

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (7-115)

DATE: July 31, 1958

FROM : SAC, MINNEAPOLIS (7-8)

SUBJECT: GEORGE KELLY BARNES, Was.;
ET AL; CHARLES F. URSCHER-VICTIM
KIDNAPING

OO: OKLAHOMA CITY

Enclosed herewith is one copy of report of SA [REDACTED]
[REDACTED] dated as above at Minneapolis, Minnesota.

REFERENCES

Oklahoma City letter to Minneapolis dated 7/17/58 and
Minneapolis airtel to Oklahoma City, Kansas City, and St.
Louis dated 7/24/58. Oklahoma City airtel to Bureau
and various offices dated 7/22/58.

ADMINISTRATIVE

Details of information appearing in attached report were
forwarded by airtel on July 24, 1958, to the Kansas City
and St. Louis Offices with instructions to review files
at the Federal Records Center unless advised to the contrary
by the Oklahoma City Office.

- ① Bureau (Encl. 1)
2 Oklahoma (Encl. 3) (-706)
2 Minneapolis (1-St. Paul 7-5)

[REDACTED]
(5)

EX 105

REC-75

7-115-2497
3 AUG 4 1958

REC-75

ENCLOSURE
59 AUG 6 1958


Office Memorandum • UNITED STATES GOVERNMENT

TO:  DIRECTOR, FBI

7-115)

DATE: AUGUST 1, 1958

FROM: SAC, OKLAHOMA CITY (7-6)

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

Enclosed for the Bureau and Kansas City are copies of the following correspondence:

Letter dated July 24, 1958, from JOSEPH N. MINIACE, attorney, to E. E. KIRKPATRICK.

Letter dated July 23, 1958, from WILLIAM K. McDERMOTT, Parole Executive, to JOSEPH N. MINIACE.

Letter dated July 25, 1958, from E. E. KIRKPATRICK, to W. K. McDERMOTT, Parole Executive.

Letter dated July 26, 1958, from JOSEPH N. MINIACE to WILLIAM K. McDERMOTT.

Letter dated July 30, 1958, from WILLIAM K. McDERMOTT to E. E. KIRKPATRICK.

Copies of the foregoing letters were sent to this office by E. E. KIRKPATRICK, 114 E. 5th St., Tulsa 3, Okla.

It will be noted that in the letter to McDERMOTT from KIRKPATRICK dated July 30, 1958, information is set forth to the effect that consideration for the parole of HARVEY J. BAILEY will be given in October, 1958. The last paragraph of this letter points out that KIRKPATRICK may appear before the Parole Board in Washington, D. C., provided he makes an appointment in writing.

CD 
(4)

b7C

REC-41

Enclosures

5

REC-41

1 cc Kansas City (5 Encls.)

7-115-2498
23 AUG 5 1958

EX-101

113
60 AUG 18 1958

OC 7-6

On August 1, 1958, E. E. KIRKPATRICK telephonically contacted me from Tulsa. He referred to the July 30, 1958, letter from WILLIAM K. McDERMOTT. KIRKPATRICK stated that he has been in contact with Attorney JOSEPH N. MINIACE, whom he states is highly incensed because JAMES J. LAUGHLIN has filed a motion for BAILEY'S hearing for September 30, 1958. KIRKPATRICK advised that he urged MINIACE to write to the Bar Association urging the disbarment of LAUGHLIN because of unethical procedure in contacting BAILEY directly without first contacting MINIACE. He said he has also urged MINIACE to visit HARVEY BAILEY in order to have BAILEY write a letter to LAUGHLIN, advising he does not desire to have the hearing in September.

KIRKPATRICK asked whether I had any suggestions regarding this matter, and I told him I did not. I asked whether he intended to make a trip to Washington, D. C., and he pointed out that he thought if MINIACE were successful in convincing HARVEY BAILEY not to have the hearing in September, that this action would suffice and KIRKPATRICK would not make the trip to Washington, D. C. I told him I appreciated receiving the information concerning his prospective plans concerning HARVEY BAILEY.

The foregoing is submitted as a matter of information to the Bureau and the Kansas City Office.

(Copy)

UNITED STATES DEPARTMENT OF JUSTICE
UNITED STATES BOARD OF PAROLE
WASHINGTON

July 30, 1958

Mr. E. E. Kirkpatrick
114 East 5th Street
Tulsa, Oklahoma

Re: BAILEY, Harvey J., #63400-L

Dear Mr. Kirkpatrick:

The Board appreciates receiving your letter of July 25, 1958 in which you offer information regarding the case of Harvey J. Bailey and request reconsideration of his parole at an earlier date than the regularly scheduled annual parole review in October, 1958. We recognize your close association with this case from the time the offense was committed and your continued interest in the parole status of the persons involved in it.

The present status of Mr. Bailey's case has been discussed by the Board Members, who feel that the proper time for conducting the parole review will be in October. It is not felt that this review will be advanced. The Board will be very pleased to hear from you or any other persons interested in Mr. Bailey at the time of the October review.

If an appointment to appear before the Board Members is desired, it may be obtained by writing a letter of request, advising of the week during which it would be convenient for you to come to our Washington office. The appointment will then be confirmed by return mail, arrangements will be made for a Board interview on a Tuesday or Thursday morning. Such interviews are conducted with the understanding that all Members of the Board present in the Washington office at the time will attend the interview.

The continuance of your interest in this case is appreciated.

Sincerely yours,

S/ WM. K. McDermott

William K. McDermott
Parole Executive

7-115-2498
ENCLOSURE

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 1 1958	
FBI - OKLAHOMA CITY	

(copy)

Law Offices
JOSEPH N. MINIACE
715 Lathrop Building
Kansas City, Missouri

July 24, 1958

Mr. E. E. Kirkpatrick
114 East 5th Street
Tulsa, Oklahoma

Dear Mr. Kirkpatrick:

Enclosed find a letter from the Board which is self-explanatory.

It is my opinion that the Board is making a serious mistake and a parole should be granted immediately. I am going to see Bailey tomorrow morning (Friday), and will discuss with him the parole and his motion set for September.

The Board will have plenty of time to reconsider their decision, and I believe a long distance call from you to McDermott might get the job done.

It is my opinion that they are making a goat out of Bailey.

I will write you as soon as I return from Leavenworth. You may expect a letter from me Saturday morning.

Yours truly,

S/ Joseph N. Miniace

Joseph N. Miniace

JNM/keh

7-115-2498
ENCLOSURE

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 29 1958	
FBI - OKLAHOMA CITY	

(copy)

UNITED STATES DEPARTMENT OF JUSTICE
UNITED STATES BOARD OF PAROLE
WASHINGTON

July 23, 1958

Mr. Joseph M. Miniace
Attorney at Law
715 Lathrop Building
Kansas City, Missouri

Re: Harvey J. Bailey
Number 63400-L

Dear Mr. Miniace:

I am writing in further reference to your letter of June 3rd, 1958 and our reply of June 6, 1958, indicating that the Board intended to conduct a review of Harvey J. Bailey's case during the month of July, 1958. That review resulted in the Board's conclusion that no action should be taken in the case at that time but that the case should be continued to the regularly scheduled annual parole reconsideration review in October, 1958.

Sincerely yours,

WILLIAM K. McDERMOTT
Parole Executive

7-115-2498

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 29 1958	
FBI - KANSAS CITY	

114 East 5th Street
July 25, 1958

Mr. W. K. McDermott, Parole Executive
United States Board of Parole
United States Department of Justice
Washington, D. C.

Dear Mr. McDermott:

Reference is made to my letter of July 19 concerning the parole of Harvey J. Bailey.

Yesterday I received a letter from Joseph M. Miniace, attorney for Bailey, with whom I have been working in an effort to get this parole. Mr. Miniace sent me a copy of your letter of July 23 in which you state there will be a delay in the Board's consideration of the parole.

This is a great disappointment to me as I have worked with Bailey and Mr. Miniace and thought we had everything in good shape for you to consider, and a delay might work to our disadvantage. We have arranged for employment for Bailey and it was with the understanding that he could begin his job at an early date. I don't know that we shall be able to hold this place if there is much delay.

I am enclosing copy of a feature story carried by the Fort Worth Star-Telegram July 20, concerning this matter.

I have always worked closely with the FBI in every matter they requested. If the parole is delayed until the date set for the hearing for Bailey's trial it will cost the Department of Justice as much money as the preparation of the defense for Kathryn Kelly and Mrs. Shannon trials. The FBI came to my office yesterday and requested the loan of my files again to help in their work.

I talked with Judge Vaught, Mr. Orschel and the FBI boys who arrested Bailey and they told me they would sign anything I would in favor of Bailey's early parole.

I know Mr. Killinger, Mr. Bennett and Mr. Hoover and I believe they will tell you that any statement I make will be sincere and correct.

Will you please wire me collect or airmail a letter telling me whether or not the Board would consider an early hearing. It means a lot to me for a task I have worked long and ardently on and for a result that I sincerely believe will be for the benefit of everyone concerned.

Yours very truly

E. E. Kirkpatrick

ENCLOSURE

7-115-2498

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
JUL 26 1958	
FBI - OKLAHOMA CITY	

(Copy)

July 26, 1958

Mr. William K. McDermott
Parole Executive
United States Board of Parole
Washington, D. C.

Re: Harvey J. Bailey, No. 63400-1

Dear Mr. McDermott:

Received your letter relative to the above named person.

I am very much surprised at the delay in passing on the parole of Harvey Bailey.

First I want the Board to understand that I did not know of the court proceedings filed on behalf of Mr. Bailey. In view of my visit with Mr. Bailey after I received your letter of June 6, I cautioned him against doing anything about the matter, and I was very much surprised when the article appeared in our Kansas City papers.

I called on Mr. Bailey this morning and conferred with him relative to these matters. He stated to me this morning, all he was interested in is a parole, and believes that he is entitled to one.

First he claims he is not guilty of the crime charged which is substantiated in an article dated July 20, 1958 in the Fort Worth Star-Telegram, quoting Mr. Kirkpatrick the following statement, "Bailey had nothing to do with the Urechel kidnap case. We all know he was unlucky enough to be hiding at the Shannon Farm." Also quoting W. J. (Kube) Geers of McAllen, who was United States Marshall in Oklahoma City at the time of the kidnap trials, "testified in the recent Kelly-Shannon hearing that Bailey, in his opinion, was innocent of that crime. They would have convicted anyone arrested in connection with that case, Geers said on the witness stand."

b7C And the article also states that Judge Vaught, Mr. Urechel, Gus Jones and the F B I men who made the arrest of Bailey, have approved the parole. Of course, you have on file the approval of Judge Vaught and Mr. Urechel.

Shannon, according to the records, was paroled sometime ago and I believe in all fairness that Bailey should be paroled without delay.

He has been offered a job, and the job is waiting for him. You could look the world over and you could not find a better place for Bailey to finish his last and few remaining years. The priests of St. Benedict's College are more than willing to accept Bailey and to try to help him re-establish himself as a good citizen. I do not believe that the case should be held over until October.

It is my understanding that a hearing on his court matter is set for September 30 and I hope that the Board can see fit to pass on this matter before that time.

Yours truly,

JOSEPH M. MONTAGNE

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 29 1958	
FBI - OKLAHOMA CITY	

JNM/keh

ENCLOSURE

FBI

Date: JULY 28, 1958

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

DIRECTOR, FBI (7-115)

FROM: SAC, OKLAHOMA CITY (7-6)

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

The Bureau is advised that on July 22, 1958, I had occasion to speak with E. E. KIRKPATRICK at Tulsa, Okla. At that time KIRKPATRICK pointed out that he is making attempts to get HARVEY BAILEY released on parole. He also stated that he had given a release to a Texas newspaper.

A clipping is attached from the July 20 issue of the Ft. Worth Star-Telegram, Ft. Worth, Texas. The Bureau will note that KIRKPATRICK is quoted as saying that BAILEY had nothing to do with the URSCHER kidnaping case and further that BAILEY was unlucky enough to be hiding at the SHANNON farm.

Also enclosed is a clipping from the July 23 issue of the Daily Oklahoman, Okla. City, which also concerns KIRKPATRICK'S recommendation for BAILEY'S parole.

Also enclosed is a copy of a letter dated July 18, 1958, from KIRKPATRICK to the U. S. Board of Parole. This letter was sent to me by KIRKPATRICK and concerns his recommendation for the parole of BAILEY.

In connection with BAILEY'S release, KIRKPATRICK admitted he knew if the hearing were held he might be a defense witness in

CD/ (6)

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REC-28 7-115-2499

Enclosures - 3

1 cc - Kansas City

7-115-2499
EX-140
JUL 30 1958
18 8-5

Approved:

Special Agent in Charge

Sent

Per

F B I

Date: _____

Transmit the following in _____
(Type in plain text or code)Via _____
(Priority or Method of Mailing)Page 2
OC 7-6

view of the statements occurring in the newspaper. He stated, however, that he felt that JUDGE EDGAR S. VAUGHT and former Special Agents GUS JONES and [REDACTED] would also be in the same position. *b7c*

In connection with his recommendation for BAILEY'S parole, KIRKPATRICK pointed out that he desires to write another book and that he feels that BAILEY can provide him with the necessary material due to the number of bank robberies in which BAILEY participated prior to his incarceration.

On July 28, 1958, KIRKPATRICK telephonically contacted me and stated that he had written a letter to the Federal Parole Board in Washington, D. C., recommending immediate parole for BAILEY. He stated that in his letter he pointed out that he is well known to other members of the Parole Board in Washington, D. C., and is also well known to Director JOHN EDGAR HOOVER. KIRKPATRICK stated he believed that if he can get BAILEY released on parole in the immediate future, that BAILEY will not go ahead with the hearing which LAUGHLIN has scheduled for Sept. 30th in Okla. City. KIRKPATRICK also mentioned that in his letter to the Parole Board he pointed out that the FBI is currently working on the preparation of material for BAILEY'S hearing scheduled for Sept. 30th.

KIRKPATRICK is aware of the fact that we are working on the preparation of material due to the fact that he was interviewed in connection with the preparation for the KELLY-SHANNON hearing and was subpoenaed as a witness for this hearing.

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 3
OC 7-6

He is not aware of the extent of investigation being conducted, although from interviews with the USA during the course of the KELLY-SHANNON hearing, KIRKPATRICK probably has a good idea of the amount of investigation which was conducted in that case.

This is being furnished for the Bureau's information. Any further developments will be brought to the Bureau's attention promptly.

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

July 31, 1958

AIRTEL

To SAC, Oklahoma City (7-6)

From Director, FBI (7-115) 2499

REC-28

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

RE: HARVEY BAILEY

Reurairtel 7/28/58.

Concerning interview E. E. Kirkpatrick, immediately
bring facts to attention U. S. Attorney so any necessary
action can now be taken to ascertain what true facts are.

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

50 AUG 7 1958

Mail Room



FBI

Date: 7/31/58

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

Mr. Tolson	
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, PORTLAND (7-7)

RE: GEORGE KELLY BARNES, was., et al;
CHARLES F. URSCHER - VICTIM
KIDNAPING
(ORIGIN - OKLAHOMA CITY)

BUDED: INVESTIGATION MUST BE COMPLETED BY 8/10/58.

