

GHOSTS  
in the  
HEART OF AMERICA

DAYLIGHT GOSTS  
IN  
KANSAS CITY

COPYRIGHT 1938  
BY  
J. T. JENNINGS

Compliments of J. T. Jennings

GOST VOTES  
HISTORY OF  
THE DEVELOPMENT AND PRACTICE  
OF GHOST REGISTRATION  
AND VOTING IN  
KANSAS CITY, MISSOURI  
Told by a  
PROFESSIONAL MAN  
OF 30 YEARS PRACTICE  
IN THE ABOVE NAMED CITY

Speaking of dictators, great and small, there have been none more powerful politically than Boss Pendergast of Kansas City, Missouri. In his article in the Forum Magazine a year ago, Ralph Coglan aptly designated him "King of Kansas City, Emperor of Missouri." The title fits the man and the conditions. To disobey his edict brings certain political punishment, and to seek political honors without his approval invites oblivion.

Kansas City, Missouri, is a modern city comprising some sixty square miles of terri-

tory and four hundred thousand people within its limits. Before about 1925 it had the old type of city government consisting of a mayor and an upper and lower house of the council. But about 1925 certain enterprising civic leaders conceived the idea of a new charter embodying a modern form of government for Kansas City, and the new charter was voted on and adopted, and the city passed under the manager form of government. The City was divided into four districts numbered 1, 2, 3, and 4, and from each of these districts one councilman was to be elected by the voters of this district, to the council of eight members, all in one house, and the other four councilmen were to be elected from the whole city at large. The eight councilmen thus chosen were to select the city manager who should be manager of the whole city and in control of all its departments, except the park department which remained under the mayor who became the nominal head of the city government, and who was also to be elected by the voters of the entire city.

A short time after the adoption of the new city charter by Kansas City, its citizens were rudely awakened to the fact that a powerful political machine was determined to subvert the charter to its own uses. That it was not to be an instrument of non-partisan government, but was, in fact, to be used to intrench a political machine of the most despotic type. That every act and deed of the Democratic leaders were to be and were directed toward

—5—

strengthening the machine's hold. The powers of the city manager under this new charter are great because of the large patronage at his control and the expenditure of millions of dollars of public funds by his office. To control his appointment became a main political objective because he controls the political favors. Thus the party electing the majority of the councilmen controls the selection of the city manager, and the party that wins the city at large with its four councilmen selects the city manager, if it also elects either the mayor or one of the district councilmen. These provisions of the new city government were taken advantage of by the big boss, and the work of the framers of the new city charter subverted to the will of a few, and the city was turned over bodily to the political racketeers.

It is said that Tom Pendergast began making his living as a bar-room bouncer. He

was a liquor dealer early in life, and long before the world was, was a wholesale liquor dealer at Missouri Avenue and Delaware, in the northwest corner of the city, at the edge of the old red light district. For many years he was credited with being the owner and operator of the Jefferson Hotel at 6th and Wyandotte, not far from his wholesale liquor house and near the heart of the same red light district. In fact, if they were not so, the lights of this hostelry probably should have been red for many years before it was torn down in the twenties to make way for the widening of Sixth Street into a crosstown thoroughfare.

Early in life, Boss Pendergast began laying the foundations of a political machine that in power has rivaled Tammany Hall at its prime. On Christmas days, he would always give a big dinner to the less fortunate of the North End. All were invited whether aliens, beggars, ex-convicts, or criminals, and if they were not entitled to vote it made no difference. The Boss was building good will. There were always ways to get votes cast and counted, even in those days. Not infrequently some got their ballots into the box

—6—

more than once and others got theirs counted more than once. Even in those days ballots were counted and tally sheets made out before the polls closed. Why not? All in that ward, the first, were either Democrats or "Good Republicans", or else their votes were counted by that kind of judges and clerks. On election days the ballot boxes would begin to come in from the boss-controlled ward about twenty-five minutes after the polls closed. It would take that long to make out the tally sheets and sign them, make out the reports and sign them, string the ballots on a wire and seal the tie, lock the ballot boxes and seal them and get to the election commissioners' office, to say nothing of counting the six or seven hundred ballots in each box with many candidates names to be tallied. The ballots simply were not counted. As the years went by, Boss Pendergast's Christmas dinners got bigger and better, and his supporters grew in number yearly. He was rapidly getting a large group of voters who voted for neither principle nor party, but for Tom Pendergast, often without hope of any immediate direct gain. They wished to please the boss. This condition brought about a desire on the part of candidates to get his support. Twenty years ago candidates supported by him got the nomination of his party with regularity, and more often than not were elected over their Republican op-

ponents.

When national prohibition forced him out of the liquor business, the boss invested in the Ready Mixed Concrete company, of which he has been manager from the beginning. Following the war there was much building, and before long a feeling developed that if a contractor or builder wanted to do any building in Kansas City, Missouri, he would do well to specify and use Ready Mixed concrete. This condition rapidly spread to street paving and to highway paving in Jackson County, and, well we have never heard anyone say it is not good concrete. But somehow it just irks some of us to have our free-

-7-

dom of contract taken from us in this manner.

