

**The Friesen-Braun Trials:**  
**from the book *The Fangs of Bolshevism***

by

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## Introduction

The Mennonites take their name from their founder, Menno Simons (1496-1531). They are part of the Anabaptist wing of the Protestant Reformation. Their central beliefs include adult baptism (that's what 'Ana-baptist' means, "to baptize again"), pacifism, a refusal to take oaths, a belief in the priesthood of all believers, and a church whose purity was enforced by the practice of excommunication and shunning any dissenting members.<sup>1</sup> Mennonites were Protestants who were persecuted both by Catholics and by other Protestants, including Calvinists in Switzerland and the Netherlands. The Mennonites moved from country to country, either to avoid persecution for their Anabaptist beliefs, or because they felt that they could no longer practice their religion as they wanted to. Wherever they went, they carried a copy of the Bible and a copy of *The Martyr's Mirror*, a record of the persecution and tortures experienced by Mennonites. I used to own an old, leather-bound copy that belonged to one of my relatives.

My own ancestors were originally from Friesland (a province in the Netherlands). That's what 'Friesen' means—someone from Friesland. There are therefore many families named Friesen, most of whom are not related to each other. Indeed, I have Friesens on both sides of my family, since my mother's family name was also Friesen. Her father was I.P. Friesen, who is referred to in this story. I have traced my genealogy back to 1759, and there is no relation between the two Friesen families, although they lived in the same village in Russia, and also in the same village in Manitoba when the families first immigrated to Canada. On my mother's maternal side, the surnames had an odd sequence: the surname Winter became Harder, which became Friesen. Apart from this apparent increasing coldness, there was a persistent story that this side of my family line was Jewish. There was one Jewish person in the genealogy—Joseph Nowitzky, who in 1814 was given a passport to go to Ivanovka in the Kursk Province of Russia to help make butter and cheese for Highness Bariatinsky. But Nowitzky married a Mennonite woman. Having a male Jewish person in my lineage does not qualify my mother's side of the family as Jewish, since that would require maternal Jewish links all the way down.

My ancestors moved from Friesland to Danzig (then Eastern Prussia, now part of Poland),<sup>2</sup> and then later in 1879 (the time of the French Revolution) to Russia at the invitation of Catherine the Great, who valued their skills as farmers. Catherine the great granted to the Mennonites the privilege of exemption from military service and "to follow their faith and church practices unhindered." That did

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<sup>1</sup> My grandfather I.P. Friesen was shunned because he committed the sin of sending his children to private school. His own family did not eat with him at the same table, and business suffered, and he appealed to the Lieutenant-Governor of Saskatchewan for "British justice and fair play." An investigation took place, and the government actually intervened.

<sup>2</sup> Abraham Friesen: *In Defense of Privilege: Russian Mennonites and the State before and After World War I* (Historical Commission of the US and Canadian Mennonite Brethren Churches, 2006). His view is that the emigration from the Netherlands was because of persecution by the Spanish-Catholic Duke of Alba.

not mean that they could proselytize among the Orthodox.<sup>3</sup> The Mennonites settled in the Ukraine for about a hundred years, but when Russia revoked this exemption from military service,<sup>4</sup> about a third of the Mennonites emigrated to North America.<sup>5</sup> My family came to Canada in 1876. A second wave of immigration of Mennonites from Russia occurred in the 1920's. Unlike the first Mennonite immigrants, this second wave was better educated, since they had gone to the Russian public schools. They also had a love of culture that had not existed among the 'Old colony' immigrants of the previous century. For example, the love for choral music comes from this second group; the Old Colony Mennonites sang in unison, led by a *Vorsänger*. During the period from 1876 to 1925, many (although not all) of the Mennonites who had stayed in Russia had prospered. Some of them became large landowners, employing non-Mennonite Russians. Many of them had lavish homes, grand schools, breweries and hospitals, and they imported or manufactured their own farm machinery.<sup>6</sup>

After the Russian Revolution, Mennonites were no longer welcome. Some were attacked by Russians who thought they had been taken advantage of and exploited by the Mennonite landowners. This put the Mennonites in a quandary. They believed in pacifism, but now some began to form groups for self-protection [*Selbstschutz*] against these attacks. Stalin also forcibly removed many Mennonites to Siberia. And so there were many thousands of Mennonites who wanted to leave Russia.

So in the 1920's, the Mennonite Church in Canada formed The Canadian Mennonite Board of Colonization in order to help these Russian Mennonites immigrate to Canada. Head office was in Rosthern, Saskatchewan (the town where I later grew up). The head of the Board was Bishop David Toews, and the Manager was A.A. Friesen [no relation to me, but a recent immigrant to Canada at the time]. Now in fact, the Mennonite Church did not have any bishops. Its church policy was not episcopal; the title 'Bishop' was given to Toews partly in order to impress the Canadian Pacific Railway that it should finance the immigration of these Mennonites from Russia, and to have one person who could sign the railway contracts. More than 20,000 Mennonites came to Canada in this way. This resulted in a large debt with the Canadian Pacific Railway. Because he signed the contracts, Toews felt personally responsible for this debt. But fundraising was difficult during the Depression, even though the railroad waived interest. The Mennonite church did not pay off the debt until 1946, shortly before Toews's death.

The new Russian immigrants included Isaac Braun and his family, who arrived in Rosthern in 1924. This Isaac Braun defrauded my great-uncle H.P. Friesen, brother of I.P. Friesen. Braun claimed that he had loaned H.P. Friesen \$5,000, and that H.P. Friesen had failed to repay it. When H.P. Friesen denied the loan, Braun brought a lawsuit. No fewer than 7 different trials and 2 appeals, as well as one related trial, resulted from these allegations, including separate trials for perjury. Another brother, George Friesen, wrote a book detailing the fraud. He called it *Fangs of Bolshevism*, since he believed that the fraud was part of a Bolshevik plot to take over Canada. Whether or not that was so, the case is still of interest because it shows how a simple dispute over money can have far-reaching ramifications,

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<sup>3</sup> Abraham Friesen points out (p. 9) that after the religious revivals in the 1850's, and the birth of the Mennonite Brethren Church in 1860, there was a renewed desire to proselytize. The Russian government changed the status of the Mennonites from a non-Orthodox "confession" to that of a "sect."

