

65. THE ROBERTS BROTHERS CHRONICLES II – SUGARCOAT

Facts about Livermore characters and events have a way of fading or disappearing sooner than you'd think. So, I am glad that I asked as many questions as I did when I had the chance – I sure wish I had asked more.

A few years back, I realized that if anyone was going to ask questions of DL Roberts,¹ it might have to be me. I spent the Covid years recording numerous visits and phone conversations with DL. I know a lot more than I did before.

However, DL couldn't shed much light on something I had wondered about over the years. Back in the '50s, my father related a tale to me about DL's grandfather, George (1863-1966) and great-uncle, Ernest (1868-1967) going to prison for something-or-other to do with homesteads.

The story went that, in the old days, the Roberts brothers had been convicted of an infraction of homestead laws inconsequential enough that, at sentencing, the judge, with a kindly wink, had allowed the brothers to serve their brief sentences in alternate years, so that one of them could stay home and take care of the ranch while the other served his time and then they switched places.²

Over the years, I heard the same basic story from different sources – always short on detail. Quite unsatisfactory for a nosey type like me, so I decided to see what I could turn up. In addition to digging up some astonishing details, I found that, while most historical facts have a way of disappearing all on their own, others sometimes get a little help.

We'll get down into the weeds surrounding the actual events in future installments, but the gist is that by the time my father heard the story, the sharp-edged facts of the Roberts brothers' criminal scandal³ had become so rounded off and softened as to be barely recognizable after thirty years.

How could such a high-profile case, in the local public eye for more than four years, get so sugarcoated? Here are some interesting tidbits.

In 1972, when DL told his mother⁴ about his engagement to Penelope White (b. 1945), she asked with concern if 'Penny' knew about "*The Family Scandal*." DL had, in fact, told Penny what he knew about it – essentially the same story I had heard – Penny thought it was "*cute and romantic*".

Times do change – in 1919 it was a devastating scandal. The Roberts brothers' wives⁵ and the influential Sterling family must have worked tirelessly to tamp it down when and where they could.

By the fall of 1921, when the boys were sentenced to eighteen months each in Leavenworth, the scandal had become so intense, they decided to shield the family heir, Evan⁶, from more shame and embarrassment.

Evan was 13 or 14 when he was sent away to the prestigious Wentworth Military Academy at Lexington, MO.,⁷ in the fall of 1921 or the beginning of 1922. He apparently remained enrolled there until commencement exercises in 1925, but seems not to have graduated.⁸

Despite living in Livermore, the wives of George and Ernest, with their relation to Asa Sterling and his fortune (Chapter 61), were prominent in Fort Collins society and that likely had some influence on the editorial policies of the local press. Also, the trial was held in Denver, and to that extent, removed from Fort Collins.

An influential Denver woman played an unlikely, wildcard role in affecting some local opinion in favor of the boys (more later).

It appears that news items were successfully minimized in the local papers – kept off the front page, at least. When a news bulletin of local significance (opposite page) came across the United Press wire⁹ on June 10, 1920, the presses did not stop at the

Fort Collins Coloradoan. The editor had the typesetting department bury the wire story on page 3.

Turns out DL had heard the same sugarcoated story directly from his grandfather(!)...and so it drifted into the mists of Livermore mythology.

(to be continued...)

For their generous help with this chapter, thanks to DL Roberts for many pleasant hours spent in conversation; also, to Richard Elsom, Archivist with the National Archives, for locating and scanning hundreds of pages of court transcripts in the midst of the Covid pandemic.

¹ Born in 1933, DL is 89 at the time of this writing and living in his boyhood home on the ranch.

² My father would have heard this story about 1950. – thirty some years after the events. He did business with George Roberts and was a close friend and advisor of DL's father, Evan. (Chapter 6).

³ Federal indictment handed down October 22, 1919. Guilty verdict June 10, 1920. Appeal for a new trial denied. Sentencing September 11, 1921. Ernest remanded to US Marshall for delivery to US Penitentiary, Leavenworth, KS, January 23, 1923 and George on April 23, 1923 (details to follow).

⁴ Evan Roberts' first wife, Helen Lee née Evans (1906-1991) married 1931, divorced 1938, remarried 1945 to Harold E. Walker (1914-1994 – a younger cousin of Evan's).

⁵ Themselves, sisters – Martha 'Mattie' and Ella. (A third sister, Kate, lived in Fort Collins and was married to an 'unindicted coconspirator' in this affair – more later...)

⁶ James Evan Roberts (1908-2002), George and Mattie's son, Ernest and Ella's nephew.

⁷ At some expense: ~\$1,000 per year (about \$15,000 in 2022 dollars). Evan's mother and sisters were originally from Chillicothe, MO, about fifty miles from Lexington, MO, so Evan was not too far from his mother's relatives.

⁸ Wentworth Military Academy yearbooks 1922-1925.

⁹ The tone of the United Press (nka UPI) wire release expresses unusually zealous editorial scorn: "...exercising an overlordship..."

ROBERTS BROTHERS FOUND GUILTY

By United Press

DENVER, COLO., June 10th — George F. Roberts and Ernest W. Roberts, of Livermore, Colorado, were found guilty today by a jury in the federal court here on a charge of conspiracy to keep settlers out of the public domain in Larimer county. Edward Cooley, an employe of the Roberts, was acquitted.

The three men were indicted by the federal grand jury last fall. The Roberts are wealthy cattlemen and owners of thousands of acres of land in Larimer county. They were charged with exercising an overlordship in their district in an effort to prevent homesteaders from coming in. Judge F. S. Stow, of Fort Collins, who was attorney for the defendants, was given until June 25 to file a motion for a new trial.

The section of the federal penal code under which the two men were found guilty provides for a penalty of \$5000 fine and not more than ten years in the federal prison.

The Fort Collins Coloradoan, June 10, 1920. Page 3.
(author's red line emphasis)