

JEH:ECB

November 15, 1933.

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MEMORANDUM FOR MR. GATES

As of possible interest to you,
I am transmitting herewith a copy of a
memorandum which I have just directed to
the Attorney General, concerning the kid-
naping and murder of Mr. Brooks Hart at
San Jose, California.

Very truly yours,

Director.

Incl.

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G.D.
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November 16, 1933.

MEMORANDUM FOR THE ATTORNEY GENERAL

On the evening of November 9, 1933, Mr. Brooks Hart, age 22, a graduate of the University of Santa Clara and a son and partner of Alexander J. Hart, one of San Jose's wealthiest merchants, was kidnaped at about 6:30 p.m., while on his way home from the department store operated by his father and himself. His failure to arrive at home on schedule time caused his family to become uneasy, and about 10:00 p.m., two telephone calls were received from San Francisco at his home, advising that the son, Brooks Hart, was being held and would be released upon payment of \$10,000 ransom.

The San Francisco Office of the Division of Investigation of the U. S. Department of Justice, together with the local police of San Francisco, San Jose, and the sheriff of San Jose immediately initiated an investigation. The authorities had the fullest cooperation and assistance of the victim's father. I immediately ordered a special squad of Agents to proceed to San Francisco in order to capture the group of Agents we have regularly stationed there, selecting men especially trained in the handling of kidnaping cases. Between November 9 and November 15, several letters and telephone calls were received from the kidnapers, and last evening a phone call was received at the residence of Mr. Alexander J. Hart, and through investigative activities of the Agents of this Division, together with the sheriff of San Jose, California, Edward T. Thurmond, 28 years of age, was taken into custody at 7:30 p.m. A thorough investigation of Thurmond by the Agents of this Division brought about a full confession, involving one John H. Malone, 29 years of age, who was taken into custody at a hotel in San Jose, California. The confession of Malone disclosed that Malone and Thurmond kidnaped Mr. Brooks Hart on the evening of November 9 about 6:30 p.m. and drove to the San Mateo bridge. There they killed Hart and burnt his car with wire, and attaching wires to the body, threw the body into San Mateo Bay. Malone and Thurmond then proceeded to write the letters and to intercept the telephone calls, demanding \$10,000 ransom.

Malone and Thurmond have been returned from San Jose to San Francisco in order to insure safe keeping by reason of the possible arousing of public opinion against them for their act of murder.

While this case is a Federal case in that the mails were used, in view of the more serious charge of murder which will be lodged against them, it is recommended that the case will be turned over to State authorities for prosecution.

The Chief of Police of San Jose, Mr. J. S. Black, the sheriff of San Jose, Mr. [Name], and the Chief of Police of San Francisco, Mr. [Name], have furnished the following information and assistance to the Federal authorities in this matter. The Agent in Charge of the San Francisco Office, Mr. E. L. [Name], and the Agent in Charge of the San Jose Office, Mr. [Name], are proceeding to San Francisco to assist in the details of this investigation at San Jose. These Agents are in communication with the office at San Jose and will report the progress of the investigation.

47M
411 U. S. Court House
Portland, Oregon

November 13, 1933

Special Agent in Charge
Division of Investigation
U. S. Department of Justice
315 Essex Building
San Francisco, California

Re: Unknown subjects
Brook Hart (Victim)
Kidnaping

7-375
RECORD OF INVESTIGATION
NOV 15 1933
U. S. DEPARTMENT OF JUSTICE
DIVISION OF INVESTIGATION

Dear Sir:

This will contain telephone conversation on the subject assigned to your office today in which I furnished certain information pertaining to El Barta, and the possibility that he might be involved in the kidnaping of Mrs. Rose, California. In my telephone conversation I talked with Special Agent L. S. Montgomery and advised him that I had had previous information that El Barta, who is presumably mentioned in the above kidnaping, might be implicated in the instant case at the above.

For your information, El Barta was seen in Portland, Oregon, approximately three weeks ago by a brother-in-law of the victim who reported the fact to the Portland Police Department and the undersigned. He stated that he met El Barta on one of the police patrol down town in connection with the fact that El Barta was wearing a dark brown overcoat and that his hair was dyed a dark brown color. This brother-in-law stated that otherwise El Barta answered the description of the individual. He further stated that Seattle Police Department photograph 1000 of El Barta was a good likeness of the man with the information that he had a mustache and dark brown hair. For your information, I am enclosing herewith a Seattle Police photograph of El Barta.

with him for a short time and followed him approximately one block where he observed El Barta enter a large dark blue sedan car which he believed to be a 1932 Buick. El Barta was wearing a dark brown overcoat which was dark blue lined and which had two light blue stripes which were dark blue lined with gold buttons. He believed to be El Barta. He could not describe the license number of this car.

