To the Chief Justice: Re: Blanton

Attached is the CA 4 opinion of October 27, 1945. It refers to the opinion by Judge Paul found in the brief filed in CA 4, as marked.

Also attached is a draft of a possible letter to Judge Soper.

For your information, it is a felony: to forge the signature of a judge or the seal of a federal court, 18 USC § 505; to alter or falsify any record, writ or process in a federal court, 18 USC § 1506; or, to remove, mutilate or falsify a court record, 18 USC § 2071.

In Universal Oil Products Co. v. Root, 328 US 575 (1946), a case involving assessment of fees in an investigation of a fraudulent judgment, the Court (per Frankfurter J) stated: "The inherent power of a federal court to investigate whether a judgment was obtained by fraud is beyond question." I should think that the power to investigate a forged mandate would be even clearer.

HJT

Honorable Morris Soper
Circuit Judge, United States Court of Appeals
Baltimore, Maryland.

Dear Judge Soper:

I have your letter of December 20, 1951, together with a copy of your letter to Mr. Ward M. Blanton. I want to thank you for your prompt consideration and your personal attention to this matter. Your reply to Mr. Blanton is entirely appropriate with respect to his own claim for relief.

There is, however, a further problem presented by Mr. Blanton's serious charge that unauthorized court orders including "a forged Mandate of the Fourth Circuit Court" are presently on file in the District Court. Unquestionably, federal courts have power to investigate a charge that fraud has been perpetrated in an attempt to subvert the administration of justice. Quite apart from Mr. Blanton's claims for relief as a litigant--and however inconceivable his charges may appear--it would seem advisable to investigate his grave assertions of improper and possibly criminal conduct. I call this to your attention so that we may both be completely satisfied that Mr. Blanton's charges are groundless before the matter is put to rest.

With kind regards,

Sincerely,

No.6-824 E.Kingston Ave
Charlotte,North Carolina
December 3,1951

Hon.Fred M Vinson, Chief Justice
Washington,D.C.

Dear Mr.Chief Justice:- RE:281 Civil-U.S.Dist.Ct.Western N.C.

The President on November 16,1951, forced by resignation from Federal Service Theron Lamar Caudle thereby bringing to an end his nefarious and illegal activvities extending back through many years. Immediately the controversy broke before the House Committee his former ally and goon Frank N.Littlejohn of Charlotte rushed into print to say that Caudle had requested the prosecution of Blanton in the Superior Court of Mecklenburg County.

Caudle and Littlejohn and others conspired to frame the writer in the State Court to cover up the frauds perpetrated in Civil action 281 in the Federal Court against the plaintiff by the purported court and un-authorized attorney's and Judges.

There is a little matter of a forged Mandate of the Fourth Circuit Court and unauthorized court orders on file in the office of the Clerk of the local district court. The records are replete with proof that no duly authorized and qualified Judge, or duly admitted attorney for defendants,ever presided or appeared in the cause. Caudle and Littlejohn conspired to obstruct Justice in the Federal Court and to deny the plaintiff equal justice in accordance with the laws of the UnitedStates.

Judge Wilson Warlick has been interviewed and has advised the attorney who interviewed him he could and would take the matter up if properly brought before him by having the orders of Judge Paul vacated. The records conclusively show that there is no evidence that either Judge E.Y.Webb or Judge JohnPaul had ever taken the oaths prescribed by law atthe time they presumed to preside in the cause.

I have been thrice interviewed by Government agents in the past weeks re this matter. It has been suggested I write you requesting that you personally bring about a satisfactory adjustment of the situation,thereby,obviating the necessity of filing complaints with other branches of the Government in view of the fact that you are in charge of and responsible for the Fourth Circuit district.

May I have a word from you at your earliest convenience.

Respectfully yours

Ward M Blanton

Ward M Blanton

December 14, 1951

Mr. Ward M. Blanton,
6-824 E. Kingston Avenue,
Charlotte, North Carolina.

Dear Mr. Blanton:

I have your letter of recent date relative to a civil action in the North Carolina District Court, in which you were the plaintiff.

I have transmitted your letter to Judge John J. Parker, Chief Judge, United States Court of Appeals for the Fourth Circuit, Charlotte, North Carolina, for his consideration and attention.

Very truly yours,

(Signed) Fred M. Vinson

FMV:McH

Parker

December 14, 1951

Honorable John J. Parker,
Chief Judge,
United States Court of Appeals
for the Fourth Circuit,
Charlotte, North Carolina.

Dear Judge Parker:

I am enclosing herewith copy of a letter which I have received from Mr. Ward M. Blanton, together with a copy of my reply in which I informed Mr. Blanton I would forward his letter to you for your attention and consideration.

With kind regards,

Sincerely,

(Signed) Fred M. Vinson

United States Circuit Court of Appeals

Fourth Judicial Circuit

CHAMBERS OF
MORRIS A. SOPER
UNITED STATES CIRCUIT JUDGE
BALTIMORE 2, MARYLAND

December 20, 1951

Mr. Ward M. Blanton,
6-824 E. Kingston Avenue,
Charlotte, North Carolina.

Dear Mr. Blanton:

Your letter of December 3, 1951, addressed to Chief Justice Vinson, has been referred by Chief Judge John J. Parker to me. I have considered it and find that it does not relate to any pending action in the District Court of North Carolina or in the Court of Appeals for the Fourth Judicial Circuit; nor does the letter constitute a complaint filed in due course in either of these courts. There is, therefore, no action which the Court of Appeals can take in the premises.

Very truly yours,

United States Circuit Judge.

File

United States Court of Appeals
Fourth Judicial Circuit

CHAMBERS OF
MORRIS A. SOPER
UNITED STATES CIRCUIT JUDGE
BALTIMORE 2, MARYLAND

December 20, 1951

Hon Fred M. Vinson,
Chief Justice of the United States,
Washington-13, D.C.

Re: Letter of Mr. Ward M. Blanton.

