CHARLES "PRETTY BOY" FLOYD
KANSAS CITY MASSACRE
62-28915 SUB A
SECTION 11

SUBJECT CHARLES "PRETTY BOY" FLOYD
FRANK NASH
VERNE MILLER
ADAM RICHETTI
KANSAS CITY MASSACRE

FILE NUMBER 62-28915 SUB A

SECTION NUMBER 11

SERIALS DECEMBER 1934 — JUNE 1935

TOTAL PAGES 246

PAGES RELEASED 246

PAGES WITHHELD 0

EXEMPTION(S) USED NONE

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman..
Chief Clerk.....
Mr. Coffey.....
Mr. Edwards.....
Mr. Egan.....
Mr. Harbo.....
Mr. Keith.....
Mr. Lester.....
Mr. Quinn.....
Mr. Schilder.....
Mr. Tamm.....
Mr. Tracy.....
.....

WOMAN'S HAND IN KANSAS CITY MASSACRE OF 5!

Vivian Mathis Admits Guilt in Court; Government to Use Mrs. Nash to Bolster Case

KANSAS CITY, Dec. 31.—(AP)—More than eighteen months after machine-gunners shot down four officers and Frank Nash, their prisoner, at the door of Kansas City's Union Station, the government tonight obtained its first admission of guilt.

Interrupting the trial of eight defendants, Mrs. Vivian Mathis, who lived here as the wife of the late Verne C. Miller, pleaded guilty to a charge of conspiracy to liberate Nash.

Others on trial are Mr. and Mrs. Richard T. Galatas of New Orleans, Mr. and Mrs. Herbert Allen Farner of Joplin, Mo., Louis Stacci, Chicago night club operator; Mrs. Frances Nash, widow of the slain convict, and Frank B. Mulloy of Kansas City.

The prosecution announced tonight that charges against Mrs. Nash would be dismissed and that she would be called as a government witness.

COURT URGES SPEED.

Urging necessity for speed, Federal Judge Merrill F. Otis told the jury it would work day and night until a verdict is reached. There will be no recess New Year's.

The guilty plea of Mrs. Mathis was made in the presence of the jury, over the protest of defense attorneys that it might be prejudicial to their case.

ARRESTED AT HOT SPRINGS.

Nash, who had escaped from the penitentiary at Leavenworth, was arrested at Hot Springs, Ark., June 16, 1933.

The government alleges that Mrs. Nash arranged the plot whereby "Pretty Boy" Floyd, Verne Miller and Adam Richetti were waiting at the station June 17 when Nash arrived.

Nash, Otto Reed, McAlester, Okla., police chief; Federal Agent Raymond Caffrey and City Detectives Frank Hermanson and William Grooms were killed and two federal agents were wounded when the gunmen opened fire after the officers had declined to raise their hands.

WHD'C

62-28915-17

Chicago Herald & Examiner

1-1-35

THE MASSACRE CONSPIRACY JURY.

Seated, left to right, are H. S. Wintermute, T. R. Thompson, Pearl Prasee, H. M. Walker (thirteenth juror), F. M. Story; standing, left to right, W. W. Harmon, J. O. Scott, William H. Pevertorff, Jake Hoke, O. O. Maxwell, [illegible] N. Wrong, George L. Mullins and Leslie Ribert. The

ANSAS CITY STAR: TUESDAY, JANU

DEATH IN A CAL

Frances Nash Says Message From Joplin Resulted in Union Station Massacre.

PUT IN BY MRS. FARME

Conversation With Verne Miller Was About Capture of Frank Nash.

GALATAS ALSO HAD A PAR

He Was Present When the News Was Given Miller Here, She Testifies.

PROMISE OF FREEDOM.

Frances Nash testified in the federal court late today that she had been promised immunity if she told the whole truth in the union station massacre trial.

Maurice M. Milligan, United States district attorney, asked her:

"Was there an agreement between you and your attorney and a former district attorney that you would not be prosecuted if you told the truth, and was not I, a party to that agreement?"

Frances Nash, in a small voice, answered:

"Yes."

The telephone call that laid the foundation for the attempted release of Frank Nash, therefore the slaying of five men at the union station plaza, June 17, 1933, was made from Joplin to Kansas City just before midnight the night before the massacre, Frances Nash, widow of the slain gangster, said on the witness stand in the federal court today.

The government holds that the slayings were done by Verne C. Miller, Charles (Pretty Boy) Floyd and Adam Richetti. Mrs. Nash testified that Mrs. Herbert Farmer called Verne Miller in Kansas City from the

Frances Nash, Who Told Fed-eral Court Today That Promise Of Immunity Was Made Her Provided She Told Truth in Kansas Massacre Trial.

DEATH IN A CALL

(Continued From Page One.)

told him I couldn't. He told me to go to my mother's and I told him I couldn't do that."

The woman further testified Miller said to her: "Don't carry on so, you'll see 'Jelly' again."

She said she was crying by that time and that apparently Miller became disgusted with her and hung up the receiver.

Did Not Pay For Calls.

Frances Nash testified she did not pay for any of the telephone calls made from Hot Springs, and did not know who paid for them. She said Galatas arranged the airplane trip to Joplin, paid the pilot, and got in touch with Herbert Farmer.

Mrs. Galatas, the witness testified, in a telephone call from Hot Springs to the Farmer home, gave the information that Nash was in custody of federal agents who were taking him to Fort Smith.

Mrs. Farmer made a telephone call to Miller at Kansas City. Frances Nash talked to Miller, she testified, as did Galatas, who, she related, told Miller Nash was being taken to Kansas City by train from Fort Smith.

During the testimony, Judge Otis instructed the jury, at the request of defense attorneys, that it appeared the statements of the witness related only to Galatas, and the jury should receive the testimony in that way.

Ask About the Charges.

In the midst of the recital by the witness, attorneys for the defense raised the question as to what had become of the charges against Mrs. Nash. Milligan said at the proper time he would give his attention to the charges, and added, when he was asked another question relating to the same matter, that at his convenience he would move dismissal of the charges against her.

Milligan inquired what routine Nash had followed two days before the massacre, June 15, the witness said they went to Hot Springs together from their tourist camp home, and Nash stopped at the White Front cigar store.

"Who was running the White Front at the time?" Milligan asked.

"Dick Galatas was the one everyone seemed to look up to," the witness answered.

The answer brought forth objections, and the witness was admonished not to give speculative information.

Went to Hot Springs.

The routine followed by Nash June 15 was asked about, and the witness said Nash went to Hot Springs as usual.

It was some time after noon that Galatas drove into the camp and met Frances Nash. He told her, the gangster's widow testified today, that "they have got Frank." Galatas ordered her, the witness said, to get her things ready and leave as "they may come after you."

Galatas and Frances Nash got into the car and the drive to Hot Springs began. Galatas stopped at a small railroad station to make an inquiry, and reported "no news." They stopped at the White Front, Galatas went inside and returned to report "no news."

Three Men Go In.

Nash, it appeared from the story related by the witness, had been drinking beer in the White Front when three men entered and with drawn revolvers, compelled Nash to go with them. Galatas, according to the testimony, gave the witness the impression that federal agents had arrested Nash, and that Nash had not been kidnaped.

Frances Nash identified Herbert Nash, then known to her as Miller, appeared at the home of her parents at Aurora, Mo., November, 1931. On introducing himself as Nash, and known that of the parents took to "Jelly," as she had always

Mr. Tracy

The conspiracy indictment. [illegible] Vivian Mathis, entered a plea of [illegible] the charge before the taking of [illegible] timony in the trial by the [illegible] Otis at federal court [illegible]

Nine Defendants Present.

The six remaining [illegible] turned puzzled looks toward Frances Nash when her name was called, watched the slender, woman [illegible] firmly to the witness stand, studied her intently as she [illegible] the court administered the oath. Nash responded to the call [illegible] subdued "I do."

Adjusting herself in the chair, Frances Nash gave a quick survey of the courtroom, allowing her eyes to travel quickly across the faces of the six men and [illegible] became involved in the [illegible] charges of conspiracy, [illegible] efforts to aid Frank Nash. The gangster's widow faced the jury as Milligan began his examination.

Frances Nash was born in Mi[illegible]ola, she testified, and had been graduated in the public schools of that state. She did not name the city. Her maiden name was Nichols. She said After completing a high school co[illegible] the witness testified, she attended state normal school at Stevens P[illegible] Wis., and taught school in [illegible] Point. She gave her age as 32.

She had been married, she said, in [illegible] to a man named Wayne Loce.

Frances Nash said she and her husband, Wayne Loce, went to Mc[illegible] Park, near Chicago, and operated a dog kennels there owned by a Chicago stock broker. Next door to [illegible] kennels was the night club of [illegible] (Doc) Stacci, a defendant in [illegible]

Work in Club.

She said the club was known as the "O. K. Inn" and that before [illegible] time she obtained employment in [illegible] the kitchen. She and her husband continued at the kennels and their receipts [illegible] a month, [illegible] place to live, she said.

It was at the Stacci club, Nash said, that she met Frank Nash later her husband, and Verne Miller regarded by the government as one of the three killers in the station plaza slayings.

Milligan showed Mrs. Nash a photograph.

"Yes," she said, "I knew that [illegible] as Verne Mason, Verne Miller Verne C. Miller."

She met Miller, she said, before met Nash. Both of them, she [illegible] were guests at the club.

In response to a question, Mrs. [illegible] said she was divorced from Loce 1930 and that by that marriage had a daughter, now 7 years old.

Knew Vivian Mathis.

She testified also that she [illegible] Vivian Mathis, another of the defendants in the case, who was the companion at Kansas City of the Verne Miller. Mrs. Nash said she the other woman at Doc Stacci's p[illegible]

The witness then was asked by Milligan to point out Stacci. Apparently anticipating the sign upon Nash's part, Stacci stood up. The in the courtroom smiled as he did and the witness and Stacci exchanged smiles. As Stacci seated himself again, Mrs. Nash explained she knew Stacci well, that he frequently had gone into the kitchen of his restaurant near Chicago in which she was employed.

CENTERS ON GALATAS TOD

Testimony To Stress [illegible] Attorney Says.

[illegible] testimony brought out today in the trial of [illegible] conspiracy case in the [illegible] Tillman Galatas, [illegible]

Mr. [illegible]
Mr. [illegible]
Mr. Ro[illegible]
Mr. Ha[illegible]
Mr. Kei[illegible]
Mr. Le[illegible]
Quin[illegible]
Schilder
Tamm
Mr. Tracy

[DEAT]H IN A CAL[L]

[Na]sh Says Message Fro[m] ... Resulted in Union [St]ation Massacre.

BY MRS. FARME[R]

... With Verne Mill[er] About Capture of Frank Nash.

ALSO HAD A PAR[T]

[illegible]

DEATH IN A CALL

(Continued From First Page.)

told him I couldn't. He told me to go to my mother's and I told him I couldn't do that."

The woman further testified Miller said to her: "Don't carry on so, you'll see 'Jelly' again."

She said she was crying by that time and that apparently Miller became disgusted with her and hung up the receiver.

Did Not Pay for Calls.

Frances Nash testified she did not pay for any of the telephone calls made from Hot Springs, and did not know who paid for them. She said Galatas arranged the airplane trip to Joplin, paid the pilot, and got in touch with Herbert Farmer.

Mrs. Galatas, the witness testified, in a telephone call from Hot Springs to the Farmer home, gave the information that Nash was in custody of federal agents who were taking him to Fort Smith.

Mrs. Farmer made a telephone call to Miller at Kansas City. Frances Nash talked to Miller, she testified, as did Galatas, who, she related, told Miller Nash was being taken to Kansas City by train from Fort Smith.

During the testimony, Judge Otis instructed the jury, at the request of defense attorneys, that it appeared the statements of the witness related only to Galatas, and the jury should receive the testimony in that way.

Ask About the Charges.

In the midst of the recital by the witness, attorneys for the defense raised the question as to what had become of the charges against Mrs. Nash. Milligan said at the proper time he would give his attention to the charges, and added, when he was asked another question relating to the same matter, that at his convenience he would move dismissal of the charges against her.

Milligan inquired what routine Nash had followed two days before the massacre. June 15, the witness said they went to Hot Springs together from their tourist camp home, and Nash stopped at the White Front cigar store.

"Who was running the White Front at the time?" Milligan asked.

"Dick Galatas was the one everyone seemed to look up to," the witness answered.

The answer brought forth objections, and the witness was admonished not to give speculative information.

Went to Hot Springs.

The routine followed by Nash June 16 was asked about, and the witness said Nash went to Hot Springs as usual.

It was some time after noon that Galatas drove into the camp and met Frances Nash. He told her, the gangster's widow testified today, that "they have got Frank." Galatas ordered her, the witness said, to get her things ready and leave or "they may come after you."

Galatas and Frances Nash got into the car and the drive to Hot Springs began. Galatas stopped at a small railroad station to make an inquiry, and reported "no news." They stopped at the White Front, Galatas went inside and returned to report "no news."

Three Men Go In.

Nash, it appeared from the story related by the witness, had been drinking beer in the White Front when three men entered and with drawn revolvers compelled Nash to go with them. Galatas, according to the testimony, gave the witness the impression that federal agents had arrested Nash, and that Nash had not been kidnaped.

Frances Nash [illegible] that when Nash, then known to her as Miller, appeared at the home of her parents at Aurora, Minn., November [illegible], 1931, she introduced [illegible]

... the conspiracy indictment. Yesterday Vivian Miller, alias Vivian Mathis, entered a plea of guilty to the charge before the taking of testimony in the trial before Judge Merrill E. Otis in federal court had begun.

The Defendants Watch.

The six remaining defendants turned puzzled faces toward Frances Nash when her name was called, and watched the slender woman walk firmly to the witness stand. They studied her intently as the clerk of the court administered the oath. Mrs. Nash responded to the oath with a subdued "I do."

Adjusting herself in the witness chair, Frances Nash gave a hurried survey of the courtroom, allowing her eyes to travel quickly across the faces of the six men and women who had become involved in the criminal charges of conspiracy through their efforts to aid Frank Nash. The convict's widow faced the jury as Milligan began his examination.

Frances Nash was born in Minnesota, she testified, and had been educated in the public schools of that state. She did not name the city. Her maiden name was Nichols, she said. After completing a high school course, the witness testified, she attended a state normal school at Stevens Point, Wis., and taught school in Stevens Point. She gave her age as 32. She had been married, she said, in 1924, to a man named Wayne Luce.

Frances Nash said she and her husband, Wayne Luce, went to Melrose Park, near Chicago, and operated the dog kennels there owned by a Chicago stock broker. Next door to the kennels was the night club of Louis (Doc) Stacci, a defendant in the case.

To Work in Club.

She said the club was known as the "O. P. Inn" and that after a time she obtained employment there in the kitchen. She and her husband continued at the kennels also, where they received $60 a month and a place to live, she said.

It was at the Stacci Club, Mrs. Nash said, that she met Frank Nash, later her husband, and Verne Miller, regarded by the government as one of the three killers in the station plaza slayings.

Milligan showed Mrs. Nash a photograph.

"Yes," she said, "I knew that man as Verne Mason, Verne Moore and Verne C. Miller."

She met Miller, she said, before she met Nash. Both of them, she said, were guests at the club.

In response to a question, Mrs. Nash said she was divorced from Luce in 1930 and that by that marriage she had a daughter, now 7 years old.

Knew Vivian Mathis.

She testified also that she knew Vivian Mathis, another of the defendants in the case who was the companion at Kansas City of the late Verne Miller. Mrs. Nash said she met the other woman at Doc Stacci's place.

The witness then was asked by Milligan to point out Stacci. Apparently anticipating the act on Mrs. Nash's part, Stacci stood up. [illegible] in the courtroom smiled as he did [so] and the witness and Stacci exchanged smiles. As Stacci seated himself again, Mrs. Nash explained she knew Stacci well, that he frequently had gone into the kitchen of [illegible] near Chicago in which she was employed.

CENTERS ON GALATAS TO[DAY]

[illegible]

Testimony brought out ... [illegible]

... back to Hot Springs that same ni[ght] but that because he had landed at the old airport, where there [were] no facilities for obtaining oil or gas[o]line, he was unable to leave on a return trip until the next morning.

Stover said he went to a hotel [in] Joplin and did not see Galatas u[ntil] the next morning at the airport, wh[en] both of them flew back to [Hot] Springs.

Identified as Mrs. Nash.

It was the woman, identified [as] Mrs. Nash by the government, w[ho] paid him for the trip when she, Gala[tas] and the little girl left the plane, Stover said.

The trail of Galatas, Mrs. Nash a[nd] Mrs. Nash's small daughter from th[e] time the Stover plane landed the[m] at the Joplin airport, was taken [up] by Wilson through the examinatio[n] of Forest F. Johnson, a Joplin [cab] driver.

Johnson testified that he receive[d] a call to the old airport at Joplin an[d] that he picked up as passengers a man, a woman and a little girl, at a night club near the airport and too[k] them to a drug store in downtow[n] Joplin. He said he couldn't identif[y] any of his passengers. The hour o[f] the receipt of the call for service a[s] given by Johnson coincided with th[e] hour of the arrival of the Stove[r] plane at the airport.

J. E. Scroggins, head of the [illegible] bureau of identification at Ho[t] Springs, was the first witness called today by the government. He wa[s] examined by Wilson.

Reported as Kidnaping.

Scroggins testified that he received a telephone call June 16, the day be[fore] the slayings here, from Herbert Akers, chief of police of Hot Springs, telling him of the so-called kidnaping of Nash.

Akers, next on the stand, verified the call to Scroggins and said that he told Richard T. Galatas that same day that Nash had not been kidnaped, but had been taken by federal officers. He said Galatas called him to ask him to place Galatas's car in a garage, that he (Galatas) was taking Mrs. Nash to a train. On cross-examination Akers said Mrs. Nash cried out that she did not understand why anyone would take her husband.

FRANCES NASH, WHO TOLD FEDERAL JURY THAT MRS. PARMER IDENTIFIED VERNE MILLER AS HER HUSBAND'S CAPTORS SHORTLY BEFORE KANSAS MASSACRE.

Parmer home before midnight the night before the massacre and that she (Frances Nash) talked with Miller.

Learned of the Capture.

The witness was drawn over the trail by Maurice M. Milligan, United States district attorney. She had told of learning that her husband, Frank Nash, had been arrested and spirited out of Hot Springs by three federal agents. She was at the home of Herbert Parmer, near Joplin, she said, and she, Richard Galatas and Mr. and Mrs. Parmer were sitting around a table talking. It was just before midnight, June 16, 1933.

"I asked why I had not heard from Verne Miller at Doc's," she said. "Someone said I should call Verne Miller."

Defense lawyers objected.

"Who said that?" Judge Merrill E. Otis asked.

"I don't know."

"Who was present when it was said?" Milligan asked.

"Mr. and Mrs. Parmer, Mr. Galatas and myself."

"Was a call made to Miller?" Milligan asked.

"Yes," the witness said, "Father Parmer went into the bedroom and found Miller's telephone number. She got in a cliff for him in Kansas City."

"Did you talk when the call was put through?" Milligan asked.

"Yes, I got on the line and talked to him. Miller said to me to not take it so bad. I told him about Frank being picked up and Miller said, 'Al Dick there?' meaning Richard Galatas. I told him 'Yes' and Dick talked to him."

Quoted Miller Again.

She quoted Galatas as saying to Miller over the telephone, "I just got word they are taking Nash to Fort Smith and we are to be there by 6 o'clock."

Galatas told Miller how Frank had been picked up, the witness continued. "They said before midnight and we all went to bed. About [illegible] telephone from Mrs. Parmer said she would answer it for me.

"She asked me what I was going to [illegible]

The witness brought here from [illegible] was asked about, and the witness said Nash went to Hot Springs for [illegible]

It was some time after noon that Galatas drove into the camp and met Frances Nash. He told her, the gangster's widow testified today, that "they have got Frank." Galatas ordered her, the witness said, to get her things ready and leave or "they may come after you."

Galatas and Frances Nash got into the car and the drive to Hot Springs began. Galatas stopped at a small railroad station to make an inquiry, and reported "no news." They stopped at the White Front, Galatas went inside and returned to report, "no news."

Three Men Go In.

Nash, it appeared from the story related by the witness, had been drinking beer in the White Front when three men entered and with drawn revolvers, compelled Nash to go with them. Galatas, according to the testimony, gave the witness the impression that federal agents had arrested Nash, and that Nash had not been kidnaped.

Frances Nash disclosed that when Nash, then known to her as Miller, appeared at the home of her parents at Aurora, Minn., November 1, 1931, he introduced himself to them as Frank Harrison. She said she had known him at the Stacci club as "Jelly," as she had known most of the guests, by nicknames.

In response to a question from Milligan she said she first had known Vivian Mathis, known here as the wife of Verne Miller, as "Vi Page." She met her at the Stacci club, she said. When a photograph was shown her by Milligan she identified it as that of Vivian Mathis.

Verne Miller a Visitor.

The witness said she and Nash lived at Cicero when they were in Chicago and that Verne Miller and Vivian Mathis were regular visitors at their apartment.

She said she met Mr. and Mrs. Galatas in Hot Springs; that she and Nash were invited to the Galatas home, where they ate and drank beer.

"Did you meet Mr. and Mrs. Herbert A. Farmer in Hot Springs?" Milligan asked.

"Yes," she replied, "they lived with me there for a time."

She said further that it was a custom for all of the defendants she knew to gather at the "White Front," the gambling place in Hot Springs where Galatas was employed as a gambler.

Approaching the day of the massacre, Frances Nash said that June 14 she and Nash drove to the Galatas home and visited. She said that shortly after midnight of June 15 she and Nash went to the Oak Park tourist camp at Hot Springs and were calling that home when Nash was picked up by the federal agents.

The calling of Frances Nash by Milligan revealed another break in the ranks of the eight persons named in [illegible]

[illegible] Verne Miller.

She met Miller, she said, before she met Nash. Both of them, she said, were guests at the club.

In response to a question, Mrs. Nash said she was divorced from Tony in 1930 and that by that marriage she had a daughter, now 9 years old.

Knew Vivian Mathis.

She testified also that she knew Vivian Mathis, another of the defendants in the case who was the companion at Kansas City of the late Verne Miller. Mrs. Nash said she met the other woman at Doc Stacci's place.

The witness then was asked by Milligan to point out Stacci. Apparently anticipating the act upon Mrs. Nash's part, Stacci stood up. Those in the courtroom smiled as he did so, and the witness and Stacci exchanged smiles. As Stacci seated himself again, Mrs. Nash explained she knew Stacci well, that he frequently had gone into the kitchen of his resort near Chicago in which she was employed.

CENTERS ON GALATAS TODAY

Testimony Is Directed Toward Implicating Him in Plot.

Testimony brought out by the government today in the trial of defendants in the union station machine slayings was calculated to tie Richard Tallman Galatas up directly with Frank Nash, the escaped convict whose attempted release precipitated the slayings.

Through witnesses, Randall Wilson, a United States district attorney, began following the movements of Galatas from the moment he learned that Nash had been seized by federal agents in Hot Springs.

Day Before Massacre.

John Stover, airplane pilot who [illegible] coming to Kansas City for the trial, told of taking Galatas, a woman and a baby out of Hot Springs to Joplin the morning of the day Nash was seized and the day before the slayings in Kansas City.

Stover had a plane of his own, he said, and it was chartered for the trip to Joplin.

"The woman," he said, "made the deal. I asked $100 and she tried to bargain for $90, but I held out. I flew Galatas, the woman and a little girl to the airport at Joplin, reaching there about 3:45 o'clock in the afternoon. Galatas asked me to say nothing about the trip because the woman was having trouble with her husband.

Cross-Examination.

Stover was cross-examined by Henry L. Balsley, attorney for Galatas, who sought to show that Galatas merely was aiding a woman in distress and was not a principal even in the flight to Joplin.

In answer to questions Stover said he and Galatas had exchanged [illegible]

Mr. Nathan .....
Mr. Tolson .....
Mr. Clegg .....
Mr. Baughman .....
Chief Clerk .....
Mr. Coffey .....
Mr. Edwards .....
Mr. Egan .....
Mr. Harbo .....
Mr. Keith .....
Mr. Lester .....
Mr. Quinn .....
Mr. Schilder .....
Mr. Tamm .....
Mr. Tracy .....
.....

FEARED FOR LIFE IF SHE 'TALKED,' SAYS MRS. NASH

Convict's Widow Aids U.S. in Massacre Trial.

Kansas City, Mo., Jan. 1.—(AP)—Concluding a day of startling testimony against six of her codefendants, Mrs. Frank Nash tonight told a federal court jury here that she feared for her life if she "told the truth" about an alleged conspiracy which led to the Union station massacre here June 17, 1933.

Mrs. Nash is the widow of Frank Nash, escaped federal convict who was being returned to prison by officers when machine gunners ambushed them and killed five men, Nash included.

Over strenuous defense objections, she declared that she had not told the truth previously because "I would implicate these people. I feared I would be done away with."

Asked Jail Call.

She testified that when she came to Kansas City in October to testify before the federal grand jury she was kept in the Kansas City, Kas., county jail at her own request for her protection.

The jury was told to disregard her statements concerning her fears. Mrs. Nash, her testimony today indicated, decided after first attempting to conceal facts of the case to tell everything and enter an agreement with the government whereby she would receive freedom for her testimony against Mr. and Mrs. Richard T. Galatas, Mr. and Mrs. Herbert Farmer, Fritz Mulloy, and Louis Stacci.

Maurice Milligan, U. S. district attorney, by questioning the witness, read the agreement into the court record.

Story Thrills Courtroom.

The 32 year old widow's story today kept a packed courtroom enthralled. She spoke easily of dread gangster names and of Chicago beer racket activity. The most noted of the gangsters she knew well was Verne Miller, identified by the government as the "trigger man" in the Union station massacre.

"We became one big family," Mrs. Nash responded when she was asked how she and Nash got along with Miller and Mrs. Vivian Mathis. She related that Miller and Mrs. Mathis had an apartment in Chicago where she and Nash stayed so frequently that they kept their clothes there.

Through questioning Defense Attorney Henry L. Balaban brought out that Miller had accompanied Nash and his wife to New York, where Nash underwent an operation, in 1932. Miller returned to Chicago for Mrs. Mathis and brought her to New York, Mrs. Nash testified, and the group celebrated Christmas there.

WHD 5

62-915-A

Chicago Tribune

1-2-35

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy

THE KANSAS CITY STAR. WEDNESDAY, JANUARY 2, 1935.

IMPORTANT GOVERNMENT WITNESSES.

L. G. Turrou (left) and Walter F. Trainor, federal agents, who developed much of the evidence in the union station massacre case, were on the witness stand today telling of the alleged hookup of Doc Stacel in Chicago, Frank R. (Frits) Mulloy and Verne C. Miller, in Kansas City the night before the massacre.

1R

62-28915-R

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy

THE KANSAS CITY STAR, WEDNESDAY, JANUARY 2, 1935.

ATTACK ON AGENTS

Attorney for Fritz Mulloy Says U. S. Men Threatened His Client.

JURY SENT FROM ROOM

While Arguments Are On, Testimony in Massacre Trial Is Delayed.

MOVE FAILS THE DEFENSE

Judge Otis Rules Statement of Defendant May Be Read in Court.

The jury in the union station massacre case stepped aside for a time today while James Daleo, attorney for Frank B. (Fritz) Mulloy, accused federal agents of obtaining incriminating statements from Mulloy under threats.

It wasn't a matter for a jury to hear and Judge Merrill E. Otis sent the jurors from the room in charge of a bailiff while Daleo made his protests.

An Agent on the Stand.

The break in the trial came while L. S. Turrou, a federal agent, was on the stand. Besides being a witness in the case on trial here, Turrou is a witness in the Hauptmann case beginning in New Jersey, involving the kidnaping of the Lindbergh baby.

Turrou had been asked by Randall Wilson, an assistant United States district attorney, if he knew Mulloy, one of the defendants.

"I talked with him in July, 1933, in the office used by federal agents in the Federal Reserve Bank building," he replied.

"Who was present?"

"W. G. Trainor and Dwight B. Brantley, federal agents."

"What did Mulloy say?" Wilson asked.

It was at that point that Daleo entered an objection. He said any statement taken from Mulloy on the occasion mentioned was obtained under duress, under threats.

Put in a Small Room.

Mulloy was placed on the stand. He said he was taken to the bureau of investigation in July, 1933, put in a small room and left alone. He said his attorney, Daleo, was not permitted to accompany him. Then, he said, Turrou entered.

"He came in hot, excited and mad," Mulloy said. "He said, 'Now you are going to talk, you rat,' and 'If you don't talk I'm going to throw you in jail and let you rot.'"

In answer to questions, Mulloy said there had been no physical [illegible], merely mental. He said he was at the office of the bureau three times [illegible]

WHDS

H

While Arguments Are On, Testimony in Massacre Trial Is Delayed.

MOVE FAILS THE DEFENSE

Judge Otis Rules Statement of Defendant May Be Read in Court.

The jury in the union station massacre case stepped aside for a time today while James Daleo, attorney for Frank B. (Frits) Mulloy, accused federal agents of obtaining incriminating statements from Mulloy under threats.

It wasn't a matter for a jury to hear and Judge Merrill E. Otis sent the jurors from the room in charge of a bailiff while Daleo made his protests.

An Agent on the Stand.

The break in the trial came while L. S. Turrou, a federal agent, was on the stand. Besides being a witness in the case on trial here, Turrou is a witness in the Hauptmann case beginning in New Jersey, involving the kidnaping of the Lindbergh baby.

Turrou had been asked by Randall Wilson, an assistant United States district attorney, if he knew Mulloy, one of the defendants.

"I talked with him in July, 1933, in the office used by federal agents in the Federal Reserve Bank building," he replied.

"Who was present?"

"W. G. Trainor and Dwight B. Brantley, federal agents."

"What did Mulloy say?" Wilson asked.

It was at that point that Daleo entered an objection. He said any statement taken from Mulloy on the occasion mentioned was obtained under duress, under threats.

Put in a Small Room.

Mulloy was placed on the stand. He said he was taken to the bureau of investigation in July, 1933, put in a small room and left alone. He said his attorney, Daleo, was not permitted to accompany him. Then, he said, Turrou entered.

"He came in hot, excited and mad," Mulloy said. "He said, 'Now you are going to talk, you rat,' and 'If you don't talk I'm going to throw you in jail and let you rot.'"

In answer to questions, Mulloy said there had been no physical violence, merely mental. He said he was at the office of the bureau three times in July, 1933.

Agent Trainor, mentioned by Turrou as having been present when Mulloy was questioned, was placed on the stand. He said it was his understanding at the time that Mulloy was not a prisoner, that he had appeared voluntarily and he recalled, he said, that Mulloy told informally what he knew about the case, without any threats on the part of the agents.

Recalls It From Memory.

Trainor recalled from memory and was permitted by the court to tell what Mulloy is alleged to have said while being questioned by the agents.

"He said that Doc Stacci had called his home June 16," Trainor said, "and had said he wanted to get in touch by telephone with Verne Miller. Mulloy said he had known Miller as Verne Mason. He said he tried to get in touch with Miller and called his home, talking with some woman there and telling her Stacci wanted to get in touch with Miller. Later, he said, he met Miller returning from a golf game and asked him if he had got in touch with Stacci and he said he had."

After listening to Daleo's argument, the testimony of Mulloy and a recounting of the alleged oral statement taken from Mulloy, Judge Otis overruled Daleo's objection and the case proceeded.

TELL MULLOY LINK

Two Federal Agents Testify About Statements From Him in Massacre Case.

LAZIA'S NAME DRAWN IN

A Third Agent Says Verne Miller Introduced Stacci to Kansas Citian.

A DEFENSE PROTEST FAILS

Efforts to Keep Out Statement, on Grounds of Threats, Unavailing.

THE GOVERNMENT RESTS.

The government rested its case this afternoon with groups of its witnesses not yet called to the stand. It apparently was a surprise to the defense. J. E. Brennon, finger-print expert, had been cross-examined by Henry L. Balaban, defense attorney, and turned back to Randall Wilson, government attorney, when Wilson said, "The government rests."

Immediately attorneys for the defense filed three motions, one asking for a directed verdict of acquittal, a second for a dismissal by the court and a third to strike out one or more of the three counts. Judge Otis denied all motions, saying that later he might consider striking out one or more counts. Richard T. Galatas, a defendant, was called to the stand.

The pattern of the government's case against the defendants in the union station massacre case began to grow plainer today when lawyers, drawing out witnesses, started tying up one defendant with another, attempting to show where each fitted into the conspiracy charged by the government.

It was Frank B. (Frits) Mulloy's day, his and Doc Stacci's. Witnesses were showing with their testimony why Mulloy, Kansas City gambler and bootlegger, was made a defendant. The government put on testimony that seemed to make Mulloy a link between Stacci in Chicago and Verne Miller in Kansas City in arranging for the attempted delivery of Frank Nash at the union station June 17, 1933.

Stacci Helps His Attorney.

Stacci was not reacting easily under the questioning of witnesses who were telling of the Stacci-Mulloy-Miller hookup. He was at his lawyer's elbow, suggesting questions for cross-examination.

John Lazia, slain here last summer, was brought into the case for the first time today when a federal agent testified [illegible] told him of having

Defendants to Testify.

Henry L. Balaban, an attorney for the defense in the union station massacre case, said today that after the government has completed its case all the defendants will go on the witness stand to testify in their own behalf. That would include Frank B. Mulloy, Louis Stacci, Mr. and Mrs. Richard T. Galatas and Mr. and Mrs. Herbert A. Farmer, he said. All are accused of conspiracy in the massacre at the station June 17, 1933.

TELL MULLOY L

(Continued From First Page

what Mulloy is alleged to hav
while being questioned by the
"He said that Doc Stacci had
his home June 16," Trainor said
had said he wanted to get in
by telephone with Verne
Mulloy said he had known Mi
Verne Mason. He said he tried
in touch with Miller and call
home, talking with some woman
and telling her Stacci wanted
in touch with Miller. Later, h
he met Miller returning from
game and asked him if he ha
in touch with Stacci and he s
had."

When the jury returned Trainc
tinued on the witness stand a
fore the jury he repeated the
ment he had made relative to the
told by Mulloy before the f
agents in July, 1933. He told ag
the call from Chicago from S
who desired to get in contact
Verne C. Miller. In the second t
he said Mulloy had said he rec
the Stacci call at a roadhouse
that when he called Verne Mi
home he talked with Vivian Mi
known as Miller's wife.

Then Trainor, under question
Wilson, extended his story of Mu
admissions to federal agents. He
Mulloy was asked by federal
about buying a money order
Country Club postoffice station
18, 1933, made out to a man n
"Miller" and sent to him in
Springs in care of the Arkansas
tional Bank.

Trainor said Mulloy was ask
"Miller" was Frank Nash and
Mulloy replied he had nothing
with the money order.

"Then," Trainor testified, "a
an was brought into the room
identified Mulloy as the man
bought the money order at the C
try Club office, and Mulloy adm
he sent the money order under
name of 'V. Page.'"

Frances Nash, widow of F
Nash, testified yesterday that
of the aliases under which she
known Vivian Mathis, or Mrs.
C. Miller, was Vi Page.

Trainor testified that Mulloy
said he met Verne Miller late
16, 1933, the day before the
station slayings, as Miller wa
turning from the Old Mission
course and Miller had told him
that he had talked with Stac
Chicago.

Did Talk With Stacci.

"Didn't Mulloy tell you," [illegible]
asked Trainor,

[illegible] attempting to show where each fitted into the conspiracy charged by the government.

It was Frank [illegible] (Frite) Mulloy's day, his and Doc Stacci's. Witnesses were showing with their testimony why Mulloy, Kansas City gambler and bootlegger, was made a defendant. The government put on testimony that seemed to make Mulloy a link between Stacci in Chicago and Verne Miller in Kansas City in arranging for the attempted delivery of Frank Nash at the union station June 17, 1933.

Stacci Helps His Attorney.

Stacci was not resting easily under the questioning of witnesses who were telling of the Stacci-Mulloy-Miller hookup. He was at his lawyer's elbow, suggesting questions for cross-examination.

John Lazia, slain here last summer, was brought into the case for the first time today when a federal agent testified Stacci had told him of having been introduced to Lazia here by Verne Miller, regarded by the government as one of the three slayers in the union station affair.

Mulloy fought vainly today against the admission of testimony by a federal agent as to what was said by him while in custody of federal agents in July, 1933, asserting the statements were obtained from him under threats. Judge Merrill E. Otis listened to the protests of Mulloy's attorney, then admitted the testimony.

The jury in the case stepped aside for a time while James Daleo, attorney for Mulloy, accused the federal agents of obtaining incriminating statements from Mulloy under threats.

It wasn't a matter for a jury to hear and Judge Otis sent the jurors from the room in charge of a bailiff while Daleo made his protests, which later were overruled.

An Agent on the Stand.

The break in the trial came while Turrou was on the stand. Besides being a witness in the case on trial here, Turrou is a witness in the Hauptmann case beginning in New Jersey, involving the kidnaping of the Lindbergh baby.

Turrou had been asked by Randall Wilson, an assistant United States district attorney, if he knew Mulloy, one of the defendants.

"I talked with him in July, 1933, in the office used by federal agents in the Federal Reserve Bank building," he replied.

"Who was present?"

"W. G. Trainor and Dwight B. Brantley, federal agents."

"What did Mulloy say?" Wilson asked.

It was at that point that Daleo entered an objection. He said any statement taken from Mulloy on the occasion mentioned was obtained under duress, under threats.

Put in a Small Room.

Mulloy was placed on the stand. He said he was taken to the bureau of investigation in July, 1933, put in a small room and left alone. He said his attorney, Daleo, was not permitted to accompany him. Then, he said, Turrou entered.

"He came in hot, excited and mad," Mulloy said. "He said, 'Now you are going to talk, you rat,' and 'If you don't talk I'm going to throw you in jail and let you rot.'"

In answer to questions, Mulloy said there had been no physical violence, merely mental. He said he was at the office of the bureau three times in July, 1933.

Agent Trainor, mentioned by Turrou as having been present when Mulloy was questioned, was placed on the stand. He said it was his understanding at the time that Mulloy was not a prisoner, that he had appeared voluntarily, and he recalled, he said, that Mulloy told informally what he knew about the case without any threats on the part of the agents.

Trainor recalled from memory [illegible] permitted by the court to tell [illegible]

"Miller" [illegible] in [illegible] Springs in care of the Arkansas [illegible]tional Bank.

Trainor said Mulloy was asked [illegible] "Miller" was Frank Nash and that Mulloy replied he had nothing to do with the money order.

"Then," Trainor testified, "a woman was brought into the room who identified Mulloy as the man who bought the money order at the Country Club office, and Mulloy admitted he sent the money order under the name of 'V. Page.'"

Frances Nash, widow of Frank Nash, testified yesterday that one of the aliases under which she had known Vivian Mathis, or Mrs. Verne C. Miller, was Vi Page.

Trainor testified that Mulloy had said he met Verne Miller late June 16, 1933, the day before the union station slayings, as Miller was returning from the Old Mission golf course and Miller had told him then that he had talked with Stacci in Chicago.

Did Talk With Stacci.

"Didn't Mulloy tell you," Daleo, Mulloy's lawyer, asked Trainor, "that he never had talked personally to Stacci?"

"No," was the reply. "Mulloy said he did talk with Stacci and he asked us what he would 'get' because of it."

Under questioning by Daleo Trainor

KANSAS CITY STAR, WEDNESDAY.

. MULLOY LINK

Federal Agents Testify
Statements From Him'
in Massacre Case.

'S NAME DRAWN IN

Agent Says Verne Miller
oduced Stacci to Kan-
sas Cities.

ENSE PROTEST FAILS

to Keep Out Statement,
Grounds of Threats,
Unavailing.

GOVERNMENT RESTS.

overnment rested its case ernoon with groups of its not yet called to the it apparently was a sur- the defense. J. E. Bren- erprint expert, had been mined by Henry L. Bala- ense attorney, and turned Randall Wilson, govern- orney, when Wilson said, ernment rests."

iately attorneys for the filed three motions, one a directed verdict of a second for a dismissal urt and a third to strike or more of the three Judge Otis denied all saying that later he sider striking out one or ts. Richard T. Galatas ... was called to the

...rn of the government's the defendants in the on massacre case began ther today when lawyers, witnesses, started tying ndant with another, at- show where each fitted spiracy charged by the

...nk B. (Fritz) Mulloy's Doc Stacci's. Witnesses with their testimony Kansas City gambler r, was made a defend- vernment put on testi- ended to make Mulloy a Stacci in Chicago and in Kansas City in ar- the attempted delivery h at the union station

...ps His Attorney.

Defendants to Testify.

Henry L. Balaban, an attorney for the defense in the union station massacre case, said today that after the government has completed its case all the defendants will go on the witness stand to testify in their own behalf. That would include Frank B. Mulloy, Louis Stacci, Mr. and Mrs. Richard T. Galatas and Mr. and Mrs. Herbert A. Farmer, he said. All are accused of conspiracy in the massacre at the station June 17, 1933.

TELL MULLOY LINK

(Continued From First Page.)

what Mulloy is alleged to have said while being questioned by the agents.

"He said that Doc Stacci had called his home June 16," Trainor said, "and had said he wanted to get in touch by telephone with Verne Miller. Mulloy said he had known Miller as Verne Mason. He said he tried to get in touch with Miller and called his home, talking with some woman there and telling her Stacci wanted to get in touch with Miller. Later, he said, he met Miller returning from a golf game and asked him if he had got in touch with Stacci and he said he had."

When the jury returned Trainor continued on the witness stand and before the jury he repeated the statement he had made relative to the story told by Mulloy before the federal agents in July, 1933. He told again of the call from Chicago from Stacci, who desired to get in contact with Verne C. Miller. In the second telling he said Mulloy had said he received the Stacci call at a roadhouse and that when he called Verne Miller's home he talked with Vivian Mathis, known as Miller's wife.

Then Trainor, under questions by Wilson, extended his story of Mulloy's admissions to federal agents. He said Mulloy was asked by federal agents about buying a money order at the Country Club postoffice station May 18, 1933, made out to a man named "Miller" and sent to him in Hot Springs in care of the Arkansas National Bank.

Trainor said Mulloy was asked if "Miller" was Frank Nash and that Mulloy replied he had nothing to do with the money order.

"Then," Trainor testified, "a woman was brought into the room who identified Mulloy as the man who bought the money order at the Country Club office, and Mulloy admitted he sent the money order under the name of 'V. Page.'"

Frances Nash, widow of Frank Nash, testified yesterday that one of the aliases under which ... known Vivian Math... C. Miller ...

admitted he and two other ... agents picked Mulloy up at ... and McGee streets a few weeks ... and took him to Chicago. He said Mulloy accompanied them willingly, that they allowed him to call his wife by telephone from some point at ...wood boulevard and Indiana avenue.

Turrou also testified after the jury was recalled to the room, stating that Mulloy went to the offices of the bureau of investigation in the Federal Reserve Bank building, after he had called Mulloy by telephone and asked him to come down and talk with him. The federal agent said he questioned Mulloy at that time concerning $500 which Mulloy is alleged to have sent to G. W. Miller, at Hot Springs, Ark., May 18, 1933. On questioning by Wilson, Turrou told the jury that Mulloy told him that he knew nothing about sending any money.

Asked About an Order.

"I then asked Mulloy if he recalled asking the young woman telegraph operator to typewrite the application for the $500 order, telling her that he did not want his handwriting to appear on the application," Turrou said.

"He told me that he did not, and that he did not know anything about any such transaction.

"I asked him if he remembered signing the name of V. Page to the application, to which he gave a negative reply.

"I called in the young woman who had taken the application and she identified Mulloy as the person who had sent the money to the G. W. Miller. Immediately after she left my offices, Mulloy then admitted sending the money and signing the name of V. Page to the application blank.

"He told me that Vivian Mathis, the companion of Verne Miller, who was living with him at 6612 Edgevale road, had called him and asked him to meet her in a restaurant, where she told him that her car was broken down and that she was unable to go to a telegraph office to send the money to the Miller. 'I only did it as a favor to the woman,' Mulloy said."

He Had No Reason.

"I asked him why he had not given any address for V. Page," Turrou continued, "and he replied he had no reason.

"Having an explanation for his part in the telegram matter, I asked him about the telephone call from Doc Stacci in Chicago," Turrou testified.

"He told me Stacci had called him and told him he was trying to get in touch with Verne Miller, and asked him to help if possible. 'I called Miller's home at 6612 Edgevale road and the woman who answered said Miller was out playing golf,' Mulloy told me. The woman, according to Mulloy, told him that she would have Miller call Stacci as soon as he came in.

"Mulloy then told me he met Miller as he left the golf club and after being asked if he had talked yet with Stacci, replied that he had."

According to the government agent this telephoning took place June 16, a day before the massacre.

Defense Asks Questions.

Daleo at this point cross-examined Turrou.

"Isn't it true you called Mulloy a name at the time he went to your office?" asked Daleo.

Turrou denied he had called Mulloy names or threatened him.

"Didn't you promise him immunity if he would 'come clean'?"

"I have no such authority to make a statement like that," Turrou replied.

"I didn't ask you about your authority—my question," Daleo continued.

Turrou then said he did not make such a statement.

"Did you tell Mulloy you would throw him in jail until he would talk and tell you the truth?"

"I did not," Turrou answered.

Another Lawyer Questions.

Turrou was recalled and cross-examined by Charles S. Walden, attorney for Mr. and Mrs. Herbert Farmer.

"Wasn't Mrs. Farmer held in the death cell for three weeks?" Walden asked.

"I don't know."

... ...oned her. didn't ...

...ry unless she told the whole truth about this case? ...

"I did not ..."

Judge Otis then recessed court until afternoon.

MILLER KNEW JOHN LAZIA

Stacci Said Gunman Introduced Him, Agent Testified.

Louis (Doc) Stacci, Chicago night club proprietor and one of the defendants in the union station conspiracy case in the federal court, took an active part in advising his attorney in the cross-examination of R. C. Suran, a federal agent, who, on direct examination, had told of admissions made to him by Stacci.

Leaving his seat among the defendants, Stacci stepped up to the clerk's bench and stood beside his attorney, William Reynolds, as the Chicago lawyer began the cross-examination of Suran. As the questioning proceeded Stacci whispered suggestions to the attorney as to methods of breaking down the story told by the government witness. The jurors studied Stacci closely as he assumed the active role in his own defense, the first of the defendants to discard the cloak of docility.

Suran had related that he and two other agents had taken Stacci into custody at his roadhouse near Chicago on October 14, 1934. Stacci had been questioned and his statement was reduced to writing. Stacci refused to sign the statement, Suran testified, saying:

"I will not sign it; that means the penitentiary. If I ever go to trial, I'll deny I ever made the statement."

Stacci, according to Suran, paid a visit to Verne Miller in Kansas City some time during February or March, 1933. He came to Kansas City to play golf, and while he was here, Miller, as escort, showed the Chicago man the high spots.

Miller and Vivian Mathis at that time were living at the home of Fritz Mulloy, Suran said he was told by Stacci, and living there also was Lillian Holden, the wife of Tom Holden, an ex-convict, who was arrested at the Old Mission golf course with Harvey Bailey.

Together, Miller and Stacci visited a gambling place across from the Hotel Baltimore, and there Miller introduced Stacci to "a big shot politician named Lazia," according to Suran's translation of Stacci's statement made in Chicago in October.

Miller was a frequenter of a place called the Horseshow Club, operated, according to Suran, by Mulloy. Stacci placed a call at that place for Miller June 16. The call was answered by a Negro porter to whom Stacci identified himself as one of those who had had some of the gin bucks which the Negro had mixed for guests some months before the date of the call. The Negro was told that Stacci wanted to get in touch with Miller, and the connection eventually was made, the witness related. What was said in the conversation between Stacci and Miller was not related in the testimony of Suran.

In the cross-examination of Suran, questions carried the implication Stacci had been held in custody more than a reasonable time while awaiting examination in Chicago, and that the agents who picked him up at his roadhouse had displayed firearms.

Evidence that Nash legitimately was in custody of federal agents, and that he was an escaped federal prisoner, was introduced through the testimony of Carl F. Zainer, an employe of the federal prison at Leavenworth. Zainer produced the prison papers relating to Nash, and identified photographs of Nash, which were shown to the jury.

U. S. EVIDENCE IN

Defense in Massacre Trial Begins After Judge Otis Overrules Motions.

ALL SIX ARE TO TESTIFY

Richard Galatas, the First Witness, Denies Much of Frances's Nasty Testimony.

MULLOY LINK TO JURORS

Two Federal Agents Tell About Statements Taken From Kansas City Man.

Rushing almost without a pause this afternoon, the government completed its testimony in the union station massacre case and rested, the defense filed motions for acquittals and dismissals, which were denied, the defense took up its case and put the first defendant on the stand, Richard T. Galatas.

After the government rested, defense attorneys filed three motions, one asking for a directed acquittal, one asking for dismissal and one asking that one or more of the three counts on which the defendants were indicted be dismissed.

One Motion Up Later.

The first two motions were overruled by Judge Merrill E. Otis without delay. The third, relating to striking out counts, was overruled for the time, but Judge Otis said that later in the trial, if conditions warranted it, the matter might be raised again.

Henry J. Baleban, an attorney for the defense, said all the six defendants would go on the witness stand in their own behalf. They would be

U. S. EVIDENCE IN

(Continued From First Page.)

loy was questioned, was placed on the stand. He said it was his understanding at the time that Mulloy was not a prisoner, that he had appeared voluntarily, and he recalled, he said, that Mulloy told informally what he knew about the case without any threats on the part of the agents.

Trainor recalled from memory and was permitted by the court to tell what Mulloy is alleged to have said while being questioned by the agents.

"He said that Doc Stacci had called his home June 16," Trainor said, "and had said he wanted to get in touch by telephone with Verne Miller. Mulloy said he had known Miller as Verne Mason. He said he tried to get in touch with Miller and called his home, talking with some woman there and telling her Stacci wanted to get in touch with Miller. Later, he said, he met Miller returning from a golf game and asked him if he had got in touch with Stacci and he said he had."

When the jury returned Trainor continued on the witness stand and before the jury he repeated the statement he had made relative to the story told by Mulloy before the federal agents in July, 1933. He told again of the call from Chicago from Stacci, who desired to get in contact with Verne C. Miller. In the second telling he said Mulloy had said he received the Stacci call at a roadhouse and that when he called Verne Miller's home he talked with Vivian Mathis, known as Miller's wife.

Then Trainor, under questions by Wilson, extended his story of Mulloy's admissions to federal agents. He said Mulloy was asked by federal agents about buying a money order at the Country Club postoffice station May 18, 1933, made out to a man named "Miller" and sent to him in Hot Springs in care of the Arkansas National Bank.

Trainor said Mulloy was asked if "Miller" was Frank Nash and that Mulloy replied he had nothing to do with the money order.

"Then," Trainor testified, "a woman was brought into the room who [illegible] of the aliases under which she had known Vivian Mathis, or Mrs. Verne C. Miller, was Vi Page.

Trainor testified that Mulloy had said he met Verne Miller late June 16, 1933, the day before the union station slayings, as Miller was returning from the Old Mission golf course and Miller had told him then that he had talked with Stacci in Chicago.

Did Talk With Stacci.

"Didn't Mulloy tell you," Daleo, Mulloy's lawyer, asked Trainor, "that he never had talked personally to Stacci?"

"No," was the reply. "Mulloy said he did talk with Stacci and he asked us what he would 'get' because of it."

Under questioning by Daleo, Trainor admitted he and two other federal agents picked Mulloy up at Twelfth and McGee streets a few weeks ago and took him to Chicago. He said Mulloy accompanied them willingly; that they allowed him to call his wife by telephone from some point at Linwood boulevard and Indiana avenue.

Turrou also testified after the jury was recalled to the room, stating that Mulloy went to the offices of the bureau of investigation in the Federal Reserve Bank building, after he had called Mulloy by telephone and asked him to come down and talk with him. The federal agent said he questioned Mulloy at that time concerning $500 which Mulloy is alleged to have sent to G. W. Miller, at Hot Springs, Ark., May 18, 1933. On questioning by Wilson, Turrou told the jury that Mulloy told him that he knew nothing about sending any money.

Asked About an Order.

"I then asked Mulloy if he recalled asking the young woman telegraph operator to typewrite the application for the $500 order, telling her that he did not want his handwriting to appear on the application," Turrou said.

"He told me that he did not, and that he did not know anything about any such transaction.

"I asked him if he remembered signing the name of V. Page to the application, to which he gave a negative reply.

"I called in the young woman who had taken the application and she identified Mulloy as the person who sent the money to the G. W. Miller. Immediately after she left my office, Mulloy then admitted sending the money and signing the name of V. Page to the application blank.

"He told me that Vivian Mathis, the companion of Verne Miller, who was living with him at 6612 Edgevale road, had called him and asked him to meet her in a restaurant, where she told him that her car was broken down and that she was unable to go to a telegraph office to send the money to the Miller. 'I only did it as a favor to the woman,' Mulloy said."

He Had No Reason.

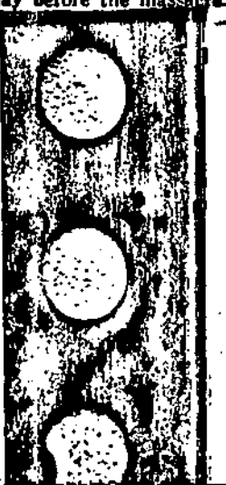
"I asked him why he had not given any address for V. Page," Turrou continued, "and he replied he had no reason.

"Having an explanation for his part in the telegram matter, I asked him about the telephone call from Doc Stacci in Chicago," Turrou testified.

"He told me Stacci had called him and told him he was trying to get in touch with Verne Miller, and asked him to help if possible. 'I called Miller's home at 6612 Edgevale road and the woman who answered said Miller was out playing golf,' Mulloy told me. The woman, according to Mulloy, told him that she would have Miller call Stacci as soon as he came in.

"Mulloy then told me he met Miller as he left the golf club and after being asked if he had talked yet with Stacci, replied that he had."

According to the government agent this telephoning took place June 16, a day before the massacre.



housing headquarters in the Kansas City, Kansas, Chamber of Commerce building.

As the canvass was started only Monday, officials believe much more new construction will be revealed as workers reach deeper into their territories.

Today's audit of total pledges obtained for repair and modernization work was $3,312,682. The money is planned for expenditure on 1,018 jobs, it was said.

Clude Galatas and his wife, Elizabeth Galatas, Herbert A. Farmer and his wife, Esther Father, Frank B. Mulloy.

The pattern of the government's case against the defendants [illegible] plainer near the close of the prosecution, when lawyers, drawing out witnesses, started tying up one defendant with another, attempting to show where each fitted into the conspiracy charged by the government.

It was Frank B. (Frits) Mulloy's day, his and Doc Stacci's. Witnesses were showing with their testimony why Mulloy, Kansas City gambler and bootlegger, was made a defendant. The government put on testimony that seemed to make Mulloy a link between Stacci in Chicago and Verne Miller in Kansas City in arranging for the attempted delivery of Frank Nash at the union station June 17, 1933.

Stacci Helps His Attorney.

Stacci was not resting easily under the questioning of witnesses who were telling of the Stacci-Mulloy-Miller hookup. He was at his lawyer's elbow, suggesting questions for cross-examination.

John Lazia, slain here last summer, was brought into the case for the first time today when a federal agent testified Stacci had told him of having been introduced to Lazia here by Verne Miller, regarded by the government as one of the three slayers in the union station affair.

Mulloy fought vainly today against the admission of testimony by a federal agent as to what was said by him while in custody of federal agents in July, 1933, asserting the statements were obtained from him under threats. Judge Merrill E. Otis listened to the protests of Mulloy's attorney, then admitted the testimony.

The jury in the case stepped aside for a time while James Daleo, attorney for Mulloy, accused the federal agents of obtaining incriminating statements from Mulloy under threats.

It wasn't a matter for a jury to hear and Judge Otis sent the jurors from the room in charge of a bailiff while Daleo made his protests, which later were overruled.

An Agent on the Stand.

The break in the trial came while Turrou was on the stand. Besides being a witness in the case on trial here, Turrou is a witness in the Hauptmann case beginning in New Jersey, involving the kidnaping of the Lindbergh baby.

Turrou had been asked by Randall Wilson, an assistant United States district attorney, if he knew Mulloy, one of the defendants.

"I talked with him in July, 1933, in the office used by federal agents in the Federal Reserve Bank building," he replied.

"Who was present?"

"W. G. Trainor and Dwight B. Brantley, federal agents."

"What did Mulloy say?" Wilson asked.

It was at that point that Daleo entered an objection. He said any statement taken from Mulloy on the occasion mentioned was obtained under duress, under threats.

Put in a Small Room.

Mulloy was placed on the stand. He said he was taken to the bureau of investigation in July, 1933, put in a small room and left alone. He said his attorney, Daleo, was not permitted to accompany him. Then, he said, Turrou entered.

"He came in hot, excited and mad," Mulloy said. "He said, 'Now you are going to talk, you rat,' and 'If you don't talk I'm going to throw you in jail and let you rot.'"

In answer to questions, Mulloy said there had been no physical violence, merely mental. He said he was at the office of the bureau three times in July, 1933.

Agent Trainor, mentioned by Turrou as having been present when Mul-

[illegible]

bought the money order [illegible] try Club office, and Mulloy admitted he sent the money order under the name of "V. Page."

Frances Nash, widow of Frank Nash, testified yesterday that one [illegible]

Mr. [illegible]
Mr. [illegible]
Mr. [illegible]
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. [illegible]
Mr. [illegible]

THE KANSAS CITY STAR, WEDNESDAY, JANUARY 2, 1935.

LA CAPRA TO BE FREED

KANSAS NO LONGER TO HOLD HIM AS A MATERIAL WITNESS.

Trial of Three Accused of Trying to Slay Him Last August Is Continued at Wellington, Kas.

(By The Star's Own Service.)

WELLINGTON, KAS., Jan. 2.—Michael La Capra, former Kansas City boxing promoter, whom three Kansas City men attempted to slay near Argonia, Kas., last August, will be released from the Sumner County jail late today or tomorrow, John A. Potucek, county prosecutor, said today.

Meanwhile, the case against his three assailants, John Pace, Robert McCoy and Jerome Cretes, who have been at liberty on $2,000 bond each, has been continued because a defense attorney will be unable to be present for the trial in January. The men are charged with assaulting La Capra with intent to kill.

A MOVE TO FORFEIT BONDS.

Since the three failed to appear here when the date of their trial was to be fixed, Potucek has filed a motion to have their bonds forfeited.

LaCapra, once associated with Kansas City racketeers, added sensational chapters to the union station massacre investigation by a federal grand jury here last October when he asserted John Lazia, slain Democratic politician, and his henchmen arranged a meeting of Verne Miller, "Pretty Boy" Floyd and Adam Richetti the night before the union station slayings.

Miller, Floyd and Richetti are said by the government to have been the three trigger men in the massacre. Miller and Floyd are dead and Richetti is in jail here.

Lazia and LaCapra had quarreled several months before Lazia was slain on Armour boulevard last summer. Two attempts on LaCapra's life were attributed to Lazia men, and while he was here LaCapra was guarded closely in the county jail, obviously fearing his release from custody would precede his death by only a short time.

GAVE U. S. MINUTE DETAILS.

The minute details given by LaCapra turned the massacre case into sensational channels, involving several persons not previously linked in the case. He gave exact hours, exact locations, and apparently was in complete knowledge of many of the details of the massacre and its subsequent phases.

Lazia cohorts openly scoffed at LaCapra's charges, charging they were made in the heat of anger against Lazia and grew out of LaCapra's increasing hatred of the slain leader.

Following his testimony before the grand jury, LaCapra was removed to Wellington to be held as a material witness against the three men who tried to assassinate him. He preferred to stay in jail in default of bond on the charge.

WHDS

R

KANSAS CITY--EFFORTS TO BLOCK INTRODUCTION OF A STATEMENT MADE TO THE GOVERNMENT BY FRANK B. MULLOY, KANSAS CITY GAMBLER, IN CONNECTION WITH THE UNION STATION MASSACRE, FAILED TODAY WHEN JUDGE MERRILL E. OTIS OVERRULED DEFENSE OBJECTIONS.

MULLOY, ONE OF THE SEVEN PERSONS ON TRIAL CHARGED WITH CONSPIRACY IN CONNECTION WITH THE PLAN TO FREE FRANK NASH, WAS QUESTIONED BY LEON C. TURROU, SPECIAL AGENT OF THE BUREAU OF INVESTIGATION. WHEN TURROU WAS CALLED TO THE STAND THE DEFENSE IMMEDIATELY OBJECTED, CHARGING THE MULLOY STATEMENT WAS OBTAINED BY DURESS.

1/2--R1207P J

62-28915-A

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman..
Chief Clerk.....
Mr. Coffey.....
Mr. Edwards.....
Mr. Egan.....
Mr. Harbo.....
Mr. Keith.....
Mr. Lester.....
Mr. Quinn.....
Mr. Schilder.....
Mr. Tamm.....
Mr. Tracy.....

ACCUSES SIX IN MASSACRE; FEARS FOR LIFE

Nash's Widow Tells 'Truth' to Jury; Agreement With U. S. Provides Her Freedom

KANSAS CITY, Jan. 1.—(AP)—Concluding a day of testimony against six of her co-defendants, Mrs. Frank Nash tonight told a federal court jury that she feared for her life in "telling the truth" about an alleged conspiracy that led the union station massacre here June 17, 1933.

Mrs. Nash is the widow of Frank Nash, escaped federal convict, who was being returned to prison by officers when machine gunners ambushed them and killed five men, Nash included.

Mrs. Nash, her testimony indicated, decided after first attempting to conceal facts of the case, to tell everything and enter into an agreement with the government whereby she would receive freedom for her testimony against Mr. and Mrs. Richard T. Galatas, Mr. and Mrs. Herbert Farmer, Fritz Mulloy and Louis Stacci.

The widow's story kept a packed courtroom enthralled. She spoke easily of dread gangster names and of Chicago beer racket activity. The most noted of the gangsters she knew well was the late Verne Miller.

Chicago Herald & Examiner

62-28915-A 1-2-35

Mr. Nathan .....
Mr. Tolson .....
Mr. Clegg .....
Mr. Baughman ..

Selection of Jury for Trial of Hauptmann in Lindbergh Crime U

COLONEL SITS NEAR ACCUSED MAN IN COURT

Government Witness

money on May 14, 1933, to Nash under the name of Frank Miller.

Turrou said Mulloy still denied sending the money, even when Turrou told him where it had been sent, gave him the name of the hotel where it was received by Nash, and told him that the name "V. Page" had been signed to the money order.

Her Real Name Page.

Vivian Mathis, associate of the late Verne Miller, told Mrs. Frances Nash, widow of Frank Nash, that her "right" name was Vivian Page. Miller was named as one of the station killers.

Mulloy, according to Turrou, said he could not remember any such transaction with the Western Union company.

Turrou said he then told Mulloy he knew the latter had gone to the Western Union office and that he first had written out the message accompanying the money order in his own hand. Then he asked a girl employed by the telegraph company to copy the message on a typewriter, explaining, "I don't want my handwriting to show in this."

"I asked him," Turrou said, "if that weren't true, and he replied that he could not remember."

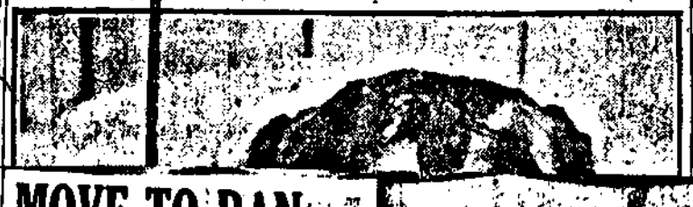
She Identifies Him.

Turrou said he then took the telegraph company employe to the bureau office and confronted Mulloy with her. The girl identified him as the man who had given her $300 to send to "Miller" in Hot Springs, told of typing the message for Mulloy and repeated what she contended he had said to her about not wanting his handwriting identified.

Then, according to Turrou, Mulloy said: "Yes, I sent $300."

At that point, attorneys for the defense objected on the ground the

First 1935 Baby in Greater K. C.



MOVE TO BAN TESTIMONY IS

ORDER OF EASTERN STAR TO INSTALL

The annual installation of officers of the Ivanhoe chapter, No. 344 of the Order of Eastern Star will be held at 8 o'clock Saturday night at Ivanhoe temple, Linwood boulevard and Park avenue.

Among the twenty officers who will be installed are:

condition Wednesday at the Indo pendence sanitarium as a result o injuries received Tuesday whe struck by a motor car.

The child was crossing Van Ho road at Claremont avenue on h way to a grocery when struck b a car driven by D. C. Fiddick, Ca eron, Mo.

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman..

PHONE MAIN 4000. KANSAS CITY JOURNAL-POST. WEDNESDAY, JANUARY 2, 1935.

f Jury for Trial of Hauptmann in Lindbergh Crime Under Way

overnment Witness

money on May 18, 1933, to Nash under the name of Frank Miller.

Turrou said Mulloy still denied sending the money, even when Turrou told him where it had been sent, gave him the name of the hotel where it was received by Nash, and told him that the name "V. Page" had been signed to the money order.

Her Real Name Page.

Vivian Mathis, associate of the late Verne Miller, told Mrs. Frances Nash, widow of Frank Nash, that her right name was Vivian Page. Miller was named as one of the station killers.

Mulloy, according to Turrou, said he could not remember any such transaction with the ...

First 1935 Baby in Greater K. C.

MOVE TO BAN TESTIMONY IS

ORDER OF EASTERN STAR TO INSTALL

The annual installation of officers of the Ivanhoe chapter No. 244 of the Order of Eastern Star will be held at 8 o'clock Saturday night at Ivanhoe temple, Linwood boulevard and Park avenue.

Among the twenty officers who will be installed are:

condition Wednesday at the Independence sanitarium as a result of injuries received Tuesday when struck by a motor car.

The child was crossing Vill Horn road at Claremont avenue on her way to a grocery when struck by a car driven by D. C. Fiddick, Cameron, Mo.

Fiddick took her to the hospital, where it was said she suffered a compound fracture of the left leg and head injuries.

Don't fail to read the Want Ads in the Journal-Post every day. You will find them not only interesting but profitable as well.

...tion of Jury for Trial of Hauptmann in ...

Government Witness

Leon Turrou, special agent of the division of investigation, who collected much of the government's evidence in the Union station massacre case, was the principal witness for the government at the trial Wednesday of seven defendants on trial on charges of conspiracy to obstruct justice. Turrou will fly Wednesday night to Flemington, N. J., where he will be one of the state's witnesses at the trial of Bruno Richard Hauptmann, charged with the murder of the Lindbergh baby.

could have concealed his fingerprints by Gloves, Dr. Hudson said:

"I think it highly improbable that he, if he built the ladder as alleged, would have worn gloves during the entire six months that the rickety contrivance was supposed to have been in his possession."

DURESS CRY IN MASSACRE PLOT CASE HERE FAILS

Continued from Page 1.

loy had made a statement concerning certain telephone calls prior to the Union station massacre, June 17, 1933, but that he would not sign the statement until he had consulted Daleo.

Daleo said he went into the private office, read the statement, and advised Mulloy not to sign it. He said Mulloy told him the circumstances under which he contended the statement had been made; that he had been threatened and cursed by Turrou; had been called a "rat" and had been told he would rot in jail unless he signed.

money on May 18, 1933, to Nash under the name of Frank Miller.

Turrou said Mulloy still denied sending the money, even when Turrou told him where it had been sent, gave him the name of the hotel where it was received by Nash, and told him that the name "V. Page" had been signed to the money order.

Her Real Name Page.

Vivian Mathis, associate of the late Verne Miller, told Mrs. Frances Nash, widow of Frank Nash, that her "right" name was Vivian Page. Miller was named as one of the station killers.

Mulloy, according to Turrou, said he could not remember any such transaction with the Western Union company.

Turrou said he then told Mulloy he knew the latter had gone to the Western Union office and that he first had written out the message accompanying the money order in his own hand. Then he asked a girl employed by the telegraph company to copy the message on a typewriter, explaining, "I don't want my handwriting to show in this."

"I asked him," Turrou said, "if that weren't true, and he replied that he could not remember."

She Identifies Him.

Turrou said he then took the telegraph company employe to the bureau office and confronted Mulloy with her. The girl identified him as the man who had given her $500 to send to "Miller" in Hot Springs, told of typing the message for Mulloy and repeated what she contended he had said to her about not wanting his handwriting identified.

Then, according to Turrou, Mulloy said: "Yes, I sent $500."

At that point, attorneys for the defense objected on the ground the testimony was not relevant to the trial.

The attorneys said that inasmuch as the alleged transaction between Mulloy and Nash occurred two months before the Union station massacre, it could have no bearing on the alleged conspiracy to release Frank Nash, which led to the slaying of Nash and the four officers who had him in custody.

Judge Otis overruled the objection, holding that the testimony tended to show there was a relationship between Nash and Mulloy.

"Call From Woman."

Mulloy, according to Turrou, admitted after saying he sent the money, that he had received a call from Vivian Mathis, who lived with Verne Miller on Edgevale road while the gunman resided in Kansas City.

Miss Mathis, Mulloy told Turrou, according to the agent's testimony, asked Mulloy to come to her home.

Mulloy told Turrou that Miss Mathis said she wanted to send $500 to Nash in Hot Springs, but her car was broken and she could not go to the telegraph office.

"I asked him," Turrou said, referring to Mulloy, "why he didn't put the address on the telegram to show where the money came from. He replied he had no explanations to make."

Message From Chicago.

Mulloy then told him, Turrou testified, that he had received a long distance call June 16, 1933, from Louis (Doc) Stacci in Chicago. He said the call was received at the Horseshoe club, a night club in which Mulloy was interested here. He said, according to Turrou, that Stacci asked Mulloy to get in touch with Verne Miller and to tell Miller to call Stacci in Chicago.

Mulloy told Turrou, the agent said, that he later saw Miller and that the gunman said he had talked to Stacci.

Originated in Chicago.

Records of the telephone company, Turrou said, showed that the first call originated in Chicago at 4:40 o'clock the afternoon of June 18.

Turrou was asked by Daleo if it were not true that the records

First 1935 Baby in Greater K. C.

MOVE TO BAN ... TESTIMONY IS

ler and there meeting a man whom he described as "a big shot politician and gambler of Kansas City—John Lazia."

Suran said Stacci told him he had boasted of knowing "Machine Gun" Jack McGurn, Chicago gunman, and that he had mentioned his acquaintance with McGurn in an effort to impress his Kansas City acquaintances.

He said Stacci admitted having telephoned to Mulloy on June 16, 1933, telling Mulloy of the capture of Frank Nash. After Stacci had made a statement, Suran said, he refused to sign it, saying, "No, no; if I signed that it would mean the penitentiary for me."

Erle H. Smith, 6623 Edgevale road, whose home is almost directly opposite the residence which was occupied by Miller and Vivian Mathis in June, 1933, was the first witness called Wednesday when the trial was resumed.

Tells of Seeing Miller.

Smith testified that prior to June 17, 1933, he had seen Miller almost daily. Then came the massacre in which Nash, Raymond J. Caffrey, special agent of the division of investigation, department of justice; Otto Reed, McAlester, Ok., police chief, and Frank Hermanson and William J. Grobms, city detectives, were killed. After the wholesale slaying, Smith testified, he did not remember again seeing Miller at the Edgevale road residence.

Smith said he was questioned ten days after the massacre by agents of the department of justice and that he did not talk to police. He was excused.

Found Lindy Ransom.

Then came the testimony of Turrou. The special agent is the man who found the Lindbergh ransom money in Bruno Hauptmann's garage. He is to be a witness at the trial of the man charged with the murder of the Lindbergh baby and expects to leave Kansas City Wednesday night for New Jersey.

At the afternoon session of court

the division of investigation, de ment of justice. Miller's body found in a roadside ditch w apparently, it had been th after members of the underw wreaked vengeance upon Richetti is being held in the son county jail on a murder c in connection with the station sacre.

Killingsworth has said tha was released in Kansas City 11 o'clock the night before the sacre. The government, it was sumed, was endeavoring to that Floyd and Richetti made tact with the persons interest obtaining Nash's release from officers taking him back to the tentiary.

Defense objections to his mony, however, caused Kill worth to be withdrawn as a ness.

Leon Turrou, special agent of the division of investigation, who collected much of the government's evidence in the Union station massacre case, was the principal witness for the government at the trial Wednesday of seven defendants on trial on charges of conspiracy to obstruct justice. Turrou will fly Wednesday night to Flemington, N. J., where he will be one of the state's witnesses at the trial of Bruno Richard Hauptmann, charged with the murder of the Lindbergh baby.

could have concealed his fingerprints by Gloves, Dr. Hudson said:

"I think it highly improbable that he, if he built the ladder as alleged, would have worn gloves during the entire six months that the rickety contrivance was supposed to have been in his possession."

DURESS CRY IN MASSACRE PLOT CASE HERE FAILS

Continued from Page 1.

loy had made a statement concerning certain telephone calls prior to the Union station massacre, June 17, 1933, but that he would not sign the statement until he had consulted Daleo.

Daleo said he went into the private office, read the statement, and advised Mulloy not to sign it. He said Mulloy told him the circumstances under which he contended the statement had been made; that he had been threatened and cursed by Turrou; had been called a "rat" and had been told he would rot in jail unless he signed.

Vetterli, according to Daleo, "acted the perfect gentleman."

Mulloy testified that Turrou had cursed and threatened him.

Turrou, testifying, denied he had threatened Mulloy at any time. While the government agent was testifying, Henry Balaban, attorney for Richard T. Galatas, another defendant, asked the court to make it plain the testimony concerning Mulloy applied only to him and not to the other defendants.

Walks Around Room.

Mulloy walked around the court room while Turrou was testifying, frequently stopping to confer with his attorney, with Balaban and with John S. (Jack) Cannon, also of counsel for Galatas.

Cannon objected to the presence in the court room of a number of the department of justice agents, but Judge Otis did not compel them to leave. Cannon asserted their presence was in the nature of intimidation of the witnesses.

Turrou said Mulloy made two visits to the division of investigation office—once when he was accompanied by Daleo, and a second when he appeared there alone.

Turrou said he did not participate actively in the questioning of Mulloy at the first conference, but that another agent conducted the examination. In response to questions by Daleo, Turrou denied he had called Mulloy a "rat" or that he had uttered epithets in connection with the questioning.

Into Second Huddle.

He said that some time after the first conference, he called Mulloy's home and asked Mulloy if he could come to the division of investigation office. Mulloy replied affirmatively and made his appearance within thirty minutes, Turrou testified. He said no threats or intimidation followed.

Turrou said he asked Mulloy if the latter ever had sent $500 by Western Union to Frank Nash in Hot Springs, Ark. He said Mulloy denied it. Then Turrou asked him, he testified, if it were not true that Mulloy had sent the Mulloy and Nash occurred two months before the Union station massacre, it could have no bearing on the alleged conspiracy to release Frank Nash, which led to the slaying of Nash and the four officers who had him in custody.

Judge Otis overruled the objection, holding that the testimony tended to show there was a relationship between Nash and Mulloy.

"Call From Woman."

Mulloy, according to Turrou, admitted after saying he sent the money, that he had received a call from Vivian Mathis, who lived with Verne Miller on Edgevale road while the gunman resided in Kansas City.

Miss Mathis, Mulloy told Turrou, according to the agent's testimony, asked Mulloy to come to her home.

Mulloy told Turrou that Miss Mathis said she wanted to send $500 to Nash in Hot Springs, but her car was broken and she could not go to the telegraph office.

"I asked him," Turrou said, referring to Mulloy, "why he didn't put the address on the telegram to show where the money came from. He replied he had no explanations to make."

Message From Chicago.

Mulloy then told him, Turrou testified, that he had received a long distance call June 16, 1933, from Louis (Doc) Stacci in Chicago. He said the call was received at the Horseshoe club, a night club in which Mulloy was interested here. He said, according to Turrou, that Stacci asked Mulloy to get in touch with Verne Miller and to tell Miller to call Stacci in Chicago.

Mulloy told Turrou, the agent said, that he later saw Miller and that the gunman said he had talked to Stacci.

Originated in Chicago.

Records of the telephone company, Turrou said, showed that the first call originated in Chicago at 4:40 o'clock the afternoon of June 16.

Turrou was asked by Daleo if it were not true that the records showed the call was not received by Mulloy but by Lonnie Ross, a porter employed by him.

Turrou replied that some two weeks after Mulloy had told about the call, he saw the defendant and the latter then told him he had not received Stacci's message, but that it had been taken by Ross.

On cross-examination, Turrou was asked by Daleo if it were not true that on the date the money was said to have been sent to Nash, Mulloy's finger was infected with a felon and he could not write.

"There was nothing wrong with his hand when I saw him," Turrou said.

"Did you say to him that if he didn't make a statement, you'd see that he was hanged for the Union station crime?" Daleo asked.

Denies Making Statement.

Turrou denied making such a statement.

"Did you tell him that if he made a statement against t he other defendants, you'd see that he was not prosecuted; that he would be given his freedom?" Daleo questioned.

"That's silly," Turrou responded. "It wouldn't be in my province to offer anything of the kind. I can't turn defendants loose in return for statements."

R. C. Suran, department of justice agent from Chicago, followed Turrou on the witness stand. His testimony had to do with an interview he claimed to have had with Stacci, the Chicago roadhouse operator, whose place was a rendezvous for Verne Miller, Vivian Mathis, Frank Nash and Frances Nash.

Suran said he was accompanied to the roadhouse by S. P. McKee, another agent, and that they asked Stacci to go with them to the office of the division of investigation in Chicago.

Louis Is Mentioned.

There, according to Suran, Stacci said he knew Miller, Miss Mathis and Mulloy, and that he had had dinner with them at the Miller home when he visited Kansas City.

He told of going to a gambling club in Kansas City with Verne Mil-

[illegible] a man whom he described as a [illegible] shot politician and gambler of Kansas City—John Lazia.

Suran said Stacci told him he had boasted of knowing "Machine Gun" Jack McGurn, Chicago gunman, and that he had mentioned his acquaintance with McGurn in an effort to impress his Kansas City acquaintances.

He said Stacci admitted having telephoned to Mulloy on June 16, 1933, telling Mulloy of the capture of Frank Nash. After Stacci had made a statement, Suran said, he refused to sign it, saying, "No, no; if I signed that it would mean the penitentiary for me."

Erle H. Smith, 6623 Edgevale road, whose home is almost directly opposite the residence which was occupied by Miller and Vivian Mathis in June, 1933, was the first witness called Wednesday when the trial was resumed.

Tells of Seeing Miller.

Smith testified that prior to June 17, 1933, he had seen Miller almost daily. Then came the massacre in which Nash, Raymond J. Caffrey, special agent of the division of investigation, department of justice; Otto Reed, McAlester, Ok., police chief, and Frank Hermanson and William J. Grooms, city detectives, were killed. After the wholesale slaying, Smith testified, he did not remember again seeing Miller at the Edgevale road residence.

Smith said he was questioned ten days after the massacre by agents of the department of justice and that he did not talk to police. He was excused.

Found Lindy Ransom.

Then came the testimony of Turrou. The special agent is the man who found the Lindbergh ransom money in Bruno Hauptmann's garage. He is to be a witness at the trial of the man charged with the murder of the Lindbergh baby and expects to leave Kansas City Wednesday night for New Jersey.

At the afternoon session of court Tuesday, Mrs. Franc's Nash, widow of the slain convict, continued the story of her relations with Nash—a story that revealed she was married to him only about a month before he was killed at the Union station, although she had lived with him since 1931.

She disclosed also that she had been promised that charges against her would be dropped by the government if she testified against the other defendants.

At Tuesday night's session of court, the government attempted to elicit information from Jack Killingsworth, Polk county sheriff, who was abducted by Charles A. (Pretty Boy) Floyd and Adam Richetti, concerning his release in Kansas City by the two desperadoes.

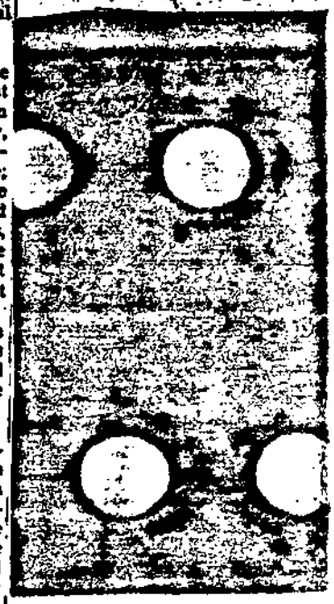
Named 2 As Gunners.

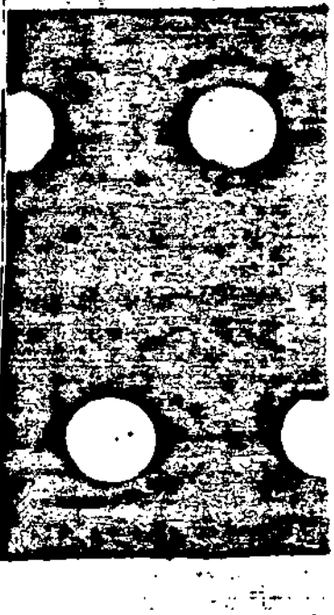
The government has charged that Floyd, Richetti and Verne Miller were the gunmen who killed Nash and the four officers who were returning him to the federal penitentiary at Leavenworth. Floyd was killed last summer by agents of

[illegible] the division of investigation, department of justice. Miller's body was found in a roadside ditch with [illegible] apparently. It had been thought after members of the underworld wreaked vengeance upon him. Richetti is being held in the Jackson county jail on a murder charge in connection with the station massacre.

Killingsworth has said that he was released in Kansas City about 11 o'clock the night before the massacre. The government, it was presumed, was endeavoring to show that Floyd and Richetti made contact with the persons interested in obtaining Nash's release from the officers taking him back to the penitentiary.

Defense objections to his testimony, however, caused Killingsworth to be withdrawn as a witness.





TRIAL

age" had been signed to the y order.

Her Real Name Page.

ian Mathis, associate of the late Verne Miller, told Mrs. Frances Nash, widow of Frank Nash, that her right name was Vivian Page. Miller was named as one of the station killers.

Mulloy, according to Turrou, said he could not remember any such transaction with the Western Union company.

Turrou said he then told Mulloy he knew the latter had gone to the Western Union office and that he first had written out the message accompanying the money order in his own hand. Then he asked a girl employed by the telegraph company to copy the message on a typewriter, explaining, "I don't want my handwriting to show in this."

"I asked him," Turrou said, "if that weren't true, and he replied that he could not remember."

She Identifies Him.

MOVE TO BAN TESTIMONY IS TURNED DOWN

Court Hears Objection to Statement Taken From Mulloy.

DENIAL BY U. S. AGENT

Witness Says Intimidation Was Not Used in Questioning.

A statement made by Frank B. (Fritz) Mulloy, one of the seven defendants in the conspiracy case now on trial before Judge Merrill E. Otis in federal court, will be admitted as evidence, Judge Otis ruled Wednesday. The conspiracy case grew out of telephone calls alleged to have been made by the defendants, leading to the Union station massacre June 17, 1933.

An effort to bar introduction of the statement on the grounds that it was obtained from Mulloy only after he had been threatened by Leon G. Turrou, special agent of the division of investigation, was made by James Daleo, attorney for Mulloy, who argued that it was inadmissible.

Jury Leaves Room.

Judge Otis sent the jury from the room while Daleo sought to prove through his own and Mulloy's testimony that the latter had been subjected to threats and intimidation. Turrou and Walter G. Trainor, another government agent, also were placed on the witness stand. They denied any intimidation of Mulloy.

Daleo, in his testimony, said when his client returned to Kansas City from a vacation, he (Daleo) called R. E. Vetterli, agent in charge of the Kansas City office of the division of investigation, department of justice, and asked Vetterli if the latter wanted to talk to Mulloy.

Vetterli replied affirmatively, Daleo said, and the lawyer and Mulloy went to Vetterli's office. Daleo said he was told to take a seat in an outer office, while Mulloy was led into Vetterli's private office.

Two hours later, one of the agents came out and told Daleo that Mul-

Turn to Page 2, Column 2.

Nash's Widow Voices Fear For Life After Telling Truth In Kansas City Massacre

1-2-35

Testifies Easily to Dread Gangster Names and Chicago Beer Racket.

Kansas City, Jan. 1.—(AP)—Concluding a day of startling testimony against six of her co-defendants, Mrs. Frank Nash tonight told a Federal court jury here that she feared for her life in "telling the truth" about an alleged conspiracy which led to the Union station massacre here June 17, 1933.

Mrs. Nash is the widow of Frank Nash, escaped Federal convict, who was being returned to prison by officers when machine gunners ambushed them and killed five men, Nash included.

Over strenuous defense objections, she declared that she had not told the truth previously "because I would implicate these people. I feared I would be done away with."

She testified that when she came to Kansas City in October to testify before the Federal Grand jury she was kept in the Kansas City, Kansas, county jail at her own request for her protection.

The jury was told to disregard her statements concerning her fears. Mrs. Nash, her testimony today indicated, decided after first attempting to conceal facts of the case, to tell everything and enter an agreement with the government whereby she would receive freedom for her testimony against Mr. and Mrs. Richard T. Galatas, Mr. and Mrs. Herbert Farmer, Fritz Mulloy and Louis Stacci.

Maurice Milligan, United States district attorney, by questioning the witness, read the agreement into the court record.

The 33-year-old widow's story today kept a packed courtroom enthralled. She spoke easily of dread gangster names and of Chicago beer racket activity. The most noted of the gangsters she knew well as Verne Miller, identified by the government as the "trigger man" in the Union station massacre.

"We became one big family," Mrs. Nash responded when asked how she and Nash got along with Miller and Mrs. Vivian Mathis. She related that Miller and Mrs. Mathis

(Please Turn to Page 2, Col. 2.)

Fears for Life

MRS. FRANK NASH.

PEACE HIS OBJECTIVE, HITLER TELLS ENVOYS

Later Reviews Armed Forces and Storm Troopers in Half Hour Parade.

Berlin, Jan. 1.—(AP)—Reichsfuehrer Hitler gave the diplomats of world powers assurance today of Germany's peaceful intentions under an international golden rule. Immediately afterward he received the homage of Nazi storm troopers and hundreds of civilians.

He told the diplomats who called on him at the presidential palace: "No country wants peace more than Germany. After difficult years of need and suffering, she seeks repose to concentrate all her powers on internal reconstruction and, for her right to live, asks only the same acknowledgment and attention from other countries that Germany itself offered. . . . I see no international problems which cannot be solved through understanding co-operation."

Quickly changing from the formal dress and sober mien of his diplomatic reception to a brown shirt and an air of apparent happiness, Hitler stood for 30 minutes returning the salutes of 3,000 Berlin storm troopers, provincial police, and Hitler-created marines and motorcycle corps troopers, all except

(Please Turn to Page 2, Col. 3.)

