

Douglas County Law Library E-Mail Newsletter



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Meeting and Event Announcements

The Defense Bar meets the second Friday of the month. This month the meeting is on the 12th.

The April Douglas County Bar Association Brown Bag CLE program will be on Thursday, April 21, 2013, from 12:00 p.m. to 12:50 p.m. in the Jury Assembly Room in the Judicial and Law Enforcement Center.

Sherri Loveland will present *An Annual Update on Recent Disciplinary Cases*. Handout material can be downloaded from the [DCBA website](#).

Board of Trustees Election Ends April 8th

The election to fill the five attorney member positions on the Douglas County Law Library Board of Trustees ends on Monday, April 8th. Completed ballots must be received in the Law Library no later than the voting deadline of 5:00 p.m. on that date.

The candidates are:

Julia V. Bellemere
Hatem Chahine
Napoleon Crews
Elbridge Griffy IV
Jody Meyer
Branden Smith
Sarah Warner
Charles E. Whitman

Ballots were sent out by postal mail on March 25, 2013, to all eligible* attorneys who had paid their 2013 Law Library Registration Fee**. Attorneys who have not

received an official ballot but feel that they should have received one need to contact the Library as soon as possible.

Results of the election will be in next month's Newsletter.

*An attorney whose principal office, i.e.: main practice, is in Douglas County, or, if the practice is in another state, resides in Douglas County.

**Unless employed solely as a public defender by the State Board of Indigents' Defense Services, an attorney must pay the current year's annual Douglas County Law Library Registration Fee of \$25.00.

Law Library 10th Anniversary Celebration on May 1st

The Law Library will celebrate its 10th Anniversary of serving the legal information needs of Douglas County on May 1, 2013. The festivities will include a Library Open House from 9:00 a.m. to 4:00 p.m. that day.

Following the Douglas County Bar Association's Law Day luncheon, there will be an anniversary reception in the Library beginning at 1:30 that afternoon. The reception will feature a short ceremony commemorating the anniversary, including appropriate remarks from Judge Michael Malone, President of the Law Library Board of Trustees, Kerry Altenbernd, Law Librarian, current and past members of the Board of Trustees, and other interested parties. Refreshments will be provided.

Current Art Gallery Exhibition



The April/May 2013 Law Library and Division IV art gallery exhibitions are mixed media by Kerry Thonen.

The exhibitions will run through the end of May 2013.

The June/July exhibitions in the Douglas County Law Library Art Gallery and the Di-

vision IV Art Gallery are scheduled to be Photography by Tony Peterson. More information on these exhibitions will be in the June 2013 E-Mail Newsletter.

For more information on past, current, and future Art Gallery exhibitions, or for more information on the Art Gallery, please consult the Art Gallery page on the Law Library's website.

If you would like to exhibit your art in our gallery, or know of local artists who would like to show their original art here, contact the Law Library at 838-2477 or by e-mail at info@douglascolawlibrary.org.

New Acquisitions

Newly acquired material added to the Law Library's holdings:

AALL Spectrum, v. 17:5 (Mar. 2013).

ABA Child Law Practice: Helping Lawyers Help Kids, v. 32:3 (Mar. 2013).

ALM Experts, Litigators' Trusted Legal Resource: Midwestern Directory, 2013.

Juvenile Justice Update, v. 19:1 (Feb./Mar. 2013).

Kansas Statutes Annotated, 2012 Supplements.

Search and Seizure Bulletin, v. 50:2 (Feb. 2013) and v. 50:3 (Mar. 2013).

Did You Know?

Every month, a bit of Law Library trivia is posted in the Law Library and on the Law Library's website. The previous month's "Did You Know" tidbit is then published here in the Newsletter. The hope is for this

to improve communication between the Law Library and its users.

March's entry was:

The Law Library will celebrate ten years of serving the legal information needs of Douglas County on May 1st.

This Month In Legal History

April 1932 - Clyde Barrow robs his first bank in Lawrence, Kansas - Or did he?

