

Oscar B. Elam Attorney and Counselor,
3848 Brooklyn Avenue,
Kansas City, Missouri.
May 8, 1940.

To The Librarian Kansas City Public Library,
Kansas City, Missouri.

Dear Sir: The inclosures are copies of some documents which I take it you can use in Kansas City Public Library.

I have had a considerable demand for copies in Kansas City and from other cities.

I shall supply copies to libraries which have called for them and others which I am advised are to do so.

The particular local interest in the documents seems to be the fact that

I am the first citizen of Kansas City, Missouri to act unofficially-wholly upon my own rights as an elector of the city- to make public demand for a recall of the Mayor and every Member of the Council and also for recall of the Judges of the Municipal Court; and

my demand was given considerable publicity both in the Kansas City newspapers of April 24,1939 and thereafter and in the circulation of a large number of copies of the affidavits I made, these being the petitions for the recall. THESE WERE CIRCULATED MERELY FOR DISCUSSION.

THE INCLOSURES

I. Exhibit "A" Copy of The First Recall Petition in Kansas City History.

Delivered to City Clerk, Charles Regan April 24,1939.

Sworn to by Oscar B. Elam before John S. Trent, Notary Public April 22, 1939.

II. Exhibit "B" Copy of The Second Recall Petition in Kansas City History.

Delivered to City Clerk, Charles Regan May 31,1939.

Sworn to by Oscar B. Elam before C.F. Moulton, Notary, May 31,1939.

III. Copy of Open Letter of Oscar B. Elam, May 31, 1939, to Mayor and Council of Kansas City, Missouri, annexed to copy of the Second Recall Petition above mentioned.

Delivered May 7,1939, at Mayor's office to Mayor's Secretary.

IV. Copy of Petition of Oscar B. Elam, Paliantiff, against

Brtce B. Smith, A.N. Gossett, Charles H. Clark, Charles P. Woodbury, Ruby D. Garrett, Alfred L. Phillips, Chester Cooke, Frank Adams,

F.M. Evison and Charles Regan, Defendants. FOR SHOW CAUSE ORDER.

V. Copy of NOTICE OF INTENTION OF FILING THE PETITION.

The Notice and the Petition delivered June 7,1939 at office of the Mayor to the Secretary of the Mayor.

VI. Copy of address of Oscar B. Elam, 3848 Brooklyn Avenue, Kansas City, Missouri, March 7, 1940, to KANSAS CITY CHARTER CLUB, as Commander of Recall Division.

Sincerely, Oscar B. Elam

Oscar B. Elam.

3343 Brooklyn Avenue,
Kansas City, Missouri.

It has been suggested that I write a booklet entitled

"THE KANSAS CITY MISSOURI REVOLUTION
BEGINNING APRIL 24,1939, AND ENDING,
APRIL 2, 1940."

It so happens that no man challenged in my petitions for recall is now serving the city as an officer.

Reference

1012851

"EXHIBIT A."

State of Missouri,)

) SS.

County of Jackson,)

I, Oscar B. Elam, being first duly sworn upon my oath state,

I am an elector of Kansas City in Jackson County, Missouri; and I desire removal from office of all the elected officers of Kansas City, to wits

Mayor Bryce B. Smith, and the several members of the Council,

A. N. Gossett, Charles H. Clark, Charles P. Woodbury, Ruby D. Garrett, Alfred E. Phillips, Chester Cooke, Frank Adams, F. M. Evison, and the Municipal Judges, Thomas V. Holland and James H. Anderson. I demand the removal from office of all of said Kansas City officers.

The grounds alleged for such removal are to wit:

