

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA Plaintiff vs.

RICHARD TALLMAN GALATAS, alias Dick Galadis, alias Pritchard Sheridan, HERBERT ALLEN FARMER, alias Herbert Black, alias H. A. Patton, alias W. H. Williams, ESTHER FARMER, FRANCES NASH, alias Frances Miller, alias Frances Harrison, FRANK B. MULLOY, alias Fritz Mulloy, LOUIS STACCI, alias Doc Stacey ELIZABETH GALATAS, alias Betty McFadden, alias Mrs. Glenn Morris, VIVIAN MATHIS, alias Vivian Page, alias Clara Hays, Defendants

No. 12,698

MOTION AND PETITION OF RICHARD TALLMAN GALATAS, DEFENDANT TO SUPPRESS EVIDENCE ILLEGALLY OBTAINED AND INTENDED TO BE USED UPON THE TRIAL OF THE ABOVE ENTITLED CAUSE.

AND NOW COMES RICHARD TALLMAN GALATAS, one of the defendants in the above entitled cause, in his own proper person, and moves and petitions this honorable court to suppress certain evidence, of a written and oral nature, illegally and lawlessly obtained, that is to say, in violation and complete abandonment of the said defendants rights as guaranteed to him by the Constitution of the United States of America, and Amendments thereto, and in violation and complete abandonment of the laws of the United States of America, which said evidence, of a written and oral nature, the defendant is informed and sincerely believes will be used against him on the trial of the above entitled cause, and in support of said motion and petition, says and shows as follows:

(1) that he is a citizen of the United States of America.

(2) that the evidence, written and oral, or verbal, which he seeks to have suppressed was illegally and lawlessly obtained, by the persons and in a manner hereinafter to be described, from a period beginning with the 22nd day of September A.D. 1934 to and including the 29th day of October A. D. 1934.

(3) that on the 22nd day of September A, D, 1934 he maintained places of residence and business in the City of New Orleans, Louisiana, his said business being that of agent for the LIQUID COLOPHANE CORPORATION, of Seattle, Washington.

(4) that while he was lawfully pursuing his said business, and on the 22nd day of September A, D, 1934, in said city of New Orleans, Louisiana, while and at the time the said defendant was present in his own office, he was illegally, unlawfully and un- authorizedly arrested, by several agents or officers in the employ of the Division of Investigation, Department of Justice of the United States of America, that the names of the said agents or officers were: DAVID McGEE, and an agent or officer by the name of Blake, whose first name is to your petitioner unknown and that at the time of said arrest the said agents or officers had no legal warrant or authority for the arrest of the petitioner, or that if they had one, such fact was not disclosed to the petitioner or shown to him or brought to his knowledge; and that the wife of your petitioner was arrested at the same time, place and manner,

(5) that after their said unlawful and unauthorized arrest the defendant and his wife were removed by the aforesaid agents or officers from the place of business of defendant petitioner to the Federal Building in the City of New Orleans, Louisiana on the same day of their said unlawful arrest.

(6) that at the said time and place, for the purpose of securing a confession from the

petitioner the aforementioned agent or officer BLAKE (whose Christian name is unknown to your petitioner) after said unlawful and unauthorized arrest threatened and intimidated petitioner by saying to him in a threatening and menacing manner: "You are lucky I did not kill you as I promised my cousin (F. J. LACKY, also an employe or agent in the Division of Investigation, Department of Justice, and who was wounded in the "Kansas City Massacre") I would kill you on sight," by reason of which threat and intimidation the petitioner became and was in fear of his life and safety.

(7) that thereafter, the petitioner and his wife were unlawfully, unauthorizedly, lawlessly and clandestinely taken to the private apartment of the aforesaid agent, DAVID McGEE, from the Division of Investigation, Department of Justice, which said private apartment was located in an apartment building known as the MAY- FAIR APARTMENTS; that this was done for the prevailing and obvious purpose of securing a confession or statement in the nature of a confession from the defendant; that the said removal to the said private apartment of the agent was done for the declared purpose of letting no one know the whereabouts of the said defendant petitioner; that the same was done under protest of the petitioner and without his consent.

(8) That prior to the removal of the petitioner to the said apartment, subsequent to his unlawful and illegal arrest, certain oral statements and conversations were had between the petitioner and the agents aforesaid after petitioner had demanded but was denied his constitutional rights, all of which are by this motion and petition sought to be suppressed for having been illegally and unlawfully obtained.

(9) that thereafter, that is to say, after the said illegal and unauthorized arrest, and during the period beginning with the 22nd day of September A. D. 1934 and for five (5) days thereafter, two (2) written statements in the nature of confessions and numerous oral statements in the nature of confessions were unlawfully and illegally obtained and taken from the petitioner, while incarcerated in the said private apartment of the agent aforesaid or in the offices of the department of justice by the infliction of extreme mental and physical cruelty and by degenerately vicious and violent "third degree" torture described as follows:

- (a) for a period of five (5) days petitioner was denied sleep and rest and was not permitted to lie down at any time;
- (b) given no food first day and practically none thereafter for the said five (5) days;
- (c) curtains were drawn in the private apartment all during the said period and no one was allowed to know where petitioner was or even know that he was under alleged arrest;
- (d) petitioner was threatened with death frequently;
- (e) petitioner was confronted with an armed display and brandishing of revolvers;
- (f) sat on a chair, manacled, against the wall;
- (g) mercilessly questioned, grilled and interrogated for long, continuous hours by armed officers after being verbally assaulted, profaned, struck, cursed and while suffering agonizing pains of hunger and mental distress;
- (h) revolvers pointed at petitioner and his wife throughout five (5) day period;
- (i) almost every night petitioner at about ten o'clock would be forcibly removed from the said private apartment to the offices of the Department of Justice under armed guard, walking up stairs, and without letting the wife of petitioner know where he was being taken, and without advising petitioner where he was being taken, and returned to the said apartment

at daybreak each morning;

