

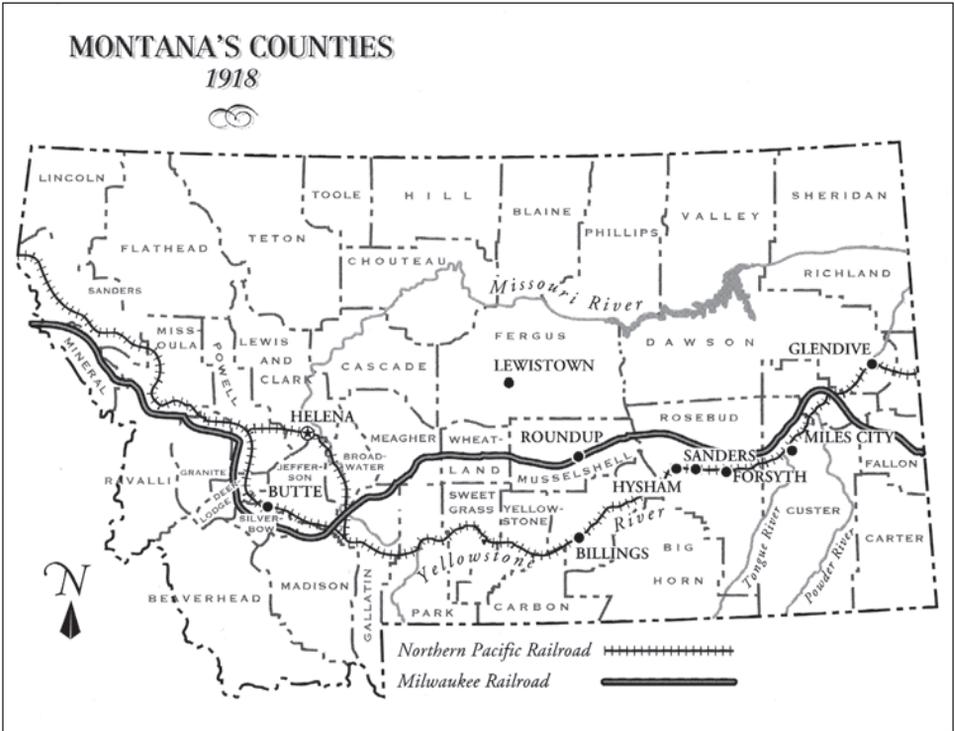
## CHAPTER 11

### *Impeaching Judge Crum*

ONLY TWICE IN MONTANA'S HISTORY HAS A STATE OFFICIAL been impeached and banished from office. In 1918 the Montana Senate removed Judge Charles L. Crum from the bench of the Fifteenth Judicial District; in 1927 that same body deposed T. C. Stewart as Secretary of State. In the earlier instance, the impeachment devastated the life of an able, principled jurist. However, that impeachment reflected the nature of Montana during World War I.

By the time the United States formally declared war on Germany on April 6, 1917, Montana and the nation had been involved emotionally in "the European war" for more than two years. Most Montanans, although officially neutral, supported Great Britain and its allies—particularly after the sinking of the *Lusitania* in May, 1915. By early 1917, a peculiar kind of war hysteria gradually had spread across Montana and infected many of its citizens. Very much like the Spanish influenza epidemic that would sweep the state at the end of the war, this pro-American fanaticism started slowly and built quietly, but ultimately reached crisis levels in many Montana communities.

The fervor with which many Montanans supported German-bashing on the home front, in the name of the American war effort, remains difficult to comprehend. Yet the war years in Montana proved a frightening time for residents of German ancestry, for citizens suspected of pro-German sympathies, for any of the foreign-born, for Montanans who did not embrace the war hysteria, and for anyone who opposed the wholesale suspension of constitutionally guaranteed civil liberties.



