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To Whom It May Concern:

Re: HUTTERITE ORDNUNGEN

This is an open letter to Hutterite leadership, as well as former and current members, regarding two moral and legal inconsistencies that breach Canadian law through ordnungen within this registered organization. Leaders, elders, and officers within the Hutterite church are hereby invited to comment on this open letter to provide an opportunity for further conversation on these two items. Members of the four estates within Canada are also invited to discuss their relevance within their respective profession:

1. Can an ordnung within Hutterite Society clearly be created to allow high school level education for every Hutterite child in the language of their choice? If yes, the matter rests and it is incumbent upon Hutterite leadership, within their respective group, to make a public statement to that effect for their members as well as the public at large. If no, why not?
2. Can an ordnung within Hutterite Society clearly be created to prevent shunning and disowning of individuals who leave the community to allow them to be near to their families? If yes, the matter rests and it is incumbent upon Hutterite leadership, within their respective group, to make a public statement to that effect for their members as well as the public at large. If no, why not?

Further to the matter raised in question 1, it is understood that some Hutterites in Manitoba are employing an online system whereby Hutterite children are offered with learning up to and including university-level education in no less than three languages, this system is deployed with the help of an online network called HBNI. The languages are a Tyrolean dialect used mainly in oral communications. German is learned before and after a regular school day and is used mainly in church and written communication. English is learned in school and used in communication with people outside the community, where Hutterite society is quickly becoming a pervasive presence in manufacturing and agrarian sectors within Canadian industry. Among colonies in Manitoba, the online education system is employing Hutterite instructors to provide a Hutterite-centric education curriculum up to high-school, and even to a recognized university-level education.

Further to the matter raised in question 2, the primary concern is about basic human rights. The ordnung to prevent individuals who decide that the Hutterite communal lifestyle is not for them from visiting loved ones and attending funerals and weddings of close relatives is inhumane and immoral. A human being is inherently a curious social creature, and without access to a loving family can easily become disoriented and traumatized. The human can lose purpose in life without a loving family. Social scientific research in this area is exhaustive and well grounded. Spiritual reasoning from many faith-based groups supports this fact as well. If the ordnung is to be referenced as an artificial and coercive method of punishment for a transgression such as leaving the Hutterite community, the ordnung is found to be based in hate and open to legal action that is possibly criminal.

Two Hutterite ordnungen currently exist within Hutterite society that are morally inconsistent and are in conflict with rights and freedoms in Canada, as well as in the United States:

1. The ordnung that prevents education of children to secondary (high school) level.
2. The ordnung to prevent those who leave Hutterite society from attending funerals and weddings of close relatives, and visiting family, friends, and loved ones uninhibited and free from intimidation and coercion.

These ordnungen are inconsistent with:

1. Every person in Canada and the United States has the lawful right to secondary education.
2. Every person in Canada and the United States has the lawful right to attend funerals, weddings, to visit loved ones uninhibited.

Currently, the school-leaving age among Hutterites in Alberta, Canada, is 15 years old, which is based on the law in Alberta. While the Hutterite ordnung meets the letter of the law, it does not involve the spirit of developing people to the best of their abilities. Education is considered a significant human right, both in Canada and under international human rights law, and it's a right not to be unreasonably denied because of one's gender, ethnic origin, disability, or age. Hutterites are in conflict with this consideration. In Canada, education is recognized and legislated as a fundamental social good. Canada has a responsibility to ensure all children have access to education up to secondary level. Benefits of education are societal and personal. Those who get an education have higher incomes, have more opportunities in their lives and tend to be healthier. Societies benefit as well. Societies with high rates of education completion have lower crime, better overall health, and civic involvement. Section 23 of the Canadian Charter of Rights and Freedoms requires provincial and territorial governments to provide education to Canadians in the language of their choice, even in areas where a minority of residents speaks that language. Section 23 also seeks to preserve and promote the minority by granting minority language educational rights to minority language parents throughout Canada. The guarantee cannot be separated from a concern for the culture associated with the language. Language is more than a mere means of communication; it is part and parcel of the identity and culture of the people speaking it.