(j) during which time petitioner was threatened and menaced as follows: Agents said: "You are going to tell us what we want to know"; "You haven't any rights and you are not going to have counsel until we finish with you";

"We are going to get the story one way or another";

"I ought to kill you now"; "You are going to tell us all we want to know"; "You are making it tough on yourself by not telling us"; "You could easily be found dead on the street and all we would have to say is you tried to run"; was told that a "team" was coming to "get" the story if he didn't give it; that while statements were being drawn petitioner protested that his answers were not being recorded or were being re-worded to suit the desires of the agents, he was told: "You're lucky you're alive, it's not too late"; that the latter statement as well as the others were made numerous times and all for the prevailing purpose of securing a statement or conversation in the nature of a confession from the petitioner;

(k) was held incommunicado;

(l) denied bail;

(m) denied right to be taken promptly before a United States Commissioner, or Judge and denied right to be placed in custody of the United States Marshall or lodged in a formal place of detention for the United States prisoners;

(n) denied counsel

(o) that said agents held out inducements to the petitioner and said: "You can make it easy on yourself".

(p) the wife of the petitioner was unlawfully held, intimidated, threatened, and improperly treated in petitioner's presence.

and that all of the above and foregoing were but a few of the many acts of misconduct on the part of the said agents which were in violation of law and in complete abandonment of the rights of the petitioner and done in furtherance of a desire and scheme on the part of the said agents to compel petitioner to make oral and written statements in the nature of confessions against himself and against his interest, which said oral and written statements after being so taken, petitioner believes will be used against him upon the trial of the above entitled cause in violation of petitioners rights guaranteed to him by the laws of the United States of America, and by the Constitution of the United States and the Amendments thereto,

(10) That the names of the said agents or officers participating in all of the aforesaid are: DAVID MCGEE, DWIGHT R. C. SURAN, BRANTLEY, HAROLD E. ANDERSON, and agents or officers BLAKE, ROSEN, PICKETT, KINDELL, KINGMAN, CYRENE, TEMPLE,(whose Christian names are to your petitioner unknown) and a score of other agents or officers whose names are unknown.

(11) That prior to, during and after the infliction of the said "third degree" petitioner demanded to be taken to Kansas City where an indictment had been returned and in which jurisdiction petitioner was wanted; that after the aforesaid statements, oral and written, were extracted from the petitioner, the aforesaid agents or officers, promised to take the said petitioner and his wife to Kansas City, Missouri but stated that in order to do so it would be necessary for petitioner and his wife to sign waivers of removal agreeing to waive formal and legal requirements and with dispatch to be taken to Kansas City, Missouri from the said city of New Orleans; that before signing same petitioner inquired if after signing they, that is, he and his wife (for whom there was no indictment pending anywhere in the United States) would be

taken immediately to Kansas City, Missouri and the agents or officers replied in the affirmative, whereupon the said petitioner and his wife signed the said waivers of removal agreeing to be taken without due process of law to the jurisdiction of this court.

(12) That while the defendant petitioner was incarcerated and unlawfully and unauthorizedly detained in New Orleans, Louisiana, petitioner was not arraigned or taken before any United States Commissioner or United States Judge or Court, nor were proceedings of any nature instituted against petitioner in New Orleans, Louisiana.

(13) That subsequent to the signing of the said waivers of removal petitioner and his wife were taken to an airplane specially chartered by the aforesaid agents or officers in furtherance of the previous understanding that they were to be taken to Kansas City, Missouri and to be given over to the jurisdiction of this court, and flown, in said airplane, first to the city of St, Louis, Missouri and then to the city of Chicago, Illinois and not to Kansas City, Missouri, all of which was virtually a kidnapping of this petitioner and his wife, and in violation and complete abandonment of the agreement of petitioner with the said agents or officers, in violation and abandonment of their promise and word, and in utter violation and abandonment of the rights guaranteed to petitioner by the laws of the United States of America and by the Constitution of the United States and the Amendments thereto; that said agents or officers had no warrant for such conduct and that the petitioner was not wanted for any reason in the said city of Chicago, Illinois, nor were any proceedings instituted against him in said city, nor was he served with any warrant or process while held in said city.

(14) That petitioner was wilfully, unlawfully, knowingly and intentionally kidnapped to the city of Chicago, Illinois for the declared purpose of either compelling him to make a confession against himself or for taking his life upon his refusal to so confess and for other unlawful and lawless purposes as will more fully appear hereafter and in the following paragraph;

(15) That upon arrival in Chicago, Illinois, the petitioner, with his wife, were secretly taken to the private offices of the Division of Investigation, Department of Justice, located on the nineteenth (19th) floor, of the Bankers Building where he was placed in a detention room and his wife in another; that they were carried to the nineteenth floor by an elevator in the rear of said building with an entrance from the alley thereof; that petitioner was held in said place for a period of twelve or thirteen days illegally, unlawfully and unauthorizedly and for the prevailing and obvious purpose of extracting statements from the petitioner, written and oral, by the infliction of extreme mental and physical cruelty and by degenerately vicious and violent "third degree" torture;

(16) That while held in Chicago, Illinois, without any lawful warrant of law, or process of any kind, and under circumstances hereinafter set forth, there were extracted from petitioner, two written statements and numerous oral statements and conversations, in the nature of confessions and declarations against interest of petitioner, which statements, written and oral, petitioner believes and is informed will be used against him upon the trial of this cause and which he seeks by this motion and petition to have suppressed; that said statements, written and oral, were extracted from the petitioner by the employment of extreme and tortuous "third degree" methods: that is to say, as follows:

(a) Agent or officer said: "You are not in New Orleans now, you may never get to Kansas City. You are high up (19 floors) and you will not bounce when you hit the bottom. I'll use the necessary tactics to get the answers I want...I am not playing or fooling any longer, I mean

business”.