1. All the elected officers of Kansas City are submitting their official conduct to the control of private interests not answerable to the electors of Kansas City for the conduct of the officers and not consistent with the duties officers owe the electors and other residents of Kansas City as officers of Kansas City.
2. All of the elected officers of Kansas City are and have been so negligent of their duties and responsibilities as such officers, or else, so indifferent, or so inefficient, or so unfitted, as to render services which have been and now are subjects of much severe criticism in Kansas City and all over the United States and these criticisms have been so long continued and so malodorous as to make Kansas City notorious throughout the United States as a crime center and the actions of Grand Juries and Courts both Federal and State tend to confirm the truth of much of the criticisms giving Kansas City a bad name throughout the United States.
3. The criticisms have received such publicity that they menace the people of Kansas City in their business and social relation at home and abroad and bring about a general loss of respect for and confidence in the official integrity and fitness and usefulness of the elected officers of Kansas City for further public service as such officers at this time.
4. The needs of Kansas City inhabitants require that these elected officers of Kansas City be recalled and replaced by officers who will be and remain loyal to Kansas City and not subject to control of private unofficial dictation*
5. The Kansas City officers herein challenged are compensated by Kansas City in salaries, to wit : Mayor, \$5,000*00 and furnished a Secretary, \$2,400.00 and a chauffeur \$1,500.00 annually. Councilmen other than the Mayor, \$19,200.00—\$2,400.00 for every member of the Council other than the Mayor.

Municipal Judges, \$9,600.00~\$4,800.00 for each Judge*

The Salaries justify the officers respectively to render the services required of them. Any officer thinking otherwise ought to vacate his office by resignation.

Oscar B. Elam
Subscribed and sworn to
Before me, April 22, 1939. —
My Commission expires on the
3rd day of December, 1942.
John S. Trent, Notary Public.
(L.S.)

EXHIBIT B

Affidavit of Oscar B. Elam made May 31, 1939.
Delivered to City Clerk, May 31, 1939.
Demanding removal from office of Kansas City Officers, to wits
May, Bryce B. Smith.
COUNCILMAN, A. N. Gossett,
Charles H. Clark.
Charles P. Woodbury
" Ruby D. Garrett
" Alfred S. Phillips
" F. M. Evison
" Chester Cooke
" Frank Adams
Municipal Judge, Thomas V. Holland.
" " James H. Anderson.

Oscar B. Elam,
Attorney and Counselor,
501 Central Exchange Building,
806 Grand Avenue, Kansas City, Missouri Telephone, Victor 1339.

"EXHIBIT B."

IN THE OFFICE OF THE CITY CLERK OF KANSAS CITY, MISSOURI. May 31, 1939, AFFIDAVIT OF
OSCAR B. SLAM, AN ELECTOR OF KANSAS CITY, MISSOURI, FOR RECALL OF THE ELECTED
OFFICERS OF KANSAS CITY IN JACKSON COUNTY, MISSOURI, to wit:

Bryce B. Smith, the Mayor; and A. N. Gossett, Charles H. Clark, Charles
P. Woodbury, Ruby D. Garrett, Alfred E. Phillips, Chester Cooke, Frank
Adams, and M. Evison, the members of the Council other than the Mayor;
and Thomas V. Holland and James H. Anderson, Municipal Judges.

STATE OF MISSOURI,)

)

COUNTY OF JACKSON,) SS.

)

CITY OF KANSAS CITY,)

I, the undersigned, Oscar B. Elam, swear the facts, to wits

1. I am an elector in Kansas City in Jackson County, Missouri.

2. I desire and demand the removal from office of all of the elected officers of Kansas City in
Jackson County, Missouri, to wits

- (1.) I desire and demand removal of Bryce B. Smith from the office of Mayor of Kansas City; and
- (2.) I desire and demand removal of A. N. Gossett from the office of member of the Council of Kansas City; and
- (3.) I desire and demand removal of Charles H. Clark from the office of member of the Council of Kansas City; and
- (4.) I desire and demand removal of Charles P. Woodbury from the office of member of the Council of Kansas City; and
- (5.) I desire and demand removal of Ruby D. Garrett from the office of member of the Council of Kansas City; and
- (6.) I desire and demand removal of Alfred C. Phillips from the office of member of the Council of Kansas City; and
- (7.) I desire and demand removal of Chester Cooke from the office of member of the Council of Kansas City; and
- (8.) I desire and demand removal of Frank Adams from the office of member of the Council of Kansas City; and
- (9.) I desire and demand removal of M. Evison from the office of member of the Council of Kansas City; and
- (10.) I desire and demand removal of Thomas V. Holland from the office of Municipal Judge of Kansas City; and
- (11.) I desire and demand removal of James H. Anderson from the office of Municipal Judge of Kansas City.

