Provenance

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15. The War and Military Exemption

Compulsory military service channeled a mounting resentment toward Mennonite sectarians who, before the turn of the century, had been exempted from military service by a government anxious to settle Canada's prairie west with hard-working agriculturists whether of pacifist persuasion or not — J. F. C. WRIGHT.¹

THE FIRST World War, begun in August of 1914, affected the Mennonites adversely not only because of their German identity, but also because of their religious insistence on being exempt from military service. Their claim, of course, was supported as a right granted to them in Canadian law. But the war affected the interpretation of that law and the people's feelings about it. Before long, it became clear to the Mennonites that the laws which favoured them might not be much stronger than the public opinion, which in the end failed to support them.

Actually, the early months of the war showed an amazing tolerance, which some Canadians and Canadian leaders maintained to the end. Prime Minister Borden had described the halfmillion Canadian citizens of German origin as "the very best" in the land.² But then came the national call to all Canadians to "stand shoulder to shoulder with Britain and other British dominions . . . to uphold principles of liberty, and to withstand forces that would convert the world into an armed camp."³ This could not help focusing the attention of Canadians on those

immigrants in their midst who spoke the language and appreciated the culture of their enemy. The so-called "alien enemy question" therefore became a very live one throughout the war with repeated calls for disfranchisement, compulsory work at low wages, internment and censorship of foreign language publications. Some of these measures were actually carried out.⁴

In organization and structure, the Mennonites were ill-prepared for the onslaught of federal legislation, administrative regulations and adverse public opinion which was about to burst upon them. They had no united approach to government authorities of any kind. Consequently, they had no common secretariat to mediate the many messages that of necessity flowed between the federal authorities and the people. Indeed, only Ontario authorized a secretariat in the person of S. F. Coffman and then only in the last year of the war. He even had to type his own letters, using only low-budget worn-out carbon papers to duplicate the many messages intended for all the church leaders and all the young men. In the prairies, similarly inadequate "secretariats" were symbolized by David Toews and Benjamin Ewert, who became the chief correspondents, not because they were appointed but because they were the most knowledgeable and, consequently, most able and willing.

As the crisis deepened, at least four different groups of Mennonites, one from Ontario and three from western Canada, made their representations in Ottawa. Mennonite leaders learned to regret very much this divided state of affairs, but somehow east and west did not establish contact with each other until the war was over. For the public at large, Mennonite disunity was a constant source of confusion; for public officials it meant unending irritation and nuisance. As the Ottawa Citizen reported, quoting a Regina dispatch:

Fred Ivay struck a popular chord when he cried: "Who are the Mennonites exempted under the original arrangement? ... We have nothing but the word of the several Mennonites, and there are exactly 16 branches. So who will undertake to solve the puzzle the problem presents?"⁵

In theological and spiritual ways, the Mennonites were fully prepared, for the doctrine of nonresistance was still strongly held by all the groups, as the developments of the war revealed. Such publications as the *Gospel Herald*, circulating in both Canada and the United States, had, since its founding in 1908, regularly published articles on the biblical teaching of nonresistance.⁶ War was no more in harmony with Christian civilization than was slavery, which had already been abolished, and duelling, which had also been prohibited.⁷ One of the chief obstacles to the removal of war, it was pointed out, was the theological sentiment "that the rules of the gospel of Jesus Christ, which apply to individuals, are not applicable to nations."⁸ The principle of nonresistance was "a practical rule of life" and it applied "to nations as well as to individuals." Its true meaning could be seen in the life and death of Jesus Christ who "exemplified nonresistance."⁹ The *Christian Monitor*, a monthly publication founded in 1909, gave special attention to the analysis of world events, attacking the question of war with regularity many months before it actually broke out.

When the war came it was not immediately clear how the Mennonites would be affected. Throughout the nineteenth century they had become quite accustomed to a clear and complete protection from military service in the statutes of Upper Canada and of the Dominion, which specifically named Mennonites, Quakers and Tunkers.¹⁰ The 1868 post-Confederation statute had become the basis for the 1873 Order-in-Council, issued on behalf of the migrating Russian Mennonites. It stated that "an entire exemption from any military service, as is provided by law and Order-in-Council, will be granted to the denomination of Christians called Mennonites."¹¹

In the twentieth century, however, the Militia Act had been changed to exclude any mention of specific religious groups. The Act of 1906 said only that such persons were exempted, who "from doctrines of their religion, are averse to bearing arms or rendering personal military service, under such conditions as are prescribed."¹² The Mennonites viewed this provision in the light of their tradition and consequently were not particularly concerned. Besides, Sir Sam Hughes, Minister of Militia and Defence (1911–1916) stated publicly that under the law Mennonites could not be forced to take up arms.¹³

The War Measures Act of 1914, however, did give broad powers to the Governor-General-in-Council to censor publications and communications, to arrest, detain, exclude and report enemy aliens. An intensive recruitment campaign was immediately begun and enemy aliens were registered and interned if they were considered dangerous. A complete Canadian change of attitude to the non-British immigrant population seemed to be under way. As recently as May of 1914 the Governor General, in addressing a Berlin audience, had exalted "the thoroughness, the tenacity, and the loyalty of the great Teutonic race" to which he was "so closely related." The "inherited qualities" would go far "in the making of good Canadian and loyal citizens of the British Empire."¹⁴ But with the coming of the war the substance and tone changed.

Before August 1914, people of German ancestry had been "thrifty, intelligent, industrious, sober, thorough, loyal, good citizens." After August 1914, they were derided for the reasons for which they had earlier been praised.¹⁵ The resulting suspicions of Germans led the people of Berlin to name their city Kitchener and to demonstrate their loyalty in other ways also. The enlistment campaign, which in less than a month produced 100,000 volunteer male recruits, included many Germans and also some Mennonites. Kitchener was proud that the great-great-grandson of its founding father gave his life in battle on March 20, 1915. He was Alexander Ralph Eby, of the Fifth Battalion, First Canadian Contingent, a direct descendant in the line of oldest sons from Bishop Benjamin Eby.¹⁶

There were other Mennonite military heroes, much to the dismay of the fathers. Herman Fast, the Saskatchewan missionary and teacher, who had come to Canada in 1901 precisely to avoid for his sons the militarisms of Eastern Europe, found himself confronted by their voluntary enlistment. Nicholas fell in the battle at Vimy Ridge and during the War Ernest contracted tuberculosis, of which he died years later.¹⁷