- (b) Agent or officer said to other agent or officer to leave room where petitioner was held, whereupon said agent laid hold of petitioner (said agent weighing approximately 200 pounds) and beat, assaulted, attacked, and punished him in a violent, brutal and inhuman manner, and pulled petitioner by the hair, beat him on the base of the skull and to a degree where everything went black before petitioner and the said agent or officer himself became exhausted from beating petitioner, in the course of which the petitioner’s face was hit, causing his nose and mouth to bleed, and while in this condition the said agent plied petitioner with questions which he does not remember and answered the same because of his being in fear of his life and becoming alarmed that the said agents would, in fact, take his life as they had theretofore declared they would.
- (c) that thereupon the agent who had been sent from the room reappeared and brought with him the wife of the petitioner saying to said wife: “You'll be lucky if you ever see your husband again”.
- (d) that shortly thereafter two other agents or officers compelled petitioner to come to window of 19th floor and asked him if he thought he would "ever get over a trip down there". pointing to the ground;
- (e) that shortly thereafter another agent or officer forcibly took defendant to another room on the same 19th floor, to the open window thereof and said this was the last time he intended wasting time, that nobody knew where petitioner was and that "if you are found dead in the back streets of Chicago, the same as others were found, that no one would ever make inquiries and they will think gangsters killed you. "That is why we brought you to Chicago instead of to Kansas City. I have orders to get the story or else
- (f) that the last designated agent then called in two husky men, never before seen by petitioner, nor since, and whose names are unknown to petitioner though petitioner could easily identify them if presented in court, who had been waiting, and after warning petitioner he would "not be able to stand what they were going to do to him, that younger men had not been able to, and you won't either" proceeded to lay hold of petitioner and withdrew from their clothes instruments of torture, that is to say, rubber hose, the pieces of which were approximately two feet in length, and did then and there, strike, beat and assault petitioner in a violent, brutal and inhuman fashion, and also did kick petitioner in the ribs, knock him down, beat him on the face with fists, and while down to kick him and stamp upon him, gagging his mouth with towels and after this treatment had continued for some time the agent who had called the two men returned to the room and said: "That's enough" for the present", he having been outside the floor of the said room where petitioner was thus punished;
- (g) that petitioner’s condition was helpless and hopeless and that he was in great despair and extremely afraid for his life and the welfare of his wife from whom he had been forcibly separated for several days and concerning whom the said agents or officers would give petitioner no knowledge; that while in this agonized condition statements, written and oral were extracted from petitioner;
- (h) that while said statement was being taken the agent and officer making the said interrogations and recording the said answers would not truthfully and accurately record the answers petitioner was able to make and supplied the answers thereto, for the most

part, himself and threatened petitioner to recall the same two men who had been there shortly before if petitioner did not sign the same; that at the time he signed same he told the said agent or officer that he was unable to think and act freely and intelligently understand and that the statement was not true, whereupon the said agent or officer said: "Sign them. If you don't I'll turn you over to those two men who are waiting and who have sworn to kill you anyway".

(i) that the aforesaid are but a few of a large number of lawless acts of brutality practised upon the petitioner and done for the obvious and prevailing purpose of so compelling petitioner to utter or sign statements in the nature of confessions against himself.

(17) That after the foregoing physical and mental torture petitioner was kept under guard and held incommunicado in Chicago, Illinois for the obvious purpose of recovering from the inflicted hurts and bruises before presenting the said petitioner to the authorities at Kansas City; that he was held for a period of time the exact length of which he does not know but estimates to be thirteen days, was given drugs to assuage his pain and allowed to rest after the statements were given and that during this time though he demanded the same, petitioner was denied right of bail and denied counsel, denied the right to be taken before a United States Court, denied the right to be in custody of the Marshall of the United States and was denied every right and privilege of a citizen of the United States, all of which was in violation and complete abandonment of the laws of the United States of America, the Constitution of the United States, and the Amendments thereto; that the names of the agents or officers participating and committing the aforesaid violations are: DWIGHT BRANTLEY, SAM COWLEY, R. C. SURAN, S.R. McKEE, DAVID McGEE, and others whose names are unknown to petitioner but whom petitioner could recognize if presented in court, also one JONES, or MR. JONES, referred to as one of the two unknown men who beat petitioner with garden hose.

(18) That during all of this time and down to and including this day petitioner was sick and in mortal fear of his life being taken and this fear persists to this day and that during all of this period of time petitioner lost approximately thirty pounds.

(19) That thereafter and on or about the 9th day of October A.D. 1934 petitioner and his wife were removed by airplane to Kansas City, Missouri, and upon arrival in said city were taken secretly to the offices of the Division of investigation, Department of Justice, and held there overnight and until a newspaper story was to be released from Washington; that petitioner inquired what story was to be released and received the reply: "We are going to get everyone connected with this affair killed and we are going to circulate rumors that you have told us who was at the Station so they will put you on the spot", though petitioner had not and could not give this information to said agents and had repeatedly told them he did not know who was at the Kansas City Station on June 17, 1933; that thereafter and about the time said story appeared in the newspapers the petitioner was removed to the Jackson County Jail, at Kansas City.

(20) That while incarcerated in said Jackson County Jail orders were issued by persons in authority, and pursued by the jail authorities, to hold petitioner and his wife incommunicado; that petitioner was put in solitary confinement in said jail though he had committed no offense to warrant such action; that while in said jail from about the 10th day of October to and including the 29th day of October A.D. 1934 petitioner demanded but was denied right to and aid of counsel and that during all

said time petitioner was afraid for his life and well-being;

(21) That during this period, as well as before, certain numerous oral statements were made by petitioner, while in his said frame of mind, to various agents and officers of the United States, or local officers acting for and on behalf of the United States, all of which, with other statements hereinbefore referred to petitioner seeks by this motion and petition to suppress and enjoin their use upon the trial hereof which petitioner is informed and believes will be done and, if done, will be in violation of petitioner's rights.

