The Nagler Case: A Revealing Moment in Red Cross History

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Abstract. This paper uses a legal case as a window through which to observe the important changes in the relationship between the US government and the American Red Cross in the early years of this century. In 1917, the government brought suit under the Espionage Act against Louis Nagler, Assistant Secretary of State for the State of Wisconsin and a German-American follower of progressive Senator Robert La Follette. Nagler’s “crime” was that he had been heard to criticize the management of the American Red Cross. Although the government ultimately dropped the case after World War I ended, Nagler’s indictment and conviction are, it is argued, evidence of the heavy-handed tactics used to raise funds in the name of patriotism and charity, tactics that were sanctioned if not encouraged by the government. Such an event could have occurred only after the American Red Cross, a late developer in the international Red Cross movement, had been deliberately and explicitly subordinated to the will of the government and the military. This transformation, a conscious imitation of the position and role of the Japanese Red Cross Society, was both sought and directed by military surgeons in the Army Medical Department. Their role in nationalizing and militarizing the Red Cross was virtually ignored by Foster Rhea Dulles, whose The American Red Cross: A History (1950) has remained the standard work on the subject.

Résumé. Cet article utilise un cas de jurisprudence comme une fenêtre pour observer les changements importants survenus dans les rapports entre le gouvernement américain et la Croix-Rouge américaine au cours des premières années du siècle. En 1917, le gouvernement poursuivit Louis Nagler, sous-secrétaire d’Etat du Wisconsin et partisan germano-américain du sénateur progressiste Robert La Follette, en vertu de la Loi sur l’espionnage. Le crime que l’on reprochait à Nagler était d’avoir critiqué la gestion de la Croix-Rouge américaine : il soutenait que celle-ci avait utilisé des tactiques oppressives en vue de recueillir des fonds au nom de patriotisme et de la charité, tactiques alors sanctionnées, sinon encouragées, par le gouvernement. Quoique ce dernier différa l’étude de la cause à la fin de la Première Guerre mondiale, un tel événement ne pouvait s’être produit qu’après que la Croix-Rouge américaine—une des dernières expansions de la Croix-Rouge internationale—eût été délibérément et explicitement subordonnée à la volonté du gouvernement et de l’armée américaine. Cette transformation, qui imitait...
consciemment le rôle et la position de la Croix-Rouge japonaise, fut pensée et dirigée par des chirurgiens militaires appartenant au Département médical de l'armée. Mais leur rôle dans la nationalisation et la militarisation de la Croix-Rouge fut virtuellement ignoré par Foster Rhea Dulles, dont l'ouvrage, The American Red Cross: A History (publié en 1950), fait encore aujourd'hui autorité en la matière.

There is no coldness or indifference among the public when the country's sons are fighting.

—Henry Dunant, A Memory of Solferino

A good historian must possess the qualities of a good detective. One of these is the ability to engage in surveillance, whether it takes the form of peering through keyholes, "staking out" a location, or even aerial reconnaissance. In each case, the detective's task is not merely to observe an incident, but—like a Holmes or a Poirot—to assign it meaning within a coherent pattern of events, motives, and behavior. One seemingly trivial incident can thus be made to reveal the several layers of meaning and significance with which it may be charged. In what follows here—obviously an exercise in keyhole-peeking rather than aerial reconnaissance—I have endeavored first to describe one such apparently trivial incident: a court case that took place in the United States in 1918—and then to demonstrate how it can be assigned meaning at several levels. For this one incident, which on the face of it seemed to be about nothing more than anti-German feeling in wartime America, was also the logical consequence of a recent rapprochement between the American government and the American Red Cross Society, and this new relationship was itself evidence of the "coming of age" of the American Red Cross within the international Red Cross movement. Behind this rapprochement, it will be argued, lay the efforts and aspirations of military surgeons in the Army Medical Department. Because it is such a revealing moment in Red Cross history, the Nagler case deserves the attention of historians of medicine.

