Gentlemen:— 4 pile

I desire the public to know that the Shannon family are innocent victims in the Charles F. Urschel case the same as Urschel was.

I understand they are now government witnesses also defendants and I don't want them convicted, for I desire to settle with them in my own way.

and with no assistance from the government.

Mr. Russell and the government prosecutors know that the Shannons had no part or no intentions of aiding in that matter and were forced to do so the same as Russell was forced to leave his home.

Why didn't Russell call the law in Tennessee where he was released instead of riding a cab peacefully into the city and

waiting a given time to call them. Fear, Gentlemen, fear, the same fear that dominated the Slaveocrat. I hate and despise the Government for their crooked dealings, and do not wish them to convict people of innocent of that crime and jury of one timing talking on me. I can take care of my end and with will; the way I want to

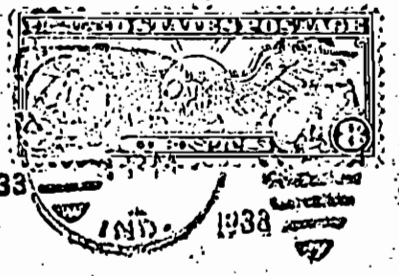
You might state for Mr. Keenan's benefit that he has never come anywhere near catching me although I have been in Oklahoma City four nights and up town each day.

We will all know the trial progresses and can adjust ours and accordingly. I am putting my initials on this so you will know it is genuine

Yours truly,
Geo. R. Kelley.

Gov 4 9

INDIANAPOLIS
JUN 5
3 PM
IND.
1933



Mr and Mrs.
R. G. Shannon
Paradise
Ind

D-N
~~Deodorant~~
~~Pen~~
~~Pomment~~
~~Self Amount~~
~~Pen~~
Pattern
Buttons
~~Toilet~~
~~Toilet Soap~~
~~Reading Lamp~~
~~Tie~~

Monday June 5

Dearest Everybody
How are you?
Just fine here.
We drove in
yesterday, met our
friends last night
and they are out buying
a car to day, and
getting ready to work.
Polly and I may go
on to St. Louis this
week, will when they
get ready anyway.
She is having the time
of her life. Saw a
show every nite early
and in bed by ten.
and we have
connecting rooms.
I do wish we'd had
room to bring Ruth
too. It wouldn't have

cost any more for
her to sleep as
Polly has a cup to
her self unt tell her
we are fixed up in
a Real Big way to
take all of you
now. we bought
a new 1932 custom
built 16 cylinder
7 passenger Cadillac
Sedan Saturday
in Cleveland and
it is the prettiest
things on wheels
and Big as a
house. It is
plain Black.
with two Big long
Sedan seats, and

a pull 3/4 seat so
I can ride very
comfortably with
a big trunk on
the rear. we
really feel grand
purring along in
the finest money
can buy.
The original price
was 5720.00 with
a special reduction
of 1500.00 on acct
of being a later
model out. and
they gave us 1150.00
for the old one
so we paid them
900-00 in cash
and made a 30 to 60

day note 4 for the total
balance of $2,200.00
so Mrs Era & Shannon
has a gorgeous car
& can't hardly wait
for you all to
see it. we really
got a good buy in
it that was a
factory branch.
Jimmie says he's got
to get busy now.
no foolin! So if
Ruth was along now
we'd have works
of room and you
and Daddy. Ruth
& Polly and us are
sure going to the
fair in it so
just began to
study who can

stay there a 5
Month. Mir said
when crops were
over he but he
could like Grace
& Dewey to stay,
Daddy Mir. wants
you to wire two
hundred dollars to
Mrs. Ora L Shannon
c/o western union
Indianapolis Indiana
by return and go
to Bridge port are
some place to wire
it. we still have
about two hundred
but he will be
one place and us
another without
communication
so wants to have

plenty to carry through
Guess you get tired of us borrowing but I'd do anything in the world and "pester" the best dad in the world to death for that car. and really we did need a car so bad. This one will last easy 6 years we have an 18 months guarantee good at any Cadillac agency for repairs work etc. and if

1

There is a heated
swimming pool here
indoors in the hotel
so Polly and I are
dressing to go out to
buy us some suits
so we can take
a swim every day
as its all free.
we went out to
dinner Sat. nite at
the Chinatown Cafe
and she really felt
big in her long
evening gown.
She sends hello to
all.
How's the pups.
I sold the female
to Geo. & the male
to Louis for 25.00 each
when I get the

money & haha thats
pay me next time
they said and Boy
is I burnt up
now with the "Chevy"
Says he'll never find
a bargain like that
will yours thats-
all. I'll call
western union in
a few days and
will write when
I receive so words
of love & kisses
your bro

To
MRS Ora L Shannon
Will call, Co. western union
Indianapolis Indiana
Waive Identification

and the radio is really
swell in the new car
with plenty of seats.

4-750 (Rev. 12-14-88)

XXXXXX
XXXXXX
XXXXXX

FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

_____ Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

☐ Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552		Section 552a
☐ (b)(1)	☐ (b)(7)(A)	☐ (d)(5)
☐ (b)(2)	☐ (b)(7)(B)	☐ (j)(2)
☐ (b)(3)	☐ (b)(7)(C)	☐ (k)(1)
_____	☐ (b)(7)(D)	☐ (k)(2)
_____	☐ (b)(7)(E)	☐ (k)(3)
_____	☐ (b)(7)(F)	☐ (k)(4)
☐ (b)(4)	☐ (b)(8)	☐ (k)(5)
☐ (b)(5)	☐ (b)(9)	☐ (k)(6)
☐ (b)(6)		☐ (k)(7)

☐ Information pertained only to a third party with no reference to you or the subject of your request.

☐ Information pertained only to a third party. Your name is listed in the title only.

☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

_____ Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

10 Page(s) withheld for the following reason(s): duplicative of 7-115-557, 2597 and 2602.

☐ For your information: _____

☒ The following number is to be used for reference regarding these pages:
7-115-2656 enclosures

XXXXXX
XXXXXX
XXXXXX

XXXXXXXXXXXXXXXXXXXXXX
X DELETED PAGE(S) X
X NO DUPLICATION FEE X
X FOR THIS PAGE X
XXXXXXXXXXXXXXXXXXXXXX

FBI/DOJ

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

Tolson
Belmont
Mohr
Callahan
Conrad
DeLoach
Evans
Malone
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. Rosen

DATE: June 19, 1962

FROM : W. B. Welte

Time of Call: 2:40 p.m.

SUBJECT: GEORGE KELLY BARNES, ET AL.
CHARLES URSCHEL - VICTIM
KIDNAPING

[redacted]

SAC Lee Teague, Oklahoma City, was requested to determine if the three letters which were examined by Patterson and Charles Appel were still in the custody of the United States Attorney's Office and, if not, where they were located at the present time.

SAC Teague was requested to spell out the identity of the personnel handling this case through the last several years in the Oklahoma City Office and specifically comment on whether former SA [redacted] would have had access to the material on this case or would have been in a position to know of the examinations conducted in 1933.

Oklahoma City will submit an airtel setting forth this information today.

[redacted]
(5)

REC-67 7-115-2657

5 JUN 28 1962

All b7C

57 JUL 2 1962

OPTIONAL FORM NO. 10

UNITED STATES G[illegible]

Memora[illegible]

Tolson
Belmont
Mohr
Callahan
Conrad
DeLoach
Evans
Malone
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. Rosen Rg

DATE: June 26, 1962

FROM : W. B. Welte Wg

SUBJECT: GEORGE KELLY BARNES, ET AL.
CHARLES URSCHEL - VICTIM
KIDNAPING

[redacted]

SAC Lee Teague, Oklahoma City, was telephonically advised that it did not appear anything could be gained at this time by bringing up with the United States Attorney the results of various handwriting examinations conducted in connection with the investigation in captioned case in 1933 inasmuch as there is no indication any action is to be taken at this time on Kathryn Kelly's appeal.

Oklahoma City was instructed to continue to closely follow the appeal matter and should it appear that Kathryn Kelly's case will be brought before the court for hearing, Oklahoma City is to immediately advise the Bureau, at which time consideration can be given as to whether this situation should be discussed with the United States Attorney.

[redacted]
(6)

See memo Rosen to [illegible] 6/26/62

7-115-265

REC-67

5 JUN 28 1962

All b7C

368

54 MAR 13 1970

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

Tolson
Belmont
Mohr
Callahan
Conrad
DeLoach
Evans
Malone
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. Belmont

DATE: June 26, 1962

FROM : A. Rosen

SUBJECT: GEORGE KELLY BARNES, ET AL.
CHARLES URSCHEL - VICTIM
KIDNAPING

In connection with the article appearing in the Saturday Evening Post by Edward Bennett Williams relative to document examinations conducted by former FBI Laboratory Examiner Charles A. Appel of threatening letters allegedly written by Kathryn Kelly in 1933, after Urschel was released and prior to her trial for conspiracy to kidnap, this is to advise that an extensive review of the facts both here at the Seat of Government and in the Oklahoma City Office has not established the identity of Williams' source of information.

In my memorandum of 6-15-62, attached, it was pointed out that Appel conducted handwriting examinations on 9-23-33 of two letters bearing the signature of George R. (Machine Gun) Kelly. While he indicated Mrs. Kelly did not write the letters, his findings were inconclusive and ambiguous. This information was furnished the Oklahoma City Division on 10-2-33. A private handwriting examiner, D. C. Patterson, now deceased, testified at the trial of Kathryn Kelly in U. S. District Court, Oklahoma City, which began 10-9-33, that she had prepared both letters. Appel did not testify.

Since Williams identified Appel by name in the Saturday Evening Post article every effort has been made to determine from whom he might have received his information. None of the present personnel of the Oklahoma City Office are in a position to have firsthand knowledge of what transpired during the 1933 trial of Kelly. Persons yet alive who may be in such a position include former SA Gus T. Jones, former Assistant Director Harold Nathan, C. A. Appel and former U. S. Attorney Herbert K. Hyde.

Encls filed as serial 2660

SAC, Oklahoma City advises former SA [redacted] had access to information concerning the Urschel kidnaping case to the extent that any other employee would have had normal access to Bureau files. [redacted] was not closely associated with personnel involved in reviewing this matter* nor was he assigned to any facet of the case. [redacted] was assigned to the Oklahoma City Office from October, 1960, to March, 1961, which was subsequent to the review of the transcript of the 1933 trial by the Oklahoma City Office.

Enclosure
1 - Laboratory
1 - Administrative Division
1 - Crime Records

REC-100

JUL 13 1962

* in 1958 [redacted]

(9)

JUL 5 1962

67 JUL 18 1962

PERS. REC. UNIT

All b7C

In this regard after Kathryn Kelly filed a motion to vacate sentence on 3-19-58 when she alleged among other things that she had inadequate counsel, was denied a fair and impartial trial, subjected to threats and duress and false testimony presented by the Government, the original notes of the trial were located and transcribed by the court recorder, who has since died. It was during a review of this information by Oklahoma City that information concerning conflicting findings in handwriting examinations came to life.

CONCLUSIONS

The letters in issue do not appear germane to the original conspiracy and kidnaping charges against Kathryn Kelly. They were written well after the safe return of victim Urschel. It is impossible to determine at this time what effect, if any, testimony by private examiner D. C. Patterson had on the jury, but sufficient evidence had been presented by the prosecution to sustain the original charge. Although the files do not clearly record whether Appel's examination was made available to either Special Prosecutor Keenan or then U. S. Attorney Hyde, there can be little question that the prosecutors were working in close concert with then SAC R. H. Colvin and former Assistant Director Harold Nathan, who was present in Oklahoma City prior to and during the trial of Machine Gun and Kathryn Kelly. Appel's laboratory report of 9-23-33 was forwarded to Oklahoma City upon the specific telegraphic request of Mr. Nathan on 10-2-33.

Former SA Gus T. Jones is aged, somewhat senile and antagonistic toward the Bureau. In regard to Appel, he obviously is confused concerning the entire matter, since when last contacted in 1958 he recollected offering testimony at the 1933 trial of Kathryn Kelly, whereas, in fact, he never appeared. Mr. Nathan is available and can be asked if he recalls why Appel was not used, but It is doubtful whether much credence can be placed in a recollection after such a lapse of time.

As noted in my previous memorandum of 6-15-62, the U. S. Supreme Court on 2-29-60 denied Kathryn Kelly's petition of certiorari and remanded her appeal back to the district court. The district court then indicated tentative plans to resume hearings on the original motion to vacate, but on 6-24-60 the presiding judge died in an automobile accident. No action has been taken concerning this matter by the court since the Supreme Court'decision was

rendered. The U. S. Attorney in Oklahoma City has advised that the case is inactive and remains in the hands of district court, but was not assigned to a judge.

Kathryn Kelly remains free on bond in the amount of $10,000, which was originally set at the time of her appeal on 6/16/58, She is employed in a rest home for the aged in Oklahoma City, where her mother, Ora Shannon, reportedly is with her.

ACTION TAKEN

It would appear that nothing can be gained at this time by bringing up the matter of handwriting examinations since there is no indication that any action is to be taken on Kathryn Kelly's appeal. Oklahoma City has been instructed, however, to continue to follow the appeal matter closely and should it appear that Kathryn Kelly's case will be brought before the court for a hearing, advise the Bureau at which time consideration can be given as to whether this situation should be discussed with the U. S. Attorney.

V

R W O Hd

JEM

ADDENDUM

During the current file review conducted at the Bureau it was determined that Oklahoma City by letter dated 10/15/69 requested Bureau advice concerning the feasibility of making information concerning handwriting examinations available to the U. S. Attorney's Office in Oklahoma City in view of the fact that no previous written record could be located indicating that Appel's report of 9/23/33 had actually been made a matter of record in the U. S. Attorney's file. Another communication was forwarded the Bureau, according to Oklahoma City, dated 7/31/61 recapitulating the facts and recommending this information be made available to the U. S. Attorney at Oklahoma City.

OVER

Memorandum to Mr. Belmont
RE: GEORGE KELLY BARNES, ET AL.

The recent aspects of this case were supervised at the Bureau in its entirety by former SA [redacted] Bureau files fail to indicate that [redacted] acknowledged Oklahoma City letter of 10-15-59, and a thorough and complete review of Bureau files has failed to locate any record of the 7-31-61 communication having been received at the Bureau. We have now obtained a copy of the 7-31-61 communication from Oklahoma City.

In regard to the handling of this matter by former Bureau Supervisor [redacted] who had the responsibility of supervising this case during the pertinent periods involved, it being noted [redacted] resigned on 2-13-62, it is obvious that he erred in not giving further consideration to this situation in response to Oklahoma City communication of 10-15-59.

A copy of this memorandum should be put in former SA [redacted] personnel file for record purposes.

All b7C

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

Tolson
Belmont
Mohr
Callahan
Conrad
DeLoach
Evans
Malone
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. Belmont DATE: June 15, 1962

FROM : A. Rosen

SUBJECT: GEORGE KELLY BARNES, ET AL.
CHARLES URSCHEL - VICTIM
KIDNAPING

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/15/81 BY SP-2 [redacted]

In line with the article appearing in the 6-16-62 issue of the "Saturday Evening Post," written by Edward Bennett Williams, Washington, D. C., attorney and Bureau antagonist, in which it is alleged that the Federal Government willfully withheld evidence (meaning FBI Laboratory Examiner Charles A. Appel's findings) in connection with the trial of Kathryn Kelly in 1933, this is to advise that we are reviewing extensive files at the Seat of Government and a search is being made at Oklahoma City.

I thought you should know these preliminary facts with reference to the above matter. It is recalled that Charles F. Urschel had been kidnaped on 7-22-33 from his home at Oklahoma City and held for $200,000 ransom. He was subsequently released unharmed and prosecution of "Machine Gun" Kelly, his wife Kathryn, and others involved initiated in U. S. District Court, Oklahoma City. During the trial of six of the subjects and prior to the apprehension of the two Kellys, two letters were received, one by Urschel and another directed to a Oklahoma newspaper threatening the lives of Urschel and his family. These letters bore the thumbprint of "Machine Gun" Kelly and were signed George R. Kelly.

With reference to these letters, a handwriting examination was conducted by D. C. Patterson, a Oklahoma City handwriting expert, now deceased, who testified during the trial of Kathryn Kelly on October 10 and 11, 1933, that she had prepared both letters. These letters did not bear directly on the charge of conspiracy to kidnap for which Kathryn Kelly was charged and it is not known why the Government chose to introduce these extraneous threatening letters.

