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THE SAMUEL D. HOCHSTETLER CASE (1948)

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I. INTRODUCTION

The Samuel D. Hochstetler court case, which came to a head in the late 1940s, albeit reported internationally as well as nationally through the media at that time as an Amish incident worthy of note, has never till now been the focus for research in the scholarly world of Amish studies. At the most, the case continues to be discussed with some restraint in northern Indiana Amish communities. In this paper the writer will present her interpretation of the incident, setting the story within the historical context of the times.

The Hochstetler case has been generally perceived as follows. Samuel D. Hochstetler (age 75) an Old Order Amish[1] bishop in Clinton Township, northern Indiana, was arrested on the charge of assault and battery against his insane daughter Lucy (age 41) on 22 January 1948. The sheriff, Luther W. Yoder, released an account of the investigation, noting that for several years Samuel had been keeping Lucy forcibly chained to the bed in an unlighted, unventilated, and unclean room due to her wish to leave the Amish Church. On the day succeeding his arrest at the Elkhart Circuit Court, Samuel was sentenced to serve a

six-month term at the state penal farm in Putnumville. The media in the Goshen area accompanied the report of the case with sensational pictures of Lucy chained to her bed. Samuel's son Elam Hochstetler soon denied the report of Lucy's objection to remaining in the Amish Church, in articles in some local newspapers. Thereafter, two Mennonite[2] professors, Guy F. Hershberger and John Umble, undertook a campaign to pardon Samuel on the grounds of a public misunderstanding of the traditional Amish lifestyle. On 15 April 1948 Samuel was paroled by the governor of Indiana and he returned home.

It is interesting to note that the name of the informer who originally drew the sheriff's attention to the case has not been known for this past half-century. Neither Samuel nor his children made any effort to identify the informer, because they believed that any action liable to provoke an angry reaction would run counter to the Amish faith. In this paper, however, on the basis of new information at hand regarding the informer and the possible cause of Lucy's derangement, the writer will re-examine the Hochstetler case.

II. THE PREVIOUS INTERPRETATION OF THE HOCHSTETLER CASE

Guy Hershberger, a history professor at Goshen College, planned to write an account on the case immediately after his success in obtaining Samuel's release from prison.[3] Although Paul Erb of the Mennonite Publishing House indicated his willingness to publish Hershberger's account,[4] the account was never published.

David Luthy considered writing a paper on the Samuel case in the early 1970s. He made several contacts with Elam Hochstetler, and with then Chief Deputy Sheriff Levi E. Bontrager, Hershberger and the Archives of the Mennonite Church; he also tried to locate Harmon Wilkinson, who was aware of the conditions at the state mental hospital where Lucy was a patient.[5] In a reply to Luthy dated 3 February 1973, Elam stated that Samuel's deacon was a possible informer, and that someone related to Elam might also have betrayed Samuel. The answer which Bontrager gave in his letter of 24 January 1972 was that an anti-Amish bias had not been present in the case and that the informant had been a Conservative Mennonite.[6] Although Bontrager wrote an 18 page report of the case for Luthy, he did not eventually send it to Luthy, as it could again subject him to possible criticism or repercussions from some Amish communities. Elam, on the other hand, in his letter of 11

December 1975, requested Luthy not to write an article about the Samuel case. Therefore, Luthy decided to respect the wishes of Samuel's children until they passed away. Samuel's last surviving child, Elam, died on 10 November 1994.[7]

John C. Wenger has written two articles on the Hochstetler case.[8] The theme of his articles is that Samuel showed a nonresistant and forgiving spirit which he inherited from his ancestor Jacob Hochstetler.[9] Samuel did not show any bitterness for the way the case was rushed through, nor any hatred toward the sheriff's informer. As for the informer, Wenger stated that Amish 'friends' had given the report to the sheriff to ruin Samuel's good reputation.

Gertrude E. Huntington, based on conversations with some Ohio Amish in 1951 and on newspaper clippings, considered the Hochstetler case to be as "tainted with anti-Amish sentiment."[10] Huntington emphasized that the Amish followed the biblical instruction given in Galatians 6:2, to "bear one another's burdens," and claimed that Amish care at home was far superior to that given at notorious state institutions during the first half of the twentieth century and earlier.

Neither Wenger nor Huntington had any interest in researching the case: Wenger discussed the case in the context of Amish history; the purpose of Huntington's paper was to interpret health care within the Amish society. In sum, there have not been, until now, any critical, scholarly inquiries into the Hochstetler case.

To attempt a fair and balanced interpretation of the case, one needs the sources from both the prosecution's and the defendant's sides. It is thus unfortunate that the official documents of the prosecution in the Goshen courthouse and the Elkhart County Sheriff's Office had been mostly misplaced, and were thus inaccessible to the researcher. Moreover, many persons involved in the case have died: Samuel died in 1954; Umble in 1966; Yoder in 1972; Lucy in 1978; Hershberger in 1989; Judge Aldo J. Simpson in 1992. The writer, however, held interviews with ten persons: two from the prosecution's side, four from among Samuel's neighbors, and four close to the defendant. It is important to note that regarding the content of the interviews there were few discrepancies among the three differing sides. One minor discrepancy was simply the result of fading memory of the interviewees. In addition to these interviews, notes, diaries, and clippings relating to the case were used in the analysis of the case.

III. THE SAMUEL D. HOCHSTETLER CASE

1) Lucy Hochstetler and her mental illness

Lucy was born on 10 February 1906 in Brown County, mid-southern Indiana. Her family returned to Elkhart County in 1911.[11] Lucy soon attended the public school in Clinton Township. In 1921 Lucy was baptized in the Amish church at the age of fifteen.[12]

When Lucy was sixteen years old, she began dating her classmate, Lloyd Miller, who was not Amish, but most likely Mennonite.[13] Lloyd and Lucy were very cautious not to allow their relationship to be discovered by her family. Lucy sneaked out the house to see Lloyd after her family had gone to bed. Lloyd never drove to Lucy's house though he had a car; they met on the highway instead. One special evening Lloyd gave Lucy a box of chocolates and a scarf, after which the young couple inscribed the date in soft concrete in the newly paved State Road #4 in front of the C.I. Schrock residence. Lucy kept these gifts in her drawer at home. Unfortunately, her mother Magdalena found the gifts and forced Lucy into confession, and Lucy told the whole truth. Outraged, Magdalena burned the gifts and beat Lucy severely and forbade her to see Lloyd again.[14] Lucy then ran away from home, got a job as a domestic in Goshen, and contacted Lloyd. One month later Samuel and Magdalena finally located Lucy in Goshen and took her back home. Lloyd went to Lucy's house but Samuel ordered Lloyd off the premises. This was the last Lloyd would ever see of Lucy.

