

U. S. Department of Justice  
DIVISION OF INVESTIGATION  
**Bureau of Investigation**

224 Federal Building  
Oklahoma City, Oklahoma  
December 31, 1933

Mr. Nathan.....  
Mr. Tolson.....  
Mr. Clegg.....  
Mr. Edwards.....  
Mr. Egan.....  
Mr. Hughes.....  
Mr. Quinn.....  
Mr. Lester.....  
Mr. Locke.....

RHC:CDW  
62-456

Director,  
Division of Investigation,  
U. S. Department of Justice,  
Washington, D. C.

Dear Sir:

In re: Verne C. Miller, deceased, et al  
Richard Tallman Galatas, Fugitive;  
Wilbur C. Underhill, Fugitive;  
Obstruction of Justice.

With reference to the above entitled case, this office has been receiving almost daily information as to the activities of Wilbur C. Underhill, it being quite apparent that he was openly and brazenly operating in the vicinity of Oklahoma City and surrounding territory. As a matter of practical economy, it was manifestly impossible to follow up all the various "hot leads" as to his whereabouts. It was also practically useless to try to apprehend him through maintaining surveillance of his known relatives. He at last became so brazen that on November 18, 1933, he openly under his own name married Hazel Hudson, alias Beatrice Hudson, nee Hazel Jarrett, sister of the notorious Jarrett brothers, outlaws of Oklahoma, at Coalgate, Oklahoma, and used as his best man and witness, Bruce Merrill Brady, brother of the notorious Bob Brady. The writer concluded that the only successful plan of apprehension of this notorious fugitive would be through the services of an undercover informant who, if the proper one were secured, would be able to put Underhill on the spot.

To this end, on November 17, 1933, through City Detective Lieutenant C. O. Hurt and his partner, Charles Mickey Ryan, City Detective, the writer contacted an ex-convict who for the present will be known as Jack Hughes, who had served time with Underhill at the McAlester Penitentiary, and who stated that he believed he still remained in the good graces of Underhill and who also has a wide acquaintance among other ex-convicts from McAlester. This informant stated that he believed he could put Underhill on the spot and would be willing to assist the Government to that end for any rewards which might be offered

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DIVISION OF INVESTIGATION  
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U. S. DEPARTMENT OF JUSTICE  
ONE FILE

No. 2

or guaranteed in the matter.

I conferred with Mr. Joe Anderson, a private detective presently in the employ of the Governor of Kansas and with a Mr. Smith Assistant Attorney General of Kansas, whose initials are to the writer unremembered, and ascertained from them that the Governor of Kansas would pay \$350.00 for the capture of Underhill, dead or alive. With this information and with a verbal understanding with the Director while the writer was in Washington the first part of November, Agent further promised to the Informant that the Government would pay the sum of \$500.00 for the information which would lead to the apprehension of Underhill. Informant did not ask any advance except small sums of money for expenses and a car to be used in his travels. In this connection, the writer advanced him \$5.00 and Agent Frank S. Smith has from time to time advanced the informant small sums of money totalling approximately \$20.00. Through the cooperation of John Watt, Chief of Police, informant was provided with an old automobile and has several times contacted Wilbur Underhill, but was never able to get the word to this office in time for action. I last conferred with this informant together with Agent Frank Smith on Christmas day, at which time the informant was without an automobile, the old one with which he had been furnished having broken down. The informant was directed to continue his efforts and on the 29th of December was furnished with another automobile. I arranged to have Agent Frank Smith handle all direct contacts with the informant as he lived in the immediate vicinity of where Agent Smith resides. Also on Christmas day, I suggested to the informant that Shawnee, Oklahoma, appeared to me to be the most logical spot where Underhill had more or less a permanent hide-away, further informing that he appeared to show up there more frequently than any other place.

At 11:40 P. M., on December 29, I received a telephone call from Agent Smith who advised that the informant had just phoned him from Shawnee, Oklahoma, 43 miles from Oklahoma City, to the effect that Underhill, his wife Hazel Jarrett Underhill, and Ford Bradshaw, another notorious Oklahoma bank robber, were then in the house at Shawnee. The informant requested Agent Smith to have the Chief of Police at Shawnee lock him and his companion up immediately in order to avoid suspicion and so that the informant might remain in Shawnee, under proper care, until we could arrive and at which time he would give us definite information. Acting as per suggestion, Agent Smith had the night Chief of Police at Shawnee lock informant and his companion, who developed to be Lon Johnson, up. Immediately upon receiving this word, Agent proceeded to organize a posse consisting of about four deputies from the