<sup>4</sup> Abraham Friesen, p. 8. Universal military service was imposed in 1874.

<sup>5</sup> When Saskatchewan enacted legislation requiring public schooling, many Mennonite families moved to Mexico, seeking the freedom to educate their own children. see also Abraham Friesen, p. 265.

<sup>6</sup> Abraham Friesen, p. 11. For photographs of some of the beautiful buildings in these Mennonite communities, see N.J. Kroeker: *First Mennonite Villages in Russia 1789-1943* (Cloverdale, B.C.: N.J. Kroeker, 1981).

splitting the church, raising issues of church and state, and even preventing further immigration of Mennonites to Canada.

(1) Mennonites did not traditionally believe in resorting to the law. As pacifists, they believed that the law relied on the power of the sword for enforcement, and that therefore they should settle their differences among themselves. And yet this dispute between two Mennonites resulted in the longest trial in Saskatchewan up to that time, involving prominent lawyers like James Wilfred Estey.

(2) Important figures of the Mennonite church became involved in the dispute by taking sides against H.P. Friesen. Bishop Toews and Gerhard Ens (who became a Member of the Legislature) supported Braun in his legal battles against H.P. Friesen. Although H.P. Friesen was eventually fully exonerated, he never trusted the church again.

(3) There also the impact on my family. Bishop Toews had a son Benno who was married to my Aunt Tena, a daughter of I.P. Friesen. The fact that Toews sided with Braun drove the families apart. Both families also experienced terror and fear. The Toews family house mysteriously burned down, causing the death of his five-year-old daughter. Braun tried to put the blame on H.P. Friesen. And threats were made to the Friesen families. My mother told me of the improvised fire alarm that I.P. Friesen rigged up in their home—a series of pots and pans connected by ropes, in the hope that when the rope burned, the clatter would awaken the family if their house were set on fire.

(4) Perhaps most importantly, the long trial raised issues of the honesty and credibility of the Mennonites. There is good evidence that this resulted in Canada rejecting further immigration by Mennonites from Russia.

## The Nature of the Fraud

When he arrived in Canada, Braun asked H.P. Friesen for help in locating a farm. H.P. Friesen had helped others, and had even financed such purchases for them. Braun said he had brought \$500 with him, and of this he could use \$100 as a down payment. On August 29, 1924, Braun visited H.P. Friesen at his home in Saskatoon, and asked for his help in buying an apple orchard in the province of British Columbia. Together they went to a lawyer in Saskatoon, who acted as agent for the orchard owner. Braun said he could only afford a \$200 down payment. The lawyer refused to accept less than \$700 as a down payment, and H.P. Friesen did not want to finance something so far from Saskatoon. But the lawyer suggested that H.P. Friesen give his address to Braun, who would write to him from British Columbia after viewing the orchard. The lawyer handed them a piece of his office stationery. H.P. Friesen wrote his name and address on it. There was a space above his name, and later on, Braun wrote a \$5,000 promissory above H.P. Friesen's name, and trimmed off the top of the page. The false note was for three months, falling due November 29, 1924, with annual interest of 6%. It was on the basis of that false document that he brought his lawsuit, claiming that he had loaned \$5,000 to H.P. Friesen on this very date. This was hardly credible, since all the evidence showed that Braun had no more than \$500 to his name at the time. He invented a story that he had hidden the money in the bottom of a suitcase to keep it from the customs authorities. But why didn't he put the money in a bank, instead of carrying it around in his wallet? How could he carry that much money in his wallet? And why would Friesen borrow the money? He had lots of money of his own. And the letters that Braun sent H.P. Friesen from B.C. are inconsistent. The first letters clearly do not support the idea of a loan, which is probably why Braun asked that these letters be returned to him. Only the final letter makes a demand for payment:

### **Letter 1**

Renata, B.C. September 9, 1924

H.P. Friesen:

I am letting you know that we arrived here in good health. I have looked over the orchard about which we spoke. It is pretty well run down, because the present owner is not working it well lately. Mrs. B.J. Friesen, the owner, is anxious to sell me the orchard, because she is getting too old to work it herself, and wants to leave here. I am ready to buy the orchard with five acres of land, and house, if I can get it for \$2,000. Will pay \$100 down, and the balance in five years, at six per cent. Please let me know if you can do this for me or not. Perhaps you could buy it even cheaper for cash, and I would then have to deal only with you.

So I am asking you to kindly help us, and you will then have one more Russian, who could furnish you a home when you find it too cold up there in the winter.

Please let me know about this at once.

Yours truly,

Isaac Braun

### **Letter 2**

Renata, B.C. September 16, 1924

Dear Friend H.P. Friesen:

I wrote you last week a letter about the orchard which was offered to me. Please let me know how this matter stands. I have received other offers here, on easy terms, but I want to wait for an answer from you. The fruit is being removed from the orchard with all haste, for Mrs. Friesen feels certain she is going to lose the orchard. Weeding and irrigation is being neglected completely, and the whole is pretty well run down. So I ask you to let me know as quickly as possible, if you are willing to buy this orchard for me. Otherwise, I must look around for something else.

Am waiting for a reply.

Your friend,

Isaac Braun

### **Letter 3**

Renata, B.C. November 4, 1924

Dear Friend H.P. Friesen:

A short time ago I wrote you a letter but as up to this day I have not received a reply, I will try and write you again, perhaps you did not receive my former letters. We are still in good health, and there is wonderful weather, trees are green, and it does not look like winter here. I like it better right along. How about the land I wanted to buy? Is there anything certain about it yet? Please let me know. I also ask you to send me

back the first two letters which I wrote you, because there is a misunderstanding between my wife and me, about the price. My wife claims that I wrote to you that I would pay for the orchard \$3,000, which I deny. To settle the dispute, I ask you to return me the letters. I would like to win this bet with my wife.

How are you getting along, and how are things in Saskatoon? Are you coming here for the winter?

Am looking for an immediate reply.

