

3
347.014
JSC
1918

John Oliver.

STATE OF MONTANA

PROCEEDINGS

OF THE

Court for the Trial of Impeachments

The People of the State of Montana
By the House of Representatives Thereof
Against
Charles L. Crum, Judge of the District Court of the
Fifteenth Judicial District of the State of Montana

Held at the Capitol in the City of Helena, State of
Montana, March 20th, 21st and 22nd, 1918.

The Hon. W. W. McDowell,
Lieut. Governor, Presiding



STATE PUBLISHING CO., HELENA, MONT.

Montana State Library



3 0864 1006 5313 1

STATE OF MONTANA

PROCEEDINGS

OF THE

Court for the Trial of Impeachments

The People of the State of Montana
By the House of Representatives Thereof
Against
Charles L. Crum, Judge of the District Court of the
Fifteenth Judicial District of the State of Montana

Held at the Capitol in the City of Helena, State of
Montana, March 20th, 21st and 22nd, 1918.

The Hon. W. W. McDowell,
Lieut. Governor, Presiding



STATE PUBLISHING CO., HELENA, MONT.



OFFICERS AND MEMBERS OF THE COURT OF IMPEACHMENT.

President, Hon. W. W. McDOWELL
 Secretary, J. F. CONE.
 Sergeant-at-Arms, L. J. GOODMAN.
 Ass't Sergeant-at-Arms, C. C. PRICE.
 Stenographic Reporters, A. A. PELLETIER,
 H. B. GIBSON.

MEMBERS	COUNTY.	RESIDENCE.
Annin, J. B.....	Stillwater	Columbus
Arnold, George O.....	Gallatin	Manhattan
Brower, A. J.....	Missoula	Ronan
Burla, Gwen F.....	Big Horn	Hardin
Burlingame, J. M.....	Cascade	Great Falls
Clark, T. L.....	Toole	Sweet Grass
Clay, Geo. W.....	Phillips	Malta
Dwight, Reuben.....	Sanders	Perma
Edwards, J. E.....	Rosebud	Forsyth
Ellingson, Henry.....	Sweet Grass	Big Timber
Featherly, George R.....	Beaverhead	Dillon
Fishbeck, F. G.....	Sheridan	Plentywood
Gallwey, Harry A.....	Silver Bow	Butte
Gnose, J. B.....	Deer Lodge	Anaconda
Haley, W. S.....	Prairie	Terry
Healy, Daniel.....	Park	Livingston
Heren, Rolla P.....	Custer	Miles City
Hogan, T. S.....	Yellowstone	Billings
Hurd, W. W.....	Valley	Glasgow
Jones, William E.....	Meagher	Harlowton
Junod, O. H.....	Madison	Sheridan
Kane, Thomas.....	Ravalli	Corvallis
Kinney, J. C.....	Wibaux	Wibaux
Lane, J. E.....	Fergus	Lewistown
Larson, T. O.....	Teton	Choteau
McCone, George.....	Dawson	Glendive
Meadors, J. P.....	Richland	Riverview
Mershon, N. J.....	Granite	Philipsburg
Morris, Claude F.....	Hill	Havre
Muffly, C. S.....	Broadwater	Winston
Oliver, John.....	Fallon	Ekalaka
O'Shea, Daniel G.....	Carbon	Red Lodge
Parker, M. H.....	Jefferson	Boulder
Roberts, C. B.....	Lincoln	Fortine
Slayton, Daniel W.....	Musselshell	Lavina
Smith, Park.....	Lewis & Clark.....	Helena
Stevens, George H.....	Chouteau	Fort Benton
Taylor, L. B.....	Blaine	Lloyd
Whiteside, Fred.....	Flathead	Kalispell
Willett, O. G. (Resigned).....	Mineral	Alberton
Williams, Charles H.....	Powell	Deer Lodge

SENATE COMMITTEE ON PROCEDURE.

Hon. J. B. ANNIN, Chairman.

Hon. WILLIAM E. JONES

Hon. CLAUDE F. MORRIS

Hon. T. S. HOGAN

Hon. M. H. PARKER.

MANAGERS ON THE PART OF THE HOUSE OF REPRESENTATIVES.

Hon. JAMES F. O'CONNOR, Chairman.

Hon. DWIGHT N. MASON

Hon. RONALD HIGGINS.

Hon. O. W. BELDEN

Hon. B. C. WHITE.

PROCEEDINGS

OF THE

Senate of the State of Montana

Sitting as a High Court of Impeachment in the Matter of the
Impeachment of Chas. L. Crum, Judge of the Fifteenth
Judicial District of the State of Montana

WEDNESDAY, MARCH 20, 1918, 12 O'CLOCK M.

BY PRESIDENT McDOWELL:

We will please come to order. The House of Representatives of the State of Montana having presented to the Senate Articles of Impeachment against Charles L. Crum, Judge of the Fifteenth Judicial District, we are assembled here in accord with law as a Court of Impeachment.

The first order of procedure will be to call the roll.

SENATE ROLL CALL.

Name	Absent	Present
Annin		X
Arnold		X
Brower		X
Burla		X
Burlingame		X
Clark		X
Clay		X
Dwight		X
Edwards		X
Ellingson		X
Featherly		X
Fishbeck	X	
Gallwey		X
Gnose		X
Haley		X
Healy		X
Heren		X
Hogan		X
Hurd		X
Jones		X
Junod		X
Kane		X

Name	Absent	Present
Kinney	X	
Lane		X
Larson		X
McCone		X
Meadors		X
Mershon		X
Morris		X
Muffly		X
Oliver		X
O'Shea	X	
Parker		X
Roberts		X
Slayton		X
Smith	X	
Stevens		X
Taylor		X
Whiteside		X
Willett	X	
Williams		X

BY MR. PRESIDENT McDOWELL: There being a quorum present, the Sergeant-at-Arms will now make the proclamation:

BY THE SERGEANT AT ARMS: 'Hear ye! Hear ye! Hear ye! All persons having any business before the Court of Impeachment in and for the State of Montana, may now draw near, give their attention and they will be heard.'

BY PRESIDENT McDOWELL: The next order of business will be for the Secretary of the Senate to administer the oath to the presiding officer.

BY SECRETARY CONE: I, WILLIAM M. McDOWELL, do solemnly swear that I will truly and impartially hear, try and determine the impeachment of Charles L. Crum, Judge of the Fifteenth Judicial District of the State of Montana now pending, and that in all things pertaining thereto, I will do impartial justice, according to law and evidence, so help me God.

BY PRESIDENT McDOWELL: The Senators will now please stand while the presiding officer administers the oath. Each Senator will call his own name and repeat after me:

I,.....do solemnly swear that I will truly and impartially hear, try and determine the impeachment of Charles L. Crum, Judge of the Fifteenth Judicial District of the State of Montana, now pending, and that in all things pertaining thereto, I will do impartial justice, according to law and evidence, so help me God.

BY PRESIDENT McDOWELL: The Secretary will call the Board of Managers of the House of Representatives.

BY SECRETARY CONE: James F. O'Connor, (Present); Dwight Mason, (Present); Ronald Higgins (Present); O. W. Belden, (Present); B. C. White, (Present).

BY PRESIDENT McDOWELL: The Secretary will call Charles L. Crum.

BY SECRETARY CONE: Charles L. Crum! Charles L. Crum! Charles L. Crum! You will come into this Court of Impeachment and

make answer to the Articles of Impeachment filed therein. There seems to be no response, Mr. President.

BY PRESIDENT McDOWELL: Let it be so entered on the Record. The next order of business will be the adoption of the Rules.

BY SENATOR ANNIN: In view of the fact that those rules are printed, I move you, Mr. President, that we dispense with the reading of the Rules, as each Senator has one on his desk, and move that the Rules as read be adopted.

Whereupon said motion was duly seconded and carried.

Whereupon the Rules were adopted as follows:

RULES OF PROCEDURE.

RULE 1.

Upon the completion of the roll call of the Senate, and before proceeding with the trial of the Impeachment Proceedings, the Secretary of the Senate shall administer to the presiding officer the following oath, and the presiding officer shall administer said oath to each of the members of the Senate:

I....., do solemnly swear that I will truly and impartially hear, try and determine the impeachment of Charles L. Crum, Judge of the Fifteenth Judicial District of the State of Montana, now pending and that in all things pertaining thereto I will do impartial justice, according to law and evidence, so help me Go.

RULE 2.

The Presiding Officer shall have power to make and issue, by himself or by the Secretary of the Senate, all orders, mandates, writs and precepts authorized by these rules or by the Senate, and to make and enforce such other regulations and orders in the premises as the Senate may authorize or provide.

RULE 3.

The Senate shall have power to compel the attendance of witnesses to enforce obedience to its orders, mandates, writs, precepts, and judgments, to preserve order, and to punish in a summary way contempts of, and disobedience to, its authority, orders, mandates, writs, precepts or judgments, and to make all lawful orders, rules and regulations which it may deem essential or conducive to the ends of justice. And the Sergeant-at-Arms, under the direction of the Senate, may employ such aid and assistance as may be necessary to enforce, execute, and carry into effect the lawful orders, mandates, writs and precepts of the Senate.

RULE 4.

The Presiding Officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the Presiding Officer on the trial shall direct all the forms of proceedings while the Senate is sitting for the purpose of trying an impeachment, and all forms during the trial not otherwise specially provided for. And the Presiding Officer on the trial may rule all questions of evidence and incidental questions, which ruling shall stand as the judgment of the Senate, unless some member of the Senate shall ask that a formal vote be taken thereon, in which case it shall be submitted to the Senate for decision; or he may at his option in the first instance, submit any such question to a vote of the members of the Senate. Upon all such questions the vote shall be without divi-

sion, unless a roll call be demanded by two of the members present, when the same shall be taken.

RULE 5.

Before proceeding with the trial the person impeached shall be called by the Secretary of the Senate to appear and plead to the Articles of Impeachment against him. If he appear, or any person for him, the appearance shall be recorded, stating particularly if by himself, or by agent or attorney, naming the person appearing and the capacity in which he appears. If he do not appear, either personally, or by agent or attorney, the same shall be recorded.

RULE 6.

The Secretary of the Senate shall record the proceedings in cases of impeachment as in the case of legislative proceedings, and the same shall be reported in the same manner as the legislative proceedings of the Senate. The testimony of the witnesses shall be preserved in the manner hereafter to be determined by the Senate.

RULE 7.

Counsel for the parties shall be admitted to appear and be heard upon an impeachment.

RULE 8.

All motions made by the parties or their counsel shall be addressed to the Presiding Officer, and if he, or any Senator, shall require it, they shall be committed to writing, and read at the Secretary's table.

RULE 9.

Witnesses shall be examined by one person on behalf of the party producing them, and then cross-examined by one person on the other side.

RULE 10.

If a Senator is called as a witness, he shall be sworn, and give his testimony standing in his place.

RULE 11.

At all times while the Senate is sitting upon the trial of an impeachment the doors of the Senate shall be kept open unless the Senate shall direct the doors to be closed while deliberating upon its decisions.

RULE 12.

All preliminary or interlocutory questions, and all motions, shall be argued for not exceeding thirty minutes on each side, unless the Senate shall, by order, extend the time.

RULE 13.

The cases on each side, shall be opened by one person. The final argument on the merits may be made by two persons on each side (unless otherwise ordered by the Senate upon application for that purpose), and the argument shall be opened and closed on the part of the House of Representatives.

RULE 14.

On the final question whether the impeachment is sustained, the yeas and nays shall be taken on each Article of Impeachment separately; and if the impeachment shall not, upon any of the articles presented, be sustained by the votes of two-thirds of the members elected, a judgment of acquittal shall be entered; but if the person accused in such articles of impeachment shall be convicted upon any of said Articles by the votes of two-thirds of the members elected, the Senate shall proceed to pronounce judgment and a certified copy of such judgment shall be deposited in the office of the Secretary of State.

RULE 15.

Witnesses shall be sworn in the following form, viz:

"You (and each of you) do solemnly swear (or affirm, as the case may be) that the evidence you shall give in the Impeachment proceedings now pending and at issue, between the State of Montana and Charles L. Crum, shall be the truth, the whole truth, and nothing but the truth so help you God." Which oath shall be administered by the Secretary of the Senate, or by the Presiding Officer.

Adopted March 20th, 1918.

Whereupon the bid of A. A. Pelletier and H. B. Gibson for reporting the Impeachment Proceedings was presented to the Senate.

Whereupon the bid of A. A. Pelletier and H. B. Gibson for reporting the Impeachment Proceedings is as follows:

A. A. PELLETIER

Court Reporter and Public Stenographer

Union Bank Building, Helena.

March 2, 1918.

J. F. Cone, Secretary of the Senate, Helena, Montana.

Dear Sir: I hereby submit the following bid for reporting the impeachment proceedings of Judge C. L. Crum, to be heard before the Senate on March 20th.

Per diem, ten dollars per day; for transcript of evidence, at the rate of twenty cents per folio, for the original, and five cents per folio for copies.

It is understood that the testimony will be gotten out daily, that is, so that it will be delivered during the evening of the day that said testimony is taken.

It will take at least two reporters, and four typists to do this work on schedule time.

Respectfully submitted,

 BY SENATOR ANNIN: We, your committee, beg leave to recommend that the attached bid of Pelletier & Gibson for reporting the Impeachment Proceedings of Judge C. L. Crum, be accepted.

BY SENATOR: I move the adoption of the motion. Which motion was duly seconded and carried.

BY THE PRESIDENT OF THE SENATE: The next stage of proceedings will be the reading of the Articles of Impeachment by the Chairman of the Board of Managers.

BY MR. O'CONNOR: Presiding Judge and Members of this Court. The reading of the Articles of Impeachment will take the place of the opening statement of the Board of Managers.

Whereupon the Articles of Impeachment were read as follows:

STATE OF MONTANA**ARTICLES OF IMPEACHMENT**

EXHIBITED BY HOUSE OF REPRESENTATIVES OF THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA FOR THEMSELVES AND ON BEHALF OF ALL THE PEOPLE OF THE STATE OF MONTANA AGAINST CHARLES L. CRUM, JUDGE OF THE DISTRICT COURT OF THE FIFTEENTH JUDICIAL DISTRICT OF THE STATE OF MONTANA.

Filed in the Senate Monday, the 25th day of February, 1918, at 9:20 o'clock P. M.
J. F. CONE, Secretary of the Senate.

ARTICLE I.

That the said Charles L. Crum, now is and at all times herein mentioned since the first Monday in January, 1913, was, the duly elected, qualified and acting District Judge of the Fifteenth Judicial District of the State of Montana, and a citizen of the United States, owing allegiance to the said United States, and that the said Charles L. Crum while occupying the official position of Judge of the District Court of the said Fifteenth Judicial District, unmindful of the high duties of his office and dignities and propriety thereof and his oath of office in connection with his duties as said District Judge, and in utter disregard of his duties as a citizen of the United States, was and is guilty of high crimes and misdemeanors and malfeasance in office which are set forth in the several specifications hereinafter written in substance and effect, that is to say:

Specification First. In this, that subsequent to the declaration of war between the German Empire and the Empire of Great Britain and the Republic of France the said Charles L. Crum within the State of Montana, on divers and numerous occasions and in the presence of sundry and divers persons did publicly declare that the President of the United States and his cabinet and the Congress of the United States were being induced, influenced and controlled by the British Empire and the bankers of the United States; and the Congress and President of the United States and the financial interests of the United States, were tools of the said British Empire and that the President of the United States, and that the Congress of the United States were induced and influenced to become allies of the Great Britain and the British Empire, and to declare war against the German Empire for the purpose of protecting loans made by the bankers and financial interests of the United States to the said British Empire and to its allies, and that if the said President of the United States and the Congress of the United States should declare war against the German Empire, he, the said Charles L. Crum, District Judge as aforesaid, would be ready to sell out, pack up what little he had, and leave the United States and would prefer to fight on the side of the German Empire, in any war between the said United States and the said German Empire.

Specification Second. In this, that subsequent to the declaration of war between the Empires of Great Britain and Germany, the said Charles L. Crum, within the State of Montana, and while acting as District Judge, aforesaid, and at or about the time of the sinking of the Lusitania, on divers and numerous occasions, and in the presence of divers persons did publicly declare his sympathy with the German Empire, and that the German Empire in the sinking of the Lusitania at the time and in the manner in which said vessel was sunk was acting within its rights, and that the citizens of the United States who were passengers

on said vessel at the time of the sinking of the same were there without right, and that the sinking of the said vessel would be a good lesson for the "globe trotting Americans," and that the lives of the passengers on the said Lusitania at the time the said vessel was sunk, should have been sacrificed, and did publicly declare that the United States as a neutral nation had no right to carry on the transportation or shipping of munitions or supplies of war to Great Britain or to its allies, or to any of the countries with which Germany was at war, and that the United States in supplying munitions of war was not acting as a neutral nation should act in time of war, and the said Charles L. Crum did publicly make other statements of a similar nature to the aforesaid, embodying a denial of the right of the United States to engage in neutral shipping, and denying the right of the United States of access to the seas, and the carrying on of its commerce.

Specification Third. In this, that subsequent to the declaration of the European war in the Year 1914, the said Chas. L. Crum in the County of Rosebud and within the State of Montana and during the term of his office as such District Judge aforesaid, on divers and numerous occasions and in the presence of divers persons did publicly declare that the President of the United States was not serving and acting for the people of the United States but was merely a tool, hireling and puppet of the British Empire and of Wall Street and of the bankers and financial interests of the United States who had made loans to prosecute the war then and now existing between the British Empire and its allies, and the said German Empire.

Specification Fourth. In this, that prior to the declaration of war between the Congress of the United States against the German Empire in the month of April, 1917, the said Charles L. Crum, District Judge aforesaid in the County of Rosebud in the State of Montana on divers and numerous occasions and in the presence of sundry and divers persons did publicly declare that if the United States should declare war against the German Empire there would be riots, insurrections and rebellions in the United States by the inhabitants of the United States who were opposed to the United States declaring war against the German Empire.

Specification Fifth. In this, subsequent to the declaration of war between the United States against the German Empire in the month of April, 1917, the said Charles L. Crum, District Judge as aforesaid in the County of Rosebud in the State of Montana on divers and numerous occasions and in the presence of divers persons did publicly declare that the President of the United States was owned by Wall Street, that he was a criminal and traitor to the United States, and that war had been declared by the United States against the German Empire to protect the bankers and financial interests of the United States who had made loans to the British Empire and to its allies, to enable them to prosecute the war existing between the British Empire and its allies, and the German Empire.

Specification Sixth. In this, that after the Congress of the United States had declared war against the German Empire in the month of April, 1917, the said Charles L. Crum, District Judge as aforesaid, did, in the County of Rosebud, within the State of Montana on divers and numerous occasions, for the purpose of inducing and influencing persons to oppose such a war and to obstruct the Government of the United States in carrying on the same, and to refuse to support the United States in the prosecution thereof, publicly and privately, state that the acts of the United States in preparing to send its army or armies to Europe to engage in carrying on and prosecuting such war were unconstitutional, and that the men in such armies would never come back to the United States, and that the United States had no authority to

draft or conscript armies for service outside the United States in the prosecution of the said war between the United States and the Empire of Germany.

Specification Seventh. In this, that after the Congress of the United States had declared war against the German Empire in the month of April, 1917, and after the Congress of the United States had enacted legislation providing for drafting or conscripting citizens of the United States for said armies and to make up its said armies and naval forces, the said Charles L. Crum on divers and numerous occasions and during the term of his office as judge, aforesaid, did declare to divers persons, for the purpose of inducing and influencing such persons to oppose the provisions of such legislation and to obstruct the said United States in preparing its said armies and naval forces for prosecuting such war against the German Empire and did advise, counsel and request several persons at the times aforesaid to refuse to comply with the requirements of the so-called "DRAFT LAWS" of the United States and legislation enacted by the United States for the purpose of drafting or conscripting an army for the military and naval services of the United States, and did advise such persons that such legislation was unconstitutional and void, and that the President of the United States was a criminal; and that the President of the United States and the Congress thereof had no lawful authority to draft men for the army or navy to be sent to France or elsewhere to fight on the side of the allies against the German Empire, or to be taken outside of the United States to serve in the military forces thereof, and on said divers and numerous occasions the said Charles L. Crum as aforesaid did advise said sundry and divers persons not to submit or comply with the provisions of such legislation so enacted by the President and Congress of the United States and did tell to said sundry and divers persons at times and places aforesaid that if he were of draft age he would resist the draft, meaning thereby he would not comply with the laws and regulations of the United States concerning the drafting or armies for military and naval service in time of war, and did tell such persons at said times and places that his son was outside the domain of the United States and that he would not allow him to return to the United States, nor to enter into the military service of the United States to be murdered on foreign soil and did further state to said divers persons that a million of the young men in the army and naval forces of the United States would be murdered and that he preferred to bury his son in the United States rather than to have him in the military or naval service of the United States and be buried on foreign soil.

Specification Eighth. In this, that after the Congress of the United States had declared war against the German Empire in the month of April, 1917, and after the Congress of the United States had enacted legislation providing for drafting citizens of the United States and other persons qualified for military duty, for its armies and for use in the military service of the aforesaid, at the County of Rosebud, State of Montana, Charles L. Crum the aforesaid on divers and numerous occasions did declare to divers persons, for the purpose of inducing and influencing such person to oppose the provisions of such legislation and to refuse to comply with the same, that if the United States should attempt to enforce such legislation there would be riots, insurrections and rebellion in the United States by the inhabitants thereof who were opposed to such legislation, and who are opposed to citizens of the United States being drafted into the armies and naval forces of the United States for the purpose of being sent to Europe, or to other foreign countries, to fight on the side of the United States in the war between the United States and the German Empire.

Specification Ninth. In this, that after the Congress of the United States had declared war against the German Empire and during the time

that the selective draft act was under consideration in Congress, the said Charles L. Crum, Judge as aforesaid, in the County of Rosebud in the State of Montana, advised, counseled, aided and assisted Lebert Crum, one of the sons of the said Charles L. Crum, aforesaid, from being conscripted or drafted into the armies or naval forces of the United States and that after the selective draft act was passed the congress of the United States and approved by the President and in the year 1917, the said Charles L. Crum, Judge as aforesaid, in the said County of Rosebud, and state of Montana, stated to sundry and divers persons that his said son, although not of draft age, was outside the United States, and would remain out of the United States so that he would not be drafted when he became eligible to draft under the regulations of the selective service act, and that he would not allow him to return to the United States, to be taken to a foreign country and murdered in a foreign land.

ARTICLE II.

That the said Charles L. Crum now is, and at all of the times herein mentioned, since the first Monday in January, 1913, was, and ever since has been, the duly elected, qualified and acting Judge of the Fifteenth Judicial District of the State of Montana, and during all of said times, was and is a citizen of the United States, owing allegiance thereto, and that the said Charles L. Crum while occupying the position of District Judge as aforesaid, unmindful of his oath of office, and of the high duties of his office and the dignity and propriety thereof and in utter disregard of his duties as a citizen of the United States was guilty of high crimes and misdemeanors, and of malfeasance in office, which are set forth in the several specifications hereinafter written, in substance and effect, that is to say:

Specification First. In this, that after the Congress of the United States had declared war against the German Empire, the said Charles L. Crum in the County of Rosebud in the State of Montana, on divers and numerous occasions had made and uttered to sundry and divers persons, false and seditious statements of and regarding the President of the United States and the Congress of the United States and the United States Government for the purpose of preventing, hindering and delaying the United States Government in preparing for and carrying on the war in which it is engaged, against the German Empire and in connection with the declaration of war by the Congress of the United States against the German Empire and the carrying on and prosecuting of the same by the said United States, used utterances, statements and declarations in substance as follows:

The President of the United States is owned by and is a tool of Wall Street, a puppet and a tool of the British Empire, and that the President of the United States was a traitor, and a criminal, and that he would steal, and that he would leave the Presidency a man of colossal wealth, and that he was using the high office of President of the United States for the purpose of personal gain; that this was not our war but only a war to grab territory for the allies of the United States and that we were driven into the war by Wall Street and the munition makers of the United States; that right-thinking men should dispose of their holdings in the United States and leave the country. That if he were of draft age, he would resist the draft regulations promulgated by the President, Congress and military authority of the United States, and would not subject himself thereto, and that there were thirty million Germans in this country who would rise up in revolution and rebellion, and would refuse to fight their own flesh and blood; that the Germans in the United States would ally themselves with the labor in the United States and refuse to comply with the military regulations of the United States promulgated for the purpose of providing for and carrying on the war. That his son was outside the domain of the United States and that he

would not have him return to enter into the military service of the United States and be murdered in a foreign land, and that he advised sundry and divers persons in the County of Rosebud in the State of Montana, and particularly one W. H. Lyndes, and while District Judge as aforesaid, advised the said W. H. Lyndes not to allow his sons to obey the military regulations of the United States promulgated for the purpose of carrying on a war against the German Empire; and further advised the said W. H. Lyndes that the draft law promulgated by the United States for the purpose of raising an army was unconstitutional and void and of no effect; and that on or about the month of July, 1917, in the town of Forsyth, in the County of Rosebud, in the state of Montana, the said Charles L. Crum, District Judge as aforesaid, stated to one Klemme that no other Government was as rotten as ours, except Russia; and at divers times and in divers places in the said County of Rosebud, the said Charles L. Crum, Judge, as aforesaid, spoke and declared to various other persons similar statements to the statements made the said Klemme, as hereinbefore set forth. All the above and foregoing declarations and statements being made with the intent and for the purpose of influencing and inducing the above named persons, and other persons to oppose the carrying on and prosecuting of such war with the intent and for the purpose of influencing and inducing such persons to in all cases and manners, hinder, delay and prevent the prosecution, preparation for and carrying on of such war by the United States against the German Empire.

ARTICLE III.

That the said Charles L. Crum, now is and at all times herein mentioned, since the first Monday in January, 1913, was the duly elected, qualified, and acting District Judge of the Fifteenth Judicial District of the State of Montana, and a citizen of the United States, owing allegiance to the United States and that the said Charles L. Crum, while occupying the official position as Judge of the District Court of the Fifteenth Judicial District, unmindful of his oath of office and of the high duties of his office, and dignity and propriety thereof, and in utter disregard of his duty as a citizen of the United States was and is guilty of high crimes and misdemeanors and malfeasance in office, which are set forth in the specification hereinafter written, in substance and effect, that is to say:

Specification First. That the said Charles L. Crum on or about the twenty-sixth day of January, 1918, at the County of Lewis & Clark, in the State of Montana, with force and arms and did make an assault upon one Felkner Haynes, with a certain loaded weapon commonly known as and called a revolver, the same then and there being a deadly weapon and likely to produce death, with the intention then and there to kill and murder the said Felkner Haynes, all of which then and there was contrary to the form, force and effect of the statutes of the State of Montana in such cases made and provided.

Specification Second. In that the said Charles L. Crum on or about the twenty-sixth day of January, 1918, within the limits of the City of Helena, in the County of Lewis & Clark in the State of Montana, did carry and bear concealed upon his person a certain revolver the same then and there being a deadly weapon. The said Charles L. Crum not then and there being a peace officer or a person summoned in aid of a peace officer in the discharge of his official duty, nor in the carrying of said revolver on his premises or place of business, all of which of said acts were contrary to and in contravention of the provisions of Chapter 58 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana, being Section 8582 of the Revised Codes of Montana of 1907, as amended by said Chapter 58.

ARTICLE IV.

That the said Charles L. Crum, now is and at all times herein mentioned since the first Monday in January, 1913, was the duly elected, qualified and acting District Judge of the Fifteenth Judicial District of the State of Montana, and a citizen of the United States, owing allegiance to the United States and that the said Charles L. Crum, while occupying the official position as Judge of the District Court of the Fifteenth Judicial District, unmindful of his oath of office and of the high duties of his office and the dignity and propriety thereof, and in utter disregard of his duty as a citizen of the United States, was and is guilty of high crimes and misdemeanors and malfeasance in office, which are set forth in the specifications hereinafter written, in substance and effect, that is to say:

Specification First. In this, that the said Charles L. Crum while presiding as Judge at a term of the District Court of said Judicial District, held in the City of Forsyth, in the County of Rosebud, in the State of Montana, during the month of August, 1917, endeavored and attempted to prevent two certain persons to-wit: John B. McRae and Samuel McConkey from being drawn to serve as trial jurors and exercising the functions of a juror in the trial of cases, during the said term of said District Court, notwithstanding the fact that the said John B. McRae and Samuel McConkey were each of them then and there citizens of the United States and residents within the said County of Rosebud and in all respects qualified to serve and act as trial jurors of said District Court, and that the said Charles L. Crum as presiding Judge, aforesaid, stated and declared that each of said persons, to-wit: John B. McRae and Samuel McConkey, were members of an organization known as the "Overseas Club", an association of persons having for its purpose and object the aiding and assisting of the British Empire in the war between the British Empire and the German Empire: and the said Charles L. Crum, at said time and place, further stated and declared that no person who was a member of such club could act or serve as a trial juror in his, the said District Court.

Specification Second. In this, that the said Charles L. Crum, Judge as aforesaid, during the month of August, 1917, while presiding as such Judge in the District Court in and for the County of Rosebud at the trial of one Joe Holtz, who was then and there being tried on a criminal charge in the District Court of the said Judicial District at Forsyth in Rosebud County requested, endeavored and attempted to induce and persuade Young and Young, of Rosebud County and their associate, one George Horkan, who were acting for the defense in said trial of Joe Holtz, to challenge from said jury, one Samuel McConkey, who had then and there been drawn as trial juror in said cause on the ground and for the reason that the said Samuel McConkey was a member of the "Overseas Club" an association of persons having for its purpose the aiding and assisting of the British Empire in the war between said British Empire and the German Empire.

Specification Third. In this, that on the 13th day of September, 1917 at the County of Rosebud in the State of Montana, and before the trial of three said persons, to-wit: Jas. Childs, Clifton J. Bennett and O. R. Parsons, which said persons were members of the Industrial Workers of the World, and in sympathy with the object and purpose of said organization, were confined in the County Jail of Rosebud County, State of Montana, within the said district, pending investigation as to the charge of burning or destroying certain railroad property in said County and that during confinement of said persons in said County Jail they broke and violated the rules of conduct for prisoners in said jail and defaced and destroyed the property of the said County of Rosebud and property within the said jail and defaced walls thereof by

writing thereon certain propaganda of the Industrial Workers of the World and sentiments antagonistic to the Government of the United States and in revolt against the constitutional authority of the Government of the United States and State of Montana, and that it became and was necessary to discipline each and all of said persons by placing them in isolated cells and removing the furniture and bedding therefrom, except the beds and contents affixed to the walls in said jails and to place each and all of said men on a restricted diet, and that on the said thirteenth day of September, 1917, and while said persons were so confined in said County Jail of Rosebud County and kept on a diet of bread and water, the said Charles L. Crum without making any investigation or inquiry as to the reason or purpose of said confinement in said cell or for the purpose of ascertaining or determining for what reason said persons were so confined in said cell and placed on restricted diet as aforesaid, did as such District Judge, without any authority so to do, or making any inquiry therein, make and issue an order directed to the Sheriff of said Rosebud County to supply said three persons, to-wit: Jas. Childs, Clifton J. Bennett and O. R. Parsons with certain bed clothes for use in said cell and to supply them with food other than bread and water and did make said order, without first notifying the Jailer of said Rosebud County then and there having certain prisoners in charge, and did by said order require the said Sheriff to violate the rules necessary for the conditions of said building and for the protection and preservation of the property of said County of Rosebud.

ARTICLE V.

That the said Charles L. Crum now is, and at all times herein mentioned was, since the first Monday in January, 1913, the duly elected, qualified and acting District Judge of the Fifteenth Judicial District of the State of Montana, and a citizen of the United States, owing allegiance to the said United States; that the said Charles L. Crum, while occupying the official position of Judge of the District Court of the said Judicial District, unmindful of his oath of office, and the high duties of his office and the dignities and proprieties thereof and in utter disregard of his duties as a citizen of the United States, was and is guilty of high crimes and misdemeanors and malfeasance in office, which are set forth in the specifications hereinafter written in substance and effect, that is to say:

Specification First: In this, that on or about the month of December, 1917, one Felkner Haynes, then County Attorney of Rosebud County in said District, having theretofore been authorized and directed by the United States District Attorney for the District of Montana, to investigate complaint against all persons violating the penal laws of the United States, and particularly all persons expressing pro-German sentiments and sympathy and expressing antagonism to the United States Government in preparing for and prosecuting the war against the German Empire, and having investigated certain complaints which had been made against one A. J. Just, and against one Ves Hall, charging said Just and Hall with having violated certain penal statutes of the United States, said United States District Attorney being then about to file complaint against said Just and Hall before the United States Commissioner at Forsyth in Rosebud County, Montana, stated to the said Just and Hall that he, the said Felkner Haynes would not file such complaint against said Just and Hall until he was advised to do so by the United States District Attorney, for the District of Montana if they, the said Just and Hall would promise him the said Haynes, County Attorney aforesaid, that they would stay at Alexander Hotel in said town of Forsyth and would not go to any place where he, the said Haynes could not reach them if he, the said Haynes was directed by the United States District Attorney to file such complaints, and the

said Just and Hall then and there promised and agreed with the said complaints at that time, they, the said Just and Hall, would not leave the Alexander Hotel in Forsyth and would not go to any place where, he, the said Haynes, could not reach them in case the said Haynes was directed by the United States District Attorney to file such complaints; and that the said Charles L. Crum, Judge as aforesaid, in the town of Forsyth in Rosebud County, being further advised of and knowing of the promise and agreement made and given between the said Just and Hall to the said Haynes, did advise, induce and encourage the said Just and Hall to wholly disregard their promise and agreement given to the said Haynes, as County Attorney, and to leave said town of Forsyth and said Rosebud County and to proceed to the City of Butte, in the County of Silver Bow, State of Montana, where the said Wheeler, United States District Attorney then was, and advise the said United States Attorney that the charges against the said Just and Hall were framed up and were without foundation, law and power.

Specification Second. That at the City of Helena, in the County of Lewis & Clark in the State of Montana, in an action pending in the United States Court for the District of Montana, in which the Government was prosecuting and in which case the said Ves Hall hereinbefore mentioned was a defendant, the said Charles L. Crum, then and there being in attendance upon said Court, as a witness in behalf of the defendant in said cause, wilfully and intentionally violated rules of said Court in that he refused to absent himself from the court room in which said cause was being tried, during the trial thereof, otherwise than when he was giving his testimony as witness in said cause, and in violation of rules of said court, and wilfully and probably intending to violate the same as having been directed by the Judge thereof to absent himself with the other witnesses from the said court room for the purpose of witnessing the proceedings and the trial of said case, and by reason of his judicial position and his presence, at the trial of said cause giving assistance and moral support to the defendant then on trial.

Specification Third. In that the said Charles L. Crum sitting as trial Judge, in the District Court, in the City of Forsyth, County of Rosebud, State of Montana, and during a session of that court, took occasion to make a speech to the jury, empaneled to try cases during the September, 1917 term, which was wholly irrelevant and foreign to any matters brought before his Court upon which he legally could be asked or expected to express an opinion. In such speech, delivered to said jury while said Court was in session ready to carry on any legal work, the said Charles L. Crum made statements and suggestions that were seditious and treasonable, derogatory to the purposes and the reasons why the United States was in the war and statements that were untruthful, disrespectful, and critical to the United States, and her allies, that said speech was delivered with a tone and inflection of the voice that showed clearly the malignity on the part of said Crum against the United States, and its participation in the war. He said substantially, either directly or by inference, that this was a rich man's war to carry out a rich man's purpose, and that it was being intended and carried on to acquire more territory for the British Empire, and the acquisition of certain German possessions, to reclaim Alsace Lorraine for the French Republic, to obtain certain Austria-Hungarian territory for Italy and for Japan to forcibly take and possess German territory and interests in the Orient.

Specification Fourth. In that while the said Charles L. Crum was sitting as District Judge of the State of Montana, in the trial of the case of H. B. Rodney vs. The Northwestern Improvement Co. et al., held at Red Lodge, County of Carbon, State of Montana, in the month of February, 1913, the said Charles L. Crum as presiding Judge, con-

ducting said trial, refused a motion for a non-suit or directed verdict for the defendant against the plaintiff, made by the defendant's attorney, and that said case was tried and submitted to the jury and a verdict rendered by the jury in favor of the plaintiff for a certain sum of money. That after the trial of the said case, the said Crum, in discussing it stated to a certain person or persons that while the defendant in said action was, according to the law and equity of the case entitled to a non-suit or directed verdict, he refused to grant it and did not grant the said motion of the attorneys for the defendants, for the reason that he had been elected District Judge by a small number of votes over other candidates for that position, and that for his election he was politically obligated to the attorney appearing as counsel for the plaintiff in the aforementioned action, and that he could not non-suit this attorney's clients or give a directed verdict against them because said case was the first to be tried before the said Crum as District Judge, in which this attorney, to whom he was politically obligated, had appeared as counsel and because of this attorney's political influence, and his support of Judge Crum in his candidacy for a judgeship, the said Crum, as District Judge decided in favor of this attorney's client and against the motion for a non-suit or reversal of his ruling in denying the motion for a non-suit or directed verdict in said case, granted a new trial on motion of defendant's counsel.

Specification Fifth. In this, that the said Charles L. Crum has been disloyal and unpatriotic in the remarks made by him concerning the army or armies of the United States and complimentary or praiseworthy in his remarks about the army or armies of the German Empire; that upon being informed by Felkner Haynes that the said Haynes had been unable to get into the second officers training camp, because the application of said Haynes had miscarried, the said Crum stated that the said Haynes was to be congratulated upon this failure, because had he become a member of the officers training camp and obtained a commission in the army and become a part of the armed force of the United States, he would have been butchered and killed. That the said Crum told one Klemmey and other persons that England, one of the allies of the United States in the present war would save all its own men and send the Americans, as she had sent the Canadians, to be butchered, slaughtered and made cannon fodder of, in the front line trenches in Flanders and elsewhere. That when the said Felkner Haynes, as County Attorney of Rosebud County, showed leniency toward a young man who was eligible to the draft and who had committed his first infraction of the law, the said Crum criticised him and questioned his authority in not prosecuting the said offender, so that he could be made available for the United States army, rather than have the said first offender sent to prison. That the said Crum upon reading of the reports of allied disaster or misfortune both before and after the declaration of war by the United States would gloat over said disasters and misfortunes and expressed to the community his pleasure therein, and would derive great satisfaction in reading the reports of any German success; that the said Crum looked upon the barbarous conceptions and inventions of the Germans used in carrying on their prosecution of the war, such as destructive gasses and liquid fire, as worthy achievements and approved the violation by the Germans of the rules adopted for civilized warfare between nations of the world, and approved all the inhuman methods, processes, and practice utilized by the Germans in carrying on the war.

ARTICLE VI.

That regardless of his duty as a citizen of the United States and unmindful of the duties of said office and in violation of the sacred obligation of his official oath, and disregarding the dignity or propriety of his office as Judge of the Fifteenth Judicial District of the State of

Montana, and of the harmony and courtesies which ought to exist and be maintained by the Judge of said District Court and the citizens of the community in which said court is held, and so conduct himself as Judge of said court as to bring said court into disgrace, ridicule, contempt and reproach and to impair and destroy the regard and respect of all good and loyal people in the United States and of the State of Montana for the Judiciary of the said Fifteenth Judicial District, and to excite the odium and resentment of the good and loyal people of the State of Montana against the Judiciary of said District and did in divers ways and in divers times and places and manners demean and conduct himself as the Judge of said court in a manner unbecoming of the dignity of his office, and did counsel as the Judge of said Court a disobedience to the Constitution and laws of the United States and the rules and regulations promulgated by the United States for the purpose of carrying on and prosecuting the war into which the United States had entered against the German empire, counseling and advising and abetting a commission of acts, deeds and offenses which were treasonable and disloyal in their nature, and were of such kind and character as to give aid and give comfort to the enemies of the United States in time of war, and the said House of Representatives of the Fifteenth Legislative Assembly of the State of Montana by protestation, saving unto themselves the liberty of exhibiting at any time hereafter any further articles or other accusations or impeachments through itself or through its board of managers against the said Charles L. Crum, Judge of the District Court of the Fifteenth Judicial District, of the State of Montana, and also of replying to his answers which he shall make unto the articles herein referred to against him and of offering proof of the same and each part thereof and to all and each article, accusation and impeachment which shall be exhibited by them as in the case shall require, to demand that said Charles L. Crum, may be put to answer the high crimes and misdemeanors, and malfeasance in office, herein charged against him and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.

JAMES F. O'CONNOR,
 DWIGHT, N. MASON,
 RONALD HIGGINS,
 O. W. BELDEN,
 B. C. WHITE,
 Board of Managers.

Attest:

JAMES F. O'CONNOR,
 Speaker of the House.

C. H. TREACY,
 Clerk of the House.

BY THE PRESIDENT: The Secretary will read a communication from the Governor.

Whereupon the communication was presented, and reads as follows:

STATE OF MONTANA		
S. V. STEWART, Governor.	EXECUTIVE OFFICE HELENA	WILL AIKEN, Secretary. PAUL RAFTERY, Clerk.

March 20, 1918.

President of the Senate, Senate Chamber, Helena, Montana.

Dear Sir: During the time you were in recess, and since the articles of impeachment were presented to the Senate by the House Managers, the Hon. Charles L. Crum has tendered his resignation and caused the same to be filled in this office.

On Sunday, the tenth day of March, Colonel O. F. Goddard, counsel for Judge Crum, presented the resignation. I caused the same to be

filed as of Monday the eleventh. Later on I called the House Managers and the Senate Committee having charge of the matter together and presented the situation to them for their information. Thereafter, I directed a communication to Judge Crum accepting the resignation. Thereafter I directed a communication to Colonel Goddard, sending acceptance of the resignation to him.

I am transmitting herewith copy of the resignation, copy of the letter to Judge Crum, and copy of the letter to Colonel Goddard, all of which copies are submitted for your information.

Very truly yours,

(Signed) S. V. STEWART,
Governor.

Whereupon resignation of Judge Crum was read, and is as follows:
CHARLES L. CRUM, Judge Fifteenth District, Forsyth, Montana.

Forsyth, Montana, March 9th, 1918.

Gov. Sam V. Stewart, Helena, Montana.

My Dear Sir: I hereby resign my position as Judge of the Fifteenth Judicial District of the State of Montana.

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.

A few weeks ago my sixteen year old son was operated on at Miles City for cancer and the mental and nervous strain while sitting at his bedside for several weeks coupled with the shock and humiliation of the impeachment proceedings recently brought against me was simply more than my nervous system could stand, and I suffered a complete breakdown from which I am now confined to my bed, and I feel at this time, and my physician has so advised me, it would be extremely dangerous for me to subject myself to the rigors of an impeachment trial. I realize if there were no charge against me, it would be several months before I would be able to resume my official duties. 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 some 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. It would do this at a time when the State needs every available dollar and when the people should, instead of fighting among themselves, present a solid front to the common enemy and when every American citizen should be not only prepared, but willing to make any sacrifice within his power to the interests of the common good.

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.

In this connection I wish to say that the charges which have been made against me have been heralded broadcast over the State by practically all the newspapers and I trust that in common justice and fairness you will see to it that this statement from me receives the same publicity that was given to the charges against me.

Very respectfully,

(Signed) CHARLES L. CRUM.

WHEREUPON Governor Stewart's Acceptance to Hon. O. F. Goddard, Billings, Montana, was presented, and read as follows:

March 18, 1918.

Hon. O. F. Goddard, Billings, Montana.

My dear Colonel Goddard: I am sending you herewith a formal acceptance of the Crum resignation. The acceptance, in my opinion, is of no legal effect. Yet, in view of the fact that you have tendered the resignation with the understanding that I would accept it I have made the formal acceptance and am sending it to you for delivery to Judge Crum, as you were the medium through whom Judge Crum transmitted his resignation.

Very truly yours,

(Signed)

S. V. STEWART,
Governor.

Whereupon Governor Stewart's Acceptance, to Judge Crum, was presented, and reads as follows:

March 18, 1918.

Hon. Charles L. Crum, Forsyth, Montana.

My dear Sir: Your communication tendering your resignation as Judge of the Fifteenth Judicial District of the State of Montana in and for the Counties of Rosebud and Musselshell, which communication was dated March 9, 1918 has been received at this office and the same is hereby accepted.

Very truly yours,

(Signed)

S. V. STEWART,
Governor.

BY MR. O'CONNOR: Presiding Judge and Members of the Court: I received, as Chairman of the Board of Managers, a communication addressed to me as such, this morning, signed by C. H. Loud, O. F. Goddard, and Sharpless Walker, as Attorneys for the Defendant, Charles L. Crum, and with the permission of the Court, I would like to read the same:

BY THE PRESIDENT: You may proceed.

BY MR. O'CONNOR: Having been requested to do so by the counsel for the defendant.

Whereupon the communication was presented, and reads as follows:

Open letter to the Senate of the State of Montana, sitting as a Court of Impeachment of the Honorable Charles L. Crum, Judge of the Fifteenth Judicial District of the State of Montana.

To Honorable W. W. McDowell, Lieutenant Governor and President of the Senate, and to the Members of the Senate of the State of Montana, sitting as a Court of Impeachment of the Honorable Charles L. Crum, Judge of the Fifteenth Judicial District of the State of Montana:

Gentlemen: As counsel for the Honorable Charles L. Crum in the above proceedings, we desire to ask the indulgence of your Honorable Body to make a statement on behalf of Judge Crum and ourselves as his counsel concerning said proceedings:

At the request of Judge Crum we met him in Forsyth on Saturday, the ninth inst., for the purpose of a conference with a view of outlining his defence of the impeachment charges. Judge Crum at that time was in bed, suffering from a nervous break-down, occasioned by the critical condition of his son, and also by his anxiety on account of the impeachment proceedings pending against him.

We went over with Judge Crum the charges of impeachment and considered his explanations in relation thereto and then we interviewed a large number of the prominent citizens of Forsyth, including Senator Edwards, and from these persons we learned that it was the

unanimous opinion that under all the circumstances and conditions, Judge Crum should resign. We were assured by the citizens interviewed that if Judge Crum resigned and his resignation was accepted by the Governor, that this would be satisfactory ending of the impeachment proceedings and thus save the expenses incident to a trial.

Not willing to advise Judge Crum to present his resignation to the Governor without the assurance of the Governor that he would accept it, Senator Edwards called the Governor up over the telephone and presented to him the question of Judge Crum's resignation, and we were told by the Senator that the Governor had assured him that he would immediately accept the resignation and would join Senator Edwards in exerting their influence with the Senate when it met on the twentieth inst. to dismiss the impeachment proceedings and adjourn sine die. We then returned to Judge Crum's house, and while discussing the matter with the Judge, Senator Edwards came in and informed us that he had the assurance of the Governor that he would accept the resignation and would join him in an endeavor to have the Senate quash the impeachment proceedings and upon such assurance we advised Judge Crum to write out his resignation, and he did so immediately, and it was arranged that Mr. Goddard should personally take the resignation to the Governor that night, and pursuant to such arrangement, Mr. Goddard left Forsyth for Helena that night, arriving there Sunday morning.

Mr. Goddard met the Governor at his office in the forenoon of Sunday, the tenth inst., presented Judge Crum's resignation, and the Governor thereupon stated that he would accept it at once and give it to the press. Mr. Goddard suggested that it would be well to postpone the acceptance of the resignation until the following morning, and the Governor adopted the suggestion, and later in the day assured Mr. Goddard that he would accept the resignation on the following morning, and give it out to the press. Instead, however of accepting the resignation on Monday morning, the eleventh inst., he published the fact that the resignation had been received by him and had not been by him accepted, but that he had called the Committee of the House having charge of the impeachment proceedings before the Senate, and the Lieutenant Governor, and the members of the Senate Committee, to meet in conference on the following Thursday at Helena. These committees met in conference at Helena on Thursday, the fourteenth inst., and after such conference, a decision was arrived at to the effect that the Governor might accept the resignation of Judge Crum and that the proceedings of impeachment would proceed upon the twentieth inst. as originally ordered by the Senate.

We desire to say further that at the interview with Judge Crum on Saturday, the ninth inst., Judge Crum announced to us his intention of leaving the state for rest and medical treatment, assuming that his resignation would be accepted by the Governor as already promised, and that such procedure would be adopted in the Senate which would not necessitate his appearance there either in person or by counsel.

This is the last time we have seen Judge Crum and we have had no communication with him directly or indirectly since, but we have been advised that he left Forsyth for the East on Sunday evening the tenth inst., and after diligently attempting to locate him we have no idea as to his present whereabouts, and we assume that he will not return to be present at the impeachment proceedings, and so far as we know, he has no knowledge that the proceedings are to go forward.

On this morning Mr. Goddard received the following letter from Governor Stewart, transmitting the letter of formal acceptance of Judge Crum's resignation:

"EXECUTIVE OFFICE,

Helena, March 18, 1918.

Honorable O. F. Goddard, Billings, Montana.

My dear Colonel Goddard: I am sending you herewith the formal acceptance of the Crum resignation. The acceptance is in my opinion of no legal effect. In view of the fact that you tendered the resignation with the understanding that I would accept it, I have made the formal acceptance and am sending it to you for delivery to Judge Crum, as you were the medium through whom Judge Crum has transmitted his resignation.

Very truly yours,

S. V. STEWART, Governor."

As a legal proposition based upon our Constitution and Statutes and upon decisions and precedents in such cases, we are of the opinion that a vacancy in the office of Judge of the Fifteenth Judicial District occurred as soon as the resignation of Judge Crum was placed in the hands of the Governor, and there being a vacancy in the office, the Senate sitting as a Court of Impeachment would have no jurisdiction to proceed with the impeachment proceedings. The status upon which the Senate would acquire jurisdiction to try the officer would be the existence of the incumbent in office, and the office being vacant, the Senate would have no more power to proceed than it would have if the Judge had died before the day set for the hearing. However, we do not presume to advise the Senate of its duty in the premises, but we do believe that the costs incident to the impeachment proceedings should have been avoided inasmuch as such proceedings would be a nullity and could serve no useful or public service to the State.

We further urge that under the peculiar conditions as herein outlined, if the Senate insists on going on with the impeachment proceedings, that in common justice to Judge Crum, he should have notice thereof, and be given the opportunity of appearing and making such defense as he may have to present to the charges against him.

With assurances of our esteem and respect,

Yours very truly,

C. H. LOUD,

O. F. GODDARD,

SHARPLESS WALKER."

BY MR. O'CONNOR: In connection with this letter, Mr. Presiding Judge, I wish to say that I read this letter to the Court only because I have been requested to by the gentlemen who have signed the letter, and in connection with the statements therein contained, particularly with reference to their appearing as counsel for the defendant, Charles L. Crum, I was present this morning, when his Honor, the Presiding Judge, called up Colonel Goddard at Billings to inquire of him whether or not he was going to appear any further in these proceedings, and I was advised through the conversation that these gentlemen who had signed this letter, are to make no further appearance in connection with the case, and, as a matter of fact, not to do anything further for the defense of the defendant, or in explanation of his whereabouts, or of his leaving the State of Montana, if he has left.

BY THE PRESIDENT OF THE SENATE: The Secretary will receive the paper.

BY SENATOR EDWARDS: Mr. President, I rise to a question of personal privilege. Feeling that this party may possibly believe that the tendering of the resignation was prompted entirely by the assertion of the Governor and myself, directly or indirectly I wish to give the facts. In substance the communication is correct. I, however, did not meet Mr. Sharpless Walker. Former Judge Loud and Colonel Goddard did come to my office after interviewing the different citizens of

the City of Forsyth, and after a few moments discussion, Colonel Goddard made the statement: "We must have his resignation, if this testimony is given before the Senate, this man will go to Leavenworth." He said however, "Do you know," addressing me, "whether or not the Governor will accept the resignation?" I had told him, informed him, I had no manner or means of knowing. I was then requested by Colonel Goddard and Judge Loud to call the Governor of the State up on the telephone and ask him if he would accept this resignation if tendered. I did so. The Governor stated that he would accept. I then, according to the arrangements, proceeded to Judge Crum's house, where I again saw Colonel Goddard and Judge Loud, and delivered the message of the Governor. The Governor did not intimate to me over the telephone or has he in private conversation, that he would use his influence directly or indirectly, to prevent further procedure by this body. In fact, I was probably the last one who saw Judge Crum before embarking for parts unknown. At that time, probably the last words he said to me, "Will the Senate proceed?" I said, "Judge, in my humble opinion, the majority of the Senate will decide to proceed."

It is well known that Judge Crum was my personal friend. I was most anxious that he should resign and the proceedings should cease. However a very important community, or the citizens of an important community, saw fit to address a resolution to the Governor of the State. This resolution was published broadcast by the daily press, in which they assert their belief in his innocence, belief in his integrity and in his patriotism. On those grounds, if they are right, if they are justified in their conclusions, unquestionably this body should hear and act accordingly. On the other hand, to my positive knowledge, having been personally acquainted with the different witnesses that appeared before the House, I know that in a majority of cases nothing whatsoever excepting the question of patriotism would have ever prompted these people to have appeared, either by affidavit or in person. They were, as myself, personal friends of this unfortunate individual.

BY SENATOR ANNIN: I move that the letter be received and placed on file.

BY THE PRESIDENT: The letter will be received and placed on file.

BY SENATOR MORRIS: May I ask a question? This conference you had with Judge Loud and Mr. Goddard was that before the Articles of Impeachment were filed before the Senate?

SENATOR EDWARDS: That was on Thursday, or on the last Saturday, one week ago—March 9th, to be exact.

BY MR. O'CONNOR: Presiding Judge and Members of the Court: As an officer of this Court, and as Chairman of the Board of Managers, I move that the Senate proceed to trial on the Articles of Impeachment against Charles L. Crum, Judge of the Fifteenth Judicial District, filed herein, notwithstanding his resignation from office.

BY THE PRESIDENT: Gentlemen you have heard the motion. Before we vote on it does any Senator desire to discuss the matter?

BY SENATOR SLAYTON: I call attention to the fact that it has not been seconded yet.

BY MR. HIGGINS: I second that.

BY THE PRESIDENT: Is there any discussion? Whereupon, the motion being put, was carried.

BY MR. O'CONNOR: I suggest, or Mr. Belden suggests, that the records should show that the defendant has been personally served. Call your witnesses.

BY MR. HIGGINS: I should like these witnesses to be called before the Bar of the Senate and be sworn.

Whereupon the following witnesses were called and sworn:

George Farr, W. C. McClintock, H. G. Young, B. H. Edminister, Donald Campbell, F. V. B. Collins, Elizabeth Snook, Dan Muri, E. C. Bussard, G. Flege, R. A. Martin, Irvin A. Hall, Harold McKenzie, R. L. Forney, H. G. Klemme, W. H. Lyndes, Judge Spencer W. M. Johnson, G. J. Jeffries, Carl H. Thompson, W. Judson Oldfield, Hazel H. Tillman, Maud L. Dozois, Jennie P. Bogue, Carrie Hopkins, W. G. Jerrett, and the following oath administered to them:

"You, and each of you, do solemnly swear that the evidence you shall give in the Impeachment Proceedings now pending and at issue between the State of Montana, and Charles L. Crum, shall be the truth, the whole truth, and nothing but the truth, so help you God."

Charles T. Stewart, a witness on behalf of the State, being first duly sworn, testified as follows:

EXAMINATION BY MR. BELDEN:

Q. Will you state your name please?

A. C. T. Stewart.

Q. And what did any—

BY SENATOR WHITESIDE: It seems to me, in view of the fact of the statements made here by the gentlemen representing Judge Crum, that he is probably without knowledge of these proceedings, that the Chair should appoint somebody to represent him.

BY THE PRESIDENT: Does the Senator make that as motion?

BY SENATOR WHITESIDE: Yes, I move that three members of the Senate get someone to represent Judge Crum in the examination of the witnesses.

BY THE PRESIDENT: Is there a second to that motion?

Whereupon the motion was duly seconded.

BY THE PRESIDENT: It has been regularly moved and seconded that a committee of three be appointed to select counsel for Judge Crum.

BY SENATOR MUFFLY: Mr. President, Judge Crum was notified to be here, or to be represented here. I do not believe we ought to take up his side of the issue at all.

BY SENATOR PARKER: Mr. President, we have been informed by the statement just made by the Chairman of the Board of Managers that the counsel who assume to write a letter to the Senate, an open letter, desires no further proceedings. Judge Crum has had his day in Court. He has been personally served. He has seen fit to select his counsel. He has seen fit to leave the jurisdiction of this Court. He can no longer, now, in justice, be heard to complain of these proceedings. It only tends to lengthen the proceedings to a day indeterminate; they would have the right to scour the state for other witnesses to bring here. When Judge Crum does not take an interest in his own welfare to be here in person or by counsel, who has stated to the President of this body that they do not desire any longer to be heard, it seems to me that it is trifling with this august body now sitting as the highest court in this state, to, at this time, appoint anyone to go out and defend Judge Crum, either in this body or beyond it. I therefore strenuously oppose the motion.

BY SENATOR WHITESIDE: Mr. President, I submit that if there are other persons who have knowledge of these matters, that they ought to be here. I would not know anything about the circumstances. I have no brief to defend Judge Crum, but as a matter of simple justice, I think there ought to be some one 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, whether he is convicted of this or not, again. There are other things to be done in Montana besides trying dead issues, in my judgment. There is wheat to be sown, wells to be drilled, and orchards to be tilled, and I think we should be better employed, but if this proceeding is to go on, I think that the other side should be represented. And I ask the motion.

BY MR. HIGGINS: Presiding Judge of this Senatorial Court, I don't know whether I have the privilege to remark upon the question or not, but as one of the prosecuting managers I would like to make a few statements. I was selected by the Board of Managers to investigate the case and find the witnesses, and get the testimony. I have covered the eastern end of the State and visited all those places where I thought it would be possible to find evidence. I have heard both sides of the question, and in only one community was I able to find any sentiment favorable at all to Judge Crum. From that community the Governor has received a set of resolutions. I saw some of the persons who signed those resolutions, and in order that these proceedings could not be called unfair in any manner, I have subpoenaed those persons who signed that resolution, and one person in Roundup who has been particularly active according to rumor and has been the instigator of this sentiment favorable to the Judge, making eight witnesses in all, who if they respond to a subpoena by telegraph, which I interpret as being as binding, and just as legal as personal service, they will be here probably this evening, and can be heard tomorrow if they so see fit. The Statutes provide for service personally or by publication. The Judge has been personally served. If served by publication, the Statutes provide that he shall have counsel provided for him by the President of the Senate. That situation does not obtain, because he has had personal service. He has had ample opportunity to select his own counsel, which he has done in the persons of the three gentlemen who addressed a communication read by Chairman O'Connor, the Chairman of the Board of Managers. A selection of persons to defend will simply delay this matter, and will terminate—I do not believe that it will terminate differently than though the matter was left undone. Further than the representation by counsel as made for him, I question the authority to select counsel for a man who evidently does not want counsel. He may figure that he will take some appeal from the action of this body. He may figure that you have no judicial right to try this case, and he may take this cause before the Supreme Court, but, if he is here represented by counsel, he may figure that it might jeopardize the issue if presented to a final tribunal; for that reason, acting as one of the Managers, I believe it advisable not to select counsel for the defendant.

BY SENATOR MERSHON: Mr. President, I cannot see any reason why we should give Judge Crum any further time to prepare his case. As has been stated here, he had ample notice. Summons was served on him duly by the Sergeant-at-Arms. He has followed his own dictation to absent himself from this Court. We don't wish to do injustice to Judge Crum. We do wish to do justice by the State of Montana. Now, as a citizen of Montana, and as a member of this body I certainly protest against any further delay in hearing this cause.

(Cries of Question.)

BY SENATOR WHITESIDE: The motion was that the President appoint a committee of three to select counsel for Judge Crum.

BY THE PRESIDENT: All in favor of the motion, signify by saying Aye. The motion is defeated. The noes have it.

BY MR. BELDEN: Mr. Reporter, will you please read the last question?

(The last question and answer was then read by the reporter, as follows:)

“Q. Will you state your name please?”