Bureau files indicate that FBI Laboratory Examiner Charles A. Appel, who conducted examinations of the same handwriting specimens on September 23, and October 3, 1933, which was prior to the trial, was unable to make a positive finding. The text of his reports are set forth below.

REC-113

~~ENCLOSURE~~ 2660

See memo Rosen to Belmont 6/22/62 [redacted]

1 - Laboratory
1 - Administrative Division
[redacted]
(9)

ENCLOSURE

56 JUL 16 1962

6 JUL 5 1962

All U/C

PERS. REC. UNIT

Memorandum to Mr. Belmont
RE: GEORGE KELLY BARNES, ET AL.

Laboratory report 9-23-33:

"The handwriting on the letters to the Oklahomian and to Urschel is not identical with that of Mrs. Kelly. There are a great many similarities which on casual examination would lead one to think that these handwritings are the same. However, detailed analysis indicates that Mrs. Kelly did not write these letters. The handwriting in the letters is not to any great extent disguised or changed from normal as far as I can tell, and the same is true of the handwriting of Mrs. Kelly.

"A comparison of the signatures of George R. Kelly on three fingerprint cards with those on these letters indicates that he may have written these letters. I do not consider the signatures sufficient to definitely state that he did write the letters but they are sufficient to indicate that he might have done so. If additional specimens of George R. Kelly's handwriting are obtained, further comparison may be made. The original letters are being examined for latent fingerprints."

Laboratory report 10-3-33: (This examination was of a letter addressed to Mr. Keenan under signature of Kathryn Kelly.)

"The handwriting is that of Mrs. Kathryn Kelly. Photographs of the letter were made and were mostly used in this examination as the original was not left in the laboratory long enough to be used.

"From the wording of this letter it would appear that Mrs. Kelly might have written the letter to the Oklahoman newspaper and to Mr. Urschel. I am still of the opinion that she did not write these letters."

No information can be located at this time indicating the Laboratory report of 10/3/33 was forwarded Oklahoma City.

From a review of the above results of examination it is obvious that Appel was vacillating as to the results of his examination and, accordingly, there would appear to be no question as to why Appel did not testify at the trial. There is no indication this information was ever furnished the Department or Joseph B. Keenan, Special Assistant to the Attorney General, who presented the Government's case at the trial. Likewise, Oklahoma City files do not indicate the U. S. Attorney's Office was advised in writing of Appel's findings.

ACTION BEING TAKEN

In view of the fact that our search so far of Bureau files would indicate Appel's ambiguous conclusions were not known to anyone outside of the Bureau, Oklahoma City has been instructed to thoroughly review its files to determine the identity of all personnel having access to these facts.

It should be noted that a review had been conducted by the Oklahoma City Office subsequent to Kathryn Kelly's filing a motion to vacate sentence on 3-19-58, when she alleged among other things that she had inadequate counsel, denied a fair and impartial trial, subjected to threats and duress and false testimony presented by the Government. On 6-9-58, a hearing was held in U. S. District Court, Oklahoma City, and the Government refuted all allegations. District Court Judge ordered all files and reports of the FBI arising out of the Urschel kidnaping be delivered for court examination under the Jencks Decision. The Government interposed Department Order 3229 and the court then sustained motions for new trial. Kathryn Kelly was released from custody on 6-16-58 on $10,000 appeal bond and is still free on this bond as of this date.

The decision of the district court was reversed by the Tenth Circuit Court of Appeals on 7-27-59 and the case remanded back to district court. Kelly filed a petition of certiorari with the U. S. Supreme Court and this petition was denied 2-29-60. The district court then indicated tentative plans to resume hearings on the original motion but on 6-24-60 the judge died in an automobile accident and to date no further court action has been taken.

Every effort is being made to determine how Williams became aware of the above information, including the identity of the FBI examiner.

Memorandum to Mr. Belmont
RE: GEORGE KELLY BARNES, ET AL.

b7C

It should be noted in this regard that former Special Agent [redacted] who was assigned to the Oklahoma City Office during 1960 and 1961, has utilized the services of Williams' Washington law firm in connection with his unfounded claims against the Bureau and this is being taken into consideration as possibly Williams' source of information.

Williams Cites Long-Withheld Evidence About Machine-gun Kelly's Wife

Evidence is a precious thing. It can be the key that frees the innocent and jails the guilty.

Unfortunately it also can be blindly overlooked or willfully withheld. When that occurs, justice suffers.

In one case with which I am familiar, a woman spent twenty-five years in prison, convicted in a trial in which evidence which might have freed her was withheld by the Federal prosecution.

The woman happened to be the wife of a notorious outlaw and kidnaper, George (Machine-gun) Kelly. But no matter who her husband was, she was entitled to a fair trial. She did not receive one.

Even today the Federal Government continues to withhold the evidence in question. The full facts of Mrs. Kathryn Kelly's case never before have been published. Here they are:

Kelly and his wife were tried in Oklahoma City in 1933 for the kidnaping of Charles F. Urschel, a multimillionaire oilman. Kelly denied nothing. Mrs. Kelly vigorously protested her innocence. She said her husband forced her to accompany him and that she could not escape.

It was brought out at the trial that the actual kidnaping was done by two men, one armed with a machine gun, who invaded Urschel's home and dragged him away from a bridge game. He was blindfolded and driven for twenty-four hours to a farmhouse, where he was held eight days. He was released upon payment of a $200,000 ransom.

The Federal Bureau of Investigation, dramatically using its investigative techniques to best advantage, was able to locate the farmhouse through Urschel's remarkably retentive memory. He remembered hearing airliners pass overhead at 9:45 A.M. and 5:45 P.M. every day except one, when there was a heavy storm. The FBI checked and found an airline which was forced to detour its flight that day because of a storm. The route passed over the farm of Mr. and Mrs. R. G. Shannon, Kathryn Kelly's parents, near Paradise, Texas.

The Shannons and a dozen others, including Albert Bates, the second man in the kidnaping, were quickly arrested. While the FBI continued to search for Kelly, the group was placed on trial. Two days later Urschel and a local newspaper received letters postmarked Chicago, threatening dire reprisals if the Urschels testified and insisting that the group was innocent. George and Kathryn Kelly were arrested soon afterward at Memphis, Tennessee.

At the trial of the two Kellys the prosecution offered damaging evidence against her. A local handwriting expert testified that she had signed the two threatening letters. "I did not!" she testified. She insisted her husband had signed them. Mrs. Kelly's lawyer asked for a recess so that he could obtain another handwriting expert to testify on the signatures. The request was denied.

Counsel for Mrs. Kelly concentrated on trying to convince the jury that she was coerced by her husband, much against her will, into participating in the crime. She took the stand and asserted that she had begged her husband to release Urschel when she found out about the kidnaping. She testified that Kelly told her it was "none of [her] business" and that he would kill Urschel if no ransom were paid. The jury convicted her along with Kelly. Both received life sentences. Kelly died in the Leavenworth penitentiary in 1954.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/13/91 BY 5/-2 327 PC

DK

Article in the Saturday Evening Post, 6/16/62
by Edward Bennett Williams

7-115 2668

ENCLOSURE

XEROX JUN 10 1962

OVER

Mrs. Kelly remained in prison from 1933 until her case was reopened in 1958. An attorney new to the case then argued that her trial was unfair and that she should have been permitted to bring in another handwriting expert to give his views.

The Federal judge who heard this argument ordered the prosecution to produce the twenty-five-year-old records of the case so that he could ascertain whether there was substance to the defense's claims. The Department of Justice refused to produce the files. Thereupon the judge set aside Mrs. Kelly's conviction and freed her on bond pending a new trial. The U.S. Court of Appeals for the Tenth Circuit later reversed this ruling and sent the case back to the lower court for a continuation of the hearing before that court.

Although considerable time has passed, at this writing there has been no hearing. Perhaps the reason is that the FBI had in its possession in 1933, during Kathryn Kelly's trial, evidence that she had not signed the letters in question. Charles A. Appel, the FBI's top handwriting analyst at the time, examined the letters and concluded that the signatures were *not* those of Kathryn Kelly, but might very well have been written by George Kelly.

This evidence was kept from the jury that tried Kathryn Kelly. If the jury had known that the local handwriting expert was wrong, according to the FBI's own expert, and that Mrs. Kelly was undoubtedly telling the truth when she denied signing the letters, the verdict might have been different. This, of course, can be small consolation for twenty-five years in prison.

But the most disturbing facet of the case is that this evidence *was not even disclosed in the 1958 hearing*. Instead, the Government chose to keep the file closed and forget the case.

This case therefore is a classic example of the need for a change in pretrial procedures to give the defense a fair opportunity to discover the evidence confronting it. If Mrs. Kelly had known in advance that a handwriting expert would testify, she might have obtained another expert to challenge his testimony. If she had known that the FBI's own expert had concluded after extensive analysis that she had not signed the letters, she could have called him as a witness. But the procedure of combat by surprise had dealt a lethal blow to her chance to defend herself.

OPTIONAL FORM NO. 10
5010-104-02

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (7-115) DATE: 7/19/62

FROM : SAC OKLAHOMA CITY (7-6) -P-

SUBJECT: GEORGE KELLY BARNES, aka ; ET AL
CHARLES F. URSCHEL - VICTIM
KIDNAPING

OO OKLAHOMA CITY

Re Oklahoma City letter to Director dated 5/31/62, Oklahoma City airtel to Director dated 6/16/62 and Dallas letter to Oklahoma City dated 6/11/62.

AT SEAGOVILLE, TEXAS:

On 6/4/62 [redacted] FCI, Seagoville, advised there had been no change in the status of HARVEY BAILEY at that institution.

AT OKLAHOMA CITY, OKLAHOMA:

On 6/15 and 6/29/62 AUSA JACK R. PARR, WDO, Oklahoma City, advised that the status of appeals in this case remains unchanged in the office of USA, WDO being inactive due to the fact that, as far as he knew, they were unassigned to a judge in USDC, WDO.

On 6/29/62 Mr. PARR advised that the exhibits located in the possession of court reporter, B. RULE SIMPSON were then in the file of the USA, WDO, Oklahoma City. He indicated he found no record of the transfer of these exhibits from SIMPSON to the USA, Oklahoma City.

THE DALLAS DIVISION

AT SEAGOVILLE, TEXAS:

REC-63 7-115-2661

2-Bureau
2-Dallas (7-7)
2-Oklahoma City

[redacted]

JUL 27 1962

EX-102

25 JUL 20 1962

[redacted]

All b7C

Will continue to follow and report the status of HARVEY BAILEY at that institution.

THE OKLAHOMA CITY DIVISION

AT OKLAHOMA CITY, OKLAHOMA:

Will continue to follow and report the status of appeals in this case pending in USDC, WDO.

OPTIONAL FORM NO. 10

UNITED STATES GOVI

Memorandum

Tolson
Belmont
Mohr
Callahan
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Evans
Malone
Rosen
Sullivan
Tavel
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Tele. Room
Holmes
Gandy

TO : Mr. Belmont

DATE: July 20, 1962

FROM : A. Rosen

SUBJECT: GEORGE KELLY BARNES, AKA ET AL
CHARLES F. URSCHEL - VICTIM
KIDNAPING

[redacted]

This is to advise that the United States Board of Parole has scheduled a parole hearing for Harvey J. Bailey to be held at 10:15 A.M., 7/31/62, in Washington, D. C. They advised that they would be pleased to hear from a Bureau representative at that time.

BACKGROUND

Harvey Bailey is presently serving a life sentence at the Federal Correctional Institution, Seagoville, Texas, for the 1933 kidnaping of Charles F. Urschel. Bailey is now approximately 74 years of age.

By letter to the Attorney General dated 4/16/62, (copy to the United States Board of Parole and the Bureau of Prisons), attention was called to the fact that the offense for which Bailey was found guilt was one of the most heinous against society. A request was made that we be advised of any steps initiated to effect the release of Bailey from incarceration as well as any transfer within the Federal Penal System. The Board of Parole, by letter dated 5/2/62, advised that Bailey's case would be considered by the Board in August, 1962, that they would be pleased to have a Bureau representative present if we so desired, and we would be furnished the exact date of the hearing.

By letter received in the General Investigative Division 7/19/62, the United States Board of Parole advised that Bailey's attorney has requested a parole hearing for Bailey. The hearing has been scheduled to be held at 10:15 A.M. on 7/31/62, in Room 420 of the Home Owners Corporation Building, Washington, D. C. The letter expressed the pleasure of the Board to hear from a representativ of the Bureau at this hearing.

REC- 32 7-115-2662

ACTION

EX-102

18 JUL 25 1962

The Bureau will not be represented at the parole hearing for Harvey Bailey, however, we will determine results and you will be advised. The letter from the Board of Parole advising us of the date and place of Bailey's hearing is not being acknowledged.

30 AUG 2 1962

[redacted]

All b7C

4-750 (Rev. 12-14-88)

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FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

1 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

☐ Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552		Section 552a
☐ (b)(1)	☐ (b)(7)(A)	☐ (d)(5)
☐ (b)(2)	☐ (b)(7)(B)	☐ (j)(2)
☐ (b)(3)	☐ (b)(7)(C)	☐ (k)(1)
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☐ (b)(5)	☐ (b)(9)	☐ (k)(6)
☐ (b)(6)		☐ (k)(7)

☐ Information pertained only to a third party with no reference to you or the subject of your request.

☐ Information pertained only to a third party. Your name is listed in the title only.

☒ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

_____ Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

_____ Page(s) withheld for the following reason(s): _____

☐ For your information: _____

☒ The following number is to be used for reference regarding these pages:
7-115-2663

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FBI/DOJ

8-1-62

Airtel

To: SAC, WFO

From: Director, FBI (7-115)

GEORGE KELLY BARNES, AKA
ET AL.
CHARLES F. URSCHEL - VICTIM
KIDNAPING

(OO: OKLAHOMA CITY)

For the information of WFO Harvey J. Bailey is presently incarcerated in the Federal Correctional Institution, Seagoville, Texas, serving a life sentence for the 1933 kidnaping of Charles F. Urschel. He was sentenced on 10-7-33 and is now approximately 74 years of age. Information has been previously developed that Bailey became eligible for parole on 10-6-48 and was denied parole at that time. Bailey has received annual reviews since 1948 which have resulted in no change being made in the earlier order of denial of parole.

By letter to the Attorney General dated 4-16-62, the Bureau set forth the bankground concerning Bailey's participation in the Urschel kidnaping case and the fact that the offense for which he was found guilty is one of the most heinous against society.

MAILED 31
AUG - 1 1962
COMM-FBI

In response to this letter to the Attorney General, the U. S. Board of Parole by letter dated 5-2-62 advised the Bureau that the Board would consider Bailey's case in August of 1962. The Board advised that other persons have indicated an interest in Bailey and may appear before the Board in his behalf at that time. Subsequently, the Board of Parole advised that a parole hearing concerning Bailey had been scheduled to be held on 7-31-62 in Washington, D. C., and the Board offered to hear from a representative of this Bureau at the hearing.

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1 - (Oklahoma City) (7-6)

[redacted]

EX-107

REC-59 7-115-266

SEE NOTE PAGE TWO.

18 AUG 2 1962

MAIL ROOM ☐ TELETYPE UNIT ☐

Airtel to SAC, WFO
RE: GEORGE KELLY BARNES

For your information, a Bureau representative did not appear at this hearing and the Board of Parole letter advising us of the date and place of Bailey's hearing was not acknowledged.

WFO through liaison with the Board of Parole should determine the action taken by the Board of Parole as a result of the hearing held 7-31-62. The results of such discreet inquiry should be made immediately available to the Bureau and Oklahoma City office when same is determined.

b7C

NOTE: Memorandum A. Rosen to Mr. Belmont dated 7-20-62, [redacted] set forth correspondence from Board of Parole concerning this hearing and fact Bureau would not be represented and Board of Parole letter not beingaacknowledged. Memo pointed out we will determine results of the hearing.

FD-36 (Rev. 12-13-56)

FBI

Date: 8/2/62

Transmit the following in _____ (Type in plain text or code)

Via AIRTEL _____ (Priority or Method of Mailing)

TO: DIRECTOR, FBI (7-115)

FROM: SAC, WFO (7-19) (P*)

GEORGE KELLY BARNES, aka
ET AL
CHARLES F. URSCHEL - VICTIM
KIDNAPING
(OO:OC)

ReBureau airtel to WFO dated 8/1/62.