Best greetings,

Isaac Braun

#### **Letter 4**

Renata, B.C. November 19, 1924

Dear Friend H.P. Friesen:

Let me know how the matter stands about the land which I wanted to buy, and then send me the two letters. Have written you twice and am getting no answer. Are you no longer alive? Or why do you not answer me? Are you coming to visit us soon? Have a nice home with room enough also for you, in the winter. It is up to five degrees warm here yet. Fine weather.

Am looking for an immediate reply.

Best greetings,

Isaac Braun

#### **Letter 5**

Renata, B.C. November 21, 1924

Dear Friend H.P. Friesen:

Advising you with this, that the \$5,000 which from the 29<sup>th</sup> of August to the 29<sup>th</sup> November you borrowed from me, you can keep no longer. According to the note from you the three months are up form November 29<sup>th</sup>. The interest calculated for three months make at 6%, \$75.00, therefore, altogether, \$5,057.00, which you may transfer to Nelson, B.C., to the Commerce Bank, if you do not want to come here yourself, as agreed. Your note I will then at once forward to you through the Bank. I want to start my own business now, and so need my money myself.

Myself and two other citizens from here wish to start a sawmill, so do not hesitate and bring, or send my money at the stated date.

Is. Braun

When he received the fifth letter, H.P. Friesen thought that Braun had gone insane. Braun did not wait very long, and on December 8, 1924, he instructed A.C. March, his lawyer in Rosthern, to issue a demand letter requiring payment in three days. The next day (December 9), H.P. Friesen asked the Colonization Board in Rosthern for their help. Present at the meeting were David Toews and A.A.

Friesen, as well as Braun's lawyer March, who also acted as lawyer for the Board (March evidently did not see a conflict of interest. And A.A. Friesen had been a friend of Braun in Russia. They both came from the same village, Halbstadt). They told the astonished H.P. Friesen that the claim was a reasonable one, and that it would have to be settled in court. Why did Bishop Toews not attempt to mediate the claim? Friesen had been a member of the church for over 20 years, and Mennonites were not to go to court.

So Friesen sought legal advice, and then replied to Braun on December 15, 1924:

Dear Sir:

Surely you know as well as I do, that I never borrowed money from you. Such a swindle as you seem to try to put over is punished severely in this country. I have already handed the matter over to Crown Prosecutor, J.W. Estey,<sup>7</sup> who will deal with you. If, however you will drop the matter now, and make no further claims in the future, I will not press the case against you, as I would not like to see you go to prison for a term of years.

Yours truly,

H.P. Friesen

Braun had by this time returned to Rosthern, and was seeking support. Bishop Toews helped Braun to campaign for funds to support his trial. And Toews wrote to Braun's brother-in-law in California that Braun had the "\$5,000 and had lent it to Friesen" and "that the whole matter will turn out in favor of Braun."<sup>8</sup>

## The legal process

### 1. The civil trial by Braun against H.P. Friesen

The trial commenced on February 24, 1925. H.P. Friesen admitted that it was his signature, but said that the promissory note above his signature was a forgery. It was clear that the note was on stationery from the lawyer, but Braun's testified that after leaving the lawyer's office, he and Friesen went to the Western Hotel, where Friesen suggested using this stationery for the promissory note. Braun produced two boys, Jacob Friesen (age 21, again no relation) and Frank Hildebrand (age 16), who claimed to have seen them at the Western Hotel and who testified that they had overheard the transaction. A.A. Friesen also testified that H.P. Friesen had shown six letters to the Colonization Board, but that only five were now being produced at trial. This sixth letter supposedly proved that the \$5,000 claimed had nothing to do with the orchard deal, but was for starting up a separate business. And Braun testified that H.P. Friesen had written other letters to him in B.C., where he acknowledged the debt, but that these letters had been stolen. But Braun said his practice was to read letters out loud in the

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<sup>7</sup> James Wilfred Estey (1889-1956) came to Saskatoon to start the Law School at the University of Saskatchewan. In the 1920's, Estey was a Crown Prosecutor. In 1939, he was appointed Attorney General for Saskatchewan. In 1944, he was appointed a judge of the Supreme Court of Canada. His son Willard Estey also became a judge of the Supreme Court of Canada.

<sup>8</sup> Cited by Epp, 216. Epp does not show a good understanding of the trials. And on the same page 216, Epp gives the following unflattering description of Friesen:

Although H.P. Friesen did not have the reputation of a dishonest or crooked man, he was known to be a shrewd businessman and also not a great friend of the Toews family.

post office, and he produced the postmaster form B.C., who testified that he had heard Braun reading out acknowledgements of the debt by H.P. Friesen. Of course the postmaster did not know Friesen, and could not testify that he recognized his writing. H.P. Friesen denied ever having signed a promissory note, or sending letters acknowledging a debt, or having been at the Western Hotel on that date, or ever having received any sixth letter. However, Mr. Justice MacLean believed the witnesses, and held that H.P. Friesen must repay \$5,000 plus \$75 interest. The sheriff seized \$2300 of bonds owned by Friesen on February 27.<sup>9</sup> So Braun collected part of his judgment just four days after the trial began. It was a large sum, and H.P. Friesen was devastated that things had gone wrong so quickly.

In Rosthern, Braun's victory made it seem that H.P. Friesen had tried to rob a poor Russian immigrant. H.P. Friesen was excommunicated from the Mennonite church. Bishop Toews would have had to approve this excommunication.

Two weeks after the trial, H.P. Friesen had a strange visit from two women he did not know. One introduced herself as Mrs. Rempelpein. They asked him if he knew the whereabouts of a certain girl. He did not. She asked to use his bathroom and then the women left the house. H.P. Friesen thought perhaps she had left poison in the bathroom, and he emptied all the open bottles in the medicine chest. He also sent his daughters to follow the women; they were amazed to see them meet Jacob Friesen, one of the boys who testified at the trial. H.P. Friesen learned that the name of Jacob's mother was Theresa Friesen, a widow living in Rosthern. His daughters called on her, and recognized her as the "Mrs. Rempelpein." While they were there, Braun showed up at the house and harangued for two hours, trying to convince them that the loan had taken place, and telling them that H.P. Friesen had to submit to his will and should stop trying to oppose him. After midnight, he allowed the girls to leave and walked them back to where they were staying. "How does it feel to be out in the dark streets with a bandit, or Bolshevik?" he asked.

