



***United States v. Langer, et. al.:* The U.S. District Attorney's Files**

By Lawrence H. Larsen

In April of 1934 a federal grand jury indicted **Governor William Langer** of North Dakota and eight of his associates for **conspiring to embezzle** federal relief funds.¹ The trial of the nine men opened in the United States District Court in Bismarck on May 22, before **Judge Andrew Miller**. During the twenty-eight-day proceeding, Miller dismissed the charges against three minor defendants.² On June 17, after forty-eight hours of deliberations, the jury found the remaining six guilty as charged. Despite the verdict, on June 17 Langer won a sweeping victory in the Republican gubernatorial primary. Two days later, Miller fined Langer \$10,000 and sentenced him to eighteen months in jail. The other five co-conspirators received lesser penalties.

Political turmoil followed. On July 17 Langer, in keeping with his reputation for controversial actions during his twenty-year career in North Dakota politics, issued a declaration of independence for the state, declared martial law, and called out the National Guard. The following day the state Supreme Court ruled him ineligible to serve as governor. Langer left office after a confusing period during which he called and presided over a special session of the legislature, went to a remote cabin to avoid receiving an ouster order, and threw a cuspidor (spittoon) through a large glass window. In the fall election Langer's wife, **Lydia Cady Langer**, ran and lost for governor on the Republican ticket. The Democratic winner, Thomas Moodie, held office for only four days. Evidence that Langer produced showed Moodie had violated a North Dakota residence law by voting in Minnesota. The lieutenant governor, a close Langer political ally, assumed the governorship. "**Fighting Bill**" continued as an important force in North Dakota politics.

Langer's legal problems remained a source of great controversy. In May of 1935 a federal circuit court of appeals reversed the conviction of Langer and the other defendants on the grounds of insufficient evidence. After denial of a rehearing, the government moved for a retrial, which was docketed for the Sep-

tember term of the federal district court in Bismarck. In September major developments occurred. Two of the accused changed their pleas from not guilty to guilty.³ Langer and the three other defendants filed an affidavit of prejudice against Miller, asking for a new judge. On October 17 a special grand jury, convened by the United States District Attorney, brought **indictments for perjury** against the four defendants. At the end of the month, on October 29, a second **conspiracy trial** opened in Bismarck before a new judge, **A. Lee Wyman** of South Dakota. On November 15 the jury, after being out for forty-three hours, failed to reach a verdict; ten members voted "guilty" and two held out for "not guilty." The U.S. Attorney immediately moved for a retrial. A hastily convened grand jury found no evidence of jury tampering. On December 6 the perjury case opened before Wyman. The indictment charged that the defendants had sworn to false statements in filing the affidavit of prejudice. The trial lasted less than a day. Wyman ordered a directed verdict of "not guilty." On December 10 a third conspiracy trial began in Bismarck, again before Judge Wyman. After the prosecution rested, Wyman ordered one of the defendants, but not Langer, acquitted by a directed verdict. On December 19 the jury acquitted the remaining men, ending nearly two years of litigation. The U.S. Attorney did not ask for a retrial. After the second conspiracy trial, he told

Attorney General Homer S. Cummings, "While we were disappointed in our failure to convict, the result is undoubtedly a victory for the government."⁴ This proved an overly optimistic assessment.

Langer quickly returned to the political arena. In 1936 he won a triumphant reelection for governor. Defeated by incumbent Gerald Nye in the 1938 Republican senatorial primary, Langer gained election to the United States Senate in 1940. His enemies brought a series of charges before the Senate Privileges and Elections Committee. The most sensational involved Langer's contacting and paying roughly five hundred dollars to Wyman's son. Langer, seated "without prejudice," admitted the charges. "It is something any defendant has a right to do," he claimed, rationalizing that it would have been silly to do otherwise.⁵ He said, "I paid it because here was Gale Wyman's father as judge. I could not afford to antagonize his son. If Gale Wyman had asked for \$1,000 of me, I would have paid it. I was there on trial . . . What else could I do but pay him?"⁶ Judge Wyman denied that either his son or anyone else had influenced his conduct.⁷ Even so, the committee recommended by a thirteen to three vote that Langer have his seat taken away. The majority report cited his "lack of veracity" and "devious, circuitous and illegal

methods" as evidence of "moral turpitude" and "grave impropriety."⁸ The full Senate rejected the committee report fifty-two to thirty, primarily on the grounds that Langer fulfilled the constitutional requirements to be a senator. This left him free to be what he called "the messenger boy of every man, woman, and child in North Dakota."⁹ Most people in the state thought that he did a good job of representing their interests. He won three straight reelection victories. When he died in office in 1959 he had served for close to twenty years as an elected official of the same federal government that had tried to send him to jail. He recalled, "They damn near had me on that train to Leavenworth."¹⁰

The Langer case was the stuff of which legends are made.¹¹ To this day many North Dakotans accept Langer's explanation that he was the victim of a combination of a political persecution and personal vendetta. According to this account, two high-ranking New Deal officials, Secretary of Interior **Harold Ickes** and **Harry Hopkins**, director of the Federal Emergency Relief Administration, sent investigators into North Dakota to trump up a case against Langer.¹² This was done in retaliation for Langer's policies as governor on behalf of the common people and his refusal to shift his political organization, the Nonpartisan League, from the