FIREMEN FIGHT STORE BLAZE TWO HOURS

Large Crowd Sees Battle With $3,000 Conflagration on South Snelling.

Fire in the basement of a grocery at 655 South Snelling avenue Tuesday night caused damage estimated at $3,000 to the one-story brick building and the stocks and fixtures of two other business places.

Firemen experienced difficulty in reaching the source of the blaze because of dense smoke and spent more than two hours fighting the stubborn blaze while a large crowd watched.

The grocery store is operated by J. B. Kasmerski. Loss also was suffered by a beauty parlor and barber shop at 653 South Snelling and an inn at 651 South Snelling. The blaze was discovered by A. E. Stafford, co-proprietor of the inn when he went to the basement of the building.

A special alarm was turned in calling additional apparatus when firemen had difficulty checking the blaze.

WTCN to Give Dramatization of J. J. Hill's Life

Job in Freight House and Purchase of Railroad Among Highlights.

Listeners on WTCN at 8:01 P. M. today will be carried back to 1856, Red River ox carts and the pioneer settlement of St. Paul when The Epic of the Northwest, a series of Wednesday evening broadcasts presenting outstanding events in Minnesota history, dramatizes the life of James J. Hill.

Tonight's dramatization is the first of two instalments depicting highlights in the career of this

HITLER TELLS ENVOYS

Later Reviews Armed Forces and Storm Troopers in Half Hour Parade.

Berlin, Jan. 1.—(AP)—Reichsfuehrer Hitler gave the diplomats of world powers assurance today of Germany's peaceful intentions under an international golden rule. Immediately afterward he received the homage of Nazi storm troopers and hundreds of civilians.

He told the diplomats who called on him at the presidential palace: "No country wants peace more than Germany. After difficult years of need and suffering, she seeks repose to concentrate all her powers on internal reconstruction and, for her right to live, asks only the same acknowledgment and attention from other countries that Germany itself offered. . . . I see no international problems which cannot be solved through understanding co-operation."

Quickly changing from the formal dress and sober mien of his diplomatic reception to a brown shirt and an air of apparent happiness, Hitler stood for 30 minutes returning the salutes of 3,000 Berlin storm troopers, provincial police, and Hitler-created marines and motorcycle corps troopers, all except

(Please Turn to Page 3, Col. 3.)

4 ADDITIONAL NEW YEAR BABIES BORN IN ST. PAUL

stubborn blaze while a large crow[illegible] watched

The grocey store is operated b[illegible] [illegible]. Kasmerski. Loss also was suf[illegible]ed by a beauty parlor and barbe[illegible] shop at 653 South Snelling and a[illegible] inn at 651 South Snelling. Th[illegible] blaze was discovered by A. E[illegible] Stafford, co-proprietor of the inn when he went to the basement o[illegible] the building.

A special alarm was turned i[illegible] calling additional apparatus whe[illegible] firemen had difficulty checkin[illegible] the blaze.

WTCN to Give Dramatization o[illegible] J. J. Hill's Lif[illegible]

Job in Freight House and Purchase of Railroad Among Highlights.

Listeners on WTCN at 8:01 P. M. today will be carried back to 1856. Red River ox carts and the pioneer settlement of St. Paul when The Epic of the Northwest, a series of Wednesday evening broadcasts presenting outstanding events in Minnesota history, dramatizes the life of James J. Hill.

Tonight's dramatization is the first of two instalments depicting highlights in the career of this famous son of the Northwest. It opens with his arrival in the infant St. Paul on his way to the Pacific coast, and proceeds to his purchase of the St. Paul & Western railroad, the first major step in his rise to empire builder.

The program is an inspiring story of James J. Hill's genius and progressiveness and offers a constant succession of thrilling episodes lifted from his early days in Minnesota. His wedding, his work in the freight house of a river packet, his missing of the ox cart train to the coast and his negotiations for his first railroad are among the highlights of the dramatization.

Radio listeners are invited to tune in WTCN at 8:01 tonight for a most entertaining program. WTCN

NASH'S WIDOW TELLS JURY OF FEARS FOR HER LIFE

(Continued From Page 1.)

had an apartment in Chicago where she and Nash stayed so frequently that they kept their clothes there.

Through questioning, Defense Attorney Henry L. Balaban brought out that Miller had accompanied Nash and his wife to New York where Nash underwent an operation in 1932. Miller returned to Chicago for Mrs. Mathis and took her to New York, Mrs. Nash testified, and the group celebrated Christmas there.

They frequently saw Miller in Hot Springs where he was often in a cigar store, the place where Nash was subsequently arrested, Mrs. Nash said.

Judge Otis interrupted the cross-examination after several hours had lapsed.

"It seems to the court that the cross-examination of this witness has been very complete," he remarked. "The court hopes it will be completed rapidly."

Mrs. Nash told today of receiving a long-distance telephone report from Miller in Joplin seven hours before the massacre. Miller had been on a reconnoitering trip to the station and telephoned from there.

"Don't carry on like that," she testified Miller told her, "you'll see 'Jelly' (Nash) again soon."

Mr. and Mrs. Farmer of Joplin, Mo., in whose home she was when she received Miller's call, eyed her coldly as she told her story.

Mrs. Farmer, Mrs. Nash testified, had called Miller in Kansas City after Mrs. Galatas had telephoned her husband at the Farmer home from Hot Springs to tell him Nash was being brought here by train.

Galatas had flown from Hot Springs to Joplin with Mrs. Nash when they received erroneous information that Nash was being taken there by the officers who swooped down on him at Galatas' cigar store and hurried him out of town.

All the remaining defendants, admitting the series of telephone calls by which the government hopes to prove they plotted Nash's release, have declared through their various attorneys that they did not know Nash was an escaped convict and assumed he had been arrested on some minor charge. The calls, their attorneys told the jury Monday, were made in an effort to insure bail for Nash at the time of his presumed arraignment on whatever charge he had been arrested.

Defense attorneys, in cross-examination of witnesses thus far presented by the government, have sought to develop the idea that the trio of gunmen who ambushed the officers were seeking to assassinate Nash rather than to liberate him.

Mrs. Nash testified that Galatas had also talked to Miller in Kansas City telling him that "we just got word they are taking Frank by train from Fort Smith".

"Did you recognize Verne Miller's voice when you were talking to him?" asked Prosecutor Milligan.

"Absolutely," the witness replied.

Nash, she said, had told her that if anything ever happened to him to get in touch with Stacci, by whom she was formerly employed. She, Galatas and the Farmers were awaiting answer to a call to Stacci when Mrs. Farmer appeared from her bedroom carrying a piece of paper on which was written a telephone number, she told the court.

The number was called and Miller answered at once. Galatas talked first, she said, then herself.

"I told him," she testified, "how 'Jelly' was hustled out of Hot Springs."

Mrs. Nash said she went from Joplin to Chicago and that she looked up "Doc" Stacci at his inn about two weeks after the slayings here.

"'Frannie, I'm awfully sorry this happened'", she quoted Stacci as saying.

"'Who could have done all this? Have you seen Verne?'" she said she asked him. Stacci replied only to the last part of her question, she said, by remarking that he "hadn't seen any of the boys."

Stacci told her that when the call for him came in June 16 he then put in a call for a golf club in Kansas City, she testified.

"'A colored fellow got the call and I explained I wanted to get in touch with Verne Miller,'" she said Stacci related.

Stacci followed her testimony with marked interest, a half smile on his face.

Henry L. Balaban, defense attorney, began his cross-examination by asking whether Mrs. Nash had not known at the time she married Nash, May 24, 1933, that he had a living wife.

"I'm not so sure," she replied.

She said she met Nash in August, 1931, and that she later went to her parents' home at Aurora, Minn. Nash came there twice to try to induce her to come back to Chicago where he was in the beer and slot machine rackets, she said.

"He made me such a good proposition to look after my baby that I decided to take it," she said. The child referred to is a 7-year-old daughter by a former marriage.

Questioned about her actions the day Nash was arrested, Mrs. Nash replied with emotion:

"I wanted advice. I wanted to know what to do, where to turn, where to go."

The Farmers and Galatas first told her of Nash's criminal record during the intervals between some of the telephone calls the night of June 16, Mrs. Nash said. She asked if Nash had ever been in prison, and was told that he had, "plenty of times", she said.

Galatas had gone to bed when the call came from Miller, Mrs. Nash said, and when he heard the others discussing it he demanded to know what they were "raving about".

The first news of the station slayings here reached them at the Farmers' place after Galatas had left to return by plane to Hot Springs, the modistly attired widow testified.

"Herb Farmer went like that," she said, snapping her fingers. As she asked if the Nash reported killed "could be my Frank", Farmer then vanished, she said, and she and Mrs. Farmer went to a neighbor. While they were there they heard that the Farmers' home had been raided. Mrs. Farmer explained this by saying the officers were looking for some gamblers, Mrs. Nash told the court.

The witness said she did not pay for any of the telephone calls. She said Galatas arranged the airplane trip to Joplin and paid the pilot.

Mr. Nashan
Mr. Tolson
Mr. Clegg
Mr. Bank[illegible]
Chief Cle[illegible]
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy

TRIAL

MOVE TO BAN TESTIMONY IS TURNED DOWN

Court Hears Objection to Statement Taken From Mulloy.

CALL MILLER NEIGHBOR

Edgevale Road Resident Says He Saw Him Before Killing.

Efforts of counsel for "Fritz" Mulloy to block the introduction of testimony by government agents on the grounds that statements were obtained from Mulloy under duress were unsuccessful when Judge Merrill E. Otis overruled objections of Mulloy's attorney. The trial then proceeded with Leon Turrou, government agent, on the stand.

An implied charge that statements taken from defendants on trial in federal court on charges of conspiracy in connection with the Union station massacre were obtained under duress was contained in an objection Wednesday to the admissibility of a statement Leon G. Turrou, special agent of the division of investigation, department of justice, said he obtained from Frank B. (Fritz) Mulloy, one of the defendants.

The jury was sent from the room by Judge Merrill E. Otis, before whom the trial is being conducted, while arguments on the admissibility of the statement were made by attorneys.

The defendants, besides Mulloy, are Mrs. Frances Nash, widow of Frank Nash, convict who was killed when four officers were slain at the Union station, June 17, 1933; Richard T. Galatas and his wife, Mrs. Elizabeth Galatas; Herbert Farmer and his wife, Mrs. Esther Farmer, and Louis (Doc) Stacci.

One Plea of Guilty.

Of the seven, Mrs. Nash has been promised that charges against her will be dropped by the government, in return for her testimony against the others. An eighth defendant, Vivian Mathias, associate of the late Verne Miller, already has entered a plea of guilty to the charge of conspiracy to release Nash. Miller had been named as one of the station killers.

Denial that Mulloy was mistreated was made in testimony by Walter R. Trainor, special agent, before whom Turrou questioned Mulloy. Trainor said Mulloy later

Turn to Page 2, Column 3.

Government Witness

Leon Turrou, special agent of the division of investigation, who collected much of the government's evidence in the Union station massacre case, was the principal witness for the government at the trial Wednesday of seven defendants on trial on charges of conspiracy to obstruct justice. Turrou will fly Wednesday night to Flemington, N. J., where he will be one of the state's witnesses at the trial of Bruno Richard Hauptmann, charged with the murder of the Lindbergh baby.

DURESS CRY IN MASSACRE PLOT CASE HERE FAILS

Continued from Page 1.

had made an oral statement that he was the victim of brutality.

Erle H. Smith, 6628 Edgevale road, whose home is almost directly opposite the residence which was occupied by Miller and Vivian Mathis in June, 1933, was the first witness called Wednesday when the trial was resumed.

Tells of Seeing Miller.

Smith testified that prior to June 17, 1933, he had seen Miller almost daily. Then came the massacre in which Nash, Raymond J. Caffrey, special agent of the division of investigation, department of justice; Otto Reed, McAlester, Ok., police chief, and Frank Hermanson and William J. Grooms, city detectives, were killed. After the wholesale slaying, Smith testified, he did not remember again seeing Miller at the Edgevale road residence.

Smith said he was questioned ten days after the massacre by agents of the department of justice and that he did not talk to police. He was excused.

Found Lindy Ransom.

Then came the testimony of Turrou. The special agent is the man who found the Lindbergh ransom money in Bruno Hauptmann's garage. He is to be a witness at the trial of the man charged with the murder of the Lindbergh baby and expects to leave Kansas City Wednesday night for New Jersey.

Turrou, questioned by Randall Wilson, assistant United States district attorney, was asked if he ever had talked to Mulloy concerning any knowledge he might have as to the alleged plans of the defendants to effect Nash's release. He replied that he had.

Mulloy, a former Kansas City bootlegger, lives at 14 East Fifty-sixth street terrace.

Turrou said he talked to Mulloy in July, 1933, at the division of investigation headquarters here, and in the presence of Dwight Brantly and Walter G. Trainor, two other special agents of the division of investigation.

Charge Intimidation.

When Turrou said he had obtained a statement from Mulloy, Daleo objected to introduction of the statement on the ground it was inadmissible, because it was obtained under duress.

He asserted Mulloy had been intimidated by the special agent. Judge Otis then sent the jury from the room, and Mulloy was called as a witness.

Mulloy said that when he came back from a vacation in July, 1933, he went to the office of R. E. Vetterli, the agent who then was in charge of the Kansas City office of the division of investigation. Vetterli, according to Mulloy, took him into a small room, where he found Turrou seated. Then Vetterli departed, leaving him alone with Turrou.

"Did you enter that room voluntarily?" Daleo asked.

"No," Mulloy replied.

Snarl in Voice.

As he answered Mulloy's tone assumed a snarl.

"Turrou said to me, 'You're going to tell us what we want to know,'" Mulloy testified.

He said that Turrou then cursed him viciously.

"You'll tell us what we want to know," he quoted Turrou as saying, "or you'll lay in jail until you rot. And all the lawyers and bondsmen you may get down here won't do you any good. You know facts we want, and we've got a way to get them."

Daleo asked if he (Daleo) had been attempting to see his client at the time this conversation was taking place.

"Yes," Mulloy answered.

At the afternoon session of court Tuesday, Mrs. Francis Nash, widow

ing, "or you'll lay in jail until you rot. And all the lawyers and bondsmen you may get down here won't do you any good. You know facts we want, and we've got a way to get them."

Daleo asked if he (Daleo) had been attempting to see his client at the time this conversation was taknig place.

"Yes," Mulloy answered.

At the afternoon session of court Tuesday, Mrs. Francis Nash, widow of the slain convict, continued the story of her relations with Nash—a story that revealed she was married to him only about a month before he was killed at the Union station, although she had lived with him since 1931.

She Reveals Promise.

She disclosed also that she had been promised that charges against her would be dropped by the government if she testified against the other defendants.

Henry L. Balaban, Chicago, attorney for Galatas, conducted her through an exhaustive cross-examination, during which she admitted that her first stories to the government agents were untrue. She asserted she feared to tell the truth when first questioned because she had been threatened by some of the persons who now are defendants on the conspiracy charge.

At Tuesday night's session of court, the government attempted to elicit information from Jack Killingsworth, Polk county sheriff, who was abducted by Charles A. (Pretty Boy) Floyd and Adam Richetti, concerning his release in Kansas City by the two desperadoes.

Name 3 As Gunners.

The government has charged that Floyd, Richetti and Verne Miller were the gunmen who killed Nash and the four officers who were returning him to the federal penitentiary at Leavenworth. Floyd was killed last summer by agents of the division of investigation, department of justice. Miller's body was found in a roadside ditch where, apparently, it had been thrown after members of the underworld wreaked vengeance upon him. Richetti is being held in the Jackson county jail on a murder charge in connection with the station massacre.

Killingsworth has said that he was released in Kansas City about

away from the man charged

11 o'clock the night before the massacre. The government, it was presumed, was endeavoring to show that Floyd and Richetti made contact with the persons interested in obtaining Nash's release from the officers taking him back to the penitentiary.

Killingsworth Withdrawn.

Defense objections to his testimony, however, caused Killingsworth to be withdrawn as a witness.

Other witnesses at the night session were Turrou, agent of the division of investigation, and John E. Brennan, a special agent who has been in the fingerprint department of the division of investigation fifteen years.

Turrou was called as a witness to corroborate Mrs. Nash's testimony concerning the telephone calls she testified Galatas made to Verne Miller. He testified also concerning telephone calls alleged to have been made from the Herbert Farmer home in Joplin by Mrs. Esther Farmer.

Brennan told of going to Miller's home, 6612 Edgevale avenue, with Jack Jenkins, acting chief of detectives of the Kansas City, Kas., police department, where he obtained latent fingerprints. The only fingerprints identified, however, were those of Vivian Mathis, who lived with Miller, and who entered a plea of guilty to the charge of conspiring to release a federal prisoner, when the trial opened.

62-R-8915-A

MOVE TO BAN TESTIMONY IS TURNED DOWN

Court Hears Objection to Statement Taken From Mulloy.

CALL MILLER NEIGHBOR

Edgevale Road Resident Says He Saw Him Before Killing.

Efforts of counsel for "Fritz" Mulloy to block the introduction of testimony by government agents on the grounds that statements were obtained from Mulloy under duress were unsuccessful when Judge Merrill E. Otis overruled objections of Mulloy's attorney. The trial then proceeded with Leon Turrou, government agent, on the stand.

An implied charge that statements taken from defendants on trial in federal court on charges of conspiracy in connection with the Union station massacre were obtained under duress was contained in an objection Wednesday to the admissibility of a statement Leon G. Turrou, special agent of the division of investigation, department of justice, said he obtained from Frank B. (Fritz) Mulloy, one of the defendants.

The jury was sent from the room by Judge Merrill E. Otis, before whom the trial is being conducted, while arguments on the admissibility of the statement were made by attorneys.

The defendants, besides Mulloy, are Mrs. Frances Nash, widow of Frank Nash, convict who was killed when four officers were slain at the Union station, June 17, 1933; Richard T. Galatas and his wife, Mrs. Elizabeth Galatas; Herbert Farmer and his wife, Mrs. Esther Farmer, and Louis (Doc) Stacci.

One Plea of Guilty.

Of the seven, Mrs. Nash has been promised that charges against her will be dropped by the government, in return for her testimony against the others. An eighth defendant, Vivian Mathias, associate of the late Verne Miller, already has entered a plea of builty to the charge of conspiracy to release Nash. Miller had been named as one of the station killers.

Denial that Mulloy was mistreated was made in testimony by Walter R. Trainor, special agent, before whom Turrou questioned Mulloy. Trainor said Mulloy later

Turn to Page 2, Column 3.

Government Witness

Leon Turrou, special agent of the division of investigation, who collected much of the government's evidence in the Union station massacre case, was the principal witness for the government at the trial Wednesday of seven defendants on trial on charges of conspiracy to obstruct justice. Turrou will fly Wednesday night to Flemington, N. J., where he will be one of the state's witnesses at the trial of Bruno Richard Hauptmann, charged with the murder of the Lindbergh baby.

DURESS CRY IN MASSACRE PLOT CASE HERE FAILS

Continued from Page 1.

had made an oral statement that he was the victim of brutality.

Erle H. Smith, 6623 Edgevale road, whose home is almost directly opposite the residence which was occupied by Miller and Vivian Mathis in June, 1933, was the first witness called Wednesday when the trial was resumed.

Tells of Seeing Miller.

Smith testified that prior to June 17, 1933, he had seen Miller almost daily. Then came the massacre in which Nash, Raymond J. Caffrey, special agent of the division of investigation, department of justice; Otto Reed, McAlester, Ok., police chief, and Frank Hermanson and William J. Grooms, city detectives, were killed. After the wholesale slaying, Smith testified, he did not remember again seeing Miller at the Edgevale road residence.

Smith said he was questioned ten days after the massacre by agents of the department of justice and that he did not talk to police. He was excused.

Found Lindy Ransom.

Then came the testimony of Turrou. The special agent is the man who found the Lindbergh ransom money in Bruno Hauptmann's garage. He is to be a witness at the trial of the man charged with the murder of the Lindbergh baby and expects to leave Kansas City Wednesday night for New Jersey.

Rurrou, questioned by Randall Wilson, assistant United States district attorney, was asked if he ever had talked to Mulloy concerning any knowledge he might have as to the alleged plans of the defendants to effect Nash's release. He replied that he had.

Mulloy, a former Kansas City bootlegger, lives at 14 East Forty-sixth street terrace.

Turrou said he talked to Mulloy in July, 1933, at the division of investigation headquarters here, and in the presence of Dwight Brantly and Walter G. Trainor, two other special agents of the division of investigation.

Charge Intimidation.

When Turrou said he had obtained a statement from Mulloy, Daleo objected to introduction of the statement on the ground it was inadmissible, because it was obtained under duress.

He asserted Mulloy had been intimidated by the special agent. Judge Otis then sent the jury from the room, and Mulloy was called as a witness.

Mulloy said that when he came back from a vacation in July, 1933, he went to the office of R. E. Vetterli, the agent who then was in charge of the Kansas City office of the division of investigation. Vetterli, according to Mulloy, took him into a small room, where he found Turrou seated. Then Vetterli departed, leaving him alone with Turrou.

"Did you enter that room voluntarily?" Daleo asked.

"No," Mulloy replied.

Snarl in Voice.

As he answered Mulloy's tone assumed a snarl.

"Turrou said to me, 'You're going to tell us what we want to know,'" Mulloy testified.

He said that Turrou then cursed him viciously.

"You'll tell us what we want to know," he quoted Turrou as saying, "or you'll lay in jail until you rot. And all the lawyers and bondsmen you may get down here won't do you any good. You know facts we want, and we've got a way to get them."

Daleo asked if he (Daleo) had been attempting to see his client at the time this conversation was taknig place.

"Yes," Mulloy answered.

At the afternoon session of court Tuesday, Mrs. Francis Nash, widow

He asserted Mulloy had been intimidated by the special agent. Judge Otis then sent the jury from the room, and Mulloy was called as a witness.

Mulloy said that when he came back from a vacation in July, 1933, he went to the office of R. E. Vetterli, the agent who then was in charge of the Kansas City office of the division of investigation. Vetterli, according to Mulloy, took him into a small room, where he found Turrou seated. Then Vetterli departed, leaving him alone with Turrou.

"Did you enter that room voluntarily?" Daleo asked.

"No," Mulloy replied.

Snarl in Voice.

As he answered Mulloy's tone assumed a snarl.

"Turrou said to me, 'You're going to tell us what we want to know,'" Mulloy testified.

He said that Turrou then cursed him viciously.

"You'll tell us what we want to know," he quoted Turrou as saying, "or you'll lay in jail until you rot. And all the lawyers and bondsmen you may get down here won't do you any good. You know facts we want, and we've got a way to get them."

Daleo asked if he (Daleo) had been attempting to see his client at the time this conversation was taknig place.

"Yes," Mulloy answered.

At the afternoon session of court Tuesday, Mrs. Francis Nash, widow of the slain convict, continued the story of her relations with Nash—a story that revealed she was married to him only about a month before he was killed at the Union station, although she had lived with him since 1931.

She Reveals Promise.

She disclosed also that she had been promised that charges against her would be dropped by the government if she testified against the other defendants.

Henry L. Balaban, Chicago, attorney for Galatas, conducted her through an exhaustive cross-examination, during which she admitted that her first stories to the government agents were untrue. She asserted she feared to tell the truth when first questioned because she had been threatened by some of the persons who now are defendants on the conspiracy charge.

At Tuesday night's session of court, the government attempted to elicit information from Jack Killingsworth, Polk county sheriff, who was abducted by Charles A. (Pretty Boy) Floyd and Adam Richetti, concerning his release in Kansas City by the two desperadoes.

Name 3 As Gunners.

The government has charged that Floyd, Richetti and Verne Miller were the gunmen who killed Nash and the four officers who were returning him to the federal penitentiary at Leavenworth. Floyd was killed last summer by agents of the division of investigation, department of justice. Miller's body was found in a roadside ditch where, apparently, it had been thrown after members of the underworld wreaked vengeance upon him. Richetti is being held in the Jackson county jail on a murder charge in connection with the station massacre.

Killingsworth has said that he was released in Kansas City about [illegible] o'clock the night before the massacre. The government, it was presumed, was endeavoring to show that Floyd and Richetti made contact with the persons interested in obtaining Nash's release from the officers taking him back to the penitentiary.

Killingsworth Withdrawn.

Defense objections to his testimony, however, caused Killingsworth to be withdrawn as a witness.

Other witnesses at the night session were Turrou, agent of the division of investigation, and John E. Brennan, a special agent who has been in the fingerprint department of the division of investigation fifteen years.

Turrou was called as a witness to corroborate Mrs. Nash's testimony concerning the telephone calls she testified Galatas made to Verne Miller. He testified also concerning telephone calls alleged to have been made from the Herbert Farmer home in Joplin by Mrs. Esther Farmer.

Brennan told of going to Miller's home, 6812 Edgevale avenue, with Jack Jenkins, acting chief of detectives of the Kansas City, Kas., police department, where he obtained latent fingerprints. The only fingerprints identified, however, were those of Vivian Mathis, who lived with Miller, and who entered a plea of guilty to the charge of conspiring to release a federal prisoner, when the trial opened.

NEW YORK TIMES, WEDNESDAY, JANUARY

MRS. NASH TESTIFIES BANDIT TELEPHONED

Widow of Prisoner Slain

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn

U.S. AGENTS DENY 3D DEGREE CHARGE

Assail Kansas City Massacre Defendant's Statement on Alleged Coercion.

Kansas City, Jan. 2.—(AP)—Two Federal agents—one an important witness in the Lindbergh kidnaping case—vehemently denied today they had used "third degree" methods to obtain an oral statement from Frank B. (Fritz) Mulloy, one of the six defendants in the Union station massacre conspiracy case.

The jury was taken out of the courtroom on the order of Judge Merrill E. Otis while Mulloy made his assertion that Agent Leon G. Turrou, an investigator in the Lindbergh case, had cursed him and threatened to "throw me in jail and let me rot if I didn't make a statement." He said he was given a written statement but that he refused to sign it except in the presence of his lawyer.

Intimidation Denied.

The charge of intimidation was denied by Turrou and by Walter E. Trainor, another agent, who said Mulloy made a verbal statement to Turrou in his presence concerning a telephone conversation June 16, 1933, in which Louis (Doc) Stacci, Chicago night club operator and another of the defendants, asked Mulloy to get in touch with the late Verne C. Miller.

Miller is named by the government as one of the three men who killed Frank Nash, a Federal prisoner, and four officers at the Union station here the following day.

The jury was readmitted after Turrou, anxious to complete his testimony in order to fly to Flemington, N. J., to testify in the trial of Bruno Richard Hauptmann for the Lindbergh kidnaping, took the stand.

Turrou said he questioned Mulloy in July, 1933, about a telegraph money order for $500 sent from Kansas City to Frank Nash, then under the alias of "George W. Miller," at Hot Springs, Ark., May 18, 1933.

"Knew Nothing of It."

Mulloy denied having sent the order, Turrou said, and was then asked if he had not asked the telegraph clerk to typewrite the order so that his handwriting would not be in the company records.

"He still persisted that he knew nothing about it," Turrou said. "I then confronted him with the operator who sent the money order at his request. She identified him and he then admitted he had sent the money."

The money order was signed "V. Page," Turrou said. Vivian Mathis, who lived with Miller here as his wife, sometimes went under the name of "Vi Page."

The testimony concerning the telephone call from Stacci to Mulloy was repeated before the jury.

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy

St Paul Dispatch
Jan. 2, 1935

62-28915-K

N.Y. DAILY NEWS, WEDNESDAY, JANUARY 2, 1935

Feared Death 'If I Told Truth' of Depot Massacre

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman..
Chief Clerk.....
Mr. Coffey.....
Mr. Edwards.....
Mr. Egan.....
Mr. Harbo.....
Mr. Keith.....
Mr. Lester.....
Mr. Quinn.....
Mr. Schilder.....
Mr. Tamm.....
Mr. Tracy.....

Mrs. Frank Nash yesterday turned on fellow prisoners in dramatic scene in Kansas City court. Here's scene at time of Kansas City massacre trial in which she was involved. L. to r., Mrs. Nash, Vivian Mathis (Mrs. Verne Miller), and Louise Connors.

Convict's Widow Startles Courtroom With Story.

Kansas City, Mo., Jan. 1—(AP).—Concluding a day of startling testimony against six of her co-defendants, Mrs. Frank Nash tonight told a Federal court jury that she feared for her life in "telling the truth" about the conspiracy which led to the Union Station massacre here June 17, 1933.

Mrs. Nash is the widow of Frank Nash, escaped Federal convict, who was being returned to prison by officers when machine gunners ambushed them and killed five men, Nash included.

Reveals Fear of Death.

Over strenuous defense objections, she declared that she had not told the truth previously because "I would implicate these people. I feared I would be done away with."

She testified that when she came to Kansas City in October to testify before the Federal Grand Jury she was kept in the Kansas City Kan., county jail at her own request.

The jury was told to disregard her statements concerning her fears. Mrs. Nash, her testimony today indicated, entered into an agreement whereby she would receive freedom for her testimony against Mr. and Mrs. Richard T. Galatas, Mr. and Mrs. Herbert Farmer, Fritz Mulloy and Louis Stacci.

Gang Names Come Easily.

The 33-year-old widow's story today kept a packed courtroom enthralled. She spoke easily of dread gangster names and of Chicago beer racket activity. The most noted of the gangsters she knew well was Verne Miller, identified by the Government as the trigger man in the Union Station Massacre..

Among the courtroom spectators was Mrs. Raymond Caffrey, widow of the Federal agent slain when the attempt to free Nash was made

62-28915-A

Mr. Nathan.....
Mr. Toleon.....
Mr. Clegg.....
Mr. Baughmah...
Chief Clerk .....
Mr. Coffey .....
Mr. Edwards.....
Mr. Egan .....
Mr. Harbo.....
Mr. Keith .....
Mr. Lester .....
Mr. Quinn.....
Mr. Schilder.....
Mr. Trump .....
Miss Gast .....

FOR KANSAS POLICE UNIT

STATE SYSTEM WITH RADIO CONTROL URGED BY BOYNTON.

Retiring Attorney General Also Cites Need of Beer Regulation and Sunday Theater Closing Clarification.

TOPEKA BUREAU
THE KANSAS CITY STAR
(By a Member of The Star's Staff.)

TOPEKA, Jan. 2.—Roland Boynton, who will finish his second term as attorney general of Kansas January 14, completed today his biennial report to the governor, in which he points out that the state needs a system of state police, a state radio, a more clearly defined Sunday law and a removal of the muddle relative to the beer question in the state.

Those needs were pointed out by Mr. Boynton as the result of his four years' experience as attorney general and some years previous as an assistant in that department and four years as the county attorney of Lyon County.

FOR A RADIO LIBEL LAW.

Further, he suggested that the legislature should amend the libel laws so that libel over the radio in political campaigns could be punished the same as libel in newspapers. On that subject the attorney general stated:

"During the last few years the use of the radio, especially in political campaigns, has become a matter of grave concern. Many statements are made over the radio which, if made in a newspaper, would be libelous. Yet the radio is not subject to the libel laws. Some provision should be made to punish libelous statements made over the radio."

BEER LAW CONFUSION.

Mr. Boynton's report contains a lengthy discussion of the beer question. He says that the present law is confusing and that it is difficult to enforce. He says:

"Under the present law, if a beverage is 3.2 beer, it is not intoxicating. If it is not 3.2 beer, it is intoxicating. Before the adoption of the present law, if a beverage was beer, it was by virtue of that fact intoxicating, now it has to prove that the beverage sold in each particular case is intoxicating as a matter of fact. Local officers were instructed to file complaints against beer sellers and to try a sufficient number of cases to determine whether or not as a practical matter convictions could be secured. In most instances it was impossible to get sufficient evidence to convince juries that the beer sold was, as a matter of fact, intoxicating.

"The result, as everyone knows, has been that the sale of beer in Kansas has gone on without interference except in a few isolated localities where sentiment is sufficiently strong against the sale of beer that juries can be obtained who will believe testimony to the effect that 3.2 beer is intoxicating.

FOR A DEFINITE ALCOHOLIC CONTENT.

"From the standpoint of the prosecuting officer it would be very helpful if the legislature would announce in definite terms what beverages may be sold and what may not. This could be done by fixing a definite alcoholic content, such as one-half of 1 per cent, or 3.2, or any other dividing line that the legislature might select. Then, if a beverage contained more than the allowed content it would be by a statute defined as intoxicating. It would only be necessary to prove then that the beverage in question contained more than the legal amount of alcohol, and it would not be necessary for prosecuting officers to attempt to convince juries that a person drinking a beverage actually became intoxicated. There are as many different opinions as to when a person is intoxicated as there are persons. Some persons can drink a large amount of beer and not show any effects, while others will show the effects after drinking a small amount. Juries are composed of persons who have different opinions as to when a person is intoxicated, and it is difficult to get a jury to convict on the testimony of officers that a person was intoxicated when the jury has seen the person in question and has not seen any evidence of intoxication.

SUNDAY PICTURE SHOWS.

"The Sunday picture show law is another law which is difficult to enforce. Where the sentiment is strongly in favor of the operation of Sunday picture shows the prosecuting officers have been unsuccessful in attempting to convict picture show operators. The result is that a by virtue of this law enforcement situation Sunday picture shows have become a matter of local option. Where there is strong sentiment against them the picture shows do not operate. Where the sentiment is either lukewarm or favorable picture shows do operate on Sunday."

STATE POLICE A GREAT NEED.

In discussing the need of the state for state police and the state radio service Mr. Boynton said:

"The need for a state police system became apparent years ago, and I have devoted a great deal of my time to talking and writing on that subject, with the hope that sentiment could be developed in support of proper legislation. In its essential aspects the police situation in Kansas today, at least until the creation of the state highway patrol, is the same as it was in 1868. Conditions of transportation and communication have changed so greatly that our system of police, restricted by county lines and city boundaries, is entirely inadequate to cope with the new conditions. The use of the state highway patrol, during the last two years, to co-operate with local officers in the enforcement of the criminal laws of the state, especially in connection with major crimes, has demonstrated the usefulness of such an organization. I would recommend that from this beginning a larger and more adequate force be established.

"I would also recommend the ability and cost of a state radio system to be used for police purposes, and I believe it would be money well spent to create such a system in Kansas. By the use of a radio to broadcast crime reports and to co-ordinate the work of the various law enforcement agencies, city, county and state, the apprehension of criminals could be facilitated greatly. The mere fact that such a radio station is in operation will be a deterrent and Kansas will be given a wide berth by organized crime."

STATE SYSTEM WITH RADIO CONTROL URGED BY BOYNTON.

Retiring Attorney General Also Cites Need of Beer Regulation and Sunday Theater Closing Clarification.

TOPEKA BUREAU
THE KANSAS CITY STAR
(By a Member of The Star's Staff.)

TOPEKA, Jan. 2.—Roland Boynton, who will finish his second term as attorney general of Kansas January 14, completed today his biennial report to the governor, in which he points out that the state needs a system of state police, a state radio, a more clearly defined Sunday law and a removal of the muddle relative to the beer question in the state.

Those needs were pointed out by Mr. Boynton as the result of his four years' experience as attorney general and some years previous as an assistant in that department and four years as the county attorney of Lyon County.

FOR A RADIO LIBEL LAW.

Further, he suggested that the legislature should amend the libel laws so that libel over the radio in political campaigns could be punished the same as libel in newspapers. On that subject the attorney general stated:

"During the last few years the use of the radio, especially in political campaigns, has become so general as to be one of the greatest agencies for political propaganda. In recent years campaign speakers have gone the limit in attacking their opponents. Things have been said which, if printed, would constitute criminal libel. Being spoken over the radio, they constitute slander. A person has no state protection against such attacks and the only redress is to sue for damages in a civil action. Slanderous and libelous statements over the radio are as widely broadcast as statements published in newspapers and more so. Candidates and others should not be subjected to libelous attacks by radio any more than in newspapers. I would recommend that the legislature amend the libel law to cure this evil.

BEER CONTROL A PROBLEM.

Relative to the beer situation and the need for action by the legislature the attorney general's report stated:

"This decision of the Kansas supreme court gave the beer situation in Kansas an entirely different complexion. While before the state had relied upon the proposition that 3.2 beer, being a malt fermented beverage sold in each particular case is intoxicating as a matter of fact, Local officers were instructed to file complaints against beer sellers and to try a sufficient number of cases to determine whether or not as a practical matter convictions could be secured. In most instances it was impossible to get sufficient evidence to convince juries that the beer sold was, as a matter of fact, intoxicating.

"The result, as everyone knows, has been that the sale of beer in Kansas has gone on without interference except in a few isolated localities where sentiment is sufficiently strong against the sale of beer that juries can be obtained who will believe testimony to the effect that 3.2 beer is intoxicating.

FOR A DEFINITE ALCOHOLIC CONTENT.

"From the standpoint of the prosecuting officer it would be very helpful if the legislature would announce in definite terms what beverages may be sold and what may not. This could be done by fixing a definite alcoholic content, such as one-half of 1 per cent, or 3.2, or any other dividing line that the legislature might select. Then, if a beverage contained more than the allowed content it would be by a statute defined as intoxicating. It would only be necessary to prove then that the beverage in question contained more than the legal amount of alcohol, and it would not be necessary for prosecuting officers to attempt to convince juries that a person drinking a beverage actually became intoxicated. There are as many different opinions as to when a person becomes intoxicated as there are persons having opinions.

"If it is desired to prohibit the sale of beer, in order to effectively do so the legislature must define definitely what is an intoxicating liquor, or must by its terms prohibit the sale of any beverage containing more than a certain amount of alcohol. If, on the other hand, the legislature desires to permit the sale of 3.2 beer it should amend the present law so that by its terms beverage containing up to 3.2 per cent of alcohol may be legally sold.

"The supreme court has held that injunction proceedings against moving picture shows on Sunday were not proper and that the operators of Sunday picture shows should be prosecuted under the criminal laws," the attorney general said. "This, of course, checked the matter up to a jury. The result has been that in those parts of the state where there is sentiment against the operation of a picture show on Sunday it has been possible to obtain convictions and prevent the operation of Sunday picture shows, while in those parts of the state where sentiment seems officers have been unsuccessful in attempting to convict picture show operators. The result is that a by virtue of this law enforcement situation Sunday picture shows have become a matter of local option. Where there is strong sentiment against them the picture shows do not operate. Where the sentiment is either lukewarm or favorable picture shows do operate on Sunday."

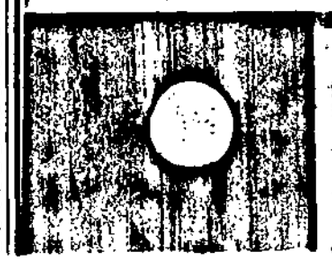
STATE POLICE A GREAT NEED.

In discussing the need of the state for state police and the state radio service Mr. Boynton said:

"The need for a state police system became apparent years ago, and I have devoted a great deal of my time to talking and writing on that subject, with the hope that sentiment could be developed in support of proper legislation. In its essential aspects the police situation in Kansas today, at least until the creation of the state highway patrol, is the same as it was in 1668. Conditions of transportation and communication have changed so greatly that our system of police, restricted by county lines and city boundaries, is entirely inadequate to cope with the new conditions. The use of the state highway patrol, during the last two years, to co-operate with local officers in the enforcement of the criminal laws of the state, especially in connection with major crimes, has demonstrated the usefulness of such an organization. I would recommend that from this beginning a larger and more adequate force be built so that the state may have that police protection to which it is entitled.

"In connection with my advocacy of a state police system I have made some investigation as to the available and I believe it would be money well spent to create such a system in Kansas. By the use of a radio to broadcast crime reports and to co-ordinate the work of the various law enforcement agencies, city, county and state, the apprehension of criminals could be facilitated greatly. The mere fact that such a radio station is in operation will be a deterrent and Kansas will be given a wide berth by organized crime."

62-28915-A



TELL MULLOY LINK

Two Federal Agents Testify About Statements From Him in Massacre Case.

A DEFENSE PROTEST OUT

Objections on Grounds the Defendant Was Threatened Are Overruled by Judge.

ABOUT MONEY AND CALLS

Steps the Kansas Citian Was Involved in Are Traced From the Stand.

Two federal agents, L. G. Turrou and Walter F. Trainor, were on the witness stand in the union station massacre case in the federal court today explaining their methods of obtaining statements from defendants following the accusation by Frank B. (Fritz) Mulloy that a statement from him had been obtained under duress, by threats.

The jury in the case stepped aside for a time while James Daleo, attorney for Mulloy, accused the federal agents of obtaining incriminating statements from Mulloy under threats.

It wasn't a matter for a jury to hear and Judge Merrill E. Otis sent the jurors from the room in charge of a bailiff while Daleo made his protests, which later were overruled.

An Agent on the Stand.

The break in the trial came while Turrou was on the stand. Besides being a witness in the case on trial here, Turrou is a witness in the Hauptmann case beginning in New Jersey, involving the kidnaping of the Lindbergh baby.

Turrou had been asked by Randall Wilson, an assistant United States district attorney, if he knew Mulloy, one of the defendants.

"I talked with him in July, 1933, in the office used by federal agents in the Federal Reserve Bank building," he replied.

"Who was present?"

"W. G. Trainor and Dwight B. Brantley, federal agents."

"What did Mulloy say?" Wilson asked.

It was at that point that Daleo entered an objection. He said any statement taken from Mulloy on the occasion mentioned was obtained under duress, under threats.

Put in a Small Room.

Mulloy was placed on the stand. He said he was taken to the bureau of investigation in July, 1933, put in a small room and left alone. He said his attorney, Daleo, was not permitted to accompany him. Then, he said, Turrou entered.

"He came in hot, excited and mad," Mulloy said. "He said, 'Now you are going to talk, you rat,' and 'If you don't talk I'm going to throw you in jail and let you rot.'"

In answer to questions, Mulloy said there had been no physical violence, merely mental. He said he was at the office of the bureau three times in July, 1933.

Agent Trainor, mentioned by Turrou as having been present when Mulloy was questioned, was placed on the stand. He said it was his understanding at the time that Mulloy was not a prisoner, that he had appeared voluntarily, and he recalled, he said, that Mulloy told informally what he knew about the case without any threats on the part of the agents.

Recalls It From Memory.

Trainor recalled from memory and was permitted by the court to tell what Mulloy is alleged to have said [illegible] mentioned by the agents he did talk with Stacci and he called up what he would 'get' because of it.

Under questioning by Daleo, Trainor admitted he and two other federal agents picked Mulloy up at Twelfth and McGee streets a few weeks ago and took him to Chicago. He said Mulloy accompanied them willingly, that they allowed him to call his wife by telephone from some point at Linwood boulevard and Indiana avenue.

Turrou also testified after the jury was recalled to the room, stating that Mulloy went to the offices of the bureau of investigation in the Federal Reserve Bank building, after he had called Mulloy by telephone and asked him to come down and talk with him. The federal agent said he questioned Mulloy at that time concerning $500 which Mulloy is alleged to have sent to G. W. Miller, at Hot Springs, Ark., May 18, 1933. On questioning by Wilson, Turrou told the jury that Mulloy told him that he knew nothing about sending any money.

Asked About an Order.

"I then asked Mulloy if he recalled asking the young woman telegraph operator to typewrite the application for the $500 order, telling her that he did not want his handwriting to appear on the application," Turrou said.

"He told me that he did not, and that he did not know anything about any such transaction.

"I asked him if he remembered signing the name of V. Page to the application, to which he gave a negative reply.

"I called in the young woman who had taken the application and she identified Mulloy as the person who had sent the money to the G. W. Miller. Immediately after she left my offices, Mulloy then admitted sending the money and signing the name of V. Page to the application blank.

"He told me that Vivian Mathis, the companion of Verne Miller, who was living with him at 6612 Edgevale road, had called him and asked him to meet her in a restaurant, where she told him that her car was broken down and that she was unable to go to a telegraph office to send the money to the Miller. 'I only did it as a favor to the woman,' Mulloy said."

He Had No Reason.

"I asked him why he had not given any address for V. Page," Turrou continued, "and he replied he had no reason.

"Having an explanation for his part in the telegram matter, I asked him about the telephone call from Doc Stacci in Chicago," Turrou testified.

"He told me Stacci had called him and told him he was trying to get in touch with Verne Miller, and asked me to help if possible. 'I called Miller's home at 6612 Edgevale road and the woman who answered said Miller was out playing golf,' Mulloy told me. The woman, according to Mulloy, told him that she would have Miller call Stacci as soon as he came in.

"Mulloy then told me he met Miller as he left the golf club and after being asked if he had talked yet with Stacci, replied that he had."

According to the government agent this telephoning took place June 16, a day before the massacre.

Defense Asks Questions.

Daleo at this point cross-examined Turrou.

"Isn't it true you called Mulloy a name at the time he went to your office?" asked Daleo.

Turrou denied he had called Mulloy names or threatened him.

"Didn't you promise him immunity if he would 'come clean'?

"I have no such authority to make a statement like that," Turrou replied.

"I didn't ask you about your authority, my question," Daleo continued.

Turrou then said he did not make such a statement.

"Did you tell Mulloy you would throw him in jail until he would talk and tell you the truth?"

"I did not," Turrou answered.

the office used by federal agents in the Federal Reserve Bank building," he replied.

"Who was present?"

"W. G. Trainor and [redacted] B. Brantley, federal agents."

"What did Mulloy say?" Wilson asked.

It was at that point that Daleo entered an objection. He said any statement taken from Mulloy on the occasion mentioned was obtained under duress, under threats.

Put in a Small Room.

Mulloy was placed on the stand. He said he was taken to the bureau of investigation in July, 1933, put in a small room and left alone. He said his attorney, Daleo, was not permitted to accompany him. Then, he said, Turrou entered.

"He came in hot, excited and mad," Mulloy said. "He said, 'Now you are going to talk, you rat,' and 'If you don't talk I'm going to throw you in jail and let you rot.'"

In answer to questions, Mulloy said there had been no physical violence, merely mental. He said he was at the office of the bureau three times in July, 1933.

Agent Trainor, mentioned by Turrou as having been present when Mulloy was questioned, was placed on the stand. He said it was his understanding at the time that Mulloy was not a prisoner, that he had appeared voluntarily, and he recalled, he said, that Mulloy told informally what he knew about the case without any threats on the part of the agents.

Recalls It From Memory.

Trainor recalled from memory and was permitted by the court to tell what Mulloy is alleged to have said while being questioned by the agents.

"He said that Doc Stacci had called his home June 16," Trainor said, "and had said he wanted to get in touch by telephone with Verne Miller. Mulloy said he had known Miller as Verne Mason. He said he tried to get in touch with Miller and called his home, talking with some woman there and telling her Stacci wanted to get in touch with Miller. Later, he said, he met Miller returning from a golf game and asked him if he had got in touch with Stacci and he said he had."

When the jury returned Trainor continued on the witness stand and before the jury he repeated the statement he had made relative to the story by Mulloy before the federal agents in July, 1933. He told again of the call from Chicago from Stacci who desired to get in contact with Verne C. Miller. In the second telling he said Mulloy had said he received the Stacci call at a road house and that when he called Verne Miller's home he talked with Vivian Mathis, known as Miller's wife.

Money Order Brought In.

Then Trainor, under questions by Wilson, extended his story of Mulloy's admissions to federal agents. He said Mulloy was asked by federal agents about buying a money order at the Country Club postoffice station May 18, 1933, made out to a man named "Miller" and sent to him in Hot Springs in care of the Arkansas National Bank.

Trainor said Mulloy was asked if "Miller" was Frank Nash and that Mulloy replied he had nothing to do with the money order.

"Then," Trainor testified, "a woman was brought into the room who identified Mulloy as the many who bought the money order at the Country Club office, and Mulloy admitted he sent the money order under the name of 'V. Page.'"

Frances Nash, widow of Frank Nash, testified yesterday that one of the aliases under which she had known Vivian Mathis, or Mrs. Verne C. Miller, was Vi Page.

Trainor testified that Mulloy had said he met Verne Miller late June 16, 1933, the day before the union station slayings, as Miller was returning from the old Mission golf course and Miller had told him then that he had talked with Stacci in Chicago.

Did Talk With Stacci.

"Didn't Mulloy tell you," Daleo, Mulloy's lawyer, asked Trainor, "that [redacted] had talked personally to Stacci, and by reply, Mulloy [redacted]

in the telegram matter, I asked him about the telephone call from Doc Stacci in Chicago," Turrou testified.

"He told me Stacci had called him and told him he was trying to get in touch with Verne Miller, and asked me to help if possible. 'I called Miller's home at 6612 Edgevale road and the woman who answered said Miller was out playing golf,' Mulloy told me. The woman, according to Mulloy, told him that she would have Miller call Stacci as soon as he came in.

"Mulloy then told me he met Miller as he left the golf club and after being asked if he had talked yet with Stacci, replied that he had."

According to the government agent this telephoning took place June 16, a day before the massacre.

Defense Asks Questions.

Daleo at this point cross-examined Turrou.

"Isn't it true you called Mulloy a name at the time he went to your office?" asked Daleo.

Turrou denied he had called Mulloy names or threatened him.

"Didn't you promise him immunity if he would 'come clean'?

"I have no such authority to make a statement like that," Turrou replied.

"I didn't ask you about your authority, my question," Daleo continued.

Turrou then said he did not make such a statement.

"Did you tell Mulloy you would throw him in jail until he would talk and tell you the truth?"

"I did not," Turrou answered.

Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy

NEW YORK SUN, THURSDAY, JANUARY 3, 193

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy

MASSACRE PLOT DEFENSE GIVEN

Six Tell Their Connection With Kansas City Slayings.

DENY KNOWING MAN WAS NASH

Widow Testifies as Witness for the Government.

KANSAS CITY, Jan. 2 (A. P.).—Defendants in the conspiracy case growing out of the Union Station slayings here eighteen months ago today placed before a Federal court jury their version of what took place just a few hours prior to the time four officers and their prisoner were shot down by a trio of machine gunners.

The Government has sought to show that between the time Frank Nash, an escaped convict, was arrested at Hot Springs, Ark., and the slayings the next day the six defendants participated in a plot to free the prisoner by hiring gunmen to free him.

As a Government witness the convict's widow, Mrs. Frances Nash told of parts allegedly played in the plot by Mr. and Mrs. Richard T. Galatas, and Mr. and Mrs. Herbert Farmer, four of the defendants.

Mrs. Galatas testified last night she was sorry for Mrs. Nash and tried to assist her when Galatas brought her to their home shortly after Nash's arrest. She said her sole connection with the case was preparation of breakfast for the hysterical Mrs. Nash and placing of a telephone call to Mrs. Farmer to tell her that Galatas and Mrs. Nash were coming to Joplin, Mo.

Galatas testified he accompanied Mrs. Nash to Joplin by air at her urgent insistence and because he felt a fraternal obligation to her husband.

Mrs. Farmer, from whose home Mrs. Nash talked twice to the late Verne C. Miller, alleged Union Station machine gunner, told the court that she, too, was sorry for Mrs. Nash and that all she did was attempt to make a sorrowing woman comfortable.

The Government alleges that the Farmers, the Galatas, Louis Stacci of Chicago and Fritz Mulloy of Kansas City conspired with Mrs. Nash through a series of telephone calls to rescue Nash. Each of the defendants has denied, either by testimony or through counsel that he or she knew that the man they knew as George W. Miller was actually Nash.

62-28915-A

About Nash Slaying While in a Drug Store.

Every available foot of space in the courtroom of Judge Merrill E. Otis was taken by spectators today to hear Mrs. Esther Farmer, the third defendant to testify in the union station massacre case, complain of her treatment at the hands of federal agents.

She was called a "liar," she said; she was rushed to Kansas City in a motor car at seventy miles an hour without breakfast, questioned continuously through a day, then placed in the "death cell" at the county jail. Mrs. Farmer did not like all that, and her attorney, Charles S. Walden, managed to get all of it before the jury.

Frances Nash at Home.

Mrs. Frances Nash, widow of the escaped prisoner slain at the station, was at the home of Mr. and Mrs. Herbert A. Farmer near Joplin when radio reports told of the slayings in Kansas City.

"Was your husband with you," Walden asked Mrs. Farmer, "when you received the radio report?"

"Yes," she replied, "but he did not hear it. He is partly deaf."

"What did Frances Nash say when she heard the report?"

"She said, 'My God, I wonder if that can be my Frank?' Then I went to Herb (Mr. Farmer) and told him the Nash mentioned in the radio report as slain was Frank Nash."

"Then what did you do?"

"I tried to console Mrs. Nash. She was hysterical. She didn't know what to do. I suggested she go home and I went from the drug store where we heard the report to my home to get her clothing."

To Other Questioning.

Walden dropped that line of questioning and took up her experience with federal agents.

"How long after that," he asked, "were you taken into custody?"

"About two weeks later. We did not try to hide from anybody."

Mrs. Farmer said that later she was taken to the federal building at Joplin, then started for Kansas City in a motor car. She said she and her husband were in one car with federal agents and that there was one car in front and one behind, all bristling with shotguns and other arms.

"We traveled all the way to Kansas City at seventy miles an hour, and when we reached the federal building here I was ill and nervous. I was given no opportunity to call anyone. I wasn't given any breakfast and was questioned from dawn to dark."

Several Agents There.

"Who was present at the questioning or the conference?" Walden asked.

"L. G. Turrou, Harold E. Andersen, Dwight Brantley and others."

"What happened in the conference?"

"Turrou said to me, 'You know you are a liar. You know you didn't tell the truth about those phone calls at Joplin.' They were trying all the time to get me to tell who was in the killing at the union station. I didn't know, and I told them so time after time. They kept asking me that same question for three months. And then, finally, they put me in the death cell at the county jail."

"Did you make a detailed statement at that conference?" Walden asked.

"Yes, Turrou took it down with a pencil and paper. It was not typewritten at that time."

WHDS
62-28915-17

Mr. Nathan .....
Mr. Tolson .....
Mr. Clegg .....
Mr. Baughman ..
Chief Clerk .....
Mr. Coffey .....
Mr. Edwards .....
Mr. Egan .....
Mr. Harbo .....
Mr. Keith .....
Mr. Lester .....
Mr. Quinn .....
Mr. Schilder .....
Mr. Tamm .....
Mr. Tracy .....
.....

DEFENSE RESTS IN MASSACRE

KANSAS CITY, Jan. 3.—(AP)—The defense in the trial of seven persons charged with the conspiracy which led to the Union Station massacre here rested shortly before noon today.

The case was expected to go to the jury late today or tomorrow.

All seven defendants testified, with the exception of Herbert Farmer of Joplin, Mo., who is deaf.

The others are Mrs. Esther Farmer, Richard T. Galatas and his wife, Louis ("Doc") Stacci, Frank ("Fritz") Mulloy and Mrs. Frances Nash, widow of the convict who was slain with four officers at the Union Station plaza here eighteen months ago, as the result, the government charges, of the plot to liberate Nash

WHD

62-28915-A

Chicago American

1-3-35

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman..
Chief Clerk.....
Mr. Coffey.....
Mr. Edwards.....
Mr. Egan.....
Mr. Harbo.....
Mr. Keith.....
Mr. Lester.....
Mr. Quinn.....
Mr. Schilder.....
Mr. Tamm.....
Mr. Tracy.....
.....

Massacre Story Told by Defense

KANSAS CITY, Jan. 2.—(AP)—Defense witnesses moved to the stand today as the government unexpectedly rested its case in the trial of four men and three women on charges of conspiracy in the Kansas City Union Station massacre.

Richard T. Galatas, 45, owner of the Hot Springs, Ark., cigar store and poolroom where Frank Nash, escaped convict, was arrested by federal agents on June 16, 1933, said he knew Nash only by the name of "Doc Miller."

The name of John Lazia, slain "big-shot" politician, was injected into the trial by a federal agent, R. C. Suran.

Investigation of reports at the time of Lazia's gangland assassination last Summer indicated he was killed because he knew too much about the massacre.

Suran, testifying against Louis Stacci, Chicago filling station owner and another of the defendants accused of plotting to free Nash, related the substance of a statement Stacci gave him in Chicago last July.

NHD

62-7615-X

Chicago Herald & Examiner

1-3-35

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman..
Chief Clerk.....
Mr. Coffey.....
Mr. Edwards.....
Mr. Egan.....
Mr. Harbo.....
Mr. Keith.....
Mr. Lester
Mr. Quinn.....
Mr. Schilder.....
Mr. Tamm.....
Mr. Tracy.....
.....

FEDERAL CASE ON MASSACRE ENDS SUDDENLY

Judge Orders Defense to Show Hand.

Kansas City, Mo., Jan. 2.—[Special.]—The government unexpectedly rested its case this afternoon in the trial of seven defendants charged with conspiracy in connection with the killing of five persons, called the "Union station massacre," here a year and a half ago.

The move came as a surprise. Several witnesses summoned by the government remained to be heard when the prosecution concluded. Defense motions for a directed verdict of acquittal and for dismissal of charges immediately were made, but were overruled by Judge Merrill E. Otis.

Beer Bottle Offers Clew.

The last witness called by the government was J. E. Brannan, a fingerprint expert. He testified concerning a fingerprint found on a beer bottle in the home of the late Verne C. Miller, one of three men named by the government as the machine gunners in the slaying of two detectives, two United States agents, and Frank Nash. Nash was on his way to the federal prison at Leavenworth, Kas. The shooting took place in the Union station plaza here on June 17, 1933.

Brannan said he had identified the print as that of Mrs. Vivian Mathis, who was known as Miller's wife. Mrs. Mathis pleaded guilty to one of the three counts against her as the trial opened last Monday. The government announced the remaining charges would be dismissed.

Mrs. Frances Nash, widow of the slain convict, also swung to the government side. She testified yesterday for the prosecution, asserting she was afraid for her life "for telling the truth" in the case. She has been held in jail, at her own request, though the government said charges against her will be dismissed.

Chicagoan Among Accused.

Other defendants in the case are Mr. and Mrs. Herbert Farmer of Joplin, Mo.; Louis [Doc] Stacci, alias Stacey, Chicago roadhouse operator; Frank [Fritz] Mulley, and Mr. and Mrs. Richard T. Galatas.

The government charged that the defendants, through a series of telephone calls, arranged with Miller, Charles [Pretty Boy] Floyd, and the latter's lieutenant, Adam Richetti, to liberate Nash, who was being returned to Leavenworth penitentiary following his arrest at Hot Springs, Ark. Floyd and Miller later were killed and Richetti is under arrest.

Earlier today Federal Agent Leon G. Turrou, an important witness in the Lindbergh kidnaping case because of his investigations of Bruno Richard Hauptmann, was placed on the stand. He was anxious to complete his testimony so he could fly to the Hauptmann trial at Flemington, N. J.

Denies Using Third Degree.

Turrou vehemently denied he had used "third degree" methods to obtain an oral statement from Defendant Mulloy, who had asserted that the federal agent "cursed me, threatened to throw me in jail and let me rot if I didn't make a statement."

62-76715-K
Chicago Tribune
1-3-35

Mr. Nathan .....
Mr. Tolson .....
Mr. Clegg .....
Mr. Baughman ..
Chief Clerk .....
Mr. Coffey .....
Mr. Edwards .....
Mr. Egan .....
Mr. Harbo .....
Mr. Keith .....
Mr. Lester .....
Mr. Quinn .....
Mr. Schilder .....
Mr. Tamm .....
Mr. Tracy .....

THURSDAY, JANUARY 3, 1935. KANSAS CITY JOURNAL-POST.

Aiding the government in its prosecution of seven defendants for alleged conspiracy in connection with the Union station massacre are two agents formerly in charge of the Kansas City office of the division of investigation, department of justice. They are shown in the rear row of the upper photograph (left) E. E. Conroy, now in charge of the Little Rock, Ark., office, and R. E. Vetterli, in charge of the St. Louis office. Front row (left) Maurice M. Milligan, United States district attorney, and (right) his assistant, Randall Wilson. Below—Mrs. Esther Farmer, wife of Herbert Farmer, Joplin gambler, who, with her husband, is a defendant. Mrs. Farmer was on the stand for the defense at the resumption of the trial Thursday morning.

62-28115-A

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman..
Chief Clerk.....
Mr. Coffey.....
Mr. Edwards.....
Mr. Egan.....
Mr. Harbo.....
Mr. Keith.....
Mr. Lester.....
Mr. Quinn.....
Mr. Schilder.....
Mr. Tamm.....
Mr. Tracy.....

THE KANSAS CITY TIMES, THURSDAY, JANUARY 3, 1935.

ON THE GOVERNMENT'S SIDE.

These men at the government's counsel table in the trial of three women and four men on conspiracy charges growing from the slaying of five persons at the union station in 1933, are (left to right) Maurice M. Milligan, United States district attorney; Edward E. Conroy, special agent of the division of investigation of the department of justice; Randall Wilson, assistant United States district attorney, and R. E. Vetterli, who was wounded at the station while discharging his duties as special agent in charge of the office here of the division of investigation of the department of justice.

Mr. Nathan .....
Mr. Tolson .....
Mr. Clegg .....
Mr. Baughman ..
Chief Clerk .....
Mr. Coffey .....
Mr. Edwards .....
Mr. Egan .....
Mr. Harbo .....
Mr. Keith .....
Mr. Lester .....
Mr. Quinn .....
Mr. Schilder .....
Mr. Tarantino .....
Mr. Tracy .....

THURSDAY, JANUARY 3, 1935. KANSAS CITY JOURNAL-POST

Play Major Roles in Massacre Conspiracy Trial

1R

62-28915-A

Play Major Roles in Massacre Conspiracy Trial

DEFENSE FINISHES IN K. C. MASSACRE PLOT TRIAL HERE

Continued from Page 1.

massacre was heard. Because of his deafness, she said, Farmer did not hear the radio, but she went to him and communicated the news to him."

Mrs. Nash, she said, became hysterical upon receiving the news and exclaimed, "My God, I wonder if that could be my Frank."

After talking to her husband, Mrs.

identified were
Harold Anderson
ley.

During the time
the Jackson county
was questioned alm
the three agents
said she was
in the jail he

Mrs. Farmer,

Mrs. tFarmer wept
her testimony when
questioned conce
prisonment in the

"I was in the
weeks," she said. "Th
come by and tell me
the place they put
going to hang."

"Did you have
dress while you w
attorney asked.

"No, they took
me, and they di
comb or a mirror
was so hot I thou

At this point

She said she w
eral times by fede
them Leon G. Tu
government witn
and who was seat
room Thursday.

"Mr. Turrou once
a gangster's moll, e
was as good as
grandmother."

She looked toward
added:

"Didn't I, Mr. Turr
Turrou did not re

It was his obligatio
and not because of
to release a federal
the officers having h
that prompted Richa
to aid the woman he
Mrs. Frances Nash, G
Wednesday.

He was the first
put on the stand aft
ment closed its case

"Unaware He W

Galatas told in det
questioning of his att
L. Balaban, Chicago, o
tion with Mrs. Frances
he knew as Mrs. Fr
Nash, he said, was k
as George W. Miller
not aware that Nash w
convict.

Galatas told of the
at the White

why he had
body.
me hysterical, he
then, because of
ions, that he took
Springs airport to
artering a plane for
lin, where Mr. and
ved.
ll to Chicago.
said, made a tele-
en they stopped at
Mrs. Louise Conners
She told him she
riends in Chicago in
get more money so
sh bond for "Miller."
the government has
Louis (Doc) Stacci,
Nash was working
Nash.
told of his trip to
he met the Farmers.
being called to the tele-
by Mrs. Nash, who had been
to Verne Miller in Kansas
City. The only conversation he had
with Miller, he said, was to tell
Miller his identity and to receive
Miller's thanks for the aid he had
given Mrs. Nash in reaching Joplin.
told in detail of his flight
Springs, mentioning the
had visited up to the time
in New Orleans.
for using an assumed
said, was because J.
director of the divi-
tigation had said he
to have Galatas

Aiding the government in its prosecution of seven defendants for alleged conspiracy in connection with the Union station massacre are two agents formerly in charge of the Kansas City office of the division of investigation, department of justice. They are shown in the rear row of the upper photograph (left) E. E. Conroy, now in charge of the Little Rock, Ark., office, and R. E. Vetterli, in charge of the St. Louis office. Front row (left) Maurice M. Milligan, United States district attorney, and (right) his assistant, Randall Wilson. Below—Mrs. Esther Farmer, wife of Herbert Farmer, Joplin gambler, who, with her husband, is a defendant. Mrs. Farmer was on the stand for the defense at the resumption of the trial Thursday morning.

DEFENSE FINISHES IN K. C. MASSACRE PLOT TRIAL HERE

Continued from Page 1.

massacre was heard. Because of his deafness, she said, Farmer did not hear the radio, but she went to him and communicated the news to him.

Mrs. Nash, she said, became hysterical upon receiving the news and exclaimed, "My God, I wonder if that could be my Frank."

After talking to her husband, Mrs. Farmer said, she told Mrs. Nash the slain convict was her husband.

Mrs. Farmer said Mrs. Nash was sobbing and saying she had no place to go and did not know what to do. She said she advised Mrs. Nash to go home to her parents.

Armed Men Near Home.

Then, she said, she called her father, who had remained at the Farmer farm near Joplin. Her father told her not to come home at that time, stating that two carloads of men, all heavily armed, were there looking for her and Farmer.

She said, however, that, later that afternoon she drove to her farm and obtained Mrs. Nash's clothes. Then she returned to Joplin and gave Mrs. Nash her baggage and placed her on a bus. The destination of the bus, she said, she believed was St. Louis, but she could not remember positively.

Farmer, she said, came to Kansas City on a shopping expedition they previously had planned. He bought a suit of clothes and a hat here and then returned home.

For two weeks he stayed in Joplin and on his farm, where the oat harvest was in progress, and made no attempt to hide. About two weeks after the massacre, she said, Farmer was arrested and placed in the Joplin jail.

Then She Is Questioned.

Following her husband's arrest, she said, she went to the jail to take him his dinner, and then she was taken into custody. She was questioned in Joplin by federal agents, she said.

Walden asked her if it were true that her husband had told her the truth—that she had nothing to fear, Mrs. Farmer replied in the affirmative.

"That's what he said to me," she answered.

She said on the day she was brought to Kansas City that federal agents got her up at daybreak, gave her no opportunity to get her clothes and did not permit her to have breakfast. There were three motor cars, all filled with heavily armed men, she said. One car traveled in front, she was placed in the center car, and the third fol[illegible]

[illegible] added:

"Didn't I, Mr. T[illegible]

Tu[illegible] did not r[illegible]

It w[illegible] his obligati[illegible] and not because of [illegible] to release a federa[illegible] the officers having [illegible] that prompted Rich[illegible] to aid the woman h[illegible] Mrs. Frances Nash, [illegible] Wednesday.

He was the first [illegible] put on the stand a[illegible] ment closed its case[illegible]

"Unaware He W[illegible]

Galatas told in de[illegible] questioning of his at[illegible] L. Balaban, Chicago, [illegible] tion with Mrs. France[illegible] he knew as Mrs. F[illegible] Nash, he said, was [illegible] as George W. Miller [illegible] not aware that Nash [illegible] convict.

Galatas told of the [illegible] at the White Front [illegible] Hot Springs, and sa[illegible] the man he knew [illegible] kidnaped. Later [illegible] was arrested b[illegible] When "Mrs. Mil[illegible] husband's arrest [illegible]

K. C. MASSACRE

Government Will Call Rebuttal Witnesses to Stand.

HEAR MRS. FARMER

First News of K. C. Killing Came Over Radio, She Says on Stand.

The defense in the trial of seven persons charged with conspiring to release a federal prisoner rested at noon Thursday. The government announced it would call several rebuttal witnesses, after which arguments of the opposing counsel will be heard and the case then will go to the jury.

On the jury's decision rests the fate of Mrs. Esther Farmer and her husband, Herbert Farmer, Joplin; Louis (Doc) Stacci, Chicago roadhouse proprietor; Richard T. Galatas and his wife, Mrs. Elizabeth Galatas, Hot Springs, and Frank B. (Fritz) Mulloy, Kansas City. Mrs. Frances Nash, the seventh defendant, has been promised immunity by the government in return for her testimony for the prosecution.

An eighth defendant, Vivian Mathis, associate of Verne Miller, slain gunman, already has entered a plea of guilty to conspiring to effect the release of Frank Nash from the officers who were taking him back to the federal penitentiary in Leavenworth, June 17, 1933.

Five Die in Shooting.

Nash and four officers, Raymond J. Caffrey, special agent of the division of investigation, department of justice; Otto Reed, McAlester, Ok., police chief, and Frank Hermanson and William J. Grooms, Kansas City detectives, were killed when gunmen endeavored to take Nash from the officers.

The seven defendants whose trial started Monday before Judge Merrill E. Otis in the federal court, are alleged by the government to have negotiated with the gunmen to attempt to release Nash when he reached Kansas City in the custody of the officers.

The defense rested its case after Galatas, Mrs. Esther Farmer, Elmer Stacci, stepson of Louis (Doc) Stacci, the roadhouse proprietor, and Frank B. (Fritz) Mulloy testified.

Mrs. Nash Hysterical.

Mrs. Farmer said she and her husband, Herbert Farmer, and Nash's wife, Mrs. Frances Nash, were in a Joplin drug store when the radio announcement of the Union station

Turn to Page 4, Column 6

62-28915-R

WASH. POST
1/3/35
HURSDAY, JAN

Gang Massacre Defense Loses Acquittal Plea

U. S. Rests Case Suddenly; Turrou Flies to N. J. for Hauptmann Trial.

Kansas City, Jan. 2 (AP).—Defense witnesses moved to the stand today as the Government unexpectedly rested its case in the trial of four men and three women on charges of conspiracy in the Kansas City Union Station massacre.

Richard T. Galatas, 45, owner of the Hot Springs, Ark., cigar store and pool room where Frank Nash, escaped convict, was arrested by Federal agents June 16, 1933, said he knew Nash only by the name of "Doc Miller."

"It's probably the second-highest-class room of its kind in Hot Springs," Galatas said of his establishment, "and has a clientele composed almost entirely of doctors."

Directed Acquittal Denied.

Handed a photograph of the baldheaded Nash, who was killed with four officers at the Kansas City station while en route back to the Leavenworth, Kas., prison, Galatas was asked if it resembled "Doc Miller."

"Absolutely not," he said. Nash was wearing a wig and a mustache at the time of his arrest.

Judge Merrill E. Otis overruled defense motions for a directed verdict of acquittal after Government attorneys rested.

Defense attorneys sought to prove that Fritz Mulloy, another conspiracy defendant, had been subjected to cruel treatment by Federal agents.

Mulloy, in absence of the jury, told Federal Judge Merrill E. Otis that Leon G. Turrou, Federal agent, had threatened to "throw me in jail and let me rot if I didn't make a statement."

Turrou, one of New Jersey's star witnesses in the trial of Bruno Hauptmann for the murder of Charles A. Lindbergh, jr., denied Mulloy's accusation and was corroborated by Walter G. Trainor, another agent. The defense was overruled and the jury brought back.

Will Fly to Jersey.

Turrou testified Mulloy made a voluntary oral statement to him concerning a telephone conversation June 16, 1933, in which he was asked to get in touch with Miller.

The agent also testified Mulloy admitted sending a money order for $500 to Nash at Hot Springs, Ark., May 16, 1933. The order was signed "V. Page," an alias of Vivian Mathis, who pleaded guilty Monday to one count of conspiracy.

Turrou, completing his testimony at noon, planned to fly to Flemington, N. J., where he will testify against Hauptmann. Turrou was the Federal agent who found most of the remaining Lindbergh ransom bills at the alleged kidnaper's Brooklyn home.

62-28915-A

Mr. Nathan
Mr. Tolson ✓
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr Tracy
.....

K.C. MASSACRE

Mr. Nathan
Mr. Tolson
Mr Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester EB
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy

Gang Massacre Defense Loses Acquittal Plea

U. S. Rests Case Suddenly; Turrou Flies to N. J. for Hauptmann Trial.

Kansas City, Jan. 2 (AP).—Defense witnesses moved to the stand today as the Government unexpectedly rested its case in the trial of four men and three women on charges of conspiracy in the Kansas City Union Station massacre.

Richard T. Galatas, 45, owner of the Hot Springs, Ark., cigar store and pool room where Frank Nash, escaped convict, was arrested by Federal agents June 16, 1933, said he knew Nash only by the name of "Doc Miller."

"It's probably the second-highest class room of its kind in Hot Springs," Galatas said of his establishment, "and has a clientele composed almost entirely of doctors."

Directed Acquittal Denied.

Handed a photograph of the baldheaded Nash, who was killed with four officers at the Kansas City station while en route back to the Leavenworth, Kas., prison, Galatas was asked if it resembled "Doc Miller."

"Absolutely not," he said. Nash was wearing a wig and a mustache at the time of his arrest.

Judge Merrill E. Otis overruled defense motions for a directed verdict of acquittal after Government attorneys rested.

Defense attorneys sought to prove that Fritz Mulloy, another conspiracy defendant, had been subjected to cruel treatment by Federal agents.

Mulloy, in absence of the jury, told Federal Judge Merrill E. Otis that Leon G. Turrou, Federal agent, had threatened to "throw me in jail and let me rot if I didn't make a statement."

Turrou, one of New Jersey's star witnesses in the trial of Bruno Hauptmann for the murder of Charles A. Lindbergh, jr., denied Mulloy's accusation and was corroborated by Walter G. Trainor other agent. The defense was ruled and the jury brought bac

Will Fly to Jersey.

Turrou testified Mulloy made a voluntary oral statement to him concerning a telephone conversation June 16, 1933, in which he was asked to get in touch with Miller.

The agent also testified Mulloy admitted sending a money order for $500 to Nash at Hot Springs, Ark., May 18, 1933. The order was signed "V. Page," an alias of Vivian Mathis, who pleaded guilty Monday to one count of conspiracy.

Turrou, completing his testimony at noon, planned to fly to Flemington, N. J., where he will testify against Hauptmann. Turrou was the Federal agent who found most of the remaining Lindbergh ransom bills at the alleged kidnaper's Brooklyn home.

Washington Post
D.C.

1/3/35

62-28915-A

Gang Massacre Defense Loses Acquittal Plea

U. S. Rests Case Suddenly; Turrou Flies to N. J. for Hauptmann Trial.

Kansas City, Jan. 2 (AP).—Defense witnesses moved to the stand today as the Government unexpectedly rested its case in the trial of four men and three women on charges of conspiracy in the Kansas City Union Station massacre.

Richard T. Galatas, 45, owner of the Hot Springs, Ark., cigar store and pool room where Frank Nash, escaped convict, was arrested by Federal agents June 16, 1933, said he knew Nash only by the name of "Doc Miller."

"It's probably the second-highest-class room of its kind in Hot Springs," Galatas said of his establishment, "and has a clientele composed almost entirely of doctors."

Directed Acquittal Denied.

Handed a photograph of the baldheaded Nash, who was killed with four officers at the Kansas City station while en route back to the Leavenworth, Kas., prison, Galatas was asked if it resembled "Doc Miller."

"Absolutely not," he said. Nash was wearing a wig and a mustache at the time of his arrest.

Judge Merrill E. Otis overruled defense motions for a directed verdict of acquittal after Government attorneys rested.

Defense attorneys sought to prove that Fritz Mulloy, another conspiracy defendant, had been subjected to cruel treatment by Federal agents.

Mulloy, in absence of the jury, told Federal Judge Merrill E. Otis that Leon G. Turrou, Federal agent, had "threatened to "throw me in jail and let me rot if I didn't make a statement."

Turrou, one of New Jersey's star witnesses in the trial of Bruno Hauptmann for the murder of Charles A. Lindbergh, jr., denied Mulloy's accusation and was corroborated by Walter G. Trainor, another agent. The defense was overruled and the jury brought back.

Will Fly to Jersey.

Turrou testified Mulloy made a voluntary oral statement to him concerning a telephone conversation June 16, 1933, in which he was asked to get in touch with Miller.

The agent also testified Mulloy admitted sending a money order for $500 to Nash at Hot Springs, Ark., May 18, 1933. The order was signed "V. Page," an alias of Vivian Mathis, who pleaded guilty Monday to one count of conspiracy.

Turrou, completing his testimony at noon, planned to fly to Flemington, N. J., where he will testify against Hauptmann. Turrou was the Federal agent who found most of the remaining Lindbergh ransom bills at the alleged kidnaper's Brooklyn home.

Mr. Nathan .....
Mr. Tolson .....
Mr. Clegg .....
Mr. Baughman ...
Chief Clerk .....
Mr. Coffey .....
Mr. Edwards .....
Mr. Egan .....
Mr. Harbo .....
Mr. Keith .....
Mr. Lester .....
Mr. Quinn .....
Mr. Schilder .....
Mr. Tamm .....
Mr. Tre .....
.....

WASH. POST JAN 3 1935

62-28915-A

'U.S. AGENTS CRUEL'

Mrs. Esther Farmer Says She Was Kept in a Death Cell at County Jail.

JURY HEARS HER STORY

Complaints of Treatment at Hands of Officers Is Given at Conspiracy Trial.

DEATH NEWS BY RADIO

The Woman Says They Heard About Nash Slaying While in a Drug Store.

Every available foot of space in the courtroom of Judge Merrill E. Otis was taken by spectators today to hear Mrs. Esther Farmer, the third defendant to testify in the union station massacre case, complain of her treatment at the hands of federal agents.

She was called a "liar," she said; she was rushed to Kansas City in a motor car at seventy miles an hour without breakfast, questioned continuously through a day, then placed in the "death cell" at the county jail. Mrs. Farmer did not like all that, and her attorney, Charles S. Walden, managed to get all of it before the jury.

Frances Nash at Home.

Mrs. Frances Nash, widow of the escaped prisoner slain at the station, was at the home of Mr. and Mrs. Herbert A. Farmer near Joplin when radio reports told of the slayings in Kansas City.

"Was your husband with you," Walden asked Mrs. Farmer, "when you received the radio report?"

"Yes," she replied, "but he did not hear it. He is partly deaf."

"What did Frances Nash say when she heard the report?"

"She said, 'My God, I wonder if that can be my Frank?' Then I went to Herb (Mr. Farmer) and told him the Nash mentioned in the radio report as slain was Frank Nash."

"Then what did you do?"

"I tried to console Mrs. Nash. She was hysterical. She didn't know what to do. I suggested she go home and I went from the drug store where we heard the report to my home to get her clothing."

To Other Questioning.

Walden dropped that line of questioning and took up her experience with federal agents.

"How long after that," he asked, "were you taken into custody?"

"About two weeks later. We did not try to hide from anybody."

Mrs. Farmer said that later she was taken to the federal building at Joplin, then started for Kansas City in a motor car. She said she and her husband were in one car with federal agents and that there was one car in front and one behind, all bristling with shotguns and other arms.

"We traveled all the way to Kansas City at seventy miles an hour and when we reached the federal building here I was ill and nervous. I was given no opportunity to call anyone. I wasn't given any breakfast and was questioned from dawn to dark."

Several Agents There.

Mr. Nathan .....
Mr. Tolson .....
Mr. Clegg .....
Mr. Baughman ..
Chief Clerk .....
Mr. Coffey .....
Mr. Edwards ....
Mr. Egan .....
Mr. Harbo .....
Mr. Keith .....
Mr. Lester .....
Mr. Quinn .....
Mr. Schilder .....
Mr. Tamm .....
Mr. Tracy .....
Miss Gandy .....

file
EM

62-28915-A

tinuously through a day, then placed in the "death cell" at the county jail. Mrs. Farmer did not like all that, and her attorney, Charles S. Walden, managed to get all of it before the jury.

Frances Nash at Home.

Mrs. Frances Nash, widow of the escaped prisoner slain at the station, was at the home of Mr. and Mrs. Herbert A. Farmer near Joplin when radio reports told of the slayings in Kansas City.

"Was your husband with you," Walden asked Mrs. Farmer, "when you received the radio report?"

"Yes," she replied, "but he did not hear it. He is partly deaf."

"What did Frances Nash say when she heard the report?"

"She said, 'My God, I wonder if that can be my Frank?' Then I went to Herb (Mr. Farmer) and told him the Nash mentioned in the radio report as slain was Frank Nash."

"Then what did you do?"

"I tried to console Mrs. Nash. She was hysterical. She didn't know what to do. I suggested she go home and I went from the drug store where we heard the report to my home to get her clothing."

To Other Questioning.

Walden dropped that line of questioning and took up her experience with federal agents.

"How long after that," he asked, "were you taken into custody?"

"About two weeks later. We did not try to hide from anybody."

Mrs. Farmer said that later she was taken to the federal building at Joplin, then started for Kansas City in a motor car. She said she and her husband were in one car with federal agents and that there was one car in front and one behind, all bristling with shotguns and other arms.

"We traveled all the way to Kansas City at seventy miles an hour and when we reached the federal building here I was ill and nervous. I was given no opportunity to call anyone. I wasn't given any breakfast and was questioned from dawn to dark."

Several Agents There.

"Who was present at the questioning or the conference?" Walden asked.

"L. G. Turrou, Harold E. Andersen, Dwight Brantley and others."

"What happened in the conference?"

"Turrou said to me, 'You know you are a liar. You know you didn't tell the truth about those phone calls at Joplin.' They were trying all the time to get me to tell who was in the killing at the union station. I didn't know, and I told them so time after time. They kept asking me that same question for three months. And then, finally, they put me in the death cell at the county jail."

"Did you make a detailed statement at that conference?" Walden asked.

"Yes, Turrou took it down with a pencil and paper. It was not typewritten at that time."

THE RAYEN RULING LATER.

Judge Otis Says He Has Not Had Time to Study It Enough.

Judge Merrill E. Otis did not pass on a motion of George (Jeff) Rayen, police lieutenant, to quash the indictment under which he was held for perjury in connection with his testimony before a federal grand jury in the union station massacre investigation. Today was the day set for a decision on the motion.

Judge Otis heard the oral arguments on the motion last Saturday. After court opened today Judge Otis said he had not had sufficient time to study the arguments, that the matter was important, that he desired to give it his best judgment, therefore would withhold action until some time next week. He said that if the motion was overruled the case against Rayen would go to trial at the next sitting of the court.

DAILY NEWS, FRIDAY, JANUARY

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith ED
Mr. Lester
Mr. Quinn
Mr Schilder
Mr. Tamm
Mr Tracy

JURY DELAYS VERDICT ON 6 IN MASSACRE

Kansas City, Mo., Jan. 3 (AP).—Federal hopes of a speedy verdict against six persons accused of a

(Associated Press Wirephoto)
Made in Kansas City at 12:30 P. M. yesterday, this photo was wired exclusively to The News in New York. It shows Mrs. Frances Nash, widowed in station massacre there in 1933.

plot that led to the 1933 Union station quintuple slaying were stalled in the jury room tonight.

The jury, urged to reach a decision tonight "if conscientiously able," deliberated for more than two hours the Government case against two women and four men before being sent to bed with orders to resume work at 9 A. M. tomorrow.

Asked Quick Verdict.

Ending a trial of four days, Judge Merrill E. Otis had asked for a quick verdict against the six accused of plotting to free Frank Nash from officers taking the escaped convict back to Leavenworth Federal penitentiary. Four officers were killed and Nash accidentally slain by would-be rescuers.

While the jury deliberated, some of the defendants frolicked like boys released from school. Louis Staeci, Melrose Park, Ill., cafe proprietor, chased Herbert Farmer, Joplin, Mo., gambler, about the courtroom, pointing a camera in a mock attempt at taking his picture.

Counts Dismissed.

Judge Otis granted a Government request to dismiss two of three counts against the defendants.

The counts dismissed charged the defendants with conspiring to harbor a Federal prisoner and conspiring to rescue a Federal prisoner. The defense moved for the dismissal of the remaining charge, conspiracy to free a Federal prisoner, but the motion was overruled.

WHDS

62-28915-5

NEW YORK WORLD-TELEGRAM, FRIDAY, JANUARY 4, 1935

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Barbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr Tracy

SIX GUILTY IN MASSACRE

By the United Press

KANSAS CITY, Jan. 4.—Four men and two women were found guilty today of plotting the delivery of Frank Nash that resulted in the Union Station massacre in which Nash and four officers were slain in June, 1933.

WHD

62-28915-F

NEW YORK TIMES, FRIDAY, JANUARY 4, 1935.

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy

STATION SLAYINGS GIVEN TO THE JURY

Unable to Agree on a Quick Verdict, Jurors in Kansas City Are Sent to Bed.

CHARGES ARE REDUCED

Six of Seven Defendants Are Liable Only to Two Years' Term and $10,000 Fine.

KANSAS CITY, Jan. 3 (AP).—The jurors in the Union Station massacre case were unable to reach a verdict tonight and were sent to bed. Six persons were on trial for plotting the slayings. The jury had deliberated for more than two hours.

Ending a trial of four days, Judge Merrill E. Otis in Federal court had asked for a quick verdict against the six accused of planning the ambush.

Frank Nash, a convict, and four officers were slain by machine gunners in an attempt to free Nash on June 17, 1933.

Charges against six of the seven defendants were reduced today to one count, conspiracy to free a Federal prisoner.

All charges against the seventh defendant, Mrs. Frances Nash, widow of Nash, were dismissed in accordance with the prosecution agreement by which she testified against her associates.

Judge Otis granted a request of Randall Wilson, Assistant District Attorney, for dismissal of the second and third counts against the others, conspiracy to harbor a Federal prisoner and conspiracy to rescue a Federal prisoner.

The maximum sentence under conviction on the first count would be two years' imprisonment and a $10,000 fine.

Maurice Milligan, District Attorney, commenting on the use of Mrs. Nash as a witness, said that such action often was necessary to obtain convictions.

"I never repudiated the agreement made by my predecessor (William Vandeventer)," Mr. Milligan said.

After presenting all but one of the defendants on the witness stand, defense attorneys rested their case at noon.

Herbert Farmer of Joplin, Mo., alone of the seven did not take the stand. He is so deaf, said his wife, Esther Farmer, also a defendant, that questioning would be useless.

Richard T. Galatas and his wife, Betty, took the stand yesterday to deny that they plotted the release of Nash when they assisted Mrs. Nash at Hot Springs, Ark., in her efforts to reach Joplin, where she thought Nash was being taken.

Today Mrs. Farmer, Louis Stacci and Fritz Mulloy made similar flat denials that in aiding Mrs. Nash they had entered into a conspiracy which the government asserted resulted in the slaying of Nash and four officers.

Nash was arrested by Federal officers in Hot Springs on June 16 and taken to Kansas City en route to the Leavenworth (Kan.) prison. A few minutes after the train arrived next morning the officers were ambushed.

WHD

62-28915-A

MACHINE-GUN KILLING CASE GOES TO JURY

Federal Judge Asks Early Verdict for Six Held for Kansas City Conspiracy

KANSAS CITY, Jan. 3 (U.P.). The case of six defendants charged with a conspiracy which resulted in the machine gun massacre of five men at the Union Station here 18 months ago went to a Federal Court jury at 8 p. m.

