

THE SEDITION TRIALS

Of

**A. D. SMITH,
a Lawyer**

And

**E. F. C. EBELING,
a Doctor**

(1918)

As reported in the Minneapolis Morning Tribune.

On April 6, 1917 the United States declared war on Germany. Fourteen days later the 40th Minnesota Legislature passed the following legislation prohibiting a person from teaching or advocating that men should not enlist in the armed forces of the United States or teaching or advocating that men should not assist the United States in prosecuting war against its enemies:

CHAPTER 463.¹

An act making it unlawful to interfere with or discourage the enlistment of men in the military or naval forces of the United States or of the State of Minnesota, and providing for punishment therefor.

Section 1. Interfering with enlistment unlawful.—It shall be unlawful from and after the passage of this act for any person to print, publish or circulate in any manner whatsoever any book, pamphlet, or written or printed matter that advocates or attempts to advocate that men should not enlist in the military or naval forces of the United States or the state of Minnesota.

Sec. 2. Speaking by word of mouth against enlistment unlawful.—It shall be unlawful for any person in any public place, or at any meeting where more than five persons are assembled, to advocate or teach by word of mouth or otherwise that men should not enlist in the military or naval forces of the United States or the state of Minnesota.

Sec. 3. Teaching or advocating by written or printed matters against enlistment unlawful.—It shall be unlawful for any person to teach or advocate by any written or printed matter whatsoever, or by oral speech, that the citizens of this state should not aid or assist the United

¹ Laws 1917, c. 463, at 764-765 (effective April 20, 1917).

States in prosecuting or carrying on war with the public enemies of the United States.

Sec. 4. "Citizen" defined.—A citizen of this state for the purposes of this act is hereby defined to be any person within the confines of the state.

Sec. 5. Violating a gross misdemeanor.— Any person violating any provisions of this act is hereby declared to be guilty of gross misdemeanor and shall be punished therefor by a fine of not less than one hundred dollars, (\$100.00) nor more than five hundred dollars, (\$500.00), or by imprisonment in the county jail for not less than three months nor more than one year, or by both.

Sec. 6. Officers given right to arrest.— Any police or peace officer of this state, or any regularly commissioned officer in the army or navy of the United States or of the national guard or organized militia of the state of Minnesota is hereby authorized to summarily arrest any person violating any provisions of this act.

Sec. 7. This act shall take effect and be in force from and after its passage. (Approved April 20, 1917).

Minnesota was not alone. Twelve other states and the territories of Alaska and Hawaii passed laws prohibiting interference with the recruitment of troops and disloyal commentary that impedes the war effort.² At the same time some states passed criminal syndicalism laws aimed at the Industrial Workers of the World, suspected anarchists and organizations thought to be subversive. Many convictions in state courts under sedition and criminal syndicalism statutes are the subjects of academic studies that concentrate on appellate court rulings.

The most famous prosecution under Minnesota's Sedition Act is *Gilbert v. State*, 254 U.S. 325 (1920) (White, C. J., & Brandeis, J.,

² Carol E. Jenson, *The Network of Control: State Supreme Courts and State Security Statutes, 1920-1970* 6 (Greenwood Press, 1982).

dissenting), *aff'g*, 141 Minn. 263 (1918). A few other convictions under the Minnesota Sedition Act were appealed to the state Supreme Court, but most were not. Newspaper accounts of these trials are our only source of information about them. Of particular interest to legal historians of this state is how trial judges oversaw jury selection and ruled on evidentiary questions. The fragmentary records we have suggest that the scales were tipped in favor of the prosecution.

The prosecutions of A. D. Smith, a lawyer, and E. F. C. Ebeling, a doctor, in Hennepin County District Court in Minneapolis in 1918 resulted in their convictions. Neither man appealed. They served their sentences. The trials of both men were reported in the *Minneapolis Morning Tribune*. Those reports follow.

