

# Backgrounds

# Langer and the Dirty Thirties

## Part 3: The Verdict

By Eddie Kramer

This article concludes the series on North Dakota's controversial governor, William Langer. The campaign of 1934 turned out to be one of the most vicious ever. Was Langer nothing but a common criminal?

On Monday, June 19, 1934, the scene returned to the courtroom. Judge Miller upheld a defense motion to delay sentencing until June 29, 1934, two days after the primary election.

While Langer had been in court, his political opponents were campaigning throughout the state. They were very confident that Langer would be defeated in the primary election. Charges were expressed orally and carried in most of the daily newspapers that Langer was a criminal. Following his conviction, the opposition tried to

convince the people not to vote for a felon who had been convicted in a federal court. They asked, "Why cast your ballot for a man who will be in jail before he can be inaugurated?"

Only eight days remained before the primary election. Langer did not have time to campaign extensively; he had to rely upon the people who had elected him to the governorship in 1932. His campaign appearances in the major cities of North Dakota brought throngs of listeners. Many were curious to see how the convicted

candidate would cope with his problems. They did not see a defeated man; instead, they were amazed at his determination to win the election.

The primary election was not the only problem confronting Langer. Ole Olson, the lieutenant governor, had joined forces with the Non-partisan League executive committee that was opposing Langer. Olson declared that Langer was no longer qualified to be governor because he had been convicted of a felony. Olson had a notary public administer the oath making him



William Langer standing outside on capitol grounds in Bismarck, North Dakota.

governor, but was thwarted temporarily. The attorney general of North Dakota ruled that Langer was the legal governor until he was given his sentence.

The day of the primary election arrived. There was only one issue—Bill Langer. T.H.H. Thoresen was the candidate representing the bolting faction of the Non-partisan League. J.P. Cain was the choice of the Independent Voters' Association and Thomas H. Moodie was the Democratic Party's candidate.

Langer received a tremendous vote of confidence from the people of the state. He carried 48 of the 53 counties and his nearest opponent drew 65,646 less votes than he had received. Langer had been convicted by a 12-member jury, but the majority of the people in North Dakota had found him to be innocent.

Two days after his victory, Langer faced Judge Miller in federal court. Defense motion for a new trial was denied. The motion that both the judge and jury had erred during the course of

the trial and that the jury had access to pre-judicial newspapers throughout the trial was overruled as a basis for a new trial.

Governor Langer was sentenced to 18 months in federal prison and fined \$10,000. Defendants Frank Vogel, R.A. Kinzer, and Oscar Chaput were sentenced to 13 months in federal prison and fined \$3,000. Harold McDonald, the defendant who had actually violated federal law by his direct solicitations, was sentenced to four months in the Burleigh County jail at Bismarck, North Dakota. No explanation was given for the variation in punishment concerning the defendants.

The following day, counsel for Governor Langer and his co-defendants obtained an order from the court allowing an appeal to the Circuit Court of Appeals. A citation was served on the government attorneys, notifying them of the appeal. Bond was fixed at \$20,000 for Bill Langer who did not have sufficient funds to meet the demand for bond.

**B**ond was furnished by a person who had never met Bill Langer. A farmer named Joe Runch put up the \$20,000 and told the judge that if more money was needed he would supply it. The grateful Langer wanted to give the man his personal note for the amount, but Runch would not accept it.

Meanwhile, Olson had resumed his attempt to remove Langer and become governor. He petitioned the North Dakota Supreme Court to remove Langer from office. A hearing was scheduled for July 3.

At the hearing Olson's attorney contended that a vacancy existed in the governor's office from the time of Langer's sentencing and that the office should be automatically filled by the lieutenant governor. Langer's counsel countered with the argument that Bill Langer should continue in office until impeached by the state house of representatives and tried on the charges by the state senate. The court reserved its decision until the case could be reviewed.

On July 12, 1934, Governor Langer summoned state legislators to convene on July 19 for a special session to inquire into the charges levied against the governor and the other state officials. Opponents charged that Langer called the special session only

## At one point, North Dakota enjoyed the dubious honor of having two governors at the same time!

after careful deliberation and consultation with his party's leaders who assured him of sufficient strength in both legislative bodies to suppress the charges made against him and his associates.