When national prohibition passed out, the saloon drug store, restaurant, night club, brothel, all came into existence almost over night. The old type regulated saloon was gone and the thing we got was a place where men, women, children, students, all could buy the liquor either by the package or the drink, with practically no restrictions except that the state, federal and municipal taxes be paid. The conditions were admirably adapted to the purpose of the political boss. On various occasions the writer has heard a man say that he had lost his license to sell liquor, or was about to lose it and had gotten back into the good graces of the law by buying Pendergast beer and whiskey.

One more step of great significance must not be overlooked. Our city police force had been operating under a provision long in force whereby the police force of the city was ruled by two commissioners appointed by the Governor. Several years ago the Supreme Court invalidated the law as applied to Kansas City, under which the department was managed by appointive commissioners and the Kansas City Director of Police became the Supreme control over the police department. Under the new charter he was chosen by the City Manager H. F. McElroy, and the city manager chose one Reppert, a friend of Racketeer John Lazia and who was Lazia's choice, for the job. Reppert was a friend and golf-playing pal of Verne Miller of Union Station Massacre fame, later shot to death in Minnesota. Reppert was unfit for the job and has been superseded.

Now we have the picture complete. Tom Pendergast names the candidates who may run on the Democratic ticket for office, Circuit Judge, Councilman, Justice of the Peace, Mayor, Constable or what. If someone runs without his approval, such is the boss' pres-

ent power, he gets not a corporal's guard of votes. Tom's adherents will not let the liquor dealers have a municipal license unless they sell his liquor. The builder cannot get a per-

-8-  
mit to build unless he uses Ready Mix concrete. The city is full of gambling houses, but no one can run without Toms' consent and without paying tribute. But Tom does not collect the tribute. Oh, No! Tom does appoint the City Manager by controlling election to the Council. The City Manager does appoint the Director of Police, and what is more fitting than that the police, whose salaries are paid by all the people of all parties, should use their cars paid for by all people of all parties, to collect part of the ill-gotten gains taken from all the people of all parties by the gamblers, as tribute for the machine composed of part of the people dominated by the political boss.

#### GROWTH OF GHOST VOTING

But there is another side to the machine rule that is much more serious than all the foregoing, and that is the moral decadence of the people of Kansas City, as brought about by the practices of the machine. As the minions of the boss grew more powerful, precinct captains vied with each other to gain his favor. They felt that those who produced the greatest party vote basked in the greatest favor. This feeling was carefully cultivated and encouraged by the leaders. This condition led to a gradual development of the greatest moral cancer of political degradation of modern times. False registration of voters who did not exist, registration of the same voters under many different assumed names, multiple voting of such registrations, and all the lying, stealing, chicanery and crookedness imaginable in connection with the franchise, began to be used, experimentally at first, and then more and more boldly until it had covered all parts of the city. Four years ago the boss himself made a speech to his workers in which he told them to get out and get the votes out. At that time he and his minions predicted a majority of more than fifty thousand. Of course, the machine's leaders knew at that time, of the ghost registrations, duplicate registrations, multiple registrations by one person under

many different names, and of all the other crimes against the election laws pointed out herein. Yet they told the workers to get the votes out and bring in a big majority, and not once has any of them said, be careful not to violate the law.

By way of explanation, under the laws heretofore existing in the city, certain days were set aside for registration of voters. On those days all properly qualified voters might register, giving their names, ages, places of residence, etc., and have their names placed on the register. All who did this became qualified voters. Manifestly, before an enormous vote could be polled, an enormous registration was necessary. This the machine began to remedy in a few precincts in this way. The machine's workers approached the Republican judges and clerks with a promise of certain favors from the boss if they would co-operate with the Democratic judges and clerks. They assured the Republicans of Tom's warm regard for "Good Republicans". These machine minions further assured the Republican judges and clerks that in Tom's eyes a "Good Republican" was as good as a Democrat, and as entitled to the support of the boss. These seductive influences and promises were so skillfully carried on that oft times the "Good Republican" was hardly aware that he was being made a crook, and that in addition thereto he was a Benedict Arnold. The stage was all set. On election days the Democrat precinct captain, usually a city employee, a county employee, or one who hoped to be one or the other, would have the pimps and scarlet women and other underworld characters fitted out with lists of fictitious names and addresses from which lists the ghosts appeared for registration on registration days, and for voting on election days. Having gotten the ghosts on the register, the machine called upon the various racketeers and recipients of special favors to co-operate with the precinct captains by furnishing transportation for the ghosts to ride to the polls to vote. In this way the precincts made a big showing and won praise

—10—

from the higher ups, and the ghosts got certain concessions sometimes amounting almost to a franchise to ply their nefarious lines. The precinct captains who were the men in the trench, were always rewarded, by being put on a payroll, by being furnished a better job, by being promoted to where they could have small reackets of their own, or recompensed in some other way. The machine always looks after its own.

