

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

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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.

Feb 2, 1937

Dear Uncle:

I am receipt of your letter of the 25th ulto.

I took great pains in my letter of the 20th ulto. To fully point out to you that no one dominates this court and I thought that my letter ought to settle the matter but you come back with the same charge. In view of my denial of the charge, and the time of your letter (on top of the one preceding in a sinister tone), I am sure that I would ignore your letter by remaining silent had it been from anyone else.

However, I have always accorded you greater difference than any other person and, knowing that, when you start a political fight, such as you have made on Pendergast, you often reach a point of such intensity that the matter becomes an obsession, and realizing that in this instance, you have become so over wrought as to sense a veritable bogus man, not intentionally I believe, but inestimably, I have concluded that no sense can come out of the matter without the exercise of infinite patience on my part.

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First, I don't want to let pass by what you say concerning what Miss Plummer wrote you on the 15th concerning the interview she had with me on the 12th. I emphatically deny that any such statements were made by me. I am not going to charge her with intentional falsification because I believe that she was in such a state of mental agitation, at the time of the interview, as to deprive her of accurate memory of what was said. I say this not only because she has made a retort to you that does not state the true facts but because of another similar occurrence happening at the time. After the interview the clerk came excitedly into my office with the statement that Miss Plummer had accused him of misconduct in reference to his office and had stated that I was going to investigate him and, in fact, was then doing so. He denied wrongdoing and demanded the investigation be made at once. I sent for Miss Plummer, but she had gone home. I then told him what had occurred at the interview in reference to his office, that is, that she had said that she had some charges to prefer against some persons in the clerk's office; that I had expressed surprise that she had not told

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me before, but I stated to her that notwithstanding this, if she had any charges, backed up by a statement of any substantial evidence, I wished to hear them, as it was my duty to do so; that she then said that she would take them up later with me in more detail. Of course, I was not investigating the clerk, or anyone else. Miss Plummer, the next day, denied that she had made any such statements but did not deny that there had been some difficulty. However, that may be, the whole thing shows the emotional stress that she was undergoing, so a result of being suddenly told that she was losing her job. She apparently received notice immediately before she

came into my office. The situation, of course had been rendered more difficult but I tried to quiet the clerk by pointing out the conditions and excitement under which Miss Plummer had acted.

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As I did not state to Miss Plummer that Jimmy Pendergast “said to Jones whatever you want done I will endorse”, or anything of the kind, there is no [MS. illegible] of going into my view that you do not properly interpretate that language. I only did not tell Miss Plummer that but I will say that I don’t believe that anyone went to Pendergast at all. The idea of Jimmy Pendergast dictating her is ridiculous.

It is a new experience for me to have one, when I am trying to assist, to attempt to use a letter of mine (written in connection with my efforts for him) as a sword in an attack upon me. You left out a single paragraph from my letter of the 16th in an attempt to prove the court, of which I am a member, is dominated by Pendergast. The intent of my letter is clearly disclosed by a reading, it as a whole. That intent was to strongly advise you against any attempt at political pressure and I stated that it was my opinion that it would not be effective if undertaken. It was unnecessary for me to give all of my reasons for my advise and my said opinion. What I said disclosed a situation that, upon its face,

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should the absolute impossibility of such a [MS. illegible]. It was not necessary to go further.

I had received a letter from you stating, in no uncertain terms, what you expected of me. You told me that it was within my power to retain Miss Plummer, that you were going to be dumfounded and exasperated to the limit if I did not and you put the call on me in the strongest basis that you could command. You did not indicate what means I was to use in order to keep her and made the call upon me without any qualifications whatever after you had even advised of her removal. Of course, I understood you to mean that I was to do what means that were necessary to keep her and I intended to respond to that call by using any means at hand within the limits of honor. In fact, I had already responded to the situation. Before writing the letter in question I was informed by Miss Plummer that you had written wanting me to see Jim Aylward for his possible

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influence. Obviously, you intended that the suggestion was to have from her and your name was not to be used to me otherwise you would have written me direct about seeing him. She did not assume to quote your language. What I find out from her now is that you did not sue that exact language but injected Jim’s name into the case as a person desirable to see, by inquiring her if I had not seen him. The act of doing such a thing involved such potential damage to you that although I had no reason to doubt Miss Plummer, I determined that should I do it it would be only upon direct word from you that I do so and after sufficient of the essential facts were submitted to you. I felt that you did not know all of the facts, especially about it’s being generally known here about your connection with Miss Plummer, else you would not have suggested my seeing a local Democratic leader. I felt that when you received my letter of the 16th ulto you would thank me for it instead of berating me for writing it as you did in your letter of the 18th ulto. But however that maybe, after receiving your first letter and the information from Miss Plummer about seeing Jim Aylward, I determined to do something more for her, if I could, and being apparently up against a stone wall, the situation was desparate and

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called for desperate means.