Dear Mr. Chief Justice:

Copy of the letter addressed to you by Mr. Ward M. Blanton on December 3, 1951, was sent to me by Judge Parker as he considered himself disqualified in the matter. I have considered the correspondence and have written Mr. Blanton a letter, copy of which is herewith enclosed.

Very respectfully yours,

Morris A. Soper

United States Circuit Judge.

JOHN J. PARKER
UNITED STATES CIRCUIT JUDGE
CHARLOTTE, N.C.

December 17, 1951.

Hon. Fred M. Vinson,
Chief Justice of the United States,
Washington 13, D. C.

Dear Mr. Chief Justice: Re: Letter of Mr. Ward M. Blanton.

I am in receipt of your letter of December 14 enclosing copy of letter of Mr. Ward M. Blanton of December 3 and copy of your letter in reply thereto. While the case of Blanton v. Pacific Mutual Life Ins. Co., which is the case referred to in Mr. Blanton's letter, was pending in the District Court he wrote me a letter stating that he had been informed that I had said that he was insane and that his case was without merit and stating that he wished to come to see me and talk about his case. I wrote him that I knew nothing about his mental condition, except as it had been evidenced by groundless attacks upon the courts and judicial officers, but that, in view of his letter, I intended to have nothing to do with his case and would not sit in the hearing of it or designate a judge to hear it, but would ask the judge next in order of seniority to make the designation. Shortly after this Judge Webb entered an order disqualifying himself to hear the case and asking that another judge be designated to hear it, and I entered an order stating that I felt that I should enter no orders in the case and requesting Judge Soper to make the designation. Judge Soper designated Judge Paul.

In view of the action taken at that time, I am referring your letter with enclosures to Judge Soper for his attention and consideration.

With high personal regards, I am

Respectfully yours,

John J. Parker

JJP/B
Copy to
Hon. Morris A. Soper,
U.S.Circuit Judge,
Baltimore, Md.

Mr. Ward M. Blanton,
Charlotte, N.C.

JOHN J. PARKER
UNITED STATES CIRCUIT JUDGE
CHARLOTTE, N.C.

December 17, 1951.

Hon. Fred M. Vinson,
Chief Justice of the United States,
Washington 13, D. C.

Dear Mr. Chief Justice:

Supplementing my letter relative to Ward M. Blanton, I am enclosing herewith copy of a letter which I wrote Chief Justice Stone in 1944 in response to an inquiry enclosing a letter from Blanton. Judge Paul wrote a lengthy opinion in the case which you will find reported in 4 Federal Rules Decisions 200. An appeal was taken from the order entered on this opinion but the appeal was dismissed as premature but the Court of Appeals said there was no error in the order. See 146 F. 2d 725. Final order was entered by Judge Paul on April 9, 1945, which was affirmed on appeal. I enclose herewith copy of the mandate which contains copy of the order affirmed.

I thought you would like to have this information with regard to the case.

Respectfully yours,

John J. Parker

JJP/B
Encl.

September 16, 1944.

Hon. Harlan F. Stone,
Chief Justice of the United States,
Washington, D. C.

Dear Mr. Chief Justice:

I have just returned to my office and find your letter of September 6th enclosing the letter of Mr. Ward M. Blanton, which I am returning herewith.

Mr. Blanton has instituted a suit against a life insurance company in the United States District Court in Charlotte asking damages for false imprisonment and conspiracy in connection with his confinement in an insane asylum some years ago. A similar suit was instituted by him against the same company in the Eastern District of Tennessee, so I am informed; and, when judgment was entered for the defendant, he filed with Congress a petition for the impeachment of Judge Taylor, which came to naught.

Judge Hayes conducted a pretrial hearing in the cause pending in the Western District of North Carolina in the Spring of 1943, when I assigned him to hold a special term of court in that District; and when he entered a pretrial order to the effect that certain causes of action were barred by limitations, Blanton filed an affidavit of bias and prejudice against him and he continued the case to be heard by Judge Webb.

After the cause had been at issue for months and after the case had been heard by Judge Hayes on pretrial, Blanton moved before Judge Webb for a default judgment against defendant on the ground that the answer was not filed in time. When Judge Webb denied the motion, Blanton filed a petition with Congress that he be impeached.

Last December he wrote me an insulting letter stating that he had been informed that I had said that he was insane and that his case was without merit and stating that he wished to come to see me and talk about his case. I wrote him that I knew nothing about his mental condition, except as it had been evidenced by groundless attacks upon the courts and judicial officers, but that, in view of his

letter, I intended to have nothing to do with his case and would not sit in the hearing of it or designate a judge to hear it, but would ask the judge next in order of seniority to make the designation. Shortly after this Judge Webb entered an order disqualifying himself to hear the case and asking that another judge be designated to hear it, and I entered an order stating that I felt that I should enter no orders in the case and requesting Judge Soper to make the designation. Judge Soper designated Judge Paul.

Promptly upon his designation Judge Paul called the motions in the case for hearing and passed upon all of them, setting forth the facts in a carefully prepared opinion. Blanton appealed from the order denying his motions to the Circuit Court of Appeals, where the appeal is now pending. Recently he made a motion in the cause for judgment by default on the ground that the attorney who signed the answer was not shown to have been admitted to practice in the District Court; but I understand that Judge Paul has denied this motion.

This covers in brief the history of this litigation, except that I should say that Blanton has harassed the Deputy Clerk of the Court here at Charlotte with complaints and threats as to what he intends to do to sundry judges. Shortly after the suit was instituted he requested the United States Attorney to have the defendant investigated by the F. B. I.; and, when the Attorney refused to do this, he filed complaint with the Department of Justice asking that he be removed from office.

I feel that something ought to be done about the way that Blanton has carried on; but I hardly know what to do. A prosecution for obstructing justice or for contempt of court might be proper; but I have the feeling that his conduct is more properly attributable to his mental condition than to an intent to violate the law. My conclusion has been that the best thing to do was to ignore his criticisms and attacks; but I should be glad to have your views about the matter.

I am looking forward with much pleasure to seeing you on the 26th.

