

Witnessing Peace: The Milwaukee Fourteen, 1968-1971

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Much has been written and researched about the antiwar movement during the Vietnam Era. The relatively small segment of Catholic antiwar radicals of this time period have been less examined. This thesis focuses upon the ideas, language, organization, and tactics of the Catholic radicals who employed the “hit and stay” model of protest, in which groups of mostly Catholic activists would break into draft board offices, remove draft files, incinerate or destroy the files, and then wait to be arrested.

This thesis focuses upon one draft board action, perpetrated by “The Milwaukee Fourteen, composed mostly of clergy and Catholic lay people, in September, 1968. In particular, it examines the influence of the Catholic Workers and the philosophy of personalism in the beliefs and motivations of the Fourteen. This influence led most of the participants to view their antiwar action as witness-bearing, rather than simply an effort to impede the draft process in a major city in

the United States.

Through historical monographs focused upon Catholic radicalism, letters from the Fourteen and other archival sources, and through oral interviews, this thesis argues that Catholic Worker influences best explain why and how the Fourteen planned this action, turned their trial into an indictment of the state and the Vietnam War, and bore ultimate witness in prison.

Thesis Adviser (Signature)

Date

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Prelude

Father Nick Riddell addressed the congregation at St. John's Cathedral in Milwaukee at the beginning of Mass on the morning of September 22, 1968. He looked at home in his Roman collar, but St. John's wasn't his congregation, and fifteen young people flanked him behind the ambo. Riddell and the others had just rushed the altar, pushing down the church's rector in the process. Riddell managed a few words about the immorality of the Vietnam War before catcalls from the congregation drowned out his speech: "Love it or leave it!" "Communists!" The protesters continued undaunted, passing out copies of their written statement to the audience. One protester kissed a congregant as she screamed in the protester's face. However, someone notified the authorities ahead of time about the action and the police quickly converged on the uninvited guests.¹ Outside the cathedral, another twenty-five protesters passed out letters addressed directly to Milwaukee's Archbishop William Cousins, demanding that local clergy deliver the antiwar statement to their congregations.²

The St. John's conspirators indicted the Milwaukee Catholic diocese for its lack of action on de facto racial segregation in Milwaukee and its silence on the Vietnam War. Father James Groppi and the NAACP Youth Council exposed raw wounds in the city in the mid-1960s, staging desegregation protests after the city

¹ Jennie Orvino, *Poetry, Politics and Passion: Memoir, Poems, Personal Essays* (Self-published book, 2012), 1.

² William Brown, letter to the editor, *Milwaukee Journal*, 19 September 1968. The St. John's demonstration followed a letter sent by some Milwaukee Catholics to Archbishop William Cousins demanding that he "speak out and condemn the war policy" and "give full support to those who act to resist and change this policy." Cousins did not respond and a meeting for Catholic objectors was scheduled for September 21 at St. George's Church, one day before the protest at St. John's.

redrew school districts to increase segregation.³ Groppi grew to be a national figure in the civil rights movement and by late 1968, he resigned as adviser to the Youth Council and increasingly focused on opposing the Vietnam War.⁴ The action by Riddell and his comrades was the boldest antiwar action yet in Milwaukee, but it would be eclipsed in scope and drama within two short days.

The remainder of the Mass on September 22 was canceled and Riddell and seven others were arrested, including three Milwaukeeans: Mike Cullen, Jerry Gardner and Bob Graf.⁵ It was a homecoming for Cullen, who had staged an eight-day fast in protest of the war several months before at St. John's.⁶ Within 48 hours, Cullen, Gardner, and Graf stood arm-in-arm in downtown Milwaukee with eleven others, praying and singing over nearly 10,000 draft files smoldering at their feet.⁷ The "Milwaukee Fourteen" raided nine draft boards at Milwaukee's downtown Brumder Building on September 24, 1968 and incinerated the files in a park across the street underneath a World War I memorial.⁸ The Fourteen - five Catholic priests, one Catholic Brother, six

³ Barbara J. Miner, *Lessons from the Heartland: A Turbulent Half-Century of Public Education in an Iconic American City* (New York: The New York Press, 2013), 34. Milwaukee redrew the districts in 1963, one year before Groppi and four other Milwaukee priests traveled to Selma to march with Martin Luther King Junior.

⁴ *The Catholic Radical*, September, 1968, The Dorothy Day Collection, Box 3, W-18, Marquette University Archives, Milwaukee, WI. Father Groppi ramped up his anti-war rhetoric by 1967, and speaking on the anniversary of the dropping of the hydrogen bombs on Hiroshima in August of 1967, announced that, "We cannot any longer dominate people overseas and then pretend we are free.

⁵ "40 Antiwar Demonstrators Disrupt Mass at Milwaukee," *The Capital Times*, 23 September, 1968, In addition, Riddell himself was in prison for within the next year for his participation in the Chicago Fifteen draft board action; "14 Arrested for Draft Protests," *The Capital Times*, 25 September, 1968.

⁶ Michael Cullen with Don Ranly, *A Time to Dance: The Michael Cullen Story* (Celina, OH: The Messenger Press, 1972), 96.

⁷ "14 Arrested for Draft Protests," *The Capital Times*, 25 September, 1968.

⁸ "Germania Building Gets Landmark Status," *Milwaukee Journal*, 2 October 1983. The choice of Milwaukee's draft boards proved symbolic because of the history of the Brumder Building. The

Catholic laypeople, and two others - placed themselves in the middle of the national debate about the Vietnam War. The action moved the city, called by some "The Selma of the North" for its battles over civil rights, into a new phase of activism in 1968.

The Milwaukee Fourteen's draft board action fit squarely within the tradition of civil disobedience: all fourteen waited for arrest after the raid, or as they called it, "hit and stay." They sought a federal trial that would reach the greatest number of Americans, through which they would articulate their objections to the Vietnam War, rooted in Catholic personalism, as expressed by the Catholic Workers.

In the simplest sense, Catholic personalism entailed accepting the duty to live out the Gospels each day through one's direct service to others, particularly those forsaken by society. Instead of conceiving personalism as a mass movement, Catholic personalists emphasized that personalism was an individual undertaking, done for moving oneself closer to God. As a result, Catholic personalists like Peter Maurin, Dorothy Day, and the Catholic Workers did not conceive their work as political and explicitly rejected political organizing to achieve any broad objectives. More specifically, Dorothy Day and the Catholic

Brumder family was the largest publisher of a German language newspaper in the United States in the early 20th century. The building was formerly called the "Germania Building," but the name was changed amidst anti-German hysteria and ethnic intolerance during World War I and the female statue named "Germania" was removed from above its front entrance. The name "Germania" was eventually restored in 1981. The building's basement also served as an air defense drill center around the same period that the Catholic Workers in New York were resisting such drills; Letter from George Anderson to Sam Rosen, president of Plankinton and Wells Co. 15 March 1951.; University of Wisconsin-Extension Records, 1896-Ongoing, UWM Archival Collection 71.

Workers interpreted Maurin's personalism to "require one to directly serve one's neighbors, to perform satisfying and useful labor, to reject all forms of violence and coercion, and to live in voluntary poverty."⁹ Doing these things "bore witness" to Christ on earth, or "doing as Christ would do."

The Catholic Workers held distinct personalist precepts that oriented some Catholic activists towards a pacifism grounded in the Gospels. Personalist symbolism and language of the Workers permeated the Milwaukee Fourteen's action, its formal statement to the press, and its trials. This language also subverted the language of the state, which the Fourteen believed helped perpetuate the war and oppress America's underclass. Prison provided the final step in the witness-bearing of the Fourteen, its ultimate expression, alongside the least among them in American society.

Two main objectives drove the Catholic members of the Milwaukee Fourteen: to disrupt the Selective Service system in a major city and to assert their consciences and "bear witness," regardless of the legal consequences for their transgression. The Catholic Workers served as the foundation for the Milwaukee Fourteen's conception of witness-bearing. As a result, understanding the motivations of the Catholic members of the Fourteen requires examination of the ideas of the Catholic Workers.

⁹ Mel Piehl, *Breaking Bread: The Catholic Worker and the Origin of the Catholic Radicalism Tradition in America*. (Philadelphia: Temple University Press, 1982), 25, 97.

Historiography

The historiography of Catholic radicalism reveals an examination of the barriers to widespread acceptance of peacemaking by American Catholics. Most historians identified the Second Vatican Council of 1962 as a watershed moment in creating an environment in which Catholic radicals could emerge in the 1960s to more forcefully resist the Vietnam War and promote social justice. Historians generally assessed the effectiveness of Catholic radicals of the 1960s on the basis of whether the movement effected change in the Catholic Church and the United States federal government. Although these are important criteria, historians have failed to evaluate the movement in a holistic fashion that assesses not only how Catholic radicals of the 1960s changed the Church and the state, but how they advanced issues of social justice domestically, most importantly in the areas of race and gender. Peacemaking entails more within Catholicism than resisting and stopping war. Instead, it requires applying the Gospels to social and economic issues, which necessitates a holistic evaluation of the movement. Ironically, one of the first monographs to interpret Catholic radicalism during the late 1960s included a holistic understanding and assessment of the movement.

James Colaianni's argued in his 1968 monograph, *The Catholic Left: The Crisis of Radicalism Within the Church*, that the central aim of Catholic radicals was to rectify problems within the Church.¹⁰ He asserted that while the victories of "liberals" or "progressives" consisted of superficial changes to the Church,

¹⁰ James Colaianni, *The Catholic Left: The Crisis of Radicalism Within the Church* (Philadelphia: Chilton Book Company, 1968), 1.

radicals confronted deeper problems that spoke to the problems of life.¹¹

Radicals sought to answer deeper questions of the faith out of love for the Church.¹²

The Vietnam War and racial equality were among these deeper questions. Colaianni identified the Second Vatican Council as an important step towards addressing contemporary social ills by stressing positive values.¹³ The Second Vatican Council (Vatican II) convened Church leaders in 1962 to address questions of traditional doctrines and to make the Church more relevant to modernity. Among many other things, Vatican II stressed a need for the Church to address social justice issues. Despite this effort by the Church, Colaianni was uncompromising in his assessment of American Catholicism's relationship with race. Racism within the Catholic Church in America was rooted in its focus on "idolatry" and "out of this world essences."¹⁴ In other words, the Church was not focused on applying the Gospels to the modern world. Thus, the Church itself had to change before it could confront racism. Colaianni also noted the repeated efforts of the Catholic Church in America to conform to the Just War Theory to fit American war excursions and accused the Church of failing to support dissent against the Vietnam War from some Catholics.¹⁵ Thomas Aquinas last articulated the Just War Theory and set forth specific, limited circumstances in which it was morally acceptable to conduct and support war. Colaianni indicted the Church for

¹¹ Ibid., 2; 133.

¹² Ibid., 2, 3.

¹³ Ibid., 17.

¹⁴ Ibid., 38.

¹⁵ Ibid., 62; 63.

its complicity in deferring to the state as the arbiter of morality in the areas of war and peace.

David O'Brien argued in *The Renewal of American Catholicism* that the Church was too focused on internal issues and not the external issues shaping culture during the late 1960s and early 1970s.¹⁶ O'Brien asserted that all Americans were implicated in the war effort, including American Catholics who were no longer marginalized as a minority in an alien country, as they had been earlier in the 20th century.¹⁷ Later monographs reiterated this interpretation of "otherness" among American Catholics before assimilation and acceptance of American cultural and political ideals and norms. O'Brien depicted an age of crisis, in which arguments over basic Church doctrines and the declarations of the Vatican II served as the impetus for challenging traditional doctrines of the Church.¹⁸

Subsequent historians linked the philosophy of personalism to Catholic radicalism in the 1960s. Peter Maurin and Dorothy Day articulated the philosophy of personalism, which emphasized living the gospels in everyday life through service to individuals and through community. The Catholic Workers grew out of personalism, with Day as its leader and young pacifists like future Catonsville Nine and Milwaukee Fourteen members Jim Forest and Tom Cornell among its members.

Like Colaizzi, O'Brien saw the movement as a referendum on not only

¹⁶ David J. O'Brien, *The Renewal of American Catholicism* (New York: Oxford University Press, 1972), 202.

¹⁷ *Ibid.*, xii, 198.

¹⁸ *Ibid.*, xiii, 209.

the Church's position on the war, but also on social justice issues. He connected the turmoil within the Church to a growing sense that the Church was too silent on issues of both the war and the suffering of the poor.¹⁹ O'Brien argued that Phil and Dan Berrigan, Catholic priests who led the Baltimore Four and Catonsville Nine draft office raids, advanced a moral revolution. Like Colaianni, O'Brien argued that the Berrigans fomented radicalism and that political action must follow.²⁰

In contrast to Colaianni and O'Brien, James Hitchcock did not focus blame for the failures of Catholic radicalism on the Church with his 1972 monograph, *The Decline and Fall of Radical Catholicism*. Hitchcock's thesis asserted that Catholic radicals were to blame for their failures, attributing their failures to the fact that Catholic radicals were out of touch with mainstream Catholics, which led to a resentment of the masses by elite radicals.²¹ In contrast to Colaianni, who argued that radical Catholics had deep love for the Church, Hitchcock believed the ultimate goal of some Catholic radicals was the destruction of the Church.²² Ultimately, radicals struggled with faith itself.²³ For other radicals, the goal was not a progressive goal at all, but rather a conservative goal of returning the liturgy to pre-modern traditions.²⁴ Vatican II rendered so-called Catholic radicals to be conservatives.²⁵ As conservatives, they believed structural change was the

¹⁹ Ibid., 212.

²⁰ Ibid., 213, 220.

²¹ Ibid., 98,99

²² Ibid., 95.

²³ Ibid., 131.

²⁴ Ibid., 15.

²⁵ Ibid., 13.

variable upon which just outcomes would occur.²⁶ Beyond the new historical interpretation of radicals as actual conservatives, Hitchcock also broke new ground with reference to the relationship between radicalism and racial politics.

Radical movements to empower Black-Americans emerged around issues of black pride, militancy, and armed self-defense by the late 1960s. Hitchcock argued that while Catholic radicals were comfortable with the black pride movement, they were uncomfortable with similar strains of thought among white ethnic communities.²⁷ Hitchcock set the stage for subsequent monographs that focused upon ethnic and racial stratification in urban areas, like Milwaukee. The Church was torn between healing racial segregation and injustice, and the majority of its members who were ethnic whites, many times fearful and resentful of calls for black equality.

Scholarship dealing with the genesis of Catholic radicalism was lacking in the early 1970s, even though evaluations of the contemporary movement had already begun. Patricia McNeal explored the different factions of Catholic peace organizations from World War One through the post-Vietnam period in 1973. McNeal contended that the American Church and American Catholics were hesitant to support peace measures until the 1960s for several reasons. First, American Catholics supported American entrance to World War One to dispel persistent disloyalty myths surrounding American Catholics.²⁸ In doing this, the Church and American Catholics deferred to the state in matters of war and

²⁶ Ibid., 180.

²⁷ Ibid., 109.

²⁸ Patricia McNeal, "Origins of the Catholic Peace Movement," *The Review of Politics* 35 (July 1973): 348.

peace.²⁹ Placing the state as supreme in matters of such magnitude is problematic for any religion that places its god and its holy text as the ultimate arbiters of momentous issues. Second, American Catholic leadership, like the National Catholic Welfare Council (NCWC), were willing to promote change within the American system towards greater social justice, but unwilling to call for change in foreign policy.³⁰ The idea that peacemaking subsumes more than prevention of war abroad, but also social justice at home, was implicit in the principles of NCWC and other early American Catholic organizations.

McNeal also identified American Catholic pacifism with the Catholic Worker movement, which directly rebuked the just war doctrine and helped sow the seeds of pacifism.³¹ The Catholic Workers most resembled the radical Catholic peace activists of the 1960s with their adherence to the principles of the Sermon on the Mount, the refusal of its members to participate in war, and their call for Catholics to not participate in the making of munitions and resistance to the draft.³² McNeal's interpretation of the Catholic Workers was particularly important because subsequent works by William Au and Charles Meconis used McNeal's research to build upon the influence of the Catholic Worker Movement upon Catholic radicals of the Vietnam Era.

Finally, Patricia McNeal examined conscientious objection during World War II with her next work on Catholic radicalism in 1975, and came to several conclusions. First, while the Church itself never forbade conscientious objection,

²⁹ Ibid

³⁰ Ibid., 347.

³¹ Ibid., 365.

³² Ibid., 367-369.

it also did not promote it, mostly out of its continued desire to appear loyal to the United States³³. Second, conscientious objectors during World War II did not stop the war, but were able to bear witness.³⁴ The act of bearing witness would be rekindled in the 1960s, both in opposition to the Vietnam War, and against racial inequality. McNeal uncovered data that bridged conscientious objection during World War II and the Vietnam War, which demonstrated that more young men sought and achieved conscientious objector status during Vietnam.³⁵ This spoke to the effectiveness of the Catholic radicals of the Vietnam Era, something McNeal addressed in a later work.

Historians applied greater skepticism about the motives and effectiveness of Catholic radicals of the Vietnam Era by the end of the 1970s. In 1979, Charles Meconis, a one-time member of the radical movement, wrote *With Clumsy Grace: The American Catholic Left 1961-1975*. The bulk of the monograph is based upon interviews with Catholic radicals and supplemented with Catholic journals and some monographs. Meconis reached an entirely different conclusion than Hitchcock, arguing that Catholic radicals were successful because they demonstrated that a small group of people could achieve what a large group could, provided they skillfully used the media.³⁶ Meconis referenced draft office raiders like the Catonsville Nine and Milwaukee Fourteen, who had prepared media statements and invited the media to the sites of their sieges immediately

³³ McNeal, "Catholic Conscientious Objection During World War Two," *The Catholic Historical Review* 61 (April 1975): 242.

³⁴ Ibid

³⁵ Ibid., 222.

³⁶ Charles Meconis, *With Clumsy Grace: The American Catholic Left 1961-1975* (New York: The Seabury Press, 1979), 144.

after they occurred. Meconis also concluded that radicals were successful because they affected the political system, influencing Lyndon Johnson decision not to run for a second term and forcing Nixon to try to stop the war early in his first term.³⁷

Meconis broke new ground in identifying new interpretations of civil disobedience brought about by Catholic radicals in the Vietnam Era. First, the sieges upon selective service offices established that attacks upon property were legitimate and called into question the right of some property to exist.³⁸ Second, the flight from justice of Daniel Berrigan after the trial of the Catonsville Nine put forward the idea that such flights from justice were merely ways of extending disobedience rather than avoidance of the consequences of civil disobedience.³⁹ Given that there were many “copycat” episodes of draft office sieges after Catonsville, the promotion of extended flights from justice represented a radical challenge to the state.

Meconis also devoted much of his analysis of radical Catholicism to examination of the forerunners of the movement of the 1960s. He attributed its origins to the pacifist Catholic Worker Movement, founded by Dorothy Day and Peter Maurin.⁴⁰ In contrast to Hitchcock’s assertion that Catholic radicals were ultimately conservatives, tying the movement of the 1960s to the Catholic Workers rendered it radical and extremist.

Three years after Meconis wrote *With Clumsy Grace*, Mel Piehl undertook

³⁷ Ibid., 148.

³⁸ Ibid., 144,145.

³⁹ Ibid., 146.

⁴⁰ Ibid., 1.

closer examination of the Catholic Worker Movement and its influence on Catholic radicals of the 1960s. Piehl took the position that radical Catholics during the Vietnam War era failed because they did not stop the war.⁴¹ Piehl subjected Catholic radicals of the Vietnam Era to a less nuanced, narrower assessment than others before or since. Piehl credited radicals with bringing the Just War Doctrine back into prominence, which caused many to think about the war in the kind of moral terms and with some of the considerations contained within the Just War Doctrine.⁴² He also examined extensive interviews with Dorothy Day, analyzed editions of *Catholic Worker* magazine, and scholarly journals and books, to delve into personalism.⁴³

Examination of the precursors to Catholic radicalism in the 1960s spawned an even deeper examination of these origins two years later, with William Au's "American Catholics and the Dilemma of War 1960-1980." Au argued that American Catholics were among the last to come to the peace movement because of their consistently nationalist stances, born of a need to be integrated into American society.⁴⁴ Au built upon the work of Patricia McNeal by positing that, for Catholic Workers, the struggle of the post-war period was not East versus West, but Christianity versus modern culture, with the Catholic Workers dissenting from the traditional support of Americanism.⁴⁵ This left Catholic radicals in the 1960s outside the mainstream, precisely where one

⁴¹ Piehl, *Breaking Bread*, 237.

⁴² *Ibid.*, 239.

⁴³ *Ibid.*, 249.

⁴⁴ William Au, "American Catholics and the Dilemma of War 1960-1980," *U.S. Catholic Historian* 4 (1984): 49.

⁴⁵ *Ibid.*, 54-55.

would expect them. Au argued that although American bishops grew more willing to tackle peace issues as the era proceeded, radical Catholics failed to make their position understandable to the larger Catholic population in America.⁴⁶

Au published a monograph the following year, *The Cross, The Flag, and the Bomb*, and expanded his examination of Catholic radicalism. He delved deeper into the origins of radicalism and also offered an appraisal of the movement. Au's thesis was that peace represented different things to different Catholics, even as prominent Catholics in the Vietnam Era called on them to embrace a revolutionary agenda.⁴⁷ Au's thesis broke from previous monographs that tended to treat the movement as monolithic. Despite his recognition of a fragmented movement, Au judged it from a personalist paradigm.

Au argued that personalist Catholic Workers had always been "countercultural," embracing the "foolishness of the cross," which meant that their efforts were not actually a search for success.⁴⁸ Au was thus asserting that judging the movement upon whether it "succeeded" in the sense of inhibiting or stopping the war is a mistake. Instead, it must be evaluated according to whether it achieved the goals of personalism. Au argued that the movement faded away because it was simply a temporary means of "doing something."⁴⁹ Au continued the trend of tying the Catholic Worker movement and the writings of Thomas Merton inextricably to Catholic radicalism in the 1960s. Merton, a Trappist monk

⁴⁶ Ibid., 75; 74.

⁴⁷ Au, *The Cross, The Flag, and The Bomb: American Catholics Debate War and Peace, 1960-1983* (London: Greenwood Press, 1985), xv.

⁴⁸ Ibid., 25.

⁴⁹ Ibid., 153.

and prolific author, was a common inspiration for both Catholic Workers and Catholic radicals.

Merton exemplified the lack of deference to the state among Catholic radicals in the 1960s. He was a frequent correspondent with Dorothy Day and Milwaukee Fourteen member Jim Forest. James J. Farrell's 1995 examination of Merton is important because it expanded upon the uniquely Catholic phenomenon of deference to the state in matters of war and peace. Farrell asserted that although Merton had strong influence upon the Catholic peace movement, he did not have a profound influence upon the Church.⁵⁰ Merton believed the dominance of the state in making decisions of war and peace, and, most especially about the use of nuclear weapons, enabled mass murder.⁵¹ Like the personalist Catholic Worker Movement that influenced him, Merton was unable to effect change within the hierarchy of the Church regarding Just War Doctrine and nuclear war. Farrell validated Patricia McNeal's focus upon the Just War Doctrine by demonstrating that it was used by the Church to justify its refusal to condemn the possession and use of nuclear weapons.

McNeal revisited her earlier examinations of Catholic radicalism with her monograph, *Harder than War: Catholic Peacemaking in the Twentieth Century*. Much of it mirrors her previous articles on Catholic peacemakers, most especially her analysis of early twentieth century Catholic peace organizations and her continued interpretation of the Just War Doctrine as the lynchpin for moving the

⁵⁰ James J. Farrell, "Thomas Merton and the Religion of the Bomb," *Religion and American Culture* 5 (Winter, 1995): 90.

⁵¹ *Ibid.*, 89.

Church towards condemnation of nuclear weapons and active support of conscientious objection. However, in *Harder than War*, McNeal was able to include analysis of the “children” of these earlier organizations, the pacifist Catholic Peace Fellowship, out of which the Berrigans emerged and focused upon helping conscientious objectors, and Pax Christi-USA, which pushed the Church towards condemnation of nuclear weapons in the 1970s and 1980s through education.⁵²

In McNeal’s newest writing on the movement, she asserted that it was a peace movement and not an antiwar movement.⁵³ This assertion implied what had been obscured in many evaluations, namely that to Catholic radicals, “peace” entailed more than stopping the war, but achieving social justice at home.

Social justice included racial equality for many Catholic radicals in the 1960s. At the same time, Catholic radicals were often detached from racial equality movements by the late 1960s. John T. McGreevey’s 1996 monograph, *Parish Boundaries: The Catholic Encounter With Race in the Twentieth Century Urban North* was a critical addition to understand this disconnect.

McGreevey identified Vatican II as a dividing point for Catholic radicals, after which they became more active in opposing racial inequality.⁵⁴ However, for most Catholics, racial divisions persisted. McGreevey made critical inroads into

⁵² McNeal, *Harder Than War: Catholic Peacemaking in the Twentieth Century* (New Brunswick: Rutgers University Press, 1992), 95.

⁵³ *Ibid.*, 171.

⁵⁴ John T. McGreevey, *Parish Boundaries: The Catholic Encounter in the Twentieth Century Urban North* (Chicago: The University of Chicago Press, 1996), 215.

explaining why. First, McGreevey noted that Catholics were more attached to neighborhoods than non-Catholics and frequently defined their surroundings in religious terms.⁵⁵ Consequently, blacks migrating into white ethnic neighborhoods in the North faced de facto segregation and discrimination,⁵⁶ and white Catholics saw their new neighbors as threats to social order.⁵⁷

Like McNeal and other historians, Anne Klejment and Nancy Roberts identified the need for American Catholics to assimilate in the early 20th century and later Cold War hysteria as reasons for their hesitancy to question America's war policies.⁵⁸ This troubled Dorothy Day, as did the seeming ease with which Catholics adapted to America and these policies.⁵⁹ The authors argued that the pacifist movement, which included Day's Catholic Workers, was the first to criticize American policy in Indochina.⁶⁰ Furthermore, *The Catholic Worker* newspaper, run by people like Jim Forest and Tom Cornell, educated American Catholics about the pacifist tradition of the Church.⁶¹ Cornell and Forest also created the Catholic Peace Fellowship, to involve Catholic Workers and other radicals in direct political action. Klejment and Roberts asserted that Day eventually disapproved of these raids, fearing they could force emotionally immature young men into situations for which they were unprepared and could

⁵⁵ Ibid., 20; 4.

