

Banks Crazy Says Report; Suspected of Placing Poison

TESTIMONY ON CASE LENGTHY

Varying Reports on Sugar's Contents Significant, Warden Asserts

All evidence in the poisoning case of Llewellyn A. Banks, prisoner at the Oregon penitentiary, points directly to Banks himself as the person who crumbled bichloride of mercury tablets into his own sugar in his cell December 23, last, concludes a lengthy report yesterday submitted by William L. Gosselin, secretary to the governor, to the state board of control.

Gosselin quotes from an analysis of Banks' condition made April 19, 1935, by Dr. R. E. Lee Steiner, superintendent, and Dr. J. C. Evans of the Oregon state hospital, in which Steiner finds and Evans concurs in judgment that Banks "is a case of psychopathic personality with strong paranoid trends." Boiled down, the quoted statement meant that Banks was "crazy as hell." Gosselin's report quotes Steiner as interpreting:

Indicates Banks Poisoned Own Sugar
Gosselin's report cites in detail the facts surrounding the alleged attempt to poison Banks, details the attempts to trace the act to every prisoner suggested by Banks as a suspect, and concludes that all evidence points to Banks himself as the person who placed the poison in his sugar.

"It is possible that a motive is that Banks desired to arouse sympathy to be used as the basis of another attempt at pardon to be engineered by his friend, Mrs. Pomeroy." The Gosselin investigation further concludes, adding "the entire poisoning incident demonstrates beyond the shadow of a doubt that a pardon for Banks at this time would be against the public interest."

His study of the case also leads Gosselin to include in his report the conclusion "that a continuance of Mrs. (Ariel Burton) Pomeroy's visits to Banks would be inimical to the best interests of this prisoner. . . her every visit causes a fresh disturbance of Banks and aggravates and accentuates Banks' belief in his 'marriage'."

Pomeroy Visits are Harmful, Declares
The report points out that Dr. Steiner concurs in the view that visits of Mrs. Pomeroy should not be permitted for the mental good of Banks, and suggests the matter of her visits be left to discretion of Warden Lewis, with recommendation that in interest of Banks himself Mrs. Pomeroy be denied any and all access to Banks either in person or by letter.

Mrs. Pomeroy has been most active in Banks' behalf during the period of incubating the present investigation.

The supposedly poison sugar incident occurred at 6 o'clock one Sunday evening in Banks' cell and was witnessed by Earl H. Fehl, sentenced to the prison on conviction in connection with the same ballot theft case at Medford which indirectly was responsible for the death at Banks' hand of Constable Prescott. The alleged poison incident was not reported until the next morning, the 24th, or three mornings later, the 26th, according to respective testimonies of Banks and Deputy Warden Halley. Fehl gave the following statement of the episode to Gosselin: "Noticed a peculiar appearance to the mixture and called Mr. Banks' attention to same, which he immediately recognized and at my suggestion without tasting, he poured it out and prepared a new cup, which also, when water was applied, presented the same appearance. I then suggested that he, Banks, sample the ingredient, which he did in my presence, and, when tasting the sugar which was contained in a glass jar, he instantly became nauseated and made a violent attempt to remove the same from his mouth."

Source of the bichloride of mercury tablets was not definitely established, Gosselin pointing out that from the large supply on hand in the prison drug room those in charge would not notice absence of a few tablets and furthermore that until recently, the door of the drug room had a Yale spring lock which might have been worked to gain access to the tablets. A check of the state police of all points where friends of Banks might have purchased such tablets threw no light on the matter.

Among other reports submitted to the governor yesterday in connection with the pardon hearing were those of J. W. Lewis, prison warden, and H. W. Miller, head chapel guard at the prison. "We have carefully examined every phase of the matter and are not at all convinced that an attempt was made to poison Mr. Banks at any time. We do not be-

Purported Contract Calls For Payment Of Large Sum if Banks Freed; Mention Of Possible Attacks On It Is Included

Herewith is given in full detail the contract into which Dan Kellaheer, state parole officer on May 16, 1935, entered with L. A. Banks, prisoner at the state penitentiary on a life sentence for the murder of Officer Prescott of Medford:

AGREEMENT
This agreement made and entered into this 16th day of May, 1935, by and between LLEWELLYN A. BANKS, party of the first part, and DAN KELLAHEER, party of the second part, WITNESSETH: Whereas, Llewellyn A. Banks is now a political prisoner of the State of Oregon, and that whereas, a criminal conspiracy, composed of the California Oregon Power Company and other political gangsters, and members of the Southern Oregon Bar Association, operating through the office of District Attorney of Jackson County, Oregon, and further operating through the office of the Attorney General of the State of Oregon, was entered into secretly and openly, for the avowed purpose of selling and holding the valuable estate property of Llewellyn A. Banks and family, and further for the avowed purpose of "driving" Llewellyn A. Banks from Jackson County, Oregon, and Whereas, said conspiracy was made effective; and all legal representation in the Courts of Jackson County, Oregon, were denied Banks; and thirty-one civil legal actions were instituted by these conspirators against Banks and his estate; that his estate was seized