The indictments charged them with teaching and advocating that citizens should not assist the United States in carrying on war against its enemies. One question a reader of these newspaper reports will ask is whether the few listeners of the defendants' diatribes were engaged or contemplating engaging in any war-related work. The defendants were not charged with interfering with enlistments because, it seems, no listener was interested in or even eligible to enlist in the military.

Any compliment about Germany or derogatory statement about President Wilson or the U. S. military by either defendant was evidence that they "aided or assisted" citizens in not supporting the war "against the public enemies of the United States." One of the oddest was the testimony of a cellmate of Dr. Ebeling in his second trial in September 1918. Dr. Ebeling was indicted in May for teaching citizens not to support the war effort. Unable to make bail he languished in jail for months and, according to his cellmate, made slurs about "Red Cross nurses." These comments were admitted into evidence because, somehow, they were relevant to the fact question of whether he had advocated disloyal conduct in May.

The Seditious Trial of A. D. Smith

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1. The Indictment

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A. D. Smith, a Minneapolis attorney, also indicted [on May 23] for making alleged disloyal utterances, was arraigned earlier in the day. He pleaded not guilty. Bail was set [by Judge Steele] at \$500 on one indictment and was furnished. Smith was allowed his liberty on a second indictment. The charges against Smith were made by King Rutledge, a tenant in Smith's house at 1928 Fourth street southeast.³

2. A Two Day Continuance

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Trial of A. D. Smith
Set for Wednesday

Efforts by Defendant's Attorney
to Delay Espionage Case
Results in Failure.

³ *Minneapolis Morning Tribune*, May 24, 1918, at 13. This article describes the indictments of both Smith and Ebeling. This excerpt relates only Smith's indictment, while the section of the article describing Ebeling's is posted on page 23.

A. D. Smith, attorney, will go to trial before Judge Leary in district court tomorrow on a charge of teaching and advocating that citizens should not assist in carrying on the war.

Yesterday his lawyer, C. A. Dalby, succeeded in obtaining another two days' delay, after Judge Steele had overruled every point in a demurrer interposed by Mr. Dalby last week.

Before Judge Leary Mr. Dalby asserted that the Smith case was not important.

"The jail is full of persons awaiting trial on serious charges," Mr. Dalby said. "This case is not important to the city of Minneapolis."

"I take issue with you there," interrupted Judge Leary. "This is the most important case that there can be at the present time."

Smith is said to have asserted that "the Germans are the chosen people of God, and should rule the world," and that he "would like to see the streets of Minneapolis running a foot deep with blood."⁴

3. Jury Selection

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Six Jurors Chosen
to Hear Smith Case

⁴ *Minneapolis Morning Tribune*, June 11, 1918, at 5.

Attorneys Modify Questions at Court's Suggestion to Speed Up Selection.

Six jurors in the case of A. D. Smith, attorney, charged under the state anti-sedition act with "teaching and advocating that citizens should not assist in prosecuting the war" had been selected when court adjourned last night. It is expected that the panel will be filled before noon today, and that the taking of evidence shall begin in the afternoon. The case is being heard before Judge Leary,

Opponent of Critics Challenged.

C. A. Dalby, Smith's attorney, inquired chiefly into the prospective jurors' sentiments regarding the 'right of free speech' in war-time. The first talesman called was William Du Beau, manager of a shoe store, who lives at Minnetonka.

"Do you believe in this government?" asked Mr. Dalby.

"Yes."

"Do you believe in the right of the citizen to criticize the government?"

"I do not," answered DuBeau.

"Do you believe in the freedom of free speech?"

"Not in war-time," was DuBeau's answer.

Selection of Jurors Speeded Up.

County Attorney Rees, who is prosecuting Smith, denied Dalby's challenge on the grounds of actual bias, and questioned DuBeau. Judge Leary sustained the

county attorney, and Dalby then used one of the defendant's five peremptory challenges and DuBeau was excused. When it was found that under this form of questioning, the selection of jurors would take several days, Judge Leary suggested modifications in the questions, and the selection was speeded up.