Ghost voting, having worked in a few places, was given dominion over many places. The growing cancer eating the city's civic morals away, grew and grew and spread from precinct to precinct and ward to ward until by 1936 it had reached the stage where not a single ward in the city was free from it. Home owners often learned that voters were registering and voting from their own homes, of whom they had never heard. Precinct captains became brazen. In open defiance they would present voters to register, and to vote who were utterly non-existent as to name and address given. If a Republican judge or clerk protested he was threatened with "a ride" or otherwise intimidated, and in most cases the ghost was registered for later voting, or voted as the case might be.

Challengers? Yes, the Republicans had challengers in each precinct as allowed by law, but under the law, if a voter's right to vote was challenged, he was allowed to vote if he got a householder in the precinct to make an affidavit attesting his right to vote. With the law enforcement offices in control of the machine it was no trouble to get the householder's affidavit in most cases. Why not? With the boss on their side, who could hurt them for swearing falsely? A little matter of perjury is of small import when the boss wants a big majority, and when he controls the law enforcement agencies. Ghost voting is better understood when illustrated. In the 1934 city election, a woman ghost voter started out in the morning with a list of names and precincts in which those names were registered as voters. Before the day was over she had voted in forty precincts

—11—

under forty different names, all from the list of names and addresses furnished her by the precinct, or maybe in this case, higher up, worker. The Republican judges and clerks in these precincts were either "Good Republicans", ignorant Republicans, were threatened and intimidated, or were out and out Democrats posing as Republicans. In that election thousands and thousands of ghosts were repeatedly voted in this way throughout the city. Of course, the names had to be put on the register in the same manner before the election or they could not have been voted.

In the 1936 election, under which election frauds are now being prosecuted, the Republicans were badly handicapped because of demoralization of their workers. At that time it was almost impossible to determine who were "Good Republicans", actual Republicans, or who had turned Democrat secretly for the sake of a livelihood for selves

and families. Thousands of men were on WPA, and for a year or two it had been open knowledge that to get on WPA the Applicant had to have the indorsement of the Democratic precinct captain. We can guess how Republicans could be dealt with when hungry. Times were hard and many were accepting favors from the machine, though not in sympathy with it, and hence could not openly challenge its power. Many precincts did not have competent challengers and checkers. Under these conditions an attempt was made to cut off the worst of the rooming house and hotel ghost registrations. Persons were sent out to investigate places where it was evident the registrations were largely fraudulent. These workers met with every kind of opposition and trickery. Precinct captains made out lists of ghost names and handed them to the rooming house and hotel keepers with orders to swear that the persons named in those lists actually lived at those places. Knowing the machine was full of tricks, the Republican campaign managers gave strict instructions to their workers not to challenge the validity of any registrant except upon

-12-

and after personal investigation and with positive knowledge that the alleged voter was not there. The writer believes this plan was carried out, and that show cause notices were left only at addresses and for names meeting the above test. The machine is nothing if not thorough. An army of two or three thousand appeared to protest against being stricken off the register, and as those appearing the first day got by, others followed up; all protesting that they were legitimate voters, and each had the name and address of a voter who had been challenged as a ghost by a Republican investigator, only after a personal investigation. It is well known that Ghost voters are nearly all young or middle aged. The reason is apparent. Yet, the people showing up in protest at the time and place mentioned were, aged, infirm, crippled and ill. Their purpose, of course, was to shame the hard-hearted Republicans who would deny to the poor and infirm, the sacred right of suffrage. In the end most of ten to twelve thousand carefully selected names and addresses of ghost voters, challenged only after careful personal investigation of good workers, were voted.

Many who read this know Kansas City, or live in or near it. For those I give a few figures. The 1930 census gave us a little less than four hundred thousand population.

There was a great beating of the bushes in an effort to reach that figure, but when the totals were finally sent in the count lacked about seven hundred of reaching it. Times have been hard almost ever since, with crops poor in the surrounding territory, and the city has grown little. It has been estimated that in 1936 the city's population was 415,000. That year 263,000 were registered for voting, or 64.5% of the total population. There could not possibly have been that many voters here. The 1930 census showed a population of 19,923 in the first ward, yet it registered 21,073 eligible voters in 1936 with no increase in population. In the second ward, the 1930 census showed a total population of 18,478, yet this same ward registered

—13—

23,469 voters in 1936 and this ward had been losing population. The figures for these two wards undoubtedly included the dogs, cats and unborn babies. And these names were voted.

