

SENATE RESOLUTION NO. 2

INTRODUCED BY FRITZ, TOWE, WEEDING,
CRIPPEN, RYE, VAN VALKENBURG, B. BROWN,
MAZUREK, DOHERTY, HALLIGAN

IN THE SENATE

JANUARY 18, 1991

INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

FIRST READING.

JANUARY 23, 1991

ON MOTION, SENATORS MAZUREK, DOHERTY,
AND HALLIGAN ADDED AS SPONSORS.

JANUARY 25, 1991

COMMITTEE RECOMMEND RESOLUTION
BE ADOPTED. REPORT ADOPTED.

JANUARY 26, 1991

PRINTING REPORT.

ON MOTION, RULES SUSPENDED TO ALLOW
SENATORS BROWN, HAMMOND, AKLESTAD,
AND FARRELL TO CAST THEIR VOTES.

FEBRUARY 1, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

Senate RESOLUTION NO. *2*

INTRODUCED BY *Fred J. Anderson*
Oliver Van Valkenburg *Bob Brown*

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA
EXONERATING JUDGE CHARLES LIEBERT CRUM FROM THE WRONGFUL
CONVICTION OF IMPEACHMENT ON MARCH 22, 1918.

WHEREAS, the people of Montana hold the dignity of the
human being inviolable as provided in Article II, section 4,
of The Constitution of the State of Montana; and

WHEREAS, Montanans pride themselves on their rugged
individualism and diverse heritage; and

WHEREAS, there is no time limitation for correcting
political injustice and clearing an honorable person's name;
and

WHEREAS, the emotional fervor surrounding the United
States' entry into World War I led to public hysteria,
constituting one of the darkest periods of Montana's
political history; and

WHEREAS, Charles Liebert Crum was elected to the bench
of the 13th Judicial District in November 1912 and was
reelected without opposition in November 1916; and

WHEREAS, Judge Crum maintained a stellar and unblemished
judicial record during his term of office; and

WHEREAS, although he was an outspoken opponent of entry

into World War I, after the United States declared war on
Germany in April 1917, Judge Crum issued a statement in open
court espousing his patriotism towards the United States and
its constitutional principles, including freedom of speech;
and

WHEREAS, misguided patriotism led to the formation of
self-appointed local groups to establish standards of
Americanism and to identify and intimidate those found
lacking in patriotic fervor; and

WHEREAS, a local group requested Judge Crum to resign
because he was not in sympathy with his constituency, while
another local group expressed support for his record as a
fair, impartial, fearless, and conscientious judge,
impervious to personal and political influence; and

WHEREAS, at the urging of dissatisfied local zealots,
Governor Stewart forwarded documents to the House of
Representatives, which generated articles of impeachment on
the last day of a special session called to legalize the
Montana Council of Defense and to pass a sedition law; and

WHEREAS, in an effort to protect himself, his family,
the public interest, and the public treasury, Judge Crum
resigned from office but steadfastly maintained his
innocence of the charges; and

WHEREAS, in spite of his resignation, the Montana Senate
commenced an impeachment trial on March 20, 1918, when Judge

1 Crum was absent and unable to defend himself; and
 2 WHEREAS, the Senate denied the motion of the bastion of
 3 legislative ethics, Fred Whiteside, to allow someone to
 4 examine witnesses on Judge Crum's behalf; and
 5 WHEREAS, the Senate found Judge Crum guilty of high
 6 crimes, misdemeanors, and malfeasance in office, while in
 7 fact he was innocent of any official wrongdoing save perhaps
 8 being politically recalcitrant or adhering to unpopular
 9 policies; and
 10 WHEREAS, the impeachment of Judge Crum banished him to
 11 political oblivion, devastated his life, and exposed him to
 12 continued calumny; and
 13 WHEREAS, other Montana public figures who withstood the
 14 political hysteria of the time and defended civil and
 15 constitutional rights, including Jeannette Rankin, Burton K.
 16 Wheeler, and Judge George Bourquin, have become state
 17 heroes; and
 18 WHEREAS, Article V, section 13, of The Constitution of
 19 the State of Montana vests impeachment power in the
 20 Legislature; and
 21 WHEREAS, the Legislature in section 5-5-403, MCA, has
 22 retained the Senate as the sole court of impeachment; and
 23 WHEREAS, the Senate as a court of impeachment may, sua
 24 sponte, in light of historical evidence and in the absence
 25 of the emotionalism of the time, reconsider the verdict

1 rendered on March 22, 1918; and
 2 WHEREAS, in 1919, Judge Crum expressed the hope that at
 3 a future time, the people of Montana would fulfill his faith
 4 in their honesty and justice by undoing the wrong done to
 5 him; and
 6 WHEREAS, the people of Montana, in a reavowal of the
 7 principles of free speech and responsive democratic
 8 government, desire to right a historical wrong.
 9
 10 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF
 11 MONTANA:
 12 That upon adoption of this resolution by a two-thirds
 13 vote of the members of the Senate, the conviction of
 14 impeachment of Judge Charles Liebert Crum be overturned.
 15 BE IT FURTHER RESOLVED, that the Secretary of the Senate
 16 send copies of this resolution to Judge Crum's
 17 grandchildren, Darwin R. Crum of Schaumburg, Illinois, and
 18 Patricia Crum Scott of Pleasanton, California.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

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3 CRIPPEN, RYE, VAN VALKENBURG, B. BROWN,
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18 Governor Stewart forwarded documents to the House of
19 Representatives, which generated articles of impeachment on
20 the last day of a special session called to legalize the
21 Montana Council of Defense and to pass a sedition law; and
22 WHEREAS, in an effort to protect himself, his family,
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24 resigned from office but steadfastly maintained his
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SECOND READING

1 WHEREAS, in spite of his resignation, the Montana Senate
2 commenced an impeachment trial on March 20, 1918, when Judge
3 Crum was absent and unable to defend himself; and

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