Re Oklahoma City airtel to Bureau, 7/22/58, copy of which is being furnished the Seattle Office with copies of this airtel.

On 7/31/58, inquiry at the General Services Administration at Portland, Oregon, discloses National Archives and Record Service formerly located at 729 N. E. Oregon Street, Portland, Oregon, has been moved to the Naval Air Station, Seattle, Washington.

No report covering inquiry at Portland being submitted by the Portland Office.

LEADSEATTLE:At Seattle, Washington

Will make requested inquiry previously
Portland on pages 8 and 9 of referenced airtel.

RUC

3-Bureau
2-Oklahoma City (7-6)
2-Seattle (Enc. 1)
1-Portland

WILLIAMS

C C - Wick

Approved: 87 AUG 6 1958

Special Agent in Charge

Sent _____ M Per _____

F B I

Date: July 31, 1958

Transmit the following in _____
(Type in plain text or code)Via A I R T E L AIR MAIL
(Priority or Method of Mailing)

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

(OO: Oklahoma City)

BUDED: INVESTIGATION MUST BE COMPLETED BY AUGUST 10, 1958.

HARVEY BAILEY, a bank robber, was arrested at the BOSS SHANNON farm near Paradise, Texas, on 8/12/33 and was found to have \$700 of the ransom money in his possession. He was tried in Oklahoma City, Okla., before U. S. District Judge EDGAR S. VAUGHT. The trial began September 18, and was concluded on September 30, 1933. On October 7, 1933, BAILEY was sentenced to servelife for his part in this crime.

He has now filed a motion to set aside his conviction and sentence. The Hearing is set for September 30, 1958. Numerous allegations are made against the Court, the prosecution and the investigation of the case. An Oklahoma City newspaper, the "Daily Oklahoman" under date of 9/29/33 published an article which reflects an interview with HARVEY BAILEY and ALFRED BATES. The article carries no "by line" and quotes BAILEY as saying he received a fair trial. Efforts to determine the identity of the reporter have to date met with negative results. Information received from the Oklahoma Publishing Company indicates that [redacted] was the [redacted] at the time of this trial and is [redacted] of the AP News Bureau in Washington, D. C. It was stated that Mr. BELL might recall the name of the reporter who was the author of this article.

WASHINGTON FIELD is requested to contact [redacted] AP News Bureau in Washington, D. C. and endeavor to determine the name of the reporter who wrote the article referred to above. If definite information is developed sutel so the reporter can be interviewed. BUDED 8/10/58.

③ - Bureau

2 - Washington Field

1 - Oklahoma City

Approved: 57 AUG 1958 F175
Special Agent in Charge

Sent

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Per

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All 67C

F B I

Date:

Transmit the following in _____
(Type in plain text or code)Via _____
(Priority or Method of Mailing)

OC 7-6

For the information of the Bureau, Mr. FRANK SICKLES, the Court reporter at the KATHRYN T. KELLY and ORA L. SHANNON hearing is reported to be ill and has not finished the transcript. USA PAUL CRESS advised that [REDACTED] furnished the above information and in effect requested a week's delay in finishing the transcript, so that [REDACTED] could attend a convention of Court Reporters in Houston, Texas during the week of August 4, 1958. Mr. CRESS pointed out that he and the Department are extremely anxious to obtain the transcript so a decision can be made relative to appealing the findings of U. S. District Judge WILLIAM R. WALLACE.

The Bureau will be kept advised of developments.

DOYLE

All b7C

- 2 -

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

FEDERAL BUREAU OF INVESTIGATION

Reporting Office CHICAGO	Office of Origin OKLAHOMA CITY	Date 8/4/58	Investigative Period 7/25, 28, 30/58
TITLE OF CASE GEORGE KELLY BARNES, was., et al; CHARLES F. URSCHER - VICTIM		Report made by [REDACTED]	Typed [REDACTED]
		CHARACTER OF CASE KIDNAPING	

Synopsis:

Records at Federal Records Center, Bedford Park, Illinois, determined to be filed in numbered boxes and no name index available. Search for transcript not feasible as number of record with which it may be filed is unknown.

- RUC -

DETAILS: AT CHICAGO, ILLINOIS

On July 28, 1958, [REDACTED], Federal Records Center, 7201 South Leamington Avenue, Bedford Park, Illinois, advised that records of the Federal Records Center were filed in numbered boxes. She advised that the Records Center maintains no name index and that the only way a file could be found would be by knowing the number of the box it is in. She advised that this number would have been furnished the agency forwarding the file to the Records Center.

All b7C

Approved [Signature]	Special Agent in Charge	Do not write in spaces below	
Copies made: ① - Bureau (7-115) ② - Oklahoma City (7-6) ① - Chicago (7-26)		7-115-2502	REC-
		16 AUG 7 1958	EX-108

**52 F44
AUG 12 1958**

STAT SECT.

CG 7-26

[REDACTED] advised that in this particular case there was no feasible way of attempting to locate the missing transcript inasmuch as it is not known in what case file or even during what year a transcript may have been sent to the Records Center.

[REDACTED] was able to search through a number of documents at the Records Center which did not belong there permanently, but the missing transcript was not among them.

- RUC -

All b7C

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (7-115)

DATE: August 4, 1958

FROM : SAC, CHICAGO (7-26)

SUBJECT: *red 2*
GEORGE KELLY BARNES, was., et al;
CHARLES F. URSCHEL - VICTIM
KIDNAPING.

OO: OKLAHOMA CITY

Enclosed herewith is one copy of the report of
SA [REDACTED] dated and captioned as above at
Chicago.

REFERENCES

Oklahoma City airtel to the Director dated 7/22/58.
Chicago teletype to Oklahoma City dated 7/21/58.

M
ENCLOSURE
EX-108
REC-91REC-91 7-115-2503 *mf*

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

EX-108 16 AUG 7 1958

[REDACTED]
(4)*F49*
52 AUG 12 1958*John*
All b7C

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (File 7-115)) DATE: 8-8-58

FROM : SAC, OKLAHOMA CITY (File 7-6))
*Jue*SUBJECT: GEORGE KELLY BARNES, was.; ETAL
CHARLES F. URSCHER - VICTIM
KIDNAPING

This case will be delinquent.

Date of Bureau deadline: 8-10-58

Reason for the delinquency:

Date the report or necessary communication
will reach the Bureau: In dictation and will be submitted
8-11-58
AEC zone designation, e.g., OR, CH, etc.:
(This applies only to 116 cases.)AUG 11 4 01 PM '58
MAIL ROOM*[Handwritten signature]*

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (7-115)

DATE: August 6, 1958

FROM : SAC, KANSAS CITY (7-8)

SUBJECT: GEORGE KELLY BARNES, was., et al;
CHARLES F. URSCHER - VICTIM
KIDNAPING

OO -OKLAHOMA CITY

Reairtel Oklahoma City to Bureau dated 7/10/58.

On 7/19/58 ROBERT HOFFMAN, Assistant Attorney General for Kansas, Topeka, Kansas, was advised by SA [REDACTED] of the facts of the pending action involving HARVEY BAILEY in the U. S. District Court, Oklahoma City, Oklahoma on 9/30/58. On 7/22/58, Mr. HOFFMAN advised that undoubtedly action would be taken by Kansas authorities to take custody of BAILEY in the event he was released by the Federal Court. Mr. HOFFMAN stated that State Attorney General JOHN ANDERSON, Jr., would be informed of this situation for appropriate action. He pointed out that probably a Governor's warrant for BAILEY would be obtained and forwarded to the office of the Governor of Oklahoma, in order to prevent any delay in taking custody of BAILEY.

On 8/1/58 State Attorney General ANDERSON advised SA [REDACTED] that he had not been informed of this matter by Mr. HOFFMAN, but he would take appropriate action without delay. Mr. ANDERSON stated he knew of no reason why it would not be desired to take custody of BAILEY in event of his release by Federal authorities.

The Kansas City Office will follow this matter on or about 8/15/58 to determine what action is being taken by the Kansas Attorney General's Office.

Copies:

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

(6)

REC-66

7-115-2504
16 AUG 8 1958

EX-101

All b7C

66 AUG 18 1958

FEDERAL BUREAU OF INVESTIGATION

Reporting Office LOS ANGELES	Office of Origin OKLAHOMA CITY	Date 8/4/58	Investigative Period 7/31/58
TITLE OF CASE GEORGE KELLY BARNES, Was., et al; CHARLES F. URSCHER - Victim		Report made by [REDACTED]	Typed By [REDACTED]
		CHARACTER OF CASE KIDNAPPING	

Synopsis:

[REDACTED] Federal Records Center, Wilmington, California advised 7/31/58 transcript of testimony in the KATHRYN THORNE KELLY trial, October, 1933, Oklahoma City, Oklahoma not contained at that repository.

-RUC-

DETAILS:

[REDACTED] Federal Records Center, General Services Administration, 2401 East Pacific Coast Highway, Wilmington, California advised on July 31, 1958 that the transcript of the testimony in the KATHRYN THORNE KELLY trial held in Oklahoma City in October, 1933 was not contained in that repository.

[REDACTED] pointed out that in the event such testimony had been received at his facility it would not have been filed but would have been forwarded to the Federal Records Center, General Services Administration, located at 424 West Bickery Street, Fort Worth, Texas.

-RUC-

Approved DRB	Special Agent In Charge	Do not write in spaces below	
Copies made: 3-Bureau (7-115) 2-Oklahoma City (7-6) 1-Los Angeles (7-19)		7-115-2500	REC-80
		21 AUG 8 1958	EX-10
COPIES DESTROYED 848 MAR 17 1965		STAT. SECT.	

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63 AUG 13 1958

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (7-115)

DATE: 8/4/58

FROM : SAC, LOS ANGELES (7-19)

SUBJECT: GEORGE KELLY BARNES, Was., et al;
 CHARLES F. URSCHER - Victim
 KIDNAPPING
 OO: Oklahoma City

Enclosed for the Bureau are three copies of the report of SA [REDACTED] dated 8/4/58 at Los Angeles, California. Two copies of this report are also being forwarded to the Oklahoma City Office.

REFERENCE

Oklahoma City Airtel to the Director dated 7/22/58.

(2-Bureau (Encls. 3)
 2-Oklahoma City (7-6)(Encls. 2)
 1-Los Angeles

(5)

All b7C

for

12 m
 3 ENCLOSURE

REC-80

EX 105

REC-80

21 AUG 8 1958

2506

350
 68 AUG 13 1958

REC 11 & 32 11 20 1958

FBI

Date: 8/7/58

Transmit the following in _____
(Type in plain text or code)Via **AIRTEL** **URGENT**
(Priority or Method of Mailing)TO: DIRECTOR, FBI (7-115) b7C [REDACTED]

FROM: SAC, PORTLAND (7-7)

RE: GEORGE KELLY BARNES, was. et al;
CHARLES F. URSCHEL - VICTIM
KIDNAPING
(OKLAHOMA CITY - ORIGIN)BUDED: INVESTIGATION MUST BE COMPLETED BY 8/10/58.ReSeattle airtel to Bureau, 8/5/58, and Portland
teletype to Oklahoma City, 5/20/58.Re teletype to OC 5/20/58, advised no record
missing transcript in files FBI, Portland, USA or
U. S. District Clerk of Court, at Portland.

Copy furnished Seattle for information purposes.

No report at Portland being submitted by the
Portland Office. P

RUC

1d
3 Bureau
2 Oklahoma City (7-6)
1 Seattle (7-179) (Info)
1 Portland
53 AUG 12 1958
F49

WILLIAMS

REC-39

20 AUG 9 1958

Approved: WFW
Special Agent in ChargeSent M Per WFW

FEDERAL BUREAU OF INVESTIGATION

Reporting Office SAN ANTONIO	Office of Origin OKLAHOMA CITY	Date 8/7/58	Investigative Period 6/4/58
TITLE OF CASE GEORGE KELLY BARNES, was.; ET AL CHARLES F. URSCHER - VICTIM		Report made by [REDACTED] b7C	Typed By: [REDACTED]
		CHARACTER OF CASE KIDNAPING	

Synopsis:

Former SAC, Mr. GUS T. JONES and Mr. CHARLES F. URSCHER furnished information which refutes allegations made by subject HARVEY BAILEY. Former SAC, GUS T. JONES advised he personally arrested BAILEY, and that BAILEY had been guarding URSCHER after URSCHER's kidnaping. Mr. JONES said that BAILEY apparently did not know of the kidnaping until it occurred. Mr. JONES said that he did not formerly interview BAILEY. He advised BAILEY did practically no talking when he was arrested and he never heard of BAILEY admitting anything.

- RUC -

Approved <i>[Signature]</i>	Special Agent in Charge	Do not write in spaces below.	
Copies made: ① - Bureau (7-115) 3 - Oklahoma City (7-6) (1-USA, Oklahoma City) 2 - San Antonio (7-11)		7-115-2508	REC-12
		24 AUG 11 1958	
		STAT. SECT. EX-128	

50 SEP 16 1958

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORT

Date: August 6, 1958

Mr. GUS T. JONES, former SAC of the FBI, [REDACTED] advised that he personally arrested BAILEY in the early morning in 1933 when the raid was conducted on the Shannon Farm near Paradise, Texas. Mr. JONES said that when his car rolled up in front of the SHANNON Farm he was with other Officers and he almost immediately spotted BAILEY asleep in the back of the Shannon house. Mr. JONES said that he almost immediately went to the improvised bed where BAILEY was sleeping and arrested him by pointing a machine gun at him and awakening him. Mr. JONES advised that by the time BAILEY was out of bed the other Officers had come to the bed and that he turned BAILEY over to Officers whom he believed to be Special Agents [REDACTED] and [REDACTED] of the Dallas Police Department.

Mr. JONES advised that those Officers searched BAILEY while he, JONES, proceeded to the house where ARMOND SHANNON lived. Mr. JONES stated that the Officers in whose custody BAILEY was left, searched BAILEY and found \$700.00 of the ransom money in BAILEY's pocket. He stated that Mr. URSCHER was there at the time the money was found.

Mr. JONES pointed out that although he rode back to Dallas in the back seat of the car with BAILEY, BAILEY was not susceptible to interview and did practically no talking at the time of the arrest or during the ride to Dallas.

Mr. JONES advised that BAILEY made no admissions to him and that he has never heard of BAILEY admitting anything in connection with this case.

He pointed out that he did not formerly interview BAILEY, but that the file will reflect that BAILEY was formerly interviewed, and by whom.

- 2 -

Interview with GUS T. JONES

File # 7-11

on 8/4/58

at [REDACTED]

Dictated: 8/6/58

by Special Agent [REDACTED]

All b7c

BA 7-11

Mr. JONES said that he is convinced that BAILEY came to the Shannon home after the kidnaping without knowledge that URSCHEL was at the Shannon Farm, but that BAILEY did serve as a guard at the Shannon Farm while URSCHEL was still being held.