Judge Merrill E. Otis asked the jury to reach a verdict tonight if possible.

WIFE IS FREE

The defendants are:

Richard T. Galatas, Hot Springs, Ark., gambler; his wife, Elizabeth; Herbert Farmer, Joplin, Mo., resort operator; his wife, Esther; Louis Stacci, Chicago roadhouse owner, and Frank "Fritz" Mulloy, Kansas City gangster.

Charges were dismissed against Mrs. Frank Nash, one of the original eight defendants, when she testified for the Government.

Vivian Mathis, the remaining defendant, pleaded guilty when the speedy trial opened Monday.

KILLERS NAMED

Verne Miller, gangster since slain; Charles "Pretty Boy" Floyd, killed by Federal agents in Ohio, and Adam Richetti, now in Government custody, were charged as the actual killers.

Frank Nash, escaped convict, had been arrested in Hot Springs by Federal agents and was hurried by automobile and train en route to Leavenworth Prison. After his arrest, his wife contacted the other defendants, the Government charged, and a plot was hatched to free Nash here.

WASH HERALD JAN 4 1935

62-28915-A

last session of congress authorized 500 million dollars for relief in the drought areas, mostly spent last summer and fall.

The new work relief program will not permit the budget to be balanced in the next fiscal year of 1938, beginning next July 1, as was promised by the President at the opening of the last session of congress. It probably will mean that the public debt, now at the peak of $38 billion dollars, will be carried to $35 or $40 billion dollars before the end of the next fiscal year.

May Be Ickes or Hopkins.

The President's plan of work relief to supplant the present dole system or regular cash allowance to the needy is along the line forecast in advance of the message. The question is not settled whether the new single agency of administration to be set up to carry out the new program shall be headed by Secretary Ickes, PWA administrator; Harry L. Hopkins, federal relief administrator, or someone else. The Hopkins organization will be terminated next June 30, or absorbed in the new work relief agency. The President leaves in doubt the future of the housing administration, headed by James A. Moffett, the exponent of recovery through the use of private capital.

The President spoke today with a new confidence in his ideals, backed by the overwhelming vote in the elections last November. This was something he did not have when he began his pioneering work nearly two years ago under the new deal.

The President had little to offer of comfort for the capitalistic class, or the rugged individualists. He said in the beginning, however, that "the new order of things" he sought was "under the framework and in the spirit and intent of the American Constitution."

"More Lasting Purpose."

"It is important," he said later, "to recognize that while we seek to outlaw specific abuses, the American objective of today has an infinitely deeper, finer and more lasting purpose than mere repression."

"We have, however," the President continued, "a clearer mandate from the people that Americans must foreswear that conception of the acquisition of wealth which, through excessive profits, creates undue private powers over private affairs, and, to our misfortune, our public affairs as well.

"In building towards this end we do not destroy ambition nor do we seek to divide our wealth into equal shares on stated occasions. We continue to recognize the greater ability of some to earn more than others. But we do

Six of the persons shown above today were found guilty by a federal jury of conspiring to obstruct justice in the station plaza slayings, a seventh pleaded guilty at the beginning of the trial before Judge Merrill E. Otis, and an eighth was freed by the United States attorney. Upper left are Herbert A. Farmer and Esther Farmer; upper right, Elizabeth Galatas and Richard T. Galatas; lower center, Frank B. (Fritz) Mulloy; lower right, Louis (Doc) Stacci. At the lower left is Vivian Mathis, who pleaded guilty.

means of benefit payments for acreage curtailment.

"The economic facts justify the widespread opinion of those engaged in agriculture that our provision for maintaining a balanced production gave at this time a most adequate remedy for an old and vexing problem," the President said. T. C. A

FRENCH LEADER TO PRISON.

Embezzlement Costs Francois-Marsal 18-Month Sentence.

(By the Associated Press.)

PARIS, Jan. 4.—Frederic Francois-Marsal, former premier of France, former minister of finance and obdurate foe of payment of the French war debts to the United States, was sentenced to eighteen months in jail for embezzlement today.

Francois-Marsal formerly was president of the board of directors of the Sucos Company, and was accused of responsibility for stockholders' losses amounting to 20 million francs ($1,944,000).

In addition to his imprisonment, the court assessed the former statesman

ACCUSED BY LINDY

(Continued from First Page.)

J. Reilly, chief of counsel for Bruno Richard Hauptmann, announced he would keep Colonel Lindbergh on the stand all day, and longer if necessary, to hammer at the prosecution evidence already advanced.

The defense decision to make Lindbergh the first target of its attack contrasted with the policy it pursued with his wife, the former Anne Morrow, who left the stand unchallenged after she told her story of events the night her son was kidnaped.

The cross-examination was to be the first encounter between the father and representatives of the man accused of [illegible] his child—but not the last. [illegible] said they would recall Lindbergh to the stand several times in the chronological presentation

woman, she is most charming and admirable."

THE THIRD DAY IN COURT.

Colonel Strides to the Stand to Start Proceedings.

(By the Associated Press.)

FLEMINGTON, N. J., Jan. 4.—The third day of Bruno Richard Hauptmann's trial for life began at 10:01 o'clock, with Col. Charles A. Lindbergh returning to the witness stand to continue his direct testimony.

The jury was in court early and posed for innumerable photographs, the flash bulbs of the photographers blooming in bright spots of light all over the courtroom.

The buzz of conversation died down when Judge Thomas W. Trenchard mounted the bench and the jury roll was called.

Then Hauptmann, looking paler and more deep-eyed than usual, was brought into court with his guards.

Lindbergh, who was [illegible]

RAYMOND HALL RECOVERING.

Banker Is Expected to Return From Florida Next Month.

Raymond W. Hall, vice-president of the First National Bank, now recuperating in Miami, Fla., after a long illness, plans to return to Kansas City about the middle of February to resume direction of the trust department of the First National.

Mr. Hall was in St. Luke's hospital from June until Thanksgiving, when he left the hospital to have the holiday dinner in his new home at 6710 Tomahawk road. He had recovered sufficiently a week ago to go to Florida. His dangerous illness resulted from complications following an operation.

MEXICO HIKES LIQUOR TAXES.

THE CITY OF MEXICO, Jan. 4.—(A. P.)—The treasury department published a decree today raising taxes on liquors and saloons as a first step in a campaign by President Cardenas against the use of alcoholic beverages throughout the country.

HEAVY BRITISH CAR TOLL.

LONDON, Jan. 4.—Christmas week was Great Britain's blackest week on the roads. A total of 167 persons were killed and 3,680 were injured in street accidents.

Savi
unprecedent

swear that conception of the acquisition of wealth which, through excessive profits, creates undue private powers over private affairs, and, to our misfortune, our public affairs as well.

"Intending towards this end we do not destroy ambition nor do we seek to divide our wealth into equal shares on stated occasions. We continue to recognize the greater ability of some to earn more than others. But we do assert that the ambition of the individual to obtain for him and his a proper security, a reasonable leisure and a decent living throughout life, is an ambition to be preferred to the appetite for great wealth and great power."

Pro Controlled Profits.

This comes close to the Tugwellian theory of controlled private profits, but without confiscation or going as far as Huey Long would go in bringing about the redistribution of wealth through legislative fiat. The President refuses, however, to accede to the demands of the radical groups that the government finance projects in competition with private capital, or to use its resources to engage in private productive enterprise as Upton Sinclair proposed in California.

What the President calls in his message "an American plan for the American people" continues the administration's position half way between state socialism and private capitalism, but tends somewhat more to the left than before in assuming that the government owes everyone willing to work a job so long as private capital is unable to provide one.

No Plan for NRA.

The President gave no hint regarding what he has in mind for reorganization of the NRA, mentioning the blue eagle organization only "as among the subjects that lie before us."

The utility holding company evil, the strengthening of our facilities for the prevention and detection of crime, the gradual tapering off of emergency credit activities of the government and consolidation of regulatory administration over all forms of transportation, were other issues touched on generally by the President.

Regarding the AAA and the administration's agriculture policies the President went on record as favoring a continuation of the government's co-operation with the farmer by

war debts to the United States, was sentenced to eighteen months in jail for embezzlement today.

Francois-Marsal formerly was president of the board of directors of the Seine Company, and was accused of responsibility for stockholders' losses amounting to 20 million francs ($1,944,000).

In addition to his imprisonment, the court assessed the former statesman a fine of 20,000 francs ($1,330) and costs.

Francois-Marsal was finance minister in the Millerand cabinet in 1920 and again in the Poincare cabinet in 1924.

His premiership lasted five days in June, 1924, parliament having voted a lack of confidence in him and his ministers after he had been in office one day under the then President Millerand.

SUGGESTS U. S. APOLOGIZE.

Pepper Sees a Way Out of I'm Alone Controversy.

(By the Associated Press.)

WASHINGTON, Jan. 4.—The suggestion that the United States apologize to Canada for the sinking of the rum runner I'm Alone was advanced yesterday by George Wharton Pepper, American agent.

The proposal came at the conclusion of the hearing of the dispute by the American Canadian judicial commission, involving the Canadian claim of $306,803 for the sinking of the rum runner by a coast guard vessel in the Gulf of Mexico, March 22, 1929.

"There has been a technical violation of the flag as ruled in an interlocutory decision of the commission," said Pepper. "I suggest that formal recognition be made through a declaration of profound regret."

ROYAL REUNION IS POSSIBLE.

Family Session May Unite King Carol and Princess Helen.

(By the Associated Press.)

BUCHAREST, Jan. 4.—Another possibility for a reunion between Princess Helen and her divorced husband, King Carol, was seen today in an announcement of a probable family reunion at the official royal residence in Sinaia January 25.

Make Success Certain by using Star Want Ads.—Adv.

after she told the story of events that night her son was kidnaped.

The cross-examination was to be the first encounter between the father and representatives of the man accused of killing his child—but not the last. Prosecutors said they would recall Lindbergh to the stand several times in the chronological presentation of their case.

Another forthcoming state witness, Dr. John F. Condon, was expected in court to hear the Lindbergh cross-examination. The prosecution will call later for "Jafsie's" story of the ransom negotiations.

Dr. Condon, it became known from official sources, promised Hauptmann recently he would seek clemency from President Roosevelt if the Bronx carpenter would make a statement implicating others in the crime.

During the dramatic interview in the Hunterdon County jail, however, Hauptmann sat immobile.

Reilly planned to use his cross-examination, a weapon with which his colleagues say he is adept, to help prove his newly-disclosed contention that the crime was plotted in the Sourland Mountain home of the Lindberghs, without the knowledge of the family.

"We will show that the kidnaping was planned and executed by a gang of five persons, whose names, naturally, we cannot disclose at this time," he said outside the courtroom.

"Furthermore, the defense will prove that the child was carried from its nursery room down the stairs of the house and out a door of the house, rather than down the ladder which the state contends was used in perpetration of the crime."

There appeared scant possibility that Betty Gow, the dark Scotch nurse of the slain child, would testify today. She was to have followed Mrs. Lindbergh on the stand yesterday, but she was so distraught after hearing her mistress's testimony that she was unable to take the stand.

Reilly declined to cross-examine Mrs. Lindbergh, telling the court:

"The defense believes that the grief of a bereaved mother should never be subjected to cross-examination."

Later, he said, "As a witness she told a splendid, sympathetic story. But it was not evidentiary. As a

over the courtroom.

The buzz of conversation died down when Judge Thomas W. Trenchard mounted the bench and the jury roll was called.

Then Hauptmann, looking paler and more deep-eyed than usual, was brought into court with his guards.

Lindbergh, who was on the stand at adjournment yesterday, entered court four minutes after Justice Trenchard. He wore the same gray suit as yesterday, a blue shirt and blue and white striped tie. He was accompanied by Col. H. Norman Schwarzkopf, head of the Jersey state police.

Justice Trenchard issued a stern warning to photographers that no pictures be taken in court, and then opened the trial.

The aviator took long strides to the stand. He crossed his legs, threw one arm over the back of his chair and smiled slightly.

Hauptmann fixed his pale blue eyes on the flying colonel as the testimony progressed. Lindbergh looked straight at Attorney General David T. Wilentz, who questioned him.

STRAIN ON THE PRISONER.

Hauptmann Shows Nervousness After Retiring to His Cell.

(By the Associated Press.)

FLEMINGTON, N. J., Jan. 4.—Bruno Richard Hauptmann tried in vain today to cloak with his usual composure evidences of nervousness aroused by the dramatic events of his trial.

His guards said he appeared affected deeply after being called by the attorney general "the man who murdered that baby," and after hearing the testimony of Col. and Mrs. Charles A. Lindbergh.

In the seclusion of Hunterdon County's No. 1 jail cell, he ate only a light meal at the recess yesterday. He ate more heartily last night, escalloped potatoes, seven pieces of rye bread and several cups of coffee. Then he tried to read a book provided, by the warden, but apparently he could not hold himself to it, and soon jumped up to pace the bull pen outside his cell.

Nervously, he threw himself on his cot, and as an officer whom he sees infrequently appeared he quickly picked up the book once more.

Savi
unprecedente
Twice-Ye
SHI
and pa
regularly $1.98
$1.55
regularly $3.50
$2.65
Including white and fa
styles and fancies in
to-match styles. It's a
offers specta
Clearance o
were $1.00.....
were $1.50.....
were $2.00.....
were $2.50.....
were $3.50.....
Rothc
On Mai

SAS CITY STA

AS CITY, JANUARY 4, 1935—FRIDAY—26 PAGES.

THE WEATHER—FAIR AND WARMER.

12 midnight	18	6 a. m.	16
1 a. m.	17	7 a. m.	17
2 a. m.	17	8 a. m.	18
3 a. m.	17	9 a. m.	20
4 a. m.	17	10 a. m.	23
5 a. m.	17	11 a. m.	26

*Unofficial.

The Forecast—Kansas City and Vicinity: Fair and warmer tonight and Saturday.

Wind velocity, 7 a. m., 8 miles; from the southeast.

Relative humidity, 7 p. m., 86 per cent.

River stage today, 1.6 feet; rise of .1 foot.

Lake of the Ozarks, 7 a. m., 8.6 feet below full reservoir.

Precipitation in twenty-four hours ending 7 a. m., none.

FAIR SKIES AND WARMER

COLD WAVE PASSES ON EAST AND THE MERCURY WILL CLIMB.

Tomorrow's High Temperatures Will Be in the Upper 40s, Mr. Hamrick Believes, With Rain to the North.

Kansas City's latest cold snap, which took the mercury down to 16 degrees above zero at 6 o'clock today, was becoming a matter of meteorological history as the high pressure area moved eastward in giving way to a new low.

Mr. Hamrick believes tonight's minimum will be between 28 and 32 degrees and tomorrow's maximum in the upper 40s. So rapidly was the change from high to low pressure areas occurring today that the weather forecaster expected the mercury to climb well into the 50-degree range immediately.

The forecast was for fair and warmer weather tonight and Satur-

SIX NASH AIDS GUILTY

A Jury in the Federal Court Convicts Four Men and Two Women of Conspiring to Free a Government Prisoner.

ON TWO BALLOTS

At First It Is 11 to 1 for Conviction, Then It Is Unanimous.

TO HEAR TERM TOMORROW

Judge Merrill E. Otis Will Sentence the Defendants at 9:30 o'Clock.

Maximum Punishment Is Two Years in Prison and $10,000 Fine Each.

APPEAL IS TO BE TAKEN

Attorneys for the Six Say the Case Will Be Taken to a Higher Court.

Verdicts of guilty were returned today against the six defendants in the union station massacre conspiracy on trial in the federal court here since Monday.

Two ballots were taken, one not hear the verdict as read by the clerk. He looked questioningly at his wife, sitting beside him. She, stood up and with her mouth close to his ear told him what the jury had decided. She sobbed and Farmer embraced her.

It was disclosed by jurors after the verdict had been returned that one ballot was taken last night on one defendant and the vote was eleven to one for conviction. That was after a long discussion of the case and was the only ballot taken last night.

The physical condition of two of the jurors may have had something to do with the speed with which a decision was reached. W. W. Hermon, Rich Hill, Mo., and Leslie Elberg, 5509 Euclid avenue, both had severe colds last night and were ill today when they reached the jury room.

The completion of the conspiracy case did not cause even a pause in Judge Otis's courtroom. The moment the verdict had been disposed of and the necessary announcements made by the court a beginning was made on other court matters. Some of the jurors in the conspiracy case remained in the courtroom, available for service on other cases.

Neither Vivian Mathis nor Frances Nash was in the courtroom when the verdicts were read. Maurice M. Milligan, United States district attorney who prosecuted the case, also was absent, having gone to Richmond, Mo., last night. The six defendants found guilty were present with their lawyers.

RICHETTI IS AWAITING TRIAL

Conspiracy Charge Is Against Him

Milligan A

Cupid was the
Maurice M.
States district
ing present in
today to hear
union station c
Milligan went
Richmond, Mo.,
the jury retire
return to Kans
hear the jury's
were other duti
At 7 o'clock t
attorney's daug
Milligan, will b
John C. Crowley
in a ceremony
home in Richm
many things to
for the wedding
needed at home
But he will
row to hear se
on the six pe
and the one wh
the massacre

A GRAND J

THE TERM, H
FOR ON

No Matters of Be Presented tion Massa by

Subpoenas to
on seventeen p
9:30 o'clock M
Brown Harris t
where twelve of
as members of
The term of
will continue on
It was understo

r. Tamm .....
r. Tracy .....
ise Gandy .....

[illegible] come well into the [illegible]

The forecast was for fair and warmer weather tonight and Saturday. The main part of the low pressure area now moving in from the northeast was expected by Mr. Hamrick to pass north of Kansas City and perhaps to result in precipitation for northern cities which would not be had here.

JAPAN UNDER SCRUTINY AGAIN.

Expenditures on Pacific Possessions Are Questioned by League.

(By the Associated Press.)

GENEVA, Jan. 4.—The permanent mandates commission of the League reported today that sums Japan announced she spent purely for civil and commercial purposes on ports in islands in the Pacific, held by her under mandate, are disproportionate to the volume of commercial activity. Further particulars on the expenditures were asked in the next Japanese report.

A Tokio representative in his previous report sought to allay "suspicions" expressed in Geneva that Japan is building fortifications or constructing naval bases in the Marshall, Caroline, Ladrone or Pelew islands, granted her after the World War.

$30,000 FOR HALF HIS BODY.

Boy, Paralyzed by Watchman's Shot, Wins Damage Award.

(By the Associated Press.)

CHICAGO, Jan. 4.—For half his body 14-year-old Charles Verba has $30,000.

The $30,000 is for the half that was paralyzed as a result of injuries received when he was shot by a railroad watchman while he was searching along the Santa Fe right of way for scraps of food for his dog, Brownie.

A check for the amount was handed to him yesterday by his attorney, Albert B. Michel. Asked what he would do with the money he said:

"I'll get mother a steam-heated flat, so we won't have to live in a damp basement any more. Then I'll make sure that Brownie will be well cared for as long as he lives, no matter what happens to me. And then—I want to get well."

But the doctors say Charles may not live for more than six months.

TO TRY ROOSEVELT, JR., SOON.

No Attempt by Family to Influence Him, Prosecutor Says.

(By the Associated Press.)

Hartford, Conn., Jan. 4.—Both [illegible]

the federal court here since Monday.

Two ballots were taken, one last night and one today. In the first ballot the vote was 11 to 1 for conviction for one defendant. In the ballot today the vote was unanimously for conviction for all of them.

The defendants:

Richard Tallman Galatas, Hot Springs, Ark.

Herbert Allen Farmer, Joplin, Mo.

Elizabeth Galatas.

Esther Farmer.

Frank B. (Fritz) Mulloy, Kansas City.

Louis (Doc) Stacci, Chicago night club operator.

Conspiring to Free Prisoner.

The incident on which they were found guilty is this federal charge:

"Conspiring to liberate a prisoner in the custody of the attorney general, one Frank Nash, June 17, 1933."

The maximum sentence for each defendant is two years in the penitentiary and a fine of $10,000.

Randall Wilson, an assistant United States district attorney, said the prisoners would be called before Judge Merrill E. Otis, who heard the case, at 9:30 o'clock tomorrow morning for sentencing. In the meantime, the four men were taken to the county jail to await sentence and the two women were released on the bonds on which they were free before and through the trial.

Cause of the Massacre.

Aside from the specific wording of the indictment on which the six were convicted, they were found guilty of making the arrangements for the delivery of Frank Nash, a federal prisoner, from federal agents and other officers, thereby precipitating the blast of machine guns at the union station the morning of June 17, 1933, resulting in the death of five men, Nash included.

The actual slaying is attributed by the government to [illegible]

RICHETTI IS AWAITING TRIAL

Conspiracy Charge Is Against Him in the Massacre.

The union station conspiracy case against Adam Richetti still is pending in federal court. He is charged in the same manner as the six defendants convicted today. Randall Wilson, assistant United States district attorney, said disposal of that case would be determined soon by Maurice M. Milligan, United States district attorney.

Other charges which grew out of the union station massacre are pending in the state court. The government, Wilson said, is ready at any time to co-operate with the state in the disposal of those cases. One is a murder charge against Richetti.

W. W. Graves, jr., county prosecutor, said today he still was awaiting word from the government's representatives as to the course they wished the state to pursue in aiding in the clean-up of the massacre cases.

Graves said that at the time of the federal grand jury's investigation in October he had offered to have a state grand jury called, but had been requested to "stand aside" until the government's case had been prepared, at which time the government's evidence would be made available to the state. Graves said he was ready to act at any time the government presents its evidence to him.

WATCH CASE FOR THREE.

Attorneys for Reppert, Higgins and Hayes Are at Trial.

During the course of the union station conspiracy trial attorneys representing three men charged with perjury in connection with the grand jury's investigation of the massacre attended sessions and listened to the evidence offered by the government's witnesses. The men charged with perjury are Eugene C. Reppert, former director of police; Thomas J. Higgins, chief of detectives, and Lieut. George Hayes, head of the motor theft bureau.

[illegible]

as members of [illegible] The term of [illegible] will continue [illegible] It was understood [illegible] ters of any great importance to place before the jury, unless the prosecutor's office, after studying the records of the union station massacre trial, decides to make use of some of the evidence contained there. In this connection the possibility was seen that Adam Richetti might be taken before the grand jury.

Those called for possible grand jury duty:

Joseph F. Porter, 825 West Fifty-sixth street.
Ed Borserine, 5809 Benton boulevard.
Frank J. Dean, 1030 West Fifty-fifth street.
Nathan Rieger, 3638 Charlotte street.
Charles T. Manley, 6812 Rockhill road.
James G. Calloway, 916 Baltimore avenue.
James K. Christopher, 712 West Forty-eighth street.
Sam Sonin, 3703 Holmes street.
James B. Shoemaker, 1412 Bellefontaine avenue.
J. O. Wade, 3928 Mercier street.
Edward Aaron, 4336 Hyde Park avenue.
Ernest Haysler, One Hundred and Fifth street and Wornall road.
Allen Qurollo, Independence.
Walter Schulenberg, Independence.
Stanley Gregg, Independence.
R. R. Chopin, Independence.
Claude Griffin, Atherton.

"BOOPADOOP" GIRL TO RENO.

Helen Kane to Ask Decree Because "We're Incomboopadoopatible."

(By the Associated Press.)

CHICAGO, Jan. 4.—Helen Kane, "boopadoop" actress, was quoted by the Herald-Examiner today as saying she would go to Reno to start divorce proceedings against Max Hoffman, jr. She was quoted as saying, "We're incomboopadoopatible."

MEXICO PAYS 1-2 MILLION.

U. S. Receives First Installment on Old Claims.

(By the Associated Press.)

WASHINGTON, Jan. 4.—A check for ½ million dollars was presented Secretary Hull yesterday by Pablo Campos-Ortiz, charge d'affaires of the Mexican embassy, as the first installment of Mexico's approximately 7-million-dollar debt to the United States.

The claim grew out of damages to American property during the turbulent days of the Mexican Revolution from 1910 to 1920.

[illegible]

[illegible] our people be further sapped by the giving of cash, of market baskets, of a few hours of weekly work cutting grass, raking leaves or picking up papers in the public parks. We must preserve not only the bodies of the unemployed from destitution, but also their self-respect, their self-reliance, courage and determination."

Reads His Message.

Appearing in person before the joint session of the house and senate, Mr. Roosevelt read his first general message to the seventy-fourth congress, stressing the necessity now of providing security to the individual of a livelihood, security against the major vicissitudes of life and security of "a decent home."

This is a broad American policy for the first time enunciated in detail by the President.

The program will seek through a new system, to supersede the federal emergency relief administration, to provide jobs for 3½ million persons on government projects, which will be based on the recent recommendations of the national resources board. The "new and greatly enlarged plan", of work relief will include slum clearance, rural housing of several kinds, rural electrification, reforestation, soil erosion and reclamation of blighted regions, national highways to handle modern traffic, elimination of grade crossings, enlargement of the civilian conservation corps; also non-federal local projects, mostly self-liquidating, and "as many others which the Nation needs and cannot afford to neglect."

Rivers Not Included.

The list of proposed projects does not include flood control and development of rivers for navigation, but they may be [illegible]

The message contained a [illegible]

No Attempt by Family to Influence Miss Prosecutor Says.

(By the Associated Press.)

ORANGE, CONN., Jan. 4.—Both Franklin D. Roosevelt, Jr., son of the President, and his mother, communicated with the prosecutor of Orange yesterday relative to the son's appearance in town court on a charge of speeding, and it seemed the case might be disposed of within a few days.

David N. Torrance, prosecutor of Orange, said he would be considerate of the Roosevelts' wishes and he tentatively set the case for Saturday, although if that is not satisfactory it may be heard Monday.

"I have received many letters from cranks telling me how young Roosevelt should be dealt with," the prosecutor said, "but no one connected with his family has attempted in any way to influence the case."

FOOD DROPPED TO MEN ADRIFT

Seven on Floes Survive Night in Temperature 20 Below.

(By the Associated Press.)

BARRIE, ONTARIO, Jan. 4.—Royal Canadian air force pilots succeeded today in dropping packages of food to seven men adrift on huge ice floes in Lake Simcoe since yesterday.

Despite the fact the marooned men had spent the night afloat in 20 below zero weather, it appeared to the aviators that all were alive. Three were on one floe and four on another, somewhat larger. They were swept out into the lake when the ice, on which they had set up crude fishing shacks, broke away from the shore.

HER CAUTION TO NO AVAIL.

Thief Finds $150 Woman Hid Under a Rug.

Afraid to carry her money with her for fear of a holdup, Mrs. Esther Martin, 1601 East Eighth street, hid $150 under the rug in her apartment bedroom last night.

When she returned a thief had taken the money.

The quickest way to recover lost articles and pets is through a want ad in The Star.—Adv.

Nash included.

The actual slayings is attributed by the government to Verne Miller, since slain near Detroit; Charles (Pretty Boy) Floyd, slain in Ohio, and Adam Richetti, now a prisoner in the county jail charged with murder.

The government proved to the satisfaction of the jury that the machinations of the defendants the day and night before the slayings, sent Miller, Floyd and Richetti to the union station to deliver Nash.

Frances Nash Released.

Originally there were eight defendants. Frances Nash, widow of the slain Frank Nash, was put on the stand by the government after she had been held for months and the case against her was dismissed while the trial was in progress. Vivian Mathis, who lived here as the wife of Verne Miller, pleaded guilty during the trial to the one count on which the six were convicted today. She has not yet been sentenced.

After listening four days to testimony, the jury received the case for deliberation at 8:58 o'clock last night and considered it two hours and ten minutes before retiring, taking the one vote one defendant.

The jury returned to the jury room at 9:15 o'clock today and at 9:25 o'clock went into the courtroom. Judge Otis arrived five minutes later.

Clerk Reads the Verdict.

J. C. Scott, foreman, arose in the jury box and, in response to a question, said the jury had arrived at a verdict. He handed six slips of paper to the bailiff, who passed them to Judge Otis. Judge Otis glanced over them and handed them to Arthur Schmalfeldt, clerk of the court, who read them aloud, beginning with Galatas and closing with Stacci.

The two women defendants, Esther Farmer and Elizabeth Galatas, wept when the verdict of guilty was read. Their sobs and cries bordered on hysteria as their husbands sought to comfort them. When the verdict had been read, Henry L. Dillingham, United States marshal, took the guilty persons in custody and locked them in the prisoners' cage in his office.

Herb Farmer, who is deaf, was a little tardy in learning his fate. He did

and president of the California Institute of Technology, last night advocated limiting the number of those who enter colleges and universities of the country by raising standards and increasing tuition. Colleges, he said, are turning out too many mediocre individuals who are flooding professional fields. There is a place for good engineers, good lawyers and good doctors, but not poor ones.

LA CAPRA IS RELEASED.

Kansas Officers Give Him Time to Get Under Cover.

(By the Associated Press.)

WELLINGTON, KAS., Jan. 4.—Michael LaCapra, held in jail here since early November as a material witness against three alleged gangsters who sought to slay him near here one night last summer, was released late yesterday without bond.

John Potucek, Sumner County attorney, said announcement of the prisoner's release was withheld until this morning to allow him time to get "under cover" and forestall another possible attempt on his life. LaCapra remained at a hotel here last night, however.

Three persons, Jerome Crete, John Pace and Robert McCoy, have been charged with assault with intent to kill and assault with a deadly weapon for firing on LaCapra and two friends as they drove along a highway. LaCapra was wounded slightly in the neck and shoulders by a charge of buckshot, but his companions were not struck.

Potucek has filed a motion in district court asking forfeiture of $3,000 bond furnished by each of the defendants because they failed to appear in court last Monday when a date for their trial was scheduled to be fixed.

A COAL STRIKE THREATENED

HAZLETON, PA., Jan. 4.—(A. P.)—A general strike in the anthracite fields of Pennsylvania was threatened today by officials of the United Mine Workers of America unless dual unionism in the region is abolished.

If u want old age pension & unemployment insurance Lewis gladly pay for it. —Adv.

Nearly 3,000 Are Affected in the Twin Cities.

(By the Associated Press.)

MINNEAPOLIS, Jan. 4.—Union garage workers of the Twin Cities went on strike at 12:01 a. m. today.

The walkout went into effect after negotiations with employers to arbitrate differences had reached a deadlock on wages, hours and union recognition.

Union leaders claim nearly 3,000 workers were affected.

STORK TO BARONESS DE PANTZ.

Death, However, Takes Daughter Born Today in Washington.

(By The Star's Own Service.)

WASHINGTON, Jan. 4.—A daughter was born this morning at the Columbia hospital here to Baron and Baroness Kurt Ferdinand de Pantz. The baby did not live.

Baroness de Pants was formerly Miss Mildred Nelson of Kansas City, the daughter of C. C. Nelson. The baron, a former resident of Vienna, is an artist whose portraits recently have attracted attention in Washington diplomatic circles.

CONVICT MOTHER'S BABY DIES.

Death Solves a Problem for Oklahoma Charities Commissioner.

(By the Associated Press.)

OKLAHOMA CITY, Jan. 4.—The infant son of Mrs. Lily Kuck, convict mother, died here last night at University hospital.

The baby was born in the hospital December 24, and since its birth Mrs. Mabel Bassett, state commissioner of charities and corrections, has been active seeking executive clemency for the mother to permit her to return home and care for the child.

Mrs. Kuck was sentenced to four years in the state penitentiary following her conviction on a burglary charge at Duncan.

SPIDER BITES A FILM STAR.

HOLLYWOOD, Jan. 4.—Warner Baxter, film star, today was recovering from a black widow spider bite. The spider bit Baxter on the little finger of his right hand New Year's night.

may be modified as recommended by the national resources board in the unenumerated undertakings to provide jobs.

The message contained a warning to those who would "for speculative profit or partisan purposes" do anything to "slow our onward steps." On the other hand he served notice that the profit system must continue, spoke of increased industrial activity, "benefits" to agriculture and "profits" to merchants.

Before discussing his work relief program, the President asserted that his "security of livelihood" plan, which would be submitted later, would include the "broad subjects of unemployment insurance and old age insurance, of benefits to children, for mothers, for the handicapped, for maternity care and for other aspects of dependency and for illness where a beginning can now be made."

The President said the third phase of his new American policy, for better homes, was included in the general plan for providing jobs for the unemployed.

Dependent Back to States.

The 1½ million persons on the relief rolls, who by reason of age or physical and mental condition are unemployable, will be turned back to the states and local communities, and the President declared "must be cared for as they were before."

The superficial view of the President's message is that it calls for the liquidation of the present federal emergency relief program, under which more than 3 billion dollars has been expended in direct relief, and which now has 1,200,000 persons engaged in various forms of work relief. It was pointed out at the White House, however, the outstanding declaration was the enunciation of a new American policy, designed to carry out

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman.....
Chief Clerk.....
Mr. Coffey.....
Mr. Edwards.....
Mr. Egan.....
Mr. Nease.....
Mr. Keith.....
Mr. Lester.....
Mr. Quinn.....
Mr. Schilder.....
Mr. Tamm.....
Mr. Tracy.....

SIX ARE CONVICTED IN MASS SLAYING

Found Guilty of Conspiracy in Fatal Attempt to Liberate Nash.

By the Associated Press.

KANSAS CITY, January 4.—Six persons were convicted by a jury in Federal Court today of arranging the delivery plot which cost the lives of Frank Nash, convict, and four officers in a blaze of machine gun fire on the Union Station Plaza here June 17, 1933. The jury got the case yesterday.

Those convicted were Louis (Doc) Stacci, Chicago night club operator; Frank B. (Fritz) Mulloy, Kansas City; Richard Tallman Galatas and his wife, Mrs. Elizabeth Galatas, Hot Springs, Ark., and Herbert Allen Farmer and Mrs. Esther Farmer, his wife, Joplin, Mo.

Mrs. Vivian Mathis, who posed as the wife of the late Verne C. Miller here, pleaded guilty as the trial opened.

Judge Merrill E. Otis ordered the two convicted women released on their present bonds and that the four men be turned over to United States Marshal Henry Dillingham until tomorrow, when they are to be brought before him for sentencing.

Defense counsel announced the verdict would be appealed. The maximum penalty is two years in prison and a fine of $10,000.

All the defendants took the verdict calmly, except Mrs. Farmer, who wept bitterly.

The trial was unusual in that prosecution and defense witnesses testified to virtually the same set of facts, but placed different interpretations upon them.

The defendants contended they merely sought to aid a woman whose husband had been snatched from his regular routine by three armed men who did not identify themselves as officers and who appeared to be kidnapers. Their motives, they claimed, were entirely ones of pity and sympathy.

62-28915-K

JAN 4 1935

WASH. STAR

Six Found Guilty In Depot 'Massacre'

KANSAS CITY, Mo., Jan. 4 (I.N.S.).—A verdict of guilty was returned today against all six defendants tried in Federal Court here on charges of conspiracy in connection with the Union Station massacre June 17, 1933, in which a Federal prisoner and four officers were slain.

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman..
Chief Clerk.....
Mr. Coffey.....
Mr. Edwards....
Mr. Egan.....
Mr. Harbo.....
Mr. Keith.....
Mr. Lester.....
Mr. Quinn.....
Mr. Schilder....
Mr. Tamm.....
Mr. Tracy.....
.....

62-28915-FT

JAN 4 1935

WASH. TIMES

6 Are Found Guilty in Massacre Trial

By United Press

KANSAS CITY.—The Government's campaign against gunmen and racketeers, and those who live on the fringe of the underworld, won another victory today when six persons charged with conspiring to free a prisoner were found guilty.

The defendants were accused of hatching the plan to liberate Frank Nash—the plan that resulted in the bloody Union Station massacre in which Nash and four officers were slain.

Among those convicted were two women, Mrs. Elizabeth Galatas and Mrs. Esther Farmer.

Mr. Nathan: ____
Mr. Tolson: ____
Mr. Clegg: ____
Mr. Baughman: ____
Chief Clerk: ____
Mr. Conrad: ____
Mr. Edwards: ____
Mr. Egan: ____
Mr. Harbo: ____
Mr. Keith: ____
Mr. Lester: ____
Mr. Quinn: ____
Mr. Schilder: ____
Mr. Tamm: ____
Mr. Tracy: ____

62-28715-

WASH. NEWS JAN 1 1935

"NEWS WHILE IT'S NEWS"

KANSAS CITY JOURNAL-POST

The Sentinel on the Hill

81st Year. No. 104. Entered as second class mail matter at Kansas City, Mo., under the act of March 3, 1879. Kansas City, Mo., Friday, January 4, 1935. Publication Office: 32nd and Oak Sts. Published Daily and Sunday.

JURY CONVICTS 6 IN STATION

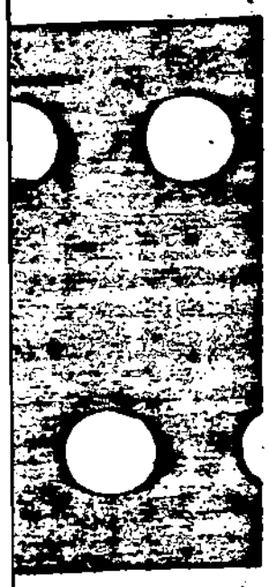
POST

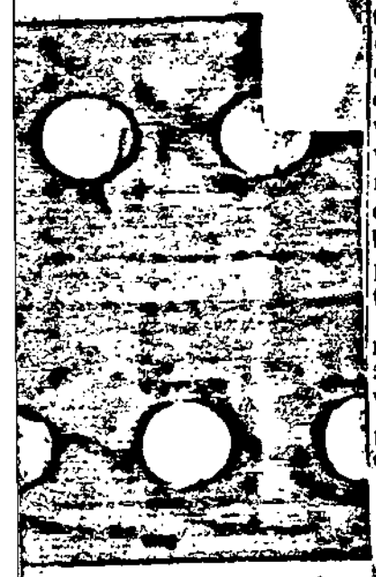
AFTERNOON EDITION

...cation Office: 22nd and Oak Sts. Published Daily and Sunday.

IN GREATER KANSAS CITY 2c PER 15c A WEEK COPY BY CARRIER

...TION CASE





SENTENCING OF GROUP IS SET FOR SATURDAY

Verdict in Massacre Plot Is Reached in Less Than Three Hours.

ONE PLEA OF GUILTY

Charge Carries Maximum of 2 Years in Prison and Fine of $10,000.

Guilty as charged!

That was the verdict returned in Judge Merrill E. Otis' division of the federal court Friday morning in the case of the four men and two women who were charged with conspiring to effect the release of Frank Nash, government prisoner, who was being returned to the federal penitentiary at Leavenworth the morning of June 17, 1933.

The conspiracy, it was alleged, led to the Union station massacre in which Nash and four officers were slain.

The defendants, all of whom will be sentenced by Judge Otis at 9:30 o'clock Saturday morning, are:

Louis (Doc) Stacci, Chicago night club operator.

Frank B. (Fritz) Mulloy, 14 East Fifty-sixth street terrace.

Richard Tallman Galatas and Mrs. Elizabeth Galatas, his wife, Hot Springs, Ark.

Herbert Allen Farmer and his wife, Mrs. Esther Farmer, Joplin, Mo.

Vivian Mathis, associate of Verne Miller, alleged by the government to have been one of the Union station killers, pleaded guilty to the charge when the trial opened Monday. She, also, will be sentenced by Judge Otis at 9:30 o'clock Saturday morning.

Two Year Maximum.

The maximum penalty which may be assessed is two years in the penitentiary or a $10,000 fine, or both.

Immediately after the jury, through its foreman, J. C. Scott, [illegible] Monigall avenue, had returned its verdict, the four men, Galatas, Stacci, Farmer and Mulloy were taken into custody and will be held pending the approval of new bonds for an appeal or a new trial following sentence. The two women, Mrs. Galatas and Mrs. Farmer, were permitted to remain at liberty under their old bonds of $5,000 each, pending sentence.

JURY CONVICTS 6 OF CONSPIRACY IN STATION CASE

Continued from Page 1.

the jury when Judge Otis asked if a verdict had been reached. He handed a slip of paper to a bailiff, who, in turn, gave it to Judge Otis. The latter scanned it hastily, and handed it to Arthur Schmalfeldt, deputy court clerk, who read the verdict.

Wife Informs Farmer.

As Schmalfeldt's voice informed them that the jury had found them guilty, the six defendants stared at him for a moment without expression. Herbert Farmer, Joplin gambler, who is deaf, did not realize the import of the clerk's words until his wife, Mrs. Esther Farmer, put her lips to his ear and whispered the information.

Farmer's face showed no emotion. Mrs. Farmer, however, after a moment in which her face was blank, began sobbing. She rose from her chair, speaking hysterically. "Oh, dear! Oh, dear!" came her words, tears rolling down her cheeks. Farmer slipped an arm around his wife's waist and led her from the court room. A deputy marshal stalked ominously to the rear.

"Don't cry! There, there, don't cry!" Farmer repeated over and over in an attempt to comfort his wife.

Galatas Near Wife.

Galtas, Hot Springs gambler, had been standing in the southeast corner of the court room talking to a court attache when the jury filed in. He moved over to a position just to the rear of his wife, Mrs. Elizabeth Galatas, who sat beside Mrs. Farmer. He and Mrs. Galatas received the verdict without emotion.

Louis (Doc) Stacci, debonair night club operator, who frolicked through the halls of the federal building Thursday night when the jury began its deliberations, and who entertained his co-defendants with his wise cracks, seemed depressed. There were no smiles on his lips, no wise cracks on his tongue as he heard the jury announce that he had conspired to release a federal prisoner from the custody of the attorney general of the United States. Uncle Sam had had the last word and there was nothing of humor or comedy in it for Stacci.

Frank B. (Fritz) Mulloy, the Kansas City defendant, regarded the scene before him with lackluster eyes and closed lips. He exhibited what court attaches characterized as a "dead pan"—a face devoid of expression.

Three of the attorneys for the defense—Henry L. Balaban, Chicago, representing Mr. and Mrs. Galatas; Ray Cummings, representing Stacci, and James Daleo, counsel for Mulloy, announced they would ask new trials. They have thirty days in which to perfect their appeal.

Attorney Cites Remarks.

Balaban said he believed the jury was impressed by the remarks of a man who had been called on the venire when the jury was being selected. That man, he said, announced in the presence of the other veniremen that he could not give the defendants a fair and impartial trial because of the stories he had read concerning them in the newspapers. That man, however, was no taccepted for jury service, and attorneys at the federal building said they doubted if his remark would have any bearing on the motion for a new trial.

The court room was comfortably filled with specta... verdict was broug... large crowd, whic... tended the sessi... started last Mo... evidence.

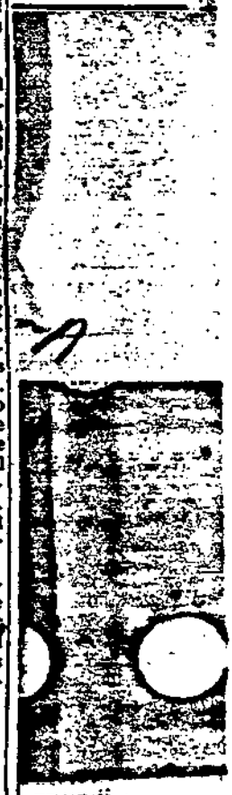
Nash and four of ... companying him to ... were killed on the ... plaza when gunme... upon them shortly af... and his captors reach... from Fort Smith; A... ing of June 17, 1933.

The officers killed ... J. Caffrey, special ... vision of investiga... of justice; Otto J. ... Ok., police chief, ... manson and Willia... Kansas City detec... Lackey and R. E. ... agents of the divis... tion, were woun... gerously.

Three Name...

A federal grand ... turned indictments ... Miller, Charles A. ... Floyd and A... killers. Miller ... been killed, Fl... agents and Mil... gangsters. Riche... the Jackson coun... charge.

A solid mas... crowded into ... room of Judge ... his instructions ... day night. Many ... women. Lawyers ...



FOR SATURDAY

Verdict in Massacre Plot Reached in Less Than Three Hours.

ONE PLEA OF GUILTY.

Charge Carries Maximum of 2 Years in Prison and Fine of $10,000.

Guilty as charged!

That was the verdict returned in Judge Merrill E. Otis' division of the federal court Friday morning in the case of the four men and two women who were charged with conspiring to effect the release of Frank Nash, government prisoner, who was being returned to the federal penitentiary at Leavenworth the morning of June 17, 1933.

The conspiracy, it was alleged, led to the Union station massacre in which Nash and four officers were slain.

The defendants, all of whom will be sentenced by Judge Otis at 9:30 o'clock Saturday morning, are:

Louis (Doc) Stacci, Chicago night club operator.

Frank B. (Fritz) Mulloy, 14 East Forty-sixth street terrace.

Richard Tallman Galatas and Mrs. Elizabeth Galatas, his wife, Hot Springs, Ark.

Herbert Allen Farmer and his wife, Mrs. Esther Farmer, Joplin, Mo.

Vivian Mathis, associate of Verne Miller, alleged by the government to have been one of the Union station killers, pleaded guilty to the charge when the trial opened Monday. She, also, will be sentenced by Judge Otis at 9:30 o'clock Saturday morning.

Two-Year Maximum.

The maximum penalty which may be assessed is two years in the penitentiary or a $10,000 fine, or both.

Immediately after the jury, through its foreman, J. C. Scott, 3500 Montgall avenue, had returned its verdict, the four men, Galatas, Stacci, Farmer and Mulloy were taken into curtody and will be held pending the approval of new bonds for an appeal or a new trial following sentence. The two women, Mrs. Galatas and Mrs. Farmer, were permitted to remain at liberty under their old bonds of $5,000 each, pending sentence.

The four men, Galatas, Stacci, Mulloy and Farmer, were taken to the county jail, where they were placed in cells.

Galatas' old bond was $15,000. The others were under bonds of $5,000 each.

Out 2 Hours 57 Minutes.

The jury was out 2 hours and 57 minutes. It received the case Thursday night and deliberated for 2 hours and 12 minutes before retiring for the night at 10:10 o'clock. At 8:45 o'clock Friday morning the jury returned to its room and resumed deliberations.

Observers in the court room, however, believed a verdict already had been reached since there was no sound from the jury room and it was believed the twelve men in whose hands the fate of the defendants rested merely were awaiting the arrival in court of Judge Otis.

Judge Otis had told the jury Thursday night he would not be ready to receive the verdict until 9:30 o'clock Friday morning. He arrived in his chambers at 9:25 o'clock. Almost immediately came the word that a verdict had been reached.

Scott, the foreman, answered the

Turn to Page 3, Column 1.

ment in which her face was blank, began sobbing. She rose from her chair, speaking hysterically. "Oh, dear! Oh, dear!" came her words, tears rolling down her cheeks. Farmer slipped an arm around his wife's waist and led her from the court room. A deputy marshal stalked ominously to the rear.

"Don't cry! There, there, don't cry!" Farmer repeated over and over in an attempt to comfort his wife.

Galatas Near Wife.

Galtas, Hot Springs gambler, had been standing in the southeast corner of the court room talking to a court attache when the jury filed in. He moved over to a position just to the rear of his wife, Mrs. Elizabeth Galatas, who sat beside Mrs. Farmer. He and Mrs. Galatas received the verdict without emotion.

Louis (Doc) Stacci, debonair night club operator, who frolicked through the halls of the federal building Thursday night when the jury began its deliberations, and who entertained his co-defendants with his wise cracks, seemed depressed. There were no smiles on his lips, no wise cracks on his tongue as he heard the jury announce that he had conspired to release a federal prisoner from the custody of the attorney general of the United States. Uncle Sam had had the last word and there was nothing of humor or comedy in it for Stacci.

Frank B. (Fritz) Mulloy, the Kansas City defendant, regarded the scene before him with lackluster eyes and closed lips. He exhibted what court attaches characterized as a "dead pan"—a face devoid of expression.

Three of the attorneys for the defense—Henry L. Balaban, Chicago, representing Mr. and Mrs. Galatas; Ray Cummings, representing Stacci, and James Daleo, counsel for Mulloy, announced they would ask new trials. They have thirty days in which to perfect their appeal.

Attorney Cites Remarks.

Balaban said he believed the jury was impressed by the remarks of a man who had been called on the venire when the jury was being selected. That man, he said, announced in the presence of the other veniremen that he could not give the defendants a fair and impartial trial because of the stories he had read concerning them in the newspapers. That man, however, was no taccepted for jury service, and attorneys at the federal building said they doubted if his remark would have any bearing on the motion for a new trial.

The court room was comfortably

agents and Miller presumably by gangsters. Richard is being held in the Jackson county jail on a murder charge.

A solid mass of humanity was crowded into the federal court room of Judge Otis when he began his instructions to the jury Thursday night. Many in the crowd were women. Lawyers and business men

Mr. Baughman ....
Chief Clerk .....
Mr. Coffey .....
Mr. Edwards .....
Mr. Egan .....
Mr. Harbo.....
Mr. Keith .....
Mr. Lester .....
Mr. Quinn .....
Mr. Schlives.....
Mr. Tamm .....

JURY CONVICTS 6 OF CONSPIRACY IN STATION CASE

Continued from Page 1.

e jury when Judge Otis asked if verdict had been reached. He anded a slip of paper to a bailiff, ho, in turn, gave it to Judge Otis. he latter scanned it hastily, and anded it to Arthur Schmalfeldt, eputy court clerk, who read the erdict.

Wife Informs Farmer.

As Schmalfeldt's voice informed em that the jury had found them uilty, the six defendants stared at im for a moment without expresion. Herbert Farmer, Joplin gambler, who is deaf, did not realize he import of the clerk's words ntil his wife, Mrs. Esther Farmer, ut her lips to his ear and whisered the information.

Farmer's face showed no emotion. Mrs. Farmer, however, after a moment in which her face was blank, egan sobbing. She rose from her hair, speaking hysterically. "Oh, earl Oh, dear!" came her words, ears rolling down her cheeks. Farmer slipped an arm around his wife's waist and led her from the ourt room. A deputy marshal talked ominously to the rear.

"Don't cry! There, there, don't ry!" Farmer repeated over and ver in an attempt to comfort his wife.

Galatis Near Wife.

Galatis, Hot Springs gambler, had been standing in the southeast corner filled with spectators when the verdict was brought in, but the large crowd, which daily had attended the session since the trial started last Monday, was not in evidence.

Nash and four of the officers accompanying him to the penitentiary were killed on the Union station plaza when gunmen opened fire upon them shortly after the prisoner and his captors reached Kansas City from Fort Smith, Ark., the morning of June 17, 1933.

The officers killed were Raymond J. Caffrey, special agent of the division of investigation, department of justice; Otto Reed, McAlester, Ok., police chief, and Frank Hermanson and William J. Grooms, Kansas City, detectives. Frank Lackey and R. E. Vetterli, also agents of the division of investigation, were wounded, Lackey dangerously.

Three Named as Slayers.

A federal grand jury later returned indictments naming Verne C. Miller, Charles A. (Pretty Boy) Floyd and Adam Richetti as the killers. Miller and Floyd since have been killed, Floyd by government agents and Miller presumably by gangsters. Richetti is being held in the Jackson county jail on a murder charge.

A solid mass of onlookers was crowded into the federal court room of Judge Otis when he began his instructions to the jury Thursday night. Many in the crowd were women. Lawyers and business men and public officials, all eager to hear the conclusion of the case, which had occupied four days of the court's time, stood on one side of the bench and behind the defense table.

Listen Attentively.

Seated with their lawyers around the defense table were six defendants in whose behalf arguments had just been made by counsel. Now they listened attentively as Judge Otis addressed the jury. Their lawyers had done all for them that could be done. Perhaps the judge, in his instructions, would indicate that the jury was to show leniency.

"This trial has consumed four days and four night sessions," Judge Otis began. "I want to thank you for the keen attention you have paid to the evidence and to the arguments of the opposing counsel.

"There remains for you now only that duty you assumed when you took your solemn oath that you would decide this case according to the evidence. The court may advise you as to the facts as well as charge you as to the law. The charge is an oral one. You must take the law with you in your memories to the jury room."

Explains Court Policy.

Judge Otis then told the jury that it was the policy of the federal courts to call only outstanding citizens—men of courage, of honor and of intelligence—for service as jurors, because the federal bar felt that ignorant, incompetent men made the jury system a failure. He predicted this jury would discharge its duties as honestly and bravely as it were possible to do so, because this jury represented the class of men the federal courts impressed into service for duty.

"The charges in the indictment originally contained three counts," Judge Otis reminded the jury, "but two of those counts have been dismissed because they resemble the first count and there is no reason to make this case more complex than it is.

"The one count under which the defendants now are, tried is that they conspired together to aid in the escape of Frank Nash, an escaped convict who was captured June 16, 1933, and committed properly to the custody of the attorney general of the United States.

Suggestions Offered.

"The law upon which the count is based holds it shall be unlawful for persons to conspire together to liberate any prisoner properly committed to the custody of the attorney general. It does not necessarily follow that if you find one or more of the defendants guilty, that you must find them all guilty of this charge in the indictment.

"What I say about the facts in this case is not binding upon you, but I think I can help you slightly if I suggest in what method you take up the issues in this case.

"First, ask yourself, was Frank Nash an escaped convict? I do not think you will have any trouble answering that question.

No Doubt on One Point.

"Second, was he, as a prisoner, properly committed to the custody of the attorney general? You should have no trouble there. That fact is not controverted.

"Third, there is no doubt that there was an attack upon officers of the United States government and Kansas City police the morning of June 17, 1933, at the Union station plaza. Frank Nash was in the custody of these officers, several of whom were killed. The question is: were the men who made that deadly attack attempting to liberate Nash, or were they attempting something else? I shall not comment upon that point.

"If such a plan to free Nash was made, were the defendants in this case parties to that plan? In its origin, was the plan formed by them? These questions are controverted issues.

"If they did enter into such a conspiracy, did any one of these defendants do what the indictment charges to carry the plan out? In that manner, gentlemen, I believe I would begin by deliberation of this case.

Comments on Witness.

"An agent of the bureau of investigation of the department of justice testified concerning a statement obtained from one of the defendants in this case. You may not believe as I do about this witness. I think he told the truth. You may not think so, but I do.

"For ten years I have heard witnesses testify from this bench. Everything in the testimony of this witness convinced me he is a worthy man of the bureau of investigation. The bureau of investigation is made up of young men who not only are known for their high intelligence, but also for the duty that has caused them to lay down their lives."

Mr. Nathan .....
Mr. Tolson .....
Mr. Clegg .....
Mr. Baughman ..
Chief Clerk .....
Mr. Coffey .....
Mr. Edwards ....
Mr. Egan .....
Mr. Harbo .....
Mr. Keith .....
Mr. Lester .....
Mr. Quinn .....
Mr. Schilder ....
Mr. Tamm .....
Mr. Tracy .....
.....

JURY DEBATES FATE OF SIX IN MASSACRE

KANSAS CITY, Jan. 2.—(U.S.)—The "massacre jury" tonight started deliberations to determine whether there was a conspiracy to kill four officers and Frank Nash, convict, at the Union Station here a year and a half ago.

The government, with the aid of Mrs. Verne Miller, alias Mathis, and Mrs. Frank Nash, hopes to convict Mr. and Mrs. Richard Galatas, Mr. and Mrs. Joe Farmer of Joplin, Frank Mulloy and Louis Stacci of plotting to liberate Nash from federal agents and police.

Nash was killed in a hail of machine gun bullets by Charles ("Pretty Boy") Floyd, Miller and Adam Richetti, the government charged. Floyd and Miller have since been slain. Richetti is in jail.

Mrs. Nash pleaded guilty and was freed, but asked to remain in jail during the trial for protection. Mrs. Miller was also a prosecuting witness.

Unable to reach an agreement after seven hours, the jury was locked up for the night.

NW H D C

62-28915-F

Chicago Herald & Examiner

Mr. Nathan .....
Mr. Tolson .....
Mr. Clegg .....
Mr. Baughman ..
Chief Clerk .....
Mr. Coffey .....
Mr. Edwards .....
Mr. Egan .....
Mr. Harbo .....
Mr. Keith .....
Mr. Lester .....
Mr. Quinn .....
Mr. Schilder .....
Mr. Tamm .....
Mr. Tracy .....
.....

CONVICT SIX OF MASSACRE PLOT AT KANSAS CITY

U. S. Jury Finds Defendants Guilty in Killing of Federal Agents.

Kansas City, Mo., Jan. 4.—(AP)—Six persons were convicted by a jury in federal court today of arranging the delivery plot which cost the lives of Frank Nash, convict, and four officers in a blaze of machine-gun fire on the Union station plaza here June 17, 1933.

The jury was out two hours and twelve minutes last night, and it was evident immediately after they filed into the jury room this morning at 9 o'clock that a verdict had been reached. It was returned in court at 9:30 a. m.

Chicagoan Is Convicted.

Those convicted were:

Louis ("Doc") Stacci, Chicago night-club operator.

Frank B. ("Fritz") Mulloy, Kansas City.

Richard Tallman Galatas and his wife, Mrs. Elizabeth Galatas, Hot Springs, Ark.

Herbert Allen Farmer and Mrs. Esther Farmer, his wife, Joplin, Mo.

Mrs. Vivian Mathis, who posed as the wife of the late Verne C. Miller here, pleaded guilty as the trial opened.

Sentencing Tomorrow.

Judge Merrill E. Otis ordered that the two women be released on their present bonds and that the four men be turned over to Marshal Henry Dillingham until 9:30 a. m. tomorrow, when they are to be brought before him for sentencing.

Henry L. Balaban, one of the defense counsel, announced that the verdict would be appealed.

All the defendants took the verdict calmly except Mrs. Farmer, who wept bitterly.

WHO—

Chicago Daily News

64-28915-H 1-4-35

Convict 6 in Kansas City Massacre

KANSAS CITY, Jan. 4.—(AP)—Six persons were convicted by a jury in Federal Court today of arranging the delivery plot which cost the lives of Frank Nash, convict, and four officers in a blaze of machine gun fire on the Union Station plaza here June 17, 1933.

Those convicted were:

Louis (Doc) Stacci, Chicago night club operator.

Frank B. (Fritz) Mulloy, Kansas City.

Richard Tallman Galatas and his wife, Mrs. Elizabeth Galatas, Hot Springs, Ark.

Herbert Allen Farmer and Mrs. Esther Farmer, his wife, Joplin, Mo.

Mrs. Vivian Mathis, who posed as the wife of the late Verne C. Miller here, pleaded guilty as the trial opened.

GUILTY IN MASSACRE

Mr. and Mrs. Richard T. Galatas, who were among the six persons convicted of arranging the plot to deliver Frank Nash, convict, who was slain with four officers in the attempt to put the plot into execution at the Union Station plaza in Kansas City.

Mrs. Vivian Mathis, who posed as the wife of the late Verne C. Miller, had pleaded guilty to the plot charge. (International News

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman.....
Chief Clerk.....
Mr. Coffey.....
Mr. Edwards.....
Mr. Egan.....
Mr. Harbo.....
Mr. Keen.....
Mr. [illegible].....
Mr. Quinn.....
Mr. [illegible].....
Mr. Tamm.....
Mr. Tracy.....

'Massacre' Case Goes to U.S. Jury; Six Await Verdict

Kansas City, Jan. 3 (AP).—The case of two women and four men charged with conspiracy in the Union Station quintuple slaying case was given to a Federal court jury at 7:58 tonight.

Charges against the six were reduced to one count, conspiracy to free a Federal prisoner, by the prosecution today.

All charges against the seventh, Mrs. Frances Nash, widow of the convict Frank Nash, were dismissed in keeping with the prosecution agreement by which she testified against her associates.

The maximum sentence under conviction on the first count would be two years imprisonment and a $10,000 fine.

Herbert (Deafy) Farmer, Joplin (Mo.) farmer-gambler, alone of the seven did not take the stand. He is so deaf, said his wife, Esther, also a defendant, that questioning would be useless.

Richard T. Gallatas and his wife, Betty, yesterday took the stand to deny they plotted the release of Nash when they assisted Mrs. Nash at Hot Springs, Ark., in her efforts to reach Joplin, where she thought Nash was being taken.

Today Mrs. Farmer, Louis Stacci and Fritz Mulloy entered similar flat denials that in aiding the distraught woman they had entered into a conspiracy which the Government claims resulted June 17, 1933, in the machine gun assassination of Nash and four officers at the Union Station.

62-28915-A

WASH POST JAN 4 1935

Mr. Nathan
Mr. Tolson
Mr Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy

MACHINE GUN KILLING CASE GOES TO JURY

Federal Judge Asks Early Verdict for Six Held for Kansas City Conspiracy

KANSAS CITY, Jan. 3 (U.P.). The case of six defendants charged with a conspiracy which resulted in the machine gun massacre of five men at the Union Station here 18 months ago went to a Federal Court jury at 8 p. m.

Judge Merrill E. Otis asked the jury to reach a verdict tonight if possible.

WIFE IS FREE

The defendants are:

Richard T. Galatas, Hot Springs, Ark., gambler; his wife, Elizabeth; Herbert Farmer, Joplin, Mo., resort operator; his wife, Esther; Louis Stacci, Chicago roadhouse owner, and Frank "Fritz" Mulloy, Kansas City gangster.

Charges were dismissed against Mrs. Frank Nash, one of the original eight defendants, when she testified for the Government.

Vivian Mathis, the remaining defendant, pleaded guilty when the speedy trial opened Monday.

KILLERS NAMED

Verne Miller, gangster since slain; Charles "Pretty Boy" Floyd, killed by Federal agents in Ohio, and Adam Richetti, now in Government custody, were charged as the actual killers.

Frank Nash, escaped convict, had been arrested in Hot Springs by Federal agents and was hurried by automobile and train en route to Leavenworth Prison. After his arrest, his wife contacted the other defendants, the Government charged, and a plot was hatched to free Nash here.

Washington Herald
Jan. 4, 1935

62-[illegible]-A

'Massacre' Case Goes to U.S. Jury; Six Await Verdict

Kansas City, Jan. 3 (AP).—The case of two women and four men charged with conspiracy in the Union Station quintuple slaying case was given to a Federal court jury at 7:58 tonight.

Charges against the six were reduced to one count, conspiracy to free a Federal prisoner, by the prosecution today.

All charges against the seventh, Mrs. Frances Nash, widow of the convict Frank Nash, were dismissed in keeping with the prosecution agreement by which she testified against her associates.

The maximum sentence under conviction on the first count would be two years imprisonment and a $10,000 fine.

Herbert (Deafy) Farmer, Joplin (Mo.) farmer-gambler, alone of the seven did not take the stand. He is so deaf, said his wife, Esther, also a defendant, that questioning would be useless.

Richard T. Gallatas and his wife, Betty, yesterday took the stand to deny they plotted the release of Nash when they assisted Mrs. Nash to Hot Springs, Ark., in her efforts to reach Joplin, where she thought Nash was being taken.

Today Mrs. Farmer, Louis Stacci and Fritz Mulloy entered similar flat denials that in aiding the distraught woman they had entered into a conspiracy which the Government claims resulted June 17, 1933, in the machine gun assassination of Nash and four officers at the Union Station.

Wash. Post
1-4-35

Jury Is Considering Massacre Case

By United Press

KANSAS CITY, Mo.—A Federal Court jury was to resume at 9 a. m. today its deliberation of the fate of six defendants charged with conspiring to free a Federal prisoner in connection with the Union Station massacre of June 17, 1933, in which the prisoner, Frank Nash, a Federal agent and three peace officers were slain.

The case went to the jury at 8 p. m. last night.

Mrs. Frank Nash, widow of the slain fugitive from Federal justice and a Government witness, was freed at conclusion of presentation of evidence.

All but one indictment were dropped against Richard T. Galatas and Mrs. Galatas, Hot Springs, Ark.; Herbert Farmer and Mrs. Farmer, Joplin, Mo.; Frank (Fritz) Mulloy, Kansas City, and Louis Stacci, Chicago night club operator.

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy

MACHINE GUN KILLING CASE GOES TO JURY

Federal Judge Asks Early Verdict for Six Held for Kansas City Conspiracy

KANSAS CITY, Jan. 3 (U.P.). The case of six defendants charged with a conspiracy which resulted in the machine gun massacre of five men at the Union Station here 18 months ago went to a Federal Court jury at 8 p. m.

Judge Merrill E. Otis asked the jury to reach a verdict tonight if possible.

WIFE IS FREE

The defendants are:

Richard T. Galatas, Hot Springs, Ark., gambler; his wife, Elizabeth; Herbert Farmer, Joplin, Mo., resort operator; his wife, Esther; Louis Stacci, Chicago roadhouse owner, and Frank "Fritz" Mulloy, Kansas City gangster.

Charges were dismissed against Mrs. Frank Nash, one of the original eight defendants, when she testified for the Government.

Vivian Mathis, the remaining defendant, pleaded guilty when the speedy trial opened Monday.

KILLERS NAMED

Verne Miller, gangster since slain; Charles "Pretty Boy" Floyd, killed by Federal agents in Ohio, and Adam Richetti, now in Government custody, were charged as the actual killers.

Frank Nash, escaped convict, had been arrested in Hot Springs by Federal agents and was hurried by automobile and train en route to Leavenworth Prison. After his arrest, his wife contacted the other defendants, the Government charged, and a plot was hatched to free Nash here.

Herald
1-4-35

WHDC

62-28915-F

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy

KANSAS CITY--SIX PERSONS ACCUSED OF PLOTTING TO LIBERATE FRANK NASH--THE PLAN THAT RESULTED IN THE BLOODY UNION STATION MASSACRE IN WHICH NASH AND FOUR OFFICERS WERE SLAIN--WERE FOUND GUILTY TODAY.

AMONG THOSE CONVICTED WERE TWO WOMEN, MRS. ELIZABETH GALATAS AND MRS. ESTHER FARMER.

1/4--R1041A

Mr. [illegible]
Mr. [illegible]
Mr. [illegible]
Mr. [illegible]
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. [illegible]rbo
Mr. [illegible]th
Mr. [illegible]ster
Mr. Quinn
Mr. Schilder
Mr. [illegible]mm
Mr. Tracy
Miss Gandy

FRIDAY, JANUARY 4, 1935. KANSAS CITY JOURNAL-POST

LACAPRA FREED QUIETLY FROM JAIL IN KANSAS

Target of Gunmen Turned Loose by Authorities at Wellington.

ECHO OF LAZIA DEATH

'Jimmy Needles' Reported Marked for Grave by Underworld.

WELLINGTON, KAS., Jan. 4.—(Special)—Michael LaCapra, alias Jimmy Needles of Kansas City, held in jail here as a material witness in a gang shooting in which he was the intended victim, was released secretly from the Sumner county jail here Thursday night.

Announcement of his release was made Friday morning by John A. Potucek, county attorney, who said the state had no grounds on which to hold LaCapra any longer.

LaCapra had been held in jail in default of a $1,000 bond as a witness in the cases of Jerome Cretes, John Pace and Robert McCoy, who allegedly were assigned by Kansas City underworld mobsters to slay LaCapra because he was suspected of participating in the "spot" murder of John Lazia, Kansas City North side Democratic leader.

LaCapra Target Twice.

Lazia was assassinated early the morning of July 10, last year, as he stepped from a motor car in front of the Park Central hotel, Kansas City, where he and his wife made their home. Mrs. Lazia and Charles Carolla were with Lazia at the time.

Since Lazia's death LaCapra twice narrowly escaped assassins the first time in Kansas City at Independence avenue and Benton boulevard, the second on a highway near Argonia, Kas., while he, a woman companion and another man were riding in a motor car. In the second encounter LaCapra suffered light wounds.

Cretes, Pace and McCoy were arrested a few hours after the second LaCapra shooting when their car was wrecked while attempting to elude pursuing officers.

Moves for Bond Forfeiture.

County Attorney Potucek has filed action to have the district court forfeit bonds aggregating $6,000 put up for Cretes, Pace and McCoy. The trio failed to appear Monday when their cases were called.

LaCapra, for a time, was held in the Jackson county jail in Kansas City, where he made statements to Sheriff Thomas B. Bash and investigators for the government in which he implicated Lazia and others as aiding in plotting the Union station massacre in an abortive attempt to liberate Frank Nash. LaCapra stated the late outlaw, Charles (Pretty Boy) Floyd and Adam Richetti, his lieutenant in crime, were two of the massacre machine gunners. His statement was discredited.

62-28915-A #

Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester E.B.
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

KANSAS CITY JO[illegible]T.
Kansas City, Mo., Fr[illegible]1935.

JURY FINDS 6 GUILTY IN K. C. STATION PLOT

Group Convicted of Conspiracy to Liberate Nash, Resulting in Massacre Here

Guilty as charged!

That was the verdict returned in Judge Merrill E. Otis' division of the federal court Friday morning in the case of the four men and two women who were charged with conspiring to effect the release of Frank Nash, government prisoner, who was being returned to the federal penitentiary at Leavenworth the morning of June 17, 1933.

The conspiracy, it was alleged, led to the Union station massacre in which Nash and four officers were slain.

The defendants, all of whom will be sentenced by Judge Otis at 9:30 o'clock Saturday morning, are:

Louis (Doc) Stacci, Chicago night club operator.

Frank B. (Fritz) Mulloy, 14 East Fifty-sixth street terrace.

Richard Tallman Galatas and Mrs. Elizabeth Galatas, his wife, Hot Springs, Ark.

Herbert Allen Farmer and his wife, Mrs. Esther Farmer, Joplin, Mo.

Vivian Mathis, associate of Verne Miller, alleged by the government to have been one of the Union station killers, pleaded guilty to the charge when the trial opened Monday. She, also, will be sentenced by Judge Otis at 9:30 o'clock Saturday morning.

Two-Year Maximum.

The maximum penalty which may be assessed is two years in the penitentiary or a $10,000 fine, or both.

Immediately after the jury through its foreman, J. C. Scott, 4500 Montgall avenue, had returned its verdict, the four men, Galatas, Stacci, Farmer and Mulloy were taken into custody and will be held pending the approval of new bonds for an appeal or a new trial following sentence. The two women, Mrs. Galatas and Mrs. Farmer, were permitted to remain at liberty under their old bonds of $5,000 each, pending sentence.

Mrs. Mathis and Mrs. Nash were not in the court room when the verdict was returned.

The four men, Galatas, Stacci, Mulloy and Farmer, were taken to the county jail, where they were placed in cells.

Galatas' old bond was $15,000. The others were under bonds of $5,000 each.

Out 2 Hours 57 Minutes.

The jury was out 2 hours and 57 minutes. It received the case Thursday night and deliberated for 2 hours and 12 minutes before retiring for the night at 10:10 o'clock. At 8:45 o'clock Friday morning the jury returned to its room and resumed deliberations.

Observers in the court room, however, believed a verdict already had

Turn to Page 9, Column 1.

GRAND JURY CALLED

Group Is Summoned by Judge Brown Harris.

A grand jury for the remaining week of the December term of the criminal court has been called by Judge Brown Harris for next Monday.

Those summoned for jury duty:

Claude Griffin, Atherton, Mo.
Edgar Gossett, Mt. Washington.
Ernest Heydler, One Hundred and Fifth street and Wornall road.
Allen Quirollo, 607 North Union avenue, Independence.
Walter Schuleuberg, Independence.
Stanley Gregg, Independence.
R. R. Choplin, Independence.
Joseph F. Porter, 825 West Fifty-sixth street.
Ed Borsorine, 3809 Benton boulevard.
Charles T. Manley, 5612 Rockhill road.
James O. Calloway, 918 Baltimore avenue.
James K. Christopher, 717 West Forty-eighth street.
Frank J. Dean, 1030 West Fifty-fifth street.
Nathan Rieger, 2838 Charlotte street.
Sam Sonin, 3702 Holmes street.
James B. Shoemaker, 1412 Bellefontaine avenue.
J. O. Wade, 3926 Mercier street.
Edgar Afron, 4336 Hyde Park avenue.

TRUCK AND 22 TIRES REPORTED STOLEN

A. J. Milstead, manager of the White Motor company, 2819 Walnut street, reported to police Friday that a truck valued at $1,500 and twenty-two truck tires valued at $1,500 were stolen from the storerooms Thursday night. Mrs. Esther Martin, 1601 East Eighth street, reported someone stole $150 from a hiding place beneath a rug in her room.

Want to buy or sell quickly? Try a Journal-Post Want Ad. Phone Main 4000 and ask for a Want Ad taker.

JURY CONVICTS 6 OF CONSPIRACY IN STATION CASE

Continued from Page 1.

been reached since there was no sound from the jury room and it was believed the twelve men in whose hands the fate of the defendants rested merely were awaiting the arrival in court of Judge Otis.

Judge Otis had told the jury Thursday night he would not be ready to receive the verdict until 9:30 o'clock Friday morning. He arrived in his chambers at 9:25 o'clock. Almost immediately came the word that a verdict had been reached.

Scott, the foreman, answered for the jury when Judge Otis asked if a verdict had been reached. He handed a slip of paper to a bailiff, who, in turn, gave it to Judge Otis. The latter scanned it hastily, and handed it to Arthur Schmalfeldt, deputy court clerk, who read the verdict.

Wife Informs Farmer.

As Schmalfeldt's voice informed them that the jury had found them guilty, the six defendants stared at him for a moment without expression. Herbert Farmer, Joplin gambler, who is deaf, did not realize the import of the clerk's words until his wife, Mrs. Esther Farmer, put her lips to his ear and whispered the information.

Farmer's face showed no emotion. Mrs. Farmer, however, after a moment in which her face was blank, began sobbing. She rose from her chair, speaking hysterically. "Oh, dear! Oh, dear!" came her words, tears rolling down her cheeks. Farmer slipped an arm around his wife's waist and led her from the court room. A deputy marshal stalked ominously to the rear.

"Don't cry! There, there, don't cry!" Farmer repeated over and over in an attempt to comfort his wife.

Galatas Near Wife.

Galtas, Hot Springs gambler, had been standing in the southeast corner of the court room talking to a court attache when the jury filed in. He moved over to a position just to the rear of his wife, Mrs. Elizabeth Galatas, who sat beside Mrs. Farmer. He and Mrs. Galatas received the verdict without emotion.

Louis (Doc) Stacci, debonair night club operator, who frolicked through the halls of the federal building Thursday night when the jury began its deliberations, and who entertained his co-defendants with his wise cracks, seemed depressed. There were no smiles on his lips, no wise cracks on his tongue as he heard the jury announce that he had conspired to release a federal prisoner from the custody of the attorney general of the United States. Uncle Sam had had the last word and there was nothing of humor or comedy in it for Stacci.

Frank B. (Fritz) Mulloy, the Kansas City defendant, regarded the scene before him with lackluster eyes and closed lips. He exhibted what court attaches characterized as a "dead pan"—a face devoid of expression.

Three of the attorneys for the defense—Henry L. Balaban, Chicago, representing Mr. and Mrs. Galatas; Ray Cummings, representing Stacci, and James Daleo, counsel for Mulloy, announced they would ask new trials. They have thirty days in which to file motions.

which had occupied four days of the court's time, stood on one side of the bench and behind the defense table.

Listen Attentively.

Seated with their lawyers around the defense table were six defendants in whose behalf arguments had just been made by counsel. Now they listened attentively as Judge Otis addressed the jury. Their lawyers had done all for them that could be done. Perhaps the judge, in his instructions, would indicate that the jury was to show leniency.

"This trial has consumed four days and four night sessions," Judge Otis began. "I want to thank you for the keen attention you have paid to the evidence and to the arguments of the opposing counsel.

"There remains for you now only that duty you assumed when you took your solemn oath that you would decide this case according to the evidence. The court may advise you as to the facts as well as charge you as to the law. The charge is an oral one. You must take the law with you in your memories to the jury room."

Explains Court Policy.

Judge Otis then told the jury that it was the policy of the federal courts to call only outstanding citizens—men of courage, of honor and of intelligence—for service as jurors, because the federal bar felt that ignorant, incompetent men made the jury system a failure. He predicted this jury would discharge its duties as honestly and bravely as it were possible to do so, because this jury represented the class of men the federal courts impressed into service for duty.

"The charges in the indictment originally contained three counts," Judge Otis reminded the jury, "but two of those counts have been dismissed because they resemble the escaped convict who was captured June 16, 1933, and committed properly to the custody of the attorney general of the United States.

Suggestions Offered.

"The law upon which the count is based holds it shall be unlawful for persons to conspire together to liberate any prisoner properly committed to the custody of the attorney general. It does not necessarily follow that if you find one or more of the defendants guilty, that you must find them all guilty of the charge in the indictment.

"What I say about the facts in this case is not binding upon you, but I think I can help you slightly if I suggest in what method you take up the issues in this case.

"First, ask yourself, was Frank Nash an escaped convict? I do not think you will have any trouble answering that question.

No Doubt on One Point.

"Second, was he, as a prisoner, properly committed to the custody of the attorney general? You should have no trouble there. That fact is not controverted.

"Third, there is no doubt that there was an attack upon officers of the United States government and Kansas City police the morning of June 17, 1933, at the Union station plaza. Frank Nash was in the custody of these officers, several of whom were killed. The question is: were the men who made that deadly attack attempting to liberate Nash, or were they attempting something else? I shall not comment upon that point.

"If such a plan to free Nash was made, were the defendants in this case parties to that plan? In its origin, was the plan formed by them? These questions are controverted issues.

"If they did enter into such a conspiracy, did any one of these defendants do what the indictment charges to carry the plan out? In that manner, gentlemen, I believe I would begin by deliberation of the case.

Comments on Witness.

"An agent of the bureau of investigation of the department of justice testified concerning a statement obtained from one of the defendants in this case. You may not believe as I do about this witness. I think he told the truth. You may not think so, but I do.

"For ten years I have heard witnesses testify from this bench. Everything in the testimony of this witness convinced me he is a worthy man of the bureau of investigation. The bureau of investigation is made up of young men who not only are known for their high intelligence, but also for the duty that has caused them to lay down their lives."

the halls of the federal building Thursday night when the jury began its deliberations, and who entertained his co-defendants with his wise cracks, seemed depressed. There were no smiles on his lips, no wise cracks on his tongue as he heard the jury announce that he had conspired to release a federal prisoner from the custody of the attorney general of the United States. Uncle Sam had had the last word and there was nothing of humor or comedy in it for Stacci.

Frank B. (Fritz) Mulloy, the Kansas City defendant, regarded the scene before him with lackluster eyes and closed lips. He exhibted what court attaches characterized as a "dead pan"—a face devoid of expression.

Three of the attorneys for the defense—Henry L. Balaban, Chicago, representing Mr. and Mrs. Galatas; Ray Cummings, representing Stacci, and James Daleo, counsel for Mulloy, announced they would ask new trials. They have thirty days in which to perfect their appeal.

Attorney Cites Remarks.

Balaban said he believed the jury was impressed by the remarks of a man who had been called on the venire when the jury was being selected. That man, he said, announced in the presence of the other veniremen that he could not give the defendants a fair and impartial trial because of the stories he had read concerning them in the newspapers. That man, however, was not accepted for jury service, and attorneys at the federal building said they doubted if his remark would have any bearing on the motion for a new trial.

The court room was comfortably filled with spectators when the verdict was brought in, but the large crowd, which daily had attended the session since the trial started last Monday, was not in evidence.

Nash and four of the officers accompanying him to the penitentiary were killed on the Union station plaza when gunmen opened fire upon them shortly after the prisoner and his captors reached Kansas City from Fort Smith, Ark., the morning of June 17, 1933.

The officers killed were Raymond J. Caffrey, special agent of the division of investigation, department of justice; Otto Reed, McAlester, Ok., police chief, and Frank Hermanson and William J. Grooms, Kansas City detectives. Frank Lackey and R. E. Vetterli, also agents of the division of investigation, were wounded, Lackey dangerously.

Three Named as Slayers.

A federal grand jury later returned indictments naming Verne C. Miller, Charles A. (Pretty Boy) Floyd and Adam Richetti as the killers. Miller and Floyd since have been killed, Floyd by government agents and Miller presumably by gangsters. Richetti is being held in the Jackson county jail on a murder charge.

A solid mass of onlookers was crowded into the federal court room of Judge Otis when he began his instructions to the jury Thursday night. Many in the crowd were women. Lawyers and business men and public officials, all eager to hear the conclusion of the case,

vise you as to the facts as well as charge you as to the law. The charge is an oral one. You must take th[illegible]w with you in your memorie[illegible] the jury room."

Explains Court Policy.

Judge Otis then told the jury that it was the policy of the federal courts to call only outstanding citizens—men of courage, of honor and of intelligence—for service as jurors, because the federal bar felt that ignorant, incompetent men made the jury system a failure. He predicted this jury would discharge its duties as honestly and bravely as it were possible to do so, because this jury represented the class of men the federal courts impressed into service for duty.

"The charges in the indictment originally contained three counts," Judge Otis reminded the jury, "but two of those counts have been dismissed because they resemble the first count and there is no reason to make this case more complex than it is.

"The one count under which the defendants now are tried is that they conspired together to aid in the escape of Frank Nash, an

THE KANSAS CITY STAR, FRIDAY, JANUARY 4, 1935.

GUILTY IN STATION MASSACRE CONSPIRACY.

62-2491

Six of the persons shown above today were found guilty by a federal jury of conspiring to obstruct justice in the station plaza slayings, a seventh pleaded guilty at the beginning of the trial before Judge Merrill E. Otis, and an eighth was freed by the United States attorney. Upper left, Herbert A. Farmer and Esther Farmer; upper right, Elizabeth Galatas and Richard T. Galatas; lower center, Frank B. (Fritz) Mulloy; lower right, Louis (Doc) Stacci. At the lower left is Vivian Mathis, who pleaded guilty.

MAIN EDITION

RICE: In Kansas City....2 Cents Elsewhere.....5 Cents

ALL GUILTY IN PLOT

On Two Ballots Federal Jury Convicts Four Men and Two Women of Conspiracy.

TO HEAR TERM TOMORROW

Judge Merrill E. Otis Will Sentence the Defendants at 9:30 o'Clock.

Maximum Punishment Is Two Years in Prison and $10,000 Fine Each.

APPEAL IS TO BE TAKEN

Attorneys for the Six Say the Case Will Be Taken to a Higher Court.

Verdicts of guilty were returned today, against the six defendants in the unicn station massacre conspiracy on trial in the federal court here since Monday.

Two ballots were taken, one last night and one today. In the first ballot the vote was 11 to 1 for conviction for one defendant. In the ballot today the vote was unanimously for conviction for all of them.

The defendants:

Richard Tallman Galatas, Hot Springs, Ark.

Herbert Allen Farmer, Joplin, Mo.

Elizabeth Galatas.

Esther Farmer.

Frank B. (Fritz) Mulloy, Kansas City.

Louis (Doc) Stacci, Chicago night club operator.

Conspiring to Free Prisoner.

The incident on which they were found guilty is this federal charge:

"Conspiring to liberate a prisoner in the custody of the attorney general, one Frank Nash, June 17, 1933."

The maximum sentence for each defendant is two years in the penitentiary and a fine of $10,000.

Randall Wilson, an assistant United States district attorney, said the prisoners would be called before Judge Merrill E. Otis, who heard the case, at 9:30 o'clock tomorrow morning for sentencing. In the meantime, the four men were taken to the county jail to await sentence and the two women were released on the bonds on which they were free before and through the trial.

Cause of the Massacre.

Aside from the specific wording of the indictment on which the six were convicted, they were found guilty of making the arrangements for the delivery of Frank Nash, a federal prisoner from federal agents and other

THE KANSAS CI

UARY 4, 1935.

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

convicted, they were found guilty of making the arrangements for the delivery of Frank Nash, a federal prisoner, to federal agents and other officers, thereby precipitating the blast of machine guns at the union station the morning of June 17, 1933, resulting in the death of five men, Nash included.

The actual slaying is attributed by the government to Verne Miller, since slain near Detroit; Charles (Pretty Boy) Floyd, slain in Ohio, and Adam Richetti, now a prisoner in the county jail charged with murder.

The government proved to the satisfaction of the jury that the machinations of the defendants the day and night before the slayings sent Miller, Floyd and Richetti to the union station to deliver Nash.

Frances Nash Released.

Originally there were eight defendants. Frances Nash, widow of the slain Frank Nash, was put on the stand by the government after she had been held for months and the case against her was dismissed while the trial was in progress. Vivian Mathis, who lived here as the wife of Verne Miller, pleaded guilty during the trial to the one count on which the six were convicted today. She has not yet been sentenced.

After listening four days to testimony, the jury received the case for deliberation at 7:58 o'clock last night and considered it two hours and ten minutes before retiring, taking the one vote one defendant.

The jury returned to the jury room at 8:45 o'clock today and at 9:25 o'clock went into the courtroom. Judge Otis arrived five minutes later.

Clerk Reads the Verdict.

J. C. Scott, foreman, arose in the jury box and, in response to a question, said the jury had arrived at a verdict. He handed six slips of paper to the bailiff, who passed them to Judge Otis. Judge Otis glanced over them and handed them to Arthur Schmalfeldt, clerk of the court, who read them aloud, beginning with Galatas and closing with Stacci.

The two women defendants, Esther Farmer and Elizabeth Galatas, wept when the verdict of guilty was read. Their sobs and cries bordered on hysteria as their husbands sought to comfort them. When the verdict had been read, Henry L. Dillingham, United States marshal, took the guilty persons in custody and locked them in the prisoners' cage in his office.

Herb Farmer, who is deaf, was a little tardy in learning his fate. He did not hear the verdict as read by the clerk. He looked questioningly at his wife, sitting beside him. She stood up and with her mouth close to his ear told him what the jury had decided. She sobbed and Farmer embraced her.

It was disclosed by jurors after the verdict had been returned that one ballot was taken last night on one defendant and the vote was eleven to one for conviction. That was after a

62-2915-A

long discussion of the case and was the only ballot taken last night.

The physical condition of two of the jurors may have had something to do with the speed with which a decision was reached. W. W. Hermon, Rith Hill, Mo., and Leslie Elberg, 5509 Euclid avenue, both had severe colds last night and were ill today when they reached the jury room.

The completion of the conspiracy case did not cause even a pause in Judge Otis's courtroom. The moment the verdict had been disposed of and the necessary announcements made by the court a beginning was made on other court matters. Some of the jurors in the conspiracy case remained in the courtroom, available for service on other cases.

Neither Vivian Mathis nor Frances Nash was in the courtroom when the verdicts were read. Maurice M. Milligan, United States district attorney, who prosecuted the case, also was absent, having gone to Richmond, Mo., last night. The six defendants found guilty were present with their lawyers.

RICHETTI IS AWAITING TRIAL

Conspiracy Charge Is Against Him in the Massacre.

The union station conspiracy case against Adam Richetti still is pending in federal court. He is charged in the same manner as the six defendants convicted today. Randall Wilson, assistant United States district attorney, said disposal of that case would be determined soon by Maurice M. Milligan, United States district attorney.

W. W. Graves, jr., county prosecutor, said today he was awaiting word from the government's representatives as to the course they wished the state to pursue in aiding in the clean-up of the massacre cases.

