The Persecution

of

Jehovah's Witnesses

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THE record of violence against a religious organization unparalleled in America since the attacks on the Mormons.

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American Civil Liberties Union
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181

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Introduction

THE undersigned believe that the issues raised by the attacks on Jehovah's Witnesses constitute a challenge to American democracy and religious tolerance. Nothing in the beliefs or practices of Jehovah's Witnesses justifies the charges of a lack of patriotism levelled against them. Their refusal on religious grounds to salute the flag rests upon a Biblical injunction which they accept literally. In the conflict between loyalty to God and loyalty to the State Jehovah's Witnesses stand upon the ancient tradition of putting loyalty to God first.

Though the Supreme Court of the United States has sustained the right of school boards to expel children who do not salute the flag, the Court has not imposed flag saluting on others, though that is the ignorant assumption behind much of the persecution. The court has in three cases sustained the rights of Jehovah's Witnesses to distribute their leaflets on the streets and house-to-house and to play their phonograph records upon request.

Yet it is these very activities which have aroused the ire of so-called patriotic citizens and have led to the outbursts of lawlessness. While some of the literature of Jehovah's Witnesses contains vigorous attacks on all organized religions and thus arouses hostility, it is clearly within the law.

The undersigned clergymen endorse the publication of this story of a shocking episode of intolerance in American life, reflecting a tendency against which both officials and citizens should constantly be on guard.

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The Persecution of Jehovah's Witnesses

NOT since the persecution of the Mormons years ago has any religious minority been so bitterly and generally attacked as the members of Jehovah's Witnesses—particularly in the spring and summer of 1940. While this was the peak of the attacks upon them, hostility and discrimination have been rife for several years.

Documents filed with the Department of Justice by attorneys for Jehovah's Witnesses and the American Civil Liberties Union showed over three hundred thirty-five instances of mob violence in forty-four states during 1940, involving one thousand four hundred eighty-eight men, women, and children.

The cause of this extraordinary outbreak was the "patriotic" fear aroused by the success of the Nazi armies in Europe and the panic which seized the country at the imagined invasion of the United States. From California to Maine this emotion expressed itself in searching out "Fifth Columnists" and "Trojan Horses"—phrases which sprang into almost immediate popularity to characterize those thought to be opposed to national defense.

Jehovah's Witnesses were the object of immediate and widespread attack, chiefly because of their position on flag saluting, well advertised by their widespread distribution of the May 29, 1940 issue of the magazine *Consolation* giving details of the hearing before the U.S. Supreme Court of the Gobitis flag salute case. Following the decision of June 3, 1940, in which school boards were upheld in their right to expel children of this sect who refused to salute the flag, this propaganda was taken by some as seditious.

Small Town Intolerance

MOST of the attacks occurred in small communities, where Jehovah's Witnesses are particularly active in spreading their gospel by house-to-house canvassers, selling literature and

playing phonograph records of the speeches of their leader, Judge Joseph F. Rutherford.

These publicity tactics are the obligation of Jehovah's Witnesses, whose hundreds of thousands of members are to be found throughout the country—and in other lands as well. They carry their propaganda directly to the people in their homes. Organized in little groups, traveling by automobile, they systematically canvass a community, offering their literature house-to-house and on the streets. They thus readily attract attention and arouse opposition.

In smaller communities, intolerance is easily organized and gets out of hand. Though Jehovah's Witnesses distribute in the larger cities as well, lawless action in the face of adequate police forces is impracticable. Only a few of the incidents were reported from towns of more than five thousand population.

One of the most extraordinary aspects of the persecution of these Jehovah's Witnesses engaged in the peaceful distribution of literature, was the charge, made at once when the agitation against them began, that they were agents of the Nazis. Not a word in their literature justifies such a charge.

One piece of their literature carries a swastika—but as a symbol to be attacked. Jehovah's Witnesses are strongly anti-Nazi. Being an international organization with members in many countries, and with a strong following in Germany, they have run foul of the Nazi government, and several thousands of their followers are reported to be in concentration camps. In Germany, as elsewhere, they refuse to salute the flag, holding that the Bible commands them to worship no symbol but that of Jehovah.

A Law-Abiding Group

EXCEPT on the sole issue of flag saluting, the attitude of Jehovah's Witnesses toward governments is to obey every "righteous" law. Though Jehovah's Witnesses individually are opposed to participation in wars between nations, in this country they have complied with the selective service law. Their attitude individually toward the law's requirement of partici-

pation in military training and service is at this writing an unsettled question confronting draft boards and appeal agencies. It is plain that no charge of lack of loyalty or patriotism can be rightly or successfully laid against Jehovah's Witnesses. On flag saluting, they firmly maintain the ancient practice of "obeying God rather than men"—putting loyalty to the Creator above loyalty to the State.

