

# Report of Forensic Investigations

H. E. Vest Project #706



Submitted to:  
**Harold E. Vest. H.W. Powers, and Son, LLC,**  
**Irving, Texas**

By:  
**M. D. Campbell and Associates, L.P.,**  
**Houston, Texas**

April 7, 2007

April 7, 2007

**Harold E. Vest. H.W. Powers, and Son, LLC**

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Irving, Texas 75039

**ATTENTION: Ms. Patricia Bellows**

**SUBJECT:** H. E. Vest Project

M. D. Campbell and Associates Project No. 706

Ladies and Gentlemen:

**M. D. Campbell and Associates, L.P.** is pleased to submit this forensic report of our findings. We summarize our conclusions and recommendations below:

Based on the information obtained during this study, we conclude that:

- 1) the depth of burial was unusually shallow as a result of the shallow sandstone bedrock encountered no more than approximately 4 feet below the ground surface;
- 2) the depth to the prevailing water table generally exceeds 15 feet below ground surface, although previous periods of increased precipitation may have allowed moisture in the capillary zone above an elevated water table to impact the environment within the casket and associated remains;
- 3) no anomalous concentrations were detected for the standard elements and compounds analyzed by the laboratory in the sediment below the casket or in background samples laterally at some distance away from the casket;

- 4) a number of semivolatile constituents were indentified in the sediment below the casket and laterally at some distance away from the casket in the scan of Tentatively Identified Compounds (TICs), such as Hexamethyl Cyclotrisiloxane, Eicosane, Aldol Condensates. Some of the compounds are of natural origin, some are not;
- 5) formaldehyde or other embalming fluids containing arsenic, lead, or other typical constituents used in the mid-1940s are not present in the sediment below the casket or laterally at some distance away from the casket;
- 6) abnormal radioactivity is not present in the sediment below the casket or in background samples laterally at some distance away from the casket;
- 7) x-ray diffraction studies do not indicate any anomalous minerals within the sediment below the casket or background samples laterally at some distance away from the casket that may have been formed by materials introduced prior to interment;
- 8) microscopic examination of the mineral configurations within the femur-bone thin-section samples of the subject do not indicate any unusual structures;
- 9) microscopic examination of the thin-section samples of the subject's femur bone do not show any pathologic anomalies that could be related to disease, injury, or to environmental insult prior to the subject's death or at interment for purposes of either obscuring the identity of the occupant or to accelerate decomposition of the occupant's remains for some unknown reason; and
- 10) the unusual state of advanced decomposition of the remains is a result of natural processes of advanced oxidation combined with the activities of naturally occurring bacteria and fungi stimulated by high moisture levels in a closed space over almost 60 years of interment.

We recommend that further work along the lines followed in this investigation is not merited, with the exception of evaluating the semivolatile organic constituents of unknown Aldol condensates found in the sediments below the casket and in the laterally equivalent samples next to the gravesite. These likely are related to silicon-based compounds associated with lacquers used in casket construction and/or with interior bedding or padding within the original casket, although this suggestion needs to be confirmed.

We appreciate the opportunity to work with you and Mr. Harold E. Vest and H.W. Powers, and Son, LLC, on this project and would be pleased to discuss our findings, conclusions, and recommendations with you. If you have any questions, please do not hesitate to contact us.

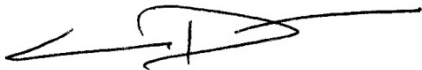
Sincerely,

**M. D. Campbell and Associates, L.P.**



**M. David Campbell, P.G.**

Program Manager



**Michael D. Campbell, P.G., P.H.**

Managing Partner

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## **Background Information**

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**M. D. Campbell and Associates, L.P.** was engaged by Harold E. Vest of H.W. Powers, and Son, LLC, on February 2, 2007 to perform a forensic investigation concerning the burial site and alleged remains of Harold E. Vest (referred to in this report as the subject) interred in 1946 at the Hope Cemetery in Henrietta, Texas.

## **Purpose and Scope**

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The scope of our activities involved evaluating the soil below and near the gravesite for constituents that might suggest foul play or that might have been used at burial to either obscure the identity of the occupant's identity or to accelerate decomposition of the occupant's remains for some unknown reason. To accomplish this forensic site assessment, we also investigated the surrounding subsurface conditions (i.e., the geological and hydrogeological settings) that may have had some impact on the gravesite environment and on the subject's remains contained therein.

To evaluate the impact of the subsurface environment on the skeletal remains after almost 60 years of interment, we obtained a sample of the subject's femur bone for microscopic analysis. The purpose of this analysis was to assess the impact of environmental diagenesis on the bone and any pathological indications that may have caused structural changes within the bone resulting from exposure to toxic materials or which may indicate disease or injury to the bone prior to death. The works of Daeid, 2004, and Hochrein, 2001, were consulted during this investigation.

The scope of work for this project was as follows:

### **Project Materials Review**

- 1) Review of documents pertaining to previous investigations concerning this project;
- 2) Review of aerial photography, topographic maps, and background research data; and

- 3) Review of available historical information.

### **Soil and Bone Sampling**

- 1) Soil samples were to be taken from the bottom of the subject's grave, as well as from either side, and approximately 25 feet from the gravesite to serve as a background sample, and
- 2) A sample of the subject's bone was to be collected for thin-section analyses.

### **Laboratory Analyses**

- 1) Soil samples collected were to be analyzed for common metals, volatile organic compounds, semi-volatile organic compounds, pH, total organic carbon, formaldehyde and radioactivity (Gross Alpha/Gross Beta), and
- 2) The bone thin-section would be analyzed under a light microscope for mineralogical and pathological assessments.

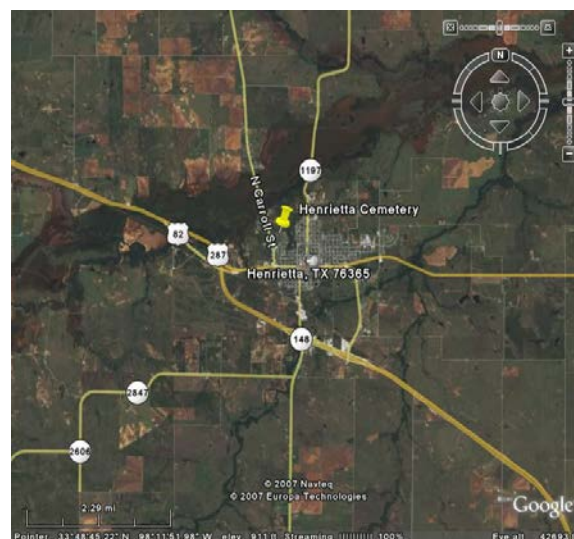
### **Data Analyses**

Results of the laboratory analyses would be analyzed for trends and anomalies that might indicate abnormal conditions in the soils below and around the grave site.

## **Geographic Setting**

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The location of the cemetery that contains the subject's remains is located in Henrietta, Texas (see Figure 1, yellow push-pin). This town is located about 62 miles northwest of



**Figure 1- Access to Henrietta Cemetery**



Dallas, Texas, about 30 miles northwest of Denton, Texas, and about 80 miles east of Wichita Falls, Texas. The entrance to the cemetery is shown in Figure 2, below.



**Figure 2 – Entrance to Hope Cemetery, Henrietta, Texas**

The Vest grave site is illustrated in aerial photograph of Figure 3, below, and in Appendix I, which shows the various stages of sampling, the methods used, and the conditions of the sampling sites.



**Figure 3 – Aerial View of Hope Cemetery and Location of Vest Grave.**

## Geologic Setting

The local geology consists of weathered sandstone of the Nocona Formation of Permian age. The sandstone is tan to dark brown, fine-grained to very coarse-grained, and locally contains conglomerate with chert clasts (see "Project Site" with arrow shown in Figure 4). The grave sites at the Hope Cemetery are usually excavated into the weathered, upper portions of the sandstone, with many casket vaults sitting directly on sandstone.

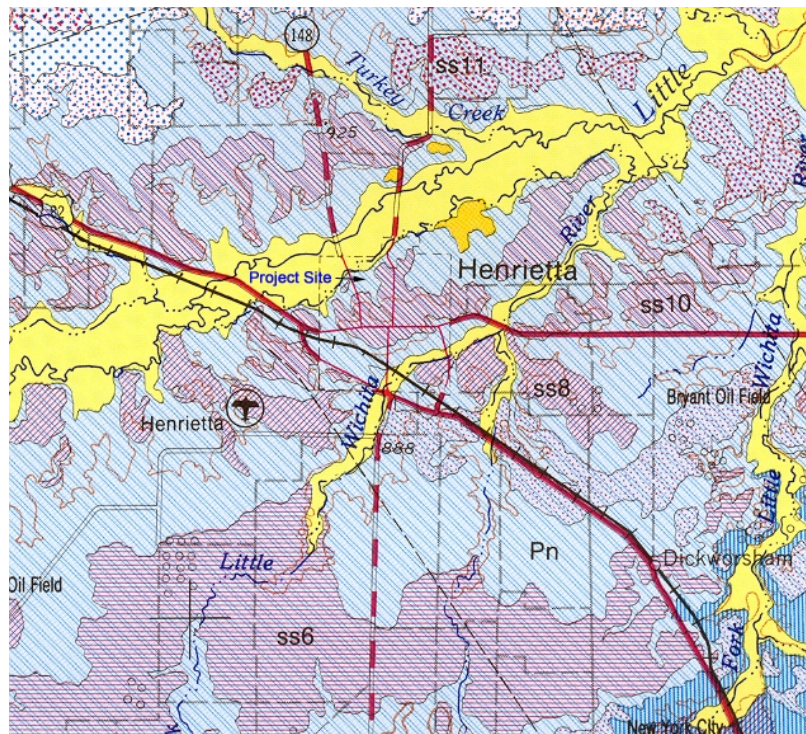


Figure 4 – Geologic Map of Henrietta, Texas, and Environs (Anon, 1987)

The soil sections encountered for three of the borings (B-3, B-4, and B-5) are described and shown in Field Photo No. 12 (see **Appendix I**).

## Hydrogeologic Setting

The elevation of the water table in the vicinity of the Hope Cemetery based on water wells in the region likely is lower than 15 feet below ground surface (see "Project Site" with arrow shown in Figure 5). This assessment is based on a review of the data available in the online



database operated by the Texas Water Development Board (2007) illustrated in Figure 5. The location of water well records consulted is shown as Figure 5 below.

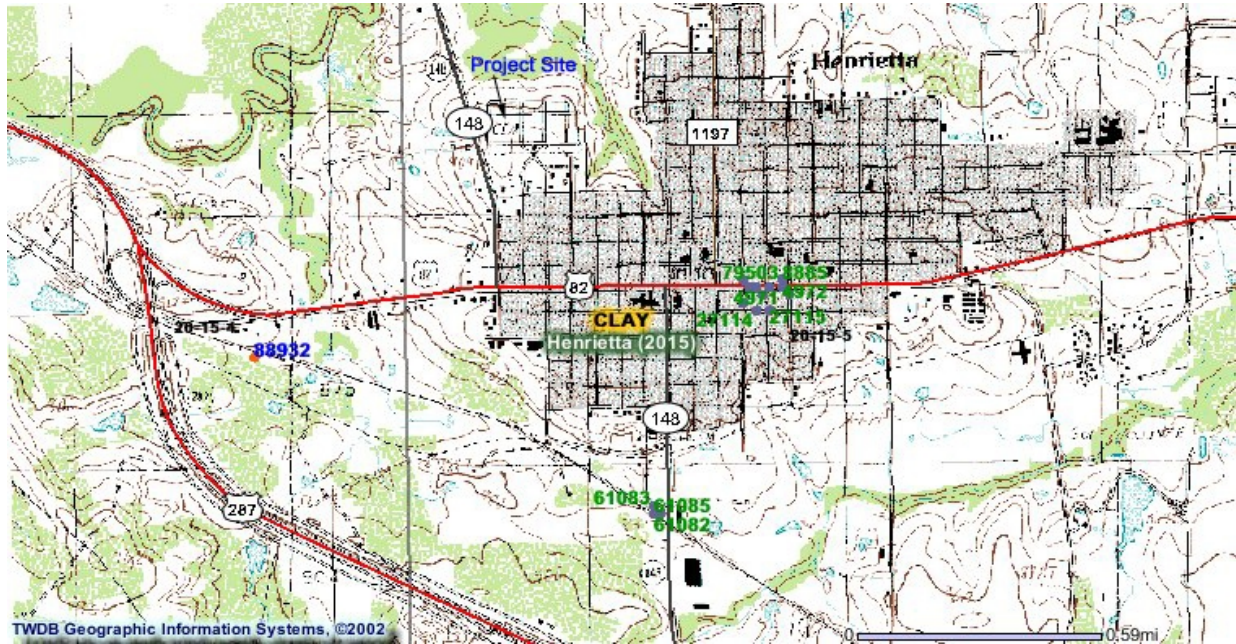
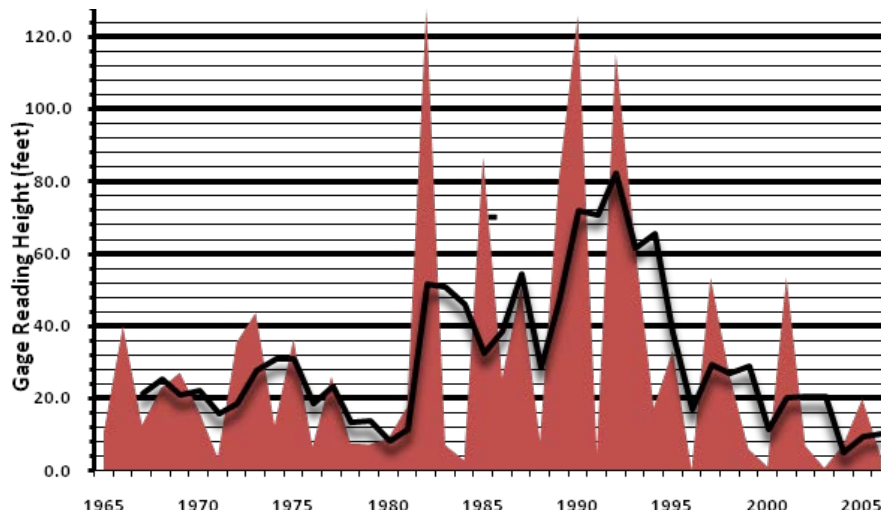


Figure 5 – Topographic Map of Henrietta, Texas and Environs (from TWDB, 2007)

The topography of the surface illustrated in Figure 5 indicates that Hope Cemetery is located on the top of a sandstone lobe, which allows precipitation to infiltrate the soil horizons over the years and accumulate on top of the sandstone. This in turn would tend to allow infiltrating precipitation to accumulate under and around casket vaults sitting on the sandstone and to accelerate oxidation and associated degradation of the casket's wood materials and related decomposition of the remains.

Much of the precipitation infiltrating through the shallow soils below the cemetery to the top of the sandstone bedrock would either further infiltrate into the sandstone through joints or other macroscopic openings in the sandstone or through the porous media depending upon the sandstone's hydraulic conductivity. Precipitation and any other fluids migrating from below the cemetery would tend to flow from this sandstone lobe into the drainage to the northwest and into the small creek to the northeast.



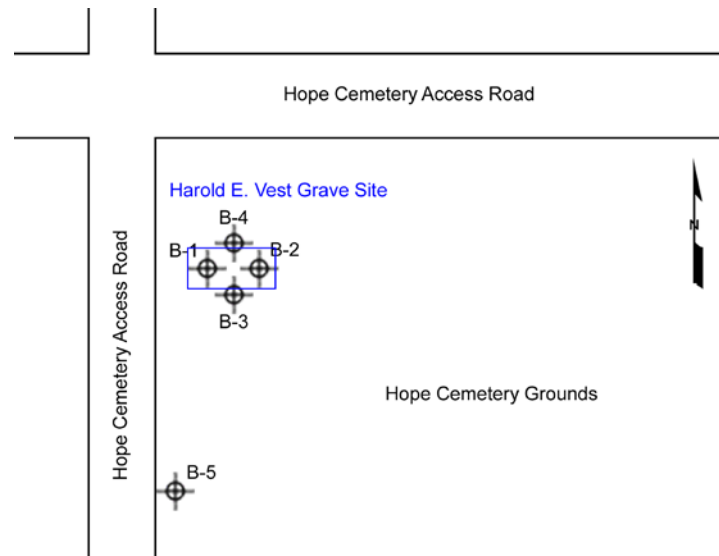
**Figure 6 – Little Wichita River Gage Reading: 1967 through 2006**

Assuming high-gage readings of a nearby river are indications of high precipitation, periods of significant precipitation occurred in the general area of Henrietta during the 1980s and 1990s, with the peak of a 3-year moving average of the yearly periods of precipitation occurring during the early 1990s (see black line in Figure 6). This would suggest that the area experienced unusually high precipitation over a period of time extending more than 10 years, which would have provided adequate moisture accumulation at the gravesite to cause advanced decomposition of wooden casket materials and of the associated remains.

Therefore, notwithstanding any other cause of unnatural decomposition, the unusual state of advanced decomposition of the casket's wood materials and the associated remains is likely a result of natural processes of advanced oxidation combined with the activities of naturally occurring bacteria and fungi stimulated by high moisture levels in a closed space over almost 60 years of interment.

## **Sampling Procedures**

Soil sampling was conducted by C&A personnel at the Hope Cemetery on February 19<sup>th</sup>, 2007. Excavation of the subject's grave site was begun at 9:30 am using a cemetery backhoe. The last six inches or so of the grave were excavated by hand to locate the former bottom of the grave.



**Figure 7: Sampling Locations at the Subject’s Gravesite**  
 (see Figure 3 for an Aerial View of the Area shown in this Figure).

A total of five soil borings (B-1 through B-5) were completed with a stainless-steel hand auger system. Decontamination procedures before each boring included washing with *Liquinox* and distilled water and a final rinse with distilled water. Soil samples were collected using sterilized latex gloves and placed in new *Ziploc* baggies. The bottom sample of each boring was sealed in laboratory-provided sampling jars, labeled onsite, and stored on ice in coolers. The following samples and their respective intervals and times were collected:

<u>Soil Samples</u>	<u>Interval(ft)</u>	<u>Time</u>	<u>Phase I Analysis</u>
<b>Vest B-1</b>	<b>4.5-5</b>	10:00 am	X
<b>Vest B-2</b>	<b>4.5-5</b>	10:30 am	X
Vest B-3	0-1	11:20 am	
Vest B-3	1-2	11:40 am	
Vest B-3	2-3	11:50 am	
Vest B-3	3-4	11:50 am	
Vest B-3	2-3	12:00 pm	
Vest B-3	4-4.5	12:05 pm	
<b>Vest B-3</b>	<b>4.5-5</b>	12:15 pm	X
Vest B-4	0-1	12:30 pm	
Vest B-4	1-2	12:45 pm	
Vest B-4	2-3	1:00 pm	
Vest B-4	3-4	1:15 pm	

Vest B-4	4-4.5	1:30 pm	
<b>Vest B-4</b>	<b>4.5-5</b>	1:40 pm	X
Vest B-5	0-1	1:45 pm	
Vest B-5	1-2	2:00 pm	
Vest B-5	2-3	2:20 pm	
Vest B-5	3-4	2:35 pm	
<b>Vest B-5</b>	<b>4-4.5</b>	2:50 pm	X

Borings were backfilled with soils provided onsite as requested by cemetery personnel. Soil samples were then transported to Houston, Texas, and hand-delivered with chain-of-custody forms and seals to the E-Laboratory, in Houston, Texas.

The first phase of the analytical program only included the samples from below the casket bottom (i.e., samples designated B-1 and B-2 from a depth of 4.5 to 5.0 feet below the surface), and those samples from laterally equivalent depths of 4.5 to 5.0 feet below the surface, such as samples designated B-3, B-4, and B-5. In the event anomalous results were obtained, the second phase of laboratory analyses then would be conducted on the remainder of soil samples. Conversely, if no significant results were obtained from the samples from below the casket and lateral equivalents, then no further analyses would be merited. The samples not analyzed will be stored for future use, if needed. The first phase soil samples were analyzed for the following:

**Table 1**  
**Constituents Analyzed & Method Used**

Constituents Analyzed	EPA Method
Total ICP Metals: As,Cr,Co,Fe,Pb,Mn Ni,Zn,Mo,and Si	SW 6020
Volatile Organic Compounds:	SW8260
Semivolatile Organic Compounds:	SW8270
Formaldehyde:	SW8315
Soil pH:	SW9045B
Total Organic Carbon:	SW9060
Total Radionuclides:	E900.0

The methods applied by the laboratory for the respective analyses are presented in Table 1. These represent methods approved by the U.S. Environmental Protection Agency (EPA).

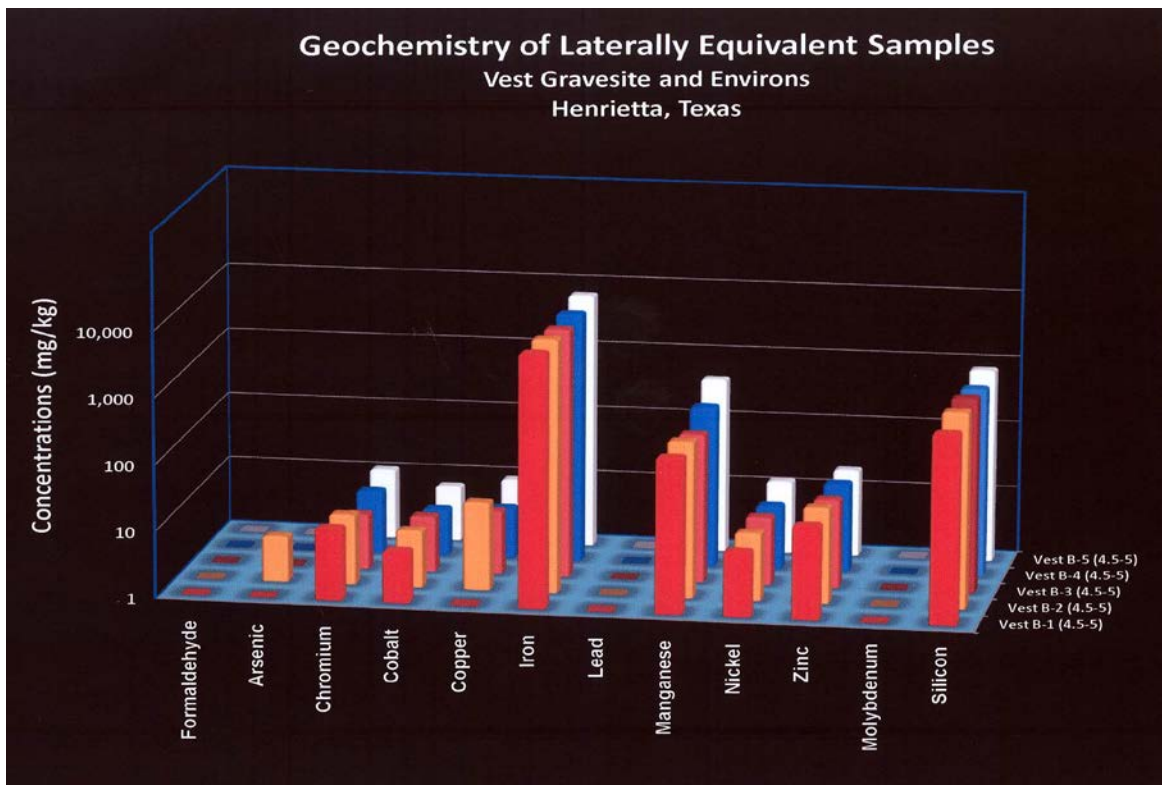
## Laboratory Analyses

C&A personnel have reviewed the laboratory analyses of soil samples submitted to the laboratory by preparing various graphs designed to illustrate any anomalous or significant variances.