A. C. T. Stewart.”

MR. BELDEN CONTINUING:

Q. What, if any, official position do you hold under the government of the State of Montana?

A. Secretary of State.

Q. As such Secretary of State, are you the custodian of the official records of the State of Montana?

A. I am.

Q. Do the records of your office disclose whether or not there was held throughout the State of Montana, in the year of 1916, a general election?

A. It does.

Q. Do you have in your present custody any of the records disclosing whether or not an election was held for the Judge of the Fifteenth Judicial District?

A. I have.

Q. Will you produce the records? Just keep it for yourself.

A. Oh, it is here.

Q. Will you state, if you please if the record discloses the election of a District Judge for the Fifteenth Judicial District of the State of Montana in the year of 1916?

A. The official vote for Musselshell County for Charles L. Crum was 2,730; in Rosebud County, 2,020.

Q. Were there any other candidates for District Judge for the Fifteenth Judicial District for the year of 1916, as disclosed by the records of your office?

A. In Musselshell County E. J. Crull received one vote; in Rosebud County H. V. Beeman received five votes; J. H. Patterson four votes, Whit Carlin one vote, Bernworth, (first name not given) just one vote.

Q. Was there any other candidate voted for at the general election of 1916, for the office of District Judge of the Fifteenth District, other than those names you have mentioned in the Counties of Rosebud and Musselshell?

A. None.

Q. As the Secretary of the State of Montana do you have in your possession and custody the oath of office of the District Judges throughout the State?

A. I have.

Q. Do you have in your custody now the oath of office of Charles L. Crum as a Judge of the Fifteenth Judicial District of the State of Montana in and for the Counties of Rosebud and Musselshell?

A. I have.

Q. Will you read it to the Court if you please?

A. Shall I read it, or the Clerk?

Q. Just read it so it will go into the Record here.

A. (Reads) Oath of Office. I do solemnly swear or affirm that I will support, protect and defend the Constitution of the United States and the Constitution of the State of Montana and that I will discharge the duties of my office as District Judge of the Fifteenth Judicial Dis-

trict of the State of Montana, with fidelity, and that I have not paid, or contributed or promised to pay or contribute, either directly or indirectly any money or other valuable thing, to procure my nomination, or election or appointment, except for necessary or proper expenses expressly authorized by law; that I have not knowingly violated any election law of this State, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duties pertaining to my office, other than the compensation allowed by law. So help me God. (Signed) Charles L. Crum. Subscribed and sworn to before me this 26th day of December, 1916, E. A. Hall, Notary Public for the State of Montana, residing at Forsyth, Rosebud County, Montana. My Commission expires April 30, 1919. The Official Seal of E. A. Hall, Notarial Seal, State of Montana.

Q. And does the instrument which you have just read, bear any filing mark as having been filed in the office of the Secretary of State?

A. It was filed in the office of the Secretary of State on the 28th day of December 1916, signed A. M. Alderson, Secretary of State.

Q. Calling your attention, Mr. Secretary, to the two instruments from which you read, giving the figures of the vote cast in the general election in 1916, I will ask you whether or not there are appended to those lists the certificates as to their correctness?

A. Yes, sir, the certificates as the canvassing board of the said County, consisting of R. W. Blakeslee, Chairman of the Board of County Commissioners; J. M. Williams, member of the Board of County Commissioners, and George S. Warren, member of the Board of County Commissioners for Rosebud County.

Q. Are they certified to be correct?

A. They are certified by the County Clerk and Recorder, W. E. Clark, Rosebud County, 15th day of November, 1916.

Q. Will you read the certificate, if you please?

A. (Reads) State of Montana, County of Rosebud. I, W. E. Clark, County Clerk and ex-officio Clerk of the Board of County Canvassers of this County, do hereby certify that the within and foregoing is a true, full and correct abstract of the number of votes cast in each precinct of this County, for the offices enumerated hereon. Attest my hand and seal of said County, hereto affixed this 15th day of November, 1916. W. E. Clark, County Clerk and Clerk of said Board of County Canvassers of Rosebud County, State of Montana. With the official seal of the County Clerk of Rosebud County.

Q. Does the office of the Judge of the District Court appear as one of the offices for which the vote is recorded?

A. Repeat the question?

Q. I say, does the Judge of the District Court of the Fifteenth Judicial District appear as one of the offices for which the vote is recorded?

A. Yes, sir. Judge of the District Court of the Fifteenth Judicial District, name of Candidate, C. L. Crum.

Q. Now, calling your attention to the returns, from Musselshell County, are the records which you hold in your hand as evidence of the returns of the vote from Musselshell County authenticated by the certificate of any officer?

A. This is the certificate of the County Canvassing Board and the County Clerk.

Q. Will you read the certificate of the Clerk, if you please?

A. (Reads) State of Montana, County of Musselshell, ss. I, Fred E. Renshaw, County Clerk and ex-officio Clerk of the Board of County Canvassers of the said County, do hereby certify that the within and foregoing is a true and correct abstract of the number of votes cast in each precinct of said county for the offices enumerated hereon. Attest my hand and the seal of said County hereto affixed, this 14th day of November, 1916, signed, Fred E. Renshaw, County Clerk and Clerk of

said Board of County Canvassers of Musselshel County, State of Montana.

MR. BELDEN: If the Court please, this concludes the examination of the witness on the part of the Board of Managers for the House.

BY THE PRESIDENT: The witness may be excused.

L. J. Goodman, a witness on the part of the State, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. HIGGINS:

- Q. Will you please state your name?
 A. L. J. Goodman.
 Q. And your official position?
 A. Sergeant-at-Arms of the Senate.
 Q. When were you selected to that position?
 A. At the Extraordinary Session of the Senate, I think it was the 14th of February.
 Q. You were sworn in and took the oath of office?
 A. Yes sir.
 Q. I will ask you if you obtained, or made service on the defendant in this action? Judge Charles L. Crum?
 A. Yes sir.
 Q. How did you make that service?
 A. Shall I give the incidents relative to my calling?
 Q. Just relate the things that you actually did.
 A. Arriving at Miles City on the 25th day of February, I called up Mr. Packer, who is in Sharpless Walker's office, and whom I had reason to believe was going to be one of Judge Crum's Counsel, and asked him if he thought it was safe for me to serve a copy of the Articles of Impeachment upon Judge Crum, and he told me that he would call up Judge Crum, which he did, and we made an appointment to go to the hospital at some time before 12 o'clock. We reached the hospital about twenty minutes to twelve. Mr. Packer introduced me to Judge Crum, and I served the Articles of Impeachment upon him at a quarter to twelve, that is, I showed the original that you have in your hand, and presented him with a copy of the Articles of Impeachment.
 Q. I will ask you if you exhibited the original and served a copy. I will ask you if the original and copy did not read as follows:

PRECEPT.

UNITED STATES OF AMERICA. ss.

The Senate of the Legislative Assembly of the State of Montana to Acting Sergeant-at-Arms,

GREETING:

You are hereby commanded to deliver and leave with CHARLES L. Crum, District Judge of the Fifteenth Judicial District of the State of Montana, a true copy of the within writ of summons, together with a like copy of this Precept; and let it be done at least ten days before the appearance day mentioned in said writ of summons.

Fail not and make return of this writ of summons and precept, with your proceedings thereon indorsed, on or before the appearance day mentioned in said writ of summons.

WITNESS, Honorable W. W. McDowell, President of said Senate, at the City of Helena, Montana, this 25th day of February, 1918.

(Signed)

W. W. M'DOWELL,

President of the Senate of the Legislative Assembly of the State of Montana.

STATE OF MONTANA. ss.

The Senate of the Legislative Assembly of the State of Montana to Charles L. Crum, District Judge of the Fifteenth Judicial District of the State of Montana,

GREETING:

WHEREAS, The House of Representatives of the Legislative Assembly of the State of Montana, did, on the 25th day of February, 1918, exhibit to the Senate Articles of Impeachment against you, the said Charles L. Crum, District Judge of the Fifteenth Judicial District of the State of Montana, in the words following:

A. I would say that I did.

Q. (Reads) "And demand that you, the said Charles L. Crum, should be put to answer the accusations as set forth in said articles, and that such proceedings, examinations, trials and judgments, might be thereupon had as are agreeable to law and justice.

You, the said Charles L. Crum, are, therefore, hereby summoned to be and appear before the Senate of the Legislative Assembly of the State of Montana, at their chamber, in the City of Helena, in the State of Montana, at the hour of 12 o'clock M., on the 20th day of March, 1918, then and there to answer to the said Articles of Impeachment, and then and there to abide by, obey, and perform such orders, directions and judgments as the Senate of the Legislative Assembly of the State of Montana shall make in the premises according to the Constitution and Laws of the State of Montana.

Hereof you are not to fail.

WITNESS, Honorable W. W. McDowell, President of the said Senate, at the City of Helena, in the State of Montana, this 25th day of February, 1918.

(Signed)

W. W. M'DOWELL,

President of the Senate of the Legislative Assembly of the State of Montana.

Attest:

J. F. CONE, Secretary of the Senate.

Q. You left a copy of that with—

A. Yes, sir, with Judge Crum.

Q. I will ask you if you did not sign the following, making return upon this original? (Reads.)

RETURN.

The foregoing writ of summons, addressed to Charles L. Crum, Judge of the Fifteenth Judicial District of the State of Montana, and the foregoing precept addressed to me were duly served by me on the said Charles L. Crum, District Judge of the Fifteenth Judicial District of the State of Montana, on the 27th day of February, 1918, by delivering to and leaving with him true copies of the same.

(Signed)

L. J. GOODMAN,
Sergeant-at-Arms of Senate."

A. Yes, sir.

Q. And the return is correct?

A. Yes, sir.

Q. It is filed the 28th day of February, 1918. Certified by J. F. Cone, Secretary of the Senate?

A. Yes, sir.

Q. That will be all. Excused.

Whereupon D. J. MURI, a witness called and sworn, testified as follows:

EXAMINATION BY MR. HIGGINS.

- Q. You will please state your name?
 A. D. J. Muri.
 Q. Your residence?
 A. Forsyth, Montana.
 Q. Your occupation?
 A. Clerk of the District Court.
 Q. How long have you lived in Rosebud County?
 A. About twenty-seven years.
 Q. How long have you served as clerk of the District Court of Rosebud County?
 A. Since January—or the first Monday in January, 1918.
 Q. Do you know Judge Charles L. Crum?
 A. I do.
 Q. How long have you known him?
 A. About eight years I think, eight or nine.
 Q. I will ask you if you had frequent opportunity of seeing and conversing with Judge Crum in your official capacity as Clerk of the Court of Rosebud County?
 A. I did.
 Q. I will ask you if you have seen him frequently, and conversed with him frequently during the past three years?
 A. I have.
 Q. Will you state if you have ever had any discussions with him concerning the European war, either before the United States became a participant, or after?
 A. Well, both before and after, to a certain extent.
 Q. Now, do you recall the first conversation you had with him before the entrance of the United States in the war?
 A. The first conversation?
 Q. Yes, approximately the first conversation you may have had with him?
 A. I don't know that I could recall the first conversation.
 Q. Do you remember any conversation that you had with him before the entrance of America into the war?
 A. I do.

BY PRESIDENT McDOWELL. Just a moment, will you witnesses please speak a little louder. I do not think the Senators back in the hall can hear.

BY MR. HIGGINS: Will you please repeat the question?

(Whereupon the question was then read to the witness as follows: "Do you remember any conversation that you had with him before the entrance of America into the war?")

- A. I do.
 Q. Where was that conversation held?
 A. In the court house at Forsyth.
 Q. What part of the court house?
 A. In the judge's chambers.
 Q. Who were present?
 A. I do not think at this particular conversation that there was any one present but myself.
 Q. Will you please state what was said in that conversation, concerning the war?
 A. As near as I can repeat the actual language used, yes.
 Q. Well, if you can't tell exactly the language used by Judge Crum, as near as you recollect?
 A. Well, one statement that he made as to the entrance of the

United States into the war, this was just prior to the declaration, was that there would be as many Americans, or people from the United States, fighting in the trenches for the Germans as there were for the United States. And another statement he made at that time was that treason would be the most popular thing in the United States. Another statement that he made was that if the United States declared war on Germany, that the United States flag would be a rag.

BY SPEAKER O'CONNOR: Would be what?

A. Would be a rag.

BY MR. HIGGINS:

Q. Was that the substance of that conversation?

A. That was the substance of that conversation.

Q. That conversation took place just prior to the declaration of war by the United States?

A. Some short time prior to the declaration of war.

Q. That would be probably the latter part of March, 1917?

A. I could not recall the date, but it was just prior to the declaration of war by the United States. I couldn't state just how long prior.

Q. Did you ever discuss the draft law with Judge Crum?

A. Not to any certain extent, no.

Q. Did he ever express any views concerning the constitutionality of the draft law?

A. I can't recall that he did—not to me.

Q. Did you and he ever discuss the sinking of the Lusitania?

A. We did.

Q. What were Judge Crum's views concerning the sinking of the Lusitania?

A. He justified the sinking of the Lusitania because it was carrying ammunition to the allies.

Q. These conversations took place, Mr. Muri, while Charles L. Crum was a district judge of the Fifteenth Judicial District, and also within the State of Montana?

A. Yes sir.

Q. How many boys have you, Mr. Muri?

A. I have six, altogether.

Q. How many of those boys are in the service of the United States at the present time—the military service of the United States?

A. Two.

Q. Did they enlist voluntarily or were they drafted?

A. They volunteered, both of them.

Q. I will ask you if you and Judge Crum ever had a conversation regarding either one or both of your sons?

A. One in particular. He did not know that the other one had enlisted, because he enlisted from the University at Missoula.

Q. When did this conversation take place?

A. I don't recall the date.

Q. It was after the United States declared war?

A. It was.

Q. Approximately how long after?

A. I could not state, but I should judge probably a month or six weeks, something like that.

Q. Where did the conversation take place?

A. In his chambers.

Q. Who were present besides yourself and Judge Crum?

A. I don't think that there was any one present.

Q. What did Judge Crum say at that time?

A. He said that if he was in my place—or words to that effect—that he advised me to do everything in my power to keep my boy from going across the water.

Q. Was anything further said?

A. No.

Q. As clerk of the court, Mr. Muri, you draw the names, do you not, of those to compose a jury panel?

A. I do. That is, I do not make up the jury list. The jury commissioners furnish me a list, but I make a slip that goes into the jury box.

Q. Did you and Judge Crum ever have any conversation regarding two gentlemen of Rosebud County by the name of McCrae and McConkey, respecting their right to serve as jurors?

A. No, I don't think so.

Q. Were you present in the court room in Rosebud County during the trial of the State of Montana against Joe Holt?

A. I was.

Q. You were there while the attorneys were drawing the jury?

A. I was there while the attorneys were selecting the jury.

Q. That is probably a better term. You were there when the attorneys waived all peremptory challenges and said to the Court that they were satisfied with the jury?

A. They passed the jury, yes, sir.

Q. Then what took place?

A. Judge Crum asked McConkey if he was a member of the Over Seas Club. I think that was the name of it.

Q. But what did Judge Crum do just prior to asking that question of McConkey?

A. I think we had a short recess prior to that time.

Q. Where did Judge Crum go during the recess?

A. Into his chambers.

Q. Who went in there with him?

A. That I do not know.

Q. He did not have you swear the jury immediately upon its selection by the attorneys for the State and the defense, but called a recess before doing that?

A. That is my recollection, yes.

Q. And this question asked McConkey whether or not he was a member of the Over Seas Club was asked him after the judge convened court after the short recess?

A. Immediately after.

Q. Did Judge Crum ever discuss with you the President of the United States, Woodrow Wilson?

A. To a certain extent, yes.

Q. Before or after the declaration of war by the United States?

A. Principally before.

Q. Do you remember now any of the things that Judge Crum said about President Wilson before we got into the war?

A. Not particularly so, not any particular individual statements that I could repeat at this time.

Q. Did he ever call President Wilson any names?

A. Not in my presence.

Q. Do you know whether or not Judge Crum was in the habit of carrying a gun?

A. Never saw him with a gun.

Q. You were present, were you, Mr. Muri, when Judge Crum, from his bench, addressed the jury panel at the September or October term of court in 1917?

A. I was.

Q. Did Judge Crum tell you before making that address that he was going to talk to the jury?

A. He did not.

Q. Do you recall what he said to the jury at that time?

A. Why, I could not recall his speech, no sir. I could recall certain phrases of it, but it was in a lengthy address, and I could not remember all of it.

Q. Could you relate in substance to the Senate what that address was?

A. Well, as I took it at the beginning, he intended to say to the jury panel that he was pro-American, instead of pro-German, that he could not be anything else; that he was born and raised in this country, and that his forefathers had fought for the country, but he was not in favor of the war for the purpose of having Italy get some part of Austrian territory, or Russia getting Constantinople, or the British getting all of the German colonies, and he was not in favor of the United States sending soldiers over there to help them for that purpose. That was the windup relative to his address to the jury panel.

Q. Your impression of the speech then, would you say, Mr. Muri, was that he was not in favor of America's participation in this war?

A. Absolutely no, he was not in favor of it.

Q. Do you know of an organization in Rosebud County called the One Hundred?

A. I do.

Q. Are you a member of that organization?

A. I am.

Q. What position do you hold in that organization?

A. I am chairman of the executive committee.

Q. Do you recall a meeting held in Rosebud County of this One Hundred organization to investigate Judge Crum?

A. I recall such a meeting, but I was not present at that time, or at that meeting.

Q. Do you know the purpose of this organization called the One Hundred?

A. I do.

Q. Will you state it to the Senate?

A. The purpose of it is to protect and defend, aid in carrying out the principles of the Government, assist the Government in this present war, and the continuance of safety to the community.

Q. You have a ritual, haven't you?

A. We have, that is, we have a declaration of purpose for which the committee is organized and we have an oath which every member takes that joins.

Q. So there is a ceremony that must be gone through with before anybody can become a member of this club?

A. There is.

Q. Did you ever hear Judge Crum say what he would do in case the United States became involved actively in the war?

A. Don't know that I have.

Q. I will ask you if he ever said that he would sell out his property in the United States and get out of the country?

A. Well, he has made that statement several times, not only because the United States went to war, but for several other reasons—he has made the statement several times.

Q. Did he ever give you as his reason for making that statement, his opposition to the United States going into the war?

A. No, not to me.

Q. Not to you?

A. No.

Q. Other than the speech he delivered to the jury, did he ever question the right of the United States to enter the war?

A. I don't know that he questioned it, I know that he did not favor it.

Q. Now, all of these conversations that you had with Judge Crum, and all of these statements made by him that you have testified to, occurred in Rosebud County, in the State of Montana, while Charles L. Crum was judge of the District Court of the Fifteenth Judicial District of the State of Montana?

A. Yes sir.

BY MR. HIGGINS: You may be excused, Mr. Muri, unless any of the Senators desire to ask any questions.

BY PRESIDENT McDOWELL: The witness will be excused.

Witness excused.

Whereupon MISS ELIZABETH SNOOK, a witness called and sworn, testified as follows:

EXAMINATION BY MR. HIGGINS.

Q. Will you please state your name?

A. Elizabeth Snook.

Q. Your residence?

A. Forsyth, Montana.

Q. Your occupation?

A. Deputy Clerk of the Court.

Q. You were born, and have always lived in Forsyth, Miss Snook?

A. I was.

Q. You have been Mr. Muri's assistant during his incumbency in office?

A. No, not entirely, for about eight years.

Q. You knew Judge Crum?

A. I did.

Q. For how long?

A. Well, ever since he has been in Rosebud County, I think about eight years.

Q. Were your relations always friendly?

A. They were.

Q. As Deputy Clerk of the Court, Miss Snook, you unquestionably had a good opportunity to converse frequently with Judge Crum?

A. I had, yes, sir.

Q. You did converse frequently with him?

A. Yes, sir, occasionally.

Q. Did you ever have any discussions with him, or conversations with him concerning the war, both before and after the United States entered the war?

A. Yes, sir, I have.

Q. Will you state as accurately as you can the first conversation you had with Judge Crum concerning the war, before the United States became a participant?

A. Well, as near as I can remember, about the time that the Germans violated Belgium, I think. He justified their going through Belgium and destroying everything as they did. I think that was perhaps the first conversation that I had with him, as near as I can remember.

Q. Could you state more in detail what he said?

A. Well, I can't remember the conversation in detail. I think that I made the remark that it was too bad to destroy the works of art and things of that sort, and he said that those things were to be expected, that it was foolish to think that the Germans would invade Belgium and not destroy everything that they came in contact with.

Q. You had other conversations with him before the war, before our entry into the war?

A. Yes, I think so.

Q. Did you ever discuss the Lusitania with him?

A. Yes, sir, I have.

Q. What was the nature of that conversation and the views expressed by Judge Crum regarding the sinking?

A. He justified the sinking of the Lusitania for the reason that it carried munitions, or he said that it carried munitions. He said the American people had no right to go on board that vessel unless they expected to take the consequences.

Q. Was anything said regarding their right of warning of a ship before being sunk?

A. I can't remember.

Q. Did he say that the United States had no right to object because its citizens had been killed, because they were warned before the departure of the boat, that the boat would be sunk?

A. Yes, sir, he did.

Q. When was the next conversation if you recall, Miss Snook?

A. Well, it is hard for me to remember them in sequence.

Q. Well, I will ask you, the first conversation between you, after the United States declared war?

A. I don't know as I can remember the first conversation after the war.

Q. I will ask you of a conversation just prior to the entry of the United States in the war, wherein Judge Crum related what he would do in case the United States did declare war and become a participant in the war?

A. Well, he said that he would sell out what he had and take his family to the Fiji Islands, where they were civilized.

Q. Did you ever have any conversation with him concerning the draft law?

A. I did.

Q. Can you relate whether those conversations were before or after the United States declared war?

A. After.

Q. Could you state in substance what any of these conversations were?

A. Well, he stated that the draft law was unconstitutional, and that the United States could not enforce conscription.

Q. I will ask you if, in this conversation he exhibited any particular feeling in the matter?

A. Yes, sir, he was rather emotional in his conversation.

Q. He became considerably worked up about the matter?

A. Yes sir, he did.

Q. Did you ever have any additional conversations regarding the draft law?

A. No except the conversation we had in regard to his boy.

Q. I will ask you if he ever stated what would occur upon the passage of the draft law and the operation of the draft law when the boys were forced into the army?

A. Not that I can remember.

Q. Judge Crum has a family?

A. He has.

Q. Has some boys.

A. Yes, sir.

Q. How many?

A. I don't know, three or four, I don't know just how many.

Q. How old is the oldest boy?

A. Well, I should say that Liebert is perhaps eighteen or nineteen, but I may be wrong, he may be more or less. He is about that age.

Q. Where was he going to school when the United States declared war.

A. At Bozeman, I believe.

Q. Will you relate to the Senate the conversation you had with Judge Crum concerning his son?

A. Along in the summer time, when most of the boys who were away at the universities and other schools had come home, and Liebert did not come, I asked him where Liebert was, and he said that he had gone south. He did not say where, any more than that, he said that he had to take Liebert out of school, that he could not keep him in school at Bozeman because they were so agitating enlistment, that the boys there really did not know their own names. Did not know what they

wanted to do, and that they really enlisted when they didn't want to, and he said that it would be murder to place the boys in the trenches on foreign soil, and that he would rather see Liebert dead than to see him in the trenches.

Q. What prompted you to ask him where his son was?

A. Well, I had heard that he had sent his son away, and it was just curiosity, to know what he would say, that prompted me to ask him, because I had heard before where he had gone.

Q. The postoffice burned in Forsyth last year, didn't it?

A. Yes sir, I think in July.

Q. And after the burning of the post office, were you not in the habit of getting your mail for your office and Judge Crum?

A. Well, I was. A great many post office boxes were burned, and ours happened to be one that was not, and they put all of the mail for our floor in the court house in our box, and I would get it all and deliver it to the different offices.

Q. And you frequently got Judge Crum's mail?

A. Yes, I did.

Q. You could see by the post mark on the letters where they were mailed from?

A. Well, yes, if I had occasion to look, I could.

Q. I will ask you if any letters were received by Judge Crum coming from one of the South American nations?

A. Well, yes, sir, not from South America, but Central America, Costa Rica.

Q. I will ask you if this was after his son disappeared?

A. Yes, sir, it was.

Q. Did you ever have any discussion with Judge Crum regarding the Over-Seas Club?

A. I did.

Q. Were those conversations before or after the United States was in the war?

A. After.

Q. Could you relate the substance of those conversations?

A. Well, in his chambers one day he showed me some literature pertaining to the Over-Seas club, including the oath that they take. There really wasn't much conversation connected with it. He merely showed me this literature, and I read this oath, and he said, "Now, what do you think of that?"

Q. What did the Over-Seas club purport to be, according to this oath or pamphlet that he showed you?

A. Well, it was a club organized by British subjects, and men of British nationality, for the protection of Great Britain, I should say, as well as I can express it.

Q. What did he say regarding any person who was a member of that organization?

A. He said any person who was a member of that organization had no right to enjoy the liberties as given under the Constitution of the United States.

Q. Was Judge Crum ever in the habit of giving you literature?

A. He was.

Q. State what that literature was?

A. Well, I don't know as I could state what it was, because I didn't read it.

Q. Do you remember the title of any magazine or pamphlet that he gave you?

A. No, I do not. I could not state positively.

Q. Did he ever express any reason why he was giving you this literature?

A. Well, he called me into his chambers once or twice and gave me this little pamphlet, and told me that he wanted me to read it, because it was a classic. But I didn't read it.

Q. I will ask you if the name of that pamphlet or magazine was not, "The Fatherland"?

A. Well, it is my opinion it was, but I could not say positively.

Q. But you never read it?

A. I did not read any more than perhaps the headline of the articles that he gave me.

Q. Did you have any conversations with him regarding President Wilson?

A. I have, yes.

Q. What views did he express about the President?

A. He said that the President was dominated by Great Britain and Wall Street, and that he was their tool.

Q. This was after America declared war?

A. I can't say as to that.

Q. I will ask you if he did not express such ideas both before and after America declared war?

A. I think so, yes.

Q. Now, drawing your attention to the conversation that you had with Judge Crum several months after America declared war, regarding the condition of our allies, and the reasons why America was in the war, I will ask you to tell the Senate substantially what that conversation was.

A. He came in one morning, I think it was, and I believe that he had a morning paper, and he said that the war was practically over, that England was whipped, and France had been whipped for some time, and that Italy was where she could not do anything, and that the only nation that wanted to fight was the United States, and that they were not fighting for principle, they were just fighting for a scrap, is the way he put it.

Q. Did he ever show you any newspapers, American newspapers, with articles concerning any of the battles of the war?

A. Yes, sir, he did, he showed me once or twice little newspaper articles when there was a German victory, and he seemed very much pleased over it.

Q. Did he ever show you any newspapers concerning an allied victory?

A. He never did.

Q. Did you have a conversation with Judge Crum in the fall of 1917, about the time of the Rosebud County fair, wherein he expressed some of his views upon the Constitution?

A. Yes, I did.

Q. Will you tell the Senate what that conversation was?

A. He said that the Constitution meant nothing now, in so far as it was supposed to give a man free speech, because people were not allowed to express their thoughts, their views of matters, but that the time would come when we could express ourselves as we chose, and just what he meant by that of course, I did not ask him.

Q. Was any one present when that conversation took place?

A. No, there was no one in our office and there was no one there but him and me.

Q. Were these conversations of your own seeking?

A. No, not at all.

Q. Who would do the most of the talking during these conversations?

A. Well, he did practically all of it, I very seldom said anything to him.

Q. I will ask you, Miss Snook, if you are not of German descent?

A. I am.

Q. You understand the German language?

A. Well, no. Sometimes I can understand conversations, but I can't speak it at all.

Q. I will ask you if you understand the German language well

enough to know whether or not a conversation between persons was German, if they were speaking German?

A. Oh, yes, I can understand what it is about.

Q. I will ask you Miss Snook, if persons of German origin and German speech did not frequently come to visit Judge Crum in his chambers?

A. Yes, I have seen them there several times.

Q. Do you remember particularly the names of any of these persons?

A. No, I don't remember more than one or two of their names. There were a number of them that I knew by sight, and knew they were Germans, but didn't know their names, but I remember one John Cotter, and another George Muss, those two are the only ones whose names I can remember, or whose names I knew.

Q. Did you ever see a man by the name of Just, who went to see Judge Crum in his chambers?

A. I have.

Q. Frequently?

A. Well, perhaps two or three times, both before and after the Just trial.

Q. By the Just trial you mean wherein this man Just was charged with a violation of the Espionage Act?

A. I do.

Q. And do you mean then after the Just trial, after the time Just was tried here in Helena on a charge of violating the Espionage Act?

A. Yes, sir.

Q. I will ask you if a man by the name Hall ever came around there?

A. I didn't know Mr. Hall.

Q. In addition to being clerk of the court, what other position does Mr. Muri hold?

A. United States Commissioner.

Q. And one of the duties of the United States Commissioner is to handle land filings, isn't it?

A. Yes, sir, it is.

Q. Did persons of German speech ever come up to see Judge Crum about any land business, or see Mr. Muri, I should say, as United States Commissioner, about land filings?

A. They have, yes.

Q. I will ask you if some of these German persons after getting through their business with Mr. Muri, didn't continue on and go into Judge Crum's chambers?

A. Well, I cannot say that they have gone from Mr. Muri's office, but I have seen them come down stairs and go in there. I don't know as I have ever seen any go directly from our office into the chambers, but I have seen these same people whom we did business with go into the Judge's chambers.

Q. Now, all of these conversations that you have spoken of, Miss Snook, occurred in Forsyth, Rosebud County, State of Montana.

A. They did.

Q. And during the times of these conversations Charles L. Crum was judge of the Fifteenth Judicial District of the State of Montana?

A. He was.

BY MR. HIGGINS: You may be excused, Miss Snook.

Witness excused.

Whereupon G. Flege, a witness called and sworn testified as follows:

EXAMINATION BY MR. HIGGINS:

Q. Will you please state your name?

A. G. Flege.

Q. Residence?

A. Forsyth.

Q. Your occupation?

A. I am bookkeeper for the Bank of Commerce.

Q. How long have you lived in Forsyth?

A. About nine years.

Q. You are acquainted with Judge C. L. Crum?

A. Yes, sir.

Q. How long have you known him?

A. Oh, about eight years I guess.

Q. Did you know him intimately?

A. Yes, sir.

Q. You knew him very well?

A. Yes, sir.

Q. You are a naturalized citizen of the United States?

A. Yes, sir.

Q. From what country did you come to the United States?

A. Norway.

Q. Norway?

A. Yes, sir.

Q. What year did you come to the United States?

A. 1907.

Q. What year did you get your first naturalization papers?

A. 1911 I think it was.

Q. How old are you at the present time?

A. Thirty-two years old.

Q. I will ask you if your position as steward of the Forsyth Club didn't furnish you the opportunity of becoming unusually well acquainted with Judge Crum?

A. Yes, sir.

Q. How frequently did Judge Crum come to the Club?

A. Oh, he came up there probably a couple of times a day when he was in town, that is, if he was not in other counties for business purposes.

Q. During what time were you steward of the Forsyth Club?

A. It was from the year 1913,—it was in the fall of 1912, I think, up to February 1st, 1918.

Q. Can you gentlemen hear?

A. From the fall of 1912 to 1918, February 1st.

Q. Was Judge Crum a member of the Forsyth Club during this time while you were steward?

A. Yes, sir.

Q. You say that he frequented the Club as much as twice a day when he was in Forsyth?

A. Yes, sir.

Q. What means did you have of entertaining Judge Crum when he would come to the Forsyth Club?

A. Well we would talk about the war and play cards, pinochle.

Q. I will ask you if you had conversations with Judge Crum concerning the war, both before America declared war, and after?

A. I did.

Q. When did these conversations begin with reference to our entry into the war. When was the first conversation that you had with Judge Crum concerning the European war?

A. Why, before we entered the war with them, we had quite a few talks about the war before the beginning of the struggle over in Europe. We had quite a few arguments before the beginning of the war, and up to the last I seen him up there frequently, pretty near every day.

Q. What were his views upon the war before the United States declared war?

A. Why, he was sympathizing with Germany.

Q. Can you relate some of the views that he expressed concerning his attitude upon the war?

A. Yes, he thought that Germany was absolutely right in the war. That they had absolute right in invading Belgium and destroy everything that was in their way, and to take Paris and proceed to take Great Britain, and he would like to see them do it.

Q. That was before we got into the war?

A. Yes, that was before we got into the war.

Q. I will ask you if these conversations were frequent?

A. Pretty near every day.

Q. I will ask you if Judge Crum showed any particular spirit in these conversations, became emphatic.

A. Yes, mostly every time we talked about it he would.

Q. He would get pretty thoroughly worked up about it, would he?

A. Yes, sir.

Q. Now, directing your attention, Mr. Flege, to a conversation between you and Judge Crum, just prior to the entrance of the United States into the war, when Judge Crum asked you regarding the possibility of this country getting into the war, and I will ask you to relate to the Senate what was said by Judge Crum at that time?

A. It was in the forenoon, he come up to the Club there, and asked me if I was very busy. I told him I was not at the present time. He asked me if I wouldn't take a trip with him on the south side and walk up a hill there for the exercise of it. It was a very nice day and I said I would, and I said, now, Judge, I will go with you on this condition, that you won't talk war, because I don't want to talk war with you. He said, all right. We started out, and we come up on top of the hill. He said, sit down, I am getting tired. I said, all right. He said, now, Flege, what do you think of it any how. Do you really think that the United States is going into the war with Germany? I said, yes we can't help it. He said, I cannot see it that way. He said, why, we have just as much cause to declare war on England on account of England holding up our mail and robbing our mail, why shouldn't they declare war on England, just as well, or more so, and I said, I didn't think he was right, they probably held up our mails, but they didn't keep it, and they sent it right over again, investigated it, and let it go, but the Germans, I said, are sinking our boats, and they sunk the Lusitania and killed a lot of our citizens, and he just laughed at it; he said, why, he said, the Lusitania you always talk about the Lusitania; why, the Germans were absolutely justified in sinking that boat, and the citizens of the United States had no right to be on this boat because Germany had warned them not to take passage on that boat because they were going to sink it. She was carrying ammunition and explosives for the Allies; they were going to sink it, and better for them to stay out, and they didn't. In the heat of the argument, he said they got what was coming to them. I told him I didn't think he meant what he said, and he said he did; and, he said, I will tell you just how I feel about it. He said, if the United States declared war on Germany I feel, I got a good notion, he said, to pack up what I got and leave and join the other side and I said, well Judge, if you do that you can be watching for me on this side; I am going to join them, and if I see you first I will get you first. And we talked a lot more. We got kind of angry at each other, and called each other names. That was just shortly before the United States declared war.

Q. Now, I will direct your attention to a conversation you had with Judge Crum after we declared war along about the last of July, or first of August, on a Sunday afternoon in the Forsyth Club, and I will ask you to relate to the Senate what was said by Judge Crum in that conversation?

A. Judge Crum come up to the Club as usual. I was all alone one day, everybody was out joy riding, I guess, and Judge Crum come along and asked me if I would play a game of pinochle with him. I said, at the time, I will do that, all right, Judge, I will do that. We started

to play pinochle, we were very busy playing, you know, and in comes the roadmaster of the Northern Pacific, Gus Gullickson, and he come over to the card table, and he asked if he couldn't also play cards and switch the game into rummy, or something like that, I guess it was, so he could play. We said he could, but we didn't finish the game, and he picked up the Billings Gazette from his pocket and started to read, and after a while he made the remark, he said it seems funny that so many people don't seem to know why we are at war for; and I said, well, everybody ought to know that, and Judge, he laid down his hand and looked at me and said, why is it; and, I said, for our rights on the side of humanity. And he kind of laughed at me and, he said, he made out, he said, any rights. Why, he said, don't you know that we are fighting the war for Rockefeller, J. P. Morgan, Wall Street and Great Britain. I said I didn't think it was so; he said, don't you know that, he said, a man is a traitor of his country when he breaks the Constitution of the United States. I said, I surely do. He said, Wilson broke the Constitution of the United States by taking the troops of the United States into a foreign country. You don't mean, I said, Judge, that President Wilson is a traitor, or that McKinley was a traitor—he sent troops out of the United States into Cuba in the Spanish-American war. Well, he said, two wrongs don't make a right, and we got a little riled, both of us, calling each other bad names and the game broke up.

Q. Directing your attention, Mr. Flege, to a conversation that you had with Judge Crum after our declaration of war regarding the draft, and its constitutionality, and what Judge Crum himself would do if he were of draft age, or what they would have to do with him in order to get him?

A. It was the day,—I think it was right after they passed that law, the draft law, they didn't set any age limit or anything, but we were talking about the draft law, and he said, it was absolutely wrong and, he said, if I was of draft age and had to be drafted, he said, they would have to hog tie me he said, before they would get me.

Q. I will ask you if Judge Crum ever favored you with any literature?

A. Yes, he told me pretty near every day that I didn't know nothing, that I didn't know what I was talking about; that I didn't read the newspapers. I told him that I read every newspaper that we had at the Club. Well, he said, that was just one side of it. He said, you'd better read the other side of it, he said, and he gave me the Fatherland, and one time he gave me the Milwaukee Freepress.

Q. What did he say concerning the press of the United States?

A. He said that it was lying, never told the truth; couldn't believe anything there was in it; that Great Britain owned it, he said ruled it, and they wrote just what they wanted them to write about. You couldn't believe anything that was in it.

Q. I will ask you if Judge Crum didn't say substantially this, "That the United States press was controlled by England and the money powers in the United States, which was the same as the English Government."

A. Yes, he mentioned Wall Street, J. P. Morgan and Rockefeller.

Q. If he didn't say that the United States press was telling nothing but lies, and that you couldn't believe anything that was in the papers about the war; that it was English dope; that the United States was rotten; that we were controlled by Morgan and Rockefeller, and they were for England to protect their loans?

A. He didn't mention anything about the loans, I don't think.

Q. But outside of that he made the remarks?

A. Yes, sir.

Q. I have been requested to ask you more specifically, Mr. Flege, whether or not the Judge said that the United States was rotten?

A. He said so many things that the United States was,—it must have been rotten.

Q. Well, he said worse things about the United States, has he not than that it was rotten?

A. Yes, sir.

Q. I will ask you where all of these conversations took place?

A. Most of the time at the club rooms.

Q. In Rosebud County?

A. In Rosebud County.

Q. State of Montana.

A. State of Montana.

Q. I will ask you if Charles L. Crum was Judge of the Fifteenth Judicial District of the State of Montana at that time?

A. He was.

Q. During all these conversations?

A. Yes, sir.

Q. I will ask you if these conversations were not of frequent occurrence?

A. Well, very much.

Q. And that the conversations that you have testified to here, are only a few of similar conversations?

A. Very few of them.

Q. Does Judge Crum speak German, do you know?

A. Yes, he does; that is, some.

Q. Does he speak French?

A. I don't think so.

Q. Do you know how old Judge Crum is?

A. No sir I don't.

BY MR. HIGGINS: This witness will be excused if the Senators don't want to ask any questions.

BY SENATOR BURLA: I understood the witness to say that he came into the United States in 1907, and that he became naturalized in 1911. Is that correct?

BY MR. HIGGINS: I don't know. You will have to look up the record. I think he said—

WITNESS: I said I think it was 1911.

Q. I was going to ask whether there was any special circumstance in connection with his being fully naturalized in a period less than five years, and if so, what the circumstance was.

BY MR. HIGGINS: I couldn't tell you. I will ask the witness.

Q. Mr. Flege, did five years elapse between the time you first took out your naturalization papers and your final papers?

A. No sir, three years.

Q. You had been in the United States five years before you obtained your final citizenship papers?

A. I had.

Witness excused.

Whereupon R. A. Martin a witness called and sworn, testified as follows:

EXAMINATION BY MR. HIGGINS:

Q. You will please state your name?

A. R. A. Martin.

Q. Your residence?

A. Forsyth.

Q. Your occupation?

A. I am in the sheep business.

Q. How long have you been in Montana?

A. Thirty-five years.

Q. How long in Rosebud County?

A. Fourteen.

Q. How long have you known Judge Crum?

A. Approximately nine years.

Q. Have your relations with Judge Crum always been friendly up until the time of the European war?

A. They were very friendly.

Q. Or, up until the time of the declaration of war by the United States?

A. Yes, very friendly.

Q. Did you and Judge Crum ever have occasion to discuss the war before the entrance of the United States into the war?

A. Yes, sir.

Q. Will you state when any such conversation took place, and where?

A. Why the first conversation that we had that I remember definitely was in the early part of the war; that is, after Germany, England and France was at war, and then the others were some time later, because we did not agree at that time. He was defending Germany; he was talking about it, and I said, "Why, you are all the time defending Germany on these atrocities, and her misdeeds, and you never defend anybody else." And we had a few words, and I told him as long as we had been old time friends, we had better cut it out, not talk about it, so it went on for a long time before I talked with him again.

Q. Directing your attention, Mr. Martin to the conversation that took place in the post office at Forsyth just prior to the entry of the United States in the war, I will ask you to relate exactly the substance of that conversation with Judge Crum regarding the war?

A. Why I didn't have any conversation with him in the post office. I had a conversation with him in the Forsyth news stand or rather just in front of the Forsyth news stand.

Q. Well, will you tell just what that conversation was?

A. That conversation was probably two weeks or three weeks before we entered into the war, and he pointed to a magazine on a string in the window, and he said, "There is a book there called 'Life' that is a disgrace to any country to allow it to be printed;" he said, "it is full, from cover to cover, of outrageous and insulting cartoons of Kaiser Wilhelm of Germany." "Well," I says "that is all right, he is nothing but a damned degenerate any way." and he swelled way up, he says: "In my opinion, Martin, Kaiser Wilhelm is one of the grandest characters the world ever produced,"—and there we severed diplomatic relations.

Q. You don't desire to tell the Senate what you said about that time?

A. No. There was a little conversation prior to that, just a few days before.

Q. Will you please relate exactly what that conversation was.

A. Let's see, that is about this same time, or just before, I am quite positive it was before, because I don't think I ever talked with him afterwards. This was in the news stand and it was about the time that the war discussion was pretty heavy in Washington, and he turned to me, after glancing at the headlines on the paper and said, "Well it looks as though our British President is going to get us into this scrap." "Well," I says, "I think we ought to have been in it long ago." Then he swelled up again, as usual, and he said, "Jesus Christ, Martin, how can you,"—he says, "How can you reconcile your conscience to allow your son to go to Europe to be slaughtered on the European battlefields for Great Britain?" Well, I swelled up a little. I told him that I could not reconcile my conscience, that was a cinch, if I interfered with his going.

Q. Had your boy enlisted at that time?

A. No, that was before we were in the war. He asked me just prior, or just at that time, or in that conversation, in the preliminaries

of it, he asked me if I thought Armour, that is my son, was going to enlist, and I told him I knew he was, and with my approval, and he burst out on this other stuff.

Q. Your son has enlisted?

A. My son is in France, enlisted, yes, sir.

BY MR. HIGGINS: Unless there are any questions by the Senators, the witness will be excused.

Witness excused.

Whereupon William C. McClintock, a witness called and sworn, testified as follows:

EXAMINATION BY MR. HIGGINS:

Q. Will you please state your name?

A. William C. McClintock.

Q. Your residence?

A. Miles City.

Q. Your occupation?

A. Banker.

Q. What position do you hold at the bank?

A. I am president.

Q. Of what bank?

A. Of the Custer County bank.

Q. How long have you lived in Miles City?

A. About two and a half years.

Q. How far from Forsyth is Miles City?

A. About forty-five miles.

Q. Do your banking interests occasionally take you to Forsyth?

A. A branch of them, yes, sir.

Q. Your banking interests occasionally involve legal matters upon which you must go down to Forsyth, the county seat of Rosebud County?

A. They have once.

Q. Just once, when was that?

A. It was in June of 1917.

Q. Did you have a matter to present to the court at that time?

A. A foreclosure of a real estate mortgage.

Q. Who was the presiding Judge?

A. Judge Crum.

Q. Did you have any conversation with Judge Crum at that time regarding the war?

A. I did.

Q. Where was the conversation?

A. In his chambers' office.

Q. Who was present besides yourself and Judge Crum?

A. Mr. McKinnon and Mr. Muri, and I don't recollect any one else; there might have been, might have been the stenographer, or clerk.

Q. Who is Mr. McKinnon?

A. An attorney at Miles City.

Q. Was he representing you at that time?

A. He was.

Q. Will you tell us the substance of the conversation on the war had with Judge Crum at that time and the remarks made by Judge Crum?

A. Well, I can't give the conversation in any detail. I can only give my impression of it,—recollection of it, and that was that the general hopelessness of the United States being in the war, the futility of it,—the chief thing that—or the thing that impressed me the most, was the statement that we would be unable to get any men to Europe, that

they would be sunk before they got there, that was the only thing that sticks in my mind, the strongest of the conversation, but we had quite a lengthy conversation, while some court orders were being prepared, and the general trend of the conversation was the hopelessness and futility of the war from the standpoint of the United States.

Q. The substance of Judge Crum's remarks was then that the United States could not get troops across.

A. Well, that was the one feature of it that I remember the strongest.

Q. But there were other matters about the war talked of at that time?

A. Yes, sir, we had quite a lengthy conversation about it.

Q. What was Crum's general attitude on the war from an American point of view?

A. Well, that it was foolish or useless on our part, that we were not going to do anything, that we were foolish to be in there, that we could not accomplish anything.

Q. Did he think that we had no reason to be in the war?

A. I don't recall anything along that line.

Q. Did he criticise the President or the Congress of the United States?

A. No, I don't recall anything of that sort. I don't think there was, not that I remember.

BY MR. HIGGINS: That is all with this witness, unless somebody wants to ask him any questions.

BY PRESIDENT McDOWELL: He may be excused.

Witness excused.

Whereupon B. H. Edminister, a witness called and sworn, testified as follows:

EXAMINATION BY MR. HIGGINS:

Q. State your name?

A. B. H. Edminister.

Q. Your residence?

A. Forsyth.

Q. Your occupation?

A. Banker.

Q. What is your position, and in what bank?

A. I am cashier of the American National Bank.

Q. How long have you lived in Forsyth?

A. Since October, 1916.

Q. Do you know Judge Charles L. Crum?

A. I do.

Q. How long have you known him?

A. Since I have lived in Forsyth.

Q. Your relations have always been friendly?

A. Yes, sir.

Q. Are you a member of the Forsyth Club?

A. Yes, sir.

Q. You remember a conversation in the Forsyth Club while you were present, occurring some time before the entrance of the United States in the war, between Judge Crum and some other person or persons?

A. Why, I have heard—I have heard Judge Crum, prior to the entrance of the United States in the war, a number of times in the Forsyth Club, express his views, although I never had any conversation direct with him at that time. I don't recall any particular one time.

There were several times that I heard him talking regarding the matter. Don't recall any particular time before we entered the war, only there were a number of times that I heard him make statements.

Q. Were these conversations on the advisability of the United States getting into the war?

A. Well, the conversations that I have heard him enter into there were largely regarding the Lusitania and the invasion of Belgium. I recall those in particular. At that time, this was largely in the year, oh, along in the fall of 1916 and the winter, some time before we entered the war; and his conversations at that time were largely a justification of the sinking of the Lusitania and the justification of the invasion of Belgium.

Q. Well, do you recollect any conversation between Judge Crum and others in the Forsyth Club just prior to our declaration of war, during which Judge Crum said that our entrance into the war would make it a rich man's war?

A. No, I heard conversations after we entered the war. This was about June,—along about the fore part of June, 1917. There was a gentleman by the name of A. J. Fisher, from Chicago, was visiting there, and I had just met him in the Forsyth Club, he was introduced to me by Judge Freeman of Forsyth, and about that time—

Q. What was the nationality of this man Fisher?

A. I believe he is a German. I think I was told he was a German, although I do not know that, only from what I heard; and Judge Crum came in the club room about that time; I think that the three of us, or the four of us were the only ones in there; and Mr. Freeman introduced Mr. Fisher to the Judge, and they immediately entered into a conversation; I had no conversation myself with them, but I was present. The Judge opened the conversation by asking Mr. Fisher what the sentiment was in Chicago, regarding the war. Mr. Fisher replied that some were satisfied, and some were dissatisfied with the action of the administration. The Judge then proceeded to give his views regarding it. I can't remember his exact words, but in sum and substance, he stated that in his opinion, the President was acting as a tool of England in precipitating the United States into the war, that it was entirely England's battle, and that the administration was attempting to protect the American bondholders; that it was entirely in the interest of Wall Street and the ammunition manufacturers, that he believed the President had deliberately lead the country into the war,—to all of which Mr. Fisher seemed to agree, and about that time I got up and left.

Q. You say that you have never had any direct conversation?

A. Not a direct conversation. I was merely present at that time and heard the conversation.

BY MR. HIGGINS: If there are no other questions, this witness will be excused.

Witness excused.

Whereupon George Farr, a witness called and sworn, testified as follows:

EXAMINATION BY MR. HIGGINS:

Q. Will you please state your name?

A. George Farr.

Q. Your residence?

A. Miles City.

Q. Your occupation?

A. Attorney at law.

Q. How long have you been practicing your profession?

A. Twenty-one years.

Q. How long in Custer County?

A. Twenty-one years.

Q. Custer County joins Rosebud County?

A. It does.

Q. You frequently have occasion to practice in the courts of Rosebud County?

A. I do.

Q. You know the presiding Judge of that court for the past six years, Charles L. Crum?

A. I do.

Q. You have practiced in his court?

A. I have, yes, sir.

Q. You have had occasion, have you, to get reasonably well acquainted with him?

A. Yes, sir.

Q. Your relations have been those that are generally held between the judge and the lawyers practicing before the court?

A. Yes, if I understand your question, they have.

Q. Well, there has never been any breach between you?

A. There has been, but for the last three or four years the relations have been very friendly.

Q. I will ask you, Mr. Farr, if you ever had occasion at any time to discuss the European war with Judge Crum?

A. I have yes, sir.

Q. When did the first conversation occur, if more than one?

A. The first conversation took place here in Helena at the time Justice Hughes was here, in the fall of 1916, in September or October, I don't remember just the date.

Q. What was the substance of that conversation, Mr. Farr?

A. That conversation was directed entirely to Great Britain's interference with the mail of this country going to and from the foreign countries.

Q. Did you and Judge Crum agree in your attitude concerning that matter?

A. We did, we did at that time, yes, sir.

Q. When was the next conversation you had, at what place?

A. The next conversation was in November or December, 1916, at Forsyth, in his chambers in the court house.

Q. Will you relate to the Senate what was the nature of that conversation?

A. He had asked me to come in to his chambers, saying that he wanted to talk with me before I left town and in reply to that invitation I did go in and was seated, and he opened the conversation by saying, you have been traveling around the State a great deal and have probably come in contact with a great many people and have heard the sentiment of the people of this State to a great extent, he said. I would like to inquire of you, what do you think would be the attitude of this government, or the position this Government would take in the event that Germany would renew its submarine campaign. Why, I told him what I thought the attitude would be. Like a great deal of the conversation, he said, I cannot remember it all, he said that Germany was going to renew the submarine campaign; he said that Germany was building thousands of submarines; that it was the plan of Germany to literally surround the British Isles, and that the purpose of making his inquiry of me was, if he could learn the opinion of the people with whom I had come in contact as to what the attitude of our Government would be, and if there would be any possibility that our Government might declare war against Germany if that submarine campaign was renewed.

BY PRESIDENT McDOWELL: I should like to interrupt the proceedings just a minute. Governor Stewart has a communication which he wishes to read.

BY GOVERNOR STEWART:

The Senate of the State of Montana Helena, Montana.

Gentlemen: In view of the open letter written to the Senate by the counsel for Judge Crum, I feel that it is but fair to you that you have from me a statement of the facts surrounding the receipt and acceptance of the Crum resignation. These facts are as follows:

On the evening of March 9, 1918, Senator J. E. Edwards, of Rosebud County, called me over the telephone from Forsyth. He told me that Judge Loud and Colonel Goddard, counsel for Judge Crum, were in the city of Forsyth at that time and were in conference with Judge Crum; that they asked him to inquire of me if I would accept a resignation from Judge Crum if the same were tendered. After some discussion with Senator Edwards relative to the matter, I told the Senator that it was my opinion that if Judge Crum desired to resign, and did resign, that would be the easiest, cheapest, and most effective manner of disposing of the case. The Senator said he thought likewise.

I told him that it was my belief that the resignation should be accepted, and that if tendered in proper form I would accept it. I did not say that I would accept it immediately or at what time it would be accepted. The next morning—Sunday, March 10—Colonel O. F. Goddard of Billings, counsel for Judge Crum, came to the Capitol and presented the resignation. I discussed the legal effect of the resignation with him and it was agreed he should look into that feature during the afternoon, and that I should also call upon the Attorney General in the same behalf. I was able to see one of the deputies in the Attorney General's office and the matter was investigated somewhat.

At the time that I discussed the matter with Colonel Goddard I told him I would accept the resignation. I told him, however, that I wanted to satisfy myself as to the legal effect thereof. I told him it was my purpose to accept the resignation on Monday, the eleventh. I did not make any pledge to do so, nor did I consider that I had a right to make any pledges as to future official action. Nevertheless, I did tell Colonel Goddard that it was my purpose to accept the resignation on Monday.

On Monday I discussed the matter with some members of the Legislature and some members of the staff of the Attorney General. I decided that it was only courteous and fair to the House Managers and to the Senate Committee that they should have knowledge of the situation created by the resignation. I therefore sent telegrams to the House Managers and the Senate Committee asking them to meet with me on Thursday, the fourteenth instant.

During the afternoon of March eleventh I had another conversation with Colonel Goddard over the telephone. Colonel Goddard had in the meantime gone to Billings. He urged that acceptance be made and announced at once. I told him I had asked the Senate Committee and the House Managers for a conference and felt it was only fair to them to advise them of the situation.

On Thursday, the fourteenth, the members of the Senate Committee and the House Managers met at the Capitol together with Lieutenant Governor McDowell, President of the Senate, Attorney General Ford, and myself. The matter was discussed from every point of view and it was decided by the Senate Committee and the House Managers that the impeachment should proceed in spite of the resignation. It was also the opinion of the Attorney General and the lawyers present that the matter of acceptance could have no legal effect. I stated to the committees that I desired to accept the resignation, having in mind the fact that I had expressed to Senator Edwards an intention of do-

ing so. After the departure of the House Managers and the Senate Committee, and in accordance with the correspondence heretofore submitted to you, the resignation of Judge Crum was accepted.

I do not know the purpose of the communication of the counsel for Judge Crum, other than that it appears from the statement that the counsel for Judge Crum take the position that the Judge departed from the State of Montana under the impression and in the belief that the resignation had been filed, would be accepted, and the proceedings stopped. I have no knowledge as to the advice given the Judge by his counsel, or as to the statements made by the Judge to them, other than hearsay. However, I wish to state that it was my belief when Senator Edwards presented the matter to me, that the resignation would be the means of terminating the proceedings; not legally, but that the resignation would in effect accomplish the result sought, namely, the removal of Judge Crum from the office of District Judge, from his sphere of alleged dangerous activity. I told Senator Edwards, and I told Colonel Goddard, that I believed that would be the result. I did not, however, say that I would use my influence, or any influence, with the Senate Committee or the House Managers to try and induce them to dismiss the proceedings. I told Colonel Goddard that I believed it was the part of courtesy and fair dealing on my part that I should present the matter to the House Managers and Senate Committee so that if it was believed by these two committees that a further hearing was not necessary they could save the State of Montana the expense necessarily incident to the summoning of witnesses.

When the House Managers and Senate Committee met on the fourteenth instant there were called to their attention certain resolutions and newspaper articles having to do with the matter which said resolutions and newspaper articles, in my opinion, influenced the members in their decision to continue the prosecution of the case.

My only reason for withholding the acceptance of the resignation was that I did not desire to hinder or embarrass the members of the State Senate and the House Managers in their consideration of the pending proceedings. I did not desire to influence the members, and did not seek to influence the members in any wise. After the resignation was placed with me it was suggested that the acceptance of it, while not having any legal effect, might be misunderstood and the members of the Senate might feel that I was trying to assume functions which were not mine. In other words, I did not want to be placed in the position of taking over the matter of the adjudication of the issues involved in the Crum impeachment proceedings, and for that reason I withheld the acceptance of the resignation until I had laid the matter before both committees. It was always my belief from the time the matter was suggested, that I should accept the resignation, but I was very anxious that my own opinion in the matter should not in any manner embarrass either the members of the Senate or the House Managers or in any way tend to defeat the true ends of justice. I have the most implicit faith in the fairness, ability and capacity of the members of the Senate to handle the matter, and I only make this statement in order that your records may be clear, and that there may be no misunderstanding as to the facts surrounding the receipt and acceptance of the resignation by the Governor of the State of Montana.

BY PRESIDENT McDOWELL: If there is no objection the secretary will make this paper a part of the proceedings.

(Whereupon the witness, GEORGE FARR, resumed the stand, and the last portion of the witness' answer was then read by the reporter.

Examination continued by Mr. Higgins.

Q. How long prior was this conversation to the ultimatum delivered by Germany to this country regarding our trans-Atlantic shipping, if you know?

A. Well, now, I don't have those dates in my mind. I know that this conversation that I had with him was in November or December of 1916. I don't remember the date of those exchange of notes.

Q. Now, was there anything more said by Judge Crum during that conversation?

A. He discussed with me the Over-Seas Club, its organization, and the applications for membership; he first brought up that subject by asking me if I knew that there was an organization in this country in behalf of Great Britain. I told him that I did not, and he said that there was, and he says, "We ought to form an organization of our own." I asked him what he meant by that. He said, "Well we ought to form an organization for America," and then he went ahead and explained to me what the Over-Seas Club was, showed me—

BY MR. HIGGINS: Just a moment. Did he show any confusion or surprise when you asked him what he meant by "we"?

A. He did, yes, sir.

Q. Well, I didn't want to interrupt.

A. Well, he wanted to know if I would like to see a list of the members. He told me there was a large number of members from Miles City and Custer County, and I told him that I would, and he had a book there that he produced purporting to contain a list of the members throughout the United States and he gave me a list of the members from Custer County, he also gave me one of the application blanks. He appeared to have a large number of them and he gave me one of them

Q. Did he say where he had obtained this information about the Over-Seas Club?

A. No, he did not.

Q. Have you a copy of that application blank that he gave you?

A. I have the blank that he gave me but I haven't it with me.

Q. Could you state substantially what that blank was, the phraseology of it?

A. Well, I would not attempt to use the exact words, but the phraseology of it in a general way was that the applicant obligated himself to promote the interests of Great Britain, declared himself to be a subject of Great Britain.

Q. Wasn't there a part of the application that stated specifically that the applicant was a citizen of Great Britain?

A. Yes.

Q. So that no person asking for membership in the Over-Seas Club on that blank could be other than a citizen of Great Britain?

A. That was the way I understood it, yes, sir.

Q. Do you recall how many in Custer County were members of that organization, as represented by this list of members in this book?

A. Oh, there was twenty or twenty-five, possibly more, persons.

Q. Was there any other, or any more conversations at that time regarding the war?

A. Well, not that I recall right now.

Q. When was the next conversation you had with him?

A. The next conversation was on the 30th of April, 1917.

Q. Where did that occur?

A. It occurred in the court room. I had seen him in the morning in the county attorney's office, and he had requested me to call at his office before I left town, and I did call at his chambers, but he was engaged with some woman who was there on a probate matter, and he asked me to come out in the court room and talk with him and I did. The court room was vacant at the time.

Q. Will you relate the conversation between you and Judge Crum that took place in the court room at that time?

A. Well, he asked me if I remembered talking to him before about the war, and I told him that I did. "Well," he says "What do

you think of the mess that we have gotten ourselves into now?" I don't know just what answer I made to that, and he said, "Do you think that President Wilson represents the sentiments of the people of his country?" I told him that I certainly thought that he did—he represented my sentiment. At that he became very much excited and said, "Well if President Wilson represents the sentiment of the people of America then I am done with America. I am going to sell out my property and leave this country."