In March, Braun went back to B.C. But H.P. Friesen went to the train station to confront him. He asked why Braun had brought the false claim, and Braun said that he would not have done so if he had been given help to buy the land. Braun said,

Look here, H.P., why raise such a fuss over a trifling affair, such as this has been to me. You should have seen what I pulled in Russia. Why not a drop of blood has been spilled yet. Before I am through here in Canada you will see greater things than this, accomplished by Isaac Braun. We need your paltry \$5,000 right now for organization purposes in this country, but much more money will be needed, and I will make you an offer H.P. that if you will consent to pay me \$3,000 additional, making \$8,000 in all, I will see that you are placed on a list for protection, and no further demands for money will be made upon you. Your brother [I.P. Friesen] however will be required to contribute \$10,000 to the organization fund, and it would be to his advantage if he pays this sum promptly when demanded.

H.P. Friesen reported this conversation to the police. It seems that they did investigate these allegations of Bolshevik sedition, for a detective later searched Braun's house in B.C.

Meanwhile, the parents of the two boys who had testified at the trial knew that their sons' evidence could not have been true. Frank Hildebrandt's parents knew he had not been in Saskatoon in August, and so could not have witnessed the alleged dealings in the Western Hotel. Something had also been wrong with the boy ever since the trial; he was sullen, and had sleepless nights, but would not tell them

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<sup>9</sup> A newspaper report of February 27, 1925 says that the sheriff seized the full amount of \$5,000 plus interest.

the reason. Eventually he and the other boy made a full confession of their perjury. Braun had known Jacob Friesen's mother in Russia, and Braun had promised the boys a job in a B.C. sawmill if they gave the story they did at the trial; the job never materialized. But even before the trial, young Frank Hildebrand had written to Braun's lawyer, saying that he had not been in Saskatoon in August. Why did the lawyer then put him on the stand to give contrary testimony that he had been at the Western Hotel? There is evidence of coaching of these young witnesses before trial, and threats by Braun that they could not back down from their story or they would go to jail.

## 2. The perjury trial against the boys

The boys Frank Hildebrandt and Jacob Friesen were convicted of perjury, and sentenced by Mr. Justice E.A.C. McLorg. Frank was sent to Prince Albert Penitentiary for 8 months; Jacob received a sentence of 9 months. Jacob had been attending teacher's college, but his conviction meant that he would never become a teacher.

After the boys' perjury trial, the widow Theresa Friesen, made a statement to the police. She did not think it was fair that her son Jacob Friesen was in prison for perjury while Braun was free. She admitted that she had known Braun in Russia, and that she had helped him in several plots. In this case, A.A. Friesen had become nervous about his testimony of a "sixth letter," so they had manufactured it; Braun wrote it out, and they rubbed the paper for a while, to make it appear older. Braun then sent her to H.P. Friesen's house pretending to be Mrs. Rempelpein; she had intended to pretend to "find" the sixth letter there, but H.P. Friesen watched her too closely, and so the plot failed. There was also a plot to call I.P. Friesen, who was a minister in the church, to her house on the pretense that she was ill. When the minister was at her bedside, she planned to call for help. Witnesses would be hiding nearby, and the widow would claim that she had been attacked. This is how they hoped to get \$10,000 from I.P. Friesen.

## 3. H.P. Friesen's civil suit against Braun to recover his money

H.P. Friesen sued to set aside the trial judgment and recover the money that the sheriff had seized. That trial was before Mr. Justice P.E. McKenzie; it commenced October 8, 1925. The court ordered Braun to repay the money, and recommended that the Mennonite Society should spare themselves no pains in sending Braun back to Russia. When Braun left the trial, he was arrested for subornation of perjury. He was released on \$6,000 bail, which was put up by two Mennonites from Rosthern. Although he obtained a judgment against Braun, H.P. Friesen never recovered any money from him.

Now this is a surprise. Before Braun's trial for subornation of perjury was heard, and before Braun's appeal to the Court of Appeal, H.P. Friesen was also charged with perjury. He was charged on March 26, 1926, based on an information laid by Braun. Braun claimed that H.P. Friesen had perjured himself in denying that he owed Braun the money. So in essence, the same facts were to be tried again. This was apparently an effort to influence the Court of Appeal to whom Braun had appealed the order to repay H.P. Friesen. The arrest of H.P. Friesen on the charge of perjury made front-page headlines. He was released on bail of \$2,000.

## 4. Braun's appeal to the Court of Appeal

This appeal was heard May 2 and 3, 1926. Braun argued that H.P. Friesen had induced the two boy witnesses to change their minds. The five judges on the Court of Appeal unanimously dismissed this appeal.<sup>10</sup> They held that the boys had given false evidence at the first trial, and true evidence at the

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<sup>10</sup> *Friesen v. Braun* [1926] 2 D.L.R. 1032; (1926) 2 W.W.R. 257 (Sask. C.A.). Differing reasons were given by Turgeon, J.A. and Martin, J.A., but all five judges agreed that Braun's appeal be dismissed.



second trial. The Court of Appeal took no notice of the fact that H.P. Friesen had been charged with perjury.

#### 5. Braun's trial for subornation of perjury

Braun still had a lot of support in the Rosthern community. Fundraising for his cause continued, even though at this time the Colonization Board badly needed donations to cover the debt owed to the Canadian Pacific Railway. Braun was able to hire one of the best criminal lawyers in Canada, R.A. Bonnar from Winnipeg.

The subornation trial opened on September 22, 1926 before Mr. Justice Bigelow and a jury. The trial lasted 14 days. Almost 60 witnesses were heard. Some evidence was hearsay, such as the evidence of Gerhard Ens who said he had heard Frank Hildebrand's father say that his son Frank's testimony at the first trial had been correct. A.A. Friesen testified again about the "sixth letter." There was character evidence by people who said they would not believe anything that H.P. Friesen said. Bonnar tried to discredit the testimony of the two boys, who by this time had served their prison terms, but had to testify again. But there was a lot of evidence to show that the boys had not been in Saskatoon on the date of the alleged transaction in the Western Hotel.

