

Why I Am Supporting James V. "Josh" Billings

By Clare Magee, Unionville Attorney

A number of Putnam County Democrats have talked to me about the Supreme Court race wherein Judge Billings of Kennett, Missouri, and Judge Douglas of St. Louis are contenders for the nomination. Because I am interested, both as a lawyer and as a Democrat, I am taking this method of advising the Democrats of this county relative to my stand in the matter. It is my opinion that both of the candidates are of good repute and stand high in their profession. The one who receives the nomination in August will receive my support in November.

Southeastern Missouri. He occupies, therefore, the same position which Judge Douglas occupied in St. Louis until last year when he was elevated to the Supreme Court by appointment of the Governor. Judge Billings was born in Macon County and was graduated with distinction from the University of Missouri. While a student he was elected president of the University Democratic Club. He later located in Dunklin County where he served four successive terms as Prosecuting Attorney. Since this time he has been twice elected Circuit Judge by large majorities.

It was Judge Billings who created considerable comment when he refused to approve a number of foreclosure sales in his court when the loan companies attempted to buy in the land at less than its actual value. So far as I have been able to learn he has administered justice fairly and impartially. The only complaints have come from those who desired to take advantage of the unfortunate, and who were thwarted in that purpose by Judge Billings.

Governor Stark is supporting his appointee, Judge Douglas, which is his innate right as a citizen and voter; but like the Pilgrim Fathers of old who came to this country with the avowed purpose of following the dictates of their own consciences, and later were unwilling to grant the light to others; so has our governor been unwilling to grant free choice in suffrage to those who may see differently from him. He is making speeches all over Missouri in which he states that a "sinister shadow" hangs over the "temple of justice," our Supreme Court. At the state bankers' meeting in Excelsior Springs in May, he stated: "Missouri's Supreme Court must remain unviolated by the sinister group that seeks to dominate it . . . I urge you as good citizens and patriotic Missourians, not to let

this catastrophe happen. Let's keep the primary as the key to good government. Let's not permit the slate makers and log rollers to destroy a reform that was years in the making. Let's all vote in August to save our Supreme Court."

He implies that the election of Judge Billings would corrupt the Court. Bear in mind that there are 7 members on the Supreme Court. How can one man ruin the court unless a few of the others are susceptible to such a supposed evil influence? What a base charge to make against the splendid personnel now on the bench! What a base charge to make against a man who was elected by the people to office six different times, when the Governor, himself, has only been elected once and can never be elected again! Who is the sinister group who seeks to despoil the Supreme Court? Many judges in Missouri, many high type lawyers, many prominent political leaders are supporting Judge Billings. Does the Governor charge these men with sinister motives? Or does he refer merely to the fact that the Kansas City organization has seen fit to support the Southeast Missourian instead of the gentleman from St. Louis? If so, let it not be forgotten that this same Governor solicited and received the support of the Kansas City organization when he aspired to his high office. If the support of the Democrats of Kansas City is to be shunned; if it is a corrupting influence on the recipient; if it is a menace to good government and makes morons of the individuals—then I say to you that this man Stark lacked at least some of the attributes of an archangel when he bared his "white soul" to that benign influence.

Yes, the "apple knocker" says that the high court must be saved. He further said before the bankers: "A group of politicians are attempting to repeal the primary law." Now let's see if this statement comes from a great moralist, a great champion of liberty, a true believer in the right of franchise.

Thomas F. Fitzgerald was fired from his job as liquor control supervisor when he refused to support the Governor's candidate for the high court. Here was a man with a great record of law enforcement. Garrett Smalley was fired for the same reason, although he had a splendid record as Chairman of the State Athletic Commission. Dr. W. L. Brandon resigned from the state board of health rather than accede to the demands of the Governor that he support Douglas. Warden J. M. Sanders of the state penitentiary was let out because he refused to support Douglas. Warden Sanders had in his tenure of

office inaugurated certain reforms which had won him national recognition. Another gentleman in the state health department was written a letter of dismissal by the State Health Commissioner. The latter advised the employee that the letter was written at the request of the Governor. However, the commissioner was fair enough in his letter to commend the employee for his splendid services to the health department. The governor was willing to carry his brand of politics even into the state board of health.