Mr. JONES, in connection with the allegation made by HARVEY BAILEY in his motion, furnished the following information:

He has no knowledge of the acquisition of BAILEY's defense, but said that BAILEY's Attorneys were not threatened with Criminal Prosecution by Agents, at least until after the trial was over.

He has no knowledge of any false testimony presented by the Government and believes there was none.

Mr. JONES is sure that the Defendant was not denied compulsory service of process.

Mr. JONES did not think the atmosphere of the courtroom was such as to cause the defendant to receive an unfair trial.

Mr. JONES advised that it is his belief that the subject's counsel was given ample time for preparation of defense and he pointed out that no attorneys were questioned until after the trial was over.

He further stated that the defense attorney has no reason to fear Criminal indictment, embarrassment, and humiliation during the course of BAILEY's trial.

Mr. JONES stated further that BAILEY was not hurried to trial in a atmosphere of feeling, passion, and prejudice. He advised further that he does not believe any spectators were searched at all, and if they were searched, it was not in the courtroom.

SA 7-11

Mr. JONES stated that there were some photographers present, but he did not consider that they interfered with the proper trial.

Mr. JONES said that there were no machine guns stationed at the entrance to the courtroom.

He further stated that the subject was not taken into the courtroom with handcuffs on, but that the handcuffs were taken off outside the courtroom.

Mr. JONES said that he did not know of bickering and quarreling between Attorneys HYDE and KEENAN, nor of the firing of HYDE.

He further stated that he had no knowledge of petty jealousy between HYDE and KEENAN.

Mr. JONES said that in connection with the testimony given by the telephone operator that she was reluctant to testify without authority of her superiors, but he said that after authority was obtained she did testify.

He further stated that he did not believe her testimony was false.

Mr. JONES advised that he has no knowledge of any conflict in interest served by BAILEY's attorneys as alleged by BAILEY.

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORT

Date: 8/7/58

Mr. CHARLES F. URSCHEL advised that he has no knowledge concerning the alleged threat of criminal prosecution of subject's attorney or of any false testimony presented by the Prosecutive Attorney. He stated that he has no knowledge of subject being denied compulsory service of process.

Mr. URSCHEL stated that in his opinion the atmosphere of the courtroom did not prevent an unfair trial.

Mr. URSCHEL advised that he has no knowledge of whether or not the subject's attorney was given opportunity to prepare defense or to confer privately with the subject.

He said that he has no knowledge of investigation of any attorney by the FBI during the trial and he has no knowledge of fear of criminal prosecution, embarrassment, and humiliation on the part of the subject's attorney.

He said that he has no knowledge of BAILEY being hurried to trial and that the alleged atmosphere of feeling, passion, and prejudice if such existed was not of a nature to prevent a fair and impartial trial.

Mr. URSCHEL further stated that he has no knowledge of the searching of spectators or of the Federal Judge issuing passes to the trial.

He advised that the photographers and newsreel cameras at the trial were of such that he did not believe they prevented an fair trial.

Mr. URSCHEL advised that he did not believe machine guns were stationed at the entrance to the courtroom and that he did not believe the subject was brought into the courtroom with handcuffs on him.

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Interview with CHARLES F. URSCHEL File # 7-11
on 8/4/58 at Offices of National Bank of Commerce, San Antonio, Texas DICTATED: 8/6/58
by Special Agent [REDACTED] b7C

SA 7-11

He further stated that he has no knowledge of the alleged quarreling of the attorneys and firing of HYDE and he emphasized that in his opinion the trial was handled in a fair manner.

Mr. URSCHER stated that he has no knowledge of any false testimony given by the telephone operator.

He stated that he has no knowledge of BAILEY's attorney serving to the interests of other defendants or whether or not there was a conflict of interest on the part of BAILEY's attorney.

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORT

Date August 6, 1958

[redacted] retired Special Agent of the Federal Bureau of Investigation advised that he participated in the raid of the Shannon Farm near Paradise, Texas, in August of 1933, at which time HARVEY J. BAILEY was apprehended. [redacted] pointed out that as he recalls BAILEY was asleep on an improvised bed in the back yard of the Shannon Farm house at the time of the raid and that after the arrest was made the clothing of BAILEY was located on or near the bed in the back yard and at that time BAILEY identified the trousers and other clothing his, BAILEY's, clothing. [redacted] recalls that there was approximately \$1,200.00 in the clothing of BAILEY and that of this amount some \$750.00, to the best of his recollection, was money that was found to be a part of the URSCHEL kidnapping money.

[redacted] pointed out that other than the fact that BAILEY was found to be in possession of a portion of the kidnap ransom money, that there was never any evidence to connect him with the actual kidnapping of the victim, CHARLES F. URSCHEL. [redacted] further pointed out that it was pretty definitely established that BAILEY did not participate in anyway in the actual kidnapping or the planning of the kidnapping and had merely gone to the Shannon Farm after his escape from the Kansas State Penitentiary. It was [redacted] recollection that the other portion of the money found in BAILEY's possession at the time of his arrest was the proceeds from a bank robbery committed by BAILEY in Tupelo, Oklahoma, on a prior date, although this fact was never actually proven in this case.

[redacted] recalls that HARVEY J. BAILEY was represented at the time of his trial by an attorney whose last name was MATHERS who was later hired as an attorney for KATHRYN KELLY and her husband, GEORGE KELLY after their apprehension.

[redacted] further recalls also that there was some indication that KATHRYN KELLY and her husband, GEORGE KELLY had, through intermediaries arranged for

- 2 -

All b7C

Interview with [redacted]

File # 7-11

on 7/30/58

at [redacted]

Date dictated 8/4/58

by Special Agent [redacted]

MATHERS to represent BAILEY at the time of BAILEY's trial in order that KATHRYN KELLY and her husband would have the benefit of all that went on and came out in the trial and for this reason KATHRYN KELLY and her husband, GEORGE KELLY, had paid a portion of the legal fees to MATHERS to represent BAILEY.

[REDACTED] further pointed out that while it was true that the defendants arrested at the Shannon Farm on August 12, 1933, in connection with the URSCHEL case were tried under a conspiracy statute to preclude them from having separate trials, it was felt that all of the defendants including HARVEY J. BAILEY were properly represented by counsel at the time of the trial. [REDACTED] pointed out that there was no false testimony presented at BAILEY's trial so far as he knows and that he has no knowledge of any refusal to serve process on any potential witnesses requested by BAILEY. He advised that the trial was not conducted in a circus like atmosphere at any time and stated that no news reels or other photographs were taken during the actual trial of the case. He advised that it was his recollection that photographs were made during recess and before and after trial. He advised that it was his belief that Judge VAUGHT had secured permission from the United States Department of Justice with respect to photographers taking photographs during the recess period of the URSCHEL case trial.

[REDACTED] further pointed out that he has no recollection of machine guns being displayed at the trial either inside or outside of the court room door. He recalled that HARVEY J. BAILEY, as well as other defendants in this case were brought to the court room handcuffed but these handcuffs were taken off during the trial. He pointed out that this appeared to be necessary and that these defendants were brought into court by the United States Marshal. He further pointed out that passes to the court room and to spectators in the court room were signed by the United States Marshal who controlled the admission of individuals to the court room. It was his impression that this was done in order

SA 7-11

that the marshal could control the individuals in order to preclude an escape on the part of any of the defendants. [REDACTED] further stated that it was a fact that the spectators were searched prior to their entry into the court room by the United States Marshal or by his deputies. He stated that this again was done as a precautionary measure in order to preclude firearms being smuggled into the court room for the assistance of the defendants. [REDACTED] pointed out that he has no direct information with respect to any quarrel between the United States Attorney in Oklahoma City and the Assistant Attorney General who was in Oklahoma City assisting with the case. He stated that he does recall that the United States Attorney did say at one time that he would try the case and that there may have been some question at one time as to which of the attorneys, namely the United States Attorney or the Assistant Attorney General, would actually conduct the trial of the case on behalf of the governor. [REDACTED] recalls that the United States Attorney in Oklahoma City did infact actually conduct the trial in the final analysis, but he does not believe that there was any constant quarrel-ing or bickering between these two individuals although there may have been disagreement at various times. [REDACTED] further pointed out that on one or two occasions it appeared that the Assistant Attorney General who was assigned to the case may have not been consulted concerning all of the details concerning the trial and may have not been aware of all of the developments in this case.

[REDACTED] further pointed out that with respect to the testimony of a telephone operator with respect to information that may have been relayed to her about which she testified in the case, he advised that the testimony of the telephone operator as he recalls it was testimony that would have had a bearing upon the trial of KELLY and subject BATES and not upon the trial of subject, BAILEY. He advised that as he recalls a telephone operator in Paradise, Texas, was called upon to testify as to a message which was transmitted over the telephone lines from KELLY and BATES to the Shannon Farm during the period of time that URSCHER was being held on the farm. At that time the

SA 7-11

testimony was supposed to have been about as follows:
"The boys will be late, they have run into bad roads."
[REDACTED] stated that this testimony offered by the telephone operator was not false testimony and that the above message was for delivery to Mr. SHANNON, the step-father of KATHRYN KELLY and ARMAN SHANNON, who was also implicated in this case.

[REDACTED] further pointed out that in so far as he knows there was never any allegation made by the FBI that MATHERS had smuggled a gun or hacksaw blade into HARVEY J. BAILEY during the period of time that he was incarcerated in the Dallas, Texas Jail. [REDACTED] further pointed out that he has no knowledge whatsoever of any affidavits signed by Attorney MATHERS on behalf of BAILEY with respect to the fact that he did not smuggle in any guns or hacksaw blades into the Dallas, Texas Jail. [REDACTED] advised that he has never heard of any investigations being conducted with respect to the attorneys in the trial of HARVEY J. BAILEY. He advised that there was an attorney, last name LASKY, who was an attorney for ALFRED BATES who was tried and convicted but that this investigation was not conducted until a considerable length of time after the trial and conviction of subject, KELLY, himself. He stated that at the time BAILEY was tried that to his knowledge there had been no active investigation conducted concerning any of the attorneys in the case. [REDACTED] pointed out that it was determined by the FBI that a jailer in the Dallas, Texas Jail had assisted BAILEY in his escape and that he had no doubt furnished him with a gun to be used after his escape.

[REDACTED] further pointed out that Mr. E. E. KIRKPATRICK, who acted as the payoff man in the URSCHEL case had conferred with him in Oklahoma City in June of 1958, at which time KATHRYN KELLY was bringing a suit in an effort to secure a new trial. At that time, Mr. KIRKPATRICK told [REDACTED] that he, KIRKPATRICK, would help BAILEY get a parole from the Federal Penitentiary and informed [REDACTED] that he had written the Board of Pardons and Paroles in Washington, D. C. in an effort to do so.

SA 7-11

[REDACTED] advised that during this discussion with KIRKPATRICK that he had informed KIRKPATRICK that he felt that since BAILEY was not directly implicated in the URSCHER case in anyway other than the fact that he possessed some of the money that he, BAILEY, may have served a sufficient sentence already in this case and that he felt personally that perhaps BAILEY was entitled to a parole. [REDACTED] advised that he agreed to cooperate with KIRKPATRICK in an effort to help BAILEY secure a parole. He advised that he had never agreed to testify in any way in any sort of court hearing in behalf of BAILEY and had only agreed to assist in aiding him in securing a parole if called on to do so.

It was [REDACTED] opinion that perhaps Mr. URSCHER himself would be agreeable to BAILEY's being paroled and that KIRKPATRICK was making an effort to secure BAILEY's parole prior to the date of the hearing in this case mainly September 30, 1958.

- RUC -

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (7-115)

DATE: 8/7/58

FROM : *JFB*
800 SAC, SAN ANTONIO (7-11)SUBJECT: *u* GEORGE KELLY BARNES, was.; ET AL
CHARLES F. URSCHEL - VICTIM

Enclosed to the Bureau and designated office are appropriate copies of the report of SA [REDACTED] dated 8/7/58 at San Antonio.

REFERENCE

Report of SA [REDACTED] dated 5/21/58 at San Antonio.

All b7C

- ① Bureau (Enc. 1)
- 2- Oklahoma City (7-6) (Enc. 3)
- 2- San Antonio

Ph
[REDACTED]
(5)*Ph*
REC-12 ENCLOSURE

REC-12

7-115-2509

24 AUG 11 1958

EX-128

50 SEP 16 1958
EX-123
1/P

FEDERAL BUREAU OF INVESTIGATION

Reporting Office RICHMOND	Office of Origin OKLAHOMA CITY	Date 8-8-58	Investigative Period 8/1,6/58
TITLE OF CASE GEORGE KELLY BARNES, was. ET AL; CHARLES F. HRSCHER - VICTIM		Report made by [REDACTED]	Typed By: [REDACTED]
		CHARACTER OF CASE KIDNAPING	

Synopsis:

No transcript of testimony in the CATHRYN THORNE KELLY trial located at Federal Records Center, Alexandria, Virginia, or at Franconia Warehouse, Springfield, Virginia.

- RUC -

DETAILS: AT ALEXANDRIA, VIRGINIA

On August 1, 1958, [REDACTED] Federal Records Center, Union and Cameron Streets, was requested to search for a transcript of testimony in the CATHRYN THORNE KELLY trial, which was held in Oklahoma City, October 9-12, 1933.

On August 6, 1958, [REDACTED] advised that no transcript of testimony in the above trial is located at the Federal Records Center, Alexandria, or in the Franconia Warehouse, Springfield, Virginia.

- RUC -

B2
All b7C

Approved <i>[Signature]</i>	Special Agent in Charge	Do not write in spaces below	
Copies made: 2-Bureau (7-115) 3-Oklahoma City (7-6) (1-USA, Oklahoma City) 1-Richmond (7-400)		7-115 - 2510	REC-12
		AUG 11 1958	EX-28

231
63 AUG 29 1958

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (7-115)

DATE: 8-8-58

FROM : SAC, RICHMOND (7-400)

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

(OO: OKLAHOMA CITY)

Enclosed is the report of SA [REDACTED]
dated August 8, 1958, at Richmond.REFERENCEOklahoma City airtel to the Bureau, 7-22-58.
Washington Field letter to Bureau, 7-24-58.

- 1-Bureau (7-115) (Encl. 1)
- 2-Oklahoma City (7-6-)(Encls. 3)
- 1-Richmond (7-400)

(H)

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REC-12

REC-12

EX-128

EX-128

7-115-2511
AUG 11 1958731
63 AUG 29 1958

FEDERAL BUREAU OF INVESTIGATION

Reporting Office KANSAS CITY	Office of Origin OKLAHOMA CITY	Date 8/8/58	Investigative Period 7/17, 22; 8/1, 7/58
TITLE OF CASE GEORGE KELLY BARNES, Was. ETAL; CHARLES F. URSCHEL - VICTIM		Report made by SA [REDACTED]	Typed By: [REDACTED]
		CHARACTER OF CASE KIDNAPING	

Synopsis:

The transcript of the testimony in the KATHRYN THORNE KELLY and GEORGE KELLY BARNES trial was not located at the Federal Records Center, Kansas City, Mo. Warden [REDACTED] Kansas State Penitentiary, Lansing, Kansas, desires to have HARVEY J. BAILEY taken into custody if BAILEY is released from the custody of Federal authorities.