[redacted] Director's Office, U. S. Bureau of Prisons, Washington, D. C., advised this date that she had obtained the following information regarding HARVEY J. BAILEY's parole hearing 7/30/62:

The parole hearing was held as scheduled. No decision was reached, however, and the matter of BAILEY's parole is still under consideration.

A letter dated 7/31/62, was sent to the Warden of the Federal Correctional Institution at Seagoville, Texas, requesting that information be obtained regarding the Lansing, Kansas, detainer on BAILEY which charges him with escape. The Board indicated a specific interest in ascertaining what dispositic the authorities will make of the detainer.

Upon receipt of the Warden's report, the Board will take further action on BAILEY's case.

WFO will continue to follow this matter and keep the Bureau advised.

REC 7-115-2665

EX-3

AUG 2 1962

3 - Bureau
1 - Oklahoma City (7-6) (Info)
1 - WFO
[redacted] (5)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

58 AUG 8 1962

AIRTEL

All b7C

FD-36 (Rev. 12-13-56)

F-B-I

Date: 8/22/62

Transmit the following in _____ (Type in plain text or code)

Via AIRTEL (Priority or Method of Mailing)

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Malone
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

[redacted]

TO: DIRECTOR, FBI (7-115)

FROM: SAC, WFO (7-19)(P*)

GEORGE KELLY BARNES, aka, et al
CHARLES F. URSCHEL - VICTIM
KIDNAPING
(OO:WFO)

ReWFOairtel to Bureau dated 8/2/62.

[redacted] Executive Parole Office, U.S. Bureau of Prisons, Washington, D.C., advised on 8/21/62, that the Parole Board has not taken any further action on case of HARVEY J. BAILEY. [redacted] said he would immediately notify the FBI when the Parole Board has made a decision on this matter.

WFO will continue to follow this matter and keep the Bureau and Oklahoma City advised.

3-Bureau
1-Oklahoma City (7-6)(Info)
1-WFO

[redacted]
(5)

All b7c

AIRTEL

REC-57 7-115-2666

12 AUG 23 1962

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

C. C. Wick

FD-36 (Rev. 12-13-56)

FBI

Date 9/14/62

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL
(Priority or Method of Mailing)

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Mal[illegible]
Mr. Ros[illegible]
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

TO: DIRECTOR, FBI (7-115)

FROM: SAC, WFO (7-19) (P*)

GEORGE KELLY BARNES, aka, et al
CHARLES F. URSCHEL - VICTIM
KIDNAPING
(OO:OC)

ReWFOairtel to Bureau dated 8/22/62.

[redacted] Executive Parole Office, U. S. Bureau of Prisons, Washington, D. C., advised on 9/13/62, that the Parole Board has not taken any further action on the case of HARVEY J. BAILEY. [redacted] stated that he would notify the FBI when a decision had been made on this matter.

WFO will continue to follow this matter and keep the Bureau and Oklahoma City advised.

3 - Bureau
1 - Oklahoma City
1 - WFO

[redacted]
(5)

All b7C

AIRTEL

REC-11 7-115-2667

10 SEP 18 1962

C. C. Wick

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

54 SEP 20 1962

OPTIONAL FORM NO. 10
5010-104-02

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (7-115) DATE: 9-27-62

FROM : SAC, OKLAHOMA CITY (7-6) -P-

SUBJECT: GEORGE KELLY BARNES, aka; ET AL
CHARLES F. URSCHEL - VICTIM
KIDNAPING
(OO: Oklahoma City)

Re Oklahoma City letter to Director 7-19-62 and Dallas radiograms to Oklahoma City, dated 8-13-62 and 9-21-62.

At Seagoville, Texas:

On 8-7-62 and 9-19-62 [redacted] FCI, Seagoville, Texas, advised that there had been no change in the status of inmate HARVEY BAILEY, at that institution.

At Oklahoma City, Oklahoma:

On 8-3-62, 9-6-62, and 9-26-62, AUSA, JACK R. PARR, WDO, Oklahoma City, advised that there has been no change in the status of the appeals of the subjects of this case in his office. He advised that it is his information that none of them are presently assigned to a judge in USDC, WDO.

LEADS

DALLAS OFFICE

At Seagoville, Texas

Will continue to follow and report status of HARVEY BAILEY at the FCI, Seagoville.

OKLAHOMA CITY DIVISION

Will continue to follow and report status of appeals in this case.

2 - Bureau
2 - Dallas (7-7)
2 - Oklahoma City

[redacted]
(6)

7-115-2668
REC-31

18 OCT 1 1962

All b7C

FD-36 (Rev. 12-13-56)

F B I

Date: 10/9/62

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL
(Priority or Method of Mailing)

TO: DIRECTOR, FBI (7-115)

FROM: SAC, WFO (7-19) (P*)

GEORGE KELLY BARNES, aka ET AL;
CHARLES F. URSCHEL - VICTIM
KIDNAPING
(OO:OC)

[redacted]

ReWFOairtel to Bureau dated 9/14/62.

[redacted] Executive Parole Officer, U.S. Bureau of Prisons, Washington, D. C., advised on 10/9/62, that the Parole Board had granted HARVEY J. BAILEY a parole, effective 11/15/62, on the condition that he be released to the State of Kansas authorities who placed a detainer against him. [redacted] stated that the Kansas authorities indicated that they wished to prosecute BAILEY for escape, and that he will be released to the Kansas authorities on 11/15/62.

WFO will continue to follow this matter and keep the Bureau and Oklahoma City advised.

3 - Bureau
1 - Oklahoma City (Info) (AM)
1 - WFO

[redacted]
(5)

7-115-2669

REC 63

EX-113

AIRTEL

18 OCT 9 1962

53 OCT 17 1962

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

10-10-62

CODE

RADIOGRAM URGENT

TO SACs, DALLAS (7-7)
KANSAS CITY
OKLAHOMA CITY (7-6) 2669

FROM DIRECTOR, FBI (7-115) 2-1B

GEORGE KELLY BARNES, AKA ET AL; CHARLES F. URSCHEL DASH VICTIM, KIDNAPING, OO OKLAHOMA CITY.

REWTO AIRTEL TO BUREAU OCTOBER NINE SIXTYTWO ADVISING THAT U. S. BOARD OF PAROLE HAS GRANTED HARVEY J. BAILEY A PAROLE EFFECTIVE NOVEMBER FIFTEEN SIXTYTWO ON CONDITION THAT BAILEY BE RELEASED TO KANSAS AUTHORITIES BASED ON THEIR OUTSTANDING DETAINER. INFORMATION FURNISHED THAT KANSAS AUTHORITIES HAVE INDICATED DESIRE TO PROSECUTE BAILEY CONCERNI HIS ESCAPE FROM KANSAS STATE PENITENTIARY MAY THIRTY THIRTY THREE WHILE SERVING A TEN TO FIFTY YEAR SENTENCE FOR BANK ROBBERY. DALLAS, AT THE FEDERAL CORRECTIONAL INSTITUTION, SEAGOVILLE, WILL DETERMINE STEPS INITIATED BY BUREAU OF PRISON TO TURN BAILEY OVER TO KANSAS AUTHORITIES. DALLAS WILL ALSO CLOSELY FOLLOW THIS MATTER AND KEEP BUREAU ADVISED OF DEVELOPMENTS. KANSAS CITY WILL CONTACT APPROPRIATE PENAL AUTHORITIES CONCERNING ACTION THEY PLAN TO INITIATE AGAINST

2 - WASHINGTON FIELD (7-19) (BY MAIL)

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VIA RADIOGRAM
[redacted] 10 1962
MAIL ROOM TELETYPE UNIT

VIA TELETYPE
OCT 10 1962

(SEE NOTE ON PAGE TWO)

RADIOGRAM TO SACs, DALLAS
RE: GEORGE KELLY BARNES, AKA

BAILEY WHEN HE IS RELEASED ON DETAINER. WFO WILL CONTINUE TO FOLLOW THIS MATTER WITH THE U. S. BUREAU OF PRISONS.

DALLAS AND KANSAS CITY SURAD, TWO COPIES FORWARDED WFO BY MAIL.

NOTE: Bailey, one of the participants in the 7-22-33, kidnapi of Charles F. Urschel, has since 1933 been serving a life senten for this crime. Bailey escaped from Kansas State Penitentiary, 5-30-33, while serving a ten to fifty year sentence for bank robl and while an escapee became involved in the Urschel case.

NR. 16 1903
ENC. RH
CK. [redacted]
APPROVED BY [redacted]
TYPED BY

b7C

Mr. Herbert J. Miller, Jr.,
Assistant Attorney General

October 8, 1962

Director, FBI

REC-52 7-115 2670

GEORGE KELLY BARNES, AND OTHERS;
CHARLES URSCHEL - VICTIM
KIDNAPING

EX 101

Reference is made to your letter of September 20, 1962, your reference HJM:MTG:als captioned, "Letter from [redacted] New York 27, New York, in regard to trial of Mrs. Katherine Kelly, wife of 'Machine Gun' Kelly."

The allegation raised by [redacted] based on Edward Bennett Williams' book "One Man's Freedom" that the FBI withheld or suppressed evidence favorable to Mrs. Kelly is without foundation in fact.

[redacted] letter of June 22, 1962, to the Attorney General is not being acknowledged by this Bureau.

As requested, I am returning to you the Bureau of Prisons' file of Katherine Kelly, number 5442W.

[redacted]

(8)
Enclosure

NOTE: See memorandum A. Rosen to Mr. Belmont, 10-5-62, same caption, [redacted]

MAILED 2
OCT - 8 1962
COMM-FBI

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MAIL ROOM TELETYPE UNIT

OCT 8 1962

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OCT 8 2 12 PM '62
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All b7C

4-750 (Rev. 12-14-88)

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FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

5 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

☐ Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552		Section 552a
☐ (b)(1)	☐ (b)(7)(A)	☐ (d)(5)
☐ (b)(2)	☐ (b)(7)(B)	☐ (j)(2)
☐ (b)(3)	☐ (b)(7)(C)	☐ (k)(1)
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☐ (b)(5)	☐ (b)(9)	☐ (k)(6)
☐ (b)(6)		☐ (k)(7)

☐ Information pertained only to a third party with no reference to you or the subject of your request.

☐ Information pertained only to a third party. Your name is listed in the title only.

☒ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

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FBI/DOJ

FD-41 (Rev. 9-27-62)

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DECODED COPY

☒ Radio ☐ Teletype

[redacted]

URGENT 10-12-62

TO DIRECTOR AND SACS KANSAS CITY, OKLAHOMA CITY, WASHINGTON FIELD

FROM SAC DALLAS 121912

GEORGE KELLY BARNES, AKA. ET AL: CHARLES F. URSCHEL, VIKID. REBURAD OCTOBER 10, LAST.

[redacted] FCI, SEAGOVILLE, TEXAS, ADVISED KANSAS STATE PRISON AUTHORITIES HAVE DETAINER ON HARVEY J. BAILEY, FILED OCTOBER 27, 1933, WHILE SERVING SENTENCE OF 10 TO 50 YEARS. KANSAS STATE PRISON AUTHORITIES HAVE INDICATED WILL TAKE CUSTODY OF BAILEY UPON RELEASE FROM FCI, SEAGOVILLE, BUT BUREAU OF PRISONS HAS NO DEFINITE ARRANGEMENTS WITH KANSAS STATE AUTHORITIES AT THIS TIME. [redacted] ASSUMES BAILEY WILL BE RELEASED TO KANSAS STATE AUTHORITIES WHEN BAILEY PAROLED NOVEMBER 15, 1962.

RECEIVED: 5:32 PM [redacted]

REC-34 7-115-267
EX-100

5 OCT 17 1962

cc [redacted]

RELAYED TO KC

2 CC - WASHINGTON FIELD

Memo A. Rosen to Belmont 10/16/62

[redacted]

58 OCT 19 1962

If the intelligence contained in the above message is to be disseminated outside the Bureau, it is suggested that it be suitably paraphrased in order to protect the Bureau's cryptographic systems.

All b7C

4-41 (Rev. 9-27-62)

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XX Radio XX Teletype

URGENT 10-11-62

TO DIRECTOR

FROM SAC KANSAS CITY 111948

GEORGE KELLY BARNES AKA ET AL: CHARLES F. URSCHEL - VICTIM, KIDNAPING, OO OKLAHOMA CITY.

REBUTEL OCTOBER 10 LAST.

[redacted] KANSAS STATE PENITENTIARY, LANSING, KANSAS, ADVISES IN ALL PREVIOUS ESCAPES ATTEMPT HAS BEEN MADE TO PROSECUTE ESCAPEE AND DETAINERS HONORED. BELIEVE SAME WILL EXIST IN CASE INVOLVING BAILEY. BELIEVES, HOWEVER, SUCCESSFUL PROSECUTION FOR ESCAPEE DOUBTFUL DUE TO AGE OF BAILEY AND POSSIBLE QUESTION ON STATUTE OF LIMITATIONS AS COMPLAINT NEVER FILED CHARGING ESCAPE IN CITY COURTS, LEAVENWORTH, KANSAS. BELIEVES BAILEY WOULD BE RETURNED TO KANSAS STATE PENITENTIARY ON EXISTING DETAINER FOR CONFINEMENT ON UNEXPIRED 10 TO 50 YEAR SENTENCE BEING SERVED WHEN ESCAPED.

[redacted] TOPEKA, KANSAS, FORMERLY ASSOCIATE WARDEN, U.S. PENITENTIARY, LEAVENWORTH, KANSAS, TODAY ADVISED RETURNED OF BAILEY ON KANSAS DETAINER WAS SEVERAL YEARS AGO CONSIDERED BY PREVIOUS

REC-51

EX 115

6 OCT 17 1962

55

cc [redacted]

All b7c

If the intelligence contained in the above message is to be disseminated outside the Bureau, it is suggested that it be suitably paraphrased in order to protect the Bureau's cryptographic systems.

4-41 (Rev. 9-27-62)

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☒ Radio ☐ Teletype

PAGE 2 FROM SAC KANSAS CITY *111948

KANSAS PAROLE BOARD WHICH THEN WAS IN FAVOR OF RECOMMENDING COMMUTATION OF SENTENCE AND RELEASE OF BAILEY BY GOVERNOR. DOES NOT BELIEVE SUCH QUESTION HAS BEEN PRESENTED TO EXISTING KANSAS PAROLE BOARD. [redacted] OF OPINION KANSAS PAROLE BOARD WOULD TAKE NO ACTION ON POSSIBLE PAROLE OR RECOMMENDATION OF COMMUTATION OF SENTENCE UNTIL AFTER HIS RETURN TO KANSAS STATE PENITENTIARY ON KANSAS DETAINER. STATES NO ACTION COULD BE TAKEN TOWARDS KANSAS PAROLE UNTIL BAILEY BECAME ELIGIBLE BY SERVING RECOGNIZED PORTION OF ORIGINAL SENTENCE AT KANSAS STATE PENITENTIARY. KANSAS PENAL AUTHORITIES RECEIVED NO NOTICE OF POSSIBLE RELEASE OF BAILEY ON KANSAS DETAINER. [redacted] COULD RECOMMEND RETURN ON KANSAS DETAINER AND BELIEVES GOVERNOR OR PAROLE BOARD WOUDD ONLY THEN MAKE DECISION AFTER IN THEIR JURISDICTION. [redacted] POINTED OUT PRESENT GOVERNOR HAS BEEN RELUCTANT TO COMMUTE PRISON SENTENCE. KANSAS CITY WILL FOLLOW WITH PENAL DIRECTOR AND WARDEN [redacted] AIRMAIL COPIES TO DALLAS AND OKLAHOMA CITY.

RECEIVED: 5:42 PM [redacted]

A11 b7C

If the intelligence contained in the above message is to be disseminated outside the Bureau, it is suggested that it be suitably paraphrased in order to protect the Bureau's cryptographic systems.

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

Tolson
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Sullivan
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Trotter
Tele. Room
Holmes
Gandy

TO : Mr. Belmont

DATE: October 16, 1962

FROM : A. Rosen

SUBJECT: GEORGE KELLY BARNES, AKA; ET AL.
CHARLES F. URSCHEL - VICTIM
KIDNAPING

This is to advise that the U. S. Board of Parole has granted a parole to Harvey J. Bailey, who will be released from Federal custody 11-15-62 and turned over to Kansas authorities based on their outstanding detainer.

