

# **Mennonites: Conscientious Objection in the Confederacy**

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## **ABSTRACT**

This paper is about the Mennonite struggle for conscientious objection in the Civil War. The amount of literature on the connection of the Mennonite cause to changed legislation is limited. The Civil War brought the first conscription policy in American history. Although conscientious objection was not a widely used term at the start of the Civil War, Mennonites in the Confederacy experienced difficulties keeping their faith of pacifism while conscription policy was being enforced. This paper expands on the connection of how the Mennonite struggle affected conscription policy.

Initially, research began with conscientious objection as a whole during the Civil War but investigation narrowed it to Mennonites within the Confederacy. Research began with reading and analyzing notable secondary sources but then led to looking through the Virginia and Confederate laws to find correlations with Mennonite resistance. Entries from John Jones's diary, a war clerk who recorded Confederate senate meetings, were analyzed. Local newspapers as well as letters were analyzed for their connections with legislation change and their evidence of wavering public opinions.

In the final analysis, it is revealed that though the Mennonites were low in numbers, their influence on Congress would be far reaching. Their resistance, literature, and connections were able to influence congressmen to create exemptions for conscientious objectors on the state and national levels. Besides the changed legislation, their influence on notable leaders such as Thomas (Stonewall) Jackson would help conscientious objectors who were unable to be exempted to receive non-combatant roles in the Confederate forces.

Keywords: conscription, conscientious objectors, exemption

In June of 1861, as Bishop Samuel Coffman preached at the crowded Weavers Mennonite Church west of Harrisonburg on a Sunday morning, two uniformed men came in and sat down. When Coffman called for the ending hymn, the officer walked to the front of the church and ordered every man within the eligible age to report immediately for military service. After the uniformed men left, the congregation was too shaken to sing the hymn.<sup>1</sup>

At the start of the Civil War, “conscientious objection” was not a widely used term. In later years this term would be widely understood. A major reason this term was not widely used is because there had been no conscription in American history up until the Civil War where both sides would institute a draft. The Confederate Mennonites experienced major hardships during the Civil War. When looking at Confederate Mennonites it must be noted that they resided almost entirely in Virginia. They lived in the Shenandoah Valley, which served both as a convenient travel route for armies and a productive region whose crops the armies were yearning to confiscate. Additionally, the superior numbers of the North made the South more desperate, putting the Southern Mennonites in more turmoil than the Mennonites residing in the North.<sup>2</sup> It should be noted that the Confederacy had religious groups with similar pacifistic views as the Mennonites such as the Quakers and Dunkers. Some had close ties with Mennonites such as John Kline, as discussed further below.

According to Theron F. Schlabach, a Mennonite historian, no Virginian Mennonite fought willingly for the South’s cause. Mennonite theology was against both rebellion and slavery which led to Mennonites having to face ostracism and prejudice in the Confederacy.<sup>3</sup> The tension resulting from the Confederate Mennonite value of pacifism during the Civil War helped shape conscription policy. This is seen through their resistance, literature and lobbying, and the notable changes in response.

Usually in society, the majorities’ interests trump those of a small group. Although, often the majorities’ interests are not in line with the principles of what is governing them and sometimes the perseverance of a small group to maintain those principles can overrule the majority in the end. The Confederate Mennonites were able to accomplish that and be an example for future people who are challenged to live according to their beliefs at the expense of their freedom.

## Historiography

Mennonites in the Confederacy have received some attention. The Mennonites have been researched in depth within the Anabaptist community. Most literature on Conscientious Objection in America touch on the time period of World War One to the Vietnam War. In regards to the history of

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<sup>1</sup> James Lehman and Steven M. Nolt, *Mennonites, Amish, and the American Civil War* (Baltimore: John Hopkins University Press, 2007), 57.

<sup>2</sup> Theron F. Schlabach, *Peace, Faith, Nation: Mennonites and Amish in Nineteenth-Century America* (Kitchener: Herald Press, 1988), 189.

<sup>3</sup> *Ibid.*, 190.

conscientious objection, Mennonites have been relatively under researched. Harold S. Bender was coeditor of *The Mennonite Encyclopedia*, a comprehensive history, which was published in 1957.

Rufus D. Bowman wrote *The Church of the Brethren and War*; the book was written in 1944, from the perspective of the Brethren Church's pacifism throughout history. However, the book needs to be read with an awareness that the publication, written during wartime, may have brought his pacifistic views to heightened consciousness. Samuel L. Horst, the author of *Mennonites in the Confederacy: A Study in Civil War Pacifism* and coauthor of *Conscience in Crisis*, writes of the importance of respecting people's conscience in war. However, his books were written during the Vietnam War which caused a spur of pacifism which could have influenced his writing.

Wilfred Buck Yearn, author of *The Confederate Congress*, studied the legislation process of the Confederate Congress and the major issues of the young nation. Rufus D. Bowman, author of *The Church of the Brethren and War*, wrote of the Dunker and Mennonite struggle for exemption to military service. His in depth study of John Kline is valuable to the subject.