With highest regards and best wishes, I am

Respectfully yours,

COPY

Endorsed:
"Filed
Dec 19 1945
12 M
Clerk, U.S.Dist.Court"

UNITED STATES OF AMERICA, SS

THE PRESIDENT OF THE UNITED STATES OF AMERICA:
To the Honorable Judge of the District Court of the United States for the Western District of North Carolina.

GREETING:

WHEREAS, lately in the District Court of the United States for the Western District of North Carolina, before you or some of you, in a cause between Ward M. Blanton, Plaintiff, and Pacific Mutual Life Insurance Company and J. E. Garland, Defendants; Civil Action No. 281; wherein the judgment of the said District Court, entered in the said cause on the 9th day of April, 1945, and the order of the said District Court, entered in the said cause on the 1st day of May, 1945, are in the words following, to-wit:

J U D G M E N T.

"This action came on to be heard before the undersigned at Charlotte on the 6th day of February, 1945, for hearing of the motion of the Defendant for summary judgment and of such other matters as might be then brought before the Court; at which hearing the defendant was present by its counsel, C.W.Tillett, and the plaintiff was present in person and appeared in his own behalf.

"And it appearing that the plaintiff had on January 31, 1945, filed in the Clerk's office of this Court his affidavit alleging prejudice on the part of the undersigned Judge against the plaintiff and praying that the undersigned disqualify himself from further hearing of this cause; and the undersigned being of opinion that said affidavit was not in compliance with the terms of the statute in such cases made and provided and was not sufficient in law, stated from the bench that the motion of the plaintiff that the undersigned Judge disqualify himself and withdraw from further hearing of this cause would be denied; and that the reasons for such denial would be set forth in an opinion later to be filed; and that the hearing of the motion for summary judgment would be proceeded with. To which action of the Court the plaintiff excepted.

"And thereupon the Court informed the parties that, preliminary to acting upon the defendant's motion for summary judgment, the Court would set aside and vacate so much of a certain order entered by it on April 18,1944, as was related to a hearing theretofore had before Judge Johnson J. Hayes and was predicated upon the action taken as a result of such hearing; to which proposed action of the Court no objection was offered by either party.

"And thereupon the plaintiff moved that the Court enter its order finding and holding that C.W.Tillett, Attorney for the defendant,is not a qualified member of the Bar of this Court; which motion the Court then and there denied, and to the action of the Court in denying said motion the plaintiff excepted.

"And thereupon the Court proceeded to hear the motion of Defendant for summary judgment in its favor, and having heard the arguments of defendant, by its counsel, and of the plaintiff, in his own behalf, took time to consider of said motion.

"And the Court having now fully considered the defendant's motion for summary judgment as well as the other matters presented to it at said hearing, and having set forth its conclusions and the reasons therefor in a written opinion this day filed as a part of the record herein,

"Now, therefore, for the reasons set out in said written opinion, it is

"O R D E R E D

that the motion of plaintiff that the undersigned Judge disqualify himself from further hearing of this matter, be denied.

"It is further O R D E R E D

that so much of the order entered by this Court dated April 18,1944, as deals with and is predicated upon a certain hearing before, and subsequent action by, Judge Johnson J. Hayes be, and the same is hereby, vacated; it being the intent to vacate and set aside all portions of said order of April 18, 1944, except such portions thereof as deny certain motions of the Plaintiff, namely, to set aside and vacate an order entered by Judge E.Y.Webb on May 26, 1942, and for judgment in favor of the plaintiff; as to which motions the said Order of April 18,1944, remain firm and in effect.

"And the Court being of opinion, for the reasons stated in its written opinion referred to, that the motion of the defendant for summary judgment in its favor should be granted, it is further

"A D J U D G E D and O R D E R E D

that judgment be and it is hereby entered in favor of the defendant, and that the plaintiff take nothing by his complaint, and that defendant recover of plaintiff its costs in this action expended.

"It is further O R D E R E D

that the deputy clerk of this Court at Charlotte mail an attested copy of this order to each of the following:

"C. W. Tillett, Attorney at Law, 609 Law Building, Charlotte, N.C.

"Ward M. Blanton, Care Col. T. L. Kirkpatrick, Attorney at Law,
909 Liberty Life Bldg., Charlotte, N. C.

"Col. T. L. Kirkpatrick, Attorney at Law, 909 Liberty Life Building,
Charlotte, N. C.

(s) John Paul

District Judge

Sitting by designation in the
Western District of North Carolina."

O R D E R .

"The Court having heretofore, on April 9, 1945, entered an order granting the motion of the defendant for summary judgment in its favor and entering final judgment in favor of said defendant, with which order there was filed a written opinion of the court setting forth the conclusions upon which said order was based.

"And the plaintiff appearing in his own behalf having on April 21st,1945, filed his motion that the said order of April 9, 1945, granting judgment in favor of the defendant be vacated and set aside and that all orders, notices and motions made or filed in this action subsequent to April 3rd,1942,be stricken from the record and declared null and void and that the court grant judgment in favor of the plaintiff as of April 24, 1942.

"And the court having considered said motion filed by the plaintiff on April 21,1945, as hereinbefore set out, is of opinion that said motion should be denied.

"Now, therefore, it is O R D E R E D

that the motion of the plaintiff filed on April 21, 1945, to vacate the order of judgment entered by this court on April 9,1945, and to take such further action as is prayed for in the plaintiff's motion and as hereinbefore set out be, and the same is hereby, denied.

"To the action of the court in denying said motion and each part thereof the plaintiff excepts.

"The deputy clerk of this court at Charlotte will send an attested copy of this order to each of the following:

"Ward M. Blanton, Care Col. T. L. Kirkpatrick, Attorney at Law, 909 Liberty Life Bldg., Charlotte, N.C.

"Col. T. L. Kirkpatrick, Attorney at Law, 909 Liberty Life Building, Charlotte, N. C.

"C. W. Tillett, Attorney at Law, 609 Law Building, Charlotte, N.C.