Once the United States declared war on Germany—despite the vote of Montana’s Jeannette Rankin and fifty-five other members of Congress—Montana jumped in with both feet. Almost forty thousand persons, or 10 percent of the population, either enlisted or were drafted. Thus Montana made a greater per capita contribution to the manpower pool than any other state in the nation. Montana farmers borrowed money in massive amounts to expand their acreage and produce bumper crops. Liberty Bond drives and Red Cross subscriptions across the state regularly exceeded their goals. The Butte-Anaconda copper industry worked continuous shifts, seven days a week, to set production records.

Within the state, the Montana Council of Defense (MCD) coordinated the war effort. Early in 1917, Governor Samuel V. Stewart created this Montana group with the encouragement of

President Woodrow Wilson and the Council of National Defense. The MCD, with Governor Stewart sitting as *ex officio* chairman, immediately established county and community councils, extending its quasi-legal authority to them.

Initially the MCD worked to increase agricultural production, to organize patriotic Liberty Leagues, to encourage enlistment in the military, and to promote Liberty Bond and Red Cross drives. By the summer of 1917, however, zealous members of the state and the local councils turned to more insidious tasks. They began to identify and harass “slackers” and other fellow citizens suspected of holding pro-German sympathies or having contributed too little to patriotic subscriptions. “Work, War, or Jail!” became the rallying cry of the council.

Rapidly Montanans crossed the line of appropriate patriotism and began attacks on “un-American activities.” Billings sported an active, self-appointed “Third Degree Committee” to handle local nonconformists. A Glendive contingent nearly lynched a local German Mennonite minister because of his pacifist beliefs. A Lewistown mob raided the Fergus County High School for German books, then burned them at a downtown rally. Overzealous patriots dragged hundreds of their neighbors before public assemblies and forced them to document their Liberty Bond purchases or demonstrate their patriotism by kissing the American flag and reciting the Pledge of Allegiance.

Given this rampant irrationality, well-intentioned actions became ridiculous. By the decree of one county council, sauerkraut could be called only “liberty cabbage.” Another local council renamed hamburger “liberty steak.” A rabid teacher in Hilger wrote to the MCD that

*Last year we “weeded” out all german texts that were in our school library, clipped out all german songs in our books of national songs, blotted out the coat of arms and german flags in the dictionaries, and urged that every*

*home destroy german text and library books they possess. We also spell germany without a capital letter. A few days ago we burned all of our West's Ancient Worlds, and I have the permission of our trustees to destroy any texts found to contain german propaganda.*

This rampant patriotic hysteria spread throughout Montana society, to its very foundations. An incident at the Carpenter Creek School, seven miles southwest of Melstone, in Musselshell County, is illustrative. The *Roundup Record* reported,

*That Mrs. Hay, principal of the Carpenter Creek school, and Miss Vera Zinn, in charge of the primary room, have not been remiss in the teaching of patriotism was evidenced last Monday by an interesting occurrence in the schoolyard.*

*Shortly before the arrival of the teachers, a group of boys were discussing their rifle drill, when a new boy of Austrian parentage snatched a miniature flag from the cap of one of the primary pupils, made some disparaging remarks, and destroyed the flag.*

*In a few seconds, he was surrounded by boys of his own age who dispatched one of their number into the building for a large flag. Holding it out in front of the school house, they speedily compelled the young offender to kneel and kiss the folds of Old Glory.*

*Not satisfied with this demonstration of his change of heart, they escorted him into the school building and, before the assembled school, persuaded their captive to renew his act of allegiance before permitting him to seek the safety of his seat—a sadder and wiser boy.*

Against this background of emotionalism, the Montana Legislature executed one of its two successful impeachments. On March 22,

1918, the Senate found Charles L. Crum, judge of the Fifteenth Judicial District, which included Rosebud and Musselshell Counties, guilty of “high crimes and misdemeanors and malfeasance in office.” The removal of Judge Crum from the bench offers a strong lesson in the exercise of constitutional rights.