(22) That the four written statements and the numerous oral statements, herein referred to, were all in the nature of confessions and that the same are in the possession or knowledge of the United States Attorney for the Western District of Missouri, Western Division, or his assistants, or in the possession of the Department of Justice of the United States interested in the above entitled cause and in the prosecution thereof, and that they and each of them propose to use the same upon the trial of the above entitled cause in their written documentary and oral form and that to do so would be in violation and complete abandonment of petitioner's rights guaranteed to him by the Constitution of the United States and the Amendments thereto, as well as of the laws of the United States, unless the said United States Attorney, his assistants and the Division of Investigation, Department of Justice and all local officers acting in cooperation with and on behalf of the United States, are prohibited and enjoined from offering the same in evidence and testifying concerning the same.

(23) That all of the evidence sought to be suppressed by this motion and petition was obtained and secured by the persons herein before referred to, in the manner herein before set forth, in violation and complete abandonment of the rights guaranteed to petitioner, as follows:

- (a) General law requiring persons arrested for and on behalf of the United States to be safely and harmlessly held for trial;
- (b) Constitution of the United States.
- (c) Amendment IV to the Constitution of the United States, giving to the people of the United States the right to be secure in their persons against unreasonable searches and seizures;
- (d) Amendment V to the Constitution of the United States, providing: "Nor shall any person be deprived of...liberty without due process of
- (e) Amendment VI to the Constitution of the United States providing: "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed... to be confronted with the witnesses against him...and to have the assistance of counsel for his defense,"
- (f) Amendment VIII to the Constitution of the United States, providing: Excessive bail shall not be required...nor cruel and unusual punishment inflicted".
- (g) Title 18, United States Code Annotated, Section 595: requiring defendant to be taken before the nearest United States Commissioner for hearing, committment, or taking bail for trial;
- (h) Title 18, united States Code Annotated, Section 596: requiring admission of defendant to bail;
- (i) Title 5, Section 300, of the United States Code Annotated, defining and limiting the rights and authority of the officers or agents of the Division of Investigation, Department of Justice to: "detection and prosecution of crimes against the United States" and indicating that the said officers or agents have no authority to detain prisoners with or without warrant.

(24) WHEREFORE, THIS PETITIONER PRAYS, that the United States Attorney for the Western District of Missouri, his assistants and agents, the agents or officers from the Division of Investigation, Department of Justice, and all local officers acting in cooperation with the United States who have possession of said written statements, or who were present or participated in the oral conversations referred to in this motion and petition, and any one else, not specifically referred to but who should be enjoined and restrained, be prohibited and enjoined from offering the same in evidence, or testifying regarding the same and that all such evidence be suppressed for reasons and causes set forth.

Richard Tallman Galatas

STATE OF MISSOURI

COUNTY OF JACKSON) ss.

RICHARD TALLMAN GALATAS, being first duly sworn on oath deposes and says that the above and foregoing motion and petition to suppress has been read by him and that the averments and statements therein contained are true to the best of his knowledge and belief.

Richard Tallman Galatas

Subscribed and sworn to before me this 24th day of December, 1934

Notary Public. Com. Expires.

IN THE DISTRICT COURT OF THE UNITED STATES WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

UNITED STATES OF AMERICA Plaintiff vs.

RICHARD TALLMAN GALATAS, alias Dick Galadis, alias Pritchard Sheridan, HERBERT ALLEN FARMER, alias Herbert Black alias H. A. Patton, alias W. H. Williams, ESTHER FARMER, FRANCES NASH, alias Frances Miller, alias Frances Harrison, FRANK B. MULLOY, alias Fritz Malloy, LOUIS STACCI, alias Doc Stacey, ELIZABETH GALATAS, alias Betty McFadden, alias Mrs. Glenn Morris, VIVIAN MATHIS, alias Vivian Page, alias Clara Hays, Defendants

No. 12,698

MOTION AND PETITION OF ELIZABETH GALATAS, DEFENDANT, TO SUPPRESS EVIDENCE ILLEGALLY OBTAINED AND INTENDED TO BE USED UPON THE TRIAL OF THE ABOVE ENTITLED CAUSE.

AND NOW COMES ELIZABETH GALATAS, one of the defendants in the above entitled cause, in her own proper person, and moves and petitions this honorable court to suppress certain evidence, of an oral and written nature, illegally and lawlessly obtained, that is to say, in violation and complete abandonment of the laws of the United States of America, and the Amendments thereto, and in violation of the laws of the United States of America, which said evidence, of an oral and written nature, this defendant is informed and sincerely believes will be used against her on the on the trial of the above entitled cause, and in support of said motion and petition, says and shows as follows:

(1) that she is a citizen of the United States of America;

(2) that the evidence, oral and written, which she seeks to have suppressed was illegally and lawlessly obtained, by the persons and in a manner hereinafter to be described, from a period beginning with the 22nd day of September A. D. 1934 and to and including the 26th day of October A. D. 1934;

(3) that on the 22nd day of September A. D. 1934 she lived with her husband, RICHARD TALLMAN GALATAS, in the city of New Orleans, Louisiana, and worked for her husband as secretary and bookkeeper in the office of the said husband, the said husband operating a sales agency for the LIQUID COLOPHANE COMPANY of Seattle, Washington.

(4) that while she was lawfully pursuing her said business, on the 22nd day of September A. D. 1934, at New Orleans, Louisiana, in the office of her husband, she was unlawfully, illegally and unauthorizedly arrested, by several agents or officers in the employ of the Division of Investigation, Department of Justice of the United States, the names of the said agents or officers being: DAVID McGEE, and an officer or agent by the name of BLAKE (whose Christian name is to your petitioner unknown); that at the time of said arrest the said agents or officers had no legal warrant or authority for the arrest of your petitioner, or if they had one, such fact was not brought to the attention of petitioner or shown to her, and that in fact, there was no warrant or process of any kind or nature against her anywhere in the United States of America.