The name of Lucy's boyfriend appeared in Hershberger's notes, as follows:

"Affidavit of Lloyd Miller, saying he was forbidden to (sic) by S D Hochstetler to continue dating Lucy. 1923 Fannie [Lucy's sister] says Lucy never had any dates. This supposed dating was supposed to have taken place during time (sic) she had St. Vitas (sic) Dance."[15]

After hearing the news of Samuel's arrest, Lloyd Miller called the sheriff's office and described his relationship with Lucy. The affidavit which Hershberger referred to seems to be the one made at this time. As for Lloyd, one Amish interviewee who belonged to Samuel's congregation at that time made mention of the romance between Lloyd and Lucy. In spite of Fannie's denial of their romance, the writer believes, also on the basis of further information found in the Hochstetler family history book (*DDM*), that Lucy was dating Lloyd. Fannie lived with

her parents in the house from 1912 to 1918, but after that she worked as a volunteer at the Conservative Amish Mennonite Children's Home in Grantsville, Maryland. Her being away from home makes it unlikely that Fannie was aware of the romance. Lucy's other siblings, one brother and two sisters, Elmer, Sarah, and Mary, were already married by the spring of 1921, and accordingly did not live at home at this time. Around 1922 Lucy was living with her parents, two siblings, and two foster children. Therefore, it is very possible that Lucy and Lloyd could cautiously date each other, undetected by other family members.

At this juncture, several questions come into focus. First of all: when did Lucy become deranged? Hershberger noted that Lucy became ill in 1922.[16] However, Umble stated that Lucy began to show signs of mental derangement twenty-five years before the date of his article, about two years after her baptism.[17] Since Lucy was baptized in 1921 and the article was written in 1948, it must have been in 1923 when Lucy began to show the signs of illness. On the other hand, if we consider the year 1922 as the beginning point of Lucy's mental illness, Lucy would have already been mentally ill at the time Lloyd was forbidden to date her in 1923, going by the year as written in Hershberger's notes. Yet Lloyd never made mention of Lucy's illness. Also, according to Borntrager, Lucy's teacher Kenneth Zook testified that "Lucy was mentally well balanced" and that "she was almost a straight 'A' student and popular with the rest of the students," and thus he gave no indication of her being mentally ill. When Samuel's children were asked to recount the developments leading to Lucy's illness, they were basing their conclusions on their memories of something which had taken place twenty five years earlier. Furthermore, some children, like Fannie, were not actually living in the house during the initial stages of Lucy's illness. Therefore, some information regarding dates, including the timing of the onset of the illness, might not be very accurate. It is very possible that Lucy developed her mental illness in 1923, when she was forbidden to see Lloyd.

A second question is: what was the cause of the Lucy's derangement? As shown in Hershberger's notes, Lucy had St. Vitus' Dance (chorea). Chorea is "any of various nervous disorders of infectious or organic origin in man and dogs having as common features involuntary uncontrollable purposeless movements of body and face and marked in coordination of limbs."[18] Chorea can be caused by an infection, an external wound, a rheumatic disease, genetic inheritance, a blood ves-

sel disorder, the use of depressants etc.[19] While some chorea, such as St. Vitus' Dance, is curable within a few months, chorea causes depression, and hence, mental development disorder.[20] One interviewee who knows Samuel's children and grandchildren denied the possibility of a genetic defect within the Hochstetler family. One might speculate that Lucy developed chorea due to severe depression precipitated by the decree banning any further relations between her and Lloyd. Whatever the cause of her chorea might be, it is reasonable to assume that her chorea might not have developed into the severe degree of mental illness that eventuated if she had not been confined to the house. Samuel's neighbors told the sheriff of her confinement after the arrest: Lucy had tried to run away from home, but was apprehended before getting a mile from home; then, the parents started tying her with rope while she was working in the yard; Lucy, however, started chewing through the rope and tried to escape; finally, the parents used chains to tie her.

A third question needs to be dealt with, for a deeper understanding of the family's actions: Why did the parents forbid Lucy to continue her romance with Lloyd? The answer is very straightforward: the Amish faith proscribes marriage with non-Amish, basing their views on the biblical doctrine of 2 Corinthian 6.14, "Do not be mismatched with unbelievers." Lucy was a baptized member of the Amish Church. For this reason she would have had to be excommunicated if she had married Lloyd. It would have been impossible for the devout Amish parents to accept their daughter's leaving the Amish faith. Moreover, Samuel, as a dutiful leader in the church, might have needed to excommunicate his own daughter. No parents would want to be involved in the expulsion of their own daughter.

2) The Family Care of Lucy

Lucy's worsening condition and the care of Lucy were described in Hershberger's notes and a family diary, given here in summary form.[21] When Lucy first showed signs of being ill around 1923, the parents placed Lucy under medical care. She took chiropractic treatments with Dr. H. B. Holloway in Goshen and then had an operation and was hospitalized at Jefferson Park Hospital in Chicago from 18 December 1926 to February of 1927. After her discharge from hospital Lucy received treatment from Dr. Minnie Priepky, probably a homeopathic physician, on East Lincoln Avenue in Goshen. Fannie's diary reveals

that until May of 1929 Lucy took medical treatment in Goshen under the escort of her mother or sister. Lucy was not violent during that time. She was often taken to church and to the homes of relatives, but was always with someone else and never left alone.

Lucy's condition worsened after 1930. Lucy's violent actions increased and there were times when she was thought to be suicidal. During this period she knocked her sister unconscious, chased her sister with a butcher knife, ran away to the woods frequently, ran out onto ice and snow, climbed up somewhere and let herself fall down, and drank liniment containing chloroform. Thereafter Lucy was kept in her room.