Prior to his impeachment, Charles Liebert Crum’s life exemplified dedication, commitment, success, and recognition. He was born on January 9, 1874, in Underwood, Indiana, to James W. and Sarah Houghland Crum. In 1884 the family moved to the Wilmot area of south-central Kansas. Charles (“C. L.” to his family) attended nearby Winfield High School and spent two years at Southwestern College in Winfield. In 1894 Crum secured a job as the court reporter in the town of El Reno, Oklahoma Territory. Working diligently in his spare time, he read law with a local attorney until he successfully passed the Oklahoma bar exam and opened his own law practice.

Charles Crum married Jessie Helen Mitts of El Reno, a young woman of seventeen, in 1896. To the couple six children would be born, four of whom survived to adulthood. After the turn of the century, voters elected Crum a Canadian County judge, so he closed his law practice in El Reno. In 1902 he also filed on a sandhill homestead in Oklahoma, but quickly relinquished it when Jessie became ill. The family moved to Colorado temporarily, until her health improved somewhat.

C. L. learned in 1906 that the U.S. General Land Office had announced drawings for 160-acre farmland parcels within Montana’s recent Crow Reservation cession. He immediately applied, since Montana’s dry climate would be ideal for Jessie. Upon winning a chance to secure a bottomland farmstead in the Yellowstone Valley, Crum appeared at the Billings Land Office on August 6, 1906, and filed on the cash entry.

For the next few years, C. L. concentrated on raising his family and improving his homestead south of the Yellowstone River, between Hysham and Sanders. On November 1, 1906, the Crums

moved into their new log home, and he subsequently constructed a twenty-four by twenty-four-foot log barn, a twenty by fifty-foot sheep shed, a corral, a root cellar, two wells, and more than two miles of wire fence. By 1908, when Crum received final patent for his homestead, he also had opened a storefront office in Sanders and had undertaken local legal work.

Although Jessie was only thirty years old at the time, her health deteriorated again with the birth of their last child, Frank, in 1909. As a result, C. L. relocated to Forsyth, the county seat of Rosebud County, and embarked on a full-time law practice. Crum's abilities quickly earned him a reputation as an efficient, diligent, and conscientious attorney. When he ran as a Republican for the position of Rosebud County Attorney in 1910, the *Forsyth Times-Journal* remarked, "He is not a grand-stander or a hot-air merchant, but a safe and conservative lawyer of the popular 'old school.'"

Voters elected Crum their county attorney by a wide margin (764 to 272) in 1910. In 1912 he ran on the Republican ticket for the four-year judgeship of Montana's Thirteenth Judicial District. In this election he defeated both an incumbent Democrat and a Progressive. He assumed the bench in Forsyth in January 1913, at the age of thirty-nine.

Charles Crum's burdens had increased, however, during his rapid rise in the judiciary and in local popularity. In May 1910, Jessie had died at age thirty-one, leaving the young attorney with five children to raise: Liebert, thirteen; Claude, eight; Maurice, five; Dorothy, three; Frank, one. In typically methodical fashion, though, he hired a full-time housekeeper and arranged to spend as much time with his children as his duties would allow.

The reputation that Judge Crum built during this first term proved stellar. When the judge ran for reelection in 1916, he ran unopposed. The *Times-Journal* explained,

*There is no man on the bench in the State of Montana that has attained a more enviable record in the few short years*

*that he has been there than has the Honorable Charles L. Crum. . . . There is no judge on the bench today that is held in higher esteem than is Judge Crum by the members of the bar who have had occasion to transact legal business before his court.*

*Knowing the high standing of this man, those who would have otherwise aspired to this office have side-tracked the job this fall and are all lined up behind Judge Crum to a man.*

*While he has no opposition in the field, he is appreciative of the good will of the people toward him and will, in the future as he has in the past, administer justice fairly and impartially to everybody.*

By 1917, as the judge assumed the bench to begin his second term, his life had regained some normality. He had become a demonstrable success in his profession, and he had found Liebert a job in Costa Rica, working on ships bound through the Panama Canal. Claude had been somewhat sickly, but their new housekeeper—an Englishwoman by the name of Maude Battersby—had brought cohesion, discipline, and routine to the family.