The Mennonites as a whole, however, were not easily moved. From the most conservative Amish to the most accommodating Mennonite Brethren in Christ, the teaching on nonresistance remained relatively strong. This became clear in the publicity of the deportation in November 1916 to the United States from Windsor of a party of ten Amish Mennonites, who were coming to Huron County for the express purpose of conducting a revival. Bishop E. L. Frey, of Ohio, had been to Ontario several times before to minister to the Amish. Consequently, he freely admitted that once again he would be conducting services in the German language and that his meetings would strengthen historic Mennonite teachings. In a signed statement to the immigration officials at Windsor, he said:

We take no part in war. We believe that war is wrong in any country. Any member of our church that would volunteer for military service would be forthwith dismissed from membership in our body. We do not encourage recruiting, we rather discourage it among our people. I have referred to the present war as a calamity in my sermons. I am expressing the views of the Mennonite people in the war.¹⁸

Asked about the incident by the Toronto Daily Star, the Rev. J. N. Kitching, of the Toronto Mennonite Brethren in Christ Church, confirmed that his congregation's views were "the same with regard to going to war — strongly opposed."¹⁹ Opposition did not, however, for his church mean intolerance or excommunication. At least two young men and a minister had enlisted and they freely attended Sunday services. Even their khaki uniforms were accepted in church. In Kitching's words, "We are opposed to our members enlisting, but we have not endeavoured to stop them. In the event of conscription, Mennonites might consent to dig trenches or drive teams but they would not kill. We would sooner die — sooner give our life blood — than take the life of a fellow man." This position, he explained, was based on religion and not actuated by any sympathy for the Germans.²⁰

The Russian Mennonites in the west were banking on the 1873 Order-in-Council, but not without some concern, since education legislation, as they saw it, had already destroyed part of the *Privilegium*. Their first premonition of trouble on the military question came in December of 1916 when R. B. Bennett, the Director General of National Service under the War Measures Act, called for a January inventory of every male in Canada between the ages of 16 and 65. National Service Cards available at the post offices were to be filled out and returned within 10 days.

The first to respond negatively to this order was the Old Colony Manitoba bishop, Johann J. S. Friesen. He and his colleagues from Saskatchewan, Bishop Jacob Wiens from Hague-Osler and Bishop Abram Wiebe from Swift Current, had been in Ottawa in November and, in their opinion, received assurances from Prime Minister Borden that Mennonites were totally exempt on the basis of the 1873 Order-in-Council. In a letter to Borden, Bishop Friesen expressed every gratitude for the continued exemption and confirmed that Mennonites desired only to be "the quiet in the land" and to pray to God for the welfare of the country. The National Service Cards were therefore being returned uncompleted, but in no way, said the bishop, should this be interpreted as disloyalty to the British Crown.²¹

Bishop Jacob Wiens from Hague wrote similarly, expressing appreciation for the peace which the community enjoyed in Canada, and enclosed a \$1,383 cheque with the instruction that it be applied where it was most needed to relieve victims of the war. Prime Minister Borden assured him of "the determination of the government to adhere fully to the obligations of honour incurred by this country at the time of admission of your people." He also indicated that the money so generously donated would be applied to the Canadian Patriotic Fund "as a free and loyal donation from the community of Mennonites."22 Subsequently, the Old Colony community of Saskatchewan and Manitoba held a meeting of bishops, preachers and laymen at Reinland, Manitoba, at which time it was decided not to fill in their National Service Cards, which were viewed as the first step toward military enlistment. The church was, however, not averse to providing a list of male members apart from the cards.23

Meanwhile, a more representative delegation of western Mennonites had gone to Ottawa to "get definite information relating to questions that agitate the minds of our people." The members of the delegation, meeting with Mr. R. B. Bennett and other officials of the National Service, were Bishop Abraham Doerksen of the Chortitzer Church and Rev. Benjamin Ewert of the Bergthaler Church, both from Manitoba, and Bishop David Toews of the Rosenorter Church and Mr. Klaas Peters, both from Saskatchewan. Peters, of Mennonite heritage, had actually joined the Swedenborgian Church, but for purposes of exemption he readily identified again with the Mennonites. The delegation reviewed the history of the Mennonites and their theology of nonresistance based on the Christian gospel. They reminded the Ottawa authorities of the 1873 Orders-in-Council and also of the contents of the Lord Dufferin speech, given to the Mennonite pioneers on August 21, 1877, especially the memorable words "the battle to which we invite you is the battle against the wilderness . . . you will not be required to shed human blood." The delegates assured Ottawa of their "unflinching loyalty to the land." Since they anticipated a further large migration from Russia, they asked for "a clear statement assuring us of the continued exemption from military service."24

Replying on the same day, Director General Bennett gave a four-point answer, which, in the first instance, promised Canada's "respect to the utmost" of that Order-in-Council. Secondly, members of the Mennonite community were requested to fill in the National Service Cards, though they could also write across the face of each card the word "Mennonite" to ensure special treatment. The cards would thereby indicate how many men between the ages of 16 and 65 might be available for agricultural production. And finally, Mennonites who had joined overseas battalions under false assumptions or pressures and desiring to be released could obtain this release if application were made in writing by the applicant himself.²⁵

Overjoyed to receive this new official assurance, the delegates immediately sought from their constituency a financial contribution, a special expression of gratitude toward the support of war victims, invalids, widows and orphans. Within three months \$5,577.17 was sent; it was likewise applied to the Canadian Patriotic Fund.²⁶ Intended mainly for the dependants of war victims, the Fund had a history dating back to the Crimean War.²⁷

The expression was very timely, because police detachments had already informed Ottawa of strong pro-German factions in southern Manitoba and that one member of the Gretna community had been sent to an alien internment camp. Although he had been allowed to return home in three weeks, there was a strong feeling that hundreds "if not thousands" of young Mennonites on the reserves should be dispatched throughout the Dominion to alleviate the manpower shortage in agriculture. Should these Mennonites not help in this crisis, then the only privilege they should be accorded was the privilege "to get out."²⁸

There is no evidence that young men were officially recruited and dispatched for agricultural service elsewhere in the country, but the financial expression of appreciation and loyalty became normative for the Mennonites. On one occasion \$4,000 was raised and two freight cars full of feed grain were dispatched to Deloraine, an English settlement community in western Manitoba, which had experienced total crop failure on account of grasshoppers.²⁹ Large sums amounting to about half a million dollars would later be raised for the Red Cross and the Victory Loan campaigns.

