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Article Summary: As the National Nonpartisan League sought to establish a state organization in Nebraska near the end of World War I, it encountered powerful resistance from the Nebraska State Council of Defense. The Council asserted that the League's policies were disloyal, a threat to the war effort and to American society in general. Emotionalism stirred by wartime tensions increased opposition to the League. Eventually the League chose to withdraw from Nebraska to avoid the risk of extended court battles with the Council of Defense.

Cataloging Information:

Names: Keith Neville, Robert M Joyce, George Coupland, R L Metcalfe, Herbert E Gooch, A C Townley, E O Weber, O S Evans, Charles Dean, Willis E Reed, Henry Richmond, Woodrow Wilson, John Fish, Samuel McKelvie, F B Tipton

Place Names: Lincoln, Nebraska; Wahoo, Saunders County, Nebraska; Fargo, North Dakota; Plainview, Nebraska; Clarks, Nebraska; Custer County, Nebraska; Greeley County, Nebraska

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THE NEBRASKA STATE COUNCIL OF DEFENSE AND THE NON-PARTISAN LEAGUE, 1917-1918

BY ROBERT N. MANLEY

ON March 26, 1918, a special session of the Nebraska Legislature convened in Lincoln. In his opening message to the session Governor Keith Neville discussed the problems that his administration had encountered in the year since the American declaration of war and recommended for the consideration of the legislators "a war program of legislative action."¹ After outlining the need for such a program the Governor said:

¹ Addison E. Sheldon, *Nebraska: The Land and the People* (Chicago, 1931), I, 944. The agenda of the special session included: (1) a plan for soldier voting; (2) a mortgage and debt moratorium for servicemen; (3) acts defining and prescribing penalties for sedition and sabotage; (4) an act authorizing establishment of local militia units to be known as home guards; (5) repeal of the Mockett foreign language law, which permitted the teaching of German in the public schools; (6) a proposed amendment which would deprive aliens of the right to vote.

Dr. Manley, a member of the department of history at the University of Nebraska, prepared this article from his Masters thesis, written under the direction of Dr. James C. Olson. Dr. Manley is currently engaged in preparing a history of the University in preparation for its centennial in 1969.

No state in the Union is more patriotic than Nebraska and this fact is amply established by the ready response of our state to every obligation imposed by the war situation. There are those in our midst, however, some of them citizens, who have more or less openly given aid and comfort to our enemies, while others, less bold, have covertly done so. The time has come when the last vestige of sedition must be stamped out.²

The Governor's disconcerting conclusions were based largely upon evidence accumulated by the State Council of Defense during its first year of operation. Reports from all parts of the state, as well as first-hand experience, had convinced the State Council that in certain areas the state was not yet producing a maximum effort in support of the war.³

Created by an act of the legislature shortly after the United States entered the war, the State Council of Defense had been designed "to bring about the highest effectiveness within our state in the crisis now existing and to coordinate all efforts with those of the Federal government and of other states."⁴ To secure these ends the Council was granted extensive power, including the right to subpoena witnesses, punish for contempt, and compel presentment of evidence. Furthermore, the statute creating the State Council declared that information obtained by the Council should remain confidential unless the Governor approved its release. Penalties, including fines and imprisonment, were provided for those who violated this provision.⁵

Nine of the eleven members of the State Council were chosen to represent groups in the state, such as farmers,

²*Messages and Proclamations of the Governors of Nebraska* (Lincoln, 1942), III, 310.

³The State Council was particularly concerned with problems emanating from the large German-American population in Nebraska. For one aspect of the problem see Jack W. Rodgers, "The Foreign Language Issue in Nebraska, 1918-1923," *Nebraska History*, XXXIX (March, 1958), 1-22.

⁴*Daily Proceedings of the 35th Session, Nebraska House of Representatives* (York, Nebraska, 1918), pp. 202-203. The federal government requested every state to form a council of defense (F. L. Allen, "The 48 Defenders," *Century*, XCV [December, 1917], 261-66).

⁵*Report of the State Council of Defense of Nebraska* (1918), p. 8. All letters, pamphlets, and Council records are in the State Council Collection in the library of the Nebraska State Historical Society, Lincoln, Nebraska. See also *Laws of Nebraska*, 1917, p. 490-94.

businessmen, doctors, and railroad officials, whose close cooperation in the war program would be required. Robert M. Joyce, a Lincoln hardware merchant who was appointed as a "citizen-at-large," became chairman of the Council. George Coupland, long active in agricultural affairs in Nebraska, accepted the position of vice-chairman. He also served as the representative of the farmers. Another "citizen-at-large" appointee was R. L. Metcalfe, publisher of the *Omaha Nebraskan* and a well-known leader of the state Democratic party.⁶ Together with Herbert E. Gooch, Lincoln manufacturer and owner of the *Lincoln Star*, Metcalfe, Coupland, and Joyce took the lead in promoting the Council's various war programs.