Further information was furnished by representatives of the American Express Company that Ed Bantz is reported to have been active in cashing fictitious checks in London, Ontario, Canada and that Ed Bantz was driving a car bearing Illinois license #888113 or #888133; that he also used Illinois license #736553. It is not clear from the information available in Portland as to the exact time Ed Bantz was reported to have been active in Ontario, Canada, but it is presumed that it was prior to the date Ed Bantz was reported seen in Portland about three weeks ago.

In view of the alleged former association of Ed Bantz with Albert Bates and George Kelly, subjects in the Unsubal kidnapping case, and the reported presence of Bantz on the west coast at this time, it is the thought of the undersigned that it would be worthwhile to bear him in mind in your investigation of the Unsubal kidnapping at San Jose. It is altogether logical that Ed Bantz after having been seen in Portland approximately three weeks ago proceeded to California and I suggested to Special Agent Matthews that a general police broadcast be issued to pick up any persons driving a car bearing either of the two Illinois license plates noted above and advise a check-up to be made at the California state automobile registration bureau to determine if there is a record of a non-resident permit having been issued for either of these licenses within the past few weeks.

From information available from a Mr. Vroom, district manager of the American Express Company, San Francisco, I have full information relative to the alleged presence of Ed Bantz in Ontario and concerning the two Illinois license plates mentioned. It would suggest that you contact him as well as the chief special agent of the Railway Express Agency at San Francisco who, I understand, has considerable information concerning the activities of the Bates

of further possible interest, I have this date received a memorandum from Special Agent E. M. Dooling who is stationed at Seattle, Washington, advising that Pauline King, alias Pauline King, sister of the Bates brothers, had been reported to be in some way connected with the Unsubal kidnapping case and that she is now residing at the Flamingo Hotel, Seattle. Dooling further advised that Pauline King is connected with Pauline Bates, nee Pauline King, nee Katherine if possible her whereabouts during recent years by Lewis particularly at Seattle. This was in contact with Ed Bantz and Ed Bantz in California.

understood and called at about 5:00 p.m., and made a date with Brooks to meet him, O'Brien, at the store about 5:30 p.m. That about 5:40 p.m., O'Brien had not yet appeared to meet Brooks, and that he and Alcece had talked with Brooks at this time, at the store, and it had been agreed that Brooks would go to the parking lot above noted, secure his car, and then return to the back entrance of the store on Lightstone Avenue, which is a narrow alleyway, and pick Alcece and himself up, taking Alcece home, and Mr. Hart, Sr., to his appointment at the St. Claire Club, located at the corner of 2nd and St. James Streets; that in accordance with this plan Brooks left the store just a few minutes before 6:00 p.m., for the parking lot; that they waited until a few minutes after six, and Brooks not appearing, Mr. Alex J. Hart, supposed that he had been delayed in some way, or had possibly gone down to get O'Brien, and had had an accident, and that, inasmuch as he was late for his appointment, he got Jack Foley, store employee, to drive him to the St. Claire Club; that Alcece secured a ride home with Mrs. H. S. Fowler, who is his wife's sister, and also an employee of the store.

Mr. Hart continued that he had not seen, nor heard from his son since he had left the store just before 6:00 p.m., but that he had been informed that one Lloyd Mitchell, an employee of the store, saw Brooks's car shortly after 5:00 p.m., going down Lightstone Avenue. Mr. Hart stated that the ransom telephone call had been received at the house by Billy Morris, whether he had been at the house at the time, and his daughter, Miriam Hart; that he, himself had gotten to an extension of the telephone, and listened in to the end of the conversation, hearing however no completed story, but merely the words, "50,000 ransom, or you will never see your son again."