Pressure was brought upon the Supreme Court to render a decision in the ouster proceedings against Langer. Legal authorities noted that should the court delay its decision until after the legislature convened, a possibility existed that the legislature would be in position to take action that would supersede the authority of the court.

Two days before the legislature was to convene, the Supreme Court ousted Langer from the governorship and declared Olson the acting governor of North Dakota, pending a decision of Langer's appeal to the circuit court. In a four to one decision, split along party lines, the court decreed that Langer had lost his citizenship on the day that he had been sentenced.

Judge Moellright, in filing the minority opinion, stated that the conviction of a felony in federal court does not disqualify a qualified voter under North Dakota law, that the North Dakota constitution delegates power to remove to the state legislature, thereby disqualifying the Supreme Court from jurisdiction in the case, and, that until an accused person has exhausted all avenues of appeal, he is not officially guilty.

Other questions of legality soon occurred. A few hours after the Supreme Court had voted to remove Langer from the governorship, he declared martial law in the city of Bismarck. National Guard troops were stationed around the state capitol building. A newspaper account had this to say in describing the events:

Bismarck represented a powder-keg with an air of tension seldom experienced in the state's history. The citizenry carried on with an attitude of, anything can happen, and nervously awaited developments. The fact that the military authority supersedes the civil authority in a declaration of

martial law sent political leaders scurrying to law books to determine the status of North Dakota's state government . . . As of tonight, Langer is still authorized to act as governor, in the opinion of attorneys. The writ of quo warranto is expected to be issued tomorrow.

Word spread that angry mobs of farmers were planning to march on the capitol city. Langer immediately ordered troops to guard the hotel in which his rival, Ole Olson, was staying.

Olson tried to prevent the state legislators from meeting on the scheduled date of the special session that had been called by Langer. The governor addressed the joint session of the legislature and was received with an ovation. The group approved legislation to provide additional relief for needy families, renewed the farm moratorium, and appointed a 15-member fact-finding committee to investigate the fraud charges levied against Langer and his associates.

After the session on July 19, Langer was served with the quo warranto and promptly acknowledged the court order. Thus, the threat of violence and bloodshed had been avoided and the question of legal government was dropped.

**T**he Supreme Court ruling which took Langer's citizenship from him became the next barrier for the disposed governor. The decision automatically barred him from being a candidate in the fall election, even though he had been the people's choice.

The Republican Party was forced to appoint a different candidate. The Non-partisan League committeemen supported Langer's wife, Lydia Langer. After some opposition by other factions of the Republican Party, Mrs. Langer received the appointment.

Mrs. Langer campaigned vigorously and gallantly but she was an inexperienced politician, and she did not have the following that her husband had enjoyed. Her opponent in the fall

election, Thomas H. Moodie, had the advantage of having his party in control of the national government. Many AAA allotment checks were sent to farmers immediately preceding the November election. A mimeographed sheet of campaign literature was included in the same envelope showing how much each county had received in relief payments under the Democratic administration. Also included on the sheet was the following phrase:

If you appreciate the assistance the national Democratic administration has given you, you can best show your appreciation by voting the Democratic ticket from top to bottom. Help Roosevelt! Vote Democratic!

The fall election was a smashing success for the Non-partisan League with all of its candidates being elected except Mrs. Langer. She lost the gubernatorial race by the slim margin of 17,000 votes out of the nearly 275,000 votes cast in the race.

### A Political Bombshell Occurs

Preceding the election, Bill Langer exploded a political bombshell that rocked the opposition party. He had discovered that the elected governor, Thomas H. Moodie, was not eligible for the office because he had not lived in the state continuously for the past five years preceding the election—which the state constitution required. Moodie had been a registered voter in the state of Minnesota in the 1930 election; this was several months short of the required residency.

Photostatic proof was produced by Langer to substantiate his charges and proceedings were initiated in the Supreme Court to remove Moodie. The house of representatives immediately impeached the governor-elect and this action was approved by the Supreme Court. The Non-partisan League's successful lieutenant governor-elect, Walter Welford, became the governor of North Dakota.