Much of the day-to-day work of the State Council was unspectacular though necessary—the allocation of seed grain, the regulation of transportation and communication systems, the promotion of bond sales, and so forth. In all its labors the Council sought to bring to citizens in every walk of life an awareness of the responsibilities which the war had created.⁷ Nevertheless, it is apparent that the Council believed its efforts were not completely effective. Periodically official statements issued by the Council expressed a dissatisfaction with the state's war effort. And throughout the war years, the Council vigorously sought out the areas in the state where support of the war appeared to be unsatisfactory. Any group which seemed to be "hesitating" or "vacillating" in accepting responsibility for fulfillment of obligations imposed by the war was subjected to intensive "educational" campaigns. If "uncertain" attitudes persisted more direct procedures could be utilized. Frequently this involved a time-consuming and costly trip

⁶ *Ibid.*, p. 9. A biographical sketch of Metcalfe will be found in Sheldon, *Nebraska: The Land and the People*, II, 394. Metcalfe, a key figure in the Council's activities, presents something of an enigma. Although in an earlier period he had been associated with William Jennings Bryan, in this instance Metcalfe aligned himself with the conservative elements in the state.

⁷ To facilitate its operations the State Council called upon leading citizens in all counties to form county councils which would assume responsibility for implementation of programs on the local level. A list of county councils and their officers is found in *Report of the State Council*, pp. 27-31.

to Lincoln and an appearance before the State Council. In general the Council found that this approach usually brought the person or persons under suspicion around to "the right outlook." But problems persisted and the Council found itself engaged in a constant struggle against the forces of "disloyalty."

Since the State Council was permitted wide latitude in defining "disloyal" or "unpatriotic" actions, its influence could be extended almost at will. Additional support for the Council's activities could be secured from the county councils and from local home guard units. Under these circumstances it was an exceedingly stubborn person who could stand for long against the Council's admonitions. The reception accorded the National Nonpartisan League as it sought to establish a state organization in Nebraska during 1917 and 1918 vividly illustrates the operational methods of the State Council during World War I.

A cursory examination of the history and policies of the Nonpartisan League quickly reveals why this organization ultimately became "the special whipping boy" of the State Council.⁸ The League had been established in North Dakota in 1915 largely through the efforts of A. C. Townley whose experiences both as an unsuccessful farmer and as a participant in earlier agrarian protest movements enabled him to appreciate fully the discontent of the Dakota wheat farmers. It is frequently maintained that Townley built the League upon "an idea, a Ford and \$16." There is substantial truth in the statement. Townley envisioned an organization made up exclusively of farmers, and he dispatched a number of organizers, utilizing Henry Ford's amazing Model T, to contact every Dakota farmer directly. Moreover, the \$16 membership fee provided the financial backing for a League newspaper and for political campaigning. In 1916 the League won a signal political victory in North Dakota. Candidates endorsed by the League dominated both the executive and legislative branches of the state gov-

⁸ James C. Olson, *History of Nebraska* (Lincoln, 1955), p. 274.

ernment; and John M. Baer, running with the League's blessing, was elected to Congress.⁹

Having attained this initial success in North Dakota, League leaders sanguinely expected that expansion into neighboring states would be effected smoothly and quickly. Indeed, by 1917 League organizers had appeared in almost all of the states in the upper Middle West. But the optimism of the League hierarchy was soon shattered. In Minnesota, Iowa, and South Dakota organizers were subjected to steady harrassment and achievements were insignificant. A similar fate awaited the League in Nebraska.¹⁰

Predominant among those who opposed the League were members of the business classes in these states. They strenuously objected to the League's platform which called for state ownership of all facilities necessary for the well-being of the farmers. League propaganda which called for the defeat of "Big Biz" and the drastic overhaul of America's "corrupt and partial" business system did little to alleviate the suspicion of businessmen. But even more damaging than its stand upon contemporary political and economic issues was the League's outspoken criticism of American participation in the war. Repeatedly League organizers called the war "a rich man's war"; on numerous occasions the League demanded "the conscription of wealth" to match the conscription of poor men's sons.¹¹ This kind of propaganda had some appeal for certain classes—particu-

⁹ In Nebraska a League newspaper, *The Nebraska Leader*, began publication in June, 1919. For a summary of League history see the League's pamphlet, *National Nonpartisan League: Origin, Purposes and Methods of Operation*. Literature dealing with the League tends to extremes. For sympathetic portrayals see Herbert E. Gaston, *The Nonpartisan League* (New York, 1920); Charles E. Russell, *The Story of the Nonpartisan League* (New York, 1920) and *Bare Hands and Stone Walls* (New York, 1933). Critical accounts are Andrew A. Bruce, *The Non-Partisan League* (New York, 1921) and William Langner, *The Nonpartisan League: Its Birth, Activities and Leader* (Mandan, North Dakota, 1920).

¹⁰ Robert L. Morlan, *Political Prairie Fire: The Nonpartisan League 1915-1922* (Minneapolis, 1955) traces in detail the fortunes of the League in these areas. Another valuable appraisal is Theodore Saloutos and John D. Hicks, *Agricultural Discontent in the Middle West 1900-1939* (Madison, 1951).