-P-

DETAILS: AT KANSAS CITY, MISSOURI:

The following cases were thoroughly reviewed by SA [REDACTED] at the Federal Records Center, 2306 Bannister Road, Kansas City, Missouri, on August 1, 1958:

- (1) The [REDACTED] file, Agency Container Number 432 and Federal Records Center (FRC) Container Number 134689.

The missing KELLY transcript was not in this file and there was no indication it had ever been in this file.

Approved <i>[Signature]</i>	Special Agent In Charge	Do not write in spaces below	
Copies made: 1-Bureau (7-115) 2-Oklahoma City (7-6) 2-Minneapolis (7-8) 2-Kansas City (7-8)		7-115-2512	REC-12
		13 AUG 11 1958	
		EX-128	

63 AUG 29 1958

All b7C

KC 7-8

- (2) The WILLIAM A. HAMM, JR. file, Agency Container Number 382 and FRC Container Number 134639.

The missing KELLY transcript of testimony was not in this file and there was no indication that it had ever been in this file.

- (3) The [REDACTED] file, Agency Container Number 379 and FRC Container Number 134636.

This file was not located in the above container number, although it was supposed to have been located in this container. A notation in the FRC records container reflected the files missing from this container have either been destroyed or are still in the respective U. S. Attorney's Office.

- (4) The [REDACTED] file, Agency Container Number 379 and FRC Container Number 134636.

The missing KELLY transcript was not located in this file and there was no indication it had ever been in the file. This file contained merely information that the SANKEY case was being transferred from Minneapolis to Sioux Falls, South Dakota. There was no record in this file as to the outcome of the SANKEY case, nor that this case ever went to trial in Sioux Falls, South Dakota.

- (5) The EDWARD BREMER file, Agency Container Number 393, FRC Container Number 134650.

A notation was made on this file cover that the BREMER file was returned to the U. S. Attorney's Office, 221 Federal Court Building, St. Paul, Minnesota on September 24, 1956. The year 1956 was illegible, however, this is believed to be the correct year. There was no indication as to the reason for this file being returned to the U. S. Attorney's Office at St. Paul, Minnesota.

b7C Minneapolis advised on August 5, 1958, that SA [REDACTED] examined the EDWARD BREMER file at the U. S. Attorney's Office, St. Paul, Minnesota on August 4, 1958, without locating the missing KELLY transcript of testimony. Minneapolis further advised that the U. S. Attorney, St. Paul, has no index for CHARLES, F. URSCHEL. However, EDWARD BERMAN, CLIFFORD SKELLY and ISADORE BLUMENFELD, U. S. Attorney's file number 10-5453A, were money changers in the URSCHEL case and this file is located at the FRC, Kansas City, Missouri, in Agency Container Number 384 and

KC 7-8

FRC Container Number 134641.

This file was searched on August 7, 1958, and the missing KELLY transcript was not in this file, nor was there any indication that this missing KELLY transcript of testimony had ever been in this file.

[REDACTED] U. S. Attorney's Office, Kansas City, Missouri, advised on August 1, 1958, that there was nothing in her files regarding GEORGE KELLY BARNES, with aliases; KATHRYN THORNE KELLY or CHARLES F. URSCHEL. She states that there was no indication that the Kansas City, Missouri U. S. Attorney's Office had ever requested the transcript of the GEORGE KELLY BARNES trial.

[REDACTED] and [REDACTED] both of the Kansas City Star, advised on August 1, 1958, that the only reporter from Kansas City who may have attended the GEORGE KELLY BARNES trial at Oklahoma City, Oklahoma, in 1933, was "DOC" HARDLEY and they advised he is now deceased.

The following investigation was conducted by
SA [REDACTED]

On July 17, 1958, an attempt was made to contact Warden [REDACTED], Kansas State Penitentiary, Lansing, Kansas, but information was received that Warden [REDACTED] would not be available until the following week.

On July 22, 1958, Warden [REDACTED] was contacted, at which time he advised that he desired to have HARVEY J. BAILEY taken into custody to answer to the escape charge from the State of Kansas and to serve the sentence previously imposed on BAILEY in Kansas State Court, if BAILEY was to be released by the U. S. District Court in Oklahoma City.

Oklahoma City advised on July 28, 1958, that U. S. Attorney PAUL CRESS, Oklahoma City, Oklahoma, advised that in his opinion, Warden [REDACTED], Kansas State Penitentiary, Lansing, Kansas, should contact Sheriff [REDACTED], Oklahoma City, Oklahoma, so that BAILEY could be taken into custody by State authorities in the event he is granted a new trial at his hearing in Oklahoma City on September 30, 1958.

KC 7-8

Mr. CRESS also pointed out that BAILEY may be given a parole by the U. S. Board of Parole before his hearing in Oklahoma City and in that event, the Warden should have his detainer on file in Leavenworth, Kansas.

Warden [REDACTED] was furnished the above information on August 1, 1958.

The following investigation was conducted by SA [REDACTED]:

On July 19, 1958, ROBERT HOFFMAN, Assistant Attorney General for Kansas, Topeka, Kansas, was advised by SA [REDACTED] of the facts of the pending action involving HARVEY BAILEY in the U. S. District Court, Oklahoma City, Oklahoma, on September 30, 1958. On July 22, 1958, Mr. HOFFMAN advised that undoubtedly action would be taken by Kansas authorities to take custody of BAILEY in the event he was released by the Federal Court. Mr. HOFFMAN stated that State Attorney General JOHN ANDERSON, JR., would be informed of this situation for appropriate action. He pointed out that probably a Governor's warrant for BAILEY would be obtained and forwarded to the office of the Governor of Oklahoma, in order to prevent any delay in taking custody of BAILEY.

On August 1, 1958, State Attorney General ANDERSON advised SA [REDACTED] that he had not been informed of this matter by Mr. HOFFMAN, but he would take appropriate action without delay. Mr. ANDERSON stated he knew of no reason why it would not be desired to take custody of BAILEY in event of his release by Federal authorities.

-P-

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (7-115)

DATE: 8/8/58

FROM : SAC, Kansas City (7-8)

SUBJECT: GEORGE KELLY BARNES, Was.
ETAL;
CHARLES F. URSCHER - VICTIM
KIDNAPING

Enclosed to the Bureau is one copy of report of SA [REDACTED], dated 8/8/58, at Kansas City.

Two copies of above report are enclosed to each Oklahoma City and Minneapolis.

REFERENCE

Oklahoma City airtel to Bureau, dated 7/22/58

Minneapolis airtel to Oklahoma City, dated 7/24/58

LEADSMINNEAPOLIS: AT SIOUX FALLS, SOUTH DAKOTA:

Will contact the office of the U. S. Attorney and review records regarding [REDACTED] to determine if a copy of the missing KELLY transcript is located therein. It is noted that a review of the [REDACTED] file in the FRC, Kansas City, Mo., merely showed that the [REDACTED] case was to be transferred from Minneapolis to Sioux Falls, South Dakota and therefore, there may be another [REDACTED] file in Sioux Falls.

This lead was previously set forth in Kansas City airtel to Oklahoma City, dated 8/1/58.

KANSAS CITY: AT LEAVENWORTH, KANSAS:

Will follow this matter closely and will advise Bureau of any changes in BAILEY'S status at the U. S. Penitentiary, Leavenworth.

- 1-Bureau (7-115) (Enc. 1)
2-Oklahoma City (76) (Enc. 2)
2-Minneapolis (7-8) (Enc. 2)
2-Kansas City (7-8)

13 AUG 11 1958

AUG 29 1958

All b7C

FEDERAL BUREAU OF INVESTIGATION

Reporting Office MINNEAPOLIS	Office of Origin OKLAHOMA CITY	Date 8/8/58	Investigative Period 8/1,4,7/58
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:

EDWARD BREMER kidnaping file in possession, USA, St. Paul, Minn. examined but no KELLY transcript located.

- P -

DETAILS:

[REDACTED] U. S. District Attorney's Office, Sioux Falls, South Dakota, advised SA **[REDACTED]** on August 1, 1958 that she made a mistake in advising that their records were maintained at St. Louis, Missouri, and she advised that records are at Kansas City, Missouri.

Approved <i>[Signature]</i>	Special Agent in Charge	Do not write in spaces below		
Copies made: ① Bureau (7-115) 1 USA, St. Paul 3 Oklahoma City (7-6) (1 USA, Oklahoma City) 2 Minneapolis (7-8)		7-115-	2514	REC- 55
		AUG 11 1958		X-124
		[REDACTED]		
		[REDACTED]		

F54
60 AUG 29 1958

INVESTIGATIVE DIV
AUG 13 2 55 PM '58

STAMP
STRICTLY CONFIDENTIAL

All b7c

MP 7-8

On August 1, 1958, CLIFFORD JAMES, United States Attorney, advised SA [REDACTED] that they have in their office some of the files relating to VOLNEY DAVIS who was convicted in connection with the EDWARD BREMER kidnaping case, as a year or so ago DAVIS appeared in U. S. District Court, St. Paul, Minnesota in connection with a motion he made for a new trial.

At Office of United States Attorney, St. Paul, Minnesota, on August 4, 1958, SA [REDACTED] looked through their EDWARD BREMER kidnaping file, their number 10-5615 and also their file 10-7106 relating to VOLNEY DAVIS and his writ of habeas corpus, but no KELLY transcript of testimony noticed.

United States Attorney, St. Paul, has no index card for CHARLES F. URSCHER, however, EDWARD BERMAN, CLIFFORD SKELLY and ISADORE BLUMENFELD, USA file 10-5453A, were money changers in URSCHER case and this file is at Kansas City, Missouri at Federal Records Center, Agency container #384 and FRC container #134641.

The Kansas City Office was requested by separate communication to review above file #10-5453A.

In addition the St. Louis Office was advised to disregard their lead to check Federal Records Center records at St. Louis, Missouri.

- P -

All b7C

- 2 -

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (7-115)

DATE: August 8, 1958

FROM : SAC, Minneapolis (7-8)

SUBJECT: GEORGE KELLY BARNES, was.;
ET AL; CHARLES F. URSCHEL -
VICTIM
KIDNAPINGRerep SA [REDACTED] Minneapolis, dated as above,
attached.REFERENCEMinneapolis Airtel to Oklahoma City, St. Louis and Kansas
City, dated 8/4/58.Minneapolis Airtel to Oklahoma City and Kansas City, dated
8/5/58.Kansas City Airtel to Oklahoma City and Minneapolis dated
8/1/58.LEADMINNEAPOLISAT MINNEAPOLIS, MINNESOTA:Immediately submit report reflecting results of investigation
conducted in Office of USA, Sioux Falls, South Dakota, as
requested in Kansas City Airtel 7/6/58.

- ① Bureau (Encl. 1)
2 Oklahoma City (Encl. 3) (7-6)
2 Minneapolis

REC-55

REC-55

EX-124

7-115-2515

18 AUG 11 1958

EX-124

VOC 13 2 SS NW 28

INVESTIGATIVE DIV
REC'D - FBIF-54
60 AUG 29 1958

All b7C

FEDERAL BUREAU OF INVESTIGATION

Reporting Office ALBUQUERQUE	Office of Origin OKLAHOMA CITY	Date 8/7/58	Investigative Period 7/31; 8/5/58
TITLE OF CASE GEORGE KELLY BARNES, was., et al; CHARLES F. URSCHEL - VICTIM		Report made by [REDACTED]	Typed By [REDACTED]
		CHARACTER OF CASE KIDNAPING	

Synopsis:

Former Special Agent, [REDACTED] Albuquerque, N.M., advises that he was present at trial of HARVEY BAILEY in Oklahoma City from Sept. 19 through Sept. 22, 1933. He states that he believes all of BAILEY's allegations are false, except the statement that he, BAILEY, was brought to the court room handcuffed and manacled, which he, [REDACTED] believes to be correct. [REDACTED] Carlsbad, N.M., advised that he was present at the trial of HARVEY BAILEY while he, [REDACTED] was a photographer for the Daily Oklahoman. He denies that the trial was in a circus like atmosphere and stated that Judge VAUGHT was most strict and upheld the dignity of the court at all times.

- RUC -

DETAILS:

AT ALBUQUERQUE, NEW MEXICO:

Approved [Signature] Special Agent in Charge	Do not write in spaces below	
Copies made: ① - Bureau (7-115) 3 - Oklahoma City (1-USAOC) 1 - Albuquerque (7-120)	7-115-2516	REC-96
	23 AUG 11 1958	

236
AUG 13 3 38 PM '58
AUG 29 1958

[Signature]

RECEIVED

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FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 8/7/58

In response to Appellant, HARVEY BAILEY's contention that he was deprived of ample time for counsel to prepare his defense, attention is called to the fact that he was arrested on August 12, 1933, and lodged in the Dallas, Texas, County Jail, where he remained until his escape on the morning of September 4, 1933. Former Special Agent, [REDACTED] advised that he was personally present at the trial in Oklahoma City, Oklahoma, on September 19, 1933, and left Oklahoma City to return to Dallas, Texas, on September 22, 1933. Except for the immense crowd of spectators, and witnesses, [REDACTED] recalled nothing unusual about this trial, except one incident - one of the defendants, KELLY - caused a commotion in the Court Room, and [REDACTED] recalled that Judge VAUGHT recessed the proceedings. At that time, [REDACTED] did see a man with a camera in the corridor of the Federal Building. This was not a motion picture camera, and it was his understanding, at the time, the camera man was a newspaper representative. This may be substantiated by Former Agent [REDACTED].

In response to BAILEY's allegation that all Attorneys were being investigated by the FBI, to the best knowledge and recollection of [REDACTED] this must refer to an Attorney, name not recalled, who was sent to Coleman, Texas, by or on behalf of KELLY for the purpose of getting some of the buried money. This alleged attorney was driving a car bearing a Tennessee license. He was located and questioned, but not by [REDACTED]. Then there was another Defendant in this kidnaping case who was known as DAVIS, located in the Denver, Colorado, jail. The Attorney who represented him, and possibly other of the Defendants, was subsequently tried for his part in furthering the conspiracy, and he had "laundered" or had in his possession some of the Ransom bills. It is [REDACTED] belief that some of the Attorneys for Appellant BAILEY, came to the Dallas Office of the FBI and discussed with Mr. BLAKE some of

Interview with [REDACTED] File # 7-120
on 7/31/58 at Albuquerque, New Mexico Date dictated 8/6/58
by Special Agent [REDACTED]

the matters involved of their own volition, on behalf of this and other clients, and that such conferences did not involve unethical acts on the part of the Government Representative or the Attorneys.