⁵⁶ Ibid., 53.

⁵⁷ Ibid., 215.

⁵⁸ Anne Klejment and Nancy L. Roberts, "The Catholic Worker and the Vietnam War," in *American Catholic Pacifism*, edited by Anne Klejment and Nancy L. Roberts (London: Praeger, 1996), 154.

⁵⁹ Ibid.

⁶⁰ Ibid., 156.

⁶¹ Ibid., 158.

inspire violence.⁶²

Klejment and Roberts concluded that the peace movement led by Catholic radicals had several achievements: It convinced many Catholics to look at issues of peace, it influenced every level of the Church, it helped increase opposition to the war and it ultimately helped end the war.⁶³ However, the authors argued that “measurement of the good done by Christians violated the spirit of Christ’s sacrifice,” reflecting arguments made by Thomas Merton.⁶⁴ In other words, the effects of the social and political actions of Catholic radicals in the 1960s defied conventional metrics.⁶⁵

James Farrell’s *The Spirit of the Sixties* viewed the 1960s through a personalist lens. Farrell argued that Peter Maurin and Dorothy Day injected the language of personalism into American radicalism through their Catholic Worker organization, connecting the various reform movements of the 1960s, including the radical peace movement.⁶⁶ All of them subscribed to alternative notions of personhood that countered the depersonalization of American culture.⁶⁷ Farrell asserted that the peace movements of the 1960s adopted a personalism similar to that of the civil rights and “ban the bomb” movements of the 1950s.⁶⁸ Farrell described the personalism brought by Maurin to the United States from France in the 1930s as a conservative philosophy that holds persons as sacred and

⁶² Ibid., 162.

⁶³ Ibid., 165.

⁶⁴ Ibid.

⁶⁵ In recent years, Klejment has contributed chapters to two monographs related to Catholic peacemaking, with one contribution comparing Dorothy Day to Cesar Chavez.

⁶⁶ Farrell, *The Spirit of the Sixties: The Making of Postwar Radicalism* (New York: Routledge, 1997), 10.

⁶⁷ Ibid.

⁶⁸ Ibid., 8.

believes persons are only fulfilled when they are parts of communities, connected with one another.⁶⁹ At its root, personalism represents the recognition of the inherent dignity that should be afforded to all persons. Farrell's enumeration of specific characteristics of personalism help explain why personalism connected a civil rights activist to a draft office raider during this era.

Farrell argued that personalism created a universal language among seemingly disparate social justice and peace groups in the 1960s.⁷⁰ He also argued that personalism reinvigorated activism in the 1960s because it provided radicals with a spiritual foundation, thus creating a common language.⁷¹ Most interestingly, Farrell characterized this development as conservative, because it was a return to traditional religious conceptions of the person as sacred and the responsibility of all persons to all other persons.⁷² This recognition of sacredness of the individual and mutual responsibility manifested itself in opposition to both capitalism and communism.⁷³

Farrell concluded that personalism helped achieve marked improvements in the push towards social justice in the 1960s. He argued the personalism was

⁶⁹ Ibid., 11, 18.

⁷⁰ Ibid., 16.

⁷¹ Ibid

⁷² Ibid., 18.

⁷³ Ibid, 11. Farrell listed several defining characteristics of personalism that linked different social justice and peace movements of the 1960s: Focus upon the poor and oppressed (In America, Vietnam and elsewhere), distrust of capitalism and the state, the need for political and cultural change to value persons, the need for communal values to achieve community, the application of moral and religious values to politics and a hatred for the hypocrisy of not living out one's personal values. This paradigm has some merit because commitment to the poor, political and cultural change and applying moral values to politics could be seen across the civil rights and peace movements. At the same time, the dominant forces in the civil rights movement did not generally question capitalism at its root, nor did they advocate anarchistic beliefs.

an impetus for civil rights legislation and helped to bring down segregation.⁷⁴ He argued it created a greater focus on the poor.⁷⁵ Furthermore, radicals prompted changes in draft policy, which was the impetus for an all-volunteer army, helped bring an end to the war and made future foreign interventions by the state more difficult.⁷⁶

In contrast to Farrell, Penelope Adams Moon argued for a lack of cohesion among peace activists. Moon asserted in her 2003 article, "Peace on Earth: Peace in Vietnam: The Catholic Peace Fellowship and Antiwar Witness," that Catholic radicals initially differed from other peace activists in motives and methods.⁷⁷ Moon focused upon the efforts of the Catholic Peace Fellowship and argued that Catholic radicals should be assessed not upon their effects on the war, but rather their effects on the Church.⁷⁸ Moon also asserted that lay people within the Church drove efforts for peace and social justice and too much focus was placed upon priests and Church leaders.⁷⁹ Moon used this interpretation to analyze the relationship between the CPF and the Church.

Moon concluded that CPF and other Catholic radicals were largely successful. She argued that Catholic radicals changed the peace movement by shifting the peace movement from simply raising consciousness to actively crippling the machinery of war and leading secular peace activists to adopt

⁷⁴ Ibid., 254, 255.

⁷⁵ Ibid

⁷⁶ Ibid., 255.

⁷⁷ Penelope Adams Moon, "Peace on Earth: Peace in Vietnam: The Catholic Peace Fellowship and Antiwar Witness, 1964-1976." *Journal of Social History* 36 (Summer 2003): 1035.

⁷⁸ Ibid

⁷⁹ Ibid., 1034.

Catholic language and concepts.⁸⁰ However, Moon missed an opportunity to explicitly connect this to Catholic Worker personalism. Moon further argued for the success of Catholic radicals by citing measurable results: Scores of similar draft board raids after Catonsville and a rise in the number of conscientious objectors.⁸¹ Subsequent monographs drew less enthusiastic conclusions about the effectiveness of the movements.

Marian Mollin focused upon the issue of sexism within Catholic radicalism more than any other historian. She traced the strain of sexism in the peace movement back to the post-World War Two era. Mollin examined the Journey of Reconciliation, a forerunner of the Freedom Rides of the 1960s, and concluded that the effort “valued male risk-taking and sacrifice over female participation.”⁸² Mollin described Catholic antiwar radicals of the 1960s as a community in which activists applied pressure to each other to act.⁸³ However, the usual means of applying pressure was through calls to masculinity and putting themselves on the line.⁸⁴ By implication, this meant that failure to act and put oneself on the line was not only a failure as a Christian, but a failure as a man and to thus be feminine. Mollin argued that women in the movement were expected to be subservient to male leadership and play a supporting rather than a leading role.⁸⁵

Ultimately, the lack of women limited the egalitarian message of radical

⁸⁰ Ibid., 1044.

⁸¹ Ibid., 1045, 1047.

⁸² Marian Mollin, “The Limits of Egalitarianism: Radical Pacifism, Civil Rights, and the Journey of Reconciliation,” *Radical History Review* 88 (Winter 2004): 130.

⁸³ Mollin, “Communities of Resistance: Women and the Catholic Left of the Late 1960s,” *The Oral History Review* 31 (Autumn 2004): 38-39.

⁸⁴ Ibid., 41.

⁸⁵ Ibid., 43-44.

pacifists after World War II.⁸⁶ Mollin noted the irony of the patriarchal structure of the movement by arguing that it closely resembled the militarist model that radicals decried.⁸⁷ If the war machine was the genesis of inequalities in society, then it is not surprising that adherence to this hierarchical model also created inequalities within the radical Catholic peace movement.

Mollin advanced previous examinations of the disconnection between Catholic radicals and the civil rights movement. Mollin argued that a lack of shared belief in pacifism cause initial disconnects between radical peace activists and civil rights activists after World War Two.⁸⁸ Mollin traced this disconnect to the 1960s, as white radical pacifists often failed to share common goals with the civil rights movement.⁸⁹ Mollin contended that radical pacifists alienated themselves from the Black Power movement before black power activists disassociated themselves from radical peace activists.⁹⁰

Shawn Michael Peters' 2012 monograph, *The Catonsville Nine: A Story of Faith and Resistance in the Vietnam Era*, addressed several gaps in previous analyses of Catholic radicalism in general, and the Catonsville Nine in particular. While not as focused on the issue of sexism within the Nine and the larger movement, Peters agreed with Mary Moylan's charges of male chauvinism.⁹¹ Peters also tackled the question of whether the siege at Catonsville truly

⁸⁶ Ibid., 43-44.

⁸⁷ Mollin, *Radical Pacifism in Modern America* (Philadelphia: University of Pennsylvania Press, 2006), 130.

⁸⁸ Mollin, "The Limits of Egalitarianism," 130.

⁸⁹ Mollin, *Radical Pacifism in Modern America*, 4.

⁹⁰ Ibid., 5.

⁹¹ Shawn Michael Peters, *The Catonsville Nine: A Story of Faith and Resistance in the Vietnam Era* (New York: Oxford University Press, 2012), 302.

constituted a non-violent act, concluding that the siege was, in fact, an act of violence.⁹²

Peters expanded the understanding of the larger movement by invoking the term “liberation theology” to describe the principles of the Nine.⁹³ This was an important addition because it could help differentiate simple efforts of disobedience by non-Catholic peace activists from Catholic radicals, like the Berrigans, who interpreted the gospels as a dictum to act against injustice.

Ultimately, Peters’ conclusions mirrored those of McNeal’s. Peters judged the Nine and the larger movement of Catholic radicals as failures in substantially affecting the state, due to its failure to cripple the draft.⁹⁴ Peters did credit the Nine with changing the Church by promoting a break from its inherent conservatism and inspiring individual Catholics.⁹⁵ However, by accepting the same premise as McNeal, that peacemaking and liberation theology required acting against social, economic and political repression, Peters neglected to assess the effectiveness of the Nine in a holistic manner that goes beyond stopping the war.

Historical scholarship about Catholic radicalism in the 1960s has been consistent in several areas. It has identified the need for Catholics to prove their loyalty to America and to defer decisions about war and peace to the state as barriers to peacemaking. It has noted the influence of groups and individuals like the Catholic Workers and Thomas Merton upon the movement in the 1960s. It

⁹² Ibid., 133.

⁹³ Ibid., 63.

⁹⁴ Ibid., 329.

⁹⁵ Ibid., 329-330.

has consistently argued the significance of Vatican II as empowering force upon the movement. Finally, assessments of the movement have measured its effectiveness according to its effects upon individual American Catholics and the Church itself, along with its effects upon the state.⁹⁶

⁹⁶ Tim Thering, "The Milwaukee Fourteen: A Burning Protest against the Vietnam War," *Wisconsin Magazine of History* 101 (Winter 2017): 28-43. Thering published the most recent analysis of the Fourteen. Thering weaves the story of the Fourteen into the story of civil rights activism in Milwaukee at the time, along with analysis of the American Church's inaction in response to Catholic objections to the Vietnam War.

Chapter 1 - Roots of the Witness

The Milwaukee action was the third in a succession of raids on Selective Service offices in the United States. The first Selective Service office action took place in Baltimore in 1967, led by Father Philip Berrigan and three other Catholics. Then, in May of 1968, Phil Berrigan, his brother, Father Daniel Berrigan, and seven other Catholics raided a draft office in Catonsville, Maryland and destroyed nearly four hundred draft files. The Berrigans became folk heroes within the Catholic peace movement.⁹⁷ None of the Milwaukee Fourteen approached the notoriety of the Berrigan brothers, yet the Milwaukee action was the most crucial of the three because it demonstrated that the draft board actions could continue without the direct participation of the Berrigans, who, by that point, were facing a criminal trial of their own.

The Berrigans provided an organizational model for the Milwaukee Fourteen. However, the Catholic Workers provided the greatest theological inspiration for the Catholic members of the Fourteen. As a result, the actions and language of the Catholic members of the group - Donald Cotton, Mike Cullen, Robert Cunnane, Jerry Gardner, Jim Forest, Bob Graf, Alfred Janicke, Antony Mullaney, Basil O' Leary, Fred Ojile, and Larry Rosebaugh - are best understood through careful consideration of Catholic personalism of the Workers, along with

⁹⁷ Catholic Church historians William Au and David O'Brien both agree that the Berrigans challenged American Catholics to rethink what it meant to be Catholic through their protests and pronouncements.

the ideas of Dan Berrigan and the Trappist monk and author, Thomas Merton.⁹⁸ While the Workers had limited influence over the larger antiwar movement, they were extremely influential over Catholic peace activists by the late 1960s.

Peter Maurin, a French immigrant and former Catholic Brother, and Dorothy Day, a journalist, created the Catholic Workers in 1933 and became the “first radical social critics in American Catholicism” who advocated “radical Gospel perfectionism.”⁹⁹ Maurin’s understanding of Catholic personalism, which sought to live out the Gospels in the modern world through direct service to the poor in “houses of hospitality,” formed the basis of Worker philosophy. Day created *The Catholic Worker* newspaper to disseminate these ideas. Maurin and Day interpreted the Gospels to require communal living and voluntary poverty, which differentiated the Workers from many Protestant personalists.¹⁰⁰ The Workers also reconceived the monastic tradition by often giving up a family of their own and the freedom to choose a secular vocation. As Fourteen member Jim Forest remarked, “Faith that isn’t lived out isn’t much of a faith.”¹⁰¹

Maurin’s vision was “radical” in the sense that it condemned the materialism of modern capitalist and communist systems and called for a fundamental change to American values. It was a call to, as Maurin stated, “Build

⁹⁸ Mark Zwick and Louise Zwick, *The Catholic Worker Movement: Intellectual and Spiritual Origins* (New York: Paulist Press, 2005) 56, 57. Several of the Fourteen were friends with the Berrigans and Merton prior to the Milwaukee action; Merton, like Day, was a Catholic convert in his twenties, and he attributed his conversion to the Catholic Workers.

⁹⁹ Piehl, *Breaking Bread*, 25; 95.

¹⁰⁰ Day frequently cited Maurin as the source of her theological development. Some scholars argue she overstated Maurin’s influence upon her. James Terence Fisher, for instance, argues in *The Catholic Counterculture in America, 1933-1962* that Maurin was merely a “symbolic figurehead,” who enabled Day to “forge a new spiritual posture from traditional symbols.” 28, 29; 39.

¹⁰¹ Jim Forest, interview with author, October 1, 2014.

a new society within the shell of the old with the philosophy of the new, which is not a new philosophy at all, but a very old philosophy, a philosophy so old that it looks new.”¹⁰² The Workers’ vision was thus radical and “prophetic in that it works to transform tomorrow,” yet conservative in its call to return to foundational Christian precepts.¹⁰³

The Workers believed in the primacy of people over property, rooted in Maurin’s revival of the concept of “The Mystical Body of Christ.” Under this view, Christ forms the head, while the Church forms the body. Workers “witness” God by emulating Christ, through sacrifice and in service to the forsaken, with the goal of making God omnipresent in the world.¹⁰⁴ Consequently, the Catholic Workers believed they were closest to God when directly serving the poor. Maurin proselytized that humans follow Christ by becoming poor, which leads the way to salvation.¹⁰⁵ Thus, serving the poor became the most important ingredient in restoring the Mystical Body of Christ.¹⁰⁶ The Catholic members of the Fourteen conceived of this service as a call to self-sacrifice to spare potential draftees.

The Fourteen bore witness by sacrificing for poor Milwaukeeans who were especially victimized by the Selective Service system.¹⁰⁷ At the same time, the

¹⁰² Peter Maurin, “Communes” in *Easy Essays* <http://www.easyessays.org/> (accessed 5, August, 2015).

¹⁰³ Daniel DiDomizio, “Prophetic Spirituality of the Catholic Worker,” in *A Revolution of the Heart: Essays on the Catholic Worker*, ed. Patrick G. Roy (Philadelphia: Temple University Press, 1988), 236.

¹⁰⁴ William D. Miller, *A Harsh and Dreadful Love: Dorothy Day and the Catholic Worker Movement* (New York: Liveright, 1973), 4.

¹⁰⁵ Marc H. Ellis, *Peter Maurin: Prophet in the Twentieth Century* (New York: Paulist Press, 1981), 71.

¹⁰⁶ James Terence Flsher, *The Catholic Counterculture in America, 1933-1962* (Chapel Hill: The University of North Carolina Press, 1989), 15. Fisher also argues that Day wanted to be an “outcast and exploited outsider who is violated by an unsympathetic, impersonal society.”

¹⁰⁷ All of the Fourteen, including the non-Catholic members, subscribed to this opinion.

action was personally redemptive: the Fourteen “mortified themselves by the ‘cleansing fire’ of burning draft files for which they were arrested, but their victimage ritual simultaneously included serving as scapegoat for the larger American public guilt.”¹⁰⁸ Most of the Catholic members of the Fourteen believed in part they were making themselves suffer for the sins of Americans who tacitly approved of the draft system and the war. The Milwaukee action was both penance and also atonement by sacrificing for the sake of others. The person practicing this mortification “must, with one aspect of himself, be saying no to another aspect of himself.”¹⁰⁹

The language the Milwaukee Fourteen employed in their statement and at their criminal trials seemed straightforward enough for public consumption. However, their words had deeper meanings which employed the “transvaluation” or reappropriation of language according to Catholic Worker principles and Catholic personalism. “Their resistance was a sacrificial drama with deep symbolic meanings that focused on transvaluing the disordered practices of a war culture.”¹¹⁰ Their use of napalm exemplified this, using a tool of disorder and destruction and reappropriating it as a tool of order and security by making it incinerate the very papers that perpetuated the victimization of the poor.¹¹¹

¹⁰⁸ Chris Oldenburg, “Redemptive Resistance through Hybrid Victimage: Catholic Guilt, Mortification, and Transvaluation in the Case of the Milwaukee Fourteen,” *KB Journal: The Journal of the Kenneth Burke Society* 9. (Fall, 2013): 2-8.

¹⁰⁹ Ibid.; Merriam-Webster’s Online Dictionary defines mortification as: “the subjection and denial of bodily passions and appetites by abstinence or self-inflicted pain or discomfort.”

¹¹⁰ Ibid

¹¹¹ McNeal, *Harder Than War*, 209. The ultimate linguistic origins of the Fourteen trace to the Catholic Worker tradition, along with some of the ideas of Dan Berrigan and Thomas Merton. The Berrigans themselves acknowledged that they, along with the ultra-resistance that targeted Selective Service centers, grew out of the Catholic Worker tradition. Oldenburg mentions the

The Baltimore, Catonsville, and Milwaukee draft raid participants had tangible goals: each intended to impede the Selective Service System and save human lives. The Milwaukee action was particularly brazen, targeting a far greater quantity of files in comparison with the Catonsville action. However, some of the Milwaukee participants also intended to bear witness and effect change on a societal level. At the same time, personalism emphasizes that change must start with the individual.¹¹² Therefore, witness-bearing melded the need to break through the shell of fear that permeated modern American society during the Vietnam War and assert one's conscience, with acceptance that all Americans were complicit in the system that allowed the war.¹¹³ Unsurprisingly, the testimony and statements of the Fourteen dwelled on these abstract ideas. Mike Cullen later described the Milwaukee action as mostly a symbolic act: "We were burning what's so real in our society - not files, but fear."¹¹⁴ Dorothy Day believed this fear emanated from the fact that Catholics in particular did not realize they had the ability to live out the Gospels.¹¹⁵ The Fourteen sought to alleviate this fear and demonstrate to Catholics and other Americans that they possessed the

Catholic Workers and the Clergy and Laymen Concerned as "organizations with whom Catholic activists collaborated."

¹¹² Nancy L. Roberts, *Dorothy Day and the Catholic Worker*: (Albany: State University Press, 1984), 8.

¹¹³ Jim Forest, *Milwaukee 14 at Trial, May 12-26 and June 6, 1969 A.D.: Extracts from Transcript* (Typewritten), May 19, 1969, 21. This view was generally shared by the Milwaukee Fourteen and is tied to the common influences they shared with the Catonsville Nine. For instance, Basil O'Leary was influenced by the writings of Thomas Merton, which convinced him that he too was complicit in the unjust action in Vietnam by not acting himself.

¹¹⁴ Cullen, *A Time to Dance*, 130.

¹¹⁵ Zwick, *The Catholic Worker Movement*, 83; *Loving Our Enemies: Reflections on the Hardest Commandment* (Maryknoll, NY: Orbis Books, 2014), 60. Jim Forest argues that human beings are often "trapped in fear, we are powerless to become disciples. As a result there is very little we can do about the double commandment: to love God and love one another."

freedom to sacrifice for their brothers and sisters and stop the war they allowed to continue by their inaction.¹¹⁶

Both Catholic personalists and secular peace activists focused upon saving the lives of American draftees and the Vietnamese. Both contingents were willing to directly confront the draft system. However, personalist interpretations of the Gospels provided a unique moral and personal justification for making these sacrifices: by saving lives, they were serving God and working towards their own salvation. Maurin argued such salvation was secondary: “The gospel demands of justice, forgiveness, compassion and nonviolence. In this spirit one’s own good does not come first, but rather the good of the other. The common good is primary.”¹¹⁷

The latter was particularly important in facing the draft because restoring the Mystical Body could not be immediate. Thus, Dorothy Day argued against a fixation upon results. She stated: “We believe that success, as the world determines it, is not the criterion by which a movement should be judged. We must be prepared and ready to face seeming failure.”¹¹⁸ Thomas Merton also wrote to Jim Forest:

¹¹⁶ Rosalie Riegle Troester, *Voices from the Catholic Worker* (Philadelphia: Temple University Press, 1993), 196. Forest related fear to war in the following manner: “Peace has to have something to do with helping people overcome that fear. If you manage to reinforce the fear, no matter under what banner you’re doing it, you’re contributing to the problem of war.”

¹¹⁷ Geoffrey B. Gneuchs, “A Revolution of the Heart: Essays on the Catholic Worker,” in *A Revolution of the Heart: Essays on the Catholic Worker*, ed. Patrick G. Roy (Philadelphia: Temple University Press, 1988), 51.

¹¹⁸ Piehl, “The Politics of Free Obedience,” in *A Revolution of the Heart: Essays on the Catholic Worker*, ed. Patrick G. Roy (Philadelphia: Temple University Press, 1988), 233, 234. Mark Massa argues in *The American Catholic Revolution: How the Sixties Changed the Church Forever* that Jesus instructed his disciples to avoid the compromise that requires them to submit to the demands of the state and the world at the expense of the traditional interpretation of the Sermon on the Mount. By rejecting this compromise, Christians should have no more hope for success

The big results are not in your hands or mine, but they suddenly happen, and we can share in them; but there is no point in building our lives on this personal satisfaction, which may be denied us and which after all is not that important...the real hope...is not in something we think we can do but in God who is making something good out of it in some way we cannot see. If we can do His will, we will be helping in this process. But we will not necessarily know all about it beforehand.¹¹⁹

Dan Berrigan hoped his actions would have immediate effects. However, he concluded that “it seems as though the more godly a work is, the less likely is its accomplishment in one’s own lifetime.”¹²⁰ Catholic personalism was on one hand perfectly compatible with the practical goal of saving the lives of American draftees and the Vietnamese, which they shared with secular antiwar activists. On the other hand, it provided a moral and personal justification for making these sacrifices: by saving lives, people like the Fourteen were serving God and working towards their own salvation through their witness.¹²¹ Therefore, the Catholic members among the Fourteen should also be judged by their

than Jesus. 117. William Au argues in *The Cross, the Flag, and the Bomb*: that “The Catholic Worker ethic is basically a commitment to the ‘foolishness’ of the cross and not a search for success.” 25.

¹¹⁹ Forest, *Loving Our Enemies*, 32.

¹²⁰ George M. Anderson, “Daniel Berrigan at 75: An Interview,” *America* (April, 27, 1996): 14-18.

¹²¹ Gneuhs, “A Revolution of the Heart: Essays on the Catholic Worker,” 5. Maurin believed the common good occurred when every individual could live out “the gospel demands of justice, forgiveness, compassion and nonviolence. In this spirit one’s own good does not come first, but rather the good of the other. The common good is primary.”

faithfulness to witnessing Christ according to the principles articulated by Day and Maurin.¹²²

The final Catholic Worker principle that influenced the Fourteen was the pacifism Maurin and Day saw as the defining commandment of the Gospels.¹²³ The Book of Matthew commanded Christians to love their enemies and turn the other cheek, thus calling on human beings to renounce all forms of violence. This pacifism was expressed in the Milwaukee action twofold. First, the Fourteen worked to avoid any act that could in any way be construed as violence, most importantly by any individuals in the building at the time of the raid. The Fourteen and their conspirators planned to minimize the number of possible confrontations with any people working at the Brumder Building. Second, they intended to internally and externally restore peace. External peace meant stopping the war and sparing the Vietnamese and American draftees. Internal peace meant redirecting resources to the poor that were instead directed to the war, thus oppressing the poor at home and abroad. To Catholic personalists, order in accordance with the Gospels entailed peace, while oppression of the poor

¹²² Gordon Zahm, "Confessions of a Sometime Radical," Gordon Zahm Papers, University of Notre Dame Archives, Notre Dame, IN. Box 2, Folder 1980. Zahm, an American Catholic pacifist and native Milwaukeean, wrote that some of the Fourteen told him that the action must be judged solely as an act of bearing witness. Zahm objected to this conclusion because the calls to the press beforehand "to make communication," spoke to objectives beyond merely bearing witness; Rosalie G. Riegler, *Doing Time for Peace: Resistance, Family, and Community* (Nashville: Vanderbilt University Press, 2012), 34. Cullen later said the action was "very prayerful, actually, waiting for arrest, because it was a witness, a stand-around action. For me, that's where it takes on its real meaning."

