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### Montana Council of Defense

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THE MONTANA COUNCIL OF DEFENSE

by

Nancy Rice Fritz

B. A. Montana State University, 1962

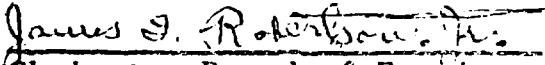
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## INTRODUCTION

State councils are mentioned in every comprehensive history treating of the limitation of civil liberties during World War I. Just exactly what these state councils were, why and how they came into existence, is seldom if ever clearly stated. The references normally cite no more than examples of how the state councils participated in the limitation of liberties, and condoned or joined in extra-legal activities. References to the Montana Council of Defense are rather numerous.

The purpose of this thesis is to provide a full history of the Montana Council of Defense--to tell why and how it came into existence, what its functions and activities were (aside from limiting civil liberties), and how it affected the limitation of civil liberties. Too, it is the purpose of this thesis to provide materials on Montana during the war years as related to the Montana Council of Defense, which, in large part, governed the state during the war.

The limitation of civil liberties during the years of the First World War was the most extensive in the history of our nation. A major reason for the extensiveness was that the limitations were condoned by public opinion, indoctrinated by the national government and the nation's press to sacrifice itself to the war effort. As one writer of the subject said:

The years of the First World War probably furnish the most profitable period in our history to observe the relationship between public opinion and the restrictions upon individual

liberties which had been commonly regarded as automatically protected by the Bill of Rights. During the period, almost every conceivable form of propaganda and coercion was employed on a scale sufficiently wide to be noticeable. Public opinion became highly unified, and one might almost say that it was nearly hysterical at times.<sup>1</sup>

Some viewed the war as a struggle between good and evil, the United States representing the cause of God and justice. Others were patriotically determined to preserve their nation, which they felt could do no wrong. Still others who stood to benefit economically by the war supported it just as fervently. Whatever the reason, the supporters held their war dear. Any criticism or opposition to it was intolerable. It was in suppressing criticism and opposition to the war that the limitations of civil liberties and instances of mob rule and other extra-legal activities occurred.

Those who fell under attack did so mainly because they branded the war as a capitalists' undertaking for capitalistic gain. Of this opinion were a few national figures such as Senator George W. Norris who warned his colleagues that "we are going into war upon the command of gold."<sup>2</sup> Socialist organizations made condemnation of the war a part of their over-all criticism of the capitalistic system. Typical of their stand was a resolution by the Socialist Party upon the declaration of war. It stated in part:

The Socialist Party of the United States in the present grave crisis solemnly reaffirms its allegiance to the principle of internationalism and working-class solidarity the world over and proclaims its unalterable opposition to the war just declared by the Government of the United States.

Modern wars as a rule have been caused by the commercial and financial rivalry and intrigues of the capitalist interests in the different countries. Whether they have been frankly waged as wars of aggression or have been hypocritically represented as wars of "defense," they have always been made by the



classes and fought by the masses. War brings wealth and power to the ruling classes and suffering, death, and demoralization to the workers.<sup>3</sup>

Particularly well represented in Montana during the war were two socialist organizations: the Nonpartisan League and the Industrial Workers of the World.<sup>4</sup> The Nonpartisan League, the less radical of the two, was a political party organized in 1915 in South Dakota. It drew its support from farming and laboring classes and from others who were generally discontented with the capitalistic system. Its chief complaint was against the millers and other middlemen whom they felt profited excessively. Although the League preached reform rather than overthrow of the capitalistic system, it was feared almost as much as those radical organizations whose leaders had allegedly infiltrated the League.

Opposition to the League in Montana began even before the war. The Anaconda Copper Mining Company, supreme economic and political force in the state, controlled the leadership of both the Republican and the Democratic parties. The Company knew that if the League could unite progressive farm and labor groups of the state, it could gain control of one of the political parties. The League had done just this in North Dakota, where after gaining control of the 1918 Republican primaries, it had elected its entire slate. By 1918, the League was sufficiently strong in Montana to warrant both parties asking its support in elections. In 1918, the League claimed thirteen members of both parties in the state House, and two in the state Senate on the Republican ticket.

Attacking the Nonpartisan League was a major concern of the Montana newspapers which were largely controlled by the Anaconda Copper Mining Company. During the war, the press was able to level especially strong accusations at the League because of its criticism of the war. Progressive

politicians Burton K. Wheeler and Jeanette Rankin sympathized with the League and were similarly attacked by the press and patriots of the state. As a result, both suffered temporary setbacks in their long and famous political careers.

The second socialist organization which was active in Montana during the war, the I.W.W., was a radical-socialist labor organization, which had been in existence since 1905. Among other things, it called for worker ownership of production facilities, and it preached direct action rather than arbitration as a means to that end. It appealed to the great class of unorganized, unskilled workers, especially to certain groups of Eastern factory operatives and to migratory workers of the West who followed the harvest and cut the lumber. From 1909 to 1917, it was most active, staging major strikes in 1914 and 1915 which kept the entire Northwest in a state of unrest.

Throughout the war, Butte was one of the major centers in the nation of I.W.W. agitation. This had been true since a major miners' strike of 1914 had shattered previously organized labor and left a vacuum of leadership which the I.W.W. strove to fill. In 1917, leading I.W.W. organizers descended upon Butte. They not only agitated among laborers for a strike against the mine operators but staged frequent speech rallies in which they harangued against the war effort as a capitalistic undertaking and the draft as an unconstitutional imposition. Thus, from patriots they drew several accusations of spying, sedition, and sabotaging the war-essential mine industry. On the evening of July 31, 1917, Frank Little, a leading I.W.W. organizer and speaker, delivered one of his typically strong speeches in Butte. Later that night he was taken out and hanged. When his body was found swinging from a railroad tressel, a note was

attached bearing the numbers 3-7-77, the trademark of the early vigilante committees. The executioners of Little thus claimed the same justification for their extra-legal tactics as had the Vigilantes: when legally constituted authorities fail to act against the enemies of a society, society itself has every right to do so.

These authorities who had failed to act against Little and others criticizing or opposing the war effort were State District Attorney Burton K. Wheeler and Judge George M. Bourquin, both located in Butte. Their failure to suppress Little and others stemmed from their insistence to interpret strictly the Espionage Act passed after declaration of war. This act made illegal any utterance, publication or other action which interfered with the effectiveness of the armed forces. Patriots of Montana, and many courts of the nation, maintained that this applied also to any criticism or demonstrated opposition to the war. Bourquin and Wheeler insisted that Little and others were not interfering with the military. Wheeler in particular became a target of the Montana press and fell into disfavor with patriots across the state. These same elements condoned mob action such as in the case of Little. By late 1917, a threat loomed of a state-wide resurgence of vigilante activity.

It was in the hope of resolving these circumstances that Governor Samuel Vernon Stewart called an extraordinary session of the Fifteenth Legislative Assembly. The assembly passed (February 14-25, 1918) several measures that signaled the beginning in Montana of the legal suppression of those considered by patriots to be obstructing the war effort. The Montana Sedition Act, the first in the nation, made any criticism of the war effort, the military, or the nation an offense punishable by a fine of \$200 to \$20,000, or imprisonment in the state prison from one to twenty

years. The assembly also impeached and convicted Judge Charles L. Crum of treason and passed a resolution recommending that Wheeler reinstitute proceedings against all those he had failed to prosecute under the espionage law.

After adjournment of the extraordinary session, the Montana Council of Defense carried on the attack against the judicial authorities, mainly Wheeler, and upon those individuals and organizations obstructing or criticizing the war effort. Further, it included in this attack even those who demonstrated a lack of sympathy with the war effort. The large German population in the state became a prime target.

Because the Fourteenth Legislative Assembly had adjourned upon declaration of war, the Montana Council of Defense was not legally constituted until the extraordinary 1918 session. Throughout 1917, it was solely a creation of Governor Stewart, having no special powers nor appropriations. The Montana Council of Defense, as it existed in 1917, was made up of Stewart as Chairman ex-officio, Commissioner of Agriculture and Publicity Charles G. Greenfield as Secretary ex-officio, and seven members appointed by Stewart. The Governor had organized the Council in response to a request from President Woodrow Wilson April 7, 1917, to the governors of each state upon declaration of war, that a state council be formed in each state to aid the national government in the war. The President made this request in conjunction with the Council of National Defense, the parent body of all the state councils. A comprehensive treatment of the Montana Council of Defense necessitates prior attention to the Council of National Defense.

The Council of National Defense, established for the coordination of industries and resources for the national security and welfare, was the

first of the large government agencies of World War I to be created. As stipulated in the Army Appropriations Act of August 1916, the Council consisted of six cabinet members: the Secretaries of War, the Navy, the Interior, Agriculture, Commerce, and Labor. The provision for the National Council represented an official recognition of the fact that, in modern war, industrial preparedness must be allied to military preparedness.

The active body of the Council of National Defense was its Advisory Commission of seven persons appointed by the Council. Each of these had special knowledge of some industry, public utility or natural resource. Each served as chairman of the seven subcommittees created: Transportation and Communication, Raw Materials, Mineral and Metals, Munition, Manufacturing and Industrial Relations, Supplies, Engineering and Education, Labor, and Medicine and Sanitation.

From these seven subcommittees several divisions and subdivisions later sprang. As such, the Council of National Defense served as the parent organization of most of the special agencies associated with World War I. Its most important off-spring was the War Industries Board, established in July, 1917, to control all wartime purchasing. The main efforts of the Council of National Defense became increasingly centered in this Board. Its functions and responsibilities grew to such extent that in May, 1918, the Board became an independent agency.

With this and other changes in the organization of the national war machine, the committees and divisions of the Council of National Defense were greatly reduced in number. The Council remained a vital organization, but its work changed in emphasis. Through its Section on Cooperation with the State Councils, it was guiding and coordinating the work of approximately 164,000 state and local defense councils.

Formation and coordination of the state councils was not an original target of the Council of National Defense. The Council did not assume these functions until after war was declared. Then state councils and other war organizations sprang into being. Some threatened to form independent war programs; others requested direction from the Council of National Defense. It became obvious that a central organization should coordinate and act as a clearing house for these bodies. On the other hand, the need existed for a system of decentralization so that every part of the nation could be effectively linked to the national government. As a result, on April 6, 1917, the Council of National Defense established a department to promote and direct state councils in every state and territory. This was the Section on Cooperation with the States (CND Section).<sup>5</sup>

On May 2-3, 1917, the Council of National Defense held an organizational conference in Washington. Representatives from every state and territory attended and received a thorough explanation of the outstanding needs of the nation in the prosecution of the war. The delegates formulated a specific outline to show how state council activities could best be linked with the Work of the national government.

Functions of the CND Section (as defined at that convention) were: to guide the state councils' growth and work; to afford to each the benefit of the experience of the others; to act as the communicating agency to bring the Council of National Defense and other federal departments and war administrations in touch with the state councils; and to make the services of the states readily available to the federal government.

Policies of the CND Section remained fairly consistent throughout its period of activity. Requests for assistance by the Council of National Defense and other war administrations passed through the state councils to the CND Section. State councils provided the actual means for this assistance. Bulletins detailing suggested war activities were often sent to the state councils, but the CND Section only insisted upon concurrence with broad policy.

The CND Section directed the states in the primary organization of their councils, recommending that they be formed by legislative action whenever possible, and that members be chosen on a nonpartisan basis and representative of the various sectors of the economy. Those state councils created by legislative action had large appropriations and varying but broad powers. Some state councils were given the right to spend without limit upon the approval of the governor. In making appointments to the Montana Council of Defense in 1917, Governor Stewart complied with the CND Section recommendations. However, since all expenses had to be met by the executive office, expenditures were kept at a minimum.

The first task that the Council of National Defense Section urged upon the state councils was the organization of local councils. The grass-roots of the nation could thus be effectively linked to the national government. Before the first conference of state councils held by the CND Section, the Montana Council had already formulated and realized a plan which proved so effective that it was later adopted by the CND Section and recommended to every state council in the nation.

All of the other major tasks recommended by the CND Section in 1917 were undertaken by the Montana Council, despite its lack of special powers and appropriations. Of primary importance to the Montana Council

of Defense was the program of economic mobilization, connected to the campaign for increased food production. Other major tasks recommended by the Council of National Defense Section were: aiding the nation in drafting men for the military. filling the war chests, and conducting a publicity campaign to stir up war support. Because of the early and effective organization of its local councils, the Montana Council of Defense was able to perform outstandingly in all of these programs.

Following the Fifteenth Legislative Assembly, the Montana Council of Defense was an entirely new and different body. With special powers and appropriations, it could now participate more effectively in the national programs. The most important difference, however, was the change in the council's major preoccupation. The Montana Council of Defense had been organized in 1917 mainly to increase food production. The Montana Council organized in 1918 attacked those individuals and organizations considered to be lacking sympathy with, or in opposition to, the war.



## CHAPTER I

### THE FIRST MONTANA COUNCIL OF DEFENSE

The first Montana Council of Defense was made up of nine persons. Governor Samuel V. Stewart served as Chairman ex-officio; Charles D. Greenfield, Commissioner of Agriculture and Publicity, served as Secretary. The seven additional members were appointed by the Governor on a non-partisan basis. They represented the various sectors of the economy. The members were: Norman B. Holter of Helena, hardware dealer; Mrs. Tylar B. Thompson of Missoula, a leading member of the Montana Federation of Womens' Clubs; J. E. Edwards of Forsyth, bank president; William Campbell of Helena, Editor of the Helena Independent; Charles J. Kelly of Butte, President and Manager of the Henny Mercantile Company; B. C. White, rancher from Buffalo; and Edward C. Elliot of Missoula, Chancellor of the University of Montana.

The first meeting of the Montana Council of Defense occurred April 18-19, 1917, at the Placer Hotel in Helena. As Chairman, Governor Stewart informed the Council of its four major aims as communicated to him by the Council of National Defense.<sup>1</sup> The Council decided that, to succeed in any of these aims, it would first be necessary to enlist the abilities and sympathies of the citizenry of the entire state. To this end, the state agency formulated a plan for the organization of county councils in each of the state's forty-three counties. The Governor immediately appointed

three members to each county council, again on a non-partisan basis, and again representing the various sectors of the economy.

Because Montana's counties were so large and the population so scattered, the Council decided upon a further subdivision. Community councils were organized upon the basis of the school district or the voting precinct in urban areas. As a rule, a banker, a farmer, and a general-store-keeper were appointed to the offices of Chairman, Vice Chairman, and Secretary.<sup>3</sup> All persons sympathetic with the goals of the council organization were eligible for membership. Thus the chain of council organization was completed. The Council of National Defense directed the state councils; the state councils, its county councils; the county councils, its community councils; and the community councils its members.

At the first meeting of the Montana Council, the Governor also communicated several plans of action formulated at an April 9-10 conference of state agrarian officials which had been held in St. Louis. Programs had been prepared to increase food production, promote food-saving, provide labor for agricultural industries, and secure a better distribution of food throughout the nation.<sup>4</sup>

On the basis of the St. Louis plans, the Montana Council decided to launch a survey of the agricultural resources of Montana to determine the highest possible spring acreage and the most urgent requirements of the farmers to realize this acreage. Local councils were assigned the task of conducting the agricultural survey by distributing questionnaires to the farmers of Montana. Interest was aroused by the preface:

ATTENTION ALL FARMERS

It is not only an economic duty, but a patriotic obligation, to raise as great a production of all crops as possible. In order to do this, there must be cooperation between all lines of endeavor. The farmer, the banker, the business man, and the government official must all work hand-in-hand.

We realize that many farmers are handicapped throughout the State for lack of funds to start to work or because of inability to get seed or equipment with which to do their work. The machinery of the State Department of Agriculture is at our disposal to make our wants known, as well as to distribute our surplus to the best advantage. This coupon is published for the purpose of getting all the information available into the hands of M. Greenfield, Secretary of Agriculture. YOU CAN HELP YOURSELF AND YOUR OWN CONDITION by filling out and mailing this coupon to M. Greenfield, Secretary of Agriculture, Helena, just as quickly as you can get a pencil to do so.<sup>5</sup>

A list of questions followed, asking about needs for seed, farm machinery, feed, labor, and money. The questionnaire also asked how much acreage could be planted with assistance and how many acres were owned and already planned for cultivation that spring.

A publicity campaign was launched concurrently with the survey to enlist not only the support of the farmers but also the abilities and sympathies of the general public. Newspaper publishers daily received mountains of patriotic propaganda from the national government. Descriptions of specific war programs which needed voluntary public support were also provided. Secretary Greenfield, a journalist himself, was particularly effective in gaining the support of the newspapers throughout the state. A "Council Speakers Committee" was formed to send patriotic speakers throughout Montana to stir up sentiment at meetings organized by the local councils.<sup>6</sup>

The immediate state-wide response to the agricultural survey inclined the Montana Council to optimism. The farmers' eagerness to cooperate, the effective supervisions of the survey by the local councils, and the

spontaneous support of the general public all promised realization of whatever plan the Montana Council devised.

Although the Council had the support and statistical basis to increase food production, it had discovered that no financial means were available for any planned program. The Council itself had no appropriations, and state laws made no provision for borrowing. Although national aid was sought, none was available for spring planting.<sup>7</sup>

Severely handicapped though it was, the Council did not fail to act. Secretary Greenfield sent telegrams to other states and to Canada in an effort to locate seed supplies. Once located, the suppliers were encouraged to sell at reduced prices, and farmers were notified of the sources.<sup>8</sup> The labor shortage was partially lessened by a relocation of farmhands and by the temporary draft exemptions which were secured for many farmers. The county councils made major contributions by reviewing requests for loans and, subsequently, by persuading local banks to make exceptions to their lending norms.<sup>9</sup>

The Montana Agricultural Experiment Station, located in Bozeman, also assisted in the campaign. In April, 1917, the Station prepared three war circulars for the Montana Council, containing crop information and instructions for planting. In the second, Spring Grain Crops, Alfred Atkinson prologued three pages of agricultural material with a statement of current and anticipated crop shortages. He stated that the wheat supply of the world, especially of the United States, was nearly exhausted, and that the responsibility for production lay with the farmers of the six states which provided eighty-five percent of the spring wheat of the country. It was "the opportunity as well as the patriotic duty of every farmer in the State to plant the very largest crop possible," Atkinson stated.<sup>10</sup>

The campaign to increase food-production extended beyond the agrarian sector to the urban areas. As Greenfield reported to T. P. Glore of the Senate Committee on Agriculture:

In every city of Montana, residents are utilizing vacant lots and back yards for vegetable gardens; water companies are giving free water or at cost to encourage the work; many cities have employed for the season agricultural experts to supervise and direct this city gardening, and the total production of root crops which will furnish supplies next winter will be, the State over, very large.<sup>11</sup>

The other two war circulars prepared for the Council by the Montana Agricultural Experiment Station concerned urban production. The titles were: Planting the Garden and Garden Crops, What and How to Plant. On the front page of the latter is a picture of two young men shaking hands in front of the flag. One is a farmer holding a very long hoe; the other, a soldier holding a gun just as long. Both circulars were written by O. B. Whipple, who began the second, like Atkinson, with a call to patriotic duty:

Joining the colors is not the only way of expressing your patriotism or serving your country. Make up your mind today to enlist in that army which has for its purpose the production of human food. Food will be as great a factor in winning the war as men and munitions. You may make a better gardener than a guardsman, a more useful farmer than a soldier, and your services will be just as fully appreciated by your country and your countrymen. How many will be able to say when the summer is past, I have contributed something to the nation's food supply.<sup>12</sup>

Whipple continued by discouraging the planting of "frills" and urged that time, talent and gardens be used for planting those vegetables adapted to canning in the home:

Make the home as nearly self-sustaining as possible. Do this and you serve your country, for there may be no time in which to "can" your food and no railway facilities to spare to haul it to you. You may say you will have money to buy vegetables, but there may be none to buy.<sup>13</sup>

The local councils were mainly responsible for distributing these circulars and for promoting urban production. The councils cooperated equally well with the Federal Food Administration in promoting compliance with its food regulations. All of the railroads operating in the state notified the Montana Council that they had urged their section men to utilize the right of way along the lines for vegetable gardening and that considerable production was expected. The Montana State Grange urged farmers to increase acreage, aided in a vacant lot campaign, and organized the Boy Scouts as overseers of the gardens.<sup>14</sup>

These combined efforts resulted in an estimated thirty percent increase in spring acreage.<sup>15</sup> The campaign continued through 1917, but the fall planting did not receive such vigorous attention. Financial assistance was then deemed absolutely necessary to continue the program. Federal aid had been promised, and Montana Congresswoman Jeanette Rankin plus Senators Thomas J. Walsh and Henry L. Myers kept the Council continually informed on the progress of relevant bills. The Food Production Act of August 10, 1917, established a sum of \$2,500,000 as a revolving fund for seed, the farmers to buy the seed on easy payment terms. Yet this was not available for the fall planting. A Myers bill, never passed, called for the reduction of the residence requirement for title to homesteads from five to one or two years. The Montana Council had requested this in the Spring, as the numerous homesteaders of the state, having no titles to the land, had reached their credit limitations.<sup>16</sup>

Although the Council felt unable to continue successful promotion of large-scale food production, it did increase cooperation with other federal agencies in Montana which also were concerned with economic mobilization. Prime among these were the Department of Agriculture,

represented by F. S. Lusk, operating from Missoula, and the Federal Food Administration, administered by Alfred Atkinson of the Agricultural Experimental Station in Bozeman. The Council helped the latter by distributing House Keeping Cards and appointing a Committee on Fish Food Production. Atkinson has already been mentioned in connection with the war circulars on crop information which he and O. B. Whipple prepared for Council distribution.

The Council also cooperated closely with the Department of Labor, which was becoming increasingly active throughout the state. In 1917, plans were made in Washington for the extension of labor exchange offices and the formation of a national clearing house. Each state council of defense, acting through a committee on labor, cooperated with the labor exchange offices. The committee of labor appointed for the Montana Council included W. A. Campbell of Helena, employer of labor; George Martin of Helena, official of the Teamsters Union; W. J. Swindlehurst, the state Commissioner of Labor; M. M. Donoghue of Butte, President of the Montana Federation of Labor; and Thomas Reilly of Anaconda, officer of the Smeltermen's Union. On December 21, 1917, Scott Leavitt of Great Falls, recommended by the Montana Council, was appointed by the Council of National Defense as State Director of the State Employment Exchange System.

The Council's responsibility was not only to cooperate with federal agencies located in the state, but also to activate war programs of other federal agencies which were channelled through the Council of National Defense to each of the state councils. Of the many programs directed at economic mobilization in 1917, the Montana Council was able to undertake

only one other than food production--the campaign to reduce retail trade deliveries.

This campaign originated in the National Commercial Economy Board. The Board had been established to prevent labor and capital from being diverted into needless channels during wartime. In 1918, the Montana Council became involved in many of the campaigns initiated by the Board. Yet in 1917 the Council, severely limited by lack of powers and finances, had to depend upon voluntary compliance with such programs.<sup>18</sup> By November, however, Greenfield reported to George F. Porter, the Secretary of the CND Section, that in a majority of the cities the number of daily retail trade deliveries had been reduced to two. Local merchants' associations had promoted the idea and were credited with its success by the Council.<sup>19</sup>

In other areas, the Council devoted the most time and effort to military mobilization. It assisted the military with the registration and recruitment of the new army. Governor Stewart designated the officers for the local recruitment boards and selected the enrolling places.<sup>20</sup> Newspapers, speakers, advertisements, posters and circulars to young men secured wide publicity. The district boards, with the assistance of the local councils, exceeded the government's registration estimate by 20,000 men.<sup>21</sup> Moreover, the councils located potential draftees, instructed them in patriotic duties, and staged patriotic parades.<sup>22</sup>

The local councils also organized camp meetings to orient draftees to military conditions and requirements, and to warn them of problems of social hygiene--mainly venereal diseases. The councils also instructed draftees on the legal adjustment of their affairs. The Montana Council requested loan and mortgage companies to inform it if any soldier failed to meet his financial obligations. The Council then notified the soldiers



and often assisted them in obtaining payment extensions. This assistance came in response to many letters requesting help.<sup>23</sup> One mother wrote of a son who did not "smoke, drink or chew," but whose mortgages were foreclosed when he was drafted.<sup>24</sup>

The citizenry of Montana apparently had great faith in the Council's powers vis-a-vis the military. The Council not only received requests for exemptions and legal assistance, but also complaints against military processes. In November, 1917, it received several protests regarding the procedure used to purchase horses for the cavalry. Many farmers needed to sell their horses to obtain money for seed, and they anxiously awaited an announced tour by the Quartermaster General of the Army. Suddenly the tour was publicly discontinued, then quietly resumed in particular areas of the state. The protestors intimated that certain interests had bribed the Quartermaster to purchase only from them. This irregularity was communicated to T. J. Walsh by the Council, and subsequently corrected.<sup>25</sup>

The Council also received complaints that draft boards were biased or negligent in making exemptions. Most of these complaints came from parents of draftees who felt others should be called before their sons. Frequent protests arose over the law exempting aliens. The Council, in charge of locating and registering enemy aliens, received one complaint about the "three Schlack men who registered as enemy aliens to avoid the draft," but who continued to farm their homesteads. It was "wrong that others fight while they harvest," and demands arose that they relinquish their homesteads.<sup>26</sup>

The greatest problem with the draft arose in Butte. Not only was the laboring population largely alien, but the Finns, the Irish (organized as the Pearse-Connelly Club), and the I.W.W. openly agitated against the

draft. On the first day of registration, these groups staged demonstrations in objection. Leaders of the above organizations and many draft-evaders were arrested. George Bourquin, District Judge since 1913, failed to indict any of the aliens, since they were not subject to the draft under the Selective Service Act. This was the first decision of any federal court on the question of drafting aliens.<sup>27</sup> The Judge, in demonstrating his determination to correctly interpret the law, caused the patriotic public to become suspicious of his war sympathies. Burton K. Wheeler, District Attorney since 1913, came under similar criticism when he refused to use the espionage law to arrest and prosecute those who vocally opposed the draft and the war. Will Campbell, Editor of the Helena Independent and member of the Montana Council of Defense, condemned Wheeler and other judicial authorities such as Bourquin in an editorial on the hanging of I.W.W. leader Frank Little in July, 1917. The article not only indicated the probable temper of Montana and its Council toward these authorities, but also the growing intolerance of the press and public with any demonstrated opposition to the war.

In ordinary times the hanging of an I.W.W. agitator by self-appointed executioners in Butte would be regretted to a considerable extent and the incident would be referred to by the sentimental newspapers as a "blot on the state." It would be viewed and reviewed something as the application of the southern rape fiend remedy is commented upon in all parts of the country.

It is said Helena is the home of the "better people of Montana." This probably means Helena is a little more civilized than Butte or Great Falls or some of the old cow towns. Men and women are supposed to be a little finer organized; usually better traveled and educated than in the average Montana city.

If this is true, something of the general feeling over the state on the way in which a Butte committee handled Little may be gained from the opinion people of Helena expressed when they heard that the right-hand man of William D. Haywood had been hanged."

Considerably more than two thousand copies of an extra Independent were sold in an hour or less. It was just at noon when the violent death of Little became known. Groups of business men, workers, women and officials gathered here and there. There was but one comment heard.

"Good work: Let them continue to hang every I.W.W. in the state."

That seems strong language and a strong public opinion for as conservative a city as Helena. It might seem too strong under different circumstances.

Quite generally the opinion prevails that it would be better for the United States army to lead the I.W.W. leaders out to a convenient mountain side and with one volley from the rifles of a picked company, end the agitation in Montana.

Again the opinion is freely expressed that if the courts, when they get such characters before them would have the courage to see that they are convicted and fear not giving them a heavy sentence, the very special committees would not be needed.