Billy Morris, 1156 Hancock Avenue, stated on interview that he had come to the Hart home about 9:00 p.m. on this evening in question, and at about 100 p.m. he had been near the telephone when it had rung, and had answered; that a voice had inquired for Mr. Hart; that then before he had an opportunity to say a word, the voice said: "This is your son that you missed." He stated that James H. Morris, asked if this were Brooks, and the voice asked again if he were Mr. Hart; that Mr. Morris replied that he was not, and that then he called Mr. Hart, but before Mr. Hart got to the telephone, Miriam Hart answered the phone by another extension, and that then Mr. Hart came and took his position at the extension. Mr. Morris was on the phone but had no further information regarding the call.

Miriam Hart advised that she took up the receiver, and the voice asked when she said "Hello" - "Is this Miriam?" that she said "Yes" and the voice then asked "Is your brother coming?" and she replied that he was, and asked if he was all right; that the voice then said "We have your brother for 50,000 ransom. Your brother's safe, but if you notify the police you will never see him again." That she then asked if Brooks was hurt, and the voice replied that he was not, but that they must have 50,000 ransom for his return, and that she would receive another communication on the following day, and then hung up. Miriam stated that she had heard her mother say on previous occasions that she had never heard before that it was a strange voice, that it was very cultured, and stated that it was not hurried, and that she had not heard any other calls, and that the voice seemed to be speaking in a

coming from a distance. It should be stated that Miriam answered the phone on the second floor extension of the phone, and Morris answered it on the main floor downstairs.

Edward Higgins, Assistant Cashier of the First National Bank, checked the bank records, and advised that no checks whatsoever had been drawn against Brooks's bank account during the month of November; that the average balance in the account over a five year period had been \$300; that the present balance was \$188.50; that on November 1st the balance had been \$133.00, but the account had been augmented by a deposit of \$55 on November 8th. A. J. Hart states this is the only account carried by his son, either commercial or savings.

Check of the Western Union and Postal Telegraph Companies revealed no wires received or sent out by Brooks during the period immediately preceding his disappearance. Telephone Company records revealed no long distance calls placed at the home in the period from November 1, 1933.

The following investigation is reported by the writer, Special Agent in Charge E. E. Yetterli:

On the night of Thursday, November 9, 1933, about midnight Agent Yetterli received a long distance telephone call from Chief of Black at San Jose, California, outlining the circumstances of the disappearance of Brooks L. Hart, as outlined above by Special Agent Denny. Chief Black requested our assistance. He stated that he had been in contact with the telephone company in San Francisco, and ascertained that at 9:50 p.m. on the 9th of November, an effort was made to complete a long distance call from San Francisco to the residence of Brooks L. Hart, that this call had been placed through Tom Barker 6420, at San Francisco, which is a restricted telephone, in the name of Dan Dwyer, 1022 Market Street, San Francisco; that the second call was completed, and had been checked, and was from a pay station located in the Whitecomb Hotel, 1222 Market Street, San Francisco, telephone number Market 2587. Chief Black outlined the telephone conversation demanding the \$40,000 ransom.

I immediately contacted Chief of Police Riley, who is in charge of the Bureau of Investigation, Police Department, and returned home at midnight immediately after the call from Chief Black. Through Lieutenant Riley I made arrangements to drop off all hands in and out of the vicinity, and place guards at all the curbs. However, at about 1:30 a.m. the morning of November 10th, Chief Black called from San Jose, and advised the car of the victim had been located about seven miles from San Jose, and was on the highway, with the lights on, on the Evans Road, about one and one-half miles east of Milpitas, and had been seen there at 11 p.m. the night of the alleged kidnapping, but had not been reported until late that night. As soon as Chief Black advised of the location of the car, the guards at the curbs and roadways were withdrawn.

However, in conjunction with Captain of Detectives Dallas, San Francisco Police Department, it was arranged that any long distance calls for the Hart residence at San Jose would be telephoned in on a private wire. In the meantime, arrangements were made to have all long distance calls delayed as long as possible, the operator listening in, and that he be advised immediately of any call at San Francisco, and squad cars with radios should be made available. Two squad cars were placed at rest in the neighborhood from which the two calls had to be placed.

I then telephoned Special Agent W. R. Ramsey at San Jose, to get in touch with Chief Black at San Jose, California, at once, and remain on this case, and Special Agent Ramsey has been stationed at the Hart home ever since, and still remains there on duty, awaiting further developments. In view of the fact that the call from Dan Deyer's place, and from the Whitcomb Hotel, at San Francisco, was not traced until about two hours after the calls had been made, no effort was made to check these places the night of November 9th, it appearing that altogether too long a time had elapsed from the time of the placing of these calls.