¹²³ Members of the Fourteen like Forest and Graf are expressly pacifist. However, Doug Marvy was not only non-pacifist, but expressly anti-pacifist.

represented disorder and war. In fact, they did not see a division between external and internal peace. There was either peace or disorder.¹²⁴

This definition of peace is rooted in the Catholic personalist principles of the Workers, which held that the modern capitalist system dehumanizes individuals both economically and spiritually. This created conflicts at home and abroad as people were reduced to objects, which created a disorder that destroyed community and denied the fundamental truth that God is present in all individuals. As Dan Berrigan later articulated in his statement on the eve of the Catonsville Nine action, “We say: killing is disorder, life and gentleness and community and unselfishness is the only order we recognize. For the sake of that order, we risk our liberty, our good names.”¹²⁵ Mike Cullen also lamented that “we at Casa were devoting our whole lives to keeping people alive when our government was spending billions to kill and perverting and destroying our young men by forcing them to kill - and to be killed?”¹²⁶

The Milwaukee action was a continuation of the Worker tradition of war resistance. Most Catholic pacifists were forced to choose between military service and prison during World War II because the Church did not take a stance against the war, as some of the Protestant “peace churches” had by 1942. A few

¹²⁴ The label of “pacifists” is absent in any accounts of the Fourteen in newspapers at the time, as is any mention of the Catholic Worker beliefs, beyond biographical accounts of several of the participants. The Fourteen resisted using the label “pacifist” in both their statement and in their court testimony. This was perhaps for the same reasons Thomas Merton rejected it: he thought it limited the effectiveness of peace advocates because it was an unpopular position. However, pacifist beliefs are evident in the Fourteen’s statement to the press and court testimony.

¹²⁵ Daniel Berrigan, “A Meditation from Catonsville,” in *Delivered Into Resistance: The Catonsville Nine-Milwaukee Fourteen Defense Committee*, ed. Richard Zipfel (New Haven, CT: The Advocate Press, 1969), 69.

¹²⁶ Cullen, *A Time to Dance*, 94.

were placed in the Civilian Public Service camps organized by the Selective Service System. However, the Church refused to support camps and objected only to the drafting of priests, leaving the responsibility to protect religious conscience to the laity in the Church.¹²⁷ Day objected only to the participation in the camps because she still saw it as “a form of cooperation with the war and conscription.”¹²⁸ The experience strengthened Day’s resolve against the Selective Service system.

Dorothy Day believed post-war America threatened religious consciences, making demands of compliance in the midst of fear of nuclear war. From 1955 to 1961, the Workers in New York City refused to comply with air defense drills and went to jail on several occasions.¹²⁹ The Worker resistance to the drills then merged with a larger anti-nuclear protest that drew 20,000 protesters to New York in 1961.¹³⁰

Several Workers, including Forest, committed federal crimes and burned their draft cards during the first year of the Vietnam War.¹³¹ Then, in 1965, a new member of the Workers in New York City, Roger LaPorte, self-immolated in front of the United Nations Building to protest the war.¹³² The Workers successfully

¹²⁷ McNeal, *Harder Than War*, 53, 57.

¹²⁸ Piehl, *Breaking Bread*, 199.

¹²⁹ Nancy L. Roberts, *Dorothy Day and the Catholic Worker*, 164. The Workers were also affected by the civil rights movement during this time period. Day, for instance, was shot at in 1957 when she visited an interracial farming commune.

¹³⁰ Piehl, *Breaking Bread*, 215.

¹³¹ Meconis, *A Clumsy Grace*, 11. Catholic Workers Tom Cornell and Chris Kearns held the first anti-Vietnam rally in the United States in 1963 that made the cover of *Life Magazine*. Cornell burned draft cards nine times in the 1960s.

¹³² *Ibid.*, 8. LaPorte had only joined the Workers shortly before he self-immolated. Day was horrified, yet refused to characterize the act as suicide. LaPorte was conscious for a short time before dying the following day. His final words declared that he did it to oppose the war and as a Catholic Worker he was opposed to all wars. Dan Berrigan delivered the eulogy at LaPorte’s

lobbied the Vatican to take a stronger stand on defending conscientious objection, but the American Catholic Church leadership and Catholic charities resisted. Several members of the Fourteen counseled potential draftees on their rights to legally avoid the draft via conscientious objector provisions under federal regulations. The daily draft counseling experiences of Forest at the Catholic Peace Fellowship in New York and the draft counseling by people like Fred Ojile and Alfred Janicke in Minneapolis proved exasperating and prompted them to turn to more direct resistance via draft office raids.

Catholic pacifist resistance grew bolder through the mid-1960s, which led some to take more direct action against the draft, creating what would be termed the “ultra-resistance” draft board actions: the invasion of draft board offices to remove and incinerate draft files. It was a natural progression from burning draft cards to more overt acts of sacrificing oneself for others vulnerable to conscription in the midst of a war that did not appear to have an end in sight.

Catholic Worker protests also served another purpose: placing Catholic Workers into jail, which was another means to be closer to the poor.¹³³ Modern society segregated this large segment of the dispossessed from houses of hospitality and the general population. Day described the estrangement of modern human beings from each other “the long loneliness” and no individuals were more estranged from humanity than prisoners. Therefore, jail represented

funeral and argued that it was an act of self-sacrifice to save other lives. Berrigan was censured by Cardinal Spellman of New York and “banished” to Latin America for a year afterwards. He had already been sent on “sabbatical” to France for his civil rights activism in 1963. Fred Ojile, interview by author, 1 November 2014. Fred Ojile was also threatened with banishment to Europe during his six years in seminary if he continued with peace activism.

¹³³ Zwick, *The Catholic Worker Movement*, 40.

the greatest challenge to witnessing Christ on Earth among “the least among us.”¹³⁴ Jail was penance for Workers and for protesters like the Fourteen and the Catonsville Nine for their own complicity in the modern systems that dehumanized everyone.

Jail mirrored the Worker tradition of retreats which sometimes called on attendees to forsake their senses and observe absolute silence.¹³⁵ Worker retreats were a means to reject the material of the world that dominates the senses and prevents individuals from, as Day argued, living “either above or below” the “human plane,” which is the only place a human may live.¹³⁶ Jail encouraged prayer and introspection, deepening the experience and bringing one closer to God. Jail also became an extension of civil disobedience, which can itself be an act of prayer, “an act not of defiance but an act of obedience to a deeper interior within us and within the world which is capable of transforming the world.”¹³⁷ Consequently, the Milwaukee action was a powerful act of prayer for some of the participants. As Thomas Merton asserted in a letter to Day: “You are so right about prayer being the main thing: it is the realm that cannot be closed to us and cannot be got at. There we are strongest because we are frankly centered in our helplessness and in His power.”¹³⁸ Prison offered absolute

¹³⁴ Dorothy Day, “We Plead Guilty,” in *Dorothy Day: Writings from Commonweal*, ed. Patrick Jordan (Collegeville, MN: The Liturgical Press, 2002), 133. Day wrote this after a 1957 jail term for another refusal to participate in air defense drills in New York City.

¹³⁵ Fisher, *The Catholic Counterculture in America, 1933-1962*, 53; Troester, *Voices From the Catholic Worker*, 17. The Holy Family House of Hospitality in Milwaukee held retreats of absolute silence, as well, in the late 1930s and early 1940s.

¹³⁶ *Ibid.*, 56.

¹³⁷ Jim Douglass, “Civil Disobedience as Prayer,” in *Peace is the Way: Writings on Nonviolence from the Fellowship of Reconciliation*, ed. Walter Wink (Maryknoll, NY: Orbis Books, 2000), 152.

¹³⁸ Letter to Dorothy Day from Thomas Merton, 9 April 1962, The Thomas Merton Letters, Box 15, Folder 8. Marquette University Archives, Milwaukee, WI.

helplessness, so the Milwaukee action would only be fully realized after the defendants were convicted and sentenced.

All the Catholics involved in the action were familiar with the Workers and their beliefs. Jim Forest was a friend of Dorothy Day, a former editor of *The Catholic Worker* newspaper, and a former volunteer at the Catholic Worker house in Manhattan.¹³⁹ Mike Cullen and his wife Netty opened the Catholic Worker house of hospitality, Casa Maria, in Milwaukee in 1966.¹⁴⁰ Jerry Gardner, Bob Graf, and Larry Rosebaugh all volunteered at Casa Maria, at which the Cullen's and their guests lived communally in voluntary poverty.¹⁴¹ Cullen also knew Day and corresponded with her before and after the Milwaukee action.¹⁴² Rosebaugh and Fred Ojile both personally met with Day in New York City on separate occasions.¹⁴³ Antony Mullaney collaborated with the Catholic Workers in New York City at least as early as 1965.¹⁴⁴

¹³⁹ Au, *The Cross, The Flag, and the Bomb*, 150-151. Phil Berrigan supported the CPF because he wanted "to move away from the Catholic Workers' tradition of avoiding organizational links with other non-Catholic groups precisely to preserve the Catholic identity." Dan Berrigan eventually quit the CPF because he saw it as part of the liberal movement, which avoided radical action. 150.

¹⁴⁰ Larry Rosebaugh, with Kateri Hellman Pino, *To Wisdom Through Failure: A Journey of Compassion, Resistance and Hope* (Washington D.C.: Epica, 2006), 61. In addition to serving meals and providing beds, Mike Cullen and other Casa Maria members appeared on local radio shows, protested the ROTC presence at Marquette and performed draft counseling.

¹⁴¹ Bob Graf, interview with author, October 8, 2014. Graf actually met Day before he met Cullen.

¹⁴² Cullen, *A Time To Dance*, 102. Dan Berrigan eventually helped raise funds in 1967 for a new location of Casa Maria at a larger house on 21st Street by performing a speaking engagement at Marquette High School.

¹⁴³ Rosebaugh, *To Wisdom through Failure*, 84. Both had especially memorable encounters. Ojile and a friend visited Day at the Catholic Worker farm on Staten Island, first encountering her as she was singing to a dying woman. Rosebaugh ran out of money on his trip from Milwaukee to New York City, spending the night outdoors in the city before arriving at the house of hospitality. Day remarked it was the first time a visiting priest ever spent the night outside with the homeless while visiting.

¹⁴⁴ "'Must be Willingness to Die': Pacifists," *Park City News* (KY), 12 December 1965.

Concern that Cold War was spiraling towards oblivion and the prospects of a new front for the United States in Vietnam generated a sense of urgency among Catholic peace activists. Jim Forest and Tom Cornell sensed that this urgency necessitated a union of Catholic and Protestant peace activists to work together towards peaceful ends. Forest and Robert Cunnane maintained relationships with the Berrigans and Thomas Merton prior to the Milwaukee action.¹⁴⁵ Forest corresponded frequently with Merton and first visited him at his abbey in 1962.¹⁴⁶ Forest and Cunnane both attended an ecumenical retreat focused upon the peace movement at Merton's abbey in Kentucky in 1964, which included the Berrigans and Protestant peace activist, A.J. Muste.

The Merton-led retreat was important for two central reasons. First, it validated the beliefs of Catholic peace activists that concerns about imminent global destruction were legitimate and that draft resistance should increase. Second, it was the impetus for creating the Catholic Peace Fellowship, because Dan Berrigan gave Forest and Tom Cornell his address book to start finding sponsors for the CPF.¹⁴⁷

The CPF tried to lead Catholic charities towards peacemaking and to influence Church pronouncements. In addition, the CPF issued a pamphlet written by Jim Forest in 1965, "Catholics and Conscientious Objection," which

¹⁴⁵ Rosebaugh, *To Wisdom through Failure*, 37; 50. Phil Berrigan had also visited Larry Rosebaugh's Oblate seminary in Mississippi in the early 1960s. Rosebaugh later returned to Mississippi in 1967 as part of CORE and was imprisoned for participating in a protest of Kroger Corporation in Mississippi for refusing to hire blacks.

¹⁴⁶ Piehl, *Breaking Bread*, 223. Merton also dedicated one of his books, *Faith and Violence*, to Forest.

¹⁴⁷ Murray Polner and Jim O'Grady, *Disarmed and Dangerous: The Radical Lives and Times of Daniel and Philip Berrigan* (New York: BasicBooks, 1997), 109.

reached at least 150,000 readers over the years.¹⁴⁸ Forest wrote the booklet to teach young Catholics about the pacifist traditions of the Church in the first two centuries A.D. and to confront the modern contradictions with this early tradition: “In the stained glass windows of our churches, it would be no surprise to find the sandaled St. Francis of Assisi side-by-side with an armor-vested St. Joan of Arc.”¹⁴⁹

Catholic peace activists believed they had exhausted all other options prior to their actions. They wrote letters to public officials at the highest levels. They lobbied them in person. Jon Higginbotham and Phil Berrigan picketed the homes of Robert McNamara and Dean Rusk.¹⁵⁰ Mike Cullen marched with Phil at the Pentagon to protest of the war, after which Phil visited Casa Maria.¹⁵¹ The Catholic Peace Fellowship picketed Cardinal Spellman of New York after he voiced support for the war and visited American troops in 1967, even posing atop a tank.¹⁵² Antony Mullaney contacted the Speaker of the House of Representatives and found him largely ignorant of the war.¹⁵³ Mullaney was disciplined, along with Dan Berrigan, for criticizing Vietnam policy in 1965.¹⁵⁴ Fred Ojile was prohibited from passing out antiwar newspapers to soldiers while a student chaplain at Walter Reed.¹⁵⁵

¹⁴⁸ Forest, interview with author, 2014.

¹⁴⁹ Forest, *Catholics and Conscientious Objection* (New York: Catholic Peace Fellowship, 1969), 1. This is a revised edition of the original. Forest updated it several times over the years.

¹⁵⁰ Polner and O’Grady, *Disarmed and Dangerous*, 146.

¹⁵¹ Cullen, *A Time To Dance*, 109.

¹⁵² Roberts, *Dorothy Day and the Catholic*, 164.

¹⁵³ Meconis, *A Clumsy Grace*, 17.

¹⁵⁴ “Two Pacifists End Hunger Strike Against Lack of Church Freedom,” *Nashua Telegraph*, 13 December 1965.

¹⁵⁵ Fred Ojile, interview with author, 12 November 2014.

Even Catholic charities impeded their humanitarian efforts. Catholic Relief Services provided food to the families of South Vietnamese local militias at the urging of William Westmoreland, prompting Jim Forest and Dan Berrigan to call on CRS to send humanitarian relief to North Vietnamese civilians, but CRS refused, arguing any aid to civilians would inevitably help the North Vietnamese military.¹⁵⁶ Forest responded: "Are Catholics to limit their response to human suffering to government established confines?" and penned a column for the CPF calling for Catholics to boycott CRS and instead send gifts to the Vatican's own relief agency, Caritas International.¹⁵⁷

The Baltimore and Catonsville draft board actions that preceded the Milwaukee resistance also contained Catholic Worker elements and acted as models of ultra-resistance for the Fourteen. The Catonsville Nine argued that all Americans were complicit in the system that created racial and injustices in the United States. The Baltimore, Catonsville, and Milwaukee actions all protested the state and the Church: the state, for waging a war that incinerated a foreign peoples while draining resources for the poor domestically, and the Vatican for remaining largely silent on war. The Nine articulated a conception of peace that the Fourteen reflected in their own written statement and their court testimony:

¹⁵⁶ Eileen Egan of Catholic Relief Services to Jim Forest, October 1967, Catholic Peace Fellowship Records, University of Notre Dame Archives, Notre Dame, IN. Box 1d, Folder 3. This prompted Dan Berrigan to label them "paramilitary supporters."; Christopher J. Kauffman, "Politics, Programs, and Protests: Catholic Relief Services in Vietnam, 1954–1975," *The Catholic Historical Review* 91, number 2 (April, 2005): 223-250.

¹⁵⁷ Letter from Jim Forest to Eileen Egan, 26 July 1967, Catholic Peace Fellowship Records, University of Notre Dame Archives, Notre Dame, IN. Box 1d, Folder 3. The Catholic Peace Fellowship subsequently issued a press release by 100 prominent Catholics calling for a boycott of CRS and Dan Berrigan drafted a letter accusing CRS of contradicting Schema 13 of Vatican II and ignoring the Pope's call for an end to violence and towards reconciliation.

peace is more than simply an absence of war, but also encompasses social and economic justice, and war is often the instigator of these economic and social injustices.¹⁵⁸

The Vatican's increasing willingness to address conscientious objection and the Vietnam War resulted in large part from the Second Vatican Council, or "Vatican II." Vatican II rejuvenated the Catholic laity, including Catholic peace activists. The Council met from 1962 to 1965 with the objective of making the Church more relevant to the modern world. It made liturgical changes, such as allowing Mass to be conducted in the vernacular and turning the priest towards the parishioners during liturgy. But just as importantly, it addressed the pressing issues of the day: the nuclear arms race and the place of the individual conscience in a nuclear world. As a result, many Catholic peace activists believed they had the beginnings of institutional support for positions that had long placed them outside the mainstream of American Catholicism. Vatican II's reforms of the Church did not immediately alter the attitudes of American Catholics as its precepts were disseminated. But Vatican II did energize a minority of American Catholic peace activists.

The Catholic Workers and the CPF were decisive factors in the decree at Vatican II called "Schema 13," which declared a right to religious conscience, and affirmed a Catholic's duty to avoid being part of particular acts of war.¹⁵⁹ Tom

¹⁵⁸ John Deedy, "Behind the Catholic Peace Fellowship," Gordon Zahm Papers, University of Notre Dame Archives, Notre Dame, IN. Box 3, Folder 5555. Tom Cornell, one of the founders of the Catholic Peace Fellowship and a former Catholic Worker and close friend of Dorothy Day's wrote: "Nonviolence is not just a way of acting towards war. It's the compassionate vision of the whole of life."

¹⁵⁹ Forest, interview with author, 2014. Forest said, "It was very exciting to be contact with some of the Church fathers in Rome."

Cornell wrote to Day on June 8, 1965 that “From what we can learn, it seems that Schema XIII is in serious danger, so we are trying to do what we can to contact bishops.”¹⁶⁰ Most importantly to the Catholic Workers and Catholic laity, Vatican II declared that the Mystical Body of Christ, the laity, was to be the “visible sign of God’s transcendent presence among humanity,” above public affairs.¹⁶¹ Vatican II was therefore a validation of Maurin’s belief that social action, not political action, would change society.¹⁶²

Vatican II shifted the Church’s look at modern warfare. Vatican II did not condemn nuclear weapons, accepting the centuries old “Just War Doctrine.” However, Vatican II’s focus on conscientious objection helped direct the Workers towards making this the focus of their peace efforts in the 1960s.¹⁶³ The Just War Doctrine, first articulated by St. Augustine, defined the criteria that must be met for warfare to be morally justified, such as the principle of proportionality and declaration by a legal authority.¹⁶⁴ For Catholics like Thomas Merton, the nuclear age forced a complete reassessment because nuclear weapons inherently fell short of several just war criteria.¹⁶⁵ For Day and the Workers, the nuclear age also trapped humankind in a perpetual state of fear that was larger than any particular war.

¹⁶⁰ Letter to Dorothy Day from Tom Cornell, Dorothy Day Papers, Box 1, Series D-1, Folder 4, Marquette University Archives, Milwaukee, WI.

¹⁶¹ Piehl, *Breaking Bread*, 207.

¹⁶² Ellis, *Peter Maurin*, 66.

¹⁶³ McNeal, *Harder Than War*, 102.

¹⁶⁴ Au, *The Cross, The Flag, and The Bomb*, 40; 42.

¹⁶⁵ Forest, interview with author, 2014. Thomas Merton was perhaps the most prominent voice arguing that modern warfare with its nuclear component necessarily failed to meet the criteria of just war. Merton refused the moniker of “pacifist” because he believed it instantly turned some against positions against the war, but, as Jim Forest says, he was effectively a pacifist.

Mike Cullen saw Vatican II as a rejection of the modern inclination towards transforming simple organizations and communities into command-style, centralized institutions. The Church itself had fallen victim to these new pulls toward depersonalization, and a rebirth was necessary: "Vatican II served to show us that the corporation is not where it's at." He added, "People, priests, nuns and lay people, suddenly realized that they were being crippled and stifled by legalisms of the corporation which had nothing to do with Christ or with Christianity."¹⁶⁶ Alfred Janicke believed it imposed a special responsibility on the clergy: "Vatican II did this by saying to get out of the pulpit and get out into the streets and begin to tell people by your actions what you really believe." He added: "It occurred to me that too often I was in a position of telling others what to do, but that I myself was not willing to do that..."¹⁶⁷ Thus, the clergy had to lead the laity towards a new consciousness, which made it important for the priests among the Fourteen to display their Roman collars and make clear their status within the Church.

Despite Vatican II, Catholic Workers were still out of step with most American Catholics in the late 1960s. Workers had the unenviable task of calling more American Catholics to embrace an old interpretation of Catholicism just as the modern world seemed to be calling them to make concessions to secular temptations. Dorothy Day insisted on a traditional adherence to the sacraments and Church doctrine, but a large majority of Catholics differed with the Church on

¹⁶⁶ Cullen, *A Time To Dance*, 95.

¹⁶⁷ *United States v. Francis Xavier Kroncke and Michael Duane Therriault* 459 F.2d 697 (8th Cir. 1971). <http://www.minnesota8.net/Transcripts/VolumeV001.pdf> (accessed 4 August 2015), 73.

contraception and divorce by 1968. American Catholics were “thinking with the Church, but acting with secular society,” according a to a Gallup poll at the time.¹⁶⁸ Though Catholic support for the Vietnam War eventually declined, most American Catholics remained supportive of the war that Day and other leading Workers vigorously opposed. The Fourteen faced the task of persuading Catholics and Americans in general to reconceive the value of human life in an age that increasingly reduced lives to tallies and cogs in materialist economic and political systems.

The Catonsville Nine provided the Fourteen with the framework for their draft board action, most importantly the “hit and stay” model. “Hit and stay” entailed notifying the press ahead of time of an action, distributing a written statement to the press and then waiting to be arrested after the action.¹⁶⁹ The Milwaukee action became the natural progression that the Berrigans and fellow Nine member George Mische envisioned: successive draft office raids across the nation in which more draft files were destroyed, to the point that the Selective Service machinery was stopped. Milwaukee represented an important step by attempting to stop the Selective Service system in an entire major American city and thus was even more focused on stopping the draft process than the Catonsville Nine action.¹⁷⁰ Subsequent hit-and-stay actions in Chicago and other

¹⁶⁸ “Study of Catholics Notes Much Conflict,” *The Milwaukee Journal*, 14 October, 1968.

¹⁶⁹ Troester, *Voices from the Catholic Worker*, 196. Phil Berrigan and Mike Cullen were at a meeting in New Hampshire when this model was being debated as some activists advocated the creation of an “underground railroad” to shuttle resisters out of the country, but Berrigan and Cullen insisted on keeping the hit and stay method.

¹⁷⁰ Paul Mayer, “The Milwaukee Fourteen vs. the State of Wisconsin,” in *Witness of the Berrigans*, ed. Stephen Halpert and Tom Murray (Garden City, NY: Doubleday, 1972), 24. Mayer, one of the organizers of the Catonsville Nine-Milwaukee 14 Defense Committee, argued that not

cities sought to replicate the scale of the Milwaukee action, representing the next steps.

The Catonsville Nine connected the Vietnam War to the systemic social inequalities within the United States and globally. They connected poverty at home and imperialistic oppression of the poor abroad to the war, which reflected Dorothy Day's assertion that justice and peace were inseparable. Therefore, "nonviolent tactics could be used not only to bring the Gospel message to war-and-peace issues but to all areas of social injustice."¹⁷¹ Or, as Dan Berrigan wrote in his statement for the Nine on Catonsville before the action: "The war in Vietnam is more and more literally brought home to us. Its inmost meaning strikes the American ghettos; in servitude to the affluent." Berrigan also offered the brotherhood and sisterhood of the Nine "to the poor of the world, to the Vietnamese, to the victims..."¹⁷² The Catonsville Nine linked civil rights and antiwar activism under the larger umbrella of "peace" in an era in which these movements were often segregated from each other.

The Fourteen differed from the Catonsville Nine in some crucial respects. The Fourteen took a more egalitarian approach to planning their action than the Nine, which was dominated by Phil Berrigan and his sometimes-overbearing tactics in attracting participants. Berrigan often challenged potential participants in antiwar demonstrations to "man up" and "show some balls." At least one of the Fourteen decided not participate in the Catonsville action because of Phil

only were the Fourteen more focused on the Selective Service System, but also were "more ordinary" than the Nine, presumably the Berrigans.

¹⁷¹ McNeal, *Harder Than War*, 93, 94.

¹⁷² Berrigan, "A Meditation from Catonsville," 69.

Berrigan's heavy-handed methods of persuasion.¹⁷³ The Berrigan's movement at times even "resembled military structure and its view of masculinity."¹⁷⁴ In contrast, the Fourteen was anti-bureaucratic, non-hierarchical and mirrored the "formless" nature of the Catholic Workers.¹⁷⁵ In contrast, the Fourteen had no leader, and there was no "machismo."¹⁷⁶ Members chose roles not unlike how roles were assigned in Worker houses of hospitality: according to the gifts of each member: Forest, the writer, was a natural choice to compose the Statement of the Milwaukee Fourteen. The exceedingly gentle Basil O'Leary and Larry Rosebaugh were logical choices to get the keys to the draft boards from the cleaning ladies. Doug Marvy's Naval experience in the construction battalion suited him best for the logistics of getting through any locked doors and other barriers at the Brumder Building.

Catholic Worker principles and ideas of Thomas Merton and Dan Berrigan shaped the identity and purpose of many of the Catholic members of the Milwaukee Fourteen. Though both Dorothy Day and Merton cautioned against a fixation upon results, it was natural that the action in Milwaukee was organized to improve upon the accomplishments of the Catonsville Nine as it appeared that the secular antiwar movement was no closer to ending the war by the fall of 1968.

¹⁷³ Forest, interview with author, 2014.

¹⁷⁴ Mollin, *Radical Pacifism in Modern America*, 152.

¹⁷⁵ Piehl, *Breaking Bread*, 97.

¹⁷⁶ Ojile, interview with author, 2014.

Chapter 2 – Setting the Stage

American Catholics still struggled to establish themselves as authentic Americans during the first half of the twentieth century. They were often seen as “strangers” by other Americans who arrived with waves of other Protestant immigrants.¹⁷⁷ The American Catholic Church directed its faithful to obey the state and this resonated with American Catholics.¹⁷⁸ As a result, most American Catholics made concerted efforts to Americanize. This often manifested itself in enthusiastic support for American wars to prove their loyalty and patriotism against accusations of having greater loyalty to the Church and pope than America, so American Catholics were especially unreceptive to pacifism.

The desire to prove their patriotism also impeded efforts to protect religious conscience in the face of war and to advance racial integration. This was particularly pronounced in Milwaukee, a heavily Catholic city whose racial divisions provoked resistance to antiwar activities, since those activities were often associated with other “leftist” causes, like civil rights. Though Milwaukee’s Catholic audience generally resisted civil rights and antiwar activism, the city had long contained a small base of activists.