Around 1935 Lucy's family eventually began to tie her with ropes. During this time, according to Fannie's diary, from 10 December of 1932 to sometime in 1936, Lucy took treatment with Dr. William Boyer, a chiropractor, once every seven or ten days. Boyer related the following account to Bontrager after Samuel's arrest.[22] Boyer remembered rope burns on Lucy's wrists, but he did not know at that time that Lucy was tied. At the time of his penultimate treatment of Lucy, Lucy entered his office ahead of Magdalena and in a quick, low voice asked Boyer to help her get away. Since Magdalena entered his office at this point, Boyer did not answer her but he was sure that Magdalena knew that Lucy had said something. On his next treatment Boyer found welts all over Lucy's back. Boyer therefore told Magdalena not to bring Lucy to him if Magdalena was going to hurt her in that manner. They did not return to Boyer again.

Boyer's testimony infers the mother's abuse of her daughter. Even so, this writer does not question the parent's love for Lucy, though it took an extreme form. All the records of Lucy's medical treatment indicate that the parents were seriously concerned about Lucy's illness. Considering the family's financially unsuccessful years in Brown County, and the costs of raising their own seven children as well as three foster children, it is reasonable to assume that medical expenses for Lucy were quite a financial burden to the family. The parents simply believed that the Amish way was the only way and that it was their duty to protect their beloved daughter from the fallen world.

It is significant to note that Lucy's siblings all seemed to meet the expectations of Samuel and Magdalena in terms of their marriages and church activities. Lucy's sister Susie married an Old Order Amishman, Andrew E. Miller, who was ordained deacon in 1955. Other sisters,

Sarah and Fannie, worked as volunteers at the Conservative Amish Mennonite Children's Home to help support Samuel's mission activity before they married. In 1933, Sarah's husband, Henry Miller, was ordained to the ministry. Lucy's brother Elam was also ordained to the ministry in 1939 and to the office of bishop in 1954. Mary's husband Manasseh was a son of the well-known Old Order bishop Eli J. Bontreger, and Manasseh himself was ordained to the ministry in 1949. Since the young Hochstetlers thus became actively involved in the Amish life, only Lucy appeared to be wayward among the devout Hochstetler family.

Around 1943, Samuel and Magdalana began to use chains to restrain their wayward daughter, because she was chewing through the ropes. In 1944, Marian MacDonald, director of the Elkhart County Welfare Department, held an investigation into the situation and accepted the viewpoint that Lucy had been receiving loving care at home. MacDonald made no recommendation suggesting that Lucy be sent to a state mental hospital. State mental institutions had long been notorious for their treatment of deranged patients, and during the 1940s patient care became even more brutal, due in part to the shortage of qualified personnel available during wartime. Insane patients were taken naked to the cells and left tied up with leather bands, and thus were found with bruises and marks on their wrists.[23] Lucy's parents were therefore convinced that they were giving the best possible treatment to their daughter.

Lucy's increased violence necessitated appropriate adjustments within her room. The walls were covered with oilcloth, and a dark straw tick was used as a bed instead of a mattress, which she would tear to pieces. She also threw food around in the room. Magdalena did not let other family members into her room, however. She took care of Lucy, thinking of this as her cross to bear in life. Magdalena responded to the suggestion of placing Lucy in a state institution by saying: "I will care for her myself as long as I am able. I do not want to load the burden on anyone else if I can do it myself."[24]

Magdalena had her first stroke on 21 March 1946, and her second on 16 November 1947. After that, she could no longer talk and she became less and less conscious. Samuel wrote his feelings about this turn of events as follows:[25] "It was a hard stroke, but I do not wish her back to this sorrowful world. But [I] hope to meet her in that beautiful home where there is no strife, no worry, no tears. Mother spent much

of her time in prayer." Samuel's account convinces the writer of how much Samuel and Magdalena grieved over, and suffered from Lucy's illness.

Magdalena died on 24 November 1946. Thereafter Elam's and Henry's families often visited and helped Samuel. However, Lucy had to be chained for longer periods of time than had been the case when she was cared for by Magdalena, since Samuel and Lucy were now living alone in the house. During this period Lucy continued to be violent. On 14 January 1948 Lucy ran out on the ice, barefooted, and came back, saying, "Tie me, I'll die out there." On 19 January 1948, Samuel's children held a family meeting regarding their father and Lucy. Samuel expressed his wish to care for Lucy at home as long as he lived, since Samuel and Magdalena had always thought of this as their duty.

In Amish society it is traditional for one married child to buy his or her parents' farm and live with the elderly parents on the same farm, often with a small apartment attached or adjacent to the house. At the Hochstetler family meeting only Elam and Henry were considered to be financially capable of buying the farm, worth $3,000. As a method of selection they cast lots and Elam drew the lot. Thus Elam and his family planned to move into the house around February of 1948.

3) The Arrest of Samuel

There have been rumors that some Amish were responsible for informing the sheriff of Lucy's condition. Hershberger wrote in his notes "Rumors floating around. A group of folks (5) got heads together. Reported to Sheriff. A member kept coming in." However, Bontrager affirmed that the sheriff's office received only one report, from Lawrence Yoder, a Conservative Mennonite who had been raised as Amish. His Conservative Mennonite daughter, Mrs. Daniel Yutzy, had been invited with her family for dinner at Samuel's house. While eating, they heard low, weird moaning sounds and other noises like muffled chains rattling. Mrs. Daniel Yutzy asked Samuel persistently about the noise but he did not give her any satisfactory answers. After their return home Mrs. Daniel Yutzy could not sleep and then went to see her father around three o'clock in the morning. Lawrence reported to the sheriff's office at 3:30 p.m. on 20 January 1948.[26]

Prompted by Lawrence Yoder's report, the sheriff's office needed to investigate the matter. The authorities questioned Samuel's neighbors, Lucy's school teacher Kenneth Zook, and Chiropractor William Boy-

er. Some neighbors did not know Lucy existed; other neighbors remembered Lucy but did not know what had happened to her; others recalled Lucy's repeated attempts to escape from home.

Among the Amish during this time there was a confrontation over the issue of tractor farming, and the use of telephones and electricity. This occurred in Samuel's district as well as in two other districts.[27] The disagreements in Samuel's congregation were so grave that some of the members opposed to Samuel's views were thought to be the informers. Before Magdalena died, Lucy's condition was known to very few people. However, many people became aware of Lucy after attending Magdalena's funeral at Samuel's house. As a result, the most prevalent rumor was that people looking for revenge against the church leader had informed the sheriff about Lucy. Since the sheriff's office had only Lawrence Yoder's report, the writer surmises that the neighbors whom the sheriffs requested to come for questioning were thought to be the informers.