Bailey on 5-30-33, while serving a ten-to-fifty-year sentence for bank robbery escaped from the Kansas State Penitentiary and subsequently became involved as one of the participants in the 7-22-33 kidnaping of Charles F. Urschel. Bailey was convicted for his part in the abduction and for the past 29 years has been serving a life sentence in the Federal Penal System. He is currently incarcerated at the Federal Correctional Institution, Seagoville, Texas.

The warden of the Federal Correctional Institution at Seagoville advised the Dallas Office on 10-12-62 that the Kansas State Prison authorities filed a detainer against Bailey on 10-27-33 based on his escape from state custody. The warden advised that the Kansas authorities have indicated that they will take custody of Bailey upon his release by the Federal Government; however, the Bureau of Prisons has no definite arrangements with state authorities at this time.

REC-31 7-115-2673

The warden of Kansas State Penitentiary advised the Kansas City Office on 10-11-62 that in escape cases an attempt has been made to prosecute the escapee and believes this procedure would exist in the case of Bailey. The warden stated that he thought successful prosecution of Bailey for escaping was doubtful due to Bailey's age (approximately 74 years old) and a possible question concerning the Statute of Limitations as a complaint regarding the escape was never filed in City Court, Leavenworth, Kansas. It is the belief of the warden that ~~Bailey would be~~ returned to the State Penitentiary for confinement to serve time concerning his unexpired ten-to-fifty-year sentence.

OCT 18 1962

OCT 13 2 58 PM '62

1 - Mr. DeLoach
[redacted]
(7)

OCT 24 1962

157C

The Kansas State Penal Director advised that several years ago the Kansas Parole Board was in favor of recommending commutation of sentence and release of Bailey by the governor. The Penal Director does not believe such question has been presented to the current parole board. He further advised he did not feel the Kansas Parole Board would take action on possible parole or recommendation of commutation of Bailey's sentence until after Bailey's return to state custody. He also pointed out no action could be taken by the parole board until Bailey became eligible by serving a recognized portion of his original sentence for bank robbery. The Penal Director also noted the present governor has been reluctant to commute prison sentences.

According to Kansas City Office, Kansas penal authorities have received no notice of possible release of Bailey from Federal custody on the Kansas detainer.

ACTION

The field will continue to follow this matter closely and keep the Bureau advised of developments.

October 18, 1962

Airtel

To: SACs, Washington Field (7-19)
Oklahoma City (7-6)
Dallas (7-7)
Kansas City

From: Director, FBI (7-115)

GEORGE KELLY BARNES, AKA; ET AL.
CHARLES F. URSCHEL - VICTIM
KIDNAPING
(OO: Oklahoma City)

ReBurad 10-10-62.

Enclosed for information of WFO is one copy of KCrad to Bureau, dated 10-11-62. WFO will note that [redacted] State of Kansas Penal [redacted] advised that his agency has received no notice concerning the possible release of Harvey J. Bailey on the Kansas detainer.

As WFO was advised in Dallas radiogram to Bureau, 10-12-62, warden at FCI, Seagoville, Texas, informed that the Bureau of Prisons has no definite arrangements with Kansas authorities for the release of Kelly to that state.

In view of the above developments, WFO is instructed to recontact [redacted] U. S. Bureau of Prisons, to determine what action has been taken or will be taken by the Bureau of Prisons in perfecting arrangements for the release of Bailey to Kansas authorities.

As previously instructed, Kansas City and Dallas will also closely follow this matter and keep Bureau advised of developments.

Enclosure

[redacted]

(10)

NOTE: Memo A. Rosen to Mr. Belmont, 10-16-62, [redacted] advised Bailey to be paroled by U. S. Board of Parole, 11-15-62, and turned over to Kansas authorities based on their outstanding detainer. The field has advised that Kansas authorities assume their detainer will be honored, but have had no contact from the U. S. Bureau of Prisons concerning same.

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Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

MAIL ROOM

MAILED 27

19 OCT 19 1962

All b7C

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Belmont

DATE: October 5, 1962

FROM : A. Rosen

SUBJECT: GEORGE KELLY BARNES, ET AL;
CHARLES URSCHEL - VICTIM
KIDNAPING

Tolson
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Casper
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Conrad
DeLoach
Evans
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Gandy

[redacted]

The Criminal Division of the Department has sent us a citizen's letter almost four months old which they have not acknowledged. This letter dated 6-22-62 refers to Edward Bennett Williams' book "One Man's Freedom" and that portion devoted to the Urschel kidnaping case. The correspondent inquires as to how the FBI and the Department could withhold evidence which would free an innocent person.

The Department's letter of transmittal makes reference to an article concerning the Urschel case appearing in the "Saturday Evening Post" of 6-16-62 by Williams wherein he makes the allegation that evidence favorable to Mrs. Kelly was suppressed by the FBI at the time of the trial.

ACTION

The allegation that the FBI withheld or suppressed evidence favorable to Mrs. Kelly is without foundation in fact and the Department is being so advised in the attached letter. The Department is also being informed that correspondent's letter of 6-22-62 to the Attorney General is not being acknowledged by this Bureau.

REC- 39 7-115 26575

5 OCT 22 1962

DEPARTMENT'S LETTER TO BUREAU

By letter dated 9-20-62, the Criminal Division of the Department transmitted a letter to the Attorney General dated 6-22-62 from one [redacted] makes reference to Edward Bennett Williams' recent book "One Man's Freedom" and particularly Chapter 10 concerning the trial and conviction of George "Machine Gun" Kelly and his wife Katherine. Based on Williams' book, [redacted] inquires how the FBI and the Department could

Enclosure

[redacted]

(6)

All b7C

withhold evidence which would free Mrs. Kelly.

b7C In the Department's letter of transmittal, they point out that [redacted] letter "makes reference to an article by Williams in the 6-5-62 issue of the "Saturday Evening Post" which contends that the evidence favorable to Mrs. Kelly was suppressed by the FBI at the time of the trial." The Department stated correspondent's letter being referred to us for such disposition as we deem appropriate.

INFORMATION CONCERNING MRS. KELLY'S CONVICTION

On 7-22-33 Charles F. Urschel was kidnaped from his home at Oklahoma City and held for $200,000 ransom. He was subsequently released unharmed and prosecution of "Machine Gun" Kelly, his wife Katherine and others involved was initiated in U. S. District Court, Oklahoma City. During the trial of six of the subjects and prior to the apprehension of the two Kellys, two letters were received, one by Urschel and another directed to an Oklahoma newspaper threatening the lives of Urschel and his family. These letters bore the thumb print of "Machine Gun" Kelly and were signed George R. Kelly.

FBI Laboratory examiner Charles A. Appel, now retired, conducted handwriting examinations of the two letters on 9-23-33 prior to the Kelly's trial. While he indicated Mrs. Kelly did not write the letters, his findings were inconclusive and ambiguous. This information was furnished the Oklahoma City Division on 10-2-33.

A handwriting examination of these same letters was conducted by D. C. Patterson, an Oklahoma City handwriting expert, now deceased, who testified during the trial of Katherine Kelly on 10-10 and 11-33 that she had prepared both letters. It is noted that Appel did not testify as to his inconclusive findings.

The allegation charging that the FBI withheld or suppressed evidence favorable to Mrs. Kelly is without foundation in fact.

APPEAL ACTION BY KATHERINE KELLY

As a result of her 1933 conviction, Katherine Kelly was convicted of Kidnaping - Conspiracy and sentenced to life in prison.

On 3-19-58, Katherine Kelly filed a motion to vacate sentence alleging among other things that she had inadequate counsel, was denied a fair and impartial trial and subjected to threats, duress and false testimony presented by the Government. On June 9, 1958, a hearing was held in U. S. District Court, Oklahoma City, and the Government refuted all allegations. The District Court Judge ordered that all files and reports of the FBI arising out of the Urschel kidnaping case be delivered for court examination under the Jencks Decision. The Government interposed Departmental Order 3229 and the court then sustained motion for a new trial. Katherine Kelly was released from custody on June 16, 1958, on a $10,000 appeal bond and is still free on this bond at this time.

On July 27, 1959, the Tenth Circuit Court of Appeals reversed the ruling of the lower court and the case was remanded back to the U. S. District Court. Katherine Kelly filed a petition of certiorari with the U. S. Supreme Court and this petition was denied on February 29, 1960. The U. S. District Court Oklahoma City then indicated tentative plans to resume hearings on the original motion. However, on June 24, 1960, the presiding judge died in an automobile accident and no further court action has been taken.

ADDENDUM

The Department forwarded with its letter the Bureau of Prisons' file of Katherine Kelly. This file contains the Saturday Evening Post article of 6-16-62 relating to the Urschel case and Mrs. Kelly. There is no other information in the file of the Bureau of Prisons referring to this matter.

FD-36 (Rev. 12-13-56)

FBI

Date: 10/23/62

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL
(Priority or Method of Mailing)

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

TO: DIRECTOR, FBI (7-115)

FROM: SAC, WFO (7-19) (P*)

GEORGE KELLY BARNES, aka
et al;
CHARLES F. URSCHEL - VICTIM
KIDNAPING
(OO:OC)

ReBuairtel to WFO dated 10/18/62.

On 10/23/62, [redacted] U. S. Bureau of Prisons, Washington, D.C., advised that the warden at the FCI,* Seagoville, Texas, will contact the State of Kansas Authorities and make arrangements for the release of HARVEY J. BAILEY. [redacted] stated that after the Kansas State Authorities have indicated to the FCI at Seagoville, Texas, that they will pick up BAILEY, the Bureau of Prisons at Washington, D. C., will be notified so that a certificate for the release may be issued. [redacted] stated that no certificate for the release of BAILEY will be issued until definite arrangements are made the the State of Kansas Authorities. [redacted] stated that he would contact WFO when he receives any word regarding the contemplated release of BAILEY.

Copies of the communication are being forwarded to the Dallas, Kansas City, and Oklahoma City Divisions in view of their interest in this matter.

* FEDERAL CORRECTIONAL INSTITUTION

3 - Bureau
1 - Dallas (7-7) (Info) (AM)
1 - Kansas City (7-55) (Info) (AM)
1 - Oklahoma City (7-6) (Info) (AM)
1 - WFO

REC-51 7-115-2676

OCT 23 1962

EX-100

C. C. Fawick

[redacted]

AIRTEL

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

All b7C

WFO 7-19

[redacted] b7C

WFO will continue to maintain contact with the Bureau of Prisons in this matter. The Bureau will be notified of any pertinent development.

GENERAL INVESTIGATIVE DIVISION

October 23, 1962

Previous information developed that Harvey J. Bailey serving life sentence for 1933 kidnaping of Charles F. Urschel granted parole by U. S. Board of Parole effective 11-15-62. Parole granted on condition Bailey be released to Kansas penal authorities where Bailey wanted for 1933 escape. Inquiry by field determined Kansas authorities not as yet notified of possible release of Bailey.

10-30-62

Airtel

To: SACs, Dallas (7-7)
Kansas City (7-8)
Oklahoma City (7-6)
Washington Field (7-19)(Enc.)

From: Director, FBI (7-115)

GEORGE KELLY BARNES, AKA, ET AL.
CHARLES F. URSCHEL - VICTIM
KIDNAPING
(OO: OC)

ReKCairtel 10-27-62, one copy of which is enclosed for information of WFO.

Dallas should continue to follow this matter with the Warden at the Federal Correctional Institution, Seagoville, Texas, concerning the release of Harvey E. Bailey to Kansas City authorities on 11-15-62.

Kansas City should make the necessary arrangements with the Director, Penal Institutions, State of Kansas, at Topeka, to insure that after Bailey is returned to state custody your office is advised of any action initiated concerning clemency or release of Bailey. Such information, when received, should be furnished promptly to the Bureau and Oklahoma City.

MAILED 20
OCT 30 1962
COMM-FBI

[redacted]

(10)

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DeLoach
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Gandy

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EX-100
REC-1

7-115-26777

19 OCT 31 1962

All b7C

GENERAL INVESTIGATIVE DIVISION
10/30/62

Previous information developed that Harvey J. Bailey, currently serving life sentence in Federal Correctional Institution, Seagoville, Texas, for 1933 kidnaping of Charles E. Urschel, granted parole by U. S. Board of Parole effective 11/15/62. Parole granted on condition Bailey be released to Kansas penal authorities where Bailey wanted for 1933 escape. At time of escape Bailey serving a state sentence of 10 to 50 years for bank robbery.

FD-86 (Rev. 12-13-56)

FBI

Date: 10-27-62

Transmit the following in PLAIN TEXT
(Type in plain text or code)

Via AIRTEL AIRMAIL
(Priority or Method of Mailing)

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

TO: DIRECTOR, FBI (7-115)

FROM: SAC, KANSAS CITY (7-8)

RE: GEORGE KELLY BARNES, aka; ET AL.
CHARLES F. URSCHEL - VICTIM
KIDNAPING
(OO: Oklahoma City)

ReBurad 10-10-62 and Kansas City radiogram 10-11-62.

[redacted] Kansas State Penitentiary (KSP), 10-19-62, advised he had received notice that HARVEY J. BAILEY would be released to KSP on KSP detainer 11-15-62. He added that BAILEY after return to this institution would have to serve six years before being eligible for parole. His only other means of seeking earlier release would be application for clemency.

[redacted] Penal Institutions, Topeka, Kansas, has advised that Kansas will honor their detainer returning BAILEY to KSP and clemency would not be granted at this time. Further, he advised BAILEY would have to initiate request for clemency after confined KSP and he did not feel favorable consideration would be given such request for some time.

3 - Bureau
2 - Oklahoma City (7-6)
1 - Dallas (7-7)(Info)
2 - Kansas City
[redacted]
(8)

EX-103

REC-39 7-115-2678

50 NOV 6 1962

13 OCT 29 1962

CC - Miller

All b7C

Approved: [redacted] Sent _____ M Per _____
Special Agent in Charge

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION
NOV 16 1962

TELETYPE

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

URGENT 11-16-62 11-07 AM [redacted]

TO DIRECTOR, FBI 7-115

FROM SAC, KANSAS CITY 7-8

Victim - Kidnaping

GEORGE KELLY BARNES, ~~AKA~~ also known as, ET AL, CHARLES F. URSCHEL, ~~VIKID.~~

OO OKLAHOMA CITY.

RE DALLAS TEL NOV THIRTEEN LAST.

[redacted] ~~KSP~~ KANSAS STATES PENITENTIARY (KSP), LANSING, KANSAS, ADVISED HARVEY E. BAILEY RECEIVED KSP FOR CONFINEMENT THIS AM. KANSAS CITY WILL FOLLOW AS PER BUAIRTEL ~~NOV~~ OCTOBER THIRTY LAST.

DALLAS, OKLAHOMA CITY AND ~~WASHINNG~~ WASHINGTON FIELD ADVISED AM.

END ACK PLS

REC-32 7-115-267

12:08 PM OK WA [redacted]

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NOV 20 1962

RECEIVED

51 NOV 26 1962

All 57C

FD-36 (Rev. 12-13-56)

FBI

Date: 11/16/62

Transmit the following in PLAIN TEXT
(Type in plain text or code)

Via AIRTEL AIR MAIL
(Priority or Method of Mailing)

TO: DIRECTOR, FBI

FROM: SAC, DALLAS (7-7) (RUC)

SUBJECT: GEORGE KELLY BARNES, aka.
ET AL;
CHARLES F. URSCHEL - VICTIM
KIDNAPING

(OO: OKLAHOMA CITY)

On 11/15/62, HARVEY E. BAILEY released on Federal parole from FCI, Seagoville, Texas, on detainer of Kansas State Prison authorities. On same date, BAILEY taken into custody by SO Dallas, Texas, released to Kansas State Prison representative, and returned to Kansas for incarceration.

LYNUM

REC-32 7-115-2680

18 NOV 19 1962

3-Bureau (7-115)
2-Kansas City (7-8)
2-Oklahoma City (7-6)
2-WFO (7-19)
1-Dallas
[redacted]
(10)

b7C

Approved: Sent M Per

Special Agent in Charge

51 NOV 26 1962

GENERAL INVESTIGATIVE DIVISION

Date 11-16-62

U.S. Board of Parole granted parole to Harvey E. Bailey effective 11-15-62. Bailey has been serving life sentence for 1933 kidnaping of Charles F. Urschel. This parole granted on condition Bailey be released to Kansas penal authorities where Bailey wanted for 1933 prison escape. Kansas penal authorities previously advised that after return to their custody Bailey would have to serve six years before being eligible for parole. Kansas City previously instructed to follow with Kansas authorities regarding any action pertaining to subsequent release of Bailey.