Figure 1. In April of 1934, a federal grand jury indicted Governor William Langer and eight of his associates for conspiring to embezzle federal relief funds. (Fargo Forum, June 17, 1934)

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U.S. WE DO OUR PART

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THE FARGO FORUM
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Morning Edition **FARGO CROWS**

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PRICE FIVE CENTS

LANGER AND AIDES ARE FOUND GUILTY

U. S. PURCHASES WILL GREATLY IMPROVE STATE CATTLE HERDS

Fuses Placed to State Political Dynamite As End of Trial Opens Race

ADJOURNMENT PLANS HALTED BY DEMAND FOR ACTS' PASSAGE

Verdict Reported By Jury At Midnight

Sentence Will Be Pronounced On Convicted Men Monday At 10 A. M. With Defendants Asking That Their Case Be Retried

Stories Drawing In Topical Campaign, With Lid Soon To Come Off, Arrival Of Nye Will Aid Fireworks

Frazier Farm Mortgage Bill One of Items Clogging Machinery

Farmers Culling Deeply Into Stock, Retaining Most Valuable

B, a Staff Correspondent

Republican to Democratic party. Compounding the dastardly plot were the actions of Judge Miller, who seized upon the case to settle an old feud with Langer. In addition, Senator Gerald Nye of North Dakota and what Langer called “big business interests” wanted to destroy him for helping the poor.¹³ While all this made for a good story, no evidence exists to support the concept of a grand multi-faceted conspiracy in high places.

The case involved the legality of certain **political solicitations**. North Dakota had no enforceable law prohibiting such donations by state employees. Langer, the only Republican governor elected in forty-three races in 1932, had acted after taking office to improve the financial fortunes of the NPL. He required that everyone working for the state give the political organization 2 percent of their



Figure 2. William Langer won his first election in North Dakota in 1914 and died in office in 1959. In that 45-year career, he was Morton County state's attorney (1915–1916); North Dakota attorney general (1917–1921); governor (1933–1934) (1937–1938); and United States senator (1941–1959). Langer's tempestuous public life made him a political legend, a man who inspired intense admiration and bitter opposition. (SHSND A4444)

annual salaries. Few if anyone objected to what amounted to a traditional practice. Then, around June 1, 1933, persons described by federal agents as “high in the council” of the Langer administration, purchased a weekly newspaper, the *Progressive*, and renamed it the *Leader*.¹⁴ Langer required all firms and persons having contracts with the state to advertise in the paper. Moreover, he expected state employees to give 5 percent of their salaries to the *Leader* in exchange for a subscription or the right to sell one. On June 30 Langer gave a speech in Devils Lake defending the dismissal of eight employees at the San Haven tuberculosis sanatorium who had refused to subscribe. “We need ‘*The Leader*,’” he said, “and if a man is worth a state job, isn't it worth that much to sell subscriptions? They don't pay one cent, but merely sell subscriptions.”¹⁵ The bulk of the 5 percent came from employees paid entirely from state funds. However, collections in the state highway department involved money from federal relief organizations. Louis R. Glavis, director of investigations for the Federal Emergency Administrator of Public Works in the Department of the Interior, requested an opinion from the attorney general's office on whether the highway department contributions violated federal law. On October 18, 1933, Assistant Solicitor Telford Taylor, later a chief prosecutor at the Nuremberg war crimes trials and a Vietnam War critic, sent Glavis a four-page legal memorandum. After citing various precedents, Taylor stated: “I conclude that a conspiracy to divert or unlawfully obtain funds allotted to the State under the Federal Highway and National Industrial Recovery Acts is indictable as a conspiracy to defraud the United States.”¹⁶ Not long after that the wheels of justice started to turn in North Dakota.

Glavis opened a formal investigation on November 14, 1933. Officially, he acted in response to a complaint from the president of the North Dakota Federation of Engineers, Architects, and Draftsmen.¹⁷ From January 26 to February 14, 1934, four agents of the Department of the Interior carried out an investigation in North Dakota. On the basis of public information, they concluded Langer owned the *Leader* and that the money collected was far in excess of the publication's require-

ments.¹⁸ The agents also collected affidavits from highway workers, who freely admitted subscribing 5 percent of their salaries. One employee said, “It was generally understood that if we did not contribute we would lose our job.”¹⁹ Langer who later claimed that he learned of the investigation of the “*Leader Money*” through a tip from a professional gambler, took extraordinary action.²⁰ Believing his office wiretapped, he tried to mislead investigations by making calls to associates in which he deliberately made false statements about the location of “*Leader Money*.”²¹ Langer, in addition to using unusual tactics, went on the political offensive. On February 12, 1934, he told a Dickinson audience that the NPL needed the *Leader* to defend his “good economical administration” from unfriendly corporate interests. He specifically mentioned the daily papers in Bismarck, Fargo, Minot, and Grand Forks. “We’ve got Oscar Erickson,” Langer explained, referring to the publisher of the *Leader*, “and told him to go ahead and chipped in 5 percent of our salaries to do it. I did it. We all did.”²²