On the late afternoon of January 21 Yoder and Bontrager went to Samuel's house. Since they did not carry a search warrant on this initial visit, their visit has been criticized by people sympathetic to Samuel.[28] Bontrager explained that the reason they had not tried to obtain a warrant was that "there was no intention at that time to make an arrest. It was strictly an investigation. . . ."[29] The sheriff's office had only insufficient hear-say evidence from Lawrence Yoder and other interviewees.

Miriam Hochstetler Graber, Elam's daughter, wrote the following account after the sheriffs' initial visit, given here in summary form:[30] When Yoder and Bontrager came to the house, Samuel was doing some chores in the barn and two granddaughters, Miriam (age 19) and Mary Etta (age 7), were in the house. After introducing themselves, the officers asked Miriam to find Samuel. While Miriam was out, Bontrager asked Mary Etta to show them into Lucy's room. The sheriffs entered Lucy's room.

The sheriffs were astonished by the scene. Bontrager described the scene in his letter of 4 September 1995, as follows:

"She [Lucy] was huddled at the head end of the bed, wildly thrashing her arms and head about and squealing in a high pitched tone and there were no intelligable (sic) sounds from her. There was no source of light in the room and it was pitch-black dark while it was light outside. . . . She opened her mouth as she was squealing and I could see

that she had only one tooth in her mouth, it being in the upper front part. She was wearing a white flannel gown which was very dirty, with dirt encrustments in spots. . . . The chains she was chained with were the same type as used by farmers to tie animals. . . . The chains were so short that she could not reach her head with either hand. . . . Her black hair were not cared for, they appeared dirty and were straggly. The room was not heated. . . . With the two doors leading to the other ereas (sic) of the house closed and with double blankets nailed across the inside of the doors, very little heat got into this room [from the only heated living room in the house and the warm kitchen]. . . . The room had an 8-foot ceiling and gray-black, dirty cob webs hung down approximately two (2) feet throughout the room. There were torn bits of paper and other debris on the floor."

The officers soon left Lucy's room. After Samuel came to see them, the officers asked him to show them into Lucy's room and Samuel readily consented to the request. Samuel did not consider Lucy's treatment as problematic as he had received consent from the Welfare Department in 1944 and did not realize that he was violating the law.[31] As for the state of the room, Miriam also admitted in her account that "Oh! they [the sheriffs] thought it was awful. It was. She [Lucy] hadn't been combed for quite awhile (sic). Her room was in a mess and a half. Her clothes weren't too clean either. . . ." The condition of Lucy's room apparently became worse after Magdalena's death.

In the morning of January 22 Bontrager and Deputy Prosecuting Attorney J. Earle Roose spent time searching through the Indiana Criminal Code in order to file charges against Samuel. The prosecution, having failed to find the appropriate charge for this particular case due to lack of precedence, finally decided to charge Samuel with assault and battery, which was not a felony but a misdemeanor. After lunch the Elkhart Circuit Court issued the bench warrant. The bond was fixed as $1,000. Since it became a matter of public record, the news media came to the sheriff's office for the story.

The initial news report appeared in the *News-Democrat* of 22 January 1948. The article depicted the shocking scene that Yoder and Bontrager had witnessed at the Hochstetler house, and included some of the neighbors' comments, as they had been reported to the sheriff. It was unfortunate that some of the details given in the news report were exaggerated. The officers had looked around the house without electricity, in the late afternoon, using flashlights, observing that "Both of her

[Lucy's] forearms were terribly bruised from the tight bull rings and the end of links of the chains gauging her that they were nearly totally black and blue with scars and minor dried blood ib (sic) spots."[32] Using the information given by the sheriff's office, the newspaper article reported that "both of Lucy's wrists were black and blue from the rattling of the rings on the ends of chains and one wrist was bleeding."[33] Bishop Eli J. Bontreger, Mary's father-in-law, stated that it was a wrong inference that the brass rings had caused some dark coloration, and insisted that the blood oozing out on Lucy's wrist had been caused in reality by her own picking.[34] Miriam also stated in her essay that "they [the sheriffs] wouldn't have [had] to put a lot of untruths in the paper." The article caused great indignation among Samuel's family and friends.

Around three o'clock in the afternoon of January 22, Yoder and Bontrager went to Samuel's house again, accompanied by two newspapermen with a camera.[35] After they had photographed him, Samuel was placed under arrest and taken to the Elkhart County Jail.

The following information was obtained by Hershberger through interviews with Samuel's family members. The sheriff informed Samuel's grandson Vernon E. Bontreger of the arrest by phone. Elam and Henry hastened to the jail, seven and a half miles by horse and buggy, to arrange for his release under bond. Since Elam and Henry had attempted to post property bonds, they were told that the signatures of the co-owners, their spouses, were needed. Elam and Henry received the impression from the sheriff that it was not an imminent matter and thus decided to return to the office with their spouses on the next day.

Yoder suddenly left for Logansport after the arrest.[36] Bontrager was therefore in charge of the matter. The sheriff's office received threats against Samuel's life from people outside the Amish and Mennonite communities after the departure of the Sheriff. Bontrager felt the threat could develop into mob action, and hastened the procedure as much as possible, also trying to transfer Samuel to the Elkhart Police Department to conceal his whereabouts. Samuel was then scheduled to appear in court in the following morning.

In the first half of the twentieth century negative views against the Amish as well as the Mennonites existed in America, because of their nonresistant faith, their belief in non-violence, and their views on conscientious objection, which were perceived as unpatriotic by the dominant society. Their German background also brought into ques-

tion their loyalty to America during the First and Second World Wars. Hershberger noted some examples of abuse: many Mennonite meeting-houses were painted yellow; several Mennonite men were tarred and feathered for their refusal to purchase war bonds; one man was actually hanged on a telephone pole by a mob.[37] Since Mennonites have more contacts with the dominant society than do the Amish, they were likely to be exposed to the anger of the 'patriotic' citizens. However, it did not mean that the public was more lenient on the Amish. The Amish were more distinctive than other German-speaking descendants in terms of their German culture, since they spoke Pennsylvania German as their mother tongue and were thus labeled as pro-German and anti-American. Military Intelligence actually regarded Amish and Mennonite anti-war activities as the most harmful in the nation and kept them under surveillance.[38] It is very likely that some Americans, easily upset by the sensational articles, found an outlet for their anti-Amish resentments in the Hochstetler case.

