

**FREEDOM OF INFORMATION
AND
PRIVACY ACTS**

SUBJECT: GEORGE BARNES
(AKA "MACHINE GUN KELLY")

FILE: 7-115

PART 21 OF 23



FEDERAL BUREAU OF INVESTIGATION

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FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUN 13 1958

TELETYPE

Mr. Tolson	_____
Mr. Boardman	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Nease	_____
Mr. Parsons	_____
Mr. Rosen	_____
Mr. Tamm	_____
Mr. Trotter	_____
Mr. Clayton	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

Picapp

6-11-58

URGENT 6-13-58 11-29 PM

TO DIRECTOR

FROM SAC, OKLAHOMA CITY

GEORGE KELLY BARNES, WAS, ET AL, CHARLES F. URSCHER, VIKID.
U. S. DISTRICT JUDGE W. R. WALLACE, UPON PETITION OF
USA PAUL CRESS, ON JUNE THIRTEEN GRANTED CONTINUANCE
OF HEARING UNTIL JUNE SIXTEEN NEXT.

END AND ACK. PLS

1-28 PM OK FBI WA

DIS 309
58 JUN 18 1958

EX-136

REC-4

Mr. Rosen

JUN 17 1958

DO. MR. ROSEN
INVESTIGATIVE DIVISION

All b7C

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUN 11 1958

TELETYPE

2-06 AM P CST

URGENT 6-11-58

TO- DIRECTOR, FBI

FROM- SAC, OKLAHOMA CITY 14 P

GEORGE KELLY BARNES, WAS, ET AL., CHARLES F. URSCHEL, VIKID.

HEARING OF KATHRYN THORNE KELLY AND ORA L. SHANNON TO VACATE

THEIR SENTENCES RESUMED AT TEN TWENTY AM JUNE TEN. HERBERT K.

HYDE, FORMER USA, ^{Oklahoma City} OC. WAS CROSS EXAMINED BY ATTORNEY LAUGHLIN.

MR. HYDE WAS QUESTIONED WHETHER HE ACCOMPANIED JOSEPH B. KEENAN

TO THE OKLA. COUNTY JAIL WHERE KATHRYN KELLY WAS TOLD THAT

KEENAN HAD TAKEN OVER THE PROSECUTION AND SHE HAD BETTER PLEAD

GUILTY. THIS STATEMENT ALLEGEDLY MADE IN PRESENCE OF TWO FBI

AGENTS. HYDE DENIED THIS. HE THEN REFUTED THE FACT THAT DIRECTOR

HOOVER HAD BEEN IN OKLA. CITY DURING THIS TRIAL BUT POINTED

OUT THAT MR. HAROLD NATHAN HAD BEEN IN OKLA. CITY, AND WAS AN

ASSISTANT DIRECTOR. HE WAS THEN EXAMINED CONCERNING TESTIMONY OF

LUTHER WILLIAM ARNOLD AND WHETHER OR NOT HE HAD KNOWLEDGE OF

A NOTE TO KATHRYN KELLY ALLEGEDLY GIVEN MR. JAMES H. MATHERS

BY ARNOLD, AFTER ARNOLDS TESTIMONY, IN WHICH ARNOLD TOLD HER

THE GOVERNMENT WAS SENDING ARNOLD TO PRISON IF HE DID NOT

TESTIFY AS HE HAD. HYDE DENIED SUCH KNOWLEDGE. WITH REGARD TO

VISITS BY JAMES H. MATHERS TO CONFER WITH KATHRYN KELLY AT THE

JAIL, HYDE TESTIFIED HE HAD NO PERSONAL KNOWLEDGE OF SUCH

VISITS BUT WAS POSITIVE THAT MR. MATHERS HAD CONFERRED WITH

THIS CLIENT. HE POINTED OUT THAT SINCE THE USM DID NOT LIKE TO GO

END PAGE ONE

Mr. Rosen

Mr. Tolson	✓
Mr. Boardman	✓
Mr. Belmont	✓
Mr. Mohr	✓
Mr. Nease	✓
Mr. Parsons	✓
Mr. Rosen	✓
Mr. Tamm	✓
Mr. Trotter	✓
Mr. Clayton	✓
Tele. Room	✓
Mr. Holloman	✓
Miss Gandy	✓

Victim-Kidnapping

6-11-58

EX-136

REC-4

7-115-2439

JUN 17 1958

U.S. Marshal

7-115

PAGE TWO

DOWN TO THE JAIL AT NIGHT, MR. MATHERS SPOKE TO JUDGE VAUGHT AS WELL AS HYDE, STATING HE FELT HE SHOULD HAVE MORE PRIVACY WITH HIS CLIENTS, AND WANTED PERMISSION TO VISIT THEM WHEN HE DESIRED. STATED SUCH A COURT ORDER WAS ISSUED BY JUDGE VAUGHT AND THE INSTRUMENT WAS INTRODUCED INTO EVIDENCE. HYDE TESTIFIED THAT TO HIS KNOWLEDGE NO ATTORNEYS WERE INVESTIGATED CONCERNING THE RECEIPT OF RANSOM MONEY UNTIL AFTER THE SHANNON AND THE KELLY TRIALS WERE OVER. HE POINTED OUT THAT HE QUIT AS USA ON JAN. ONE, THIRTY FOUR AND IT WAS HIS BELIEF THE BEN LASKA INVESTIGATION WAS CONDUCTED SUBSEQUENT THERETO. HYDE WAS THEN EXAMINED CONCERNING A NEWSPAPER ARTICLE WHICH HAD HEADLINES, PROCLAIMING THE GOVERNMENT HAD BEEN DOUBLE CROSSED BECAUSE GEORGE AND KATHRYN KELLY DID NOT PLEAD GUILTY TO THE INDICTMENT. HYDE EXAMINED THE ARTICLE AND COULD NOT FIND HIS NAME MENTIONED AND POINTED OUT THAT A HEAD LINE WRITER HAD APPARENTLY WRITTEN THE PART ABOUT THE DOUBLE CROSS. HE TESTIFIED CONCERNING NEWS REEL CAMERAS IN AND ABOUT THE COURT ROOM, AS WELL AS THE NUMBER OF PHOTOGRAPHERS AND ENDEAVORED TO FIX THEIR RESPECTIVE LOCATIONS IN THE COURT , AFTER POINTING OUT THAT TRIALS WERE

END PAGE TWO

PAGE THREE

HELD IN THE NINTH FLOOR COURT ROOM WHICH IS EXACTLY OPPOSITE
IN FORM FROM THE SECOND FLOOR COURT ROOM IN WHICH THIS HEARING
IS BEING HELD. HE TESTIFIED THAT NO PHOTOGRAPHS WERE TAKEN
DURING THE TRIAL ITSELF SINCE THE COURT HAD FURNISHED INSTRUCTIONS TO ALL PHOTOGRAPHERS. HYDE WAS ASKED IF HE WAS RELATED TO A
MAN NAMED BERNIER AND DENIED THAT HE WAS. PAREN (IN THIS
CONNECTION JACK BERNIER, ALIAS JACK BARNETT IS ALLEGED TO
HAVE BEEN THE MAN WHO WAS CONVICTED OF HI JACKING IN OKLA.
COUNTY AND WHO WAS HI JACKING THE ESCORTS OF KATHRYN KELLY
WHO AT THE TIME WAS USING THE NAME OF CLEO MAY. MAY, ^{Oklahoma City Police Depart} OCPD NO.
THREE ONE ONE THREE, WAS CONVICTED AND SENTENCED TO FIVE
YEARS IN OKLA. COUNTY FOR ARMED ROBBERY, OR BEING A ACCESSORY,
ON MARCH EIGHTEEN TWENTY SIX. CASE WAS APPEALED AND ON MAY
NINE, TWENTY NINE WAS REVERSED AND NO FURTHER ACTION TAKEN)
PAREN. COURT WAS THEN RECESSED FOR LUNCH. AT ONE THIRTY PM,
JUNE TEN, MR. HYDE AGAIN TOOK THE STAND AND WAS EXAMINED
CONCERNING THE FIFTEEN THOUSAND DOLLAR REWARD OFFERED BY MR.
C. F. COLCORD FOR THE CITIZENS COMMITTEE, TO BE PAID FOR THE
CAPTURE OF GEORGE AND KATHRYN KELLY. SINCE MR. HYDE, AFTER
END PAGE THREE

PAGE FOUR

RESIGNING, JOINED A LAW FIRM WHICH WAS HANDLING THE SUIT AGAINST COLCORD, WHICH HAD BEEN FILED BY GERALDINE ARNOLD, A MINOR. MR. HYDE PARTICIPATED IN THE SETTLEMENT OF THE SUIT FOR FOUR THOUSAND DOLLARS. MR. LAUGHLIN THEN WANTED TO KNOW IF MR. HYDE OBTAINED THE BALANCE FOR HIS FEE, AND IF HE DID NOT FEEL IT WAS UNETHICAL TO REPRESENT COLCORD. MR. HYDE TESTIFIED CONCERNING THE MANNER IN WHICH THE COLLECTED REWARD MONEY WAS RETURNED TO THE DONORS AND STATED HIS FIRM WAS PAID A FEE OF SOME TWO HUNDRED FIFTY DOLLARS FOR THEIR SERVICES. WITH REGARD TO THE TESTIMONY OF THE TELEPHONE OPERATOR IN PARADISE TEXAS, MR. HYDE TESTIFIED THAT THE PURPOSE OF HER TESTIMONY WAS TO DETERMINE WHETHER KATHRYN KELLY RECEIVED A TELEPHONE CALL AT THE HOME OF HER MOTHER, MRS. SHANNON, ON A CERTAIN DAY, WHETHER THE CALL WAS FROM GEORGE KELLY AND WHETHER THE OPERATOR COULD IDENTIFY THE VOICES OF GEORGE AND KATHRYN AS THE CALLER AND PARTY ANSWERING. HE TESTIFIED IT WAS NOT FOR THE PURPOSE OF FINDING OUT WHAT THE CONVERSATION WAS, SINCE THE CONVERSATION ITSELF WAS OF NO VALUE. HYDE TESTIFIED HE RECALLED GEORGE KELLY BEING IN COURT WITH A KNOT ON HIS HEAD BUT DID NOT RECALL ANY BLOOD OOZING OUT OF THE KNOT, AS SUGGESTED BY DEFENSE COUNSEL. HE TESTIFIED HE HAD

END PAGE FOUR

PAGE FIVE

AT NO TIME WHILE IN WASHINGTON, D. C. CONTACTED THE PAROLE BOARD CONCERNING KATHRYN KELLY OR ORA L. SHANNON. HE ADVISED HE HAD BEEN EMPLOYED AS COUNSEL FOR A COMPANY OWNED BY THE URSCHER INTERESTS BUT HAD NEVER BEEN ON THE PAY ROLL OF MR. URSCHER. MR. HYDE WAS THEN EXCUSED AS HE HAS APPOINTMENTS IN WASHINGTON, D. C. AND NEW YORK CITY, AND HAD TRAVEL RESERVATIONS FOR THE EVENING OF JUNE TEN. AT THAT TIME, MR. LAUGHLIN, ADVISED THAT HE PLANNED TO HAVE REBUTTAL TESTIMONY, AFTER HE HAD A CHANCE TO EXAMINE QUOTE FBI RECORDS UNQUOTE. IN ADDITION TO INFO MYTEL JUNE TEN MR. HYDE TESTIFIED ON JUNE NINE THAT AS USA HE RECEIVED COPIES OF ALL FBI REPORTS IN THIS MATTER, PERTAINING TO THE INVESTIGATION AND TRIALS OF ORA SHANNON AND KATHRYN KELLY. MR. LAUGHLIN ALSO INDICATED HE PLANNED TO EXAMINE FBI RECORDS CONCERNING THE INVESTIGATION OF ATTORNEYS. AT TWO FIFTEEN PM JUNE TEN, MR. JAMES H. MATHERS, COUNTY ATTORNEY, COALGATE, OKLA. WHO IS EIGHTY YEARS OF AGE, TESTIFIED FOR THE GOVERNMENT THAT HE WAS THE DEFENSE COUNSEL FOR KATHRYN T. KELLY, AND THAT GEORGE KELLY WAS REPRESENTED BY JOHN ROBERTS OF ENID, OKLA. FURTHER, HE REPRESENTED HARVEY BAILEY AT THE FIRST TRIAL AND KATHRYN KELLY AT THE SECOND

END PAGE FIVE

PAGE SIX

TRIAL. HE TESTIFIED HE DID NOT COUNSEL KATHRYN TO PLEAD GUILTY, CONSULTED HER ON SEVERAL OCCASIONS AT THE COUNTY JAIL, PRIVATELY, AND WAS TREATED COURTEOUSLY BY THE OFFICERS. HE RECALLED THAT ON OCCASION THERE WOULD BE A GUARD IN THE OFFICE, DOWNSTAIRS AND A GUARD UP STAIRS BUT DID NOT SEE ANY SHOT GUNS OR MACHINE GUNS. HE COULD NOT RECALL THAT KATHRYN WAS TREATED ANY DIFFERENT FROM ANY OTHER FEMALE PRISONER AT THAT TIME. SHE DID NOT COMPLAIN TO HIM THAT SHE WAS BEING FED BREAD AND WATER, AND DID NOT COMPLAIN OF BEING ILL OR WEAK. HE TESTIFIED THAT KATHRYN T. KELLY WANTED TO GO SEE JUDGE VAUGHT, AND SAID IF HE DID NOT GO WITH HER, SHE WOULD GO ALONE, SO HE ACCOMPANIED HER TO THE JUDGE-S CHAMBERS. THERE KATHRYN, WANTED TO MAKE A TRADE WITH THE COURT, SHE TO PLEAD GUILTY IF THE COURT WOULD GIVE CONSIDERATION TO HER MOTHER, ORA L. SHANNON. JUDGE VAUGHT ADVISED HER HE WOULD MAKE NO DEALS. MR. MATHERS, ADVISED THAT NO ONE THREATENED HIM OR INTIMIDATED HIM IN ANY MANNER, AND REMARKED THAT WAS ~~QUOTE~~ "RIDICULOUS UNQUOTE". HE TESTIFIED AS HAD HYDE CONCERNING PHOTOGRAPHS TAKEN IN THE COURT ROOM, AND THAT NONE WERE TAKEN WHILE THE TRIAL WAS ACTUALLY IN PROGRESS. HE DESCRIBED THE

END PAGE SIX

PAGE SEVEN

COURT AS VERY ORDERLY. HE TESTIFIED THERE WERE FOUR FEDERAL OFFICERS KNOWN TO HIM, WHO WERE IN THE COURT ROOM, MR. GUS JONES, [REDACTED] SPECIAL AGENTS, AND MR. W. C. GEERS, USM AND [REDACTED] U. S. PROBATION OFFICER. HE STATED THERE WAS NO DISPLAY OF FIREARMS IN THE COURT ROOM BY THE AGENTS OR OFFICERS AND THE ONLY WEAPON HE SAW IN THE COURT ROOM WAS THE MACHINE GUN TAKEN FROM HARVEY BAILY AT THE TIME OF THE RAID ON THE SHANNON FARM. HE DENIED HEARING MR. KEENAN ADVISE KATHRYN KELLY OR GEORGE KELLY THAT KEENAN WOULD BURN KELLY AND BATES IF THEY TESTIFIED IN BEHALF OF KATHRYN T. KELLY. MR. HERBERT HYDE WAS SAID TO BE IN CHARGE OF THE PROSECUTION OF THIS CASE, AND THAT DURING THE ENTIRE PERIOD OF BOTH TRIALS HE TALKED TO MR. KEENAN FOR APPROXIMATELY FIVE MINUTES. HE DESCRIBED MR. KEENAN AS A COURTEOUS, POLITE ATTORNEY WHO WAS AN EFFICIENT PROSECUTOR. WITH REGARD TO GEORGE KELLY BEING HIT IN THE HEAD ON THE WAY TO COURT, MR. MATHERS RELATED HE OBSERVED A ~~QUOTE~~ "LUMP" ~~UNQUOTE~~ ON GEORGE KELLY'S HEAD ONE MORNING. HE ASKED WHAT WAS WRONG AND KATHRYN

END PAGE SEVEN

All b7C

PAGE EIGHT

ADVISED THAT ONE OF THE AGENTS SAID SOMETHING TO HER AND GEORGE
CALLED THE AGENT A ~~QUOTE~~ SON OF A BITCH ~~UNQUOTE~~ AND WAS
STRUCK WITH A PISTOL. HE ADVISED HE NEVER HEARD THAT KEENAN
HAD THREATENED TO TURN GEORGE KELLY AND BATES OVER TO STATE
AUTHORITIES FOR PROSECUTION IF THEY TESTIFIED FOR KATHRYN
KELLY. FURTHER THAT HIS CLIENT NEVER TOLD HIM SHE HAD BEEN
THREATENED IN ANY WAY. MATHERS DENIED THAT LUTHER ARNOLD
GAVE HIM A NOTE TELLING KATHRYN THAT ARNOLD WAS BEING SENT
TO PRISON IF HE REFUSED TO TESTIFY FOR THE GOVERNMENT. HE
DENIED THAT HERBERT HYDE, THE USA, ENDEAVORED TO PERSUADE
KATHRYN KELLY TO ENTER A PLEA OF GUILTY. MATHERS TESTIFIED THAT
HIS SON JAMES C. MATHERS WAS CHARGED WITH RECEIVING RANSOM
MONEY ALONG WITH BEN LASKA BUT THE CASE RESULTED IN A DIRECTED
VERDICT OF NOT GUILTY BEING RETURNED AGAINST HIS SON. MR.
MATHERS TESTIFIED HE WAS NOT DENIED COMPULSORY SERVICE OF
PROCESS. AT THREE NAUGHT FIVE PM, JUNE TEN, MR. MATHERS WAS
CROSS EXAMINED BY MR. LAUGHLIN. HE WAS EXAMINED CONCERNING
HIS BEING SUBPOENAED BY THE GOVERNMENT, HOW HE ENDEAVORED
TO LOCATE HIS TRANSCRIPT OF TESTIMONY IN THE KATHRYN KELLY
TRIAL, AND THAT IT MUST HAVE BURNED WHEN HIS BARN BURNED DOWN
END PAGE EIGHT

PAGE NINE

TWO OR THREE YEARS AGO. WHEN QUESTIONED CONCERNING HIS QUALIFICATIONS, HE TESTIFIED HE HAD BEEN COUNTY ATTORNEY AT ARDMORE, OKLA. AT ~~QUOTE~~ "STATEHOOD ~~UNQUOTE~~, PAREN (ONE NINE NAUGHT SEVEN) PAREN. THAT HE IS NOW EIGHTY YEARS OF AGE AND HAD PRACTICED LAW FOR SIXTY YEARS. WHEN QUESTIONED CONCERNING THE POPULATION OF COALGATE, OKLA. THE COUNTY SEAT OF COAL COUNTY, HE TESTIFIED THERE WERE ABOUT TWO THOUSAND INHABITANTS. WHEN ASKED IF ~~HEN~~ HAD MANY FELONY CASES THERE, REPLIED NO. WHEN ASKED HOW MANY FELONY CASES HE HAD TRIED, REMARKED ~~QUOTE~~ "OH ABOUT TWO HUNDRED TO TWO HUNDRED AND FIFTY MURDERS" ~~UNQUOTE~~. WHEN ASKED IF HE HAD EVER LOST ANY MURDER CASES, TESTIFIED HE HAD. ALSO THAT HE HAD PROSECUED ABOUT SEVENTY FIVE. HE TESTIFIED HE HAD BEEN PRACTICING IN FEDERAL COURT AND HAD NUMEROUS CASES THERE. HE WAS OF THE OPINION THE URSCHER CASE WAS THE FIRST TO BE TRIED UNDER THE LINDBERG ACT, BUT WAS NOT SURE. MATHERS ADVISED HE WAS NOT ACQUAINTED WITH AND DID NOT KNOW MR. URSCHER. WHEN QUERIED ABOUT CERTAIN CASES, THE CITATIONS WERE QUOTED BY MR. LAUGHLIN, MR. MATHERS ADVISED HE HAD NEVER HEARD OF THEM, PAREN (THE LIST INCLUDED THE MALLORY CASE) ~~END PAREN~~. WHEN QUESTIONED ABOUT WHETHER KATHRYN KELLY HAD BEEN ARRAIGNED AFTER ARREST AND HER RIGHTS PROTECTED, MR. MATHERS ADVISED HE PRESUMED SO, BUT THAT AN INDICTMENT WAS OUTSTANDING AT THE TIME, THEREFORE IT MADE

END PAGE NINE

PAGE TEN

NO DIFFERENCE, IN HIS OPINION. MR. LAUGHLIN THEN ASKED MR. MATHERS, THAT IF IT WERE TRUE THAT AN INDICTMENT WAS OUTSTANDING, THAT THE FBI HAD NO RIGHT TO INTERROGATE THE SUBJECTS, AND WHETHER OR NOT MR. MATHERS KNEW THAT TO BE A FACT. MR. MATHERS SAID HE DID NOT KNOW IT. WHEN QUESTIONED CONCERNING THE APPEAL FILED FOR KATHRYN, MR. MATHERS TESTIFIED HE PREPARED THE APPEAL BY HIMSELF. WHEN QUESTIONED CONCERNING MOTIONS, AND DATES FILED, MATHERS WAS UNABLE TO RECALL THE DATED OR EXPRESS TIME, BUT ~~QUOTE~~ "THOUGHT" ~~UNQUOTE~~ HE FILED SUCH OR SUCH A MOTION. MR. LAUGHLIN THEN ASKED IF HE HAD NOT FILED A MOTION FOR A CHANGE OF VENUE AND WHEN MATHERS REPLIED HE THOUGHT HE HAD, LAUGHLIN EXHIBITED ONE TO HIM AND SOUGHT TO HAVE HIM TESTIFY CONCERNING WHY HE FILED IT AND ALL THE FACTS ALLEGED IN THE MOTION. MR. MATHERS READ THE MOTION AND ADVISED THE COURT THAT IT WAS A MOTION FILED BY HIM IN THE HARVEY BAILEY CASE, NOT IN KATHRYN KELLY-S CASE. HE POINTED OUT HE WOULD SURE LIKE TO ANSWER THE QUESTIONS AND THAT HIS ORIGINAL MOTIONS WERE APPARENTLY ON FILE WITH THE CLERK BUT COULD NOT DO SO WITHOUT HIS MOTIONS.