(s) John Paul
District Judge,
Sitting by designation in the Western Dist. of N.C."

as by the inspection of the transcript of the record of the said District Court, which was brought into the United States Circuit Court of Appeals for the Fourth Circuit, by virtue of the appeal of the said Ward M. Blanton, agreeably to the act of Congress, in such case made and provided, fully and at large appears.

AND WHEREAS, in the term of October, in the year of our Lord one thousand nine hundred and forty-five, the said cause same on to be heard before the said United States Circuit Court of Appeals for the Fourth Circuit, on the said transcript of record, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court appealed from, in this cause, be, and the same is hereby, affirmed with costs.

MORRIS A. SOPER
U. S. Circuit Judge.

ELLIOTT NORTHCOTT
U. S. Circuit Judge.

HARRY E. WATKINS
U. S. District Judge.

Endorsed:
"Filed and Entered
October 27, 1945.
Claude M. Dean, Clerk,
U.S.Circuit Court of Appeals,
Fourth Circuit."

6-824 East Kingston Avenue
Charlotte 3,North Carolina
January 19th,1952

Mr.Fred M.Vinson, Chief Justice
Supreme Court Building
Washington,D.C.

Dear Mr.Chief Justice:

I have your letter of December 14,1951 in which you say you were referring my letter to Judge John J.Parker for attention and consideration. I have also copy of Judge Parker's letter to you of December 17,1951 and Judge Soper's letter of the 20th.

Judge Parker was in considerable error in his statements. The truth of the matter is that Judge Parker personally manipulated and maneuvered a pre-trial conference on April 5,1943 when he knew of his own personal and Judicial knowledge that the Judge of his own choosing was sitting 35 days prior to the effective date of the commission signed by Judge Parker. It was further ascertained,by hired investigators, that Judge Parker was engaging in caustic criticisms of the plaintiff and his counsel in Civil Action #281 in the District Court,thereby,creating false and erronous impressions for the purpose of discrediting the plaintiff. Therefore, on Deeember 27,1943,I did write Judge Parker,(Not requesting an interview) but pointing out what I knew to be facts and requesting him to remain in character as a Judge of a Court of Review. The letter speaks for itself and if you desire a copy I will be only to glad to forward you a copy of same.

I now hold affidavits conclusively establishing the facts that neither Judge Webb nor Judge John Paul have ever complied with the Statutes as to the taking and depositing the Oaths,as required by law, according to the records of the Clerk's of the Courts. I have proof that they made orders and entered Judgements in absolute violation of the provisions of Rule 7-b of the Federal Rules of Civil procedure and at the instigation of a presumed attorney,who,according to the records of the Clerks office was not a duly admitted Member of the Bar of the Court-and in absolute violation of the rules of practice as promulgated by the 3 District courts of North Carolina.

I hold duly attested "True Copy" of a Mandate of the Circuit Court,Fourth Circuit,attsested as of the 16th day of Novemeber,1944,as executed on November 14,1944,which

#2-Chief Justice Vinson

obviously disappeared from the files-in as much as a Mandate of an entirely different form and substance is now in the files,according to a certified copy,which I also hold.

I hold in addition an affidavit of responsible person -in which he states that E.Y.Webb admitted to him in a conversation that he had never complied with the law as to the taking an depositing the Oaths,required by law,before performing the duties of a Federal Judge.

The President has removed once and for all,Theron Lamar Caudle,from Public Office. He was a close collaborator of Judges s Webb and Parker and doubtless learned many of his tricks from them,in that,they were older and more accomplished artists of deception . The President,obviously,from newspaper reports,is trying,to purge the corruptionist from the Executive Branch of the Government. Don't you think you,ought,in your position as the Chief Justice,especially,in the fourth Circuit, purge the courts of those who have no regard for ethics and the laws of the land. I request that you have the House Judiciary Committee send a Committee to Charlotte and examine my files and the facts in connection with the Fraud perpetrated in Civil Action 281 against the plaintiff by purported attorneys and so-called suedo Judges.

If there was not fraud and fixing in the case- I am at a loss to understand,how,the law firm of Gardner,Morrison, and Rogers of Suite 1126,Woodward Building,Washington,D.C. on March 25,1944,would know that the plaintiff in Civil Action 281 in the Western District of North Carolina would NEVER be able to win his case. They were,in no way, connected with the case as far as the record reveals. Yet on that date,an attorney, connected with the firm was able to write a letter to a Charlottte attorney,foretelling the outcome of the case,in lessthan 90 days after Judge Parker signed his order withdrawing and Judge Soper's commissioning Judge Paul to preside;and more than 2½ years before the final order of Judge Paul.

I request your ordering of an investigation of the whole case. There may be some most startling developments once the investigation gets under way and,the facts as to the methods used,to obstruct and defeat justice,are brought to light. You owe it to the American public and posterity to expose and purge those who have no regard for the high office they presume to occupy. Maybe you can beat the Congress to the expose as the President did in the Caudle matter,if you act quickly.

Yours very respectfully,

Ward M Blanton

Ward M.Blanton

January 31, 1952

Dear Judge Soper:

I have received another letter from Ward M. Blanton, dated January 19th, copy of which I am enclosing herewith.

I note that in your letter to Mr. Blanton of December 20, 1951, you state that you have considered his letter of December 3rd, addressed to me, and "find that it does not relate to any pending action in the District Court of North Carolina or in the Court of Appeals for the Fourth Judicial Circuit; nor does the letter constitute a complaint filed in due course in either of these courts;" and that you further state there is no action which the Court of Appeals can take in the premises. Your reply to Mr. Blanton is entirely appropriate with respect to his own claim for relief.

There is, however, a further problem presented by Mr. Blanton's serious charge that unauthorized court orders including "a forged Mandate of the Fourth Circuit Court" are presently on file in the District Court. Quite apart from Mr. Blanton's claims for relief as a litigant - and however inconceivable his charges may appear - I would be glad to have your advices with reference to his grave assertions above referred to.