The year 1917 also began with somewhat of a crisis in Kitchener. Mayor-elect David Gross announced a return to the name of Berlin, and promptly the Canadian press used this incident to accuse Kitchener of being pro-German and failing to do its duty in the war effort. Mayor Gross then boasted that Waterloo North constituency had already provided 1,100

men for the services, that 50 per cent of the enlistees were of German extraction, that the city had already given \$124,000 to a war fund and paid \$31,000 in soldiers' insurance. In a city of 20,000 where 12,000 were of German origin, this was not a bad record.³⁰ Needless to say, Kitchener remained Kitchener.

A greater crisis, however, was in the making for Ontario and, indeed, all of Canada. Although many more volunteers had been enlisted in Canada's armed forces than had at first been sought and expected, voluntary enlistments were lagging by the summer of 1917 when the manpower needs of the British Empire were sharply increasing. Enlistments were behind especially in French Canada, and Prime Minister Borden felt that he needed a conscription bill, which after much debate was assented to on August 29, 1917. The Act, however, was most controversial and threatened to divide the country. Borden therefore proceeded to form a union government in October with 13 Conservatives and 10 Liberals in his Cabinet. There was some dissent, however. Sir Wilfrid Laurier, the Liberal leader, decided with Quebec backing that he could not possibly go along with the conscription bill and consequently with a union government. Otherwise he supported the war effort in every way.

Anticipating an election, Borden was also warned from the west in June that anti-conservative and anti-conscription votes could swing large areas against him.³¹ How critical the opposition vote could be was also suggested by the editor of *Der Nordwesten* in Winnipeg. He counselled Prime Minister Borden before the Act was passed to promise the Mennonites the government's good will in exchange for their not voting in the forthcoming election, the chief issue of which would be conscription.³² However, the Prime Minister in September armed himself with the Wartime Elections Act. Thereby aliens in general and conscientious objectors in particular were disfranchised. The Act also made clear that anyone who voted lost his exemption privileges.

In Ontario, particularly in Waterloo and York counties, the Elections Act produced considerable confusion. The Act excluded Mennonites from voting, but G. W. Weichel, the Conservative Member of Parliament for Waterloo North, sought to persuade his electorate that it was only aimed at Russian Mennonites. W. L. Mackenzie King, who was trying to regain a seat in Parliament, this time in York County, also was overly anxious for the Mennonite vote. He had a "committeeman's book and instructions for agents" prepared, which emphasized that Ontario Mennonites had the right to vote. Letters to constituents advised that "even if they should be struck off the lists they ought to render their ballots and have them recorded for purposes of recount later."³³ Both Weichel and King were wrong in their interpretation of the Wartime Elections Act, which in the relevant clause read as follows:

All persons who on the sixth day of July, 1917 were members of the religious denomination or sect called "Mennonites" (the members of which denomination or sect were exempted from military service by Order-in-Council of August 13, $1873 \dots$)³⁴

The Act meant all Mennonites. The bracketed reference to the 1873 Order-in-Council was everywhere else understood to serve the functions not of limitation but of identity and to justify from history the naming of Mennonites as a general class. Only Weichel and King gave to the reference a restrictive interpretation, but in so doing they unleashed a confusion which twice did disservice to the Mennonites whom they were so anxious to help. In the election campaign they confused those Mennonites who were anxious to vote but who by the general public interpretation of the Act were excluded. In the later conscription program, the King-Weichel interpretation was conveniently resurrected by those of the general populace and public officialdom who wanted to exclude from the exemptions of the conscription act as many as they possibly could.

The unusual re-election efforts of King and Weichel were not successful. Both had gone to great effort and in the end Weichel had even dissociated himself from the Borden Club in Kitchener and announced himself as a Labour candidate for Waterloo North. Winning the election, however, was a Laurier Independent Liberal candidate, W. D. Euler, who was against the conscription bill and who insisted that his pro-Germanism had to do with the Germany of Beethoven and Schubert and not with the Germany of Kaiser Wilhelm. A former mayor of Kitchener and president of the Kitchener Board of Trade, Euler was a popular man and was able to render great assistance to the Mennonites not only in the war years but after, for he held his seat until 1940.

Perhaps anticipating the conscription crisis, the Mennonite Conference had been formulating anew their historic position on war. The Ontario Executive Committee urged each minister to discourage members from engaging in the manufacture of muni-

tions of war or any similar work.³⁵ Forty-eight Mennonite bishops, 104 ministers, and 22 deacons of the Mennonite General Conference assembled at Goshen, Indiana, and framed "a statement of our position on military service."³⁶ They expressed gratitude "for the exemption clause for nonresistant people in the new [U.S.] selective draft law" and expressed the hope that the clause referring to noncombatant service would be modified.

"We cannot participate in war in any form; that is, to aid or abet war, whether in a combatant or noncombatant capacity," the statement said, emphasizing that this was not an act of disloyalty or disobedience or of cowardice. They appealed, therefore, to the American president to "grant unto us full liberty of conscience and the free exercise of our faith" and asked "the brethren liable for military service" not to accept any form of military service and to submit "to any penalty the government may see fit to inflict, trusting the Lord for guidance and protection."³⁷

Officially at least, the opposition to any form of noncombatant service was a universal position among Mennonites of North America during World War I, the Mennonite Brethren in Christ being a possible exception. In Russia, by contrast, the alternative service provisions worked out since the 1870s involved at least 12,000 young men during the World War, of which about 6,000 served in hospital or ambulance corps, including many in the front lines. The Russian Mennonites underwrote the complete cost of the program and it was said to be under civilian direction. Later, however, all the participants qualified for veterans' pensions just like other members of the armed forces.³⁸