through illegal Court foreclosures and foreclosed and taken by default; that open threats were made to kill Banks by members of this conspiracy; that three framed criminal indictments were lodged against Banks by said conspirators; that the District Attorney of Jackson County, Oregon, illegally wrote the name of Llewellyn A. Banks on a John Doe indictment; that said District Attorney sent Constable Geo. Prescott, who was a part of said conspiracy, to the home of Llewellyn A. Banks to "get him" dead or alive; that prior thereto, Constable Prescott had boasted that he would shoot the Banks; that he would take him (Banks) to the morgue, feet first; that all members of this conspiracy were aware of said threats made by Prescott; that Prescott under orders of the District Attorney of Jackson County, Oregon, assisted by Ralph Moody, attorney and agent for the California Oregon Power Company, did come to the home of said Banks and did illegally attempt to enter the home of said Banks by breaking down the door of said home; that Prescott was shot and killed while committing this illegal act.

Says Banks Not Given Legal Assistance
That Banks was arrested, taken from Jackson County, Oregon, and placed in solitary confinement and denied all legal representation, denied his legal rights to prepare a defense, and

Whereas, Banks' trial for murder was set for hearing at Eugene, Oregon, on May 1st, 1933, and Whereas, attorney Frank Longergan was employed by Geo. F. Moran, late brother-in-law of Llewellyn A. Banks, on April 29th, 1933; that attorney Longergan had no opportunity to prepare a defense; that Longergan declared he was representing Geo. F. Moran and not the Defendant in this criminal action, and

Whereas, said conspirators were in full control of the Grand Jury of Jackson County; that said conspirators obtained indictments and arrested twenty or more citizens of Jackson County and lodged them in jail, some on bail bonds and incommunicado; that these citizens were intimidated and promised their freedom if they would bear false testimony against Banks, and

Whereas, Assistant Attorney General, Wm. Levens, who had been appointed as Special Prosecutor in this case, and after investigation had declared same a "frame up" against Banks, and that Wm. Levens died suddenly and mysteriously the first hour of said trial at Eugene; that immediately thereafter, Mr. Ralph Moody, attorney and agent for the California Oregon Power Company, was appointed Special Prosecutor for the State; the said Moody's prosecution was a vitriolic attack on the character of said Banks; that many voluntary witnesses for Banks were not permitted to testify; that evidence has been adduced, proving that the jury was bribed and tampered with, and

Whereas, Banks was found guilty of the crime in second degree and sentenced to the penitentiary for life, and

Whereas, Ralph Moody caused to be published a statement that "Jackson County had spent \$65,000.00 in these cases, and had it not been for mounting expenses, the jury WOULD NOT HAVE COMPROMISED," and

Whereas, Moody admits the tremendous expenditure proving the use of funds to control the verdict and especially the appeal to the Supreme Court, and

Kellaheer Convinced Justice Miscarried
Whereas, the foregoing are facts which can be established in any Court of Justice, and

Whereas, Mr. Dan Kellaheer has made sufficient inquiry into these circumstances and facts to convince him of the unparalleled miscarriage of justice to enable him to enter into this Agreement.

WHEREFORE: It is mutually understood and expressly agreed by and between the parties of the first and second part, that the said Dan Kellaheer is to endeavor to obtain the release of Llewellyn A. Banks from the Oregon State Penitentiary by using any and all legal or honorable means which, in the discretion of the said Dan Kellaheer shall be deemed to be advisable, on the basis of the facts and circumstances surrounding the strange case of the said Llewellyn A. Banks, and

SUM OF \$50,000 WOULD BE PAID

Agreement Entered While Kellaheer Was Parole Officer, Alleged

(Continued from Page 1)
Moody said the knowledge of the contract was discovered by James Duffy when Banks wrote a letter to his sister, Mrs. George Moran of Cleveland, Ohio, in which Banks complained of the treatment received from Kellaheer.

Questioned by Duffy about the contract, Banks admitted one had been drawn and produced a copy, containing Kellaheer's signature, from his cell at the state penitentiary. From this copy Moody's evidence was taken.

Kellaheer, listening at the hearing yesterday, admitted at once that he had signed such a contract.

In the letter to his sister, Banks said his "conference with Kellaheer was most unsatisfactory." Banks praised the work of Mrs. Ariel B. Pomeroy of Central Point, Jackson county, saying she had worked for two weeks securing names on a petition for a hearing before the governor.

"Kellaheer smugly informs me that he will hold the same pending your arrival," Banks wrote Mrs. Moran. "This means cold turkey; money on the line. Under existing circumstances this action is ghoulish."

Moody introduced a letter written by Kellaheer to Banks which read in part: "I am today writing Mrs. Ariel B. Pomeroy, asking her to furnish me with the completed petition so that it may be placed in the hands of some Portland party at the earliest possible moment."