The Catholic Workers received institutional support along with support from a small contingent of local priests and laity. These Catholics launched an initial attempt at a Catholic Worker house of hospitality in Milwaukee in 1937: the

¹⁷⁷ Piehl, *Breaking Bread*, 27.

¹⁷⁸ McNeal, *Harder Than War*, 135.

Holy Family House of Hospitality.¹⁷⁹ One of the founders was Nina Polcyn, a close friend of Dorothy Day, and a native Milwaukeean who attended college in New York City before returning to her hometown. Ammon Hennacy, already a well-known World War I draft resister, who worked as a social worker in Milwaukee, also became a Holy Family worker during its first year of operation.¹⁸⁰ Holy Family did not last long, closing after six years, for the same reason other Catholic Worker houses of hospitality shut down during World War II: its antiwar, pacifist stance placed it odds with most of Milwaukee's Catholics and at odds with pro-war attitudes of the general population.¹⁸¹

¹⁷⁹ Piehl, *Breaking Bread*, 110; Troester, *Voices From the Catholic Workers*, 15. Original Holy Family worker Florence Weinfurter remembered the reaction slightly different, recalling that the archbishop merely stated: "We will tolerate you."

¹⁸⁰ Miller, *A Harsh and Dreadful Love*, 278. Day visited Holy Family in 1938 when she attended the Social Action Congress called by Cardinal Stritch in Milwaukee. Hennacy attended the meeting and later heard Peter Maurin speak at Holy Family, as well. Hennacy subsequently converted to Catholicism and passed out copies of *The Catholic Worker* at Catholic churches in Milwaukee. Hennacy eventually led many pacifist protests under the Worker banner by the 1950s and 1960s, integrating Gandhian nonviolence principles into the Workers. *Harder Than War*, 93. Dorothy Day made numerous visits to Holy Family and many other houses of hospitality that formed in the 1930s and 1940s across the country. Holy Family closed in 1943, when the Workers could no longer keep it running while maintaining outside jobs. Holy Family was also hounded by local and federal authorities, who presumably suspected the Catholic Workers sheltered criminals and were communists. They suspected the latter due to Day's previous Communist sympathies and the pacifist stance of the Workers, in general. The director of Holy Family, Larry Heaney, refused to provide names of residents at the house to the local police. Meanwhile, the House Un-American Activities Committee sent agents to interview Weinfurter at her other job to investigate subversive elements possibly at Holy Family. Sr. Ruth Heaney and Florence Weinfurter interviewed by Troester, *Voices From the Catholic Worker*, 18; 16. The Worker movement as a whole suffered during World War II, when the circulation of *The Catholic Worker* newspaper fell and the number of houses of hospitality dropped 50%, as most American Catholics got behind the war effort. *Harder Than War*, 47. 85% of American Catholics supported the use of the atomic bomb against Japan at the time.

¹⁸¹ Julie Pycior, "Bearing Witness: Catherine de Hueck Doherty and the 'Gospel of Dorothy Day'," *U.S. Catholic Historian* 26 (Winter, 2008): 59.

Although Holy Family closed in 1943, the Young Christian Workers (YCW) in Milwaukee sustained dialogues about Catholic social action in the 1950s.¹⁸² The Belgian priest Father Joseph Cardijn founded the YCW with the goal of mobilizing the Church's lay apostolate to action on social issues. Father John Beix formed the Milwaukee YCW's Cardijn Center in 1949, declaring: "we are bringing to everyone's attention the importance of solving questions having to do with race relations, labor-management relations, the family, the state...every aspect of life can somehow be affected by the lay apostolate."¹⁸³ The YCWs faced institutional opposition, mostly from other Catholic parishes that believed the YCWs were "unfair competition to the established parish structure for lay activities."¹⁸⁴

¹⁸² Sr. Ruth Heaney and Florence Weinfurter interviewed by Troester, *Voices From the Catholic Worker*, 18; 16. Holy Family was also hounded by local and federal authorities, presumably connecting the Catholic Workers to both sheltering criminals and also being a source of communism, due to Day's previous Communist sympathies and the pacifist stance of the Workers, in general. The director of Holy Family, Larry Heaney, refused to provide names of residents to the local police. Meanwhile, the House Un-American Activities Committee sent agents to interview Weinfurter at her other job to investigate subversive elements possibly at Holy Family; McNeal, *Harder Than War*, 47. The Worker movement as a whole suffered during World War II, as the circulation of *The Catholic Worker* newspaper fell and the number of houses of hospitality dropped 50%, as most American Catholics got behind the war effort. Eighty-five percent of American Catholics supported the use of the atomic bomb against Japan at the time.

¹⁸³ "An Introduction to the Cardijn Center." Cardijn Center Records, Young Christian Workers Milwaukee Federation: Records, 1940-1964, Milwaukee, Box 3, Folder 1, The Wisconsin Historical Society, Madison, Wisconsin. Cardijn Center closed in 1961, before Vatican II helped usher in the sort of active laity the YCW sought during its time in Milwaukee; Patrick D. Jones, *The Selma of the North: Civil Rights Insurgency in Milwaukee* (Cambridge, MA: Harvard University Press, 2009), 92. Patrick Flood celebrated Vatican II at the time, believing, "Everything we believe in has come to pass."; Cardijn Center Records, Box 5, Folder 12. By September, 1963, the Greater Milwaukee Conference on Religion and Race was convened "for lay and religious leaders to conduct and create examination of the role of the churches and synagogues in meeting religious and civic racial problems," with William Cousins in attendance.

¹⁸⁴ "A Conservative City Stirs Again - What Will Milwaukee Have This Time?" Cardijn Center Records, Young Christian Workers, Box 3, Folder 1, Wisconsin Historical Society, Madison, Wisconsin.

The YCWs did in fact generate such competition. The organization nurtured some radicals within the diocese in Milwaukee. The YCW's Cardijn Center, close to the Marquette campus, attracted action-minded priests like James Groppi and Patrick Flood in the 1950s with its motto: "Observe, Judge and Act."¹⁸⁵ The Cardijn Center also hosted classes and discussions on social issues that mirrored Peter Maurin's roundtable discussions at the houses of hospitality. The YCW maintained a bookstore that was operated for many years by Florence Weinfurter, one of the original members of Holy Family and also a friend of Day. Day herself spoke at the Cardijn Center on at least one occasion in the 1950s and her friendship with Nina Polcyn (later Nina Polcyn Moore) helped keep a lay apostolate presence in the city until Mike and Netty Cullen's Casa Maria house of hospitality provided a new, active lay apostolate center in 1966. Cullen reached out to Archbishop William Cousins to discuss its creation and its goals, but Casa Maria was itself outside the institutional favor of the Milwaukee hierarchy.¹⁸⁶

Milwaukee was an attractive choice for the next draft board action by the summer of 1968 for several reasons: it had a long history of de facto segregation in schools and housing, and it disproportionately drafted poor blacks into the military.¹⁸⁷ Mike Cullen explicitly addressed the connection of the Milwaukee

¹⁸⁵ Meconis, *A Clumsy Grace*, 5. Milwaukee Fourteen member Antony Mullaney was a member of the YCW-affiliated Young Christian Students movement in the 1950s; Jones, *The Selma of the North*. 90-91. Flood stated: "the Cardijn Movement taught us it is alright, it is correct, to be involved in politics." While the YCWs framed labor rights, civil rights or peace issues as political issues, the Catholic Workers generally framed these as "human issues."

¹⁸⁶ "Catholic Workers of Milwaukee," Cardijn Records, Box 5, Folder 3.

¹⁸⁷ *The Catholic Radical*, November, 1968, The Dorothy Day Collection, Box 3, W-18.

action to the black community in Milwaukee: “Finally, the long history of systematic oppression of the black community in Milwaukee and the use and slaughter of black men in Milwaukee completely out of proportion to their number in our population demanded a cry of protest from the white community here.”¹⁸⁸ Some local priests responded by protesting racial discrimination in Milwaukee, but the archdiocese prohibited the clergy from participating in any further civil rights demonstrations. Still, twenty-four clergy resisted the ban, leading a public school boycott and creating “Freedom Schools” in 1965 to educate black students.¹⁸⁹ Church officials relented on the prohibition on demonstrations but forbade the clergy from using church property for the Freedom Schools.¹⁹⁰

Milwaukee had a white Catholic population over 40%.¹⁹¹ This helped create insular neighborhoods and parishes that made white Catholics fearful of the expansion of black ghettos.¹⁹² Catholics were highly segregated from Protestants as well, to the point that the city embodied “a certain apartheid” in the

¹⁸⁸ *The Catholic Radical*, December 24, 1968, Vol. 1 No. 4. Casa Maria Collection, W-18, Box 3, Marquette University Archives, Milwaukee, WI.

¹⁸⁹ Day always deferred to Church dogma, much to the chagrin of some in the peace movement, which is what makes the label of Day and the Workers as “radical” problematic. Jim Forest, “Remembering Dorothy Day,” in *Peace is the Way: Writings on Nonviolence from the Fellowship of Reconciliation* ed. Catholic activists believed the Milwaukee Archdiocese failed to live up to the teaching of the Gospels, just as Day believed the Church itself failed in this regard.

¹⁹⁰ McGreevey, *Parish Boundaries*, 198, 200. Groppi chained himself to a school in protest. Fifty others protested in front of the Bishop’s parish rectory. Archbishop William Cousins refused to discipline Groppi, noting “Groppi has a lot of guts and is doing things maybe others of us don’t have the courage to do.”; Frank Aukofer, “Defy School Boycott, Letter Asks Parents,” 10/14/1965. Frank A Aukofer Papers, Wisconsin Historical Society, Madison, Wisconsin. Box 5, Folder 19. However, the Marquette University Faculty Association supported the boycott and encouraged faculty to help teach in the Freedom Schools.

¹⁹¹ McGreevey, *Parish Boundaries*, 197.

¹⁹² *Ibid.*, 20; 196, 197; Miner, *Lessons from the Heartland*, 46. Most black migrated to Milwaukee during the last phase of the Great Migration, from 1950-1970.

early 1960s.¹⁹³ In addition, Catholic churches increasingly disappeared in black neighborhoods, isolating Milwaukee's white Catholics from the black community and isolating blacks from the Church.¹⁹⁴

Fear bred violence and in 1966, when the Ku Klux Klan firebombed the NAACP's Milwaukee headquarters and the Youth Council's "Freedom House" headquarters was also firebombed.¹⁹⁵ An Illinois Grand Dragon of the Ku Klux Klan was caught planning to bomb the business of a former executive secretary of the Wisconsin Civil Rights Congress, whom he believed to be a "communist."¹⁹⁶ Three race riots in the city in 1967 exacerbated these fears.¹⁹⁷ Consequently, white neighborhoods proved particularly inhospitable to the desegregation efforts of Father Groppi, who many white Catholics believed was inciting racial divisions and disturbing the social order of the city. Milwaukeeans often group radical Catholics and radicalized laity under the same unpopular banner as Groppi.¹⁹⁸ Despite this, Groppi and other Milwaukee Catholic activists began bridging the gap between civil rights and antiwar activism in 1968.

In contrast to the carefully chosen, lily-white suburb of Catonsville, the Fourteen chose a racially-diverse major city that also had a major Jesuit university - Marquette University - and a public university - UW-Milwaukee - from

¹⁹³ Frank A. Aukofer, "Aukofer Church." Frank Aukofer Papers, Box 7, Folder 2, Wisconsin Historical Society, Madison, WI.

¹⁹⁴ Bob Graf, interview with author, 2014.

¹⁹⁵ Barbara Miner, *Lessons from the Heartland*, 59.

¹⁹⁶ "Illinois Klan Leader Held in Bomb Plot," May, 1967, Frank A. Aukofer Papers, Wisconsin Historical Society, Madison, Wisconsin. Box 5, Folder 21.

¹⁹⁷ McGreevey, *Parish Boundaries* 200.

¹⁹⁸ At the same time, according to Fred Ojile, Groppi was kept separate from the Fourteen's action because they didn't want to compromise his work on civil rights by exposing him to going to prison.

which the Fourteen enjoyed a greater depth of planning support from college students.¹⁹⁹ The social action and antiwar group, the Milwaukee Organizing Committee (MOC), organized rallies for the Fourteen after their arrest. The MOC was a registered group on the UW-Milwaukee campus and could thus be cast into the lot with other “subversive” campus groups that became targets for state and federal surveillance.²⁰⁰ One of its leaders, John Hagedorn, did extensive planning for the Fourteen in preparation for the Milwaukee action.²⁰¹ UWM chancellor J. Martin Klotsche demanded that MOC leave campus in the wake of Hagedorn’s involvement with the Milwaukee Fourteen action, even as Hagedorn and another leading coordinator were voted out of MOC.²⁰²

Marquette University students began organizing around social justice issues by the mid-1960s. The theology department at Marquette was progressive on social issues and thus attracted students of similar minds. Some of these students organized the “Respond Movement” to address racial injustice in Milwaukee and, later, a sit-in to pressure Marquette’s administration to recruit more black students to campus. Others joined Father Patrick Flood on the Council for Urban Life to deal with civil rights issues and marched with Father Groppi to protest housing discrimination.²⁰³ A few created a Jesuit house in the

¹⁹⁹ Francine du Plessix Gray, *Divine Disobedience*, 130. George Mische wanted an action in a “conservative, racist town,” with well-dressed protesters.

²⁰⁰ “Core of Radicals Emerges in Protest Campaign Here,” *The Milwaukee Journal*, 6 October 1968.

²⁰¹ Hagedorn was also a draft counselor and very familiar with the draft board offices and the Brumder Building. He was eventually indicted on federal charges of conspiracy to destroy draft files and interference with the Selective Service System.

²⁰² “Leave UWM Office, Antiwar Group Told,” *Milwaukee Journal*, 14 October 1968.

²⁰³ Miller, *A Harsh and Dreadful Love*, 333. Mike Cullen visited Groppi’s St. Boniface Church often and other Catholic Worker-oriented activists also marched with Groppi.

inner core, near Casa Maria, to serve the poor in 1968.²⁰⁴ The house, called “Rhubarb,” connected Marquette students, runaways, and neighborhood children in Milwaukee’s inner core.²⁰⁵ Two members of the Fourteen were graduate students at Marquette at the time of the action: Bob Graf and Jerry Gardner. Don Cotton had recently enrolled at UW-Milwaukee as a graduate student, as well. College students provided the base of support for the Fourteen in Milwaukee, participating in the misdirection event at St. John’s two days before the draft office action, holding rallies, and raising money for the Fourteen’s defense committee and attending the trials of the Fourteen.

The Berrigans and George Mische began planning the next draft board actions in what came to be called the “ultra-resistance” over the summer of 1968. Mische contacted Cullen to advance the planning and Cullen began speaking to friends of an action in Milwaukee by the end of the summer.²⁰⁶ Dan Berrigan and Jim Forest visited Milwaukee, staying at Casa Maria. Berrigan also gave a speech at Alverno College and called a meeting for the priests in the basement afterwards, where he challenged them to “bring the evil of the war into the consciousness of those with whom we lived and worked.”²⁰⁷ Cullen built a

²⁰⁴ Richard Zipfel, email to author, 10 July 2015. Zipfel cited Vatican II as the foremost impetus for Catholic social action by 1968 at the national, state and local levels; Cullen, *A Time to Dance*, 101. Cullen referred to Milwaukee’s inner core around Marquette and Casa Maria as “Hanoi.”

²⁰⁵ “Milwaukee 14 Fail in Bid to Win Sympathy,” *Milwaukee Journal*, 19 April 1969.

²⁰⁶ Cullen, *A Time To Dance*, 114. Mische also returned to Minnesota to recruit. He met Janicke, Marvy and Ojile while attending a discussion at St. Mary’s Hospital in Minneapolis and invited Janicke to attend the upcoming retreat. Basil O’Leary met Mische at a celebration for the jail release of David Darst, one of the Catonsville Nine, who was a former student of his at St. Mary’s. Mische told O’Leary of an impending action involving 20,000 draft files; Gary Wszalek, “The Milwaukee Fourteen and Their Protest,” 45, 54.

²⁰⁷ Larry Rosebaugh, *To Wisdom through Failure*, 61.

determination to have an action in Milwaukee during this visit, as did Forest.²⁰⁸

Berrigan then told Cullen to contact Jim Harney in Baltimore. Harney traveled to Milwaukee and stayed at Casa Maria with the Cullens, delivering Mass and praying with Cullen about what to do. Harney returned home and contacted Bostonian priests, Robert Cunnane and Antony Mullaney. Harney, Cullen and Paul Mayer then arranged for a retreat to discuss the next steps.²⁰⁹

Peace activists met at the Queen of Peace Retreat House at St. Paul's Abbey in Newton, New Jersey in mid-August 1968, to plan the subsequent actions to impede the Selective Service System.²¹⁰ ²¹¹ Mike Cullen, Robert Cunnane, Jim Forest, Bob Graf, Jim Harney, Alfred Janicke, Doug Marvy, Antony Mullaney, Fred Ojile, and Larry Rosebaugh were among the future members of the Milwaukee Fourteen at the retreat.²¹² Janicke described a strong Catholic Worker presence at the retreat, and the combination of Workers from the eventual Fourteen and the presence of Dan Berrigan at the retreat ensured that

²⁰⁸ du Plessix Gray, *Divine Disobedience*, 152.

²⁰⁹ Meconis, *A Clumsy Grace*, 26. Dan Berrigan then told Cullen to contact Jim Harney in Boston, who, in turn, contacted his fellow Bostonian priests, Robert Cunnane and Antony Mullaney.

²¹⁰ Wszalek, "The Milwaukee Fourteen and Their Protest," 7, 33.

²¹¹ Jerry Elmer, *A Felon for Peace: The Memoir of a Vietnam-Era Protester* New

York: Alfred A Knopf, 1970), 68, 69; 115 Paul Mayer arranged the setting for the attendees. Mayer eventually became a co-coordinator for the Catonsville Nine/Milwaukee Fourteen Defense Committee, after being recruited by Dan Berrigan and George Mische. Mayer eventually became part of the Boston Nine draft office action. He also became an unindicted co-conspirator in the Harrisburg Seven case in which Phil Berrigan and others were accused of planning to kidnap Henry Kissinger and blow up tunnels leading into Washington D.C.

²¹² Riegle, *Crossing the Line*, 96. Mische contacted Cullen; Rosebaugh, *To Wisdom through Failure*, 79, 81. Rosebaugh first met Mike and Netty Cullen in Chicago, just prior to the New Jersey retreat. Dan Berrigan gave a talk in Chicago before the action and this may have been the reason all three were there. The Cullens then invited him to join them at Casa Maria. Rosebaugh was only at Casa Maria for a few weeks before the Milwaukee action. Rosebaugh later helped operate The Living Room, a hostel on State Street in Milwaukee for the homeless in even more desperate straits than those at Casa Maria, mostly alcoholics. Rosebaugh also opened the Eastside Job Co-op to help the poor find jobs. It also lessened the burden on Casa Maria to care for the poor.

Catholic personalism was prominent.²¹³ Cullen pushed for Milwaukee's selection and had compiled information on the Milwaukee draft boards prior to the meeting. Milwaukee was chosen as the site of the next action on the second day of the retreat.²¹⁴

Some members of the Fourteen quickly committed to the action. Dan Berrigan helped Larry Rosebaugh commit to the action by simply asking him, "Do you think killing is wrong?"²¹⁵ Doug Marvy was on board almost immediately, though his reasons for committing were neither religious nor out of a belief that the action would actually stall or stop the Selective Service system in Milwaukee. Instead, he was motivated by pro-North Vietnamese sentiments.²¹⁶ By the end of the last day of the retreat, half of the attendees were committed to participating, while the other half agreed to support the action.²¹⁷

The retreat cemented commitments to a Milwaukee action, and also brought together disparate pockets of Catholic resistance groups spread throughout the country. George Mische spent a great deal of time in between the Catonsville action and their trial organizing resistance groups on the East Coast and the Midwest. This coordination directly led to hundreds more draft board raids after Catonsville and Milwaukee.

²¹³ Wszelak, "The Milwaukee Fourteen and Their Protest," 46, 47.

²¹⁴ Ibid., 34, 35.

²¹⁵ Rosebaugh, *To Peace through Wisdom*, 63.

²¹⁶ Doug Marvy, interview with author, 2 December 2014.

²¹⁷ Rosebaugh, *To Peace through Wisdom*, 63.

The Fourteen nearly became the Milwaukee Fifteen, Sixteen, Seventeen or Eighteen: “There were many ‘fifteenth members’” according to Jim Forest.²¹⁸ Larry Rosebaugh claimed there were actually seventeen members originally, two women and another individual, though he does not make clear whom he meant by the additional person.²¹⁹ The male attendees decided against the participation of the two women because one woman faced possible deportation as an Italian immigrant without American citizenship, while the other woman was disallowed for fear that she would not be able to handle prison.²²⁰ Mike Cullen recalled eighteen volunteering, with one dropping out three days before the action.²²¹

1968 was a particularly violent year as a whole, between the Tet Offensive in Vietnam, the assassination of Martin Luther King Jr. and Robert Kennedy, and the bloody showdown in Chicago at the Democratic National Convention held around the same time as the New Jersey retreat. Jim Forest later testified at the criminal trial that one of the motivations for the action was to demonstrate that antiwar activism could be nonviolent. He believed that one of the primary weaknesses of the peace movement was the criticism of soldiers. Catholic peace activists generally avoided that and avoided depersonalizing soldiers: What are

²¹⁸ Forest, interview with author, 2014.

²¹⁹ “War Foe Aid Urged By Social Unit,” *Milwaukee Sentinel*, 11/6/1968.

²²⁰ Forest, interview with author, 2014. Coincidentally, Mike Cullen faced the same deportation consequences as an Irish immigrant and non-citizen himself at the time. Ironically, it turned out that several men among the Catonsville Nine and Milwaukee Fourteen struggled to adapt to prison, including Phil Berrigan. Ironically, it had been Phil Berrigan who often used macho talk to pressure young men into participating, tell them to “develop some balls” and “man up.” At times, this pressured young men who weren’t ready to commit to prison. These tactics also turned off Jim Forest and also Bob Cunnane, who originally intended to participate in the Nine’s action, but found Phil Berrigan’s high-pressure tactics unsavory.

²²¹ Cullen, *A Time to Dance*, 118.

you going to do, hate them?"²²² Thus, the Milwaukee action was also intended to counter the emotional hostility, as well as physical violence employed by some in the secular antiwar movement.²²³

²²² Jim Forest, *Milwaukee 14 at Trial, May 12-26 and June 6, 1969 A.D.: Extracts from Transcript* (Typewritten), May 20 1969, 4.

²²³ William Kunstler, who represented the Nine and also, briefly, the Fourteen, subsequently defended the "Chicago 7" antiwar demonstrators at the Democratic National Convention in Chicago after the Milwaukee Fourteen trial. It is likely that the courtroom interruptions and unconventional behavior of the Chicago 7 at their trial in 1969 was influenced by the trials in Catonsville and Milwaukee.

Chapter 3 – Hit & Stay

Priests and strait-laced Catholic lads confounded many Americans when they assumed the roles of arsonists, burglars, and thieves during the Vietnam War. The very idea subverted most modern conceptions of men of the cloth as keepers of an order that combined religious and secular authority. Catholics were more apt to be pictured taking the confessions of criminals, not proffering their own confessions for legal transgressions. The Milwaukee action was indeed a confession for the participants, but a confession of the collective guilt of all Americans in a system victimizing the poor, a confession that the Church and its representatives all too often compromised their sacred duties to spread the message of Christ, regardless the pronouncements of Caesar.

The Milwaukee draft board office action in 1968 may be understood, as a work of mercy, firmly within the tradition of Catholic personalism. “The Milwaukee Statement” issued to press members at the scene began:

Generation after generation religious values have summoned men to undertake the works of mercy and peace. In times of crisis these values have further required men to cry out in protest against institutions and systems destructive of man and his immense potential. We declare today that we are one with that history of mercy and protest. In destroying with napalm part of our nation’s bureaucratic machinery of conscription we declare that the service of life no longer provides any options other than

positive, concrete action against what can only be called the American way of death: a way of death which gives property a greater value than life, a way of death sustained not by invitation and hope but by coercion and fear.²²⁴

The Fourteen understood that they would be placing the burden of draftees upon themselves and serving time in prison in place of draftees serving time in Vietnam. In this way it has dual purposes: to save the body and consciences of young men facing the draft, but also to save their own souls - acting as disciples of Christ and emulating His sacrifice and suffering - suffering not alone, but with Christ and with the oppressed.²²⁵ The Fourteen wrote in their statement:

We have no illusions regarding the consequences of our actions. To make visible another community of resistance and to better explain our action, we have chosen to act publicly and to accept the consequences. But we pay the price, if not gladly, at least with profound hope. Just as our own hearts have spoken to us, just as we - not long ago strangers to one another – have been welded into community and delivered into resistance, so do we see the same spirit of hope and courage, the same freedom

²²⁴ The Milwaukee Fourteen, "The Milwaukee Statement," in *Delivered Into Resistance: The Catonsville Nine-Milwaukee Fourteen Defense Committee* (New Haven, CT: The Advocate Press, 1969), 71, 72.

²²⁵ Fisher, *The Catholic Counterculture in America*, 10. Day stated: "sufferings of love, are a privileged mode of understanding."

putting into others: joy surprisingly is made possible only in the laying aside of plans for a comfortable, private future.²²⁶

This is a pure expression of what Day and other personalists call “agape,” an unconditional love for each human being that recognizes the presence of God in each individual, regardless of the misdeeds or sins of each.²²⁷ Community, to Catholic personalists, was not the modern conception of a collection of individuals or families striving for economic or social independence, but rather the sum of the efforts of Christians to become dependent upon each other. The action itself was a liturgy, and “to take part in any liturgy is to signify to oneself and others that one is constituting a community and oneself as a member of that community.”²²⁸ The Fourteen created not only a community of fourteen, but also a community with those they spared from the draft and anyone else moved to action by the event.

The Fourteen needed to link the draft system to exploitation of the poor and minorities to express the Worker conception of peace, which encompassed civil rights, rights of workers along with strict opposition to war. The Fourteen had no black members, nor even Father Groppi, to establish any obvious connection to the racially exploitative draft in Milwaukee. Therefore, the Fourteen relied on

²²⁶ The Milwaukee Fourteen, “The Milwaukee Statement,” 73, 74.