¹¹ *National Nonpartisan League: Origin, Purposes and Methods of Operations*, pp. 24-26.

larly many German-Americans. As a result both the patriotic spirit and the private interests of many Nebraska businessmen "rose to demand the suppression of this new political propaganda."¹²

The State Council first received indications that trouble was brewing in November, 1917. From Dr. E. O. Weber, a member of the State Council whose home was in Wahoo, came the report that "considerable hot blood" was being stirred up in Saunders County as a result of League activity. An exchange of letters in the local newspaper between critics and proponents of the League had produced a statement by O. S. Evans, business manager of the League in Nebraska, that if the League was disloyal then "thousands of farmers in Nebraska and more than 500 tillers of the soil in Saunders County" must be branded disloyal. Evans announced that a public meeting would be held in Wahoo at which time those who attacked the League should either provide proof for their allegations or "apologize to your 500 neighbors." At this point, Weber wrote, he had been called to consult with the Saunders County Council. But it was concluded that nothing could be done to prevent the meeting Evans had scheduled.¹³

The State Council did not immediately instruct the county councils how to deal with the League, and there was during the early months of 1918 considerable confusion on the local level. The Frontier County Council, like the Saunders County Council, did not know "what to do in this matter of the Nonpartisan League."¹⁴ From Elwood, Im-

¹² Sheldon, *Nebraska: The Land and the People*, I, 932. The State Council's estimate was, of course, seconded by business organizations such as the Omaha Business Men's Protective Association. This Association hired detectives to infiltrate the League and financed much of the opposition campaign. See *The Nebraska Leader*, July 12, 1919.

¹³ Clippings, *Wahoo Democrat*, November 20, 1917 and November 27, 1917. E. O. Weber to Robert Joyce, November 29, 1917.

¹⁴ J. S. Hatcher, chairman, Frontier County Council, to State Council, May 11, 1918.

perial, Lexington, and Danbury came the question, "Is there anything we can do to stop this movement?"¹⁵

In responding to one such plea Coupland set the tone of the State Council's policy toward the League. The vice-chairman said it was clear that the "disloyalty" of the League was creating widespread resentment. Nebraska "loyalists" were demanding action. Naturally the State Council was closely watching the situation, but until a plan was forthcoming which would establish a coordinated pattern of resistance Coupland said it was up to patriotic citizens to neutralize the League's "disloyalty campaign" by individual effort.¹⁶ A clearer invitation for extra-legal action can hardly be imagined.

A number of county councils accepted Coupland's advice and ordered League organizers to get out. The Valley County Council, for example, said there was no need for new political parties at this time.¹⁷ Since the League's propaganda discouraged wholehearted participation in the war program enunciated by the government, the Washington County Council refused to permit League meetings.¹⁸ The Franklin County Council suggested that farmers who had been persuaded to join the League stop payment on their membership checks. This Council was certain no "self-respecting farmer, no patriotic American could belong to the Nonpartisan League."¹⁹

Certainly the actions of the League organizers did little to dispell the mounting wave of suspicion. When the *Nebraska City Press* warned farmers not to be taken in by the organizers' sales talks it was voicing the most wide-spread condemnation lodged against the League.²⁰ Frequently organizers resorted to questionable tactics. To prospective

¹⁵ E. G. McDaniel to State Council, June 5, 1918; Harry F. Johnson to State Council, June 1, 1918; George C. Gillan to Coupland, April 17, 1918; and W. H. Harris to State Council, June 14, 1918.

¹⁶ George Coupland to Henry F. Martens, January 5, 1918.

¹⁷ Valley County Council, "Declaration of Principles."

¹⁸ N. T. Lund to Coupland, May 20, 1918.

¹⁹ Franklin County Council, "Non-Partisan League Members Notice" (poster).

²⁰ Clipping, *Nebraska City Press*, December 6, 1917.

members the organizers would generally flash membership books whose pages were filled with the names of farmers who had already joined. One wary farm wife appraised this as "just a smooth way to get farmers in and get their money." She got a quick glance at the pages of a membership book which the organizer was brandishing and noted the names of three "American" farmers who had withdrawn from the League months before when they discovered that only "German" farmers were signing up.²¹

Other arguments used by the organizers were based upon themes likely to arouse considerable antagonism. Three affidavits filed with the State Council repeated the arguments used by one organizer, Charles Dean, who was working in the vicinity of Plainview. To one farmer Dean remarked that the government could not force a man to buy Liberty Bonds. To another he suggested that it was a rich man's war and that the President and Congress "were all in with the profiteers in making a profit out of it." He told a third prospect that venal politicians who catered to the munition makers should be turned out of office and replaced by Nonpartisan League candidates who truly represented the people.²²

The inevitability of open conflict between the League and the State Council became definitely established in January, 1918. At that time the State Council received from O. S. Evans a most unusual letter. Evans said he was writing at a time when the League had seventy-five organizers active in Nebraska. Through these men the League had intimate and direct contact with the farmers of Nebraska. In a disarming suggestion, Evans offered the services of these organizers to the State Council for patriotic service.

²¹ Mrs. W. A. Croisant to State Council, June 8, 1918. Regarding the membership claims of the League, Bruce points out "that once a man is a member he is always a 'prospect' at least. Nobody is dropped from the books who has once sent in a check for membership. He may think he has 'quit' the League, but he is carried along as a member, delinquent perhaps, but still a possibility" (*Non-Partisan League*, p. 8n). The energetic sales talks of the organizers may have been due to the fact that their only pay consisted of a portion of the \$16 initiation fee.

²² Affidavits of L. W. Logan, F. W. Schmidt, and U. S. Pennington, all of Plainview, Nebraska.