But there is a secondary cause of antagonism to Jehovah's Witnesses. They oppose the all religious systems on the ground that they pervert the purposes of "Almighty God, expressed in the Bible." Their pamphlets attack the Catholic Church, Protestants and Jews. Jehovah's Witnesses are not themselves a church in the accepted sense. They have no creed but the Bible, no clergymen and no places of worship. They are evangelists for a brand of Christian fundamentalism and they are zealous in making converts. It is their evangelism, their attitude to the flag and to the churches, which have aroused a persecution unparalled in recent years.

Jehovah's Witnesses have sought to obtain what they regard as their civil rights by proceedings in the courts. Three years ago they contested an ordinance in a Georgia town requiring permits for the distribution of literature. Permits were refused to them and they carried the case to the United States Supreme Court, which voided the ordinance. The decision was a landmark in guaranteeing freedom of the press in terms of the right to distribute literature on public streets.

Another case in Connecticut was taken to the U.S. Supreme Court, again involving a state statute prohibiting the canvassing of homes for religious causes without a permit. The Court voided the statute, thus sustaining Jehovah's Witnesses' rights to canvass homes, to sell tracts, and to play their phonograph records on request.

Despite those decisions local officials in scores of communities have continued to prohibit street distribution of literature and house-to-house canvassing. Since regulatory local ordinances have been voided, Jehovah's Witnesses are arrested on more general charges, such as disturbing the peace, vagrancy, selling without a license, and disorderly conduct.

The Record of Violence

ONLY a recital of the extraordinary incidents which reached their peak in May and June of this year will indicate the extent of the persecution. The following instances are taken from the volume of testimony presented to the Department of Justice based upon affidavits and reports from the field, and backed up in practically every instance by press reports.

From an affidavit by Albert Stroebel of Flagstaff, Arizona dated June 26, 1940:

> "On Wednesday evening June 19th, 1940 my dad and I drove to Ash Fork from Williams to contact two fellow workers at a friend's house. I drove up in front of the house and went up on the porch when three men stepped into the yard up on the porch and said, 'Are you looking for anyone?'—and then, 'will you salute the flag?' and when I replied that I respected the flag but was consecrated to do God's will and did not salute or attribute salvation to the flag they cried, 'Nazi spy!' knocked me down, beat me badly, and finally knocked me out—then dragged and pushed me across the street to a service station and again tried to make me salute the flag. I was dizzy, befuddled and don't clearly remember anything further except that a considerable crowd had gathered yelling 'Nazi spy!—Heil Hitler! —String him up!—Chop his head off!'
>
> "A deputy sheriff appeared later. He took me to a local jail and put my dad and I in a cell, as he said, 'to protect you from the mob and rest you up.'
>
> "After two hours he took us both to Prescott to the sheriff's headquarters, arriving there about 9:00 p.m., some one else driving my car down. Upon arrival, all of Jehovah's Witnesses' literature in my car was taken in to the sheriff's office and three men spent about three and a half hours inspecting same. At 12:30 a.m., the sheriff or District Attorney said, 'We find nothing radically wrong in your literature and if the people would take time to read it they wouldn't get so hysterical and excited calling you Nazi spies and the like.' Then they let us go."

Another Case

FROM an affidavit of Roy Crabb of Prescott, Arizona dated June 29, 1940:

"On Wednesday afternoon June 19th, 1940 after having engaged in Kingdom service in Ash Fork for several hours my brother and I entered a friend's home on the main street of the town when we noticed cars driving up in front of the house. Six cars in all parked around the house, which is located on a corner, the leading car being a blue Plymouth sedan driven by the local deputy sheriff named Russell. The cars were there about ten minutes when about a dozen men got out of said cars, the deputy sheriff then driving away while the men started into the house.

"The men entered the house and took my brother and I out into the street where they produced a U.S. flag and said 'you fellows salute this' and when we declined the assault began—the mob split and 6 or more jumped on me while the rest, about the same number, attacked my brother. After we were beaten up, knocked down and out we were kicked around—and I have a dim recollection of being dragged around the streets by our legs and feet and finally left semi-conscious in the street. When we recovered enough to stand we were driven out of town by the same mob.

"The mob went back to the house of our friends, got our literature and portable phonographs which were reported burned. Neither my brother or I know the names of our attackers except one young fellow, Bud LaMar of Jerome who took a leading part in beating up my brother. He is reported to be a French Catholic and his grandmother resides in Ash Fork.