Bill Langer had not only been active in supporting the League ticket in the election, but also was concerned with his appeal then pending in the circuit court. A court date for hearing the case was scheduled for March 19, 1935, at

# When The Chips Were Down, The People Came To The Rescue

Kansas City, Missouri.

Langer's future was dependent upon a successful appeal and all means were utilized to prepare the brief to be presented to the higher court. Advice was sought from many different attorneys from various sections of the country. The court testimony and the evidence that had been presented in the trial was carefully evaluated and screened for possible errors by either the judge or jury.

Clarence Darrow, the great criminal lawyer, was contacted by Langer and he consented to present the arguments in the appeal to the circuit court.

Langer's personal wealth at this time was not sufficient to afford the highest priced legal counsel in the United States, but his supporters pledged to raise the funds that were necessary for the appeal.

Langer defense fund organizations were activated in most counties of North Dakota. Many people who had financial means contributed to the fund. More people who had barely enough to feed their families also contributed to the fund. Bill Langer had become the champion of the common man. Families on relief rolls who received barely enough compensation from their jobs with the PWA to survive, contributed one-half of a day's wage. Many of the Indian tribes of North Dakota staged mock war dances to supplement their meager funds. All monies that were received from admission charges were turned over to the defense fund.

Thousands of respondents participated in the defense fund drive. Contributions were received from all areas of the state. Many letters pledging additional aid, if necessary, were received by the defense fund headquarters.

Attorneys Francis J. Murphy, George Thorpe, Clarence Darrow, and J.K. Murray prepared the brief to be presented to the circuit court. There was no doubt in the counsel's mind that the appeal would result in a victory for Langer.

Attorney Murray, in advising Langer's counsel, stated that no evi-

dence had been introduced in the trial to establish a crime. No evidence was presented that suggested a conspiracy on the part of the defendants since the solicitation plan had been advertised in *The Leader*, which had a circulation of over 200,000 copies at the time. Obstruction of federal funds had not occurred because the parties involved were technically state employees. Even granting that the funds were associated with the federal government, no obstruction had occurred because the money had become part of the individual employee's personal assets when he deposited money into his personal bank account.

**T**he solicitations that were received from the State Office of the Relief Department were all in the form of post-dated checks. Since the employee had already deposited the money received as salary, the checks were no different than any other expenditure or donation that the individual encountered in his every-day affairs.

No proof had been introduced by the prosecution that Langer had had any knowledge of the solicitations of the relief office employees. McDonald had testified that he had ventured into the relief office without being told to do so by any of the other defendants; thus no conspiracy existed. The district attorney could not produce evidence to the contrary.

Federal relief funds coming into North Dakota prior to August, 1933, came from the Reconstruction Finance Corporation in the form of a check to the state and representing a loan. The state deposited this check in the Bank of North Dakota and drew from the account to pay the relief office employees. All solicitations concerning the State Relief Office had occurred before August, 1933.

After August, 1933, the federal government revised this procedure and sent salary checks directly to the employees of the State Relief Office. If the solicitations had occurred after this date, then a violation of federal law

would have taken place.

Murray's opinion concerning the charge of obstructing an act of congress offered the following interpretation:

You are not charged with the crime of soliciting federal employees. You are merely charged with a conspiracy to blockade the distribution of federal funds. There was no blockading because the funds were turned over to you by the committee. The mere soliciting of federal employees could not constitute a blockading of the funds reaching the employees because the funds actually reached the employees' pockets. After they so reached their pockets, such funds had reached their final destination and terminal. Mr. Employee could throw his money into the Missouri River if he wanted to. In order to constitute a blockading of the distribution of these funds, it would be necessary for the Government to show that five percent was taken off the employees' checks before the same reached the employees' pockets.

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Several days before the appeal was to be heard by the circuit court of appeals, the chief counsel for the defendants, Clarence Darrow, became ill and could not participate in the presentation of the case. Francis Murphy and George Thorpe represented the defendants on March 19, 1935, in the court.

In the brief filed with the court, the defense counsel cited 44 alleged errors that had occurred in the district court trial. Many of the suggestions of attorney Murray were followed.