The chief witness against Smith will be King Rutledge, his tenant, with whom Smith lived. The attorney was indicted three weeks ago. ⁵

4. The Trial Begins

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A. D. Smith Placed on Trial for Disloyalty

**Accused Attorney Unconcerned
as Witness Tells of Alleged
Utterances.**

**"Germans Chosen People of
God," One of Statements
Charged to Defendant.**

A. D. Smith, "that intelligent man," as C. A. Dalby, his attorney, characterized him, lolled at ease across two chairs in district courtroom before Judge Leary late

⁵ *Minneapolis Morning Tribune*, June 13, 1918, at 13.

yesterday while Mr. Dalby spent three-quarters of an hour in a vain attempt to shake King Rutledge's story of Mr. Smith's alleged seditious utterances. Mr. Smith, who is also an attorney, listened to the testimony of the state's first witness, venting his apparent displeasure at times only by expectorating an extra liberal amount of tobacco juice in the cuspidor that a knowing deputy sheriff placed conveniently at hand.

Mr. Smith is charged specifically with "teaching and advocating that citizens should not assist in carrying on the war," and is said to have remarked that "the Germans



are the chosen people of God, and should rule the world. I would like to see the streets of Minneapolis running a foot deep in blood."

King Rutledge, 1928
Fourth street southeast—
a house rented to the
Rutledges by Mr. Smith,
who owns it—was the
first witness called yes-
terday afternoon by
County Attorney Rees. He
told of many conversa-

tions in which he said, Mr. Smith had expressed pro-German sympathies, and mentioned specifically the occasion on which Mr. Smith made his alleged remarks about the people of Germany being "chosen of God."

No objections were made by the county attorney to a long series of questions, despite a broad hint from Judge Leary that objections would be in order.

Mr. Rees permitted Mr. Smith's attorney to question Mr. Rutledge regarding his relations with the grand jury, and other matters usually ruled out of evidence. At one point, Mr. Rutledge turned to the court and asked if it was necessary to answer that question,

"I hear no objections from the county attorney," responded the judge, "so I presume, you'll have to answer."

Mrs. Rutledge testified to many alleged incidents when Mr. Smith was said to have made disloyal remarks. He frequently vilified President Wilson, she declared, and attacked verbally the American troops.⁶

5. A Neighbor Testifies.

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**Smith Wanted Yankee
Boys Shot, Court Told**

**Accused Attorney Vilified Wilson,
Soldiers and Belgium,
Mrs. Barker Says.**

⁶ *Minneapolis Morning Tribune*, June 14, 1918, at 8.

Secret Service Man Warned Defendant of Intemperate Language, He Testifies.

Mrs. June Parker, 1922 Fourth street southeast, was principal witness for the state yesterday against A. D. Smith, attorney, on trial before Judge Leary in district court, on charges of teaching and advocating that citizens should not assist in carrying on the war. She told remarks that Mr. Smith had made about American soldiers, the President and about Belgium and her story was unshaken by a protracted cross-examination by defendant's attorney.

One of the things he said, according to Mrs. Parker, was "I want to see this country get what Belgium got and the girls and women Minneapolis receive the same treatment they got over there."

"He also vilified President Wilson," according to Mrs. Parker.

"He said 'That dog, Wilson, should be assassinated,'" said Mrs. Parker.

"He said, 'I want to see every American boy who takes up arms against the Germans get a German shell through his guts.' He won't talk that way to men," said Mrs. Parker.

C. A. Dalby, Mr. Smith's lawyer, asked Mrs. Parker if she was "snooping" around trying to hear what he was saying.

"Snooping," repeated Mrs. Parker, "You don't have to snoop to hear Mr. Smith. He got off the street car one day

talking to himself about the war, and I heard him a quarter of a block away."

She denied that frozen water pipes in the house her father rents from Mr. Smith were the animus back of her testimony.

T. F. Campbell, special agent of the Department of Justice, told of warning Smith about his remarks shortly after war was declared.

