

MP 7-8

OKLAHOMA CITY

At Oklahoma City, Oklahoma

b7c

Refer to above section re [REDACTED] and if determined necessary, review Oklahoma City file 7-6 in an effort to locate above described report of SA COULTER and the photostat copy of the cashier's check.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 2 - USA, Oklahoma City

Report of: SA [REDACTED] Office: Minneapolis,
Date: November 5, 1959 Minnesota

File Number: Minneapolis 7-8
Bufile 7-15

Title: GEORGE KELLY BARNES, ET AL;
CHARLES F. URSCHEL - VICTIM

Character: KIDNAPING

Synopsis: [REDACTED] Western Union,
Minnesota, in 1933, is presently residing in Ventura,
Calif. SAM FRED FREDERICK, presently residing Mpls.,
Minn., was located and reinterviewed; however, he
entered hospital 11/3/59 for operation. [REDACTED]
[REDACTED] First Hennepin State Bank, Mpls., located
and reinterviewed. [REDACTED]
[REDACTED] First National Bank of Minneapolis, St. Anthony
Falls Office, Mpls., located and reinterviewed.

- RUC -

DETAILS

At Minneapolis, Minnesota

[REDACTED] Western Union Telegraph
Company, Minneapolis, Minnesota, advised SA [REDACTED]
[REDACTED] on October 30, 1959, that [REDACTED] is
[REDACTED] who retired at Minneapolis, Minnesota,
on July 1, 1959, and who is believed somewhere in
California. He advised [REDACTED] has a daughter,
[REDACTED] who lived at Mound, Minnesota,
telephone [REDACTED]

At Mound, Minnesota

[REDACTED] Mound, Minnesota, telephone
[REDACTED] was telephonically contacted by SA
[REDACTED] and she advised that her father, [REDACTED]

All b7C

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[REDACTED] is presently in Ventura, California, and ca
reached in care of [REDACTED]
[REDACTED] Ventura, California, or in care of
[REDACTED] Ventura,
California.

Government Exhibit 83 which was a photostat
copy of a handwritten Western Union communication sent to
R. G. SHANNON and signed "GEORGE" was forwarded to the
Los Angeles Office on November 2, 1959, with the request
that Office locate and interview [REDACTED]

At Minneapolis, Minnesota

On November 2, 1959, SA's [REDACTED]
and [REDACTED] conducted various inquiries which
resulted in the location of the three additional witnesses
whose interviews appear hereinafter.

All b7c

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 11/5/59

Mr. SAM FRED FREDERICK was interviewed by SA's [REDACTED] and [REDACTED] at [REDACTED] Minneapolis, Minnesota, telephone [REDACTED] where he advised he resides with [REDACTED]

He advised he is the individual who testified in the URSCHEL Kidnaping Case in Oklahoma City, Oklahoma, in 1933. He stated that his present occupation is that of a "junkie" in that he has a truck and he buys junk whenever he can and picks it up and transports it in a truck which he owns.

[REDACTED]

FREDERICK advised that from his recollection in 1933 he was working for the Wolk Transfer Company in Minneapolis as a helper or anything you wanted to call it as he stated if they did not work he received no pay, so he would do anything for them. He stated that as he recalled it was in the Summer of 1933 and not in the winter, that he was sitting in what they called their snack room waiting orders to do any type of work. He recalled that a BARNEY BERMAN came into the office of the Wolk Transfer Company in Minneapolis which was then located at Second and Washington Avenue North. He stated he paid no attention to "BARNEY" but noted that "BARNEY" talked or had a conversation with CHARLES WOLK; that after talking together for a few minutes, WOLK said to BARNEY and him, FREDERICK, "Take SAMMY," and WOLK referred to him. At this time, CHARLES WOLK told him to go to the Hennepin State Bank in Minneapolis and get a check. FREDERICK stated following orders from his boss, CHARLES WOLK, he walked outside to a car and noted that CLIFFORD SKELLY was sitting in the car, and he stated he and BARNEY then got into the same car with SKELLY; that one of them

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Interview with SAM FRED FREDERICK File # mp MP 7-8
 on 11/3/59 at Minneapolis, Minnesota Date dictated 11/4/59
 by Special Agent [REDACTED] and [REDACTED]

All b7C

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either SKILLY or BARNEY drove him to the Hennepin State Bank then located on Washington and Hennepin in Minneapolis. FREDERICK stated he does not recall for sure which one of the two men gave him the money with which to get a check, but he stated the money was in cash and he did not remember the amount as he stated he did not count it.

At this time, FREDERICK was asked whether the money amounted to several hundred dollars or to several thousand dollars and answered this question by stating it was his recollection that the amount was around \$1,700 or \$1,800.

FREDERICK further advised that he knew [REDACTED] who was commonly known as [REDACTED] and that upon entering the bank he told [REDACTED] he wanted a cashier's check and gave him the cash. He also stated either BARNEY or SKELLY gave him 50¢ to pay for the cashier's check, and he stated when he handed the 50¢ to [REDACTED] remarked that he thought it was supposed to be more and FREDERICK stated he told [REDACTED] that was all the money they had given him. FREDERICK stated inasmuch as [REDACTED] and others at the bank knew him, [REDACTED] said it was all right and they accepted the 50¢ for the charge and gave him the cashier's check. However, he stated he could not recall the name of the person the check was made out to. He stated he then returned to the car where BARNEY and SKELLY were waiting and gave one of them the cashier's check. He advised he recalled that they wanted to give him a ride back to the Wolk Transfer Company, but he refused and stated he would just as soon walk back which he did.

FREDERICK further advised he is pretty sure he was then living at 725 Girard Avenue North, Minneapolis, and he recalled that the above incident must have occurred on a Saturday as he stated the following day, which he recalls definitely was a Sunday, he went to the Wolk Transfer Garage on Dupont Avenue in Minneapolis and hung around for a while. Shortly thereafter a [REDACTED] a tenant who rented from Wolk, had some trucks and FREDERICK stated he went for a ride with [REDACTED]. When he returned to the garage, several men were talking to CHARLES WOLK

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~~and these men showed him their identification cards or badge which indicated they were with the FBI. He stated he told them at that time what had transpired on the previous day.~~

FREDERICK stated the above is all he knows or can recall and he stated after that he received a subpoena and went to Oklahoma City on two occasions and testified. He believed CHARLES WOLK was in court at that time and that he identified him as being his boss.

At that time, FREDERICK was asked whether he gave the Federal Agents a signed statement and he stated he believed he did as he and CHARLES WOLK were in the office in St. Paul, Minnesota, of the Federal men.

FREDERICK at that time was exhibited a copy of a two-page typewritten statement dated at St. Paul, Minnesota, August 6, 1933, and he stated that the initials "SF" on the front page was his handwriting, and also acknowledged his signatures "SAM FREDERICK" twice appearing on page two as having been written by him.

FREDERICK was requested to read the above statement, and he stated he would rather have one of the Agents read same to him. Accordingly that statement was read to him by SA [REDACTED] This statement is as follows:

"St. Paul, Minnesota,
August 6, 1933.

"I, SAM FREDERICK, City of Minneapolis, State of Minnesota, do hereby voluntarily make the following statement to Special Agents [REDACTED] and R. C. COULTER, of the United States Bureau of Investigation, Department of Justice.

"I am twenty-nine years old, a naturalized citizen of the United States. I have been in the employ of the Wolk Transfer Company, 203 Washington Avenue

North, Minneapolis, Minnesota, for more than two years in the capacity of helper and driver. I went to the Wolk Transfer Garage, 612 DuPont Avenue North, arriving about 7:00 A.M., August 5, 1933. I cleaned up a truck and took it to the office, arriving about 7:30 A.M. After getting to the office, I worked on the truck some more, finishing at or about 9:00 A.M. I sat around in the warehouse, in the rear of the office, until about 11:00 A.M. About 11:00 A.M. CHARLIE WOLK called me to the sidewalk, in front of the office. He told me to get in this car. There was a car parked at the curb on Washington Street, headed South. The car appeared to be either a Chevrolet, or possibly a Pontiac. In either case, it was a coach and pretty new, light cloth seat covers, I am sure. The body of the car was a dark brown or maroon colored. There were two men in the car, and before I got in, one of them got in the back seat.

"I judge the driver was about six feet tall, medium complected, dark hair, wearing a white cap. He looked to be about thirty years old and slender built. He would weigh about one hundred-fifty or sixty pounds, or even more than that. He was wearing a light, possibly cream colored shirt, without tie, and dark trousers. He smoked a cigar. He looked like he had been in his clothes for several hours, and may have had about a day's growth of beard, the color of which I cannot state. I can give no further description of him. This man may be what you call medium light complected.

"The other man who got on the back seat appeared to be about thirty-five years old, about five feet and eight inches tall. He was medium built and slightly husky, dark complected. I did not notice the color of his hair or eyes. These men were just ordinary looking fellows, and while I do not know their nationality, I do know they were not Jewish. They were probably just ordinary Americans. The second fellow, above referred to, was wearing a white cap, light shirt, open at neck, and dark colored trousers.

MP 7-8.

Neither wore glasses, and so far as I noticed they had no physical defects. There was no peculiar accent to the driver's voice. I did not hear the other fellow talk.

"As above referred to, I got into the car with these two men, and CHARLIE WOLK said: 'Show these men to the bank' or words to that effect. We were then headed toward the Hennepin State Bank, Washington and Hennepin Avenues. Just as we started off, the driver did not say anything, but thinking he did not know where the bank was, I said: 'Straight ahead two blocks.' The driver stopped at the Washington Avenue entrance of the Hennepin State Bank. The fellow driving the car told me to get him a Cashier's Check under the name of S. H. PETERS. When we stopped at the bank, the man in the rear seat handed me a flat package of bills, and twenty-five cents in change. I went in and bought a cashier's check from [REDACTED] in the bank, who I only know by name. I read the check and it was made out to S. H. PETERS, and the amount was \$1,800.00. After getting the check I walked back to the sidewalk and stopped. I was there just a few seconds and a horn sounded. I looked up and saw it was the same two fellows in the car. I walked out and handed the check to the driver, and he said: 'Do you want to ride back,' I said I would walk, and they drove South on Washington, and I walked back to the office.

"I never saw these men before and have not seen them since then. I doubt that I could identify these men if I saw them again. The whole transaction took place in about ten minutes. There is one thing I forgot to say. When we stopped at the bank, the driver turned around and said: 'BARNEY, give him the money.'

/S/ SAM FREDERICK L.S.

"I hereby certify that I furnished the above details, and that I have carefully read same, initialing the first page, and that the information contained above is correct.

ME 7-1

"/S/ SAM FREDERICK

L.S.

"Witnessed:

/S/ [REDACTED] - 203-P.O. Bldg.
[REDACTED] Special Agent, United States
Bureau of Investigation.

R. C. COULTER, Special Agent, United States
Bureau of Investigation."

After the statement was read, FREDERICK stated that it was true and correct at the time he gave it and that later on he told authorities the two men were BARNEY BERMAN and CLIFFORD SKELLY stating during the trial in Oklahoma City ARCHIE CARY, a Minneapolis criminal lawyer, who is now deceased, had both CLIFFORD SKELLY and BARNEY BERMAN stand up during the trial and FREDERICK stated he identified both of them as the two men who went to the bank with him.

All b7C

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 11/5/59

[REDACTED] First Hennepin State Bank, 258 Hennepin Avenue, Minneapolis, Minnesota, Federal 9-4606, advised SA's [REDACTED] and [REDACTED] that his bank is affiliated with the First Bank Stock Corporation and that he resides at [REDACTED] Minneapolis, [REDACTED].

[REDACTED] advised that in 1933 he was then a teller at the same bank which was then called the Hennepin State Bank and it was affiliated with the First Bank Stock Corporation, but the bank was then located on Washington and Hennepin in Minneapolis.

[REDACTED] exhibited an original telegram dated August 18, 1933, which he received from the United States Attorney at Oklahoma City instructing him to appear there on August 23, 1933. [REDACTED] advised he testified twice at Oklahoma City, once before the Federal Grand Jury, and at the trial.

[REDACTED] advised that from his recollection, around the first of August, 1933 while employed as a teller, Mr. ADOLPH H. TIMMERMAN, now deceased, was then cashier of the bank and he passed word on to the tellers that all tellers should be on the lookout for \$20.00 bills drawn on the Federal Reserve Bank in Kansas City, Missouri. [REDACTED] stated, to his recollection, that they were not told specifically that the bills were ransom but that they had an idea the money might have been paid in a kidnaping case.

[REDACTED] stated this is his recollection that it was on a Saturday morning, about 10:00 a.m. around the first week of August, 1933 that a man named FREDERICK from the Wolk Transportation Company, Second Avenue North and Washington Avenue North, Minneapolis, came to his window and stated he wanted a cashier's check. [REDACTED] stated he recalls that he made out the cashier's check and

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Interview with [REDACTED] File # MP 7-8
on 11/3/59 at Minneapolis, Minnesota Date dictated 11/4/59
by Special Agent [REDACTED] and [REDACTED] All b7c

MP 7-8

then layed the money aside in a special pile that he had receive from the man named FREDERICK.

██████████ stated that to his recollection after FREDERICK left his cage he separated the \$20.00 bills into a separate pile and he reported the incident to Mr. TIMMERMAN. He stated he believed that the man named FREDERICK requested an \$1,800 cashier's check and he believed that there were about \$1,000 in used \$20.00 bills which were Federal Reserve Notes of Kansas City and which were the type of bills the tellers had been asked to be on the lookout for. To his recollection he stated the money was not new but was all used currency and he separated the \$20.00 bills in one pile and the balance in another pile.

██████████ stated the other officials of the bank and Mr. TIMMERMAN must have later on checked the numbers on these bills he received from FREDERICK against the list, as he personally did not do so. ██████████ stated that he recalls the next day was a Sunday and that he was not home that afternoon but upon returning around 5:00 or 6:00 p.m. he received a phone call from the FBI asking him about this transaction. He stated he assumed either TIMMERMAN or some other bank official must have identified the money and called the FBI.

██████████ stated he, himself, did not make any notes of the numbers of these bills, nor did he check them against the list but that he merely laid them aside because they were bills from Kansas City. He further stated that he believed there were about \$1,000 worth of these \$20.00 bills and that TIMMERMAN had them transferred to the main office of the First National Bank of Minneapolis who shipped them to Oklahoma City, Oklahoma. ██████████ stated that when he was at Oklahoma City in response to a subpoena he recalled that someone had accompanied him to a bank in Oklahoma City where he got these bills and he stated they were later exhibited to him in court and he identified them as having been received from the man named FREDERICK.