Theron F. Schlabach, the author of *Peace, Faith, Nation: Mennonites and Amish in Nineteenth-Century America* is notable. He focuses on the Mennonite struggle in the North and South during the Civil War. James O. Lehman and Steven M. Nolt, the authors of *Mennonites, Amish, and the American Civil War*, are perhaps the most impactful modern writers on the subject. They approach the subject from the view point of Anabaptists as a whole rather than just Mennonites.

The *Southern Claims Commission* was a commission set up by the Executive Department from 1871-1880. It was created so people could present claims of property loss due to Union military activities during the war. The commission gives insight on specific Mennonite cases. *War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* contains the formal reports of property seizures and military operations during the war. The *Rockingham Register*, a Rockingham County newspaper, gives insight on public opinion toward Mennonites during wartime.

This paper expands on the arguments of these scholars that Mennonites were influential, but it focuses on the combination of important literature, lobbying, and other nonviolent resistance to accomplish change.

## **Church Background, Migration, and Beliefs**

The Mennonites in Virginia had a long history reaching back to Europe in the sixteenth century. The faith traces its roots to Switzerland with the Anabaptist movement with Ulrich Zwingli.<sup>4</sup> Soon after, Menno Simons denounced Catholicism, joined the movement, and would become very influential. His

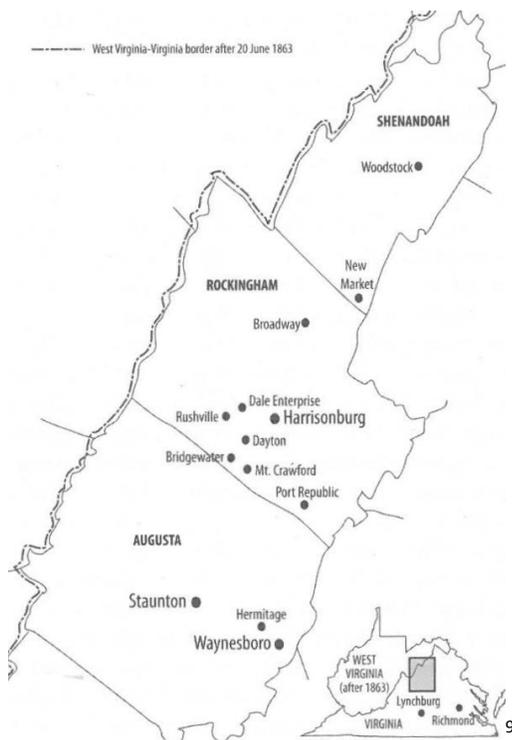
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<sup>4</sup> *The Mennonite Encyclopedia* vol. 4, ed. Harold S. Bender, C. Henry Smith, Cornelius Krahn, Melvin Gingerich (Scottsdale: Mennonite Publishing House, 1959), s.v. "Zürich, Zwingli, and Huldrych."

followers would be called Mennonites.<sup>5</sup> In the early years of the movement, Mennonites spread through Austria, South Germany, and down through the Rhine. Through this process, persecution caused many Mennonites to immigrate to America.<sup>6</sup>

After 1710, a stream of Mennonites began to migrate to America. The chief location of migration was to Pennsylvania where Mennonites felt secure going to a place that was sympathetic toward them and guaranteed religious freedom.<sup>7</sup> Soon after arriving in America, many Mennonites would make their way to Virginia. They settled largely in the Shenandoah Valley which now borders West Virginia. During the Revolutionary War, many Germans resettled farther down the Shenandoah Valley in Rockingham County which would become the heart of the Mennonite Church. Soon after the Revolutionary War, more Mennonites came from Pennsylvania and settled in Augusta County near the town of Waynesboro.<sup>8</sup> (Figure 1)

**Figure 1: Rockingham County, Virginia**



<sup>5</sup> *The Mennonite Encyclopedia* vol. 3, ed. Harold S. Bender, C. Henry Smith, Cornelius Krahn, Melvin Gingerich (Scottsdale: Mennonite Publishing House, 1957), s.v. "Menno Simons."

<sup>6</sup> John C. Wenger, *The Mennonite Church in America* vol. 2 (Scottsdale: Herald Press, 1966), 43-49.

<sup>7</sup> *Ibid.*, 52-56.

<sup>8</sup> *Ibid.*, 84-87.

<sup>9</sup> James Lehman and Steven M. Nolt, *Mennonites, Amish, and the American Civil War* (Baltimore: Johns Hopkins University Press, 2007), 60.

Mennonites have several beliefs that make them unique in the Christian world. Originally, what set Anabaptists apart from Catholicism was their belief in adult baptism, but the most important belief in understanding the Mennonite role during the Civil War is their belief of pacifism. Mennonites claim that Jesus taught and lived out a culture of peace and that His church is supposed to follow this example.<sup>10</sup> They believe that war is never the answer to solve problems and humans should not participate in them.<sup>11</sup>

## Secession and War

Mennonites were well established in the state of Virginia when they would soon have to face strong opposition to their beliefs. The 1850s brought the question of slavery to the forefront of American politics. The Republican Party was formed in the 1850s; it was formed in large over the issue of slavery. The Republican victory in the four-way election of 1860 caused many southerners to fear that they would try to push legislation to end slavery in the United States.<sup>12</sup> The fear of this and the decreasing voice southern states had in government caused many states to secede even before Lincoln was able to take office.