THE NAGLER CASE

On 14 November 1917, Louis B. Nagler, Assistant Secretary of State for the State of Wisconsin was working in his office in Madison when he was approached by a group of men who were raising money for the war work of the American Red Cross and the YMCA. (The United States had entered the Great War in April of that year.) Nagler, who later claimed that he believed wars should be financed through special taxes and war bonds, refused to make a contribution. When the can-
vassers tried to put pressure on him to change his mind, he became agitated and said,

I am through contributing to your private grafts. There is too much graft in these subscriptions. No, I do not believe in the work of the YMCA or the Red Cross, for I believe they are nothing but a bunch of grafters... No sir. I can prove that.¹

Five days later, the canvassers returned for a second attempt. Nagler repeated his previous statement about these organizations being "a bunch of grafters" and added, "Not over ten to fifteen per cent of the money collected goes to the soldiers or is used for the purpose for which it is collected."² At this point the canvassers became abusive. One of them pointed to the picture of Senator Robert La Follette on Nagler's office wall, and made some remarks which questioned the Senator's loyalty to the government. Exploding with anger, Nagler shouted, "Who is the government? Who is running this war? A bunch of capitalists composed of the steel trust and munition makers."³ The interview came to an abrupt end.

Three weeks later (10 December), Nagler found himself arraigned before a grand jury, which decided that he ought to be tried under the Espionage Act for having "unlawfully, knowingly, wilfully and feloniously" made false reports and statements about the Red Cross and the YMCA, "with the intent... of interfering with the success of the military and naval forces of the said United States in its war with the Imperial German Government, and with the intent... of... promoting the success of its enemies, to wit, the Imperial Government of Germany."⁴

A trial date was set for 25 July 1918, and the case was heard at Eau Claire before Judge Evans of Chicago, acting district judge for the western district of Wisconsin. Nagler's lawyer immediately moved to quash the indictment on the grounds that, while the defendant did not deny making the remarks, "the Red Cross and the YMCA are no part of the military or naval forces of the United States," and hence could not be covered by the terms of the Espionage Act.⁵ The State, however, countered that the Red Cross was "a national corporation" and "an agency of the government," and that at the time Nagler's words were uttered, units of the Red Cross had been mobilized and thus constituted "a part of the sanitary service of the land and naval forces of the United States."⁶

Judge Evans, in denying the motion to quash, gave three reasons for his decision. First, he said, "In a republican form of government, like ours, with war conducted as it is today, there can and should be no refined or limited definition of the term 'military and naval forces.'"⁷ He went on to observe that doctors and surgeons were engaged in
"repair" work which was not that different from the maintenance work done on air force bombers, despite the fact that medical personnel belonged to the sanitary department rather than to a combat unit. Second, he found nothing in the Geneva Convention of 1906 that would prevent recognizing members of the American Red Cross as part of the military and naval forces of the country. Third, the judge held that interference with the fund-raising efforts of the Red Cross was the same as interfering with its field work, because without funds, it could not carry on this work.8

Since Nagler had not denied making the statements, Judge Evans' ruling virtually ensured that he would lose the case. After a three-day trial (29 to 31 July) which included testimony by a national Red Cross official about the "leading people" who were directing the organization's efforts to "help win the war," the jury took little time to return a guilty verdict.9 On 16 August, Nagler was sentenced to 30 months in the federal penitentiary at Leavenworth, Kansas.10

The immediate reaction to Nagler's conviction was positive. Albert Wolfe, US Attorney for the western district of Wisconsin, reported the case to the Attorney-General in Washington as follows:

The defendant . . . had theretofore been closely identified with the united [sic] work, movement and sentiment expressed by Senator Robert M. La Follette. As such, he had a large following in this State and I feel that this was a case of some moment, and that his conviction will have the effect of rooting out disloyal activities in this State. I also feel that his conviction will have a tendency to put an end to the propaganda that has been carried on in this part of the country against any work of organizations such as the Red Cross, the Y.M.C.A., the Y.W.C.A., and kindred organizations.11

The Red Cross Bulletin, issued by national headquarters in Washington, DC, reported the trial on its front page under the headline "Slanderer Is Convicted."12 The story quoted at length from Judge Evans' ruling denying the motion to quash. A later issue of the Bulletin reported the sentence, especially the fact that the judge had taken notice that Nagler was an educated man in a position of public trust, and had said that "If men high in places of trust make remarks of this character, and are not punished, it would not be fair."13

As it happened, Nagler never had to serve the sentence. The Department of Justice file is, regrettably, silent about why Nagler was not sent directly to Leavenworth. Nagler immediately appealed to the US Supreme Court, which had not yet heard the case when the war ended in November of that year. The Department of Justice was apparently in no hurry for a decision from the Court. Eventually, in July 1920 the Solicitor-General was advised that, since the jury was obviously animated by "patriotic fervor," the Department of Justice ought to confess error because "this case is of such a weak character on the facts
that it would probably result in the [Supreme] Court, with propriety, reversing the judgement of the District Court."14 The case was quietly dropped.

