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IN THE UNITED STATES *Paul L. Murphy*

World War I
and the Origin of
Civil Liberties in
the United States

Paul L. Murphy



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*For my graduate advisees, who
have taught me fully as much
as I have taught them.*

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- D. T. Blodgett was sentenced to twenty years in prison for circulating a pamphlet urging the voters of Iowa not to reelect a congressman who had voted for conscription.
- Twenty-seven South Dakota farmers were convicted for sending a petition to the government objecting to the draft quota for their county and calling the war a "capitalist's war."¹⁴⁹

149. For an attempt to quantify similar episodes in one state, see John D. Stevens, "Press and Community Toleration: Wisconsin in World War I," *Journalism Quarterly* 46 (Summer 1969): 255-59; and "When Sedition Laws Were Enforced: Wisconsin in World War I," *Wisconsin Academy of Sciences, Arts and Letters* 58 (1970): 39-60.

Faltering Efforts to Make Civil Liberties a Legitimate National Agenda Item

WHILE MANY AMERICANS reacted negatively to wartime excesses in the curtailment of individual freedom, such reactions produced little constructive counter-action to secure the protection of those freedoms. Clearly, there was not, as yet, a sufficient collective consciousness regarding the importance of protecting civil liberties to generate vigorous, broad-based citizen participation programs on their behalf. As Zechariah Chafee, Jr., later observed, "the First Amendment had no hold on people's minds, because no live facts or concrete images were then attached to it. Consequently, like an empty box, with beautiful words on it, the Amendment collapsed under the impact of Prussian battalions, and terror of Bolshevik mobs."¹ To Americans of the World War I era, little was to be gained by active crusades for civil liberties. At a time when government leaders were emphasizing the citizen's obligation to sacrifice certain freedoms in order to secure victory and a liberal society, involvement in a movement which seemed to place people against their government smacked of disloyalty and a lack of patriotism.

1. Zechariah Chafee, Jr., *Thirty-Five Years with Freedom of Speech* (New York, 1952), p. 4.

- In 1917, Emma Goldman, anarchist writer and editor and militant feminist, was arrested for obstructing the draft and sentenced to two years in prison in Jefferson City, Missouri. Upon her release she was deported to Russia.
- In July 1917, 1,200 striking IWWs and their sympathizers, in Bisbee, Arizona, were corralled in a ball park by armed businessmen and mine officials, herded into cattle cars, and shipped into the Arizona desert and left to shift for themselves in a situation where they were wholly without an adequate supply of food and water.
- Victor Berger, Milwaukee Socialist editor, whose newspaper, the *Milwaukee Leader*, was indicted for violating the Espionage Act, was denied his seat, with only one dissenting vote, following election to the House of Representatives. One congressman summarized the opposition position, "The one and only issue in this case is that of Americanism."
- A South Dakota farmer who opposed the war received a five-year sentence for advising a young man not to enlist in the army, and saying "that it was all foolishness to send our boys over there to get killed by the thousands, all for the sake of Wall Street."
- Charles A. Schenck, a Philadelphia Socialist, was arrested under the federal Espionage Act, and sentenced to fine and imprisonment for distributing literature critical of the draft.
- Joseph H. Odell, pastor of the First Presbyterian Church of Troy, New York, charged in an article in the *Atlantic Monthly* that preachers were to blame for the whole world situation. "The Kaiser is what he is because preachers are what they are," Odell claimed. "They, with their German theology, have taken all the supernatural element out of the Bible under the inspiration of the Kaiser himself."
- In Montana, Ves Hall was arrested and charged with espionage for having stated that he would not go to war, that Germany would win, that President Wilson was crooked, and that the war was being fought for the benefit of Wall Street millionaires.
- John White, an Ohio farmer, was sentenced to twenty-one months in the penitentiary for stating that soldiers in American camps "were dying off like flies" and that the "murder of innocent women and children by German soldiers was no worse than the United States' soldiers did in the Philippines."