It is the failure of the courts and the military authorities to act which has caused the numbers, "3-7-77" to again appear in Montana, and without boasting of the condition, The Independent is convinced that unless the courts and the military authorities take a hand now and end the I.W.W. in the west, there will be more night visits, more tugs at the rope and more I.W.W. tongues will wag for the last time when the noose tightens about the traitors' throats.

Little openly boasted that the I.W.W. would keep the soldiers so busy the United States would have no time to fight Germany. This as far as the I.W.W. have been permitted to go on in their work in Montana, they have given aid and comfort to the enemies of the United States.

The time has come. The Independent cannot comprehend why the United States government has not long ago established prison camps and interned there the enemies of the American government. It is beyond the comprehension of the average citizen why the war department has not ordered certain leaders arrested and shot. The people will not stand for much more. The policy of "watchful waiting" in dealing with the I.W.W. will not be tolerated.

The Butte committee, L., D., C., S., S., W., and T., whoever they might be, are actually being praised for their work early Wednesday morning, because the courts and the regularly constituted authorities have failed in certain sections of Montana as they did in Arizona. And Montanans know the meaning of "3-7-77."

Sort of quickens the blood in the veins of some of the pioneers of Helena to see once more the fatal figures in print--"3-7-77."28

The threat of violent vigilante action was indicative of the increasingly intense patriotic spirit throughout the state. This

patriotism was instrumental in the success of Montana Council programs. The Council, in accomplishing the first two of its four major programs of 1917--increasing food production and aiding enlistment--had the public's determination to win the war to make the programs successful. The Council benefited even more obviously from this spirit in pursuing the third of its major programs-- the raising of war monies.

All of the fund-raising efforts of the Montana Council were carried on in cooperation with the American Red Cross. On May 21, 1917, the Council held a meeting at Helena's Placer Hotel primarily to formulate plans for the first Liberty Loan campaign. Norman E. Holter, a member of the Council, was in charge of the loan program in Montana. He encouraged the use of the local councils in this effort.<sup>29</sup>

The Montana Council subsequently wrote to all county councils, requesting help in making the drive a success. Cooperation resulted in every instance. Through the local councils the literature sent out by the loan headquarters in Minneapolis received general circulation throughout the state. Each county council acted in a method similar to the Dawson County Council, which "decided to select one or more persons in each voting precinct of the county to solicit the sales of the Liberty Loan bonds."<sup>30</sup> Montana's allotment for the first loan was seven million dollars. Its subscriptions amounted to fifteen million dollars, testifying both to the effectiveness of the aid given by the local councils and to the patriotism of Montanans.<sup>31</sup>

When the campaign for the second loan opened in July, 1917, Holter again requested the cooperation of the local councils. The county councils received an authorized plan for the organization of community committees from Minneapolis which suggested that the American Red Cross

be recognized and its leaders made members of the community councils. The county councils sent speakers into almost every school district in the state, even to remote areas. As a result, subscriptions to the second loan exceeded the fifteen-million-dollar allotment by five million dollars.<sup>32</sup>

The last of the Montana Council's major aims--to promote sympathy for the war through a publicity campaign--was also a success. Throughout 1917, this campaign became more intense and increasingly organized. Centralized dispersement by the Council of news releases and propaganda made for a better distribution and wider coverage. Local councils hung federal war bulletins and posters around the state. The Speakers' Committee became increasingly active, reporting that in one six-week period "more than 70 public meetings at which the speakers dwelt on patriotism and the duty of supporting the president."<sup>33</sup>

Thus the Montana Council in 1917 was highly successful in all its endeavors. The plan for organizing local councils was not only praised and adopted by the CND Section, but proved itself in Montana by assuring the success of subsequent endeavors. The thirty-percent increase in spring production, and the surpassing of quotas for monies and men, all proved that the Montana Council of 1917 was a successful war administration.<sup>34</sup>

## CHAPTER II

### REORGANIZATION OF THE MONTANA COUNCIL OF DEFENSE

Throughout 1917, the pressures of war continually increased. The CND Section requested that the Montana Council provide additional aid to national programs. The war problems of the state became more intense and in need of solution. By late 1917, public opinion and the press demanded that action be taken against the I.W.W. and others considered a threat to the internal security of the state. A resurgence of vigilante activity threatened. By early 1918, Governor Steward knew that the Montana Council was not equipped to administer successfully the national programs nor could it resolve the state's problems. Further, he felt that existing laws were not strong enough to handle the war problems of the state. Consequently, he called an extraordinary legislative session and requested that it legally constitute and provide the Montana Council with special powers and appropriations, and pass laws he deemed necessary in time of war. He opened the session with the following proclamation:

It appearing to the Governor of the State of Montana, that the laws of said State are inadequate, insufficient and lacking in the following particulars, to-wit:

That the Seed Grain Law now on the statute books, designed to provide sufficient seed and feed for needy farmers cannot be made to serve the purpose for which it was enacted. This law should be amended so as to authorize counties to vote bonds and incur indebtedness for the purpose of supplying feed and seed to those entitled to the same.

That our soldiers and sailors are not now given proper immunity consistent with existing conditions and the public service they are rendering. They should be protected against loss

by lawsuits and statutes of limitation during the time of service and for a reasonable time thereafter.

\* That the State Council of Defense, so called, now existing without legal authority, should be given a legal existence. Not only should the State Council of Defense have a legal status but financial provision should be made for the conduct of its work.

\* That Home Guard organizations within the State of Montana have been organized and are in existence without legal warrant of law. That those organizations should be given legal authority and their rights and functions should be defined.

\* That our State statutes do not contain adequate provision for the punishment of those guilty of sedition, treasonable and disloyal acts and utterances within the State of Montana. Some suitable statute should be enacted to cover the same. Otherwise the people of the different communities may be provoked into becoming a law unto themselves and as a result unwarranted and illegal violence may occur.

\* That there is no law to curb the pernicious activities of individuals and organizations guilty of sabotage, criminal syndicalism and industrial and political anarchy. At this critical time it is important that the people have protection from such dangerous activities.

That the Absent Voter law is not broad enough in its scope to admit of soldiers and sailors voting at elections while absent from the United States in the service of our country. This is a matter that should be remedied.

That since the adjournment of the last session of the Legislative Assembly the Congress of the United States has submitted to the several State Legislatures for ratification what is known as the National Prohibition Amendment. The Legislative Assembly should act upon the amendment as a war measure.

NOW, THEREFORE, I, S. V. Stewart, as Governor of the State of Montana, under and by virtue of the authority vested in me by the Constitution and Statutes, do hereby convene the Fifteenth Legislative Assembly in Extraordinary Session.<sup>1</sup>

The Extraordinary Session met February 14-25, 1918. The Assembly concurred with all but one of Stewart's requests--that to legalize the Home Guard companies.<sup>2</sup> The Senate Judiciary Committee killed the bill.<sup>3</sup> Taken as a whole, the acts indicated the involvement of the legislators in the war effort, and marked the end of Montana's tolerance toward those opposing or obstructing the war effort in any way. Two actions which most demonstrated this end to toleration were the Sedition Act, and the

impeachment of Charles L. Crum, Judge of the Fifteenth Judicial District of the State of Montana.<sup>4</sup>

The impeachment of Judge Crum culminated a series of events involving several judicial authorities in the state. The matter began in the office of State District Attorney Burton K. Wheeler already mentioned in connection with the Little hanging. In his book, Wheeler told part of the story leading to the impeachment.

\* Hundreds of cases of alleged disloyal persons were brought to my office for prosecution, many of them by local police officers. Like the report of spies, I found that most of them were inspired by old grudges, malicious gossip, barroom conversations, etc. Most of the cases looked ridiculous to me and I refused to bring indictments. After several months, the newspapers began criticizing me for failure to act. But my careful study of the espionage act convinced me that there was not one work in it to make criminal the expression of pacifist or simple pro-German opinion.<sup>5</sup>

George Bourquin, Judge of the United States Court for the Federal District of Montana, and remembered by Wheeler as "courageous and scrupulous," told Wheeler to send some of the sedition cases to him in order to quell the newspaper attacks.<sup>6</sup> Falkner Haynes, a Rosebud County attorney who functioned as special prosecutor during a trip by Wheeler to Washington, acted as Bourquin had suggested. He arrested Ves Hall, a stockman from Rosebud County, and A. J. Just, a banker from Ashland. Haynes charged them both with seditious utterances, such as that Germany was right in the famous sinking of the Lusitania, and that the United States was fighting for Wall Street millionaires. Haynes first presented the case against Hall. Judge Crum testified as a character witness. Judge Bourquin, after hearing the evidence, acquitted Hall without referring the case to a jury. He found Hall not guilty of sedition under the espionage law, as the remarks had not been made with the intention of



obstructing the armed forces, nor was Hall in a position to do so. Such remarks were not illegal until after passage of the Sedition Act, which made illegal seditious utterances which would or would not affect the military. Wheeler subsequently released Just, as the charges were the same. Wheeler wrote: "Few other judges in the country were writing such decisions in the face of public clamor for suppression of all 'disloyal' speech."<sup>7</sup>

After the trial, a patriotic organization in his county asked Crum to resign from the bench. When Crum refused, the patriots sent formal charges, drafted for them by Falkner Haynes, to the Fifteenth Legislative Assembly. The charges against Crum were many and varied. Among other things, he was accused of aiding and abetting draft dodgers, criticizing United States participation in the war for capitalist gain, and declaring that the presidency was owned by Wall Street. Probably the most condemning factor against Crum was not listed--his German parentage. Prior to the declaration of war, he openly opposed hostilities, as did many other Germans and non-Germans. His subsequent failure to exaggerate his allegiance to the United States in his private and professional life made his position as a judge of German descent intolerable to the people of his district.

Newspapers throughout the state and nation covered the impeachment of Judge Crum. The Helena Independent dealt with it extensively. On February 20, 1918, the Independent noted an assemblyman's remarks:

It may cost the state of Montana \$20,000 to \$40,000 to try Judge Crum, but it is worth the money to ascertain whether or not a judge, if guilty of the conduct charged, can be properly punished in Montana. . . . We expect to go through and bring this thing to a show down right now. We have had enough. If it is the desire of the people of Montana that people accused

of pro-Germanism shall go scott-free without trial or attention from the courts, now is a good time to find out the facts. Personally I have talked to 20 members of the house who say Montana cannot permit matters to continue as they are if it costs the state \$1000,000 to get rid of some of its judges.<sup>8</sup>

Upon passage of the House resolution to present the charges to the Senate, the Independent reported:

Solemn, earnest, grim and determined--standing up to their stern obligation and duty with courage and high spirit--the men and women of the house of representatives, in movements that will be historic in Montana, yesterday morning voted that Charles L. Crum, incumbent of high office, wearer of the ermine of the judiciary, arbiter of the fortunes of his district, . . . should be brought to the bar of the senate of Montana, there to be tried upon charges of disloyalty to his state and to his country, of high crimes and misdemeanors, of malfeasance in office, of seditious utterances and acts approaching in gravity that most heinous of all crimes in the penal category--treason to the United States.<sup>9</sup>

Crum had resigned shortly after the charges were presented to the House, but the impeachment proceedings nonetheless continued. In the end the Senate returned a unanimous verdict of guilty. Wheeler observed: "I considered this a tragedy, for I thought Crum was a fine and honorable man."<sup>10</sup>

The House also discussed the possible impeachment of both Wheeler and Bourquin. Representative H. S. Buell of Gallatin accused Bourquin of bias and prejudice in the case against Ves Hall. Speaker J. R. O'Connor persuaded the House to drop the charges, arguing that even if Bourquin had been biased or had failed to properly interpret the espionage law, it was the duty of Burton K. Wheeler, as District Attorney, to pursue the matter in another court where justice would be attained.<sup>11</sup>

The House subsequently turned its attention to Wheeler. It unanimously adopted a resolution asking him to reinstitute proceedings against Just and others whom the House felt had violated the espionage law.

Another resolution asked Wheeler to resign because of his alleged dereliction of duty in the espionage cases. The resolution failed to pass by a vote of 30-29.<sup>12</sup>

The attack on the judicial authorities did not end with the Fifteenth Legislative Assembly. Nor did the attack on those opposing or obstructing the war effort end with the Assembly's Sabotage and Sedition Acts. The newly-constituted Montana Council of Defense, armed by the Assembly with special powers and appropriations, extended the mood of intolerance and continued the attack upon the dissident elements. Throughout the state the sheer force of public opinion, other institutions, and the press aided the Council; but in its aura of legality, the Council itself was the most effective and most imposing force.

The enabling act conferred extensive new powers upon the Council. It had the authority to adopt by-laws as binding as any act of the state legislature.<sup>13</sup> Any person failing to obey these statutes was guilty of a misdemeanor and subject to a fine not exceeding \$1000 or imprisonment in the county jail not exceeding one year, or both. Section 4 broadly defined the function of the Council and left open the possibility of conflicting interpretation of the extent of the Council's powers.

During the continuance of a state of war existing between the United States and any foreign nation, such Council shall have the power to do all acts and things not inconsistent with the Constitution or laws of the State of Montana, or of the United States, which are necessary or proper for the public safety and for the protection of life and public property, or private property of a character as in the judgment of the Council requires protection, and shall do and perform all acts and things necessary or proper so that the military, civil and industrial resources of the State may be most efficiently applied toward maintenance of the defense of the State and Nation, and toward the successful prosecution of such War, and to that end it shall have all the necessary power not herein specifically enumerated.<sup>14</sup>

The by-laws took the form of "orders" as subsequently issued by the Montana Council. Between March 15 and October 7, 1918, the Council passed seventeen orders. Most of them either limited or prohibited an activity or right which the Council considered obstructive to the war effort. The orders ranged from restricting the right of free speech to prohibiting fires which might threaten timber resources essential to the war. The process of an order, from inception to enforcement, involved many agencies of the state. The Governor, the Council, local councils, private institutions or individuals could propose orders. The proposals were subject to revision or rejection by the Council and, occasionally, to legal revision by State Attorney General Samuel Ford. All seventeen of the orders passed the Council by unanimous vote. Usually three or four orders evolved from a monthly meeting, were combined in a bulletin, and issued to the public. Enforcement became the duty of all police agencies of the state.

Two of the orders issued by the Council stand apart from the rest. In these two (Numbers Seven and Eight) the Council conferred upon itself the power to conduct hearings and investigations in all matters pertaining to the war. The county councils likewise assumed these powers. In the main, the investigations and hearings were of those who, in varying degrees, were obstructing the war effort in the judgment of the councils or the Montana Council. In conducting investigations and hearings, both the state and county councils demonstrated a flagrant disregard for personal privacy and basic human rights.

The basic organizational structure of the Montana Council was not greatly altered by the act. Governor Stewart and Commissioner Greenfield continued in their ex-officio offices as Chairman and Secretary respectively. The act stipulated that the number of appointees be increased

from seven to nine, and that three of these be farmers. The members served without pay, but were allowed travel and other expenses incurred in the performance of their duties.

Four of the seven appointees to the first Council failed to serve on the second. Two of these, J. E. Edwards and B. C. White, were excluded by Attorney General Ford's decree that members of the legislature would not be eligible to serve on the Council. Edward Charles Elliott excluded himself because of his increased duties as Chancellor of the Montana State University System.<sup>16</sup> Norman B. Holter was probably excluded at his own request because of his leadership in the fund-raising campaigns. With the three reappointees, William Campbell, Charles J. Kelly, and Mrs. Tylar B. Thompson, and the two ex-officio officers, five of the first Council served on the second.

Of all who served on both councils, the two ex-officio officers were the most active and most closely identified with the Montana Council of Defense. Chairman Stewart, a Democrat, was the fifth governor of Montana. Born in 1872 in Ohio, he had emigrated to Virginia City in 1898 to practice law. Governor since 1913, he retired in 1921 to his private law practice in Helena. He returned to public service in the thirties as one of Montana's representatives in the U. S. Congress. From 1933 until his death in 1939, Stewart served as Associate Justice of the Montana Supreme Court. Upon his death, the Helena Independent recalled his numerous services to the state, including the guiding of "the destinies of this state during the hectic years of this country's participation in the war."<sup>17</sup>

Charles D. Greenfield, Secretary of the Council, became Democratic Commissioner of Agriculture and Publicity in 1916. Born in 1857 in

Baltimore, and a journalist by profession, Greenfield came to Helena in 1883 to assist in compiling Beer's History of Montana. He subsequently joined the staff of the Helena Independent, served in the Fifth Legislative Assembly, and, from 1909 to 1916 was editor of the Montana Record. After serving under Stewart, he was employed by the Great Northern Railway as development agent in the state.<sup>18</sup>

Of the appointees to the Council, William Campbell was certainly the most active. One historian, upon recalling the Montana Council, referred to it as "Will Campbell's gang."<sup>19</sup> As editor of the Helena Independent, Campbell demonstrated an intense patriotism and intolerance with those he felt were obstructing the war effort. His article on the hanging of Frank Little is typical of the Independent's attitude throughout the war. Campbell claimed to be politically non-partisan. He was of Scotch descent, a Mason, college-educated, and thirty-seven years old at the time of his reappointment to the Montana Council.<sup>20</sup>

Charles J. Kelly of Butte was president of the Daly Bank and Trust Company, and President and Manager of the Henny Mercantile Company of Butte. According to a later historian, he was "well known throughout the state as a man of influence and power in the commercial life of the Northwest."<sup>21</sup> Kelly was of Irish descent and a Catholic. He was fifty years old at the time of his reappointment to the Council. He also was non-partisan in politics, and his service in 1918 was the only time he actively participated in the affairs of government.

Newton T. Lease, a contractor of state-wide prominence from Great Falls, was first appointed in 1918. Lease was active in the Republican Party. In 1913 he became mayor of Great Falls, and in 1933 he was elected to the Montana House of Representatives. Lease, of Irish descent and a

Mason, was forty-three years old when appointed.<sup>22</sup>

Sidney M. Logan of Kalispell, also appointed in 1918, was an active Republican. He first served as mayor of his city before moving on to higher offices. From 1891 to 1896, he was Flathead County Attorney; and in 1892 he was appointed Assistant Secretary of State by Governor Joseph K. Toole. As recorded in one history of Montana, "Mr. Logan went the limit during the great war in war work."<sup>23</sup> Logan was of Scotch-Irish descent, a Mason and was fifty-one years old when appointed to the Council.

Of the three appointees representing the agrarian interests, none had served on the first Council. Samuel Sansburn was a popular, prosperous, and non-radical farmer from Bloomfield. A Republican, he was not active in politics, and, unlike most of the Council members, is not mentioned in histories of the state. Charles Vicar Peck was a farmer and stockman from Danvers. He was more active politically. A Republican member of the Montana House of Representatives during its Eighteenth and Nineteenth Sessions, 1921-1925, Peck was of English descent, a Mason, and fifty-three years old upon his appointment to the Council.<sup>24</sup>

Ignatius Daniel O'Donnell of Billings, the third appointee representing agrarian interests, was one of the most prominent men on the Council. In August, 1919, Country Gentlemen carried an article on O'Donnell entitled "The Best Farmer in Montana." O'Donnell was mainly responsible for introducing large-scale beet farming to the state. He started Montana's first creamery, was Director of the Mercantile National Bank, and was one of the first men in the state to experiment with alfalfa. His most important public service was in irrigation through his position as North West Supervisor of the United States Reclamation

Service. O'Donnell was of Irish descent, a Democrat, and fifty-eight years of age when appointed to the Council.<sup>25</sup>

Representing labor interests on the Council was Mortenair M. Donoghue of Butte. Donoghue, a plumber by profession, was President of the Montana Federation of Labor. In 1852 he was Deputy Sheriff of Lewis and Clark County, and in 1897-1898 he served as Justice of the Peace for Anaconda. He was a man who sought "to uplift the working man."<sup>26</sup> He held himself beyond partisan control, always casting his vote for the most worthy candidate. Donoghue was of Irish descent, Catholic, and fifty-one years old when appointed to the Council.

A few general statements about the Council are possible from the brief descriptions above. Four members were Republicans, three Democrats, and three non-partisan. Two were Catholic, and six were Protestant. Four of the members were college graduates. Five were of Irish descent, three of English and one of Scotch. Campbell, thirty-seven was the youngest; O'Donnell, fifty-eight, the oldest. The average age was fifty.

The eleventh member of the Council, Mrs. Tylar B. (Jesse) Thompson of Missoula, served on both Councils of Defense as the representative of the state's women. From 1913 to 1915 Mrs. Thompson had been president of the Montana Federation of Women's Clubs. It was through her efforts that the women of the state assisted the Council in its various war programs.

During 1917 several women's war organizations were formed throughout the nation. The Council of National Defense organized a Women's Committee to coordinate these organizations, such as the CND Section did for the state councils. The Women's Committee concerned itself primarily with the production and conservation of food in urban areas, and with the loan



drives. In 1919 the Council of National Defense decided that the women's organizations should be directly joined to the state councils. It recommended a consolidation which was accomplished in several states. But consolidation was never necessary in Montana, where most of the women's efforts were already tied to the local councils rather than to separate women's clubs. Women were enrolled in the community councils but did not have direct representation on the county councils. The county councils did appoint special women's committees to help with the Liberty Loan drives, but these committees were inactive between campaigns.<sup>27</sup>

The newly constituted Montana Council of Defense met for the first time on March 15, 1918, at the capitol building in Helena. The members decided to hold a regular meeting on the fourth Monday of each month, in the same place and at the same time. Special meetings would take place whenever necessary. The Council further decided that six members would constitute a quorum, that outsiders could not attend a meeting unless invited, and that records were to be kept of all proceedings.

Governor Stewart appointed three committees. An Executive Committee included Stewart as Chairman, Greenfield as Secretary and W. Campbell, N. T. Lease, and C. J. Kelly as members. A Labor Committee consisted of M. M. Donoghue, N. T. Lease, and C. J. Kelly. I. D. O'Donnell, S. Sansburn and C. V. Peck made up a Committee on Agriculture and Finance.

Governor Stewart then read his appointments to the county councils and they were formally endorsed by the Council.<sup>28</sup> Under provisions of the act creating the Council, the county councils were organized as in 1917. Before making the new appointments to these councils, Governor Stewart wrote letters to residents and organizations in each county requesting nominations. Usually he wrote to one member of the council whom

he had already decided to reappoint. In some cases, he consulted with a patriotic organization active in the area, or with an individual of unquestioned patriotism.<sup>29</sup>

Stewart took advantage of the reappointments to strengthen the membership of the councils.<sup>30</sup> In most letters, he asked for the type of farmer who would best serve the interests of the council organization. In one letter he stated that he wanted "no wild eyed radical, but a good legitimate farmer."<sup>31</sup> The farmers he probably wished to exclude were those who belonged to the Nonpartisan League or other reform organizations.

Of the 160 appointees to the county councils, 83 had served on the first councils. None failed of reappointment because of service in the legislature, as Attorney General Ford's ruling had applied only to those on the State Council.<sup>32</sup> Montana Council of Defense correspondence reveals that some disqualified themselves. It also indicates that many were disqualified by Stewart and by those whom he consulted.<sup>33</sup>

The section of the enabling act sanctioning the creation of the county councils empowered them to make and enforce orders for their respective counties, just as the Montana Council did for the entire state. However, because the county councils' orders required approval by the Montana Council, they had less free reign. At a joint session of the state and county councils in May, a resolution came forth legalizing the counties' orders and other activities unless or until disapproved by the Montana Council.<sup>34</sup>

This joint session met May 29-30 in the Senate chambers at Helena. Its purpose was to formulate an over-all program which would enable the county councils to be even more effective than in the preceding year. This session, May 27 through June 5, 1918, was the most intense period

of Montana Council activity. The Council passed three orders and several resolutions. Two of the orders empowered the Council to conduct hearings and investigations, which it immediately began to do. The three most controversial and lengthy of these hearings took place in the last five days of this splurge of activity.

The period of intense activity well demonstrated the vigorous spirit that possessed the Council for the rest of the war period. The entire council organization of Montana attacked with patriotic determination the varied problems and programs of war. Any opposition to their efforts was deemed intolerable and harshly attacked.

The spirit that inspired the council organization paralleled the sentiments of most Montanans. Staunch patriotic fervor insured the success of Council activities related to national war programs, inspired the Council's activities against those with whom it disagreed, and condoned the results of those activities. James A. B. Scherer, Chief Field Agent for the CND Section, testified to Montana's enthusiasm in his recollections of wartime activities. In the summer of 1918 he visited most of the states of the west to speak at pre-arranged war conferences. He was especially enthused with the conditions he found in Montana.

Montana possesses a vital spirit of patriotism that I have not found excelled anywhere. Governor Stewart is one of the best War governors in the country. . . . The mass meeting at Helena was one of the five best of the entire trip--the others being the meetings of Sacramento, Boise, and Reno, in the order named, Helena ranking with Sacramento at the very top.<sup>35</sup>

Scherer also made an unscheduled speech at Butte of which he wrote: "In my judgment this unexpected meeting was the most important of the entire journey."<sup>36</sup> He found Butte "more Irish than Ireland and a hot-bed of Sinn Fein activity."<sup>37</sup> A speaker who accompanied Scherer was congratulated

for having "roasted" these groups and was assured that Butte would witness less labor problems thereafter.<sup>38</sup>

Scherer described the precautions provided in Butte against spies and saboteurs. He spoke of a huge searchlight mounted on the summit of a vast ash-heap which rose above the city.

One sees it in the day-time, sinister, expressive of the industrial volcano from which eruption may be expected at any moment; for the purpose of this search-light, which is used frequently, is to sweep every nook and corner of Butte with its rays throughout the long working hours of the night in quest of skulking dynamiters bent on destruction.<sup>39</sup>

Butte was not unique in its fear of spies and saboteurs. The feeling was statewide. Little of this fear rested on fact. Rather, the press of the state engendered it in numerous daily articles describing threats to internal security made by hostile elements. An example occurred in an article under an inch-high headline on the front page of the Helena Independent: "YOUR NEIGHBOR, YOUR MAID, YOUR LAWYER, YOUR WAITER MAY BE A GERMAN SPY."<sup>40</sup>

Chief Field Agent Scherer wrote often of the patriotic awakening which resulted from such news.

In this crisis we are reaping the benefit of popular education; for I can testify that the American people are getting hold of essential facts with astonishing rapidity, and that it is like taking a thermometer out of the cellar into the sunlight to travel through the land and observe the rise of our civilian morale."<sup>41</sup>

Scherer also described in some detail the threat posed by those opposing the war. No doubt he drew applause from Montanans when he made such statements as the following:

But now the flame of practical patriotism is sweeping the country like a prairie fire, and God help you Kaiser Bill, when this back fire meets the flame of your war.<sup>42</sup>

## CHAPTER III

### IMPLEMENTATION OF NATIONAL PROGRAMS

Four major aims of the Montana Council of Defense during 1917 were undertaken in conjunction with the national government: economic mobilization, aiding with the draft, helping to fill the war chests, and conducting a publicity campaign for the war. In 1918 activity in these and other areas of national interest increased.

Newly acquired powers and appropriations greatly facilitated participation of the Montana Council in the national programs. A sum of \$25,000 was appropriated for the operation of the Council, and, under a separate act, the Council was authorized to administer a \$500,000 lending fund for farmers. The Council's right to make orders further augmented its effectiveness in this area. Lastly, the enabling act empowered the Council to control, direct and coordinate "all associations and organizations in this State . . . created for the purpose of carrying on defense or War relief or War remedial work."<sup>1</sup>

The cooperative activities of the Council with the national effort fall into four general areas which are the topics of this chapter: crop and timber resources, labor, business and industry, and the military.<sup>2</sup> \*

#### Crop and Timber Resources

Of the various efforts of the Montana Council dealing with production and conservation of food, the most important was the administration of the

War Defense Fund. Chapter 21, Extraordinary Session of the Fifteenth Legislative Assembly, authorized the issue of \$500,000 in bonds.<sup>3</sup> The proceeds from these bonds were to be loaned to farmers to increase crop production. This project was undertaken at the first meeting (March 15, 1918) of the Montana Council.