### Metals and Formaldehyde

The first graphics shown in Figures 8 and 9 show the concentrations reported for metals, plus formaldehyde, for the five samples analyzed (i.e., B-1, B-2, B-3, B-4, and B-5). As can be observed in Figures 8 and 9, no anomalous concentrations were detected. The two figures show the same laboratory data in different ways.

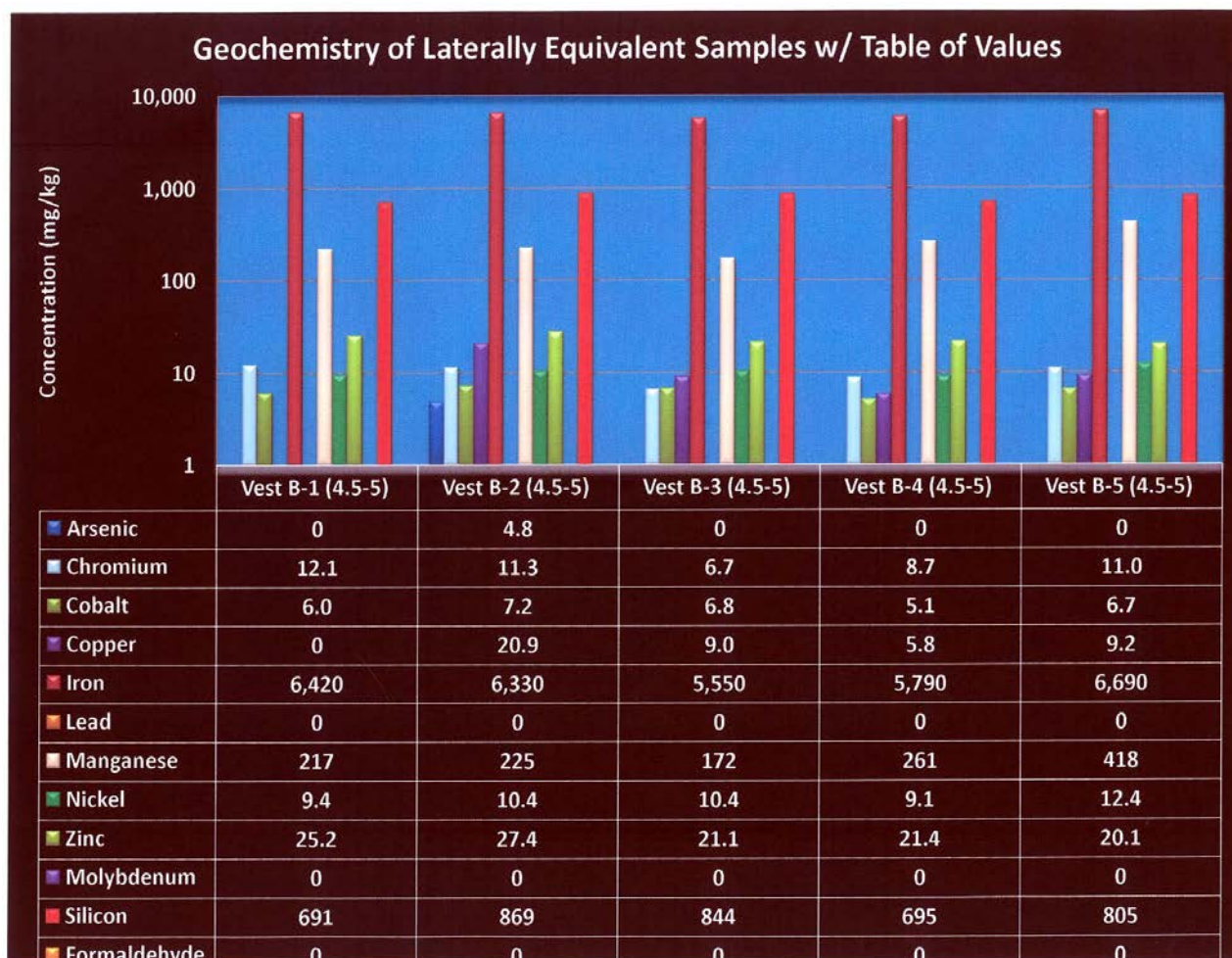
Figure 8





This is to aid in identifying any abnormal concentrations. Of special note, we observed that neither formaldehyde, lead nor molybdenum were present in concentrations greater than 1 kg/mg (aka ppm). Furthermore, there were no significant differences in elemental distribution between the samples B-1 and B-2 and those of B-3, B-4, and especially the background sample, B-5, although sample B-5 exhibited a manganese somewhat higher than the other samples. Iron is expectedly high in all five samples and is a common constituent in the subsurface. None of the geochemical data developed during this investigation were similar to the results of investigations on other cemeteries in the U.S. and overseas (Spongberg and Becks, 2000; and Tumagole, 2002).

Figure 9

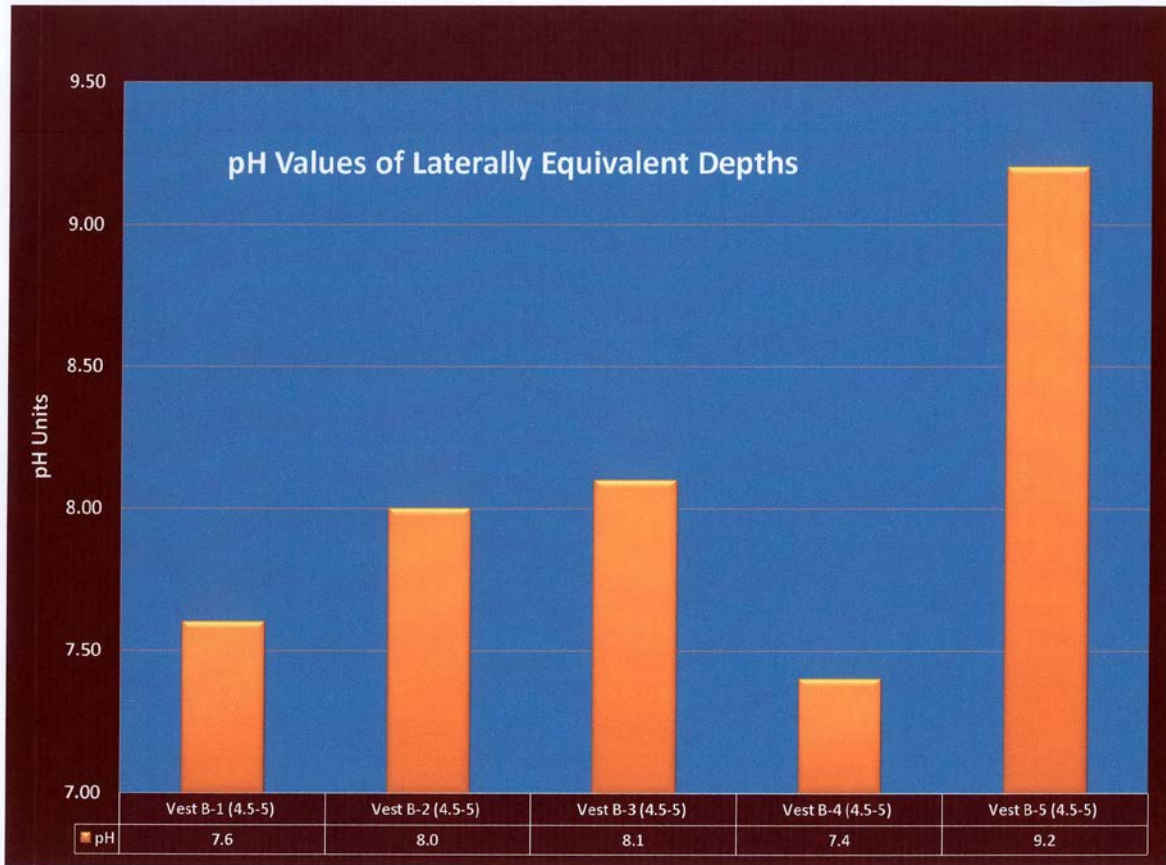




## Soil pH

The soil pH values for the samples analyzed are plotted in Figure 10. This graph indicates that the background sample, B-5, exhibits an unusually high pH, when compared to the other samples. We have concluded that this difference is likely related to road maintenance over the years within the cemetery (see Field Photo Nos. 9, 10, and 11 in **Appendix I**).

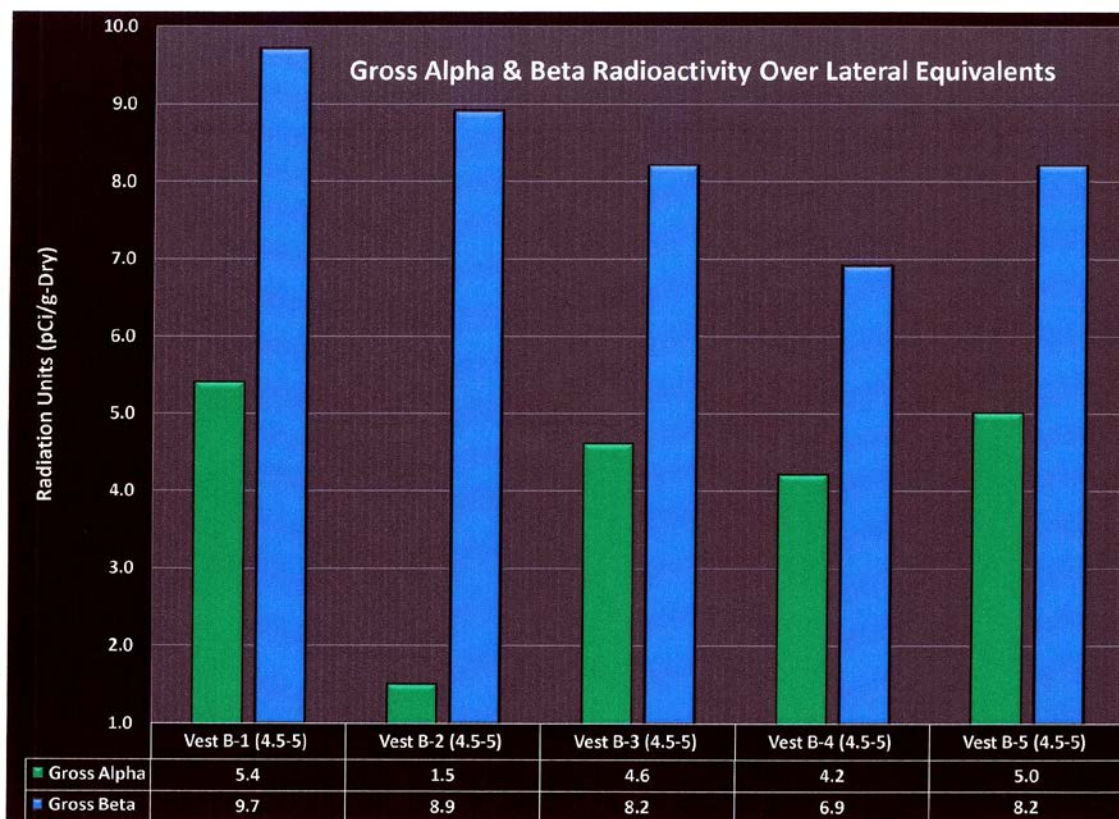
Figure 10



## Total Radioactivity in Soils

The total radioactivity values, measured in terms of gross alpha and gross beta, analyzed for the five samples are plotted in Figure 11. The plot indicates that Gross Beta is somewhat higher in samples B-1 and B-2 than in the other samples but not to any significant extent, the higher values being well within the normal variability expected.

Figure 11



### Volatile and Semivolatile Organic Compounds

There were no volatile organic compounds reported in the samples analyzed, but a few semivolatile organic compounds were reported in the Tentatively Identified Compounds (TICs), although no organic carbon was reported in any of the five samples analyzed. See Table 2 in **Appendix II**. The compounds reported are: Hexamethyl Cyclotrisiloxane, Eicosane, and Aldol Condensates. We have conducted a preliminary survey of these constituents and have included the results in **Appendix II** following the laboratory data. Although the compound Eicosane may be of natural origin (extracts of roots of certain plants, the compound Hexamethyl Cyclotrisiloxane, likely is from lacquers associated with casket construction. The Aldol condensates reported should also be investigated further (Myer and Lavigne, 2002).

## X-Ray Diffraction Studies

To evaluate whether there were any unusual minerals present in the sediments below the casket, we had x-ray diffraction analyses conducted on samples B-1 and B-2. Figures 12 and 13 are diffractograms of the analyses, which show the minerals one might expect to be present in a weathered zone above a very old sandstone, such as the clay minerals illite, smectite, and kaolinite, and quartz, the typical constituents making up the sandstone units within the Nocona Formation in the area.

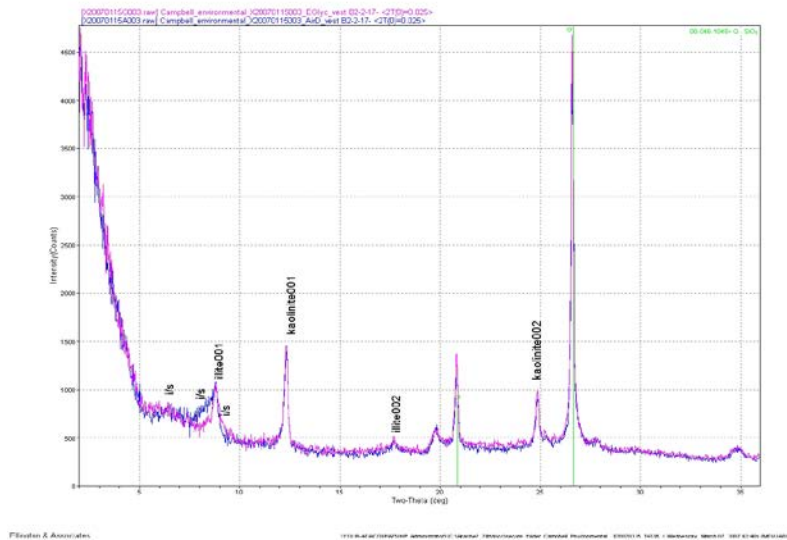


Figure 12 – X-Ray Diffraction Record of Sample B-2

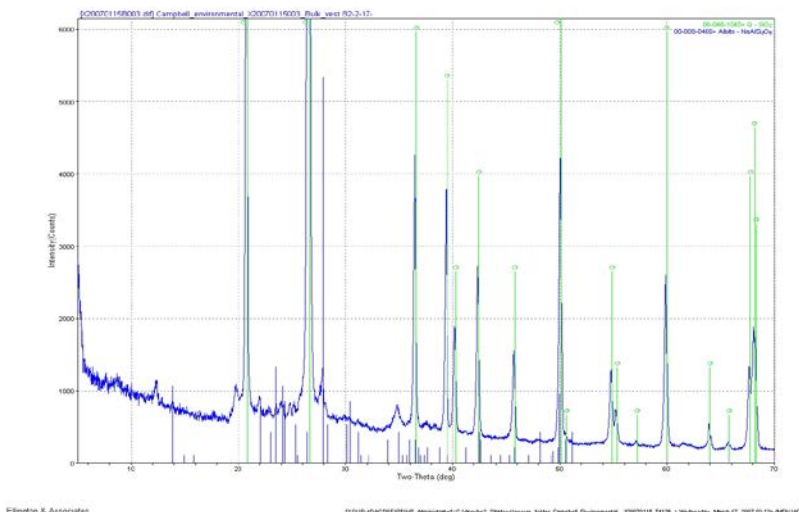


Figure 13 - X-Ray Diffraction Record of Sample B-2 (Expanded)

## **Bone Thin-Sections Analysis**

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C&A personnel obtained a cross-section sample of the femur of the subject from a funeral home in Denton, Texas on February 19, 2007. Photomicrographs were taken by laboratory personnel under supervision by C&A and have been assembled in **Appendix III**.

We have reviewed the photomicrographs for indications of any abnormal diagenetic mineral formation within the bone structures and found no anomalies. If present, such anomalies would have indicated long-term exposure to an environmental insult(s).

We have had the photomicrographs reviewed by a toxicological pathologist, Dr. Ben Thomas, C&A Associate, to determine if there were any irregularities or anomalies exhibited in the thin-sections. He reported that there are no irregularities evident in the photomicrographs reviewed (see end of **Appendix III**).

## **Conclusions**

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Based on our site reconnaissance and review of available information obtained during this study, we have reached the following conclusions:

- 1) the depth of burial was unusually shallow as a result of the shallow sandstone bedrock encountered no more than approximately 4 feet below the ground surface;
- 2) the depth to the prevailing water table generally exceeds 15 feet below ground surface, although previous periods of increased precipitation may have allowed moisture in the capillary zone above an elevated water table to impact the environment within the casket and associated remains;
- 3) no anomalous concentrations were detected for the standard elements and compounds analyzed by the laboratory in the sediment below the casket or in

- background samples laterally at some distance away from the casket;
- 4) a number of semivolatile constituents were indentified in the sediment below the casket and laterally at some distance away from the casket in the scan of Tentatively Identified Compounds (TICs), such as Hexamethyl Cyclotrisiloxane, Eicosane, and Aldol Condensates. Some of the compounds are of natural origin, some are not;
  - 5) formaldehyde or other embalming fluids containing arsenic, lead or other typical constituents used in the mid-1940s are not present in the sediment below the casket or laterally at some distance away from the casket,
  - 6) abnormal radioactivity is not present in the sediment below the casket or in background samples laterally at some distance away from the casket;
  - 7) x-ray diffraction studies do not indicate any anomalous minerals within the sediment below the casket or background samples laterally at some distance away from the casket that may have been formed by materials introduced prior to interment;
  - 8) microscopic examination of the mineral configurations within the femur-bone thin-section samples of the subject does not indicate any unusual structures;
  - 9) microscopic examination of the thin-section samples of the subject's femur bone does not show any pathologic anomalies that could be related to disease, injury, or environmental insult prior to the subject's death or at interment for purposes of either obscuring the identity of the occupant or accelerating decomposition of the occupant's remains for some unknown reason, and
  - 10) the unusual state of advanced decomposition of the remains is a result of natural processes of advanced oxidation combined with the activities of naturally occurring bacteria and fungi stimulated by high moisture levels in a closed space over almost 60 years of interment.

## Recommendations

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We recommend that further work along the lines followed in this investigation is not merited, with the exception of evaluating the semivolatile organic constituents of unknown Aldol condensates and other constituents found in the sediments below the casket and in the laterally equivalent samples from the area next to the gravesite. These constituents are likely related to silicon-based compounds associated with lacquers used in casket construction and/or with interior bedding or padding within the original casket, although this suggestion needs to be confirmed. One constituent (Eicosane) has been reported to be of natural origin associated with roots of certain plants, although it is a paraffin and is used in the manufacturing of candles.

## References

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- Myer, E. and G. Lavigne, 2002, Analysis of Silicone Polymers at trace Levels by Pyrolysis Gas Chromatography / Mass Spectroscopy, University of Connecticut, Institute of Materials Science Storrs, CT, *ANTEC*, pp. 246-2050.
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[http://wiid.twdb.state.tx.us/ims/www\\_drl/viewer.htm?appno=1](http://wiid.twdb.state.tx.us/ims/www_drl/viewer.htm?appno=1) ].
- Tumagole, K. B., 2002, Geochemical Survey of Underground Water Pollution at Ditengteng

Northern Cemetery Within City of Tshwane Municipality, South Africa, Master of Science Thesis in Environmental Management, University of Johannesburg, South Africa, under Professor J. T. Harmse, 16 p.