SIGNIFICANCE OF THE NAGLER CASE

What is the significance of the Nagler case? Clearly, both local and national politics played an important role. The trial was yet another example of wartime hostility to the followers of La Follette, particularly those of German-American extraction, many of whom lived in Wisconsin and Minnesota.15 Only a few weeks earlier, the Wisconsin senator, an inveterate opponent of American participation in the war, had caused near havoc in the United States Senate when he claimed that a majority of Americans actually opposed the war; another senator immediately demanded that La Follette be sent either to jail or to Germany.16 Opinion ran high, especially in La Follette's home state. In the wake of this speech, the portrait on Nagler's office wall would be taken by some as clear evidence that he was lacking in patriotism.

In the Department of Justice file concerning the Nagler case, there is a revealing letter written by B. R. Goggins, Special Assistant to the Attorney-General of Wisconsin, and sent to the Department of Justice in Washington shortly before the trial was to begin. It said,

We cannot urge too strongly the importance of this case. There is quite a strong propaganda going on throughout the State, and country for that matter, for the purpose of discouraging the whole [sic] Red Cross and like organizations that are behind the government in this war. To have this whole matter fully and intelligently presented to the jury in this case is of the greatest importance and is sure to have wide circulation and a beneficial effect.17

From the transcript of the trial it is clear that Goggins, who was one of the prosecuting attorneys, sought to cast Nagler as part of an organized group of German-Americans who were using the fund drives as an excuse to argue that the government itself ought to provide for soldiers' needs, and to suggest that it was fundamentally a British war which the United States had no business fighting.18 At the trial, Goggins and the other prosecutors made much of the fact that Nagler himself was of German descent, as if to persuade the jury that this fact alone proved his guilt.

That Nagler was indicted under the Espionage Act for his criticisms of the Red Cross and of the war effort is scarcely surprising. Enacted on 5 June 1917, the Act provided substantial penalties (fines of up to $10,000 and up to 20 years imprisonment) for anyone found guilty of obstructing military operations in wartime. From the outset, the Act was used both to persecute Americans of German and Austrian descent, and to suppress criticism of the war from any and all quarters. La
Follette's voice was by no means the only one raised in opposition; American socialists were also outraged by the war. According to David Kennedy, "The socialists charged that the war was a capitalists' quarrel, and that America was now fixing bayonets not to make the world safe for democracy, but to redeem the loans made to the Allies by Wall Street bankers." The Attorney-General of the United States, Thomas W. Gregory, encouraged abuse of the Espionage Act by exhorting judges to suppress dissent, and by chastising those who, in his opinion, were not sufficiently vigorous in its use. Gregory welcomed, perhaps even encouraged, the questionable investigative activities of such self-appointed guardians of democracy as the American Protective League, the headquarters of which were in Chicago. It is by no means inconceivable that a member of the League heard about the canvassers' first visit to Nagler and urged them to try again so that he could accompany them; significantly, the Department of Justice file is silent about who initially reported the incident to the authorities.

At another level, it could be argued that the trial was of national significance because it provided an object lesson to all Americans that support for the Red Cross was now part of their patriotic duty. By indicting the vulnerable Nagler, whose political views were well to the left of those of most Americans, and whose loyalty could so easily be called into question, the Department of Justice found a convenient, dramatic, and painless way of telling Americans how to prove their patriotism. Judge Evans' sentence also told them what to expect if they repudiated this duty. The grand jury, in its indictment of Nagler, repeated the State's arguments that because the Red Cross "befriends" the families of soldiers and sailors, providing them with money, care, and support, the government is able "to utilize men of family in its army and navy within and without the territorial limitations of the . . . United States." Moreover, the indictment continued, this work was "of vital importance to increase the contentment and efficiency" of the forces and that hence "it was the duty of every American citizen not to hinder, hamper, obstruct [or] prevent" persons engaged in raising money to support this useful work. In the wake of the Nagler trial, any American not digging deeply to contribute to the Red Cross risked being thought—or worse, labelled—unpatriotic. Indeed, posters from this period reveal, in both their art work and their slogans, that Red Cross membership was being conflated with American citizenship. A particularly dramatic example of this phenomenon is the 1918 fund-raising poster which showed the Red Cross flag side by side with the Stars and Stripes above the slogan, "Loyalty to one means loyalty to both."

