needless to say, these reports did not endear Theodore or Erling Lunde to MID.⁴⁴

In October 1917, Erling Lunde attended a meeting of the American Liberty Defense League chaired by a candidate for county judge in Chicago who was running on the Socialist ticket. Intelligence officers had convinced themselves even before U.S. entry into the war that pacifists and socialists were in bed together, and meetings like this seemingly proved that connection.⁴⁵

To have a man like Erling Lunde in uniform was hardly appealing. MID officers did not trust his sincerity as a conscientious objector. More important, a man such as Lunde, active in organizations MID suspected of disloyalty, with a wife and father

⁴⁴ Ibid; Carl Reichmann, "Conscientious Objectors," 9 September 1918, In Record Group RG165, Entry 65, Box 2763, 10110-242 58-108 (College Park, MD: National Archives and Research Administration II) Charles Daniel Frey, Letter to Marlborough Churchill, 26 June 1918, In Record Group RG165, Entry 65, Box 2763, 10110-242 36-57 (College Park, MD: National Archives and Research Administration II).

⁴⁵ Charles Daniel Frey, "Theodore Lunde," 5 October 1917, In Record Group RG165, Entry 65, Box 2763, 10110-242 1-35 (College Park, MD: National Archives and Research Administration II). W. H. Jones, "Lincoln Steffens Meeting," 5 October 1917, In Record Group RG165, Entry 65, Box 2763, 10110-242 1-35 (College Park, MD: National Archives and Research Administration II).

playing prominent roles in those organizations, might well prove a negative influence among other men in uniform. On June 1, 1918, Lunde wrote to the Secretary of War promising that he would not propagandize in the training camp if his appeals were denied. However, his father and wife continued to send him pamphlets, bulletins, newsletters, etc. from the suspected organizations. These could easily be seen by other soldiers and thereby—MID was persuaded—convert them to the pacifist cause. It would seem that the military should do its best to keep a man such as Lunde out of uniform; on the other hand, that would reward those who held un-American views. The Army inducted Lunde on June 2, 1918. He went to Jefferson Barracks in St. Louis, Missouri, where he refused to don a uniform or otherwise cooperate with authorities. Lunde refused to accept non-combatant service. He claimed he did not want to do any work that aided the military. Interrogated by an officer, Lunde explained he believed wars were unchristian, as all killing was. War did “not accomplish the ends that it was supposed to,” meaning that those who took part in wars sowed death and violence instead of peace. He thought international disputes should be settled diplomatically and without violence. Therefore, he would not help the military machine do its horrible work. Lunde stated that did not belong to any church and based his objection to war upon his conscience alone. The officer asked the question authorities always posed to conscientious objectors: whether they would do anything if their loved one, specifically their female companion, was threatened. Lunde answered that he would adhere to his principles and do nothing. He subsequently answered the same question before the exemption board with his wife, Laura Hughes, standing beside him.⁴⁶

⁴⁶ K. B. Edmunds, “Interrogation of Erling Lunde,” 5 June 1918, In Record Group RG165, Entry 65, Box 2763, 10110-242 58-108 (College Park, MD: National Archives and Research Administration II).

Theodore Lunde and H. B. MacFarland continued to try to get Lunde released from military service. The elder Lunde went to Washington, D.C. to speak with a War Department representative about his son's situation. He also met with Congressman Niel Juul, the Representative from Erling Lunde's district. Juul agreed to see what he could do and contacted the Adjutant General Henry Pinckney McCain. The Congressman told McCain that Lunde would benefit the government more as a rail equipment inspector than as a draftee. McCain replied that if General Director William McAdoo of the Railroad Administration asked to have Lunde indefinitely furloughed for work in that field, he would consider the request, but emphasized that it had to go through the proper bureaucratic channels. Privately however, McCain told one of his aides, Captain Daniel Frey, to discover whether McAdoo was contemplating granting Lunde's request. Frey should convey what sort of man MID believed Lunde was; and to "convince him (McAdoo) that Lunde should not be transferred, and that he (The Adjutant General) would then refuse the transfer, but that he did not want to make any move that could conflict with the Railway Administration, without our first straightening the matter out." McAdoo's response was that he would first have to discuss the matter with MID.⁴⁷

Meanwhile, H. B. MacFarland sent a request to McAdoo to have Lunde furloughed. Although Erling Lunde had made it clear that he would not accept any work under military authority, he desperately sought a position as an inspector for the U.S. Railroad Administration, which was an extremely vital industry for prosecuting the war. Anything having to do with the rails in the U.S. was of interest to the military. In fact, in March 1918, President Wilson nationalized the railroads, establishing McAdoo as the

⁴⁷ Charles Daniel Frey, "Earling Lunde: Conscientious Objector", 15 June 1918. In Record Group RG165, Entry 65, Box 2763, 10110-242 36-57 (College Park, MD: National Archives and Research Administration II).

Director General to unravel the enormous log-jam preventing materiel from being transported and unloaded rapidly for shipment to Europe. Over the winter of 1917- 1918, a national railroad crisis led to a paralysis of rail movement. A critical result was that coal went undelivered to the majority of Americans shivering in their homes. Therefore, MacFarland argued that it was too difficult to find men who were qualified to do this type of work. He needed Lunde and the only way to get him was for McAdoo to approve the request.⁴⁸

MacFarland's plea had no effect. A letter from the office of the Adjutant General sent on July 3 stated: "Under no circumstances will an indefinite furlough be granted in the case of this soldier, for the purpose of engaging in industry essential to the prosecution of the war."⁴⁹

Both the military establishment and patriotic citizens argued that every American should do their part to support the war, and that this obligation included conscientious objectors. In Lunde's case, he did not start out as an absolute conscientious objector. He was willing to accept work with the U.S. Railroad Administration, though under civilian—rather than military—leadership. High ranking officers, as well as the local draft board, rejected his appeals. Ironically, agencies such as MID were doing all they could to assign Lunde to military service, despite worries that he could prove a negative influence upon other soldiers.

⁴⁸ H. B. MacFarland, Letter to William McAdoo, 15 June 1918, In Record Group RG165, Entry 65, Box 2763, 10110-242 36-57 (College Park, MD: National Archives and Research Administration II); J. A. Barry, "Indefinite furlough for Erling H. Lunde," 3 July 1918, In Record Group RG165, Entry 65, Box 2763, 10110-242 58-108 (College Park, MD: National Archives and Research Administration II); Ronald Schaffer, *America in the Great War: The Rise of the War Welfare State* (New York: Oxford University Press, 1991), 37-8.

⁴⁹ Barry, 3 July 1918.

In the previous two cases discussed in this chapter, Robinson and Bastedo made known their desires to assist the war effort. Lunde was honest about his conscientious objection to war in general and to U.S. involvement in this conflict, and military officers ignored him. Robinson and Bastedo both openly stressed that they were loyal and desired to help, not hinder, the war. Yet MID rejected both their protestations and evidence supporting their claims; instead, MID did everything possible, with little to no evidence, to remove all three individuals from any role in assisting the war effort.