As above stated, BAILEY was apprehended first on August 12, 1933. He was arraigned four days later. A grand jury was subsequently impaneled in Oklahoma City, subsequently, an indictment was returned charging him with crimes against the United States. He did have counsel. The Hearing was in open court, the subsequent trial in Oklahoma City was a public hearing. [REDACTED] advised he can name two ladies who were present at the trial in Oklahoma City, neither of whom was required to secure a pass from anyone to get into the Court Room, which was well filled. He advised there was no more feeling on the part of the public, except possibly that prompted by morbid curiosity by virtue of the reputation of Mr. URSCHEL and the wide publicity given to this unusual crime to be committed in the Southwest. There was no more passion involved and no unusual prejudice on the part of the arresting officers than in any other case involving a major crime. It would be a little unusual if Mr. URSCHEL, his immediate family and close friends had not been somewhat adverse in their feelings toward the people who took URSCHEL's money and held him in durance vile.

All spectators attending the trial were not searched. The Officers at the entrance of the building may have searched some suspected persons, but not to the knowledge of [REDACTED]

[REDACTED] stated he does not recall ever during his presence in the Court Room seeing a camera of any sort. If news reels were made [REDACTED] who did have some interest in the matter by having had an investigative part therein from the first instance, never saw any of those reels or the pictures developed therefrom;

All b7C

██████████ stated he never saw any bulbs flashing or cameras or heard any clicking of cameras. The trial Judge, VAUGHT, was a very reserved jurist and maintained Court Room decorum during the proceedings, except when the Defendant KELLY caused a commotion.

██████████ advised that he never saw anyone with a machine-gun or other exposed firearms in the Federal Building on the floor where the Court Room was situated.

██████████ stated that the allegation by Appellant BAILEY to the effect that he was "brought to the Court Room handcuffed and manacled", is true so far as he recalls.

██████████ advised if there was any quarreling or bickering between HERBERT HYDE, United States Attorney, and JOE KEENAN, it was never made known to him. Former Special Agents, GUS T. JONES, and RALPH COLVIN were in constant touch with the Attorneys representing the Government. Also, he never heard that KEENAN attempted to fire HYDE, and does know that HYDE was active in the trial.

██████████ stated that it was his sincere belief that if any differences existed between HYDE and KEENAN to the extent that they affected the proper conduct of the trial, he would have heard of same.

██████████ advised that from his knowledge gained from investigation, he never learned that there was a conflict of interests as among the defendants. Their original interest was to obtain the ransom money, and then to remain undetected. BAILEY did not plead guilty, and he refused to furnish information looking to the solving of the case, on occasions when interviewed by ██████████

All b7C

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate 8/7/58

[REDACTED] Carlsbad, New Mexico, advised that in 1933 he was a photographer for the "Daily Oklahoman" at Oklahoma City, and also did newsreel for Pathe and Universal. He stated he was assigned to the instant trial for the taking of pictures.

[REDACTED] advised that at no time during the trial was there any circus-like atmosphere. He stated Judge VAUGHT was most strict and upheld the dignity of the court at all times.

He recalled that when Mr. KEENAN arrived for the trial from Washington, D. C., he held a press conference, at which time KEENAN announced that photographs would be permitted during the trial; that it was explained this permission was granted in order to enable the Government to expose kidnaping gangs.

As to the regulations for the taking of pictures, KEENAN recalled flash equipment was not permitted during the actual trial, although flash equipment was used during recesses. He recalled, also, that motion pictures had to be taken under existing light conditions. However, on the day Judge VAUGHT pronounced sentence, [REDACTED] recalled lights were set up for photographs and motion pictures. He stated [REDACTED] no, retired, of the Jamieson Film Company and Laboratory, Dallas, Texas, set up the lights, and he believed [REDACTED] made a spectacular short at the end of the trial for theater exhibitions.

[REDACTED] advised this was the first and only time, based on his knowledge, that photographing was permitted in a Federal Court.

Interview with [REDACTED] File # 7-120
on 8/5/58 at Carlsbad, New Mexico Date dictated 8/5/58
by Special Agent [REDACTED] All b7C

AQ 7-120

As to [REDACTED] of [REDACTED] he stated he had no knowledge of this individual. He related [REDACTED] was a photographer for the Scripps-Howard newspaper in Oklahoma City at the time, who covered the trial, but whose whereabouts are unknown to him. He added that [REDACTED] was a reporter for the Scripps-Howard paper, also, and who several years ago was thought by [REDACTED] to be a playwright in New York City.

- RJC -

All b7C

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (7-115)

DATE: 8/7/58

FROM : SAC, ALBUQUERQUE (7-120)

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

OO: Oklahoma City

Transmitted herewith is the report of SA [REDACTED]
[REDACTED] dated 8/7/58 at Albuquerque.

REFERENCES

Airtel to Director from Oklahoma City dated
7/22/58.

ADMINISTRATIVE DATA

[REDACTED] advised that the two women he was referring to, who were present at the trial of HARVEY BAILEY, and who did not have passes signed by the judge to be admitted to the Court Room were [REDACTED] and [REDACTED]. [REDACTED] was asked if she recalled whether or not she had to have a pass to be admitted to the Court Room and she advised that she does not recall for sure, but does not believe that she had a pass.

[REDACTED] advised that he recalls that during the investigation of instant case a letter was received by the State Officials of Oklahoma, signed by

- ① - Bureau (7-115) (Encl. 1)
3 - Oklahoma City (Encls. 3)
1 - Albuquerque (7-120)

(5)

63 AUG 29 1958

REC-96

23 AUG 11 1958

EX 105

All b7C

AQ 7-120

HARVEY BAILEY, CLARK, DAVIS, and BRADY, and probably others, which was a typewritten letter and contained the fingerprints of the individuals who signed same to verify their identification. He states that this letter was admitting that the signers had robbed a bank at Arkansas, he believes on the date of the URSCHER kidnaping and he believes the bank was located at Black River, or Black Water, Arkansas.

[REDACTED] advised that former Special Agent, [REDACTED] was a Police Officer on the Oklahoma City Police Department at the time of the BAILEY investigation and trial, and that [REDACTED] worked very closely with Bureau Agents and could probably furnish considerable information regarding the case.

All b7C

FEDERAL BUREAU OF INVESTIGATION

Reporting Office NEW ORLEANS	Office of Origin OKLAHOMA CITY	Date 8/7/58	Investigative Period 7/28/58
TITLE OF CASE GEORGE KELLY BARNES, Was. ET AL; CHARLES F. URSCHEL - VICTIM		Report made by [REDACTED]	Typed By: [REDACTED]
		CHARACTER OF CASE KIDNAPING	

Synopsis:

Transcript of testimony not located GSA Records Center, New Orleans.

RUC

DETAILS: AT NEW ORLEANS, LOUISIANA:

On July 28, 1958 **[REDACTED]** General Services Administration Records Center, 401 Customs Building, advised that she has no record or knowledge of the location of the transcript of testimony in the KATHRYN THORNE KELLY trial.

RUC

All b7C

Approved Special Agent In Charge	Do not write in spaces below		
Copies made: ① Bureau (7-115) 2-Oklahoma City (7-6) 1-New Orleans (7-9)	7-115-	2518	REC-55
	AUG 11 1958		EX-1
	[REDACTED]		

MHC 13 10 30 AM '58

60 AUG 29 1958

STAMP

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (7-115)

DATE: 8/7/58

FROM : SAC, NEW ORLEANS (7-9)

SUBJECT: GEORGE KELLY BARNES, Was. ET AL;
CHARLES F. URSCHEL - VICTIM
KIDNAPING
00: Oklahoma City

Enclosed is report of SA [REDACTED]
8/7/58, at New Orleans.

REFERENCE

Oklahoma City airtel to Bureau, 7/22/58.

REC-55
ENCLOSURE
2-Bureau (Encl. 1)
2-Oklahoma City (7-6) (Encl. 2)
1-New Orleans
[REDACTED]
(5)

EX-108

All b7C

REC-55

7-115-2579

AUG 11 1958

EX-108

REC 12 10 30 AM '58

F-54
60 AUG 14 1958

FEDERAL BUREAU OF INVESTIGATION

Reporting Office Boston	Office of Origin Oklahoma City	Date 8-8-58	Investigative Period 8/5/58
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:

Inquiry at Federal Records Center, Boston, Mass. negative.

- RUC -

DETAILS:

On August 5, 1958, SA [REDACTED] interviewed [REDACTED] Reference Branch, Federal Records Center, 130 Aukland St., Dorchester, Massachusetts. [REDACTED] advised that no alphabetical index is maintained of the records stored at this Records Center; that all searches are made through case and court docket numbers. He stated it would be impossible to find record, such as the transcript of testimony requested, without knowing the docket or case number under which it was filed.

- RUC -

All b7C

Approved <i>[Signature]</i>	Special Agent In Charge	Do not write in spaces below	
Copies made: ③ - Bureau (7-115) 2 - Oklahoma City (7-6) 1 - Boston (7-22) COPIES DESTROYED 848 MAR 17 1965		7- 115- 2520	REC-55
		24 AUG 11 1958	EX-108
		<i>[Signature]</i> STRICTLY CONFIDENTIAL	

60 AUG 29 1958

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (7-115)

DATE: 8/8/58

FROM : SAC, BOSTON (7-22)

SUBJECT: GEORGE KELLY BARNES, was. et al;
CHARLES F. URSCHER - VICTIM
KIDNAPING

Enclosed is the report of SA [REDACTED] dated and captioned
as above at Boston.

REFERENCE

Oklahoma City airtel to Director dated 7/22/58.

- ② - Bureau (7-115) (Encs. 3)
- 2 - Oklahoma City (7-6) (Encs. 2)
- 1 - Boston (7-22)

(5)

REC-55

ENCLOSURE

EX-108

REC-55

7-115-2521

AUG 11 1958

EX-108

F54
60 AUG 29 1958

All b7C

FBI

Date: July 28, 1958

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

(Priority or Method of Mailing)

Mr. Tolson	_____
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 (7-8) 115

FROM: SAC, OKLAHOMA CITY 7-6)

GEORGE KELLY BARNES, Was. Et Al:
CHARLES F. URSCHEL - VICTIM
KIDNAPING

Re KC Airtel to Director, dated 7/24/58.

USA PAUL CRESS, OC, on 7/28/58 advised that in his opinion Warden [REDACTED] KSP, Lansing, Kansas, should contact Sheriff [REDACTED] Oklahoma City, Oklahoma, so that BAILEY can be taken into custody by state authorities in the event he is granted a new trial at his hearing under Section 2255. Mr. CRESS pointed out that BAILEY may be given a parole by the U. S. Board of Parole before the date of his hearing in Oklahoma City, and in that event the Warden should have his detainer on file at Leavenworth, Kansas.

Kansas City should so advise Warden [REDACTED] at the KSP, Lansing, Kansas.

With regard to the hearing of KATHRYN T. KELLY and ORA L. SHANNON, Mr. CRESS advised that on 7/28/58 he was filing notices of appeal. He has not received the transcript of the hearing but expects to receive the transcript in the near future.

This matter is being followed and the Bureau will be kept advised.

DOYLE

3 Bureau
2- Kansas City (7-8)
2- Oklahoma City

(6)

REC-6

7-115-2522
7 8/12
JUL 30 1958

EX-108

52 AUG 13 1958

Approved: _____
Special Agent in Charge

Sent _____

Per _____

All 67C

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: July 31, 1958

FROM : A. Rosen *Rosen*SUBJECT: GEORGE KELLY BARNES, WAS., ET AL.;
CHARLES F. URSCHEL - VICTIM;
KIDNAPINGRE: HARVEY BAILEY

Tolson _____
Boardman _____
Belmont _____
Mohr _____
Nease _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
Clayton _____
Tele. Room _____
Holloman _____
Gandy _____
W. J. [unclear] _____

Harvey Bailey at the time of his apprehension 8/12/33, at Paradise, Texas, was in fugitive status from the State of Kansas. He had escaped from the Kansas State Penitentiary 5/30/33. He was serving a 10 to 50 year sentence on a state charge of bank robbery.

Arrangements have been made for the Warden, Kansas State Penitentiary, Lansing, Kansas, to arrange with state authorities, Oklahoma City, to take Bailey into custody in the event he is granted a new trial at his hearing 9/30/58, or granted parole prior to the hearing.

KIRKPATRICK'S EFFORTS TO OBTAIN PAROLE FOR BAILEY:

Oklahoma City advised that E. E. Kirkpatrick has continued his efforts to have the U. S. Board of Parole grant Bailey parole. Kirkpatrick on 7/18/58, sent a letter to the Board of Parole in which he unqualifiedly recommends parole for Bailey. He states he has the approval of Judge Vaught, who tried the case, Charles F. Urschel, and Gus Jones and [redacted], the FBI men who arrested Bailey on the Shannon farm. Oklahoma City furnished newspaper items from the "Ft. Worth Star - Telegram," 7/20/58, and the "Daily Oklahoman," 7/23/58, which featured Kirkpatrick's efforts in behalf of Bailey for parole. These articles relate Kirkpatrick is the author of two books about Urschel which are out of print and sell at a premium price. The article indicates Kirkpatrick wants to write a book about Bailey's career in crime. The news articles also relate the approval of Kirkpatrick's actions by Judge Vaught, Urschel, Jones and [redacted].

The articles quote Kirkpatrick as stating "Bailey had nothing to do with the Urschel kidnaping case." Kirkpatrick was interviewed by SAC, Oklahoma City on 7/22/58.* In connection with Bailey's release, if effected, Kirkpatrick admitted he knew if the hearing were held he might be a defense witness in view of the statements appearing in the newspapers. He stated, however, that he felt Judge Vaught and former Agents Jones and [redacted] would also be in the same position. This also would apply to Urschel.

*News items 7/20/58, "Fort Worth" and 7/23/58, "Daily Oklahoman" not available to SAC at time of interview.

SENT DIRECTOR
8-1-58

REC-6

AUG 12 1958

All b7C

Memorandum for The Director

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

FACTS OF BAILEY'S PARTICIPATION IN THIS CASE:

||| Bailey at the time of his apprehension at Paradise, Texas, 8/12/33, had \$700 in ransom bills on his person. In statements obtained from Ora Shannon and Boss Shannon they verified Bailey's presence on the Shannon farm from 7/28/33, to 8/4/33. Urschel was held captive on Shannon's farm until 7/31/33. Bailey was sentenced to life imprisonment on 9/30/33, for his participation in this case. He is confined at the U. S. Penitentiary, Leavenworth, Kansas.

ACTION:

Oklahoma City was instructed to immediately bring the above facts to the attention of the U. S. Attorney to determine if the information in the newspapers on 7/20 and 7/23/58, and the letter to the U. S. Parole Board are pertinent to the Bailey hearing 9/30/58, and whether it is necessary to interview Urschel, Gus Jones, and [REDACTED] to ascertain if facts are true.