"By communicating with the Lincoln office of the League whatever is wanted in the line of publicity," Evans said, "the State Council will be able to reach first hand thousands of farmers." While the offer ostensibly was made "in all sincerity and without any desire whatever to play politics," it may be assumed that Evans was in fact indicating to the State Council the substantial nature of the League's state organization and indirectly warning against a hastily-undertaken campaign of opposition.²³

If this was the case the State Council was not in the least impressed. On January 31 a long, caustic reply was made to Evans. The Council admitted that in the past the policy of this agency had been to accept the cooperation and service of all organizations which were "in harmony with the government's purposes" and understood that "winning the war" was the "paramount duty of the day." But the State Council did not consider the Nonpartisan League to be this kind of organization. The literature of the League currently being distributed in Nebraska proved that the League was not in harmony with the national interest. While the State Council did not question the loyalty of the individual members of the League, the Council was certain "those men who joined the League had not read carefully the *War Program and Statement of Principles* issued by the League." Although the League constantly argued that freedom of speech had been abrogated in this country, the State Council believed the government had been too lenient with those who were "doing the kaiser's work." Speaking on behalf of the patriotic citizens of Nebraska, the Council was moved "to respectfully protest" against the continued circulation of League propaganda.²⁴

Evans' rejoinder constituted the next phase in the "battle of letters." Pointing to the outstanding war record of North Dakota, Evans declared that the League shared the responsibility for that state's continuous oversubscription of its Liberty Bond quota. Moreover, the *Statement of*

²³ O. S. Evans to State Council, January 18, 1918.

²⁴ *Records of the Proceedings of the Executive Committees*, sixth meeting, January 31, 1918.

Principles to which the State Council specifically objected was based upon resolutions unanimously adopted by five thousand American farmers assembled in a League convention at Fargo on June 7, 1917. Every item in this program, Evans maintained, had been justified totally or in part by "the leading spokesmen for the Allies."

Despite the forceful tone of his argument Evans was actually preparing to effect a strategic withdrawal. The literature to which the State Council referred, Evans announced, would be withdrawn. But, he added, the decision was not motivated by the State Council's attack. Rather the action was taken voluntarily since there was no longer any need for the pamphlets. The speeches of the Allied war leaders proved that the most important planks in the Nonpartisan platform had been adopted as fundamental portions of the Allied war aims. Thus further efforts by the League were unnecessary.²⁵

The State Council refused to be content with this concession and continued its anti-League campaign. Evans' latest letter was portrayed as a futile attempt "to justify the circulation of disloyal literature." Many of Evans' comments the Council found to be "unbelievable." According to the Council, it was "utterly absurd to say that a program which has misrepresented the purposes of our country has been endorsed by the President and the leaders of the Allied nations." The confidence which Evans felt toward the patriotic value of League literature was not shared by those "who have carefully read the literature." Moreover the Council could not resist inquiring why the League, established to secure economic and political reforms, found it

²⁵ O. S. Evans to State Council, February 9, 1918. In order to test the validity of League claims to Presidential sanction, the State Council sent the following telegram to President Wilson. "An organization known as the Nonpartisan League in its campaign for membership, laid particular stress upon a claim that their body and its activities have received the endorsement of the President. . . . Will you please advise promptly?" (Robert Joyce to President Wilson, April 2, 1918). On April 4, 1918, a reply was received from Wilson's secretary, J. P. Tumulty: "Telegram received. Of course there is no truth in report mentioned. The President gives a personal endorsement to no organization."

necessary to propound a "war program." In conclusion the Council repeated its call for every Nebraskan to assist in the campaign to suppress the literature of the Nonpartisan League.²⁶

The hardening of the State Council's attitude toward the League had a visible reaction on the local level. That a change had been consummated in the attitude toward the League is demonstrated by subsequent events in Wahoo where, in November, 1917, the Saunders County Council had found itself powerless to prevent a League rally. In March, 1918, however, when the League announced that another meeting was to be held in Wahoo, the Saunders County Council called upon the mayor of Wahoo to act in accord with the State Council's recently announced policy and to forbid such a gathering. The mayor agreed. In order to preserve the "peace and well-being and general welfare of the people of Wahoo and to prevent any outbreak or riot or personal violence" the mayor announced that no League activities would be permitted within the city limits.²⁷ On March 30, the day appointed for the rally, League men appeared in Wahoo but a group of irate citizens forced them to flee in their automobiles. As a result of this incident a spokesman for the League asserted that the organization had been deprived of its constitutional rights. In the Nebraska House of Representative J. W. Taylor, of Custer County, criticized Governor Neville and the State Council for their part in what came to be characterized as the "second battle of Wahoo."²⁸

When the Pierce County Council adopted similar repressive measures, members of the League in that County presented a petition to Governor Neville. They protested against the actions of the County Council and the local home guard in breaking up League meetings. The petition in particular denounced R. L. Metcalfe who was an outspoken opponent of the League both as a member of the State

²⁶ Executive committee, press release, February 15, 1918.

²⁷ Proclamation of the Saunders County Council, March 27, 1918; "Resolutions of the Saunders County Board of Commissioners and Mayor of Wahoo, March 29, 1918."

²⁸ *Lincoln Star*, March 31, 1918; and *ibid.*, April 5, 1918.

Council and as publisher of the *Omaha Nebraskan*. Reference was also made to "the political attack upon the League by the State Council" and to the "malicious and unwarranted interference" with the activities of the League.