Clyde Chestnut Barrow, infamous as the male half of the "Bonnie and Clyde" outlaw partnership, was born on March 24, 1910¹, in Ellis County, Texas. Barrow had his first run-in with the law when he was arrested in late 1926 for failure to return a rented car on time. Following numerous arrests in 1928 and 1929 on suspicion of car theft, for which he was never prosecuted, he was finally convicted on five counts of theft in 1930, and sent to the notorious Eastham Prison Farm, located about 15 miles north of Huntsville, Texas. The conditions at Eastham were known to be brutal, and his time there had a life changing effect on Barrow. During his stay, he was reputed to have killed another prisoner who had been sexually assaulting him. Ralph Fults, a fellow inmate at Eastham, said he watched Barrow "change from a schoolboy to a rattlesnake." Barrow began to consider the possibility of conducting a raid on Eastham after he was released, freeing the prisoners and taking revenge on the prison guards and administration there. When Barrow was paroled in February 1932, he and Fults, who had been paroled the year before, joined up and began planning the raid on Eastham. Money was required to finance the raid, so they began planning various criminal activities to get the needed cash. Barrow had heard from a friend that the Simms Oil Refinery in West Dallas, Texas, would have a

large amount of money in its safe on Friday, March 25th. Barrow and Fults decided to rob the refinery. To help with the job, they recruited Raymond Hamilton, who had known Barrow years earlier when they were neighbors in West Dallas. Hamilton had escaped from jail in late January 1932, using a hacksaw blade smuggled in to him by Fults. After dark on March 25th, the three men cut a hole in the fence surrounding the refinery, went in, and rounded up the four men working there that night. They located the safe, and after some effort, broke into it. The safe was empty. They released their captives and beat a hasty retreat. Dallas was becoming too hot for the trio to stay, and they needed cash to get out of town, so the three began a series of small safe burglaries. For a share in the loot, two local policeman stood guard for the trio while the burglaries were being committed. Realizing that they were not getting much money from these small jobs, Fults suggested that it was time that they begin robbing banks. Hamilton was initially against the idea, but Barrow and Fults explained about needing a lot of cash to carry out their plan to raid Eastham, so he reluctantly agreed to go along with them. They stole a car and left West Dallas, heading north to look for a bank to rob. 1932 was the height of the Great Depression, and thousands of banks across the country were closing. Supposedly, the would-be bank robbers came across one boarded up bank after another as they continued north in their search for one to rob. Their trek north took them through the town of Lawrence, Kansas. Eventually, they found what seemed to be a perfect bank in Okabena, Minnesota, over 850 road miles from where they had begun their trip. The bank was in the town square, and had plenty of roads leading away from it to use as escape routes. As they planned their escape, Clyde became worried that there was too much snow and ice on the roads around town to ensure that they could make a clean

getaway. They decided to abandon the bank in Okabena and look for a more promising target further south. As they drove south, they remembered that as they had passed through Lawrence on their way north to Okabena, they had noticed a bank there, the First National, that might be worth investigating as their new target. Despite being over 350 miles to Lawrence, they determined to drive all night to get there. Having had little sleep since they left Texas, the men were exhausted, and after it got dark, that exhaustion began to take hold. Fults recounted that they took turns driving, but that each one in turn fell asleep at the wheel and ended up putting the car into a field along the road. After the third trip into a field, they decided that it was best to park in a clump of trees along the road and get some rest, which they did. After arriving in Lawrence, they checked into the Eldridge Hotel at 7th and Massachusetts Street. They spent the rest of the day observing the First National Bank, which was at 8th and Massachusetts Street on the opposite side of the street from the hotel. Barrow and Fults were bothered by how busy the bank was, their concern being that a large crowd might be hard to handle during the robbery. Fults decided to check out the bank from the inside, and took a ten-dollar bill to a teller's cage and asked for change. He observed that there was only one security guard, which would not be a problem for them, but that there were too many customers inside for the three of them to easily control. They spent the night in the hotel, planning to again observe the bank the next day. The following morning, they noticed a man enter the bank at 8:45. No other employees arrived for nearly ten minutes. The trio discovered that the man was the president of the bank, and this gave them an idea. They stayed another night in the hotel to observe the bank the next morning, and again noticed the president arriving at 8:45, ten minutes before other employees began ar-