- In Texas, three organizers of the Non-Partisan League were arrested and jailed for disloyalty. When M. M. Offut, state office manager, protested, he was seized and had his hair and beard cut off with sheep shears before he was driven out of town. The three men were taken by a mob and given a severe whipping. The *Greenville (Texas) Banner* stated that this was evidence that "Americanism" is not to be tampered with around Mineola."
- A Minnesota man was arrested under the Minnesota Espionage Act for criticizing women knitting socks for soldiers, in stating, "No soldier ever sees these socks."
- Carl Wold, a small-town Minnesota newspaper editor, was physically assaulted and his presses wrecked as a result of his refusing to publish editorials critical of the Non-Partisan League.
- Fred Boyd was beaten up in Rector's Restaurant in New York City for not standing up when the National Anthem was played.
- Women in charge of the Emergency Peace Federation, headquartered in Washington, D.C., were ordered by militiamen to close the office and "beat it," or they would be "raided and raped."
- Six farmers in Texas were horsewhipped because they had not subscribed to the Red Cross.
- George Maynard of Medford, Oregon, a member of the International Bible Students' Association, had an iron cross painted on his chest, and was driven out of town.
- In Baltimore, the day before Wilson's war message, rioters broke up a meeting at which David Starr Jordan, president of Stanford University, was to talk under the auspices of the American Union against Militarism, chanting "We'll hang Dave Jordan to a sour apple tree." *The New York Times* noted that the mob was led by "men socially prominent," including "college professors, students, bankers, and lawyers."
- The producers of a film *The Spirit of '76* which dealt exclusively with the American Revolution but showed scenes unflattering to the British army, was convicted of attempting to cause insubordination in the armed forces of the United States and sentenced to prison for ten years.

collective political conscience regarding civil liberties was not sufficiently well developed to make a meaningful general response. By and large the public was less likely to react to the steady expansion of the government's formal repressive policies and mechanisms than to specific episodes and outrages with which they could identify in a highly personalized way. Regrettably, for the scholar, little satisfactory documentation remains which affords any accurate contemporary group response to the wide range of nationally reported episodes which punctuated the war period. Reciting some of the more colorful, however, affords a flavor of wartime behavior. Consider the following:

- Five hundred citizens of Collinsville, Illinois, who had decided that a fellow townsman, Robert Prager, was a German spy, dragged him into the street, wrapped him in the flag, and then murdered him.
- Beethoven's music was banned in Pittsburgh for the duration of the war.
- The Los Angeles Board of Education forbade all discussions of peace, even the program of the League to Enforce Peace headed by former President William H. Taft, in the schools of Los Angeles.
- Will H. Hicks, a former minister, was seized by a mob at Elk City, Oklahoma, and given a coating of tar and feathers for alleged propaganda against Liberty bonds.
- E. V. Hanegan, of Washington, D.C., began a crusade for melting down the statue of Frederick the Great at the national capital, making two million nails from the metal, and using them to drive into "Koffins of Kultur" to be set up in countless American cities.
- J. M. Ellis, a black Baptist preacher, was beaten by a mob at Newport, Arkansas, for alleged treasonable utterances which were regarded as unproved by a grand jury after he had been kept in jail for ninety-six days.
- Aliens were barred from holding licenses and permits to do business within the city limits of Cleveland, Ohio.
- Former United States Senator R. F. Pettigrew's law offices

at Sioux Falls, South Dakota, were daubed with yellow paint. He had opposed America's entry into the war.

- The conservative *American Review of Reviews*, edited by Dr. Albert Shaw, was barred from the New York high schools for publishing an article to the effect that "the Entente's arrogant declaration of a patchwork program of spoils and conquests" prevented a peace without victory before the United States entered the war.
- At Mount Olive, near St. Louis, Missouri, a mob led by prominent businessmen compelled P. Hein, a leading merchant charged with making disloyal remarks, to kneel on the icy sidewalk in his night clothes and kiss each of the forty-eight stars on the flag.
- At Salisbury, Pennsylvania, Charles Klinge was beaten and made to walk across the street with a dog chain around his neck, was forced to kiss the flag, and was then ducked, for alleged disloyal remarks.
- At Marysville, Nebraska, a mob broke into a school, removed all books and material either written in German or about Germany, including Bibles in German, piled them outside and burned them.
- In Detroit, Louis Rafelburge, who was said to have made unfavorable remarks about the Red Cross, was taken from his home in his night clothes, given a haircut and had his mustache trimmed by members of a mob which for a while threatened to duck him in the river.
- After being tarred and feathered, George Koetzer, a brewery worker of San Jose, California, was chained to a brass cannon in the city park. He was charged with having made pro-German remarks.
- Clarence Nesbitt, of Thetford Township, Michigan, was tarred and feathered by a group of men who were displeased because he bought only \$1,500 worth of Liberty Bonds instead of the \$3,000 that they thought he ought to have purchased.
- The Austrian-born violinist, Fritz Kreisler, and the famous Swiss-born conductor of the Boston Symphony, Dr. Karl Muck, were denied access to American music halls.
- In Columbus, Ohio, school teachers were required to meet after school to paste in school music books blank sheets of paper covering "The Watch on the Rhine" and "The Lorelei."