Charges were levied against the government that the procedure of selecting the second grand jury which had indicted the defendants was highly questionable. The jury had primarily been composed of urban population and also included members who were openly hostile toward Governor

# If There Were Ever A Man's Problems Which Seemed Insuperable, It Was Langer's!

Langer.

Attacking the conspiracy charge alleged in the indictment, Murphy asserted that authorities had failed to prove any fraud in connection with the charge. Since fraud implies deceit, stealth, and trickery, the solicitations plan could hardly have been fraud with practically everyone in the state having knowledge of the plan. The court commented on this stating, "If the plan was a conspiracy, it was certainly well advertised."

**F**ollowing the conclusion of the hearing and the review of the district court trial, the appellate court on May 7, 1935, reversed the decision of the lower court. In an unanimous decision rendered by the three judges, they declared that no federal law had been violated and no evidence of fraud had been shown.

Not only did the superior court hold that there had been no conspiracy, but it likewise crushed the charge made by district attorney, P.W. Lanier, that the solicitation of state employees was also a violation of state law. The court added:

If this is true, and we may say in passing that we think it is not, it would simply constitute a separate and distinct conspiracy and could not be substituted for the conspiracy charge in the indictment. <sup>4</sup>  
Holzworth also said of the above situation:

We have searched the record diligently for direct evidence . . . and the government has called our attention to no such testimony. <sup>5</sup>

The appellate court reprimanded Judge Andrew Miller, the district court judge, for allowing the jury to be exposed to inflammatory radio speeches concerning the progress of the trial and for having access to newspapers during the trial. The court declared, "the practice disclosed by the record is not to be commended."

A complete victory for Bill Langer

and his co-defendants had been the result of the decision rendered by the impartial court. The case was ordered to be returned to the district court for final disposition.

Langer's success proved to be short-lived. Upon notification of the circuit court's decision, P.W. Lanier left for Washington, D.C., to confer with his superiors. The district attorney refused to give up his effort to put the defendants behind bars. He secured an order from Judge Miller to summon another grand jury to re-investigate the case.

The third grand jury heard the same charges and evidence that had been levied against the defendants in the two previous examinations. The defendants were re-indicted and Judge Miller ordered the case to be re-tried in district court despite the circuit court's rejection of the previous verdict.

An additional charge was added to the original indictment. This involved the manner in which the defense funds had been secured by the defendants. The trial was scheduled to be heard in October, 1935.

**I**n retaliation, the defense counsel prepared an affidavit of prejudice against Judge Miller, after he had declined to disqualify himself from presiding over the second trial. Twelve charges of bias and prejudice were included in the affidavit.

Cited was the fact that Judge Miller and Bill Langer were political enemies, that the judge had shown favoritism in the initial trial, that the judge had consulted and coached the district attorney in the previous trial, that the judge had openly expressed his opinion that the defendants were guilty after the circuit court had reversed the decision, and that the judge had attempted to influence the jury's consideration of the facts in the first trial.

Lanier rushed to the grand jury with the affidavit of prejudice charging that the defendants were guilty of perjury. The grand jury indicted the defendants

on the perjury charge, claiming that the charges against Judge Miller were false. The perjury indictment was unprecedented in English jurisprudence in that no record existed in which a person had been charged for filing an affidavit of prejudice.

The perjury indictment gave the case nation-wide attention. United States Senator Schall of Minnesota proposed a congressional investigation of the methods utilized in selection of federal juries. He charged that James Farley, postmaster-general and Democratic national committeeman, had been involved in the North Dakota case. The probe did not occur because the senator died shortly thereafter, but the charges were not refuted and are part of the Congressional Record.

Langer's problems seemed to be insuperable—yet; another harassment was added. Internal Revenue agents demanded his income tax records of the previous five-year period. Ironically, the federal government was forced to refund several hundred dollars to Langer because he had actually overpaid his taxes.

The affidavit of prejudice had been forwarded to the circuit court of appeals. Again, the higher court ruled in favor of the defendants, declaring Judge Miller to be ineligible to preside over the trial. Judge A. Lee Wyman of Sioux Falls, South Dakota, was appointed to be the jurist of the second trial.