5/18
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Re
URSCH
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8/1

I can't understand
the present position
of Kirkpatrick,
Urschel, Vaughn,
Jones & [REDACTED]

X

All b7C

SAC, Oklahoma City (7-6)

August 8, 1958

REC-6
Director, FBI (7-115)-2523

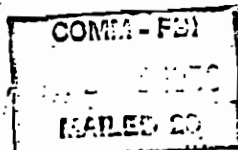
PERSONAL ATTENTION

EX-108
GEORGE KELLY BARNES, WAS., ET AL.;
CHARLES F. URSCHEL - VICTIM;
KIDNAPING

RE: HARVEY BAILEY

It is noted that on July 22, 1958, you had occasion to speak with E. E. Kirkpatrick at Tulsa, Oklahoma. Mr. Kirkpatrick pointed out his efforts to get Harvey Bailey released on parole and informed you that on July 18, 1958, he had addressed a letter to the U. S. Board of Parole in which he unqualifiedly recommended parole for Bailey. Kirkpatrick has further stated that in his efforts he has the approval of Judge Vaught, who tried the case, Charles F. Urschel, and Gus Jones and [REDACTED] the FBI men who arrested Bailey. The present position of the individuals mentioned in favoring parole for Bailey would appear to be a reversal of their previous position in this regard.

It is requested that you advise the Bureau of any reasons known to the Oklahoma City Division for such an apparent change. Sulet to reach the Bureau by 8/15/58.



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

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE NEW YORK	OFFICE OF ORIGIN OKLAHOMA CITY	DATE 8/8/58	INVESTIGATIVE PERIOD 8/4,6,8/58
TITLE OF CASE GEORGE KELLY BARNES, was., ET AL; CHARLES F. URSCHEL - VICTIM		REPORT MADE BY <div style="background-color: black; width: 100px; height: 1.2em;"></div>	TYPED BY <div style="background-color: black; width: 50px; height: 1.2em;"></div>
		CHARACTER OF CASE KIDNAPING	

SYNOPSIS:

No record of testimony of
KATHRYN THORNE KELLY located at
Federal Record Center, NYC.

- RUC -

DETAILS:

On August 8, 1958,
[REDACTED], Federal Records
Center, 641 Washington Street,
New York, New York, advised that
after a search of the records
it was determined that there
was no record of the testimony
of KATHRYN THORNE KELLY.

All b7C

APPROVED <div style="text-align: center;"><i>[Signature]</i></div>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW	
COPIES MADE: (1 - Bureau (7-115) 2 - Oklahoma City (7-6) 1 - New York (7-19)		7-115-2524	REC-68
		13 AUG 12 1958	
		EX-102	

58 AUG 14 1958

NY 7-19

b7C

[REDACTED] suggested that if any further checks are to be requested he recommends that any docket and case numbers that are available be furnished and he further suggested as a last possibility that the records of the National Archives in Washington, be examined in an attempt to locate the missing transcript.

- RUC -

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (7-115)

DATE: 8/8/58

FROM : SAC, NEW YORK (7-19)

SUBJECT: GEORGE KELLY BARNES, was.,
ET AL;
CHARLES F. URSCHER-VICTIM
KIDNAPINGEnclosed is report of SA [REDACTED]
dated and captioned as above, at New York.REFERENCE

Oklahoma City airtel, 7/22/58.

All b7C

- 1- Bureau (7-115) (Encl. 1) ENCLOSURE
2- Oklahoma City (7-6) (Encl. 2) REC-68
1- New York (7-19) REC-68

(5)

EX. 102

13 AUG 12 1958

58 AUG 14 1958

FEDERAL BUREAU OF INVESTIGATION

Reporting Office SAN FRANCISCO	Office of Origin OKLAHOMA CITY	Date 8/8/58	Investigative Period 7/29; 8/7/58
TITLE OF CASE GEORGE KELLY BARNES, was.; ET AL CHARLES F. URSCHEL - VICTIM		Report made by [REDACTED]	Typed By: [REDACTED]
		CHARACTER OF CASE KIDNAPING	

Synopsis:

HAROLD NATHAN, former Assistant Director, FBI, interviewed and answers set forth concerning the allegations made by HARVEY J. BAILEY in his motion to vacate his conviction and sentence. No record of transcript of testimony in the KATHERYN THORNE KELLY trial at Federal Record Center, San Francisco.

- R U C -

DETAILS: AT SAN FRANCISCO, CALIFORNIA

Mr. HAROLD NATHAN, former Assistant Director, FBI, [REDACTED] was interviewed on August 7, 1958, and his answers to the allegations made by HARVEY J. BAILEY in his motion to vacate his sentence are set out hereinafter.

All b7C

C

Approved <i>[Signature]</i>	Special Agent in Charge	Do not write in spaces below	
Copies made: 1 - Bureau (7-115) 3 - Oklahoma City (7-6) (1 - USA, WDO) 1 - San Francisco (7-9)		7- 115- 2526	REC- 6
		EX- 135	
		14 AUG 13 1958	
		[REDACTED]	

8 AUG 29 1958

STATE SECT.

SF 7-9
[REDACTED]

b7C

Mr. NATHAN advised that he was not present during all of the trial of instant case in Oklahoma City, Oklahoma, as it was necessary for him to leave due to other work in various parts of the country.

Mr. NATHAN advised that HARVEY J. BAILEY was in the custody of the United States Marshal, Oklahoma City, Oklahoma, and, therefore, he could furnish no information concerning the handling of BAILEY prior to and during the trial of this case.

Allegation: Counsel was not given ample time to prepare for his defense and BAILEY was not given the opportunity to confer privately with his attorney.

Mr. NATHAN: "I know nothing concerning this allegation."

Allegation: All attorneys were being investigated and interrogated by Agents of the FBI and other persons in addition to counsel were being interrogated and investigated with respect to counsel.

Mr. NATHAN: "The attorneys were not investigated and interrogated by Agents of the FBI or by any other persons to my knowledge."

Allegation: His attorney was in fear of a criminal indictment, embarrassment and humiliation and was, as a result, afraid to properly represent BAILEY.

Mr. NATHAN: "I have no information concerning this allegation."

Allegation: Two attorneys indicted; one sent to prison, the other acquitted.

SF 7-9
[REDACTED] b7C

Mr. NATHAN: "I slightly recall that one of the defense attorneys was subsequently prosecuted on some matter, but other than this, I recall nothing concerning this allegation."

Allegation: BAILEY was hurried to trial in an atmosphere of feeling, passion and prejudice.

Mr. NATHAN: "I know nothing concerning this allegation."

Allegation: When the trial got under way, spectators were searched and could only enter with a pass signed by the trial judge.

Mr. NATHAN: "I do not recall having seen any spectators searched when entering the courtroom and I know nothing about a pass being given to spectators."

Allegation: The photographers were given free rein in the courtroom and newsreel cameras clicked merrily. The popping of flashlight bulbs and the clicking of newsreel cameras distracted from the orderly course of the trial and worked to the prejudice of BAILEY.

Mr. NATHAN: "I do not recall having seen any newsreel cameras or photographers in the courtroom during the trial of this case. The atmosphere in the courtroom during the trial at all times during my presence was orderly and dignified."

Allegation: Machine guns were stationed at every entrance to the courtroom.

Mr. NATHAN: "There were no machine guns or display of firearms during the trial to my knowledge."

SF 7-9
[REDACTED]

Allegation: He was brought to the courtroom handcuffed and manacled.

Mr. NATHAN: "I do not recall whether this happened or not."

Allegation: There was constant quarreling and bickering between HERBERT K. HYDE and Assistant Attorney General KEENAN.

Mr. NATHAN: "This did not happen in my presence."

The following investigation was conducted by
SA [REDACTED]

On July 29, 1958, [REDACTED] Federal Record Center, 1070 San Mateo Street, South San Francisco, California, advised after a search of his indices that he could find no record of the transcript of the testimony in the KATHRYN THORNE KELLY trial being maintained at the center.

All b7C

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (7-115)

DATE: 8/8/58

FROM : SAC, SAN FRANCISCO (7-9)

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

OO: OKLAHOMA CITY

Enclosed are one copy and three copies,
respectively, for the Bureau and Oklahoma City of
the report of SA [REDACTED] at San Francisco,
dated and captioned as above.

REFERENCE

Oklahoma City Airtel to Bureau, 7/22/58.

REC-6

- 1 - Bureau (Encl. 1)
- 2 - Oklahoma City (Encls. 3) (7-6)
- 1 - San Francisco

EX. - 135

(4)

All b7C

REC-6

7-115-2527
14 AUG 18 1958

EX. - 135

36
63 AUG 29 1958

FEDERAL BUREAU OF INVESTIGATION

Reporting Office OKLAHOMA CITY	Office of Origin OKLAHOMA CITY	Date 8-11-58	Investigative Period 7/1-3,6-11-14-18,21,25,28-31;8/1,7,8,
TITLE OF CASE GEORGE KELLY BARNES, was.; ET AL; CHARLES F. URSCHER - VICTIM		Report made by [REDACTED] b7C	Typed by [REDACTED]
		CHARACTER OF CASE KIDNAPING	

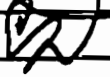
Synopsis:

On 7-8-58 motion filed in USDC, Oklahoma City, Okla., under provisions of Title 28, Section 2255, USC, to vacate and set aside conviction and sentence of HARVEY J. BAILEY; hearing set for 9-30-58 before U. S. District Judge W. R. WALLACE at Oklahoma City. Allegations made that BAILEY was not guilty of the offense charged; was not adequately represented, and did not receive a fair trial. Available witnesses interviewed. Efforts to locate missing transcript of testimony in the KATHRYN THORNE KELLY trial negative.

-P-

DETAILS: HARVEY J. BAILEY, presently incarcerated in the U. S. Penitentiary at Leavenworth, Kansas.

On July 8, 1958 a motion was filed in U. S. District Court, Oklahoma City, Oklahoma, by Attorney JAMES J. LAUGHLIN of Washington, D. C., to vacate and set aside the conviction and sentence of BAILEY, under the provisions of Section 2255, Title 28, USC. This matter has

Approved 	Special Agent in Charge	Do not write in spaces below	
Copies made: ① - Bureau (7-115) 1 - USA, Oklahoma City 2 - Oklahoma City (7-6)		7-115-2528	REC.
		24 AUG 14 1958	EX-135
		STAT SECT.	

50 SEP 16 1958

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been set for hearing on September 30, 1958 and is to be heard by U. S. District Judge WILLIAM R. WALLACE in Oklahoma City, Oklahoma. The motion is as follows:

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

"UNITED STATES OF AMERICA

v.

"Criminal No. 10478"

HARVEY BAILEY"

"MOTION TO VACATE AND SET ASIDE JUDGMENT OF CONVICTION"

"Now comes Harvey Bailey, defendant, and says that he invokes the jurisdiction of this Court pursuant to Section 2255 of the New Judicial Code. He says that at his trial his constitutional rights were violated and as a result of the violation the Court was without power to proceed to judgment and the resulting conviction and sentence that followed were null and void and that he is entitled to a new trial. The following are the grounds:

"1. His constitutional rights were violated in that he did not have adequate assistance of counsel in that counsel were fearful to properly defend him due to a threat of a criminal prosecution and that in other respects the counsel were serving conflicting interests to the end that the protection of the Sixth Amendment was lost.

"2. The prosecuting officials presented testimony that was false and known by the prosecuting attorneys to be false.

"3. The defendant was denied compulsory service of process.

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"4. The atmosphere in the courtroom prevented a fair and impartial trial due to the feeling that had been engendered and in fact the defendant was denied a public trial contrary to the Constitution and the trial was conducted in a circus atmosphere and was in fact a mockery of justice, a sham and in fact no trial at all.

"There is annexed hereto and made a part hereof the affidavit of the defendant."

"/s/ James J. Laughlin
JAMES J. LAUGHLIN
National Press Building
Washington, D. C.
Counsel for Defendant"

Set out below is the affidavit of BAILEY:

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

"UNITED STATES OF AMERICA

v.
"HARVEY BAILEY"

"Criminal No. 10478"

"AFFIDAVIT OF HARVEY BAILEY"

"Harvey Bailey: being first duly sworn on oath, deposes and says unto the Court that his constitutional rights were violated at his trial and therefore the Court could not proceed to judgment and therefore it followed that the conviction and sentence imposed are null and void and that he should forthwith be granted a new trial.

"Affiant says that his constitutional rights were violated in many particulars and as to the main ones he lists them as follows:

"1. Counsel was not given ample time to prepare for his defense and affiant was not given an opportunity in fact to confer privately with his counsel. Affiant says that furthermore he was denied effective assistance of counsel in that all attorneys were being investigated and interrogated by Agents of the Federal Bureau of Investigation and other persons, in addition to counsel, were being interrogated and investigated with respect to counsel. Affiant says that one attorney was indicted and sent to prison. Another attorney was indicted but acquitted. Affiant's attorney, therefore was in fear of a criminal indictment, embarrassment and humiliation and as a result thereof was afraid through such fear to properly represent the affiant.

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"2. Affiant was hurried to trial in an atmosphere of feeling, passion and prejudice. The feeling against affiant and others was at fever pitch. When the trial got under way it was not possible to enter the courtroom without spectators being searched. In fact no one could enter the courtroom unless there was a pass signed by the trial judge. This denied affiant a public trial, contrary to Davis v. United States, 247 F. 394, and Gaines v. Washington, 277 U. S. 81. Affiant says further that photographers were given free rein in the courtroom and newsreel cameras clicked merrily. The popping of flashlight bulbs and the clicking of the newsreel cameras distracted from the orderly course of the trial and worked to the prejudice of affiant. Affiant says further that machine guns were stationed at every entrance of the courtroom. He further says that he was brought into the courtroom handcuffed and manacled, all this to his prejudice.

"3 Affiant says further that there was constant quarreling and bickering between the then United States Attorney Mr.

Hyde and the Assistant Attorney General Mr. Keenan who was sent from Washington to conduct the case. Affiant says that when Mr. Keenan arrived in Oklahoma City for the trial he told Mr. Hyde that he was unceremoniously fired. Affiant says Mr. Hyde refused to stay fired and pulled wires and exerted political influence with certain persons in Washington to permit him to stay on the job. Affiant says this unholy spectacle detracted from the orderly conduct of the trial and since there was divided authority and petty jealousy existing between Mr. Hyde and Mr. Keenan there was no one in authority to ease the affiant's method of confinement.

"4. Affiant says that he had nothing to do with the kidnaping but that Mr. Hyde and Mr. Keenan put on the witness stand a telephone operator who was forced against her will to reveal an intercepted message although Mr. Hyde and Mr. Keenan knew this to be a violation of the law and insisted that the operator give false testimony which they knew to be false.

"5. Affiant says further with respect to his constitutional rights the attorney representing him in fact was serving the interests of other defendants and there was a conflict in interest within the meaning of Glasser v.

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United States; 315 U.S. 457."

" /s/ Harvey Bailey
HARVEY BAILEY"

"Subscribed and sworn to before me
this 3rd day of July, 1958.

/s/ Emory A. Cox
Notary Public Parole Officer"

The following is a list of dates pertinent to the
arrest and conviction of BAILEY in this case:

5-30-33	Escaped from Kansas State Penitentiary, Lansing, Kansas.
7-22-33	CHARLES F. URSCHER kidnapped from his home in Oklahoma City, Oklahoma by ALFRED BATES AND GEORGE KELLY BARNES; \$200,00.00 ransom paid while Victim held hostage on farm near Paradise, Texas.
7-31-33	Victim released by abductors unharmed.
8-12-33	The SHANNON farm near Paradise, Texas, raided by FBI Special Agents E. J. DOWD, GUS T. JONES, [REDACTED] and [REDACTED] the Agents were accompanied by nine local officers and Mr. URSCHER.