Following a doctor's examination which determined Lunde was mentally healthy, he was inducted into the Army. Three weeks later, he was sent to Fort Leavenworth, Kansas, the place where--at the behest of the Adjutant General of the Army—all conscientious objectors were sent. At some point in July, military authorities transferred Lunde and objectors to Fort Riley, Kansas. In a letter to his wife, Lunde explained that at first he was willing to do some kitchen duty and at least make a show of cooperating. Lunde and some others believed that if they did not overtly resist they would still get a square deal from the government. (This was before the Wilson administration had announced any definite policy toward conscientious objectors.) Lunde did the aforementioned work before arriving at Fort Riley, "merely as a good fellow to allow time for a definite policy to crystallize." However, he acknowledged that his earlier assumptions were naïve and proved false.⁵⁰

As this is military service, and since I have refused to all committees (sic) that have quizzed me, to take any part in the military machine either non-combatant or combatant, I must now take my stand absolutely, and take the consequences. I harbor no ill feelings toward the officers or the government. They are merely

⁵⁰ George Hunter, "Lunde, Erling H.," 9 July 1918, In Record Group RG165, Entry 65, Box 2763, 10110-242 58-108 (College Park, MD: National Archives and Research Administration II); C. E. Freeman, "Memo," 22 June 1918, In Record Group RG165, Entry 65, Box 2763, 10110-242 58-108 (College Park, MD: National Archives and Research Administration II);

going at this systematically to weed out men who claim to be C.O.'s, and can't differentiate between military and civil service.⁵¹

The officers called upon the conscientious objectors to dig latrines for themselves, do kitchen duty, clean up the camp grounds, and perform other demeaning tasks. Lunde's understanding of President Wilson's policy was that they were responsible for keeping themselves and their quarters clean, as well as preparing their own food, and nothing more. He felt that he and the others were at the military camp involuntarily and the least the government could do was provide cooked food and basic sanitary conditions. He did not think poorly of the soldiers—mostly non-commissioned officers—who watched over them. He felt he got along amicably with the military men with whom he came into contact. In fact, they were friendly to him because of his disposition and the fact that he had some influence among the other conscientious objectors. Such contacts were seen by MID officers as evidence of a threat to the Army and to national security.⁵²

The Adjutant General had decided that he would never authorize an indefinite furlough for Lunde. While at Fort Leavenworth, the Captain⁵³ in charge of the conscientious objectors, told Lunde how the Adjutant General viewed his case. In late August, to protest his situation, Lunde went on a twelve day hunger strike. On October 15, 1918, a military tribunal court-martialed him. Lunde explained that this situation came about when, on September 17, military authorities sent Colonel J. C. Waterman to order Lunde and the others to do "camp police" work, which was non-combatant in nature. As Lunde described it, he made explicit his position about any combatant or non-combatant work. After meeting with the Board of Inquiry—which

⁵¹ Erling H. Lunde, Letter to Laura Hughes Lunde, 28 July 1918, In Record Group RG165, Entry 65, Box 2763, 10110-242 58-108 (College Park, MD: National Archives and Research Administration II).

⁵² Ibid.

⁵³ The records do not list a name for Lunde's Captain.

interviewed objectors around the nation to review their cases and determine their sincerity—while at Fort Leavenworth, the board proclaimed Lunde to be a legitimate conscientious objector. Even so, the military did not discharge him. Lunde continued to refuse any non-combatant work, even a job with the Corps of Engineers that was similar to the one he sought with the U.S. Railroad Administration.

When Colonel Waterman came onto the scene, he offered Lunde and other “absolute” objectors various non-combatant positions. When they refused, he ordered them to do “camp police” work, which would have entailed cutting the grass around the camp and picking up trash. When Lunde refused, Waterman ordered him taken to the guard house. Lunde was placed in solitary confinement and given only bread and water for three days. Soon after, he stood trial and was convicted.⁵⁴ Erling Lunde’s case provides an example of an absolute conscientious objector whose rejection of draftee status posed a threat to the military establishment and, because he was influential among his peers and had associated with “radical pacifists,” intelligence officers deemed him dangerous to the state as a civilian, as well.⁵⁵

MID officer’s obsessive and contradictory attitudes led them to be deeply concerned about uniformed soldiers attending meetings with civilians who were considered to be less than loyal. In September 1918, Sergeant B. F. Hargrove infiltrated the Young People’s Socialist League in St. Louis. He became convinced that the League was “not one percent loyal” and that the Socialist Party platform represented a repudiation of true American values. “They have indorsed (sic) the Bolsheviki form of

⁵⁴ There is no record of what happened to Lunde afterward or what sentence he received.

⁵⁵ Theodore Lunde, Letter to J. J. Manning, 24 August 1918, In Record Group RG165, Entry 65, Box 2763, 10110-242 58-108 (College Park, MD: National Archives and Research Administration II); Carl Reichmann, 23 August 1918.

government, up-hold the IWW, oppose conscription, advocate a revolution and are otherwise anti-war in their activities.” Hargrove listed at least seven soldiers and sailors he had discovered were members of the organization. In addition, he learned that one of these individuals “is actively engaged in spreading Socialist Propaganda in his respective camp and has been successful in interesting about 25 fellow men. If his line of propaganda is similar to that preached at the meetings of the league, which is revolutionary in character.” He warned that “it may have some influence on other soldiers.”⁵⁶

In another instance of allegedly disloyal behavior by Socialist Party members, Captain B. T. Woodle, the camp intelligence officer at Camp Humphreys, Virginia, discovered a “propagandizer” among the conscientious objectors he had arrested. Albert Vrana received pamphlets and letters from a woman in North Bergen, New Jersey in connection with the Young People’s Socialist League. Woodle learned from one of the letters that a U.S. senator might also be connected to the League. A senator apparently visited the woman’s house; she referred to him “as though he were one of the clique.” Another intelligence officer, Edward Flood, ascertained that Jack Lever, “an IWW organizer and agitator,” was with a field artillery unit at Camp Mills, New York and expected to leave for France soon. Flood also learned from an informant that a patternmaker, Charles Swift, upon receiving notice that he was drafted, “uttered the most seditious language, and threatened to carry on radical propaganda in the camp.” Swift warned that he was giving up on unions and had decided to become a strict anarchist. His angry tirade is probably indicative of someone who thought that he might escape military

⁵⁶ B. F. Hargrove, “Young People’s Socialist League,” 25 September 1918, In Record Group RG165, Entry 65, Box 2756 (College Park, MD: National Archives and Research Administration II).

service if he spewed wild threats, knowing he would ring alarm bells. “I will tell you what, they will have a hell of a time making a soldier out of me and if I don’t spread propaganda and raise Hell in that camp, it will not be my fault,” Swift proclaimed. He requested that every piece of “radical literature” available be sent to him so he could disseminate it. Swift capped his rant by not only denouncing the parade to the troop train but also the President; “to hell with their parade, music, President and Army.” Whether or not Swift was simply using hyperbole in an attempt to get out of the draft, MID officers were not disposed to stand idly by after learning what he said.