The start of the Civil War brought a desire in the South to enlist. War and secession brought an energy to the South that not many could dismiss. Most people in the South had very strong regional and state identities which was quite prevalent at the start of war. This, with the long military tradition of the South, caused men to flood the recruitment agencies. The surrender of Fort Sumter on April 13, 1861 further sparked the South into war mode. The South would undergo a recruitment process that would contest almost all others; they mobilized 750,000 to 850,000 men over the course of the war. A number that represents seventy-five to eighty-five percent of all eligible draft-age white military men in the Confederacy.<sup>13</sup> As the war began, it is evident that there was a strong desire to serve the newly acquired nation; however, as the war dragged on, it is clear that volunteers would not be enough to fight against the superior numbers of the North.

On April 17, in light of the attack on Fort Sumter, the Virginia Convention passed an ordinance of secession to be enacted based on a popular referendum to be held on May 23. Most Mennonites were pro-Union and opposed secession. On May 17, 1861, an editorial in the *Rockingham Register* expressed discontent with the Mennonite stance:

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<sup>10</sup> Krahn, Melvin Gingerich (Scottsdale: Mennonite Publishing House, 1959), s.v. "Zwingli, Huldrych."; Alan Kreider, Eleanor Kreider, and Paulus Widjaja, *A Culture of Peace: God's Vision for the Church* (Intercourse: Good Books, 2005), 11-17.

<sup>11</sup> John C. Wenger, *The Mennonite Church in America* vol. 2 (Scottsdale: Herald Press, 1966), 257-58.

<sup>12</sup> Grolier Incorporated, "1860 Abraham Lincoln (Republican) vs. Stephen Douglas (Democrat) vs. John Breckinridge (Southern Democrat) vs. John Bell Constitutional Union)," In *Flash Focus: Presidential Elections 1788-2000*, 68, n.p.: Lakeside Publishing Group, LLC, 2005, Points of View Reference Center (18176152).

<sup>13</sup> Gary W. Gallagher, *The Confederate War* (Cambridge: Harvard University Press, 1997), 28.

We have heard that some of our peaceful, orderly, law-loving fellow citizens, the Germans will vote against it, or not vote at all. We cannot believe this. They love their country, and desire its peace and welfare too much to do this . . . Let not a vote be cast to give Lincoln this encouragement.<sup>14</sup>

Another editorial in the same issue stated that men who are against the ordinance of secession “are traitors of the deepest dye . . . They should be hung as high as Haman.”<sup>15</sup>

The feeling of southern nationalism soared through Virginia following their secession from the Union. Virginia was very important to the new nation’s stability during the Civil War. Virginia, being the home of the nation’s capital, was strongly nationalist for the South. It was also home to the would-be Commander of the Confederate Army, Robert E. Lee. For the aristocratic class, the army was a means to increase their standing in society, and many military officers came from Virginia. The officers’ diaries and letters reflected their strong nationalism which served as the principle factors of Confederate nationalism throughout the war.<sup>16</sup> This influx of nationalism during war time was troublesome for pacifists. Mennonites felt pressure to submit – as most citizens of Virginia had – to the war cause.

### ***Public Opinion of Mennonites***

Public opinion toward the Mennonites decreased with their apparent lack of patriotism. On July 5, 1861, a long piece in the *Rockingham Register* expressed the public opinion of most Virginians toward Mennonites. The pseudonymous author, “Ne Qui Nimis,” titled the article “To the Tunkers, Mennonites, and Others Opposed to War.” The article opened with how he had great respect for those who lived “orderly and honest lives,” but, he said, Virginia was forced into a war even though war is not consistent with the principles of Christianity. The author goes on to state that the scripture instructs for one to defend one’s self. “Nimis” said that self-defense is confirmed by the Bible and is the first law of nature.<sup>17</sup> He went on to say that even though Jesus taught to turn the other cheek, it cannot be taken literally and is absurd. If people really want to turn the other cheek then they should spend twice the length of conscription and a father should draft two sons, not just one. Speaking of politics, he said, “In this war of self-defense, preaching peace weakens the hands of the very government you helped to put in place by your votes!” When Virginia calls you, “you ought to go and be shot at, even if you cannot conscientiously shoot.”<sup>18</sup>

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<sup>14</sup> *Rockingham Register* (Harrisonburg, Va), May 17, 1861.

<sup>15</sup> Ibid.

<sup>16</sup> Gary W. Gallagher, *The Confederate War* (Cambridge: Harvard University Press, 1997), 63.

<sup>17</sup> “Ne Qui Nimis” is Latin for “not that much,” but the author may have meant to write “Ne Quid Nimis,” which means “do not do too much.” The latter term is used in philosophy, which means to do nothing in excess. (Cassell’s Latin Dictionary, ed. by J. R. V. Marchant and Joseph F. Charles (London: Cassell and Company, Limited, 1907), s.v. “neque, nimis.”).

<sup>18</sup> Ne Qui Nimis, “To the Tunkers, Mennonites, and Others Opposed to War,” *Rockingham Register* (Harrisonburg, Va), July 5, 1861.