Because the law was not approved until February 26, the Council realized that time was the most important factor to get the best results from the legislation. It was necessary to advertise the bonds, receive tenders, have the constitutionality of the measure certified by the Supreme Court, and make loans to the farmers all in time for spring planting.

The State Board of Examiners sold the bonds to A. B. Leach and Company of Chicago. The Agriculture and Finance Committee of C. V. Peck, S. Sansburn, and I. D. O'Donnell handled the details of the loans. The committee recommended hiring F. S. P. Lindsay as discharging agent to the loans to the farmers. The Council adopted this recommendation and employed Lindsay, who continued in the position until November 1, 1918, when the business connected with the making of loans for seed and feed was completed.

Because time made it impossible to have a person sent from Helena to pass upon each loan, it was decided to utilize the county councils. The councils advertised the loans; farmers sent applications for the loans to the chairman of each county council, who in turn reviewed the requests. If the application was deemed favorable, it was sent on to the Montana Council, which passed finally on the security. The Montana Council then recommended to the Board of Examiners the issuance of a warrant for the amount of the desired loan; the warrant went to the chairman of a county

council for delivery to the applicant. On the first day that money was available, this entire process was rushed to such an extent that by evening warrants amounting to \$8,000 were already in the hands of chairmen and ready for disbursement.

In almost every county some borrowers had pledged whatever securities they may have had for previous loans, and in these cases loans were made on notes of the individual. A majority of the loans were secured by real estate, personal property, or crop mortgages. In no case did the Montana Council reject a loan recommended by a county council.

Valley County followed a slightly different system. The county had exceeded its constitutional limit of indebtedness, and the county commissioners were therefore unable to issue bonds to make seed loans. As a result, those farmers who needed financial aid depended wholly upon assistance from the War Defense Fund. The members of the County Council appeared before the Montana Council, detailed the situation, and requested that a lump sum be sent to a bank in the county to be loaned out under the direction of the County Council. Each member of the County Council furnished a bond in the sum of \$25,000 for the faithful performance of the duties assumed. The Montana Council complied with the request and remitted to Valley County a total of \$90,000. The same security was required as in other counties. As the loan was so large, special arrangements were made for collection with Peter Peterson, named special collector in the county.

No spring-planting loans were made after June 15, 1918, but new loans were authorized in the early fall. All business in connection with the farmers' loans was completed by November 1, and the affair reverted to the State Treasurer, who by law was collector. Payments were due from three to nine months after the loan; but owing to poor crops or no crops

at all, a number of the borrowers received extensions upon recommendation of the Montana Council.<sup>4</sup>

While administration of the War Defense Fund was the Council's major effort to increase food production, it was not the only one. Other programs begun in 1917 were continued and broadened, and new programs were undertaken.

The railroads continued to cooperate with the Council. In response to letters complaining about the poor conditions and schedules of the Great Northern, the Governor successfully appealed for the correction of these conditions. By early 1918 the Council had made arrangements for reduced shipping rates with every railroad operating in the state. A half-freight rate was allowed for feed shipped to drought-stricken farmers, and to direct shipments to growers of livestock when it was impossible to secure feed locally.<sup>5</sup>

Ranchers, generally prosperous throughout the state, received little other aid from the Council. One exception arose in the Flathead valley in the fall of 1918 when, after a bad year, several organizations requested the Council to allow grazing on the National Bison Range. Lacking authority for such action, the Council passed a resolution requesting this permission. It was refused by the administrator of the Range, who defended his position by stating that such utilization of the Range would destroy its intended purpose--to protect and perpetuate wild animals--and that the United States was not yet in such desperate conditions to make it necessary.<sup>6</sup>

The Council had better luck in cooperating with those war administrations operating within the state. Of these, the Council developed the closest relationship with the Federal Food Administration and with



its director, Dr. Alfred Atkinson of Bozeman. Atkinson, in carrying on this work, had to use private funds to pay employees until his accounts were audited and paid by Washington. To assist him, the State Council loaned him \$2,000 from Council funds.<sup>7</sup>

Enforcing food regulations proved a pesky problem for both the Council and Atkinson. Both received reports of violations (many letters accusing violators of deliberately sabotaging the war effort). Neither took effective action. The Council considered the problem and decided that most of the violators were "employees, in a large part foreigners, who refused to work for any company or man who failed to furnish meat three times a day and white bread."<sup>8</sup> Atkinson wrote the Council that it was hard to control the violators, as he could only depend upon promises. Besides, the regulations changed every day and, "We keep our mimeograph running rather constantly, keeping up with the revisions. . . . We can license certain public institutions, but the big fellows on the frontier, of what Washington chooses to thing of as "wild and wooly," are a bit hard to hold down."<sup>9</sup>

The lack of fences caused Atkinson and the Council even more worry than the food violators. Farmers and homesteaders throughout Montana wrote letters protesting the negligent attitude of stock owners who allowed their cattle and horses to graze freely. Crops were seriously damaged, decreasing rather than increasing food production. Moreover, these protestors charged that the stockmen lacked sympathy with the war effort, and either intentionally or non-intentionally aided the enemy.

In addition to numerous written complaints, the Council sometimes received legally drawn petitions containing affidavits swearing to the truth and extent of the damage done. One such complaint was of Henry

Landeis versus Louis Rhode. Rhode allegedly allowed his herd of 30-40 cattle roam wild, destroying neighbors grain--the damage to Landeis alone totaling an estimated \$1,000.<sup>10</sup> Another farmer sent several scenic pictures of his fencing with labels attesting to the deliberate cutting.<sup>11</sup> One typically long complaint began, "Would you term the following as pro-German?"<sup>12</sup> Another reported an "outfit purporting to have riders . . . but the riders and the cattle do not seem to be on good terms, because they are never seen together."<sup>13</sup>

In May, the Council passed Order Number Six, authorizing county councils to enforce herd districts created by boards of commissioners. Yet the Order failed to resolve the problem. In July Greenfield answered an inquiry from the United States Food Administration which had also received letters of complaint. Greenfield stated:

I have received probably two hundred complaints along the same line as those made by your department. The Council of Defense took the matter up with Attorney General Ford of this state in order to determine whether there was any law which would mitigate the situation. Mr. Ford has given his legal opinion that unless what is known as the herd district law was operative the only recourse the owners of the grain had was a suit for damages. In a number of counties the County Councils of Defense have issued orders requiring owners of cattle to keep their stock out of grain fields, but these orders, owing to peculiar conditions have not been very effective. Investigation has shown that the depredations are in a majority of cases due not to big bands of cattle but to small bunches belonging to small farmers who have no pasture inside of their own fences and who turn their cattle out to graze on the public domain. Many of the big outfits have employed herders to keep their cattle . . . and . . . the Montana Livestock Commission has used every effort to help. . . . In many cases farmers put in grain crops on land unfenced. Due to the shortage of barbed wire they have been unable to fence and this is a feature which has caused many of the complaints. In other instances the fences have been very flimsy affairs.<sup>14</sup>

Complaints of crop damage and accusations of rural sabotage ranged far beyond the problem of stock. A resident of Reed Point reported an

enemy alien who refused to cut his grain.<sup>15</sup> The residents of the Bitter Root Valley requested the Council to provide two men to patrol the ditch of the Bitter Root Irrigation and Development Company after it was reported that a box of dynamite had been found under one of the large flumes.<sup>16</sup> After a serious fire in Helena, the police found 12-15 sticks of dynamite in a partially destroyed barn, "to be used for purposes unknown."<sup>17</sup> From across Montana came reports of several fires near threshing operations. The ranchers and grain growers of Big Horn County petitioned the Council "to use its efforts in directing all county councils of defense and police officers of the state of Montana to have sufficiently guarded the elevators and grain depots . . . when the bulk of grain is being harvested and shipped."<sup>18</sup>

As a result of these reports and requests, and a particularly dry season, the Council on July 24, 1918 passed two orders directed to control fires. Order Number Nine strove to protect the great unguarded timber areas and harvest fields. The order prohibited, from June through September, the burning all waste matter--stumps, timber, weeds, underbrush, etc.--and it further directed that campers take every precaution to avoid fires. This order proved a hindrance to farmers throughout the state, as it prevented the proper preparation and cultivation of lands for crops in non-timbered areas. As a result of numerous complaints and formal petitions, the Council passed Order Number Thirteen, which modified Number Nine so that with the permission of county councils such burning could proceed. An additional modification was made in Order Number Fifteen, allowing the National Forest Supervisor, State Forester or Sheriff to grant such permission during the month of September.<sup>19</sup>

Order Number Eleven, passed concurrently with Number Nine, dealt more specifically with incendiariism. The State Fire Marshall had reported in the previous five months in Montana 249 fires, with property loss estimated at more than half a million dollars. One hundred and fifty-one of these fires, entailing the loss of \$107,195, stemmed from preventable causes; others, of a loss amounting to \$290,296 were of unknown causes. Twenty-four, entailing the loss of \$145,585, were due to incendiariism. The Council called upon every peace officer in the state to cooperate in lowering these losses, and "to exercise the utmost diligence in the apprehension of those guilty of incendiariism."<sup>20</sup>

#### Labor

The war necessitated federal attention not only to the products of the industrial and agrarian sectors, but to the labor forces connected with those sectors. Several questions arose in this regard: How could organized labor, just then at its first pinnacle of accomplishment, be persuaded to make the sacrifices necessary in time of war? Should the United States act as England had done and pass laws declaring illegal strikes and other devices interfering with production? How should the labor vacuum left by recruitment be filled? How could urban labor be relocated in war-essential industries and rural labor in time-varying areas of harvest? By late 1917, the Federal government still had no comprehensive general labor program. It was largely the responsibility of the state councils and federal agencies to handle the problems of the separate states.

When the joint session of the state and county councils convened in May, a resolution was introduced that "there shall be no boycott,

bannering nor picketing of any industry necessary to the supply of food or the carrying out of the war."<sup>21</sup> This proposal met with the strong opposition of M. M. Donoghue, who convinced the session that such action would be unwise. He held that in the absence of present or anticipated labor problems in the state, such action "would simply tend to irritate matters."<sup>22</sup>

Later in the year the Council considered a request from Fort Benton that wages be fixed for harvest labor. Although the Council favored the proposal, it felt that it could no legally fix wages in either industrial or agrarian sectors.<sup>23</sup>

Throughout the war neither the Council nor any other body of the state handled a labor dispute.<sup>24</sup> Failures to fix wages or prohibit strikes and other devices of organized labor stemmed from two factors. First, Attorney General Ford advised the Council that it did not possess such authority.<sup>25</sup> Second, Federal troops were sent into both Butte and Great Falls during the two major strikes. The troops remained in Butte for the duration of the war. This action, plus the Sedition Act, were instrumental in quieting the I.W.W. and other labor agitators in the state. As Chief Field Agent Scherer wrote of Butte:

The I.W.W. activities were so effective in this greatest of mining camps last year as to impede and almost suspend mining operations. This is most serious when it is remembered that every ounce of mineral wealth now taken out of the mines is consigned to the United States Government. Montana has so managed its labor troubles, however, that the mines are now running full blast."<sup>26</sup>

The Council's involvement in labor came mainly through its efforts to resolve employment problems of the state. In this area the Council cooperated closely with Scott Leavitt, Director of the Employment Exchange System in the state. The Council aided him in establishing employment

offices in Anaconda, Butte, Kalispell, Livingston, Lewistown, Missoula, Roundup and Miles City. The Council's Committee on Labor also consulted with Leavitt in formulating plans for Council action in the area of employment. On recommendation of the Committee, the Council issued four orders relevant to labor. The Helena Independent reported the first of these under the headline "Work, War, or Jail," which it claimed was the new slogan of the Montana Council of Defense.<sup>27</sup>

The first of these, Order Number Two, issued April 22, 1918, provided punishment for all vagrants of imprisonment in the county jail for a period not to exceed ninety days. "Vagrants" were defined as:

Every person (except an Indian) without visible means of living, who has the physical ability to work, and who does not seek employment, or labor when employment is offered him. Every healthy beggar who solicits alms as a business. Every person who roams about from place to place without any lawful business. Every idle or dissolute person or associate of known thieves, who wanders about the streets at late or unusual hours of the night, or who lodges in any barn, shed, outhouse, vessel or place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof. Every lewd and dissolute person, who lives in and about houses of ill fame, or who lives with or upon the earnings of a woman of bad repute; and Every common prostitute and common drunkard.<sup>28</sup>

Furthermore, the order "imposed upon every adult person having the necessary physical and mental capacity and ability to do so, to work and engage in some legitimate occupation for at least five days during each calendar week for the period of the existing war."<sup>29</sup> Any person failing to comply was guilty of a misdemeanor, and any person not so engaged had to register with the city clerk or other city official, setting forth the reason for not working.

Reports of violators quickly flowed into the Council office. Usually the complaint referred to one man. The Sheriff of Kremlin reported having

given one man "considerable attention in his maneuver to doge (sic) work because his brother of school age was taken out of school to do farm work for his father while his older brother put in his time loafing."<sup>30</sup>

Greenfield usually referred such complaints to the county councils, but sometimes he offered his own personal advice. In one letter he stated: "Experience has shown that there is nothing like a rock pile to cure a man of any indisposition in him to work for wages."<sup>31</sup> In another letter he advised: "If there is no janitor work, give him a broom and make him sweep the sun off the side walk in the presence of the public for about two hours some clear day."<sup>32</sup> Such activities, suggested Greenfield, would inspire employment in useful areas.

Some complaints, as one from Phillipsburg, were of a large groups of "floating population" which both the city and county were unequipped to jail.<sup>33</sup> These groups were usually branded as Wobblies--members of the I.W.W. The Wobblies often travelled in groups about the country seeking jobs and/or targets for agitation. Railroad boxcars were for them a major means of transportation. Stealing rides at that time a Missoulian remembered as a "very chancey business:"

I was just a teenager then, footloose and bounding around the country from one job to another. The Wobblies might as well of owned the railroads as they rode the trains in great bunches and anyone who tried to sneak a lift without their say-so was looking for a cracked skull. I got myself one of their pink membership cards and had no problems.<sup>34</sup>

In April, 1918, to correct the situation, the Montana Council issued Order Number Four. It called upon railroad employees and law enforcement officials to enforce rigidly the three sections of the Revised Codes of Montana, 1907, which declared a misdemeanor the "Stealing of Rides upon Cars or Locomotives . . . on Trucks, Rcds, or Brake Beams."<sup>35</sup> All

trainmen were constituted peace officers with blanket authority to arrest and prosecute persons violating any provision of the act.

The scarcity of employment created problems in enforcing Order Number Two, but the condition passed with the approach of the harvest season. The Montana Council then saw fit to issue two additional orders regarding labor. Order Number Ten, issued June 24, recommended that:

. . . .between the first day of August and the first day of October, 1918, retail and wholesale merchants in the State of Montana shall so arrange their business by co-operation and co-ordination, or otherwise, as to limit the delivery of goods, wares and merchandise to customers to one delivery in each twenty-four hours to the end that teamsters, and motor-truck drivers be released for service in the harvest fields and other necessary war activities.<sup>36</sup>

Order Number Sixteen, issued October 17, granted county attorneys the authority to:

. . . .release from imprisonment any person, confined in a county jail upon a conviction for the commission of a misdemeanor; provided that said person shall be so released for the purpose of working at some essential occupation. The time during which said person is engaged in some essential occupation shall apply upon and reduce the term of imprisonment in the same manner and to the same extent as if said person were actually confined in said jail.<sup>37</sup>

As a result of these efforts--cooperation with the federal employment services, and the issuance of its own orders--the Montana Council managed to a large measure to solve the problem of labor shortages in the state. The county councils were largely responsible for resolving these shortages. They demonstrated an eagerness to publicize and enforce the orders, and to cooperate to the fullest with the employment services. In some cases the Montana Council had to contain their eagerness. Exemplary of this was a diplomatic refusal to stand behind the Wibaux County Council's order to force businessmen to assist in shocking wheat.<sup>38</sup>



Business and Industry

Montana's richest industries during and after the war were mining, lumber and livestock. And though they made vital contributions to the war effort, it was the lagging farm sector which figured foremost in the Montana Council's efforts in economic sectors. However, the Council did affiliate and act with the other sectors. The nature of these activities was not so much control and persuasion by the Council as it was eager cooperation in the common effort by businesses.

Banks and finance companies have already been mentioned for their contributions, beginning in 1917, of extraditing loans to farmers and informing soldiers of their financial obligations. These activities were extended in 1918. During the second year of the war, these companies also accepted a CND Section recommendation to wage a campaign against the promotion of companies unworthy of public support. The Council urged sound agencies to give advice and counsel to citizens approached by stocks salesmen offering a higher return on investments than government securities.<sup>39</sup>

Business organizations, it will be remembered, promoted the 1917 reduction of retail deliveries. This drive continued into the following year and was implemented in the fall by Order Number Ten, which reduced deliveries to one per day so that more men would be available to help with the harvest. From these local business associations, numerous patriotic organizations sprang up to aid the Council in its more political and patriotic duties. Such organizations could not operate without the Council's approval, which was usually forthcoming.

Activities of the press broadened during 1917, and their identification with Council efforts solidified during the next two years. Newspapers published the Council's orders and lent their support to other Council activities and attitudes. They continued to give good coverage to Federal propaganda and programs and to the progress of the war. Patriotic activities of the county councils--fund raising, hearings of seditioners and slackers, etc.--generally had the support of the newspapers as well.

In 1918 the War Economy Board issued two decisions regarding newspapers. The first stated:

Because of the absolute necessity of curtailing the use of paper, the Pulp and Paper Section of the War Industries Board has ruled that during the war no new newspapers shall be established. . . and . . . no weekly or monthly newspaper, or magazine published less often than six times a week, shall be changed during the period of the war into a daily newspaper or magazine.<sup>40</sup>

Several publishers wrote the Council regarding this law, stating unusual conditions which had prevented weekly publishing immediately prior to the law, and requesting permission to expand. The Council usually granted permission.<sup>41</sup>

The second decision of the War Industries Board was that all weekly newspapers be reduced to eight pages. Secretary Greenfield requested an exception to the law in Montana, as the Montana News Association, an "effective publicity tool of the Montana Council of Defense," furnished four-page inserts to almost 100 papers which already printed eight pages.<sup>42</sup>

Mine management also developed a close identification with the Council. Because all metal products had been consigned to the government at the beginning of the war, the Council did not become involved in production.

However, mine management did aid in patriotic endeavors, financing speakers and helping in the fund-raising campaigns. As Chief Field Agent Scherer wrote:

The managers of the mines of Butte plume themselves on the patriotism of the miners. Four companies (the Anaconda, the Butte-Superior, the East Butte, and the Davis-Daly mines) made a drive for the "War Chest," spending on the expense of speakers, etc. an amount equivalent to seventeen cents a ton on 125,000 tons of ore . . . with the result that 98 percent of these four companies subscribed to the war chest.<sup>43</sup>

The Anaconda Copper Mining Company, the most powerful economic and political force in the state, was especially tied to the Council. Correspondence indicates that the Council consulted the Company on several important issues. One such instance occurred over the selection of new county council members; another when Senator H. L. Myers requested the Montana Council's stand on the highly controversial reappointment of Burton K. Wheeler as District Attorney for the state.<sup>44</sup>

Managers of the lumber operations, like those of mining, cooperated with the Council in raising funds and endowing their employees with the proper spirit of patriotism. Perhaps their most important contribution was that of keeping the Council informed of the extent and nature of the I.W.W. activities in the camps. All of the businesses and industries cooperated with the Montana Council in this effort.

The railroads kept in close contact with the Montana Council in the food campaign begun in 1917. Instances of special privileges also occurred. In October, 1918, the East Belt Coal Company requested Council assistance in construction of a spur line to connect the coal mines to the railroads and thus help relieve coal shortages in the war. The Council offered its influence to advance the project in any way suggested.<sup>45</sup>

Despite their close cooperation and identification of aims and programs, the Council was called upon to undertake some less friendly dealings with business and industry. Major among these was enforcement of the War Industries Board's recommendation that all building not absolutely necessary be curtailed. This plan was "adopted only because of the impressive necessity of conserving labor, materials, and capital for war purposes."<sup>46</sup>

Enforcing this law proved to be one of the largest tasks undertaken by the Council. Letters reporting violators accumulated. Some were from individuals venting their patriotic fervor upon fellow citizens. One lady informed the Council of "a new and costly moving picture show house going up. This is being put up by Mr. Gerry Miller, a man who has not a "Liberty" bond and one who has never donated his hall for any "Patriotic" purposes. . . . It does not seem right to have anything like this take place while our Country is at war."<sup>47</sup>

Most of the reports of violators were referred back to the county councils for investigation. Thus the county councils often were obliged to align themselves with one faction of the city against another. Of the many cases that arose, two were particularly hard-fought and resulted in hearings before the county councils which were in turn sent to the Montana Council for final decision.

The first of these two cases arose in Butte. The dispute was between Silver Bow Council of Defense and the Mayor and City Council of Butte, who had ordered the Butte Electric Railway to undertake repaving and other work amounting to \$130,000. The County Council issued an order allowing all work already begun to be completed, but curtailing any new work. The City Council ignored the County Council and published notice to

contractors for bids on further work. The County Council then called upon the Montana Council to fortify its action. The Governor promised a decision at the next Council meeting; but owing to passage of time and the lack of defined methods for handling such a situation, construction was nearly completed before any effective action occurred.<sup>48</sup>

Prior to the second and more important of these cases, the Montana Council received detailed instructions from the War Industries Board regarding the law. A system was devised whereby any person or company, public or private, undertaking construction, had to make a formal application to the county council, giving the relevant facts under oath. The county council then made an investigation and transmitted its recommendation to the Montana Council for review. This recommendation was sometimes accompanied by the record of a hearing, if one was held. If the Council decided in favor of the construction, it then sent the application to the Non-War Construction Section of the War Industries Board. Final decision rested with the War Industries Board. Any application refused at a lower level could be appealed to the Board, but such action was not encouraged.<sup>49</sup>

The second case arose in Eureka regarding the installation of a new gravity water works. The Council learned of the matter, not through an application, but from letters of citizens involved in the issue. The Eureka Lumber Company, the largest taxpayer in the city and holder of the present water contract, was naturally the main source of opposition to the construction. In one letter, a citizen of Eureka set forth "a few facts as to the patriotic acts of C. A. Wieland hirelings and servants of the Eureka Lumber Company."<sup>50</sup> The writer claimed he had observed them in repeated attempts to prevent the flow of waters for irrigation.

He stated his willingness to testify to the various incidents, which demonstrated that it was "only pure cussedness on their part or what I consider personally myself a part of an accursed German plot to decrease the necessities of our countries need."<sup>51</sup>

The Montana Council ordered immediate and complete suspension of the work until the Lincoln County Council of Defense could make an inquiry. At the subsequent hearing, the County Council revealed the following facts. Under the current water contract, the Eureka Lumber Company received \$200 a month. It was to avoid this expense that the new system was proposed. All registered voters had favored the new plant, and bonds amounting to \$16,000 were voted and sold. The Miracle Company of Great Falls took the contract and, on July 28, 1918, began construction. The mayor testified that he had received the Governor's order to stop work, but, fearing the city would be held to its contracts and made to pay, he ordered the work to proceed. The work was pushed, 50-100 men each being employed at \$4.50 a day. Four dollars and fifty cents was common pay by the Eureka Lumber Company and labor was scarce in the area. The Lumber Company was producing supplies urgently needed in the war effort and needed 150 more men. Farmers also needed laborers for the harvest.

The Lincoln Council concluded that there was no shortage of water, nor any other reasonable justification for the construction. It recommended that the Montana Council not request permission for the building.<sup>52</sup>

#### Military

The activities undertaken in 1917 by the Montana Council in connection with the military have already been mentioned--assisting in recruitment, holding camp meetings for orientation of draftees to military

conditions, helping in legal adjustment of their financial obligations, aiding farmers to secure temporary exemptions, and assisting in locating enemy aliens. Most of these activities were continued in 1918; some new ones were undertaken.

In cooperation with military agencies, the Council provided financial assistance for three programs begun in 1918. The first of these was an extension of the instructions on social hygiene given at the camp meetings the previous year. In 1918 the War Department, through the Surgeon-General of the Army, requested the Council to assist in its campaign against venereal diseases. An officer came to Montana to carry on the work, and the Council appropriated \$1,000 from its funds for the printing and distribution of pertinent literature.<sup>53</sup>

The second instance of financial assistance to the military occurred in September, 1918. The War Department had requested that the state provide facilities for instruction of the student army corps, these groups to be located at Bozeman, Missoula, and Butte. As the season for assisting farmers had passed, and as there was a considerable amount of money still in the War Defense Fund, the Council adopted a resolution requesting the State Board of Examiners to authorize the loan of \$75,000 for these corps.<sup>54</sup>

The third was the appropriation of \$5,166.74 from Council funds for war mechanics' courses at the universities in Bozeman and Missoula. This action resulted from a request by the War Department.<sup>55</sup>

The principal activity in connection with the military in 1918 was to stop the sale of liquor to service men. A few states already had general prohibition laws. During the war the Council limited its prohibition activities to the military. The Council gave scant attention

to reports of bootlegging in the state, and it was not particularly sympathetic with the general prohibition law effective in North Dakota.

Mrs. Minerva Bailor of that state wrote the Council in September, requesting that it stop the exporting of intoxicating liquor over the state line. The Council, after discussion and consideration, replied: "The consensus of opinion was that if the authorities of North Dakota did their duty it would be impossible for bootleggers to take into that state intoxicating liquors from Montana."<sup>56</sup>

Order Number Five, issued May 27, 1918, prohibited the furnishing or serving of intoxicating liquors to men called or already inducted into the armed services. The county councils were given authority to order the "absolute closing of saloons, bars, and other places where intoxicating liquors are handled during the mobilization of men for military or naval service, and during the movement of troops or men called to the colors and enroute to their places of mobilization or training."<sup>57</sup> These establishments were to be closed fifteen minutes before the arrival of troop trains; they were to remain closed until fifteen minutes after their departure. The Montana Council considered this a preventive order--to prevent the corruption of young soldiers and the occurrence of public disorders.

A few problems arose with the enforcement of this order. Because (for security reasons) schedules of troop trains were kept secret, the county councils could not close the bars until after the trains arrived and the troops had already filled the saloons.