In my more than 10 years on the Bench, I have had quite some experience with disappointed litigants. I have nothing before me which shakes my faith and confidence relative to the judges who have considered this litigation nor the Clerks of the courts involved, but, despite my own personal conclusions on the face of the papers before me, I feel it a duty - though hesitatingly performed because of my high regard for all concerned - to call your attention to Mr. Blanton's charge that the Mandate of the Circuit Court of record is not the Mandate as issued. As I read his charge, the Mandate of the Circuit Court disappeared from the files and what he claims to be a forged Mandate substituted in its place. In effect, he is charging that there is alteration or falsification of the Mandate, which is a serious crime, as well as his other serious charge of removal of the Mandate.

I repeat that I have nothing to indicate that his charges have basis in fact, but I believe it is our duty to investigate his grave assertions of improper and criminal conduct referred to in 18 USC § 1506 and 18 USC § 2071.

I call this to your attention so that we may both be completely satisfied that Mr. Blanton's charges are groundless before the matter is put to rest.

With the greatest of respect and personal regards, I am

Sincerely,

(Signed) Fred M. Vinson

Honorable Morris A. Soper,
United States Circuit Judge,
United States Court of Appeals
for the Fourth Judicial Circuit,
Baltimore 2, Maryland.

FMV:McH

United States Court of Appeals
Fourth Judicial Circuit

CHAMBERS OF
MORRIS A. SOPER
UNITED STATES CIRCUIT JUDGE
BALTIMORE 2, MARYLAND

February 7, 1952

Honorable Fred M. Vinson
Chief Justice of the United States
Washington, D. C.

Dear Mr. Chief Justice:

When I go to Richmond the first week in March I shall try to find out what Ward M. Blanton means by the statement in his letter of January 19th that a forged mandate of our court and other unauthorized court orders are on file in the District Court. Blanton is not merely a disappointed litigant. Since he began his activities in the courts of our circuit he has served a term in prison and at one time, I believe, was in a mental institution. He has made a number of unfounded charges against judges in the circuit. I shall bring the matter to the attention of the council of the circuit and write you again.

Sincerely yours

Morris A. Soper

File

United States Court of Appeals

Fourth Judicial Circuit

CHAMBERS OF
MORRIS A. SOPER
UNITED STATES CIRCUIT JUDGE
RICHMOND 4, VIRGINIA

March 10, 1952.

Honorable Fred M. Vinson,
Chief Justice, Supreme Court of
the United States,
Washington, D. C.

Re No. 5409 - Blanton v. Pacific Mutual
Life Insurance Company.

Dear Mr. Chief Justice:

The United States Court of Appeals for the Fourth Circuit has considered the correspondence between yourself and Ward M. Blanton, with reference to the above case, and has passed an order copy of which is herewith enclosed. In our opinion this order is all the action that need be taken with reference to the communications of Ward M. Blanton, referred by you to Judge Parker and the writer in your letters of December 14, 1951 and of January 22, 1952.

In order that your files may be complete, the clerk of this court will also send to you the briefs and appendices in the two appeals in this case, Nos. 5282 and 5409. Judge John Paul was specially assigned to try the case in the Western District of North Carolina after the North Carolina judges had disqualified themselves voluntarily by reason of affidavits filed by Blanton. Judge Paul filed two unusually full and exhaustive opinions in the cases, one of which is found on page 24 of the appellant's appendix on the first appeal in case No. 5282 in which the appeal was dismissed by this court as premature, and the other opinion which finally disposed of the case is found at page 35 of the appellant's appendix in case No. 5409.

The suit was an action for wrongs alleged to have been committed to the injury of Blanton by the Pacific Mutual Life Insurance Company and others, which are described on page 73 of the last mentioned appendix. Judge Paul found that all of the causes of action, except one, were barred by limitations since, according to the plaintiff's allegations, they were committed many years before the institution of the suit in 1942. The only remaining cause of action, which is described on page 83 of the last mentioned appendix, related to a conspiracy on the part of the defendants to confine the plaintiff in a hospital for the insane. The judge found that this action had been subject to a suit decided adversely to Blanton in the Courts of Oklahoma and that the allegations of Blanton's

United States Court of Appeals
Fourth Judicial Circuit

CHAMBERS OF
MORRIS A. SOPER
UNITED STATES CIRCUIT JUDGE
RICHMOND 4, VIRGINIA

complaint in the pending case could not be sustained either as an action for false imprisonment or an action for malicious prosecution. The court, therefore, granted a motion of the defendants for summary judgment, and this judgment was affirmed on appeal in case No. 5409.

The only possible excuse for Blanton's charge that a forged mandate of this court is on file in the District Court in this case is the unintentional omission of the words" the said appeal" on the last line of the certified copy of the mandate furnished to Blanton some years ago by the deputy clerk of the District Court. The mandate itself is complete and genuine and bears the signature of the clerk of this court.

After the institution of this case by Blanton in the District Court, he was convicted of subordination of perjury in connection with certain divorce proceedings instituted in the State of North Carolina and served a term of imprisonment.

Very respectfully yours,

Morris A. Soper

(Morris A. Soper)
United States Circuit Judge

UNITED STATES COURT OF APPEALS
FOURTH CIRCUIT

- - - - - - -

No. 5409

- - - - - - -

WARD M. BLANTON, Appellant,
versus
PACIFIC MUTUAL LIFE INSURANCE COMPANY, Appellee

- - - - - - -

Ward M. Blanton, the appellant herein, having had certain correspondence in regard to the above entitled case with the Chief Justice of the United States and with the judges of this court, hereto attached, to wit:

(1) Letter of December 3, 1951 from Ward M. Blanton to the Chief Justice (copy).

(2) Letter of December 14, 1951 from the Chief Justice to Ward M. Blanton (copy).

(3) Letter of December 14, 1951 from the Chief Justice to Chief Judge John J. Parker.

(4) Letter of December 20, 1951 from United States Circuit Judge Morris A. Soper to Ward M. Blanton (copy).