## Appendices

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### Appendix I

#### Project Photos

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**Photo No. 1: View of the entrance gate of the Hope Cemetery in Henrietta, Texas on February 19, 2007.**

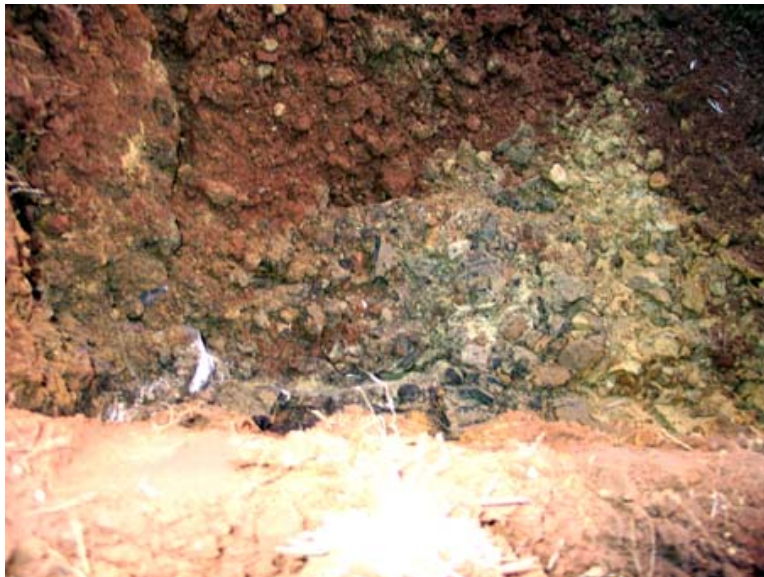


**Photo No. 2: Excavation begins of the subject grave site on February 19, 2007.**





**Photo No. 3: B-1 boring soil sampling in the bottom of the former grave.**



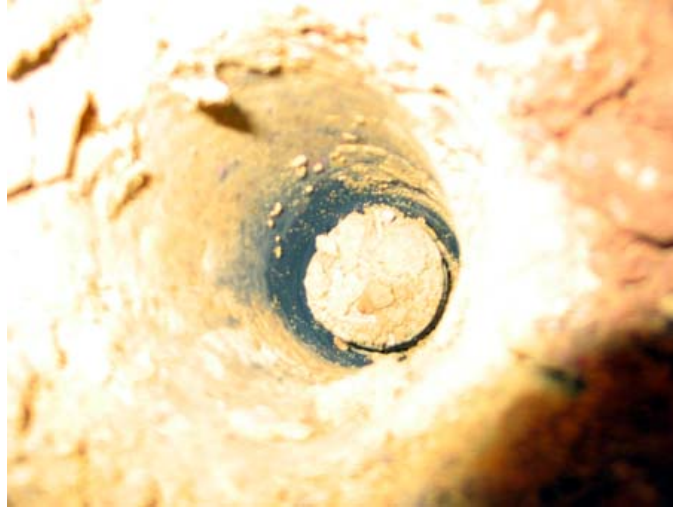
**Photo No. 4: Remnant concrete from the grave and weathered sandstone near the location of soil boring B-2 inside the subject grave.**



**Photo No. 5: View to the east of the cleared grave site.**



**Photo No. 6: View to the west of the cleared grave site of the subject**



**Photo No. 7: Close-up view of soil boring B-1 in the grave site of the subject. The lower dark zone (approx. 1-2 inches) is due to friction between the soil coring device and the sandstone and represents the top of bedrock. No indication of organic material.**

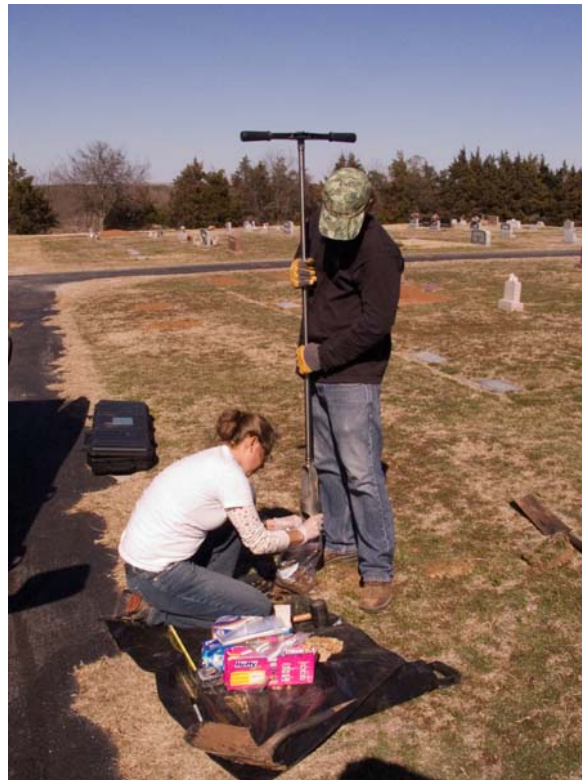


**Photo No. 8: Close-up view of soil boring B-2 in the grave site of the subject. The lower dark zone (approx. 1-2 inches) is due to friction between the soil coring device and the sandstone and represents the top of bedrock. No indication of organic material.**





**Photo No. 9: View to the north of C&A personnel sampling at the “background” boring B-5. (Field Crew consisted of M. David Campbell, P.G., C&A Project Manager, Charles Bludau, C&A Archaeologist, and Jessica Wiley Campbell, C&A Assistant Archaeologist).**



**Photo No. 10: Close-up view to the north of C&A personnel sampling at the “background boring B-5.**



**Photo No. 11: View to the south of the subject's grave site during soil-boring activities at the "background" boring B-5.**



**Photo No. 12: Soil profiles of borings B-3, B-4 and B-5. All borings showed clayey silt with some fine sand top soil underlain by weathered fine sandstone starting around 2.5-3 feet below ground surface (bgs). Bedrock, a fine, well-sorted, well cemented, thinly bedded, light gray to tan sandstone was encountered in all borings at approximately 4-4.5 feet bgs.**





**Photo No. 13: View to the northwest of the decontamination area setup near the subject grave site project area.**



**Photo No. 14: View to the west of the subject grave site during soil sampling activities at location B-3.**



**Photo No. 15: Close-up view of subject's femur selected for sampling at the Denton, Texas funeral home on February 19, 2007.**



**Photo No. 16: Sampling of subject's femur cross section at the Denton, Texas funeral home on February 19, 2007.**



## Appendix II

### Laboratory Analyses

**Table 2**  
**Tentatively Identified Compounds (TICs)**

Laboratory Sample ID	Client Sample ID	Compound Name Volatile & Semivolatile Organics Analysis Tentatively Identified Compounds (TICs)	CAS #	RT	Estimated Concentration (ug/Kg)
		<b>Volatile Organics</b>			
0702358-01A	Vest B-1 (4.5-5)	None Detected		-	-
0702358-02A	Vest B-2 (4.5-5)	None Detected		-	-
0702358-08A	Vest B-3 (4.5-5)	None Detected		-	-
0702358-13A	Vest B-4 (4.5-5)	None Detected		-	-
0702358-18A	Vest B-5 (4-4.5)	None Detected		-	-
		<b>Semivolatile Organics</b>			
0702358-01B	Vest B-1 (4.5-5)	Unknown Aldol Condensate		2.48	583.5
0702358-02B	Vest B-2 (4.5-5)	Unknown Aldol Condensate		2.48	628.7
0702358-08B	Vest B-3 (4.5-5)	Unknown Aldol Condensate		2.48	432.7
"	"	Cyclotrisiloxane, Hexamethyl	541-05-9	16.76	1,149.6
0702358-13B	Vest B-4 (4.5-5)	Unknown Aldol Condensate		2.48	616.4
"	"	Cyclotrisiloxane, Hexamethyl	541-05-9	16.67	1,834.0
0702358-18B	Vest B-5 (4-4.5)	Unknown Aldol Condensate		2.48	396.6
"	"	Eicosane	112-95-8	14.22	277.3
"	"	Unknown Siloxane	33342-87-9	16.77	857.8

**See E-Lab Data Packet - Attached**

## MSDS for Hexamethyl Cyclotrisiloxane



The information on this web page is provided to help you to work safely, but it is intended to be an overview of hazards, not a replacement for a full Material Safety Data Sheet (MSDS). MSDS forms can be downloaded from the web sites of many chemical suppliers.

---

### General

Synonyms:

Use: an intermediate for silicone fluids

Molecular formula:  $C_6H_{18}O_3Si_3$

CAS No: 541-05-9

EC No: 208-765-4

### Physical data

Appearance: colorless to white crystalline powder

Melting point: 60 C

Boiling point: 134 C

Vapor density:

Vapor pressure:

Specific gravity:

Flash point: 35 C (closed cup)

Explosion limits:

Auto-ignition temperature:

### Stability

Stable, but moisture sensitive. Incompatible with strong oxidizing agents. Highly flammable.

### Toxicology

Skin, eye and respiratory irritant.

#### Risk phrases

R11 R36 R37 R38.

## **Transport Information**

UN No 1325. Hazard class 4.1. Packing group II.

## **Personal protection**

Safety glasses. Remove sources of ignition from the working area.

---

## MSDS for Eicosane

General	
Molecular formula	C <sub>20</sub> H <sub>42</sub>
CAS number	112-95-8
EC number	204-018-1
Physical characteristics	
Appearance	Colorless crystals or wax-like solid
Melting point	36.7 °C
Boiling point	342.7 °C

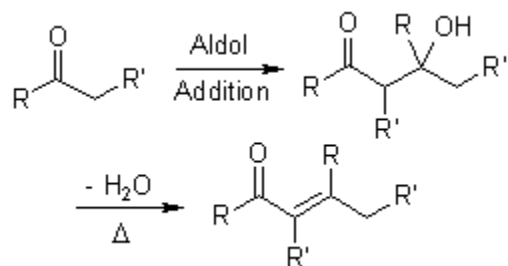
**Eicosane** (also known by the IUPAC name **icosane** or as **didecyl**) is an alkane hydrocarbon with the chemical formula CH<sub>3</sub>(CH<sub>2</sub>)<sub>18</sub>CH<sub>3</sub>.

Eicosane has little use in the petrochemical industry, as its high flash point makes it an inefficient fuel. Due to its chemical inactivity, n-eicosane (a fully straight-chain structural isomer of eicosane) is part of the paraffin group, and is the shortest molecule in the compounds used to form candles.

Eicosane's size, state or chemical inactivity does not exclude it from the traits its smaller alkane counterparts have. It is colorless, less dense than water, a non-polar molecule, nearly non-reactive with any other atom or molecule unless combusted, and insoluble in water. Its non-polar trait means it can only perform weak hydrogen intermolecular bonding (Hydrophobic/Van der Waal's forces).

Eicosane's phase transition at a moderate temperature makes it a candidate phase change material, or PCM which can be used to store thermal energy and control temperature.

### Definition of Aldol Condensation



In some cases, the adducts obtained from the Aldol Addition can easily be converted (in situ) to  $\alpha,\beta$ -unsaturated carbonyl compounds, either thermally or under acidic or basic

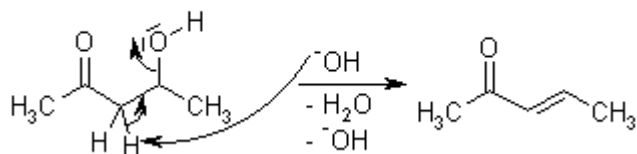
catalysis. The formation of the conjugated system is the driving force for this spontaneous dehydration. Under a variety of protocols, the condensation product can be obtained directly without isolation of the aldol.

The aldol condensation is the second step of the Robinson Annulation

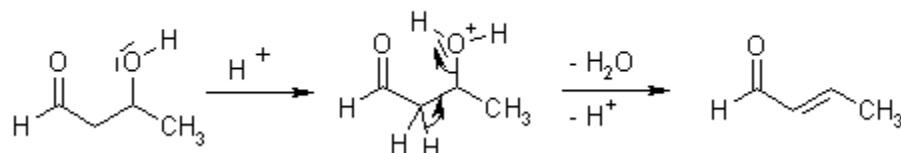
### Mechanism

For the addition step see Aldol Addition

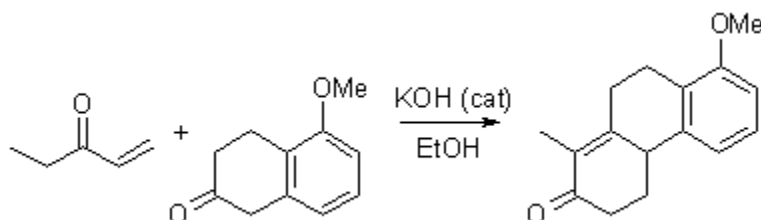
Base catalyzed condensation :



Acid catalyzed condensation :



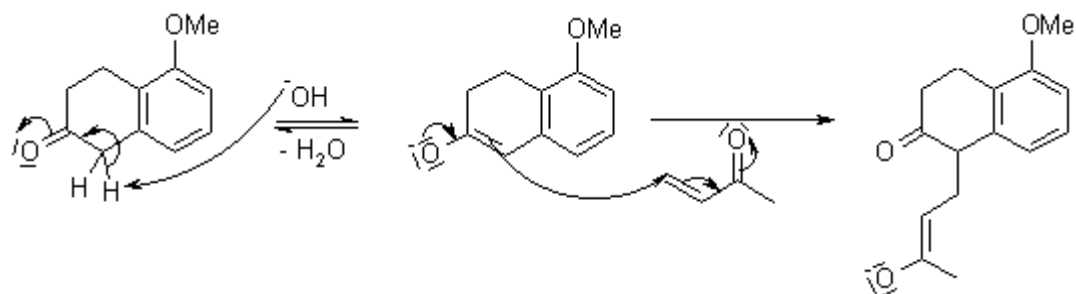
### Robinson Annulation



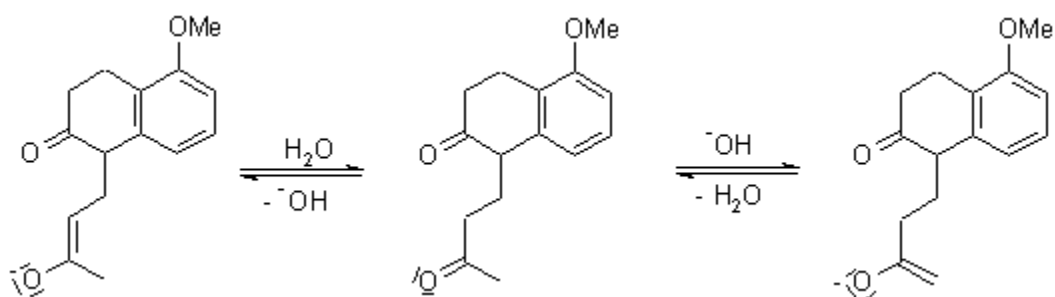
The Robinson Annulation is a useful reaction for the formation of six-membered rings in polycyclic compounds, such as steroids. It combines two reactions: the Michael Addition and the Aldol Condensation

### Mechanism

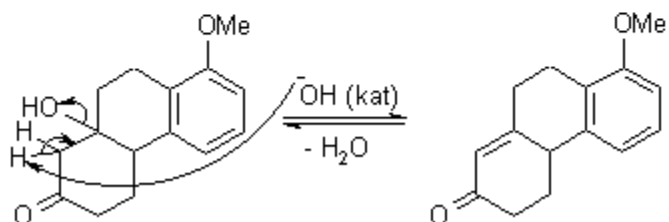
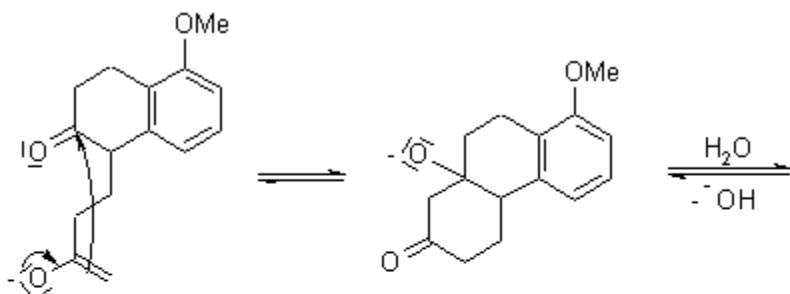
The first step in the process is the Michael Addition to an  $\alpha,\beta$ -unsaturated ketone, such as methyl vinyl ketone:



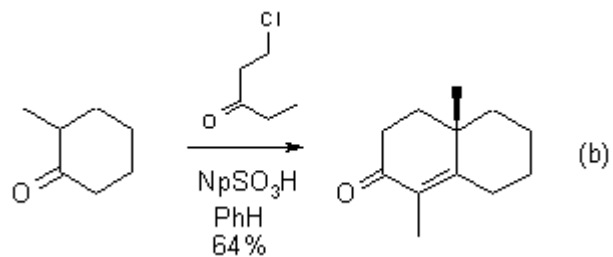
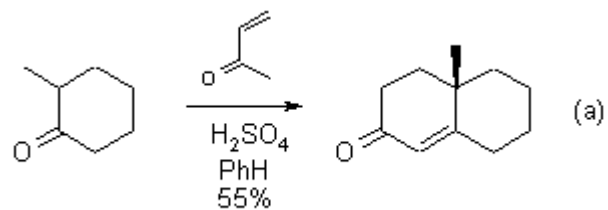
The newly formed enolate intermediate must first tautomerize for the conversion to continue:



The subsequent cyclization via Aldol Addition is followed by a condensation to form a six-membered ring enone:



The Robinson Annulation can also proceed under acidic catalysis, with the entire process occurring in one pot, as shown below. The use of a precursor of the  $\alpha,\beta$ -unsaturated ketone, such as a  $\beta$ -chloroketone, can reduce the steady-state concentration of enone and decrease the side reaction of polymerization.



a) C. H. Heathcock, J. E. Ellis, J. E. McMurry, A. Coppolino, *Tetrahedron Lett.*, **1971**, 12, 4995. DOI

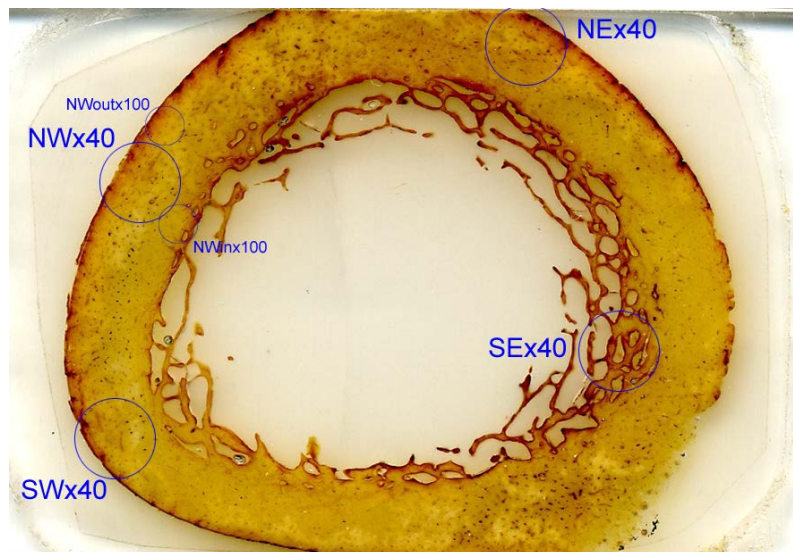
b) C. H. Heathcock, C. Mahaim, M. F. Schlecht, T. Utawanit, *J. Org. Chem.*, **1984**, 49, 3264.

## Appendix III

### Bone Thin-Section Photomicrographs

#### Bone Thin-Sections

C&A Personnel took a cross-section sample of the femur of the subject from a funeral home in Denton, Texas on February 19, 2007 (see Photo No's 15 and 16). A decontaminated hacksaw and sterilized latex gloves were used in the process. The sample was collected in a new *Ziploc* baggy and transported to Houston with the soil samples from the Hope Cemetery. Texas Petrographic Services, Inc., in Houston, Texas, was contracted to prepare two thin sections from the femur bone of the subject for photomicroscopic analyses. The laboratory at Ellington & Associates, Inc. in Houston, Texas, was contracted to photograph the thin sections under the supervision of C&A. Below are the results of the photography:



**Thin Section No. 1**

**Cross Section of Subject's Femur showing Locations of the Detailed Photomicrographs Below:**

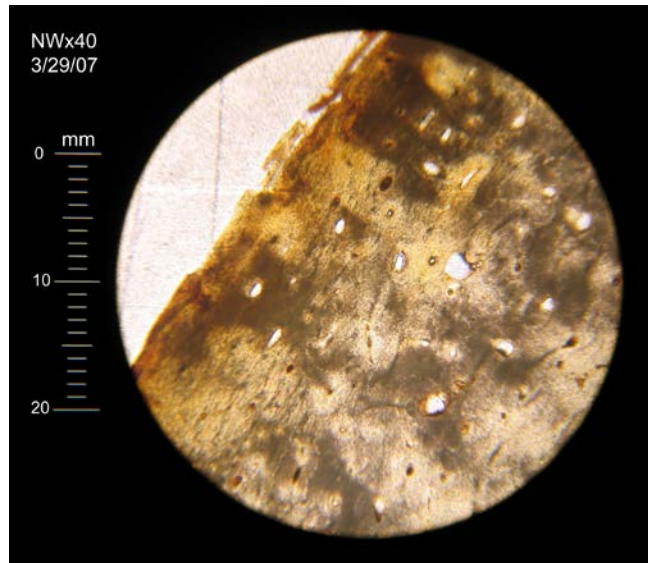
All thin sections were photographed in plane polarized light followed by a crossed nichols view.



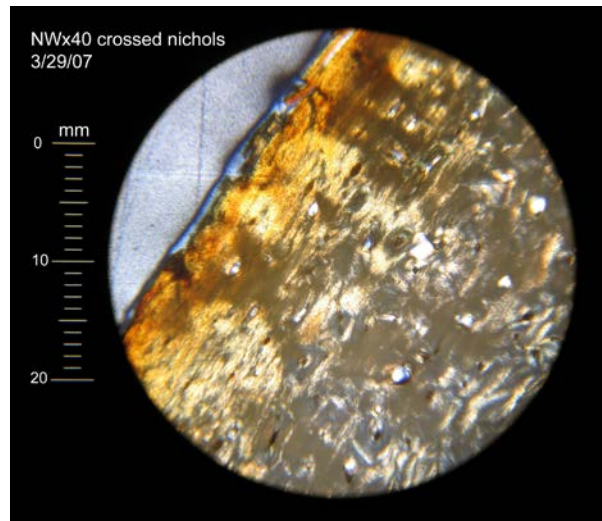
**Plane Polarized Light** -- Light is polarized in one orientation. This sometimes shows variations in the color and relief of minerals depending upon their orientation, but is superficially similar to what would be seen in normal light. (Relief is the appearance of "roughness" that depends upon the index of refraction of the mineral compared to the mounting media.)

**Crossed Nichols** -- A second polarizer is placed into the optical path at 90 degrees to the first polarizer. Depending upon orientation, this results in interference colors, as the light traveling along different directions in the lattice interferes upon exiting the crystal.

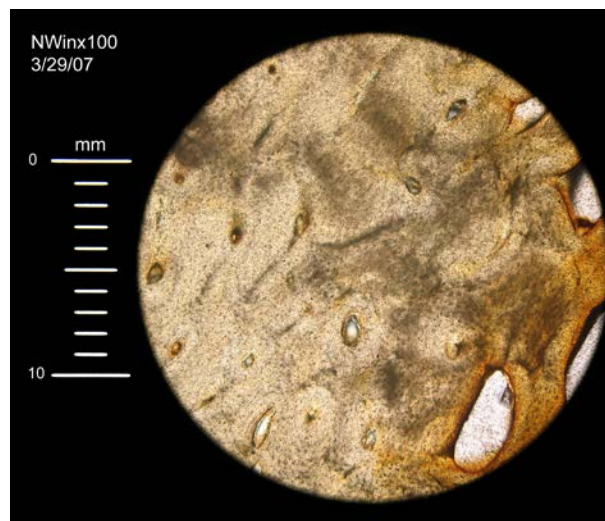
The interference colors, relief, and other optical properties are specific to the mineral crystal lattice parameters, and, therefore, the type of mineral and the orientation of its crystals. These two illumination modes enable the precise identification of minerals by transmitted light's optical properties. Similar properties are also useful in reflected light. Terminology and explanations have been simplified for this presentation.