In Billings an unusual situation arose. Mr. Leon Shaw of the Yellowstone County Council wrote for permission to hold a parade in honor of departing colored soldiers.<sup>58</sup> Two days later, he requested that an exception be made to Order Number Five. The chief of police had



ordered all saloons closed upon the induction of the six colored men. The result was that all of the saloons were to be closed all day and all night. Shaw wrote: "In fully 90 percent of the saloons, colored trade is barred, and . . . saloon people are highly patriotic so why not allow them to open?"<sup>59</sup>

Reports of violations were not as numerous to the Council as to county councils authorized to enforce the order. However, the Council did receive some complaints. One of these is a good example of how personal grievances were given voice through Council orders. A letter from William Herron, Mayor of Melston, defended a complaint of his furnishing liquor to enlisted men. Herron related the story of how he had made every effort to comply with the order. He then proceeded to attack the men who had made the complaint:

The men's names who are signed to this complaint are not of much repute, Ed Renshaw was until it closed a pimp and piano player in a house of ill fame in this town; R. J. Cashman is a Saloon Keeper here, and I consider his complaint a matter of personal spite; H. C. Gaylord for a short time was Town Marshall and I was compelled to discharge him for several breaches of discipline, so his reasons are obvious to anyone.<sup>60</sup>

As with Order Number Five, nearly all of the Council's activities having to do with the military were delegated to the county councils. In addition to the functions already listed, the county councils had the job of locating deserters for the War Department. Through the Montana Council, each county council received lists of deserters suspected of returning home. Yet investigatory dealings in military matters were not limited to this. Investigations were demanded of draft dodgers, and, in one case, of a doctor who "had said he had enlisted and did a lot of business on the strength of it, in operations." Furthermore, the informer, a doctor himself, wrote; "It is the general belief here that it

was a fake as he has not gone and we want to know why."61

The Montana Council became especially concerned over a June, 1918, investigation held in Red Lodge. The Carbon County Council of Defense was investigating charges alleging dishonorable conduct on the part of the Carbon County Local Board in the case of Christian Branger. Branger had been deferred and De Lannoy, the substitute for Branger, was incensed because of the Board's action. He induced other members of his contingent to sign a petition objecting to what appeared to be an unfair dealing. A subsequent hearing revealed that most of the petitioners had simply signed on the request of De Lannoy, that they had no real knowledge of the problem, and that Branger had not received a deferred classification-- only a postponement for entrainment until after the harvest. The County Council decided that the Local Board was innocent of the charges.62

Late in the war the county councils were delegated the functions of welcoming and giving recognition to returning soldiers, providing employment facilities to reintegrate them into the peace-time economy, and investigating servicemen's claims for war-risk insurance.

Most of the Council's activity in connection with the national effort occurred before the end of 1918. The span of activity was broad and mainly successful. Generally the orders accomplished their purpose and the programs undertaken were fruitful. In the overall view of its implementation of national programs, the Montana Council of Defense proved itself a necessary and successful war administration.

The success in this area stemmed both from the effective council organization and from the patriotic spirit of its members and supporters. Although this area of activity was broad, it was not the major concern of the Council after the Extraordinary Session of the Fifteenth Assembly.

Then the major concern became to resolve the war problems of the state-- to suppress those it considered a threat to the internal security of the state, and, in the process, to avert a resurgence of vigilante activity. For the same reasons that the council organization was generally successful in aiding the national programs, it was successful in resolving these "problems."

## CHAPTER IV

### INVESTIGATIONS

The act establishing the Montana Council of Defense gave it two major functions: to aid in the national programs and to devise orders to implement these programs, and to resolve war problems of the state. A third major function of the Council, conducting hearings and investigations, was not specifically provided by the law. The Council conferred this function upon itself in two of its Orders, Numbers Seven and Eight.

In Order Number Seven the Council declared that its chairman, the Governor, should have "full power and authority to call a meeting of the Montana Council of Defense for the purpose of conducting hearings and investigations in all matters pertaining to the public safety and the protection of life and property."<sup>1</sup> The Council had the power to take such action and to make such recommendations as were considered necessary and proper.

Order Number Eight outlined the rules of procedure for hearings and investigations. It prescribed a subpoena form. Any member of the Council, or Attorney General S. Ford, could examine witnesses. Persons under investigation were permitted representation by a counsel who could cross-examine all witnesses. A record was kept of all proceedings. After all testimony had been presented, the Council was to go into executive session to decide the proper course of action.<sup>2</sup>

The county councils assumed the powers to hold investigations and hearings in the same manner as did the Montana Council. They followed the same general procedure, except that their actions were subject to review by the Montana Council. The county councils held numerous investigatory hearings, a few of which were reviewed in hearings before the Montana Council. However, the Montana Council itself initiated very few investigatory hearings. The three most important of these occurred from May 31 to June 5, 1918.<sup>3</sup>

#### Investigations of the Montana Council

The three major investigatory hearings of the Montana Council are contained in two large volumes now located in the Council files at the Montana Historical Society. The named subjects of the hearings were Eberhardt Von Waldruof Butte, Oscar Rohn of Butte, and the Butte Bulletin, a socialist labor newspaper edited by William Dunn. The records show fantastic tales of espionage and counter-espionage activities in the mining city during the war. The war hysteria of Butte, and of Montana in general, emerges from the numerous testimonies. More importantly, questions by Council members point to the real subject of the hearings: Burton K. Wheeler, United States District Attorney for the State of Montana. Thus, the Montana Council of Defense chose investigatory hearings as a major means of continuing the attack upon the judiciary initiated by the Fifteenth Extraordinary Assembly.

Council action against Wheeler actually began a month prior to the investigations. Senator Henry L. Myers asked the Council's advice and attitude on the appointment of the United States District Attorney for Montana.<sup>4</sup> Governor Stewart immediately telegraphed each of the members

of the Council and informed them that although Senator T. J. Walsh recommended the reappointment of Wheeler, Senator Myers had recommended E. C. Day of Helena.<sup>5</sup> On May 20 Governor Stewart informed Myers that the Council unanimously endorsed Day. Stewart added:

The Council in doing this desires to express the perfect confidence of the members in the ability, integrity and Americanism of Mr. Day. The members believe that the appointment of Mr. Day would meet with the approval of the patriotic citizens of Montana.<sup>6</sup>

Most of the members had simply endorsed Day, writing little or nothing about Wheeler. But Stewart's reply to Myers indicates that the Governor thought Wheeler lacking in those qualities which would endear him to the "patriotic citizenry." The only member to hedge the slightest was Donoghue, who had no choice between the two and had conceded his vote to the majority.

The vote of the Council against Wheeler was not made public. When the joint session of the state and county councils convened later that May, several representatives of county councils publicly discredited Wheeler. The action began with a proposed resolution:

Where a county council of defense shall find what it regards as sufficient cause for charges of sedition or other action tending to impede war measures on the part of any person or persons, the council shall recommend action to the proper county authorities. In case the county authorities fail or decline to take action as recommended, the county council shall at once file charges before the State Council of Defense for the removal of such officer or officers.<sup>7</sup>

The impassioned discourse which developed revealed the singular fact that this recommendation was primarily intended for Wheeler. Discussion began after Governor Stewart stated that the State Council did "not directly" have the authority for such action and that it would have

to be done through the courts. J. M. Kennedy of Libby answered the Governor:

The hope that we entertained was that this matter would never have to get to the State Council. In our section of the state we think we would take the bull by the horns and remove him ourselves and then let the State Council reverse us. We have no state of law west of Wolf Creek in Montana. All we know is peace and good order and patriotism. We are getting along fine and dandy. We are satisfied if you don't tie our hands. Just let us go. Now, whatever the attorneys of the state may think about this matter, Sir, there is a firm conviction in the minds of the people of this state, I am confident, that the intention of the legislature in extraordinary session was to confer on your council extraordinary powers, as a war measure in a critical time in the history of this country; that there was not going to be any dispute on the part of the average person in this state to be capricious about the constitutionality of the laws that conferred upon your Council this authority, and over in the north-western woods of the state we would like to see the countenance of the attorney who just doesn't want to do anything but find holes in this law that we have passed for our protection. Don't let us follow the old practices pursued so long in this state of being hypocritical. I am not a lawyer--that is a good thing for the profession--but I do know this that the spirit of the people of this state is burning with patriotism. Our populace is made with patriotic fervor. They are desirous of getting over as easily as possible the difficulties which confront us to handle the public business effectively, rapidly, and patriotically at this time. Sir, I hope now that you will adopt this section even though it is not constitutional. (Applause). When we have a county attorney that is running again for a petty job, who thinks more of his hundred and twenty-five dollars a month than he does of the lives of his fellow citizens or the safety of the community in which he lives, or the nation in which he claims citizenship, we notify him that the people of the state expect him to do his duty or else grab him by the throat and back him up against the wall to make him do it.

And so, Sir, I sincerely hope that even though it is not, in the view of some of the constitutional lawyers of the state, just exactly as my little friend Judge Fitzgerald used to say, *mal querelle pas*, let us do it anyway.

Next to comment was Newton T. Lease of the Montana Council. He began by saying that though he was no friend of Wheeler's, he was sorry that the matter had been introduced. He felt that the councils were being drawn into political matters which would react in harmful ways. Reverend Oldfield of Musselshell County innocently asked the reason for removing

Wheeler.<sup>9</sup> Told there were rumors that Wheeler "had not done right," Oldfield commented, "A mere rumor?"<sup>10</sup> Another member added that the people were liable to take the law into their own hands if Federal authorities failed to prosecute those opposing the war.

Kennedy then launched into another long diatribe. He described how his house had been burned and his stock poisoned and drowned all because he had taken "an active part in his little community in trying to clear out these dirty, low scoundrels who . . . [were] . . . seeding to undermine the government in this country." He related a conversation with Wheeler in which he had said, "We are fighting this class in this state. You . . . had no right to give them your countenance officially."<sup>11</sup> Here he was referring to the several rumors that Wheeler publically supported members of the I.W.W. and the Nonpartisan League.

After additional, similar comments on Wheeler, the Council dropped the first resolution and decided to send the following letter to the President and Senate of the United States:

The members of the State Council of Defense and the members, of the County Council of Defense in the State of Montana in joint session assembled desire to protest against the reappointment of Honorable B. K. Wheeler to the position now held by him of United States District Attorney for Montana.

We do this sincerely believing that Mr. Wheeler's reappointment to this important position in the present critical condition of our State and Nation would be iniquical and injurious to the best interests of this State and the peace of its people.<sup>12</sup>

The Montana Council considered this resolution in separate session, and, by an evenly divided vote, decided to defer endorsement of the protest until after the Vol Waldruge hearing. The hearing would involve some of the complaints against Wheeler upon which the joint session resolution had been passed.<sup>13</sup> As it resulted, not just the complaints but every



aspect of Wheeler's activities were thoroughly examined in the process of all three hearings.

The Council had been requested to hold the hearing regarding Von Waldrue by the Lewis and Clark County Council of Defense. Eberhardt von Waldrue, alias Charles Stone, had been secretly hired by the County Council to infiltrate and expose a German spy ring supposedly operating in Butte. Von Waldrue, a German, had long been suspected of enemy espionage by Federal authorities. He was finally arrested by W. W. Byrn, special investigator assigned to Butte by the Department of Justice. It was Wheeler's job to prosecute those arrested by Byrn. The two cooperated closely, and any action by one was thought to have the approval of the other. In the case of Von Waldrue, however, Byrn had acted in Wheeler's absence from Butte and, Wheeler contended, without consulting him. Yet Wheeler did not criticize Byrn, as he recognized that Byrn was more fully informed upon the espionage activities in Butte than either he or the County Council. The County Council was enraged by the arrest and held that Wheeler was undermining its counter-espionage efforts. The County Council appealed for a hearing to prove that Von Waldrue had been aiding them and that Wheeler should release him so that he could testify in several sabotage, sedition and spy cases which were pending in the courts and which were the result of Von Waldrue's counter-espionage.<sup>14</sup>

The second investigatory hearing was of Oscar Rohn, a mine operator of Butte. Again, the case was related to the spy ring in Butte and to Federal authorities there. The hearing was held at the request of Rohn to clear him of uninvestigated charges of disloyalty and of conspiring with a spy, Carl von Pohl. Rohn had secretly hired Von Pohl to circulate among his employees as a pro-German and to ferret out enemy elements.

When von Pohl was arrested and convicted of spying, rumors circulated throughout Butte that his employer, Rohn, was guilty of the same charges. Rohn appealed to Wheeler to explode the charges publicly. Rohn held that Wheeler had implicated him when he released the story of von Pohl's conviction. Wheeler refused to clear Rohn through an investigation, as he had no evidence upon which to act. Furthermore, Wheeler refused to make any public statement, as a Washington official had advised him that such action might be embarrassing if Rohn were ever convicted.<sup>15</sup>

Before the hearings began, Governor Stewart called a meeting of the Council to determine if the proceedings should be conducted openly.

Wheeler, Byrn, and Rohn were invited to voice their opinion, since the testimony directly affected them. The Council decided on open proceedings.

Wheeler took advantage of the preliminary meeting to express his anger with the way the Council and its organization had been trying to discredit him. "I have been told," Wheeler stated, "that the purpose of my coming here, and the purpose of subpoenaing me was for the purpose of trying me, so to speak."<sup>16</sup> He expressed his willingness to be investigated, as he knew that no one could "say that I have been derelict in my duties, and consequently I don't feel that I should resign."<sup>17</sup> He then added:

I personally think it would be a mistake for this council . . . to either exonerate anybody, or try anybody. The law, as I read it, provides that this council was organized for the purpose of assisting our office, and the other Government offices. . . . I personally doubt whether or not the committee has any right to issue subpoenas and compel attendance of witnesses. . . . I don't fancy the idea of being subpoenaed over here in a summary fashion before your council.<sup>18</sup>

Wheeler next turned to the action taken by the Joint Session against him.

I understand that your organization has already gone and passed resolutions condemning me, and they have sent in those resolutions to Washington . . . [and] . . . it appears to me that the Council is entering into politics. . . . Now, I notice . . . that the Helena Independent published an article saying that Jake Dehart had gone over to Butte to get, or bring me over here. Now, that statement is entirely uncalled for on the part of the Helena Independent, or on the part of anybody else. . . . I think that, in plain English, was simply a nasty insinuation.<sup>19</sup>

The proceedings began immediately after the meeting. On June 4, the first two hearings were completed and the Council, in closed meeting, made three decisions. First, concerning the arrest of Eberhardt von Waldrue, the Council found that he had been put to good use by the Lewis and Clark County Council of Defense. The Council requested the Justice Department to order his release to the custody of county officials until the relevant cases were tried. Secondly, the Council exonerated Oscar Rohn of any and all charges of disloyalty. The Council did find Rohn had been indiscreet in employing Carl von Pohl. The Council's third action was an endorsement of the resolution protesting Wheeler's reappointment.<sup>20</sup>

Most of the testimony in these cases related to Wheeler in one way or another. Wheeler's testimony alone filled nearly one hundred pages of the records.<sup>21</sup> The overriding question throughout was whether Wheeler had performed and was performing the functions of his office with the zeal and correctness befitting of the times.

In no way did the Council confine its questioning of Wheeler to the cases of von Waldrue and Rohn. It eventually had the opportunity to investigate all of Wheeler's activities of recent years--activities which had so offended the patriots of the state. The Council left no stone unturned in its investigation. Out of the closet came the skeletons of the Hall and Just cases, when Wheeler had refused to stretch the espionage

act to cover sedition.<sup>22</sup> Even the hanging of Frank Little was rehashed at the hearing. Testimony indicated that Wheeler might have deported Little as an alien, thus averting the hanging. Wheeler claimed he only learned of Little's Canadian citizenship a day before Little was lynched, and that he had intended to depart him the next day. Conclusive evidence that Wheeler had known of Little's citizenship a month prior to the hanging was not presented.<sup>23</sup>

Wheeler also came under the fire of J. M. Kennedy of Libby, the hard-working member of the county council organization who had led the attack on Wheeler in the joint session. Kennedy reminded the Council of the case of J. A. McGlynn, a Nonpartisan League speaker who had been denied the right to deliver an address in Miles City. McGlynn was arrested and railroaded out of town by the Custer County Council and others of the city. Kennedy charged "that letters from Mr. Wheeler were found upon Mr. McGlynn as he was arrested, congratulating him upon the splendid work he was doing in Montana."<sup>24</sup> Wheeler denied having written McGlynn or even knowing the man.

Another charge which the Council presented had its origins in a Nonpartisan League rally in Great Falls, where both Wheeler and William Dunn, editor of the socialist newspaper, Butte Bulletin, had both spoken. Rumors circulated that Wheeler had given Dunn, who followed him on the platform, a laudatory introduction.<sup>25</sup> Wheeler denied the charge, as did Dunn later during the hearing of the Butte Bulletin. Dunne termed the rumor ridiculous, as he had not even come directly after Wheeler on the program of speakers.<sup>26</sup>

The questioning of Wheeler soon turned from his professional to his patriotic activities. Will Campbell asked him to admit that he had not

made any addresses on behalf of the Liberty Loan, the War Savings Stamps, or the Red Cross. Wheeler testified that he had not, but was always ready and willing to do so. Campbell said he preferred not to go into Wheeler's personal affairs, but asked him how many Liberty Bonds he had bought and to state his approximate personal worth. Wheeler answered that he had purchased between \$500 and \$750 in Liberty Bonds, but that he did not care to go into his "private worth for publication over the state."<sup>27</sup> The questioning continued about Wheeler's membership in patriotic organizations, his income tax returns, his church affiliation, and his personal friends. The United States District Attorney came under fire in a manner lacking respect for personal matters and human dignity.

The third hearing of the Montana Council, that of the Butte Bulletin, was requested after the first two began. It was the general belief of Council members and patriots of the state that the Bulletin was not just a labor socialist newspaper, but that it was controlled by the I.W.W. The main request that the Council investigate the Bulletin came from the War Industries Board, which had a report that the paper had violated their law stating that no weekly be changed to a daily newspaper. Another request came from the leaders of an association of Montana newspaper editors.

At the request of the daily newspaper publishers of Montana, we submit a file of several editions of the Butte Bulletin, a newspaper published in Butte, Montana. . . . Your judgment is asked as to the desirability of presenting these . . . to the proper postal authorities. . . . The editions of the newspapers submitted are not in accord with the spirit of the times and seem to hinder and delay the war program for which your Council is striving, by creating dissension and prejudice at a time when loyalty and unity of purpose is earnestly sought. Respectfully submitted, L. L. Jones, J. D. Scanlan, J. K. Hester.<sup>28</sup>

Though three principal members of the Bulletin staff were subpoenaed, editor William Dunn was the Council's main target. Again, the Council did

not confine itself to the original charges. It demanded lists of subscribers, names of other sources of financial support, and a definition of the relation between the paper and labor groups. All of this was intended to brand the Bulletin as a definite tool of the I.W.W. Dunne calmly denied the affiliation. He went a step farther by criticizing certain aspects of the I.W.W. organization, and the I.W.W. martyr, Frank Little.

Most of the questioning centered around Dunn's May 31 editorial, "Turn on the Light":

"At first blush," as one of our prominent acquaintances puts it, we should say that the convention of state and county councils of defense protesting B. K. Wheeler's reappointment, will receive about as much consideration from President Wilson and Senator Walsh as a prohibition resolution at a meeting of a Brewery Workers' union.

And that is more than it deserves, if we stop to consider how this gang got together. Our governor can hardly be said to be friendly to Mr. Wheeler. The governor appointed the State Council of Defense, the State Council appointed the County Councils.

All have grown lean and gray, or fat and bald in the service of big business. All are tried and trusty lieutenants of the same old political gang. They are all birds of a feather and they flock together at Helena, supposedly working for the state, but apparently for political reasons of their own.

We can imagine no better nucleus for a political machine than the present state and county organization. And, it must be some convention.<sup>29</sup>

That part of the editorial found to be most offensive to the Council was the accusation of political profiteering. Logan began the questioning with reference to the "lean and gray, or fat and bald" members. Dunn quickly admitted that he was not personally acquainted with any of the Council members except Donoghue, who was "the only one of the State Council of Defense that that does not apply to."<sup>30</sup> After more questioning regarding his contention that the Montana Council was in the "service of big

business," Dunn clarified his statements. He distinguished between himself and the members of the Council on the basis of his dissatisfaction with the status quo, the capitalistic system. He said he advocated not a revolution but the placing of the facilities of production into the hands of the laborers. The desired changes of government would be "a natural result of the economic society in which it exists."<sup>31</sup>

The Montana Council then questioned Dunn on his apparently positive attitude toward Wheeler:

Question: What is your differentiation between Mr. Wheeler and the members of this council?

Dunn: I think that Mr. Wheeler's views on some things which I view are in a good deal of the same light, for instance, the matters of cooperation, ownership and control especially in politics, are a slight improvement on some of the views held by some of the members of the Council. My view is, I don't mean to say that Mr. Wheeler's is the millinium, but he is an improvement on most of the politicians in this state in my opinion.

Question: And he comes more nearly approaching your idea of what the Government should be than the rest of us?

Dunn: I should say slightly nearer.

Question: Slightly?

Dunn: Yes, Sir.

Question: And you are willing to accept a half loaf if you cannot get a whole loaf?

Dunn: Oh, yes, yes.<sup>32</sup>

When Dunn was questioned about his relationship with Wheeler, he answered that he had met Wheeler only once prior to the hearings--at the Great Falls Nonpartisan League rally.<sup>33</sup> The Council was obviously seeking

to discredit Wheeler by attempting to prove that he was affiliated with the I.W.W. and other intolerable elements. This rumored affiliation was accepted by some to be Wheeler's motive for not using his office to eliminate those elements considered a threat to the security of Montana.

The last line of the Council's questioning was the most significant. It concerned Dunn's repeated urging of his readers to ignore the Montana Council because it was a joke and not legally constituted. Dunn intimated that he had had legal advice on the matter from a high state official. Supposedly, that official had given his opinion that the Extraordinary Assembly had made a mistake in constituting the Montana Council and delegating to it certain powers. Dunn had written that the Council had no legal authority and that no one need pay any attention to it.

Dunn persisted in this stand when questioned by the Council. He said that he meant to continue advising his readers to follow this course until the orders had been tested in the courts. The Montana Council was undoubtedly stunned by Dunn's bold stand on the legality of the Council. The hearing of the Bulletin soon ended and the Council went into executive session.<sup>34</sup> It decided to ask Attorney General Ford's opinion on the legality of the Council.<sup>35</sup> The Council suspected Ford of being the high authority of the state who had advised Dunn of the Council's illegality.

Ford was greatly offended by the implications made in the Council's letter. He replied that he had given no opinion on the legality of the Council save when requested by the Council to do so. He referred to his opinion in early March that a proposed order prohibiting boycotting, etc., would be unconstitutional. Ford further accused the Council of foolishness in writing the letter of inquiry, as his office was always next door.<sup>36</sup> Ford claimed also that he had always striven to maintain good relationships



with the Council. Wheeler had contended the same in the course of the hearings. However, neither of these officials was ever enchanted with the Council nor with the brand of patriotism which the Council engendered and upon which it thrived.

The attack on the Bulletin did not end with the hearings. On January 28, 1919, Greenfield answered a request from the CND Section for a history of cases which had arisen in the courts of Montana involving the construction of powers conferred upon the Council by statute. Greenfield replied:

There has been a case which is now in the courts. The Butte Bulletin Publishing Company of Butte printed an article in which it said among other things that "The Council of Defense was dominated by a slimy political gang, whose actions are a stench in the nostrils of decent people. . . ." They have no legal status or authority. They can fulminate to their heart's content against everything and anything that menaces their masters' interests. . . ."

The law creating the Montana Council of Defense provided that any person violating or refusing to obey any rule or order of the Council of Defense should be deemed guilty of a misdemeanor. Preceding the printing of the editorial mentioned in the Butte Bulletin, the Montana Council of Defense had issued an order in conformity with the ruling of the War Industries Board that no new paper should be started without authority of the Council. The Butte Bulletin which had been printed as a weekly, began publishing as a daily, disobeying this order, and the publishers and the editors were summoned before the Council and a hearing was had on the matter of the refusal of the Bulletin publishers to obey the order. Later, the County Attorney of this county filed an information against W. F. Dunn, Leo Daly and R. H. Smith, editor, publisher and circulator, respectively, of the Bulletin, charging them with the misdemeanor. Their attorney demurred to the information on the grounds that the law creating the Montana Council of Defense was unconstitutional. The District Court over-ruled the demurrer, holding the law was constitutional and these men are to be tried on the information.<sup>37</sup>

The Lewis and Clark County Attorney failed to convict Dunn, and the charges were dropped. Yet he pursued Dunn and his fellow publishers for the next few years until, in April 1920, Dunn was finally convicted of

sedition and fined \$5,000.<sup>38</sup> He successfully appealed to the State Supreme Court, which held that on the basis of evidence presented, Dunn was not guilty.<sup>39</sup>

### Investigations of the County Councils

The study of the early history of the United States usually fosters a spirit of patriotism in nationals. A study of World War I can only engender a fear of this emotion. The super-patriotism of that period rested on platforms of hysteria and intolerance unmatched in our history. For three years a high tide of emotionalism gripped and nearly strangled the nation. During that period, innumerable crimes went unchecked under the cloak of patriotism.

Montana had the discreditable honor of hosting many of the most active super-patriots. Mob and vigilante groups perpetuated crimes against religious and ethnic groups, burned books and homes, staged flag-kissings, and severely mistreated persons of suspected allegiance. Some persons even credited Montana's patriots with lynchings.

One of the foremost reasons for legalizing the Montana Council was to check these activities. The Council would supposedly channel the energies of super-patriots into more useful enterprises, and it would set up a legal apparatus to investigate rumors of enemy sympathizers and spies, thus averting mob rule.

The plan largely failed. True, mob activities of an extra-legal nature did decrease in 1918. However, super-patriots controlled most of the county councils. The situation was not resolved, only refined and legalized.

Early in 1918, new patriotic organizations mushroomed throughout the state. Each required the formal sanction of the Council. The organization was the Montana Loyalty League. With a core of leading state patriots, the League established branches in all of the large cities and many of the small communities. Charles Vicar Peck of Danvers, member of the Montana Council, was president of the League. Sidney Logan of Kalispell, Samuel Sansburn of Bloomfield and William Campbell of Helena--all members of the Montana Council--were vice-presidents. Other vice-presidents included J. F. McNemee of Helena, Joseph Smith of Deer Lodge and J. A. Gilluly of Lewistown. The letter-head of the League was a quotation of General John J. Pershing: "I will smash the German line in France if you will smash that damnable Hun propaganda at home."<sup>40</sup> Some correspondence to the League was inadvertently addressed to the Montana Council of Defense. Although the League aided with fund-raising campaigns, its major intent was to investigate.<sup>41</sup>

Investigations via hearings were a major activity of the county councils. To many of the zealous agencies, this was the major function. Usually the investigations were not directed against spies, saboteurs, traitors or seditious speakers; for when sufficient evidence existed for a defined crime, the courts exempted county council action. It was those with supposed tendencies toward these crimes, those who failed to support the war as verbally or as financially as the super-patriots, those teachers and public officials considered lax or unsympathetic, and those guilty only of German heritage, who became targets of investigatory hearings.

One of the most publicized of such county council hearings has already been mentioned--that of the Carbon County Draft Board.<sup>42</sup> A typical patriotic organization, the Liberty Committee, initiated the

proceedings. The Liberty Committee was "a patriotic organization formed for the purpose of running down reported cases of sedition and getting the men who are charged with those things legally into the hands of the law."<sup>43</sup> Organized in November, 1917, the committee by the spring of 1918 boasted almost 500 members.<sup>44</sup>

Burton K. Wheeler recalled the Committees in his autobiography.

In the fall of 1917 so-called "Liberty Committees" were organized in most of the small towns of the state to deal directly with anyone accused of being pro-German or who refused to buy the number of Liberty Bonds that these communities would assess against an individual as his "quota."

According to the Anaconda Standard, a so-called "third-degree committee" in Billings rounded up "pro-Germans and financial slackers" there in November 1917. A city council member was forced to resign his job and carry an American flag through the streets. The owner of a meat market who had torn up his Liberty loan subscription blank was forced to kiss the flag. In Red Lodge, a coal mining center, the Helena Independent reported that "two Finnish IWW leaders were beaten and strung up by members of the Liberty Committee."<sup>45</sup>

The war hysteria behind these activities was particularly strong during fund-raising campaigns. The first drive, in May, 1917, preceded the high period of hysteria; but the second, in October, 1917, and the two of 1918, rode on waves of unbounded patriotic fervor. The advertising and pressure aimed at forcing people to buy bonds were colossal. One Liberty loan advertisement proclaimed: "No mercy for Bond Shirkers."<sup>46</sup> A following article threatened to publish the names of those who refused to subscribe. It also claimed authority for loan committee men to demand an adequate subscription. It further said: "A bond shirker is an enemy to humanity and liberty, a traitor and a disgrace to his country."<sup>47</sup>

All state councils played a prominent role in these fund-raising campaigns. George Creel, national director of war propaganda, condemned their participation by stating: "These councils conducted themselves in a manner that would have been lawless in any other than a

'patriotic body.'"<sup>48</sup> In most states, councils or super-patriots set up kangaroo or slacker courts which, though lacking legal authority, had the power of public opinion behind them. Those who had refused to buy bonds usually did so for one of four reasons: they had no ready cash, they were religious or conscientious objectors, they believed that the war would end more quickly if people refused to support it financially, or they simply resented the extra-legal tactics and pressures exerted by the fund solicitors.