The second trial convened as scheduled. The evidence presented by the district attorney was basically the same as that in the original trial which had been successfully appealed by the defendants. The one distinct difference in the trial was the impartiality of the jurist. Many of the motions of objection which Judge Miller had overruled in the previous trial were sustained.

After presentation of the case by the prosecution, the defense counsel, led by Francis Murphy, likewise introduced similar evidence that had been used in the original trial.

Following 45 hours of deliberation by the jury, no decision had been reached. The foreman of the jury informed



William Langer, official governor's portrait Number 2, by photographer Risem of Bismarck.

Judge Wyman that the jury was deadlocked and could not reach a verdict. The jury was dismissed and the case was again re-scheduled for a later date. The judge announced that the perjury case would be heard next.

Following the selection of jurors, the stage was set for the perjury trial. The district attorney elected to base the case upon two of the 12 charges that were contained in the affidavit of prejudice. Item one of the affidavit had declared that Judge Miller had attempted to portray the defendants as radicals in his final instructions to the jury. Item six charged that the judge was so certain that the defendants were guilty that he had prepared commitments for the defendants before the trial was over.

**T**he defense counsel objected to the district attorney's limitation of the charges listed in the affidavit and Judge Wyman sustained the objection on the grounds that the jury was to consider all the items. The prosecution produced witnesses that had been in the courtroom and had heard the judge's final instructions to the jury. The counsel objected to the introduction of this material as hearsay and again the motion was sustained.

The district attorney reminded the judge of a rule in the law that would allow such questioning. The judge replied:

I have no quarrel with that rule at all, Mr. Lanier, if you will confine your examination of this witness as to his knowledge of facts which are in any way material to the issues here, he will be permitted to answer questions.

But we are not concerned with what his impression was, or conviction was, or whether he was affected by this speech one way or another. That is not the idea. The allegations in the affidavit of prejudice merely tend to state the conclusions of the men signing the

affidavit—their reactions, their impressions—and if they are honest in their opinions, why then it can never be made the basis of a perjury suit. We cannot prosecute men for their opinions—that is, we can't do that in America—not yet. There may be a time when we can, but to date we cannot. 6

After one day in court, the defense

counsel moved for a directed verdict of acquittal and the judge accepted the motion. The district attorney was reprimanded by the judge for bringing such a case to court.

Preparation by the defense counsel for the third trial was based upon thorough organization. Langer sought aid in selecting jurors from his friends throughout the state. Arrangements were made to have a Langer supporter

# Court Battles Did Not Subdue Langer's Political Ambitions!

at a telephone booth in every precinct of the state at the time the jury was to be selected. A telephone call to the prospective juror's home precinct revealed the political affiliation of the person. In this manner, the jury would consist of some pro-Langer jurors.

No significant changes occurred in the third trial concerning evidence produced by the prosecution or the defense counsel. Again, many objection motions by the defense counsel were sustained. The trial was almost anti-climatic in that the jury deliberated only five and one-half hours before returning with a verdict of not guilty.

Bill Langer and his associates were free. After two years of legal battles which included four grand jury hearings, four court trials, and two appeals to the United States Circuit Court of Appeals, Langer was again in position to lead the people of North Dakota.

Langer had been stripped of his duly-elected office, forced to withdraw his candidacy for another term, disbarred from his profession, sentenced to prison, and dishonored, but justice had triumphed.

The court battles did not subdue William Langer's political ambitions. He immediately resumed plans for the 1936 election.

Langer secured the Non-partisan League gubernatorial nomination, but lost the Republican Party endorsement in the primary election. Rather than give up, the Non-partisan League decided to enter the November election as a third party. As a third party candidate, Langer won the 1936 governor's race by a wide majority.

The success of Langer's political life is quite extraordinary, but not accidental. Certain factors are consistent and present in most of his activities. He knew the people of North Dakota; he knew how to influence the people; he was a perfectionist in organizing ability; and he had the personality to attract votes.