There is, however, a further significance to the trial which goes beyond the obvious dimensions of war hysteria and state-promoted patriotism. The Nagler trial was also a barometer of the enormous
transformation that had recently taken place in the relationship between the government of the United States and the American Red Cross society. Such an event would have been inconceivable during the Spanish-American War—even if an Espionage Act had then been in place—for the very good reason that in 1898 there were no significant connections between the American government and the Red Cross society. The crucial developments that laid the groundwork for a case such as this, and especially the basis for Judge Evans’ denial of the motion to quash, took place during the years from 1904 to 1912. During these years, the relationship between the American Red Cross on the one hand, and the War Department and the Army on the other, was decisively altered. The result, as Louis Nagler was to learn the hard way, was that citizens could no longer treat the Red Cross as an ordinary charitable organization that might, like any other, engage in periodic fund-raising drives. The reorganized American National Red Cross (ANRC) had become a national corporation, behind which stood the power, prestige, and authority of the government itself. The Nagler case provided an opportunity for both the Red Cross and the government to bring home to the citizenry exactly what this reorganization meant.

**THE RED CROSS IN THE UNITED STATES**

The groundwork for the formation of what would later be called national Red Cross societies was laid at an international conference held in Geneva in October 1863.25 No Americans were present at this conference, but an unofficial American delegation did attend the international diplomatic congress that approved the Geneva Convention less than a year later, in August 1864. (Secretary of State Seward had declined an invitation to send official representatives on the grounds that America ought to remain true to its desire to avoid old-world entanglements.) Much to the disappointment of the American delegates, the government of the United States refused to ratify the Geneva Convention. Despite a prolonged campaign which was led largely by Clara Barton, the American government did not ratify the Geneva Convention until 1882.26 Members of the International Committee of the Red Cross (ICRC) in Geneva were delighted to learn that the United States had finally ratified the Convention. Their delight turned to dismay, however, when they discovered that the American government had not conferred on the American Association of the Red Cross (AARC) the kind of official recognition that the ICRC had come to expect in their dealings with governments.

From the Genevans’ point of view, the legal status of the AARC was, to say the least, bizarre. In a world where most national Red Cross societies were closely connected with governments, and in many cases
closely integrated into the military medical organization, the AARC enjoyed no such status. Indeed, it was really no more than a charitable society. Congressional opposition to granting special status to the AARC—legal protection of the Red Cross name and insignia—was so strong that it had been impossible to secure approval for a federal charter, and instead the Association had been incorporated under the laws of the District of Columbia, a significantly lesser status. Between 1887 and 1900, no fewer than eight attempts were made to secure a federal charter, but all of them foundered on continued opposition in Congress to treating the Red Cross as anything other than an ordinary charity. Finally, in 1900, Congress passed an Act which granted the AARC a federal charter, but because of strong opposition in the House, its final wording fell far short of granting the AARC sole power to control voluntary services to the military in wartime. So long as the direction of the AARC remained in the aging but still determined hands of Clara Barton—whose intensely personal style of leadership is reflected in the fact that she kept its supplies in the cupboards of her house in Glen Echo—there was little enthusiasm in government circles for a closer relationship with the Red Cross.

By 1905, the situation had changed considerably. For one thing, dissident members of the AARC repeatedly attempted to oust Barton from the leadership, alleging that there had been financial irregularities and abuse of the organization’s bylaws. Meanwhile, a new Surgeon General of the Army (Robert M. O’Reilly) ordered a study of relations between the military and Red Cross societies in other countries, an investigation that was duly carried out by Major Walter D. McCaw, who presented his report in February 1904. After reviewing in a particularly favorable light the arrangements that prevailed in Germany, McCaw recommended that the War Department ought to regulate its relations with the Red Cross so that the Army would know in advance what voluntary aid it could expect in wartime, and the Red Cross would know what would be expected of it. Not coincidentally, the self-styled modernizers who were in the process of ousting Clara Barton from the leadership were preparing a national plan of organization which included closer relations with the government and the War Department. They proposed that the Red Cross should be granted special status as the only civilian relief society recognized by the government, that the Red Cross appoint a liaison officer with the War Department, and that its wartime activities be subject to new regulations to be drawn up by the Surgeon General of the Army. At the same time, the State Department, at the request of the Senate, compiled a report on the leadership, financial operations, and fund-raising activities of the major European, and also of the Japanese, Red Cross societies. Once again, this study revealed the relatively primitive state of Red Cross organization in America.
All these endeavors culminated in the complete reorganization of the AARC. In 1905, Congress passed an Act which contained a new charter for the Society. In support of its passage, Senator Smith of the Committee on Foreign Affairs noted that

The charter presented in this bill for the reincorporation of the ANRC provides for government representation on the central committee, and the auditing of all accounts by the War Department. Both are important factors in the plan for building up a well organized Red Cross Society in this country under such government supervision as will arouse and maintain public confidence and support.

