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

United States of America,
Plaintiff,

vs

Morris Stephens
Earl B. Winans
Grace B. Clark
J. P. Bailey
William J. McMahon
Leo Gilliam

No. 13839

INDICTMENT

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

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there were residents of the 25rd Precinct of the 1st Ward located in Kansas City, Jackson County, 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 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 legally qualified persons to the office of Presidential Elector of and for the State of Missouri, at the General and Presidential Election to be held on the 3rd day of November, 1936, for such purpose, in the State of Missouri, which persons then and there were Candidates for the same, and the right and privilege to have their votes and each of them for the persons aforesaid and each of them 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, in the City, County, and State aforesaid, there was duly and legally held a General and Presidential election for the purpose, among others, of

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electing legally qualified persons to the office of Presidential Elector of and for the State of Missouri, which persons then and there were Candidates for the same.

III. That on the 3rd day of November, 1936, Morris Stephens, Earl B. Winans, Harry A. King and Grider Thornberry acted as the duly appointed, qualified and acting judges of election, and professed to be the same, and Grace B. Clark and J. P. Bailey acted as the daily 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 selectee 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 and Presidential 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, at the General and Presidential election aforesaid, the voters aforesaid and each of them duly and legally made out, marked, registered, and cast their votes on the ballots provided therefor pursuant to law for the duly and legally qualified persons, who then and there were the Candidates of the Republican Party for election to the office of Presidential Elector in and for the State of Missouri by appropriately, properly, and lawfully placing a marking which was a cross-mark on said ballots denoting in legal effect their desire to vote for and that they

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did vote for the duly and legally qualified persons aforesaid, who then and there were Candidates 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 Morris Stephens, Earl B. Winans, Grace B. Clark, J. P. Bailey, William J. McMahon, and Leo Gilliam 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 Indictment, and particularly the right and privilege to exercise the right of suffrage and to vote in and for the election of legally qualified persons to the office of Presidential Elector of and for the State of Missouri, which persons then

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and there were Candidates for the same, and the right and privilege to have their votes and each of them for the persons aforesaid and each of them 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 box provided therefor pursuant to law, the defendants would unlawfully, wilfully, knowingly and 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 and 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 persons who were Candidates opposing the persons 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

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deprived, of the same, and so that the votes of all of said voters voting for the duly and legally qualified persons who were then and there Candidates of the Republican party for election to the office of Presidential Elector of and for the State of Missouri, and who would deserve and

be entitled to the same, would be given and credited to persons who would not deserve or be entitled to the same, and who were actually the Candidates opposing the aforesaid duly and legally qualified persons who were then and there the Candidates of the Republican party for election to the office of Presidential Elector of and for the State of Missouri 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 felonious and unlawful conspiracy, combination 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

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Precinct and Ward aforesaid, and the authority to which the judges and clerks aforesaid, some 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 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 defendant's, 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:

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One

The defendants, Morris Stephens, Earl B. Winans, Grace B. Clark and J. P. Bailey hereinbefore named as defendants, and Harry A. King and Grider Thornberry not named herein as a defendant, 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.

8.

Two

The defendants, Morris Stephens, Earl B. Winans, Grace B. Clark, J. P. Bailey, William J. McMahon, and Leo Gilliam 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 Candidates of the Republican party for election to the office of Presidential Elector of and for the State of Missouri, 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.

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Count I: Miscalculated and altered votes

Three

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 persons who then and there were the Candidates of the Republican party for election to the office of Presidential Elector in and for the State of Missouri, as said voters and each of them meant, intended and desired the same to be counted, recorded, certified and returned, the defendants, Morris Stephens, Earl B. Winans, Grace B. Clark J. P. Bailey, William J. McMahon, and Leo Gilliam 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 persons who then and there were the Candidates of the Republican party for election to the office of Presidential Elector in and for the State of Missouri, and falsely, fraudulently, untruthfully and corruptly caused and permitted the marking on said ballots, which was a cross-mark 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 falsely denoting that the voters aforesaid desired to vote for and that they did in fact vote for the duly and legally

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COUNT I: Miscounted and altered votes

qualified persons who then and there were the Candidates of the Democratic party for election to the office of Presidential Elector in and for the State of Missouri, 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 legally qualified persons who then and there were the Candidates for the Democratic party as aforesaid instead of the legally qualified persons who then and there were the Candidates of the Republican party as aforesaid for whom they had been actually and in fact voted and marked and cast.

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Four

The defendants, Morris Stephens, Earl B. Winans, Grace B. Clark, J. P. Bailey, William J. McMahan, and Leo Gilliam 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.

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Five

The defendants, Morris Stephens, Earl B. Winans, Grace B. Clark, J. P. Bailey, William J. McMahan, and Leo Gilliam 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.

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Six

The defendants, Morris Stephens, Earl B. Winans, Grace B. Clark, J. P. Bailey, William J. McMahan, and Leo Gilliam 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 the voters aforesaid, and an accurate, honest and truthful count of the votes of the voters aforesaid, and the defendants, Morris Stephens, Earl B. Winans, Grace B. Clark, J. P. Bailey, William J. McMahan, and Leo Gilliam 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.

