

From Ewing C. Bland to Ewing Young Mitchell, Jr.

[page 1]

Hopkins B. Shain, P.J., Robert M. Reynolds, J., Ewing C. Bland, J.

M. D. Campbell, Floyd L. Sperry, Commissioners

Kansas City Court of Appeals, Western District of Missouri

Renick Jones, Clerk

Kansas City, Mo.

Jan 20, 1936

Dear Uncle:

I am in receipt of your letter of the 18th inst.

I feel sorry for Miss Plummer and in writing you in the 16th I had no purpose in view save to get some Constructive advise from you as to how to proceed no now that a majority of the court has [MS. illegible] acting in the matter. You offer no practical solution of the problem in your letter but continue to insist that I have the power to retain her.

In your letter of the 13th you say "Knowing that you can hold her if you want to XXX I am going to be dumfounded and exasperated to the the limit if you do not" In your letter of the 18th you reiterate the same thought in different language. While you discuss many thing in your letters, running all

[page 2]

through them is the thought that I have the power, in some manner, to retain her.

I know that you will never understand that I have not that power, unless I explain, in detail, why I have not. This I am loathe to do because it involves a disclosure of a situation that has existed every since you made your first attack upon the local Democratic Organization and for three years I have resolved never to say anything about it to you and would not do so now except for the pressure that you are putting on me. However, there is nothing left to do except to state the matter fully.

First I must give you the background:

A few years ago you took up your temporary residence here, buying Jackson County warrants. In connection with that business you had me to introduce you personally and by letter to a number of persons, including many interested in politics here

[page 3]

In my letters I explained my interest in you based, not alone, on the fact that you were a relative but also on my personal interest in you and in gently requesting their help in the matter you had in hand. This covered a considerable period, during which it was learned generally, that you and I were very close personally and politically. Then one night you called me up unexpectedly and announced that you were going to run for Congressman at large in the Democratic primary and stated that you expected me to line up the Jackson County Democratic organization for you. This was a pretty big order but I tried it and immediately called upon Senator Casey, Judge Welch, Jim Aylward and others in your behalf, without success.

[page 4]

You decided not to run for Congress but for delegate at large to the National Convention and again asked me to line up for you the local organization. I saw a number of the leaders in

your behalf, including Mr Kemper. I had no success here in Kansas City and wrote to every County in my district for you and succeeded in getting some votes for you out state.

After Mr Roosevelt's election you went to Washington looking for an appointment. Farley kept putting you off for several months and finally you decided that you might not get the appointment and sent me a telegram formulated by you to be sent by Jim Aylward to Farley, demanding that he give you an appointment and threaten my political repercussions in Missouri if he failed to do so. For Jim Aylward to send such a telegram for you in view of your fight on the local organization at the Chicago Convention was asking a big favor of him and he,

[page 5]

Himself, ran the risk of political repercussions against him, in sending it But he did not hesitate a moment in doing so.

In connection with your application for a position you thought that your prospects would be improved by endorsements of the members of the Jackson County Democratic Committee. At your request, I secured a number of these and I understood that you secured the rest from other sources.

This is enough of the background. It shows that here in Kansas City, it was thoroughly understood that you and I were very close politically.

Without any warning to me and in the midst of a city campaign in which I was greatly interested, for the success of our ticket, there appeared, in a morning newspaper, your attack upon the ticket and the

[page 6]

local Democratic ticket organization. I do not think that I overestimated when I say that the jobs of over one thousand of my personal and political friends were in the balance in that election. I have held the position of Assistant City Counsellor and have every and nominated in one hotly contested primary elected to office four times, and could not have been successful each time I ran without the help of many persons in politics here, and a thousand of them is a conservative estimate of their number. Knowing of our close political friendship the people here assumed that, where two men are close politically and one of them lives in a distant part of the state and is not a voter or resident locally, the latter never takes such a step as you did, except at the instigation or, at least, the consent or approval of the local man. How erroneous this assumption was in this instance was not known for I held my peace on your account and did not announce to the public that, while you took dinner at my house the night of the release of the attack you said nothing to me about it

[page 7]

But left town that night, before your statement was published.