On March 1, Harry Hopkins removed Langer as head of the **North Dakota Relief Administration**. On the same day Senator Nye demanded a full investigation and piously informed the public that he wished to “let the axe fall where it may.”²³ At this point, the United States Attorney in North Dakota had yet to become involved. As late as March 5 he wrote, “Officially this office has no information relative to the matter mentioned. No reports have been submitted to us.”²⁴ Then, on March 6 and 9 Ickes signed letters of transmittal that submitted investigative reports to Attorney General Cummings.²⁵ A letter signed by Hopkins concluded that a conspiracy existed and asked that “prompt and vigorous steps be taken” to prosecute the guilty parties.²⁶ On March 13 Assistant Attorney General Joseph B. Keenan quoted Hopkins in a letter to the U.S. attorney in North Dakota. Keenan requested, “After you have gone into the matter and have reached a conclusion, please advise the Department in the premises.”²⁷ Thus began the formal involvement of **U.S. Attorney Powless William Lanier, Sr.**, in the Langer case.

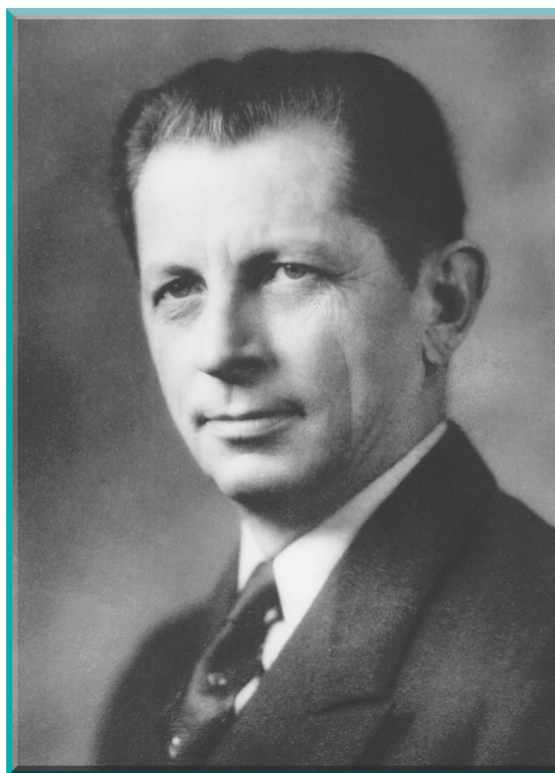


Figure 3. U.S. Attorney Powless William Lanier, Sr., prosecuted William Langer in all four trials. Lanier was an active Democrat and a well-regarded lawyer. (SHSND C3599)

President Franklin D. Roosevelt had appointed Lanier the U.S. Attorney in North Dakota on July 22, 1933. Lanier, born of French Huguenot stock in Tennessee in 1885, was a graduate of Cumberland College and a descendant of a famous southern poet. Powless Lanier served in the Tennessee legislature and was a city court judge in Memphis before moving to North Dakota. He practiced law in Carrington and Jamestown, becoming active in the small state Democratic party. An ardent fisherman, golfer, and hunter, Lanier loved to debate and had a high sense of the dramatic. He was a delegate at the 1928 Democratic National Convention and in 1930 lost a race for Congress. In 1932 he seconded Roosevelt’s nomination in Chicago and the same year ran unsuccessfully for the Senate against the incumbent Gerald Nye.²⁸ Lanier knew Langer well. In February, 1934, R. A. Radford, the special agent in charge of the conspiracy investigation, observed, “Mr. Lanier . . .

was reported to me as having previously been a supporter of Governor Langer, but he is also reported as wavering somewhat in his allegiance at the present time.”²⁹ Apparently that assumption led to Radford’s decision to keep Lanier out of the initial probe.

Lanier appointed another prominent North Dakotan, **Harry Lashkowitz**, as the Assistant U.S. Attorney. Lashkowitz, born in 1889 in the Ukraine, held an undergraduate degree from the City College of New York and a New York University law degree. He moved to Fargo in 1912 and became a member of the North Dakota bar. He practiced law, lectured on commercial law, and became active in the Elks Lodge and B’nai B’rith. A jovial and witty man, Lashkowitz was much in demand as a master of ceremonies and toastmaster. He gained a reputation as the state’s leading labor lawyer, defending members of the Industrial



Figure 4. Assistant U.S. Attorney Harry Lashkowitz had a major part in developing the federal government’s case against William Langer. A resident of Fargo, Lashkowitz was noted as a labor attorney with excellent courtroom skills. (*Institute for Regional Studies, NDSU, Fargo 2048.3.50 File 3*)

Workers of the World.³⁰ Lashkowitz and Lanier worked together in the Langer prosecution. Lanier’s name appeared on most of the documents.

On March 22, 1934, Lanier wrote the Attorney General commenting on the quality of the investigation and suggesting a future course. “The reports are striking in their incompleteness,” Lanier claimed. “However, from the reports, we are of the opinion that there is an offense against the United States Government that is indictable . . . We are now endeavoring to get together additional evidence—evidence which should have been obtained in the original investigation, and had the investigator who made this investigation conferred with this office, we would have been in position to direct him to the proper channels to obtain such information. We believe that this evidence will show that at least \$14,000 of the monies collected from state and federal employees in North Dakota . . . went from the bank account of the *Leader* in the Bank of North Dakota, at Bismarck, North Dakota, to William Langer, and was by him used privately and for personal purposes.”³¹ Lanier suggested the appointment of a special assistant, but Assistant Attorney General Keenan informed him that “the Department is of the opinion that the matter can be handled entirely satisfactorily by you.”³² In effect, Lanier and Lashkowitz were on their own.