Still, the European war consumed more and more of C. L.'s attention—particularly the constitutional issues involved in neutrality and in the proposed draft. Like millions of Americans of German ancestry, Crum regretted seeing the United States wage war against his ancestral fatherland, whatever the justifications. Perhaps the judge's greatest weakness became his openness in discussing such matters with his neighbors. In the end, this weakness encouraged his impeachment and precipitated his ruin.

Charles Liebert Crum's grandchildren agree that "even in discussing the weather, the Judge didn't speak, he orated. . . . Most of what he said was delivered pompously, deliberately . . . in capital letters." As the 1917 war hysteria spread through Montana, that bombastic characteristic began to aggravate acquaintances whom

C. L. lectured on America's bankrolling of the Allies, on U.S. entry into the war, and on whether the Constitution permitted sending draftees overseas.

Most of these neighbors excused C. L.'s loud, nonconformist views on the war out of respect for the judge's office and for his solid, decade-long reputation in southeastern Montana. As the Presbyterian minister in Forsyth noted, "[We] just threw the statements away with the remark that 'He has gone crazy on the subject,' . . . that he talked himself into a state of mind on it where he simply could not help but talk about that." In addition to the war issues and the stress of working long hours and traveling to hold court outside Forsyth, C. L. became increasingly worried about Claude's recurring illnesses.

Local dissatisfaction with Judge Crum's outspoken opposition to the war coalesced after the United States declared war on Germany in 1917. In September of that year, the judge freed three reputed members of the radical Industrial Workers of the World (IWW) from the Rosebud County Jail. Although County Attorney Felkner F. Haynes had obtained no evidence of their alleged arsonist activities, he "knew these fellows to be bad actors." The three had been confined for days on bread and water before Judge Crum released them. Shortly thereafter, a citizen approached C. L. at the Rosebud County Fair and asked him if the rumor were true that he would be removed from office because of this "pro-German action." Judge Crum reacted with vehemence to this allegation. Over the weekend he prepared a personal statement, which he read in open court prior to the resumption of a trial on Monday morning. He said, in part,

*Gentlemen, as American citizens, we owe no allegiance to any nation, to any government, or to any flag on earth except the American government and the American flag. Our rights, gentlemen, are defined by the Constitution of the United States. Among these rights is free speech. Of*

*course, we differ. We always have, and we always will differ as to the policy to be adopted and pursued by this government. . . .*

*While I recognize that the right of free speech justly and rightly has its limitation, any man—whether he be a public official or a private citizen, whether he be a man of wealth and power and influence or a poor man following the humble walk of life who would deny his fellow man any other rights guaranteed by the Constitution fails to comprehend the object and purpose for which this government was established.*

*Personally, gentlemen, I am absolutely now, and always have been, strictly pro-American. . . . I couldn't be anything else but pro-American if I wanted to—and I have no desire to be anything else. . . . Every dollar I have got on earth, even my life, is behind the American government. . . .*

*Permit me to say in conclusion that I assume we are all loyal, patriotic American citizens. Let us do nothing that would make us unworthy of that proud distinction. Gentlemen, I thank you. [Applause.]*

C. L.'s public statement could not deflect the convictions of super-patriots who branded him a German sympathizer—and who saw in the passion of the times some opportunities for personal gain.

In October 1917, Felkner Haynes—acting in a federal capacity—investigated and arrested Rosebud County citizens Ves Hall and A. J. Just for sedition under the National Espionage Act. Haynes brought the two suspects to Forsyth. However, he did not jail them while he awaited instructions from U.S. District Attorney Burton K. Wheeler in Butte.