Likewise, in the United States multiple federal laws on education exist that promote the development of people to the best of their abilities, which are:

- No Child Left Behind Act of 2001 (NCLB)
- Every Student Succeeds Act (ESSA)
- McKinney-Vento Homeless Assistance Act
- Individuals with Disabilities Education Act (IDEA)
- Elementary and Secondary Education Act (ESEA)

- Higher Education Act of 1965
- Serviceman's Readjustment Act of 1944

Hutterite society, being a subset of the larger society within Canada, is not immune to the Charter and the Criminal Code that govern the broader society. Companies and cooperatives—societies within a society—are still governed by the rules of the overarching society, which in this case is Canada. By way of extreme example, if Hutterite society decided that stoning sinners is perfectly acceptable and necessary, as long as the society operates within Canada, stoning will not be permitted regardless of what the society collectively decides. The rules of Canada protect the individual first and foremost. The desire of the many does not override the needs of the few.

Just because high school education may be prohibited or shunning and disowning those who leave may be deemed necessary by Hutterite society, it does not mean that it should or will be tolerated indefinitely.

Some may argue that the ordnung preventing those who leave from visiting loved ones is redundant and it is only a formality without need for enforcement. This argument is based in stereotype, bigotry, and passive-aggressive leadership. This argument is not based in reality. This ordnung obviously exists and is being enforced, albeit somewhat haphazardly, without obvious purpose or reason within the Hutterite community; it is being used to create second-class members and ex-members of the society. The ordnung is hateful, illegal, and morally inconsistent.

Some may argue that it is assumed that persons born to Hutterite parents will remain on the colony and further education is unnecessary. Even if this argument were not based in stereotype, ignorance, bigotry, and passive aggressiveness, it overlooks the fact that higher education, such as university-level education, is largely a requirement in many fields within the agrarian and manufacturing industries in Canada, two industries where Hutterites are excelling and leading. Yet the professionals, agronomists, engineers, accountants, lawyers, and designers in these fields are numerous and none are Hutterites. This is precisely because Hutterite children are not allowed secondary-level education, which then results in them being blocked from seeking post-secondary education as adults.

The assumption that education for Hutterites is needless and shunning those who leave to seek further education is necessary creates a behaviour towards those who leave as being erased, lost, and hated. Not only are former Hutterites no longer accepted by their own community, but racism towards them from broader society exists. This is an intolerable, ignorant, and bigoted situation. Bigotry is a form of prejudice and hate. In Canada hate is a crime.

By Hutterite ordnung, all Hutterites in Alberta and Saskatchewan, and some in Manitoba, do not have secondary education. By ordnung, and by Canadian law, those who leave Hutterite society must be 18 years old, the age of majority. Immediately they longer have uninhibited access to families and loved ones for emotional, mental, or financial support. Those who leave without high school education are left with limited opportunities for work or furthering their education. If they want to upgrade to secondary-level education, they can with government support. However, this situation forces a dependency on the government, much like a refugee who is accepted from a war-torn part of the world. Not only does this cost taxpayers through government funding, but places the individual at an artificial

disadvantage as they spend three years of their young-adult life in high school while their peers carry on with post-secondary education or with getting established in careers. This dependency forces many to return to the Hutterite lifestyle—a life decision that may not be grounded in the free will of the individual. In many respects, the shunning ordnung is a textbook example of intimidation and coercion and is in conflict with the spirit of the law.

Canadian and US law provides secondary-level education to teenagers, and for the reasons mentioned above Hutterites should not be exempt. Hutterites who leave should not be forced to depend on the government, and they should not be forced to return to the Hutterite society in order to be a part of their families. Since Hutterites raise children in Canada, they should be responsible for those children and give them the best opportunities to succeed, including the opportunity to be educated. Hutterite society should allow children to maintain relationships with parents, family, friends and loved ones. Not only is this morally correct, it resolves the conflict between the ordnungen examined here and Canadian law. These ordnungen act at the expense of a strengthened social fabric and long-term success of the Hutterite community. They are also in place to coercively create an invisible education barrier between former members of the Hutterite community and the rest of Canadian society.