The Military Service Act of 1917 received royal assent in Canada on the same day, August 29, that the Mennonites declared their position. Thus, as the Goshen delegates returned to Canada with a clarified theological stand, they faced the need to clarify their legal position. In a sense the Act was unambiguous. It contained a schedule of seven clauses which spelled out seven exceptions to the Act, that is, seven categories of persons, including those "exempted from military service by Order-in-Council of August 13, 1873 and by Order-in-Council of December 6, 1898."³⁰ The 1873 Order-in-Council, it may be remembered, provided "an entire exemption from military service . . . to the denomination of Christians called Mennonites."⁴⁰ The 1898 Order-in-Council, passed on the occasion of the admission of the Doukhobors from Russia, gave the same right also to the Doukhobors upon the production of a certificate of membership in the Doukhobor society.⁴¹ These Orders-in-Council in turn were based on statutes which specifically exempted Quakers, Mennonites and Tunkers.⁴²

It seemed clear, therefore, that neither the Militia Act of 1906 nor the Military Service Act of 1917 had any intention of undoing for religious pacifists what the eighteenth and nineteenth centuries had in Canadian law repeatedly given to them. It could, consequently, be concluded that the Mennonites of Ontario were *excepted from* the Military Service Act. Failing that, however, there was another escape clause in the Act, namely an "exemption clause" in distinction from the foregoing "schedule of exceptions." According to the exemption clause, application could be made to any of the local or district military tribunals being set up across the country for a certificate of exemption. Such exemptions were made available to any person who

conscientiously objects to the undertaking of combatant service and is prohibited from so doing by the tenets and articles of faith, in effect on the sixth day of July, 1917, of any organized religious denomination existing and well recognized in Canada at such date and to which he in good faith belongs.⁴³

There were several problem clauses in the exemption provision, however. One, immediately obvious, was the limitation of exemption to "combatant service." The Mennonite Conference of Ontario and the Amish Mennonites therefore sent a joint delegation of eight people to Ottawa to request Prime Minister Borden and Secretary of State Meighen to achieve clarification of the Military Service Act for them. The delegation's appeal to the government was attached to the Goshen statement which reinforced their position on both combatant and noncombatant service. However, in expressing themselves on the Military Service Act the Mennonites did not base their claims on the "exceptions," but rather on the "exemption" clauses. The significance of this delicate distinction had not yet become obvious. The delegation going to Ottawa and the correspondents subsequently handling Mennonite affairs might have benefited from the help of a lawyer. It soon became obvious that the case for either exception or exemption from all forms of service would have to be made by the Mennonites and not by the government. The government authorities were not about to disburse privileges and rights allowable under the law when the people themselves

were not ready to claim or "fight" for them. Some legal assistance would have aided immeasurably in the clarification of relatively simple points of law. On the other hand, why should a people trusting a government spend much time and energy clarifying minute legalities?

Nevertheless, the trip to Ottawa resulted in a most favourable ruling. On November 3, the Deputy Minister of Justice, E. L. Newcombe, informed Bishop S. F. Coffman, the spokesman for the delegation, that Mennonites came under "the schedule of exceptions to the above act, and have no duty to perform thereunder." Newcombe hastened to add that the provision would not relieve them of any annoyance caused by prosecution for non-compliance. There could be and probably would be prosecution, but the defence against that prosecution would be to claim identity as a Mennonite, "and on proof of the fact, undoubtedly the prosecution would be dismissed."⁴⁴

The Ontario Mennonites' response to this good news from Ottawa was similar to that of Western Canada Mennonites earlier in 1917. They wanted immediately to raise an offering of gratitude or a memorial gift for war relief as an expression of appreciation. The idea of receiving special offerings for war relief had previously been aired by various leaders, among them Thomas Reesor of Markham and Noah A. Bearinger from Elmira, but now the time to act had come.45 Bearinger, one of the very few Mennonites with a college education, had been troubled for some time by the inactivity of the Mennonites as well as by their ignorance pertaining to the protection that they had under the law, an ignorance which he said was matched only by the ignorance of the authorities in Ottawa. He felt that the services of a lawyer and of duplicating equipment would unquestionably have benefited the Mennonite cause. As it was, persons like himself typed away into all hours of the night with a "hunt and peck" method producing copies of the Military Service Act and other important documents.46

The idea of the memorial gift now brought together the various nonresistant factions, first on November 17 and again on December 11, to form the common enterprise known at first as "the Non-Resistant Relief Movement of Ontario." The formal organization took place in Kitchener on January 16, 1918, at which time the name "Non-Resistant Relief Organization" (NRRO) was adopted for the common task of the Mennonites and the Tunkers. It was resolved that a generous fund be raised among the churches interested in donating to the government for relief and charitable purposes "as a memorial of appreciation for the privilege of religious liberty, and our freedom from military service."⁴⁷ Another delegation was authorized to go to Ottawa with a double purpose in mind:

to clarify purpose and procedures for the memorial gift and at the same time to receive assurance "that the total exemption from those of our faith from all military service is still the purpose of our government."⁴⁸

The NRRO hoped to raise at least \$100,000 from the 7,000 members in the nonresistant churches, this being only \$15 per member. S. F. Coffman calculated the \$100,000 in another way. If each young man called and given exemption paid \$50 a year for each year that the war had been in progress, then the \$100,000 goal would also be met. He reminded the Mennonites and Tunkers that in the past males between the ages of 21 and 60 had annually paid from \$15 to \$25 to be free from militia service.⁴⁹

The formation of the Non-Resistant Relief Organization was a big step for the Ontario Mennonites, inasmuch as it brought together the various factions who had been separated from each other in the nineteenth century. They set about immediately to raise the projected memorial gift (eventually about \$80,000 was disbursed), but for nearly a year the effort was side-tracked by the uncertainties of the Mennonite position under the law. While the Justice Department had given a rather clear ruling on their status, the ambiguities in the situation were sufficient to allow for almost total confusion once public opinion began to affect the interpretation of the law and the rules and regulations emanating from it.

Public opinion, as it related to public policy, was an omnipresent factor. Even while the Justice Department was giving a favourable reply to S. F. Coffman, he was under surveillance by the police, who became informed on the content of some of his Sunday morning sermons. The specific statements which Sir Percy Sherwood of Ottawa, the Chief Commissioner of the Dominion Police, wanted explained were the following:

What good are the soldiers, they produce nothing, they earn nothing, they don't earn the clothes they wear, they do nothing but destroy. If any of you are producing food to

help win the war, don't do it. If you are producing food to feed the needy, alright go on. 50

The bishop insisted that the statements were made to encourage people to continue steadfastly in the nonresistant principles of faith. There was no intention to speak against the government, their soldiers or their methods. Besides, this could not possibly have any recruiting effect since in his church of 70 members there was only one young man eligible to be called and he had made exemption claims on the grounds of being a church member.