(5) Letter of January 4, 1952 from Ward M. Blanton to Judge Soper

and the said Ward M. Blanton having suggested that his letter of January 4, 1952 be considered as a formal motion that all orders passed by United States District Judge John Paul in the District Court in this case be vacated, it is ordered that said correspondence be so filed and considered; and

Whereas, it appears from said correspondence that said motion is based upon the contention that no qualified judge has ever presided or appeared in the District Court in this case, in that the records do not disclose that either United States District Judge Edwin Y. Webb or United States District Judge John Paul, who presided in the District Court, had ever filed in the court in which he served the oath of office prescribed by law, and hence all of the orders of the District Court passed herein are void and of no effect; and

Whereas, it also appears from said correspondence that the mandate of this court on file with the District Court, alleged by Ward M. Blanton to be forged, is the mandate of this court filed on November 14, 1944 in the first appeal in case No. 5282.

Now Therefore, the court makes the following findings and determination:

(1) The court has examined the mandate of this court above described and finds it to be the genuine mandate of this court whereby the appeal of Ward M. Blanton in appeal No. 5282 was dismissed as premature. See 146 F.2d 725. (For copy of said mandate see appellant's appendix in case No. 5409, p. 55).

(2) The court finds that the orders of the District Court heretofore passed herein by Judge Webb and Judge Paul were not unauthorized and void, but were the orders of qualified District Judges who had each served in the office of United States District Judge for a period of more than ten years prior to the institution of this suit in the District Court, Judge Webb having served as United States District Judge for the Western District of North Carolina since his appointment on November 5, 1919, and Judge Paul having served as United States District Judge for the Western District of Virginia since his appointment on January 14, 1932, and having been specially designated by the presiding judge of this court to sit in this case; and the court further finds that the authority of said judges to act in said capacity was not affected by the omission in either case, if such occurred, to comply with the directory provisions of 5 U.S.C.A. Section 21, that the oath of office of a United States District Judge shall be delivered to the court to which the oath appertains.

It is therefore ordered this 11th day of March, 1952, by the United States Court of Appeals for the Fourth Circuit, that the above mentioned motion be and the same is hereby denied.

Morris A. Soper
United States Circuit Judge

Armistead M. Dobie
United States Circuit Judge

Sterling Hutcheson
United States District Judge

A true copy,

T e s t e:

Francis E. Stamey, Clerk,
U. S. Court of Appeals for the
Fourth Circuit.

C O P Y

No. 6 - 824 E. Kingston Ave
Charlotte, North Carolina
December 3, 1951

Hon. Fred M. Vinson, Chief Justice,
Washington, D.C.

Dear Mr. Chief Justice: Re 281 Civil - U.S. Dist. Ct. Western N.C.

The President on November 16, 1951 forced by resignation from Federal Service Theron Lamar Caudle thereby bringing to an end his nefarious and illegal activities extending back through many years. Immediately the controversy broke before the House Committee his former ally and goon Frank N. Littlejohn of Charlotte rushed into print to say that Caudle had requested the prosecution of Blanton in the Superior Court of Mecklenburg County.

Caudle and Littlejohn and others conspired to frame the writer in the State Court to cover up the frauds perpetrated in Civil action 281 in th Federal Court against the plaintiff by the purported court and un-authorized attorney's and Judges.

There is a little matter of a forged mandage of the Fourth Circuit Court and unauthorized court orders on file in the office of the Clerk of the local district court. The records are replete with proof that no duly authorized and qualified Judge, or duly admitted attorney for defendants, ever presided or appeared in the cause. Caudle and Littlejohn conspired to obstruct Justice in the Federal Court and to deny the plaintiff equal justice in accordance with the laws of the United States.

Judge Wilson Warlick has been interviewed and has advised the attorney who interviewed him he could and would take the matter up if properly brought before him by having the orders of Judge Paul vacated. The records conclusively show that there is no evidence that either Judge E.Y. Webb or Judge John Paul had ever taken the oaths prescribed by law at the time they presumed to preside in the cause.

I have been thrice interviewed by Government agents in the past week re this matter. It has been suggested I write you requesting that you personally bring about a satisfactory adjustment of the situation, thereby, obviating the necessity of filing complaints with other branches of the Government in view of the fact that you are in charge of and responsible for the Fourth Circuit district.

May I have a word from you at your earliest convenience.

Respectfully yours,
(Signed) Ward M. Blanton
Ward M. Blanton.

C O P Y

December 14, 1951

Mr. Ward M. Blanton,
6-824 Kingston Avenue,
Charlotte, North Carolina.

Dear Mr. Blanton:

I have your letter of recent date relative to a civil action in the North Carolina District Court, in which you were the plaintiff.

I have transmitted your letter to Judge John J. Parker, Chief Judge, United States Court of Appeals for the Fourth Circuit, Charlotte, North Carolina, for his consideration and attention.

Very truly yours,

(Signed) Fred M. Vinson

FMV:McH

C O P Y

December 14, 1951

Honorable John J. Parker,
Chief Judge,
United States Court of Appeals
for the Fourth Circuit,
Charlotte, North Carolina.

Dear Judge Parker:

I am enclosing herewith copy of a letter which I have received from Mr. Ward M. Blanton, together with a copy of my reply in which I informed Mr. Blanton I would forward his letter to you for your attention and consideration.

With kind regards,

Sincerely,

(Signed) Fred M. Vinson

December 20, 1951

Mr. Ward M. Blanton,
6-824 Kingston Avenue,
Charlotte, North Carolina

Dear Mr. Blanton:

Your letter of December 3, 1951, addressed to Chief Justice Vinson, has been referred by Chief Judge John J. Parker to me. I have considered it and find that it does not relate to any pending action in the District Court of North Carolina or in the Court of Appeals for the Fourth Judicial Circuit; nor does the letter constitute a complaint filed in due course in either of these courts. There is, therefore, no action which the Court of Appeals can take in the premises.

Very truly yours,

(Signed) Morris A. Soper

United States Circuit Judge

[illegible] East Kingston Avenue
Charlotte 3, North Carolina
January 4, 1952

Judge Morris Soper
Circuit Court, Fourth Circuit
Baltimore, Maryland

Dear Judge Soper:

I have your letter of December 20, 1951.