Under the new charter, the President of the United States was to appoint the Chairman of the Central Committee of the Red Cross, and five other members—one each from the Departments of State, War, the Navy, Treasury, and Justice. The new charter changed the American National Red Cross into a national corporation under government supervision; it remained to complete the transformation by establishing a new relationship between the Red Cross and the Army and the Navy.

Although the 1905 Charter specified that the Red Cross was “to act... as a medium of communication between the people of the United States of America and their Army and Navy,” the reverse was closer to the truth. The Army Medical Department’s ideal vision of a modern Red Cross Society was outlined in considerable detail in an essay written by Major Charles Lynch and published in The Red Cross Bulletin in January 1908. Within a matter of months, the Army presented the ANRC with a statement outlining the responsibilities—in personnel, supplies, and transport facilities—that it would be expected to fulfill in the event that the United States found it necessary to raise an army of a quarter of a million men. The Red Cross responded by creating a new War Relief Board, headed by Surgeon General O’Reilly, to plan how it would carry out these responsibilities.

Over the next five years, several additional measures clarified and extended the new role of the ANRC. A Presidential Proclamation issued in 1911 (when American intervention in the Mexican Revolution was a distinct possibility) defined Red Cross workers who had reported for duty with the military as members of the sanitary services and hence subject to military laws and regulations. It also granted the ANRC monopoly status as “the only volunteer society now authorized by this government to render aid to its land and naval forces in time of war.” A year later, legislation was passed by Congress which permitted the government to treat mobilized Red Cross workers as “civilian employees” of the military forces, who were to be “transported and subsisted at the cost and charge of the United States.”
and the Navy issued new regulations which described in detail the ways in which Red Cross personnel would cooperate with the forces in the event of war. To complete these arrangements, both the Army Nursing Corps and the Red Cross National Committee on Nursing were placed under the leadership of Jane Delano, the respected Superintendent of Nurses at Bellevue Hospital in New York City. No better way could have been found to ensure that the Army’s need for nurses would be met by the Red Cross. By 1912, therefore, the ANRC was well on the way to becoming a national corporation.

While the reorganized Red Cross was growing closer to the government and the military, it was also becoming dependent for its funds upon the generosity of wealthy Americans, particularly those living in New York City. In 1910, the Red Cross decided to raise a National Endowment Fund of $2,000,000, of which New York was expected to raise at least one quarter. The banking house of J. P. Morgan & Co. played a big part; Morgan himself kicked off the campaign with a conditional gift of $100,000, while one of the senior partners, Henry P. Davison, chaired the local fund-raising committee, which easily reached its half-million dollar target. After initial success, however, the campaign faltered somewhat. By the end of 1912, only half of the original target of $2,000,000 had been raised, and it was not until 1918 that the Endowment Fund finally reached its goal. By this time, America was in the war, and far more money was needed to sustain Red Cross work at home and abroad. Fortunately for the organization, the New York bankers were still solidly behind its work; with the firm support of both J. P. Morgan & Co. and Woodrow Wilson, Davison himself became President of the Red Cross War Council. In other words, when Louis Nagler claimed that “a bunch of capitalists” were running the American Red Cross, he was absolutely right.

THE AMERICAN RED CROSS AND THE MILITARY

What explains the sweeping transformation of the American Red Cross in the years prior to World War I? Foster Rhea Dulles, who wrote its history in 1950, ascribed the changes primarily to the reform ethos of the Progressive era. According to him, “two developing trends of the twentieth century could not fail to affect such an organization as the Red Cross”: one of these was “the movement for more effective organization of charity and the general adoption of business methods in philanthropic undertakings,” and the other was the maturing of social work, “just beginning to come into its own as an activity which was beginning to insist upon scientific methods of relief, professional standards, and trained personnel.” It is against the background of these two “developing trends” that Dulles treats the controversy over Clara Barton’s leadership, and the reorganization that followed her
ouster. Barton's old-fashioned, personal style of leadership, he claims, was "no longer a practical approach to the general problems of Red Cross disaster relief, to say nothing of possible activities in time of war." On the other hand, her opponents he describes as reflecting "the new trend towards greater efficiency and financial accountability"; as supporting the admission of new members "more in touch with the times," and as believing that "Red Cross leadership should be in the hands of people who would command the support of the wealthy members of the community through their own prominence and social prestige."