Graves said that at the time of the federal grand jury's investigation in October he had offered to have a state grand jury called, but had been requested to "stand aside" until the government's case had been prepared, at which time the government's evidence would be made available to the state. Graves said he was ready to act at any time the government presents its evidence to him.

WATCH CASE FOR THREE.

Attorneys for Reppert, Higgins and Rayen Are at Trial.

During the course of the union station conspiracy trial attorneys representing three men charged with perjury in connection with the grand jury's investigation of the massacre attended sessions and listened to the evidence offered by the government's witnesses. The men charged with perjury are Eugene C. Reppert, former director of police; Thomas J. Higgins, chief of detectives, and Lieut. George Rayen, head of the motor theft bureau.

Six Convicted Of Nash Plot Wait Sentence

Seven to Learn Fate Today; Adam Richetti Next to Be Tried.

Kansas City, Jan. 4 (AP).—The sextet which, the Government charges, set the stage for the Kansas City Union Station massacre, stood convicted tonight of conspiracy to liberate Frank Nash from Federal officers as the Department of Justice moved forward in its announced plan to bring every living participant to justice.

Sobs, curses and the stony silence of two gamblers who lost greeted the verdict of the court of Federal Judge Merrill E. Otis.

Convicted were Richard Tallman Galatas, Hot Springs, Ark., gambler; Mrs. Betty Galatas, his wife; Herbert Farmer, Joplin, Mo., farmer-gambler; Esther Farmer, his wife; Louis (Doc) Stacci, Chicago night club operator; Frank B. (Fritz) Mulloy, Kansas City night club operator.

Two Years, $10,000 Possible.

The charge, "conspiring to liberate a prisoner in the custody of the attorney general, one Frank Nash, June 17, 1933," carries a maximum penalty of two years in prison and a $10,000 fine.

The sextet, with Mrs. Vivian Mathis, who pleaded guilty, will be sentenced by Judge Otis at 9:30 a. m. tomorrow. Defense attorneys indicated they planned to appeal.

Next, Adam Richetti, held in jail here on Federal charges of conspiracy and motor car theft, is to go to trial.

Warrant Quashed.

Prosecuting Attorney W. W. Graves, jr., disclosed today he had quashed a State murder warrant charging that Richetti was one of the machine gunners who killed Nash, an escaped train robber, and four officers who were returning him to Leavenworth Prison.

He indicated, however, he would make use of the Government's evidence to reopen the case.

Verne C. Miller and Charles "Pretty Boy" Floyd, both now dead, were identified by Federal agents as the other killers.

R. C. Morrison

1R

RECEIVED JAN 5 1935

WASH. POST

62-28915-A

Mr. Nathan .....
Mr. Tolson .....
Mr. Clegg .....
Mr. Baughman ..
Chief Clerk .....
Mr. Coffey .....
Mr. Edwards .....
Mr. Egan .....
Mr. Harbo .....
Mr. Keith .....
Mr. Lester .....
Mr. Quinn .....
Mr. Schilder .....
Mr. Tamm .....
Mr. Tracy .....
Miss Gandy .....
.....

6 ARE CONVICTED IN KANSAS CITY DEPOT SLAYINGS

Four Men and 2 Women to Be Sentenced Today.

Kansas City, Mo., Jan. 4.—[Special.]—Four men and two women, found guilty of arranging the attempted delivery plot in the so-called Union station massacre of five men, were to be arraigned before Judge Merrill E. Otis tomorrow morning for sentencing.

The six defendants were convicted by a jury in federal court this morning. The jury was out only two hours and 13 minutes last night.

Those convicted are Louis [Doc] Stacci, Chicago roadhouse operator; Frank [Fritz] Mulloy of Kansas City, Richard T. Galatas and his wife, Elizabeth, of Hot Springs, Ark., and Herbert Allen Farmer and his wife, Esther, of Joplin, Mo.

They face maximum sentences of two years in prison, a fine of $10,000, or both. Defense Counsel Henry L. Balaban announced that the verdict would be appealed.

Reported ex-Aid of Capone.

Stacci, alias Stacey, owner of the Club Spanish roadhouse at Mannheim and Roosevelt roads in Hillside, a suburb of Chicago, is alleged to have formerly been a member of the Capone gang. The plot that resulted in the killings was said to have been hatched in a roadhouse in Melrose Park, Ill., which Stacci formerly owned. He lived at 609 South 7th avenue, Maywood, Ill.

All the defendants took the verdict calmly except Mrs. Farmer, who wept bitterly. The judge permitted the two women to be released on their present bonds pending the imposition of sentence tomorrow, but ordered the four men placed in the custody of United States Marshal Henry Dilli[illegible]

Woman Pleads Guilty.

A seventh defendant, Mrs. Vivian Mathis, who posed as the wife of the late Verne Miller, one of the "trigger men" in the quintuple slaying, pleaded guilty as the trial opened.

Charges against Mrs. Frances Nash, widow of the convict, Frank Nash, whose attempted liberation resulted in his own death and the killing of his four captors, were dismissed yesterday after her testimony for the government had proved a factor in the convictions. She was not in court today.

The four day trial was unusual in that both prosecution and defense witnesses testified to virtually the same set of facts, but placed different interpretations on them.

Four Officers Slain.

The government accused the defendants of entering into a conspiracy to have the notorious Miller, Charles [Pretty Boy] Floyd, and the latter's henchman, Adam Richetti, at the Union station on June 17, 1933, when officers arrived there with Nash, who was being returned to Leavenworth penitentiary. Two federal agents, two city detectives, and Nash were slain in a hail of machine gun fire.

The defendants contended they were motivated by pity and sympathy to aid the distraut Mrs. Nash, whose husband had been suddenly seized by armed men who failed to identify themselves as officers and therefore appeared to be kidnapers.

Chicago Tribune

62-28915-A JAN 5 1935

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman..
Chief Clerk.....
Mr. Coffey.....
Mr. Edwards.....
Mr. Egan.....
Mr. Harbo.....
Mr. Keith.....
Mr. Lester.....
Mr. Quinn.....
Mr. Schilder.....
Mr. Tamm.....
Mr. Tracy.....
Miss Gandy.....
.....

4 GET 2 YEARS IN MASSACRE

KANSAS CITY, Jan. 5.—(AP)—Maximum sentences of two years' imprisonment and fines of $10,000 were imposed on the four men convicted of the conspiracy to release Frank Nash, federal prisoner, which ended in the death by machine gun fire of Nash and four officers at the Union Station here June 17, 1933.

The three women defendants were placed on probation by Federal Judge Merrill E. Otis.

After he sentenced the women to a year and a day in the federal penitentiary and fined them $500 each, the sentences were suspended, but Judge Otis said the fines must be paid on or before September 1, 1935.

The probation is for three years.

Chicago American

62-28915-A JAN 5 1935

NEW YORK TIMES, SATURDAY, JANUARY 5, 1935.

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman..
Chief Clerk.....
Mr. Coffey.....
Mr. Edwards.....
Mr. Egan.....
Mr. Harbo.....
Mr. Keith.....
Mr. Lester EB...
Mr. Quinn.....
Mr. Schilder.....
Mr. Tamm.....
Mr. Tracy.....
Miss Gandy.....

ALL SIX CONVICTED IN MASSACRE PLOT

Four Men, Two Women Face Prison for Part Leading to Five Kansas City Killings.

JURY DEBATED TWO HOURS

Verdict Evokes One Woman's Tears, a Man's Curse and Another's Grim Irony.

Special to THE NEW YORK TIMES.

KANSAS CITY, Mo., Jan. 4.—Four men and two women were found guilty in Federal court here today of arranging the attempted delivery plot in the Union Station "massacre" of five men. The jury deliberated two hours and twelve minutes last night and reported in the morning.

Those convicted and facing maximum sentences of two years in prison, a fine of $10,000, or both, were:

LOUIS (DOC) STACCI, Chicago roadhouse operator.
FRANK (FRITZ) MULLOY, night club operator, Kansas City.
RICHARD T. GALATAS, a gambler, and his wife, ELIZABETH, of Hot Springs, Ark.
HERBERT A. FARMER, a gambler, and his wife, ESTHER, of Joplin, Mo.

Most of the defendants took the verdict calmly. Mrs. Farmer, however, wept bitterly as she cried into her deaf husband's ear that "both" had been convicted. Stacci cursed and Mulloy gave his overcoat to his wife, saying that he would not need it now.

Henry L. Balaban of defense counsel announced that an appeal would be taken.

Pending imposition of sentence tomorrow Judge Merrill E. Otis permitted release of the women on their present bonds, but put the men in custody of United States Marshal Henry Dillingham.

A seventh defendant, Mrs. Vivian Mathis, who posed as the wife of the late Verne Miller, one of the "trigger men" in the machine-gun killings, pleaded guilty as the trial opened.

Charges against Mrs. Frances Nash, widow of the convict, Frank Nash, whose attempted liberation resulted in his own death and the killing of four officers, were dismissed yesterday after her testimony for the government had proved a factor in the convictions.

The four-day trial was unusual in that both prosecution and defense witnesses testified to virtually the same set of facts, but placed different interpretations on them.

1A

6E-2371-A

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman..
Chief Clerk .....
Mr. Coffey .....
Mr. Edwards.....
Mr. Egan .....
Mr. Harbo.....
Mr. Keith .....
Mr. Lester .....
Mr. Quinn.....
Mr. Schilder.....
Mr. Tamm .....
Mr. Tracy .....
Miss Gandy .....

File 62

SIX CONVICTED OF CONSPIRACY IN MASSACRE

Each Faces Two Years and Heavy Fine; Chicagoan Guilty With Kansas City Gang

KANSAS CITY, Jan. 4.—(A.P.)—Six persons who, the government charges, set the stage for the Kansas City Union Station massacre were convicted today of conspiracy to liberate Frank Nash from federal officers.

Sobs, curses and the stony silence of two gamblers who lost greeted the verdict in the court of Federal Judge Merrill E. Otis.

CHICAGOAN GUILTY.

Convicted were Richard Talman Galatas, Hot Springs, Ark., gambler; Mrs. Betty Galatas, his wife; Herbert Farmer, Joplin, Mo., farmer-gambler; Esther Farmer, his wife; Louis ("Doc") Stacci, Chicago night club operator; Frank B. ("Fritz") Mulloy, Kansas City night club operator.

The charge carries a maximum penalty of two years in prison and a $10,000 fine.

Mrs. Farmer, whose devoted attention to her deaf husband marked the four-day trial, wept uncontrollably as the verdict was read. Stacci also wept.

Mulloy handed his overcoat to his wife with the remark:

"Here, take this. I won't need it."

The six, with Mrs. Vivian Mathis, who pleaded guilty, will be sentenced tomorrow. Defense attorneys indicated they planned to appeal.

ANOTHER TO BE TRIED.

Adam Richetti, held in jail here on federal charges of conspiracy and motor car theft, will go to trial next.

Verne C. Miller and Charles ("Pretty Boy") Floyd, both now dead, were identified by federal agents as the other killers.

Mrs. Nash received her freedom ~~in return~~ for testifying against her associates.

Chicago Herald & Examiner

62-28915 JAN 5 1935

F

Six Found Guilty In Depot Massacre'

KANSAS CITY, Mo., Jan. 4 (I.N.S.).—A verdict of guilty was returned today against all six defendants tried in Federal Court here on charges of conspiracy in connection with the Union Station massacre June 17, 1933, in which a Federal prisoner and four officers were slain.

SIX ARE CONVICTED IN MASS SLAYING

Found Guilty of Conspiracy in Fatal Attempt to Liberate Nash.

By the Associated Press.

KANSAS CITY, January 4.—Six persons were convicted by a jury in Federal Court today of arranging the delivery plot which cost the lives of Frank Nash, convict, and four officers in a blaze of machine gun fire on the Union Station Plaza here June 17, 1933. The jury got the case yesterday.

Those convicted were Louis (Doc) Stacci, Chicago night club operator; Frank B. (Fritz) Mulloy, Kansas City; Richard Tallman Galatas and his wife, Mrs. Elizabeth Galatas, Hot Springs, Ark., and Herbert Allen Farmer and Mrs. Esther Farmer, his wife, Joplin, Mo.

Mrs. Vivian Mathis, who posed as the wife of the late Verne C. Miller here, pleaded guilty as the trial opened.

Judge Merrill E. Otis ordered the two convicted women released on their present bonds and that the four men be turned over to United States Marshal Henry Dillingham until tomorrow, when they are to be brought before him for sentencing.

Defense counsel announced the verdict would be appealed. The maximum penalty is two years in prison and a fine of $10,000.

All the defendants took the verdict calmly, except Mrs. Farmer, who wept bitterly.

The trial was unusual in that prosecution and defense witnesses testified to virtually the same set of facts, but placed different interpretations upon them.

The defendants contended they merely sought to aid a woman whose husband had been snatched from his regular routine by three armed men who did not identify themselves as officers and who appeared to be kidnapers. Their motives, they claimed, were [illegible] ones—pity and sympathy.

Six Convicted Of Nash Plot Wait Sentence

Seven to Learn Fate Today; Adam Richetti Next to Be Tried.

Kansas City, Jan. 4 (AP).—The sextet which, the Government charges, set the stage for the Kansas City Union Station massacre, stood convicted tonight of conspiracy to liberate Frank Nash from Federal officers as the Department of Justice moved forward in its announced plan to bring every living participant to justice.

Sobs, curses and the stony silence of two gamblers who lost greeted the verdict of the court of Federal Judge Merrill E. Otis.

Convicted were Richard Tallman Galatas, Hot Springs, Ark., gambler; Mrs. Betty Galatas, his wife; Herbert Farmer, Joplin, Mo., farmer-gambler; Esther Farmer, his wife; Louis (Doc) Stacci, Chicago night club operator; Frank B. (Fritz) Mulloy, Kansas City night club operator.

Two Years, $10,000 Possible.

The charge, "conspiring to liberate a prisoner in the custody of the attorney general, one Frank Nash, June 17, 1933," carries a maximum penalty of two years in prison and a $10,000 fine.

The sextet, with Mrs. Vivian Mathis, who pleaded guilty, will be sentenced by Judge Otis at 9:30 a. m. tomorrow. Defense attorneys indicated they planned to appeal.

Next, Adam Richetti, held in jail here on Federal charges of conspiracy and motor car theft, is to go to trial.

Warrant Quashed.

Prosecuting Attorney W. W. Graves, jr., disclosed today he had quashed a State murder warrant charging that Richetti was one of the machine gunners who killed Nash, an escaped train robber, and four officers who were returning him to Leavenworth Prison.

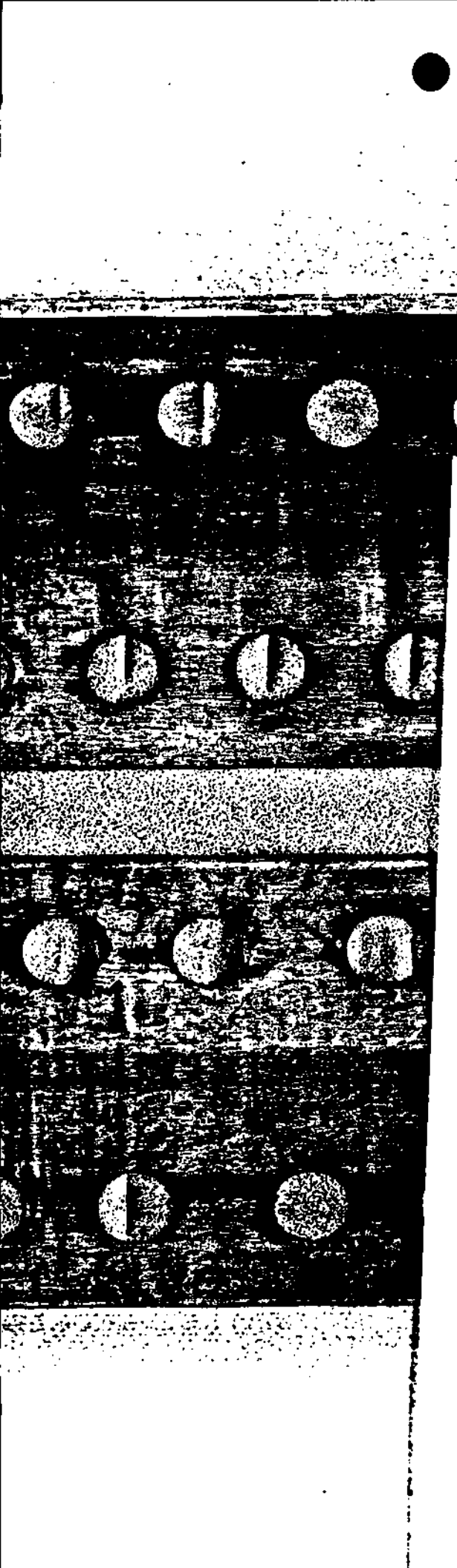
He indicated, however, he would make use of the Government's evidence to reopen the case.

Verne C. Miller and Charles "Pretty Boy" Floyd, both now dead, were identified by Federal agents as the other killers.

Wash. Post
1-5-35

WHP

62-28913-A



DIVISION OF INVESTIGATION
FROM: UNIT #1 & UNIT #3

_____ _____1934.

TO: ___Director
___Mr. Nathan
___Mr. Tolson
___Mr. Edwards
___Mr. Quinn
___Mr. Tamm
___Unit Two

___Unit Four
___Files Section
___Personnel Files
___Equipment Section
___Chief Clerk's Office

___Unit Five
___Identification Unit
___Statistical Section
___Technical Laboratory

SUPERVISORS

Unit One
___Mr. Listerman
___Mr. Lowdon
___Mr. [redacted]
___Mr. Newby
___Mr. Richmond
___Mr. Thompson

Unit Three
___Mr. Joseph
___Mr. Fagan
___Mr. Smith

___Miss Gandy
___Mrs. Kelley
___Washington Field Office
___M _____
___Secretary

___Correct
___Re-write
___Re-date
___See me
___Send file

Washington Division 1-5-35

AHT

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester EB
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy

4 GIVEN LIMIT IN MASSACRE

1-5-35 Times

KANSAS CITY, Mo., Jan. 5 (I.N.S.).—Sentences of two years in prison and fines of $10,000 were assessed in Federal Court here today against four men convicted of conspiracy in connection with the Union Station massacre. The sentences and fines constituted the maximum penalty under the law.

Those sentenced were Richard T. Galatas, Hot Springs, Ark.; Herbert Farmer, Joplin, Mo.; Fritz Mulloy, Kansas City, and Louis Stacci, Chicago.

The wives of Galatas and Farmer, convicted along with the husbands, and Mrs. Vivian Mathis, who pleaded guilty before the trial, received sentences of a year and a day in prison and fines of $500, but were immediately placed on probation for three years.

Washington Times
1/5/35

File
CB

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Gurley
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy

Convicted in "Massacre"

Mrs. Elizabeth Galatas, one of a group charged with conspiracy in the 1933 station "massacre" is seen (at right) leaving Federal Court in Kansas City with her attorney, Henry L. Balaban, after the jury had brought in a verdict of guilty. The back of Mrs. Esther Farmer, also convicted, is turned.
—Copyright, A. P. Wirephoto.

147

62-28915-A

WASH. STAR

JAN 6 1935

47

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tolson
Mr. Tracy

FOUR IN NASH PLOT GET 2-YEAR TERMS

Kansas City Judge Also Orders Conspirators to Pay $10,000 Fine Each.

By the Associated Press.

KANSAS CITY, January 5.—The law's full penalty fell today on the heads of four men convicted of a conspiracy which the Government charged paved the way for assassination of a Federal prisoner and four officers in Union Station Plaza here June 17, 1933.

Declaring he thought the maximum penalty "a moderate one indeed," Judge Merrill E. Otis sentenced Richard T. Galatas, Hot Springs, Ark., gambler; Herbert Farmer, ex-convict of Joplin, Mo.; Frank B. (Fritz) Mulloy, Kansas City night club owner, and Louis (Doc) Stacci, Chicago night club operator, to serve two years in a Federal penitentiary and to pay a fine of $10,000 each for their part in a conspiracy to liberate Frank Nash, recaptured Federal convict.

Mrs. Galatas, Mrs. Farmer and Mrs. Vivian Mathis were sentenced to a year and a day in prison and fined $500, the sentences suspended on a three-year probation and the fines made payable September 1, 1935.

WASH STAR JAN 6 1938

62-28915-A

4

Mr. Nathan .....
Mr. Tolson .....
Mr. Clegg .....
Mr. Berryman .....
Chief Clerk .....
Mr. Coffey .....
Mr. Edwards .....
Mr. Egan .....
Mr. Foxe .....
Mr. Keith .....
Mr. Lester .....
Mr. Quinn .....
Mr. Schilder .....
Mr. Tamm .....
Mr. Tracy .....

Four Sentenced As Slaying Aids In Kansas City

Galatas, Farmer, Mulloy and Stacci Get Two, Year Terms.

Kansas City, Jan. 5 (AP).—Four men convicted of a conspiracy which the Government charged paved the way for assassination of a Federal prisoner and four officers in Union Station plaza here June 17, 1933, were sentenced to prison today.

Declaring he thought the maximum penalty "a moderate one indeed," Judge Merrill E. Otis sentenced Richard T. Galatas, Hot Spring, Ark., gambler; Herbert Farmer, former convict of Joplin, Mo.; Frank B. (Fritz) Mulloy, Kansas City, night club owner, and Louis (Doc) Stacci, Chicago night club operator, to serve two years in a Federal penitentiary and to pay a fine of $10,000 each for their part in a conspiracy to liberate Frank Nash, recaptured Federal convict.

Mrs. Galatas, Mrs. Farmer and Mrs. Vivian Mathis were sentenced to a year and a day in prison and fined $500, the sentences suspended on a three-year probation and the fines made payable September 1, 1935.

Answering defense pleas that the defendants did not know Nash by that name and were merely attempting to get him bail when they entered into a series of conversations with each other and with Verne C. Miller, the Plaza assassin, Judge Otis declared that the conspiracy was such that "these defendants could not have failed to know it would result perhaps, and very probably, in violence."

1 ASM

Washington Post
1/6/35
1-28915-A

GALATAS ON STAND

The Government Closes Its Conspiracy Evidence and the Defense Testimony Starts.

DENIES IDEA OF A PLOT

Aid Was Given Wife of Frank Nash Because of a Lodge Duty, Defendant Asserts.

KNEW OF TELEPHONE CALLS

He Says He Flew With Her to Joplin When She Feared to Go Up Unaccompanied.

The design of events upon which the government bases its charges in the union station massacre conspiracy case was given an altogether different interpretation yesterday afternoon when the defense opened its case, and presented as its first witness, Richard T. Galatas, one of the seven defendants.

In the night session, the story of Galatas was corroborated through the testimony of two other defendants, Mrs. Elizabeth Galatas, the wife of Richard Galatas, and Mrs. Esther Farmer, who, with her husband, also faces conspiracy charges in connection with the station slayings.

Knew Nash as Miller.

Ruddy-cheeked with iron gray hair, Galatas admitted that he knew a man named George W. Miller, who frequented the White Front in Hot Springs, Ark., where Galatas was engaged as a baseball and horse racing better. Actually Miller was Frank Nash, the escaped convict captured by federal agents at the White Front at noon, June 16, 1933.

But as for the meaning the prosecution had placed on a series of telephone calls assertedly made to engineer the delivery of Nash at the union station, Galatas pleaded ignorance. Miller was a genial man, he said; and Hot Springs is a genial city. Men know a camaraderie there where they speak hospitably even to strangers, and in the eight months prior to the massacre, which included the time he was acquainted with Miller, he had spoken to him often but not intimately, although he had learned they were fellow members in the Masonic organization.

Galatas Remembers June 16.

His attorney, Henry L. Balaban, was seeking to refute the evidence Frances Nash, widow of the convict, had given as a government witness Tuesday. He directed Galatas through the preliminary questioning until morning of June 16, 1933, a day Galatas testified that he "remembered very well."

Galatas said he had gone fishing that morning. While returning he saw Miller standing in the Oak Lawn tourist camp about to enter his car. At noon he went to the White Front, where he began making out his baseball bet book for the day. He was in the rear room, and Miller, in shirt sleeves, was drinking beer in the front of the establishment.

"Now," Balaban said, "did you enjoy Miller's confidence?"

"No," Galatas replied.

"Had he ever eaten at your house?" (Frances Nash said once she and her husband had pot luck with the Galatas couple.)

"Never."

"Not even pot luck?"

"No, not even that."

"While you were in the back room, describe what happened."

Believed Miller Was Kidnaped.

"I heard a commotion in the front of the building. I walked up there to discover what had happened. Several fellows said three men, all armed, walked in and kidnaped Doc Miller, rushing him out to a car. The fellows said they didn't say anything when they seized the man [illegible]

GALATAS ON STAND

(Continued from First Page.)

handed him a pitcher and a glass.

Frances Nash's condition was irritable, excited and floundering, Galatas continued. She had told him that she couldn't drive a car. She asked if she could obtain an airplane and go to Joplin, after they had learned the agents were headed for that city.

"She was crying as I told her I'd do what I could," Galatas said.

Didn't Know Miller Was a Convict.

"Did you know Doc Miller as an escaped convict?" Balaban asked.

"Absolutely not."

"Did you know Herbert and Esther Farmer of Joplin?" (The Farmers also are defendants with Louis Stacci and Frank B. (Fritz) Mulloy).

"Yes, quite casually. I had seen him and talked to him in Hot Springs."

Finally Galatas and Frances Nash drove to the Hot Springs Airport, where Galatas believed there was a young pilot who would fly her to Joplin in a private plane. He had been

WHD 2

62-28915-A

(Sketched) Handker[illegible] Laws
Dress in Maize, Pl[illegible] Blue.
Sizes 3-6.

$1.19

GALATAS ON STAND

(Continued from First Page.)

handed him a pitcher and a glass.

Frances Nash's condition was irritable, excited and floundering, Galatas continued. She had told him that she couldn't drive a car. She asked if she could obtain an airplane and go to Joplin, after they had learned the agents were headed for that city.

"She was crying as I told her I'd do what I could," Galatas said.

Didn't Know Miller Was a Convict.

"Did you know Doc Miller as an escaped convict?" Balaban asked.

"Absolutely not."

"Did you know Herbert and Esther Farmer of Joplin?" (The Farmers also are defendants with Louis Stacci and Frank B. (Fritz) Mulloy).

"Yes, quite casually. I had seen him and talked to him in Hot Springs."

Finally Galatas and Frances Nash drove to the Hot Springs Airport, where Galatas believed there was a young pilot who would fly her to Joplin in a private plane. He had been

that beer down and come on.' They described the car and that it bore a California license."

In a short time the telephone rang, Galatas continued, and he answered. He believed the person with whom he was conversing was an officer of Hot Springs. He told him the details of the affair. He then went to the police department, described what he knew of the episode, and officers told him they would call surrounding towns to be on the lookout for the car.

A few minutes elapsed, he said. The sheriff of Benton, Ark., telephoned and reported he had stopped the car, that it contained three government agents who said they had captured a gangster. The sheriff, Galatas testified, told the Hot Springs police that to verify the men's identity they should call the Little Rock authorities. That was done, and Galatas went to the Oak Lawn tourist park where he found Frances Nash.

She Knows No Reason for Arrest.

"She hadn't eaten," he said. "I suggested we go to my home where she could have some coffee. She was very excited. I asked her repeatedly if she knew any reason why Miller should be arrested. She said she didn't. I stopped at the police department on the way to my house with her and her small daughter, but no further information had been received."

Balaban interrupted to place each movement that occurred in its proper sequence. Galatas proceeded to do so. When he reached the part of his testimony concerning his activities at his home, he spoke of a bulldog quite lengthily. Randall Wilson, first assistant United States district attorney, objected and was sustained on the grounds that the bulldog was immaterial.

"We can't hear the witness, either, your honor," Wilson told Judge Merrill E. Otis.

"Speak up," Judge Otis told Galatas.

"If I could have some water——" Galatas said.

"Here's water," Wilson said and

(Continued on Second Page.)

WHD 2

62-28915-A

Four Sentenced As Slaying Aids In Kansas City

Galatas, Farmer, Mulloy and Stacci Get Two, Year Terms.

Kansas City, Jan. 5 (AP).—Four men convicted of a conspiracy which the Government charged paved the way for assassination of a Federal prisoner and four officers in Union Station plaza here June 17, 1933, were sentenced to prison today.

Declaring he thought the maximum penalty "a moderate one indeed," Judge Merrill E. Otis sentenced Richard T. Galatas, Hot Spring, Ark., gambler; Herbert Farmer, former convict of Joplin, Mo.; Frank B. (Fritz) Mulloy, Kansas City, night club owner, and Louis (Doc) Stacci, Chicago night club operator, to serve two years in a Federal penitentiary and to pay a fine of $10,000 each for their part in a conspiracy to liberate Frank Nash, recaptured Federal convict.

Mrs. Galatas, Mrs. Farmer and Mrs. Vivian Mathis were sentenced to a year and a day in prison and fined $500, the sentences suspended on a three-year probation and the fines made payable September 1, 1935.

Answering defense pleas that the defendants did not know Nash by that name and were merely attempting to get him bail when they entered into a series of conversations with each other and with Verne C. Miller, the Plaza assassin, Judge Otis declared that the conspiracy was such that "these defendants could not have failed to know it would result perhaps, and very probably, in violence."

M

62-78915-A

WASH. POST JAN 6 1935

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman..
Chief Clerk.....
Mr. Coffey .....
Mr. Edwards ....
Mr. Egan .....
Mr. Harbo.....
Mr. Keith.....
Mr. Lester .....
Mr. Quinn .....
Mr. Schilder.....
Mr. Tamm .....
Mr. Tracy.....
Miss Candy.....
.....

2 YEAR TERMS GIVEN 4 MEN IN DEPOT SLAYINGS

$10,000 Fines Assessed; Women on Probation.

Kansas City, Mo., Jan. 5.—[U. P.]—Sentences of two years in the penitentiary and fines of $10,000 were assessed against four men today who were found guilty in federal court of conspiracy to free Frank Nash, a federal prisoner—a conspiracy that resulted in the slaying of Nash and four officers in the Union station massacre.

Three women charged similarly were fined $500 each and placed on probation for three years.

Those Sentenced.

The men sentenced were:

Richard T. Galatas, Hot Springs, Ark., gambler.

Louis [Doc] Stacci, Cicero, Ill., night club owner.

Herbert A. Farmer, Joplin, Mo., farmer and gambler.

Fritz Mulloy, Kansas City gambler.

The women found guilty were Mrs. Elizabeth Galatas and Mrs. Esther Farmer, wives of two of the men involved.

Vivian Mathis, associate of the late gangster, Verne C. Miller, pleaded guilty to the charges at the start of the trial.

Mrs. Nash Freed.

The original eighth defendant, Mrs. Frances Nash, widow of the slain escaped convict, was freed after she turned state's evidence.

The women were given until next September to pay the fines. If they violate the terms of their probation they will be sent to a federal reformatory to serve a year and a day, Judge Merrill E. Otis ordered.

62-76115-K

Chicago Tribune

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman..
Chief Clerk.....
Mr. Coffey.....
Mr. Edwards.....
Mr. Egan.....
Mr. Harbo.....
Mr. Keith.....
Mr. Lester
Mr. Quinn.....
Mr. Schroder.....
Mr. Tamm.....
Mr. Tracy.....
Miss Canoy.....
.....

TWO TEAMSTERS IN MASSACRE

KANSAS CITY, Jan. 5.—(AP)—The law's full penalty fell today on the heads of four men convicted of a conspiracy that the government charged paved the way for assassination of a federal prisoner and four officers in Union Station plaza here June 17, 1933.

Declaring he thought the maximum penalty "a moderate one indeed," Judge Merrill E. Otis sentenced Richard T. Galatis, Herbert Farmer, Frank M. Mulloy and Louis Stacci, Chicago night club operator, to serve two years in a federal penitentiary and to pay a fine of $10,000 each for their part in a conspiracy to liberate Frank Nash, recaptured federal convict.

Mrs. Galatis, Mrs. Farmer and Mrs. Vivian Mathis were sentenced to a year and a day in prison and fined $500, the sentences suspended on a three-year probation and the fines made payable September 1, 1935.

62-24154-A

Chicago Herald & Examiner

THE TIMES-PICAYUNE,
New Orleans, La.,
January 7, 1935.

Mr. George Healy, City Editor,
The Times-Picayune,
615 North Street,
New Orleans, Louisiana.

Mr. Nathan
Mr. Tolson
Mr. Clark
Mr. [illegible]man
Chief C[illegible]
Mr. Coffey
Mr. Edwards
Mr. Ek[illegible]
Mr. [illegible]
Mr. [illegible]
Mr. Lo[illegible]
Mr. [illegible]
Mr. [illegible]
Mr. Tamm
Mr. Tracy
Miss Gandy

CONVICTION of the group accused in the union station massacre at Kansas City is another important triumph of the law over organized crime. The case was of special interest here because R. T. Galatas, one of the defendants, was arrested in New Orleans by a combination of clever detective work and cool headedness that brought deserved recognition to David W. Magee of the department of justice. Four officers and a convict were killed in the blaze of machine gun fire that led to conviction of Galatas and associates.

Per write
City Editor
Please name
on mailing
list
1-31
1-31-35
Already done
Bochus

Div. Ed

Mr. Clegg.....
Mr. Baughman..
Chief Clerk.....
Mr. Coffey.....
Mr. Edwards.....
Mr. Egan.....
Mr. Harbo.....
Mr. Keith.....
Mr. Lester.....
Mr. Quinn.....
Mr. Schilder.....
Mr. Tamm.....
Mr. Tracy.....
Miss Candy.....

Stacci Will Appeal Massacre Sentence

KANSAS CITY, Jan. 9.—(AP)—Louis ("Doc") Stacci, Chicago night club owner, convicted here last week in the Union Station massacre conspiracy case, has filed notice of appeal from the two-year penitentiary sentence and $10,000 fine, it was announced today.

1127

Chicago Herald & Examiner

JAN 10 1936

62-28705-A

Mr Nathan
Mr. Tolson
Mr. Glavin
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Nease
Mr. Quinn
Mr. Tracy
Mr. Carter
Mr. Mohr
Mr. Kramer
Miss Gandy

THE KANSAS CITY STAR, MONDAY, JANUARY 7, 1935.

REPPERT TRIAL JANUARY 28

T. J. Higgins's Case Also Is Set for That Day by Judge Reeves.

Judge Albert L. Reeves, in federal court today, fixed January 28 as the date for the trial of Eugene C. Reppert, former director of police, and Thomas J. Higgins, now chief of detectives, who were indicted last November for perjury by a federal grand jury investigating the union station massacre.

It was pointed out at the federal building that additional motions might be filed by the defense and delay the trial date if they were not overruled.

Lieut. George (Jeff) Rayen of the detective department also is under indictment. A defense motion to quash his indictment now is being considered by Judge Merrill E. Otis, who has announced he will make a ruling on the motion this week. If the indictment stands, Rayen will go to trial at the next hearing of Judge Otis's criminal docket, the date for which has not yet been set.

APPEAL IN PLAZA CASE.

Galatas, Farmer and Mulloy Seek to Avoid Terms.

Notices of appeal to the United States circuit court of appeals were filed today in the federal court by the attorneys of Richard Tallman Galatas, Herbert Allen Farmer and Frank B. (Fritz) Mulloy, who were convicted Friday of conspiracy to obstruct justice in the union station massacre case. Judge Merrill E. Otis allowed the notices in each instance.

Appeal bonds in each case were fixed at $10,000. Judge Otis stipulated that the bond must either be in cash, certified check or made by a reputable surety company.

Immediately after allowing the notices, Judge Otis left for St. Joseph, where he will hold court this week. Attorneys for the three defendants must have the bonds approved by Judge Otis before they will be released from the federal penitentiary at Leavenworth, where they were taken for safe keeping following their sentence Saturday.

Louis (Doc) Stacci, the fourth man to be convicted in the conspiracy plot, did not appeal. W. C. Reynolds, his attorney, said today it was doubtful if his client would appeal. In event he should, Judge Otis fixed his appeal bond also at $10,000.

The four men in the conspiracy trial that closed last week were sentenced to two years each in the penitentiary and fined $10,000 each. The women defendants, Elizabeth Galatas, Esther Farmer and Vivian Mathis, were released on probation and fined $500 each.

Chief Clerk .....
Mr. Coffey .....
Mr. Edwards .....
Mr. Egan .....
Mr. Harbo .....
Mr. Keith .....
Mr. Lester .....
Mr. Quinn .....
Mr. Schilder .....
Mr. [illegible]m .....
Mr. Tracy .....
Miss Gandy .....

THE KANSAS CITY TIMES, SATURDAY, JANUARY 12, 1935.

NEW MIEN FOR LACAPRA

SINCE LEAVING WELLINGTON JAIL, HIS TALKATIVENESS IS GONE.

And the Small Town Rooming Houses of Which He Formerly Wise-Cracked Are Now His Stopping Places.

A year ago a man would have had a tough time convincing Michael (Jimmy) LaCapra, the garrulous one, that there'd come a day when his sanctuary was the small town hotels. Jimmy was a mighty talker, and he spent words at considerable length ridiculing those places.

Well, time goes on apace, and now the word comes that the former prize fight promoter and associate of racketeers has discovered the hostelries of the small towns quite a boon to a man who formerly believed he was in the old South when he passed Twelfth street. Jimmy spent Saturday, Sunday, Monday, Tuesday, Wednesday and part of Thursday in an Olathe, Kas., inn. He spent a few days before that in a Wellington, Kas., rooming house. Right now, for all anybody knows, Jimmy may be registered in the village lodge at Lone Jack, Chicopee or Frontenac. Jimmy has changed his tune.

IN A HURRY AT MEALS.

Jimmy also is changing his habitat frequently, but he remains away from the big city. Over in Olathe, where he was registered as S. L. Baker, Anthony, Kas., the folk never saw a fellow so set in his personal ways. Mr. Baker possessed the quality of silence. He came down at noon for what the lodgers call dinner, he ate hurriedly, and reached instead of asking. He didn't talk about the Hauptmann case, the corn-hog program or that guy Huey Long. He ate and beat it up the stairs to his room and sat there until supper.

Mr. Baker, the former Jimmy LaCapra, left the Wellington jail January 3, where he was held without bond as a material witness against the three young Kansas City hoodlums who tried to end Jimmy's life last summer by firing a shotgun at him. After four or five days of wistful study, Jimmy felt impelled to talk Wednesday and he said the boys down in Kansas City certainly tried to pull a fast one on him, all right, but he caught on.

MISUNDERSTOOD BY LISTENERS.

That wasn't very clear to his audience, because the audience thought he was referring to himself as S. L. Baker of Anthony. Jimmy was referring to still another part of him, known in the North Side as Jimmy Needles. So Jimmy Needles said in his own brusque way:

"I am wise to these monkeys who [illegible] friend down to bail me out

1-1927

62-28915-A

62-2591-5-7

day of silence. He came down at noon for what the lodgers call dinner, he ate hurriedly, and reached instead of asking. He didn't talk about the [redacted]ptmann case, the corn-hog program or that guy Huey Long. He ate and beat it up the stairs to his room and sat there until supper.

Mr. Baker, the former Jimmy LaCapra, left the Wellington jail January 3, where he was held without bond as a material witness against the three young Kansas City hoodlums who tried to end Jimmy's life last summer by firing a shotgun at him. After four or five days of pistful study, Jimmy felt impelled to talk Wednesday and he said the boys down in Kansas City certainly tried to pull a fast one on him, all right, but he caught on.

MISUNDERSTOOD BY LISTENERS.

That wasn't very clear to his audience, because the audience thought he was referring to himself as S. L. Baker of Anthony. Jimmy was referring to still another part of him, known in the North Side as Jimmy Needles. So Jimmy Needles said in his own brusque way:

"I am wise to these monkeys who sent my friend down to bail me out of the jail, and don't think I'm not. I smell a dirty smell almost immediately, because when I ask for bail, the Wellington bigwigs said no, but when my friend comes, they say yes. I think of my old friend, Jack Gregory, who also had parties shooting at him, who had bail declared by friends, and then Jack Gregory leaves the justice court, and I ask you, where is Jack Gregory? I am told Jack Gregory is no more."

Jimmy Needles wasn't too clear. He was trying to say that some local folk thought he and Jack Gregory killed John Lazia. He was not too worried about that, however. He inferred certain local gents, very much alive, were displeased slightly with him because he had told federal agents, local authorities and a federal grand jury how they had a finger in the union station massacre. One of the reasons Jimmy Needles was not too clear on these facts, his audience felt, was because the facts were far too clear to him.

NOT AFRAID, BUT WARY.

So Jimmy Needles continued:

"Now my friend has had the heat put to him and a blind man could see it. He has had what some guys called intimidation practiced upon him. That is why I smell a dirty smell and refuse to have him bail me. But do not think I am afraid, because I am not afraid. I am simply wary."

But Jimmy Needles, now returned to the role of S. L. Baker of Anthony, would not play checkers in the lobby. He stayed in his room, and sat there, presumably thinking. Thursday certain citizens of Olathe thought there was an odor on Jimmy's breath when he arrived downstairs simultaneously with the appearance of a motor car drawing up before the hotel. Jimmy Needles was in a very good mood.

"These are department of justice men," he said, paying his tally. "And I am Jimmy LaCapra. They are taking me to another town."

What town Jimmy went to, with his escort, no one seemed to know. You can get odds, though, along Twelfth street, that the town's population doesn't exceed 2,000. Jimmy has got to the point where he likes things quiet.

Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester

U. S. Prepared to Turn Rich

MILLIGAN IS READY TO TURN OVER EVIDENCE

Government Believes Its Case Strong Enough to Convict Him.

IT'S UP TO GRAVES

Federal Charge Will Be Pressed if Missouri Spurns Offer.

Continued from Page 1.

dence, which is ample, in my opinion, to convict him."

Mr. Milligan indicated he had talked on one occasion about Richetti with Graves and that they planned to discuss the evidence against Richetti again, with a view to determining whether the state or the government will try him.

"There is no doubt in my mind," said Mr. Milligan, "that Richetti was one of the gunners at the Union station. F. J. Lackey, a special agent of the division of investigation, department of justice, who was wounded in the shooting, has identified Richetti. He so testified in the trial at which seven other persons were convicted of a conspiracy.

Here Before Massacre.

"It has been established through the testimony of Jack Killingsworth that Richetti came to Kansas City about nine hours before the massacre.

"It further has been established, through finger prints found on a beer bottle, that Richetti was at one time or another at the home of Verne Miller, who, in turn has been identified as the wielder of a machine gun in the wholesale murder.

"It also has been revealed that a pistol, which was taken from Richetti when he was arrested, had a Kansas City connection. It was stolen in 1932 from the armory of the Kansas national guard in Kansas City, Kas., at the same time that a similar pistol, which Charles Gargotta dropped near the scene of the killing of Ferris Anthon, was stolen.

To K. C. With Floyd.

"Furthermore, Mrs. Lottie West of the Travelers' Aid bureau at the Union station has identified a photograph of Floyd as one of the killers. Richetti came to Kansas City with Floyd and was a close associate of the desperado.

"The evidence looks strong enough to obtain a conviction for murder. It would be a shame to let Richetti off with the lighter sentences for the automobile theft or the conspiracy. If, however, we have to choose which of these we will prosecute, we will choose the automobile theft charge because that carries the larger penalty. Richetti has admitted that he participated with Floyd in the theft of the car and abduction of the two men."

RICHETTI MAY FACE TRIAL ON MURDER COUNT

Government Is Prepared to Turn Evidence Over to State.

IT'S UP TO GRAVES

U. S. Feels It Has Strong Case Against Him in Massacre.

The government is prepared to turn over to the state what it describes as an air-tight murder case against Adam Richetti, Maurice M. Milligan, United States district attorney, said Saturday.

Richetti, who was captured near East Liverpoool, O., while on a jaunt with his companion, Charles (Pretty Boy) Floyd, a jaunt that cost Floyd his life before the machine guns of the division of investigation, department of justice agents, awaits in the Jackson county jail the determination of his fate.

Two federal indictments stand against him. One charges conspiracy to release Frank Nash, a federal convict, from the custody of federal officers. That plot resulted in the Union station massacre. Agents of the division of investigation say he was one of three gunners in the massacre. The other charges violation of the federal motor car theft act.

2-Year Maximum.

Mr. Milligan believes it would not be as much as Richetti deserves to try him merely on the conspiracy charge, which carries a maximum penalty of two years in the penitentiary and a fine of $10,000. Nor does he believe that trial on the motor car theft charge, which carries a maximum prison sentence of five years is sufficient.

The theft in question was perpetrated, the government alleges, the day before the Union station massacre in which the prisoner, Nash, and four officers were killed. Floyd and Richetti took a motor car and its owner, Walter Griffith of Polk county, Mo., along with it and later picked up and abducted at Bolivar, Mo., Jack Killingsworth, sheriff of Polk county, and brought them to Kansas City.

Would Turn Over Evidence.

"If W. W. Graves, prosecutor, wants to file a murder complaint against Richetti," said Mr. Milligan, "we will give him all of our evi-

Turn to Page 2, Column 1.

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman..
Chief Clerk.....
Mr. Coffey .....
Mr. Edwards .....
Mr. Egan .....
Mr. Harbo.....
Mr. Keith .....
Mr. Lester.....

repared to Turn Richetti Over to State for Trial in Murders

RICHETTI MAY FACE TRIAL ON MURDER COUNT

Government Is Prepared to Turn Evidence Over to State.

IT'S UP TO GRAVES

U. S. Feels It Has Strong Case Against Him in Massacre.

The government is prepared to turn over to the state what it describes as an air-tight murder case against Adam Richetti, Maurice M. Milligan, United States district attorney, said Saturday.

Richetti, who was captured near East Liverpoool, O., while on a jaunt with his companion, Charles (Pretty Boy) Floyd, a

Mr. Nathan .....
Mr. Tolson .....
Mr. Clegg .....
Mr. Baughman ..
Chief Clerk .....
Mr. Coffey .....
Mr. Edwards .....
Mr. Egan .....
Mr. Harbo .....
Mr. Keith .....
Mr. Lester .....
Mr. Quinn .....
Mr. Schilder .....
Mr. Tamm .....
Mr. Tracy .....
Miss Gandy .....

KANSAS CITY JOURNAL-POST. WEDNESDAY. JANUARY 16, 1935.

JUST TROUBLE TO SHERIFF—Following two attempts to escape from the Pittsburg county jail at McAlester, Ok., Sheriff H. H. (Doc) Sherrill, is keeping a close watch on Eva Richetti and Maudie (Baby) Lawson, both held on banditry charges. The pair is kept handcuffed together at night. Eva Richetti is a sister of Adam Richetti, held in jail here in connection with the Union station massacre. The picture shows the sheriff with Maudie Lawson, seated, and Eva Richetti, standing on the right. The picture was made in front of the Pittsburg county jail.

62-5-8915-A

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

K.C. MASSACRE

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

RICHETTI EAGERLY READS BRUNO TRIAL ACCOUNTS

Kansas City, Jan. 18—(AP)—In a death cell, awaiting prosecution as an accused quintuple slayer, Adam Richetti reads avidly the accounts of the Lindbergh baby murder trial of Bruno Richard Hauptmann.

Officers at the county jail said Richetti was so occupied with his newspaper reading that he rejected offers of books and magazines.

Richetti is said by the government to be the only survivor of three gunmen who killed four officers and their prisoners in front of the Union station here June 17, 1933.

He also takes long naps, explaining he had little time for sleep when he was roaming the lawless trails with the late Charles (Pretty Boy) Floyd, another of the accused station gunmen.

St Paul Dispatch
1/18/35

62-28915-A

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman..
Chief Clerk.....
Mr. Coffey .....
Mr. Edwards .....
Mr. Egan .....
Mr. Harbo.....
Mr. Keith .....
Mr. Lester
Mr. Quinn.....
Mr. Schilder.....
Mr. Tamm .....
Mr. Tracy .....
Miss Candy.....
.....

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman..
Chief Clerk.....
Mr. Coffey .....
Mr. Edwards .....
Mr. Egan .....
Mr. Harbo.....
Mr. Keith .....
Mr. Lester .....
Mr. Quinn.....
Mr. Schilder.....
Mr. Tamm .....
Mr. Tracy .....
Miss Candy.....
.....

C. MASSACRE

RICHETTI TO THE STATE

THE U. S. TURNS OVER ALL ITS MASSACRE CASE EVIDENCE.

Murder Charge Against the Gangster Is Expected to Follow as a Result of the Move.

The United States government today made possible state prosecution of Adam Richetti, held in the county jail in connection with the union station massacre of June 17, 1933.

Maurice M. Milligan, United States district attorney, said today he was ready now to turn over to W. W. Graves, jr., county prosecutor, and Missouri authorities all the evidence the federal agents have uncovered in the station plaza massacre case, including two witnesses to the slaughter, fingerprint records of Richetti and others and transcripts of the testimony taken in the federal court trial of the eight conspirators.

EVIDENCE HELD FOR TRIALS.

The federal government has not turned over its evidence before, Milligan explained, because of the trial of those found guilty recently of forming the plot for the attempted delivery of Frank Nash, federal prisoner, slain with four officers in the station massacre.

Graves was not expected at his office at the criminal courts building until late today.

With the disposition of the conspiracy case in federal court, Milligan now is willing to give up his evidence,

(Continued on Second Page.)

1-8

RICHETTI TO THE STATE

(Continued from First Page.)

which took more than a year and a half to assemble.

Richetti has not been charged with murder yet. He is held in the county jail for the federal governmeht on two charges. First, with violation of the national motor vehicle theft act, and, second, for conspiracy to obstruct justice, based on the attempt to deliver Nash at the station.

BASED ON A KIDNAPING.

The car theft charge is based on the kidnaping of Sheriff Jack Killingsworth of Bolivar, Mo., and Walter Griffith, Clinton, Mo., who were abducted by Richetti and Charles Arthur (Pretty Boy) Floyd, now dead, at Bolivar and released in the Central Industrial district in Kansas City.

Milligan said in the event Richetti is tried in the Jackson County criminal court for murder, the federal charges against Richetti would await the outcome of that trial. In the event he is not tried for murder, Milligan said, the federal charges would be placed on the federal court docket for trial at the next session.

Two of the government's important witnesses against Richetti are Mrs. Lottie West, Travelers' Aid Society worker at the union station, and Francis J. Lackey, special agent of the division of investigation of the United States department of justice.

HE HAS BEEN IDENTIFIED.

Mrs. West has identified photographs of Richetti and Floyd as two of the men she saw behind machine guns at the station the morning of the slaughter. Agent Lackey testified in the federal conspiracy trial

62-28915-A

Mr. Tolson
Mr. Ladd
Mr. Clegg
Mr. Coffey
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

OTIS REJECTS RAYEN PLEA IN PERJURY CASE

Police Lieutenant Must Stand Trial, Federal Judge Rules.

Lt. George (Jeff) Rayen of the motor car theft bureau of the Kansas City police department must stand trial on a perjury indictment returned against him by a federal grand jury.

Judge Merrill E. Otis of the United States district court overruled Friday a motion which Rayen's attorney, Roy Rucker, made to quash the indictment. The motion asserted that the alleged perjury, purportedly committed by Rayen as a witness before the grand jury while it was investigating the Union station massacre, was not material to the inquiry.

Judge Otis said, in a memorandum opinion, that the indictment did not demonstrate that the allegedly perjured testimony was material, but added that it was not demonstrable from the face of the indictment that is was not material.

Regarding LaCapra Case.

The indictment alleges that Rayen perjured himself by denying that he had said to Guy Neal and Joe Pottuck, county attorneys at Wichita, Kas., in September:

"This man LaCapra is wanted very badly in Kansas City and that is what these boys were down here to do, wipe him out. . . . I don't know what political affiliations you two gentlemen have. We have got to work for the Democratic party. I am in the employ of Kansas City, Mo. Nevertheless I owe greater duty to the organization there, which is headed by Mr. Pendergast—T. J. Pendergast."

Rayen, at the time he was reported by Neal and Pottuck to have made this statement was in Wichita in an effort to obtain custody of three men who were alleged to have attempted to kill Michael James (Jimmy Needles) LaCapra. LaCapra represented subsequently to Maurice M. Milligan, United States district attorney, and to the grand jury that he had inside information about the Union station massacre.

He is reported to have told the grand jury that the late John Lazia, North side political leader, assisted Charles (Pretty Boy) Floyd, who was killed last fall, in escaping after participating in the massacre. Floyd was killed while the grand jury was preparing to indict him with eight other persons for conspiracy to release Frank Nash, a federal prisoner. The effort to free Nash resulted in the killing at the station of four police officers and Nash, himself.

Testimony Discredited.

LaCapra's testimony before the grand jury was discredited.

"The indictment," Judge Otis' opinion states, "alleges that it was material to the inquiry then in progress to know whether the defendant had spoken the quoted words, but no facts are alleged supporting the conclusion it was material.

"It cannot be and is not contended that anything in the words ascribed to the defendant indicates any relevancy of the subject matter of the conversation of which they were a part to the conspiracy rescue and effect the escape of Nash, the federal prisoner. It does not follow that there may not be such relevancy.

"Perhaps the man LaCapra mentioned in the supposed (but denied) statement of the defendant was a

Turn to Page 4, Column 5.

party to the conspiracy. It was the duty of the grand jury to ascertain what the defendant knew about

1-RKF

-28915-17

formation about the Union station massacre.

He is reported to have told the grand jury that the late John Lazia, North Side political leader, assisted Charles (Pretty Boy) Floyd, who was killed last fall, in escaping after participating in the massacre. Floyd was killed while the grand jury was preparing to indict him with eight other persons for conspiracy to release Frank Nash, a federal prisoner. The effort to free Nash resulted in the killing at the station of four peace officers and Nash, himself.

Testimony Discredited.

LaCapra's testimony before the grand jury was discredited.

"The indictment," Judge Otis' opinion states, "alleges that it was material to the inquiry then in progress to know whether the defendant had spoken the quoted words, but no facts are alleged supporting the conclusion it was material.

"It cannot be and is not contended that anything in the words ascribed to the defendant indicates any relevancy of the subject matter of the conversation of which they were a part to the conspiracy rescue and effect the escape of Nash, the federal prisoner. It does not follow that there may not be such relevancy.

"Perhaps the man LaCapra mentioned in the supposed (but denied) statement of the defendant was a

Turn to Page 4, Column 5.

party to the conspiracy. It was the duty of the grand jury to ascertain what the defendant knew about that. If he had made a statement indicating that he had such knowledge, inquiry concerning that statement was germane to the investigation. If, instead of denying that he had made the statement, he had admitted making it, further questioning might have revealed the identity of a conspirator; at least it might have uncovered facts furthering the purpose of the investigation. When he denied that he had made the statement he blocked one road which otherwise the grand jury properly might have taken in their search for the perpetrators of a crime.

"All that can be said then is this: The indictment here does not allege facts showing the materiality of the charged false testimony, nor does it allege facts affirmatively demonstrating that the testimony was not material.

"What remains is this question: In a perjury indictment must there be an allegation of facts supporting the conclusion that the alleged false testimony was material or is it sufficient to allege as a conclusion that the testimony was material?

"But this question long since was answered by the supreme court, Markham v. United States, 160 U. S. 319,325. It is necessary in an indictment charging perjury only to aver that the alleged false testimony was material. Whether it was material is an issue to be decided at the trial.

"The motion to quash the indictment is overruled. It is so ordered. The defendant is allowed an exception."

The government's contention is that the attempt to kill LaCapra was made to prevent his revealing the part he attributed to Lazia in the Union station killing.

Three men, John Pace, Robert McCoy and Jerome Cretes, were arrested and charged with assault with intent to kill LaCapra at Argonia, Kas., August 21. LaCapra was wounded on that date at Argonia. He was held as a material witness in the shooting.

Pace, McCoy and Cretes were released under bond. They fled. LaCapra was released several weeks ago.

Besides Rayen, Thomas J. Higgins, chief of detectives of the Kansas City police department, and Eugene C. Reppert, former director of police, also were indicted for alleged perjury by the federal grand jury in November.

Their trials have been set for March 4 before Judge Albert L. Reeves. The date for Rayen's trial has not been set.

KANSAS CITY JOURNAL POST

January 18, 1935

Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester EB
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Trapp

Jimmy Needles' Gives His Version of K. C. Underworld Mysteries

In Veterans Hospital, Ex-Gangster Describes Self for J.-P. Reporter as Only Brown Sheep of Respectable Family.

By DAN T. KELLIHER
Of the Journal-Post Staff.

EXCELSIOR SPRINGS, MO., Jan. 18.—Michael James LaCapra, former boxer, manager of boxers, matchmaker and erstwhile joint keeper, known also by the name of "Jimmie Needles," sat in the veterans' hospital here Thursday, described himself as "the only brown sheep" in a respectable family, and told a Journal-Post reporter his version of underworld activities in Kansas City.

It was this same Jimmie LaCapra who told federal agents that Verne Miller, Charles A. (Pretty Boy) Floyd and Adam Ricchetti were involved in the Union station massacre. Miller and Floyd are dead, Miller being killed by underworld associates, and Floyd by government agents. Ricchetti is in the Jackson county jail awaiting trial on a murder charge growing out of the slaying of Frank Nash, convict, and four law enforcement officers at the station.

LaCapra, who narrowly escaped death at Argonia, Kas., August 31, 1934, when three Kansas City gangsters attempted to put him on the spot, and who since has spent much of his time in jail as a material witness, is in the hospital here for a minor operation.

He entered the hospital January 10, after having spent the previous week in a hotel in Olathe, Kas. He denies that he is in hiding or that he fears reprisal at the hands of Kansas City gangsters.

"I'll walk the streets of Kansas City again," he insisted. "Anybody with nerve (that was not the term he used) can make those monkeys hunt holes. I had 'em climbing poles that night at the North Side Democratic club when I tossed a couple of pineapples just to show 'em I wasn't afraid."

LaCapra smoked numerous cigarets as he talked—and he talked volubly. He pictured himself as a potential author—an author who will expose all the secrets of Kansas City's underworld in the book he is planning to write. As he talked he was attired in house slippers, green pajamas and a red lounging robe.

Turn to Page 4, Column 3.

Gregory in River.

"Jack Gregory is dead," he said, mentioning a St. Louis racketeer who, according to police, was persuaded by LaCapra to come to Kansas City to carry on certain enterprises outside the law. "The police know—or could learn with little effort—who killed Jack Gregory. He is in the Missouri river.

"Jack Gregory and two other men killed John Lazia. One of those men was named O'Brien. The third was a man named Wilhite. All three of them are dead.

"And it was Gregory who shot Edward T. Jones, the cleaner," LaCapra asserted.

Target of Racketeers.

Jones, head of the Associated Cleaners, long has been involved in warfare with a group that has tossed ball-bearings through the windows of his shops, bombed other places in which he has an interest, and last April brought their depredations against him to a climax when he was fired upon by gangsters in a motor car as he was returning to his home, 7329 Arleta boulevard, with Mrs. Jones. The cleaner was shot in the left leg and the right shoulder, but since has recovered from his wounds.

LaCapra is bitter against the authorities of Sumner county, Kas., and certain members of the Kansas City police department. After the attempt had been made on his life [illegible] an attempt for which

mine and asked him why the police were interested in it. He told me it had been seen in the vicinity when Gregory and others were known to have been holding meetings at Thirty-first street and Troost avenue.

"I went to Gregory. I gave him hell for using my car like that. He promised he wouldn't do it again.

Sent Scola to Him.

"About the station massacre. Johnnie Lazia sent Sam Scola to see me. (Scola was LaCapra's brother-in-law. Scola and Gus Fasone were killed by Sheriff Thomas B. Bash the night the sheriff and Lawrence Hodges, a deputy, encountered gangsters fleeing from the spot murder of Ferris Anthon, another racketeer.

"Lazia wanted me to ask Gregory to furnish a car for the getaway of Floyd and Ricchetti. They had been involved in the Union station massacre with Verne Miller and the plan was to take them to Cleveland, to which city Miller already had gone.

"I went to Gregory and told him what Lazia had said. Gregory said to me, 'You go back and tell Mussolini to tell his towel boys to escort that 'heat' out of town themselves. I don't want any part of it.'

Too "Hot" for Gregory.

"By that," LaCapra explained, "Gregory meant that Floyd and Ricchetti were too 'hot' for him to have any part in their escape. But later, he did supply the car. The escort was well armed. And Floyd was suffering from a wound. He lifted one of the machine guns in the car to see if he could handle it with his wounded shoulder."

(The Journal-Post at the time of Floyd's death pointed out that he had so scars of old bullet wounds. This would seem to discredit that part of LaCapra's story.)

LaCapra then told about the dis-

mentioning a St. Louis racketeer who, according to police, was persuaded by LaCapra to come to Kansas City to carry on certain enterprises outside the law. "The police know—or could learn with little effort—who killed Jack Gregory. He is in the Missouri river.

"Jack Gregory and two other men killed John Lazia. One of those men was named O'Brien. The third was a man named Wilhite. All three of them are dead.

"And it was Gregory who shot Edward T. Jones, the cleaner," LaCapra asserted.

Target of Racketeers.

Jones, head of the Associated Cleaners, long has been involved in warfare with a group that has tossed ball-bearings through the windows of his shops, bombed other places in which he has an interest, and last April brought their depredations against him to a climax when he was fired upon by gangsters in a motor car as he was returning to his home, 7329 Arleta boulevard, with Mrs. Jones. The cleaner was shot in the left leg and the right shoulder, but since has recovered from his wounds.

LaCapra is bitter against the authorities of Sumner county, Kas., and certain members of the Kansas City police department. After the attempt had been made on his life near Argonia—an attempt for which John Pace, Robert McCoy and Jerome Cretes, Kansas City, were arrested by Iola, Kas., police, LaCapra was taken to Wichita for questioning.

Accused in Holdup.

There, he said, several Kansas City police officers appeared. They accused him of complicity in the holdup of Thomas Cusack, an employe of the Blue Ribbon Sales company, who was held up and robbed of $[illegible] while taking the money to the Produce Exchange bank.

"They learned they couldn't make that 'rap' against me stick," LaCapra said, "and then they said they were investigating my possession of a 'hot' car.

"But I proved the car was mine, that I had purchased it in New York. I didn't want to go back to Kansas City with them. It would be too easy for them to say that I had tried to escape and they were forced to shoot me. If I had started back to Kansas City, it would have been curtains for me.

Held Gun Permit.

"When they couldn't make any charge stick that would warrant my return to Kansas City, the authorities in Wellington, Kas., held me as a material witness. My two guns were taken from me—guns which I had a right to carry, since I held a commission given me by John M. Kennedy, Kansas City justice of the peace.

"But the sheriff and the prosecuting attorney of Sumner county took my guns. Later, when I was released—after they had held me as a material witness from August until January 4—they told me I couldn't have my guns because the numbers had been filed off of them.

"If those numbers were filed off, the Sumner county authorities or someone to whom they gave my guns did the filing. The prosecuting attorney kept making excuses for holding me. He claimed my attorneys were making no effort to get me out on bond and that it was necessary to hold me as a material witness against Pace, McCoy and Cretes.

"Rescued" by Taggert.

"But when they failed to appear for trial, I still was held. Eventually I got in touch with a Mr. Stanley, one of my attorneys. I told him what the prosecuting attorney had said—that he had not tried to obtain bond for me. Stanley denied that—and I know he was right. Then, another of my attorneys, a Mr. Taggert, came to see me. He is the man who got me out.

"I left the Sumner county jail with no weapons. The sheriff wouldn't return my guns to me. He said numbers had been filed off of one of them. The prosecutor had said the numbers were filed off both of them. I said to the sheriff, 'So, that's the way of it?' and the sheriff said 'Yes, that's the way of it.' Then I went to Olathe because my nerves were all shot. I wanted to rest in a quiet place.

Denies Escort Story.

"When I left Olathe, the newspapers said there were two carloads of men armed with machine guns in-law. Scola and Gus Fasone were killed by Sheriff Thomas B. Bash the night the sheriff and Lawrence Hodges, a deputy, encountered gangsters fleeing from the spot [illegible] of Ferris Anthon, another racketeer.

"Lazia wanted me to ask Gregory to furnish a car for the getaway of Floyd and Ricchetti. They had been involved in the Union station massacre with Verne Miller and the plan was to take them to Cleveland, to which city Miller already had gone.

"I went to Gregory and told him what Lazia had said. Gregory said to me, 'You go back and tell Mussolini to tell his towel boys to escort that 'heat' out of town themselves. I don't want any part of it.'

Too "Hot" for Gregory.

"By that," LaCapra explained, "Gregory meant that Floyd and Ricchetti were too 'hot' for him to have any part in their escape. But later, he did supply the car. The escort was well armed. And Floyd was suffering from a wound. He lifted one of the machine guns in the car to see if he could handle it with his wounded shoulder."

(The Journal-Post at the time of Floyd's death pointed out that he had no scars of old bullet wounds. This would seem to discredit that part of LaCapra's story.)

LaCapra then told about the disappearance of Gregory. Gregory had been shot by ambushers at Thirty-first street and Forest avenue. He was taken to the general hospital.

While he was recovering from his wounds, he was charged with first degree robbery in connection with the holdup of two clerks of the Merchants bank.

"Maruch Not in Court."

On September 18, according to LaCapra, a police officer appeared at the hospital to take Gregory to the court of Louis J. Maruch, justice of the peace, for arraignment on the robbery charge.

"Gregory should not have been taken there at that time," LaCapra said. "Justice Maruch was not in his court. Cretes, one of the trio who shot me near Argonia, pretended to be a friend of Gregory. It was said that bond of $10,000 was furnished and Gregory was released.

"As he came out of the court room, ostensibly free on bond, Gregory saw Crete and sixteen others—all of whom, he knew, were gangsters and enemies.

"'So this is it?' Gregory said.

"'Yes, this is the way of it,' one of the men replied. A police officer was there at the time, but he was blind in both eyes. He couldn't see a thing that was going on.

"Police Knew His Fate."

"Gregory then asked one of the gang to give him a cigaret. The man complied and Gregory lighted the cigaret and promptly stuck the lighted end of it in the gangster's eye.

"'Now go on with it,' Gregory told them. They did. They took him for a ride and threw him in the Missouri river. And the police—some of them—know exactly what happened to Gregory."

LaCapra then told of his gun battle at Independence avenue and Benton boulevard when he escaped by running into a post office substation.

"I was driving out to see my mother," he said, "when I realized I was being trailed by men in another car. I knew them as Lazia followers and I knew I was in a spot. I left the neighborhood of my mother's home and drove rapidly toward the sub-station.

"When we got near it, they drove up alongside my car. One of them motioned for me to come over to their car. I wasn't that foolish. I got out of my car and the fireworks started. I fired back and they beat it. They're all yellow. They all run when they meet opposition."

"Made Them Climb Poles."

Then LaCapra cited another time when he threw fear into his enemies, according to his story. "I made those monkeys climb poles that night at the North Side Democratic club," he laughed.

"Do you mean that you are the man who tossed those bombs at the North Side club?" he was asked.

"Yeah," he said. "That's what I mean. I wasn't trying to hurt anybody—just scare them. And, believe me, I did."

LaCapra was asked if he wasn't afraid [illegible]

"They learned they couldn't make that 'rap' against me stick," LaCapra said, "and then they said they were investigating my possession of a 'hot' car.

"But I proved the car was mine, that I had purchased it in New York. I didn't want to go back to Kansas City with them. It would be too easy for them to say that I had tried to escape and they were forced to shoot me. If I had started back to Kansas City, it would have been curtains for me.

Held Gun Permit.

"When they couldn't make any charge stick that would warrant my return to Kansas City, the authorities in Wellington, Kas., held me as a material witness. My two guns were taken from me—guns which I had a right to carry, since I held a commission given me by John M. Kennedy, Kansas City justice of the peace.

"But the sheriff and the prosecuting attorney of Sumner county took my guns. Later, when I was released—after they had held me as a material witness from August until January 4—they told me I couldn't have my guns because the numbers had been filed off of them.

"If those numbers were filed off, the Sumner county authorities or someone to whom they gave my guns did the filing. The prosecuting attorney kept making excuses for holding me. He claimed my attorneys were making no effort to get me out on bond and that it was necessary to hold me as a material witness against Pace, McCoy and Cretes.

"Rescued" by Taggert.

"But when they failed to appear for trial, I still was held. Eventually I got in touch with a Mr. Stanley, one of my attorneys. I told him what the prosecuting attorney had said—that he had not tried to obtain bond for me. Stanley denied that—and I know he was right. Then, another of my attorneys, a Mr. Taggert, came to see me. He is the man who got me out.

"I left the Sumner county jail with no weapons. The sheriff wouldn't return my guns to me. He said numbers had been filed off of one of them. The prosecutor had said the numbers were filed off both of them. I said to the sheriff, 'So, that's the way of it?' and the sheriff said 'Yes, that's the way of it.' Then I went to Olathe because my nerves were all shot. I wanted to rest in a quiet place.

Denies Escort Story.

"When I left Olathe, the newspapers said there were two carloads of men armed with machine guns who accompanied me. That was untrue. There was only one federal agent who came to Olathe and I left the hotel with him. Then I came here."

LaCapra said he had known Gregory in St. Louis.

"When I came back from New York," he said, "I heard that Gregory was here, but I did not see him for several months. Then he told me one day that he had a plan for making money. He was going to organize the cleaners. He wanted me to throw in with him.

"We held several meetings with the Kansas City group that was trying to put the scheme over. During this time Gregory used my motor car. It still had the New York license on it.

Donations Too Small.

"One night I went to one of the meetings at which, I had been told, all the membership of Gregory's organization would be present, and they would 'kick in' with the dough necessary to operate. The contributions were so small I told Gregory: 'I'm through. I don't want any part of this.'

"But Gregory continued to use my car. I learned from a sergeant of detectives the police were checking up on the car. I told him it was tice of the peace, for arraignment on the robbery charge.

"Gregory should not have been taken there at that time," LaCapra said. "Justice Mazuch was not in his court. Cretes, one of the trio who shot me near Argonia, pretended to be a friend of Gregory. It was said that bond of $10,000 was furnished and Gregory was released.

"As he came out of the court room, ostensibly free on bond, Gregory saw Crete and sixteen others—all of whom, he knew, were gangsters and enemies.

"'So this is it?' Gregory said.

"'Yes, this is the way of it,' one of the men replied. A police officer was there at the time, but he was blind in both eyes. He couldn't see a thing that was going on.

"Police Knew His Fate."

"Gregory then asked one of the gang to give him a cigaret. The man complied and Gregory lighted the cigaret and promptly stuck the lighted end of it in the gangster's eye.

"'Now go on with it,' Gregory told them. They did. They took him for a ride and threw him in the Missouri river. And the police—some of them—know exactly what happened to Gregory."

LaCapra then told of his gun battle at Independence avenue and Benton boulevard when he escaped by running into a post office substation.

"I was driving out to see my mother," he said, "when I realized I was being trailed by men in another car. I knew them as Lazia followers and I knew I was in a spot. I left the neighborhood of my mother's home and drove rapidly toward the sub-station.

"When we got near it, they drove up alongside my car. One of them motioned for me to come over to their car. I wasn't that foolish. I got out of my car and the fireworks started. I fired back and they beat it. They're all yellow. They all run when they meet opposition."

"Made Them Climb Poles."

Then LaCapra cited another time when he threw fear into his enemies, according to his story. "I made those monkeys climb poles that night at the North Side Democratic club," he laughed.

"Do you mean that you are the man who tossed those bombs at the North Side club?" he was asked.

"Yeah," he said. "That's what I mean. I wasn't trying to hurt anybody—just scare them. And, believe me, I did."

LaCapra was asked if he wasn't afraid that such revelations would endanger his life.

"I'm not afraid," he said. "Maybe they'll get me. But I hope to live long enough to write a book I'm planning to write. I'm going to tell everything about Kansas City's underworld—from the top to the bottom. It will be a volume that thick"—he measured with his fingers.

PUSH CEMETERY FIGHT

Owners From 8 States in Session Here.

Continuation of their successful fight to avoid being placed under an NRA code was one of the principal topics of discussion among owners of private cemeteries in eight mid-western states here Friday for the two-day convention of the American Cemetery Owners' association at the Hotel Muehlebach.

Roy Hatten, Detroit, secretary and general counsel of the association, said numerous attempts to force a code on private cemeteries had been made.

The affairs of the 1,200 privately owned cemeteries in the country in cities of above 2,000 population, he said, were not interstate and therefore should not be regulated by a code.

DIVISION OF INVESTIGATION
FROM: UNIT #1 UNIT #3.

2-4- 1935.

TO: ____Director
____Mr. Nathan
____Mr. Tolson
____Mr. Edwards
____Mr. Quinn
____Mr. Tamm
____Unit Two

____Unit Four
____Files Section
____Personnel Files
____Equipment Section
____Chief Clerk's Office

____Unit Five
____Identification Unit
____Statistical Section
[redacted]

SUPERVISORS

Unit One
____Mr. Listerman
____Mr. Lowdon
____Mr. Bryan
✓ Mr. Newby
____Mr. Richmond
____Mr. Thompson
____Mr. Chambers

Unit Three
____Mr. Joseph
____Mr. Fagan
____Mr. Foxworth

Noted
C Pry

____Miss Candy
____Mrs. Kelley
____Washington Field Office
____M _____
____Secretary
____Correct
____Re-write
____Re-date
____See me
____Send file

~~Attention: Coffey~~ = your info.

Supervisor

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman..
Chief Clerk.....
Mr. Coffey.....
Mr. Edwards.....
Mr. Egan.....
Mr. Harbo.....
Mr. Keith.....
Mr. Lester.....
Mr. Quinn.....
Mr. Schilder.....
Mr. Tamm.....
Mr. Tracy.....
Mr. Zerbey.....

KANSAS CITY JOURNAL POST

JANUARY 19, 1935

MULLOY MAKES BOND

Bail for Release From Prison Approved.

Frank B. (Fritz) Mulloy, one of the four men convicted by a jury in federal court of conspiring to release a federal prisoner, was to be released from the Leavenworth penitentiary Saturday.

Mulloy's surety bond of $10,000 was approved by Judge Merrill E. Otis when it was presented to him by James Daleo, Mulloy's attorney.

He and Richard Tallman Galatas, Louis Stacci and Herbert Farmer were taken to the penitentiary for safekeeping immediately after they were sentenced by Judge Otis. All of thm, except Stacci, plan appeals. Galatas was released from the penitentiary Friday after his bond had been approved.

All of the men convicted in the conspirac ycase were sentenced by Judge Otis to two years in the penitentiary and were fined $10,000 each.

1 RJF

62-28916-E

January 22, 1935.

Mr. [illegible]
Mr. [illegible]
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Candy

U. S. TRIALS ARE SHORT

JUDGE OTIS COMPARES FEDERAL COURTS WITH THOSE OF STATES.

Talk Is Given Over WDAF to Better Acquaint the Public With Law and Legal Profession.

Speed in the administration of justice was the theme of a short radio talk starting at 6:30 o'clock last night over WDAF by Judge Merrill E. Otis of the United States district court here. Judge Otis spoke under the auspices of the Kansas City Bar Association. It was the second of a series of talks by judges and prominent members of the bar to acquaint the public more intimately with the law and the legal profession.

"For several weeks," he said, "in a state court in New Jersey, the celebrated Lindbergh case has been in trial." Judge Otis said "on that account citizens are more interested now in their courts of justice than generally they have been.

"I have been asked to speak five minutes concerning the United States district courts, commonly called the federal courts.

HEAR TRIALS INVOLVING U. S.

"The district courts have exclusive jurisdiction of all cases involving crimes against the national government.

"Although less than 10 per cent of the time of the federal courts is occupied with criminal cases, greater public interest seems to attach to them than to any other type of litigation. Therefore I describe briefly the trial of one criminal case in a United States district court.

"On the second day before the opening of the Lindbergh trial there began in the United States district court for the western district of Missouri the trial of seven persons, charged with a conspiracy to rescue an escaped convict who had been recaptured by federal agents. Several of these agents and associated officers had been shot to death near the union station in Kansas City as a result of this conspiracy to liberate the captured convict.

"The case was called for trial at 9:30 a. m., Monday, December 31, 1934. "The seven accused are present, represented by seven skillful and reputable lawyers.

"'Are the parties ready?'

"'The government is ready.'

"'The defendants are ready.'

"A panel of twenty-eight jurors is called, every one of them a selected man, selected for his reputation in his community for outstanding integrity and intelligence.

JURY IN ONE HOUR.

"The panel is examined by the judge. In thirty minutes the examination has been completed. In thirty minutes more the challenges have been made. In one hour a jury of twelve good men and true has been sworn to try the case according to the law and facts and the actual trial begins.

"Nearly fifty witnesses testify in the case. By Thursday afternoon all the evidence has been heard. The arguments of counsel have been completed. The court has charged the jury as to the law and has advised the jury as to the facts. The jury retires to consider its verdict at 9 o'clock on Thursday night.

"Friday morning the jury comes again into court.

"'Mr. Foreman, have you a verdict?'

"'We have a verdict.'

"'What is your verdict?'

"'The defendants are guilty as charged.'

"On Saturday morning sentences are pronounced.

"On Saturday afternoon the doors of the penitentiary at Leavenworth close behind most of the defendants.

"The actual trial has consumed four days.

"If the court had been handicapped by all sorts of medieval regulations it might have taken four days to select the jury.

"The federal judicial system may have its faults. But I suggest to you

1R+7

62-28915-17

Mr. Nathan
Mr. Tolson
Mr. Backus EB
Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Gandy

KANSAS CITY MASSACRE

"CONFESSION" IN MASSACRE STIRS U. S. OFFICIALS

Bolton Story Receiving Serious Consideration by Department.

Special Dispatch from a Staff Correspondent.

Washington, D. C., Jan. 24.—Publication of "confessions," attributed to department of justice sources, was receiving the attention of high officials of the department here today.

Officials of the department, whose agents are noted for their refusal to talk for publication, were irritated at reports published in Chicago that Byron Bolton, Barker-Karpis gangsters indicted in the Bremer kidnaping at St. Paul today, had "confessed" the St. Valentine day massacre, naming five other hoodlums as his aids in the mass murder of seven Moran gangsters.

Bolton's confession to agents on file in the department of justice quarters in Washington does not mention the St. Valentine day massacre, officials said flatly today.

Trace Origin of Story.

In view of the fact that the department, according to officials, obtained no statement, oral or written, from Bolton in which the St. Valentine day massacre was so much as mentioned, the officials were seeking to trace the origin of the story.

From time to time there have been slight "leaks" in the department of justice offices at Chicago, and, while yesterday's report was simply an irritant, the other situation has aroused grave concern on the part of officials and a determined effort to halt such "leaks" is under way.

Department Made Vulnerable.

The secrecy with which the department conducts its work, while admirable in many respects, observers point out, together with their agents' policy of announcing "I have nothing to say," makes the department peculiarly vulnerable in the matter of denials when an unfounded article is published.

Attorney-General Homer S. Cummings, in discussing Bolton's indictment at St. Paul today, branded as "completely erroneous" the published report of his "massacre confession."

Mr. Nathan
Mr. Tolson
Mr. Backus
Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Gandy

Chicago Daily News 1/24/35

12-28015

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Baughman..
Chief Clerk.....
Mr. Coffey.....
Mr. Edwards.....
Mr. Egan.....
Mr. Harbo.....
Mr. Keith.....
Mr. Lester.....
Mr. Quinn.....
Mr. Schilder.....
Mr. Tamm.....
Mr. Tracy.....
Miss Candy.....

KANSAS CITY STAR, KANSAS CITY MISSOURI JANUARY 30, 193

A FUROR OVER A JUROR

ATTORNEYS RAISE POINT OF J. C. SCOTT'S CITIZENSHIP.

However, Foreman of Massacre Case Group Served Legally, It Is Decided From Statutes.

What appeared for a while today as a development in the union station massacre conspiracy case came to a sudden end when a reference was made to a provision in the Missouri statutes.

Attorneys for the six persons recently found guilty of conspiring to liberate Frank Nash, which resulted in the massacre at the station June 17, 1932, started investigating the citizenship status of John C. Scott, 3500 Montgall avenue, foreman of the jury that returned the verdict against the six defendants.

The attorneys, working on the theory that if a persoon served on the jury and was not a citizen of the United States, one of the first qualifications of a juror, it would disqualify the entire jury and call for a retrial. One of the attorneys checked the records of the election commissioners office and found Scott had not been a registered voter. Curious, he checked the records of the naturalization office and found no record of a J. C. Scott obtaining papers in the last ten years. Scott is a native of England.

Scott said he came to America in 1900 and had obtained both first and second citizenship papers. He said he believed he got his second, or final papers, about "eight or ten years ago."

Still on the possibility that Scott was not a citizen, the attorneys scanned the statutes and found the following section, No. 8747, of the revised statutes of Missouri, which governs federal court juries in Missouri:

> Exceptions to qualification, when to be taken.—No exception to a juror on account of citizenship, nonresidence, state, or age, or other legal disability shall be allowed after the jury is sworn."

It is assumed, it was explained by Judge Albert L. Reeves, that a prospective juror is a citizen of the United States. Some times this challenge is made, he said. Any challenge as to citizenship or any other qualification must be made before the jury is sworn. After it is sworn the jury cannot be disqualified, the law is interpreted.

62-28915-A

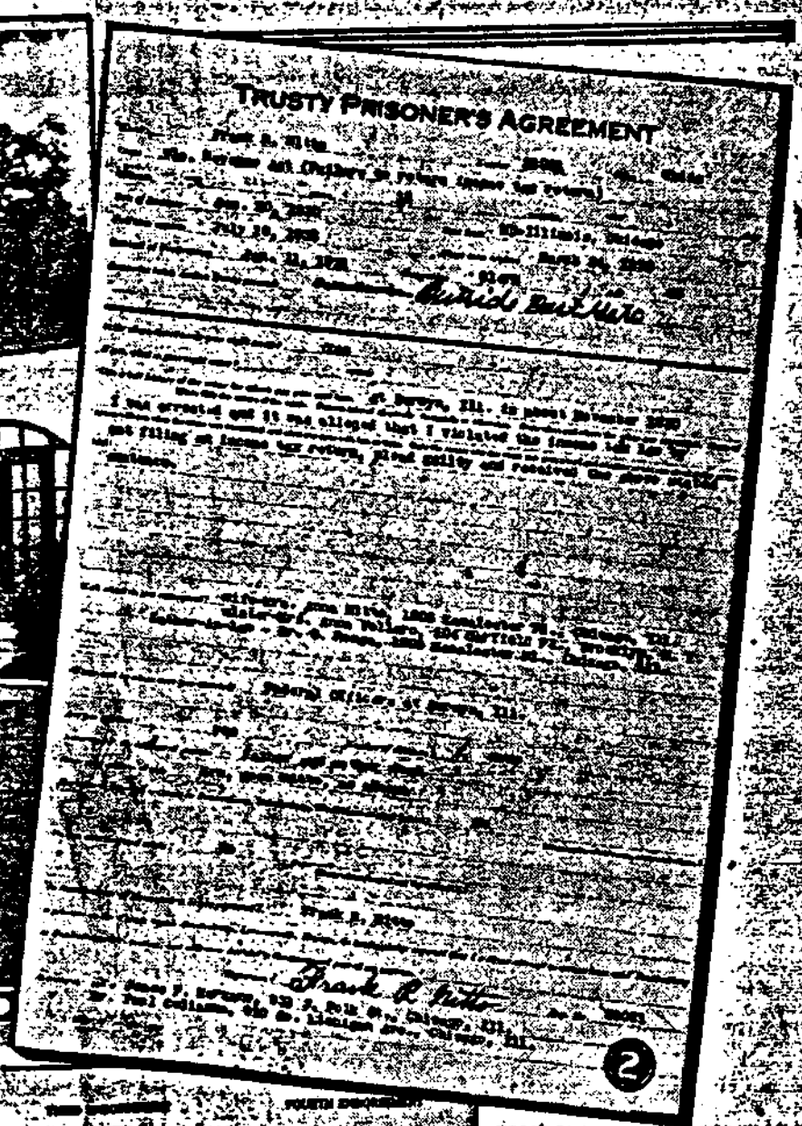
JOURNAL-POST

Section B
Society, Clubs, Fashions, Books and Radio

Morning, February 3, 1935.

Solved Famous Prison Break

ter Finding of Vermilion Bands on Trash Heap



TRUSTY PRISONER'S AGREEMENT

2

CORRECT AS STATED

3

8

gangsters that Fontaine had been talking too much and his boasting had reached federal authorities. They deserted him and the promised financial aid to fight extradition was not forthcoming.

Kansas Bank Robbery.

While the former convict was waging his unsuccessful fight to stay in Canada, Bailey, Nash, Keating and Holden were active in carrying out some of the crimes Fontaine said they had plotted in their presence. One of them was the holdup of the Citizen's National bank of Fort Scott, Kas. That occurred June 17, 1932, about the time that the Canadian government decided Fontaine should go to the United States to stand trial for his part in plotting the break at the federal prison at Leavenworth.

Five or six bandits, all armed with machine guns, rifles and shotguns, entered the Fort Scott bank and held up a half dozen employes. After slugging Harry Parrish, assistant cashier, and Leslie Wolfe, teller, they scooped up $32,000.

As they started out the door the leader, later identified as Harvey Bailey, instructed his confederates [illegible] to seize three women

Section B
Amusements, Music, Art,
Features and Want Ads.

KANSAS CITY J

Kansas City, Mo., Sunday

Three Red Hoops Clew That

Secret of Escape by Seven Convicts Unraveled Af

Ft. Scott Bank Robbery One of Immediate Results of Dash for Freedom by Desperadoes

Editor's Note—Frank Nash, mail train robber, murderer and bank bandit, succeeded in being made a trusty at the federal penitentiary at Leavenworth in spite of his record, most of which was eliminated when his application for a post of trust went the round of prison officials. He walked away from the institution October 19, 1930, as had Tom Holden and Francis L. Keating, mail train bandits, who were under sentences of 25 years each, the same sentence Nash was serving. Outside the three formed an alliance with Harvey Bailey, notorious criminal, to free other inmates of the penitentiary by shipping arms and explosives in to them. Thus, by becoming a trusty, Nash forged a link in a long chain of major criminal events which were to be climaxed by his death and that of four officers in the Union station massacre three years later. Arms and explosives, concealed in a barrel of shoe paste, arrived at the prison. December 11, 1931, seven convicts escaped, taking Warden Thomas W. White with them as hostage to get them past the walls. White was wounded and left for dead as three of the convicts tried to fight off soldiers, guards and possemen. They committed suicide as three others were captured. The fourth man was taken into custody a few days later. Investigation of the break is started by the government.

The story continues:

By W. G. SECRIST.

THREE vermilion-daubed hoops, thrown carelessly on a trash heap in the rear of the prison shoe factory oil house, was the slender clew that lifted the mystery surrounding the disastrous break December 11, 1931, of seven vicious, long-term convicts at the federa. penitentiary at Leavenworth.