It then occurred to me that the clerk had held office in this county for some years before he came to this court! That undoubtedly at some time or times, he had obligated himself politically to perhaps several people and, were it a fact that he had (as claimed) falsely taken the position that Miss Pauley was highly qualified for the place and that Miss Plummer was not fitted for it, and that this position, in truth, was taken in order to justify his act in letting the latter go, I thought that, if he were seen by me or more of his political friends calling in behalf of Miss Plummer, he might be persuaded to at least modify his stand. I knew that so long as he maintained his position nothing on earth could be done for Miss Plummer. It occurred to me that if it were a proper thing to do at all, the matter ought to be taken up with someone in the organization so that enough influence could be brought to bear upon the clerk's friends to cause them to really put their hearts in their efforts. I knew that as long as the clerk maintained his stand in reference to qualifications that those who wished to support Miss

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Plummer had the matter so sewed up and that no political power could successfully intervene (I knew him well enough that if he were sincere that no political power could cause him to change and I had no reason to doubt his sincerity except Miss Plummer's statement. I saw the impropriety of myself, me of the judges of the court, trying to carry out my idea or even suggesting it to anyone else to execute, my idea was full of weaknesses because I knew that if my friend, disregarding my presumptuousness in approaching him in such a matter, would go to political friends of the clerk and disclose that I was interested, they would probably say "To H_ with Bland" and if they did not know of your connection they undoubtedly would find out, if they understood the matter, in the course of their efforts, and quit in disgust. However, I felt that I had to do something so I called at the office of a friend in politics to confer with him and see if he could suggest any way out of the dilemma, intending to tell him to let the matter go no further until he heard from me further. He was not in, so I went home and thought what it most, the night and finally concluded that the very act of seeing him had [MS. illegible] possibilities in it of compromising you and as you were involved and had to pass upon the matter, anyway, I

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would first unite you, obtaining your views, before I decided doing anything further. In my letter of the 16th I did not give ever reason I had as to why I thought political methods inadvisable and for my statement that I would not succeed in getting the organization interested even should I try. I had very serious reasons affecting myself, but determined not to inject my own feeling into the situation for fear that such might be misunderstood by you. I will say, frankly, that I abhorred even the thought of what was going through my mind. The idea of a Judge, after the Court had decided upon a proposition, going to outsiders in an effort to frustrate the ruling, because it was not to his liking, was something I had never heard of. Here, the Court had left the matter to its. Here, the court had left the matter to its Clerk and I had no business interfering and to do so would amount to an effort substantially, to ringing pressure in the other Judges, themselves as the clerk, if he was innocent of the change, would probably resent the interference and go to the judges about it and even were

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he not innocent he probably would go to them anyway protesting his innocent. I did not make up my mind to do it in any event. You had not only made the call upon me, in the first place, but I understood from Miss Plummer that you wanted me to try political means. I was desperately attempting to respond but I knew that when I laid some of the facts before you, involving you personally, I would never be called upon to make a decision as to what I should do along that line, because the mere statement of the facts showed the absurdity of seeking political help. In writing you I left out my own personal predicament fearing that I might be misunderstood and I did not want it to be considered by you in making up your mind, in any event I was careful not to state any part of the circumstances except that which involved you personally. I did not state all of the reasons why I thought the seeking of political help was inadvisable or why I did not think the attempt would succeed if tried. I thought that I had stated enough of and the most convincing facts I had from your standpoint and did not attempt to write a volume explaining every detail in full (But

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had I done so I probably would not have been impelled to write this volume. Your statement that my last letter was long, is well taken) what I was trying to do was to let you put the quietus on the thought of political intervention, instead of myself, as the thought had come from you in the first place.