Following the grand jury indictments, Lanier received little encouragement when he warned the Attorney General about the possibility of civil disorder and noted that actions by the North Dakota National Guard had made federal eviction notices “non-enforceable.” He commented, “You will observe that the Holiday Association is promising the Governor 20,000 men, if he will declare martial law and needs them.” Noting the presence of regular army units at a fort near Bismarck, Lanier requested that the federal marshal in North Dakota have stand-by authority to call them out. Lanier said, “Our courts must not fail, and the time may develop when some people of this state should be made to thoroughly realize that the Government is still functioning through its courts.”³³

William Stanley, the assistant to the attorney general, curtly replied that only the president of the United States had the constitutional authority to direct federal troop movements. Stanley also noted that if the marshal felt “confronted with any unusual difficulty” he should either organize a posse comitatus or inform the attorney general’s office.³⁴ If anything, the leadership of the Department of Justice sought to divorce themselves from the proceedings. Anyway, Lanier was confident of victory. Evidence developed before the grand jury showed that “*Leader Money*” had flowed into Langer’s Bismarck bank account.³⁵ Indeed, Langer later admitted under oath at the first trial that he received \$19,000 of the solicitations; he claimed it was a repayment for a loan he made the NPL that only he knew about. His admission played a crucial role in the guilty verdict.

Soon after the jury finished its deliberations, Lanier began to receive disturbing information from around North Dakota. In a “confidential” letter, Emmons County State’s Attorney Thurman Wright informed Lanier about “vicious reports” circulating in the county. “The story is that Langer was prosecuted because he was fighting the corporations and big business and trying to do something for the poor farmers,” Wright wrote, “But the thing I want to call to your attention is that they are supposed to be telling that Judge Miller was drunk when he charged the jury and that after the case had gone to the jury the judge went into the jury room and told the jurors that they had to bring in a verdict of guilty.”³⁶ Kenneth Sessions, an official of the anti-Langer *Bismarck Tribune*, in a letter complimenting Lanier on his handling of litigation, observed that an important factor should not be overlooked. He said, “This is Langer’s tendency toward vindictive and retributive action against all who affront or disagree with him.” The newspaperman, suggesting that Langer might take action against the jurors, took note of the flurry of rumors about the conduct of the trial.

“Since you left here, all sorts of stories have been in circulation, most of them attacking Judge Miller. One of the vilest is that

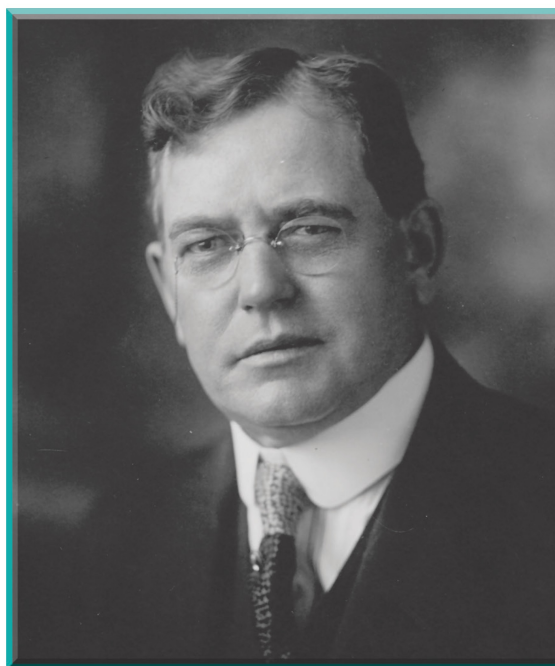


Figure 5. Federal judge Andrew Miller presided at the Langer trial. Miller was a North Dakotan whose antipathy (dislike) for Langer was well-known. (SHSND A1302-1)

he is supporting two families at Fargo and ‘needed the money.’ Another is that the juror who was last to vote for conviction was kicked by a bailiff when he asked for a pillow that he might take a rest from the ‘hammering’ of the jurors who were for conviction.”³⁷

Judge Miller seemed an unlikely target for the vicious accusations. Born in Denmark in 1870, he had come to the United States two years later with his parents. He grew up in Vermont, New York, and Iowa. At age twenty-one, he began to study law in a Garner, Iowa, law firm. He passed his bar examination three years later and practiced law in Buffalo Center. He entered Iowa politics as a Republican. While still in his twenties he was state’s attorney in Winnebago County and mayor of Forest City. In 1905 he moved to Bismarck and opened a law practice. He advanced quickly in the Republican party and won election three times as North Dakota’s attorney general. President Warren G. Harding made Miller a United States district

court judge in 1922. In 1934 Miller was the only federal judge in North Dakota.³⁸