The article did not fall on deaf ears. The following month, pseudonymous author “Justice” replied with a defense. Referring to the suggestion of taxing those with “religious scruples,” the author said it would leave numerous farmers and others to poverty. “Justice” continued by saying the Shenandoah Valley pacifists were not nearly “fat farmers.” Nor do they hold obscure principles of conscience. Mennonites and Brethren are like early Christians who would rather “seal their faith with their blood” than fight. Persecution only makes the persecuted more zealous, “If kind reason cannot produce a change, harsh means never can.” Continuing, the author said that the South must not give the North propaganda by allowing accusations of maltreatment.<sup>19</sup>

## **State Required Military Training**

Prior to war, the Virginia militia required all males age eighteen to forty-five to drill several times a year. Officially, there was no exemption for men who could not attend due to conscious, but the men were able to pay a muster fine of fifty or seventy-five cents to avoid drilling. With the outbreak of war, the men received opposition to paying muster fines.<sup>20</sup> On June 6, 1861 Captain P.R. Bright of Company No. 1 of the 58th Virginia Militia Regiment wrote to Governor Letcher informing him of the issue.<sup>21</sup> No reply has been found from Letcher but action towards conscientious objectors show that muster fines were no longer an option.

## ***Substitutes for Military Service***

As early as the autumn of 1861, the Confederate War Department allowed the use of substitutes to avoid military service. Substitutes ranged from a few hundred to a few thousand in some cases. The substitute system was not sanctioned at the time and it did not turn out to be an absolute solution.<sup>22</sup> If the substitute ended service before the war was over, the bearer would be called into service. This was the case for Peter Blosser who paid fifteen dollars a month for a substitute who served only one and one-half months. Blosser would then be taken into the militia.<sup>23</sup> Similarly, Jacob Geil secured a substitute for six-hundred dollars. After six months, the substitute returned and Geil was notified to report for service as well.<sup>24</sup> Those who were unable to acquire a substitute or could not afford one were often forced to flee to the North or hide in the mountains to avoid service.

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<sup>19</sup> Justice, *Rockingham Register* (Harrisonburg, Va), August 9, 1861.

<sup>20</sup> Samuel Horst, *Mennonites in the Confederacy: A Study in Civil War Pacifism* (Scottsdale: Herald Press), 1967), 28.

<sup>21</sup> P. R. Bright to John Letcher, 6 June 1861.

<sup>22</sup> Samuel Horst, *Mennonites in the Confederacy: A Study in Civil War Pacifism* (Scottsdale: Herald Press), 1967), 38.

<sup>23</sup> Southern Claims Commission, Claim No. 16509 – Peter Blosser.

<sup>24</sup> Southern Claims Commission, Claim No. 21844 – Jacob Geil.

## **Mennonites Attempt to Evade Conscription**

In March of 1862, a group of eighteen Dunker and Mennonite men were captured in an attempt to escape conscription by travelling North. They were detained and incarcerated in Harrisonburg, Virginia, in the Rockingham County Courthouse while forced to do commissary labor. On April 5, Gabriel Heatwole Sr., Joseph Beery, and John Kline were arrested and joined the men in Harrisonburg. The first two were Mennonite ministers and the third was a prominent Dunker leader.<sup>25</sup> Showing the strong negative local sentiments towards men of conscience, in a neighboring county, the Staunton newspaper wrote of approval for the arrest and labeled the three as “men of influence.”<sup>26</sup>

## ***Stonewall Jackson Intervenes for Conscientious Objectors***

Commander of Valley forces Thomas (Stonewall) Jackson, an unlikely influencer for the Mennonite cause, and with knowledge of the recent arrest of the eighteen men, wrote to Governor John Letcher of Virginia.<sup>27</sup> In communication with S. Bassett French, the aide-to-camp for Letcher, Jackson said that religious groups within his district were opposing war. Continuing, for the “the greatest efficiency and securing loyal feelings and co-operation,” and because these men were reliable teamsters, why not organize them into companies of one-hundred without issuing arms and assign them to various staff departments.<sup>28</sup>

Jackson, who was well known for his religious beliefs, said these “faithful laborers” being “careful of property,” would allow for other Southerners to fight in the front ranks, which would “save many valuable horses and other public property” and of course arms.<sup>29</sup> There is no surviving reply on record from Governor Letcher, but ten days later he sent another letter to Letcher ensuring “the religionists who are opposed to fighting” but willing to be teamsters would be paid. When Jackson sent orders to call out the Rockingham County militia he had a message for the “Tunkers (Dunkers) and Mennonites” there. They were to be informed that Jackson “believes them to be sincere in their opposition,” and the general would assign them noncombatant roles. Although, again, we do not have the reply from Governor Letcher, but Jackson’s second letter to Letcher and his message to the noncombatants in Rockingham County show Governor Letcher’s heeding to Jackson’s suggestions.<sup>30</sup>

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<sup>25</sup> James Lehman and Steven M. Nolt, *Mennonites, Amish, and the American Civil War* (Baltimore: John Hopkins University Press, 2007), 62; Samuel Horst, *Mennonites in the Confederacy: A Study in Civil War Pacifism* (Scottsdale: Herald Press), 1967), 56-58.

<sup>26</sup> *Staunton Spectator* (Staunton, Va), April 15, 1862.

<sup>27</sup> James Lehman and Steven M. Nolt, *Mennonites, Amish, and the American Civil War* (Baltimore: John Hopkins University Press, 2007), 62.