avoiding the draft, Gregory set out to employ the American Protective League to stage a series of "slacker raids" throughout the country. The league plunged into this assignment with the greatest enthusiasm. In dozens of cities government agents and their volunteer auxiliaries raided theaters, hotels, restaurants, train and bus depots, factories, union halls, offices, and even private homes, herding thousands of young men into overcrowded detention centers to check their draft cards. When admittedly only 5 percent of the men so detained turned out to be genuine draft dodgers, public response—already somewhat negative—became particularly stormy.¹⁴⁴

The raids in New York City, thought by many to be the national haven for slackers and deserters, finally brought the civil liberties violations implicit in the behavior of the raiders into national focus. The New York raids were massive in scope and carried out—with particular insensitivity—largely by APL agents in early September 1918. But the high-handedness of many overly zealous raiders produced an adverse reaction across the country which opened the door to Woodrow Wilson's critics for vigorous and loud charges that his administration had no respect for the basic civil liberties of citizens. The *New York World*, a pro-Wilson newspaper, charged that the raiders had no warrants for arrest or any official standing and concluded, in an editorial entitled "Amateur Prussianism in New York," that the arrest of any number of slackers "could not excuse this rape of the law—this ravishing of the very spirit of American institutions."¹⁴⁵ In the meantime, anti-Wilson senators were preparing a resolution to denounce the action. Wilson, anxious to head off criticism and avert public controversy, promptly announced that he was launching an investigation of the Justice Department. Attorney General Gregory immediately promised full cooperation, admitting that the APL, which had been encouraged by the department to involve itself in the raids, had been led into breaches of propriety "by an excessive zeal for the

144. Jensen, *Price of Vigilance*, pp. 188–218.

145. *New York World*, September 6, 1918, p. 8.

public good."¹⁴⁶ He acknowledged, however, that "this does not excuse their actions." He then sent John Lord O'Brian to New York to investigate. O'Brian, clearly the most concerned civil libertarian in the department, publicly stated that he intended to determine whether the raids constituted interference with the personal liberties of citizens. He took pains in his public statement to disassociate the department from the APL, which he characterized as a "private concern."¹⁴⁷ The action proved effective for Wilson's purposes. It communicated the administration's immediate concern for civil liberties to the public and in the process undercut mounting Republican criticism. By the end of September, the particular civil liberties issues raised by the episode had largely been deflected, to the President's considerable relief and comfort.

The members of the National Security League and the American Defense Society were never afforded similar authorization for their activities from the federal government, although they frequently claimed that their activities were carried out to implement the policies of the state councils of defense, which were agents of the National Council. The administration disputed such claims when the organizations' zeal drew public reaction, and especially when they engaged in bitter criticism of the president. George Creel was particularly caustic regarding these groups, and in later years characterized them as "the most obnoxious of the hysteria manufacturing bodies, whose patriotism was, at times, a thing of screams, violence, and extremes." They were chiefly responsible, Creel charged years later, "for the development of a mob spirit in many sections."¹⁴⁸

Any empirically precise analysis of public reaction to the whole national pattern of repression is impossible. Attitudinal surveys were not carried out at the time, nor were public opinion polls taken. Impressionistic and anecdotal evidence, however, tends to suggest a number of things. By and large, the country's

146. Jensen, *Price of Vigilance*, p. 210.

147. *The New York Times*, September 8, 1918, p. 9.

