Banks Crazy Says Report; Suspected of Placing Poison

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 aubmitted by William L. Gosslin, secretary to the governor, to the state board of control.

Gosslin quotes from an analysis of Banks' condition made April 10. 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 paranoidal trends." Boiled down, the quoted statement meant that Banks was "crazy as hell," Gosslin's report quotes Steiner as interpreting. Indicates Banks

Poisoned Own Sugar Gosslin'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

"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 Gosslin investiga-"the entire poisoning incident inmate or employe of the prison," demonstrates beyond the shadow Warden Lewis concludes. of a doubt that a pardon for Banks at this time would be against the public interest."

the conclusion "that a continu- and the other showed a small this prisoner . . . her every visit Banks and aggravates and accen- university. tuates Banks' belief in his 'mar-

Pomeroy Visits are Harmful, Declares

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 hallot 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 morning's later, the 26th, according to respective testimonies of Banks and Deputy Warden Halley.

Fehl gave the following state-

ment of the episode to Gosslin: "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 esstablished, Gosslin 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 heen worked to gain access to the tablets. A check by the state police of all points where friends of Banks might have purchased such tablets threw no light on the mat-

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-

The Call Board

ELSINORE Today - Bette Davis in "Front Page Woman". CAPITOL - "School for Girls" with Sidney Fox and "Go Into Your Dance," with Al

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

' Today -- "Ten Dollar Raise" . with Edward Everett Hor- * ton and Karen Morley, and * "The Desert Trail" with . John Wayne.

TESTIMONY ON Purported Contract Calls For Payment Of Large Sum if Banks Freed; Mention Of Possible Attacks On It Is Included WOULD BE PAID

Herewith is given in full detail the contract into which | his efforts to obtain the release Dan Kellaher, 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, 1936, by amd between LLEWELLYN A. BANKS, party of the first part, and DAN KELLAHER, party of the seccond 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 seizing 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,

Whereas, said conspiracy was made effective; and all legal representation in the Courts of Jackson County, Oregon, were denied Banks, that thirty-one civil legal actions were instituted by these conspirators against Banks and his estate; that his estate was seized

lieve that his life is any more in tion further concludes, adding danger than is that of any other

Warden Lewis' report recounts that of two samples of the sugar. taken from Banks the middle of His study of the case also leads | January, one showed bichloride of Gosslin to include in his report mercury in a test by A. S. Wells ance of Mrs. (Ariel Burton) Pom- amount of organic impurity but eroy's visits to Banks would be free from metals and not an alkainimical to the best interests of loid. The second sample from the same sugar was analyzed by C. H. causes a fresh disturbance of Johnson, chemist at Willamette

"It is not clear to me why the sample that we had analyzed should show no signs of poison and the sample that Mr. Enright The report points out that Dr. a friend of Mr. Banks took, should Steiner concurs in the view that show particles of poison," the warden's report comments.

The report from Dr. Steiner of the state hospital follows:

Oregon State Hospital Salem, Oregon. April 11, 1935, Honorable Charles H. Martin,

Governor of Oregon, Salem. Dear Governor: As per your order I took Dr.

J. C. Evans with me to the

Oregon State Prison yesterday and we made an extended analysis of Llewellyn A. Banks. My personal judgment is that Mr. Banks is a case of psychopathic personality with strong paranoidal trends. He is of a type who has taken life, and in his present frame of mind might do so again if he were at large. The book which he has written about himself is sufficient for even a layman to properly indict him as being abnormal in his mental processes. From the time that he was a boy until this date he has found nearly everybody

ates and his community. In a letter which he wrote to Mrs. Ariel B. Pomeroy, Old Stage Road, Central Point, Oregon, he very succinctly sets out that he thinks it his duty to be out assisting you and running the State on military lines, and with a lot of other foolishness which clearly sets out his mental picture.

wrong in the world but him-

self. He has been in numerous

controversies with his associ-

This case would be a most difficult one for the hospital to take in for the reason of the probability of his escape and his menace to society, and of our necessity to place him under conditions which would be very much more disagreeable for him and his friends.

We looked into the various reports of the attempted poisoning of him for the reason only to estimate the condition of his state of mind. We found no history of physical evidence of his having had taken poison.

This report to you has no bearing whatsoever upon his charges of having been given

He is only one of many cases like which are to be found in every penitentiary, and it is unfair to this institution, I feel, to place him here without suitable provisions for confinement. His case is not one which offers any hope of cure or betterment, and I can see no logical argument for his transfer here unless he should become absolutely unmanageable in the prison to which soclety, through its regular

courts, committed him. We found from his own statements that he had been treated kindly by the officers of the prison since his incarceration and that he had no complaints to make as to his treatment.

With kind personal regards I am respectfully submitting this report to you.