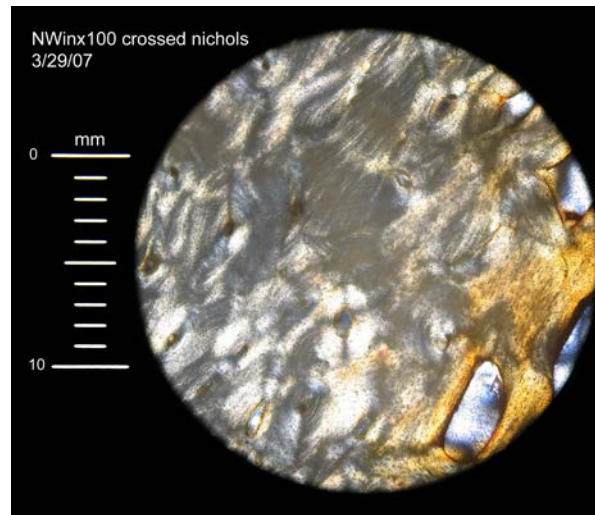
**Thin Section No. 2: Photomicrograph in plane polarized light at a magnification of 40x of the upper left or "northwest" outer edge of the femur cross section.**



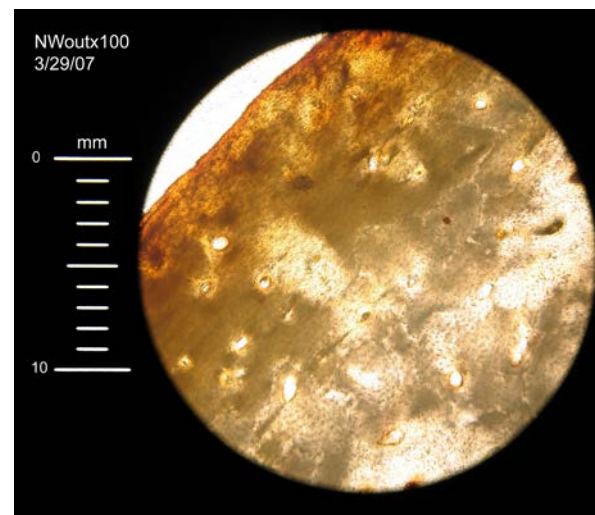
Thin Section No. 3: Photomicrograph with crossed nicols at a magnification of 40x of the upper left or “northwest” outer edge of the femur cross section.



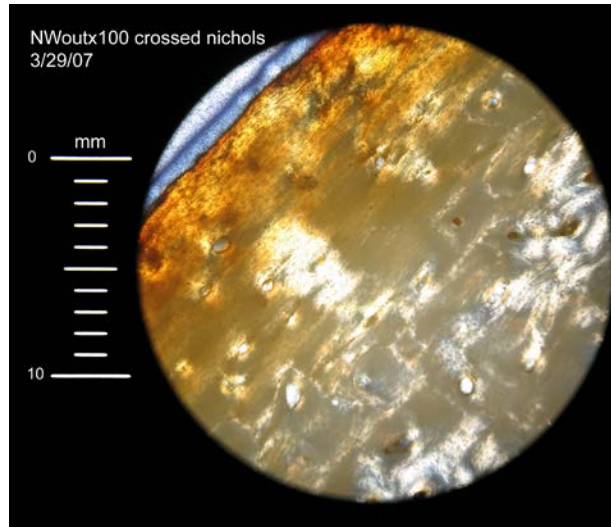
Thin Section No. 4: Photomicrograph in plane polarized light at a magnification of 100x of the upper left or “northwest” inner edge of the femur cross section.



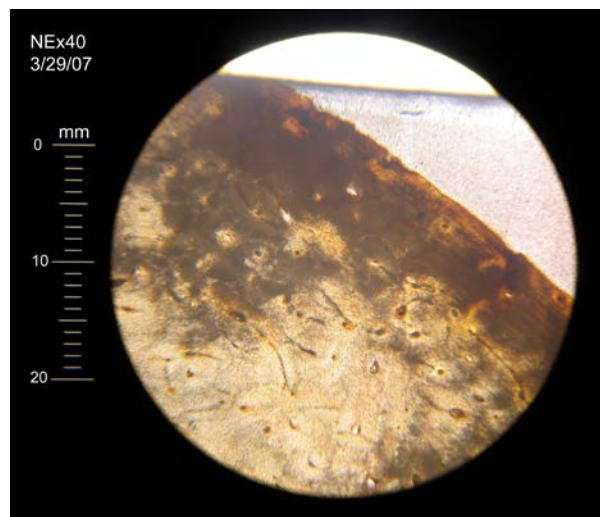
**Thin Section No. 5: Photomicrograph with crossed nichols at a magnification of 100x of the upper left or "northwest" inner edge of the femur cross section.**



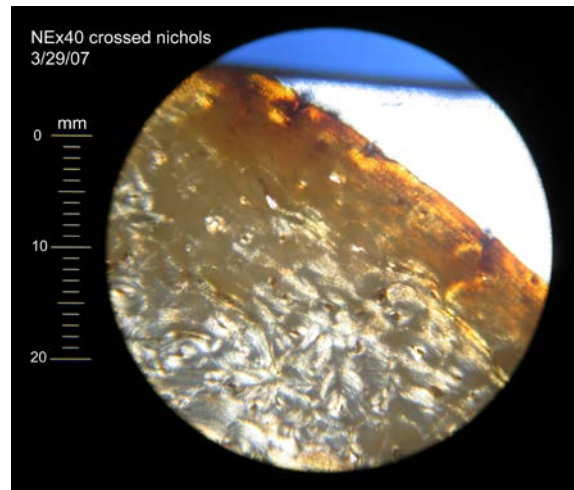
**Thin Section No. 6: Photomicrograph in plane polarized light at a magnification of 100x of the upper left or "northwest" outer edge of the femur cross section.**



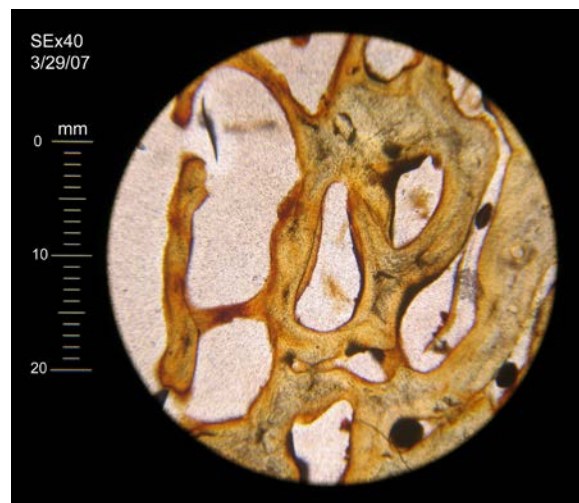
**Thin Section No. 7: Photomicrograph with crossed nichols at a magnification of 100x of the upper left or "northwest" outer edge of the femur cross section.**



**Thin Section No. 8: Photomicrograph in plane polarized light at a magnification of 40x of the upper right or "northeast" outer edge of the femur cross section.**

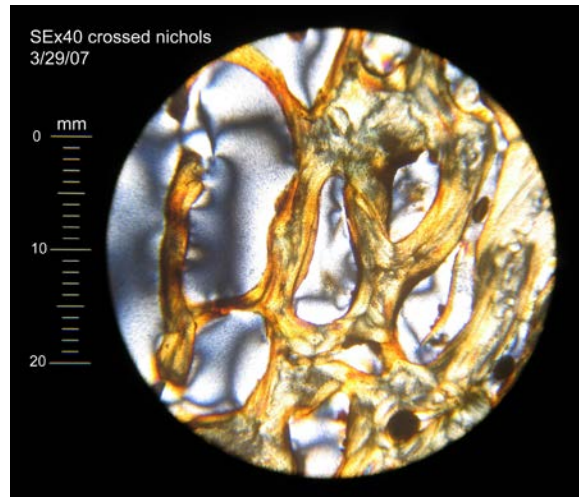


**Thin Section No. 9: Photomicrograph with crossed nichols at a magnification of 40x of the upper right or "northeast" outer edge of the femur cross section.**

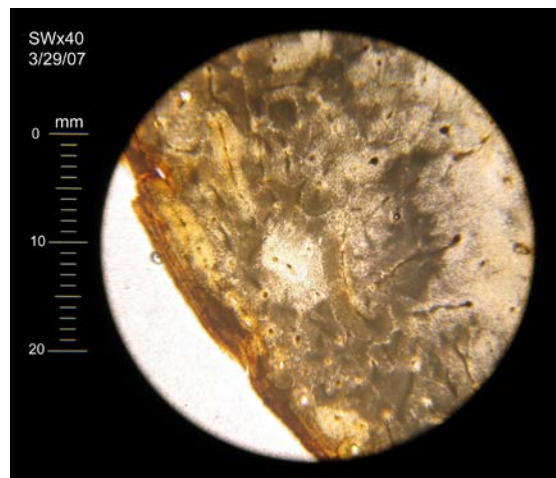


**Thin Section No. 10: Photomicrograph in plane polarized light at a magnification of 40x of the lower right or "southeast" inner edge of the femur cross section.**



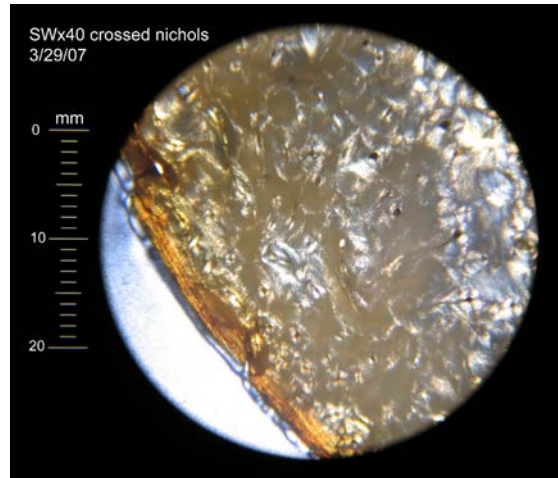


**Thin Section No. 11: Photomicrograph with crossed nichols at a magnification of 40x of the lower right or "southeast" inner edge of the femur cross section.**



**Thin Section No. 12: Photomicrograph in plane polarized light at a magnification of 40x of the lower left or "southwest" outer edge of the femur cross section.**

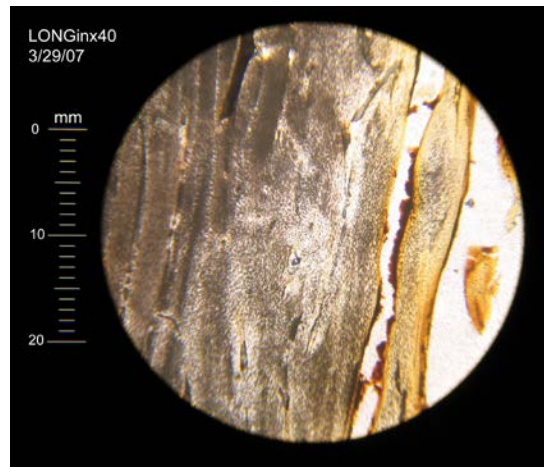




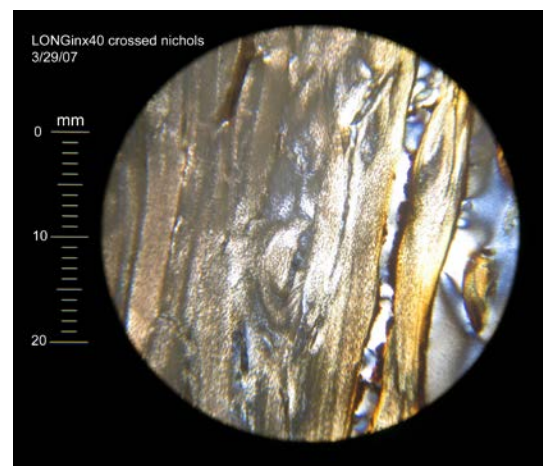
**Thin Section No. 13: Photomicrograph with crossed nichols at a magnification of 40x of the lower left or "southwest" outer edge of the femur cross section.**



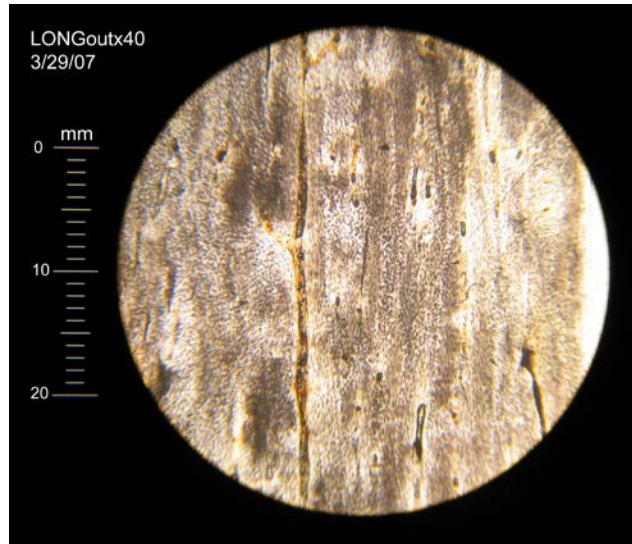
**Thin Section No. 14:**  
**Oblique cross section of femur showing locations of the detailed photomicrographs below.**



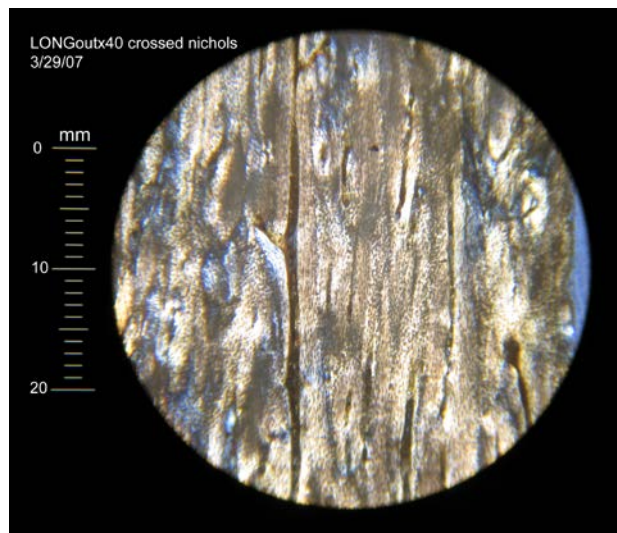
**Thin Section No. 15: Photomicrograph in plane polarized light at a magnification of 40x of the inner left edge of the oblique femur cross section.**



**Thin Section No. 16: Photomicrograph with crossed nichols at a magnification of 40x of the inner left edge of the oblique femur cross section.**



**Thin Section No. 17: Photomicrograph in plane polarized light at a magnification of 40x of the outer right edge of the oblique femur cross section.**



**Thin Section No. 18: Photomicrograph with crossed nichols at a magnification of 40x of the outer right edge of the oblique femur cross section.**

Dr. Ben Thomas, Pathologist and Toxicologist, and Associate of C&A, reviewed the above thin sections and associated project documents and provided the following summary report:



Exponent  
10850 Richmond Avenue  
Suite 175  
Houston, TX 77042  
  
telephone 832-325-5700  
facsimile 832-325-5799  
www.exponent.com

April 7, 2007

Dr. Michael D. Campbell  
M. D. Campbell & Associates, LP  
1810 Elmen Street  
Houston, Texas 77019

Subject: Pathology Evaluation of Bone Sections from the Body of Harold Eugene Vest

Dear Dr. Campbell:

Per your request, I have reviewed the information you provided concerning the suspected murder of Mr. Harold Eugene Vest, who was found dead in his place of business in Gainesville, TX on 6/28/46. The following comments are pertinent:

1. It is my understanding that the body had been interred in a wooden casket within a metal vault that rested on top of the natural Permian sandstone that begins at 4.5 feet below ground surface. It is clear from the photographs of the exhumation (4/23/04) that water has periodically intruded the gravesite, leading to substantial fungal degradation (rotting) of the wooden casket.
2. Chemical analysis of soil samples apparently contained no constituents at unusual concentrations or of toxicological significance to this case.
3. Mr. Vest's body appears to have also undergone significant destruction by the water, with almost complete loss of the fleshy elements and significant brownish discoloration of the boney surfaces of the skeleton.
4. Photographs of the skull confirm the broken tooth and damage to the left nasal area as described by Drs. Guileyardo and Gill-King.
5. Photographs of the thin sections of femur indicate appear to be structurally consistent with normal bone, in spite of repeated intrusion of water into the gravesite.

In summary, I do not find anything in the photographic skeletal evidence that strikes me as unusual or unexpected after considering the effects of water intrusion, demineralization, and moisture-facilitated fungi. Please let me know if you have any questions, or require additional detail.

Sincerely,



Ben Thomas, Ph.D.

# FACTS AND THEORIES

## IN THE JUNE 28, 1946 HOMICIDAL DEATH OF HAROLD "BUDDY" EUGENE VEST

---

Prepared by Herb D. Vest  
Last Revision February 15, 2006



\*\*\* PLEASE READ \*\*\*

DISCLAIMER: This summary is designed to document an independent assessment of the facts and theories surrounding the death of Harold "Buddy" Eugene Vest on June 28, 1946, in order to discover the truth. This summary is not designed to impugn anyone. Readers must understand that many of the statements in this summary are not factual, but rather are opinions, impressions and speculations based on assumptions and interpretations of existing and necessarily incomplete information. This summary includes fictionalized accounts designed to further the investigation. These fictionalized accounts may not be accurate. Indeed, the information contained in this summary is not warranted to be accurate and we assume no responsibility for damages arising from the publication, distribution, use of, or reliance on any such information. This summary is a living document, and as such it is subject to change without notice.





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# SECTION I

# SUMMARY

**\*\*\* PLEASE READ \*\*\***

DISCLAIMER: This summary is designed to document an independent assessment of the facts and theories surrounding the death of Harold "Buddy" Eugene Vest on June 28, 1946, in order to discover the truth. This summary is not designed to impugn anyone. Readers must understand that many of the statements in this summary are not factual, but rather are opinions, impressions and speculations based on assumptions and interpretations of existing and necessarily incomplete information. This summary includes fictionalized accounts designed to further the investigation. These fictionalized accounts may not be accurate. Indeed, the information contained in this summary is not warranted to be accurate and we assume no responsibility for damages arising from the publication, distribution, use of, or reliance on any such information. This summary is a living document, and as such it is subject to change without notice.

## HAROLD “BUDDY” EUGENE VEST - WHAT WE KNOW NOW

<b>DATE/TIME OF DEATH:</b>	June 27-28, 1946, between 6:30 p.m. and 1 a.m.
<b>PLACE OF DEATH:</b>	The body was found in the bathroom of his cabinet shop located at 805 East California St., Gainesville, TX.
<b>CAUSE OF DEATH:</b>	Unknown. The original justice of the peace ruling was asphyxiation. Since no autopsy was performed at the time, this finding was apparently based on speculation by the justice of the peace. There is no evidence to confirm or refute this ruling.
<b>MANNER OF DEATH:</b>	Homicide (See Cause and Manner of Death and Motive Analysis.)
<b>DESCRIPTION OF HAROLD “BUDDY” EUGENE VEST:</b>	(See separate document.)
<b>CRIME SCENE:</b>	The crime scene is highly suggestive that he was interrogated by torture prior to death. (See Cause and Manner of Death and Motive Analysis.)
<b>SUSPECTS:</b>	James L. Casey and Howard L. Penley (See Suspects Section.)
<b>WHERE THE MOTIVE ORIGINATED:</b>	More likely than not, the motive did not originate in Gainesville, and the perpetrators were from out of town. I believe the motive originated in Belgium between March 15, 1945, and Jan. 6, 1946. (See Statement of the Investigator, Dan Bierman.)
<b>MOTIVE:</b>	To be determined.

## LIVING WITNESSES AND ORIGINAL DOCUMENTS

The justice of the peace inquest record was allegedly prepared by L.V. Henry (deceased) within a few

days of the date of Buddy’s death. The authenticity of the document as evidentiary material is suspect for several reasons:

- The document has the incorrect name for the deceased.
- The document has the incorrect address for the cabinet shop.
- The bottom portion of the document containing the justice of the peace’s signature has been torn off.
- The document was removed from the inquest record book then stapled back sometime between 1946 and the date we found it in September 2003.
- There is reason to believe that the police may not have preserved the crime scene until Justice of the Peace L.V. Henry arrived.
- Some of the information contained in the inquest record conflicts with statements made by other witnesses.

Be that as it may, the document was, with little doubt, prepared from the observations of Justice of the Peace L.V. Henry at the crime scene. However, his observations may have been tainted by a desire not to open a homicide investigation. *(Source credibility rating: Somewhat credible)*

**Dan Flint:** Funeral home employee who took the body down, removed it to the funeral home and prepared it for burial. He presently lives in Gainesville. Flint arrived at the scene after the sailor, soldier and the police, but before the justice of the peace. *(Source credibility rating: Somewhat credible)*

**Reece Lance:** A 13-year-old male who worked for the deceased. He last saw the deceased alive at 5 p.m. on June 27, 1946. His statements are based on what he saw when he returned to the shop a day or two after the date of death. He presently lives in TX and is very cooperative. *(Source credibility rating: Highly credible)*

**Edna Ruth Blakely Vest Powers:** Widow of Buddy Vest. She discovered the body sometime between 12:30 a.m. and 1 a.m. on the morning of June 28, 1946. She presently lives in Dallas. *(Source credibility rating: Highly credible)*

**Herbie Darwin Vest:** Son of the deceased, 22 months old at the time of the crime. He presently lives in Dallas. He has no recollection of the events on the date of death or before. *(Source credibility rating: Highly credible)*

**Ms. Howard:** The next-door neighbor of the deceased.

She drove Ruth to the shop that night. *(Source credibility rating: Highly credible)*

**M. Smith (alias):** Person who wrote a letter postmarked on Sept. 23, 2003, alleging that she was present at the scene when the homicide took place. The letter is currently believed to be a hoax based on the following: *(Source credibility rating: Not credible)*

- My Texas-licensed private investigator at the time, who had previous experience as a police officer, did not preserve the chain of evidence.
- My investigator's DNA was found on the flap of the letter's envelope.
- An extensive investigation of the demographics attributed to the alleged central perpetrator (Jim, a police officer) has failed to identify any police officer on the Gainesville Police Department at the time who matches exactly. Of the officer who comes the closest to matching, the only variance is that his eldest son lives in Dallas, not Gainesville. Additionally, funeral home employee Flint states that the officer was not at the crime scene as alleged in the letter.
- The postmistress of the Mulhall, OK, post office where the reward was directed to be mailed states that no one came by to claim a general delivery letter addressed to M. Smith. After a telephone interview with the postmistress, Bierman believes that she is not attempting deception. (See Gainesville section.)
- An extensive investigation of Gainesville residents has failed to identify anyone who might have written the letter.
  - 10 weeks of interviews of Gainesville residents conducted by Dan Bierman.
  - Letter addressed to Gainesville residents over the age of 72 -- who would have been 12 or older at the time of Buddy's death -- soliciting information failed to produce any leads.
  - Numerous ads in the Gainesville newspaper offering rewards up to \$100,000 for information concerning M. Smith failed to provide viable leads.
  - A nationwide episode of the television news show *48 Hours*, with 10 million viewers, failed to produce any viable leads.
  - Numerous articles and broadcasts in Texas and nationwide failed to produce any viable leads.