END PAGE TEN

PAGE ELEVEN

MR. LAUGHLIN APPARENTLY WAS ENDEAVORING TO DETERMINE WHY MATHERS DID NOT FILE A SIMILAR MOTION FOR KATHRYN KELLY. HOWEVER, THE MOTION IN HER CASE WAS NOT LOCATED AND THE QUESTION WAS DROPPED AFTER MR. LAUGHLIN READ INTO THE RECORD CERTAIN ALLEGATIONS SET FORTH IN THE MOTION OF BAILEY. WHEN QUESTIONED CONCERNING WHY, IF HE HAD BEEN ALLOWED COMPULSORY PROCESS, HE DID NOT SUBPOENA WITNESSES FOR KATHRYN KELLY, MATHERS TESTIFIED KATHRYN DID NOT HAVE ANY WITNESSES AND DID NOT FURNISH HIM THE NAMES OF ANY. THEN HE RELATED HOW HE PREPARED THE DEFENSE OF KATHRYN KELLY, WHICH WAS THAT SHE WAS UNDER THE COERCION OF GEORGE KELLY. HE RECALLED HE FILED A MOTION FOR A SEVERANCE OF THE TRIALS WHICH WAS DENIED. HE TESTIFIED THAT HE VISITED KATHRYN KELLY AT THE JAIL, WAS AFFORDED COURTEOUS TREATMENT BY THE OFFICERS, AND WAS ALLOWED TO CONFER WITH KATHRYN KELLY IN PRIVATE, WITH NO ONE LISTENING ON ~~QUOTE~~ "SEVERAL" ~~UNQUOTE~~ OCCASIONS BETWEEN OCTOBER SEVEN AND OCTOBER NINE, THIRTY THREE. ALSO CONFERRED WITH HER DURING THE TRIAL. MATHERS STATED HE HAD NO KNOWLEDGE OF THE NUMBER OF AGENTS WITH SHOT GUNS OR MACHINE GUNS THAT MET THE PLANE

END PAGE ELEVEN

PAGE TWELVE

AT THE AIRPORT WHEN GEORGE AND KATHRYN KELLY WERE BROUGHT TO
OC, AND WHEN EXHIBITED A NEWSPAPER WITH A PHOTOGRAPH, REMARKED
THAT PHOTOGRAPHER MUST HAVE BEEN THERE. MR. MATHERS WAS
EXHIBITED NUMEROUS PHOTOS BY MR. LAUGHLIN AND FINALLY FOUND
ONE HE RECALLED. HE POINTED OUT IT WAS IN THE COURT ROOM AND
THE JURY WAS STANDING UP AND A ["]QUOTE LOT OF PEOPLE WERE
MIXING AROUND ["]UNQUOTE. WHEN EXAMINED ABOUT WHY HE DID NOT
ASK FOR A DELAY IN THE TRAIL OF KATHRYN KELLY, UNTIL HE
COULD OBTAIN THE SERVICES OF AN OUTSIDE HANDWRITING EXPERT TO
REFUTE GOVERNMENT TESTIMONY THAT KATHRYN KELLY HAD WRITTEN
SOME OF THE ["]QUOTE RANSOM ["]UNQUOTE LETTERS, MR. MATHERS REPLIED
IT WAS NOT DEEMED NECESSARY BUT THERE WERE SEVERAL HANDWRITING
EXPERTS IN OKLAHOMA CITY AT THE TIME. MR. LAUGHLIN PERSISTED
IN APPROACHING THIS SUBJECT FROM VARIOUS ANGLES, UNTIL MR.
MATHERS, REMARKED, ["]QUOTE JUDGE IS HE ASKING ME TO RELATE
A CONVERSATION BETWEEN MRS. KELLY AND MYSELF ["]UNQUOTE. WHEN
TOLD BY MR. CRESS, USA ["]QUOTE HE HAS ASKED FOR IT, LET HIM
HAVE IT ["]UNQUOTE, JUDGE WALLACE CONCURRED AND MR. LAUGHLIN
REMARKED, WE HAVE ASKED FOR IT, AND WILL STAND ON IT. MATHERS
STATED THAT AFTER THE HANDWRITING EXPERT TESTIFIED, KATHRYN
END PAGE TWELVE

PAGE THIRTEEN

TOLD HIM SHE HAD WRITTEN SOME OF THE LETTERS BECAUSE HER HUSBAND MADE HER, AND THEREFORE MATHERS DID NOT DEEM IT NECESSARY TO SECURE THE SERVICES OF AN INDEPENDENT HANDWRITING EXPERT. COURT WAS THEN ADJOURNED UNTIL NINE THIRTY AM, JUNE ELEVEN, FIFTY EIGHT. MR. LAUGHLIN TOLD THE COURT JUST PRIOR TO RECESS THAT HE SHOULD FINISH CROSS EXAMINATION OF MR. MATHERS WITHIN FORTY FIVE MINUTES. THE USA, MR. PAUL CRESS HAS REPEATEDLY OBJECTED, BUT HAS BEEN CONSISTENTLY OVER RULED BY THE COURT. IT IS THE OPINION OF AUSA GEORGE CAMP, THAT MR. LAUGHLIN IS CONDUCTING EXPLORATORY INTERVIEWS WITH THE WITNESSES HE CROSS EXAMINES. THIS LEAVES, GUS. T. JONES, AND [REDACTED] FORMER SPECIAL AGENTS TO TESTIFY AS WELL AS [REDACTED] FORMERLY [REDACTED] OF PARADISE, TEXAS THE TELEPHONE OPERATOR. MR. E. E. KIRKPATRICK AND MR. URSHCEL ARE STANDING BY TO TESTIFY IF NEEDED. IN VIEW OF THE ALLEGATIONS CONCERNING KATHRYN BEING FED BREAD AND WATER, [REDACTED] WHO WAS SHERIFF AT THE TIME AND HIS JAILER, [REDACTED] WHO IS NOW [REDACTED] [REDACTED] IN OKLAHOMA CITY HAVE BEEN SUBPOENAED. MR. W. C. RUBE GEERS, WHO WAS USM AT THE TIME, IS UNDER SUBPOENA IN OKLA. CITY AND HAS TOLD MR. CRESS THAT THE AFFIDAVIT FILED

END PAGE THIRTEEN

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PAGE FOURTEEN

BY MR. LAUGHLIN DOES NOT AGREE WITH THE ONE GEERS SIGNED BEFORE A NOTARY IN MC ALLEN, TEXAS. HE POINTED OUT THAT HE MARKED OUT SEVERAL ITEMS IN THE ONE HE RECEIVED AT MC ALLEN AND NOTHING IS MARKED OUT ON THE ONE FILED. HE ADVISED HIS WAS ON THE AFFIDAVIT, AND SUGGESTED ONE OF THE PAGES MAY HAVE BEEN SUBSTITUTED. HE IS UNDER SUBPOENA BUT STATES HE DOES NOT CARE TO TESTIFY. MR. GEERS IS EIGHTY FOUR YEARS OF AGE AND IN POOR HEALTH. THIS CASE WILL BE FOLLOWED AND BUREAU ADVISED OF DEVELOPMENTS. POSSIBILITY EXISTS THAT MR. LAUGHLIN WILL DEMAND FBI REPORTS OR RECORDS IN THIS CASE. THE USA STATES HE WILL NOT KNOW WHAT REPORTS WILL BE IN ISSUE UNTIL THE DEMAND IS MADE. THE OKLAHOMA CITY TIMES DATED JUNE TEN, FIFTY EIGHT CARRIES AN ARTICLE WITH HEADLINE ~~QUOTE~~ "DEFENSE LAWYER DENIES FBI THREATENED HIM DURING THIRTY THREE KIDNAP TRIAL." ~~UNQUOTE~~ IT THEN RELATES A PORTION OF THE TESTIMONY OF SURPRISE WITNESS, JAMES H. MATHERS.

END AND ACK PLS

500AM OK FBI WA

THRU DISC

CC: MR. ROSEN
AND SUPERVISOR
INVESTIGATIVE DIVISION

67C

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUN 10 1958

TELETYPE

ghz

Mr. Tolson	
Mr. Boardman	
Mr. Belmont	
Mr. Mohr	
Mr. Nease	
Mr. Parsons	
Mr. Rosen	
Mr. Tamm	
Mr. Trotter	
Mr. Clayton	
Tele. Room	
Mr. Holloman	
Miss Gandy	

✓ 6

URGENT 6-10-58 3-42 PM CST

TO DIRECTOR, FBI

FROM SAC, OKLAHOMA CITY 2P

GEORGE KELLY BARNES, WAS, ET AL, CHARLES F. URSCHEL, VIKID.
HEARING CONCERNING KATHRYN KELLY AND ORA L. SHANNON CONTINUED
IN USDC, OKLA. CITY, JUNE TEN. FORMER USA, HERBERT K. HYDE, WAS
ON THE WITNESS STAND UNTIL NOON, WITH INDICATION THAT HE WILL
CONTINUE TESTIMONY WHEN COURT RECONVENES ONE THIRTY PM. DURING
COURSE OF TESTIMONY FORMER USA HYDE POINTED OUT THAT NO IN-
VESTIGATION WAS CONDUCTED OF DEFENSE ATTORNEYS BY FBI DURING
THE TIME WHEN SHANNON AND KELLY TRIALS WERE IN PROGRESS. HE
STATED THAT HE EXAMINED THE FBI FILES WHILE HE WAS USA AND
KNEW THAT NO INVESTIGATIONS OF DEFENSE ATTORNEYS HAD BEEN
CONDUCTED DURING THE COURSE OF THE AFOREMENTIONED TRIALS.
ATTORNEY JAMES J. LAUGHLIN THEREAFTER ASKED FORMER USA HYDE
WHEN HE LEFT THE OFFICE OF USA IN OKLA. CITY. HYDE REPLIED
JANUARY ONE, NINETEEN THIRTY FOUR. LAUGHLIN MADE THE STATE-
MENT I WILL ASK FOR THE PRODUCTION OF FBI REPORTS. NO ACTUAL
MOTION HAS BEEN MADE AS YET BY LAUGHLIN TO OBTAIN SUCH REPORTS.

HOWEVER, USA PAUL W. CRESS FEELS THAT LAUGHLIN MAY MAKE SUCH

Mr. Rosen

TTC
6/10/58
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PAGE TWO

A MOTION OR ATTEMPT TO SECURE FBI REPORTS BEFORE THE HEARING IS OVER. HE INTENDS TO OPPOSE SUCH AN ACTION ON LAUGHLIN-S PART, BUT DOES NOT KNOW WHAT EFFECT IT WILL HAVE UPON USDJ W. R. WALLACE. THE BUREAU WILL BE KEPT ADVISED OF DEVELOPMENTS. HEARING WILL PROBABLY CONTINUE THROUGH JUNE ELEVEN NEXT.

END

RM. MR. ROSEN
AND SUPERVISOR _____
INVESTIGATIVE DIVISION

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUN 10 1958

TELETYPE

URGENT 6-9-58 12-21 PM CST

TO- DIRECTOR, FBI

FROM- SAC, OKLAHOMA CITY 6 P

Mr. Tolson ✓
Mr. Boardman ✓
Mr. Belmont ✓
Mr. Mohr ✓
Mr. Nease ✓
Mr. Rosen ✓
Mr. Tamm ✓
Mr. Trotter ✓
Mr. Tele. Room ✓
Mr. Holloman ✓
Miss Gandy ✓

Victim Kidnaping

GEORGE KELLY BARNES, WAS., ET AL., CHARLES F. URSCHEL, VIKID.
HEARING HELD IN U. S. DISTRICT COURT, OKLA. CITY BY U. S. DISTRICT
JUDGE W. R. WALLACE JUNE NINE. HEARING BEGAN AT TEN THIRTY AM. IN
HIS OPENING STATEMENT, MR. JAMES J. LAUGHLIN STATED THAT HE FELT HE
COULD PROVE THAT ATTORNEYS FOR THE DEFENSE OF ORA L. SHANNON AND
KATHRYN THORNE KELLY WERE INTIMIDATED. MADE ALLEGATION THAT LUTHER
W. ARNOLD COMMITTED PERJURY. ALLEGED THAT A GREAT NUMBER OF SPECIAL
AGENTS WERE ON APPREHENSION AND TRANSPORTATION OF BOTH SHANNON AND
KELLY TO OKLA. CITY, AND ALSO IN THE COURT ROOM. HE ALLEGED THAT A
HANDWRITING EXPERT TESTIFIED FALSELY IN STATING THAT KATHRYN
T. KELLY WROTE THE RANSOM NOTE. HE ALLEGED THAT DIRECTOR HOOVER, WAS
IN OKLAHOMA CITY ON THIS CASE. KATHRYN T. KELLY, TESTIFIED CONCERN-
ING THE NUMBER OF AGENTS ARRESTING HER AND GEORGE KELLY AT MEMPHIS.
STATES WAS DENIED COUNSEL IN MEMPHIS BUT DOES NOT RECALL TO WHOM
SHE TALKED. RECALLED THAT IN OKLAHOMA CITY SHE TALKED TO MR. NATHAN
WHO ADVISED SHE WOULD HAVE TIME TO SECURE COUNSEL. SHE TESTIFIED SHE
WAS PLACED ON BREAD AND WATER AT THE OKLAHOMA COUNTY JAIL ON
ORDERS OF THE FBI AND WHEN SHE ARRIVED IN COURT WAS IN A WEAKENED
CONDITION.

END PAGE ONE

58 JUN 17 1958

Mr. Rosen

Mr. Mohr

That is a lie -

Handled

6/11/58

PAGE TWO

b7C

~~PAKEN~~. (SHERIFF [REDACTED] IS BEING SUBPOENAED TO REFUTE THIS ALLEGATION,) ~~END-PAREN~~. STATES THAT PHOTOGRAPHERS WERE IN COURT ROOM AND TOOK PHOTOS DURING THE TRIAL AND THAT ABOUT ONE HUNDRED FBI AGENTS BROUGHT HER TO COURT. SHE ENDEAVORED TO TESTIFY THAT MR. E. E. KIRKPATRICK WAS AT THE COUNSEL TABLE WITH MR. HYDE AND THAT KIRKPATRICK IS THE BROTHER IN LAW OF URSCHEL. SHE TESTIFIED THAT [REDACTED], THE TELEPHONE OPERATOR FROM PARADISE TESTIFIED IN HER TRIAL AND PERJURED HERSELF BUT COULD NOT RECALL THE SPECIFIC TESTIMONY OR THE PERJURY. SHE ADVISED THAT LUTHER WILLIAM ARNOLD PERJURED HIMSELF BY TESTIFY^yNG CONCERNING CONVERSATIONS HE ALLEGEDLY OVERHEARD BETWEEN GEORGE AND KATHRYN KELLY. COULD NOT RECALL BEING ARRAIGNED BY ^{U.S. Commissioner} USC IN MEMPHIS FOLLOWING ARREST. TESTIFIED THAT ARNOLD RECEIVED A REWARD BUT WAS REFUTED WITH A COPY OF JOURNAL ENTRY SHOWING THAT GERALDINE ARNOLD WAS AWARDED FOUR THOUSAND DOLLARS. SHE FURTHER TESTIFIED THAT HER ATTORNE^yRY JAMES MATHERS WAS ABOUT FIFTY AT THE TIME OF HER TRIAL AND COULD NOT DEFEND HER DUE TO THREATS. FUTHER THAT HE WAS LATER INDICTED FOR RECEIVING RANSOM MONEY, ALONG WITH BEN LASKA WHO WAS SENT TO THE PENITENTIARY. THIS WAS REFUTED BY MR. CRESS WHO ADVISED THAT THE JAMES MATHERS WHO REPRESENTED KATHRYN WAS JAMES J. WHILE THE ONE INDICTED WITH BEN LASKA WAS JAMES C. AND WAS THE SON^e OF JAMES H. MATHERS.