Intelligence officers feared that soldiers coming from the lower classes would bring class consciousness into the military and thereby challenge established authority. One soldier, Victor Black, came under suspicion as an IWW member. Marlborough Churchill was very concerned since a rumor claimed Black and another fellow were Bolsheviks in uniform. When no one was able to locate him, it was discovered that “Black” was also known as Charnowsky, and every sign suggested that he was a good soldier. He was also aware of his origins. When an intelligence officer approached him about being more useful to the government, i.e. becoming an informant, he replied, “that he did not want to be a traitor to his class.”⁵⁷

Military intelligence officers feared that recent inductees who were laborers in their civilian life would choose their class over the immediate needs of the war. Since draftees from the working class would comprise the majority of the enlisted men and the

⁵⁷ B. T. Woodle, “Young People’s Socialistic League,” 12 October 1918, In Record Group RG165, Entry 65, Box 2756 (College Park, MD: National Archives and Research Administration II); Edward H. Flood, 20 July 1918, In Record Group RG165, Entry 65, Box 2758 (College Park, MD: National Archives and Research Administration II); Edward H. Flood, “Confidential Reports,” 2 July 1918, In Record Group RG165, Entry 65, Box 2758 (College Park, MD: National Archives and Research Administration II); Harris A. Houghton, 10 June 1918, In Record Group RG165, Entry 65, Box 2758 (College Park, MD: National Archives and Research Administration II).

military would be bringing together hundreds of thousands of these individuals, MID and its sister agencies feared one rotten apple could spoil the bunch. An informant for the Office of Naval Intelligence who attended the Eugene V. Debs trial fed this anxiety. He conversed with well-known socialist Rosa Pastor Stokes; she “told him confidentially that a great Bolsheviki movement was being organized in the United States, not only among civilians, but among recruits for the Army and Navy. These people have been instructed to propagate Bolshevisms, and reports that are coming in are very encouraging.” Reports like this raised all sorts of alarms.

The military needed manpower and their chief source was obviously the working class. But the view persisted that many among the working class had a different agenda than loyally serving the United States. Their allegiance was in question. There had been several financial panics in the preceding decades that influenced hiring rates, wages, and cost of living.⁵⁸ According to Carroll D. Wright, the United States Commissioner of Labor, 1880 marked a significant shift in labor unrest from all previous years in American history. In that year, there were 618 strikes, whereas the largest number of strikes recorded prior to then was in 1879 with 51. Between 1881 and 1900 there were approximately 22,793 recorded strikes. Considering that 1880 had witnessed the largest number of strikes up to that year, the explosion of strikes in the following decade clearly indicate massive labor unrest. In addition, there were major strike waves in 1910, 1912, and 1913, as well as an increase in labor disputes in 1916 and 1917. Unemployment

⁵⁸ Andrew Sachs states that “national financial panics” of “1873, 1886, from 1892 to 1894 and 1907 to 1911, occasioned runs on banks, drops in the stock exchange and dramatic business failures.” All of this contributed to a volatile job market and the creation of “the most radical union organizations . . . (which) were anarchists and socialists.” He argues that government perceptions of labor strikes, whether violent or not, was “that any stand by labor was bound to be radical and dangerous.” Andrew Sachs, “Silencing the Union Movement,” *Silencing the Opposition: How the U.S. Government Suppressed Freedom of Expression During Major Crises*, ed. Craig R. Smith, 2nd Edition (Albany: State University of New York Press, 2011), 127, 131.

peaked in 1900 at 1,420,000, then again in 1904 at 1,490,000. In 1906, the economy was more stable, with only 280,000 unemployed; just two years—and another recession—later, those figures jumped to 2,960,000. Over the next five years, unemployment hovered around 2 million then, in 1914, increased to 3,110,000 and jumped another 730,000 in 1915. During this volatile period for workers, membership in unions and the Socialist Party rose. Eugene Debs received 900,000 votes in the Presidential election of 1912 on the Socialist ticket. He gained 6 percent of the overall vote. In 1914, there were 1,200 socialist incumbents in municipal positions. Another fourteen states elected thirty-three legislators from the Socialist Party. Some called it the “golden age of American socialism.” In addition, the more radical Industrial Workers of the World had a membership of about 100,000 by 1914 and probably gained another 50,000 before 1917.⁵⁹

While the labor unrest and pro-labor organizations grew, the business community stigmatized strikers and unions as disloyal. Addressing a crowd in New York City on Columbus Day 1915, Theodore Roosevelt emphasized 100 percent Americanism and that “labor troubles are not American.” He announced that even though the United States was neutral, German agents were stirring up labor discontent in munitions factories. Even worse, though, were “the labor troubles here not caused by foreign agents. These must cease, he said, if we were to have the true American spirit.” William C. Durant,

⁵⁹ Melvyn Dubofsky, “Labor Unrest in the United States, 1906-90,” *Review (Fernand Braudel Center)*, Vol. 18, No. 1, Labor Unrest in the World Economy, 1870-1990 (Winter, 1995), 126; Carroll D. Wright, “Strikes in the United States,” *The North American Review*, Vol. 174, No. 547 (Jun., 1902), 763; Universities-National Bureau Committee for Economic Research, *The Measurement and Behavior of Unemployment: A Conference of the Universities-National Bureau Committee for Economic Research* (Princeton: Princeton University Press, 1957), 215; Nick Salvatore, *Eugene V. Debs: Citizen and Socialist*, 2nd Edition (Chicago: University of Illinois Press, 2007), 264; Ira Katznelson and Aristide R. Zolberg, *Working-class Formation: Nineteenth-century Patterns in Western Europe and the United States* (Princeton: Princeton University Press, 1986), 398, 427; William Preston, Jr, *Aliens & Dissenters: Federal Suppression of Radicals, 1903-1933*, 2nd Edition (Chicago: University of Illinois Press, 1994), 38.