Federal investigators had been dispatched to the prison while the hopeless battle between the seven and soldiers, possemen and guards still raged. They were at the scene of the last stand of three of the convicts in an isolated farmhouse when the structure was rushed by the attackers only to find that the fugitives, George Curtis, William Green and Grover Durrill, had died by their own hands rather than submit to capture.

The investigators, Hugh Larimer and Frank Lackey, had had dealings with convicts before and they knew that helpful information could be obtained from the four survivors of the break only by the most subtle methods. Their own peculiar code prevented other inmates from aiding in the investigation to any great extent.

Larimer and Lackey were convinced that the seven convicts who staged the break had outside help. The weapons and explosives taken from them were positive evidence of that, since none of them could be identified as part of the prison arsenal.

With that conclusion to guide them, they visited the penitentiary record room and called for all the data covering the history of the seven. The records revealed one significant fact—that the known members of the plot were mail bandits. The histories then were checked detail by detail and the investigators made the further interesting discovery that Curtis, Dur-

struction. This evidence convinced him that much of the convicts' activities had centered in and about the shoe factory. He began his search there for a clew to help in the investigation.

Another "shakedown" of the building brought little results. Then the investigators went over the structure again, inside and out, examining everything.

In the course of their search, they reached the trash pile behind the factory oil house. Then it was they discovered the clew of the vermilion colored iron hoops. They hunted for the staves the bails had encircled and when no trace could be found, the investigators were convinced these clews would lead to more important discoveries.

Records of supplies in the shoe factory were checked and freight bills at the warehouse were gone over. Finally the investigators found that two barrels of shoe paste had been received at the prison, one December 6 and the other December 10. The shoe factory superintendent declared that was unusual, as only one barrel at a time ever was bought.

First Clew.

Another search of the oil house,

them with samples of former inmates who might have helped.

The note to "Red" Ryan, found in Brown's pocket, helped, because

every date they wanted from the files of the record room. This fre and easy access to the prison file had made possible Keating, an

I[illegible] on a trash heap in the rear of the prison shoe factory oil house, was the slender clew that lifted the mystery surrounding the disastrous break December 11, 1931, of seven vicious, long-term convicts at the federal penitentiary at Leavenworth.

Federal investigators had been dispatched to the prison while the hopeless battle between the seven and soldiers, possemen and guards still raged. They were at the scene of the last stand of three of the convicts in an isolated farmhouse when the structure was rushed by the attackers only to find that the fugitives, George Curtis, William Green and Grover Durrill, had died by their own hands rather than submit to capture.

The investigators, Hugh Larimer and Frank Lackey, had had dealings with convicts before and they knew that helpful information could be obtained from the four survivors of the break only by the most subtle methods. Their own peculiar code prevented other inmates from aiding in the investigation to any great extent.

Larimer and Lackey were convinced that the seven convicts who staged the break had outside help. The weapons and explosives taken from them were positive evidence of that, since none of them could be identified as part of the prison arsenal.

With that conclusion to guide them, they visited the penitentiary record room and called for all the data covering the history of the seven. The records revealed one significant fact—that the known members of the plot were mail bandits. The histories then were checked detail by detail and the investigators made the further interesting discovery that Curtis, Durrill and Earl Thayer, the last named the only member of the little band still at large, had been sent there for a crime they committed together—robbery of a mail train at Okesa, Ok.

Another bit of evidence gleaned from the record room furnished them the positive proof they were seeking of outside gang help. This evidence was two telegrams filed away in the envelope of Stanley Brown, one of the surviving convicts.

Work in Dark.

The prison records of the other two—Tom Underwood and Charles Berta—gave little information to help.

Although the telegrams meant considerable to Latimer and Lackey, there still were many angles to the break that they yet had to uncover before they could bring to justice the outsiders responsible for Leavenworth penitentiary's most desperate delivery attempt. They had nothing to indicate the manner in which the munitions of escape had been smuggled in, nor had they evidence to implicate other inmates in the plot.

The telegrams, one from Cicero, Ill., November 12, 1931, and the other from St. Louis December 8, 1931, helped in that they indicated that outsiders had communicated in code that help for the delivery was on its way.

Larimer and Lackey decided to run the telegrams down to their source at a later date. While at the prison they undertook a careful search of every building and every inch of the grounds within the walls.

Prison authorities also were keenly interested in a search, as they desired to know whether other arms, explosives and ammunition were concealed about the premises for another attempted break. The most elaborate and exhaustive "shakedown" in the history was made, but nothing of importance was forthcoming.

Exhaustive Examination.

Larimer discovered from the records that Curtis, the leader of the break, worked in the hospital annex on the third floor of the shoe factory and Brown, a plumber, was employed in the basement of the factory addition, then under construction. This evidence convinced him that much of the convicts' activities had centered in and about the shoe factory. He began his search there for a clew to help in the investigation.

Another "shakedown" of the building brought little results. Then the investigators went over the structure again, inside and out, examining everything.

In the course of their search, they reached the trash pile behind the factory oil house. Then it was they discovered the clew of the vermilion colored iron hoops. They hunted for the staves the bails had encircled and when no trace could be found, the investigators were convinced these clews would lead to more important discoveries.

Records of supplies in the shoe factory were checked and freight bills at the warehouse were gone over. Finally the investigators found that two barrels of shoe paste had been received at the prison, one December 8 and the other December 10. The shoe factory superintendent declared that was unusual, as only one barrel at a time ever was bought.

First Clew.

Another search of the oil house, where the paste was kept, failed to reveal the second barrel. Then the investigators knew they had found a lead to the outside plotters. The discarded hoops were compared with the barrel still in the oil house and it was noticed that the paint used was of a color somewhat more vivid than that customarily employed to identify containers brought into the prison.

All the men, convicts and guards, who handled the December 8 shipment of paste, were asked about the barrel delivered on that date. Finally a guard recalled that one of the same vivid vermilion hue had been turned over to John Kulich, convict custodian of the oil house. Thus was Kulich involved in the plot, although he took no active part in the actual break.

"Red" Ryan, another convict, previously had been implicated through a note found in the coat of Brown at the time of his capture. The note was written to inform Ryan that the seven convicts had changed their plans and decided he could not accompany them on their dash to freedom.

Ryan and Kulich were questioned, but they denied everything. They then were placed in solitary confinement with the three survivors of the break.

Papers in Drain.

Back in the oil house went the investigators. There they disconnected a drain pipe and found scraps of paper, which they later identified as the freight card that had been pasted on the side of the legitimate barrel of shoe paste. Kulich had destroyed it in the hope of covering up receipt of the barrel containing the arms and explosives.

The three barrel hoops had proved to be clews of real value, in that they established Kulich's connection with the plotters and revealed the method by which the outsiders were able to smuggle in the guns, ammunition and explosives.

Completing the first phase of their investigation inside the prison the investigators went to St. Louis and Cicero and made photostatic copies of the original telegrams sent to Brown. These were brought back to the penitentiary and then began the tedious task of identifying the handwriting by comparing them with samples of former inmates who might have helped.

The note to "Red" Ryan, found in Brown's pocket, helped, because through it was established the fact that his former cellmate was Harold Fontaine, who had been released from the penitentiary just thirty-five days before the break. Samples of his handwriting, along with dozens of others, were compared with that appearing in the original telegrams.

Fontaine Sent Wires.

By a process of elimination, it finally was established beyond doubt that Fontaine had sent the telegrams informing Brown that the shipment of arms was on its way. Checking the numbers of the weapons was a routine task and it wasn't long before the investigators knew where they had been bought and the description of the man making the purchase. That check also brought out that 100 percussion caps were a part of the munitions smuggled into the prison. This was important because examination of the bombs accounted for only fifty-four of the caps, indicating that powerful explosives were still cached somewhere inside the grounds.

In the meantime Thayer had been recaptured and placed in solitary confinement. That old outlaw, one of the few remaining frontier type of badmen, would have escaped if cold and hunger hadn't made him delirious and caused him to wander back to Leavenworth and capture. He would give no information to help in locating the missing caps, so another "shakedown" of the prison was made.

Every container in and about the oil house and the shoe factory was opened and examined. Finally, in sacks of lime in the basement of the addition where Brown's plumbing shop was located, the searchers found the dynamite caps.

Fontaine in Net.

Piece by piece, the evidence against Fontaine was assembled. Then there began to come in rumors of long-time plotting of the break and the part escaped prisoners had in it. More tedious work in the record room brought forth the names of Francis L. Keating and Tom Holden, Chicago mail train bandits, who walked out with forged passes the afternoon of February 28, 1930.

That same check revealed that convicts were able to remove whatever data they wanted from the files of the record room. This free and easy access to the prison files had made possible Keating and Holden's escape, as they were supplied with their own record room photographs to make their forged passes appear authentic. George (Machine Gun) Kelly, then a small time bootlegger, who hoped to make a name for himself in the world of crime, stole the photographs.

The trail of the contraband munitions led to a roadhouse in the vicinity of Chicago. It was a place of evil reputation frequented by underworld gorillas and their molls. Then it was learned that the vermilion barrel had been concealed in this place while it was being packed with arms for the escape.

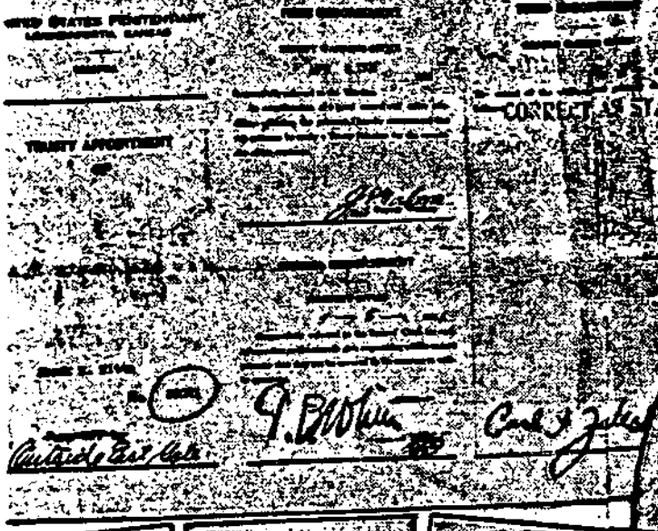
While keeping the underworld hanging out under surveillance, the federal sleuths heard vague reports of a new mob which the tipsters described as "highpowered." Coupled with these rumors were mentions of Harvey Bailey, Tom Holden, Francis Keating and a man named Nash.

Nash One of Gang.

Back to the helpful record room of the penitentiary went the federal agents. There was recorded the complete criminal history of Frank Nash, including the fact he had been convicted with Thayer, Curtis and Durrill for the mail train holdup at Okesa, Ok. Also in the files was a notation to the effect Nash had walked away from prison October 19, 1930, while serving as a trusty chef at the home of an assistant warden outside the penitentiary walls.

Also in Nash's file was his application to be made an outside trusty. It showed that someone had neglected to list all the crimes he had been convicted of. They included murder, bank robbery and others that labeled him a desperate criminal.

In the same record room were the files of other trusties, which showed that it had not been so difficult for them to obtain these desirable posts. Among the inmates listed as trusties was Frank Nitto, or Nitti, the man who was accused of passing sentences of death on dozens of enemies of Al Capone, Chicago's gang dictator. Nitti was admitted to the penitentiary for income tax evasion January 12, 1931, to serve two years. He had neglected to tell the government about the thousands of dollars crime and vice netted him annually



Crime increased at an alarming rate in the Middle West after Frank Nash, trusty inmate at the federal penitentiary at Leavenworth, succeeded in escaping because of lax regulations concerning selection of trusties. Crimes directly traceable to Nash's escape were the federal prison break December 11, 1931, and the holdup of the Citizens' National bank at Ft. Scott, Kas., June 17, 1932. Harvey Bailey, Tom Holden and Francis L. Keating, pals of Nash and suspected in the bank robbery, were arrested three weeks after the holdup while playing golf at the Old Mission course in Kansas City. 1—Old Mission club house. 2—The type of men who were made trusties at Leavenworth is indicated by this trusty prisoner's agreement, from the prison record room, which gave Frank Nitti, or Nitti (8), the run of the institution. Nitti later was accused of being executioner of Al Capone's enemies in Chicago. 3—Reverse side of Nitti's application to be made trusty showing who approved it. 4—Detective Chief Thomas J. Higgins, who captured Bailey, Holden and Keating at Old Mission. Nash also was on the golf course at the time, but he escaped. Three other members of the Ft. Scott bandit gang: (5) Frank Sawyer, (6) Jim Clark and (7) Ed Davis, all of whom also were escaped convicts when they perpetrated that crime.

Chicago. But in spite of that background, Nitti succeeded in being assigned to a trusty's duties after three months after he entered prison.

Another favored inmate, according to the files of the record room, was Charles Wharton, Chicago gangster. He was accused of using his influence to divide the $133,000 taken by Holden and Keating in their mail truck holdup at Evergreen Park, Ill. Shortly after that he was sentenced to two years. Wharton entered the institution June 14, 1928, and became a trusty feeding trusty on the prison chicken ranch Oct. 22, 1928.

Fewer Privileges Granted.

Prison officials apparently realized what had been set in motion when Nash was made a trusty and there was a general tightening up on privileges when Fred Zerbst was made warden. He succeeded Thos. White, who had been captured as hostage by the escaping convicts and then left for dead after Green fired a charge into his body just before the battle at the Salisbury farm. White later was made head of the new federal penal farm at El Paso, Tex.

Larimer and Lackey took to the trail again after their last inspection of record room files. It finally led to Windsor, Canada, where Harold Fontaine surrendered to provincial authorities Jan. 29, 1932. A move to extradite him for aiding in the December break was started but the former convict fought against return.

A strong case had been built up against the suspect and at one time in the negotiations he appeared ready to make a deal with the government in an effort to obtain the lightest sentence possible. Fontaine's weakness passed and he became defiant again, apparently after receiving word from his confederates they were ready to aid him in his fight to stay in Canada.

During the weeks the government fought for Fontaine's custody, Larimer established a friendly acquaintance with Robert M. Baird, a Scotchman who was held in the provincial jail at Sandwich with the suspect. That acquaintance was valuable in that Baird gained the confidence of Fontaine and received much information of his part in the penitentiary delivery plot. This was turned over to Larimer and eventually brought about the former convict's return to the United States in June, 1932.

Boasts Trapped Fontaine.

While spying on Fontaine, Baird heard much of the suspect's connections with the Chicago gangsters. The man the government wanted was inclined to boast of the criminal caliber of his associates and how they were plotting some big scale crimes.

During one of his most boastful moments, sometime the latter part of February, 1932, Fontaine told the Scotchman that his pals planned a job in the East in the next few days that would "rock the country."

"And won't the newspapers howl!" he declared.

This information was relayed to Larimer, who became eager to know what crime was in the making. Baird was unable to learn, although Fontaine frequently made mysterious references to what was going to happen.

Then the abduction of the Lindbergh baby March 1, 1932, did "rock the country." Fontaine, when informed of that crime by a visiting relative, was jubilant. Baird reported to Larimer. He announced that same day he never would go back to the United States, as his outside friends "would have plenty of money now." Baird concluded from that statement that Fontaine knew the identity of someone involved in the abduction.

Larimer reported Fontaine's boasts to headquarters at Washington and continued his accumulation of evidence against Fontaine in the prison break.

Some way word reached outside gangsters that Fontaine had been talking too much and his boasting had reached federal authorities. They deserted him and the promised financial aid to fight extradition was not forthcoming.

Kansas Bank Robbery.

While the former convict was waging his unsuccessful fight to stay in Canada, Bailey, Nash, Keating and Holden were active in carrying out some of the crimes Fontaine said they had plotted in their presence. One of them was the holdup of the Citizen's National bank of Fort Scott, Kas. That occurred June 17, 1932, about the time that the Canadian government decided Fontaine should go to the United States to stand trial for his part in plotting the break at the federal prison at Leavenworth.

Five or six bandits, all armed with machine guns, rifles and shotguns, entered the Fort Scott bank and held up a half dozen employes. After slugging Harry Parrish, assistant cashier, and Leslie Wolfe, teller, they scooped up $32,000.

As they started out the door, the leader, later identified as Harvey Bailey, instructed his confederates to seize three women employes to be used as shields in making their escape from town.

Fern Kerr, a stenographer, was held on the running board of the bandit car, while the two other prisoners, Eula Kepley and Mildred Baucom, were thrust into the vehicle. Miss Kerr was held in such a position as to protect the driver from the bullets of pursuers, while Miss Baucom and Miss Kepley were compelled to hold their heads out the car windows. At the city limits the three hostages were released.

Roofing nails were scattered all along the route by the bandits to puncture tires of pursuing cars. They managed to escape. But two days later the authorities at Nevada, Mo., captured three men suspected as members of the bank bandit gang.

Prisoners Escaped Convicts.

The prisoners were identified as Ed Davis, Frank Sawyer and Jim Clark, all fugitives from the Oklahoma state prison. Davis and Sawyer were under sentences of life for murder and Clark was under a long term for robbery. When seized the bandits had two rifles, a sawed-off shotgun and several revolvers in their car.

Clark, Sawyer and Davis were returned to Fort Scott where they were tried for the bank robbery, convicted and sentenced to serve 20 to 100 years each in the state prison at Lansing. None of the loot in that holdup was found in their possession.

A number of other bank holdups in Missouri and Kansas followed the bandits using tactics similar to those employed in the Fort Scott robbery.

A telephone call reached the office of Thomas J. Higgins, chief of detectives at Kansas City, the afternoon of July 7, 1932. He summoned a squad of detetectives, armed them with machine guns and riot guns and started out.

They drove to the Old Mission golf course in the southwestern part of the city. There they parked their cars, got out and started across the fairways with their weapons concealed as well as possible.

Arrest on Golf Course.

Higgins must have received accu-

Turn to Page 18-B, Column 2.

C O

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

NEW YORK WORLD-TELEGRAM, EBRUARY 4, 1935

HOW FLOYD

J. E. Hoover T
Kept Record

By the Associated K.C.MASSACRE

WASHINGTON, Feb. 4.—The late "Pretty Boy" Floyd, Congress was informed today, had a new way of recording his "kills."

J. Edgar Hoover, chief of the Justice Department's division of investigation, testified in hearings made public today that Floyd, instead of cutting notches on his gun, "put ten notches on the inside works of his watch, ten notches on the crystal and ten notches on the lucky piece that he carried." He had killed ten men.

62-28915-A

FLOYD NOTCHED WATCH FOR KILLS, HOOVER SAYS

10 Marks on Works, Crystal and Lucky Piece, He Testifies in Hearing.

By the Associated Press.

The late "Pretty Boy" Floyd, Congress was informed today, had a new way of recording his "kills."

J. Edgar Hoover, chief of the Justice Department's Division of Investigation, testified in hearings made public today that Floyd, instead of cutting notches on his gun, had another "form of self-flattery."

"He put notches on his watch," Hoover said. "You will note that in this picture there are 10 notches on the inside works of the watch, 10 notches on the crystal and 10 notches on the lucky piece that he carried. He had killed 10 men."

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Miss Gandy

FEB 1 1935

WASH. STAR

FEB 1 1935

62-28915-A

EB

yd, Miller, Ricchetti and Kansas criminals. The witness said yd was wounded in the arm at time and had difficulty handling machine gun.

nspection of Floyd's body at an t Liverpool morgue revealed he yer had been wounded in the n. That blasted the theory built on the statement of the alleged witness.

Ricchetti later was brought back Kansas City and lodged in the unty jail to await trial in fed- l court on a charge of conspir- to liberate a federal prisoner. action against him for murder far has been taken in the state urts of Missouri.

Those charged with conspiring to ee Nash, Vivian Mathis, Doc acci, Mulloy, the Farmers and alatas and his wife, were tried in ederal court here this January and und guilty. They filed notice of ppeal and their cases still are ending.

The final outcome of what Nash t loose the day he walked away om the federal penitentiary in eavenworth almost five years ago not yet in sight.

This is the last instalment this series of articles.

MIDDLE WEST IS BARONY OF CRIME AFTER DELIVERIES

Continued from Page 1-B.

Lansing had attempted to pay their debt to the Oklahoma train robber but had killed him instead.

Back at Miller's hideout, the gunmen remained there until that night when Brady, Underhill and the other man left by motor car for the return trip to Joplin. A few days later the bungalow was deserted, Miller and his woman companion, Vivian Mathis and her 10-year-old daughter, departing for Minnesota. Bailey, his wound healed sufficiently to permit him to travel, went South.

Nash was dead, but the forces of evil released when he was made a trusty at the federal penitentiary continued on. Bailey, Underhill, "Machine Gun" Kelly, Bates and others conspired for quick money and the abduction of Charles F. Urschel, wealthy oil man of Oklahoma City, occurred July 22, a little more than a month after the station massacre.

After several days of negotiations, $200,000 ransom was paid to the extortionists in Kansas City and their victim was released.

Federal Agents Converge.

The biggest force of federal agents at the government's command had been concentrated in Kansas City after the station killing. The number was increased when a wave of crime, which included abductions and bank robbery, followed in its wake. A dozen of the operatives were shifted to Oklahoma City to investigate the Urschel abduction.

On information supplied by the oil man, the trail finally took the sleuths to Paradise, Tex., where Bailey, the brains of that crime, was taken as he slept on a cot in a farm yard. When captured Bailey offered no resistance, although a rifle lay beside him and two revolvers were beneath his pillow. On the porch of the farm house less than 10 feet away was a machine gun.

R. G. (Boss) Shannon, owner of the farm, which later was found to have been at the place where Urschel was held prisoner, was arrested with Bailey. Roundup of Bates and "Machine Gun" Kelly followed within a few weeks. Underhill still remained at large.

Bailey, Kelly and Bates were tried in federal court in Oklahoma City in October, 1933, and were sentenced to life imprisonment, the same penalty received by "Boss" Shannon. Several women associates, including Kelly's wife, also received sentences in federal institutions.

Ransom Money Recovered.

More than $100,000 of the ransom money was recovered, a part of it from a hole where it was buried on the Shannon farm. Bates, Kelly and Bailey were held in solitary confinement at the federal penitentiary at Leavenworth for weeks when Kelly boasted he "would be out by Christmas." He's still in, however.

The hunt for the Urschel kidnapers never halted the investigation of the station killing. By this time Miller's part in the massacre was known and every effort to apprehend him was being made. Things became so "hot" that the fourth man decided [illegible]

sentences in federal institutions.

Ransom Money Recovered.

More than $100,000 of the ransom money was recovered, a part of it from a hole where it was buried on the Shannon farm. Bates, Kelly and Bailey were held in solitary confinement at the federal penitentiary at Leavenworth for weeks when Kelly boasted he "would be out by Christmas." He's still in, however.

The hunt for the Urschel kidnapers never halted the investigation of the station killing. By this time Miller's part in the massacre was known and every effort to apprehend him was being made. Things became so "hot" that the fourth man decided to take cover.

Under a federal indictment for some comparatively minor offense, he finally decided the safest place for him, until things had "cooled off," would be inside prison. Consequently he went into court, entered a plea of guilty and received a nominal sentence, which he began serving immediately.

The hunt for Miller and Underhill continued. Several times Miller was cornered only to escape. Once federal agents had him surrounded in a Chicago hotel after Vivian Mathis had led them to him from Kansas City. He shot his way out of the trap.

Finally, when it seemed that every agency of law enforcement was powerless to apprehend the elusive Miller, word was received in June, 1934, that his body had been found in a gutter in Detroit. It was horribly mutilated, as if the killers had jabbed him many times with an ice pick.

Why Miller Died.

Police and federal investigators were unable to explain the death of the killer. But the same underground channel that carried information concerning the station killing to prisoners inside the federal penitentiary also carried to them information about the death of Miller.

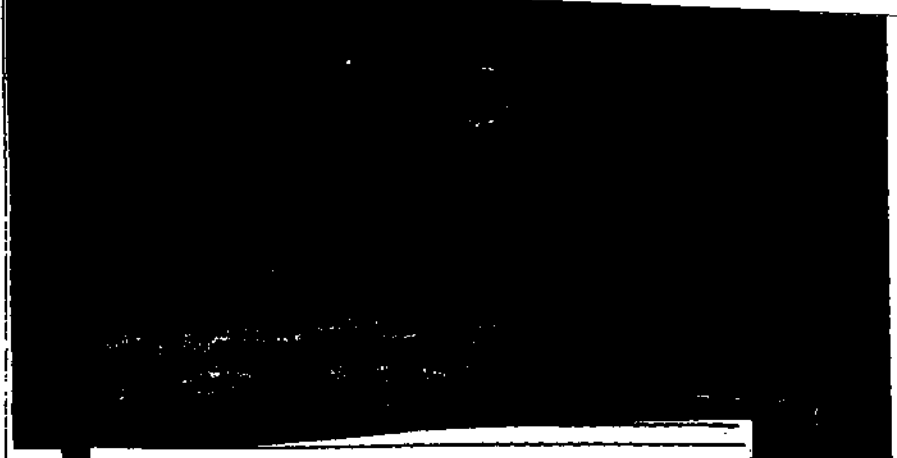
After his last escape from the federal agents, Miller sought to affiliate himself with the Touhey gang in Chicago. That organization had a number of abductions in mind and the leaders didn't relish the presence in their organization of one as "hot" as Miller. Miller refused to leave them and finally it was decided to put him out of the way. The mutilation of the body was to throw police off the trail and to make them believe a foreign gang had slain the killer.

The same day that Harvey Bailey and his associates were sentenced to life imprisonment for the Urschel abduction, Bob Brady and Jim Clark were identified in Tucumcari, N. M., as two of the convicts who fled from the Lansing prison in the Memorial day break. They had been captured the day before—October 6, 1933—in a battle with officers in which Brady was wounded. They had robbed a bank in Oklahoma a few days before and still had the loot.

Both Recaptured.

Clark and Brady were returned to the Kansas state penitentiary a few days later. In January, 1934, they again made a break and Brady was killed a day later in Johnson county, Kas. Clark escaped, only to be captured a few months ago on the west coast.

Wilbur Underhill, the last of the desperate gang, still was at liberty. He went his murdering way, apparently immune to police bullets. Early in December, 1933, apparently



to show his extreme contempt for law enforcement agencies, he walked into the courthouse in Colgate, Ok., and obtained a marriage license in his own name. The same afternoon he and Hazel Hudson were married.

That bold move of the desperado put the hunters back on a trail they had lost a number of times. Then the night of December 29 he was located with his wife in a house in Shawnee, Ok. Officers surrounded the place and the battle started early the next morning.

Underhill shot his way out, although desperately wounded. He fled to the downtown district and sought concealment in a furniture store, where he was found three hours later. A woman in the residence also was wounded in the battle.

The "tri-state terror" clung tenaciously to life for six days. Finally he was taken to the Oklahoma state prison for safe keeping where he died January 6, 1934. He was asked to tell his part in the station killing, but he refused to admit anything, asserting he might survive his wounds. Frank Smith, the federal agent who helped capture Nash, was present when Underhill was interviewed, but he refused to say whether the criminal was or was not one of the station killers.

Underhill, federal convicts declare, was "tipped" to federal agents by a woman, who received a $500 reward, as did the woman who turned in Frank Nash.

To Alcatraz Prison.

Up in the Leavenworth penitentiary the government was preparing to take some of the most desperate inmates to the newly built prison at Alcatraz island, the country's escape-proof penal institution. Bailey, Bates and "Machine Gun" Kelly were among those selected.

From time to time small groups were taken to Alcatraz, among them were Bailey and Bates. Then September 2, 1934, ninety convicts, the greatest number so far chosen, entrained inside the prison yards for Alcatraz.

In that group were "Machine Gun" Kelly, Keating and Holden, the escaped convicts who aided Nash in engineering the December 11, 1931, break at Leavenworth; Tom Underwood, Charles Berta and Stanley Brown, only survivors of the break, and "Red" Ryan, who intended to leave December 11, but who was left behind. The September 2 group also included Gordon Alcorn and Arthur Youngblood, who abducted Charles Boettcher, II, Denver millionaire; Frank McKee, Illinois mail bandit; Charles E. Westbrook, also a mail bandit from Illinois; Robert Cherrinton and Wilton Sparks, train bandits, the last the husband of Evelyn Freschetti, John Dillinger's girl friend, and Eddie Sargeant, another mail bandit.

Others on the list were:

James Ryan, Touhey gangster, convict No. 44847.

Pettijohn, 45158	Levin, 39312
May, 45160	Sieman, 39313
Stevens, 45256	Loomis, 39315
Fitzmaurice, 45338	McDonald, 39317
	Davis, 39318
Audette, 45400	Moore, 39319
Taylor, 12672	Sherwood, 39572
Rowland, 14281	Wiggins, 40384
Fisher, 14887	Fallon, 40810
Colyer, 15719	Hanna, 41075
Warren, 16030	Martini, 41281
Ballew, 20240	Green, 41604
Bouman, 20320	Felfian, 42815
Johnson, 20484	Allen, 43058
Dixon, 20770	Kilpatrick, 43163
Wolf, 20791	Bowers, 43202
Rogers, 21616	Kelly, 43203
Morris, 23234	Collins, 43205
Logomarsino, 24692	Young, 43206
	Reed, 43208
Perry, 24881	Tatum, 43214
Carroll, 25028	Chiesa, 43297
Tesconia, 25883	Debono, 43501
Dotson, 25896	Talarico, 43502
Grauer, 26898	Varsolona, 43503
Jones, 29224	Gouker, 43585
Grindle, 30039	Belcastro, 44232
Thomas, 30041	Stroud, 44268
Groves, 30677	Harden, 44270
Wallace, 31621	Gill, 44338
Sullivan, 32983	Nolan, 44457
Sobolsky, 33013	Satterfield, 44475
Norton, 36779	Badgett, 44483
Thompson, 37810	Alexander, 44484
Ballin, 38094	Smith, 44511
Boyd, 39199	Miller, 44529
Beane, 38509	Macklin, 44575
Blackwood, 38790	Minnema, 44601
Warden, 39249	

During the investigation of the plot to free Nash, federal agents rounded up Vivian Miller, Richard T. Galatas and his wife, Herb Farmer and Mrs. Farmer, "Fritz" Mulloy and Doc Stacci.

Floyd Is Slain.

A federal grand jury investigation of their part in the conspiracy was begun in Kansas City October 22, 1934, and on that day came word that "Pretty Boy" Floyd had been slain near East Liverpool, O. Two days before Adam Ricchetti had been captured a few miles away by the chief of police of Wellsville.

With Floyd dead and Ricchetti in custody, federal investigators declared the Union station massacre solved. They named those two and Miller the only gunmen present at the Union station the morning of June 17, 1933.

As evidence supporting their solution of the crime, they had a statement from a purported eye witness of the final meeting between

JOURNAL-POST

Section [illegible]
Society, Clubs, Fashions, [illegible]
Art and Amusements

[illegible] Morning, February 17, 1935.

[illegible]f Crime After Prison Breaks

[illegible]s With Kansas City's Union Station Massacre

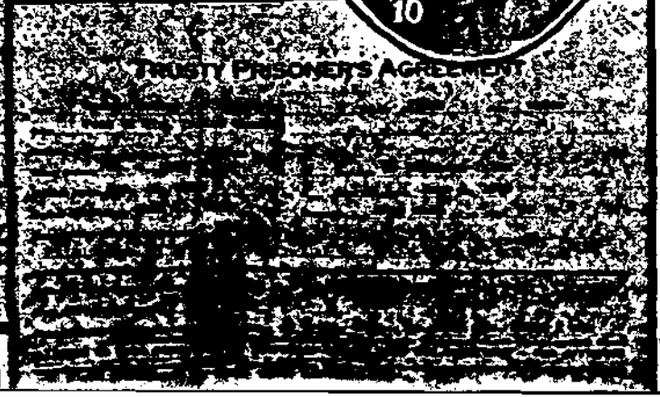
6

8

9

10

TRUSTY PRISONER'S AGREEMENT



swung to the left and into the tunnel beneath the waiting room of the Union station. The convicts say the two slayers left the vehicle there and returned to mix with the crowd later. That night the car was taken away in a huge moving van.

Miller and Underhill drove directly to the Edgevale road hideout and remained there until Brady and his companion joined them a few hours later. Aware that they had left positive evidence behind them in the shape of machine gun pellets in the bodies of their victims, the killer had a conference in the Edgevale road bungalow, which was attended by Bailey.

Details of the attack were discussed and Miller, who had manned a machine gun from the street behind Caffrey's car, decided that the weapon he used was the one that left most of the ballistic evidence behind. Bailey counseled disposal of the gun.

While scores of police and detectives searched every possible hiding place for some clew to the murderers, the four drove away from the Edgevale road address with the [illegible]

Section B
Books, Radio, Features
and Want Ads.

KANSAS CITY

Kansas City, Mo., Sunday

Middle West Is Barony of

Climax of Criminal Reign of Terror Comes

Final Outcome of What Was Loosed With Nash's Escape Not Yet in Sight

By W. G. SECRIST

A BARONY of crime, its domain the hills of Missouri, Oklahoma and Arkansas, became a serious threat in June, 1933, when the criminal reserves of the nation began converging at that point in the Middle West.

Frank Nash, now the happy bridegroom, had added four shrewd, vicious recruits to the underworld army by the success of the Memorial day break at the Kansas state penitentiary at Lansing, which he and his associates had plotted. Some of the eleven desperate, long-term convicts who escaped that day had been captured, but the four who counted were still at liberty. They were Harvey Bailey, the man who directed the Denver mint raid and the $2,000,000 robbery of a Lincoln, Neb., bank; Wilbur Underhill, with whom murder was a passion, and Bob (Big Boy) Brady and Jim Clark, experienced bank bandits.

And there were still other recruits, men who had achieved national notoriety because of their predatory expeditions against society. These included George (Machine Gun) Kelly, the former "small time" bootlegger, whose criminal ambitions had been stirred by association with Nash in the federal penitentiary at Leavenworth; Verne Miller, an underworld marksman, who made killing a business; Albert L. Bates, Colorado bandit, and countless other triggermen and gorillas, all specialists in their lines.

Chicago's underworld and other cities where the people were just beginning to become crime conscious had contributed their quotas to the growing criminal colony. Wanted hoodlums were using hidden retreats there for "cooling off" spots.

Facts revealed long after the extermination of the Bailey-Nash gang having shown that the Missouri-Arkansas-Oklahoma chain of hills was the hideout of such ruthless killers as the Barker brothers and Alvin Karpis, extortionists; Charles (Pretty Boy) Floyd, the Oklahoma, murderer, and his lieutenant, Adam Ricchetti; the Barrow brothers and their hard-shooting girl companion, Bonnie (Suicide Sal) Parker. And there were many others, some the "big shots" and others the "little fry" hangers-on, but all dangerous. And the history of outlawry in that section, extending back over more than two-score years, has shown that the desperadoes selected a refuge so well adapted to their needs that few, if any, ever were captured so long as they remained within its protecting confines.

Working together and separately, the gangs in the hills contemplated a program of lawlessness unequalled in modern day criminal history.

Authorities of the three states were well aware of the haven, but they also knew that it would take liver the much wanted Oklahoma train robber to the authorities. That part of the deal was completed during the second week of June.

Nash, certain that his disguise never had been penetrated, went about the streets of Hot Springs as usual, still on his honeymoon. While the escaped convict enjoyed the activities of the resort city, representatives of the government were preparing for his capture.

The morning of June 16, 1933, the young woman who wanted revenge tipped her intermediary that Nash could be found in a pool hall drinking beer. She gave a minute description of the fugitive and this information was relayed to Frank Smith and F. F. Lackey, special agents from the Oklahoma City bureau of the division of investigation, department of justice.

With their friend, Otto Reed, chief of police of McAlester, Ok., who had made the trip with them to be in on the arrest, they went to the pool hall. The man described was there and he was buying beer for the house.

Hustled Into Car.

The three manhunters waited outside until their quarry, his beer drinking finished for the time, walked to the door of the building. With an agent on each side of him and Chief Reed bringing up the rear, Nash was hustled to a car that waited nearby.

Nash's excited gesticulations attracted the attention of pool hall loafers. They decided that the genial big shot was being abducted and a call went into the Hot Springs police station. Unaware that federal agents were involved, a fast police cruiser was dispatched to the scene. It followed the speeding car of the agents to a point outside the city where credentials were shown. The men and their prisoner then were permitted to proceed on their way.

At the time Nash was taken into custody, federal agents were without the power of arrest. Reed likewise was without authority, since his ended when he crossed the boundaries of his state.

Apparently convinced that the end justified the means, the agents continued on with their prisoner to

formation is far more authentic than that received by unhampered investigators. An entirely different version of what happened after the Galatas plane reached Joplin has reached the outside from convicts "in the know."

This is their story:

From the Joplin airport, Galatas and Mrs. Nash proceeded by motor car to the farm home of the Farmers, a few miles outside the city limits. There the gambler from Hot Springs told what had happened to Nash. Then began a series of conferences, in which the distraught wife of the captured convict was reported to have had but a small part.

No Details Revealed.

Long distance telephone calls were made to the O. P. Inn in Chicago, where a long conversation was had with Doc Stacci, the proprietor. Other calls were made to Kansas City, and Galatas talked to Frank B. (Fritz) Mulloy, former bootlegger.

Just what the details of those conversations were, so far have not been revealed, but it is the opinion of federal penitentiary inmates that preliminary preparations for release of Nash when he arrived in Kansas City were begun.

Wilbur Underhill, who had been labeled the "tri-state terror" by authorities, was visiting at the home of a sister in Joplin when Galatas and Mrs. Nash arrived from Hot Springs, the federal convict's story goes. After the conference at the Farmer [illegible] call was made

chine Gun) Kelly, the former "small time" bootlegger, whose criminal ambitions had been stirred by association with Nash in the federal penitentiary at Leavenworth; Verne Miller, an underworld marksman, who made killing a business; Albert L. Bates, Colorado bandit, and countless other triggermen and gorillas, all specialists in their lines.

Chicago's underworld and other cities where the people were just beginning to become crime conscious had contributed their quotas to the growing criminal colony. Wanted hoodlums were using hidden retreats there for "cooling off" spots.

Facts revealed long after the extermination of the Bailey-Nash gang having shown that the Missouri-Arkansas-Oklahoma chain of hills was the hideout of such ruthless killers as the Barker brothers and Alvin Karpis, extortionists; Charles (Pretty Boy) Floyd, the Oklahoma murderer, and his lieutenant, Adam Richetti; the Barrow brothers and their hard-shooting girl companion, Bonnie (Suicide Sal) Parker. And there were many others, some the "big shots" and others the "little fry" hangers-on, but all dangerous. And the history of outlawry in that section, extending back over more than two-score years, has shown that the desperadoes selected a refuge so well adapted to their needs that few, if any, ever were captured so long as they remained within its protecting confines.

Working together and separately, the gangs in the hills contemplated a program of lawlessness unequalled in modern day criminal history.

Authorities of the three states were well aware of the haven, but they also knew that it would take an army corps to comb the rugged area. Their only hope was that they might be able to capture or kill some of the criminals when they came out of their almost impregnable retreat for plunder.

Public Enemy List.

The federal government also realized the death hold crime had on the country and the public enemy list was created. It was hoped that a concerted drive against these leaders would aid their capture or death would help to end the reign of crime.

Frank Nash's expeditions against the prisons at Leavenworth and Lansing, both successful from a tactical viewpoint, brought him forth as a real menace to law and order. He was among the criminals the government wanted to round up in their first real offensive against crime. His photographs and complete criminal record this time, were sent to every federal office in the country. Instructions from headquarters in Washington were "get that man."

Down in Hot Springs was a young woman who knew the ways of criminals and their hunters. She also knew that the "big shot" gambler from Chicago, George Miller, really was Frank Nash, although a moustache had changed his features somewhat and a toupee covered his bald pate. She had become so well acquainted with him that she resented his marriage to the erstwhile roadhouse cook, Frances Luce, to such an extent that she felt she had been jilted.

The girl in Hot Springs was of the mercenary type and her desire for revenge did not kill entirely the business instincts of her type. So, one day in June, 1933, she visited a law enforcement agency in the Arkansas resort city and made an offer to aid the government in its search for Nash—for a price.

Reward for Nash.

Federal agents received the proposal. The offer was sent on to Washington, and eventually a reward of $500 was authorized if the informant would "put the finger on Nash."

That was a fair offer, the girl agreed, and she promised to do so. Nash still on his honeymoon. While the escaped convict enjoyed the activities of the resort city, representatives of the government were preparing for his capture.

The morning of June 16, 1933, the young woman who wanted revenge dispatched her intermediary that Nash could be found in a pool hall drinking beer. She gave a minute description of the fugitive and this information was relayed to Frank Smith and E. J. Lackey, special agents from the Oklahoma City bureau of the division of investigation, department of justice.

With their friend, Otto Reed, chief of police of McAlester, Ok., who had made the trip with them to be in on the arrest, they went to the pool hall. The man described was there and he was buying beer for the house.

Hustled Into Car.

The three manhunters waited outside until their quarry, his beer drinking finished for the time, walked to the door of the building. With an agent on each side of him and Chief Reed bringing up the rear, Nash was hustled to a car that waited nearby.

Nash's excited gesticulations attracted the attention of pool hall loafers. They decided that the genial big shot was being abducted and a call went into the Hot Springs police station. Unaware that federal agents were involved, a fast police cruiser was dispatched to the scene. It followed the speeding car of the agents to a point outside the city where credentials were shown. The men and their prisoner then were permitted to proceed on their way.

At the time Nash was taken into custody, federal agents were without the power of arrest. Reed likewise was without authority, since his ended when he crossed the boundaries of his state.

Apparently convinced that the end justified the means, the agents continued on with their prisoner to Fort Smith, Ark. There they boarded a train for Kansas City, where it was planned to transfer the escaped convict to a motor car for quick transportation to the federal penitentiary at Leavenworth.

Back in Hot Springs word that George Miller, the Chicago "big shot" and friend of Dick Galatas, boss racketeer of the little city, had been kidnaped. Galatas had ways of finding out things, and it was only a matter of minutes until he knew that Nash finally had been taken by the authorities. Later he also found out that the agents had boarded a train with him at Fort Smith and were due to arrive at the Union station in Kansas City shortly after 7 o'clock the next morning—June 17, 1933.

News of Nash's capture wasn't long in reaching his bride, the former roadhouse cook. Tearfully she implored Galatas to rescue her "George" from the kidnapers. She knew how extortionists treated their victims, especially when they were racketeers with big bank rolls. She really believed at the time that he had been abducted.

Strong Friendship Ties.

What ever tie existed between Galatas and Nash, it was sufficiently strong to cause the Hot Springs gambler to charter an airplane in which he and Mrs. Nash were borne to Joplin. At the airport there they called the home of Herb Farmer, another friend of the Oklahoma train robber.

From this point on, the stories differ widely as to steps taken to liberate Nash on his arrival at the Union station in Kansas City. Mrs. Nash has stoutly maintained that she was unaware that her husband was an escaped convict. She also has denied that she took any active part in whatever plot was hatched in Joplin. Federal authorities also have indicated they are not certain of many of the details of the case or the identities of all who were involved.

Inmates of the federal penitentiary have ways of finding out things, despite the high stone barriers between them and the outside world. And often their information is far more authentic than that received by unhampered investigators. An entirely different version of what happened after the Galatas plane reached Joplin has reached the outside from convicts "in the know."

This is their story.

From the Joplin airport Galatas and Mrs. Nash proceeded by motor car to the farm home of the Farmers, a few miles outside the city limits. There the gambler from Hot Springs told what had happened to Nash. Then began a series of conferences, in which the distraught wife of the captured convict was reported to have had but a small part.

No Details Revealed.

Long distance telephone calls were made to the O. P. Inn in Chicago, where a long conversation was had with Doc Stacci, the proprietor. Other calls were made to Kansas City, and Galatas talked to Frank B. (Fritz) Mulloy, former bootlegger.

Just what the details of those conversations were, so far have not been revealed, but it is the opinion of federal penitentiary inmates that preliminary preparations for release of Nash when he arrived in Kansas City were begun.

Wilbur Underhill, who had been labeled the "tri-state terror" by authorities, was visiting at the home of a sister in Joplin when Galatas and Mrs. Nash arrived from Hot Springs, the federal convict's story goes. After the conference at the Farmer home, a telephone call was made and eventually the plotters got in touch with Underhill.

"Who is there with you?" the killer was asked.

Underhill was reported to have replied that Brady was there and that another man, known but unnamed by the prison inmates, was close at hand.

"Make it to Kansas City as quick as you can and report to Verne Miller," were Underhill's instructions. He also was told to take his companions with him.

To K. C. Hideout.

The "tri-state terror," Brady and the third man loaded a machine gun, inspected their pistols and drove away toward Kansas City. Arriving here, they went directly to the Miller hideout on Edgevale road, where they told of Nash's capture at Hot Springs and of the plot to free him.

The gunmen were informed of the flight of the federal agents to Fort Smith with their prisoner. They also learned that the four had boarded a train there and were due to arrive at the Union station a few minutes after 7 o'clock the next morning.

At the Miller bungalow they remained for the night. Bright and early the next morning the three men from Joplin were aroused by Miller, who handed over a second machine gun and two .45 caliber army automatic pistols. Then the four entered two cars, two to each vehicle, and drove to the Union station.

They still had half an hour until train time when they reached the station. Some one familiar with the faces of Kansas City detectives scouted the waiting room and then sent word out to the waiting killers that a group of officers were on hand to meet the federal agents and their prisoner.

In the meantime, Miller and his three gunmen confederates had spotted the sedan of Raymond J. Caffrey, federal agent assigned to the Kansas City bureau, in which it was planned to take the convict away from the station. They drove one of their cars into the parking lot in front of the station which Caffrey's sedan faced. The other car of the killers was parked in the street in the rear of Caffrey's vehicle.

Station Massacre.

Finally word was flashed from inside the station to Miller, Underhill, Brady and the unnamed gunman that the train had arrived and Nash and his escort were headed for Caffrey's car.

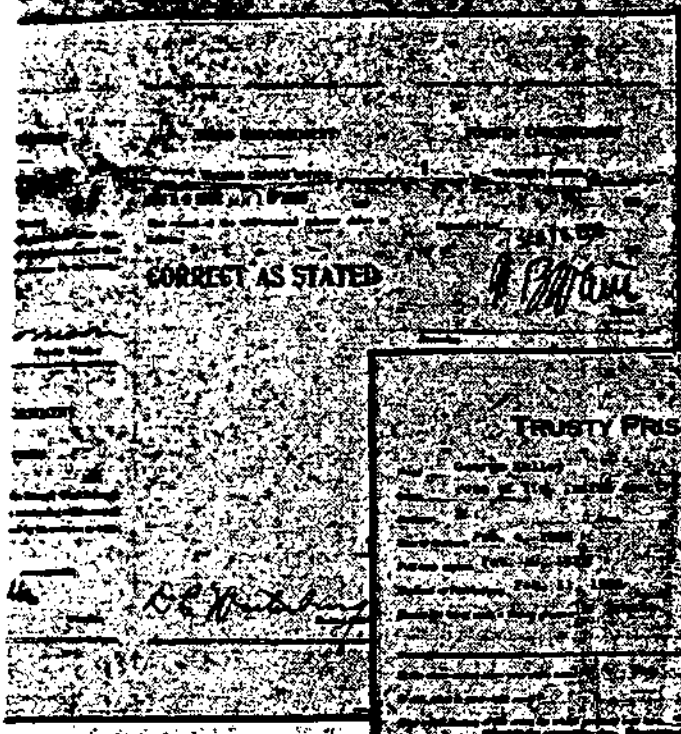
Scores of travelers watched curiously the progress of the manacled prisoner and his heavily armed escort of nine officers across the station lobby and out the door. Two uniformed patrolmen, assigned to posts in the station, accompanied the prisoner as far as the door. They watched Caffrey, Smith, Lackey and Reed start across the street in front of the station. Following them were R. E. Vetterli, special agent in charge of the Kansas City office, division of investigation, department of justice, and Frank Hermanson and William (Red) Grooms, city detectives.

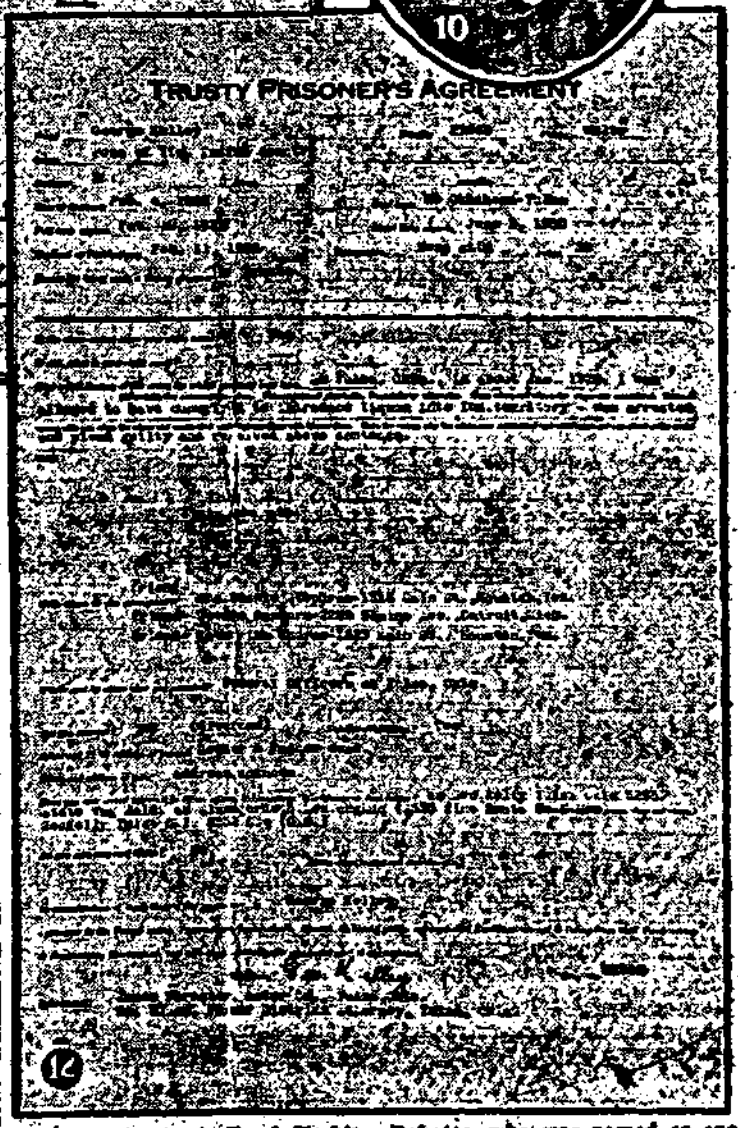
The officers and prisoner finally reached the waiting motor car. Nash, the first to enter, slipped into the driver's seat to permit Lackey, Smith and Reed to crowd into the rear seat. Hermanson and Grooms stood just at the right of the sedan while Caffrey was at the front, preparing to walk around on the driver's side. Vetterli was at the rear.

Suddenly there came a snarled command from the parking lot. "Up! Up! Get 'em up!" the voice grated.

Caffrey whirled and there was a blast of machine gun fire. Almost at the same time another machine gun volley came from the car in the rear. What actually happened from then on probably never will be clear as there are as many different versions as there were witnesses, and dozens saw five men die that morning.

Several witnesses agreed that after the first volley Nash stood up in the car and waved at the killers. In the next instant he slumped in his seat with a bullet in his brain. Hermanson and Grooms attempted to reach their pistols, but they were





t down. The first blast fired by e gunman in the street had cut rough the rear of Caffrey's sedan d struck Reed and Lackey. Smith, ouched but escaped injury. Ye rll heard the hiss of bullets as one rt through a coat sleeves, grazing is arm.

By the time uniformed officers om the Union station reached the ene, Hermanson, Grooms, Nash nd Reed had died. Caffrey was nconscious in the street in front f his car.

Scene of Horror.

The suddenness of the attack and ne horror of the slaying of their ompanions left the survivors pow rless to return the fire of the quick noving machine gunners.

Holiday travelers streaming out f the station were confronted by scene of horror. Men were prawled and dying on the pave ment. Blood flowed and women creamed hysterically. Pedestrians ear the station entrance heard the whine of machine gun slugs and ater saw their marks against the tone sides of the building.

The two machine gunners who ired from the front of the car, their mission ended by failure, tossed heir smoking weapons into their ar and wheeled rapidly out of the parking space. The car sped west toward Broadway and disappeared. The second machine followed on Pershing road and last was seen heading in the same direction.

Police and ambulance sirens screamed, adding to the din and confusion. Caffrey, mortally wounded, and Lackey, with three slugs in his body, were hurried to a hospital. The former died on the operating table.

While federal agents blamed the gunners for the five deaths, later investigation revealed that Reed died from a shot fired in the first machine gun volley. His convulsing fingers squeezed the trigger of a double barreled shotgun he held in his lap, and buckshot ripped through it, sending slugs through the front of the car, killing Nash, Caffrey and one of the detectives. The second detective actually was the only other victim of the killers' guns.

Experienced in Killing.

Information later received from federal penitentiary had Brady tied the unidentified gunmen to the car and Miller and Underhill to the other. They arrived at the station via the Broadway route, swung to the left and into the tunnel beneath the waiting room of the Union station. The convicts say the two slayers left the vehicle there and returned to mix with the crowd later. That night the car was taken away in a huge moving van.

Miller and Underhill drove directly to the Edgevale road hideout and remained there until Brady and his companion joined them a few hours later. Aware that they had left positive evidence behind them in the shape of machine gun pellets in the bodies of their victims, the killer had a conference in the Edgevale road bungalow, which was attended by Bailey.

Details of the attack were discussed and Miller, who had manned a machine gun from the street behind Caffrey's car, decided that the weapon he used was the one that left most of the ballistic evidence behind. Bailey counseled disposal of the gun.

While scores of police and detectives searched every possible hiding place for some clew to the murderers, the four drove away from the Edgevale road address with the machine gun Miller had used. They drove to the Kaw river, parked their car and with the dismantled weapon effectually packed in wrapping paper, walked a distance along the dikes.

Machine Gun Into River.

Within a short distance of a packing plant—the convicts never learned which one—the quartet paused for an instant and the incriminating gun was tossed far out into the water. It still is there, now probably deeply embedded in a 2-years accumulation of silt and slime.

The gunmen returned to Miller's bungalow, believing they had disposed of the most damaging bit of evidence against them. They were in error, however, as the gun that fired slugs with clearly defined markings was the other one used in the massacre.

Merle A. Gill, Kansas City ballistic expert, established that fact more than a year later when he identified a misshapen piece of lead taken from the body of John Lazia, slain North side politician, as a bullet fired from a machine gun used in the Union station massacre. That later bit of evidence was almost conclusive proof that Underhill, Brady and the third man were handed weapons that Miller had obtained from a source in Kansas City.

Considerable support has been given the convicts' version of the station killing by identifications of the gunmen made by witnesses while some of the victims still were lying where they fell. One officer declared that Brady was one of the gunmen.

Floyd's Rampage.

In the meantime, some one recalled that "Pretty Boy" Floyd and Ricchetti had gone on a rampage through Missouri the day before, abducting a sheriff at Bolivar, Mo., and heading for Kansas City. Floyd was identified as one of the killers, although he and Brady have similar facial conformations.

Experienced crime experts deduced correctly, according to the convicts, that prisoners helped by Nash in the Memorial day break at

Turn to Page 10B Column 5

The last chapter in Frank Nash's circle of crime was written with machine gun bullets the morning of June 17, 1933, when he and four officers were shot down in front of the Union station in an unsuccessful attempt to free the criminal. The officers slain with Nash were (1) Raymond J. Caffrey, federal agent; (2) Otto Reed, chief of police of McAlester, Okla.; (3) Frank Hermanson, and (4) William Grooms, city detectives. 5—A scene of the wholesale killing taken a few minutes after the gunmen fled. 7—Verne Miller, the killer of the Dakotas, who was named as one of the machine gunners. 8—The federal prison at Alcatraz island where most of the surviving criminal associates of Nash now are confined, including (9) Albert L. Bates and (10) George (Machine Gun) Kelly, who took part in the abduction of (6) Charles F. Urschel, Oklahoma City oil man. Kelly met Nash while a trusty in the federal penitentiary at Leavenworth. The document which gave "Machine Gun" Kelly the run of the prison, similar to one which made Nash a trusty, enabling him to escape, is shown 11 and 12.

KANSAS CITY JOURNAL-POST. WEDNESDAY, FEBRUARY 20, 1935.

Mr. Nathan
Mr. Tolson
Mr. Backus
Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Gandy

'JIMMY NEEDLES' GOES INTO HIDING FROM GANG GUNS

After LaCapra Wins Release, He Is Escorted to Voluntary Exile.

Michael James LaCapra, alias Jimmie Needles, who acted as his own lawyer and won his discharge Tuesday when he was arraigned in the justice court of Louis J. Mazuch on a charge of attempting to kill Lt. Ross Matheson of the Kansas City police department, once more is free of jail bars and has gone into hiding, apparently because of fear of Kansas City gangsters.

Tuesdy LaCapra was taken from his cell in the county jail and arraigned before Justice Mazuch. He had no lawyer, but pleaded his own case successfully and was discharged. A hold order placed against him by W. W. Graves, jr., prosecuting attorney, caused him to be returned to his cell.

Meanwhile, word of the action of the justice court was circulated in the North side. It was noticed that small groups of men gathered around the county jail at points approximately a block distant. Then Graves withdrew his hold order and LaCapra was told he was free to leave jail. He refused, apparently having seen the assembled groups and fearing they meant to harm him.

Into Sheriff's Car.

Three hours later, John C. Kelley, a deputy sheriff, placed LaCapra in one of the sheriff's cars, took the front seat with him and, with another deputy in the rear seat of the car, started for Excelsior Springs.

They had gone but a short distance into Clay county, Kelley said Wednesday, when they saw a motor car trailing them. Kelley said he recognized one of the occupants as Charles Gargotta, who was acquitted last year of the "spot" murder of Ferris Anthon. Gargotta was accompanied by another Italian.

When Gargotta was identified as one of the men in the trailing car, Kelley said, LaCapra exhibited great nervousness. The two deputies took LaCapra to the Veterans' hospital. There, the superintendent denied him admittance.

He explained that LaCapra had been a patient in the hospital, was

Turn to Page 2, Column 2.

'JIMMY NEEDLES' GOES INTO HIDING FROM GANG GUNS

Continued From Page 1.

given twenty-four hours' leave, and had violated his leave when he came to Kansas City and engaged in the gun battle with police the night of February 2.

The deputies then took LaCapra to an Excelsior Springs hotel and returned to Kansas City. On their way back, Kelley said, the car containing Gargotta and the other Italian, passed them, indicating the two men had been cruising the streets of Excelsior Springs. Gargotta waved to the deputies as he passed, Kelley said.

Now LaCapra has disappeared again.

On the night of February 2, police headed by Lieutenant Matheson besieged LaCapra in an apartment at 519 West Eleventh street. A number of shots were exchanged, but LaCapra was not routed from the apartment until tear gas was used extensively by the police. Then he was placed in jail.

ED

62-28915-

MONDAY, FEBRUARY 25, 1935. CITY JOURNAL-POST

Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Gandy

Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Gandy

KANSAS CITY

GRAND NEW STATION MASSACRE QUIZ

County Action Apparently Is Aimed at Adam Ricchetti.

THE GRAND JURY.

Otto C. Snider, 320 East Forty-fifth street, foreman.
Aubrey Marshall, Independence.
Paul C. Ford, Independence.
C. A. Brockhouse, employe of the Mercantile Home Trust company.
E. E. Kirby, Independence.
Charles M. Vining, 4900 Troostwood road.
J. D. Clements, Grandview, Mo.
W. I. Thomason, Blue Springs, Mo.
Walter J. Packwood, 412 West Sixty-second street.
D. A. McDonald, 419 East Forty-seventh street.
Henry R. Hanssen, 6034 Oak street.
Frank E. Lott, 4826 Roanoke road.

Judge Allen C. Southern of the circuit court Monday instructed a new grand jury to go into the Union station massacre case with a view to returning indictments for murder.

Judge Southern in his instructions did not mention Adam Ricchetti, who is accused by the government with participating in the massacre, by name, but told the jurors to consider the evidence in the hands of the federal government.

"There is substantial evidence in the hands of Maurice M. Milligan, district attorney, and W. W. Graves, jr., prosecuting attorney, against a man in the hideous Union station slaughter," Judge Southern said.

In County Jail.

Ricchetti is held in the county jail on charges of obstructing justice in connection with the attempted delivery of Frank Nash, federal prisoner, which resulted in the massacre. He also is held on a charge of transporting a stolen motor car.

It was indicated that the government evidence to be turned over to county authorities will include a beer bottle, found in the Edgevale road home of Verne Miller, alleged participant in the massacre. The government contends Ricchetti's finger prints on the bottle.

Judge Southern also instructed the jury to investigate thoroughly the operation of fences for disposing of stolen property.

After Thief Teachers.

"The worst thief is the man who hires thieves and conducts a school for them," Judge Southern told the jury.

Judge Southern told the jury that two Negro burglars in the last two weeks had confessed to extensive thefts and told of disposing of their loot at pawnshops. He referred to Richard Hunter, 40 years old, and Willie Mitchell, 22. A part of Mitchell's loot, he said, consisted of old gold which later wound up in the United States mint in Philadelphia.

Graves said the Ricchetti case would be presented to the grand jury Thursday after the jury considers the fence cases Wednesday.

The new jury will sit only for the remaining two weeks of the January term of court, which ends March 11.

915-A

WCNS

KANSAS CITY-- THE COUNTY GRAND JURY, CHARGED TO INVESTIGATE THE UNION STATION MASSACRE WITH A VIEW TO RETURNING A MURDER INDICTMENT, WILL TAKE UP THE TASK TOMORROW WITH NEWLY DISCOVERED EVIDENCE.

MAURICE M. MILLIGAN, U. S. DISTRICT ATTORNEY, WHO IS COOPERATING WITH THE COUNTY IN THE CASE, SAID MERLE A. GILL, BALLISTICIAN, HAD DETERMINED THAT A CARTRIDGE SHELL, FOUND AT THE SCENE OF THE MASSACRE, WAS FIRED FROM A .45 CALIBRE PISTOL CARRIED BY CHARLES PRETTY BOY FLOYD WHEN HE WAS KILLED LAST FALL NEAR EAST LIVERPOOL, O.

2/27--R1229 P JC

62-28915-A

THE KANSAS CITY TIMES, WEDNESDAY, FEBRUARY 27, 1935.

Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Gandy

FLOYD BULLET AT PLAZA

PISTOL LATER DROPPED BY GUNMAN CONNECTED WITH MASSACRE.

Cartridge Found at Station Fired From Weapon Recovered in Ohio, County Grand Jury Will Hear.

A discharged cartridge found at the scene of the union station plaza massacre June 17, 1933, had been fired from a .45-caliber automatic pistol later dropped by Charles A. (Pretty Boy) Floyd when he was slain near East Liverpool, O., Maurice M. Milligan, United States district attorney, disclosed late yesterday.

The announcement of the new evidence in the massacre case came on the eve of the county grand jury investigation into the alleged part Adam Richetti, former partner of Floyd, had in the station killings. W. W. Graves, jr., county prosecutor, is expected to present the Richetti case before the grand jury tomorrow.

POSITIVE IN IDENTIFICATION.

Mr. Milligan said his announcement followed a carefully made investigation since the federal court conviction of conspirators in the station plaza case. He said Merle A. Gill, ballistics expert, had identified positively the cartridge found in front of the union station the morning of the slayings as having been fired from the automatic dropped by Floyd when he and Richetti were surprised by officers near East Liverpool. Richetti was captured and the next day Floyd was killed.

"There is no doubt in my mind," Mr. Milligan said, "that the new evidence strongly is against Richetti. We know Richetti and Floyd were partners and we are convinced, not only by eye witnesses, but also by conclusive evidence, that Richetti was at the union station with Floyd and Verne C. Miller, now dead, and mowed down Raymond Caffrey, federal agent, three other officers and Frank Nash, the federal prisoner."

Mr. Milligan said the new evidence would be submitted to Mr. Graves for presentation to the county grand jury.

PISTOL TO WASHINGTON.

After Floyd's automatic was recovered by Ohio officers, it was sent to Washington, Mr. Milligan said. Cartridges were exploded and the shells sent to Mr. Gill through R. E. Vetterli, federal agent at St. Louis, who was wounded in the massacre.

Floyd and Richetti hurried to Buffalo, N. Y., after participating in the massacre here, Mr. Milligan alleged. It was on a return from Buffalo to Oklahoma that Richetti was captured and Floyd slain, Mr. Milligan said yesterday.

Richetti is held in the county jail here on two federal indictments, one charging him with conspiracy to obstruct justice in the massacre and the other with transporting a stolen motor car from Bolivar, Mo., to the Central Industrial district in Kansas City, Kansas. An automatic pistol later found to have been stolen from the national guard armory in Kansas City, Kansas, was taken from Richetti after his capture in Ohio.

The government also alleged fingerprints of Richetti were found in the home of Miller here.

Mr. Nathan .....
Mr. Tolson .....
Mr. Backus .....
Mr. Baughman ..
Chief Clerk .....
Mr. Clegg .....
Mr. Coffey .....
Mr. Edwards .....
Mr. Egan .....
Mr. Harbo .....
Mr. Quinn .....
Mr. Schilder .....
Mr. Smith .....
Mr. Tamm .....
Mr. Tracy .....
Miss Gandy .....

KANSAS CITY MASSACRE

SAS CITY TIMES, THURSDAY, FEBRUARY 28, 1935

Mr. Nathan .....
Mr. Tolson .....
Mr. Backus .....
Mr. Baughman ..
Chief Clerk .....
Mr. Clegg .....
Mr. Coffey .....
Mr. Egan .....
Mr. Harbo .....
Mr. Quinn .....
Mr. Schilder .....
Mr. Smith .....
Mr. Tamm .....
Mr. Tracy .....
Miss Gandy .....

INTO RICHETTI CASE TODAY.

Investigation of Pawnshops Is Completed by Grand Jury.

The Jackson County grand jury concluded its investigation into the alleged reception of stolen property by pawnshops late yesterday and adjourned until 10 o'clock this morning. No indictments were returned.

Adam Richetti's purported connection with the union station massacre, June 17, 1933, will be the subject of the jury's attention today.

62-28915-A

Mr. Nathan .....
Mr. Tolson .....
Mr. Bankus .....
Mr. Baughman ..
Chief Clerk .....
Mr. Clegg .....
Mr. Coffey .....
Mr. Edwards .....
Mr. Egan .....
Mr. Harbo .....
Mr. Kuhn .....
Mr. Lester .....
Mr. Quinn .....
Mr. Schilder .....
Mr. Smith .....
Mr. Tamm .....
Mr. Tracy .....
Miss Gandy .....

BLOODY MASSACRE STORY REVIEWED FOR GRAND JURY

County Body Investigates Alleged Part Taken by Adam Ricchetti.

The story of the Union station massacre was told again Friday as witnesses appeared before the county grand jury in its investigation of Adam Ricchetti's purported part in the killings.

Three agents of the federal bureau of investigation, department of justice, who survived the massacre, were among the witnesses called for Thursday's session.

They were R. E. Vetterli, now of St. Louis; F. J. Lackey, now of Washington, and F. S. Smith, now of Oklahoma City.

Another witness was Jack B. Jenkins, acting chief of detectives in Kansas City, Kas., who said he detected Ricchetti's fingerprints on a beer bottle found in the Edgevale road home of Verne Miller, a gunner in the massacre.

Sheriff Is Called.

Sheriff Jack Killingsworth of Bolivar, who was kidnaped by Floyd and Ricchetti and released in

Turn to Page 2, Column 1.

BLOODY MASSACRE STORY REVIEWED FOR GRAND JURY

Continued From Page 1.

Kansas City the night before the massacre, also was called. His testimony was designed to establish the presence of Ricchetti in Kansas City.

Other witnesses were Mrs. Lottie West, who was in charge of the Travelers' Aid bureau at the Union station at the time of the killings and who is said to have seen some of the gunners, and Harry Turner, deputy sheriff.

U. S. Furnishes Evidence.

W. W. Graves, prosecutor, presented the evidence to the grand jury. The evidence was turned over to him by Maurieve M. Milligan, United States district attorney.

Ricchetti is under a federal indictment on a charge of conspiring to release Frank Nash, a prisoner, who was killed unintentionally by his would-be rescuers.

The federal government is without authority to try Ricchetti for murder.

62-28915-7

Mr. [illegible]
Mr. [illegible]
Mr. [illegible]
Mr. [illegible]
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Gandy

THE KANSAS CITY STAR, SUNDAY, MARCH 3, 1935.

REPPERT TO TRIAL FIRST

PERJURY CASE TO OPEN IN FEDERAL COURT TOMORROW.

Three Members of Grand Jury That Probed Station Massacre Will Be Witnesses—T. J. Higgins to Be Next.

The character of the witnesses subpoenaed to testify in the perjury trial of Eugene C. Reppert, former director of police, which will begin in federal court here tomorrow, indicates wide interest in the final chapters of the federal cases resulting from the station plaza massacre of June 17, 1933.

The decision to try the Reppert case before others on the present criminal docket of Judge Albert L. Reeves was reached late yesterday by Maurice M. Milligan, United States district attorney; Randall Wilson, first assistant district attorney, and Sam C. Blair, another assistant, who will represent the government. The district attorney has the privilege to elect which case he desires to try first.

HIGGINS TRIAL NEXT.

The trial of Thomas J. Higgins, chief of detectives, who was indicted with Reppert for alleged perjury in testimony he gave the grand jury investigating the massacre case, will follow the Reppert trial, Milligan said.

Judge Reeves is expected to call the Reppert case for trial before noon tomorrow. A panel of thirty-four prospective jurors has been summoned to appear in the courtroom of Judge Reeves at 9 o'clock tomorrow. The trial of Reppert, Milligan said, is expected to require less than a week.

Among the witnesses subpoenaed by Milligan and his assistants are Townley Culbertson, banker, who was foreman of the federal grand jury that returned the indictments against Reppert and Chief Higgins; Ward C. Gifford, 431 West Sixty-first street terrace, real estate dealer, and Kenneth W. Snyder, 4641 Harrison street, insurance man.

TO TELL OF STATEMENTS.

Mr. Culbertson, Mr. Gifford and Mr. Snyder are expected to relate before the perjury trial jury of the appearance of Reppert before the grand jury, and also concerning Reppert's statements to the grand jurors.

Charlton A. Beatty, 2506 East Thir-

William T. Fields, Lees Summit, undertaker.
Leslie Fox, Butler, unemployed.
Joseph A. Green, 118 East Seventy-second street, clerk.
Thomas K. Harber, 7423 Belleview avenue, purchasing agent.
Warren A. Heath, 7237 Belleview avenue, bookkeeper.
Fred H. Knight, 2202 East Sixty-eighth street terrace, secretary.
Emmet F. McElroy, 321 Ward parkway, capitalist.
Arnold H. Miller, 5139 Walnut street, manager.
Walter L. Miller, 6115 the Paseo, salesman.
Robert G. Offutt, 5111 Locust street, clerk.
W. Cecil Orey, 3503 East Eighty-seventh street, golf professional.
A. H. Orr, Mount Leonard, farmer.
W. H. Othick, 6044 East Twelfth street terrace, interior decorator and contractor.
Roy Pace, Lees Summit, gas company.
Charles E. Parker, Rayville, farmer.
Earl Reed, Lees Summit, grain main.
Ernest Rentchler, Clinton, merchant.
Gerald P. Sloan, 5239 Woodland avenue, office manager.
Charles E. Stewart, 7712 Jefferson street, clerk.
C. Thorp, jr., 3220 College avenue, investment broker.
John Wallace, Liberty, farmer.
George R. Wells, 5109 Euclid avenue, laborer.
J. B. Wilcox, 3826 Agnes avenue, Kansas City, packing employee.
Fred J. Williams, 5513 Rockhill road, salesman.

Besides Hogsett and Jacobs, Reppert will be represented by John T. Barker, T. J. Madden and John G. Madden.

62-28915-A

ty-eighth [illegible], former city detective, and Ben [illegible]hurman, 322 Wheeling avenue, former chief of detectives in the Republican police regime, also have been subpoenaed by the government. They are two of the government's principal witnesses against Reppert. Both testified before the grand jury that indicted Reppert and Chief Higgins.

Another important witness for the government will be Miss Anne Feltenstein, official government court reporter, who took down the transcript of testimony of the witnesses before the grand jury. She was instructed in the subpoena to take with her into court her stenographic notes of the grand jury proceedings.

AGENTS TO TESTIFY.

Other witnesses subpoenaed by the government include Edward E. Conroy, R. George Harvey, R. E. Vetterli, Dwight Brantley and Gus T. Jones, all special agents of the federal bureau of investigation.

Heading the list of witnesses for Reppert are Dale Harman, former manager of the Yellow Cab Company of Kansas City; Lewis M. Siegfried, who was chief of police in the last Republican police administration; Marvin Casteel, superintendent of the Missouri highway patrol; Maj. Lewis M. Means of the state highway patrol; Joe Brennan, railroad special agent; Lieut. William E. Gordon of the police department and Merle A. Gill, ballistics expert. Others subpoenaed by William S. Hogsett and Floyd E. Jacobs, two of the attorneys for Reppert:

H. A. Dutton,	William B. Moorhead,
R. T. Scott,	W. G. Chesnut,
L. H. Hefner,	R. J. Eckert,
R. E. Truman,	George L. Breting,
Fred B. Denton,	Frank L. Johnson,
J. F. McNamara,	A. P. Ellison,
A. R. Lapita.	

A PANEL OF 28.

Miss Feltenstein also has been subpoenaed by the defense. From the original panel, twenty-eight men will be called and examined. A jury of twelve to try Reppert is expected to be selected from the panel of twenty-eight.

The jury panel:

A. L. Adams, Blue Springs, garage owner.
Irvin Ahern, 5712 Woodland avenue, Kansas City, bookkeeper.
A. B. Allgaier, Harrisonville, hotel proprietor.
J. L. Boley, Blue Springs, meat market proprietor.
J. C. Carlisle, 6104 Charlotte street, salesman.
John T Cheatham, Warrensburg, bookkeeper.
L. A. Davies, 3329 Agnes avenue, clerk.
George B. Davis, 5111 Olive street, salesman.
H. B. Dilley, 2539 Prospect avenue, painter.
H. M. Ferrell, Garden City, merchant.

Mr. Nathan
Mr. Tolson
Mr. Backus
Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Miss Kelley
Mr. Lester
Mr. Quinn
Mr. Schlagel
Mr. Smith
Mr. Tamm
Mr. Trudy
Miss Gandy

Associated Press WIREPHOTO.

KANSAS CITY—Adam Richetti, partner of the slain outlaw, "Pretty Boy" Floyd, pleads not guilty to a part in the killing of five men in Kansas City Union Station. He is shown being held for trial.

WASH. POST

MAR 2 1935

DIVISION OF INVESTIGATION
FROM: UNIT #1 UNIT #3

_____ 1935.

TO: ___Director
___Mr. Nathan
___Mr. Tolson
___Mr. Edwards
___Mr. Quinn
___Mr. Tamm
___Unit Two

___Unit Four
___Files Section
___Personnel Files
___Equipment Section
___Chief Clerk's Office

___Unit Five
___Identification Unit
___Statistical Section
___Technical Laboratory

SUPERVISORS

Unit One
___Mr. Listerman
___Mr. Lowdon
___Mr. Bryan
___Mr. Newby
___Mr. Richmond
___Mr. Thompson
___Mr. Chambers

Unit Three
___Mr. Joseph
___Mr. Berens
___Mr. Foxworth
___Mr. Weeks

___Miss McCarthy
___M _____

___Correct
___Re-write
___Re-date
___See me
___Send file

Zig

EB

_____
Supervisor.

Mr. Nathan .....
Mr. Tolson .....
Mr. Backus .....
Mr. Baughman ..
Chief Clerk .....
Mr. Clegg .....
Mr. Coffey .....
Mr. Edwards .....
Mr. Egan .....
Mr. Harbo .....
Mr. Keith .....
Mr. Lester .....
Mr. Quinn .....
Mr. Schilder .....
Mr. Smith .....
Mr. Tamm .....
Mr. Tracy .....
Miss Gandy .....
.....
.....

THE KANSAS CITY TIM[illegible]AY, MARCH 4, 1935.

KANSAS CITY MASSACRE

REPPERT TRIAL ON TUESDAY.

Testimony in Perjury Case May Begin This Afternoon.

The trial of Eugene C. Reppert, former director of police, who is accused of perjury by the United States government in connection with the union station massacre investigation, will begin this morning in the federal court of Judge Albert L. Reeves.

A panel of thirty-four prospective jurors has been instructed to appear in the court at 9 o'clock. If the examination of the veniremen begins immediately testimony probably will start in the afternoon session.

Mr. Nathan .....
Mr. Tolson .....
Mr. Backus .....
Mr. Baughman ..
Chief Clerk .....
Mr. Clegg .....
Mr. Coffey .....
Mr. Edwards .....
Mr. Egan .....
Mr. Harbo .....
Mr. Keith .....
Mr. Lester .....
Mr. Quinn .....
Mr. Schilder .....
Mr. Smith .....
Mr. Tamm .....
Mr. Tracy .....
Miss Gandy .....
.....
.....

62-28915-A

Mr. Nathan
Mr. Tolson
Mr. Backus
Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Gandy

KANSAS CITY--ADAM RICHETTI WAS INDICTED ON FIRST DEGREE MURDER CHARGES TODAY BY THE JACKSON COUNTY GRAND JURY.

FOUR INDICTMENTS, EACH CHARGING MURDER, WERE RETURNED AGAINST THE SOUTHWESTERN HOODLUM IN CONNECTION WITH THE UNION STATION MASSACRE HERE, JUNE 17, 1933, IN WHICH FOUR OFFICERS AND FRANK NASH, A FEDERAL PRISONER.

3/1--R350P

RECEIVED
BUREAU OF INVESTIGATION
DEPT. OF JUSTICE
MAR 2 8 1936 PM
DIVISION ONE

62-28915-17

WASH. POST 3/3/35

Associated Press WIREPHOTO.

KANSAS CITY.—Adam Richetti, partner of the slain outlaw, "Pretty Boy" Floyd, pleads not guilty to a part in the killing of five men in Kansas City Union Station. He is shown being held for trial.

62-28915-A

Mr. Nathan .....
Mr. Tolson .....
Mr. Backus .....
Mr. Baughman ..
Chief Clerk .....
Mr. Clegg .....
Mr. Coffey .....
Mr. Edwards ....
Mr. Egan .....
Mr. Harbo .....
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Richetti Indicted In Station Deaths

KANSAS CITY, Mo., March 1 (I.N.S.).—Four indictments charging murder in the first degree were returned by a county grand jury today against Adam Richetti for his alleged part in the Kansas City Union Station massacre. Four officers and a Federal prisoner, Frank Nash, were slain in the wholesale slaughter June 17, 1933.

WASH. HERALD

MAR 2 1935

62-28915-A

Closing Markets, Race Entries and Latest Results

"NEWS WHILE IT'S NEWS"

KANSAS CITY JOURNAL-POST

The Sentinel on the Hill

81st Year. No. 163. Entered as second class mail matter at Kansas City, Mo., under the act of March 3, 1879. Kansas City, Mo., Monday, March 4, 1935. Publication Office: 32nd and Oak Sts. Published Daily and Sunday.

LAZIA LINKED WITH REPPERT

tracing him to the Edgevale road where he had lived.

"Retained Detective Agency."

On June 26, Hogsett said, Reppert, in a police conference said: "We've got to get outside help on this case."

As a result of the conference, Hogsett said, the Burns detective agency was retained. One of the Burns men, A. R. Lapitz, Hogsett said, recognized Miller's alias of E. C. Moore, obtained a photograph of Miller and brought about his identification as one of the killers.

It was at Reppert's direction, Hogsett said, that Burns men traced Mrs. Vivian Mathis, who had been living with Miller as his wife. They hired a house in Brainard, Minn., near the home of Mrs. Mathis' father and succeeded in locating her through presents sent to the child at her father's home in Brainard. This information, Hogsett said, was turned over to federal agents.

Sides Well Represented.

Both defense and government will be well represented at the counsel table during the trial. Assisting Maurice M. Milligan, United States district attorney, are William C. Blair and Thomas Costelow. E. Conroy, special agent in charge of the bureau of investigation of the department of justice at Little Rock, and Harold Anderson, a special agent in the Kansas City bureau, are there to aid them as well as identify.

Sitting with Hogsett in Reppert's case are John T. Barker, E. Allen and Floyd E. Jacobs.

62-38915

Mr. Nathan
Mr. Tolson
Mr. Baskus
Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Gandy

sults
POST
RACING FINAL
Publication Office: 22nd and Oak Sts. Published Daily and Sunday.
IN GREATER KANSAS CITY 2c PER) 15c A WEEK COPY) BY CARRIER

ERT CASE

U. S. ATTORNEY DRAWS IN NAME OF SLAIN MAN

Opening Statements Made, But No Witnesses Are Heard.

THE REPPERT JURY.

Warren A. Heath, 7237 Belleview avenue, bookkeeper.
Fred H. Knight, 2203 East Sixty-eighth street terrace, Masonic Blue lodge secretary.
Irving Ahern, 5712 Woodland, bookkeeper.
A. L. Adams, Blue Springs, garage operator.
J. L. Betey, Blue Springs, meat market operator.
H. M. Farrell, Garden City, merchant.
William E. Fields, Lees Summit, undertaker.
A. L. Mitchell, Grandview, wall paper salesman.
Roy Pace, Lees Summit, Lees Summit Gas company.
Earl Reed, Lees Summit, elevator and grain men.
Ernest Rentchler, Clinton, merchant.
John Wallace, Liberty, farmer.
Alternate Juror—Fred J. Williams, 5812 Rockhill road; salesman.

The government will attempt to establish that the late John Lazia was instrumental in obtaining the services of Charles (Pretty Boy) Floyd and Adam Ricchetti to aid Verne Miller in the plot which resulted in the Union station massacre.

Randall Wilson, assistant United States district attorney, announced the government's intent in his opening statement to the jury Monday afternoon in the perjury [illegible] Reppert, former director of police. [illegible] followed by Wilson [illegible] Hogsett, an attorney for Reppert, [illegible] told the jury Wilson's remarks [illegible] Lazia's purported [illegible]

LAZIA'S NAME IS DRAWN INTO TRIAL OF E. C. REPPERT

Continued From Page 1.

ment will prove Miller went uptown to the vicinity of Eleventh street and Baltimore avenue, seeking Lazia. Learning that Lazia was at the Union station eating dinner, Miller went to the station, Wilson said.

Wilson said the government would prove that Miller found Lazia at the station and told the political leader that he was sorry the killings had taken place, but that it could not be helped, because the officers had opened fire.

Lazia replied, Wilson said the government would prove, "You've put a lot of heat on us."

Escorted From Town.

Considering it necessary to get Floyd and Ricchetti out of town, Wilson said the government would prove Lazia furnished a guard, including Charles Gargotta and Tano Lococco, and that Floyd and Ricchetti were put in a car, "supposed to have been a police department car," and escorted out of the city.

As they were getting in the cars, Wilson said the government would prove, Lazia said to the guards: "If they try to stop you let 'em have it."

Then, Wilson said, Lazia called one of the guards to one side and told him: "I didn't mean what I just said. If anything happens, beat it."

Blames Demoted Officer.

In his opening statement, Hogsett declared that the entire charge against the former director of police was based on a conflict in the testimony between Ben H. Thurman, former detective, and Reppert.

"The statement that Reppert told Thurman 'to lay off—this is a government matter,' came from a demoted and disgruntled police officer," Hogsett said, "who had been demoted by the defendant himself, then director of police.

"In fact, the entire story of John Lazia's alleged participation in the conspiracy is based on a story told by 'Jimmy Needles,' who is a dope peddler."

Hogsett said R. E. Vetterli, then special agent in charge of the federal bureau of investigation here, called Reppert and asked that added reinforcements be sent when Frank Nash arrived.

Sends Friends to Station.

"Reppert sent two of his personal friend, Frank Grooms and Ray Hermanson, city detectives, to aid the federal agents," Hogsett said, indicating that Reppert would not have ordered the detectives there had he known of the possible consequences.

In answering Wilson's statement that the federal agents suspected a delivery attempt would be made, Hogsett said this was not the case because even Vetterli was not armed.

"The attitude of the officers when they crossed the roadway in front of the Union station in [illegible] displaying weapons, is an indication that they did not suspect a delivery attempt would be made," he said.

To refute the government's contention that the police director instructed members of the police department to "lay off" the massacre case, Hogsett said the defense would prove that Reppert and the department exercised every [illegible] to solve the case.

62-289151

[illegible]

E. H. Ferrell, [illegible]

E. L. Mitchell, Grandview, [illegible]

[illegible], Lee Summit, [illegible]

Earl [illegible], Lee Summit, [illegible] man.

Ernest Bostelder, Clinton, merchant.

John Wallace, Liberty, farmer.

Alternate Juror—Fred E. Williams, 3313 Rockhill road, salesman.

The government will attempt to establish that the late John Lazia was instrumental in obtaining the services of Charles (Pretty Boy) Floyd and Adam Ricchetti to aid Verne Miller in the plot which resulted in the Union station massacre.

Randall Wilson, assistant United States district attorney, announced the government's intent in his opening statement to the jury Monday afternoon in the perjury trial of Eugene C. Reppert, former director of police.

Wilson was followed by William S. Hogsett, an attorney for Reppert, who told the jury Wilson's remarks concerning Lazia's purported activities were based on the grand jury testimony of James LaCapra, whom Hogsett described as "the dope peddler."

No Witnesses Heard.

Without hearing any witnesses, the trial was recessed at 4:30 o'clock, on the conclusion of the opening statements, until 9:30 o'clock Tuesday morning.

Reppert is charged with testifying falsely before the federal grand jury which investigated the Union station massacre conspiracy case, a conspiracy which resulted in the deaths of four peace officers and Frank Nash, escaped federal convict, whom the gunmen sought to free.

Wilson outlined the government's charges of perjury against the former police director and then swung into a relation of events leading up to the massacre on the morning of June 17, 1933, on the station plaza.

On June 16, Wilson said, Floyd and Ricchetti came to Kansas City. That night, Wilson said the government would prove, Verne Miller went to see Lazia, told him that he needed help to liberate a friend who had been captured by officers.

Benaggio Is Mentioned.

Shortly afterward, Wilson said the government would establish, Dominic Benaggio got in touch with Lazia and told him that Floyd and Ricchetti were in town and that he wanted the police to "lay off" of them.

Then Lazia said, according to Wilson, "Those are the very men we want."

Wilson said the government would prove that later that night Lazia, accompanied by Benaggio and Miller, went to see Floyd and Ricchetti on the West side and that Floyd and Ricchetti agreed to join the plot to free Nash.