I wish to call your attention to a few items in connection with the case referred to in that communication. I quote from your designation and assignment of Judge Paul of the 11th day of January, 1944: "The Honorable John Paul, so designated and appointed, is to have and exercise all the judicial duties of the said Honorable E.Y. Webb, the Judge of the said Western District of North Carolina". The records in the office of the Clerk at Ahseville, N.C., do not reveal, any evidence, whatsoever, that E.Y. Webb was ever a Judge of the Western District of North Carolina, so far as, the required Oaths are concerned. Furthermore, the laws of the United States, are most specific in requiring the taking and depositing the Oaths before performing the duties of a Federal Judge. The Oaths, according to the law, seem to me mandatory and, not discretionary with the Judge. Now the point I wish to make is that you could not designate and appoint Judge Paul to powers and Judicial duties not held by E.Y. Webb, according to law. The Clerk at Harrisonburg, Virginia, has made an affidavit that search of the records thereto do not reveal that Judge John Paul ever took and deposited the Oaths, as required by law. Therefore, it would appear, from the evidence and records, that in both cases they were only de facto judges and not de jure judges. I can find no law recognized De facto Federal Judges. It seems unreasonable that the laws of the United States would require oaths of some Judges, and not, of others. So far, I have been unable to find any law or laws, exempting the parties named from taking and depositing the oaths, required by law, before doing and performing, the duties of Federal Judges. The records seem to reveal that Judge Webb resigned February 28, 1948, effective March 1st, 1948, upon this matter being forcibly presented to proper Government authorities.

In view of the facts and discoveries subsequently made, I request that you order Judge Paul to vacate and void all orders he made, and caused to be filed in Civil Action #281, United States District Court, Charlotte, N.C. The order of Judge D.E. Henderson, dated February 3, 1949, making C.W. Tillett, a Member of the Bar of the District Court, voids the order of Judge Paul, in which, he held he was a Member of the bar of the said Court. The Federal Rules of Civil Procedure, are, a part of the Supreme Law of the land, according to the Constitution and would have been so held, by the Supreme Court, had I had an opportunity to appeal to that Judicial body. The conspiracy to prevent me obtaining a ruling by that Court, was carried out and,

Judge Paul, issued and caused to be filed, an order on December 11th, 1946; because, he knew, on that date, I could not possibly appeal therefrom, because of the conspiracy. This order was signed and filed by Judge Paul, notwithstanding the fact, that on February 28, 1946 he had, positively, stated, in writing, he had no authority to deny or pass on the petition filed by the plaintiff on February 11th, 1946. He knew on February 28, 1946, that, if, he denied the petition, it would be at once appealed to the Supreme Court. On December 11th, 1946, he knew the conspiracy, against the plaintiff, had been perfected, to the point, that, appeal was impossible, therefore, he about faced, and, filed order of denial of the petition filed February 11, 1946.

I have every reason to believe that you will find in the coming Judiciary Committee Investigation that part of the outside activities referred to by the President when on November 16, 1951 he fired Thereon Lamar Caudle was (Caudle and his co-conspirators) obstructing of Justice and denying of constitutional rights to the plaintiff in Civil Action 281, Charlotte Federal Court.

The Mandate of the Circuit Court of November 14, 1944, appears, to have been removed from the files at Charlotte and, a substitute inserted in the files. I hold attested copy of the original, and a certified copy of the substituted. Clerk Dean of the Circuit Court has examined both and, stated in presence of witness, that the attested copy of the original was the only one ever executed by the court. The proceedings had, subsequent to, the execution of the Mandate, were not, in any respect, in keeping with, the Commands of the Mandate; nor in accordance with the laws of the United States and right and Justice. One of the conspirators who carried out the framing of the writer, thereby, enabling the filing of the order of December 11, 1946, upon the firing of Caudle, rushed into print, in the local Newspapers to say that he had acted and done what he did, at the request of Caudle. Recently, there has been placed in my possession a letter dated March, 1944 (less than 90 days after your designation of Judge Paul) that the plaintiff would never recover in civil action 281. Therefore, Judge Soper, in the light of the recent discoveries and the further matters that may be developed I request that you order Judge Paul to vacate and void all orders he made in the action and to restore the plaintiff in the action to the position he occupied prior to your order of designation of January 11, 1944.

Respectfully yours,

(Signed) Ward M. Blanton.

Ward M. Blanton.

P.S. You may regard this as a formal motion to the Circuit Court of Appeals, Fourth Circuit, if you so desire it, as foundation for your action and order.

March 26, 1952

Honorable Morris A. Soper,
United States Circuit Judge,
United States Court of Appeals
for the Fourth Circuit,
Richmond 4, Virginia.

Dear Judge:

Re: No. 5409 - Blanton v. Pacific Mutual Life Insurance Company

I am in receipt of your letter of March 10th together with copy of the order which has been entered in the above case. I also received from the Clerk of your Court copies of the briefs and appendices filed in Nos. 5282 and 5409 - Blanton v. Pacific Mutual Life Insurance Company.

I appreciate your sending me this information.

With kind regards,

Very sincerely yours,

(Signed) Fred M. Vinson

6-824 East Kingston Avenue
Charlotte 3, North Carolina
June 6th, 1952

Hon. Fred M. Vinson
Chief Justice
Washington, D.C.

Dear Mr. Chief Justice: RE: Order Circuit Court of March 11, 1952
Civil Action # 5409 Blanton Vs. Pac.
Mutual Life Insurance Co.

Obviously, pursuant to my letter to you of December 3, 1951, and others, attached copies of which are all as part of the order the Circuit Court, Fourth Circuit, on March 11th, 1952, made an order nullifying the Federal requirements as to the taking and depositing of the Oaths of Federal Judges as set forth by the Statutes.

It appears, from the order and the Laws and the Constitution that the issues and matters involved are of such a nature and import that the question is a proper one for the Supreme Court itself, and not one for one individual to have to litigate. The Justices of the Supreme Court are bound by Oath to preserve the Constitution and uphold the Statutes, therefore, I petition you as the Chief Justice and particularly because you are in charge of the Fourth Circuit that you order the Circuit and District Courts to certify the entire record, as to the orders and judgments of the inferior courts to the Supreme Court for review.