"We could identify the ring leaders of the attackers and in common with other cases of mob violence directed at Jehovah's Witnesses in Yavapai County have reported the matter direct to the District Attorney's office and to Sheriff Robbins in Prescott and requested that a deputy be sent with us to Ash Fork to enable us to identify the mobsters without inciting further vio-

lence. This was agreed to by Under-Sheriff Born last Wednesday, June 26th, but when we appeared at the sheriff's office for this purpose the following day Sheriff Robbins was there and he declined to send the deputy. Said he'd serve all the warrants we swore out but wouldn't send a deputy to Ash Fork with us. Ass't District Attorney Frank encouraged this stand."

Sheriff Refuses Protection

FROM an affidavit by Millard H. Pemberton of Crocker, Missouri, dated July 4, 1940:

"On June 19th, 1940 at 7 p.m., Roy Cadwell, sheriff of Pulaski County, Missouri, Ed Cusick, prosecuting attorney and another man came to the trailer and inquired into my work and about saluting the flag. We offered to play them some records explaining our position and they would not let us but said they would come back the next day.

"About 10:30 p.m. that same night the sheriff and prosecuting attorney and about nine others came back to the trailer, got me out of bed and asked to hear the records. I played the following records for them: "Instructions," "Remedy," and the "Government & Peace" series. At the end, the sheriff and prosecuting attorney said there was nothing wrong with the records, but because we would not salute the flag, that we should be run out of the country and they both said they would not give us any protection. They left about 11:45 p.m.

"About 1:30 a.m. this same night, Howard Shackley, Ted Spears, and Clarence Quisenberry, Jr., came back and gave us 45 minutes to leave the county. We phoned the sheriff for protection and he refused. My wife then called the state police at Jefferson City and they said they would see what they could do. They did not come, however.

"About 2:15 a.m Shackley, Spears, and Quisenberry, Jr., came back again and Howard Shackley shot 10 holes in three of my tires. They then left and again

came back in about 30 mins. This time they brought gasoline to burn the trailer and Howard Shackley drew a gun on me and threatened me. The state police were again called and they did not respond. It was about 3 a.m. by this time.

"About 8 a.m. Carl Brisch and five other men, among them Clarence Quisenberry and Ben Whickler, came back and said that if we were not out of town by noon, they would burn the trailer. We left town at 10:30 a.m."

Women Beaten

FROM an affidavit by John Q. Adams of Beaumont, Texas, dated October 30, 1940:

"On September 1st, 1940 B. P. Jones, a resident of Beaumont, Texas was visiting friends near Jasper, Texas having brought home some of the children who had been attending his wife in her illness. While he was in Jasper he performed a baptismal service for some of the colored people, he himself being a colored man and one of Jehovah's Witnesses.

"While walking from one house to another a car drew up alongside and someone said, 'Hello preacher, what are you doing up here?' While explaining that he was here to bring home the girls who had been attending his wife, two more cars drove up; one man with a shotgun got out of one of the cars and forced him into one of the cars, whereupon they drove out the highway and turned off onto a dirt road leading to a cemetery. Upon arriving at the cemetery, one of the men said, 'We ought to go and get that white son-of-a-bitch.' (Referring to one of the men who lives in that vicinity who likewise is one of Jehovah's Witnesses). The man with the gun then said 'Well, let's go ahead with him now!' The mob then tried to force Jones to say that he knew the white 'son-of-a-bitch' that they were alluding to—he did not know the man as he was only visiting and was not acquainted with any except the colored people.

"The mob then tied Jones' hands behind his back and put a rope around the neck, by which one held him while another beat him with a wet rope. Two of the others cut a pole from one of the trees nearby with which they took their turn at beating him. When they quit beating him, the man with the gun said, 'Now run!' Jones replied, 'No, if you want to shoot me you can do it while I am looking at you.' At this, one of them said "You got a lot of nerve, eh, nigger?' Then the mob said they would give Jones three minutes to get his stuff from the house and leave Jasper, whereupon they took him back to the house where he was visiting and waited for him to get his car. The mobsters then followed him about 8 or 9 miles out of town.

"The above incident is merely one of the numerous acts of mob violence that have occurred in the past three or four months in the vicinity of Jasper and Newton counties. In June, a mob of Legionnaires dragged some of Jehovah's Witnesses from their automobiles as they were sitting in the Court House Square at Jasper and beat them up and when some bystanders attempted to come to the rescue of these people, they likewise were beaten—two of them being a frail woman and her daughter. When the woman and her daughter appealed to the Sheriff and Deputy and Town Marshall of Jasper for protection, they merely stood by and chuckled while the mob continued their 'dirty work.' This mob has been trailing and attempting to ambush various ones associated with Jehovah's Witnesses and have forced one family to leave the county.