Metcalf publicly responded to these charges. He would be happy to give up his work on the Council, he declared, if requested to do so by the Governor. He continued:

But so long as I am a member of the State Council I will not compromise with an un-American organization like the non-partisan league. Its leaders are carpetbaggers, men more interested in filling their coffers with the farmers' hard earned money, than they are in the farmers' welfare. . . . As long as I am a member of the State Council of Defense the non-partisan league will not do business in Nebraska except over my protest. I accept the opposition of these league leaders as a badge of honor.²⁹

Governor Neville's reply was equally uncompromising. Since League meetings were used to promote seditious and unpatriotic activities which interfered "with the successful prosecution of the war," the Governor refused to use his authority to restrain the actions of local authorities. In the cases brought to his attention in which League functions had been disrupted or prohibited the Governor thought such interference had been justified. Action by county councils was usually necessary, the Governor added, to "protect your organizers from violence at the hands of outraged and indignant citizens." Unless the League could be persuaded to revise its platform and make it consistent with the interests of the nation the Governor was sure public opinion demanded the immediate suspension of League activities in Nebraska.³⁰

Thus by the spring of 1918 the State Council was countenancing many kinds of extra-legal activities directed against the League. Public statements made by Coupland and Metcalfe moreover served to emphasize the Council's determination to oppose this movement which had proved "distractive of our people's efforts and their desires to support the government in this war."³¹ An effective tool for

²⁹ *Ibid.*, June 6, 1918.

³⁰ *Ibid.*, June 17, 1918.

³¹ Coupland to W. H. Weber, April 24, 1918.

repression was found in the so-called home guard militia which legislation passed by the special session had authorized. In Plainview members of the local home guard unit had "arrested" a League organizer. Vigorous protests of League members were dismissed on the ground that guardsmen needed no warrants to enter places where League meetings were held since they acted on the authority of "an unwritten, higher law in regard to disloyalty" which Coupland had mentioned in several speeches.³² The same rationalization was used to justify mob action near Clarks, where a young League organizer was dragged to a railroad trestle and threatened with lynching. The mob finally released the organizer but only after he had handed over his membership book, donated his automobile to the Red Cross, and promised to enlist in the army.³³

In localities where there were substantial numbers of League members direct action of this type could not be taken quite so readily. In Custer County, reputedly a stronghold of the League, the local council found itself powerless to prevent League meetings. After prolonged and lively discussion an interesting compromise was achieved—"all activities or work of any kind or nature in connection with the non-partisan league, republican and democratic or other political parties" were to be discontinued "for the duration."³⁴ Apparently this decision was successfully promoted by members of the County Council who were also Nonpartisan League members.

A similar situation was reported in Greeley County, where it was reported that the League could not be combatted since the Council contained League men. R. L. Met-

³² Clippings, *Blair Enterprise*, June 7, 1918; and *Lexington Pioneer*, April 16, 1918.

³³ *Lincoln Star*, May 30, 1918. A. B. Felver, the organizer threatened, later sued a number of prominent Nebraska business men and the Omaha Business Men's Protective Association for \$250,000 (*The Nebraska Leader*, November 8, 1919). Felver eventually received a \$600 settlement. (Sheldon, *Nebraska: The Land and the People*, I, 936).

³⁴ E. R. Purcell to Henry Richmond, June 25, 1918; clipping, *Custer County Republican*, June 27, 1918; and James T. Wood to Henry Richmond, June 25, 1918.

calfe told the county chairman to request the League members to resign. No compromise was possible, he insisted, on the issue of the League. Although honest and patriotic men might have been tricked into joining the League, Metcalfe was of the opinion that if they continued to be deceived "they can be of no service as members of a county council."³⁵

Since the problems encountered in Custer and Greeley County were not isolated incidents, the State Council urged that additional support be given to its efforts to eliminate "disloyalty." The special session of the legislature responded by enacting a law defining and prescribing penalties for sedition. The resulting Sedition Bill contained extremely broad powers. Sedition was defined in such a way that almost any action undertaken by League organizers could be construed as illegal. Particularly was this true under the provision of the law which provided that all able-bodied men must be engaged in occupations which contributed to the war effort. Although legislation of this type was to become common in many states during World War I, in Nebraska at least the Sedition Bill was enacted only after strong opposition had been overcome. Ten senators publicly opposed the measure as one which would "engender race hatred and divide rather than unite our people."³⁶ Nevertheless the special session approved the bill which A. E. Sheldon has portrayed as almost a cancellation of "freedom of speech, freedom of press, and individual freedom in work and recreation." Nebraska was placed under "a war regime."³⁷ Under the terms of the Sedition Bill, announced the Hamilton County Council, "THE LOAFER, THE SLACKER, THE SPY AND THE BOMB THROWER are all classed together."³⁸

The State Council's offensive against the League received an additional boost on June 7, 1918, when Nebraska's Attorney-General Willis E. Reed ruled that "persons en-

³⁵ Metcalfe to J. R. Swain, July 1, 1918.

³⁶ *Lincoln Star*, April 10, 1918.

³⁷ Sheldon, *Nebraska: The Land and the People*, I, 946.

³⁸ Circular, Hamilton County Council of Defense.

gaged in the organization of clubs, societies, or associations which do not have as their object the furtherance of the progress of the war are not engaged in useful occupations."³⁹ As a result of this ruling authorities could go as far as they desired in attacking League organizers.⁴⁰ A warrant issued for the arrest of one League organizer outlined the typical charge.

Being physically able to work and not being engaged in any useful occupation, Kinney Yenawine did then and there unlawfully, feloniously and seditiously remain habitually idle . . . and interfere with the efficient prosecution of the war.⁴¹

Its organizers subject to arrest, its meetings broken up by zealous officials acting under the direction of the county councils, the League found its position becoming increasingly untenable. As the 1918 primary elections approached League leaders realized that steps must be taken to protect meetings called for purposes of nominating candidates. Failure to present a slate of League candidates in the forthcoming election would be tantamount to an admission of defeat.