As a native of North Dakota he knew the people, their desires, and their

grievances. It was in the latter that he found a source of political power. One of Bill Langer's chief methods of capitalizing on a situation was the farmers' feeling of dissatisfaction and his tendency to blame all his ills upon those malignant powers personified in "Big Business." These feelings of persecution, deeply rooted in the farmer's mind from earliest history of the state, provided fertile ground for implanting and cultivating the kind of political image that Mr. Langer sought to create.

Both Langer's public speeches and his actions were calculated to strengthen the impression of a fearless, independent champion of the underdog. Mr. Langer made little attempt to appeal to the intellect; his appeal was by other means. His strength as a stump speaker lay, not in the careful organization of ideas, but in his ability as a showman, his use of emotional language, and his knowledge of the sources of human motivation. Mr. Langer's language was the language of the people. It was emotional, colloquial, often colorful and spiced with slang.

The depression aided Langer in building an image that lasted until he died. The hardships that the people were facing during the depression gave him the opportunity to aid the majority of North Dakota's population—the farmer. His action in invoking the wheat embargo is still discussed in the rural areas of North Dakota. The moratorium to protect the property of North Dakotans enhanced his popularity, and the people did not forget this action after the depression.

**T**he court cases which saw Langer convicted, removed from office and finally vindicated, convinced the majority of the citizenry that Langer had been a victim of persecution by big business interests and his political enemies. Langer constantly reminded the people of North Dakota that because he had wanted to aid the common people of the state, these

factions had sought to destroy him. The people believed him.

Langer's popularity had increased following his successful appeal. If a small village or town wanted to attract a large crowd for any type of celebration, they contacted Bill Langer to be their guest speaker. He had received so much publicity as a result of the two years in court that most people felt that they knew him personally. His audience included friends, political supporters, enemies, and curious people. All knew that whatever he spoke about would be controversial and would be interesting discussion material for some time.

**L**anger's organizing methods were simple, but thorough. At any large gathering, he wanted to meet and personally converse with as many people as possible. He impressed people with his ability to remember their names and always made it a point to have someone tell him the name of his next contact. To each he extended a personal invitation to stop by the governor's office any time they happened to be in the capitol city. During this era, people did not travel very often. He also encouraged the people to write to him or see him personally if they had any problem with which he might be of some aid. This occurred often.

Langer maintained a large secretarial staff in his office to reply to the large volume of requests he received. He used form letters, but all were manually typed and signed by him. All correspondence was promptly answered. All requests that he received became part of a permanent file which he maintained for each county in the state. Thousands of requests for jobs poured into his office in the period from 1932 to 1934.

Langer tried to disperse all patronage positions that were available in the state. This was one of the factors that led to his disagreements with the League executive committee. Many small communities of North Dakota

## Would Langer's Actions Be Frowned Upon By Today's Standards?

had large families during this period, and often family relationships included several score in an immediate area. If one member of the clan received a favor from Langer, all other members knew of it. This became particularly important in 1933 and 1934. Langer personally reviewed all foreclosure proceedings occurring in the state. He would decide which proceedings were outlawed by the moratorium and which should be executed.

All requests were answered and a record of action taken on the case was added to the permanent file. He instructed all department officials of his administrations to forward any requests for favors to his office. This included relief, positions with the P.W.A., C.C.C., and any other jobs that were available. The answer to the request was sent from his office and signed by him.

When the time came for Langer to seek a campaign worker, a fund-raising committee, a defense-fund worker, a precinct worker, or a person to answer the telephone, as he used in the second and third trials in selection of jury members, he would consult his file and use names of people that he had aided. He would remind the people of the favor he had rendered and make them feel important by assuring them that he would fail without their help. This system was one of the factors that yielded votes when Langer needed them.

The fact that Langer organized the solicitation's plan for The Leader, cannot be denied. The charge that he used The Leader for his personal political ambitions is quite obvious. Many of the actions taken by Langer would be frowned upon by present-day standards, but at the time, his methods were effective, and perhaps necessary.

In the trial, the prosecution had failed to produce a single witness that would testify that he had contributed five percent of his salary under threat or duress of losing his position. In discussion of this issue with several politicians who remember the period, the consensus of opinion is that most employees did not want to jeopardize their position by testifying in court. It

was also revealed that some employees not only contributed the five percent, but also were assessed an additional two percent to pay off indebtedness of the League.