4) A Farm Prison Sentence

On the morning of 23 January 1948, around 9:40, Samuel was taken into the Elkhart Circuit Court. When Elam and his wife Eliza arrived at the courthouse, Samuel had already pleaded guilty. Judge Simpson pronounced a six-month state-farm sentence and ordered Lucy to be examined mentally and physically by doctors.

It is the belief of the writer that Samuel chose to plead guilty rather than to defend himself in order to keep his family situation as much as possible out of public view. After all, the Amish do not place their trust in any state systems, including courts of justice, since they believe that it is God, and not the state, who passes judgment on human behaviors. Samuel simply decided to accept whatever sentence the judge would serve him. The prosecution had actually thought that they might lose the case through a lack of sufficient evidence because they could not collect eye-witness evidence that Samuel had actually been abusing Lucy.[39] It was therefore surprising to them that Samuel pleaded guilty in such a hasty manner. Bontrager stated in his letter of 22 October 1995 that "there is no doubt in my mind but what Sam did not want to talk about this condition and did not want it brought out in a public hearing in a court room." One anonymous Amishman also indicated that there was a rumor after the trial that Samuel chose to plead guilty because he must have done something which he did not want to make

public.

A series of newspaper articles during that time reported in a very sensational manner the sentence of Samuel, including pictures of Lucy in chains. Nationally, the news media condemned the bishop of an obscure sect; internationally, particularly in Catholic countries, the reports were used as good propaganda for scorning Protestantism.[40] Since the Amish refuse to have their pictures taken for biblical reasons (Exodus 20:4–5), it was certainly heartbreaking to Samuel's family to see the pictures of the chained Lucy and 'criminal' Samuel in the papers.

Furthermore, even Samuel's family members were treated with contempt; on the streets of Goshen a stranger yelled out at Elam, calling him names that were common derogatory parlance of the day.[41] Since family members were not aware of the full truth of what had happened to Lucy, they thought that Samuel was treated extremely unfairly by the prosecution and that Samuel was the victim of anti-Amish sentiment.

It is important to add that Yoder and Bontrager had some Amish background in their own heritage. Yoder had a remote link with the Amish. Yoder's grandparents joined the Clinton Frame Amish Mennonite church in 1861 and later became Mennonites when their church merged with the Mennonite Conference of Indiana and Michigan.[42] Since Yoder's parents are not listed as being affiliated with the Amish/Mennonites,[43] this indicates that Yoder was raised outside the Amish/Mennonite tradition.

Bontrager, on the other hand, grew up in an Old Order Amish family in Shipshewana, LaGrange County, northern Indiana. However, Bontrager refused to join the Amish Church and at the age of twenty-one he left the Amish community. In 1943 he married a non-Amish woman and they joined the Episcopal Church. Since many Amish remembered Bontrager as an Amish boy, they had a strong antipathy against him when Bontrager became a law-enforcement officer. The Amish have historically abhorred law-enforcement officers, not only because of the worldly nature of this occupation but also because of their Anabaptist experiences of being arrested by such officers during their time of persecution in Europe. Bontrager had arrested four Amishmen during his nine years as law-enforcement officer in Elkhart County: on the charges of public intoxication, of writing a bad check, and in one case, of deserting the military service. Since the Amish are law-abiding

people, the number of such arrests was extremely low. However, many Amish thought that Bontrager was attempting to triumph over the Amish with his prestigious social status.

On the other hand, Bontrager felt some sympathy for Lucy, who had failed in her desire to leave the Amish Church. The scene of the chained Lucy certainly aroused his indignation. However, if Bontrager had sought revenge on the Amish community, he could have abused his power to humiliate Samuel, which he did not do. Samuel was never handcuffed; Bontrager furthermore refused to grant the request of a news reporter of the South Bend Tribune, Bill Cook, to take a picture of Samuel behind bars in the jail. No pictures of Samuel in jail were to appear in any papers.

The Amish background of Yoder and Bontrager invited indignation among people close to Samuel, who labeled Samuel as a victim and the sheriffs as traitors. Bontrager's actions were especially regarded as being the result of his animosity, bitterness, and revenge toward the Amish society. As a result, all the unfavorable actions of the sheriffs were interpreted as persecution rather than prosecution.

The county officers chose to send Samuel to the State Farm Prison in Putnumville, where the superintendent was one of Samuel's old acquaintances, and then asked the superintendent to relax the rules for this Amish bishop.[44] Deputy Sheriff Lester Lung transported Samuel to the State Penal Farm at 7:30 a.m. on 25 January 1948. The superintendent of the penal farm offered him good treatment. Samuel kept a journal of his farm-prison days: he was assigned to the hospital: he was provided with "a nice room, good warm bed, a rocking chair and stand where I could read my good Bible, [and] also a little dark room to go in to pray"; he was allowed to wear his Amish clothing instead of the usual prison uniform.[45]

A committee of doctors examined Lucy on 26 January 1948 and reported that she was insane, but was physically in good condition.[46] The report suggested that she had not been abused physically. Lucy was admitted to the state institution on 29 January 1948.

5) The Release from the Farm Prison

There are not many documents left pertaining to Samuel's release. However, it seems that Samuel's release was prompted by his family and his friends, Umble and Hershberger, with the support of others sympathetic to the Amish. Many Amish and Mennonites viewed the

sentencing of an Amish bishop as an unjust act against the Amish and the Mennonites.

In his letter of 26 January 1948 to R.C. Lehman, the editor of the *News-Democrat*, Umble expressed his disappointment with the county sheriffs and the judge over the unwarranted intrusion, the hasty court proceedings, and the government's lack of knowledge about Amish care. On 3 February 1948 Umble's article " 'Justice' Fails Again" appeared in the *Gospel Herald*. In this article Umble presented the information which he received from Samuel's family. Umble stated that the authorities were surprised to discover they had mistakenly punished 'a respectable father and bishop' and concluded that Samuel's spiritual brothers and sisters in the faith, in supportive mutuality, also needed to bear Samuel's burden, the consequence of an unjust verdict. Umble's article was very well received as a supposedly balanced article, based upon corrected information, by many Mennonites and Amish inside and outside Indiana.