(5) that after her said unlawful arrest, petitioner and her husband were removed by the said agents or officers from their place of business to the offices of the Division of Investigation, Department of Justice on the day of her said unlawful arrest.

(6) that at the said time and place for the purpose of securing a confession from the petitioner and her husband the aforementioned agent or officer BLAKE (whose Christian name is to petitioner unknown) in the presence of petitioner, after said unlawful and unauthorized arrest, threatened and intimidated petitioner's husband by saying to him in a threatening and menacing manner: "You are lucky I did not kill you as I promised my cousin (F. J. LACEY, also an employe, agent or officer of the Division of Investigation, Department of Justice, who was wounded in the "Kansas City Massacre") I would kill you on sight," by reason of which threat and intimidation petitioner became and was mortally afraid for her life and for the life of her husband.

(7) that thereafter petitioner and her husband were unlawfully, unauthorizedly, lawlessly and clandestinely taken to the private apartment of the aforesaid agent, DAVID McGES, from the Division of Investigation, Department of Justice, which said private apartment was located in an apartment building known as the MAYFAIR APARTMENTS; that this was done for the prevailing and obvious purpose of securing a confession or statement in the nature of a confession from the petitioner; that the said removal to the said private apartment of the said agent was done for the declared purpose of letting no one know the whereabouts of petitioner and was done without the consent of the petitioner.

(8) that at the time of arrest said agents or officers had drawn guns on petitioner and pointed same at petitioner and instructed petitioner not to move and to offer no resistance and that petitioner had offered no assistance and is by nature a peaceable woman.

(9) that thereafter, that is to say, after the said illegal and lawless arrest and during a period beginning with the 22nd day of September A. D. 1934 and for five days thereafter, one written statement in the nature of a confession and certain numerous oral statements and conversations in the nature of confessions were obtained and extracted from petitioner while incarcerated in the said private apartment of the said agent or officer aforesaid by the infliction of extreme mental and physical cruelty and by degenerately vicious and violent "third degree" torture described as follows:

(a) for a period of five days petitioner was denied sleep and rest;

- (b) given no food the first day of her arrest and an insufficient amount thereafter;
- (c) for five days petitioner was not permitted to remove her clothing;
- (d) agents or officers would go after and purchase food and eat same in presence of petitioner but would neither offer nor give petitioner any;
- (e) curtains were drawn in said private apartment all day and night and no one was allowed to know or learn the whereabouts of petitioner so that she might avail herself of the right of bail or counsel;
- (f) petitioner at point of loaded revolvers was compelled to sit still and not move or arise for five days;
- (g) heard said agents or officers and others to be named hereafter threaten her husband with death;
- (h) saw her husband mistreated and abused in her presence and suffer from the lack of food, rest and mental torture;
- (i) mercilessly, questioned, grilled and interrogated petitioner for long, continuous hours during period petitioner was starved, fatigued and worried to the point of distraction and anguish concerning the safety of her husband and self; and further, grilled petitioner after removing husband from said private apartment and taking him away and refusing to state where he was being taken; and, further, that he was taken away late and night and kept away until daybreak.
- (j) denied bail,
- (k) told she was being held without charge and for the sole purpose of not disclosing to anyone the whereabouts of her husband so he might avail himself of counsel and bail
- (l) denied right to be taken promptly before a United States Commissioner or Court, and denied right to be taken to and put in custody of United States Marshal and denied right to be lodged in formal place of detention for prisoners of the United States;
- (m) denied counsel; and that all of the above and foregoing were but a few of the many acts of misconduct on the part of the said agents or officers which were in violation of law and in complete abandonment of the rights of the petitioner and done in furtherance of a desire and scheme on the part of the said agents or officers to make oral and written statements in the nature of confessions against herself and against her interest, which said oral and written statement, after being so unlawfully and lawlessly taken, petitioner believes will be used against her upon the trial of the above entitled cause in violation of petitioner's rights guaranteed to her by the laws of the United States of America, and by the Constitution of the United States and the Amendments thereto.

(10) that the names of the said agents or officers participating in all of the aforesaid unlawful and lawless practises are: DAVID McGEE, DWIGHT BRANTLEY, HAROLD E. ANDERSON, and agents or officers BLAKE, ROSEN, PICKETT, KINDELL, KINGMAN, CYRENE, TEMPLE, (whose Christian names are to your petitioner unknown) and one "BUTCH" whose real name is unknown to petitioner and several others whose names are unknown to petitioner.

(11) That prior to, during and after the infliction of the said "third degree" petitioner demanded to be taken to Kansas City, Missouri, or released from said unlawful custody; that after the aforesaid statements, oral and written, were extracted from petitioner, the aforesaid agents or officers, promised to take petitioner and her husband to Kansas City, Missouri, but stated in order to do so it would be necessary for petitioner and her husband to sign waivers of

removal, thereby agreeing to waive formal and legal requirements and with dispatch to be taken to Kansas City, Missouri; that before signing same petitioner inquired if after signing, she and her husband would be immediately taken to Kansas City, Missouri and the said agents or officers replied in the affirmative, whereupon petitioner and her husband signed the said waivers of removal agreeing to be taken without due process of law to the jurisdiction of this court.

(12) that while the said petitioner was incarcerated and unlawfully and unauthorizedly detained in New Orleans, Louisiana, she was not arraigned or taken before any United States Commissioner, or United States Judge, nor were proceedings of any nature instituted against her in New Orleans or elsewhere.