██████████ was asked whether the first name of FREDERICK could have been SAM and his reply was that SAM sounded familiar and that could have been the first name. However, he stated that FREDERICK used to come into the bank now and then in 1933 for the Wolk Transfer Company, and he knew him by sight and last name at that time.

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██████████ also believed that it was the First National Bank of Oklahoma City that he contacted to get the money from as mentioned above.

██████████ further stated he gave FREDERICK one of their regular cashier's checks, but he advised he could not recall the number of the check, the name of the person to whom the check was made out to, and stated he believed that when he went to Oklahoma City on the two occasions for the Grand Jury and trial he did not take along with him either the original cashier's check or the register book which would have contained the stub showing the number and date of the check, the payee, and the amount.

██████████ advised that two years ago they cleaned out all of their old records when they moved from their old bank building and he stated he doubted very much whether or not they would still have an original cashier's check or register book. He stated he would make inquiries in an effort to determine if they might still be available.

██████████ was asked whether or not the name S. H. PETERS could have been the name of the payee on that cashier's check and his answer was that the name PETERS did sound familiar now.

██████████ was also asked whether the date FREDERICK came into the bank could have been August 5, 1933, and his reply was that it was around this time as he knew it was during the first week of August, and he also knew that the day was a Saturday. However, he stated he could not recall the number of the check.

██████████ was also asked whether he knew anyone named ██████████ and he stated he did not know anyone by that name. He was also asked whether he knew anything about 49 slips of paper bearing serial numbers which would have been in an envelope containing the signature of ██████████. He stated he did not ever recall 49 such slips. ██████████ was also asked whether or not he identified CHARLES WOLK or SAM FREDERICK in court at Oklahoma City and he stated he presumed he did but he could not recall definitely.

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██████████ was also asked whether he recalled anything about the fee for the cashier's check, and he stated his recollection was that FREDERICK apparently did not have the money to pay the fee or did not have enough or something.

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 11/5/59

[REDACTED] First Hennepin State Bank, Minneapolis, Minnesota, telephonically contacted SA [REDACTED] and advised that since he was interviewed by Agents he caused a search of their records to be made but was advised that all records pertaining to transactions in 1933 have been destroyed.

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Interview with [REDACTED] File # MP 7-8
on 11/4/59 at Minneapolis, Minnesota Date dictated 11/4/59
by Special Agent [REDACTED] *All b7C*

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 11/5/59

[REDACTED] First National Bank of Minneapolis, St. Anthony Falls Office, 328 East Hennepin, Minneapolis, Minnesota, Federal 9-6681, advised SA's [REDACTED] and [REDACTED] that he resides at [REDACTED] Minnesota, [REDACTED]. He advised their bank is a branch bank of the First National Bank of Minneapolis.

[REDACTED] advised that in 1933 he was employed as a teller at the same bank in Minneapolis; that to his recollection their bank at that time apparently received a list or more than one list of ransom bills, and he also believed that the FBI at that time had personally contacted their office relative to being on the lookout for \$20.00 bills from the Federal Reserve Bank in Kansas City, Missouri.

[REDACTED] advised that he recalls that at that time, 1933, their bank was open until noon on Saturday and that they then reopened on Saturday nights from 6:00 to 8:00 p.m. He stated that sometime in the early part of August, 1933 he recalled that a customer of their bank named SAM KRONICK came into the bank on that Saturday night between 6:00 and 8:00 p.m. to make a deposit.

When asked as to whether that date could have been August 5, 1933 he stated it could have been as he recalls that in September, 1933 he was at the lake near Minneapolis when he was contacted by Federal authorities instructing him to appear in Oklahoma City before a Federal Grand Jury so he stated this incident had to occur during the early part of August, 1933.

[REDACTED] believed that SAM KRONICK was then operating a firm or store with a name something like "La France," and he stated it was a cosmetic business and was located on East Hennepin Avenue near the bank. [REDACTED] was asked whether the name of this firm could have been "De France" Company, and he stated that sounded more like it but he knew there was the word "France" in the name.

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Interview with [REDACTED] File # MP 7-8
on 11/3/59 at Minneapolis, Minnesota Date dictated 11/4/59
by Special Agent [REDACTED] and [REDACTED]

All b7c

[redacted] stated he recalls that on that Saturday night SAM KRONICK came to his window and made a deposit of \$500 in used \$20.00 bills. He stated that inasmuch as they had been instructed to be on the lookout for Kansas City, Missouri, Federal Reserve Bank bills he noted that one of the bills in the deposit was from such bank and being busy he laid the \$500 and the deposit slip to one side. [redacted] stated a few minutes or so later after SAM KRONICK left, he checked one of the numbers against a list and noted "the number matched up" so he immediately notified one of the officers in the bank whom he thought was CHARLES PALMER who was then the Assistant Manager, but he stated PALMER is now deceased. Anyway, he stated he notified a superior officer. Apparently one of his superior officers phoned the FBI as he recalled that on the following Monday morning a Federal man came over and talked to him and that Federal man examined the \$500 in twenty dollar bills. [redacted] stated that on that Saturday night he personally checked all of the \$20.00 bills in the \$500 deposit, and he believed that they were all twenties. He stated he believed he identified each one of the \$20.00 bills against the list. [redacted] further stated that on that Saturday night he believed he credited the firm account of SAM KRONICK for the \$500, however, he stated he does not recall personally marking down the serial numbers on the bills. He stated the Federal man who interviewed him also examined the bills.

[redacted] was asked whether the \$500 in \$20.00 bill received by him from SAM KRONICK was personally taken by him, [redacted] from Minneapolis to Oklahoma City for the Grand Jury and trial. His reply was he had to go to Oklahoma City twice and he stated it seems to him that he took the money down to Oklahoma City for the Grand Jury himself which indicated the money must have been kept either in their branch bank or in their main bank for safe keeping, however, he could not recall whether he left the money with government officials at the Grand Jury or whether he took it back with him to Minneapolis. How he had a recollection that when he appeared at Oklahoma City the second time he believed the money had been forwarded or was in the custody of some bank in Oklahoma City.

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As he recalled definitely on his second trip he had to go to some bank in Oklahoma City from which he obtained the \$500. He stated that bank must have been holding the money for safe keeping.

██████████ was asked whether he identified anybody at the trial, and he stated he identified SAM KRONICK who was then in the court room as being the man who made the deposit. He stated he believed KRONICK was not convicted.

██████████ stated that any records which would have been made in 1933 would now be destroyed as he stated the only records there would have been were the deposit slip which SAM KRONICK turned in to make the deposit and then the \$500 entry on the ledger sheet of the firm. ██████████ stated he is quite sure that when he went to the Grand Jury he also took along with him the deposit slip and possibly the ledger account sheet.

██████████ stated that while on the stand in Oklahoma City he is sure that they exhibited the \$500 in \$20.00 bills to him and that he identified them, although he, himself, personally had not recorded the numbers. He stated he believed someone else at the bank or the Federal man who interviewed him had actually recorded the numbers. ██████████ stated the last time he saw the \$500 in \$20.00 bills was in the court room and he does not know what disposition was made of the money.

██████████ further stated he recalls that he and two other Minneapolis bankers went from Minneapolis to Oklahoma City to testify, and he stated one of the bankers was ██████████ of the First Hennepin State Bank, and the other banker was ABEL PETERSON, who at that time was a teller in the main office of the First National Bank of Minneapolis. However, he stated PETERSON has been deceased for several years.

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (7-115)

DATE: 11/10/59

FROM : SAC, SEATTLE (7-179)

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

Reference report of [redacted], dated 10/28/59 at Oklahoma City.

Enclosed herewith for the Oklahoma City Office is a certified copy of the death certificate pertaining to CLARA FELDMAN, aka. Clara Davis, who died at Tacoma, Washington on May 2, 1952.

RUC

- ② - Bureau
- 1 - Oklahoma City (1 Encl) (REG) (AM)
- 1 - Seattle

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All b7C

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7-115-2611

EX - 135

4 NOV 12 1959

NOV 16 1959

FEDERAL BUREAU OF INVESTIGATION

Reporting Office SAN ANTONIO	Office of Origin OKLAHOMA CITY	Date 11/18/59	Investigative Period 11/8-13/59
TITLE OF CASE GEORGE KELLY BARNES, aka.; ET AL; CHARLES F. URSCHEL - VICTIM		Report made by [REDACTED]	Typed By [REDACTED]
		CHARACTER OF CASE KIDNAPING	

Synopsis:

REFERENCE

Report of SA **[REDACTED]** at Oklahoma City dated 10/28/59.

- RUC -

All b7C

Approved <i>[Signature]</i>	Special Agent In Charge	Do not write in spaces below	
Copies made: 1 - Bureau (7-115) 6 - Oklahoma City (7-6) (2-USA, Oklahoma City) 2 - San Antonio (7-11)		7-115-2612	REC- 50
		18 NOV 19 1959	

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STAT. SECT.

SA 7-11

ADMINISTRATIVE

For the information of the Bureau and the Oklahoma City Office of the FBI, Mr. URSHEL advised that he would like for the U. S. Attorney's Office in Oklahoma City to be advised that he is not in favor of retrying any of these cases because he felt it was a waste of the tax payer's money. He said that he hoped the subject could be put back in jail as a result of the original trial.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 2 - USA, Oklahoma City

Report of: [REDACTED]

Office: SAN ANTONIO

Date: 11/18/59

File Number: SA 7-11

Bureau # 7-115

Title:

GEORGE KELLY BARNES;
ET AL;
CHARLES F. URSHEL - VICTIM

Character:

KIDNAPING

Synopsis:

Mr. GUS T. JONES, Mr. CHARLES URSHEL, [REDACTED]
and [REDACTED] all interviewed regarding
testimony each is able to give covering the kidnaping pay-off.
Testimony which each of these men is able to give is set out.

- RUC -

DETAILS:

All b7c

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 11/16/59

Mr. GUS T. JONES, [REDACTED], former Special Agent, Federal Bureau of Investigation, retired, advised that he was in Kansas City, when he received word of the URSCHEL kidnaping and that he arrived in Oklahoma City the day after the kidnaping. He stated that he immediately contacted Mrs. URSCHEL and friends of the URSCHEL family regarding the kidnaping. The information furnished by Mr. JONES is substantially identical with his testimony in 1933 with the following exceptions:

On the evening of August 11, 1933, according to Mr. JONES' recollection, he met the Fort Worth and Dallas officers at Denton, Texas, and not in Decatur, Texas. Because it was so late in the day they returned to Fort Worth so that the officers could get some sleep that night. Mr. JONES does not recall asking BOSS SHANNON who the man on the cot was. He cannot recall asking SHANNON if there was another man in the SHANNON house. Mr. JONES recalls someone asking ORA SHANNON the name of BAILEY but he does not recall asking that question and he is not sure of the name she gave for BAILEY. Mr. JONES' memory was refreshed before he could recall that ARMON SHANNON was asked if he knew BAILEY. Mr. JONES' recollection is that ARMON was asked that question when they arrived at the BOSS SHANNON home and that ARMON stated the man was at the house the night before and that he did not know the identity of BAILEY. Mr. JONES' recollection is that when BAILEY was asked who owned the machine gun found in the SHANNON house, BAILEY disclaimed ownership of that gun. He could not recall BAILEY telling him that the gun had previously belonged to a man named ANTONE FERRIS, in Kansas City. Mr. JONES advised that he does not recall placing his initials on the machine gun found at the home but he does know the gun was kept in custody of the FBI and that [REDACTED] actually found the gun. Mr. JONES further stated that he does not recall the details of statements taken from BOSS SHANNON and ORA SHANNON. He did state that it was entirely possible and very probable that he, Mr. JONES, witnessed one or more statements made by BOSS or ORA SHANNON. He stated that he could identify the statement if his name appeared

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Interview with GUS T. JONES File # SA 7-11
 on 11/10/59 at San Antonio, Texas Date dictated 11/13/59
 by Special Agent [REDACTED] All b7c

SA 7-11

thereon. He pointed out, however, that he did not actually take the statement himself and only witnessed it. Mr. JONES is not certain who identified the room in the SHANNON house in which the expensive clothes were found as being the room of KATHRYN KELLY but it was his recollection that Mrs. SHANNON stated the room was occupied by GEORGE and KATHRYN KELLY.

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 11/16/59

The "Dear John" letter, Government Exhibit No. 18, was exhibited to Mr. URSCHEL and he read it. He stated that he has a very clear recollection of this letter and felt that he would be competent to introduce the letter in evidence in a future trial in this case. Government Exhibit No. 44 which includes the serial numbers of ransom bills taken from the trousers of HARVEY BAILEY was exhibited to Mr. URSCHEL. Mr. URSCHEL informed that at the present time he is unable to recall having checked these serial numbers with one [REDACTED] in the presence of E. J. DOWD. Mr. URSCHEL stated that he does recall being at the SHANNON farm when BAILEY was arrested. He did state that he definitely recalls obtaining his own list of the bills and checking them against the money found in BAILEY's pants pocket. He advised that he recalls that a number of the bills were found to have the same serial numbers as the ones the ransom money had, according to the list of the ransom money he, Mr. URSCHEL, had in his possession. Mr. URSCHEL gave information substantially identical with his original testimony except as listed below:

Mr. URSCHEL's recollection is that both KELLY and BATES left the ARMON SHANNON Shack on Tuesday instead of the following Friday. Mr. URSCHEL stated he could not recall BATES' returning to the shack on Friday and leaving later on the same day. He does not recall either KELLY or BATES being at the shack on Friday before the ransom money was paid. Mr. URSCHEL could not recall R. G. (BOSS) SHANNON commenting as to why "the BOYS" used the phone when they contacted people at the SHANNON farm to advise them they had not made the contact. Mr. URSCHEL stated that he is not sure he could now identify the cup which he used to drink water and feels sure he could not identify the chain which was used to tie him to the furniture. He did state that it was a 28 foot cow chain. He cannot now recall that he had fresh bread every day and that R. G. (BOSS) SHANNON told him later that he, SHANNON, brought the groceries each night. He did state that the kidnapers and the SHANNONS were very careful so that no evidence of life could be observed around ARMON SHANNON's shack. They were all afraid that ARMON SHANNON's father-in-law or

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Interview with Mr. CHARLES F. URSHELL File # SA 7-11
 on 11/13/59 at San Antonio, Texas Date dictated 11/13/59
 by Special Agent [REDACTED] All b7c

SA 7-11 .

mother-in-law might visit the shack if they observed signs of life there. There was no other substantial variation between information furnished by Mr. URSHEL and his original testimony.