Benaggio has not been indicted in connection with the station massacre, although he has been questioned by federal agents in connection with the case.

The night of June 17, after the massacre, Wilson said the govern-

Turn to Page 10, Column 1.

"The statement that Reppert [illegible] Thomson 'to lay off'—this is a [illegible] comment [illegible] noted [illegible] demoted by the defendant when he was then director of police.

"In fact, the entire story of John Lazia's alleged participation in the conspiracy is based on a story told by 'Jimmy Needles,' who is a dope peddler."

Hogsett said R. E. Vetterli, then special agent in charge of the federal bureau of investigation here, called Reppert and asked that added reinforcements be sent when Frank Nash arrived.

Sends Friends to Station.

"Reppert sent two of his personal friend, Frank Grooms and Ray Hermanson, city detectives, to aid the federal agents," Hogsett said, indicating that Reppert would not have ordered the detectives there had he known of the possible consequences.

In answering Wilson's statement that the federal agents suspected a delivery attempt would be made, Hogsett said this was not the case because even Vetterli was not armed.

"The attitude of the officers, when they crossed the roadway in front of the Union station in not displaying weapons, is an indication that they did not suspect a delivery attempt would be made," he said.

To refute the government's contention that the police director instructed members of the police department to "lay off" the massacre case, Hogsett said the defense would prove that Reppert and the department exercised every means to solve the case.

Evidence Is Given Out.

Hogsett called attention to the fact that Higgins turned over to Merle A. Gill, ballistician, the bullets and cartridge cases found at the scene of the massacre, which, he said has resulted in establishing that Floyd's gun was used in the killings.

Furthermore, Hogsett said, the defense will prove that Reppert was in touch soon after the massacre with R. T. Scott of the Southwestern Bell Telephone company, in an effort to trace the telephone calls involved in the massacre, but the federal agents already had traced the calls.

Reppert, he said, was instrumental in learning that Miller was one of the station killers and in

62-89

Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Gandy

A REPPERT JURY READY

SELECTION IS MADE FOR THE PERJURY TRIAL.

[illegible] Move With Little De[illegible]

CALLED FOR DEFENSE—These officers of the Missouri state highway patrol (left to right, Capt. William Baxter, Maj. Lewis M. Means and Col. B. Marvin Casteel, superintendent), have been subpoenaed as defense witnesses in the case of Eugene C. Reppert, former director of police, who is on trial in federal court on a perjury charge in connection with the investigation of the Union station massacre. The photograph was taken Monday at the federal building.

court reconvened the jury was [illegible].

Reppert spent the early part of the day in court with four lawyers, who entered his plea of not guilty. Representing him were William S. Hogsett, Floyd Jacobs, T. J. Madden and John T. Barker. Reppert will testify in his own defense.

HIGGINS TRIAL LATER.

Thomas J. Higgins, chief of detectives, facing the same charge as Reppert, will not be tried until after the completion of the Reppert case, Maurice M. Milligan, United States district attorney said. Hogsett, representing Higgins also, entered a plea of not guilty for him.

A panel of thirty-four men had been drawn for the Reppert case. The defense had ten challenges and the government six. There is to be an alternate juror, Judge Reeves said, making a jury of thirteen. The extra juror will hear all of the testimony, but will not serve in the actual deliberations of the jury unless another juror becomes incapacitated.

Before examining the jury panel Judge Reeves told of the nature of the charge against Reppert. He recalled the union station massacre, the efforts to liberate Frank Nash, a federal prisoner, and the resultant deaths. He said Reppert was indicted on the charge of having perjured his testimony when the grand jury was investigating the alleged conspiracy to liberate Nash.

ONE IS EXCUSED QUICKLY.

One man on the panel was excused quickly by Judge Reeves, T. R. Harber, 7423 Belleview avenue, when he said he had business dealings with Reppert and that he feared he might not be able to return an impartial verdict. John Wallace, Liberty, Mo., was substituted on the panel for Harber.

Irving Ahern, 5712 Woodland avenue, said he had read of the charge against Reppert, but that he had formed no opinion. A. H. Orr, Mt. Leonard, Mo., said he knew W. S. Hogsett and that he might be influenced by that. He was excused.

W. C. Orey, 3503 East Eighty-seventh street, said he knew Reppert and had played golf with him. Orey formerly was an assistant golf professional at the Hillcrest Club.

"Would the defendant's superior skill at golf prejudice you in this case?" Judge Reeves asked.

The large audience laughed aloud as Orey replied that "No, positively no," he would not be prejudiced.

Several of the prospective jurors said they knew this or that member of the legal staff of the defendant or the government, but all agreed, after the legal counsel had been introduced, that the acquaintance would not interfere with an impartial verdict.

As an incident in the questioning of a prospective juror by Judge Reeves, Mr. Hogsett said the defense had sixty witnesses to examine and indicated the defense alone would require about a week of the trial.

Mr. Nathan
Mr. Tolson
Mr. Backus
Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Gandy

Mr. Nathan
Mr. Tolson
Mr. Backus
Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Gandy

KANSAS CITY JOURNAL-POST. MARCH 4, 1936

KANSAS CITY MASSACRE

To Trial in U. S. Court

Eugene C. Reppert, former director of police, who was indicted November 2 for alleged perjury before the federal grand jury which investigated the Union station massacre, went to trial Monday in the federal court. Judge Albert L. Reeves is presiding at the trial.

S...EPPERT TRIAL SLOWED BY ROUTINE MATTERS

Judge Tells Perjury Case Panel Duties Should Be Over This Week.

Examination of the panel from which the jury will be selected for the trial of E. C. Reppert was started shortly before 10:30 o'clock.

A long criminal docket was called Monday in federal court, delaying the start of the trial of Eugene C. Reppert, former police director, on a charge of perjury growing out of a federal grand jury investigation of the Union station massacre.

The court room was crowded with spectators, attorneys and persons whose names appear on the docket when Albert L. Reeves arrived to dispose of routine matters before the start of the trial. Reppert was an interested spectator at the proceedings.

Names of the thirty-four men who comprise the jury panel were called by the clerk and thirty-two answered. Judge Reeves told the prospective jurors that he wasn't sure how long their services would be required, but that he hoped to dispose of the matter—Reppert's trial—by the end of the week.

That St. Louis is as much interested in the outcome of the proceedings as is Kansas City was indicated when representatives of the newspapers there arrived to report the trial.

Reppert, Thomas J. Higgins, chief of detectives, and Police Lieutenant George Rayen were indicted last October on charges of perjury before the grand jury. They are charged with denying that they instructed department members to "lay off the massacre investigation because it was a government matter."

When Reppert's case was reached on the docket, one of his attorneys entered a plea of not guilty. His will be given precedence over all the others.

A liquor conspiracy case involving the American Distributing company, the Railway Express Agency, Inc., and fourteen individual defendants also was called. Attorneys for ten of the individuals called Judge Reeves' attention to the fact that demurrers had been filed and never had been disposed of. That matter then was passed for a later setting.

The men for whom demurrers have been filed are Joe Lusco, Frank B. (Fritz) Mulloy, James Romano, Alex Presta, James V. Quinn, Lewis Monteleon, Rosalia Monteleon, Tony Nacello, Arnold H. Fitzsimmons and George Storms. Two of the defendants accused in the conspiracy, William Arnold and James Sperlazza, never have been arrested.

The government charges the defendants with conspiring to ship intoxicants into dry territories.

62-28915-A

JURY RECORDS IN

Proceedings Leading to Indictment of E. C. Reppert Are Introduced in Perjury Trial.

JURORS AS WITNESSES

Townley Culbertson, Foreman of the Massacre Investigating Body, Waits in Courtroom.

PROSECUTION MOVES SLOW

Foundation for Present Charge Is Prepared by the Testimony of Deputy Clerk.

The foundation for the prosecution of Eugene C. Reppert, former police director, was laid by the government today through the methodical presentation to the jury of the detailed records of the federal grand jury that indicted Reppert for perjury.

Reppert, Thomas J. Higgins and Jeff Rayen, a police lieutenant, were indicted by the grand jury because of the nature of their testimony before another grand jury in connection with the union station massacre. The Reppert case is being tried first, before Judge Albert L. Reeves in the federal court.

Deputy Clerk a Witness.

Warren Slagle, deputy clerk of the federal court, was the first witness. Through questions put by Randall Wilson, an assistant United States district attorney, Slagle introduced court and grand jury records.

First, he showed that the grand jury that indicted for conspiracy to obstruct justice was duly impaneled and sworn in and that it returned indictments againnst these persons:

Richard Tallman Galatas.
Herbert Allen Farmer.
Mrs. Francis Nash.
Frank B. (Fritz) Mulloy.
Louis Stacci.
Elizabeth Galatas.
Vivian Mathis.

Also, that separate indictments, also charging conspiracy to obstruct justice, were found against:

Adam Richetti.
Charles A. (Pretty Boy) Floyd.
Verne C. Miller.

Slagle than produced records showing the appearance of Reppert, Higgins and Rayen before the grand jury, their testimony, and later their indictments on the ground of perjury.

Background of Indictment.

The purpose of the rather formal procedure was to establish, for the government, the background of the indictment of Reppert.

Following Slagle as a witness for the prosecution was Townley Culbertson, foreman of the grand jury that indicted Reppert, up to the final day, when he was excused and Ward C. Gifford took his place.

Mr. Wilson announced today that Col. Charles Edwards, former chief of police, had been subpoenaed as a government witness for later appearance. Edwards was in the courtroom early today.

The courtroom was well filled as the trial began today, many persons attending besides those subpoenaed as witnesses.

Mr. Tamm
Mr. Tracy
Miss Gandy

File
Rap

Mr. Tamm
Mr. Tracy
Miss Gandy

REPPERT JURY HEARS DETAILS OF MASSACRE

Various Indictments Made in Case Are Read by U. S. Attorney.

COURT AIDE TO STAND

Former Police Director's Name Not Mentioned in Early Testimony.

All the details of the Union station massacre the morning of June 17, 1933, were paraded before a federal court jury Tuesday as the government began introduction of evidence at the trial of Eugene C. Reppert, former police director, on a charge of perjury.

Randall Wilson, assistant United States district attorney, called Warren Slagle, deputy federal court clerk, as the first witness. He was asked if he had indictments against the six convicted in January for a part in the alleged conspiracy to free Frank Nash, federal prisoner, who died in the massacre with four officers.

Slagle identified the indictments and then Wilson read their entire contents to the jury. Next the witness was asked concerning federal indictments against Verne Miller, Charles (Pretty Boy) Floyd and Adam Ricchetti, accused as the station machine gunners.

Describes Trip to K. C.

Wilson read that indictment. It covered every phase of the massacre from the time of Nash's arrest in Hot Springs, Ark., June 16, to the killing and the investigation that followed.

Wilson read a graphic account of how Nash was escorted to Kansas City by Frank S. Smith and F. J. Lackey, federal agents, and Otto Reed, chief of police of McAlester, Ok. How they were met at the Union station by Frank Hermanson and William Grooms, city detectives, and Raymond Caffrey and R. E. Vetterli, department of justice agents on duty here at the time.

"Then the killers, with machine guns and other deadly weapons, shot down Nash, Grooms, Hermanson, Caffrey and Reed," Wilson read from the indictment.

Reppert Not Mentioned.

The early testimony of the first witness made no mention of the man on trial nor of any part he or the department he directed may have taken in the search for the killers.

The questions asked by Wilson and the information he brought out from the two sets of indictments indicated the government would endeavor to show that the Kansas City police department investigation of the wholesale killing was delayed long enough to permit the machine gunners to escape.

Reppert's name was mentioned for the first time by a witness when Townley Culbertson, foreman of the federal grand jury which indicted the former police director, was called to the stand.

In his opening statement to the jury Monday afternoon, Randall Wilson, assistant United States dis-

File
4

how Nash was [illegible] in Kansas City by Frank S. Smith and F. J. Lackey, federal agents, and Otto Reed, chief of police of McAlester, Ok. How they were met at the Union station by Frank Hermanson and William Grooms, city detectives, and Raymond Caffrey and R. E. Vetterli, department of justice agents on duty here at the time.

"Then the killers, with machine guns and other deadly weapons, shot down Nash, Grooms, Hermanson, Caffrey and Reed," Wilson read from the indictment.

Reppert Not Mentioned.

The early testimony of the first witness made no mention of the man on trial nor of any part he or the department he directed may have taken in the search for the killers.

The questions asked by Wilson and the information he brought out from the two sets of indictments indicated the government would endeavor to show that the Kansas City police department investigation of the wholesale killing was delayed long enough to permit the machine gunners to escape.

Reppert's name was mentioned for the first time by a witness when Townley Culbertson, foreman of the federal grand jury which indicted the former police director, was called to the stand.

In his opening statement to the jury Monday afternoon, Randall Wilson, assistant United States district attorney, indicated that the affairs of John Lazia, slain North side politician, and his alleged police department activities would play an important part in the trial.

Wilson laid execution of the station massacre plot to Lazia and his associates, even to the extent of arranging for the machine gunners who were to make their unsuccessful attempt to free Frank Nash. He charged further that Lazia provided an escort for the gunners to enable them to leave the city after the wholesale killing at the Union station.

Lack of Charges Unexplained.

While the government's attorney named such Lazia followers as Dominick Binnagio, Tano Lacoco and Charles Carolla as having an important part in the plot, he failed to explain why no federal charge had been filed against any of them.

Wilson indicated that Lazia's alleged part in the plot and his alleged close connection with the Kansas City police department were responsible for the purported statement by Reppert—"this is a government case, and you lay off"—to B. H. Thurman, former chief of detectives. That alleged statement and Reppert's denial to the federal grand jury that he made it are the points on which the government bases its indictment against the former police director.

William S. Hogsett, a defense attorney, declared that it would be proved that the police department, under Reppert's direction, launched an unceasing search for the station killers. He branded Thurman's statement as the words of a disgruntled and demoted police executive.

JURY RECORDS IN

Proceedings Leading to Indictment of E. C. Reppert Are Introduced in Perjury Trial.

JURORS AS WITNESSES

Townley Culbertson, Foreman of the Massacre Investigating Body, Waits in Courtroom.

PROSECUTION MOVES SLOW

Foundation for Present Charge Is Prepared by the Testimony of Deputy Clerk.

The foundation for the prosecution of Eugene C. Reppert, former police director, was laid by the government today through the methodical presentation to the jury of the detailed records of the federal grand jury that indicted Reppert for perjury.

Reppert, Thomas J. Higgins and Jeff Rayen, a police lieutenant, were indicted by the grand jury because of the nature of their testimony before another grand jury in connection with the union station massacre. The Reppert case is being tried first, before Judge Albert L. Reeves in the federal court.

Deputy Clerk a Witness.

Warren Slagle, deputy clerk of the federal court, was the first witness. Through questions put by Randall Wilson, an assistant United States district attorney, Slagle introduced court and grand jury records.

First, he showed that the grand jury that indicted for conspiracy to obstruct justice was duly impaneled and sworn in and that it returned indictments against these persons:

Richard Tallman Galatas.
Herbert Allen Farmer.
Mrs. Francis Nash.
Frank B. (Fritz) Mulloy.
Louis Stacci.
Elizabeth Galatas.
Vivian Mathis.

Also, that separate indictments, also charging conspiracy to obstruct justice, were found against:

Adam Richetti.
Charles A. (Pretty Boy) Floyd.
Verne C. Miller.

Slagle than produced records showing the appearance of Reppert, Higgins and Rayen before the grand jury, their testimony, and later their indictments on the ground of perjury.

Background of Indictment.

The purpose of the rather formal procedure was to establish, for the government, the background of the indictment of Reppert.

Following Slagle as a witness for the prosecution was Townley Culbertson, foreman of the grand jury that indicted Reppert, up to the final day, when he was excused and Ward C. Gifford took his place.

Mr. Wilson announced today that Col. Charles Edwards, former chief of police, had been subpoenaed as a government witness for later appearance. Edwards was in the courtroom early today.

The courtroom was well filled as the trial began today, many persons attending besides those subpoenaed as witnesses.

apparent today. At 7:30 o'clock, two hours before the doors opened, persons were waiting in the halls leading to the courtroom for a chance at the better seats. The room was filled quickly.

Another witness was Jack Jenkins, acting chief of detectives in Kansas City, Kansas, who told of taking the fingerprints of Verne Miller, Vivian Mathis and Adam Richetti from beer bottles, wine bottles and from the telephone in the Miller home on Edgevale road.

In recalling her testimony before

MRS. LOTTIE WEST, TRAVELERS' AID MATRON, WHO SAW THE MASSACRE.

the grand jury, Mrs. Lottie West, then of the Travelers' Aid desk at the union station told today of watching the officers and their prisoner, Nash, walk through the station lobby, and of her witnessing the shooting a minute later.

Mrs. West related that she pointed out one of the outlaws to Mike Fanning, motor cycle officer, after the killings, and urged him to shoot the desperado.

Mrs. West testified that when she appeared at her desk at 6:43 o'clock the morning of June 17, she found a man sitting there whom she later identified as Charles (Pretty Boy) Floyd, now dead, who later was identified as the companion of Miller and Richetti in the station crime.

Bellowed—Prisoner Was Desperate.

She described the arrival of the officers from the train sheds escorting Nash to the car across the street. She answered the questions of some Catholic sisters as she watched the officers, and remarked the man they were escorting must be a desperate one. She told how she walked out to the sidewalk and watched the officers place the prisoner in the car.

"Just then a man stepped from the running board of my car, parked in the lot just south of the car the officers were to use," she testified. "It appeared as if he said something and then I saw him aim a gun at the officers and start firing. I saw Hermanson fall."

Mrs. West said she ran, screaming, into the station. Fanning, motor cycle officer assigned to the station, was present, Mrs. West said and she shouted to him to shoot at the men entering the car just behind her own car. Fanning, now awaiting trial on a charge of murder for the killing of a fellow officer, fired two shots at the fleeing desperadoes, Mrs. West said.

Picture Given Her by Bash.

The defense attempted to show it was the police who first offered her a picture of Floyd for identification, but the witness said the first picture she saw of Floyd was handed to her at the office of Sheriff Thomas B. Bash.

Thomas J. Higgins, chief of detectives, also facing trial in the federal court on a charge of perjury growing out of the grand jury investigation of the station massacre conspiracy, was in court today. He sat beside Reppert, his former superior officer, at the defense counsel table.

What Witnesses at Reppert Trial Say.

R. E. Vetterli, federal agent:

"Reppert told me the massacre case was not a police baby but a federal baby."

Frank Smith, federal agent, describing the station massacre:

"I felt the heat from flying bullets . . . then I heard someone say, 'they're all dead.'"

Mrs. Lottie West, Travelers' Aid matron, a witness to the massacre:

"I ran, screaming, into the station. . . . I told Mike Fanning to shoot at a man getting into a car in the station lot."

Jack Jenkins, Kansas City, Kansas, acting detective chief:

"I found the fingerprints of Verne Miller and Adam Richetti on beer bottles in the Miller home."

62-28915-A

THIS CLIPPING FROM
KANSAS CITY, MO.
STAR

MAR 6 1935

"IT'S NOT OUR BABY"

Reppert Used Those Words to Him and Other Agents, R. E. Vetterli Testifies.

"YOU GOT US INTO MESS"

Says Police Director, Soon After Massacre, Insisted "No Local Men Were in It."

Quoted as Charging That the Government "Cost Lives of Two of Our Officers."

RELIVES THE MASSACRE

A Dramatic Story of Station Killings Related to Jury by Frank Smith.

Less than two hours after the union station massacre, almost before the dead and wounded had been removed from the scene, Eugene C. Reppert, former director of police assured the United States government "no local gangsters were connected with the crime."

R. E. Vetterli, former agent in charge here of the federal bureau of investigation of the department of justice and now in charge of the St. Louis office, testified to that effect today at the trial of Reppert on a charge of perjury in federal court.

Conference Soon After Shooting.

"Immediately after the massacre," Vetterli, himself slightly wounded in the horrible affair, testified, "I picked up the weapons of the slain officers and took them to my office. Then I went to police headquarters and conferred with Reppert, H. F. McElroy and Thomas J. Higgins, chief of detectives. Reppert said to me:

"There are no local men mixed up in this. John Lazia has made the rounds and found there were no local men in the case.'"

"What representation did Reppert make concerning this case?"

"On the Sunday morning following the massacre, Gus Jones and George Harvey, two other agents, and myself went to Reppert's home. We told us this was a case that we put the police department into and 'cost the lives of two of their officers,' adding that it was 'not a police case at all but a government case.'"

"Not Our Baby," He Quotes.

"And did you testify before the grand jury that Reppert told you the McElroy case was a Kansas City case but the massacre was 'not our baby but a federal baby'?"

"Yes, I did."

"And Reppert said the government caused the death of two of his men?"

"That is correct."

The testimony of Vetterli added further sensation to the trial being held before a jury in the court of Judge Albert L. Reeves.

Earlier today the dramatic story of Frank Smith, agent at Oklahoma City, who miraculously escaped injury from the machine gun bullets that morning of June 17, 1933, had been related again.

The government, through witnesses who had testified before the federal grand jury which investigated the massacre and later indicted Reppert, continued to pound away in its attempt to show the close alliance between the police and the underworld here and the attitude of the police department under Reppert.

Request for Police Aid.

Vetterli told of making arrangements with police headquarters the day before the massacre to have two officers at the union station to meet Frank Nash, escaped federal prisoner being returned to Leavenworth, and Nash's three escorts. The federal agent told how he insisted the two police officers be good men, armed with machine guns, because Nash was a desperado.

He described the meeting at the station and the shooting that followed. Vetterli told of the slight wound he received in the arm.

"When the shooting stopped I rushed into the station and put in a riot call," he testified.

In answer to a defense contention, made in the opening statement, that the first picture of Miller was obtained by the Burns detective agency, Randall Wilson, an assistant United States attorney, questioned Vetterli as to testimony on that point he had given before the grand jury.

"John D. Glass, at that time a federal agent, called me two or three days after the crime and said he believed Verne C. Miller was one of the machine gunners," Vetterli said.

Picture From U. S. Files.

He then explained that pictures of the former North Dakota deputy sheriff were obtained immediately. He said he obtained the picture from his own file and took a copy to the home of Erle Smith, who lives across the street from the home occupied by Miller at 6612 Edgevale road. Smith, he said, identified the picture as that of "V. C. Moore," the occupant of the house across the street.

This, Vetterli said, gave the government the first real identification of one of the killers.

"Did you give Reppert confidential information in connection with this case, and did he agree not to disclose any of the information?" Wilson asked.

"Yes, I did. I furnished him with all the data we had obtained on the telephone calls made by the conspirators. I did this at the request of Reppert."

"And did he call you a few days later and talk to you concerning the release of this information to the public?"

"He called me three days later. I insisted that the information was confidential and should not be made public. He insisted the information was common knowledge and that he was going to release it. I asked him

R. E. Vetterli, Who Testified Today Against Eugene C. Reppert, Former Director of Police of Kansas City.

Violated Confidence.

"And did he violate that confidence?"

"He did."

After Vetterli had testified as to the position of the peace officers as they crossed the station plaza to the motor car which was to take Nash to Leavenworth, Wilson asked him concerning the weapons carried by the officers. He said Otto Reed, chief of police of McAlester, Ok., carried a shotgun, and that Frank J. Lackey, another federal agent, also had a shotgun. The two police officers, William Grooms and Frank Hermanson, he said, had no firearms in sight. Nash walked between these two officers and the remaining officers flanked the three men in a fan-shape.

"Did you furnish the name of Miller as one of the suspects in the crime to the police department?" Wilson asked.

"Three days after the massacre I communicated the name of Miller to Ben H. Thurman, detective sergeant."

"Did you testify before the grand jury as to what Thurman told you?"

"Thurman Feared for His Job."

"Thurman had agreed to help, but said that if we disclosed to the department officials that he was helping the bureau of investigation it would mean his position."

Wilson then asked if Reppert had ever furnished the bureau of investigation any information in the case. Vetterli said the former director on one occasion told him he might find Miller at a world's champion prize fight at the Polo Grounds in New York on a certain night. He said Reppert had given them an address of an apartment house here where Miller once stayed and on several occasions had turned over letters received by the department containing "tips" on the solution of the crime.

Vetterli testified that while he and Gus Jones were in another conference with Reppert, the former police director asked him if any police officers were working with any of the federal agents. Jones and Vetterli both replied no. He said Reppert asked if there wasn't a local officer working with a dark-haired agent.

"After the conversation with Reppert I met Thurman and related to him the conversation I had had with Reppert. Thurman replied that 'it meant he was through,' 'he would be fired.'"

On cross-examination conducted by W. S. Hogsett, Vetterli was asked if he saw Reppert at the station immediately after the massacre. Vetterli said he recalled seeing Chief Higgins and believed he saw Reppert. In response to a question by the defense lawyer, Vetterli said he didn't recall seeing Judge McElroy at the station after the crime had been committed.

Realism in Smith Story.

Although the massacre had been pictured before the grand jury and in open court by several witnesses since that June 17 attempt to liberate Nash from government custody, Smith managed to put a realism into it that gripped the courtroom crowd.

He told of the capture of Nash by federal agents in the White Front poolroom at Hot Springs June 16, the trip to Kansas City, and of taking Nash to the motor car of Raymond J. Caffrey, federal agent, in the street facing the parking plaza in front of the union station.

"Nash, the prisoner," Smith said, "was under the steering wheel. Caffrey was standing on the left side, ready to slide in, pushing Nash to the center."

Tells the Positions.

Smith said William Grooms, a city detective, and Frank Hermanson, also a detective, were standing on the west or right side of the car. R. E. Vetterli, then head of the federal agents here, was standing on the west side, near the front. Otto Reed, chief of police of McAlester, Ok., and F. J. Lackey, federal agent, had entered the rear of the car and were sitting down.

"I got into the back seat, to sit between Reed and Lackey," Smith said, "and I heard someone command:

"'Get 'em up, up, up.'

"Then, instantly I heard the clatter of a machine gun. Bullets whizzed by my face. I could feel the heat from them.

"I slumped down behind the front seat, then I raised up. I saw a man toward the front of the car with a rifle in his hands and it was pointed at me.

"I ducked down again, and again I felt the heat from flying bullets.

"Within a few seconds I heard someone say: 'They're all dead.' When I raised up I saw Nash's head fall back. He was dead. I heard footsteps and I figured they were going to take Nash out.

"The next thing I knew someone poked me with a pistol and pointed it at my head. I explained who I was and proved my identity.

"Reed, Caffrey, Grooms, Hermanson and Nash were shot through the head and were dead. Lackey had been shot three times in the spine. Vetterli was shot in an arm.

"Later I identified before a grand jury a photograph of a man I believe to have been the man I saw shooting at me."

FRANK S. SMITH, SURVIVOR OF THE STATION MASSACRE.

A Large Crowd.

The same public interest that characterized the hearing yesterday was

Wednesday. [illegible] United States district attorney, said the government planned to complete its case before the end of the day. Milligan, who was making his first appearance in Reppert's trial, indicated that the real objective of the government had been completed Tuesday. His announcement concerning the amount of government testimony remaining was in answer to a question from Judge Reeves who said he desired to dismiss the rest of the panel if the trial could not be completed this week.

To Call 80 Witnesses.

Mr. Hogsett, defense attorney, said that sixty witnesses would be called to testify for Reppert, but that many of them could be disposed of in short order. He estimated that the defense would require about three days.

After hearing from attorneys for both sides Judge Reeves dismissed the members of the panel for the remainder of the week and the trial got under way with Frank S. Smith, Oklahoma City, the first witness called by the government.

Smith, who participated in the capture of Frank Nash, escaped convict, at Hot Springs, Ark., June 16, 1933, the day before the Union station massacre in Kansas City, said he had been a special agent for the bureau of investigation of the department of justice for nineteen years.

Faced Grand Jury.

"Did you testify before the grand jury last October?" Milligan asked.

"I did," the witness replied.

"Tell what you told the grand jurors concerning the capture of Nash," the district attorney instructed.

Hogsett immediately objected to the question, asserting that Nash's capture had no bearing on whether Reppert instructed the police department to take no part in the investigation of the massacre in which Nash and four officers who guarded him were slain. The defense attorney also contended such testimony would be hearsay.

Judge Reeves overruled the objection on the ground it could be brought out to prove the materiality of the evidence.

Smith gave a dramatic account of the ruthless killings on the Union station plaza.

He told how Nash, the government prisoner, was escorted by federal agents and city detectives up the stairs from the train shed at the station, through the lobby and outside to a waiting Chevrolet sedan, parked facing south just east of the bus loading dock.

Nash Into Front Seat.

"Frank, get in the front seat," was the order given Nash, Smith testified.

The prisoner followed the instructions, and Smith, Chief Otto Reed of McAlester, Ok., and F. [illegible] Lackey took places on the rear seat. William Grooms and Frank Herman, city detectives, and R. [illegible] Vetterli, who at the time was special agent in charge of the federal bureau of investigation here, were on the outside.

Smith testified. "Almost immediately there was a clatter of machine gun fire and shattered glass began falling inside the car. I looked up and saw [illegible] Nash had been shot and that blood was spurting from his head."

Other Two Killed.

Lackey and Chief Reed, who were in the rear seat with Smith, were mortally wounded by the fire.

"I looked up, saw a man crouching from behind a fender of a car in front of us with a machine gun," Smith said. "I lowered myself in the back seat. Then I heard somebody say, 'They're all dead.'"

Smith said he was then approached by a man whom he did not know and who pushed a revolver against his back. Smith said he explained that he was a government agent and that the man, presumably a patrolman on duty at the station, finally was convinced.

Smith said that when he was a witness before the grand jury, he was shown a picture of Verne Miller and identified him as the man he believed was carrying a machine gun at the station.

Suggestion Is Denied.

Hogsett, in the cross-examination of Smith, wanted to know if it wasn't a fact that Reppert suggested to federal agents that a family be placed in a house across the street from one occupied by Verne Miller, station gunner, at 6612 Edgvale road, to help the authorities in the investigation.

"He made no such suggestion to me," the witness replied. "I didn't even know Reppert at the time. I returned to duty at Oklahoma City and took very little part in the investigation."

"It was possibly to some other federal agent that Reppert made the suggestion, then," Hogsett said.

The defense lawyer asked the witness if he heard that William Grooms, one of the two city detectives who were slain in the massacre, had fired a shot at the machine gunners.

Mrs. West Is Called.

Again Smith replied that he left soon after the killing for Oklahoma City and knew little of what the investigation developed.

The next witness called by the government was Mrs. Lottie West, matron of the Travelers' Aid bureau at the Union station.

She gave a graphic description of the killing and reiterated her identification of Charles (Pretty Boy) Floyd, Oklahoma bad man, and Adam Ricchetti, his lieutenant, as two of the station machine gunners.

"I reached my desk at the Union station at 6:53 o'clock the morning of June 17, 1933," she said. "There was a man seated there and I talked to him for a few minutes, after which he left.

Notices Nash Group.

"Then I noticed Frank Hermanson, a city detective I knew, crossing the station lobby. There were a number of men in the group and they seemed to be guarding a prisoner. From the number and the manner in which they were watching him, I decided he was a very bad man."

[illegible] group and walked toward the [illegible] through the south [illegible] had no more than reached the sidewalk than I looked across the street toward where the [illegible] ing the prisoner. Then I noticed a man with a machine gun standing on the running board of the car, which was parked near the one the prisoner and officers were entering.

"He raised the weapon and began firing. I ran screaming into the station, calling to someone to turn in a riot call to police headquarters.

Returns to Sidewalk.

"I remembered there were two nuns standing in front of the station and I ran back to get them to safety. They were still there. Then I saw Myron K. Fanning, motorcycle patrolman, and I told him to fire at the gangsters."

Mrs. West said she instructed Fanning to shoot at the machine gunner who had been firing from the running board of her car, but who, by that time, was entering another car parked almost directly behind hers.

"Fanning fired two shots at the gunman," she said.

Later, Mrs. West asserted, she looked over photographs of known criminals and identified Floyd as the man who fired into the group of officers from her car. Ricchetti also was identified as one of the gunmen, she said.

T. J. Madden, another defense attorney, took up the cross-examination of Mrs. West. He wanted to know where she viewed the photograph of Floyd.

Officers Are Unnamed.

"In the office of Sheriff Thomas B. Bash," she replied.

"Did you go to police headquarters after the massacre?"

"Yes, about an hour later I went down there."

"At whose request?"

"At the request of some officers."

Madden sought ineffectually to have the witness name the persons who asked her to go to headquarters. After he twice had asked the same question in a different way without receiving the answer he desired, Milligan interposed an objection, which was sustained by Judge Reeves.

"Did the grand jury ask you to examine photographs of Floyd or Ricchetti?" was Madden's next question. This was objected to by Milligan, but Judge Reeves ruled that she might answer.

Then Hogsett interrupted: "At any time you were in the grand jury room, were you asked if the police requested you to go to headquarters to identify photographs of known killers?" he asked.

Jack Jenkins Next.

"That question was not asked," the witness admitted.

Jack B. Jenkins, acting chief of detectives of Kansas City, Kas., was called to the stand and he told of being requested by a federal agent to go to the Edgevale road bungalow occupied by Miller to help the government in identification of finger prints found there.

[illegible] on beer bottles, which [illegible] and the [illegible] eye telephone."

The witness said he turned them over to a photographer and later they were turned over to the Kansas City bureau and compared with prints of known criminals on file here and in Washington.

"What did those comparisons show?" Miller asked.

"They showed that Miller, Vivian Mathis and Adam Ricchetti had been occupants of the house at 6612 Edgvale road," Jenkins replied.

Defense attorneys excused the witness without attempting to cross-examine him.

Thomas J. Higgins, chief of detectives, also accused of perjury in connection with his appearance before the federal grand jury which investigated the massacre, was an observer at the counsel table Wednesday's was his first appearance in the court room.

Touch on Many Issues.

The trend taken by the testimony of the first witness Wednesday indicated that subsequent evidence would be along the line of that submitted Tuesday when the main issues in the case—whether Reppert told police to "lay off the investigation, it's a government matter"—apparently were forgotten.

At the Tuesday session government witnesses touched on almost everything except the perjury charge. They told of wide open gambling and vice in Kansas City; Reppert's close association with John Lazia, slain North side politician; Lazia's alleged part in the conspiracy to free Nash and how he was alleged to have supplied two gunmen to aid Verne Miller in the attempted delivery, and a host of other accusations involving Reppert, police and gangsters.

Little of the testimony at that session concerned the former director's alleged perjured remarks before the grand jury. In fact, there frequently were long intervals when his name was not even mentioned by witnesses or government attorneys.

62-28915-A

KA
JOU

MAR 6 - 1935

VETTERLI GOES ON STAND AT REPPERT TRIAL

B. H. Thurman Feared Loss of His Job, U. S. Agent Tells Jurors.

AIDED FEDERAL MEN

But Witness Admits That Local Officers Rounded Up Suspects.

The defense in the trial of Eugene C. Reppert, former police director, apparently executed a coup Wednesday afternoon when it obtained a subpoena duces tecum for W. W. Graves, county prosecutor, ordering him to bring into court all reports turned over to him by the federal bureau of investigation and any transcript of federal grand jury testimony in his possession.

A secret investigation of the Union station massacre was conducted by B. H. Thurman, former chief of detectives and later a detective sergeant, according to the testimony Wednesday of Reed E. Vetterli, special agent in charge of the St. Louis federal bureau of investigation, department of justice.

Vetterli, one of the two survivors of the massacre in which Frank Nash, federal prisoner, and four officers were slain, was called by the government to testify at the trial of Eugene C. Reppert, former police director, on charges of perjury growing out of the investigation of the station killing.

Worked Under Cover.

Thurman, according to Vetterli, worked under cover with federal agents and specifically requested that police executives not be informed of his activities in connection with the case.

"It will cost me my job if they find out I'm working with you on the case," Vetterli quoted the former city detective.

Vetterli was led through the preliminary phases of the investigation of the station killing by Randall Wilson, assistant United States district attorney, who pretaced each question with "Did you testify before the federal grand jury last October . . ."

On cross-examination Vetterli admitted the police had made a round-up of possible suspects soon after the massacre.

He also admitted that Higgins had obtained cartridge cases and bullets from the scene of the massacre and had turned them over to Merle Gill, ballistics expert.

Vetterli said his men also picked up some bits of evidence which were turned over to Gill to be photographed.

The witness recalled in the cross-examination that he had assigned one of his men to go with members of the police department to a reputed gangster hangout in the Ozarks in connection with the case.

The witness admitted that Higgins and Reppert had gone with him at their suggestion to visit the house at 6612 Edgevale road, which had been occupied by Miller.

This move of the defense apparently was to show that both Reppert and Higgins were maintaining an active interest in the case after Reppert's alleged admonition to certain members of the department to "lay off."

Vetterli, prior to the cross-examination, had said that he gave the police department certain information in connection with the Kansas City bureau's investigation of the massacre within two or three days of the time it occurred. He was the agent in charge here at the time. This particular information, he said, was turned over to Thurman.

Gave Jury Information.

"Did you tell the grand jury what Thurman said when you gave him the information?" Wilson wanted to know.

"Yes," Vetterli replied. "Our Mr. George Harvey, from the Philadelphia bureau of investigation, was with me when I gave him that information.

"He advised us not to disclose to any member of the police department that he was working with us because it would cost him his job."

Then Wilson wanted to know if the witness told the grand jury anything concerning the police department investigation of the crime.

Turned Over Tips.

"Reppert told us that he had information that Verne Miller, suspected as one of the station killers, would be at the Sharkey-Carnera prize fight at the Polo grounds in New York. He asked us if our New York office had photographs of the suspect.

"And he also gave us information concerning an apartment Miller occupied, I believe at the Newbern hotel. He also said the police had learned that Miller was said to have been a frequent visitor at the Rosedale bathhouse. Reppert also turned over to the government various letters received from citizens with tips as to the whereabouts of Charles (Pretty Boy) Floyd, also sought as one of the killers."

Wilson asked the witness about what representations Reppert made concerning the case.

[illegible] June 18—Gus Jones [illegible] Antonio Bureau, Harvey [illegible] to police headquarters. We talked to Reppert in the office of C. Higgins, chief of detectives, I believe.

"Reppert told us that this was certainly a mess we got them into that we had caused two of his detectives to be killed.

"This is a government case and not a police case," he said."

"Did you tell the grand jury that Reppert said he was certain the Kansas City gangsters were involved because John Lazia had made a survey of the Kansas City underworld and virtually told them such was the case?" Wilson inquired.

"That statement was made," the witness asserted.

Vetterli said it was on that occasion that Reppert said the abduction of Miss Mary McElroy, daughter of the city manager, was a Kansas City police department case, but the Union station massacre "was not our baby but a federal baby."

Told Him About Miller.

"When you testified before the grand jury, did you say you told Reppert that Miller was a suspect?" the witness was asked.

"Yes, I did. I gave him that information about June 25 or 28. His reply was, 'Now you've got something.'"

"What was the reason you gave for turning that information over to Reppert?"

"Because Reppert told me at the time that the police department could break the massacre case within forty-eight hours if the detectives had full information concerning evidence federal authorities had collected."

Vetterli said he called Reppert again within forty-eight hours to determine what progress police had made. The police director, he said, invited him to his office to discuss the case.

Vetterli, Jones and Harvey went to police headquarters in response to the information, according to the witness.

"During the first part of our conversation Reppert asked if any member of the police department was working with the federal agents on the massacre investigation. I told him none was working with me.

"Then he wanted to know if there wasn't one member of the police department working with a dark haired government agent. I said I didn't know about that."

Reppert became more specific in his quiz of the federal agent, according to the witness, and asked if one hadn't worked with the government men when they found some furniture in the home of Frank B. (Fritz) Mulloy, who later was charged with conspiracy in connection with the massacre.

"I talked with Thurman immediately after the conversation with Reppert," Vetterli said, "and told him the substance of it.

"'That means I'm through—I'm fired,' Thurman said."

[illegible] Reppert [illegible] the massacre [illegible] to Jim Dalton [illegible] with the other agents who were to arrest Nash and his escort, he was instructed, Vetterli said. He explained this by stating his was mostly office work and that he seldom went into the field.

Wilson also drew from the witness the fact that the city detectives assigned to help guard Nash were not armed with machine guns.

When he called police headquarters the night before Nash's arrival Vetterli said, he talked with a clerk and asked that the men sent be given machine guns.

William S. Hogsett, defense attorney, took up the cross-examination of the witness at this point and asked if he saw Higgins, Reppert and H. F. McElroy, city manager, at the Union station the morning of the massacre.

Recalls Seeing Higgins.

"I remember seeing Higgins, and I'm certain I saw Reppert and Mr. McElroy," he replied.

"How soon after the killing?"

"Within fifteen minutes," said the witness.

"Isn't it a fact," Hogsett asked, "that Reppert suggested to you that men be placed in a house across the street from the Edgevale road home of Verne Miller?"

"Yes, he did," Vetterli replied, "but we already had had men there for ten or twelve days, and couldn't see the use of putting more men watching a vacant house."

House Not Vacant.

Additional questioning revealed the house was not vacant, but that it had been deserted by its former occupants.

Vetterli testified that Reppert informed him the Kansas City police department had employed the Burns detective agency to aid in the solution of the massacre; that Frank Howland, city detective, had told him that Miller had lived at the Newbern hotel under the name of Moore, and that Howland also pointed out a beauty shop where Miller's wife was having her hair dressed.

Vetterli said the federal agents were told by Reppert that if they would give him certain information he would "break" the case in forty-eight hours. The information was given to the police director, Vetterli testified, and at the end of the forty-eight hours the agents went to Reppert to ascertain what he had learned. He said he told them merely to watch the Sharkey-Carnera fight in New York, meaning apparently that Miller was expected to attend the fight.

No Photos of Miller.

When asked by Hogsett if the agents checked the gates to the fight, Vetterli replied:

"No, it was preposterous."

Hogsett established, however, that the New York office of the federal bureau of investigation had not been equipped with photographs of Miller in an effort to identify him.

Vetterli was asked if the Burns agency, after it had been retained by the police department, did not suggest to the federal agents that the home of Mrs. Miller's mother in Brainard, Minn., be watched. The agent said the agency did suggest it, but that the federal men already had been on the job there some [illegible]

62-28915-55

Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schieder
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Gandy
KANSAS CITY

THE KANSAS CITY STAR. [illegible]Y, MARCH 6, 1935

RELIVES MASSACR

A Survivor Tells Vivid Story the Slaughter, at the Reppert Trial.

THE CROWD ENTHRALLED

Personal Narrative Maked the Familiar Happenings Seem Much More Real.

MRS. WEST-ALSO ON STAND

Travelers' Aid Woman Tells What She Saw the Morning of the Slayings.

Again, in federal court today, Frank S. Smith, a federal agent and a survivor, told the tragic story of the union station massacre in which five men were slain by machine gun fire.

Smith was the government's first witness today in the trial of Eugene C. Reppert, former director of police, for perjury.

A Realism in Story.

Although the massacre had been pictured before the grand jury and in open court by several witnesses since that June 17 attempt to liberate Frank Nash from government custody, Smith managed to put a realism into it that gripped the courtroom crowd.

He told of the capture of Nash by federal agents in the White Front poolroom at Hot Springs June 16, the trip to Kansas City, and of taking Nash to the motor car of Raymond J. Caffrey, federal agent, in the street facing the parking plaza in front of the union station. That was early the morning of June 17, 1933.

"Nash, the prisoner," Smith said, "was under the steering wheel. Caffrey was standing on the cleft side, ready to slide in, pushing Nash to the center."

Tells the Positions.

Smith said William Grooms, a city detective, and Frank Hermanson, also a detective, were standing on the west or right side of the car. R. E. Vetterli, then head of the federal agents here, was standing on the west side, near the front. Otto Reed, chief of police of McAlester, Ok., and F. J. Lackey, federal agent, had entered the rear of the car and were sitting down.

"I started to get in the back seat, to sit between Reed and Lackey," Smith said, "and I heard someone command:

"'Get 'em up, up, up.'

"Then, instantly I heard the clatter of a machine gun. Bullets whizzed by my face. I could feel the heat from them.

"I slumped down behind the front seat, then I raised up. I saw a man toward the front of the car with a rifle in his hands and it was pointed at met.

"I ducked down again, and again I felt the heat from flying bullets.

"Within a few seconds I heard someone say: 'They're all dead.' When I raised up I saw Nash's head

Mathis and Adam Richetti from beer bottles, wine bottles and from the telephone in the Miller home on Edgevale road.

8915-A

to sit between Reed and Lackey, Smith said, "and I heard someone [illegible]nand:

"Get 'em up, up, up.'

"Then, instantly I heard the clatter of a machine gun. Bullets whizzed by my face. I could feel the heat from them.

"I slumped down behind the front seat, then I raised up. I saw a man toward the front of the car with a rifle in his hands and it was pointed at met.

"I ducked down again, and again I felt the heat from flying bullets.

"Within a few seconds I heard someone say: 'They're all dead.' When I raised up I saw Nash's head fall back. He was dead. I heard footsteps and I figured they were going to take Nash out.

"The next thing I knew someone poked me with a pistol and pointed

FRANK S. SMITH, A SURVIVOR OF THE STATION MASSACRE.

it at my head. I explained who I was and proved my identity.

"Reed, Caffrey, Grooms, Herman-son and Nash were shot through the head and were dead. Lackeq had been shot three times in the spine. Vetterly was shot in an arm.

"Later I identified before a grand jury a photograph of a man I believe to have been the man I saw shooting at me."

A Large Crowd.

The same public interest that characterized the hearing yesterday was apparent today. At 7:30 o'clock, two hours before the doors opened, persons were waiting in the halls leading to the courtroom for a chance at the better seats. The room was filled quickly.

In recalling her testimony before the grand jury, Mrs. Lottie West of the travelers' aid desk at the union station, told today of watching the officers and their prisoner, Nash, walk through the station lobby, and of her witnessing the shooting a minute later.

Mrs. West related that she pointed out one of the outlaws to Mike Fanning, motor cycle officer, after the killings, and urged him to shoot the desperado.

Another witness was Jack Jenkins, acting chief of detectives in Kansas City, Kansas, who told of taking the fingerprints of erne Miller, Vivian

S CITY STAR, WEDNESDAY, MARCH 6, 1935. 6:30

PAGES. PRICE: In Kansas City [illegible]

EWS

"TOLD TO LAY OFF"

B. H. Thurman Testifies Reppert Told Him to "Have Nothing to Do" With Case.

REPPERT LATER DENIED IT

His Indictment for Perjury Was Based on Assertion He Hadn't Said It.

R. E. Vetterli Earlier Had Quoted Director as Saying, "This Is Not Our Baby."

'YOU GOT US IN A MESS'

The Government Thus Was Reproached by Police Head, U. S. Agent Says.

DEFENSE SEEKS EVIDENCE.

Defense attorneys were seeking this afternoon in the Reppert trial to compel W. W. Graves, jr., Jackson County prosecutor, to turn over to them evidence given to Graves by the federal government for the state prosecution of Adam Richetti.

William S. Hogsett of Reppert's counsel told Judge Albert L. Reeves he had issued a subpoena for Graves to appear in court immediately with the evidence Maurice M. Milligan, United States district attorney, had turned over to him.

A recess was taken while attorneys conferred with the court.

After the conference it was announced the attorneys had agreed the defense should see a copy of the evidence Milligan had given Graves, and Milligan handed a copy to Hogsett. After consulting it briefly, Hogsett asked R. E. Vetterli one question, but the record was not introduced as evidence.

"Were the names of Floyd and Richetti in that report?" Hogsett asked, referring to one of the reports in the Graves record.

"No," the federal agent replied.

"This is not a police matter. Hands off. Have nothing to do with it."

Ben H. Thurman, former chief of detectives, testified firmly late today that those were the words Eugene C. Reppert, then director of police, told him in reference to the investigation of the union station massacre June 17, 1933. Thurman [illegible] refused to [illegible]

What Witnesses at Reppert Trial Say.

R. E. Vetterli, federal agent:

"Reppert told me the massacre case was not a police baby but a federal baby."

Frank Smith, federal agent, describing the station massacre:

"I felt the heat from flying bullets . . . then I heard someone say, 'they're all dead.'"

Mrs. Lottie West, Travelers' Aid matron, a witness to the massacre:

"I ran, screaming, into the station . . . I told Mike Fanning to shoot at a man getting into a car in the station lot."

Jack Jenkins, Kansas City, Kansas, acting detective chief:

"I found the fingerprints of Verne Miller and Adam Richetti on beer bottles in the Miller home."

ment "no local gangsters were connected with the crime."

R. E. Vetterli, former agent in charge here of the federal bureau of investigation of the department of justice and now in charge of the St. Louis office, testified to that effect today.

Conference Soon After Shooting.

"Immediately after the massacre," Vetterli, himself slightly wounded in the horrible affair, testified, "I picked

R. E. Vetterli, Who Testified Today Against Eugene C. Reppert, Former Director of Police of Kansas City.

up the weapons of the slain officers and took them to my office. Then I went to police headquarters and conferred with Reppert, H. F. McElroy and Thomas J. Higgins, chief of detectives. Reppert said to me:

"There are no local men mixed up in this. John Lazia has made the rounds and found there were no local men in the case."

What representation did Reppert

LEGION BILL FIRST

House Ways and Means Committee Votes 14 to 11 to Consider Vinson Measure.

A FIGHT ON FLOOR NEAR

Backers of Patman's Proposal to Pay Bonus in New Currency Remain Confident.

FAIR TEST TO BOTH SIDES

Speaker Gives Assurance of Opportunity to Vote on Alternate Plans for Payment.

(By the Associated Press.)

WASHINGTON, March 6.—The house ways and means committee voted 14 to 11 today to consider the American Legion bill for cash payment of the bonus as opposed to the Patman currency expansion bill. This action was taken after an agreement to report a bonus bill to the house for floor action.

Two motions were voted upon. The first, adopted with only two or three dissenting, was to submit to the house a bill for immediate and full cash payment of the bonus.

Then on a motion by Representative Cooper of Tennessee, Democrat, that the committee express a preference between the Patman currency expansion and the Vinson orthodox financing plans, it voted for the Vinson bill.

Pushed for Early Action.

Representative Vinson of Kentucky, Democrat, author of the bill which had the legion's support, said he hoped the bill would get before the house this week.

The Veterans of Foreign Wars had supported the Patman bill. James E. Van Zandt, commander of the V. F. W., gave out this statement:

"The result of the vote in the ways and means committee is entirely satisfactory to the Veterans of Foreign Wars. The fact that a change of two votes would have reversed the decision of the committee demonstrates the strength behind the Patman bill. With assurances given by the speaker and leaders of the house that there will be an opportunity on the floor to vote for the Patman bill, we feel sure that bill will pass the house."

Chairman Doughton of North Carolina, Democrat, said he would try to arrange to get a vote on the bonus Friday or Saturday.

Eager for a Test.

A committee member said that the vote to report a bonus bill was 14 to 1 after one member had changed from no to aye. This, however, would not indicate the committee's exact attitude toward cash payment of the bonus because some members voted for the motion simply in order to get a bill before the house.

"I am confident of victory on the floor of the house," said Representative Patman of Texas, Democrat. "We are ready to go to the mat with them, and if we lose we shall support the bill the house passes, but we feel positive that we will not lose."

Immediately after the committee's action, Speaker Byrns, the house parliamentarian, and Representative Cooper, the committee parliamentary expert, went into a conference to de-

Vetterli one question, but the record was not introduced as evidence.

"Were the names of Floyd and Richetti in that report?" Hogan asked, referring to one of the reports in the Crawley record.

"No," the federal agent replied.

"This is not a police matter. Hands off. Have nothing to do with it."

Ben H. Thurman, former chief of detectives, testified firmly late today that those were the words Eugene C. Reppert, then director of police, told him in reference to the investigation of the union station massacre June 17, 1933. Thurman had been reduced to a detective at the time.

It was on Reppert's denial before a federal grand jury that he had made a statement, that he was indicted for perjury, for which he is being tried.

To Courtroom Is Silent.

As Randall Wilson, first assistant United States district attorney, began his questioning the crowded courtroom was silent.

"Did Mr. Reppert," Wilson began, "on or about June 21, 1933, when you were a sergeant of detectives, say to you: 'This is not a police matter. Hands off. Have nothing to do with it.' Now, Mr. Thurman, did Mr. Reppert say that to you?"

"Yes," Thurman replied firmly.

"What was he talking about?" Wilson continued.

"The union station massacre."

"Did you continue to investigate the case after these instructions?"

"Yes, sir," Thurman replied. "I did. I made reports to Robert E. Phelan (then chief of police), who told me to go ahead."

Less than two hours after the massacre Reppert assured the govern-

Frank Smith, Who Testified Today Against Eugene C. Reppert, Former Director of Police of Kansas City.

up the weapons of the slain officers and took them to my office. Then I went to police headquarters and conferred with Reppert, H. F. McElroy and Thomas J. Higgins, chief of detectives. Reppert said to me:

"'There are no local men mixed up in this. John Lazia has made the rounds and found there were no local men in the case.'"

"What representation did Reppert make concerning this case?"

"On the Sunday morning following the massacre, Gus Jones and George Harvey, two other agents, and myself went to Reppert's office. He told us 'this was a mess that we got the police department into' and 'cost the lives of two of their officers,' adding that it was 'not a police case at all but a government case.'"

"Not Our Baby," He Quotes.

"And did you testify before the grand jury that Reppert told you the McElroy case was a Kansas City case but the massacre was 'not our baby but a federal baby'?"

"Yes, I did."

"And Reppert said the government caused the death of two of his men?"

"That is correct."

The testimony of Vetterli added further sensation to the trial being held before a jury in the court of Judge Albert L. Reeves.

Earlier today the dramatic story of Frank Smith, agent at Oklahoma City, who miraculously escaped injury from the machine gun bullets that morning of June 17, 1933, had been related again.

The government, through witnesses who had testified before the federal grand jury which investigated the massacre and later indicted Reppert, continued to pound away in its attempt to show the close alliance between the police and the underworld here and the attitude of the police department under Reppert.

Request for Police Aid.

Vetterli told of making arrangements with police headquarters the day before the massacre to have two officers at the union station to meet Frank Nash, escaped federal prisoner being returned to Leavenworth, and Nash's three escorts. The federal agent told how he insisted the two police officers be good men, armed with machine guns, because Nash was a desperado.

He described the meeting at the station and the shooting that followed. Vetterli told of the slight wound he received in the arm.

"When the shooting stopped I rushed into the station and put in a rush call," he testified.

Says He Violated Confidence.

"And did he violate that confidence?"

"He did."

After Vetterli had testified in the position of the peach witness as

(Continued on Second Page.)

vote for the Patman bill, we feel sure that bill will pass the house."

Chairman Doughton of North Carolina, Democrat, said he would try to arrange to get a vote on the bonus Friday or Saturday.

Eager for a Test.

A committee member said that the vote to report a bonus bill was 20 to 1 after one member had changed from no to aye. This, however, would not indicate the committee's actual attitude toward cash payment of the bonus because some members voted for the motion simply in order to get a bill before the house.

"I am confident of victory on the floor of the house," said Representative Patman of Texas, Democrat. "We are ready to go to the mat with them, and if we lose we shall support the bill the house passes, but we feel positive that we will not lose."

Immediately after the committee's action, Speaker Byrns, the house parliamentarian, and Representative Cooper, the committee parliamentary expert, went into a conference to determine how to let the house decide between the Vinson and the Patman bills.

A special resolution was prepared under which a motion to substitute the Patman bill for the Vinson bill would be in order.

FIRST BLOW TO PINK SLIPS.

House Committee Approves Tax Publicity Repeal.

(By the Associated Press.)

WASHINGTON, March 6.—A bill to repeal provisions of existing law for publication of income tax returns was approved today by the house ways and means committee.

Committee leaders planned to obtain a special rule so the repealer bill could be brought up on the floor this week for a vote.

Present law requires the treasury to make public information such as total income deductions, net income and tax payable.

With that requirement repealed, the 1936 law would apply, under which the President and the secretary of the treasury would be empowered but not directed to make income tax returns public.

PERFECT SCORE ON HOLDUP.

Police Have Confessions From Three Men in Gem Theft.

With the confession today of Mike Lister to participation in the holdup Monday of the Woodstock-Hoefer Watch and Jewelry Company, police today had the case cleaned up. There were three bandits and police have three confessions.

William Radkay was wounded yesterday by Kansas City, Kansas, police, who arrested both Radkay and Lister. The third member of the gang, William White, was arrested by police of Kansas City, Mo., immediately after the holdup.

All of the loot, valued at $9,200, was recovered.

ON RELIEF, 22 MILLION.

A Record High Mark Reached by the FERA.

(By the Associated Press.)

WASHINGTON, March 6.—The federal relief population today reached a record high of 22,175,000 as Harry L. Hopkins pushed efforts to increase contributions from states and communities.

Relief administration officials estimated that 5,400,000 families, averaging four to a family, and 775,000 single persons were on relief.

Funds were withheld from one state, Arkansas, pending compliance with the relief administration's requirements that it put up 1½ million dollars for the coming year.

process from the spring season," his physician, Dr. Thomas A. Claytor, said it was the "most peaceful death I ever saw."

Holmes had dissented unwillingly almost to the last. Until he fell yesterday into the deep sleep from which he never roused, he had scoffed at the anxiety of doctors and friends over his condition and weakly joshed his nurses.

The attack of bronchial pneumonia developed from a cold contracted February 20 on one of his frequent drives through the country in a rented motor car.

WOUNDED THREE TIMES.

Holmes's first public service was in the blue uniform of Federal forces during the Civil War. He was wounded three times and after peace was declared returned to Harvard at the age of 29. Often in recent years he had visited nearby scenes where he fought long ago.

A believer that "the place for a man who is complete in all his powers is in the fight," he found a well-rounded life in the legal profession. After twenty years on the Massachusetts supreme court he was elevated by President Theodore Roosevelt to the supreme court in December, 1902. There it was that he wrote the opinions which became known not only for their legal wisdom but as fine literature.

Poor health forced him to step down from the supreme bench twenty-nine years after his appointment.

HUGHES PAYS TRIBUTE.

The supreme court adjourned session today until tomorrow noon as a mark of respect to the memory of ex-Justice Holmes.

Chief Justice Hughes, on ascending the bench made the following announcement:

"It is my sad duty to announce that our former colleague, Mr. Justice Holmes, passed away this morning.

"Peacefully, painlessly and in the fullness of time, came the inevitable end—the close of a career of unique distinction as patriot, scholar, judge. We have lost a great jurist and a noble friend.

"As a mark of respect to his memory, the court will now adjourn until tomorrow noon. We shall then resume the hearing of cases and at the close of the session tomorrow the court will adjourn until Monday next at noon in order that the members of the court may attend the funeral services to be held on Friday."

THE PRESIDENT IS GRIEVED.

Nation Has Lost One of Its First Citizens, He Says.

(By the Associated Press.)

WASHINGTON, March 6.—President Roosevelt issued a statement today saying the nation "has lost one of its first citizens" in the death of Oliver Wendell Holmes.

Expressing the personal sorrow of himself and Mrs. Roosevelt, the President said "the people of America mourn the death of the venerable and beloved justice."

His statement follows:

"Oliver Wendell Holmes, associate justice of the supreme court of the United States, retired, has left us.

"The nation has lost one of its first citizens.

"We cannot minimize the grief of his passing, but we can find solace in the thought that he was with us for so long. His was the life of rare distinction: soldier, scholar, author, teacher, jurist and gallant gentleman, he personified throughout his long career the finest American traditions.

"Endowed with the keen and piercing intellect which was mellowed by kindly humor and understanding, he had a powerful and beneficent influence upon the nation. Imbued with a high sense of justice and right, he believed in the peaceful evolution of the new from the old. He had a fine perspective of history as a continuous and living thing and with courage and logic believed in the shaping of government to changing conditions. The people of America

places of prominence in America. The complete military funeral forms tomorrow to inspect the work now finished, except for painting, to gain shadow or add emphasis.

Ben H. Thurman, detective sergeant.

"Did you testify before the grand jury as to what Thurman told you?"

"Thurman Feared for His Job."

"Thurman had agreed to help, but said that if we disclosed to the department officials that he was helping the bureau of investigation it would mean his position."

Wilson then asked if Reppert had ever furnished the bureau of investigation any information in the case. Vetterli said the former director on one occasion told him he might find Miller at a world's champion prize fight at the Polo Grounds in New York on a certain night. He said Reppert had given them an address of an apartment house here where Miller once stayed and on several occasions had turned over letters received by the department containing "tips" on the solution of the crime.

Vetterli testified that while he and Gus Jones were in another conference with Reppert, the former police director asked him if any police officers were working with any of the federal agents. Jones and Vetterli both replied no. He said Reppert asked if there wasn't a local officer working with a dark-haired agent.

"After the conversation with Reppert I met Thurman and related to him the conversation I had had with Reppert. Thurman replied that 'it meant he was through,' he would be fired."

On cross-examination conducted by W. G. Hogsett, Vetterli was asked if he saw Reppert at the station immediately after the massacre. Vetterli said he recalled seeing Chief Higgins and believed he saw Reppert. In response to a question by the defense lawyer, Vetterli said he didn't recall seeing Judge McElroy at the station after the crime had been committed.

Realism in Smith Story.

Although the massacre had been pictured before the grand jury and in open court by several witnesses since that June 17 attempt to liberate Nash from government custody, Smith managed to put a realism into it that gripped the courtroom crowd.

He told of the capture of Nash by federal agents in the White Front poolroom at Hot Springs June 16, the trip to Kansas City, and of taking Nash to the motor car of Raymond J. Caffrey, federal agent, in the street facing the parking plaza in front of the union station.

"Nash, the prisoner," Smith said, "was under the steering wheel. Caffrey was standing on the left side, ready to slide in, pushing Nash to the center."

Tells the Positions.

Smith said William Grooms, a city detective, and Frank Hermanson, also a detective, were standing on the west or right side of the car. R. R. Vetterli, then head of the federal agents here, was standing on the west side, near the front. Otto Reed, chief of police of McAlester, Ok., and P. J. Lackey, federal agent, had entered the rear of the car and were sitting down.

"I got into the back seat, to sit between Reed and Lackey," Smith said, "and I heard someone command:

"'Get 'em up, up, up.'

"Then, instantly I heard the clatter of a machine gun. Bullets whizzed by my face. I could feel the heat from them.

"I slumped down behind the front seat, then I raised up. I saw a man toward the front of the car with a

it at my head. I explained who I was and proved my identity.

"Reed, Caffrey, Grooms, Hermanson and Nash were shot through the head and were dead. Lackey had been shot three times in the spine. Vetterli was shot in an arm.

"Later I identified before a grand jury a photograph of a man I believe to have been the man I saw shooting at me."

A Large Crowd.

The same public interest that characterized the hearing yesterday was apparent today. At 7:30 o'clock, two hours before the doors opened, persons were waiting in the halls leading to the courtroom for a chance at the better seats. The room was filled quickly.

Another witness was Jack Jenkins, acting chief of detectives in Kansas City, Kansas, who told of taking the fingerprints of Verne Miller, Vivian Mathis and Adam Richetti from beer bottles, wine bottles and from the telephone in the Miller home on Edgevale road.

In recalling her testimony before

MRS. LOTTIE WEST, TRAVELERS' AID MATRON, WHO SAW THE MASSACRE.

the grand jury, Mrs. Lottie West, then of the Travelers' Aid desk at the union station told today of watching the officers and their prisoner, Nash, walk through the station lobby, and of her witnessing the shooting a minute later.

Mrs. West related that she pointed out one of the outlaws to Mike Fanning, motor cycle officer, after the killings, and urged him to shoot the desperado.

Mrs. West testified that when she appeared at her desk at 8:45 o'clock the morning of June 17, she found a man sitting there whom she later identified as Charles (Pretty Boy) Floyd, now dead, who later was identified as the companion of Miller and Richetti in the station crime.

She described the arrival of the officers from the train sheds escorting Nash to the car across the street. She reported the presence of several officers, heard an order to attack, and recalled the men walking, pushing Nash to a departing car. She told how the officers on the sidewalk and outside the station place the prisoner in the car. Just then a man stepped from the

Poor health forced him to step down from the supreme bench twenty-nine years after his appointment.

COURT PAYS TRIBUTE.

The supreme court adjourned session today until tomorrow noon as a mark of respect to the memory of Ex-Justice Holmes.

Chief Justice Hughes, on ascending the bench made the following announcement:

"It is my sad duty to announce that our former colleague, Mr. Justice Holmes, passed away this morning.

"Peacefully, painlessly and in the fullness of time, came the inevitable end—the close of a career of unique distinction as patriot, scholar, judge. We have lost a great jurist and a noble friend.

"As a mark of respect to his memory, the court will now adjourn until tomorrow noon. We shall then resume the hearing of cases and at the close of the session tomorrow the court will adjourn until Monday next at noon in order that the members of the court may attend the funeral services to be held on Friday."

THE PRESIDENT IS GRIEVED.

Nation Has Lost One of Its First Citizens, He Says.

(By the Associated Press.)

WASHINGTON, March 6.—President Roosevelt issued a statement today saying the nation "has lost one of its first citizens" in the death of Oliver Wendell Holmes.

Expressing the personal sorrow of himself and Mrs. Roosevelt, the President said "the people of America mourn the death of the venerable and beloved justice."

His statement follows:

"Oliver Wendell Holmes, associate justice of the supreme court of the United States, retired, has left us.

"The nation has lost one of its first citizens.

"We cannot minimize the grief of his passing, but we can find solace in the thought that he was with us for so long. His was the life of rare distinction; soldier, scholar, author, teacher, jurist and gallant gentleman, he personified throughout his long career the finest American traditions.

"Endowed with the keen and piercing intellect which was mellowed by kindly humor and understanding, he had a powerful and beneficent influence upon the nation. Imbued with a high sense of justice and right, he believed in the peaceful evolution of the new from the old. He had a fine perspective of history as a continuous and living thing and with courage and logic believed in the shaping of government to changing conditions. The people of America mourn the death of the venerable and beloved justice.

"Mrs. Roosevelt and I have had the high privilege of his friendship for many years. Our sorrow at his passing is great."

'IT'S NOT OUR BABY'

(Continued From First Page.)

they crossed the station plaza to the motor car which was to take Nash to Leavenworth, Wilson asked him concerning the weapons carried by the officers. He said Otto Reed, chief of police of McAlester, Ok., carried a shotgun, and that Frank J. Lackey, another federal agent, also had a shotgun. The two police officers, William Grooms and Frank Hermanson, he said, had no firearms in sight. Nash walked between these two officers and the remaining officers flanked the three men in a fan-shape.

"Did you furnish the name of Miller as one of the suspects in the crime to the police department?" Wilson asked.

"Three days after the massacre I communicated the name of Miller to working with a dark-haired agent.

"After the conversation with Reppert I met Thurman and related to him the conversation I had had with Reppert. Thurman replied that 'it meant he was through.' He would be fired."

On cross-examination conducted by W. S. Hogsett, Vetterli was asked if he saw Reppert at the station immediately after the massacre. Vetterli said he recalled seeing Chief Higgins and believed he saw Reppert. In response to a question by the defense lawyer, Vetterli said he didn't recall seeing Judge McElroy at the station after the crime had been committed.

Realism in Smith Story.

Although the massacre had been pictured before the grand jury and in open court by several witnesses since that June 17 attempt to liberate Nash from government custody, Smith managed to put a realism into it that gripped the courtroom crowd.

He told of the capture of Nash by federal agents in the White Front poolroom at Hot Springs June 16, the trip to Kansas City, and of taking Nash to the motor car of Raymond J. Caffrey, federal agent, in the street facing the parking plaza in front of the union station.

"Nash, the prisoner," Smith said, "was under the steering wheel. Caffrey was standing on the left side, ready to slide in, pushing Nash to the center."

Tells the Positions.

Smith said William Grooms, a city detective, and Frank Hermanson, also a detective, were standing on the west or right side of the car. R. E. Vetterli, then head of the federal agents here, was standing on the west side, near the front. Otto Reed, chief of police of McAlester, Ok., and F. J. Lackey, federal agent, had entered the rear of the car and were sitting down.

"I got into the back seat, to sit between Reed and Lackey," Smith said, "and I heard someone command:

"'Get 'em up, up, up.'

"Then, instantly I heard the clatter of a machine gun. Bullets whizzed by my face. I could feel the heat from them.

"I slumped down behind the front seat, then I raised up. I saw a man toward the front of the car with a

FRANK S. SMITH, SURVIVOR OF THE STATION MASSACRE.

rifle in his hands and it was pointed at me.

"I ducked down again, and again I felt the heat from flying bullets.

"Within a few seconds I heard someone say: 'They're all dead.' When I raised up I saw Nash's head fall back. He was dead. I heard footsteps and I figured they were going to take Nash out.

"The next thing I knew someone poked me with a pistol and pointed

MRS. LOTTIE WEST, TRAVELERS' AID MATRON, WHO SAW THE MASSACRE.

the grand jury, Mrs. Lottie West, then of the Travelers' Aid desk at the union station told today of watching the officers and their prisoner, Nash, walk through the station lobby, and of her witnessing the shooting a minute later.

Mrs. West related that she pointed out one of the outlaws to Mike Fanning, motor cycle officer, after the killings, and urged him to shoot the desperado.

Mrs. West testified that when she appeared at her desk at 6:43 o'clock the morning of June 17, she found a man sitting there whom she later identified as Charles (Pretty Boy) Floyd, slow dead, who later was identified as the companion of Miller and Pierpoli in the station crime.

Bespoke Prisoner Was Desperate.

She described the arrival of the officers from the train sheds escorting Nash to the car across the street. She answered the questions of some Catholic sisters as she watched the officers, and remarked the man they were escorting must be a desperate one. She told how she walked out to the sidewalk and watched the officers place the prisoner in the car.

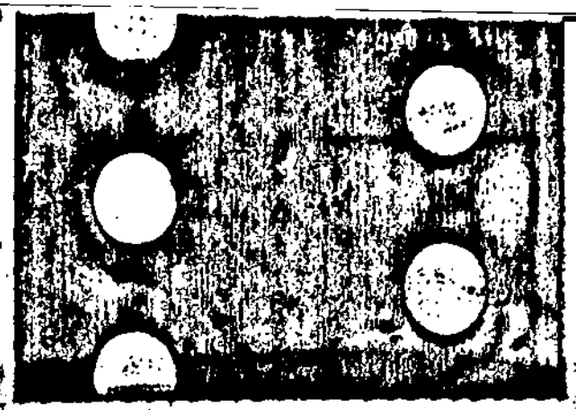
"Just then a man stepped from the running board of my car, parked in the lot just south of the car the officers were to use," she testified. "It appeared as if he said something and then I saw him aim a gun at the officers and start firing. I saw Hermanson fall."

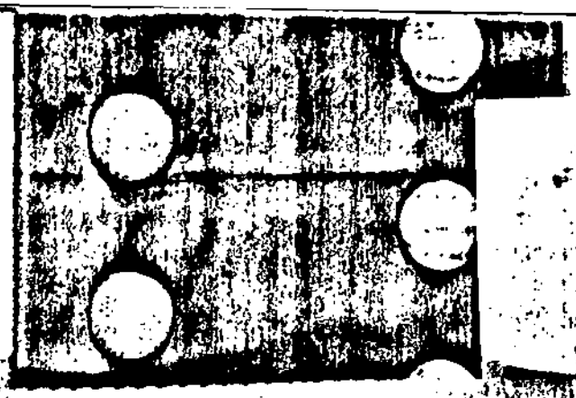
Mrs. West said she ran, screaming, into the station. Fanning, motor cycle officer assigned to the station, was present, Mrs. West said and she shouted to him to shoot at the men entering the car just behind her own car. Fanning, now awaiting trial on a charge of murder for the killing of a fellow officer, fired two shots at the fleeing desperadoes, Mrs. West said.

Picture Given Her by Nash.

The defense attempted to show it was the police who first offered her a picture of Floyd for identification, but the witness said the first picture she saw of Floyd was handed to her at the office of Sheriff Thomas B. Nash.

Thomas J. Higgins, chief of detectives, also facing trial in the federal court on a charge of perjury growing out of the grand jury investigation of the station massacre conspiracy, was in court today. He sat beside Reppert, his former superior officer, at the defense counsel table.





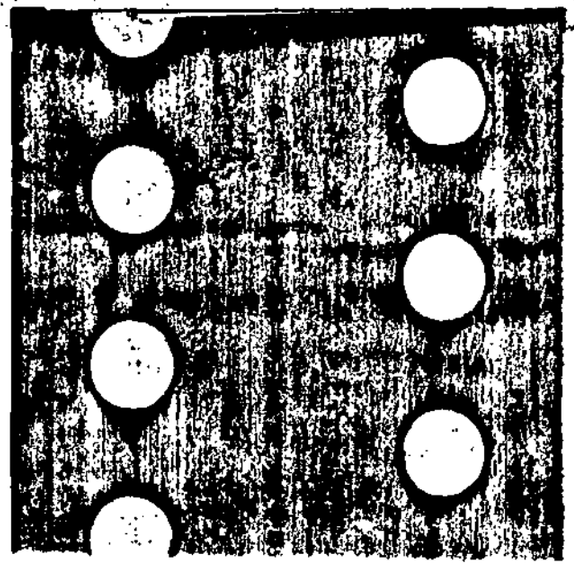
"NEWS WHILE IT'S NEWS"

KANSAS CITY JOURNAL-POST

The Sentinel on the Hill

81st Year. No. 165. Entered as second class mail matter at Kansas City, Mo., under the act of March 3, 1879. Kansas City, Mo., Wednesday, March 6, 1935. Publication Office: 22nd and Hall Sts. Published Daily and Sunday.

REPPERT JURY HEARS MASSACRE SU



To Trial in Death c

URNAL-POST

Hill

AFTERNOON EDITION

March 6, 1936

Publication Office: 22nd and Oak Sts. Published Daily and Sunday.

IN GREATER KANSAS CITY 2c (PER COPY) BY CARRIER

MASSACRE SURVIVOR

To Trial in Death

William Letherman, 25 year old, and his fiancee, Viola Dennis, for whose death on Aug. 31, 1934, Letherman is on trial in Greensburg, Pa. Letherman con-

Pups Keep Vigil O in Secluded Spot

Three, Refusing to E Daily by Persons Patheti

Three German-Shepard pups k a mother dog in an almost inacces overlooking Cliff drive, daily attra

The plight of the pups has arc persons. Several have tossed food them away from their futile watch

But the pups, which appear to be 2 or 3 months old, refuse to leave the body of the mother dog. When some boys attempted to catch one of them Tuesday afternoon all three scuttled off into the brush and re fused to come out until the boys left.

All the time the boys were there the pups barked and whined as though fearful some harm would come to the mother dog's body.

J. J. Rooney, 411 North Colorado avenue, who has helped feed the

PICTURE OF SELF IN SHORTS ANNOYS 'PRINCE MICHAEL'

Romanoff Impatient as He Awaits Chance to De-

BLOODY SCENE REVIEWED AT PERJURY TRIAL

Frank S. Smith Testifies as U. S. Nears End of Its Case.

DEFENSE TO CALL 60

All Evidence Expected to Be Completed by End of Week.

The government expects to complete its case against Eugene C. Reppert, former police director, by the end of the day, Maurice M. Milligan, United States district attorney, told Judge Albert L. Reeves in federal court Wednesday at the start of proceedings.

Milligan, who was making his first appearance in Reppert's trial on a charge of perjury before a federal grand jury, indicated that the real objective of the government had been completed Tuesday. His announcement concerning the amount of government testimony remaining was in answer to a question from Judge Reeves, who said he desired to dismiss the rest of the panel if the trial could not be completed this week.

To Call 60 Witnesses.

William S. Hogsett, defense attorney, said that sixty witnesses would be called to testify for Reppert, but that many of them could be disposed of in short order. He estimated that the defense would require about three days.

After hearing from attorneys for both sides Judge Reeves dismissed the members of the panel for the remainder of the week and the trial got under way with Frank S. Smith, Oklahoma City, the first witness called by the government.

Smith, who participated in the capture of Frank Nash, escaped convict, at Hot Springs, Ark., June 16, 1933, the day before the Union station massacre in Kansas City, said he had been a special agent for the bureau of investigation of the department of justice for nineteen years.

Faced Grand Jury.

"Did you testify before the grand jury last October?" Milligan asked.

"I did," the witness replied.

"Tell what you told the grand jurors concerning the capture of Nash," the district attorney instructed.

Hogsett immediately objected to any question, asserting that Nash's capture had no bearing on whether Reppert instructed the police to

62-2

File Rec

arch 6, 19[illegible] Publication Office: [illegible] and Oak Sts. Published Daily and Sunday. IN GREATER KANSAS CITY 2c [illegible]

MASSACRE SURVIVOR

To Trial in Death o

William Letherman, 25 years old, and his fiancee, Viola Dennis, for whose death on Aug. 17, 1934, Letherman is on trial in Greensburg, Pa. Letherman con-

Pups Keep Vigil O in Secluded Spot

Three, Refusing to E Daily by Persons Patheti

Three German-Shepard pups k a mother dog in an almost inaccess overlooking Cliff drive, daily attra

The plight of the pups has arc persons. Several have tossed food them away from their futile watch

But the pups, which appear to be 2 or 3 months old, refuse to leave the body of the mother dog. When some boys attempted to catch one of them Tuesday afternoon all three scuttled off into the brush and refused to come out until the boys left.

All the time the boys were there the pups barked and whined as though fearful some harm would come to the mother dog's body.

J. J. Rooney, 431 North Colorado avenue, who has helped feed the

PICTURE OF SELF IN SHORTS ANNOYS 'PRINCE MICHAEL'

Romanoff Impatient as He Awaits Chance to Defend Honor.

By United Press.

NEW YORK, March 6.—"Prince Michael Romanoff," his royal pride [illegible] by what he considered an "undignified" description of himself [illegible]

62-

BLOODY SCENE REVIEWED AT PERJURY TRIAL

Frank S. Smith Testifies as U. S. Nears End of Its Case.

DEFENSE TO CALL 60

All Evidence Expected to Be Completed by End of Week.

The government expects to complete its case against Eugene C. Reppert, former police director, by the end of the day, Maurice M. Milligan, United States district attorney, told Judge Albert L. Reeves in federal court Wednesday at the start of proceedings.

Milligan, who was making his first appearance in Reppert's trial on a charge of perjury before a federal grand jury, indicated that the real objective of the government had been completed Tuesday. His anouncement concerning the amount of government testimony remaining was in answer to a question from Judge Reeves, who said he desired to dismiss the rest of the panel if the trial could not be completed this week.

To Call 60 Witnesses.

William S. Hogsett, defense attorney, said that sixty witnesses would be called to testify for Reppert, but that many of them could be disposed of in short order. He estimated that the defense would require about three days.

After hearing from attorneys for both sides Judge Reeves dismissed the members of the panel for the remainder of the week and the trial got under way with Frank S. Smith, Oklahoma City, the first witness called by the government.

Smith, who participated in the capture of Frank Nash, escaped convict, at Hot Springs, Ark., June 16, 1933, the day before the Union station massacre in Kansas City, said he had been a special agent for the bureau of investigation of the department of justice for nineteen years.

Faced Grand Jury.

"Did you testify before the grand jury last October?" Milligan asked.

"I did," the witness replied.

"Tell what you told the grand jurors concerning the capture of Nash," the district attorney instructed.

Hogsett immediately objected to the question, asserting that Nash's capture had no bearing on whether Reppert instructed the police department to take no part in the investigation of the massacre in which Nash and four officers who guarded him were slain. The de-

Turn to Page 2, Column 2.

file Rev

ng to Let

SURVIVOR OF K. C. MASSACRE HEARD BY REPPERT JURY

Continued From Page 1.

fense attorney also contended such testimony would be hearsay.

Judge Reeves overruled the objection on the ground it could be brought out to prove the materiality of the evidence.

Smith gave a dramatic account of the ruthless killings on the Union station plaza.

He told How Frank Nash, the government prisoner, was escorted by federal agents and citl detectives up the stairs from the train sheds at the station, through the lobby and outside to a waiting Chevrolet sedan, parked facing south just east of the bus loading dock.

Nash Into Front Seat.

"Frank, get in the front seat," was the order given Nash, Smith testified.

The prisoner followed the instructions, and Smith, Chief Otto Reed of McAlester, Ok., and F. J. Lackey took places on the rear seat. William Grooms and Frank Hermanson, city detectives, and R. E. Vetterli, who at the time was special agent in charge of the federal bureau of investigation here, were on the outside.

"I suddenly heard somebody shout, 'Get 'em up,' 'Get 'em up'," Smith testified. "Almost immediately there was a clatter of machine gun fire and shattered glass began falling inside the car. I looked up and saw that Nash had been shot and that blood was spurting from his head."

Other Tow KWilled.

Lackey and Chief Reed, who were in the rear seat with Smith, were mortally wounded by the fire.

"I looked up saw a man crouching from behind a fender of a car in front of us with a machine gun," Smith said. "I lowered myself in the back seat. Then I heard somebody say, 'They're all dead.'"

Smith said he was then approached by a man whom he did not know and who pushed a revolver against his back. Smith said he explained that he was a government agent and that the man, presumably a patrolman on duty at the station, finally was convinced.

Smith said that when he was a witness before the grand jury, he was shown a picture of Verne Miller and identified him as the man he believed was carrying a machine gun at the station.

Thomas J. Higgins, chief of detectives, also accused of perjury in connection with his appearance before the federal grand jury which investigated the massacre, was an observer at the counsel table. Wednesday's was his first appearance in the court room.

Touch on Many Issues.

The trend taken by the testimony of the first witness Wednesday indicated that subsequent evidence would be along the line of that submitted Tuesday when the main issues in the case—whether Reppert told police to "lay off the investigation, it's a government matter"—apparently were forgotten.

At the Tuesday session government witnesses touched on almost everything except the perjury charge. They told of wide open gambling and vice in Kansas City; Reppert's close association with John Lazia, slain North side politician; Lazia's alleged part in the conspiracy to free Nash and how he was alleged to have supplied two gunmen to aid Verne Miller in the attempted delivery, and a host of other accusations involving Reppert, police and gangsters.

Little of the testimony at that session concerned the former director's alleged perjured remarks before the grand jury. In fact, there frequently were long intervals when his name was not even mentioned by witnesses or government attorneys.

WOODS GLEE

Massacre Survivors Testify at Reppert Trial

Among the federal agents through whose testimony the government hopes to prove its charge of perjury against Eugene C. Reppert, former director of police, are Reed E. Vetterli (left), special agent in charge of the St. Louis office of the federal bureau of investigation, department of justice, and Frank S. Smith (right), of the Oklahoma City office, sole survivors of the station massacre. Both testified Wednesday.

the time the Republicans were in control of the department, were you one?"

"Yes, sir."

No Interest in Politics.

"You are a Republican?"

"I wouldn't say that," Thurman replied. "I haven't taken any interest in politics."

The defense sprung a coup on the government Wednesday afternoon when it succeeded in obtaining an order requiring the grand jury records before the court.

The government steadfastly had opposed efforts of counsel for Reppert to bring a transcript of testimony before the grand jury into the case. Wednesday afternoon, however, the defense obtained a subpoena duces tecum for W. W. Graves, county prosecutor, ordering him to bring into court records turned over to him by the federal bureau of investigation and any federal grand jury testimony in his possession.

Vetterli on Stand.

The government, through Maurice M. Milligan, United States district attorney, recently turned over to Graves federal evidence which was used before the county grand jury to obtain murder indictments against Adam Richetti, one of the alleged participants in the massacre.

Announcement that the subpoena had been obtained came while Reed E. Vetterli, agent in charge of the federal bureau of investigation in St. Louis, wounded in the massacre, was undergoing cross-examination by William Hogsett, defense attorney.

Immediately after the announcement, a recess was taken and Graves soon appeared at the federal building with records.

The defense has regarded possession of the entire grand jury testimony as important, since the district attorney's office has been bringing out only parts of it through the questioning of government witnesses.

Vetterli, on direct examination, has told of a secret investigation of the massacre conducted by Thurman.

Worked Under Cover.

Thurman, according to Vetterli, worked under cover with federal agents and specifically requested that police executives not be informed of his activities in connection with the case.

"It will cost me my job if they find out I'm working with you on the case," Vetterli quoted the former city detective.

Reppert said he was certain no Kansas City gangsters were involved because John Lazia had made a survey of the Kansas City underworld and virtually told them such was the case," Wilson inquired.

"That statement was made," the witness asserted.

Vetterli said it was on that occasion that Reppert said the abduction of Miss Mary McElroy, daughter of the city manager, was a Kansas City police department case, but that the Union station massacre "was not our baby but a federal baby."

Told Him About Miller.

"When you testified before the grand jury, did you say you told Reppert that Miller was a suspect?" the witness was asked.

"Yes, I did. I gave him that information about June 25 or 26. His reply was, 'Now you've got something.'"

"What was the reason you gave for turning that information over to Reppert?"

"Because Reppert told me at the time that the police department could break the massacre case within forty-eight hours if the detectives had full information concerning evidence federal authorities had collected."

Vetterli said he called Reppert again within forty-eight hours to determine what progress police had made. The police director, he said, invited him to his office to discuss the case.

Vetterli, Jones and Harvey went to police headquarters in response to the information, according to the witness.

"During the first part of our conversation Reppert asked if any member of the police department was working with the federal agents on the massacre investigation. I told him none was working with me.

"Then he wanted to know if there wasn't one member of the police department working with a dark haired government agent. I said I didn't know about that."

Reppert became more specific in his quiz of the federal agent, according to the witness, and asked if one hadn't worked with the government men when they found some furniture in the home of Frank B. (Fritz) Mulloy, who later was charged with conspiracy in connection with the massacre.

"I talked with Thurman [illegible]

concerning the amount of government testimony remaining was in answer to a question from Judge Reeves who said he desired to dismiss the rest of the panel if the trial could not be completed this week.

To Call 60 Witnesses.

Mr. Hogsett, defense attorney, said that sixty witnesses would be called to testify for Reppert, but that many of them could be disposed of in short order. He estimated that the defense would require about three days.

After hearing from attorneys for both sides Judge Reeves dismissed the members of the panel for the remainder of the week and the trial got under way with Frank S. Smith, Oklahoma City, the first witness called by the government.

Smith, who participated in the capture of Frank Nash, escaped convict, at Hot Springs, Ark., June 16 1933, the day before the Union station massacre in Kansas City, said he had been a special agent for the bureau of investigation of the department of justice for nineteen years.

Faced Grand Jury.

"Did you testify before the grand jury last October?" Milligan asked.

"I did," the witness replied.

"Tell what you told the grand jurors concerning the capture of Nash," the district attorney instructed.

Hogsett immediately objected to the question, asserting that Nash's capture had no bearing on whether Reppert instructed the police department to take no part in the investigation of the massacre in which Nash and four officers who guarded him were slain. The defense attorney also contended such testimony would be hearsay.