In his address to the jury, Mr. Justice Bigelow said he would not be surprised if Braun had influenced many of the witnesses as he had influenced the two boys. The jury convicted Braun. Braun was sentenced to five years in Prince Albert Penitentiary. In his judgment, Mr. Justice Bigelow said that he hoped the authorities would look into the supervision of immigrants from the Soviet Union. "We want settlers in Canada, but not settlers who act as you have acted. I was unable to find any evidence in this trial that you have done a day's work since you came to this country. Most of your time has been spent on this matter." But following the jury's advice, he did not recommend deportation.

#### 6. H.P. Friesen's trial for perjury

As mentioned, H.P. Friesen had been charged with perjury on March 26, 1926, based on information laid by Braun. But the trial did not commence until October 9, 1926. It was held before Mr. Justice J.F.L. Embury and a jury. What puzzles me is that this trial took place after Braun's appeal (which was dismissed) and after Braun's own trial for subornation (for which he was convicted). Why then was a motion not brought to dismiss this case of perjury, since it involved trying the same facts? But this trial went ahead, and indeed lasted for six days. Many witnesses were again called, and H.P. Friesen's credibility was again attacked. In charging the jury, Justice Embury said he had never heard as much contradiction in a case and so much unreliable evidence on both sides of the case. But he thought that the first two letters sent by Braun to H.P. Friesen were inconsistent with Braun's claim for \$5,000. The jury acquitted H.P. Friesen, based on this documentary evidence, but not the testimony. The judge told H.P. Friesen that he was a lucky man, but that he agreed with the jury.

#### 7. Braun's appeal from his conviction for subornation of perjury

A month after his conviction for subornation, and after a short imprisonment, Braun announced an appeal. Four bondsmen from Rosthern put up \$14,000 bail. It is reported that more than 100 people met Braun on his return to Rosthern; some proposed a service in his honour in church, but that did not happen. Because his lawyer Bonnar was in England, this appeal did not begin until May 2, 1927. During this period, other strange events occurred.

One was the fire at the Toews house, where little Irene perished. Bishop Toews believed the fire had been set. Later, Braun would allege that H.P. Friesen had set the fire. The Toews house was not insured, but donations came in, allowing him to rebuild the house.

Remember that Braun testified at the trial about letters he received from H.P. Friesen, acknowledging the debt, and that these letters had been stolen. Well now, just before the appeal, certain mystery letters appeared on Braun's doorstep. They were "discovered" by a friend of Braun's, and Braun expressed great astonishment. The letters were in fragments, but Braun said they were the letters from H.P. Friesen that had been stolen from him. Braun sent a photograph of the jumbled words to his lawyer Bonnar, who showed it to Bishop Toews and Gerhard Ens on March 30.

Another envelope of scraps of paper was sent to Bishop Toews on April 19, 1927. Bishop Toews, Gerhard Ens, and Daniel Ens spent the afternoon studying this material and trying to arrange the fragments. Braun then arrived and gave suggestions as to how the letters should be reconstructed. Why did no one suspect his involvement? They continued their work, and Daniel Ens typed up an English "translation" of the reconstructed letters. The translations are in fact guesswork. For example, the initials 'H.H.' were translated as "Heinrich Heinrichs." Words were added to make sentences. Some words had been cut out of newspapers.

Photos of the reconstructed letters are in *Fangs of Bolshevism*. Here are the "translations":

**Mystery letter #1 ["received" by Braun in jumbled form]**

Saskatoon, 316

Isaac Braun, Renata, B.C.

Dear Friend: I received your letter of November 21 and would have liked already to come over to see you at Renata, if it had been possible. But have patience. I will try to send you the money, your \$5,000 with a man from here, and after you receive it please write and give him a receipt. And also my note which I signed. Many Russians yet arrive here again.

With regards,  
H.P. Friesen

**Mystery letter #2 [received by Toews in jumbled form]**

Saskatoon, 316 Ave. I, N.

Isaac Braun, Renata, B.C.

Dear Friend: The crop has again been so poor in this year and gave so little. Would you be satisfied with \$1,000 and interest and lend me \$4,000 for three months longer? The money I should receive this year is outstanding, and as a result, I can't pay you all the money. I hope that you will be able to do this.

H.P. Friesen

[no signature, but name taken from a newspaper]

**Mystery letter #3 [received by Toews in jumbled form]**

Saskatoon, 316 10.9

H.P. Friesen.

There are two people among the gang, David Toews and Ens who are in connection with somebody. We, together with Heinrich Heinrichs, want to end the lives of these two: David Toews and Ens with fire. Heinrichs is for this purpose and must be available. Heinrichs is cheap and can find Toews at Rosthern. J.F. will certainly consent. A.A. Friesen and Ediger also buy connections with others, so hurry and buy. Phone to Heinrich Heinrichs who must hurry. As already mentioned, set fire and indeed on both. This is all that is necessary.

P.M.F.

#### **Mystery letter #4 [received by Toews in jumbled form]**

H. Heinrichs and P.M. Friesen have stolen this letter at Isaac Braun's. No news from H.P. Friesen. Braun will think he did not retain the first letter.

P.G. Hildebrand

As can be seen, Braun was accusing H.P. Friesen not only of theft of his money, but also of setting the Toews fire.

Bonnar asked the Court of Appeal to admit these letters as new evidence. The Court of Appeal allowed Braun's appeal, and ordered a new trial on the subornation charge. But the Court's reasoning did not have to do with the letters, but with the charge given to the jury at Braun's subornation trial. Of concern was the fact that Braun had been convicted on the evidence of convicted perjurers, without sufficient corroboration.