President of General Motors, likened the labor unrest in the United States to a volcano. He told Colonel Edward House, President Wilson's adviser, that America's entrance into the Great War could "cause an eruption." Historian David Kennedy explains in *Over Here* that the Wilson administration feared the pacifistic appeal of the Socialist Party could derail the American war effort. Businessmen, he stated, reveled at the opportunity to legitimately brand all labor unrest as disloyal, something they had not shy away from doing before.⁶⁰

Military intelligence officers feared socialist or labor unrest would disrupt governmental authority in war time. They could look back to the Lawrence, Massachusetts strike of 1912, which was considered a success, to see how the IWW and socialists worked together toward a common goal⁶¹—disrupting capitalism. Thus, when an informant in Milwaukee reported that Alex Tomczyk, a former Secretary of the IWW, was associating with Victor Berger, intelligence officers' anxiety flared. As stated in Chapter 4 of this work, MID officers were convinced that Berger was disloyal. They endeavored to ascertain if young men attended his speeches so they could prove that Berger violated the Espionage Act. On April 1, 1918, Berger spoke at Bahn Frei Hall in

⁶⁰ Melvyn Dubofsky argues that businesses and business friendly presses labeled strikers as "un-American", seditious, even criminal organizations." Melvyn Dubofsky, "The Radicalism of the Dispossessed: William Haywood and the IWW," In *Dissent: History of American Radicalism*, ed. Alfred F. Young (Dekalb, Ill: Northern Illinois University Press, 1968), 186; "Roosevelt Bars the Hyphenated," 13 October 1915, *New York Times (1857-1922)*, <http://www.proquest.com.www2.lib.ku.edu:2048> (accessed 19 March 2012); David M. Kennedy, *Over Here: The First World War and American Society* (New York: Oxford University Press, 2004), 69-71; The IWW was especially harassed both before American entrance into the war and after. For more see Philip S. Foner, *History of the Labor Movement in the United States: Volume IV: The Industrial Workers of the World, 1905-1917* (New York: International Publisher Co., Inc, 1965); Philip S. Foner, *History of the Labor Movement in the United States: Volume VI: On the Eve of America's Entrance into World War I, 1915-1916* (New York: International Publishers Co., Inc, 1982); Melvyn Dubofsky, *We Shall Be All: A History of the Industrial Workers of the World*, 2nd Edition (Chicago: University of Illinois Press, 1988); Anthony J. Lukas, *Big Trouble: A Murder in a Small Western Town Sets Off a Struggle For the Soul of America* (New York: Simon & Schuster, 1997); and Christopher Capozzola, *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen* (New York: Oxford University Press, 2008).

⁶¹ Salvatore, 251-2.

Milwaukee. Intelligence officers determined that four men in uniform were attendance part of the crowd. They tracked down and interviewed the men. Intelligence officers did the same for any draft-age men not yet in uniform who had attended Berger's speech. Twelve draft-age and military men were present at a Berger speech at South Side Turn Hall on March 26. Another five were spotted at a speech Berger gave at Wauwatosa Germania Hall on March 31. Intelligence officers were watching men in uniform very closely for fear that some were themselves "seditious propagandists" and others were being overly influenced by them.⁶²

MID did have had cause to fear in a few cases. Floyd Dell, for instance, was indicted for violating the Espionage Act as one of Max Eastman's co-conspirators. Eastman was a famous socialist and co-editor of *The Masses*, an influential socialist paper. Although Dell was facing charges, while out on bail he apparently waived his exemption and joined the Army. He became a member of the 51st Pioneer Infantry training at Camp Wadsworth, Spartanburg, South Carolina. According to Captain H. B. Williamson, the draft board illegally inducted Dell. He had to be discharged before he could do any damage in the unit to which he had been assigned. He was discharged quickly, ensuring that he did not attend his trial in uniform. Captain Williamson was concerned that if Dell appeared in uniform the jury would be unduly influenced in his favor. The circumstances surrounding Dell's case revealed obvious incompetence on the

⁶² Roger Welles, "Rose Pastor Stokes, and the Bolsheviki movement," 28 September 1918, In Record Group RG165, Entry 65, Box 2762 (College Park, MD: National Archives and Research Administration II); Vincent W. Hughes, "Victor L. Berger, Alleged Violation Section 2, Espionage Act," In Record Group RG165, Entry 65, Box 2762, Folder 3 (College Park, MD: National Archives and Research Administration II); Frank F. Wolfgram, "Victor L. Berger et al," 22 June 1918, In Record Group RG165, Entry 65, Box 2762, Folder 3 (College Park, MD: National Archives and Research Administration II); Frank F. Wolfgram, "Victor L. Berger et al: Alleged Violation of Espionage Act," 5 June 1918, In Record Group RG165, Entry 65, Box 2762, Folder 3 (College Park, MD: National Archives and Research Administration II).

part of the U.S. Army. Dell should never have been allowed to join the Army since he was indicted for violating the Espionage Act. Similar examples of poor decision-making are on record. Jean Cronos, who an informant identified as a socialist and who had attempted to poison “a number of notables at a dinner” in Chicago, was inducted into the Army. Supposedly, he was also donning disguises and expected to appear as a witness in Emma Goldman’s trial. These two examples clearly represent what MID officers feared most about the mass mobilization of American youth-- that anarchists and socialists wearing the uniform as disguise would move from their tenements into the training camps and do incalculable damage to the war effort.⁶³

Working class enlisted men were not the only ones perceived as disloyal. A disciplinary barracks officer at Fort Leavenworth reported to MID that one of his colleagues, Captain Philip Norman, was disloyal. Norman had alienated all of the other officers. He stated that prisoners should not be punished under any circumstances; that liberal stance led his fellow officers to believe he must be a socialist. In addition, “he has mixed with women whose appearance indicated that they were not straight, and at one time he was ordered off the floor at a Community dance.” The final straw for MID was that one of the “so-called Conscientious Objectors,” H. Austin Simons, an anarchist, wrote his friends “mentioning three or four times that he was getting along famously since he had a close friend in Cpt. Norman, who was entirely in sympathy with Simons.”

⁶³ H. B. Williamson, “Floyd Dell,” 3 July 1918, In Record Group RG165, Entry 65, Box 2762, 10110-242 36-57 (College Park, MD: National Archives and Research Administration II); H. B. Williamson, “Floyd Dell, Co. F 51st Pioneer Infantry,” 5 July 1918, In Record Group RG165, Entry 65, Box 2762, 10110-242 58-108 (College Park, MD: National Archives and Research Administration II); Unknown, “Man Who Sought to Poison Notables in Found in U.S. Army,” In *Tulsa Times*, 26 June 1917, In Record Group RG165, Entry 65, Box 2755, 10110 122-129 (College Park, MD: National Archives and Research Administration II); J. F. Kropidlowksi, “Jean Cronos, Fugitive,” 5 July 1917, In Record Group RG165, Entry 65, Box 2755, 10110 122-129 (College Park, MD: National Archives and Research Administration II).

Though that suspicious officer at Leavenworth notified MID about Norman, no records exist as to what action they took against him. However, intelligence officers were clearly interested in the report, which reinforced their fears regarding socialists in the military, especially if they somehow rose to positions of authority.⁶⁴

In contrast to the situation involving Floyd Dell, in the case of Maximilian Von Hoegen, MID officers purposefully inducted a man considered to be disloyal so they could put him behind bars. Von Hoegen resided in New Haven, Connecticut and was reportedly very pro-German. A concerned citizen by the name of John (no last name provided) reported to the authorities in August, 1917 that Von Hoegen had formerly associated with Count Bernstorff, then German ambassador to the United States. Bureau of Investigation agent Billups Harris reported, following a preliminary investigation, that Von Hoegen was in Baltimore visiting his sister. Harris obtained a warrant to arrest Von Hoegen, but no one was sure exactly on what charges they were arresting him.