"One of Jehovah's Witnesses in Jasper whose name is Mrs. Dave Stanford has a brother who is Deputy Sheriff, and whose name is R. B. Gilbert. He warned his sister that the American Legion would beat them to death when they caught them engaging in the work of preaching the gospel from house to house, and that they could expect no protection from the law. In fact, the sheriff of Jasper County made the statement that none of Jehovah's Witnesses would ever see the inside of the Jasper jail, but would be turned over to the mob."

Mob Yells, "Damn the Law!"

FROM an affidavit by Lee Bruton of Hinton, Oklahoma, dated September 18, 1940:

"On Sunday, September 8th, 1940, at about 2 p.m., I was engaged in preaching the Gospel of Jehovah God's Kingdom as shown in Matt. 24:14 by quietly calling at the homes of the people in the rural section of Canadian County just west of Union City, Okla. A car bearing tag number 31-2400 drove back and forth by me several times. The driver I later learned was named Boulinger. In my car were several other people. We proceeded on in our work and did not see this car for some time. Stopping at another home I went in and took my phonograph with me to play for the people there. On my return to the car, I saw the above mentioned car with four men in it. They asked that I come down the road and play the phonograph for them. We played the phonograph and showed them some Bible helps which we distribute to the people. They drove off and were gone for some time.

"We had proceeded on about 3 miles and were in front of a home waiting for a young lady to return from the house where she was playing a phonograph record for a gentleman in his home. The four men who appeared before came up in a car with a fifth man. The car's tag number was 1-36573 (Okla.). The five men got out of the car and came over to our car. They had with them a small American Flag which they fastened to our car. We said 'Let it stay on the car, we are for the flag.' Then they said they were going to make us salute it, also stating that we were Germans and should be sent over to Germany. The young lady having returned we were trying to get our car started when these men began to threaten to shoot us with the gun they had with them, saying they'd use it if we did not salute the flag.

"The five men were very rude and cursed, saying 'damn Jehovah,' 'damn the law,' 'We are the law' and

made many other blasphemous remarks. They were asked if they believed in the laws of this country and thought they were good, and then asked if they thought so then why did they try to take the law into their own hands. *While trying to get my car started two of the men hit me breaking my nose and at the same time shooting the gun around the car.* They boasted that the sheriff of Canadian county had told them to come out and do what they wanted to, also that in time of war they were the law and would start war on the Jehovahites now.

"The mob was organized by the driver of the first car and none of these had any excuse to molest us as we were not even in their neighborhood."

Jailed Without Charges

FROM an affidavit by Edgar A. Kircher and Edwin M. Kircher of Greenville, Illinois dated July 4, 1940 dealing with an attack upon eight members of Jehovah's Witnesses arrested by the Sheriff and held in jail sixteen hours without charges before being freed.

"On the evening of June 8th, 1940, we, the undersigned, together with other associates of the Greenville Company of Jehovah's Witnesses had taken our positions upon the streets of Greenville, Ill. as we had done upon previous occasions, for the purpose of distributing the Watch Tower magazine. We had been upon the streets but a few minutes when we were stopped by the local sheriff, Cecil McCracken, and deputies, including a deputy sheriff from Clinton County by the name of Robert Hooker.

"We were roughly handled, and two of us (Edwin Kircher and Edgar Kircher) were struck repeatedly by the officers on the way over to the Bond county jail. After arriving at the jail, we were again attacked and beaten about the head and face, my brother Maynord Kircher was struck over the shoulder with the butt of

a revolver in the hand of deputy Hooker. All of this abuse in spite of the fact that no resistance was offered.

"Bond County Sheriff Cecil McCracken and deputy Robert Hooker were both noticeably under the influence of liquor. Deputy Hooker was the one most active in the beatings that were administered, and not satisfied with the abuse already heaped upon us, this same deputy took me (Edgar Kircher and a companion, Mr. Truman Marietta) to the Clinton county jail and again assaulted us, in an effort to make us promise that we would not come into Carlyle, Ill. or Clinton County any more with our literature, and threatened to lead a mob against us if we did. After being retained in the jail all night and most of the next day, without any charge lodged against us, we were released and escorted to within a mile of the county line (Bond and Clinton county line) and dumped out.