(13) that subsequent to the signing of the said waiver petitioner and her husband were taken to an airplane specially chartered by the aforesaid agents or officers in furtherance of the previous understanding and agreement, and pursuant to the terms of the said waiver of removal, that they were to be taken to Kansas City, Missouri, and flown, in said airplane, first to the city of St. Louis, Missouri, and then to the city of Chicago, Illinois, and not to Kansas City, Missouri, all of which was virtually a kidnapping of this petitioner and her husband, and in complete violation and abandonment of the agreement of petitioner with the said agents or officers, in violation and abandonment of their promise and word, and in utter violation and abandonment of the rights guaranteed to petitioner by the laws of the United States of America and by the Constitution of the United States and the Amendments thereto; that said agents or officers had no warrant or process, or authority for such conduct and that the petitioner was not wanted for any reason in the said city of Chicago, Illinois nor were any proceedings instituted against her in said city, nor was she served with any process or warrant while held in said city;

(14) that petitioner was wilfully, unlawfully, knowingly and intentionally kidnapped to the city of Chicago, Illinois for the declared purpose of being witness to certain "third degree" torture inflicted upon her husband and herself subjected and inflicted with "third degree" torture so that she would be compelled to make and utter statements against herself and respond to the desires of the said agents or officers to tell them "what we want to know".

(15) that upon arrival in Chicago, Illinois, the petitioner, and her husband, were secretly taken to the private offices of the Division of Investigation, Department of Justice, located on the nineteenth (19th) floor of the Bankers Building where she was placed in one detention room and her husband in another; that they were taken to the said nineteenth (19th) floor through the rear alley entrance of said building; that petitioner was held in said place for a period of twelve or thirteen days illegally, unlawfully, and unauthorizedly, as well as lawlessly, for the prevailing and obvious purpose of extracting and compelling statements from the petitioner, written and oral, by the infliction of extreme mental and physical cruelty any by degenerately vicious and violent "third degree" torture.

(16) that while held in Chicago, Illinois, without any warrant of law, or process of any kind, and under circumstances hereinafter set forth, there were extracted from petitioner, one written statement and numerous oral statements and conversations, in the nature of confessions and declarations against interest of petitioner, which statements, written and oral, petitioner believes and is informed will be used against her upon the trial of this have

cause and which she seeks by this motion and petition to have suppressed; that said statements, written and oral, were extracted from the petitioner by the employment of extreme and tortuous "third degree" methods, that is to say, as follows:

- (a) petitioner was separated from her husband;
 - (b) petitioner was mortally afraid agents or officers were going to execute their threat to kill her husband;
 - (c) Agents or officers told her she was lying and that "if you don't tell me the truth you are going to be sorry"; "We have got what it takes"; that agent or officer doing most of threatening and intimidating was at least 200 pounds in weight;
 - (d) heard her husband screaming during beatings being administered to him until they gagged him so he couldn't scream any more;
 - (e) taunted petitioner with question: "Does Dick (her husband) mean anything to you";
 - (f) Agents or officers took her into office, pulled curtains and started to "work" on petitioner as follows: petitioner's hands were twisted, also arms, hands laid flat and beaten violently, and wrists bent back and during which agents or officers said: "We are going to break both your arms"; agents or officers left room telling petitioner they would give her a few minutes to think things over; later, an agent or officer reappeared and withdrew a rubber hose from beneath his coat and told her he would whip her with it and put her in bed for three weeks if she did not make a statement; that during this time petitioner could neither eat nor sleep because of her plighted condition; that later agents or officers reappeared and told petitioner she would not be able to stand what they were about to do to her; that they inquired how her hands were, inquired how her arms were; that thereupon agent or officer laid hold of petitioner and punished petitioner by rubbing knuckles in a violent and brutal manner over her hands, twisted her arms which petitioner begged him not to do because of their sore, painful and swollen condition; that agent or officer then said: "I told you this afternoon I was going to whip you and I am going to do it unless—"; that later a stenographer was brought into the room and a statement taken;
 - (g) Agents or officers took petitioner to see her husband in a bleeding, stricken and agonizing condition;
 - (h) Agents or officers said to petitioner: "If you don't tell the truth you might never see your husband alive again";
 - (i) That during this period petitioner lost 13 pounds;
 - (j) Agents or officers laid hold of petitioner and pressed heavily upon her shoulders and pressed violently along her spine until the pain was unbearable and terrific;
 - (k) held incommunicado;
 - (l) denied right to counsel;
 - (m) failed to charge petitioner with a crime against the united States of America;
 - (n) failed and denied petitioner right to be taken before a United States Commissioner or Court, and denied petitioner right to be placed in custody of United States Marshal;
- and that all of the above and foregoing were but a few of the many lawless acts on the part of the said agents or officers which were in violation of law and in complete abandonment of the rights of petitioner and committed in furtherance of a desire and scheme of the part of the said agents or officers to extract from and compel petitioner to make oral and written statements

against herself and her interest, which said oral and written statements, petitioner is informed and believes will be used against her upon the trial of the above entitled cause, in violation of petitioner's rights as guaranteed to her by the laws of the United States of America and by the Constitution of the United States and the Amendments thereto.

(17) That after the infliction of the foregoing mental and physical torture petitioner was kept under guard and held incommunicado in the said private offices of the Division of Investigation, Department of Justice, on the said 19th floor of the Bankers Building, the same not being a legal place of detention for United States prisoners, for the obvious purpose of allowing time for petitioner's wounds to heal before presenting petitioner to the authorities in Kansas City, Missouri; that during this period petitioner was offered liniment to relieve the pain caused by the aforesaid lawless acts which petitioner was told was available for purposes of this kind; after which petitioner was allowed to rest; that the duration of illegal custody in Chicago, Illinois was approximately 13 days during which time petitioner was denied every conceivable right guaranteed to the people of the United States by the laws of the United States and by the Constitution of the United States and the Amendments thereto.