²²⁷ Jim Forest, *Loving Our Enemies*, 14. Thomas Merton described agape as, “As used in the Bible, love has first of all to do with action and responsibility, not about your emotions or liking someone. To love is to do what **you can to provide** for the well-being of another whether you like that person or not.”

²²⁸ Richard K. Fenn, *Liturgies and Trials: The Secularization of Religious Language* (New York: Pilgrim, 1982), 28.

their written statement distributed at the action to accomplish this, and, later, their courtroom testimony, their speeches as they traveled the country and their witness in jail and prison towards marginalized groups.

The six members of the clergy among the Fourteen - Fathers Robert Cunnane, Alfred Janicke, James Harney, Antony Mullaney, Larry Rosebaugh and Brother Basil O'Leary - all wore their Roman collars to emphasize the Catholic identification of the most of the participants. Mike Cullen, Jim Forest, Jerry Gardner, Bob Graf, Fred Ojile and Don Cotton comprised the Catholic laypeople among the Fourteen. Jon Higginbotham was a minister in the Church of Scientology, while the final member of the group, Doug Marvy, was Jewish, but by the time of the Milwaukee action was essentially non-religious.

Most of the Fourteen rooted their action in their Catholic beliefs. However, three members approached the action with more secular perspectives. Doug Marvy was the most divorced from the Worker perspective. In addition to his pro-North Vietnamese motivation, he later recalled that "Pacifism had no appeal to me" at the time of the action.²²⁹ Basil O'Leary also approached the action with the secular motivation of placing a monkey wrench in the draft system, though he was a Christian Brother at the time of the action.²³⁰ Fred Ojile approached the action from a substantially secular perspective, motivated primarily to create the same impediment to the Selective Service System in Milwaukee. Without this practical effect, Ojile would not have participated.²³¹

²²⁹ Marvy, interview with author, 2014.

²³⁰ Wszalek, "The Milwaukee Fourteen and Their Protest," 55.

²³¹ *Ibid.*, 65.

The Fourteen was a mixture of East Coast and Midwest activists. Cunnane and Mullaney hailed from the Boston area. Harney lived in the Baltimore area. Higginbotham, Janicke, Ojile and O'Leary lived in Minnesota. Ojile and Janicke were both active in draft counseling in Minneapolis. O'Leary taught economics at St. Mary's University in Winona. Higginbotham came from St. Cloud, which had a number of Catholic Worker families in the area, and was home to George Mische, a member of the Catonsville Nine draft board raiders and a forceful organizer within the movement.²³² Forest came from New York City, where he lived with his wife in a house of hospitality, Emmaus House, in addition to his work for CPF.²³³ Don Cotton, from St. Louis, was a graduate student at and also a former seminarian, like Cullen, Graf and Ojile. The Milwaukee action helped make Boston and the Twin Cities hotbeds of Catholic activism and support for the ultra-resistance.

Four people handled the logistics for the action: Cullen, Gardner, Marvy and Milwaukee Organizing Committee activist, John Hagedorn. The four reconnoitered the Brumder Building for three weeks before the action, even monitoring the habits of the cleaning women.²³⁴ On one occasion, they approached one of the cleaning women a week before the action to gauge what her reaction might be if they encountered her during the raid. They found her to be "a very gentle woman - very gruff, but very gentle and we were able to talk to

²³² Miller, *Dorothy Day: A Biography* (San Francisco: Harper & Row, 1982), 491.

²³³ "All But Two of Milwaukee 14 Released From Prison," *Milwaukee Journal*, 1 January, 1971.

²³⁴ Cullen, *A Time to Dance*, 123, 128; Forest, interview with author, 2014.

her.”²³⁵ Hagedorn was particularly valuable, drawing a layout of the building from the inside and creating a schedule of the building personnel.²³⁶ Hagedorn and Paul Mayer, a key organizer for the Fourteen’s defense after the action, put calls out to reporters prior to the action, on Monday afternoon, September 23, and told them to meet Hagedorn at 5:30 PM the following day at a downtown parking lot.²³⁷

The Fourteen held liturgy on two occasions prior to the action, an expression of the belief that your life “should be a life in communion, a Eucharistic life in connection with other people.”²³⁸ The Fourteen held a retreat one week before the action in a barn outside of Milwaukee where they held the Eucharist.²³⁹ The Eucharist was both a symbolic and a very real act of committing to each other in the group, the young men they hoped to spare and everyone else with whom they could connect through their sacrifice. They also finalized the group’s statement to the press, which was to be issued to reporters after the action. Jim Forest spent a great deal of time writing the statement on his own, but in keeping with the egalitarian spirit of the group, the other thirteen members contributed to the statement at the retreat.²⁴⁰ The Fourteen also held a

²³⁵ Cullen, *A Time to Dance*, 129.

²³⁶ Wszalek, “The Milwaukee Fourteen and Their Protest,” 36.

²³⁷ “War Foes Mum on Data Burning,” “14 Arrested for Draft Protests,” *The Capital Times*, 27 September 1968.

²³⁸ Forest, interview with author, 2014.

²³⁹ Wszalek, “The Milwaukee Fourteen and Their Protest,” 42.

²⁴⁰ Cullen, *A Time to Dance*, 129.

service on the morning of the action and again performed the Eucharist. Higginbotham, the lone Scientologist within the group, led the service.²⁴¹

The Fourteen next gathered as one in an apartment and held the Eucharist as their final act of community before departing for the action. Ironically, the Fourteen never discussed nonviolence prior to the action until Jim Harney declared he would drop out if anyone used any violence on the day of the raid.²⁴² This is significant because during the Catonsville action, Phil Berrigan restrained one of the draft board workers. The uncertainty over the ability of the group to guarantee nonviolence undoubtedly added tension to the final minutes before the raid, along with the memories of the minor injury sustained by a draft board worker in the Catonsville action.²⁴³ They left in pairs, leaving from separate location, going “forth two by two as Christ sent his disciples.²⁴⁴ The Fourteen confronted their own immediate fears approaching and entering the Brumder Building. Forest and Harney walked together and Forest’s knees shook during the walk and during the action.²⁴⁵ The feeling was mutual: Forest and Janicke had to help Harney walk because of his own shakiness.²⁴⁶ Cullen and Higginbotham walked together, passing through the poor white sections of the city and stopping at the War Memorial building on Lake Michigan. Cullen feared every passerby suspected them of being up to something.²⁴⁷ Forest spent the

²⁴¹ Meconis, *A Clumsy Grace*, 29.

²⁴² Riegle, *Crossing the Line*, 86.

²⁴³ Polner and O’Grady, *Disarmed and Dangerous*, 197. A draft board clerk suffered a scratch during the Catonsville action

²⁴⁴ Cullen, *A Time To Dance*, 129.

²⁴⁵ Forest, interview with author, 1 October 2014.

²⁴⁶ Meconis, *A Clumsy Grace*, 29.

²⁴⁷ Cullen, *A Time To Dance*, 129.

days leading up to the action preparing himself with meditations on a quote from St. Justin Martyr: “The Church is a field of wheat which is nourished by the blood of those who give witness.”²⁴⁸

John Hagedorn also approached the scene of the impending action, apart from the Fourteen. Reporters from the Milwaukee Journal and Sentinel, along with someone from the underground newspaper Kaleidoscope, and WTMJ-TV, were placed in three cars and driven on a “circuitous route” until they arrived at a parking lot just down from the Brumder Building, where they waited with Hagedorn.²⁴⁹ Hagedorn claimed he did not know what was going to happen but he carried a sealed envelope that contained the group’s statement to the press.²⁵⁰ He left the scene after distributing the statements, as the files were burning, before the police arrived.²⁵¹

The Fourteen arrived at the Brumder Building at 6:00 PM.²⁵² Doug Marvy entered first and signaled the others when he determined the hallway to be clear.²⁵³ Marvy was also given the role of deciding when they should stop grabbing files. The group brought burlap sacks and screwdrivers. The keys opened all the board offices, but they lacked enough men to get inside all nine draft boards.²⁵⁴ The keys also did not open up the cabinets housing the 1-A files,

²⁴⁸ du Plessix Gray, *Divine Disobedience*, 152.

²⁴⁹ “Newsmen Here Deny They Knew Fire Plan,” *Milwaukee Journal*, 9/26/1968.

²⁵⁰ Wszalek, “The Milwaukee Fourteen and Their Protest,” 7.

²⁵¹ *Ibid.*, 11.

²⁵² Riegle, *Crossing the Line*, 86.

²⁵³ Wszalek, “The Milwaukee Fourteen and Their Protest,” 9.

²⁵⁴ Cullen, *A Time To Dance*, 130.

so they used the screwdrivers to break into the metal drawers.²⁵⁵ The Fourteen had limited time, about twenty minutes, to extract the files from the draft boards. Therefore, they targeted the files of those deemed most fit for service - draftees with 1-A files - that they assumed lacked deferment privileges.²⁵⁶

Larry Rosebaugh and Basil O'Leary were given the roles of dealing with any cleaning staff they might encounter. They were chosen by virtue of their exceedingly gentle dispositions. Both wore their clerical dress and planned on telling the cleaning lady that they had a meeting on the third floor of the building. Two others were to wait behind them and grab the keys from the worker, who would then pass them to two more members of the Fourteen to unlock the draft boards.

Rosebaugh and O'Leary first encountered Margaret Bauer and easily grabbed the keys and passed them to the others. Rosebaugh and O'Leary then locked themselves inside the room where she was working and blocked the door. Bauer repeatedly protested to Rosebaugh and O'Leary and referred to Rosebaugh as "that Father Groppi" with disgust, which reflected that by 1968 Groppi had become synonymous with radicalism in Milwaukee.²⁵⁷

The Fourteen did not expect the cleaning supervisor, Pauline Gaydos, to be in the building based upon the reconnaissance performed before the action. Gaydos repeatedly knocked on the door in which Bauer was being confined and screamed. Rosebaugh opened the door and also restrained her in the room.²⁵⁸

²⁵⁵ Wszalek, "The Milwaukee Fourteen and Their Protest," 10.

²⁵⁶ Ibid.

²⁵⁷ Rosebaugh, *To Wisdom through Failure*, 63, 64.

²⁵⁸ Cullen, *A Time to Dance*, 131.

A third woman who happened upon the scene appeared to instantly understand what was happening, merely smiled and walked away.²⁵⁹ The two men watched from the window as their comrades carried approximately 10,000 draft files in burlap sacks across the street to the park. Rosebaugh and O'Leary left the room to join the other twelve in the park and freed the two women under their control.²⁶⁰

Doug Marvy directed the other members of the group who had entered the building across the street. He also signaled to John Hagedorn, who was waiting down the street with the reporters. Jerry Gardner did not enter the building. Instead, he brought thirty to forty gallons of homemade napalm, made with the Green Berets Handbook, in a truck that arrived at the scene immediately after the other members of the group crossed street with the draft files.²⁶¹ The Fourteen also brought a someone to shoot an 8mm film of the file burning who was ready to begin filming as the Fourteen dumped the files on the grass, poured the napalm and lit the files on fire as a crowd of onlookers gathered around them.²⁶²

Jon Higginbotham danced and sang, "Ding Dong, the Witch is Dead" as the files ignited.²⁶³ Mike Cullen's Irish brogue voice rang above all others, declaring, "100,000 American boys have been maimed for life as a result of this

²⁵⁹ Ibid.

²⁶⁰ Rosebaugh, *To Wisdom through Failure*, 65.

²⁶¹ Riegle, *Crossing the Line*, 86. Marvy also corroborated that Gardner was the Fourteen member who carried the napalm to the scene in my interview with him. Mike Cullen recalled that Gardner entered after Marvy and gave the signal to the other members; Cullen, *A Time To Dance*, 130, 131.

²⁶² Graf, interview with author, 2014.

²⁶³ Forest, *Milwaukee 14 at Trial*, May 21 1969, 29.

war. We are happy, happy to burn these.”²⁶⁴ The Fourteen then locked arms and prayed and sang “We Shall Overcome.” A picture of the scene ended up as a two-page pictorial feature in *Life Magazine*. The film of the incident ended up as evidence at the criminal trials of the Fourteen.

A reporter at the scene testified that a policeman on a motorcycle observed the demonstration, and this officer probably made the call to headquarters.²⁶⁵ The Fourteen stood for another fifteen minutes before the rest of the police arrived and arrested the protesters.²⁶⁶ Some of the police officers at the scene wore George Wallace buttons and quickly displayed animosity towards the protesters, harassing the accused at the jail.²⁶⁷ Doug Marvy, dressed in a uniform to appear as a cleaning or service employee, had to insist that the police arrest him as well after they told him to “Beat it,” not realizing he was part of the action.²⁶⁸ The Fourteen were taken to the Milwaukee Safety Building six blocks away. Since the authorities did not know who among the Fourteen had removed the files, all were fourteen were charged with burglary, theft and arson.²⁶⁹

The action received mixed reactions in Milwaukee. When a group of priests and nuns asked for the pastor at Christ King Church in Wauwatosa to read a statement and allow three minutes of silence to pray for all victims of the Vietnam War, the pastor cut the service short, explaining it was to allow the flock

²⁶⁴ Jury Sees File Burning Film,” *Milwaukee Journal*, 3/19/1970.

²⁶⁵ “Newsmen Here Deny They Knew Fire Plan,” *Milwaukee Journal*, 9/26/1968.

²⁶⁶ Cullen, *A Time to Dance*, 132.

²⁶⁷ Rosebaugh, *To Wisdom through Failure*, 65.

²⁶⁸ Cullen, *A Time to Dance*, 132.

²⁶⁹ Wszalek, “The Milwaukee Fourteen and Their Protest,” 14; The Milwaukee Department of Public Works billed the Fourteen \$83.80 for damage to the lawn

home early to see the Packers game. The pastor did remark to one of the priests, “You’re another one of those kooks.”²⁷⁰ On the other hand, John Cummins, a theology professor at Marquette, defended the actions of the Fourteen to his students.²⁷¹ Two weeks after the action, Cummins spoke on the UWM campus and urged students to take active resistance, even if it meant “working outside the system.” Cummins and the MOC also announced plans for picketing the homes of members of the Milwaukee draft boards.²⁷²

Archbishop William Cousins condemned the action, declaring, “They are not justified in insisting that their state of conscience be imposed on everyone else...”²⁷³ Some of the Catholic Press cautiously defended the action, with *Commonweal* magazine stating that: “In other words, motives and intent do, in given circumstances, alter existential fact to transform seemingly lawless conduct into acts of witness.”²⁷⁴ The editors acknowledged the danger in possibly provoking subsequent actions that would result in violence, yet they noted the possibility of being complicit with evil in not acting at all. The editors thus argued the Fourteen were worthy of support and that the action might call attention to evils.²⁷⁵ The Southeastern Chapter of the National Association of Social Workers refused to raise money for the Fourteen, but agreed to set up speaking

²⁷⁰ “Mass Too Quick for Protest,” *The Milwaukee Journal*, 7 October 1968.

²⁷¹ “MU Instructor Defends Burning,” *The Milwaukee Journal*, 7 October 1968.

²⁷² “Students Counseled on Resistance,” *The Milwaukee Sentinel*, 8 October 1968.

²⁷³ “Cousins Raps Priests for Protest Methods,” *The Milwaukee Journal*, 10 October 1968, p. 24.

²⁷⁴ Editor’s Reply in “Correspondence,” *Commonweal* 90 (8 August 1969): 475.

²⁷⁵ “Files on Fire,” editorial, *Commonweal* 89 (11 October 1968), 43.

engagements for the Fourteen and to help form community groups to explore the issues addressed by the Fourteen.²⁷⁶

Most importantly, the action received skeptical reviews from Dorothy Day and others in the Catholic peace movement. Thomas Merton believed the Milwaukee action caused fear in the public rather than abating it.²⁷⁷ Dorothy Day supported the Catonsville action publicly, but privately echoed Merton's assessment.²⁷⁸ She gave no direct public declaration on the Fourteen, but she did write to Cullen prior to his trial, telling him: "Your suffering is what redeems the action. The action in itself - its secret nature - is not in line...it breaks the line of nonviolence."²⁷⁹ She echoed the same sentiments to Jim Forest, and later wrote to Cullen in prison, advising Cullen to "start from the top down - aim for the 'top brass' of the "machinery of war."²⁸⁰ Gordon Zahn, a prominent Catholic pacifist author and sociology professor originally from Milwaukee, argued that the Catonsville and Milwaukee actions "turned off many in the peace community for its excess" and "made those on the fence opposed."²⁸¹ Zahn believed that the escalation of Catholic antiwar protests from civil disobedience to invasion and destruction of property hinted at impending escalation of protests to violence against persons.

²⁷⁶ "Social Aides Deny Funds to Milwaukee 14," *The Milwaukee Sentinel*, 26 November, 1968.

²⁷⁷ Polner and O'Grady, *Disarmed and Dangerous*, 209.

²⁷⁸ du Plessix Gray, *Divine Disobedience*, 58; Day referred to the Berrigans as "innocently destructive." Dorothy Day, "A Reminiscence at 75," in *Dorothy Day: Writings from Commonweal*, ed. Patrick Jordan (Collegeville, MN: The Liturgical Press, 2002), 167.

²⁷⁹ Riegle, *Dorothy Day: Portraits By Those Who Knew Her* (Maryknoll, NY: Orbis Books, 2006), 48.

²⁸⁰ Dorothy Day *All the Way to Heaven: The Selected Letters of Dorothy Day*, ed. Robert Ellsberg (New York: Image Books, 2010), 469.

²⁸¹ Gordon Zahn, "The Berrigans: Radical Activism Personified," *The Catholic World Magazine* (December, 1970): 126, 127.

Reactions from fellow Catholic radicals foreshadowed the reception of the Fourteen among Milwaukeeans and the general public. Beyond breaking laws, the Fourteen risked obscuring their message in tactics that potentially caused fear in the innocent witnesses to the action and to the general public. A great deal of the Fourteen's criminal trials revolved around these issues and brought into question the morality of the action and authority of the Fourteen to assail the immorality of the draft and the war it fueled.

Chapter 4 - The Stage

The Milwaukee Fourteen saw their trials as the best venues to articulate personalist and Catholic Worker principles through the transvaluation of language. The trials illustrated both the common ground and the differences between the Catholic peace movement and the larger peace movement. The defendants placed not only the war machine on trial, but also the secular language of the courtroom and in the law. The Catholic members among the Fourteen emphasized their Catholic identifications in their action and the Christian principles underlying their conceptions of peace in their written statement. They used their trials to argue that these beliefs superseded property and asserted that a higher law trumped human law. They did not argue they were above the law, but instead argued that the state must live up to its own standards. As a result, the Fourteen challenged the state's authority and moral legitimacy throughout the trials.

The Fourteen were given more latitude to challenge secular authority than their Catonsville predecessors. However, the Fourteen were still prevented from a more complete transvaluation of the symbols and language of secular modernity. The Fourteen struggled to articulate these conversions of language and symbols at the trials because the meanings of a speaker are more apt to be limited in secular context like a courtroom, "where meaning and validity are determined by institutional standards and procedures independently of personal relationships and of the speaker's particular motives and intentions, testimony to

religious understandings and convictions is bracketed as personal in the sense of idiosyncratic, subjective, and unreliable.”²⁸² Thus, the Fourteen, like the Catonsville Nine before them, were hampered by the rules of the courtroom, which insisted upon secular conceptions of truth and relevance of personal testimony that spoke to the reasons for these transgressions.

The trial bore the unmistakable characteristics of the late 1960s. The defendants, some of their family members and many of their supporters transformed the courtroom into a stage in which they, as much or perhaps more than the judge, directed the “action” of the court. They created “disorder” through interruptions and refusal to adhere to the conventions of the typical courtroom. These reactions generally appeared spontaneous, though some were clearly planned to occur at particular times in the trial. The judge was especially conscious that he and his court were under a spotlight. This at times led him to confine the testimony and questioning by the defendants, but at other times led the judge to grant the defendants a bit more freedom to articulate their principles. The efforts of the court to at times confine the expressiveness of several of the defendants made the witness borne by the defendants more dramatic on the courtroom stage.

The Milwaukee Fourteen’s criminal trials raised questions about the Fourteen’s fidelity to the Catholic Worker personalist principles that justified the action: Was violence used against the cleaning workers in the Brumder Building on September 24? Did the defendants practice forgiveness in court? Were “not

²⁸² Fenn, *Liturgies and Trials*, 73.

guilty” pleas consistent with civil disobedience traditions and hit and stay principles? Finally, the trials provided another sample of the effects of the Fourteen and their action upon their intended audience, which included members of the court.

The Fourteen spent the night of September 24, the day of the action, in jail. They appeared in state court the next day before Milwaukee County Judge Christ Seraphim, where they faced arson, burglary and theft charges.²⁸³ Since the Director of the Selective Service Administration of Milwaukee estimated that the damages amounted to several hundred dollars, the theft charge became a felony.²⁸⁴ The charges carried potential sentences of up to eighteen years in prison. Seraphim set bail for the federal charges at \$30,000 for each of the defendants as nearly fifty spectators sat with red armbands in support of the Fourteen in the courtroom.²⁸⁵

Federal prosecutors acted first against the defendants, securing a grand jury indictment against the Fourteen, plus Hagedorn, on October 17, 1968, on charges of destruction of federal records, interference with the administration of the Selective Service Act and conspiracy to do both. The Fourteen faced up to thirteen years in prison and Hagedorn faced up to five years.²⁸⁶ Five days later, Judge Louis Ceci replaced Seraphim after the Fourteen filed affidavits of

²⁸³ Cullen, *A Time To Dance*, 136; 135. Both Seraphim and Cullen bore animosity towards each other. Seraphim’s reputation for disgust towards antiwar activism preceded him. He taunted Cullen at the end of arraignment, telling Cullen to “Say hello to Netty.” Cullen later described Seraphim as “that breed of man who can push buttons and drop napalm and burn people and not have a whimper about it.”

²⁸⁴ Wszalek, “The Milwaukee Fourteen and Their Protest,” 15.

²⁸⁵ “US Files Charges Against War Foes,” *Milwaukee Sentinel*, 9/26/1968.

²⁸⁶ “US Jury Indicts Milwaukee 14,” *The Milwaukee Journal*, 17 October, 1968.

prejudice against Seraphim. Ceci reduced bail for six of the defendants, kept the same amount for five, and increased bail on Gardner for his disorderly conduct charge from the St. John's incident. However, two weeks later, Ceci increased bail during an eight-hour preliminary hearing for thirteen of the defendants.²⁸⁷ Mike Cullen's immigration status meant he would be tried separately, with the risk of being deported back to Ireland.

The defendants struggled to communicate their ideas in a forum governed by rules that stifled their efforts to articulate their ideas. The court was solely interested in whether the defendants really did break into the Brumder Building, steal the draft files and then burn them. The Fourteen were interested in *explaining* why they did all three. The defendants labored to advance their ideas amidst evidence that appeared to contradict the values they claimed to represent. The trial left open for debate among other Catholic peace activists whether their action had been entirely nonviolent and whether they had reduced fears in the public or increased fears.

Due to the high bonds, the Fourteen refused to post bail and began a two and a half week stay in Milwaukee County Jail. This presented a problem: the Fourteen needed as much time as possible to prepare their cases and to go on speaking tours of the country. However, they had made no arrangements ahead of time for legal representation. In addition, the high bail forced the defendants to seek representation.

²⁸⁷ "Trial Ordered for 13 Draft Foes," *Milwaukee Journal*, 10/22/1968.

William Kunstler, Percy Julian Jr. and Mark Stickgold volunteered their legal services to the Fourteen. Thirteen of the defendants took on the three lawyers, while Mike Cullen retained his own attorney because of his status as a resident alien, which carried the specter of deportation pending a conviction.²⁸⁸ Cullen stood apart from the others, facing two separate federal trials: one on charges of destruction of federal records and interference with the administration of the Selective Service Act, and the second federal trial on conspiracy charges.²⁸⁹ Cullen faced the same state charges as the other members of the Fourteen.

Like Cullen, Jerry Gardner also sought separate counsel from the other members of the Fourteen. Gardner sought a change of venue, arguing that he could not obtain a fair trial in Milwaukee given the publicity.²⁹⁰ Gardner's assertion was not without merit. It was nearly impossible to assemble a jury pool unaware of the case. Of the eight men and four women who ended up on the jury, the only juror unaware of the case was a recluse.²⁹¹ As a consequence of seeking counsel, both Gardner and Cullen appeared in federal court before the other twelve defendants. The judge in his state trial was less lenient towards him prior to the trial of the other thirteen and refused to reduce his bail, which had been set at \$27,000.²⁹² The other thirteen had their bails reduced to \$2,500 for the participants who lived within Wisconsin and \$5,000 for those who lived

²⁸⁸ Wszelak, "The Milwaukee Fourteen and Their Protest," 16.

²⁸⁹ "Milwaukee 14 Figure Gets Separate Trial," *The Milwaukee Sentinel*, 11 April, 1969.

²⁹⁰ Wszelak, "The Milwaukee Fourteen and Their Protest," 19.

²⁹¹ Riegle, *Crossing the Line*, 88.

²⁹² "Draft Foe Loses Plea to Cut Bail," *Milwaukee Journal*, 4 October, 1968.

outside the state.²⁹³ It was only after the judge dramatically lowered bail for the other thirteen that Cullen's judge lowered his bail to \$10,000.²⁹⁴

Kunstler, Julian Jr. and Stickgold were a 1960s "dream team" of sorts. Kunstler was a famous civil liberties attorney who had defended the Catonsville Nine in court. The 26 year- old Julian Jr., who lived in Madison, was also becoming a prominent civil liberties attorney who once served as counsel to Martin Luther King Jr.²⁹⁵ He represented Father Groppi at one point as well, and also represented two UW student organizers of a sit-in at the University of Wisconsin that was aimed at preventing Dow Chemical, the maker of napalm, from recruiting on campus.²⁹⁶ Stickgold was a former federal attorney for the state of Michigan and was lauded by the Milwaukee defendants for his legal skills and his endless help in the trial. Stickgold attended the trial each day and met with the Fourteen each night in jail to plan the next day's proceedings.²⁹⁷ Stickgold also negotiated with the prosecuting attorneys, arranging that if the defendants were convicted in federal court, they could serve their state and federal terms concurrently.²⁹⁸

The Fourteen received high-profile support for their defense costs. Richard Zipfel, a graduate student at Marquette, helped organize the Milwaukee 14 Defense Committee. The defendants claimed indigence at a hearing prior to

²⁹³ "Bond Reset at \$2500 to \$5000 Each," *The Milwaukee Journal*, 15 October, 1968, sec. 1, p.1.