"On the way out of town the county officers were seen to wave at a passing brown car. This same car overtook us shortly after we had been dumped out on highway No. 127, and as we were making our way home on foot along the highway, we were taken to a side road and beaten by the occupants of the brown car, and those of another car that had joined them, in an effort to make us salute the flag."

Kidnapping in Jackson, Miss.

THE following letter from a Jehovah's Witness resident in Jackson, Mississippi addressed to the Solicitor General of the United States deals with a case in which federal law was clearly violated, the Witnesses being virtually kidnapped and taken across a state line. Indictments were not sought by the district attorney because of his certainty that a conviction could not be obtained. The circumstances are clearly set forth in the following extracts from a letter from H. M. S. Dixon of Jackson, Mississippi:

"I was appointed by The Watch Tower & Tract Society, 117 Adams St., Brooklyn, N. Y. to attend to

convention arrangements at Jackson, Mississippi. A number of my assistants were arrested from time to time and released without charges and we have been continually harassed from the beginning. Wednesday morning at 10:30 a.m., about 50 men called at my office at the building leased for said convention and took several hundred dollars worth of property stating that they represented the American Legion and that this property would be destroyed. The same day this same body of men called at the tourist camp where several of my assistants were staying in trailers, having leased the property for sixty days. They broke in forcibly, took literature, Bibles and other goods, loading same into cars.

"These men threatened me and the other assistants with violence and said if we were not out of the State by 5 a.m. Thursday, June 27 they would forcibly remove us and our cars and trailers. At the time set by them, they entered this leased property, removing signs, 'No trespassing.' They placed these Christian people forcibly in cars hooked on trailers with wreckers. This mob was led by a Major Birdsong who operates a private detective agency at Jackson, Mississippi. We were taken across the Mississippi river at Vicksburg and at Tallulah, La. Birdsong placed us in the hands of the sheriff and he ordered us to move on. They would not allow the women and children to toilets or to secure food. Several of the American Legionaires went ahead and at every town we were met by officers and ordered on. I got out of car at Monroe, La. and managed to get to hotel.

"Major Birdsong, the leader of this mob, had a nice house trailer that belonged to me hooked on to a wrecker and hauled into La. and at Tallulah La. turned it over to the sheriff who placed on the jail grounds. This trailer was badly damaged and clothing and other things ruined. Before leaving us, Major Birdsong threatened the lives of any one of these men that ever returned to Mississippi, several of whom own property there."

Newspaper Approves Violence

AN editorial in the Jackson, Mississippi, *Daily News* under date of June 28, 1940, put the newspaper's blessing on this mob violence against Jehovah's Witnesses.

> "Departure under pressure of a colony of 'Jehovah's Witnesses' camped on the Pocahontas Road just beyond the city limits was proper disposal of what threatened to become a serious situation.
>
> "There is no room in Jackson or vicinity for any person who will not salute the American flag and openly says he will not fight for his country under any circumstances.
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> ". . . It so happens that sturdy citizens of Jackson don't believe in nonsense of that sort and will not tolerate its existence in or near this community."

A So-Called Riot

AN affidavit by a Jehovah's Witness concerns a so-called riot at Litchfield, Illinois, involving about one hundred Witnesses, who had come in twenty-one automobiles to distribute literature house-to-house. Twelve of the cars were wrecked beyond repair, and over $8,000 damage to cars and clothing caused. Sixty-four of the one hundred Witnesses were taken to the police station by a mob and beaten in an attempt to force them to salute the flag. Says the affidavit:

> "They chased us for about two miles and then blocked the Highway forcing us to stop. Then they pulled all of us, women as well as men out of the car and beat up the men for about 10 minutes and pushed the women around. Finally they stopped and pushed us back into the car and one of the mobsters took the keys to the car from me and started driving us to the jail. Just before the car started up one of the mobsters threw a book case full of books through the car and hit me on the head, breaking the glass.
>
> "Some of the mobsters devoted their attention to destroying our literature and personal property. Fists

came from every direction, they threw us on the ground, kicking us all over. Then they dragged the men over to the car and butted my head against the flag. In the meantime, the Chief of Police was sitting in his automobile watching the mobsters beat us up. Only when the mobsters yelled to get the women did he put us in jail to protect us from the mob."

The Kennebunk Case

THE shocking events at Kennebunk, Maine in the early summer of 1940 were preceded by a long campaign against Jehovah's Witnesses, who maintained in the town a Kingdom Hall.

The culmination of the attack on the night of June 9 resulted in charges not against the assailants but against Jehovah's Witnesses, who fired some shots from inside the Hall. Nobody was killed or wounded. One member of Jehovah's Witnesses was convicted of assault with intent to kill and his conviction appealed to the Supreme Court. One man still remains to be tried. Four others were acquitted. Persons charged with burning Kingdom Hall were arrested and tried but all acquitted.