This Agent remained on duty at Police Headquarters all night, in view of the fact that it was thought probable a further contact could be made, and was on duty at the same place all day November 10th. While at Police Headquarters on November 10th, one Maurice Birnbaum, of 833 Market Street, came to the office, and stated he was a good friend of Victim Hart; that he resides at 2101 Pacific Avenue, San Francisco. He informed this Agent there was a Jack Reid, of whom Hart was afraid; that he and Hart had met Reid several years ago in a pick-up acquaintance at San Diego, where Birnbaum and Victim had gone for a visit. They had not known Reid previous thereto.

Birnbaum advised Reid had followed the Victim around for the past few years, and after close questioning, intimated that Reid, Birnbaum, and possibly the Victim, had possibly indulged in some degenerate parties. However, this took place several years ago. Birnbaum also stated that Reid had come to San Jose, and had spent a night or two at the home of Victim Brooke L. Hart, a year or two ago. He advised he could find Reid could be located through Lionel Lewis, a friend of Victim's, whose father was the proprietor of a jewelry store on Pine Street at Long Beach, California.

This date was immediately telephoned to the Los Angeles office of the Bureau, where, according to information received, Reid has been picked up, and thoroughly questioned, but has been able to account for his time for the past few months, and apparently is not involved in this case.

It was also rumored that one A. S. Marducci, a private detective at 234 North 6th Street, San Jose, might have some information. Accordingly, I interviewed him at San Jose, Saturday, the 11th, and he had nothing to offer.

There were no developments at San Francisco on Friday the 10th, and after verifying again the telephone situation with respect to long distance calls, this Agent went to San Jose, and ascertained from Special Agent Ramsey there had been no developments there. Immediately upon arrival, a consultation was held with Chief of Police Black, and Sheriff Emig who advised that they had interviewed everyone in this vicinity, and Sheriff Emig stated that a thorough search had been made of all the hills in the vicinity of San Jose, and particularly that portion of the country where the car had been located, but they had been unable to find anyone to date that had any information, there being no indication that anyone had seen Victim forced into a car, or kidnaped, or driven off.

They advised, however, that there had been out to the place called "Downing Ranch" a number of days ago, and while there young Downing had been killed when a horse fell on him when he was attempting to ride a horse. Sheriff Emig stated that Victim had been melancholy, moody, and blue, sometimes by Sheriff Emig at the Downing Ranch, revealed that Victim had not been seen or heard from recently.

Charles O'Brien, 170 South 14th Street, San Jose, California, is the closest personal friend of Victim. He stated that he had received a telephone call from Victim (phone L 2-27) about 8 p.m., November 9th, and that they always went to a public speaking class Thursday nights at 8 p.m., that is, he called with Victim at 8 p.m., the latter told him to come over to Hart's store at 9:30, that they would both take Victim's sister, Alice, home with them to sleep together. He stated that the Victim talked rather anxiously.

Mr. O'Brien stated he started about 9:45 or thereabouts and went to the Hart store, and was told that the Victim had left the store. O'Brien estimated he arrived at the store at 9 p.m. He is not positive of the exact time. He stated he had seen Victim that time, and the Victim did not show up at all. He stated he did not see any motive or reason for young Hart's flight, he stated that Hart was moderate in everything he did, did not drink to excess, was very conscientious in his handling, and did not mess with women.

O'Brien has been interviewed by this Agent, and Agents Conroy and Anderson, on two subsequent occasions, and while he would furnish general information, he cannot furnish any information which might lead to possible kidnaping, or for the development of any other leads.

It was rumored that one Mrs. Leone Van Orsdale, 585 Hillier Street, Santa Clara, California, and an employee of the Hart Store, had seen Brooks Hart about fifteen blocks from the store, going out towards the point where the car was abandoned about 6:30 p.m., the night of the 9th. However, an interview was had with Mrs. Van Orsdale, and she stated she had seen a Studebaker Roadster, about 6:30 p.m., the night of November 9th, about fifteen blocks from the store on the road going out to the country club, and she presumed it was Brooks Hart's.