Coffman was personally excused, but very soon he was wrestling with the problem of the young men facing conscription. Within a month after the last deadline for the first recruitment (November 10, 1917), there were problems of interpretation and application of the rules. The instruction from the London district tribunal, the main one for the Mennonites, to local tribunals was sufficiently precise. The director, W. E. Wismer, a man of distant Mennonite extraction whose family had joined the Evangelical Association, advised local tribunals as follows:

All those Mennonite people, of course, are excepted from the Act, and as long as you are fully satisfied that they are in fact Mennonites you have no option but to grant them exemption.⁵¹

Wismer did not speak with such clarity again, nor did his superiors of the provincial tribunal in Toronto. The Central Appeal Judge in Ottawa did not bring about a final and consistent ruling until the end of the war. Before that, though, a whole series of problems emerged in the local tribunals. In the first place, the tribunals were under great pressure to produce recruits for the services. This is why under the Act every male British subject in Canada between the ages of 20 and 45 was automatically a "soldier." These soldiers were absent without leave - and without pay - until called up by royal proclamation. The first such proclamation, issued on October 13, 1917, called into active service all unmarried men between the ages of 20 and 34. All had to report by November 10, and in the filling out of the induction forms either waive or claim exemption. As it turned out, all across the land an average of 95 per cent claimed exemption. Apparently, all young men with any interest at all in the war effort had already volunteered. The local tribunals were under great pressure, therefore, to give the government the benefit

of any of their doubts when it came to processing exemptions.

The first area of doubt, when it came to processing Mennonites, had to do with the differences between "exceptions from the Act" and "exemptions under the Act." Under the former provision, the Mennonites could remain essentially outside the tribunal process. The Justice Department had ruled that the former applied, but at the same time allowed for an administrative process which easily erased the difference. Unless the young Mennonite was unusually well-informed, alert and courageous, which most of them were not, or unless the local tribunals were unusually considerate or sympathetic, which was unlikely given the pressures of conscription, there were no exceptions to the Act.

Thus, Mennonite claims tended to come under the "exemption" clause rather than under the "exception" schedule. Under the exemption clause there were at least eight possibilities, including the dictates of religion and the demands of the farm and food production. Both of these came into play. Although the real issue for Mennonites was religion and conscience, both they and the tribunals would sometimes choose the farm option to avoid complexities. But even a farm exemption was only a postponement of service for young men whom the Act had already identified as soldiers.

The religious option presented several problems. The first concerned the definition of who was a Mennonite. Under the exemption clause Mennonites were not specifically named, but since a religious claim had to be related to a denomination whose tenets of faith on July 6, 1917, included opposition to war, the processing of Mennonite claimants as Mennonites was unavoidable.

Seeking the strictest possible application of the Military Service Act, some tribunals immediately made the July 6 date crucial. They applied the date not to the faith or existence of the denomination, as the law specified, but to the faith and membership status of the claimant. This latter interpretation was not entirely without precedent, inasmuch as the July 6 date had been used in that sense in the War-Time Elections Act. In the resulting confusion, the press and the public even used October 13, the day of the first recruitment proclamation, as the membership cut-off date.

Whatever use was made of dates, however, a more fundamental issue of religious identity was raised by the Military Service Act. Who was a Mennonite? It was a question not only for the authorities who needed some reliable certification, but also for the Mennonites themselves. In one sense, only those who had been baptized upon confession of faith and entered into the church register as bona-fide members were Mennonites. No attempt would have been made to enlarge on that definition except for the fact that the baptismal age in most of the Mennonite groups was the marrying age, around 21. This meant that some men were of military age before reaching the normal time for baptism.

The problem arose not only in Ontario, where it came to defining who was *exempted by* the Act, but also among the Russian Mennonites in the West, where it came to defining who was *excepted from* the Act. None of the leaders in Ontario seem to have recalled the precedent set in Upper Canada legislation in 1809 providing relief from militia taxes for minors, but S. F. Coffman did make a strong appeal to common sense. When he saw how the tribunals were "splitting hairs" regarding the definition of Mennonite, he told government officials:

No one ever intimated to me, nor tried to make me believe, that a young man whose father was a Mennonite all his life and belonged to the Mennonite church was not also considered a Mennonite.⁵²

There were two relatively quiet ways of dealing with the problem. One concerned lowering the baptismal age, which by mid-1918 was happening in both the east and the west, but apparently nowhere more dramatically than among the Old Order Mennonites. Before long the London district office sent out someone to investigate. The investigation on June 11, 1918, produced much fear in the Elmira congregation, but Noah Bearinger had nothing but praise for the visit and he asked the London authorities to place the investigating officer in charge of military affairs in that district:

Instead of our fears being justified, we find that the officer whom we had supposed would subject our boys to every inconvenience that his authority would permit, has entered a strong plea in our favour with the authorities at London; and, no doubt, as he has personally seen and experienced the true state of affairs, his pleas will not be ignored . . . We were impressed with the quiet manner in which he performed his duties, which hardly disturbed our divine services and avoided all publicity.⁵³ The other quiet way was to certify young men as Mennonites whether they were baptized or not. But this procedure too could not be kept quiet, and soon David Toews, who did most of the certifying in Saskatchewan as an unofficial "bishop of Canada," was being accused of turning many good-for-nothings into Mennonites.⁵⁴ The misunderstandings that resulted brought Mennonites of Saskatchewan together for a conference in mid-1918, out of which came a strongly worded petition to the Governor General to have the public harassment, official and unofficial, lifted:

We are accused of fraud. We are referred to by leaders of our fellow citizens from public platforms as outlawed parasites. We cannot even cast a vote in our protection. Any one can afford to slight or insult us or to assault or neglect us. We are not outlaws in the sense of disobedience to constituted authority. In fact, as we shall show in a moment, it was largely our desire to take instruction from the authorities that has caused our troubles. Parasites we are not. We are earning our bread by honest labour, and if we mistake not, our labour has assisted materially in advancing the material welfare of our country. We do not depend for our living on the sustenance or efforts of others excepting as we give and take. We do not require any one to shed his blood for us. We would rather die ourselves or languish in prison or leave our home and again settle in some wilderness, the same as our forefathers have done, than to require a sacrifice of any kind by any one on our behalf. Every one knew at the time of the last Dominion elections who were Mennonites and who were not. Neither the registrar nor the tribunal nor the public seem to know it now.55

The Manitoba bishops were called to Winnipeg to explain the matter of unbaptized young people and their status as Mennonites. The authorities apparently were of the opinion that unbaptized youths did not qualify for exemption and to prove their point they had one Abraham Dyck of Lowe Farm tossed into the barracks in order to turn him into a soldier. The bishops were now expected to declare in the presence of a lawyer the rules and regulations defining the relationship of the churches to their young people and vice versa.