iving. The three decided to hit the bank before it opened the next day. At 8:45 the next morning, the gang was waiting in their car outside the bank. When the bank president came into view, Barrow and Fults got out of the car, sawed-off shotguns under their coats. Hamilton stayed to guard the car. As Barrow and Fults walked up to the bank president, they saw a man and a woman approaching from the opposite direction. The bandits realized they were employees of the bank, and Fults turned and walked over to confront them. Barrow walked up to the president, telling him that it was a stick-up and not to raise his hands. He said that all they were after was the money, and that no one would get hurt if everyone cooperated. The president opened the door and went inside, followed by Barrow, Fults, and the two bank employees that Fults had rounded up. While Fults stood guard, a .45 automatic in one hand and a shotgun in the other, Barrow accompanied the president into the main vault. He soon reappeared, minus the president, with two large bags of currency. As Barrow hustled the two bank employees into the vault to join the president, Fults stepped to the window and signaled for Hamilton to bring the car up. Barrow and Fults jumped in the car and they sped off to make their get-away. Before they had gone far, they switched to a different car that they had strategically placed for that purpose, and then headed east. They drove to East St. Louis, Illinois, over 300 miles from Lawrence, before stopping to count the money. In a small hotel room there, Fults counted the loot while Barrow and Hamilton watched. The total came to a little over \$33,000. They did not expect to have received so much money from just one job, and the three were elated. Hamilton was for robbing another bank as soon as possible, while Barrow and Fults wanted to begin planning the Eastham raid. Hamilton indicated he had no interest in freeing a bunch of cons on a prison farm, so he took his

share of the loot from Lawrence and left. Supposedly, Barrow eventually gave away most of the rest of the money from the Lawrence robbery to friends and family. Barrow and Fults went back to Texas. After arriving, they first made a short visit to Bonnie Parker's family in West Dallas, and then drove to Denton. They began organizing a gang to raid Eastham, and planned to rob a bank on April 11th in Denton. They called the robbery off when it appeared that lawmen had the bank staked out. Although he did not rob the bank in Okabena in 1932, there must have been something about it that attracted Barrow, as he returned there again, leading Bonnie and the rest of the Barrow Gang when they robbed the bank of around \$2,500 on May 19, 1933², this time in warm weather and with clear roads. It was nearly a year later before they were finally able to stage the raid on Eastham. "The Barrow Gang," including Barrow, Bonnie Parker, and Fults, carried out the raid on January 16, 1934. After refusing to join Barrow and Fults in planning for the Eastham raid, and going off with his share of the Lawrence bank money, Raymond Hamilton had been involved in a number of criminal activities. They eventually landed him in Eastham, serving a sentence of 266 years in prison for auto theft, armed robbery, and murder. As such, he was one of the prisoners who was freed in the Barrow Gang's raid that day in January 1934. Barrow, who had been angry with Hamilton for leaving him and Fults in East St. Louis after the Lawrence robbery because "he had no interest in freeing a bunch of cons on a prison farm," was amused by this coincidence. Barrow, Fults, and Hamilton continued their lives of crime. Clyde Barrow and Bonnie Parker were gunned down in an ambush by law enforcement officers near Gibsland, Louisiana, on May 23, 1934. Raymond Hamilton was eventually captured, escaped, and then captured again. He was executed in Huntsville, Texas, on May 10, 1935. Ralph Fults was