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION
NOV 13 1962

TELETYPE

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

URGENT 11-13-62 6-49 PM CST [redacted]

TO DIRECTOR, FBI /7-115/.

FROM SAC, DALLAS /7-7/. 1-P.

Victim = Kidnaping

GEORGE KELLY BARNES, also known as AKA, ETAL. CHARLES F. URSCHEL, ~~VIKIB~~.

[redacted] Federal Correctional Institution ~~FCI~~, SEAGOVILLE, TEXAS, ADVISES [redacted]

HARVEY E. BAILEY TO BE RELEASED ON PAROLE NOVEMBER FIFTEEN [redacted]

NEXT, TO BE TURNED OVER TO SHERIFF AT DALLAS TEXAS, ON REQUEST [redacted]

OF KANSAS STATE PRISON AUTHORITIES WHO HAVE DETAINER ON BAILEY.

BAILEY HAS AGREED TO WAIVE EXTRADITION FOR RETURN TO KANSAS.

Sheriff's Office ~~SO~~ DALLAS ADVISES WILL ASSUME CUSTODY OF BAILEY WHEN RELEASED

FROM Federal Correctional Institution ~~FCI~~, SEAGOVILLE.

7-115-2681

ST-117

OC, KC, AND WFO ADVISED BY MAIL.

END 7-51 PM OK FBI WA [redacted]

TU [redacted] CLR.

53 NOV 29 1962

NOV 26 1962

All b7C

GENERAL INVESTIGATIVE DIVISION

Date 11/14/62

U. S. Board of Parole granted parole to Harvey E. Bailey effective 11/15/62. Bailey has been serving life sentence for 1933 kidnaping of Charles F. Urschel. This parole granted on condition Bailey be released to Kansas penal authorities where Bailey wanted for 1933 prison escape. Kansas penal authorities previously advised that after return to their custody Bailey would have to serve six years before being eligible for parole.

OPTIONAL FORM NO. 10
5010-104-03
UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (7-115) DATE: 11/27/62

FROM : SAC OKLAHOMA CITY (7-6) -P-

SUBJECT: GEORGE KELLY BARNES, aka, ET AL
CHARLES F. URSCHEL - VICTIM
KIDNAPPING
OO OC

Re OC let to Director 9/27/62.

On 10/15/62, AUSA JACK R. PARR, WDO, OC, telephonically advised that there had been no change in the status of the appeals of the Subjects of this case. He further advised that, according to the information of the USA, WDO, these appeals are presently unassigned to a judge in USDC, WDO.

On 11/20/62, Mr. PARR advised that there had been no change in the status of instant appeals in USDC, WDO.

OKLAHOMA CITY DIVISION

At Oklahoma City, Oklahoma.

Will continue to follow and report the status of appeals in this case.

REC-5 7-115-2682

ST-104

(2) - Bureau
2 - Oklahoma City
[redacted] b7C
(4)

60 DEC 5 1962

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (7-115) DATE: 12/18/62

FROM : SAC, KANSAS CITY (7-8) (P)

SUBJECT: GEORGE KELLY BARNES, aka, etal
CHARLES F. URSCHEL - VICTIM
KIDNAPING
(OO Oklahoma City)

ReBuairtel 10/30/62

Although the following has no connection with captioned matter this information is being furnished because of its relationship to HARVEY E. BAILEY, presently an inmate of Kansas State Penitentiary, Lansing, Kansas.

[redacted] KSP, Lansing, Kansas, on 12/14/62 advised SA [redacted] at Leavenworth, Kansas, that FRANK SAWYER, aka Bob Morgan, KSP #2986, FBI 272846, who escaped along with BAILEY and nine other inmates 5/30/33, is being returned to the KSP 12/14/62 from the Oklahoma State Penitentiary. He advised SAWYER was one of the five who planned the 1933 escape and one of those to whom guns were delivered within KSP. He advised SAWYER was sentenced 7/8/32 to a term of 20 to 100 years for Bank Robbery and is a white male, born 5/1/1899, and that his status will be the same as that of BAILEY in that he will have a number of years to serve before he becomes eligible for parole.

The Bureau and interested office will be kept advised as to any change in the status of BAILEY at the KSP.

2 Bureau
2 Oklahoma City (7-6)
2 Kansas City
[redacted]
(6)

REC-5 7-115-2683

5 DEC 20 1962

EX-103

53 DEC 31 1962

All b7C

EX-120

REC-38-115-2684

January 2, 1963

[redacted]

Minneapolis 10, Minnesota

Dear [redacted]

Your letter dated December 18, 1962, with enclosure, has been received.

In connection with your inquiry, I would like to point out that Mrs. Kathryn Kelly's motion, originally filed in March, 1958, is still a pending matter in the U. S. District Court, Oklahoma City, Oklahoma, and I am not at liberty to discuss this situation. However, I do want to make it perfectly clear that the allegation that the FBI withheld or suppressed evidence favorable to Mrs. Kelly is without foundation in fact.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover
Director

MAILED 5
JAN 2 - 1963
COMM-FBI

NOTE: Correspondent cannot be identified in Bufiles. Kathryn Kelly's motion to vacate sentence was filed 3-19-58. A hearing was held on 6-9-58 in U. S. District Court, Oklahoma City, Oklahoma, and the government refuted all allegations. A District Court Judge ordered all files and reports of the FBI to be delivered for court examination under the Jencks Decision. The government interposed Departmental Order 3229 and the court then sustained a motion for a new trial. On 7-27-59 the circuit court of appeal reversed the lower court and subsequently the

(Note continued next page)

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Holmes
Gandy

[redacted] (3)

[redacted]

MAIL ROOM ☐ TELETYPE UNIT ☐

62 JAN 10 1963

REC'D - ROSEN

REC'D - READING ROOM

FBI

MAIL ROOM

All 67C

[redacted] b7C

NOTE CONTINUED:

Supreme Court denied certiorari. On 6-24-60 the District Court Judge who presided at the original hearing died. No further court action has been taken and Kathryn Kelly remains free on $10,000 appeal bond. Memorandum to the Assistant Attorney General from the Director dated 10-8-62, states that the allegations raised by Edward Bennett Williams that the FBI withheld or suppressed evidence favorable to Mrs. Kelly are without foundation in fact.

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

[redacted]

December 18, 1962.

Federal Bureau of Investigation,
Department of Justice,
Washington, D. C.,

[redacted]

Gentlemen:

Kathryn O'Kelly

The enclosed clipping is from an issue of The Saturday Evening Post now several months old. I am not a regular reader of The Post and may have missed any answer which you might have made.

I sincerely hope there is an answer because such charges as this go a long way to damage the public image which you have labored so long to build up. They go a long way in tearing down what little public image remains of the law as the shining shield of the righteous. Was it Justice Holmes who said that the rights of the good are in danger if those of the wicked are disregarded?

As things now stand, I still have faith, trust and confidence in but two agencies of the government of The United States, the Federal Bureau of Investigation and the United States Bureau of Standards. I don't want to have to narrow it down to The Bureau of Standards.

Respectfully yours,

[redacted]

ENCLOSURE

EX-120

REC-33 7-115-2684

DEC 26 1962

All 67C

CORRESPONDENCE

4-750 (Rev. 12-14-88)

XXXXXX
XXXXXX
XXXXXX

FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

_____ Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

☐ Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552		Section 552a
☐ (b)(1)	☐ (b)(7)(A)	☐ (d)(5)
☐ (b)(2)	☐ (b)(7)(B)	☐ (j)(2)
☐ (b)(3)	☐ (b)(7)(C)	☐ (k)(1)
_____	☐ (b)(7)(D)	☐ (k)(2)
_____	☐ (b)(7)(E)	☐ (k)(3)
_____	☐ (b)(7)(F)	☐ (k)(4)
☐ (b)(4)	☐ (b)(8)	☐ (k)(5)
☐ (b)(5)	☐ (b)(9)	☐ (k)(6)
☐ (b)(6)		☐ (k)(7)

☐ Information pertained only to a third party with no reference to you or the subject of your request.

☐ Information pertained only to a third party. Your name is listed in the title only.

☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

_____ Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

2 Page(s) withheld for the following reason(s): duplicative of 7-115-2660

☐ For your information: _____

☐ The following number is to be used for reference regarding these pages:
7-115-2684 enclosure

XXXXXX
XXXXXX
XXXXXX

XXXXXXXXXXXXXXXXXXXXXX
X DELETED PAGE(S) X
X NO DUPLICATION FEE X
X FOR THIS PAGE X
XXXXXXXXXXXXXXXXXXXXXX

FBI/DOJ

OPTIONAL FORM NO. 10
5010-108

UNITED STATES GOVERNMENT

Memorandum

TO: Director, FBI (7-115) DATE: 1/16/63

FROM: SAC, Kansas City (7-8) (P)

SUBJECT: GEORGE KELLY BARNES, aka, et al
CHARLES F. URSCHEL - VICTIM
KIDNAPING

Enclosed is one copy of an article appearing in the Kansas City Star, Kansas City, Missouri, 1/13/63.

Since this article pertains to the notorious HARVEY BAILEY, it is felt the Bureau would be interested in the enclosed article.

2-Bureau (Enc. 1)
1-Kansas City
[redacted]
(3)

ENCLOSURE

REC-16 7-115-2685

EX-101

[redacted]

13 JAN 16 1963

25

[redacted]

62 JAN 30 1963

All b7C

FD-350 (4-3-62)

(Mount Clipping in Space Below)

By Robert Pearman.
(A Member of The Star's Staff.)

IN a cell at the Kansas State penitentiary at Lansing a lean 76-year-old man with wrinkled hands and glistening white hair waits and hopes and wonders whether he has a chance for freedom after almost three decades in prison.

His name is Harvey Bailey—one of the biggest names in the roaring '30s, in the era of big and spectacular crimes.

Bailey came back to Lansing at 2 o'clock in the morning last November 16. He had been released from a federal life sentence, but instead of going free he was returned to Kansas from the Federal Correctional institution at Seagoville, Tex., to complete the term he was serving when he and 10 other convicts went over the wall on Memorial day, 1933.

His transfer back to Lansing was routine, accomplished without apprehension on the part of the officials . . . But it was not always thus.

ONCE A federal prosecutor insisted that Bailey was so dangerous that he would have to be placed in a steel cage in the court room. Agents, armed with machine guns, did guard the doors at his trial.

Time has mellowed Harvey Bailey, his jailers say. And time also has mellowed the public attitude toward men like him and the fantastic era of which they were a part.

The world that made this man and learned to shudder at his name is gone. And surely we will never know its like again. In going, it left few mourners. Its backwash is now recalled only in the video exploits of "The Untouchables"; in the passing of one of its protagonists such as G-Man Melvin Purvis—and in the memories of the white-haired old man, Harvey Bailey.

PROHIBITION, the great experiment, was tried and then discarded. The stock market spiraled up and fell. Then the nation wallowed in its excesses as if to quiet the rumblings of its empty belly. Golf bags and violin cases oftentimes covered submachine guns.

Banks went broke and closed their doors. One-time poor farm boys roared down country roads balancing ~~submachine~~ weapons across their laces, contemplating the cash assets of first one bank and then another.

The farm boys, the immigrant boys from the slums, the ex-World War I soldiers, unable to forget the pulsations of a firing machine gun, shot up the citizenry and each other. Men died mysteriously, violently, and finally in groups.

DUTCH SHULTZ was there, and Legs Diamond, and John Dillinger, and Baby Face Nelson, and Jake Fleagle, and Pretty Boy Floyd, and Frank Nash, and Shotgun George Ziegler, and Creepy Karpis and Wilbur Underhill, and Killer Burke, and Verne Miller and Machine Gun Kelly, and Clyde Barrow and Bonnie Parker, and Bugs Moran, and Al Capone and Harvey Bailey.

In the brief span of 16 months in 1932 and 1933 Bailey was presented to the public eye as a shrewd and dangerous master criminal. Before those days his actions are obscure and since then his activities have been restricted.

Was the reputation which he carried with him in this time justified?

It must be remembered that these were the years of excesses. Law officers and G-men, facing a veritable army of quick-shooting killers, were quick to link the name of a wanted man to any current major act of violence.

THE PRESS, reflecting their views, and engaging in some excesses of its own, was quick to inform the public. As a consequence there is a vast difference in the list of crimes for which Bailey was convicted, or almost certainly participated, and in those in which he was said at the time to have had a part.

In the former list are three crimes: the $32,000 robbery of the Citizens National bank at Fort Scott, Kas., June 17, 1932, for which he was convicted and sentenced to Lansing for from 10 to 50 years; the 2 million dollar robbery of the Lincoln, Neb., Bank and Trust company, September 17, 1930, for which he was never tried but is generally conceded to have participated, and the kidnaping of Charles F. Urschel, Oklahoma oil millionaire, a crime for which he was convicted and sent to federal prison.

The other list includes the St. Valentine's day massacre in Chicago, the Union Station massacre here, the Lindbergh kidnaping, the spectacular $200,000 robbery of the Denver mint and many activities of the Capone mob.

BAILEY was indicted for the Union Station massacre, although he did not participate. He had nothing to do with the Lindbergh case, of course, and current experts on the still-unsolved St. Valentine's day affair no longer name Bailey as a machine-gunner.

Bailey did escape from prison twice — adding immeasurably to his criminal reputation.

On the other side of the ledger, Urschel, the kidnap victim, supported Bailey's bid to win his freedom from federal prison, and the late former Kansas warden Kirk Prather and two guards credited Bailey with saving their lives when the hot-heads among the convicts wanted to kill them.

(Indicate page, name of newspaper, city and state.)

1F Kansas City Star

Kansas City, Mo.

Date: 1-13-63
Edition: Sunday
Author: Robert Pearman
Editor: Richard B. Fowle
Title:

Character:
or
Classification:
Submitting Office: Kansas City

ENCLOSURE
7-115-2685

BAILEY'S origins were in the hills of West Virginia. In 1902 the family moved to a 200 acre farm northwest of Green City in Sullivan County, Missouri. Harvey was 16 at the time. He left home three years later to work in the packing plants of Chicago and Omaha.

His father, John E. Bailey, a black-bearded hill-man, had been a captain in the Union army in the Civil war. He died about 1921, long before the son became infamous. His mother, Amanda E. Bailey, survived into her 80s and was still in north Missouri in 1933 when her son's name was in the headlines.

A picture of rustic motherhood in steel-rimmed spectacles, white sunbonnet and flowered print dress, she told a reporter for the Associated Press:

"HE NEVER planned the Urschel kidnapping. He couldn't have done the things they charge him with. A better boy never was born. He never sassed his parents. He came from one of the finest families in West Virginia."

Just when and how Mrs. Bailey's son went wrong is murky. Sometime after leaving Missouri he apparently decided to forsake the unpleasant aura of the packing house for the less strenuous and more fragrant world of high criminal society.

He was reported to have started as a whisky runner, and perhaps prohibition did play a part in his undoing. The late Courtney Ryley Cooper, once a member of The Star's staff and the foremost contemporary authority on criminals of that era, found that it was often a contributing factor.

"A long established tradition demands that one speak kindly of the dead," Cooper wrote in "Ten Thousand Public Enemies," published in 1935. "Nevertheless, it becomes necessary to lay one more wreath of thistles upon the unrevered grave of prohibition.

"THE PRESENT crime set-up with its vast underground tendrils of acquaintanceship, 'connections', persons 'wired in' to courts and police departments, is directly traceable to this experiment. All in a few years it transformed the United States from a place of low-brow crime to a land where crime became a cohesive affair of high speed and far-reaching accomplishments."

On a warm autumn morning in September, 1930, a gang of bandits roared into Lincoln, Neb., and within the five minutes of a perfectly planned and executed robbery they carried off more than two million dollars in cash and securities.

One robber stood guard in front of the bank with a machine gun cradled in his arm. He told policemen not to interfere and herded the curious citizens inside. Then the robbers fled, roaring through the streets of Lincoln while the amicable citizens gave way to the sound of the siren on their car.

OUT IN THE country a moving van was waiting to swallow up the car and carry it away to the Bailey farm in Missouri, officers said. The first bank robbery in Lincoln's history had also been the nation's largest up to that time. It was directed, authorities said, by Harvey Bailey.