3. The grounds alleged for removal from office of said Bryce B. Smith, Mayor of Kansas City, and said A. N. Gossett, Charles E. Clark, Charles P. Woodbury, Ruby D. Garrett, -Alfred E. Phillips, Chester Cooke, Frank Adams, and F. M. Evison, members of the Council, other than Mayor, and Thomas V. Holland and James H. Anderson, Judges of the Municipal Court, are, to wit:

Each and every one and all of the said officers of Kansas City in Jackson County, Missouri, has continually permitted himself to be used in his official capacity merely as a rubber stamp for use and benefit and service of private interests adverse and hostile to the interests of Kansas City and at all times ignored and disregarded his duties and responsibilities as an officer of Kansas City.

No one of the said officers of Kansas City has ever treated his office as a public trust. All have treated such offices as a private snap. The lives and liberties and properties of the people of Kansas City have at all times been endangered by the failure of each and every of said officers of Kansas City to do his duty as such officer and thereby and in that manner all of said officers have forfeited all claim to the confidence or respect of law-abiding inhabitants of Kansas City.

(2.) Each and every one and all of the said several officers has by his said conduct as such officer been so negligent of duties, or else, so indifferent, or else, so inefficient, or else, so unfitted for official service, as to render services which have been and are now subjects of much severe criticism in Kansas City and all over the United States, and these criticisms have been so long continued and so malodorous as to make Kansas City notorious as a crime center; and the actions of Grand Juries and Courts both Federal and State tend to confirm the truth of the grounds for such criticisms.

(3.) The just criticisms of the said official misconduct of the said several Kansas City officers have received such publicity as to be a menace to the people of Kansas City in their business and social relations at home and abroad and bring about a general loss of respect for and confidence in the official integrity and usefulness of the said several officers for further public service at this time.

(4.) The welfare of the inhabitants of Kansas City demands that all of the said officers of Kansas City shall be separated from the service of the City as officers as soon as that be possible; and that they be replaced by officers in whom the inhabitants of Kansas City may have confidence and who will be loyal to Kansas City and not subject to control of private interests.

(5.) Since April 24, 1939, without lawful cause or excuse the said officers of Kansas City and other lawbreakers with which they are affiliated and under whose orders they function have wilfully, wantonly, and in violation of law caused and procured the City Clerk of Kansas City to fail to do his duty as City Clerk and issue and deliver to affiant petition papers for recall of each and every of said Kansas City officers and perform other duties cast upon him by the law upon delivery to him of the affidavit of affiant April 24, 1939.

4. This affidavit is a demand for eleven sets of petition papers for recall—a set for every several officer herein sought to be recalled,

5. Affiant names as a Committee of Petitioners, to wits

(1.) C. L. Lambert; Address, 104 E. 50th, Kansas City, Missouri (2.) N. F. Broo; Address, 5727 Baltimore Ave., Kansas City, Missouri (3.) Gordon H. Parkinson; 4215 Bellefontaine Ave., Kansas City, Mo.

(4.) Eldon A. Hahn; 115 North Denver Ave.; Kansas City, Mo.

(5.) Oscar B. Elam; 501 Central Exchange Bldg.; 806 Grand Registration address, 2914 Campbell, Temporary Address, Crosby Hotel, 103 W. 9th St.; Kansas City, Missouri.

(Signed) Oscar B. Elam.

Subscribed and sworn to before me, May 31, 1939.

My Commission expires the 19th day of September, 1939.

(L.S.) C. A. Moulton, Notary Public.

Office of

Oscar B. Elam, TELEPHONE VICTOR 1839.

Attorney and Counselor,

501 Central Exchange Bldg.

806 Grand. Avenue, Kansas City, Mo. May 31, 1939.

Open Letter. Oscar B. Elam to Mayor and Council of Kansas City. Kansas City Charter Page 104 provides "The Council shall appoint a City Clerk who shall serve during its pleasure. The City Clerk shall keep the records of the Council, and perform such other duties as may be required by the Council. "In other words the City Clerk is a rubber stamp to function only at the will of the Council.

That Charter provision is responsible for this letter to you.

I shall with this letter deliver to the City Clerk my affidavit of May 31, 1939, made under authority of Section 434 Art. XVII of the Kansas City Charter page 228. It expresses my desire and demand for your removal from the several offices held by you as officers of Kansas City and the grounds for removal. April 24, 1939, I delivered to the City Clerk my affidavit then designed

for your removal from office.