Mr. URSHEL requested that Mrs. URSHEL not be interviewed regarding this matter in view of the limited testimony she could give. He stated that he is sure she can still testify to the facts in this case substantially the same as her original testimony.

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 11/16/59

[REDACTED] informed that at the time of the URSCHEL kidnaping he was associated with Mr. URSCHEL in the management of the Slick Estate of which they were both trustees. He stated that approximately three or four days after the kidnaping a letter was given to him by Mr. JOHN CATLETT. [REDACTED] stated that he discussed this letter with his brother, [REDACTED] and Mr. GUS JONES. He stated that the letter instructed him regarding the placing of an advertisement in the daily newspaper and that the add had to do with a sale of a 160 acres of land. The box number was listed in the advertisement and he stated that the next communication from the kidnapers was received by him at this box. [REDACTED] stated that he could not be positive as to whether arrangements to obtain the \$200,000 ransom money were made after the first or the second note was received but he did recall that the arrangements to obtain the money was made through [REDACTED] of the First National Bank in Oklahoma City. [REDACTED] stated that he is not definite but his recollection is that someone from that bank brought the money to the URSCHEL home at night. He advised that he arranged to have two suitcases to be prepared when the money was to be delivered to the kidnapers. He said that the first suitcase contained the \$200,000 in money and the second suitcase was filled with newspapers and magazines. [REDACTED] said that his idea was that if someone other than the kidnapers contacted Mr. KIRKPATRICK when the pay-off was to be made that it might be possible to give that person the suitcase with the newspapers and magazines instead of the one with the money. [REDACTED] further stated that he recalled when the \$73,000 was returned by some Federal officers that he could not recall the details and does not recall the money was brought to him, [REDACTED] or to Mr. or Mrs. URSCHEL.

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All b7c

Interview with [REDACTED] File # SA 7-11
 on 11/10/59 at San Antonio, Texas Date dictated 11/13/59
 by Special Agent [REDACTED]

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate November 16, 1959

[REDACTED] Retired Special Agent of the Federal Bureau of Investigation, Austin, Texas, [REDACTED]

[REDACTED] advised that he participated in the raid and arrest of HARVEY J. BAILEY at the Shannon Farm near Paradise, Texas, in Wise County, in August of 1933.

[REDACTED] advised that as he recalls, other individuals participating in this arrest and present at the farm in August of 1933 were Mr. GUS T. JONES, Special Agent of the FBI; [REDACTED] and himself all being Special Agents of the FBI at that time. Also accompanying these agents, were two detectives from Fort Worth, Texas, one of whom was thought to be a [REDACTED]

[REDACTED] and [REDACTED] recalls that there were either three or four detectives from the Dallas, Texas, Police Department present at the time of this arrest, two of these individuals were a [REDACTED] who later became a Special Agent of the FBI, and [REDACTED], who also became a Special Agent of the FBI and both of these individuals are thought to be deceased at this time. [REDACTED] recalled that there was a member of the Dallas, Texas Police Department from the Identification Division by the name of [REDACTED] who appeared upon the scene after the arrest in an effort to make pictures and to possibly do some fingerprint work. He states that there were other individuals present but he does not recall their names at this time.

[REDACTED] recalled that the Sheriff of Wise County was scheduled to participate in this arrest but did not arrive in time to actually participate in the arrest and was not known to have been present at the Shannon Farm. [REDACTED] stated that at the time HARVEY J. BAILEY was arrested at the Shannon Farm that the following individuals were also at the farm:

Mr. R. G. SHANNON, commonly referred to as "Boss SHANNON" and his wife, ORA L. SHANNON, and a young daughter, RUTH SHANNON, and a daughter of KATHRYN KELLY, whose name

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Interview with [REDACTED] File # 7-11
 on 11/10/59 at Austin, Texas [REDACTED] dictated 11/10/59
 by Special Agent [REDACTED] All b7c

BA 7-11

was PAULINE THORN, being the daughter by a prior marriage. These individuals were present at the farm in addition to HARVEY J. BAILEY.

██████████ recalls also that the victim, CHARLES F. URSCHEL, accompanied the arresting officers to the Shannon Farm when HARVEY J. BAILEY was arrested. As ██████████ recalls, Mr. URSCHEL also accompanied other officers who went to the farm of ARMON SHANNON, which was the farm commonly referred to as the "hide-out". ██████████ related that as he recalls the arrest and raid at the Shannon Farm, Mr. GUS T. JONES and possibly one or two detectives went to the front door of the Shannon farmhouse and ordered the occupants to "come out". ██████████ recalled that the occupants of the house did come out and that Mr. JONES asked "BOSS" SHANNON who the man was on the bed in the back yard and SHANNON, at that time replied "no body but Mr. BAILEY". ██████████ advised that he walked down a net wire fence by the side of the house and was about twenty feet from the bed in the back yard where HARVEY J. BAILEY was asleep. ██████████ advised that he held a cocked Winchester rifle on HARVEY J. BAILEY while Mr. JONES came around the house and walked up to BAILEY's bed and remarked, "HARVEY BAILEY, wake up". ██████████ stated that BAILEY was in the bed wearing his "B.V.D. S" and that his pants were on the bed and that also in the bed with BAILEY was a .351 Caliber rifle and a .45 caliber automatic pistol was at the head of the bed along with an extra drum of .45 caliber ammunition holding fifty rounds of ammunition. ██████████ recalled that BAILEY was asked whether or not the pants on the bed were his pants and he identified them as being his. The trousers were searched after BAILEY was placed under arrest and after he was handcuffed and at that time, they were found to contain some \$1200.00 of which approximately \$750.00 was later identified as part of the ransom money in this case and the other money was thought to have been part of the proceeds of a bank robbery committed by BAILEY. ██████████ recalled that HARVEY J. BAILEY's automobile was parked near the back gate of the Shannon farmhouse and the keys were in the ignition and the front door of the automobile was open. ██████████ advised that after the arrest of BAILEY, he went into the SHANNON farmhouse and there found a Thompson Sub-machine gun lying on a trunk in one of the back bedrooms. He recalled that Mrs. SHANNON had

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been seen to take a quilt from one of the beds and throw it over the trunk and this attracted his attention and he thereafter found the Thompson Sub-machine gun. He stated that he also recalls that he found a .45 Caliber automatic pistol under a mattress of one of the beds in the back part of the house. [REDACTED] recalled that BAILEY claimed at the time this Thompson Sub-machine gun was found that it was his, BAILEY's, property, but that later investigation revealed that it had been bought by KATHRYN KELLY at a pawn shop in Fort Worth, Texas, for the use of her husband, GEORGE KELLY. [REDACTED] advises that he recalled giving the machine gun and possibly the .45 caliber automatic pistol to either Mr. GUS JONES or possibly to Mr. BLAKE, Special Agent in Charge of the FBI office in Dallas, Texas. [REDACTED] also recalls that in the Shannon farmhouse, he found a pair of overalls and a "jumper" with the "Redhawk" trade mark in them and that in the jumper of these items, he found a snuff brush and that the sleeves were rolled up which led him to believe that this jumper had been worn by Mrs. SHANNON. He states that he also recalls that there was six or seven dollars in change or coins in the flour bin in the Shannon farmhouse and that no one in the house would claim this money.

[REDACTED] recalled that he and [REDACTED] and Special Agent [REDACTED] looked for a chain and a typewriter at the ARMON SHANNON farm several days after the arrest of HARVEY J. BAILEY and that as he recalls they did find the chain which he described as a cow chain and the exact disposition of these items is not recalled by [REDACTED] at this time.

[REDACTED] likewise recalls that there were several silk dresses and possibly a fur coat in a closet in the Shannon farmhouse and that also at the Shannon farmhouse in a garage behind the house there were some large wooden boxes. [REDACTED] states that he has heard that the machine gun which he found at the Shannon farm was later given to [REDACTED] of the Fort Worth, Texas Police Department.

[REDACTED] also recalls that at the time of the arrest of HARVEY J. BAILEY that a zipper-type bag containing numerous

SA 7-11

rounds of .45 caliber ammunition was found in the house.

b7C [REDACTED] advised that he did not go to the ARMON SHANNON farm on the day of the arrest of ARMON SHANNON, but that his search with respect to the ARMON SHANNON place took place several days after the arrest of HARVEY J. BAILEY and the arrest of ARMON SHANNON and at that time he was looking for the cow chain and typewriter referred to above.

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (7-115)

DATE: 11/18/59

FROM : SAC, SEATTLE (7-179)

SUBJECT: GEORGE KELLY BARNES, aka;
ET AL
CHARLES F. URSCHEL - VICTIM
KIDNAPING
(OO - Oklahoma City)RE: Report of SA [REDACTED] 10/28/59, at
Oklahoma City.The following investigation was conducted by SA
[REDACTED] at Tacoma, Washington.

On 11/5/59, Mr. GEORGE BENTZ, 5215 South 64th Street, Tacoma, advised he married CLARA FELDMAN in 1948. They lived together at 6413 South Baltimore in Tacoma until May 1952, at which time CLARA died of cancer.

In regards to the present location of CLARA's son, EDWARD GEORGE FELDMAN, BENTZ advised that to the best of his knowledge, EDWARD is still residing in the vicinity of Medford, Oregon. He based this on his last contact with EDWARD, approximately 1950. BENTZ stated EDWARD did not show up for his mother's funeral. BENTZ further advised that since CLARA's death in 1952, he has had no contact with any of her relatives.

A review of the Seattle Office file in this matter discloses Portland letter to the Bureau dated 9/22/50, reflecting results of interview with EDWARD GEORGE FELDMAN on 9/16/50. At the time of this interview, FELDMAN was residing on [REDACTED] (no number), Jacksonville, Oregon, mailing address, [REDACTED]. His wife [REDACTED] and two children resided with him. His employment is listed as a logger, working for Christean Brothers in Jacksonville. He stated at the time of interview that he

- ② - BUREAU
- 1 - PORTLAND (7-7) (Encl.1)
- 1 - OKLAHOMA CITY (7-6)
- 2 - SEATTLE

[REDACTED]
(6)

EX-105

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planned to continue to reside in Jacksonville.

Seattle at Tacoma, Washington is in the process of obtaining and furnishing to Oklahoma City a certified copy of the death certificate pertaining to CLARA FELDMAN.

Portland is requested to locate and interview EDWARD GEORGE FELDMAN in accordance with referenced report, a copy of which being submitted to Portland as an enclosure.

The Bureau has advised that there is to be no delay in the covering of any leads of this case.

FEDERAL BUREAU OF INVESTIGATION

Reporting Office ALBUQUERQUE	Office of Origin OKLAHOMA CITY	Date 11/19/59	Investigative Period 11/17-18/59
TITLE OF CASE GEORGE KELLY BARNES, aka.; ET AL; CHARLES F. URSHEL - VICTIM		Report made by [REDACTED]	Typed By [REDACTED]
		CHARACTER OF CASE KIDNAPING	

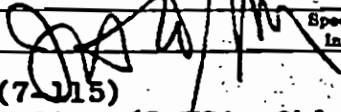
 REFERENCE: Report of SA [REDACTED] dated 10/28/59 at
 Oklahoma City.

-RUC-

ADMINISTRATIVE

This report deals with the interview of former Special Agent [REDACTED] Albuquerque, New Mexico. [REDACTED] recalls the events reported herein vividly and did not need to refresh his recollection other than as to dates and times. He refreshed his recollection regarding dates and times from a travel diary which he now has in his possession.

All b7C

Approved 	Special Agent In Charge	Do not write in spaces below	
Copies made: 1 - Bureau (7-115) 5 - Oklahoma City (2 USA, Oklahoma City) 1 - Albuquerque (7-120)		7-115-2614	REC-96
			EX 10
		7 NOV 23 1959	

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SEARCHED
SERIALIZED
INDEXED
FILED

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 2 - USA, Oklahoma City

Report of: SA [REDACTED]
Date: November 19, 1959

Office: ALBUQUERQUE

Field Office File No.: AQ 7-120

Bureau File No.: 7-115

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

Character: KIDNAPING

Synopsis: [REDACTED] former Special Agent of the FBI, Albuquerque, New Mexico, participated in arrests of R. G. SHANNON, ORA SHANNON and HARVEY BAILEY at the SHANNON farm on early morning of August 12, 1933. [REDACTED] observed the finding of the .45 automatic and .351 rifle in HARVEY BAILEY's bed and saw the "cow chain" at the farm. Does not recall any typewriter being found or overhearing ORA SHANNON say anything. Refreshes his recollection as to dates from travel diary he has in his possession. Participated in arrest of CASS COLEMAN and later helping to dig up \$75,000 on COLEMAN farm. He was the Agent who found a set of silver fox furs buried in a pile of oats on COLEMAN farm. Furs belonged to KATHERINE KELLY.

-RUC-

DETAILS:WITNESS[REDACTED]
Albuquerque, New Mexico

All b7C

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 11/17/59

[redacted] advised he entered on duty as a Special Agent on or about July 27, 1926 of what was then called the Department of Justice, later known as the Division of Investigation, Bureau of Investigation and finally the Federal Bureau of Investigation. He was so employed during the investigation of the CHARLES URSCHEL kidnaping case and in particular on August 12, 1933. On this particular date he and approximately 12 to 13 other officers went out to the BOSS SHANNON farm near Paradise, Texas in Wise County. They arrived there about daylight, which was around 5:45 a.m. He was in a car with Agent E. J. BOWD, SAC GUS JONES and SA [redacted]. There were two or three other cars of officers. The car he was in drove up in front of the SHANNON house, facing the house just to the west of the front. He told the men that this was the SHANNON farm as he had been out around there about a month before. "E. J. BOWD said this was not the house. About this time an elderly man came out of the house. SAC JONES said, "Who are you?" The man stated, "I'm Mr. SHANNON." About this time [redacted] saw the recumbent figure of a person on a cot in the back yard. He jumped out of the car, jumped over the front fence and went along the west side of the house to the cot. He told the person to stick his hands up. This individual sat up on the edge of the cot and raised his arms. About this time SAC JONES came to the cot and [redacted] said "This is HARVEY BAILEY." JONES said, "That's what Mr. SHANNON told me." By this time SA [redacted] had come down on the west side of the fence on the outside of the yard, as [redacted] had. SAC JONES stated, "Look out [redacted] he's got a pistol under the pillow." By that time [redacted] a Dallas Police officer who was with them, walked up to the head of the cot and picked up a .45 automatic. [redacted] whom [redacted] thinks was a deputy sheriff from Oklahoma, came up and put handcuffs on BAILEY and led him into the road in front of the house. [redacted] reached in the cot and picked up a .351 Winchester semi-automatic rifle. BAILEY's pants were on the cot. [redacted] picked them up and walked to the front yard and threw them to [redacted] and another officer who were in the road.