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Seven

The defendants, Morris Stephens, Earl B. Winans, Grace B. Clark, J. P. Bailey, William J. McMahan and Leo Gilliam 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 Republican and Democratic Candidates for election to the office of Presidential Elector of and for the State of Missouri cast in the Precinct and Ward aforesaid were cast as follows:

Franklin D. Roosevelt	814 votes
John N. Garner	814 votes
Alfred M. Landon	23 votes
Frank Knox.....	23 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 Republican and Democratic Candidates for election to the office of Presidential Elector of and for the State of Missouri cast in the Precinct and Ward aforesaid were cast as follows:

Franklin D. Roosevelt	770 votes
John N. Garner	770 votes
Alfred M. Landon	64 votes
Frank Knox	64 votes

and thus and thereby the defendants falsely, fraudulently, untruthfully and corruptly in legal effect certified and returned to the Board of Election Commissioners in and for Kansas City, Jackson County, Missouri, that the voters aforesaid,

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designed and intended to be injured and oppressed as aforesaid by the felonious and unlawful

conspiracy, combination, confederation and agreement of defendants and by this and their other overt acts hereinbefore set forth, had cast their votes for the persons who were then and there the Candidates of the Democratic party for the office of Presidential Elector of and for the State of Missouri, whereas, in truth and in fact, the defendants and each of them knew full well that thus and thereby 41 votes were falsely, fraudulently, untruthfully and corruptly certified and returned, and given and credited to each of the persons who were then and there the Candidates of the Democratic party for the office of Presidential Elector in and for the State of Missouri, who did not deserve and were not entitled to the same.

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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.

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Count II: Miscounted Ballots

COUNT II

And the Grand Jurors aforesaid, upon their oaths aforesaid, do further 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 23rd Precinct of the 1st Ward located in Kansas City, Jackson County, Missouri, and of the 5th 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

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Count II: Miscounted Ballots

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 5th 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 held 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, Morris Stephens, Earl B. Winans, Harry A. King and Grider Thornberry, acted as the duly appointed, qualified and acting judges of election, and professed to be the same, and Grace B. Clark and J. P. Bailey acted as the duly appointed, qualified and acting clerks of election, and professed to be the same, all in and for the

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Count II: Miscounted ballots

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 Morris Stephens, Earl B. Winans, Grace B. Clark, J. P. Bailey, William J. McMahan, Leo Gilliam

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COUNT II: Miscounted ballots

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, hi Kansas City, Jackson County, Missouri, in the Western Division of the Western District of Missouri, end 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 Unites 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

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COUNT II: Miscounted Ballots

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

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Count II: Miscounted ballots

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, 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.

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Count II: Miscounted ballots

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:

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One

The defendants, Morris Stephens, Earl B. Winans, Grace B. Clark and J. P. Bailey hereinbefore named as defendants, and Harry A. King and Grider Thornberry not named herein as a defendant, 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.

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Count II: Miscounted ballots

The defendants, Morris Stephens, Earl B. Winans, Grace B. Clark, J. P. Bailey, William J. McMahan and Leo Gilliam 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 5th 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.

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COUNT II: Miscounted and altered votes

Three

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 5th 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, Morris Stephens, Earl B. Winans, Grace B. Clark, J. P. Bailey, William J. McMahan, and Leo Gilliam 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 cross-mark 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 falsely denoting that the voters aforesaid desired to vote for and that they

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Count II: Miscounted 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 5th 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.

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Four

The defendants, Morris Stephens, Earl B. Winans, Grace B. Clark, J. P. Bailey, William J. McMahan, and Leo Gilliam 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.

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Five

The defendants, Morris Stephens, Earl B. Winans, Grace B. Clark, J. P. Bailey, William J. McMahon, and Leo Gilliam 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.

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Six

The defendants, Morris Stephens, Earl B. Winans, Grace B. Clark, J. P. Bailey, William J. McMahon, and Leo Gilliam 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 the voters aforesaid, and an accurate, honest and truthful count of the votes of the voters aforesaid, and the defendants, Morris Stephens, Earl B. Winans, Grace B. Clark, J. P. Bailey, William, J. McMahon, and Leo Gilliam 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.

31.

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Seven

The defendants, Morris Stephens, Earl B. Winans, Grace B. Clark, J. P. Bailey, William J. McMahon, and Leo Gilliam 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

5th 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:

Joseph B. Shannon 815 votes
Lowell R. Johnson 22 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 5th 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:

Joseph B. Shannon 771 votes
Lowell R. Johnson 62 votes

32.

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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 5th 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 40 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.

33.

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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.

Richard S. Phelps
Assistant U.S. Attorney

A TRUE BILL:
N. C. Bretz
Foreman of the Grand Jury

34.

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No. 13839

UNITED STATES DISTRICT COURT
WESTERN District of MISSOURI
WESTERN Division

THE UNITED STATES OF AMERICA
vs.
MORRIS STEPHENS,
EARL B. WINANS,
GRACE B. CLARK,
J. P. BAILEY,
WILLIAM J. McMAHON,
LEO GILLIAM.

INDICTMENT
Vio: Sec. 51, T. 18, USCA

FILED
JUN 11 1937
A. L. ARNOLD, Clerk,
By W. W. Caster,
Deputy.