Yours truly, R. E. LEE STEINER, Oregon State Hospital. I hereby concur in the findings of this report.

J. C. EVANS, Assistant Superintendent, Oregon State Hospital.

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, 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 ed by the said Dan Kellaher to him" dead or alive; that prior thereto. Constable Prescott had the said Llewellyn A. Banks, boasted that he would shoot save and except such sum as may be agreed upon out of the - Banks; that he said balance as reasonable conwould take him (Banks) to the morgue, feet first; that all sideration for such services as

made by Prescott; that Prescott under orders of the District Attorney of Jackson County, 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, illegally, placed in solitary confinement and denied all legal representation, denied his legal rights to prepare a defense,

Whereas, Banks' trial for murder was set for hearing at Eugene, Oregon, on May 1st,

members of this conspiracy

were aware of said threats

Whereas, attorney Frank Lonergan was employed by Geo. F. Moran, late brother-in-law of Llewellyn A. Banks, on April 29th, 1933; that attorney Lonergan had no opportunity to prepare a defense; that Lonergan declared he was representing Geo. F. Moran and not the Defendant in this criminal ac-

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 held without 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, the attorney and agent for the California Oregon Power Company, was appointed Special Prosecutor for the State: that 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 murder in second degree and sentenced to the penitentiary for life, and

Whereas, Ralph Moody caused to be published a statement "Jackson County had spent \$68,000.00 in these cases, and had it not been for mounting expenses, the jury WOULD NOT HAVE COMPROMISED,"

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

Kellaher Convinced Justice Miscarried

Whereas, The foregoing are facts which can be established in any Court of Justice, and Whereas, Mr. Dan Kellaher 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 Kellaher is to endeavor to obtain the release of Llewellyn A. Banks from the Oregon State Penitentiary by using any and all legal honorable means which, in the discretion of the said Dan Kellaher shall be deemed to be advisable, on the basis of the facts and circumstances surrounding the strange case of the said Llewellyn A. Banks,

It is further mutually understood and agreed, that for and in consideration of the services rendered and performed by the said Dan Kellaher, and the accomplishing of the release of the person of the said Llewellyn A. Banks from the Oregon State Penitentiary, the said Llewellyn A. Banks hereby agrees to pay the sum of \$50,-000.00 to be deposited in the name of the said Dan Kellaher, in amounts and at times when available, and out of the said sum of \$50,000.00, the said Dan Kellaher shall pay all nec-

essary expenses arising out of 1

of the said Llewellyn A. Banks from the Oregon State Penitentiary, which said sum of \$50,000.00, as above set out, then and in that event is to be in final consideration of such said services and accomplishments of the said Dan Kellaher in obtaining the release of the said Llewellyn A. Banks from the Oregon State Penitentiary; further provided, however, that in the event the final determination of the efforts to obtain the release of the said Llewellyn A. Banks from the Oregon State Penitentiary are unsuccessful, then, and in that event, such balance remaining of the fund of \$50,000.00, after the said expenses have been paid, the same shall be return-

ed by the said Dan Kellaher. It is further understood and agreed the said Dan Kellaher shall, in consideration of the provisions hereinafter set out, institute, as early as possible, legal proceedings for the purpose of endeavoring to recover the full value of the estate seized by any and all persons, firms, partnerships, corporations, holding companies, or other organizations comprising the alleged conspirators bringing about the persecution of the said Llewellyn A. Banks, the value of the said estate being hereby understood to be in an amount of not less than \$710,000.00 as of January 1. 1933, with interest at the rate of seven per cent from said date and that damages to the said estate of Llewellyn A. Banks, as a result of confiscatory raiding, have amounted to not less than \$250,000.00, all of which is more clearly shown by that certain statement of the estate properties, prepared by the said Llewellyn A. Banks and now in the posession of the said Dan Kellaher.

have at that time been render-

\$200,000 Provided if All is Restored In event full recovery for value of property and damages thereto is accomplished, then, and in that event, the said Llewellyn A. Banks hereby agrees to pay the said Dan Kellaher the sum of \$200,000.00 and the same will be accepted by the said Dan Kellaher as full compensation for successfully bringing about such recovery, however, in the event only partial recovery is made, it is hereby further expressly agreed and understood the said Lewellyn A. Banks will pay, and the said Dan Kellaher will accept, twenty-five per cent of

any and all amounts recovered. It is further mutually agreed and expressly understood that for the purpose of enabling the said Dan Kellaher to effectively carry on this agreement, and the efforts required thereby, that the said Llewellyn A. Banks has caused to be executed a full Power of Attorney, to the said Dan Kellaher, giving him full and complete authority over the entire estate and property of the said Llewellyn A. Banks on the basis of the Assignment of Interest made to the said Dan Kellaher by the said Llewellyn A. Banks; and as a further guarantee of the faithful performance of this agreement by Llewellyn A. Banks, the said Llewellyn A. Banks, hereby places his entire estate and property, as well as all claims arising therefrom, at the full disposal of the said Dan Kellaher for the purpose of enabling him to adequately finance and carry on the desired recovery of the value of and the damage to said estate and property of the said Llewellyn A. Banks.