No. 3

Sheriff's Office at Oklahoma City, lead by W. I. Eades, Chief Deputy; Detective Lieutenant Clarence Hurt and Detectives Charles Mickey Ryan and Bryce of the Oklahoma City Police Department. These officers together with the writer and Special Agents Frank Smith, K. D. Deaderick, Paul Hansen, J. M. Edgar, T. M. Birch, and G. H. Franklin, proceeded immediately by automobile to Shawnee, Oklahoma, where we arrived about 1:20 A. M., on the 30th, immediately conferring with Frank Bryant, night Chief of Police at Shawnee; after which it was determined expedient to ascertain as nearly as possible who might be in the house where the informant had reported that Underhill was located. To this end, the informant accompanied by Mr. Bryant and C. O. Hurt made a reconnaissance and determined that the house was 606 Dewey Street and at which time it was observed that the house was fully lighted, but with all blinds drawn. The informant had reported that when he had left the place at about 9:45 P. M., Underhill's car was standing on the driveway between the house and the garage the doors of which were standing wide open. When the second trip was made, it was observed that the garage doors were closed and the car not in sight. It was also determined by this time that the house was originally rented by one Hatley Smith, well known insurance man of Shawnee, but that he had sub-let it to persons whose identity was not established at that time. It was also ascertained that the house had been under observation by the Shawnee Police for some weeks owing to suspicious activities thereat.

With this information, it was decided to raid the place at once and the officers present were divided into two squads, who proceeded together to within a block and a half of the place where we left our automobiles. The writer, Agents Smith, Deaderick and Hansen with Detectives Hurt, Ryan and Bryce, approached the house from the rear while Agents Franklin, Edgar, and Birch, accompanied by night Chief of Police Frank Bryant and Deputy Sheriff Eades and the other deputies from the Oklahoma City Sheriff's Office, approached the house obliquely from the front. The writer and the other officers above mentioned approached obliquely from the rear, this precaution being taken in order to obviate the possibility of getting caught in a cross fire. As we neared the house, a dog began barking furiously, which hastened our approach to the rear of the house, at which time it was observed that the shades on the two rear bedroom windows were up all the way and a light burning brightly in the rear bedroom. Upon nearer approach, Underhill was seen standing inside dressed only in a long suit of underclothes and apparently just about to retire, fearing that he would be alarmed by the barking of the dog, the writer accompanied by Lieutenant Hurt immediately rushed forward to the rear window at which time Hurt shouted, "Wilbur, throw up your hands. It is the Law."

No. 4

Underhill appeared taken by surprise and made a notion as though to comply, but suddenly whirled as to pick up his guns. At this junction, Hurt discharged a tear-gas shell through the window and the writer fired directly at Underhill three times with a Thompson Machine Gun, and at the first or second shot, Underhill fell to the floor and the writer and Hurt backed away from the building as we were at that moment in a possible line of fire from the front of the house, which was only a shell frame. We could not see Underhill any more and firing then broke out from the other officers in front of the house about the same time that Underhill's guns began to bark from the rear window. However, it is difficult to state definitely the exact order of the firing. The firing then began generally into the house from both the front and the rear and additional gas shells were fired into the house on the front. It afterwards developed that almost immediately after Hurt and the writer fired the first shots from the rear of the house that Underhill turned and ran through the other darkened rooms and out the front door, clad only in his underclothes and being bare footed. A number of shots were fired at him from the front of the house where Agents Franklin, Birch and Edgar were with shot guns and at which time Agent Birch fired six shots from the Browning Automatic Shotgun and Underhill was seen to fall twice and each time recovered his footing and turned between two houses some two or three doors South. It was impossible and unsafe for anyone to follow him then on account of the continuous firing being poured in that direction from the other officers. It was some moments before the writer discovered that he had left the house. In the meantime, we shouted for the other occupants of the house to come out, and one Raymond Rowe, alias Ralph Rowe, crawled out of the front door being blinded by gas and unable to stand erect, having been shot through the elbow and top of the shoulder and stating that he was paralyzed and could not get up. Also, another woman came screaming out of the house and fell on the lawn in front of the house. About this time, Hazel Underhill showed up in the light in the back bedroom and Clarence Hurt called her by name and told her to come out immediately. She recognized Hurt and stated that she would surrender. Apparently she had become overcome by the gas and had lain on the bed during this interval of continuous firing. She came out and was taken into custody. Rowe, and the other woman who developed to be Eva Kay Nichols, a beauty parlor operator from Seminole, Oklahoma, were placed in an ambulance and taken to the hospital.

The writer and most of the other Division Agents immediately scattered throughout the immediate neighborhood with flashlights and cars endeavoring to pick up the trail of Underhill, but were unable to do so. Also, a call was placed immediately to the State Penitentiary at McAlester asking for blood hounds which, however, did not arrive until 6:45 A. M., McAlester being some 100 miles away.

No. 5

During all this interval, officers in cars and on foot and otherwise continued scouting the vicinity for a radius of a mile or two. It was raining and very foggy. It was at this time practically certain that Underhill had been badly wounded and it was felt that he could not proceed very far.

As above stated, the blood hounds arrived at 6:45 A. M., and immediately efforts were made to have them pick up the scent, there having been found a place where he had fallen face downward in the mud and also a place where there was a small spot of blood. At this point, the hounds appeared just about to start off when a police car rushed up and announced that Underhill was in the City Hospital.

It was later discovered that Sheriff Stanley Rogers and several other officers from Oklahoma City, in response to a telephone call for assistance, had just arrived and were almost at the point of leaving the Police Station when a motorcycle officer named Bill McKenzie who was the only officer left on duty at the station, rushed out and told Sheriff Rogers that he knew where Underhill was and said, "Let's go." They proceeded to 509 East Main Street, Shawnee, which is a second-hand furniture store owned by R. E. Owens, where Underhill was found in bed in a back room almost unconscious.