(18) that the names of the agents or officers committing the aforesaid violations and participating in the extraction of the aforesaid statements of a written and oral nature are: DWIGHT BRANTLEY, R. C. SURAN, S. R. McKee, SAM COWLEY, CHARLES WINSTEAD, and WILLIAM RYAN and others;

(19) that during all this time and down to and including this day petitioner became sick and in fear of the lives of her husband and herself being taken;

(20) that thereafter, that is to say, after the wounds and bruises of her husband and petitioner were given an opportunity to heal, petitioner and her husband were removed by airplane to the jurisdiction of this court and upon arrival in Kansas City were taken secretly to the private offices of the Division of Investigation Department of Justice, and held there over night until a newspaper story was to be released from Washington; that inquiry was made why petitioner and her husband were being detained in private quarters and were advised to the above effect; that inquiry was thereupon made what newspaper story was to be released from Washington and petitioner and her husband were informed: "We are going to get everyone connected with this affair killed. We are going to circulate rumors that you have told us who was at the Station so they will put you on the spot", though petitioner had not and could not give said agents or officers the said information and had theretofore repeatedly told said agents she and her husband did not know who the persons were at the Station on June 17, 1933; that simultaneously with the appearance of the said story in the newspapers petitioner and her husband were removed to the Jackson County Jail, Kansas City, Missouri.

(21) that during this period, as well as before and down to and including the 26th day of October A.D. 1934 certain numerous oral statements were made by petitioner while she was in the frame of mind heretofore described, to various agents or officers of the or local officers acting for or on behalf of the United States, United States, all of which, with other statements hereinbefore referred to, petitioner seeks by this motion and petition to suppress and enjoin against their use upon the trial hereof, which, if not enjoined and suppressed will be in violation of the rights of the petitioner as guaranteed to her.

(22) that the two written statements and the numerous oral statements and conversations, herein referred to, were all in the nature of statements against interest and in the nature of

confessions and that the same are in the possession or knowledge of the United States Attorney for the Western District of Missouri, Western Division, and his assistants, or in the possession of the Department of Justice of the United States which is interested in the above entitled cause and the prosecution thereof, and that they and each of them propose, as petitioner believes, to use the same upon the trial of the above entitled cause, in their written and oral form, and that to do so would be in violation of and complete abandonment of petitioner's rights guaranteed to her by the laws of the United States of America and by the Constitution of the United States and the Amendments thereto, unless the said United States Attorney, his assistants and the Department of Justice, and all local officers acting in cooperation with and on behalf of the United States are prohibited and enjoined from offering the same in evidence and testifying concerning the same.

(24) that all of the evidence sought to be suppressed by this motion and petition were obtained and secured by the persons herein before referred to, in the manner hereinbefore set forth, in violation and complete abandonment of petitioner's rights, as follows:

- (a) General law requiring persons arrested for and on behalf of the United States to be safely and harmlessly held for trial;
- (b) Constitution of the United States;
- (c) Amendment IV to the Constitution of the United States, giving to the people of the United States the right to be secure in their persons against unreasonable searches and seizures;
- (d) Amendment V to the Constitution of the United States, providing: "Nor shall any person in a criminal case be compelled to be a witness against himself.. ...be deprived of.... liberty without due process of law";
- (e) Amendment VI to the Constitution of the United States providing: "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed.. .to be confronted with the witnesses against him...and to have the assistance of counsel for his defense";
- (f) Amendment VIII to the Constitution of the United States, providing: "Excessive bail shall not be required...nor cruel and unusual punishment inflicted";
- (g) Title 18, United States Code Annotated, Section 595: requiring defendant to be brought before the nearest United States Commissioner for hearing, commitment, or taking bail for trial;
- (h) Title 18, United States Code Annotated, Section 596: requiring admission of defendant to bail;
- (i) Title 5, United States Code Annotated, Section 300: defining and limiting the rights and authority of the officers or agents of the Division of Investigation Department of Justice, to: "detection and prosecution of crimes against the United States" and indicating that the said officers or agents have no authority to detain prisoners with or without warrant.

(25) WHEREFORE, THIS PETITIONER MOVES AND PRAYS that the United States Attorney for the Western District of Missouri, Western Division, his assistants and agents, the agents or officers of the Division of Investigation, Department of Justice, and all local officers acting in cooperation with or on behalf of the United States who have possession of said written instruments, or who were present or participated in the numerous oral conversations and statements referred to herein, and any one else, not specifically referred to but who should be

enjoined and restrained, be prohibited and enjoined from offering the same in evidence, or testifying regarding the same and that all such evidence be suppressed for reasons and causes herein set forth.

Elizabeth Galatas
STATS OF MISSOURI)
) ss.
JACKSON COUNTY)

ELIZABETH GALATAS, being first duly sworn on oath deposes and says that the above and foregoing motion and petitioner to suppress has been read by her and subscribed by her and that averments and statements therein contained are true to the best of her knowledge and belief.

Elizabeth Galatas
Subscribed and sworn to before me this 26th day of December A.D.1934.
Dorothy Briet
Notary Public.

My commission expires Nov. 16, 1936
GEN. NO. 12698

IN THE United States District COURT
United States Of America
vs

Galatas et al
Motion & Petition of Elizabeth Galatas to Suppress Evidence
Filed Dec 26 1934

A. L. Arnold, Clerk

HENRY L. BALABAN
ATTORNEY AT LAW SUITE 938 - 11 SOUTH LA SALLE STREET CHICAGO
TELEPHONE STATE 6561

IN THE DISTRICT COURT OF THE UNITED STATES WESTERN DISTRICT OF MISSOURI WESTERN
DIVISION

UNITED STATES OF AMERICA, Plaintiff vs,
FRANK B. MULLOY, et. al.,
Defendants

No. 12698

MOTION AND PETITION OF FRANK B. MULLOY, DEFENDANT TO SUPPRESS EVIDENCE ILLEGALLY
OBTAINED AND INTENDED TO BE USED UPON THE TRIAL OF THE ABOVE ENTITLED CAUSE,

Now coin s FRANK B. MULLOY, a defendant in the above entitled cause and moves and petitions this honorable court to suppress certain evidence, of an oral and written nature illegally and lawlessly obtained in violation and complete abandonment of the laws of the United States of America and in violation of the Constitutional rights of the defendant, which said evidence, of an oral and written nature, this defendant is informed and sincerely believes will be used against him on the trial of the above entitled cause, and in support of said motion and petition, says and shows as follows:

That he is a citizen of the United States of America,

That the evidence, oral and written, which he seeks to have suppressed was illegally and

lawlessly obtained by the persona and in the manner hereinafter to be described from a period beginning with the 1st day of October, 1934 and to and including the 4th day of October, 1934.