However, further inquiry developed that there are only two Studebaker President Roadsters in San Jose, and the other car belongs to one Tom Holland, Manager of the J. C. Fenney Store at San Jose. Holland was interviewed, and advised he had driven out from his store towards the country club, and would have been at the point where Mrs. Van Orsdale saw the Studebaker Roadster at 6:30 p.m.; that he was on his way to the country club, and accordingly apparently the car Mrs. Van Orsdale saw was in reality the car of Tom Holland.

I also talked with Mr. A. J. Hart, the father of Victim Brooks L. Hart, but he could furnish no further information than that contained in Special Agent Ramsey's investigation, as outlined above.

The same situation exists with respect to Miriam Hart, the sister of Victim, who received the long distance telephone call, and Billy Morris. They could furnish no information other than that given to Special Agent Ramsey.

A check of the bank account of Victim reflects that no checks have been issued by him of any suspicious nature at all recently. His account is in good order, and there is nothing therein to draw any suspicion whatsoever.

With respect to the finding of Victim's car on the Evans Road, Mrs. Balshaw, who is the wife of the Steward of the San Jose Country Club, saw this car parked in front near her residence about 7 p.m., the night of the 9th. She presumed it was a party car, and did not give any further thought to the matter, until her husband returned from the Country Club, about 9:20 or 10:00 o'clock that night, having already heard of the disappearance of young Hart, and noticed it was his car, and immediately got in touch with the Police. An effort was made to take fingerprints from the car in question, but nothing of value developed. The car was found in good order, with no indication it had been run into the curbing, or forced off the road, and the gas tank was completely filled. In this connection it was ascertained that the gas tank had been filled by Hart the morning of the 9th.

Raymond A. Rowley, a brother-in-law of the Victim, and who also works at the Hart Store, was interviewed, and stated he has no information concerning this case; that he hardly saw Victim at all the day of the 9th, and thought he was out of town. The Victim is floor manager on the first floor of Hart's Department Store. Rowley stated the habits of Victim were exemplary.

He knew of no specialist on the Victim. He had no information of value.

Tom C. A. Hunter, who works on the second floor of Hart's Store, it was ascertained the Victim had been on the second floor of the store practically all afternoon of the 9th, which Mr. Hunter stated was very unusual, as Victim hardly ever was on the second floor, but always on the first, that about 8:30 p.m. Victim had a conversation with a man who wore a salt and pepper suit, 5'7" to 5'10", 32 to 35 years of age, sandy complexion, gray felt hat with black bands, weighing about 155 pounds. The individual wore gold rimmed glasses. The conversation was in ordinary tones. Further that Victim remained on the second floor until he left the store about 5:55 p.m., at which time he said "goodnight", and has not been seen since.

Hunter stated that for some time Hart had appeared to be rather quiet and worried, and particularly so the afternoon of the 9th.

On November 10th the wallet of Victim was found on a pier on the waterfront at San Francisco, near where the liner Lusitania had been docked. This information was telephoned the writer from San Francisco.

The ship Lusitania had already left for Los Angeles.

The wallet had been found on the lower rail of the pier ship by one Michael Badinger, who in turn delivered the wallet to the "Morning" a Hearst newspaper in San Francisco. The name of the oil tanker on whose pier the wallet was found was the "Midway". Two other ships were docked nearby, namely the "Santa Paula" owned by the York, and the "President Van Buren" bound for Honolulu. These ships were all located near pier 33, San Francisco. Accordingly, a radio was dispatched to both the "Santa Paula" and the "President Van Buren" through search and seizure of these vessels, but there was no evidence of Victim being on board.

Immediately upon receipt of the information with respect to the Lusitania, had the possibility that the wallet had been thrown through the portholes. Special Agent Phillip L. Hart was placed in San Francisco with two Police Officers and Mr. Coaling, Manager of Hart's Store, for Los Angeles where the "Lusitania" was set before it was docked, and a thorough search was made of the entire ship, and all passengers were closely scrutinized, but finally it was ascertained the wallet at San Francisco and the victim's name was on the manifest in connection with the departure of the ship from the office, and it bears the name "Frank J. Hart", which was in the name of the passenger card. It may be of value later, by which the act set forth in initial report.

