

The Liberation of Nathan Swift

by Daniel Jenkins

On an April day in 1839, a young Quaker farmer was out with his plow-horse working the family fields in Dutchess County, New York, when he was stopped and arrested by the local constable for not paying his militia exemption tax.

In the early part of the 19th century, able-bodied white males in New York between the ages of 18 and 45 were required by law to appear for state militia drills. They were also required to supply the armament: the musket, the shot, and the powder. However, there was an exception in the state militia law: Quakers with religious “scruples of conscience” were exempt from military service, but they had to pay a special tax. The first New York State Constitution of 1777 protected this individual right of conscience, and later constitutional revisions expanded the exemption to include anyone with religious objections.

Quakers objected to any form of participation in the state militias, the only armed forces of those times. They refused to attend the drills or to supply any armament, and, because they could not participate with good conscience in any military-related activity, they also objected to the exemption tax. Initially these taxes were used for militia purposes, but state statutes later directed the revenue to the funding of common schools and to support the poor. Still, Friends objected on principle to paying this tax; we know this because they expressed their collective beliefs clearly in writing to their elected state officials.

Many Quakers and Shakers suffered “distrains”: when they refused to pay the

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militia tax, their personal property was seized by government agents and sold. And some, like the farmer in this story, Nathan Swift, served time in the local jails.

The Dutchess County Constable rounded up three other young Friends that April day, hoping they would all “pay a little money” so that he would not be required to lock them up. He even gave them ample opportunity to walk away when he saw that they were not frightened into compliance. But they were steadfast and had been supplied with food and bedding by their families, so the four of them ended up in the Poughkeepsie jail.

During the first week of their confinement Nathan’s uncle, Beriah Swift, traveled to Albany and interceded on their behalf with State Governor William Seward. Beriah returned with a signed paper ordering the release of the four young men.

The plow was still stuck in the furrow when Nathan Swift returned home. It had rained so hard in the interim that all outdoor work had been impossible. He had borne his testimony, so everything turned out for the best—except, of course, Uncle Beriah had slogged his way to Albany and back through the downpour.

Two years after the imprisonment of

Nathan Swift, Governor William Seward included the following remarks in his annual message to the New York State Legislature:

It is a well settled principle of the Society of Friends, that its members can neither conscientiously bear arms, nor contribute for military purposes. The [state] Constitution defers to these scruples, by exempting those who entertain them from the performance of military duty; but it exacts a commutation [tax]. . . . To this commutation the Friends raise the same conscientious objection, and urge it in a manner sufficiently general and persevering to show that it is neither temporary or capricious; while their known liberality proves that the objection does not arise from any unwillingness to bear an equal portion of the burdens of government. Every year produces instances in which the property of Friends is sacrificed, or their persons imprisoned for conscience-sake. In such cases, I have never refused to remit the penalties imposed.

Governor Seward continued:

Believing that war is the chiefest of national calamities, I am quite willing to see the principle of non-resistance obtain all the influence it is likely to acquire in this country, which above all others needs peace. For this reason, as well as because I regard concessions to conscience, in matters not affecting public morals, as essential to religious liberty, I should cheerfully consent to the amendment of the [state] Constitution in this respect.

That same year, a Memorial and Remonstrance concerning militia penalties, fines, and imprisonment was sent by the Religious Society of Friends in New York to the state legislature.

An assembly report, from the Militia and Public Defense Committee, acknowledged the sincerity of the Quaker communication, but stated that current state law relieved “every person conscientiously averse to bearing arms . . . from all liability to contribute, even indirectly, to military purposes.” The report pointed out that militia commutation taxes were currently paid into county treasuries for local civic expenses, and it concluded by recommending that the legislature should

not consider changing the law.

However, during a state constitutional convention held a few years later, the militia service requirements were revised. All persons with religious “scruples of conscience” were no longer “exempted” by paying a tax; they were simply “excused.” And any other state resident who chose not to perform militia duty could be exempt by paying a reduced fee. So it appears that New York Friends were then free of the militia exemption tax. Confirmation of this is now being sought from other historical records.

Some elements of this story may speak to us today:

- Friends, as individuals, and as a collective group, were clear and steadfast in witness to their beliefs. And the general society in which they lived was fully aware of these personal convictions.
- Friends expressed their beliefs to elected government officials, as individuals, and in carefully crafted written statements that were composed by the corporate body of the yearly meeting.
- Friends gave the issue high priority.
- Friends did what was necessary to maintain a tangible expression of their beliefs—some went to jail, some lost their livestock or property, some supplied spiritual and material support to others, and some, like Uncle Beriah, just got on a horse and did whatever had to be done.