On June 17, 1932, Bailey led three companions in a daring daylight robbery of the Citizens National bank on the busiest corner of Fort Scott, Kas. After forcing 20 persons to sprawl face down on the floor, they escaped with $32,000.

Bailey's next appearance was in Kansas City. On July 7, 1932, officers arrested three men as they were playing golf on the Old Mission course. Two of them were Francis J. Keating and Thomas Holden, escapees from the federal prison at Leavenworth and bank robbers of note.

The third man at first said his name was John Brown, then he said it was John J. Brennan. Four days later officers learned that he was Harvey Bailey—a man wanted for questioning about the Lincoln bank robbery and his friendship with Killer Burke, suspected of having been the most active machine gunner at the St. Valentine's day massacre.

AFTER officers searched Bailey's luxury apartment on Ward parkway, they had more questions. They wanted to know about the sub-machine gun with the 10-inch barrel, the Luger combination automatic pistol, and the $500 Liberty bond from the Fort Scott bank.

Bailey was taken to Fort Scott, where he was tried and convicted. Two days afterward, J. Earl Smith, one of the four lawyers who had defended him, was found murdered in his car near Tulsa—a bullet through his head.

Bailey remained quietly in prison at Lansing until the next Memorial day.

Tracy Hand of Leavenworth, former warden at Lansing, was a deputy warden there during those months. He recalls that Bailey was a model prisoner.

"I talked with him many times," Hand recollects. "Any subject you wanted to talk about, Bailey could discuss it intelligently. He was, I would say, a leader among men. If he had applied himself in the right direction he would have been an outstanding success."

THEN CAME Memorial day, 1933. Cars with families and floral arrangements drove slowly toward the cemeteries. Holiday entertainment, a baseball game between American Legion teams of Topeka and Leavenworth, was arranged for the 1,800 inmates inside the walls at Lansing.

The late Kirk Prather of Kansas City, Kansas, serving his last day as warden, had come to the prison to say good-by to the trustees and other friends. On the way out he paused for a few minutes with the players on the Leavenworth bench.

He did not know that six men in the prison were armed with new .38 caliber auto-

[illegible] that had been smuggled in in a bale of sisal. These convicts had planned to surprise the new warden on his first day on the job the next day. But the appearance of Prather and the excitement of the game were too much for them. They decided to execute the plan a day early.

The time was about 11 o'clock. It was the fourth inning. The score was tied 2-2.

"I was at bat," recalls Murray Dickson, a Leavenworth boy who was pitching for his home town that day and later won fame as a major leaguer.

"The first time I knew anything was wrong I looked down at the bench where the warden was and saw there was a lot of confusion."

UNNOTICED in the excitement, one of the prisoners had slipped up behind the warden and pinioned his arms to his sides. Wilbur Underhill, "the Tri-State Terror," already the slayer of three men, placed a wire loop over the warden's neck. The warden's arms were tied with wire and the six conspirators, weapons in hand, surrounded him to ward off the guards.

Dickson recalls that the players were a "bunch of scared and confused kids." Guards herded them into a protected area between two buildings. Other convicts, fearing for their own safety, pressed into the already crowded confines.

The pitcher remembers that the third baseman on the Topeka team turned to him and said "Boy, if I ever get out of this I'm never coming back to this town again."

Bailey, with a ladder, rushed through the prison dining room. Bob (Big Boy) Brady, serving life under the habitual criminal act, was with him. A guard tried to stop them but their menacing guns and Brady's bullet-scarred face changed his mind. The ladder was rushed to the No. 3 tower.

NOW THERE was a tense moment when the situation could have been turned into a massacre. The convicts ordered the guard to throw down the keys to the tower and his weapons. The guard hesitated, looking to the warden.

On the one hand were six convicts, armed and dangerous, and they had the warden. Around them were 14 guards.

"We will pile you up in heaps," the Tri-State Terror threatened.

"If we don't go, we'll pile up a pyramid of bodies."

At the warden's request the keys and weapons were dropped into the prison yard. The ladder was raised and a rope was dropped down the other side. The frightened teen-aged ball players saw the prisoners climb the ladder to their freedom. Sirens wailed. A rookie guard fired a shot, missing wildly.

THE CONVICTS took along the warden and two guards, L. A. Laws and John Sherman. Outside the wall a guard shot into the group. The bullet struck Bailey in the left leg. He bled profusely.

Eleven men went over the wall that day — six who were in the original plot and five others who took advantage of the situation. Except for Bailey, who was 45 years old even then, they were in their 20s or early 30s. Five of them were serving life. Six had escaped from prison before, most of them from the Oklahoma state penitentiary at McAlester. The roster, besides Bailey:

UNDERHILL, 30, who was to become Public enemy No. 1, before he was shot 13 times on a cold, drizzly December night in Shawnee, Okla. On the day of the escape he was doing life for the murder of a Wichita policeman.

(Days earlier Underhill's girl had received a telegram from friends outside the prison, some say from Frank Nash. "Will cut hay on thirtieth," it said. "Have purchased six cows for delivery at Picher.") Its meaning was now obvious.

ED DAVIS, 30, serving life under the habitual criminal law.

FRANK SAWYER, 33, serving 20 to 100 years for bank robbery.

JIM CLARK, 30, serving life under the habitual criminal act.

BIG BOY BRADY, 23, a lifer who had once escaped from McAlester by having himself packed in a crate of overalls.

ALVIE PAYTON, 21, serving 20 to 100 years for bank robbery.

LEWIS BECHTEL, 25, serving 10 to 21 years for robbery.

KENNETH CONN, 21, serving life for murder.

CLIFFORD DOPSON, 22, serving 5 to 15 years for robbery.

BILLIE WOODS, 22, serving 5 to 15 for motor car theft.

OUTSIDE the walls, they rushed the prison garage. There they found Alex Davis, the head mechanic, washing the blue Dodge sedan belonging to the farm superintendent. The superintendent's 15-year-old daughter was preparing to drive the car away when the convicts ran up. Davis and the girl ran and hid behind a building.

Two cars of men, the warden and two guards with six convicts in one of them, sped from the prison. Cars were changed time and time again. Many motorists in Kansas and Oklahoma, who started out for a drive that day, never reached their destination.

M. J. Wood of Kansas City, Kansas, together with his wife, daughter and another young woman, were driving near Bethel when the road in front of them was blocked by a car. Three men, with weapons drawn, stood in the highway.

SOON AFTER this the convicts separated into two parties. With the Woods were the five men who had joined extemporaneously in the escape — Bechtel, Payton, Conn, Woods and Dopson. The more dangerous six, who had plotted the breakout, traveled with the warden and two guards.

As the car sped south Underhill sat with his automatic

cocked, and pointed against the warden's side. He wanted to kill Prather and the guards. Bailey said no.

Once outside the walls, the men had recognized Bailey as their leader, although Underhill and Ed Davis were co-leaders of the actual escape.

Laws later recalled tense moments of the flight.

"At one point south of Edna, Kas., while a tire was being repaired, I was taken by some of the gang to a creek bank and told to lie on my stomach beside a tree," Laws related. "I realized what that might mean.

"Then I heard Bailey tell the men who had me in charge: 'Come on, bring Laws out of there.' Then I knew my life was spared so far, and I thanked God for it. I also am frank to say that I am grateful to Bailey."

ABOUT 7:45 o'clock on the night of the break, the car with the six fugitives was driven into a lonely pasture near Welch, Okla. There the warden and guards were ordered out of the car.

"Gee, I'm hungry; guess I'll sit down and smoke," the warden said. He obtained a cigarette from Underhill. The warden was playing for time. He feared Underhill would kill him and was trying to channel the convict's thoughts to other matters.

"I'm so hungry I could eat a fence post," the warden said.

Bailey laughed. Underhill said nothing.

"Underhill," the warden said affably, "Have you heard from your folks lately?"

Underhill said he had not. Then he walked to the warden and pointed north.

"Walk that way," he said, "and you'll find something to eat maybe by morning."

THE WARDEN and the guards walked. Ahead in the darkness they saw outlines of the wild, rough, desolate country they all believed would be their last view on earth. Their steps faltered, but there were no reports, no bullets, and in a moment the voices of the convicts faded away.

Meanwhile, the five men in the Woods' car had driven at a leisurely pace to a farm home near Pleasanton, Kas. There they forced the farmwife, Mrs. William New, to prepare supper for the entire party. Then, after cutting the telephone wires, they drove away from the farm and split up to go their separate ways.

In the next few days a serpentine trail of terror spread over the Middle West. Banks were robbed. Otto Durkee, night policeman at Chetopa, Kas., was found slain. Cars were stolen and abandoned.

Bechtel's freedom lasted only three days. He was captured while eating dinner at a farm near Dropping Springs, Okla. The next day, June 3, Sawyer was captured in Oklahoma after a gunfight.

ON JUNE 11, Woods and Dopson were captured by customs officers near Junction, Tex.

On the morning of June 17, five men, including Frank Nash, who may have been the outside man in the Lansing break, were killed on the Union Station plaza in an abortive attempt to free Nash. The old-time bank robber and associate of Bailey had just been captured at Hot Springs, Ark., and was being returned to Leavenworth.

Bailey and Underhill were immediately suspected.

WHEN THE two outlaws learned that they were now wanted for a crime that had shocked the nation they sent a letter, authenticated with their fingerprints, to an Oklahoma City newspaper.

In the letter they confessed that they had robbed the bank at Black Rock, Ark., on June 16 and had lingered there almost a day. (Actually neither Bailey or Underhill is believed to have had a part in the robbery. Bailey is said to have explained that he was recuperating from his wound at a hide-out in Oklahoma and had no good alibi other than the false confession).

Conn was never returned to prison. He was slain and his companion, Payton, was blinded by a wound while trying to rob the bank at Altamont, Kas.

On the night of July 22, 1933, Oklahoma oil millionaire, Charles F. Urschel and his friend, Walter R. Jarrett, together with their wives, made up a bridge foursome on Urschel's screened porch in Oklahoma City. Two men, armed with a machine gun and a pistol, walked in.

"Which one of you is Mr. Urschel?" one intruder asked.

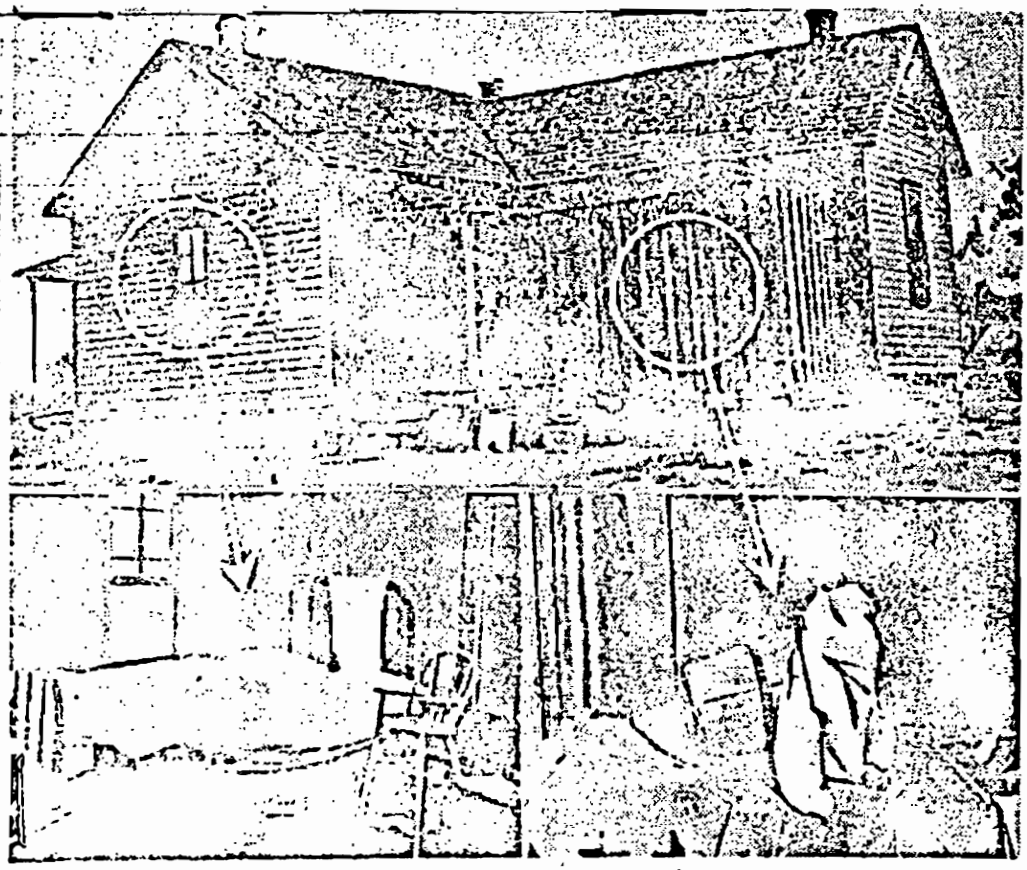
WHEN NEITHER of the surprised men replied, the gunmen took them both, warning the women not to telephone authorities. As soon as they had left Mrs. Urschel phoned the FBI.

About two hours later Jarrett returned to the Urschel home. He said he had been released some 10 to 12 miles northeast of Oklahoma City and that the men had driven south with Urschel.

Four days later a friend of the oilman, E. E. Kirkpatrick of Oklahoma City, received a letter demanding $200,000 for his safe return and instructions to place the following want ad in an Oklahoma City newspaper if the price could be met:

FOR Sale—160 acres land, good five-room house, cistern, well. Also cows, tools, t

MR. AND MRS. URSCHEL relax on the porch of their home after he was released by the kidnapers.



URSCHEL WAS HELD PRISONER by his kidnapers in this desolate farm house. The ringed arrows point to interior views of the two rooms in which he was kept. At night he was kept in the room on the left; at right is the windowless room where he spent the daylight hours.

tors, corn and hay; $3,750 for quick sale. Terms. Box 807."

FOLLOWING new instructions, Kirkpatrick boarded a train for Kansas City with $200,000 in $20 bank notes in a handbag. He was to throw the bag off the train after observing fires along the track at a given point. He missed the fires, but continued to Kansas City, where he registered in the Muehlebach hotel to await further instructions. Soon there was a telephone call.

Kirkpatrick took a cab to the LaSalle hotel on Linwood, paid the driver and walked west.

A stranger approached.

"Mr. Kirkpatrick," he said. "I'll take that bag."

Kirkpatrick protested, saying he must be sure he was surrendering it to the right party.

"The title deeds to the farm will be delivered within 12 hours," the stranger replied, and the bag changed hands.

URSCHEL arrived home the next night. He had been blindfolded throughout his ordeal, but he was a man with a remarkably retentive mind and the help he gave federal officers led to the arrests of his kidnapers and the return of Harvey Bailey to prison.

At regular times each day he had heard an airplane fly over. Then one day, after a heavy rain, it missed. Officers checked the airlines to see which lines had a flight in the hours Urschel described that had been canceled or rerouted that day.

They found the line and, near Paradise, Tex., they found the home of Mr. and Mrs. R. G. Shannon. Mrs. Shannon's daughter, Kathryn, was the wife of Machine Gun Kelly.

BAILEY did not kidnap Urschel. Kelly and Albert L. Bates were the actual kidnapers. The oil man had been guarded by Shannon and his reluctant teen-aged son. But Bailey, for some reason, had been taken in on the payoff.

Just after midnight on August 12, 1933, Bailey drove into the yard of the Shannon home near Paradise. At dawn, when officers raided the place, he was sleeping on a cot in the yard to escape the sultry Texas heat. Two automatic pistols were under his pillow and an automatic rifle was on the ground beside him. Surprised, he made no effort to resist.

On Bailey, federal officers said, they found several hundred dollars. The serial numbers on the bills were those recorded when the money was paid as ransom for Urschel.

As a result, Bailey was not returned to the Kansas prison forthwith but was charged with kidnaping under a federal statute and placed in jail in Dallas, Tex., pending his trial in Oklahoma City. Once again, he did not stay.

HARVEY had a way of doing things on holidays. Memorial day had been right for getting out of Lansing, so when Labor day, September 4, rolled around he took his leave from the "escape proof" Dallas jail.

His was the first successful escape in the 19-year history of the jail, but it was accomplished without Houdini tricks—merely by the co-operation of two conspirators.

Glib-tongued and intelligent, Harvey Bailey was quite a salesman. He sold one of his jailers on the idea that if the jailer would help him escape he (Bailey) would rob banks and make the jailer a rich man.

