

IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA
FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION.

United States of America, Plaintiff,

-vs-

JOHN FRANCIS HARNETT,
THOMAS J. MALONEY,
FRED FOSTER, KENNEDY,
ROSE PROBST,
JOHN AUGUST MADDY,
WILLIAM M. JOHNSTON,
LOUIS WILLIAM LE GRAND, MARGARET MAY BERGMAN,
LINNA JOHNSTON,
OLLIE RATCLIFF,
MILDRED TEALE,
Defendants.

No. 14110

INDICTMENT

COUNT I.

The Grand Jurors of the United States of America, duly and legally chosen, selected, summoned and drawn from the body of the Western District of Missouri, and duly and legally empanelled, sworn and charged to inquire of and concerning crimes and offenses against the United States of America in the Western District of Missouri, upon their oaths present and charge as follows:

I.

That at all the times hereinafter mentioned, in Kansas City, Jackson County, Missouri, in the Western. Division of the Western District of Missouri, and within the jurisdiction of this Court, a number of persons who were citizens of the United States of

America and residents of the State of Missouri, a part of whom are to the Grand Jurors unknown and whose names and exact description therefore cannot be set forth in this Indictment, and the remaining ones of whom, although known to the Grand Jurors, are too numerous to be named and described in this Indictment, and all of whom are hereinafter referred to as voters, then and there were residents of the 20th Precinct of the 12th Ward located in Kansas City, Jackson County, Missouri, and of the 4th Congressional District of the State of Missouri, and then and there were legally qualified voters who had duly and legally qualified to vote in accordance with the requirements of the laws of the State of Missouri relating to the qualifications of voters, and had duly and legally registered in accordance with such laws as such voters in the Precinct and Ward aforesaid, and then and there possessed and had the necessary and requisite qualifications to entitle them to vote at the General and Presidential Election hereinafter described, and then and there possessed and had the rights and privileges which were guaranteed and secured to them and to each of them by the Constitution and laws of the United States of America, all because of their citizenship and residence aforesaid, and their qualifications and registration as aforesaid, and complete and full

compliance with the laws of the State of Missouri as aforesaid, and then and there were entitled to exercise and to enjoy the same, which rights and privileges embraced and included, among others, the right and privilege to exercise the right of suffrage and to vote in and for the election of a legally qualified person to the office of Representative in the Congress of the United States of America to represent the people of the 4th Congressional District of the State of Missouri, and of the United States of America, at the General election to be held on the 3rd day of November, 1936, for such purpose, in the Congressional District aforesaid, and the right and privilege to have their votes and each of them for the person aforesaid accurately, honestly and truthfully counted, recorded, certified and returned as cast.

II. That on the 3rd day of November, 1936, at and in the Precinct and Ward aforesaid, and in the Congressional District aforesaid, in the City, County and State aforesaid, there was duly and legally hold a General election for the purpose, as

aforesaid, among others, of electing a legally qualified person to the office of Representative in the Congress of the United States of America to represent the people of the Congressional District aforesaid, and of the United States of America.

III. That on the 3rd day of November, 1936, WILLIAM M. JOHNSTON, LOUIS WILLIAM LE GRAND, MARGARET MAY BERGMAN and LINNA JOHNSTON, acted as the duly appointed, qualified and acting judges of election, and professed to be the same, and OLLIE RATCLIFF and MILDRED TEALE, acted as the duly appointed, qualified and acting clerks of election, and professed to be the same, all in and for the Precinct and Ward aforesaid, and on said date in the voting place legally selected for voting at and located in the Precinct and Ward aforesaid, they and each of them then and there assumed their respective duties and obligations aforesaid as such judges and clerks of election, and acted and professed to act in their respective offices, capacities and positions aforesaid, and then and there conducted said General election.