We then turned around in the Chevrolet coach and returned to San Jose, California. While we were riding out in the car with Brock Hart before we reached the San Mateo building, we asked him to turn over his pocket book and money which he did. To the best of my recollection the wallet contained a Five (5) dollar bill and two and a half in silver. He divided the money which we obtained from Brock Hart. I kept the wallet in my possession. After we returned to San Jose by agreement I returned to San Francisco in my father's car, a Pontiac car, and it was our understanding that I was to go to San Francisco and from San Francisco to Oakland and execute through the walter into the bay. By agreement I was also to telephone to Mr. Hart from San Francisco advising him that his son was kidnapped and being held for \$40,000.00 ransom.

I endeavored to get thru this call from a place, which I believe, is on Market Street but the line was busy. I first tried to place the telephone call about nine thirty p.m. on November 9th, 1933. I then went to the Whitcomb hotel and placed another long distance call to Hart's residence at San Jose at about ten thirty and was successful in completing this call. Some man answered the telephone and I inquired for Mr. Hart and then some girl answered the phone and I told her that her brother was being held for \$40,000.00 ransom and if the family notified the police they would arrest her brother's car.

Instead of taking the ferry from San Francisco to Oakland to drop the wallet at Brock Hart which I had in my possession I walked down the water front for the walter and placed the wallet into the San Francisco bay. I then returned in my father's machine to San Jose, California, arriving in San Jose shortly after midnight.

On November 10th, 1933, about 11:00 a.m. I left San Jose in my father's machine and drove to San Francisco. I drove down the water front for the walter and placed the wallet into the San Francisco bay. I then returned in my father's machine to San Jose, California, arriving in San Jose shortly after midnight.

I was obtained an address of Mrs. Hart and I got to Tracy through to Sacramento I addressed the envelope to Mrs. Hart in which I later placed the amount of \$40,000.00 which was printed by Jack Holmes, and mailed it to Sacramento that night about nine thirty

were unwilling. Members of the family advise it has been seen at the house recently. No one can account for its disappearance. The 1932 diary fails to reflect any information of value.

One Martin Smith, residing at 545 Guerrero Street, San Francisco, furnished Inspector Dullin of the Police Department, with information to the effect that he was positive he saw Victim Hart at 12:30 p.m. Friday night in San Francisco. He stated he was parked at the water front when Victim came up to him, and asked him where pier 28 was located. He described Brooke L. Hart negatively, advising he was without hat or overcoat. He also added the further item that Victim's hair was not a white blond, but was slightly wavy or Auburn tinted. Instructions were given to Special Agent Montgomery to interview him.

In conjunction with Inspector Dullin Jones covered the waterfront at San Francisco, particularly the spot where the wallet was found, but there was nothing to develop at that particular point. It is one of the easy points to the waterfront which is open and accessible to anyone walking along the walk which is right above it, and the wallet could have been thrown from any automobile which could drive right up to the board walk or could have been tossed in from the street.

It was noted during the course of this investigation that he is positive one of his officers saw Victim Friday afternoon, also that three women in that vicinity had also seen the Victim Friday afternoon. This has been checked telephonically by the San Francisco office, instructions having been left with Special Agent T. E. Criss, but it appears that the ladies in question are no doubt mistaken.

No further developments having occurred at San Francisco, no further efforts having been made to contact Mr. Hart it was ascertained telephonically from Special Agent Casey at San Jose, therefore on Sunday afternoon, November 15th, upon approval of Special Agents Murray and Anderson, all three agents proceeded to San Jose, California.

The following investigation was conducted by Special Agents Murray, Casey, and Anderson:

Mr. Hart's property insurance that Brooke L. Hart was insured for \$10,000.00. The policy is on the Hart Stars (approximately 50 years). This car is at this lot at 8 o'clock. However, one Harry K. Hart was interviewed, and he is a middle aged man about fifty to sixty years of age. He was at the parking lot when the Victim came to get his car, the night of November 14th. They talked for about three minutes, Hart arriving alone about 1:30 p.m. The Victim then drove off in the car.

He was alone, appeared to be in good spirits, and proceeded out to the driveway, which is about fifteen yards from where his car was parked, and from that point in the driveway to the street is a distance of about 75 feet, which is occupied by a realty company. At this time there was only one way of getting in and out of the parking lot, which was this entrance which leads onto Market Street, San Jose, which is a well lighted street at 6 p.m., as there are a number of people and automobiles passing in this vicinity at this time of night. From this point there is a drive a block and a quarter up Market Street, then turn to his right in front of his father's store, and circle to the right down an alleyway, where he was going to pick up his father and sister.