The requested statement, drawn up by bishops Abraham Doerksen of the Sommerfelder church and Jacob Hoeppner of the Bergthaler church, reviewed the strong theological tradition of nonresistance, recalled the agreements made in 1873, and explained the ecclesiastical organization of the Mennonites. They pointed out (a) that a child's name was entered into the church register the day of his birth, (b) that instruction in nonresistance was given in the homes as well as in the schools and churches, (c) that baptism was given approximately at age 21 to those voluntarily requesting it on confession of faith and after a period of intense instruction, (d) that unbaptized young people took part in all church activities except communion and voting, and (e) that in the teaching of the church unbaptized persons could be saved. In short:

Our *Gemeinschaft* has always considered its children and young people its own as much as the baptized members and petitions for exemption from military service have always intended to include young people of military age whether they were baptized or not. Any assurances which provided for less than that would never have persuaded us to accept the invitation of the Canadian government to settle in this country.⁵⁶

The statement turned out to be acceptable to the authorities and Abraham Dyck was immediately released. Henceforth, all Mennonites in Western Canada were *excepted from* the Act upon simple proof of identity. This provision included all those who had come not only from Russia, directly or indirectly, but also those who had migrated westward from Ontario.

While the matter of Mennonite identity was being clarified across the land, in June of 1918 another issue aroused the suspicion of the Russian Mennonites. A second registration of manpower had been scheduled for June 22, this one more thorough than the first. This time all males and females between 16 and 60 were required to answer an 18-point questionnaire. Those failing to do so were to be fined \$100, imprisoned for as long as a month, and fined an additional \$10 daily until registration was submitted to.

Twenty-four Manitoba ministers, representing six church groups, met on June 11 at Altona to discuss the matter. Some were convinced that the demand could be compared to the registration by "the beast" in the New Testament Book of Revelations, chapter 13, but in the end they agreed to cooperate.⁵⁷ The Old Colony church, however, was not so inclined. The superintendent of registration in Manitoba, P. C. Locke, made a strong effort to persuade them otherwise. He called their representatives to Winnipeg and also dealt with their legal representative, Mr. McLeod in Morden, all to no avail. Finally, he arranged to meet with Saskatchewan and Manitoba representatives of the Old Colony in Reinland on June 13. As he approached the village he was met by many buggies going in the opposite direction. One driver told him: "The meeting is over. We met at six o'clock this morning and prayed to the Lord and he told us not to register."⁵⁸ Locke was advised that he could meet the bishops and some ministers at a home in the village. According to Locke the following conversation took place:

I used every argument I could think of. The answer was "No, we cannot register, the Lord will not let us." Mr. McLeod said to me, "I am afraid we cannot do anything." I said to the bishop, "Bishop, I have known the Mennonite people since my childhood. If you refuse to register it is my duty to enforce the Act and I purpose to do so. The Act provides for ten days imprisonment for failure to register, and for a fine of so much a day for each day after the 22nd of June you fail to register. I propose to enforce that. I cannot have the authority of the Dominion Government flouted." The old Manitoba bishop then broke the silence. He said to me in English, "You cannot put all the Mennonite people in jail." I said, "No, but I can guarantee you one thing, and that is that you and every man present in this room who fails to register on the 22nd of June will be imprisoned on the 23rd." Again the old bishop spoke. He said, "I want you to clearly understand we do not blame you for doing your duty. If we don't register, any man of us whom you want will report to Mr. McLeod's office at Morden on the morning of the 23rd ready to go to jail." I said, "Bishop, there is also a fine." He said, "Yes, and we will bring you in our bank books, the titles to our farms and lists of our stock."59

In the end Locke picked up the German Bible translated by Luther, and, reading from Luke 2 the account of Caesar Augustus ordering a registration, he proceeded to persuade the Old Colony leaders that the Lord really wanted them to register. Having persuaded them, they not only agreed to cooperate but they actually volunteered the assistance of their young people.

Will you let us register our own people under your direction? We will give you all our young people who read and write and speak English well and they will do whatever work is necessary without expense.⁶⁰

The various confrontations with government officials in Ontario, Manitoba and Saskatchewan led to mutually acceptable ways of certifying Mennonite identity by the middle of 1918. After they had clarified the meaning of membership and of ministerial ordination, the various groups drew up lists of people qualified to sign certification cards. Those lists were then submitted to government officials who recognized no other signatures and no other forms than those that had been agreed to.

By June 25, the situation of the Tunkers had also been clarified. Although recognized as a pacifists' church along with the Quakers and Mennonites in the nineteenth-century militia law, the Tunkers and Quakers had been almost forgotten. For the Tunkers, and for S. F. Coffman who laboured on their behalf (as he did for all the NRRO groups), the breaking point was reached early in May when one of their most promising young men was detained in the Hamilton barracks.

Ernest J. Swalm of Collingwood, who later became the Canadian bishop for the Tunkers, had asked for exemption as a farmer and as a member for eight years of a pacifist religious sect. The Ontario registrar had wrongly ruled that Tunkers were not exempted under the Act. They were not specifically named, but they were in existence on June 6, 1917, as a denomination whose tenets opposed participation in war and had been in existence as such for over 100 years.

When called, Swalm had reported to the military officer but even under threat refused to report for military duty. He was then forcibly stripped and clothed in military uniform. Still uncooperative, he was on June 5 sentenced to hard labour for two years. The persistent effort of Coffman and D. W. Heise of the Tunker church led to Tunker recognition on June 25 and to Swalm's release on July 3. At least two other Tunker men shared Swalm's experience.⁶¹

In Ontario the proper identification of Mennonites and Tunkers, however, was not the end of their troubles. If and when exemptions were granted they were from combatant services only, according to the law. Therein lay the difference between Ontario and Western Canada. When the western Mennonites were properly identified as Mennonites, they were *excepted from* the law; in Ontario they were *exempted within* the law from combatant service. They were, therefore, still "soldiers" in the definition of the Act and expected to perform noncombatant duty, unless they were granted farm exemptions, i.e. postponements.