Hall and Just then consulted Judge Crum, who advised them to catch the next Northern Pacific passenger train for Butte to speak personally with Wheeler. The next morning, when Haynes

discovered that the pair had departed Forsyth, he wired the Butte sheriff, who arrested and jailed the two men as they stepped from the train.

Although authorities filed federal indictments against both suspects, Felkner Haynes remained unsatisfied. In a statement released to the press, he fumed,

*It is time to go to the right or to the left! We must be either Americans or anti-Americans! There is no middle ground! . . . We prove ourselves allies of the Kaiser when we permit any person of whatever station in life to denounce the motives actuating the government in this struggle or to, in any way, sow the seeds of sedition.*

*Our loyalty to the republic and to the soldiers and sailors is measured by the vigor with which we crush those who would disseminate the poison of disloyalty among us.*

If anyone questioned that Haynes was attacking Judge Crum, he later testified,

*I felt that it was time for somebody to start the ball rolling down there with this fellow, so I published an interview in the press in eastern Montana, in which I told the people that he was a pro-German . . . that he was disseminating this German poison all through the country, that he was a disgrace to the bench, and that he ought to be removed.*

Truly astute minds in Rosebud County recognized that such a bench vacancy logically could be filled by the incumbent county attorney.

The two attorneys from Forsyth faced off again when Federal Judge George M. Bourquin heard the Ves Hall case in Helena in January 1918. Haynes had compiled most of the evidence used to prosecute Hall; Crum appeared at the trial as a character witness for

the defendant. Judge Bourquin—who, like U.S. Attorney Wheeler, maintained one of the saner heads during this period of surreal patriotism—listened to the evidence and, granting a defense motion for a directed verdict, acquitted Hall.

Following the trial, Haynes confronted Crum in the State Capitol hallway outside the attorney general's office. Judge Crum recounted,

*I started to leave the office, when I encountered Mr. Haynes. . . . He became very angry and stated that there would be a killing in Rosebud County within a very short time over the Hall decision. At the same time he rose from his seat and advanced toward me, telling me that I was pro-German.*

*When I saw that I was about to be assaulted, I took my small automatic from my overcoat pocket and told him to stop. I also told him that he was an infamous liar, a thief: a perjurer, and I used many other vile names. The only thing that I am sorry for is that I have since learned that there was a young woman in an adjoining room who may have overheard my language.*

Haynes's account of the showdown varies somewhat in detail, but neither man preferred charges as a result of the incident.

Next, Judge Crum's neighbors attacked him. As in some other Montana towns, the citizens of Forsyth had created a patriotic watchdog group—"the Committee of One Hundred"—to establish local standards of Americanism and to identify and intimidate "slackers." Although wholly extralegal, this *ad hoc* body carried the endorsement of the Rosebud County Council of Defense—indeed, several of the council's executives doubled as leaders of "the Committee."

Two local attorneys, one of whom was Felkner Haynes, called a meeting of "the Committee" on February 2. After some heated

discussion, the group brought in Judge Crum. The accusers instructed him to defend himself against charges ranging from his “non-participation in the war movements of the community” to the belief that he had advised his son Liebert to leave the country to avoid military conscription. The *Times-Journal* reported:

*At the close of the hearing, which lasted nearly two hours, Judge Crum retired. By a vote of those participating in the meeting, it was decided that the explanations offered by Judge Crum were not satisfactory, that he was not in sympathy with his constituency, and that his resignation should be asked for.*

*A resolution was then offered directing that the chairman appoint a committee to wait upon the judge and to inform him that it was the desire of the meeting that he resign from the bench.*

More than a week passed, however, before the committee could deliver its demand, as Judge Crum rushed off to the Miles City hospital, where his son Claude had fallen critically ill with cancer. For the next six weeks, C. L. would attempt to meet his court schedule in Roundup and Forsyth while spending every free minute at Claude’s bedside—frequently sleeping in a chair in the hospital room. This routine would extract a real toll on his health, at the same time the community pressure on him increased.

