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For Immediate Release - Nov. 21, 1939

DEPARTMENT OF JUSTICE
UNITED STATES BOARD OF PAROLE
WASHINGTON

In re: Thomas J. Pendergast, Reg. No. 55295-L
Crime: Evade and Defeat Income Tax
Institution: U.S. Penitentiary, Leavenworth, Kansas
Sentence: One year, Three months
District: Western Missouri
Began Servitude: May 29, 1939
Parole Eligibility: October 28, 1939
Maximum Expiration, less statutory Good Time, May 30, 1940

The application for the grace of parole in this case was heard at the institution of confinement on November 4, 1939, whereupon the matter was adjourned to Washington for further consideration and final disposition. This is in accordance with the established procedure in all cases of prisoners incarcerated in Federal penal institutions.

After a most thorough investigation, followed by observation, interrogation, and careful deliberation in weighing all of the facts and circumstances surrounding the overt act, plea and sentence, as well as taking into consideration the age and physical condition of the applicant, and the further fact that he has no prior criminal history of record, the Board is constrained to the strong conviction that parole issuance in the case of Thomas J. Pendergast would be unjustifiable and incompatible with the public interest, and that the application, therefore, should very properly be denied. Accordingly, an Order of Denial has been duly entered.

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Thomas J. Pendergast, at the time of the commission of the crime for which he is now undergoing servitude, was president of the Ready—Mix Concrete Company of Kansas City, Missouri, in which community he had resided for forty-six years. In the course of this residence, the record discloses that Pendergast organized and directed a political machine which literally took over complete control of the municipal government. Satellites were placed in high positions of public trust and the community was bled white by graft and corruption. Every vice in the catalog became rampant, protected and encouraged by the machine-ruled police department. Kansas City became a haven of refuge and a rendezvous for some of the most notorious criminals and underworld taurines in the land. Subsequently the tentacles of this politically corrupt octopus adhered to the jury system in an attempt to obstruct the orderly functions of justice. The inferior courts were controlled and circumscribed to the end that murderers and other malefactors were successful in evading the just consequences of their

vicious, felonious, overt acts. Witnesses were threatened, coerced and manhandled; legitimate business and professional men were subjected to boycott and intimidation; justice was thwarted and strangled at every turn. When, as the last remaining weapon of defense, the law-abiding citizenry of Kansas City had the temerity to oppose bossism at the polls, they were not only slugged and otherwise maltreated, but the election was debauched by ghost-voting and theft of the franchise by ballot stuffing. The very vitals of government were ruthlessly attacked and the civil liberties of a free people were crushed

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to earth by the heel of a cruel, dictatorial, political, criminal-minded Samson. All hope for an overthrow and a return to clean government seemed to be in eclipse. The situation became no less than a festering sty on the public eye.

Intoxicated by success, Pendergast and his henchmen extended their operations to include the great commonwealth of Missouri. This culminated in the \$430,000 insurance steal in which Pendergast received the lion's share, and which precipitated the downfall of what on the surface appeared to be an impregnable empire of corruption, bribery, criminality and misfeasance and malfeasance in public office. The low moral turpitude became of such character and magnitude as to become a blot on the Nation's escutcheon. The Federal government took cognizance of the situation and with courage and indefatigable effort instituted the investigation which brought the house of Pendergast crumbling to the ground and landed him and his cohorts behind Federal prison bars.

Corruption of public trust in high places, be it direct or by remote control, acts akin to treason and, affecting the people of both a great metropolis and a great commonwealth, cannot be tolerated, much less condoned. It appears conceded as a fact established during several thousand years and not now to be philosophized away, that the fabric of justice cannot endure if mercy be permitted to set aside the penalties meted out in our gravest criminal cases by the tribunals set up to maintain the peace and dignity of the people. Whether or not others equally guilty have not

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been punished is wholly beside the issue. If the punishment of some particular individual awaited the just punishment of those who doubtless merit like punishment, nothing short of chaos would result.

Parole is not a right, but a grace which may or may not be extended. We are impelled to the belief that it was not the intent of the framers of the Parole Act that it should apply in a case of this type, involving as it does a moderate sentence of fifteen months and a fine of \$10,000 (no part of which has been paid) for so grave an offense committed against the State and Federal governments and civilization.

Again, the struggle for civic decency is still in progress in Kansas City and its environs. To return this man prior to the expiration of the judgment imposed to pick up the remnants of his fallen politico-criminal throne, thus affording further opportunity to thwart the will of the people, would not be pro-public nor in keeping with the precepts of good parole practice.

The applicant is presently under indictment in Kansas City on charges of bribery and is therefore removed from the realm of parole.

While the applicant is physically infirm, due to chronic disabilities, no evidence has been presented to show that his physical status has been specifically aggravated by confinement in the institution. It is reasonable to assume that the prison medical facilities will continue to prove adequate to his needs during the remainder of the unsatisfied term.

APPROVED:

G. Webber Wilson
Associate Member

Arthur D. Wood, Chairman

Edward P. Reidy
Associate Member