In the August, 1936, primary, there were still a few Democrats in Missouri who did not believe in the title of Boss Pendergast, "Emperor of Missouri". Note that Lawrence McDaniel of St. Louis was one of these. Pendergast had only recently moved out-state and swallowed the Democratic state organization, and McDaniel with powerful backing, believed he could combat the "Emperor". He ran for nomination for the State Supreme Court against E. S. Gantt, the Pendergast indorsed candidate, and he carried a majority of the 114 counties of Missouri and had a substantial lead over the whole state outside of Kansas City. But the vote there told the tale. The first ward with 19,923 population, men, women, and children, Republican and Democrat, gave Gantt, machine candidate, 18,819 votes and McDaniel, 1945. And these figures were in a primary. The second ward, with a total population of 18,478 men, women, and children, Republican and Democrat, gave Gantt, machine candidate, 19,201 votes, and McDaniel, 13; and in the Presidential election of 1936, the first and second wards with a population of 38,401 men, women, and children cast 41,805 votes. In this connection it should be noted that many buildings have been torn down and vacated in these two wards and the population has been shrinking there for several years.

GHOSTS REGISTERED

BY ORDER OF COURT

In Missouri the Circuit Court is the Court of general jurisdiction. Under the election laws applicable before the last of 1937, certain days were set aside for the precinct judges and clerks to sit in each precinct with the precinct registration books. These dates could not be nearer election day than twenty days, due to the law requiring a voter to live

-14-  
in his precinct twenty days before he could vote. There was also a provision in the law whereby if a voter was legitimately entitled to vote and had been absent from the city or ill during the registration days he might apply to the Circuit Court and secure from the Circuit Court an order for his name to be registered for voting. In the beginning this law was resorted to as intended and by those legitimately entitled to use it. But as the Cancer of moral decadence and utter disregard for truth and honesty grew, registrations by order of Court increased rapidly. The machine controlled the avenues from which prosecutions for state law violations must come. There was nothing to fear. It soon was a mark or badge of merit for the precinct captain to have gotten a large number of names of alleged voters on the registers by order of the Circuit Court. These registrations were simply that many more names to be voted by the ghosts. At first the alleged voters would comply in form with the statute; and would apply to the election commissioners and get their refusal to put them on because the time had passed, then would appear in the Circuit Court and swear that they were qualified voters and lived at the address given, and the court would issue orders to the commissioners to put them on the register. But ghosts were still sometimes bothered by challengers who questioned their rights to vote. This must be stopped. By the city election of 1934, the machine had worked out a theory to prevent all voters registered by court orders from being challenged. Its workers told their precinct captains and challengers to say that any registrant placed on the register by order of the Circuit Court could not be challenged, because the court had decided the man's legality as a voter and challenging him would be contempt of court. Of course this was not the law, and it never was. The court order merely got the name on the register when other means could not, and he was no better than any other registered person. But election officials are not lawyers, and 18,000

—15—

alleged voters who were registered by what APPEARED to be court orders were nearly

all voted for the machine in that 1934 city election, although many thousands of them were not qualified voters, but were in fact, ghosts. Many were even non-residents of the city, and some of them came over from Kansas. By way of illustration, a dozen registered from Fairyland Park, an amusement park with nothing but roller coasters, slides, etc., to live in. And they were voted, too, under dire threats of personal injury to the judges and clerks of that precinct, threats made by a car load of gangsters riding from precinct to precinct to see that the ghosts were voted willy nilly.

In the summer of 1936 a primary was coming on and as mentioned above there was a contest for the Democratic nomination for one of the places on the State Supreme Court. As before stated, Lawrence McDaniel of St. Louis had not felt the machine power and dared to run against Ernest S. Gantt, the candidate of the boss. It became necessary to show McDaniel and all his supporters, as well as all other doubters, the power of the machine. A large vote was demanded. More voters were needed. Banks for use in making out court orders were printed in pads of fifty each. Each blank was then duly stamped with a rubber stamp of the name of the clerk of the court, ready for anyone to fill in a signature as deputy clerk, and present the completed order to the commissioners. As the primary neared, blanks became so plentiful that there were more than the Democrats needed, and some ambitious souls offered some of these pads, duly stamped, at a price of five dollars a pad, to a Republican friend of the writer.

After the 1936 primary the writer brought to the attention of the Circuit Judges, the whole question of fraudulent and forged court orders to register voters, and orders issued by deputy clerks for persons who were never before the court, and at that time one of the Circuit Judges said he understood such things had been done in the past, and that

—16—

the guilty persons should be punished, and that it would not happen again, and the writer believes it has not since happened on a large scale, although on election day, 1936, the writer located two such court orders issued with the voter's name blank, with the Circuit Clerk's name written on the signature line, and for the first time bearing the seal of the office.

But while voters were no longer registered by fictitious and forged orders of the

Circuit Court, persons were herded into the court rooms by the thousands to secure orders actually to be issued by the judges, and some twelve thousand names were thus placed on the register, just before the 1936 election, and among them were a number of Mexicans not naturalized, and not entitled to vote, and in many cases Mexican's names were placed on the register in the regular way and again later the same ones were given duplicate registrations by court orders. Quoting from the Kansas City Times in January, 1938:

“Evidence purporting to show that the Judges issued registration orders to unnaturalized Mexicans, Italians and other aliens, and persons who had served sentences for felonies and never been pardoned by the proper authorities, was presented to Maurice M. Milligan, United States District Attorney, soon after the vote fraud investigation began last year. Milligan has deferred presentation of that evidence to a federal grand jury for consideration of indictments, particularly under the alien act, but the sheaf of evidence is still in his possession and may be used whenever he sees fit. The evidence was prepared by a committee from the Citizen's League.

