



1-18-1919

Letter from G. Grimson to Attorney General Langer Regarding Initial Proceedings in Stepp Case, January 18, 1919

Gudmunder Grimson

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ATTORNEY AND COUNSELOR
STATES ATTORNEY FOR CAVALIER COUNTY
LANGDON, N. D.

Jan. 18, 1919.

RECEIVED GENERAL'S OFFICE
1-22
ANSWERED
1-22
Delivered to

Hon. William Langer,
Bismarck, N. Dak.

Dear Friend:

Yours of the 16th inst, enclosing

Mr. Ogle's letter, received. I am glad to give you the history of the case referred to. There was nothing secret about it. Nobody was trying to get easy money out of it, nor was anybody trying to side-step his duty in the matter.

Sometime early in December one F.R. Hinkle came to me and told me about this [redacted] girl and of the baby's birth. He said that nobody had known of her condition until the baby was born; that shortly after he had been called with regard to taking the child to the Children's Home at Fargo, as he is a Director of the Children's Home and lives at Clyde. He told me, and I verified that afterwards in my talks with the girl and the parents, that when the child was born and the girl was first asked who was the father, she accused one Larry Stepp. Afterwards it seems that further inquiry as to the time and place led the parents to believe that he could not have been the father of the child, and they examined her some more. Thereupon she said that a hired man that [redacted] had had last summer was the father. Further inquiry developed, however, that he could not be the father of the child, as it was a fully matured child at birth. In the meantime it seems that some town people had told Mr. [redacted] that this Hiram Stepp must be the father, and it seems that Mr. and Mrs. [redacted] asked the girl if he was not the father, and she finally said he was, and mentioned three occasions upon which he was supposed to have had intercourse

This hired man had left the country before that

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with her, one of which, in point of time, would be corroborated by the birth of the child. Mr.Hinkle further told me that the [REDACTED] wanted prosecution brought and I immediately went with him and the Sheriff to Sarles. We first went to the home of the [REDACTED] before going into town, and I interviewed the parents and the girl, but was unable to get any private interview with the girl, and could not satisfy myself as to whether her story was actually her own or more by suggestion of the parents or others. However, I made out her complaint and the Sheriff and I and Mr.Hinkle went to town with the warrant for this Hiram Stepp's arrest. We were afraid that if he were guilty he would conceal himself and try to get out as soon as our presence was known in town. We therefore went to one of the elevators at the side of town where we approached concealed the auto behind the elevayor, and the Sheriff and I waited in the office while Mr. Hinkle, who would not arouse suspicion, went up to town to locate Stepp. He shortly located him and phoned the elevator. The Sheriff went up and got him and brought him to the elevator office, where I interviewed him. It happened,however, that this elevator man, one George McLean, had been Justice for years and I had done considerable work before him. But he is not Justice now. And it seems that this Mr.McLean and Mr.Ogle have had a lot of trouble and are bitter enemies, and that is the reason that Mr.Ogle is writing. He is apparently waiting for any chance he can get to get even with McLean. Mr.McLean,however, had nothing to do with this case. When I asked him what he thought of it, when I first came in, he said that he would not be very much sur-

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prised if it were true. However, he said he knew nothing about it and never interfered in the case at all. He did go on the original bond as one of Stepp's bondsmen.

But to come back to the story: Stepp denied absolutely the charge when I told him in the elevator office what it was, and stoutly maintained his innocence. We let him go home to supper then, with Mr.Hinkle accompanying him. The warrant I had was from Langdon and I decided to have the [REDACTED] lay a new complaint for Rape in the First Degree, and phoned them to come in. I prepared the papers and had the girl sign the complaint before the Justice in Sarles, whose name is F.L.Fancher, and who happens to be the hotel keeper. The hearing was held in the dining-room. While I believe the door was shut, we did not attempt to keep anybody out. Upon arraignment, Mr.Stepp waived examination. Mr.Hinkle had suggested a four or five hundred dollar bond. I thought that was too low, but from all the circumstances that I knew of the case and the fact that Stepp had property so that he could not very well get away, I believed that \$1000.00 would be sufficient bond, and the Justice fixed it at \$1000.00. Before this, however, I had had a little interview with the girl alone. As Mr.Ogle says, she is not very strong in her mind, and it was a difficult matter for me to decide what was the truth in the matter. I got hold of this Larry Stepp whom she had first accused, but before I got hold of him, he had admitted to Mr.Hinkle that he had had intercourse with the [REDACTED] girl in February of last year. The child was born in November and when I spoke to him he told me the same thing. I then confronted

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him with the girl herself, and while both admitted intercourse, she said it was in December, he in February. They also differed on the place. I could not very well tell from their appearance which was telling the truth, but from the fact that I understood Larry had denied the charge absolutely up to that night, I suspected that the uncle Hiram Stepp had spoken to him between his first being charged with the crime and the time Larry told Hinkle, and had induced him to vary the time and place in order to show that he might have been the father of the child. Of course, it did not matter on the charge of rape in the first degree. They would of course all be liable, but I did not suppose Stepp understood that. Stepp immediately furnished his bail and I tried to follow up all the clues I heard, to get some corroborating evidence to the girl's story, but found nothing.