IV. That on the 3rd day of November, 1936, at the voting place legally selected for voting at and located in the Precinct and Ward aforesaid, and in the Congressional District aforesaid, at the General election aforesaid, the voters aforesaid and each of them duly made out, marked, registered and cast their votes on the ballots provided therefor pursuant to law for the duly and legally qualified person who then and there was the Republican Candidate for election to the office of Representative in the Congress of the United States of America to represent the people of the Congressional District aforesaid and of the United States of America, by appropriately, properly and lawfully placing a marking which was a cross-mark on said ballots denoting their desire to vote for and that they did vote for the duly and legally qualified person aforesaid, who then and there was a Candidate as aforesaid, and by thereafter duly and legally casting the same.

V. And the Grand Jurors aforesaid, upon their oaths aforesaid, do further present and charge that JOHN FRANCIS HARNETT, THOMAS J. MALONEY, FRED FOSTER KENNEDY, HOSE PROBST, JOHN AUGUST MADDY, WILLIAM M. JOHNSTON, LOUIS WILLIAM LE GRAND, MARGARET MAY BERGMAN, LINNA JOHNSTON, OLLIE RATCLIFF, and MILDRED TEALE, hereinafter referred to as

defendants, heretofore, to wit, on and prior to the 3rd day of November, 1936, and continuously until and including the date of the return of this Indictment, in Kansas City, Jackson County, Missouri, in the Western Division of the Western District of Missouri, and within the Jurisdiction of this Court, unlawfully, wilfully, knowingly and feloniously did conspire, combine, confederate and agree together, and among themselves, and with each other, and with divers other persons to the Grand Jurors unknown, to injure and oppress divers citizens of the United States of America, namely, the voters aforesaid, in the free exercise and enjoyment of rights and privileges guaranteed and secured to them and to each of them by the Constitution and laws of the United States of America, Namely, the rights and privileges described and set forth in paragraph "I" of this count of this Indictment, and particularly the right and privilege to exercise the right of suffrage to vote in and for the election of a legally qualified person to the office of Representative in the Congress of the United States of America to represent the people of the Congressional District aforesaid, and of the United States of America, which person then and there was a Candidate for the same, and the right and privilege to have their votes and each of them for the person aforesaid accurately, honestly and truthfully counted, recorded, certified and returned as actually and in fact cast, and that said felonious and unlawful conspiracy, combination, confederation and agreement was in substance and effect as follows, to wit: That after said voters and each of them had duly and legally made out, marked, registered and cast their votes as aforesaid on

the ballots provided therefor pursuant to law, and provided for the purpose of recording and registering the votes of said voters as they and each of them meant, intended and desired said votes to be counted, recorded, certified and returned, and after said ballots had been duly and lawfully deposited by said voters in the ballot boxes provided therefor pursuant to law, the defendants would unlawfully, wilfully, knowingly with fraudulent intent, falsely, fraudulently, untruthfully and corruptly count, record and certify, and permit to be falsely, fraudulently, untruthfully and corruptly counted, recorded, and certified, and cause the judges and clerks of election aforesaid, and each of them, and each other, falsely, fraudulently, untruthfully and corruptly to count, record and certify, to the Board of Election Commissioners in and for Kansas City, Jackson County, Missouri,

