

# Montana governor to pardon WWI 'seditionists'

79 people were convicted in 1918 under state law

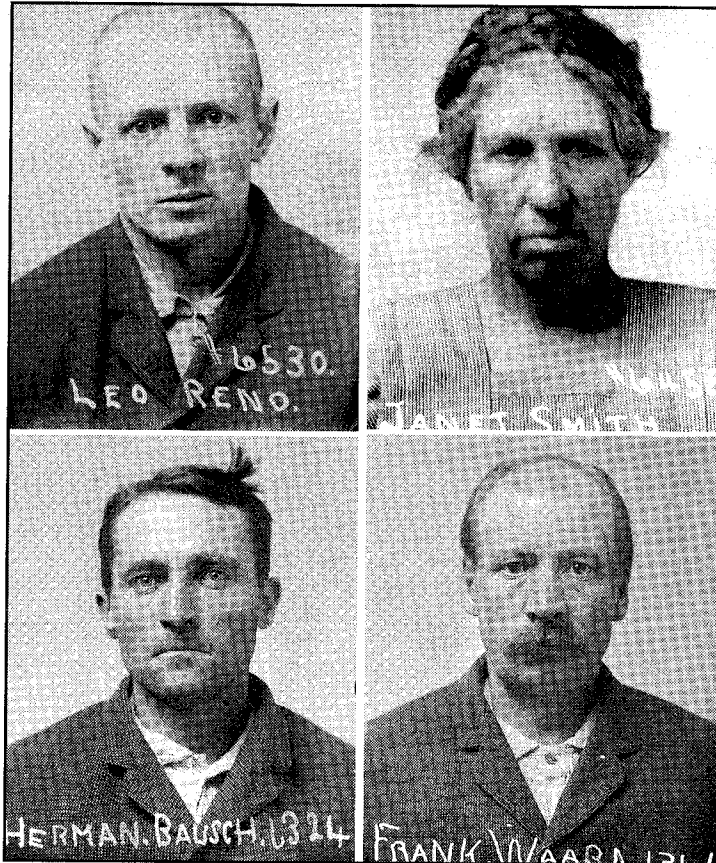
BY JIM ROBBINS  
The New York Times

HELENA, Mont. — When Steve Milch found out recently that his great-grandfather, an immigrant from Bavaria, had been convicted of sedition in Montana during World War I, he was amazed. It was something no one in the family had ever talked about.

For the past 88 years, a lot of secrets have been kept in Montana families, especially those of German descent, about a flurry of sedition prosecutions in 1918, when public sentiment against Germany was at a feverish pitch.

Seventy-nine Montanans were convicted under the state law, considered among the harshest in the country, for speaking out in ways deemed critical of the United States. In one instance, a traveling wine and brandy salesman was sentenced to seven to 20 years in prison for calling wartime food regulations a "big joke."

But the silence — and for some families, the shame — has ended. The convictions will be undone today when Gov. Brian Schweitzer, a descendant of ethnic Germans who migrated here from Russia in 1909, posthumously pardons 75 men and three women. One man was pardoned shortly after the war.



Clockwise from top left, Leo Reno, Janet Smith, Frank Waara and Herman Bausch, pictured in undated photos.

Forty-one of those convicted, including one woman, went to prison on sentences from one to 20 years and paid fines from \$200 to \$20,000.

"I'm going to say what Gov. Sam Stewart should have said," Schweitzer said, referring to the man who signed the sedition leg-

islation into law in 1918. "I'm sorry, forgive me, and God bless America, because we can criticize our government."

Dozens of relatives of the convicted seditionists will be at the state Capitol to witness the signing of the pardons. Marie Van Middlesworth, the

90-year-old daughter of one of those convicted, Fay Rumsey, will be coming from Medford, Ore. She was among 12 children put up for adoption when the family farm failed after her father was imprisoned.

Milch said the official acknowledgment, even after so many years, offers comfort and closure to the families.

"The whole Milch clan is appreciative of making things right," he said.

The pardon ceremony is the result of a book by Clemens Work, director of graduate studies at the University of Montana School of Journalism, called "Darkest Before Dawn: Sedition and Free Speech in the American West" (University of New Mexico Press, 2005). The book chronicled a contentious period in Montana history when people were jailed for voicing their opinion about the war.

"It was an ugly time," Work said.

After reading the book, Jeffrey Renz, a law professor at the University of Montana, asked Work what he intended to do about the convictions. Work had no plans, he said, "but I told them in my box of dreams I hoped these people would be exonerated."

Renz's students took the project on as part of a criminal law clinic. Some contacted family members of the convicted seditionists, and others researched the law, leading to a petition for pardon being sent to the governor last month.

The sedition law, which made it a crime to say or publish anything "disloyal, profane, violent, scurrilous, contemptuous or abusive" about the government, soldiers or the American flag, was unanimously passed by the Legislature in February 1918. It expired when the war ended, Work said.

During that time, though Germans were the largest ethnic group in Montana, it was also illegal to speak German, and books written in it were banned. Local groups called third-degree committees were formed to ferret out people not supportive of the war, especially those who did not buy Liberty Bonds.

"They leaned on people to ante up and buy bonds, and if they didn't, they were disloyal and considered pro-German," Work said.

One woman remembers a committee showing up at her father's farm and throwing a hangman's rope over the branch of an apple tree to intimidate him. Her father, Herman Bausch, was taken to town, interrogated and later convicted.

Officials encouraged neighbor to inform on neighbor, and one person's accusation was of-

ten enough for an arrest.

Milch's great-grandfather, John Milch, was turned in by an undercover agent named Eberhard Von Waldru, who was working for the prosecutor in Helena. Von Waldru went into a German beer hall and drew out people's feelings on the war. His testimony was used against Milch; his brother, Joseph; and six other men. All were convicted, and four went to prison.

John Milch was sentenced to three to six years, but the law had expired by the time he was to begin serving his term. Joseph was fined \$1,800.

Steve Milch had another surprise in store. He discovered that the great-grandfather of another lawyer in his firm was the Helena prosecutor who hired Von Waldru. "His great-grandfather prosecuted my great-grandfather," Milch said.

Twenty-seven states had sedition laws during World War I. Montana's became the template for a federal law, enacted by Congress later in 1918. More than 30 Montanans were arrested under the federal law, though none were convicted, according to the Montana Sedition Project, which Work directs.