Space does not permit an enumeration of the political heads that have been severed because the men would not go down the line for Douglas at Stark's request.

Most of us thought that the primary law was passed to take control out of the hands of a few party dictators so that each individual might vote his or her convictions. But evidently Stark thought that it was passed so that one man could dictate instead of three or four. Imagine a man who has fired his employees by the dozen, because they chose to vote their own convictions—Imagine, if you can. a man of this kind prating about the sanctity of the ballot and an honest primary!

His methods differ from certain European dictators only in degree—thanks to our laws here.

Stark tells the bankers to be wary of the "sinister shadow." He sings the same swan song before the club women, before the State Medical Association, before farm groups, etc. I suggest the following melody which he might croon to his children each night: Pendergast is coming with all his power and might:

Beware of "evil shadows"—may your dreams be bright. You are fortunate, indeed, to have a daddy like me I'm governing the state like Mussolini.

I'll brook no opposition—the boys will vote my way,

Or I'll slice every head before primary day.

Now let us see how sincere the Governor has been in another matter of vital importance to many people in our state. During his campaign for Governor he went about Missouri making an ardent appeal for votes. One thing that he stressed in most every speech was that if he were elected Governor the aged folks would receive justice. He appeared as a Moses who would lead the indigent out of the bullrushes of despair to the heights of a serene old age. He was elected. Yet no sooner had he gotten the legislature adjourned than he again started about the state saying that five thousand old

folks must be removed from the assistance rolls. He called them “chiselers.” Webster’s unabridged dictionary defines the word “Chisel” as meaning “to gouge; to cut close, as in a bargain; to cheat.” A “chiseler” then is one who gouges or cheats; a “cheater,” a “defrauder.”

It was difficult for me to believe that many elderly men and women in Putnam county—all of them over seventy—had lived their full lives in this county with not a blotch against their characters; men and women who reared families and obeyed the laws of state and nation; I say it was difficult for me to believe that suddenly they had become criminally minded; that suddenly they had become cheaters and chiselers and that they would boldly make false affidavit in order to illegally draw funds.

With this thought in mind I asked the County Director how many chiselers he had in this county. He stated he had no direct evidence of a single one; and that not more than two or three were even under suspicion. When I then asked him why a great number were to be removed he stated that orders from Jefferson City made it mandatory; that perhaps about 53% of the people over seventy were drawing in this county and that this must be reduced to 45% or 46%.

Imagine, if you can, a man who makes an order of this kind which is purely arbitrary and without authority of any law or statute—imagine such a man talking about the Supreme Court!

It is generally known in this county that dozens of men and women have been removed from the assistance rolls who were qualified under the law. The Governor has stated repeatedly that no worthy old person need have any fear. Yet instances can be cited in this county of elderly people being removed from the rolls and forced to return to the home of a child whose own home is heavily encumbered.

Some of these old folks requested my assistance. My services have gone to some twenty of them free of charge. There was the case of an old man who lived on a farm which the evidence later showed to be mortgaged for more than twice its actual value. He was a gentleman of good repute who for many years farmed in the summer and hauled coal in the winter months, walking seven or eight miles behind his team, many times through banks of snow. The officials told him that they were unwilling to pay benefits to be used to pay interest. The old man offered to deed his farm to the officials.

They didn't want it. He was advised that the February payment would be his last. He trudged to town behind a load of coal in January. They caught him in the "heinous" act of attempting to sell a load of coal for a profit and he was cut off in January.

My old friend Solomon did what some of the others had done. He came to me to get my opinion as to whether he was entitled under the law to receive benefits. He said he wanted nothing that was illegal—he would rather starve first. That kind of talk never came from a "chiseler." I told him I would assist; and try to get his case properly presented to the State Board and the courts, if necessary.

The day came when Solomon appeared before Grimsby, the Great, (District Supervisor). The result was comparable in some respects to the time when the lowly Nazarene appeared before Pilate.