The following is from an affidavit of Mrs. Gertrude A. Bobb, a member of Jehovah's Witnesses, whose husband was largely responsible for the conduct of Witness work. Mrs. Bobb's affidavit recounts events after Jehovah's Witnesses were forced out of a rented hall because of mob violence:

"One day during the last week of September, 1939, at approximately 5 p.m. I went with Edwin Bobb, my husband, and Richard Trask to the home of a deputy sheriff of York County, to tell him of the plans of the French Catholics to break up our meeting, and to ask for police protection. I waited outside in the car while my husband and Richard Trask went inside. In a few minutes they came out and I saw the sheriff swinging his arms and heard him shouting 'Don't come here for protection and don't go to any other deputy sheriffs because they are Legionnaires, too. You'll get no protection from them.

"We held the meeting without police protection.

Kingdom Hall was packed with hoodlums. While I was sitting there a rock crashed in and missed my head by about a foot.

"The following Sunday night we held another meeting and Bible study in the same hall. About 8:30, rocks and all kinds of fruit and garbage were thrown through the windows, breaking every window in the front. There were others in the alley crashing windows in the back. We were forced to leave the building. After we left, the hoodlums crashed the doors down and broke all the furniture. The mob downstairs was estimated at about 2,000, among whom there were a handful of Salvation Army men and women in uniform. . . .

"The night after Memorial Day, a mob attacked Kingdom Hall, crashing in the front, breaking the windows and even the walls. I jumped into the car and drove to the nearest telephone to call the state police. In the meantime the hoodlums had returned and two got out of a car with their arms full of beer bottles. As they stepped into the yard to throw them, a shot was fired from the building. The two men dropped the bottles and fled.

"The next day Pat McCab, a state policeman, told my husband that our lives were in danger. He said he was telling this to us because he was afraid the whole thing was getting beyond the point where the state police could control it. My husband told him we would stick it out and protect Kingdom Hall even if we were to be shot.

"On Friday night, a large car swung out from the road heading right for our front doors. When they were several feet from the doors, we switched the lights on. They quickly swerved out into the road again and drove around in circles in front of the hall. I went out to take their license number. At first they warned me to go back into the house but when I wouldn't leave, they tried to run me over.

"The next night, June 7th, our service meeting had

just been completed when a hail of rocks hit the building in the rear. But when we got back there, no one was in sight. We called for an officer in Kennebunk but we couldn't get one. We heard that a mob was threatening to tar and feather us. So we wired the Governor and the Attorney-General of Maine, appealing to them for protection. The Governor was out of town and we received no answer from him or from the Attorney-General. We made preparations to protect our lives as well as Kingdom Hall.

"On Saturday about eight cars of hoodlums began circling the hall. A weird light was thrown across our back yard and the field alongside of the hall. We later discovered it came from the home of the brother of the man who got shot, Mr. MacDonald. These cars would come up almost to the front porch but they only stayed there a moment and then swerved out into the road again. This sort of thing kept up until 2:30 in the morning when a car pulled up in front of the Kingdom Hall and three men got out and started for the Hall. As soon as the rocks started to fly, I said 'Lights!' Then I heard gun-fire but I couldn't tell how many guns were fired.

"A little later the state police came and reported that two men were hurt and in the hospital. They took our names and addresses and the guns, and left. About 4:30 we decided that the mob would be after us, so we started to get our car which was about a mile away. The state police picked us up, telling us we were under arrest. They also picked up two others who were just leaving the hall to go to a friend's house.

"Later the police said that the women had been taken into custody for their protection but that the men were under arrest, one charged with assault and attempt to murder and the other with being an accessory. My husband and I were put in the same cell. A little later the father of one of the boys that was hurt came up to our cell and said, pointing at Eddie, 'I've got you where I want you, you fat bastard. You got my boy and I'll get you the minute you get out." He turned

to me and said "I'll get you too. I'll drag you through Biddeford and make you salute something.'

"The police later told us that the mob was very vicious and that our lives were not worth a nickel out in the streets. I later learned that six of Jehovah's Witnesses had been arrested and charged with assault and attempt to murder."

In another Maine village, North Windham, a member of Jehovah's Witnesses has been convicted of murder resulting from an unprovoked assault by a garage man to whom he had tried to play phonograph records. The garage man threatened and struck the Witness with a tire iron and in a scuffle the Witness, Arthur F. Cox, pulled a gun and shot the garage man. He alleged self-defense. The case is on appeal to the Supreme Court.