ENA PAGE TWO

PAGE THREE

ORA L. SHANNON THEN TOOK THE STAND AT TWO TEN PM, JUNE NINE, AND TESTIFIED ABOUT HER ARREST NEAR PARADISE, TEXAS. SHE TESTIFIED THERE WAS NO HEARING HELD FOR HER AT DALLAS. SHE TESTIFIED SHE HAD COUNSEL, SAYERS, SCOTT MC LEAN FROM FORT WORTH, TEXAS. FURTHER THAT AFTER BEING REMOVED TO ^{OKLAHOMA CITY} OC SHE WAS ALLOWED TO VISIT WITH HER COUNSEL WHO TOLD HER THEY COULD DO NOTHING FOR HER AND THAT SHE WAS NOT GUILTY. WITH REGARD TO HER TRIAL IN OC, SHE STATES THERE WERE FOUR OR FIVE DOZEN FBI AGENTS IN AND AROUND THE COURT ROOM. STATED PHOTOGRAPHS WERE TAKEN DURING THE TRIAL. STATES HER ATTORNEY WAS THREATENED ABOUT RECEIVING RANSOM MONEY. STATED [REDACTED] THE TELEPHONE OPERATOR TESTIFIED ABOUT TELEPHONE CALLS RECEIVED BY ORA SHANNON BUT COULD NOT RECALL THE TESTIMONY. SHE ADVISED THAT THE STATEMENT TAKEN BY SAC-S R. H. COLVIN AND E. J. BLAKE AT DALLAS ON AUGUST TWELVE THIRTY THREE AT DALLAS WAS UNTRUE BECAUSE THEY WORDED IT, AND SHE SIGNED IT TO GET FOOD AND DRINK. STATES SHE SIGNED THIS ABOUT TEN PM ON THE TWELFTH. SAID FIVE OR SIX FBI AGENTS WERE IN THE ROOM WITH HER, AND HAD INTERROGATED HER FOR HOURS. ON CROSS EXAMINATION, SHANNON DENIED THAT THE STATEMENT SHE GAVE SAC-S E. J. DOWD AND GUS T. JONES AUGUST TWENTY ONE, THIRTY THREE WAS UNTRUE AND IN FACT SHE HAD NEVER

END PAGE THREE

HEARD OF IT. PAREN (ORIGINALS OF BOTH FOUND IN FILES OF USA) PAREN.
HERBERT K. HYDE, FORMER USA AND PROSECUTOR OF BOTH CASES
TESTIFIED THAT HE AND HIS ASSISTANT BILL HODGES WERE IN CHARGE
OF PROSECUTION. THAT THE ATTORNEYS FOR THE DEFENSE WERE ABLE
ATTORNEYS AND COULD NOT BE INTIMIDATED. TESTIFIED THAT PHOTOS WERE
TAKEN BEFORE, AND AFTER COURT, DURING RECESS AND AT THE
SENTENCING OF THE SUBJECTS, NOT DURING THE ACTUAL TRIAL. HYDE
TESTIFIED CONCERNING THE PART PLAYED BY LUTHER WILLIAM ARNOLD,
HIS ARREST, THE INFORMATION DEVELOPED AND THAT HE HAD READ TWO
PAGES OF THE STATEMENT WHICH WAS IN THE POSSESSION OF SA [REDACTED]
b7C [REDACTED] IN THE COURT ROOM. PAREN. (THIS STATEMENT OBTAINED
FROM OC FILE ON JUNE EIGHT ON INSTRUCTIONS OF USA PAUL CRESS
WHO WAS TRYING TO GET IT INTRODUCED INTO EVIDENCE SINCE LUTHER
ARNOLD WAS NOT TO BE FOUND) PAREN. LAUGHLIN DEMANDED THE STATEMENT
BE INTRODUCED AND PAUL CRESS, USA, OBJECTED THEN INTRODUCED
IT. HYDE THEN TESTIFIED TO A TELEGRAM SENT BY GERALDINE TO HER
FATHER, L. W. ARNOLD, FROM FORT WORTH, TEXAS AND MR. LAUGHLIN
DEMANDED THE ORIGINAL OF THAT TELEGRAM. HYDE TESTIFIED CONCERNING
THE FBI AGENTS HE RECALLED BEING IN OKLA. CITY AND STATED NO
MORE THAN FOUR OR FIVE WERE IN THE
END PAGE FOUR [REDACTED]

PAGE FIVE

COURT ROOM AT ONE TIME, BEING WITNESSES OR ^NHADLING PRISONERS WITH
THE ^{U.S. Marshal}USM. HE TESTIFIED THAT THE USM HAS CONTROL OVER PRISONERS IN
CUSTODY, NOT THE FBI. STATED HE HAD NO HELP IN SELECTING THE
JURY AND NO ONE SAT AT THE COUNSEL TABLE WITH HIM UNLESS IT WAS A
MEMBER OF HIS STAFF, MR. JOSEPH B. KEENAN AND OR MR. WILLIAM C.
LEWIS, OR POSSIBLY AN FBI AGENT WHO WAS HANDLING THE FILE OF
EXHIBITS. HE WAS EXHIBITED A PHOTOSTAT OF THE RANSOM LETTER AND
IDENTIFIED IT, STATING IT WAS TYPEWRITTEN AND NOT IN THE HAND-
WRITING OF KATHRYN T. KELLY. ALTHOUGH BOTH THE GOVERNMENT AND MR.
LAUGHLIN HAVE MADE USE OF AND QUOTED FROM THE PRINTED TRANSCRIPT
OF THE APPEAL BRIEFS, ^{U.S. District Judge}USDJ W. R. WALLACE HAS NOT ALLOWED THEM
TO BE INTRODUCED OR CONSIDERED AS A PART OF THE RECORD OF THIS
HEARING. USA PAUL CRESS INTENDS TO PLACE HERBERT K. HYDE ON THE
STAND AGAIN IN THE MORNING FOR FURTHER CROSS EXAMINATION AND WILL
THEN PRESENT TESTIMONY OF OTHER WITNESSES. HE PLANS TO
b7C SUBPOENA [REDACTED] FORMER SHERIFF OF OKLAHOMA COUNTY WHO
WAS SHERIFF WHEN SHANNON AND KELLY WERE INCARCERATED IN THE OKLA.
COUNTY JAIL, OC, AND TO HAVE HIM REFUTE THE ALLEGATION CONCERNING
THE BREAD AND WATER DIET ORDERED FOR KATHRYN T. KELLY. MR. CRESS,
USA IS NOW OF THE OPINION THAT JUDGE WALLACE INTENDS TO LET THE
END PAGE FIVE

PAGE SIX

DEFENSE COUNSEL, LAUGHLIN, GO AS FAR AS HE LIKES, THEN IF AND WHEN THE MATTER IS APPEALED TO THE CIRCUIT COURT OF APPEALS, IT CANNOT BE SAID KELLY AND SHANNON WERE NOT GIVEN A FAIR AND IMPARTIAL HEARING AT OKLAHOMA CITY, THE OKLAHOMA CITY TIMES OF JUNE NINE, FIFTY EIGHT, CARRIES HEADLINES ["]~~QUOTE~~ KIDNAP FIGURE CLAIMS DEATH THREATS BY FBI ["]~~UNQUOTE~~. THE ARTICLES SUMMARIZES TESTIMONY GIVEN BY KELLY AND STATES SHE TESTIFIED SHE WAS THREATENED WITH DEATH DURING THE TRIAL, THAT THE FBI REFUSED TO ALLOW HER TO GET AN ATTORNEY FOLLOWING HER ARREST IN MEMPHIS UNTIL SHE ["]~~AND~~ BEEN QUESTIONED AND THREATENED BY AT LEAST EIGHTY OFFICERS. ARTICLE FURTHER STATES THAT SHE WAS TOLD SHE WAS GOING TO BE SENTENCED TO LIFE OR TO DEATH IN THE ELECTRIC CHAIR AND DID NOT NEED AN ATTORNEY. ARTICLE FURTHER STATES SHE ALLEGED THAT USDJ EDGAR S. VAUGHT ENDEAVORED TO PERSUADE HER TO PLEAD GUILTY TO THE CHARGE. THE BUREAU WILL BE KEPT ADVISED OF DEVELOPMENTS.

END AND ACK PLS

246 8M OK FBI WA  b7c

THRU DISC

CC: MR. BORN
AND SUBMISSION
INVESTIGATIVE DIVISION

CC: gm. maker

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Rosen *R*

DATE: June 6, 1958

FROM : F. L. Price *FLP*SUBJECT: GEORGE KELLY BARNES, WAS., ET AL.;
CHARLES F. URSCHEL - VICTIM;
KIDNAPING

Tolson	<input checked="" type="checkbox"/>
Nichols	<input checked="" type="checkbox"/>
Boardman	<input type="checkbox"/>
Belmont	<input type="checkbox"/>
Mohr	<input type="checkbox"/>
Parsons	<input checked="" type="checkbox"/>
Rosen	<input checked="" type="checkbox"/>
Tamm	<input checked="" type="checkbox"/>
Trotter	<input type="checkbox"/>
Nease	<input type="checkbox"/>
Tele. Room	<input type="checkbox"/>
Holloman	<input type="checkbox"/>
Gandy	<input type="checkbox"/>

SYNOPSIS:

The hearing on the motions of Kathryn Kelly and Ora Shannon to vacate the sentences and set aside the judgment is set for 6/9/58, before U. S. District Judge W. R. Wallace, Western District of Oklahoma. James J. Laughlin, Washington, D. C., represents the petitioners. U. S. Attorney Paul Cress, personally, will represent the Government.

Affidavits filed by Kelly and Shannon in support of their motions allege in their trials in 1933 they were denied their constitutional rights, denied effective counsel, perjured testimony was used by the Government and known to be perjured, and coercion by the FBI.

The judge has indicated the hearing will be limited to the perjury aspect. He stated without exception issues now raised were raised in the original trial and on appeal. Kelly and Shannon, convicted in 1933 and sentenced to life, are confined at Alderson, West Virginia. They will appear in their own behalf.

Eleven former Agents interviewed and deny allegations against the Bureau in connection with the arrest and investigation of Shannon and Kelly. Other witnesses for the Government located. They deny allegations. Subpoenas issued for twelve Government witnesses. Reports of all interviews furnished U. S. Attorney Cress. Summary of main points of allegations and refutation set forth for reference and information purposes.

REC-4 ACTION
ENCLOSURE
115-2442
The progress of the hearing is being closely followed and you will be advised of developments, as reflected in my memorandum to you dated 6/5/58.

Enclosure

1 - Mr. Nease

*REC-4**EX-136**b7C**329*
JUN 17 1958

Memorandum for Mr. Rosen

BACKGROUND:

Motions filed by Shannon and Kelly:

On 3/19/58, Shannon and Kelly, through their attorney, filed motions to vacate and set aside their convictions.

At first Judge Wallace denied the motions, stating they were without merit, but on 4/19/58, reversed his decision. He indicated the hearing would be limited to the perjury aspect.

On 5/22/58, a motion for change of venue was denied.

On 5/28/58, U. S. Attorney Cress filed a motion requesting the court to reconsider and conclude that the petitioners are not entitled to relief as the transcripts of the 10th Circuit Court of Appeals are available and show the motions to be without merit.

U. S. Attorney Cress has indicated he will file a motion stating the allegations are nebulous and requesting specifics.

The hearing on the motions is set for 6/9/58, in U. S. District Court, Western District of Oklahoma.

Allegations in affidavits in support of motions:

In their affidavits Shannon and Kelly allege they were denied their constitutional rights in their trials in 1933. They make allegations against (1) the presiding judge; (2) E. E. Kirkpatrick; (3) J. B. Keenan, the Government attorney; and (4) FBI.

Brief summary of facts in case as they apply to motions:

Urschel was kidnaped by two men on 7/22/33, ^{/at Oklahoma City.} Two typewritten ransom notes demanding \$200,000 were received. Kirkpatrick acted as intermediary in paying the ransom. The Bureau entered the investigation after the ransom was paid. Investigation identified the farm of Boss Shannon at Paradise, Texas, as the place where Urschel was held.

Shannon and others were arrested at Paradise on 8/12/33. Four Agents, nine police officers, and Urschel comprised the arresting party. After a removal hearing at Fort Worth, she was flown while in custody to Oklahoma City. After trial, she was found guilty on 9/30/33. Kelly and George Kelly Barnes were arrested at Memphis, Tennessee, on 9/26/33.

This arrest was the result of information furnished by the daughter of Luther Arnold. Arnold was picked up by Agents on 9/14/33. He was known to be the intermediary between Kelly and attorneys whom she selected to represent herself and Ora Shannon. Arnold related that his daughter had been traveling with Kelly while she was in fugitive status. The daughter made a trip to Memphis, Tennessee, then returned to Texas.

Agents interviewed the daughter and from information furnished located J. C. Tichenor's home where Kelly and George Kelly Barnes were arrested by three Agents and five police officers. After removal, Kelly

Memorandum for Mr. Rosen

and George Kelly Barnes, while in custody, were flown from Memphis to Oklahoma City for trial. After trial, Kelly was convicted on 10/12/33. Kelly and Shannon were sentenced to life imprisonment.

While Kelly was in fugitive status, handwritten threatening notes were received by Urschel and the judge. Testimony at the trial by handwriting examiner showed Kelly prepared the threatening letter to Urschel. It is also noted that while the trial of Shannon was in progress investigation was being conducted to locate and apprehend Kelly. She was apprehended before the conclusion of Shannon's trial. Attached is the interesting case write-up for additional details.

Allegations and refutation:

Extensive investigation has been conducted since the filing of the motion to locate former Agents and Government witnesses who testified. Eleven former Agents who participated in the arrest and conducted investigation regarding Kelly and Shannon were located. They denied the allegation and are willing to testify. All reports have been furnished to the U. S. Attorney. He has indicated he will refute the allegations on the record.

It is noted that the transcript of the trial of Shannon is available. The transcript of the trial of Kelly has been lost or misplaced. It was stored at the Federal Records Center, Fort Worth, Texas. Extensive contacts to locate the original or a copy have been negative to date.

#1: Re allegation against the presiding judge:

Shannon and Kelly allege the judge conducted their trials in a "Roman Holiday" and circus atmosphere. They also allege newsreels, photographers, and radio commentators were permitted to operate openly in court during the trial.

Refutation:

Judge E. S. Vaught, the presiding judge, has furnished an affidavit denying this allegation. He states the trials were conducted in an orderly and respectable fashion.

#2: Re allegation against E. E. Kirkpatrick:

It is alleged Kirkpatrick was permitted to sit at the counsel table, assist in the selection of the jury and the handling of the trial.

Refutation:

Kirkpatrick denies he sat at the counsel table, assisted in the selection of jury and handling of trial. He did sit inside the court rail.

Memorandum for Mr. Rosen

#3: Allegation re J. B. Keenan:

Shannon and Kelly allege perjured testimony was used in the trial and the Government attorney was aware the testimony was perjured.

Refutation:

J. B. Keenan is deceased. Mr. H. K. Hyde, former U. S. Attorney, and Mr. D. E. Hodges, former Assistant U. S. Attorney who handled the trial and its preparation refute these allegations.

#4: Allegation re FBI:

Shannon and Kelly claim they were denied effective counsel and not properly represented. Their attorneys were subject to interrogation by the FBI as to their fees.

Refutation:

James H. Mathers, counsel for Kelly, and J. B. Dudley, counsel for Shannon, in their respective trials, deny this allegation. Former SAs Gus T. Jones and [REDACTED] deny the attorneys were subject to interrogation as to their fees.

Perjury aspect:

It is alleged that Luther Arnold perjured himself during the trial. He was a Government witness and testified to his association with Kelly.

Refutation:

Arnold reportedly died in 1944 at Long Beach, California. Efforts to locate a record of his death have been negative but are continuing. Former SA Gus T. Jones took a statement from Arnold. Jones states the statement was corroborated in all respects and no perjury was committed. SA [REDACTED] will testify, if needed, to the Bureau's efforts to locate Arnold or a record of his death.

Allegation:

Kelly alleges the Government handwriting examiner identified her as the author of the ransom notes. She alleges he perjured himself. She also alleges the present head of the FBI in a "recent publication" has stated in effect the FBI now concedes the ransom note was not written by Kelly, but attempts to justify it on the grounds the ransom note contained Kelly's phraseology.

(It appears Kelly has confused the typewritten ransom note with the handwritten extortion letter to Urschel. She was identified as the author of the handwritten note.)

Memorandum for Mr. Rosen

Refutation:

* No record of such a statement by the Director was located at the Bureau. SAC Carroll Doyle will testify that the records of the Bureau contain no such statement. The transcript of the trial of Kelly has not been located. The U. S. Attorney will use an affidavit prepared by Gus T. Jones. With reference to a handwritten threatening letter sent Urschel on 9/18/33, Jones stated "handwriting experts at the trial testified that the letter to Urschel was definitely in the handwriting of Kelly. Even without handwriting expert testimony, Kelly was the writer of the letter as it was apparent the very theme conveyed the thoughts of Kelly." Check of Readers Guide Index and Article Index in Crime Records Section for all articles on Kelly failed to locate this statement.

Allegation:

It is alleged [REDACTED] telephone operator, Paradise, Texas, committed perjury.

Refutation:

[REDACTED] testified at the original trials. She was the local telephone operator at Paradise, Texas, and was acquainted with all the Shannons, Kelly, and George Kelly Barnes. She testified to conversations overheard by her between the subjects in this case. She denies she perjured herself in the trials.

Allegation:

Kelly alleges 75 Agents and 18 police officers arrested her at Memphis in 1933. Shannon alleges 30 to 50 Agents arrested her at Paradise, Texas. They also allege armed Agents varying in number from 20 to 300 guarded them, convoyed them from detention places to the courthouse, and guarded the courtroom.

Refutation:

There were three Agents and five police officers at the arrest of Kelly. Four Agents, nine police officers, and Urschel comprised the group that arrested Shannon. Gus T. Jones and [REDACTED] participated in the arrest of Shannon. They can testify as to the number of persons present. SAC Carroll Doyle will state there were 353 Agents in the Bureau in 1933 and 391 Agents in the Bureau in 1934. This will show no heavy concentration of Agents in the area at the time. Former U. S. Marshal W. C. Geers will testify he hired 12 extra guards and that six of these extra guards were on duty at all times guarding the prisoners in the "hold-over cells" at the courthouse. He will testify as to the guarding of the prisoners.

Memorandum for Mr. Rosen

Allegation:

Kelly alleges Luther Arnold received \$15,000 reward.

Refutation:

The records of the Court Clerk's Office, Oklahoma County, reflect Geralene Arnold, daughter of Luther Arnold, filed suit in the amount of \$15,000 against C. F. Colcord who had offered the reward in this case. A judgment in the sum of \$4,000 was entered in behalf of Geralene Arnold.

Other general allegations:

Allegation:

Kelly and Shannon allege while in detention they were not permitted to consult with their attorneys and that while in jail strong lights were placed in their cells so that they could not obtain any sleep.

Refutation:

W. C. Geers will testify against this allegation. Attorney Mathers by court order was permitted to consult with them while they were in jail. Geers will testify that no bulbs were changed in the respective cells of Shannon and Kelly and that the usual conditions prevailed.

Allegation:

Shannon alleges George Kelly Barnes was pistol-whipped by a Texas Ranger during the trial.

Refutation:

[REDACTED] will state on 10/9/33, when George Kelly Barnes raised his handcuffed hands to bring them down on his, [REDACTED] head, [REDACTED] hit Barnes with the butt of his pistol. This occurred while trial was in progress but after court had adjourned for the day. W. C. Geers will testify that the incident occurred as Kelly and George Kelly Barnes were being put on the courthouse elevator by Agent [REDACTED]. Barnes had entered the elevator and Kelly tripped slightly and lunged toward her husband. Barnes thought [REDACTED] pushed Kelly. Barnes turned on [REDACTED] and attempted to strike with his manacled hands. [REDACTED] hit George Kelly Barnes on the head with his pistol, inflicting a wound.

Other testimony:

Urschel and Kirkpatrick were present in court during the entire trials. They deny the trial was conducted in a Roman holiday atmosphere and can testify to the demeanor of the courtroom while the trials were in progress.

Memorandum for Mr. Rosen *b7c*

SA [REDACTED] Oklahoma City, may be required to testify as to the Bureau's efforts to locate Luther Arnold and also testify to the Bureau's efforts to locate the transcript or a copy of the trial of Kelly.

All of the above named have been subpoenaed to testify with the exception of Judge Vaught, who has furnished an affidavit. They will appear for the Government. Shannon and Kelly will appear in behalf of themselves. This memorandum is submitted in accordance with my memorandum to you dated 6/5/58.

R *SA* *4/1* *JAN* *K. Ber*



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

WASHINGTON 25, D. C.

October 15, 1935

I.C. #7-115

KIDNAPING OF
CHARLES F. URSCHEL

On Saturday night, July 22, 1933, at about 11:15, while Mr. and Mrs. Charles F. Urschel, one of Oklahoma's wealthiest families, were playing bridge with their friends, Mr. and Mrs. Walter R. Jarrett, on a screened porch of the Urschel residence at Oklahoma City, two men, one armed with a machine gun and the other with a pistol, opened the screen door and inquired which of the two men was Mr. Urschel. Receiving no reply, they remarked "Well, we will take both of them," and warning the ladies against attempting to give notice or use the telephone they marched Mr. Urschel and Mr. Jarrett out into the back yard where they had driven their car, and after putting Messrs. Urschel and Jarrett into the back of the Chevrolet sedan, drove rapidly away.

Mrs. Urschel, in accordance with the Attorney General's advice to the public, immediately telephoned Mr. J. Edgar Hoover the Director of the Federal Bureau of Investigation, United States Department of Justice, who immediately ordered a qualified corps of Special Agents to proceed to Oklahoma City, where, within an hour, plans were made and an extensive investigation commenced which resulted in convicting twenty-one defendants, who received a total of six life sentences and fifty-eight years, two months, and two days' imprisonment.

At 1:00 A.M., Sunday, July 23, 1933, Mr. Jarrett returned to the Urschel residence and stated that upon being placed in the Chevrolet sedan by the kidnapers they had driven rapidly north on Hudson Street to the outskirts of the city, where they had turned right on a dirt road parallel to the 23rd Street highway but some distance north thereof, and had proceeded northeast to a point ten or twelve miles from the city where, after crossing a small bridge and arriving at an intersection, they had put him, Jarrett, out of the car after they had identified him and Mr. Urschel and taken from him \$50 which he had in his wallet, warning him not to tell the direction the kidnapers had gone. He stated that after he was released the car proceeded rapidly toward the south.