When finally faced with the delegates from “the Committee of One Hundred,” Crum refused to resign his judgeship. He found strength in a spontaneous meeting of more than eighty-five citizens in Roundup who drafted a supporting resolution. It stated, in part:

*Charles L. Crum has presided as Judge of the District Court in Musselshell County, Montana, for a period of six years, and . . . he is known generally to all the citizens in Roundup and Musselshell County as an honest,*

*honorable, and upright man and an able lawyer; a fair and impartial, fearless and conscientious Judge, impervious to personal and political influence. His personal and judicial record during his official career is above reproach and suspicion. . . .*

But circumstances then presented Crum's enemies with another possibility. Governor Stewart had called a special session of the Fifteenth Legislature to address problems on the home front, such as the legalization of the Montana Council of Defense, the floating of seed-grain loans, and the passage of a strong sedition law. The special session sat in Helena from February 14 to February 25, 1918.

On February 21, Felkner Haynes delivered to Governor Stewart fifteen affidavits alleging Judge Crum's pro-German statements and actions. The governor immediately forwarded these documents to the House leadership, which generated Articles of Impeachment on the last day of the session. Felkner Haynes then resigned his position as Rosebud County Attorney, enlisted in the Army, and reported to Fort Wright, Washington. Officers served the articles on Crum at his son's bedside in the Miles City hospital on February 28, 1918.

At this point, the pressure mounting against C. L. Crum seemed unbearable. Claude clearly was dying of cancer; many of his neighbors in Forsyth had joined the vigilante "Committee of One Hundred" to remove him from office; the Senate had scheduled his impeachment trial for March 20. The judge suffered a nervous breakdown during the first week of March, and his physician confined him to bed in Miles City.

Three noted Montana attorneys volunteered their services in Crum's defense—Judge O. H. Fletcher Goddard of Billings, and Sharpless Walker and Judge Charles H. Loud of Miles City. Judge Crum's defense team faced problems, however, not the least of which involved his weakened condition. This distinguished team outlined its defense, conferred with colleagues across the state

about the mood of the Senate and the people, and brought its findings to C. L. They persuaded the judge that his resignation offered the most expedient solution, the best one for his health—if such a resignation would kill the impeachment proceedings.

After receiving a promise from Governor Stewart that he would recommend suspending the Senate trial, Fletcher Goddard carried Judge Crum's dictated resignation to Helena. The governor received the resignation on March 10, 1918. It stated,

*This action on my part is not a confession that I have been guilty of any crime. In fact, I have violated no law and have not been guilty of any malfeasance or misfeasance in office. Neither does it mean that I am afraid to face any charges which have been made against me. I have never been accused of being either a coward or a quitter.*

*My action simply means that there is a limit to human endurance and that I have reached that limit. . . .*

*It may be possible that I have made some careless and reckless statements or criticisms of the policy adopted and followed by the present National Administration, but I have never meant or intended at any time to be in the least disloyal to the American Government. . . .*

Despite Crum's tendered resignation and an apparent agreement that the impeachment would be nullified, Governor Stewart submitted the document to the House managers without recommendation. Although the goal of deposing Judge Crum from the bench had been accomplished, the House decided to proceed with the impeachment—because “a conviction would exert a wholesome effect in stamping out German propagandists.”

In the meantime, however, C. L. believed that his resignation had terminated the move to impeach him. Since Claude's condition had improved temporarily, the judge—on the advice of his physician—returned to Forsyth, packed a bag, and departed

Montana (March 10) to escape the harassment that he had endured for months. In all probability, he traveled to visit family members in Kansas and Oklahoma.