[redacted] then went in the SHANNON house. It was being searched at the time. A Thompson machine gun had been found in the house. It was at this time that [redacted] first saw Mrs. ORA SHANNON, wife of BOSS SHANNON. He does not recall her saying

Interview with [redacted] File # AQ 7-120
 on 11/17/59 at Albuquerque, N.M. Date dictated 11/17/59
 by Special Agent [redacted] All b7c

any particular thing at this time.

Some of the officers had come down to a barn some distance from the house and a general search was going on. Sometime later BAILEY was handcuffed to a post in the back yard of the premises. [REDACTED] was instructed by SAC GUS JONES to guard BAILEY and not permit him under any circumstances to release himself. During this period, Mrs. SHANNON came out of the house and as [REDACTED] recalls took some drinking water to BAILEY and appeared to be very sympathetic with him. She got between [REDACTED] and the prisoner and [REDACTED] told her that she must not stand between him and the prisoner; that if he made any attempt to escape it might be necessary for him to shoot through her to stop him. At this time BAILEY was complaining about the handcuffs hurting his wrists and he wanted them loosened.

Sometime later in the day Mr. SHANNON, Sr., his son, ARMON, Mrs. SHANNON and HARVEY BAILEY were taken to Ft. Worth, Texas and lodged in jail by some of the officers. SA [REDACTED] and [REDACTED] were ordered to remain at the SHANNON farm until relieved. They were relieved late that evening.

During the search a chain which is customarily used to stake out milk cows was found around the premises of the SHANNON farm and was subsequently used as evidence in the trial. SA [REDACTED] and [REDACTED] brought this chain in, to the best of [REDACTED] recollection.

In talking with BAILEY, he told [REDACTED] he had met GEORGE KELLY in Oklahoma and borrowed some money from him which he used to buy the new Ford automobile which was at the SHANNON farm that morning. BAILEY said he had been at the SHANNON farm previously and had tested the water in the well to see if it could be used for making whiskey, but there was too much iron ore in it.

[REDACTED] states he does not recall hearing ORA SHANNON say anything that day and he does not recall the finding of any typewriter.

SA [REDACTED] and [REDACTED] were back at the SHANNON farm at different times during the next few days.

The above information is [REDACTED] recollection of the events that happened during the arrest of the SHANNONS and HARVEY BAILEY. He has refreshed his recollection as to the date of the occurrence from his own travel diary that he has in his possession at this time.

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 11/19/59

[REDACTED] informed that he assisted in the arrest of CASS COLEMAN, the brother of ORA SHANNON and the uncle of KATHERINE KELLY, on the COLEMAN farm about September 28, 1933. He stated that following the arrest of COLEMAN and others, he was at Deputy [REDACTED] car when a news broadcast came over the radio announcing that GEORGE KELLY had been apprehended. He stated that he then told COLEMAN that GEORGE KELLY had been arrested, at which time COLEMAN said that he had been lying and that there was some money buried on his farm. [REDACTED] stated he then called his office and talked to FRANK BLAKE and later that day FRANK BLAKE, RALPH COLVIN and SAC JONES came out to the farm and they dug up \$75,000 out in the cotton patch.

He related that about the next day he was at the COLEMAN farm, at which time he found a set of silver fox furs buried in a pile of oats in the barn on the CASS COLEMAN farm. He stated CASS COLEMAN had told him that these furs were there and belonged to KATHERINE KELLY. He said that Sheriff [REDACTED] was with him at this time. He took the furs into the office at Dallas, arriving there September 30, 1933.

Interview with [REDACTED] File # AQ 7-120
on 11/18/59 at Albuquerque, New Mexico Date dictated 11/18/59
by Special Agent [REDACTED]

All b7c

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (7-115)

DATE: 12/16/59

FROM : SAC, WFO (7-19)

SUBJECT: GEORGE KELLY BARNES, aka
Charles F. Urschel - VICTIM
KIDNAPING

Re WFOlet to Director 10/22/59.

On 11/30/59, [redacted] Clerk's Office, U. S. Supreme Court, advised that only one copy of the brief in opposition to the granting of the petition for writ of certiorari filed by the Solicitor General was received by the Supreme Court. [redacted] advised that the copy furnished by the Solicitor General was not available for Photostating.

On December 4, 1959, [redacted] of the Solicitor General's Office, U. S. Department of Justice, made available a copy of the brief in opposition filed by the Solicitor General in the Supreme Court. The copy furnished by [redacted] is being enclosed for the information of the Bureau and a Photostat is being enclosed for the information of the Oklahoma City Division.

On 12/14/59, the U. S. Supreme Court took no action on this matter. The U. S. Supreme Court will be in recess until 1/11/60.

This matter will be followed with the U. S. Supreme Court by the WFO.

- ② - Bureau (Encl. 1)
- 2 - Oklahoma City (7-6) (Encl. 1)
- 1 - WFO

(5)

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7-115-2615

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ENCLOSURE ATTACHED

ENCLOSURE

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No. 321 Misc.

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1959

KATHERIN THORNE KELLY AND
ORA L. SHANNON, PETITIONERS

v.

UNITED STATES OF AMERICA

ON MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
AND ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR
THE TENTH CIRCUIT

BRIEF FOR THE UNITED STATES IN OPPOSITION
TO THE GRANTING OF THE PETITION FOR A
WRIT OF CERTIORARI

J. LEE RANKIN,
Solicitor General,

MALCOLM R. WILKEY,
Assistant Attorney General,

BEATRICE ROSENBERG,
THEODORE GEORGE GILINSKY,
Attorneys,

Department of Justice,
Washington 25, D. C.

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1959

No. 321 Misc.

KATHERINE THORNE KELLY AND
ORA L. SHANNON, PETITIONERS

v.

UNITED STATES OF AMERICA

ON MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
AND ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR
THE Tenth CIRCUIT

BRIEF FOR THE UNITED STATES IN OPPOSITION
TO THE GRANTING OF THE PETITION FOR A
WRIT OF CERTIORARI

OPINION BELOW

The opinion of the court of appeals (C.A. 3-13)^{1/} is not
yet reported.

JURISDICTION

The judgment of the court of appeals was entered on July 27,
1959. The petition for a writ of certiorari was filed on September 15,
1959. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

QUESTIONS PRESENTED

1. Whether an order vacating a criminal judgment for refusal
of the government to produce F.B.I. files in a proceeding under 28 U.S.C.
2255 was appealable by the government.

^{1/} The record filed consists of two volumes of pertinent parts of the
testimony, printed for the court of appeals and consecutively paginated.
This will be referred to as "R". Also filed and separately numbered is
the record of proceedings in the Court of Appeals, which will be
designated at "C.A."

2. Whether petitioners made a sufficient showing to justify an order for production of all the 73 F.B.I. files relating to a twenty-five year old investigation and judgment.

3. Whether non-compliance with the order for production justified vacation of the judgments of conviction.

STATUTES INVOLVED

1. Title 28 U.S.C. 1291 provides in part:

The court of appeals shall have jurisdiction of appeals from all final decisions of the district courts of the United States, * * *.

2. Title 28 U.S.C. 2253 provides in part:

Appeal.

In a habeas corpus proceeding before a circuit or district judge, the final order shall be subject to review on appeal, by the court of appeals for the circuit where the proceeding is had.

3. Title 28 U.S.C. 2255 provides in part:

An appeal may be taken to the court of appeals from the order entered on the motion as from a final judgment on application for a writ of habeas corpus.

4. The pertinent provisions of 18 U.S.C. 3500 provide:

(a) In any criminal prosecution brought by the United States, no statement or report in the possession of the United States which was made by a Government witness or prospective Government witness (other than the defendant) to an agent of the Government shall be the subject of subpoena, discovery, or inspection until said witness has testified on direct examination in the trial of the case.

(b) After a witness called by the United States has testified on direct examination, the court shall, on motion of the defendant, order the United States to produce any statement (as hereinafter defined) of the witness in the possession of the United States which relates to the subject matter as to which the witness has testified. If the entire contents of any such statement relate to the subject matter of the testimony of the witness, the court shall order it to be delivered directly to the defendant for his examination and use.

* * * * *

(d) If the United States elects not to comply with an order of the court under paragraph (b) or

(c) hereof to deliver to the defendant any such statement, or such portion thereof as the court may direct, the court shall strike from the record the testimony of the witness, and the trial shall proceed unless the court in its discretion shall determine that the interests of justice require that a mistrial be declared.

(e) The term "statement", as used in subsections (b), (c), and (d) of this section in relation to any witness called by the United States, means--

(1) a written statement made by said witness and signed or otherwise adopted or approved by him; or

(2) a stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement made by said witness to an agent of the Government and recorded contemporaneously with the making of such oral statement.

STATEMENT

In 1933, Kathryn Thorne Kelly (wife of "Machine Gun" Kelly) and Oral L. Shannon, were separately tried and convicted of conspiracy to kidnap Charles F. Urschel. Each was represented by counsel of her own choice (R. 32, 48, 62). Each was sentenced to imprisonment for life. The Court of Appeals for the Tenth Circuit affirmed the convictions on appeal. Shannon v. United States, 76 F. 2d 490; Kelly v. United States, 76 F. 2d 847.

On March 19, 1958 (approximately 25 years after their convictions), each of the petitioners filed identical motions to vacate sentence under the provisions of 28 U.S.C. 2255, challenging their convictions on several grounds (R. 1-2, 9-10).

At the hearing on the motions, Mrs. Kelly claimed, inter alia, that her lawyer at the time of her original trial, Mr. James H. Mathers, told her he was afraid to represent her as he was under investigation and had been threatened with arrest in connection with the missing ransom money (R. 26-29). Petitioner Shannon claimed that her attorney was afraid to represent her because he had been threatened with being accused of getting some of the ransom

money for a fee (R. 64). 4

The government produced Mrs. Kelly's original trial attorney, Mr. James H. Mathers (R. 157-158). He also represented a co-defendant at Mrs. Shannon's trial (R. 158). He testified no one had threatened him before trial, and he did not so tell Mrs. Kelly (R. 160). Another attorney, Mr. J. B. Dudley, who represented some co-defendants at Mrs. Shannon's trial, testified that no government official interfered with him during the trial (R. 266).

The government also offered Mr. Herbert K. Hyde, who was the United States Attorney in charge of the 1933 kidnapping trials (R. 80). He testified that Mrs. Kelly's lawyer, James H. Mathers, was not intimidated, nor could anyone intimidate the lawyers who represented Mrs. Shannon (R. 82-83). He testified that he knew of no attorney at the trial that was investigated until after he left office in 1934 (R. 123-126).^{2/}

Hyde was asked what documents he had used in preparation or to refresh his memory. He stated that he looked at the affidavits attached to the present motions, the transcript of the Shannon trial (Exhibit 1), threatening letters sent to Judge Vaught, the typewritten ransom note (Exhibit 4), and the court records to check which attorneys represented the defendants in the original case (R. 100-106). He also stated that, from the files of the F.B.I. in the office of the United States Attorney, he had checked the statement of Luther Arnold (a witness in the trial of the criminal case in which Kathryn Thorne Kelly was convicted), and that he had again looked at it at the counsel table. Upon demand of counsel, this item, which was used by the witness to refresh his memory, was produced and marked "Defendant's Exhibit 3" (R. 105).

After Mr. Hyde was excused, and the government had rested (R. 157, 291), and after rebuttal testimony by Mrs. Kelly (R. 308), counsel for the petitioners sought to subpoena, among other items (R. 311):

^{2/} A Mr. Ben B. Laska, an attorney who represented neither petitioner, was indicted, a year after the petitioners' trials, of conspiracy in connection with the Urschel kidnapping. See Laska v. United States, 82 F. 2d 672 (C.A. 10), certiorari denied, 298 U.S. 689.

All records of 1933-'34 reflecting investigation of attorneys * * * having to do with their representation of any and all defendants. This has to do with alleged receipt of ransom money or any other matters connected with the above entitled cause and embraces not only visits or interviews with any and all attorneys or any other persons interviewed with respect to said attorneys.

The trial judge ruled that he would go through the files to determine whether there was anything pertinent (R. 326). He stated (R. 333):

Although no F.B.I. agent has testified, as in the Jencks case, the principle involved is identical. Mr. Hyde, who was then acting District Attorney, has unreservedly stated that no investigations took place, and that if such had occurred, he would have known of it.

He further said (R. 338):

The Court is holding in this matter that Mr. Herbert Hyde, the United States District Attorney, as I have stated in this statement, was familiar with these files, at that time he knew everything that was going on in connection with this matter and he positively swore that there was no investigation of any of the defense attorneys up to after the time that he went out of office January 1, '34; so I am holding that Mr. Hyde was the alter ego of the F.B.I. in that respect, and that he takes the same position as the F.B.I. took.

The court ordered the government to produce all files and reports to the Federal Bureau of Investigation (R. 369). The government, under the direction of the Attorney General, declined to produce the 73 files in question (R. 340, 373). The trial court thereupon sustained the petitioners' motion to set aside the convictions for the failure to produce all the F.B.I. files, without determining the issues presented in the motion to vacate (R. 17, 374).

On appeal by the government, the court of appeals unanimously reversed and remanded the matter for further proceedings (C.A. 13). The court held (1) that the government could appeal the order vacating the sentences (C.A. 8); (2) since Mr. Hyde was not asked whether he made a statement or report, and no such evidence was introduced, his testimony was not open to impeachment under the standards of 18 U.S.C. 3500, and thus there was "no sustainable basis in the record for the demand of plaintiffs that the seal of secrecy upon the files of the

Government be broken * * * (C.A. 11-12); (3) furthermore, assuming that the government should have produced the files, vacation of the convictions "was not within the range of choice on the part of the court" under the statutory procedure (C.A. 12-13).

ARGUMENT

1. Petitioners' argument that the order vacating their sentences was not appealable by the government fails to recognize that their hearing was on a collateral attack under 28 U.S.C. 2255, and not a trial in a criminal case.

Title 28 U.S.C. 2255 provides in part:

An appeal may be taken to the court of appeals from the order entered on the motion as from a final judgment on application for a writ of habeas corpus.

With respect to habeas corpus, 28 U.S.C. 2253 provides in part:

In a habeas corpus proceeding before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

Thus, the right of appeal on the part of the government under 28 U.S.C. 2255 is based upon the statutory authority to appeal a final order in habeas corpus.