Q. Do you remember any particular words he used in describing his opinions of Great Britain?

A. Well, at that same time he said that this country, the United States was—well that would not be just—he said that the people of this country were more subjects of Great Britain than were the people of any of Great Britain's colonies—other colonies is the way he put it; that we were simply vassals of Great Britain in this war; that the war was brought about solely by Wall Street and Great Britain.

Q. Did he use any objectionable epithets in expressing his opinions concerning President Wilson personally?

A. No.

Q. Did he make any reference to the Wall Street influence in this war?

A. Yes, he said that this war was brought about solely by Wall Street and Wall Street influences.

Q. Did he express any opinion as to our chances to win the war?

A. Yes, sir, he said that we had no chance to win; that France and Great Britain both were practically whipped and just as soon as they were defeated, that the armies of Germany would be in this country.

Q. Did he go into detail in regard to the amount of shipping being sunk by the German submarines?

A. He did at the first conversation, that is, the conversation in November or December he told me, or pretended to tell me just the amount of shipping that had been sunk the previous week, by giving the tonnage, the different classes of boats as to sailing boats and steamboats, and so forth, and he said, "there will be more sunk next week, and the amount will be increased each week."

Q. Well, did his statements regarding the ships sunk correspond to any reports published later on regarding the quantity of shipping sunk?

A. At that time there had been no reports made of the shipping sunk that previous week, but later on there was, and it corresponded precisely.

Q. Did he go into detail and tell you the kind of ships and the cargoes and the tonnage and such as that?

A. The tonnage and the kind of ships, not the cargoes.

Q. Did he tell you where he had obtained this information?

A. He did not.

Q. Did he say that he had a source of information that was not accessible to the average American citizen?

A. Well he gave me to understand that, that was my own conclusion, drawn from the whole conversation.

Q. Did you have some discussion with him regarding any terms of court that he might hold?

A. In the conversation on April 30th, I did. We were at that time trying to arrange for a certain divorce case in which I was interested, having it set for trial and in fixing the dates. I don't remember the dates now; that is, as to the days of the month, but any way beyond a certain date, which I think he said was the 21st of May, that he didn't expect to hold any court; that he expected to be engaged in his own private affairs after that; I am not sure if the 21st of May was the date; but I think it was.

Q. That he would not hold any court all summer?

A. Yes sir.

Q. That he had other matters that he had to attend to, is that what he said?

A. Yes, sir.

Q. Was there any discussion about the draft law between you and Judge Crum at any time?

A. Yes. At that conversation, the 30th of April, he condemned very bitterly the measure that was before Congress at that time, conscription.

Q. Did he prophesy what would occur upon the enforcement of the draft law in this country?

A. No, I don't recall that.

Q. Was there any discussion regarding his son in the war?

A. There was in one of the conversations, but don't recall what it was.

Q. Did he ever say what he would do if the ages of the draft were to include a man of his years?

A. No.

Q. Did he give you the impression, or did he say to you that these conversations were confidential or give you that impression by his manner?

A. Well, by his manner he did, yes, sir, and I think possibly he said that, I am not sure about that.

Q. Did he remark concerning the causes of this country getting into the war?

A. Not other than what I have stated.

Q. He did not say that our purpose in getting into the war was the restoration of Alsace-Lorraine to France and the acquisition of Austrian territory for Italy, and the acquisition of the German colonies for Great Britain and the enhancement of the power of Japan in the Orient?

A. Well not that I recall now.

Q. All of these conversations, Mr. Farr, occurred in Forsyth, Rosebud County, State of Montana?

A. All except the conversation here in Helena in the fall of—

Q. Helena is in the State of Montana?

A. In the question you said Rosebud County.

BY MR. HIGGINS: Well, yes. And Charles L. Crum during the time of these conversations, was a district judge of this State.

A. Yes, sir.

Q. Presiding over the Fifteenth Judicial District?

A. Yes sir.

Q. Composed of Musselshell and Rosebud Counties?

A. Yes, sir.

BY MR. HIGGINS: Do the Senators wish to ask this witness any questions? If not, the witness will be excused.

(Witness.) I should like to make it clear that I was here in Helena at the time Justice Hughes was here, that there was nothing mentioned in that conversation other than the interference by Great Britain with the mails of the United States, because you asked me if I approved of what was said at that time, and I would not want any misconception placed on that.

Q. That is, you want to say that you disapprove of England's interference with our mails?

A. Yes, sir, yes, that was the only subject that was brought up at that time.

Witness excused.

Whereupon GEORGE FARR, a witness recalled, testified as follows:

EXAMINATION BY MR. HIGGINS.

Q. Now, Mr. Farr, in order to clear up the impression of your testimony before the members of this court, I will ask you if the statements made by Judge Crum in the fall of 1916, around the months of November or December, concerning the policy of Germany in unrestricted submarine campaign, were stated to you as facts within his own knowledge, or simply a prophecy?

A. They were stated to me as facts within his own knowledge.

Q. And the amount of tonnage sunk that he told you about were stated by him as facts within his own knowledge and not as a prophecy?

A. Yes, sir.

Q. Now, Mr. Farr, you said that Judge Crum had given you one of the application blanks for the Over-Seas Club. I will ask you, showing you this piece of paper if that is the blank that he gave you?

A. I am very positive that it is not.

BY MR. HIGGINS: I would like to have this marked for identification and have it introduced in evidence.

(Whereupon paper referred to by counsel was then marked State's Exhibit A by the reporter.)

Exhibit A is in words and figures as follows, to-wit:

"Application for membership for American Citizens of British Birth.

OVER-SEAS CLUB.

U. S. A. Section.

To the Hon. Organizer, THE OVER-SEAS CLUB, General Buildings, Aldwych, London, W. C. England.

Kindly enroll me as a subscribing member of THE OVER-SEAS CLUB, the objects of which I approve. Please send me, free of charge, the card of membership.

Annual
Subscription including use
of London Club Rooms.
Residents in U. S. A.....\$1.00
Life Membership Residents
in U. S. A.....\$15.00
(including silver badge.)

Signed
OccupationPlace of Birth.....
Address
State when you became a naturalized
American citizen

I enclose Postal Order for \$.....
being..... for Club Badge (state
whether Brooch, Pendant or Button),
\$1.00 for one year's subscription, and
for list of members. N. B. Every
member must purchase the Club
Badge.

I enclose Postal Order for \$....., being..... for Club Badge
(state whether Brooch Pendant or Button), \$1.00 for one year's sub-
scription, and for list of members. N. B. Every member must pur-
chase the Club Badge.

For particulars of cost of badges see overleaf. All remittances
should be crossed "COUTTS & CO."

Members are requested to notify the Hon. Organizer, The Over-
Seas Club General Building, Aldwych, London, W C. England, of all
changes of address.

OVER-SEAS CLUB.

PATRON

HIS MAJESTY THE KING.

"We sail'd wherever ship could sail,
We founded many a mighty state,
Pray God our greatness may not fail
Through craven fears of being great."

—Tennyson.

MEMBER'S CREED.

Believing the British government to stand for justice, freedom, order and good government, we pledge ourselves to promote the welfare of the British Empire to the best of our ability, provided that by so doing we do not jeopardize the interests of our adopted country, the United States of America.

OBJECTS OF THE (1) To help one another. (2) To draw together OVER-SEAS CLUB in the bond of comradeship British people the world over.

RULES. A card of membership will be forwarded to every one of British birth who approves of the objects and who sends his address to the Hon. Secretary.

The headquarters of The Over-Seas Club are situated in the General Buildings, Aldwych, London, W. C., exactly opposite the new buildings of the Commonwealth of Australia, in the very heart of London.

The premises consist of reading and writing rooms and the headquarters executive offices of our organization.

An important feature of the organization is a Correspondence Club, by means of which lonely members are put into touch with fellow-members, in all parts of the world.

CLUB BADGES: The badge for members who have become American citizens is enamelled in two colours blue and white, forming the letters "O. S.," denoting The Over-Seas Club. Price, postage paid, either in the form of a pendant, brooch or button, 25 cents, being actual cost price and postage. The Club Badge can also be obtained in gold and silver.

All communications must be addressed to the Hon. Secretary of the Over-Seas Club, General Buildings, Aldwych, London, W. C., England. The Organizing Committee reserve to themselves the right of refusing admission to anyone should they consider it in the interests of the club to do so.

Sterling Silver (British Government Hall Marked) Pendant,	
Brooch or Button	\$1.00
9-carat Gold (British Government Hall Marked) Pendant or	
Brooch	\$3.00
Button, with solid gold shank and base.....	\$4.50
18-carat Gold (British Government Hall Marked) Pendant or	
Brooch	\$5.00
Button with solid gold shank and base.....	\$6.00

The badge of The Over-Seas Club has become known wherever the English language is spoken and acts as a further bond between British people in all parts of the globe.

(For Membership Form see over.)"

BY MR. HIGGINS: Now, I will ask you, Mr. Farr, if this piece of paper, or instrument that I have here is an application for membership in the Over-Seas Club for persons who are not citizens of Great Britain at the present time, but who were formerly citizens of Great Britain, and who are now citizens of the United States?

A. That is what it purports to be, yes, sir.

Q. And I will ask you if it does not state its purpose to be the promotion of the welfare of Great Britain, insofar as it does not interfere or jeopardize the interests as it says here, of our adopted country, the United States of America?

A. Yes, sir, that is the language of it.

Q. This application then is different in character from the application that Judge Crum gave to you, and represented to you as being the only application for membership in the Over-Seas Club?

A. Yes, sir I am very sure of it. While I have not the other application here for comparison, the purpose of his showing that to me was—he asked me my opinion of a person who would sign an applica-

tion of that kind, whether I thought they were good citizens of this country or not.

Q. Well, didn't it state specifically in that application that it was for citizens of Great Britain?

A. As I recall it, it recited that he was a subject of Great Britain, yes.

BY MR. HIGGINS: Unless the Senators desire to ask any questions of this witness, he will be excused.

Witness excused.

Whereupon HAROLD McKENZIE, a witness called and sworn, testified as follows:

EXAMINATION BY MR. HIGGINS:

Q. What is your name?

A. Harold McKenzie.

Q. You will have to speak louder Mr. McKenzie, so the Senators can hear you. Your residence?

A. Forsyth.

Q. Your occupation?

A. Principal of the high school.

Q. How long have you lived in Forsyth?

A. Seven years.

Q. How long have you been principal of the schools?

A. Seven years.

Q. Do you know Judge Crum?

A. Very well.

Q. How long have you known him?

A. Seven years.

Q. You live across the street from him do you not?

A. I live across the block, our houses are—

Q. Your relations have been neighborly?

A. Very much so.

Q. You have had occasion to go to his house and he to yours?

A. Yes, sir.

Q. Visited back and forth?

A. Yes, sir, occasionally.

Q. Have you ever discussed the European war with Judge Crum?

A. I have.

Q. Both before the United States became a participant and after?

A. He has discussed the war with me since we entered but I have not discussed it with him.

Q. When was your first conversation with Judge Crum on the war, before we became a participant in the war?

A. I could not say. He talked to me a number of times, and the first that I have a clear recollection of is just about the time of the sinking of the Lusitania.

Q. What did Judge Crum have to say regarding the sinking of the Lusitania?

A. Well, I recall two conversations about that time, one prior to that, and one afterwards. In the conversation prior to that time, I had gone over to his house to see about some strawberry plants that he was setting out. It must have been in the spring of 1915, the first part of May. He had spoken to me about getting strawberry plants, and I told him to help himself, and I went over to see how he was setting them out.

Q. Can you hear that back there, gentlemen?

(Witness continues.) And the Judge got started talking about the war again. He had already talked to me about it several times and I did not agree with him, and he started talking about the invasion of

Belgium, and I told him that I considered that absolutely unjustifiable. He said that France had invaded Belgium first, that it had been done at the instance of Great Britain; that the British were simply jealous of Germany, and trying to crush her, and then he launched into a series of epithets about the British in general, and in particular; and at that time I said to him, "Judge, you are an American citizen and so am I. Your parentage is German perhaps further back than mine is British. I do not exhaust my vocabulary calling your ancestors names, and I prefer not to discuss this with you—don't think we will get anywhere." He said, "the British are so vile, that I simply cannot help it." So I said to the Judge, "Judge if all the citizens, or a majority of the citizens of the United States felt as you do about this, the German flag would be flying over us in a short time." He said, "That would not surprise me a bit." He said, "How do you account for the fact that there is no poverty in Germany, when you know what the conditions are in this country," he said, "you know that the American people"—or, before that he said, "I am prepared to lead an army into Canada any time. I think it would be possible to raise an efficient force in the United States and invade Canada," and he said, "I think the American people have shown themselves unfit for self government—any thinking man will agree to that." I said to him, that some of the men that we kept in office would make one think so. Then the next conversation that I recall distinctly was just after the sinking of the Lusitania. I went down to the club rooms, it must have been on a Saturday morning and I got up and started to come home. I had been reading at the desk, and he arose and wanted to know if I was going home. I said I was, so he said he would walk with me. When he got on the street he said, "Professor, what do you think about the sinking of the Lusitania?" I told him that I thought it was cause for war, but I was afraid we would not go into the war, and he at once commenced talking about that, and his first statement was—or his first question was, if I did not know what the sinking of the Lusitania really was. I did not answer him, and he said that the British had sunk the Lusitania themselves, that a British submarine had sunk the Lusitania in order to get the United States to go into the war. It told him that was absurd. He said no, that it was the fact, and I told him that sounded more like a German invention that anything else; that he knew quite well the British did not fight that way—the Germans did, but the British didn't. So after we had talked about that a little while, he flashed up and became very indignant, and said, "Don't you know that the Lusitania was carrying hundreds of thousands of rounds of bullets to kill German boys and German men?" It was murder. He said, "Any American citizens that go on a ship like that deserve to be sunk—the more the better." Those are the only distinct conversations I recall with him at that time, because I avoided him after that—stepped out of his way.

Q. Let me ask you if he did not say that the Canadians and the Scotch and the English were swine, and if we had war with Canada he would lead United States troops against Canada?

A. Well, he said he would be very glad to lead an army of invasion, and I think he used the term "swine" with reference to them. That was one of the epithets I objected to. There were several others that I do not care to repeat.

Q. You had a conversation did you, after America declared war, with Germany?

A. I had a number of conversations with him. That is, he would often pick up a newspaper from the rack, and come over as I was reading there and ask me if I had noticed this German victory, or the tonnage sunk by the German submarines—things of that sort, but I don't recall any very distinctly, several times I recall of his shaking his head and saying we were in a bad mess, that we could not get past submarines.

Q. I will direct your attention to a conversation that you had with Judge Crum regarding the riots in Oklahoma, in resistance to the draft

law, and have you tell the Senate what was said by Judge Crum at that time?

A. I heard the Judge express himself several times about the draft law to the effect that it was unconstitutional; that through the draft law England was seeking to make the United States do more for her than Australia and New Zealand were willing to do, and that our boys were to be slaughtered for the advantage of Britain, and on one occasion he picked up a paper referring to some riots in Oklahoma, and asked me if I had seen it, and I had, and he said, "The United States Government is up against it in Oklahoma. The people down there know what their rights are, and they cannot be bullied into anything." I am not sure of his exact words, but that is very nearly his exact words.

Q. I will ask you if he did not say that the men in Oklahoma who were resisting the draft law and causing riots thereby were men who knew their rights and could not be driven into anything and that they would show the Government a few things before they got through with them?

A. Yes, that is substantially what he said.

Q. Do you know where Judge Crum lived before coming to Montana?

A. He lived in Oklahoma.

Q. Did he ever take occasion to present you with any literature on the war?

A. I am not sure that he did. I read the Fatherland several times, but I am not sure whether he handed it to me personally, or whether Liebert, his son, did, but I think we had a half dozen copies of the Fatherland.

Q. Did he ever discuss Wilson with you?

A. Yes, sir.

Q. What did he have to say about the President?

A. He said that Wilson was a tool of England and Wall Street. The occasion for that conversation was at the time of the candidacy of Justice Hughes; and in talking that over both of us were favoring Justice Hughes, but Judge Crum said that the solid German vote of the country would be behind Hughes because Wilson's policies were dictated from England, and Wall Street, and Hughes would keep us out of war. I told him I thought he was mistaken about that. That is the extent of that conversation.

Q. Did you ever have a conversation with him concerning the enlistment of his son in the United States Army?

A. Never directly? He said at one time in my hearing that the best way for a boy to commit suicide would be to join the United States Navy.

Q. To join the United States Navy?

A. Yes, sir.

Q. Did he ever predict a revolution in this country?

A. Not directly; he did say that if we went into the war our troops would never fight across the waters, that they would not get past the submarines, if they started, and that there would be plenty of work cut out for them right here at home if we ever went into the war.

Q. Did he ever discuss with you the ultimatum delivered by Germany to this country, regarding the trans-Atlantic shipments of the United States,—that is, the unrestricted submarine policy that Germany declared she was going to engage in?

A. My only recollection of that, is that in every instance, where he talked to me, he defended Germany's actions of whatever nature, on the ground that Germany was fighting for her life against England, that it was England's jealousy and hatred that was driving her into the war, and that any measure that she took was justified.

Q. How often did he tell you that it would not be a bad thing if we had another flag flying over us, as the United States people had shown themselves incapable of Government?

A. Only the one time, that was in the spring of 1915, and after

that I avoided him. I used sometimes to leave the club whenever he would come over and talk to me.

Q. Those conversations then, were of his solicitation?

A. Altogether.

Q. I will ask you if all of these conversations took place in Forsyth, in Rosebud County, State of Montana?

A. They did.

Q. And I will ask you if Judge Crum was not the District Judge of the Fifteenth Judicial District of the State of Montana at that time?

A. He was.

BY MR. HIGGINS: That is all, unless there are questions to be asked the witness by the Senate.

(Witness excused.)

Whereupon Robert L. Forney, a witness called and sworn, testified as follows:

EXAMINATION BY MR. HIGGINS:

Q. Will you please state your name?

A. My name is Robert L. Forney.

Q. Your residence?

A. Forsyth, Montana, Rosebud County.

Q. Your occupation?

A. Well, I have been engaged in the blacksmith business most of the time for the last twelve or fourteen years, and selling threshing machines and farm implements, such as gasoline engines, plowing machinery.

Q. How long have you lived in Rosebud County?

A. About thirty years.

Q. Do you know Charles L. Crum?

A. I do.

Q. How long have you known him?

A. About nine years since I first met him.

Q. Did you ever have occasion to transact any business with Judge Crum?

A. Why, I have, yes, had occasion where there might have been some business materialize from it.

Q. I will ask you if you were not engaged in a small way in the real estate business down in Forsyth?

A. I have been, yes, in a small way.

Q. I will ask you if in that line of business as a real estate dealer, you had any business with Judge Crum?

A. I had, yes, sir.

Q. When was that?

A. That was in May and June, 1917.

Q. 1917?

A. 1917, yes, sir.

Q. I will ask you if in the transaction of that business you had occasion to take an automobile trip with Judge Crum?

A. I did.

Q. From Forsyth, where did you go.

A. Went from Forsyth to a point about twenty miles, or twenty-four miles, north of Pompey's Pillar, probably three or four miles west of Pompey's Pillar, the first day I was out with him.

Q. Where did you stay that night?

A. Probably twenty-three or twenty-four miles west of Pompey's Pillar the first day.

Q. Where did you stay that night?

A. Well, we stayed at a farm house over there in that section of

the country, a very old ranch, and I have heard the name mentioned quite a number of times, but I can't repeat it at present,—sheep ranch, an old sheep ranch.

Q. What were the accommodations that you had that evening at this farm house?

A. Well, our bed was very nice and clean, and I had good water to drink, and good supper.

Q. Well, I mean your quarters, did you share your quarters alone, or with somebody?

A. Well, we slept in the same bed.

Q. You and Judge Crum slept together that night?

A. Yes, sir.

Q. You had occasion then when Judge Crum was taking off his clothes prior to going to bed to see what he had on his person?

A. I had, yes, sir.

Q. What did he have on?

A. Well, he had on an ordinary suit of clothes.

Q. I will ask you if he had a gun with him.

A. Yes, sir he did.

Q. What did he do with that gun?

A. Laid it on a desk or a table in the room.

Q. Where was he packing this gun?

A. Well, he pulled it out from here (illustrating) from under his clothing.

Q. It had been concealed prior to that?

A. It had been concealed all the time that I had been with him.

Q. How large was it?

A. Well, I take it for granted that it was a .32 Automatic gun. I picked up several .32 automatic shells in the car the next morning after I went out and went looking in the car at daylight.

Q. Did he make any explanation to you why he had carried that gun, or was carrying it?

A. He did, in a way.

Q. What did he say?

A. Well, he said he thought it was a good idea for him to carry a gun; that being Judge of the District Court, he says, "You are liable to have enemies, and not know who they are."

Q. Now, was any discussion of the war engaged in by Judge Crum on the trip from Forsyth out to this ranch house, where you stayed that night?

A. There was some remarks made at a place called Sanders.

Q. - I mean on the trip going, not on the trip coming back?

A. Well, on the trip going yes, coming west, yes.

Q. Will you state exactly what those remarks were?

A. When we got to Sanders, we stopped there to get a lunch, and first thing I noticed that there were not any flags out, displayed on any of the buildings. There was a church there and a school house, and two or three store houses, and a blacksmith shop and I took particular notice to look around, and I saw that there were no flags out, and unthoughtedly I spoke to him, and I says, "There is no flags out here, no flags displayed here," and I says, "I am going to speak to Haynes about that." "Well," he says to me, "This demonstrates the fact," he says, "that there is some people in this community knows about where they are at."

Q. Did he say that it was all right?

A. Yes, he said that it was all right.

Q. To find that there were not any flags hanging out there?

A. Yes, sir.

Q. Then, from this farm house you continued where the next day?

A. The next day we continued our trip to Billings.

Q. Did you remain in Billings all night?

A. We did.

Q. And from Billings where did you go?

A. We returned to Forsyth.

Q. What time did you start for Forsyth?

A. About nine o'clock, as near as I remember.

Q. Who were in the car when you started from Forsyth,—started from Billings to Forsyth?

A. Well, there was no one in the car but him and I.

Q. Who was driving the car?

A. Mr. Crum was driving the car.

Q. Where were you seated in the car?

A. I sat in the rear seat until we got to Pompey's Pillar.

Q. Why did you sit in the rear seat when there were only two of you in the car?

A. Well, I saw that he was rather inclined to talk about the war, the German proposition, and he favored that, and it didn't suit me very well, and I proposed to keep away from him as near as I could, and as much as I could. I was a little on the other side of the fence from where he was, and I didn't want any conversation to come up where there might be any jangle. I am a little hotheaded myself, and I am afraid I might lose my head if I got started to talking about it. I thought the best thing I could do was to sit back there, and I could chew tobacco and he could do his own talking.

Q. Did he continue his discussion of the war pretty consistently from Billings to Pompey's Pillar?

A. Why, he would remark about it once in a while; he would see the people in the fields, and he would make some remarks pertaining to that, I don't know just what the remarks were, but it all led up to that. The fact of the matter was I tried to not hear it, and tried to forget it as well as I could.

Q. Now, I will ask you what Judge Crum said that he proposed to do with his property in this country, during this conversation that you had on your way from Billings back to Forsyth?

A. What he proposed to do with his property?

Q. Yes?

A. Well, he proposed to sell all his property, he said he would like to sell it all.

Q. What else did he say?

A. Well, he said that if he cou'd sell all of his property and dispose of it, he would take his money, and go to Switzerland to live.

Q. I will ask you if he did not say this Mr. Forney, "If I could sell what I own in this country, I would do so, and take my family to Switzerland in order to get away from this administration."

A. That is identically the words he said.

Q. Did you meet any machines containing trans-continental travelers on the way back to Forsyth?

A. We did.

Q. What occurred upon that meeting?

A. Well, we met one car that I remember particularly. We were off the road, from the regular traveled road. There had been a bridge washed out, and we had to go around; the road wasn't very plain through the fields, and this man had a big car and heavily loaded, and I believe that there was two girls and two ladies in that car. He was by himself, and he pulled out alongside of the road to halt us, I presume, which we did halt, to inquire whether he was on the right road, or not; and we stopped, when we drove up, and Mr. Crum asked him where he was from, and he said Chicago. "Well," he says, "you got lots of Pro-Germans around Chicago, haven't you?" And the fellow, he didn't care anything about pro-Germans, he looked at the ground, "Well," he says, "If we have got any pro-Germans around Chicago, they-keep their mouths awful damned close," and Crum turned around to me and said, "There ought to be lots of pro-Germans around Chicago, that is a German settlement." So I proceeded to explain to the man how he could get out

of the country and to travel where to strike the right road, and after I got done, we drove on.

Q. Now, during that same trip, what did Crum say regarding his American citizenship?

A. He said that he was an American-born citizen; that he had no other country, no other flag, and he said that he was sorry to say to me that he did not respect the American flag of his country under the present conditions.

Q. Did he say that he was sorry that he was an American?

A. Yes, sir.

Q. What did he have to say regarding the dispatch of the American troops to France?

A. Well, those things are pretty nearly forgotten. I have nearly forgotten about it. He was bitterly opposed to it. Of course, I can't repeat anything of that kind, I have forgotten.

Q. What did he say was the purpose in sending the troops to France?

A. Well, he said the purpose of sending the troops to France was for the mere benefit of Wall Street, J. Pierpont Morgan, and other interests that we had in the United States—moneyed interests, to protect the loans we had made to Great Britain; that if Great Britain failed in this war, they would disregard us in the payment of their obligations, and that we, the people of the United States, that is, the moneyed people, had to send these men over there to protect these obligations with Great Britain.

Q. I will ask you if he did not say this, that the blood of the boys sent to France would be shed for Wall Street, Morgan and the moneyed interests?

A. Yes, he repeated that.

Q. Have you any relations in the army of the United States, the United States army?

A. I have four nephews.

Q. What did he say with reference to Wilson, and what ought to be done with Wilson?

A. He said that Wilson was a tool of J. Pierpont Morgan and the moneyed interests of the United States, and if I have permission, I will repeat the language.

Q. Go ahead, that is what we want?

A. He said the damn son-of-a-bitch ought to be taken out and shot.

Q. What time did you arrive in Forsyth?

A. About five o'clock.

Q. Is there anything else in relation to the war that you conversed about that you have not covered?

A. Well, I will tell you. There was quite a lot of things that we have not covered, but there is too many little things that come up that I could not repeat them intelligently from the simple fact that I tried to forget it. I didn't want to think that I had had a friend for so long that turned out to be such a bitter enemy of my mother country. The fact of the matter was that I tried to forget it.

Q. There are rumors and statements being said in some of the counties in the State that persons from Rosebud County were being forced against their will to testify in this action. Has anybody attempted to force or coerce you?

A. No, sir, I tried to keep away from it.

Q. Was this testimony that you have given here recited to me voluntarily down in Forsyth?

A. It was, yes, sir; yes, sir, sure it was.

Q. And you have testified here now without any fear of anybody?

A. Why, I have undoubtedly, I have.

Q. These things you have testified to Mr. Forney, these conversations occurred in Yellowstone and Rosebud counties in the State of Montana?

A. Yes sir, on the way from Billings to Forsyth.

Q. And at the time of these conversations Judge Charles L. Crum was Judge of the Fifteenth Judicial District of the State of Montana?

A. He was, yes, sir.

Q. These conversations occurred after the declaration of war by the United States?

A. Yes, that was on or about the 15th day of June, 1917.

BY MR. HIGGINS: Unless the Senators have any questions, you may be excused.

Witness excused.

Whereupon W. H. Lyndes, a witness called and sworn on behalf of the State, testified as follows:

EXAMINATION BY MR. HIGGINS:

Q. Please state your name.

A. W. H. Lyndes.

Q. Your residence?

A. Hysham.

Q. Your occupation?

A. Rancher.

Q. Hysham is in Rosebud County, State of Montana?

A. Yes, sir.

Q. How long have you lived there?

A. I have lived in Rosebud County ever since I have been in Montana.

Q. You are a citizen of the United States?

A. Yes, sir.

Q. You are married?

A. Yes, sir.

Q. Have you any children?

A. Five.

Q. Have you any boys eligible to the draft?

A. Yes, sir.

Q. I will ask you, Mr. Lyndes, if you were not drawn as a juror at the term of court held in Rosebud County in the fall of 1917?

A. Yes, sir.

Q. You served as a juror at that time?

A. Yes, sir.

Q. You know Judge Charles L. Crum?

A. Yes, sir.

Q. How long have you known him?

A. Ten years, when he settled upon the homestead up at Sanders.

Q. Did you have any conversation with Judge Crum in the fall of 1917, the year during the time that you were in Forsyth as a juror in the district court?

A. Yes, sir.

Q. Where did this conversation occur, or these conversations occur, if there were more than one?

A. One occurred in his chambers, and another one at the club.

Q. Now, referring to the conversation had in the Judge's chambers, I will ask you how that conversation came about?

A. Well, we were not having court, and he had adjourned court, and I met him, and he says, "Walter," he says, "come up to the chambers." He wanted to know first what I was doing, if I was busy. I told him no. He says, come go up to the chambers with me. I went up to the chambers with him.

Q. Was the conversation in the chambers, the first conversation you had with him during that term of court, of any length?

A. No, I think the one in the Forsyth Club was before this other one, if I remember right.

Q. Well, now, was there any discussion of the war at either of these conversations?

A. Well, that was all the discussion there was, was about the war.

Q. You were present, were you, in the court room when Judge Crum delivered his speech to the jury, of which you were part?

A. Yes, sir.

Q. Getting back to the first conversation that was held in the club, how did that conversation come about?

A. I come up in the club, and he was up there, he sat there in a chair, and there was a vacant chair there, and I went over and sat down and I was sitting in that vacant chair beside him, he said "what do you think about this mess we are in to now." I said, "what mess?" He said, "this war." Oh, I said "I don't know, they say it is all right, so I guess we will have to fight it out."

Q. And what else was said?

A. Well, we discussed the right and wrong of England. Kind of a general discussion.

Q. What was his attitude during this conversation as to the war?

A. Well, he didn't like it at all.

Q. Was that practically all that was said at that conversation on the war between you and Judge Crum?

A. Why, he talked quite a little. I don't just remember the exact conversation, but it was all in regard to the war.

Q. You will say now that Judge Crum's attitude during this conversation at the club was hostile to the United States participating in the war?

A. Yes, sir.

Q. Now, referring to the second conversation, Mr. Lyndes you say that occurred in Judge Crum's chambers?

A. Yes, sir.

Q. And that he stopped you on the street and asked you to go up to his chambers?

A. Yes, sir.

Q. And when you got there, you say your conversation was about the war?

A. Yes, sir.

Q. What was the nature of that conversation?

A. Well, I just forget how it started, but it was about the war, and this draft law.

Q. What about the draft law?

A. He said it was unconstitutional.

Q. When was this conversation?

A. I think it was in September, either the latter part, or around the middle, or latter part of September, if I remember rightly.

Q. What else did he say about the draft law?

A. Well, he said, that we had no right to send our boys over there to fight,—that we had no right to draft these men and send them over to fight for Wall Street money, and we discussed it, and then he went and got some law books, and read some decisions of some of the courts out of these law books, about this draft law, and about the army going out of the United States. He said, that they didn't have no right to take them out, to send them out, the only right they had to conscript a soldier was an invasion, I think, and, he said, there was no invasion in the United States, and therefore it was unconstitutional.

Q. Did he make any reference to any resistance to the draft law in this country?

A. Yes, he said that I was a damn fool if I let my boys go to war, and he also mentioned this trouble—they had some trouble down in Oklahoma about the draft law; he said, them people knew what they were doing. He intimated to me, if I told my boys to do the same thing,

it would be all right, but he didn't tell me in that many words, but intimated to me that—

Q. Yes. The inference, the only natural conclusion from his remarks were that you should advise your boy to make open resistance to the draft?

A. Yes, sir.

Q. That you were a damn fool to let them be drafted?

A. Yes, sir.

Q. Was this conversation before or after he had addressed the jury panel from the bench?

A. Well, it was before.

Q. You were present in the court room were you, when he addressed the jury?

A. Yes, sir.

Q. Court had been convened had it?

A. Yes, sir.

Q. Was regularly in session?

A. Yes, sir.

Q. It was ready to transact the legal business before the Court?

A. Yes, sir.

Q. Do you recall in substance, what that speech was? The impression that it made on you, and the views that you got from that speech that Crum held regarding the war?

A. Yes, sir.

Q. Could you tell the Senate those impressions that you got from that speech?

A. He was against the United States.

Q. Could you tell us more particularly what he said?

A. Well, he didn't want the United States to go to war, to protect England, and what she might grab out of Germany. Take Germany over, some of her colonies, and France could take over some parts—that country of Germany, and Italy was to have some,—well, he went on to enumerate the places that they were all figuring on getting out of this war.

Q. Well, would you say, that your conclusion of his speech was, that we were assisting certain European countries in enlarging their own territories by conquest?

A. Well yes.

Q. What did he say about President Wilson?

A. He said he was a damn criminal.

Q. That is, I do not mean at the time that he was making the speech, but during any of these conversations that you had with him?

A. That is when he was having this discussion about the war with me, he said that all this war was over, was the loans the United States had made to England and France, and all them foreign countries, all this war was to make this Wall Street money good.

Q. Was anybody present at either of these conversations that you had with the Judge?

A. There was not in his chambers, there was just him and me in there; there was several other people around the room in the club, but there was nobody sitting right near us.

Q. So that no one overheard either of these conversations, so far as you know?

A. I don't think so, not that I know of.

Q. So far as you know?

A. Not that I know of.

Q. Has anybody attempted, by any means, Mr. Lyndes, to coerce you and compel you to come up here and testify?

A. No sir.

Q. You have come here according to your own free will and accord and to a response to a summons of this Judicial Body?

A. Yes, sir.

Q. These conversations, and this speech that Judge Crum made were made in Forsyth, Rosebud County, Montana?

A. Yes, sir.

Q. At which time Charles L. Crum was Judge of the Fifteenth Judicial District of the State of Montana?

A. Yes, sir.

Excused.

SENATOR WHITESIDE: Mr. President, were the remarks made by the Judge before the Jury taken down in shorthand, do you know?

MR. PRESIDENT: I do not know.

MR. WHITESIDE: I think the best evidence would be the stenographic reports of what was said, instead of the memory of these witnesses. If we had these reports—

BY MR. O'CONNOR: We can have them, and it is my intention to have them.

BY MR. HIGGINS: My only purpose, Senator Whiteside, in asking these questions, is the effect produced by that speech. The interpretation that those sitting there and listening would make of the speech.

H. G. Young a witness on behalf of the State, being first duly sworn, testified as follows:

EXAMINATION BY MR. HIGGINS.

Q. Please state your name?

A. H. G. Young.

Q. Your residence?

A. Forsyth, Montana.

Q. Your occupation?

A. Lawyer.

Q. How long have you lived in Forsyth?

A. About four and one-half years.

Q. Have you practiced in the Courts of Montana during all that time?

A. I have.

Q. Particularly in the Court of the Fifteenth Judicial District?

A. I have.

Q. Do you know Charles L. Crum?

A. I do.

Q. Have you met him in a professional way?

A. Yes, sir.

Q. Your relations have always been friendly?

A. Very much so.

Q. Have you ever had occasion to talk to Judge Crum regarding the present war?

A. I have.

Q. Both before and after the entrance of America into the war?

A. Yes, sir.

Q. Do you recall when you first had a conversation with him regarding the war?

A. Well, it would be a short time after the war was first declared by the European countries.

Q. What appeared to be his sentiments in regard to the merits of the war at that time?

A. Why he was decidedly in favor of Germany and opposed to the allies.

Q. Did you ever discuss with him the sinking of the Lusitania?

A. I have.

Q. What views did Judge Crum express regarding the sinking of the Lusitania?

A. Well, when the question was first brought up, he asked me, I believe it was in chambers, what I thought of the sinking of the Lusitania, and I told him I thought it was a damned outrage, and it was a method of warfare that civilized people would not participate in, and then he went into a long discussion of the question and defended Germany in her methods, claiming that England was trying to stifle Germany's expansion and her trade, and that she was justified in using any means to break out; and he further stated that any American that was on that vessel ought to be killed for they had no business to travel on it, and that it was good enough for them if they were sunk.

Q. Did he make the remark that it would be a good lesson for these globe-trotting Americans?

A. Well, something to that effect.

Q. Did you ever discuss with him Germany's invasion of Belgium?

A. Yes, I have.

Q. Did he justify that on the part of Germany?

A. He attempted to practically on the same ground as the sinking of the Lusitania—that anything was justifiable in order to defeat the allies.

Q. Now, I will direct your attention to the trial of the State of Montana vs. Joe Holtz, and I will ask you if you were not one of the defending counsel in that case?

A. I was.

Q. The defending counsel was the firm of Young and Young and George Horkan?

A. They were.

Q. And as the defending counsel you were satisfied with the Jury, were you not, and waived any additional peremptory challenges that you would have been entitled to under the Code?

A. Yes, I conducted the examination myself and waived the challenges.

Q. Was the jury then sworn?

A. They were.

Q. I will ask you if, as a matter of fact, the Judge did not call a recess, and ask you and George Horkan to go into his chambers with him?

A. Yes.

Q. Now I will ask you to tell the Senate what occurred between you and Horkan and Judge Crum at that time?

A. At that time I believe the defendant had one peremptory challenge remaining. The Judge, for no apparent reason, called a recess and he said to me, as soon as he recessed, "I would like to see you and Mr. Horkan in the chambers." We started in, and Mrs. Young, my partner, also started in, and he requested her to stay out, he said he wanted to discuss the question with Mr. Horkan and myself alone. She complied with his request, and when he closed the door, he stated that there was a man on the panel by the name of Sam McConkey—I think his first name was Sam, that was a member of the Overseas Club and that we ought to challenge him. Well, I stated very positively that McConkey was satisfactory to me and that I thought he was to Mr. Horkan and he was to our client. We had no reason for challenging him. Well, the only reason the Judge gave was that he was a member of the Overseas Club, and he stated then that no man who was a member of the Overseas Club was fit to sit on a jury. We refused to challenge him. When the Judge convened court again, he took it upon himself to question Mr. McConkey after we—after both sides the State and the defense had accepted the jury—to question Mr. McConkey as to whether he was a member of the Overseas

Club. I believe Mr. McConkey said that he had allowed his dues to lapse, and therefore was not, at that time, a member of the club.

Q. The Jury was then sworn and the trial proceeded?

A. Yes.

Q. You have had discussions with Judge Crum regarding the war after America declared war?

A. Yes, a short time after.

Q. Has he ever made any remarks concerning President Wilson in any of these discussions?

A. Yes, sir, he has. I have only had one general discussion with him since we entered the war, where the topic of the war was directly involved. He did at that time discuss the President, and did it very forcibly, I considered.

Q. Will you say now what he said about President Wilson?

A. Well, substantially I could relate it. I would not pretend to use his exact language, but this was also in chambers. There was no one there but he and I; it was a day or so, or it was immediately after the war had been declared by the United States and he was very bitter in his denunciation of the Government, for what he termed drawing us into the war, and as I recall, he at that time said that President Wilson was a damned traitor to the country; otherwise he would not have drawn us into the fight, and that the only purpose that we could have in going into the war was to protect the bondholders of Wall Street, and that we had no quarrel with the German people whatever.

Q. What fate did he wish would come to President Wilson?

A. Why, as I recall it, he said he ought to be shot for the things he had done relative to drawing us into the war.

Q. Did he ever discuss the draft law with you?

A. Yes, he frequently said that the draft law was unconstitutional.

Q. And what was his opinion if the draft law was enforced?

A. Well, he seemed to think that there would be a revolution, particularly among the Germans, and I think he included the Irish people in that revolution also.

Q. Did you ever discuss with him Haynes' application to get in the Officers' Reserve Corps?

A. Yes, sir, he mentioned it to me at one time and said that Haynes had said that he had applied for a place in the officers' training camp, and that he had failed to get in for some reason or other, and he at that time said Haynes was a fool—possibly a strong epithet attached to that, for attempting to get in the service.

Q. What did he say that he would do in case this country got into the war?

A. Well, among other things, he said he would sell out and leave the country; that he was ashamed to be called a citizen of a country that would go to war on such frivolous matters.

Q. Did he ever discuss with you the press of this country?

A. Yes, sir, whenever any reports of an allied victory was reported, he said it was English lies; the American-English press were all liars, and that if we wanted the truth, we would have to get it from the other side.

Q. Did he ever give you any publications to read?

A. I don't recall that he ever did.

Q. I will ask you if you and Judge Crum ever had any conversation regarding your wife, and any part that she would like to perform for the country or for the good of the country, in some branch of the country's service?

A. Yes, sir. My wife had frequently wanted to get in some branch of the service. I had persuaded her not to on account of her health, because she was not able; and discussing the matter with Judge Crum. One day told him that as soon as Mrs. Young's health was sufficiently good to permit her to do the work that she would get in some branch of the service; that we knew how she could get on, because we had been assured of that fact, and he spent considerable time in discussing the

question with me, and was very insistent that I use every means at my disposal to prevent her going in the service.

Q. You were present in court, were you, when Judge Crum, from the bench, made his speech to the jury that has been referred to in the testimony of other witnesses?

A. I was, yes, sir.

Q. Would you tell substantially the impression that you got of Judge Crum's views on the war from that speech?

A. Well my impression was just the same from that speech as from the conversations I had had with him, and that I had heard; that is, that he was decidedly pro-German as far as the allies were concerned. There was no question about that, and my impression was that he thought that the time was ripe for the discussion of peace, and I think peace had been proposed from Berlin at that particular time, and he seemed to favor the discussion of peace. He thought it was useless to send our boys over there to be slaughtered; so the impression I got was that the war was unpopular with him, and that he wanted terms of peace discussed at that particular time.

Q. Did you get any impression as to what our purpose had been—the purpose of our government was—in getting us into the war?

A. From that speech?

Q. Yes.

A. Well, not unless the statement made—I recall one statement he made in that speech. He said that he had been accused of being a traitor, that if his desire for peace—let's see, I am not getting that just right, but he stated that if being a traitor, or if a desire for peace at this time, that would save the slaughter of a great many thousand of our young men on the battle fields of Europe for the purpose of wresting Germany's African Colonies from her for England and Alsace-Lorraine for France, and some of the Austrian possessions for Italy and Constantinople for Russia, why, that he was the blackest traitor in the country.

Q. You remember the Hall trial that was conducted before the Federal Court in Helena?

A. Yes, sir. I was not present, but I remember the trial.

Q. Do you remember the occurrences here in the Capitol in the meeting of Judge Crum and Felkner Haynes?

A. Yes, sir.

Q. In which it is asserted that there was a gun play?

A. Yes, I heard the story.

Q. Did you ever have any discussion with Judge Crum regarding his part in that affair in the Attorney General's office, regarding the gun?

A. Yes, Judge Crum explained the matter to me, and at that time I asked him if there was anyone present, and he said no, he took care that there was no one present—just what he meant by that I do not know. My object in asking was that his story was at variance with the other stories that I had heard, and that is why I asked him if any one was present and he said no, he took care that there was no one present.

Q. Were you present at the meeting of the organization known as the "One Hundred" when that body met to consider the case of Judge Crum, and the advisability of requesting him to resign?

A. I was.

Q. What was the action taken by that committee.

A. After the question was discussed, it was decided to invite Judge Crum to appear before the committee and to answer questions that would be put to him. He was invited and he came, and the questions were propounded to him by the presiding officer, Mr. Bussert, and also by various members of the committee that were present. One question put to him, as I recall, was relative to the disappearance of his son. The question was put directly to him, that it was rumored that he had sent his son to South America, or Central America, I forget which, for the purpose of evading the draft. Judge Crum discussed the

matter at considerable length, but failed to tell where his son was; didn't say whether he was out of the country or not; but he did not answer the direct question put to him.

Q. What action was taken by the committee of the "One Hundred?"

A. After the Judge had been dismissed it was decided by a vote to ask him to resign.

Q. Were you a member of that Committee?

A. I was a member of the committee of the "One Hundred," but I was not a member of the committee that was appointed to ask for his resignation.

Q. What was the nature of the vote that was taken, was there any opposition to the motion made that he be asked to resign?

A. There was slight opposition at first. It carried by a strong majority, and then there was a motion that it be made unanimous, and that was, so the final vote was unanimous as I would interpret it.

Q. Have you ever heard Judge Crum discuss LaFollette and Stone, United States Senators?

A. Yes, sir, I have heard Judge Crum discuss both of them.

Q. What did he think about those men?

A. Well, he was a great admirer of both of them. I got it from his conversations that they were more patriotic than some that were criticising them. This was at the time the question of declaration of war was up for discussion, and they were opposing it.

Q. These conversations that you have testified about occurred in the County of Rosebud, State of Montana?

A. Yes, sir.

Q. Any conversations that you have testified to occurring with Judge Crum were during the time that he was Judge of the Fifteenth Judicial District of the State of Montana?

A. Yes.

BY MR. HIGGINS: Unless the members of the Senate desire to ask—well, I want to ask you another question:

Q. Did any one attempt to coerce you to give testimony, either before the House investigation or your testimony here this afternoon?

A. They did not, none whatever.

Q. I will ask you, Mr. Young, who served you to appear as a witness before the House investigation?

A. Mr. Goodman, the Sergeant-at-Arms of the Senate.

Q. I don't mean the Senate investigation, but the House investigation.

A. Yourself, Mr. Higgins.

Q. Did I in any manner threaten you?

A. None whatever.

Q. Or in any way attempt to coerce you?

A. No, no one ever at any time attempted to coerce me, or induce me to testify in this hearing, or in the preliminary hearing.

Q. Do you know of any witnesses that were subpoenaed before the House or who have been subpoenaed before the Senate who have been coerced?

A. I do not; I personally know most of them, and I know of my own knowledge that they are not people that could be coerced into it.

Q. And there has been no attempt at intimidation of any of the witnesses who were subpoenaed before the House, or who have been subpoenaed before the Senate, that is, of those witnesses that you know?

A. Not to my knowledge, never has.

BY MR. HIGGINS: That is all.

BY SENATOR ANNIN: Mr. President, unless there are objections by the Board of Managers, I wish to move at this time that all the witnesses who have testified here today, with the exception of Miss Snook, be excused from further attendance upon the Court.

Which motion upon being seconded was duly carried.

BY SENATOR ANNIN: I move that we recess until ten o'clock tomorrow morning.

BY SENATOR WHITESIDE: I should like to ask the witness a question.

BY THE PRESIDENT OF THE SENATE, W. W. McDOWELL: Very well.

BY SENATOR WHITESIDE: What were the questions propounded by the committee to the Judge at the time?

A. One question was as to his subscription to the Liberty Loan and the Red Cross; another was relative to his son being sent away to avoid the draft.

BY SENATOR WHITESIDE: What was the Judge's answer to that?

A. Well, his answer, as I recall, was that his son was only nineteen, and was therefore not subject to draft, and he was asked, as I recall, where did he send him, but he did not answer that, and in explanation of that, at the time his son is supposed to have disappeared, the bill was up in the Senate as I recall, fixing the draft age at eighteen, and before that was settled the rumor was that the son disappeared. Now, the question was asked him if that were true, and if he sent him away to avoid draft, and he merely answered it, as I recall by stating that his son was not of draft age, and therefore that he could not have sent him away to avoid the draft. Another question that was asked him was that he had been criticised for not taking part in the patriotic demonstrations in making speeches, and so on. The Belgium Relief, or Belgium Commission composed of high Belgian officials passed through Forsyth one morning about seven o'clock. Judge Crum, as I understood, had been asked to speak there, and he didn't do it, and he was asked why he refused, and his answer was that he did not have time to prepare, as I recall it now, and that the reason he did not participate in these patriotic demonstrations was that he was so busy with his official duties that he could not take the time. Those are all the questions, as I remember now. If my memory was refreshed I might recall others.

BY MR. WHITESIDE: Who was your client in this case in which you say the Judge asked you to challenge one of the Jurors?

A. Joe Holtz.

BY MR. WHITESIDE: What was his nationality?

A. He was of German descent, born in the United States.

BY MR. WHITESIDE: Was there anything said by the Judge as to why he wanted you to challenge the juror?

A. The reason he gave was that this jurymen was a member of the Overseas Club.

BY MR. WHITESIDE: Did he say anything about his not possibly giving the man a fair trial?

A. I don't recall that he did.

BY MR. WHITESIDE: That is all.

BY SENATOR BURLA: What answer did the Judge make to the question whether he had purchased a Liberty Bond?

A. He said that he had purchased two bonds, and I understood that they were two fifty dollar bonds. I don't know, but he said he had purchased two.

BY SENATOR BURLA: Is the Judge a man of some means, owns some property, do you know?

A. The Judge owns some land, I don't know what his financial condition is.

BY SENATOR BURLA: In your judgment would that be a fair purchase on the part of a good loyal citizen, and a person holding the position he has, to purchase two fifty dollar Liberty Bonds?

A. Well, without knowing his financial condition—I don't know enough about his financial condition to pass an opinion on that.

BY SENATOR BURLA: Do you know what the Judge's salary is per year?

A. I am not certain whether I do or not; thirty-five hundred I guess.

BY MR. HIGGINS: Four thousand.

A. Four thousand, I guess.

BY SENATOR BURLA: Four thousand dollars?

A. Yes, sir.

BY SENATOR BURLA: And he has been Judge in that District for how long do you know?

A. Well, I have been there four years. He was Judge at that time. He has been there more than one term.

BY SENATOR BURLA: From these facts, knowing those facts, you still consider that the purchase of two fifty dollar bonds for a person so situated, would be a reasonable purchase of bonds?

A. Well, again I say I would have to know his financial condition. I do not know what the Judge is worth. I know what salary he gets. Aside from that I do not. He has a fairly large family. His wife is dead; he has to hire a housekeeper, so I would not be in a position to say whether that was fair or not.

BY SENATOR BURLA: Has he a ranch or farm?

A. He has one or two of them.

BY SENATOR BURLA: Does he operate individually or by tenant?

A. I think he leases them out.

BY SENATOR BURLA: Does he own some city property, do you know?

A. Well, I am under the impression that he owns his home, although I do not know.

BY SENATOR BURLA: That is all.

BY SENATOR ANNIN: I now renew my motion.

Witness excused.

BY MR. HIGGINS: If I may have the indulgence of the Court I am asked to propound another question to one of the witnesses, Miss Snook.

Miss Elizabeth Snook, a witness on behalf of the State being recalled, testified as follows:

DIRECT EXAMINATION BY MR. HIGGINS.

Q. Were you ever present close enough to hear during any of the conversations between any of these Germans that you stated came up to the Judge's chambers to visit him and the Judge?

A. No, I was not?

Q. So you do not know then, whether or not they conversed in English or German?

A. I do not.

BY MR. HIGGINS: That is all, excused.

BY SENATOR ANNIN: I will move to strike out the word "except" and Miss Snook will also be excused.

Whereupon the motion was put and carried.

BY PRESIDENT W. W. McDOWELL: If there are no objections, upon the motion previously made by Senator Annin, we will stand adjourned until ten o'clock tomorrow morning.

Helena, Montana, Thursday, March 21st, 1918.
10 o'clock A. M.

BY THE PRESIDENT OF THE SENATE, W. W. McDOWELL: Court will please come to order.

BY THE SERGEANT-AT-ARMS OF THE SENATE: Hear ye, hear ye, hear ye, all persons having business before this Court of Impeachment in and for the State of Montana, may draw near, give their attention, and they will be heard.

Whereupon the roll was called, as follows:

Present: Annin, Arnold, Brower, Burlingame Clark, Clay, Dwight, Edwards, Ellingson, Featherly, Gnose, Haley, Healy, Heren, Hurd, Jones, Junod, Kane Lane, Larson, McCone, Meadors Mershon, Morris, Muffly, Oliver, Parker, Roberts, Slayton, Stevens, Taylor, Williams.

Absent: Burla, Fishbeck, Gallwey, Hogan, Kinney, O'Shea, Smith, Whiteside, Willett.

BY THE SECRETARY OF THE SENATE: A quorum is present.

A. C. Spencer, a witness on behalf of the State being first duly sworn, testified as follows:

BY SENATOR ANNIN: In view of the fact, Mr. President, that there is a question as to the advisability of proceeding without all of the membership of the Senate here, I now move you to call the Senate.

The motion being seconded was duly carried.

BY THE PRESIDENT OF THE SENATE: The Sergeant-at-Arms is ordered to close the doors, and bring in all members of this body.

BY SENATOR EDWARDS: I would suggest that the Secretary call the roll. They may be present now.

Whereupon the roll was called the second time, and resulted as follows:

SENATE ROLL CALL.

Name.	Present	Absent
Annin	X	
Arnold	X	
Brower	X	
Burla	X	
Burlingame	X	
Clark	X	
Clay	X	
Dwight	X	
Edwards	X	
Ellingson	X	
Featherly	X	
Fishbeck		X
Gallwey	X	
Gnose	X	
Haley	X	
Healy	X	
Heren.....	X	
Hogan	X	
Hurd	X	
Jones	X	
Junod	X	
Kane	X	
Kinney		X
Lane	X	
Larson	X	
McCone	X	
Meadors	X	
Mershon	X	
Morris	X	
Muffly	X	
Oliver	X	
O'Shea		X
Parker	X	
Roberts	X	
Slayton	X	
Smith		X
Stevens	X	
Taylor	X	
Whiteside	X	
Willett		X
Williams	X	

BY THE PRESIDENT OF THE SENATE: All present. Further proceedings under this order will be dispensed with.

Whereupon the examination of the witness, A. C. Spencer, proceeded as follows:

EXAMINATION BY MR. HIGGINS.

- Q. You will please state your name?
A. A. C. Spencer.
Q. Your residence?
A. My residence is Red Lodge.
Q. What position do you hold at the present time?
A. District Judge.
Q. Of what District?

- A. Thirteenth Judicial District.
- Q. How long have you been practicing law, Judge Spencer?
- A. Sixteen years.
- Q. Were you practicing law in the State of Montana during the year 1913?
- A. I was.
- Q. Were you practicing law in the City of Red Lodge, County of Carbon, during that year?
- A. Yes, sir.
- Q. I will ask you if you were local counsel of the Northwestern Improvement Company during that time?
- A. At that time, yes sir, I was.
- Q. I will ask you if during the month of February, 1913, you acted as attorney for the Northwestern Improvement Company in the case of H. B. Rodney vs. the Northwestern Improvement Company et al.?
- A. Yes, sir, I was one of the attorneys for the defendant.
- Q. That was tried at Red Lodge, in the County of Carbon, State of Montana?
- A. Correct.
- Q. The plaintiff in that case put in all their testimony, Judge Spencer?
- A. They did.
- Q. After the termination of the introduction of the plaintiff's case, what action did the counsel for the defendants, including yourself, take?
- A. Presented and argued a motion for either a non-suit, or a directed verdict, I don't recall for certain which.
- Q. What was the action taken by the court upon that motion?
- A. The motion was denied.
- Q. And the defense then proceeded to put in its case?
- A. Yes, sir.
- Q. The case was submitted to the jury?
- A. It was.
- Q. And what was the verdict?
- A. \$5,673 in favor of the plaintiff.
- Q. Who was the presiding judge in that case, Judge Spencer?
- A. Judge C. L. Crum.
- Q. How long have you known Judge Crum?
- A. A little bit longer than that, about six years, approximately.
- Q. Did you have occasion to discuss the case just mentioned with Judge Crum after the trial, and the verdict rendered by the jury?
- A. I did.
- Q. Will you tell the Senate just what that conversation was, relating to the motion for a non-suit, or a directed verdict?
- A. Well, the conversation took place at some subsequent date. I cannot tell the date exactly, but some time during the year 1913, when Judge Crum was in Red Lodge holding court again. He called me into his room at the Pollard Hotel, and opened the subject by asking me whether, in the event a new trial was granted in that case the plaintiff would appeal it to the Supreme Court. I told him that I thought the plaintiff himself had no money, but that undoubtedly his attorneys would take the case into the Supreme Court, if a motion for a new trial were granted. He told me that, to use his own language, he said, "I do not want the Supreme Court to make a monkey out of me." And I told him that very likely the case would wind up in the Supreme Court, either way he ruled upon the motion, because it was a case wherein the defendant had once settled with the plaintiff in the case, and months afterwards the plaintiff had spent that money and sued the company for damages again for his personal injuries, setting forth in his complaint that at the time he made the settlement that he was insane; and for that reason, that if he did not grant the motion for a new trial, that unquestionably the defendant would appeal to the Supreme Court, so that very likely the case would be heard there either way he ruled,

Well, he said, "Do you know the reason why I did not grant the motion for a non-suit in that case?" I said, "No, but I suppose you thought the law was the other way." He said, "No, the reason I did not grant the motion for a non-suit in that case was because one of the attorneys for the defendant"—mentioning his name—"had done him an awful good turn at one time when he needed it, and needed it badly." He says, "I made up my mind that I would not throw him out of court," and he mentioned the attorney's name, and I might say that the only reason I do not mention it at this time is because the lawyer is now deceased.

BY MR. O'CONNOR: Pardon me you mean one of the attorneys for the plaintiff?

A. I mean one of the attorneys for the plaintiff. I should say one of the attorneys for the plaintiff, yes. And I said to Judge Crum at that time, "Don't you think that is rather an expensive way to be paying back your political obligations?" I said, "That might eventually cost this company \$5,673, besides interest and costs." I said, "Of course, it will not, as long as there are any courts in the country to fight it in, because the company is not particularly interested in the five thousand dollars, but they do want to know whether or not, as a matter of principle, that they can settle with a man, and the man afterwards use the money, and then come around and sue the company and claim he was insane at the time he made the settlement." "Well," he said, "I can't help it, I just made up my mind I would not throw him out of court, and I couldn't do it." And that was about the extent of the conversation. There was some more said, I can't remember the exact language. It was not altogether complimentary. I remember that very distinctly. I addressed myself to the Judge very emphatically what I thought about the situation, and what I thought about that course of procedure, and that was about the extent of it. The defendant in that particular case—the plaintiff had rested his case on Saturday night, as I recall it now, and we argued the motion for a non-suit on Sunday, by agreement between all parties. Monday morning, in going down to court, I walked down to the court house with Judge Crum, and he had indicated to us before that he was going to overrule that motion; and as we walked down to the court house Monday morning, he said to me at that time, he said, "Do you know, Spencer," he said, "that I rather feel as if I should sustain that motion for a non-suit." "Well," I said, of course, that is the way it looks to me, looks as if the law was all our way on the whole thing, but if you cannot see it that way, we will have to go into our defense, of course," and that was practically all that was said at that time; and then this other conversation took place subsequently. I can't tell just how long, but some time during that year. That is about the conversation, as near as I can detail it at this time.

Q. What position did Charles L. Crum hold at that time?

A. He was District Judge in that district at the time.

Q. The District Judge of the Fifteenth Judicial District?

A. At that time it comprised a couple of more counties, I think at that time; that there were five counties in the district, Rosebud and Musselshell I believe, if I am not mistaken—Rosebud and Musselshell were both in the district at that time. Judge Crum was one of the Judges of that district.

BY SENATOR PARKER: What was the final result of the case?

A. The ultimate outcome of the case was, that subsequent to that conversation some time, the motion for a non-suit was presented, and Judge Crum—or a motion for a new trial, I should say, was presented. Judge Crum sustained the motion and granted a new trial, and that was the last that was ever heard of the case. It never was tried afterwards.

BY MR. HIGGINS: Unless there are other questions from the Senators, this witness will be excused.

BY SENATOR PARKER: This was in 1913?

BY MR. HIGGINS: 1913.

BY SENATOR WHITESIDE: Who were the other attorneys?

(Witness.) Well, I can't be just certain about that but one, a representative from Gunn & Rasch's office, of Helena who were the division counsel for the Northern Pacific and likewise for the Northwestern Improvement Company of Red Lodge, a representative from their office, and I believe Mr. W. M. Johnston of Billings, who was at that time local counsel for the Northern Pacific Railway at Billings, and who used to come to Red Lodge and assist in the defense of nearly all of the personal injury cases in Red Lodge.

BY MR. HIGGINS: That is all, Judge Spencer.
Witness excused.

Whereupon GEORGE FARR, a witness called and sworn on behalf of the State, testified as follows:

EXAMINATION BY MR. HIGGINS.