arrested in March of 1934, but was pardoned by the Governor of Texas in January 1935. He committed several more robberies before being captured in April that year. He was extradited to Mississippi, where he was convicted and sentenced to fifty years in prison. He was pardoned in 1944, and "went straight," becoming a security guard at an orphanage. Fults died on March 16, 1993, in Dallas Texas. His account of the robbery of the First National Bank in Lawrence is the only record of any such event taking place. There is no evidence that the police were ever called, and there is no mention of it in the Lawrence newspapers of the time. That raises the question, did Clyde Barrow actually rob his first bank in Lawrence, or was Fults' account untrue, either because he was mistaken as to where the robbery took place, or because he made up the entire story? John Neal Phillips, an author who interviewed Fults for a book on his life with Bonnie and Clyde, published *Running with Bonnie and Clyde: the ten fast years of Ralph Fults*, in 1996. Phillips is quoted as saying of Fults' account of the Lawrence robbery, "I asked him several times if he could be confusing Lawrence with some other place because I hadn't heard that either, and he always said no. Ralph was absolutely crystal clear it was Lawrence. Everything else Ralph ever told me about his time with Barrow checked out. Every stinking bit of it." Is Fults' account plausible? Upon close examination, are there any glaring errors that would render it false? When mapping the possible routes that Fults, Barrow, and Hamilton could have taken from West Dallas to Okabena, and limiting them to highways that were in existence in 1932, Lawrence is on the shortest, most direct route between the two locations. Barrow was reputed to have planned his trips well, utilizing road maps that were available at every gas station at the time. When police recovered vehicles that had been stolen by the gang, they supposedly always found a

supply of road maps. Given Barrow's penchant for closely planning road trips, it is plausible that the trio would have traveled the most direct route, and so would have gone through Lawrence and been able to observe the First National Bank on their way north, just as Fults reported. The Eldridge Hotel is only a block away from the bank, and on the opposite side of the street, so the gang would have been able to watch the front door of the bank from the hotel without too much difficulty, again rendering Fults' account plausible. Nothing in his account of the actual robbery and getaway is inconsistent with what could have happened in Lawrence in April 1932³. Assuming that Phillip's assessment of Fults' is correct, and that Fults' account of the robbery of the First National Bank is plausible, then a much larger question opens up. Why is there no record of it ever happening? A bank being robbed of \$33,000 would be notable today. A bank being robbed of that amount in 1932 would have been staggering. \$33,000 in 1932 dollars is the equivalent of over \$500,000 in today's dollars. Since the police were not called, and there was no newspaper coverage of the event, then the conclusion would have to be that the people in the bank kept the robbery a secret. Why would they do that? Two potential reasons come to mind. One is that disclosing such a loss could have destroyed the bank. In 1932, banks across the country were closing at the rate of over ten per day. Public knowledge of such a loss by the First National Bank could have caused a run on the bank by depositors trying to get their savings out before all the money was gone. Such bank runs were common at the time, and bankers feared them as much as, if not more than, robbery. The bank president could have made a quick decision to not report the crime to the police, which would have made it public knowledge. He could have sworn the bank employees to secrecy, and then had the bank quietly take the loss. This would

also explain why the bank did not file an insurance claim, assuming they would have had insurance to cover loss from theft. How likely would it have been to keep something like that secret? How likely would it have been for the bank to be able to take such a loss? Not very likely, but not beyond the realm of possibility either. An alternate reason for not reporting the robbery is that there may have been some problem with the money that was stolen. Perhaps, for whatever reason, the bank was not supposed to have the money in its possession, and so it would not have been prudent to allow knowledge of the robbery to become public. Questions could be asked about the origins of the money that was stolen. This scenario is less likely to be true, but again, not impossible. And who was the president of the bank that, if Fults was accurate, was forced at gunpoint to give Barrow the money? Given the date of the robbery, the likely candidate would be William Docking, father of George Docking, Governor of Kansas from 1957 to 1961, and grandfather of Robert Docking, Governor of Kansas from 1967 to 1975. William Docking came to Lawrence in 1914 and purchased an interest in the Merchants National Bank. He left Lawrence in the early 1920s to serve as receiver for a series of failed banks, first in locations across the nation and then in Kansas. He returned to Lawrence in 1931, purchased the dominant interest in the First National Bank, which had changed its name from Merchants National Bank in 1930, and became its president. Assuming that Fults was correct in identifying the man that had been accosted outside the bank as president of the bank, then William Docking would have been that man. Would he have had the resources to make up for the loss of the bank funds stolen to keep the robbery secret? Probably. Would he have done so? Not knowing the actual circumstances, it is hard to say. So what about Ralph Fults' account, at least that account recorded in the book by

Phillips? There is nothing in it that precludes it from being true; however, aside from Fults' account⁴, there is no evidence to indicate that Clyde Barrow was ever in Lawrence, let alone that he did his first bank robbery there. Could he have? Could the memories of a man recorded over fifty years after the events he remembered be accurate? Yes, without a doubt. Are they? Barring more evidence coming to light, it is up to the individual to decide the truth of this story.