Court Trial in Indiana

AT Connersville, Indiana, the customary attacks on Jehovah's Witnesses culminated in a court trial of two women residents, one aged seventy and the other in her fifties, for "riotous conspiracy" which in substance was their refusal to salute the flag. They were found guilty and sentenced on September 24 to two to ten years in Indiana State Prison. An appeal was taken but the women were not released on bond until early December. The American Civil Liberties Union is assisting on the appeal.

The charge grew out of a complaint made to the sheriff's office on June 19 that six members of Jehovah's Witnesses were distributing literature. The sheriff asked them to desist and they refused. He asked them to salute the flag. They refused. The arrest of five persons followed. Under great pressure, three pleaded guilty to "desecrating the flag" and sentence was suspended on their promise to refrain from further activity. The two women put on trial were charged not only with "desecrating the flag" but riotous conspiracy, an offense aimed at the Ku Klux Klan and covering "three or more persons who unite to do an unlawful act in the night time." A statement from one of the local attorneys describes the proceedings:

"On June 19th, 1940 Grace Trent and Lucy McKee in company with four other ladies were distributing

books and papers of the faith of Jehovah's Witnesses from door to door in Connersville, Indiana. They were placed under arrest without a warrant being issued at the time of arrest, and taken to the Fayette Circuit Court, and there were charged with desecration of the flag. When it was found that this offense only provided for a fine of $10, another charge of riotous conspiracy was filed and they were placed under a bond of $3,000 each and remained in jail until August 20th, at which time they gave bond in said sum.

"The trial of the ladies was set for Sept. 18th, 1940 and a change of venue requested which was overruled by the judge who took jurisdiction and called a jury.

"The affidavit charged that these ladies incited the people of Fayette County against all forms of organized government and to the dis-respect of the flag.

"Books and papers of the publishers of the Watch Tower were introduced in evidence, and even the Bible. The point turned on 'do Jehovah's Witnesses seek to set up another government'? The Witnesses pointed out that they took no part in political activity, and that if a government was set up, it would be done by the God of heaven.

"The defendants each stated that they did not salute any flag, but that they had the greatest respect for the flag and for what it stood; yet notwithstanding the assistant prosecutor made a vicious speech calculated to stir up prejudice against the defendants.

"The defendants were convicted and sentenced at once after the jury returned a verdict, and a mob formed without the court house and mobbed the attorneys in the case. In the mob gathered outside the courthouse was the Commander of the American Legion and hundreds of others. One of the attorneys was marched a half mile and beaten, the other assaulted with objects thrown at him and fell in the gutter expecting to be killed.

"Seventy-five deputy sheriffs have been sworn in out of the various organizations, a great many out of

the American Legion, whose object is to prevent the circulation of the literature of Jehovah's Witnesses.

"No effort was made by the police prior to the formation of the mob to protect the lawyers, as eggs were thrown even before the verdict was returned by the jury."

In Harlan County, Kentucky, notorious for its official lawlessness, six members of Jehovah's Witnesses were arrested in June under the state sedition act on the ground that they advocated another form of government, "theocracy." They were held in jail for weeks, being finally released when the general counsel for Jehovah's Witnesses, Hayden Covington, applied for an injunction before a three-man federal court to prevent the trial. The court ordered the Witnesses freed and advised the state's attorney to notify prosecutors throughout the state not to invoke the sedition statute against Jehovah's Witnesses.

Steps to Check Lawlessness

IN most of these instances efforts were at once made to check lawlessness by appeal to the courts. Attorneys for Jehovah's Witnesses in town after town where members of the mob were identified endeavored to get warrants for their arrest. They were unsuccessful in every case in getting the local authorities to act. Only in Harlan, Kentucky—of all places—were the attorneys for Jehovah's Witnesses successful in invoking federal jurisdiction against local officials. Instead of punishing the assailants of Jehovah's Witnesses, the authorities in many cases arrested the Jehovah's Witnesses themselves, on the ground that they had by their conduct provoked the lawlessness.

The American Civil Liberties Union at once published in the local papers in each community where mob violence took place offers of rewards of $500 for the arrest and conviction of any person engaged in persecution of Jehovah's Witnesses. Copies were sent by registered mail to the local sheriffs and district attorneys, but no prosecutions resulted. But in no community where these offers of reward were made public and where Jehovah's Witnesses returned to conduct their canvassing, as they always do, were any further incidents reported.