You can imagine what effect this had upon my political standing here. I told you in my last letter that my political influence was not great and, in several letters that have passed between us recently, that I had no chance of being appointed Federal Judge.

You [MS. illegible] me my letter of the 16th inst. I did not suggest the possibility of my going as your emissary to members of the Democratic organization to ask a favor for you. That would have been foolish. What I said was that it was generally understood here that you were a friend of Miss Plummer's and was responsible for her appointment. Under such

[page 8]

Circumstances should it be decided that it would be proper for me to approach a member of the organization for Miss Plummer, the question would very likely be asked as to what interest you had in the matter and as soon as I said that you had requested me to use my influence for her but that I was not asking a favor for you but one for myself, there would be trouble immediately. Even should the man I approached hold his peace out of consideration for me, when he conferred with his political associates you can imagine the explosion that would take place. Even should I attempt to conceal your interest in the matter, which I would not do especially if asked the direct question, I would not be believed. So it seemed apparent to me that, even were it proper to attempt to overturn the action here, of letting Miss Plummer go, by political pressure, that, as the circumstances of Miss Plummer's appointment were well known, I really could not ask the favor for myself without substantially asking it for you. I did not want to take such action without consulting

[page 9]

you because I doubted the propriety of it, in the first place, and I would be hazarding a humiliation for you as well as Miss Plummer, to say nothing of myself.

In addition I had thought of a matter strongly suggested by your letter, that is, the Court, through a majority decided to [MS. illegible] by letting one of the employees go and any person of influence on the outside who might be approached in an effort to bring political influence & pressure to bear on the Court would hesitate to do so, for the impropriety of such a thing would be apparent. I am glad since that you have decided, since receiving my letter, that to bring political pressure on the Court, or its clerk in this instance, to do so in view of the decision made here contrary to the thing desired, would be most [MS. illegible]!

[page 10]

You state in your letter of the 18th that I seek to bring about a retention of Miss Plummer by threatening to the other Judges to resign my office if they insist on letting "Jimmy Pendergast" tell them when they should or should not employ in the office of the court. I have never gotten very far by threatening people but the main trouble with your suggestion is that it is based on an entirely erroneous promise: You speak of this court being dominated by crooked politicians. I want to say emphatically that such is not the case. No politician or other person dictates to or dominates this court. The impropriety of such a character of dictation impelled me to write you in the 16th by air mail submitting the facts to you upon Miss Plummer's telling me that you had written her that it was your desire for me to see Mr. Aylward in an effort to get him to use his influence with the organization looking toward getting her reinstated. You misconstrue the facts entirely. We have two girls here and everyone must admit (certainly Miss Plummer

[page 11]

does) that we have, at this time, no use for both of them. It is the first of the year and the Court decided that this was a good time to let one of them go. I asked the court to retain Miss Plummer but my associates said that the statute provided that the clerk should appoint his deputy and that they were going to have the selection of the deputy to him. I then asked the clerk to retain Miss Plummer but he said that he needed a bookkeeper and that the other girl was an excellent one: that she was a very intelligent girl and had learned almost at once when she first came here, the intricacies of the whole office: that the other hand, while Miss Plummer had been here years she

could not run the docket to find a case (I know as a fact that when Mr McCoy appointed Miss Plummer, I asked her to learn the library so that she could because

[page 12]

ultimately a librarian. She hasn't taken any interest in the matter as far as I have been able to see. I then told the clerk that I thought that the lost girl employed should be the first to go but that did not seem to impress him.

No one has attempted to influence the judges in this matter and I do not understand Miss Plummer to so contend. She says that someone in the clerk's office is desirous of getting her place. I know nothing about this but if the other girl, or her friends, event to Jimmy Pendergast about the matter, I have no knowledge about it. If it was done it was no doubt the result of an idea of theirs that they fortify themselves against any possible like action on the part of friends of Miss Plummer should they seek political help for her. This action of the other girl's friends was, if they did as charged not seeking dictation from Jimmy Pendergast but cooperation, it seems to me. I am satisfied that no attempt was made to influence any Judge of this Court, much less to dictate to

[page 13]

or dominate this court. The whole thing had been left to the clerk. I want to say this in justice to my associates on the bench; It has only recently come to my knowledge that persons have gone to at least not them, attempting to be appointed to Miss Plummer place in the past three years on the ground that she is your friend and appointee and had no right to stay. Notwithstanding this they have kept her for three years, Knowing the true facts. Of course I have said nothing to anyone of your interest in Miss Plummer because I have been fearful about her losing her place every since since your first attack on the organization. It would be but natural for persons friendly to the organization to resent such an attack without being dictated to do so or even asked by Mr Pendergast, or anyone else.