#### 8. Braun's second trial for subornation of perjury

In February 1928, Braun was tried a second time for subornation of perjury, before Mr. Justice H.Y. Macdonald, with a jury. Braun could not afford a lawyer, so the Crown appointed W.A. Tucker of Rosthern to defend him, together with C.A. Davis of Prince Albert. Tucker had been a law student, articled to Estey. Now they were on opposite sides. Braun's lawyers called a young woman, Nettle Funk as a witness. The papers refer to her as "a shawled peasant." She spoke through an interpreter. She testified that she remembered the boys coming back on their bicycles from Saskatoon on August 30, 1925, so they could have been in the Western Hotel. She had fixed the date by her cream cheque, and by her visit to a Saskatoon dentist a few days earlier. A witness named Claude Rippey gave hearsay evidence of something that H.P. Friesen was alleged to have said to Morris Olson, who had been praying with H.P. Friesen in a prayer room at a Pentecostal mission. Friesen told Olson he had lost a lawsuit, and that this would break him. Olson asked if he "owed the debt" and Friesen said that he did. When he arrived in Prince Albert, Olson was interviewed by Detective Duckworth, but Olson himself did not testify.<sup>11</sup> Gerhard Ens testified that he would not believe anything that H.P. Friesen said under oath. The papers referred to Ens as "former member of the provincial house, and dean of the Mennonite colony by reason of residence since 1892." Yet on cross-examination, Ens admitted that he had never heard anything against Friesen officially. Ernest Krueger gave hearsay evidence that he had heard H.P. Friesen tell a Bernard Berg that he had had to borrow \$5,000 from Braun. Berg then testified that Friesen had offered to help him pick a farm if he would give evidence against Braun. When Friesen visited Berg again, Braun and a certain Isaac Eddiger were there, too and they forcibly restrained Friesen and called in Bishop Toews to witness this alleged tampering with a witness. Friesen

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<sup>11</sup> The *Saskatoon Phoenix*, February 10, 1928.

admitted he had made the offer about a farm, but he just wanted the truth. He had not sought false testimony.

In his address to the jury, Justice Macdonald said,

You are the sole judges of facts and I am glad of that, for during the 25 years of my experience in law I have never heard of a case with so much contradiction.

Every salient fact in the case had been denied by someone, and the judge asked the jury if they could conceive of so many contradictions without instances of flagrant perjury. The judge did not think it was possible. He did comment on how he did not think that Nettie Funk could pinpoint the date, since she brought in milk every day, and her cream cheque bore no distinguishing mark to identify when she met the boys on the road. And the evidence from Berg was inconsistent. If Friesen had said that he had had to borrow \$5,000 because the farm crop was so bad, this did not explain why the note was only for three months, since there would be no chance to repay the loan until the next year.

The jury could not agree on a verdict. Braun was not convicted of subornation.

#### 9. Braun's trial for fabrication of evidence

Detective Thomas R. Duckworth had traveled to Braun's home in B.C. to find out more about the alleged burglary and theft of letters. He searched Braun's home, and on the second floor he found a packing case with small bits of paper, writing materials, and cuts and mucilage on the backs of two writing pads. On the basis of this evidence, Braun was charged with fabricating the mystery letters that had been introduced on appeal.

This trial opened on October 15, 1928 in Prince Albert, before Chief Justice Browne, with jury. Braun was again represented by W.A. Tucker. Braun was also going to be charged a third time with subornation of perjury, but Tucker successfully brought a motion to have that matter tried separately.<sup>12</sup> A Mr. Janzen testified that he had received a letter from H.P. Friesen, which he had sent to Braun, and which Braun had then evidently cut and pasted to form mystery letters #1 and #2. But the original letter was nothing at all like the mystery letter. It was written after the first trial, and read,

Saskatoon, 316 Ave. I, North

Rev. Jacob Janzen, Waterloo, Ont.

Your address was given to me so that I could write you. There is a certain Isaac Braun who has forged my name and obtained from me five thousand dollars which I don't owe him. Would you be so good as to get signatures that he was with the reds in Russia and send me an affidavit to that effect. If you do this I will repay you when the opportunity offers.

Greeting,

H.P. Friesen

Another witness from B.C. testified as to similarities between a letter he had written Braun concerning property in the Fire Valley district and mystery letter #3 referring to fire.

P.G. Hildebrand testified that mystery letter #4 was a letter he had sent to someone else.

Braun's wife and two sons also testified, trying to support Braun. The son Isaac Braun, Jr. testified he had used the materials to cut out a German alphabet for his younger brother. The younger son

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<sup>12</sup> Decision of Mr. Justice Knowles, *R. v. Braun* (1928) 3 W.W.R. 226.

testified about the “burglary,” which he said he had been the first to discover. The testimony of Braun’s wife and sons was not believed.

The jury found Braun guilty. Chief Justice Browne sentenced Braun to five years in penitentiary, with deportation to follow.

Even after the verdict against Braun, Bishop Toews continued to cast doubt on H.P. Friesen. He said:

I can say with an honest conscience, that we have neither in private or as a Board had anything to do with it or now have, except that A.A. Friesen and I were called up as witnesses...I could say many things about the whole case, but I fear to say something because I am not in position to make a judgment on the case. I have emphasized again and again that only God and these two know how this situation is.<sup>13</sup>

#### 10. Another trial against H.P. Friesen

In a related case, an illiterate farmer from Hague named Bartsch was induced by some Braun supporters to lay a charge of forgery and false pretenses against H.P. Friesen. The case was heard before Chief Justice Browne, and a jury. This case concerned two notes. On the back of one of the notes, someone had erased one of the payments. But the manager of the bank testified that there had been no erasures at the time of settlement of the notes. At trial the evidence seemed to indicate that the notes had been tampered with in an attempt to trap H.P. Friesen.

The jury quickly returned a verdict of not guilty.

### Braun in prison

Braun apologized from prison in Prince Albert. He wrote to I.P. Friesen first, telling him he had been converted. In a letter of October 16, 1929, he wrote:

I wish to beg your pardon by writing this letter. It is my desire to adjust all my mistakes, because life is so short, and I feel I have to do so sooner or later.

The mystery which was planned by some men was not only against H.P. Friesen, but against you both.

When my release comes and my deportation should not go into effect, I will give you a full explanation of the mystery, etc.

H.P. Friesen did not believe that Braun had been converted in prison. At the encouragement of I.P. Friesen, Braun did write H.P. Friesen, begging forgiveness for his actions. He said he would like to repay the money, but obviously could not do so from prison.