I suggest that approximately ten thousand electors of Kansas City are awaiting opportunity to circulate recall petitions for separating you from the service as officers of Kansas City. The affidavit requires eleven sets of recall petition papers- that is a separate set for every one of the eleven Kansas City officers sought to be recalled.

Should the City Counselor and his staff be unable or unwilling to prepare the draft of these petition papers to give them legal form, I am able and willing and ready to do so for reasonable compensation for that service. I have continuous experience in preparation of technical legal papers, since November 1896 when I became a Missouri lawyer.

Unwarranted delay in issuing the petition papers demanded in my affidavit of May 31,1939, is not expected and would probably end in court proceedings.

IN THE OFFICE OF THE CITY CLERK OF KANSAS CITY, MISSOURI.

May 31, 1939, AFFIDAVIT OF OSCAR B. ELAM, AN ELECTOR OF KANSAS CITY, MISSOURI, FOR RECALL OF THE ELECTED OFFICERS OF KANSAS CITY IN JACKSON COUNTY, MISSOURI: to wit: Bryce B. Smith, the Mayor; and A.N. Gossett, Charles H. Clark, Charles P. Woodbury, Ruby D. Garrett, Alfred E. Phillips, Chester Cocke, Frank Adams, and F.N.Evison, the members of the Council other than the Mayor; and Thomas V. Holland and James N. Anderson, Municipal Judges.

STATE OF MISSOURI,

COUNTY OF JACKSON,) CITY OF KANSAS CITY.) SS.

I, the undersigned, Oscar B. Elam, swear the facts, to wit:

1. I am an elector in Kansas City in Jackson County, Missouri .
2. I desire and demand the removal from office of all of the elected officers of Kansas City in Jackson County, Missouri, to wit;
 - (1) I desire and demand removal of Bryce B. Smith from the office of Mayor of Kansas City; and
 - (2) I desire and demand removal of A. N. Gossett from the office of member of the Council of Kansas City; and
 - (3) I desire and demand removal of Charles H. Clark from the office of member of the Council of Kansas City; and
 - (4) I desire and demand removal of Charles P. Woodbury from the office of member of the Council of Kansas City; and
 - (5) I desire and demand removal of Ruby D. Garrett from the office of member of the Council of Kansas City; and
 - (6) I desire and demand removal of Alfred E. Phillips from the office of member of the Council of Kansas City; and
 - (7) I desire and demand removal of Chester Cooke from the office of member of the Council of Kansas City; and
 - (8) I desire and demand removal of Frank Adams from the office of member of the Council of Kansas City; and (9) I desire and demand removal of F.M. Evison from the office of member of the Council of Kansas City; and
 - (10) I desire and demand removal of Thomas V. Holland from the office of Municipal Judge of Kansas City; and
 - (11) I desire and demand removal of James H. Anderson from the office of Municipal Judge of Kansas City.

3. The grounds alleged for removal from office of said Bryce B. Smith, Mayor of Kansas City, and said A. N. Gossett, Charles H. Clark, Charles P. Woodbury, Ruby D. Garrett, Alfred E. Phillips, Chester Cooke, Frank Adams and F. M. Evison, members of the Council, other than said Mayor, and said Thomas V. Holland and James H. Anderson, Judges of the Municipal Court, are, to wit:

Each and every one and all of the said officers of Kansas City in Jackson County, Missouri, has continually permitted himself to be used in his official capacity merely as a, rubber stamp for use and benefit and service of private interests adverse and hostile to the interests of Kansas City and at all times ignored and disregarded his duties and responsibilities as an officer of Kansas City.

No one of the said officers of Kansas City has ever treated his office as a public trust. All have treated such offices as a private snap. The lives and liberties and properties of the people of Kansas City have at all times been endangered by the failure of each and every of said officers of Kansas City to do his duty as such officer and thereby and in that manner all of said officers have forfeited all claim to the confidence or respect of law-abiding inhabitants of Kansas City.