"He was talking in his office about the battle of Vimy Ridge, where many Canadians had been killed," said Mr. Campbell. "Well," he said, "I see they've got the _____ Canadians. They'll get 'em all."

On cross examination Mr. Campbell was asked if he was mistaken about Mr. Smith's language.

"No one could ever be mistaken about Mr. Smith's language if they had heard it once," answered Mr. Campbell.⁷

6. The Defendant Takes The Stand

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A. D. Smith Protests
Absolute Loyalty.

Expresses Admiration for President
Wilson as "Literary Man."

⁷ *Minneapolis Morning Tribune*, June 15, 1918, at 17.

**Man Accused of Sedition Assails
"Capitalistic Controlled
Press."**

A. D. Smith, on trial before Judge Leary in district court, on charges involving an alleged violation of the state anti-sedition law, yesterday told the jury of his absolute loyalty, and declared that he was being prosecuted because of political enemies he had made and through a family quarrel.

Smith's examination by his attorney, C. A. Dalby, closed shortly before 5 p.m., and there was no cross examination.

The case will probably go to the jury shortly before noon today.

F. A. Stewart, attorney in whose suite Smith formerly had his office, was the last witness called by the state. He told of many alleged conversations with the defendant. The day after war was declared, according to Mr. Stewart, Mr. Smith came into the office brandishing a newspaper, and said, "I'm going to buy a revolver and shoot the first _____ soldier that looks cross-eyed at me. No jury in the state would convict me for killing one of these _____ soldiers."

Ordered Smith Out.

Mr. Stewart was a former military man and is now in the officers' reserve. He said on cross-examination that he finally ordered Smith out of the office. According to Mr. Stewart, Smith declared that the selective service law

was unconstitutional, and that he would defend any man that would fight it.

"When called as the first and only witness for the defense, Mr. Smith said that he was of Norman descent, and that his ancestors came to New England in 1635. He classified himself as a "real Yankee."

"A man of my intellectual activity and education would of course take an interest in world questions," said Mr. Smith in reply to one question.

"You have taken part in local politics?" was the question.

"Yes," admitted Mr. Smith, "but never to run for office—only to see good men elected. I have expressed my political opinions without fear, and freely, and have made enemies. It would have been better for me if I hadn't. This prosecution shows it. [""]

Not Angry at Wilson.

"Have you any anger against President "Wilson?" he was asked.

"None whatever." answered the attorney, who, according to testimony of several of the state's witnesses, repeatedly called the President "Dog Wilson." "As a literary man I have the greatest admiration for him."

Mr. Smith assailed the "capitalistic controlled press," which he asserted kept the real news about the war from the people. He gave long history of his two marriages, and said that the fact he had paid taxes here for 25 years and raised a family of 12 children ought to be a title to loyalty.

In speaking of one witness, Mr. Smith replied, "He is opinionated, very smart, very young, and very ignorant."⁸

7. The Jury Deliberates

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Jury Deliberates on Smith Sedition Case

The jury in the A. D. Smith case, out since 2:30 p. m. yesterday, had not reported at 1:30 a. m. today. Smith is on trial before Judge Leary in district court, on a charge of violating the state anti-sedition law. He is alleged to have said that he would like to see the streets of Minneapolis turning deep in blood, and to have asserted that "the Germans are the chosen people of God and should rule the world."

Smith, in testimony given yesterday, admitted that he had threatened to shoot Judge J. P. McGee, but declared that he said so by way of exaggeration, and that he never owned a revolver in his life.⁹

⁸ *Minneapolis Morning Tribune*, June 18, 1918, at 8.

⁹ *Minneapolis Morning Tribune*, June 19, 1918, at 1.

