



Grave 8 - Lot 14 - Block 4

Louis Fred Effinger (1878-1921)

Missoula farmer accused and convicted of Montana's harsh sedition laws of 1918.

- **1878-Birth.** April 27, 1878 in Indiana.
- **1921-Death.** July 3, 1921 from obstruction of the bowels in Missoula Montana.
- **Louis Fred Effinger** was a bachelor German farmer who labored to conquer the rocky soil of the upper Rattlesnake Valley, continuing his father's legacy. His short life—he died in 1921 at age 43—was testament to the backbreaking work of immigrant homesteaders. But it may also have been shortened by an unjust conviction for sedition in 1918, an incident that revealed the community's fear of all

things German in World War I.

- **History.** Born on April 27, 1878, in Indiana, Louis was the youngest son of Sebastian and Matilde Effinger. Sebastian, born in 1850 in Bavaria, had immigrated to the United States through Ellis Island in 1870. The family headed west when Louis was a toddler and became the first settlers in the upper Rattlesnake Valley. Sebastian and his family did everything possible to tame the rocky lands they claimed as their own. Sebastian filed homestead claims on both sides of Rattlesnake Creek near Spring Gulch beginning in 1882 and built a two-story log cabin on the east side of the Creek that still stands. To irrigate some of the 1,000 acres he owned, on which he grew crops and fruit trees, he filed for numerous water rights and dammed several lakes high in the Rattlesnake range, breaching the dams in summer to feed the parched land below with flumes that he and his sons built. Sebastian also filed mining claims in the Homestake and Rattlesnake lodes.
- **Family.** Louis may have had three siblings. The eldest may have been Sebastian, known as Bostie. A Bostie Effinger is on the rolls of the University of Montana in the 1895-96 school year, along with Missoula names such as Craig, Evans, Higgins, Knowles, Woody and Jeannette Rankin. Another brother, Charles, worked as a teamster. He and a sister, Mary, are buried in the Missoula Cemetery along with Louis and their parents. Louis Effinger never married. His father died in 1916, leaving him to take care of Matilde and the homestead.
- **1918.** The U.S. geared up to send troops to Europe, domestic “radicals” such as the I.W.W. threatened the American war effort, and irrational fears of German spies swept the country. To silence war critics, the Montana Legislature passed a law on Feb. 23 punishing sedition, which it defined as occurring when “any person... shall utter, print, write or publish any disloyal, profane, violent, scurrilous, contemptuous, slurring or abusive language about the [U.S. form of government constitution, soldiers or sailors, flag or uniform].”
- **The incident.** Exactly one month after the law was enacted, Louis Effinger ran afoul of it. According to newspaper and court records, he and another Rattlesnake farmer, L.E. Tucker, were standing outside Don Oliver's store in Missoula, talking about farming and Effinger borrowing a seed cleaner from Tucker. A newspaper boy came along, hawking the Saturday evening Missoula Sentinel. Tucker bought the paper. A headline read, “British Line is Broken by Drive. Germans Take 25,000 Men—700 Guns.”
- According to Tucker's testimony later, he remarked, “That is too bad,” to which, he said that Effinger replied that “he wished the Dutch would take every son-of-a-bitching one of them.” (By “Dutch,” he meant the Deutsch or the Germans.)
- Tucker punched him in the face. Bystanders ran to a nearby hardware store to fetch a rope for an impromptu lynching. Only the intervention of Patrolman Kingston stopped the mob. But Effinger was charged with violating the new sedition law, the first person in Missoula County to be arrested on that charge.
- On Sep. 12, Effinger and hundreds of other men in Missoula County registered for military service. Three weeks later, at his sedition trial on Oct. 1-2, before Judge Asa L. Duncan, Effinger sought to clarify his remarks, but his testimony that he didn't care who won the war did nothing to endear him to the 12-man

jury. His lawyer argued that the sedition law was invalid, because only the federal government could enact such laws. It was a good argument, but well ahead of its time. Jury instructions stressing that Effinger was an American citizen and that his German descent shouldn't have any prejudicial effect were refused.

- The jury found Effinger guilty of sedition and fined him \$800, a sum that today would amount to more than \$11,500. He was one of 79 men and women in Montana convicted of sedition in 1918-1919 (41 of whom went to prison)*.
- On July 1, 1921, when Effinger was 43, he "just dropped over dead one day when he as working out in the fields," according to one recollection. Bostie, who had gone east to work for Golden Rule Store Co., came home and sold the family farm. The buyers were Edward and Minnie Ray from Grass Valley. They established the Sun Ray Dairy with a herd of 40 cows.
- In May 2006, Gov. Brian Schweitzer posthumously pardoned Louis Effinger and his fellow sedition convicts, following a successful campaign by UM law and journalism students.

This information was provided by Professor Clemens P. Work, Journalism Professor at the University of Montana, author of "Darkest Before Dawn: Sedition and Free Speech in the American West," and force behind the Montana Sedition Project.

**See <http://www.seditionproject.net>*

A brief sketch about Louis Effinger is included in my 2005 book, "Darkest Before Dawn: Sedition and Free Speech in the American West."

Many thanks to Albert Borgmann, who writes of the Effinger homestead in "Holding on to Reality: The Nature of Information at the Turn of the Millenium." Professor Borgmann also passed on to me sources that he used:

Comer, Daniel S., "Historic Settlement of the Rattlesnake Drainage." (M.A. Thesis, 2005).

Mendel, Nancy, "The Rattlesnake Valley: The Land and its People," (academic paper, 1973).

Poe, Forrest and Flossie Galland, "Life in the Rattlesnake," Mark Ratledge, editor, 1992.