Langer, against the backdrop of his wife's campaign for governor, organized a major fund raising effort. Unable to practice law as a result of his conviction, he claimed poverty. He toured North Dakota, speaking on his wife's behalf and asking for money.³⁹ A hastily formed organization, the "**Citizens Committee for Justice in the Defense of William Langer,**" also solicited money. The chairman, **Senator A. F. Bonzer** of Lidgerwood, wrote a state worker on July 9, 1934, "Will you not contribute the amount your enthusiasm for the peoples' cause dictates and thereby help in the laudable activity this committee has undertaken?"⁴⁰ Bonzer, in a letter to A. H. Hautt of Gackle, asked him to join in "this great fight for Democracy." Bonzer contended that Langer, who he called "the outstanding character in all political history," was in legal trouble, "Because he dared to be right, because he has kept faith with the humble and the oppressed, because he serves the common people of North Dakota in establishing the principle of human rights above contract and property rights; for these reasons Governor William Langer has been marked for destruction at the hands of the powerful few."⁴¹ In still another letter, Bonzer thundered, "The time is here now when every red-blooded North Dakotan must put on his fighting clothes."⁴² Throughout the state, in small towns like Hurdsfield, NPL supporters responded as best they could. Sometimes they contributed as little as fifty cents to the cause.⁴³

Upset about the letters and similar statements made in the *Leader*, Lanier told Attorney General Cummings that he wanted to indict Langer for mail fraud. "I might call your attention to the fact that Langer, in various speeches made by him throughout the state since his conviction has cast aspersions upon the various agencies and Departments of the Government, and has endeavored to impress the people of this state and neighboring states with the idea that his conviction was the result of political persecution," Lanier complained, "This is also the policy of his wife, who is now the candidate for governor of the state."⁴⁴ Authorities

in Washington reacted negatively to Lanier's plans. Assistant Attorney General Keenan asked him, "In view of the fact that Langer and his associates have already been convicted on charges rather closely associated with those now complained of, is it not probable that further prosecutions at this time will give 'color' to this claim of the Langers?" Keenan concluded, "Under the circumstances, this Department feels that it should go a little slow on the present charges, anyhow until after the election."⁴⁵

After the overturning of the verdict, Lanier asked the attorney general to take the case to the United States Supreme Court. Among the reasons Lanier cited were two key ones. He noted, "It will be difficult to obtain a jury for the retrial of this case," and concluded, "A Retrial will mean state-wide agitation and probable political turmoil."⁴⁶ The Department of Justice turned down the request on the grounds that past precedents indicated the Supreme Court would probably not hear the case.⁴⁷ The problem was one that Lanier faced throughout the litigation; despite the importance of the trial in North Dakota it never held center stage nationally. Then, too, the Department of Justice either did not understand or underestimated "Fighting Bill."

Lanier had no choice but to reopen the investigation. Right away he received another rebuff from inside the Department of Justice. The Federal Bureau of Investigation refused his request for help in collecting new evidence. Special Agent Werner Hanni, using classic bureaucratic prose, wrote Lanier on July 17, 1935,

"My superiors have informed me that the Bureau has come to this decision in view of the fact that the first investigation was conducted in its entirety by another Department of the Government, and, in view of the fact that such other department is thoroughly conversant with all of the facts in the case, it would be a needless repetition for this Bureau to now undertake the investigation without any knowledge of the facts and not being in possession of any investigative files."⁴⁸



Figure 6. The Federal Court jury that convicted Governor Langer posed for a Butler Studio portrait in May 1934. Front row (l-r): John Jones, Garske; Albert Anderson, Hillsboro; J.I. Brady, Fargo; Leslie C. Hulett, Mandan; Otto Roder, Langdon; and R.D. Smith, Oriska. Second row (l-r): Charles Lueck, Gardena; Edward Arnegard, Hillsboro; L.T. Crist, Grassy Butte; O.S. Hjelle, Mercer; A.D. Scott, Fargo; and Nick Eckes, Wahpeton. Third row (l-r): A.J. Loudenbeck, bailiff; Angus Kennedy, bailiff; alternate juror John T. Skar, Deep; and B.O. Borbo, bailiff. (SHSND D0633)

For what it was worth, the Department of State was more cooperative. The American counsel general in Winnipeg, Edwin C. Kemp, checked with all the bank managers in Winnipeg, but uncovered no bank accounts in either Langer's name or that of his wife.⁴⁹ However, still another rebuff came from Washington. Assistant Attorney General Keenan turned down Lanier's request to place evidence that Langer had used the mails to defraud before a grand jury.⁵⁰ The actions by high authorities ran somewhat counter to a claim Langer made in letters he wrote to supporters in September of 1935. Requesting that they help him get jurors who were not political adversaries, he said, "I dislike to bother you, but I am fighting enemies with unlimited funds who are desperately trying to put me in the penitentiary."⁵¹

Lanier obtained the perjury indictments from the grand jury without consulting Washington. He explained to Keenan on October 23, "The Affidavit of Prejudice in question was a very scurrilous instrument, in the main dealing with conclusions and matters stated upon information and belief,

and no doubt at the proper time in the future, upon motion, should be expunged from the record." According to Lanier:

The Affidavit charges that in this speech Judge Miller said things that inflamed the minds of the petit jury—that he pictured them as Communists and public enemies. No such speech was made, and in fact neither directly nor indirectly was there any reference in this talk to the petit jury panel to the Langer case or to any of the defendants therein, but to the contrary the speech in its entirety fully explained what the duties of the jurors were and seeking to impress upon this entire panel that in the work that was to follow, above all things, a fair trial to all parties should be given.