148. Creel, *Rebel at Large*, p. 196.

whom conscription might be a sobering experience.¹³⁷ Attorney General Gregory, hoping to channel the energies of these people into something constructive, found that one obvious assignment for them was to assist in the conscription process. At the request of the provost marshal general, at least one APL member sat on "each local and district exemption board [in the country] to accomplish the location and apprehension of delinquent registrants."¹³⁸

The role of the National Security League and the American Defense Society was less formal but at times more coercive and intimidating. The more powerful National Security League was organized in December 1914 to promote military preparedness and universal military training. It attracted the support of prominent pro-Ally politicians, military figures, and wealthy industrialists and financiers.¹³⁹ Ostensibly nonpartisan, the NSL failed to satisfy the political appetites of some of its frankly anti-Wilson members, who withdrew in August 1915 to form the American Defense Society. The new organization became a more tightly Republican, though less influential, version of the NSL, despite Theodore Roosevelt's prominent association with it as honorary president. With the war both bodies turned their energies to forging national unity through systematic propaganda efforts. This included vigorous, wide-scale pamphleteering and vigorous assaults upon everything German within this country: One of the American Defense Society's more widely distributed pamphlets was entitled "Throw Out the German Language and All Disloyal Teachers."¹⁴⁰ Both organizations lost no time in denouncing purveyors of dangerous radical ideologies such as the IWW, the Socialists, and the Non-Partisan League as in-

137. On the APL see Joan M. Jensen, *The Price of Vigilance* (Chicago, 1968).

138. Harold M. Hyman, *To Try Men's Souls* (Berkeley, 1959), p. 290.

139. Robert D. Ward, "The Origin and Activities of the National Security League, 1917-1919," *Mississippi Valley Historical Review* 47 (June 1960).

140. Leubke, *Bonds of Loyalty*, p. 216.

hibitors of the war effort. One ADS pamphlet, *AWAKE, AMERICA*, published in 1918 by a trustee of the organization, warned the reader to "Beware of organized German-pacifists; pro-German Socialists, pro-German anarchists, and venomous I.W.W.'s."¹⁴¹ The latter super-patriots lacked the authority to harrass such enemies legally. The conscription system provided a possible route.

Here Attorney General Gregory found himself in a peculiarly uncomfortable position. By 1918 the excesses of these groups were beginning to produce considerable negative feedback. Unpopular citizens and groups were being subjected to a variety of forms of harrassment, ranging from simple intimidation to beatings and lynchings.¹⁴² By June, President Wilson, Gregory, Creel, and a number of lesser national officials were conducting energetic public relations campaigns deploring the mob spirit abroad in the land and charging that intemperate patriotism was providing critics of the country with a growing body of propaganda with which to assail American democracy as a sham. In June Gregory warned the Council of National Defense, the state councils, and all the APL locals in the country that:

The suppression of sedition . . . rests entirely with the Department of Justice. It is a technical and difficult task which outside agencies are likely to confuse and obstruct. . . . undertake no work for the detection and repression of sedition except such as is expressly requested or authorized by . . . the U.S. Department of Justice and done on its behalf.¹⁴³

Such warnings went virtually unheeded, despite their position as official doctrines. In order to direct the energies of such groups into more constructive activity and to disarm public criticism of the Justice Department for its failure to arrest men

141. Thomas A. Lawrence, "Eclipse of Liberty: Civil Liberties in the United States During the First World War," *Wayne Law Review* 21 (1974): 55-57.

142. For the Herbert Bigelow incident, see Chapter 5. An equally infamous example of vigilante tactics was the Frank Little lynching in Montana. For details see Peterson and Fite, *Opponents of War*, pp. 57-60.

143. Quoted in Hyman, *To Try Men's Souls*, p. 289.

at all. The end was their only concern, so they proclaimed, and those who would divert attention from that end by carping about the implications of the means being used to attain it were obviously suspect in their patriotism. When administration officials moved to restrain the activities of such patriots, they were quick to charge the government with being weak-kneed in its wartime zeal and, in some extreme cases, with violating their constitutional rights to criticize both it and its enemies. The constant possibility that this type of retaliation could also tarnish the administration's professed liberal image made national leaders highly reluctant to apply the same criteria of permissible freedom of expression to such people as those that they professed to be employing in monitoring and restraining left-wing critics. Clearly, the patriots chose to view the government's hesitancy to restrict their actions as an informal sanction for their activities.