“Many of the court order registrations cited by the committee occurred when the Circuit Judges were speeding the applicants through their courts many times without questioning, when the appearance of the applicants might have suggested queries as to their statutory rights to vote. . . .

“An investigation made by the committee revealed the names of many of those Mexicans had been placed on the vote rolls at registration time, and that court orders had been obtained later for the same persons. During the registration it was said the Mexicans were born in Texas. In the Court order procedure it was said they were born in Mexico, but had been naturalized.

“One man who kept close in touch with the investigation of this matter recalled today that a group of Mexicans who obtained the orders was accompanied to the office of the election commissioners by an interpreter, since the applicants could not speak English. “A deputy election commissioner, recalling the

—17—

provision of the Naturalization act that ability to read, write and speak the English language is a naturalization requisite, called the attention of an election commissioner to

the discrepancy.”

While this was going on in Kansas City, and about twelve thousand names were placed on the register of voters by orders of the Circuit Court, 943 such registrations were made in the city of St. Louis, a Missouri city with twice the population of Kansas City.

It is true that under the statute existing in 1936, the applicant for a court order to register must be given a hearing. No one can deny that. But the people of Kansas City did have a right to assume that the hearing would be of a type that would not invite fraud. But the minions of the machine did not want that kind of a hearing, and only too often they got their kind. There is nothing in the statute then in force that in any way restricts or abridges the inherent right of the court to make such rules as will protect the court from imposition and fraud. In fact, it is clear that courts generally have the right, statute or no statute, to make such rules as will prevent fraud and chicanery in all kinds of judicial proceedings. The very fact that they are courts having supervision over the activities of other citizens implies the right. The law is stated by the text as follows:

“While courts are very generally authorized by statute to make their own rules for the regulation of their practice and the conduct of their business, the Court has, in absence of statutory provision or regulation in reference thereto, inherent power to make such rules,”—Courts, 15 Corpus Juris, Sec. 276, page 901.

A rule requiring the registrant to file his written sworn application for registration, containing name, age, and address, and then wait for thirty minutes for investigation, before the order could be issued, would stop fraudulent applications to register GHOSTS and would in no way deter the honest voter.

Or a rule requiring the applicant to file his written, sworn application for registration, with his picture attached would answer the same purpose. Note that the ghost cannot be found because he is a ghost, not living at the place from which registered.

—18—

But either of these rules would handicap the machine and would therefore be strenuously opposed. In the eyes of the machine, a vote is a vote, if cast and counted, whether ghost or not. As proven by the facts, the machine wants all the votes it can get; it does not want its henchmen to stay within the law, and it protects them and defends them

when they get in trouble with the law enforcement agencies over violation of election laws. The machine is not humiliated or ashamed.

## MILLIGAN AND THE BOSS

As already shown the 1936 primary reached an all top registration by orders of court, and by what seemed to be orders of court, of about 18,000 alleged voters. There is no doubt that a great portion of these were ghosts. In addition thereto, there were from forty-five to fifty thousand fictitious persons, ghosts, registered in the ordinary way, by appearing in the precincts at the times set apart for such registrations. There was yet another way for the machine to lift its total. No one was ever allowed officially to leave town, move or die, if the machine could help it. Of course, if a man moved within the city and was a Democrat, he was registered at his new address and his name was still voted at his old one. The dead oft times voted for years after their funerals. These gross frauds, joined in only too often by "Good Republicans" who were in many instances on Democratic pay rolls or receiving favors from the machine, began to have its effect on the thinking, honest, persons of the city. Some of the city's civic leaders began before the 1936 election to prepare for prosecution of criminal violators of election laws, if and when they again, in the 1936 election, committed the same crimes they had been committing with impunity. The machine had been breaking every section of the state election laws for years. Why not? The machine controlled the state law enforcement agencies. The boss told his creed to Ralph Cog-

—19—

lan, who gave it in Forum Magazine a year ago, in the following question and answer:

"When you indorse a man for office, Mr. Pendergast—and we understand most of the officeholders in Kansas City, and the State Government, besides members of the Senate and House or Representatives are of your choosing—do you exact any promise in advance?"

"If a candidate hasn't got sense enough to see who helped him win, and hasn't sense enough to recognize that man's friends, there is no use asking for favors from that candidate in advance."

The state law enforcement agencies had "sense enough to see who helped them

win.”