<sup>28</sup> *War of the Rebellion*, ser. I, vol.12, pt. 3, 835.

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*, 841.

## Number of Mennonites in Virginia

It is difficult to know the exact number of Mennonites who lived in the Confederacy due to the fact that there were several denominations that comprised the Mennonite religion, and the United States Census of 1860 did not include religious affiliation in their criteria. The General Conference (GC) Mennonite Church is the only branch of the Mennonites with a population report in 1860. In 1860, the GC had 825 members, by 1891 the membership had grown to 5,670. The earliest comprehensive statistic of all Mennonites in America was in 1891 with 41,541 members.<sup>31</sup> There is no statistic for Mennonites as a whole in 1860, but based on the rate of growth in the GC, the overall Mennonites in America in 1860 were approximately 6,000 members. Virginia, being the location of almost all Confederate Mennonites, had approximately two-thousand to four-thousand Mennonites in 1860.

Rockingham County, the county with the most Mennonites in the Confederacy, had a population of 23,408.<sup>32</sup> Augusta County, the second major location for Mennonites in the Confederacy, had a population of 27,749.<sup>33</sup> In Jackson's letter to Governor Letcher, Jackson's suggestion to organize the conscientious objectors "into companies of one-hundred men each" suggests a high percentage of eligible Mennonite men were drafted by 1862.<sup>34</sup>

## Mennonites Attempt to Move North

In March 1862, seventy-four Mennonite and Dunker Men attempted an escape to the North. They were apprehended after crossing the Shenandoah Mountain near Petersburg and taken to Richmond to be detained in Castle Thunder prison. On March 31, the men were visited by Sydney S. Baxter who was the "habeas corpus commissioner" for the Confederate War Department.<sup>35</sup> In a report, Baxter noted that they "bear good characters as citizens and Christians." He noted that both churches' represented by the men forbid shedding human blood in battle. He said that some of them attempted to buy substitutes and they are willing to give up property to keep their liberties. He then noted that the Confederate Congress was planning for objectors to provide "pecuniary compensation" in lieu of military service.<sup>36</sup> (Figure 2)

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<sup>31</sup> Leland, Harder, *Fact Book of Congregational Membership: General Conference Mennonite Church* (Newton: Faith and Life Press, 1971); "Historical Committee: GC and MC Membership Statistics in the United States of America 1860-2003," Mennonite Church USA, <http://www.mcusa-archives.org/resources/membership.html#US>.

<sup>32</sup> United States Census Bureau, *1860 Census*, U.S. Census Bureau 1860.

<sup>33</sup> *Ibid.*

<sup>34</sup> *War of the Rebellion*, ser. I, vol.12, pt. 3, 835; Samuel Horst, *Mennonites in the Confederacy: A Study in Civil War Pacifism* (Scottsdale: Herald Press), 1967), 34-35.

<sup>35</sup> James Lehman and Steven M. Nolt, *Mennonites, Amish, and the American Civil War* (Baltimore: John Hopkins University Press, 2007), 65.

<sup>36</sup> *War of the Rebellion*, ser. I, vol.12, pt. 3, 835.

**Figure 2: Castle Thunder Prison**



A couple days later, on April 2, Baxter reported again on the incarceration. He said that he saw the copy of the law passed by the legislature of Virginia on March 29. The new law would exempt military duty for “persons prevented from bearing arms by the tenets of the church to which they belong” on condition of a five-hundred dollar payment and a two percent tax on all taxable property. The exemption would be in addition to an oath of loyalty to the Confederate Government.<sup>38</sup> Baxter included a recommendation to discharge the men with an oath of allegiance and an obligation to follow the laws of Virginia, which the War Department accepted.<sup>39</sup>

## **Commitment to Pacifism**

As a whole, the Mennonites were committed to their belief in Pacifism. This is clearly shown in the attempt of Mennonite men to avoid military service and if unavoidable, their commitment to not killing while serving in the military. That is not the only manifestation of their pacifism. In their attempts to move North, they did not resist authority when apprehended. The seventy-four men that

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<sup>37</sup> Samuel Horst, *Mennonites in the Confederacy: A Study in Civil War Pacifism* (Scottsdale: Herald Press), 1967), 55.

<sup>38</sup> *Ibid.*, 837.

<sup>39</sup> Rufus D. Bowman, *The Church of the Brethren and War* (Elgin: Brethren Publishing House, 1944), 137.

were apprehended near Petersburg in March 1862, were captured by only two soldiers.<sup>40</sup> The men, though greatly outnumbering the picket soldiers, went with them peacefully to be incarcerated. The seventy-four men could have easily overpowered the two pickets, but because of their commitment to non-resistance, they submitted to authority. Their non-resistance caught the attention of Baxter, the War Department Commissioner whose report reflects how he was impressed with their actions.<sup>41</sup> It is possible that there was a correlation between the escaping men's actions and the corresponding legislation. Baxter recommended for "their claims to exemption" to be acted on.<sup>42</sup>