In Montana, the county councils investigated and conducted hearings of reported money slackers. Records of hearings were generally forwarded to the Montana Council for confirmation of the findings. In August, 1918, the Council reviewed a hearing record from the Ravalli County Council of Defense. This investigation and hearing were instigated by the Stevensville War Service League, the local organization for handling funds for the war effort. Five men, all alleged money slackers, were fully examined by the Ravalli Council. The testimony of one, Victor E. Brown, follows in part:

Question: Your name is Victor E. Brown?

Answer: Yes, Sir.

Question: Where do you live, Mr. Brown?

Answer: Three and a half miles south of town.

Question: How long have you been living there?

Answer: I came there the first of November last.

Question: Where did you live before you came there?

Answer: Well, I lived at different places, I was in the Government service 15 years, I came from Wolf Point, Fort Peck Reservation.

Question: You were born in this country?

Answer: No sir.

Question: In what country were you born?

Answer: In the State of Indiana.

Question: You are a native born American?

Answer: Oh yes.

Question: How old are you?

Answer: Fifty-nine.

Question: You own the property you are living on?

Answer. I have a deed, I will own it if I pay.

Question: There is an incumbrance against it?

Answer: Yes sir.

Question: How many acres?

Answer: Well, it is 320 acre tract.

Question: How much did you pay for it?

Answer: Thirteen thousand dollars.

Question: How much is against it now?

Answer: Nine thousand dollars.

Question: Have you bought any Liberty Bonds?

Answer: No sir.

Question: Any war savings stamps?

Answer: No sir.

Question: Contributed anything toward the War Service League or Red Cross?

Answer: Nothing to speak of; my wife and I are members, we contributed our membership.

Question: Any reason why you refuse to do so?

Answer: I have considerable debts to meet, while we are in entire sympathy with all the work in that organization we have felt we should meet our obligations.

Question: Don't you think the country would be in a pretty bad way if those who did not owe anything contributed towards the War Service League or bought bonds? Have you any personal property?

Answer: I have a few horses and cows that I have recently purchased.

Question: And how many cows?

Answer: I have four cows with calves.

Question: Any incumbrance against the horses and cows?

Answer: No sir, I paid for those.

Question: What crops have you in this year?

Answer: I have only a few acres of oats and three or four acres of barley. I have in only 15 acres of oats and I have hay.

Question: How much hay land?

Answer: I hardly know. I have something like 30 acres of alfalfa and some scattered hay on the island, what we call the low land.

Question: You say you have not contributed further, other than you and your wife are members of the Red Cross?

Answer: Yes sir.

Question: Is it your intention to buy any War Savings Stamps or contribute anything toward the War Service League?

Answer: We are very glad to when we see ourselves clear.

Question: In other words you don't feel you are able to do it until you pay all of your debts?

Answer: Not all of our debts; we deny ourselves a great many things we would like to have. We are living in a wreck of a three roomed house. The improvements on that place are in bad condition and we don't feel able to pay six or seven dollars a day to a carpenter...

Question: In other words you are looking forward to your own comfort all the time?

. . . .

Question: So you have no disposition at this time to say that you will or will not do any better in the future with reference to contributions than you have done in the past?

Answer: Is there a law to compel me to do that?

Question: No sir, except public opinion, and if that is not sufficient law I don't know what is. 49

The questioning continued in a repetitious, condemning manner, intended more to harass Mr. Brown than to reveal new information. After a recess, the questioning resumed and intensified on the basis of information supplied by local bank officials regarding Brown's savings and payments due him on a farm sold in Indiana.

As a result of the hearing, the County Council found that neither Brown nor any of the four other money slackers had in any way contributed financially to the war effort, that all were financially able, and that all were "money slackers and as such deserving of public censure."<sup>50</sup>

The Montana Council, upon receiving the transcript of the hearing, endorsed all the actions of the Ravalli County. Later, a member of the Ravalli Council inquired as to the Montana Council's planned action against the slackers. The Council recommended that aside from public censure, the only action the County Council could take was to "send to each paper printed in Ravalli County a copy of the findings with the request that they publish the same."<sup>51</sup>

Criticism of such proceedings did arise occasionally, and in the case of the Ravalli activities, the opposition had the disturbingly loud voice of a newspaper, the Stevensville Tribune. Representatives of the War Service League appeared before the County Council and contended that certain publications by the editor, J. R. Faulds, "were a reflection on the work of the Council of Ravalli County, and the League, and had the effect of lessening enthusiasm in war activities."<sup>52</sup>

The fight between the Service League, represented by the County Council, and J. R. Faulds grew to such an extent that the Montana Council called both parties to testify at a hearing. The state agency decreed that the County Council "in calling and conducting the hearings relative

to alleged slackers and people who have refused to subscribe toward war activities acted entirely within its rights and in a most patriotic and commendable way"; that the War Service League was also to be commended; that Faulds did, intentionally or non-intentionally, tend to embarrass the County Council of Defense and the War Service League and "put them in a false light"; and that the Montana Council did "not wish to and does not impugn the patriotism of Mr. Faulds but the Council does question the good judgment of continuing the fight."<sup>53</sup> The final words of the Council recommended that other newspapers of the Ravalli area likewise "desist from dragging war activities into local strife."<sup>54</sup>

The attitude of the Montana Council in the case of the Stevensville hearings is exemplary of its general policy regarding money slackers. From the Big Horn County Council the Montana Council received a seven-page transcript of a repetitious and heckling hearing of a farmer who defended his refusal to purchase bonds by stating that his most important contribution to the war effort was to invest his money in crops to increase production.<sup>55</sup> The Secretary of the Council, in answering an inquiry about legal action, said that none was possible. However, he mentioned a number of communities, particularly Helena, where men gave similar reasons for not purchasing.

In two cases these men were brought before the County Council of Defense and while they persisted in their original decision, nevertheless public sentiment was so stirred up against them that they concluded it was the part of wisdom to subscribe. In one case a genteel boycott was put on a man, in that he was not spoken to by any of his old friends, and in one instance he went in a store and the proprietor refused to allow him to be waited on. It took about twenty-four hours of this sort of treatment to bring this gentleman to his senses.<sup>56</sup>



Another inquiry included the suggestion that the salaries of slackers be attached. Greenfield replied that there was no legal basis for such action. "Moral suasion" was the only answer.<sup>57</sup>

Answering another inquiry, Greenfield emphasized the lack of legal power but added:

The hearings which have been conducted have had the effect of bringing those who refuse to contribute to a full realization of their obligations in the matter. . . . It is not only proper but . . . their duty to investigate and find out why people won't contribute . . . and . . . gives the opportunity to explain their attitude and that will go a long way in "bringing them into line."<sup>58</sup>

In Sheridan County one of several hearings centered on Dr. J. S. Geiser, who was found guilty of making pro-German statements and preaching against the buying of bonds. The County Attorney released Geiser on \$5,000 bond. Greenfield wrote the County Council that he hoped they made "the case stick as this sort is an excellent thing on others who feel as Dr. Geiser apparently does."<sup>59</sup>

Most of the county council hearings took place between March and November, 1918. After the armistice in November, this activity, like all the councils' activity, was pursued with less vigor. An exception arose in mid- and late-1919 with the formation of European War Relief organizations. Yet the situation had changed. Persons more boldly declared and defended their refusal to contribute. More importantly, war hysteria was waning and public opinion was no longer the easy tool of the super-patriots.

## CHAPTER V

### LIMITATIONS ON RIGHTS

From America's entry into World War I, newspapers and state councils throughout the nation conducted a campaign to gain public support of the conflict. The nation and its war were glorified. The Hun enemy appeared hideous and inhuman. Spies, traitors and saboteurs were similarly condemned in fantastic and usually ill-founded stories. The fear of the enemy within swept the nation. The fear of enemy propaganda was particularly widespread. It was this fear that led to the limitation of rights.

"Enemy propaganda" during those years of fear existed in everything from a German newspaper to a German song book. Many German immigrants were suspect by their names or by the use of their native language. Even those, non-Germans and Germans, who criticized the nation, its war effort or the capitalistic system, were often accused of intentionally spreading propaganda which would cause class-warfare and thus undermine the war effort.

The sedition law was the first major move in Montana to eliminate enemy propaganda and the possibility of class warfare. The law was primarily aimed at the I.W.W. To a great extent it did limit the seditious activities of that socialist-labor organization in Montana. Yet, Montana patriots were not fully satisfied by the law. They felt that it failed

to eliminate the possibility of class-warfare supposedly posed by the Nonpartisan League.

The Nonpartisan League was active in Montana throughout the war, staged speech rallies and gained support for planned reforms of the capitalistic system. Patriotic Montanans interpreted this activity much as did the Helena Independent.

The Non-Partisan League, strikingly named the "Non-Patriotic League," aided by the I.W.W., the radical socialists and the pacifists, is laying the foundations for a Bolshevik movement which will endeavor to overturn American principals of government and the strength already attained by this non-patriotic organization is so great and as yet so little realized by the people, that the situation is startling.<sup>1</sup>

On March 15, 1918, the Montana Council issued its first directive. Order Number One demanded that all planned parades, public meetings and speeches have the written approval of the Montana Council of Defense.<sup>2</sup> Local patriots already had moved to control the Nonpartisan League (N.P.L.)<sup>3</sup> Through the auspices of the local governments or the county councils, applications were printed and made available to potential speakers. The applicant had to pledge not to disturb the peace nor commit a varying spectrum of offences against the government.<sup>4</sup>

In many ways, the county councils were much more zealous and acted more strongly than did the Montana Council. This was true of the action taken against the N.P.L. in the matter of A. J. (Mickey) McGlynn, an N.P.L. organizer who spoke mainly in eastern Montana.

McGlynn's activities first came to the Montana Council's attention in March, thanks to the Prairie County Council of Defense. When McGlynn appeared to speak before a group of farmers in Terry, the local patriots presented him with an application in which he had to testify to the following:

That I am a citizen of \_\_\_\_\_, that I have subscribed to and purchased \$ \_\_\_\_\_ Liberty Bonds, that I have donated \$ \_\_\_\_\_ to the Red Cross, that I have also donated \$ \_\_\_\_\_ to the Y.M.C.A., that I am not pro-German, and that I will not make any seditious utterances, or make any remark, the tendency of which would set up class hatred or community strife.<sup>5</sup>

McGlynn signed the paper only after striking out "or any remark, the tendency of which would set up class hatred or community strife." He was not permitted to speak. When the County Council learned that McGlynn was scheduled to speak again in the area, Chairman W. A. Brubaker consulted the Montana Council on the proper course of action. He appended to his request:

A great many of the citizens feel that a man who would not sign such an agreement should not be permitted to speak anywhere. . . . It is claimed that such talks as are being made by these organizers have a tendency to cause a community to be divided and that considerable harm is being done at a time when the whole people should stand as united.<sup>6</sup>

Secretary Greenfield replied that the Montana Council thought McGlynn justified in erasing the phrase and that the remaining pledges were sufficient. Greenfield advised the County Council to have the county attorney or the sheriff attend the scheduled meeting. "If he is guilty of seditious utterances," Greenfield stated, "the sedition law passed at the special session of the legislature will get him."<sup>7</sup>

Miles City was less kind to McGlynn. In a speech there in May, McGlynn objected to a rumor in the city that a trainload of Belgian children whose arms were cut off by the Germans was going to cross the state. McGlynn supposedly said: "The Germans never did that; it was done in the factories in Chicago. They were sent through the country to create feeling against the German nation."<sup>8</sup> A mob including "prominent businessmen and lawyers" took McGlynn to the basement of the Elks Club and administered a sound

beating.<sup>9</sup> They then took him to the train station and instructed him to leave town at once.<sup>10</sup>

On May 3, the state superintendent of the N.P.L. in Montana wrote McGlynn:

We notice that a number of the leading citizens, so called, of Miles City have been arrested in connection with their reception which they gave you while in their city. This certainly comes to us as very gratifying news. If we can get a few of these self-styled super-patriots up against a dose of their own medicine, they may hesitate to use their political prejudice under the guise of patriotism.

We are in receipt of a letter from the Attorney General stating that he would start action that may land some of our leading editors of this state in the penitentiary; this will help to discredit some of the lies the Butte Miner and Helena Independent are scattering broadcast throughout the state.<sup>11</sup>

State Attorney General Samuel Ford had demanded that the attorney of Custer County institute criminal proceedings against those who had mistreated McGlynn and refused him the right to speak. At the request of the county attorney, Ford went to Miles City himself. McGlynn had charged only four or five persons, but the county attorney had arrested twenty-one. It developed that several of the twenty-one were not in Miles City at the time of McGlynn's speech and thus had no connection with the mob action. Ford suspected that "the county attorney included the names of these 21 men in the prosecution for the purpose of discrediting the proceedings and defeating the ends of justice."<sup>12</sup> Ford had to order their dismissal, and he later observed:

This action, in the light of later events, was unnecessary. for all the defendants were discharged by the Justice of the Peace before whom the preliminary hearing was had, without the introduction of a word of evidence for the defense, upon the plea of counsel for the defendants that McGlynn had been deported to protect him from anticipated violence. No evidence in support of the plea was offered, however.

The result in Miles City was no surprise to me for it was openly stated upon the streets of that city on the preceding

day that the Justice of the Peace had already pledged himself to discharge the defendants, regardless of the character of the evidence to be offered by the prosecution.<sup>13</sup>

McGlynn was subsequently arrested for sedition in the county and convicted under the sedition law of the state. However, the State Supreme Court reversed the decision.<sup>14</sup>

When the joint session convened on May 27, a communication was read from Attorney General Ford calling attention to "recent violations of the state constitution and laws in a number of counties of the state." He continued:

The right of free speech and the right to make public addresses have been denied individuals in the counties . . . by and in direct violation of law, and the denial has been affected by intimidation and forcible coercion. Furthermore, it is common knowledge that in many cases members of county councils of defense have participated in these unlawful proceedings. The cases have been rather numerous.

. . . . .  
As I understand it, the sole reason for the creation of the state council of defense and the county councils, in respect to their police powers, was to add to the existing authorities an extra-ordinary body charged specially with the duty of upholding the law during the perilous time of war; . . . to maintain respect for law, solidify the citizenry from legal, proper, and patriotic purposes, and win the war.

. . . . .  
This being the case, I wish in closing to urge with all possible emphasis that the state council of defense, through its own action and that of the county councils, co-operated to the fullest extent of its powers with the ordinarily constituted authorities and myself in the suppression of the lawlessness described and in the vindication of the right of free speech and the right to make public addresses in the State of Montana.<sup>15</sup>

Only a small part of Ford's communication is quoted above. In full, it is probably the best testimony to the critical situation that existed in Montana during the war years, and to the less commendable activities of the council organization. After hearing the communication, a stunned Montana Council decided to suppress the communication until some positive course of action could be determined. Yet Ford had already released it to the press.<sup>16</sup>

The rights of free speech and assembly were not the only ones which the Montana Council wished to restrict. Limitation of freedom of press also came under the Council's consideration. In March, it considered a proposal to issue licenses only to newspapers which did not carry propaganda or print detrimental to the execution of the war. George H. Cade, president of the Montana State Press Association, was charged with determining the opinions of the editors. Many editors were in favor of the order; some advocated even more stringent limitations. However, a few recognized that such a move would be an infringement upon the freedom of press guaranteed by the Constitution. This minority opposition, and the fact that practically all of the newspapers had, throughout 1917, demonstrated their loyalty, convinced the Council to reject the proposed order.<sup>17</sup>

The Montana Council did direct itself to the film media. Citizens of Montana called the Council's attention to certain films inciting class war. In March, the Council adopted a resolution requesting managers of movie houses to eliminate those films which had a tendency to reflect unfavorably upon the activities of any class of people in connection with the war. The resolution also urged the managers to make patriotic film presentations a part of their program.<sup>18</sup>

A few of the county councils subsequently confiscated films. One, "The Menace of Democracy," was charged with "setting forth the strength of the German army and the might of the German Nations. ." The Council endorsed the confiscation by the Sheridan County Council and forwarded the film to the Intelligence Bureau of the War Department.<sup>19</sup>

Montana's fear of enemy propaganda, and its dedication to the war effort, showed clearly in the changes imposed upon the educational

facilities of the state. The war activities carried on in the primary and secondary school were numerous. In response to a request by the National Education Association, each county filled out a form describing the extent and nature of these activities. The headings of this form were: Thrift Stamps, War Stamps, Liberty Bonds, Patriotic Entertainments or Parties, and Junior Red Cross--subtitled Knitting or Sewing, Tinfoil Saved, and Prunes and Peach Pits Saved. One school reported over \$1,000 in financial contributions. The community as a whole as well as the school personnel, actively promoted such activities.<sup>20</sup>

Community patriots also directed their attention to the war education of their youth. Teachers throughout the state knew their certificates might be revoked if they did not cautiously practice self-censorship and pro-war idealism.<sup>21</sup> A teacher at Libby who failed to follow this course was reported as follows:

He is not a good citizen: he is disloyal to this country; he is a rabid, arrogant rebel. He persistently refuses to do his duty as a citizen; as a teacher of the public school at Rexford he is a public menace. Always he preaches and teaches dangerous doctrines.<sup>22</sup>

The "public menace of Rexford" had refused to aid in a campaign for the sale of thrift and war savings stamps in the schools, claiming that he did not approve of the government's conduct in teaching children that war was worthy of their financial support, that such a role should be left to the government.<sup>23</sup>

Even more attention was given the reading material of the students. In June, 1918, the CND Section issued a confidential bulletin to the state councils containing a lengthy list of books "of supposed pro-German tendency."<sup>24</sup> The bulletin emphasized, that "the appearance of a book on this list should not be taken in any way to impute disloyalty of



the author as many were written before the war," and that great care should be exercised in the use of the list.<sup>25</sup> The councils were to submit the list to librarians of the state as a confidential communication, "as an argument or controversy over a book would give it the very publicity which it is deemed advisable to eliminate during the present period."<sup>26</sup>

The confidential and limited course suggested by the CND Section was impossible in Montana. Among the first decrees made in April by the zealous Montana Council was Order Number Three, directing public and school librarians to withdraw from circulation the following books: Ancient World by West, Writing and Speaking German by Pope, About the Great King and Other Things by Betz, From the First to the Last Shot by Wachenhausen, William the Victorious by Zastro, Peter Moore's Journey to the Southwest by Frenssen, German Song-book by Hohfeld, A Summer in Germany by Manley, German Songs by Scherer and Dirk, First German Reader by Krause, German Compositions by Pope, and Selections for German Compositions by Harris.

In the same order librarians and school authorities on all levels were further requested to "carefully examine all other publications in their respective libraries" and withdraw all those "which in the judgment of such school authorities or librarians contain German propaganda, whether such books or publications are enumerated above or not."<sup>27</sup> The State Supervisor of Public Instruction was placed in charge of issuing additional lists.<sup>28</sup>

The vigorous book-banning campaign undertaken by the Montana Council came as the result of the alertness of one private citizen, John Brown, an attorney in Helena. One of Brown's children had brought a book home

from school which, "by mere accident," Brown read.<sup>29</sup> Brown wrote to the Montana Council that the Helena School Board had "been quite vigorous in its attempt to protect its children from the influence of the insidious propaganda that the Germans have attempted to put forth in America."<sup>30</sup> He called particular attention to Prof. Willis Mason West's Ancient World, which was used in forty-two high schools of Montana.

It teaches with italicized emphasis that during some of the early Roman times the German Rhine, not the Italian Tiber, was the center of their state (Section 796); also that Civilization and Christianity were extended from the Rhine to the Elbe (Section 788); and that the great contributions to modern civilization were the Roman contributions and Teutonic contributions (Section 762) Further, it emphasizes the present rules' claim for "Mitteleuropa" (Section 743), and gives excuse for the long pounding of the Thirty Years War as being the foundation for the modern Germany (emphasized, Section 789). The book also from Section 637 to Section 796 clearly and upon its face shows that by its use of paragraph headings, its use of italics and its absolutely falsifying of history, it is distinctly German propaganda.<sup>31</sup>

Brown added that the history was published by Allyn and Bacon, "a firm that has notoriously circulated in the schools of the U. S., German textbooks actually written in Germany . . ." <sup>32</sup> In pointing out similar German conspiracies, Brown mentioned the "great university betrayal" by the "so-called exchange professorships," and the "firm ostensibly operating from Chicago . . . subsidized by the German government so as to be able to under bid any possible competition" in the book field.<sup>33</sup>

The Montana Council subsequently selected Brown to assist in eliminating German influences from the schools.<sup>34</sup> In a short time he was a prominent state patriot, receiving letters not only suggesting the banning of more books, but reporting a variety of suspected pro-German activities. Brown referred latter cases to the Montana Council.

A degree of opposition arose to Order Number Three and to the activities of Brown. The principal complaint came for Prof. West and his

publishers and resulted in a Council hearing in May, in which West was found innocent of disloyalty.<sup>35</sup> Ancient History, however, remained on the list of banned books. West's refusal to revise the objectional sections and headings made removal impossible. In retaliation, the publishers issued a circular entitled Pro-German Attack on West's History." It accused Brown and the Montana Council of being the German sympathizers, not West. Brown was so enraged that he wrote to West, denying the accusation and calling the author of the circular "an unmitigated, damnable liar."<sup>36</sup>

West was not alone in questioning Brown's judgment. Several school personnel throughout the state wrote to Brown and the Montana Council. Some asked for the specific pages of the pro-German statements; others expressed doubt that it was propaganda. Neither Brown nor the Montana Council showed either patience or respect in answering the letters. One principal wrote that he thought the Council was as mistaken in banning the books as "thousands of other educators of this country."<sup>37</sup> Greenfield replied that the Council might have made a mistake, but that it was his "personal opinion that thousands of educators in this country have been making a serious mistake for a great many years in allowing this German propaganda to be studied and taught in the schools."<sup>38</sup>

Brown was even more caustic in replying to such letters of criticism. To a resident of Brockway he wrote:

Your undated, misspelled and poorly written letter to the State Council of Defense has been transmitted to me. . . . You . . . show a lack of knowledge of your own American History, otherwise you would well remember the remarkable words of Washington, when he calls attention to the need of obedience to constituted authority and the necessity of people who desire to preserve their rights not trying to influence the deliberate judgment of the councils of the country. . . .

To sum it up, your letter is quite astonishing to me; its poor writing, its lack of date, and its misspelling, but con-

firm the ignorance that is behind it, which fails to appreciate that this is the time when your country needs your assistance rather than your assinine criticism."<sup>39</sup>

Most Montanans, however, eagerly complied with the banning of books. Some even became a bit more zealous and burned the material. This was the case at Brockway and was probably the reason behind the letter above. In a letter to the Council, the principal of Brockway High School reported "an exhaustive searching into the text and reference books used."<sup>40</sup> He was convinced that "German could not be taught without giving the student a false view of the debased and vicious rule of the German army and policy," and he referred to the "widespread admiration of Germany prevalent among students before the war."<sup>41</sup> He submitted notes from his survey, but regretted his inability to quote the passages leading to his conclusions, as he had taken "the liberty of discontinuing the study of the German language in this high school and had the students burn the German books."<sup>42</sup>

A resident of Hilger congratulated the Montana Council on Order Number Three and expressed her hope that every state would do the same. She described the activities of the school there:

Last year we "weeded" out all german texts that were in our school library, clipped out all german songs in our books of national songs, blotted out the coat of arms and german flags in the dictionaries, and urged that every home should destroy german text and library books they possess. We also spell germany without a capital letter. A few days ago we burned all our West's Ancient Worlds, and I have the permission of our trustees to destroy any texts found to contain german propaganda.<sup>43</sup>

Order Number Three also applied to instututions of higher learning in the state. The librarians of both Missoula and Bozeman reported concurrence with the order. Gertrude Buckhouse of the University further reported that all German textbooks had been removed, as well as nine

additional books considered by members of the faculty and herself to contain German propaganda.<sup>44</sup>

Order Number Three not only banned certain books, but also the use of the German language in public and private schools and in the pulpits. The Council took this action because of the high degree of animosity toward the large German population in the state. These people were suspected of dubious allegiance mainly because of their insistent use of the mother tongue--thus possible facilitating the undetected propagation of enemy propaganda and treasonable plots. Control of such activity was not, claimed Secretary Greenfield, the sole reason for the Order. In one letter he wrote that it was passed "due to a large extent . . . to a desire to protect German-Americans from the actions of some radical people who . . . would have taken action in an illegal way."<sup>45</sup> He mentioned three different cases where, if the Council had not acted, the communities "would have gone to extreme lengths in suppressing it themselves."<sup>46</sup>

At least one community did act prior to the order. A member of the Bethlehem Mennonites of Bloomfield, Dawson County, did not report this to the Montana Council until 1919. He wrote that in early April, 1918, false reports about their services were made to the County Council and county officials. The reports were not investigated and a spirit of anger swept through the community.

A mob of 12 men, among whom were the chief of police of Glendive, Mr. Kenny, and County Sheriff, George Twibble, also chairman of the local board for Dawson County. . . mobbed and . . . severely mistreated the preacher of our church Reverend John M. Fraz and also mistreated his wife and ruined her health. . . The Council of Defense gave Reverend Fraz a trial in City Hall at Glendive where two hundred citizens of Glendive were witness on the evening of the 8th day of April, 1918, and found all charges against him and the church of being unloyal . . . and unpatriotic were not true. . . All German Hymn books being eighty in number were taken and given to the county sheriff. . .<sup>47</sup>

Schools complied with the curtailing of language classes as well as with the banning of books. Again, the general public reacted eagerly to the order. The Montana Council received several inquiries on how to turn in Germans utilizing the language in general conversation.<sup>48</sup> To one such request, Greenfield replied that the order did not restrict Germans from speaking in a group, "although many Montanans desired to stretch the order to this extent."<sup>49</sup> The Secretary suggested, though, that patriots "keep as good track as possible . . . to determine whether they are talkers of sedition and are for or against the government."<sup>50</sup>

Resistance to the language order did arise. It was this resistance which caused the Council the most difficulty during its existence. The source was the German population of the state.<sup>51</sup> These people were usually homesteading migrants from Germany or Russia, and still using the mother tongue. They generally grouped together in small communities, there they resisted integration into the American stream of life and avoided interference with their religious beliefs. The three main church groups were the Lutherans, the Congregationalists and the Mennonites, the last the most intent in their separatist efforts. All three groups objected to the order mainly because it deprived the older members of religious exercises, as they spoke only German and were considered too old to learn a new language.