Regardless of how a hearing under 28 U.S.C. 2255 may be characterized (civil or quasi-civil or quasi-criminal), there is no dispute that it is separate from the criminal case. See United States v. Hayman, 342 U.S. 205, 209, fn. 4.^{3/} That separate proceeding was completed when the district court entered its order. The right of the government to appeal from a final order in a proceeding under 28 U.S.C. 2255 was upheld in United States v. Williamson, 255 F. 2d 512 (C.A. 5), certiorari denied, 358 U.S. 941, and the appeal is in accord with the practice in habeas corpus, e.g., Eagles v. Samuels, 329 U.S. 304; Knevel v. Egan, 268 U.S. 442, Craig v. Hecht, 263 U.S. 255.

^{3/} United States v. Hardolillo, 252 F. 2d 755 (C.A. 1) and Umbriaco v. United States, 258 F. 2d 625 (C.A. 9) on which petitioners rely, were based upon orders of dismissal or acquittals in criminal cases. These cases are therefore inapposite. The matter at bar is neither a judgment of acquittal nor is it in a criminal case.

Petitioners seem to believe that the judgment appealed from was not final because it stems from non-compliance with the order to produce. The vacation of the sentences was, however, the end of this hearing and constituted the final order. If petitioners had been able to sustain their heavy burden on the merits, they could have received no greater relief than they received here, i.e., the vacation of the judgments of conviction. The appeal was thus plainly from a final judgment.

2. The court below properly held that the district court exceeded its power in directing the production of all 73 F.B.I. files relating to the Urschel kidnaping. The district court proceeded on the theory that examination of the files was necessary to impeach Mr. Hyde's testimony that no investigation of attorneys was made while he was United States Attorney. But no claim was made that Mr. Hyde ever made a statement, within the definition of 18 U.S.C. 3500, and therefore there was no warrant to order the whole government investigatory file produced in order to impeach him. Palermo v. United States, 360 U.S. 343. As this Court held in Palermo, it was the purpose of 18 U.S.C. 3500 to prevent an expansive reading of the decision in Jencks v. United States, 353 U.S. 657.

Furthermore, there was no basis for the order of production even under the rationale of Jencks. The Jencks case re-emphasized the essentials of Gordon v. United States, 344 U.S. 414, of not allowing a fishing expedition "on the chance that something impeaching might turn up". 353 U.S. at 667. Jencks likewise re-emphasized that the request should not encompass "a demand for statements taken from persons or informants not offered as witnesses." 353 U.S. at 667. Clearly, the petitioners' fishing request was not even remotely based on any statement by Mr. Hyde which could be used for impeachment, and thus was never authorized by either the Jencks case or 18 U.S.C., 3500. In the judge's view, since he thought Mr. Hyde's testimony was based on the F.B.I. files, Mr. Hyde could be considered the "alter ego" of the F.B.I. and it was therefore proper to inspect the files to see if they contained any materials which would contradict his testimony. But

Mr. Hyde did not testify on the basis of all the F.B.I. files. He was very specific as to the documents which he had examined before he testified that, so far as he knew, there had been no investigation of attorneys before he left office. See the Statement, supra. For the most part, he examined documents which were of public record and these were available to petitioners. In addition, he said he examined F.B.I. files as to confessions and as to dates of arrests, with particular reference to the statement of one Arnold.^{h/} Nowhere did Mr. Hyde state that there were any F.B.I. files on investigations of the disposition of the ransom money, or of attorneys in connection with that money, or that he had examined any such files. In short, the general order for production cannot be justified on the basis that Mr. Hyde used the files to refresh his recollection.

What petitioners were really seeking was not to impeach Mr. Hyde, but to have all 73 files examined in the hope that something might be turned up that they could use to bolster their allegations of intimidation against their attorneys, which had no foundation but their own self-serving statements. The most liberal decisions on the question of production, including the Jencks case, do not sanction this type of unlimited rummaging through government files. This was the very type of "fishing expedition" which, even before the "Jencks" statute, Gordon and Jencks disclaimed an intention to authorize. The record furnishes no foundation for the broad order requiring the production of these files for the district court's examination.

3. The court of appeals was also correct in holding that non-compliance with the order for production, in the setting of this case, did not require vacation of the twenty-five year old judgments. The critical issue in each instance was whether counsel was so

^{h/} Petitioners were accusing Mr. Hyde of knowingly using perjured testimony of Arnold, and it was natural that this would have been the focal point of his preparation for the hearing.

intimidated that he could not adequately represent each petitioner.

On this issue, petitioners in this proceeding, in which they had a heavy burden of proof, offered only their own self-serving statements. As against this extremely thin showing, there were the facts of record that each pleaded not guilty; and that each proceeded to trial with the very attorney who, each is now claiming, had said he was afraid to represent her properly. In addition, there was in Mrs. Kelly's case the direct testimony of the very person whose state of mind was the crucial issue in the case--her attorney, Mr. Mathers. On that crucial issue, he gave direct testimony that he was not intimidated; that he did not tell Mrs. Kelly he was afraid; and that he did not believe he was being investigated.

While attorneys for Mrs. Shannon were not available to testify, Mr. Mathers' testimony tended to negate Mrs. Shannon's direct testimony as well as Mrs. Kelly's, since he represented a codefendant in Mrs. Shannon's case. Moreover, there was the testimony of an attorney for six of Mrs. Shannon's other codefendants charged with dealing in ransom money. He too testified he was not intimidated and had no feeling that his defense was subject to any interference.

On these facts, even assuming that the order for production was justified, there was no reason to vacate the 25-year old sentences. At the most, upon the government's declination to produce the files, the court might have drawn from that fact an unfavorable inference which it then could have weighed with the other evidence. Less stringently, it might have disregarded the testimony of Mr. Hyde, leaving the issue to be determined on the evidence for the petitioners, on the one hand, and the facts of record and the testimony of the defense attorneys, on the other. There was no justification for taking the failure to produce as establishing petitioners' affirmative case and requiring the vacating of the judgments of conviction.

Before 18 U.S.C. 3500, in a criminal prosecution where the government has the burden of proof, it had a limited alternative open

to it if an order for production was entered. It could produce its files or it could dismiss the charge. Jencks v. United States, 353 U.S. 657, 672; United States v. Andolschek, 142 F. 2d 503 (C.A. 2). Section 3500 has changed that rule even in the midst of a criminal trial. Subsection (d) provides:

If the United States elects not to comply with an order of the court under paragraph (b) or (c) hereof to deliver to the defendant any such statement, or such portion thereof as the court may direct, the court shall strike from the record the testimony of the witness, and the trial shall proceed unless the court in its discretion shall determine that the interests of justice require that a mistrial be declared.

Thus, even in a criminal case itself, only if the interests of justice imperatively demand it, is there to be a termination of the trial in the event of failure to produce.

It cannot be said in this case that the interests of justice imperatively demand judgment against the government in this proceeding because of the failure to produce. Even assuming that there had been an investigation of the defense attorneys before Mr. Hyde left office, it would not follow that Mr. Hyde knew of it. Likewise, it would not follow that the defense attorneys knew of such an investigation; nor would it necessarily follow, if they did know, that they were intimidated by such knowledge. And in view of the direct testimony of the attorneys at the hearing below that they knew of no investigation and were not intimidated, the whole question of whether there was an investigation had only an indirect relevance to the critical issue of whether the attorneys were intimidated and could not adequately represent their clients. The actual relief which the court granted because of the government's failure to produce the files was greater, we submit, than that which would have necessarily followed if the government had admitted arguendo that the alleged investigation had in fact occurred. Surely, when the government is not the instigator of the proceeding and does not have the burden of proof, it should not be

penalized to a greater extent than it would be if the court assumed the existence of facts which it surmised the files might show.

In sum, the case has been sent back to the district court for determination on the merits. There is no occasion for this Court to review it at this interlocutory stage.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the petition for a writ of certiorari should be denied.

J. LEE RANKIN,
Solicitor General.

MALCOLM R. WILKEY,
Assistant Attorney General.

BEATRICE ROSENBERG,
THEODORE GEORGE GILINSKY,
Attorneys.

NOVEMBER 1959

SAC WFO

12-15-59

Appeals taken in Bureau Case

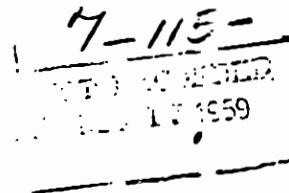
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GEORGE KELLY BARNES, aka,
CHARLES F. URSHEL - VICTIM
KIDNAPING
Bufile 7-115
WFOfile 7-19
OO:OC

The Bureau by letter dated 10/22/59 was furnished a copy of the petition of writ of certiorari filed with the U. S. Supreme Court in the case entitled KATHRYN THORNE KELLY and ORA L. SHANNON. A copy of the petition in opposition filed by the Solicitor General in this matter is being forwarded to the Bureau in the case file.

57 JAN 11 1960

F7



FEDERAL BUREAU OF INVESTIGATION

Reporting Office DALLAS	Office of Origin OKLAHOMA CITY	Date 12-16-59	Investigative Period 11/10/59 - 12/16/59
TITLE OF CASE GEORGE KELLY BARNES, aka.; ET AL; CHARLES F. URSCHEL - VICTIM		Report made by SA [REDACTED]	Typed By: [REDACTED]
		CHARACTER OF CASE KIDNAPING	

REFERENCES
Report of SA [REDACTED] at Oklahoma City 10-28-59.

- RUC -

ENCLOSURES

All b7C

TO OKLAHOMA CITY OFFICE:

1. Certified copy of death certificate for ROBERT L. JONES.
2. Certified copy of death certificate for ROBERT WILLIAM FENDER.
3. Certified copy of death certificate for JACOB KLAR.
4. Certified copy of death certificate for ED H. WEATHERFORD.

Approved <i>[Signature]</i>	Special Agent In Charge	Do not write in spaces below	
Copies made: 1 - Bureau (7-115) 2 - USA, Oklahoma City 1 - Albuquerque (Info) 4 - Oklahoma City (7-6) (Encls. 5) 1 - Dallas (7-7)		7-115-2616	REC-73 EX-131
		20 DEC 21 1959	
		<i>[Signature]</i> STAT. SECT.	

JAN 20 1960

DL 7-7

5. Notarized document concerning death of ROBERT GREEN SHANNON.

LEADS

ALBUQUERQUE OFFICE - INFORMATION

Information copy furnished Albuquerque in view of lead set forth in Dallas airtel 12-9-59 to interview at Silver City, New Mexico. b7C

OKLAHOMA CITY OFFICE:
AT RYAN , OKLAHOMA:

Will obtain certified copy of death certificate for JAMES HERBERT WALLACE who died at Ryan, Oklahoma 12-15-41.

ADMINISTRATIVE

Two copies being furnished USA, Oklahoma City, per his request set out in referenced report.

B*
(Cover Page)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 2 - USA, Oklahoma City, Oklahoma

Report of: [REDACTED] Office: DALLAS
Date: December 16, 1959

File Number: Dallas file 7-7 Bureau file 7-115

Title: GEORGE KELLY BARNES;
ET AL;
CHARLES F. URSCHEL - VICTIM

Character: KIDNAPING

Synopsis: Following witnesses located and reinterviewed: [REDACTED]
[REDACTED] CASS COLEMAN [REDACTED] Witness
[REDACTED] now residing at Silver City, New Mexico. Following
witnesses deceased and certified copies of death certificate
obtained: ROBERT L. JONES; JACOB ELAR; ROBERT WILLIAM FENDER;
witness R. G. SHANNON deceased and notarized statement
regarding same, obtained in lieu of non-existent death
certificate. Witness JAMES HERBERT WALLACE died 12-15-41 at
Ryan, Oklahoma. [REDACTED] not listed as witness, inter-
viewed and can testify to same information as witness [REDACTED]
[REDACTED] not listed as witness, participate
in arrest of HARVEY BAILEY with deceased witness ROBERT L.
JONES. Thompson submachine gun #4907, available Ft. Worth,
Texas PD. Dallas PD file of HARVEY BAILEY, reviewed.

- RUC -

DETAILS:

All b7c

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 12-7-59

[REDACTED] SR., Bridgeport, Texas, advised that he is presently [REDACTED] of the Rock Island Railroad and [REDACTED] of the Western Union Telegraph Company in Bridgeport. He stated that he has served in this capacity in Bridgeport since January 28, 1928 and was serving in this capacity in 1933.

[REDACTED] identified the photostatic copy, Government exhibit No. 53, of a telegram originated at Denver, Colorado, addressed to R. G. SHANNON, will call, Bridgeport, Texas. This telegram reads "Will arrive Biltmore Hotel Tuesday. George." [REDACTED] identified the handwriting on instant photostatic copy which states "Delivered to Ora Shannon by BER, called in person." [REDACTED] stated he recalls ORA SHANNON obtained instant message at window of the depot and was alone at the time. He stated he recalls ORA SHANNON obtaining a copy of instant telegram.

[REDACTED] stated instant telegram was received as a "will call" and that no notification is necessary to the person to whom the message is addressed that a message is in "will call" for him.

[REDACTED] stated he identified ORA SHANNON in 1933 as the person receiving the message and stated he does not know now if he could again identify this person.

[REDACTED] advised he would be willing to testify in this matter if called upon to do so.

Interview with [REDACTED] File # 7-7
on 11-30-59 at Bridgeport, Texas Date dictated 12-1-59
by Special Agent [REDACTED]

All b7c

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 11/19/59

[REDACTED] San Angelo, Texas, was contacted in Coleman, Texas, at the home of CASS COLEMAN, his father. [REDACTED] recalled that he and [REDACTED] had gone to Stratford, Oklahoma, where they visited T. M. COLEMAN. [REDACTED] is a friend who went with him on this trip. [REDACTED] recalled the visit of GEORGE KELLY and KATHRYN KELLY and also GEORGE BATES. He could not recall the luggage they carried or the car they were driving, nor the conversation which allegedly later transpired. [REDACTED] recalled that this same night, he and [REDACTED] went to the home of his maternal grandparents, where they spent the night and returned to the T. M. COLEMAN home the following morning. He could not recall whether the above subjects were still there or anything further concerning the matter.

[REDACTED] further advised that it is possible he can recall further details after giving the matter some thought.

Interview with [REDACTED] File # DL 7-7
on 11/6/59 at Coleman, Texas Date dictated 11/9/59
by Special Agent [REDACTED] ' All b7c

DL 7-7

On November 6, 1959, [REDACTED]
[REDACTED] San Angelo, Texas, advised SA [REDACTED] that
[REDACTED] was presently living at Silver City, New Mexico,
and was reported to be working for some mine in the area.