²⁹⁴ "War Foe's Bail Lowered, Judge Denies Dismissal," *The Milwaukee Journal*, 16 October 1968.

²⁹⁵ Milwaukee 14 (pamphlet). The Milwaukee 14 Defense Committee, SC 86. University of Wisconsin-Milwaukee, Milwaukee, Wisconsin.

²⁹⁶ David Maraniss, *They Marched Into Sunlight: War and Peace*, (New York, Simon & Schuster: 2004), 501.

²⁹⁷ Forest, interview with author, 2014.

²⁹⁸ Riegle, *Crossing the Line*, 94.

the trial and asked for the court to pay for trial expenses. Larson was “shocked that well-educated men would lack the funds,” ignorant of the fact that several of the Fourteen lived in voluntary poverty.²⁹⁹ Though the defense committee originally intended to raise money so the Fourteen could pay their jail bonds, it eventually grew into a means to pay for court costs, most notably, to bring in witnesses for the trial.³⁰⁰ Father Groppi agreed to chair the Committee to raise the national profile of the case. Dr. Benjamin Spock, who was prosecuted in 1967 for helping young men avoid the draft, also volunteered to help the defense committee raise funds.³⁰¹ The Fourteen Defense Committee soon merged with the Catonsville Nine Defense Committee and created additional bases in Boston and Minneapolis. Malcolm Boyd, minister and theologian at Harvard, became a co-chair, and Paul Mayer, organizer of the retreat that helped launch the Milwaukee action, became a co-coordinator with Zipfel.³⁰²

John Hagedorn and the Milwaukee Organizing Committee held a press conference the day after the action to publicize their plan for a coordinated effort to “completely shut down the draft in Milwaukee.” Hagedorn announced plans to picket the homes of draft board workers, burn draft cards during an upcoming speech by Dr. Spock and to gather 3,000 people to gather in front of the

²⁹⁹ Mayer, 29.

³⁰⁰ Wszalek, “The Milwaukee Fourteen and Their Protest,” 15.

³⁰¹ “Protest Linked to National Plan,” *Milwaukee Sentinel*, 26 September 1968. Robert Cunnane and Antony Mullaney testified for Spock’s defense in his trial.

³⁰² du Plessix Gray, *Divine Disobedience*, 163. Cox was the author of the bestselling book, *Are You Running with Me, Jesus?*

Milwaukee draft boards on election day and call for the closing of the recruiting and induction center in Milwaukee.^{303 304}

Father Groppi offered visible support in the community immediately after the action. Groppi led a rally of 150 people at St. Boniface the day after the action, and declared, "I think we had 14 saints out there yesterday who performed a tremendous act of courage."³⁰⁵ That night, Father Groppi, the NAACP Youth Council's "Commandos," Dick Gregory, and Marquette student body leaders led a march of nearly 2,000 people from Marquette and St. Boniface to the jail to support the Fourteen.³⁰⁶ Then, a few weeks later, Nick Riddell helped deliver a Mass at St. Boniface in which six individuals burned their draft cards. Four members of the Fourteen - Cullen, Forest, Gardner and Graf - were present. Cullen delivered the prayer for the day, as he had done before at St. Boniface. Graf read a statement about the draft board office action, while Gardner collected offerings. The six young men approached Gardner the day of the Mass and told him they had a "special offering to make" that day because Gardner was among those who had "carried the torch of life," during the draft office raid. Forest and Graf approached the altar and embraced the men after they burned the cards. A local attorney and member of the Milwaukee 14 Defense Committee, a staff member for the underground newspaper

³⁰³ Dean Jensen, "Protesters Declare War on the Draft," *Milwaukee Sentinel*, 9/26/1968.

³⁰⁴ "Protesters Compared to Saints by Groppi," *Milwaukee Journal*. 9/26/1968.

³⁰⁵ Ibid. Father William Sell of Milwaukee also asked all Catholics in the archdiocese fast for the Fourteen.

³⁰⁶ Miller, *A Harsh and Dreadful Love*, 334; du Plessix Gray, 163. Gregory was arrested during the march but the charges were dropped, closing out a particularly busy one-month period for Gregory, after he had been arrested while protesting at the Democratic National Convention in Chicago in August.

Kaleidoscope, and several Marquette students were among the six who burned their draft cards at the Mass.³⁰⁷

Demonstrations by supporters of the Fourteen foreshadowed the theatrics of the impending state trial. In one outburst, two teenage supporters with red “M14” armbands yelled, “Here comes the judge!” as Ceci entered the courtroom. Ceci Ceci held both in contempt of court and called one to the bench to face Ceci. Disturbances struck the preliminary hearing in federal court, as well. Two teenagers were arrested and charged with contempt of court for clapping and snapping their fingers and for chanting, “Here comes the judge! Jim Forest’s wife was removed from the courtroom for passing a note to Kunstler during the hearing.³⁰⁸ Finally, six staff members of the underground Milwaukee newspaper, *Kaleidoscope*, were arrested and charged with disorderly conduct.³⁰⁹

The defendants’ attorneys paid dividends prior to the trial, filing appeals that led to bail being reduced on the defendants. The defendants posted bail after a month’s stay in jail.³¹⁰ The Fourteen’s freedom also allowed them to help prepare for the draft board actions to come. By January of 1969, another retreat was planned for ultra-resistance activists, with plans for the next action on the agenda.³¹¹ Mike Cullen wrote in February 1969 that speaking to people after the action was necessary to demonstrate to others that the Fourteen were just like

³⁰⁷ Ibid.

³⁰⁸ “Trial Ordered for 13 Draft Foes,” *The Milwaukee Journal*, 22 October 1968. .

³⁰⁹ “Kaleidoscope Editor Fined,” *The Milwaukee Journal*, 22 October 1968.

³¹⁰ Wszalek, “The Milwaukee Fourteen and Their Protest,” 16.

³¹¹ Letter from Tom Cornell to Dorothy Day, The Dorothy Day Papers, Box 1, Series D-1, Folder 4.

them.³¹² Thus, the Fourteen believed those in the audience were just as able to launch their own actions against the war as the Fourteen. Then in March 1969, the Fourteen reunited for the first time since the trial in Boston, at the Packard Manse Retreat Center, near Boston, to prepare for the trial.³¹³

Members of the Fourteen, like Doug Marvy, Fred Ojile, Jerry Gardner and Larry Rosebaugh, traveled around the Midwest and the nation speaking on college campuses, urging others to resist the draft.³¹⁴ Rosebaugh and Gardner vocalized these doubts at a visit to Beloit College in January 1969. Rosebaugh struggled to see any success in the action. Jerry Gardner declared: "I doubt our action has accomplished anything."³¹⁵

The Fourteen hoped for a federal trial, as the Catonsville Nine faced, rather than a state trial, to provide a broader platform to educate the public. State courts generally avoided dealing with the sorts of constitutional issues the Fourteen hoped to raise. The legal team also moved to have the state charges dropped against the defendants on the ground that the state of Wisconsin had no authority over a case involving federal draft board offices and because prosecution at the state and federal levels concurrently would amount to double jeopardy.³¹⁶ A federal trial also guaranteed more publicity for their educational platform. Publicly, their attorneys contended a move to federal court was to obtain a fair trial, which would be impossible in state court.³¹⁷

³¹² *Casa Maria Cry*, February, 1969, The Dorothy Day Papers, Box 3, W-18,

³¹³ Letter from Jim Forest to Dorothy Day, 16 March 1969, Day Papers, Box 7, Folder 6.

³¹⁴ Interview with Fred Ojile, 12 November, 2014.

³¹⁵ "Draft Card Burning Results Nil, 2 Report," *Milwaukee Journal*, 1/24/1969. Part 1, pg. 3.

³¹⁶ Wszalek, "The Milwaukee Fourteen and Their Protest," 17, 18.

³¹⁷ "War Critics Still Fear Unfair Trial," *The Milwaukee Journal*, 9 May, 1969.

The attorneys filed a motion to dismiss the state charges, but failed, and Judge Charles Larson was assigned the state trial, which would take place before any federal trial. The attorneys filed motion for a change of venue in federal court, which was also dismissed.³¹⁸ In another surprising move, the defendants dismissed William Kunstler and the other two attorneys as counsel after Kunstler advised them that they were better off representing themselves with public education as the primary objective.³¹⁹

The thirteen members of the Milwaukee Fourteen appearing in court before Larson in February of 1969 pleaded not guilty in order to provide themselves with the venue they sought.³²⁰ William Kunstler then advised them that they were better off representing themselves with public education as their main objective.³²¹ Forest was particularly pleased: “Bill (Kunstler) was too much of a showman.” He was “very much into the theater of William Kunstler,” thus detracting from the purpose of the trial in the first place. “Kunstler would have never wanted to be in the background. For me, it was a happy day when we let Kunstler go.”³²² Ironically, the Milwaukee trial quickly came to resemble a Kunstler-directed courtroom with dramatic rhetoric, flair and outbursts.

Judge Larson and the prosecuting attorneys had entirely different backgrounds. Larson was a World War II veteran and former state commander in

³¹⁸ Wszalek, “The Milwaukee Fourteen and Their Protest,” 18.

³¹⁹ Ibid; Both Graf and Ojile indicated that Kunstler told them that if the twelve defendants were primarily interested in “educational purposes,” they would be better off representing themselves.

³²⁰ Wszalek, “The Milwaukee Fourteen and Their Protests,” 18.

³²¹ Both Graf and Ojile indicated that Kunstler told them that if the twelve defendants were primarily interested in “educational purposes,” they would be better off representing themselves.

³²² Forest, interview with author, 2014. Ojile also mentioned “street theater” in his interview.

the American Legion, a paragon of conservative virtues and beliefs. In addition, he had a son serving in Vietnam in 1968. But he was also Catholic and his faith bubbled up several times during the trial.³²³ The prosecuting attorneys, in contrast, were connected to protesters or social activists themselves. Harold B. Jackson, a young African-American prosecutor, had a brother who was active in the civil rights movement, and was extremely sensitive to being associated with what he considered the callousness of the state towards the underclass in Milwaukee and the country during the trial.

Lead prosecutor Allen Samson was Jewish and his brother was a student anti-war activist and SDS member on the University of Wisconsin campus.³²⁴ In fact, Samson expressed sympathies with this brand of radicalism.³²⁵ However, both prosecutors argued at the beginning of the trial that burning draft files was detrimental to stopping the war. Samson declared: "To protest the war in Vietnam by breaking a valid law is illegal." Samson further argued that, "Any rational man who looks at the acts of these persons and can say they helped any one black person, any one poor person or any one Vietnamese is looking through rose colored glasses."³²⁶

The defendants were uninterested in obtaining not guilty verdicts, so jury selection was of no concern, beyond attempting to air their ideas as early as possible. The twelve defendants randomly questioned potential jurors during selection, prompting one of the prosecuting attorney to complain of the circus-like

³²³ Mayer, "The Milwaukee Fourteen vs. the State of Wisconsin," 30.

³²⁴ "War Foes' Tactic Protested," *The Milwaukee Journal*, 26 May, 1969.

³²⁵ Mayer, "The Milwaukee Fourteen vs. the State of Wisconsin," 30, 31

³²⁶ "Protester Calls Trial Test for Nonviolence," *The Milwaukee Journal*, 24 May, 1969.

atmosphere that he argued bordered upon mistrial conduct that would affect the jury's ability to be impartial.³²⁷ Father Cunnane asked one juror if he would have found members of the Boston Tea Party guilty, while Jim Harney asked another about the Catonsville Nine trial. Basil O'Leary attempted to question one potential juror about the Seventh Nuremberg Principle, which asserted that obedience to the state is not a legitimate defense on its own and an individual alone is answerable for his or her own conduct.³²⁸ In the end, only one juror stated an opposition to the Vietnam War.³²⁹

The defendants placed the prosecutors and the judge on edge from the outset, while the rules and customs of the courtroom increased the frustrations of the defendants as the trial progressed. Judge Larson repeatedly precluded the defendants and their witnesses from delving into these deeper moral issues regarding the Vietnam War and civil disobedience. The defendants were much more concerned about their ability to bring in the witnesses they believed would help transform the trial into an educational tool than in finding a sympathetic jury. However, the defendants feared they might be unable to pay for the expenses of bringing in their witnesses, so the prosecution agreed to pay the costs for witnesses who supplied testimony material to the case.³³⁰

The Milwaukee defendants had more control in their trial than the Catonsville Nine because they dismissed William Kunstler as counsel and represented themselves during the trial. The Milwaukee defendants continued to

³²⁷ "12 War Foes Take Turns in Juror Quiz," *The Milwaukee Journal*, 13 May, 1969.

³²⁸ Forest, *Milwaukee 14 at Trial*, 12 and 13 May 1969, 2.

³²⁹ "Jury Picked In Trial Of War Foes," *The Milwaukee Journal*, 14 May, 1969.

³³⁰ "Draft Foes Allowed To Direct Own Case," *The Milwaukee Journal*, 12 May, 1969.

be egalitarian inside and outside the courtroom. Each defendant had a turn, sometimes multiple turns, examining and cross-examining witnesses. The defendants decided upon trial procedures each night in jail. One member might volunteer to cross-examine the next day and decisions about what arguments to advance were decided collectively.³³¹ Some defendants spent more time examining witnesses than others. Fred Ojile, Doug Marvy, Jim Forest and Antony Mullaney each spent considerable time examining witnesses and addressing the judge. By virtue of his year spent in law school and his self-described “idealism,” Ojile particularly enjoyed playing the role of barrister in court.³³² Larry Rosebaugh, Alfred Janicke and Donald Cotton, said less.³³³

Like the Catonsville Nine, the Fourteen wanted to elicit testimony from high-profile witnesses who could speak to the tradition of civil disobedience in the United States and the moral and legal questions of war. Father Rosebaugh articulated the central argument of the defendants as, “Law has the purpose of serving man. As soon as a law no longer serves man, it ceases to be law.”³³⁴ Fathers Cunnane and Mullaney both argued during the trial that they had exhausted all means “within the system” to stop the war and consequently they were left with only civil disobedience as an option of last resort.³³⁵ Cunnane explained how a book about the complicity of German citizens with Hitler and the

³³¹ Ojile, interview with author, 2014.

³³² Ibid.

³³³ Forest, *Milwaukee 14 at Trial*, 19 May 1969, 19. Rosebaugh explained part of the reason for his reticence was the desperate situation of the poor in Milwaukee that consumed his thoughts.

³³⁴ “Life Sentence: Defendant in War Trial Takes Bride,” *The Milwaukee Journal*, 15 May, 1969.

³³⁵ Forest, *Milwaukee 14 at Trial*, 22 May 1969, 8.

civil rights movement influenced him.”³³⁶ Cunnane also testified that he was provoked to action after he met personally with Senator Ted Kennedy and discovered the senator had even less power to change the war than he did, for at least he could go out and demonstrate.³³⁷

Basil O’Leary and Bob Graf articulated a defense based upon a Wisconsin statute that recognized the right of citizens to use reasonable force to prevent imminent death due to unlawful means.³³⁸ The defendants argued that the Selective Service System was an unlawful interference with the lives of young men and they stepped in to prevent the unlawful interference of the draft upon the lives of these young men. Graf later testified that he felt as if he was rescuing a drowning man as he removed the draft files.³³⁹ O’Leary argued that the action on September 24th could be divorced from morality in a legal context, and based solely upon the reasonable belief that deaths of third parties would result if the Fourteen had not destroyed the 1-A files.³⁴⁰ Jim Forest then tried to clarify the defense’s position by stating, “I’m not saying that the jury should and must find us guilty. I’m simply hoping that the court will allow us to try to demonstrate the reasonableness of our belief in order for the jury to decide for themselves whether, in fact, it was reasonable.”³⁴¹ Antony Mullaney continued:

³³⁶ Ibid., May 19 1969, 33, 34.

³³⁷ Ibid., 35.

³³⁸ Ibid., 1.

³³⁹ Ibid., May 22 1969, 2.

³⁴⁰ Ibid., May 19 1969, 2.

³⁴¹ Ibid., 9.

Your honor, from a number of your remarks, I believe that you have concern about the issue of law, and whether a person can violate a law, when he has all so many methods of recourse. I think that if the testimony of Brother O’Leary is allowed to continue, then it will be shown that this incident of September 24th is very much a part of the legal tradition in the United States. That it is really a part of due process. So, far from being a threat to the meaning of law, it enhances law. It puts law in context; and especially at this moment in history, if law is too narrowly conceived, then we’re missing out on the very important method we have to redress serious grievances. So, we’re not operating against law. We are operating very much within the framework of due process, and I think we can demonstrate that. So that, far from being a threat to the values of a free society, not to have done what we did would constitute a far greater threat.³⁴²

Jim Forest pointed out that a century before, Quakers who mounted a similar defense, were told by the courts that slavery was not an unlawful interference with the lives of others. Robert Cunnane added that there were a few Christians in Germany who destroyed conscription files on Jews.³⁴³ Forest testified that taking an oath to “tell the whole truth” placed a moral duty upon him to express precisely why the Fourteen acted as they did and to not fully express this would constitute a “defamation of my conscience.”³⁴⁴ Basil O’Leary stated he did not intend to burglarize anything, rather he intended to first, spare lives, and more importantly, to have a “symbolic effect” and show that “there are people

³⁴² Ibid., 11.

³⁴³ Ibid., 18.

³⁴⁴ Ibid., 12, 13.

who take these pieces of paper seriously and don't take their value to be limited in economic terms; but these pieces of paper have to deal with a war to which there is considerable doubt as to the legality of morality of it."³⁴⁵

Forest's delineation between secular law and justice should not be construed as an argument that law itself is divorced from justice. Instead, it was an argument that the "authentic law" of the Bible, and, particularly, the Gospels, goes hand-in-hand with justice. Antony Mullaney testified, "I intended to show, in a society where so many leaders act as though law and order are independent of justice, that the best way to enhance and give dignity to the distinction between the legal and illegal is to witness to the even more important distinction between the just and unjust."³⁴⁶

Howard Zinn, who had testified in the Catonsville, agreed to testify on the history of civil disobedience in America and the responses of different Americans throughout the past to similar instances of lawlessness by the state. Zinn was a professor of government at Boston University at the time of the trial and had long spoken on behalf of and participated in civil rights demonstrations. Zinn also traveled to North Vietnam with Dan Berrigan in 1967 to help secure the release of three American soldiers held as prisoners of war. It is unlikely that Larson knew much or anything about Zinn's background, but given the backgrounds of the two prosecutors, it is entirely likely they were familiar with him. As a result, the prosecutors were especially wary of Zinn's ability to lead the jury away from the bare facts of the case and into more abstract ideas about justice. Zinn

³⁴⁵ Ibid., 24.

³⁴⁶ Ibid., 20 May 1969, 8.

prepared for his testimony with Doug Marvy the day before he took the stand. He told Marvy that he was a bit embarrassed to compare the initiative the Fourteen had taken compared to what Zinn regarded as his relative inactivity against the war.³⁴⁷

Antony Mullaney asked Zinn to explain the history of civil disobedience in American history in the initial examination of Zinn on the witness stand. After about a minute of explaining the history of civil disobedience and the particularly strong belief in it during the American Revolution, Judge Larson interrupted Zinn's testimony and directed the jury to ignore Zinn's testimony on civil disobedience. Larson told Zinn that the court was uninterested in the issue Zinn was addressing. Zinn countered that, "If that's the case, then an I.B.N. [sic] machine could make the decision in this court."³⁴⁸ Mullaney persisted and asked Zinn to "give some examples of how there may be social value in certain acts which technically may be criminal?" Zinn began to testify about the Fugitive Slave Laws of 1850 before Larson stopped him.

Zinn's testimony was truncated by Judge Larson's determination to keep the trial focused on the charges at hand. Larson interrupted Zinn and told him deviating into examples of civil disobedience was indeed inflammatory, which prompted an exasperated Mullaney to exclaim, "Is our history inflammatory?"³⁴⁹ Robert Cunnane objected that the United States itself was founded "against the law," to which Larson declared, "We are a government of laws, Father Cunnane,

³⁴⁷ Marvy, interview with author, 2014.

³⁴⁸ Forest, *Milwaukee 14 at Trial*, May 1969, 25.

³⁴⁹ *Ibid.*, 26.

not a government of men.” Cunnane responded from the defense table, “That’s heresy.”³⁵⁰ Zinn left the stand without ever delving sufficiently into the history of civil disobedience, but he did offer one parting shot to Larson after being stifled: “That means the jury can’t hear anything important. All the jury can hear is did these men do it or didn’t they.”³⁵¹

The defendants flew in Marvin Gettleman, a Vietnam expert and professor of history from New York City, to speak on the history of the Vietnam War. However, Gettleman was dismissed from the stand before even answering the first question from Doug Marvy: had the United States ever been attacked by North Vietnam?³⁵² The defendants refused to answer what they intended to prove through Gettleman as a witness until the jury was present. Larson refused to bring the jury back into the courtroom until an answer was provided, thus Gettleman was dismissed.³⁵³

Finally, the Milwaukee defendants brought in John Fried, a political science professor at City University of New York, who served as Special Legal Consultant to the Judges of the United States War Crimes Tribunal at Nuremberg after World War II.³⁵⁴ Fried exemplified the disconnect between secular conceptions of court and those of the Catholic Left because he believed there was no need to wade into issues of theology and civil disobedience, because it

³⁵⁰ *Ibid.*, 28.

³⁵¹ Forest, *Milwaukee 14 at Trial*, 19 May 1969, 29.

³⁵² du Plessix Gray, “The Ultra-Resistance: On Trial of the Milwaukee 14,” *New York Review of Books* 13, 25 (September, 1969) <http://jimandnancyforest.com/2006/11/m14trial/> (accessed 27 February 2015).

³⁵³ Forest, *Milwaukee 14 at Trial*, 21 May 1969, 9.

³⁵⁴ “Witnesses Restricted,” “War Foes’ Argument Tossed Out By Judge,” *The Milwaukee Journal*, 20 May, 1969.

was sufficient to demonstrate that the Vietnam War was itself illegal under international law. Furthermore, Fried briefly testified that both the federal government and American citizens were bound to the stipulations of international law. Fried asserted it was “absolutely proper and sufficient for any good citizen, to insist that he will not be a party to the violation of the most important part of the world order, namely, the prohibition of illegal war.”³⁵⁵ The Fourteen emphasized that their intention at this point was not to convince the jury that the United States was in violation of any particular international law, but rather that the Fourteen could have reasonably believed they were in compliance with the law when they perpetrated the action.³⁵⁶ Fried later told the defendants that he was astounded they were even being prosecuted for the action, and that “If America does not listen to you, it is ensuring its own doom.”³⁵⁷

The defendants and Judge Larson struggled to communicate during the trial. This was rooted in their different conceptions of the individual, the community and responsibility. Basil O’Leary elaborated upon this during Fried’s testimony, stating, “In a sense, no one ever acts as an individual. He belongs to a larger community, and he shares the values and attitudes and belief of this larger community...”³⁵⁸ The court system insists upon evaluating individuals and their alleged transgressions. It searches for individual motives and choices. The justice system is largely unsympathetic to those who argue that they had to

³⁵⁵ Letter from John H.E. Fried to Francine du Plessix Gray, 17 September, 1969, John H.E. Fried Papers, Box 12, Folder 4.

³⁵⁶ Forest, *Milwaukee 14 at Trial*, May 20 1969, 15.

³⁵⁷ *Ibid.*, 26 May 1969, 23; Ojile, interview with author, 2014.

³⁵⁸ Forest, *Milwaukee 14 at Trial*, 20 May 1969, 18.

commit a transgression because of forces larger than themselves because that appears to suggest the transgressors bear no individual responsibility.

The Fourteen maintained that the threat to lives of Americans and Vietnamese was immediate. They argued instead that individuals bear the responsibility for the forces that make us all complicit in the transgressions and the witness borne on September 24th was to demonstrate that this complicity might be overcome by acting. As Fred Ojile argued during his testimony, “We weren’t telling people to do what we did, but just to do what they can in their lives to put an end to the war.”³⁵⁹

The defendants and the judge struggled to communicate throughout the trial. Fred Ojile addressed this directly to Larson at one point:

Mr. Larson, perhaps if there wasn’t such a concern (with the record) and instead we were heard as people, including you, it would be less difficult communicating ideas. I would suggest that if we start listening to one another, and start breaking down terminology, there would be an opportunity for even you to, perhaps, have a change of heart. And I don’t give a damn whether anything is on the record. It makes no difference whatsoever to me. It’s whether or not we can communicate, and I don’t see that happening.³⁶⁰

Several of the defendants made derogatory comments throughout the trial, which irritated Judge Larson and added to the spectacle of the

³⁵⁹ Ibid., May 21 1969, 3.

³⁶⁰ Ibid., 19 May 1969, 20.

proceedings.³⁶¹ When Larson declared that the defendants would be precluded from questioning the ethics of the war, Ojile stated to Larson: “Oh, for God’s sake, don’t give me that. What do you think we’re playing, (sic) tiddledywinks,” to which Larson responded, “Who do you think you’re talking to?”³⁶² Marvy told Larson to “resign” at another point in the trial when the judge disallowed a particular line of argument.³⁶³ The defendants even took to addressing and referring to Larson as “grandpa” at some points.³⁶⁴ Comments from the defendants also stung the prosecutors, particularly when the defendants made clear the complicity of all representatives of the state with an unjust system. At one point, Assistant Prosecutor Harold Jackson protested that he could no longer stand having the state, and, by extension, himself, characterized as uncaring towards the poor.³⁶⁵

Zinn and Fried focused primarily upon issues related to the war. However, the defense’s list of witnesses extended past the three high-profile attendees from the East Coast. Father Phillip Traynor, a theology professor at St. Louis University, where Donald Cotton attended graduate classes, and also a Church

³⁶¹ Ibid., May 20, 1969, 9. Perhaps the most striking example of Larson’s censure of “inflammatory” language and conduct occurred when the defendants attempted to introduce the New Testament as evidence and Larson ruled it inadmissible because it created “substantial danger of undue prejudice or of misleading or of confusing the issues or of misleading the jury.” Fred Ojile responded, simply, “That is beautiful.”