It developed that Owens, the owner of the furniture store, had notified McKenzie of the whereabouts of Underhill. This place is some 16 blocks from the scene of the gun fight and everyone of experience who has seen Underhill since he was shot is unable to understand how it was possible for him to have proceeded so far on foot. It also developed that Owens is also an ex-convict who served time at McAlester with Underhill and there, Underhill evidently knew exactly where he was headed for when he fled. It appears, however, that since Owens immediately reported the presence of Underhill in his house, that there will be no justification of procedure against him. The fact that Underhill was actually taken into custody by Sheriff Rogers and his fellow officers undoubtedly led to the Associated Press report that he had been captured by police officers.

Underhill did not attempt to deny his identity. He is in very grave condition, but has talked a great deal. He thought he was dying and under such conditions positively asserted to Agent Frank Smith that neither he nor Harvey Bailey had anything to do with the Kansas City massacre.

No. 6

He stated that at that time, he and Bailey were in Oklahoma City where he was attending Bailey's wounds received at the time of their escape from Lansing. This statement, made under such conditions, is believed to be true as he offered to produce credible witnesses to prove the fact.

It further developed that the woman, Eva May Nichols, recently divorced wife of Bert Epple, Seminole, Oklahoma, and also previously divorced from someone else, had come from Seminole at about 11:00 o'clock that night with Ralph Rowe, an ex-convict and for whom warrants are outstanding at Ardmore, Oklahoma on a charge of running down a pedestrian and for whom it is understood that there is a warrant also outstanding at Fort Smith, Arkansas on a charge of kidnaping, the latter charge not coming within the provisions of the federal Kidnaping Law, the full details not have been learned, was shot twice through the abdomen and once through the foot. Rowe was also shot high up through the right shoulder and through the left elbow. His wounds are not serious. He is also reputed to be wanted at Okmulgee and Cushing, Oklahoma, on charges of high-jacking and efforts are now being made to identify him in those matters.

At 6:20 A. M., December 31, 1933, the woman, Eva May Nichols, died.

Agent conferred with Chief of Police R. A. Budd, Shawnee, and requested him to take the matter up with the County Attorney relative to any inquiry the latter officer might desire to institute. Agent was advised by Mr. Budd that the Assistant County Attorney Wyatt had stated that no inquest would be necessary and that the local officers were well pleased with the outcome of the battle. Whereupon, Agent instructed the mortuary in charge of the body to release same to relatives.

It is reported that a number of guns were found in the house but Agent has been unable in the rush of matters to ascertain definitely just what guns were found, and at this time, the only guns which came into the possession of Division Agents is a shot gun which was found in the car of underhill in the garage. No guns were found by Division Agents, as while we were out scouting around looking for underhill, other officers entered the house.

Agent T. M. Birch, in examining underhill's clothes, found in his coat pocket \$5,300 worth of first mortgage collateral trust gold bonds of the Franklin Title and Trust Company.

No. 7

The Daily Oklahoman informed the writer that they received a wire advising that bonds of these identical number and series were stolen at Frankfort, Kentucky. They are checking further by wire to ascertain the circumstances and date of theft.

Underhill further stated that there was \$10,000 more bonds, but Agent was unable to get out of him where they were. He stated, however, at last that "I'll get them for you."

The wounds of Underhill, 13 in number, are more or less as follows: One bullet struck him on the left corner of the forehead plowing a groove around his head and cutting off the top of his ear, apparently made by a machine gun slug. Another wound entered a right side just above the liver and apparently emerged through the spine tearing a jagged hole upon its exit, apparently a 45 machine gun bullet. Another wound through right forearm, apparently a 45 machine gun bullet. Several buckshot entered his back, one being now apparently lodged just inside the skin on the front of the stomach. Other buckshot struck him on the left arm while one entered the right leg below the thigh. Another struck him in the left leg on the inside above the knee. The doctor, J. A. Walker, in charge of the municipal hospital at Shawnee, at first stated that it would be impossible for Underhill to live, but today, he appears somewhat improved, and the doctor is undecided as to the ultimate outcome. He states, however, that should it appear that Underhill might recover, he will tomorrow or the next day amputate Underhill's left arm.

Lon Johnson and brother, "Sleepy" Johnson, were conveyed to Oklahoma City and placed in jail. It is contemplated to file a complaint against them for harboring on account of the fact that Underhill has been a frequent visitor to their place and it can be proven. Agent contemplates also filing a complaint against Ralph Rowe, but is delaying in doing so in the hope that he may be identified in some Oklahoma high-jacking case in which event he could be prosecuted and given a much heavier sentence.

Hazel Underhill is being held without bond pending advice of the United States Attorney as to whether or not she may be charged with harboring her own husband.

This hurried letter is written at the request of Mr. Hughes in order that the Division may be advised as soon as possible of the high points in the capture of Underhill. Further details will be incorporated in a report to be submitted later.

Yours very truly,



R. H. Colvin,  
Special Agent in Charge.

cc - Kansas City