In one interview it was disclosed that a state highway maintenance employee had revealed the fact that he felt he was forced to contribute five percent of his annual wage or lose his job. He could not afford to lose his position because his salary was approximately four times as great as most North Dakotans were earning at the time. He felt that contributing five percent would insure him of continued employment.

After reviewing and examining Langer's personal papers, it is my opinion that there was no conspiracy on the part of the defendants to solicit funds from the employees of the State Relief Office. This had been a blunder on the part of solicitor Harold McDonald and office manager R.A. Kinzer. It seems acceptable to believe that Langer had no prior knowledge of this action.

Langer and his legal counsel accumulated a file on the district attorney, P.W. Lanier. This file included material which reflected incidents of Lanier's personal life and which could have been used as blackmail material. As far as I have been able to determine, no such leverage seems to have been applied.

**T**he supposition that the prosecuting attorney had erred is quite obvious. His propensity to go to court without suitable evidence and lacking suitable witnesses is inexcusable for a governmental prosecutor and protector of all citizens.

There is good reason to believe that other parties were involved in trying to convict William Langer. This student is not sure who these parties were, but there is some evidence that points to the New Dealers, Harry Hopkins and Harold Ickes. One account of this matter offers the following version:

Bill Langer's friends say Harold

and Harry got mad at him because of his blasts against New Deal legislation and relief policies which he regarded as too timid and conservative. Ickes sent a flock of investigators into North Dakota. Their reports suggested that Governor Langer and his aides were conspiring to put pressure on federal employees to subscribe to The Leader.

Whether or not this is true, will perhaps never be known.

There seems to be sufficient evidence to warrant the questionability of impartiality involving Judge Andrew Miller, the presiding judge of the first trial which convicted the defendants. It is remarkable that Langer, who knew the judge and his background, did not file an affidavit of prejudice before the first trial was initiated. This had been suggested by one of his attorneys.

**I**t is strange that Langer and his co-defendants were indicted and brought to trial for filing the affidavit of prejudice against Judge Miller. There seems to be some question of the qualifications of the federal grand jury who indicted the defendants for perjury. They either were unqualified jurors, misinformed, or hand-picked as Langer had charged.

Langer, after completing his third term of office in 1939, sought a seat in the United States Senate. He was elected to that position and served in that capacity until his death on November 8, 1959.

In the Senate he continued his independent course of action. He voted with the opposition party more often than with the Republican Party and voted against all foreign aid bills. He was one of the two senators who opposed the United Nations Charter and often used the filibuster to kill bills which he opposed.

In his bid for a fourth term in 1958, the Republican Party declined to endorse him. He ran as an independent candidate and did not campaign, but won handily. It was after this election



# Langer's Legacy Lasts

that the Non-partisan League bolted the Republican Party to join the Democratic Party. The result has been a two-party system in North Dakota, a state which normally has been predominantly Republican.

One cannot ignore the era in which these events occurred. This was a desperate period and to apply present-day thinking to judge William Langer would be wrong. I cannot agree with some of his methods; nevertheless, he did attain results. An elected official is supposed to represent the people who elect him. Evidently the people of North Dakota felt that he had done this. As John Looke said, "The people shall judge."

## Appendix

- 1 News item in *The Aberdeen American News*, Aberdeen, S.D., July 18, 1934.
- 2 John W. Holzworth, *The Fighting Governor, The Story of William Langer and the State of North Dakota* (Chicago: The Pointer Press, 1938), pp. 88-89.
- 3 William Langer, "Letters to George Thorpe," July 1934, Box 41, Langer Papers, Chester Fritz Library, University of North Dakota, Grand Forks, North Dakota.
- 4 News item in *The Forum*, Fargo, North Dakota, May 9, 1935.
- 5 Holzworth, *op. cit.*, p. 91.
- 6 *Ibid.*, p. 97.
- 7 Beverly Smith, "William Langer," *The Saturday Evening Post*, 224:103, January 23, 1964. ■