#### Initial conclusions based upon above points

- Logic dictates that with four local perpetrators, someone would have talked.

Yet we have not had any direct or indirect attributions.

- Unlikely the perpetrators were from Gainesville.

## OTHER EVIDENCE

### Two Gainesville newspaper accounts

The newspaper reporter does not attribute the source of his information. My mother and Ms. Howard do not believe that they were ever interviewed by a reporter at the time. I believe that the reporter may have based his story only on the statements made by the justice of the peace, police department and possibly Casey and Penley. *(Source credibility rating: Credible)*

### Henrietta newspaper account of the funeral

*(Source credibility rating: Credible)*

### Autopsies performed

The joint autopsy report dated Aug. 10, 2004, was prepared by Joseph M. Guileyardo, M.D., board-certified anatomic, clinical and forensic pathologist, and H. Gill-King, Ph.D., Diplomate of the American Board of Forensic Anthropologists (DABFA). They found two perimortem injuries: a fracture to the bridge of the nose and a broken tooth.

On March 27, 2005, Jerry Melbye, DABFA of San Antonio, issued another autopsy report. His report confirms the findings of the Guileyardo/Gill-King report. He also found a perimortem greenstick fracture to the second lumbar vertebra (L2).

On Nov. 9, 2005, Forensic Dentist Robert G. Williams, a Diplomate of the American Board of Forensic Odontology, examined the broken tooth with a microscope. His report confirms the Guileyardo/Gill-King and Melbye reports of the broken tooth. His report gives more insight into the nature of the injury to the tooth and the previous autopsies. Williams' report states the broken tooth was caused by a high-speed blunt force blow striking the tooth from the outside toward the mouth.

## CURRENT THEORY - SUMMARY SCENARIO

In the early morning hours of June 28, 1946, my dad, Harold "Buddy" Eugene Vest, was found hanged in the bathroom of his cabinet shop at 805 East California St.,



Gainesville, TX. The inquest record was prepared by Justice of the Peace L.V. Henry. There was no autopsy performed at the time of his death. Justice of the Peace L. V. Henry ruled the cause and manner of Buddy's death as "asphyxiation by strangulation, produced by suicidal hanging."

In spring 2004, Buddy's remains were exhumed. There have been three autopsy reports based on professional examination of his skeletal remains. The examiners found a perimortem (at or near the time of death) greenstick fracture to the L2 disk, most likely produced by blunt force. There was a perimortem fracture at the left side of the bridge of the nose. There was a perimortem broken tooth on the left side produced by a high-speed blunt force blow from the outside toward the inside of his mouth. These reports rule out the possibility of suicidal or accidental (e.g., autoerotic asphyxiation) death. **There is no reasonable doubt that Buddy's death was a homicide.**

---

The following scenario is my own account of what probably happened that night. It is based on the inquest record, newspaper accounts and interviews with living witnesses. Black type is supported by evidence. *Italicized type* is unsupported. Its purpose is to orient the reader and to make the study of the supporting documents easier.

---

### **The actual sequence of events may vary materially from this account:**

*At about 3 p.m., Buddy leaves his shop to walk to the lumberyard to get material that he needs to complete some furniture orders he is working on. He asks the lumber salesman to give him a ride back to the shop on the delivery truck. On the way, he asks the driver to stop by his home so that he can tell his wife, Ruth, that he will be working late. (The Vests did not have a telephone or an automobile.)*

Based on this information, Ruth prepares a dinner of roast beef and squash and has it on the table at about 8 p.m. She then lies down with her 22-month-old son and falls asleep.

*Buddy goes to the shop and unloads the material. At about 5 p.m., Buddy's 13-year-old employee leaves the shop to go home for the night. He reports that Buddy is in good*

*spirits and good health with no evidence of back pain. Also at 5 p.m., four to seven men set up surveillance on his shop to wait for dark to move in. Several of these men had experience with military interrogation techniques during the war.*

*Between 6:30 and 7 p.m., Buddy is seen by police officers "laughing and talking to several friends" in front of his shop. He was leaving the shop to walk the 2.4 miles to his home to arrive at about 7:30 p.m. This would give him time to clean up and rest before dinner. Ruth had a dinner of roast beef and squash on the table at about 8 p.m.*

*The men use a pretext, such as wanting to place a furniture order, to get him back inside the shop. Based on the newspaper account that Buddy was "laughing and talking to several friends," it is likely Buddy knew the perpetrators. Once inside, they reveal that they are there to get information about something that happened while Buddy was overseas with the 711<sup>th</sup> Engineering Base Depot Company stationed in Belgium. They ensure that the back door is locked and post a lookout at the front door to make sure they are not disturbed.*

Buddy, a T4 (sergeant), served as a clerk (possibly with other duties) with the 711<sup>th</sup> storage unit. The unit stored material coming from Europe by rail to the seaport at Antwerp and other points in Belgium. They also guarded German POWs there. At one time, the Russians came through to inspect equipment for possible purchase. At another time, a V-2 rocket came through to be shipped to the United States.

*When the men are unable to get the information that they wanted from Buddy, they begin to threaten him. They make him disrobe and put on a woman's girdle, panties and bra. This use of women's clothing is used by interrogators to create feelings of humiliation, vulnerability, confinement and dependency on the interrogator.*

A girdle made for an average woman would have been extremely tight on Buddy, who had a 34-inch waist. It would have hindered the normal functioning of the diaphragm and made deep-breathing laborious. A girdle would have restricted the flow of blood to the surface of the skin and thus prevented visible bruising from blows delivered to the body area. In addition, interrogators use girdles as support in order to keep the victim ambulatory and easier to move after severe beatings to the torso.

A bra made for an average woman would restrict the expansion of the chest and make breathing difficult when worn by Buddy, who had a 40-inch chest. *The panties could also have been used as a hood prior to having him*

# SECTION I

## SUMMARY

*put them on. They may also have prevented burn marks to the genitals from electrical current generated by a hand-cranked field telephone, or another device.*

The men tie a rope around Buddy's waist. They attach rope extensions to the waist rope to restrain Buddy's hands.

*The interrogators continue to threaten Buddy with beatings and harm to his family. All the while, they work on his mental state. They probably say such things as, "This is how you will be found. Your wife, son, father, mother and everyone else will think you are 'queer' and a sexual pervert."*

When Buddy is still unresponsive, they begin body work. One blow is aimed at the kidneys. This blow lands so hard that it causes the greenstick fracture to the L2 disk in his back. The pain is excruciating and probably causes blood in the urine.

Meanwhile, two other perpetrators are preparing a "torture board" in the bathroom. They use a 4"x4" block of wood, 8 inches long, from which to measure for an eye screw in the wall. The eye screw is used to thread a rope through to secure Buddy's feet. When the 4"x4" is removed, Buddy will have to stand on his tiptoes, a high-stress position, to prevent strangulation, an added challenge considering Buddy's body was found with socks still on his feet.

The interrogators drill holes in the wall through which they can thread the ropes used as hand restraints. By knotting one end of the rope, threading it through the hole on the external wall of the bathroom and then back through another hole from the interior side, they form a loop to restrain the hands.

They hammer three nails into the bathroom wall, place a machine belt over them, then bend the nails back over the belt to prevent it from slipping off the nails during the interrogation process (indicating they had interrogation experience). When Buddy is in place, they squeeze the two sides of the belt loop together between the nails and his head and tape them.

They wrap a GI towel clockwise around the belt at the neck area, leaving about two or three inches at the end of the towel dangling. *When Buddy loses consciousness, the interrogators relieve pressure to the airway by pulling down and out on the towel. When he is revived, the interrogation continues and the process is repeated. It is like dying several deaths.*

*After a while, due to the belt tightening, Buddy loses his ability to speak. The interrogators then untie his right hand so that he can write the answers to their questions and draw illustrations and/or maps.*

Finally, frustrated at their inability to revive him for further questioning, one of the interrogators loses patience and throws a right cross, breaking Buddy's left front tooth. He then throws a right hook, catching Buddy on the left side of his nose fracturing it. Buddy then dies, before bleeding or bruising to the nose area can occur.

The interrogators exit the bathroom and obtain an object on which to stand. By one of them pushing in on the middle of the bathroom door at the handle while another, standing on an object, simultaneously pulls out on the top of the door, the interrogators insert an instrument, such as a bent hanger, so they can latch the inside screen door hook from the outside.

The perpetrators clean the shop, turn out the lights and exit the front door, padlocking it behind them. They possibly leave something behind. After padlocking the front door, the interrogators are unable to re-enter the shop until my mother arrives.

At midnight, my mother awakens to find that Buddy is not at home. Alarmed, she taps on the bedroom window of the next-door house, belonging to Ms. Howard, and asks her to drive to the shop to check on Buddy. The two women travel south on Culberson Street, take a left on California Street and proceed east to the shop. They note there is no motor or pedestrian traffic at that time of night.

As they approach the shop, they see a sailor, dressed in whites wearing a sailor's cap, standing under a tree. He has no luggage, and he is standing away from the curb, across the street from the shop, at about a 330-degree angle from the front door. From his position, the sailor has a view of both the east side of the shop building *and a soldier, PFC (sic) Howard L. Penley who is positioned on the northeast corner with a view of both the back door and the sailor.*

Ms. Howard angles the car into the curb on the opposite side of the street in front of the shop and the two women exit the vehicle. The shop is dark and the front door is padlocked. My mother unlocks the front door and they enter. They see a light coming from the crack in the bathroom door. Ruth tries the door and finds that it is latched from the inside.

They exit the shop, approach the sailor on the south side of the street and ask for his assistance. The women and

the sailor enter the shop. The sailor pulls the bathroom door out at the top and peers through the resulting crack. Without moving his head, the sailor turns his eyes toward my mother. "From his expression, I knew that Buddy was dead," my mother recalls. My mother also recalls the sailor did nothing to enter the bathroom, check to see if Buddy might be alive or try to resuscitate Buddy. The sailor tells the women to leave the shop, but he stays inside.

Both my mother and Ms. Howard positively state that no soldier was present at the scene. Both women state that the sailor had no luggage.

The sailor's name is James L. Casey. He tells the newspaper that he was hitchhiking to his base at the Corpus Christi Naval Air Station, which is several hundred miles south of Gainesville. A southbound motorist would proceed south on Grand Avenue, turn right on California Street and proceed west past the shop to the main road leading to Dallas, which is about 70 miles south.

A hitchhiker would logically position himself on the north side of street in order to get a ride heading south. In other words, Seaman Casey is on the wrong side of the street to be headed south as he claimed. Furthermore he is standing (implying a state of alertness) back from the curb instead of at the curb where he could thumb a ride.

It is curious that a sailor would choose that time and place to hitchhike. There was nothing on the east end of California Street (just homes and closed businesses) that would interest a sailor. The downtown area is located west of the shop. Just three blocks away is a train station and hotel where Casey could have spent the night. With no traffic, why would Casey be hitchhiking at 1 a.m. in the small town of Gainesville?

James Louis Casey was born in Portales, NM, on April 26, 1926. At the age of 4, he moved with his family to Rockport, TX, and died there on Oct. 21, 2000. He had no known relatives or friends in or near Gainesville. It is curious that he was hundreds of miles away from his duty station on a Thursday night, since overnight passes usually begin on a Friday. Casey was apparently not en route between duty stations. If he were en route or on leave, it is logical to expect that he would be carrying a duffel bag. If he were on a pass, he would most likely be carrying at least a small bag.

Before the war, Casey attended high school and worked for Brown and Root, Inc. Casey joined the Navy on June 1, 1943 and served in the Pacific Theater of Operations. He was an aviation electronics technicians mate, first class, and attended radio engineering school. His jobs

consisted of repairing radar equipment on aircraft. Since radar was top secret during WWII, Casey would have had top secret security clearance. Following the war, Casey was assigned as a radar instructor with the National Air Transport Coordinating Committee on Ward Island at the Corpus Christi Naval Air Station as part of the Navy's Bureau of Aeronautics.

After his discharge on Aug. 18, 1947, at the Corpus Christi NAS, he worked for the Navy in a civilian capacity. He met and married his wife in 1948. He attended Texas A&M University from Jan. 15, 1950, to May 30, 1952, majoring in mathematics. In 1952 or 1953, Casey went to work for the Central Intelligence Agency (CIA) and lived in Virginia until his retirement, when he moved back to Rockport, TX. While with the CIA, he was involved with the U-2 spy plane and the Bay of Pigs invasion.

My mother has positively identified a late 1940s photo of Casey as being the sailor who was on the scene. Ms. Howard has also positively identified Casey as the sailor.

After finding the body, Seaman Casey tells the women to leave the shop. Casey remains inside.

It is unknown if Casey was the person who pulled the bathroom door open after the women left. All we know is that the door was open when the funeral home employees arrived later. The probable order of appearance on the scene is:

Ruth Vest and her neighbor, Ms. Lawanna Howard (arrive at 1 a.m.)
Seaman James Casey
Ruth Vest and Ms. Lawanna Howard depart for police station
PFC Howard Penley
Officers John Barnett and Cecil Goldston
Asst. Chief of Police Lewis Theobald
Funeral home employee Dan Flint
Ruth's brother-in-law Herbert Seright
Funeral home employee Vernie Keel
Justice of the Peace L.V. Henry (arrives at 3 a.m.)

When the two women leave the shop, they proceed to the police station, a few blocks away. Ms. Howard informs the policeman on duty, whom she described as a fat man (probably Asst. Chief of Police and Night Chief Lewis Theobald) of the death. Officers John Barnett and Cecil

Goldston respond. My estimate is that it would take about 15 minutes from the time the women exit the shop until the responding officers arrive.

When the officers arrive, both a sailor and a soldier are present on the scene. Both my mother and her neighbor positively state that the soldier was not present at 1 a.m., when they left for the police station. Dan Flint, the first funeral home employee to arrive, states that the soldier and sailor were there when he arrived.

It is unknown why the soldier, Howard L. Penley (the newspaper account incorrectly stated his name was "Pendley"), would just happen to be nearby at 1 a.m. and wander into the shop in the 15-minute period after the women left and before the police arrived.

The paper reported that PFC Howard L. Pendley [sic] was hitchhiking to his base at Camp Hood, a couple of hundred miles south of Gainesville. Penley was with the 147<sup>th</sup> Combat Engineering Battalion in WWII. Penley was a Tech 5 (E4 or corporal in today's Army) in Headquarters and Services Company. The company had, among other duties, intelligence-gathering responsibilities. A veteran of the 147<sup>th</sup> told investigator Bierman that Penley worked in the Battalion S2 (intelligence) staff.

The 147<sup>th</sup> spent a great deal of time in Belgium. Both the 147<sup>th</sup> CEB (Penley's unit) and the 711<sup>th</sup> (Buddy's unit) were part of the Channel Base Section stationed in Brussels from August to December 1945. From about Sept. 5, 1945, through December 1945, Penley was near Brussels. There is a high probability that Penley and Buddy met while they were both with the Channel Base Section.

Penley was discharged in December 1945. His last-known rank was Tech 5. After his discharge, he lived with his parents in El Paso, TX, until the summer of 1947 when he enrolled at the University of Texas in Austin, TX.

Before the war, Penley had been enrolled at the University of Oklahoma. After the war, he graduated from the University of Texas with a degree in electrical engineering and went to work for an electric utility company in El Paso.

Between his discharge in December 1945 until his enrollment at the University of Texas, he was unemployed. According to a family member, he purchased tailor-made suits during this 18-month period. His parents reportedly told him that they were tired of him "living like a rich bachelor."

It is unknown why Penley, who had been discharged six months earlier, would be in Gainesville in his Army uniform telling the newspaper that he was hitchhiking to his duty station at Camp Hood.

*The possibility exists that both Casey and Penley were associated with the Central Intelligence Group (see Outline of U.S. Intelligence Agencies, 1946). A plausible motive for my dad's death is contained in Appendix III: Baseline Fictional Scenario That Connects the Points Made in the Motive Analysis.*

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**Note:** I highly recommend that the reader begin with these documents. The rest of this briefing document is very detailed and may bog you down in seeing the big picture. Once you have a grasp of where I am, it will be much easier to examine the rest of this briefing containing the evidence and analysis supporting these hypothetical scenarios.

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## SECTION II

## DESCRIPTION OF HAROLD “BUDDY” EUGENE VEST AND ENVIRONMENTAL FACTORS

\*\*\* PLEASE READ \*\*\*

DISCLAIMER: This summary is designed to document an independent assessment of the facts and theories surrounding the death of Harold “Buddy” Eugene Vest on June 28, 1946, in order to discover the truth. This summary is not designed to impugn anyone. Readers must understand that many of the statements in this summary are not factual, but rather are opinions, impressions and speculations based on assumptions and interpretations of existing and necessarily incomplete information. This summary includes fictionalized accounts designed to further the investigation. These fictionalized accounts may not be accurate. Indeed, the information contained in this summary is not warranted to be accurate and we assume no responsibility for damages arising from the publication, distribution, use of, or reliance on any such information. This summary is a living document, and as such it is subject to change without notice.



## SECTION II

## DESCRIPTION OF HAROLD “BUDDY” EUGENE VEST AND ENVIRONMENTAL FACTORS

### DESCRIPTION OF HAROLD “BUDDY” EUGENE VEST



Harold Eugene Vest (23), Edna Ruth Blakely Vest (21), Herbie Darwin Vest (1 month). This picture is believed to have been taken in September 1944.

**Physical description at date of death:** Harold “Buddy” Eugene Vest was 25 when he died on June 28, 1946. His eyes and hair were brown. He stood 5 feet 10 inches tall and weighed 150 pounds. He had no distinguishing marks or scars.

**Interests:** Fishing, hunting, photography and watching airplanes take off and land (he would go to an airfield in Chicago to watch this).

**Character:** Buddy did not apparently have any vices, such as gambling, excessive debts, excessive spending, excessive drinking, illegal drugs, womanizing, etc. He apparently had a normal childhood. There is no evidence of parental abuse or traumatic experiences. There is no evidence of criminal wrongdoing in his past. He apparently demonstrated a normal interest in sex. There is no indication that he ever practiced or requested bondage during sex. There is no indication that he had an interest in sadomasochistic activities, sadomasochistic pornography or books on torture.

He served his country honorably in WWII, attaining the rank of T4 (sergeant). There is no evidence that he was anything other than a well-disciplined soldier. His wife, his sister and others state that he was a devoted husband and father.

After his January 1946 discharge, the family’s lifestyle appeared to be in line with their known available funds. The couple did not have a telephone or car. According to his employee at the time, Buddy’s business seemed to be

doing very well. The employee states that he knew of no reason that anyone would want Buddy dead.

### TIMELINE

May 29, 1921	Harold “Buddy” Eugene Vest is born in Osawatomie, KS, and lives with his family.
1930	He lives with his parents, Lloyd and Helen, brother Earl (one year older), and sister Virginia (seven years younger) in Chicago. [2006: His parents and brother are now deceased. Virginia currently lives in Chicago.]
1938	Buddy leaves Chicago’s Tilton High School, where he studied woodworking and drafting, after completing 1½ years.
1938	He goes to work at Krinssink Brothers Manufacturing Company in Chicago. There he shapes wall shelves and bookcases for 4½ years.
Nov. 21, 1942	He is inducted into the Army at Fort Sheridan, IL (service number: 36 622 602).
January 1943	He meets Ruth at a PX at Camp Custer in Battlecreek, MI.
February 1943	He is promoted from private to T5 (corporal). His military occupational specialty is foreman, construction.
April 4, 1943	He and Ruth marry in Henrietta, TX. They return to Battlecreek and rent a room from Buddy’s 1 <sup>st</sup> Sgt. “Smitty,” Smitty’s wife and 12-year-old daughter. Buddy is a company clerk under Smitty at Camp Custer.
Aug. 12, 1944	Son Herbie Darwin Vest is born in Battlecreek.
October 1944 (approx.)	Ruth and son move to Henrietta. Buddy stays at Camp Custer in Battlecreek.
February 1945 (approx.)	Buddy takes leave to visit Ruth and son in Henrietta.

## SECTION II

## DESCRIPTION OF HAROLD "BUDDY" EUGENE VEST AND ENVIRONMENTAL FACTORS

March 15, 1945	Buddy arrives in Europe and is assigned as a replacement to the 711 <sup>th</sup> Engineering Base Depot Company. The company is in charge of storage for the Military Railway Service. Except for a brief time in May, the company is located in Belgium. Antwerp is a major shipping/receiving center for material and personnel sea transportation. The railroad to and from the interior of Europe terminates near the port. Material and personnel being transported back to the United States from Europe pass through Antwerp, and the 711 <sup>th</sup> is in charge of storage of material awaiting sea transportation back to the U.S. Buddy's military occupational specialty is recorded as clerical. He is promoted to T4 (sergeant) while in Belgium. A member of his company told investigators that the company also guarded German POWs. Another member of the company recalls that the Russians inspected the facility at one time and purchased some equipment. Another member of the company states that a V-2 rocket came through the port. The 711 <sup>th</sup> was part of the Channel Base Section headquartered in Brussels.
May 8, 1945	V-E Day
Aug. 15, 1945	V-J Day
Jan. 6, 1946	Buddy Vest departs Europe for the U.S.
Jan. 24, 1946	Buddy arrives at Camp Kilmer, NJ.
Jan. 29, 1946	Buddy separates from the Army at Camp Grant, IL. He visits his family in Chicago for two or three days and then he travels by train to Gainesville, TX. He leaves a German pistol for his father to sell. The pistol sells for \$50.
Feb. 5, 1946 (approx.)	Buddy arrives in Gainesville and his family moves in with Ruth's father and mother in Henrietta.
April 1, 1946	A help-wanted ad for the shop appears in the local paper. This corroborates the employee's statement that the business was doing very well.

May 29, 1946	The Vests purchase a home at 1400 Culberson St. on the GI Bill with a \$100 downpayment. They move in about a week later.
June 28, 1946	Buddy's body is found in the shop.

## ENVIRONMENTAL FACTORS

### Weather

The high Thursday, June 27, 1946, was 93; the low was 72. Barometric pressure was 30.10 (source: newspaper). It was partly cloudy on Friday. Gainesville was not on daylight-saving time in 1946. Sunset was at 7:43 p.m. and civil twilight ended at 8:13 p.m.

### Description of Gainesville

In 1946, Gainesville, the Cooke County seat, was a rural community of about 12,087 residents located about 70 miles north of Dallas and 7 miles south of Oklahoma. (The nearest town in Oklahoma is Thackerville, about 11 miles north of Gainesville.) Camp Howze, an Army base, was located nearby.

In 1946, not all residents had telephones or automobiles. There was a city bus line located at 710 Summit St. and taxi service. Highway 82 ran east (Sherman) and west (Henrietta and Wichita Falls). The bus pick-up points were on California Street (around the 200 block) located east of the courthouse and west of the train station. The only bus line listed in the 1947 city directory was Dixie-Sunshine Trailways at 203 Elm St. The train station was located at 612 California St., with trains running from north (Chicago) to south (Galveston) and from east (Dennison) to west (Wichita Falls). There was an airport.