the votes of said voters and each of them as having been actually and in fact cast by said voters for a person who was a Candidate opposing the person for whom said votes were actually and in fact cast, so that said voters and each of them would be injured and oppressed in the free exercise and enjoyment of their rights and privileges aforesaid, and would be in fact deprived of the same, and so that the votes of all of the said voters voting for the duly and legally qualified person who was then and there the Candidate of the Republican party for election to the office of Representative in the Congress of the United States of America to represent the people of the Congressional District aforesaid, and of the United States of America, and who would deserve and be entitled to the same, would be given and credited to a person who would not deserve or be entitled to the same, and who was actually the Candidate of the Democratic party opposing the aforesaid duly and legally qualified person who then and there was the Candidate of the Republican party as aforesaid, although the defendants and each of them then and there would know full well that such procedure and such manner and method of counting, recording and certifying the said votes of the voters aforesaid would be false, fraudulent, untrue and corrupt, and not a count and recordation, and not a certification of the votes of the voters aforesaid as actually and in fact cast by them, and that said unlawful and felonious conspiracy, confederation and agreement was further in substance and effect as follows, to wit: That after said votes of the voters aforesaid had been falsely, fraudulently, untruthfully and corruptly counted, recorded and certified as aforesaid, the defendants and each of them would certify, return and deliver such false, fraudulent, untruthful and corrupt count, recordation and certification to the Board of Election Commissioners in and for Kansas City, Jackson County, Missouri, which was then and there constituted by law and was the lawful authority which was empowered and required by law to receive the count, recordation, certification and return of all votes cast in the Precinct and Ward aforesaid, and the authority to which the judges and clerks aforesaid, all of whom are hereinbefore named as defendants, were by law required to make their count, recordation, certification and return, all with the intent that said voters and each of them would be injured and oppressed in the free exercise and the enjoyment of their rights and privileges aforesaid, and would be in fact deprived of the same.

OVERT ACTS

And the Grand Jurors aforesaid, upon their oaths aforesaid, do further present and charge, that, to effect the object and purpose of said felonious and unlawful conspiracy, combination, confederation and agreement, the defendants, at the several times and places hereinafter mentioned, did commit, among many others, in furtherance of said felonious and unlawful conspiracy, combination, confederation and agreement, the following overt acts, that is to say:

OVERT ACT I.

The defendants, WILLIAM M. JOHNSTON, LOUIS WILLIAM LE GRAND, MARGARET MAY BERGMAN, LINNA JOHNSTON, OLLIE RATCLIFF, and MILDRED TEALE, hereinbefore named as defendants, on the 3rd day of November, 1936 at the voting place legally selected for voting at and located in the Precinct and Ward aforesaid, assumed their respective duties and obligations as Judges and Clerks of election, and assumed to act in their respective offices, capacities and positions and then and there conducted said General and Presidential election.

II.

The defendants, JOHN FRANCIS HARNETT, THOMAS J. MALONEY, FRED FOSTER KENNEDY, HOSE PROBST, JOHN AUGUST MADDY, WILLIAM M. JOHNSTON, LOUIS WILLIAM LE GRAND, MARGARET MAY BERGMAN, LINNA JOHNSTON, OLLIE RATCLIFF and MILDRED TEALE, on the 3rd day of November, 1936, at the voting place legally selected for voting at and located in the Precinct and Ward aforesaid, after the voters aforesaid, and each of them, had duly and legally made out, marked, registered and cast their votes aforesaid for the legally qualified Candidate of the Republican party for election to the office of Representative in the Congress of the United States of America to represent the people of the 4th Congressional District of the State of Missouri and of the United States of America, took and received the ballots whereon said votes were appropriately, properly and lawfully marked, with the intent then and there upon the part of them, falsely, fraudulently, untruthfully and corruptly to count, record, certify and return and deliver the same to the Board of Election

Commissioners in and for Kansas City, Jackson County, Missouri.

COUNT II: Miscalculated and altered votes

III.