The impeachment trial of Judge Charles L. Crum opened in the Montana Senate on March 20, 1918, orchestrated by the Board of House Managers. In his letter of resignation, C. L. had noted:

*I also feel that a trial of my case would simply provide an opportunity for certain people to pose before the public and in the press as super-patriots. It would give these people an opportunity to color and distort statements I have made until they have no resemblance to the true facts. It would enable some of my bitter personal enemies to continue to spread their venom and poison and pollute the atmosphere. It would inflame the public mind and cost the State of Montana many thousands of dollars. . . .*

The judge could not have characterized the three-day proceedings more aptly! Not only was Crum absent and unable to defend himself, but also no legal counsel appeared in his behalf. Early in the trial, Senator Fred Whiteside of Kalispell noted this inequity. (Many Montanans already respected Whiteside for his exposure of corruption in the First Capitol Commission and in W. A. Clark's attempt to gain a U.S. Senate seat by bribing members of the legislature.) He proposed that the Senate appoint someone to examine witnesses in Crum's behalf, arguing,

*I think that there ought to be someone to represent that side of the case. Otherwise a proceeding of this kind is merely a farce. It is trying dead issues here. Judge Crum has already been convicted by public opinion. He will never hold office in this State again, whether he is convicted of this or not. . . . But if this proceeding is to go on, I think that the other side should be represented.*

Whiteside's motion failed on a voice vote.

What followed proved a charade, a litany of hearsay and circumstantial evidence interspersed with posturing by the interrogating House managers and by some vehement senators. Denouncers declared that Judge Crum had criticized the president, the Congress, and the British while reveling in German victories—particularly the sinking of the *Lusitania*. Witnesses testified that they heard Crum both oppose U.S. entry into the war and question the constitutionality of national conscription. They asserted that the judge voiced these statements both before and after the U.S. had declared war on Germany, and that he had brought dishonor on his office. Witnesses repeatedly cited Crum's defense of the civil liberties of IWW members as "disloyal" and "un-American."

At one point in the trial, Senator Whiteside characterized the nature of the prosecution's case, saying, "Certainly ninety percent of the testimony that has been introduced here has been hearsay and irrelevant testimony." Nevertheless, when the final vote occurred on March 22, senators found Charles L. Crum guilty of all six Articles of Impeachment. The resultant Senate Resolution concluded:

*[We] do find the said Charles L. Crum guilty of high crimes, misdemeanors, and malfeasance in office as charged. . . . And do hereby order and adjudge that he be removed from the office of the Judge of the District Court . . . and that he be disqualified to hold any office of honor, trust, or profit under the State of Montana.*

Of the verdict, Burton K. Wheeler reflected, "I considered this a tragedy, for I thought Crum a fine and honorable man."

With the witch-hunt concluded, Montana newspapers such as the *Helena Independent*, which consistently fueled war hysteria, claimed a monumental victory for America and Americanism. In

fact, the impeachment of Judge Crum *did* serve a definite purpose: coupled with the extreme Montana Sedition Act passed by the Extraordinary Session in February 1918, the conviction of Crum alerted all Montanans that the principle of free speech would be suspended in this state until further notice.

Charles Liebert Crum never did recover from the devastation of his impeachment. The balance of his life—almost thirty years—constituted a long, slow slide into bitterness and alcoholism. Only one month after the Senate trial, Claude Crum died of cancer at the family home in Forsyth. C. L. returned to bury his sixteen-year-old son next to his wife, then again left Montana. His family believes that he spent the balance of 1918 in Mexico City, perhaps in the company of Liebert. World War I ended on November 11, 1918.

Crum returned to Forsyth in January 1919, to join his housekeeper, Maude Battersby, and his family: Maurice, fourteen; Dorothy, twelve; and Frank, nine. The *Forsyth Democrat*, sympathetic to Crum's plight, published a postwar interview with the judge in which he indicated that he had "learned his lesson":

*There remain questions about the war which I cannot discuss. Someone, it matters not whom, might differ from my views. . . . Then what show would a man have against a charge of disloyalty, no matter how false, slanderous, or malicious it might be? . . . Of course, under such conditions, I can only remain silent.*

To forestall any feelings of guilt or sympathy that might be engendered in the community, the rival *Forsyth Times-Journal* countered with a vitriolic editorial that played all the patriotic cards. After ridiculing Crum's perspective, the writer concluded that Forsyth could not forgive the fallen man. Evidently C. L. agreed, since he quietly relocated his housekeeper and his children to Center, North Dakota, just northwest of Bismarck, in August 1919.