³⁶² “War Foes’ Argument Tossed Out By Judge,” *The Milwaukee Journal*, 19 May, 1969.

³⁶³ “War Foe Gets Angry, Tells Judge to Resign,” *The Milwaukee Journal*, 21 May, 1969.

³⁶⁴ du Plessix Gray, “The Ultra-Resistance: On Trial of the Milwaukee 14.”

³⁶⁵ “War Foes’ Tactic Protested,” *The Milwaukee Journal*, 26 May, 1969. Harold B. Jackson was a young African-American prosecutor whose brother was active in the civil rights movement, which indicates why he was perhaps so sensitive on being associated with any accusation of callousness towards the poor. Lead prosecutor Allen Samson was Jewish and his brother was a student anti-war activist on the University of Wisconsin campus. Both argued at the beginning of the trial that burning draft files was detrimental to stopping the war. Later, Jackson even indicated he wanted in the court record that the State did not object to the introduction of the New Testament as evidence and was fine with the jury considering it.

lawyer for the Archdiocese of St. Louis, also testified. Traynor briefly testified to the nature of Christian conscience: “Man seeks unity with his fellow man. He added, “Such written law must be judged by an individual to see that it is in keeping with the moral law of God,” before the jury was again sent from the courtroom before an exasperated defense table.³⁶⁶ Netty Cullen, Mike Cullen’s wife, and Father Patrick Flood of Milwaukee both testified. Flood was a long-time friend of Father Groppi and active in the civil rights and social justice movement in Milwaukee. Netty Cullen connected the Catholic Worker movement to the peace movement and works of mercy for the poor, while Patrick Flood presented another central assertion of the Milwaukee Fourteen: the Vietnam War was pulling funds from the War on Poverty to the conflict in Southeast Asia. Flood brought a variety of exhibits with him to court to demonstrate the statistical evidence of this assertion, while Netty Cullen spoke of her first-hand experiences serving the poor at Casa Maria.³⁶⁷

The Fourteen testified to the institutional fear they sought to weaken in their action. They argued this fear was born of a draft system that reduced human beings to objects and sapped resources from the poor, also motivated the Fourteen. Antony Mullaney stated his reasons for participation in three words: “Responsibility, anger and fear.” The fear pervaded society, polarizing blacks and whites, poor and rich, young and old. Mullaney argued that the Kerner Report and government documents made these polarizations evident.³⁶⁸ The action on

³⁶⁶ Forest, *Milwaukee 14 at Trial*, 19 May 1969, 14, 15.

³⁶⁷ *Ibid.*, 21 May 1969, 19, 25.

³⁶⁸ *Ibid.*, May 22 1969, 7.

September 24th was therefore “my attempt to say something about the polarization” and also an act of “beautiful liturgy.”

However, the Milwaukee action and trial were not meant simply as public performances. Indeed, the Fourteen were gravely serious about their beliefs and their efforts to bear witness. Still, the trial conformed to larger cultural trends of the late 1960s, when public locations were transformed into performance stages. People like Abbie Hoffman used street theater to subvert conventional cultural values. Dan Berrigan was a performer in his own right, who reveled in his notoriety, by going on the run after the conviction of the Nine, and rubbing it in the noses of the FBI.³⁶⁹ The Milwaukee resistance community reacted similarly. Richard Zipfel and the Defense Committee sought use of the city plaza across the street from the courthouse, expecting one thousand activists for the state trial.³⁷⁰ The defendants even extended the theatrics of the trial beyond the confines of the courtroom. Bob Graf married his wife, Pat, on a street corner just a couple days into the trial, complete with a wedding bouquet of dandelions, with neighborhood children and passers-by, among family and friends attending the ceremony.³⁷¹

The courtroom also took on these characteristics, as the defendants, some of their family members and many of their supporters transformed the

³⁶⁹ Jim Forest used the term “theater” to explain that Dan’s “extended resistance” - going on the run after his conviction, fit his personality. He liked being on the stage. At one point during the trial, a mime troupe of UW-Milwaukee students performed skits outside a rally for the Fourteen, mocking the Vietnam War and the justice system.

³⁷⁰ “Milwaukee 14 Group Gets OK for Rallies,” *Milwaukee Journal*, 10 May 1969. The defense committee complained of this technicality, pointing out they were forced to seek permission from the state to exercise their First Amendment rights.

³⁷¹ Larry Rosebaugh officiated a ceremony between Graf and his future wife two weeks before, but he lacked a license to perform weddings.

courtroom into a stage, in which they directed the “action” of the court.³⁷² The defendants created “disorder” through interruptions and refusal to adhere to the conventions of the typical courtroom. The efforts of the court to confine the expressiveness of several of the defendants only made the tactics of the defendants more dramatic. The Fourteen, like the Baltimore and Catonsville raiders before them, were products of draft card burnings on public stages, and the draft board actions. The actions became natural progressions from these burnings, employing on a greater scale and thus mounting a more significant challenge to the draft system.

The prosecution addressed the crucial encounter between the Fourteen and two cleaning workers, Margaret Bauer and Pauline Gaydos at the Brumder Building. The encounter carried greater significance for the general public and other Catholic peacemakers than the relatively minor amount of testimony devoted to it because the possibility that violence was used threatened to undermine the pacifist goals of the Fourteen. Any contradiction of fundamental principles called into question the sincerity of the action as a work of mercy intended to end violence.³⁷³

Margaret Bauer testified that Larry Rosebaugh and Basil O’Leary approached her and first asked for the draft records. Bauer declined, telling them, “You’re not getting them.” O’Leary then reached into her pocket and removed her

³⁷² Ojile, interview with author, 2014. Ojile used the term “street theater” to describe what sometimes happened during the Milwaukee trial.

³⁷³ The Catonsville Nine faced this same dilemma in their own draft board action, when testimony revealed that Phil Berrigan restrained a draft board office staff member in Catonsville at one point and Mary Moylan prevented the worker from leaving the office.

keys from her apron pocket. Bauer asked for the keys back, and either Rosebaugh or O'Leary assured her, "You'll get them. Don't be afraid. We'll be glad to be identified." Bauer then attempted to use the telephone to call the police, but Rosebaugh placed his hand over the telephone and told Bauer, "You're not calling the police." Doug Marvy then approached the trio and was given the keys.³⁷⁴ The situation was further complicated when Pauline Gaydos, the cleaning supervisor who spoke limited English arrived on the scene, making an already difficult situation more precarious.³⁷⁵

Gaydos testified that after she walked into an office, Antony Mullaney (whom she apparently confused with Basil O'Leary) blocked the door so she could not leave.³⁷⁶ She testified that she pushed Mullaney out of the way and ran down the hall screaming, and that someone grabbed her around the neck and directed her into Draft Board Office 47. Gaydos then identified Jim Forest as the person who grabbed her. She indicated that Forest told her why they were in the draft board offices and that nothing was going to happen to her. Finally, Gaydos testified that she then complained to Forest that he hurt her.³⁷⁷

Forest testified that he did indeed grab Gaydos, but around the belly and cheek, and he did this to calm her because she was in such a state of terror. Forest testified that he told her that perhaps she had a son or friends with sons

³⁷⁴ Forest, "Milwaukee 14 at Trial 14, 15 May 1969, 2.

³⁷⁵ Forest, interview with author, 2014.

³⁷⁶ Forest, *Milwaukee 14 at Trial*, 15 May 1969, 4.

³⁷⁷ *Ibid.*, 15 May 1969, 5.

who might go to Vietnam and that the Fourteen were just trying to stop that. Forest continued that Gaydos then calmed down and her fears disappeared.³⁷⁸

Lead prosecutor Allen Samson's closing argument was brief. Beyond pointing out that the defendants acknowledged breaking into the draft board offices, removing and then incinerating the files, he argued that the essence of their defense was contrary to democratic principles. In effect, the Fourteen decided all by themselves something that the whole of American society must decide: whether these draft files did indeed deserve to exist, as the defendants argued they did not. Samson used the testimony of John Fried to reinforce his assertion, pointing out that Fried himself stated that it was up to "local law" to make decisions about such things.³⁷⁹

All twelve defendants made closing statements. Doug Marvy used a metaphor of a person drowning in a lake and stealing a bike to get there faster, only to be told by the court that his reasons for stealing the bike were irrelevant to the issue of stealing the bike.³⁸⁰ Antony Mullaney continued Marvy's metaphor and warned of more "brothers and sisters hard at work to prevent more drownings."³⁸¹ Robert Cunnane wrapped up his closing argument by declaring that he had not fully expressed himself during testimony because "words have lost their meaning and that "if the issue here is burglary, arson and theft, then I am no longer cut out as a human being, I am no longer whole, I am no longer

³⁷⁸ Ibid., 20 May 1969, 5; Forest described the encounter with the cleaning staff as "horrifying" in the October, 2014 interview with the author. Forest further stated he had no recollection of the incident as explained in the trial transcript in an email to the author on 2/27/2015.

³⁷⁹ Ibid., 23 May 1969, 2.

³⁸⁰ Ibid., 23 May 1969, 4.

³⁸¹ Ibid., 26 May 1969, 26.

human.”³⁸² Alfred Janicke quoted Pope John: “If any government does not acknowledge the rights of man, or violates them, its orders completely lack judicial force.”³⁸³ Bob Graf spoke of exorcising a metaphorical demon from himself and choosing “personal responsibility over collective guilt.”³⁸⁴ Jim Forest was so compelling in his closing comments about the fire that burns draft records and human flesh that it brought one juror to tears.³⁸⁵

Forest spoke of the quest “to be in communion with others, more and more others,” and the courage necessary to “renew miracles” in society through “the effort to save lives and restore sanity.”³⁸⁶ He also revisited the significance of the fire motif in the action in his closing statement, moving one juror to tears: “But it does take courage, incredible courage – courage to see not just flaming draft records and slavery papers, but to see human flesh on fire, courage to look into the eyes of those made homeless, made refugees by the bombs that we, without even thinking about it, helped to buy...”³⁸⁷ Antony Mullaney concluded, “The real enemies of law and order are not those who engage in civil disobedience, but those who insist on order without justice; and this is to insist on the impossible.”³⁸⁸

Two hundred supporters of the Fourteen stood outside the courtroom during sentencing, but only twenty-five non-sheriff’s department employees and

³⁸² Ibid., 23 May 1969, 9.

³⁸³ Ibid., 26 May 1969, 5.

³⁸⁴ Ibid., 7.

³⁸⁵ Linda Forest, “Moses and the Milwaukee Fourteen,” *Commonweal* 90 (June 29, 1969): 410-412.

³⁸⁶ Jim Forest, *Milwaukee 14 at Trial*, May 23 1969, 12; 14.

³⁸⁷ Ibid.

³⁸⁸ Forest, *Milwaukee 14 at Trial*, 26 May 1969, 28.

family members were allowed in court because of the multitude of sheriff's deputies and relatives of the defendants.³⁸⁹ Mike Cullen quelled the protesters outside when it appeared they could become violent. Ten protesters, including Richard Zipfel and James Douglass, a Catholic Worker, were arrested just down from the courtroom the Milwaukee for unlawful assembly after they read the names of 35,000 American soldiers who died in Vietnam. Like the Fourteen, the protesters were gathered from multiple cities across the city, but also included three women.³⁹⁰

Several remarkable events occurred during sentencing, which indicate some of the effects the defendants had on their audience: Judge Larson broke down when he passed sentence on Father Mullaney, stating: "Father Mullaney, you have been a true gentleman from the beginning of the trial to the end."³⁹¹ One of the defendants even asked Larson if he would like a recess to compose himself.³⁹² Alfred Janicke asked Larson to join the peace movement at the conclusion of the proceedings.³⁹³ Meanwhile, Jim Forest asked for Larson's forgiveness.³⁹⁴ These dramatic interactions heightened the anticipation of the audience, making an intensely emotional response from spectators inevitable.

Larson sentenced eleven of the twelve defendants to two years concurrently for theft and arson. They were also given four years of probation for burglary, and were eligible for parole after one year. Larson ordered Jon

³⁸⁹ "11 War Foes Sentenced to 2 Year Prison Terms," *The Milwaukee Journal*, 7 June, 1969.

³⁹⁰ "10 Arrested in Protest of Draft Law," *Milwaukee Journal*, 11 June, 1969.

³⁹¹ Forest, *Milwaukee 14 at Trial*, June 6, 1969, 7.

³⁹² "11 War Foes Sentenced to 2 Year Prison Terms," *The Milwaukee Journal*, 7 June, 1969.

³⁹³ Forest, *Milwaukee 14 at Trial*, June 6, 1969, 7.

³⁹⁴ *Ibid.*, 8.

Higginbotham's release prior to sentencing, but was to appear the following Monday. Higginbotham then asked for adjournment so he could hire an attorney.³⁹⁵ The guilty verdict provoked a twenty-minute disturbance in the courtroom from court spectators. Sister Joanne Malone, who was later one of the DC Nine participants, yelled, "We thank you men and women of the jury for finding Jesus Christ guilty again." Larson took the unusual step of addressing the spectators who applauded after Joanne Malone's exclamation, telling the spectators he really did not want to hold them in contempt of court.³⁹⁶ Other spectators wept and some began singing "We Shall Overcome." Many were dragged from the courtroom. Some of the spectators approached the defendants' table and stood by them.³⁹⁷ Larson ordered the bailiff and the eighteen sheriff's deputies in attendance to clear the courtroom. Despite several spectators blocking the door, only one arrest was made for disorderly conduct.³⁹⁸ Jean Ojile, Fred's wife, leapt to her feet when Larson threatened to hold Fred in contempt of court, and declared, "If my husband is guilty of contempt then you'd better charge me too, because I'm certainly in contempt of this court."³⁹⁹ Father Janicke volunteered to be in contempt to take Fred Ojile's place, while Father Harney asked to be held in contempt, apparently simply on principle. After telling Larson to "Keep quiet," Harney was granted his wish.⁴⁰⁰

³⁹⁵ "Draft Foes Sentenced to 2 Year Prison Terms," *Milwaukee Journal*, 7 June 1969.

³⁹⁶ Linda Forest, "Moses and the Milwaukee Fourteen," *Commonweal* 90 (29 June 1969): 410-413.

³⁹⁷ Jim Forest, quoted in *Milwaukee 14 at Trial*, May 26 1969, 38.

³⁹⁸ "Police Drag Spectators From Room," *The Milwaukee Journal*, 27 May, 1969.

³⁹⁹ Linda Forest, "Moses and the Milwaukee Fourteen," 410-412.

⁴⁰⁰ Forest, *Milwaukee 14 at Trial*, 26 May 1969, 39.

The eleven defendants sentenced by Larson asked to be released in order to prepare for their federal trial, in which they faced charges of conspiracy, destroying draft records and interfering with the Selective Service System, but were denied. United States Attorney Robert Lerner also filed a habeas corpus brief with Larson to prevent the defendants from being sent to Waupun Correctional Institute because sheriff's deputies would have to retrieve and return them to the upstate prison each day of a federal trial in Milwaukee.⁴⁰¹

The defendants again retained the services of Kunstler, Julian and Stickgold for the federal trial in the days after their convictions in state court. The three attorneys filed motions in federal court to dismiss the charges of destruction of draft records, interference with administration of the selective service system and conspiracy.⁴⁰² The attorneys argued the defendants could not receive fair trials in Milwaukee and pointed out that Judge Gordon had granted Hagedorn a change of venue to Chicago.⁴⁰³ The legal team then argued that a federal trial constituted double jeopardy, but Gordon denied the motion to dismiss on those grounds, citing a 1959 Supreme Court decision that allowed federal prosecution charges similar to state charges.⁴⁰⁴ The defendants promptly dismissed Julian, Stickgold and Kunstler after the motions were denied, arguing the attorneys could be of no assistance at a federal trial.⁴⁰⁵ However, within days, Gordon

⁴⁰¹ "Draft Foes Sentenced to 2 Year Prison Terms," *The Milwaukee Journal*, 7 June 1969.

⁴⁰² "12 War Foes Ask For Dismissal," *The Milwaukee Journal*, 29 May, 1969, p. 14.

⁴⁰³ "Drop Case, Draft Foes Ask," *The Milwaukee Journal*, 2 June, 1969.

⁴⁰⁴ "War Protesters Fail to Stop Federal Trial," *The Milwaukee Journal*, 3 June 1969.

⁴⁰⁵ "12 of 14 Dismiss Attorneys," *The Milwaukee Journal*, 6 June 1969.

offered a venue shift for precisely the reasons the defendants had previously argued.⁴⁰⁶

Mike Cullen and Jerry Gardner still awaited their federal and state trials. Gardner petitioned for a change of venue for his federal trial to no avail. As a result, Gardner accepted a plea bargain, and was sentenced to one year and one day in federal prison.⁴⁰⁷ Jon Higginbotham and Robert Cunnane also pled guilty to federal charges of impeding the selective service system in exchange for Judge Gordon dropping the remaining charges, in the wake of Gardner's sentencing. Cunnane stated that he pled guilty because he saw no point in a federal trial after the state trial failed to accomplish what he and the others envisioned it would accomplish. Higginbotham echoed the same sentiments stating that he and Cunnane expected to receive the same sentence as Gardner.⁴⁰⁸ Judge Larson subsequently sentenced Higginbotham in state court, deciding upon a sentence of two years each for theft and arson, along with four years' probation for burglary, to be served concurrently at Waupun.⁴⁰⁹

Judge Gordon acceded to the arrangement between the three defendants and federal prosecutors, dropping the remaining charges. Gardner was handed a 366-day sentence, which he eventually served in Sandstone Prison in Minnesota, the same facility in which Ammon Hennacy had served time. Gordon also

⁴⁰⁶ "Judge Offers Venue Shift to War Foes," *Milwaukee Journal*, 9 June, 1969.

⁴⁰⁷ "1 Member of the 'Milwaukee 14' Remaining in Prison in Waupun," *The Journal Times (Racine, WI)*, 29 July 1969.

⁴⁰⁸ "2 War Foes Plead Guilty in US Trial," *Milwaukee Journal*, 10 June 1969.

⁴⁰⁹ "War Protester Gets 2 Year Prison Term," *Milwaukee Journal*, 19 June 1969.

sentenced six of ten of the defendants to additional prison time, to be served after the state sentences were served, for not standing when asked in court.⁴¹⁰

Cunnane, Gardner and Higginbotham lost their gambles: Judge Myron Gordon dismissed the federal charges against ten of the remaining members of the Milwaukee Fourteen on June 11, 1968, concluding they could not receive a fair trial after only one juror out of 142 had not heard of the Milwaukee Fourteen. The federal prosecutor immediately announced the government would appeal the decision.⁴¹¹ Wisconsin Attorney General Robert Warren denounced Gordon's decision as "A completely illogical utilization of the jury system" as he spoke before the Wisconsin Law Enforcement Officers Association a few days after Gordon dismissed the federal charges.⁴¹² A three-judge panel eventually upheld Gordon's ruling in appellate court.⁴¹³

In several respects, Mike Cullen achieved a more complete representation of Worker ideals in his own trial than his cohorts. Cullen prepared for his separate federal trial to be held in March, 1970, asking Dorothy Day to testify at his trial, because "I am trying to run the trial so that any Christian who has his eyes and ears open to the world around him eventually ends up in court on the basis of conscience."⁴¹⁴ Cullen was determined to conduct his trial differently from his comrades, both in terms of legal representation and also courtroom

⁴¹⁰ "Federal Charges Dropped For 10 in Draft-Board Raid," *Toledo Blade*, 12 June 1969.

⁴¹¹ "US Judge Dismisses War Protester Case," *Milwaukee Journal*, 11 June 1969.

⁴¹² "Warren Denounces War Foe Decision," *Milwaukee Journal*, 18 June 1969.

⁴¹³ "Ruling Here in Draft Foe Case Upheld," *The Milwaukee Journal*, 27 November 1969.

⁴¹⁴ Letter to Dorothy Day from Mike Cullen, Dorothy Day Papers, Public Activities, 1933-1981. Box 2.

disposition. At the same time, Cullen sought to use his trial as a forum, just as the twelve who faced a state trial had used the courtroom platform.

Ninety supporters marched with Cullen from Marquette's Joan of Arc Chapel to the federal courthouse on March 16 for the first day of his federal trial. Despite this support, Cullen asked for no demonstrations from his supporters during the trial, in an effort to create a different atmosphere from the state trial for his thirteen cohorts.⁴¹⁵ Cullen continued this conduct in the courtroom during the trial, standing each time the judge entered the courtroom and each time a witness took the stand, even going into the crowd during court recesses to thank the prosecution's witnesses for testifying.⁴¹⁶ Nonetheless, his supporters remained passionate. Father Groppi declared at a rally for Cullen the day before the first day of the trial that, "We are going to see again the crucifixion of Christ in Michael Cullen. It's kind of fitting that Mike is coming to trial this week before we remember the passion of our Lord." Cullen told the rally attendees, that the task was to "change our sick society," and "the goods of the earth belong to all people. That's our task, the distribution of wealth. Nothing is too small to bring about peace Begin where you are, but begin."⁴¹⁷

Cullen chose to have an attorney at his trial, James Shellow, who was briefly on the Fourteen's legal team after they were arrested. Judge Gordon sequestered jurors in Cullen's federal trial due to the publicity the state trial

⁴¹⁵ "Cullen's Trial in Draft Case Opens Here," *Milwaukee Journal*, 16 March 1970.

⁴¹⁶ "Cullen Trial Livens Staid Federal Building," *Milwaukee Journal*, 19 March 1970. Cullen exemplified the Gospels commandment to "love your enemies in the courtroom, responding, "Yes, any person who speaks the truth is an honorable person. These people are my friends, the judges, the lawyers, everyone. I'm interested in the truth and we have much of that here."

⁴¹⁷ *Ibid.*

received for the other members of the Milwaukee action. Finding an impartial jury was a monumental task. All but one of the jurors ultimately selected for the trial were familiar with the case, with the sole unfamiliar juror a recluse.⁴¹⁸ Reporters at the scene, along with Bauer and Gaydos, testified in the case, and the jury was also shown film of the draft file burning.⁴¹⁹

Cullen spoke uninterrupted for more than two hours when he was called to the stand, describing his intensely religious upbringing in Ireland, his work as a missionary in Africa and his time in a monastery before coming to the United States in 1961. He told the courtroom that after attempting a life selling insurance, he was exposed to Father Groppi's activism at St. Boniface and became his friend: "Groppi was doing things to my head. He was challenging my faith. Was I living or not?"⁴²⁰ Cullen also testified about the meaning of "bearing witness," declaring that bearing witness "is to stand on behalf of your brother or sister...witness, it is a vocation. Like I act, it is in my bones, it is in my face, my hands, my feet, of how I must act and how I must live."⁴²¹ "Unless you feed your brother and clothe your brother, serve your brother and be a peacemaker, that in essence is what it is all about."⁴²²

⁴¹⁸ "Mate of Cullen Juror Jailed," *Milwaukee Journal*, 18 March 1969. The husband of one female juror who had worked with Cullen selling insurance attempted to get his wife removed from the jury by arguing he and his wife were prejudiced against Cullen and threatened to demonstrate at the courthouse. Gordon brought the husband into court and found him in contempt, receiving thirty days in jail, while his wife remained on the jury.

⁴¹⁹ "Jury Sees File Burning Film," *Milwaukee Journal*, 19 March 1970.

⁴²⁰ "Cullen Spellbinds Court for 2 Hours," *Milwaukee Journal*, 20 March 1970.

⁴²¹ *Casa Maria Cry*, Casa Maria Collection, April 1970, W-18, Vol. 2, No. 4.

⁴²² "Cullen Speaks 5 Hours; Testimony Ends Draft Trial," *Milwaukee Journal*, 21 March 1970.

Cullen also added context and justifications for the Milwaukee action in his testimony. He listed the assassinations of Martin Luther King Jr. and Robert Kennedy, the violence at the Democratic National Convention in Chicago and the Catonsville action as inspirations. He argued, "There was nothing left to do. In essence, there was no other way I could speak out," echoing the reasoning of the other members of the Fourteen and also the Catonsville participants, who believed they had exhausted all other avenues of resistance to the war.

One hundred gathered outside the courtroom the day of Cullen's verdict, singing in low voices as they entered the courtroom. Cullen then led them in the Lord's Prayer before the proceedings resumed. James Shellow asked the jury not to "pass a poisoned chalice" to Cullen before they left to deliberate. The jury took ten hours to reach a verdict, convicting Cullen on two counts: destroying draft records and conspiracy, but Judge Gordon delayed ruling on the charge of interfering with the Selective Service System because there was no proof Cullen actually lit the fire that incinerated the records. Cullen thanked the court after the verdict and announced he would refuse bail and just go to prison if sentenced.⁴²³

However, Cullen appealed the decision, but a three-judge panel that included future Supreme Court justice John Paul Stevens upheld the conviction. Cullen was again afforded the opportunity to articulate his own beliefs and motivations for the action at the appellate trial. He stated, "Did I burn files? Yes, I did. Did I enter a draft board? Yes, I did. Did I do with the free will? Well, if you call free will did anybody coerce me, no, no one coerced me, but a free will, I am

⁴²³ Ibid; "Cullen Expects to Go to Prison," *Milwaukee Journal*, 23 March 1970.

not sure. I would say this, I had to do what I did, lest we be mad, and lest we go insane as a society and as a people and as a person.”⁴²⁴ Cullen also made an explicit defense of his conception of community:

I did what I did lest I be judged not a man but a coward. I did what I did even though I knew I jeopardized my wife's future and my children. I did what I did because I knew even I jeopardized a future in this society, but I stood with those other men on that day and that evening and that place and that time lest I be judged less a man. I did lest I be condemned. And so I stand before you. So God help me!⁴²⁵

Cullen’s defense met with even less sympathy with the appellate panel. John Paul Stevens wrote in his opinion, “No man or group is above the law” and labeled Cullen’s defense “arrogant.”⁴²⁶

None of the Fourteen considered emulating Dan Berrigan and going on the run from justice after their sentences. Many were prepared for prison by virtue of their time in solitary vocations, like the stints of several in seminaries. The experiences of some in houses of hospitality, living with people at the fringe of society, also prepared some for prison and the convicts with whom they would

⁴²⁴ United States v. Michael Denis Cullen, 454 F.2d 386, Transcript Excerpts, 145, <http://law.justia.com/cases/federal/appellate-courts/F2/454/386/438155/> (accessed 3 March, 2015).