Q. Mr. Farr, at my request, did you telegraph to your office in Miles City to have sent here the copy of the Over-Seas Club oath furnished you by Judge Crum?

A. I did, yes sir.

Q. Did you receive that application?

A. Yes, sir.

Q. I will ask you if it does not read as follows:

"APPLICATION FOR MEMBERSHIP (Including use of the London Club Rooms) RESIDENTS' OVERSEAS ONLY.

THE OVER-SEAS CLUB.

Patron: His Majesty the King.

To the Hon. Organizer, THE OVER-SEAS CLUB, General Buildings, Aldwych, London, W. C.

PLEASE ENROLL ME AS A MEMBER OF THE OVER-SEAS CLUB. I HEREBY DECLARE THAT I AM A BRITISH SUBJECT.

TERMS OF MEMBERSHIP.

	£	s.	d.
Entrance Fee	0	2	6
One year's subscription, including Membership List and One Year's Subscription to "Over-Seas," the Over-Seas Club magazine	0	5	6
Two year's subscription, including Membership Lists and Two Year's Subscription to "Over-Seas"	0	11	0
Life Membership fee	3	3	0

Badge.—All Members are requested to buy the Over-Seas Club Badge. For full particulars see overleaf.

I enclose remittance as under.

	£	s.	d.
Entrance Fee	0	2	6
Subscription			
Badge			
(Please state style of Badge required)			
Total			
Signed			
Occupation			
Birthplace			
Address			

Members are requested to notify the Hon. Organizer, The Over-Seas Club, General Buildings, Aldwych London, W. C., England, of all changes of address.

Remittances should be crossed "COUTTS & CO."

THE OVER-SEAS CLUB.

Patron: His Majesty the King.

"We sail'd wherever ship could sail,
We founded many a mighty state,
Pray God our greatness may not fail
Through craven fears of being great."

—Tennyson.

MEMBER'S CREED.

Believing the British Empire to stand for justice, freedom, order and good government, we pledge ourselves, as citizens of the greatest Empire in the world, to maintain the heritage handed down to us by our fathers.

OBJECTS OF THE. (1) To help one another. (2) To render the in-OVER-SEAS CLUB dividual service to our Empire. (3) To maintain our Empire's supremacy upon the seas and in the air. (4) To draw together in the bond of comradeship British people the world over.

RULES. On receipt of subscription the Annual Membership Card will be forwarded for the current year. The Central Committee reserves to itself the right of returning his or her subscription to any individual should it desire to do so, or of refusing to renew any subscription.

The headquarters of The Over-Seas Club are situated in the General Buildings, Aldwych, London, W. C., exactly opposite the new buildings of the Commonwealth of Australia, in the very heart of London.

The premises consist of reading and writing rooms, ladies' room, smoking room, billiard room, lounge, information bureau, and the headquarters executive office of the organization.

All communications must be addressed to the Hon. Organizer of the Over-Seas Club, General Buildings, Aldwych, London, W. C. England.

CLUB BADGES. The badge for members is enamelled in two colours, red and white, forming the letters "O. S.," denoting The Over-Seas Club. Badges can be supplied in the form of a pendant, brooch, tie-pin, or button, from one shilling and sixpence upwards. The Club Badge can also be obtained in gold and silver. All prices quoted include postage.

	£	s.	d.
Metal—Pendant, Brooch, Button or Pin	0	1	6
Sterling Silver (British Government Hall Marked) Pendant			
Brooch, Button or Pin	0	3	6
Safety Pin Brooch	0	5	6
9-carat Gold (British Government Hall Marked) Pendant,			
Brooch or Pin	0	15	0
Button, with solid gold shank and base.....	1	0	0
Safety Pin Brooch with solid gold pin and catch.....	1	10	0
18-carat Gold (British Government Hall Marked) Pendant,			
Brooch or Pin	1	2	6
Button, with solid gold shank and base.....	1	6	0
Safety Pin Brooch with solid gold pin and catch.....	1	10	0

The badge of The Over-Seas Club has become known wherever the British language is spoken and acts as a further bond between British citizens in all parts of the globe.

For Membership Form see over."

A. Yes, sir, it does.

BY MR. HIGGINS: I should like to have this marked for identification.

(The paper read to the witness as appears above, was then marked State's Exhibit B.)

BY MR. HIGGINS: I wish to introduce into evidence what is known as State's Exhibit B.

Q. You were shown, Mr. Farr, an application for membership in the Over-Seas Club yesterday?

A. Yes, sir.

Q. I will ask you if that application did provide for persons who had formerly been citizens of Great Britain, but who were now citizens of the United States?

A. Yes, sir, the application yesterday, and this one, are entirely different.

BY MR. O'CONNOR: Had you not better have the oath read, so that the Court will be advised?

By MR. HIGGINS: This is on the back page, and entitled the "Member's Creed." "Believing the British Empire to stand for justice, freedom, order and good government, we pledge ourselves, as citizens of the greatest empire in the world, to maintain the heritage handed down to us by our fathers." Then it is entitled, "Objects of the Over-Seas Club." (1) To help one another. (2) To render individual service to our empire. (3) To maintain our empire's supremacy upon the seas and in the air. (4) To draw together in a bond of comradeship British people the world over." That is the purpose of it. If there are no other questions by the Senators the witness will be excused.

Witness excused.

Whereupon E. C. Bussert, a witness called and sworn on behalf of the State, testified as follows:

EXAMINATION BY MR. HIGGINS.

Q. Will you please state your name?

A. E. C. Bussert.

Q. Your residence?

A. Forsyth.

Q. Your occupation?

A. I am superintendent of the Public School system of Forsyth.

Q. How long have you lived in Forsyth, and how long have you been at the head of the school system?

A. I have lived in Forsyth nearly seven years, and been head of the school system during that time.

Q. Do you know Judge Charles L. Crum?

A. I do.

Q. How long have you known him?

A. Practically the time that I have lived in Forsyth.

Q. Have you ever had occasion to engage Judge Crum in a conversation regarding the war, the European war, either before the entrance of the United States or after?

A. I have, both before and after the entrance of the United States into the war.

Q. Will you please tell the Senate the nature of the first conversation you had with Judge Crum, regarding the war before the entrance of the United States as a participant?

A. I cannot recall distinctly the first conversation, or any particular conversation I had with Judge Crum before the entrance of America into the war. The substance of his conversation with me was, and these conversations were quite frequent, that England was

as much to blame as Germany for interfering with our rights on the seas, and that the United States was ready to break relations with England on account of interfering with our commerce, and mails on the sea. Proceeding a little further with that line of conversation, he reiterated continually that Germany was bound in his estimation to win the war, and of course, he was glad to see that brought about.

Q. Do you say that that was the substance of your conversations with him before—

A. Yes, sir.

Q. This country got into the war?

A. Yes, sir.

Q. Now, when did you ever have a conversation with him regarding the war, after America declared war?

A. I had two conversations with Judge Crum since America entered the war. The date of the first I cannot fix even approximately. The date of the second I should judge was sometime around the first of August. It was the occasion of the visit of the delegation of the Belgians through this part of the country.

Q. Would you tell us then what the nature of your first talk was after America became a participant in the war?

A. Judge Crum called me into his chambers one day, and I happened to be in the Court House, produced a book which he informed me contained the names of members of what he called the Overseas Club, an organization of which I had never heard, opened the book and read over the names of a number of members, pointing out those from different parts of Montana. If I recollect clearly the oath supposed to be taken, or the declaration of purpose, was in the book itself on the first page, perhaps he called my attention to that and told me that there was a certain particular person in our town whose name he expected to find there. Then he asked me what I thought of some people, who posed as being good Americans, belonging to an organization of that kind, who had the crust to accuse other Americans of not being loyal. I don't remember what answer I made to Judge Crum—answers to Judge Crum's remarks to me from the very beginning must have been unsatisfactory to the Judge as well as to myself. We never were in sympathy on these issues, and I usually tried to get away from discussing the subject as soon as I could possibly get away from him.

Q. That was the substance of your conversation, your first conversation with him?

A. It was.

Q. Now, recurring to the second conversation that you had with Judge Crum, which you say was in August, 1917, will you please tell the Senate the substance of that conversation regarding the war?

A. I was at that time the acting secretary of the Community Club of Forsyth. Mr. Nelson, the agent of the Northern Pacific Railroad, came to my office, saying he had been requested by the Railroad Company to procure a delegation of prominent citizens to meet the Belgian Representatives at a certain time on a certain train to give them the greetings of our city, and he wanted me to help him form a committee to do that. We called upon Judge Crum in his chambers, as one of the foremost citizens of our town, and asked him to head the delegation and to make an address, short address, of welcome in sympathy to the Belgian Commission. This he refused to do. He took occasion during his remarks to us at that time to say that the Belgians were to be pitied—any country was to be pitied that had been invaded by the enemies, but that he had advice, pointing to a pile of papers at one side, that the atrocities alleged to have been committed in Belgium were not nearly so great as had been spread broadcast by the newspapers through this country. He said at that time "Gentlemen if I were convinced that the Germans were perpetrating the outrages on the people of Belgium that the papers claim they are I would be in favor of hanging every damn one of them, but," he said, "it is not so." We pressed him a little further then to agree to meet the commission. He dallied with the subject for

a while, saying that he didn't think he had the time, finally remarking that he didn't believe he would walk across the street to meet the delegation from any of the allies. It sat rather hard on Mr. Nelson and myself since we were the allied part of them at that time. That was the substance, as I recall it, of that conversation. I may add that Judge Crum was not there when the Belgian delegation came in the next morning.

Q. Mr. Bussert do you know of an organization in Rosebud County called the One Hundred?

A. I do.

Q. Are you a member of that organization?

A. I am.

Q. Do you have any official position in that organization?

A. I am one of the executive committee.

Q. You are familiar with the ritual, if I may term it so, of the organization.

A. I am.

Q. You have gone through that ceremony yourself?

A. Yes, I have.

Q. And have seen others and aided others in going through the ceremony?

A. I have.

Q. I will ask you if you have that ritual here with you?

A. I haven't it on my person, it is here, I think in the Court Room.

Q. Do you know who has it?

A. I think Mr. Grierson has it, our Sheriff.

Q. Now, Mr. Bussert, there was a gathering of the Committee of One Hundred in Forsyth to discuss the matter of the loyalty of Judge Charles L. Crum. Were you present at that gathering?

A. I was.

Q. When was it held?

A. I am not positive, I think on the second day of February, Saturday.

Q. Was there any particular reason for calling the meeting at that particular time?

A. Yes, sir.

Q. Will you please state what that was?

A. Well, the morning of that day, about nine o'clock I met Mr. Martin, one of the members of the Executive Committee of the One Hundred on the street; he said to me, "Bussert, we had better call immediately a meeting of the full committee of the One Hundred to consider the loyalty and position of Judge Crum in this matter of the war, because," he said, "there is so much talk and people are milling around so much about it, that I am afraid something may be done which we might regret, and since our organization is for the purpose of preventing largely those things, we had better get busy and do something." I agreed with him.

Q. This Mr. Martin is the same Mr. Martin who testified here yesterday?

A. Yes, sir. He is.

Q. And that meeting was called?

A. It was.

Q. You were present?

A. I was there.

Q. In what capacity did you act in that meeting?

A. I was the chairman of the meeting.

Q. You were present when Judge Crum appeared before the meeting?

A. I was.

Q. Will you tell what took place after the arrival of Judge Crum at the meeting?

A. Judge Crum came to the door accompanied by several other

persons, and I met him at the door. He asked me whether there was any bull about this thing. I assured him that the meeting was absolutely on the square. I escorted him up to the front of the hall and gave him a seat at my left in front of the gathering. I said to him at that time,—do you want to go into this in some detail?

Q. Go ahead, and tell us the way you know it, that is what we want.

A. I said to him at that time "Judge Crum, in me you behold one of your neighbors elected to be the Chairman of this committee." I said, "I do not accuse you of pro-Germanism, but I do accuse you of not being pro-American. You have not been active in this war, and you are out of sympathy with your constituency." I said, "As a neighbor who has been glad to prefer you to office, who has admired your talent, nothing has caused me more personal pain in the war than your neglect to act in these matters." I said, "You are in the hands of your friends in this meeting and we would like to know your sentiments in regard to the war."

Mr. Crum stood up, looked about over the meeting, he said, "I recognize and see the faces of many of my friends, many whom I am glad to call friends here. I see also a few who are my enemies, with whom I do not care to be friendly." Judge Crum then went on in general to explain his position, saying, that he had no reason to be other than American, a real American, a true American. His ancestors had been in this Country quite a while; he knew of no reason why he should not be a good American. Continuing that line of remarks for some time, he sat down. I then picked up a copy of the speech that he delivered to the jury the fall previous to this, asked him if he remembered delivering that speech, and read it to him and to the persons assembled—the last paragraph of that speech, and asked him if he would at that time, tell us what he meant and what his sentiments now were in regard to that part of that speech. He then explained why he had made this speech, saying, "that he had been accused of being pro-German; that the day previously at the County Fair some person had come to him and asked him if it was true that he had been disbarred from sitting on certain cases or removed from office because of pro-German sentiments." He said, "I confess, that I was very warm under the collar, gentlemen," he said, "I had appointed George Horkan an attorney in our town to sit in a certain case, and I took the occasion the next day to express my sentiments concerning the war," and this speech was his sentiment. We then proceeded to ask Judge Crum other questions. I asked him quite a few myself. Other members of the 100 there asked him questions. He was asked whether he has supported financially the war. He said he had. He had both bought Liberty Bonds and subscribed for the Red Cross. He was asked concerning his boy, Libert. His reply to that question was that he had never talked to his son, pro or con concerning his entering the war. He was not asked, neither did he volunteer any information at that time concerning the whereabouts of his boy. He further stated that when in his judgment, it was necessary that his boy should go to the front, he would be there with him. He then was asked about naturalizing a number of citizens of foreign descent, in the court held at Red Lodge, I think on the day previous to the declaration of war against Austria. And when the newspapers had been full of the probabilities of the declaration of that war. He said that he had done that as an undoubted right of the Court, basing his action upon some action of Judge Bourquin at a previous meeting of a similar nature, and one or two other Judges, taking occasion to remark that he thought that if men of that character, foreigners of that character would at the time, at this time, denounce their allegiance to the foreign or to a foreign country, and become Americans, that he thought they would make desirable citizens. I asked him what he thought of Judge Bourquin's decision in the Hall and Just cases, saying to him, if it was within the ethics of his profession to discuss that, we would be glad to know what he thought of it. He did not discuss the opinion rendered there by Judge Bourquin, but very little, if any, but

he did say that in his opinion Judge Bourquin was one of the purest, most upright, conscientious judges the State of Montana had ever had. Several other questions were asked that seem to escape my memory at the present time. After the questions were asked, I asked Judge Crum if he would please retire until we had discussed the answers that he had made, and at the same time, all persons present who were not members of the One Hundred Club were asked to retire. We then went into what might be termed an executive session, and took up the questions seriatim and debated whether his answer to each was or was not satisfactory to the persons present. In one case, the case of his financial support of the war, it was agreed that his answer had been satisfactory, in the other cases, his answers to all of the other questions were not satisfactory to the members present. One thing particular to be observed, if I may be allowed a digression at this time, in the voting and discussing of these answers of Judge Crum, was that out of that body of men comprising possibly seventy to ninety men, it was very difficult to get a vote. Time and again I had to call on the members to vote on these questions. When the question was put for vote three or four would vote on one side and four or five on another side, and I finally had to threaten that if they did not vote, I would count them as one side or the other, and worked with them in order to get a full, free expression from everybody on the different questions that had been answered by Judge Crum. After these matters had been discussed for an hour or an hour and a half, the final vote was taken on whether or not we should ask Judge Crum to resign from his office. That was a standing vote. I counted, I went about over the hall and counted individually the voters. There were five if my recollection serves me, who voted not to ask Judge Crum to resign. The vote having been carried, or the motion having been carried,—by such a great majority, somebody, I forgot who, who had voted in the negative, moved to make it unanimous, which was done. The question then arose as to how Judge Crum should be informed. The meeting decided that the Chairman should appoint a committee; a committee of that kind requiring a little consideration, I delayed the appointment until Monday morning, when I appointed a committee of three to wait upon Judge Crum and inform him of the decision arrived at during that meeting. I think that is substantially what happened at the meeting.

Q. You say this meeting was called on Saturday?

A. It was.

Q. That is the day the farmers generally came into town, into Forsyth, to do their marketing?

A. It is.

Q. The chances on that day for a representative gathering would be better than any other day of the week, you would say?

A. Much better.

BY SENATOR WHITESIDE: How many were present?

A. I don't know the exact number. I should say from 70 to 90. Something like that.

BY SENATOR WHITESIDE: Of that number, how many voted aye?

A. There were five voted "no." I do not remember how many voted aye.

MR. HIGGINS: Continuing:

Q. You have lived in Rosebud County for seven years?

A. Almost seven years.

Q. You know the citizenship of that county reasonably well?

A. In the vicinity of Forsyth, I do.

W. Well, from your knowledge of the citizenship of Rosebud County, would you say that of those seventy or ninety men gathered there that evening there was a representative gathering?

A. Yes, it was.

Q. I want to show you a couple of papers I have in my hand, and ask you if you have ever seen those before? (Showing witness.)

A. This is the Declaration of Purpose of the Committee of One Hundred. And this is the oath administered to the members of the Committee of the One Hundred.

MR. HIGGINS: I should like to introduce the oath of the Committee of the One Hundred and the Declaration of Purpose of the Committee of One Hundred, but, ask the privilege of having copies of these made, so that we may withdraw the originals and return it to these gentlemen for further purposes of the Club.

The Declaration was then marked State's Exhibit C and the Oath referred to above was then marked State's Exhibit D.

Q. Now, showing you, Mr. Bussert, State's Exhibit C, will you tell me what that is.

A. This is the Declaration of Purpose of the Committee of One Hundred.

Q. Will you kindly read the printed matter?

A. Will it be all right for me to stand?

Q. Yes, sure.

A. I can read better when I stand. (Reads as follows.)

DECLARATION OF PURPOSE.

WHEREAS, Our Government, the UNITED STATES OF AMERICA, and the people thereof are engaged in a gigantic war with an enemy who seeks the destruction of our lives, our families, our welfare and happiness and of everything that we hold dear; and,

WHEREAS we know that it will tax to the uttermost our resources of men, money and supplies to win this war; and

WHEREAS, It is a matter of common knowledge that there are within our midst persons endeavoring to obstruct and hinder the raising of an army, and navy, the care of the army, and navy, and the regulations of the Government in regard to food and supplies, the voluntary contribution of the people to such measures as liberty bonds, Red Cross and other similar projects; and

WHEREAS, We recognize that the lives of our boys and the welfare of our people depend upon full co-operation of all the people and the curbing and stamping out of the activities of these damned traitors,

THEREFORE, Be It Resolved, that an organization known as "THE ONE HUNDRED" be perfected for the purpose of securing the full, active co-operation of every man, woman and child in the plans of our Government for conducting and winning this war; and

BE IT FURTHER RESOLVED, That the committee of execution of the plans and purposes of THE ONE HUNDRED shall be an executive committee consisting of D. J. Muri, Chairman; R. A. Martin, Vice Chairman; Henry Grierson, Marshal; Felkner Haynes, Law Officer, and Members B. H. Edminster, G. C. Anderson, E. C. Bussert, Joe Choisser, J. E. Edwards, whose duty it shall be to carry out the purposes of the organization, to perfect plans of action and to advise and consult with the Committee of "THE ONE HUNDRED" from time to time in the course of the activities of the organization; to summon witnesses and examine witnesses in connection with the location and determination of individuals who are guilty of pernicious activities and of obstructing our war policies and general welfare; to take such action as they may deem necessary and essential to maintain in this community the general welfare of the Government and to enforce true and high standards of citizenship. We subscribe our names in endorsement of the foregoing resolutions."

Q. Now, showing you State's Exhibit D, Mr. Bussert, I will ask you what that is.

A. This is the Oath administered to and taken by each member of the organization of the ONE HUNDRED.

Q. It is the oath that has been taken by every person who has become a member?

A. By each and all.

Q. I will ask you what is the membership of the Committee of ONE HUNDRED at the present time?

A. I don't know exactly, I think in the neighborhood of two hundred.

Q. I will ask you if you will read the oath administered?

A. (Reads).

OATH OF THE ONE HUNDRED.

I John Doe, of my own free will and accord do hereby promise and swear on my sacred honor and in the presence of these witnesses that I will protect and defend the honor and safety of the United States of America at all times and in all places to the fullest extent of my material resources, and, if need be, my life. That I will do all in my power to expose and bring to justice any person or persons whomsoever who are not loyal to the United States or who are committing acts detrimental to its welfare and safety so far as I have knowledge thereof. That I will uphold the executive committee and officers of this organization in the performance of the duties pertaining to their office and support them to the full extent of my ability. That I now and here renew my allegiance to this my Beloved Country, the United States of America, recognizing her benefits, mindful of the duty I owe her, and pledge to her my unqualified support in the hour of her need, binding myself under no less a penalty than the deserved sacrifice of the good will, esteem and confidence of my neighbors and fellow men and subjecting myself without hope of mercy to the operation of the law of the land and to the undying contempt of the fellow members of the "One Hundred" if I in the least or in any sense violate this my solemn oath and obligation or reveal any of the proceedings of this committee to any person not a member thereof, so help me God and keep me steadfast.

In token of my sincerity in these declarations I do now kiss the flag of the Republic spread upon the open pages of the Holy Bible."

Q. I judge then, Mr. Bussert, that the ceremony of initiation consists in reading the Declaration of Purpose to the candidates, and then having him assume this oath just read?

A. It does.

Q. I will ask you if this organization has been copied by any other community or county organization in the State?

A. I think it has.

Q. Have you ever had any communications from persons in other counties asking what your organization was?

A. Yes sir, we have.

Q. Where was that from?

A. We have had communications of that kind from Custer County, Musselshell County, from Billings, from Helena, from Sheridan. These are places within my own knowledge. I don't know how many more.

Q. Is that Sheridan, Montana, or Sheridan, Wyoming?

A. Sheridan, Wyoming.

Q. Mr. Bussert, was Charles L. Crum a member of the One Hundred?

A. He is not a member of the Committee of One Hundred at Forsyth. I don't think he is anywhere.

Q. Was he ever asked to become a member of the Committee of One Hundred?

A. He was not.

Q. The invitation to membership is governed by this Executive Committee?

A. It is.

Q. Acting, I suppose, largely upon the suggestion from members

from the club or of the club, as to who should be taken into membership?

A. They have so acted considering the candidates proposed.

SENATOR ROBERTS: I should just like to ask if this book, which was in his possession, with the names of the Overseas Club in it, was that a printed book or one in which the names had been written?

A. It was printed.

Q. BY MR. HIGGINS: When you were in Judge Crum's Chambers and had the conversation there which you have testified about, and wherein the matter of the Overseas Club was brought up, did he exhibit to you the oath or the application for membership?

A. He did. I cannot recall the exact form, whether it was on a sheet or not, such as has been exhibited here.

Q. I will show you State's Exhibit A and State's Exhibit B there and will ask you if either one of those applications were shown you at that time, or applications similar?

A. The application that I saw was similar to this. (Indicating State's Exhibit B.) Yes, sir.

Q. That is State's Exhibit B?

A. Yes, sir.

Q. Wherein it says, "Please enroll me as a member of the Overseas Club, I hereby declare that I am a British subject."

A. Yes, sir.

Q. And he did not exhibit to you as the application of membership in the Overseas Club, Exhibit A?

A. No.

Q. Mr. Bussert, do you know whether Judge Crum was in Forsyth the day that the Belgium Commission went through there?

A. I do not.

Q. You do know that he refused to respond to your invitation?

A. He did.

BY SENATOR HOGAN: I should like to ask you if, when you asked Judge Crum concerning his statement, if you had with you a written report of his statement to the jury to which you made reference when asking the question?

A. It was the printed report in one of the local papers.

BY SENATOR HOGAN: Have you got that with you now, Mr. Bussert?

A. I have not.

BY MR. HIGGINS: We have got it right here.

BY SENATOR HOGAN: Do you know whether that is available?

BY MR. HIGGINS: We have it here.

Q. And did you question him in regards to the latter part of that statement?

A. Yes, sir.

BY SENATOR HOGAN: Now, when you questioned him in regards to the decision of Judge Bourquin in the Just and Hall Case, do you know whether the members of your Committee of the One Hundred there present, were generally familiar with the facts and the findings of law in that case or not?

A. Well, there had been very much discussion about that case. We had read, and very many people had read, the reports of the decision.

BY MR. HOGAN: Continuing the examination.

Well would you say from the circumstances, Mr. Bussert, that the

average membership of your committee there present, were in a position to pass upon the merits of that decision.

A. I don't know about that.

Q. Is American citizenship a requisite to membership to your Committee of the One Hundred?

A. Well, I don't think that that point has ever been discussed, in just the manner that you have presented it.

Q. You have, of course, lots of loyal citizens in your county who are not members?

A. Certainly, certainly.

Q. I would ask you Mr. Bussert, if you know whether or not Judge Crum had personal knowledge of the two different forms of applications taken by members of the Overseas Club?

A. I do not know about that.

Q. Referring now to your first conversation with Judge Crum, you state that you and he did not agree on these matters, I believe, or was to that effect? That you disagreed? I would ask you Mr. Bussert what was the general statement in regard to the Americanism of members of the Overseas Club.

A. I don't know that I can give that any better than I have given it. His remark to me at that time was, "What do you think of fellows who will belong to this organization and still have the crust to accuse other men of not being good Americans?" Now that is it substantially as I recall it.

Q. Did he refer to any of the particular language of the application in coming to that conclusion?

A. No, I don't believe he did. The one thing that sticks out in my mind there is the fact that these members of this organization were supposed to be British subjects in order to be members.

Q. Was it the fact that they were British subjects, or the fact that the application sought to promote the interests of the British empire to which he took objection?

A. I am not certain.

BY SENATOR HOGAN: That is all.

BY MR. HIGGINS: Continuing the examination:

Now, Mr. Bussert, recalling the inquiry of Senator Hogan's in regard to the qualifications of membership in the One Hundred Club, was to whether or not they must be American citizens, I will read this clause in the obligation, "That I now and here renew my allegiance to this, my beloved country, the United States of America, recognizing her benefits, mindful of the duty I owe her, and pledge to her my unqualified support in the hour of her need." could that obligation be taken by any other than an American citizen?

A. I do not think so.

MR. HIGGINS: Any more questions desired to be asked of this witness? If not, the witness may be excused.

BY MR. BELDEN: May it please the Court, a reference having been made in the testimony of several of the witnesses to the speech that was made to the Jury, the Committee of Managers of the House now desires to read into the records this speech as taken from the affidavit of Jack McCausland, Publisher of the Forsyth Democrat. It was printed in the issue of the 17th of September, 1917. The affidavits from which I read bears the identification mark of the House of Representatives as No. 8, and it is further identified by a stamp "Received Feb. 19, 1918, Executive Office." I will read the preliminary part of the affidavit as introducing the speech:

IN THE SENATE OF THE STATE OF MONTANA

In re C. L. CRUM.

Affidavit of JACK McCAUSLAND.

State of Montana, County of Rosebud—ss.

Jack McCausland, of lawful age, being first duly sworn, upon oath deposes and says:

That he is a citizen of the State of Montana, and a resident of the City of Forsyth, County of Rosebud, State of Montana; and that during the past three years has been the owner and publisher of the Forsyth Democrat, a newspaper of general circulation published and printed at the said City of Forsyth; that upon the 17th day of September, 1917, this affiant was present in the Court Room in the Court House at the said City of Forsyth, at which time one Chas. L. Crum was presiding in said Court Room as the Judge of the Fifteenth Judicial District of the State of Montana in and for the county of Rosebud; that there were then present the venire of jurors called for the then existing term of said court; and divers and sundry other persons, and that at that time and place and in the presence of that assemblage of persons, the said Crum delivered a speech purporting to set forth his attitude towards the existing war between the United States and Germany and kindred subjects; that said speech was reported by one E. A. Hall, the official Court Reporter of the said Crum, and that this affiant heard said speech in its entirety; that thereafter the said Hall delivered a transcript of said speech to this affiant, and this affiant thereafter published the same in the said Forsyth Democrat under date of September 20th, 1917, and that the speech as published and as heard by affiant is as follows:

"Gentlemen: Before I take up the regular assignment of the calendar, there are one or two observations which I desire to make. Observations, gentlemen, which you will doubtless regard as extraordinary. We are, at this time passing through an extraordinary period of our history, and my only excuse in making these extraordinary statements are that extraordinary conditions require extraordinary remedies.

"Statements have come to my ears since I excused this jury panel last Friday, that strange and mysterious rumors had been set afloat; rumors that I was pro-German, and that I had actually been removed from office, because of my disloyalty to the American government. Just what the object, purpose and motives of those who were responsible for such false and slanderous rumors are, I frankly confess to you gentlemen, I do not know. I wouldn't step down low enough to call the parties who started such rumors, liars. The term 'Fool' would be much more appropriate.

"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 are free speech. Of course, we differ. We always have, and always will differ as to the policy to be adopted and pursued by this government. In every civilized nation on the face of the earth, that makes any claims whatever to democracy, that right is conceded to their citizens. In this government, gentlemen, it is guaranteed by the fundamental laws of our land, by our Federal Constitution, it is guaranteed along with the right of free speech, trial by jury, religious freedom, and a number of other rights which are sacred to American citizens. I say sacred, because these rights were written in that immortal document by the very life blood of our ancestors, and they must be, and shall be preserved. While I recognize the right of free speech justly and rightly has its limitations, 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 walks of life, who would deny his fellow man, any of the rights guaranteed by the Constitution, fails to comprehend the object and purpose for which this government was established. He does his fellow man a grave injustice and also injures himself by

sapping the vitality and undermining the foundation of the very government of which he is a part. Personally gentlemen, I am absolutely, now and I always have been, strictly pro-American. My ancestors, from the earliest settlement on our Atlantic coast, in our colonial days, down through the centuries which have marked the progress and development of this great nation, have always performed the duty of American citizens. They have even helped to drive the savage Indians out of such states as Ohio and Indiana and pave the way for certain people, who at the present time are attempting to mold American public opinion. I couldn't be anything else but pro-American if I wanted to, and I have no desire to be anything else. I never was even outside of the boundaries of the United States in my life, and perhaps never shall be.

"So far as the conditions in Europe are concerned, gentlemen, they are frightful. They are fraught with graver consequences to mankind than anything that has ever happened since the history of civilization began. A short time ago gentlemen, General Leonard A. Wood, one of our ablest military officers, gave an interview to the American press, in which he stated that before America could hope to even make an impression on the military situation in Europe, we would have to reconcile ourselves to burying a million or two American boys in Belgium and northern France. As great as that sacrifice is, and it is great enough to stagger the imagination, as great as that sacrifice is, I am absolutely in favor of it, gentlemen, unreservedly, if it is necessary to uphold the rights and honor of the American Government and the American flag. Every dollar I have got on earth, even my life, is behind the American government. I will say to you however, gentlemen, if it is unnecessary, then I take it that every loyal citizen should adopt a different course. During the last few months, unmistakable signs of a desire for peace have come from a number of the warring nations in Europe. Even our enemy, the German government, has passed a resolution by their Reichstag, the members of which I understand are elected by the German people, and in certain respects corresponds to our American Congress, declaring that the German people were fighting only in self-defense, and they desired no conquest, that they desired no indemnity. President Wilson, a short time ago, issued a statement, practically committing the American government to the same policy. Now it does seem to me, as an American citizen, that this, at least, furnishes a starting point, if not the basis, for an honorable peace, and I believe that there is no American citizen who wants anything other than an honorable peace. I believe that if we can get an honorable peace without the slaughter of a million or two of our boys on foreign battlefields, I believe that we should favor it, and I believe it is the sense of the American people that our differences should be composed in that way. While I am perfectly willing, and I realize that the balance of the right thinking American people are willing to make any sacrifice for the rights and honor of this nation, we want to fight for an American cause, and an American cause only, I feel that there is not a father or mother in Rosebud County or for that matter in the State of Montana, or the nation, who wants to see their boy yield up his life on a foreign battlefield in order that Japan might hold Germany's islands in the Pacific ocean, or that Russia might take Constantinople away from Turkey, or that England might retain Germany's South African colonies, or that France might take Alsace-Lorraine, or that Italy might take a portion of Southern Austria-Hungary. I believe that we are willing to make any sacrifice for an American cause, and to uphold the rights and honor of the American Government, but I don't think we are called upon, and I don't think any right thinking American citizen expects this nation to make such a sacrifice for any other purpose, and I will say to you frankly that if a sincere desire to save the unnecessary slaughter of a million or two of American boys on a foreign battlefield, when it can be avoided on an honorable basis, and I believe an honorable peace is all that this country requires or demands, is treason, then I will confess to you that I am just as guilty as a human

being can possibly be, because those are my only conscientious sentiments. Of course, no one outside of an insane asylum wants peace at any price.

"Now, gentlemen it would be impossible, as well as improper for me to consider other features of this question which occur to my mind, and I will not attempt to do so. Our official duties are crying for our immediate attention. 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.)

R. A. Martin, a witness on behalf of the State, recalled, and testified as follows:

- EXAMINATION BY MR. HIGGINS:

Q. Mr. Martin you are the same Mr. R. A. Martin who testified yesterday afternoon before the Senate,

A. Yes, sir.

Q. What official position do you hold in the Committee of One Hundred?

A. I am Vice-Chairman of the Executive Committee.

Q. You were concerned in, were you, the calling of the meeting of the Committee of the One Hundred to investigate Judge Crum?

A. Yes, sir.

Q. I will ask you to tell the Senate just how that meeting came to be called, and how it came to be called on the particular day that it was called?

A. Well, the people were getting pretty restless down there, and talking a great deal about this, and that evening before, and the next morning, there were several rumors came to me, and the suggestions were, that if there was not something done by the One Hundred they would take it into their own hands, and it appeared to me that the situation was getting pretty critical, and I met Professor Bussert on the street and talked it over with him, and tried to get hold of Dan Muri, the chairman, but Dan was sick.

Q. That was the Chairman of the Executive Committee?

A. Yes, the Chairman of the Executive Committee. Dan was sick and after talking it over with Mr. Bussert, I told him I thought it was about the only or best thing we could do under the conditions; was to call a general meeting of all the One Hundred and take some action on this matter, and he asked me what I thought—what I had in mind, and I told him I thought we had better investigate these things and decide on whether it would be the best thing to do to ask for his resignation, and he thought so too. He thought that was probably as good a plan as any. I went home, and shortly after going home, probably ten-thirty that morning, Felkner Haynes came down to my residence, and I had not seen him before that day, as I remember, and he was of the same mind I was. He had heard this same talk that I had heard around the town in the saloons, and on the street, and in the postoffice and every place, and he says, "What in the world are we going to do? We have got to do something, or there is going to be something done here we will all regret." And I told him I had thought it over and figured we ought to call a general meeting of the One Hundred and investigate this thing, and decide whether we should ask him for his resignation. Well, we started out. It was about 11:30 and then the question arose between us when we should call the meeting. Well, we could not call it too quick under the circumstances, and it was Saturday and a great many of very substantial citizens that belonged to the organization are farmers, and they would be going in the evening, the roads were impassable for automobiles, they could not get anywhere. We decided that we could get everybody together that was possible to get

together by four o'clock in the afternoon; and another object in calling it so readily was the fact that we knew Judge Crum to be in the city, and I felt that if Crum knew of the general meeting of this One Hundred, that he would not be there. So we decided to call it for four o'clock, and immediately went out and started out and notified everybody that we could get to. The Milwaukee we could get by wire and they could come down on the afternoon train and get there on time. We called Rosebud, and Rosebud said they would get there, but they could not get there. They started, and the roads were impassable from Hysham. As I say the roads were absolutely impassable to Hysham, so that was the way the meeting was called.

Q. What time did the meeting actually get together and was called?
A. Four o'clock, probably a few minutes after four.

Q. And how long did you deliberate before Judge Crum was called in?

A. Why we deliberated before Judge Crum was called in, I should think, possibly a couple of hours.

Q. Questions to be asked Judge Crum were framed during those two hours, were they, during the discussion of those two hours?

A. Well, no, I don't think so.

Q. Was there any general line of interrogation decided upon before Judge Crum arrived?

A. Well we knew about what the questions were that we wanted to put to him but I don't remember as there was any—

Q. Who propounded the questions?

A. Professor Bussert propounded some, Art Sickler of Forsyth Wright Anderson of Forsyth, a man by the name of Holt from up on the Milwaukee, I think from Sumatra, I think as I remember, and I think others, but I cannot call those to mind.

Q. You have lived in Rosebud County, you say, Mr. Martin, how long?

A. Fourteen years.

Q. You are well acquainted with the people both in the City of Forsyth and in other parts of the county?

A. My business takes me nearly all over the county, and I am pretty well acquainted with everybody.

Q. And from your knowledge of the citizenship of Rosebud county, would you say that that was a representative gathering?

A. I would.

Q. Could you tell us now, as you recall, the questions and the answers made to these questions by Judge Crum.

A. I believe one of the first questions that was asked Judge Crum was about this expression in the latter end of this speech that he made at the court house, and he went on to tell us about some trouble that he had had in court and that he had asked George Horkan to preside in a case, and that somebody had come to him and asked him at the Fair Grounds, I believe he said, if he had been disbarred or removed from the Bench, on account of his un-American spirit, and he said that he was mad. He said, "I was hot under the collar when I wrote that speech." He said another thing that influenced him was a speech of Leonard Wood, or a statement of Leonard Wood's that we would bury a million of our boys before we could make an impression on the war.

Q. What other questions were there, and the answers thereto?

A. He was asked, I think, by somebody in the body of the meeting, why or how he came to come up here and testify as a character witness for Hall. He replied that he responded to a subpoena the same as any of you would respond, and he said that we certainly could not question that because John Davidson had been subpoenaed in the same capacity and certainly nobody could question John Davidson's loyalty. Someone from the body reminded him that John Davidson disqualified himself on the stand and did not testify; he remarked that he was testifying conscientiously. That ended that.

Q. What were any of the other questions and the answer?

A. He was asked why he refused to go down and meet the Belgium committee. He replied, "that he was busy in his Chambers," as I remember it, and he did not think it was of sufficient importance to neglect the duties of his Chambers to go down there for a short speech for those Belgians, and he went on to say that he did not believe all the reports we hear about the atrocities; that an army officer, a very particular friend of his, had told him that he had investigated in a number of cases, and that there was not a single instance of a maimed Belgian child in the United States; furthermore, that our immigration laws would bar a child coming into the United States, consequently all of that stuff was untrue. And I believe that was about all he said about that.

Q. What, then, did he answer about his son, Liebert?

A. Well, he said, that he had never discussed the war pro or con with his son, and that as his son was under 21, why he was not of draft age, and that done away with the question.

Q. Were there any questions asked him in regard to his admission of citizenship certain aliens of undesirable character?

A. Yes, sir, he was asked what was his reasons for naturalizing some Austrians at Roundup. Just about that time that we declared war on Austria, and why he naturalized these Austrians in the face of the protest of the Government's agents, I believe that is the way the question was put. Well, he explained, I think, satisfactorily, that he had a technical right owing to court decisions to do that. Then he went on to say that in his mind, an Austrian or a German that was willing at this time to renounce his allegiance to foreign countries, and swear allegiance to the United States, was the most desirable citizen that we could naturalize.

BY SENATOR BURLA: Mr. Martin, when this meeting was called of this Hundred Club, at Forsyth, were any other persons, not members of the organization, invited to attend the meeting?

A. Yes, sir.

SENATOR BURLA: And such other persons, not members, did attend the meeting?

A. There were other persons there until we went into Executive Session to act on it. During Judge Crum's statement to us, there were a good many other people there, in fact, when he came down from his chambers Harris, that used to be at the Land Office in Billings, was with him and remained until Judge Crum left.

SENATOR BURLA: He is not a member of the organization?

A. No.

SENATOR BURLA: What is the practice of securing members for this organization? Are they invited by the Executive Committee of the organization, or by the members generally?

A. Well, the members generally of the organization and the Executive Committee consider a man as eligible on one qualification, that he be—we know him or believe him to be an active loyal American citizen.

BY SENATOR BURLA: Continuing examination. Do you know whether or not any member of the Executive Committee or any member of the organization ever invited Judge Crum to join the organization?

A. Well, I don't believe they did.

Q. In your knowledge, you did not—

A. To my knowledge, I am quite positive that they did not.

Q. That they did not?

A. Yes, sir.

Q. What in your opinion or in your judgment would be the reason

why he had not been invited to become a member of your organization?

A. Because we knew him at least not to be active in these war measures, in that community.

SENATOR BURLA: Thank you. Was there any record kept of the Executive Committee session?

A. No.

BY SENATOR HOGAN: I would like to ask a question, Mr. Martin, and simply to lessen the number of questions necessary. I should like to ask these questions for the purpose of determining, if possible, the mental attitude of that committee toward the Judge, so far as his attitude in the Just-Hall case was concerned. Do you know or did the members of your committee know what questions were asked of the Judge in the progress of this Just-Hall case?

A. Well, I don't know.

Q. Do you know whether he was called upon to merely testify in regard to the reputation of these gentlemen as citizens of the community?

A. That is as I understood it.

Q. Do you know whether he was asked any questions concerning their loyalty or volunteered any testimony concerning their loyalty or lack of loyalty to the American cause?

A. Why, I understood he was a character witness as to the loyalty of Hall.

Q. What did you and your committee understand by character witness in that sense?

A. As being a loyal American.

Q. Well, is it your opinion now that those questions were asked Judge Crum, as to the loyalty of these men?

A. Yes, I believe he was asked, that was the way I understood it, that he was asked.

Q. Mr. Martin, as an old-time resident of Rosebud County, if you had been subpoenaed as a character witness for those gentlemen, would you have responded to the subpoena?

A. I would.

Q. And would you have answered to each one of the questions concerning their business reputations and integrity, that you considered them to be good citizens?

A. I would; I would if I was qualified and knew the conditions and knew the people.

Q. Did you know them?

A. Slightly.

Q. Now, was the impression general in your committee that Judge Crum was asked concerning their loyalty?

A. Yes.

Q. Does that opinion still prevail in your community?

A. I think it does.

Q. Well as a matter of fact, Mr. Martin, isn't it true that those questions were never asked him at all?

A. I don't know as to that.

Q. Have you ever been in the court room when a witness was examined as to character?

A. I have.

Q. Were any questions ever asked in your presence in such a hearing concerning the loyalty of such persons, or did the questions merely relate to his business reputation and his reputation for veracity and integrity?

A. That is all that I have ever heard them ask. I never attended a trial of anybody for espionage.

Q. Did—if your committee of One Hundred had believed that Judge Crum was only asked questions pertaining to the reputation of these

gentlemen as private citizens, and was asked or answered no questions concerning their loyalty to the United States Government, would that have changed their mental attitude toward him so far as that particular case was concerned?

A. I think it would.

BY SENATOR HOGAN: That is all.

BY MR. HIGGINS, resuming examination. Just a moment, Mr. Martin, wasn't the reason that you interrogated Judge Crum about the Just-Hall case, that he had been unusually active in participating in arranging for the defense of these gentlemen.

A. That was the general rumor in the community.

Q. And that he did not only respond to a subpoena to come as a character witness, but that he volunteered his services, and went farther than in the capacity of a character witness, but advised them as to their rights and their defense?

A. That is the rumor, that is what lots of people thought.

Q. Now, Mr. Martin would not a criminal charge of a violation of the espionage act put to a test the question of a man's loyalty or disloyalty?

A. I would consider it would.

Q. And would not the question of a man's reputation, so far as it would appertain to a charge of that kind, rest exclusively upon his loyalty or disloyalty?

A. That is the way I look at it.

BY SENATOR OLIVER: Mr. Martin in your testimony you stated that you thought it was a real representative trial that gathered at Forsyth at the meeting of this One Hundred. Now as a matter of fact, aren't there two railroad systems running through the county of Rosebud?

A. There are.

MR. OLIVER, continuing the examination.

Q. Referring to the one on the west side, or south side of the river, the Northern Pacific, is there not a town by the name of Myers, on the Northern Pacific, within the confines of Rosebud County?

A. Yes, sir.

Q. Do you know whether any members of the One Hundred resided at the town of Myers?

A. Yes, sir.

Q. Were any of those members present at this meeting?

A. They were.

Q. And going on down we have the town of Hysham. Are there any members of the One Hundred residing at Hysham?

A. Yes sir.

Q. Were any of those members present at this meeting?

A. I believe there were, but I am not sure.

Q. And over on the north side, along the line of the Milwaukee, there is a town by the name of Hubbard or Hibbard?

A. Of what?

Q. Of Hubbard or Hibbard, way up close to the western line of the county?

A. Hubbard you say?

Q. Isn't there a town by that name, or Hibbard, or some such name as that?

A. Hibbard, I believe there is a small little station.

Q. Do you know whether any members of that committee of One Hundred resided there at the town of Hibbard?

A. I am not sure, but we have members from Sumatra, Ingomar, and Vananda, the three main towns in the county.

Q. Well, how were these calls sent out to the members of the surrounding country into that community that day?

A. By wire on the Milwaukee. They could get in on the afternoon train. The roads were absolutely impassable with heavy snows; there were no trains in from Hysham, and it was impossible to get anybody from Hysham other than the people who might be in town; and the same condition existed below us at Rosebud, but those men thought they could come and they tried it, but did not make it.

Q. There were no trains running east or west then on the Northern Pacific, that they could get in on in time for the meeting?

A. No, sir.

Q. But on the Milwaukee there were?

A. On the Milwaukee there were. There was a train coming in on the Milwaukee from the west.

Q. There was a train coming in on the Milwaukee from the west?

A. Yes, sir, a regular train.

Q. Well, were there members of the One Hundred from Sumatra, were they present?

A. Yes, sir.

Q. And Ingomar?

A. Yes, sir.

Q. The reason I am asking these questions, of course, while we are sitting here as a Court of Impeachment trying Judge Crum. I think that every member of the Senate wants to know just as much as he can possibly know about this case; and there has been a rumor that there were friends of Judge Crum who lived at some of these other towns who were not given an invitation to be there, who were members of the One Hundred. Do you think that was the case?

A. No, sir. Judge Crum—there were two men in the town I had called or went to particularly myself, that I knew to be close friends of Judge Crum; I think that there was—they were not notified by anybody else, I notified them myself, that was during—that was George Horkan and Henry Beeman, and they were there, and the first people I spoke to.

Q. I refer more particularly to the men outside along the road, outside of the town of Forsyth. Do you think that the warm friends of Judge Crum residing at these other towns were overlooked?

A. If he has any warm friends I do not know them now.

Q. Well, I mean at that time—do you say that he had warm friends at Forsyth at that time?

A. Yes, sir.

Q. And they were given a special invitation to be there, of course?

A. Yes, sir.

SENATOR OLIVER: That is all I have.

BY MR. HIGGINS, continuing.

Q. Mr. Martin will you say that you and the others who gathered together the members of this meeting did your best to make the meeting representative?

A. That was the object, to make it representative. We did not want a question about it, and we were particular to get it just as representative as possible.

MR. HIGGINS: That is all of this witness.

Excused.

Whereupon CARL N. THOMPSON, a witness called and sworn on behalf of the State, testified as follows:

EXAMINATION BY MR. HIGGINS.

Q. Will you please state your name?

A. Carl N. Thompson.

Q. Your residence?

A. Roundup, Montana.

Q. Your occupation?

A. Attorney practicing law.

Q. How long have you lived in Roundup?

A. About ten years.

Q. Have you been a practicing attorney there during that time?

A. I have since I was admitted, about eight years, I think.

Q. You are personally acquainted with Judge Charles L. Crum, the defendant in this action?

A. I am.

Q. How long have you known him?

A. I think since about 1912, when he first went on the bench, any way.

Q. I will ask you, Mr. Thompson, concerning a meeting held in Roundup, I think on the 9th day of March, 1917, and ask if you were present at that meeting?

A. Well, I was present at a meeting along in March, whether it was the 9th or not, I do not recall.

Q. I will ask you if you took an active part in that meeting?

A. The meeting I was present at I did.

Q. In what capacity did you act in that meeting?

A. I was a member of the committee on resolutions.

Q. How many persons were gathered at that meeting?

A. I did not count them, but I thought that there was pretty close to a hundred.

Q. What was the procedure of the meeting?

A. I guess I was about the first one to state the purpose, as I understood it, and mentioned the fact that it was a meeting called for the purpose of seeing how the feeling was in Roundup as to the situation in the Crum matter; that the purpose of the meeting was not a whitewashing, or a whitewash meeting—if the Judge was found guilty, that he should be prosecuted, and that we all felt so inclined, but that we thought he was entitled to the presumptions of the law, particularly as to innocence and that he had to be proven so before he should be condemned.

Q. You say that was the purpose of the meeting? Now, what was the procedure followed at the meeting?

A. Well, a chairman was elected, and a secretary was elected, a committee named to draft resolutions, and resolutions were presented, read and adopted.

Q. Who was the chairman of the meeting?

A. George N. Griffin.

Q. Who was the secretary of the meeting?

A. Earl Reed.

Q. Who were the committee on resolutions?

A. It was Mr. Jeffries, Mr. Oldfield and myself.

Q. Were resolutions prepared?

A. Yes, sir.

Q. Who prepared them?

A. I think Mr. Jeffries prepared them. They were discussed in the afternoon: I think they were prepared—I think Mr. Jeffries prepared the resolutions, and when they were read to me we altered them somewhat.

Q. At whose instigation was this meeting called?

A. Well, I could not say definitely. I guess it was the general talk of the town.

Q. Well, don't those meetings generally emanate from some person, or a few persons?

A. Possibly do, but I could not say where this emanated from—whether from any particular individual.

Q. Now I will show you here two sheets of paper, Mr. Thompson, upon which there are some typewritten words, and ask you if you have ever seen those two sheets of paper before, and the writing thereon?

A. Yes, sir, this is—These are the resolutions.

BY MR. HIGGINS: I will ask to introduce this instrument in evidence, and ask to have it marked for identification.

(The instrument referred to was then marked State's Exhibit G.)

BY MR. HIGGINS:

Q. Well, Mr. Thompson, I will ask you to read aloud these resolutions?

A. (Witness reads as follows)

"We, the residents of Roundup, Musselshell County, Montana, in mass meeting assembled, being interested in the fair and impartial administration of the laws, and more especially in the Fifteenth Judicial District of the State of Montana, composed of the counties of Musselshell and Rosebud counties, considering the Crum impeachment proceedings, submit the following:

WHEREAS, Rumors have been current for the past several months in the City of Forsyth, that Charles L. Crum, Judge of the Fifteenth Judicial District, be removed from office; said rumors being attributed to personal and political enemies; and,

WHEREAS, A faction of Forsyth citizens, headed by a man with a record in various criminal courts, presented charges against the said Crum, to the Fifteenth Legislative Assembly; and,

WHEREAS The House of Representatives, of the said legislative assembly, based upon the testimony submitted by the accusers, accused being given no opportunity to introduce testimony in his behalf, a right not denied a defendant in a Justices' court, and filed articles of impeachment against the said Charles L. Crum; and,

WHEREAS, The examination of the witnesses on behalf of the prosecution was publicly held and the testimony of the witnesses was published in the various newspapers throughout the State; and,

WHEREAS, Rumors and threats of personal violence against those having adverse views on testimony in the City of Forsyth, and that such threats and rumors are and were intended to intimidate and did intimidate those having adverse opinions of the merits of the proceedings, and were of such a nature as to tend to thwart a fair and impartial consideration of the matter; and,

WHEREAS The said Charles L. Crum has presided as Judge of the District Court in Musselshell County, Montana for a period of six years, and during said period of time he was known generally to all the citizens at Roundup and Musselshell County, Montana, as an honest, honorable and upright man and able lawyer, fair and impartial, fearless and conscientious Judge, impervious to personal and political influence and that his personal and judicial record during his official career are above reproach and suspicion; now, therefore, be it

RESOLVED: That we, the citizens of Roundup, Musselshell County, Montana in mass meeting assembled, hereby reaffirm our confidence in the personal and judicial integrity of the said Charles L. Crum. That we hereby request the Honorable Sam V. Stewart, Governor of the State of Montana, to make full investigation of the various threats of personal violence in the City of Forsyth, directed against Judge Crum and prospective witnesses in his behalf, and that he make use of the powers of his great office, if needs be, to the end that the City of Forsyth may not become involved, by unlawful acts and violence, and that the accused may not, in the great State of Montana, be deprived of the rights to prepare his defense to a serious charge without fear of his personal safety, or the safety of his witnesses; and

RESOLVED: That we deplore as un-American and wholly subversive of the sacred traditions of justice as administered in America and that the action of the Representatives, prompted doubtless by ulterior motives of the few, in permitting the testimony against the accused to be published before his trial, which reasonably would be expected to, and has formulated public opinion to his prejudice.

RESOLVED: That we have every confidence that the Court of

Impeachment will try the accused fairly and impartially upon the evidence submitted at the trial; that the accused will be adjudged guilty if so proven, and acquitted if his guilt is not established; that political or personal enmity will not enter into the proceedings but that law and justice will prevail, and it is further

RESOLVED, That a copy of these resolutions be forwarded to his Excellency Sam V. Stewart.

G. J. JEFFRIES,
CARL N. THOMPSON,
W. JUDSON OLDFIELD,
Committee on Resolutions.

We, the Mothers' Club of Roundup, Montana hereby endorse the above resolutions and beg their due and considerate attention.

HAZEL H. TILLMAN,
MRS. MAUDE C. DOZOIS,
MRS. JENNIE P. BOGUE,
CARRIE R. HOPKINS."
Committee.

Q. Now, Mr. Thompson, there are certain allegations set out in these resolutions, some based upon rumors, some based upon fact. Have you any information in your possession to substantiate any of the matters set forth in these resolutions?

A. I have, if you will accept the word of Judge Crum. He has told me personally.

Q. All right, what did Judge Crum tell you personally?

A. Judge Crum told me personally that even his court stenographer was approached and told to be damned careful how he testified.

Q. When was this told you?

A. This was told me about the 6th day of March.

Q. Who was present, when it was told you?

A. Judge Crum and myself.

Q. Is that all Judge Crum ever told you?

A. Well that's all he ever told me in reference to that, and as far as other matters are concerned, there, I suppose they are strictly hearsay.

Q. Did the court stenographer testify at the hearing before the House?

A. I don't know.

Q. Do you know how the witnesses who appeared and testified before the House were selected?

A. No, I do not.

Q. Did you read the newspaper accounts of the testimony of the witnesses?

A. I did.

Q. And you were not satisfied at that time that the House was warranted to impeach?

A. Oh, I won't say that. It seems to me I was satisfied that the only testimony presented was just one side of it.

Q. Did Judge Crum consider Judge Loud his enemy, do you know?

A. I do not know.

Q. Did he consider George Horkan his enemy?

A. I think not.

Q. Did he consider Brass D. Tull his enemy?

A. I think not. I do not know. I have not talked to him about any of these men.

Q. Do you know those men were subpoenaed to appear before the House and testify?

A. I read the testimony of Horkan, as I remember.

Q. So that there is not anything in these resolutions, or anything set forth in these resolutions, that you know of, that are based on facts

and the only thing that you know is that Judge Crum said that his stenographer had been approached and told to be damned careful?

A. Yes, I (interrupting)—

Q. That is the only foundation Mr. Thompson that you had for drawing this resolution?

A. I did not draw it. Of course I was on the committee, and I was one of the committee, but I had heard that—I suppose I had heard other rumors.

Q. But, you were drawing a resolution and assuming responsibility therefor without any information to base the resolution on?

A. Well, as I say, I spoke with Judge Crum.

Q. But there are a great many other things set forth in this resolution that are not covered in that statement that Judge Crum made to you concerning his stenographer Hall, and you assume to set those matters out in the resolution without any foundation for the same?

A. Well, what are some of them, that you refer to particularly?

Q. You say that there have been rumors that Judge Crum would be removed from office, said rumors being attributed to personal and political enemies. That is one?

A. I might state there—(interrupting).

Q. You said that there is a faction of Forsyth citizens, headed by a man with a criminal record, presenting charges to the Fifteenth Legislative Assembly. That is another matter?

A. I guess that that was published.

Q. And you say that the Legislative Assembly acted upon the testimony submitted by the accusers, and impeached the judge without giving him as much consideration as a defendant gets in a justice court. And there are rumors and threats of personal violence against those having adverse views on testimony in the City of Forsyth, and that such threats and rumors are and were intended to and did intimidate those having adverse opinions of the merits of the proceedings, and were of such a nature as to tend to thwart a fair and impartial consideration of the matter. That is another allegation. Are you familiar with the constitutional and statutory provisions regarding impeachment proceedings, Mr. Thompson?

A. I don't know as I looked it up particularly, as to private trial, or public trial.

Q. Do you know, Mr. Thompson, that the House decided not to act solely upon affidavits submitted containing charges against Judge Crum, but in justice to him, and to be thoroughly fair and impartial, subpoenaed witnesses who appeared before the House and testified at a cost of several thousand dollars to the State of Montana, and yet, in spite of that knowledge, you were one of the ones who took part in the drafting of these resolutions?

A. I know that there were a great many witnesses, had the desire been exerted, and particularly in Musselshell County, that could have been gotten, that would show patriotic remarks.

Q. Could they have testified to any matters that would have rebutted any of the testimony testified to by the witnesses that were called?

A. No, sir, I don't think they would, only that they had shown patriotic remarks, is all I could say, could be shown from Musselshell County.

Q. You, as a lawyer, know that those remarks would not have been admissible according to the rules of evidence don't you?

A. It seems to me there is a great deal of testimony that was probably not admissible, that was admitted.

Q. Well, what purpose could be served by admitting self-serving declarations made by Judge Crum?

A. To simply let the House of Representatives know the full case what he had stated at different times.

Q. Well, but in arriving, Mr. Thompson, at a determination re-

garding whether or not we would impeach, how far would the House consider any self-serving declarations made by Judge Crum?

A. I don't know.

Q. How far would you ask a court to have a jury charged to consider the same, if you were sitting as a trial lawyer in a case?

A. My idea of impeachment proceedings may be different than yours, but I was of the impression that they should get all the remarks, pro and con, to decide whether the man was a loyal citizen, or not.

Q. You think that all self-serving declarations should have been admitted then?

A. Oh, I would not go quite as strong as that. I do not believe when the declarations were made that they were made for any future purpose. I think they came from the soul, such as came out at Roundup.

Q. Mr. Thompson don't you know that a great many of the witnesses, practically all of the witnesses, who testified in the House, gave expression of their friendship and admiration and esteem for Judge Crum, and it was a painful duty to them to come up and testify?

A. I know some of them did that.

Q. Yes, yet in spite of all that, you felt warranted in drafting these resolutions?

A. Well, we drafted the resolutions.

Q. I have been asked to ask you, Mr. Thompson, if you know how the Representatives of Musselshell County voted upon the resolution of impeachment?

A. Why, if I remember rightly, the vote of the entire House was unanimous.

Q. Now there is a list of witnesses who have been subpoenaed in this action Mr. Thompson. Will you tell us if any of those have been intimidated or threatened or coerced into appearing here and testifying to something that was not the truth?

A. Not that I know of.

Q. So that, so far as you know this proceeding has been fair and impartial regarding the testimony of any of these witnesses?

A. Yes, as far as I personally know. As I say, the only thing I have is what I heard from the Judge himself as to that one witness.

Q. Mr. Thompson, basing your answer upon the information obtained from the testimony taken in the House of Representatives during the hearing regarding the impeachment of Judge Crum, and your information regarding the testimony of witnesses here before this Senate sitting as a judicial body yesterday, would you say that Judge Crum is a loyal or a disloyal citizen?

A. I have not heard any testimony except a few witnesses today.

Q. You did not read the morning press?

A. Well, I just glanced it over hastily.

Q. However, Mr. Thompson, you have been sufficiently interested and active enough to draw up sets of resolutions impugning the motives of the House of Representatives, yet you have not been interested enough in these proceedings to read the morning press concerning the testimony taken here?