Nor could Von Hoegen be located. Over the next several days, agents crisscrossed New Jersey and New York looking for him. Police precincts were ordered to arrest him on sight. In their attempt to locate Von Hoegan, Bureau agents contacted British intelligence agents in the U.S. and borrowed one of their informants. A military intelligence officer had an informant in New Haven who was staying with the Von Hoegen family. This person had spoken with Von Hoegen on several occasions, learning that he “graduated from law school at the University of Pennsylvania and studied medicine for two years at Yale.” He was very anti-American and claimed to have received word from Germany that he could join the “Diplomatic Corps” in Berlin if he

⁶⁴ Unknown, “Extract Fr. Letr. U.S. Disciplinary Bks. Ft. Leavenworth,” 5 April 1918, In Record Group RG165, Entry 65, Box 2491, 10110 175-192 (College Park, MD: National Archives and Research Administration II).

could find a way to travel there. However, he and his family were having difficulty obtaining passports. In January, a mob of indignant citizens raided their home and Von Hoegen fled. Before leaving, he told the MID informant that “Federal agents were watching him too close for comfort and that he was anxious to get away.” The MID officer, Edmund Leigh, believed he could learn the whereabouts of Von Hoegen through his agent at the man’s home and then pass the information to the Department of Justice for an arrest. Van Deman agreed. He recognized that this was a Bureau investigation, but since MID agents were so close to the investigation, thought they should continue to participate.⁶⁵

U.S. Marshals finally apprehended Von Hoegan in October 1918. Earlier in the year, lawyers of the Department of Justice filed charges against him for violating the Espionage Act. Apparently, one of the main reasons the citizens of New Haven attacked Von Hoegan’s residence earlier in the year was because of overtly disloyal statements he made on his Selective Service registration questionnaire. He scrawled all over its surface ““Deutschland Uber Alles”” and wrote that “he had ‘an uncontrollable desire to see Germany win the war.’” To the item in the questionnaire that asked if the registrant was an American citizen, he responded: ““I have that doubtful honor.”” Von Hoegan’s

⁶⁵ Unknown, 20 July 1917, In Record Group RG165, Entry 65, Box 2126, 91405848 (College Park, MD: National Archives and Research Administration II); John, 11 August 1917, In Record Group RG165, Entry 65, Box 2126, 91405848 (College Park, MD: National Archives and Research Administration II); Billups Harris, “Maximilian Von Hoegen,” 11 January 1918, In Record Group RG165, Entry 65, Box 2126, 91405848 (College Park, MD: National Archives and Research Administration II); P. Pigniuolo, “Maximilian Von Goegan, German Activities,” 17 January 1918, In Record Group RG165, Entry 65, Box 2126, 91405848 (College Park, MD: National Archives and Research Administration II); C. J. Scully, “Maximilian Von Hoegan, German Activities,” 23 January 1918, In Record Group RG165, Entry 65, Box 2126, 91405848 (College Park, MD: National Archives and Research Administration II); Edmund Leigh, “Maximilian Von Hoegan,” 6 February 1918, In Record Group RG165, Entry 65, Box 2126, 91405848 (College Park, MD: National Archives and Research Administration II); Ralph Van Deman, Letter to Alexander Bielaski, 9 February 1918, In Record Group RG165, Entry 65, Box 2126, 91405848 (College Park, MD: National Archives and Research Administration II).

birthplace was in Germany, but he became a naturalized citizen of the United States at nine years of age when his father became a citizen.

Though U.S. Marshals had apprehended Von Hoegen and there was an indictment for violating the Espionage Act on file in Connecticut, Alexander Bielaski, director of the Bureau of Investigation, suggested that the military take him. The civil case against him under the Espionage Act must not have been very strong. Bielaski suggested that since he registered for the draft and did not take his physical examination, they could classify him as a deserter. While the civil authorities could still try Von Hoegen for violating the Selective Service Act, Bielaski decided it would be better to have a military court convict him. Doing that would ensure that Von Hoegen receive a more appropriate (and longer) sentence than the one year maximum he could get for violation of the Selective Service Act. However, Bielaski's estimation of the situation proved to not be entirely correct. Captain Edwin P. Grosvenor of MID pointed out that Von Hoegen was never technically inducted into the military. Thus, the military did not have jurisdiction to court-martial him. It would be better to hand him over to the Department of Justice for trial in Connecticut. Ignoring the logic of this argument, Churchill overruled Grosvenor's concerns and stipulated that Von Hoegen should be court-martialed.⁶⁶

On November 13, 1918, two days after the Armistice, Von Hoegen was placed in military custody. Military police officers took him to the local draft board in Bexar

⁶⁶ Marlborough Churchill, "Maximilian Von Hoegen," 20 November 1918, In Record Group RG165, Entry 65, Box 2126, 91405848 (College Park, MD: National Archives and Research Administration II); Alexander Bielaski, Letter to Marlborough Churchill, 26 October 1918, In Record Group RG165, Entry 65, Box 2126, 91405848 (College Park, MD: National Archives and Research Administration II); Edwin P. Grosvenor, "Maximilian von Hoegen," 12 November 1918, In Record Group RG165, Entry 65, Box 2126, 91405848 (College Park, MD: National Archives and Research Administration II); Marlborough Churchill, "Maximilian Von Hoegen," 20 November 1918, In Record Group RG165, Entry 65, Box 2126, 91405848 (College Park, MD: National Archives and Research Administration II); Samuel L. Gill, "Maximilian Von Hoegen," 24 November 1918, In Record Group RG165, Entry 65, Box 2126, 91405848 (College Park, MD: National Archives and Research Administration II).

County, Texas, and inducted him into the Army. That same day, MID filed desertion charges against him. His court-martial took place on January 21, 1919, but he was acquitted “on the technical ground of insufficient notice to appear.” The verdict especially displeased the intelligence officer at Camp Travis where the trial took place. “He is a traitor, absolutely disloyal to this country and loyal to Germany, according to his own admission; and if it is possible for a man to be a deserter under the Selective Service Act, he certainly is one.” Nonetheless, MID had to close the case.⁶⁷

As it turned out, that was not the end of the farcical drama involving Maximilian Von Hoegen. The U.S. Army turned him back over to the Department of Justice in February 1919. The Department of Justice moved on the allegations of treason. Humorously, the Military Intelligence Department and the Department of Justice lost track of him after that. Neither agency had a file on Von Hoegen after his acquittal in January 1919. Over a year later, in April 1920, Von Hoegen was reportedly out on bail and “actively engaged in Bolshevik propaganda.” Further, his status with the military was left open. Apparently, no one ever discharged von Hoegen from the Army, and he was described as “at large presumably engaged in activities detrimental to the Government.” From what MID officers could uncover, Von Hoegen was still awaiting trial in 1920. One evaluation of the case warned that “if he is acquitted or not brought to trial, it will be necessary for the War Department to pay him for the past two years before discharging him.” The Adjutant General’s office advised MID that this was a likely scenario, since “there was a small chance for a conviction.” In that event, the Adjutant General “desired that the man be returned to military control for trial by General Court

⁶⁷ Gill, “Maximilian Von Hoegen,” 24 November 1918; Samuel L. Gill, “Maximilian Von Hoegen,” 21 January 1919, In Record Group RG165, Entry 65, Box 2126, 91405848 (College Park, MD: National Archives and Research Administration II).