Mr. Kuehn saw nothing suspicious, saw anyone loitering around the parking lot at all that night, in any previous nights.

Accordingly I interviewed all employees of the Commercial Realty Company at San Jose, which is the real estate company by the parking lot. They did not see Hart that night, or notice anything suspicious or particular during the last few weeks, and noticed no one loitering around in any suspicious ways.

Mr. J. A. Sullivan was at the real estate company in question until after 6 p.m., and the lights of his office would reflect on the twenty-five foot wall on the driveway on which Hart would drive away in his car, and further a light from the front of his car would shine onto Market Street. However, Mr. Sullivan stated he did not see or observe any suspicious characters, and that he had no noise, and his office is immediately adjacent to the driveway, and it is an open building, so he would have had a rather clear view, although it is doubtful if he would have seen in detail, owing to the fact he was in a lighted room, and it was fast becoming dark outside.

Mr. Morgan and his wife, managers of the Commercial Realty Company, were interviewed. His wife is at the store everyday until six, and Mr. Morgan is in and out all day long. Neither of these individuals have ever seen any suspicious characters loitering around, nor had they seen any suspicious cars.

Charles O'Brien was interviewed by Special Agents Scarof, Anderson, and Ketter, and he recalled that one Frank [redacted] was in the parking lot's vicinity, and while [redacted] stated that he was going to Hartman. He stated that Kuehn had obtained the job for seats at the parking lot, and it might be [redacted] to interview him, although he had nothing definite with which to connect Scott with the kidnapping. This will be followed up.

Mr. Portulupi, who runs a speakeary a half a block outside of the city limits of San Jose, was interviewed, as was his wife, Mary Portulupi, and she stated they sell liquor to young Hart; that he only buys a pint at a time, and on occasions has taken a drink or two there. They advised he was frequently there with Charles O'Brien, and further that Brock Hart always came with the same girl, Jane Hammond, and very seldom remained for any length of time; that he always conducted himself as a gentleman; that they always traded at the "Party Store", and always bought a great deal of the boy; that they were in the Portulupi home on Tuesday, November 7th, when young Hart and Jane Hammond, accompanied by Charles O'Brien and his girl, visited their place. They stated, however, they remained for a short time, and had a drink or two, and discussed business affairs, and their respective travels throughout the world, and had left a short time thereafter.

No other people were around at the time, and nothing unusual took place.

Ted Doriss, proprietor of the Robin Hood Inn, also a speakeary, about a half a block outside of San Jose, states he is positive that Hart was in his place of business with a girl about nine or nine-thirty p.m., the night of the kidnaping, and stated he was with the same girl as always brought with him, and stated he had had a few drinks, and was feeling pretty good, and mentioned to Ted Doriss the fact that the young lady who had accompanied him was a real good sport in drinking and a couple drinks. It is believed, however, that there would be some mistake in the night cited by Ted Doriss, as we have been unable to verify his story, and Jane Hammond was in reality with Charles O'Brien until about 7:30 p.m., the night of the kidnaping, until late that evening, that they inquired at the Police Station if there had been any accidents, and consequently it was impossible for her to have been at Ted Doriss' on the night in question. There is no gambling permitted at Ted Doriss' place. He was not able to furnish any information of value, stating that he understood the young chap drank a little, smoked a little, and probably played around a little, but there was nothing unusual about his habits.

Accompanied by Sheriff (Name) we went to the business place of one Frank Carnese, a gambling joint and speakeary. It had been rumored that Hart had put out several bad checks and I.O.U.'s at this place. A review of his bank account, however, did not reflect this. Frank Carnese was out of town. This angle will be checked.

Charles O'Brien was again interviewed, and stated that Hart used to go with Mary Doran of Sacramento, and was with her for about a year; that he then tried to break off with her, and finally did so. This was a year or so before Hart started going half steadily with Jane Hammond. It was ascertained, however, that during the time Hart had associated with Mary Doran, he had had interviews with her on at least one occasion. Further that Mary Doran's brother, who lives in an orchard in Sacramento, was at Lake Tahoe the summer of 1937, that a girl known as

D. C. Hill, the manager of the owner of the Hill Coffee Company. Young Hart was also there at that time, and the Hill girl apparently took a liking to the victim, and as a result it was felt that possibly Mary Moran's brother might have become irritated or provoked. However, nothing serious ever developed from this episode. Inquiries, however, will be made at Santa Anita, to ascertain if Mary Moran or her brother, have any information at all, or are connected with this matter.