Leadership of the resistance came from the pastors--leaders not only of the churches but of the entire community life. Their numerous letters begging reconsideration of Order Number Three were nearly all the same. They began by describing the hardships imposed upon their congregations by the order. One wrote that many of his congregation of German-Russians understood little more of his sermon "but the words God,

Jesus, and Amen.<sup>52</sup> The writer, Rev. H. E. Vomhof of Laurel, then requested nothing more than the right to serve communion in German, as it "is sinful to partake in the Lord's supper without understanding."<sup>53</sup> Another pastor, the Rev. F. E. Brauer of the Lutherans at Dooley, asked that his congregation, "deprived of the comfort of the gospel" be allowed at least one service in German.<sup>54</sup>

While some pastors bravely charged that the order violated their most basic right, most of them showed restraint. They usually testified to their own patriotism and then launched into a detailed description of their congregations' war activities. Descriptions of financial contributions read more like the price paid for protection than the joyful giving of patriots. Rev. Brauer wrote of his own congregation:

To prove to you that the members of Trinity Lutheran are loyal and patriotic I wish to state that they have liberally bought Bonds during the third Liberty Loan drive, and they will not shirk their duty during the coming campaign. They pledged themselves to buy \$1385 worth of War Stamps, a large sum for a congregation of a little more than a hundred souls. All are Red Cross members. It being a rural congregation, the majority of the voting members have donated an acre or more of grain to the Red Cross. All our Sunday collections are donated to the Red Cross. . ."<sup>55</sup>

Attached to Reverend Brauer's letter was a newspaper clipping claiming that the Rocky Spring school had the distinction of being the first rural school in the country whose pupils had all bought Thrift Stamps. A "100% Thrift Stamp Banner" stood in their school room.

The Mennonites suffered most because of the very nature of their religious communities. They would not fight the enemy; and with their determination to shun outside influences, they spoke the language of the enemy. Both beliefs cast suspicion and persecution upon the communities. Furthermore, these Mennonites had a long history of migration in

search of religious and other basic freedoms--from the Netherlands to German, Germany to Russia, and Russia to Montana, only to find that Order Number Three violated those rights that had been so sincerely promised.

The Mennonites did acquire permission for an exception to Order Number Three. When attending a farmers picnic north of Chinook, the Governor had allowed services to be conducted in German in the homes. This procedure continued until early October, when the Council learned that entire congregations had been moved to private homes. Such services were subsequently limited to the immediate family.<sup>56</sup>

Only a few states passed language orders, and Montana's was of the strictest nature. Usually the states such as Nebraska allowed one service a week in German, limited only to those non-English speaking worshippers.<sup>57</sup>

Mennonites throughout the Midwest suffered from the war mood and various war activities. In the summer of 1918 they undertook a well-organized migration to Canada. The Council learned of the plan from E. C. Leedy, Immigration Department agent of the Great Northern Railway. That organization had engineered the migration and settlement of several Mennonite communities, and it petitioned the Council to reconsider Order Number Three so as to avoid abandonment of these settlements. Leedy informed the Council:

. . . efforts are being made by the Canadian Government to move the German Mennonites from the United States to British Columbia, in fact they have already taken quite a number from South Dakota and only recently took a coachload of delegates from about every settlement in Montana, Minnesota, South Dakota, Kansas and Oklahoma. The report of these people on the location in Canada is satisfactory to them. . . . The seven hundred families of German Mennonites whom we have located on the Fort Peck Reservation and in Chinook County, as well as Dawson County, are among our best farmers and we would dislike very much to see them leave the country."<sup>58</sup>



Leedy enclosed two letters which he had received regarding the migrations. One stated that D. J. Dick of Inverness, Montana, moved to Vanderhoof, B. C. in May, 1918, and was taking the lead in the migration from Inverness. The other, by the Rev. J. F. Thiessen of Lustre, stated the intent of that colony to migrate. Secretary Greenfield's reply echoed the attitude and findings of the Council after a hearing in July to consider recinding the Order:

Thiessen writes you that they try to keep up three things-- religion, school and farming. It is a great pity that these Mennonites, who came to this country and settled, not only in Montana but in other states, a majority of them getting without cost from Uncle Sam from 160 to 320 acres of land, have not had the first idea of loyalty to this country and do not put ahead of religion, school and farming, love of country. Your Mennonites appear to be under the impression that they can not serve God and Jesus Christ unless they can do it in the German language. They are so dense in this particular that they are willing to move and make "this great sacrifice for their religion's sake and their history." simply because they can not continue to live as a German community in the United States, which furnished them protection and gives them the opportunity to become wealthy.

Reverend Thiessen says "We have come to stay." In other words, Thiessen and his people propose to stay in the United States provided they may continue to be Germans. . . . Under the circumstances I think it is just as well that Montana and all other states loose a class of people who are selfish and as absolutely self centered and as lacking in love of country as these Mennonites. . . .

The fact is that these German preachers so long as they can preserve the German sentiment and use only the German language in their church services have a hold on the people which makes sure their jobs as ministers.<sup>59</sup>

Greenfield concluded with a comparison of Mennonites with Lutherans and Congregationalists. In the hearing before the Council, it was "proved most conclusively" that the Mennonites were the only group not do everything possible to assimilate their people with the American nation.<sup>60</sup>

The decision of the Council to let the order stand was a merciful reaction to the migration when compared with the stand of a neighboring

state, South Dakota. The reaction there was described in an article, "Were About To Skip To Canada When State Council Of Defense Intervened. Russian Colonists Pay For Anti-War Activities." The article told how the Mennonites would not purchase bonds, and were preparing to dispose of their lands and leave for Canada. After an investigation of the "so-called Mennonite societies," it was found they were composed of four incorporated companies, the people "owning and operating their property in common, but without corporate existence."<sup>62</sup> The article stressed the business rather than religious basis of the communities.

It was thought unfair to permit these people, after prospering under the protection of our laws and government and accumulating vast wealth, simply to depart, taking their accumulated property with them as soon as the government called for their assistance and support.<sup>63</sup>

Suits were brought against each of the communities for the purpose of dissolving them and cancelling their articles of incorporation.

From the sale of the properties, the defendants were obliged to invest two and one-half percent of the amount in current government securities and to give one-half of one percent to the Red Cross. With other colonies to be settled in September, 1918, the South Dakota Council had already collected \$20,050 for bond investment and \$4,024.31 for the Red Cross. The defendants also had to pay for all the costs and expenses involved in the action, including the expenses of the council representative investigating the colony.<sup>64</sup>

The attitude of the Council of National Defense was contradictory in regard to the German population. The policy was partially expressed in the bulletins issued. The bulletin regarding the confidential handling of book banning has already been mentioned.<sup>65</sup> In another, "Reaching the German Speaking Population," the Council of National Defense recommended

that the state councils utilize German residents of known loyalty to help organize public meetings of the German-Americans to explain the aims and motives of the United States in the war.<sup>66</sup>

Two subsequent and supplementary pamphlets suggested a less tender attitude. One of the pamphlets stated: "We are today either loyal citizens of this our native or adopted land, or else we are traitors. The neutral or 'half baked' citizen, in time of war is an impossible conception."<sup>67</sup>

President Wilson soon learned of the language problem in Montana; shortly thereafter, the Council of National Defense wrote a special letter to the Montana Council. Diplomatically constructed the letter suggested that the State Councils of Montana, Iowa, and South Dakota should perhaps make an exception to their language orders and allow, as did Nebraska, one service a week. The Council of National Defense based the suggestion on the knowledge that eighty percent of the churches using German were Russian and in many ways had demonstrated their patriotism.<sup>68</sup>

In replying to the letter, Greenfield stated that the Montana Council had reconsidered the order many times but had decided to keep the rule. He referred especially to the hearing held in July:

It developed at the hearing that these Russians who speak German and who, it was alleged would be without religious instruction . . . had been in Montana none less than seven years and from that to twenty. . . . In many cases they did their business in the English language . . . . [it is] somewhat peculiar that the Danes, the Norwegians, the Swedes and the Italians who are in Montana, after being here even so short a period as five years do not ask that their religious instruction be in their native language, but quickly take on American ways, American customs and are anxious to have their religious services as well as business transactions in English.<sup>69</sup>

When the armistice was signed in November, 1918, a new and stronger movement arose for the repeal of Order Number Three. Pastors of Lutheran and Congregational churches who had previously and passively accepted the Order before then joined in the petitioning. Most of the letters were drafted in the first days of November and contained the same general argument, indicating an organized effort. Vomhof expressed the opinion of most when he wrote:

Our people have been driven from the church into Pool Rooms and saloons. . . . The war is over and as the Lutheran church conducts no German propaganda you will undoubtedly, for the spiritual welfare of the people. . . allow them the free exercise of religion guaranteed them by the constitution of our beloved country.<sup>70</sup>

Greenfield promised reconsideration of the order at the next Council meeting. But by late November all pastors were advised that, "After mature consideration and deliberation the Council decided that the order forbidding the holding of church services in the German language be not amended, modified, or rescinded."<sup>71</sup>

Reaction to the Council decision was divided. One patriot, in a letter congratulating the Council on its decision, claimed he was "voicing the sentiment of the great mass of American citizens" when he wrote:

I am only one but one and an American citizen and I sincerely hope the order forbidding the use of the language in such work will be positive and lasting. The use of the German language in schools and church services has been one of the most prolific causes of the keeping alive of the German spirit in America.<sup>72</sup>

Many representatives of the churches, however, did not concur in this opinion. More letters petitioning the Council to rescind the order arrived. A few ministers decided that the only solution was to violate the order. Upon receiving reports of such activities, the Council sent

letters to the accused, informing them of the charges, asking if they were true, and advising them that if they were, they should cease preaching in German immediately.

Prominent among the violators was the Rev. Seil of the German Congregational Church of Billings. Seil was first reported by L. A. Nutting of Laurel, of the Yellowstone County Council. Reportedly, Seil had conducted funeral services in the German language, and Nutting wrote:

There seems to be a feeling here that he did it to find out whether or not any action would be taken by the Council of Defense. Our feeling here is that the German population of this town, was pro-German at the beginning of the war, and during the war, and has had no change, and is pro-German now and has been held in check by fear and nothing else.<sup>73</sup>

Replying to the Council inquiry, Seil admitted that he had used German at the funeral service in Laurel. He added:

It may be hard to believe when I say that I was not aware of having used it till I was told that I had been reported to the Honorable Council of Defense. I can only excuse myself by absent mindedness and the overwhelming sorrow of the mourners. The cases were particularly sad--one being our own pastor. His wife does not understand a word of English. Our American pastor of the same place stood by my side and addressed the people. It never occurred to me that I was doing wrong.

From now on I will be more mindful.<sup>74</sup>

Seil did not, however, keep his promise to "be more mindful," and, until mid-1919, the Council was plagued with reports of his violations. He reportedly used German to preach sermons, funeral services, and to conduct special Bible classes, generally defying the authority of the Council.

The principal source of these complaints was Rev. Vomhof of Billings. He and other Lutheran ministers of the area had lost their congregations to the defiant Rev. Seil and a few other Congregational pastors who followed Seil's example. Vomhof, as leader of the Lutheran ministers,

demanded that the Council either allow them to use German, or stop Seil and others from doing so.

For awhile Vomhof chose to voice his complaints through others and thus not damage his Christian image. Beginning in 1919, however, Vomhof reported Seil's violations directly to the Council. He offered testimony of witnesses and stated exact instances of violations. He always foot-noted letters by begging that he and his informants remain anonymous. By April, 1919, Vomhof was completely frustrated by the undisciplined activities of Seil, whom he termed "a sly fox," and wrote:

Still the work is going on as before. It must be cut short. Justice demands it. If it is not done I must take up German. I have lost a large part of my congregation on account of it. . . . They go there, send their children to that S. S. because of the German. We will no longer bear it. Those people boast over against mine that we have no pull and that they have, and that for this very reason they are allowed to preach German, we must preach English. It MUST be changed.<sup>75</sup>

Anticipating repercussions from his ever-increasing violations, Seil wrote the Council in the same month:

Will you kindly inform me whether the German language may be employed again in the pulpit. . . . Sometime since I understood that from one who said that in conversation with a number of our legislature, he was told that this was the case. I have since used the German. However, yesterday in conversation with Reverend Oldfield, I learned that this is not the case.<sup>76</sup>

During 1919, pressure on the Council to rescind Order Number Three intensified when persons outside the churches joined in the campaign. Beet interests in the Billings area strongly supported modification of the order as their German-Russian laborers had threatened to move to Nebraska, where the language order was less stringent. These interests said it would be impossible to secure other labor as the German-Russians were the only people who could be depended upon to do the work.<sup>77</sup>

During February 10-12, 1919, the Council held a special meeting to hear the case of the best interests. The members decided to consult the Missoula County Council and Mrs. Tylar B. Thompson, member of the Montana Council. In telegrams to the Council, both Sidney Coffee of the Missoula Council and Mrs. Thompson favored modification of the order--to allow one service in German a week.<sup>78</sup> However, the order was not modified and the opposition probably came from Council member Sidney Logan of Kalispell, who was still demanding prosecution of preachers violating the order in late April, 1919. He wrote to Stewart that he was "unreservedly in favor of asking the county attorney of Yellowstone to commence prosecution against all preachers and others who preach sermons, lecture or otherwise harangue in the German language."<sup>79</sup> To him it was apparent that the war was not yet over and that the troops might have to be used against the violators. We added that if the order was not continued, the Council might as well resign, as conditions would be such that they would be of no value. Logan was probably the Council member who most sincerely and strongly feared the German threat to internal security.

After the special meeting in February, the Council not only decided to maintain the order, but thought it should be made permanent by statute. The governor was requested to recommend to the next legislative assembly that the order be made into law.<sup>80</sup> Although such a bill was presented to the Sixteenth Legislative Assembly of 1919, it did not pass. At the last meeting of the Council, on July 26, 1919, the Council's attitude had not altered. A year later the peace treaty remained unsigned. The Montana Council had not been formally disbanded, nor its orders nullified. Not a week passed in which the Governor did not receive a request to rescind Order Number Three. In April, 1919, he wrote each of the Council

members and requested their vote again on partial rescinding of the order--one service a week in German.<sup>81</sup> Their answers were varied.

Campbell replied: "Okeh with me. Anything you do."

Sansburn stated: "I will say let them preach in German now if they want to--not that I have any more love for a German that I had a year ago but I know it will relieve [the Governor's office] . . . of a great deal of misery."

Logan agreed with the Governor but stated that he did this "rather reluctantly" and regretted "the Legislature did not see fit to pass a law on the subject. However, the war is over and I think that all permanent orders we made, that in any wise interferes with the freedom of the people, ought to be rescinded."

Lease wrote that he had been in favor of rescinding the order since the close of the war, and that continued enforcement only created bitterness.

O'Donnell commented: "You know where I stand on the question, I always did think and do now think that it was an absurd order. German is now all through the war has been taught in the larger institutions of learning." O'Donnell observed that few were living up to the order in Montana, and if they waited for Congress to sign a peace treaty, they may have to wait a long time. He concluded: "A majority of the Council was in favor of modifying the order at the last appeal but someone seemed to be bigger than the majority."<sup>83</sup>

Not until August, 1921, was the Montana Council of Defense formally terminated. On August 25, one day after the signing of the peace treaty between the United States and Germany, Governor Joseph M. Dixon issued a formal proclamation suspending all the Council's powers and orders.<sup>84</sup>



## CONCLUSION

In June of 1918, the Council of National Defense ceased to direct the state councils. The only peace time activity of the Council was that of conserving and reorganizing the economic and general war data which had accumulated. On June 30, 1921, the Council ceased function completely, no appropriations having been granted it for the next fiscal year. It continued though, to have a statutory existence; and, in May 1940, in the face of a new national emergency it was revived and a new advisory commission was appointed.

The absence of state councils during World War II can be largely explained by two factors. First, by then national departments were sufficiently well established to handle economic and military mobilization. Second, the national government did not have to conduct a publicity campaign for World War II as public opinion supported it from its tragic beginnings at Pearl Harbor.

Historians of the World War I period have condemned the state councils for their participation in the limitation of civil liberties. A full history of the Montana Council, as one of the most active state councils, shows that this overall condemnation needs qualification. The state councils were not organized to limit civil liberties, nor to promote and condone local patriots in mob violence and coercion of dissident elements. They were organized to provide the national government with the materials, men, money and moral support necessary to win the

war. The Montana Council performed outstandingly in all of these areas in 1917 and in 1918. Yet, after reorganization in 1918, the Montana Council did participate in those activities which the state councils are condemned.

The Fifteenth Extraordinary Assembly legally constituted the Montana Council for two major reasons. First, it deemed it necessary that the Council have appropriations and special powers in order to continue effective promotion of national programs. Second, the assembly felt that a stronger council, (along with stronger laws) would suppress criticism and opposition to the war, and thus insure the internal security of the state and avert a resurgence of vigilante activity.

The assembly's plan failed to a large degree. Instances of mob violence, though less frequent, continued to occur. Moreover, the Montana Council failed restrain county council members from participation in these activities. Further the state and county councils passed orders, conducted investigatory hearings, and employed other coercive tactics with the flagrant disregard for personal privacy and basic human rights, which are typical of mob violence. The problem of mob rule was not resolved by the assembly's action, only refined and legalized.

It is possible that these non-violent activities served as a release for patriotic Montanans who might otherwise have turned to mob violence. No evidence exists, however, that the Montana Council considered this a justification for its activities. It is also possible that the Montana Council could have used its influence and powers to eliminate these activities. Yet, the Council never undertook such a

program. Those who would criticize the Montana Council, if they qualify their overall condemnation, are justified in their judgment.

**FOOTNOTES**

## FOOTNOTES

### INTRODUCTION:

<sup>1</sup>O. A. Hilton, "Public Opinion and Civil Liberties in Wartime 1917-1919," The Southwestern Social Science Quarterly, XXVII (1947), 201.

<sup>2</sup>H. C. Peterson and Gilbert C. Fite, Opponents of War 1917-1919, (Madison, Wisc., 1957), 5.

<sup>3</sup>Ibid., 8.

<sup>4</sup>Industrial Workers of the World hereafter cited as I.W.W.

<sup>5</sup>Council of National Defense Section on Cooperation with the States hereafter cited as CND Section.

### CHAPTER I:

<sup>1</sup>Montana Council of Defense hereafter will be shortened to "Montana Council" or "Council," depending upon the clarification needed. "Local councils" will refer to both the county and community councils. The Montana Council is sometimes referred to in quoted material as the "Board," the "Committee" or the "State Council."

<sup>2</sup>Charles D. Greenfield, Sec. of MCD, to L. Q. Skelton of Boulder, Sept. 27, 1918, letters S. (All letters and materials not otherwise described, are located in the Montana Council of Defense file at the Montana Historical Society. A full description of this file is contained in the bibliography of this study).

<sup>3</sup>Greenfield to Elliott Dunlap Smith, Council of National Defense official, Feb. 19, 1918, letters S.

<sup>4</sup>Samuel V. Stewart, Chairman ex-officio of MCD, to Harry Huene of Forsyth, Apr. 21, 1917, letters H.

<sup>5</sup>Greenfield to Guy Smith of Hartford, Conn., May 31, 1917, letters S.

<sup>6</sup>Greenfield to George F. Porter, Sec. of CND Section, Jan. 26, 1918, letters P.

<sup>7</sup>Greenfield to N. B. Proctor of Broadview, Sept. 5, 1917, letters P.

- 8 Greenfield to C. H. Sands of Devon, Apr. 24, 1917, letters S.
- 9 Greenfield to Oscar J. Seiler of North Dakota Council of Defense, May 7, 1917, letters S.
- 10 Alfred Atkinson, "War Circular No. 2: Spring Grain Crops" (Bozeman, 1917), 2.
- 11 Greenfield to T. P. Glore of Senate Committee on Agriculture, May 5, 1917, letters G.
- 12 O. B. Whipple, "War Circular No. 1: Garden Crops, What and How to Plant" (Bozeman, 1917), 1.
- 13 Ibid.
- 14 James Griffin of Chinook, Master of Montana State Grange, to Council, Apr. 20, 1917, letters G.
- 15 Greenfield to James Pardee of Minnesota Commission of Public Safety, May 16, 1917, letters P.
- 16 Stewart to Sen. Henry L. Myers, Dec. 22, 1917, letters M.
- 17 Greenfield to Oscar J. Seiler of North Dakota Council of Defense, July 6, 1917, letters S.
- 18 Greenfield to L. Q. Skelton of Colorado Council of Defense, Boulder, Sept. 27, 1918, letters S.
- 19 Greenfield to George F. Porter of CND Section, Nov. 19, 1917, letters P.
- 20 Helena Independent, May 6, 1917.
- 21 Greenfield to John S. Pardee of Minnesota Commission of Public Safety, June 28, 1917, letters P.
- 22 Ibid.
- 23 Greenfield to Harry Halley of Tacoma, June 5, 1917, letters H.
- 24 Mrs. Joseph Antony to Stewart, Oct. 8, 1917, letters A.
- 25 Jesse Henderson to Greenfield, Nov. 13, 1917, letters H.
- 26 F. F. Fisk of Rossfork, to Greenfield, Oct. 2, 1917, letters F.
- 27 Burton K. Wheeler and Paul F. Healy, Yankee from the West (Garden City, N. Y., 1962), 138.
- 28 Helena Independent, Aug. 1, 1917.

<sup>29</sup>Greenfield to George F. Porter of CND Section, Nov. 17, 1917, letters P.

<sup>30</sup>Frank O. Hughes of Dawson County Council, to Greenfield, May 27, 1917, letters H.

<sup>31</sup>Greenfield to John S. Pardee of Minnesota Commission of Public Safety, June 28, 1917, letters P.

<sup>32</sup>Greenfield to George F. Porter of CND Section, Nov. 17, 1917, letters P.

<sup>33</sup>Greenfield to S. Stanwood Menkin of New York Bureau of Patriotism through Education, July 10, 1917, letters M.

<sup>34</sup>Greenfield to Everett C. Johnson, Delaware Secretary of State, Oct. 30, 1917, letters J.

CHAPTER II:

<sup>1</sup>Mont., House Journal, 15th leg. assem., Extraordinary sess., Feb. 14-25, 1918, 1-2.

<sup>2</sup>Mont., Statutes, 15th leg. assem., Extraordinary sess., Feb. 14-25, 1918,

<sup>3</sup>Mont., House Journal, 65.

<sup>4</sup>Mont., Senate Journal, 15th leg. assem., Extraordinary sess., Feb. 14-25 1918, 68-76.

<sup>5</sup>Wheeler, Yankee, 152.

<sup>6</sup>Ibid.

<sup>7</sup>Ibid., 154-155

<sup>8</sup>Helena Independent, Feb. 20, 1918.

<sup>9</sup>Ibid., Feb. 24, 1918.

<sup>10</sup>Wheeler, Yankee, 155.

<sup>11</sup>Mont., House Journal, 74-77

<sup>12</sup>Helena Independent, Feb. 26, 1918.

<sup>13</sup>Mont., Statutes, 3-5. (See Appendix I of this study).

<sup>14</sup>Ibid., 4.

- 15 "Orders Made and Promulgated by the Montana Council of Defense," Drawer I. (See Appendix II of this study).
- 16 Stewart to James Griffin of Chinook, Mar. 4, 1918, folder entitled "Appointments."
- 17 Helena Independent, Sept. 16, 1939.
- 18 Helena Independent, Nov. 27, 1934.
- 19 Interview with Prof. Jules Karlin, Department of History, U. of Mont., Nov. 18, 1965.
- 20 Tom Stout (ed.), Montana Its Story and Biography (Chicago and New York, 1921), III, 1177.
- 21 Helen Fitzgerald Sanders, A History of Montana (Chicago and New York, 1913), III, 1549.
- 22 Stout, Montana Its Story and Biography, III, 836.
- 23 Ibid., III, 1145.
- 24 Stewart to Patrick Kelly, Feb. 27, 1918, folder entitled "County Councils of Defense."
- 25 Stout, Montana Its Story and Biography, II, 383.
- 26 Sanders, A History of Montana, III, 1451.
- 27 Greenfield to H. A. Lemmon, Director of Nevada Council of Defense, Carson City, Apr. 27, 1918, letters L.
- 28 "Minutes of MCD," folder dated Mar. 15, 1918.
- 29 Folder entitled "County Councils of Defense." (Contains letters pertaining to appointments in 1918).
- 30 Stewart to Dr. D. Clairborne of Big Timber, Feb. 27, 1918, folder entitled "County Councils of Defense."
- 31 Stewart to Patrick Kelly, Feb. 27, 1918, folder entitled "County Councils of Defense."
- 32 Greenfield to J. B. Collins of Miles City, Nov. 26, 1918, folder dated Nov. 26, 1918.
- 33 A list of the county council appointments of 1918 is included in Appendix IV of this study.
- 34 "Minutes of the Joint Session," folder dated May 27, 1918. (Other activities of the joint session are mentioned in later chapters).



145. <sup>35</sup>James A. B. Scherer, The Nation at War (Garden City, N. Y., 1918).

<sup>36</sup>Ibid., 146

<sup>37</sup>Ibid.

<sup>38</sup>Ibid.

<sup>39</sup>Ibid., 149.

<sup>40</sup>Helena Independent, Mar. 24.

<sup>41</sup>Scherer, The Nation at War, 97.

<sup>42</sup>Ibid., 150.

CHAPTER III:

<sup>1</sup>Mont., Statutes, 4-5.

<sup>2</sup>The Liberty Loan drives are treated in Chapter IV.

<sup>3</sup>Mont., Statutes, 58.

<sup>4</sup>"Report of the War Defense Fund," prepared by Greenfield for the 16th leg. assem., folder dated Jan. 28, 1919.

<sup>5</sup>Greenfield to A. T. Oaks of North Dakota, not dated, letters J.

<sup>6</sup>"Minutes of MCD," folder dated May 27, 1918.

<sup>7</sup>"Report of the Montana Council of Defense," prepared by Greenfield for the 16th leg. assem., folder dated Jan. 28, 1919.

<sup>8</sup>"Minutes of the MCD," folder dated Apr. 1, 1918.

<sup>9</sup>Alfred Atkinson to Stewart, Apr. 9, 1918, letters A.

<sup>10</sup>"Henry Lencies versus Louis Rode," folder dated Oct. 7, 1918.

<sup>11</sup>Curtis C. Osborn of Broadview to Stewart, June 18, 1918, letters B.

<sup>12</sup>R. O. Watkins to Stewart, July 15, 1918, folder dated Oct. 7, 1918.

<sup>13</sup>Henry W. Houston to Stewart, July 1918, folder dated Oct. 7, 1918.

<sup>14</sup>Greenfield to E. M. Hilton of U. S. Food Administration, Oct. 1, 1918, folder dated Oct. 7, 1918.

<sup>15</sup>Greenfield to Atkinson, Oct. 29, 1918, letters A.

- 16 "Minutes of MCD," folder dated July 22, 1918.
- 17 Greenfield to J. T. Farrell of Joliet, Aug. 3, 1918, letters F.
- 18 "Minutes of MCD," folder dated June 24, 1918.
- 19 "Minutes of MCD," folder dated Sept. 9, 1918.
- 20 "Order Number Eleven," Appendix II of this study.
- 21 "Minutes of the Joint Session," folder dated May 27, 1918.
- 22 Ibid.
- 23 Greenfield to W. R. Shinn of Choteau, For Benton County Agriculture Agent, June 8, 1918, letters S.
- 24 Greenfield to Alexander Bing, Feb. 11, 1918, letters B.
- 25 State Attorney General Samuel Ford to MCD, Nov. 25, 1918, folder dated Nov. 25, 1918.
- 26 Scherer, The Nation at War, 27.
- 27 Helena Independent, Apr. 23, 1918.
- 28 "Order Number Two," Appendix II of this study.
- 29 Ibid.
- 30 Sheriff of Kremlin to Greenfield, May 2, 1918, letters E.
- 31 Greenfield to E. A. Anna of Phillipsburg, Granite County Council, June 8, 1918, letters H.
- 32 Greenfield to Samuel Miller of Big Sandy, Choteau County Council, June 8, 1918, letters M.
- 33 E. A. Hannah of Granite County Council, to Greenfield, May 10, 1918, letters H.
- 34 Interview with James Heath, Sr., Missoula, Nov. 20, 1965.
- 35 "Order Number Four," Appendix II of this study.
- 36 "Order Number Ten," Appendix II of this study.
- 37 "Order Number Sixteen," Appendix II of this study.
- 38 Greenfield to R. B. Chappell of Wibaux County Council, Aug. 26, 1918, letters C.