8. The Jury's Verdict

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**A. D. Smith Is Given
Year in Workhouse**

**Judge's Decree on Sedition
Charge Maximum, Although
Jury Urges Leniency.**

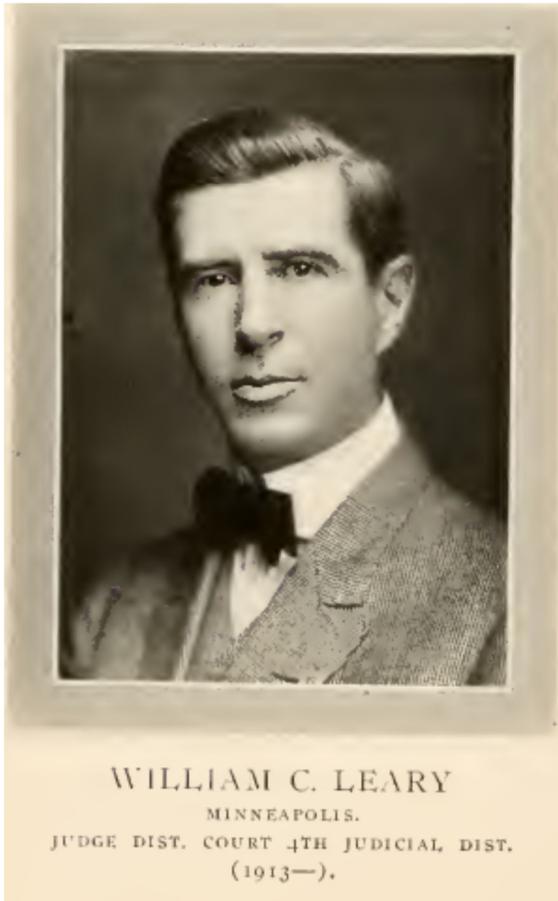
**Sixty-Day Stay Granted Attorney
and Bail Is Fixed
at \$2,500.**

A. D. Smith, Minneapolis attorney, was sentenced to serve the extreme penalty possible under the state law forbidding the "teaching and advocating that citizens should not assist in carrying on the war." Smith convicted on that charge after trial in district court before Judge Leary. The judge imposed sentence of one year in the workhouse in spite of the recommendation made by the foreman of the jury, asking leniency, in view of the fact that "Smith is an old man and intemperate."

C. A Dalby, Smith's attorney, made plea for a 90-day stay before sentence was pronounced. He told the court he felt that there was a conspiracy against his client.

No Conspiracy, Says Judge.

"The jury has brought in a verdict of guilty in this case," said Judge Leary, after Smith had said he had no statement to make. "Under the law penalty for a gross misdemeanor of this nature is one year in the county jail.



Had I not listened to the testimony very carefully, your attorney's statement that there is a conspiracy might have influenced me. The jury decided that there was no conspiracy, by finding you guilty, after hearing testimony from reputable citizens, including lawyers and a member of my own profession.

"I do not propose to lecture you. But in view of the times, and the nature of this particular

case, it is my duty to impose the maximum penalty—one year in the workhouse." The law gives the judge the option of sending a man under jail sentence to the workhouse.

Bail Fixed at \$2,500.

Elmer Grey, assistant county attorney, asked that the bond be fixed at \$5,000, after Judge Leary granted a 60-day stay of sentence.

“That is outrageous, and you know it, Mr. Grey,” said Smith, who was standing beside him. “If I were charged with manslaughter or a felony I could raise \$100,000 bonds, but public sentiment makes it almost impossible to get bonds in this case. I’m not going to run away. I’m chained to this town like a galley slave to his oar.”

“The court should not make it easier for offenders under this statute than it is other offenders,” said the judge. “There is a great difference between the status of a man merely charged with a gross misdemeanor and one who is under a year’s jail sentence. The bond will be \$2,500.”¹⁰

9. Jail

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**Smith Drops Appeal,
Starts Year in Jail.**

**Minneapolis Lawyer, Sentenced
for Teaching War Obstruction,
Surrenders.**

A. D. Smith, Minneapolis attorney, convicted in June of “teaching and advocating that citizens should not assist in carrying on the war,” yesterday voluntarily dismissed the appeal which was pending, and surrendered himself

¹⁰ *Minneapolis Morning Tribune*, June 20, 1918, at 12.

to Frank McDonald, superintendent of the workhouse, where he at once began serving the year's sentence imposed on him by Judge Leary in district court.