Mr. W. V. Brown at Hart's Department Store, was interviewed, and he stated that a Buick Sedan had been pulling into the alley, and parking at the side of Hart's Department Store at about 8:45 p.m., each night for the last ten days or so, and that he specifically noticed the car in question on Monday, November 23rd, four days before the kidnaping; that two men were in the car, apparently both Americans, and looked him over very carefully, and it appeared odd to him they should be there so often. Mr. Brown states he would no doubt be able to identify these two men if he ever saw them again.

He stated one evening when he went out to see if his car had been marked by the police officers, the occupants of the Buick car scrutinized him very carefully, and as a result he looked them over very carefully, thinking they may be police officers, but noticed they did not have an exempt license on their car, but had California licenses. He does not remember the number. The car was a 1932 Buick Sedan, dark color.

He stated the men were well dressed. Mr. Brown states it is a peculiar thing that he has not seen the Buick Sedan at all since the disappearance of Hart on the night of November 23rd.

About 11 a.m., Monday, November 15th, Mrs. D. Silveria, who resides at 356 1/2 Piedmont Avenue, Berkeley, which is right near San Jose, called on the Sheriff's office and advised she was visited by agents and Sheriff Quinn. Mrs. Silveria is a Portuguese, but rather intelligent, and she stated that on Thursday night, November 14th, at about 6:30 or 7 p.m., while Mrs. Silveria was out in her yard, a Buick sedan, with two men, was driving on the road. The car was a Buick, and was attracted to an automobile which was going to the store. She could see the lights coming from a distance, but she decided if it would make the turn about 100 yards away, which is on the highest road. The automobile was a large dark sedan. She does not know the color, but stated it had a very long hood from the radiator to the windshield. This car pulled up across the ditch by the roadway, which leads up around the hills, and which, if continued far a mile and a half, reaches the point at which the car of young Brooks Hart was last seen.

Directly following this large dark sedan was a roadster, and this roadster pulled up in back of the dark sedan opposite Mrs. Silveria's barn. On each side of the roadster a man was standing on the running board, and when the two cars pulled up, one man was heard to say "We got him all right". Then someone commanded the driver to get out of the roadster, and stated: "Get in there big boy", another person was heard to say "Are we on the right road?", and some other individual said "You hit this road into Milpitas, and then on to the Oakland Road". Then one man said "Where are you going from here". Another said "We are going to head for Crockett, and then ahead to Sacramento, and we will take him to a cot in there on the hill". Then another man said "What about the gas", and the other said "The tank is full", and some other man said "What about these license plates", and someone replied "Leave it as it is".

She stated she could hear a rattling noise like tin in the back of the car. They then started out with their lights out, one man getting into the roadster, and driving off rapidly, and four men, in addition to some unknown party, driving off in the large dark sedan. She stated they drove off rapidly, and she could hear the sound of their motors for some distance. All in all Mrs. Silveria saw five men, in addition to the man who was taken out of the roadster. She called attention to the fact the roadster had a sort of a canvas top, and stated that the man who was taken out of the roadster did not make any remarks whatsoever, but was wearing a light felt hat, and light overcoat, and from what she could see a light grey shirt. This tallies with the clothing worn by Hart.

She stated that the man apparently conversed in good English, and did not appear to be foreigner, although, of course, she could not describe them. She got a better view of the two cars, namely, the sedan and the roadster, when they were parked, when another car drove down the road, and its lights furnished a clearer vision.

Accordingly, before Mrs. Silveria could again tell to her daughter, Isabelle Silveria, who was with her on that night near the barn, Agents and Sheriff Daig located Isabelle Silveria at a local school at San Jose, and questioned her. Isabelle is about fourteen years of age, and is a very bright and intelligent young girl. She stated that she and her mother were going to the market every night, about 6:30 p.m., after dinner. She would place the time as about 8:30 because they always have dinner at 8:00 o'clock. She stated that right after midnight she saw the cars drive up in front of their house, behind her mother and she were near the barn, one a black sedan, and the other a roadster with a canvas top. She claims she saw five men in all, and stated she heard them talk about "plates", but did not know what they meant. She cannot remember the conversation in detail, but recalled what took place: the fact as Mrs. Silveria