John Kline, one of the "men of influence" arrested on April 5, was a prominent anti-secession and anti-slavery figure in Virginia who worked to help Mennonites in their conscription issue. Kline was a Dunker elder whose beliefs in pacifism linked him and other Dunkers with Mennonites. Among Kline's friends was Governor Letcher. Kline sent several letters to Governor Letcher regarding exemption for Dunkers and Mennonites. In response to a request for exemption written on January 30, 1861, Governor Letcher replied with a letter saying it is reasonable for those with "conscientious scruples" to be relieved with a "pecuniary compensation."<sup>43</sup>

## Criticism of Conscription

On April 6-7, 1862, the country witnessed the bloodiest battle in American history, to date; the combined casualties at Shiloh were over 23,000 men. The Confederates lost over twenty-five percent of their soldiers from that battle. The staggering number of casualties left many southerners questioning what was going to happen in the war. Meanwhile, General McClellan landed two-thirds of the Union Army at Fortress Monroe. The situation for the South was bleak; the French minister, M. Mercier, anticipated talk of surrender at this point.<sup>44</sup>

The lack of soldiers aggravated President Jefferson Davis's dissatisfaction with conscription. He complained to Congress of the "unexpected criticism" of conscription. He said that it is "only by harmonious as well as zealous action" that a "government as new as ours . . . fulfill its duties." Davis began to assert the power of the national government to demand sacrifices from citizens; this is evident in his appeal to make a national conscription policy. He believed that state-mandated draft exemptions "render the Confederacy an impractical form of Government."<sup>45</sup>

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<sup>40</sup> James Lehman and Steven M. Nolt, *Mennonites, Amish, and the American Civil War* (Baltimore: Johns Hopkins University Press, 2007), 64.

<sup>41</sup> *War of the Rebellion*, ser. 1, vol.12, pt. 3, 835.

<sup>42</sup> *Ibid.*

<sup>43</sup> John Letcher to John Kline, Richmond, 1 February 1861.

<sup>44</sup> Amanda Foreman, *A World on Fire: Britain's Crucial Role in the American Civil War* (New York: Random House, 2010), 246-47.

<sup>45</sup> George C. Rable, *The Confederate Republic: A Revolution Against Politics* (Chapel Hill: The University of North Carolina Press, 1994), 154; *War of the Rebellion*, ser. 4, vol. 2, 73-75.

President Davis hoped that the Confederate Draft would replenish the army from the enormous casualties; an estimated more than forty-thousand men.<sup>46</sup> Many people viewed conscription as being a right of the states and not the national government. The staggering numbers could be the motivation behind many members of Congress looking passed the states' rights issues in approving the bill out of frustration with the individual state conscription policies. The states' rights argument did not mean much to the Mennonites whose religious fellowship, line of kinship, and other interests went northward into Maryland and Pennsylvania.<sup>47</sup>

## The First National Conscription

On April 16, 1862, the Confederate Congress with only twenty-six senators and 135 representatives passed a conscription law. All able-bodied men between the ages of eighteen to thirty-five were eligible.<sup>48</sup> The statute would exempt civil servants, clergy, teachers, railroad workers, or anyone providing a substitute.<sup>49</sup> The new law would not exempt men on basis of religious objection though.

The substitute system was not an absolute guarantee of exemption and many could not afford one. With no standard price for substitutes, the price could fluctuate from as little as one-hundred dollars to as high as five-thousand dollars. Officers quickly found that most substitutes were not quality soldiers. Secretary of War James Seddon reported that substitutes were active deserters, poor fighters, and had excited discontent and impatience among the soldiers.<sup>50</sup> The Conscription Act of September 27, 1862, extended the draft age to forty-five, which further aggravated the question of substitutes.<sup>51</sup>

The substitute system was not the only concern from the new law. Some people were upset over the Twenty Negroes section of the law. This law exempted the owner or manager of a plantation with twenty or more slaves on it. The idea behind the law was that these individuals would be more useful staying at home to look over the slave labor than to be used in battle. This did not go over well, newspapers stated that it represented gross class legislation. Congressmen received criticism that the slaveholders were the ones who started the war but the poor man has to fight for it.<sup>52</sup> This led to more

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<sup>46</sup> George C. Rable, *The Confederate Republic: A Revolution Against Politics* (Chapel Hill: The University of North Carolina Press, 1994), 154-55.

<sup>47</sup> Theron F. Schlabach, *Peace, Faith, Nation: Mennonites and Amish in Nineteenth-Century America* (Kitchener: Herald Press, 1988), 190.

<sup>48</sup> Amanda Foreman, *A World on Fire: Britain's Crucial Role in the American Civil War* (New York: Random House, 2010), 246-47.

<sup>49</sup> James Lehman and Steven M. Nolt, *Mennonites, Amish, and the American Civil War* (Baltimore: John Hopkins University Press, 2007), 63.

<sup>50</sup> Wilfred Buck Yearns, *The Confederate Congress* (Athens: University of Georgia Press, 1960), 74-77.