Those who were not granted farm exemptions were sent to the camps as "soldiers" to do noncombatant service. Young men who, like Swalm, resisted were sent to the guardhouses and after court-martial to military prison. As time went on, Coffman and his friends in the House of Commons were able to arrange for "leave of absence" which became automatic with proper Mennonite identification. "Leave of absence" was an administrative procedure, allowable under the law, by which the tribunals could avoid forcing Mennonites into service, without either excepting or exempting them.⁶² The application of this provision depended on the good will of officials at some authoritative level.

The legal position of the Ontario Mennonites with respect to the conscription laws remained inconsistent and unclarified until the end of the war. On the one hand, the Central Appeal Judge as late as September 1918 dismissed some exemption appeals because the applicants were excepted from the Act, consistent with the November 1917 ruling of the Justice Department. One Ezra Boshart from Milverton, for instance, was advised September 13 by the Clerk of the Central Appeal Judge that he did not come "within the application of the Military Service Act 1917..."⁶³

Yet the Ontario and London district registrars continued to insist as late as September 25 that the "Eastern Mennonites, according to the ruling of the Central Appeal Judge, do not constitute an exception to the Act and will be exempt only from combatant service."⁶⁴ And on October 5, five weeks before the war came to a conclusion, the Central Appeal Judge office itself advised that Ontario Mennonites were not excepted.⁶⁵ Ten days later the Governor-General-in-Council ruled that immigrant Mennonites and their descendants not specifically covered by the 1873 Order-in-Council "shall not be deemed to be exempted from military service or within the 7th exception to the Military Service Act 1917."⁶⁶

Perhaps the inconsistency and confusion was due in part to a new debate that was raging in Western Canada and in Ottawa concerning the influx of Mennonite and Hutterite conscientious

objectors from the United States. The presence of these "draftdodgers" added fuel to the fires of public opinion, thoroughly aroused by a people insisting not only on military exemption, but also on German culture in their churches and schools. Although the war came to an end, those fires were not quickly quenched.

FOOTNOTES

- I. J. F. C. Wright, Saskatchewan: The History of a Province (Toronto: McClelland & Stewart, 1955), p. 170.
- 2. Various authorities, *Canada in the Great World War*, Vol. II, *Days of Preparation* (Toronto: United Publisher of Canada, c. 1918), p. 30.
- 3. *Ibid*.
- 4. "The Alien Enemy Question of 1918," Canadian Annual Review (1919), pp. 579–81; "German Propaganda and Plots in the United States," Canadian Annual Review (1919), pp. 254–69.
- 5. "Western Furore Over Exemption of Mennonites," Ottawa Citizen, September 25, 1918, p. 6.
- 6. W. I. Powell, "Nonresistance," Gospel Herald, VI (May 29, 1913), pp. 130-31, 133; John Horsch, "A Popular Objection to Nonresistance," Gospel Herald, V (March 27, 1913), pp. 819-20; J. A. Ressler, "What the Bible Teaches," Gospel Herald, V (May 9, 1912), p. 82.
- 7. George S. Grimm, "What is War?" Gospel Herald, III (March 16, 1911), p. 790.
- 8. "Carnegie on War," Christian Monitor, III (March 11, 1911), p. 93.
- 9. J. A. Ressler, "What the Bible Teaches," *Gospel Herald*, V (May 9, 1912), p. 82.
- 10. 48 George III, Chap. 1, Sect. 27 (1808); I Victoria 8, Sect. 50 (1837); II Victoria, Chap. 9, Sect. 52 (1839); IV and V Victoria, Chap. 2 (1841); IX Victoria, Chap. 28, Sect. 31 (1846); XII Victoria, Chap. 88 (1849); XVIII Victoria, Chap. 77, Sect. 7 (1855); Consolidated Statutes of Upper Canada, Chap. 35, Sect. 73 (1859); XXXI Victoria, Chap. 10, Sect. 17 (1868); XLVI Victoria and Revised Statutes of Canada, 1886, Chap. 1, Sect. 26.
- 11. PAC, Order-in-Council, Record Group 2, 1, 957, July 28, 1873.
- 12. The Militia Act, *Revised Statutes of Canada*, 1906, Chap. 41, Sect. 11.
- 13. "Rather Die Than Slay, So Mennonites Will Not Fight," Toronto Daily Star, November 25, 1916.

- 14. "A Visit of Governor General," Berlin Daily Telegram, May 9, 1914, p. 1.
- 15. W. H. Heick, "The Lutherans of Waterloo County During World War I," Waterloo Historical Society, L (1962), pp. 23-32.
- 16. Waterloo Historical Society, III (1915), p. 8.
- 17. Frank H. Epp, "The Story of Rosthern Junior College" (unpublished manuscript, 1970), Chap. 2, p. 28.
- 18. PAC, *Immigration Branch*, Record Group 76, 1, Vol. 173, 58764, 1. Statement of E. L. Frey, Bishop of Amish Mennonite Church, November 14, 1916.
- 19. "Rather Die Than Slay, So Mennonites Will Not Fight," *Toronto Daily Star*, November 25, 1916.
- 20. Ibid.
- 21. PAC, Borden Papers, M. G. 26, H, RLB 1167, 121078. Bishop Johann J. S. Friesen, Neuenburg, Winkler, to Sir Robert L. Borden and Arthur Meighen, January 4, 1917.
- 22. N. W. Bahnmann, "Der Ausgang des Prozesses gegen den Lehrdienst der Altkolonier Gemeinde bei Hague, Sask.," *Der Mitarbeiter*, XI (November 1916), p. 3.
- 23. PAC, Borden Papers, M. G. 26, H, RLB 1167, 121098. Report of the RNWMP, Rosthern Detachment, April 5, 1917.
- 24. CMBC. BE. "A Petition of the Mennonite Delegation to the Government at Ottawa, January 8, 1917, signed Rev. Abraham Doerksen, Rev. Heinrich Doerksen, Rev. Benjamin Ewert, Rev. David Toews, Mr. Klaas Peters, representatives of Mennonite settlers of Western Canada."
- 25. CMBC. BE. Letter of R. B. Bennett to representatives of Mennonite settlers in Western Canada, January 8, 1917, Ottawa.
- 26. CMBC. BE. Letter from Abraham Doerksen, Heinrich Doerksen, David Toews, Klaas Peters, Benjamin Ewert, to R. B. Bennett, Director General, National Service, April 27, 1917.
- 27. Philip H. Morris, editor, The Canadian Patriotic Fund: A Record of its Activities, n.p., n.d. 367 pp.
- 28. PAC, Borden Papers, M. G. 26, H, RLB 1167, 121086. Letter of Director General of the National Service to Robert L. Borden, January 22, 1917.
- 29. Isaak M. Dyck, Auswanderung der Reinlander Mennoniten Gemeinde von Canada nach Mexico (Cuahtemoc, Chihuahua, Mexico: Imprenta Colonial, 1970).
- 30. Gerhard Enns, "Waterloo North on Conscription 1917," Waterloo Historical Society, LI (1963), pp. 60-69.
- 31. PAC, Borden Papers, M. G. 26, H, RLB 1414, 123093. Letter of John R. Lavell to Robert L. Borden, June 19, 1917.
- 32. PAC, Borden Papers, M. G. 26, H, RLB 1414, 123252. Letter of G. G. Maron, editor of Der Nordwesten, to Robert L. Borden, August 24, 1917.