¹ There is some confusion over what year Clyde Barrow was born. There are apparently no official records of his birth. His mother, perhaps confused when questioned by authorities during her son's crime spree, supposedly reported that he was born in 1909, but the entry she wrote in the family bible recording his birth gave March 24, 1920, as the date.

² If Barrow, Fults, and Hamilton recognized the First National Bank in Lawrence as a possible target during their trip north, why did they not rob it instead of continuing to travel over 350 miles more to Okabena in March of 1932? 850 miles is a long way to wander looking for a bank to rob, so perhaps Barrow choosing to rob the bank in Okabena then was not random, and it was actually his goal all along on that trip north. The robbery in 1933 could then have been him carrying out his original plan that had been thwarted the year earlier.

³ The date when the robbery took place is not clear. Fults does not say when it was. All that one can tell from his account is that it happened sometime between the failed robbery of the Simms Refinery in West Dallas, Texas, on March 25th and the abortive bank robbery in Denton, Texas, on April 11th. A newspaper article in the September 18, 2011, edition of the *Lawrence Journal-World* reports that the robbery occurred in March 1932. Blanch Caldwell Barrow, widow of Clyde's brother Marvin "Buck" Barrow and a member of the Barrow Gang herself, wrote a memoir, which was edited and published by John Neal Phillips, the same man who authored the book on Ralph Fults' life. In it, she notes the bank robbery in Lawrence having been in April 1932. To determine which month is correct, one needs to look at the sequence of events recorded in Fults' account. The Simms Refinery job took place the night of Friday, March 25th, and lasted until nearly dawn. Fults indicates that because it failed, he, Barrow, and Hamilton needed cash to leave town, so they carried out a string of small safe breaking jobs. Since they would

have needed time to locate safes to break into, and since safe breaking is best done at night, they could not have begun until the night of Saturday the 26th at the earliest. Assuming they did all the safe breaking jobs in that one night, they would not have been able to leave West Dallas on their journey north until early on Sunday the 27th. The Ford Motor Company introduced the V-8 engine on March 9, 1932, when the first car with that engine rolled off the assembly line. It was the first high performance engine that the average person could afford, and cars that were not equipped with that engine would have trouble achieving high sustained speeds, even if road conditions were good. The car that the trio had stolen for the trip north would likely not have had Ford's V-8 engine, so the speed at which they could travel would have been limited. The distance from West Dallas to Okabena is more than 850 miles, so even if they had driven straight through from West Dallas to Okabena, stopping only for gas, food, and to check out potential banks to rob, they could not have arrived in Okabena earlier than late on Sunday the 27th or early on Monday the 28th. They would have been able to case the bank, plan the robbery, abandon their plans, and begin the trip back south all on the 28th, but they would not have been able to arrive in Lawrence and check into the Eldridge Hotel before Tuesday the 29th. Fults indicated that they observed the activity at the First National Bank for three days straight prior to the day of the robbery, the day they arrived in Lawrence and the two days following. They could not have begun the three straight days of observation earlier in the week than on Monday, and, because banks generally did not have Saturday hours in 1932, the robbery could not have taken place on the weekend. This leaves only two days in the week when the robbery could have taken place, Thursday or Friday. The examination of their schedule indicates they could not have arrived in Lawrence before Tuesday the 29th. Assuming this was the day they arrived, they would have observed the activity at the bank that day, the day after, Wednesday the 30th, and the day after that, Thursday the 31st. The date of the robbery of the bank would then be Friday, April 1st. Because of the sequence and timing of the events, it could not have been earlier. If the robbery was not carried out on the 1st, then the next date that would allow for three days of observation prior to the robbery would be Thursday, April 7th. If the robbery occurred on that later date, there would have been only three days for the escape to East St. Louis, the counting of the loot, the breakup of the gang when Hamilton left, the trip back to Texas for Barrow and Fults, the visit to Bonnie Parker's family, the attempt to organize a new gang, the casing of the bank in Denton, and the planning of the aborted robbery there on the 11th, a tight

schedule at best. Considering the timing, the best estimate for the date of the bank robbery in Lawrence is April 1, 1932. Regardless of which date it is correct, April 1st or April 7th, it appears that the newspaper article was wrong and that Blanch Barrow was correct that the robbery took place in April 1932.