I am just in receipt of your letter of the 18th in which you again suggest that I threaten to resign in an effort to keep Miss Plummer

[page 14]

I have already answered that thought But as long as you continue to push the matter, I will go into it more fully. In addition to the fact that your premise is erroneous, that is that some one is attempting to dictate to the Judges of this Court or to dominate them, I will say that I do not believe all I hear about Pendergast. I am convinced that they are exaggerated and you not claim that you, or the persons from whom you obtain your information, have any information about the matter other than hearsay I think the rumors were started by politicians wanting to get into office. I say that I think they are exaggerated because I have been in the Court of Appeals Bench for 20 years and can truthfully say that never, not even once, has any leader of the organization here attempted to influence me in the disposition of a case and I have detected no evidence of any other member of the court being so influenced. I will never defend any person guilty of a wrong and in addition, if Pendergast is so

[page 15]

Guilty he is better able to defend himself than I am. I will say this however, it is so hard to believe that he is such a terrible fellow when he has permitted an intimate friend of one of his for three

years without even a protest, much less a demand. I know of few men who would be so charitable. If Pendergast had any idea of dominating this court he had the greatest excuse in his life to try it by demanding that Miss Plummer to let out. He did not do so.

I used to hear some tall tales about the crowd you used to affiliate with in Springfield, (In fact you introduced me to some of your Political friends there that appeared to be rather uncouth looking southerners; but I did not believe them. There is always some one or a political party on the outside to circulate such tales which are often exaggerated and sometimes wholly without [MS. illegible]. There is one question that I have never been able in fact to [MS. illegible] no one has attempted to dictate to or dominate this court, should I threaten [MS. illegible] the things you say about the [MS. illegible] why and you seek his support and why did you wasn't until he referred it at least twice before making them public?

[page 16]

to resign, I certainly would be called upon to do so and at the same time make myself ridiculous. I shall not resign until such tie as some one in authority in the Democratic organization asked me to do something wrong (which, of course I shall not do) Then I shall make my choice. However, as no one has asked me to do so in 20 years, I probably will not be put to the test.

As to what you say about irregularities in the clerks office I assume that Miss Plummer told you what you say. This is all news to me and it is hard for me to understand why Miss Plummer did not tell me of these before now. I want to say that no one has ever written an opinion for me.

Again, referring to Miss Plummer's position there is nothing that I can do for hers not already done, that would meet with your approval or in fact, should meet with it. You would not approve of any effort to bring political pressure or dictation to hear to force her reinstatement, and in this I agree with you and fought it off although Miss Plummer was frantic about it and would some one to see Mr Pendergast at once for her before the friends of the other

[page 17]

Girl could see him for her; and when I suggested the inadvisability of this and told her to do nothing until I communicated with you, she said that it would be all right as you had written her to have me see Mr Aylward for his possible influence in the matter.

It is quite apparent that there is nothing left to be done. Through my efforts she has remained here for ten years and a situation has arisen which precludes one from keeping her longer as much as I would like to. She is entitled to every sympathy. This situation is not my making but of yours if any ones, assuming the clerk is [MS. illegible] you chose to jeopardize her position when you attacked the democratic organization three years ago and by the same act, you rendered me impotent to keep her when the emergency arose. I am indeed sorry for her in her predicament and shall ask that she be retained until March 1st

[page 18]

so that she will time to seek employment elsewhere. In the meantime I shall do what I can to help her in her efforts.

This letter is now too long and I shall close. I want to in closing say that whatever I have said in it is in all kindness and I have tried to talk in a temperate and friendly speech and hope you will not continue it otherwise.

Yours truly