Commitment papers were received by the superintendent yesterday. The sentence took effect at 10 a. m. Mr. Smith will be put to work in the greenhouse, in view of his age and somewhat broken health, Mr. McDonald said.

Aside from saying that he did not care to take his case to the supreme court, Mr. Smith made no comment when he informed John M. Rees, county attorney, of his intention to surrender himself. He had been released under \$2,500 bail when sentence was pronounced, while his appeal was pending.¹¹

10. The Defendant Remains Unbowed

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Fund for Lundeen
Campaign Raised at
Peterson Reception

Government Actions Attacked
at 'Vindication' Celebration
Held Last Night.

The "vindication" celebration in honor of James A. Peterson, whose conviction was reversed by the United

¹¹ *Minneapolis Morning Tribune*, August 28, 1918, at 12.

States Supreme court, was held in the Empire room at the Hotel Radisson at 8 o'clock last night [October 20, 1920]. A campaign collection was taken for Ernest Lundeen, candidate for congress.

C. C. Joslyn presided and related the "persecutions" of the government against Mr. Peterson and his friends during the war. Paul F. Dohnel, former owner of the "American" complained of the reparations against Germany and said that Germany and Austria were not getting any milk or meat because of the severity of the allied demands.

Rev. G. L. Morrill attacked President Wilson and the Democratic administration.

Dr. C. A. Fritsche of New Ulm explained his position during the war and related the history of his trouble with the government.

A. D. Smith complained of the "perversion" of the laws under the Wilson administration and said that "the real Bolsheviks are the judges who perverted the laws from Chief Justice White right on down the line."

F. D. MacMillan charged that the British are trying to "haul down the Stars and Stripes and put up the Union Jack." and said he could back this statement up with evidence he had secured.¹²

¹² *Minneapolis Morning Tribune*, October 21, 1920, at 5.

James Alsak Peterson (1859-1928), the "vindicated" guest of honor, was a lawyer by profession. A Republican party activist he challenged incumbent U. S. Senator Knute Nelson in the Republican primary on June 17, 1918, but was defeated by a wide margin. In the midst of the campaign, he was charged with violating the federal Espionage Act. He was convicted and sentenced to four years in prison by District Court Judge Page Morris, a close friend of Nelson. Peterson appealed to the U. S. Supreme Court, which remanded the case for dismissal in October 1920. *Peterson v. United States*, 254 U.S. 660 (1920). It was dismissed on April 5, 1921.



The Old Workhouse

**49 Avenue North and Lyndale Avenue North, Minneapolis
(it was replaced in 1931)**

Photographer: Robert C. Busch

Minneapolis Newspaper Photograph Collection, Hennepin County Library.



The Old Workhouse
49th Avenue North and Lyndale Avenue North, Minneapolis
(it was replaced in 1931)
Minneapolis Newspaper Photograph Collection, Hennepin County Library.

The Sedition Trials of Dr. E. F. C. Ebeling

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1. The Indictment

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Doctor Is Jailed on
Charge of Disloyalty

Dr. E. F. Ebeling Accused of
Advising Citizens Not to
Aid U. S. in War.

Dr. E. F. Ebeling, 310 Sykes building, manufacturer of proprietary medicines, was arraigned in district court before Judge Steele yesterday on an indictment charging him with "teaching and advising that citizens should not assist the government in the prosecution of the war." He pleaded not guilty and spent the night in the county jail, unable to furnish \$1,000 bail.

An alleged disloyal utterance charged to Dr. Ebeling in the indictment was that "The Germans have a great army. They have been victorious and they will come over and conquer the United States." The defendant was not represented by counsel when he appeared in court. He denied that he had made disloyal utterances of any kind. He was born in Germany, he said.¹³

¹³ *Minneapolis Morning Tribune*, May 24, 1918 at 13. The doctor's middle initial "C" was omitted.