(2) Each and every one and all of the said several officers has by his said conduct as such officer been so negligent of duties, or else, so indifferent, or else, so inefficient, or else, so unfitted for official service, as to render services which have long been and are now subjects of much severe criticism in Kansas City and all over the United States, and these criticisms have been so long continued and so malodorous as to make Kansas City notorious as a crime center; and the actions of Grand Juries and Courts both Federal and State tend to confirm the truth of the grounds for such criticisms.

(3) The just criticisms of the said official misconduct of the said several Kansas City officers have received such publicity as to be a menace to the people of Kansas City in their business and social relations at home and abroad and bring about a general loss of respect for and confidence in the official integrity and usefulness of the said several officers for further public service at this time.

(4) The welfare of the inhabitants of Kansas City demands that all of the said officers of Kansas City shall be separated from the services of the city as officers as soon as that be possible; and that they be replaced by officers in whom the inhabitants of Kansas City may have confidence and who will be loyal to Kansas City and not subject to control of private interests.

(5) Since April 24, 1939, without lawful cause or excuse, the said officers of Kansas City and other lawbreakers with which they are affiliated and under whose orders they function have wilfully, wantonly and in violation of law caused and procured the City Clerk of Kansas City to fail to do his duty as City Clerk and issue and deliver to affiant petition papers for recall of each and every of said Kansas City officers and perform other duties cast upon him by the law upon delivery to him of the affidavit of affiant April 24, 1939.

4, This affidavit is a demand for eleven sets of petition papers for recall- a set for every several officer herein sought to be recalled.

5. Affiant names as Committee of Petitioners, to wit:

(1) C. L. Lambert, Address, 104 E. 50th St. Kansas City, Mo.

(2) N.F. Boor, Address, 5727 Baltimore Ave., Kansas City, Mo.

(3) Gordon H. Parkinson, 4215 Bellefontaine Ave., Kansas City, Mo.

(4) Eldon E. Han, 115 North Denver Ave., Kansas City, Mo.

(5) Oscar B. Elam, 501 Central Exchange Building, 805 Grand Ave., Registration Address 2914 Campbell St., Temporary Address Cosby Hotel 103 W, 9th St., Kansas City, Mo.

Subscribed and sworn to before me May 31, 1939. My commission expires the 19 day of September, 1939.

Oscar B. Elam, Affiant.

C. F. Moulton, Notary Public.

(L.S.)

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI, AT KANSAS CITY
MAY TERM, 1939.

Oscar B. Elam, Plaintiff,

v. No.

Bryce B. Smith, A. N. Gossett, Charles H. Clark,

Charles F. Woodbury, Ruby D. Garrett, Alfred S. Phillips.

Chester Cooke, Frank Adams, and F. M. Evison, and Charles Regan,
Defendants.

PETITION.

Plaintiff states that he is and at all times herein mentioned and referred to was an elector of Kansas City in Jackson County, Missouri, and as such, entitled to initiate recall proceedings against any and every officer of Kansas City elected by the people to office in said City, and that he exercised his said right, April 24, 1939, and again May 31, 1939, by delivery to the City Clerk of an affidavit of plaintiff on each of said dates and more fully hereinafter described, and a copy of each of said affidavits is hereto annexed as part hereof and marked respectively as "Exhibit A." and "Exhibit B."

Plaintiff further states that said Kansas City is and at all times herein mentioned and referred to was a municipal corporation operating under a charter adopted by vote of the people under authority of the Constitution of Missouri and the several codefendants are and at all times herein mentioned and referred to were officers of Kansas City, defendant, Charles Regan, the City Clerk, by appointment of his codefendants sub-

ject to service only during the pleasure of his codefendants and possessed of no power or authority other than to "keep the records of the Council, and perform such other duties as may be required by the Council." The other codefendants constitute the Council. The Council is vested by the Charter with the powers of the City and consists of and at all times herein mentioned consisted of defendant, Bryce B. Smith as Mayor, and all of the other codefendants as members of the Council.

Plaintiff further states that the defendant, City Clerk 24, 1939, referred the said affidavit of plaintiff to the codefendants for instructions as to what he, the city clerk, should do, as City Clerk about the affidavit, and that the defendant, City Clerk, on May 31, 1939, referred the said affidavit of plaintiff made and delivered to said City Clerk on May 31, 1939, to the codefendants for instructions as to what he, the City Clerk, should do as City Clerk about that affidavit in performing his duties prescribed under Kansas City Charter, he, as City Clerk, being limited by

the Charter as aforesaid "to" serve during the pleasure of the Council, "keep record of the Council, and perform such

other duties as may be required by the Council".