- 33. PAC, Mackenzie King Papers, M. G. 26, J. 1, Vol. 37, 32696. Letter of W. L. Mackenzie King to Isaak Pike (Bethesda, Ont.), Newmarket, December 14, 1917. Also Vol. 36, 31148–31551. Letter of W. L. Mackenzie King to C. W. Davidson, Newmarket, November 26, 1917. Also Vol. 35, 31149–50. Letter of W. L. Mackenzie King to J. D. Aitchison, Stouffville, November 27, 1917.
- 34. 7-8 George V, Chap. 39, Sect. 154(f), "War-Time Elections Act."
- 35. Minutes of the Executive Committee of the Mennonite Conference of Ontario, August 4, 1917, David Bergey, Secretary.
- 36. Mennonites on Military Service: A Statement of our Position on Military Service, as adopted by the Mennonite General Conference, August 29, 1917.
- 37. Ibid.
- 38. Frank H. Epp, Mennonite Exodus: The Rescue and Resettlement of the Russian Mennonites Since the Communist Revolution (Altona, Man.: D. W. Friesen & Sons, 1962), pp. 28–9.
- 39. Military Service Act 1917, 7-8 George V, Chap. 19.
- 40. PAC, Order-in-Council, Record Group 2, 1, 957, August 13, 1873.
- 41. PAC, Order-in-Council, Record Group 2, 1, 247, December 6, 1898.
- 42. Revised Statutes of Canada, Chap. 41, Sect. 21.
- 43. 7-8 George V, Chap. 19, Sect. 11(f).
- 44. CGC. SFC. Letter of E. L. Newcombe, Deputy Minister of Justice, to S. F. Coffman, November 3, 1917.
- 45. CGC. SFC. Letter of Noah M. Bearinger to W. C. Weichel, M.P., May 23, 1917.
- 46. Interview with Noah M. Bearinger on August 6, 1969.
- 47. CGC. Minutes of the Non-Resistant Relief Movement of Ontario, January 16, 1918.
- 48. Blodwen Davies, "From Militia Tax to Relief," Mennonite Life, V (October 1950), pp. 27-8; "A Request of a Committee of the Non-Resistant Relief Organization to a Committee of the Cabinet Regarding a Donation from Non-Resistant Churches made to the Government for Charitable Purposes," signed S. F. Coffman, D. W. Heise, and Thomas Reesor. There is no date on it, but the date should probably be March 27, 1918.
- 49. CGC. SFC. Letter of S. F. Coffman to Noah M. Bearinger, September 26, 1918.
- 50. CGC. SFC. Letters of S. F. Coffman to L. J. Burkholder, November 7, 1917; and to Sir Percy Sherwood, Chief Commissioner of Police, November 7, 1917.
- 51. CGC. SFC. W. E. Wismer, Deputy Registrar under Military Service Act at London, as told local tribunal #263 at Milverton, Ontario, November 10, 1917.

- 52. CGC. SFC. Letter of S. F. Coffman to the Hon. Arthur Meighen, November 23, 1917.
- 53. CGC. Letter of Noah M. Bearinger to Seargeant H. Wray, June 11, London, to Lieutenant Col. Smith, London, June 12, and to M. F. S. Scott, Member of Parliament, June 12.
- 54. Epp, Mennonite Exodus, op. cit., p. 98.
- 55. CGC. SFC. Petition "To His Excellency, The Governor-General of Canada in Council, Ottawa," 24 pp., 14 exhibits.
- 56. Benjamin Ewert, "Bemuehungen zur Sicherung der Wehrfreiheit fuer unsere ungetauften Juenglinge," *Der Mitarbeiter*, XII (June 1918), pp. 3-7.
- 57. Benjamin Ewert, "Predigerzusammenkunft in Altona, Manitoba," Der Mitarbeiter, XII (June 1918), p. 7.
- 58. PAC, Lacelle Files, Record Group 27, Vol. 132, 601 (Justice Adamson File). Article by P. C. Locke. The event is also referred to by Isaak Dyck, Die Auswanderung der Reinland Mennoniten ..., op. cit.
- 59. Ibid.
- 60. *Ibid*.
- 61. CGC. SFC. Letter of D. W. Heise, Gormley, Ontario, to Hon. J. A. Calder, May 10, 1918.
- 62. CGC. From S. F. Coffman Papers.
- 63. CGC. Central Appeal Judge ruling re: Ezra Boshart, Milverton, September 13, 1918.
- 64. CGC. Letter of H. F. Beresford, Deputy Registrar, London, to Ezra A. Baer, R. R. #2, St. Petersburg, Ontario, September 25, 1918.
- 65. CGC. Letter of J. Lorne McDougall, Clerk to the Central Appeal Judge, to C. Lesslie Wilson, Registrar, Toronto, October 5, 1918.
- 66. PAC, Order-in-Council, Record Group 2, 1, 2622, October 25, 1918.