BY SENATOR HOGAN: Mr. President, I object to this manner of questioning. I think the witness is entitled to a little consideration. His personal motives here are not a proper matter for consideration.

BY SENATOR WHITESIDE: I think it is unfair to the witness. I made a motion here when this hearing first opened that some one be appointed to represent the defendant for the very purpose of keeping out irrelevant testimony. Very much to my surprise it was objected to. I don't know whether it is because they expected to introduce hearsay testimony, but certainly, ninety per cent of the testimony that has been introduced here has been hearsay and irrelevant testimony. There are facts enough to be brought out and it is certainly unnecessary for us to encumber the record by putting in all this hearsay testimony, and

particularly testimony where witnesses are impugned. I think it is a matter that should be taken cognizance of.

BY MR. HIGGINS: May I be permitted to make a few remarks in reply particularly to Senator Whiteside? I told the Senate that certain witnesses who had gone upon record as being in favor of Judge Cruz had been subpoenaed here. They have gone so far as to draft a resolution attacking the proceedings in the House, and rather questioning the proceedings in the Senate. I have subpoenaed those gentlemen and brought them here, and if they have anything to substantiate their position, now is the time and the place to do it. Personally, I do not think I have taken any unfair advantage of this witness. He is a practicing attorney with ten years' experience, and if he is not capable of taking care of himself, why I do not know who would be. Now, in regard to saying that ninety per cent of the testimony in this case is hearsay, it is based absolutely without fact. There is hardly a matter that has appeared before this Senate that is not strictly legal evidence; this matter that we are now going into perhaps cannot be termed legal evidence. I am simply going into it in justice to the defendant himself, because these persons have posed as his friends, and if there is anything that they can produce here in his favor that would aid the Senate in determining fairly, impartially and justly the matter now pending, they have the opportunity to do so.

BY SENATOR MERSHON: I believe the questions as put by the examiner are perfectly fair and just for the information of this body, and I move you that he continue in his line of questioning.

Which motion was duly seconded.

BY SENATOR HOGAN: Mr. President, I want to say, before a vote is taken on that, that I particularly object to the question, what would be your opinion as to the loyalty of this Judge in view of the testimony up to date, asking this witness to pass upon this question that is peculiarly before this court of impeachment. I think the question is too ridiculous and absurd to be permitted in any court.

BY SENATOR EDWARDS: That may possibly be the viewpoint of a lawyer. The majority of this body are laymen, and in order to enable us to decide fairly and justly, why, we desire to continue on and observe that prerogative of this body, without any rules of evidence whatsoever and trust to the House prosecution committee to ask questions that are proper and pertinent.

BY SENATOR KANE: Mr. President I object to this line of questioning. I believe that by reading some of those questions asked toward the last part of his examination will reveal the fact that our board of managers and the witnesses are being tried at the present time instead of Charles L. Crum—passing on the action of the board of managers and the action of the witness, instead of the matter that is before this court at the present time.

BY PRESIDENT OF THE SENATE W. W. McDOWELL: All in favor of the examination proceeding along the line upon which it has heretofore been conducted, will please signify by saying aye.

Whereupon the motion was carried.

BY SENATOR DWIGHT: Mr. President, I now move you that we recess until two o'clock.

Which motion was duly carried.

AFTERNOON SESSION.

THURSDAY, MARCH 21st, 1918, TWO P. M.

(Upon the Senate being called to order, Senator Fishbeck having appeared was sworn in to try the case and the oath administered to him as to the other senators as hereinbefore set forth.)

BY MR. HIGGINS: May it please the court, I have been informed by the Sergeant-at-Arms, that the witness Mr. Thompson is on his way out here, and I do not desire to call a new witness or interfere with the line of testimony that we are now indulging in, by calling another witness, and I would suggest that we recess for about five minutes, waiting the arrival of that car.

Which motion being seconded was duly carried.

BY MR. HIGGINS: May it please the court, I suggest that we now proceed, and I will put Mr. Oldfield on the stand.

Whereupon W. JUDSON OLDFIELD, a witness called and sworn on behalf of the State, testified as follows:

EXAMINATION BY MR. HIGGINS.

Q. Will you please state your name?

A. My full name is W. Judson Oldfield.

Q. And your residence?

A. Roundup.

Q. And your occupation?

A. Clergyman.

Q. How long have you lived in Roundup?

A. Four years.

Q. Do you know Judge Crum?

A. Yes, sir.

Q. How long have you known him?

A. Ever since from the inception of my residence in Roundup.

BY MR. HIGGINS: You will have to speak up a little louder Mr. Oldfield. Have you known Judge Crum intimately?

A. In a way, yes, simply because I have done work for him there in his naturalization court.

Q. What other official position have you, Mr. Oldfield, out in Musselshell County, what official position have you in Musselshell County?

A. You mean in the war work?

Q. Yes.

A. Why, I am chairman of the executive committee of the Red Cross for Musselshell County, and I am county chairman of the four minute meetings, and also one of the sub-chairmen of the Thrift Stamp movement for taking the matter up with the ministers of the county.

Q. Now, in any of that work did you ever have occasion to call upon the citizens of Roundup or that community to speak in behalf of any patriotic or war movement?

A. Yes, sir.

Q. I will ask if you ever had occasion to call upon Judge Crum?

A. I did.

Q. Will you relate exactly the circumstance of that request, and the outcome of it?

A. Well, it was in the interim between President Wilson reading his message to Congress and Congress acting upon it; we had a big patriotic rally in Roundup, it was county-wide. The crowd was so large that we used both the theaters, and put our speakers on a circuit, had a man speak in one theater and then go over to the other.

BY SENATOR PARKER: What occasion was this?

A. It was a big patriotic demonstration that we had, just at the time that President Wilson was presenting his message to Congress, just before the 6th of April, and Judge Crum was in the city at the time, down at the hotel and I sent a committee of two down there to ask him to come up and be one of the ten minute speakers, and he reported—he sent back word that he was too tired, that he had been holding court all day, and that was before we had any insight to these charges of pro-Germanism against him.

Q. Was there ever any other occasion upon which Judge Crum was called upon to speak for a patriotic purpose?

A. Not that I know of personally, not that I had anything to do with.

Q. Now, Mr. Oldfield, there was a gathering of citizens down at Roundup along about the 8th or 9th of March, according to the hand-bills circulated, to consider the Crum matter. Were you present at that meeting?

A. Yes, sir.

Q. Did you take an active part in that meeting?

A. Well, the same as the others, yes. The Chairman put me on the committee.

Q. On what committee?

A. On the committee to draft those resolutions.

Q. Did you act upon that committee?

A. Yes sir.

Q. How active a part did you take in the drawing of these resolutions?

A. Well, these resolutions, in skeleton, were already drawn up, and we had a big Red Cross meeting there. Mrs. Clark, from across the pond, was there to speak that night, and I was chairman of the meeting, and the opera house was full of people, and waiting for me, and I had to cut my attendance at the meeting a little short, but I did not leave until after the resolutions committee had gone in to report.

Q. Who had drawn the skeleton outline of the resolutions?

A. Well, Mr. Jeffries in the main, but the others offered suggestions.

Q. Who else?

A. Well, I altered some of it.

Q. And who else?

Q. Mr. Richardson, the banker.

Q. Any others?

A. I believe there was somebody else in there that afternoon, but I am not clear as to who it was.

Q. Mr. Jarrett?

A. No, Mr. Jarrett was not there, that is to my knowledge. If he was there, it was when I was absent.

Q. Now, I will show you what is known as State's Exhibit G, Mr. Oldfield, and I will ask you if you have ever seen that instrument before?

A. Yes, sir.

Q. What is that instrument?

A. Why, it is a set of resolutions that was offered at that meeting, voted on unanimously by everybody in the house, but five exceptions, and as near as I could get the count there were seventy-four people present.

Q. You say that you are a member of the resolutions committee, or were?

A. Yes, sir.

Q. Took part in the drafting of these resolutions?

A. Yes, sir.

Q. Prepared them for submission to the meeting?

A. Yes, sir.

Q. Were you there at the meeting when the resolutions were finally adopted?

A. Yes, sir.

Q. You voted in favor of the resolutions?

A. Yes, sir.

Q. Do you know the contents of the resolutions at the present time?

A. Why, I thought I did, although I am not an attorney, or a lawyer.

Q. Now, Mr. Oldfield, there are certain statements and allegations, of rumors and facts, in these resolutions. Have you any information of your own that will substantiate those rumors and facts as set out in these resolutions?

A. Yes, sir.

Q. Will you kindly tell the Senate what information you have that will sustain these resolutions?

A. Well I happened to be the presiding officer of a higher body of a certain fraternal order in Roundup, and in order to get clear on this thing, they delegated me and paid my expenses to go down and interview Judge Crum individually, and I went down there and I asked him—

Q. Went down where?

A. To Miles City, he was in bed at the time.

Q. What was the date?

A. It was the same date that Dan Reed, the speaker, was there. I was at the Dan Reed meeting and also at the Commercial Club banquet.

Q. What month was that in?

A. I think it was either two or three weeks ago last Monday, I guess it was two weeks ago last Monday.

Q. Was it in the fore part of March, 1918?

A. Yes, sir.

Q. All right, you may proceed.

A. And I asked him if these charges were true, why he was not making a more determined fight, and he says, "There are threats against my life in Forsyth, in fact" he says, "I was informed that there was a committee at the train ready to take charge of me at one time when I was supposed to go back to Forsyth," and I told him that—I went on to tell him very plainly that if he was guilty, that we wanted to see him get all that was coming to him, and that the penalty could not be made too drastic, but if the thing was going to smack and savor of persecution more than prosecution, that I believed his friends would stand by him and help him fight it until the crack of doom's day.

Q. Is that the extent of your information to substantiate these resolutions?

A. No, sir.

Q. What else do you know that will substantiate them?

A. The Judge,—I don't know what you call it in law, but he comes down there about two or three times a year naturalizing citizens, generally the first day of court, and it has been his custom ever since I have been in Roundup to ask the clergymen of that town to make an address to that class of foreigners before they were sworn in as citizens of the United States. The first time he asked me to go, I was a little "up in the air" as to what he wanted incorporated in that address. So I went down to the hotel that morning when I got my mail, and asked him what he wanted me to do, and he says "This is the status of the case," he says, "There are a class of sixty-seven coming up this afternoon for their final—to be sworn in as citizens of the United States," he says, "With the exception of eight or nine of them, they are non-English speaking people, and," he says, "I want you to impress upon these people that with the benefits and privileges of American citizenship comes responsibilities and duties." He said the same statement to Mr. Durand, pastor of the Methodist Church. That was why we wanted those other witnesses subpoenaed from there yesterday.

Q. Have you any other information Mr. Oldfield to substantiate these resolutions?

A. Well, I was talking with him, oh it must have been two years ago. It was before our participation in the war, and he says to me, he says, "While I have no great love for Germany," he says, "I have about the same amount of love for old England," and the rumors were around that town that he and the man who was our former road master had even gone through the city raising funds for the Sinn Fein organization of Ireland, but that is all rumor. We haven't any proof of that.

Q. That who had gone around raising money?

A. That Judge Crum and Mr.—a man, a resident of Roundup whom we wanted drawn as a witness, had raised money by subscription. Now, I can't vouch for that, that is a rumor, but that was before any of us knew anything about Judge Crum's pro-German propensities,— if they are pro-German.

Q. Now, do you know anything else, Mr. Oldfield, that would substantiate the matter in these resolutions?

A. Well, this is what appealed to me strongest. I am not a lawyer. I do not know,—and am not acquainted with your method of procedure in your legislative bodies of this State, but it seems to me that in a case of this kind, where he was tried before the House, the legislative-making body of our State, that he should have been given the opportunity to defend himself. I was down there just a week or so before this happened, and the man was too sick to go in a taxi out to the hospital to see his son.

Q. Down where?

A. To go out to the hospital at Miles City, to see his son who was at the point of death.

Q. Is there anything else that you know that will substantiate these resolutions?

A. No. I know this—I know that if he is guilty, there is not a citizen in Musselshell County that does not want to see him get what is coming to him.

Q. Now, if you have told all you want to tell concerning the information that you have to substantiate these resolutions, I should like to ask you some more specific questions, and in beginning with the various items in the resolutions, I will read it: "Whereas, rumors have been current for the past several months in the city of Forsyth that Charles L. Crum, Judge of the Fifteenth Judicial District, be removed from office, said rumors being attributed to personal and political enemies." Have you any information to substantiate that portion of the resolutions?

A. Only by a committee from the Masonic lodge, the Blue Lodge of Roundup, that was sent down to investigate.

Q. You have no personal knowledge?

A. No, I was not on the committee, but these two members came back and reported.

Q. So that your responsibility for that portion of the resolution rests absolutely upon rumor?

A. Well, it rests more on an affidavit than it does on a rumor. That is, it meant more to us than a rumor.

Q. It does not rest on facts within your own knowledge?

A. No, sir.

Q. "Whereas, a faction of Forsyth citizens, headed by a man with a record in various criminal courts, present charges against the said Crum to the Fifteenth Legislative Assembly." Have you any personal knowledge to substantiate that?

A. Knowledge that was imparted to me by the residents of Roundup that knew this man.

Q. This is purely hearsay?

Q. Yes, sir. When he was indicted for crime and when he was a swamper in a saloon over at—I don't know whether they said Big Timber or Columbus.

Q. With a record in various criminal courts. Do you know of any convictions of crime against this man?

A. No, sir, I have never investigated court records. All I know is what I have read in the papers.

Q. Yes, sir. So, as a matter of fact, you have no personal knowledge of this?

A. No, sir.

Q. "Whereas the House of Representatives of the said Legislative Assembly the accused being given no opportunity to introduce testimony in his behalf, a right not denied a defendant in a Justices' Court, and filed articles of impeachment against the said Charles L. Crum." Do you know of your own knowledge about these proceedings, and how they were conducted in the House of Representatives?

A. Only as our State papers gave it.

Q. It says, "Testimony submitted by the accusers." Who were the accusers?

A. Why, that Mr. Collins of Forsyth, and that attorney that just resigned.

Q. Anybody else?

A. Not that I know of, no sir.

Q. Do you know that a committee was appointed by the House to subpoena witnesses and bring them before the House to testify in person?

A. I do, but you did not subpoena any of us down there.

Q. Did you have any facts within your possession down there to which you could have testified, other than mere rumor and hearsay?

A. Yes, sir.

Q. What were they?

A. Well, we can testify to this, that approximately he spent fifty per cent of his time as Judge of that District, in Musselshell County, perhaps not that much, but very near it, and it seems very remarkable to the people of Musselshell County,—that is what we cannot understand, we cannot figure it out,—that if all these statements of sedition and disloyalty were given utterance to by the man at the bar, it is strange that none of us in Musselshell County ever heard him open his head in regard to it.

Q. You had no facts in your possession did you, Mr. Oldfield, to disprove any of the statements testified to by witnesses subpoenaed before the bar of the House as having been made by Judge Crum?

A. Not from the other county, no sir.

Q. So, as a matter of fact, you had no facts in your possession to prove the charges that Judge Crum had been guilty of high crimes, misdemeanors and malfeasance in office?

A. No.

Q. So that there were no persons in Musselshell County that you know of that we could have subpoenaed here to bear out those charges against Judge Crum?

A. Why, there are the men who, in his professional business, he had associated with all the time he has been there as judge.

Q. Do you know,—of course you do not know,—but I will ask you if you do know if there are any of those men who have heard Judge Crum make any of these statements?

A. Any loyal statements, you mean, or seditious?

Q. Disloyal statements?

A. Yes, sir, and that was one reason why Mr. Jeffries yesterday begged the House or the Senate to subpoena those other witnesses. There are seven or eight witnesses that are not here, that know a whole lot more than all of us put together, that have not been subpoenaed.

Q. Know a whole lot more, how do you mean?

A. About Judge Crum. They have been closer to him. Mr. Dan Gannon, the president of our commercial club—

Q. Could you have come up, Mr. Oldfield, and denied the statements testified to by witnesses appearing before the House?

A. Not based upon what he was guilty of doing down in another county, I could not, no sir.

Q. So, as far as you are concerned, your testimony would have been of no material value then, would it?

A. Well, I don't know whether you would call it immaterial or not, that is for you lawyers to say. I don't know.

Q. Now, you say then that your information of this portion of the resolution, that the delegation was headed by accusers, rests in the persons of Collins and Haynes, is that the idea?

A. Well, it was the men that were trying to bring charges against him down there. I am not acquainted with them personally.

Q. And your belief, in those facts, as you testified to, prompted you to put that in the resolutions?

A. What I knew of Mr. Haynes, yes sir.

Q. And nothing else?

A. That was all. And then I must confess, perhaps I don't know anything about your parliamentary rules and laws in the House and in the Senate, but it does seem to me, that even if it was as trivial an affair as a police or justice court that the defendant should not only have had a right of trial by jury, but he should have been permitted to appear in person.

Q. Do you know that Judge Crum was notified?

A. Yes, sir.

Q. And ordered to appear before the House?

A. Yes, sir.

Q. Do you know that he failed to appear?

A. I know that he absolutely could not because of physical disability. When I went down to see him, he could not even sit up. He lay in bed all the time I was talking with him.

Q. Do you know that as a matter of law he was not entitled even to notice to appear, and had absolutely no legal right to be present?

A. Well, that is something beyond my realm, I don't know.

Q. So, being ignorant of that, you were ready to pass these resolutions?

A. Well, I based it upon what little I know of the constitutional rights of any citizen of the United States.

Q. Yes. Well, your knowledge at least, seems to be rather meager, and you based it on what small knowledge that you had?

A. Yes, sir.

Q. It says, "Whereas, rumors and threats of personal violence against those having adverse views on testimony in the city of Forsyth, and that such threats and rumors are and were intended to intimidate, and did intimidate those having adverse opinions of the merits of the proceedings, and were of such a nature as to tend to thwart a fair and impartial consideration of the matter,"—do you know of any person down in Forsyth who was intimidated?

A. Only rumors. I don't know it as a fact, because I didn't live down there. Just as it says there, it was a rumor.

Q. Do you know of any particular individual who was threatened or intimidated?

A. Only by way of a rumor.

Q. Do you know how the witnesses who appeared before the House were gotten there?

A. No sir.

Q. You don't know then that a special committee was appointed to investigate, and that these witnesses appeared upon subpoena from this committee.

A. Well, if you will permit me to say, what we can't figure out, and what we are in the dark down there in Musselshell County about, is this, why were not any witnesses subpoenaed from Musselshell County, why did they confine it all to Rosebud County?

Q. I am not asking this question to have you ask me a question. I want you to answer my question.

A. Well, I say we can't get by, we don't understand it.

Q. I will ask you to answer my question, did you know that a special committee had been appointed by the House?

A. No sir.

Q. And in your opinion then the sincerity of the people down in Musselshell County is of more merit than the Committee appointed by the House to investigate this matter?

A. Oh no I wouldn't state that.

Q. And that the judgment of the people down in Roundup and Musselshell County is of a higher order than the members of the lower house of the Legislative Assembly?

A. No, I didn't even imply that.

Q. Isn't that the effect of this resolution?

A. The people of Musselshell County thought, if you will permit me to state it, have had the privilege of associating with him in a social and in a business way a whole lot more than the honored members of the Legislative Bodies have.

Q. Yet the citizens of Musselshell County seem to be in total ignorance of the misdeeds of this gentleman, do they not?

A. Well yes, all we—(Interrupting.)

Q. Now, Mr. Oldfield, as a matter of fact, this resolution, or these resolutions so far as you are concerned, were based entirely and exclusively upon information furnished you by Judge Crum himself, and upon rumors in your community, upon hearsay evidence, and upon personal opinions of your own.

A. And on the results of the investigations of the committee that went down to Forsyth, which I was directly interested in.

Q. And on nothing else?

A. No.

Q. And so far as you know Mr. Oldfield, you could not say whether the gentlemen who testified before the House told the truth or the untruth?

A. No, I don't know as to that at all.

Q. Isn't the implication of that resolution, that those gentlemen did not tell the truth?

A. No sir, I don't think so. Our purpose and intention in that resolution was not to question what the witnesses said or done, but we did think that he ought to have the chance to appear in his own defense.

Q. Now, Mr. Oldfield you made an assertion to me down in Roundup that a certain witness who appeared before the House had been compelled to appear before the House, and testify through acts of coercion and intimidation, is that the truth?

A. I told you that we had received that report, yes.

Q. Which witness was that?

A. The minister from down there, but we cannot state that for a fact.

Q. That is another thing that was based on rumor?

A. That was the rumor.

Q. Were there any other witnesses that appeared before the House, brought here by intimidation, according to the rumors in your community?

A. No sir.

Q. Have any of the witnesses who have been subpoenaed to appear before the Senate been brought here through coercion or intimidation?

A. Not to our knowledge, that is, mine anyhow.

BY MR. O'CONNOR: Mr. Oldfield, in connection with Judge Crum not being invited before the House when the matter was before the House, when you talked with him at Miles City, did he state anything to you about my calling him up and asking him to come to Helena and appear before the House?

A. No sir, I don't know your name but—

BY MR. O'CONNOR: Well, O'Connor is my name. I was Speaker of the House.

A. No, he didn't say anything about that. The only thing he said to me about his case was just as soon as he was able to get out of bed he was going to see an attorney there in Miles City, and going down to interview and employ another attorney at Billings; that's all I know about it.

BY MR. O'CONNOR: Supposing you knew it to be a fact that the Speaker of the House asked Judge Crum, before the proceedings opened in the House, to come to Helena and appear before the House, wouldn't you think, under those circumstances, that the House did its duty towards Judge Crum?

A. Yes sir. But, on the other hand I should think the High Legislative Law-making Bodies of this State should be endowed with sufficient compassion and mercy to extend that time to a man who was on his back in bed.

Q. But particularly isn't this true, that the House went further than it was required to go in inviting him to come here?

A. That may be.

Q. When the law would really not permit him to appear before the House when it was considering the question of the articles of impeachment?

A. Yes sir, that might be.

BY MR. O'CONNOR: That is all.

BY MR. BELDEN:

Q. Mr. Oldfield, I understand you to say that you are not familiar with the parliamentary proceedings concerning an impeachment?

A. No, I am not.

Q. Do you understand that the filing of the articles of impeachment is simply a charge that is subsequently to be supported by proof, and that this body, and this body alone, renders a judgment in the case?

A. And that the defendant is not supposed to appear when the charge is made?

Q. The defendant is supposed to be present at the trial. This is where the controverted issue is to be tried, and this is the time and the place when the facts are to be laid before the only body that can determine the question of his guilt or innocence. Do you understand that to be the proceedings?

A. No sir, I am not sufficiently versed in it.

Q. Did I understand that you yourself are connected with the organization known as the Red Cross?

A. I am the County Chairman of the Executive Committee.

Q. The County Chairman of the Executive Committee for Musselshell County?

A. For Musselshell County, yes, sir.

Q. You are now holding that official position in connection with that organization, are you Mr. Oldfield?

A. Yes, sir.

Q. And what were the other organizations with which I understood you to say that you were allied?

A. I am a member of the Musselshell County National Defense, and also local chairman of the Clergymen part of the Thrift Stamp campaign, appointed by Mr. Renshaw, who has Musselshell County in charge of the Thrift Stamp campaign.

BY MR. BELDEN: That is all for me, thank you.

BY MR. HIGGINS: You know that Judge Crum had an opportunity to appear here, and defend this matter against him?

A. Yes sir.

Q. You know that he is not here?

A. Haven't I told you that is what we cannot get by we cannot figure out? We are up in the dark.

Q. Now, Mr. Oldfield, didn't the gentleman who was postmaster at Roundup, bring up the very matter that the proceedings of the House were simply preliminary to the trial in the Senate, and that, as a matter of law, the Judge was not entitled to be present, or even to a hearing in the House? Wasn't that discussed by the postmaster of your town on the floor in that meeting?

A. Yes sir, but the attorneys of the town all seemed to take exception to it.

BY MR. HIGGINS: There ought to be a chance for a good lawyer down at Roundup, then. That is all for this witness, unless some of the Senators have some questions.

Witness excused.

Carl N. Thompson, a witness on behalf of the State, being recalled, testified as follows:

(Upon request of Mr. Higgins the last question was then read to the witness as follows:)

"However, Mr. Thompson, you have been sufficiently interested and active enough to draw up sets of resolutions impugning the motives of the House of Representatives, yet you have not been interested enough in these proceedings to read the morning press concerning the testimony taken here?"

A. I wish to apologize to the Senate for being late. I would like to state that we arrived this morning between eight thirty and nine o'clock, and that I did not have a paper; I went to the Placer Hotel and registered and went and got shaved, and came up to the Court House, or came up to the Senate Chamber, and I just glanced over the headlines; I did not have time to read the articles.

Q. So your industry in drawing the resolutions was much greater than your interest in finding out what the facts were in this trial?

A. You are misrepresenting me in that respect too, Mr. Higgins. I have stated that I did not draw the resolutions, that I signed them, and that I read them. They had been drawn before they were presented to me, and I looked them over.

Q. Did not you say that you made changes and reformatations,—that you had made certain changes?

A. Yes, sir, but that was after they had been drawn, that was suggesting the cutting out of one paragraph.

Q. And the resolutions as finally completed, met your approval, Mr. Thompson.

A. Yes sir.

Q. So that, as a matter of fact your endorsement of these resolutions is just as complete as though you had drawn them yourself?

A. Yes sir.

Q. Now, getting to the specific portions of these resolutions, "Whereas, rumors have been current for the past several months in the city of Forsyth, that Charles L. Crum, Judge of the Fifteenth Judicial District, be removed from office, said rumors being attributed to personal and political enemies" and so forth. Have you any facts within your knowledge will bear out that portion of the resolution?

A. I have this: Shortly after the affair had taken place at Helena here, between Judge Crum and County Attorney Haynes, I happened to be in Forsyth, and had a conversation with the Judge, in which he stated, he did not mention names, but he said: "I love my friends as well as anybody loves friends," and he said, "I like to have friends, but if attorneys come and expect a Judge to overrule a decision along a given line of facts in which he had formerly decided, it is too much to

expect, and it seems some of them expect that much" and he anticipated that proceedings would be started. Now that is—(Interrupting).

Q. So the only information that you have then is from a declaration by Crum himself?

A. Yes sir, the entire resolution is rumor.

Q. Simply a self-serving declaration?

A. Yes, if you call it so.

Q. But, after that Mr. Thompson we had a hearing up here in the House of Representatives, and you say that you read the press reports of that hearing?

A. Yes, sir.

Q. Was that not sufficient to controvert, in your mind, any impression that you had received from Crum himself?

A. After the hearing before the House of Representatives I again saw Crum,—that was along about the early part of March, the 6th or 8th, 1918. I stated then if he was innocent, that he should fight it seriously; if there was anything to them he should let us know. He positively reaffirmed his innocence, and said he could lay them all aside, and that the statements given here in testimony were given by fellows that were not friendly to him.

Q. So you chose to over-ride the action of the House of Representatives and accept the word of Judge Crum himself?

A. Oh, I don't know as you would exactly say that. I did not want to dishonor the legislative body.

Q. What other construction could you put upon those resolutions?

A. The mere fact that they are rumors, everything in the resolution is based on rumors. We do not attempt to say that they are facts. We do not know them to be facts, but because of their being rumors, and spread about Musselshell County, we thought that it might be effective; not so much that we doubted that he would not have a fair hearing and impartial trial in this body, but the purpose more particularly was to see that mob violence would not control in Forsyth and that he might be given an opportunity to prepare his defense which would be at Forsyth, where he had to get his evidence.

Q. Now, these resolutions practically impugne an unfairness on the part of the House of Representatives?

A. Well, that is not the intention of the resolutions at all.

Q. You do not think then, that the public in general have gained the impression from these resolutions that the House of Representatives acted unfairly?

A. No, I do not. I do not believe they have gained the impression from the resolutions unfairly, however, as much as they have gained the impression from reports spread broadcast in the newspapers of his absolute guilt, long before his trial.

Q. You say you read the press reports of the testimony of the witnesses before the House?

A. Yes, sir, before the House, I think I read most of it.

Q. And from those reports you would not arrive then at the same conclusions that the entire membership of the House present when the vote was taken, arrived at?

A. Well, I don't know about that. The way I read those, there was a very small portion of the testimony that gave any dates of any particular pro-German proceedings, after the war with the United States was declared. They gave no dates at all, and that seems to me is an important feature in a case of this kind.

Q. Then, as a matter of fact, the reports you read did not pretend to give the testimony in the House in any degree of fullness?

A. Not as full as I would have wanted it if I was going to convict a man. It may have been all right as far as the hearing was concerned.

Q. And there was not an accurate statement of what the testimony was?

A. Had I been in the House, I suppose I would have ruled the very

same way, as far as the House is concerned,—a sort of a preliminary hearing.

Q. Will you say now that there was no particular reason why those resolutions should have been passed?

A. Why, I would not say that. The citizenship of Roundup felt that they should be passed, and passed them, not because they are based on any facts at all.

Q. Now, you say the resolutions were practically prepared when you went into the meeting of the committee on resolutions?

A. Yes sir.

Q. And was within a few minutes, I dare say, that you reported back to the committee, or to the meeting and presented these resolutions?

A. Well, I went into—I will tell you just how it was. The first I saw of the resolutions, I was supposed to be there about six o'clock. I had gone from the office into where the committee had been meeting in Mr. Jeffries' office and they had resolutions prepared and I suggested the correction and the erasure of one paragraph; I don't even remember what it was about. Anyway it was thrown out. Then the next I saw the resolutions was at the meeting about half past seven or eight o'clock.

Q. Were not those resolutions presented and adopted with practically no opportunity for discussion?

A. No I would not say that such was the condition.

Q. How long after they were presented and a motion made for adoption were they adopted?

A. The motion was made for adoption, and I think that was probably immediately after they were presented; that put it up to discussion.

Q. Wasn't there a clamor for a question immediately upon the motion and the motion was put without any opportunity for discussion?

A. I don't think so.

Q. Wasn't that a part of the program Mr. Thompson, that it should be done that way?

A. No.

Q. Another part of the resolution 'Whereas, a faction of Forsyth citizens headed by a man with a record in various criminal courts, presented charges against the said Crum to the Fifteenth Legislative Assembly.' Have you any facts in your possession to substantiate that part of the resolution?

A. I have the word of Mr. Haynes himself.

Q. That he has a criminal record?

A. Well, I won't say that, no; but he told me, I think it was at the time I was in Forsyth after the shooting affair, when I saw him; he told me that he had been a booze fighter; that he had even been further than that—he had been addicted to dope and he had overcome them all, which I thought was laudable. He said that he had served ninety days in, I think it was, the County Jail and that it was not rightfully served but that he was compelled to serve it anyway. I don't think he will deny it.

Q. So that as a matter of fact the man has not a record in the Criminal Courts?

A. Not that I know of.

A. And that part of the resolution, so far as you know, is not the truth?

A. Is rumor, just as it says.

Q. And that portion of this part of the resolution saying that this man, heading the delegation, presented charges against the said Crum to the Fifteenth Legislative Assembly. Do you know that to be a fact?

A. Nothing any more than rumors.

Q. Don't you know that as a matter of fact the Governor of this State presented those charges to the Legislative Assembly in a special message?

A. I guess probably he did.

Q. So you were a little hasty then?

A. I would not be surprised.

Q. "Whereas, the House of Representatives of the said Legislative Assembly, based upon the testimony submitted by the accusers, accused being given no opportunity to introduce testimony in his behalf, a right not denied a defendant in a Justices' Court and filed Articles of Impeachment against the said Charles L. Crum"—now have you any facts or information in your possession that would substantiate that?

A. Nothing any more than what we get from the newspaper, that the testimony was taken, that he was not here. I understand that the rule is it was not necessary that he should be here. I must confess my ignorance.

Q. Now, you being so interested, you should have read the press reports carefully; you should have known that the House took special action to call in witnesses to testify in person, and the same motion embodied the provisions that the accused be notified and asked to be present. Do you know that?

A. No, I don't know that I was any more particularly interested than anyone else.

Q. And do you know that a special committee was appointed by the House?

A. I did not know that.

Q. And do you know that the witnesses who appeared before the House and testified were brought there upon subpoena of this special committee appointed by the House?

A. I did not know that they were, but I presume that they were.

Q. Did you know that Judge Crum himself was personally notified?

A. I did not know that either.

Q. By telegraph by this Committee to be present?

A. I don't know that.

Q. Do you know that Mr. O'Connor had a conversation with Judge Crum over the telephone asking him to be here?

A. I did not.

Q. Did you know that the sentiment was expressed by Mr. Belden on the floor of the House that both sides of the matter should be heard, and suggested names of persons who probably would be friendly to Judge Crum, and that those persons were subpoenaed?

A. I did not know that.

Q. "Whereas rumors and threats of personal violence against those having adverse views on testimony in the city of Forsyth, and that such threats and rumors are and were intended to intimidate and did intimidate those having adverse opinions of the merits of the proceedings and were of such a nature as to tend to thwart a fair and impartial consideration of the matter." Now, can you base that upon any information or fact?

A. Not any more than I testified to this morning, that a rumor had come to me and directly, as I stated this morning, from the Judge, that his stenographer had been approached and told to be careful as to how he testified.

Q. That is all that the Judge said? He did not tell you what he told the stenographer?

A. No, no.

Q. You do not know of any other persons down there who were threatened, do you?

A. No sir, I do not of personal knowledge, no. I know of other rumors.

Q. Oh, of rumors that he was threatened?

A. I have heard it said that a committee waited at the Milwaukee depot to take the Judge off the train enroute from Roundup. Of course that did not come direct, it was just street talk.

Q. I mean of witnesses?

A. Oh no, I know of no other.

Q. If there is nothing in addition to be asked, the witness will be excused.

BY SENATOR MERSHON: Mr. Thompson as an attorney, do you usually accept hearsay evidence when parties are giving testimony in Court against your client?

A. No sir.

BY SENATOR MERSHON: Do you accept rumors as legal testimony?

A. No sir.

BY SENATOR MERSHON: That is all. I thought not.

Whereupon A. T. Klemme, a witness called and sworn testified as follows:

EXAMINATION BY MR. HIGGINS.

Q. Will you please state your name?

A. A. T. Klemme.

Q. Your residence?

A. Forsyth.

Q. Your occupation?

A. Minister.

Q. Of what church?

A. Presbyterian.

Q. How long have you lived in Forsyth?

A. Three years.

Q. Have you been pastor of the Presbyterian church during that time?

A. Yes sir.

Q. What other positions have you held in Forsyth or Rosebud County?

A. You mean official?

Q. Official?

A. I was probation officer.

Q. How is a probation officer selected?

A. Why, the Judge of the District Court appoints him.

Q. How long did you serve as Probation Officer?

A. I served from the fall of 1915, I think, or perhaps the summer of 1915 to September of 1917.

Q. From whom did you receive your appointment as Probation Officer?

A. From Judge Crum.

Q. You know Judge Crum?

A. Yes sir.

Q. How long have you known him?

A. Ever since I went to Forsyth, three years.

Q. I will ask you if your position as probation officer required you to be more or less in the presence of Judge Crum?

A. Yes sir.

Q. I will ask you if you did not have occasion frequently to see Judge Crum on official business?

A. Yes sir.

Q. Well, how often did that happen?

A. Well, it was not regular; sometimes it was every day, and sometimes it was once or twice a week, sometimes when he was in Roundup; I just accumulated cases except in one instance, I was supposed to go around and see him—I was forced to go down and see him.

Q. Your relations with Judge Crum were and are friendly?

A. Yes sir.

Q. You have had occasion, have you, to discuss the European war with Judge Crum?

A. Yes sir.

Q. Both before and after the declaration of war by the United States?

A. Yes sir.

Q. Of what nationality are you a descendant, Mr. Klemme?

A. German.

Q. Where did you obtain your education?

A. Elmhurst College, Elmhurst, Illinois, McCormick Seminary in Chicago.

Q. What are the denominations of those schools?

A. The College is of German Evangelical Lutheran and the Seminary is a non-denominational school governed by the Presbyterian church.

Q. You read and write German?

A. Yes sir.

Q. Did you ever study in Germany?

A. No sir.

Q. In your discussion—early in the European war with Judge Crum, did you and he agree in your attitude on the war?

A. Yes sir.

Q. When was there a difference, if any, between your opinion and that of Judge Crum, in regard to the war?

A. Well, the first instance came with the publication of the Brice report and the atrocities of the Germans passing through Belgium and Northern France.

Q. Will you please tell the Senate the conversation you had with Judge Crum regarding that matter?

A. Well, I called his attention to that report and told him that that didn't look good to me, and that that was foreign to my idea of what the German character was. He said that that was just an accumulation of English lies and was surprised at my density in accrediting it.

Q. What else was said?

A. Oh, I don't know on that occasion.

Q. Did you ever have other occasions to discuss the same matter?

A. I don't think so. It came up several times, but without any additional testimony relative to it.

Q. Did you and he ever have any discussion concerning the report of the members of the various churches?

A. Yes sir.

Q. Representatives of the various churches who had been over there investigating the war?

A. Yes, he told me one day that you couldn't believe what the papers said; that it was just a report, he said either a false report, or the report of a false investigation, biased, and I told him that I couldn't see how such widely diverging agencies, as for instance, the official British Commission, the official French Commission, the Cardinal Mercier report (my French may be as poor as yours, Mr. Higgins, I wouldn't say that is correct,—if it is not someone can correct it) but Cardinal Mercier, the Belgian prelate.

BY MR. HIGGINS: No dispute here.

A. And Newell Dwight Hillis of the Plymouth Church, of Boston, was the leading representative of the Protestant religion. I told him that there could not be any bias, or any bias of opinion, at least, no consecutive or consistent falsifying, when the reports came from such widely diverging channels.

Q. Did Judge Crum have any reply to make to that?

A. Well, he said, of course the Belgian prelate would have to stick with his people, and he said Newell Dwight Hillis was of English parentage, therefore his leaning would naturally be toward Great Britain.

Q. When did you next have a conversation with Judge Crum regarding the war?

A. I cannot recall them in sequence because I have not made any notation to recall them in that order.

Q. I will ask you if conversations between you and Judge Crum regarding the war were not of frequent occurrence?

A. Yes, they were until lately. We never had as many since we declared war as we did before. I don't think we had over a dozen since we declared war, because I was gone a good deal of the time, and when I was up there I took my departure as soon as it was polite.

Q. Can you relate to the Senate the substance of any conversation on the war that you had with Judge Crum prior to the entry of the United States as a participant?

A. We discussed several times the problems that were arising, the submarine difficulty and the question of the employment of new devices by the Germans, such as poisoned gas and liquid fire. Judge Crum thought they were perfectly proper because they were an exhibition of the triumph of the German mind over the English or French.

Q. Did he ever say that they were real accomplishments?

A. Yes, he said that just showed how much ahead of the rest of the world the German chemist was.

Q. He commended the use of those instruments of war?

A. Well, to that extent. It was to him a triumph of chemistry in which the German nation had shown its superiority.

Q. Did you and he ever discuss the invasion of Belgium?

A. Yes. Oh, I suppose so, but I don't remember anything about it.

Q. Did you ever discuss the submarine policy of Germany prior to the entrance of the United States into the war?

A. Yes, we talked about that, and I told him at the time the Lusitania was sunk that I hoped that we would declare war because I thought it was the clearest case of violation of our rights that had come up, and I told him that it would unify the country, whereas, if we waited for a series of small events, it would be apt to be called lesser in importance and it would not unify the country like some tragedy like the Lusitania would.

Q. Did Judge Crum seem to endorse the submarine campaign carried on by Germany prior to our entry into the war, or otherwise?

A. No, he endorsed it.

Q. Did you ever have a conversation concerning the sinking of the Lusitania?

A. Yes sir.

Q. What view did Judge Crum express on that part of the German campaign?

A. He told me that any man who traveled on a war vessel or a vessel through the war zone at this time, when they were neutral vessels, were just as liable, and were just as deservedly liable to punishment and to death, as a man who would ride on a cannon in No Man's Land.

Q. He didn't seem to regard that part of the German policy to sink without warning, and giving the non-combatants an opportunity to get off?

A. He said they were given warning by publication in the New York papers.

Q. Were there any other features of the war that you discussed with Judge Crum prior to the entrance of the United States into the war?

A. Oh, we used to discuss the campaigns and the results of the battles, but probably I,—we could never agree on that. When Germany had to retreat it was for strategic reasons. When Germany advanced it was a triumph, and I didn't quite follow that bent always.

Q. Now, can you think of any other conversations that you had with Judge Crum, prior to the entrance of the United States into the war?

A. Well, there were others. I don't know as I can recall them—unless specific questions are asked.

Q. What would be Judge Crum's attitude in discussing these matters. Did he become excited or show emotion or would he be calm?

A. Well, he was always calm until I differed from him, and then he would always sympathize with my mental limitations.

Q. Do any other conversations occur to you now that you had with Judge Crum prior to our entry into the war?

A. We talked once about the policy of sending the Canadian troops into the thickest of the fray. I believed that myself at the time, and it was not until I saw the official statement of the British casualties that I changed my mind. When I took that statement to Judge Crum he told me that it was padded.

Q. Did you and he discuss the ultimatum delivered by Germany to this country, wherein Germany prohibited the trans-Atlantic commerce of this country under the rules of international law?

A. Well, he thought that we were going to submit to it; we would have to submit to it, he said, because they were abler diplomats than we were, and he said for one he felt humiliated that it would become necessary for any nation to impose such terms upon us that our ships would have to pass through a certain zone, painted like barber posts to distinguish them from others. I told him that I thought that we would not accede to the ultimatum.

Q. That was just prior to the declaration of war by the United States?

A. Yes sir.

Q. And any other conversation that you may have had would occur after the war, after our declaration of war?

A. Well, if there was any more conversation, it was always on that line; I don't think there would be any further testimony.

Q. Coming down to the time after the declaration of war by the United States you had discussions with him, did you.

A. Yes sir.

Q. I will ask you if the matter of the draft law was ever brought up in any of your conversations?

A. Yes sir.

Q. Will you tell the Senators here just what the nature of these conversations were?

A. Well, we both thought that the draft law would be the test of our nation, test of our amalgamation of all the forces in the United States. I felt that just as much as he, and I thought that it was a critical period for the nation, but I felt that we would meet it and he felt that we would not. He thought that there would be revolt or organized opposition to it, and said that there would never be a boy go across to France, because we would always be kept so busy here that there would not be any opportunity of sending them across.

Q. He made certain prophecies, did he not, Mr. Klemme, regarding the effect of the attempted operation of the draft law?

A. Yes sir, he said if it was put through, there would be a riot. He said first of all that the law, if it was passed, there would be a riot, and then he said that the day the first draft was made there would be a riot; that is the drawings were made, and then he said there would be a riot when the first contingent went out, the first men, and the last conversation I had with him, I rather rebuked him for the many failures of his prophecies, and he said that the Government was wise enough to take them a few at a time, and therefore prevent that rebellion.

Q. Was any comment ever made by Judge Crum regarding the riots and resistance of the draft law down in Oklahoma?

A. Yes, he said that Oklahoma was just a shadow cast before the events which were to come; he said that would become universal.

Q. Did he ever have occasion to remark upon the character of the President of the United States, President Wilson?

A. Well, he felt that he was governed and under the command of the moneyed interests of the nation, Wall Street and J. P. Morgan, particularly.

Q. Did he ever comment upon the reasons or motives why this country declared war?

A. Yes, sir, we were supposed to go into the war to protect J. P. Morgan's two and a half billion. I told him at the time that it would cost us ten billion to protect the two and a half billion, but he said that we would do that perfectly willingly because the poor men would pay the ten billion and J. P. Morgan could not afford to lose two billion and a half,—maybe he couldn't.

Q. Did he ever comment upon British influence in this country?

A. We had a discussion at one time about newspapers, in which he said the British had bought up all our press and it was controlled by the Anglomaniacs, and I told him to my knowledge the only change in any reliable, or at least important newspaper agency, had been in the Pulitzer press, that that had been the only change in ownership in the United States, and that the editors as a rule, were the same as before we went into the war,—editors of their respective papers.

Q. Did he ever give you any literature to read?

A. I don't remember.

Q. Did he ever give you the "Fatherland"?

A. No, he read a gem from it one day.

Q. Do you know the purport of that gem?

A. No, I don't any more, I don't remember what the occasion was.

Q. He never presented you with a complimentary subscription to the Fatherland, did he, Mr. Klemme?

A. No, he never did.

Q. Did he ever give you the Milwaukee Free Press, is it?

A. No sir.

Q. What other comment did he ever make concerning President Wilson?

A. Well, he thought he was running us into war, and he would leave the White House a rich man, because he was getting his share while he was leading the country toward them.

Q. Did he ever express a hope as to what the destiny of President Wilson would be?

A. Yes sir, in a way.

Q. What was that?

A. Well, he said he was afraid if certain things happened Wilson would be shot, and he hoped he would.

Q. When did he tell you that?

A. He told me that just before the second Liberty Loan was passed.

Q. Where?

A. Forsyth.

Q. And what particular part of Forsyth?

A. I think it was in his Chambers, I am not positive of that.

Q. Was anyone present when the statement was made?

A. No sir.

Q. Did he show any feeling when he made the statement?

A. Oh, not particularly, only contempt. He never had much use for the President.

Q. You have been sitting in the Senate Chamber, have you not Mr. Klemme, during the examination of the various witnesses?

A. Yes sir.

Q. You have heard the testimony here regarding threats and the use of force to compel you to come here and testify?

A. Yes sir.

Q. I will ask you if anybody ever attempted to intimidate you respecting your testimony before the Senate?

A. Why no. There was not a person in Forsyth, with one exception, however, who knew what my testimony would be if called upon. There was not any person who knew how damaging my testimony would be except myself, when I was called before the House, and the only reason I was subpoenaed was the fact that I had been Probation Officer

and everybody knew that Judge Crum had talked a good deal, and they felt that he had certainly talked to me.

Q. And how did you happen to appear before the House as a witness?

A. I was directly subpoenaed by yourself.

Q. Did Judge Crum ever call upon you to address the newly made citizens,—citizens just receiving their naturalization papers, the final papers?

A. Yes sir.

Q. Where was that?

A. Forsyth. That was about—I think the fore part of 1917.

Q. Did he have any particular comment to make regarding what your remarks would be?

A. Well, I spoke to those present upon their duties and obligations as American citizens, and impressed upon them the fact that they must become one of the New World, and that it wouldn't do to transplant the grievances of other lands into this country; that we were an experiment in the matter of amalgamation, and it was their duty to as much as possible, measure up to the standards we had set for that, and he commended me afterwards for the address.

Q. Did he ever make any comment about any other person following the same profession as yourself at any of these times?

A. Well, he told me that Mr. Oldfield had addressed the citizens in Roundup but he said that he had not liked his address so well, because it savored of that pro-British sentiment that was so dominant in the country.

Q. Were there any other conversations, Mr. Klemme, had between you and Judge Crum regarding the war that you have not told the Senate?

A. Oh, there would be quite a number, but I do not believe there would be any further testimony which would throw light on his attitude.

Q. Did you and he ever discuss LaFollette's attitude upon the war?

A. Why, yes. Judge Crum felt that we were laying aside all the principles of democracy, such as free speech and free press, and so on, and that that was a mistake, and that the people who were insisting on the original aims of democracy, of which LaFollette was a striking example, were perfectly correct, and that they were the real Americans; and his attitude toward Americanism was always that, that the Government was not propagating real Americanism, and that LaFollette, in his opposition to the Government policies, was the exponent and the spokesman of a real Democracy.

Q. Did he ever pass favorable comment upon the speech delivered by LaFollette at St. Paul, about which we have heard so much?

A. Yes, he said that was a masterpiece.

Q. Did he ever discuss with you the matter of the Over-Seas Club?

A. Why, yes; he said that a man who took that oath of office or oath of membership pledging himself as an American citizen to work for the interests of Great Britain was not an American, and I agreed with him.

Q. Did he exhibit to you the application for membership that must be signed by a person wishing to obtain membership?

A. No sir, he did not; not as I recall.

Q. Did he show you the book containing the names of the persons in this country and particularly in your county, who were members of the organization?

A. No, he told me he had it, but he never showed it to me.

Q. Did he ever tell you how he became possessed of that book?

A. No sir.

Q. What remarks did he make concerning the troops of this country and the fate of those troops after they reached European soil?

A. Well he said that there would not be a man of the first five hundred thousand come back, unless he was lucky enough to be crippled.

Q. What did he say would be the policy of the Allies, particularly the British, with respect to the disposal of our troops after they reached the other side?

A. Well, he said they would do the same thing that they did to the Canadians, they would put them where the going was hardest and they would have to bear the brunt of it, become cannon fodder, that the Allies were sending them to their death.

Q. He said that our troops would be made cannon fodder of, did you say?

A. Yes sir.

Q. Did Judge Crum ever attempt to reconvert you to your former views concerning the war?

A. No, I don't think so. I don't believe he ever tried that. I don't think his conversations with me were for that purpose; I think he was rather sorry to see me slipping; he was certainly not trying to reconvert me as I could gather it.

Q. Were you ever present during conversations between Judge Crum and others concerning the war?

A. No, I don't believe so.

Q. Do you know, Mr. Klemme, of any persons in Forsyth who have been intimidated, or in Rosebud County, respecting their attitude in this matter, or what the nature of their testimony would be?

A. Why no; I was one of the—I was certainly one who informed Mr. Hall that he had better be careful how he testified, because I would be rather sympathetic for a man who gave false testimony in the presence of the congregation to which I testified the last time—twenty or thirty lawyers who had been practicing at law—if a man gave the wrong kind of testimony there, I don't believe this House would be very nice to him. My warning, though, was only to this effect, that he wanted to be absolutely straight and tell what he knew, and just limit it to that, because that was what you were after; you were after facts and I told him my experience, that I had not any desire from my personal feeling—certainly did not desire to testify, that my feelings had all been the other way, but when I was put under oath I was obligated to the House of Representatives, and I said, "A man has to be careful of his testimony;" and I am being careful now.

Q. You don't know then of any person who has been forced to come here and testify falsely?

A. No sir.

Q. You don't know of any persons who have been kept away because they may be possessed of information that would be favorable to the defendant in this case?

A. Why no, not to my knowledge.

Q. Are you a member of the Committee known as the One Hundred?

A. Yes sir.

Q. Were you present upon the occasion of a meeting of that organization with other citizens of Rosebud County, when the matter of Judge Crum's resignation was taken up?

A. No sir, I was in North Dakota at the time and I was not present.

Q. Did you and Judge Crum ever discuss the action taken by that Committee?

A. No sir, I did not see him after that action had been taken until after the indictment by the House of Representatives.

Q. You have seen Judge Crum since the Resolution of Impeachment was passed by the House of Representatives?

A. Yes sir.

Q. Have you discussed the war with him since that time?

A. No.

Q. Why did you give up your position as probation officer?

A. Well, I was obligated to my Church first of all, and I could not find the time to conduct both the Church work and the Probation Office successfully, and I did not want to be unfair to the Church and I

knew it was not quite fair to the Probation work to attempt to handle both.

Q. Had the relationship between you and Judge Crum on account of this attitude upon the war become so uncomfortable to you that that was one of the reasons why you surrendered your position?

A. Well, it was not uncomfortable, but it was embarrassing; I felt that as long as I was in that position I was obligated to him, and I was to a certain extent, and I could not agree with him and we were getting so wide apart that it was just a matter of embarrassment, but to that extent only.

Q. Do you know Judge Crum's son, Liebert?

A. Yes sir.

Q. Have you and Judge Crum ever discussed the son since the declaration of war by the United States?

A. Yes sir.

Q. What was the nature of that conversation?

A. Well, he told me he had sent him away.

Q. Did he express any reason why he sent him away?

A. Well, he said that Liebert was getting the fever to enlist, and he said he would rather bury him himself than to have him buried in France, because he knew that not a man would come back from there, and it was a shame to take these kids, as he expressed it, and sacrifice them to the war of Great Britain. He said that Liebert was not old enough to have mature judgment, and he was afraid the artificial patriotism that was flooding the Bozeman Agricultural School at the time, would induce him to enlist.

Q. Do you know where he sent his son?

A. I know where he told me he sent him.

Q. Where did he tell you that he had sent him?

A. South America.

Q. Did Judge Crum tell you where he was going when he left Forsyth?

A. Where the boy was going.

Q. No, when he himself left Forsyth last Sunday?

A. No sir, I didn't know he was leaving.

Q. What did Judge Crum say, if anything, regarding what he would like to do with his property interests in this country?

A. Well, he made the same remark to me that I testified to, that he would like to sell out and go on to the Fiji Islands where men were civilized.

Q. Isn't it a fact, Mr. Klemme, that the first draft bill contemplated by the United States Congress included boys between the years of nineteen and twenty-five or thirty-one?

A. I think it was nineteen and thirty-five, if I remember correctly; that, however, I am not ready to testify to, in a direct statement, but that is my opinion.

Q. Would Judge Crum's boys be included within those ages?

A. Yes sir.

Q. Was that the time you had the conversation with him regarding sending the son away?

A. Yes sir.

Q. What did the Judge ever say, if anything, regarding what his conduct would be if men of his age were included in the draft?

A. Well, he said, if he were young he would not go; that he would rather be sent to Leavenworth for twenty years at hard labor than to be sent to France for a year, or whatever length of time it would take, to be blown into atoms.

Q. Did he ever say he would physically resist the operation of any draft law that included him within its operation?

A. Well, he gave that impression.

Q. You are a member of the Committee of One Hundred, Mr. Klemme?

A. Yes sir.

Q. Do you know practically all of the members who belong to that organization?

A. No, I do not. I do not know who have been admitted. I know the list of members that preceded me into it.

Q. How large a list was that at that time?

A. Well, it was of considerable length. I should judge seventy or eighty at least.

Q. Well, what would you say the standing is of those citizens in that community?

A. Why, perfectly reputable.

Q. Would you say that they are law abiding and loyal citizens?

A. Yes sir.

Q. Do you think the purpose of the organization known as the One Hundred is as set forth in the Declaration of Purpose and in the Oath?

A. Why yes, I have never been able to discover anything else.

Q. Has that been its purpose since its organization?

A. To the best of my knowledge it has.

Q. Do you recall any other conversations now, Mr. Klemme, had between you and Judge Crum since our declaration of war?

A. No, none other than there were others but I would have to have my memory jogged to recall them, because I do not recall them off hand.

Q. I will ask you Mr. Klemme if you were not asked to make an affidavit at the time the affidavits were being prepared in Forsyth to be submitted to the Governor, in contemplation of impeachments proceedings against Judge Crum?

A. Yes sir, I was.

Q. And what was your response to that request?

A. I told them that I owed so much to Judge Crum personally and to his friendship that I did not want to take any aggressive steps in that trial, that is, I did not want to take preliminary steps, because I did not want to appear in the light of betraying a man who had befriended me until it became a matter of duty and necessity to greater laws in governing me at the time they asked me.

Q. So as a matter of fact there was not any attempt at intimidation and compulsion to make you make an affidavit, but you, of your own volition refused to make one?

A. Why yes, I was just asked. Mr. Campbell asked me if I would make an affidavit, called me to the office, I said "No." I gave him my reasons. Well, he said, that's all right, they will probably subpoena you from up there. Well, I said, if they do, that is a different matter and that ended the conversation. We talked over the matter a few minutes. I was not in their office over ten minutes at the outset.

Q. What sort of a man was Judge Crum, was he a man of composed temperament?

A. Why, yes; ordinarily he was very calm and dignified, splendid personality.

Q. A man, you would say then, not ordinarily permitting his emotions to get the better of him?

A. No, not ordinarily. I talked a good deal to him and it was only once or twice that he was wrought up at all, and then it was over my failure to grasp material things, that were material to him and not to me.

Q. You will say then, will you, Mr. Klemme, that upon no other subject did Judge Crum lose his self possession or composure except upon that of the war?

A. Well, that is the only time I ever saw him lose any of his self-possession.

BY MR. HIGGINS: That is all of this witness.

BY REPRESENTATIVE MASON: From your personal and intimate acquaintance with Judge Charles L. Crum, from what you know he has said or done, do you believe he was a loyal or a disloyal American citizen?

A. I could not by any stretch of imagination, Mr. Mason, call him a loyal American citizen.

Q. And do you believe by his conduct he lent aid and comfort to the enemy?

A. I would not be prepared to say that, because that is an intricate definition that I am not prepared to answer. He certainly lent no aid or comfort to the American Government or American ideals.

EXAMINATION BY MR. HOGAN:

Q. You probably knew the mental attitude of Judge Crum as to the other residents of Forsyth or the witnesses who testified here, did you not?

A. Yes sir, I think so.

Q. Would you be willing to give this Court the benefit of your opinion on the question of whether or not Judge Crum belonged to any organized association of persons acting in the interests of the German Government?

A. No, from my own knowledge,—I would say no.

Q. You think that he did not belong?

A. I do not think he belonged.

Q. You have already answered the question as to his loyalty to the United States; what would you say as to whether or not he was guilty of treason against the United States?

A. I do not think it is fair to ask me that question Mr. Hogan?

SENATOR HOGAN: That is all.

BY SENATOR WHITESIDE: Did you ever hear anyone raise any question as to Judge Crum's mental soundness?

A. Why no, except that those of us who were always trying to keep him from being indicted too severely by public opinion, just threw it away with that remark that "He has gone crazy on the subject," but not in the sense of mental unsoundness excepting that he talked himself into a state of mind on it where he simply cannot help but talk about that.

BY MR. WHITESIDE: That is all.

A. May I be excused for good Mr. Higgins?

BY MR. HIGGINS: Yes.

Excused.

BY SENATOR ROBERTS: Mr. President, we have heard a dozen or fifteen witnesses verifying these articles of Impeachment and some who have attempted to defend the Defendant, and that was all together on hearsay and supposition, and I feel, as far as I am concerned, I have heard sufficient for my own knowledge. I move you, if it is in order, that we go into Executive Session.

BY THE PRESIDENT OF THE SENATE:

W. W. McDOWELL: It has been regularly moved and seconded that we go into Executive Session.

BY MR. BELDEN: Before the motion is put, Mr. President, I just

want to call the presiding judge's attention to the fact that Mr. Klemme has some urgent personal reasons why he would like to be excused from further attendance upon the Court, and unless there are some of the Senators who desire his presence, I think it would be well if your Honor as presiding officer, would excuse him from any further attendance upon the sessions, in order that he may feel at liberty to go.

BY MR. HIGGINS: Mr. President, if it is in order, I would like to make a few remarks upon the motion.

BY THE PRESIDENT OF THE SENATE, W. W. McDOWELL: If there is no objection, Mr. Klemme will be excused from further attendance upon this Court, Mr. Higgins.

BY MR. HIGGINS: Some of these witnesses have been intentionally subpoenaed here to dispel any possibility of criticism of ulterior motives on the part of this body. Now the House took the same action that the Senate contemplates by this motion and you can gather from the tenor of the testimony of some of the witnesses here this afternoon that that impression was bad because we failed to examine all the witnesses that we had at that time, the House being satisfied in their own minds, of course, from the testimony heard, as to their attitude upon the impeachment; yet it gave the impression in certain portions of the State, and among certain people of the State, that it was a sort of star chamber procedure, and we took snap judgment, and that the man then under investigation had not gotten a square deal. Now two of the witnesses yet to be called have matters of a personal nature, that is, Mr. Felkner Haynes and Mr. Hall; certain matters possibly of rumor and hearsay, have been said, yet I think in justice to these men themselves they should be permitted to take the stand, and more particularly do I want to have Mr. Hall put upon the stand, because he was acting in a more or less confidential capacity with Judge Crum and had an opportunity probably greater than Mr. Klemme's to hear expressions from Judge Crum on his views upon the war, and I think that the record in this case, which will become permanent and a part of the history of this State, should be made complete and we should get the testimony of all these witnesses who have been subpoenaed. Now, in subpoenaing witnesses, I having been charged with that responsibility, I have eliminated a great many who could have come up and substantiated and amplified to a great degree some of the matters that have been testified to; but I think in consideration of public policy and out of consideration to some of the witnesses, and out of consideration also to the reputation of some of the members of this Assembly, who have been accused, and I think unjustly, of having been investigators of this matter, that we should proceed to hear all the witnesses.