7-115-2112

ENCLOSURE

Mrs. Urschel was advised was advised that the Federal Bureau of Investigation was first concerned in the safe return of her husband and that nothing would be done to jeopardize that return and, secondly, in the apprehension and conviction of the kidnapers. With this in mind, Mrs. Urschel the Urschel family and friends cooperated fully with Bureau Agents who did not attempt to interfere in any way with the negotiations between the kidnapers and the Urschels.

Immediately, of course, after the fact became known that Mr. Urschel had been kidnaped, numerous letters, telephone calls, and other leads were received from persons, many of which were anonymous, indicating possible leads, all of which had to be developed to a logical conclusion but few of which disclosed any material facts. Leads of this nature were developed simultaneously in all parts of the United States.

Several days elapsed before word was received from the kidnapers when, on July 26, 1933, Mr. J. G. Catlett, a wealthy oil man of Tulsa, Oklahoma, and an intimate friend of Mr. Urschel, received through Western Union a package containing a letter written to him by Mr. Urschel requesting Mr. Catlett to act as an intermediary for his release, a personal letter from Mr. Urschel to his wife, and a typewritten note directed to Mr. Catlett demanding that he proceed to Oklahoma City immediately and not communicate by telephone or otherwise with the Urschel family from Tulsa. The package also contained a typewritten letter addressed to Mr. E. E. Kirkpatrick of Oklahoma City, which read as follows:

"The enclosed letter from Charles F. Urschel to you and the enclosed identification Cards will convince you that you are dealing with the Abductors.

Immediately upon receipt of this letter you will proceed to obtain the sum of TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) in GENUINE USED FEDERAL RESERVE CURRENCY in the denomination of TWENTY DOLLAR (\$20.00) Bills.

"It will be useless for you to attempt taking notes of SERIAL NUMBERS MAKING UP DUMMY PACKAGE, OR ANYTHING ELSE IN THE LINE OF ATTEMPTED DOUBLE

CROSS. BEAR THIS IN MIND, CHARLES F. URSCHEL WILL REMAIN IN OUR CUSTODY UNTIL MONEY HAS BEEN INSPECTED AND EXCHANGED AND FURTHERMORE WILL BE AT THE SCENE OF CONTACT FOR PAY-OFF AND IF THERE SHOULD BE ANY ATTEMPT AT ANY DOUBLE XX IT WILL BE HE THAT SUFFERS THE CONSEQUENCE.

As soon as you have read and RE-READ this carefully, and wish to commence negotiation you will proceed to the DAILY OKLAHOMAN and insert the following BLIND AD under the REAL ESTATE, FARMS FOR SALE, and we will know that you are ready for BUSINESS, and you will receive further instructions AT THE BOX ASSIGNED TO YOU BY NEWSPAPER, AND NO WHERE ELSE SO BE CERTAIN THAT THIS ARRANGEMENT IS KEPT SECRET AS THIS IS OUR FINAL ATTEMPT TO COMMUNICATE WITH YOU, on account of our former instructions to JARRETT being DISREGARDED and the LAW being notified, so we have neither the time or patience to carry on any further lengthy correspondence.

RUN THIS AD FOR ONE WEEK IN DAILY OKLAHOMAN.

'FOR SALE---160 Acres Land, good five room house, deep well. Also Cows, Tools, Tractor, Corn and Hay. \$3750.00 for quick sale..TERMS.. BOX #---'

You will hear from us as soon as convenient after insertion of AD."

Mr. Catlett immediately proceeded to Oklahoma City and conferred with Mr. Kirkpatrick and the Urschel family and inserted in the Daily Oklahoman the advertisement requested in the last paragraph of the above letter.

On the morning of July 28, 1933, there was received at the Daily Oklahoman a special delivery, air mail letter addressed to Box H-807, from Joplin, Missouri. In the envelope, addressed as above, was a letter to Mr. E. E. Kirkpatrick, which read as follows:

"In view of the fact that you have had the Ad inserted as per our instructions, we gather that you are now prepared to meet our ultimatum.

You will pack TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) in USED GENUINE FEDERAL RESERVE NOTES OF TWENTY DOLLAR DENOMINATION in a suitable LIGHT COLORED LEATHER BAG and have someone purchase transportation for you, including Berth, aboard Train #28 (The Sooner) which departs at 10:10 P.M. via the M. K. & T. Lines for Kansas City, Mo.

You will ride on the OBSERVATION PLATFORM where you may be observed by some-one at some Station along the Line between Okla. City and K.C. Mo. If indication are alright, some-where along the Right-of-Way you will observe a Fire on the Right Side of Track (Facing direction train is bound) that first Fire will be your Cue to be prepared to throw BAG to Track immediately after passing SECOND FIRE.

Mr. Urschel will upon our instructions attend to the FIRES and secure the BAG when you throw it off, he will open it and transfer the contents to a sack that he will be provided with, SO, IF, you comply with our demand and do not attempt any subterfuge as according to the News reports you have pledged, Mr. Urschel should be HOME in a very short while.

REMEMBER THIS--IF ANY TRICKERY IS ATTEMPTED YOU WILL FIND THE REMAINS OF URSCHER AND INSTEAD OF JOY THERE WILL BE DOUBLE GRIEF--FOR, SOME-ONE VERY NEAR AND DEAR TO THE URSCHER FAMILY IS UNDER CONSTANT SURVEILLANCE AND WILL LIKE-WISE SUFFER FOR YOUR ERROR.

"If there is the slightest HITCH in these PLANS for any reason what-so-ever, not your fault, you will proceed on into Kansas City, Mo. and register at the ~~Muehleback~~ Hotel

under the name of E. E. Kincaid of Little Rock, Arkansas and await further instructions there how-ever, there should not be, IF YOU COMPLY WITH THESE SIMPLE DIRECTIONS.

THE MAIN THING IS DO NOT DIVULGE THE CONTENTS OF THIS LETTER TO ANY LAW AUTHORITIES FOR WE HAVE NO INTENTION OF FURTHER COMMUNICATION.

YOU ARE TO MAKE THIS TRIP SATURDAY JULY 29th 1933.

BE SURE THAT YOU RIDE THE PLATFORM OF THE REAR CAR AND HAVE BAG.

WITH MONEY IN IT FROM THE TIME YOU LEAVE OKLAHOMA CITY."

As previously stated, the Bureau's first concern in all kidnaping cases is the safe return of the kidnaped victim. Accordingly, no effort was made on the part of the Bureau to identify the writer of these letters or to interfere in any way with the negotiations until after Mr. Urschel was returned.

As a result of the above letters, \$200,000.00 in used \$20.00 notes of the Federal Reserve Bank, Tenth District, was obtained and the serial numbers recorded. They were placed in a new, light colored leather Gladstone bag. At the same time another identical bag was purchased and filled with old magazines, fearing an attempt at hi-jacking and, as a precaution, it was decided that Mr. Catlett would accompany Mr. Kirkpatrick to Kansas City. By pre-arrangement Mr. Catlett sat just inside the rear end of the observation car, while Mr. Kirkpatrick sat on the observation platform with the bag containing the magazines. They had so far complied explicitly with instructions as to which train travel was to be made on, and it had been agreed that were the signal fires observed as outlined in the letter of instructions, the bag containing the money would be thrown off the train as requested; however, should an attempt to "hi-jack" be made it might be possible to give the robbers the duplicate bag. Mr. Kirkpatrick remained on the observation platform all night, riding there all the way to Kansas City,

but no signals were observed.

Upon arrival at Kansas City Mr. Kirkpatrick and Mr. Catlett proceeded to the Muehlebach Hotel as Directed and Mr. Kirkpatrick registered under the name of E. E. Kincaid and waited in his room, where he received a telegram, via Postal Telegram, sent from Tulsa, Oklahoma, on July 30th, reading substantially as follows:

"Owing to unavoidable incident unable to keep appointment. Will phone you about six.
Signed, C. H. Moore."

About 5:30 P.M., Sunday, July 30, 1933, Mr. Kirkpatrick, under the name of E. E. Kincaid, received a telephone call from a party who asked if this was Mr. Kincaid, and upon being advised that it was stated "This is Moore. You got my telegram?" to which Mr. Kirkpatrick replied in the affirmative. Mr. Kirkpatrick was then instructed to leave the Muehlebach Hotel in a taxicab and proceed to the LaSalle Hotel and walk west a block or two. He requested permission to be accompanied by a friend, which request was curtly refused. Accordingly, Mr. Kirkpatrick took the bag containing the \$200,000.00, arriving at the LaSalle Hotel at about 6:00 P.M. and started to walk west. After proceeding not more than half a block he observed a man approaching him who, upon reaching Mr. Kirkpatrick, said "Mr. Kincaid, I will take that bag," and reached out and took it. Mr. Kirkpatrick then stated, "I want some instructions. I must telephone someone who is very interested immediately." Whereupon the man who had taken the bag stated that he could not talk and for him to return to the hotel. He was assured, however, that the title deeds to the farm would be delivered within twelve hours. This, of course, meant that Mr. Urschel would be returned within the specified time. Mr. Kirkpatrick then returned to the hotel and from there proceeded to Oklahoma City. Mr. Catlett returned to Tulsa.

Mr. Urschel arrived home at about 11:30 P.M., July 31, 1933, in an exhausted condition, stating that he had been able to sleep but very little during the nine days he had been held in captivity. As soon as he recovered from the shock and regained his strength he was interviewed by Special Agents and a complete and detailed statement obtained from him including every movement and action taken by himself, the kidnapers, and

those with whom they came in contact during his period of captivity. Only that part of Mr. Urschel's statement, however, is being recited which later proved of value in this investigation.

Mr. Urschel's statement concerning the kidnaping and transactions which occurred immediately thereafter was substantially the same as Mr. Jarrett's recollection of what transpired while he was being held by the kidnapers. Mr. Urschel stated that immediately after Mr. Jarrett's release one of the men produced some cotton, a short bandage, adhesive tape, and he was blindfolded, and that the last thing he saw was the lights of the power plant at Harrah, Oklahoma, which is about twenty miles east of Oklahoma City. He stated that approximately one hour after being blindfolded the car passed through either two small oil fields or the end of two large fields approximately thirty minutes driving time apart; that he could smell the gas and hear the oil pumps working. The first stop was made about 3:30 A.M., when he was taken from the car by one of the abductors into the grass, weeds, or brush, he could not distinguish which, and compelled to sit down; that at this place he got a great many "chiggers" on him, commonly known as red bugs; and that the other man was gone approximately fifteen minutes after gasoline. About one hour later, which would be about daybreak, a stop was made to open a gate and approximately three minutes later another stop was made and another gate opened. Within a minute after the last gate was opened the car drove into what he took to be a garage, although it could have been a barn. In this building the men from their movements and actions, transferred license plates from the Chevrolet sedan to a larger car, remarks were made by the men that the larger car was not "gassed up" and they were compelled to siphon gas from the smaller car into the tank of the larger one, which Mr. Urschel believed to be a seven-passenger Cadillac or Buick. A berth had been made up in the back of this car and he was told to lie on this bunk. They left this place immediately and after a drive of two or three hours a stop was made at a filling station, where a woman attendant filled the car with gas. Mr. Urschel overheard one of the men asking the woman about crop conditions and she replied that "The crops around here are burned up, although we may make some broom corn."

Mr. Urschel stated that about 9:00 or 10:00 A.M. it rained and the road became very slippery, to the extent

that on one occasion one of the men was compelled to alight and push the car, the rear wheels of which were spinning on the wet road. In his opinion at no time on this trip did they drive on pavement. At the next stop the car was driven directly into what he considered a garage, and at this point he asked one of the men the time and he replied that it was 2:30 P. M. He and one of the men remained in this garage until later in the evening, when the man who had been absent returned with a ham sandwich and a cup of coffee. They remained in this garage or barn until dark, when he was taken from what he believed to be the front door, turned to the left, passed through what he took to be a narrow gate which pushed open, and within a few feet he stepped up one step on to what he believed to be a board walk. After walking approximately fifteen feet he then took upward steps through a door into a house. Mr. Urschel was certain he was lead through one room into a second room, and in this room he was told there were two beds, either of which he could occupy. The bed he occupied was apparently a single iron bed or cot and one of the men occupied the other. Shortly after entering this house he heard the voice of a man and a woman in an adjoining room. He stated that his ears were filled with cotton and adhesive tape placed over them.

Mr. Urschel advised that he stayed in this house until the next day - July 24th - when he was taken in a small coupe by the two men to a house within fifteen or twenty minutes driving distance; that while in the first house he ate from a small table with no cover; and that he heard the barking of dogs, the cackling of chickens, the mooing of cows, and the screaming of guinea hens, and that he did not hear trains, street cars, or noises familiar to the city.

He stated that upon entering the second house he was lead only a few feet to a door with only one step and into a room with no carpet or covering on the floor, from there into a second room where he was told to lie upon some blankets in a corner of the room, and that he also heard voices of a man and a woman in the adjoining room which did not resemble the voice of either of the two men who abducted him, and that shortly thereafter this man and woman left the place.

Mr. Urschel stated that on the first night at

the second house a handcuff was placed on one of his wrists and attached to a chair; that the next morning he was served a breakfast consisting of bacon, eggs, and light bread; and that during the day the two men brought up the matter of a contact. He was asked whether he belonged to a church and advised them that he was a member of the Presbyterian Church of Oklahoma City. They asked him how friendly he was with the pastor of his church. He told them he was very friendly with Dr. Gibson, the pastor, and they suggested that Dr. Gibson, be named as the contact man, whereupon they were advised that he was not in Oklahoma City but was away on a trip. The men then stated that due to the activity of Federal Agents it would be safer to make a contact away from Oklahoma City and asked Mr. Urschel if he had a friend who could be trusted in Tulsa, Oklahoma, whereupon Mr. Urschel suggested the name of Mr. John G. Catlett. The men then produced stationery and a pencil and instructed him to write a letter to Mr. Catlett, which he did.

In addition to the two men who had kidnaped him Mr. Urschel was guarded by an elderly and a younger man. Mr. Urschel stated that during the time he was held in captivity one of his two kidnapers discussed freely with him the fact that he had been stealing for twenty-five years, mentioning the Barrow Brothers, notorious outlaws, referring to them as "Just a couple of cheap filling station and car thieves," and stating that his group did not deal in anything cheap, and he also discussed freely a number of bank robberies advising that he and his friend had been invited to participate in a bank robbery at Clinton, Iowa, but after making a survey of the place they did not take part in the robbery because the chances of making a "get-away" were unfavorable. He went on to say that he would not hesitate to rob the Security National Bank.

Mr. Urschel stated that one of the two kidnapers returned to the house on Friday and brought with him a chain; that thereafter this chain was used to attach to his handcuffs, which enabled him to move about to some extent; that he was satisfied there were chickens, cows, and hogs around this place, and he was advised by one of the guards that he had four milk cows. Mr. Urschel stated that he was given water in an old tin cup without a handle, that the water had a

mineral taste, that the well from which this water was obtained was northwest of the house, and that the water was obtained from the well by a rope and a bucket on a pulley, which made considerable noise. He stated that each morning and evening a plane passed regularly over the house; that he managed to get a look at his watch and determined that the morning plane would always pass at approximately 9:45 and the evening plane would pass at approximately 5:45; that, however, on Sunday, July 30th, when it rained very hard, the morning plane did not pass.

Mr. Urschel stated that on Monday, July 31st, at about 2:00 P.M., one of his kidnapers returned and advised him that he was going to be released, that they had to leave at a certain time, and that another car was going ahead as a pilot car. He was then driven to a point near Norman, Oklahoma, where he was given a \$10.00 bill, released and requested to proceed immediately to Oklahoma City.

While no effort was made by the Bureau to cause the apprehension of the kidnapers until after the release of Mr. Urschel, extensive investigation was being conducted throughout the United States and the activities of numerous suspects were being investigated. As a result as early as July 24th, two days after Mr. Urschel was kidnaped, information was obtained at Fort Worth, Texas, indicating the probability that one George R. and Kathryn Thorne Kelly were implicated in this crime. Consequently, an exhaustive investigation was commenced concerning the history and whereabouts of these individuals, which disclosed that Kathryn Thorne Kelly was the daughter of James Emory Brooks and Mrs. Ora L. Shannon; that Kathryn's mother had divorced Mr. Brooks and later married Robert G. Shannon of Paradise, Texas; that Kathryn married Lonnie Fry at Asher, Oklahoma, and had a daughter, Pauline Fry, now fourteen years of age; that Kathryn and Fry were soon after their marriage divorced and she married Charlie Thorne of Coleman, Texas; that Thorne was later found dead under mysterious circumstances pronounced "suicide" by the coroner; that after Thorne's death a note was found which read, "I can not live with her or without her." The investigation also disclosed that after Thorne's death Kathryn married George Kelly Barnes, under the name of George R. Kelly, who it was determined had served a

sentence in the New Mexico State Prison; that Kelly was known to be engaged in illegal activities, enjoying many luxuries, including high powered automobiles and expensive jewelry, without any visible means of support; and that Mrs. Shannon's reputation was not good.

After Mr. Urschel's release and the information concerning his travels and surroundings during his period of captivity were ascertained, the Bureau's activities were then centered on locating the houses in which Mr. Urschel was held and bringing about the apprehension and conviction of the kidnapers. It appeared from the information submitted by Mr. Urschel that, although meager, the best possible clue as to the location of these houses was his statement concerning the weather conditions and the fact that airplanes flew over one of the houses at approximately 9:45 A.M. and 5:45 P.M. daily.

Accordingly, a systematic check was made of all airplane schedules within a radius of six hundred miles of Oklahoma City, as a result of which a check of the Fort Worth--Amarillo Line of the American Airways disclosed that a Pilgrim plane with a Hornet motor leaves Fort Worth daily at 9:15 A.M. and Amarillo, Texas, at 3:30 P.M., and from this information it was determined that these two planes would be in the vicinity of Paradise, Texas, between 9:40 and 9:45 A.M. and between 5:40 and 5:45 P.M. The daily reports concerning the movements of these ships indicated that from July 23rd until July 29th, 1933, these ships flew according to schedule; that there was no rain recorded over the route during that period; and that on Sunday, July 30th, however, the plane left Fort Worth at 11:45 A.M., being detained by a storm, and took an extreme northerly course to avoid the storm.

The records of the Meteorologist of the United States Weather Bureau at Dallas, Texas, were consulted and disclosed that rain was recorded at and in the vicinity of Paradise, Texas, on July 30, 1933; that Paradise and the vicinity had an exceedingly dry season, there being a severe drought in June and the early part of July; that the first real rain since May 20th in this vicinity was that on July 30th; and that the corn began to burn in June.

It will be recalled that the airplane schedules and the weather conditions of Paradise, Texas, corresponded with the weather conditions and airplane schedules Mr. Urschel had noted during his period of captivity. From this information a check of the suspects who had been under investigation by the Bureau since the kidnaping of Mr. Urschel disclosed that Mrs. Shannon, Kathryn Thorne Kelly's mother, lived near Paradise.

With this information it was decided to endeavor to examine the residence of Mr. and Mrs. R. G. Shannon. Accordingly, a Bureau Agent, under a pretext, visited the Shannon residence on August 10, 1933, and while there noted the similarity of the house and surroundings with that as described by Mr. Urschel. It was also determined that R. G. Shannon's son, Armon Shannon, lived on a ranch about a mile and a half from that of his father. An inspection of this house was also made which disclosed a well, a water bucket, a tin cup, a baby's chair, and general surroundings substantially the same as described by Mr. Urschel. Further investigation disclosed that Kathryn and George R. Kelly had been seen in the vicinity during the period in question.

After obtaining the above information it was decided to raid the Shannon residence on the early morning of August 12th, which resulted in the apprehension of Harvey J. Bailey, a notorious criminal and gunman, who had escaped from the Kansas State Penitentiary at Lansing, Kansas, on May 30, 1933, where he was serving a sentence of 10 to 50 years on a charge of robbing a bank at Fort Scott, Kansas, and who was also wanted in connection with the murder of three police officers, a Special Agent of this Bureau, and their prisoner, Frank Nash, at Kansas City on June 17, 1933. Robert G. Shannon, his wife, Ora L. Shannon, and Armon Shannon were also taken into custody. Bailey had beside him at the time of his arrest a machine gun and two automatic pistols. He was captured before he had an opportunity to use any of these arms. On his person was discovered \$1,100.00, \$700.00 of which was promptly identified as the money used in the payment of ransom for Mr. Urschel's release. Subsequent investigation developed that this machine gun had previously been purchased at Fort Worth, Texas, by Kathryn Thorne Kelly.