After the conference—if it could be dignified by such a term—old Sol hobbled into my office almost out of breath and informed me that Grimsby, had accused him of another transgression. He (Sol) had consulted a lawyer about his rights. Oh! What a crime!

First, he had used assistance funds or was about to use a part of them to pay interest on the mortgage on his home. Second, he hauled a load of coal; Third, he sought legal advice. Grimsby advised him that he did not need a lawyer; that they could take care of his matters. In this latter he told the truth. They took care of poor old Sol in short order. Then he told the old gentleman that when the State Board found that he had hired a lawyer, they would no doubt decide that he was of such financial means as to need no assistance. Of course Grimsby did not realize that sometimes people (even lawyers) will donate time and effort to oppose tyranny.

Under our judicial structure in Missouri, when a man is charged with crime, if he be unable to hire counsel, the court appoints a lawyer to see that he has a fair hearing. Under the Social Security Act the legislature paved the way for an ultimate appeal to the courts of any applicant who felt himself aggrieved by the action of the State Board. A District Supervisor under this act condemned an old man who sought the help of an attorney. I sent a telegram to our Governor protesting this outrageous affair. He replied that my letter was being turned over to Director Haworth. That is the last we ever heard of the incident. Even though I asked that an investigation be made, apparently nothing was done. It is fair to assume, therefore, that the Governor and his appointees placed

their stamp of approval upon this inhumane act. Yet the Governor talks about honesty in government!

Only a few days ago we tried in the circuit court here the first five cases of the old age assistance appeals. The Circuit Judge ordered all of them reinstated. I am advised that of eight other cases already tried in the state the social security board has lost seven of them. Yet the purge goes on. As this is being written three more old people have seen me. One of them was taken off because he had been living with a relative who had provided for him. Investigation reveals that this son owns eighty acres with a mortgage thereon for the amount of three thousand dollars. I doubt that he can sell it today for a cent above the mortgage. Another old lady has been taken off and her only worldly goods, outside of her clothes, is two hundred dollars, which she has placed in the bank to be used for her funeral. She is at the home of a child who must provide medical attention for her. Another individual tells me that he was taken off and has nothing whatever and no children able to support him. Yet the Governor in view of court decisions in this county and elsewhere over the state continues to advocate taking great numbers from the rolls. And our Governor talks about a free judiciary and the sanctity of courts.

It is reported that there are now unspent millions which might be applied to old age assistance. I venture the guess that substantial funds will be held back until the end of this administration so that Stark may leave office with a claim to greatness for having left a large balance in the state treasury. Let it be said to the credit of the officials in the city in which Tom Pendergast lives that they have never tried to balance their city's budget with funds of the unfortunate. Rather has Tom Pendergast maintained his prestige by his generosity toward those who need help.

As for me and mine, I would rather have ten thousands Pendergasts giving me orders than one militarist, one bigot, one double-crosser, and one egotist combined in a single human hide.

No more intemperate speech ever issued from a man in public life than that which emanates from this proud man's mouth. Intemperate speech carries with it the cloak of insincerity. It is the garb worn by the professional charlatan. Herod professed a desire to worship, but when the Wise Men were gone he wrote a decree that imbued his Kingdom

with the blood of innocents. Peter in one breath exclaimed: "Lord, I will follow Thee even unto death." But that night in the palace said: "I know him not." Judas Iscariot pledged fidelity to his Master but that night for thirty pieces of silver betrayed his Master with a kiss. Two thousand years ago, a prophet of Galilee said unto his disciples: "Not everyone who sayeth O Lord, shall enter the Kingdom" then turning unto the pack of hypocrites that barked at his heels said: "Ye are like unto whited sepulchres, beautiful indeed on the outside, but inside full of dead men's bones."

Our Governor has sought to project his own personality into the campaign. He desires that the issue be fought out upon the basis of his own popularity. As Democrats of Missouri learn that this is the forced issue, they will accept that challenge and in my opinion it will result in an overwhelming victory for Judge Billings.

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