In June, 1918, lawyers acting for the League petitioned the district court in Lincoln to grant an injunction which would restrain the State Council from interfering with League caucuses. The petition cited numerous instances in which League meetings had been broken up by county councils and home guards. Constitutional rights and privileges had been violated by authorities who "attempted to terrorize the plaintiffs and other loyal citizens whose political opinions differed from the defendants. . . ." The petition further argued that unless restrained by the court the State Council

will continue to tyrannize over the plaintiffs and their associates, to intimidate them and threaten them at their places

³⁹ Report of the Attorney-General of the State of Nebraska for the Biennium Ending November 30, 1918, pp. 191-92.

⁴⁰ Elmo Bryant Phillips, "The Non-Partisan League in Nebraska" (unpublished Master's thesis, University of Nebraska, Lincoln, 1930), pp. 26-27.

⁴¹ Copy in the State Council files. Yenawin, according to Gaston, was "a naval veteran who was with Dewey at Manila, who had attempted to enlist, but had been rejected as physically unfit" (*The Nonpartisan League*, p. 228).

of meeting to prevent their associating together at their proposed voting places for the purposes for which they are united.⁴²

Judges Shepherd and Morning, to whom the League's petition was presented, agreed that the Constitution guaranteed freedom of assembly; but they wondered if issuance of an injunction would be wise. Mobs of citizens might descend upon League meetings and the State Council and the county councils would be unable to intervene to prevent disorder and injury. The League's attorneys argued, however, that the violence which frequently attended efforts to hold League meetings was never spontaneous. Such attacks were usually promoted and directed by officials of the local councils. Pending a full investigation the League requested that a temporary injunction be issued which would permit precinct meetings for purposes of naming candidates.⁴³

In replying to the League's petition, the State Council claimed that the court had no jurisdiction in the matter. Complaints registered by the League were of a purely political nature and did not in any way involve civil or property rights. Since the State Council was a "quasi-judicial" body, the court possessed no authority to interfere with or review the acts of the Council. In any event, "unimpeachable evidence" had been obtained and would be introduced to prove that the work of the Nonpartisan League was detrimental to the effective prosecution of the war.⁴⁴

For a week the district court heard arguments presented by both sides. According to Henry Richmond, secretary of the State Council, the trial from the outset progressed favorably for the State Council. Gooch, said Richmond, had done a splendid job on the witness stand, and

⁴² *Lincoln Star*, June 28, 1918. The League's petition was presented by attorneys C. A. Sorenson and C. C. Flansburg. The Council, anxious to portray League "disloyalty," was disconcerted that Flansburg would defend the League. Flansburg's son had been killed in France. This fact established Flansburg's patriotism beyond doubt. Yet, as Sheldon pointed out, "Mr. Flansburg remained in the case and prepared the petition for the League" (*Nebraska: The Land and the People*, I, 936).

⁴³ *Lincoln Star*, June 28, 1918.

⁴⁴ *Nebraska State Journal*, July 1, 1918.

Metcalf had "burned them up" with his testimony. Undoubtedly the court would refuse the League's request, wrote Richmond, for "it is being shown that all the activities of the organization are inimical to the welfare of our Government and its war program."⁴⁵

The episode ended on July 7 when, in a startling move, the lawyers acting for the League requested the court to permit the withdrawal of the injunction petition. An out-of-court settlement between the League and the State Council had been made. After a lengthy conference League officials acceded to the demands of the Council. The objectionable literature would be withdrawn and League organizers would cease operating in the state. R. L. Metcalfe hailed the trial as a "complete vindication of the council's protest against the literature and activities of the League." A "great victory for the Nebraska State Council of Defense" had been won.⁴⁶

One pertinent question remains to be examined: why did the League suddenly and without warning capitulate? Gooch's newspaper, the *Lincoln Star*, believed the League leaders did not want to show the insignificance of their organization by disclosing membership lists to the court.⁴⁷ But this explanation is superficial. The League appeared to have what would have been under normal circumstances a strong case. But these were not normal times. From the nature of the testimony and the rulings of the presiding judges it became progressively clearer that the League stood to gain little from the proceedings. In all probability even if a satisfactory decision was received in this instance the State Council would have recourse to processes of ap-

⁴⁵ Richmond to T. C. Patterson, July 6, 1918. Evidence presented at the hearing implicated Gooch as one of the principal contributors to the campaign against the League (Phillips, "The Non-Partisan League in Nebraska," p. 92). See also *The Nebraska Leader*, July 12, 1919 and "Businessmen Rule in Fight on the League," *Evening State Journal*, July 9, 1919.

⁴⁶ *Lincoln Star*, July 7, 1918. There is a divergence of opinion regarding the terms of the settlement. Compare Sheldon, *Nebraska: The Land and the People*, I, 936; Frank G. Moorhead, "The Non-Partisan League in Politics," *The Nation*, CVII (October 5, 1918), p. 364; and Olson, *History of Nebraska*, p. 275.

⁴⁷ *Lincoln Star*, July 8, 1918.

peal. This would undoubtedly touch off long and costly litigation during which harassment of the League would continue. The militant spirit in the state, marshalled and directed by the State Council, would not permit the League a peaceful existence. To become entangled in court proceedings, then, clearly involved the risk of fighting a war of attrition on two fronts. Temporary withdrawal might serve to protect the organization from further attack at least until the end of the war. Discretion dictated that the League leaders think now in terms of preserving what had been won rather than in pushing forward to a decisive showdown.