Matilda, Elmer's wife, sent a letter concerning Samuel to the editor of the *Intelligencer Journal of Lancaster*. Her letter appeared in the paper of February 7. On February 12, furthermore, she sent a letter concerning Samuel to Governor Ralph F. Gates of Indiana. The governor's office enclosed a petition form and stated in a letter of February 24 that they would consider the case if adequate evidence were furnished.[47]

Hershberger, who had read Matilda's letter to the editor, wrote to her on February 10, suggesting that she also send the same letter to the editors of the *News-Democrat* and the *Elkhart Truth*, in the Goshen area. In her reply of February 20 to Hershberger, Matilda requested that Hershberger submit her published letter to the two stated newspapers on her behalf.

Samuel's children retained Attorney Robert B. Hartzog, who previously had assisted an Amishman on a question of education.[48] Although Elam knew that Samuel did not want to hire a lawyer, he felt the family had to do something tangible to help their father, since he knew others would accuse Samuel's children of not doing anything.

In the meantime, Hershberger was gathering information about conditions at the Logansport State Hospital to prove that Lucy had received better care at home than at the state hospital, though the reply actually came after Samuel was released from the penal farm.[49]

Hershberger wrote the draft of a petition for a pardon on the

grounds that Samuel was "an honorable and substantial citizen" and that Lucy "was well cared for," and thus, that "the court erred in sentencing Samuel D. Hochstetler to the Penal Farm".[50] Five documents were attached to the Petition for Pardon, attempting to justify the Petition: "The Case of Lucy Hochstetler," "The Statement of the Elkhart County Department of Public Welfare," "The Arrest and Imprisonment of Samuel Hochstetler", "Amish Bishop Gives Background Account of Hochstetler Case" (*Middlebury Independent*, 29 January 1948), " 'Justice' Fails Again" (*Gospel Herald*, 3 February 1948).

On 16 April 1948, Governor Gates filed a certificate granting the parole of Samuel after receiving the recommendation of the clemency board.[51] Samuel was released, and he returned home on April 17, after serving less than three months of his sentence.

Elam paid Hartzog $400, which was less than the $1,000 that Hartzog indirectly requested.[52] Elam thought Samuel would not accept making such a payment to the lawyer.

6) The Epilogue

One anonymous Amish couple shared the following story with the writer. After Samuel's return to the home, there was a heated debate over his ministerial status within his congregation of some thirty families. Fifty-five believers wondered whether the person in jail was truly not guilty. Samuel was very meek and humble in answering many questions posed by the congregation. They concluded that Samuel was like Joseph in Genesis 39, i.e., he was entrapped, and reinstated Samuel as bishop. Samuel died on 17 February 1954 at the age of eighty-one.

Lucy improved in her mental condition at the state hospital. In 1972 she was released from the mental hospital and placed in the Goshen Nursing Home under the legal guidance of her nephew Alpha Miller, a son of Sarah and Henry. She died on 17 January 1978 at the age of seventy-one.

IV. CONCLUSION

Interpretations of the Hochstetler case up to now have been rather extreme in terms of their classifying Samuel as being either good, or evil. The first interpretation made by the prosecution and the court was that Samuel was a religious tyrant who confined his daughter in a room and chained her to the bed so that she could not leave the Amish Church.

The 'evil' Amish bishop was therefore sentenced to a six-month term at the farm prison.

The second interpretation, that of the Mennonite professors, on the contrary described Samuel as a 'good' and meek bishop who followed the traditional Amish loving care of the underprivileged, and who attended to his demented daughter at home rather than send her to a state hospital well known for its inhuman treatment. In their emphatic view, Samuel was yet another martyr, suffering from the attitudes and actions of the prejudiced, dominant society. Samuel's family and the two Mennonite professors came to his aid and requested his pardon, upon which basis Samuel was paroled and released.

It is the interpretation of the writer that in the matters pertaining to this court case Samuel was neither good nor evil. The case was simply a tragedy, taking place within a religious minority, which occurred due to the cultural setting within the United States during the first half of the twentieth century.

The cultural and social isolation which set the Amish apart from the outside, modern world, was becoming increasingly apparent by the turn of the twentieth century. The Amish were at that time considered to be backward and thus to be ignorant. During World War I, furthermore, their nonresistant faith, their belief in non-violence, coupled to their German background, invited skepticism from mainstream society, and the Amish were labeled as traitors. Although conscientious objection was recognized in the draft law during World War I, the deployment of conscientious objectors was left to the War Department and conscientious objectors were eventually drafted into the army. As there were no stipulations of the requirements of conscientious objection at the army bases, conscientious objectors could not convince the officers in charge that they would give limited cooperation with the army, and they simply incurred the displeasure of the officers. As a result, conscientious objectors were subjected to "shortened rations, solitary confinement, physical abuse, and court-martial."[53]

Although mainstream society showed more tolerance toward conscientious objection in World War II than in World War I, the nonresistant faith of the Amish was not really understood. Since in the general public understanding World War II was being fought for good reason, against tyranny, furloughed conscientious objectors faced considerable public protest. Moreover, as the distinction between the Amish and the outside society widened after World War II, Amish were

often treated badly downtown by non-Amish, who mocked Amish beards for example by making goat's noises. In the 1950s the Amish were thus viewed negatively in mainstream society.

In the 1960s the promotion of tourism in northern Indiana began to include the distinctive culture of the Amish, as it had already done in Pennsylvania in the 1930s, and in Ohio in the 1950s. In 1972 the first Indiana "Amish" flea market came into being, and by 1986 the number of tourists increased to as many as 30,000 on a single day.[54] The existence of Amish settlements has definitely contributed financially to the local economies which are in close proximity to them. The 'backward' lifestyle of the Amish has been reinterpreted, and is now seen by most Americans as a simple and plain lifestyle threatened by the modern technology of mainstream society. Those who are Amish are now considered to have a 'simple and healthy' culture.