In an effort to aid in preparing for future prosecutions, the writer made a request on the election commissioners in the fall of 1936 for the right to inspect some of the seeming court orders for the 18,000 registrations by such orders before the primary of that year. After a lot of searching around one of the commissioners actually found a small bunch of about twenty or thirty of said seeming court orders, and they all had the clerk's name stamped thereon with a rubber stamp, below which someone who claimed to be a deputy clerk had written a name in ink. The court's seal was not on any of these “orders”. No more orders were to be found that morning, and some excuse was mumbled, and the writer left with the distinct belief that practically all of the 18,000 were not available. As expected, in the 1936 election, the minions of the boss again violated every section of the state laws with utter disregard. But the forces working for law and order were ready for them. A careful study of Section 19 of the United States Criminal Code convinced the enemies of the machine that where a President and Members of Congress were voted for, the very crimes that had been committed so long with impunity, could be punished, by prosecution under that section in the United States Courts. Not long after election, a United States grand jury got the true picture; it seized the ballot boxes from every one of the 460 precincts in the city, and this and succeeding grand juries have had possession of them ever since, with the evidence they contain. The machine had

—20—

stumbled, and had entirely overlooked Section 19 of the United States Criminal Code.

After 181 persons had been indicted by Federal grand juries, and about one-third of them tried with no acquittals, the appointment of a United States District Attorney for the Western District of Missouri came up. Milligan's first term of four years was expiring. The people were satisfied with Milligan. He was doing a good job of prosecuting the election frauds, and the work was not yet half done, and reason dictated that he be reappointed. But the machine did not want him. He was too efficient. However, the administration at Washington did want him. Senator Harry Truman, Tom's protege, opposed him and tried to block the appointment, but the President's appointed him anyway, and then Senator Truman visited Boss Pendergast, “King of Kansas City, Emperor of Missouri,” and went back to Washington and opposed the confirmation of Mr. Milligan in the United States

Senate, where his Charlie McCarthy voice was the only one raised in opposition. The Senator's speech in the Senate will not soon be forgotten. In it he charged in effect that the whole campaign of prosecuting vote fraud perpetrators in Kansas City was a scheme to indict Democrats by a jury, no member of which was allowed to be from Jackson County, Missouri, and to convict Democrats before partisan Republican Judges. It seems that the dear Senator from western Missouri has also become imbued with the idea that more than ten years continuous violation of the election laws, gives a right by prescription thereafter to violate with impunity and without it longer being a crime. The Senator sees crooked. He was himself a beneficiary of the same kind of fraudulent voting, both in the primary that nominated him and in the election that followed.

The answer of a Federal grand jury for the Western District of Missouri to the ravings of the dear Senator, cannot be improved upon. On February 28, 1938 this grand jury indicted 18 more persons for election law

—21—

violations in the 1936 election, bringing the total indicted up to 199, and recessed until March 14th, 1938, at which time it will doubtless again take up the study of frauds of the same kind by others. In its report before the recess, the grand jury, in answering Senator Truman, said:

“Your grand jury desires to go on record as resenting the statement that it is a hand picked grand jury, and that its attitude was ascertained by the Court in advance. Your grand jury reports that no person ever at any time approached any member of this grand jury in an attempt to learn its attitude regarding vote fraud prosecutions or any other crime. Your grand jury resents the suggestion that it is a partisan body seeking the conviction of Democrats alone and states that on the contrary seventeen of its total of twenty two members are Democrats and that only five of its twenty two members are Republicans. Your grand jury declares to this Court that its only thoughts is to see that all persons, regardless of their affiliations, political or otherwise, who are guilty of criminal offenses, shall be indicated, and says that the statement that it is a ‘hand-picked’ body and the insinuation that it is a partisan body are absolutely untrue.

“Your grand jury further reports that in its efforts to proceed in its investigation with fairness and impartiality, and desiring to learn whether the statements ‘conviction of

Democrats is what they want' was true, has informed itself from an investigation of the public records and has learned that such statement was and is untrue, and that the true facts are as follows:

"Grand juries have indicted a total of 181 persons for vote frauds. Of this total, 111 persons were Democrats and seventy persons were Republicans. To date sixty-eight persons have been tried. Of this number fifty persons have been convicted by a jury, fourteen persons entered a plea of nolo contendere, one person entered a plea of guilty, and three persons are to be retried because their trial resulted in a disagreement by the jury. Of the sixty-five who have either pleaded guilty, or nolo contendere, or have been convicted by a jury, thirty-seven have been sentenced to terms of imprisonment in penitentiaries or jails, and of this number ten were Republicans and twenty seven were Democrats. Of the sixty-five . . . twenty eight have been placed on probation. Of these twenty-eight persons who have been placed on probation, seventeen were Republicans and eleven were Democrats.

"Our investigation disclosed that the seventeen Republicans who have been placed on probation, practically every one entered a plea of nolo contendere, and did not contest the case, and was of assistance to the government by testifying in its behalf at the trials. . . . Of the eleven Democrats placed on probation, however, practically every one contested the case, refused to assist the government, and required the government to go to the expense of convicting them before a jury. . . . We are of the opinion that the statement implying that the judges

—22—

of the court have shown partiality to the Republicans and discriminated against the Democrats is entirely untrue, and that these prosecutions have been conducted with fairness, and impartiality and without regard to the political affiliations of the defendants."