That the petitioner was wilfully, unlawfully, knowingly, and intentionally kidnapped by several agents or officers in the employ of the Division of Investigation, Department of Justice of the United States, in that he was forcefully taken from a point between Oak & McGee Streets on 12th street in Kansas City, Missouri at about 9:30 P.M., the 1st day of October and was put into an automobile and taken to the City of Chicago, Illinois, arriving there the next morning; that the said agents that took him in their custody, unlawfully, had no warrant or authority for such conduct and that the petitioner was at that time out on bond in cause #12238; that he was not wanted for any reason in the said City of Chicago, Illinois nor were any proceedings instituted against him in said city, nor was he served with any process or warrant at the time he was taken or at any time while in the unlawful custody of said agents.

That upon arrival in Chicago, Illinois the petitioner was secretly taken to the private offices of the Division of Investigation, Department of Justice, located on the nineteenth (19th) floor of the Bankers Building where he was placed in a room and unlawfully detained; that he was taken to the said nineteenth (19th) floor through the rear alley entrance of said building; that your petitioner was held in said place for a period of three (3) days illegally, unlawfully and unauthorizedly, as well as lawlessly, for the prevailing and obvious purpose of extracting and compelling statements from the petitioner, written and oral, by the infliction of extreme mental and physical cruelty and by vicious and violent third degree torture.

That while held in Chicago, Illinois, without any warrant of law or process of any kind and under circumstances hereinafter setforth, there was forcefully extracted from petitioner one written statement and oral statements in the nature of confessions and declarations against the interest of petitioner, which statements written and oral, petitioner believes and is informed will be used against him upon the trial of this cause and which he seeks by this motion and petition to have suppressed; that said statements, written and oral, were extracted from the petitioner by the employment of extreme and torturous third degree in that the petitioner was for a period of three (3) days and three (3) nights denied sleep and rest, was given no food the first day of his arrest and an insufficient amount thereafter, he was not permitted for a period of three (3) days and three (3) nights to remove his clothing, that the agents hereinafter named, struck and beat your petitioner unmercifully with their fists and with a rubber hose, that they struck him in the face with their fists and beat him over the head, across the body and legs with a rubber hose until he bled from the nose and mouth and because of said beating he was forced to seek medical attention immediately after he was released. Your petitioner further states that he was choked and his life was threatened; that they threatened to throw him out of the window if he did not tell them what they wanted to know; they also told him that he would not leave that place alive if he did not tell them what they wanted to know; your petitioner further states that at the time he was taken he demanded counsel and they refused him counsel and further he was denied the right to be taken promptly before a United States Commissioner or Court, and denied the right to be taken to and put in custody of United States Marshall and denied the right to be lodged in a formal place of detention for prisoners of the United States. That all of the above and foregoing were but a few of the many acts of misconduct on the part of the said agents or officers which were in violation of the Constitutional rights of the defendant and the laws of the United States.

That the name of the agents or officers participating in all of the aforesaid unlawfull and lawless practises are DAVID McGEE, HAROLD ANDERSON, TRAYNOR (whose Christian name is to your petitioner unknown) and others whose names are unknown to petitioner.

Your petitioner further states that all of the above and foregoing lawless, illegal end unlawful acts used in obtaining the evidence your petitioner seeks to suppress, were in violation of Amendments IV, V, VI, VIII, to the Constitution of the United States and in violation of Title;18, Sec. 595, 596 U. S. C. A. and Title 5, Sec. 30 U. S. C. A.

WHEREFORE, this petitioner moves and prays that the United States Attorney for the Western District of Missouri, Western Division his assistants and agents, the agents or officers of the Division of Investigation, Department of justice, and all local officers acting in cooperation with or on behalf of the United States who have possession of said written statements or who were present or participated in the numerous oral conversations and statements referred to herein and anyone not specifically referred to but who should be enjoined and restrained, be prohibited and enjoined from offering the same in evidence or testifying regarding the same and that all such evidence be suppressed for reasons and causes herein setforth.

James Daleo

Attorney for Defendant

STATE OF MISSOURI

ss.

COUNTY OF JACKSON

FRANK B. MULLOY, being first duly sworn on oath deposes and says that the above and foregoing motion and petition to suppress has been read and subscribed to by him and that the averments and statements therein contained are true to the best of his knowledge and belief.

Frank B Mulloy affiant.

Subscribed and sworn to before me this 27th day of December 1934.

Notary Public.

My Commission expires August 29th 1937

No. 12698

IN THE DISTRICT COURT OF THE UNITED STATES WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff vs.

FRANK. B. MULLOY, et. al.,

Defendants

MOTION AND PETITION OF FRANK B. MULLOY, DEFENDANT, TO SUPPRESS EVIDENCE ILLEGALLY OBTAINED AND INTENDED TO BE USED UPON THE TRIAL OF THE ABOVE ENTITLED CAUSE.

FILED * DEC 27 2934 * A. L. ARNOLD, Clerk

JAMES DALEO Attorney for Defendant 2201 Fidelity Bank Bldg. Vi. 9592