Thomas J. Meyers has shown a steady decline over the years in the number of persons leaving the Amish Church in northern Indiana: an 18 % defection rate of Amish born in the 1920s; a 21% rate for Amish born in the 1930s; a 14% rate for Amish born in the 1940s; a 10% rate for Amish born in the 1950s; and a 4% rate for Amish born in the 1960s.[55] A decrease in the rate of defection seems to coincide with the developing positive public image that has come into being towards the Amish. A greater percentage of younger Amish sought their way in the outside world during the time when the Amish were the object of ridicule and criticism.

Although Lucy was born in 1906, it would be reasonable to assume that Lucy was one of Amish who in the 1920s wished to leave the Church. Her repeated attempts to escape in the 1920s and 1930s was a deep concern for her devout parents. Accordingly, Samuel and Magdalena confined Lucy in hopes of her remaining an Amish church member in good standing.

In attempting to be fair to all the people involved in this case, the writer believes that every person acted in good conscience. For Samuel and Magdalena the Amish society was their eternal dwelling, and the American society, their temporal residence. They felt it their responsibility to keep their daughter in the Amish faith for her own ultimate welfare. The judgement of the sheriffs, however, was based on the viewpoint that Samuel abused his daughter, and thus they prosecuted him. They held the American law as being above the Amish faith, not vice versa, and they simply performed their duty. On the other hand, the

two Mennonite professors, not knowing the possible cause of Lucy's derangement, believed that the case had resulted from the animosity of the general public towards the Amish. They assumed their responsibility to be good neighbors to the Amish and hence assisted in bringing about Samuel's release.

From their earliest times the Amish have been struggling to be pure and unspotted from the world. The efforts to separate themselves from the world, however, often have caused the secular world to misunderstand them, and accordingly, some unfortunate incidents continue to occur. The Samuel D. Hochstetler case was one of many tragic events that the Amish have experienced in their attempt to keep their Amish society separate from the dominant society of the land.

NOTES

* Certain persons interviewed remain anonymous in consideration of their position in the community, as this case still rankles in northern Indiana Amish communities.

** The writer read a paper regarding the Hochstetler case at the annual meeting of the Japanese Association for American Studies on 3 June 1995. This paper, however, was written on the basis of the new findings obtained after the presentation. The writer wishes to thank the Archives of the Mennonite Church, the Mennonite Historical Library, and the Heritage Historical Library for the relevant materials of the case. The author is greatly indebted to Leonard Gross for arranging various interviews for her and for offering many helpful suggestions on an earlier version of the paper, and David Luthy for sharing his information about the case. Finally, the writer mentions with gratitude that this research was supported by the Overseas Research Study sponsored by Ministry of Education and the Takasaki City University of Economics Research Grant Program.

[1] The Old Order Amish are the most conservative Amish who do not have meeting houses nor churches, but hold worship services biweekly in individual houses or barns by turns. They do not use electricity, but use buggies.

[2] The Amish division from the Mennonites occurred in 1693. Mennonites and Amish have had separate church organizations since then, though they share a common Anabaptist faith.

[3] Guy F. Hershberger, Letter to Paul Erb, 21 April 1948, Historical Manuscripts 1-66, Archives of Mennonite Church, Goshen, Indiana (hereafter AMC).

[4] Paul Erb, Letter to Guy Hershberger, 26 April 1948, Hist Mss 1-66, AMC.

[5] Elam Hochstetler, Letters to David Luthy, 14 February 1972, 3 March 1972, 17 March 1972, 24 January 1973, 3 February 1973, and 11 December 1975; David Luthy, Letter to Levi Bontrager, 20 December 1972; Levi Bontrager, Letter to David Luthy, 24 January 1973; Guy Hershberger, Letter to David Luthy, 2 April 1972; Leonard Gross, AMC, Letter to David Luthy, 16 March 1972; John D. Leatherman, Letters to David Luthy, 13 December 1972, 18 January 1973, Heritage Historical Library,

Aylmer, Ontario, Canada (hereafter HHL).

[6] Conservative Mennonites are Mennonites who fall between the Amish and the Mennonites in their religious faith.

[7] All the dates regarding the Hochstetlers in this paper, unless specified, are cited from the Hochstetler family history book: Daniel E. Hochstetler, *Descendants of David J. and Magdalena Hochstetler* (hereafter *DDM*), 3d ed. (Nappanee, Ind.: Evangel Press, 1995).

[8] John C. Wenger, "Anecdotes from Mennonite History: A Modern Amish Tragedy," *Mennonite Reporter*, 1 September 1980; and J. C. Wenger, "Anecdotes from Mennonite History: Joy in Tribulation," *Mennonite Reporter*, 15 September 1980.

[9] The name of Jacob Hochstetler, the first immigrant of the Hochstetlers to America, has been widely known in Amish and Mennonite communities due to Jacob's nonresistant faith, his belief in non-violence, shown at the time of the Native American Massacre of 1757. When Native Americans attacked Jacob's house, he did not allow his sons to shoot the attackers because of his commitment to nonresistance. As a result, the mother, one daughter, and one son were killed and scalped; Jacob and two other sons were held in captivity for some years.

[10] Gertrude Enders Huntington, "Health Care," in *The Amish and the States*, ed. Donald B. Kraybill (Baltimore and London: The Johns Hopkins University Press, 1993), 182.

[11] For the information regarding the reason of the Hochstetlers' move to Brown County and their life there, see The Amish Heritage Committee, *Amish and Mennonites in Eastern Elkhart Lagrange Counties, Indiana 1841–1991* (Goshen: G.E.T. Printing, 1992), and David Luthy, *The Amish in America: Settlements That Failed, 1840–1960*, 2d ed. (Aylmer, Ontario-Lagrange, Ind: Pathway Publishers).

[12] Mr. & Mrs. Elam Hochstetler et al., "To The Editor and All Budget Readers," *Budget*, 5 February 1948.

[13] The information regarding Lucy's boyfriend was obtained from Levi E. Bontrager: Letter concerning the Hochstetler's case (based on his 18 pages report for Luthy) to the writer, 4 September 1995, 14 pages; Personal Interview, 18–22 August 1996.

[14] Magdalena seemed to have been a strong and dominant woman who controlled Samuel. One interviewee stated that "she wore the pants in the house and after her death Samuel was now in charge of the show."Another interviewee commented in a reserved manner that "she was not the easiest person to get along with."