Senator Truman has been away, and evidently has not taken the trouble to keep in touch with affairs in Kansas City as they actually have been in recent months. Other disclosures of recent months, of conditions in Kansas City, and Jackson County, as shown herein should certainly tend to disqualify residents of the city and county to sit, either on the grand jury of indictment, or on the trial juries before whom the indicted are to be tried. In addition to the bad general conditions, wherein a large proportion of the

population regard election frauds as smart, for many months before the fall of 1937, rumors were rife that all was not right with the trial juries, both criminal and civil, of the state courts in Jackson County, Missouri. A reporter told the writer that the opinion was current around the corridors of the federal building that juries were being fixed in the Jackson County Circuit Court, but that no one had been able definitely to prove it or learn how it was being done, if it was done. But about the middle of the fall of 1937, a young man was caught sitting on a jury in the trial of a civil case in the Jackson County Circuit Court under the name and summons of another, and from an address not belonging to him, but to that other. An immediate investigation disclosed that an ex-convict had been riding around with the deputy sheriff who had the serving of jury summonses, and that instead of the deputy sheriff serving the summons on the respective persons named therein, he left that to the ex-convict who had been selling them to bystanders and saloon hangers on, at 50 cents each. The purchaser of the summons would then assume the name and address set forth in the jury summons and swear under oath that he was that man, and if not challenged, would sit as a trial juror. The safety of the jury system is in the honor

—23—

of the jurors, not to listen to any outside influence or sollicitation, and generally speaking, the average juror is true to his obligations. But a juror who pays 50 cents for a jury summons of another, then assumes the name of that other, and sits in the trial jury as that other, is one who can be approached and dealt with about the outcome of that case, and he can be given arguments to use on the other members of that jury. After the investigation had turned up this situation, and six or eight fellows actually caught impersonating others on juries, had been punished, it was known among the legal fraternity why certain lawyers who knew of this situation had been so anxious for early trial of some of their cases. Is it any wonder that the United States judges wanted jurors to try criminal members of the machine to be from outside Jackson County, and were they not fully justified in summoning grand jurors from outside Jackson County to consider the misdeeds of members of this same machine?

GAMBLING AND RACKETS

The writer has heard it estimated that there are thirty-five hundred persons in Kansas City who either own or are employed in, gambling establishments of various kinds. This is probably not far from right. It is said there are thirty places in the city where one can bet on the races and hear the races called as they are run. The writer knows of eight, and he has not been around looking for them. Nor is the writer taking sides in this booklet, on the gambling issue. He is dealing with the use the machine makes of the gambling fraternity and of the racketeers. We all know that every business or class of activity that operates outside the actual scope of the statutory law is called upon for its contribution to the political machine. This tribute is in fact blackmail. "If you do not pay, I'll tell." The machine calls upon these people to repeat in some instances perhaps, but more often it calls upon them to furnish the automobiles and taxis to trans-

—24—

port the ghosts to the various polling places on election days. "You transport 'em or I'll tell." The machine gets the ghosts on the registration lists then the gambling houses, saloons, night clubs, racketeers and others are called upon to help the ghosts travel from precinct to precinct.

#### THE PERMANENT REGISTRATION LAW

Since the prosecution of election law violators has been going on in the United States Court, the state legislature has been in session. The matter of an improved election law has long been a hope of the people of Kansas City. The 1935 legislature had one under consideration, but the bosses did not want it passed. But under the stress of the prosecutions in the United States Court, and the disclosures that were coming out, thus telling the people in terms they could not disbelieve, what they had been told for years and disbelieved, the question again came up with a chance for a new law. This time the boss told his men to pass a permanent registration law. As the writer recalls, he told them to pass a good, workable law. There were those who desired a law under which fraud is impossible, and there are several ways in which fraud can be prevented, but the machine did not want that. What the machine wanted was a law that looked all right on its face, but one under which, in actual practice, its precinct captains could still get the votes registered and voted, enough ghosts included, to pile up the necessary majority.

And so, those who wanted the registrant's photo on the registration card, got little consideration: those who wanted the registrant's finger print on the registration card got less consideration; there were too many finger prints out already. Those who wanted a registration and voting certificate without which a voter could not vote and on which the date and place of voting should be recorded when the voter voted were also defeated. Thus the bill that was actually passed, while better

—25—

and less expensive than the former law, still has its loopholes, left there purposely.