I think there are not to exceed more than four more left that probably will be called.

BY SENATOR ROBERTS: I have been advised that there are one or two articles that have not been clear, so I withdraw my motion temporarily.

BY MR. BELDEN: If the Court please, I think it would be well at this time if the Court might recess for a few minutes and during the recess the Board of Managers from the House will endeavor to arrange such testimony as is necessary to complete the proof on each of the Articles of Impeachment, and within a very few minutes thereafter the House will be ready to conclude its presentation of the matter and submit it for the consideration of the Senate. I do not know that as a member of the House, I have a right to make a motion for an adjournment—

BY PRESIDENT McDOWELL OF THE SENATE:

About how many minutes do you wish Mr. Belden?

BY MR. BELDEN: Why, I think that fifteen minutes would be adequate.

Whereupon a recess was declared for fifteen minutes.

WHEREUPON W. J. JARRETT, a witness called and sworn, testified as follows:

EXAMINATION BY MR. HIGGINS.

Q. Will you please state your name to the stenographer in full.

A. W. J. Jarrett.

Q. And your residence?

A. Roundup, Montana.

A. And your occupation?

A. Well, I thought I was a dry land farmer for a couple of years, but I got broke, so I am Clerk of the Court at the present time.

Q. You are Clerk of the Court,—pardon me for interrupting the proceedings for a moment. I desire to obtain the permission of the Senate to excuse Mr. Oldfield who has some engagement which he has to meet, and I do not think we have any further need of him.

BY PRESIDENT OF THE SENATE W. W. McDOWELL: If there is no objection Mr. Oldfield will be excused.

MR. HIGGINS, continuing:

Q. How long have you lived in Roundup, Mr. Jarrett?

A. Well, Roundup, in the town, I have lived there since March 1911, the County of Musselshell was created in 1914, wasn't it? It was the second day of March, something like that,—in April or March.

Q. What county did that county belong to prior to the creation of Musselshell County?

A. Fergus County.

Q. You were a citizen of Fergus County then, prior to 1914?

A. No, I was a citizen of Yellowstone, just across the line, up until 1909.

Q. You were elected, were you, Mr. Jarrett, as Clerk of the Court in the bill creating Musselshell County passed by the Legislature that sat here in Helena in 1914?

A. I was.

Q. You have been an incumbent of that office ever since?

A. Yes sir.

Q. You know Judge Charles L. Crum?

A. I do.

Q. Have you known him since you were Clerk of the Court of Musselshell County?

A. That is since he was elected, for two years; the first two years we had Judge Pierson I believe.

Q. You have known Judge Crum then since January, 1913?

A. Something like that, I think that was it.

Q. You have known him intimately, I gather?

A. Well, I can say,—I might say yes to that. Well, he visited there six and eight times a year.

Q. As Clerk of the Court, Mr. Jarrett, did you have frequent occasion to call upon Judge Crum on official business?

A. Well while I was in the court room while he was there, while court was in session, on three or four occasions I have had occasion to go down town to his rooms and get some files, or take some court minutes.

Q. Was it your habit or was it the habit of you and Judge Crum to visit together when court was not actively in session?

A. Well, I cannot say that it was, no sir. We have talked, however, sitting there in the court room as he generally took the recesses, and if I stayed in there, if somebody else was not talking to him. I was.

Q. Have you ever had occasion to discuss the European war with Judge Crum?

A. Well, we were sitting in the court room during a recess, over in the juror's chairs there were a number of people in there, and I sat next to him, and he had a paper in his hand, but I don't know what the paper—but the Lusitania matter came up and he says to me, he says, he believed that they had a right to sink the Lusitania if it carried arms for the Allies, but they had a right to protect the passengers.

Q. Did you have any other discussion with Judge Crum regarding any feature of the European war?

A. I did.

Q. Will you tell the Senate what day that was?

A. It was the day,—the night before he left Roundup. He was holding court there; I cannot tell you what month it was, but it was just the time his boy took sick, and it was a holiday, a state holiday, and I don't know what it was now.

Q. Was that in the year 1918?

A. This was just about two or three months ago, and he was to hold Court the next day. Well, I was down town and I heard that his boy was sick and that he was going away, so he had a number of files down there, that he had taken down to look them over and render some decision so I goes on down; I went down to the Palace hotel where he was, and I told him I heard he was going away, and I come down with the files. He said "I just got word that my boy is seriously sick and I have got to go." Just then he got a call from the doctors and he says, "I have got to go away," he said. "I don't know what to do. I have got Court in the morning" and, he says, "I just don't know what to do" he says, "My boy, they tell me, is seriously sick, and has to go to the hospital," and he says, "This has broke me all up," and he says "I have built a great deal of hopes on that boy," he says, "I have had him at school now," he says. "He is sick," he says. "I don't feel well myself" he says. "I am going to sell out," he says. "I believe I can get a good price for my land," and he says "everything is high," He says, "The war is going on, I am going to sell it out and am going to go into some little town and put up a little bank with about twenty thousand dollar capital and get an experienced man, and let my boy learn the banking business." He says, "I will have offices overhead so I won't have to work very much." He says, "I think I can sell out, so I will not have to work so hard." I says, "How long do you think the war will last?" He says, "I don't know." "Well," I says, "They are talking peace terms. He says, "Yes, but it would be ludicrous," that is a word that he used a great deal, "for them to accept peace terms without a complete restoration of Belgium, and" he says, "we owe a debt of gratitude to France," and that was all that was said speaking on the war proposition. Then he went on again telling about his boy and asking me if I thought he ought to send him to Mayo Brothers' Hospital; he said he could send him to Buskirk at Miles City. I was there about half an hour. Then Mr. Thompson came in, found out he was going away, and he gave me what minutes he had, and Thompson came in and I left Carl Thompson there.

Q. Are those the only conversations you ever had with Judge Crum respecting the war?

A. It was to my knowledge.

Q. Did Judge Crum ever converse with you respecting the draft law?

A. The draft law?

Q. Yes.

A. He never did.

Q. Did he ever discuss with you the policy of this country sending troops across the Atlantic to France?

A. He never did.

Q. How frequently during the day would you see Judge Crum when he was holding Court in Musselshell County?

A. Well, all of the time; I was always out as a rule, right there in the office when I was not busy in the Court room because I did considerable land work and our naturalization and the last,—you might say the last two terms, one of the girls has attended or taken charge of the court room on account of my having to be out of there so often answering the telephone and everything.

Q. Did Judge Crum ever get chummy with you and have you come in his chambers and talk to you?

A. Judge Crum did not have any chambers.

Q. Did he ever come to your office and visit with you in there?

A. No he did not, because—oh, he came in yes, occasionally, and he would sit down there and wait for somebody or wait for us to go down town. I have walked down town with Judge Crum a number of times going down after the mail.

Q. Did he at any of those times talk about the war with you?

A. He did not.

Q. Did you ever visit Judge Crum at his room down at the hotel there in Roundup?

A. Yes sir, two or three times I have.

Q. Did you ever go down in the morning after he arrived the night previous and visit him in his rooms early in the morning?

A. When was this? I did at one time.

Q. Just at that one time?

A. Yes, here about two months ago; yes, it was about 10 o'clock.

Q. It was not your habit then Mr. Jarrett, to go down and visit Judge Crum at his rooms,—his room in the hotel?

A. It was not, no sir, because a great number of times Judge Crum attended the Pioneer Club and I did not belong to that, and I am not down town very much.

Q. Will you say, then, that an occasion to discuss the war with Judge Crum never conveniently came up between you?

A. Well, I do not know why we should discuss it. I suppose if it came up we discussed it. But the discussion was right there in the open court room, and there were other people sitting around; I don't know in particular why he addressed the remarks to me but I happened to be sitting beside him.

Q. Did you ever hear him denounce the British?

A. I did not.

Q. Did you ever hear him say that this was a Wall Street war to protect the loans made by Morgan and Rockefeller and the other financial interests in this country?

A. No sir.

Q. You were up here, were you, Mr. Jarrett, the morning of the day that the House terminated the hearing on the Crum impeachment matter?

A. I was.

Q. Did you inform yourself concerning the facts brought to the attention of the House regarding Judge Crum's activities of a pro-German nature?

A. Well, I tell you, I was not home at that time. I was out of town for about two days. I came home that evening at half past seven o'clock, and when I got home I had a call from Sharpless Walker, asking us if a few of us would not go up there and testify in Judge Crum's behalf if we knew anything, and it was 7:35 when I got home. I had been gone for two days and I came up on the midnight train at eleven something and came right up; there were seven or eight others, or nine of us. I don't know which.

Q. Well, you have not replied to the question, Mr. Jarrett. I don't know whether you understood it or not. I said, did you inform yourself that morning that you arrived here, of the day that the examination of the witnesses in the Judge Crum impeachment matter in the House was terminated? You were here the morning we quit taking testimony?

A. Yes sir. I called Mr. O'Connor up there, and Mr. Belden the night before; that is, as quick as I had heard from Sharpless Walker, and asked him if we could put in testimony; if it would close before we got there, and we could put in testimony, and I believe they both told me that we could. Isn't that right, Mr. O'Connor? We were talking to him.

MR. O'CONNOR: Yes, that was the case.

A. Yes sir, we were talking to him, and that's all I know. I didn't know what testimony had been in or anything about it.

Q. You have not answered the question yet, Mr. Jarrett.

A. Well, I want to, but I guess I don't understand you.

Q. You know the character of the testimony produced in the House in the Judge Crum impeachment matter?

A. I do now, but I did not at that time.

Q. You did not take occasion at that time, while in Helena, to inform yourself as to what the facts were produced in that hearing?

A. I got off from the train at nine o'clock or ten o'clock that morning, it was late, and came right up here to the capitol. I did not have time to see a paper until I had got in here and read the papers.

Q. Weren't the conversations regarding the matter adduced in that House hearing so common and so frequent that you could not possibly help hearing it while about the lobbies of the Senate and the House here?

A. I heard it after I arrived here; but I was out of Lewistown, up into Great Falls on that little branch, for two days, and I didn't get a paper. I heard it after I got here. I didn't hear it in the lobbies, I got it out of the papers. I didn't hear one thing in the lobbies. I sat down and talked to Brass Tull when I first came up here, and he says they have closed the case, and I didn't ask the nature of the testimony.

Q. Did Mr. Tull tell you what the nature of the testimony had been against Crum?

A. He did not tell until that afternoon.

Q. Then you knew what the testimony was that was produced at that hearing?

A. I did after I arrived here, yes sir, but not before.

Q. Do you think that that testimony was of such a nature as to warrant the House in passing an impeachment resolution?

A. Yes sir.

Q. So that, in your opinion then, Mr. Jarrett there is no occasion for any criticism of the House that Judge Crum did not get a square deal?

A. In my opinion the sitting of the House in the impeachment case is just the same as a Grand Jury. I understand that the defendant is not allowed to put in any testimony, that is the reason I called Mr. O'Connor and Mr. Belden and asked them if they would let us testify, and the fact that they brought an indictment did not signify anything. This was the place where the case would be tried and the evidence heard as to the guilt or innocence of the man.

Q. Now will you answer my question Mr. Jarrett? Do you think Charles L. Crum was given a square deal in the action taken by the House?

A. Yes sir.

BY SENATOR WHITESIDE:

I should like to ask counsel what the purpose of this line of examination is?

BY MR. HIGGINS:

This gentleman has I will show, I think,—was present at this meeting in Roundup when these resolutions were passed.

BY SENATOR WHITESIDE:

What has that to do with the guilt or innocence of Judge Crum?

MR. HIGGINS:

Well, I don't know that it has a direct bearing.

BY SENATOR WHITESIDE:

Mr. President, we listened for just an hour of this from one o'clock to two o'clock on this same subject, and for my part I do not think we want to encumber the record with that sort of thing; certainly any lawyer would be ashamed of that kind of a record, and unless the Senate can see some purpose in it, it seems to me that it should be cut out.

MR. HIGGINS:

Well, Mr. President and Gentlemen of the Senate, if any person has attempted to keep himself informed he knows that gossip such as the nature of these resolutions that were passed in Roundup and introduced in evidence here, has been current all over the state, and as the Roundup people are the only ones who have made a record of that gossip and have taken the position that this impeachment is in the nature of a frame-up, I have brought these gentlemen up here so that if they have anything in their possession to show that this man is not being treated fairly and impartially, now is the time to make that proof.

BY SENATOR EDWARDS:

Mr. President it seems to me that the gentleman from Flathead County is himself guilty of wasting the time of this Senate by an overwhelming majority. This Senate extended to the Board of Managers a full account of the trial on the evidence this morning and any questions they may desire to ask are perfectly in line, by an overwhelming majority.

BY PRESIDENT McDOWELL OF THE SENATE:

The Presiding Judge thinks that the Senate took a vote on that matter, this morning, Senator Whiteside, and it seemed to be almost unanimous that they were satisfied with the method of examination. Unless the Senator would now desire to make a motion to that effect the Presiding Judge thinks the matter has already been passed upon.

BY SENATOR WHITESIDE:

I simply desire to call the attention of the Senate to the matter that it was almost entirely futile to carry on this line of examination,—does not get us anywhere in the case.

BY PRESIDENT McDOWELL:

Unless the Senator wishes to make a motion, the Presiding Judge will take judicial notice that the Senate has already expressed itself on this method of examination.

BY MR. HIGGINS:

(Continuing examination of the witness.)

Q. Mr. Jarrett, you were present at the meeting at which these resolutions, marked State's Exhibit D, were passed were you not?

A. Those are the resolutions, I guess. Yes sir I was there. I was there after, I was about 15 or 20 minutes late or such a matter.

Q. Were you there when action was taken on these resolutions?

A. Yes sir.

Q. Did you vote for or against these resolutions?

A. I voted for them.

Q. Can you give the Senate any reason now why you should vote in favor of the adoption of the resolutions of the import of these I have just shown you marked state's exhibit D?

A. If you will allow me to explain myself, I certainly can.

Q. All right, that is what we want you to do.

A. There have been rumors that there was,—in fact we got it from your own record that there was liable to be mob violence in Forsyth in Rosebud County. After you had indicted Judge Crum we got together the citizens of Roundup, all of them, including myself, and said that we ought to try to do something for Judge Crum because we believed him innocent. Consequently there were hand bills gotten out announcing a meeting to take up the Judge Crum matter. They were scattered all over the town, the meeting was called at Newton's Hall for 7:30 I believe. In the afternoon, after 5 o'clock. I had some papers to bring down from the Court House to Mr. Jeffries' office, I believe it was; I took them down there and then I stepped into the back room; in the back room was Mr. Griffin, I think Rev. Oldfield, Earl Reed, G. J. Jeffries, and I think one other, I don't remember. I stepped out into the place and I says, "What are they doing?" They said they guessed they were drafting some resolutions. I went immediately home and came back and when I got into the hall, the hall was crowded and the lobby was also, that is, there were seats all around but no seats in the middle, but all those seats were taken and everything was very quiet, and I made a count, I counted 87. I sized the crowd up very particularly, and pretty soon the Committee on resolutions came in and a Mr. Rodgers got up and made a motion that they would be adopted, I don't know who seconded it, but any way they all voted for it except seven or eight. They did not rise. Three voted against it. Mr. Davidson, Claude Renshaw—I will take that back. Mr. Davidson, Patsy Harrington and Henry Brookman. Mr. Davidson says, "I want to explain my vote," he says. "I want you to understand that I am not against Judge Crum," he says. "I have every respect in the world and if I can do anything to go to Helena and help Judge Crum, I want you to know that I am ready to go, but," he says, "I believe we are out of order. I don't believe we have any right to pass these resolutions. We must take it for granted that the Senate is going to give this man a fair trial." I voted for it because they said in there, all we want we want Governor Stewart to use the means at his command that will allow Judge Crum to get his evidence from Forsyth. Now, that is why I voted for those resolutions, so that he would not be prevented by mob violence, from getting his evidence from Forsyth. That is why I voted for it.

Q. Is there a syllable in these resolutions pertaining to mob violence?

A. It does not say mob violence, it says in regard to Governor Stewart there, that he should be—

Q. Interposing. By the widest stretch of imagination could you interpret this resolution to be prompted by a feeling that there would be mob violence?

A. That he would be prevented—

Q. Is there any portion of the resolution that says anything about that?

A. Your testimony in the House, your testimony that went into the House, I understand from Mr. Klemme, I think I read it in the paper myself they said that there was liable to be mob violence, liable to go further, insinuated that there would be, in the House. It is part of the record.

Q. If that was the purpose of your meeting, why didn't you set it out in your resolution?

A. I think that is the substance of it.

Q. Now, have you any facts in your possession, Mr. Jarrett, that will substantiate and bear out the allegations of the facts and rumors in these resolutions?

A. Only by the testimony in the House, was taken in your indictment proceedings.

Q. Now, Mr. Jarrett, I will ask you, if I did not visit you upon my visit to the town of Roundup?

A. Yes sir.

Q. We went out into the court room and had a talk out there?

A. We did.

Q. We discussed the Crum matter?

A. I did, I gave you a list of all the men that I thought were Judge Crum's enemies. I wrote them down on a card for you, I told you to go and visit them, and I told you that when you saw those ten men I believe you saw all the enemies that Judge Crum had in Roundup, is not that true?

MR. HIGGINS: Yes, I believe that is true.

A. That is true exactly, and you were—

Q. Now I told you, Mr. Jarrett, didn't I, that I was there in a representative capacity?

A. You did, and I told you before you started, I says, "I am a good friend of Judge Crum's for the reason that no man could treat us any better than Judge Crum did, and he was always fair. He never talked very much, and I am candid, I never heard Judge Crum say one word. We never talked very much but he treated us awful nice, and I am speaking of the sentiments of Musselshell County when I say that, and we could not help but like him.

Q. I will ask you if you told me what the reasons were and the motives that prompted the impeachment hearing and the passage of the impeachment resolution by the House?

A. On the 15th day of last November, 1917, Don Campbell, of the firm of Collins, Campbell & Wood, came into my office during a term of court, and he says, "Jarrett, I want to file a disqualification against Judge Crum." I stood right beside him, one of the girls stood over there, my deputy, one of them stood across the desk. I says, "Don," I says "for curiosity, why is it you are filing so many disqualifications against Judge Crum?" "Now," I says, "before you say a thing, I want you to know that I am a good friend of Judge Crum, but" I says, "I am a good friend of yours so far as that is concerned, but it is through curiosity I want to know." He says, "I don't care to say anything about it, Jarrett." I says, "Is it anything connected with his family affairs?" He says, "No sir there isn't a better living man in Rosebud County," he says, "This has been going on for three or four years." Right then and there he left, and I turned around to my girls, and I says, "This rumor of disloyalty," I says, "and everything, it has settled me. I don't believe it." I says "I believe it is personal motives." That was long before we ever heard tell of it. Isn't that what I told you and showed you the record?

MR. HIGGINS: Q. Yes, that is a portion of it. And what other statements, Jarrett, did you make to me embodying the reason why you thought these proceedings were started against Judge Crum?

A. I don't know as I told you anything only what I said in substance here, that I believed it was from the remark that Donald Campbell made, that it must have been something besides and—that it must have been only on personal or political motives, and I offered to put them down in writing, and told you that Don Campbell would not deny it.

Q. Didn't you say that a person of influence and standing in Rosebud County who claimed to be responsible for the election of Judge Crum, had a matter before Judge Crum, and in the expectation that he

could control Judge Crum, but did not control Judge Crum, had made the threat that he would get Crum off the bench?

A. No sir, you have got the wrong man. I never told you any such thing. You must have got that from somebody else.

Q. So now you do not say that was the motive?

A. I say that I believe that the motive is personal and political.

Q. Uh-huh. You think, then, Don Campbell started these proceedings?

A. I think he has. From what I can learn he is one of the men that helped start it.

Q. Do you still think so?

A. I do.

Q. And that impression you had was not removed by the testimony produced in the House?

A. No, because Don Campbell certainly had means by which he could do this. He would not have started anything. He isn't going to start something he can't finish; he is too smart a man.

Q. Have you informed yourself of the facts brought before this Senate sitting as a judicial body, upon the testimony of some 15 or 20 witnesses?

A. Not until I arrived here today at about eleven o'clock. I saw it in the paper, but you cannot go anything on paper talk. If you did, a good many of us would be here.

Q. Now basing your impressions and your conclusion then on what you know of the testimony produced before the Senate, do you think these proceedings were still inspired by Don Campbell?

A. I still think—this proceeding in the Senate?

Q. Yes.

A. No sir, you have sent the indictment here from the House.

Q. Do you think that Don Campbell has in any way controlled the procedure here in the Senate?

A. I do not think that is a fair question. I have already told you; you have an indictment, a case to try. Don Campbell is not an interested party at the present time. You have an indictment handed to you to be tried out, the issues of it. Don Campbell is not trying it now.

Q. So the testimony produced before this senatorial judicial body was not manufactured by Don Campbell—is that your belief? In other words do you think that the witnesses who have appeared before this body have testified to the truth?

A. Well I am not trying the case. It is the Senate that is trying it.

Q. Do you still think this is a frame-up?

A. I never said it was a frame-up.

Q. Well, putting it in the concrete, Mr. Jarrett, you have nothing within your knowledge that would substantiate any of the allegations of fact set forth in the resolution passed in Roundup, and introduced before this judicial body as state's exhibit G?

A. Will you repeat that question, Mr. Stenographer?

(Whereupon the question was read as appears above.)

A. Before I would answer that question I would want to read that over again. If you will allow me, I might read part of it, then I will answer the question.

(Reads): "Whereas, the said Charles L. Crum has presided as Judge of the District Court in Musselshell County, Montana, for a period of six years, and during said period of time he was known generally to all the citizens of Roundup and Musselshell County, Montana, as an honest, honorable and upright man, an able lawyer, fair and impartial, fearless and conscientious judge, impervious to personal and political influence, and that his personal and judicial record during his official career, are above reproach and suspicion.")

A. I certainly approve of that and voted for it.

"Now, therefore, be it resolved, that we the citizens of Roundup,

Musselshell County, Montana, in mass meeting assembled, hereby reaffirm our confidence in the personal and judicial integrity of the said Charles L. Crum. That we hereby request the Honorable Sam V. Stewart, Governor of the State of Montana, to make full investigation of the various threats of personal violence in the city of Forsyth, directed against Judge Crum and prospective witnesses in his behalf, and that he make use of the powers of his great office, if needs be, to the end that the city of Forsyth may not become involved, by unlawful acts and violence, and that the accused may not, in the great state of Montana be deprived of rights to prepare his defense to a serious charge without fear of his personal safety, or the safety of his witnesses."

A. To that I voted yes, for the reason that Mr. Klemme, in your indictment, said that there was danger of personal violence. If I am not mistaken that is part of your record.

BY SENATOR DWIGHT:

Mr. President. I desire to ask the witness, if he will read the entire resolution and give us his indorsement of each paragraph separately. I was just going to ask the witness—

BY PRESIDENT McDOWELL:

Read it all, Mr. Jarrett.

A. "That we deplore as un-American and wholly subversive of the sacred traditions of justice as administered in America, and that the action of the representatives, prompted doubtless by ulterior motives of the few, in permitting the testimony against the accused to be published before his trial, which reasonably would be expected to, and has formulated public opinion to his prejudice, Resolved that we have every confidence that the Court of Impeachment will try the accused fairly and impartially upon the evidence submitted at the trial; that the accused will be adjudged guilty if so proven, and acquitted if his guilt is not established; that political or personal enmity will not enter into the proceedings, but that law and justice will prevail, and it is further resolved that a copy of these resolutions be forwarded to his Excellency Sam V. Stewart," and so forth.

BY SENATOR DWIGHT:

A little bit plainer, not quite so fast.

BY MR. HIGGINS:

Q. Well, the facts within your knowledge, Mr. Jarrett then, I would take it, are confined to the introduction and the conclusion of the resolutions?

A. I have not answered the question; if you give me time, I will explain it to you.

Q. All right.

A. "Resolved that we deplore as un-American and wholly subversive of the sacred traditions of justice as administered in America, and that the action of the representatives, prompted doubtless by ulterior motives." Now I do not think that there was any ulterior motive whatever. I believe the proceedings in the House were absolutely on the square, and I think that everything was all right; and I think Judge Crum got a good, fair and impartial hearing over there; but as to the rest of it, that part I do not indorse, but the rest I do.

Q. I will ask you if you have any facts within your own personal knowledge that would substantiate the allegations of the facts in the resolution?

A. I will have to repeat again and say that I only took it from your records, and I have no rumors, I have never been to Forsyth, I have not been interested in it at all only as a friend and we believe Judge Crum

innocent. Just as much as though if we believed him guilty, that we think he should be defended that is my only—

Q. (Interposing.) You have no facts that will show that Judge Crum was attempted to be removed by personal and political enemies?

A. Nothing, only the remark of Don Campbell himself, that he told me it had been going on for three or four years.

Q. That is all you had?

A. That is all I have, and I thought that was sufficient.

Q. And the act that Don Campbell was performing at that time was a disqualification of Judge Crum in the trial of some action pending in which Campbell was one of the counsel?

A. Don't know anything about any action pending at all, only right in my own court. What happened outside of my court I know nothing about it. I heard rumors.

Q. That is what Don Campbell was doing in your court?

A. He was filing a disqualifying affidavit, yes sir.

Q. The next, whereas, a faction of Forsyth citizens, headed by a man with a record in various criminal courts, presented charges against the said Charles L. Crum to the Fifteenth Legislative Assembly." Have you facts within your knowledge that will substantiate that?

A. Only from Don Campbell's testimony in the house, your own records.

Q. Well, what are the facts?

A. I don't know what the facts are. That is, I read it out of the newspaper.

Q. So you have no facts?

A. Only through newspaper.

Q. Well, what were the facts that you read in the newspaper?

A. That he had been in jail here, stole a saddle, robbed a child's bank.

Q. It is said a man headed that. Did that man head the delegation up here? Don't you know that the impeachment matter was presented to the House in a special message from the Governor?

A. I do.

Q. And that if the Governor had not brought that matter before our attention we probably under the law and the authority we had at that time in a special session, could not have taken that matter up?

A. Yes, but Governor Stewart had to have something to act upon before he could present anything, I should think. He has got to have a little evidence.

Q. But after the matter left the hands of the Governor it was exclusively in the province of the House, wasn't it?

A. Yes, it was.

Q. Do you want us to understand that the House was being guided by this person with a criminal record, and who was conducting the hearing.

A. I told you twice I believed he got a fair trial in the House, that is my opinion about it.

Q. I think you answered before, that you have no facts in your possession to substantiate the charge here that the accused had no opportunity to appear and present testimony in his own behalf?

A. I understand that he had all the opportunity in the world if he wanted to.

Q. And you have no personal knowledge of the facts to substantiate the statement here that there were threats of violence against the persons in Forsyth to prevent them from coming to this Senate, and testifying, or to compel them to come up and testify?

A. I have to say again, I am just taking it from your own records that he had.

Q. Well, where was any statement—

A. I think Mr. Klemme, he is the one that testified there was a

little danger of something happening down there, on the stand in the House, and he said that there was, he was afraid of it.

Q. That is would happen to whom?

A. Judge Crum?

Q. It was not to any witness but to Judge Crum?

A. To Judge Crum.

Q. So there was no intimidation of any witness, according to Klemme's testimony?

A. Well, it presented—the sense of that resolution there, that paragraph, was that Judge Crum was afraid to go to Forsyth to look up his witnesses, that was the sense of it.

Q. So in substance, Mr. Jarrett, you, as a part of that meeting that evening, thought that the senatorial body of this State, sitting as a judicial body, were not competent to handle this matter?

A. You are trying to get me to say something now that I am not going to say. You might say you are answering the question for me. I am going to tell you again that I believe this body is competent.

Q. So there was no necessity for passing these resolutions?

A. I think there was, yes sir.

Q. For what reason?

A. To give Judge Crum protection to go to Forsyth and look up his witnesses.

Q. So in your judgment then, these resolutions have no bearing upon the merits of this matter as being conducted before this Senate sitting as a judicial body?

A. It has no application in my opinion, no application at all to the ability of this Senate to act in this case. The only thing it touches upon is that it wants Judge Crum to be allowed the privilege to go to Forsyth and get his witnesses.

Q. Didn't you know that Judge Crum had been in Forsyth for several days before the passage of these resolutions?

A. I know that he had not.

Q. Where was he?

A. He was in Miles City.

Q. How do you know that?

A. I talked with him every day.

Q. Why, then you had a greater intimacy with Judge Crum than you have previously testified to?

A. You did not ask me if I talked to Judge Crum since he was sick. You asked me the times I talked to him in Roundup—yes sir, every day, and the court house bunch sent him flowers twice a week down there for his sick son, and we called him up. I had instructions from the Court House bunch to call him up from my office every day to find out how his boy was.

Q. Your relationship with Judge Crum then was so close, Mr. Jarrett that you called him up on the telephone every day and sent him flowers?

A. I am just telling you that we did not send the flowers to Judge Crum. I said we sent them to his boy. Yes sir, I will say if you want me to say again, as I told you in Roundup, before you asked me the question, that I am a good friend of Judge Crum, because he has always treated me nicely and I could not be anything else, until the Senate proves it different.

MR. HIGGINS:

Unless the Senate wants to ask anything we will excuse the witness.

BY MR. O'CONNOR:

I want to ask the witness in regard to a telephone conversation.

Q. Mr. Jarrett, referring to our talk over the telephone, when you

called me up from Roundup, I think it was Friday evening you called me up?

A. I don't remember, Jim, when it was.

MR. O'CONNOR: Didn't I suggest to you that you were getting the witnesses up here a little late in the proceedings?

A. Yes I think you said you thought though that we could get them in time. You were not sure, you did not make me any promises, but you said that if you could you would try to manage so we could be heard. You said you would do everything you could to try to get their testimony in

MR. O'CONNOR:

I told you, did I not, substantially this, that if the proceedings were not closed that I thought your witnesses could testify upon their arrival here?

A. Well, now, I don't see any difference from one to the other. You said if they had not closed the case,—that might not have been just the words, but you said if there was any show you would let us testify; you were very anxious for us to testify. it appeared over the phone that way.

Q. And did I not tell you also that if these gentlemen were not able to testify before the House they would have the right to testify before the Senate when the matter was tried?

A. I believe you did, yes sir.

MR. O'CONNOR:

That is all.

EXAMINATION BY MR. MASON:

Q. Mr. Jarrett, you have related that you were very anxious to testify in this preliminary Crum procedure?

A. Yes sir.

Q. You understand, of course, he has been charged with disloyalty in these articles of impeachment?

A. Yes sir.

Q. Do you know of anything that he has said or done that is disloyal?

A. I do not. I have heard lots of rumors.

Q. You do not personally know of anything that he has said or done?

A. I do not, no; and I have said it is possible Judge Crum has made some indiscreet remarks, though, especially a man that is holding his position,—well, rumors—

Q. Do you know of anything that he has said or done to your personal knowledge that is disloyal?

A. I do not.

Q. Do you know of your personal knowledge that the statements made here by witnesses under oath as to his loyalty are falsehoods?

A. Do I know it?

Q. Yes sir.

A. No, but I think the witnesses told the truth.

Q. You think the witnesses told the truth?

A. I do.

Q. Then, what you do know in this matter has no material bearing in this procedure?

A. No.

MR. MASON: That is all.

EXAMINATION BY SENATOR GNOSE.

Q. Mr. Jarrett I would like to ask, after the impeachment proceed-

ings were filed, did you at any time hear Judge Crum say that he would defend his rights before the Senate?

A. I got a letter the week, during his resignation,—I had the letter, but fortunately I have not got it with me—unfortunately (laughter). I got a letter from an attorney in this State, I don't care to mention his name but I phoned down to my office this afternoon and had the letter read to me and was going to have it brought up here, but I asked permission from Mr. Higgins to subpoena a party to bring up the files, and I called—this man says, "I don't know where Judge Crum is, Jarrett, but you tell Judge Crum for me that I want to act—that I have been over the State a good deal and I find that personal and political motives are large contributors to his impeachment and that I am offering myself as a witness and as counsel."

Q. I would like to say now, and ask you directly, and I would like to have you answer it yes or no, did you hear him say at any time that he would protect his rights before this Court of Impeachment?

A. That is just what I did say. Yes, sir.

Q. Why isn't he here?

A. You will have to ask Judge Crum that: I don't know.

SENATOR GNOSE: That is all.

EXAMINATION BY SENATOR BURLA:

Q. Who was responsible, Mr. Jarrett, for the calling of this mass meeting at Roundup?

A. I dare say 99 per cent of the people of Roundup.

Q. 99 per cent of the people of Roundup?

A. Yes sir.

Q. Was the meeting generally advertised throughout the county?

A. Well no,—I can't say that, but I don't think it was; but there were hand bills all over Roundup.

Q. And at whose instance were the hand bills gotten out, do you know?

A. I do not know.

Q. And they were distributed by whom?

A. I don't know; the first time I came down town a man says, "Are you going to the meeting?" I says, "What meeting?" He says, "Haven't you seen any of the hand bills?" I says, "No, what about it?"

Q. About how long were those hand bills out before the convening of the meeting?

A. The day before.

Q. The day before?

A. The day before.

Q. And it was the second day then, in the evening?

A. In the evening at half past seven.

Q. You don't know of any invitations that were given to people that did not reside in Roundup?

A. No sir, I don't know. I would think there was none.

Q. What in your mind, when you heard of this meeting, what did you conceive was the purpose or object of it?

A. I said awhile ago here in response to Mr. Higgins' question that the people of Roundup had generally discussed the situation and said, "Judge Crum is a friend of ours, we have never heard him utter one disloyal remark, and we believe he is patriotic and we will call a meeting and discuss the situation."

Q. For what purpose?

A. To determine upon what action, if we could, if any was taken, and if we could help Judge Crum to do anything, or if we should not, what action should be taken toward helping him or not helping.

Q. The attitude, then, was one of friendship for Judge Crum of the persons assembled at that meeting?

A. Well now, you might take it in two different senses; if we thought the man was guilty we would be for prosecuting him; if we thought him innocent we would be for defending him; we believed him innocent. Now, you can call it innocence if you wish, we thought we were trying to defend him.

Q. Was it with the purpose to get at the facts in the matter or merely to befriend him?

A. To discuss the situation, and when the vote was taken, a motion was made, the Chairman asked if anybody had any remarks to make, and he waited, I dare say he waited five minutes and not a one spoke.

Q. What is the population of the town of Roundup now, as near as you know?

A. Well, I think Roundup proper is about 2,700.

Q. About 2,700?

A. Of course that does not include the mines, you might say they are adjoining it.

Q. And you made the statement that 99 per cent of the population there felt that they wanted to do something for him or to discuss whether or not they could do something for him?

A. Now, I will say 100 per cent because I never heard anyone say one word against Judge Crum. If I did I don't recall it, but we have heard rumors and rumors and rumors.

Q. But your reply to the question as to who called the meeting was that 99 per cent of the citizens there decided to have this meeting?

A. Yes, I figured that—it was discussed among everybody, I discussed it with some of them, and I never heard one thing contrary to having the meeting.

Q. In consequence of the activity of the 99 per cent of the people in Roundup?

A. Yes sir.

Q. You then had a meeting, and how many were present at the meeting in consequence of the activities of this 99 per cent?

A. I counted 87 but I want you to understand and know that they represented the business men of Roundup, and when I went down the street I met six or eight who were going up there. They said, "Is your meeting over?" I says, "Yes sir." They said, "We were going up."

Q. What per cent of the persons who attended the meeting the 84, were American citizens,—citizens of this country?

A. Well, I believe, and I think I am very conservative, when I say 90 per cent.

Q. Ninety per cent?

A. Yes sir, 90 per cent, I don't think I am going it strong enough. I can pretty near name over—well, I wouldn't want to attempt to do it.

Q. You think it was a representative meeting of the people of Roundup?

A. Yes sir. It if becomes necessary I can name you the business men that were there, but I would rather not do it.

Q. What I have been unable to determine in my own mind is that this meeting was called by 99 per cent of the people resident in Roundup and as the result of all this activity that you only had about 84 persons present.

A. Eighty-seven.

Q. Eighty-seven? I cannot just harmonize those two statements and if you have anything that will throw light upon it I should appreciate it.

A. You will understand that those 87 represented the substantial business men of Roundup, and in fact nearly all of them. Now it did not represent the coal miners or the hired men, or the men taking care of teams in the town or something like that, because it was too early for them, but it represented men who own property and were in business and I dare say they were nearly all there.

Q. Would that per cent of people as appearing there that evening hold good as to the total population of the town of Roundup?

A. Of Roundup? Well, you know you cannot tell anything about how a woman will stand. I couldn't say as to that. I don't know what a woman would do in the matter, I couldn't vouch for that, because there were two women in the hall, they were strangers to me whether they voted or not I don't know because I was watching the other end of the hall at the voting time.

Q. I don't think that quite answers my question.

A. Well, I want to answer it. Mr. Stenographer, read it.

Q. The information that I desired to get was, would that per cent of non-citizenship as appearing there that evening, would that hold good for the whole population of the town of Roundup?

A. Yes sir, in Roundup proper there are very few people who are not citizens. They are on the outskirts in No. 3 and No. 2 and No. 4 mining camps. As a rule all the foreigners live in the camps. Now down in the southwest corner of Roundup there is quite a few who are not citizens, 25 or 30 or 40, I dare say not over 50 people in Roundup who are not citizens. Now I mean by that those that not naturalized, I mean those who have not got out their full papers.

Q. Well now, Mr. Jarrett your statement leaves in my mind the impression that you exaggerate the per cent of persons who were active in the calling of this meeting in that the activity of 99 per cent of the persons or population of the town of Roundup would mean something in the neighborhood of 2,600 persons.

A. Yes sir.

Q. And yet, after the activity of all those persons in the calling of this meeting, you only had 87 persons present. Now that is not quite compatible with your statement that 99 per cent of the people of Roundup were active in the calling of this meeting, so far as to say—

A. (Interposing.) Here is what I am basing my estimate upon: I have never talked to a person in Roundup that has ever said one word against Judge Crum. Now there is—there were a few people in Roundup that were on the fence, waiting to see which side he went, and they were with the winning side all the time. Now we have got that class in Roundup just the same as we have any place else, and they were keeping very quiet, but they wanted to be on the winning side; and then, quick as Judge Crum is impeached, they will flop and then you will hear lots of unpatriotic remarks coming from that source.

MR. BURLA: That will be all.

EXAMINATION BY SENATOR MERSHON.

Mr. President I would just like to ask what proportion of Roundup citizens are foreign born citizens or naturalized citizens.

A. Well, I dare say there is about—I don't believe in Roundup—in the city of Roundup there is over 200 naturalized citizens, I don't believe there is over that.

Q. What nationality predominates in Roundup?

A. In Roundup?

Q. Yes.

A. I would say that the Austrians do—Austrians and the Germans. There are only a few Italians in No. 2. There are lots of Austrians, but in Roundup it is Austrians first and Germans next.

BY SENATOR MERSHON: That is all.

EXAMINATION BY MR. B. C. WHITE:

Q. Were you here when the first hearing took place before the bar of the House, were you subpoenaed?

A. No.

Q. You and some one else volunteered to come in behalf of Judge Crum?

A. Yes sir.

Q. And you were not heard?

A. Well, we didn't get here in time,—we didn't get here in time.

MR. WHITE: That is all.

Witness excused.

Whereupon G. J. Jeffries a witness on behalf of the State, being first duly sworn, testified as follows:

EXAMINATION BY MR. HIGGINS:

Q. Will you please state your name?

A. G. J. Jeffries.

Q. Your residence?

A. Roundup, Montana.

Q. Your occupation or profession?

A. Why, attorney at law.

Q. How long have you lived in Roundup?

A. Been there since 1912.

Q. Do you know Judge Crum?

A. I do.

Q. How long have you known him?

A. I have known him ever since 1912.

Q. Intimately acquainted with him, were you?

A. Why yes.

Q. Did he ever call upon you in your office?

A. I don't know as he has. He might possibly.

Q. Did he ever visit with you in the Court Room?

BY THE PRESIDENT OF THE SENATE MR. McDOWELL: Will the witness speak a little louder.

A. Yes, pardon me.

MR. HIGGINS, continuing.

Q. Did you ever visit with him in his room at the hotel?

A. I have at various times.

Q. How frequently did you talk with him in the Court Room or visit with him at his hotel?

A. Well, during recesses at Court, or possibly when he was holding a term of Court one or two nights during the session.

Q. Did you at any of these times at either of your visits at the Court Room or your visits to his rooms at the hotel, ever discuss the European war with Judge Crum?

A. I have, yes sir.

Q. Both before and after the entrance of the United States into the war?

A. Yes sir.

Q. Will you tell this Senate the substance of any conversation you had with Judge Crum prior to the time that America declared war?

A. Well, prior to the time that America declared war, why Judge Crum appeared to be somewhat embittered against the Administration, for his apparent belief that we were drifting into war but he was decidedly hostile toward the British forces or the British nation.

Q. Did you ever discuss the Lusitania with him?

A. Why, only indirectly.

Q. Did he ever express any opinion as to the right of Germany to sink that ship?

A. The only remarks I recall having heard from Judge Crum in that connection was to the effect, that that boat being loaded with ammunition, that the parties who accepted passage on that boat were criminally liable and should be prosecuted as such. That I think is about the extent of my—

Q. He never remarked upon the rights of the non-combatants who were riding upon the boat?

A. No, I don't know as I recall that statement.

Q. Did he ever discuss with you the invasion of Belgium?

A. Before the war, yes.

Q. Did he say that the Germans had a right to go through Belgium and commit the atrocities they had done there?

A. No, I don't recall that he did, as near as I can recollect, it was mentioned or brought up in connection with some of Roosevelt's utterances in that connection. I do not remember definitely what was said.

Q. You do not recall definitely what was said?

A. No, I do not.

Q. Did you ever discuss with him the ultimatum delivered by Germany to the United States, regarding our rights to trans-Atlantic shipments?

A. No, I never did.

Q. Did you ever discuss with him the draft law?

A. No, I never have, that is, I am under the impression that I did not, but I do not feel certain that I did, I do not recall as a positive fact that I did.

Q. Did you ever discuss with him the reasons why the United States declared war?

A. No, I never did.

Q. You never discussed with him then the principles involved in our part in the war?

A. No sir.

Q. Then I judge, Mr. Jeffries, that you know practically nothing of Judge Crum's views upon the war?

A. The only distinct remark I remember concerning the war was the day that war was declared.

Q. Will you speak a little louder,—cannot hear.

A. Was the day war was declared. In coming from the Court House after Court with the Judge, there was some mention made in that connection. The Judge appeared to be very serious and made some remarks to the purport that heretofore he had had his ideas as to which side should prevail but that he was an American and as long as the United States was in it, he was in it to see her win. That is in substance the remark that Judge Crum made in that connection.

Q. That is the only conversation you have had with Judge Crum that would indicate his views upon the war?

A. That is the only conversation that I recall distinctly, or recall in fact the substance of.

Q. You came to Helena, did you, Mr. Jeffries with that delegation from Roundup?

A. I did, yes sir.

Q. While the impeachment matter against Judge Crum was pending?

A. Yes sir.

Q. Did you inform yourself as to the nature of the testimony brought out in the House in that hearing?

A. Why I read the newspaper reports concerning it, and spoke with some of the members of the House.

Q. D'ed you figure that you were pretty well informed as to the facts that were brought out in the hearing?

A. Well, I thought so, yes sir.

Q. Did you figure that the House was warranted in passing the

Resolution of Impeachment, based upon those facts as adduced in the House?

A. Why, on the evidence submitted absolutely it is the only thing in fact that they could have done, with the evidence before them, in my opinion.

Q. Then, Mr. Jeffries, do you think that that view of the matter comports with your activities in that meeting held in Roundup to consider the Crum matter and your service upon the Committee on Resolutions?

A. I believe it does, Mr. Higgins.

Q. Could you explain to the Senate how you can reconcile your views, that the House had a right to impeach and your views that you had a right and were acting in concert with propriety and good sense in passing these Resolutions?

A. The fact that an indictment or an article of Impeachment was filed, especially on so serious a charge, strikes me that that matter should have been held so as to absolutely guarantee a fair and impartial trial, and in such a manner as would tend to discredit in any way a conviction of the man if he was in fact guilty, or discredit the prosecution. I mean this, that if he were not given that opportunity to be heard there, then the public in general should not have an opportunity of reviewing the testimony before the trial of Crum. I believe that is necessary to secure a fair and impartial trial, especially where the public mind is in the condition it now is and where a man is on trial for treason, I would require that, even in a criminal case of a minor character.

Q. Well, Mr. Jeffries, you say that the House was acting in response to a sense of justice in impeaching Judge Crum?

A. I do.

Q. Did you doubt then that the Senate would give him a fair trial?

A. I do not doubt that. In fact, the Resolution, as I recall, expressed confidence that the Senate will, but it strikes me that even a Senator, who is acting under oath, should be able to judge this matter fairly and impartially upon the evidence submitted at the trial, not upon newspaper writing or upon editorial comment, which would necessarily come out in connection with it.

Q. You doubt, then, the capacity of the Senate to give this gentleman a fair trial?

A. No, I do not doubt it, but I say, that in my opinion it is wholly improper, even for a Senate or for a jury to be advised prior to a proceeding or a trial of information which would be prejudicial ordinarily to the Defendant.

Q. Well, feeling then that the Senate knew something of the facts in the case before the trial began, you thought that with that knowledge in their possession they could not give him a fair trial?

A. No, I did not feel that.

Q. Well, what did you feel then. Let me arrive at what your feelings were?

A. I thought, Mr. Higgins, that the Senate could better determine this matter if they were determining it upon the evidence submitted here and not upon newspaper reports or public sentiment which might be engendered by the publishing of the testimony on one side of the case.

Q. In other words, you thought the Senate was not competent under the circumstances—

A. No, I did not feel that the Senate was not competent under the circumstances. I felt just as I said I did that—

Q. Well, I must confess I do not know how you felt. I want to find out?

A. Well, I have been trying to explain to you.

Q. You say the House dealt justly in impeaching?

A. I do, upon the testimony which they had before them.

Q. Do you think that they are a body of men capable of giving a man a fair trial—and what was the occasion then of passing these Resolutions?

A. I had been informed by various parties as to the conditions which prevailed in Forsyth, and certainly if Crum were guilty, or anyone else were guilty, I feel he should be entitled to a fair opportunity to prepare himself, or prepare his case. I felt it my duty as a citizen, so far as I was concerned in this matter, to submit the matter to the Governor, and if need be, action be taken to guarantee it.

Q. You felt then that the officers of the State acting alone, and without your assistance, were incapable of giving the gentleman a fair trial?

A. No, I did not feel anything of the kind. I felt the matter should be brought to their attention in some representative manner.

Q. So you were acting in the capacity of amicus curiae, then?

A. No, I was acting in the capacity of a private citizen, I was looking for a fair shake.

Q. Have you any facts within your possession, Mr. Jeffries, to substantiate the matters set forth in these resolutions?

A. Why, a statement from parties who purported to know, that is the extent of it.

Q. In other words then your statement,—your information rests exclusively upon hearsay and rumor?

A. Well it rests upon parties who purport to state the facts.

Q. Nothing that you know yourself?

A. No sir.

BY MR. HIGGINS: That is all, unless the Senate wants to question him.

Excused.

BY MR. HIGGINS: I will ask that Mr. Jeffries be excused. I do not think that there is anything further that he can testify to.

BY MR. McDOWELL, PRESIDENT OF THE SENATE:

If there is no objection Mr. Jeffries may be excused.

Excused.

Whereupon Mrs. Hazel Tillman, a witness on behalf of the State, being duly sworn, testified as follows:

EXAMINATION BY MR. HIGGINS:

Q. Will you please state your name to the stenographers?

A. Hazel H. Tillman.

Q. And where do you live Mrs. Tillman?

A. Roundup, Montana.

Q. You are a member of the Woman's Club, Mrs. Tillman?

A. I am.

Q. You are the Hazel H. Tillman who has signed this resolution marked State Exhibit "G"?

A. I am.

Q. Were you present, Mrs. Tillman, at the meeting at which these resolutions were drawn and ratified?

A. I was not. We most of us went to hear Mrs. Casil Clark that evening.

Q. How did you come to sign these resolutions, Mrs. Tillman?

A. We knew that they were to be drawn. We spoke of them at the Mothers' Club, and a volunteer committee, it was the unanimous opinion

that we would like to sign it, and a volunteer committee offered to sign it. It was brought around to us, and we read it and signed it.

Q. And now what was the reason that you wanted to sign resolutions of the character of these resolutions marked State Exhibit G?

A. We felt that Mr. Crum had been a fair and just man in our community and we would like to express our opinion of that in that his accusers seemed to be expressing their opinion with regard to him.

Q. Did you have any fear that Judge Crum would not receive a fair and impartial trial before the Senate of the State of Montana?

A. I did not. It was my first experience in Court, but I thought myself that you were sitting as a jury, that this was just evidence of our feeling in that part of the country.

Q. Now, Mrs. Tillman, is not all this stuff set forth in these resolutions merely hearsay, so far as your knowledge goes.

A. I am a member of the Mothers' Club. I usually stay home, but I try to form my opinions as they come—most of us do. I think I have a general knowledge of the town.

Q. But so far as the merit of the impeachment against Judge Crum was concerned—

A. That is your business.

Q. You had no facts of your own knowledge, did you concerning the merit or demerit of the case?

A. Except that he spent a great part of his time in our community. I considered that if he were at all pro-German we would surely have heard some of it there.

Q. You could not say of your own knowledge whether Judge Crum said or did the things that have been testified to here before this Senate?

A. Outside of our town no; in our own town we have not heard any one person stating that he made those remarks.

Q. And your motive in signing these resolutions was simply that you wanted to see Judge Crum get a fair trial?

A. No, I felt that he lived in our part of the country part of the time; that that was part of the evidence in this case; if he worked different in two places this at least was half of his life.

Q. Did you know what evidence might be procured in Roundup?

A. I do not quite know what you mean.

Q. Were you certain that Judge Crum had not been doing the same things in Roundup that he had been doing in Forsyth?

A. I had not heard of it.

Q. But you did not know of your own knowledge that he had not done it?

A. I kind of believed it. I know most of the people in Roundup and I have heard no one say that he had in any way.

Q. Further than that you could not say that he had not done these things?

A. In Roundup?

Q. Yes.

A. I have never heard anyone accuse him of anything of the sort there. I have been there a good many years and know a great many people.

Q. Now, you not having heard Judge Crum make any of these remarks or do any of these things that have been testified to, or, not knowing anybody else who had heard him, or had seen him do any of these things, you felt that Judge Crum was guiltless of the matters set forth in the Articles of Impeachment, is that true?

A. I had not decided. I felt that as far as I knew he was guiltless. I should be willing to give my evidence that way.

Q. But, further than your belief that he did not say or do these things, Mrs. Tillman, you cannot enlighten this senate, can you, upon these matters?

A. Outside of Roundup I know nothing.

MR. HIGGINS: That is all.

Excused.

BY SENATOR ANNIN: Mr. President, I move that all witnesses who have testified be excused from further attendance at this Court.

BY THE PRESIDENT OF THE SENATE, W. W. McDOWELL:

If there is no objection, all witnesses who have already testified today will be excused from further attendance upon the Court.

BY SENATOR ANNIN: Mr. President, I move that we recess until ten o'clock tomorrow morning.

BY THE PRESIDENT OF THE SENATE, W. W. McDOWELL:

The Sergeant at Arms will so declare.

SERGEANT AT ARMS: Hear ye, hear ye—having no further business before this Court of Impeachment, in and for the State of Montana, you may depart hence and appear here tomorrow morning at ten o'clock. Do not return until that time.

FRIDAY MORNING, MARCH 22, 1918.

BY MR. PRESIDENT W. W. McDOWELL:

Come to order.

Whereupon the Secretary called the roll of the Senate, with the following result:

Name	Present	Absent
Annin	X	
Aronld	X	
Brower	X	
Burla	X	
Burlingame	X	
Clark	X	
Clay	X	
Dwight	X	
Edwards	X	
Ellingson	X	
Featherly	X	
Fishbeck	X	
Gallwey	X	
Gnose	X	
Haley	X	
Healy	X	
Heren	X	
Hogan	X	
Hurd	X	
Jones	X	
Junod	X	
Kane	X	
Kinney		X
Lane	X	
Larson	X	

Name	Present	Absent
Meadors	X	
Mershon	X	
Morris	X	
Muffly	X	
Oliver	X	
O'Shea		X
Parker	X	
Roberts	X	
Slayton	X	
Smith		X
Stevens	X	
Taylor	X	
Whiteside	X	
Willett		X
Williams	X	

WHEREUPON the Secretary announced that there was a quorum present.

WHEREUPON the Sergeant-at-Arms called the Court.

WHEREUPON ERWIN A. HALL, a witness, called and sworn, testified as follows:

EXAMINATION BY MR. HIGGINS.

Q. Will you please state your name?

A. Erwin A. Hall.

Q. Your residence?

A. Forsyth.

Q. Your occupation?

A. Why, for the last three years I have been Court Reporter with Judge Crum.

Q. How long have you known Judge Crum?

A. Well, for about five years, five or six years.

Q. As court reporter for Judge Crum, did you have occasion to frequently visit with him and talk with him?

A. Practically every day.

Q. And during those visits and conversations was the matter of the European war ever a topic of conversation.

A. Yes sir.

Q. Both before the entrance of the United States into the war and afterwards?

A. Yes sir.

Q. Do you recall now any conversations that occurred before the entrance of the United States into the war?

A. Why. I cannot call directly any conversations, except there were so many of them that I cannot now recall any specific one before the war.

Q. Will you please state to the Senate the views held upon the war by Judge Crum prior to the entrance of the United States into the war, gained from conversations with Judge Crum before the United States became participant?

A. Well, he was very much opposed to the war in every way. He was continually writing letters through me to Senators of the United States in Washington asking them to vote against war, sending them telegrams, telling them that he hoped they would stand for the right thing, and keep us out of war and he was continually talking about

the presidential candidates. That he was convinced in his own mind that Wilson was,—his policy of,—or his slogan of keeping us out of war, was just a mere frame up to get elected, and then he would declare war immediately after his election.

Q. What were his views regarding the cause for the declaration of war as regards a violation of our rights as a neutral as between England and Germany?

A. He thought that England had violated our rights first, especially so in opening our mails and taking off our citizens. He said that England had taken off citizens from American boats, had forced them into the British service, and, he said, we had more cause to go to war with England than we did with Germany.

BY MR. PRESIDENT W. W. McDOWELL:

I would like to ask the Board of Managers if Mr. Jarrett would be needed again?

BY MR. O'CONNOR:

We are just discussing that point.

BY MR. PRESIDENT W. W. McDOWELL:

He wants to catch the 11:45 train.

BY MR. O'CONNOR:

We will let him know in just a few minutes.

BY MR. HIGGINS:

I was going, Mr. President, to wait until a little later on in this witness' testimony before I made the request, but we are liable to unceremoniously run on to some testimony here that would rather shock the sensibilities of the ladies present, and I would like to ask the ladies to retire from the Senate chamber.

BY MR. PRESIDENT W. W. McDOWELL:

The ladies will please retire until after this witness' testimony is in, both in the galleries and the House.

Q. I will ask you concerning any conversations you had with Judge Crum regarding the sinking of the Lusitania?

A. Well, the Judge considered that the sinking of the Lusitania was justifiable on this ground. He said that the Lusitania was carrying ammunition; that technically while American citizens had a right to ride on the Lusitania, that they were, in his opinion, hired by Great Britain to ride on these boats. He mentioned several other boats besides the Lusitania.

Q. Did he endorse the rights of Germany to engage in a submarine policy such as the sinking of the Lusitania?

A. He justified it on this ground. Here is one example. One conversation I remember very distinctly: He said, "Supposing we were at war with Canada and England was shipping over troops in transports to Canada," he said, "don't you suppose we would blow them up without warning?"

Q. Now, getting down to the conversations after our declaration of war, Mr. Hall, I will ask you concerning any talks you had with Judge Crum concerning the draft law, and any views that he may have expressed at any of these conversations?

A. Well, he considered the draft law as absolutely unconstitutional. He quoted Attorney General Wickersham's opinion on the matter, and quoted four speeches of President Wilson, one at Chicago, I think, and one at Buffalo and one at New York, I forget where the other one was, but he had clippings of these speeches of President Wilson, where President Wilson had made the statement that the National

Guard of our country could not be taken off American soil except in cases of invasion—that is, they couldn't be used except in cases of invasion.

Q. Did he include the speech of Senator Mason of Illinois among the list of authorities?

A. Yes, I think Mason was one. It seems to me that he quoted Senator Stone on something, too, and Senator Gronna, too.

Q. Now, did Judge Crum make any prophecies as to what the outcome would be, if the draft law were passed, relative to the domestic conditions in this country?

A. Why, he continually prophesied revolutions and riots and one time I remember he told me he thought it would be a very good idea if the people would arm themselves; he said he had a notion to buy a good, high powered rifle and keep it at home. I told him I thought that was absolutely unnecessary, that it would never come to a state of affairs such as that, and he said, "It is sure coming."

Q. Did he ever remark upon the sympathy or lack of sympathy of the American people with the war?

A. It was his opinion that 80 per cent of the American people were not in sympathy with the war.

Q. Did he ever discuss the riots in Oklahoma, brought about by an attempted enforcement of the draft law?

A. Yes, he has.

Q. What was the nature of the remarks he made about that?

A. He said these draft riots in Oklahoma were just the forerunner of similar riots that would happen all over the country.

Q. Did he ever discuss with you his son, Liebert?

A. Absolutely not; he has never said a word to me about Liebert.

Q. Did you ever ask him where his son Liebert was?

A. Yes, I have.

Q. What was his response?

A. He said, "I sent him to Oklahoma, and," he said, "I heard that he went to some place in California, but," he said, "I am not saying where he is."

Q. Was that all of the conversation?

A. That is all I ever had with him on that; I never asked him after that where he was.

Q. Did he ever discuss with you the Overseas Club?

A. Yes, on two or three occasions.

Q. What was the nature of those conversations?

A. Well, from what I could gain from his conversation, he had the idea that anybody that was a member of the Overseas Club could not be a member and be a citizen of the United States; that the obligation that they took, they would renounce their allegiance to the United States, and proclaim themselves British subjects.

Q. Did he show you the application?

A. He showed me the white form, I never saw the green form; I never knew that there was such a form myself.

Q. He never had anything in his possession, so far as you know, except the white form known as State's Exhibit B?

A. Yes, that is the one.

Q. In which it says, "Please enroll me as a member of the Overseas Club. I hereby declare that I am a British subject."

A. Yes I don't know whether he even knew that there was an application blank like that green one.

Q. Now, at any rate, he never showed you any application blanks such as state's exhibit A?

A. No. I never knew that there was such an application blank.

Q. State's exhibit A being an application for membership of those citizens of America who were formerly citizens of Britain?

A. Yes, sir.

Q. Did you ever hear him discuss the names of two gentlemen by the name of McRae and McConkey, and as to their right to sit as jurors?

A. Yes, I was sitting in the court room the day he asked these gentlemen if they belonged to the Overseas Club. I think it was McConkey that he asked. I don't remember him asking McRae. McConkey said that he did belong at one time but that he was not now a member.

Q. Did you ever hear any remarks he made regarding the rights of these gentlemen to be members of the jury panel drawn for the September and October term of court, 1917?

A. Yes, he said this, that he didn't believe that a man could belong to the Overseas Club and be a citizen of the United States, and he didn't care to have a man that was not a citizen of the United States, who was a British subject, sitting as a juror on a case where a full blooded German was a defendant, such as Joe Holtz was.

Q. Well, did he ever question their right to be selected as jurors, to be selected as members of the jury panel?

A. Well, I don't know as he questioned it. He would have questioned it if they said they belonged to this, it is my opinion he would have. He asked them if they belonged, and they said they didn't, and therefore he passed it up.

Q. Do you recall the speech that Judge Crum made in his court room from the bench after the court was convened to transact legal business?

A. Yes I do.

Q. Do you know all the circumstances of that speech?

A. Yes, I know, yes, I think I do.

Q. Do you know what was done or said by Judge Crum prior to the time of the delivery of that speech, regarding the speech?