Elise Heissler from a Dariusleut Colony in Alberta, Morley Herndon from a Schmied Group 2 Colony in Manitoba, Jasril Tangler from a Dariusleut Colony in Alberta, Desrai Manfred from a Schmied Group 2 Colony in Manitoba, and Grisham Tamir from a Dariusleut Colony in Alberta (not their real names, as all requested anonymity) have identified the following accounts in support of the fact that these ordnungen exist.

Hutterite children among the Dariusleut and Lehrerleut sects wholly, as well as some colonies within the Schmiedleut sects, are not permitted to attend high school. This can also be evidenced by the extremely low high school matriculation rates among Hutterites, especially in Alberta and Saskatchewan.

Isolated but increasing instances of formal shunning—preventing loved ones from attending funerals and weddings of close relatives, and visitation rights—are taking place among all sects of Hutterites. To this point Grisham Tamir acknowledges that the shunning ordnung exists and that it is wrong, “As for the shunning it's a form of hate... I don't hate or shun anyone, it goes against the teachings of Jesus Christ who is my ultimate authority... but that's just me...” (Jan 20). Tamir continues, “You are assuming that I want to changes to the system, right now our system serves me well... unless your fighting for future generations? Which is noble I guess.” (Jan 19)

The following events are provided as fact:

Hutterian Bretheren of Cluny Colony: The son of the deceased was not permitted to attend the funeral of his father. This is primary example of the the existing shunning ordnung, and the immoral, illegal, traumatic, and inhumane nature of its intended purpose.

Hutterian Bretheren of Fairview Colony: A person was permitted to attend a funeral as “an exception was made” by John Hofer from Hutterian Bretheren of White Lake. The ordnung became a public debate during the service. The person, a close relative of the deceased, was apparently confused as to

where they could sit in proximity of the deceased during the service; could they sit near the casket or should they sit two rows back? This example clearly indicates that the ordnung exists, it indicates its confusing nature, and its haphazard enforcement by members and colony elders.

Hutterian Bretheren of Berry Creek Colony: A service was halted entirely until a close relative of the deceased exited the service. This example shows how the ordnung was deployed during the funeral creating an extremely embarrassing and traumatic situation. In this instance, the ordnung was possibly intended to send a message to other colonies. Indeed, this example was referenced as a reason for the event at Cluny Colony. This potentially leaves the leaders at Berry Creek open to a charge of intimidation under Criminal Code 423 (1).

Hutterian Bretheren of Ribstone Colony: A grandson was not permitted access to the funeral service of his grandmother. This is an instance where the ordnung was enforced without any human or emotional concern, potentially creating trauma for the individual, as well as his family.

Regarding the event at Cluny, Overseer Daniel Gross from Hutterian Bretheren of Springvale, Overseer John Waldner from Hutterian Bretheren of Wheatland, and Minister Peter Tschetter from Hutterian Bretheren Cluny Colony are referenced as leadership charged with interpretation and enforcement of the ordnung to prevent a son from attending the funeral of Mike Tschetter. These three leaders have first-hand knowledge of the ordnung and are invited to publicly comment on its purpose in this specific instance. They are also invited to comment on punishment in the event that the ordnung is not followed.

Regarding the event at Ribstone, Overseer Chris Stahl from Hutterian Bretheren of Lougheed, Chris Waldner from Hutterian Bretheren of Hartland, David Hofer from Hutterian Bretheren of Alix, and Minister Joshua Hofer from Hutterian Bretheren of Ribstone are referenced as leadership charged with interpretation and enforcement of the ordnung to prevent a grandson from attending the funeral of Sarah. These officers have firsthand knowledge of the ordnung and are invited to publicly comment on its purpose in this specific instance. They are also invited to comment on punishment in the event that the ordnung is not followed.