Mr. Urschel viewed the residence of the Shannons and

immediately identified the house of R. G. Shannon as the house in which he was first held and that of Armon Shannon as the house in which he was held until his release. Mr. Urschel also identified R. G. Shannon and his son, Armon Shannon, as the individuals who stood guard over him during the absence of the two kidnapers. He was able to identify the men by their voices and the residences by the number of steps which he had taken to enter same, the baby's chair, the galvanized bucket, tin cup, squeaking well, the mineral taste of the water, the fowls and animals around the houses, and the chain to which he had been handcuffed.

The Shannons were questioned thoroughly and readily admitted that Mr. Urschel had been held at their residences and that they stood guard over him, and advised that he was kidnaped by George R. Kelly, Mrs. Shannon's son-in-law, and Albert L. Bates.

Investigation was then concentrated on causing the apprehension of the Kellys and Bates, as a result of which it was ascertained that Bates, with numerous aliases, a hardened criminal with a lengthy criminal record, was taken into custody at Denver, Colorado, on August 12, 1933, on a local charge and at the time of his arrest had in his possession \$660.00, which was later identified by Bureau Agents as part of the Urschel ransom money. It was also discovered that he had among his possessions a machine gun.

Immediately after Mr. Urschel's return the numbers of the ransom bills, totaling \$200,000.00, were circulated to banks throughout the United States and it was determined that a number of these bills had been exchanged at the Hennepin State Bank at Minneapolis, Minnesota. Investigation there disclosed that Sam Frederick, a truck driver of the Wolk Transfer Company, had presented \$1,000.00 of the ransom money to that bank. Frederick was immediately located and upon interview advised that on August 5, 1933, his boss, Charles Wolk, requested him to accompany two unknown men to the bank, where he obtained a cashier's check under the name of S. H. Peters in the amount of \$1,800.00, which he immediately gave to the two unknown individuals.

Charles Albert Wolk, upon interview, advised that on the early morning of August 5th he received a telephone call

from a person known to him as "Barney," who requested him to get a cashier's check from a bank for \$1,800.00; that subsequent to this call "Barney" with an unknown individual came to his office and requested that he accompany them to the bank for the purpose of obtaining a cashier's check; and that he did not go with them but sent his driver, Sam Frederick.

It later developed that the cashier's check had been presented for payment by Peter Valder, alias William Nelson. Valder, upon interview, advised that he was well acquainted with Barney Berman and that on August 2nd Berman gave him a check for \$1,000.00 drawn on a bank in Fargo, North Dakota, with the request that he cash the same, which he did; that on August 5th Mr. Peterson of the First National Bank and Trust Company of Minneapolis called him and advised that this check had been returned marked "insufficient funds;" and that he thereupon advised Berman and he gave him a cashier's check drawn to the order of S. H. Peters on the Hennepin State Bank of Minneapolis in the amount of \$1,800.00 and requested him to take out the \$1,000.00 check which had been marked "insufficient funds" and to get the balance of \$800.00 in \$100.00 bills.

It was also discovered that on August 7, 1933, \$500.00, identified as part of the Urschel ransom money, was deposited in the First National Bank at Minneapolis by Sam Kronick. He was later located and advised that he obtained this money from his cousin, Sam Kozberg, on August 5th. Sam Kozberg was later taken into custody and advised that on August 5th Barney Berman at his request, gave him the twenty-five \$20.00 bills, totaling \$500.00, which he had deposited.

Edward Barney Berman was later interviewed and advised that on August 3, 1933, he was approached by a man who gave his name as "Collins" and stated that he wanted to buy some liquor, and that he, Berman, referred him to his associate, "Kid" Cann, who sold Collins 125 cases of whiskey for \$5,500.00 which was paid in bills, a number of which were of the \$20.00 denomination and which had been identified as part of the Urschel ransom money. Berman admitted that he had accompanied Sam Frederick to the Hennepin State Bank and purchased the cashier's check for \$1,800.00 and stated he was accompanied by Clifford Skelly.

Berman's associate, referred to as "Kid" Cann, was later identified as Isadore Blumenfeld, who advised that on August 3, 1933, a man came into their office at the West Hotel in Minneapolis and talked to Barney Berman, who referred this individual, known as Collins, to him; that he consummated the deal for 125 cases of whiskey for \$5,500.00 with Collins; and that he turned over the money to another associate, Clifford Skelly. Skelly, upon interview, advised that he was in business with Berman and Blumenfeld and told the same story as that of Blumenfeld and Berman.

The above named individuals, together with the parties arrested at Paradise, Texas, Albert Bates, George R. and Kathryn Thorne Kelly, were indicted at Oklahoma City, Oklahoma, on August 23, 1933, on a charge of conspiracy to kidnap Charles F. Urschel. All were in custody except the Kellys and on September 30th, just one month after Mr. Urschel's return, the jury after a trial lasting two weeks returned a verdict of guilty against R. G. Shannon, Ora L. Shannon, Armon Shannon, Albert L. Bates, Harvey J. Bailey, Clifford Skelly, and Barney Berman, and a verdict of not guilty against Isadore Blumenfeld, Sam Kozberg, and Sam Kronick. Peter Valder and Charles Albert Folk had previously been discharged by virtue of a demurrer to the indictment against them being sustained. On October 7, 1933, Harvey J. Bailey, Albert L. Bates, R. G. Shannon, and Ora L. Shannon were each sentenced to serve life imprisonment. Armon Shannon was sentenced to serve 10 years - probation, and Edward Barney Berman and Clifford Skelly were each sentenced to serve 5 years.

On Labor Day, September 4, 1933, Harvey J. Bailey, who had been arrested on the Shannon ranch on August 12th and who had previously escaped from the Kansas State Penitentiary, escaped from the Dallas County Jail at about 7:10 A.M., taking with him one of the deputies of the jail as a hostage, after locking several of the jailers in cells. An examination of Bailey's cell, located on the tenth floor of the jail, disclosed that he had effected his escape by removing three bars from his cell by means of hacksaws which had been smuggled to him together with a revolver. Bailey's freedom, however,

was of short duration as he was taken into custody on the afternoon of the same day of his escape at Ardmore, Oklahoma.

An immediate and thorough investigation disclosed that the hacksaws and revolver were smuggled in to Bailey by Thomas L. Manion, a deputy sheriff and jailer at the Dallas County Jail, and that one Grover C. Bevill of Dallas, Texas, had purchased the hacksaws and assisted Manion in making it possible for Bailey to escape. For this offense Manion and Bevill were indicted at Dallas, Texas, on September 25, 1933, and tried and convicted on October 5th. Manion was sentenced on October 7th to pay a fine of \$10,000.00 and to serve 2 years in the United States Penitentiary at Leavenworth, and Bevill was sentenced to serve 14 months in the same institution.

While the Bureau was collecting evidence for the trial of Harvey J. Bailey, et al, at Oklahoma City, and for the trial of Manion and Bevill at Dallas, Texas, it was not neglecting efforts to cause the apprehension of George R. and Kathryn Thorne Kelly, who were still at large and who had during the trial at Oklahoma City sent a number of threatening letters to Mr. Urschel and Mr. Joseph B. Keeyan, Assistant Attorney General, who was in charge of the prosecution at Oklahoma City, threatening their lives and endeavoring to intimidate Government witnesses.

On September 9, 1933, information was received by the Bureau through a confidential source that an individual, hereafter referred to as Mr. X, was in Oklahoma City negotiating with the attorneys representing the Kellys in behalf of the Shannons. Subsequent investigation disclosed that Mr. X, his wife and daughter, while hitch-hiking near Hillsboro, Texas, on September 4, 1933, were given a ride in a Model-A Ford light truck to Cleburne, Texas, and after he and his wife were questioned thoroughly the woman driving the truck advised that she was Mrs. Kelly and that she had driven 3,000 miles to see her attorney. She then said, "Mr. X, I am going to place a big trust in you. I want you to go to Fort Worth and contact my attorney." She gave him \$50.00 to do this. He contacted the attorney and returned to Cleburne, where he again met Mrs. Kelly, who had remained there with his wife and child. Mrs. Kelly then requested Mr. X to

proceed to Oklahoma City and keep her advised as to the progress of the trial, requesting that he return to San Antonio, Texas. Mr. X went to Oklahoma City and from there to San Antonio where, as requested, he called at the General Delivery Window of the Post Office and obtained a letter written to him by Mrs. Kelly which advised that she was located at a certain address in San Antonio. Mr. X proceeded to this address, where he met Kathryn and her husband, George R. Kelly, and his wife and child. Kelly remained there for the night only and disappeared the next morning, never to return.

Mrs. Kelly then requested Mr. and Mrs. X to permit her to take their daughter with her on a trip of about 250 miles. This she was permitted to do and Mr. X returned to Oklahoma City. Mr. X later received a letter from Mrs. Kelly advising her that her trip had been extended and that she would not return as expected and requesting Mrs. X to join her husband at Oklahoma City. Before Mrs. Kelly's departure she gave Mr. X a letter addressed to her father, Mr. J. E. Brooks, of Oklahoma City, requesting Mr. Brooks to give the bearer her pistol and any cash which she might send to him, which Mr. X was instructed to obtain and give to her attorneys. Mrs. Kelly had taken Mr. X's daughter as a subterfuge and proceeded to Chicago, Illinois, where she met her husband and where she was next heard from by Mr. and Mrs. X. From Chicago she, her husband, and the young girl proceeded to Memphis, Tennessee.

Mr. X's daughter returned to Oklahoma City from Memphis, Tennessee, on September 25th and advised that she had returned as far as Coleman, Texas, with Langford Ramsey, a friend of George R. Kelly, where she had left him and proceeded to Oklahoma City by train. She further advised that the Kellys were living in Memphis with a party known to her as "Tich," and that Ramsey had come to Coleman, Texas, at Kelly's request to obtain some "furs" which term Kelly used for describing money which he had cached on the ranch of Cassey Earl Coleman.

An immediate investigation conducted at Memphis disclosed that Mr. and Mrs. Kelly were living at the residence of J. C. Tichenor. Special Agents from Birmingham,

Alabama, were immediately dispatched to Memphis, where, in the early morning hours of September 26, 1933, a raid was conducted and George R. and Kathryn Thorne Kelly taken into custody. They were immediately removed to Oklahoma City and on October 12, 1933, convicted and sentenced to serve life imprisonment.

Investigation at Coleman, Texas, disclosed that during the flight of George R. and Kathryn Thorne Kelly they had both been housed and protected by Cassey Earl Coleman and Will Casey, and that Coleman had assisted George Kelly in caching \$73,250.00 of the Urschel ransom money on his ranch. This money was located by Bureau Agents in the early morning hours of September 27th in a cotton patch on Coleman's ranch. They were both indicted at Dallas, Texas, on October 4, 1933, charged with harboring a fugitive and conspiracy, and on October 17, 1933, Coleman, after entering a plea of guilty, was sentenced to serve 1 year and 1 day, and Casey, after trial and conviction was sentenced to serve 2 years in the United States Penitentiary at Leavenworth, Kansas.

J. C. Tichenor and Langford Ramsey were indicted at Jackson, Tennessee, on charges of conspiracy and harboring and concealing a fugitive, for their part in concealing the Kellys at Memphis, Tennessee, and on October 21, 1933, they were each sentenced to serve 2 years and 6 months imprisonment.

Investigation has also disclosed that while the Kellys were in Chicago, Illinois, they were shielded by Abe and Charles Kaplan, who are now under indictment, charged with harboring and concealing persons for whom warrants have been issued and conspiracy to commit the above offense. The trial of this case is still pending.

During the time in which Mr. Urschel was being held a kidnap victim, Kathryn Kelly maintained a residence at Fort Worth, Texas. She had living with her one Louise Magness. Investigation has disclosed that Louise Magness has a long criminal record, has practiced prostitution and has been an

associate and companion of desperate gangsters. Shortly after the payment of the ransom money, and in response to a telegram, Louise Magness proceeded via plane from Fort Worth, Texas, to Des Moines, Iowa, where she joined George and Kathryn Kelly. She then drove the Kellys to Brownwood, Texas, and there, posing as the sister of George Kelly, purchased for Kelly and his wife a 1928 Chevrolet sedan. This transaction was consummated by Louise Magness with knowledge that the Kellys had been identified as participants in the Urschel abduction.

On February 22, 1934, Louise Magness was indicted at Fort Worth, Texas, charged with having harbored George and Kathryn Kelly. On April 30, 1934, she entered a plea of guilty to this charge at San Angelo, Texas, and was promptly sentenced to serve one year and one day in the Federal Industrial Institution for Women at Alderson, West Virginia.

The investigation disclosed that Albert Bates had married one Clara Feldman, who had a son, Edward George Feldman. Clara Feldman had a brother-in-law, Alvin H. Scott, who was also a close associate of the above-mentioned parties. After the Urschel kidnaping, Bates joined Clara and Edward Feldman in Denver, Colorado, and later visited relatives in Portland, Oregon. Bates then returned to Denver, Colorado, where he was arrested shortly thereafter.

Clara and Edward Feldman had no knowledge of Bates' arrest until a prisoner, who had recently been released from the county jail in Denver, left at the Feldman apartment a message to the effect that Bates was in custody and that Clara Feldman should "look in the suitcase." The suitcase was found to be filled with \$20.00 bills. Clara and Edward Feldman then proceeded to Cheyenne, Wyoming, where they buried this money.

Shortly thereafter Ben Laska, Denver Attorney, communicated with the Feldmans, advised them that he was defending Bates, and that he would get in touch with them when he needed some money. Laska then took from Edward Feldman all identifying papers and told Feldman to use the fictitious name of Arel C. Johnson. Laska advised Edward and Clara Feldman to go east and live in large cities where their identities would not become known. Thereafter, at Laska's request, Clara and Edward Feldman paid Laska \$8,000 of this ransom money to cover his expenses in the defense of Bates.

Laska then asked for a diagram of the place where the remaining ransom money was buried. Edward Feldman furnished him with a fictitious diagram.

Laska subsequently demanded of Edward Feldman an additional \$2,000. By prearrangement Edward Feldman met Laska at Oklahoma City, Oklahoma where the \$2,000 of the Urschel ransom money was delivered to Laska.

On December 4, 1934, Clara Feldman advised Special Agents of the location of additional ransom currency in the sum of \$38,460 which had been cached away. On November 2, 1934, Alvin H. Scott, a brother-in-law of Clara Feldman, was seriously injured in an automobile accident at Roseburg, Oregon. Investigation by Special Agents disclosed that at the time of this accident, Scott had in his possession \$1,360 in Urschel ransom money. A search of the premises of Alvin Scott disclosed the location of the additional sum of \$6,140 in Urschel ransom money. Clara Feldman and Edward Feldman were taken into custody at Dunsmuir, California, November 9, 1934, \$1,100 in ransom currency being recovered from their possession. Immediate questioning of these parties by Special Agents disclosed the location of \$1,520 additional ransom currency which these parties had cached at a point near Woodland, Washington. Continued questioning of Alvin H. Scott disclosed the location of additional ransom money in the sum of \$5,000.

On December 14, 1934, the following persons were indicted by a Federal Grand Jury at Oklahoma City, Oklahoma charging them with conspiracy to violate the Kidnaping Statute: Ben B. Laska, James C. Mathers, Clara Feldman, Edward Feldman, and Alvin H. Scott. Accordingly Clara and Edward Feldman and Alvin Scott were removed to Oklahoma City. On December 17, 1934, Ben Laska was taken into custody by Special Agents of this Bureau at Denver, Colorado. On the same date James C. Mathers was taken into custody by Agents in Oklahoma City. It was alleged that Mathers had accepted from Laska \$2,000 of the Urschel ransom money, with knowledge of the character of the money.

On December 17, 1934, Clara Feldman entered a plea of guilty to the indictment. Edward Feldman and Alvin Scott pleaded guilty on January 2, 1935. Alvin Scott, Clara Feldman, and Edward Feldman were sentenced on June 15, 1935, to serve 5 years each in a Federal penitentiary. These sentences were suspended for five years, and each placed on probation.

James C. Mathers and Ben Laska were tried in Federal Court at Oklahoma City, Oklahoma, the trial commencing on June 10, 1935. On June 14, 1935, Mathers was acquitted by a directed verdict. On June 15, 1935, Laska was sentenced to serve ten years in a Federal penitentiary.

Laska was released on a \$10,000 bond pending an appeal. The U. S. Circuit Court of Appeals for the 10th Circuit at Denver, Colorado, on March 27, 1936, rendered a decision affirming the District Court at Oklahoma City, Oklahoma. Laska surrendered to the U. S. Marshal at Oklahoma City, Oklahoma, on August 1, 1936, and was removed to the U. S. Penitentiary at Leavenworth, Kansas, on the same date.

Mrs. Mollie O. Bert, a Denver, Colorado, attorney, furnished certain defense testimony during the trial of Laska. As a result of this testimony, a complaint was filed against Mrs. Bert at Oklahoma City, Oklahoma, on June 15, 1936, charging her with perjury. She was released on a \$5,000 bond after a plea of not guilty.

On October 1, 1936, Mrs. Bert withdrew her plea of not guilty and entered a plea of nolle contendere and was sentenced on the same date to serve one year and one day imprisonment, which sentence was suspended during good behavior for one year.

Twenty-one persons have been convicted in this case, the sentences to date being: six life sentences and other sentences totaling 58 years, 2 months, and 3 days.

George "Machine Gun" Kelly died of a heart attack at the Federal Penitentiary, Leavenworth, Kansas, on July 17, 1954.

JUNE 5, 1958

TELETYPE

REC-4

DEFERRED - PLAIN TEXT

7-115-3443

EX-136

TO SAC OKLAHOMA CITY

FROM DIRECTOR FBI

GEORGE KELLY BARNES, WAS., ET AL., CHARLES F. URSCHELL
DASH VICTIM, KIDNAPING. REURTEL JUNE THREE, LAST, AND
URAIRTEL MAY TWENTYNINE, LAST. PERMISSION GRANTED
FOR SA [REDACTED] TO SIT AT COUNSEL TABLE AND
ASSIST USA CRESS. SAC CARROLL DOYLE MAY TESTIFY IN
COMPLIANCE WITH YOUR REQUEST IN REAIRTEL.

(8)

✓

All b7C

NOTE: SEE COVER MEMO PRICE TO ROSEN, SAME CAPTION, SAME
DATE, [REDACTED]

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUN 5 1958
7-388
TELETYPE

U. S. DEPT. OF JUSTICE
FBI

JUN 2 10 58 AM '58

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348 MAR 17 1965

ROSEN
RECEIVED

INITIALED
DIRECTOR'S OFFICE

Tolson _____
Boardman _____
Belmont _____
Mohr _____
Nease _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
Clayton _____
Tele. Room _____
Holloman _____
Gandy _____

Teletype Room

MAIL ROOM ☐

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUN 3 1958

TELETYPE

URGENT 6-3-58 4-41 PM CST

TO DIRECTOR, FBI

FROM SAC, OKLAHOMA CITY (OC) 1P

GEORGE KELLY BARNES, WAS., ETAL, CHARLES F. URSCHER, VICTIM,

KIDNAPING. REEUFIL SEVEN DASH ONE ONE FIVE. ON THIS DATE, USA

PAUL CRESS, OC, IN CONFERENCE WITH MR. E. E. KIRKPATRICK OF

TULSA, SAC CARROLL DOYLE AND SA [REDACTED] ADVISED THAT HE

PLANNED TO SUBPOENA THE INDIVIDUALS LISTED IN OC AIRTEL MAY

TWENTY NINE LAST, AND [REDACTED]

[REDACTED], FT. WORTH, TEXAS. [REDACTED] IS THE FORMER

[REDACTED] THE TELEPHONE OPERATOR WHO TESTIFIED FOR THE

GOVERNMENT IN BOTH TRIALS. MR. CRESS ADVISES HE DOES NOT PLAN TO

USE ANY TESTIMONY FROM HANDWRITING EXPERTS. HE REQUESTS THAT SA

[REDACTED] WHO IS BEING SUBPONAED, SIT AT THE COUNSEL TABLE

WITH HIM IN THE EVENT CRESS NEEDS HIS MEMORY REFRESHED CONCERN-

ING ANY INCIDENTS SINCE SA [REDACTED] IS THOROUGHLY CONVERSANT WITH

VARIOUS ASPECTS OF THIS CASE. IT IS MY RECOMMENDATIONS THAT

BUREAU GRANT AUTHORITY FOR SA [REDACTED] TO SIT AT THE COUNSEL

TABLE AT THE HEARING JUNE NINE NEXT. EFFORTS TO VERIFY THE

DEATH OF LUTHER W. ARNOLD, AND TO LOCATE THE MISSING TRANSCRIPT

OF TESTIMONY IN THE KATHRYN KELLY TRIAL NEGATIVE TO DATE.