When local authorities failed to act, and when appeals to state authorities fell on deaf ears, counsel for the Jehovah's Witnesses aided by the American Civil Liberties Union turned to the Department of Justice. It seemed clear to counsel that under the civil rights statute federal jurisdiction could be invoked.

The Attorney General accepted the view that at least in cases where local officials clearly participated in lawlessness indictments might well be sought. Over one hundred cases were investigated by the F.B.I. on order of the Attorney General. After weeks the Department of Justice finally announced in October that district attorneys had been ordered to present to grand juries the evidence against local officials and citizens in three communities—Litchfield, Illinois, Port Arthur, Texas and Refugio, Texas.

When the first appeal for action was made to the Department of Justice in June, Solicitor General Francis Biddle voiced a vigorous protest against lawlessness in a radio address on a national network. Said Mr. Biddle:

> "A religious sect known as Jehovah's Witnesses have been repeatedly set upon and beaten. They had committed no crime; but the mob adjudged they had, and meted out mob punishment. The Attorney General has ordered an immediate investigation of these outrages.
>
> "The people must be alert and watchful, and above all cool and sane. Since mob violence will make the government's task infinitely more difficult, it will not be tolerated. We shall not defeat the Nazi evil by emulating its methods."

Though Attorney General Jackson had announced his determination to check mob violence, almost no public official in the states where the worst outrages took place raised a voice. The newspapers, with a few notable exceptions, remained silent.

Jehovah's Witnesses and the Public Schools

THE mob violence against Jehovah's Witnesses is not unrelated to the expulsion by school authorities of the children of that "sect" who refuse to salute the flag. That issue goes back over a decade. It was brought to a climax in the courts

with the decision of the Supreme Court of the United States June 3, 1940 upholding the right of school boards to expel children who on grounds of conscience refuse to salute the flag. That decision doubtless had its effect, along with the war hysteria of those weeks, in the attacks on Jehovah's Witnesses.

In these recent years, school children have been expelled in practically every state in the Union. The organization reports that several hundred children are receiving private instruction in schools organized by them. In some communities parents have been penalized for encouraging their children not to salute the flag. In a few cases parents have been threatened with removal of their children from home to state institutions. Such orders have been made by several courts, and several children have been so removed in New Hampshire.

Despite the decision of the United States Supreme Court a number of schools permit the children of Jehovah's Witnesses, who are usually very few in any school, to be excused from the flag saluting exercises. In Rochester, Michigan, recently when nineteen children expelled from school came before the local court the judge arranged a compromise under which the children were returned to school, and took part in the patriotic exercises by reciting the pledge of loyalty without saluting the flag. The compromise was not followed, however, and the children were exempted from the exercises altogether.

Wherever this issue arises, and it still crops out, those interested in religious freedom can help by requesting the school either to exempt the children affected, or to make an adjustment such as the one proposed in Michigan. There is nothing in the Supreme Court decision which prevents the school authorities from making any arrangement whatever.

What A.C.L.U. Members Can Do

ALL members of the Civil Liberties Union and friends of civil liberty are urged, whenever and wherever they hear of any attack on Jehovah's Witnesses in their localities, to write or wire to local public officials urging action, and to send letters of comment to the local press urging editorial expression. Where it seems hopeless to expect local public officials to act, the United

States district attorney in that jurisdiction should be approached; if unresponsive, the matter should be called to the attention of the Civil Liberties Unit of the Department of Justice at Washington. Copies of any letters, telegrams and clippings should be sent to the **American Civil Liberties Union, 170 Fifth Avenue, New York City.**

Only this sort of backfire from defenders of civil rights on principle will help prod public officials into doing their duty, and the press into editorial support of civil rights.

Persecution has not in the slightest discouraged the activities of Jehovah's Witnesses. Their loyalty to their beliefs and their organizational morale inspires them to make whatever sacrifices are necessary to spread their gospel. Inevitably such an unpopular sect always will be attacked in times of fear and hysteria. Only vigorous action by the federal government and pressure by public opinion can counteract the tendencies to persecution.

Date.....

I wish to become a member of the American Civil Liberties Union. Enclosed is my check for a year's membership as marked below.

☐ CONTRIBUTING MEMBER, $5 ☐ SUSTAINING MEMBER, $25

☐ SUPPORTING MEMBER, $10 ☐ PATRON, $100 AND OVER

The above members are entitled to our complete publication and pamphlet service.

Associate members entitled to pamphlet service, $2.00 a year; to *Civil Liberties Quarterly* and Annual Report, $1.00 a year (25c of each membership and subscription is for the *Civil Liberties Quarterly*).

NAME..... OCCUPATION .....

ADDRESS .....

CITY..... STATE .....