Plaintiff states that in each of the said affidavits of plaintiff there was a statement of the desire of plaintiff and the demand of plaintiff for removal from office of all of the elected officers of Kansas City and a statement of the grounds alleged for the removal of each and every one of the said several officers, and in each of the said affidavits there was stated a demand of plaintiff that defendant Bryce B. Smith be removed from the said office of Mayor of Kansas City, and there was stated a demand of plaintiff that defendants, A. N. Gossett, Charles H. Clark, Charles P. Woodbury, Ruby D. Garrett, Alfred I. Phillips, Chester Cooke, Frank Adams, and F. M. Evison, severally be removed from office as members of the Council of Kansas City, and there was stated a

demand of plaintiff that Thomas V. Holland and James H. Anderson, each severally be removed from office as Judges of the Municipal Court of Kansas City, and these several eleven persons are all of the officers of Kansas City elected by the vote of the people.

Plaintiff further states that the codefendants at all times had full actual notice of all of the facts and circumstances herein stated and that because of the conflict between the private interests of the said several codefendants and the said rights of plaintiff as an elector of Kansas City the codefendants conspired together with other evil minded persons to wrong and defraud plaintiff of his said rights and under and in pursuance of said scheme and conspiracy defendant Mayor and defendants,

members of the Council, failed and refused and neglected to make it possible for the defendant, City Clerk to deliver to plaintiff copies of petition papers in proper form for demanding removal from office of the said Mayor and the said members of the Council and the said Judges of

the Municipal Court, or any thereof. The said conflict in interest consisted of the fact that the said affidavits made charges against said several officers of raise induct as such officers and sought to separate them severally from service as such officers and to deprive said officers severally of the emoluments, influence, and power incident to such several official positions. The emoluments of said Mayor include \$5,000.00 a year as salary, \$2,400.00 a year for secretary, and \$1,500. 0 a year for chauffeur, and all of the defendant members of the Council receive as emoluments of office at the least a salary of \$2,400.00 a year, and the said Judges of the Municipal Court receive as emoluments of office, at least a salary of \$4,300.00 a year for each of them.

Plaintiff further states that under the Kansas City Charter it was the duty of the defendant City Clerk upon receipt from plaintiff of the said several affidavits of plaintiff to "thereupon deliver to the elector (this plaintiff) making the affidavit copies of petition papers in proper form for demanding removal of the said several elected officer of Kansas City, and to keep on file for distribution printed copies of the petition papers so delivered to plaintiff, and to enter a record to be kept in the office of the City Clerk the name of this plaintiff, the date of the issuance of said petition papers, and to certify upon each such paper, the name of the person

whose recall is sought, the name of the elector to whom issued, and the date of issuance; and it was the duty of the several codefendants of the City Clerk, as members of the Council of Kansas City, to make it possible for the defendant, City Clerk, to perform his said duty by providing the supplies and equipment and help required by said City Clerk to enable him to perform his said duties.

Plaintiff states that the several codefendants of the defendant, City Clerk, at all times failed, refused and neglected to perform their said duties or any thereof and thereby and in that manner the codefendants made it impossible for the defendant, City Clerk, to obey the said mandates of the said Kansas City Charter. Plaintiff further states that because of the several official positions for the codefendants as herein stated, their said acts are acts of the State of Missouri by and through her agencies, and constitute a violation of the rights of the plaintiff to equal protection of the law within the meaning of the Fourteenth Amendment to the Constitution of the United States, and under Kansas City Charter, Section 435, Article XVII, the time for circulating said several recall petitions is limited to a period of, to wits

"A recall petition, to be effective, must be returned and filed with the City Clerk within thirty days after filing of the affidavit" as provided in the next preceding section (434, Article VII), with the consequence, effect, and result that plaintiff is being denied of his said rights as an elector of Kansas City by the said several codefendants acting under color of their several official positions as officers of Kansas City as aforesaid.