EX-136

REC-4

Mr. Rosen

END ACK

6-43 PM OK FEINWA [REDACTED]

DISC

Mr. Tolson
Mr. Boardman
Mr. Belmont
Mr. Mohr
Mr. Nease
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. Clayton
Tele. Room
Mr. Holloman
Miss Gandy

CC: MR. ROSEN
AND SUPERVISOR
INVESTIGATIVE DIVISION

All b7C

F B I

Date: 6/5/58

Transmit the following in PLAIN TEXT
(Type in plain text or code)Via AIRTEL AIR MAIL
(Priority or Method of Mailing)

TO: Director, FBI (7-115)
FROM: SAC, Oklahoma City (7-6)
RE: GEORGE KELLY BARNES, was., ET AL;
CHARLES F. URSCHEL
VIKID

ReBuairtel dated 6/3/58, and reOCAirtel to
Bureau dated 5/29/58.

Referenced OC airtel contains information concerning
extent of investigation that has been conducted in an effort to
locate LUTHER W. ARNOLD and the missing transcript of testimony
in the KATHRYN T. KELLY trial.

USA PAUL CRESS, OC, advised the transcript of the
testimony in the KATHRYN KELLY trial was supposed to be filed
in OC as follows: one copy with the Clerk of the USDC; one
copy with the USA; and one copy or the reporter's notes with
the U. S. District Judge or maintained in the library of the
Court Reporter for ready reference by the court.

A search was made of the USDC Clerk's Office by
SA [REDACTED] USA PAUL CRESS and AUSA GEORGE CAMP in
which [REDACTED] Clerk, assisted. The transcript was
not located. In this regard, [REDACTED] has advised that on
instructions from the presiding Judge, he has cleaned his
office and sent all the old transcripts and records to the
Federal Records Center, Fort Worth, Texas. [REDACTED]

3 - Bureau (AM)
1 - Oklahoma City
[REDACTED]

(4)

REC-4

7-115-2444
20 JUN 9 1958

All b7C EX-136

Approved: 209 Special Agent in Charge

Sent _____ M Per _____

58 JUN 17 1958

F B I

Date:

Transmit the following in _____
(Type in plain text or code)Via _____
(Priority or Method of Mailing)PAGE TWO
OC 7-6

b7C
advised he has searched for this transcript and cannot find it. He had in his office the records from the Records Center. Mr. CRESS, his clerks and assistants have conducted three searches of their office and store rooms for this transcript with negative results. The USA's storage vault, where the records pertaining to LUTHER W. ARNOLD were found, was searched by SA [REDACTED] but the transcript of the KELLY trial was not located.

The records of the case were said by PAUL CRESS to have been sent to the Federal Records Center, Fort Worth, Texas. When these records were returned to OC, the transcript was not found among the various papers. As a result, Mr. CRESS telephonically contacted the center and had another search made which resulted in the finding of several copies of various items of which copies had already been forwarded to OC. Our Dallas Office likewise contacted the Federal Records Center with negative results.

Mr. PAUL CRESS has advised he personally contacted USDJ EDGAR S. VAUGHT on several occasions and has been told by both Judge VAUGHT and [REDACTED] the Judge's secretary, the transcript is not in the Judge's office or library. [REDACTED] made a search and contacted the Court Reporter, [REDACTED] who states he filed the copies as required.

[REDACTED] the Court Reporter who took and transcribed this case and the SHANNON trial, is still employed as a reporter. He has been interviewed on several occasions and has been unable to find a transcript of the KELLY trial and states he is unable to locate his notes. He has also been interviewed in the presence of Judge VAUGHT by USA CRESS.

[REDACTED] recalls that he had an extra copy of one transcript and believes he was told by the then USA HERBERT HYDE

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

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Date:

Transmit the following in _____
(Type in plain text or code)Via _____
(Priority or Method of Mailing)PAGE THREE
OC 7-6

he could sell one to Mr. URSCHEL. [REDACTED] is of the opinion that URSCHEL bought a copy and paid him by check but cannot recall which transcript he sold URSCHEL.

Mr. URSCHEL advises that [REDACTED] endeavored to sell him a copy of the transcript for \$900.00 but he would not buy it.

[REDACTED] Clerk, and USA CRESS have advised the defense counsel also gets a copy of the transcript.

In this connection, Mr. JAMES H. MATHERS, Tupelo, Oklahoma, who was defense counsel for KATHRYN T. KELLY, has been contacted and a search made of his old files and transcripts with negative results. Mr. MATHERS advised he had numerous records destroyed by a fire in one of his barns about three years ago. He is to be a willing Government witness in this hearing.

USA PAUL CRESS and [REDACTED] Clerk, have both had their records returned from the Federal Records Center. They both state that numerous changes have been made in the personnel of the U. S. Clerk's Office, and they are at a loss to understand why at least one copy of this transcript is not in file. Mr. CRESS is personally of the opinion that someone connected with the trial took the transcript as a souvenir but can give no basis for this belief. Mr. HERBERT K. HYDE and Mr. D. E. "BILL" HODGES, USA and AUSA, who handled this prosecution, have been contacted with negative results. The effects of Mr. JOSEPH B. KEENAN, former Assistant Attorney General, deceased, who assisted in the prosecution of both trials, have been checked with negative results.

With regard to the location of LUTHER W. ARNOLD, all relatives located in Oklahoma have been interviewed concerning the whereabouts of he, his wife and daughter with

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

F B I

Date:

Transmit the following in _____
(Type in plain text or code)Via _____
(Priority or Method of Mailing)PAGE FOUR
OC 7-6

negative results. The LA Office now advises no record of the death of ARNOLD or his wife can be located there. LA was also unable to locate a record of the daughter of LUTHER W. ARNOLD.

In view of the above, it appears that although exhaustive investigation has been conducted to locate both LUTHER W. ARNOLD and the missing transcript of testimony, neither will be available for this hearing, and the USA in OC has been kept advised of all developments.

DOYLE

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

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE OKLAHOMA CITY	OFFICE OF ORIGIN OKLAHOMA CITY	DATE 6/5/58	INVESTIGATIVE PERIOD 5/22, 23, 26-30; 6/1-5/58
TITLE OF CASE GEORGE KELLY BARNES, was.; ET AL; CHARLES F. URSCHER - VICTIM		REPORT MADE BY [REDACTED]	TYPED BY [REDACTED]
		CHARACTER OF CASE KIDNAPING	

SYNOPSIS:

Efforts to locate missing transcript of testimony in KATHRYN T. KELLY trial negative. Efforts to locate LUTHER WILLIAM ARNOLD, FLOSSIE MAE or GERALDINE ARNOLD negative. [REDACTED] former bodyguard for U. S. District Judge EDGAR S. VAUGHT, interviewed at Reno, Nevada. Motions filed, 5/20/58, by ORA SHANNON and KATHRYN T. KELLY requesting change of venue. Motions denied. Affidavit of W. C. GEERS, which was furnished defense counsel, set forth.

- P -

ALL b7C

DETAILS:

The Seattle Office, on May 23, 1958, advised as follows in connection with the search for the missing transcript of testimony in the KATHRYN KELLY trial:

No record was found of this transcript in the offices of the U. S. Attorneys at Seattle or Tacoma, Washington. Former U. S. Attorney J. CHARLES DENNIS is deceased.

APPROVED [Signature]	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW		
COPIES MADE: (1) - Bureau (7-115)(AM) 1 - USA, Oklahoma City 2 - Oklahoma City (7-6)		7 -	115 -	2445
		20 JUN 17 1958		
		EX-13		

STAT SECT.

EXP. PROC.

OC 7-6

The records of the U. S. Attorney in the case of the U. S. vs. HARMON W. WALEY, ET AL; WEYERHAEUSER Kidnaping case, were reviewed at the Federal Records Center, Seattle, Washington. These records reflect correspondence between U. S. Attorney DENNIS and U. S. Attorney WILLIAM C. LEWIS, of Oklahoma City, Oklahoma. On May 28, 1935, Mr. DENNIS requested copies of the complaint and indictment in the URSCHER case.

On June 5, 1935, Mr. LEWIS, of Oklahoma City, wrote that he was enclosing the requested items and in addition was enclosing a copy of the indictment against the persons involved in handling ransom money.

On June 7, 1935, Mr. DENNIS acknowledged receipt of copies of the indictments and requested information concerning the outcome of cases on persons involved in handling ransom money. He also requested copies of the instructions given by the court in these cases.

As a result, a transcript of record in the BERMAN case was sent by the U. S. Attorney in Oklahoma City to the U. S. Attorney in Seattle in care of the Tacoma Office. By letter dated July 13, 1935, U. S. Attorney DENNIS returned the borrowed transcript, indictments and court instructions to the U. S. Attorney in Oklahoma City. By letter dated August 13, 1935, Mr. WILLIAM C. LEWIS, of Oklahoma City, acknowledged receipt of all the items from the U. S. Attorney in Seattle, Washington.

No documents of any kind concerning this case or any related cases were found in the U. S. Attorney's file.

On May 29, 1958, the Washington Field Office advised as follows:

On May 22, 1958, [REDACTED] Washington, D. C., telephonically advised SA [REDACTED] that he did not possess any of the legal papers of his former partner, JOSEPH B. KEENAN. [REDACTED] informed that his partnership with JOSEPH B. KEENAN was dissolved prior to the death of KEENAN. [REDACTED] further informed that while he was associated with JOSEPH B. KEENAN, he never recalled seeing any transcript of the kidnaping case of GEORGE KELLY BARNES or KATHRYN KELLY.

OC 7-6

On May 27, 1958, [REDACTED] Clerk's Office, U. S. Supreme Court, advised that the records of the Supreme Court fail to reflect that any appeal had been made to the Supreme Court by KATHRYN KELLY and said that the U. S. Supreme Court does not possess any transcript of the kidnaping trial of KATHRYN KELLY.

On May 28, 1958, [REDACTED] telephonically advised SA [REDACTED] that he had been able to make a complete search of the legal papers and books of JOSEPH B. KEENAN and that these papers or legal documents did not contain any transcript of the trial of KATHRYN KELLY or GEORGE KELLY BARNES. [REDACTED] further informed that the legal papers of Mr. KEENAN did not contain any reference to the kidnaping trial held in Oklahoma City during 1933 or 1934.

The following investigation was conducted by
SA [REDACTED]

At Jumbo, Oklahoma

All b7C

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORT

DATE: 6/4/58

[redacted] Jumbo, Oklahoma, on May 27, 1958, advised she is [redacted] of L. W. ARNOLD. [redacted] advised she can furnish no information regarding his whereabouts or the whereabouts of his wife, FLOSSIE MAE, and his daughter, GERALDINE. She advised she has not seen L. W. ARNOLD or his family for about 25 years, and she has never kept up with his activities. She stated that L. W. ARNOLD's parents died when he was a small boy, and he was raised up by an uncle, Mr. P. W. ARNOLD, deceased, at Caddo, Oklahoma.

[redacted] advised the only person she can think of who may know ARNOLD's whereabouts would be [redacted] P. W. ARNOLD. She advised she has not heard of [redacted] for years and does not know if he is still living. She said [redacted] had [redacted] who resides in Ardmore, Oklahoma. She stated she last saw L. W. ARNOLD when he was a small boy, however, she recalled when he was mixed up in the URSCHEL kidnaping, but she did not see him at the time.

All b7c

Interview with [redacted] File # 65-7-6
on 5/27/58 at Jumbo, Oklahoma Date dictated: 5/27/58
by Special Agent [redacted]

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORT

DATE: 6/5/58

[REDACTED] Jumbo, Oklahoma, was interviewed on May 27, 1958. [REDACTED] could furnish no additional information regarding L. W. ARNOLD other than L. W. ARNOLD was part Indian.

[REDACTED] advised that [REDACTED] who resides near Miller, Oklahoma, is his son. He stated his son would not recall L. W. ARNOLD as he was a small boy when ARNOLD was last in that vicinity.

Interview with [REDACTED] File # OC 7-6
on 5/27/58 at Jumbo, Oklahoma Date dictated: 5/27/58
by Special Agent [REDACTED] **All b7C**

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORT

DATE: 6/5/58

[REDACTED] Miller, Oklahoma, on May 27, 1958, advised he can furnish no information regarding L. W. ARNOLD as he cannot recall ever seeing him. He stated he has heard his father and mother, [REDACTED] mention him being involved in the URSCHEL case a number of years ago.

Interview with [REDACTED] File # 68-7-6
on 5/27/58 at Miller, Oklahoma Date dictated: 5/27/58
by Special Agent [REDACTED]

All b7c

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORT

DATE: 6/5/58

[REDACTED] attorney at law, Oklahoma City, Oklahoma, on May 26, 1958, advised he was [REDACTED]

[REDACTED] He advised he had never observed a copy of the transcript of testimony in the KATHRYN THORNE KELLY or GEORGE KELLY BARNES trials.

Interview with [REDACTED] File # 00-7-6
on 5/26/58 at Oklahoma City, Oklahoma Date dictated: 5/26/58
by Special Agent [REDACTED]

Property of FBI - This report is loaned to you by the FBI, and neither it nor its contents are to be distributed outside the agency to which loaned.

All b7C

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORT

DATE: 6/5/58

[REDACTED] State Historical Building, Oklahoma City, Oklahoma, on May 23, 1958, checked the records and found that U. S. District Judge EDGAR S. VAUGHT furnished the society a large scrapbook pertaining to the URSCHER kidnaping.

[REDACTED] was unable to locate any other articles furnished by Judge VAUGHT and no record of the transcript of testimony in the KATHRYN THORNE KELLY trial.

Interview with [REDACTED] File # [REDACTED] OC 7-6
on 5/23/58 at Oklahoma City, Oklahoma Date dictated: 5/23/58
by Special Agent [REDACTED]

All b7c

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORT

DATE: 6/5/58

[REDACTED] attorney at law, Leonhardt Building, Oklahoma City, Oklahoma, on May 28, 1958, advised he had searched the office and personal effects of DAVE TANT, deceased, but had not located the missing transcript of testimony in the KATHRYN T. KELLY trial.

Interview with [REDACTED] File # OC 7-6
on 5/28/58 at Oklahoma City, Oklahoma Date dictated: 5/28/58
by Special Agent [REDACTED]

All b7c

OC 7-6

The following investigation was conducted by SA [REDACTED]

At Ardmore, Oklahoma

The records of the Carter County Sheriff's Office, Ardmore, Oklahoma, fail to reflect the name of [REDACTED] or [REDACTED] as an inmate or employee.

Efforts to locate either of these men has to date met with negative results.

The above records were checked on June 4, 1958.

The Salt Lake City Office advised on May 21, 1958, as follows:

The following investigation was conducted at Las Vegas, Nevada, by SA [REDACTED]

On May 7, 1958, [REDACTED] Records, Las Vegas Police Department, advised their records are incomplete prior to 1949. A review of the indices by [REDACTED] failed to reflect any information about LUTHER WILLIAM ARNOLD. [REDACTED] advised their number [REDACTED] which would be for any criminal arrest including drunk, is entitled [REDACTED] who was arrested on August 12, 1954, for Investigation Grand Theft - Auto, and AWOL. [REDACTED]

[REDACTED] and is not identical with LUTHER WILLIAM ARNOLD. She could furnish no further information about the arrest of LUTHER WILLIAM ARNOLD at Las Vegas, Nevada, on September 28, 1939.

A review of the files of the Salt Lake City Office revealed Salt Lake City file 47-358, entitled "LUTHER WILLIAM ARNOLD; IMPERSONATION; EXTORTION." The file reflects ARNOLD was arrested at Lovelock, Nevada, by the Sheriff's Office. The Sheriff's Office was going to charge ARNOLD with disorderly conduct but ARNOLD produced a letter from the Department of Justice which indicated he was connected with the Department and for that reason they turned him loose. The file further reflects

All b7c

OC 7-6

a [REDACTED] of Lovelock, Nevada, stated ARNOLD represented himself as being a Federal Officer. ARNOLD also reportedly accused [REDACTED] of abusing his wife and selling liquor to the Indians. It reflected ARNOLD would put [REDACTED] in jail if [REDACTED] would not pay ARNOLD \$250.00, which [REDACTED] declined to do.

The following investigation was conducted by
SA [REDACTED] at Reno, Nevada:

All b7C

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORT

May 21, 1958

[REDACTED] Reno, Nevada, stated he would have no information concerning whether attorneys for the defense were questioned regarding the source of their fees, whether they were threatened with criminal prosecution at any time or whether false testimony was used in the prosecution of ORA L. SHANNON or KATHRYN THORNE KELLY.

[REDACTED] stated he was selected by U. S. District Court Judge EDGAR S. VAUGHT as bodyguard following receipt of rumors threatening the Judge's life and remained as bodyguard throughout the trials of both defendants, ORA SHANNON and KATHRYN THORNE KELLY.

[REDACTED] stated that the trial attracted a more than usual amount of publicity due to the position and wealth of the victims and the ransom paid. He further informed that precautionary and preventive measures used at the time were undoubtedly occasioned by the notorious Kansas City Massacre which had occurred shortly before the kidnaping of CHARLES F. URSCHEL and the trials of the defendants.

[REDACTED] did not feel that the court room or the trial took place in the atmosphere of a "Roman circus" and he did not recall that "dozens and dozens of FBI Agents were in the court room daily." He did recall that the court room was on the ninth floor of the Federal Building and spectators in the Court room were issued passes to the Court by officials who scrutinized spectators at the seventh floor.

[REDACTED] recalled that press photographs were taken in the court room but he did not recall that any were taken during the actual trial. He felt the taking of photographs was restricted to recess periods.

[REDACTED] could not recall any instance in which streets were roped off prior, during or after the trial of the defendants.

Interview with [REDACTED] File # SU 7-10

on 5/13/58 at Resident Agency Office, Reno, Nevada

by Special Agent [REDACTED] Dictated: 5/13/58

A11 b7c

██████████ informed that the trial was held in the court room of the Federal Building and the defendants were incarcerated in the County Jail several blocks away. At the conclusion of each court day the defendants were transported from the court room in the Federal Building to the County Jail, and it seemed entirely possible to him that precautionary measures would have necessitated the stationing of Agents and police officers along the route to prevent the rescue of the defendants. He did not recall any large number of Agents or officers armed with machine guns and shotguns en route, however.

██████████ stated that prior to his appointment as bodyguard for Judge VAUGHT, he was assigned as a Special Deputy U. S. Marshal to guard the front door of the County Jail from the offices of the County Treasurer across the street. He was stationed in the County Treasurer's office armed with a machine rifle trained on the front door of the County Jail, and presumes this position was taken by someone else when he took over the duties of bodyguard to Judge VAUGHT.

██████████ stated he thought he recalled E.E. KIRKPATRICK sitting at the prosecution table at times during the trial but did not feel that he had anything to say concerning the selection of the jury.

With reference to the number of Special Agents or Police Officers in the court room or Federal Building during the trial of KATHERYN KELLY, ██████████ stated he did not feel that there were ever more than 15 to 20 Agents and officers in the Federal Building, and that even this number was undoubtedly occasioned by the activities of the hoodlums in the Kansas City Massacre and the dangers that a similar attempt might be made to rescue the defendants.

██████████ stated he had never observed anyone strike or attempt to strike any of the defendants and heard no rumors of such action.

██████████ informed he could not recall the connection that LUTHER W. ARNOLD apparently had with the case and did not know the whereabouts of LUTHER, FLOSSIE MAE or GERALENE ARNOLD.

All b7C

SU 7-10

██████████ was of the opinion that both ORA L. SHANNON and KATHERYN KELLY received fair trials and that U. S. District Judge VAUGHT afforded both defendants a fair and impartial trial.

██████████ stated he had no personal contact or conversation with SHANNON or KATHERYN KELLY and did not observe their jail cells or the manner in which they were guarded in the County Jail.