Braun was deported from Canada, despite some last-minute protests by some of his supporters. Even a representative of the United Church of Canada thought that deportation was far too harsh a sentence. Braun’s wife and sons stayed in Canada. I.P. Friesen continued to correspond with Braun, and even sent a little money to him in Russia, since it was clear that Braun did not even have money for food.

Bishop Toews eventually apologized to H.P. Friesen, and the Mennonite church reinstated Friesen’s membership. But H.P. Friesen never fully trusted the church or religion again. He became known in the family as a kind of scoffer. And he never forgave Braun or A.A. Friesen. H.P. Friesen had been a successful businessman before the trials. But afterwards, he lived a rather sad and bitter life. He spent

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<sup>13</sup> Cited by Epp, 216.

his days sitting in the train station, or by the escalator at Eaton's Department store, just being idle. I remember meeting him there when I was a child. And up to the time of his death, some Mennonites continued to disbelieve his story despite the verdict given by the courts.

Mennonite immigration to Canada became more difficult in 1927. It ceased in 1929, even though at that time, there were about 13,000 Mennonites still waiting to leave Russia. As a result of Stalin's collectivization of farms, many families had been dispossessed of their lands and were already in Moscow, waiting to leave. There was terrible famine and hardship. When they could not leave Russia, many families were sent to Siberia.

The Friesen-Braun trials generated a tremendous amount of interest. I have a scrapbook of news clippings that was carefully maintained by Jacob E. Friesen, from the other side of my family. It includes a long letter by Bishop Toews to the editor of *The Saskatoon Star-Phoenix*, dated November 7, 1931, responding to an article by a certain George H. Williams who had visited Russia and had praised its regime. The correspondence shows that immigration by Mennonites from Russia was still a hot issue. Toews says that Williams had obviously not been shown the real horrors of the Soviet Union, where millions of people had been made homeless, where there was religious persecution, and churches were being torn down, where farmers' lands had been confiscated, and where

...many thousands of people whose only crime it is that at one time they were well-to-do through their own industry and frugality or whose ancestors were well-to-do, are deported to northern regions, where even women and girls who were used to comfortable homes and had a very good education, are forced to do hard manual labor in the forests in every kind of weather, and where they are crowded together in dirty barracks infested with vermin and where many innocent children, youths and adults are dying a slow death from lack of food and from exposure.

Williams replied to this by another letter to the editor. He expresses the worry that more immigration might still occur, and that the government might be letting the railway companies decide who might immigrate to Canada:

I do, however, most emphatically state that I am interested in the immigration policy of Canada, and I am not yet satisfied that there does not exist even at this moment an agreement between the government of Canada and the railway companies under which settlers may even yet be brought in.

Williams questions why Mennonites in Canada are taking such an "extreme" view of Russia. He says,

The answer is to be found by a former Grand Duke of Russia, in the "Red Book," in which he states that the Czarist regime, to bolster up his position, brought in alien people to become the "landed" class. These people became the "buffer" class between the poverty-stricken Russian peasants and Russian aristocrats. This was the position that most of the Mennonites occupied. Their financial position varied all the way to being very rich to being on the borderline of the working peasant class. However they were the "landed" gentry of Russia, made so by special privilege of the former regime [...] I am quite well aware that some of the Mennonites and other descendants of the alien born immigrant to Russia were innocent of any knowledge that they were the alien exploiting class and that they were from their own point of view suffering as innocent people.

Even if this rather Marxist analysis of Mennonite settlement in Russia is correct,<sup>14</sup> it does not take away from the immense suffering of the Mennonites in Russia at that time. And the correspondence shows that people like Williams did not want any more Mennonite immigrants to Canada.

My late cousin Dennis Bueckert—whose father came to Canada in the second wave of immigration from Russia—researched the connection between this decision of the Canadian government in 1929 to take in no more Mennonite refugees, and the way that public opinion had turned against the Mennonites after the Friesen-Braun trial. Bueckert's most important source was Frank H. Epp's book *Mennonite Exodus*. As we have seen, Epp refers to the Friesen-Braun trials. And although Epp makes no direct connection to the cessation of Mennonite immigration, he cites certain communications in 1929 between the federal government and the Saskatchewan government that seem to show just such a connection.<sup>15</sup> Here is the information from Epp's book:

In 1929, the Canadian federal Minister of Immigration, Robert Forke, sent a telegram to Dr. J.T.M. Anderson, the premier of Saskatchewan:

Referring to press dispatches relating to proposed Mennonite movement, I shall greatly appreciate your consideration of following situation. On humanitarian grounds I am being urged to allow transfer to Canada from Russia, via Germany, of approximately one thousand Mennonite agricultural families, who claim to have been dispossessed of their property and are at present outside the gates of Moscow without friends or funds. I am authoritatively informed that the Soviet government on economic grounds has stated inability to feed these people and threatens immediate deportation to Siberia, resulting in inevitable starvation [...] Will you please wire your views regarding the advisability of allowing movement [...]?

Premier Anderson replied by insisting on screening procedures that were obviously impossible in the circumstances. He wanted assurances as to why the Mennonites were being “deported” from Russia to Canada. On November 5, 1929, Anderson released a statement to the press where he said that the government of Saskatchewan wanted to be consulted before any of 5,000 Mennonites were settled in that province. He said he wanted to “prevent a recurrence of undesirable conditions, which have arisen recently in connection with Mennonite settlements in the province.” I believe that that is a reference to the Friesen-Braun trials.

The federal minister Forke telegraphed the Saskatchewan premier again, stressing the urgency of the situation. In a night letter on November 23, 1929 he asked,

Do you object to the federal government giving promise to admission next spring, to not more than a total of 1,000 families, only part of whom would go to Saskatchewan?

But Premier Anderson replied,

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<sup>14</sup> It is partially confirmed by Abraham Friesen, who writes at p. 4 that the Mennonites in Russia had not continued to curry favour with the Russians, but had looked down on them and disdained them. “To add insult to injury, over the years they [the Mennonites] had bought up the best available land while steadfastly refusing to be assimilated into the nation or serve in its military.” And when the First World War broke out, the Mennonites, as “Germans” were regarded as the enemy, who had “sought to subvert “the land of their salvation” by making Russians into Germans through conversion to Protestantism.” Land liquidation laws were enacted in 1915 against German landowners (p. 12).