It is expressly understood that this Contract is entered into freely and voluntarily, without fear or compulsion from anyone, on the part of Llewellyn A. Banks, and without undue influence, duress, or fraud, for the uses and purposes herein set forth; and further, that it is distinctly in the minds of the said Llewellyn A. Banks and the said Dan Kellaher that there is a possibility of claims or contentions being made that the herein contract is against public policy by virtue of peculiar circumstances under which this contract must be entered into. and therefore, at no time, now or in the future, shall the claim or attempted claim of such nature, be grounds for, or operate as revocation and nullification of the terms of this Contract, unless so determined by the legally constituted Courts of the land. This Contract also power of attorney and assignment of property can and may be canceled by mutual consent or for cause by failure to carry into effect.

IN WITNESS WHEREOF, We have hereunto set our hands and seals this 16th day of May, 1935. LLEWELLYN A. BANKS.

(Seal) DAN KELLAHER, (Seal) Done in the presence of:

M. CLIFFORD MOYNIHAN. STATE OF OREGON

) 88. COUNTY OF MARION) On this 17th day of May, 1935, personally came before me, a Notary Public, in and for said County and State, the

SUM OF \$50,000 Strategy in Release Move Is Made Known in Letters

Agreement Entered While Kellaher Was Parole Officer, Alleged

(Continued from Page 1)

Moody said the knowledge of the contract was uncovered 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 Kella-

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

Kellaher, listening at the hearing yesterday, admitted at once that he had signed such a con-

In the letter to his sister, Banks said his "conference with Kellaher 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.

"Kellaher 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 ghou-

Moody introduced a letter written by Kellaher 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 furn-

"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-inlaw."

This letter bore date of June 26 1935. Another letter signed by Kel-

laher and addressed to Mrs. Pomray, 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 mat-

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

been revoked. Kellaher, 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

within named Llewellyn A. Banks and Dan Kellaher, to me 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. Witness my hand and official seal this 17th day of May,

1935. M. CLIFFORD MOYNIHAN, (Seal) Notary Public for Oregon, My Commission Expires August 21, 1936.



1:30 to 10c



Story by Peter B. Kyne Sunday, Monday, Tuesday Continuous Sunday, 2-11 P. M. More romantic than his famous "Cisco Kid" BAXTER GALLIAM HDER HE PAMPAS

that was satisfactory to lal.

but, of course, he, in all proba-

bility, would like to present it

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

After I am in possession of

all the petitions and I hope

made final arrangements with

his sister, 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

will give him the right to step

out of Oregon State institution.

I mapped out, that in the end

to meet her.

Copies of letters showing how; anything from his sister as yet, Kellaher proposed to work in

231 Oregon Building Salem, Oregon June 26, 1935 Mr. Llewellyn A. Banks,

Route 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 KELLAHER.

Oregon State Penitentiary

Dan Kellaher 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 f 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, inas 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

Mr. Banks has not heard

A Big Action Show! TODAY ONLY! Fun and It! Chapter 5 "PHANTOM EMPIRE" Sunday - Monday PREVIEW TONIGHT — 11:15 CASI- BEN DEND

GRACE BRADLEY

opeye Cartoon!

a' free man and an American citizen once more. When the time is set for this hearing, with the Governor, I would like very much to have you sit in on the investigation and produce what evidence you have in regard to the poison and other things that will enter and I was talking to him yeslargely into the appeal that we terday in regard to my going south and meeting the sister will make. and seeing if I can't complete the final arrangements. He said

There is nothing that I can see at this time that would require you to come to Salem, unless you felt as though you would like to make the trip yourself. Mr. Banks seems to be in good spirits, and looking much better than when he did a few weeks ago.

Yours very truly, DAN KELLAHER.

Councilmen Will Pick Budgeteers

Citizen members of the city budget committee are due to be appointed at Monday night's council meeting. They must complete their task and the council take final budget action by November 1. All city departments were requested two weeks ago to prepare estimates of their 1936 needs and expected income.

Starts

Tomorrow



BETTE DAVIS Ken Maynard in GEORGE BRENT in "In Old Santa Fe" Buck Jones Serial "Front Page Woman"

Wallace Beery

MICKEY MOUSE MAT.

ALISON SKIPWORTH

Last Times Today



Zane Grey, famous novelist, says: "Not only the best outdoor picture I have ever seen, but for me the greatest picture of the past

LAST TIMES AL JOLSON

"SCHOOL FOR GIRLS"

TWO FEATURES DANCE" with