Martial.” This was the last entry in the file. There is no record of whether the Adjutant General pursued another court martial or not. This case presented obvious evidence of the obsessive determination of intelligence officers to get their man by whatever means possible. Though warned that there might be jurisdictional issues, Churchill ordered the man inducted and prosecuted. It was an ironic twist that the court-martial tribunal acquitted Von Hoegen on a technicality.⁶⁸

MID officers achieved nothing by their pursuit of Von Hoegen. They inducted an individual known to be disloyal into the military, failed to court-martial him, released him to the civil authorities, neglected to remain in contact with him, and might have had to award him back pay. While deficiencies in training could explain some elements of this comedy of errors, the case went all the way up to the MID Chief. It is difficult to overlook the incompetence; however, when coupled with some of the other cases it is apparent that there must be another element at work. Intelligence officers could not move beyond their suspicions to reach balanced conclusions. On the one hand, these officers needed to be suspicious and have a healthy amount of paranoia in their line of work. On the other hand, there should have been a point at which the evidence made it clear that there was no basis for pursuing an investigation. In Helen Bastedo’s case, MID determined at the outset that she was up to no good and no evidence could dissuade them from this belief. She was a woman who was overly ambitious and had established connections with all the intelligence agencies in New York City. She continued to seek

⁶⁸ A. B. Coxe, Letter to Frank Burke, 28 April 1920, In Record Group RG165, Entry 65, Box 2126, 91405848 (College Park, MD: National Archives and Research Administration II); Frank Burke, Letter to A. B. Coxe, 27 May 1920, In Record Group RG165, Entry 65, Box 2126, 91405848 (College Park, MD: National Archives and Research Administration II); Theodore K. Spencer, “Maximilian von Hoegen,” 23 April 1920, In Record Group RG165, Entry 65, Box 2126, 91405848 (College Park, MD: National Archives and Research Administration II); S. R. Tupper, “Maximilian von Hoegen,” 14 June 1920, In Record Group RG165, Entry 65, Box 2126, 91405848 (College Park, MD: National Archives and Research Administration II).

out new associations and friendships among the upper echelons of the military and society. Her social status and strong will may very well have elicited in the officers cultural fears over the suffrage movement. In addition, she had also known the German Crown Prince before the war and did not appear anti-German enough to be so close to the military. Thus, they decided she had to have an ulterior motive, that of sabotaging the intelligence community or otherwise hampering the war effort. They saw a conspiracy where no other intelligence agency did. While intelligence officers endeavored to keep Bastedo and her young women away from military personnel, they inducted Lunde and Von Hoegen, two individuals they were certain were disloyal. In the latter's case, they sought the quickest means possible to convict and punish him. Unfortunately for MID, their plan backfired horribly. Regarding the former, Lunde may have been blatantly avoiding military service, but if the Army had allowed him an exemption to work for the U.S. Railroad Administration, not only would he have been a neutralized threat, he would have been supporting the war effort. Instead, they denied his deferment as a conscientious objector and married man, rejected his attempts at an industrial furlough, and allowed him to become an absolute objector. They considered his associations (i.e. his wife and father) too dangerous. Their reasoning, it appears, was that, if he was too big a threat to allow near the railroads, then he posed no less of a threat within the military.

Throughout these investigations, MID officers exhibited aspects of political paranoia. They relied on top-down reasoning, projecting their assumptions onto the evidence and investigating accordingly. Displaying the psychological mechanism of "centrality," they believed they were at the epicenter of various disloyal plots. MID

officers feared the conscientious objectors would cause a loss of autonomy among other soldiers in the camps. Where civilians like Bastedo were concerned MID officers, influenced by the paranoid style they embraced, viewed unconventional behavior (i.e., female ambition) as a manifestation of disloyalty. Persistently exaggerating the potential power and influence of women like Bastedo, Lunde, and Robinson, intelligence officers misinterpreted the facts and envisioned hidden motives in all these cases, and many others. The projection of larger influence upon an individual or group than existed in reality is a concise definition of paranoia and one that clearly applies here.

Conclusion

Intelligence gathering was not a new concept to the U.S. Army in 1917. Military officers and civilians collected information of a military nature throughout American history. Usually, prior to the late 19th Century, that intelligence was related to terrain and the number of hostiles in a region. Industrialization, however, altered the playing field. Military officers, sometimes begrudgingly, began to understand the value of what the enemy was thinking, the morale of not just their soldiers, but the populace. Techniques for infiltrating groups or organizations which the officers perceived as a threat came from civilian detectives and informants who strove to discover what unions and striking workers were doing, in order to stop them. From the Great Railroad Strike of 1877 to Pullman in 1893, officers learned the value of obtaining inside information which could make dismantling a strike easier. With legislation blocking government agencies from hiring civilians to conduct covert work on their behalf, military personnel would have to do it on their own. In order to do so, though, they also needed to navigate legislative constraints on military interference in civil life. There was a long history of military intervention into domestic disputes, mostly through *posse comitatus*. However, after 1874, the President of the United States relied upon the *Revised Statutes*, new legislation that provided guidelines for federal intervention when dealing with insurrections or civil disputes, such as strikes.

In addition, Ralph Van Deman learned from his experience participating in the subterfuge and espionage that defined the war and politics in the Philippines. He understood that it was extremely important to maintain a watchful eye on the public.

Enemy agents would resort to any method which included blending into the populace to disrupt the American war effort. In addition, there existed segments of society that wished to either overthrow the government, sympathized with the enemy, or had some other hidden agenda that would conflict with U.S. war aims. The military needed to remain on the alert and keep tabs on these people and groups such as the IWW, socialists, anarchists, and pacifists, during wartime.

No doubt, there was a clear need to guard against domestic threats. In a total war, all aspects of society were vital to the war effort. The question, however, was who should have jurisdiction over civilians and who would safeguard American civil liberties? Congress decreed that the military had authority over military installations, military related manufacturing, and the ports. They also determined that those not a part of the military would be subject to civilian courts. Yet, during the war, the line was blurred. Military intelligence officers investigated and interrogated civilians. They sought convictions through the federal courts, but sometimes also by inducting men into the military in order to court-martial them, as in the case of Maximilian Von Hoegen. One of the most important aspects of MID officers' investigations, however, was the fact that they focused on perceived political threats. Intelligence officers were justly concerned about radical socialists who spoke out against the war and incited opposition to the government.