- 39 "Minutes of MCD," folder dated July 22, 1918.
- 40 "Minutes of MCD," folder dated Aug. 12, 1918.
- 41 Berkly Walker of Hingham to MCD, Sept. 1, 1918; J. R. Widmyer of Glendive to MCD, Aug. 12, 1918, folder dated Sept. 12, 1918.
- 42 Greenfield to Thomas E. Donnelly of War Industries Board, Aug. 20, 1918, letters D.
- 43 Scherer, The Nation at War, 148.
- 44 Greenfield to D. M. Kelly, Mar. 4, 1918, folder entitled "Appointments."
- 45 "Minutes of MCD," folder dated Oct. 7, 1918.
- 46 A. H. Fleming of CND Section to Stewart, Sept. 19, 1918, letters E.
- 47 Mrs. K. G. Lake of Sweet Grass to MCD, Sept. 6, 1918, letters L.
- 48 "Butte Electric Railway," hearing of Silver Bow County Council, folder dated May 27, 1918.
- 49 Greenfield to E. J. Bowman of the Deer Lodge County Council, Sept. 18, 1918, letters B.
- 50 Richard Smith of Eureka to MCD, Aug. 1918, folder dated Aug. 12, 1918.
- 51 Ibid.
- 52 "Municipal Water System at Eureka August 17, 1918," hearing of Lincoln County Council, folder dated Sept. 9, 1918.
- 53 "Report of the Montana Council of Defense," prepared by Greenfield for the 16th leg. assem., folder dated Jan. 28, 1919.
- 54 Ibid.
- 55 Ibid.
- 56 Greenfield to Mrs. Minerva Bailor of Ray, N. D., Sept. 11, 1918, letters A.
- 57 "Order Number Five," Appendix II of this study.
- 58 Leon Shaw of Yellowstone County Council to MCD, July 29, 1918, letters S.
- 59 Shaw to MCD, Aug. 1, 1918, letters S.
- 60 William Herron, Mayor of Melstone, to MCD, July 8, 1918, letters H.

<sup>61</sup>Dr. H. W. Starr of Conrad, Nov. 4, 1918, letters S.

<sup>62</sup>"Investigations of Charges Alleging Dishonorable Conduct on the Part of the Carbon County Local Board in the Case of Christian Branger," Lock-up drawer.

CHAPTER IV:

<sup>1</sup>"Order Number Seven," Appendix II of this study.

<sup>2</sup>"Order Number Eight," Appendix II of this study.

<sup>3</sup>Records of Testimonies: At hearings held at the State Capitol, Helena, Montana, May 31, June 1-2, 1918, by the Montana Council of Defense, in connection with the arrest of Von Waldru, alias Charles Stone, by federal authorities, and also in connection with an investigation of charges against Oscar Rohn," Lock-up drawer.

<sup>4</sup>Sen. Henry L. Myers to Stewart, May 3, 1918, folder dated May 27, 1918.

<sup>5</sup>Stewart to Members of MCD, May 3, 1918, folder dated May 27, 1918.

<sup>6</sup>Stewart to Myers, May 20, 1918, folder dated May 27, 1918.

<sup>7</sup>"Minutes of the Joint Session," folder dated May 27, 1918.

<sup>8</sup>Ibid.

<sup>9</sup>At a meeting of the MCD, Apr. 1, 1918, Campbell presented and the MCD adopted a resolution requesting the resignation of Oldfield from the Musselshell County Council. Gov. Stewart objected to the resolution, saying that he knew the move was based upon Oldfield's testimony for Judge Crum in the impeachment proceedings, and that he had investigated Oldfield and found him a very patriotic person. "Minutes of MCD," folder dated Apr. 22, 1918.

<sup>10</sup>"Minutes of the Joint Session."

<sup>11</sup>Ibid.

<sup>12</sup>Ibid.

<sup>13</sup>"Minutes of MCD," folder dated May 27, 1918.

<sup>14</sup>Records of Testimonies: At hearings of MCD."

<sup>15</sup>Ibid., 13.

<sup>16</sup>Ibid., 16.

- 17 "Records of Testimonies: At hearings of MCD," 16.
- 18 Ibid., 13-14.
- 19 Ibid., 20.
- 20 "Minutes of MCD," folder dated May 27, 1918.
- 21 "Records of Testimonies: At hearings of MCD," 330-381, 1098-1140.
- 22 Ibid., 1132-1133, 1136-1138.
- 23 Ibid., 345.
- 24 Ibid., 368-373.
- 25 Ibid., 345.
- 26 Ibid., 1134.
- 27 Ibid., 372-372.
- 28 Ibid., 1314.
- 29 Butte Bulletin, May 31, 1918.
- 30 "Records of Testimony: At hearings of MCD," 1134.
- 31 Ibid., 1334-35.
- 32 Ibid., 1347.
- 33 Ibid., 1334.
- 34 Ibid., 1339-47.
- 35 "Minutes of MCD," folder dated May 27, 1918.
- 36 Ford to MCD, Nov. 25, 1918, folder dated Nov. 25, 1918.
- 37 Greenfield to A. Cravans of CND, Jan. 28, 1919, letters C.
- 38 Helena Independent, Apr. 4, 1920.
- 39 Helena Independent, May 4, 1920.
- 40 Montana Loyalty League to MCD, Sept. 11, 1918, folder dated Nov. 1, 1918.
- 41 Ibid.
- 42 p. 50 of this study.

43 "Investigation of Charges Alleging Dishonorable Conduct on the Part of the Carbon County Local Board in the case of Christian Branger," Lock-up drawer.

44 Ibid.

45 Wheeler, Yankee, 147-48.

46 H. C. Peterson and Gilbert C. Fite, Opponents of War, 1917-1918. (Madison, Wisc., 1957), 142.

47 Ibid.

48 Ibid.

49 "Hearing of the Ravalli County Council of Defense," Aug. 21, 1918, folder dated Oct. 7, 1918.

50 Ibid.

51 Greenfield to J. G. Howe of Ravalli County Council, Sept. 17, 1918, letters H.

52 "Minutes of MCD," folder dated July 22, 1918.

53 Ibid.

54 Ibid.

55 "Hearing of the Big Horn County Council, in the case of William Flanners of Hardin," May 1, 1918, folder entitled May 27, 1918.

56 Greenfield to Franklin D. Tanner, Big Horn County Attorney, Hardin, May 18, 1918, folder dated May 27, 1918.

57 Greenfield to Mrs. C. E. Brown of the Jefferson City Community Council, Aug. 20, 1918, letters C.

58 Greenfield to F. O. Fisk of the Ravalli Council, June 29, 1918, letters F.

59 Greenfield to C. E. Comer of Medicine Lake, May 22, 1918, letters C.

#### CHAPTER V:

1 Helena Independent, Mar. 14, 1918.

2 "Order Number One," Appendix II of this study.

3 Nonpartisan League, hereafter referred to as N.P.L.

- 4 "Minutes of MCD," folder dated Mar. 15, 1918.
- 5 W. A. Brubaker of the Prairie County Council, to Greenfield, Mar. 10, 1918, folder dated Apr. 1, 1918.
- 6 Ibid.
- 7 Greenfield to W. A. Brubaker, Apr. 2, 1918, folder dated Apr. 1, 1918.
- 8 Wheeler, Yankee, 148.
- 9 Ibid.
- 10 "Communication of Attorney General Samuel Ford to the Joint Session;" May 27, 1918. "Minutes of Joint Session," folder dated May 27, 1918.
- 11 D. C. Dorman, State Superintendent of the N.P.L., Great Falls, to J. A. McGlynn, May 3, 1918, folder dated May 27, 1918.
- 12 "Communication of Attorney General Samuel Ford to the Joint Session."
- 13 Ibid.
- 14 Wheeler, Yankee, 148.
- 15 "Communication of Attorney General Samuel Ford to the Joint Session."
- 16 "Minutes of the Joint Session."
- 17 Orders proposed by not passed; Drawer III, file-box entitled "Attention State Council," folder entitled N.
- 18 "Minutes of MCD," folder dated Mar. 15, 1918.
- 19 Greenfield to S. Fleming, Aug. 3, 1918, letters F.
- 20 "War Activities in Schools: Toole County," folder dated Sept. 9, 1918.
- 21 Jesse G. Henderson, Chairman of Toole County Council, to MCD, May 24, 1918: Hearing, "In the matter of the revocation of the school teachers' certificate of Miss Mabel Johnson of Prairie Dell School, Toole County," (hearing includes investigation of all three members of the school board: Mr. Lyon, Mr. Colberg and Mr. Stephens). Folder dated May 27, 1918.
- 22 J. M. Kennedy of Lincoln County Council, to Greenfield, Feb. 4, 1918, letters K.
- 23 Ibid.
- 24 "CND 'Confidential' Bulletin on Books," June 28, 1918, Drawer III, folder entitled "German Books and Speech."

<sup>25</sup>Ibid.

<sup>26</sup>Ibid.

<sup>27</sup>"Order Number Three," Appendix II of this study.

<sup>28</sup>Greenfield to Ike E. O. Pace of Jefferson County Council, Sept. 21, 1918, letters P.

<sup>29</sup>Greenfield to J. R. Child, May 23, 1918, letters C.

<sup>30</sup>John G. Brown to Greenfield, Apr. 18, 1918, letters B.

<sup>31</sup>Ibid.

<sup>32</sup>Ibid.

<sup>33</sup>Ibid.

<sup>34</sup>John G. Brown to A. J. Wilcomb, Apr. 27, 1918, letters B.

<sup>35</sup>Greenfield to Allyn and Bacon Publishing Co. of Minneapolis, July 31, 1918, letters B.

<sup>36</sup>Brown to West, June 5, 1918, letters B.

<sup>37</sup>Byron E. Toan, Principal of Beaverhead County High School, to MCD, May 3, 1918, letters T.

<sup>38</sup>Greenfield to Byron E. Toan, May 6, 1918, letters T.

<sup>39</sup>Brown to F. J. Ward of Brockway, May 20, 1918, Drawer III, file-box entitled "Misc. MCD File," folder entitled B.

<sup>40</sup>F. J. Ward, Brockway, to MCD, May 21, 1918, letters W.

<sup>41</sup>Ibid.

<sup>42</sup>Ibid.

<sup>43</sup>Mrs. Emil Peterson of Hilger, to MCD, May 14, 1918, letters P.

<sup>44</sup>Gertrude Buckhouse, Montana State University (Missoula), to MCD, Apr. 15, 1918, letters B.

<sup>45</sup>Greenfield to W. A. Brubaker of Prairie County Council, June 20, 1918, letters B.

<sup>46</sup>Ibid.

<sup>47</sup>J. P. Graber, Sec. of Bethlehem Mennonites of Bloomfield, to Greenfield, July 14, 1919, folder dated July 26, 1919.



48 Harley Gurgle of Box Elder, to MCD, July 13, 1918, letters G.

49 Greenfield to Howard M. Lewis of Sheridan County Council, Oct. 28, 1918, letters L.

50 Ibid.

51 The 14th Census of 1920 showed that of the total population of 548,889, foreign-born whites numbered 93,620; 32,763 urban, and 60,857 rural; 56,627 of these over 21 years of age were known to be naturalized, and 13,626 were known to be aliens. These figures, however, are for 1920, nearly 3 years after the Americanization campaign.

52 H. E. Vomhof of Laurel to MCD, Aug. 21, 1918, folder dated Sept 9, 1918 (enclosed is folder entitled "Vomhof").

53 Ibid.

54 F. E. Brauer to MCD, Aug. 28, 1918, folder dated Sept. 9, 1918.

55 Ibid.

56 Greenfield to Choteau County Council, Oct. 5, 1918, letters E.

57 A. H. Fleming of CND to MCD, July 28, 1918, Drawer II, folder entitled "German Books and Speech."

58 E. C. Leedy to Greenfield, July 17, 1918, folder dated July 22, 1918.

59 Greenfield to E. C. Leedy, July 20, 1918, folder dated July 22, 1918.

60 Ibid.

61 "South Dakota on Duty," official bulletin of the South Dakota Council of Defense, Sept. 15, 1918, folder dated Oct. 7, 1918.

62 Ibid.

63 Ibid.

64 Ibid.

65 p. 78 of this study.

66 "Reaching the German Speaking Population," CND Bulletin #82, Drawer II, folder entitled "German Books and Speech."

67 Ibid.

68 A. H. Fleming to MCD, July 28, 1918, Drawer II, folder entitled "German Books and Speech."

- 69 Greenfield to Fleming, July 30, 1918, Drawer II, folder entitled "German Books and Speech."
- 70 Rev. H. E. Vomhof to MCD, Nov. 23, 1918, folder dated Nov. 1, 1918.
- 71 Stewart to Rev. John G. Burge of Marsh, Nov. 25, 1918, folder dated Nov. 1, 1918.
- 72 Edward Gifford to MCD, Nov. 26, 1918, folder dated Nov. 1, 1918.
- 73 L. A. Nutting of Yellowstone County Council to MCD, Nov. 19, 1918, folder dated Nov. 1, 1918.
- 74 Rev. R. Seil of Billings to Greenfield, Nov. 27, 1918, folder dated Nov. 1, 1918.
- 75 Rev. Vomhof to Greenfield, Apr. 2, 1919, letters V.
- 76 Rev. Seil to Greenfield, Apr. 29, 1919, folder dated Nov. 1, 1918.
- 77 "Minutes of the MCD," folder dated Feb. 10, 1919.
- 78 Mrs. Tylar B. Thompson to Greenfield, Feb. 11, 1919; Sidney J. Coffee to Greenfield, Feb. 11, 1919; folder dated Feb. 10, 1919.
- 79 Sidney M. Logan of Kalispell, to MCD, Apr. 22, 1919, folder dated July 26, 1919.
- 80 "Minutes of MCD," folder dated Feb. 10, 1919.
- 81 Greenfield to Campbell, Apr. 21, 1920 (letters to other members and their answers are attached), letters B.
- 82 Ibid.
- 83 Ibid.
- 84 Helena Independent, Aug. 26, 1921.

## APPENDIX

## APPENDIX I

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### Act of the Extraordinary Session of the Fifteenth Legislative Assembly Creating the Montana Council of Defense, 1918

An Act Providing for the Creation and Appointment of the Montana Council of Defense and County Councils. Defining Their Powers and Duties, Providing a Penalty for Violations, and Appropriating Money for Carrying out the Purposes Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby created a Council consisting of eleven (11) members to be known as the Montana Council of Defense. The Governor and Commissioner of Agriculture and Publicity shall be ex-officio members of such Council and the Governor shall be Chairman thereof, and the Commissioner of Agriculture and Publicity shall be Secretary thereof and the other members shall be citizens of the State and shall be appointed by the Governor. Not less than three members of said Council shall be practical resident farmers, actively engaged in the production of agricultural food stuffs. The members of the Council shall serve without pay, but may be allowed necessary traveling expenses incurred in the actual performance of their duty. All vacancies of the Montana Council of Defense shall be filled by appointment by the Governor.

Section 2. Such Council shall have power to adopt by-laws for its government, and the convenient transaction of its business, to change such by-laws from time to time, and to provide for the discharge of the duties of such Council by subordinate officers, agents, sub-committees, county councils and otherwise, and to prescribe the duties of such subordinate officers, agents, sub-committees and employes. All official acts of the Council shall require a majority vote of the entire Council.

Section 3. The Chairman of such Council shall have the authority to appoint three resident citizens in each county, and such appointees shall constitute a County Council of Defense in the respective counties and with the approval of the State Council shall have power to make and enforce orders in their respective counties.

Members of County Councils shall not be paid any salary or per diem, but may be paid actual expenses when traveling on official business.

Section 4. During the continuance of a state of war existing between the United States and any foreign nation, such Council shall have the power to do all acts and things not inconsistent with the Constitution or laws of the State of Montana, or of the United States, which are necessary or proper for the public safety and for the protection of life and public property, or private property of a character as in the judgment

of the Council requires protection, and shall do and perform all acts and things necessary or proper so that the military, civil and industrial resources of the State may be most efficiently applied toward maintenance of the defense of the State and Nation, and toward the successful prosecution of such War, and to that end it shall have all the necessary power not herein specifically enumerated.

Section 5. Any person violating or refusing or failing to obey any order or rule of the State Council of Defense or any County Council shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

Section 6. Said Council shall have power, and it shall be the duty of said Council to co-operate with the military and other officers and agents of the United States Government in all matters pertaining to the duties and functions of such Council and shall aid the government of the United States in the prosecution of any such War and in relation to public safety so far as possible.

Section 7. For the purpose of bringing about full and complete co-operation, all associations and organizations in this State which are now or may hereafter be created for the purpose of carrying on defense or War relief or War remedial work, be and the same are, hereby made subject to the supervision, direction and control of said Montana Council of Defense. Before funds shall be solicited or any financial aid sought from the public for any patriotic or War purpose or War relief (other than such as are authorized by the National Government) the proponents of such fund shall first obtain the written authority of the Chairman of the Montana Council of Defense. If his decision shall be adverse, appeal may be made to the Council. Any person violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding One Thousand Dollars, (\$1,000.00) or imprisonment not exceeding one year, or both.

Section 8. When peace shall be concluded between the United States and any and all foreign nations with which the United States is now or hereafter may be at war, the Council shall proceed as soon as practicable, to close up all its affairs, and upon termination thereof shall report to the Governor of its acts and expenditures, and the powers and duties of such Council shall terminate, and cease within three (3) months after the conclusion of peace, and shall sooner terminate if the Governor shall determine and proclaim that the exercise of the powers and duties of such Council are no longer necessary for public safety. The Governor is also authorized to determine, and to proclaim that it is necessary to continue such Council in existence for a longer term than three (3) months after peace and shall, in such-case, fix the period of the termination of such Council by proclamation.

Section 9. There is hereby appropriated from any money not otherwise appropriated, the sum of Twenty-five Thousand Dollars to be immediately available, for the purpose of carrying out the provisions of this act, the same to be paid out on order of said Council, as provided in its by-laws.

Section 10. Be it further enacted that all officers, departments, boards, commissions, institutions and agencies of the State Government or any county or municipality in the state shall co-operate with the Council and shall render it such aid and assistance and give it such information as the Council may need or require.

Section 11. The provisions of this act are separable and not dependent and if any provision, section, or part of either is held unconstitutional, the same shall not effect any other part of this act.

Section 12. This act shall take effect and be in force from and after its passage and approval by the Governor.

Approved February 20, 1918

## APPENDIX II

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### Orders Made and Promulgated by the Montana Council of Defense

#### Order Number One

In order to prevent as far as possible riots, affrays, breaches of the peace and other forms of violence during the period of the war, it is therefore

Ordered by the Montana Council of Defense that no parade, procession or other public demonstration, funerals excepted, be held on any of the streets, highways, or public places within the State of Montana without the written permission of the Governor as ex-officio chairman of this Council, and the Governor is hereby requested to enforce this order by all the means at his command, both civil and military.

This order shall be in effect from this date and shall continue in force until the end of the war in which the United States is now engaged, unless sooner revoked by this Council.

Dated at Helena this 15th day of March, 1918.

MONTANA COUNCIL OF DEFENSE  
S. V. Stewart, Chairman

#### Order Number Two

Whereas, it is highly important that the civil and industrial resources of the State may be most effectually applied toward the maintenance of the defenses of the State and Nation, and toward the prosecution of the existing war, and to the end that the State and Nation may have the full measure of the power of the State and the inhabitants thereof, especially of the manpower of the State of Montana; and

Whereas, it has been found impossible to fully protect the interest of the State and enforce upon those of the people who are unwilling to voluntarily do their part, a fair measure of responsibility and usefulness; and

Whereas, Section 8828 of the Revised Codes of Montana, 1907, is not fully adequate to meet the exigencies of the occasion, which Section reads as follows:

"8828. VAGRANTS. 1. Every person (except an Indian) without visible means of living, who has the physical ability to work, and who does not seek employment, or labor when employment is offered him.

2.. Every healthy beggar who solicits alms as a business.

3. Every person who roams about from place to place without any lawful business.

4. Every idle or dissolute person, or associate of known thieves, who wanders about the streets at late or unusual hours of the nights, or who lodges in any barn, shed, outhouse vessel or place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof.

5. Every lewd and dissolute person, who lives in and about the houses of ill fame, or who lives with or upon the earnings of a woman of bad repute; and

6. Every common prostitute and common drunkard, Is a vagrant and punishable by imprisonment in the county jail not exceeding ninety days;" and,

Whereas, the Montana Council of Defense deems it advisable that said Section be supplemented and made broader and more comprehensive, as well as more specific in relation to the employment of the people of the State in useful and legitimate occupations.

Now, therefore, the Montana Council of Defense in regular meeting assembled, does hereby make the following order, to-wit:

The duty is hereby imposed upon every adult person having the necessary physical and mental capacity and ability to do so, to work and engage in some legitimate occupation for at least five days during each calendar week for the period of the existing war.

Any person without sufficient excuse who shall fail, neglect, or refuse to so engage in some useful and legitimate occupation as provided in this Section shall be guilty of a misdemeanor and shall be punished in accordance with Section 5 of Chapter 1, Laws of the State of Montana passed by the extraordinary session of the Fifteenth Legislative Assembly.

Any person not so engaged in some legitimate occupation for the five days stated each week, must register with the city clerk, if a resident of an incorporated city, and if not a resident of an incorporated city, with the county clerk and recorder or some justice of the peace of the county of which he is a resident, setting forth the reason why he is not engaged in some legitimate occupation.

This Order shall be deemed an official order, or rule, of the Montana Council of Defense, and is intended to supplement existing laws and shall be construed in connection therewith.

It is further ordered that the Secretary of the Montana Council of Defense shall cause this Order to be published in pamphlet form and circulated throughout the State of Montana.

The duty of enforcing this Order is hereby imposed upon the Montana Council of Defense, the County Councils of Defense, and all State, County and municipal officers in the State, and especially is this duty imposed upon County Attorneys, Sheriffs, Mayors of cities and all police officers within the State.

This Order was presented to the Montana Council of Defense at a regular meeting thereof and adopted by unanimous vote.

Dated at Helena, this 22nd day of April, 1918.

MONTANA COUNCIL OF DEFENSE  
S. V. Stewart, Chairman.



Order Number Three

It is hereby ordered by the Montana Council of Defense that the use of the German language in public and private schools and in the pulpits of the state be and the same is hereby forbidden. It is further ordered that the following named publications be withdrawn by the librarians of all public and school libraries from the circulation and use in the state, that is to say:

Ancient World, by West.  
Writing and Speaking German, by Prof. Paul Pope.  
About the Great Kind and Other Things, by Betz.  
From the First to the Last Shot, by Wachenhausen.  
William the Victorious, by Karl Zastro.  
Peter Moors's Journey to the Southwest, by Gustav Frenssen.  
German Song-book, by Hohfield.  
A Summer in Germany, by Manley.  
German Songs, by Scherer and Dirks.  
First German Reader, by Walter Krause.  
German Compositions, by Prof. Paul Pope.  
Selections for German Compositions, by Harris.

Librarians and school authorities of the state are further requested to carefully examine all publications in their respective libraries and to withdraw from circulation and use all German textbooks which in the judgment of such school authorities or librarians contain German propaganda, whether such books or publications are enumerated above or not.

Dated at Helena, this 22nd day of April, 1918.

MONTANA COUNCIL OF DEFENSE  
S. V. Stewart, Chairman

Order Number Four

Whereas, the laws of Montana prohibit the stealing of rides upon railroad trains; and

Whereas, it has come to the attention of the Montana Council of Defense that sundry individuals are riding upon the railroad trains of the State of Montana without full compliance with the law, and that certain employes of the railroad companies are not thoroughly and strictly enforcing the law in that respect. Therefore, it is hereby

Ordered by the Montana Council of Defense that the attention of all railroad companies be called to this matter and that a copy of these resolutions be sent to representatives of all railroad companies doing business in the State of Montana, and also that a copy thereof be furnished to all County Attorneys and Sheriffs, and other peace officers in the State, with instructions that the same be rigidly enforced.

Reference is had to Sections 882, 883, 884 of the Revised Codes of Montana, 1907, which reads as follows:

"882. STEALING RIDES UPON CARS OR LOCOMOTIVES. It shall be and hereby is declared to be a misdemeanor for any person to enter upon, ride upon, or secure passage upon, any railroad car or locomotive or tender, of any description, other than a car used exclusively for

the carriage of passengers, with intent thereby to obtain a ride without payment therefor, or fraudulently obtain carriage upon any such car, locomotive or tender."

"8883. STEALING RIDES ON TRUCKS, RODS OR BRAKE BEAMS. It shall be and is hereby declared to be a misdemeanor for any person excepting railroad employes in the performance of their duty, to take passage or ride upon, or enter for the purpose of taking passage or ride upon, the trucks, rods, brake-beams, or any part of any car, locomotive, or tender not ordinarily and customarily used, or intended for the resting place of a person riding upon or operating the same."

"8884. TRAINMEN CONSTITUTED PEACE OFFICERS. Every conductor, engineer or other person in charge of the operation of cars or tains, or locomotives, upon any railroad, are, while so engaged or employed, hereby constituted public executive officers, of the class of peace officers, and of the grade of a constable in each county wherein their train or car, or cars, or locomotives may from time to time happen to be, and are hereby given the same authority as other peace officers to with or without a warrant arrest and prosecute persons violating any provision of this Act. PROVIDED, HOWEVER, that the persons mentioned herein shall not be entitled to receive fees for any arrest or prosecution which may be made or prosecuted under this Act. And PROVIDED FURTHER, that none of the persons herein named shall be authroized to hold said office or exercise its functions unless at the time he shall be a citizen of this State for at least one year next preceeding his exercising the functions thereof."

Dated at Helena, this 22nd day of April, 1918.

MONTANA COUNCIL OF DELEGATES  
S. V. Stewart, Chairman

#### Order Number Five

The furnishing or serving of intoxicating liquors to men who have been called to the service of the country in any branch of military or naval service is hereby prohibited.

This Order shall extend to men who have received notice from Local Boards or other governmental authorities of the United States, directing them to appear for examination or induction into the service, and shall also apply to men already inducted into the service who are passing through the State of Montana, or who are in and about the State for any purpose.

A violation of this Order shall be punished in accordance with the provisions of Section 5 of Chapter 1 of the Session Laws of the Fifteenth (Extraordinary) Legislative Assembly of the State of Montana.

This Order shall be held to prohibit the sale, barter, gift, or serving of intoxicating liquors in any form or under any condition to the men of

the United States Army or Navy, whether in uniform or otherwise, as hereinbefore set forth.

In order to fully carry out the intent and purpose of the Order, authority is hereby especially given and granted to County Councils of Defense of the various counties of the State to order the absolute closing of saloons, bars, and other places where intoxicating liquors are handled during the mobilization of men for military or naval service, and during the movement of troops or men called to the colors and enroute to their places of mobilization or training. Said saloons, bars and other places where intoxicating liquors are sold to be closed fifteen minutes before the arrival of troop trains, and to remain closed until fifteen minutes after the departure of said troop trains.

Dated at Helena, Montana, May 27th, 1918.

MONTANA COUNCIL OF DEFENSE  
S. V. Stewart, Chairman

#### Order Number Six

It is hereby ordered by the Montana Council of Defense that the several County Councils of Defense be and they are hereby authorized to make any order which they may in any specific instance deem necessary or proper to enforce the provisions of the laws of the State of Montana relating to herd districts; provided that this power shall not be exercised except in cases where a herd district has heretofore or may hereafter be created in accordance with existing provisions of law, it being understood that the authority hereby conferred is intended to enable County Councils to give immediate effect to the acts of Boards of Commissioners in connection with the creating of herd districts.