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- 8-12-33 HARVEY J. BAILEY arrested at Shannon Farm where he was found sleeping on a cot. On arrest, a search of his clothing disclosed \$700.00 of the ransom money.
- 8-12-33 BAILEY transported to Dallas County Jail, Dallas, Texas where he was booked under the name of SAM JONES.
- 8-14-33 An authorized complaint was filed in Oklahoma City, Oklahoma by SA R. H. COLVIN, before United States Commissioner GEORGE J. EACOCK, charging BAILEY; ET AL with violating the Federal Kidnaping Statute, Section 408A, Title 18, USCA.
- 8-15-33 Fugitive Complaint filed before United States Commissioner LEE R. SMITH, Dallas, Texas, charging BAILEY with the offense charged in the Oklahoma City complaint.
- 8-16-33 BAILEY arraigned before U. S. Commissioner SMITH, Dallas, Texas, stating he was not guilty; waived preliminary hearing and was remanded to the Dallas County Jail in lieu of \$10,000.00 bail.
- 8-24 and 25-33 BAILEY arraigned before U. S. District Judge JAMES C. WILSON, Ft. Worth, Texas, and at that time waived removal. He was returned to the Dallas County Jail pending removal to Oklahoma City.

During interviews with SA [REDACTED] BAILEY stated the ransom money found in his possession had been left for him at the Shannon Farm by an un-named individual. Later he stated the money had been given to him by a slain Kansas City gangster, named ANTONE.

He advised he had been taken to the Shannon farm by JIM CLARK and BOB BRADY on or about August 1, 1933, and stayed there until about August 4, 1933. BAILEY also stated he had visited the farm on or about July 12, 1933, at which time he spent the night, then proceeded to Paris, Texas.

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- 8-21-33 Mr. and Mrs. R. G. SHANNON, in signed statements, reported that BAILEY left their home on or about July 28, 1933 and returned August 11, 1933.
- 9-4-33 BAILEY escaped from the Dallas County Jail at about 7:20 A.M. He was captured at Ardmore, Oklahoma within four hours and was found in possession of a .44 Smith and Wesson Revolver and some ammunition. He was then delivered to the Oklahoma County Jail, Oklahoma City, where he was held for trial.
- 9-18-33 BAILEY was tried with several other defendants by U. S. District Judge, EDGAR S. VAUGHT, in Oklahoma City.
- 9-30-33 Trial completed - Verdict guilty.
- 10-7-33 BAILEY sentenced to life imprisonment. During his trial BAILEY was represented by Attorneys JAMES H. MATHERS and JAMES C. MATHERS.

In connection with the investigation of attorneys mentioned in the affidavit of BAILEY; available information reflects that while BAILEY was incarcerated in the Dallas County Jail, Dallas, Texas, the U. S. Marshal there issued passes on August 25 and 30, 1933 to Attorney SAM SAYERS to visit BAILEY.

On September 1, 1933 The U. S. Marshal in Dallas, issued a pass to Attorneys W. D. SCOTT and JAMES H. MATHERS to visit BAILEY. After BAILEY escaped and was recaptured on September 4, 1933 JAMES H. MATHERS, his attorney, told an acquaintance that MATHERS was suspected of smuggling hack-saw blades and a gun to BAILEY. MATHERS denied he was involved and stated he had no knowledge of the escape other than information furnished him by BAILEY, which was that a jailer had been paid \$10,000.00 by KATHRYN KELLY.

On September 23, 1933 Mr. JAMES H. MATHERS executed an affidavit and on September 25, 1933 his son JAMES C. MATHERS executed an affidavit, and in each the attorneys denied having any knowledge of or being implicated in the escape of BAILEY.

In this connection THOMAS L. MANION, a Deputy Sheriff, Dallas, Texas, was convicted and sentenced to two years and an associate GROVER C. BEVILL was convicted and sentenced to

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14 months for aiding BAILEY in his escape from the Dallas County Jail; both men were convicted and sentenced at Dallas, Texas.

Mr. PAUL CRESS, United States Attorney, Oklahoma City, Oklahoma, has advised he plans to use as witnesses in the BAILEY hearing U. S. District Judge EDGAR S. VAUGHT, retired; Mr. D. E. (BILL) HODGES, Bartlesville, Oklahoma, who was an Assistant U. S. Attorney, and who assisted in this prosecution; and the Defense Attorney, Mr. JAMES H. MATHERS, of Tupelo, Oklahoma.

Mr. PAUL CRESS, U. S. Attorney, Oklahoma City, Oklahoma, requested the following information:

1. Whether Kansas State Authorities desire custody of BAILEY, in the event BAILEY is released from custody at this hearing.
BAILEY, at the time of his escape from Kansas State Penitentiary at Lansing, Kansas, was serving a sentence of from 10 to 50 years.
2. Determine from newspaper reporters and photographers, who attended the trial, what the atmosphere in the courtroom actually was and whether photographers and newsreel cameramen took photographs during the actual trial.
3. Determine from these witnesses whether the courtroom atmosphere was "circus-like" and whether the witnesses observed a display of firearms by officers in the courtroom.

Mr. CRESS requested that the following newsmen be interviewed if possible:

[redacted] address unknown.

[redacted] last known to be residing
Carlsbad, New Mexico, where he
edits a magazine for midget racers.

[redacted] address unknown.

[redacted] address unknown.

[redacted] a cab driver, Dean Hotel, Oklahoma City,
Oklahoma.

4. The following witnesses who testified in the original trial should be interviewed to refute the allegations set forth in

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affidavit of BAILEY:

CHARLES F. URSCHEL, National Bank of Commerce,
San Antonio, Texas.

GUS T. JONES, former Special Agent, [REDACTED]

[REDACTED] former Special Agent,
[REDACTED]

[REDACTED] former Special Agent [REDACTED]
[REDACTED]

5. Check at Federal Records Centers in an effort to locate the missing transcript of testimony in the KATHRYN THORNE KELLY trial.

Mr. CRESS states it is possible that some U. S. Attorney, who had a similar case to try, borrowed the transcript and failed to return it to the U. S. Attorney in Oklahoma City.

Federal Records Centers previously checked for this transcript are the ones located at:

East Point, Georgia;
Fort Worth, Texas; and
Seattle, Washington.

The other Federal Records Centers are located as follows:

Post Office Building, Boston, Massachusetts.
641 Washington Street, New York, New York.
King and Union Streets, Building 1, Alexandria, Virginia.
7201 South Leamington Avenue, Bedford Park, Chicago, Illinois.
2306 Bannister Road, Kansas City, Missouri.
401 Custom House Building, New Orleans, Louisiana.
Building 25, Denver Federal Center, Denver, Colorado.
Post Office Box 708, San Francisco, California.
2401 East Pacific Coast Highway, Wilmington, California.
729 Northeast Oregon Street, Portland, Oregon.

6. Interview one or more jurors who heard these cases and who still reside in the vicinity of Oklahoma City, in an effort to determine the general atmosphere in the courtroom, and whether photographs were taken during the actual trial of the case. Also determine whether the

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officers present made a display of firearms in the courtroom.

7. An Oklahoma City newspaper, the "Daily Oklahoman", under date 9-29-33, published an article which reflects an interview with HARVEY BAILEY. The article reflects that BAILEY told the reporter he had received a fair trial.

Mr. CRESS desires the identity of the reporter be determined and the reporter interviewed concerning this article and his interview with BAILEY.

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate Aug. 8, 1958

On August 4, 1958, former United States Attorney BILL D. E. HODGES, Room 531 Phillips Petroleum Building, Bartlesville, Oklahoma, advised that he is confident that Judge VAUGHT would not have been a party to any miscarriage of justice. HODGES stated the trial naturally attracted much interest, coming on the heels of the Lindberg kidnapping case and the first case since the Lindberg Law was passed. He stated URSCHER was well known and there was just naturally much interest in the case. HODGES stated that BAILEY had a fair trial and that he is sure that if the trial had taken place anywhere else the results would have been the same. The following points were refuted by HODGES:

1. Defense lawyers were free to consult with clients and he never heard of any complaints concerning this.

To his knowledge no investigation was taking place with respect to counsel.

Defense attorney got all he could out of it and he could not be intimidated.

2. Less feeling against KELLY than other defendants. None of the defendants were popular since it was on the heels of the Lindberg kidnapping.

Spectators were not searched as his wife and some friends were spectators and a pass was not necessary to his knowledge. Anyone who could identify themselves and there was room in the courtroom, was admitted.

Recalls that no pictures were taken while court was in session. Photos were taken before Court, during recesses, or when court adjourned.

He recalled seeing only one gun and that was one a U. S. Marshal had on the 7th or 8th floor and not on Courtroom floor.

Caution was used as BAILEY had previously escaped. Was not handcuffed or manacled in Courtroom.

Interview with BILL D. E. HODGES File # 7-6
on 8/4/58 at Bartlesville, Oklahoma Date dictated 8/4/58
by Special Agent [REDACTED] b7C

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3. There was in the United States Attorney's Office the Sunday before the trial a quarrel between HYDE and KEENAN and that was due to the fact that HYDE told KEENAN he would assume the responsibilities as KEENAN wanted to run the show. There was no ill feeling in the Courtroom. KEENAN never attempted to fire HYDE. HYDE did discharge responsibilities.

4. HODGES stated he was very hazy on the details but to his knowledge the telephone operator did not intercept any message involved BAILEY.

5. HODGES stated he did not know of any conflict of interest on the part of the defense attorney.

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate Aug. 8, 1958

Mr. JAMES H. MATHERS, Mathers Ranch, Tupelo, Oklahoma, advised that he represented HARVEY BAILEY during the first trial. He stated in his opinion, BAILEY was used as a guard at the SHANNON farm during the time that Mr. URSCHER was held captive there. He advised that should his services be needed by the Government during the coming hearing, he would be willing to attend and testify for the Government.

Mr. MATHERS advised he has been and is ill, making it necessary for him to get his rest each afternoon.

Interview with Mr. JAMES H. MATHERS File # 7-6
on 7/25/58 at Tupelo, Oklahoma Date dictated 7/25/58
by Special Agent [REDACTED] b7C

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate Aug. 8, 1958

JIMMY MATHERS, County Attorney, Coal County, Coalgate, Oklahoma, advised he was formerly attorney for HARVEY BAILEY and became so because in 1933, attorneys SCOTT, McCLAIN & SAYRE of Fort Worth, Texas, telephonically contacted him, asking him to meet them in Dallas, Texas. He stated upon arrival in Dallas, the attorneys told him that HARVEY BAILEY, who was being held in the Dallas County Jail on charges of kidnapping CHARLES F. URSCHEL in Oklahoma City, Oklahoma, wanted to see him.

MATHERS advised WALTER SCOTT, the Fort Worth attorney and himself, went to the United States Marshal's Office in Fort Worth where the Marshal advised them that when BAILEY was arrested, he had on his person a machine gun and \$700.00 in marked URSCHEL ransom money. He stated the Marshal and SCOTT went with him to visit BAILEY and on this occasion, he talked with BAILEY through the bars of the jail.

Mr. MATHERS advised that BAILEY told him he desired to employ him (MATHERS) as his attorney and at this same time BAILEY told him he would waive extradition and go on to Oklahoma City for trial. MATHERS stated a few days later BAILEY escaped from the Dallas County Jail and he learned of BAILEY's escape through the newspapers. Mr. MATHERS stated he next saw BAILEY in the Oklahoma County Jail at Oklahoma City, after BAILEY had been recaptured.

Mr. MATHERS advised that while BAILEY was in the Oklahoma County Jail awaiting trial, that he was permitted to see BAILEY at any time and had every privilege of visiting BAILEY in private and at no time were BAILEY's rights violated in reference to his rights of an attorney.

At the trial in Oklahoma City on September 18, 1933, HARVEY BAILEY, BOSS SHANNON, ARON SHANNON, Mrs. SHANNON and BATES were tried and he, Mr. MATHERS, represented only HARVEY BAILEY and as a result of his representing only HARVEY BAILEY, there was never any conflicting interests on his part during this trial. He stated SCOTT, McCLAIN & SAYRE represented the SHANNONS and BEN LASKY represented BATES.

MATHERS stated he did represent KATHERINE KELLY at a later trial but she was not apprehended until the last day of the

Interview with JIMMY MATHERS File # 7-6
on 7/29/58 at Tupelo, Oklahoma Date dictated 8/1/58
by Special Agent [REDACTED] b7c

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trial of HARVEY BAILEY and his representing KATHRYN KELLY had no bearing on his handling of the BAILEY trial.

He advised there was nothing said to the attorneys by Federal officers and there was no intimidation and at no time was he ever in fear of indictment of himself or of his son during the trial of BAILEY.

He stated HERBERT HYDE and Mr. KEENAN during the trial were courteous and polite and he knew of no bickering between them and neither did he know of any jealousy existing between them. He further stated that he knew of no false testimony presented by the prosecution and did not recall any contradiction of testimony.

He stated that in regard to the claim that BAILEY was denied compulsory service of process, there was no witness that could have been used in the trial by the defense and he (MATHERS) asked BAILEY if he wanted to take the stand and BAILEY did not want to because of previous robbery indictments. He stated BAILEY had no witness he could have subpoenaed.

Mr. MATHERS advised there were newspaper men and photographers but they only took pictures during court recesses and before and after court and to the best of his memory no defense attorney or attorney for the prosecution ever made any objection to the taking of the photographs and as far as he knew the taking of the photographs at no time caused any variation in the usual court procedure and had no known bearing on the outcome of the trial.

Mr. MATHERS advised the only armed persons he saw at the trial was on the floor below the courtroom and they were used only for the taking of the usual precautionary measures. All persons going to the courtroom were let off the elevator on the floor below the courtroom and had to walk the final floor and to the best of his knowledge there were no guns on the courtroom floor, at least none could be seen.

Mr. MATHERS stated that he had plenty of time to prepare a defense for BAILEY; there were no witnesses they could get and he did have private interviews with BAILEY. He stated that at no time during the trial did any of the defense attorneys know they were being investigated and neither were they interviewed by Federal Officers during the trial and there was no reason for himself or any attorney to be in fear of indictment.

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Mr. MATHERS added that he knew of no one being searched for guns and all the attorneys agreed to the taking of photographs and further that HARVEY BAILEY was not brought into the Courtroom handcuffed; however, he probably was handcuffed between the jail and the Courtroom.

Mr. MATHERS stated the above information is to the best of his knowledge, and he can remember nothing which would indicate that the rights of HARVEY BAILEY had been violated.

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate Aug. 8, 1958

[REDACTED] advised that he was a juror during the first, or SHANNON trial.

He recalled that HERBERT HYDE prosecuted the case; there was no confusion in the Courtroom other than one incident when a relative of the SHANNONS or KELLYS entered the Courtroom and began waving his arms. The man was removed from the room and the trial proceeded.