"Inasmuch as your sister, Mrs. Moran, owing to health, will probably not be able to visit you for 30 days, I have decided to move in regardless of whatever support you anticipated she should furnish."

"When in Portland, I intend to call on Aaron Holtz and shake him down to find out what his attitude would be in regard to your release and what he knows in regard to the agreement between he and your brother-in-law."

This letter bore date of June 26, 1935.

Another letter signed by Kellaheer and addressed to Mrs. Pomeroy, follows in part: "After I am in possession of all the petitions I will move in on the governor. When I do I am going to ask him for an open hearing so the world may know my stand in regard to this matter."

Moody submitted evidence showing that Banks, August 1, had tried to rescind the contract with Kellaheer. He also recalled the power of attorney the contract had allegedly conferred upon Kellaheer. The contract provided, however, that it could not be broken except for failure to perform by one of the parties or by mutual consent.

Kellaheer said at the hearing that he was not aware the contract had been revoked.

Kellaheer, in a brief rebuttal to Moody's statements, said he was not afraid of a grand jury investigation. He alleged that Moody was connected with the power trust.

Within named Llewellyn A. Banks and Dan Kellaheer, to be personally known to be the identical persons described in and who executed the within instrument and who each personally acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein named.

Strategy in Release Move Is Made Known in Letters

Copies of letters showing how Kellaheer proposed to work in Banks' case:

231 Oregon Building Salem, Oregon June 26, 1935
Mr. Llewellyn A. Banks, Estate 6, Box 1 Salem, Oregon
Dear Mr. Banks:
In a statement which you presented me, there was a list of claims which you have against various individuals, and among which was a claim against the Federal Government in the amount of \$117,000.00.

Will you kindly, at your earliest possible convenience, submit to me a detailed statement upon which you base your claim of \$117,000.00, so that we may use it as a basis to present this claim to the Federal Government for collection? It will be necessary that you furnish dates, places, the amount of the claim, facts surrounding the same, together with the amount of each.

I am today writing Mrs. Ariel B. Pomeroy, asking her to furnish me with the petition completed that they placed in the hands of some Portland party, at the earliest possible moment, in order that I might be able to file an application with the Governor for your release. In as much as your sister, Mrs. Moran, owing to health, will probably not be able to visit you for thirty days, I have decided to move in regardless of whatever support that you anticipated that she would furnish to start these proceedings.

When in Portland, I intend to call on Aaron Holtz and shake him down to find out what his attitude would be in regard to your release and what he knows in regard to the agreement between he and your brother-in-law.

Please address me at 231 Oregon Building, this city. Yours respectfully,
DAN KELLAHEER.

DK:AA
Oregon State Penitentiary Dan Kellaheer Suite 229 Oregon Building Salem, June 18, 1935.
Mrs. Ariel Burton Pomeroy, Old Stage Road, Central Point, Oregon.

Dear Mrs. Pomeroy: This is to acknowledge receipt of your favor under date of June 12th, and in reply to same would state that I have interviewed Mr. Banks on several occasions recently, and we have been patiently awaiting the arrival of Mrs. Moran, in as much as it is expected that she will advance the necessary where-with-all for us to proceed in the release of Mr. Llewellyn Banks from the Oregon State Penitentiary, and to recover the fortune that has been lost to pirates at Roseburg, Oregon.

I am also enclosing to you under this cover, a copy of the will and wish to acknowledge receipt of your duplicates, one for fifteen, and one for ninety names, and patiently awaiting the receipt of the other petition that you placed with someone to complete. I also have one in Portland, working, and another in Astoria, which I hope to be able to be in possession of by the end of this week.

Mr. Banks has not heard anything from his sister as yet, and I was talking to him yesterday in regard to my going south and meeting the sister and seeing if I can't complete the final arrangements. He said that was satisfactory to him, but, of course, he, in all probability, would like to present himself in person. I am writing his sister to find out when it is going to be possible for her to make the trip to Salem to see him, and it will largely depend upon how these things work out as to whether I go south to meet her.

After I am in possession of all the petitions and I hope made final arrangements with the Governor, I will then move in on the Governor, and when I do, I am going to ask for an open hearing so the world will know my stand in regard to the matter; ask him to grant a pardon and if he refuses to do this, to place him in some safe place in some other institution until I can finish the work that I mapped out, that in the end will give him the right to step out of Oregon State Institution,

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DAN KELLAHEER, (Seal) Done in the presence of: (Seal) M. CLIFFORD MOYNIHAN, STATE OF OREGON) ss. COUNTY OF MARION) ss. On this 17th day of May, 1935, personally came before me, a Notary Public, in and for said County and State, the

The Call Board

EL SINORE
Today - Bette Davis in "Front Page Woman"

CAPITOL
Today - "School for Girls" with Sidney Fox and "Go Into Your Dance" with Al Jolson.

STATE
Today - Robert Armstrong in "Clipping with Danger."

HOLLYWOOD
Today - "Ten Dollar Raise" with Edward Everett Horton and Karen Morley, and "The Desert Trail" with John Wayne.