Dated at Helena, Montana, May 29th, 1918.

MONTANA COUNCIL OF DEFENSE  
S. V. Stewart, Chairman

#### Order Number Seven

IT IS HEREBY ORDERED by the Montana Council of Defense that the Chairman shall have full power and authority to call a meeting of the Montana Council of Defense for the purpose of conducting hearings and investigations in all matters pertaining to the public safety and the protection of life and property. Full power and authority is hereby granted to the Chairman and Secretary to issue subpoenas and to compel the attendance of witnesses at such hearings, and the production of papers, books, accounts, documents and testimony in any investigation, hearing or proceeding. Each witness who shall appear and attend any hearing upon being subpoenaed to do so shall be entitled to receive, if demanded, for his attendance, the same fees and mileage allowed by law to a witness in civil cases in the District Court, the same to be paid out on order of said Council. All testimony given at such hearings shall be transcribed and filed with the Secretary. And the said Council shall have full power and authority to take such action and to make such recommendations as in the judgment of the Council shall be necessary and proper.

Dated at Helena, Montana, May 28th, 1918.

MONTANA COUNCIL OF DEFENSE  
S. V. Stewart, Chairman

Order Number Eight

IT IS HEREBY ORDERED by the Montana Council of Defense that in all hearings before said Council, the following rules of procedure shall govern in so far as the same shall be applicable, and subject to change at any time by a majority vote of the Council.

Rule I

Upon the calling of a meeting of the Montana Council of Defense for the purpose of conducting a hearing, subpoenas shall be issued for the attendance of witnesses, signed by the Chairman and countersigned by the Secretary, which said subpoenas shall be substantially in the following form:

MONTANA COUNCIL OF DEFENSE  
SUBPOENA

The State of Montana sends greetings to \_\_\_\_\_.

WE COMMAND YOU, that all the singular business and excuses being laid aside, you appear and attend a meeting of the Montana Council of Defense to be held at the State Capitol in the city of Helena, County of Lewis and Clark, on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 191\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., then and there to testify at a hearing upon a matter pertaining to the public safety and the protection of life and property, and disobedience will be punished as a misdemeanor as provided by Section 5 of Chapter 1 of the laws of the Extraordinary Session of the 15th Legislative Assembly.

WITNESS, Honorable S. V. Stewart, Governor of the State of Montana and Chairman of the Montana Council of Defense, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 191\_\_\_\_.

\_\_\_\_\_  
Governor and Chairman Montana  
Council of Defense

Countersigned:

\_\_\_\_\_  
Secretary

Rule II

All witnesses shall be examined by a member of the said Council or by the Attorney General or by one of his assistants, or by some person designated by the said Council. Any member of the said Council shall be permitted at any time to examine a witness testifying before the said Council.

Rule III

The Chairman or Secretary shall administer an oath of affirmation to all witnesses substantially in accordance with the provisions of

Part IV, Title VI, Chapter III of the Code of Civil Procedure of the State of Montana.

#### Rule IV

All persons whose utterances or conduct shall be under investigation at a hearing before said Council may be permitted to be represented by counsel, who shall have the power to cross-examine all witnesses, and upon a majority vote of said Council may be permitted to introduce testimony.

#### Rule V

The Chairman shall preside at all such hearings and the Secretary shall keep a record of such hearings, and for that purpose may employ a stenographer who shall transcribe all testimony and shall be paid for his services upon the order of said Council. The Chairman shall rule upon the admissibility of all testimony subject only to be reversed by a majority vote of said Council.

#### Rule VI

After all testimony shall have been introduced, the said Council shall go into executive session and shall take such action and make such reports or recommendations as the said Council shall deem necessary or proper for the public safety and the protection of life and property.

#### Rule VII

These rules may be amended at any time upon a majority vote of said Council, and the said Council shall make all new rules at any hearing which shall be deemed necessary or proper.

Dated at Helena, Montana, May 28th, 1918.

MONTANA COUNCIL OF DEFENSE  
S. V. Stewart, Chairman

#### Order Number Nine

It appearing to the Montana Council of Defense that, owing to the extremely dry weather conditions now prevailing throughout the State of Montana, disastrous fires are liable to occur not only in the timbered areas but on the ranges and in the harvest fields, and that in the event of fires originating through carelessness or otherwise, not only will valuable property be destroyed but large numbers of men will be called into service for the purpose of fire fighting; and it further appearing to the Council that it is of extreme importance not only that crops and timber shall be protected against fire but that the man power of the state be conserved for the purpose of harvesting and taking care of crops at a time when the danger from forest and prairie fires is greatest.

Now therefore it is hereby ordered by the Montana Council of Defense that during the months of June, July, August and September, of each year,

during the continuance of the war in which the United States is now engaged, the burning of slashings, underbrush, timber, stumps, straw, grass, weeds, or waste matter of any kind, whether located upon land belonging to the State of Montana, the government of the United States, railway rights of way, public roads or private property, is prohibited.

It is further ordered that campers all, before leaving camp even temporarily, see to it that all camp fires are completely extinguished and the ground around such fire saturated with water or the ashes and coals covered with dirt to a sufficient depth to insure the complete extinguishment of the fire and the safety of adjacent timber and grass.

It is further ordered that any person violating the provisions of this order shall be punished as provided by Section V, Chapter I, of the Session Laws of the Fifteenth (Extraordinary) Legislative Assembly of the State of Montana.

#### Order Number Ten

WHEREAS from the present indications it appears to the Council that there will be a shortage of labor in the State of Montana during the harvest season of 1918 and the Council deems it important that every precaution be taken to assure as large a supply of labor as possible for the harvesting of crops and carrying on of other important war activities:

It is recommended that between the first day of August and the first day of October, 1918, retail and wholesale merchants in the State of Montana shall so arrange their business by co-operation and co-ordination, or otherwise, as to limit the delivery of goods, wares and merchandise to customers to one delivery in each twenty-four hours to the end that teamsters, and motor-truck drivers be released for service in the harvest fields and other necessary war activities.

Dated at Helena, Montana, June 24th, 1918.

MONTANA COUNCIL OF DEFENSE  
S. V. Stewart, Chairman

#### Order Number Eleven

Whereas, the State Fire Marshal reports that in the past five months there have been in Montana 249 fires entailing a property loss of more than half a million dollars; and

Whereas, 151 of these fires entailing a loss of \$107,195 were from strictly preventable cause, and the others entailing a loss of \$290,296 were reported as the result of unknown causes; and

Whereas, 24 of these fires resulting in the loss of \$145,585 are reported as being due to incendiarism; and

Whereas, but 13 of these fires causing a loss of \$2,055 resulted from unpreventable causes; and

Whereas it is essential for the well-being of this State and Nation that every effort be put forth to conserve and preserve property of all kinds; and

Whereas, in the near future on the farms and ranches of this State there will be produced food stuffs for man and beast aggregating in value several millions of dollars; and

Whereas, for the successful prosecution of the war and for the sustenance of the people of this country and her allies, it is vitally necessary that the conservation of these food stuffs and of property of every kind and character be recognized as a duty which devolves upon everyone, therefore be it

RESOLVED, That the Montana Council of Defense calls upon all those who have property of every character and description in their possession or under their charge to exercise the utmost vigilance in preventing its destruction by fire. The Council calls upon all peace officers, city and county, to exercise the utmost diligence in the apprehension of those guilty of incendiarism and upon all public officials to cooperate to the fullest extent with the State Fire Marshal in reducing to a minimum losses by fire in this State.

Dated in Helena, Montana, June 24th, 1918.

MONTANA COUNCIL OF DEFENSE  
S. V. Stewart, Chairman

#### Order Number Twelve

In order to better carry out the purposes of the order of the War Industries Board, Pulp and Paper Section, which reads as follows:

"Because of the absolute necessity of curtailing the use of paper, the Pulp and Paper Section of the War Industries Board has ruled that during the war, no new newspaper shall be established

It is hereby ordered by the Montana Council of Defense that no new newspaper shall be established in the State of Montana during the war, or until further order of this Council.

It is also ordered that no weekly or monthly newspaper, or magazine published less often than six times a week, shall be changed during the period of the war into a daily newspaper or magazine.

Dated in Helena, Montana, August 12th, 1918.

MONTANA COUNCIL OF DEFENSE  
S. V. Stewart, Chairman

#### Order Number Thirteen

Whereas, it has been found that Order Number Nine, of the Montana Council of Defense, forbidding the burning of slashing, underbrush, timber, stumps, straw, grass, weeds, or waste matter of any kind during the months of June, July, August and September, whether upon land belonging to the State of Montana, the Government of the United States, railway rights of way, public roads or private property, prevents the proper cultivation and preparation of lands for crops in the non-timbered areas of the state; therefore, it is hereby ordered that said Order Number Nine be and the same is hereby amended by the addition of the following section

to said Order Number Nine:

"Permission may be granted by County Councils of Defense to burn stubble fields not in timbered areas. Suitable precautions designed to prevent the spread of the fires beyond the field being burned must be prescribed by County Councils before permission for such burning is granted."

Dated in Helena, Montana, August 12, 1918.

MONTANA COUNCIL OF DEFENSE  
S. V. Stewart, Chairman

#### Order Number Fourteen

Whereas, it will be wise and expedient to close saloons in some localities in Montana on Thursday, September twelfth, 1918, Registration Day, it is therefore

Ordered, that County Councils of Defense, be and the same are hereby empowered to close saloons on said day when in their discretion same may be necessary and to enforce the order of closing.

Dated at Helena, Montana, September 9th, 1918.

MONTANA COUNCIL OF DEFENSE  
S. V. Stewart, Chairman

#### Order Number Fifteen

It is hereby ordered that Order Number Nine, relating to the burning of brush and other waste matter, be modified as follows:

In any case where hardship would be suffered by the strict enforcement of Order Number Nine, and in cases where there is no danger of fire spreading to adjacent lands permission may be granted by any National Forest Supervisor or by the State Forester or any of his deputies or the sheriff of any county to burn brush, stumps, or other waste matter during the month of September, 1918. Provided that no permit shall be granted except in cases where the officer granting the same has a personal knowledge of the land sought to be burned.

Dated at Helena, Montana, September 9th, 1918.

MONTANA COUNCIL OF DEFENSE  
S. V. Stewart, Chairman

#### Order Number Sixteen

The scarcity of labor in the State of Montana is the necessity for the promulgation of the following order:

Authority is hereby granted and given to the County Attorneys of the various counties to release from imprisonment any person, confined in a county jail upon a conviction for the commission of a misdemeanor; provided that said person shall be so released for the purpose of working at some essential occupation. The time during which said person is engaged in some essential occupation shall apply upon and reduce the term of imprisonment in the same manner and to the same extent as if said person were actually confined in said jail. A person so released who discontinues



working after a release, as aforesaid, shall be returned to the county jail to complete his sentence, and it is hereby made the duty of any one employing such a person to notify the sheriff, or any police officer, when any such person so released shall discontinue working.

Dated at Helena, Montana, September 9th, 1918.

MONTANA COUNCIL OF DEFENSE  
S. V. Stewart, Chairman

### Order Number Seventeen

Whereas, It has been brought to the attention of the Montana Council of Defense that dances, entertainments, benefits, etc., are given in the State the proceeds of which are advertised as being for general war activities; and,

Whereas, It has been found that in a number of instances in which such entertainments and dances have been given that the promoters have used most of the proceeds for expenses; Therefore, it is hereby

ORDERED, Before announcements are made that any dance, benefit or money-raising proposition is under the auspices of or for the benefit of any war aid society or activity, consent to proceed with the same must be obtained from the county council of defense in which the dance, benefit or other entertainment is to be given.

Dated at Helena, Montana, October 7th, 1918.

MONTANA COUNCIL OF DEFENSE  
S. V. Stewart, Chairman

### Resolutions

Resolved, That it is the sense of the Montana Council of Defense that the United States Government should not enter into any arrangements with Germany and its allies looking to a negotiated peace, but that this government and its allies should insist upon the unconditional surrender of Germany and its allies.

Resolved, That the Montana Council of Defense expresses its confidence in the ability of President Woodrow Wilson to deal with the question of peace terms in a manner which will meet the approbation of the people of Montana.

Resolved, That Governor S. V. Stewart, Chairman of the Montana Council of Defense, be requested to transmit these resolutions to President Woodrow Wilson.

Dated at Helena, Montana, October 7th, 1918.

MONTANA COUNCIL OF DEFENSE  
S. V. Stewart, Chairman

APPENDIX III

Financial Statement of  
MONTANA COUNCIL OF DEFENSE  
July 22, 1919

APPROPRIATION . . . . . \$25,000.00

EXPENDITURES:

Stamps . . . . .	\$ 50.00
Traveling Expenses, Members State Council . . . . .	1558.07
Badges for County and State Councils . . . . .	152.00
County Councils, Expense . . . . .	1127.47
Hearings, Witness Fees and Mileage . . . . .	334.10
Express . . . . .	3.09
Stenographer Fees, Reporting Hearing & Trans- cripts . . . . .	946.65
Supplies . . . . .	67.84
Loan to Alfred Atkinson . . . . .	2000.00
War Mechanics Course, State University, Equip- ment . . . . .	5166.74
Board of Health, <u>Vinereal</u> Diseases . . . . .	994.36
Investigations Under Sedition Law . . . . .	1372.20
Women's Committee . . . . .	732.88
Stenographer's Salary . . . . .	1003.75
Expense Representatives to Kansas City . . . . .	244.88
Telegrams and Telephone . . . . .	195.22
Printing, Stationery and Stamped Envelopes . . . . .	850.36
Speakers' Bureau . . . . .	541.93

Total Expenditures . . . . . \$17,314.24

Balance on Hand . . . . . 14,208.76

Alfred Atkinson, Repayment of Loan . . . . . \$2,000.00

Advance Return from War Defense Fund . . . . . \$4,550.00

\$31,550.00 \$31,550.00

## APPENDIX IV

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### County Councils of Defense

The following county councils were appointed after the Extraordinary Session of the 15th Legislative Assembly. An asterisk (\*) indicates that the member also served on the county council in 1917.

Beaverhead: J. H. Gilbert,\* G. T. Paul,\* J. E. Monron.\*  
Big Horn: A. H. Bowman,\* R. Gay,\* E. A. Willard.  
Blaine: A. S. Lohman,\* Frank Browne, T. M. Evertt.  
Broadwater: J. E. Kanouse,\* W. L. Cronk,\* Hugh Broderick.\*  
Carbon: T. F. Pollard,\* John G. Skinner,\* W. A. Talmage.\*  
Carter: Thomas Connelly, A. O. Dahl, C. S. Einsel.  
Cascade: E. H. Cooney,\* Shirley S. Ford,\* Louis Newman.\*  
Choteau: David G. Browne,\* Samuel Miller,\* Jere Sullivan.\*  
Custer: J. B. Collins,\* Karl Johnson, Joe Scanlon.  
Dawson: C. A. Thurston,\* Dr. A. S. Hamerel.  
Deer Lodge: Geo. P. Wellcome, Charles Murphy, E. J. Bowman.\*  
Fallon: R. F. Smith,\* C. J. Dousman,\* L. E. Rushton.  
Fergus: W. D. Symmes,\* James E. Woodard,\* H. L. Dekalb.  
Flathead: James Conlon,\* Robert Pauline,\* W. J. Brennan.  
Gallatin: Chas. Vanderhook,\* E. J. Ownehouse,\* H. S. Buell.  
Granite: N. J. Marshon,\* D. M. Durfee,\* E. A. Hannah.\*  
Hill: Thos. W. McKenzie,\* E. Earl Clack, E. C. Tolly.  
Jefferson: L. Q. Skelton,\* Dr. J. A. Leighton,\* E. O. Pace.\*  
Lewis and Clark: T. A. Marlow, T. B. Miller,\* R. L. Varney.\*

Lincoln: J. M. Kennedy,\* R. E. Clay, Dr. F. B. Bogardus.  
Madison: Frank Carey, C. W. Chowning,\* A. J. Bennett.\*  
Meagher: James T. Wood,\* C. W. Cook,\* J. A. Johnson.\*  
Mineral: B. E. Vaill,\* Sam L. Boyd, Jesse Dailey.  
Missoula: Herbert McLeod,\* Sid J. Coffee,\* Stanley Searce.  
Musselshell: Frank M. Wall,\* Rev. W. J. Oldfield,\* C. V. Woodward.  
Park: Frank Arnold, Dr. R. D. Alton, W. O. Hutchinson.  
Phillips: F. W. Hall,\* Harry Cosner,\* J. F. Kilduff.  
Powell: R. D. Larabie,\* Joseph Smith,\* C. H. Williams.\*  
Prairie: W. A. Brubaker, Bennie E. Kempton,\* W. G. Armstrong.\*  
Ravalli: W. O. Fisk,\* J. E. Totman,\* J. G. Howe.\*  
Richland: Augustus Vaux,\* Rev. Niels Damskov,\* W. F. Winklemann.\*  
Rosebud: J. E. Choisser,\* E. A. Cornwell,\* H. V. Boeman.  
Sanders: E. J. Thompson,\* C. C. Willis,\* Walter T. Gutz.  
Sheridan: Howard M. Lewis, J. D. Matkin,\* Sid Bennett.  
Silver Bow: Eugene Carroll,\* Andrew J. Davis,\* F. A. Bigelow.  
Stillwater: J. L. Fraser,\* C. Bergland, J. P. Lavella.\*  
Sweet Grass: Jerome Williams,\* J. E. Barbour, L. F. Douthett.  
Teton: James Eckford,\* Patrick Kelly,\* D. F. Mains.  
Toole: J. G. Henderson,\* Dr. T. L. Clark,\* C. H. Sands.\*  
Valley: O. M. Christinson, Peter Peterson.  
Wheatland: W. N. Smith,\* H. J. Giltinan,\* J. E. Lackey,\*  
Wibaux: R. B. Chappell,\* Martin Ohnstad, W. A. Orgain.  
Yellowstone: L. C. Babcock,\* Leon Shaw,\* L. A. Nutting.

## APPENDIX V

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Communication from State Attorney Samuel Ford to the  
Joint Session,  
May 27, 1918.

"As Attorney General of the State of Montana, I feel it my duty to call to the attention of your honorable body recent violations of the state constitution and laws in a number of counties of the state, and certain circumstances in relation to such violations, which in my opinion, are matters of tremendous importance to every citizen of the state.

The right of free speech and the right to make public addresses have been denied individuals in the counties to which I refer by violence and in direct violation of law, and the denial has been affected by intimidation and forcible coercion. Furthermore, it is common knowledge that in many cases members of county councils of defense have participated in these unlawful proceedings. The cases have been rather numerous.

The persons so misused have been met by self-constituted committees and informed that they would not be permitted to make addresses; that the committeemen would see that they were prevented from doing so, and that if they attempted to make addresses they might subject themselves to violence and even bring their lives into danger. I do not know what would have happened had these persons persisted in attempts to make addresses, because in all cases brought to my notice, they submitted to the coercion exerted upon them and refrained.

A case in point occurred at Miles City. In this instance the flagrant violation of law was aggravated by a farcial local prosecution, and was marked both in the infraction of the law and in the miscarriage of justice by either the active participants in those events or by the open sympathy and support of some members of the local county council of defense.

In relation to the criminal proceedings in this case, I wish to state some particulars for your information. Upon affidavit of one J. A. McGlynn, that he had been denied the right to make a public address at Miles City, and had been taken to a train and instructed to leave the town at once, I directed the county attorney of Custer County to investi

gate and institute the proper criminal proceedings against the persons who had thus violated the law.

While but four or five persons were charged in McGlynn's affidavit with the action against him stated, the county attorney on his own motion made 21 persons defendants in the proceedings that he subsequently instituted. It later developed that several of these defendants were not in Miles City at the time the acts recited above were committed and hence could have no possible connection with them. Whether or not the county attorney included the names of these 21 men in the prosecution for the purpose of discrediting the proceedings and defeating the ends of justice, I am unable to say.

My own connection with the case was misinterpreted. Because in a letter I asked protection for McGlynn and his witnesses, it was made to appear that I was afraid physical violence would be offered me. There was nothing in my letter in the least to justify such a deduction, nor did I at any time fear that I would fail to receive the protection to which I was entitled both as a citizen and as an officer charged with the enforcement of the law. However, from this and other circumstances, it appears very plain to me that there was a concerted attempt by interested persons at Miles City to ridicule the prosecution that it was the sworn duty of myself and the county attorney to institute and maintain with diligence and sincerity; to make light of a serious infraction of the law, and to defeat the ends of justice.

I will add for your information that I went to Miles City at the county attorney's request, and that when I learned that there was no ground for the prosecution of some of the defendants, I moved their dismissal.

This action, in the light of later events, was unnecessary, for all the defendants were discharged by the Justice of the Peace before whom the preliminary hearing was had, without the introduction of a word of evidence for the defense, upon the plea of counsel for the defendants that McGlynn had been deported to protect him from anticipated violence. No evidence in support of the plea was offered, however.

The result in the Miles City case was no surprise to me for it was openly stated upon the streets of that city on the preceding day that the Justice of the Peace had already pledged himself to discharge the defendants, regardless of the character of the evidence to be offered by the prosecution.

The freedom of the press, and the unrestricted right of public assemblage and free speech are absolutely necessary for the maintenance of a republican form of government. The constitution of the United States and the state guarantee that these rights shall be preserved inviolate to all citizens.

It is true that we are at war and that the life of the nation is at stake; and these conditions may so effect the minds of over-zealous patriots and persons of hysterical tendencies as to lessen their power to clearly analyze civil rights; and to perceive the importance of the strict respect that should be given the same; nevertheless, it is also true that the primary purpose of this war is to uphold the fundamental principles of freedom and to prevent autocratic government, the rule of might, from being established on this continent.

The open encouragement or the tacit acquiescence in the mob spirit and lawlessness, whether mobs are of representative citizens or the so-called lower orders of society, is fraught with serious menace to society and to the most precious liberties of the people of the state. Disloyal and seditious utterances in press or speech should be promptly and fully punished, and adequate laws for that purpose exist in the federal and state codes. But it lies in the legal right of not citizen nor set of citizens to pre-judge the utterances of any man and forbid him to express his opinions on any subject. The loyalty or disloyalty of any man's utterances are to be determined only in the expression of them and all persons are held accountable for what they say under the civil and criminal laws.

A cloud has arisen upon Montana's horizon that threatens dire consequences to the people of the state. Class is being arrayed against class and bitterness is being engendered; and if the lawlessness cited is not put down, and the right of free speech is not rescued from the disrepute thrown upon it, in my opinion, conditions may follow that will do the people and the fair name of the state incalculable injury.

Lawlessness begets lawlessness, and where individuals or classes or citizens are refused their legal rights by violence the ordinary and natural result is to stir the people wronged to retaliatory violence and lawlessness, which, as is well known to all students of political matters, finally results in the total disregard of law and order and ends in anarchy.

If the deeds referred to herein should unfortunately result in the injury or death of men subjected to wrong in this way, in any trial that might follow in a county, it would be conclusively shown that the legal rights of individuals had been withdrawn from them and the plain provisions of the constitution and laws of the state trampled upon.

In these deprivations of the rights of individuals precedents in lawlessness and violence extremely dangerous to the conservative and law abiding people of the state are being established, and a civil and social evil is rearing its head that may bring down upon them appalling penalties.

This is a strenuous period and it is difficult for people to display the same self control and act and think as they do in normal times; but of all classes of society, control, moderation and due respect for law certainly is most to be expected from the very people who at this time seem disposed to take the law into their own hands.

In view of the persistent continuation of the denials of the right of free speech and the right to make public addresses in this state, and in view of the purpose for which the state council of defense was created, as I see it, I am constrained to suggest to your honorable body that you take steps to reinforce and assist the ordinary authorities in repressing those engaged in these infractions of the law and in the punishment of the offenders. In making this suggestion, I wish to say that I shall continue to perform my own duty as Attorney General in relation to this matter with every means at my disposal, and merely ask the co-operation of the state council of defense so that no agency by law and order may be maintained shall be neglected.

In view of the participation of members of county councils in the lawlessness described, it is further respectfully suggested to your honorable body that you bring to the attention of such councils and to their members their duty in the premises, and point out to them that it is their duty at all times to uphold law and order and repress violence, disorder, and lawlessness.

It is the sworn duty of the attorney general and the other officials of the state and subordinate governments to enforce the law, and to protect citizens in all rights during this as well as other times and periods. As I understand it, the sole reason for the creation of the state council of defense and county councils, in respect to their police powers, was to add to the existing authorities an extraordinary body charged specially with the duty of doing everything in its power to maintain respect for law, solidify the citizenry for legal, proper, and patriotic purposes, and win the war.

This being the case, I wish, in closing to urge with all possible emphasis that the state council of defense, through its own action and that of the county councils, co-operate to the fullest extent of its powers with the ordinarily constituted authorities and myself in the suppression of the lawlessness described and in the vindication of the right of free speech and the right to make public addresses in the State of Montana."



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### Public Documents

- U. S. Bureau of the Census. Fourteenth Census of the United States: 1920 Population, Vol. II.
- Mont. House and Senate Journal of the Extraordinary Session of the Fifteenth Legislative Assembly February 14-25, 1918.
- Mont. Laws passed by the Extraordinary Session of the Fifteenth Legislative Assembly February 14-25, 1918.
- U. S. Second and Third Annual Reports of the Council of National Defense for the Fiscal Years ending June 30, 1918 and June 30, 1919.

## Records: Montana Council of Defense

The Records of the Montana Council of Defense are located at the Library of the Montana Historical Society, Helena, Montana.

The Records have not been reorganized since the Council was disbanded. To facilitate location of the materials used in this thesis a description of the records follows:

Drawer I: Drawer I contains all the minutes of the Council which were preserved. They are contained in folders bearing the dates of the meetings. Also in the dated folders are hearings, correspondence and other materials related to the business of the meetings.

Drawer I also contains folders bearing titles on various subjects such as "Appointments" or "County Councils of Defense."

Drawer I also contains most of the Council's orders. These are located near the front of the file. This drawer contains most of the Council's important papers. Approximately half of the material used in this thesis came from this drawer. Therefore, any reference to a "dated" or "titled" folder which does not list the drawer number came from Drawer I. For example:

<sup>1</sup>Greenfield to A. H. Flemming, December 1, 1918, folder dated November 1, 1918.

Drawer II: Drawer II contains mainly those materials forwarded to the Council by the Council of National Defense. The folders have been entitled by subject as in "German Books and Speech." An example is:

<sup>1</sup>Greenfield to A. H. Flemming, December 1, 1918, Drawer II, folder entitled "German Books and Speech."

Drawer III: Drawer III contains large file boxes containing a variety of materials, none of them found to be of much use in compiling this thesis. An example of a reference is:

<sup>1</sup>Greenfield to A. H. Flemming, December 1, 1918, Drawer III file box entitled "Attention State Council," folder entitled N.

Lock-up drawer: The library personnel have separated some of the most important documents and placed them in what is entitled "Lock-up." An example of a reference would be:

<sup>1</sup>"Investigations of charges alleging Dishonorable Conduct on the part of the Carbon County Local Board in the case of Christian Branger," Lock-up drawer.

**Letters:** Most of the Council's correspondence is wrapped in packages which are alphabetized by the names of the correspondees. An example of a footnote reference would be:

<sup>1</sup>Greenfield to A. H. Flemming, December 1, 1918, letters F.

**War Circulars:** The three war circulars prepared for the Council by O. B. Whipple and Alfred Atkinson are located in the University of Montana Library.