The *State Journal*, another Lincoln newspaper, regarded the settlement as an illustration of what could be done when the opposing factions stopped "pounding the table in court" and sat down to work out their differences. This newspaper was of the opinion many citizens would undoubtedly ask why it had not been possible for the settlement to have been made without "an extended newspaper war and this heated trial." In summarizing the effects of the trial the *State Journal* declared that the charge of disloyalty previously made against the Nonpartisan League had been withdrawn by the State Council.⁴⁸

To this observation R. L. Metcalfe took violent exception. In the first place, Metcalfe said, the State Council had never made charges of disloyalty against the members of the League. Charges which had never been made could not be withdrawn. The *State Journal* also said that the State Council had retreated from an "untenable position." Metcalfe could not understand this statement, for the League had brought suit against the State Council and after a short hearing had upon its own motion dismissed the proceedings. The State Council had not compromised, it had not "retreated" in any way. It was "an amazing incident," concluded the *State Journal*. The only "amazing" aspect of the trial, declared Metcalfe, had been the misrepresentation of facts perpetrated by the *State Journal*. Met-

⁴⁸ *Nebraska State Journal*, July 9, 1918.

calfe said this newspaper had continually interfered with "the official body that is rendering service to the country and it loses no opportunity to give support to influences that offend the patriotic senses of Nebraska."⁴⁹

Actually the *State Journal* made the "amazing incident" remark in reference to a particularly interesting portion of the League's body of propaganda literature. The organizers made wide use of Woodrow Wilson's *The New Freedom* to support their arguments for economic reform. When the State Council demanded the withdrawal of all League pamphlets and books, the inference was clear that *The New Freedom* was included. The *State Journal* was anxious to see how the people of Nebraska would react to the proscription of a book written by the President. The incident was even more intriguing since the State Council, under the leadership of a state Democratic administration, sought to remove from circulation a book written by the official leader of the Democratic party.⁵⁰ Nevertheless, Metcalfe argued that the State Council had not opposed the book—it only protested against the perversion of its contents by irresponsible League organizers.⁵¹

A letter from John Fish, who farmed near Central City, documented the use to which the organizers of the League put *The New Freedom*. One afternoon Fish was working in the field with his neighbor, Mr. McMaster. An automobile containing a man and a woman and bearing North Dakota license plates stopped by the fence. The driver of the car, speaking with a heavy German accent, introduced himself to the two farmers. He said he was helping to organize a Nonpartisan League so that the farmers "could get their rights." He addressed most of his remarks to Mr. McMaster, Fish reported, "and told him how everything was going to the damnation bow-wows as far as the farmers were concerned." If McMaster paid a sixteen dollar membership fee, he would be placed on the rolls of

⁴⁹ *Lincoln Star*, July 9, 1918.

⁵⁰ *Nebraska State Journal*, July 8, 1918.

⁵¹ *Omaha Nebraskan*, July 11, 1918.

the League. But McMaster refused to join. Fish reported the subsequent conversation:

When we started in on the organizer the woman came running up and said, here is something I want to read to you from this book. A gilt edged red back book. I said go ahead. She reads. The masters of the government of the United States are combined capitalists and manufacturers of the United States and some other extracts from the book. Then said to me what do you think of that. I remarked that it was the effusion of some politician running for office. She turned the back of the outside of the book to me with a defiant look and there in large gilt letters was the name of Woodrow Wilson and said there! Said I is Woodrow Wilson saying these things now today while he is president of the United States. Said she, why y-e-s. Look here and she put her finger to the year date at the bottom—1917.

But Fish said this was the date of printing, not the copyright date. The latter turned out to be 1913. Fish then proceeded to tell the couple how he felt about the Nonpartisan League.

You people are misrepresenting the president of the United States and you are lying about him. You are German propagandists interfering with the prosecution of the war, firing in the rear like the old copper-heads of the Civil War . . . turn the head of that machine toward Dakota and go home and you—you I said to the woman, get out your knitting needles and go to work knitting socks and sweaters for the soldiers and build a bonfire out of the books that you have altered and published to delude and swindle the people.⁵²

The actions of the State Council of course could not fail to become involved in politics. Considerable feeling was aroused against Governor Neville and the Nebraska Democratic party as a result of some State Council policies. But, on the issue of the League, the Republicans also encountered embarrassment. Anxious to return to power in the state, the candidates of the GOP were accused by the Democrats of flirting with the Nonpartisan League. Democrats were quick to point out that it had been the Republican party which the League had captured in North Dakota.⁵³ Sam McKelvie, a leader of the Republican party soon to be nominated for governor, issued a public statement in which he categorically denied sympathy for any of the League

⁵² John F. Fish to R. L. Metcalfe, July 10, 1918.

⁵³ *Lincoln Star*, June 30, 1918.

principles. By November, however, the Democrats were charging McKelvie with overtures toward the League.⁵⁴ In the election of 1918 the Nonpartisan League, the State Council of Defense, and the German-American vote were to assume commanding importance.

Following the war the League continued to exercise some influence in Nebraska.⁵⁵ But the stigma of disloyalty which had been so freely attached to its activities and policies during the war could not be easily eradicated. In this respect the labors of the State Council had a determinant effect upon the fortunes of the League. Furthermore, with the return of peace public opinion even more decidedly turned to support the conservative forces in the state which sought to combat "un-American" ideologies.