On the 3rd day of November, 1936, at the voting place legally selected for voting at and located in the Precinct and Ward aforesaid, after the voters aforesaid, and each of them, had duly and legally made out, marked, registered and cast their votes aforesaid on the ballots provided therefor pursuant to law for the legally qualified Republican Candidate for election to the office of Representative in the Congress of the United States of America to represent the people of the 4th Congressional District of the State of Missouri and of the United States of America, as said voters and each of them meant, intended and desired the same to be counted, recorded, certified and returned, the defendants, JOHN FRANCIS HARNETT, THOMAS J. MALONEY, FRED FOSTER KENNEDY, ROSE PROBST, JOHN AUGUST MADDY, WILLIAM M. JOHNSTON, LOUIS WILLIAM LE GRAND, MARGARET MAY BERGMAN, LINNA JOHNSTON, OLLIE RATCLIFF and MILDRED TEALE, falsely, fraudulently, untruthfully and corruptly erased, eradicated and rubbed out from said ballots, the marking, which was a cross-mark, and which had been placed thereon by the voters aforesaid to denote their desire to vote for and that they did in fact vote for the duly and legally qualified Republican Candidate aforesaid, and falsely, fraudulently, untruthfully and corruptly caused and permitted the marking on said ballots, which was a crossmark as aforesaid, to be erased, eradicated and rubbed out from said ballots, and thereafter altered, falsified, changed and forged said ballots by placing thereon a marking, which was a cross-mark as aforesaid, falsely denoting that the voters aforesaid desired to vote for and that they

Count II: Miscalculated and altered votes

did in fact vote for the duly and legally qualified Democratic Candidate for election to the office of Representative in the Congress of the United States of America to represent the

people of the 4th Congressional District of the State of Missouri and of the United States of America, and falsely, fraudulently, untruthfully and corruptly caused and permitted said ballots to be altered, falsified, changed and forged as aforesaid, so as to give said ballots the appearance and semblance of having been voted and marked and cast by the voters aforesaid for the Democratic Candidate aforesaid instead of the Republican Candidate aforesaid for whom they had been actually and in fact voted and marked and cast

IV.

The defendants, JOHN FRANCIS HARNETT, THOMAS J. MALONEY, FRED FOSTER KENNEDY, HOSE PROBST, JOHN AUG-UST MADDY, WILLIAM M. JOHNSTON, LOUIS WILLIAM LE GRAND, MARGARET MAY BERGMAN, LINNA JOHNSTON, OLLIE RATCLIFF, and MILDRED TEALE, on the 3rd day of November, 1936, at the voting place legally selected for voting at and located in the Precinct and Ward aforesaid, falsely, fraudulently, untruthfully and corruptly counted and recorded the votes of the voters aforesaid.

V.

The defendants, JOHN FRANCIS HARNETT, THOMAS J. MALONEY, FRED FOSTER KENNEDY, ROSE PROBST, JOHN AUGUST MADDY, WILLIAM M. JOHNSTON, LOUIS WILLIAM LE GRAND, MARGARET MAY BERGMAN, LINNA JOHNSTON, OLLIE RATCLIFF, and MILDRED TEALE, on the 3rd day of November, 1936, at the voting place legally selected for voting at and located in the Precinct and Ward aforesaid, falsely, fraudulently, untruthfully and corruptly wrote, filled in and made out two Tally Sheets required by law and purporting to be accurate, honest, and truthful records of the result of the canvass of the votes of the voters aforesaid and an accurate, honest, and truthful count of the votes of the voters aforesaid, and, thereafter, on said date falsely, fraudulently, untruthfully and corruptly subscribed and signed the same.

VI

The defendants JOHN FRANCIS HARNETT, THOMAS J. MALONEY, FRED FOSTER KENNEDY, ROSE PROBST, JOHN AUGUST MADDY, WILLIAM M. JOHNSTON, LOUIS WILLIAM LE GRAND, MARGARET MAY BERGMAN, LIMA JOHNSTON, OLLIE RATCLIFF and MILDRED TEALE, on the 3rd day of November, 1936, at the voting place legally selected for voting at and located in the Precinct and Ward aforesaid, falsely, fraudulently, untruthfully and corruptly wrote, filled in and made out Duplicate Statements required by law purporting to be accurate, honest and truthful statements of the result of the canvass of the votes of one voters aforesaid, and an accurate, honest and truthful count of the votes of the voters aforesaid, and the defendants, JOHN FRANCIS HARNETT, THOMAS J. MALONEY, FRED FOSTER KENNEDY, ROSE PROBST, JOHN AUGUST MADDY, WILLIAM M. JOHNSTON, LOUIS WILLIAM LE GRAND, MARGARET MAY BERGMAN, LINNA JOHNSTON, OLLIE RATCLIFF and MILDRED TEALE, thereafter, on the date aforesaid, falsely, fraudulently, untruthfully and corruptly subscribed and signed the same and certified to the Board of Election Commissioners in and for Kansas City, Jackson County, Missouri, that the aforesaid Duplicate Statements were correct in all respects.