Now, therefore, the premises considered, plaintiff moves the Court for an order directed to the said codefendants jointly and severally to appear before the Court at a time and on a day to be fixed by the Court and show cause, if any, why the Court shall not prohibit the aid several codefendants from further obstructing plaintiff in enjoyment of his rights as an elector of Kansas City to receive from the defendant, City Clerk, forthwith, the services, to wit:

1. A filing of the said affidavits of plaintiff; and
2. Copies of petition papers in proper form for demanding removal from office of said Bryce B. Smith as said Mayor; and
3. Copies of petition papers in proper form for demanding removal from office of said A. N. Gossett from office as member of the Council; and
4. Copies of petition papers in proper form for demanding removal from office of said Charles H. Clark from office as member of the Council; and
5. Copies of petition papers in proper form for demanding removal from office of said Charles P. Woodbury from office as member of the Council; and
6. Copies of petition papers in proper form for demanding removal from office of said Ruby D. Garrett from office as member of the Council; and
7. Copies of petition papers in proper form for demanding removal from office of said Alfred S. Phillips, from office as member of the Council; and
8. Copies of petition papers in proper form for demanding removal from office of said Chester Cooke, from office as member of the Council; and
9. Copies of petition papers in proper form for demanding removal from office of said Frank Adams, from office as member of the Council; and
10. Copies of petition paper in proper form for demanding removal from office of said F. M. Evison, from office as member of the Council; and

11. Copies of petition papers in proper form for demanding removal from office of said Thomas V. Holland from office as Municipal Judge; and

12. Copies of petition papers in proper form for demanding removal from office of said James H. Anderson from office as Municipal Judge;

and also, show, cause, if any, why the said several codefendants shall not be by the Court ordered and compelled to proceed to function severally as officers of Kansas City obeying the said Charter of Kansas City and each and every one of said officers so conducting himself as such officer as to cause copies of petition papers aforesaid to be promptly prepared and delivered to the plaintiff without avoidable delay.

In addition to the grounds heretofore stated as the basis of this motion plaintiff states, to wit:

The rights of plaintiff as an elector as aforesaid are absolute and unconditional and this proceeding is the only manner in which the said rights of plaintiff may be protected and enforced.

(signed) Oscar B. Elam

Subscribed and sworn to before me June 6, 1939.

My Commission expires on the 15th day of February, 1943.

(L.S.) (Signed) Pearl H. Richetts,

Notary Public#

BOTH EXHIBIT A AND EXHIBIT B UNDER THIS COVER.

EXHIBIT A.

Affidavit of Oscar B. Elam made April 22, 1939,

Delivered to City Clerk, April 24, 1939.

Demanding removal from office of Kansas City Officers, to wit:

May, Bryce B. Smith.

COUNCILMAN, A. N. Gossett,

" Charles H. Clark,

" Charles P. Woodbury,

" Ruby D. Garrett

" Alfred E. Phillips

" F. M. Evison,

" Chester Cooke,

" Frank Adams.

Municipal Judge, Thomas V. Holland,

" " James H. Anderson.

Oscar B. Elam,

Attorney and Councilor,

501 Central Exchange Building,

806 Grand Avenue, Kansas City, Missouri Telephone, Victor 1839.

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI, AT KANSAS CITY

MAY TERM, 1939.

Oscar B. Elam, Plaintiff,

V. No.

Bryce B. Smith, A. N. Gossett, Charles H. Clark,
Charles P. Woodbury, Ruby D. Garrett, Alfred E. Phillips,
Chester Cooke, Frank Adams, F. M. Evison and Charles Regan,
Defendants.

NOTICE OF FILING OF PETITION FOR A SHOW CAUSE ORDER.

To the above named several defendants:

You are hereby notified that on Monday, June 26, 1939, at 9:00 o'clock A.M. or so soon thereafter as counsel may be heard the above named plaintiff will present for consideration and determination by the Circuit Court of Jackson County, Missouri, at Kansas City, In Banc, if the Honorable Judges of the Court consent thereto, the petition for a show causa order hereto annexed. Considering the high character of the ten judges composing the Court In Banc, their learning, wisdom, and experience, and their manifest patriotism, the plaintiff seeks an agreement with the defendants in advance of the hearing that there shall be no appeal from whatever action may be taken by the Court In Banc on the said petition.

(Signed) Oscar B. Elam.