A. Yes sir.

Q. Will you please tell the Senate what that was?

A. He told me that morning, I came into the court room first, ten minutes before court convened, he said, "I want you to take down a little speech I am going to make," he says, "there has been rumors around town that I have been ousted out of office on account of being pro-German," he says, "I want to throw a little shock into these fellows," so I took down his speech.

Q. I have in my hand here, Mr. Hall, State's exhibit F purporting to be the affidavit of Jack McCausland, and including what purports to be the speech delivered by Judge Crum on the occasion about which I have questioned you, and I will ask you to look at that speech and see if it is not substantially the speech as was delivered by Judge Crum at that time?

A. Yes, I heard that read, and it is identically the way it was given to me and read over by the Judge afterwards and he directed me to give it to Mr. McCausland.

Q. He not only delivered the speech, Mr. Hall, but he took your transcript of the speech and corrected it?

A. Yes sir.

Q. And gave it out as his own?

A. Yes sir.

Q. So that if it was delivered upon the emotion of the occasion while sitting on the bench, when he said he was hot under the collar, he did take time to reflect afterwards and correct the speech?

A. He delivered the speech in the morning, as I remember it, I gave it to Mr. McCausland after he looked it over, in the afternoon, about four o'clock, after court adjourned; I wrote it out at a recess.

Q. I will ask you, Mr. Hall, if all or certain parts of that speech as delivered does not represent views that he has many times stated to you?

A. Absolutely.

Q. I will ask you if the latter part of this speech in which he

says, "While I am perfectly willing, and I realize that the balance of the right thinking American people are willing to make any sacrifice for the rights and honor of this nation, we want to fight for an American cause, and an American cause only. I feel that there is not a father or mother in Rosebud County, or for that matter in the State of Montana, or the Nation, who wants to see their boy yield up his life on a foreign battlefield in order that Japan might hold Germany's islands in the Pacific Ocean, or that Russia might take Constantinople away from Turkey, or that England might retain Germany's South African colonies, or that France might take Alsace-Lorraine, or that Italy might take a portion of southern Austria-Hungary. I believe that we are willing to make any sacrifice for an American cause, and to uphold the rights and honor of the American Government, but I don't think we are called upon, and I don't think any right thinking American citizen expects this nation to make such a sacrifice for any other purpose." Has he expressed to you those same views at other times than the occasion of delivering this speech?

A. Yes, that was his idea all the time from the very beginning to the end. I still think it is his idea today.

Q. Did Judge Crum ever make any remarks concerning President Wilson personally?

A. Why he on several occasions has called him a son-of-a—; that is, in talking about him, he would, and another occasion I remember he said he would not be surprised any day to hear of the President being assassinated, and he says, "I guess that is about the easiest way to get rid of him" or the best way, I wouldn't say that was his exact words.

Q. Did he ever apply any other epithets to President Wilson?

A. Why, I have heard him call him a chippie-chaser and a w — monger; he said he had a divorce suit pending down there, and that was hushed up, quashed up, in order to get him elected.

Q. What did he say concerning this nation, and regarding England?

A. Why, he told me that the American people were not fit to rule themselves; that they were,—that the people of Russia were higher advanced than we were, and, he says, while he hated England, hated the English so much, he admired them more than he did the Americans. He said, "These Americans would do most anything," he said "they would even — a —," and he said, "be God-damned if I wouldn't be glad to help the English make them do it."

Q. When were those remarks made by Judge Crum?

A. Those were made at the last term of court in Roundup.

Q. That was in September and October of 1917?

A. That was made to me in the Palace Hotel of Roundup in October 1917.

Q. There have been some statements made by other witnesses, Mr. Hall, that you were intimidated and coerced to come up here to testify. I will ask you what, if any, remarks were that were made to you that could be construed in any way as being of a coercive nature, and by whom made?

A. Well, the time that you came to Forsyth, Mr. Collins called me on the phone and told me that you were in town and that you wanted to talk to me, and he says, "Mr. Higgins is going to subpoena you before the Senate" and he says, "You cannot get away from testifying," as much as I wanted to do. I told him I realized if I was subpoenaed that I would have to go and testify. And I told him I didn't have any intention of telling anything but absolutely what was the truth. That is what I am trying to do right now. Soon after that I was talking to the Judge and I told him I would be called upon to testify. I told the Judge while I might possibly be able to do him a little bit of good, my testimony would be a thousand times more damaging

than it would be good to him, and that I thought the best thing I could do for him would be to go to Siberia or somewhere else.

Q. What did the Judge say?

A. Well, the Judge says, "You keep still about it" he says, "They don't know anything on me" he says, "I am absolutely innocent" and he says "I am not guilty of malfeasance in office" he says "I have not committed any high crimes," and he says "this talk of loyalty is nothing but framed up stuff and he says "if you keep still," he says "they never can convict me." I told the Judge there that I did not expect him to expect me to get up here and perjure myself. He says, "No, you don't have to." Well, I could not put any other construction upon it. And this was during a conversation I had with him trying to get him to resign, and I told him that if he came up here that there was nothing to it, that he was gone, that was all; and I finally got him to talk to Mr. Klemme. Mr. Klemme came down and talked to him all one afternoon, and that evening he called me back again and he told me he had made up his mind to resign.

Q. You heard the testimony of Mr. Jarrett, didn't you Mr. Hall?

A. Yes sir.

Q. When he said that Judge Crum was in Miles City and not in Forsyth prior to the time that his resignation was sent in, I will ask you if Judge Crum was not in Forsyth several days prior to the time that his resignation was sent in?

A. He was there Thursday, Friday and Saturday, and I think he left there Saturday night, if I am not mistaken, March 9th.

Q. Wasn't it common knowledge about Forsyth that Judge Crum was in the city?

A. Why. I know of three persons that knew he was, Mr. Klemme knew he was there, Mr. Edwards knew he was there, Mr. Young knew he was there, we were all there at the same time. Mr. Goddard was there, Judge Loud was there.

Q. Didn't Col. Goddard, Judge Loud and Sharpless Walker come to Forsyth just prior to the time that Judge Crum sent in his resignation to consult with Judge Crum at Forsyth?

A. Judge Loud and Col. Goddard were there, I did not see Sharpless Walker.

Q. Were you present at Judge Crum's home during any long distance telephonic conversation between Mr. Jarrett and Judge Crum?

A. I could not say; I was there the night of March 8th; I was talking with the Judge, and while he was lying on his bed, and while he was talking there, he got up and went to the phone and he talked to Roundup. After he came back in he says, "I have just been talking with Roundup" he says "they have had a mass meeting in Roundup and have endorsed me," and I says, "Is that so?" He says, "Yes," he says "I can get a whole trainload of witnesses from Roundup to go up to Helena."

Q. Did he say to whom he was talking over the telephone?

A. No, he didn't say. I don't know who he was talking to.

Q. Was this before or after he had sent in his resignation?

A. This was the night before. He sent in his resignation the next night as I remember.

Q. Did Judge Crum exhibit to you at that time a copy of the resolutions that were passed?

A. No, he showed me the resolutions I think the next day, I couldn't say for sure. It was either the next day or else his housekeeper showed it to me, anyway I saw them. I think his housekeeper showed them to me Sunday, the next Sunday after he left.

Q. Do you know whether or not it was Judge Crum's custom to carry a gun?

A. He carried a gun sometimes, but I would not—I could not say that he carried it continually because I did not see him carry it continually. I saw him have it on a number of occasions, and whenever

we happened to be traveling on the train or anywhere, he generally carried it in his grip.

Q. Did he ever discuss with you the possibility of you being taken by the draft?

A. No sir, only—I never did discuss that with him much, except at the time the draft first came out, he signed an affidavit for me, but he did that upon me asking him, and not of his own—I drew up the affidavit myself, on stuff that I knew he knew, and asked him to read it over and asked him to sign it, and he said he would.

Q. What did he say would happen to you if you were taken by the draft?

A. Well, when he found out that I was not going over in the first contingent he says, "I am sure glad you are not going, because" he said, "If you had gone, I would never have seen you again," he said, "you were sure lucky to get out of it."

Q. What did he say about any disposal of his property and leaving this country?

A. Oh, he has tried to dispose of his property, and he has made statements to me a number of times that he wanted to dispose of his property and get out of the United States, but he said he did not suppose he could get his property out of the United States because they would not let him get out with it. His ideal place to live seemed to be Switzerland, he was all the time talking about Switzerland, and he told me he could go over there and take five or ten thousand dollars and live pretty nice the rest of his life over there.

Q. What did he say that his actions or his attitude would be if his boys were included in the draft law?

A. Well I never heard him say anything about that.

Q. Did he ever say that he would not permit his boys to be drawn by the draft if they were included in the draft ages?

A. I never heard him make that statement.

Q. Did Judge Crum ever remark to you about the affair that he had with Felkner Haynes in Helena in the Attorney General's office?

A. Yes sir, I asked him about it the first day he got back from there, I asked him how everything went up there and what they were trying to do, and he stated just about the way it was in the paper, that Haynes was there, and that Haynes got to talking about this decision of Judge Bourquin's, and said that we ought to find some way to get rid of these pro-Germans down there in Rosebud County, and Judge said I told him that there were not any pro-Germans down there, and he says Haynes says, "You are a pro-German yourself," and he says Haynes came over towards him and he says he thought he was going to jump in on him and clean up on him, so he says he pulled his gun on him and told him, he says he told him, he says,—I don't know just how those words went, but it was practically the same way it was in the paper, that he would make him eat those words.

Q. Did you ever see Judge Crum in consultation with two men by the name of Just and Hall?

A. Well, I have seen them up there two or three times, but then I was never around.

Q. Did you see them up there before their trial in Helena, or after?

A. It was after that I saw them there. I never did see them up there that I remember of before the trial—that is before they were first arrested.

Q. Did you ever see any German speaking people coming up to the Judge's chambers?

A. Well, I have seen Germans come up there, I wouldn't know whether they were German speaking or not; they might have been naturalized Germans and,—but I have seen numbers of Germans up there.

Q. Was it the habit of any persons in Roundup that you know of, to visit Judge Crum down in his hotel, in his room?

A. Why yes.

Q. Who were those persons, if you know?

A. Why, there were a number of persons that I was present at conversations at—there was Dan Gannon whom I considered as loyal an American citizen as there is anywhere; I never heard him make a remark that would not be otherwise, and a few attorneys would come down to see him, but they never said anything.

Q. Were there any persons that ever came down, that you were sent out of the room while they were there?

A. Yes sir.

Q. Who were those persons?

A. I don't know whether I ought to tell their names or not.

Q. That is what we want to know, we want to have the atmosphere perfectly clear; I mean those persons or any persons who have testified here in this hearing?

A. No sir, nobody that has testified here.

Q. Did the man Jarrett ever come down there?

A. Why, I never saw Jarrett come down there for anything but business purposes. Jarrett always came down to get some files or something and go right back again.

Q. The Judge never excluded you from the room then while Jarrett was present?

A. No, no, never excluded me from Jarrett's presence. I was going to say that most of the people there in Roundup that he had talked to that came to his office or came to his room, that conversations I was allowed to remain at were never anything that I would consider out of the way at all, but—that is one reason that I think the people of Roundup didn't know the Judge's attitude, because in Roundup he was only there during terms of court, and he would go from the Court House to his room, and he never was anywhere outside of them, and people that he would meet on the street he would not discuss war measures with to any extent. People in the Court House that he talked to he did not discuss the war to any extent, that is, that would in any way put him in bad or anything else; although some people I think did not like his attitude, even at that time; and the people that he probably did talk with that might possibly have not been all right, were people that I was excluded from the room.

Q. How much of his time did he spend in court there in Roundup?

A. Well, we had two terms of jury court there a year, and they averaged from six to seven weeks, I should say, not over that, and then we had two—he would probably come up there once a month for a day or so, maybe two or three days at times.

Q. You would say then, Mr. Hall, that during the time that you were court stenographer in Judge Crum's court that he did not spend more than one-fourth of his time in Roundup?

A. No I don't believe he did. I know I didn't, and I was with him practically every time he went there.

Q. And that during the time he was in Roundup he was mostly at the Court House or in his room?

A. Yes sir, absolutely. He hardly ever went anywhere, once in a great while I did prevail upon him to go to the show, or something like that.

Q. Did he have the close acquaintanceships in Roundup that he had in Forsyth, do you know?

A. No sir, his acquaintanceship in Roundup, I would not call it as intimate, that is as great a variety of intimate acquaintanceship as he had in Forsyth. The people there seemed to be just a few of the business people that talked to him at all.

Q. So that you would say then, Mr. Hall, that the opportunity for

Judge Crum to give expression to the things that have been testified to here by a great many witnesses that he did say, was never available in Roundup to the great extent that it was in Forsyth?

A. No, sir, I absolutely believe that the people of Roundup did not know Judge Crum's sentiments.

Q. My attention has just been directed, Mr. Hall, to a remark made yesterday by Mr. Jarrett while he was on the stand concerning a letter that he received from Judge Crum, in which there was something said about the Judge's resignation, and the consequences of that resignation. Do you recall having received any dictation of a letter of that character?

A. Yes sir, he dictated the letter to me.

Q. Do you remember the substance of it?

A. I think I can recall most of it. He wrote to Mr. Jarrett and told him—well, he wrote that letter three times I remember. He wrote it three times and scratched it up every time and wrote it over again, and what he said was that he had resigned, made up his mind to resign and had resigned, and that he was going away for his health for a while; that the Governor, I think through Major Edwards,—I don't know just the exact wording in there, but anyway he understood that the Governor had agreed to accept his resignation, and that the proceedings would be stopped up here, and that when he came back, when he had recovered his health and came back, he expected to be a participant in the fall election, and I think that was about the main substance of it.

Q. Was that letter written in reply to a letter received from Jarrett?

A. Why, it must have been. I did not receive the other letter though.

Q. Had you heard any of the conversations over the long distance telephone other than the one that you have just spoken of?

A. No.

Q. Between Jarrett and Judge Crum?

A. No I have not.

Q. Do you know whether anyone held out any inducement to Judge Crum to resign with the promise that the proceedings against him would be stopped?

A. No sir, I know that—I would not say that I know it, either, but I am pretty positive that Major Edwards told him that it might be possible to get the Senate to drop the proceedings in case he did resign, but the people of Rosebud County, all they wanted was to get him off the bench, that they were not particularly interested in his being prosecuted at that time, that was the way I understood it.

Q. So that, so far as you know, or so far as anything that Judge Crum said to you there was no absolutely promise made to him, or any absolute hope held out to him that any prosecution would be stopped?

A. Well, I think he had the idea that his resignation would be accepted all right, that seemed to be his firm conviction because—

Q. (Interposing). But was his conviction just as firm that the proceedings in the Senate would be stopped by his resignation?

A. Yes sir, I think they were.

Q. That is based, however, on his judgment as to what the effect would be of his resignation?

A. I could not say as to that. I do not know where he got the information, but that was the idea that he imparted to me, that everything would be stopped.

Q. Do you recall the date of that letter, Mr. Hall, written to Mr. Jarrett by Judge Crum?

A. Well, it was—no, I don't, but it was written right after he resigned, I know that. I wrote out his resignation, and wrote the letter afterwards, not over an hour apart.

BY SENATOR ROBERTS:

Q. Do you know where Judge Crum received this book that contained the names of the Overseas Club from?

A. No sir, I do not know; I saw several of those books around town, different people had them, I don't know where he got them though.

Q. Well, what about this propaganda he got about 'The Fatherland, and all that, where did he get that?

A. I don't know. I know he subscribed for the Milwaukee Free Press, he got that right along, and I think he had a subscription to 'The Fatherland, too, although I don't know.

BY SENATOR WHITESIDE:

Q. Do you know anything about where Judge Crum got a list of the tonnage, or other information about the sinkings?

A. Why, I think he got that out of the Billings Gazette, because every day that the Gazette came in he would take the Gazette and go over the list of the tonnage sunk, and he would tell me, he would say, "Now there is so many tons sunk today," and he says, "you could probably multiply that by about ten, and you will have the exact facts then." That is, in my opinion, where he got his figures on that. I don't think he had any inside information on that, because if he did he surely had it covered up from me.

Q. Who were the persons that were in Judge Crum's presence at the times you were excluded from the room?

A. Where do you mean?

Q. Well you stated a little while ago persons called upon Judge Crum and you were excluded from the room. Who were they?

A. Well, there were several people in Roundup, one was a fellow by the name of John Lissman, another fellow by the name of Bill Mix.

Q. Anyone else?

A. Bill Mix and August Schrupp was there two or three times; August Schrupp was there two or three times when I was excluded. I don't know any of the times what they said.

Q. Anyone else?

A. No sir, those were the only three that I was ever excluded from.

Q. Were you present at any of the conferences between Judge Crum and the gentlemen who discussed the matter of his resignation with him?

A. I do not know what you mean there.

Q. Well, you said that the persons talked to Judge Crum just before he resigned?

A. Well, I did most of that talking myself.

Q. Anyone else?

A. I and Klemme, and I think Mr. Goddard had about as much influence as anybody. Mr. Goddard and Judge Loud.

Q. Any one else?

A. Not that I know of. Major Edwards was there once but I was not there when he was there. I don't know what—

BY SENATOR WHITESIDE: That is all.

EXAMINATION BY SENATOR ROBERTS.

Q. These men at Roundup, that you say you were excluded from the room, what nationality were those men?

A. I do not know.

EXAMINATION BY MR. HIGGINS:

Q. Mr. Hall, do you know that August Schrupp, one of the gentlemen whom you have testified as being one of the persons that you were excluded from the room, so as not to hear the conversation, was called up by a Citizens Committee of Roundup for pro-German sentiments and pro-German activities?

A. No, I did not know that.

Q. Was a man by the name of Richardson ever in one of those secret conferences?

A. I do not know the man, or a man by that name.

Q. Mr. Hall, about this tonnage, you say he would clip the items from the Billings paper, and then he would make a mathematical deduction and say that was the actual amount of shipping sunk?

A. Yes sir.

Q. So he had some method of calculation then, did he?

A. Why, I think it was more guess work. He said multiply it by five or ten, he said you would get it more near the accurate figures.

Q. But, so far as you know, he may have had accurate information from which he would draw those deductions?

A. Well, I could not say he did not. I know the information he generally imparted around there was what he seemed to get out of the Billings Gazette.

Q. Do you recall the ultimatum delivered by Germany against this country to circumscribe our trans-Atlantic shipping made just prior to the entry of the United States into the war?

A. I think I do.

Q. Do you know whether or not Judge Crum discussed that with you before the ultimatum was delivered by Germany?

A. I do not remember his conversation on that.

Q. Did he ever state to you that that would be the policy of Germany before it was announced to this country?

A. No, I don't remember that. I remember him saying at one time that Germany was 50 years ahead of any other nation on earth, and that he said he would not blame Germany if she got the allies licked, to saddle the war debt on to the United States; he said we would probably do the same thing if we could do it.

MR. HIGGINS: That is all unless there are some more questions.

EXAMINATION BY SENATOR HOGAN:

Q. Mr. Hall I would like to ask you if during your association with Judge Crum you saw or heard anything that would lead you to believe that he was operating with any secret German agency?

A. No sir, I do not believe Judge Crum was. I believe Judge Crum thought he was acting as a right American should act, for the benefit of the country at the time, but he got off on a tangent and his hatred for England, and I think he was so bull-headed that he just could not down his hatred for England when we got into the war, and he still turned it back on to our own country.

BY MR. HIGGINS:

Q. Now, Mr. Hall, Judge Crum was held by the people of Rosebud County with considerable affection, wasn't he?

A. Yes, sir, he was.

Q. And isn't it true that most of the people in Rosebud County held the same charitable views toward Judge Crum that you hold?

A. Why, I presume they do.

MR. HIGGINS: That is all.

Witness excused.

Whereupon Felkner Haynes, a witness called and sworn on behalf of the State, testified as follows:

EXAMINATION BY MR. HIGGINS:

Q. You may state your name?

A. Felkner Haynes?

Q. Where do you reside, Mr. Haynes, or where did you reside up until three weeks ago?

A. Forsyth, Montana.

Q. What official position did you hold?

A. Prosecuting attorney of Rosebud County.

Q. And how long had you been an incumbent of that position.

A. I assumed the office January 1, 1917, a year and two months, about.

Q. And how long have you practiced law in Rosebud County?

A. About four years in Rosebud County?

Q. Do you know Judge Charles L. Crum?

A. Yes sir.

Q. You have known him during the period that you have practiced in Rosebud County?

A. Yes sir.

Q. Did your practice as a member of the bar of that county make it possible for you to become reasonably well acquainted with Judge Crum?

A. Yes sir. I was very well acquainted with the Judge.

Q. You have had discussions, have you not, Mr. Haynes, with Judge Crum regarding the European war, both before and after the United States became a belligerent?

A. Yes.

Q. Are you acquainted with and are you familiar with the trial of two men by the name of Just and Hall?

A. Very well acquainted with the Just-Hall cases. I had charge of the preparation of those cases in behalf of the Government, and assisted the Government Counsel in the trial of the cases and was present at all of the times during the trial of those cases.

Q. You had occasion did you, Mr. Haynes, to cause the arrest of both Mr. Just and Mr. Hall?

A. I did.

Q. They were brought into Forsyth?

A. Yes sir.

Q. What was the understanding that you had with the Defendants regarding their incarceration?

A. In order to make that matter clear I will say that I was acting under a blanket authority, and instructions from the Department of Justice, to investigate all cases reported of pro-German activities, and persons charged with seditious utterances, and in connection with this authority I had occasion to visit the town of Ashland, about sixty-five miles inland in Rosebud County and I put in three days there investigating this man Just, who is a banker there, and this man Hall, who is a stockman, and I procured the affidavit of numerous witnesses of a reputable character in that community and affidavits which, in my opinion, were sufficient to lay the foundation, or justify the detention of these men. I then came back to Ashland and went into the bank where Mr. Just was and told him what I was there for and told him it would be necessary for him to come to Forsyth with me, that I was acting under authority from the Government. I showed him the documentary authority I had and told him he was under arrest. He stated that it would be impossible for him to go into Forsyth at that time since he had a lot of loan appointments and it was cattle moving time at Sheridan, Wyoming, for shipment, and he could not get away. Well, he came on in with me and we came down to Forsyth, and to my office with Mr. Hall and in his presence I telephoned to Mr. Wheeler, the United States District Attorney at Butte. I told Mr. Wheeler over the telephone that I had investigated the Just-Hall cases, about which I had corresponded with him before, and that in my opinion the facts which I had procured by affidavit were sufficient to warrant their trial and I had arrested them and that they were in my office and that I was shooting the affidavits to him that night. They were present at our phone conversation. I called my stenographer and gave the affidavit to her and instructed her to write a letter to Mr. Wheeler enclosing these affidavits that night, to register it, and ask him to wire me—or I had already asked him to wire me when he received it and I would know as to whether or not he desired me to proceed. I then told

Mr. Just and Mr. Hall, they having heard the conversation. "Now," I said, "I don't care to file a formal complaint against you tonight, unless you insist upon it, for your bonds, and I don't care to incarcerate you until I hear from Mr. Wheeler, but if you will promise me to go down to the American Hotel and stay there until I get a wire from Mr. Wheeler in the morning, well it will be all right with me. Otherwise I will have to take you up before United States Commissioner Mr. Muri and file a warrant." That was, as I recall, about four o'clock in the afternoon. That night, as I am now in a position to testify, Mr. Just telephoned Judge Crum, who was holding court in Miles City, Montana. Judge Crum came to Forsyth that night on Number 3. He had a conference with Mr. Hall and Mr. Just at his residence at Forsyth that night and advised Mr. Just and Mr. Hall that I had no business meddling in the matter, and advised them to get on the train and beat it straight to Butte and have a consultation with Mr. Wheeler, and he told them to do certain things up there in connection with a fraternity he belonged to and that they would get turned loose, and he was taking it up with him. Now I state those as facts, because I afterwards confirmed that from Mr. Crum himself and other sources. The next morning I came down to my office at the Court House and I stopped at the American Hotel, or the Alexander Hotel, and I did not find them. I went into the office of Mr. Grierson, the Sheriff of Rosebud County, and I said: "Henry, have you seen anything of Hall or Just?" and he said, "I think that they left for Butte last night," and I said, "Well, on what do you base your opinion that they have gone to Butte?" and he said "I would suggest that you call up Judge Crum and ask him about it." I assumed that Mr. Grierson had heard something and I asked him if he didn't advise the fellows to beat it to Butte. So I went to the telephone in my office. Mr. Grierson, the Sheriff, came in with me, sat by the side of the telephone. I called up Judge Crum's residence. Judge Crum answered the phone. I said, "Judge, did you advise Just and Hall to go to Butte, to see Wheeler and claim a frame-up to get out of this case?" and he said "Yes, I did. I did not consider it any of your business." I then hung up the receiver, wired the Chief of Police at Butte, Mr. Murphy, to arrest these two men on detaining there and Mr. Murphy did so and they were thrown into jail at Butte, and were by the United States District Attorney formally arraigned under the Federal Statute and gave their bonds. Shortly afterward—well, I will not volunteer this information any further.

Q. You say in your telephone conversation with Judge Crum he admitted having advised Hall and Just to skip to Butte and to represent to the United States District Attorney that the whole matter was a frame-up?

A. No, that feature of the—No, that feature of what he did came from Just himself. Just was a loquacious sort of a fellow and just before he took the train that night he did a good deal of talking. I think that is where Mr. Grierson got this information, and I was subsequently informed of that fact and Crum admitted to me that he advised those fellows to go to Butte, knowing they were in my charge and knowing the circumstances, and he left for Miles City the next morning to resume his term of Court.

Q. At the time you brought in Just and Hall, Judge Crum was in Miles City?

A. Yes, was in Miles City holding Court for Mr. O'Hern, who was ill.

Q. And you say he came to Forsyth the night of the day that Hall and Just were brought in?

A. He did and he was called up on the telephone at Miles City by Mr. Just. I am not in a position to prove that, but I can prove it if I have time.

Q. Just and Hall were subsequently tried before the United States District Court?

A. Yes sir. After the affidavits which I had procured were received by Mr. Wheeler he then summoned these witnesses to Butte

before the Federal Grand Jury, and they had a hearing; the Grand Jury indicted these two men and they were subsequently,—the case was set down for trial at Billings, Montana, and the counsel for Mr. Just and Mr. Hall filed a motion for a change of the place of trial on the ground of the Billings activities in forcing the resignation of certain alleged pro-Germans down there, and disciplining them down there,—or alleged pro-Germans, and Judge Bourquin granted the order changing the place of trial on the grounds that Yellowstone County was not the proper place to try persons charged with pro-Germanism.

Q. What was then done?

A. Mr. Wheeler then filed a motion to try the case in Butte, which motion was overruled by Judge Bourquin, who set the cases down for trial at Helena. The cases were set for trial and Judge Crum came up to the trial, participated in the defense of these men as far as it was possible for him to do so without sitting at the counsel table. To my personal knowledge, and I state these facts to the Senate with positive knowledge, Judge Crum was in touch with the witness in the Hall and Just cases at all times during the course of that trial; he was in consultation with counsel for the defense of the case, and was an active participant in the defense of Just and Hall. If I may be permitted to volunteer at this time, I want to say that at the meeting of One Hundred in Forsyth, Judge Crum was interrogated by someone as to the Hall and Just cases. He rose to his feet in that meeting and he said, "Gentlemen, I was a witness in the Just and Hall cases, because I was subpoenaed by the Government. I went up there the same as your friend John Davidson went to Helena in response to a subpoena, and I testified in the Court at Helena the same as John Davidson testified." I then rose to my feet in that meeting, and the only time that I said anything in that meeting at all, after Judge Crum came into it, I said, "I desire to correct the impression that Judge Crum has given to the organization. that John Davidson,—that his testimony was the same as John Davidson's testimony." I said, "The fact of the matter is that John Davidson disqualified himself at the beginning of that trial when he went on the stand, which he did do." Judge Crum was present at this time, and I said, "The further fact is that Judge Crum testified that Hall and Just were loyal and patriotic American citizens, and that is the fact."

I noticed one of the Senators interrogating the witness yesterday was under the impression that he could only testify as to his financial standing, but that is not true. That Senator has a wrong impression. He testified that they were loyal and just citizens and the records of the Federal Court, which may be procured in about twenty minutes from the Federal Building, will so disclose.

Q. Were the witnesses put under what is known in legal parlance as the "rule" during the trial of the Just and Hall cases?

A. The witnesses were placed under the rule at the beginning of the case, upon motion of counsel for the Defense, Mr. Canning of Butte, the Court then placed the witnesses under the rule and Mr. Crum was present at the time the Court delivered the instructions on the rule and he came back into the Court Room, and sat there for two hours at least during the testimony of the Government witnesses.

Q. By placing the witnesses under the rule, Mr. Haynes, means that those witnesses who are going to testify in the action, must absent themselves from the trial of the case?

A. Absolutely.

A. Dr. Cotton, of Forsyth, who is present in the Chamber now, was selected by the Government, by Mr. Murphy and myself, to watch the witness situation. He came to us and reported in the corridor of the Federal Building that Judge Crum had slipped into the Chamber and was in there two hours during the Government's examination. Mr. Murphy wanted to haul him before Judge Bourquin for contempt. Mr. Murphy is in Helena now, and he came to me about it, and I told him I thought he had better let it go, and he did let it go.

Q. Just and Hall were acquitted were they?

A. Just and Hall were acquitted. The case was never submitted to the jury. Judge Bourquin rendered a decision upon a motion for a directed verdict, holding that the facts did not constitute an offense under the statute.

Q. Now, directing your attention to the time that you met Judge Crum in the office of the Attorney General of the State of Montana here in the State Capitol, I will ask you to tell the Senate what occurred there?

A. Well, I came out to see—

Q. Just a moment, Mr. Haynes, I will ask you to confine yourself just as exclusively as possible to the facts of the case bearing on the proof of the allegation in the Articles of Impeachment?

A. Well, I don't know what the allegation is. If you will let me see it. In other words you do not want anything leading up to the matter at all?

Q. No we don't want any—

A. I went into the Attorney General's office and sat down. The Attorney General was busy. I inquired from his Secretary; he said he was busy, and went in and sat down, waited for him. Judge Crum came out of the Chambers, came out, rather, of the Attorney's private office into the reception room. As he came out I stood up, I said, "How do you do, Judge?" He replied, "Hello Haynes." I said "I came out to see General Ford respecting the dicta in the Bourquin decision. It is evident that we cannot do anything under the Federal laws with these pro-Germans in Rosebud County, and we have got to do something under the State laws, and he flamed up and said "There are no pro-Germans in Rosebud County," and I accused him at that time of being a pro-German. I said "You are a pro-German yourself." That was my answer to that remark.

Just as I said that I stepped toward him because I was mad. I had done a lot of hard work on this proposition and was kicked out of Court and was hot about it. I said "You are pro-German yourself" and as I said that he whipped a gun, an automatic, out of his outside overcoat pocket and he slammed it into my stomach and said "I will kill you like a dog. You have circulated in Montana reports that I am a traitor and I will kill you like a dog." I told him I was unarmed. I threw my coat open that way and I said "I am unarmed," and I said some other things. Just as I said that somebody jumped out of a room back of us out of the doorway. Crum saw this man, I did not, for my back was to him. Crum and I were within six or seven inches of each other, facing each other. This fellow jumped out of the room while Crum commenced to back away. The man was Ellery, an attorney of Plentywood, Montana, and he backed out of the door with the gun on me. I was afraid to let him go; I was afraid to let his eye go and I followed him just as you or anyone else would do under the circumstances. I followed him into the hall. He still had the gun on me and he was calling me everything on the face of the earth, and I was responding to him as best I could, and we followed each other down the corridor about twenty-five or thirty feet and he got to the end of the corridor by the Governor's office and I told him,—we had quite a conversation, but those are the material facts. I told him to put the gun on the table and to take the gun off of me and several things of that kind, but those are the facts now in connection with that,—the skeleton of it.

Q. Mr. Haynes, the gun was concealed was it, up until the time that he drew it on you?

A. Why certainly it was concealed. I never—

Q. What was the date of that occurrence?

A. I do not know.

Q. I will ask you if it was January 26, 1918?

A. It probably was. Crum, just as soon as he disappeared in the corridor went to the Placer Hotel; he called up the United States

Marshal Ashbridge, and sent for him. He asked him to please send a United States marshal to his room at the Placer Hotel, as a bodyguard to him, that he was afraid of his life; and the United States Marshal did go to the Placer Hotel and went to the floor on which Crum was located and stood guard there at the elevator, and I came into the hotel. I was paged and they told me to go up to this floor. I didn't know who was up there or anything about it. The United States Marshal was there—his name was Sathre, I think, and he told me when I got off the elevator what he was there for; he said "Crum has had me come here as a bodyguard to him," and he said "I thought that I would call you up and tell you that I was here and for what purpose I was here." I said: "I never carried a gun in my life. You don't need to be worried about me," and he laughed and said "I know that."

Q. Now Mr. Haynes, I was under the impression that you were in the Senate Chamber here during the testimony of certain witnesses subpoenaed from Roundup concerning their testimony with reference to the resolution?

A. Just a minute, Mr. Higgins.

Q. Just a moment until I get through my question? Concerning the testimony regarding a resolution known as State's Exhibit D and in the body of this resolution or these resolutions, there is a statement "Whereas a faction of Forsyth citizens headed by a man with a record in various criminal courts, presented charges against the said Crum to the Fifteenth Legislative Assembly." Now Mr. Haynes during the interrogation of those witnesses, it was brought out that you were the person referred to as the man with a record in various criminal courts. I will ask you if you have ever been convicted of a felony?

A. Never have been. I have never been arraigned in a criminal court, police court, district, or any other court in my life, except once in Yellowstone County when I was arraigned and tried for subornation of perjury, but I forced the prosecution of the trial of the case myself, and am prepared to prove it by the files of the Billings Gazette. I would like to explain that if I may be permitted the time to do so, since the statement is made.

Q. Well, confine yourself just as briefly as possible Mr. Haynes?

A. Yes sir. I defended a man named Robinson in Yellowstone County, Montana, on a charge of murder in the fall of 1916. The jury hung. During the interim between the first and second trial James L. Davis, the County Attorney of Yellowstone County, Montana, published an interview in the Billings Gazette Billings, Montana, in which he stated that it had come to his knowledge that two of the witnesses who were in defense of Robinson had perjured themselves and that he had substantial information to the effect that the chief counsel in that case, Mr. Haynes of Forsyth, had procured them to falsely testify that the deceased had a gun in his hand. I waited about two weeks, waiting for an information to be filed against me and there was none.

I then published an interview in the Billings Gazette myself, the head line of the interview was "Haynes Demands Davis to Act." In that interview I stated, I gave Davis, Prosecuting Attorney of Yellowstone County, ten days in which to file an information against me, charging me with subornation of perjury and stated in this interview that if he did not so file the information, in order that the allegation respecting my integrity made by him could be tried in an orderly manner in a Court of Record; that I would file a damage suit against him for twenty-five thousand dollars and compel him to prove in a civil case in his own defense the truth or falsity of that charge. That case was filed in the civil calendar in Billings at ten o'clock in the morning. At four o'clock that afternoon, Mr. Davis filed his information charging me with subornation of perjury. I was formally tried before a jury of the District Court of Yellowstone County and Judge A. C. Spencer, a witness before this Senate, was on the bench and I was acquitted in exactly seven minutes after the clearing of the testimony by the Court Stenographer—the first ballot being eleven to one,

and the Court Stenographer went in to clear up a matter of testimony and I was cleared in seven minutes—not only cleared, but exonerated. I forced the trial myself, and that is the only time I was ever a defendant in any court in my life or ever was arraigned.

Q. So that that portion of the resolution received from Roundup is false in fact, so far as any criminal record of yours is concerned?

A. It is absolutely false, in fact, and is a part of the Crum-Horkan propaganda circulated to discredit me. I said I was never a defendant in any court—I was a defendant in the Supreme Court just before the trial of this case, in which Mr. Crum and Mr. Horkan sought to disbar me, and filed charges with the Attorney General of Montana before the Supreme Court of Montana, and appointed an official commissioner to investigate the charges,—came to Forsyth last month, conducted an exhaustive examination, not only exonerated me, but in his official report to the Supreme Court of Montana, which is on file and accessible here in five minutes, went further and charged the gentlemen with personal knowledge and professional jealousy and animosity. Those charges are available.

Q. Do you know a gentleman by the name of Thompson who testified in this case?

A. Sir? Yes, I know Thompson.

Q. Thompson was one of the ones who was a member of the Committee on Resolutions and signed these resolutions, Mr. Haynes. How long have you know Mr. Thompson?

A. Why I don't know. I have known Thompson for a year and a half or two years, I guess.

Q. Was there ever any occasion in which Mr. Thompson attempted to impose trust in you to carry out a commission in his behalf?

A. Why no, I would not say that, not exactly that. Mr. Thompson came down to Forsyth I think in January, and he was representing a fellow I had in jail there for rolling a man in a saloon and he came from Roundup to represent this fellow and he came down to talk to me at my office. He wanted to get this fellow out and represented that he was drunk, which was true, at the time that he did this and said that he knew him personally, he had worked for him, had been his janitor, and made quite a talk about it and so I finally fixed it up so this boy could have another chance and let him go back, and then we got to talking about the Crum case. The One Hundred at that time demanded his resignation and Thompson wanted to know if the One Hundred was going to force him to resign and I told him that in my opinion that there was no question about it; that Judge Crum would either resign or he would be put in a position where he would have to resign, and Thompson then wanted to know if it was not a fact that—he had heard that I was after Crum's position.

I told him that was absurd; that I was intending and had been intending to enlist in the army as quick as this exoneration came out of the Supreme Court as I knew it would, that there was nothing to it, and I moreover told him in this conversation that there was not any attorney in Rosebud County who was in a position to succeed Crum, in my opinion, and that no one would succeed Crum from Rosebud County.

He then asked me who I thought would be appointed to the judgeship and I told him that I absolutely knew nothing about it, that it certainly would not be anyone from Rosebud County; that Horgan and Crum had circulated a statement down there that Don Campbell wanted to succeed him and that I wanted to succeed him. I knew it was false and I didn't think anybody would. He then said to me in my office, "Do you think that Edwards will control the appointment." I said, "I don't know anything about it." "Well," he said "his judgment is pretty heavy with the Governor, isn't it?" I said Senator Edwards' judgment and recommendation would bear a great deal of weight with Governor Stewart on any proposition, and he wanted to know if I was friendly to Senator Edwards and I told him that Senator Edwards had been a very warm friend of mine.

He then suggested to me that he might get into the game for the appointment and wanted to know if I would take it up if called upon and I told him "Absolutely no," that I would not take any part in it at all, and I know of my own knowledge that another attorney from Rosebud County, who is now in this Senate Chamber, was approached by this man Thompson on this same proposition, playing both ends at a time.

Q. So, in spite of the subscription as a member of the committee on resolutions to the effect that you were a criminal, Mr. Thompson thought well enough of you to ask you to intercede in his behalf to a judicial appointment?

A. He advised me that if Mr. Crum was acquitted of the impeachment charge that these resolutions would put him in bad with him, and if he was kicked out that he wanted to be in line for his place. That is all there is to it.

Q. Now, directing your attention to an infraction of the law, Mr. Haynes, committed by some young man down in Rosebud County, being the first offense of this young gentleman, and the matter coming under your jurisdiction as prosecutor, I will ask what action you took in that matter and what attitude Judge Crum took regarding your action?

A. A young fellow, the first time he had ever been arrested, got into a calf-stealing mess down there and he was drafted. We had the evidence on him, so there wasn't any question about his being guilty; in fact, he wanted to plead guilty. His mother was in my office and he was on the first call, and was just about to go and he was a fine young fellow.

Q. First call of the draft you mean?

A. Yes sir, the first call of the draft, and he was a fine young fellow physically and it was the first time he had ever been in trouble. I talked it over with our Sheriff, Mr. Grierson. I said, "I think we ought to give this boy a chance to go into the army," I said "I believe he will make a good soldier, and that certainly will come a whole lot nearer making a citizen of him than sending him to the penitentiary. He is not a vicious fellow at all," and Henry agreed with me. So the call went out and we had all the information in connection with it, I think we had a confession. I think I have got it now, and so Mr. Grierson put him on the first call,—I think it was the first call,—anyway he went to war and Crum jumped on to me about it; he tied into me pretty severely. I told him that I did not agree with him, and, he said. I had exceeded my authority. I then told him I was running the County Attorney's office and that was all there was to that. I went out and that ended that matter.

Q. Now, directing your attention, Mr. Haynes, to a circumstance respecting the arrest and the incarceration and the confinement to strict discipline for violation of the jail rules of a couple of gentlemen belonging to an organization known as the I. W. W., I will ask you to tell the Senate the conduct of Judge Crum in releasing those two gentlemen from the punishment inflicted by the Sheriff's force in Rosebud County, which was done as a means to the correction of the gentlemen's conduct while in jail.

A. Well, in the first place I want to say I am partly to blame for the condition which existed by which Crum was called upon to act. I was rather star chambering the fellows myself. There were three of them who were arrested on the Milwaukee Railroad System in Rosebud County; they were I. W. W.'s, cards were found on them, and they had set fire to a bridge. The State Fire Marshal here also came down to see me about it and we knew that they had set fire to this bridge on the Milwaukee and we couldn't prove it. We knew it, though, to a bald certainty. We knew it to a moral certainty. We knew it to be a fact. Immediately after they set fire to the bridge, they tore the spout off the water tank so the engines could not get water, and the tank was dry when the fire crew got there, but we couldn't prove that by competent evidence, but that was the situation. I was satisfied of it.

I had had these fellows in my office and they were tough, two of them were, and it was "Well, hop to it," and all that sort of talk you know, and the lineup was such that the State Fire Marshal and myself were both satisfied, so I held them over on a charge of vagrancy, and in the county jail while we investigated and tried to get something so they were habeas corpused; they were tried and we got them a fine and they served their sentence. Judge Freeman of Forsyth, Justice of the Peace, I think he gave them five days and \$10.00. The five days were up and when it was up I filed another charge against them and they procured an attorney to habeas corpus them. Of course I could not keep putting off the preliminary. I was running a kangaroo proposition there myself, because I knew these fellows were bad actors and we finally got one of them as a slacker—the other one was turned loose. Now, to lay the foundation, to be fair to Crum, which I wanted to do, by making that concession myself,—these fellows tore up the jail over there, that is everything they could get hold of, that was movable and loose, they destroyed; and Crum made an ex parte order, upon an application without notice to the sheriff's office, or to myself, either one, we were just down one floor or two floors, ordering the sheriff to put these I. W. W.'s back and all that sort of thing, and I knew Crum knew all about the case, because I told him what I was doing, when the habeas corpus was filed, and I went up and told Crum that we were investigating these fellows and they were bad actors and had I. W. W. cards.

Q. What was the nature of the punishment that was being inflicted for breaking up the jail?

A. Why, one of Mr. Grierson's deputies put them in a cell, I think, on bread and water. I think I told him to put them on bread and water.

Q. You say without any notice to you or the sheriff?

A. Neither one of us.

Q. Or to anybody in authority. He made an order directing those gentlemen to be released from their confinement?

A. Yes sir and the next day released them, altogether, knowing at the time that the State Fire Marshal of Montana and myself were conducting an investigation to get these fellows, and through the co-operation of their counsel, H. G. Young, we got one of them as a slacker—had to turn the others loose.

Q. I will ask you if the destruction of the jail property is not a felony under our statutes?

A. No sir, I think not. It is not I do not believe.

BY MR. HIGGINS: I will have to get the statute.

A. You had better get the statutes. I think you will find that it is a misdemeanor.

BY MR. HIGGINS: It is a felony, I know. If there are no questions to be asked by the senate this witness will be excused.

BY SENATOR WHITESIDE: You say you ordered these men confined on bread and water?

A. What's that. I don't get you?

BY SENATOR WHITESIDE: You ordered the Sheriff to confine these men on bread and water?

A. I told the Sheriff that I would confine them on bread and water, yes, knowing the facts and circumstances as I did.

BY SENATOR WHITESIDE: Did you find any authority for that in the law?

A. I don't know whether there was any authority for that in the law, but I have had enough of that monkey business down there, and I didn't care anything about the situation and I told the Sheriff to put them on bread and water, those are the facts.

BY MR. HIGGINS:

Q. May it please the Court, there are one or two more questions that I desire to ask.

Q. Well, Mr. Haynes, do you still hold the office of Prosecuting Attorney of Rosebud County?

A. No, I have resigned.

Q. For what purpose did you resign?

A. Why I resigned to enter the army. Ever since the war began I wanted to enter the army and I would have entered a good while ago except that there are certain members of the One Hundred, among whom was Senator Edwards and Dan Muri—all these boys asked me to stick there on account of this pro-German feature. I stayed and during the middle of this pro-German fight, and I think that is material if you will let me volunteer it. Along in October this man Crum and I got into a bunch of difficulty over the pro-German business and I felt that it was time for somebody to start the ball rolling down there with this fellow, and I published an interview in the press in eastern Montana, in which I told the people that he was a pro-German and that he was a disgrace to the bench, and that he ought to be removed; he was disseminating this German poison all through the country, that he ought to be taken off the bench and that opened up the fight and then Crum started in to discredit me and then I had to stay. Now, you ask me how I entered the army. I had to stay until the Supreme Court—

Q. My question was for what purpose did you resign your office as Prosecuting Attorney?

A. Why I resigned it to enter the army.

Q. You have entered the army?

A. Yes, I am in the army now. I am held up for this trial.

Q. You are now an enlisted man in the army?

A. Yes, I am Buck private in the regular army,—ordered to New York now.

Q. Now, Mr. Haynes, directing your attention to the Just and Hall case, and immediately subsequent thereto I will ask you to relate to the Senate any statements Judge Crum may have made regarding the granting of permission to carry arms to any one connected with that case.

A. Judge Crum had armed Charles Holland, C. E. Ferdick, S. C. Ferdick of Forsyth, Montana, with instructions to Ferdick to get me the first time he had a chance. You can go into the Attorney General's office and the Supreme Court and get the records of them in five minutes, not as to the getting of it, the getting part of it, but the arming of them; after I had hit this Ferdick in connection with some slander he had put on me, his wife got in and I got the worst of it. But here in Helena, immediately after the Just and Hall trial, in a tirade against me in the lobby of the Placer Hotel, Judge Crum said "I think I will arm all of the witnesses in the Hall-Just cases,—the pro-German cases in the Federal Court,—before they go back to Forsyth." Dr. Cotton, of Forsyth, Montana, who is in the Senate Chamber, will also testify to that remark by Crum, that is, the sedition cases of Hall and Just.

BY MR. HIGGINS: If there are no further questions this witness will be excused.

Excused.

Whereupon Dr. Wendell Cotton, a witness called and sworn on behalf of the State, testified as follows:

EXAMINATION BY MR. BELDEN:

Q. Will you state your name please?

A. Dr. Wendell Cotton?

Q. And your profession?

A. Physician.

Q. Are you a regularly admitted, licensed and practicing physician and surgeon in the State of Montana?

A. I am.

Q. What, if any position have you held or do you now hold in connection with the military regulations of the Government?

A. I was appointed County Physician; being County Physician of Rosebud County, I was appointed by Governor Stewart as a member of the local draft board, but being of draft age myself, I am thirty years old, I had to tender my resignation, but I was still retained as a member of the medical board and assisted in making all medical examinations of Rosebud County.

Q. In your capacity as an examining physician on the medical board of Rosebud County, did you have occasion to examine Mr. E. A. Hall, the official reporter of that Judicial District?

A. I did.

Q. Did you have any conversation with Judge Crum concerning the reports that you were to make about Mr. Hall's physical condition?

A. A few days before I examined Mr. Hall, Judge Crum met me on the street and asked me if I could not exempt Mr. Hall on his physical examination. He said he had a little droop in one eyelid and he thought that ought to be sufficient to exempt him from the examination and he thought I might be able to find other defects if I looked closely.

Q. I understand you to say that you exempted him from examination?

A. From the draft I mean.

Q. From military service in the United States.

A. Yes sir.

Q. Did you ever have any conversation with Judge Crum with regard to the arming of certain individuals of Rosebud County and giving permission to carry concealed weapons?

A. Immediately after the Hall trial was terminated in Helena last January, Judge Crum met me in the lobby of the Placer Hotel. We frequently talked and had always been good friends, and he said, "Cotton, those Rosebud boys are afraid to go back to Rosebud County," he says. "They have asked me to grant them permission to carry a gun, and I have a notion to do it," and I told him that I did not believe that was necessary at all, that I did not think there would be any malice, particularly toward those men. I didn't see any reason to arm them, and I excused myself then. I did not want to talk to him any more about it because I knew his opinions.

Q. And likewise knew your own.

A. Yes sir.

Q. Do you know whether the Judge was addicted to carrying a gun himself?

A. No I could not say.

Q. BY MR. BELDEN: Do the members of the Senatorial Court desire to propound any further interrogatories to this witness, if not that concludes his examination. Well, were you present at the Just and Hall trial here in Helena at the Federal Court in January in the present year?

A. At the Hall trial. The Just case did not come up.

Q. Do you know whether or not Judge Crum sat in the court room during the delivery of the testimony, other than his own there, during the course of the trial?

A. He did, through a great deal of it.

Q. Do you know whether or not the presiding judge at that trial invoked the rule excluding witnesses from attendance upon the trial except when they were called to give their own testimony?

A. Yes sir, I heard him make that statement.

Q. And so far as you know, was any revocation of that rule made affecting any of the witnesses permitting them to be present?

A. I don't think there was. I was present during the entire trial.

BY MR. BELDEN: Do you gentlemen have anything further for this witness, if not, he may be excused.

Excused.

BY MR. O'CONNOR: May the Court please, the State rests and inasmuch as there are several able lawyers constituting this Court, the Board of Managers do not care to present their views as arguments to the Court unless the Court wishes to hear arguments, and I would suggest that a motion would be in order to have the Court go into executive session, and consider the merits of the case.

BY SENATOR MERSHON: I would suggest that one of the Board of Managers be selected to simply outline, on the various counts or charges, and make a motion that they be given a half hour to make any explanation as to certain charges in the impeachment.

BY MR. PRESIDENT W. W. McDOWELL:

Do you make that as a motion, Senator?

BY SENATOR MERSHON: Yes.

Whereupon said motion was duly seconded.

BY MR. PRESIDENT W. W. McDOWELL:

It has been regularly moved and seconded that one of the Board of Managers be requested to make an argument of not to exceed half an hour.

BY SENATOR ROBERTS: May I offer a substitute motion and that is that we go into Executive Session at once?

BY MR. PRESIDENT W. W. McDOWELL:

My idea was to recess now for the noon recess.

BY SENATOR ROBERTS: I make a motion that we recess an hour until 1:30 P. M. and then convene in an executive session at that time. Whereupon said motion was duly seconded.

BY MR. PRESIDENT McDOWELL: All in favor of Senator Mershon's motion that one member of the Board of Managers be requested or selected to address the Senate.

BY SENATOR MERSHON: I withdraw my motion.

BY PRESIDENT W. W. McDOWELL: Your substitute motion is that we go into executive session at 1:30?

BY SENATOR ROBERTS: Yes.

BY PRESIDENT W. W. McDOWELL: It has been regularly moved and seconded that the Court now recess until 1:30, and that then we go into executive session. All in favor will signify by saying aye; contrary, no.

BY PRESIDENT McDOWELL: The ayes have it.

Whereupon the hearing was continued until 1:30 P. M.

Helena, Montana, March 22, 1918.

1:30 P. M.—AFTERNOON SESSION.

The session being called to order the following proceedings occurred:

BY SENATOR BURLINGAME: Mr. President, I move that the courtesy of the floor be extended to the Governor and the members of the Supreme Court, the elected state officers, Doctor McDonald, an

Ex-Speaker of the House, U. S. Marshal Asbridge, who is a former honored member of this body, and General Greenan.

Which motion being seconded was duly carried.

BY SENATOR MUFFLY: Mr. President, I wish to make a motion for an amendment to a previous motion. I do not see why we should go into executive session behind closed doors. There is nothing here that we should keep secret, and as a substitute motion, I move that we go on with the sessions and consider the matters brought before us.

Which motion was seconded.

BY PRESIDENT W. W. McDOWELL: That motion will not be in order at this time because we are in executive session by action of the Senate before we recessed. This motion the Senator is making now is not in order because we are now in executive session.

BY SENATOR MUFFLY: Well, as I understand this, Mr. President, Senator Roberts was going to make a motion immediately after we convened to go into executive session, and that motion has not been made yet. That is my recollection.

BY PRESIDENT W. W. McDOWELL: The record shows the motion was made and carried, that we go into executive session at 1:30.

BY SENATOR MUFFLY: Well, then, I move that the executive session be dissolved, and that we go into regular session.

Whereupon said motion was duly seconded.

BY PRESIDENT W. W. McDOWELL: Senator Burlingame, will you withdraw your motion?

BY SENATOR BURLINGAME: I withdraw it, yes sir.

Whereupon the motion being put was duly carried.

BY SENATOR CLAY: In view of the fact that one of the witnesses on the stand this morning mentioned the names of three men in Roundup who were in conference with Judge Crum, and from which conference he was excluded, I now make a motion that this case be reopened and that the Board of Managers be recalled and asked to subpoena those three witnesses before the Senate.

Which motion was duly seconded.

BY SENATOR LANE: I should like to ask the gentleman why he asks for further evidence, because this Senate has heard on the floor here the examination of the witnesses as subpoenaed by the committee of the House, and we have listened to all the evidence over and over again, and it will have no effect on the outcome of the case at all. We are now ready to go into executive session and vote, and I do not see why we cannot proceed without anything further.

BY SENATOR CLAY: You may possibly be right, but I understand those three men at Roundup are very much pro-German, and you have heard evidence of this Court Stenographer who said that he had been excluded every time those gentlemen came in the office of Judge Crum, or in his chambers, and I believe it would be a disgrace to the State of Montana and this Senate to allow these three men to go without being brought before the bar of this Senate and being allowed to give their testimony and find out what they know.

BY SENATOR SLAYTON: If I may be permitted to tell what little I know of these gentlemen, I am acquainted with two of the gentlemen quite well that were mentioned this morning. I did not understand the witness to say that he was excluded every time they appeared, or that they appeared very often; but that they had been down to see Judge Crum and he, the witness, was excluded. One of these men has been a member of the Lower House, and the postmaster at Roundup,

Mr. August Schrump, who I believe is of Norwegian descent. The other is Bill Mix, who, I believe, is of Irish descent and he has been a railroad section boss there for a number of years. He is not at this time. I do not see anything suspicious at all in the fact that the Judge might have something private with them. I know that Mr. Schrump was quite near to him, and was a friend of Judge Crum's, as much as I claim to have been, and I think it would be a serious delay of these proceedings without affecting the result in any way to call these gentlemen here.

BY SENATOR LANE: Mr. President as I understand, these gentlemen are somewhere in the eastern part of Montana, and it would delay this Senate three or four days to get one or two words of evidence for or against this proposition. We have had all the evidence from the people that the Chairman of the Board wanted personally to see and investigate, and if the Chairman of the Board had wanted or needed the gentlemen mentioned, he would have subpoenaed them before this body. Besides, we are not going to add one thing, we are not going to jeopardize the future interests of these gentlemen whose names were mentioned, in fact, the people who signed this petition said that all those people would like to testify before this body if they had the opportunity, and you can cover the whole eastern part of Montana, and they would like to testify before this body, and it would go on indefinitely; and I think, as far as this assembly is concerned, speaking from my own standpoint, that they have had all the evidence they care to hear right now. I hope the motion is defeated.

BY SENATOR EDWARDS: Mr. President, it would not be hoped or expected that these three men mentioned, from Roundup, would convict themselves, and therefore it would not benefit anybody. It would be their evidence on the Crum matter and no other. If there is anything of sufficient importance considered by this body, or any member of this body, the Federal authorities are the proper parties to act. We, as a Court of Impeachment have no authority to try them. Nothing can be accomplished by calling them here, excepting a delay.

BY SENATOR MUFFLY: As a substitute motion, I move that we hear no more evidence in this case.

Which motion was duly seconded.

BY PRESIDENT W. W. McDOWELL: It has been regularly moved as a substitute, that we hear no more evidence, and the motion has been seconded.

BY SENATOR WHITESIDE: I should like to say a few words before the motion is voted upon. One or two parties here who requested to be called, and were not called,—I talked with the Board of Managers about it, and they were of the opinion that the parties did not have any first-hand knowledge, and I talked with one of the parties and I think myself all they had was hearsay testimony. At the same time I don't think we ought to be put in the attitude of refusing to hear anyone who claims to know anything about the case, and before that motion is put to close the case, I should like to move that an opportunity be given to anyone to testify who claims to know anything about the case.

BY PRESIDENT W. W. McDOWELL: Do you make a substitute motion to Mr. Muffly's motion?

BY SENATOR WHITESIDE: Yes sir. I will say I am making this motion at the suggestion of the Board of Managers. It is their opinion, while they did not want to call these parties and make it part of their case, yet they thought it advisable to give them the opportunity to be heard in case they wanted to be; otherwise there might be criticism.

BY PRESIDENT OF THE SENATE McDOWELL: The Sergeant-at-Arms will notify those in waiting that we are not in executive session.

BY SENATOR LANE: The Board of Managers had the authority, or did have the authority, to call all the witnesses they wanted to examine. If they desired to have further evidence they would have so stated to the Senate, because they have that power.

BY SENATOR BURLINGAME: I feel in this matter that nothing of as serious a nature has even been presented to any body in the State of Montana. We cannot expect to get any particular benefit out of this trial for or against except the moral effect that it will have upon the people of the State of Montana and elsewhere in the United States. Names were mentioned here this morning of men with whom the defendant, Judge Crum, had been in secret consultation. One of those men is a man who was mentioned by a witness yesterday as having been rumored to have joined Judge Crum in circulating a Sinn Fein subscription list. This man, I believe his name is Bill Mix the other two men have been reported to some of us, at least, as being very actively pro-German in their communities. Now I realize there are a great many of us that would like to get home and get home right off. It has even been intimated and hinted that the enormous expense to which the State of Montana was being put to by this trial, was a reason why we should use possibly undue haste. I think that the expense has been practically gone to at this time; and one more day for this body to sit is not going to seriously affect the treasury of the State of Montana. If the Board of Managers should see fit to follow the suggestion contained in the motion of Senator Clay, it could telegraph this afternoon to the Sheriff at Roundup to subpoena these men and they could be here at nine o'clock tomorrow morning. I don't want to delay this matter. I don't want to go on indefinitely. I don't want to throw the doors open to a lot of hearsay evidence that is going to do no good at all, but I want to say, Mr. President, that I believe the eyes of every loyal man and every disloyal man in Montana, are upon this Senate at this time; and if we treat lightly anything that can be brought up, or if we ignore any suggestion that can be brought up to throw further light on these conditions, I believe that it is our duty to do so. Should a verdict of guilty be found against this defendant, whatever punishment is inflicted under that verdict, would have none but a moral effect. If there are men who have been in secret consultation with him, who have been joining him in matters that are disloyal. I believe, that even though it would have but a slight bearing upon the question at issue before this Senate, this impeachment trial, it might have a great moral influence upon the people of the State of Montana. Mr. President, I am heartily in favor of asking the Board of Managers to pursue this course and bring these men up here.

BY SENATOR MORRIS: Mr. President, it seems to me that, regardless of what our decision may be in this case, we are going to be criticised. There are parties on both sides of it; and if the idea in having these other witnesses come here is to develop the fact as to whether they have been engaged in German propaganda or spreading anything of that kind, or are too active in regard to giving assistance to some of the enemies of the country, that can be taken care of under the Council of Defense—the authority that the Council of Defense has under the sedition law that we just enacted. It does not seem to me that we would be justified in continuing this matter further. It seems to me that this Senate has sufficient evidence here to determine what they wish to do in the case.