Various examples are pertinent. One of the ways in which the federal government acted most directly upon American citizens at this time was through national conscription. The turn to conscription early in the war raised a variety of concerns regarding the relationship of government to the citizen. The government, failing to recruit adequate military personnel through a voluntary system, reluctantly agreed to a plan developed by the General Staff to draft Americans into the army. Aware of Americans' resistance to being coerced into military service, Secretary of War Newton D. Baker was hesitant to have the draft administered by the army. He therefore agreed to a plan whereby administration of the Selective Service System was to be conducted through "neighborhood" civilian draftboards, hoping thereby to create the illusion that the process was "democratic" and free of overt government interference.¹³⁴ The draft bill, which was signed into law by the president on May 18, 1917, called for full-scale registration of all able-bodied American adult males. There were certain designated

134. Carl B. Swisher, *American Constitutional Development* (Boston, 1954), pp. 600-01.

exemptions, including a narrowly defined category for conscientious objectors, but even those exempted were required to do noncombatant duty.¹³⁵ The draft was launched with much patriotic fanfare, a national "Registration Day" was designated, and despite the fact that Woodrow Wilson had quietly instructed his attorney general to prosecute any "slacker" who failed to report, with the penalty to be a year in prison, the registration for the draft was presented as an opportunity for Americans to demonstrate their patriotic citizenship. Compliance was generally good, the number of overt "draft dodgers" constituting a negligible segment of the eligible population.¹³⁶ But the situation afforded a tantalizing opportunity to patriots in the American Protective League, the National Security League, and the American Defense Society, especially, to take out after "slackers" and alleged slackers and to force patriotic citizenship upon them. Furthermore, such a mission opened up other opportunities for "constructive coercion."

All three of the major organizations were highly conservative in orientation, anti-alien in ideology, pro-business and anti-union in their politicoeconomic bias. The APL's membership consisted primarily of bankers, businessmen, successful attorneys, factory owners and foremen, chamber of commerce leaders, and insurance company executives, men with means and leisure to devote to the cause—men, who in many instances became members of draft boards, war bond sale committees, food- and fuel-rationing units, and state defense councils. From these positions they were frequently able to obtain illicit information about "troublesome" citizens, particularly those for

135. Exemptions included: officials of federal, state and most local offices; subjects of Germany and aliens without first citizenship papers; ministers of recognized religions and bona fide theological students; all military and naval personnel; persons engaged in essential industry and agriculture; men with dependents; the physically and morally unfit; and all members of recognized religious sects whose principles were opposed to war. See Warren S. Tryon, "The Draft in World War I," *Current History* 54 (June 1968): 344.

136. *Ibid.*, p. 368.

to deal with them at the local level. Generally, the federal government followed a hands-off policy in these local situations. No operational precedents existed within the nation's legal and constitutional structure at the time to suggest that the federal government had any formal obligations to protect the rights of federal citizens against violation or abrogation by the states. The Fourteenth Amendment, which had been enacted as an instrument through which to achieve that end, had been so interpreted by the Supreme Court in the late nineteenth century as to deny its original purpose. Thus, the legal authority to intervene to prevent the state from trampling upon Bill of Rights protections did not exist. The converse was not true, however. State authorities were in no way reluctant to demand that the federal government do its duty in rooting out at the local level subversive activities and utterances which they deplored. Local hostility to the controversial antiwar figure, Robert M. LaFollette, after his September 1917 speech in St. Paul makes an interesting example. Numerous state councils of defense flooded Washington with demands that LaFollette be removed from office. The Wisconsin state council of defense drew up resolutions condemning the senator and sent them to president Wilson. While not going as far as one correspondent (who wrote to the Senate Committee on Privileges and Elections suggesting that a patriotic committee of the Senate and House investigate utterances by Senator LaFollette and others and that he should be "shot at once, without an hour's delay" if found guilty of traitorous statements), many council members made clear in their communications that failure of federal action to oust the senator would, in their eyes, constitute a disappointing endorsement of disloyalty.¹³² Implicit in such arguments was the assumption that local standards of permissible freedom of expression should be implemented by federal authorities.