VII.

The defendants, JOHN FRANCIS HARNETT, THOMAS J. MALONEY, FRED FOSTER KENNEDY, ROSE PROBST, JOHN AUGUST MADDY, WILLIAM M. JOHNSTON, LOUIS WILLIAM LE GRAND, MARGARET MAY BERGMAN, LINNA JOHNSTON, OLLIE RATCLIFF, and MILDRED TEALE, on the 3rd day of November, 1936, at the voting place legally selected for voting at and located in the Precinct and Ward aforesaid, falsely, fraudulently, untruthfully and corruptly certified and returned and delivered to the Board of Election Commissioners in and for Kansas City, Jackson County, Missouri, that all of the votes for the legally qualified Republican and Democratic Candidates for election to the office of Representative in the Congress of the United States of America to represent the people of the 4th Congressional District of the State of Missouri and of the United States of America cast in the Precinct and Ward aforesaid were cast as follows:

C. Jasper Bell, 608 votes

Paul R. Byrum, 89 votes

whereas, in truth and in fact, as the defendants and each of them then and there knew full well, all of the votes for the legally qualified Republican and Democratic Candidates for election to the office of Representative in the Congress of the United States of America to represent the people of the 4th Congressional District of the State of Missouri and of the United States of America cast in the Precinct and Ward aforesaid were cast as follows:

Jasper Bell, 515 votes

Paul R. Byrum, 167 votes

and thus and thereby the defendants falsely, fraudulently, untruthfully and corruptly certified and returned to the Board of Election Commissioners in and for Kansas City, Jackson County, Missouri, that the voters aforesaid, designed and intended to be injured and oppressed as aforesaid by the felonious and unlawful conspiracy, combination, confederation and agreement of the defendants, and by this and their other overt acts hereinbefore set forth, had cast their votes for the person who was then and there the Candidate of the Democratic party for election to the office of Representative in the Congress of the United States of America to represent the people of the 4th Congressional District of the State of Missouri and of the United States of America, whereas, in truth and in fact, the defendants and each of them knew full well that thus and thereby 78 votes were falsely, fraudulently, untruthfully and corruptly certified and returned and given and credited to the person who was then and there the Candidate of the Democratic party for the office of Representative in Congress as aforesaid, who did not deserve and was not entitled to the same.

CONCLUSION

And so the Grand Jurors aforesaid, upon their oaths aforesaid, do say that the defendants, at the times and places aforesaid, and in the manner and form aforesaid,

unlawfully, wilfully, knowingly and feloniously did conspire, combine, confederate and agree to injure and oppress divers citizens of the United States of America, namely, the voters aforesaid, in the free exercise and enjoyment of their rights and privileges aforesaid which were guaranteed and secured to them and to each of them by the Constitution and laws of the United States of America:

Contrary to the form of the Act of Congress in such case made and provided, and against the peace and dignity of the United States of America.

Randall Wilson
Assistant U.S. Attorney

A TRUE BILL :
Rex Allaman
Foreman of the Grand Jury

Form No. 195
No. 14110
UNITED STATES DISTRICT COURT
WESTERN District MISSOURI
WESTERN Division

THE UNITED STATES OF AMERICA

vs.

John Francis Harnett; Thomas J. Maloney; Fred Foster Kennedy; Rose Probst; John August Maddy; William K. Johnston; Louis William LeGrand; Margaret May Bergman; Teale;

INDICTMENT

Vio: Sec. 51, Title 18, U.S.C.A.

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