Judge Reeves overruled the objection on the ground it could be brought out to prove the materiality of the evidence.

Smith gave a dramatic account of the ruthless killings on the Union station plaza.

He told how Nash, the government prisoner, was escorted by federal agents and city detectives up the stairs from the train shed at the station, through the lobby and outside to a waiting Chevrolet sedan, parked facing south just east of the bus loading dock.

Nash Into Front Seat.

"Frank, get in the front seat," was the order given Nash, Smith testified.

The prisoner followed the [illegible]

man with a machine gun standing on the running board of my car, which was parked near the one the prisoner and officers were entering.

"He raised the weapon and began firing. I ran screaming into the station, calling to someone to turn in a riot call to police headquarters.

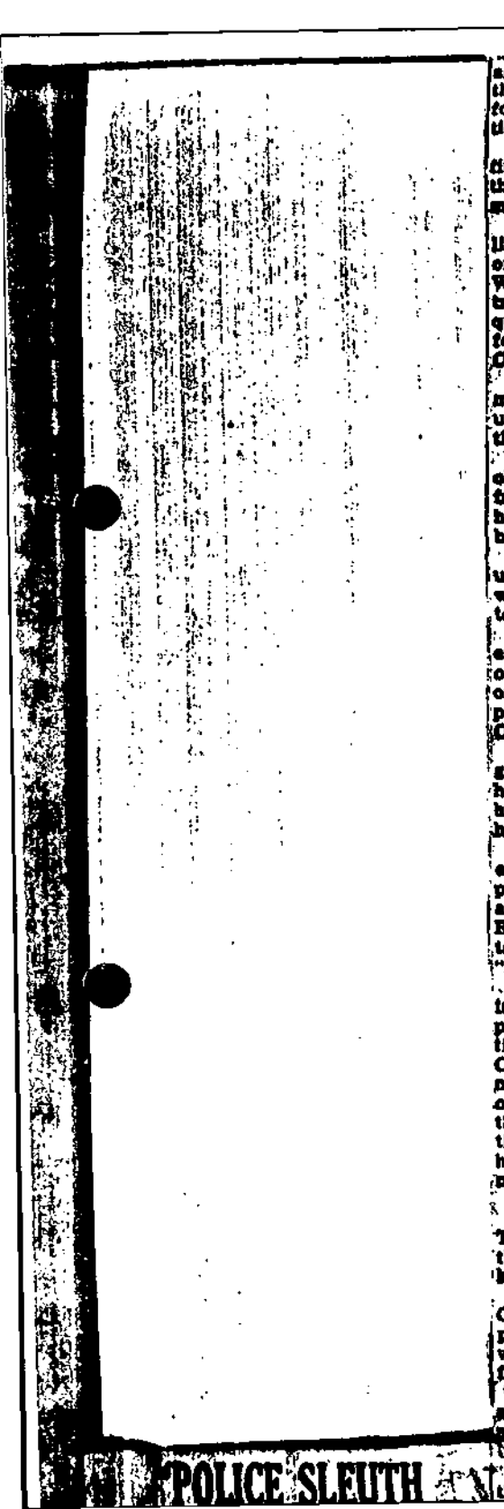
Returns to Sidewalk.

"I remembered there were two guns standing in front of the station and I ran back to get them to safety. They were still there. Then I saw Myron K. Fanning, motorcycle patrolman, and I told him to fire at the gangsters."

Mrs. West said she instructed

conspiracy to free Nash and how he was alleged to have supplied two gunmen to aid Verne Miller in the attempted delivery, and a host of other accusations involving Reppert, police and gangsters.

Little of the testimony at that session concerned the former director's alleged perjured remarks before the grand jury. In fact, there frequently were long intervals when his name was not even mentioned by witnesses or government attorneys.



agents and specifically requested that police executives not be informed of his activities in connection with the case.

"It will cost me my job if they find out I'm working with you on the case," Vetterli quoted the former city detective.

Vetterli was led through the preliminary phases of the investigation of the station killing by Randall Wilson, assistant United States district attorney, who prefaced each question with "Did you testify before the federal grand jury last October—"

On cross-examination Vetterli admitted the police had made a round-up of possible suspects soon after the massacre.

He also admitted that Higgins had obtained cartridge cases and bullets from the scene of the massacre and had turned them over to Merle Gill, ballistics expert.

Vetterli said his men also picked up some bits of evidence which were turned over to Gill to be photographed.

The witness recalled in the cross-examination that he had assigned one of his men to go with members of the police department to a reputed gangster hangout in the Ozarks in connection with the case.

The witness admitted that Higgins and Reppert had gone with him at their suggestion to visit the house at 6812 Edgevale road, which had been occupied by Miller.

This move of the defense apparently was to show that both Reppert and Higgins were maintaining an active interest in the case after Reppert's alleged admonition to certain members of the department to "lay off."

Vetterli, prior to the cross-examination, had said that he gave the police department certain information in connection with the Kansas City bureau's investigation of the massacre within two or three days of the time it occurred. He was the agent in charge here at the time. This particular information, he said, was turned over to Thurman.

Gave Jury Information.

"Did you tell the grand jury what Thurman said when you gave him the information?" Wilson wanted to know.

"Yes," Vetterli replied. "Our Mr. George Harvey, from the Philadelphia bureau of investigation, was with me when I gave him that information.

"He advised us not to disclose to any member of the police department that he was working with us because it would cost him his job."

Then Wilson wanted to know if the witness told the grand jury anything about the visit of the federal agent, according to the witness, and asked if one hadn't worked with the government men when they found some furniture in the home of Frank B. (Frits) Mulloy, who later was charged with conspiracy in connection with the massacre.

"I talked with Thurman immediately after the conversation with Reppert," Vetterli said, "and told him the substance of it.

"That means I'm through—I'm fired,' Thurman said."

Seldom Into Field.

The morning of the massacre, when he went to the Union station with the other agents who were to meet Nash and his escort, he was unarmed, Vetterli said. He explained that by stating his was mostly office work and that he seldom went into the field.

Wilson also drew from the witness the fact that the city detectives assigned to help guard Nash were not armed with machine guns.

When he called police headquarters the night before Nash's arrival, Vetterli said, he talked with a clerk and asked that the men sent be given machine guns.

William S. Hogsett, defense attorney, took up the cross-examination of the witness at this point and asked if he saw Higgins, Reppert and H. F. McElroy, city manager, at the Union station the morning of the massacre.

Recalls Seeing Higgins.

"I remember seeing Higgins, and I'm certain I saw Reppert and Mr. McElroy," he replied.

"How soon after the killing?"

"Within fifteen minutes," said the witness.

"Isn't it a fact," Hogsett asked, "that Reppert suggested to you that men be placed in a house across the street from the Edgevale road home of Verne Miller?"

"Yes, he did," Vetterli replied, "but we already had had men there for ten or twelve days, and I couldn't see the use of putting more men watching a vacant house."

House Not Vacant.

Additional questioning revealed the house was not vacant, but that it had been deserted by its former occupants.

Vetterli testified that Reppert informed him the Kansas City police department had employed the Burns detective agency to aid in the solution of the massacre; that Frank Howland, city detective, had told him that Miller had lived at the Newbern hotel under the name of Moore, and that Howland also pointed out a beauty shop where Miller's wife was having her hair dressed.

Vetterli said the federal agents were told by Reppert that if they

the station, through the lobby and outside to a waiting Chevrolet sedan, parked facing south just east of the bus loading dock.

Nash Into Front Seat.

"Frank, get in the front seat," was the order given Nash, Smith testified.

The prisoner followed the instructions, and Smith, Chief Otto Reed of McAlester, Ok., and F. J. Lackey took places on the rear seat. William Grooms and Frank Hermanson, city detectives, and R. E. Vetterli, who at the time was special agent in charge of the federal bureau of investigation here, were on the outside.

"I suddenly heard somebody shout, 'Get 'em up,' 'Get 'em up'," Smith testified. "Almost immediately there was a clatter of machine gun fire and shattered glass began falling inside the car. I looked up and saw that Nash had been shot and that blood was spurting from his head."

Other Two Killed.

Lackey and Chief Reed, who were in the rear seat with Smith, were mortally wounded by the fire.

"I looked up, saw a man crouching from behind a fender of a car in front of us with a machine gun," Smith said. "I lowered myself in the back seat. Then I heard somebody say, 'They're all dead.'"

Smith said he was then approached by a man whom he did not know and who pushed a revolver against his back. Smith said he explained that he was a government agent and that the man, presumably a patrolman on duty at the station, finally was convinced.

Smith said that when he was a witness before the grand jury, he was shown a picture of Verne Miller and identified him as the man he believed was carrying a machine gun at the station.

Suggestion Is Denied.

Hogsett, in the cross-examination of Smith, wanted to know if it wasn't a fact that Reppert suggested to federal agents that a family be placed in a house across the street from one occupied by Verne Miller, station gunner, at 6812 Edgevale road, to help the authorities in the investigation.

"He made no such suggestion to me," the witness replied. "I didn't even know Reppert at the time. I returned to duty at Oklahoma City and took very little part in the investigation."

"It was possibly to some other federal agent that Reppert made the suggestion, then," Hogsett said.

The defense lawyer asked the witness if he heard that William Grooms, one of the two city detectives who were slain in the massacre, had fired [illegible] Returns to Sidewalk.

"I remembered there were two nuns standing in front of the station and I ran back to get them to safety. They were still there. Then I saw Myron K. Fanning, motorcycle patrolman, and I told him to fire at the gangsters."

Mrs. West said she instructed Fanning to shoot at the machine gunner who had been firing from the running board of her car, but who, by that time, was entering another car parked almost directly behind hers.

"Fanning fired two shots at the gunman," she said.

Later, Mrs. West asserted, she looked over photographs of known criminals and identified Floyd as the man who fired into the group of officers from her car. Ricchetti also was identified as one of the gunmen, she said.

T. J. Madden, another defense attorney, took up the cross-examination of Mrs. West. He wanted to know where she viewed the photograph of Floyd.

Officers Are Unnamed.

"In the office of Sheriff Thomas B. Bash," she replied.

"Did you go to police headquarters after the massacre?"

"Yes, about an hour later I went down there."

"At whose request?"

"At the request of some officers."

Madden sought ineffectually to have the witness name the persons who asked her to go to headquarters. After he twice had asked the same question in a different way without receiving the answer he desired, Milligan interposed an objection, which was sustained by Judge Reeves.

"Did the grand jury ask you to examine photographs of Floyd or Ricchetti?" was Madden's next question. This was objected to by Milligan, but Judge Reeves ruled that she might answer.

Then Hogsett interrupted: "At any time you were in the grand jury room, were you asked if the police requested you to go to headquarters to identify photographs of known killers?" he asked.

Jack Jenkins Next.

"That question was not asked," the witness admitted.

Jack B. Jenkins, acting chief of detectives of Kansas City, Kas., was called to the stand and he told of being requested by a federal agent to go to the Edgevale road bungalow occupied by Miller to help the government in identification of finger prints found there.

"I looked the place over," Jenkins said, "and found a number of clear prints on beer bottles, wine glasses and the base of a cradle.

[illegible] collected the former director's alleged perjured remarks before the grand jury. In fact, there frequently were long intervals when his name was not even mentioned by witnesses or government attorneys.

POLICE SLEUTH

'POLICE SLEUTH IN SECRET PROBE OF MASSACRE'

Continued From Page 1.

did you do that or did you continue working on the case with other members of the police department?"

"Yes, I did."

"Did you make any reports as to the work you were doing?"

"Yes, I made my reports to Chief Phelan."

"Chief Phelan was the head of the police department, wasn't he, and you were working under Higgins?" Higgins was your immediate superior officer?"

"Yes, he was chief of detectives."

Kept On Working.

"Well, how did you happen to make your report then to Chief Phelan?" Wilson inquired.

"I went to him after Mr. Reppert had told me to lay off, and Chief Phelan told me to keep on."

"How long did you work?"

"To about July 2." (The massacre was on June 17.)

"Why did you quit?"

"I was dismissed."

"Who dismissed you?"

"Chief Higgins," Thurman replied. "Higgins told me that Reppert had left word I was through."

John T. Barker, defense counsel, conducted the cross-examination.

"You were chief of detectives at the information?" Wilson wanted to know.

"Yes," Vetterli replied. "Our Mr. George Harvey, from the Philadelphia bureau of investigation, was with me when I gave him that information."

"He advised us not to disclose to [illegible] of the police department that he was working with us because it would cost him his job."

Then Wilson wanted to know if the witness told the grand jury anything concerning the police department investigation of the crime.

Turned Over Tips.

"Reppert told us that he had information that Verne Miller, suspected as one of the station killers, would be at the Sharkey-Carnera prize fight at the Polo grounds in New York. He asked us if our New York office had photographs of the suspect.

"And he also gave us information concerning an apartment Miller occupied, I believe at the Newbern hotel. He also said the police had learned that Miller was said to have been a frequent visitor at the Rosedale bathhouse. Reppert also turned over to the government various letters received from citizens with tips as to the whereabouts of Charles (Pretty Boy) Floyd, also sought as one of the killers."

Wilson asked the witness about what representations Reppert made concerning the case.

Talked to Reppert.

"The day after the massacre—June 18—Gus Jones of the San Antonio bureau, Harvey and I went to police headquarters. We talked to Reppert in the office of T. J. Higgins, chief of detectives, I believe.

"Reppert told us that this was certainly a mess we got them into; that we had caused two of his detectives to be killed.

"'This is a government case and not a police case,' he said."

"Did you tell the grand jury that [illegible] department had employed the Burns detective agency to aid in the solution of the massacre; that Frank Howland, city detective, had told him that Miller had lived at the Newbern hotel under the name of Moore, and that Howland also pointed out a beauty shop where Miller's wife was having her hair dressed.

Vetterli said the federal agents were told by Reppart that if they would give him certain information, he would "break" the case in forty-eight hours. The information was given to the police director, Vetterli testified, and at the end of the forty-eight hours the agents went to Reppert to ascertain what he had learned. He said he told them merely to watch the Sharkey-Carnera fight in New York, meaning, apparently that Miller was expected to attend the fight.

No Photos of Miller.

When asked by Hogsett if the agents checked the gates to the fight, Vetterli replied:

"No, it was preposterous."

Hogsett established, however, that the New York office of the federal bureau of investigation had not been equipped with photographs of Miller in an effort to identify him.

Vetterli was asked if the Burns agency, after it had been retained by the police department, did not suggest to the federal agents that the home of Mrs. Miller's mother in Brainard, Minn., be watched. The agent said the agency did suggest it, but that the federal men already had been on the job there some time.

Before the start of the session Wednesday, Maurice M. Milligan, United States district attorney, said the government planned to complete its case before the end of the day.

Milligan, who was making his first appearance in Reppert's trial indicated that the real objective of the government had been completed Tuesday. His announcement even know Reppert at the time. I returned to duty at Oklahoma City and took very little part in the investigation."

"It was possibly to some other federal agent that Reppert made the suggestion, then," Hogsett said.

The defense lawyer asked the witness if he heard that William Grooms, one of the two city detectives who were slain in the massacre, had fired a shot at the machine gunners.

Mrs. West Is Called.

Again Smith replied that he left soon after the killing for Oklahoma City and knew little of what the investigation developed.

The next witness called by the government was Mrs. Lottie West, matron of the Travelers' Aid bureau at the Union station.

She gave a graphic description of the killing and reiterated her identification of Charles (Pretty Boy) Floyd, Oklahoma bad man, and Adam Ricchetti, his lieutenant, as two of the station machine gunners.

"I reached my desk at the Union station at 6:53 o'clock the morning of June 17, 1933," she said. "There was a man seated there and I talked to him for a few minutes, after which he left.

Notices Nash Group.

"Then I noticed Frank Hermanson, a city detective I knew, crossing the station lobby. There were a number of men in the group and they seemed to be guarding a prisoner. From the number and the manner in which they were watching him, I decided he was a very bad man."

The witness said her curiosity was aroused, so he followed the group and walked out of the station through the southeast door.

"I had no more than reached the sidewalk than I looked across the street toward where they were taking the prisoner. Then I noticed a [illegible] detectives of Kansas City, Kas., was called to the stand and he told of being requested by a federal agent to go to the Edgevale road bungalow occupied by Miller to help the government in identification of finger prints found there.

"I looked the place over," Jenkins said, "and found a number of clear prints on beer bottles, wine glasses and the base of a cradle-type telephone."

The witness said he turned them over to a photographer and later they were turned over to the Kansas City bureau and compared with prints of known criminals on file here and in Washington.

"What did those comparisons show?" Miller asked.

"They showed that Miller, Vivian Mathis and Adam Ricchetti had been occupants of the house at 6612 Edgvale road," Jenkins replied.

Defense attorneys excused the witness without attempting to cross-examine him.

Thomas J. Higgins, chief of detectives, also accused of perjury in connection with his appearance before the federal grand jury which investigated the massacre, was an observer at the counsel table Wednesday's was his first appearance in the court room.

Touch on Many Issues.

The trend taken by the testimony of the first witness Wednesday indicated that subsequent evidence would be along the line of that submitted Tuesday when the main issues in the case—whether Reppert told police to "lay off the investigation, it's a government matter"—apparently were forgotten.

At the Tuesday session government witnesses touched on almost everything except the perjury charge. They told of wide open gambling and vice in Kansas City; Reppert's close association with John Lazia, slain North side politician; Lazia's alleged part in the

Closing Markets, Race Entries and Latest Results

KANSAS CITY JOURNAL-POST

The Sentinel on the Hill

FINAL

No. 165. | Entered as second class mail matter at Kansas City, Mo., under the act of March 3, 1879. | Kansas City, Mo., Wednesday, March 6, 1935. | Publication Office: 22nd and Oak Sts. Published Daily and Sunday. | IN GREATER KANSAS CITY 2

REPPERT GAVE HANDS OFF ORDE

B. H. TH
TEST

Mr. Nathan
Mr. Tolson
Mr. Backus
Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Co[illegible]y
Mr. Edwards
Mr. Egan
Mr. Har[illegible]
Mr. [illegible]
Mr. [illegible]
Mr. Quinn
Mr. Schilder
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Gandy

s and Latest Results

URNAL-POST

Hill

FINAL EDITION

March 6, 1935.

Publication Office: 22nd and Oak Sts. Published Daily and Sunday.

IN GREATER KANSAS CITY 2c PER) 15c A WEEK COPY) BY CARRIER

NDS OFF ORDER'

62-28915

B. H. THURMAN TESTIFIES IN PERJURY CASE

Former Detective Tells of Action 4 Days After Massacre.

Four days after the Union station massacre B. H. Thurman, sergeant of detectives and former chief of detectives, was told by Eugene C. Reppert, then director of police, and T. J. Higgins, chief of detectives, to "keep his hands off" the massacre investigation, Thurman testified Wednesday afternoon in Reppert's trial for perjury.

Alleged denial of such a statement in his testimony before the federal grand jury investigating the station massacre is the basis of the prjury charge against the former police director.

Thurman admitted on cross-examination that at the time of the massacre he was assigned to a hold-up squad, and that the massacre came under the jurisdiction of the homicide squad, with which he had no connection. He answered in a non-committal fashion a question as to whether he had entertained an enmity toward Chief Thomas J. Higgins, for whose indictment Thurman's grand jury testimony was responsible.

Questioned by Randall Wilson, assistant United States district attorney, Thurman was led over events immediately following the slaying of four peace officers and Frank Nash, escaped convict on the Union station plaza June 17, 1933, and up to the alleged admonition by Reppert and Higgins.

"Called By Higgins"

Four days after the massacre

62-28915

Massacre

[illegible] massacre [illegible] Thurman, sergeant of detectives and former chief of detectives, was told by Eugene C. Reppert, then director of police, and T. J. Higgins, chief of detectives, to "keep his hands off" the massacre investigation, Thurman testified Wednesday afternoon in Reppert's trial for perjury.

Alleged denial of such a statement in his testimony before the federal grand jury investigating the station massacre is the basis of the prjury charge against the former police director.

Thurman admitted on cross-examination that at the time of the massacre he was assigned to a holdup squad, and that the massacre came under the jurisdiction of the homicide squad, with which he had no connection. He answered in a non-committal fashion a question as to whether he had entertained an enmity toward Chief Thomas J. Higgins, for whose indictment Thurman's grand jury testimony was responsible.

Questioned by Randall Wilson, assistant United States district attorney, Thurman was led over events immediately following the slaying of four peace officers and Frank Nash, escaped convict on the Union station plaza June 17, 1933, and up to the alleged admonition by Reppert and Higgins.

'Called By Higgins.'

"Four days after the massacre," Thurman testified, "I was standing in the lobby of the detective bureau when Higgins came out of his office and asked me to go into his office. I went in. Reppert was there. Reppert then told me, and Higgins repeated it, to 'keep your hands off of the massacre investigation'."

At the outset, Thurman testified that he had been chief of detectives for three years up to the appointment of Reppert as director of police; that Reppert had demoted him to detective and later promoted him to sergeant of detectives in charge of the holdup squad.

Called From Home.

He testified that he was called from his home at the time of the station massacre and arrived at the scene soon after it had occurred. He said he worked all day endeavoring to arce the motor car in which the slayers escaped, but had learned nothing.

He said he worked the next three days on the case with no instructions from his superior officers until he was told on the fourth day to "keep his hands off."

"On July 2," Thurman continued, "I met Reppert and Higgins at the detective bureau and Reppert wanted to know if I was working with the federal agents. He wanted to know if the federal agents had located the house where Verne Miller lived; if they had found any leters there, and several other things about what the federal agents had learned."

"Told to 'Keep Hands Off'."

Thurman was asked if Reppert ever said to him: "This is not a police matter. Hands off. Have nothing to do with it."

"Yes, sir," Thurman replied.

"Where did you talk to him?"

"In the lobby at police headquarters."

"What did you talk about, if you know?"

"The Union station massacre."

"After receiving orders to lay off,

Turn to Page 2, Column 1

Mr. Baughman
Chief Clerk
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Gandy

THE KANSAS CITY TIMES, WEDNESDAY, MARCH 6, 1935.

CAROLLA'S NAME IN

Government Introduces Evidence in Reppert Trial Pertaining to Lazia's Associate.

LINKED TO A GANG ATTACK

Grand Jury Was Told He Sent Persons to Kill La Capra, Foreman Relates.

RAYEN TRIP IS MENTIONED

Custody of Wounded Man Sought by Police Lieutenant, According to Testimony.

Charles Carolla, the portly and solemn North Side politician who deals in ginger ale and seltzer water, supplanted the late John Lazia yesterday afternoon as the central figure in the government's roll call of Democratic names in the Eugene C. Reppert perjury trial.

There had been four hours of testimony, elicited from Townley Culbertson, foreman of the federal grand jury that indicted Reppert, dealing with John Lazia's political power, particularly his domination of the police department in the months Reppert was the department's director. Mr. Culbertson related evidence placed before the grand jury showing the friendship that existed between Reppert and Lazia. Swinging suddenly to Lazia's machine gun death, the government counsel asked:

"Didn't the testimony before the grand jury show that after Lazia was slain, Charles Carolla picked up the reins and sent persons out into Kansas to kill Michael La Capra?"

"Yes," Mr. Culbertson said.

La Capra Frequently Mentioned.

Like Lazia's, La Capra's name had been recurrent throughout the day. The former prize fight promoter, who the defense asserted had "an itch for publicity," gave testimony to the grand jury which dealt in a detailed fashion with the activity of the union station killers in the hours immediately before and after the massacre the morning of June 17, 1933.

Randall Wilson, first assistant United States district attorney, conducting the redirect examination of the witness, dwelled momentarily on the status of Carolla, Lazia's most intimate friend and the man who was with him the night he was shot.

"Isn't it true," Mr. Wilson went on, "that Carolla sent out part of his mob to Kansas in order to bump off LaCapra? Wasn't such evidence shown the grand jury?"

"It was."

"And didn't George Rayen, a lieutenant in the police department, go to Kansas and attempt to get La Capra, while he was suffering from superficial wounds, in his custody? Wasn't such evidence brought forth?"

"Yes."

Rayen Refused Custody.

"And didn't the evidence ... Lazia through those encounters."

The afternoon's evidence was proceeding slowly. The testimony was so heavily interpolated by objections, both prosecution and defense, that heated bickerings occurred between the opposing counsel. At one point Judge Albert L. Reeves rebuked Floyd E. Jacobs, a defense attorney, terming his tactics as "unlawyerly" and asked that he desist from the line of questioning and behavior that he was following.

A La Capra Indictment Shown.

Mr. Jacobs's associate, William B. Hogsett, had conducted a thorough cross-examination of Mr. Culbertson. He displayed an indictment returned in 1930, accusing La Capra of narcotics peddling, and continued:

"Weren't the members of the grand jury informed that La Capra not only sold dope, but used it?"

"Yes," Mr. Culbertson replied.

"And you knew he had an incurable itch for publicity?"

Mr. Wilson's objection consumed several minutes, and he was sustained.

"You had evidence," Mr. Hogsett resumed, "showing that Charley Gargotta, Tony Gizzo, Dominick Binaggio and Tano Lococo accompanied Floyd and Richetti from town. Why didn't you indict those men, if you believed La Capra?"

Again the objection was sustained. Judge Reeves leaned forward in his chair and addressed Mr. Hogsett.

"I can't understand how your question is involved in this case now on trial."

In a Whispered Conference.

The counsel approached the bench and a long conference, conducted in whispers, ensued. When the attorney resumed his cross-examination, he did not pursue his last line of questioning.

"Frances Nash, the woman who consorted with Frank Nash, whom the killers tried to liberate, was before you men," Mr. Hogsett said. "Didn't you know an agreement had been reached between the woman and the district attorney's office, promising her freedom if she would testify in behalf of the government?"

"I didn't know of any definite agreement."

Mr. Wilson said:

"Isn't it a matter of fact, Mr. Culbertson, that evidence was introduced showing that T. J. Madden, one of the defense counsel in this case, advised Frances Nash to tell a true story?"

"I believe there was such evidence."

A Series of Objections.

All members of the counsel now had advanced toward the bar, and a long series of objections and arguments took place. Finally, Mr. Wilson resumed.

"You had a number of witnesses who said Lazia and La Capra were close and intimate associates until they fell out over a racket during the time Mr. Reppert was police director, didn't you?"

"Yes."

"And you heard Charley Carolla picked up the reins after Lazia's death?"

"Yes."

Ward C. Gifford, a member of the grand jury, followed Mr. Culbertson on the stand, and his testimony was largely corroborative. He said there had been testimony showing how closely George Rayen was associated with Lazia, consulting the Italian on police matters, accompanying him on motor car trips, and talking with him daily.

"Open Violation" of Laws.

"Several gamblers around town testified that there was open violation of gambling laws while Mr. Reppert was director," Mr. Gifford said. "They said Lazia had control, and directed the police on what places to raid or lay off. In their own words ... Lazia told us whether ..."

2-22

File
Phil

series of objections and arguments took place. Finally, Mr. Wilson [illegible]

"You [illegible] who said Lazia and [illegible] Capra were [illegible] and intimate associates [illegible] they fell out over a racket during [illegible] one Mr. Reppert was police [illegible] didn't you?"

"Yes."

"And you heard Charley Carolla picked up the reins after Lazia's death?"

"Yes."

Ward C. Gifford, a member of the grand jury, followed Mr. Culbertson on the stand, and his testimony was largely corroborative. He said there had been testimony showing how closely George Rayen was associated with Lazia, consulting the Italian on police matters, accompanying him on motor car trips, and talking with him daily.

"Open Violation" of Laws.

"Several gamblers around town testified that there was open violation of gambling laws while Mr. Reppert was director," Mr. Gifford said. "They said Lazia had control, and directed the police on what places to raid or lay off. In their own words they said, 'Lazia told us whether we could go or not.'"

"Did Reppert testify before you?"

"Yes."

"Did he testify concerning violations of the gambling laws while he was police director?"

"Yes. He said he countenanced it and tolerated gambling because it was a public policy."

"Was there any testimony that high officials of the police department consulted with Lazia right after the massacre?"

"I don't recollect that."

Mr. Gifford reconsidered.

To Lazia for Help.

"Yes, I do remember such testimony. I recall that there was testimony that either Reppert or T. J. Higgins (chief of detectives) went to Lazia for help."

Mr. Jacobs's cross-examination revolved around La Capra's version of the massacre, as he gave it to the grand jury.

"You say that Miller and Lazia conferred with Floyd," Mr. Jacobs said. "You got that information from La Capra, didn't you?"

"Yes, in part."

Mr. Wilson and Maurice M. Milligan, United States district attorney, said the government's case probably would consume all of today. The defense expects to complete its case in three days. The trial will begin again at 9:30 o'clock this morning.

CAROLLA'S NAME IN

(Continued from First Page.)

ticularly on the Floyd wound part."

The witness was referring to a defense contention that Charles (Pretty Boy) Floyd, who with Adam Richetti and Verne C. Miller assertedly committed the killings, was not wounded. La Capra's version, based upon a conversation with his brother-in-law,

TOWNLEY CULBERTSON . . . FOREMAN OF THE FEDERAL GRAND JURY THAT INDICTED REPPERT . . . TESTIFIES CHARLES CAROLLA'S NAME ENTERED INVESTIGATION AS THE MAN WHO TOOK OVER THE REINS AFTER JOHN LAZIA'S DEATH.

Sam Scola, who was slain by Sheriff Thomas B. Bash in August, 1933, said that Floyd was wounded.

Floyd Unable to Lift Arm.

"We had testimony," Mr. Culbertson continued, "from a woman who said she served coffee to Miller, Richetti and Floyd the night after the killings occurred who told of a wound Floyd had suffered in one of his shoulders. She said he was unable to lift the arm."

"Did you have any other evidence of John Lazia's connection with Miller?"

"Yes. R. C. Suran, a government agent, testified that Louis Stacci (convicted of conspiracy to obstruct justice in the case) told him that he made two trips to Kansas City before the massacre. Suran said Stacci informed him that each time Miller took Stacci, who was associated with Al Capone, to John Lazia. He said Stacci obtained favors politically from

with John Lazia's political power, particularly his domination of the police department in the months Reppert was the department's director. Mr. Culbertson related evidence placed before the grand jury [illegible]

[illegible]

"Yes," Mr. Culbertson said.

La Capra Frequently Mentioned.

John Lazia's, La Capra's name had been recurrent throughout the day. The former prize fight promoter, who the defense asserted had "an itch for publicity," gave testimony to the grand jury which dealt in a detailed fashion with the activity of the union station killers in the hours immediately before and after the massacre the morning of June 17, 1933.

Randall Wilson, first assistant United States district attorney, conducting the redirect examination of the witness, dwelled momentarily on the status of Carolla, Lazia's most intimate friend and the man who was with him the night he was shot.

"Isn't it true," Mr. Wilson went on, "that Carolla sent out part of his mob to Kansas in order to bump off LaCapra? Wasn't such evidence shown the grand jury?"

"It was."

"And didn't George Rayen, a lieutenant in the police department, go to Kansas and attempt to get LaCapra, while he was suffering from superficial wounds, in his custody? Wasn't such evidence brought forth?"

"Yes."

Rayen Refused Custody.

"And didn't the evidence show that the prosecutor at Wellington, Kas., refused to allow Rayen custody, because he had no warrant?"

"Yes."

"And didn't your evidence disclose

JUDGE ALBERT L. REEVES . . . PRESIDING AT THE REPPERT PERJURY TRIAL . . . COUNSEL BICKERINGS BEING A REBUKE FROM HIM.

that Rayen said to this effect: 'I just wanted to get him back in Kansas City?'"

"It did."

Reppert's defense counsel, in cross-examination, had pointed out that La Capra was a convicted peddler of narcotics and also a user. Mr. Wilson, combating the attack, demanded:

"You didn't obtain all your evidence on the union station massacre case, did you, from La Capra?"

"No," Mr. Culbertson said. "Part

(Continued on Second Page.)

Closing Markets, Race Entries and Latest Results

"NEWS WHILE IT'S NEWS"

KANSAS CITY JOURNAL-POST

The Sentinel on the Hill

81st Year. No. 167. Entered as second-class mail matter at Kansas City, Mo., under the act of March 3, 1879. Kansas City, Mo., Friday, March 8, 1935. Publication Office: [illegible] Published Daily and Sunday.

THURMAN 'KNEW TOO MUCH' IS

es and Latest Results

OURNAL-POST

e Hill

FINANCIAL EDITION

March 8, 1935. Publication Office: 32nd and Oak Sts. Published Daily and Sunday. IN GREATER KANSAS CITY 2c COPY; 15c A WEEK, BY CARRIER

OO MUCH' IS HINT

62-28915-A

INNUENDO USED BY MILLIGAN IN REPPERT TRIAL

Clew in Massacre Caused His Dismissal Is Inference.

By innuendo and direct questions government attorneys attempted to bring out in federal court Friday that police executives dismissed Ben H. Thurman from the detective bureau because he uncovered a "Kansas City gangster's connection with the Union station massacre."

Maurice M. Milligan, United States district attorney, made the attempt while cross-examining Thomas J. Higgins, chief of detectives, an important defense witness at the trial of Eugene C. Reppert, former police director, who is charged with perjury in connection with a federal grand jury investigation of the massacre.

Denies "Lay Off" Order.

In his direct testimony Higgins denied any order ever had been given to any member of the police department to "lay off" the investigation of the Union station massacre.

Frequently during the cross-examination Milligan sought to determine the date Higgins learned that Verne Miller, suspected as one of the station killers, had been living in a bungalow at 6813 Edgevale road.

Higgins evaded a direct answer to that question and the government's attorney asked it again and again in a different form each time.

"When did you learn of the Kansas City man's connection with the Edgevale road residence?" Milligan asked.

Higgins said he wasn't sure, probably about the time Thurman was called into his office to be questioned concerning evidence he had unearthed while working with government agents. The detective chief explained that his first knowledge that Thurman was working on the case and knew of the Edgevale road hideout came when a city detective named Ennis came to him and said that Thurman was watching the place.

Higgins Is Not Sure.

Finally Milligan demanded to know whether Higgins learned

Turn to Page 10, Column 2.

BEN H. THURMAN 'KNEW TOO MUCH,' MILLIGAN HINTS

Continued From Page 1.

the Kansas City man's connection with the house on Edgevale road before or after Thurman's dismissal from the department.

"I'm not sure when it was," Higgins said, "but I believe it was before Thurman left the department."

"Then, that was the reason Ben Thurman was fired, wasn't it?" Milligan asked triumphantly.

"Absolutely not," Higgins declared. "And Thurman was the man who uncovered the horrible conspiracy which resulted in the station massacre and who connected "Fritz" Mulloy with the Edgevale road hideout through furniture taken from that place to his home?"

"He was not," Higgins said.

Carelessness Possible.

Milligan attempted to elicit from Higgins why William Grooms and Frank Hermanson, detectives killed in the massacre, did not have machine guns when they went to the Union station to assist in guarding Frank Nash.

Higgins said he did not know, "unless it was carelessness."

R. E. Vetterli, department of justice agent, testified for the government that he had requested the police to send two men armed with machine guns.

Higgins, replying to questions by Milligan, said the car taken to the station by Grooms and Hermanson was an armored car, the regular equipment of which includes two machine guns and rifles.

Left at Headquarters.

When he went to the station plaza fifteen minutes after the massacre, Higgins said, he found that the machine guns and rifles were not in the car and that Grooms and Hermanson had not had them.

"At first," the chief of detectives said, "I thought the gunmen had taken the weapons and used them in the massacre.

"Later I called police headquarters and found that Hermanson and Grooms had left the guns there."

"Why should they have left the guns there?" Milligan asked.

"This case is over," was Milligan's comeback.

"You haven't shown it yet," Hogsett declared and turned his back to Milligan.

The district attorney resumed his cross-examination and questioned the witness at length concerning his investigation of the massacre and the part Reppert took.

Higgins went over the investigation for the third time since he became a witness, finally mentioning the employment of the Burns Detective agency, about June 26, 1933.

A. R. Lapitz, a Burns operative, came to Kansas City a day or so later, the witness said. He made a report of his investigation from time to time and these were turned over to Reppert by Higgins, the detective chief said.

Remained Under Cover.

While in Kansas City, according to Higgins, Lapitz made a deal with an informer who knew Vern Miller. Neither ever went to police headquarters, remaining under cover for the duration of the investigation, the witness said.

Milligan demanded the name of the informer. Higgins said he didn't know as he never had seen the man.

Hogsett asked the court room at large if Lapitz would supply the district attorney with the information he desired. Then the Burns operative, who had been in the back of the room, got to his feet and walked to the counsel table.

Whispers to Milligan.

"I'd rather not give it in open court, Lapitz said. Then he leaned over and whispered something to Milligan.

Higgins who was recalled to the stand as the first witness of the day was conducted through the direct examination by Hogsett.

"Did you ever give B. H. Thurman, one of your detective sergeants, or any one else, any order to lay off the investigation?"

"I certainly did not," Higgins replied emphatically.

Thurman, the government's star witness at the trial, previously had testified that Higgins and Reppert both had told him to stop his work on the investigation, as it was a government case. That statement by the former detective, which subsequently was denied by Higgins and Reppert before a federal grand jury, was the basis of perjury indictments against the detective could have done was to have prosecuted the killers on a conspiracy charge. Higgins replied that he didn't know that was the law, and that he looked upon it as a murder case.

"Did you figure that you were aiding the government in this investigation?" Milligan asked.

"I thought we were aiding each other."

"Well, if they had killed half the town, you still wouldn't have considered it a police case if two police officers hadn't been murdered?"

Objects to Questioning.

"I considered it murder," the detective chief insisted.

"When did Reppert become director?" Milligan inquired.

"I think it was in March or April, 1932."

"When did he cease to be director?"

"March or April, 1934."

Hogsett objected to the questioning as to whether Higgins knew the government could not prosecute for murder, and said that he, Hogsett, a lawyer, did not know that was the law until he looked it up."

Milligan reverted to Higgins' testimony Thursday in which the chief told of going to the home of his mother-in-law the night before the massacre. This was when R. E. Vetterli, federal agent, telephoned headquarters in an attempt to reach Higgins to tell him that Frank Nash would arrive the next day under guard. Milligan attempted to get Higgins to say where he had been prior to going to his mother-in-law's home, but the chief did not remember.

Witnesses Questioned.

"On the morning of the massacre," Milligan continued, "I understood you to state in your testimony that you took the statements at police headquarters of a number of persons who claimed to be eye witnesses to the massacre?"

"Yes," Higgins replied.

"Before that, you gathered up all the ballistic evidence you could find? You combed the ground for ballistic or other evidence and you turned all such evidence that you found, and that was turned over to you by other persons, to Merle A. Gill?"

"Yes. I had between fifteen or twenty pieces of bullets and shells and other ballistic evidence. I couldn't tell exactly how many?"

"Was any of this stuff turned over to anyone else besides Gill?"

"I might have turned some over to Lt. William Gordon, head of our bureau of identification."

"Well, what was turned over to Gill?"

"To the best of my knowledge, I turned it all over to Gill."

Would Ask Gordon.

"This is an important matter, chief, in which a murder is involved. Do you know what you turned over to Gordon?"

"I can't remember that. The best way to get that information is to get Gordon here. He would know."

"I'm asking you."

"And I'm trying to give you the best answer, as I remember it."

Milligan then switched to Higgins' testimony Thursday in which the chief told of sending two men to Elmer, Mo., to check up on license plates, believed at the time to have been on the car of the killers.

"Who gave the orders to go?" Milligan said.

"Mr. Reppert," Higgins replied.

"Well, who gave the order?"

"I may have, but under instructions from Reppert."

Milligan took up Higgins' testimony about a purported gang hideout on the Lake of the Ozarks.

"You said you had received a tip prior to the massacre that there was a hangout for crooks on the Lake of the Ozarks."

Group Sent to Ozarks.

"Yes, sir."

"And you said you sent two or three men to the Ozarks to make an investigation?"

"Yes, sir."

"Where was the hangout?"

"I don't know the name of the town. Lieutenant Rayen had a contact down there." Higgins said Rayen acted on information given him by a man named Fleetwood.

Mention of John Lazia as an underworld character listed with the government by police came as something of a surprise to Milligan at the Thursday afternoon session.

The district attorney previously had objected to introduction of the list of 300 names during the examination of Higgins and Hogsett dropped that line of questioning. Then, apparently as an afterthought, Milligan inquired:

"Is John Lazia's name on the list up toward the front of the 300 names."

The answer was unexpected and Milligan frowned. The audience laughed, and the jurors, who had heard the government's often repeated assertion that Lazia ran the police department, grinned behind their hands.

Surprise to Hogsett.

Hogsett, too, was surprised, but he took advantage of the situation. "So you were not just exactly protecting Lazia then?"

"Just a minute," Milligan said. He made an objection to the question and was sustained, but the damage had been done. The matter rested with Higgins identifying the slain politician's name as one of Kansas City's 300 underworld characters he believed should have been brought to the attention of the government.

equipment of which includes two machine guns and rifles.

Left at Headquarters.

When he went to the station plaza fifteen minutes after the massacre, Higgins said, he found that the machine guns and rifles were not in the car and that Grooms and Hermanson had not had them.

"At first," the chief of detectives said, "I thought the gunmen had taken the weapons and used them in the massacre.

"Later I called police headquarters and found that Hermanson and Grooms had left the guns there."

"Why should they have left the guns there?" Milligan asked.

"I can't tell you unless it was carelessness," the chief of detectives replied. "I wish I could tell you. The only explanation I have is carelessness."

Higgins said that frequently federal narcotic agents call for police assistance in guarding narcotic prisoners being transferred to the federal penitentiary at Leavenworth.

"Perhaps Grooms and Hermanson were under the impression that they were going on a narcotic case and didn't think they would need the machine guns," Higgins said.

Might Get Holdup Call.

"What if they did think that was the case, leave their guns at the police headquarters, and on the way to the station get a call to go to a downtown robbery?" asked Milligan. "Wouldn't that be a violation of your rules?"

"It would be carelessness, at least," Higgins replied.

Frequently during the testimony leading up to the attempt to show lack of police interest in the case because of the Kansas City man's connection, Milligan sought to bring out that Higgins and his men did little with evidence they obtained at Miller's hiding place.

Checked Every Clew.

Higgins declared the department not only investigated every possible clew but even went so far as to employ representatives of the Burns detective agency to aid in the hunt for the killers.

"You didn't know anything about the place on Edgevale road until Thurman told you, did you?" Milligan asked.

"Thurman told me nothing until I called him in and asked him about the place at 6612 Edgevale road that he was watching," Higgins said. It was then that he explained that Ennis gave him his first information about Thurman's activities.

"I called Thurman in and asked him what was going on. He said he had located a house out on Edgevale road and that a man named Moore had been living there and day was conducted through the direct examination by Hogsett.

"Did you ever give B. H. Thurman, one of your detective sergeants, or any one else, any order to lay off the investigation?"

"I certainly did not," Higgins replied emphatically.

Thurman, the government's star witness at the trial, previously had testified that Higgins and Reppert both had told him to stop his work on the investigation, as it was a government case. That statement by the former detective, which subsequently was denied by Higgins and Reppert before a federal grand jury, was the basis of perjury indictments against the detective chief and the former director.

Reads Numerous Letters.

Just before Hogsett asked the question about ordering department members to "lay off," he attempted to show the activities of Higgins and Reppert in their investigation of the station killing by reading numerous letters sent to and received from law enforcement agencies in various parts of the country.

The first letter was one dated July 8, 1933, several weeks after the alleged "lay off" order was given. It was to Reppert from the sheriff of Chippewa county, Wis.

Higgins, to whom the letter had been turned over by the police director, answered July 9. It was concerning a man in Chippewa Falls, an acquaintance and lodge member of Verne C. Miller, a suspect in the station murders, who said he had seen the fugitive there a short time before the sheriff wrote his letter.

In his reply, Higgins warned the sheriff that Miller was a dangerous man and a deadly machine gunner, who would not hesitate to shoot.

"Once we have the man in custody," Higgins' reply said in part, "I believe the key to the murder here will be obtained."

Another letter, dated July 17, 1933, and written to Higgins by Michael Loughlin, chief of police of Ft. Wayne, Ind., inquired whether Dan Stokes, an acquaintance of Mrs. Frank Nash, whose husband, a federal prisoner, was one of the five station victims, was wanted in connection with the killings.

Eager to Get Information.

Higgins replied July 20 and said that it would be well if the Ft. Wayne chief could learn anything about the man, as he was a friend of Mrs. Nash.

"We are eager to get anyone connected with the massacre, or who could give us information," the Kansas City detective chief concluded that communication.

[illegible] stood you to state in your testimony that you took the statements at police headquarters of a number of persons who claimed to be eye witnesses to the massacre?"

"Yes," Higgins replied.

"Before that, you gathered up all the ballistic evidence you could find? You combed the ground for ballistic or other evidence and you turned all such evidence that you found, and that was turned over to you by other persons, to Merle A. Gill?"

"Yes. I had between fifteen or twenty pieces of bullets and shells and other ballistic evidence. I couldn't tell exactly how many?"

"Was any of this stuff turned over to you by federal agents?"

Saw Only Vetterli.

"The only agent I remember seeing there was Vetterli."

"When did you get there (at the scene of the massacre)?"

"Within fifteen minutes after the massacre occurred. I got a call at my home from police headquarters."

"And you turned all this evidence over to Merle Gill?"

"Yes."

"Did you or did any officer or anyone else turn over any evidence to Gill?"

"I turned all evidence over to Gill."

"Was any ballistic evidence turned

"I don't know the name of the town. Lieutenant Rayen had a contact down there." Higgins said Rayen acted on information given him by a man named Fleetwood.

Mention of John Lazia as an underworld character listed with the government by police came as something of a surprise to Milligan at the Thursday afternoon session.

The district attorney previously had objected to introduction of the list of 300 names during the examination of Higgins and Hogsett dropped that line of questioning. Then, apparently as an afterthought, Milligan inquired:

"Is John Lazia's name on the list of underworld characters?"

Crowd Awaits Reply.

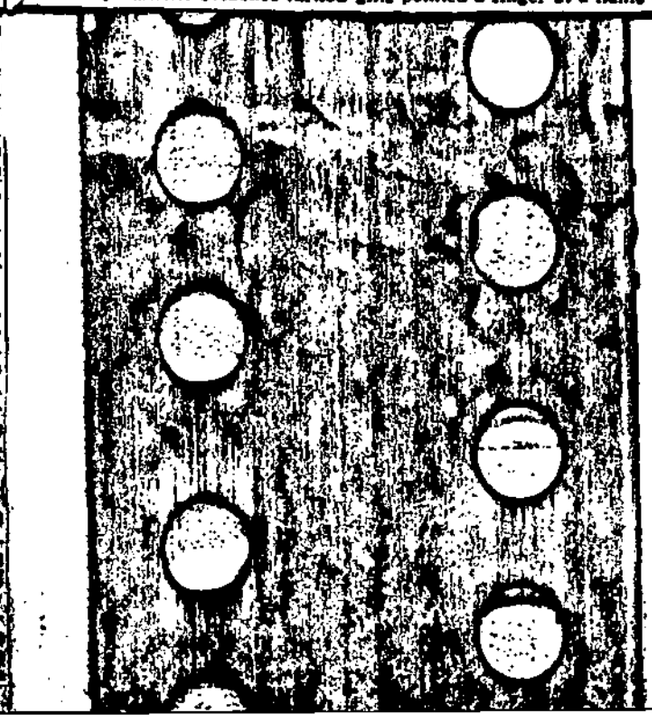
Higgins paused for a moment and everyone in the crowded court room sat forward for the answer.

"I object," Hogsett said. "Lazia was dead in October, 1933, when that list was turned over to the government by the police department."

"Oh, no he wasn't," Milligan said. "He was tried in this very court room for income tax evasion five months after that date."

Higgins fingered the list and Milligan repeated, "Is Lazia's name on that list?"

"Yes, it is. Here it is," and Higgins pointed a finger at a name well



clew but even ... employ representatives of the Burns detective agency to aid in the hunt for the killers.

"You didn't know anything about the place on Edgevale road until Thurman told you, did you?" Milligan asked.

"Thurman told me nothing until I called him in and asked him about the place at 6613 Edgevale road that he was watching," Higgins said. It was then that he explained that Ennis gave him his first information about Thurman's activities.

"I called Thurman in and asked him what was going on. He said he had located a house out on Edgevale road and that a man named Moore had been living there, and that the place looked suspicious."

Reason He Called Him.

"You knew Moore really was Miller, didn't you?" Milligan asked.

"No."

"Then you had no knowledge at all of the progress Thurman was making in the investigation until Ennis told you?"

"No," said Higgins. "That was why I called him in."

Considerable time was taken out for an argument between attorneys when Milligan asked Higgins if George Rayen, police lieutenant, who also is under federal indictment on a perjury charge, wasn't a close friend of John Lazia, slain North side politician. William S. Hogsett, defense attorney, objected to the question and the matter was taken before Judge Albert L. Reeves.

Objects to Question.

Finally it was agreed that the witness should not answer. After a few unimportant preliminary questions, Milligan wanted to know if Rayen would be called as witness for Reppert.

Hogsett was on his feet again and objected to that question.

The attorneys, their nerves obviously frayed by the week's proceedings, glared at each other.

"I have not announced that Rayen will be a witness," Hogsett snapped.

"Well, I understood you had," Milligan replied.

"Well, I hadn't."

"I wouldn't have asked that question if I hadn't thought he would be a witness." Milligan returned with some heat.

Hogsett again took his chair with. "I'll accept your apology." Then to the court room at large, the defense attorney said: "I certainly don't know what your theory of this case is."

Turns Back to Milligan.

"I'll show you our theory before ... Wayne, Inc., inquired ... Stokes, an acquaintance of Mrs. Frank Nash, whose husband, a federal prisoner, was one of the five station victims, was wanted in connection with the killings.

Eager to Get Information.

Higgins replied July 20 and said that it would be well if the Ft. Wayne chief could learn anything about the man, as he was a friend of Mrs. Nash.

"We are eager to get anyone connected with the massacre, or who could give us information," the Kansas City detective chief concluded that communication.

The sheriff at Arkadelphia, Ark., inquired if a Frank LeFevre was wanted in connection with the massacre in a letter dated July 17, 1933. Higgins replied to that three days later and said he had never heard of the man mentioned, but that he would welcome any information that would aid in solving the case.

A number of other letters, all along the same line, also were read to the jury by Hogsett, and each reply by Higgins was to the effect the department here wanted all available information.

Chief of Detectives Considered Massacre Police Case, He Says

At the outset of his cross examination of T. J. Higgins, chief of detectives, Maurice M. Milligan United States district attorney took up a conference at police headquarters on the day after the massacre.

Higgins had testified that he heard Reppert say: "This is a mess. You got two of our officers killed."

The chief of detectives denied that he heard Reppert say: "This is a government case, not a police case."

Milligan was persistent in efforts to get Higgins to admit that the statement had been made, but was unsuccessful.

"You say you consider this was a police case?" Milligan inquired.

"Yes," Higgins replied.

"You considered this a police case because two policemen were killed?"

"Because It Was Murder."

"No, because it was murder. I was thinking of all who were there."

Milligan then attempted to establish that Higgins must have known that the only thing the government

THE KANSAS CITY STAR, FRIDAY, MARCH 8, 1935.

Mr. Leite
Mr. Quinn
Mr. Schilder
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Candy

HIGGINS IN DENIAL

Detective Chief Asserts on Stand He Never Ordered Men to "Lay Off" Massacre.

ON STAND FOR REPPERT

The Then Director of Police Was Zealous in Hunt for Slayers, He Testifies.

INTRODUCE POLICE MESSAGE

Letters, Telegrams and Calls to Other Cities Are Offered as Evidence.

Thomas J. Higgins, chief of detectives, on the witness stand in federal court today, denied point blank that at any time he had told B. H. Thurman or any other police officer to "lay off" the union station massacre case.

That was on direct examination by William S. Hogsett, counsel for Eugene C. Reppert, former director of police, on trial on a charge of perjury. He made further denial on cross-examination by Maurice M. Milligan, United States district attorney.

Blamed Federal Men.

Higgins, on cross-examination, said he heard Reppert say to R. E. Vetterli and two other federal agents, the Sunday following the slayings:

"This is a mess; you got us into it and got two of our men killed."

He denied he ever heard Reppert say:

"This is a government case and not a police case."

Under direct examination, Hogsett asked Higgins:

"Did you ever give Thurman or any other officer an order to lay off the massacre case?"

Milligan objected. He asserted that the defense already had covered that point thoroughly. Judge Reeves overruled the objection, and Hogsett continued:

"Did you ever give such an order?"

"Never."

"He's your witness," Hogsett said, turning to Milligan.

First Witness Today.

Higgins went on the stand at 9:30 o'clock when court convened, following a long session yesterday. Hogsett was the questioner. First he got into the record correspondence between Higgins and police officers of other cities and counties following the massacre.

The defense was attempting to show by the correspondence that for many weeks following the slayings, the Kansas City police department was active in seeking the murderers.

First was offered a letter from a sheriff in Wisconsin received by Reppert, saying it had been reported that Verne C. Miller, sought here, one of the slayers, had been seen there.

There followed a reading of the reply by Higgins giving a description of Miller and saying:

"This man is badly wanted here. We believe when we get him we will have the killer. This man is a cold-blooded killer."

Details of Hunt.

Hogsett read a letter dated July 17 to Higgins from the chief of police

came angered and with a voice boiling with sarcasm asked:

"As a matter of fact, if two police officers weren't killed out there, it wouldn't have been a police case, would it? If they had killed half the town out there it wouldn't have been a police case unless a police officer was killed, would it?"

"There was murder committed," Higgins answered.

File Plan

415-A

"He's your witness," Hogsett said, turning to Milligan.

First Witness Today.

[redacted]gins went on the stand at 9:30 o'clock when court convened, following a long session yesterday. Hogsett was the questioner. First he got into the record correspondence between Higgins and police officers of other cities and counties following the massacre.

The defense was attempting to show by the correspondence that for many weeks following the slayings, the Kansas City police department was active in seeking the murderers.

First was offered a letter from a sheriff in Wisconsin received by Reppert, saying it had been reported that Verne C. Miller, sought here, one of the slayers, had been seen there.

There followed a reading of the reply by Higgins giving a description of Miller and saying:

"This man is badly wanted here. We believe when we get him we will have the killer. This man is a cold-blooded killer."

Details of Hunt.

Hogsett read a letter dated July 17 to Higgins from the chief of police of Fort Wayne, Ind., telling of a Daniel T. Stokes there who was a friend of Mrs. Francis Nash and asking if Stokes was wanted by the Kansas City police. It said Fort Wayne police were watching for Miller.

The repip, dated July 20, by Higgins, said Stokes was not suspected in connection with the union state case, but to keep watching for Miller.

A letter was read, dated July 17, from the chief of police of Arkadelphia, Ark., telling of a man under arrest there and giving a description.

Hogsett read a reply by Higgins, dated three days later.

Under date of July 20, was a letter from the chief of police of Indianapolis to Robert Phelan, then chief of police, again mentioning Stokes. Higgins's replay was dated July 22.

Another letter, dater July 22, from a police officer in New York, was read. The reply, under the same date, was read.

A letter was read, dated August 6, showing Higgins had sent a photograph of Miller to the sheriff at Springfield, Mo.

A Letter In.

Then Hogsett took up the direct questioning of Higgins.

"Did you receive an anonymous letter from Bowling Green, O., without date, of which this is a copy?"

He passed the copy to Higgins, who glanced at it.

"Yes sir, I did."

"That was two and one-half months after the massacre, was it not?"

"It was."

The letter was not given to the jury.

Hogsett then offered carbon copies of Burns Detective Agency reports and Randall Wilson, an assistant United States district attorney, objected. He argued that the originals were the best evidence. Hogsett asserted that now, in court, carbon copies were regarded as originals.

Wilson objected and was sustained, and the reports were not admitted as evidence.

"A Police Case."

"You say you considered this a police case?" Milligan asked Higgins.

"Yes," the detective chief replied.

Q. You considered it a murder?

A. Yes.

Q. Did you know that federal laws would not let the United States prosecute any of the killers for murder?

A. I was not sure.

Q. Was it discussed that the government would not prosecute the killers as murderers?

A. I didn't know that.

Q. You never heard it discussed at all—what the government could do towards prosecution. Why did you consider it a police case?

A. Because two police officers were killed.

At this point Milligan apparently be-

THE KANSAS CITY TIMES, FRIDAY, MARCH 8, 1935

Mr. Tamm
Mr. Tracy
Miss Gandy

ICE: In Kansas City...3 Cents
Elsewhere.....5 Cents

LAZIA ON GANG LIST

T. J. Higgins Says Government Was Given His Name Among Underworld Characters.

SURPRISE ANSWER TO U.S.

Prosecution Has Contended the North Side Leader Dominated Police Department.

"HANDS OFF" ORDER DENIED

Detective Chief Testifies Reppert Did Not Direct That Massacre Probe Be Dropped.

John Lazia may have dominated the Kansas City police department in the latter months of his life, but to Thomas J. Higgins, chief of detectives, he was one of the city's 500 better known underworld characters.

A torpid courtroom aroused itself to an amused attention late yesterday when Higgins, occupying the witness stand in the Eugene C. Reppert perjury trial, brought forth the brand he had placed on the man with the "third right" at police headquarters. His testimony came almost inadvertently. Nobody had mentioned John Lazia's name all afternoon, a singular fact in view of its repetition throughout the week.

William S. Hogsett, defense counsel, had led the stocky chief of detectives through a multiplicity of exhibits, ranging from the police radio log to a 3-gallon can of tacks. Then he produced a document of two pages, embellished, he said, with the names of men who frequented the show-up room at headquarters. The names were guarded carefully by the counsel.

List Requested by the U. S.

Mr. Hogsett was amplifying the defense contention that Reppert, as the director of police, did everything in his power to apprehend the killers in the union station massacre. Higgins said the list of names had been prepared in October, 1933, after the government agents had asked for them.

"There are 300-odd names here," Mr. Hogsett said. "Do they represent the men known as police characters?"

"Yes," Higgins replied.

Maurice M. Milligan, United States district attorney, objected to the placing of the list in evidence.

"I think they better not be entered," Judge Albert L. Reeves said, "as th

were guarded carefully by the counsel.

List Requested by the U. S.

Mr. Hogsett was amplifying the defense contention that Reppert, as the director of police, did everything in his power to apprehend the killers in the union station massacre. Higgins said the list of names had been prepared in October, 1933, after the government agents had asked for them.

"There are 300-odd names here," Mr. Hogsett said. "Do they represent the men known as police characters?"

"Yes," Higgins replied.

Maurice M. Milligan, United States district attorney, objected to the placing of the list in evidence.

"I think they better not be entered," Judge Albert L. Reeves said, "as in that case they would be available for publication."

"Moreover," Mr. Milligan added, "counsel hasn't shown the names had anything to do with the massacre investigation."

Defense Counsel Agrees.

"All right, all right," Mr. Hogsett answered, and he started to walk back toward the counsel table. Mr. Milligan suddenly addressed the witness:

"Is the name of John Lazia on that list of your underworld characters?"

"I object," Mr. Hogsett said. "John Lazia was dead in October, 1933."

"Oh, no," Mr. Milligan said. "He was tried in this very court and convicted of failure to file an income tax return five months later."

The list had been handed to Higgins.

"Was Lazia's name on that list?" the district attorney reiterated.

"Yes, it was. Here it is."

Mr. Milligan frowned. The audience could not restrain its mirth. The jurors, fully aware of the government's assertion that Lazia ran the police department, grinned broadly. Mr. Hogsett gathered himself together, waved one arm excitedly, and cried:

"So you were not just exactly protecting John Lazia then? The man whose name we've heard so recurrently in this case was a police character, and you told the government that, did you?"

U. S. Objection Sustained.

"Just a minute," Mr. Milligan said, and his objection to the question was sustained. The defense counsel let the matter drop.

"Now did you ever hear Reppert say in your presence to Ben H. Thurman, sergeant of detectives, four days after the massacre, or any time: 'This is not a police matter. Hands off. Have nothing to do with it.'"

"I never did."

"Did you ever hear him say to Charlton Beatty, a detective: 'This is not our case. It's a government case, and you can go on with your regular assignment.'?"

"No, that was never said in my presence."

Higgins's denial was a flat contradiction of the government evidence submitted by Thurman and Beatty.

Radio Log Is Introduced.

The police radio log of June 17, 1933, dealing with the massacre which occurred at 7:15 o'clock that morning, was the first of a long series of exhibits introduced at the afternoon session. The log as read by Mr. Hogsett:

7:21 a. m.—There has been a shooting in front of the union station, men have been murdered; all patrol cars go to the union station and assist.

7:22—To patrol car No. 43: Go to the Plaza hotel, across the street from the union station, and get information on shooting scrape.

7:30—Attention all cars: Two white men in blue shirts in a Chevrolet coach or sedan murdered men in front of the union station. Be on the lookout.

7:33—Attention all cars. License number Chevrolet sedan or coach is Mo. 423-329.

7:35—Information: Grooms of car 103 killed and Hermanson fatally wounded.

7:40—Attention all cars, chiefly county cars southwest of Kansas City: Seven men killed or fatally wounded in front of the union

Mr. Tolson
Mr. Boardman
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Edwards
Mr. Tamm
Mr. Tracy
Miss Gandy

station. Use all caution in apprehension of slayers.

8:20—Pick up two white men in black Chevrolet sedan; escaped through Penn Valley Park, apparently headed for Kansas. Wanted in station murders.

A Bulletin Repeated Later.

The last bulletin, as read by Hogsett, was repeated at 8:24 o'clock and at 9:03 o'clock.

10:16—Pick up two white men, both neatly dressed, one with round face and clean-y shaven. Escaped through Penn Valley Park. Repeated at 10:30 o'clock.

10:50—Additional information. Pick up two white men, one with Panama hat, have two automatics. Information from cruiser No. 102.

Repeated at 11:17 o'clock and 11:38 o'clock.

12:34 o'clock p. m.—Pick up for murders at union station two white men. Shot and killed six men this morning.

4:42—Pick up four men for murders. Wanted for murder of five men at union station. Also cancel pickup on license Mo. 428-329. No connection with the crime.

8:19—Pick up four man.

That was the last police radio

salary?' He said the government men had told him to keep quiet.

"I went out to the house later. I found a blood-soaked bandage, several old letters that were torn up and a 3-gallon can of big-headed tacks. These I brought to the office as future evidence."

"What are those tacks commonly used for by desperadoes?"

"To halt pursuing cars."

The Can Defies Opening.

Mr. Hogsett took the can of tacks into the courtroom. Considerable difficulty was encountered by the witness in opening the can, ordinarily used as a milk container. Mr. Milligan was objecting to the introduction of the exhibit.

"R. E. Vetterli, our witness," he said, "told of finding those tacks several days before Higgins says he went out to the house."

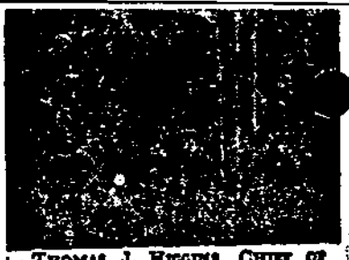
"We admit that," Mr. Hogsett replied. "We're showing that where your agent left the clues, the police department seized them for future use as exhibits."

Higgins grasped a handful of the tacks, and they sloshed from his hands. The jurors scrambled from their seats to assist in retrieving them. The judge arose and leaned across the bench to watch the activity.

The trial will be resumed at 9:30 o'clock this morning, with Higgins on the stand, probably undergoing cross-examination by the government counsel.

File

62-28915-A



THOMAS J. HIGGINS, CHIEF OF DETECTIVES . . . THE CAN CONTAINS TACKS FOUND AT VERNE C. MILLER'S HOME . . . TYPE USED BY DESPERADOES TO HALT PURSUING CARS . . . HIGGINS DROPS HANDFUL AND JURORS SCRAMBLE FROM SEATS TO HELP PICK THEM UP . . . JUDGE LEANS OVER BENCH TO WATCH.

broadcast record offered at the time by Mr. Hogsett. He turned to Higgins, still in the witness chair.

"Your department, under Mr. Reppert, engaged commercial radio companies, did it not?"

Randall Wilson, for the government, objected, and the objection was sustained. Mr. Hogsett phrased it differently.

"Were there other broadcasts?" he asked.

Broadcasts by Other Stations.

"Yes, Mr. Reppert said to get in touch with other broadcasting stations."

A series of long distance telephone tolls, over government objections, were introduced as those placed by Higgins and his subordinates to inform adjoining towns and other cities of the massacre and to ask that police officers be on the lookout for the slayers.

Mr. Milligan demanded the identification of tolls be limited to those Higgins himself had made.

"I can't see why the opposing counsel can't be sufficiently liberal to forget such technicalities," Mr. Hogsett told the court.

"Were you present when some of your men made the calls?" Judge Reeves asked the witness.

"Yes."

"Then you may stipulate those calls."

Pickup Order on Bulletin.

Two of the telephone conversations were with officials in Tulsa and in Minneapolis. The police department bulletin next joined the growing pile of exhibits, telling of the pickup order issued June 17, 1933.

"Was there a conference in your headquarters about four hours after the slayings?" Mr. Hogsett asked.

"Yes. About seventy-five detectives, both from the night and day staffs, were present."

"Who addressed you and the men?"

"Mr. Reppert. He said every detective was assigned to the case, for all to forget their regular hours and bring in the men responsible for the deaths. He said to spare no expense."

The detail of police activity continued. An airplane was engaged to go to Elmer, Mo.; a gang hideout in the Lake of the Ozarks region was visited by three police officers accompanied by a federal agent; men were assigned to all the highways; four raids were made on empty houses where neighborhood folk had seen strange men, with Reppert, armed, leading one raid; and Reppert and Higgins hired operatives from the Burns detective agency to assist them in tracking down the killers.

Miller Picture to Police.

A picture of Verne C. Miller, one of the slayers, first was introduced at headquarters, Higgins testified, by a Burns agent, who was acquainted with the desperado. He was certain the identification was the first made of Miller.

A few days after the massacre, Higgins continued, a detective informed him Thurman had been to the Miller residence on the South Side, accompanied by federal agents.

"I asked Thurman how long he had known about the place," the chief of detectives related. "He said several days. I asked him why he hadn't told me. 'Aren't you working under me?' I said. 'Isn't the city paying you your

"NEWS WHILE IT'S NEWS"

KANSAS CITY J

The Sentinel o

81st Year. No. 167.

Entered as second class mail matter at Kansas City, Mo., under the act of March 3, 1879.

Kansas City, Mo., Fri

NO 'LAY OFF' ORDER EVE

AS CITY JOURNAL-POST

The Sentinel on the Hill

Kansas City, Mo., Friday, March 8, 1935.

Publication Office: 22nd and Oak Sts.
Published Daily and Sunday.

ORDER EVER GIVEN, HIGGI

DETECTIVE C
RECALLED T
AT REPPER

OST

AFTERNOON EDITION

n Office: 22nd and Oak Sts. ished Daily and Sunday.

IN GREATER KANSAS CITY 2c PER) 15c A WEEK COPY) BY CARRIER

IGGINS SAYS

IVE CHIEF IS LED TO STAND PPERT'S TRIAL

He Denies B. H. Thurman Was Instructed Not to Probe Killings.

LETTERS ARE READ

Witness Reveals Activities in Connection With Massacre Case.

No order ever was given to any member of the department to "lay off" the investigation of the Union station massacre, according to the testimony Friday in federal court of Thomas J. Higgins, chief of detectives.

Higgins, who was recalled to the stand as the first witness of the day at the trial of Eugene C. Reppert, former police director, on a charge of perjury, made the answer in response to a question from William S. Hogsett, a defense attorney.

"Did you ever give B. H. Thurman, one of your detective sergeants, or any one else, any order to lay off the investigation?"

"I certainly did not," Higgins replied emphatically.

Thurman, the government's star witness at the trial, previously had testified that Higgins and Reppert both had told him to stop his work on the investigation, as it was a government case. That statement by the former detective, which subsequently was denied by Higgins and Reppert before a federal grand jury, was the basis of perjury indictments against the detective chief and the former director.

Reads Numerous Letters.

Just before Hogsett asked the question about ordering department members to "lay off," he attempted to show the activities of Higgins and Reppert in their investigation of the station killing by reading numerous letters sent to and received from law enforcement agencies in various parts of the country.

The first letter was one dated July 6, 1932, several weeks after the

NO ORDER GIVEN TO 'LAY OFF,' SAYS DETECTIVE CHIEF

Continued From Page 1.

of the man mentioned, but that he would welcome any information that would aid in solving the case.

A number of other letters, all along the same line, also were read to the jury by Hogsett, and each reply by Higgins was to the effect the department here wanted all available information.

Is Cross-Examined.

Maurice M. Milligan, United States district attorney, in his cross-examination, took up a conference at police headquarters on the day after the massacre.

Higgins had testified that he heard Reppert say: "This is a mess. You got two of our officers killed."

The chief of detectives denied that he heard Reppert say: "This is a government case, not a police case."

Milligan was persistent in efforts to get Higgins to admit that the statement had been made, but was unsuccessful.

"You say you consider this was a police case?" Milligan inquired.

"Yes," Higgins replied.

"You considered this a police case because two policemen were killed?"

"Because It Was Murder."

"No, because it was murder. I was thinking of all who were there."

Milligan then attempted to establish that Higgins must have known that the only thing the government could have done was to have prosecuted the killers on a conspiracy charge. Higgins replied that he didn't know that was the law, and that he looked upon it as a murder case.

"Did you figure that you were aiding the government in this investigation?" Milligan asked.

"I thought we were aiding each other."

"Well, if they had killed half the town, you still wouldn't have considered it a police case if two police officers hadn't been murdered?"

Objects to Questioning.

"I considered it murder," the detective chief insisted.

"When did Reppert become director?" Milligan inquired.

"I think it was in March or April, 1932."

"When did he cease to be director?"

"March or April, 1934."

Hogsett objected to the questioning as to whether Higgins knew the government could not prosecute for murder, and said that he, Hogsett, a lawyer, did not know that was the law until he looked it up."

Milligan reverted to Higgins' testimony Thursday in which the chief told of going to the home of his mother-in-law the night before the massacre. This was when R. E. Vetterli, federal agent, telephoned headquarters in an attempt to reach Higgins to tell him that Frank Nash would arrive the next day under guard. Milligan attempted to get Higgins to say where he had been prior to going to his mother-in-law's home, but the chief did not remember.

Mention of John Lazia as an underworld character listed with the government by police came as something of a surprise to Milligan Thursday afternoon.

The district attorney previously had objected to introduction of the list of 300 names during the examination of Higgins and Hogsett

[illegible] crowded court room [illegible] for the answer.

[illegible]," Hogsett said. "Lazia [illegible] in October, 1933, when [illegible] was turned over to the [illegible] by the police department."

"Oh, no he wasn't," Milligan said. "He was tried in this very court room for income tax evasion five months after that date."

Higgins fingered the list and Milligan repeated, "Is Lazia's name on that list?"

"Yes, it is. Here it is," and Higgins pointed a finger at a name well up toward the front of the 300 names.

The answer was unexpected and Milligan frowned. The audience laughed, and the jurors, who had heard the government's often repeated assertion that Lazia ran the police department, grinned behind their hands.

Surprise to Hogsett.

Hogsett, too, was surprised, but he took advantage of the situation. "So you were not just exactly protecting Lazia then?"

"Just a minute," Milligan said. He made an objection to the question and was sustained, but the damage had been done. The matter rested with Higgins identifying the slain politician's name as one of Kansas City's 300 underworld characters he believed should have been brought to the attention of the government.

File Plan

He Denies B. H. Thurman Was Instructed Not to Probe Killings.

LETTERS ARE READ

Witness Reveals Activities in Connection With Massacre Case.

No order ever was given to any member of the department to "lay off" the investigation of the Union station massacre, according to the testimony Friday in federal court of Thomas J. Higgins, chief of detectives.

Higgins, who was recalled to the stand as the first witness of the day at the trial of Eugene C. Reppert, former police director, on a charge of perjury, made the answer in response to a question from William S. Hogsett, a defense attorney.

"Did you ever give B. H. Thurman, one of your detective sergeants, or any one else, any order to lay off the investigation?"

"I certainly did not," Higgins replied emphatically.

Thurman, the government's star witness at the trial, previously had testified that Higgins and Reppert both had told him to stop his work on the investigation, as it was a government case. That statement by the former detective, which subsequently was denied by Higgins and Reppert before a federal grand jury, was the basis of perjury indictments against the detective chief and the former director.

Reads Numerous Letters.

Just before Hogsett asked the question about ordering department members to "lay off," he attempted to show the activities of Higgins and Reppert in their investigation of the station killing by reading numerous letters sent to and received from law enforcement agencies in various parts of the country.

The first letter was one dated July 8, 1933, several weeks after the alleged "lay off" order was given. It was to Reppert from the sheriff of Chippewa county, Wis.

Higgins, to whom the letter had been turned over by the police director, answered July 9. It was concerning a man in Chippewa Falls, an acquaintance and lodge member of Verne C. Miller, a suspect in the station murders, who said he had seen the fugitive there a short time before the sheriff wrote his letter.

In his reply, Higgins warned the sheriff that Miller was a dangerous man and a deadly machine gunner, who would not hesitate to shoot.

"Once we have the man in custody," Higgins' reply said in part, "I believe the key to the murder here will be obtained."

Another letter, dated July 17, 1933, and written to Higgins by Michael Loughlin, chief of police of Ft. Wayne, Ind., inquired whether Dan Stokes, an acquaintance of Mrs. Frank Nash, whose husband, a federal prisoner, was one of the five station victims, was wanted in connection with the killings.

Eager to Get Information.

Higgins replied July 20 and said that it would be well if the Ft. Wayne chief could learn anything about the man, as he was a friend of Mrs. Nash.

"We are eager to get anyone connected with the massacre, or who could give us information," the Kansas City detective chief concluded that communication.

[redacted] sheriff at Arkadelphia, Ark., inquired if a Frank Lefferts was wanted in connection with the [redacted] Higgins replied July 21 [redacted] Lefferts was [redacted] Nash, [redacted] Miller, [redacted] Kansas City, Kan.

is a government case, not a police case."

Milligan was persistent in efforts to get Higgins to admit that the statement had been made, but was unsuccessful.

"You say you consider this was a police case?" Milligan inquired.

"Yes," Higgins replied.

"You considered this a police case because two policemen were killed?"

"Because It Was Murder."

"No, because it was murder. I was thinking of all who were there."

Milligan then attempted to establish that Higgins must have known that the only thing the government could have done was to have prosecuted the killers on a conspiracy charge. Higgins replied that he didn't know that was the law, and that he looked upon it as a murder case.

"Did you figure that you were aiding the government in this investigation?" Milligan asked.

"I thought we were aiding each other."

"Well, if they had killed half the town, you still wouldn't have considered it a police case if two police officers hadn't been murdered?"

Objects to Questioning.

"I considered it murder," the detective chief insisted.

"When did Reppert become director?" Milligan inquired.

"I think it was in March or April, 1932."

"When did he cease to be director?"

"March or April, 1934."

Hogsett objected to the questioning as to whether Higgins knew the government could not prosecute for murder, and said that he, Hogsett, a lawyer, did not know that was the law until he looked it up."

Milligan reverted to Higgins' testimony Thursday in which the chief told of going to the home of his mother-in-law the night before the massacre. This was when R. E. Vetterli, federal agent, telephoned headquarters in an attempt to reach Higgins to tell him that Frank Nash would arrive the next day under guard. Milligan attempted to get Higgins to say where he had been prior to going to his mother-in-law's home, but the chief did not remember.

Mention of John Lazia as an underworld character listed with the government by police came as something of a surprise to Milligan Thursday afternoon.

The district attorney previously had objected to introduction of the list of 300 names during the examination of Higgins and Hogsett dropped that line of questioning. Then, apparently as an afterthought, Milligan inquired:

"Is John Lazia's name on the list of underworld characters?"

Crowd Awaits Reply.

Higgins paused for a moment and

DEFENSE ATTORNEY AND WITNESS—William S. Hogsett (left), attorney for Eugene C. Reppert, and Lt. William S. Gordon (right), superintendent of the police identification bureau, conferred in federal court Saturday during a brief recess in the perjury trial of the former police director.

UNDERCOVER MAN IN MASSACRE IN QUIZ—The man who aided the police department in its investigation of the Union station massacre in 1933 by working under cover among Kansas City underworld characters was an important defense witness Saturday at the trial of Eugene C. Reppert on perjury charges in federal court. He is A. R. Lapin (above), an operative of the Burns detective agency.

FURNISHES RECORDS AT REPPERT TRIAL—H. A. Dutton (above), superintendent of the Kansas City office of the Burns detective agency, provided company records of its operatives' undercover investigation of the Union station massacre at the perjury trial in federal court of Eugene C. Reppert, former police director.

and Latest Results

URNAL-POST

Will

FINAL EDITION

arch 9, 1935.

Publication Office: 22nd and Oak Sts. Published Daily and Sunday.

IN GREATER KANSAS CITY 2c PER COPY; 15c A WEEK BY CARRIER

AIDS REPPERT

ictim
nce of Ape

arger While
ecome

etic story of a man
was revealed here

m the man, George
artist and interior
o help him.
e times its normal
warped. His arms
base of his spine
possible elongation

ead rests almost upon
o that his chin rub
t is shrinking in
is growing larger
he wore an ordi-
-7½. The last time
it was a size 8¼.
the United Press he
ned several times by
ut that none has of-
hope of escaping the
l death to which he
onciled.
ting to die," he said

ge 2, Column 3.

ULTS

OUNDS—LA.

of Bruno Richar
for the murder of
aby.
utor would not give
y person he will
and jury. Immediately
l the prosecution
d investigate sever
th a view to perjury

APPLIED TO
R IN DELAWARE

TON, DEL., March 9.
spectators looked
are given lashes at
unty work house
Dare James Walsh,
Lynn, Mass., and
lsh, who received
pleaded guilty to
ent. The Negroes

MERLE A. GILL IS WITNESS IN PERJURY TRIAL

Photographs of Evidence Turned Over by Higgins Shown in Court.

Pictures on Picture Page.

Testimony in the defense attack on government charges of police laxity in the Union station massacre investigation was given by Merle A. Gill, 6900 Kensington avenue, ballistics expert, in the perjury trial of Eugene C. Reppert, former director of police, Saturday afternoon.

Gill testified that seventeen pieces of ballistic evidence, including bullets and cartridge cases, were turned over to him for examination by Thomas J. Higgins, chief of detec-

RECESS IS CALLED DUE TO ILLNESS OF JUROR.

Illness of H. M. Ferrell, Garden City, Mo., merchant, a juror in the perjury trial of Eugene C. Reppert, former police director, interrupted the trial briefly Saturday morning. Judge Albert L. Reeves ordered a 10-minute recess while a physician was summoned to treat Ferrell. He has been ill for two days.

Another juror, John Wallace, Liberty, Mo., farmer, also has not been feeling well since the start of the trial Monday.

Dr. Charles T. Border, who was summoned for Ferrell, also looked over Wallace and treated him for a sore throat. Ferrell is suffering from an intestinal ailment. The physician said both would be all right Monday if they stayed in bed over Sunday.

ives. Four or five pieces of ballistic evidence and several bullet fragments, too small for any use, were given him by R. E. Vetterli, special agent of the bureau of investigation of the department of justice, then in charge of the Kansas City office.

Illustrates Testimony.

On the day after the massacre, he said, he had a conversation with Chief T. J. Higgins in which Higgins said: "I'd give my right arm to know who did it, and I don't give a [illegible]

LABORY TRIAL

...tographs of Evidence Turned Over by Higgins Shown in Court.

Pictured on Picture Page.

Testimony in the defense attack on government charges of police laxity in the Union station massacre investigation was given by Merle A. Gill, 6900 Kensington avenue, ballistics expert, in the perjury trial of Eugene C. Reppert, former director of police, Saturday afternoon.

Gill testified that seventeen pieces of ballistic evidence, including bullets and cartridge cases, were turned over to him for examination by Thomas J. Higgins, chief of detectives. Four or five pieces of ballistic evidence and several bullet fragments, too small for any use, were given him by H. R. Vetterli, special agent of the bureau of investigation of the department of justice, then in charge of the Kansas City office.

Illustrates Testimony.

On the day after the massacre, Gill said, he had a conversation with Chief T. J. Higgins in which Higgins said: "I'd give my right arm to know who did it, and I don't give a damn who it was."

An exchange between Maurice M. Milligan, district attorney, and William Hogsett, defense attorney, during Gill's testimony drew a laugh from the court room. Milligan, objecting to admission of certain of the ballistic evidence, said:

"We're trying this man Reppert, not the police department."

"Well," replied Hogsett, "I'm certainly glad you have come to that conclusion at last."

The court room roared.

Pistols From Reppert.

Gill also drew a laugh when he said that two guns "were turned over to me by a mouthpiece—I mean a lawyer."

On cross-examination by Milligan, Gill testified that Reppert had turned two .45 caliber automatic pistols over to him and had instructed the police property room attendant to let him have any guns there that he wanted to examine.

Gill held the interest of the entire court room with his lecture on ballistics, illustrated by photographs enlarged twenty times, of bullets and cartridge cases found at the scene of the massacre. Both Federal Judge Albert L. Reeves

Turn to Page 2, Column 4.

RECESS IS CALLED DUE TO ILLNESS OF JUROR.

Illness of R. M. Ferrell, Garden City, Mo., merchant, a juror in the perjury trial of Eugene C. Reppert, former police director, interrupted the trial briefly Saturday morning. Judge Albert L. Reeves ordered a 15-minute recess while a physician was summoned to treat Ferrell. He has been ill for two days.

Another juror, John Wallace, Liberty, Mo., farmer, also has not been feeling well since the start of the trial Monday.

Dr. Charles T. Border, who was summoned for Ferrell, also looked over Wallace and treated him for a sore throat. Ferrell is suffering from an intestinal ailment. The physician said both would be all right Monday if they stayed in bed over Sunday.

Closing Markets, Race Entries and Latest Re:

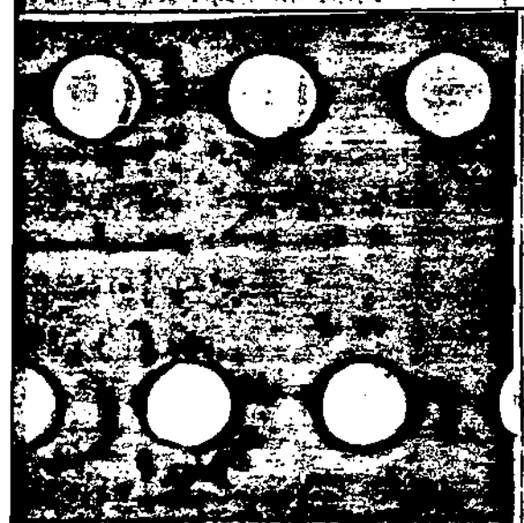
ANSAS CITY JOURNAL-

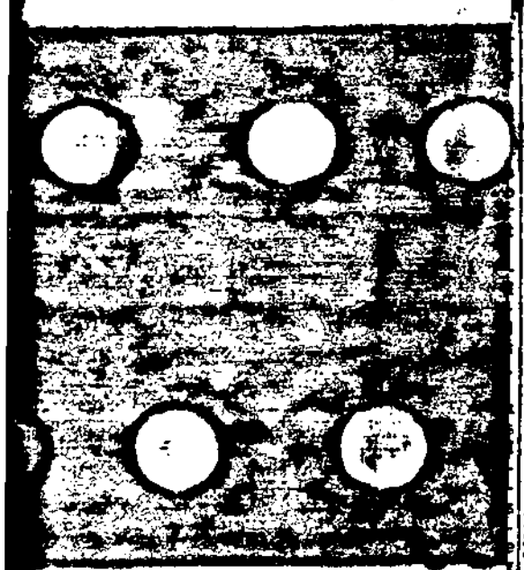
The Sentinel on the Hill

ered as second class mail matter at Kansas City, Mo., under the act of March 3, 1879.

Kansas City, Mo., Saturday, March 9, 1935.

TICS EXPERT AIDS





Rare Malady Is Causing Victim to Take on Appearance of Ape

Former Artist's Head Grows Larger While Torso Shrinks and Legs Become Warped.

By United Press.

AZUSA, CAL., March 9.—The strange and pathetic story of a man who is gradually becoming ape-like in appearance was revealed here Saturday.

The case was brought to public attention when the man, George Bocklet, 49 years old, former Chicago commercial artist and interior decorator, appealed to Los Angeles medical men to help him.

Bocklet's head is becoming huge—almost three times its normal size. His torso is shrunken and bent. His legs are warped. His arms are thin and elongated. He has severe pains at the base of his spine which physicians have diagnosed as resulting from possible elongation of the coccyx—the appearance of a tail.

"I am taking on the appearance of an ape," he wrote to Dr. Frank G. Nolan, Los Angeles physician.

Doctors say Bocklet is a victim of Paget's disease—an affliction resulting from a pituitary and thyroid gland disorder—which sometimes turns its victims into beings subhuman in appearance.

Bocklet was stricken eight years ago. He was only three inches short of being 6 feet tall. Now he is less than 5 feet in height. He has shrunk at the rate of more than three-quarters of an inch each year and is still shrinking.

His neck has almost disappeared and his huge head rests almost upon his shoulders so that his chin rubs against his chest.

While Bocklet is shrinking in height, his head is growing larger. Eight years ago he wore an ordinary sized hat—7⅛. The last time he bought a hat it was a size 8¼.

Bocklet told the United Press he has been examined several times by medical men, but that none has offered him any hope of escaping the slow and painful death to which he has become reconciled.

"I'm only waiting to die," he said.

Turn to Page 2, Column 2.

LATEST RACING RESULTS

RACE ENTRIES ON PAGE 6.

HIALEAH PARK—FLA.

First race paid $44.50
Second race paid 7.70
Third race paid 25.80

FIRST RACE—¾ mile.
Ridge Mist (Arcaro) $13.80 $7.10 $4.80
Stevita (Porter) 4.80 3.40
Sir Owen (Wright) 3.20
Time—:47 1-5. Also ran: Good Cheer, Pins Up, Moose Keels, Caliber.

SECOND RACE—¾ mile.
aWise Duke (Robertson) ..... $2.70 $2.60 out
aDelberator (Arcaro) ..... 5.50 out
bBright Light (Gomez) ..... out
Time—1:23 4-5. Also ran: Glory Greenock, Lemont, Transit Lady.
aInterior entry.
bAbandon entry.

THIRD RACE—¾ mile.
My Purchase (Dupre) $7.60 $3.70 $2.10
Mountain Elk (Wright) 5.00 3.00
Col. Greene (Gomez) 4.50
Time, 1:15. Also ran: Supremacy, Carmen Mine, Sarafan, Flint Shot, Flight of Gold.