██████████ stated he knew nothing about arrangements for press releases, guard assignments, the number of men assigned to the case or where a copy of the transcript of testimony in the KATHERYN KELLY trial might be located.

██████████ recalled that flash bulbs were used by Press photographers in the court room but, as stated, not during the progress of the trial but during recess periods. ██████████ did not recall the presence of radio announcers in the court room.

██████████ could not recall whether the exclusion rule was invoked during the trials of SHANNON and KATHERYN KELLY.

██████████ stated that so far as he recalled JOSEPH B. KEENAN had been sent to Oklahoma City to assist United States Attorney HERBERT K. HYDE and further, that on several occasions Judge VAUGHT had cautioned and reprimanded KEENAN concerning the manner in which he questioned witnesses.

With reference to the question as to whether KATHERYN KELLY was advised by the court to cooperate with newsmen, commentators and photographers, ██████████ stated he did not know of this of his personal knowledge but, knowing Judge VAUGHT, he seriously doubted that such was the case.

██████████ did not recall the testimony of ██████████

██████████ informed it was his personal opinion that SHANNON and KATHERYN KELLY received fair trials and that the extreme precautionary measures were due to the alleged threats against the life of Judge VAUGHT and the possible rescue of the defendants which appeared at that time to be a distinct possibility due to the attempted rescue of the notorious FRANK AMER at Kansas City, Missouri, which resulted in the death of AMER and several law enforcement officers.

OC 7-6

On May 22, 1958, Mr. PAUL CRESS, U. S. Attorney at Oklahoma City, Oklahoma, by letter advised that two motions had been filed in behalf of ORA L. SHANNON and KATHRYN THORNE KELLY by their attorney, Mr. JAMES J. LAUGHLIN.

In the first motion, it was requested the court to issue an order transferring the hearing from Oklahoma City to another judicial district.

The motion alleges that so much unfavorable publicity has emanated from Oklahoma City that it will be virtually impossible for a fair, impartial and unbiased hearing to be held in Oklahoma City.

Mr. CRESS stated that U. S. District Judge WILLIAM R. WALLACE, by letter dated May 22, 1958, had advised Mr. LAUGHLIN the above motion was denied, and the court had directed the U. S. Marshal to transport ORA L. SHANNON and KATHRYN T. KELLY to Oklahoma City for the hearing on June 9, 1958.

In the second motion, permission is requested to file a supplemental affidavit of W. C. GEERS. This affidavit is as follows:

"IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

"UNITED STATES OF AMERICA,

Plaintiff,

vs.

Criminal No. 10478

"ORA L. SHANNON,

"KATHRYN THORNE KELLY,

Defendants.

"AFFIDAVIT OF W. C. GEERS

"W. C. Geers, being first duly sworn on oath, as required by law, deposes and says that when the above-captioned case was on trial he was United States Marshal for the Western District of Oklahoma and that

OC 7-6

he had personal knowledge of the incidents leading up to the trial and the conduct of the trial and his recollection is vivid as to the matters occurring therein.

"Affiant says unto the Court that there was tremendous feeling and resentment toward the defendants in this case. Affiant says the feeling was exceedingly bitter toward George Kelly and the principals in the case and in his opinion Kathryn Thorne Kelly and Ora L. Shannon did not receive fair trials due to the feeling and passion that had been worked up by the public and by the press and radio of the day. Affiant says that the Courthouse was surrounded by agents of the Federal Bureau of Investigation and the courtroom and the corridors of the Courthouse were surrounded by FBI agents. Affiant says that he knew of a beating administered to George Kelly when he attempted to come to the defense of his wife Kathryn Kelly in an elevator. Affiant says that the marks received by Kelly remained with him throughout the trial.

"Affiant says further that the camera men and the news photographers disrupted the conduct of the trial and made it virtually impossible for the matter to be decided fairly and impartially by the jury as related to Mrs. Shannon and Mrs. Kelly.

"Affiant says further that the Urschels apparently exhibited tremendous influence and that he personally knows that at least one of the Urschels sat at the trial and assisted Mr. Keenan in the prosecution of the case and made certain suggestions. Affiant says that it was well known that the Urschels were persons of wealth and were well known throughout the State of Oklahoma and elsewhere.

"Affiant says further that he believes counsel in the case could not deal fairly and justly with Mrs. Kelly and Mrs. Shannon because they were under investigation and suspicion. Affiant says he knows that one of the attorneys was indicted and sent to prison.

"/s/ W. C. Geers
W. C. GEERS

"Subscribed and sworn to before me this 18th day of April, 195

"(SEAL) /s/ Lelia D. LeBow
Notary Public
State of Texas"

- P -

- 16 -

Office Memorandum • UNITED STATES GOVERNMENT

TO: Director, FBI (7-115)

DATE: 6/5/58

FROM: SAC, Oklahoma City (7-6)

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

OO: OC

Enclosed is one copy of report of SA [REDACTED]
dated 6/5/58, at Oklahoma City.REFERENCEReport of SA [REDACTED] dated 5/22/58, at
Oklahoma City.LEADSTHE OKLAHOMA CITY OFFICEAt Oklahoma City, Oklahoma*When LUTHER W. ARNOLD is located or determined to be
dead, will remove the stop notice placed against his FBI number
in the Identification Division of the Bureau.*Will when the missing transcript in the KATHRYN
KELLY trial is located, advise the Bureau concerning the testimony
of the document examiner.

*Will keep Bureau advised of all developments.

*Will follow and report results of hearing.

1 - Bureau (Encl. 1)(AM)
2 - Oklahoma City
[REDACTED]

(3)

REC-4

7-115-2446
20 JUN 12 1958

EX-136

ENCLOSURE
REC-4

EX-136

58 JUN 18 1958

All b7c

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Rosen *LR*

DATE: June 5, 1958

FROM : F. L. Price *JLP*SUBJECT: GEORGE KELLY BARNES, WAS., ET AL.;
CHARLES F. URSCHEL - VICTIM;
KIDNAPING

Tolson ☒
 Nichols ☒
 Boardman ☒
 Belmont ☒
 Mohr ☒
 Parsons ☒
 Rosen ☒
 Tamm ☒
 Trotter ☒
 Nease ☒
 Tele. Room ☒
 Holloman ☒
 Gandy ☒

The hearing on the motions to vacate the sentences and set aside the judgment of convictions of Kathryn Kelly and Ora Shannon is set for 6/9/58, before the U. S. District Court, Western District of Oklahoma. This memorandum will deal only with the requests of Oklahoma City for (1) permission for SA [REDACTED] to sit at the counsel table during the hearing and (2) permission for SAC Carroll Doyle to testify in refuting allegations made by Kelly and Shannon against the Bureau. U. S. Attorney Paul Cress will personally handle the motions and indicated that allegations against the Bureau will be refuted on the record. A detailed memorandum as to the allegations and their refutation is in preparation for information and reference purposes.

(1) Oklahoma City teletype 6/3/58, requests permission for SA [REDACTED] who is completely familiar with all aspects of the case, to assist at the counsel table during the hearing. The Investigative Division recommends that he be permitted to so assist.

(2) Oklahoma City airtel 5/29/58, requests permission for SAC Carroll Doyle to testify, if needed, to refute two points (a) Kelly in her affidavit alleges the present head of the FBI in a "recent publication" has stated in effect the FBI now concedes the ransom note was not written by Kelly, but attempts to justify it on the grounds the ransom note contained Kelly's phraseology. A check of the Readers Guide Index and the Article Index maintained in Crime Records Section for all articles relating to Kelly failed to locate such a statement by the Director. SAC Doyle, if needed, will testify that the records of the Bureau contain no such statement.

(b) Kathryn Kelly alleges 75 Agents and 18 police officers arrested her at Memphis in 1933. Shannon alleges 30 to 50 Agents arrested her at Paradise, Texas, in 1933. They also allege that Agents varying in number from 20 to 300 guarded them, conveyed them from detention places to the courthouse and guarded the courtroom. The facts are that three Agents and five police officers arrested Kelly. Four Agents, nine police officers, and Urschell comprised the arresting group at Paradise. In 1933 there were 353 Agents and in 1934, 391 Agents in the Bureau. SAC Carroll Doyle will testify to the number of Agents, if needed, to show no heavy concentration of Agents in the area at that time. The Investigative Division recommends he be permitted to so testify if needed.

Enclosure *rec'd 6-5-58*
 1 - Mr. Nease
 [REDACTED]

REC-4

10 JUN 17 1958

58 JUN 18 1958 EX-136

All b7C

Memorandum for Mr. Rosen

b7C

ACTION: If you approve, attached is a teletype to Oklahoma City granting permission for SA [REDACTED] to sit at the counsel table and permitting SAC Carroll Doyle to testify if needed.

A detailed memorandum for ready reference and information purposes is being prepared. It will deal with the allegations made by Shannon and Kelly in their affidavits supporting their motions and the procedure to be followed by the U. S. Attorney in refuting on the record their allegations. We have located 11 former Agents who participated in the various phases of the arrests and interrogation of Shannon and Kelly. Reports on these interviews, as well as interviews of other possible witnesses, have been furnished to the U. S. Attorney. The former Agents deny the allegations made against the Bureau.

Rosen
4/11

JHC

/

V.

GK
2

13.

Mr. Tolson	/
Mr. Boardman	/
Mr. Belmont	/
Mr. Mohr	/
Mr. Nease	/
Mr. Parsons	/
Mr. Rosen	/
Mr. Tamm	/
Mr. Winterrowd	/
Mr. Clayton	/
Tele. Room	/
Mr. E. Homan	/
Miss Gandy	/

File - 6-115

A Lovely Gun Girl And the Long Years

Special to the New York Post

Oklahoma City, June 9—In the outlaw-ridden badland that was the Southwest in 1933, George (Machine Gun) Kelly stood out as a fearsome desperado—and his wife, in her way, was fearsome, too.

Her name was Kathryn.

Together they planned a kidnaping. Kelly waved a machine gun Kathryn bought for him at oil millionaire Charles F. Urschel and took him from his mansion to the bleak town of Paradise, Tex., to the home of Kathryn's mother and stepfather, Mr. and Mrs. John R. G. Shannon. Not until \$200,000 was handed over did the oilman go free.

The police tracked down everyone else connected with the crime. The Kellys vanished.

But Mrs. Kelly — Kathryn — wrote letters. She wrote from hiding to the newspapers, the police, to Urschel. She threatened Urschel's life, and those of the U. S. Marshals assigned to the pursuit.

The police caught the Kellys in Memphis and brought them to Oklahoma City to stand trial.

Dressed in black, a slim, near-beautiful girl of 29, she sat in the courtroom and smiled at her husband, and at many of the things the lawyers said.

But she could flash a temper, too. Once when a guard tried to hurry her along as she paused to kiss her father in the corridor outside the courtroom, she turned on the man and ringingly slapped him.

"I'd slap him again," she snapped at the bystanders.

At the trial a witness said Kathryn had said it was too bad they had not killed and buried the man they kidnaped.

The couple were convicted under the Lindbergh kidnaping law. They got life. So did her mother and her stepfather. When the verdict was announced she showed no emotion.

In Oklahoma City prison, her husband was taken to her to say goodbye before they took him to Leavenworth.



MRS. GEORGE KELLY
Back in 1933

CLIPPING

NY POST
7th BLUE FINAL
DATED 9 JUN 1958
PAGE 2

FORWARDED BY NY DIVISION
RE: GEORGE (MACHINE GUN)
KELLY
BANK ROBBERY

BUFILE - 7-115

7-115-14
NOT RECORDED
126 JUN 17 1958

58 JUN 17 1958

"Be a good boy," she said, and leaned through the bars to kiss him.

Then they took her away, to a women's prison.

She boasted:

"George will see me at Christmas. He told me he would break out and get me out."

Then she offered a jailer \$15,000 to let her escape.

She went to jail in 1933, in a Michigan institution.

By 1940 she had been transferred to a California prison, where she became assistant editor of the prison paper.

The years were telling upon her; her youth was gone and she was growing old behind bars.

Prison, she wrote, was where you saw "365 days filled with golden opportunities slipping away year by year, each day gone forever from the span of life."

Prison, she wrote, was where each "carries within her heart a full quota of loneliness, grief and mental suffering."

In 1954, her husband died in prison. Kathryn Kelly and her mother lived on.

Yesterday, 25 years after they went to prison, they were returned to Oklahoma City from the Federal Women's Prison in Alderson, W. Va., to be allowed to plead for their release.

They petitioned that one quarter of a century ago they did not receive a fair trial here because of feelings aroused by adverse publicity.

AIRTEL

FBI

Date: 6/4/58

Transmit the following in _____

(Type in plain text or code)

Via AIRTELAIR MAIL

(Priority or Method of Mailing)

TO : DIRECTOR, FBI (7-115)
 FROM: SAC, LOS ANGELES (7-19)
 RE : GEORGE KELLY BARNES, was., ET AL.;
 CHARLES F. URSCHEL
 VIKID

Re Bureau airtel to Los Angeles and Oklahoma City,
 6/3/58, and report of SA [REDACTED] Los Angeles, 5/21/58.

Further attempts to confirm reported death of LUTHER
 WILLIAM ARNOLD, wa., JESS AKERT, near Long Beach, California,
 about 1944, or to locate relatives of ARNOLD or wife in Los
 Angeles and vicinity unproductive.

Death records, entire State of California, 1940
 through 1955, checked by San Francisco Office, 5/27/58,
 failed to disclose a record identifiable with LUTHER WILLIAM
 ARNOLD.

Available Actors Guild and Studio records also
 failed to confirm reported employment of GERALDINE ARNOLD as
 a motion picture actress in Hollywood under name of VIRGINIA
 LANE, past or present.

Above information furnished to Oklahoma City by
 airtel, 6/3/58.

Report follows.

③ - Bureau
 1 - Los Angeles

(4)

AIRTEL

EX-136

7-115-2448
 16 JUN 1958

Approved: [Signature]
 58 JUN 17 1958 Special Agent in Charge

Sent _____ M Per _____

All b7C

Office M

m • UNITED STATES GOVERNMENT

TO : Mr. Rosen *Rw*

DATE: June 13, 1958

FROM : F. L. Price *flp*SUBJECT: GEORGE KELLY BARNES, WAS., ET AL.
CHARLES F. URSCHER - VICTIM
KIDNAPING

Tolson *[initials]*
Boardman *[initials]*
Belmont *[initials]*
Mohr *[initials]*
Nease *[initials]*
Parsons *[initials]*
Rosen *[initials]*
Tamm *[initials]*
Trotter *[initials]*
Tele. Room *[initials]*
Holmes *[initials]*
Gandy *[initials]*

With reference to the proceedings in Oklahoma City in the above-entitled matter and the motion by James J. Laughlin, Washington, D. C., for the production of FBI reports, the Court has ordered the production of FBI reports dealing with investigation in 1933. The Court feels that the issue which needs to be resolved is whether or not the defense counsels in 1933 were investigated or intimidated. The Judge has indicated he desires to have the reports delivered to him in camera for determination by him as to what would be relevant or irrelevant. *b7C*

Mr. James Knapp, attorney, Criminal Division of the Department, called in the late evening of 6-12-58, and advised that he had received a teletype from the United States Attorney (USA) in Oklahoma City setting forth verbatim the opinion of the Court. Mr. Knapp has indicated after a discussion with the USA that he would like to review two reports, namely the report of SA John A. Dowd dated 9-15-33, at Salt Lake City, Utah, and the report at Oklahoma City by Gus T. Jones dated 10-5-33. Of the reports containing the investigation in 1933 only the two above reports indicate possible inquiry regarding attorneys. Mr. Knapp desires these reports at 9:30 a.m., 6-13-58, so that he may review them and discuss them with the USA.

Mr. Knapp has indicated that he will direct USA Cress to stand on Departmental Order 3229. He pointed out that Attorney James H. Mathers has testified he was not intimidated, therefore, the production of reports would be irrelevant. If the Department is correct in this stand that the matter is immaterial it would be a question of law and would have to be decided in the courts. *[initials]*

Brief Summary of Material in the Reports of 9-15-33 and 10-5-33

The report of 9-15-33 deals with information received from banks reflecting that no safe deposit box was rented by any person suspected of being connected with this investigation and shows efforts to locate Albert Bates and

cc: 1 - Mr. Nease

REC-11

7-115-2449

-7-

23 JUN 17 1958

7-115

Memorandum to Mr. Rosen

also deals with a surveillance of Ben Laska, attorney at Denver, Colorado, representing Bates.

Objectionable material in this report would be the surveillance of Ben Laska, attorney for Albert Bates, by Agents from 9-6-33 to 9-14-33, at which time he left Denver for Oklahoma City. This surveillance did not show any contact by George Kelly Barnes or Kathryn Kelly.

The report dated 10-5-33 deals with Luther Arnold who was employed by Kathryn Kelly as a contact to obtain attorneys for them and shows the development of information through interviews with Luther Arnold, his wife, and daughter which eventually lead to the apprehension of George Kelly Barnes and Kathryn Kelly at Memphis in 1933. It also sets forth the verdict of guilty being handed down on Ora Shannon and others.

Objectionable material in this report was that on 9-9-33. [REDACTED]

b7C
b7D furnished confidential information that Luther Arnold was the contact man for Kathryn Kelly in obtaining the services of John Roberts, attorney, Enid, Oklahoma. [REDACTED] would be considered a confidential informant. It also relates coverage of Western Union messages from Ft. Worth, Texas, to Tichenor, Memphis, Tennessee, and the intercept of a letter going through the mail from Cass Coleman to Luther Arnold.

OBSERVATION:

Mr. Knapp has requested a copy of each of these reports for review. Copies of these reports have been furnished to the USA, Oklahoma City. He is aware of all the material contained therein. Therefore, it would appear that we have no choice but to comply with Mr. Knapp's request.

RECOMMENDATION:

Done 8-13-58 [Signature] If you approve it is recommended that copies of the reports of 9-15-33 and 10-5-33 be delivered to Mr. Knapp by hand in time for him to review them and consult with the USA at Oklahoma City prior to beginning of Court session set for 6-13-58, at 9:30 a.m. (CST). It is noted the Oklahoma City Division has pointed out to the USA, Oklahoma, the objectionable material in these two reports.

RG

↓
nu

Memorandum to Mr. Rosen

Some of the other objectionable items in the report of Jones, dated 10/5/53, are briefly as follows:

1. Attorney John Roberts, Enid, Oklahoma, was employed by Kelly. He was visiting in a room in Oklahoma City in a hotel and it was evident that Arnold, the man who acted as a contact for Kathryn Kelly in employing Roberts, was in the room with Roberts in the hotel. This room was under surveillance for two or three days and other attorneys visited the room.

2. Also, two women who were travelling with Kelly's contact man, Arnold, were picked up by Agents and city detectives and detained on a pretext of violation of the White Slave Traffic Act.

3. Although Arnold was interviewed at great length by our Agents, he was able to convince the attorneys for the defense that he told the FBI nothing. He gave us considerable information but apparently the attorneys believed him. This is set forth in the report and a detailed signed statement which covers eight pages of a 21 page report.

There are also other objectionable items throughout the reports which, although they may not have a direct bearing on any allegation that the attorneys for the defense were intimidated, are objectionable from a standpoint that the language would not be acceptable under our present standards. For instance:

1. The report states that the girls were arrested under a pretext.

2. An individual was taken in custody but she was not under arrest and the person was actually transported from San Antonio to Oklahoma City (Mrs. Arnold.)

3. Mail was turned over to our Agents which should have been delivered to the addressee.

4. The report reflects interception of Western Union telegrams which information actually led to the location of Kathryn and George Kelly at Memphis.

Memorandum for Mr. Rosen

5. The report also contains an opinion of Gus Jones that Kathryn Kelly wrote threatening letters to Urschel and J. B. Keenan. This is Jones' opinion and is not supported by an examination which he personally made. He was not a qualified examiner.

It is such language that is highly objectionable.