Past and present leadership, ministers, and bishops from various Hutterite sects are invited to publicly represent themselves and comment as well. On our website we have provided some material that supports these leaders' views. Some of these leaders are: Dariusleut Bishop Joseph Wurz from Hutterian Brethren of Hillsvale, Lehrerleut Bishop Michael Hofer from Hutterian Bretheren of Kyle, Schmiedleut Group 1 Bishop Arnold Hofer from Hutterian Brethren of Acadia, Schmiedleut Group 2 former Bishop Jacob Gross from Hutterian Bretheren of Mayfair, Minister Reuben Walter from Fort Pitt Farms Christian Community, and Schmiedleut Group 2 current Bishop Leonard Kleinsasser from Hutterian Brethren of Delta.

The overseers noted above are deploying the ordnung preventing family members of deceased from attending funerals. The parents and loved ones of the deceased are compelled to abide either by order or by the presence of the overseers. The events above are matter of fact and can be corroborated by the families involved. Evidence of the events is supported by the sources of the material within this letter. There is an indication that many more events are taking place, which are unknown and actively suppressed. Lives are being destroyed by preventing loved ones from attending social events and visiting family when they have a lawful right to attend. The overseers enforcing the ordnung by

coercion, intimidation, threats, or direct order are placing themselves at significant risk of civil and criminal legal action and prosecution in Canada. According to Criminal Code 423 (1), the persons compelling the ordnung could be found guilty of an indictable offence and liable to imprisonment.

Some may wish to question the choices of those who leave. Should those who leave live with the consequences of their choices? In Canada, these consequences are protected by human rights law. For example, is it possible that Hutterite faith, by ordnung, compels parents to disown their children? Morley Herndon from a Group 2 Schmiedleut colony in Manitoba says, "Absolutely! However, if this is the faith/religion that the parents chose, there's little others, including me, can do about it" (Sep 6).

Do Hutterites choose their faith? Morley says, "Yes, some choose this and others are coerced" (Sep 6). This statement supports the coercive nature of both referenced ordnungen. If one person is coerced to follow Hutterite ordnung it could be tested in court could be found to be a criminal act. The leadership structure, or persons referencing and enforcing the ordnung, could be held responsible. Many parents do not choose the Hutterite lifestyle but are intimidated to be a part of it. Obviously, Hutterites cannot choose their parents as they are born into the lifestyle. However, Hutterites are also born in a free Western society, with laws that protect the individual first and foremost, and these children grow up and are afforded similar opportunities as other children of a free Western society.

When asked if Hutterites were forced to change the ordnung by government edict or by court order, Elise Heissler replies, "So [former members] would feel just... wonderful... attending a funeral by law... even though [they're] not welcome?" (Oct 9). How should such a question be answered? The service of a deceased person supersedes human laws. A funeral is a memorial, a spiritual remembrance, experienced by each individual in attendance in their own way by their own memories and relationship with the deceased. Why are the individuals in the described events not welcome at a memorial service of their relative? And why should a person in a free Western society, or any society, not be welcome to attend the funeral of their father, mother, grandmother, and loved one as per the examples provided? These are questions to contemplate as we decide the outcome of question 2 in the opening part of this letter.

Morley Herndon says he has family who have left, "And no one except our immediate family will have a say-so if they ever wanted to attend a funeral in our immediate family. This is something I'll make sure and I know my siblings agree with this" (Sep 6). When asked what he would do if a random minister deployed the ordnung and asked him to leave the service, Herndon responds, "I would probably refuse to leave" (Sep 6). This statement carries with it a potentially explosive and traumatic situation during an emotional memorial event. This situation is precisely what took place at Berry Creek Colony and was referenced as a reason for the event that took place at Cluny Colony. Morley, a Hutterite himself says, "If some colonies force (sic) those rules, I believe they should change them" (Jan 8).

Elise Heissler mentions that she called Yusepfetter and Eliasfetter at Harlem to discuss the ordnungen, specifically the one preventing participation at funerals, and expects a backlash. "But if I don't do anything it'll bother me more than to sit and let the system destroy me" (May 6). Heissler continues, "I know exactly what your saying, will I apologize... Absolutely Not. I can't apologize for something that I don't agree with" (Oct 9).

Desrai Manfred from a Schmied Group 2 colony mentions, "That's the way it is. The Amish do the

same thing. When they leave their church, out into the world, you are not allowed to come home. If you do, you must recommit to the lifestyle. Every church does that when one of their members leave” (Oct 13).