[15] Hershberger, Notes concerning the Samuel D. Hochstetler Case, Hist Mss 1–66, 30 pages, AMC.

[16] Hershberger, Notes; and "The Case of Lucy Hochstetler", the Essay Accompanying the Pardon Petition, 4 pages legal size, Hist Mss 1–66, AMC.

[17] John Umble, "'Justice' Fails Again," *Gospel Herald*, 3 February 1948.

[18] *Webster's Third New International Dictionary of the English Language*, 1986 ed., s.v. "Chorea."

[19] *Nanzando Igaku Daijiten* [Nanzando's Medical Dictionary], 1987 ed., s.v. "Butobyo [Chorea.]"

[20] Ibid.; and *Kato's Integrated English-Japanese Medical Dictionary*, 1987 ed., s.v. "Chorea."

[21] Hershberger, Notes; and Fannie Otto (Lucy's sister), Diary from 1926 to 1935 concerning Lucy Hochstetler, 6 pages, Hist Mss 1–66, AMC.

[22] Hershberger also wrote in his notes that "Boyer had not seen Lucy since 1936 or

at least very little" and that "Sheriff got some."

[23] Loris A. Habegger, Letter, *Berne Witness*, 27 February 1948.

[24] Mrs. Elmer S. Hochstetler, Letter to the Editor, *Daily Intelligencer Journal*, 7 February 1948.

[25] *DDM*, 278.

[26] The date was obtained from "The State of Indiana vs. Samuel Hochstetler", February of 1948 Term, Transcript of trial, 8 pages legal size, Hist Mss 1-66, AMC.

[27] Amish Heritage Comm., *Amish and Mennonites*, 28-9.

[28] John Umble, Letter to R. C. Lehman, 26 January 1948, 2 pages, Hist Mss 1-66, AMC; Mrs. Elmer S. Hochstetler, Letter, *Daily Intelligencer*, 7 February, 1948; and Huntington, "Heath Care," 183.

[29] Bontrager, Letter to the writer, 22 October 1995, 5 pages.

[30] Miriam Hochstetler, Essay concerning Samuel's Arrest, 6 pages, 25 January 1948, Hist Mss 1-66, AMC.

[31] Mrs. Elmer, Letter, *Daily Intelligencer*, 7 February, 1948.

[32] Bontrager, Letter, 4 September 1995.

[33] "Farmer To Be Arrested For Keeping Demented Daughter Chained To Bed," *News-Democrat*, 22 January 1948, 1.

[34] "Amish Bishop Gives Background Account of Hochstetler Case," *Middlebury Independent*, 29 January 1948, 2.

[35] Ibid.; and "The Arrest and Imprisonment of Samuel Hochstetler," the Essay Accompanying the Pardon Petition, 5 pages, Hist Mss 1-66, AMC.

[36] Bontrager, Letter, 22 October 1995.; Bontrager, Interview; and "Deny Church Objection In Insanity Case," *News-Democrat*, 24 January 1948.

[37] Guy F. Hershberger, *War, Peace, and Nonresistance*, 3d ed. (Scottdale, Pa.: Herald Press, 1991), 115.

[38] Willard H. Smith, *Mennonites in Illinois*, (Scottdale, Pa.: Herald Press, 1983), 353-4.

[39] Bontrager, Interview.

[40] "Sentence Amish Farmer To Six Months At Penal Farm For Chaining His Daughter," *News-Democrat*, Goshen, Ind., 23 January 1948; "Amish Bishop Sentenced to Six-Month Term For Keeping Daughter, 41, Chained to Bed," *Tribune*, South Bend, Ind., 23 January 1948.; "Indiana Farmer Given Year For Chaining Woman," *Daily Intelligencer Journal*, Lancaster, Pa., 23 January 1948; "Bishop Chains Daughter To Bed," *Buenos Aires Herald*, Brazil, 24 January 1948; and "Un Vescovo Protestante Seviziava Sua Figlia," [Protestant Bishop Tortured His Daughter], Il *Tirreno*, Leghorn, Italy, 25 January 1948. Daniel Hochstetler (DDM:311) stated that Mennonite missionaries in China read the news in their local paper. In his note Hershberger mentioned the article concerning Samuel in *Newsweek*, 2 February 1948, 45. A letter from Paul Erb in Florida to John Umble, 2 February 1948 and another letter from Harvey C. Birky in Alabama to John Umble indicated the articles were taken up in local papers.

[41] Umble, Letter to Lehman, 26 January 1948.

[42] Joe A. Springer, E-mail to the author, 14 September 1995.; Amish Heritage Comm., *Amish and Mennonites*, 31-32.

[43] Joe Springer, E-mail to the author, 12 September 1995.

[44] J. Earle Roose, Personal interview, 11 August, 1995.

[45] *DDM*, 279.

[46] Umble, " 'Justice'."

[47] Frank C. Turkey, Secretary to the Governor, Letter to Mrs. Elmer S. Hockstetler

(sic), 24 February 1948, Hist Mss 1-66, AMC.

[48] Elam, Letter, 3 March 1972.

[49] Hershberger, Letter to Harold Barton, the National Mental Health Foundation, 17 March 1948; Richard D. Hunter, Letter to Hershberger, 21 April 1948, Hist Mss 1-66, AMC.

[50] Hershberger, Petition for Pardon, Hist Mss 1-66, AMC.

[51] According to the Minutes of Elkhart circuit Court, No. 4726, Samuel was not actually pardoned, but was paroled. However, it has been widely believed in Amish and Mennonite communities that Samuel was granted a pardon.

[52] Elam, Letter, 3 March 1972.

[53] Albert N. Keim, "Military Service and Conscription," in *The Amish and the States*, ed. Kraybill, 46.

[54] David Luthy, "The Origin and Growth of Amish Tourist," in *The Amish Struggle with Modernity*, eds. by Donald B. Kraybill and Marc A. Olshan (Hanover and London: University Press of New England, 1994), 110, 123.

[55] Thomas J. Meyers, "Population Growth and Its Consequences in the Elkhart-LaGrange Old Order Amish Settlement," *Mennonite Quarterly Review* 65:3 (1990), 308-21.