An Associated Press wire service story said essentially the same thing. Lanier indicated that Miller had instructed him to investigate the matter.⁵² In retrospect, Lanier should have contacted the attorney general.

The perjury indictments played directly into Langer's hands. J. M. Anders, an official of the Farmers Holiday Association, summed matters up in a letter to supporters on December 2, 1935. He stated, "We feel that if it had not been for Governor Langer's work in securing the Moritorium [sic], the Old Age Pension, the Embargo, and scores of other similar progressive measures, he would have been hailed as a hero instead of branded as a man who ought to be in the penitentiary. . . . Investigations lead us to believe that Governor Langer is perhaps the first man in England or the United States ever to be arrested for perjury in connection with filing an Affidavit of Prejudice."⁵³ A great many North Dakotans accepted that the directed verdict of not guilty in the perjury trial proved that Langer was the victim of a political persecution.

Rulings by Judge Wyman in the last two conspiracy trials further hurt the government's chances

of gaining a conviction. Wyman refused to allow Lanier to show that Langer had personally received large amounts of the "Leader Money." In the months after the trial Lanier remained interested in Langer's financial activities. In April of 1936 Lanier received permission from the commissioner of Internal Revenue to examine Langer's 1933 federal income tax return.⁵⁴ Langer reported a total income of \$19,146.80. He said that \$19,068.73 came from his law office and \$78.07 from dividends.⁵⁵ The government believed that his return failed to account for an additional \$54,378.64 in taxable income. This included \$11,545.15 in deposits in the Dakota National Bank and Trust Company in Bismarck, all charged to the account of the *Leader* in the Bank of North Dakota. In addition, Langer's income tax return did not include his \$3,666.64 governor's salary, which records indicate he received and deposited. At this time many governors felt they did not have to pay



Figure 7. The former United States Post Office and Courthouse in Bismarck, site of the 1934–35 Langer trials, was completed in 1913. In 1976 the building was listed on the National Register of Historic Places. (SHSND D0246)



Figure 8. Governor William Langer and Lydia Cady Langer pose for a photographer. Mrs. Langer took her husband's place on the 1934 general election ballot and narrowly lost to a well-organized opposition. (SHSND D0560)

federal taxes. Deposits credited to an account of his wife's totaled \$5,256.14. Between April and July of 1933, Langer purchased stock with a cost value of \$35,482.41. Almost all the money came from some other source than Langer's personal bank account in the Dakota National Bank and Trust Company. It later turned out that Langer owned profitable land in Mexico. Langer also had no qualms about buying stock in large corporations. He bought thousands of dollars of such issues as United States Steel, General Electric, General Motors, and DuPont. In April and May, 1933, he invested \$10,561.80 in the wheat market.⁵⁶ Langer made no mention of this when he instituted his wheat shipment embargo, designed to raise prices in the fall of 1933. In any event, Lanier did not call a grand jury to hear about the tax investigation, so the case ended.

Neither Miller, Lanier, or Lashkowitz faded from the scene following the Langer case. Miller stayed on the court until he retired in 1941. Over the

years he presided in litigations throughout the western half of the United States. His outstanding characteristic as a judge, according to attorneys who practiced before him, was his ability to eliminate unimportant details. He died in Fort Lauderdale, Florida, at age eighty-nine, in 1960.⁵⁷ Lanier died suddenly in Fargo in 1958. He was seventy-three years old. He had remained U.S. district attorney until he resigned in 1954 to run unsuccessfully for Congress. As U.S. attorney he vigorously prosecuted many tax violators. When he died he was a member of a Fargo law firm.⁵⁸ Lashkowitz returned to private law practice in Fargo in 1953. During the 1950s he headed the Fargo Jewish Tercentenary Committee and held important positions in the Elks Lodge. In 1962 he lost a close race for judge in North Dakota's First Judicial District. He died unexpectedly the next year at age seventy-four in Minot while attending a meeting of the North Dakota Bar Association. At that time, one of his four children, Herschel Lashkowitz, was mayor of Fargo.⁵⁹ The obituaries of

Harry Lashkowitz, Andrew Miller, and Powless W. Lanier, Sr., all mentioned their roles in the Langer case.

William Langer's brilliant use of what later came to be called "**political theater**" saved his career. When indicted, he was a controversial, but popular, governor with a reputation for getting in and out of legal trouble. His defiance of federal authority lent substance to his claims that he was the victim of a conspiracy. Once he moved the case into the political arena, the question of his guilt or innocence ceased to be the major issue in North Dakota. Langer, with the evidence stacked against him, followed a bold, cunning, and unconventional strategy. By his own admission, he spread false information and tried to influence a federal judge. No agency or person in the federal government effectively countered his tactics. Indeed, the response was confused and uncoordinated. In a period of depression and social discontent, the federal government had a presence but little control

in North Dakota. Its officials or actions had little credibility. The major winner in the litigation was William Langer. The proceedings—particularly in ill-fated perjury indictment in response to the affidavit of prejudice—actually advanced his career, enhancing his self-cultivated image as a political maverick.