“If I know that I am not welcome,” Desrais continues, “Then I don't want to visit that person or that colony. The issue that we had with Gibbs and Oilers, when the Oilers really shunned members they disagreed with, they didn't see my face, I didn't care if they were friends, family or not.” (Oct 13).

Desrais references Hutterite ordnung as a cause of the schism within the Schmiedleut conference. Desrais could be incorrectly placing blame on the part of Group 1 Schmiedleut as the perpetrators. However, the deployment of the shunning ordnung on the part of both groups is at fault. The ordnung created a schism between the two groups within the Hutterite Church: Group 1 informally referred to as Oilers and Group 2 informally referenced as Gibbs; the informal names are now considered derogatory. Group 1 and Group 2 are the formal names, but the history remains. During the the mid 1990s, members were split according to abstract ideological concepts that today are not easily remembered, and members find it difficult to identify what specifically they were disagreeing about in the first place. This event is artfully and meticulously described by former Professor at University of Manitoba's Faculty of Law Alvin Esau in his book *The Courts and the Colonies: The Litigation of Hutterite Church Disputes*. The coercive nature of the shunning and disowning practice as Desrais identifies among Hutterites, as well as the Amish, remains to this day, and is still abstract, inexplicable, impermanent, and without grounding.

Jasril Tangril, from a Daruisleut Colony in Alberta says, “It is up to the Minister to interpret and enforce the rule of no runaways at weddings or prewedding events. [Former members] can visit in the house, I'm pretty sure it might fly, but you cannot participate at the event.” When asked how confident they are saying that visits in the house would be ok, especially if the Minister, who may have been drinking during the wedding and during a moment of impaired judgment, decides to harshly and uniformly enforce the no former members rule to mean leave colony property? Jasril dodges the question. Jasril replies, “[Former members] cannot participate at community events. That's the way it is, that's how the lovely Hutterite communal lifestyle is organized.” He adds, “[Former members] would have my (personal) invitation (to participate freely), but if things start going sideways, mum's the word, I cannot say anything. I will not stand there and insist this [closely related person] is allowed to be here, this is not happening” (Oct 10).

The individuals identified as sources for the information contained within this letter, the individuals receiving this letter, as well as the individuals named as “overseers” have rights under Criminal Code 423.1 (1), intimidation of a justice system participant or a journalist. No person shall engage in conduct with the intent to provoke a state of fear, in order to impede the transmission of information to the public in relation to a criminal organization. Furthermore, the anonymous sources are protected under the Journalistic Sources Protection Act S.C. 2017, c. 22.

Please also note that under Canadian hate law, ministers, leaders, and individuals within the church who publicly, within the colony or otherwise, promote bigotry, homophobia, transphobia, racism or hate towards persons of differing racial, gender or sexual orientations, whether those persons decide to remain within the community or leave, are at risk of offence and liable to imprisonment. The rules of Canada protect the individual first and foremost. The desire of the many does not override the needs of the few.

Please see Criminal Code (R.S.C., 1985, c. C-46) for hate crime statutes in Canadian Law.

Public incitement of hatred

- 319 (1) Every one who, by communicating statements in any public place, incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace is guilty of
 - (a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or
 - (b) an offence punishable on summary conviction.
- Marginal note: Wilful promotion of hatred
(2) Every one who, by communicating statements, other than in private conversation, wilfully promotes hatred against any identifiable group is guilty of
 - (a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or
 - (b) an offence punishable on summary conviction.
- Marginal note: Wilful promotion of antisemitism
(2.1) Everyone who, by communicating statements, other than in private conversation, wilfully promotes antisemitism by condoning, denying or downplaying the Holocaust
 - (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or
 - (b) is guilty of an offence punishable on summary conviction.
- Marginal note: Defences
(3) No person shall be convicted of an offence under subsection (2)
 - (a) if he establishes that the statements communicated were true;
 - (b) if, in good faith, the person expressed or attempted to establish by an argument an opinion on a religious subject or an opinion based on a belief in a religious text;
 - (c) if the statements were relevant to any subject of public interest, the discussion of which was for the public benefit, and if on reasonable grounds he believed them to be true; or
 - (d) if, in good faith, he intended to point out, for the purpose of removal, matters producing or tending to produce feelings of hatred toward an identifiable group in Canada.
- Marginal note: Defences—subsection (2.1)
(3.1) No person shall be convicted of an offence under subsection (2.1)
 - (a) if they establish that the statements communicated were true;