In Center, the experienced attorney rapidly developed a local clientele and frequently worked as the deputy Oliver County attorney. Liebert rejoined the family and became principal of the Center Public School. The younger children excelled in grade-school activities. In the spring of 1920, the local chapter of the Non-Partisan League (NPL)—a leftist agrarian political party of real strength in the state—nominated C. L. for county attorney. He subsequently relinquished that nomination to become the NPL's candidate for the State House from Oliver County in the July 1920 primary.

However, the specter of C. L.'s Montana impeachment again loomed to quash his aspirations. Members of Center's American Legion post contacted the editor of the *Forsyth Times-Journal*, who provided newspaper clippings and a copy of the Montana Senate's impeachment proceedings. Still riding a national wave of super-patriotism, the Legion devoted its June 1920 issue of the *Inland Post* magazine to a detailed review of the charges leveled against Judge Crum in the Montana Senate trial. When they also discovered that C. L. did not meet the residency requirement for the House seat, he withdrew from the ticket. Attorney Crum moved his law practice and his family to Mandan that September.

Quietly Charles L. Crum tried to reconstruct his life by building an active legal practice in Bismarck–Mandan during the 1920s. After Liebert graduated from the University of North Dakota Law School in 1924, he joined his father in the firm and enjoyed some statewide political success during the 1930s. However, the judge's spirit had been broken. His dedication to law dissipated, and his practice became pedestrian, predictable. When C. L. retired just before World War II, he had become a disillusioned man who increasingly found his solace in drink.

During the war, C. L. moved to California to live with Liebert and his family. When Liebert died in 1945, however, the judge returned to Kansas to join his sister, Ada Crum Akers, on a farm

just outside of Wilmot. There he died of diabetes on March 21, 1948; family members buried him in the Wilmot Cemetery. His obituary in the local newspaper ran less than four column inches and never mentioned the 1918 impeachment that ruined his life. Montana newspapers ignored his death completely.

In his 1919 interview in the *Forsyth Democrat*, the judge had remarked:

*I feel that time and transpiring events will more clearly vindicate my post than anything I could say or do. I have a sublime faith in the natural honesty and sense of justice of the American people. I feel sure that, at some future time, the right-thinking people of the State of Montana will undo the wrong that has been inflicted upon me.*

The judgment against Charles Crum would be set aside by resolution of the Montana Senate—more than seventy years after the impeachment of a man whose greatest crimes comprised his belief in the democratic principal of free speech and his delivery of nonconformist opinions too openly, too loudly. In the absence of the patriotic hysteria that superheated Montana during the 1916–1921 period, the people of Montana would clear the name of Charles Liebert Crum.

In 1990, after seeing this essay in *Montana Magazine*, *Great Falls Tribune* reporter Steve Shirley wrote a persuasive column summarizing the Crum impeachment. In Montana's Fifty-Second Legislature, Senator Harry Fritz of Missoula and nine cosponsors subsequently introduced Senate Resolution #2, to exonerate Judge Crum from the wrongful impeachment of March 22, 1918. Hearings before the Senate Judiciary Committee on January 25, 1991, resulted in a unanimous “do pass” recommendation, and the resolution moved quickly to the full Senate.

On January 26, 1991, the Montana Senate voted 46–0 in favor of Senate Resolution #2. Visitors in the gallery to witness this

precedent-setting action included the judge's grandchildren— Darwin R. Crum of Schaumburg, Illinois, and Patricia Crum Scott of Pleasanton, California. Following their vote, in an emotional scene, the senators stood and applauded the Crum descendants long and loud. After almost seventy-three years, the judge's unjust burden of dishonor had been lifted.