About the Author

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1. Indicted with Langer were Frank A. Vogel, State Highway Commissioner; Oscar E. Erickson, state chairman of the Republican Central Committee and editor of the *Leader*; R. A. Kinzer, executive secretary of the State Relief Administration; his son, Joseph Kinzer; Oscar J. Chaput, business manager of the *Leader*; Harold McDonald, a subscription solicitor for the newspaper; and two state highway employees, Paul Yeater and G. H. Hample. "Chronology of the Langer Case," *Bismarck Capital*, December 19, 1935. See also: Agnes Geelan, *The Dakota Maverick: The Political Life of William Langer, also known as "Wild Bill" Langer* (Fargo: Kaye's Printing, 1976).
2. On June 7, 1934, Miller dismissed the charges against Yeater, Hample, and Kinzer.
3. On September 26, 1935, before Miller in Fargo, Chaput and McDonald changed their pleas from "not guilty" to "guilty." After Langer's acquittal, Miller set the men at "liberty."
4. Powless W. Lanier to Homer S. Cummings, November 19, 1935, Records of U.S. Attorneys and Marshals, *District of North Dakota*, Precedent Files—Criminal, *U.S. vs. William Langer, et al.* case 6157, Record Group 118, National Archives, Kansas City Regional Branch. Hereinafter cited as Precedent Files. There are four cubic feet of records, many of which have lost their original arrangement. Under the circumstances, the files are difficult to use. Not many people know about the Grand Jury called after the second conspiracy trial. Harry Lashkowitz to Sam Hood, August 4, 1941, Precedent Files.
5. *A Protest to the Seating of William Langer, A Senator from the State of North Dakota, before the Committee on Privileges and Elections, United States Senate, 77th Cong., 1st Sess.* (November 3 to 18, 1941), p. 668.
6. *Ibid.*, p. 680.
7. *Senator from North Dakota, Report of the Committee on Privileges and Elections in the Protest by Various Citizens of the State of North Dakota to the Seating of William Langer, as a Senator from the State of North Dakota, 77th Cong., 2nd Sess., 1942*, S. Rept. 1010, p. 60. Hereinafter cited as Majority Report.
8. *Ibid.*, 31, 61. See also *Minority Views of the Committee on Privileges and Elections in the Protest by Various Citizens of the State of North Dakota to the Seating of William Langer, as a Senator from the State of North Dakota, 77th Cong., 2nd Sess., 1942*, S. Rept. 1010.
9. Quoted in Beverly Smith, "Most Baffling Man in the Senate," *Saturday Evening Post*, 226 (January 23, 1954), p. 101. See also: Lawrence H. Larsen, "William Langer, Senator from North Dakota" (unpublished M.A. thesis, University of Wisconsin-Madison, 1955).
10. Quoted in Smith, "Most Baffling Man in the Senate," p. 101.
11. In November of 1941 Henry G. Owen, a special North Dakota assistant attorney general in Langer's second term as governor, told members of the Senate Privileges and Elections Committee, "Yes: I think every man, woman, and child in North Dakota old enough to read and understand the English language have heard these same charges banded from mouth to mouth and printed on the front page of the daily press and the weekly press and over the radio, and through every other source that is possible for human beings to disseminate information. They have all heard this same stuff year after year, year after year." *Majority Report*, p. 33.
12. Lorena Hickok, chief investigator for Harry Hopkins, visited the upper Great Plains in the fall of 1933. Her informal