Although I note from your last letter that you are quite busy, I see that you have a apparently used considerable time in an effort to look up the low in reference to Stratton and Mrs Pauley. I don't understand, yet, why these matters have been injected with Miss Plummer's case and how the charges, if true, could have been used to help her. The clerk was to, and did, make a choice between Mrs Pauley and Miss Plummer and he knew what salary the latter was getting, so the only way that these charges could be used would have been for me to have gone to Stratton and Mrs. Pauley and said I had knowledge of there official misconduct and would

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expose it if they did not cease their efforts against Miss Plummer, assuming that they had a hand in it. I know that you would not want me to do that. To confront them with such charges would only have caused an uproar in the clerk's office and, as it had already been decided that Miss Plummer should go, the clerk would probably have let her out forthwith to promote necessary harmony in his office, without giving her a chance to seek another position. I went into Miss Plummer's troubles in good faith, intending to do all that I could to help her. I had no idea that the thing might end by her becoming a pawn to be sacrificed in a political fight. Such would be carrying animosity far indeed. I may be wrong in even entertaining such a thought, devoutly hope I am, but I may be forgiven as, when I told Miss Plummer that the only suggestion you had as to how I could help her was to go to my associates with the charge that Pendergast was dominating the situation and stating that I would resign if they did not desist, the poor girl said "How will that help me?" I tried to answer her from your viewpoint but I could not satisfy her, or myself for that matter, even upon the assumption that your charge or domination were true.

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As, apparently, I would not have raised my voice had Pendergast dominated in favor of Miss Plummer it would have raised the issue as to whether I a Pendergast was to dominate. So, while there is no dominate in fact, what good would your suggestion have done, if there had been.

I do not want it understood that I do not welcome information reflection in the clerk's office, it true. But the charges to merit attention should be accompanied by a statement of some evidence supporting them. You did not even state who told you these things, consequently, I gave the matter of Stratton's writing opinions only passing notice in my last letter. The matter had nothing to do with the thing in hand, Miss Plummers Predicament, and I had already written a letter too long on the issue at stake. Miss Plummer, even to this day, has not made this charge to me. I did not intend, in my last letter, to leave the impression that I knew of Stratton's alleged act, quite the contrary, for I expressed surprise that I had not been informed before about it. Of course, I should not approve of Stratton alleged

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act and I don't believe that it ever occurred. The judges of some of the higher courts of the county including those of the U.S. Supreme Court, have lawyer assistants who read the records for the facts and make written statements of facts for the judges, but I doubt very much if Stratton has ever done even this for any of the judges.

As to your charge that Stratton, in his law business, if any, and Mrs Pauley, in the receipt of her compensation, are violating the statutes, I assure you that you are mistaken. The statutes you cite have no application.

I assume that Miss Plummer has informed you that the court has postponed its retrenchment order for six months, in order to give her a chance to find a position. I want to again compliment my associates in the way they have conducted themselves. I know that Miss Plummer and you were in great mental perturbation that she would lose her job when you released your attack upon the local Democratic party organization three years ago. Both of you were lulled into a sense of security by her remaining here so long. However, you fully realized three years ago that I was but one in three and you must have known that my influence in

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patronage matters suffered a severe decline by reason of your act and should I insist that she be retained, when it came time for her to go, my associates would regard my conduct so presumptuous as to definitely classify myself with you. You had ever reason to be uneasy as your fears were based upon what naturally would happen under ordinary circumstances anywhere. However, my associates have permitted and even now are according her further consideration, knowing all of the time of your connection with her and in the fact of pressure from desiring applicants for the place. If political considerations had any place in their minds she, of course, would not have remained here a month, much less three years! Miss Plummer is nothing to them. In my opinion they have been very decent about the whole matter, if not darn right charitable. To now charge them with political domination is unfair, to put it mildly.

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To further prove the baselessness of the charges, I need go no further than to state that the service of even Mrs Pauley, herself, were engaged without any recommendation from any political source. I doubt if her politics were even inquired into. She was put on the payroll at the request of Judge Trimble, because she thought she was needed. Judges Trimble, Shain and myself employed a man here who had never taken an interest in politics and had no vestige of political backing. The ward leader where the man lived protested his appointment in the ground that he was a Republican. The man is still here!!

As to your statement that I dislike Miss Plummer, you are mistaken. I took exception to her attitude toward her duties but have the kindest feeling toward her otherwise.

Yours truly,
Ewing C. Bland