FOURTH RACE—¾ mile.
King Baron (Arcaro) ..... $3.10 $2.60 out
Broad Meadow (Lynch) ..... 6.60 out
aCliff Way (Wright) ..... out
Time 1:16 1-5. Also ran: aBrown Mug, Mystic.
aAmalfian entry.

FIFTH RACE—¾ mile.
Energetic (Steele) $11.30 $6.20 $4.60
Sun Maid (Mehrtens) 7.20 4.80
Golden Rod II (Villemez) 4.80
Time, 1:15 1-5. Also ran: Good Jest, Chemito, Blind Veil, Speedway.

SANTA ANITA—CAL.

FIRST RACE—¾ miles.
Mirth (Westrope) $30.40 $17.40 $9.20
Chief Everett (Ward) 6.60 4.00
[illegible] 3.40

FAIR GROUNDS—LA.

FIRST RACE—¾ mile.
Gloria Mercedes (Salaski) $4.80 $3.20 $2.40
Seven Colors (West) 4.60 3.40
Creole Beauty (McCoy) 2.60
Time, :47 1-5. Also ran: Claudia G., Feels Folly, Natalie Alice.

SECOND RACE—5½ furlongs.
Birthday Gift (Price) $14.40 $6.20 $4.20
Dorata (Jones) 4.80 3.20
Frenzied Knight (Wade) 3.20
Time, 1:08 ... Also ran: [illegible] McCoshall, Tuiron, Vitamin, Whitherrod, Jimmie J., Whitherrod.

THIRD RACE—¾ mile.
Bobby Sweep (Turner) $4.80 $3.20 $2.60
Southern Beauty (Sylvester) 4.20 3.00
Aunt Marie (Wagner) 3.00
Time, 1:16 2-5. Also ran: Actuarius, Whitehorn, Mamie, Reverent Pride, The Nile, Tuftuuf, xMarro's Above.

FOURTH RACE—1⅛ miles.
Jack Murphy (McCoy) $8.80 $3.20 $2.40
Jack Hamer (West) 3.20 2.20
Redvirus (Stuller) 2.20
Time, 1:50 2-5. Also ran: Mars, Rocheco, The Spaniard.

HOUSTON—TEXAS

FIRST RACE—¾ mile.
Renaissance (Hughes) $5.20 $3.20 $2.40
Lamp Black (Marshall) 3.20 2.40
Ann K (Pucheman) 2.40
Time, 1:19 2-5. Barry, Jean Knox, Tiger, Cyrus Chief, Bonnie ... also ran.

SECOND RACE—[illegible]
Irish Wake (Kemper) $24.80 $6.40 $3.60
Flag Bearer (Hughes) 4.20 2.80
Jumbo Jr. (Gomez) 2.60
Time 1:50 4-5. Also ran: Jeanne Zane, Fairfax Lawson, Flaxline, Jack Landis, Rex Rule.

THIRD RACE—1 mile.
Empty Bottle (Lorman) $6.20 $3.40 $2.20
Valor's Jean (Purvis) 4.60 2.80
Rex Time (Lindsey) 2.20

LATEST RACING RESULTS

HIALEAH PARK—FLA.

First race paid $44.80
Second race paid 7.70
Third race paid 25.80

FIRST RACE—¾ mile.
Brave Mor (Arcaro) $18.60 $7.10 $4.80
Sulyta (Porter) 4.60 3.60
Sir Gwen (Longden) 4.70
Time—1:20 1-5. Also ran: Good Ghost, Pass Up, Monte Kristo, Calbey.
SECOND RACE—¾ mile.
aWise Duke (Robertson) ..... $3.70 $2.30 out
aDeliberator (Arcaro) ..... 1.80 out
aBright Light (Couch) ..... out
Time—0:52 4-5. Also ran: Glory Greenwich, Belmont, Transit Lady.
aEntry entry.
bRandom entry.
THIRD RACE—½ mile.
My Purchase (Dupre) $7.40 $3.70 $3.10
Mountain Elk (Wright) 4.60 3.40
Col. Greene (Couch) 4.20
Time, 1:20. Also ran: Supremert, Carlose, Miss Careful, Flint Shot, Flight of Gold.
FOURTH RACE—¾-mile.
King Saxon (Arcaro) ..... $8.10 $3.60 out
Mood Meadows (Lynch) ..... 4.80 out
aCivil War (Wright) ..... out
Time 1:32 1-5. Also ran: aBreton, Hug Again.
aHamilton entry.
FIFTH RACE—Mile.
Biography (Meade) $11.80 $5.40 $3.80
Sun Monk (Robertson) 3.70 3.00
Golden Rock II (Villena) 4.60
Time, 1:37 2-5. Also ran: Qual Jet, Chastity, Rebel Yell, Speedmore.

SANTA ANITA—CAL.

FIRST RACE—¾-miles.
Mirale (Westrope) $38.40 $17.40 $4.60
Chief Evergreen (Turk) 6.80 4.60
Poco Diablo (King) 5.40
Time, 1:14 4-5. Also ran: Cornelia Powell, Tabaku, Montana Maid, Lady Gold, Rufle, Sir Satin, Notify, The Dago.
SECOND RACE—Mile.
Gabbo (Gray) $7.20 $4.80 $2.80
Rolling Wheels (Kurtsinger) 3.80 2.80
Can Tie (Howell) 3.60
Time, 1:43 1-5. Also ran: Hidden Gold, Mona Rose, Slipsem, Lady Rial, Polly Cee.

MOST ACTIVE STOCKS

NEW YORK, March 9.—(UP)—The fifteen most active stocks on the New York stock exchange:

	Sales.	High.	Low.	Close.	Net Chge
Socony-Vac..	6,100	11¼	11⅛	11⅛	— ⅛
Radio K. O..	4,600	1⅝	1½	1½	— ⅛
Wilson Co....	3,300	5¼	5⅛	5⅛	....
Stand O Nj..	3,000	37½	37	37	— ⅛
Com Sou....	4,800	⅞	¾	¾	....
Chrysler	4,400	23¾	23½	23⅝	— ⅛
Gen Motors..	4,300	38½	38¼	38⅜	— ⅛
Cons Oil....	3,900	7⅛	7	7	— ⅛
Armour Co..	3,600	4⅛	4⅛	4⅛	— ⅛
Gen Elec....	3,200	22⅛	22⅛	22⅛	— ⅛
Radio	3,000	4⅛	4⅛	4⅛	+ ⅛
Stand Brand	2,700	10⅛	10	10	— ⅛
Texas Corp..	3,100	18⅞	18½	18½	— ⅜
N Y Cent....	3,000	12⅝	12⅜	12½	— ⅛
U S Steel ..	2,800	39⅞	39⅝	39⅞	— ⅛

MARKETS AT A GLANCE.
New York.

STOCKS—Dull and irregular; gold and silver issues firm.
BONDS—Steady; U. S. government issues firmer.
CURB STOCKS—Dull and steady.
DOLLAR—Higher in sterling; easier in gold currencies.
COTTON—Broke more than $1 a bale.
RUBBER—Off 13 to 14 points.
Kansas City.
WHEAT—A shade up to 1½ cents lower.
CORN—Nearly a cent to 1¼ cents down.
LIVE STOCK—Cattle, hogs and sheep markets nominal.

COMMODITY PRICE INDEX.
Copyright, 1935, by Dun & Bradstreet.
NEW YORK, March 9.—(UP)—Dun & Bradstreet's daily weighted price index of thirty basic commodities compiled for the United Press (1930-1932 average 100):

Saturday	121.69
Friday	122.03
Week ago	122.39
Month ago	123.46
Year ago	109.92
1935 high (Feb. 18)	124.37
1935 low (Jan. 2)	121.69

Of thirty commodities used in compiling the index, nine advanced, eight declined and twenty-two were unchanged. Silver, rubber, cotton, wheat, corn, oats, rye and lard were lower.

RANGE OF STOCK AVERAGES.
NEW YORK, March 9.—Dow Jones stock averages:

	High.	Low.	Close.	Loss.	Sales.
30 Ind.	107.60	106.91	101.75	0.49	40,000
20 R. R.	32.70	32.34	32.52	0.32	14,100
15 Util.	18.62	18.42	18.56	0.06	14,400

WHAT THE MARKET DID.

	Sat.	Fri.	Week ago.
New 1935 highs	32	34	25
New 1935 lows	22	22	23
Advances	1,07	1,07	1,21
Declines	1,03	1,03	1,01
Issues unchanged	1,03	1,03	1,03
Issues traded	3,13	3,13	3,25

FAIR GROUNDS—LA.

FIRST RACE—¾ mile.
Gloria Mercedes (Balasio) $4.20 $2.60
Seven Colors (West) 6.80
Creole Beauty (McCoy) .....
Time, :47 3-5. Also ran: Chaulin Peak Polly, Natalie Alva.
SECOND RACE—5½ furlongs.
Birchey Girl (Fisk) ...$14.80 $6.20
Dura K (Jones) 4.80
French Knight (Wall) .....
Time, 1:09. Also ran: Maverick, McConnell, Theron, Vennie, Whitey, Jimmie L., Whitharral.
THIRD RACE—¾ mile.
Bobby Sweep (Turner) ...$4.20 $2.60
Southern Beauty (Sylvester) .....
Aunt Marie (Wagner) .....
Time 1:16 4-5. Also ran: Admiral Whishire, Monnie, Sservant Pride, Miss Tufford, Sdevron's Alcova.
FOURTH RACE—1⅛ miles.
Jack Murphy (McCoy) ...$6.00 $3.20
Jack Stoner (West) 5.00
Redivivus (Stuller) .....
Time, 1:50 2-5. Also ran: Royal Spec Pacheco, The Spaniard.

HOUSTON—TEXAS

FIRST RACE—¾ mile.
Renaissance (Hughes) $8.20 $3.60
Lamp Black (Merritt) 4.20
Ana X (Fernandes) .....
Time, 1:13 2-5. Emery, Jean Brown, Tarn, Gypsie Chief, Butterstown.
SECOND RACE—⅝-mile.
Irish Wake (Keester) $24.20 $8.10
Flag Bearer (Hughes) 2.70
Justice Logan (Moser) .....
Time 1:00 2-5. Also ran: Yaupon, Ran Phrine, Luvcen, Flagtime, Ruth Lande Noo Music.
THIRD RACE—¾ mile.
Empty Bottle (Louman) ...$3.20 $3.10
Valerie Jean (Parvin) 4.60
Bon Time (Landolt) .....
Time, :48 3-5. (New track record.) ran: Barbara A., Raffles Lad, Good Look Miss Gallahad, Canis.
FOURTH RACE—¾-mile.
Wise Player (Richards) $6.20 $2.80
Bulstrode (Jones) 5.20
Gov. Sholts (Hebert) .....
Time, 1:12 2-5. Also ran: Now Fla Pompeus Genie, Single Regan.

HOT SPRINGS—ARK.

FIRST RACE—¾-mile.
Beckoned (Vail) $8.80 $3.80
Protractor (Berrill) 5.20
Oswego Princess (Marshie) .....
Time, 1:18 2-5. Also ran: Shady Glo Cloth Top, zAH Tot, Erakerjac, Chew Stock Market, Elise Nielsen, zBusy Spain zField.
SECOND RACE—¾ mile.
Tappaneugh (Erwin) ..$125.10 $44.20
La Brujere (Cochran) 5.60
Justice B. (Lowe) .....
Time 1:16. Also ran: Ling of Fire, Bon gober, Sir Exeter, Hegr, Kings Minstr Vishnu.
THIRD RACE—¾ mile.
Double Nugget (Lowe) $23.60 $8.80
Jus Age (Marshie) 5.20
Crestonian (Caufield) .....
Time, 1:18 4-5. Also ran: Runaway Deferred, Royal Purchase, Mueller.

AFTER BRUNO WITNESS

Indictment to Be Asked Says County Prosecutor.

CLINTON, N. J., March 9.—(U —Prosecutor Anthony M. Hauc jr., of Hunterdon county Saturd said he would ask a Flemingto grand jury to return an indictme against at least one defense witne in the trial of Bruno Richar Hauptmann for the murder of t Lindbergh baby.

The prosecutor would not give t name of any person he will nam before the grand jury. Immediatel after the trial the prosecution sta said it would investigate severa witnesses with a view to perjur indictments.

LASH IS APPLIED TO FOUR IN DELAWAR

WILMINGTON, DEL., March 9. (UP)—While spectators looked o four men were given lashes at t Newcastle county work house Sa urday.

The four were James Welsh, years old, of Lynn, Mass., and thr Negroes. Welsh, who received 1 lashes, had pleaded guilty to stea ing an overcoat. The Negroes we convicted of chicken thefts.

"NEWS WHILE IT'S NEWS"

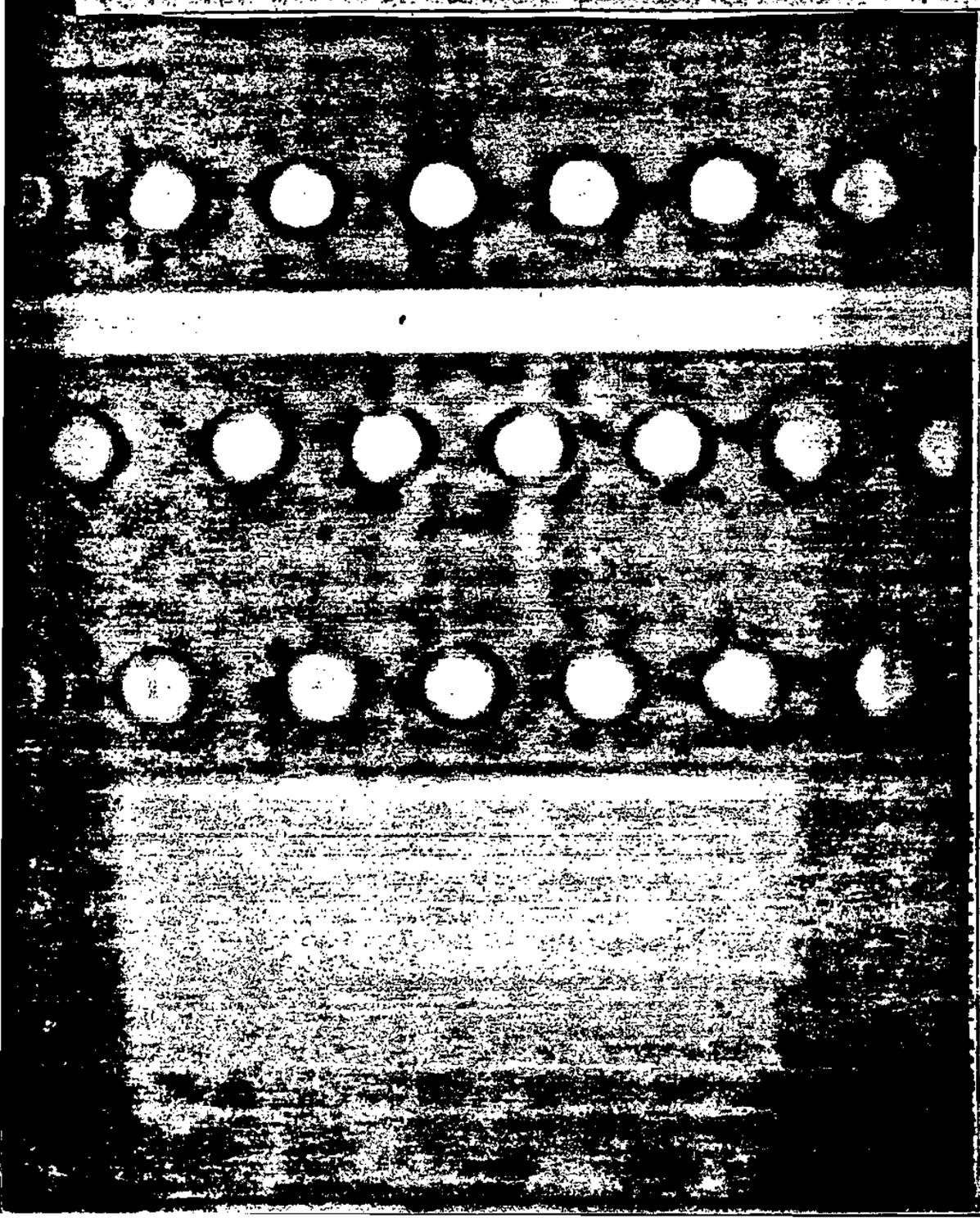
Closing Markets, Race

KANSAS CITY

The Se

81st Year. No. 168. Entered at second class mail matter at Kansas City, Mo., under the act of March 3, 1879. Kansas City, M

BALLISTICS EXPE



Rare Malady I to Take

Former Artist's H Torso Shri

AZUSA, CAL., March 9 who is gradually becoming Saturday.

The case was brought Bocklet, 40 years old, form decorator, appealed to Los

Bocklet's head is becor size. His torso is shrunken are thin and elongated. H which physicians have diag of the coccyx—the appendi

"I am taking on the app of an ape," he wrote to Dr G. Nolan, Los Angeles phy

Doctors say Bocklet is a v Piaget's disease—an afflict sulting from a pituitary and gland disorder—which so turns its victims into bein human in appearance.

Bocklet was stricken eight ago. He was only three short of being 6 feet tall. is less than 5 feet in heig has shrunk at the rate of mo three-quarters of an inch ea and is still shrinking.

His neck has almost dis

LATEST I

RACE

HIALEAH PARK—I

First race paid .....

Second race paid .....

Third race paid .....

FIRST RACE—6 furlo

KANSAS CITY JOURNAL-POST

A Injunction in St. Louis Garment I

GILL TAKES STAND TO HELP REPPERT IN PERJURY TRIAL

Continued From Page 1.

left the bench to get a better view of the photograph with which Gill illustrated his testimony.

Gill told of determining, through marks left on cartridge cases, that one of the machine guns used in the station massacre also cost John Lazia his life.

The ballistician displayed photographs showing two small marks left by the firing pin of the machine gun on the cartridge cases found at the scene of the massacre and at the scene of the Lazia killing.

With the aid of his photographs, Gill also explained how last week he had determined that the .45 caliber automatic pistol taken from Charles (Pretty Boy) Floyd, after he was slain in Ohio, was used in the station massacre, through comparison of cartridge cases.

Preceding Gill, A. R. Lapitz, operative for the Burns International Detective agency, testified that private detectives were turning information over to federal authorities as late as two weeks after B. H. Thurman was discharged as a detective sergeant.

Lapitz followed Chief of Detectives Thomas J. Higgins, who spent two days on the stand for the defense.

To Combat Thurman Story.

The testimony of Lapitz was introduced by the defense to combat that of Thurman, who testified for the government that he had been instructed by Reppert to "lay off" the massacre investigation some time before he was discharged.

After Harry A. Dutton, local Burns manager, had identified a contract signed by Kansas City police with the Burns agency nine days after the massacre, Lapitz testified that he came to Kansas City with an informer who was well acquainted with Chicago gangsters.

The detective reviewed the work of himself and the informer, telling how they familiarized themselves with the details of the massacre and then how they visited the race track and night clubs in an attempt to determine whether any Chicago criminals were in Kansas City.

Once, he said, the informer took him to a roadhouse conducted by Frank B. (Fritz) Mulloy, known to be a friend of Verne Miller. By that time Miller had been identified as one of the station killers. Mulloy was out on that trip, he said.

The informer then left for Chicago in an effort to obtain information, according to Lapitz. There he got in touch with a woman of the underworld known only to them as "Littlebit."

"She was a friend of Vi Mathis, the girl who lived with Miller all the time he was in Kansas City, and she said Vi had gone north."

Lapitz said his underworld aide also learned that Miller rented two residences in Kansas City to house Harvey Bailey when the latter escaped from the Kansas penitentiary at Lansing, Memorial day, 1933.

After hearing Vivian Mathias had "headed north," Lapitz said he joined the informant in Chicago.

The informer learned, Lapitz testified, that Verne Miller, who had been identified as one of the killers, had gone to Brainerd, Minn. Lapitz said he went to Minneapolis, picked up Walter S. Gordon, manager of the Minneapolis office, and went to Brainerd.

Lapitz said the instructions to discontinue the investigation at Brainerd probably were due to Hardy's inference that the federal agents already were in possession of the information.

Gordon, who accompanied Lapitz to Brainerd, followed him on the stand and gave some interesting sidelights on the character of Verne Miller.

Gordon said he had known Miller since the latter was elected sheriff in Fargo, N. D., in 1922. Miller was sheriff for only a short time, Gordon said. He embezzled funds from the sheriff's office, was arrested in St. Paul and taken back to North Dakota where he was convicted and sentenced to the penitentiary.

Former Parachute Jumper.

"Miller at one time was a parachute jumper with a carnival company," Gordon testified. "He went to war in the draft and came back with a whole lot of medals which he displayed before the people of Fargo and got himself elected sheriff on his war record.

"After he got out of the penitentiary in North Dakota he went to Minnesota and began bootlegging. He was arrested and jumped bond.

"Then he went to Chicago and joined the 'Bugs' Moran gang of mobsters. He was known as a killer. Miller was suffering from a disease which affected his brain and made a killer of him."

Named in Killings.

The witness, discussing Miller's reputation among Burns operatives, told of a bank robbery in Minnesota in 1928 in which Miller and another man were identified. Two months after two employes of the bank identified the photographs, he said, they died.

While the bank holdup was being investigated Miller shot two patrolmen in Minneapolis, the witness said.

Gordon said his agency sent out a pickup order for the gunman and his photographs were broadcast. At this point the defense introduced one of the agency pictures as an exhibit.

Hired an Informer.

"Lapitz and I began our investigation at Brainerd, Minn., about July 16," the witness said. "Previously Lapitz had informed me that Miller's photograph had been identified as one of the men who participated in the massacre in Kansas City."

Gordon said he knew there had been a crooks' hangout at Brainerd, but whether they still used it at that time, he wasn't sure. He also learned, he said, that Miller had gone to Brainerd a short time before with a man whom Lapitz obtained as the informer who helped him in Kansas City and in Chicago.

Maurice M. Milligan, United States district attorney, who began the cross-examination of Higgins Friday morning, turned his inquiry to the list of 300 Kansas City underworld characters the detective chief compiled for the department of justice immediately after the Union station massacre.

Mentions John Lazia.

During the questioning, he mentioned John Lazia as a possible suspect in the station killing, as well as Dominick Binaggio, Charles Ciprolla, Tano Lacoco and Tony Gizzo.

These names were mentioned by Milligan to determine if they appeared on the list of Kansas City "public enemies," and then again when he asked Higgins if they were taken to headquarters for questioning as possible suspects in the crime.

"Immediately after the massacre," Milligan said, "you say you ... number of witnesses and ...

'Lot of Fuss' Makes Girl Sorry Offered to Hang Condemned

[illegible] that the informer, [illegible] how they familiarized themselves with the details of the massacre and then how they visited the [illegible] track and night clubs in an [illegible] to determine whether [illegible] Chicago criminals were in Kansas City.

Once, he said, the informer took him to a roadhouse conducted by Frank B. (Fritz) Mulloy, known to be a friend of Verne Miller. By that time Miller had been identified as one of the station killers. Mulloy was out on that trip, he said.

The informer then left for Chicago in an effort to obtain information, according to Lapitz. There he got in touch with a woman of the underworld known only to them as "Littlebit."

"She was a friend of Vi Mathis, the girl who lived with Miller all the time he was in Kansas City, and she said Vi had gone north."

Lapitz said his underworld aide also learned that Miller rented two residences in Kansas City to house Harvey Bailey when the latter escaped from the Kansas penitentiary at Lansing, Memorial day, 1933.

After hearing Vivian Mathias had "headed north," Lapitz said he joined the informant in Chicago.

The informer learned, Lapitz testified, that Verne Miller, who had been identified as one of the killers, had gone to Brainerd, Minn. Lapitz said he went to Minneapolis, picked up Walter S. Gordon, manager of the Minneapolis office, and went to Brainerd.

Trailed Vivian Mathis.

There, he said, investigation revealed that Vivian Gibson Mathis, who had been living with Miller as his wife, had gone to a summer resort called Parkerville, near Brainerd. The two operatives went to the resort.

There they met the resort owner, a man named Campbell, and gained his confidence. Campbell told them, Lapitz testified, that he knew both Vivian Mathis and Verne Miller and that they had been there only a short time before. Campbell informed them, Lapitz said, that Betty Mathis, daughter of Vivian Mathis, was at the home of Mrs. Mathis' father in Brainerd.

Tried to Check Up at P. O.

Lapitz testified he went to the post office in Brainerd in an effort to check on mail being received by the daughter, but was unable to do so.

Then, he said, on July 22, he called Dutton by telephone and said he needed some federal connection. Later, he said, R. E. Vetterli, special agent in charge of the division of investigation of the department of justice in Kansas City at that time, called him by telephone and said a federal agent, Sam Hardy, was being sent to Brainerd and would meet him that night.

On that night, July 22, Lapitz testified, he met the federal agent and turned all of his information over to him. The next day, he said, Hardy went to the post office and learned that mail addressed to Betty Mathis was being received from Lake Placid, N. Y.

"Did you give all the information you had to Hardy?" asked T. [illegible] Madden, who conducted the direct examination.

"Yes," replied Lapitz. "I also made reports to Dutton."

Wilson Cross-Examines.

On cross-examination by Randall Wilson, assistant United States district attorney, Lapitz said he received instructions to discontinue his investigations in Brainerd after he had talked to the federal agent.

"When was that?" Wilson asked.

"I think it was July 22."

"When you talked with Hardy did he tell you that he already had the information you gave him?" Wilson asked.

"He intimated that he already knew it," Lapitz replied.

Answering a question by Wilson, [illegible] gation at Brainerd, Minn., about July 16," the witness said. "Previously Lapitz had informed me that Miller's photograph had been identified as one of the men who participated in the massacre in Kansas City."

Gordon said he knew there had been a crooks' hangout at Brainerd but whether they still used it at that time, he wasn't sure. He also learned, he said, that Miller had gone to Brainerd a short time before with a man whom Lapitz obtained as the informer who helped him in Kansas City and in Chicago.

Maurice M. Milligan, United States district attorney, who began the cross-examination of Higgins Friday morning, turned his inquiry to the list of 300 Kansas City underworld characters the detective chief compiled for the department of justice immediately after the Union station massacre.

Mentions John Lazia.

During the questioning, he mentioned John Lazia as a possible suspect in the station killing, as well as Dominick Binaggio, Charles Carolla, Tano Lacoco and Tony Gizzo.

These names were mentioned by Milligan to determine if they appeared on the list of Kansas City's "public enemies," and then again when he asked Higgins if they were taken to headquarters for questioning as possible suspects in the crime.

"Immediately after the massacre," Milligan said, "you say you called in a number of witnesses and questioned them?"

"Thats right," Higgins replied.

Picked Up Suspects.

"Then did you have the natural suspects picked up for questioning?"

"Yes. Quite a few."

"What suspects?"

"We brought in several."

"Name some."

"I don't think I could without looking at our records."

"Can't you name some you arrested the first week after the massacre?"

"I wouldn't attempt to do it," Higgins asserted.

Refers to List of 100.

Then the district attorney mentioned the list of 300 underworld characters. "Of these," he said, "can you name one you brought in?"

"The records of the office could show this. I couldn't be sure."

Milligan continued to insist that Higgins should be able to remember the name of one local suspect arrested for questioning in connection with the station killing. Then the witness recalled that he had questioned Joe Lusco, flower shop operator, at police headquarters.

"But he convinced me of his whereabouts at the time of the massacre and I was sure he had no part in it," Higgins said.

Higgins added that he also questioned some of the boys from around Lusco's place, including Joe Lascuoala and his brother, both of whom disappeared from Kansas City the night of Lazia's slaying a year after the station killing.

Interrupted by Milligan.

"If I had a chance to get at the records——" Higgins began, only to be interrupted by Milligan.

"Did you have Sam Scola, sometimes known as Sam Hog, brought in?"

"I'm not sure."

"Did you order Dominick Binaggio brought in?"

Again Higgins said he wasn't sure.

"How about Tony Gizzo?"

"I believe he was," Higgins said.

"Charles Gargotta?"

"Not sure."

"Was Charles Carolla brought in for questioning?" Milligan asked.

"I think so, but I'm not sure," Higgins answered.

"And there was Tano Lococo—was he brought in?"

"I'm not sure about him."

Police Chief's Trial Told of Gang Quiz

KANSAS CITY, Mo., March 9 (I.N.S.)—The name of John Lazia, slain Kansas City political leader, again was injected into the perjury trial of Eugene C. Reppert, former director of police, in Federal court here today. Chief of Detectives Thomas J. Higgins on cross-examination by U. S. District Attorney Maurice Milligan testified Lazia and several of his henchmen were among 300 underworld characters questioned following the Union Station massacre.

WASH HERALD

62-23915-A

MAR 11 1935

POLITICIAN IS SHOT

Kansas City Night Club Operator Waylaid by Trio.

KANSAS CITY, March 11 (AP).—Joe Lusco, husky Northside politician, lay dangerously wounded today, the victim of three gunmen who waylaid him near his home.

The 40-year-old night club operator and one-time rival of the late John Lazia, Italian leader, was going up the steps to his home when a trio, armed with shotguns, fired five times at him. He was wounded in the left side, head and right leg. He was unable to give police any information regarding the attack.

WASH. STAR

MAR 11 1935

Mr. Nathan .....
Mr. Tolson .....
Mr. Backus .....
Mr. Baughman ..
Chief Clerk .....
Mr. Clegg .....
Mr. Coffey .....
Mr. Edwards .....
Mr. Egan .....
Mr. Harbo .....
Mr. Keith .....
Mr. Lester .....
Mr. Quinn .....
Mr. Schilder .....
Mr. Smith .....
Mr. Tamm .....
Mr. Tracy .....
Miss Gandy .....
.....
.....

KANSAS CITY MASSACRE

Ally of 'Pretty Boy' Wounded in Ambush

KANSAS CITY, March 11.—(AP)—Joe Lusco, 40, bulky night club operator and politician, was shot from ambush and critically wounded here after the manner in which his one-time rival, John Lazia, was slain. Lusco was taken to a hospital with shotgun wounds in the abdomen and head. He was shot as he entered his home. It was from a flower shop in which Lusco had an interest that a man, later identified as Charles ("Pretty Boy") Floyd, shot his way in 1931, killing a federal agent.

62-25911-1

Chicago American

MAR 11 1935

LUSCO NEAR DEATH

Condition After Attempted Assination Is Very Critical, His Four Physicians Say.

POLICE FIND FEW CLUES

Two Men Are Held Who Deny Any Knowledge of Shooting of Factional Leader.

A SLUG LODGED IN BRAIN

Loss of Blood Requires a Transfusion—Priest Is Called to His Bedside.

Joe Lusco, political leader of a turbulent North Side district, lay at St. Mary's hospital today critically wounded by a blast of shotgun slugs fired last night as he approached the steps of his home, while the police vainly delved into the night club owner's colorful past without finding a tangible clue on which to begin.

Two men are being held for investigation. Recent developments indicate the Democratic leader had little fear of an attempted assassination because he had dispensed with a bodyguard.

Condition Is Grave.

Joe Lusco was taken to the hospital shortly before midnight. Shotgun slugs had penetrated his left side, struck him in the head and fractured his right leg. Four surgeons in attendance pronounced his condition "very critical."

No operation had been performed shortly before noon. Through the night Lusco lost considerable blood from the wound in his head. At 9:30 o'clock today he was given a transfusion of one and one-half pints of blood. The donor was Louis Montelone, a nephew.

An X-ray showed a shotgun slug lodged in Lusco's brain. Until the nature of the head wound was discovered, the injury to the stomach was believed to be the most severe. Lusco was attended by Dr. D. M. Nigro, Dr. J. Park Neal, Dr. Louis Scarpellino and Dr. Paul Hunt.

Brothers at Hospital.

Jim Lusco and Tudy Lusco, the two brothers of the injured man, paced the corridors of the hospital while other friends came and went through the night. The stream of visitors continued today.

The two men arrested for investigation, and now being held at the police station, are Johnnie Vittorino, 31 years old, unemployed, and Carl Bondi, 28, both of whom gave their addresses as 2422 East Thirteenth street. Both denied knowing anything about the shooting.

Three men were said to have driven up behind Lusco last night as he approached his home at 413 Olive street. A garage man who had accompanied Lusco home said goodnight and began to drive Lusco's car back to the garage. Lusco, afoot, suddenly was felled from behind. Five shots were heard.

Former Taxicab Driver.

Both men arrested were habitues of the neighborhood at Independence and Troost avenues where Lusco's Dante's Inferno is operating. Police

shortly before noon. Through the night Lusco lost considerable blood from the wound in his head. At 9:30 o'clock today he was given a transfusion of one and one-half pints of blood. The donor was Louis Montelone, a nephew.

An X-ray showed a shotgun slug lodged in Lusco's brain. Until the nature of the head wound was discovered, the injury to the stomach was believed to be the most severe. Lusco was attended by Dr. D. M. Nigro, Dr. J. Park Neal, Dr. Louis Scarpellino and Dr. Paul Hunt.

Brothers at Hospital.

Jim Lusco and Tudy Lusco, the two brothers of the injured man, paced the corridors of the hospital while other friends came and went through the night. The stream of visitors continued today.

The two men arrested for investigation, and now being held at the police station, are Johnnie Vittorino, 31 years old, unemployed, and Carl Bondi, 28, both of whom gave their addresses as 2422 East Thirteenth street. Both denied knowing anything about the shooting.

Three men were said to have driven up behind Lusco last night as he approached his home at 413 Olive street. A garage man who had accompanied Lusco home said goodnight and began to drive Lusco's car back to the garage. Lusco, afoot, suddenly was felled from behind. Five shots were heard.

Former Taxicab Driver.

Both men arrested were habitues of the neighborhood at Independence and Troost avenues where Lusco's Dante's Inferno is operating. Police said the Atlas Auto Livery Company, formerly across the street from Lusco's night club, had been forced to move out several months ago by Lusco. Vittorino once was connected with the cab company.

Vittorino told police he had been to a filling station at 1400 Admiral boulevard [redacted]. Later, he Gillham ro[redacted] Joe's at 3114

Bondi informed the police he had visited with friends at 6203 East Thirty-first street last night, and then went home. He was an officer in the cab company and is known as a police character. A close relative of Bondi's, Charles Bondi, 31, frequently arrested for car thefts and tire thefts, was found shot to death in his motor car in Cly County, February 23.

Police also are seeking a possible connection in two other unsolved shootings in the North Side in the last three months. Peter B. Lapetina, North Side undertaker, was shot and seriously wounded December 9 in his funeral home at 536 Campbell street. He has since recovered.

Others Are Unsolved.

Nunzio Contrare, a driver for the Bell Cab Company, was found shot to death in his cab February 5, presumably after resisting a bandit. In none of the cases have the police made any progress in learning the identity of the assailants.

Detectives worked all night searching for clues in the Lusco shooting. Sergt. Frank Howland, Ira Johnson and Richard Allen, all of the homicide bureau, returned to the scene of the shooting today. They found shotgun wadding but no empty shells, indicating the shots must have been fired from within a motor car. Several of the slugs were recovered.

Lusco, police believed, had been seeking to get away from his old-time associates. He had ceased going about with armed companions, as he once did. His two brothers spent a long time at police headquarters early today without being able to throw any light on the case.

It was pointed out that Lusco had no thoughts of being assaulted, or he would have gone home from his night club with guards rather than with Fred Klotz, part owner of a garage at 2536 Independence avenue. For this reason, the police turned their investigation farther back in Lusco's life.

Sought Different Life.

In recent years police say he has mellowed, growing tired of being required to obtain lawyers, post bonds and otherwise "front" for members in his mobs who became involved in fire theft, motor car theft and other charges.

Mr. Nichols
Mr. Tolson
Mr. Backus
Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Kell
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Gandy

THE KANSAS CITY STAR, MONDAY, MARCH 11, 193

A REPPERT JUROR HOME

"EXTRA" IS CALLED IN WHEN ONE MAN BECOMES ILL.

Perjury Case Goes Into Its Second Week With Lieutenant Gordon Returning to the Stand.

Because of the illness of John Wallace, Liberty, Mo., farmer, Fred J. Williams, 5512 Rockhill road, the extra juror known to his associates as the "spare tire," took a place on the Eugene C. Reppert jury today. Reppert is on trial in the federal court, accused of perjury.

Wallace was slightly ill Saturday, but after being treated by a physician in a 20-minute recess, returned to the jury box. Over Sunday he became ill again and suffered a chill. Dr. Charles T. Border examined him and reported that he was threatened with pneumonia. Judge Albert L. Reeves excused Wallace and instructed him to return to his home.

HAS HEARD THE CASE.

Williams had sat through all the proceedings, listening to the testimony as the thirteenth juror. He was called and today he took Wallace's place in the jury box.

Another juror, H. M. Ferrell, Garden City merchant, was ill Saturday, but apparently has recovered. Should another juror become incapacitated, there would be no extra juror to take his place.

Lieut. William C. Gordon, superintendent of the police bureau of identification, went back on the stand when court convened today, and William S. Hogsett, defense counsel, took up the direct examination where he left off Saturday.

Hogsett read a letter directed to Gordon from the inspector of police at Detroit, saying a man had been found dead in the outskirts of Detroit and that he had been identified as eVrne C. Miller.

READS SECOND LETTER.

He read a second letter addressed to Gordon from the Detroit police department, stating the dead man found had been wrapped in a blanket and tied with sash cord and that from finger prints contained in circulars sent out by federal agents, the man had been identified as Verne C. Miller, sought in Kansas City as one of the union station killers.

"In order to increase the efficiency of the Kansas City police department," Hogsett asked Gordon, "Mr. Reppert, after his appointment, sent you to Northwestern university at Chicago to take a course of instruction, and did he not send you to weapon factories?"

Randall Wilson, an assistant United States district attorney, objected to that question as having no bearing on the case, and Judge Reeves upheld him. Hogsett turned the witness over to Wilson for cross-examination.

FINGERPRINTS SENT OUT.

Wilson asked several questions about fingerprinting, then asked Gordon if it was not true that the fingerprints by which Miller's body was identified by the Detroit police were sent out on circulars broadcast by federal agents.

"That is true," Gordon replied.

In answer to questions, Gordon said he went to the office of Reppert, then director of police, and obtained a photograph of a man known as Verne C. Moore and identified it as that of Verne C. Miller.

File Rem

115-A

REPPERT ON STAND

The Former Police Director a Witness in Own Defense in Perjury Case.

ORDERS TO SOLVE CRIME

L. M. Siegfried Testifies Reppert Insisted the Affair Must Be Cleared Up.

KILLERS IN CLAY COUNTY

Detective Says Vetterli Was Told About Miller and Floyd Visit After Crime.

Bulletin.

Eugene C. Reppert took the stand in his own defense at his perjury trial in the federal court shortly after 4 o'clock this afternoon.

Unusual activity around police headquarters the day of the union station massacre was testified to this afternoon in the perjury trial of Eugene C. Reppert, former police director, by John B. Clifford, telephone clerk at police headquarters.

He testified the unusual activity continued until July 1 and that the investigation of the station massacre still was in progress as far as he knew. He testified he never had heard Reppert or anyone else give instructions to "keep hands off" in the station case.

He Called Chief Higgins.

Clifford said he went to school with William Grooms, detective slain at the union station. He said he called the home of Thomas J. Higgins, chief

REPPERT ON STAND

(Continued From First Page.)

"What do you mean 'make it'?"

Siegfried replied that he meant solving the case.

Randall Wilson, assistant district attorney, then began cross-examination.

"Kansas City got home rule for the police department after the Republicans went out, didn't it?" he asked.

"Yes, I guess that's what you'd call it."

"The first thing they did to you was to reduce you to a captain?"

"Yes."

"They were going to reduce you further, weren't they?"

"I heard reports about it and quit," Siegfried said.

Another defense witness, Prime McDonough, detective, testified that Charles (Pretty Boy) Floyd and Verne C. Miller were in Clay County the night after the union station massacre and were taken from there to St. Joseph in exchange for the motor car they were using.

McDonough testified he obtained the information from Herbert N. Hodge, then living in Clay County, but now in the Missouri penitentiary on a conviction of possession of a stolen motor car. McDonough said he obtained the information from Hodge while questioning him about the possession of the stolen motor car.

McDonough said he took Hodge to the office of R. E. Vetterli, then head of the federal agents, for questioning. The apparent purpose of the McDonough testimony was to show that police were active in the massacre investigation and that they were working in harmony with the federal agents.

With a Federal Agent.

McDonough also testified that he was sent by Reppert to accompany a federal agent to the Lake of the Ozarks region to investigate a reputed gang hangout in connection with the massacre case.

McDonough related Hodge told him that the night of June 18, after the massacre June 17, Floyd, Miller, Vivian Mathis and Vivian Mathis' wife were taken from Clay County to St. Joseph in exchange for the motor car they were using.

HE'S A "J. P." AGAIN.

Sutton R. Layton, Kansas City lawyer and former justice of the peace, who was appointed today to one of the two new justice courts here. J. Frank Flynn was named to the other court.

heard any order by Reppert or Higgins instructing the police to "lay off" the case, nor had he seen any evidence of police relaxing in their efforts.

Louis H. Hefner, another newspaper reporter, testified the day of the massacre was the most active one he ever had seen at the station. Higgins and Reppert went on all raids, he said.

Victor Phippen, a detective, told of being sent to Elmer, Mo., with Van Cleave to check on the license.

Phippen said he was called into Reppert's office the day of the massacre and given the name of a man to whom the license number had been

[illegible] Hogsett turned the witness over to Wilson for cross-examination.

Wilson asked several questions about fingerprinting, then asked Gordon if it was not true that the fingerprints by which Miller's body was identified by the Detroit police were sent out on circulars, broadcast by federal agents.

"That is true," Gordon replied.

In answer to questions, Gordon said he went to the office of Reppert, then director of police, and obtained a photograph of a man known as Verne C. Moore and identified it as that of

continued until July 1 and that [illegible] [illegible] trial was in progress [illegible] as he knew. He testified he never had heard Reppert or anyone else give instructions to "keep hands off" in the Hatton case.

He Called Chief Higgins.

Clifford said he went to school with William Grooms, detective slain at the union station. He said he called the home of Thomas J. Higgins, chief of detectives, the morning of the massacre and told him of the trouble.

"Someone passed me while I was talking," Clifford said, "and said Grooms and Hermanson had been killed. I repeated it to Chief Higgins and he dropped the phone. The next I knew he was calling from the union station."

Clifford testified that soon after the slayings Reppert instructed him to call every man on the police force, the night and day men and even those off duty.

"Get them all out," he quoted Reppert as saying.

Under cross-examination by Randall Wilson, assistant district attorney, Clifford said it was not an uncommon thing for men using the armored car to leave their machine guns at police headquarters when they were leaving for a few minutes.

Didn't Have Machine Guns.

Early in the trial testimony showed Grooms and Hermanson were at the union station with the armored car, but without the machine guns, standard equipment.

Evan Fry, radio announcer for WLBF, testified to being asked by the police the day of the slayings to broadcast a description of the car and the men sought.

Prime McDonough, city detective who had testified to having taken Herbert Hodge before federal agents to tell them Floyd, Miller, Vivian Mathis and her daughter were at the Hodge home in Clay County June 18, the second night after the slayings, admitted under cross-examination that Hodge did not divulge that information to W. F. Trainor, federal agent who talked with him.

"He did not say that in Trainor's presence, did he?" Wilson asked McDonough.

"No."

The next witness called by the defense was George L. Breting, former chief clerk of the motor theft bureau, now a motor car salesman.

"Up to the Police."

Lewis M. Siegfried, a former Republican police chief, testified in the [illegible] lice were active in the massacre investigation and that they were working in harmony with the federal agents.

With a Federal Agent.

McDonough also testified that he was sent by Reppert to accompany a federal agent to the Lake of the Ozarks region to investigate a reputed gang hangout in connection with the massacre case.

McDonough related Hodge told him that the night of June 18, after the massacre June 17, Floyd, Miller, Vivian Mathis and Vivian Mathis's daughter, appeared at his home in Clay County.

"I had known one of them as Mitchell, but he was Floyd," McDonough quoted Hodge.

Cleaned Machine Guns.

McDonough said Hodge told him that while Floyd, Miller and others were at his home, his son, Herbert Hodge, jr., cleaned their two machine guns, and that the men offered him (the elder Hodge) their motor car if he would drive them to St. Joseph. He stated Hodge said he drove them to St. Joseph, thus explaining his possession of the stolen car.

This information, it was said today, was turned over to Vetterli, November 10, 1933.

McDonough said the elder Hodge now was in the penitentiary for possession of the stolen car, and that the younger Hodge was in the penitentiary for possession of counterfeit plates.

Another morning witness, John F. Flavin, a detective on the arson squad, told about being at police headquarters the morning of the massacre with William Grooms and Frank Hermanson, two of the men murdered in the massacre shortly afterwards.

Attention to All Details.

The three, close friends, were laughing and joking together, he said. Flavin, on examination by Floyd E. Jacobs, a defense attorney, said he was assigned to act as assistant to the police radio dispatcher. Reppert rushed in later, he said, and instructed Flavin to pay close attention to all information called in, no matter how trivial.

"This is one case we're going to get," Flavin quoted Reppert as saying.

He substantiated Siegfried's testimony by relating he saw both Reppert and Higgins leave police headquarters armed with riot guns and join a group of police in ten police cars to go on a raid later in the day.

Asked what he had heard Reppert and Higgins remark about the massacre, Flavin said:

"Reppert told me that the massacre had to be cleaned up. Higgins said [illegible] dence of police relaxing in their efforts.

Louis H. Hefner, another newspaper reporter, testified the day of the massacre was the most active one he ever had seen at the station. Higgins and Reppert went on all raids, he said.

Victor Phippen, a detective, told of being sent to Elmer, Mo., with Van Cleave to check on the license.

Phippen said he was called into Reppert's office the day of the massacre and given the name of a man to whom the license number had been issued.

"He handed me a high-powered gun," Phippen said, "and gave Van Cleave a pair of field glasses. Then he reached into his pocket and handed me $40 or $50 and told me he wanted me and Van Cleave to spare no expense, but to run down that license number."

Plane at the Airport.

Phippen said Reppert told him he had a "little red plane" at the airport and that he and Van Cleave were to use it, with "Tex" LaGrone as the pilot, in going to Elmer.

Phippen said he and Van Cleave checked the license number and discovered there was some mistake; that the motor car to which it belonged had not been out of its garage.

Walter G. Chesnut, 47 West Winthrop road, a fire insurance adjuster, followed Phippen on the stand. He testified he called at Reppert's office the day of the massacre to discuss an arson case and that Reppert informed him all the men available were working on the massacre case and that he did not have time to talk with him that day.

From Maj. L. M. Means of the Missouri highway patrol, a defense witness, the defense sought to draw a picture showing he had worked with the police here on the theory that Charles (Pretty Boy) Floyd and associates may have been responsible both for the union station massacre and a Boone County slaying that had occurred previously.

Doesn't Recall Statement.

In cross-examination the government sought to show that Means had worked more with government and county officers here than with the police.

"Didn't you tell deputy sheriffs here that you'd rather work with them and the government than with the police, on these investigations?" Wilson asked.

"I don't recall that I did."

"Didn't Walter Trainor, government agent, ask you if you had not remarked to deputy sheriffs that you didn't want to go to police head-

... up to the police."

Lewis M. Siegfried, a former Republican police chief, testified in the morning session that Reppert had told him on the day of the massacre that the police would have to solve the case if it required working day and night.

Siegfried, a witness for the defense, related his conversation with Reppert as the time police officers had surrounded a house at Thirty-eighth and Summit streets the day of the massacre. Going home on a street car, Siegfried, seeing a crowd, got off the car and investigated.

Siegfried previously had told the court he had served as a member of the police department under the administrations of Governors Herbert Hadley and Arthur M. Hyde. He was appointed first in 1909, served two years, then returned in 1921. He was a sergeant after ten months, he said, then a lieutenant, and captain. In April, 1930, he became chief of police.

"In other words," suggested John T. Barker, attorney for the defense, "you went up with the Republicans and down with the Democrats."

"Yes," replied Siegfried, "I guess that's what you'd call it."

One juror laughed in a high pitched voice, and the courtroom echoed.

Saw Several Officers.

Siegfried related that, as a former policeman, his curiosity caused him to leave the street car and see what was happening at Thirty-eighth and Summit streets. He saw Director Reppert, T. J. Higgins, chief of detectives, E. M. Thurman, Harvey Jury and other police officers, he said, all armed and trying to get into a house.

"What was Reppert doing?" Barker asked.

"He was carrying a riot gun," Siegfried replied.

"Tell what happened," Barker requested.

"I could see Mr. Reppert was worried. I'd have been worried, too, if I'd been in the same position. I said to Mr. Reppert: 'You got a bad break this morning.' He replied: 'Yes, we did.' 'You have some good men and you ought to solve this case,' I said. 'This case has to be made,' Reppert answered. 'If we have to work all day and night, we will have to solve it.'

"Now, chief," Barker continued,

(Continued on Second Page.)

... when he had heard Reppert and Higgins remark about the massacre, Flavin said:

"Reppert told me that the massacre had to be cleaned up. Higgins said, 'I can't see why those men were killed. If it takes to the end of time, I'm going to get the killers.'"

At the Scene Early.

William M. Van Cleave, a detective, testified he saw Reppert and Higgins at the scene of the crime at 8 o'clock, a short time after the shooting. He asserted he saw the two officers questioning witnesses and searching for shells and bullets. Reppert later instructed him to go by airplane to Elmer, Mo., to investigate a report on a motor car license, he said. To his personal knowledge, he added, the investigation of the massacre still was going on.

V. S. Batton, assistant manager of WDAF, The Star's radio station, was examined by Jacobs about the news flashes broadcast between 8:15 o'clock and 8:45 o'clock the morning of the massacre. Batton replied such a broadcast had been made.

"Did you broadcast a report?" Jacobs asked. "Be on the lookout for two white men wearing blue shirts and riding in a black car with license No. 438-329 or 422-239. These men killed four men in front of the union station. They last were seen driving through Mission Hills.'"

"Yes, sir," Batton replied.

William B. Moorhead, a reporter for The Star, related he was at police headquarters the day of the massacre. He said everyone seemed busy, including Reppert and Higgins. Reppert, he said, was in and out of Higgins's office, apparently busily engaged.

Moorhead stated he never had

"I don't recall that I did."

"Didn't Walter Trainor, government agent, ask you if you had not remarked to deputy sheriffs that you didn't want to go to police headquarters here in your investigation because you suspected Floyd might be protected by certain forces in the department?"

"I don't remember having said that."

Lieut. William O. Gordon, superintendent of the police bureau of identification, went back on the stand when court convened today, and William S. Hogsett, defense counsel, took up the direct examination where he left off Saturday.

Hogsett read a letter directed to Gordon from the inspector of police at Detroit, saying a man had been found dead in the outskirts of Detroit and that he had been identified as Verne C. Miller.

Reads Second Letter.

He read a second letter addressed to Gordon from the Detroit police department, stating the dead man found had been wrapped in a blanket and tied with sash cord and that from fingerprints contained in circulars sent out by federal agents, the man had been identified as Verne C. Miller, sought in Kansas City as one of the union station killers.

"In order to increase the efficiency of the Kansas City police department," Hogsett asked Gordon, "Mr. Reppert, after his appointment, sent you to Northwestern university at Chicago to take a course of instruction, and did he not send you to weapon factories?"

Randall Wilson, an assistant United States district attorney, objected to that question as having no bearing on the case, and Judge Reeves upheld

KANSAS CITY JOURNAL-POST. TUESDAY, MARCH 12, 1935

Where North Side Politician Was Shot Down From Ambush Sunday Night

As he was going up the front steps of his home, 413 Olive street, shortly before midnight Sunday Lazia, North side politician, was shot by gangsters who were in a nearby motor car. The gangsters fired five times at Lazia, four shotgun slugs striking him. Some of the slugs that did not take effect in Lazia's body chipped the steps at places designated by the arrows. The arrow mark on the steps is where Lazia fell and rolled back down the steps to the sidewalk. George Famiglietti, city detective, is shown pointing to the place where Lazia toppled.

62-28915-17

EB

OURNAL-POST
AFTERNOON EDITION
n the Hill
ay, March 12, 1935.
Publication Office: 22nd and Oak Sts.
Published Daily and Sunday.
IN GREATER KANSAS CITY 2c PER COPY
15c A WEEK BY CARRIER

SLEUTHS AID REPPERT

NO 'LAY OFF' ORDER EVER GIVEN, THREE TESTIFY AT TRIAL

Fate of Former Police Director to Hands of Jury Soon.

HIT THURMAN STORY

Federal Agent Is Called as First Rebuttal Witness.

The defense rested in the Eugene C. Reppert trial shortly after 10 o'clock Tuesday morning after three more city detectives had testified for the former police director, charged with perjury in testimony before a federal grand jury investigating the Union station massacre.

In making his announcement that the defense had completed its case, Hogsett said there still were nineteen police department members waiting in the hall to testify for Reppert.

"Their testimony is virtually the same as that of a dozen others who have been on the witness stand," he said.

Others Deny Charge.

There was a conference among the defense attorneys and then Hogsett said, "The defense rests."

R. K. Cole, detective, and Joe Donohue, member of the police auto theft bureau, were the last two witnesses for Reppert. Both denied they ever had been instructed by the former police director to discontinue their investigation of the Union station massacre.

K. R. McIntyre, a government agent, was the first rebuttal witness for the government. The government expected to have six or seven rebuttal witnesses. The case may go to the jury before the end of the day.

The first witness Tuesday was Fred L. Watkins, city detective, who said he was working with Ben H. Thurman, one of the government's chief witnesses, at the time of the massacre.

On direct examination of Watkins by John T. Barker of defense counsel, Watkins said he never had received any instructions to "lay off" the massacre case.

STIFY AT TRIAL

Fate of Former Police Director to Hands of Jury Soon.

HIT THURMAN STORY

Federal Agent Is Called as First Rebuttal Witness.

915-1

The defense rested in the Eugene C. Reppert trial shortly after 10 o'clock Tuesday morning after three more city detectives had testified for the former police director, charged with perjury in testimony before a federal grand jury investigating the Union station massacre.

In making his announcement that the defense had completed its case, Hogsett said there still were nineteen police department members waiting in the hall to testify for Reppert.

"Their testimony is virtually the same as that of a dozen others who have been on the witness stand," he said.

Others Deny Charge.

There was a conference among the defense attorneys and then Hogsett said, "The defense rests."

H. K. Cole, detective, and Joe Donohue, member of the police auto theft bureau, were the last two witnesses for Reppert. Both denied they ever had been instructed by the former police director to discontinue their investigation of the Union station massacre.

K. R. McIntyre, a government agent, was the first rebuttal witness for the government. The government expected to have six or seven rebuttal witnesses. The case may go to the jury before the end of the day.

The first witness Tuesday was Fred L. Watkins, city detective, who said he was working with Ben H. Thurman, one of the government's chief witnesses, at the time of the massacre.

On direct examination of Watkins by John T. Barker of defense counsel, Watkins said he never had received any instructions to "lay off" the massacre case.

"Did Sergeant Thurman ever tell you that Chief Higgins (Thomas J. Higgins) had said to him with reference to the massacre case: 'Hands off' or words to that effect?"

"No, sir."

Denies Thurman Story.

"Did he ever say that Reppert, in Higgins' office, told him: 'This is not a police matter. Hands off. Have nothing to do with it.'"

"No, sir."

The defense attorney then asked the witness if Higgins had ever told him personally to "lay off" the case. Again the answer was no.

By confining his direct examination to these specific questions, the defense again limited the scope of cross-examination as was done Monday in the testimony of the defendant, Reppert.

Randall Wilson, assistant United States district attorney, cross examined.

"You are the same Fred Watkins," asked Wilson, "who testified before the grand jury in the massacre case, aren't you?"

"Yes."

"And you testified that you never received orders from Reppert or Higgins in connection with the massacre case?"

Not Told to "Lay Off."

Barker's objection to this question was sustained.

Wilson then asked if the witness had testified that Thurman talked to him and told him he had been told to "lay off."

"I say he didn't tell me that," said the witness.

Wilson then asked if Reppert or

Turn to Page 2, Column 2

"NEWS WHILE IT'S NEWS"

KANSAS CITY JOURNAL-POST

The Sentinel on the Hill

81st Year. No. 171. Entered as second class mail matter at Kansas City, Mo., under the act of March 3, 1879. Kansas City, Mo., Tuesday, March 12, 1935. Publication Office: 22nd and Oak Sts. Published Daily and Sunday.

DEFENSE RESTS AFTER SLEUTHS AID F

NO 'LAY OFF' EVER GIVE TESTIFY

in federal court.

Reppert was called to the witness stand in his own defense Monday afternoon and it required just nine minutes for him to complete his testimony and answer the questions asked by the prosecution in cross-examination.

Denies Thurman Story.

His testimony, in effect, was that he did not instruct Ben H. Thurman, former detective sergeant, to "lay off" the Union station massacre because it was a government case.

Mr. Barker, a defense attor-

Mr. Backus
Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Smith
Mr. T-

Mr. Nathan
Mr. Tolson
Mr. Backus
Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Gandy

Freed of Perjury in Depot Massacre

KANSAS CITY, March 12.—(AP)—A federal court jury quickly acquitted Eugene C. Reppert, former director of police, tonight on a charge he committed perjury in testimony before a grand jury relative to the Union Station Plaza massacre in 1933. The jury was out nineteen minutes.

HD

69-28715-H

EB

Chicago Herald & Examiner

MAR 18 1935

"NEWS WHILE IT'S NEWS"

KANSAS CITY JOURNAL-POS

The Sentinel on the Hill

81st Year. No. 172. Entered as second class mail matter at Kansas City, Mo., under the act of March 3, 1879. Kansas City, Mo., Wednesday, March 13, 1935. Publication Office: 3rd and C Published Daily and Sunday

U. S. TO DROP HIGGINS AND RAYEN

Reppert Shakes Hands With Foreman of Jury After Acquitt

Additional Pictures on Picture Page.

...day night of a charge of perjury, ... which found hi...

ANSAS CITY JOURNAL-POST

The Sentinel on the Hill

AFTERNOON EDITION

Kansas City, Mo., Wednesday, March 13, 1935.

Publication Office: 32nd and Oak Sts. Published Daily and Sunday.

IN GREATER KANSAS CITY 2c PER COPY) 15c A WEEK BY CARRIER

DROP HIGGINS AND RAYEN CHARGES

Reppert Shakes Hands With Foreman of Jury After Acquittal

Additional Pictures on Picture Page.

Eugene C. Reppert (right), former director of police, who was acquitted in federal court Tuesday night of a charge of perjury, here is shown shaking hands with Ray Pace, foreman of the jury which found him not guilty. The jury was out only 18 minutes and took only one ballot.

DECISION MADE AFTER REPPERT IS ACQUITTED

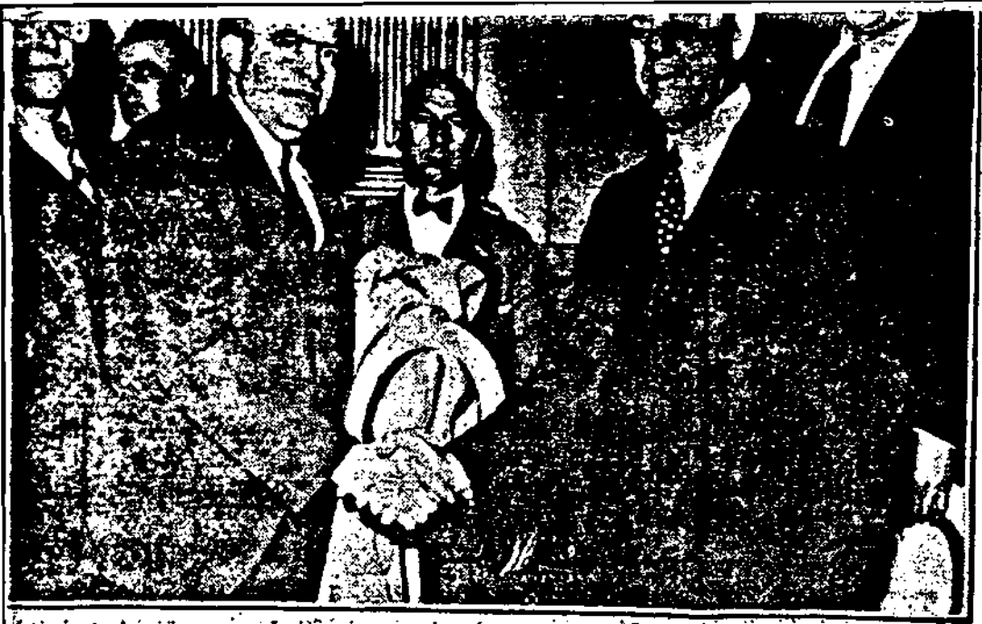
Evidence Virtually Same in All Cases, Says Milligan.

VICTORY FOR POLICE

Department Is Vindicated, Asserts Detective Chief in Statement.

Pending charges of perjury against Thomas J. Higgins, chief of detectives, and Lt. George (Jeff) Rayen of the police department will be dismissed.

The announcement followed the speedy acquittal Tuesday night of Eugene C. Reppert, former director of police, by



ugene C. Reppert (right), for- | day night of a charge of perjury, | which found him not guilty. The
director of police, who was | here is shown shaking hands with | jury was out only 15 minutes and
itted in federal court Tues- | Roy Pace, foreman of the jury | took only one ballot.

62-28915-17

idence Virtually Same in All Cases, Says Milligan.

'VICTORY FOR POLICE'

Department Is Vindicated, Asserts Detective Chief in Statement.

Pending charges of perjury against Thomas J. Higgins, chief of detectives, and Lt. George (Jeff) Rayen of the police department will be dismissed.

The announcement followed the speedy acquittal Tuesday night of Eugene C. Reppert, former director of police, by a federal court jury. Higgins and Reppert were accused of perjury before a federal grand jury and were indicted by that body during an investigation of the Union station "massacre" of June 17, 1933.

When he was apprised of the de-

DIDN'T NEED TO LEAVE BOX FOR VOTE, JUROR REMARKS

The evidence was so clearly in favor of Eugene C. Reppert, former police director, one juror was heard to remark as he left the court room Tuesday night, that a not guilty verdict would have been rendered without leaving the jury box if it had not been contrary to federal court procedure. Members of the jury are required to go to a jury room, elect a foreman, cast their ballots and then enter the verdict on a form provided for that purpose. This procedure prevents a decision in the jury box.

cision by the government, Chief Higgins issued the following statement:

"Vindication of Police."

"Naturally I am elated and appreciative of the verdict in the Reppert case and the announcement that the charge against me will be dismissed, because it is a vindication of the police department of the allegation that it failed in performance of its duty in the massacre case at the Union station.

"In my twenty-four years of police service, I know that I have never failed the people of Kansas City in my handling of police affairs."

Maurice M. Milligan, United States district attorney, when reached at his home in Richmond, Mo., by telephone, said:

"Inasmuch as the evidence in the Higgins and Rayen cases is practically identical with that of the Reppert case, there would seem to be no object in attempting to try Higgins and Rayen."

Expects Washington OK.

Milligan said he had not conferred with the attorney general's office in Washington with reference to disposition of the Higgins and Rayen cases, but he indicated he felt Washington would agree with his view.

At the trial of Reppert, Higgins was the principal defense witness. The government's chief aid was Ben H. Thurman, former detective sergeant, whom Higgins succeeded as chief of detectives.

Thurman testified that Higgins and Reppert had instructed him to return to his assignment as head of the police department holdup squad and to discontinue his part in the station killing inquiry.

The perjury charges against Rep-

Turn to Page 2, Column 1.

Higgins a

...0. F. H. Frew, general man-
... of the company, accepted the

...you want good board or a fur-
...d room, look over the list
...ed in today's issue of the
...el-Post.

Reppert Acquittal

STEP FOLLOWS PROMPT ACTION BY U. S. JURY

Evidence Virtually Same in All Cases, Says Milligan.

'VICTORY FOR POLICE'

Department Is Vindicated, Asserts Detective Chief in Statement.

Continued From Page 1.

pert and Higgins were based virtually on the same evidence. The detective chief and the former police director were accused of denying to the grand jury that they had instructed police department members "to lay off" the massacre investigation because it was a government case.

Not Suported by Others.

During the trial, the government was unable to give any evidence other than Thurman's testimony to substantiate the "lay off" order.

Only eighteen minutes were required by the jury to return the speediest verdict reached in recent years in a major criminal case in federal court here. The members required only enough time in which to elect a foreman and cast one ballot.

The case was received by the jurors at 9:13 o'clock Tuesday night and at 9:31 the bailiff received the signal that a verdict had been reached.

Every Seat Filled.

Every seat in the court room was filled and many stood in the corridors as the jury filed back from the jury room. Judge Albert L. Reeves took his place behind the bench and everything was in readiness for the verdict.

Roy Pace, foreman, handed a folded paper to the clerk and the verdict of not guilty was read. No sooner had the clerk uttered the words "not guilty" than a woman in the rear of the court room screamed and began to applaud. The rest of the crowd took up the demonstration and the room soon was in an uproar.

Raps For Order.

The bailiff rapped for order, and as the noise subsided, Judge Reeves could be heard rebuking the demonstrators. He ordered the bailiff to bring the persons responsible to the bench. The offending spectators could not be located, but the rebuke had its effect and the crowd was silent during the rest of the proceedings.

Then Judge Reeves instructed the court clerk to read the verdict a second time.

Reppert, who had sat impatiently at the counsel table during the whole affair, immediately was surrounded by friends. He was on his feet and heading toward the jury box before the first man had stepped out after the formalities of court

scores who were pressing about to congratulate him, he hastened to a telephone to inform his wife of the good news.

Chief Higgins also was in the court room. Pace smiled at the detective chief and called, "Hello chief."

The jurors refused to comment on their verdict, other than to say Reppert had been acquitted on the first ballot.

Speaks for Itself.

"Doesn't that speak for itself?" one asked.

Eight days and one night session were required to receive all the evidence by prosecution and defense to prove or refute the charge of perjury before a grand jury for which Reppert was tried.

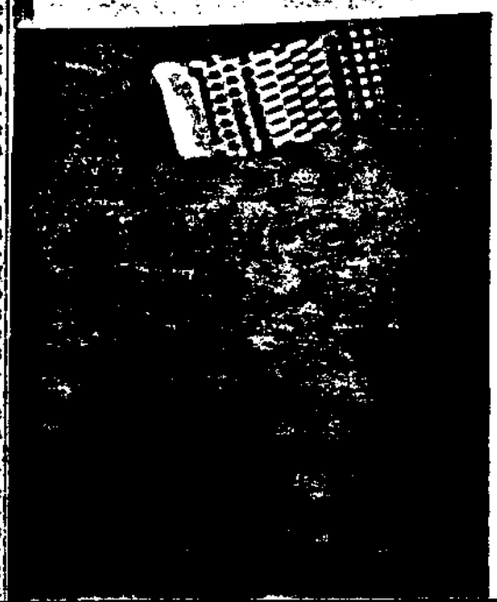
DEATHS AND FUNERALS

BOYLE—Funeral services for Mrs. ... Boyle, 74 years old, who died Tuesday afternoon at Providence hospital, will be held at 8:30 o'clock Friday at the home and at 9 o'clock at St. Mary's Catholic church. Burial will be in Mt. Calvary cemetery. Mrs. Boyle was a daughter of Thomas Kelley, operator of a blacksmith shop in old Wyandotte, until his death twenty-five years ago. Mrs. Boyle had lived in Kansas City, Kas., since she was 6 months old. The blacksmith shop was at what is now Nugent alley and Armstrong avenue. The home was at the same location. Mrs. Boyle was a member of St. Mary's Catholic church and the Catholic Order of Foresters. Her husband, the late ... Boyle, was a political leader in Wyandotte county. Surviving are two sons, ... Boyle, 1075 Laurel avenue, former commissioner of elections, and Edward ... Boyle, Madera, Cal.; a daughter, ... Helen Dixon, 738 Barnett avenue, and ... sisters, Mrs. Georgia Gorman, 736 Barnett avenue, and Miss Kate Kelley, 1075 Laurel avenue.

JOHNSON—Funeral services for ... Arinthia Johnson, 74 years old, who died Tuesday at her home, 2917 Euclid avenue, will be held at 3 o'clock Thursday afternoon at Bonner Springs, Kas. Burial will be there. Mrs. Johnson had been a resident of Kansas City more than forty years. She is survived by her husband, ... Johnson, of the home; two daughters, ... William McKamy, St. Louis, and ... Ruby Johnson of the home, and two sisters, Mrs. Rose Poltner, Bonner Springs, and Mrs. Mollie Hopper, Memphis, Tenn.

KELLY—Funeral services for Michael ... Kelly, 65 years old, a member of the ... metropolitan police department here under state control, who died Tuesday at ...

8915-17



pert and Higgins were based virtually on the same evidence. The detective chief and the former police directo[illegible]re accused of denying to the [illegible]d jury that they had instructed police department members "to lay off" the massacre investigation because it was a government case.

Not Suported by Others.

During the trial, the government was unable to give any evidence other than Thurman's testimony to substantiate the "lay off" order.

Only eighteen minutes were required by the jury to return the speediest verdict reached in recent years in a major criminal case in federal court here. The members required only enough time in which to elect a foreman and cast one ballot.

The case was received by the jurors at 9:13 o'clock Tuesday night and at 9:31 the bailiff received the signal that a verdict had been reached.

Every Seat Filled.

Every seat in the court room was filled and many stood in the corridors as the jury filed back from the jury room. Judge Albert L. Reeves took his place behind the bench and everything was in readiness for the verdict.

Roy Pace, foreman, handed a folded paper to the clerk and the verdict of not guilty was read. No sooner had the clerk uttered the words "not guilty" than a woman in the rear of the court room screamed and began to applaud. The rest of the crowd took up the demonstration and the room soon was in an uproar.

Raps For Order.

The bailiff rapped for order, and as the noise subsided, Judge Reeves could be heard rebuking the demonstrators. He ordered the bailiff to bring the persons responsible to the bench. The offending spectators could not be located, but the rebuke had its effect and the crowd was silent during the rest of the proceedings.

Then Judge Reeves instructed the court clerk to read the verdict a second time.

Reppert, who had sat impatiently at the counsel table during the whole affair, immediately was surrounded by friends. He was on his feet and heading toward the jury box before the first man had stepped out after the formalities of court had ended. He greeted each of the twelve men with a handshake and thanked him for the verdict.

Then Informs Wife.

"I have always felt," he said, "that the indictment never should have been returned. It was entirely without foundation and the decision of the jury establishes that."

When he could free himself of

[illegible] Annette, [illegible] five years ago, Mrs. Boyle had [illegible] Kansas City, Kas., since she was [illegible] old. The blacksmith shop was at [illegible] to new Nugent alley and Armstrong [illegible] nue. The home was at [illegible] Mrs. Boyle was a [illegible] Catholic church and the [illegible] Foresters. Her husband, [illegible] Boyle, was a political leader in Wyandotte county. Surviving are two sons, [illegible] Boyle, 1975 Laurel avenue, former [illegible] missioner of elections, and Edward [illegible] Boyle, Madera, Cal.; a daughter, [illegible] Helen Dixon, 753 Barnett avenue, and [illegible] sisters, Mrs. Georgia Gorman, [illegible] avenue, and Miss Kate Kelley, 1975 Laurel avenue.

JOHNSON—Funeral services for [illegible] Arinthia Johnson, 74 years old, who [illegible] Tuesday at her home, 2917 Euclid avenue will be held at 3 o'clock Thursday afternoon at Bonner Springs, Kas. Burial [illegible] be there. Mrs. Johnson had been a resident of Kansas City more than forty years. She is survived by her husband, J. [illegible] Johnson, of the home; two daughters, Mrs. William McKamy, St. Louis, and Mrs. Ruby Johnson of the home, and two sisters, Mrs. Rose Poltner, Bonner Springs, and Mrs. Mollie Hopper, Memphis, Tenn.

KELLY—Funeral services for Michael Kelly, 85 years old, a member of the [illegible] metropolitan police department here under state control, who died Tuesday at [illegible] [illegible] will be held [illegible]

-8915-17

N

PROTEST to those in Missou[illegible]
The legislature is now in sess[illegible]
Here are the Jackson County
Senators
M. E. Casey Jor[illegible]
Representati[illegible]
1st Dist.—John R. Haskell. 6th [illegible]
2nd Dist.—W. H. Lafferty. 7th [illegible]
3rd Dist.—Max Asetsky. 8th [illegible]
4th Dist.—Gil P. Bourk. 9th [illegible]
5th Dist.—Vinton Jones. 10th [illegible]
WIRE, WRITE or PHONE NOW. [illegible]

● Why raise 26 mill[illegible] cerns and all cons[illegible]
● Why burden the [illegible] with a tax in ALL[illegible]
● Why slow up bus[illegible] estate to business[illegible]

THE KANSAS CITY STAR, WEDNESDAY, MARCH 13, 1935.

HIGGINS TO GO FREE

U. S. to Drop Perjury Charges Against Detective Chief and "Jeff" Rayen.

BASED ON REPPERT CASE

Evidence Against Police Officer the Same as Against Acquitted Ex-Director.

ENDS THE MASSACRE CASES

Federal Agencies Are Through, Except to Aid State in Prosecuting Adam Richetti.

The perjury indictments against Thomas J. Higgins, present chief of detectives, and George L. (Jeff) Rayen, detective lieutenant, will be ordered dismissed within a few days at the request of Maurice M. Milligan, United States district attorney.

Mr. Milligan, by telephone from his home at Richmond, Mo., said today he would request Judge Albert L. Reeves and Judge Merrill E. Otis to dismiss the two remaining perjury indictments because, as he explained it, the federal government's evidence against Chief Higgins and Rayen virtually is the same as introduced in the trial of Eugene C. Reppert, former police director, who was acquitted last night of the perjury charge.

An Advance Decision.

"I had decided that in the event of an acquittal of Reppert," Mr. Milligan said "that I would ask the court to dismiss the indictments as to Higgins and Ryan. Since Reppert was acquitted, that will be done."

Chief Higgins and Rayen were indicted with Reppert the night of November 8, last year, after a grand jury investigation in which many police officers, federal agents and others were called and questioned. Chief Higgins and Rayen, as was Reppert, were accused of committing perjury before the grand jury while that body was investigating the union station plaza massacre of June 17, 1933.

Reppert was the first of the three to go to trial. His trial consumed nine days and one night. In the trial the federal government, through Milligan and Randall Wilson, first assistant district attorney, attempted to show an alliance between the police department and the Kansas City underworld.

The maximum penalty that would have been possible for Reppert upon conviction was five years and a fine of $2,000.

Milligan Back Tomorrow.

The trial of Chief Higgins was to have followed Reppert's before Judge Reeves. The trial of Rayen was to have begun April 1 before Judge Otis. Mr. Milligan said he would return to Kansas City tomorrow and probably would take the matter of the dismissal of the indictments up with Judge Otis at that time. Milligan left the federal building for Richmond last night immediately after the closing garguments. He was not in court when the verdict of acquittal of Reppert was read.

Mr. Milligan had said previously he would confer with the attorney general at Washington for instructions whether to ask dismissal of the remaining indictments or to go ahead with the trials of Chief Higgins and

Mr. Nathan
Mr. Tolson
Mr. Backus
Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Gandy

62-28915-B

Mr. Schilder ____
Mr. Smith ____✓
Mr. Tamm ____
Mr. Tracy ____
Miss Candy ____
____
____

62-28915-A

ENDS THE MASSACRE CASES

Federal Agencies Are Through, Except to Aid State in Prosecuting Adam Richetti.

The perjury indictments against Thomas J. Higgins, present chief of detectives, and George L. (Jeff) Rayen, detective lieutenant, will be ordered dismissed within a few days at the request of Maurice M. Milligan, United States district attorney.

Mr. Milligan, by telephone from his home at Richmond, Mo., said today he would request Judge Albert L. Reeves and Judge Merrill E. Otis to dismiss the two remaining perjury indictments because, as he explained it, the federal government's evidence against Chief Higgins and Rayen virtually is the same as introduced in the trial of Eugene C. Reppert, former police director, who was acquitted last night of the perjury charge.

An Advance Decision.

"I had decided that in the event of an acquittal of Reppert," Mr. Milligan said "that I would ask the court to dismiss the indictments as to Higgins and Ryan. Since Reppert was acquitted, that will be done."

Chief Higgins and Rayen were indicted with Reppert the night of November 2, last year, after a grand jury investigation in which many police officers, federal agents and others were called and questioned. Chief Higgins and Rayen, as was Reppert, were accused of committing perjury before the grand jury while that body was investigating the union station plaza massacre of June 17, 1933.

Reppert was the first of the three to go to trial. His trial consumed nine days and one night. In the trial the federal government, through Milligan and Randall Wilson, first assistant district attorney, attempted to show an alliance between the police department and the Kansas City underworld.

The maximum penalty that would have been possible for Reppert upon conviction was five years and a fine of $2,000.

Milligan Back Tomorrow.

The trial of Chief Higgins was to have followed Reppert's before Judge Reeves. The trial of Rayen was to have begun April 1 before Judge Otis. Mr. Milligan said he would return to Kansas City tomorrow and probably would take the matter of the dismissal of the indictments up with Judge Otis at that time. Milligan left the federal building for Richmond last night immediately after the closin gargumenta. He was not in court when the verdict of acquittal of Reppert was read.

Mr. Milligan had said previously he would confer with the attorney general at Washington for instructions whether to ask dismissal of the remaining indictments or to go ahead with the trials of Chief Higgins and Rayen. Today, however, he said outright he would request that the indictments be dismissed.

A State Trial Left.

With the dismissal soon of the Higgins and Rayen perjury indictments, there leaves only one more criminal case to be tried in connection with the union station plaza massacre. It will be the murder trial in the county circuit court, of Adam Richetti, former partner of Charles A. (Pretty Boy) Floyd, slain Oklahoma outlaw. The Richetti trial is set tentatively to begin April 1, but it is not expected to begin at that time. Richetti is accused of being one of the machine gunners who moved down four officers and Frank Nash, their prisoner, in front of the union station. The others with him were Floyd and Verne C. Miller, also dead.

With the exception of the Higgins and Rayen indictments, all federal cases thus far resulting from the massacre have been disposed of. Six conspirators, who arranged the chain of telephone calls that subsequently resulted in the massacre, were convicted recently by a jury in th court of Judge Otis. One pleaded guilty.

Wash DC Post 3-14-35

Kansas City Massacre Perjury Case Closed

Kansas City, March 13 (AP).—The Federal Government's prosecution of perjury charges against three Kansas City police officers in connection with the Union Station slayings of 1933 is ended. A Federal jury was out only 18 minutes last night in returning a verdict of not guilty against Eugene C. Reppert, former police director.

Maurice M. Milligan, United States district attorney, announced today indictments against Thomas J. Higgins, detective chief, and George L. (Jeff) Rayen, detective lieutenant, would be dismissed. He said evidence against them was similar to that in the Reppert case.

62-28915-A

EB

FEDERAL BUREAU OF INVESTIGATION
FROM: UNIT [redacted] & UNIT #3

_____ 1935.

TO: ___Director
___Mr. Nathan
___Mr. Tolson
___Mr. Edwards
___Mr. Quinn
___Mr. Tamm
___Unit Two

___Unit Four
___Files Section
___Personnel Files
___Mechanical Section
___Chief Clerk's Office

___Unit Five
___Identification Unit
___Statistical Section
___Technical Laboratory

SUPERVISORS

Unit One
___Mr. Wellies
___Mr. Lowdon
___Mr. Bryan
___Mr. Nemby
___Mr. Richmond
___Mr. Thompson
___Mr. Chambers

Unit Three
___Mr. Joseph
___Mr. Berens
___Mr. Foxworth
___Mr. Weeks

___Miss McCarthy
___M _____

___Correct
___Re-write
___Re-date
___See me
___Send file

_____
_____
_____
_____

_____
Supervisor.

Floyd Dead, Bank's Raids Hit New Low

By the Associated Press.

Oklahoma City May 6.—Bank robbing isn't what it used to be in Oklahoma.

In 1932—when the name of the late Charles (Pretty Boy) Floyd made criminal news in the State—82 banks were raided.

For the first four months of 1935, authorities announced today, the total is six.

The total loot in 1932 was $127,858; this year, up to now, the total is $7,427.

A good share of the credit is given generally to the Justice Department's Bureau of Investigation agents. They heightened co-operation among county officers.

62-28915-A

ES

Mr. Nathan .....
Mr. Tolson .....
Mr. Baughman .....
Chief Clerk .....
Mr. Clegg .....
Mr. Coffey .....
Mr. Edwards .....
Mr. Egan .....
Mr. Harbo .....
Mr. Keith .....
Mr. Lester .....
Mr. Quinn .....
Mr. Schoidt .....
Mr. Schilder .....
Mr. Smith .....
Mr. Tamm .....
Mr. Tracy .....
Miss Gandy .....
.....
.....

CHICAGO GARAGE MAN PLEADS NOT GUILTY IN 'BABY FACE' CASE

San Francisco, May 4 (AP).—Clarence Lieder, Chicago garage man brought here on charges of aiding the escape of the since slain gangster "Baby Face" Nelson, pleaded not guilty before Federal Judge Walter C. Lindley, to conspiracy to conceal a fugitive and to transportation of a stolen auto across state boundaries.

Reduction of the total bail from $30,000 to $15,000 was granted. May 28 was fixed for trial.

Sentencing of Joseph (Fatso) Negri, San Francisco bartender who testified for the government in the recent trial here of several persons charged with having harbored Nelson, again was postponed.

CHICAGO DAILY TIMES

MAY 14 1935

62-28915-A

Mr. Tolson
Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Scheidt
Mr. Schilder
Mr. Smith
Mr. Tamm
Mr. Tracy
Miss Gandy

JURY WOES AT DEPOT TRIAL

Adam Richetti (left), with his attorney, Ralph S. Latshaw, smiles grimly in Kansas City court as both prosecutors and defense strike snag in selection of jury to try him for Union station slaying of 1933. Five persons were slain in attempt to liberate an outlaw.

62-28915-A

CHICAGO DAILY TIMES

JUN 12 1935

Kansas City Journal-Post

Kansas City, Missouri

June 12, 1935

JURY PANEL IS COMPLETED IN RICCHETTI CASE

Trial Expected to Reach Testimony Stage by Thursday.

MELVIN PURVIS HERE

Federal Agent to Take Stand as Witness for Prosecution.

Pictures on Picture Page.

Selection of the panel of forty-seven veniremen from which a jury will be selected to determine the fate of Adam Ricchetti, charged with the murder of Frank Hermanson, city detective, in the Union station massacre June 17, 1933, was completed at 10:25 o'clock Wednesday morning.

Judge Ray G. Cowan announced he would give the state until 2 o'clock to complete its challenges and the defense will have to 5:30 o'clock for the same purpose. The state is allowed fifteen challenges and the defense twenty.

The remaining twelve men, Judge Cowan said, immediately would be placed in the custody of the sheriff and locked up for the night. Taking of testimony in the case will start Thursday morning.

Melvin H. Purvis, head of the Chicago office of the federal bureau of investigation, arrived in Kansas City with other agents Wednesday to testify at Ricchetti's trial.

Purvis directed the squads of federal agents who shot and killed Charles A. (Pretty Boy) Floyd in Ohio two days after Ricchetti was captured near Wellsville. Purvis also was the directing head of the squad that killed John Dillinger in Chicago.

With four members of the required jury panel of forty-seven remaining to be selected when court opened, eleven of the first twenty-four veniremen examined were excused by Judge Cowan. Ten said they were opposed to the death penalty, which the state has announced it will ask for Ricchetti, and one man was excused when he said he had been acquainted with Hermanson.

[redacted]

John W. Holbrook, [redacted] Sixth street.
Edward Malone, 7120 Olive street.
W. E. Lynch, 1618 Independence [redacted]
Paul Oliver, 3140 Main [redacted] street.
Albert Yeats, Independence.
Daniel J. McLaughlin, [redacted] street.
Norman V. Hach, Grandview.
Leo M. Brown, 3103½ Jackson [redacted]
Lee Davies, 3140 Cypress avenue.
George O. Dewey, [redacted] North [redacted] street terrace.
William E. Gray, Grandview.
Fred L. Hafner, 3013 Prospect [redacted]
Robert M. Breitenstein, [redacted] [redacted] ness.
Thomas J. Butler, 1207 West [redacted] street, Independence.
Roy C. Petty, 1010 East [redacted] street.
Harry E. Price, 600 Archibald street.
Charles B. Moore, 6704 Kenwood avenue.
Otto H. Bierbaum, Lavaca.
John J. Jordan, 3434 College [redacted]
William R. Latimer, [redacted] South [redacted] street, Independence.
James D. Holly, 617 East [redacted] street terrace.
Harold Wright, Raytown.
Otto Powell, 1017 East [redacted] street terrace.
Shelton Branson, 1027 Woodland [redacted]
Charles E. Garlock, Twenty-third street and Glenwood avenue.
Oliver P. Leap, Independence.
William Buttner, 3321 Park avenue.
J. E. Nuckles, 420 West Seventy-first street.
Jess K. Mundy, 6018 Euclid avenue.
Clyde Hofton, 134 South Wheeling [redacted]
Richard P. Hergstresser, 23 East [redacted] Fourth street terrace.
Raymond S. Trane, 704 Brighton avenue.
Sam C. Hudson, 5636 Tracy avenue.
Edward H. Hutler, 3228 Brooklyn avenue.
William H. French, 1234 Lawn avenue.
Nicholas Procul, 1650 Jefferson street.
Rufus A. Corley, 417 North Wheeling [redacted]
Fred C. Haidman, Buckner.
Robert J. Poulston, 3627 Lister avenue.
Gregory Vigeant, jr., 300 East Winthrop road.
John J. Murphy, 3909 Chestnut avenue.
Aaron Burton, 3314 Kensington.
Walter Campbell, Independence.
William Trunkl, 3100 Troost avenue.
Robert R. Carry, 3815 East Ninth street.

Inability to obtain the jury panel Tuesday from the veniremen called, caused Judge Cowan to summon 150 additional veniremen. Of that number, fifty-one reported for service Wednesday.

W. W. Graves, prosecutor, and M. W. O'Hern and Russell T. Boyle, his assistants, represent the state, and Ralph Latshaw and James Daise represent Ricchetti.

The state charges that Ricchetti was one of three gunmen who killed Frank Nash, convict, and four officers who were returning Nash to the federal penitentiary in Leavenworth. Besides Hermanson, the officers killed were William J. Grooms, city detective; Otto Read, McAlester, Ok., police chief, and Raymond J. Caffrey, special agent of the division of investigation, department of justice.

The two alleged killers the state claims were accomplices of Ricchetti in the attempted rescue of Nash were Charles A. (Pretty Boy) Floyd and Verne Miller. Floyd was later killed by federal agents in Ohio and Miller was slain by gangsters near Detroit.

62-28915-17