Important towns in the county were Gainesville, Callisburg, Muenster, Lindsay and Valley View. Cooke County is bordered on the east by Grayson County (Sherman) (birthplace of Ruth Vest's parents Gus Blakely and Neva Collinville Blakely). Whitesboro is about 14 miles east of Gainesville. On the west, Cooke County is bordered by Montague County (Nocona on Hwy. 82 and Bowie on Hwy. 287). West of Montague is Clay County, in which Henrietta (about 60 miles from Gainesville) is county seat (on Hwy. 82). West of Montague is Wichita County (Wichita Falls is about 80 miles west of Gainesville). On the south, Cooke is bordered by Wise County (Decatur) and Denton County (Sanger, Denton).

# SECTION II

## DESCRIPTION OF HAROLD "BUDDY" EUGENE VEST AND ENVIRONMENTAL FACTORS

Henrietta (about 60 miles from Gainesville) is county seat (on Hwy. 82). West of Montague is Wichita County (Wichita Falls is about 80 miles west of Gainesville). On the south, Cooke is bordered by Wise County (Decatur) and Denton County (Sanger, Denton).

### POSSIBLE CABINET SHOP SUPPLIERS

#		STREET	NAME	COMMENTS
316	W	Broadway	Haynes Lumber	
101	E	Broadway	JC Wooldridge	
308	E	Broadway	Lyon-Gray Lumber	
517	E	Broadway	Gary-Nees Lumber	
301	W	California	Waples-Painter Lmb	
110	S	Dixon	Schad and Pulte	Buddy's employee Reece Lance said that Buddy bought hardware from Schad and Pulte. Bill Pulte said that Buddy and his father had lunch sometimes at the Eat-a-Bite Café and went fishing together.
616	E	Scott	Fox Rig Lumber	

### CAFÉS LISTED IN THE 1947 CITY DIRECTORY

#		STREET	NAME	COMMENTS
608	W	California	Fair Park Rest	
304	W	California	Camp Odessa Café	
205	W	California	Irene's Café	
109	E	California	French Lunch Rm	
309	E	California	Nook Café	
315	E	California	Eat-A-Bite Café	Bill Pulte and Buddy ate there at least once. The Rotary Club met there every Wednesday. He was a member from March 1946 until Buddy's death.
407	E	California	White Rose Café	

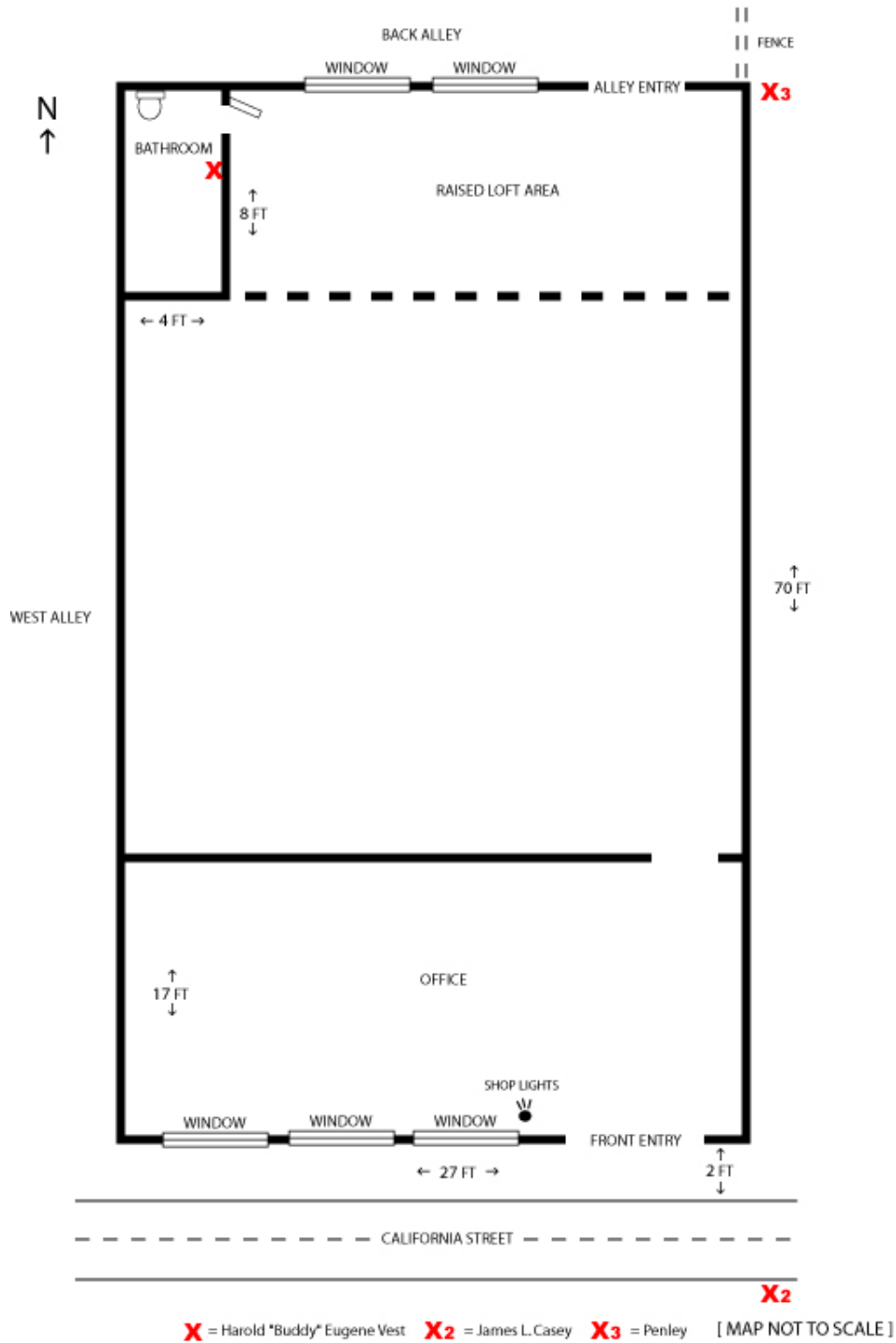
#		STREET	NAME	COMMENTS
704	E	California	Dinner Bell Café	
733	E	California	Pud's Chat & Chew	A few doors west of shop
1001	E	California	Curtis Restaurant	
206	N	Chestnut	Eat Well Café	
323	N	Commerce	Jenkins Café	
313	N	Commerce	Brown's Café	
206	N	Commerce	Hall's Café	
111	N	Commerce	New Deal Café	
109	E	Elm	Steward's Eat Shop	
201	E	Elm	Dixie Coffee Shop	
627	N	Grand	Lone Star Café	
821	N	Grand	Seven Seven Diner	
1103	N	Grand	Texas Café	
		Hwy 75	Two Way Café	
305	W	Broadway	Wooten's Café	
110	N	Rusk	Butch's Steak House	
114	N	Rusk	Coffee Pot Café	
400		Summitt	Alamo Café	
536		Throckmorton	Tip Top Café	
510	N	Weaver	Gertye's Place	

# SECTION II

## DESCRIPTION OF HAROLD "BUDDY" EUGENE VEST AND ENVIRONMENTAL FACTORS

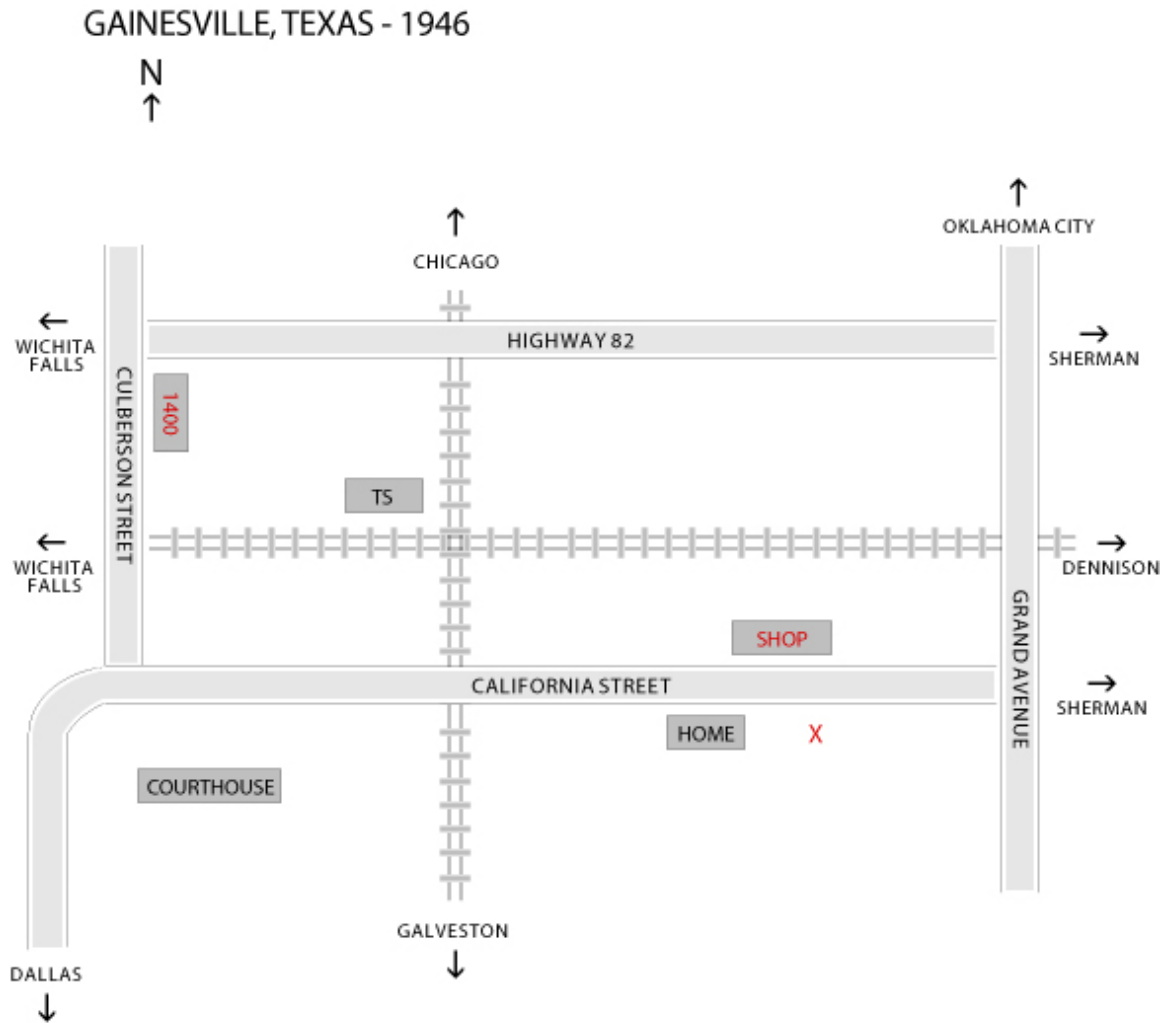
### DESCRIPTION OF VEST CABINET SHOP

See Reece Lance's statement



# SECTION II

## DESCRIPTION OF HAROLD "BUDDY" EUGENE VEST AND ENVIRONMENTAL FACTORS



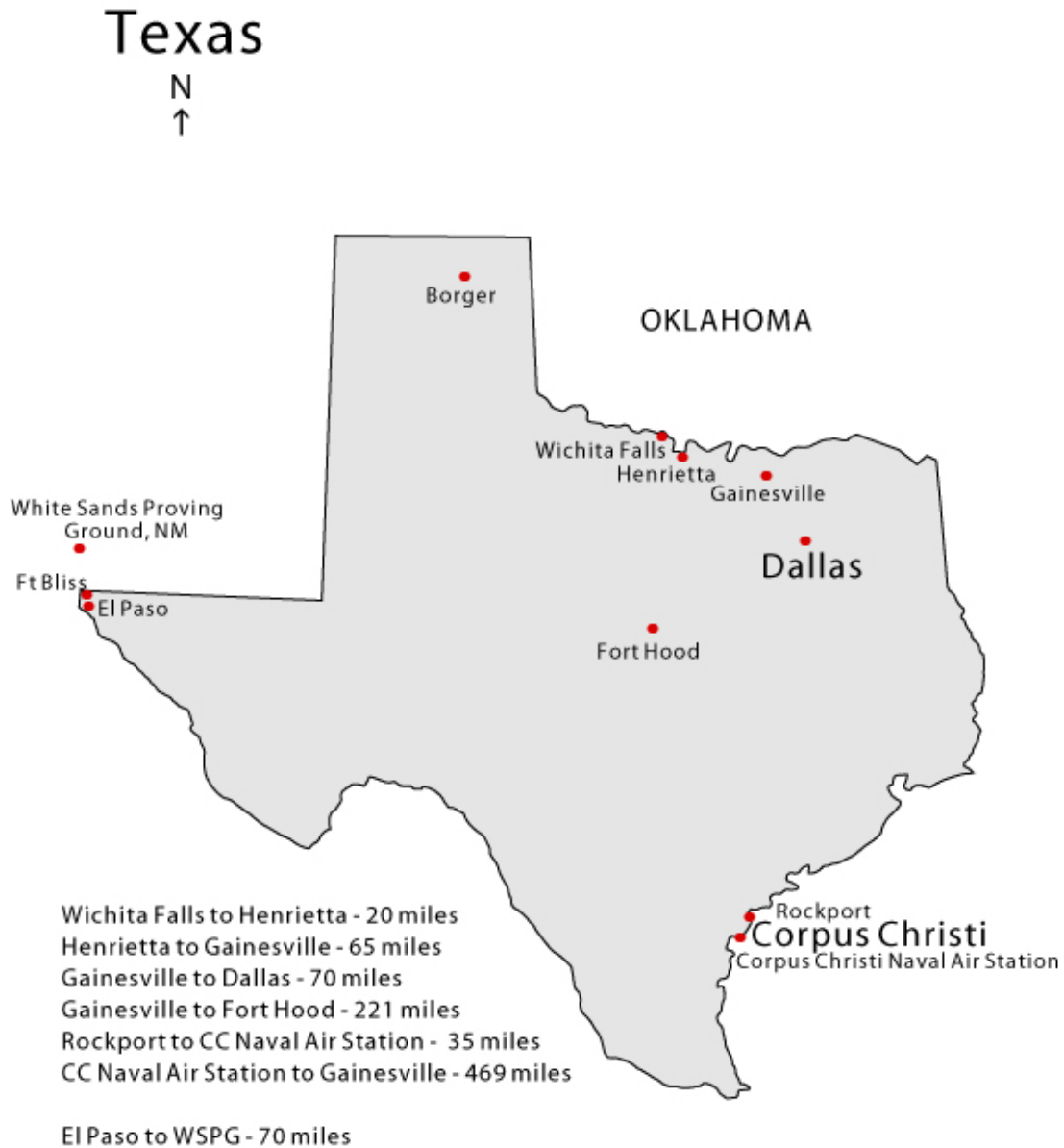
### LEGEND

- RR TRACKS
- X JAMES L CASEY
- 1400 1400 CULBERSON ST - VEST HOME
- TS TRAIN STATION
- SHOP 805 E CALIF ST - CRIME SCENE

[ MAP NOT TO SCALE ]

# SECTION II

## DESCRIPTION OF HAROLD "BUDDY" EUGENE VEST AND ENVIRONMENTAL FACTORS



[ MAP NOT TO SCALE ]





## SECTION III

## CAUSE AND MANNER OF DEATH AND MOTIVE ANALYSIS

**\*\*\* PLEASE READ \*\*\***

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## Harold “Buddy” Eugene Vest Manner of Death and Motive Analysis

### CAUSE OF DEATH

Although no autopsy was conducted, Justice of the Peace L.V. Henry ruled the cause of death to be asphyxiation. There is no evidence to substantiate or refute this ruling.

### MANNER OF DEATH

Justice of the Peace L. V. Henry ruled the death a suicide.

There is ample evidence that the death was not caused by suicide. The two most-likely manners of death would be accidental [autoerotic asphyxiation (AEA)] or homicide.

This analysis relies primarily on the results of the post-exhumation autopsies to conclude that the manner of death was homicide. There is abundant supplementary evidence (*Appendix I*) from the crime scene (*Appendix I*) to arrive at the same conclusion.

This document concludes that either the autopsies or the supplementary evidence standing alone each establish beyond a reasonable doubt that the manner of death was homicide.

### WITNESS ACCOUNTS

Most of the information for this section was obtained from:

**Inquest record:** Allegedly prepared by Justice of the Peace L.V. Henry based on his presence at the scene at 3 a.m. on June 28, 1946. The inquest record on file has been altered. It contains mistakes on both the victim's name and the location of the cabinet shop. The bottom half of the official record is missing; it has been torn off. Justice of the Peace L.V. Henry's signature does not appear on the document. The document was removed from the inquest record book, then stapled back sometime between 1946 and 2003.

Some of the document's information conflicts with other witness statements. There is reason to believe that the police may not have preserved the crime scene until Justice of the Peace L.V. Henry arrived. The inquest record states that Ms. Herb Seright gave information at the scene. Ruth states that she does not believe that her sister ever went to the shop that night. The inquest record does not list key witnesses as sources of information, such as Ruth, Ms. Howard, the sailor, the soldier, policemen and

the funeral home employees (Dan Flint and Vernie Keel). Ruth and Ms. Howard state that they were never interviewed by the justice of the peace. City officials whom we interviewed in Gainesville said that no police reports were prepared or kept prior to the 1960s.

Justice of the Peace L. V. Henry apparently prepared the inquest record based largely on hearsay from secondary and unknown sources, without attribution. If he made any effort to verify the facts contained in his report it is not documented. His conclusion that the manner of death was suicide seemingly contradicts a statement made by the decedent's father-in-law that the “deceased had no financial troubles and his marital life was apparently happy and congenial.” He makes no attempt to reconcile this statement, which is clearly contra-indicative of suicide with possible conflicting evidence of suicide. From our investigation, the justice of the peace apparently based his finding of suicide on hearsay from secondary sources.

It is highly questionable that the inquest record could be authenticated to be introduced as evidence in a court-of-law. However, much of the inquest record does appear to be corroborated by statements of witnesses and is a decent account of what the justice of the peace probably saw. (*Source overall reliability rating: Somewhat reliable*)

**Sworn statement and unofficial interviews with Dan Flint, the funeral home employee who took the body down.** Flint still lives in Gainesville. My impression, based on my interview of Flint on Feb. 17, 2005, is that Flint is now reluctant to talk much about the incident. Some of his statements seemingly contradict his previous statements and his off-the-record comments. As a long-time resident of Gainesville, Flint may be unconsciously trying to protect the reputation of the town and its past or present citizens. His wife was related to a police officer who she thinks was on the force at the time and, therefore, his objectivity in this situation is questionable.

Flint said that he examined the entire body three times because he knew he was going to be asked about it. He did not state why he thought that he would be asked or what questions he was anticipating. His seeming reluctance, seeming contradiction and lack of objectivity lead me to weigh his on-the-record and off-the-record statements less than I would have otherwise. (*Source overall reliability rating: Somewhat reliable*)

**Sworn statement and unofficial interviews with Reece Lance**, the 13-year-old boy who worked for Buddy. Lance re-entered the shop within a couple of days of the incident.

Lance is a highly credible witness. He is cooperative, willing to discuss the event, has a good memory, and went to the trouble to make a mock-up of the torture board. I give heavy weight to Lance's statement. (*Source overall reliability rating: Extremely reliable*)

## RECONCILIATION OF INQUEST RECORD WITH STATEMENTS MADE BY WITNESSES

Portions of the inquest record are reproduced in *italics* here.

**Inquest record:** *Upon arriving, the body was shown to be suspended by a thin leather belt, ostensibly removed from one of the woodworking machines in the building.*

There is no variation among the accounts. The justice of the peace does not describe the width, circumference, age or color of the belt. There was no apparent attempt by the justice of the peace to ascertain if there was a belt missing from one of the woodworking machines. Therefore, it is possible that the perpetrators brought the belt to the shop with them. Flint said that the machine belt was pinched together between the nails and the neck, then bound by tape.

**Inquest record:** *Three nails hammered to the door facing supported the belt.*

Flint says the nails were straight and at a 45-degree angle from the wall.

Lance says that the nails were hammered in the wall between the studs. The nails had been bent back over the machine belt to secure the belt to the wall. The difference here is important: If the nails were bent back over the belt, as Lance says, then, if Buddy acted alone, he would have had to secure the belt to the wall before placing the noose around his neck. If Flint is correct, then the belt must have been placed back over the nails in order for Lance to find it in that location a couple of days later. This seems unlikely.

It is more probable that Flint cut the tape holding the two sides of the belt together, thereby releasing the body. The belt was never taken off the nails prior to Lance's arrival.

**Inquest record:** *Deceased had a small rope tied around his waist, with the left arm pinioned to his side.*

Flint agrees. Flint says the rope around the waist was on the outside of the girdle. Flint does not recall how tight the rope was or exactly how the rope was secured.

Lance prepared a mock-up of the scene as he found it a couple of days after the death. His mock-up shows looped-rope hand restraints threaded through the holes drilled through the walls. Buddy would have been able to slip his hand into the restraint; however, removing it without assistance from the other hand would have been very difficult. The left-hand restraint was secured by knots on both ends on the outside bathroom wall to form a loop for the hand on the inside of the bathroom wall. The right-hand restraint had been untied on one end. The other end remained tied. The loose rope dangled on the inside wall of the bathroom. He said that there was sawdust on the floor where the holes for the hand restraints were drilled. Lance says that the three nails, sawdust and the holes in the bathroom wall were not present when he left work at 5 p.m. on the date of death.

Flint denies that hand restraints were threaded through the wall. My interview with Lance leads me to believe that he is a highly credible witness. It is unlikely, in my opinion, that he would remember the hand restraints and sawdust on the floor if there had been none.

**Reconciliation:** The rope was tied around Buddy's waist before placing him on the wall. The justice of the peace is silent as to how the left arm was pinioned to his side. It could be that there were left- and right-hand rope extensions tied to the waist rope. This would be similar to the chain shackles used to move prisoners today. Securing the hands by rope extensions would be more secure than placing the arm between the torso and rope. Moreover, this arrangement allows the prisoner more mobility and flexibility, and thus makes him easier to handle. The left hand may or may not have been actually placed through the looped rope restraint. If it was, it may not have been necessary to untie it from the rope extension first.

It is difficult to get a clear picture of how the left arm was pinioned to his side. The mental image that one gets from the evidence is that Buddy's left arm was placed between the torso and the rope looped around the waist and that his left hand was not actually placed in the looped hand restraint on the wall. This may or may not be the accurate image. The issue remains unreconciled in my mind.