The jailer's subsequent confession points up some remarkable occurrences on the sixth floor of the jail building prior to the escape. The jailer obtained hacksaw blades to saw Bailey out. When they wore out, he got some more. Because it was hot and the steel was tough, he helped the prisoner saw. Then he went out to buy oil to facilitate the cutting of the bars.

ON LABOR DAY, all was ready and Bailey crashed out, armed with a pistol provided by one of his helpers. He took a deputy jailer with him on a wild 115-mile ride into Oklahoma. On the outskirts of Ardmore he stopped at a service station.

A woman attendant had run about two gallons into the tank when a car load of officers, driving past the station, spotted him. Bailey shot the car away from the station but ran into the curb and broke a

wheel. He surrendered without a fight. Altogether he had been at liberty only four hours.

It was the era of quick justice. On September 30 Bailey was convicted and sentenced to life imprisonment for his part in the Urschel kidnaping. On October 9 he and Bates were loaded into a Ford Trimotor plane at Oklahoma City and flown to the Army flying field at Ft. Leavenworth. At the airfield men with machine guns and automatic rifles guarded every road.

THIS WAS 1933. Stores and advertising displayed the Blue Eagle of the NRA. At an American Legion parade President Roosevelt was smiling and confident despite the breadlines. At Loews Midland, admission 25 cents, the feature was Night Flight, starring John Barrymore and Helen Hayes. Transcontinental and Western Airlines was testing a new twin-engine monoplane that had flown 110 miles an hour in tests.

On that morning Harvey Bailey was unceremoniously taken to the prison annex, later the U. S. Disciplinary barracks, and the gates of freedom finally and irrevocably closed behind him.

Harvey Bailey, 76, has mellowed with the years, his jailers say. This photograph was made in November, when he was transferred back to the Kansas prison to complete the sentence that was interrupted with his escape in 1933.

In 1933, Bailey was so dangerous that a federal prosecutor insisted he would have to be placed in a steel cage in a courtroom. This picture was taken in Dallas during his arraignment on federal charges of kidnaping Charles F. Urschel.

When Harvey Bailey escaped from Lansing on Memorial Day, 1933, he had completed a little more than nine months of a 10 to 50-year sentence for the robbery of the Citizens National bank at Fort Scott, Kas.

Arrested by the FBI only weeks after his escape, he was sentenced to life imprisonment for his part in the kidnaping of Charles F. Urschel. He was freed by the federal government last November and returned to Lansing.

How long would it be before Bailey could be freed by the state of Kansas?

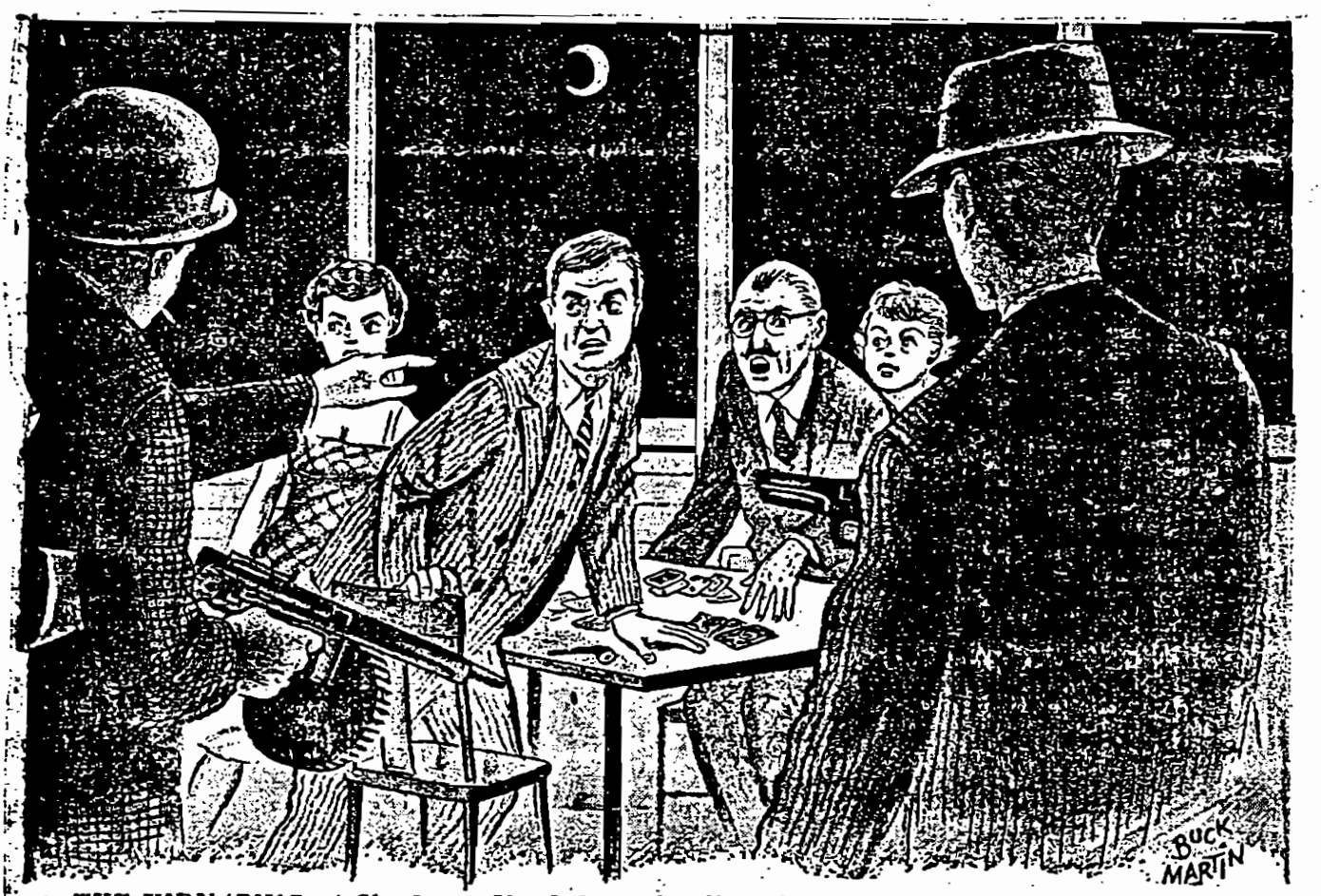
"Time was computed a little differently when Bailey was at Lansing before, but on the basis of the way we do it now it would be six years," Wilbur G. Leonard, member of the state board of probation and parole, said in Topeka.

It has been indicated that Bailey might file an application for clemency from the governor. If the governor desired he could reduce the sentence, making Bailey eligible for immediate parole, but it has not been his policy to do so.

TERRORIST OF THE ROARING '30'S

Harvey Bailey, Gangster, Overtaken By Old Age — Instead of Gunfire.

ELEVEN CONVICTS WENT OVER THE WALL of the Lansing prison, while the frightened teen-age ball players looked on. The men went up a ladder and descended on a rope dropped down the other side. The prisoners had pistols that had been smuggled into the penitentiary.



THE KIDNAPING of Charles F. Urschel, as visualized by an artist for The Star, took place when two armed men interrupted a bridge game at the oil millionaire's home in Oklahoma City.

THREE ARMED CONVICTS, weapons drawn, halted the car of M. J. Wood of Kansas City, Kansas.

A JAILER helped Bailey saw his way out of the "escape-proof" jail in Dallas.

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (7-115) DATE: 1/28/63

FROM : SAC OKLAHOMA CITY (7-6) -P-

SUBJECT: GEORGE KELLY BARNES, aka, ETAL
CHARLES F. URSCHEL - VICTIM
KIDNAPPING
OO OC

Re OC let to Director, 11/27/63.

On 12/27/62, and on 1/25/63, AUSA JACK R. PARR, WDO, Oklahoma City, advised that there has been no change in the status of the appeals of the Subjects of this case. He indicated that, insofar as he knows, these appeals are still not assigned to a judge in USDC, WDO.

LEADS:

OKLAHOMA CITY DIVISION

At Oklahoma City, Oklahoma

Will continue to follow and report the status of appeals in this case.

2-Bureau
2-Oklahoma City
[redacted] b7C
(4)

EX-120

7-115-2686

REC-25

18 JAN 30 1963

62 FEB 1 1963

OPTIONAL FORM NO. 10
5010-104-02
UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (7-115) DATE: 2/28/63

FROM : SAC, KANSAS CITY (7-8) -P-

SUBJECT: GEORGE KELLY BARNES, aka, ET AL.
CHARLES F. URSCHEL - VICTIM
KIDNAPPING

(OO Oklahoma City)

ReBuairtel to Dallas, Kansas City, Oklahoma City and Washington Field 10/30/62.

Contact has been maintained with [redacted] Kansas State Penitentiary, Lansing, Kansas and [redacted] Penal Institutions, State of Kansas, Topeka, Kansas regarding any action initiated concerning clemency or release of HARVEY D. BAILEY.

[redacted] and [redacted] on contact 2/22/63, report no action has been taken to date to effect clemency or release of BAILEY.

The Bureau and Oklahoma City will be promptly advised of any developments in this matter.

2 - Bureau
2 - Oklahoma City (7-6)
3 - Kansas City
[redacted]
(6)

All b7C

REC-57 7-115-2687

EX-118 2 MAR 4 1963

351

62 MAR 7 1963

OPTIONAL FORM NO. 10
5010-108

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (7-115) DATE: 3/8/63

FROM : SAC OKLAHOMA CITY (7-6) -P-

SUBJECT: GEORGE KELLY BARNES, aka, ET AL
CHARLES F. URSCHEL - VICTIM
KIDNAPPING

Re Oklahoma City let to Director 1/28/63 and Kansas City let to Director, 12/18/62.

On 2/27/63, AUSA JACK R. PARR, WDO, Oklahoma City, advised that the status of appeals of Subjects of this case, in United States District Court, WDO, remains unchanged, they being unassigned to a judge.

LEADS

KANSAS CITY DIVISION

AT LANSING, KANSAS.

Will remain alert to the status of HARVEY BAILEY at the Kansas State Prison and advise the Bureau and Oklahoma City of any change.

OKLAHOMA CITY DIVISION

AT OKLAHOMA CITY, OKLAHOMA.

Will continue to follow and report the status of appeals in this case in United States District Court, WDO.

2 - Bureau
2 - Oklahoma City
[redacted] b7C
(4)

7-115-

REC-3

MAR 11 1963

53 MAR 13 1963

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Belmont

DATE: February 19, 1963

FROM : A. Rosen

SUBJECT: [redacted]
FORMER SPECIAL AGENT

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

While discussing other matters with John Murphy of the Civil Rights Division on 2/18/63, Mr. Murphy made available to Special Agent [redacted] the attached copy of a letter from [redacted] to U. S. District Judge J. Smith Henley, Little Rock. This is the same letter that was brought to the Bureau's attention by the Special Agent in Charge at Little Rock in his memorandum of 2/13/63.

[redacted] letter was written for the purpose of obtaining a writ of habeas corpus for [redacted]

It has previously come to our attention that [redacted] contacted [redacted] last month to seek the release of an unidentified person [redacted] believes is being illegally detained. [redacted]

[redacted] alleged in his letter that while employed by the FBI he was forced by Bureau officials on several occasions to alter the statements of witnesses and on one occasion was directed to forge a sworn signed statement of a witness in a criminal case. He added that such practices are not uncommon in the FBI and that he knows of one case in the Oklahoma City Office where one Kathryn Kelly was sentenced to life although the file contained undisclosed information which established her innocence.

Enclosure
1 - Mr. Mohr
1 - Mr. DeLoach
1 - Mr. Sullivan
1 - Mr. Callahan
1 - Mr. Evans

57C 244-379

7-1157

MAR [redacted] 69

NOT RECORDED
145 MAR 18 1963

~~MAR 21 1963~~

~~PERS. REC. UNIT~~

All 157C

Memorandum to Mr. Belmont
RE: [redacted]

[redacted] has previously made similar allegations regarding the alteration of witnesses' statements and the allegations have been checked into and refuted.

The allegation that information establishing the innocence of Katheryn Kelly was withheld previously appeared in a "Saturday Evening Post" article and a book, both written by Edward Bennett Williams. The Department was advised by memorandum of 10/8/62 that the allegation has no basis in fact. It is noted Katheryn Kelly was convicted in connection with the 1933 Urschel kidnaping. It is also noted that former Special Agent [redacted] has retained Williams as an attorney in the past. [redacted] was formerly assigned to the Oklahoma City Office and therefore would have had the opportunity to become familiar with material relating to Katheryn Kelly.

The letter to Judge Henley was forwarded to the Attorney General on 2/11/63 by Robert D. Smith, Jr., U. S. Attorney at Little Rock. It has been referred to Murphy for handling as a habeas corpus matter. Murphy said that he will recommend that this case be handled in any manner desired by the Bureau. He said that his first impulse was to merely write the U. S. Attorney advising him that [redacted] is disreputable and no credence should be placed in any allegation he makes. After thinking the matter over further he has concluded that this may be an excellent opportunity to take aggressive action against [redacted] and if the Bureau so desires, he will recommend that [redacted] be called before a Federal Grand Jury to be examined under oath as to the allegations in his letter. This would force [redacted] to give specific details as to who allegedly caused him to alter statements and forge a sworn statement. Upon completion of such testimony, Murphy anticipates that rebuttal witnesses would be brought before the Grand Jury and [redacted] would be indicted for perjury. If [redacted] should refuse to testify before the Grand Jury by taking the Fifth Amendment, Murphy pointed out that this in itself would discredit [redacted].

While the matter was under discussion, Murphy called in [redacted] who was familiar with the letter, and [redacted] commented that he had interviewed [redacted] several times when [redacted] was attempting to secure employment with the Department. On the first interview [redacted] said that [redacted] had made a favorable impression on him up to the time he asked [redacted] why he left the Bureau. [redacted] said that he had prepared a thick report dealing

All b7C

with the reasons for his leaving the Bureau and as a result he was faced with a serious civil rights problem at that time because each time he left his Washington hotel room someone broke into the room in an attempt to read his report. [redacted] said he realized at that moment that [redacted] was unstable and unsuitable for employment.

It is noted that Judge Henley and the U. S. Attorney have been informed of [redacted] background and copies of all reports in the [redacted] case have previously been furnished to the Department. Mr. Murphy is also aware of [redacted] true character.

ACTION

It is suggested that Mr. Murphy be advised informally that [redacted] is apparently retrogressing mentally and the ridiculous nature of his charges and conduct raises a serious question as to his mental competence. Therefore, this letter should not be dignified by taking formal action against [redacted]. Any such action might cast him in the role of a martyr and give him additional publicity which he would use to reiterate his many wild allegations.

Mr. Murphy will also be advised that the Judge and the U. S. Attorney have been informed of [redacted] background and that the Department is in possession of reports concerning [redacted]. He will be told similar allegations concerning the alteration of statements have previously been made by [redacted] and have been found to have no factual basis and that the allegation concerning Katheryn Kelly is also false.

All b7C

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (7-115) DATE: 4-30-63

FROM : SAC OKLAHOMA CITY (7-6) -P-

SUBJECT: GEORGE KELLY BARNES, aka, ET AL;
CHARLES F. URSCHEL - VICTIM
KIDNAPING

Re Oklahoma City letter to the Bureau 3-8-63.

On 4-26-63, AUSA JACK R. PARR, Western District of Oklahoma, Oklahoma City, advised that the status of appeals of Subject of this case in U. S. District Court, Western District of Oklahoma, remains unchanged. This case is not presently assigned to a judge.

KANSAS CITY DIVISION

At Lansing, Kansas

Will remain alert to the status of HARVEY E. BAILEY at the Kansas State Prison and advise the Bureau and Oklahoma City of any change.

OKLAHOMA CITY DIVISION

At Oklahoma City, Oklahoma

Will maintain contact with AUSA JACK R. PARR.

2-Bureau
2-Kansas City (7-8)
2-Oklahoma City
[redacted] b7C
(6)

7-115-2687

REC-38

10 MAY 2 1963

EX-115

54 MAY 10 1963

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

TO: DIRECTOR, FBI (7-115) DATE: 5/9/63

FROM: SAC, KANSAS CITY (7-8) (P)

SUBJECT: GEORGE KELLY BARNES, aka ET AL
CHARLES F. URSCHEL-VICTIM
KIDNAPING

Re Oc letter to Director, dated 4/30/63.