2. The Trial Begins

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Ebeling Case Is Opened.

Immediately after the disposition of the Smith case, selection of a jury in the case of Dr. E. F. C. Ebeling, charged under the same statute, began.

Dr. Ebeling, the maker of a proprietary medicine, is alleged to have remarked that "Germany is coming out victorious. The Germans are trained in the army from childhood up and can lick 100 or more of these Yankee-doodles. This government is nothing but a grafting institution, but it will be better when the Germans run things." ¹⁴

3. Jury Selection

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Jury Named in Trial of Alleged Pro-German

Taking of testimony in the trial of Dr. E. F. C. Ebeling, charged with teaching and advocating that citizens should not assist in carrying on the war, will begin today in district court before Judge Leary. Selection of a jury was completed late yesterday.

¹⁴ *Minneapolis Morning Tribune*, June 20, 1918, at 12.

More than 40 men were examined before a panel acceptable to both sides were found. Mr. Ebeling who is said to control proprietary medicine, is charged with having said that "one German can lick 100 of these Yankeedoodles," and to have remarked that "the government of this country is nothing but a grafting institution."

Walter H. Newton, assistant county attorney, and nominee for congressman from the fifth district, is prosecuting Ebeling.¹⁵

4. The Defendant Testifies

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**Disloyalty Suspect
Makes Broad Remark**

**Dr. E. F. C. Ebeling Reference
to German Army Features
Trial Friday.**

"The whole world knows that the German army can't be beaten."

Dr. E. F. C. Ebeling volunteered this statement on direct examination in Judge Leary's court room yesterday. Dr. Ebeling is charged with advocating that citizens should not assist in carrying on the war.

¹⁵ *Minneapolis Morning Tribune*, June 21, 1918, at 13.

"What was that remark!" shouted Walter H. Newton, Assistant county attorney, leaping to his feet.

Ebeling halted in embarrassment.

Kindly refer to your notes, Mr. Reporter," said Mr. Newton.

The court reporter read the statement.

C. C. Joslyn, counsel for Ebeling, spoke.

"You mean that in training and equipment the German army can't be beaten?" he said.

"Yes, something like that."

"Of course, you don't mean that the German army cannot be defeated?" Mr. Joslyn continued.

"No, no! I don't mean that, with all the world against them," answered Ebeling.

Dr. Ebeling freely admitted that until the United States declared war on Germany his sympathies were entirely pro-German.

After the declaration of war, however he said, he changed his mind about the ethics of the government's action. ¹⁶

5. The Jury Deliberates

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Jury Is Still Out in Ebeling Disloyalty Case

The jury in the case of Dr. E. F. C. Ebeling, charged with teaching and advocating that citizens should not assist in carrying on the war, had not reported at 3

¹⁶ *Minneapolis Morning Tribune*, June 22, 1918, at 17.

o'clock this morning. The trial was before Judge Leary in district court.¹⁷

6. A Hung Jury

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Jury Unable to Agree in Dr. Ebeling's Trial

After deliberating for more than 24 hours, the jury was unable to agree in the case of Dr. E. F. C. Ebeling, charged with a violation of the state anti-sedition law, and Judge Leary in district court late yesterday dismissed the jurymen until next September.

It is understood that the jurors stood ten for acquittal and two for conviction almost from the beginning of their deliberations.

Arrangements were to be completed today to get Dr. Ebeling out on bail.

The attorney for the defendant will probably make an attempt to have the indictment dismissed either today or at the beginning of the court term in September. And it is likely that the state will offer slight objection.

The jurors declared that the state's evidence was "uncorroborated to such an extent that a conviction would have been unfair."¹⁸

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¹⁷ *Minneapolis Morning Tribune*, June 25, 1918, at 1.

¹⁸ *Minneapolis Morning Tribune*, June 26, 1918, at 8.