**Inquest record:** *A small rope was tied around the legs at*

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*and just above the ankles and this was fastened to the wall by a small eye screw.*

Lance agrees. Further, Lance says that the eye screw was not present when he left work at 5 p.m. on the date of death. Flint does not remember an eye screw. Lance said that the loop formed by the rope was loose enough to barely slip the feet through. Inserting or removing the feet without assistance from the hands would have been extremely difficult.

**Inquest record:** *A block of wood approximately 4 inches square and 10 inches long was lying on the floor about 8 inches from the feet.*

Flint and Lance say there were two blocks. If Buddy stood flat-footed on the block, then removed the block and stood on his toes with his heels supported by the wall, he would have been at or slightly above his flat-footed standing position on the block. This agrees with Gus Blakely's statement to Ruth that Buddy "could have touched his feet to the floor."

**Inquest record:** *An open knife was lying near a drain in the floor.*

Neither Flint nor Lance remembers seeing a knife. It is unknown if the knife belonged to Buddy or was brought to the shop by the perpetrators.

**Inquest record:** *The body was clad in socks and ladies panties and a Lastex girdle.*

Flint said that the girdle was pulled all the way up and that the panties and the rope were on the outside of the girdle. Further, Flint said that Buddy could not have been masturbating at the time of death because the panties and girdle did not give him access to the genitals. He also said that there was no indication that the penis was erect at the time of death. (Sufficient blood in an erect penis at the time of death would most likely have caused the organ to become elongated.)

**Inquest record:** *A GI towel was placed in a loop around the deceased's neck as a cushion.*

Flint does not remember a towel. Lance found a towel wrapped around the belt in a clockwise direction with the end dangling 2 to 4 inches below the belt where the Adam's apple would have been.

**Inquest record:** *The body was hanging in a small restroom in the northwest corner of the building and the*

*opening in said restroom was a wooden door that fit extremely tight and was locked from the inside by means of a metal screen door hook.*

Lance stated the door did not fit tightly. On the contrary, it had to be held shut by a wooden block rotating on a nail. Lance stated that it would have been relatively easy to pull the door back enough to secure the screen door latch. Justice of the Peace L.V. Henry could not have firsthand knowledge that the bathroom door was locked. The sailor, soldier, police and funeral home employees had arrived before Justice of the Peace L.V. Henry. Flint stated that the door was open when he arrived. Accordingly, the door was opened by the sailor, soldier or the police.

Ruth and Ms. Howard confirm that the door was apparently locked from the inside when the sailor pulled the door open enough to see inside. The lock had not been broken when the two women left the shop. Ruth and Ms. Howard's accounts also vary from the justice of the peace report. That is, if the door "fit extremely tight" the sailor could not have pulled the top of the door open enough to see inside.

**Inquest record:** *She procured a passing soldier and sailor to go into the building and they noticed a light burning in the bathroom and, peeking through a crack, discovered the body.*

Both Ruth and Ms. Howard state that they entered the shop first, turned on the lights and noticed a light coming from the restroom. Ruth tried the door and found that it was locked, so they went outside to get the sailor they had noticed when they drove up. The sailor told them to leave the shop and stayed inside himself. Both women say no soldier was present when they left the shop to go to the police station.

Justice of the Peace L.V. Henry apparently made no effort to question the sailor or soldier as to what they were doing across the street from a strange death at 1 a.m.

**Inquest record:** *There were no marks of violence on the body save a few scratches and an indentation around the neck produced from the belt of suspension.*

Justice of the Peace L.V. Henry is not clear as to the location of the "few scratches" or how recent the scratches were. Flint said that he examined the naked body carefully three times at the funeral home. He told us that he "knew he would be asked about it." He did not say why he thought he would be asked about it.

He said that there were no bruises, scratches, lacerations or other marks of violence. He stated there were no scratches around the neck, but there was an indentation produced by the belt. Flint states that there was no bruising, swelling or blood around the nose. He says he saw no broken teeth, cut lip nor other indication of trauma around the mouth area. He said he saw no contusions around the L2 disk area on the back.

## **AUTOPSIES**

No autopsy was performed at the time of death. An autopsy conducted subsequent to the exhumation of the remains in spring 2004 revealed that soft tissue had decomposed.

The joint autopsy report dated Aug. 10, 2004, was performed by Joseph M. Guileyardo, M.D., a board-certified anatomic, clinical and forensic pathologist, and H. Gill-King, Ph.D., a Diplomate of the American Board of Forensic Anthropology (DABFA) from North Texas State University. The autopsy revealed a perimortem fracture to the left side of the skull at the bridge of the nose suggestive of blunt force injury and a perimortem broken front tooth also on the left side very suggestive of blunt force injury. The examiners did not find remnants of the broken tooth in the casket.

In March 27, 2005, Jerry Melbye, DABFA, of San Antonio performed another autopsy. Melbye confirmed the autopsy report issued by Guileyardo and Gill-King. He also found a perimortem greenstick fracture to L2 and a possible injury to C6 that were not mentioned in the previous autopsy report. Melbye reported that the L2 injury was probably caused by a blunt-force blow.

In November 2005, Forensic Dentist Robert G. Williams, Diplomate of the American Board of Forensic Odontology, examined the broken tooth with a microscope. He stated that the broken tooth was the result of a high-speed blunt-force blow originating from the outside toward the mouth. He stated that the injury did not occur as a result of preparation for burial or after burial. He said that it was definitely a perimortem injury.

All four examiners agree that these injuries were the result of perimortem trauma, meaning they were sustained at or near the time of death. They further stated that the injuries did not occur after burial and probably did not result from preparation for burial. Williams states definitely that the broken tooth was not a result of preparation for burial. They agree that all three injuries were the result of a blunt-force trauma.

## **RECONCILIATION OF THE AUTOPSIES WITH WITNESS ACCOUNTS**

Both my mother and Lance (who was the last to see Buddy alive at 5 p.m. on the date of death) say Buddy had no broken tooth and that he did not complain of pain in any part of his body when they last saw him. Buddy's sister, cousins and my mother say he had no prior skull or tooth injury. My mother says Buddy did not sustain any injury to his head or teeth during from the first week in February, when he arrived in Gainesville, until his death. Moreover, an unconfirmed newspaper account says that a policeman saw my dad between 6:30 p.m. and 7 p.m. outside the shop laughing and talking to several friends. If this is true he probably did not injure himself earlier that same evening, because the resulting pain, according to a Dallas, TX-based doctor, would have caused him to go home or to a doctor.

Flint, the funeral home employee, took the body down and removed it to the funeral home. He told investigators that the body was not dropped or otherwise mishandled in a way that would have caused the injuries. He said there were no protrusions from the bathroom wall which Buddy could have struck during death convulsions. Lance confirms this. Flint believes that the head was restrained in such a way as to prevent head injury by flailing.

He stated that he examined the naked body thoroughly for bruises, lacerations or other marks of violence, and there were none except the indentation caused by the belt. Flint embalmed the body in Gainesville. He said he did not break a tooth or injure the nose during the embalming process. His statements confirm that the broken tooth and nose fracture occurred before the body was taken down at the shop.

Both Justice of the Peace L.V. Henry's inquest record and the interview with the funeral home employee Flint report there were no visual injuries to the body. A blow or blows to the head that would cause a fracture and broken tooth normally would result in bruising, swelling, nosebleed or lacerations. However, if the blow occurred after death or a couple of minutes before, the lack of blood flow would prevent bruising and swelling. The lack of lacerations is unexplained unless lacerations went undetected or unrecorded by the justice of the peace and funeral home, or unless the blow did not result in any noticeable cuts. Guileyardo and Melbye stated that lacerations may not have been present. Moreover, Melbye stated "superficial bruising appears rapidly, but is relatively faint. Deep bruising is the kind more generally recognizable, and this kind of bruising can take up to 24 hours to appear."



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Melbye further reported “three injuries of considerable blunt force, in three discrete areas (front and back), deems flailing as a cause to be unlikely.”

### MANNER OF DEATH CONCLUSION

From the evidence above, I conclude that:

- The three perimortem trauma injuries were not self-inflicted.
- The injuries did not occur before Lance left the shop at 5 p.m. (*beyond a reasonable doubt, based on Ruth and Lance’s statements with corroboration by medical experts that the L2 injury would have been debilitating*)
- It is probable that the injuries did not occur before 6:30 p.m. (*source: newspaper*) (*medium level of confidence*)
- The injuries did not occur after the body was found between 12:30 a.m. and 1 a.m. (*beyond a reasonable doubt, based on the autopsies and statements by witnesses*)
- It is probable that Buddy put on the girdle before the L2 vertebra injury occurred. Otherwise, it would have been very difficult to put on the girdle without assistance because of the extreme pain caused by the blow. (*medium level of confidence*)
- The panties were put on after the girdle. (*high level of confidence based on Flint’s statement that the panties were on the outside of the girdle*)
- The rope around the waist was attached after the panties were put on but before pinning Buddy to the wall. (*high level of confidence based on Flint’s statement that the belt was on the outside of the panties and girdle*)
- The injury to the L2 had to have occurred before Buddy was pinned to the bathroom wall. (*beyond a reasonable doubt, based on the testimony of Flint and Lance that there were no protrusions from the wall that he could have hit his back on, and statements by Flint that the body was pinned so tightly to the wall that the perpetrators could not have reached it to cause a blunt-force injury*)
- The injuries did not occur as a result of death convulsions. (*beyond a reasonable doubt, based on autopsies and witness statements*)
- The injuries did not occur while preparing the body for burial or after burial. (*beyond a reasonable doubt*)
- He was either dead at the time of the nose injury or death occurred before superficial bruising or bleeding could occur. We estimate 2 minutes. (*high level of confidence*)

Therefore, I conclude by deduction that the injuries occurred as a result of an assault by a second party or parties. (This deduction is arrived at beyond a reasonable doubt, supported by the evidence [supra].)

### SUMMARY OF CONCLUSIONS

**Time of death:** Buddy’s death occurred between 6:30 p.m. (police saw Buddy in front of this shop between 6:30 p.m. and 7 p.m.) and the time his body was found, some time between 12:30 a.m. and 1 a.m. (*beyond a reasonable doubt*)

**Cause of the trauma to the bridge of the nose, tooth and L2:** Impact with a dull-edged object, inflicted by a second party(s). (*beyond a reasonable doubt*)

**Cause of death:** Asphyxiation (*low to medium level of confidence*)

**Manner of death:** Homicide (*beyond a reasonable doubt*)

### INFERENCES FROM THE MANNER OF DEATH ANALYSIS

This section is based on the analysis above and also the *Crime Scene* document.

#### **There was more than one perpetrator.**

My estimate is that there were four to seven perpetrators. The optimal number would be seven. One posted as a lookout, one interrogator, two handlers, two to prepare the torture board and Casey, who was probably there as an expert.

The newspaper account says that Buddy was laughing and talking to several friends outside his shop between 6:30 p.m. and 7:00 p.m. The word “several” implies more than three.

#### **The perpetrators were not angry until the end, when they struck Buddy, fracturing his nose.**

This could have occurred during Buddy’s unconsciousness after attempts to revive him failed, frustrating the perpetrators.

#### **The perpetrators making the blunt-force blow to Buddy’s nose may have been right-handed.**

The blow landed on the left side of Buddy’s nose. If the person delivered the blow with his fist, then the break was probably as a result of a right hook.

The propensity of both boxers and non-boxers is to deliver a hook with their favored hand, since the force of the blow is amplified by distance. Thus, the person delivering this

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blow would most likely be right-handed.

### **The perpetrators were clearheaded and not on drugs and alcohol.**

Individuals on drugs and alcohol would have had impaired motor skills and would not have been able to methodically interrogate Buddy or prepare the torture board in such a professional manner.

### **They were methodical and staged in their approach. They were professionals.**

The perpetrators appear to have known what they were doing. They were careful to not leave marks on the body. They knew that an extreme-force blow to the kidney would be debilitating and to use a girdle to keep the subject ambulatory. They used known interrogation methods, such as humiliation (women's undergarments), dependency upon the interrogator, high-stress position (standing on tiptoes) and confinement by controlling Buddy's ability to breathe (machine belt with towel).

They were careful to bend the nails back over the machine belt to avoid slippage. This may be indicative of previous experience with similar torture-board interrogations.

In my opinion they had used the same *modus operandi* in the past.

### **There would be a limited number of suspects.**

Few people at this time had this level of experience with torture interrogations. Torture as a means of interrogation was only used in WWII in rare instances in which vital information was needed and time was of the essence. I would expect that there would be no survivors of WWII torture victims because the U.S. military was extremely sensitive not to set a precedent that could be used as an excuse by the German military to reciprocate on allied POWs or that could have negative diplomatic repercussions (the effect of treaty violations on world opinion and future treaty partners).

Note that the civilians suspected of being spies would not fall under the Geneva Convention. Further, the interrogation of civilians, other than German, would be unlikely to result in retaliatory treatment of German-held American and Allied POWs. Therefore, interrogations of citizens of occupied countries believed to be Nazi collaborators, such as France, Belgium, Netherlands, Poland, etc., could have been conducted using torture without military or diplomatic repercussions.

The method of interrogation was extremely severe, and arguably unnecessary and inefficient. It also has an element of revenge. The French underground may have used this type of interrogation when questioning suspected Nazi collaborators. Their method would have reflected multiple objectives: 1) to get information, 2) to set an example to others who were considering collaborating with the Germans, and 3) to exact revenge for the damage done to the interrogator's family and friends by collaborators.

### **The perpetrators in Buddy's death were not overly concerned with time.**

They took time to inflict the beatings, construct a torture board, continue the beatings, lock the restroom door from the outside, turn out the lights and padlock the front door. To ensure that they were not interrupted, they probably posted a guard.

### **There was either a woman present or the perpetrators brought women's garments with them.**

### **At least one of the perpetrators was obsessive/compulsive to some degree.**

The methodical approach to the interrogation, locking the restroom door from the outside, turning out the lights and padlocking the front door are indicative of an attention to detail frequently demonstrated by mildly obsessive/compulsive personalities. These types of personalities are drawn to analytical professions such as attorneys, physicians, engineers, accountants and the like.

### **They had used this *modus operandi* in the past.**

See previous point in *Inferences From Manner of Death Analysis*.

### **They may have set up surveillance on the shop and waited until Buddy appeared.**

The time that the police saw Buddy in front of his shop "laughing and talking with several friends" coincides with the time that he would have had to leave the shop in order to arrive home at dinnertime. It is likely that the perpetrators set up surveillance on the shop to wait until dark to enter. When Buddy left early, they moved in and got him back into the shop on a pretext.

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**Buddy may have known at least one of the men police spotted at 6:30 p.m. to 7:00 p.m. in front of the shop.** (See *Analysis of the Newspaper Article* in the *Witness* section)

**The perpetrators may have left something behind inside the shop.**

If Casey and Penley were involved in the interrogation, the most likely explanation for their presence on the street later is that they left something behind in the shop and needed to retrieve it. The door had been locked behind the perpetrators.

The position of Casey across the street with a view to the east side of the shop may indicate that Penley was at the northeast corner watching the back door. Together they were covering both entrances to the shop.

Casey telling the women to leave the shop but staying inside himself is suspicious. Penley showing up after the women left but before the police arrived is also suspicious.

It is unknown who broke into the bathroom. If it was Penley and Casey and not the police, it may indicate the object left behind was inside the bathroom and not in any other part of the shop.

Alternatively, Penley and Casey may have later questioned whether Buddy was dead and wanted to make sure before they left. Less likely is that they wanted to influence the authorities to make sure the death was not ruled a homicide.

**Electronics Mate First Class James L. Casey should be considered a suspect.**

The presence of Casey across the street from a homicide late at night with a highly questionable alibi is suspicious. Research so far has been unable to eliminate him as a suspect. (See *Suspects* section)

**PFC Penley should be considered a suspect.**

The presence of Penley (the newspaper incorrectly states his name as "Pendley") at the scene is suspicious. Penley arrived at the scene after the women left the shop and before the police arrived (about 15 minutes later). Like Casey, Penley's alibi for being in the vicinity is suspicious (see *Suspects* section). Penley was discharged from the Army in December 1945. His unit and Buddy's unit (147<sup>th</sup> Combat Engineers and 711<sup>th</sup> Engineering Base Depot) were both part of the Channel Base Section located in

Brussels. There is a very high possibility that they may have known each other from their assignments with the same unit - Channel Base Section - in Belgium.

## MODUS OPERANDI

The autopsies and witness accounts suggest that Buddy's death occurred as a result of excessive force applied during the process of interrogating him.

Buddy was reported to eschew altercations, did not drink or take drugs, was friendly and likeable, did not owe significant amounts of money, did not own a car, had no significant or unusual business transactions, did not engage in womanizing, did not gamble and did not have an excessive or unexplained lifestyle or other characteristics frequently associated with homicides.

Dan Bierman, our interviewer, states that in his opinion, the perpetrators were not from Gainesville or the surrounding area. (See *Report of the Interviewer*)

The crime scene does not appear to be typical of a discovered robbery, hit, etc. Such homicides are characterized by the immediate dispatch of the intruder followed by haste in leaving the scene of the crime.

The crime scene does not appear to be typical of a homicide involving passion, jealousy or rage. Typically these homicides are preceded by severe beatings leaving lacerations, abrasions and contusions that would be obvious to witnesses. The perpetrators would not have taken the time to construct a torture board. They would not have used a towel wrapped around the belt.

The crime scene does not appear to be typical of a sociopathic/psychopathic-type homicide.

The crime scene does not appear to be typical of a hate crime or a random/wanton homicide.

The crime scene does not appear to be typical of mob-style interrogation, which frequently results in mutilation of the body, such as missing or smashed fingers and toes, severe lacerations, abrasions and contusions.

The crime scene does suggest that Buddy was interrogated prior to death. The evidence is consistent with military and covert operations interrogation techniques using torture to extract extremely sensitive information in a short amount of time (see *Crime Scene Analysis*).

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### MOTIVE ANALYSIS

The motive for the interrogation cannot be determined solely from the autopsies or witness accounts. However, the inferences previously enumerated may lead to a possible motive and/or suspects:

The most likely location for the **motive to have originated is while Buddy was in Belgium** with the 711<sup>th</sup> Engineering Base Depot Company from March 1945 to January 1946.

**It is possible that the Russian military may have been involved. They made an inspection of the storage units at Antwerp for the purpose of buying U.S. equipment sometime in 1945.**

**It is very possible that Buddy knew Penley.**

The newspaper account says that he was seen between 6:30 p.m. and 7:00 pm “laughing and talking with several friends” outside his shop. It is possible that Penley, whose rank at that time was T5, and Buddy may have met in Belgium. Penley’s unit, the 147<sup>th</sup> Combat Engineers is known to have been in Belgium (near Brussels) during the same time that Buddy’s unit, the 711<sup>th</sup> Engineering Base Depot Company, was there. Both units were part of the Channel Base Section located in Brussels.

**Buddy may have been in Paris within the two months prior to leaving Europe.**

He bought Ruth Chanel No. 5 perfume in Paris and brought it home to her. If he thought that he would not be coming home soon, he most likely would have mailed it. Since there is no indication that his unit was in Paris the last three months of his tour of duty, it may be significant that he had visited Paris as an individual.

**Casey and Penley may have been retained by a principal.**

There is nothing in either of their backgrounds that would indicate that they might have known each other prior to planning the interrogation. This would suggest that they were drawn to each by a principal.

Further, if Casey and Penley did not know each before, the investigation **most likely did not involve personal motives** such as stolen loot from Germany.

The absence of Casey from his duty station on a weekday night is **suggestive of collaboration with Navy authorities.**

There might be a nexus between the motive and a vested Navy interest. This nexus could be the Navy’s Bureau of Aeronautics, which was partnered with the Army Ordnance Branch at White Sands Proving Ground at Fort Bliss (Penley’s place of discharge on Dec. 31, 1945) in El Paso (Penley’s home before and after the war). Casey was an aviation radar repair technician instructor on super-secret Ward Island at the Corpus Christi Naval Air Station, a location and position that was under the control of the Navy’s Bureau of Aeronautics.

It appears that **the reason for the interrogation was to obtain only information**, not to recover something that they suspected that Buddy had in his possession.

The perpetrators appear not to have followed up the homicide with visits to Ruth or Buddy’s parents. It appears that they did not suspect Buddy of having anything of value to them other than information.

The subject of the inquiry involved **something of great perceived value.**

The principals must have **believed that Buddy was involved in something illegal.** If not, they most likely would have just asked him questions without being prepared to torture him.

**Buddy apparently did not receive monetary compensation** from other people who might possibly be involved in the subject of the inquiry. His lifestyle can readily be reconciled to legitimate sources of cash. The family did not even have a car or telephone.

The reason for inquiry **was not discovered until Buddy left Europe on Jan. 6, 1946**; the most probable time for the subject of the inquiry to have originated would be the end of December 1945 or the first week in January 1946. If the subject of the inquiry were discovered earlier, then the interrogation most likely would have been done in Europe. However, the disorder created by disbanding the Office of Strategic Services could be responsible for this omission.

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**Note: The OSS was disbanded in October 1945. The Strategic Services Unit (SSU) was transferred to the War Department at this time. The Department of War would most likely not have authorized interrogation by torture. They had too much to lose. It was not until April 3, 1946, that operational control of the SSU was transferred to the Central Intelligence Group, a group established in January 1946 by presidential directive of President Truman and without congressional approval.**

**Casey may have been on the scene as an expert, feeding the interrogator questions.**

There is nothing in Casey's background that would suggest that he was ever involved in interrogation during the war. Therefore, his presence on the scene is explained by his expertise in radar technology.

If Casey was there as an expert, then the reason for the interrogation most likely **would not have involved something that was already known to the principals.**

For example, if the reason for the interrogation involved a piece of top-secret radar equipment used by the U.S. military, Casey would not be needed, since the principals were already familiar with the design and operation of the equipment.

However, something like a one-of-a-kind prototype of a radar-controlled guidance system for a rocket developed by the Germans would be irreplaceable. If it showed up missing, the principals may have been trying to get information on its design and operation as well as the details of how and why it was taken.

The failure of the May 29, 1946, launch of V-2 rocket No. 4 at White Sands was caused by the failure of a gyroscopic guidance system. The series of launch failures in the beginning of the V-2 rockets fired at White Sands is suspicious. The Germans had successfully fired approximately 2,900 V-2s at the Allies between September 1944 and April 1945. Why was it so difficult for the same people with the same V-2, parts and equipment to fly a rocket in the United States without a series of failures?

The answer could be that in their haste to get out of the Russian sector, the Germans left behind some part, system, plan, diagram or document in Germany inadvertently.