[redacted] Kansas State Penitentiary, Lansing, Kansas on 5/7/63, advised SA [redacted] that there is no change in the status of HARVEY E. BAILEY, inmate KSP.

Stops have been placed with authorities, KSP, Lansing, Kansas; the Penal Director and Parole Board at Topeka, Kansas, in order that the Kansas City Office will be advised of any action taken to effect the release of BAILEY.

The Bureau and Oklahoma City will be promptly advised of any developments in this matter.

(2)-Bureau
2-Oklahoma City (7-6)
2-Kansas City
[redacted]
(6)

All 67C

REC-17 7-115-2690

5 MAY 10 1963

EX-112

96

55 MAY 15 1963

FD-36 (Rev. 12-13-56)

F B I

Date: May 17, 1963

Transmit the following in PLAIN TEXT
(Type in plain text or code)

Via AIRTEL AIRMAIL
(Priority or Method of Mailing)

TO: DIRECTOR, FBI (7-115)
SAC, OKLAHOMA CITY (7-6)

FROM: SAC, KANSAS CITY (7-8) - P -

SUBJECT: GEORGE KELLY BARNES, aka; ET AL;
CHARLES F. URSCHEL - VICTIM
KIDNAPING

[redacted]

OO: OKLAHOMA CITY

Re Oklahoma City letter to Bureau, 4/30/63.

Enclosed to Bureau and Oklahoma City are one (1) copy each of two (2) letters from [redacted] Kansas City, Missouri, [redacted] to JOHN J. GALVIN, Assistant Director of Prisons, Washington, D.C. and to the Pardon Attorney, State Capitol, Topeka, Kansas, both dated May 13, 1963, regarding HARVEY BAILEY.

[redacted] Kansas State Penitentiary, Lansing, Kansas, furnished the enclosed on May 15, 1963 and advised that BAILEY had mailed $100.00 to the attorney, who it appears is attempting to effect a release of some sort for BAILEY.

The Bureau and Oklahoma City will be kept advised of any developments in this matter at Lansing or Topeka, Kansas.

REC-13 7-115-2691

Mrs Rosen to Belmont 5/20/63

MAY 18 1963

LEADS

EX-116

KANSAS CITY DIVISION

C.C. Wick

At Topeka, Kansas:

Contact the Pardon and Parole Board to determine what reply is sent [redacted]

ENCLOSURE

ENCLOSURE ATTACHED SIX

3 - Bureau (Enc. 2) (AM)
2 - Oklahoma City (Enc. 2) (AM)
2 - Kansas City

Appr[redacted] Sent _____ M Per _____

Special Agent in Charge

5 JUN 24 1963

All 67C

ENCLOSURES TO DIRECTOR, FBI (2) (AM)

Two (2) copies (total) of two letters from [redacted] both dated 5/13/63.

b7c

Bureau (7-115)
Kansas City (7-8)

7-115-2691

[redacted]

[redacted]

KANSAS CITY MISSOURI

May 13, 1963

Mr. John J. Galvin
Assistant Director of Prisons
101 Indiana Avenue, N.W.
Washington 25, D. C.

Re: Harvey Bailey

Dear Mr. Galvin:

You probably know that Harvey Bailey is now confined in the Kansas State Penitentiary at Lansing. I visited Mr. Bailey last Friday and at that time he advised me to write you to request your aid in assisting him in getting discharged from the Kansas institution.

As you probably know, and the records will reveal that at the time we were seeking a parole for Mr. Bailey from the federal government, the Kansas authorities agreed in writing that the parole from the Kansas officials would run concurrently with the parole issued by the federal government.

I do not know if you can assist him in any way, but if you are able to help him, I know that he would greatly appreciate it. Please let me hear from you at your convenience.

Yours very truly,

[redacted]

[redacted]

cc: Mr. Harvey Bailey
Box 2, Lansing, Kans.

All b7C

[redacted]

[redacted]
KANSAS CITY, MISSOURI

May 13, 1963

Pardon Attorney
State Capitol
Topeka, Kansas

Re: Harvey Bailey

Dear Sir:

I have written the Governor several letters in reference to Mr. Bailey but have not received a reply.

In 1957 the Governor of the State of Kansas issued what in my opinion was a pardon to run concurrently with the pardon issued by the federal government. The date of the commutation of the sentence was on August 29, 1957. At that time we followed the procedure suggested by the Pardon Attorney in that we published in the Fort Scott Daily Tribune a notice seeking executive clemency; first publication was July 5, 1957.

Will you please advise if this commutation is recognized by the present administration. If not, will you please advise what steps are necessary to start proceedings for Mr. Bailey.

Yours very truly,

[redacted]

[redacted]
cc: Mr. Harvey Bailey
Box 2, Lansing, Kans.

All b7C

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. Belmont

DATE: May 20, 1963

FROM : A. Rosen

SUBJECT: GEORGE KELLY BARNES, AKA, ET AL.
CHARLES F. URSCHEL - VICTIM
KIDNAPING

[redacted]

As a matter of information, the Kansas City Office advised on 5-18-63 that Harvey J. Bailey, currently incarcerated in the Kansas State Penitentiary, has engaged the services of a Kansas City, Missouri, attorney in attempting to effect a release from prison.

Bailey on 5-30-33 while serving a 10 to 50 year sentence for bank robbery escaped from the Kansas State Penitentiary and subsequently became involved as one of the participants in the 7-22-33 kidnaping of Charles F. Urschel. Bailey was convicted for his part in the abduction and was given a life sentence in the Federal Penal System.

On 11-15-62, Bailey was paroled by the U. S. Board of Parole on condition that Bailey be released to Kansas Penal authorities where he was wanted for the 1933 escape.

Kansas authorities previously advised our Kansas City Office that after Bailey was returned to state custody he would have to serve six years before being eligible for parole. The only means available to Bailey for seeking earlier release would be an application for clemency.

REC-38 7-1-269

The Kansas City Office is following this matter and the Bureau will be kept advised of developments.

MAY 23 1963

1 - Mr. DeLoach
[redacted]
(7)

63 MAY 27 1963

All b7C

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI (7-115) DATE: 6/13/63

FROM : SAC, Kansas City (7-8) (P)

SUBJECT: GEORGE KELLY BARNES, aka, et al
CHARLES F. URSCHEL - VICTIM
KIDNAPING
(OO - Oklahoma City)

Re Kansas City airtel to Bureau and Oklahoma City 5/19/63.

SA [redacted] on 5/22/63 contacted [redacted] at which time [redacted] advised the records in the Pardon Attorney's office, as well as the records in the office of the Secretary of State and the records of the Kansas State Penitentiary, Lansing, Kansas, failed to indicate any commutation of sentence for HARVEY BAILEY.

[redacted] advised he has received a letter from [redacted] in Kansas City, Missouri, relative to the commutation of sentence for HARVEY BAILEY, which [redacted] stated was dated 8/29/57. [redacted] said there is no such commutation of sentence for BAILEY and confidentially advised that as far as he is concerned at the present time there will be no commutation of sentence. He said he intends to reply to the letter from [redacted] and advise him that the records for the State of Kansas reflect no commutation of sentence for HARVEY BAILEY and further advised that after BAILEY's escape in 1933 he was carried in an escaped prisoner status until he was returned to the penitentiary in November 1962. He said BAILEY's original sentence, which he received in 1932, was for ten to fifty years on a charge of bank robbery.

Since BAILEY has been carried in an escaped status since 1933, his sentence has not been running and, therefore, under the computation of time as was set by the rules at that time, BAILEY would not be eligible for parole until February 1968. He said BAILEY

REC-1 7-115-269

2-Bureau
1-Oklahoma City (7-6) (Info)
2-Kansas City
[redacted]

13 JUN 17 1963

63 JUL 1 1963

All b7C

would not be eligible for release under a conditional release or "good time" until 6/3/91 and BAILEY's full sentence will expire 11/9/2001.

[redacted] again repeated that under the present administration there is to be no consideration given BAILEY for a commutation of sentence and he said if any further developments of interest concerning this case occur, he will contact the Bureau.

It is to be noted that [redacted] and his contemplated action in regard to the matter of HARVEY BAILEY was given in confidence and it is requested that this matter be kept in strictest confidence.

All 57C

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. Belmont

DATE: June 20, 1963

FROM : A. Rosen

SUBJECT: GEORGE KELLY BARNES, AKA, ET AL.
CHARLES F. URSCHEL - VICTIM
KIDNAPING

This is to advise that [redacted] has confidentially told our Kansas City Office that it is highly unlikely that Harvey J. Bailey, one of the subjects in the 1933 kidnaping of Charles F. Urschel, will have his sentence commuted, and he will not be eligible for parole until February, 1968.

Bailey was turned over to the Kansas Penal authorities after he was paroled on 11/15/62 in connection with his part in the Urschel kidnaping. He was wanted in Kansas for escaping from the Kansas State Penitentiary in 1933 while serving a ten to fifty year sentence for bank robbery.

ACTION

For information.

[redacted]
(6)

REC-64 7-115-2674

All b7C

JUN 25 1963

56 JUN 28 1963

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (7-115)

DATE: 6-28-63

FROM: SAC OKLAHOMA CITY (7-6) -P-

SUBJECT: GEORGE KELLY BARNES, aka
ET AL;
CHARLES F. URSCHEL -
VICTIM
KIDNAPING

Re Oklahoma City letter to the Bureau 4-30-63.

On 4-28-63, AUSA JACK R. PARR, WDO, Oklahoma City was contacted relative to the status of appeals of Subject of this case in USDC, WDO. AUSA PARR advised the status of this case remains unchanged and has not yet been assigned to a judge.

AUSA PARR advised the handling of this case in the Western District of Oklahoma was now being assigned to AUSA DAVID A. KLINE who would be advised to notify the Oklahoma City Office in the event of new developments.

LEADS:

OKLAHOMA CITY DIVISION

At Oklahoma City, Oklahoma

Will maintain contact with AUSA DAVID A. KLINE.

2-Bureau
2-Oklahoma City

[redacted] b7C
(4)

REC-73 26 75

EX-103

6 JUL 5 1963

51 JUL 11 1963

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (7-115) DATE: 8/29/63

FROM : SAC OKLAHOMA CITY (7-6) -P-

SUBJECT: GEORGE KELLY BARNES, aka
ET AL;
CHARLES F. URSCHEL -
VICTIM
KIDNAPING

Re Oklahoma City letter to Bureau dated 6/28/63.

On 8/27/63, AUSA DAVID A. KLINE, WDO, Oklahoma City, Okla., was contacted relative to the status of appeals of Subject of this case in U.S. District Court, WDO. AUSA KLINE advised the status of this case continues unchanged and date of assignment has not yet been made.

AUSA KLINE advised he would immediately notify the Oklahoma City Office in the event further action on this appeal has been made by Appellant.

LEADS

OKLAHOMA CITY DIVISION

At Oklahoma City, Oklahoma

Will maintain contact with AUSA DAVID A. KLINE.

2 - Bureau
2 - Oklahoma City
[redacted] b7C
(4)

REC-27 7-115-3016

EX-112 11 SEP 3 1963

62 SEP 6 1963

OPTIONAL FORM NO. 10
5010-104-01

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (7-115) DATE: 9/18/63

FROM : SAC, KANSAS CITY (7-8) - P -

SUBJECT: GEORGE KELLY BARNES, aka; ET AL;
CHARLES F. URSCHEL - VICTIM
KIDNAPING

OO: OKLAHOMA CITY

Re KansasCity letter to Director, 6/13/63.

On September 12, 1963, [redacted] Kansas State Penitentiary (KSP), Lansing, Kansas, advised that an application for clemency filed by HARVEY BAILEY, inmate of KSP, had been denied by Governor JOHN ANDERSON, Topeka, Kansas, on September 9, 1963. He advised while BAILEY can file application for clemency as frequently as he chooses, the matter can only appear before the clemency board after the notice of the application has been published for five consecutive weeks in the district where the inmate was convicted. As to parole, he pointed out that BAILEY is not eligible to appear before the parole board for several years. [redacted] advised that he would promptly advise the KansasCity Office of any subsequent applications for clemency filed in behalf of BAILEY.

2 - Bureau
1 - Oklahoma City (7-6) (Info.)
2 - Kansas City
[redacted]
(5)

REC-45 7-115-2697

SEP 20 1963

F-203

62 SEP 30 1963

All 57C

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. Belmont

DATE: 9-26-63

FROM : A. Rosen

SUBJECT: GEORGE KELLY BARNES, AKA. ET AL
CHARLES F. URSCHEL - VICTIM
KIDNAPING

As a matter of information the Kansas City Office advised on 9-25-63, that Kansas Governor John Anderson has denied an application for clemency filed by Harvey Bailey, currently incarcerated in the Kansas State Penitentiary.

[redacted] of the state penitentiary further advised that while Bailey can file an application for clemency as frequently as desired the matter can only be heard by the clemency board after the notice of application has been published for five consecutive weeks in the district where the inmate was convicted. [redacted] also pointed out that Bailey is not eligible to appear before the parole board for several years.

Bailey on 5-30-33, while serving a ten to 50 year sentence for bank robbery escaped from the Kansas State Penitentiary and subsequently became involved as one of the participants of the 7-22-33 kidnaping of Charles F. Urschel. Bailey was convicted for his part in the abduction and given a life sentence in the Federal penal system.

On 11-15-62, Bailey was paroled by the U. S. Board of Parole on condition that Bailey be released to Kansas penal authorities where he was wanted for the 1933 escape.

Kansas City Office is following this matter and the Bureau will be kept advised of developments.

1 - Mr. DeLoach

[redacted]

(7)

REC-20

7-112,698

OCT 4 1963

57 OCT 9 1963

All b7C

OPTIONAL FORM NO. 10
5010-104

UNITED STATES G ERNMENT

Memorandum

TO : DIRECTOR FBI 7-115

DATE: 10/30/63

FROM : SAC OKLAHOMA CITY 7-6 (P)

SUBJECT: GEORGE KELLY BARNES; et al;
CHARLES F. URSCHEL - VICTIM
KIDNAPING
OO OC

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

Remylet to Bureau 8/29/63.

On 10/25/63 AUSA DAVID A. KLINE, ~~WDO~~ WESTERN DISTRICT OKLAHOMA, Oklahoma City, advised the status of this case remains unchanged in ~~USDC~~ U. S. District Court, Oklahoma City, in that it is still inactive and unassigned to a judge.

However, Mr. KLINE further advised that Judge LUTHER BOHANON, USDC, WDO, Oklahoma City, has taken an interest in the case and, at Judge BOHANON's behest, informal efforts have been made by the office of USA, Oklahoma City, to explore possibilities of closing this case. To this end, the USA, Oklahoma City, has communicated with the Department of Justice concerning the advisability of recommending parole for ORA SHANNON and KATHRYN KELLY. KELLY and SHANNON have been free on bond, gainfully employed, and have kept out of trouble since 1958. To date, the office of USA, Oklahoma City, has received no reaction from the Department in this matter.

Both SHANNON and KELLY have been employed at the Oklahoma County Boys Farm, east of Oklahoma City, for about five years.

LEADS

OKLAHOMA CITY DIVISION

At Oklahoma City, Oklahoma

Will continue to follow and report developments in this case.

2-Bureau
2-Oklahoma City
[redacted]
(4)

REC-104 7-115-2601

NOV 1 1963

EX-103

57 NOV 14 1963

All b7C

ovember 6, 1963
GENE L INVESTIG IVE DIVISION

Charles F. Urschel was dnaped on 7-22-3 from his Oklahoma City (OC) home and held fo $200,000 ransom. George "Machine Gun" Kelly, his wife Katherine Kelly, her mother Ora Shannon and others were found guilty of this kidnaping. Katherine Kelly and Ora Shannon were given life sentences. In 1958, Mrs. Kelly and Shannon filed motion to vacat sentence alleging, among other things, inadequate counsel, denial of fair and impartial trial, subjected to threats and arrest and fals testimony presented by the Government. On 6-9-58, Government refuted all allegations i U. S. District Court (USDC), OC. USDC Jud order all files and reports of FBI be delivere for court examination under Jencks Decision. Government invoked Departmental Order 322 and court then sustained motion for new trial. Kelly and Shannon released from custody 6-16-58, on appeal bond and currently remai free. Decision of District Court reversed by Court of Appeals 7-27-59, and remanded bac to District Court. Writ of certiorari filed with U. S. Supreme Court which was denied 2-29-60. District Court planned to resume hearings on original motion but judge died 6-24-60 and no further court action has been taken.