- (b) if, in good faith, they expressed or attempted to establish by an argument an opinion on a religious subject or an opinion based on a belief in a religious text;
 - (c) if the statements were relevant to any subject of public interest, the discussion of which was for the public benefit, and if on reasonable grounds they believed them to be true; or
 - (d) if, in good faith, they intended to point out, for the purpose of removal, matters producing or tending to produce feelings of antisemitism toward Jews.
- Marginal note: Forfeiture
(4) If a person is convicted of an offence under subsection (1), (2) or (2.1) or section 318, anything by means of or in relation to which the offence was committed, on such conviction, may, in addition to any other punishment imposed, be ordered by the presiding provincial court judge or judge to be forfeited to Her Majesty in right of the province in which that person is convicted, for disposal as the Attorney General may direct.
 - Marginal note: Exemption from seizure of communication facilities
(5) Subsections 199(6) and (7) apply, with any modifications that the circumstances require, to subsection (1), (2) or (2.1) or section 318.
 - Marginal note: Consent
(6) No proceeding for an offence under subsection (2) or (2.1) shall be instituted without the consent of the Attorney General.
 - Marginal note: Definitions
(7) In this section,
 - communicating includes communicating by telephone, broadcasting or other audible or visible means; (communiquer)
 - Holocaust means the planned and deliberate state-sponsored persecution and annihilation of European Jewry by the Nazis and their collaborators from 1933 to 1945; (Holocauste)
 - identifiable group has the same meaning as in section 318; (groupe identifiable)
 - public place includes any place to which the public have access as of right or by invitation, express or implied; (endroit public)
 - statements include words spoken or written or recorded electronically or electromagnetically or otherwise, and gestures, signs or other visible representations. (déclarations)

According to Section 318, an identifiable group means any section of the public distinguished by colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, or mental or physical disability.

To reiterate in this case, those who leave the Hutterite community can be distinguished in public as formerly Hutterite, which is an identity and an identifiable ethnic origin broadly defined as race. To incite hatred towards former Hutterites is in breach of Section 319 of the Criminal Code and could lead to imprisonment of no longer than two years. To incite hatred towards former Hutterites could also lead to significant civil legal action towards a) individuals referencing and enforcing the Hutterite

ordnungen, b) each individual colony or community where an instance or event of the deployment of the ordnung occurs, as well as c) Hutterite society as a whole.

Criminal Code 423.1 (1) No person shall, without lawful authority, engage in conduct referred to in subsection (2) with the intent to provoke a state of fear in (a) a group of persons or the general public in order to impede the administration of criminal justice; (b) a justice system participant in order to impede him or her in the performance of his or her duties; or (c) a journalist in order to impede him or her in the transmission to the public of information in relation to a criminal organization.

Criminal Code 423 (1) Every one is guilty of an indictable offence and liable to imprisonment for a term of not more than five years for the purpose of compelling another person to abstain from doing anything that he or she has a lawful right to do, or to do anything that he or she has a lawful right to abstain from doing.

These two statutes within the Criminal Code of Canada are provided to make the reader aware that the information within this letter is the work of an investigative journalist. Journalists in Canada have the right to be free from intimidation, and also have the right to protect their sources in their work to provide the public with information in relation to a criminal organization. The named sources within this material have similar rights to be free from intimidation and coercion.

Intimidation is to make timid or fearful, specifically to compel or deter by threats, similar to coercion. Intimidation and coercion can take place by the mere presence of an intimidating individual, say someone in a position of authority. For example, if the context of an authoritative presence is designed or interpreted to intimidate or coerce, it could be a criminal act in Canada.

February Fifteenth, Two Thousand Twenty Three

ORDNUNGEN 11

For further information, questions and to comment on the issues posed in this document please contact:

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Regards,
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