But when the appointment of election commissioners came before the Governor of the State, he made a sincere effort to appoint four men who had no embarrassing political ties to hold them back, and who had the interests of the city at heart. The men appointed are making a determined, serious effort to give Kansas City an honest election. To the machine's dismay, ghosts are given no consideration whatever, if found, and most of them are being located, that is not located, at addresses given. The new board has made a determined effort to eliminate "Good Republicans" from the precinct boards of election judges and clerks. In times past, precinct workers have often secured this or that voter's ballot number from the precinct clerk's books, and then pawed through the ballots till they found the ballot itself, to see if the voter obeyed the demand of the machine or of the voter's machine-dominated employer. This coming election, there is expected to be no pawing over of ballots to learn how any one voted. That is now, as it always has been, a violation of the state law. The "King" has his back to the wall. The Governor has shaken his hold seriously as "Emperor of Missouri." Can he remain "King of Kansas City?" His henchmen will no longer brazenly violate the law in a big way. Before the machine workers dreamed of prosecution, some of them demurred to the wholesale frauds, and were told there would be nothing to it; when the indictments began coming in, they were told the machine would take care of them, and that they would never be convicted; and then when they were convicted, they were told the convictions would never stand; that the machine would defend them and would reverse the convictions in the Circuit Court of Appeals. But the Circuit Court of Appeals affirmed the application of Section 19 of the United States Criminal Code to these election fraud cases, and affirmed all but one of them, the other one being sent back for re-

trial because of error. Then the machine told them they would never serve time because their convictions would go to the United States Supreme Court, and the machine did file an application with the United States Supreme Court asking it to issue a Writ of Certiorari for all the records in the case below. The opinion of the highest court, read “Denied.” It is now a certainty not only that those defendants will serve time for their election frauds, but that those others already convicted below will serve, as will those already indicted but not yet convicted, along with those guilty but not yet either indicted or convicted.

The machine has been conserving its assets. It must do so. The financial demands will be heavy. It has asked for and obtained the services of lawyers to defend those indicted and already tried, not for a cash-fee paid, but for favors to be granted those lawyers later by the machine. The machine must have sufficient funds to pay to each one convicted, or to his family, a living wage of \$25 or so a week. Why not? They were all either Democrats or “Good Republicans”, engaged in the work of the machine, and anyhow, they must be paid to prevent their telling too much. Otherwise, they might tell who their instructors were. They might tell who showed them how to take the city directory and carefully select names that fitted in between the names already there so that their ghosts could use those names, none of which could be found in the directory. The convicted persons must be kept satisfied. They have been taught that the machine takes care of its own and its allies, the “Good Republicans”. This teaching must be met. There are 460 precincts in Kansas City. In probably two hundred fifty to three hundred there was fraud in the 1936 election. The 199 persons indicted are in groups of from four to eight to the precinct. If this ratio continues, it is not at all unreasonable to expect that five hundred or more will sojourn to the federal prison. It will take a lot of

money to pay them all off during prison terms of from one to four years each.

To make matters worse, the machine is faced with a fusion ticket in the Spring election to be held the last of March. This ticket, half Democrat and half Republican is designed to appeal both to honest Democrats and Republicans. It is gradually getting to the

people that their ballots will be secret, and that no one will be able to learn how they vote, and the machine is worried. If the voters learn their ballot is really secret, there is no telling how they will act. No longer can business concerns tell their employees how to vote as was done four years ago, and be sure of their voting that way. Four years ago, one large chain drug company commanded all its employees to vote the Democratic ticket and fired a client of the writer because he voted otherwise. But now the heat is on. The business firms themselves, are beginning to believe the machine is doomed. The writer and many others believe the fusion ticket will win. There are many reasons. There will be a direct loss to the machine of more than 50,000 Ghosts. Then the ballot boxes will be inspected and found to be empty on election morning; then locked in the presence of the judges and clerks; the judges and clerks will give an honest count. They will be afraid not to. All the convictions have been on that. No one has ever been able to trap a ghost. The result is that the registration in places where the ghosts predominated, is down nearly one- half from the 1936 high, and names not on the register cannot be voted.

The foregoing hits just a few of the high spots of the criminal violation of election laws in Kansas City. As pointed out, a ghost registration cannot be punished because the ghost cannot be found. Therefore the voting of 50,000 ghosts has not been and is not being punished in Kansas City. The machine was not satisfied with the voting of the ghosts, but it also miscounted the contents of the ballot boxes, ghosts and all, and this miscounting is being punished. The doings

—28—

of the machine in Kansas City are the same as those of political machines in all the great cities. Philadelphia, New York, Jersey City, Chicago, all have similar problems, as do all smaller cities to a greater or less extent. The greater the despotic power in one faction, the greater the oppression and fraud. Political education of the masses and an active intelligent opposition party are the only remedies. Wake up, smug, self-satisfied citizens! Learn politics, and thereby learn how to shut off graft and combat the rackets. Insist on a Registration certificate for each voter on which shall be the voter's certified photo and without which registration certificate no person may vote. When the voter does vote, place on the registration certificate the date and the address from which the voter, voted.

This will render repeating impossible, and will head off the ghosts. All honest persons should desire the plan indicated, but the dishonest politicians will not because it cuts off all unfair advantages through illegal voting.