The response of the federal government to such arguments was cautious, especially toward the latter portion of the war

132. Belle C. and Fola LaFollette, *Robert M. LaFollette* (New York, 1953), pp. 763-78.

period. By then federal officials increasingly felt the need to consider growing demands that it take action to protect the rights of local citizens from unrestrained local superpatriots. John Lord O'Brian summarized the government's dilemma poignantly in a January 1919 speech to the New York State Bar Association in which he pointed out that:

a great strain was placed upon those charged with the administration of justice, whether federal or local officials. It was particularly troublesome to the federal authorities because of the incessant pleas on the one hand for the protection of these people in the exercise of what they claimed was legitimate political agitation and, on the other hand, the demand of their political opponents for indiscriminate prosecution. The duty of the federal officers was to enforce the law, but the great difficulty presented was that of obtaining unprejudiced statements of fact, and disentangling fragments of evidence from statements highly colored with partisan emotion.¹³³

This sense of frustration experienced by federal officials extended to the patriotic voluntary bodies, which were eager and willing to use what little legal authorization they had to mobilize all citizens into unquestioning acquiescence to their particular version of 100-percent Americanism. Again, resultant policies flowed not from formal authorization, or even from the orders of organization officers, but from the mood of the self-appointed patriots involved and the level of hysteria of the moment.

These primarily self-appointed agents of coercion evinced little, if any, sensitivity to the civil liberties implications of the new wartime relationship between government and the citizen. They were equally insensitive to the fact that heavy-handed quasi-vigilante tactics employed to compel full compliance with governmental policies and programs might embarrass the government and raise civil liberties issues regarding this type of activity. Concern for the legitimacy of the means used, which came to trouble more sensitive administrative officers—and even at times the president—seemed scarcely to trouble such citizens

133. O'Brian, "Civil Liberty in Wartime," p. 13.

as "pro-Germans" or "slackers" if they refused to take bonds in the amounts fixed by the local committee. In such an atmosphere, the vigilantes were not far behind. A Seattle citizen who did not buy bonds had his telephone line cut and yellow paint splashed on his house. In Wentworth, South Dakota, a man who refused to buy bonds was horsewhipped, his hair cut off, and his head painted red. In one community, where a group of Mennonites had refused to buy bonds because of their religious hostility to war, their cars were seized and sold at auction and the proceeds applied to Liberty Bonds.¹²⁷ Antiwar expression, whether verbal or symbolic, had little chance in the face of such coercion.

"Loose talk" was also carefully monitored by council agents.¹²⁸ In New Mexico, the state council sent a circular letter to the county councils, strongly hinting that the latter should send letters to certain individuals, informing them that they had uttered remarks unbecoming to a person "enjoying the liberty and protection of the United States," and stating emphatically "that such conduct will not be tolerated."¹²⁹ A second complaint would bring such remedy "as is necessary to counteract seditious conduct." Similar action was widely reported elsewhere. The criteria for what constituted "unbecoming remarks" was the province of the enforcing officer. In Missouri, some of the county

crats. The latter then moved into the Wisconsin Loyalty Legion as a body through which to retaliate. Lorin L. Cary, "Wisconsin Patriots Combat Disloyalty" (M.A. thesis, University of Wisconsin, 1965), pp. 65-68.

127. For a litany of such episodes, see Peterson and Fite, *Opponents of War*, pp. 141-46.

128. Frederick Lewis Allen, writing in *Century Magazine* 95 (December 1917), pp. 264-65, stated: "As time goes on, it becomes evident that no obligation lies more heavily upon the state councils than that of mobilizing public opinion, of spreading the gospel of a war to win peace for the world. Missouri and Iowa do not compromise with sedition. When disloyal utterances are reported to Mr. Young, chairman of the Iowa Council, he writes to the supposed traitor and asks him point-blank to declare whether he is for the United States or for Germany."

129. Council of National Defense Papers, August 25, 1917.

councils of defense sent out "Red, White, and Blue Cards" of warning to people accused of uttering antiwar sentiments. The results, as the state council reported, were gratifying:

The person to whom the first warning card is sent, generally takes it as a warning that they are being watched and immediately becomes very careful in their expressions. It has been found necessary in only a few cases to send a blue card to anyone and the red card has never been sent. The red card is simply a statement from the Council of Defense that the recipient will be reported immediately to the United States Secret Service.¹³⁰

German-Americans were logical targets for such activity. Chronic victims of bond sellers, their language and their publications were also fair game. Harrassment of anyone or anything German clearly enhanced the loyal image of the harrasser. Many state councils agitated against the German language and in several cases effectively prohibited its use in the schools or other public places. The governor of Iowa prohibited the use of all languages except English in schools, churches, and in other public places. The South Dakota Council prohibited the use of German in public places, with one exception: It would issue permits for its use at funerals. Similarly, pressure from government officials, aided by various state councils, forced many German language newspapers to suspend publication.¹³¹

Western governors were particularly anxious to use state councils, or any other machinery available, to strike at the IWW. Although ultimately they succeeded in drawing various agencies of the federal government in to spearhead the attack on the organization, many state officials were prepared to use troops

130. *Ibid.*, December 16, 1917.