Political paranoia overly influenced military intelligence officers. For forty years, the military was involved in suppressing industrial strife. In each occasion, they protected property, sought to stop violent laborers, and restore order. The status quo which they maintained, however, was not one where laborers' goals were won. Military

officers often worked with the business men to restore order, even by allowing strikebreakers access to the factories. Officers identified with the middle to upper classes of society. Within the military, they retained privileges that set them far above the enlisted men. Since officers associated themselves with the upper crust of society, they sympathized most with them too. Pro-business attitudes were strong during the First World War too, since MID officers came from that segment of society. Van Deman admitted that “the vast majority of the officer personnel consisted of civilians commissioned in the National Army and detailed for duty in the (Intelligence) Branch.” Van Deman had “the authority to request that selected civilians be commissioned in the National Army and immediately detailed for duty in the Military Intelligence Branch.” He explained that “in order to get the best possible material in the way of officer personnel . . . a group of men who were known to have very wide acquaintance throughout the United States . . . were selected.” Van Deman first chose men who had connections in high places throughout the U.S. “Then, with the advice of these men, additional civilians were selected and commissioned.” Thus, after he commissioned influential men into MID, he followed their recommendations about other prominent men to add to his intelligence section. These civilians brought certain values and political attitudes to MID.¹

During the war, military intelligence officers exhibited political paranoia through their investigations. They tended to misinterpret the influence of their subjects and misjudge their motives. It was not out of the ordinary for intelligence officers to be

¹ Jennifer Keene, *Doughboys, the Great War, and the Remaking of America* (Baltimore, MD: Johns Hopkins University Press, 2001), 16; Ralph Van Deman, “Memoirs,” Unpublished Manuscript, (Washington, D.C.: Center of Military History), 38-9; Clayton D. Laurie and Ronald H. Cole, *The Role of Federal Military Forces in Domestic Disorders, 1877-1945* (Washington, D.C.: U.S. Army Center of Military History, 1997), 24-5.

suspicious, especially since their job during the war was to discover and eliminate threats. However, their suspicions clouded their judgment. Intelligence officers used “top-down reasoning” and viewed the evidence from their preconceived notions about the groups or people they investigated. For instance, when a Bible Student or claimed an exemption from the draft due to their pacifism, intelligence officers believed it was an attempt to escape military service. Society did not recognize the International Bible Students Association as a mainstream religion. Therefore, they did not qualify for religious exemptions under the Selective Service Act. More importantly, Rutherford’s interpretation of the draft would allow anyone to join the IBSA after May 18, 1917; thus, Rutherford believed that anyone could qualify for an exemption, as long as they espoused a belief in IBSA principles. The fact that he stockpiled affidavits, some of them signed with the registrant’s name blank, to send to any Bible Student, or supposed member, who contacted him perturbed intelligence officers. Likewise, Roger Nash Baldwin advocated that the military should grant exemptions to any man whose conscience forbade him from serving in the current war. If this were the case, then any slacker could escape his military obligation. According to military intelligence officers, NCLB, IBSA, and socialist attempts to support any conscientious objection had to be a concerted effort to interfere with conscription.

Intelligence officers were convinced that disrupting conscription was at the center of the debate over conscientious objectors. Their sense of centrality, that aspect of political paranoia where they had to be the target of a wider conspiracy, colored how they viewed the groups and people they investigated. A large number of their investigations fell under the auspices of the Espionage Act that dealt with disrupting the draft,

negatively influencing draft-age men, and generally interfering with the military. From their reports and correspondence, it was evident that they believed the subjects of their investigations were determined to obstruct conscription. Intelligence officers were certain that Baldwin, Rutherford, and others masked their true intentions behind their alarms of threatened civil liberties. From their standpoint, Americans either supported the war effort or did not. If they did not, then they aided the enemy. In the case of Roger Baldwin, Van Deman at first believed he was sincere yet completely ignorant of how he assisted the enemy. Conversely, intelligence officers thought socialists resolutely endeavored to support Germany. Either way, they believed that Baldwin, Victor Berger, and the others' goal were to undermine military authority.

Americans had to build a massive army almost from scratch. Conscription was a contentious issue with the populace. Therefore, intelligence officers perceived vast dissident forces in the U.S. coming together to disrupt the most vital part of the American war effort, manpower. That was what made lenient interpretations of Selective Service so dangerous. Thus, when it came to the International Bible Students Association, intelligence officers saw a radical religion undermining the draft. Joseph Rutherford and the rest of the leadership published *The Finished Mystery* which, in a few pages, clearly denounced the war and patriotism. Military officers believed that Bible Students attempted to avoid their military obligation by claiming conscientious objection. They refused to don a uniform or to accept alternative service. Furthermore, their primary religious goal was to bring about religious Armageddon which required the overthrow of earthly governments. Though Bible Students did not physically pursue this goal, they did preach it. Intelligence officers understood the power religion had; therefore, it was

possible their message would resonate with someone without the Bible Students' pacifistic scruples. Intelligence officers did not care that Rutherford or others desired to remove the "offensive" portions of *The Finished Mystery*. As far as they were concerned, Rutherford's offer was insincere. He would alter his behavior and writings only to avoid problems with the government. At his trial, Rutherford claimed not to believe there was anything wrong with the anti-war, anti-government messages Bible Students preached. Therefore, intelligence officers were positive that his real motive was to undermine the war effort and assist America's demise. Their motive was the misguided belief that the outcome would be Armageddon.

Similarly, Victor L. Berger represented a threat to the military's ability to conscript men. He was the chief editor of *The Milwaukee Leader* which published articles that were critical of the war as a capitalist venture. Berger adhered to the tenets of international socialism and argued that he did not recognize nationalistic constraints. Berger viewed humanity as the common denominator among people; ethnicity simply constructed barriers between them. He believed that people, laborers especially, had too much in common to allow upper class leadership to pit them against each other. Like other international socialists, Berger thought the working class was exploited during the Great War. They were coerced into killing each other by the thousands. That was not to say that Berger was unwilling to defend his adopted nation, the United States. If another country attacked America directly, he would have fully supported the defensive war that would follow. According to military intelligence officers, Berger wanted to choose the wars he participated in. His argument might resound with the ignorant working class American who was patriotic enough to defend the nation, but those people did not

understand the complex reasons for American participation in a European war. Congress chose to participate in the Great War and to use conscription to do so. Therefore, intelligence officers believed all citizens needed to follow suit. Additionally, Berger's paper, *The Milwaukee Leader*, spoke to two groups that intelligence officers were overly concerned about: Socialists and Germans. About one-fifth of America's population was of German heritage. Plus, a large portion of enlisted men, and Americans as a whole, were from the working class; thus, military officers feared a significant portion of America society was susceptible to Berger's socialist propaganda. MID officers viewed the men tried with Berger, William F. Kruse, Adolph Germer, and Irwin St. John Tucker, as being equally influential.