Received timely service of the foregoing Notice and the petition therein mentioned. I waive issuance and service of process upon me and hereby enter my appearance to said action.

Kansas City Charter Club

Re-call Division. Oscar B. Elam, Commander.

March 7, 1940 Address of the Commander, Oscar B. Elam,
3848 Brooklyn Avenue, Kansas City, Missouri.

FELLOW MEMBERS OF KANSAS CITY CHARTER CLUB:

There can be no possible doubt that you have made history in Kansas City in the year past. It is a glorious history. It might properly be called the Kansas City Revolution of 1939 and 1940.

A year ago we were conferring in little groups seeking ways and means to break the strangle hold of criminal syndicates upon Kansas City. No person on then knew the full extent of the power of these criminal syndicates. Probably no person will ever know the full extent of that power.

The Federal Courts had done much to correct evils. The Southern Grand Jury made history in the same direction. The efforts up to that time put forth were of the highest value from the standpoint of official action. Officers could have done little more than had then been done and was then being done.

You realized that in a Democracy, officers without efficient co-operation of the citizens could not accomplish best results. You realized that the private citizen must contribute his share in order to make government most effective and useful to the people. You not only realized the necessity and the neglected opportunity, you did something about it.

Fortunately for me, you permitted me the honor of becoming your spokesman through my affidavit for re-call of the Mayor and all members of the Council and the Judges of the Municipal Court of Kansas City; and also, the second such affidavit. The one was delivered to the City Clerk April 24, 1939 and the other was delivered to the City Clerk May 31, 1939. The charges in the affidavits were clear cut, unequivocal, and of such a character that they called for a surgical operation.

The City Clerk is, and was, merely a rubber stamp. The Charter makes him a rubber stamp. It makes it his duty to do what the Council requires of him. The other duties are merely nominal

and the Council can discharge him at will, either with or without cause. Hence the conclusion is inevitable that the Mayor and the members of the Council other than the Mayor were afraid to meet the charges; and for that reason caused the City Clerk to refuse to issue the rec-all petitions demanded through the affidavits and to report the affidavits insufficient.

By suppression of the re-call petitions in that manner, I take it, the men charged hoped to conceal their cowardice and avoid public discussion of the issues made by the affidavits.

However, in addition to the newspaper publicity given to the charges made in the affidavits, you took out copies of the affidavits typed copies and discussed them with people throughout the city.

On the other hand unless we and the public generally keep on our toes to aid in making our government the best we cannot expect and will not get the good results obtainable if we do our part as faithfully as do the officers.

I rejoice in the privilege that I have had to co-operate with you in this undertaking. I rejoice with the thousands not members of our club who have taken up and aided in pushing forward the good work of house cleaning. There is glory enough for all and reward in better government is sufficient reward for all.

Here I digress from activities of the Re-call Division and speak of a service of like character which I should like you to consider.

The death March 3, of Gil P. Bourk, Justice of the Peace in the SIXTH district in Kaw Township, leaves a vacancy to be filled by appointment to be made by the County Court.

One of the finest men I have ever known has co-operated with us throughout our splendid campaign just now so successfully ended. He is Eldon E. Han. He resides at 515 South Denver Avenue. He has the Bookstore at 526 East 11th Street. He is rich in the experience which comes from dealing with people and rich in the wisdom which comes from the teaching of the schools and colleges. His sympathies are with the less fortunate. He would make an ideal Judge in the People's Court-that is to say in a Justice of the Peace Court. I would like very much to see him appointed as successor of Judge Bourk. I suggest that you may, if you think as I do, step into his store and sign a petition to the Court for his appointment or at least call up one or more of the Judges and commend him. He has resided here most of the time for the past fifty years, I am informed, and has sold books to many thousands of the pupils in Junior College.

Kansas City and Kaw Township are different names under which the people of Kansas City transact their political business. The geographical boundaries of both coincide. When you are in Kaw Township you are in Kansas City and vice versa. The office of Justice of the Peace is an important office in Kaw Township and the County Court will no doubt give careful consideration to your recommendations. As citizens you have the right to make suggestions and recommendations, and of course, the judges have authority to give as much or as little consideration as they choose to your recommendations. Let us make this our next IMMEDIATE OBJECTIVE.

Oscar B. Elam 3848 Brooklyn Avenue
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