131. Leubke, *Bonds of Loyalty*, pp. 215-17; Peterson and Fite, *Opponents of War*, pp. 195-96. An extreme example of such pressure occurred in Montana, where the state council ordered the public schools to cease using a textbook on ancient history written by Professor Willis Mason West because he gave too favorable a treatment of the Teutonic tribes prior to A.D. 812. At the time West was an active member of Creel's Committee on Public Information. Council of National Defense Papers, May, 1918.

the Public Safety Commission and its local officers—who were prepared to suspend civil liberties by fiat—Creel became more cautious in deploring it openly.¹²² When Townley was subsequently indicted by Minnesota authorities for sedition, Creel's public response was, "Mr. Townley is under indictment in Minnesota, and there is a very bitter fight being made on the League in that state by certain groups. With this, the [national] government has nothing to do, refusing absolutely to take part in these local differences."¹²³ The statement was indicative of the federal government's reluctance to interfere with the states' efforts to implement and enforce their own loyalty legislation, using local standards.¹²⁴

The vigor of state enforcement was highly divergent. As at the national level, enforcement depended heavily upon the attitudes and values of the officers charged with carrying out policy. A variety of local conditions came into play, including the ethnicity of the local population, the local antiwar activities, the size and effectiveness of those local organizations against which the local militants for conformity demanded action, and a wide range of animosities growing out of tensions in the community which had been festering over time. The formal powers extended to local officers differed from state to state. In some states the governor simply appointed a panel of prominent citizens to administer the state Council of Defense and afforded them little formal or statutory authority commensurate with their assignment. In others, where the legislature had rushed "loyalty" legislation onto the books and afforded enforcement officers sweeping legal powers, this authority was frequently exercised vigorously, in the form of warrantless searches, subpoenas, and contempt citations. On the whole, however, any distinction between the statutory and non-statutory authority was artificial. The absence of legal authority seldom seemed a great handicap to an official who understood the potentialities inherent in the war psychosis.

122. Peterson and Fite, *Opponents of War*, pp. 192-93.

123. Morlan, *Political Prairie Fire*, p. 167.

124. O'Brian, "Civil Liberty in Wartime," 13-14.

In spite of different local conditions, a pattern of enforcement can be discussed. Generally, the activities of the state committees and councils of defense mirrored the national disregard for civil liberties and the national sentiment against foreigners. Most state bodies saw their mandate as promoting war spirit, organizing the production of war goods, limiting consumption of strategic commodities, and suppressing disloyalty. Since many of the state councils were employed to promote the sale of federal Liberty Bonds and to elicit other formal support, such as collecting contributions to the Red Cross, their agents put pressure on citizens to show their loyalty and patriotism by contributing to the cause. The South Dakota Council of Defense, for example, sent a circular letter to the county councils in which it noted that some persons had refused to subscribe to the number of Liberty Bonds which had been apportioned to them by committees. "Such persons," the letter stated, "come under our classification as 'slackers,' and where they can afford to take certain amounts of bonds, can justly be suspicioned as being in opposition to the policy of our government." The letter went on to state, "there is no law upon our statute books governing such cases, but in these times there is a recognition of authority that has the right and power to inquire into the general conditions and reasons."¹²⁵ The county councils were thus advised to subpoena the delinquents and interrogate them about their ability to buy bonds. In Iowa "kangaroo" or "slacker" courts were set up, and special summonses were sent to people who had not subscribed to their imposed quota of bonds. In Missouri saloon-keepers who did not purchase bonds were threatened with revocation of their licenses. In Wisconsin a number of towns threatened to place the names of recalcitrants on a "Dishonor Roll," which would be exhibited in a prominent place.¹²⁶ Michigan merchants were threatened with classification

125. Council of National Defense Papers, April 30, 1918. National Archives.

126. The politics of the Wisconsin situation are interesting and not atypical. The Republican governor had packed the state council of defense with friends and supporters out to use it to embarrass the Demo-