All b7C

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 11/19/59

CASS COLEMAN, 515 Colorado Street, Coleman, Texas, advised on November 6, 1959, that he has tried to forget all about instant case. He was thereafter questioned concerning details of the matter, and appears to have a rather good recollection of all events, including his testimony. COLEMAN recalled that KELLY and KATHRYN KELLY had come to his house a few days after the SHANNONS were arrested (they are related to him) and brought several bundles with them. He advised that these bundles were later buried on CASS COLEMAN's farm. COLEMAN recalled this same GEORGE KELLY slept in a hay stack some one hundred or more yards from the house and KATHRYN stayed in the house. He COLEMAN had no recollection of the type of make of cars used by these parties during this time. He recalled that the next day KATHRYN left and when she returned there was some young girl with her. She stayed only a few minutes at this time and left. He further recalled that on this same day he took GEORGE KELLY to San Angelo, where they contacted one CASEY (since deceased) and rented a house from CASEY for KELLY to stay in. COLEMAN was emphatic that CASEY was paid one hundred dollars, for rental of the house for an indefinite time. He could not recall the name KELLY was using at this time, but added that CASEY should not have been prosecuted as he knew nothing about KELLY but that "CASEY gave conflicting information and was prosecuted". COLEMAN was rather vague about the return of KATHRYN with the young girl, and stated he recalled nothing concerning the message "Mississippi" which GEORGE KELLY had left for her. He denied sending a telegram, or having any recollection concerning a telegram, or of recalling where KATHRYN is supposed to have gone when she left his place. COLEMAN's recollection was vague about how long KELLY remained in the CASEY place, but stated it was brief. He seemed to recall that KELLY then returned to COLEMAN's place, but could not recall accurately what transpired afterwards.

Interview with CASS COLEMAN File # DL 7-7
 on 11/6/59 at Coleman, Texas Date dictated 11/9/59
 by Special Agent [REDACTED] [REDACTED] b7C

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate December 1, 1959

[REDACTED] Western Union Telegraph Company, 2034 Main Street, phone RI 7-8821, Extension 95, residence [REDACTED], after being shown a photo copy of Government Exhibit No. 26 in the trial of BATES; ET AL, advised that same was a copy of the original telegram which he had testified to at said trial and which was introduced into evidence. He identified the handwritten numbers 12 and 86 in the upper right hand corner of the telegram as being his handwriting.

[REDACTED] recalled that he had testified at the trial that he was an official of the Western Union Telegraph Company in Dallas and was in charge of receiving money orders there. Also that he had access to the files and records of the Western Union Company at Dallas. He stated he identified Government Exhibit No. 26 as the original handwritten telegram dated July 16, 1933, to GEORGE L. DAVIS, Denver, Colorado, signed GEORGE and that it had been handed to him by the sender.

[REDACTED] stated that he had not been asked to identify GEORGE, the sender, at the time of his original testimony and that he doubted at this late date that he would be able to identify the sender if seen in person, however, it might be possible.

Interview with [REDACTED] File # 7-7
 on 11-25-59 at Dallas, Texas Date dictated 11-25-59
 by Special Agent [REDACTED] [REDACTED] All b7c

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 12-3-59

[REDACTED] Mesquite, Texas, residence phone [REDACTED], advised that on August 12, 1933, he was employed as a Detective with the Dallas Police Department and recalled participating in a raid on R. G. SHANNON farm near Paradise, Texas, with other officers, at which time HARVEY BAILEY and others were arrested. They found BAILEY asleep on a cot at the side of the house and it was his recollection that a Thompson sub-machine gun was leaning against the cot and that Captain [REDACTED], of the Dallas Police Department, picked it up and handed it to Detective [REDACTED]. He recalled that some one found a pistol under the pillow on the cot. Thereafter BAILEY was searched, but he does not now recall what was found on him, BAILEY was then handcuffed and he and some other officer guarded him while the out buildings were being searched. He stated that he was present at the time of the arrest of MR. and MRS. SHANNON and subsequently participated in search of the premises. That R. G. and GFA S. SHANNON and HARVEY BAILEY were unknown to him until that time.

[REDACTED] stated he does not recall being present when [REDACTED] turned over some money to E. J. DOWD and MR. URSHEL, however, he recalls hearing at the time that some of the ransom money was found, and he may have seen it but can't recall it now.

[REDACTED] stated that he went with other officers to ARMON SHANNON'S house and participated in the arrest of GFA and ARMON SHANNON and there after took them back to R. G. SHANNON'S residence. He stated that GFA and ARMON SHANNON made lots of comments between themselves, but he can not recall now, the nature of any specific comment.

Interview with [REDACTED] File # 7-7
 on 12-2-59 at Dallas, Texas Date dictated R/D 12-2-59
 by Special Agent [REDACTED] All b7c

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 11/19/59

[REDACTED] Captain, Homicide and Robbery Bureau, Dallas Police Department, residence White Plaza Hotel, advised that R. L. JONES, former detective with the Dallas Police Department was now deceased. Captain [REDACTED] stated that R. L. JONES, [REDACTED] and [REDACTED] had participated with him in the arrest of HARVEY BAILEY at the R. G. SHANNON residence in Wise County, Texas, August 12, 1933 and that he also participated the same date in the arrest of R. G. and ORA SHANNON. He stated that BAILEY was found on a day bed in the back yard of the SHANNON residence and that he had a .45 automatic pistol under his pillow and a .351 Winchester rifle under the bed. Following arrest of BAILEY he participated in a search of the SHANNON residence and was present when a Thompson sub-machine gun was found on the back porch. Captain [REDACTED] stated that he was unable to recall if he placed an identifying mark on the machine gun. Captain [REDACTED] stated he does not recall hearing ORA SHANNON say "HARMON, you don't know anything about this; keep your mouth shut and don't tell them a damn thing." Captain [REDACTED] added that [REDACTED] and [REDACTED] former detectives, were not longer with the Dallas Police Department but that they were still living. Captain [REDACTED] stated that he was subpoenaed as a witness at the trial of HARVEY BAILEY in Oklahoma City on a kidnaping charge, however, he did not testify.

Interview with Captain [REDACTED] File # 7-7
 on 11/10/59 at Dallas, Texas Date dictated 11/13/59
 by Special Agent [REDACTED] All b7c

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, DALLAS (7-7)

DATE: 11/19/59

FROM : SA [REDACTED]

Dictated: 11/13/59

SUBJECT:

**GEORGE KELLY BARNES; ET AL
CHARLES F. URSCHEL - VICTIM
KIDNAPING**

On November 12, 1959, a certified copy of the Certificate of Death of ROBERT L. JONES, State File #17547, as recorded in Volume 26, Page 75 of the Death Records of Dallas County, Texas, was obtained from [REDACTED] Deputy, County Clerk, Dallas County, Texas.

All b7C

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 11/19/59

Investigator for the District Attorney's Office, 6th Floor, Record Building, residence [REDACTED] Dallas, Texas, advised that he was formerly [REDACTED] of the Identification Division at the Dallas, Texas Police Department and was experienced in photography, that he went to the homes of R. G. SHANNON and ARMON SHANNON near Paradise, Wise County, Texas, on August 12, 1933 at which time he was accompanied by [REDACTED] who was also employed in the Identification Division of the Dallas Police Department; that he along with [REDACTED] took various photographs of the SHANNON's residences and area. [REDACTED] stated that he could not recall the various pictures taken other than one which was of the house showing same in relation to an out building. However, he believes he could recognize the photographs when exhibited to him again and he presumes that he identified same on their backs. He stated that all of the photographs were developed under his direction. [REDACTED] further recalled that during the trial of SHANNON and others, involving the kidnaping of CHARLES F. MRSCHERL that Judge VAUGHT presided in the trial and allowed photographs to be taken during the trial until the taking of same got to the point where they disturbed the court. Thereafter he stopped all flash pictures but allowed photographs to be taken without a flash. [REDACTED] stated that he did not believe the witness rule was in effect during the trial as he recalled being in and out of the court room on several occasions. He further recalled an agent or two present in the court room while HARVEY BAILEY was in court. He stated that [REDACTED] FBI Agent, guarded BAILEY in a hold over in the Federal Court House during the time court was not in session.

Interview with [REDACTED] File # 7-7
 on 11/12/59 at Dallas, Texas Date dictated 11/13/59
 by Special Agent [REDACTED] **All b7C**

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 11/19/59

[REDACTED] Detective Bears and Roebuck Company, Greenville Avenue Store, residence [REDACTED] advised that he was formerly [REDACTED] of Identification, Dallas Police Department and was present on August 12, 1933 with [REDACTED] at the R.G. SHANNON residence, Wise County, Texas and helped in the taking of photographs of the residence of R. G. SHANNON and ARMON SHANNON and the surrounding area. He stated that he developed all of said pictures and further can identify all pictures taken. [REDACTED] stated that he had been subpoenaed as a Government witness during the kidnaping trial of SHANNON and the others at Oklahoma City but when he took the stand to testify regarding the taking and developing of photographs of the SHANNON residence that the defense council had waived his testimony and permitted the photographs to be introduced as evidence. [REDACTED] recalled that witness rule had not been invoked during the trial and that he sat in the court room during the entire trial, that photographs by news media were taken during the time the trial was in progress, however, flash pictures were subsequently not allowed. He stated that he had a faint recollection of a movie camera being set up during court recess but does not believe the court allowed moving pictures to be taken.

Interview with [REDACTED] File # 7-7
on 11/12/59 at Dallas, Texas Date dictated 11/13/59
by Special Agent [REDACTED] All b7C

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 11-18-59

[REDACTED] advised he is an agent for the Ft. Worth and Denver Railroad and manager of the Western Union Office at Decatur, Texas. He stated he held this position in 1933.

[REDACTED] advised he knew R. G. and GRA SHANNON by sight in 1933; however, does not recall either of them sending or receiving message through Western Union in Decatur.

Upon examination of Government exhibit No. 51, [REDACTED] advised he has no independent recollection of who signed this message. However, he stated that the "X" on the bottom of the telegram was, and is, his present signature code for messages, therefore, he would have accepted this message.

Upon examination of Government exhibit No. 52, [REDACTED] identified the "X" on the bottom of this message as his code signature as receiving this message and states he has no independent recollection of the person signing this message.

Upon examination of Government exhibit No. 50, [REDACTED] stated he believes he recalls the person whom he later knew as GEORGE KELLY was the person who came in and asked if there was a telegram for R. G. SHANNON in "will call", at which he, [REDACTED] answered "Yes". [REDACTED] said this person, whom he now believes to be KELLY, replied "Read it to me." [REDACTED] said he read the message to this person and when finished the person said, "Just throw it away". [REDACTED] advised that he is not now certain of the above information because of the many years which have passed since 1933 but the above information relating to Government exhibit No. 50 is as he now recalls it.

[REDACTED] advised he would be willing to testify to the above information if called upon to do so.

Interview with [REDACTED] File # 7-7
on 11-18-59 at Decatur, Texas Date dictated 11-18-59
by Special Agent [REDACTED] *All b7c*

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 11-30-59

On November 20, 1959, [REDACTED] advised [REDACTED] JACOB KLAR, formerly in business in the Wolff and Klar Jewelry Company in Ft. Worth, Texas, in 1933, is now deceased. [REDACTED] was residing at [REDACTED] Ft. Worth, when he died on June 11, 1937. [REDACTED] is buried in Ft. Worth.

Interview with [REDACTED] File # 7-7
on 11-20-59 at Ft. Worth, Texas Date dictated 11-25-59
by Special Agent [REDACTED] All b7C

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, DALLAS (7-7)

DATE: 12-7-59

FROM : SA [REDACTED]

Dictated: 12-2-59

SUBJECT: GEORGE KELLY BARNES; ET AL;
CHARLES F. URSHEL - VICTIM
KIDNAPING

On November 27, 1959, a certified copy of death certificate of JACOB KLAR, registrar's number 1005, as recorded with the Bureau of Vital Statistics, City of Ft. Worth, was obtained from [REDACTED] Bureau of Vital Statistics, City of Ft. Worth, Texas.

All b7C

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 11-12-59

[REDACTED] Ft. Worth Police Department, advised that ED.H. WEATHERFORD, former detective, Ft. Worth Police Department in 1933, is now deceased. [REDACTED] stated that [REDACTED] Detective, Ft. Worth Police Department, in 1933, presently resides in Dallas, Texas. He stated as he recalls a Thompson Sub-machine Gun 4907, purchased by KATHRYN KELLY from Wolf and Hilar Sporting Goods, Ft. Worth, in 1933, which gun was seized by arresting officers in the home of R. G. SHANNON, Paradise, Texas in 1933, was turned in to the Chief of Police, LEE, now deceased, by Detectives WEATHERFORD and [REDACTED]. [REDACTED] stated this gun was presently maintained in the Property Room of the Ft. Worth Police Department.

[REDACTED] further stated he would be the proper person to subpoena to produce this gun in court.

Interview with [REDACTED] File # 7-7
on 11-4-59 at Ft. Worth, Texas Date dictated 11-6-59
by Special Agent [REDACTED] All b7c

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, DALLAS (7-7)

DATE: 12-7-59

FROM :

SA [REDACTED]

Dictated: 12-1-59

SUBJECT:

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

On November 27, 1959 an examination of Thompson Sub-machine Gun, Caliber .45, automatic, Colt cartridge, Colt firearm, manufactured in Hartford, Connecticut, which gun is maintained in the Property Room of the Ft. Worth, Texas Police Department, was made by SA [REDACTED]. This examination reflects this gun to be Model 21 with Serial Number 4907.

All b7C

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, DALLAS (7-7)

DATE: 11-27-59

FROM :

Dictated: 11-23-59

SUBJECT:

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

On November 20, 1959, a certified copy of the death certificate of ED.H. WEATHERFORD, as recorded in Volume 49, Page 2411, Records of Death of Tarrant County, Texas, was obtained from [REDACTED] Tarrant County, Ft. Worth, Texas.

All b7C

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORT

12-7-59

Date

[REDACTED] Ft. Worth National Bank,
advised that **ROBERT WILLIAM FENDER**, Vice President, Fort Worth
National Bank in 1933 is now deceased. He advised that **FENDER**
died on December 9, 1956 in Dallas, Texas.