<sup>51</sup> *Ibid.*

<sup>52</sup> Evan G. Richards to Clement C. Clay, 19 February 1863; Wilfred Buck Yearns, *The Confederate Congress*. (Athens: University of Georgia Press, 1960), 79.

debate and Congress finally changed the law slightly to allow someone other than the owner or manager to be exempted if the owner is unfit for service or already in the army. On top of that, owners must pay five-hundred dollars for each exempted individual.<sup>53</sup> Postmaster John Henninger Reagan appealed that if his mail carriers were drafted to fight, his efficiency would reduce considerably; Congress agreed and exempted postal workers.<sup>54</sup> Abraham Blosser, a Mennonite in Virginia, went as far as to spend one-thousand dollars to buy a mail route in order to be exempted as a postman.<sup>55</sup>

### ***Bureau of Conscription***

To carry out the conscription process, the army set up the Bureau of Conscription. Unfortunately for lawmakers, the Bureau was poorly managed with officers who were incompetent and unfit for service. Often when Congress requested statistics from the Secretary of War, the reply was “the want of proper returns renders it impossible to supply the information sought.” The Bureau left some areas virtually untouched. Some officers such as General Braxton Bragg, being unsatisfied with the lack of conscripts from the Bureau, set up their own system of acquiring conscripts; Bragg would secure twenty-five thousand men from areas otherwise unenforced by the Bureau. In districts where the Bureau reached, it was often a different story. In Mississippi, many conscription officers experienced opposition from the general public, and some were even shot; most officers were quite zealous in their work in acquiring men.<sup>56</sup>

John Beauchamp Jones, a clerk in the Confederate War Department, helped form the Bureau of Conscription. In his diary from January 21, 1863, Jones describes his frustrations with the conscription process. Enrollment officers and clerks in the War department are letting men remain home “for a price.” He said even young men in the departments, besides particular situations, will be of no use “when the hurly burly’s done, when the battle’s lost and won.”<sup>57</sup>

### ***Mennonite Reaction to National Conscription***

Mennonites faced a few options to conscription. Eligible men could face court-martial as deserters, hide, or go against their conscience and join the war effort. It did not take long for patriotic Southerners to react to the Mennonite pacifism.

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<sup>53</sup> Wilfred Buck Yearns, *The Confederate Congress* (Athens: University of Georgia Press, 1960), 80-81.

<sup>54</sup> John Henninger Reagan to Jefferson Davis, 11 March 1863.

<sup>55</sup> Theron F. Schlabach, *Peace, Faith, Nation: Mennonites and Amish in Nineteenth-Century America* (Kitchener: Herald Press, 1988), 191.

<sup>56</sup> Wilfred Buck Yearns, *The Confederate Congress* (Athens: University of Georgia Press, 1960), 82.

<sup>57</sup> John B. Jones, *A Rebel War Clark’s Diary*, ed. Earl Schenck Miers (New York: A.S. Barnes & Company, Inc., 1866), 154.

By the end of July, due to no means of religious exemption, many Mennonites were forced to join the Virginia militia. For many Mennonites, the realization that they may have to fight in the war brought a lot of anxiety and turmoil. When Barbara Ziegler Herr's three sons became soldiers she grieved so much that she wished her sons died in their youth.<sup>58</sup> Convicted of their beliefs, several of the men stopped by the house of minister Samuel Coffman (had just been ordained bishop) to pledge their commitment to not killing. The men who were conscripted now experienced the real trial. Christian Good was assigned to the front lines on his first battle. At the end of the battle his captain asked if he had fired his weapon during the battle. "No... I did not shoot." With more questioning, the officer asked "see all those Yankees over there," Good replied, "No, they're people; we don't shoot people."<sup>59</sup>

Some officers, realizing their Mennonite soldiers would not fight, found other jobs for them. Jacob Wenger was only in the militia for seven weeks when he was transferred to working in the garden house. Samuel Brunk was put to work with the Baltimore Railroad and Joseph Nisewander made shoes.<sup>60</sup>

## Petition for Exemption

The new law put Kline to work again to lobby for religious exemption. With the Confederate War Department taking over the conscription process, Kline sent a letter to Colonel John B. Baldwin, the Augusta County Representative in Virginia. In the letter he stated their commitment to not taking up arms, he pointed out the men who have already been incarcerated for their faith, and he asked for a special exemption. He explained how under Virginia's law, pacifists had already paid for exemption and now their rights were becoming null. Kline ended his letter by requesting Baldwin to "use all your power and influence in behalf of us." "For we cannot take up carnal weapons of warfare."<sup>61</sup> Baldwin replied with a suggestion that a petition be made and presented to Congress. The petition is recorded in the *Journal of the Congress of the Confederate States of America*. The journal entry of September 13, 1862 records: "Mr. Baldwin introduced 'memorial from two religious societies asking the benefit of a certain Act of the Virginia Legislature in relation to exemptions."<sup>62</sup> The petition was not read but was sent to the Committee on Military Affairs.<sup>63</sup>

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<sup>58</sup> Theron F. Schlabach, *Peace, Faith, Nation: Mennonites and Amish in Nineteenth-Century America*. (Kitchener: Herald Press, 1988), 199.

<sup>59</sup> James Lehman and Steven M. Nolt, *Mennonites, Amish, and the American Civil War* (Baltimore: John Hopkins University Press, 2007), 58.

<sup>60</sup> *Ibid.*, 58-59.

<sup>61</sup> Brethren and Mennonite Churches to the Senate and House of Representatives of the Confederate States of America, 13 September 1862.