R

✓

JB
get

6-13-58

PLAIN TEXT

TELETYPE

URGENT

TO: SAC, OKLAHOMA CITY

FROM: DIRECTOR, FBI

GEORGE KELLY BARNES, WAS., ET AL, CHARLES F. URSCHER, VIKID.
REURTEL JUNE THIRTEEN INSTANT. ADVISE ACTION USA PLANS TO
TAKE WITH RESPECT TO INSTRUCTIONS HE RECEIVED FROM DEPART-
MENT TODAY THAT HE FILE AN AFFIDAVIT AND PLEAD RULE THREE
TWO TWO NINE MONDAY JUNE SIXTEEN INSTANT. RETEL STATES USA
GRESS HAS COMMUNICATED WITH DEPT. AND AGAIN RECOMMENDED
REPORTS BE SUBMITTED TO JUDGE FOR IN CAMERA INSPECTION.
OF
ADVISE IF THIS ACTION/CRESS' FOLLOWED DEPARTMENTAL INSTRU-
CTIONS OR NOT. SUTEL.



b7C

REC-8

7-115-2450

17 JUN 16 1958

COPIES DESTROYED

848 MAR 17 1960

Tolson _____
Boardman _____
Belmont _____
Mohr _____
Nease _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
Clayton _____
Tele. Room _____
Holloman _____

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUN 14 1958

TELETYPE

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Rosen *RS*

FROM : E. E. Harbo *EEH*

DATE: June 16, 1958

SUBJECT: GEORGE KELLY BARNES, with aliases, et al.;
CHARLES F. URSCHER, VICTIM
KIDNAPING

Tolson ☒
Boardman ☒
Belmont ☒
Mohr ☒
Nease ☒
Parsons ☒
Rosen ☒
Tamm ☒
Trotter ☒
Clayton ☒
Tele. Room ☒
Holloman ☒
Gandy ☒

SAC Carroll Doyle, Oklahoma City, called at 2:10 P.M., while you were at lunch, with regard to the production of our reports in this hearing and advised that Judge Wallace had ruled a few minutes ago that unless United States Attorney Paul Cress delivers all FBI files, records and reports to the judge in open court at 1:30 P.M., Central Standard Time, this afternoon, he will order a complete new trial for Kathryn Kelly and Ora Shannon. United States Attorney Cress stated that this ruling was made by Judge Wallace in lieu of citing him, Cress, for contempt.

SAC Doyle said that Cress had called the Department and had advised them of this action and had been instructed to stand on Departmental Order 3229.

ACTION

SAC Doyle stated that United States Attorney Cress had not had time to determine what action he would take as a result of this ruling by Judge Wallace. Doyle will immediately let us know what further action the United States Attorney intends to pursue. He will keep us advised of developments this afternoon.

EEH *EEH*
(6) *b7C*

REC-83

309
66 JUN 19 1958

JUN 17 1958

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Rosen *BR*

DATE: June 16, 1958

FROM : F. L. I. *13e* *BR*SUBJECT: GEORGE KELLY BARNES, WAS., ET AL.;
CHARLES F. URSCHEL - VICTIM;
KIDNAPING

Tolson	_____
Nichols	_____
Boardman	_____
Belmont	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
Nease	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

At 5:05 P. M., 6/16/58, [REDACTED] advised Mr. James W. Knapp, Criminal Division, Department, briefly of the opinion of the U. S. District Court, Western District of Oklahoma. He was advised that the judge had ordered a new trial and that bond was set at \$10,000 on each defendant, namely Kathryn Kelly and Ora Shannon. He indicated the decision was based on Attorney Hyde's statement, "The FBI files back me up" with reference to the alleged intimidation of defense attorneys.

With reference to the appeal which U. S. Attorney Cress indicated would be filed, Knapp stated it would be hard at this time to state the basis on which they would proceed. He stated he would have to review the entire record of the hearing. He, of course, indicated the possibility of the introduction of the FBI files being irrelevant and immaterial in view of the testimony of defense attorneys.

(5)

All b7C

7-115

REC-83

66 JUN 19 1958

2456

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Boardman *12/14/58*

DATE: June 13, 1958

FROM : A. Rosen *R*SUBJECT: GEORGE KELLY BARNES,
with aliases, et al.
CHARLES F. MURSCHEL - Victim;
KIDNAPING

Tolson	_____
Boardman	_____
Belmont	_____
Mohr	_____
Nease	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
Clayton	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

Bill Foley, First Assistant, Criminal Division, called to advise me that they have issued instructions to the U. S. Attorney at Oklahoma City to the effect that the Department feels that the U. S. Attorney can, in good conscience, file an affidavit with the court. This affidavit, in effect, will state that insofar as the attorneys representing the parties litigant (this would mean Kathryn Kelly and Ora Shannon), there was no investigation of those attorneys.

If the U. S. Attorney can file such an affidavit, this would appear to satisfy the court. If the U. S. Attorney does not file such an affidavit, then he should stand on Departmental Order 3229.

Foley pointed out that they had issued these instructions to the U. S. Attorney and he, apparently, is not too clear as to what amounts to an investigation, and Foley was advising us of this in the event we could in any way clarify this matter in the U. S. Attorney's mind. Foley is referring to the fact that we refer to having conducted surveillances on Ben Laska, an attorney in Denver for a few days, after which it was discontinued. I also assume he is referring to our contact with Arnold Luther, who was acting as an informant. Arnold Luther is not an attorney but he was in contact with certain of the attorneys.

Foley did not ask our views on this matter. He advised me that the above instructions had been issued to the U. S. Attorney.

ACTION TAKEN

I called the Oklahoma City Office and spoke to ASAC Tully who appeared to be most alert to the situation and he was

cc: Mr. Nease

AR: *116*
(7)

REC-83

7-115-245
12 JUN 17 1958

Memorandum for Mr. Boardman

was given the above facts. He stated that he thoroughly understood the position that the Department had taken. I advised him that he ought to get in touch with Doyle immediately and explain the situation to him, and it would seem that we ought to be of assistance in explaining to the U. S. Attorney what is or is not an investigation, if there is any question concerning this matter. I told Tully that we were not to influence the U. S. Attorney one way or the other in his decision, but that I thought we ought to be able to clarify any matters that might come up with reference to what is or is not an investigation.

Shortly after the above action I received a call from SAC Doyle who advised me that attorneys Knapp and McLean of the Department were talking with U. S. Attorney Cress. Their instructions were as indicated by Foley. Doyle states that Cress, so far, has not been too receptive to filing any affidavit and that, apparently, the judge has got him scared and he would like to show the judge the reports in question. This would be an in camera inspection.

The Department does not like this procedure and feels that the U. S. Attorney should file an affidavit. At the present time, it appears that in view of the indecision on the part of the U. S. Attorney, the Department has requested that ^{the Government} ~~we~~ get a continuance until next Monday. Doyle states that he feels that the judge would probably be receptive to this.

JH
gal

D.A. 4/5-
He said ok as long as
USA (not FBI) files the
affidavit.
gal

- SAC Doyle
so advised
6/13/58 R

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUN 11 1958

TELETYPE

Mr. Tolson ✓
Mr. Boardman ✓
Mr. Belmont ✓
Mr. Mohr ✓
Mr. Nease ✓
Mr. Parsons ✓
Mr. Rosen ✓
Mr. Tamm ✓
Mr. Trotter ✓
Mr. Clayton ✓
Tele. Room ✓
Mr. Holloman ✓
Miss Gandy ✓

URGENT 6-11-58 4-28 PM CST

TO DIRECTOR, FBI

FROM SAC, OKLAHOMA CITY 2P

GEORGE KELLY BARNES, WAS, ET AL, CHARLES F. URSCHEL, VIKID.
REBUTEL JUNE ELEVEN. POSSIBILITY OF PRODUCTION OF FBI REPORTS
DISCUSSED WITH USA AND PROVISIONS SAC LETTER FIFTY EIGHT
TWELVE POINTED OUT TO HIM. USA PAUL W. CRESS HAS ADVISED IN
EVENT SPECIFIC REQUEST IS MADE BY ATTORNEY JAMES J. LAUGHLIN,
HE WILL PROBABLY REFER MATTER TO DEPARTMENT. REVIEW OF REPORTS
EXECUTED BY FORMER SA GUS T. JONES HAS BEEN MADE. INFO
APPEARING JONES REPORT DATED OCTOBER FIVE, NINETEEN THIRTY
THREE, CONTAINS INFO ON PAGES ONE, TWO, ELEVEN, THIRTEEN,
FOURTEEN, EIGHTEEN AND TWENTY WHICH APPEARS OBJECTIONABLE.
INFO SET OUT IN THIS REPORT DISCUSSED WITH USA CRESS, WHO
NOW FEELS HE WILL NOT USE JONES AS WITNESS UNLESS HE NEEDS
HIM FOR REBUTTAL. USA CRESS HAS ALSO DECIDED THAT HE WILL
NOT USE FORMER SA [REDACTED] UNLESS REQUIRED TO DO SO AS
REBUTTAL WITNESS. HE HAS POINTED OUT THAT THE EPISODE
WHICH OCCURRED IN FEDERAL BUILDING WHERE KATHRYN KELLY
SLAPPED [REDACTED] WHICH IN TURN CAUSED GEORGE KELLY BARNES TO
ATTACK [REDACTED] HAS BEEN COVERED IN TESTIMONY ALREADY GIVEN.

JUN 17 1958

Mr. Rosen

All b7C

001058

7-115-9454
JUN 17 1958
[REDACTED]
[REDACTED]

PAGE TWO

FORMER USA HERBERT K. HYDE HAS POINTED OUT THAT KELLY CALLED [REDACTED] S. O. B. AND SLAPPED HIM WHILE [REDACTED] WAS ESCORTING HER TO THE COURT ROOM AND WOULD NOT PERMIT HER TO VISIT WITH RELATIVES. THE PART OF THE INCIDENT WHERE [REDACTED] STRUCK KELLY AFTER THE LATTER ATTEMPTED TO STRIKE HIM WITH HANDCUFFS HAS ALSO BEEN COVERED BY WITNESSES WHO DESCRIBED THE INJURY RECEIVED BY GEORGE KELLY BARNES AS QUOTE "A LUMP ON THE HEAD" UNQUOTE. USA CRESS FEELS THAT IF NEITHER SA JONES NOR SA [REDACTED] TESTIFIES, THERE WILL BE LESS CHANCE OF LAUGHLIN DEMANDING THE PRODUCTION OF FBI REPORTS. FORMER DEFENSE ATTORNEY JAMES MATHERS FURNISHED TESTIMONY UNTIL NOON, JUNE ELEVEN, AND WILL PROBABLY NOT BE RECALLED. ADDITIONAL WITNESSES WILL BE CALLED BY THE GOVERNMENT ON THE AFTERNOON OF JUNE ELEVEN. POSSIBILITY EXISTS HEARING MAY EXTEND TO JUNE TWELVE. BUREAU WILL BE KEPT ADVISED OF DEVELOPMENTS.

CORR LINE TWO PAGE TWO SHOLD BE WD THREE " S. O. B."
LINE TEN WD SEVEN SECOND PAGE IS " OF "

Hold

All b7C

CO. MR. ROSEN
AND SUPERVISOR
INVESTIGATIVE SECTION

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Rosen *K*

DATE: June 12, 1958

FROM : F. L. Price *grr*SUBJECT: TELEPHONE CONTACT WITH SAC DOYLE,
OKLAHOMA CITY, 7:09 P. M., 6-12-58:
17 MINUTES

Tolson	_____
Boardman	_____
Belmont	_____
Mohr	_____
Nease	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
Clayton	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

SAC Doyle, Oklahoma City, was contacted concerning the ruling of a U. S. District Judge at Oklahoma City ordering FBI reports to be produced in connection with the case entitled "George Kelly-Barnes, Was., Et al, Charles F. Urschel - Victim, Kidnaping." At the outset SAC Doyle was cautioned to make his remarks brief.

It was necessary to obtain full information from SAC Doyle in order that the Bureau would have sufficient information for discussion with Department Attorney Knapp later in the evening. Based upon discussion with SAC Doyle and Knapp this evening a memorandum has been prepared recommending that with the Director's approval two pertinent reports from the 1933 investigation be hand carried to Mr. Knapp's office at 9:30 a. m. for his review in this matter.

cc: 1 - Mr. Clayton

-6-

b7C

REC-135

7-1-2455

3 JUN 17 1958

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Rosen

DATE: June 12, 1958

FROM : F. L. Price

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

Tolson _____
 Nichols _____
 Boardman _____
 Belmont _____
 Mohr _____
 Parsons _____
 Rosen _____
 Tamm _____
 Trotter _____
 Nease _____
 Tele. Room _____
 Holloman _____
 Gandy _____

Oklahoma City teletype 6/11/58, indicates the possibility that Attorney James J. Laughlin, Washington, D. C., representing Kathryn Kelly and Ora Shannon in their motions to set aside their sentences, may seek the production of FBI reports.

Mr. Nathaniel Kossack of the Department was advised by telephone today of this possibility and that U. S. Attorney Paul Cress, Oklahoma City, may contact the Department in this regard. Mr. Kossack advised the Department will strongly oppose the production of any FBI reports. He indicated that the Jencks decision in this instance does not apply.

Mr. Kossack indicated that the FBI reports are in possession of the U. S. Attorney. If the reports are ordered to be produced by the court, then the U. S. Attorney may be held in contempt of court if he refuses to comply with the court order. Mr. Kossack indicated that they had a decision in the Appellate Court that would be of great assistance to the U. S. Attorney at Oklahoma City in opposing the production of reports.

Mr. Kossack, shortly after the above conversation, called back to advise that U. S. Attorney Paul Cress had been in contact with Mr. James Knapp of the Department. Mr. Kossack indicated he would discuss the situation with Mr. Knapp then telephone U. S. Attorney Cress at Oklahoma City to furnish whatever additional legal assistance may be required.

REC-139

JUN 17 1958

7-115

F B I

Date: JUNE 13, 1958

Transmit the following in **PLAIN TEXT**
(Type in plain text or code)Via **AIRTEL**
(Priority or Method of Mailing)

Mr. Tolson	_____
Mr. Boardman	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Nease	_____
Mr. Parsons	_____
Mr. Rosen	_____
Mr. Tamm	_____
Mr. Trotter	_____
Mr. W.C. Sullivan	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

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

GEORGE KELLY BARNES, WAS, ET AL
CHARLES F. URSCHER - VICTIM
KIDNAPING

Remytel June 13, 1958.

Enclosed are clippings from the June 12, 1958, edition of "The North Star," the June 12, 1958, edition of "The Daily Oklahoman" and the June 13, 1958, edition of "The Daily Oklahoman."

The foregoing is submitted for the Bureau's information.

[REDACTED] b7C
 (4)

Enclosures 5

REC-139

JUN 13 1958

53 JUN 19 1958

Approved: _____

Special Agent in Charge

Sent _____

M

Per _____

Memories of Oklahoma City's most famous criminal case, the Urschel kidnaping, were revived by the arrival of two of the principals seeking freedom.

Mrs. Kathryn Kelly and Mrs. Ora Shannon, sentenced to life, have been in prison at Alderson, West Va., for almost a quarter of a century since their conviction in 1933. They appeared in Oklahoma City before Judge Wallace this week.

Because Oklahoma City has grown a generation since the crime, North Star is reproducing a capsule story with art, the words and music by C. J. Kaho, famous staff photographer for The Daily Oklahoman, now retired. Kaho lives at 1440 S. Lenora, Oklahoma City.

Venerable Judge Vaught still is on the bench. The Urschels live in San Antonio. Kelly is dead. Shannon is dead. Laska is dead. Herber Hyde has resumed law practice in Oklahoma City. Bates is dead. Walter Jarrett is dead. Jimmy Mathers is now 80. Rube Geer is dead. Jerry Smith is dead. Stanley Rogers is in the oil business.

Federal marshals protect Mrs. Kelly and Mrs. Shannon from photographers this week. Behind their black veils, they appeared to be two broken old women. No trace of glamor remained in the garb or bearing of the brittle, haughty Kathryn, the wife of "Machine Gun" Kelly, as she first appeared in the federal building.

Other pictures are on page 1.

THE NORTH STAR
OKLA. CITY, OKLA.
JUNE 12, 1958

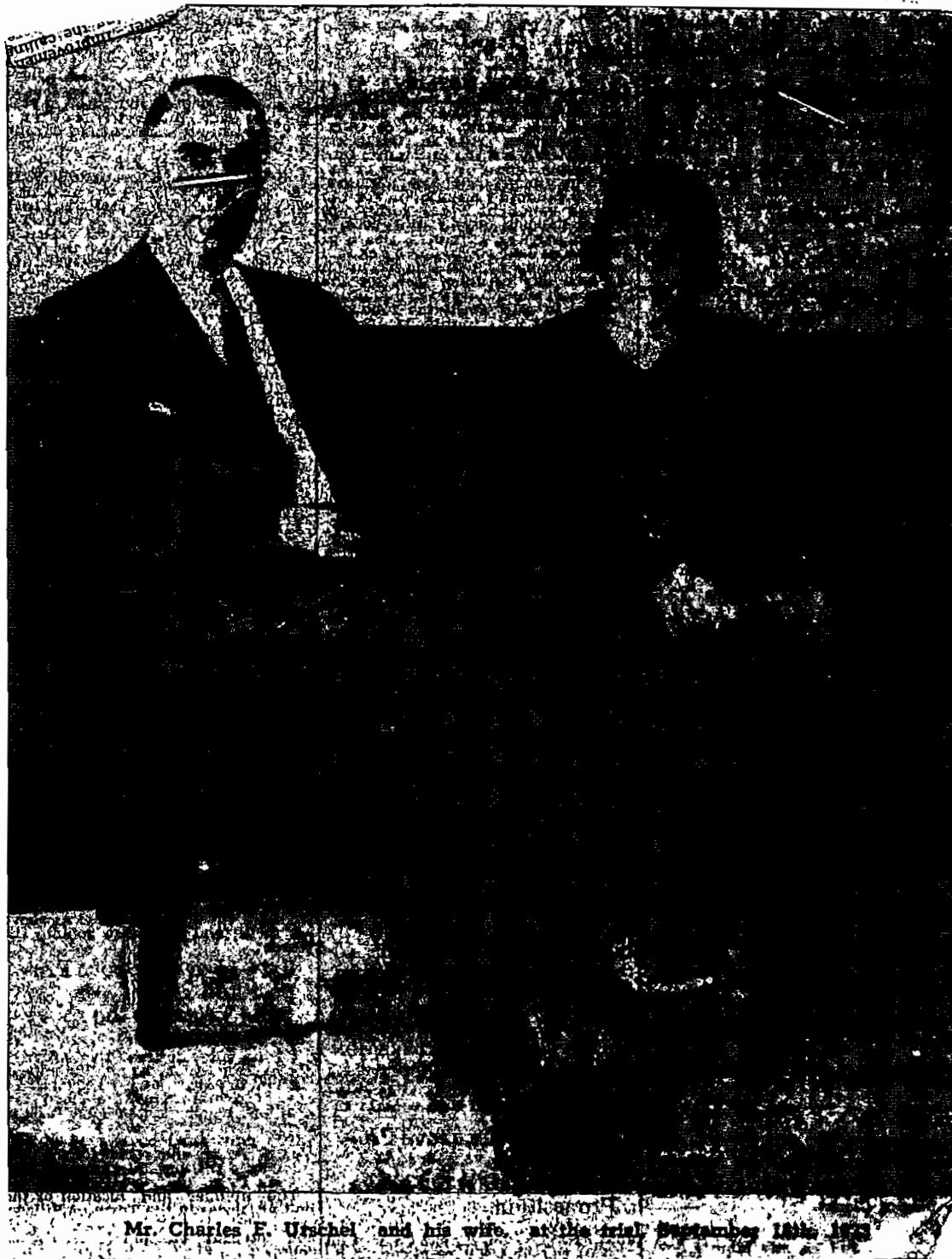
Page 1

(Weekly Newspaper -
Walter M. Harrison,
Editor)

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OCfile 7-6

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ENCLOSURE



Mr. Charles E. Utsch and his wife at the trial September 18th, 1933



In the court of Judge Edgar S. Vaughn, George (Machine Gun) Kelly and Ma Kelly stand to be sentenced to life. October 11th



L. to R. Mrs. R. G. Shannon, Mr. Shannon, Armon Shannon, Harvey Bailey, and others face the Judge, to be sentenced to life in prison, September 30th, 1933.



In chains, George (Machine Gun) Kelly, is led to the county jail by (left to right) S. Marshall Hube Geers, Kelly, Stanley Rodgers, Oklahoma County Sheriff, (big man on back) and J. P. Smith, Deputy Marshal. October 5, 1933. Kelly and his wife were taken to the jail in Memphis, Tenn.