Interview with [REDACTED]

File #

7-7

on 11-27-59 at Ft. Worth, Texas

Date dictated 12-1-59

by Special Agent [REDACTED]

All b7c

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, DALLAS (7-7)

DATE: 12-3-59

FROM : SA [REDACTED]

SUBJECT: GEORGE KELLY BARNES; ET AL
CHARLES F. URSCHKE - VICTIM
KIDNAPPING

On December 2, 1959, a certified copy of the Certificate of Death of ROBERT WILLIAM FENDER, as recorded in Registrar's file number 5276, Texas Department of Health, Bureau of Vital Statistics, Dallas, Texas, was obtained from [REDACTED]

All b7C

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 11-18-59

[REDACTED] formerly [REDACTED] advised that from 1928 to 1937 she was chief operator for the Southwestern State Telephone Company at Paradise, Texas. [REDACTED] stated that she knew R. G. SHANNON, GRA SHANNON, ARMON SHANNON and KATHRYN KELLY in 1933. She said that she knew GEORGE KELLY by sight at that time. [REDACTED] said she recalls that the SHANNON telephone number on a rural line and the number was 1604 or 6 with a letter "F". She said this is all she now can recall concerning the telephone number.

[REDACTED] said she could not positively identify any voice on a telephone. She stated she recalls a long distance call during the summer of 1933, exact date not recalled, from Wolf and Klar Company in Ft. Worth to the SHANNON residence. She said that she does not recall the details of this call. [REDACTED] said she recalls testifying to parts of the telephone conversation but cannot now recall the trend of the conversation. She said she cannot recall any conversation concerning the weather at that time. She advised that she does not ^{now} recall any call being made from Oklahoma to the SHANNON residence in July, 1933.

[REDACTED] said she does recall seeing GEORGE and KATHRYN KELLY leave Paradise together on several different occasions and believes they were driving "a 16 cylinder Cadillac". She said that KELLY had purchased gas from [REDACTED] JONAH COLLINS, who owned a general store in Paradise.

Interview with [REDACTED] File # 7-7
 on 11-9-59 at Ft. Worth, Texas Date dictated 11-12-59
 by Special Agent [REDACTED] and [REDACTED]

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 12/10/59

[REDACTED]

JAMES HERBERT WALLACE, former agent for the Rock Island Railroad and Manager Western Union Telegraph Company at Paradise, Texas, in 1933, died December 15, 1941 at Ryan, Oklahoma. He is buried at Jacksonville, Texas.

Interview with [REDACTED] File # 7-7
on 11/30/59 at Paradise, Texas Date dictated 12/4/59
by Special Agent [REDACTED] **All b7C**

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 11-18-59

ARMON CRAWFORD SHANNON, Route 1, Paradise, Texas, advised that he knew GEORGE BATES and GEORGE KELLY. He stated that several days prior to BATES and KELLY bringing CHARLES URSCHEL to his house on Route 1, Paradise, in July, 1933, GEORGE KELLY talked to him in the back yard of the farm house. He said that KELLY asked him "How would you like to make some good money?" SHANNON said he answered that he would if he would not get into any trouble. He said he actually thought KELLY was talking about storing some whiskey at the farm. SHANNON said KELLY told him he would not get into any trouble, but that SHANNON would have to stay at the house and wait for him, KELLY. SHANNON said he agreed to this.

SHANNON said his father and stepmother were in west Texas at that time. He said on a Sunday in July, 1933, exact date not recalled, after the return of his father and stepmother, KATHRYN KELLY came by his house and wanted to take his wife, OLETA, and child with her to Ft. Worth to stay a week or two. SHANNON stated prior to their leaving for Ft. Worth, KATHRYN KELLY talked to him in a low voice, so that his wife could not hear, and told him GEORGE was coming and for him not to go anywhere, as "GEORGE might come any time". SHANNON stated he believed this conversation took place on either the porch of the house or in the yard near the porch. He said that KATHRYN KELLY then left with his wife and child for Ft. Worth. He said the next night GEORGE KELLY and GEORGE BATES brought a man to the house and he later learned this person was CHARLES URSCHEL. He said that KELLY entered the house first and asked if there was a bed on which to put the man. He said that a second man then entered the room. He said this man was dressed in pajamas, house shoes, and had tape over his eyes. SHANNON said that BATES entered the house after the second man, who was URSCHEL.

SHANNON said that he prepared a bed for KELLY and URSCHEL. He said at first he thought that URSCHEL was a drunk person KELLY had brought to the house because of the way URSCHEL was walking and being led; however, later he realized that URSCHEL had his eyes taped.

SHANNON said that about 30 minutes to an hour after arriving at the house, BATES left the house. He said KELLY stayed at the house and gave the orders.

Interview with ARMON CRAWFORD SHANNON File # 7-7
on 11-10-59 at Paradise, Texas Date dictated 11-22-59
by Special Agent [REDACTED] and [REDACTED] All b7c

DL 7-7

SHANNON said KELLY left the following Friday evening. He said that his father, R. G. SHANNON, came to the house and said that KELLY had threatened his life if he did not do what KELLY told him to do. He said his father came to assist him in guarding URSCHEL. SHANNON said he does not recall KELLY giving his father any gun. He said that KELLY did give him, ARMON SHANNON, an automatic pistol.

SHANNON advised further that he was arrested about sunup on the morning of August 12, 1933 at the farm. He said this was about twelve days after URSCHEL was released. He said GEORGE BATES came to the house and took URSCHEL away.

SHANNON said the arresting officers took him to his father's house and his stepmother, ORA SHANNON, told him "ARMON shut your damn mouth and don't tell them a damn thing".

SHANNON said at the time he was taken to his father's house, he saw a person known to him as TOM MC DONALD. He said the officers asked him if he knew this person and SHANNON said he told them he knew him to be TOM MC DONALD. The officers told him this man was HARVEY BAILEY. SHANNON said he told the officers that this man was introduced to him by his stepmother, ORA SHANNON, some time during the prior month before ORA SHANNON went to west Texas. SHANNON said he believes he saw BAILEY two or three times prior to their arrest. SHANNON said that he never saw BAILEY with a machine gun and BAILEY was not around ARMON SHANNON'S house when URSCHEL was at the house.

SHANNON said just prior to URSCHEL being released KATHRYN came to his house with some ice and food. He said she wanted to talk to R. G. SHANNON. SHANNON said he did not hear any of this conversation. He said that his stepmother also brought some food to his house and put the food on the table. He said he does not recall if his stepmother saw URSCHEL at that time, as she stayed just a few minutes.

SHANNON advised that KELLY told him at the beginning that he was first going to keep URSCHEL at KATHRYN KELLY'S grandmother's, (FNU) COLEMAN, house in Oklahoma, town not recalled; however, Mrs. COLEMAN objected, therefore URSCHEL was taken to ARMON SHANNON'S house.

SHANNON said that his father, R. G. SHANNON, died on December 25, 1956, in the hospital at Bridgeport, Texas. He said [REDACTED] is presently [REDACTED] and is residing in Ft. Worth, Texas, address not known.

All b7c

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 11-18-59

WORTH U. HARRIS, Post Office Box 904, Bridgeport, Texas, advised that he was a rural mail carrier at Paradise, Texas, Wise County, in July, 1933. He advised that he recalled the abduction of CHARLES WRSCHKE and that he delivered a newspaper, believed to be the Ft. Worth Star Telegram, daily to the home of R. G. SHANNON, who resided on a rural route of Paradise, Texas at that time. He stated he delivered newspapers to the residence of SHANNON which newspapers carried the account of the kidnaping. He advised he is now retired from the postal service, having retired in 1940, and is presently 86 years old. HARRIS advised that he has a serious heart ailment at the present time and is unable to travel. He stated, therefore, he does not desire to testify in this matter in the event he should be called upon to do so, because of his health.

Interview with WORTH U. HARRIS File # 7-7
on 11-10-59 at Bridgeport, Texas Date dictated 11-14-59
by Special Agent [REDACTED] b7C

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 12-7-59

██████████ advised that she is the daughter of the late ROBERT GREEN SHANNON. ██████████ stated she was born ██████████ at Paradise, Texas.

██████████ advised during the summer of 1933, date not recalled, that KATHRYN KELLY came alone to her father's home near Paradise, Texas, and took her, PAULINE FRYE and OLETA SHANNON to Ft. Worth, Texas. ██████████ said she does not recall the details of this trip, as to who planned the trip or about any person discussing the trip, prior to their departure. ██████████ said she cannot now recall OLETA SHANNON taking her baby on this trip.

██████████ stated it was not uncommon for her and KATHRYN KELLY's daughter, PAULINE FRYE, to visit KATHRYN KELLY's house in Ft. Worth for several days at a time during the summer months. However, ██████████ said, she cannot recall OLETA SHANNON, ARMON SHANNON's wife, as ever having visited KATHRYN KELLY's home in Ft. Worth prior to the above-mentioned trip.

██████████ said she cannot now recall the return trip from Ft. Worth to Paradise, Texas but seems to recall she remained in Ft. Worth about two weeks "more or less" before returning to Paradise. ██████████ said she cannot now recall who was at KATHRYN KELLY'S home in Ft. Worth during their visit and cannot recall KATHRYN leaving the house during her visit.

██████████ said she did not know anything about the URSHEL kidnaping and did not read anything about it in any newspaper. She stated she was 13 years of age in 1933. She said further she was at her father's house near Paradise, Texas, on the morning her father, her stepmother, ORA SHANNON, ARMON SHANNON, and HARVEY BAILEY were arrested. She said that she did not know at that time why these persons were being arrested because her father and stepmother would not tell her anything except for her not to worry. She said it was later in the day or the following day that some person, name not recalled, told her about the kidnaping and why her father and the other persons were arrested.

Interview with ██████████

File # 7-7on 12-4-59 at Ft. Worth, TexasDate dictated 12-4-59

by Special Agent ██████████

and ██████████

All b7c

DL 7-7

[REDACTED] stated that as she recalls HARVEY BAILEY came to her father's house a short time before he was arrested; however, she cannot recall how long he had been at the house. She said that BAILEY had been to her home several different times and she knew him as HARVEY BAILEY.

[REDACTED] said she would be willing to testify in Court in the event she would be called upon to do so.

All b7C

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 11-18-59

 County Clerk, advised a search of the death records as filed with the office does not reflect a death certificate filed concerning R. G. SHANNON. stated it was probably an oversight that a death certificate concerning SHANNON was not filed.

Interview with File # 7-7
on 11-10-59 at Ft. Worth, Texas Date dictated 11-14-59
by Special Agent *All b7C*

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, DALLAS (7-7)

DATE: 12-7-59

FROM : SA [REDACTED]

Dictated: 12-3-59

SUBJECT: GEORGE KELLY BARNES; ET AL;
CHARLES F. WRSCHEL - VICTIM
KIDNAPING

The following notarized statement from BERT E. HAWKINS, owner, Hawkins Funeral Home, Bridgeport, Texas, was obtained concerning the death and burial of ROBERT GREEN SHANNON:

"To Who_ this may Concern:

"That Robert Green Shannon did die on December 25, 1956 in the Bridgeport Hospital and was burried in the Cottondale Cemetary on December 26, 1956 in Wise County, Texas. Our records show that he was born November 12, 1877.

"I, Bert E. Hawkins being the funeral director that was in charge of Mr. R. G. Shannon at the time that he died and until the time he was burried.

"Yours truly,

"/s/ Bert E. Hawkins
Bert E. Hawkins
Hawkins Funeral Home

"Before me, the undersigned, a Notary Public, /s/ Thomas Hays in and for said County, Texas, on this day personally appeared Bert E. Hawkins known to me to be the person whose name is subscribed to the foregoing instrument.

"/s/ Thomas Hays
Notary Public in and for Wise,
County, Texas"

All b7c

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, DALLAS (707)

DATE: 11/19/59

FROM : SA [REDACTED]

Dictated: 11/13/59

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

On November 13, 1959, [REDACTED] Dallas Police Department, made available file #11414 of HARVEY J. BAILEY.

A review of said file reflects the following which may be pertinent to captioned matter.

- (1) Mug photo of HARVEY J. BAILEY dated August 24, 1933
- (2) FBI Identification Record #312470 dated September 19, 1933 reflecting arrests on August 12, 1933 and fingerprinted Dallas Police Department
- (3) Following photographs and negatives:
 - A. Rear view of ARMON SHANNON's house. Photo by [REDACTED], August 12, 1933.
 - B. Front room of ARMON SHANNON's house, Paradise, Texas. Photo by [REDACTED] August 12, 1933
 - C. Room in ARMON SHANNON's home. Photo by [REDACTED] August 12, 1933.
 - D. Garage at ROBERT SHANNON's home showing car used to transfer CHARLES F. URSCHEL from ROBERT SHANNON's home to ARMON SHANNON's home. Photo by [REDACTED] August 12, 1933.
 - E. Front view of ARMON SHANNON's home in Paradise (Wise County) Texas, where CHARLES F. URSCHEL was held. Photo by [REDACTED] August 12, 1933.
 - * — F. Weapons taken from HARVEY J. BAILEY at time of arrest showing Thompson sub-machine gun with straight clip, round drum clip, .351 automatic rifle, two .45 automatic pistols. Photo has stamped on back "Harry Bennett Commercial Photographs 2108 McKinney Avenue, Dallas, Texas.
 - G. Bedroom in ARMON SHANNON's home at Paradise, Texas, where CHARLES F. URSCHEL was held prisoner. Photo by [REDACTED] August 12, 1933.
 - H. R.G. SHANNON's home where HARVEY J. BAILEY was arrested August 12, 1933.
 - I. Rear view of ARMON SHANNON's home taken by [REDACTED] August 12, 1933.

All b7C

(4)

Memo in file listing the following who participated in the Paradise, Texas arrest of kidnapers:

ED WEATHERFORD, Detective, Fort Worth Police Department;
[REDACTED], Detective, Fort Worth Police Department;
[REDACTED], Detective, Fort Worth Police Department;
[REDACTED], Detective Fort Worth Police Department;
[REDACTED], Detective Dallas Police Department;
[REDACTED], Detective Dallas Police Department;
[REDACTED], Detective Dallas Police Department;
[REDACTED], Detective Dallas Police Department;
Deputy Sheriff, Oklahoma City, Oklahoma;
GUS F. JONES, Department of Justice, San Antonio, Texas;
[REDACTED], Department of Justice, San Antonio, Texas;
[REDACTED], Department of Justice
[REDACTED], Department of Justice, Dallas, Texas.