[REDACTED] could not recall a display of firearms in the Courtroom by officers of Court officials. He stated there were machine guns in the corridors and on the landing between the ninth and eighth floors of the Federal building. He advised that in his opinion the defendants in the first trial received fair and courteous treatment.

[REDACTED] was unable to recall whether there were news reel cameras in the courtroom or not, and did not recall photographs being taken during the actual trial of the case, but did recall photographs were taken before Court was in session. He stated that in this regard, pictures might have been taken, and he would not recall it because the case was tried 25 years ago. [REDACTED] recalled the jurors were kept in the Bristol hotel.

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Interview with [REDACTED] File # 7-6
on 8/1/58 at Oklahoma City, Oklahoma Date dictated 8/1/58
by Special Agent [REDACTED]

FEDERAL BUREAU OF INVESTIGATION
INTERVIEW REPORTDate Aug. 8, 1958

[REDACTED] Oklahoma City, stated he was a juror in the GEORGE KELLY and KATHRYN KELLY trial in Oklahoma City. He was called as the alternate juror and was present during the complete trial but did not get to vote.

He recalled that he sat next to the witness chair during the trial. There was a lot of confusion in the Courtroom, photographers took pictures during the trial and numerous flash bulbs were used. He could not recall whether there were armed guards in the Courtroom, but did recall there were armed guards in the hallways, because a threat had been made to rescue the KELLYs or to bomb the courtroom. He could not recall a newsreel photographer in the courtroom.

[REDACTED] stated he and other members of the jury were housed in the Bristol Hotel.

All b7C

Interview with [REDACTED] File # 7-6
on 7/30/58 at Oklahoma City, Oklahoma Date dictated 7/30/58
by Special Agent [REDACTED]

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[REDACTED] Oklahoma City, Oklahoma, and [REDACTED] on July 30, 1958, advised they received summons to report for jury duty in this case but each was excused.

[REDACTED] Oklahoma City, Oklahoma, on July 30, 1958 checked records and contacted numerous employees in an effort to identify the reporter who wrote the article in the "Daily Oklahoman", issued September 29, 1933, which reports an interview with HARVEY BAILEY and ALFRED BATES, during which BAILEY stated he had received a fair trial.

[REDACTED] advised she was unable to identify the reporter, since there is no "by line" on the article. She suggested that possibly [REDACTED] retired reporter, might recall the reporter. She advised that [REDACTED] was [REDACTED] at the time, and is now Chief of the Associated Press News Bureau in Washington, D. C.

[REDACTED] Oklahoma City, Oklahoma, on July 31, 1958, advised he had no idea who might have written this article.

[REDACTED] reporter for the "Daily Oklahoman", who was interviewed on July 31, 1958 advised he had no idea who might have written the article above described.

In an effort to locate [REDACTED] a driver for the Yellow Cab Company, who resides at the Dean Hotel, Oklahoma City, Oklahoma, it was determined that [REDACTED] suffered a heart attack, and on July 30, 1958 was confined in Room 204 of Mercy Hospital in Oklahoma City, in critical condition.

On August 7, 1958 Deputy U. S. Marshal, [REDACTED] advised he has a subpoena for [REDACTED] but that [REDACTED] is still confined in Mercy Hospital where he is listed on the critical list and can have no visitors.

In an effort to locate the missing transcript in the KATHRYN THORNE KELLY trial it is suggested that cases tried in Oklahoma subsequent to 1933 might contain the missing transcript.

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Mr. PAUL CRESS, United States Attorney, Oklahoma City, Oklahoma, and Mr. B. HAYDEN CRAWFORD, United States Attorney, Tulsa, Oklahoma, where such cases were tried, checked the records of their offices and the records of the Federal Records Center in Fort Worth, Texas, where their old files are stored, in an effort to locate the missing transcript, with negative results.

The Minneapolis Office was requested to check with United States Attorneys in Minnesota and South Dakota, in an effort to determine whether the missing transcript could have been borrowed and used by U. S. Attorneys there in the prosecution of the WILLIAM A. HAMM, Jr.; and the CHARLES BOETTCHER, II, kidnappings.

Attorney General JOHN ANDERSON, Jr., Topeka, Kansas, on August 1, 1958, advised he had been informed concerning the hearing to be held at Oklahoma City, Oklahoma for HARVEY J. BAILEY on September 30, 1958 and would take appropriate action, without delay, to obtain custody of BAILEY in the event he is released from Federal custody at the hearing.

In this connection, Mr. CRESS has advised Kansas State Authorities should forward their warrant or detainer to the Oklahoma County Sheriff's Office, Oklahoma City, Oklahoma.

The Los Angeles Office, on August 4, 1958 advised that [REDACTED], Federal Records Center, Wilmington, California, advised on July 31, 1958 that the missing transcript of testimony in the KATHRYN THORNE KELLY trial was not contained in that repository

The Chicago Office, under date of August 4, 1958 advised that on July 28, 1958 [REDACTED]

[REDACTED] Federal Records Center, Bedford Park, Illinois, advised that records are filed in boxes or files by number and there was no feasible way of attempting to locate the missing transcript. She did search through a number of documents but was unable to locate the transcript.

The Seattle Office, under date of August 5, 1958, advised

OC 7-6

that [REDACTED] Federal Records Center, Seattle, Washington, stated on August 4, 1958 that items are filed by number and not by name, however the records stored there in the WEYERHAEUSER kidnaping case, were reviewed in May, 1958, in an effort to locate the missing transcript, with negative results.

The Minneapolis Office, on August 5, 1958 advised that the office of the United States Attorney, at St. Paul, Minnesota, has no record of the missing transcript of testimony, and the office of the United States Attorney, at Sioux Falls, South Dakota has no record of the missing transcript.

The St. Louis Office, on July 28, 1958 advised that [REDACTED], Reference Service Branch, Federal Records Center, St. Louis, Missouri, advised no record could be located for the missing transcript.

The following is a description of HARVEY J. BAILEY, with aliases J. J. BRENNAN, JOHN BROWN, F. J. BLOOM, J. P. BLOOM, SAM JONES:

Race:	White
Sex:	Male
Age:	45 (in 1933)
Height:	5' 11½
Weight:	180 lbs.
Hair:	Black - gray
Eyes:	Brown
Nationality:	American; Scotch-Irish descent.
Scars:	Bullet scar in leg.
Father:	Captain JOHN BAILEY, Green City, Missouri.

All b7C

-P-

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (7-115)

DATE: 8-11-58

FROM : SAC, OKLAHOMA CITY (7-6)

SUBJECT:

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

OO: OC

Rerep SA [REDACTED] OC, 8-11-58, which is
enclosed.

REFERENCE

Report SA [REDACTED] 7-11-58, Oklahoma City.

ADMINISTRATIVE

Mr. PAUL CRESS, United States Attorney, Oklahoma City,
Oklahoma, has been kept informed of efforts being
made by HARRY J. BAILEY to obtain a parole.

Mr. CRESS has also been furnished copies of reports
relating to the interview of Attorneys JAMES H. and
JAMES C. MATHERS in connection with the escape of
HARVEY J. BAILEY from the Dallas County Jail on
9-4-33.

All leads to auxiliary offices were set out by airtel
as the information was developed.

LEADS

ENCLOSURE THE OKLAHOMA CITY OFFICE
AT OKLAHOMA CITY, OKLAHOMA

REC-98

EX-135

Will follow and report developments in the BAILEY hearing,
and the results; as well as any action taken on the appeal
by the Government of the Court's decision in connection
with the hearing in the case of ORA L. SHANNON and
KATHRYN THORNE KELLY?

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

REC-98

EX-135

24 AUG 14 1958

50 SEP 16 1958

All b7C

FEDERAL BUREAU OF INVESTIGATION

Reporting Office MINNEAPOLIS	Office of Origin OKLAHOMA CITY	Date 8/13/58	Investigative Period 8/5, 13/58
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:

Missing KELLY transcript not located in files of USA at
Sioux Falls, South Dakota.

- RUC -

DETAILS

United States Attorney CLINTON G. RICHARDS, Sioux Falls, South Dakota, was contacted on August 5, 1958, by SA [REDACTED]. With reference to the missing KELLY transcript, Mr. RICHARDS pointed out that [REDACTED] was found "not guilty" in United States District Court at Pierre, South Dakota, in 1933. Mr. RICHARDS related the [REDACTED] file was destroyed by the United States Attorney's office in Sioux Falls in January of 1955.

Mr. RICHARDS caused a thorough check to be made of his files and informed that the KELLY transcript is definitely not in the files of the United States Attorney at Sioux Falls, and, as indicated above, no records remain.

Approved <i>[Signature]</i>	Special Agent in Charge	Do not write in spaces below		
Copies made: ① - Bureau (7-115) 1 - USA, Sioux Falls 3 - Oklahoma City (7-6) (1 - USA, Oklahoma City) 1 - Minneapolis (7-8)		7-115-	2530	REC-5
		15 AUG 15 1958		
		[REDACTED]		

54
60 AUG 20 1958

STAT. SECT.

All 67C

MP 7-8

in the files of the United States Attorney at Sioux Falls
relative to this case.

- RUC -

Office Memorandum • UNITED STATES GOVERNMENT

TO :

DIRECTOR, FBI (7-115)

DATE: 8/13/58

FROM :

SAC, MINNEAPOLIS (7-8)

SUBJECT:

GEORGE KELLY BARNES, was.; ET AL;
CHARLES F. URSCHER - VICTIM
KIDNAPING
(OO: OKLAHOMA CITY)

Enclosed is the report of SA [REDACTED]
dated as above at Minneapolis.

REFERENCES

Report of SA [REDACTED] dated 8/8/58,
at Minneapolis.

Report of SA [REDACTED] dated 8/8/58,
at Kansas City.

- 1 - Bureau (Enc. 1)
- 2 - Oklahoma City (7-6) (Encs. 3)
- 1 - Minneapolis

[REDACTED]
(4)

All b7C

707

REC-5 7-115-2551

EX-102 15 AUG 15 1958

REC 19 3 13 PM '58

ENCLOSURE

REC-5

60 AUG 29 1958

FBI

Date: 8/5/58

Transmit the following in

PLAIN

(Type in plain text or code)

Via AIR-TEL

AIR MAIL

(Priority or Method of Mailing)

M. Tolson _____
 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, SEATTLE (7-179)

GEORGE KELLY BARNES, was.; ET AL;
 CHARLES F. URSCHER - VICTIM;
 KIDNAPPING
 OO - OKLAHOMA CITY

BUDED: INVESTIGATION MUST BE COMPLETED BY 8/10/58.

Re Portland airtel 7/31/58 and Oklahoma City
 airtel 7/31/58.

[REDACTED] Federal Records Center, GSA, Naval
 Air Station, Seattle, advised on 8/4/58 that all records
 at center filed by number and not by name. To make any
 search, must furnish USA docket number of a specific case
 file. In 5/58, reviewed at Records Center, United States
 vs. HARMON W. WALEY; ET AL; Weyerhaeuser Kidnapping case
 in effort to locate transcript of testimony of KATHRYN
 THORNE KELLY with negative results.

Portland should contact USA to determine if
 that office in any case could have borrowed transcript
 KELLY case for use in preparing similar type kidnapping
 case and possibly failed to return transcript. If such
 is possible situation, obtain docket number so file can
 be checked at Federal Records Center.

3 - Bureau (AM)
 2 - Oklahoma City (7-6)(AM)
 2 - Portland (7-7)(AM)
 1 - Seattle

REC-71

24 AUG 15 1958

EX-128

50 AUG 20 1958

Approved: _____

Sent _____

M

Per _____

C C - Wick

Special Agent in Charge

All b7C

F B I

Date:

Transmit the following in _____
(Type in plain text or code)Via _____
(Priority or Method of Mailing)

SE 7-179

No further action will be taken by Seattle Office in absence of instructions from Bureau. No report will be submitted by Seattle Office, unless specific file search requested.

- RUC -

- 2 -

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

FBI

Date: Aug. 8, 1958

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)
 SUBJECT: GEORGE KELLY BARNES, Was., ET AL;
 CHARLES F. URSCHER - VICTIM
 KIDNAPING
 (Oklahoma City Origin)

Remyairtel August 8, 1958.

USA PAUL CRESS on August 8, 1958, advised he did not desire to have [REDACTED], who was the Federal Jail Physician during 1933, interviewed at this time concerning whether KATHRYN KELLY was undernourished while in the Oklahoma County Jail awaiting trial. He pointed out he did not desire to keep opening up various avenues of attack for Mr. LAUGHLIN.

On August 8, 1958, CRESS talked to Mr. RYAN, of the Appellate Division of the Department. Mr. RYAN had read the transcript of the KATHRYN THORNE KELLY - ORA L. SHANNON hearing and was of the opinion the Government has grounds for appeal. RYAN advised a lengthy summary would be prepared and submitted to the Solicitor General and a copy of the summary will be furnished to CRESS. u

Mr. CRESS states if the appeal is made, we will have about two months time to get ready for either a further hearing or to re-try the case. He states if the case is remanded for retrial, he and the Department will need a report of re-investigation before they can decide whether to attempt to re-try the case or not.

UACB, a review of this file will be made in an effort to locate the original witnesses and available evidence so that leads may be set out immediately in the event the case is remanded for a new trial.

REC-97
DOYLE

(4) F64 Cc Supv.

60 AUG 19 1958

13 AUG 11 1958

Approved: _____
 Special Agent in Charge

Sent _____

M Per _____

All b7C

FBI

Date: 8/8/58

Transmit the following in _____

(Type in plain text or code)

Via AIRTEL

AIRMAIL

(Priority or Method of Mailing)

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

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

USA PAUL CRESS, Oklahoma City, on 8/7/58 advised he received the transcript of testimony in the hearing of KATHRYN THORNE KELLY and ORA L. SHANNON on 8/4/58. The decision to appeal is to be made by the solicitor general and not by the Department or CRESS. He is submitting a letter to the Department advising he feels he, CRESS, should take a part in the argument before the Circuit Court since he is familiar with the evidence in the case.

On 8/7/58 Mr. CRESS visited with USDJ WILLIAM R. WALLACE, Oklahoma City, in connection with the BAILEY hearing, and advised the court he plans to file a motion asking for a continuance in the hearing. CRESS feels the hearing for BAILEY should not be held until after the KELLY, SHANNON matter is decided. Judge WALLACE indicated he felt such a motion would be proper but requested it not be filed until after Labor Day.

Reference is made to Bureau airtel of 7/25/58. The two reports referred to, dealing with the interrogation of Attorneys JAMES H. and JAMES C. MATHERS concerning the escape of BAILEY from the Dallas County Jail on 9/4/33, have been furnished CRESS. He has also been advised of the activities of Mr. E. E. KIRKPATRICK in an effort to secure a parole for HARVEY BAILEY.

This matter is being followed closely and the Bureau will be kept advised.

DOYLE

③ - Bureau
 ① - Oklahoma City

Approved: _____

Sent _____

M

Per _____

50 AUG 20 1958 Special Agent in Charge