<sup>15</sup> Epp, 244-49.

Saskatchewan government refuses sanction of immigration movement other than relatives referred to, pending investigation of existing conditions by provincial commission.

There was considerable public support for this stand by the Saskatchewan government.

So, what should we conclude about the Friesen-Braun affair and what are its continuing implications? It would be a mistake to use this story to reopen old divisions, or to blame various individuals. Its importance is its illustration of the nature of evil—how the evil actions of one person can have effects that are at the time unimaginable and unforeseen. It is perhaps like the idea in chaos theory that the movements of a butterfly in Venezuela can be related to a hurricane in Florida. Braun's actions affected not only H.P. Friesen personally, but also the Friesen family. It divided the Friesen family from the Toews family, and it caused divisions within the Mennonite church. And finally, it affected thousands of families in Russia, who as a result were denied admittance to Canada.

Perhaps the very close bonds in the Mennonite community, and their lack of experience with crime made the Mennonites more vulnerable than most. Perhaps the very emphasis on non-violence and peace in Mennonite theology can make the shadow side erupt in unconscious and unpredictable ways. If we are more conscious of the dark side in all of us, can we avoid taking sides when conflict does arise? How does the prevalence of perjury in these cases relate to the Mennonite emphasis on never taking an oath at all? Why was there so much untruthful testimony on both sides of the case? At the very least, the Friesen-Braun affair shows how difficult it is to tell the truth, the whole truth, and nothing but the truth. We can easily deceive ourselves into believing “facts” that are not true. The Mennonite belief in simplicity of speech and complete honesty is perhaps a myth. The shadow side in us does not allow us to perceive the full truth. How does peacemaking relate to the disputes that one member of the church has with another? To what extent can mediation within the church community prevent disputes like this from ever reaching the courts? Or is the belief in the possibility of peaceful solutions itself an unrealistic hope when deception takes place on this scale? Without the courts and the legal system, H.P. Friesen would never have achieved justice. Yet even his eventual exoneration took a very heavy toll on him and his family. I hope that this account of the Friesen-Braun affair will result in self-reflection on these important issues.

### Postscript

In 2019, I corresponded with a grandchild of Isaac Braun. Her father, Nicolai, was the son of Isaac Braun. Even though Nicolai had testified at one of the trials, his children were not informed of the circumstances of the case or their grandfather's deportation.

Now Braun's great-granddaughter, Josephine Braun, has made a presentation regarding Isaac Braun [see [https://www.youtube.com/watch?v=VUWoHbw\\_y04](https://www.youtube.com/watch?v=VUWoHbw_y04)]. Josephine Braun says that Braun's five grandchildren had been told by their father Nicolai that Braun had never immigrated to Canada. The truth was only discovered around 1980 when the pastor of a local church discussed the matter with some of the family. They then confronted Nicolai.

Josephine Braun does not examine in any detail the actions of her great-grandfather and the findings against him by the courts. And some of her statements are misleading. She says that H.P. Friesen “let him down” in not assisting Braun's purchase of an orchard in Renata B.C. But failing to assist in a purchase is very different from Braun's allegation that H.P. Friesen had defrauded him in not repaying a loan! In any event, Braun's position was that the alleged loan of \$5,000 had nothing to do with the Renata orchard (*Fangs*, 23). The courts held that there was no fraud by H.P. Friesen, and it was Braun



who was eventually deported. It is doubtful that Braun ever had \$5,000. And there was never any loan to Friesen.

She also tries to discount Braun's Bolshevik associations. This ignores some information given in *The Fangs of Bolshevism*, some of which I have included in my article. After the first trial, on March 30, 1925, Braun told H.P. Friesen that he should have seen what he had done in Russia. The "paltry" \$5,000 he had claimed from Friesen represented money needed for "organizational purposes" in Canada, and if H.P. Friesen would pay another \$3000, he would be placed on a protection list. Even if Braun was not himself a Bolshevik, he was claiming this association in order to extort money.

There was a sub-plot by Braun to extort an additional \$10,000 from my grandfather I.P. Friesen (brother of H.P. Friesen) in a staged claim of an "attack" on a widow who was pretending to be ill and had called for his assistance. While I.P. Friesen was praying at her bedside, she was to shout out, claiming an attack, and two people waiting outside would rush in as "witnesses." This payment was to be paid to "the Organization." The plot failed because I.P. Friesen took someone with him when he visited the widow. The widow confessed to the police about this plot (*Fangs*, 25-27). Josephine Braun does not refer to this plot or to the widow's confession.

Nor does Josephine Braun refer to the March 23, 1925 incident where H.P. Friesen's two daughters Tena and Margaret were forced to listen to Braun for over two hours where he emphasized the importance of H.P. Friesen submitting to his will, which had never been successfully opposed by anyone. Braun asked them to reason with their father, and not to oppose Braun's plans. He said that although they could not see it now, they would in future find this was for their own good. The girls were finally let out of the house, and Braun walked with them outside, and asked, "Well, how does it feel to be outside in the dark streets with a bandit, or Bolshevik?" (*Fangs*, 37-39).

H.P. Friesen reported Braun's threats about the organization's activities in Canada to the police. His lawyer sent a letter to the police on April 1, 1925. Josephine Braun says that this was before any criminal conviction. True, but it was after the first trial had concluded, after Friesen had paid the judgment, and after his conversation Braun's threats and the attempted plot to extort money from I.P. Friesen. If those facts are true, there was every reason to report Braun to the police.

Josephine Braun tries to rehabilitate her great-grandfather's image, and she expresses the wish that the differences between him and H.P. Friesen had been settled out of court and that Braun had been given a second chance. Those are nice thoughts, but they ignore how major figures in the Mennonite Church, including David Toews, had taken sides against H.P. Friesen. How can mediation take place when the church itself is biased? Church leaders were unfamiliar with the nature of legal process, and the courts found that many gave perjured testimony.

It takes courage to come to terms with one's family history. I understand the trauma endured by Braun's children, grandchildren and great-grandchildren, even many generations later. But the facts have to be stated accurately.

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