If the order of the Circuit Court is permitted to stand, then and in that event, the Federal Statutes and the Constitution as far as the fourth Circuit is concerned are a nullity, as to the requirements of the taking and depositing of the Oaths by Federal Judges and the making and entering of orders contrary to and in violation of the Federal Rules of Civil Procedure.

Therefore, I petition you as Chief Justice to review the entire record as shown by the record in Civil action 281 in the District Court, and #5409 the Circuit Court, Fourth Circuit.

Respectfully yours,

Ward M. Blanton

Ward M. Blanton

FILE

Mr Cullinan

6-824 East Kimgston Avenue
Charlotte 3,North Carolina
June 30,1952

Hon.Fred M.Vinson,Chief Justice
United States Supreme Court Building
Washington,D.C.

Dear Mr.Chief Justice:- RE: 281 Civil Dist.Ct-5409 Circuit Ct.

Since writing you on the 6th. Judges Soper and Dobie of the Circuit Court,Fourth Circuit,denied another motion sent Judge Soper on the 6th of June,1952.

The said order if permitted to stand nullifies the Federal Rules of civil procedure,as to Rule 7(b-1),as far as the fourth circuit is concerned. The said order,dated June 10th 1952,is discrimatory,contrary to law and denial of justice in accordance with right,justice and the law of the United States. The said order,further,is,refusal,on the part of the Circuit Court,to enforce,its mandate of November 14th,1944 .

Therefore,again,I petition you,as the Chief Justice, to order the entire record,both in the district and circuit courts up for review by the Supreme Court.

The Mandate was witnessed by the Hon.Harlan Fiske Stone, your predecessor,who,personally assured me,before his death that, once the matter reached the Supreme Court he would see that Justice was done according to law,Justice and right. His untimely death prevented his consumating his agreement.

The said order further nullifies the rules of practice, as to attorneys being duly qualified to practice,before filing papers in the district court. There are so many and varied rulings and acts contrary to law and the constitution that,in the name of Justice and honor, the Supreme Court ought to review the entire records in the above referenced cases,as a matter of public interest, and the general welfare of the nation.

Respectfully yours
Ward M Blanton
Ward M.Blanton

6-854 Beat Kingston Avenue
Charlotte 3, North Carolina
June 30, 1952

Hon. Fred M. Vinson, Chief Justice
United States Supreme Court Building
Washington, D.C.

Dear Mr. Chief Justice:- RE: 887 Civil Dist.-Ct.-5809 Circuit Ct.

Since writing you on the 6th. Judges Soper and Dobie of the Circuit Court of Appeals for the Fourth Circuit, denied another motion sent June Soper on the 6th of June, 1952.

The said order it permitted to stand nullifies the Federal Rules of Civil Procedure, as to Rule 73(b-1), as far as the Fourth circuit is concerned. The said order, dated June 10th 1952, is discriminatory, contrary to law and denial of Justice in accordance with right, justice and the law of the United States. The said order, further, is returnable on the part of the Circuit Court, to enforce, its mandate of November, 14th, 1944.

Therefore, again, I petition you, as the Chief Justice, to order the entire record, both in the district and circuit courts up for review by the Supreme Court.

The Marshal was witnessed by the Hon. Marion Price, Attorney, who, personally served me, before his death, that the matter reached the Supreme Court he would see that Justice was done according to law, Justice and right. His untimely death prevented his consummating his agreement.

The said order further nullifies the rules of practice, as to attorneys being duly qualified to practice, before filing papers in the district court. There are so many varied rulings and acts contrary to law and the Constitution that, in the name of Justice and honor, the Supreme Court ought to review the entire records in the above referenced cases, as a matter of public interest, and the general welfare of the nation.

Respectfully Yours,

Ward M. Stanton

Blanton, W. M.

July 8, 1952.

Ward M. Blanton, Esquire

Charlotte, North Carolina.

Dear Sir:

I have been directed by the Chief Justice to acknowledge receipt of your letter of the 30th, and to advise that cases may only come before this Court pursuant to applicable rules and statutes.

Under 28 U.S.C. 1254 this Court has power to review by means of a petition for certiorari the judgment of the United States Court of Appeals. However, it is necessary that the rules and statutes be complied with and that you proceed in accordance with such rules and statutes. The Chief Justice is powerless to order the entire record up for examination as requested by your letter.

Yours truly,

CHARLES ELMORE CROPLEY, Clerk

By

E. P. Cullinan,
Assistant.

EPC:mb

Clerk's Office

United States Court of Appeals

For the Fourth Circuit

CLAUDE M. DEAN
CLERK

March 10, 1952

Honorable Fred M. Vinson,
Chief Justice, Supreme Court
of the United States,
Washington, D. C.

Re Nos. 5282 and 5409 - Blanton v. Pacific Mutual Life Insurance Company.

Dear Mr. Chief Justice:

At the request of United States Circuit Judge Morris A. Soper, I am herewith sending copies of the briefs and appendices filed in the above cases, together with copies of the opinions.

Very respectfully yours,

Clerk, United States Court of Appeals
for the Fourth Judicial Circuit.

To the Chief Justice. Re: Blanton

Since your letter of January 31 to Judge Soper suggesting that you would both like to be completely satisfied that Blanton's charges of a forged mandate are groundless, CA 4 (Soper, Dobie, Hutcheson DJ) has entered a formal order finding:

> "The court has examined the mandate of this court above described and finds it to be the genuine mandate of this court whereby the appeal of Ward M. Blanton in appeal No. 5282 was dismissed as premature."

Blanton's letter was treated as a motion to vacate Judge Paul's orders in the DC. CA 4's order denied the motion.

According to Judge Soper's covering letter, the mandate on file with the DC is genuine. Blanton's charge is apparently based on the fact that a DC deputy clerk typed up a copy of the mandate and certified it, but erroneously omitted three words.

It is the opinion of CA 4 that this investigation and formal order should put Blanton's present charges to rest.

HJT