- reports on politics and social and economic conditions contained scattered references to Langer. Once she called him “an awful liar” for a political attack he made on Franklin Roosevelt. She never commented on the issue of political solicitations. The “liar” quote is contained in Lorena Hickok to Harry Hopkins, November 23, 1933, in Richard Lowitt and Maurine Beasley, eds., *One Third of a Nation: Lorena Hickok Reports on the Great Depression* (Urbana: University of Illinois Press, 1981), p. 108.
13. Quoted in Larsen, “William Langer,” p. 80. Langer said following his indictment that the whole matter was “just cheap, rotten politics.” *St. Paul Pioneer Press*, May 2, 1934.
 14. Photostatic copy, R. A. Radford to Louis R. Glavis, February 15, 1934, Precedent Files. This five-page letter spells out the nature of the alleged conspiracy.
 15. Quoted in photostatic copy, *Bismarck Tribune*, June 30, 1933, Precedent Files.
 16. Telford Taylor, “Memorandum for Mr. Glavis,” October 18, 1933, Precedent Files.
 17. The date of the letter of complaint is noted in Radford to Glavis, February 15, 1934, Precedent Files.
 18. Ibid. Photostatic copy of Confidential Report, United States Department of the Interior, Director of Investigations, Washington, Fourth Region, Serial North Dakota, 07, 14, 1934, Precedent Files.
 19. Photostatic copy of Phrene Junge’s Affidavit, February 5, 1934, Precedent Files. There are dozens of affidavits collected from highway workers in the Precedent Files.
 20. Smith, “Most Baffling Man in the Senate,” p. 103.
 21. Radford wrote, “It seems obvious that the total amount of money collected throughout the State for ‘The Leader’ is considerable in excess of the requirements of ‘The Leader’ for publishing that paper. Just where this excess money goes after passing into the accounts of ‘The Leader’ we do not know. We think that the only way that this can be found out would be to subpoena the accounts of ‘The Leader’ before the Grand Jury or before the U.S. District Attorney for examination.” Radford to Glavis, February 15, 1934, Precedent Files.
 22. Quoted in photostatic copy, *Bismarck Tribune*, February 12, 1934, Precedent Files.
 23. Quoted in *Bismarck Capital*, December 19, 1935.
 24. Lanier to Charles Bangert, March 5, 1934, Precedent Files. Lanier did not see the Taylor brief until April. Radford to Lanier, April 12, 1934, Precedent Files.
 25. Harold Ickes to Cummings, March 9 and 10, 1934, Precedent Files.
 26. Quoted in Joseph B. Keenan to Lanier, March 13, 1934, Precedent Files.
 27. Ibid.
 28. *Fargo Forum*, October 13, 1958; *Bismarck Tribune*, October 13, 1958.
 29. Radford to Glavis, February 15, 1934, Precedent Files.
 30. *Fargo Forum*, June 28, 1963. For Lashkowitz’s involvement with the IWW see Charles James Haug, “Industrial Workers of the World in North Dakota, 1913–1917,” *North Dakota Quarterly*, Vol. 39, No. 1 (Winter 1971), pp. 85–102; and “Industrial Workers of the World in North Dakota, 1918–1925,” *North Dakota Quarterly*, Vol. 41, No. 3 (Summer 1973), pp. 5–19.
 31. Lanier to Cummings, “Investigation of Solicitation of funds from Federal Employees by Gov. William Langer et al.,” March 22, 1934, Precedent Files.
 32. Keenan To Lanier, March 31, 1934, Precedent Files.
 33. Lanier to Cummings, April 20, 1934, Precedent Files.
 34. William Stanley to Lanier, April 25, 1934, Precedent Files.
 35. Lanier to Cummings, April 20, 1934, Precedent Files.
 36. Thurman Wright to Cummings, June 20, 1934, Precedent Files.
 37. Kenneth Sessions to Lanier, June 22, 1934, Precedent Files.
 38. *Bismarck Tribune*, March 17, 1960.
 39. See Larsen, “William Langer,” pp. 28–29.
 40. A.F. Bonzer to “Dear Friend” (J. S. Stark), July 9, 1934, Precedent Files. Investigators collected this kind of information to help Lanier determine if mail fraud was involved.
 41. Bonzer to A. H. Hautt, July 13, 1934, Precedent Files. This and other letters are obviously part of a general mailing.
 42. Bonzer to “Dear Sir,” July 30, 1934, Precedent Files.
 43. Citizen’s Committee for Justice in the Defense of William Langer pledge list, Hurdsfield, July 18 to August 13, 1934, Precedent Files. Twelve people contributed a total of \$10.00.
 44. Lanier to Cummings, October 9, 1934, Precedent Files. Lanier wanted the mailing privileges of the *Leader* investigated before the trial. Lanier to Inspector in Charge, Post Office Department, Saint Paul, April 17, 1934, Precedent Files. After the trial the publisher of the *Bismarck Tribune* lodged a formal complaint regarding the distribution of the *Leader*. Leo D. Mann to Lanier, July 7, 1934. Lanier wrote postal authorities near the end of July calling for a complete investigation. Lanier to Inspector in Charge, Post Office Department, St. Paul, July 25, 1934, Precedent Files.
 45. Keenan to Lanier, October 19, 1934, Precedent Files.
 46. Lanier to Keenan, June 28, 1935, Precedent Files. Back in February, 1935, Lanier had been concerned that Senator Huey Long of Louisiana would ask that Langer be granted Executive Clemency. Lanier said, “I feel that it is unnecessary to write the Department relative to this matter, but I feel at the same time that it is not out of the way to state the fact that such a movement would bring a reign of terror in North Dakota.” Lanier to Cummings, February 15, 1935, Precedent Files. A pardon attorney in the Department of Justice assured Lanier that Long had not, as far as he was aware, asked for clemency. James B. Finch to Lanier, February 21, 1935, Precedent Files.
 47. The policy was spelled out in a letter from A.W.W. Woodcock, Special Assistant to the Attorney General, to Lanier, June 22, 1935, Precedent Files.
 48. Werner Hanni to Lanier, “Investigation of case against GOVERNOR LANGER,” July 17, 1935, Precedent Files.
 49. Edward C. Kemp to Lanier, August 30 and September 1, 1935, Precedent Files.
 50. Keenan to Lanier, September 9, 1935, Precedent Files.
 51. Langer to Alf Daley, September 26, 1935, Precedent Files. Langer sent out identical letters, all made to appear personal, to a number of perceived supporters. Some sent them on to Lanier’s office.
 52. Lanier to Cummings, October 23, 1935, Precedent Files.
 53. J.M. Anders to William J. Andrews, December 2, 1935, Precedent Files. This was part of a general mailing.
 54. The Commissioner of Internal Revenue granted the request. Robert H. Jackson, Assistant Attorney General, to Lanier, April 30, 1936, Precedent Files.
 55. Investigative report, “William Langer: Income Tax Return for year 1933,” Precedent Files.
 56. Ibid.
 57. *Bismarck Tribune*, March 17, 1960.
 58. *Fargo Forum*, October 13, 1958; *Bismarck Tribune*, October 13, 1958.
 59. *Fargo Forum*, June 28, 1963.