The Second Seditious Trial of Dr. E. F. C. Ebeling

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1. The Second Trial Begins

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Testimony in Ebeling Case Commences Today

Taking of testimony in the case of [E.] F. C. Ebeling, charged with violating the state anti-sedition law, will begin this morning in district court before Judge Steele. Selection of a jury was completed late yesterday, and A. C. Finney, assistant county attorney, outlined the case against Ebeling, who is the manufacturer of a proprietary medicine.

Ebeling is charged with "teaching and advocating that citizens of the United States should not assist in carrying on the war against the common enemy." He is said to have made remarks to William A. Gibson, who will be the state's first witness, derogatory to the government and in praise of Germany, and to have vilified President Wilson.¹⁹

2. The Trial Continues

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¹⁹ *Minneapolis Morning Tribune*, September 18, 1918, at 10.

Men in Jail Astounded at Remarks of Ebeling

Loyal prisoners in the county jail were astounded by remarks made by E. F. C. Ebeling while he was awaiting trial for seditious utterances, according to the testimony of George Harrington, Ebeling's cellmate. Two other prisoners testified that Ebeling made disparaging remarks about government agents when they visited the jail. Testimony of half a dozen witnesses was heard yesterday. Cross examination of some of these will continue today.²⁰

3. The Jury Returns a Verdict

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**Ebeling Found
Guilty by Jury**

**Seditious Utterance Charge
Upheld in 15 Minutes.**

It took a jury in district court yesterday afternoon just 15 minutes to find E. F. C. Ebling, accused of violating the espionage act, guilty. The jury began deliberations at 4 o'clock and 15 minutes later told Judge Steele that they had readied a verdict. Ebeling will be sentenced this morning.

²⁰ *Minneapolis Morning Tribune*, September 19, 1918, at 10.

Ebeling was arrested on a charge of making seditious utterances. He came to the United States 36 years ago, and 11 years ago after he had taken out his first papers in this country, returned to Germany. He was specifically charged with “teaching and advocating that citizens should not assist in the prosecution of the war.”

First Jury Disagreed

This was Ebeling’s second trial. The jury in the first trial failed to agree after being out for many hours. The state closed its case yesterday morning with the testimony of three prisoners now held in the county jail, one of whom is German born and served in the Prussian army.

Cellmate Testifies

Jacob Wirtz, one of Ebeling’s cellmates, testified that Ebeling, while in jail, told other prisoners that he hoped the American transports would be sunk by German submarines. George Harrington, another cellmate, testified that Ebeling made disparaging remarks against Red Cross nurses.²¹

4. The Sentence

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Swift Punishment for Seditious

²¹ *Minneapolis Morning Tribune*, September 20, 1918, at 1.

E. F. C. Ebeling, Sentenced to Year in Workhouse, Begins Serving at Once.

E. F. C. Ebeling, convicted by a jury Thursday of disloyal utterances under the state anti-sedition act, yesterday began a 12 months' term in the workhouse.

After Ebeling had been sentenced in district court yesterday by Judge Steele to the maximum sentence — one year in the workhouse—A. C. Finney, assistant county attorney, objected to a stay of sentence. Ebeling was taken to the workhouse late yesterday afternoon.

Judge Steele scored Ebeling in sentencing him, declaring that his citizenship rights should be revoked



and that such men as he should be sent back to Germany, or, preferably to the German front line trenches to take their chances against the American boys who are fighting for the country seditionists are attacking.

This was Ebeling's second trial on the same charge. Last spring a jury before Judge Leary in district court disagreed. Ebeling was charged with having lauded the character of the Germans, to have attacked the United States government and the President and to have

defamed the character of Red Cross nurses. His bitterness was such that his cellmate in the county jail, where he was held four months, applied to the jailer for relief.²²

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Credits

The photographs of County Attorney Rees and Judges Leary and Steele are from *Men of Minnesota* (1915).

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²² *Minneapolis Morning Tribune*, September 21, 1918, at 16.