BY SENATOR ANNIN: It seems to me that the only thing we have got to do here today is to render a decision as to whether Judge Crum was guilty as the articles called for in the impeachment. The bringing of these witnesses from Musselshell County to swear that they had secret conferences with Judge Crum could not in any way affect the evidence that has been handed in in this case. Probably any one of them could swear that an allegation made in Forsyth was true or was

not true,—we cannot under any circumstances convict these gentlemen of anything in our province, and it is not within our province to question their acts in this case. The mere fact that the court reporter was excluded from the presence of the judge and one of these witnesses would not necessarily be a criminal act. Now if you are going to do that, on the same principle, you might just as well call Mr. Horkan of Forsyth, who was accused by one of the witnesses here as being in cahoots with Judge Crum, to remove him from office. It seems to me that this evidence, as I look at it, would be immaterial, and that the Senate of the State of Montana does not need to arrive at a decision in their case, and that it would be of no benefit if the parties themselves were brought here.

(Calls for "Question.")

BY PRESIDENT OF THE SENATE McDOWELL: There is a motion before the House, that the Board of Managers be requested to reopen the case.

BY SENATOR MUFFLY: No, Mr. President, the motion before the House is my motion to the effect that the Senate will hear no more evidence, and will proceed to vote upon the question.

BY PRESIDENT McDOWELL: The President is under the impression that you are wrong about that. The motion before the House is that the Board of Managers be requested to reopen the case and subpoena these three witnesses, whose names were mentioned this morning. Senator Muffly has made a motion in lieu of that, that we close the case now, or rather that we summon no more witnesses. The vote is upon Senator Muffly's motion, his substitute motion; all in favor of Senator Muffly's motion will signify it by saying aye.

Whereupon the motion was carried, and Senator Muffly's motion prevailed.

BY SENATOR HOGAN: I move you, Mr. President, that we proceed to ballot, article by article, on the Articles of Impeachment, and that the Secretary call the roll and as each Senator's name is called he will respond by saying "Guilty" or "Not Guilty."

Whereupon the motion being duly seconded was carried.

BY PRESIDENT McDOWELL: The Secretary will read Article I. Whereupon the Secretary of the Senate read Article I.

ARTICLE I.

That the said Charles L. Crum, now is and at all times herein mentioned since the first Monday in January, 1913, was, the duly elected, qualified and acting District Judge of the Fifteenth Judicial District of the State of Montana, and a citizen of the United States, owing allegiance to the said United States, and that the said Charles L. Crum while occupying the official position of Judge of the District Court of the said Fifteenth Judicial District, unmindful of the high duties of his office and dignities and propriety thereof and his oath of office in connection with his duties as said District Judge, and in utter disregard of his duties as a citizen of the United States was and is guilty of high crimes and misdemeanors and malfeasance in office which are set forth in the several specifications hereinafter written in substance and effect, that is to say:

Specification First. In this, that subsequent to the declaration of war between the German empire and the empire of Great Britain and the Republic of France the said Charles L. Crum within the State of Montana, on divers and numerous occasions and in the presence of sundry and divers persons did publicly declare that the President of the United States and his cabinet and the Congress of the United States were being induced, influenced and controlled by the British empire and

the bankers of the United States; and the Congress and President of the United States and the financial interests of the United States were tools of the said British empire and that the President of the United States, and that the Congress of the United States were induced and influenced to become allies of Great Britain and the British empire, and to declare war against the German empire for the purpose of protecting loans made by the bankers and financial interests of the United States to the said British empire and to its allies, and that if the said President of the United States and the Congress of the United States should declare war against the German empire, he, the said Charles L. Crum, District Judge as aforesaid, would be ready to sell out, pack up what little he had, and leave the United States and would prefer to fight on the side of the German empire in any war between the said United States and the said German empire.

Specification Second. In this, that subsequent to the declaration of war between the empires of Great Britain and Germany, the said Charles L. Crum, within the State of Montana, and while acting as District Judge, aforesaid, and at or about the time of the sinking of the Lusitania, on divers and numerous occasions, and in the presence of divers persons did publicly declare his sympathy with the German empire and that the said German empire in the sinking of the Lusitania, at the time, and in the manner in which the said vessel was sunk was acting within its rights, and that the citizens of the United States who were passengers on said vessel at the time of the sinking of the same were there without right and that the sinking of the said vessel would be a good lesson for the "Globe Trotting Americans." and that the lives of the passengers on the said Lusitania at the time the said vessel was sunk, should have been sacrificed, and did publicly declare that the United States as a neutral nation had no right to carry on the transportation or shipping of munitions or supplies of war to Great Britain or to its allies, or to any of the countries with which Germany was at war, and that the United States in supplying munitions of war was not acting as a neutral nation should act in time of war, and the said Charles L. Crum did publicly make other statements of a similar nature to the aforesaid, embodying a denial of the right of the United States to engage in neutral shipping, and denying the right of the United States of access to the seas, and the carrying on of its commerce.

Specification Third. In this, that subsequent to the declaration of the European war in the year 1914, the said Charles L. Crum in the County of Rosebud and within the State of Montana and during the term of his office as such District Judge aforesaid, on divers and numerous occasions and in the presence of divers persons did publicly declare that the President of the United States was not serving and acting for the people of the United States but was merely a tool, hireling and puppet of the British empire and of Wall Street and of the bankers and financial interests of the United States who had made loans to the British empire and to its allies to enable them to carry on and prosecute the war then and now existing between the British empire and its allies, and the said German empire.

Specification Fourth. In this, that prior to the declaration of war between the Congress of the United States against the German empire in the month of April, 1917, the said Charles L. Crum, District Judge aforesaid in the County of Rosebud in the State of Montana on divers and numerous occasions and in the presence of sundry and divers persons did publicly declare that if the United States should declare war against the German empire there would be riots, insurrections and rebellions in the United States by the inhabitants of the United States who were opposed to the United States declaring war against the German empire.

Specification Fifth. In this, subsequent to the declaration of war

between the United States against the German empire in the month of April, 1917, the said Charles L. Crum, District Judge as aforesaid in the County of Rosebud in the State of Montana on divers and numerous occasions and in the presence of divers persons did publicly declare that the President of the United States was owned by Wall Street, that he was a criminal and traitor to the United States and that war had been declared by the United States against the German empire to protect the bankers and financial interests of the United States who had made loans to the British empire and to its allies, to enable them to prosecute the war existing between the British empire and its allies, and the German empire.

Specification Sixth. In this, that after the Congress of the United States had declared war against the German empire in the month of April, 1917, the said Charles L. Crum, District Judge as aforesaid, did, in the County of Rosebud, within the State of Montana, on divers and numerous occasions for the purpose of inducing and influencing persons to oppose such war and to obstruct the Government of the United States in the prosecution thereof, publicly and privately state that the acts of the United States in preparing to send its army or armies to Europe to engage in carrying on and prosecuting such war were unconstitutional, and that the men in such armies would never come back to the United States and that the United States had no authority to draft or conscript armies for service outside the United States, in the prosecution of the said war between the United States and the empire of Germany.

Specification Seventh. In this, that after the Congress of the United States had declared war against the German empire in the month of April, 1917, and after the Congress of the United States had enacted legislation providing for drafting or conscripting citizens of the United States for said armies to make up its said armies and naval forces, the said Charles L. Crum on divers and numerous occasions and during the term of his office as Judge, aforesaid, did declare to divers persons, for the purpose of inducing and influencing such persons to oppose the provisions of such legislation and to obstruct the said United States in preparing its said armies and naval forces for prosecuting such war against the German empire and did advise, counsel and request several persons at the times aforesaid to refuse to comply with the requirements of the so-called "Draft Laws" of the United States and legislation enacted by the United States for the purpose of drafting or conscripting an army for the military and naval services of the United States and did advise such persons that such legislation was unconstitutional and void and that the President of the United States was a criminal; and that the President of the United States and the Congress thereof had no lawful authority to draft men for the army or navy to be sent to France or elsewhere to fight on the side of the allies against the German empire, or to be taken outside of the United States to serve in the military forces thereof, and on said divers and numerous occasions the said Charles L. Crum as aforesaid did advise said sundry and divers persons not to permit or comply with the provisions of such legislation so enacted by the President and Congress of the United States and did tell to said sundry and divers persons at times and places aforesaid, that if he were of draft age, he would resist the draft, meaning thereby he would not comply with the laws and regulations of the United States concerning the drafting of armies for military and naval service in time of war, and did tell such persons at said times and places that his son was outside the domain of the United States and that he would not allow him to return to the United States, nor to enter into the military service of the said United States to be murdered on foreign soil, and did further state to said divers persons that a million of the young men in the army and naval forces of the United States would be murdered and

that he preferred to bury his son in the United States rather than to have him in the military or naval service of the United States and be buried on foreign soil.

Specification Eighth. In this, that after the Congress of the United States had declared war against the German empire in the month of April, 1917, and after the Congress of the United States had enacted legislation providing for drafting citizens of the United States and other persons qualified for military duty, for its armies and for use in the military service of the United States, the said Charles L. Crum, District Judge, as aforesaid, at the County of Rosebud in the State of Montana on divers and numerous occasions did declare to divers persons, for the purpose of inducing and influencing such persons to oppose the provisions of such legislation and to refuse to comply with the same, that if the United States should attempt to enforce such legislation there would be riots, insurrections and rebellions in the United States by the inhabitants thereof who were opposed to such legislation, and who are opposed to citizens of the United States being drafted into the armies and naval forces of the United States for the purpose of being sent to Europe, or to other foreign countries, to fight on the side of the United States in the war between the United States and the German empire.

Specification Ninth. In this, that after the Congress of the United States had declared war against the German empire and during the time that the selective draft act was under consideration in Congress, the said Charles L. Crum, Judge as aforesaid, in the County of Rosebud, in the State of Montana, advised, counseled, caused, aided and assisted Lebert Crum, one of the sons of the said Charles L. Crum to leave the State of Montana, and the United States of America and to enter a foreign country for the purpose of preventing said Lebert Crum, son of the said Charles L. Crum, aforesaid, from being conscripted or drafted into the armies or naval forces of the United States, and that after the selective draft act was passed by the Congress of the United States and approved by the President, and in the year 1917, the said Charles L. Crum, Judge as aforesaid, in the said County of Rosebud, and State of Montana, stated to sundry and divers persons that his said son, although not of draft age, was outside of the United States, and would remain out of the United States so that he would not be drafted when he became eligible to draft under the regulations of the selective service act and that he would not allow him to return to the United States or become a member of the armies or military forces of the United States, to be taken to a foreign country and murdered in a foreign land.

BY THE PRESIDENT OF THE SENATE W. W. McDOWELL: The next proceeding in order is the final decision as to Article I, and as each name is called, you will vote "Guilty" or "Not Guilty."

Annin, guilty; Arnold, guilty; Brower, guilty; Burla, guilty; Burlingame, guilty; Clark, guilty; Clay, guilty; Dwight, guilty; Edwards, guilty; Ellingson, guilty; Featherly, guilty; Fishbeck, guilty; Gallwey, guilty; Gnose, guilty; Haley, guilty; Healy, guilty; Heren, guilty; Hogan, guilty; Hurd, guilty; Jones, guilty; Junod, guilty; Kane, guilty; Kinney, absent; Lane, guilty; Larson, guilty; McCone, guilty; Meadors, guilty; Mershon, guilty; Morris, guilty; Muffly, guilty; Oliver, guilty; O'Shea, absent; Parker, guilty; Roberts, guilty.

BY SENATOR SLAYTON: Mr. President, remembering our oath there is but one answer we can give, that all the Senators have given, but I think it is one of the tragedies of the country that this man, by some misunderstanding, or possibly by a mental failure, is not here. I cannot believe in my own heart that he is a disloyal citizen; but under our oath and the evidence adduced, I shall vote guilty.

Smith, absent; Stevens, guilty; Taylor, guilty; Whiteside, guilty; Willett absent; Williams, guilty.

BY THE SECRETARY: Thirty-seven Senators have voted guilty.

BY PRESIDENT McDOWELL: Mr. Secretary you will now read Article 2.

ARTICLE II.

That the said Charles L. Crum, now is, and at all of the times herein mentioned, since the first Monday in January, 1913, was, and ever since has been, the duly elected, qualified and acting Judge of the Fifteenth Judicial District of the State of Montana, and during all of said times, was and is a citizen of the United States, owing allegiance thereto and that the said Charles L. Crum, while occupying the position of District Judge as aforesaid, unmindful of his oath of office, and of the high duties of his office and the dignity and propriety thereof, and in utter disregard of his duties as a citizen of the United States was guilty of high crimes and misdemeanors, and of malfeasance in office, which are set forth in the several specifications hereinafter written, in substance and effect, that is to say:

Specification First. In this, that after the Congress of the United States had declared war against the German empire, the said Charles L. Crum in the County of Rosebud in the State of Montana on divers and numerous occasions has made and uttered to sundry and divers persons, false and seditious statements of and regarding the President of the United States and the Congress of the United States and the United States Government for the purpose of preventing, hindering and delaying the United States Government in preparing for and carrying on the war in which it is engaged, against the German empire and in connection with the declaration of war by the Congress of the United States against the German empire and the carrying on and prosecuting of the same by the said United States, used utterances, statements and declarations in substance as follows:

The President of the United States is owned by and is a tool of Wall Street, a puppet and a tool of the British empire, and that the President of the United States was a traitor, and a criminal, and that he would steal, and that he would leave the Presidency a man of colossal wealth, and that he was using the high office of President of the United States for the purpose of personal gain; that this was not our war but only a war to grab territory for the allies of the United States and that we were driven into the war by Wall street and the munition makers of the United States; that right-thinking men should dispose of their holdings in the United States and leave the country. That if he were of draft age he would resist the draft regulations promulgated by the President, Congress and military authority of the United States, and would not subject himself thereto, and that there were thirty million Germans in this country who would rise up in revolution and rebellion, and would refuse to fight their own flesh and blood; that the Germans of the United States would ally themselves with the labor in the United States and refuse to comply with the military regulations of the United States promulgated for the purpose of providing for and carrying on the war. That his son was outside the domain of the United States and that he would not have him return to enter into the military service of the United States and be murdered in a foreign land, and that he advised sundry and divers persons in the County of Rosebud in the State of Montana, and particularly one W. H. Lyndes, and while District Judge as aforesaid, advised the said W. H. Lyndes not to allow his sons to enter the military service of the United States; and advised the said W. H. Lyndes to request and require his, said (Lyndes) sons to refuse to comply with the draft law and with the military regulations of the United States promulgated for the purpose of carrying on a war against the German empire; and further advised the

said W. H. Lyndes that the draft law promulgated by the United States for the purpose of raising an army was unconstitutional and void and of no effect; and that on or about the month of July, 1917, in the town of Forsyth in the County of Rosebud, in the State of Montana the said Charles L. Crum, District Judge as aforesaid, stated to one Klemme that no other Government was as rotten as ours, except Russia, and at divers times and in divers places in the said County of Rosebud, the said Charles L. Crum, Judge, as aforesaid, spoke and declared to various other persons similar statements to the statements made to the said Klemme, as hereinbefore set forth. All the above and foregoing declarations and statements being made with the intent and for the purpose of influencing and inducing the above named persons, and other persons to oppose the carrying on and prosecuting of such war with the intent and for the purpose of influencing and inducing such persons to in all cases and manners, hinder, delay and prevent the prosecution, preparation for and carrying on of such war by the United States against the German empire.

BY PRESIDENT McDOWELL: Mr. Secretary, call the roll.

Whereupon the roll was called, and answered to as follows on Article 2.

Annin, guilty; Arnold, guilty; Brower, guilty; Burla, guilty; Burlingame, guilty; Clark, guilty; Clay, guilty; Dwight, guilty; Edwards, guilty; Ellingson, guilty; Featherly, guilty; Fishbeck, guilty; Gallwey, guilty; Gnose, guilty; Haley, guilty; Healy, guilty; Heren, guilty; Hogan, guilty; Hurd, guilty; Jones, guilty; Junod, guilty; Kane, guilty; Kinney, absent; Lane, guilty; Larson, guilty; McCone, guilty; Meadors, guilty; Mershon, guilty; Morris, guilty; Muffly, guilty; Oliver, guilty; O'Shea, absent; Parker, guilty; Roberts, guilty; Slayton, guilty; Smith, absent; Stevens, guilty; Taylor, guilty; Whiteside, guilty; Willett, absent; Williams, guilty.

BY THE SECRETARY: Thirty-seven voting guilty, Mr. President.

BY THE PRESIDENT, MR. McDOWELL: Mr. Secretary, you will now read Article 3.

BY THE SECRETARY:

ARTICLE III.

That the said Charles L. Crum now is and at all times herein mentioned, since the first Monday in January, 1913, was the duly elected, qualified and acting District Judge of the Fifteenth Judicial District of the State of Montana, and a citizen of the United States, owing allegiance to the United States, and that the said Charles L. Crum, while occupying the official position as Judge of the District Court of the Fifteenth Judicial District, unmindful of his oath of office and of the high duties of his office, and dignity and propriety thereof, and in utter disregard of his duty as a citizen of the United States was and is guilty of high crimes and misdemeanors and malfeasance in office which are set forth in the specifications hereinafter written, in substance and effect, that is to say.

Specification First. That the said Charles L. Crum on or about the twenty-sixth day of January, 1918, at the County of Lewis and Clark, in the State of Montana, with force and arms did make an assault upon one Felkner Haynes, with a certain loaded weapon commonly known as and called a revolver, the same then and there being a deadly weapon and likely to produce death, with the intention then and there to kill and murder the said Felkner Haynes, all of which then and there was contrary to the form, force and effect of the statutes of the State of Montana in such cases made and provided.

Specification Second. In that the said Charles L. Crum on or about the twenty-sixth day of January, 1918, within the limits of the city of

Helena, in the County of Lewis and Clark in the State of Montana, did carry and bear concealed upon his person a certain revolver the same then and there being a deadly weapon. The said Charles L. Crum then and there not being a peace officer or a person summoned in aid of a peace officer in the discharge of his official duty, nor in the carrying of said revolver on his premises or place of business, all of which of said acts were contrary to and in contravention of the provisions of Chapter 58 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana, being Section 8582 of the Revised Codes of Montana of 1907, as amended by said Chapter 58.

BY THE PRESIDENT: Mr. Secretary, you will please call the Roll on Article 3.

Whereupon the Secretary called the roll on Article 3, which is as follows:

Annin, guilty; Arnold, guilty; Brower, guilty; Burla guilty.

BY SENATOR BURLINGAME: Mr. President, as I remember the evidence covering Article 3, there was one witness testified that he was carrying on his person a revolver, at some time when he was taking a somewhat extended automobile trip with him. The only other evidence that I can now remember, is that this defendant at this time, under some stress or excitement, during the Just trial,—I do not remember the other man's name, had upon his person here in Helena in his overcoat pocket, a revolver; that one other witness testified to the fact,—his stenographer, that in traveling he carried a revolver in his valise. Mr. President, I am deeply mindful of my obligation, my oath, and I am also deeply sensible of the fact that the accused should always receive the benefit of every doubt, and I believe it to be my sworn duty to vote not guilty.

BY SENATOR CLARK: Mr. President, I am in the position where I am willing to vote guilty on this article, except that portion which says, "With intent to kill." I am not thoroughly convinced that that was the intent. Therefore not being able to vote guilty on a portion of this article, and not the whole, I vote not guilty.

Clay, guilty; Dwight, guilty; Edwards, guilty; Ellingson, guilty; Featherly, guilty; Fishbeck, guilty; Gallwey, guilty; Gnose, guilty; Haley, guilty; Healy guilty; Heren, guilty.

BY SENATOR HOGAN: Mr. President, in voting on this Article 3, I want to say that I would vote on this article as I would vote on a jury in a criminal case. I think it was extremely unfortunate that the article was ever put into the Articles of Impeachment. It is not the main issue on which the Judge is being tried. It seems to me that the Judge believes, that as a Judge of the District Court, he had the same authority himself, that he could give to other individuals, and that was "to bear arms;" that power rests with the Judge of the District Court, under the law. As to the assault upon Felkner Havnes, the testimony disclosed a condition under which a man might feel that his life was in peril. For all of these reasons I vote not guilty.

Hurd, guilty; Jones, guilty; Junod, guilty; Kane not guilty; Kinney, absent; Lane, guilty; Larson, guilty; McCone, guilty; Meadors, not guilty; Mershon, guilty; Morris, not guilty; Muffly, guilty; Oliver, guilty; O'Shea absent; Parker, guilty; Roberts, guilty; Slayton, not guilty; Smith, absent; Stevens, guilty; Taylor, guilty; Whiteside, not guilty; Willett absent; Williams, guilty.

BY THE SECRETARY OF THE SENATE: Those voting "Guilty" 28; those voting "Not Guilty" 9. Two-thirds have voted "Guilty."

BY THE PRESIDENT, MR. McDOWELL: Mr. Secretary, you will now read Article 4.

BY THE SECRETARY:

ARTICLE IV.

That the said Charles L. Crum, now is and at all times herein mentioned since the first Monday in January, 1913, was the duly elected, qualified and acting District Judge of the Fifteenth Judicial District of the State of Montana, and a citizen of the United States owing allegiance to the United States, and that the said Charles L. Crum, while occupying the official position as Judge of the District Court of the Fifteenth Judicial District unmindful of his oath of office, and of the high duties of his office and the dignity and propriety thereof, and in utter disregard of his duty as a citizen of the United States was and is guilty of high crime and misdemeanors and malfeasance in office, which are set forth in the specifications hereinafter written, in substance and effect, that is to say:

Specification First. In this, that the said Charles L. Crum, while presiding as Judge at a term of the District Court of said Judicial District, held in the City of Forsyth in the County of Rosebud, in the State of Montana, during the month of August, 1917, endeavored and attempted to prevent two certain persons, to-wit: John B. McRae and Samuel McConkey from being drawn to serve as trial jurors and exercising the functions of a juror in the trial of cases, during the said term of said District Court, notwithstanding the fact that the said John B. McRae and Samuel McConkey were each of them then and there citizens of the United States and residents within the said County of Rosebud and in all respects qualified to serve and act as trial jurors of said District Court, and that the said Charles L. Crum as presiding Judge, aforesaid, stated and declared that each of said persons, to-wit: John B. McRae and Samuel McConkey were members of an organization known as the "Overseas Club" an association of persons having for its purpose and object the aiding and assisting of the British empire in the war between the British empire and the German empire, and the said Charles L. Crum, at said time and place, further stated and declared that no person who was a member of such club could act or serve as a trial juror in his, the said District Court.

Specification Second. In this, that the said Charles L. Crum, Judge as aforesaid, during the month of August, 1917, while presiding as such Judge in the District Court in and for the County of Rosebud at the trial of one Joe Holtz, who was then and there being tried on a criminal charge in the District Court of the said Judicial District at Forsyth in Rosebud County requested, endeavored and attempted to induce and persuade Young and Young of Rosebud County and their associate, one George Horkan, who were acting for the defense in said trial of Joe Holtz, to challenge from said jury, one Samuel McConkey, who had then and there been drawn as trial juror in said cause on the ground and for the reason that the said Samuel McConkey was a member of the "Overseas Club" an association of persons having for its purpose the aiding and assisting of the British empire in the war between said British empire and the German empire.

Specification Third. In this, that on the 13th day of September, 1917, at the County of Rosebud, in the State of Montana, and before the trial of three said persons, to-wit: Jas. Childs, Clifton J. Bennett and O. R. Parsons which said persons were members of the Industrial Workers of the World, and in sympathy with the object and purpose of said organization were confined in the County Jail of Rosebud County, State of Montana, within the said District, pending investigation as to the charge of burning or destroying certain railroad property in said County and that during the confinement of said persons in said County jail they broke and violated the rules of conduct for prisoners in said jail and defaced and destroyed the property of the said County of Rosebud and property within the said jail and defaced walls thereof by writing thereon certain propaganda of the Industrial Workers of the World and sentiments antagonistic to the Government of the United

States and in revolt against the constitutional authority of the Government of the United States and State of Montana, and that it became and was necessary to discipline each and all of said persons by placing them in isolated cells and removing the furniture and bedding therefrom, except the beds and contents affixed to the walls in said jails and to place each and all of said men on a restricted diet and that on the said thirteenth day of September, 1917, and while said persons were so confined in said County Jail of Rosebud County and kept on a diet of bread and water, the said Charles L. Crum without making any investigation or inquiry as to the reason or purpose of said confinement in said cell, or for the purpose of ascertaining or determining for what reason said persons were so confined in said cell and placed on restricted diet as aforesaid, did as such District Judge, without any authority so to do, or making any inquiry therein, make and issue an order directed to the Sheriff of said Rosebud County to supply said three persons, to-wit: Jas. Childs, Clifton J. Bennett and O. R. Parsons with certain bed clothes for use in said cell and to supply them with food other than bread and water and did make said order, without first notifying the jailer of said Rosebud County then and there having certain prisoners in charge, and did by said order require the said Sheriff to violate the rules necessary for the condition of said building and for the protection and preservation of the property of said County of Rosebud.

BY PRESIDENT OF THE SENATE W. W. McDOWELL: Mr. Secretary you will now call the roll on Article IV.

The Secretary then called the roll of the Senate on Article IV, which resulted as follows:

Annin, guilty; Arnold, guilty; Brower, guilty; Burla, guilty.

BY SENATOR BURLINGAME: Mr. President I again rise to explain my position on this article. The evidence in regard to these parties charged with being members of the Over-Seas Club, and the admission of one of them on examination that he had been a member, but considered himself a member no longer, owing to default in payment of his dues, clearly shows that Judge Crum was depending upon the White oath of membership that has been referred to here so often, that oath of membership stating that the one who signed it was a citizen of the British empire. If that is true, one could not sit on a jury in the State of Montana. As to the other charge in regard to the three so-called I. W. W.'s, I think that the evidence of the witness Haynes this morning clearly shows that the Judge, while possibly not acting within his rights, was acting fully as much within his as was the witness Haynes, in his and the Sheriff in his, in keeping these men in confinement. And again, keeping in mind my oath as a member of the Senate, I vote "Not Guilty."

Clark, not guilty; Clay, guilty; Dwight, guilty.

BY SENATOR EDWARDS: Mr. President, in voting on this article I wish to give my reason for voting "guilty." Personally, I procured, the day after this membership blank was shown me, a membership blank signed by all American citizens. I immediately took this to Judge Crum; notwithstanding his having this blank in his possession, reading it over, he still maintained that the other was the sole and only membership blank used. I vote "Guilty."

Ellingson, guilty; Featherly, guilty; Fishbeck, guilty; Gallwey, guilty; Gnose, guilty; Haley, guilty; Healy, guilty; Heren, guilty; Hogan, not guilty; Hurd, guilty; Jones, guilty; Junod, guilty.

BY SENATOR KANE: Mr. President, in explanation of my vote upon the matter, I wish to say that of the two applications presented here in evidence, it is my understanding that in each of them, the member of this Club pledged himself to further the interests of a foreign country, and in one I believe made the exception, if it did not interfere with his duties as a citizen of the United States. I insist that this, to say the

least, is a division of allegiance. I was born under a foreign flag, and I consider that no man can owe allegiance to two countries. We have had several unfortunate instances of that in our State, and I cannot condemn one without condemning the other. Therefore I vote "Not guilty."

Kinney, guilty; Lane, guilty; Larson, guilty; McCone guilty; Meadors, not guilty; Mershon, guilty; Morris, guilty; Muffly, guilty; Oliver, guilty; O'Shea, absent; Parker, guilty; Roberts, guilty; Slayton, not guilty; Smith absent; Stevens, guilty; Taylor, guilty.

BY SENATOR WHITESIDE: Mr. President, in explanation of my vote, I desire to say that in view of the evidence in relation to this charge, I believe the defendant should have the benefit of the doubt. In the first place, he is charged with simply asking counsel for a certain defendant named Holtz to challenge a member of the panel of the jury because he was a member of the Over-Seas Club, the defendant being German. There is nothing to show but what the action of the Judge might have been prompted by a desire to see that the defendant receive justice. He is also charged with having interfered with the Sheriff and County Attorney in an endeavor to keep some prisoners in Rosebud County on bread and water. Now there is now law which authorizes officers of the county to confine prisoners in that way; and if the matter was called to the attention of the Judge, it certainly was his duty to see that that law was observed. It is a strange circumstance indeed, if a man is to be impeached because he has enforced the law. I vote "Not guilty."

BY PRESIDENT OF THE SENATE W. W. McDOWELL: Mr. Secretary finish the roll call.

Whiteside, not guilty; Willett, absent; Williams, guilty.

Whereupon, the Secretary announced the vote on Article IV as follows: 30 guilty and 7 not guilty.

BY PRESIDENT OF THE SENATE W. W. McDOWELL: Now you may go on and read Article 5, Mr. Secretary.

ARTICLE V.

That the said Charles L. Crum now is, and at all times herein mentioned was, since the first Monday in January, 1913, the duly elected, qualified and acting District Judge of the Fifteenth Judicial District of the State of Montana, and a citizen of the United States, owing allegiance to the said United States; that the said Charles L. Crum, while occupying the official position of Judge of the District Court of the said Judicial District, unmindful of his oath of office, and the high duties of his office and the dignities and proprieties thereof and in utter disregard of his duties as a citizen of the United States, was and is guilty of high crimes and misdemeanors and malfeasance in office which are set forth in the specifications hereinafter written in substance and effect, that is to say:

Specification First. In this, that on or about the month of December, 1917, one Felkner Haynes, then County Attorney of Rosebud County in said district, having theretofore been authorized and directed by the United States District Attorney for the District of Montana, to investigate complaints against all persons violating the penal laws of the United States, and particularly all persons expressing pro-German sentiments and sympathy and expressing antagonism to the United States Government in preparing for and prosecuting the war against the German empire and having investigated certain complaints which had been made against one A. J. Just, and against one Ves Hall, charging said Just and Hall with having violated certain penal statutes of the United States, said United States District Attorney being then about to file complaint against said Just and Hall before the United States Commissioner at Forsyth in Rosebud County, Montana, stated to the said Just and Hall that he, the said Felkner Haynes would not file such complaint

against said Just and Hall until he was advised to do so by the United States District Attorney, for the District of Montana if they, the said Just and Hall would promise him, the said Haynes, County Attorney, aforesaid, that they would stay at the Alexander Hotel in said town of Forsyth and would not go to any place where he, the said Haynes could not reach them if he, the said Haynes was directed by the United States District Attorney to file such complaints, and the said Just and Hall then and there promised and agreed with the said Haynes, that if the said Haynes would not file said complaints at that time, they, the said Just and Hall, would not leave the Alexander Hotel in Forsyth and would not go to any place where he, the said Haynes, could not reach them in case the said Haynes was directed by the United States District Attorney to file such complaints; and that the said Charles L. Crum, Judge as aforesaid, in the said town of Forsyth in Rosebud County, being further advised of, and knowing of the promise and agreement made and given between the said Just and Hall to the said Haynes, did advise, induce and encourage the said Just and the said Hall to wholly disregard their promise and agreement given to the said Haynes, as County Attorney, and to leave said town of Forsyth and said Rosebud County and to proceed to the City of Butte in the County of Silver Bow, State of Montana, where the said Wheeler, United States District Attorney then was, and advise the said United States Attorney that the charges against the said Just and Hall were framed up and were without foundation, law or power.

Specification Second. That at the City of Helena, in the County of Lewis and Clark, in the State of Montana, in an action pending in the United States Court for the District of Montana, in which the Government was prosecuting and in which case the said Ves Hall hereinbefore mentioned was a defendant, the said Charles L. Crum, then and there being in attendance upon said Court, as a witness in behalf of the defendant in said cause, wilfully and intentionally violated rules of said court in that he refused to absent himself from the court room in which said cause was being tried, during the trial thereof, otherwise than when he was giving his testimony as witness in said cause, and in violation of rules of said Court, and wilfully and probably intending to violate the same as having been directed by the Judge thereof, to absent himself with the other witnesses from the said court room, except when testifying as witness, came into the said court room for the purpose of witnessing the proceedings and the trial of said case, and by reason of his judicial position and his presence, at the trial of said cause, giving assistance and moral support to the defendant then on trial.

Specification Third. In that the said Charles L. Crum sitting as trial Judge in the District Court, in the City of Forsyth, County of Rosebud, State of Montana, and during a session of that court, took occasion to make a speech to the jury, empaneled to try cases during the September, 1917, term, which was wholly irrelevant and foreign to any matters brought before his Court upon which he legally could be asked or expected to express an opinion. In such speech, delivered to said jury while said court was in session, ready to carry on any legal work, the said Charles L. Crum made statements and suggestions that were seditious and treasonable, derogatory to the purpose and the reasons why the United States was in the war and statements that were untruthful, disrespectful, and critical to the United States, and her allies, that said speech was delivered with a tone and inflection of the voice that showed clearly the malignity on the part of said Crum against the United States, and its participation in the war. He said substantially, either directly or by inference that this was a rich man's war, to carry out a rich man's purpose, and that it was being intended and carried on to acquire more territory for the British empire, and the acquisition of certain German possessions, to re-claim Alsace Lorraine for the French Republic, to obtain certain Austria-Hungarian

territory for Italy, and for Japan to forcibly take and possess German territory and interests in the Orient.

Specification Fourth. In that while the said Charles L. Crum was sitting as District Judge of the State of Montana, in the trial of the case of H. B. Rodney vs. The Northwestern Improvement Co. et al., held at Red Lodge County of Carbon, State of Montana, in the month of February, 1913, the said Charles L. Crum as presiding Judge, conducting said trial, refused a motion for a non-suit or directed verdict for the defendant against the plaintiff, made by the Defendant's attorney, and that said case was tried and submitted to the jury and a verdict rendered by the jury in favor of the plaintiff, for a certain sum of money. That after the trial of the said case, the said Crum, in discussing it stated to a certain person or persons that while the defendant in said action was, according to the law and equity of the case entitled to a non-suit or directed verdict, he refused to grant it and did not grant the said motion for a non-suit or directed verdict against the plaintiff on motion of the attorneys for the defendant for the reason that he had been elected District Judge by a small number of votes over other candidates for that position, and that for his election he was politically obligated to the attorney appearing as counsel for the plaintiff in the aforementioned action, and that he could not non-suit this attorney's clients or give a directed verdict against them because said case was the first to be tried before the said Crum as District Judge, in which this attorney, to whom he was politically obligated had appeared as counsel; and because of this attorney's political influence, and his support of Judge Crum in his candidacy for a judgeship the said Crum, as District Judge decided in favor of this attorney's client and against the motion for a non-suit or directed verdict asked for by the defendant through his counsel in the said cause. That subsequently when the said Judge Charles L. Crum learned and knew that the case would be appealed to the Supreme Court of the State of Montana, and fearing reversal of his ruling in denying the motion for a non-suit or directed verdict in said case, granted a new trial on motion of defendant's counsel.

Specification Fifth. In this, that the said Charles L. Crum has been disloyal and unpatriotic in the remarks made by him concerning the army or armies of the United States and complimentary or praiseworthy in his remarks about the army or armies of the German empire; that upon being informed by Felkner Haynes that the said Haynes had been unable to get into the second officers' training camp, because the application of said Haynes had miscarried, the said Crum stated that the said Haynes was to be congratulated upon this failure because had he become a member of the officers training camp and obtained a commission in the army and become a part of the armed force of the United States, he would have been sent abroad to fight in the trenches and would have been butchered and killed. That the said Crum told one Klemme and other persons that Eng'and, one of the allies of the United States in the present war would save all its own men and send the Americans as she had sent the Canadians to be butchered, slaughtered and made cannon fodder, in the front line trenches in Flanders and elsewhere. That when the said Felkner Haynes, as County Attorney, of Rosebud County, showed leniency toward a young man who was eligible to the draft and who had committed his first infraction of the law, the said Crum criticised him, and questioned his authority, in not prosecuting the said offender so that he could be made available for the United States army, rather than have the said first offender sent to prison. That the said Crum upon reading of the reports of allied disaster or misfortune both before and after the declaration of war by the United States would gloat over said disasters and misfortunes and expressed to the community his pleasure therein and would derive great satisfaction in reading the reports of any German success; that the said Crum looked upon the barbarous conceptions and inventions of

the Germans used in carrying on their prosecution of the war, such as destructive gasses and liquid fire, as worthy achievements and approved the violation by the Germans of the rules adopted for civilized warfare between nations of the world and approved all the inhuman methods, processes, and practices utilized by the Germans in carrying on the war.

BY PRESIDENT OF THE SENATE W. W. McDOWELL: Mr. Secretary call the roll on Article 5.

Whereupon the roll was called upon Article 5, and is as follows:

BY MR. ANNIN: In Specification 4, Article V, Mr. President, I do not believe that if I were in a court room as a juror, I could convict on the testimony that was introduced in this particular specification and therefor I vote not guilty.

Annin, not guilty; Arnold, guilty; Brower, guilty; Burla, guilty; Burlingame, guilty; Clark, guilty; Clay, guilty; Dwight, guilty; Edwards, guilty; Ellingson, guilty; Featherly, guilty; Fisbbeck, guilty; Gallwey, guilty; Gnose, guilty; Haley, guilty; Healy, guilty; Heren, guilty; Hogan, guilty; Hurd, guilty; Jones, guilty; Junod, guilty; Kane, guilty; Kinney, absent; Lane, guilty; Larson, guilty; McCone, guilty; Meadors, guilty; Mershon, guilty; Morris, guilty; Muffly, guilty; Oliver, guilty; O'Shea, absent; Parker, guilty; Roberts, guilty; Slayton, guilty; Smith, absent; Stevens, guilty; Taylor, guilty.

BY SENATOR WHITESIDE: Mr. President, inasmuch as some of the specifications in this article, in my judgment are not proven, I therefore vote not guilty.

Whiteside, not guilty; Willett, absent; Williams, guilty.

BY THE SECRETARY OF THE SENATE: Mr. President 35 vote guilty; two vote not guilty.

BY MR. PRESIDENT W. W. McDOWELL: Mr. Secretary, you will now read Article 6.

Whereupon the Secretary of the Senate read Article 6, as follows:

ARTICLE VI.

That regardless of his duty as a citizen of the United States and unmindful of the duties of said office and in violation of the sacred obligations of his official oath and disregarding the dignity or propriety of his office as Judge of the Fifteenth District of the State of Montana, and of the harmony and courtesies which ought to exist and be maintained by the Judge of said District Court and the citizens of the community in which said Court is held, and so conduct himself as Judge of said Court as to bring said Court into disgrace, ridicule, contempt and reproach and to impair and destroy the regard and respect of all good and loyal people in the United States and of the State of Montana for the Judiciary of the said Fifteenth Judicial District and to excite the odium and resentment of the good and loyal people of the State of Montana against the Judiciary of said District and did in divers ways and in divers times and places and manners demean and conduct himself as the Judge of said Court in a manner unbecoming of the dignity of his high office, and did counsel as the Judge of said Court a disobedience to the Constitution and laws of the United States and to the rules and regulations promulgated by the United States for the purpose of carrying on and prosecuting the war into which the United States had entered against the German empire, counselling and advising and abetting a commission of acts, deeds and offenses which were treasonable and disloyal in their nature, and were of such kind and character as to give aid and give comfort to the enemies of the United States in time of war, and the said House of Representatives of the Fifteenth Legislative Assembly of the State of Montana by protestation, saving

unto themselves the liberty of exhibiting at any time hereafter any further articles or other accusations or impeachments through itself or through its board of managers against the said Charles L. Crum, Judge of the District Court of the Fifteenth Judicial District, of the State of Montana, and also of replying to his answers which he shall make unto the articles herein referred to against him and of offering proof of the same and each part thereof and to all and each article, accusation and impeachment which shall be exhibited by them as in the case shall require, to demand that said Charles L. Crum may be put to answer the high crimes and misdemeanors and malfeasance in office, herein charged against him and that such proceedings, examinations, trials and judgments may be thereupon had and given as may be agreeable to law and justice.

BY MR. PRESIDENT W. W. McDOWELL: Mr. Secretary, you will please call the roll on Article 6.

Whereupon the roll call was called upon Article 6, and resulted as follows:

Annin, guilty; Arnold, guilty; Brower, guilty; Burla, guilty; Burlingame, guilty; Clark, guilty; Clay, guilty; Dwight, guilty; Edwards, guilty; Ellingson, guilty; Featherly, guilty; Fishbeck, guilty; Gallwey, guilty; Gnose, guilty; Haley, guilty; Healy, guilty; Heren, guilty; Hogan, guilty; Hurd, guilty; Jones, guilty; Junod, guilty; Kane, guilty; Kinney, absent; Lane, guilty; Larson, guilty; McCone, guilty; Meadors, guilty; Mershon, guilty; Morris, guilty; Muffly, guilty; Oliver, guilty; O'Shea, absent; Parker, guilty; Roberts, guilty; Slayton, guilty; Smith, absent; Stevens, guilty; Taylor, guilty; Whiteside, guilty; Willett, absent; Williams, guilty.

BY SECRETARY OF THE SENATE: Mr. President 37 vote guilty.

BY SENATOR ANNIN: Mr. President, I move you that the hour of 3 o'clock this day be the hour named when judgment shall be pronounced by this body upon the defendant.

Which motion being duly seconded was then carried.

BY MR. PRESIDENT OF THE SENATE W. W. McDOWELL: Court will now recess until three o'clock.

Upon the reconvening of the Senate, the following proceedings took place.

BY PRESIDENT W. W. McDOWELL: Sergeant-at-Arms you will call the defendant.

Whereupon the Sergeant-at-Arms called the defendant as follows:

Charles L. Crum! Charles L. Crum! Judgment is about to be pronounced upon you by this Court of Impeachment for the State of Montana. (No response.)

BY SENATOR ANNIN: Mr. President, I wish to offer the following resolution, and move its adoption.

The following resolution was then read by the Secretary of the Senate:

In the matter of the trial and impeachment of Charles L. Crum, Judge of the District Court of the Fifteenth Judicial District of the State of Montana in and for the Counties of Rosebud and Musselshell.

Whereas, The matter of the impeachment of Charles L. Crum came on regularly for hearing before the Senate of the State of Montana, sitting as a Court of Impeachment, beginning on the 20th day of March A. D. 1918, and continuing to and ending on the 22nd day of March A. D. 1918, the Board of Managers selected by the House of Representatives of the State of Montana appeared before the Senate and offered the testimony of the witnesses in support of the Articles of Impeachment, and after hearing the evidence of the witnesses, and the case being

closed and submitted to the Senate sitting as a court of Impeachment, and the Senate sitting as a Court of Impeachment having considered such Articles of Impeachment, and the proof introduced in support of the same,

Do find the said Charles L. Crum guilty of high crimes, misdemeanors and malfeasance in office, as charged in said Articles of Impeachment, and do find said Articles of Impeachment sustained by the proof submitted in support thereof; now, therefore, be it

Resolved, That the Senate, sitting as a Court of Impeachment, do find the said Charles L. Crum guilty in the same manner and form as charged in Articles numbered One to Six, both inclusive, in the Articles of Impeachment, and do hereby pronounce our judgment and conviction against the defendant, and do hereby order and adjudge that he be removed from the office of the Judge of the District Court of the Fifteenth Judicial District of the State of Montana in and for the Counties of Rosebud and Musselshell, and that he be disqualified to hold any office of honor, trust, or profit under the State of Montana.

BY THE PRESIDENT OF THE SENATE W. W. McDOWELL: The Secretary will call the roll on the adoption of this Judgment.

Whereupon the roll was called and resulted as follows:

Annin, aye; Arnold, aye; Brower, aye; Burla, aye; Burlingame, aye; Clark, aye; Clay aye; Dwight, aye; Edwards, aye; Ellingson, aye; Featherly, aye; Fishbeck, aye; Gallwey, aye; Gnose, aye; Haley, aye; Healy, aye; Heren, aye; Hogan, aye; Hurd aye; Jones, aye; Junod, aye; Kane, aye; Kinney, absent; Lane, aye; Larson, aye; McCone, aye; Meadors, aye; Mershon, aye; Morris, aye; Muffly aye; Oliver, aye; O'Shea, absent; Parker, aye; Roberts, aye; Slayton, aye; Smith, absent; Stevens, aye; Taylor, aye; Whiteside, aye; Willett absent; Williams, aye.

BY THE SECRETARY: Mr. President, 37 vote aye; 4 absent.

BY THE PRESIDENT W. W. McDOWELL: Gentlemen of the Senate, by unanimous vote, this is the Judgment of the Senate..

BY SENATOR ANNIN: Mr. President, I wish to move that 1000 copies of the proceedings of the Senate, sitting as a Court of Impeachment, be printed, and that the Secretary of the Senate be instructed to compile the records and to tend to the printing of the same and that he be instructed to remain at the Capitol for a period not exceeding ten days, to perform such duties.

Which motion, being seconded, was duly carried.

BY SENATOR ANNIN: I should like to add to that motion just passed, that a copy of the Proceedings be sent to each member of the Senate and the House.

Which motion was duly seconded.

BY PRESIDENT McDOWELL: If there is no objection, that will be added to the Record.

BY SENATOR ANNIN: I then wish to move that the Secretary of the Senate be instructed to file a certified copy of the Judgment with the Secretary of the State.

BY PRESIDENT McDOWELL: If there is no objection, the Secretary will be instructed to do that. Is there any further business before the Court?

BY SENATOR ANNIN: Mr. President, I move that the Senate, of the State of Montana, sitting as a Court of Impeachment in the matter of the Impeachment of Charles L. Crum adjourn sine die.

Which motion was duly seconded.

BY PRESIDENT McDOWELL: It is regularly moved and seconded, that the Senate, sitting as a Court of Impeachment, now adjourn sine die. All in favor signify by saying aye.

Whereupon the motion was carried.

SERGEANT-AT-ARMS: Hear ye! Hear ye! This Court of Impeachment in and for the State of Montana now adjourns sine die.

(Signed) W. W. McDOWELL,
President of the Senate.

Attest:

J. F. CONE, Secretary of the Senate.

Reported by A. A. Pelletier and H. B. Gibson.

CASE CLOSED.

INDEX

- ANNIN, Senator J. B.,
motions of—
findings of Court of Impeachment,
p. 184;
to adopt rules, p. 7;
to accept bid on report of proceed-
ings, p. 9;
to print proceedings, copies to be
sent to members of House and
Senate, p. 185;
to excuse witnesses, p. 145;
to fix hour for pronouncement of
judgment, p. 184;
remarks on—
vote on Art. V., p. 183;
vote—Art. I., p. 174; Art. II., p. 176;
Art. III., p. 177; Art. IV., p. 179;
Art. V., p. 183; Art. VI., p. 184;
judgment, p. 185.
- ARNOLD, Senator George O.,
vote—Art. I., p. 174; Art. II., p. 176;
Art. III., p. 177; Art. IV., p. 179;
Art. V., p. 183; Art. VI., p. 184;
judgment, p. 185.
- ARTICLES OF IMPEACHMENT.
reading of, p. 9;
vote—Art. I., p. 174; Art. II., p. 176;
Art. III., p. 177; Art. IV., p. 179;
Art. V., p. 183; Art. VI., p. 184;
judgment, p. 185.
- BELDEN, Hon. O. W., member Board
of Managers on part of House of
Representatives, p. 4, et seq.
- BOGUE, Mrs. Jennie P., Roundup reso-
lutions, p. 98.
- BROWER, Senator A. J.
vote—Art. I., p. 174; Art. II., p. 176;
Art. III., p. 177; Art. IV., p. 179;
Art. V., p. 183; Art. VI., p. 184;
judgment, p. 185.
- BURLA, Senator Gwen F.
examination of G. Flege, p. 43;
H. G. Young, p. 71;
R. A. Martin, p. 92;
W. J. Jarrett, p. 137;
vote—Art. I., p. 174; Art. II., p. 176;
Art. III., p. 177; Art. IV., p. 179;
Art. V., p. 183; Art. VI., p. 184;
judgment, p. 185.
- BURLINGAME, Senator J. M.
remarks on—
motion to close taking of testimony,
p. 170;
vote on Art. III., p. 177;
vote on Art. IV., p. 179.
vote—Art. I., p. 174; Art. II., p. 176;
Art. III., p. 177; Art. IV., p. 179;
Art. V., p. 183; Art. VI., p. 184;
judgment, p. 185.
- BUSSERT, E. C., testimony of, p. 79.
- CLARK, Senator T. L.
remarks on vote on Art. III., p. 177;
vote—Art. I., p. 174; Art. II., p. 176;
Art. III., p. 177; Art. IV., p. 179;
Art. V., p. 183; Art. VI., p. 184;
judgment, p. 185.
- CLAY, Senator Geo. W.
remarks on additional testimony, p.
168;
vote—Art. I., p. 174; Art. II., p. 176;
Art. III., p. 177; Art. IV., p. 179;
Art. V., p. 183; Art. VI., p. 184;
judgment, p. 185.
- COMMITTEES.
Senate, on procedure, p. 4.
One Hundred—
declaration of purpose, p. 84;
oath, p. 85.
- COMMUNICATIONS.
Stewart, Hon. S. V., Governor—
transmitting letter of resignation of
Chas. L. Crum, p. 19;
copy of letter to Hon. O. F. God-
dard, p. 21;
Chas. L. Crum, p. 21;
to Senate, in matter of letter of
Messrs. Loud, Goddard, Walker,
p. 49.
Messrs. Loud, Goddard and Walker—
open letter to Senate, sitting as
Court of Impeachment, p. 21.
- CONE, J. F., Secretary, p. 3.
- COTTON, Dr. Wendell, testimony of, p.
165.
- COURT OF IMPEACHMENT.
officers and members, p. 3;
committee on procedure, p. 4;
managers on part of House of Rep-
resentatives, p. 4;
oath administered to presiding officer
and members, p. 6.
- CRUM, Charles L.
election as judge 15th Judicial Dis-
trict, p. 27;
failure to make response to call to
make answer, p. 7;
failure to make response to call for
pronouncement of judgment, p. 184;
letter of resignation, p. 20;
Hon. S. V. Stewart, Governor, ac-
cepting resignation, p. 21;
oath of office, p. 27;
speech in open court, Forsyth, p. 88;
served with summons to appear, p. 29.
- DOZOIS, Mrs. Maude, Roundup resolu-
tions, p. 98.
- DWIGHT, Senator Reuben,
examination of W. J. Jarrett, p. 133;
vote—Art. I., p. 174; Art. II., p. 176;
Art. III., p. 177; Art. IV., p. 179;
Art. V., p. 183; Art. VI., p. 184;
judgment, p. 185.
- EDMINSTER, B. H., testimony of, p. 46.
- EDWARDS, Senator J. E.
remarks on—
Crum resignation, p. 23;
additional testimony, p. 169;
vote on Art. IV., p. 179.
examination of—
Carl M. Thompson, p. 101;
W. J. Jarrett, p. 129;

- EDWARDS, Senator J. E.
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art. IV., p. 179;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- ELLINGSON, Senator Henry.
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art. IV., p. 179;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- FARR, George, testimony of, pp. 47, 51,
 54.
- FEATHERLY, Senator Geo. R.
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art. IV., p. 179;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- FLEGE, G., testimony of, p. 39.
- FORNEY, Robert L., testimony of, p. 59.
- GALLWEY, Harry A.
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art. IV., p. 179;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- GIBSON, H. B., stenographic reporter,
 p. 3.
- GODDARD, Hon. O. F.
 letter to Hon. S. V. Stewart, Govern-
 nor, p. 23;
 Senate, p. 21.
- GNOSE, Senator J. B.
 examination of W. J. Jarrett, p. 137;
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art. IV., p. 179;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- GOODWIN, L. J.
 sergeant-at-arms, p. 3;
 testimony of, p. 29.
- HALEY, Senator W. S.
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art. IV., p. 179;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- HALL, Erwin A., testimony of, p. 146.
- HAYNES, Felkner, testimony of, p. 156.
- HEALY, Senator Daniel.
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art. IV., p. 179;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- HEREN, Senator Rolla P.
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art. IV., p. 179;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- HIGGINS, Hon. Ronald, member Board
 of Managers, House of Representa-
 tives, p. 4, et seq.
- HOGAN, Senator T. S.
 examination of—
 E. C. Bussert, p. 86;
 R. A. Martin, p. 93;
 Carl N. Thompson, p. 100;
 A. T. Klemme, p. 123;
 E. A. Hall, p. 156;
 motion of, to proceed to ballot on Art-
 icles of Impeachment, p. 171;
 remarks on vote on Art. III., p. 177.
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art. IV., p. 179;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- HOPKINS, Carrie R., Roundup resolu-
 tions, p. 98.
- HURD, Senator W. W.
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art. IV., p. 179;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- JARRETT, W. J., testimony of, p. 125.
- JEFFRIES, G. J., testimony of, p. 98.
- JONES, Senator Wm. E.
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art. IV., p. 179;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- JUDGMENT OF COURT,
 certified copy to be filed with Secre-
 tary of State, p. 185;
 hour fixed for pronouncement, p. 184;
 vote on, p. 185.
- JUNOD, Senator O. H.
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art. IV., p. 179;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- KANE, Senator Thomas.
 examination of Carl N. Thompson, p.
 101;
 remarks on vote on Art. IV., p. 179;
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art. IV., p. 179;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- LANE, Senator J. E.
 remarks on additional testimony, pp.
 168, 170;
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art. IV., p. 180;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- LARSON, Senator T. O.
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art. IV., p. 180;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- LOUD, Hon. C. H., open letter to Sen-
 ate, p. 21.
- LYNDES, W. H., testimony of, p. 63.
- MARTIN, R. A., testimony of, pp. 43,
 90.
- MASON, Hon. Dwight N.
 member Board of Managers on the
 part of the House of Representa-
 tives, p. 4, et seq.
- MEADORS, Senator J. P.
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art. IV., p. 180;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- MERSHON, Senator N. J.
 remarks on motion for representative
 for Chas. L. Crum, p. 26;
 examination of—
 Carl N. Thompson, pp. 101, 114;
 W. J. Jarrett, p. 139;
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art. IV., p. 180;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- MORRIS, Senator Claude F.
 remarks on motion to close taking of
 testimony, p. 170;

- MORRIS, Senator Claude F.
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art., IV., p. 180;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- MUFFLY, Senator C. S.
 remarks on representative for Chas.
 L. Crum, p. 25;
 motion to close taking of testimony,
 pp. 169, 171;
 dissolving executive session, p. 168;
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art., IV., p. 180;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- MURI, D. J., testimony of, p. 31.
- McCAUSLAND, Jack, affidavit of in re
 speech of Chas. L. Crum, p. 88.
- McCLINTOCK, Wm. C., testimony of,
 p. 45.
- McCONE, Senator Geo.
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art., IV., p. 180;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- McDOWELL, Hon. W. W.
 president, p. 4, et seq.;
 takes oath, p. 6.
- McKENZIE, Harold, testimony of, p. 56.
- OATH, administered to presiding officer
 and members, p. 6.
- O'CONNOR, Hon. James F.
 member Board of Managers on the
 part of the House of Representa-
 tives, p. 4, et seq.
- OLDFIELD, W. Judson.
 testimony of, p. 102;
 Roundup resolutions, p. 98.
- OLIVER, Senator John.
 examination of R. A. Martin, p. 94;
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art., IV., p. 180;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- ONE HUNDRED.
 committee of—
 declaration of purposes, p. 84;
 oath, p. 85.
- OVER SEAS CLUB.
 application for membership, pp. 54,
 77;
 members' creed, pp. 55, 78.
- PARKER, Senator M. H.
 remarks on representative for Chas.
 L. Crum, p. 25;
 examination of—
 A. C. Spencer, p. 76;
 W. Judson Oldfield, p. 103;
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art., IV., p. 180;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- PELLETIER, A. A., stenographic re-
 porter, p. 3.
- PRICE, Asst. Sergeant-at-arms, p. 3.
- PROCEEDINGS, to be printed and dis-
 tributed, p. 185.
- RESOLUTIONS, citizens of Roundup, p.
 97.
- ROBERTS, Senator C. B.
 examination of—
 E. C. Bussert, p. 86;
 E. A. Hall, p. 155;
 motion for executive session, pp. 123,
 124;
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art., IV., p. 180;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- ROUNDUP, resolutions of meeting of
 citizens, p. 97.
- RULES OF PROCEDURE, p. 7.
- SECRETARY.
 to compile records and print, p. 185;
 to file certified copy of judgment
 with Secretary of State, p. 185.
- SERGEANT-AT-ARMS, testimony as to
 service of summons on Chas. L. Crum,
 p. 29.
- SLAYTON, Senator Daniel B.
 remarks on—
 additional testimony, p. 168;
 vote on Art. I., p. 174;
 vote—Art. I., p. 174; Art. II., p. 176;
 Art. III., p. 177; Art., IV., p. 180;
 Art. V., p. 183; Art. VI., p. 184,
 judgment, p. 185.
- SNOOK, Miss Elizabeth, testimony of,
 pp. 35, 72.
- SPENCER, A. C., testimony of, pp. 73,
 74.
- STENOGRAPHERS, appointment of, p.
 9.
- STEWART, Charles T., testimony of,
 pp. 25, 27.
- STEWART, Hon. S. V., Governor.
 letter transmitting resignation C. L.
 Crum, p. 19;
 copy of letter to Hon. O. F. God-
 dard, p. 21;
 Chas. L. Crum, p. 21;
 letter to Senate in matter of letter of
 Messrs. Loud, Goddard and
 Walker, p. 49.
- STEVENS, Senator Geo. H.
 vote—Art. I., p. 175; Art. II., p. 176;
 Art. III., p. 177; Art. IV., p. 180;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- TAYLOR, Senator L. B.
 vote—Art. I., p. 175; Art. II., p. 176;
 Art. III., p. 177; Art. IV., p. 180;
 Art. V., p. 183; Art. VI., p. 184;
 judgment, p. 185.
- THOMPSON, Carl N.
 Roundup resolutions, p. 98;
 testimony of, pp. 95, 110.
- TILLMAN, Mrs. Hazel.
 Roundup resolutions, p. 98;
 testimony of, p. 143.
- WALKER, Sharpless, open letter to
 Senate, p. 23.
- WHITE, Hon. B. C.
 member Board of Managers on the
 part of the House of Representa-
 tives, p. 4, et seq.
- WHITESIDE, Senator Fred.
 motion to appoint representative for
 Chas. L. Crum, p. 25;

WHITESIDE, Senator Fred.

remarks on—

appointment of representative for

Chas. L. Crum, pp. 25, 26;

additional testimony, p. 169;

Chas. L. Crum speech in court, for-

syth, p. 66;

voting on Art. IV., p. 180;

voting on Art. V., p. 183;

examination of—

W. H. Lyndes, p. 66;

H. G. Young, p. 71;

A. C. Spencer, p. 77;

E. C. Bussert, p. 83;

Carl N. Thompson, p. 100;

A. T. Klemme, p. 123;

W. J. Jarrett, pp. 128, 129;

E. A. Hall, p. 155;

Felkner Haynes, p. 164;

vote—Art. I., p. 175; Art. II., p. 176;

Art. III., p. 177; Art. IV., p. 180;

Art. V., p. 183; Art. VI., p. 184;

judgment, p. 185.

WILLIAMS, Senator Chas. H.

vote—Art. I., p. 175; Art. II., p. 176;

Art. III., p. 177; Art. IV., p. 180;

Art. V., p. 183; Art. VI., p. 184;

judgment, p. 185.

WITNESSES.

Bussert, E. C., p. 79;

Cotton, Dr. Wendell, p. 165;

Edminster, B. H., p. 46;

Farr, George, pp. 47, 51, 54;

Flege, G., p. 39;

Forney, Robert L., p. 59;

Goodman, L. J., p. 29;

Hall, Erwin A., p. 146;

Haynes, Felkner, p. 156;

Jarrett, W. J., p. 125;

Jeffries, G. J., p. 98;

Klemme, A. T., p. 114;

Lyndes, W. H., p. 63;

Martin, R. A., pp. 43, 90;

Muri, D. J., p. 31;

McClintock, Wm. C., p. 45;

McKenzie, Harold, p. 56;

Oldfield, W. Judson, p. 102;

Snook, Miss Elizabeth, pp. 35, 72;

Spencer, A. C., pp. 73, 74;

Stewart, Charles T., pp. 25, 27;

Thompson, Carl N., pp. 95, 110;

Tillman, Mrs. Hazel, p. 143;

Young, H. G., p. 66.

YOUNG, H. G., testimony of, p. 66.