(5)

Newspaper clippings in file reflect article from "Dallas Morning News" dateline Oklahoma City, October 7 (AP) reflecting sentencing of BATES, BAILEY and SHANNON, and others, and states, "All of those sentenced received the pronouncement of the court stoically. Mrs. Kelley stared at the judge icily as she heard her mother sentenced, but she appeared on the verge of tears. Mrs. Shannon and her husband whose conviction will be appealed appeared dumb founded when Judge Vaught, his deliberate words caught by sound newsreel equipment, told the middle-aged farmers they must spend the rest of their natural life in a Federal prison." Accompanying this article is a photograph captioned "Urschel Kidnapers are Sentenced in Oklahoma City" and reflects a court room scene of the sentencing during court session which states, "This photo was taken Saturday by the Associated Press in the Federal Courtroom in Oklahoma City and was received by the "Dallas Morning News" through courtesy of the American Airways. Standing left to right are the URSCHERL kidnapers, ALBERT BATES, HARVEY BAILEY, ARMON SHANNON, R.G. SHANNON and Mrs. R.G. SHANNON all received life terms, except ARMON who was given a ten year suspended sentence."

Article in the Oklahoma News dated September 18, 1933 entitled "Here is Story of Kidnaping Trial in Detail" by NOEL HOUSTON, reports blow by blow description of the first half day of trial during time jury picked. Same reflects armed guards and taking of flash picture. Article "Dallas Morning News" Dallas, Texas, September 29, 1933, dateline Oklahoma City, 9-28 (AP) reflects AP photo of ARMON SHANNON on witness stand.

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (7-115)

DATE: 12/21/59

FROM : SAC, KANSAS CITY (7-8)

SUBJECT: GEORGE KELLY BARNES, aka;
Et Al
CHARLES F. URSHEL - VICTIM
KIDNAPING

OO: OKLAHOMA CITY

Re Kansas City letter to Bureau 10/19/59.

A review of the records of the U. S. Penitentiary, Leavenworth, Kansas made available by [redacted] to SA [redacted] on 12/16/59 concerning HARVEY BAILEY, reflects that a memorandum from the U. S. Board of Parole to the Warden, U. S. Penitentiary, Leavenworth dated December 8, 1959 was received concerning the progress report submitted September 19, 1959. The memorandum reflected the Board had reviewed the entire record of BAILEY and stated that "it does not find sufficient justification for change in the parole status, at least at this time".

Kansas City Office will continue to follow this matter and advise the Bureau of any change in the status of BAILEY at the institution.

- 2-Bureau (7-115)
- 1-Oklahoma City (7-6)
- 2-Kansas City (7-8)

(5)

All b7C *ng*

EX-135

REC-74

7-115-2617

7 DEC 28 1959

62 DEC 31 1959

Office Memorandum • UNITEL • GOVERNMENT

TO : DIRECTOR FBI (7-115)

DATE: 1/6/60

FROM : SAC KANSAS CITY (7-8)

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

OO: Oklahoma City

Re Kansas City letter to Director 12/21/59.

Review of the records of U. S. Penitentiary, Leavenworth, Kansas, made available by [redacted] to SA [redacted] on December 30, 1959 reflect that a letter dated 12/8/59 from the U. S. Board of Parole to the Warden, U. S. Penitentiary, Leavenworth, was received concerning BAILEY. The letter made reference to the Progress Report dated September, 1959 concerning BAILEY and stated in part, "This refers to your recent communication relative to consideration of parole of the prisoner named above. The Board has reviewed the entire record, giving special consideration to the information submitted, however, it does not find sufficient justification for change in the parole status, at least at this time."

Kansas City will continue to follow this matter and advise the Bureau of any change in status.

- 2 - Bureau
- 2 - Oklahoma City (7-6)
- 1 - Kansas City

(5)

REC-94

EX-139

JAN 8 1960

All b7c

58 JAN 14 1960

[Handwritten signature]

FEDERAL BUREAU OF INVESTIGATION

Reporting Office ALBUQUERQUE	Office of Origin OKLAHOMA CITY	Date 1/19/60	Investigative Period 12/23/59 - 1/11/60
TITLE OF CASE GEORGE KELLY BARNES, Aka.; ET AL; CHARLES F. URSCHEL - VICTIM		Report made by SA [REDACTED]	Typed By: [REDACTED]
		CHARACTER OF CASE KIDNAPING	

*C-17ms
1/16/60
of number
1/20/3+4*

REFERENCE:

Report of SA [REDACTED] dated 10/28/59 at Oklahoma City.
Dallas airtel to Albuquerque dated 12/9/59.

- RUC -

All b7C /

- A* -

COVER PAGE

Approved: [Signature]	Special Agent In Charge	Do not write in spaces below		
Copies made: ① - Bureau (7-115) 4 - Oklahoma City (2 - USA, Oklahoma City) 1 - Albuquerque (7-120)		7-115-2619	REC-1	
		JAN 21 1960		
			EX-101	

7th 52 d 53 44 pp

OFFICE DIA

STAT. SECT.

62 JAN 27 1960

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 2 - USA, Oklahoma City

Report of: SA [REDACTED] Officer: ALBUQUERQUE
Date: 1/19/60

File Number: AQ 7-120

Title: GEORGE KELLY BARNES, Aka.; ET AL;
CHARLES F. URSCHEL - VICTIM

Character: KIDNAPING

Synopsis: Witness [REDACTED] Silver City,
N.M., recalls that he was visiting [REDACTED]
[REDACTED] COLEMAN
when URSCHEL was kidnaped in 7/33. Recalls peeking
in a garage at the COLEMAN home and seeing a red
Chevrolet. States met a big man at COLEMAN farm
who he recalls as being GEORGE KELLY. Recalls family
dinner at COLEMANS' residence but has only a vague
recollection of conversation.

- RUC -

DETAILS:

All b7C

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 1/6/60

[redacted] was interviewed at the Safety Lane Garage on West Spruce Street, Deming, New Mexico, at which time [redacted] related that he resides at [redacted] Silver City, New Mexico, and is employed as a mechanic at the Safety Lane Garage.

[redacted] stated that he was formerly from Coleman, Texas, and that he came to Silver City, New Mexico, from Monahans, Texas, in January, 1951. He related that he was a witness and testified in Oklahoma City, Oklahoma, in the Urschel Kidnapping Case.

[redacted] related that he and [redacted] were "just bumming around the country" since they were young fellows around 1930s and the country was in a depression and they were unable to find any work. He stated that the two of them were visiting in July of 1933 at [redacted]

He related that one of the [redacted] last names he believed was [redacted] and that the other [redacted] last names were COLEMAN. He related that one of the [redacted] resided in Asher, Oklahoma, or at a farm near Asher and that he believed that the [redacted] were the people who lived on the farm near Asher, however, he was not sure. He related that the other [redacted] lived at Stratford, Oklahoma, and that he believed that [redacted] names who lived on the farm near Stratford were the COLEMANS.

[redacted] stated that he was unable to recall how long the two of them visited with [redacted] in the Asher and Stratford, Oklahoma area, although he does recall that during the time they were visiting with [redacted] URSCHL was kidnapped and he believed it was from Oklahoma City.

[redacted] related that on an unrecalled day in July, 1933, while he was staying at [redacted] also by the name of COLEMAN, that he peeked through a crack in an old garage where [redacted] had been keeping a model T Ford touring car. [redacted] stated he recalled that this Ford had been parked in front of COLEMANS instead of the garage where it was usually kept for a couple of days and that when he peeked through the crack in the garage he observed a naroon

Interview with [redacted] File # AQ 7-120
on 12/29/59 at Deming, N.M. Date dictated 12/29/59

by Special Agent [redacted]

All b7c

AQ 7-120

Chevrolet and believed that it had wire wheels with spare on the side. He was unable to recall the year but stated it was very new and he believed it to be around a 1931 or 1932 model. At this point he advised he was unable to recall the license plates on this car, however, subsequently during the interview [redacted] advised that it was his recollection that this maroon Chevrolet bore out of state license plates but he was unable to recall the state of issue.

[redacted] advised that he does recall at time of peeking into the garage he remembers that [redacted] did not want him to look into the garage and that after observing the car he, [redacted] believes he asked [redacted] some questions about the car but to his recollection received no answer concerning the car at that time.

[redacted] stated that at the time he and [redacted] were visiting [redacted] in Oklahoma both he and [redacted] were approximately 21 to 22 years of age and that they would spend first a few days at one of [redacted] and then would walk the six or seven miles between the farms to the other [redacted] where they would then spend a few days there. He advised that he recalls that sometime during July, date unrecalled, that he met a big man at the COLEMAN farm in Oklahoma who he recalls as being GEORGE KELLY. It was his recollection at the time he met KELLY, KELLY was in the COLEMAN house and made some comment about how hot the weather was and that afterwards he, [redacted] then asked [redacted] who this person was and it was his belief that sometime later [redacted] told him that that fellow was GEORGE KELLY.

[redacted] advised that he recalls that sometime in July of 1933 exact date unknown the COLEMANS had a large number of people over for a dinner and that it was his recollection that this was either to celebrate someone's birthday or was a holiday of some kind.

All b7C

AQ 7-120

He related that he does remember that there was quite a large number of people at this gathering and that he believed that they had served the dinner both in the COLEMAN house and out on the lawn. He advised that he believes that GEORGE KELLY was one of those present at this dinner as well as a woman whom he recalls as KATHRYN (LNU) but who was with GEORGE KELLY and whom he believed was related to the COLEMANS.

██████████ stated that he was unable to recall the jist of any conversation which took place at this dinner and that although the name GEORGE BATES was familiar to him he was unable to recall whether or not BATES was at this dinner and also referred to BATES as either GEORGE BATES or GEORGE "BAILEY", (phonetic). ██████████ stated that he was not familiar with the name GEORGE DAVIS. ██████████ was asked whether he recalled if there was any mention made at this dinner by anyone concerning any relative being in a hospital or old persons home or sanitarium or anything to that effect and whether or not there was any mention made as to obtaining any money.

At this time ██████████ replied that he was unable to recall any such mention of these matters, however, subsequently in the interview he advised that he was able to recall that one of the persons present, however, he was unable to recall the identity of who, did make a statement which he believed was to the effect that one of them had a "mother" who was in either a hospital or a sanitarium somewhere in Texas and that this person hoped to obtain some money to help the mother. ██████████ stated, however, that he was unable to recall anyone make any statement to the effect that there was likely to be or was going to be a person or man or woman who would be kidnaped in Oklahoma City either the night of the dinner or in the very near future.

██████████ further advised that he was unable to recall anything concerning the maroon Chevrolet which he believed bore out of state license plates except that it was parked in COLEMANS garage. He advised that never at any time did he see anyone drive this car either into or out of the garage and that if he ever made any statement about who owned the car he feels that must have been based on information furnished to him by ██████████ at a later date.

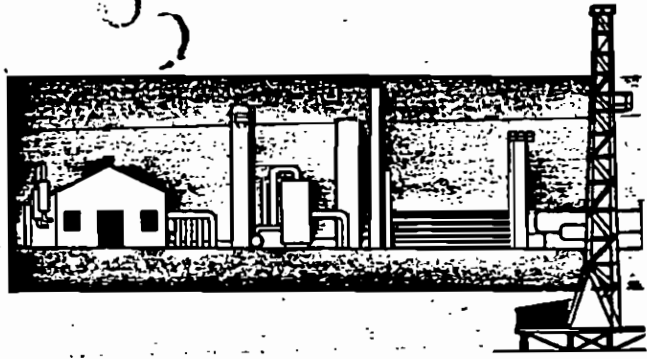
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Rodman Supply Company

OIL FIELD SUPPLIES



Federal 2-5785 • BOX 591 • ODESSA, TEXAS

Tulsa 3, Oklahoma
1302 Philtower Building
January 11, 1960

BRANCHES IN:
ANDREWS, TEXAS
PAMPA, TEXAS
ELNICE, NEW MEX
HOBBS, NEW MEX

MP

Joey

Mr. J. Edgar Hoover, Director
Federal Bureau of Investigation
Washington, D. C.

Dear Mr. Hoover:

Yesterday I had a most pleasant visit with [redacted] and [redacted] of Oklahoma City.

I was delighted to learn that the transcript and exhibits of the Kelly trial, which were nowhere to be found during preparation of the trials at Oklahoma City and Denver, had been found.

I think it was an unusually fine job [redacted] did in going through the records of Court Reporter [redacted] and digging out the notes of the original trial. Had they been available at the trial of Kathryn Kelly and Ora Shannon I don't believe Judge Wallace could have made the decision he did.

I shall be available to render any evidence or assistance I can as the case progresses toward a close.

Most sincerely,

E. E. Kirkpatrick
E. E. Kirkpatrick

7-115

All b7C

REC-68

7 JAN 22 1960

8-110

EX-117

W. D. ...

BUKES FILES

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202
203*

EXP. PROC.
JAN 14 1960

A

January 19, 1960

7-115-2620

REC-68

Mr. Ernest E. Kirkpatrick
Rodman Supply Company
1302 Philtower Building
Tulsa 3, Oklahoma

Dear Kirk:

E. E. Kirkpatrick

Thanks very much for your letter of January 11, 1960. I appreciate your thoughtful comments regarding Special Agent [redacted] successful efforts to locate the transcript of the original Kelly trial.

With best wishes,

Sincerely,

EDGAR

MAILED 27
JAN 20 1960
COMM-FBI

1 - Oklahoma City - Enclosure

NOTE: Mr. Kirkpatrick is on the Special Correspondents' List and is personally known to the Director. SA [redacted] GS-12, assigned Oklahoma City Office. SA [redacted] GS-13, assigned Oklahoma City.

- Tolson _____
- Mohr _____
- Parsons _____
- Belmont _____
- Callahan _____
- DeLoach _____
- Malone _____
- McGuire _____
- Rosen _____
- Tamm _____
- Trotter _____
- W.C. Sullivan _____
- Tele. Room _____
- Ingram _____
- Gandy _____

(4)
JAN 19 2 22 PM '60
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FBI
MAY 11 1960

MAIL ROOM TELETYPE UNIT

FEB 1 1960

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REC'D-READING ROOM
FBI

Handwritten signatures and initials, including "DARE" and "WED".

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (7-115)

DATE: 1/29/60

FROM : SAC, WFO (7-19)

SUBJECT: GEORGE KELLY BARNES, aka
Charles F. Urschel - VICTIM
KIDNAPING

ReWFOlet to the Director 12/16/59.

On 1/25/60, check of USSC Docket No. 321
Miscellaneous of the October, 1959, term, failed to
reflect that any action has been taken by the USSC
in this matter.

For the information of the Bureau, and the
Oklahoma City Division, the USSC will be in recess
from 1/25/60, until 2/23/60.

The WFO will maintain contact with the USSC
in this matter.

- P.
- (2) - Bureau
- 2 - Oklahoma City (7-6)
- 1 - WFO

[Redacted] b7C

(5)

REC-71

7-115-2621

EX-139

[Handwritten signature]