⁴ Although the account of the robbery of the First National Bank of Lawrence appears in three books, they are all based on the one account by Ralph Fults. Two of the books were either written or edited by the same man using material gained from his interviews with Fults, so are not independent sources from one another. The third book uses the book on Fults' life as a reference, and so is also not an independent source.

From: [Bonnie and Clyde](#), Wikipedia website; Go Down Together: the True Untold Story of Bonnie and Clyde, by Jeff Guinn, Simon & Schuster, New York, 2009, [Ralph Fults](#), Wikipedia website; Running With Bonnie and Clyde: the Ten Fast Years of Ralph Fults, by John Neal Phillips, University of Oklahoma Press, Norman, 1996; Lawrence Journal-World, September 18, 2011; My Life With Bonnie and Clyde, by Blanche Caldwell Barrow, edited by John Neal Phillips, University of Oklahoma Press, Norman, 2004; [The Life Cycle of the Ford Flathead V8: 1932 - 1953](#), 35pickup.com website; [The Raid on Eastham: October '00 American History Feature](#), Historynet.com website; [Okabena, Minnesota](#), Wikipedia website; Lawrence Daily Journal-World, v. 85, no. 116 (May 15, 1941), p. 1; Lawrence Daily Journal-World, v. 94, no. 16 (January 18, 1952), p. 1; and, Lawrence Daily Journal-World, v. 112, no. 224 (September 18, 1970), p. 7a.

Each month, an event from "This Month In Legal History," the history of law and jurisprudence of Douglas County that occurred during that month, is included in the Newsletter. The current entry is also posted for the month on the Law Library's website. Entries from past months are [archived](#) on the website. Submissions from readers are welcome and encouraged.

Law Library Volunteer Opportunities

The Law Library Volunteer Program provides a capable and dependable volunteer work force to assist with the day-to-day operations of the Law Library and with its spe-

cial projects. This work force supplements the paid Library staff and allows the Library to provide the best possible service to attorneys, local judges, and the public.

The Volunteer Program is instrumental in linking a valuable community resource - the citizens - with a valuable community institution - the Douglas County Law Library - for the benefit, growth, and enrichment of both.

If you or someone you know might be interested in volunteering for one of them, or if you would like more information on our program and/or the positions we have open, please contact the Library or visit the "Volunteers" page on the Law Library's website.

Feedback

This Newsletter is intended to be useful to its readers. As in any enterprise, feedback on how the Newsletter is fulfilling this goal is crucial to our achieving it. If our articles are helpful, let us know. If they are not, let us know. If you have suggestions on how to improve the Newsletter, or comments and suggestions on the Law Library itself, please let us know. For your convenience, there is a link to a [feedback form](#) available on most pages of the Law Library's website. Thank you.

Submitting Articles for Newsletter

The Editor encourages readers to submit articles for publication and/or make suggestions on material to be included in future issues of the Newsletter.

To Subscribe

Contact the Law Library by mail, e-mail, or telephone and request a free subscription to the Newsletter. It will be sent to you as a PDF attachment to an e-mail. The Library's

mailing address is: Douglas County Law Library, Judicial and Law Enforcement Center, 111 East 11th Street, Lawrence, Kansas, 66044. The Library's e-mail address is: info@douglascolawlibrary.org. The Law Library's telephone number is: 785-838-2477.

Back Issues

Back issues of the Newsletter are [archived](#) on the Library's website.

Classified Ads

Free classified ads may be placed in the Newsletter by contacting the Law Library. The Editor reserves the right to refuse anything deemed inappropriate and to add restrictions as the need arises.

No Ads this Month.



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