⁴²⁵ Ibid., 167.

⁴²⁶ “Conviction for Draft Records Arson Confirmed,” The Jacksonville Daily Journal, 22 December 1971.

share their lives for the near future. Others were less prepared and suffered greatly for the experience.

Chapter 5 - The Legacy

The twelve members convicted on state charges were originally sent to Waupun Correctional Institute but were quickly sent to different farm and forestry camps throughout the state. The Commissioner of the Wisconsin Prison System called the Fourteen “the greatest pains in the ass” he had seen in the system, and officials were anxious to separate them rather than keeping them all at Waupun. Other prisoners saw the imprisonment of the twelve convicts as a joke, incredulous that the twelve would be incarcerated for the offenses for which they were convicted and left to sit in prison amongst murderers, rapists and other violent criminals. They received kind treatment from their fellow prisoners and several empathized with other prisoners and developed great concern for their treatment.⁴²⁷ Ojile took particular interest in laws biased against Native Americans during his stay in Green Bay and worked upon the issue after his release.⁴²⁸ The prison experience cultivated consciousness about the rights of prisoners among Ojile, Forest, Graf, Marvy and Rosebaugh.

Jim Forest spent six weeks at Waupun before being moved to the minimum-security prison state forestry camp at Camp Gordon, in Douglas County.⁴²⁹ He was moved back to Waupun within four months before being sent to Fox Lake prison.⁴³⁰ Rosebaugh and Harney also spent time Fox Lake, which looked “like a college campus from the outside,” where they spent a good deal of

⁴²⁷ Graf, Ojile and Marvy all indicated these sentiments in my interviews with them.

⁴²⁸ Ojile, interview with author, 2014. The Fourteen also received support from the public during their prison stays, receiving 1,000 to 2,000 Christmas cards.

⁴²⁹ Letter to Dorothy Day from Jim Forest, 12 August 1969, Dorothy Day Papers, Box 7, Folder 6.

⁴³⁰ Letter to Dorothy Day from Jim Forest, 31 December 1969; 4 March 1970, Dorothy Day Papers, Box 7, Folder 6.

time milking cows.⁴³¹ The men enjoyed bringing books to read while they did chores, but the prison officials prohibited them from reading, so Rosebaugh refused to work and was placed in “the hole.” Rosebaugh was eventually sent back to Waupun after he managed to publish a story in which he told of racial abuse at Fox Lake, where he was reunited with Bob Graf and Doug Marvy.⁴³² Fred Ojile was transferred from Waupun to Green Bay.⁴³³

Robert Cunnane was sent to Flambeau Prison Camp in Sawyer County, but soon was teaching an ethics course at Mt. Senario College in Ladysmith, Wisconsin, to the protests of some law and order supporters in the state. However, the president of the university, also a priest, refused to relent and Cunnane continued to be transported 40 miles one way, each day by deputies, to the campus from the prison camp. Basil O’Leary was also given a teaching position, at the School for Boys, in Wales, Wisconsin. Like Forest, Rosebaugh and Harney, Alfred Janicke was sent to a farm, this time at Oregon, Wisconsin. Antony Mullaney was sent to Elkhorn, and Jon Higginbotham and Don Cotton both ended up at McNaughton forestry camp near Lake Tomahawk. Fred Ojile spent six months in Waupun before being transferred to Green Bay for the remainder of his term. Doug Marvy spent the entirety of his sentence at Waupun.⁴³⁴

⁴³¹ Rosebaugh, *To Wisdom through Failure*, 70.

⁴³² William Strabala and Michael Palecek, *Prophets Without Honor: A Requiem for Moral Patriotism* (New York: Algora Publishing, 2002), 63, 66. Rosebaugh earned another stay in solitary after his return to Waupun for telling the warden that prison officials had no understanding of human psychology, evidenced by their techniques in “reforming” prisoners.

⁴³³ “Protesters at Camps,” *Milwaukee Sentinel*, 26 June 1969.

⁴³⁴ Ojile, interview with author, 2014.

In the midst of the prison sentences of the Fourteen, three hundred supporters marched to the World War I memorial where the draft files were incinerated to mark the first anniversary on September 24, 1969. The attendees incinerated a wood coffin filled with newspapers, wrapped in an American flag and a wreath arranged in the peace symbol. Three attendees, including Richard Zipfel, were arrested at the scene.⁴³⁵

Larry Rosebaugh's defiance continued at Waupun and he was placed before the discipline board for noncooperation. The board told him if he was uncooperative in his next two appearances before the board, he would have ten months added to his sentence. Rosebaugh refused to appear on the next two occasions and was placed in solitary confinement.⁴³⁶ Rosebaugh spoke out against the abuse of prisoners he witnessed while at Waupun and gained respect from both prisoners and some guards for his bearing of witness in prison.⁴³⁷ On one occasion, Rosebaugh administered Confession to a prison guard. On another occasion, a guard wrote him a note on toilet paper telling him that he appreciated the changes to the prison culture that Rosebaugh had instigated.⁴³⁸ Two more weeks were added to Rosebaugh's sentence because he refused to stand when Judge Larson entered the courtroom during the criminal trial.⁴³⁹

⁴³⁵ "300 Rally to Honor 14 Burning," *UWM Post*, 25 September 1969.

⁴³⁶ Rosebaugh, *To Wisdom through Failure*, 72; Strabala and Palecek, *Prophets Without Honor*, 63. Rosebaugh also refused to work doing laundry or producing license plates at Waupun on principle.

⁴³⁷ Rosebaugh, *To Wisdom through Failure*, 73.

⁴³⁸ *Ibid.*, 75.

⁴³⁹ *Ibid.*, 78.

Cullen and O'Leary were the first of the Fourteen to be released from jail.⁴⁴⁰ Six more of the Fourteen were released on bond within a few days, and by October 25, 1970, the remaining six were out on bail.⁴⁴¹ The Fourteen faced the prospect of returning to or locating employment after the action and then after their prison terms. Four members of the Milwaukee Fourteen – Donald Cotton, Bob Graf, Jon Higginbotham and Larry Rosebaugh – sought to expunge the convictions from their records by seeking full pardons in November 1972. Cotton refused to repent for the action and said he might perform an action of conscientious objection again. All but Higginbotham appeared before Governor Lucey's pardon council.⁴⁴² Fred Ojile faced similar challenges after returning to law school. He appeared before Minnesota Bar Association and had to promise he would never again take part in an action similar to what he had done in Milwaukee in 1968 in order to be licensed to practice.⁴⁴³

The prison experience strengthened the faith of some of the Fourteen, like Bob Graf and Donald Cotton. Priests like Robert Cunnane and Alfred Janicke maintained their faiths, but also deviated from Church dogma by marrying. Basil O'Leary left the Christian Brothers, but continued to teach. He contended after the action that the Catholic personalism that motivated others in the group did not motivate him to participate, and like several others in the Fourteen, he had virtually no contact with the other members after the trial and prison

⁴⁴⁰ "2 of Draft Protesters Released on 2nd Bond," *The Milwaukee Journal*, 19 October 1968.

⁴⁴¹ "6 in Draft Case Out on US Bond," *The Milwaukee Journal*, 23 October 1968; "Last 6 in Draft Case Post Bond, Go Free," *The Milwaukee Journal*, 26 October, 1968.

⁴⁴² "4 of Milwaukee 14 Seek Full Pardons," *Milwaukee Journal*, 10 November 1972.

⁴⁴³ Ojile, interview with author, 2014. Jon Higginbotham, in particular, struggled to find employment after the action, living an itinerant lifestyle, working as a dishwasher and other jobs.

sentences.⁴⁴⁴ Despite entering the action for secular purposes, Basil O’Leary still conceded his participation in the action was rooted in Catholicism and that the “overall character of the Fourteen as an act of the Catholic Workers remains.”⁴⁴⁵ The Fourteen were not unlike the communities at many Catholic Worker houses, where temporary communities formed, living together for short periods of time and then proceeding to other things. Some of the Fourteen have maintained contact over the years: Marvy and Ojile, Graf and Forest. Graf has taken particular interest in keeping those among the Fourteen left, in contact and he continues to be active on peace and social justice issues in Milwaukee.

Doug Marvy entered the action with secular motivations, and his “faith” in the larger peace movement evaporated after prison. Marvy believed the larger political Left of the period misunderstood the radicalism of the Catholic Workers, who “wanted a different world.” He was disillusioned by the time he served his prison sentence: “I was more prepared to go to prison than to get out.” While the hit and stay activists were always a “small part of a very large movement,” there was unity. However, upon his release, the peace movement was “factionalized.”⁴⁴⁶

The Fourteen’s assessments of their action has changed over the years. Larry Rosebaugh’s reaction in prison In the depths of despair and isolation at the Waupun Correctional Institute is emblematic of some of the natural doubts: “No, I wouldn’t do it again.” Pressed on this, he clarified: “I mean I wouldn’t do it the

⁴⁴⁴ Wszalek, “The Milwaukee Fourteen and Their Protest,” 54-55.

⁴⁴⁵ Ibid., 56.

⁴⁴⁶ Marvy, interview with author, 2014.

same way. I would have done it sooner or with more public attention. It might seem that being in jail puts my cause in jail with me, but it's the best witness anyone can give to the correctness of a cause and to what is wrong with our system."⁴⁴⁷ The challenge to see success in the action mirrors the test of faith itself. Members of the Fourteen like Jim Forest and Bob Graf have also expressed skepticism, at times, about the worth of the action only to see value in it later. Forest's assessment by 1993 was largely negative: "Well, I don't have a very romantic idea of most things we did...I...maybe later in my life I'll have a more positive attitude toward it." By 2014, Forest was "quite sure we accomplished something."⁴⁴⁸ He likened it to an act of vandalism and anger towards America.⁴⁴⁹ Later in his life, he stated he had no regrets.⁴⁵⁰ Bob Graf concluded the protest "did not change things" in 1986, but also found value in lives spared. He has received many letters since the action thanking him for delaying the induction process of for sparing lives altogether. Today, Graf looks at the action as something in keeping with Dorothy Day's idea of "needing to disturb consciences," in addition to the practical value in sparing the lives of some young men who would have ended up fighting in Vietnam.⁴⁵¹ Fred Ojile believes the action went beyond expectations because of the news coverage. "It had an impact on a lot of people" and received more publicity than he anticipated.⁴⁵²

⁴⁴⁷ Strabala and Palecek, *Prophets Without Honor*, 63.

⁴⁴⁸ Forest, interview with author, 2014.

⁴⁴⁹ Troester, *Voices from the Catholic Worker*, 37.

⁴⁵⁰ Forest, interview with author, 2014.

⁴⁵¹ Graf, interview with author, 2014.

⁴⁵² Ojile, interview with author, 2014.

Alfred Janicke regretted not pleading guilty, declaring, “The guilty plea is the honest one.” He also concluded that the courtroom was not the proper place for “a forum of political views.” Still, Janicke remained hopeful of the ability of Catholics to change society, though he believed it called for abandoning the identification with the parish: “Vatican II has said we have to develop a sense of who we are, what the Christian message is. (To do this) we need almost to bypass the structure of the parish and go into the realm of people gathering together according to their own needs. We need to refashion the church from below...from the people...as it was done in the first century.”⁴⁵³

Antony Mullaney was less hopeful, declaring, “I’ve come to the conclusion now that our political and economic system cannot address itself to the massive social problems of our time and therefore, of course, it will not.” Jerry Gardner was especially pessimistic after his time in Sandstone, admitting it had sapped him of his Christianity and faith in general. He declared, “I don’t have much hope now. The Milwaukee 14 took an action full of Christian hope and now I’m full of despair.”⁴⁵⁴ Cullen stated after his year in Sandstone, in response to a question about participating in another resistance action: “No, that was wrong. It had its own meaning at the time, but, no, certainly not again.” Cullen wished to focus on “deeper aspects of peacemaking - of one person to another.”⁴⁵⁵

Despite the doubts many of the Fourteen experienced over the years, they did achieve some tangible results. Young draftees in Milwaukee felt more

⁴⁵³ “Priest in File Burning Case Regrets Denying Guilt,” *Milwaukee Journal*, 22 August 1970.

⁴⁵⁴ Ibid.

⁴⁵⁵ “Cullen Thankful He’s Not Bitter,” *Milwaukee Sentinel*, 6 April 1971.

empowered to resist in the wake of the Milwaukee action. A month before the trial, a former Army officer from Milwaukee contended that his anti-war stance after discharge prompted him to again be reclassified as 1-A by the Selective Service. Donald Steffen claimed that after he mailed his draft card back to Selective Service in 1968, five years after his discharge, he was reclassified from 4-A status to 1-A status.⁴⁵⁶ A day after Steffen made his claim, five young men reported to the selective service induction center in Milwaukee and heckled military orientation speakers, stating that they would refuse to comply.⁴⁵⁷ Five more draft-eligible men mounted their own challenge to the draft system during the second week of the Milwaukee trial when they sued the Milwaukee draft boards for defying federal rules by keeping the draft boards open for only three hours per week, rather than the required times of normal working hours. The plaintiffs argued that the Milwaukee draft boards were not following proper protocol in drafting the oldest eligible registrants first. Therefore, prospective draftees could not inspect draft records during the prescribed hours to monitor the draft process.⁴⁵⁸

Lawmakers in Madison then held a hearing in which everyone from high school students to clergy testified to their opposition to the draft and cited as one of their objection the inherent inequities in the system. Percy Julian Jr. was among those offering testimony and he argued against punitive measures taken

⁴⁵⁶ "Got 1-A As Penalty, Draft Foe Charges," *The Milwaukee Journal*, 1 May 1969.

⁴⁵⁷ "2 Held In Scuffle At Draft Center," *The Milwaukee Journal*, 2 May 1969.

⁴⁵⁸ "Draft Record Rule Evaded, Court Told," *The Milwaukee Journal*, 16 May 1969. The ACLU was among the two groups that filed the lawsuit on behalf of the five draft-eligible young men.

against draft dissenters.⁴⁵⁹ Two more men who refused induction in Milwaukee were arrested by FBI agents on the day the motions to dismiss the federal case against the Twelve were filed in federal court.⁴⁶⁰ The Fourteen even influenced activists outside the antiwar movement. Marcos Munoz, a leader of the United Farm Workers, credited the Fourteen with prompting the farm workers to resist entry into the American military to fight “people who are really our brothers.”⁴⁶¹

The Fourteen also effected change at the federal level. The Nixon Administration felt the pressure of growing resistance to the draft and attempted to crack down on antiwar activists in the wake of the Milwaukee action. Two days after the dismissal of the federal case, the Justice Department announced its civil rights division would form a taskforce to crack down on student “troublemakers” on college campuses. The task force was spearheaded by a Milwaukeean, Jerris Leonard, who stated the Justice Department would use a section of the Civil Rights Act of 1968 to prosecute student protesters who interfere with people who receive federal benefits.⁴⁶² By the first week of the state trial, the UW-Milwaukee administration issued a formal protest to General Lewis Hershey, director of the selective service system that the draft was biased against urban university students.⁴⁶³ The Federal Circuit Court of Appeals also reprimanded Hershey for

⁴⁵⁹ “Draft System Indicted At Madison Hearing,” *The Milwaukee Journal*, 2 May 1968.

⁴⁶⁰ Ibid

⁴⁶¹ Marco Munoz, “To The Milwaukee 14,” *Casa Maria Cry*, February, 1969, The Dorothy Day Papers, Box 3, W-18.

⁴⁶² “US to Throw Legal Force Against Campus Plotters,” *Milwaukee Journal*, 13 June 1969.

⁴⁶³ “Lotsche Claims Draft Bias Toward Urban Universities,” *The Milwaukee Journal*, 16 May 1969.

asking draft boards to revoke draft deferments for antiwar protesters on the same day the eleven Milwaukee defendants were sentenced.⁴⁶⁴

The Milwaukee action contributed to public outcry about draft inequities and by mid-May, the Nixon Administration announced plans to create a “random” draft system.⁴⁶⁵ The draft was fundamentally altered several months after the trial. The Nixon Administration announced that young men tagged with 1-A status would soon be draft able for only one year, rather than the seven-year period of draft ability in the past.⁴⁶⁶ Forty-five congressmen issued a 61-page report impugning the military-industrial complex and calling for greater government transparency and for more civilian oversight over the Defense Department and private defense contractors.⁴⁶⁷

The greatest act of draft resistance inspired by the Fourteen occurred during the trial, when fifteen antiwar activists, including eight from Milwaukee, broke in a draft board office in Chicago and destroyed draft files. The Chicago Fifteen raided 33 Chicago draft boards and destroyed 50,000 draft records during the Milwaukee trial in May 1969.⁴⁶⁸ The Chicago Fifteen included Nick Riddell, the priest who led the protest at St. John’s Cathedral two days before the

⁴⁶⁴ “Court Slaps Hershey for Draft Rule,” *Milwaukee Journal*, 7 June 1969.

⁴⁶⁵ “Random Draft Plan Readied, Says Laird,” *The Milwaukee Journal*, 11 May 1969. Also on that same day, twelve soldiers were convicted of mutiny in San Francisco for having refused to report for work detail and singing protest songs at the Presidio.

⁴⁶⁶ “New Draft Law Clarifies the Odds,” *The Milwaukee Journal*, 27 November 1969.

⁴⁶⁷ “45 Lawmakers Attack Military Bureaucracy,” *The Milwaukee Journal*, 1 June, 1969, sec. 1, p.1.

⁴⁶⁸ Meconis, *A Clumsy Grace*, 51; Mayer, “The Milwaukee Fourteen vs. the State of Wisconsin,” 42.

Milwaukee action, who was living at Groppi's St. Boniface Church at the time.⁴⁶⁹ The Chicago Fifteen also included four members of Casa Maria.⁴⁷⁰ In addition, the Chicago 15 Defense Committee was located at Casa Maria, as well.⁴⁷¹ The Fourteen took pride in inspiring the Chicago Fifteen. At one point, Doug Marvy placed a newspaper with a headline about the Chicago Fifteen action on the prosecution's table in the courtroom.⁴⁷²

In addition to Chicago, draft board raids in Pasadena and Silver Spring, Maryland took place during the Milwaukee trial. In addition to the Chicago action, two other actions occurred during the trial of twelve of the fourteen participants. The Pasadena Three, a trio of young men who lived at a Quaker meetinghouse, broke into an induction center in Los Angeles and burned several 1-A files. Three young men entered the draft board office at Silver Spring, Maryland the following day and destroyed some of the files contained in the office. One of the participants bore particularly memorable witness, the son of a Pentagon official. Additionally, draft board action in Minnesota were undoubtedly inspired by the presence of George Mische and the number of Milwaukee Fourteen participants from the Twin Cities. A raid on several draft board offices took place in 1970 in

⁴⁶⁹ "Draft Card Burning Unexpected," *The Milwaukee Sentinel*, 28 October 1968, sec. 1, pp. 1, 7. Riddell continued his resistance forward from the protest at St. John's Cathedral. He attempted to read the anti-war statement he intended to read at St. John's on two separate weekends at Christ King Catholic Church in Wauwatosa.

⁴⁷⁰ "8 From Here Seized in Draft Record Fire," *The Milwaukee Journal*, 26 May 1969. Three members of the Chicago Fifteen lived at Father Rosebaugh's Living Room house, while a fourth lived at Casa Maria with Mike Cullen and also worked as a draft counselor; "Police Drag Spectators From Room." Groppi and two priests from St. Boniface attempted to visit the Chicago Fifteen in jail, but were prevented from visiting by the warden at Cook County Jail, saying, "I'm not too sure we accept the doctrine he preaches."

⁴⁷¹ *Casa Maria Cry*, August, 1969, Casa Maria Collection, Box 3, W-18.

⁴⁷² Marvy, interview with author, 2014.

the Twin Cities.⁴⁷³ The Minnesota Eight led draft office raids in rural areas of Minnesota in the wake of the Fourteen, as well. Alfred Janicke was called to testify at a 1970 trial for two its members and he testified to his motivations for participation in the Milwaukee action, along with the significance of Vatican II in fomenting Catholic radicalism.⁴⁷⁴

Like their predecessors, the Chicago Fifteen ruled out a young woman as the 16th member because they did not believe she would be able to tolerate prison.⁴⁷⁵ Netty Cullen gave voice to increasing displeasure among women in the ultra-resistance after the Milwaukee trial: “It is time for the men to relinquish more of the ‘freedoms’ and help with the dirty work while we, the women, take on a greater role in changing this society, in which we can all be more human.”⁴⁷⁶ Her declaration proved prophetic: Over the next three months, women took leading roles in draft office actions. Two ex-nuns on the Milwaukee 14 Defense Committee joined the New York Eight draft office raid three months after the Milwaukee trial.⁴⁷⁷ Then the all-women raiders who called themselves “Women Against Daddy Warbucks” offered a twist in their Manhattan raid: rather than use the stand by model, they arranged to be arrested at Rockefeller Plaza, where they scattered the shredded draft files among the crowd.⁴⁷⁸ They also rejected

⁴⁷³ United States v. Francis X. Kroncke and Michael D. Therriault, Nos. 71-1176, 71-1177, Transcript, 32, www.minnesota8.net/Transcripts/VolumeV001.doc (accessed 3 March 2015).

⁴⁷⁴ Ibid., 68-70.

⁴⁷⁵ Meconis, *A Clumsy Grace*, 47. The Fifteen received the harshest prison sentences to that point after their criminal trial: 5 - 10 years; Elmer, *Felon for Peace*, 105.

⁴⁷⁶ Meconis, *A Clumsy Grace*, 53.

⁴⁷⁷ Ibid., 56.

⁴⁷⁸ Ibid., 54, 55.

Phil Berrigan's help and resolutely refused to compromise their stance on having an exclusively female-planned and executed draft board action.⁴⁷⁹

The inability of draft board raiders to shut down the draft system and the sheer number of ultra-resistance activists in prison led to a decline in the movement by the early 1970s.⁴⁸⁰ Perhaps Mike Cullen's philosophy on peace activism spoke to this: "It's like Gandhi. Everyone says Gandhi was a failure because he didn't wipe out poverty in India, the most impoverished country today. But that's our problem, we must see these men only as a beginning."⁴⁸¹ Many of the later draft board actions were mostly or entirely secular and abandoned the hit and stay model. Consequently, hit and stay lost much of its moral authority with American Catholics because it lacked its overtly Catholic identification.

The Milwaukee action should be judged according to its faithfulness to nonviolence and in conveying the holistic view of peace contained within this personalist interpretation of the Gospels. Thomas Merton cautioned, "Patience and compassion were the hallmarks of Christian nonviolence." Jim Forest added that Merton believed compassion guarded one against succumbing to anger, which would prevent the activist from changing the "attitudes of others."⁴⁸² This meant Fourteen and others engaging in civil disobedience must treat everyone they encountered with gentleness. It also dictated steadfast patience and

⁴⁷⁹ Marvy, interview with author, 2014.

⁴⁸⁰ Meconis, *A Clumsy Grace*, 136; 103; 112. Jim Harney turned to the newly-emerging "liberation theology" that mixed Marxist critiques with Christianity after he asked for evidence of measurable results from Phil Berrigan and received none.

⁴⁸¹ Cullen, *A Time To Dance*, 72.

⁴⁸² Polner and O'Grady, *Disarmed and Dangerous*, 209.

compassion towards the authorities and, eventually, the judge, jury and prosecutors in the inevitable criminal trial. As the Catholic Worker Jim Douglass argued, “I have never met ‘the state.’” A person initiated “a personal act of war” and unintentionally descended into the same power struggle that the activist intended to resist by trying to defeat the state’s representatives.⁴⁸³ The Fourteen risked transforming their action from one of resistance and noncompliance with evil into a power struggle with the state, an acceptance of an anti-personalist premise. Thus, the crux of evaluating the of the action rests upon the interactions between the Fourteen and the people they encountered in the Brumder Building during the action, the people in the courtroom during their criminal trials and those they encountered in jail and prison.

The Milwaukee Fourteen’s draft office raid in September, 1968 and the subsequent criminal trials bore witness in a language best understood through the Catholic Worker and Catholic personalist lexicon. The Milwaukee draft board action was a reimagined work of mercy with the practical goal of impeding the Selective Service system. Yet, the action and trials were also acts of penance and atonement. Though the action itself and the subsequent trials garnered the most attention, the Fourteen achieved the greatest expression of witness in prison, in communion with the least among them. The redemptive witness in prison must be taken into account when evaluating the perceived transgressions of the Fourteen. Bearing witness melded the modern demands of producing results with a personal commitment to rekindling very old notions of a future

⁴⁸³ Douglass, “Civil Disobedience as Prayer,” 150; 151.

blessed community in which, as Dostoevsky wrote, “everyone is really responsible to all men for all men and for everything.”⁴⁸⁴ Jim Forest echoed this release from pressures to achieve earthly results in a poem written about Bob Graf:

Poem For Bob Graf
by Jim Forest

Bob Graf I look at you my eyes can
see only a face aboard a creaking
whaler out of Nantucket in 1830.

Something in your eyes cold and harsh as sea
when (the night gray as prison blankets) waves
turn fist yet you have a smile warm as fire
beneath the melting kettles in which whales
turn light.

Your beard (black as the galley ceiling) an axe
of shining wind-tried curls face sharp as
iceberg edge.

at night a lamp pours out its heat in yellow
ripples holding together a circle of men
shadows fall backward, stumble overboard
at deck's edge. Your voice (low coming like
gusts of wind from a distant place) tells stories
of times to come, past harpoons, past
splintered longboats, water-filled lungs.

Men, you say, will be free as sea gulls playing
tag with spray, making love in sun-filled skies,
floating on winds tireless as the waves of on-
coming children.

Eyes tired of battle (one day fog, one day the
leap of leviathan, the stench of burning blubber, storm
upon storm; the hand of woman, the smell of warm
sheets distant as north star) absorb an ember glow.

On Nantucket a girl sighs, turns, her dreams at sea.

⁴⁸⁴ Fyodor Dostoevsky, *The Brothers Karamazov* (New York: The Lowell Press, 2009), Retrieved from <https://www.gutenberg.org/files/28054/28054-pdf.pdf>

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