Some have criticized the leaders of the League for their decision to continue operations during the war years.⁵⁶ The dilemma of the League is obvious—to continue its labors and risk the label of disloyalty or to suspend operations and risk losing the chance for success. The League leadership was convinced, however, that any delay in following up the wave of agrarian discontent which had built up in the years preceding the war would be disastrous. The determination to continue organizational efforts even though the United States had entered the war may have been a mistake, but it is a striking illustration of the single-mindedness of the men who directed the League.

To measure the influence of the League in Nebraska is an impossible task. While estimates of membership run

⁵⁴ *Omaha Nebraskan*, June 27, 1918.

⁵⁵ According to A. E. Sheldon the League was instrumental in achieving the defeat of legislative efforts following the war to change the primary law so as to minimize the opportunities for minorities to exercise influence in the primary elections. (*Nebraska: The Land and the People*, I, 936). To follow the League's campaign consult *The Nebraska Leader*, June 14, 1919; July 26, 1919; and November 6, 1920.

⁵⁶ Phillips, "The Non-Partisan League in Nebraska," pp. 11-12, 118.

as high as 20,000 members in 1918,⁵⁷ there is danger in utilizing such estimates as the sole criterion of influence. The question remains as to the impact upon and the attraction for the individual farmer which the League program possessed. F. B. Tipton, one farmer who as an outspoken supporter of the League, represented what may be presumed to have been a widespread outlook. On the one hand he was critical of the Council for its unprovoked attacks upon the League; on the other, he expressed regret that the Council had not accepted Evans' offer in January, 1918, which would have placed League organizers in "patriotic work." Rejection of the offer, according to Tipton, meant that any opportunity to lead the League down a conservative and more acceptable path of public service had been lost. It is difficult to determine which of these developments Tipton conceived to have been the most tragic. In any case he revealed the ambivalence of the farmers of the state who, while discontented with their lot, were yet unwilling to espouse wholeheartedly a cause which was not consistent with established and accepted standards.⁵⁸

The State Council's determination to destroy the League came from decisions reached within that body. There is no evidence that the Council acted upon authority from higher authority.⁵⁹ Thus the Council bears full re-

⁵⁷ O. S. Evans reported 20,000 members in 1918 (*Evening State Journal*, July 4, 1918); Moorhead, "The Non-Partisan League in Politics," has the same estimate; but Bruce, *Nonpartisan League*, places the figure closer to 15,000.

⁵⁸ F. B. Tipton to State Council, February 5, 1918. Although many members of the powerful Farmers Union joined the League, the legislative committees of the Union refused to endorse the League's program. See Sheldon, *Nebraska: The Land and the People*, I, 932 and Olson, *History of Nebraska*, 274.

⁵⁹ There is considerable evidence that the national administration was concerned that "citizen government" might get out of hand. In the words of George Creel, who served as head of the Committee of Public Information during the war: "The state councils of defense did splendid work as a rule, but there were some infamous exceptions, for many of these councils conducted themselves in a manner that would have been lawless in any other than a 'patriotic' body. . . ." (*Rebel at Large: The Recollections of Fifty Crowded Years* [New York, 1947], p. 198). Zechariah Chafee Jr., *Free Speech in the United States* (Cambridge, 1954) and H. C. Peterson and G. C. Fite, *Opponents of War 1917-1918* (Madison, 1957) are generally critical of the councils of defense which appeared in all of the states during the war.

sponsibility for its supposition that the League constituted a threat to the successful implementation of the war program. But any attempt to understand the conflict between the League and the State Council must necessarily include an awareness of the "climate of opinion" in the country during the war. The determination to secure "patriotic" behavior during a period of national crisis is understandable. Naturally any deviation from accepted philosophies of government was likely to incur great opposition. One recalls that violent attacks were made upon the I. W. W. during these same years—and the famous Red Scare was not far away. The League, in the estimate of the State Council, since it supported many socialistic schemes, constituted not only a distinct threat to the war effort but to the entire fabric of American society as well. Nonetheless, it would appear that emotionism stirred by wartime tensions rather than realism determined the decision.

Hence, the controversy between the League and the State Council is best viewed within the context of the new era ushered in by World War I. In 1917 and 1918 such terms as "total war," "thought control," and "subversion" were as yet dimly understood. For the first time the nation was compelled to define and defend its fundamental political values. That in the process there should be some chauvinistic reactions is not surprising. When the power to define and punish alleged disloyalty is given to a citizen group whose intentions undoubtedly are sincere but whose powers are without adequate limitations and safeguards, injustices are inevitable. Espousal of "higher laws" for dealing with disloyalty and refusal to accede to judicial review of the actions of the Council generally compounded the dangers involved in the creation of such an agency.

In the last circular letter sent by the State Council to the county councils Joyce and Coupland wrote:

You have every reason to be proud of your record, and if mistakes have been made it is infinitely gratifying to feel that they were made on the right side, upholding our country's flag.⁶⁰

⁶⁰ Robert Joyce and George Coupland, circular letter to all county councils, January 3, 1919.

Certainly the State Council rendered great service in the crisis and its achievements were legion. It was unfortunate that mistakes even though made in the name of patriotism led in some instances to the denial of those very democratic principles which the war was being fought to preserve.