The influence of individuals like those above was fueled by organizations such as the People's Council, the Young People's Socialist League, and the American Liberty Defense League that offered public platforms for socialists to speak disloyally. Many of these meetings drew large crowds that included draft-age men and those already in uniform. Intelligence officer believed socialism was incompatible with American democracy. Furthermore, many socialists supported the Bolshevik Revolution in Russia. Military officers presumed they sought a similar revolution in the U.S. They perceived a wide ranging conspiracy among socialist groups, as evidenced by the U.S. Attorneys Clyne and Fleming's attempts to connect Berger to every decision the national committee of the Socialist Party made. Officers also assumed and tried to prove a connection between the various splinter organizations that were against the war.

In this regard, MID officers viewed the National Civil Liberties Bureau and Roger Nash Baldwin as especially dangerous. As far as intelligence officers were concerned,

the NCLB sought to bring the disparate anti-war elements together in a concerted effort to sabotage the draft and the war effort. Baldwin published War Department policies—technically public information—regarding conscientious objectors, a perfectly legal action. Military officers believed Baldwin's purpose in doing so was to create and bolster objectors to military service, a belief that helped fuel the investigation against him. Furthermore, intelligence officers were convinced that Germans had either infiltrated the NCLB or would do so. Any organization that whittled down available manpower was an aid to the enemy.

Ralph Van Deman and his intelligence officers' attitudes reflected class perceptions of the day. They feared that socialists united the working class against the government and the upper classes, groups to which they belonged. They perceived that pacifist objection to an American war undermined the military's—and by extension the government's—authority. Additionally, they subscribed to the concept that the federal government had the right to curb civil liberties in wartime. After all, only those who aided the enemy and sought the destruction of the American government needed to worry. Thus, intelligence officers classified anyone they thought of as disloyal or seditious together with Wobblies, the Industrial Workers of the World, or anarchists whom they perceived as representative of the most treacherous groups in the U.S. The Office of Naval Intelligence's agent claimed Emma Goldman admired Roger Baldwin's network of agents throughout the country. Intelligence officers saw Baldwin's support of the IWW defense fund as proof that he was disloyal. They even associated Victor Berger with the Wobblies, even though he deplored IWW ideology. In the language of the day, however, comparing someone to a Wobbly was equating them with being un-American.

An Army Colonel, Brice Disque, even went so far as to authorize a union comprised of employers, civilian employees, and soldiers in the Pacific Northwest, the Legion of Loggers and Lumbermen, to replace the strong IWW presence there.²

There are several reasons why placing military intelligence's investigations in context of the industrial class consciousness of the early 20th Century is important. First, it proves that the military reflects the society from which it comes. Regular military officers identified themselves with the upper crust of society. Therefore, the fears held by and societal issues important to this group influenced their decisions. Second, historians of the United States in the First World War understand that the War Department and President Woodrow Wilson chose not to make political officer appointments in combat units. They did, however, commission civilians into authoritative military positions into military support roles, such as Charles G. Dawes and William W. Atterbury. Dawes was an influential Chicago banker and close friend of General John J. Pershing. The commander of the American Expeditionary Force (AEF) made Dawes the Army's General Purchasing Agent in Europe. Similarly, Atterbury took charge of American railroad usage in Europe. As a civilian, he had been a vice president with the Pennsylvania Railroad. They were two influential businessmen who accepted commissions in comparable military roles. In contrast, Van Deman commissioned civilians directly into the Military Intelligence Division who had no experience in intelligence or investigative work. Not only that, but these ill-trained citizen-soldiers comprised the majority of MID. For instance, Major Nicholas Biddle, the director of MID's New York City office worked with estates and trust laws prior to accepting a commission in 1917. The majority of MID officers were lawyers and they ranked from

² Keene, 2, 168.

lieutenants to majors. Granted, domestic surveillance was not combat duty. However, a number of domestic MID officers also saw service overseas as intelligence officers in the AEF. For all intents and purposes, these officers were political appointments in that “well acquainted men” joined MID early on and then recommended others.³

Third, this study of military intelligence officers connects the pre-war period where the federal Army often intervened in domestic labor disputes with the post-war period. Immediately after the war, Attorney General A. Mitchell Palmer instituted the Palmer Raids and the Red Scare. Between February 1919 and January 1920 the nation witnessed approximately 3,600 strikes involving about a quarter of American labor. Palmer targeted immigrant socialists, communists, anarchists, Wobblies and any others they labeled radicals. In his raids, Department of Justice agents arrested about 16,000 suspected radicals and departed about 247 including Emma Goldman, mostly without warrants. With the quick demobilization of the Army in 1919 and 1920, military intelligence officers could only offer moral support and some information to the Department of Justice. Some former MID officers did take part in the raids as civilians. The Palmer Raids were possible due to the Espionage and Sedition Acts which remained on the books. However, the Red Scare did not occur without precedent. Military intelligence officers and Bureau of Investigation agents’ activity during the First World War laid the groundwork for the postwar roundup. In addition, historians have long connected the Red Scare to negative perceptions Americans held of socialists and

³ Edward Mac Coffman, *War to End All Wars: The American Military Experience in World War I* (Lexington, KY: University Press of Kentucky, 1998), 129; “A Duty of the Hour,” 7 May 1917, *New York Times*, 3.

anarchists in the aftermath of the late 19th Century industrial strife, especially the Haymarket Riot in 1886 and assassination of President McKinley in 1900.⁴

Yet, historians have labeled American overzealousness in the Great War as war hysteria. I argue that military intelligence officers' activities in the war are better described as political paranoia. They represented a portion of the expanded American military that was not an aberration or interlude due to wartime hysteria, but was a continuation of thoughts and attitudes connecting the prewar to the postwar period. Maintaining their political paranoia and in congruence with the Red Scare which followed, intelligence officers in conjunction with the War Plans Division formulated America's first domestic war plan. War Plan White specifically detailed how the Army should protect the United States from an internal class war. Military Intelligence Division officers described the political and industrial nature of "the revolutionary movement" in America with a focus on anarchists and socialists. Their wartime activities prepared the military intelligence officers and the War Department for what they perceived as the long fight against socialism and Bolshevism in the decades to come. Thus, intelligence officers' activities from 1917 to 1918 heralded a new phase of government and military surveillance unprecedented in the years prior to 1917. Their experience had implications in the immediate postwar years and beyond.⁵

⁴ Regin Schmidt, *Red Scare: FBOI and the Origins of Anticommunism in the United States* (Copenhagen: Museum Tusculanum Press, 2000), 25-7; Roy Talbert, Jr., *Negative Intelligence: The Army and the American Left, 1917-1941* (Jackson, MS: University Press of Mississippi, 1991), 173-5, 182-4.

⁵ "War Plans White: Appendix No. 2," 24 September 1920, In Record Group 165, Box 294, Folder 242-13 Appendix 2 War Plans White (College Park, MD: National Archives and Research Administration II); Joan M. Jensen, *Army Surveillance in America, 1775-1980* (New Haven: Yale University Press, 1991), 190.

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