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

United States of America,  
Plaintiff,

-vs-

No. 13,648

Edson M. Walker and John H. Drummond,  
Defendants.

REMARKS OF THE COURT ON THURSDAY, FEBRUARY 25, 1937, BEFORE IMPOSING SENTENCES.

That the crimes proved to have been committed in these two precincts are infamous will not be questioned by any decent man. If there are those with consciences so warped that, in the face of conclusive demonstration of crookedness and fraud, shrugging their shoulders, they still condone outrages like these, they must know that upright citizens everywhere have nothing but contempt for them. The reason for that universal condemnation is the realization of every thinking person that such crimes strike not only at the rights of individuals, they strike at the very roots of free government, at the very life of the republic. They who would prevent citizens casting the ballots of freemen are as much the enemies of America as its foes in war.

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There may be those whose moral sense is so blunted that they will believe these defendants have been handicapped by the honorable character and conduct of their lawyers. The highest ethical standards of the legal profession never have been better exemplified than by the manner in which the attorneys for the defendants have represented them. Zealously contesting every foot of the territory the controversies have traversed, defending every legal right of every defendant with superb ability, they have sternly refused to go one step further. There has been no pettifoggery practiced by them. They have not tried to induce jurors to believe that black is white. They have not asked jurors to shut their eyes to what was as plain as day. They themselves have been shocked by the shameful revelations of these trials and have not hesitated to say so.

The only reliance the defendants now have is on attenuated technicalities. There is no pretense that the defendants are not guilty of almost every conceivable ballot box crime. There is no pretense that they are not guilty of several kinds of criminal conspiracy. The only reliance of defendants is the hope, which by this time must be growing a little faint, however brightly once it burned, the hope that perhaps the exact and precise conspiracy charged in the indictment is not among the several of which unquestionably they are guilty.

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Fortunately for the cause of justice reliance on flimsy technicalities is not Quite so sure as once it was. There was a time, half a century ago, when men convicted of murder in Missouri might expect to escape punishment if it was discovered that the word "the" had been left out of an indictment. But the Supreme Court of Missouri long since redeemed itself from that disgraceful bowing-down before a senseless precedent. A new ideal for all courts to follow lately was formulated by the unanimous voice of the Supreme Court of the United States when, speaking through Judge Cardozo, that court said: "There is danger that the criminal law will be brought into contempt if gossamer possibilities of prejudice to a defendant are to \* \* set the guilty free."

If men should believe that what has been demonstrated beyond any controversy as to these two precincts is true generally in Kansas City, that what heretofore has been but rumor now has been established beyond shadow of doubt, it is possible that great discouragement of honest citizens may be the first reaction. The honest citizen may say, when the next election draws near:

"Why should I vote? What is the use? My ballot will not be looked at; my vote will not be counted. If it is counted, it will be nullified by a ghost. Elections in Kansas City are a ghastly farce."

But if discouragement is the first reaction, encouragement quickly will follow on its heels. If heretofore the decent citizen has been inclined to say, "Nothing will be done

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about it," perhaps he will no longer say that. Something has been done about it. A courageous federal judge, Albert L. Reeves, charged a grand jury to investigate the facts and do its duty. A federal grand jury made up of Missouri citizens, Democrats and Republicans, investigated and returned indictments. A brave, a courageous, an able United States Attorney, with brave, courageous and able assistants, prosecuted cases vigorously, speedily, successfully. Honest and intelligent petit jurors returned verdicts of "guilty." Men have been sentenced to the penitentiary now for having violated ballot boxes in Kansas City. What has been done, in years to come if necessary will be done again. In that certainty decent citizens may find hope.

There is still a firmer ground for hope. Now that the truth definitely has been made clear, citizens may look to the chief magistrate of Missouri for protection against repetitions of offenses like those revealed. Elections in Kansas City and St. Louis, the two great cities of the state, are under his complete control. He can guarantee to every citizen the right to cast one vote and to have that vote counted as cast. Decent citizens must rest their hope for clean elections on the character, courage and independence of their governor. He can prevent fraud in advance of its commission. The courts only can punish fraud after it has been committed.

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ORDER

It is ordered that the remarks of the court as set out above be filed in this case to be made a part of the record thereof.

Merrill E. Otis  
District Judge.

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FILED  
FEB 25 1937  
A. L. ARNOLD, Clerk  
By W. W. Caster, Deputy.