<sup>62</sup> *Journal of the Congress of the Confederate States of America, 1861-1865*, vol. 5, 336.

<sup>63</sup> Rufus D. Bowman, *The Church of the Brethren and War* (Elgin: Brethren Publishing House, 1944), 142.

### ***New Law Allowing Exemption***

On October 11, 1862, the Exemption Act was passed which allowed for “all persons who have been and are now members of the Society of Friends, and the association of Dunkards, Nazarenes, and Mennonites, in regular membership of their respective denominations” can furnish a substitute or pay a tax of five-hundred dollars each.<sup>64</sup> Mennonites could now choose to avoid the precarious substitution system with an exemption tax.

Unfortunately, the new exemption system alienated Mennonites even more. The mandate was done despite the Confederate forces being continually outnumbered by the Union forces. Robert E. Lee’s attack at Second Manassas, the invasion of Maryland, and the bloody battle of Antietam proved to be enormously costly. At home in Virginia, Lee experienced heavy losses as well.<sup>65</sup> Many people were upset over the notion that Mennonites were given protection, rights, and services from the government but felt they were unwilling to contribute to it in a time of dire need. On top of that, Mennonites had a prominent connection with people in the North due to the disproportionate number of northern Mennonites to southern. Mennonites were viewed as a people who were unwilling to die for their nation, and now this un-patriotism was promoted by the State.

### ***John Kline is Murdered***

Kline’s views and actions made him several enemies in Virginia. Many suspected him of enabling draft-eligible men to move to the North. He also had crossed enemy lines several times for national Brethren meetings. In mid-June 1864, Kline was assassinated.<sup>66</sup> The *Rockingham Register* rebuked the assailants but criticized Kline’s views as “erroneous” and his “antagonism . . . to the Confederacy.”<sup>67</sup>

### ***Problems with Exemption***

The Exemption Act helped give Mennonites and other pacifists a way out of military service again. For some, the new national law still created difficulties. In addition, men who had not been baptized prior to the act were not exempted. Such was the case for nineteen-year-old Manasses Heatwole who was drafted into the fifty-second Virginian infantry. Heatwole deserted but would soon after be inducted again to be present in battles up until his last Battle of Gettysburg.<sup>68</sup> For others, giving

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<sup>64</sup> Ibid.

<sup>65</sup> George C. Rable, *The Confederate Republic: A Revolution Against Politics* (Chapel Hill: The University of North Carolina Press, 1994), 154-55.

<sup>66</sup> Ibid., 189.

<sup>67</sup> *Rockingham Register* (Harrisonburg, Va), June 24, 1864.

<sup>68</sup> James Lehman and Steven M. Nolt, *Mennonites, Amish, and the American Civil War* (Baltimore: John Hopkins University Press, 2007), 66.

money, providing a substitute, or doing any job related to War still went against their religious beliefs and they continued to seek immunity.

## Conclusion

The observations of one of the Confederates' most important generals, Stonewall Jackson, along with capturing the fleeing conscientious objectors who offered no resistance were crucial. However, as the South became more desperate near the end of the war, new legislation would remove some of these freedoms.<sup>69</sup> It is clear though that the Mennonite influence and actions were able to change legislation and policy to be beneficial for consciences objectors.

As mentioned earlier, the South would undergo a significant recruitment process mobilizing approximately 750,000 to 850,000 men, which represents seventy-five to eighty-five percent of all eligible draft-age white military men in the Confederacy.<sup>70</sup> Most of the men were volunteers. The efforts of the individual states and the Confederate War Department would only produce approximately 82,000 soldiers.<sup>71</sup> Even though the Mennonites were just a fraction of the available recruits, it appears that they had an impact on the South's attitude about conscription. Because of their opposition to rebellion and war, many faced prejudice and were ostracized from their communities. This offers an example of how a small group in society can have an important impact.

There are some questions that need to be addressed in understanding this topic. In research on the topic, there was no mention of the right of freedom of religion. The *Constitution of the Confederate States of America* guaranteed the right to freedom of religion.<sup>72</sup> What was the Confederates or Virginians' sense of freedom of religion? I also question how strong the notion of states' rights was in their mind and how much that affected legislation change or lack thereof. I also question the impact that Northern conscription legislation had on Virginia or the Confederacy as a whole.

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<sup>69</sup> On December 28, 1863, upon request of President Jefferson Davis, Congress passed a law prohibiting further use of substitutes. This affected Mennonites who relied on a substitute for exemption. On February 17, 1864, Congress passed a law conscripting all white men from age seventeen to fifty. The law would repeal all exemptions except those deemed necessary by the President or any state governor. The law removed the Mennonite exemption from October 11, 1862. However, the law was not very effective in obtaining conscripts because it was enacted near the end of war and numerous Mennonites had already travelled to the North or were in hiding. (Wilfred Buck Years, *The Confederate Congress* (Athens: University of Georgia Press, 1960), 77-89.).

<sup>70</sup> Gary W. Gallagher, *The Confederate War* (Cambridge: Harvard University Press, 1997), 28.

<sup>71</sup> Emory M. Thomas, *The Confederate Nation: 1861-1865* (New York: Harper & Row Publishers, 1979), 155.

<sup>72</sup> Constitution of the Confederate States of America, art. 1, sec. 9.

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