Dulles' 27-page chapter on the reorganization of the Red Cross concentrates on these themes to the exclusion of all else; a scant 10 lines acknowledge the involvement of the government and the military. In contrast to Dulles, I would argue that the aspirations of military surgeons in the Army Medical Department were much more important to this process than the two themes he cites. By far the most significant aspect of the reorganization of the American Red Cross during these years was its transformation from a private charity into a national corporation closely linked to both the government and the military. The two trends that Dulles emphasizes—the charity organization movement and the coming of age of social work—may help to explain the new management style and the new approach to civilian disaster relief that characterize the Red Cross in the post-Barton era, but neither explains why the reorganized society was so much closer to the government and the military than it had ever been under Barton's leadership. For an answer to this question one must look elsewhere.

The driving force behind the reorganization of the American Red Cross was, in fact, the Army Medical Department. Mention has already been made of the fact that it was Surgeon General O'Reilly who commissioned the McCaw report on relations between the military and Red Cross societies in other countries. The ink was scarcely dry on McCaw's report when the Japanese attacked the Russian naval base at Port Arthur, touching off a war between Russia and Japan, each of whom sought to become the exclusive beneficiary of Chinese weakness. America, like other interested powers, quickly dispatched military and military medical observers to Japan and Manchuria. One of these was McCaw's colleague, Major Charles Lynch. The report which Lynch wrote for the Army General Staff, summarizing his observations at the front, was full of praise for Japanese military medical organization, and especially for the Red Cross Society of Japan. He found that "the methods by which the energies and money of the people are utilized to advantage... might be safely accepted as a model by any nation." One passage from the report deserves to be quoted verbatim:
The military control over the society is exercised by the Chief of the Medical Bureau of the War Department. To render this effective, a staff officer and an army surgeon are detailed as counselors of the society. By such an arrangement the proper spheres of the official medical corps and that of the society are clearly demarked, homogeneity of methods and materials is secured, and good understanding and harmonious cooperation are vouchsafed.

Noteworthy points about the Japanese Red Cross organization are its very high degree of centralization and its close relations with and willing and unquestioning subjection of all matters of policy to the views of the Government department with which it collaborates. 

Lynch's findings were echoed in the reports of other American observers, with the result that events in the Far East had an enormous impact on the development of the American Red Cross. Complaints about the leadership of Clara Barton provided the government with a convenient pretext for suspending the old charter, and replacing it with a new one that made the American Red Cross, like its Japanese counterpart, a willing subordinate of the government. After returning home, Lynch drew again on his Manchurian experience in writing the essay (cited above) that became the blueprint for the further development of relations between the American Red Cross and the Army Medical Department. The War Department Circular of September 1912 simply completed the process by announcing that Red Cross units on active service "constitute a part of the sanitary service of the land forces," and by specifying the supplies and personnel that the society would be expected to provide in the event of war. Thus, even before war broke out in Europe, the Army Medical Department had transformed the American Red Cross into a near replica of the Japanese Red Cross Society.

Three tasks remained to ensure that once war came, the reorganized Red Cross would be effective. The first was to appoint an experienced member of the Army Medical Corps to make sure that the Red Cross would be ready to meet its obligations. This was done in February 1916 when Colonel J. R. Kean, an Army surgeon of many years' experience, was authorized by the Surgeon-General to organize Red Cross field and hospital columns as part of President Wilson's "Preparedness" campaign. Kean, in turn, wrote a brief but important essay on "The New Role of the American Red Cross" which, in terse military language, made it clear that the old "Fairy Godmother" conception of the Red Cross was a thing of the past, and that the Army and Navy were now telling the Red Cross what to do and how to do it. The publicity given to Kean's work in The American Red Cross Magazine fulfilled the second task, which was to ensure that rank-and-file Red Cross volunteers understood the changed circumstances in which they were now working. The final task was, of course, to ensure that the American people responded as they should when asked to contribute money.
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And that was guaranteed when Judge Evans refused to quash the indictment against the hapless Louis Nagler.