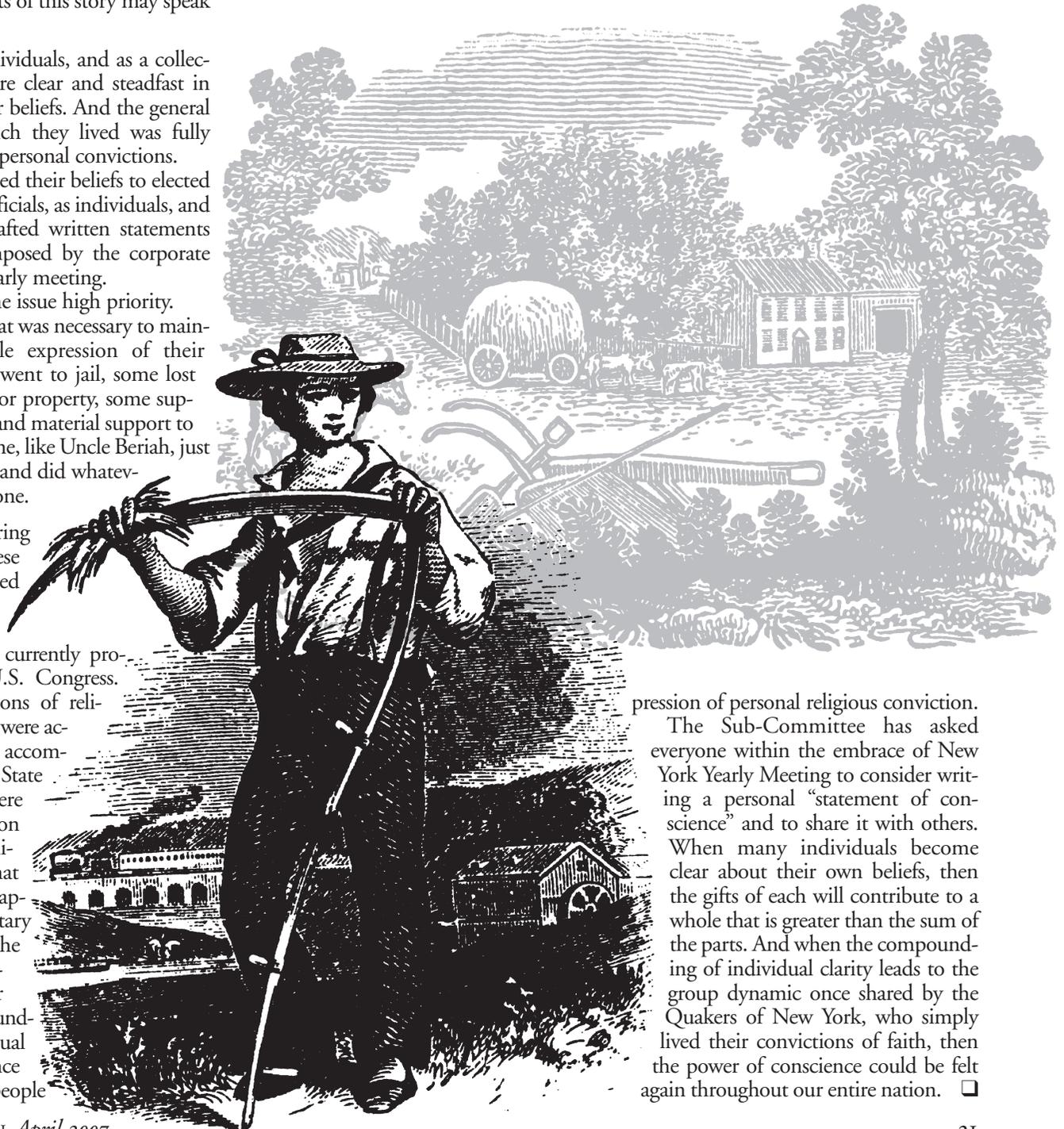
The unwavering testimony of these Friends established a precedent for the Peace Tax Fund legislation currently proposed in the U.S. Congress. Quaker convictions of religious conscience were acknowledged and accommodated by the State of New York, there was an exemption fee in lieu of militia service, and that tax revenue was applied to nonmilitary purposes. Thus the concept of “alternative service for tax dollars” is grounded in an individual right of conscience retained by the people

of New York when the U.S. Constitution was created. Since this state-established right also pre-dates the first ten federal constitutional amendments, as ratified in 1791, it can be argued that the right of conscientious objection to any form of coerced participation in the supply of military armament still exists today.

These rights of conscience were likewise established and protected in the pre-federal constitutions of various other states, including New Hampshire, Vermont, and Pennsylvania, and states like

Indiana, Maine, Missouri, Kansas, and Oregon, which joined the union in later decades, also maintained and extended the concept of religious exemption to military service. The rights of conscience retained by the people are still on the books and are ready for revival.

Many accounts of conscientious objection do not have such happy endings. But this particular, hopeful story is the historical legacy of New York Friends. It reminds us of the strength of clarity in belief, and of the need for worldly ex-



pression of personal religious conviction. The Sub-Committee has asked everyone within the embrace of New York Yearly Meeting to consider writing a personal “statement of conscience” and to share it with others. When many individuals become clear about their own beliefs, then the gifts of each will contribute to a whole that is greater than the sum of the parts. And when the compounding of individual clarity leads to the group dynamic once shared by the Quakers of New York, who simply lived their convictions of faith, then the power of conscience could be felt again throughout our entire nation. □