About a week or so afterwards, [REDACTED] called me up one night and said that Stepp was selling some property and that he was afraid he was going to skip out. I immediately prepared an affidavit for [REDACTED] to sign, and made application for a new warrant from the Justice on the ground of his selling out and apparently going to leave. This I sent over and [REDACTED] signed it and it was brought up before the Justice, who issued a new warrant and fixed an additional \$3500.00 bail, which Stepp immediately furnished, and I found out later that all that he had sold was some stock that he had for trading purposes. It seems that this Stepp is sort of a trader in cattle, and buys and ships. However, he furnished a good bail and apparently the intent of some parties in scaring [REDACTED]

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into believing that Stepp was leaving was with the idea of keeping Stepp in jail, rather than that they were afraid he would not appear.

After Xmas one day, while I happened to be at Alsen investigating some wheat stealing, Mr. and Mrs. [REDACTED], Mr. Hinkle and R.E. Stepp, the father of Larry, and brother of Hiram, came over here. They followed me to Alsen. Their proposition was that the [REDACTED] girl should be paid \$1000.00 damages, or some sum to be agreed upon, if that could be done to settle the matter. I told them that the criminal charge could not be settled with money, but that they could settle their civil damages; that if Hiram Stepp was guilty and would plead guilty, he could show a settlement of the civil damages in a plea for leniency from the court. I told them that they could all come over before court and appear before the Judge and decide what would be best to do. In the meantime, it had always been my plan to bring proceedings in juvenile court against this Larry Stepp, who is only 17, and try to get out of him if possible, before the Judge, whether his uncle Hiram influenced him to admit this intercourse with the girl. If that were the fact, it would be a strong circumstance, in my judgment, corroborating the girl's story, and my plan was to prosecute to the limit and use that as corroborative evidence. I did bring him over before the Judge under the Juvenile proceedings, and we examined him quite thoroughly. Mr. Hinkle was present and said that Hiram Stepp had never spoken to the boy except in his presence, after he was charged with the crime. And the boy stoutly denied that Hiram had in any way suggested that he should tell anything but the truth.

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We failed to shake Larry in any way in his story. After that hearing, Mr. Hinkle presented this plan of settlement of the civil damages to the Judge, and Judge Kneeshaw advised that under the circumstances a settlement of that kind was best, and that Larry Stepp be put on parole under the Juvenile Law and the case against Hiram Stepp dismissed. That seemed to satisfy all the parties and with the mental condition of the complaining witness considered, and the many stories that she had told, the question of doubt would naturally arise whether her story about Hiram was actually true or not, or more upon suggestion of others. And the fact that she had never been anxious to prosecute of her own volition, and was not then, it looked to me as if I had best follow the Judge's recommendations. As to whether it was Larry's father or Hiram who paid the money, or in what proportion they paid it, I do not know. I never talked with Hiram Stepp about settlement, and never promised him anything.

I do not know that Mrs. [REDACTED] was particularly active in the settlement. The man who seemed most active was Mr. Hinkle, who from the first night of Hiram's arrest believed thoroughly that he was innocent. I do not know whether there is anything to the gossip about the relationship between Stepp and Mrs. [REDACTED]. Mrs. [REDACTED] claims that he tried to force his attentions upon her, but he even denies that. I was satisfied, however, that it was best for the peace of the community that Stepp should leave, and so advised him, and he said that he intended to do that anyhow. [REDACTED] is an Irishman and I was afraid that there would not be very much cause necessary to arouse him or some of his particular friends to use

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physical violence upon Stepp. That is the only reason why we spoke to Stepp to get out.

I am not going to take any time in answering the intimations of Mr. Ogle as to pre-arrangements, etc. There is absolutely nothing to that, and I think you know me well enough to know that I would not be a party to any scheme to evade justice. I tried to act absolutely fairly in the matter and was ready to prosecute the case to the end. You can write Judge Kneeshaw or Mr. Hinkle, who know all about it, and find out whether I have not told you the true history of the case. Bastardy proceedings were never brought. The child, as I understand it, is to be given to the Children's Home for adoption, and anyhow there would never be any danger of its becoming a public charge. Mr. [REDACTED] did not need to, nor did he, "appeal to an incensed public to get a semblance of justice". I had told him when I was over there that if he ever thought that Stepp was getting ready to get out, to let me know and as soon as he called up I prepared and sent over the papers to arrest him for an increased bail. I am now satisfied, however, that that was done more because some people wanted to see Stepp in jail, rather than that they were afraid that he would not appear at the trial, and the fact that he easily obtained bail of \$4500.00 shows that people were not so scared that he would skip out.

The only question at all in the matter was whether the case against Stepp should have been dismissed. He, however, is a married man, apparently not very popular in Sarles,

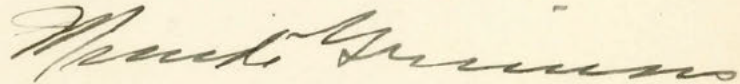
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and from Mr. [REDACTED]'s own statement, the first suggestion that he must be the guilty party came to Mr. [REDACTED] from Stepp's competitor in the cattle business. Then, considering the girl, her stories and her lack of volition in bringing the prosecution, and especially Judge Kneeshaw's advice, who has handled more of these cases than either you or I, I believed that we were justified in dismissing it.

I shall be very glad to have you investigate it fully,

Yours very truly,



GG*H