NOTES

1 The transcript of United States versus Louis B. Nagler is to be found at the National Archives in Washington, DC. National Archives and Records Administration (NARA), Record Group 267 (Department of Justice), No. 26864, p. 12. Hereafter cited as Nagler Transcript.

2 Nagler Transcript, p. 12.

3 Nagler Transcript, p. 12.

4 Nagler Transcript, p. 13.

5 Nagler Transcript, p. 145.

6 Nagler Transcript, p. 146.

7 Nagler Transcript, p. 148.

8 Nagler Transcript, p. 149-51.

9 Nagler Transcript, p. 44-45.

10 Nagler Transcript, p. 23.


14 NARAlRG267 (Department of Justice) 9-19-763, Memorandum from R. C. Stewart, Assistant Attorney-General, to the Solicitor-General.


16 Thelen, La Follette, p. 142.

17 NARAlRG267 (Department of Justice) 9-19-763, Letter of B. R. Goggins, Special Assistant to the Attorney-General (of Wisconsin) to John Lord O'Brien, Department of Justice, Washington, DC, 10 July 1918.

18 Nagler Transcript, p. 104-5.

19 Kennedy, Over Here, p. 70.

20 Kennedy, Over Here, p. 78; but see the more restrained criticisms of Higham, Strangers, p. 210.

21 On Gregory's relationship with the League, see Kennedy, Over Here, p. 82; once again, Higham is more restrained in his treatment, Strangers, p. 210-12.

22 Nagler Transcript, p. 8.

23 Nagler Transcript, p. 11.

24 A copy of this poster is to be found in the World War I poster collection of the Prints and Photographs Division of the Library of Congress, Washington, DC.

25 On the origins of the Red Cross, see Pierre Boissier, From Solferino to Tsushima: History of the International Committee of the Red Cross (Geneva: Henry Dunant Institute, 1985); the events of 1863-64 and the circumstances that led to them are discussed in John F. Hutchinson, "Rethinking the Origins of the Red Cross," Bulletin of the History of Medicine, 63 (1989): 557-78.

26 Clara Barton's campaign for American ratification of the Geneva Convention is well described by her most recent biographer: Elizabeth Brown Pryor, Clara Barton, Professional Angel (Philadelphia: University of Pennsylvania Press, 1987). On the early history of the American Red Cross see also Clara Barton, The Red Cross: A
History of this Remarkable International Movement (Washington, 1898), and The Story of the Red Cross (New York, 1904).


28 Gaeddert 2, p. 33.


30 NARA/RG200 (Records of the American National Red Cross), Box 8, File 052.3, War Department, McCaw to Surgeon General, 18 February 1904.


32 Gaeddert 2, p. 263-68.

33 President Theodore Roosevelt, a strong supporter of the reorganization, signed the bill into law on 5 January 1905. Its provisions are described in Gaeddert 2, p. 272-73.

34 Congressional Record, 58th Congress, 3rd Session, p. 405; as quoted in Gaeddert 2, p. 271.

35 Gaeddert 2, p. 273.

36 Major Charles Lynch, “What Is the Most Effective Organization of the American National Red Cross for War and What Should Be Its Relations with the Medical Departments of the Army and Navy?” in NARA/RG200, Box 36 (Relations with the Army), File 494.2; Lynch’s essay received the Enno Sander Prize of the American Association of Military Surgeons in 1907 and was reprinted in *The Military Surgeon* as well as the *Red Cross Bulletin*. Hereafter cited as Lynch, “What Is the Most Effective.”


38 Gaeddert 3, p. 46-47.

39 Gaeddert 3, p. 46-47.

40 Gaeddert 3, p. 50.

41 Gaeddert 3, p. 51-52.

42 Gaeddert 3, p. 54.


44 Dulles, *American Red Cross*, p. 64.

45 Dulles, *American Red Cross*, p. 66.

46 Dulles, *American Red Cross*, p. 68; the leader of the anti-Barton forces was the formidable Mabel T. Boardman, Washington socialite and daughter of a Cleveland millionaire. On the campaign to oust Barton from the leadership, see Pryor, *Barton*, p. 325-54.


49 NARA/RG200, Box 36, War Department Circular No. 8, 10 September 1912, p. 1.


51 *The American Red Cross Magazine*, 11 (1916): 82-84.