**Casey's subsequent employment by the Central Intelligence Agency in 1952-53 may be significant.**

**Penley's position in the Battalion S2 (Intelligence) during the war might have involved interrogation of French civilians believed to be Nazi collaborators. The interrogation by torture of French civilians would be unlikely to cause the Germans to retaliate against American or Allied POWs.**

**Penley may have been there on a contract basis.**

He was discharged from the Army in December 1945, six months before the homicide. Moreover, according to family members, there is reason to believe that Penley had a lifestyle for a year and a half after his discharge that was beyond the expectations of a returning GI. During that period he was unemployed and was purchasing tailor-made suits. His parents reportedly said that they were tired of him staying at home and "living like a rich bachelor."

If both Casey (Navy) and Penley (Army) were involved and their principal was a U.S. government agency or group, then the agency or group was most likely not a part of the Navy or War Department. **The principal may have been a group or agency, such as the Central Intelligence Group**, which drew resources from eclectic sources including both the Army and the Navy.

*Appendix III to the Motive Analysis* provides a **purely fictional account** of what might have occurred. I have incorporated the above analysis of the motive into the hypothetical scenario. Its purpose is to orient the reader and establish a baseline scenario to aid further investigation. **It should not be construed as what actually happened.** As additional evidence is gathered, the hypothetical presented will also change. Readers should refer to the Disclaimer at the beginning of this document and each main section.

**PERPETRATOR INTENT**

It is unknown whether the perpetrators developed a homicidal intent prior to entering the shop or if they got carried away with torture and accidentally caused Buddy's death.

They could not have let him live after they had committed an assortment (assault, battery, breaking and entering, possibly burglary, and false imprisonment, among others) of crimes (possible incarceration) and torts (possible civil liability) at the scene. In addition, if the interrogators were agents of a U.S. government group, the perpetrators could not let Buddy live for obvious reasons.

The homicide would most likely at least fall under felony or wanton-act murder. The evidence suggests that other lesser offenses that would not merge with murder may have also been committed. In addition, federal law, including, but not limited to, violations of various articles of the Code of Military Justice, may have been violated.

It is interesting to note that the Central Intelligence Group was activated by presidential directive from President Truman. Therefore, the group would be under no congressional mandate at the time of the death. The SSU, temporarily housed at the War Department after the disestablishment of the OSS, came under the control of the CIG in April 1946 by a memo issued by the secretary of war.

The War Department would have total deniability after the issuance of the memo. That left the director of central intelligence, Lt. Gen. Vandenberg, with complete authority to deploy the SSU as he saw fit, virtually without oversight.

Lt. Gen. Vandenberg, an Army Air Corps officer, previously Army G2 (Intelligence), was installed as director of central intelligence (DCI) on June 10, 1946, 12 days after a guidance system failure of a V2 launch at White Sands resulted in the rocket landing in Mexico. He replaced Rear Adm. Souers, who had held the position only 4½ months.

Vandenberg's installation as director preceded Buddy's death by 17 days.

Two weeks after Buddy's death, on July 11, 1946, Col. Louis Fortier, assistant director and acting chief of operations, was relieved (fired) by Vandenberg. Relieving a high-ranking officer, especially during peacetime, is rarely done because of the damage to the officer's career. It is noteworthy that Vandenberg would only have had one month to observe Fortier's performance and arrive at a

decision to relieve him. It is unknown why Vandenberg would choose to relieve a directly-reporting subordinate rather than have him reassigned. I have been unable to find the official stated reason for the firing of Fortier.

Also on July 11, 1946, Kingman Douglas resigned as deputy director after only four months in that position. If the homicide involved a U.S. governmental group, acting within their official capacity, they may have violated various constitutional provisions and laws protecting the rights of U.S. citizens and residents.





# APPENDIX I

## CRIME SCENE ANALYSIS PREPARED BY: HERB D. VEST

\*\*\* PLEASE READ \*\*\*

DISCLAIMER: This summary is designed to document an independent assessment of the facts and theories surrounding the death of Harold "Buddy" Eugene Vest on June 28, 1946, in order to discover the truth. This summary is not designed to impugn anyone. Readers must understand that many of the statements in this summary are not factual, but rather are opinions, impressions and speculations based on assumptions and interpretations of existing and necessarily incomplete information. This summary includes fictionalized accounts designed to further the investigation. These fictionalized accounts may not be accurate. Indeed, the information contained in this summary is not warranted to be accurate and we assume no responsibility for damages arising from the publication, distribution, use of, or reliance on any such information. This summary is a living document, and as such it is subject to change without notice.

## CRIME SCENE

### AUTOPSY

#### Autopsies performed

- The joint autopsy report dated Aug. 10, 2004, was performed by Joseph M. Guileyardo, MD, board-certified anatomic, clinical and forensic Pathologist and H. Gill-King, Ph.D., Diplomate of the American Board of Forensic Anthropology (DABFA). They found a perimortem fracture to the bridge of the nose and a broken tooth.
- On March 27, 2005, Jerry Melbye, DABFA, of San Antonio issued another autopsy report. His report confirms the findings of the Guileyardo and Gill-King reports. He also found a perimortem greenstick fracture to L2.
- In November 2005, Forensic Dentist Robert G. Williams, Diplomate of the American Board of Forensic Odontology, examined the broken tooth with a microscope. His report confirms the Guileyardo/Gill-King and Melbye reports as to the broken tooth. His report gives more information of the nature of the injury to the tooth and the previous autopsies.

#### Facts about the three perimortem injuries

- Greenstick fracture at the L2 lumbar vertebra.
  - Located behind the kidney.
  - Medical experts tell me that it would have caused severe pain and blood in the urine.
  - It would have been impossible to inflict this injury while Buddy was pinned to the wall.
- Broken upper front tooth on the left side of his face.
  - The bottom of the casket was thoroughly searched. No tooth fragments were found.
  - Result of a high-speed blunt force blow from the outside toward the mouth.
- Broken nasal bone on the front left.
  - Caused by being struck by a blunt force.

#### Analysis

- The greenstick fracture would most likely have occurred after putting on the girdle, otherwise, it would have been difficult for Buddy to get it on while suffering excruciating back pain.
- Since the greenstick fracture occurred before placing him on the torture board (supra), it is reasonable to believe that the perpetrators may have inflicted other

non-skeletal damage to internal tissue, such as stomach or groin injuries.

- The greenstick fracture was produced by a well-aimed blow to the kidneys. This suggests that the perpetrators knew how to inflict the maximum amount of pain without producing marks.
  - The perpetrators may have inflicted this type of pain on others in the past.
  - The perpetrators may have had professional training in interrogation or torture.
    - Police are not professionally trained in torture for use in interrogation.
    - Highly suggestive that the torture was not a result of rage or the like.
    - Military and other governmental intelligence organizations interrogation teams cannot be ruled out.
- Since mafia-type hits rarely go through this type of methodical torture, and since mafia-type hits are rarely concerned with concealment of the torture from the authorities, then it is likely that the perpetrators were not members of organized crime.
- If there were no marks on the body, then the perpetrators were extremely careful not to leave bruises, lacerations or swelling.
- It may mean that they were not worried about an autopsy being performed.
- The nasal bone fracture would most likely have occurred within a couple of minutes around the time of death. If it occurred earlier it is likely that there would have been bleeding, bruising and swelling.
- It is not possible to guess when the broken tooth occurred.

#### Working hypothesis

- The perpetrators had done this type of torture/murder before.
  - Police (unlikely)
  - Military interrogation team members (most likely)
  - Other?
- The perpetrators tortured Buddy prior to placing him on the wall, and then immobilized him on the torture board and continued their torture.
  - Because of passion, rage or hate (unlikely).
    - Losing their temper is inconsistent with no marks.
    - Taking time to construct a torture board is inconsistent with rage. It also suggests that the perpetrators posted a lookout.

- The crime scene suggests that the perpetrators were methodical and staged in their approach. This is inconsistent with a crime of passion, but consistent with professional interrogation.
- Because the perpetrators wanted information from Buddy.
  - Consistent with methodical and progressive torture.
  - Consistent with professionals.
  - However, there is nothing to suggest that Buddy had knowledge or loot that would warrant professional interrogation.

## NO MARKS ON THE BODY

### Facts

- Inquest record said there were no marks on the body.
- Could be a cover-up for the purpose of avoiding the hassle and embarrassment of investigating a murder in Gainesville.
- Flint, the funeral home employee who took the body down, said that he turned the body over three times and did not see marks on the body.
- May be in conflict with the recent autopsy.

### Working hypothesis

- Perpetrators were careful to leave few marks on the body.
- Inconsistent with anger/vengeance/passion motive.
- Consistent with professional interrogation team working methodically.

## GI TOWEL AROUND THE MACHINE BELT AT THE NECK AREA

### Facts

- **Inquest record:** "A GI towel was placed in a loop around deceased's neck as a cushion."
- A witness (employee Lance) said that the towel was rolled in a clockwise fashion around the machine belt with the end of the towel extending about 2 to 4 inches down from the belt.

### Possible purpose

- To prevent constriction of the carotid artery and crushing of the larynx. This would have prolonged the time before Buddy lapsed into unconsciousness,

increasing interrogation time.

- The perpetrators could have allowed Buddy to strangle until he became unconscious. By pulling down and out with the end of the towel, the perpetrators cleared the airway so that he would be restored to consciousness. By repeating this procedure several times, Buddy would have endured the psychological impact of dying several times.

### Analysis

- Inconsistent with anger/vengeance/revenge motive.
- Consistent with professional interrogation.

### Working hypothesis

- Perpetrators were controlling Buddy's state of consciousness for the purposes of maximizing the psychological impact of air deprivation and extending their interrogation time.

## NAILS

### Facts

- Flint told me that the nails were straight and that he lifted the body and the belt off of them. If this is true, then Flint would have had to replace the belt back onto the nails in order for Lance to find the belt on the nails a couple of days later. This seems unlikely.
- Lance said that the nails had been bent back over the belt. This seems likely. All that Flint would have had to do was cut the tape holding the belt together between the nails and neck and Buddy would "fall out." Thus the belt would have been left in place for Lance to find a day or two later.

### Analysis

- Bent nails would have prevented the belt from slipping off during the time they were placing Buddy on the wall and from slipping off due to violent convulsions during interrogation. This could have been done because the perpetrators had a previous experience in which the strangulation device slipped off of the hook.
- If the nails were bent, then the perpetrators most likely placed the belt on the wall first, then placed the belt around his neck. Then they pinched the belt together between the nails and his head and taped it. Flint said that the belt was pinched and taped.
- Bent nails are inconsistent with anger/vengeance/passion motive.

**Working hypothesis**

- The nails were bent back over the belt to prevent accidental slippage in preparation for and during the interrogation.

**BLOCK OF WOOD****Facts**

- **Inquest record:** “A block of wood approximately 4 inches square and about 10 inches long was lying on the floor about 8 inches from the feet.”
- Both Flint and Lance said there were two 2” X 4” blocks of wood. This seems to be irrelevant.

**Analysis**

- Why would the perpetrators use a block of wood?
  - To stand Buddy on so that they could kick it out from under him when they were ready to finish him?
    - This would require almost exact measuring. (unlikely)
    - 4 inches off the floor would leave him room to touch the floor by standing on his tiptoes unless he was standing on his tiptoes on the block. This is probably not the case since Gus Blakely, Ruth’s father, told Ruth that Buddy “could have touched his feet to the floor.”
  - To stand Buddy on while they strapped him to the wall? When the block was removed, he would have to stand on his tiptoes to avoid strangulation. This would become very tiresome after a while and would contribute to his agony.
    - Blakely told Ruth “he could have touched his feet to the floor at any time.”
    - Since the block of wood was located 8 inches from his feet, it is unlikely that the perpetrators were emotional when they removed it. If they were emotional, they would have kicked it farther away from the feet in a dramatic statement of their anger.
    - Standing on the tiptoes is a high-stress position. Placing the subject in high-stress positions is a frequently used interrogation technique.

**Working hypothesis**

- The block of wood was used to stand Buddy on while

strapping him to the wall. Once he was strapped onto the wall, the block was removed, thus requiring Buddy to stand on his tiptoes during the interrogation/torture in order to avoid strangulation. This position would be extremely tiring and have produced pulsating feelings of panic and fear.

**HAND AND FEET RESTRAINTS****Facts**

- **Inquest record:** “Deceased had a small rope tied around his waist, with the left arm pinioned to his side. A small rope was tied around the legs at and just above the ankles and this was fastened to the wall by a small eye screw.”
- Lance stated that there were rope hand restraints looped through the wall on both sides. The rope securing the right hand had been untied on one side and was flopping free on the bathroom side of the wall. There were sawdust shavings on the floor below where the holes were drilled.
- Both versions have the right hand free.
- Both versions have a small rope tied around the legs and looped through an eye screw.

**Analysis**

- Why was the right hand free?
  - If the perpetrators struck a knock-out punch right before he died (see autopsy, supra), then he could not have freed his right hand without help from the perpetrators. Therefore, the perpetrators untied his right hand.
  - The inquest record and Flint’s statement state that his left arm was pinioned to his side with a rope around the waist. It is unclear how his left arm was pinned. It could have been by rope extensions connecting the hands to the rope around the torso. Regardless of how his left hand was pinned, it would not necessarily be inconsistent with the hand restraints looped through the wall.
  - The purpose of the free hand most likely would not have been to acquire his signature. It would have been easier to kill him, then forge his signature.
  - Possible: To draw a map, diagram or an object.
  - Most probable: The strangulation device had hindered Buddy’s ability to talk. Accordingly he had to have his right hand free in order to write answers to the interrogators’ questions.

### Working hypothesis

- The right hand was freed by the perpetrators and not by Buddy. He was required to write answers to the interrogators' questions.

## PANTIES, GIRDLE AND BRA

### Facts

- **Inquest record:** The body was clad in socks and ladies panties and a woman's Lastex girdle.
- Herbert Seright told his daughter, Brenda, that he removed a bra from the body.
- Flint stated that the panties were pulled up over the top of the girdle.

### Analysis

- Why would the justice of the peace be aware of the material from which a woman's girdle was made?
- There was either a woman present or the perpetrators brought women's clothing into the shop.
- In the 1930s, the Dunlop Co. began producing a combination of latex rubber and ammonia that they called Lastex, an elastic yarn finer than any ever achieved. Lastex was woven into new stretchy support garments like the roll-on, which simply slipped on the body like a sock.
  - Before the war, there was a severe depression. Many women even made their own underwear. A Lastex girdle would have been considered a luxury. It would have been restricted to women with above-average income.
  - During the war years, rubber and synthetic use for civilian purposes would have been extremely curtailed. I doubt that this girdle would have been produced using rubber at all from 1941 through 1945. It was produced using synthetic material in unknown quantities.
  - At his height and weight (5'9", 155 pounds), two different tailors estimated Buddy's waist size at 34 inches. A small woman's waist is approximately 22 inches to 26 inches. A small-sized elastic girdle would have restricted the movement of Buddy's diaphragm and made breathing laborious. It also would produce feelings of confinement. The size of the girdle is unknown.
  - Possible purposes of the girdle
    - To induce feelings of confinement, humiliation and dependency on the interrogator.
    - To severely restrict breathing and thus

reinforce feelings of confinement and fear.

- To restrict blood flow to the surface of the skin. This would have prevented immediate bruising. After his death, blood flow would have stopped; thus no visible bruising would have been apparent to the justice of the peace or to Flint.
- To provide support to help keep Buddy ambulatory. Body blows, particularly to the kidney, can be debilitating. The support provided by a girdle would have mitigated the effects of these injuries on the subject's mobility and made it easier for the perpetrators to move Buddy around.
- Possible purposes of the panties and bra.
  - To induce feelings of humiliation and dependency on the interrogator.
- Panties:
  - The panties might also have been painful to the groin area and exposed his genitals for torture purposes. (unlikely)
  - One field interrogation tool frequently used in modern war is connecting the subject's genitals to wires leading from a hand-cranked field telephone. When the crank is turned, the resulting electric shock can be extremely painful. If this technique was employed, the panties may have prevented or reduced burn marks on the subject.
  - There is a picture of an Iraqi prisoner with women's panties over his head as a hood. Hooding is a frequently used interrogation device. The panties could have been used for hooding purposes before putting Buddy on the wall. Before placing Buddy on the wall, they made him put on the panties over the outside of the girdle where they were found (per Flint's conversation with Bierman).
  - Being found in women's clothes would have been extremely humiliating to men of this era. There is little doubt that the perpetrators used this to their advantage. They could have taunted him with: "This is how your family will find you. Your family will think you were a sexual pervert. They will think you were a 'queer!'" (The term "queer" was a pejorative term used among the less-refined to describe male gays in 1946).



- Since bras were not as elastic in the 1940s as they are now, a small-size bra (made for a woman with a 32-inch chest measured from under the armpits and above the breasts) would have been extremely tight on Buddy (estimated, by two tailors, at 40 inches when worn at or slightly above the nipple). A tight bra around the chest would have made it difficult to expand the chest when breathing.

### Working hypothesis

- The perpetrators used the women's garments as a means of producing feelings of humiliation, dependency and confinement (tight girdle and bra).
- The secondary purpose of the girdle and bra was to limit the amount of air intake by restricting the expansion of the diaphragm (girdle) and the chest (bra). When combined with the pressure around his neck produced by a noose, his ability to breathe would have been severely restricted. All the while, his feet were tiring from standing on the tips of his toes. Restriction of his air intake would have produced pulsating feelings of panic and reinforced feelings of dependency on the interrogator.
- The girdle may have also been used as support to keep Buddy mobile during the interrogation.
- The perpetrators had the money to purchase a Lastex girdle or at least discard a used one.

## SAILOR AND SOLDIER

### Facts

- **Inquest record:** "She procured a passing soldier and sailor to go into the building and they noticed a light burning in the bathroom and, peeking through a crack, discovered the body."
- Ruth and Ms. Howard say that they went across the street (south side) to get a sailor to come to help them. The sailor was standing alone under a tree, away from the curb at about a 30- to 45-degree angle from the front of the shop. It was about 1 a.m. on June 28, 1946, a Friday morning. Both Ruth and Ms. Howard say there was no soldier present outside or while they were in the shop.
- Both Ruth and Ms. Howard say that Casey was not carrying any bags. They did not notice any baggage on the ground near where Casey was standing. (Servicemen traveling between duty stations would be carrying a duffle bag. Servicemen on a weekend pass usually carry small bags.)
- Ruth says that the sailor went into the shop, pulled the top of the door back and looked through the resulting crack. Casey looked at her by moving his eyes only (not his head). The look conveyed the message that Buddy was dead.
- Ms. Howard said that Casey then told them to leave the shop, but stayed inside the shop himself.
- Lance said that the sailor could not have looked over the top of the door without standing on something.
  - Ruth says that she does not remember the sailor looking around for something to stand on; but, she does remember the sailor looking at her.
  - Ms. Howard says that the sailor, a "little guy," was not standing on anything.
- The paper said the next day that the sailor's name was James L. Casey. He reportedly was hitchhiking to his base in Corpus Christi.
  - Casey's widow recently told me that she knew of no relatives or friends of Casey living north of Dallas. He did have friends at the Grand Prairie NAS (he had previously been stationed there) and a girlfriend from Dallas. Dallas is about an hour and a half south of Gainesville. (Ms. Casey did not meet her husband until about two years later.)
  - Casey entered the Navy in 1943 at the age of 17 and repaired radar equipment on planes in the Pacific. (Source: Information received in response to a Freedom of Information Act request regarding Casey's military records.)
  - In 1946, he taught radar courses at the Corpus Christi base. (Source: Ms. Casey)
    - Radar would have been top-secret during and immediately after the war.
    - Radar could be used in guidance systems for rockets and for other purposes. The Germans were working on rockets, V-2, and others at the end of the war.
  - Casey was born in Portales, NM, on April 16, 1926, and moved to Rockport, near Corpus Christi, by the age of 4 (1930 census). He died on Oct. 21, 2000, at the age of 74. His last-known address was 103 Santa Fe Drive, Rockport, TX 78382. He was survived by his wife, Mary; a son in Houston; a daughter from Berryville, VA; a sister from Bastrop; and two grandchildren.
  - He married in 1948, graduated from Texas A&M in 1952 majoring in math (engineering, according to Ms. Casey), and then went to work for the Central Intelligence Agency in the Washington, DC, area. He retired to Rockport. (Source: Ms. Casey).

- The soldier, PFC Howard L. Penley (newspaper account spelling was “Pendley”), was hitchhiking to Camp Hood (south of Gainesville).
  - Ruth Vest and Ms. Lawanna Howard are certain that he was not present when they were there. The inquest record states, “She procured a passing soldier and sailor to go into the building and they discovered the body.” The most likely source of this information would be the police. Flint said that the soldier, sailor and police were there when he arrived. Accordingly, Penley arrived at the shop between the time that Ruth Vest and Ms. Lawanna Howard left for the police station and the time that officers John Barnett and Cecil Goldston arrived. I estimate the time between when the women left the shop and the police arrived at about 15 minutes.
  - Howard L. Penley’s background:
    - He was born May 31, 1923, in El Paso to Pete and Jeanette Penley. He attended Austin High School and the University of Oklahoma, after which he enlisted in the Army at Fort Bliss on Nov. 25, 1942. He was probably assigned to the 147<sup>th</sup> Combat Engineering Battalion while it was at Camp Swift, TX, before its departure for Europe. The battalion left for England on Jan. 8, 1944.
    - He died May 31, 2004, in El Paso.
    - A D-Day veteran, he was with the 147<sup>th</sup> Combat Engineers, 6<sup>th</sup> Engineer Special Brigade. One of the living members of the 147<sup>th</sup> believes that Penley was in Battalion S2 (Intelligence). Documents indicate that the 147<sup>th</sup> may have interrogated French civilians (Nazi collaborators). He was in one of the early waves to hit Omaha Beach.
    - He received the Croix de Guerre with Palm. He also was awarded medals for the Normandy invasion, the Battle of France, the European Theater of Operations and the Good Conduct Award. In 1984, the president of France awarded him the French Medal of Freedom at a ceremony in Normandy, France.
    - He was a T5 with the unit in August 1945.
    - His brother stated that he bought tailor-made suits after his discharge and lived with his parents in El Paso until he started at the University of Texas.
- We believe that Penley was discharged from the Army in December 1945.
- After the war, he married Virginia Smith in the summer of 1947, and attended the University of Texas and attained his electrical engineering degree.
- His wife, Virginia, died on Jan. 6, 1974, by “probable suicide” from alcohol and drug overdose. The drugs are used to treat the psychotic.
- He started working at El Paso Electric Co. in its engineering department and became the manager of systems planning. He retired from the electric company in 1986.

### Analysis

- Penley was not present when Ruth Vest and Ms. Lawanna Howard left the shop. He was there when the police arrived, about 15 minutes later. It seems strange that Penley would happen to be walking down the east end of California Street at 1 a.m. Even if he was, why would he have entered the shop?
  - Penley could have been set up on the north-east corner of the shop. From this vantage point, he could observe the back door and also see Casey. When he saw Ruth and Ms. Howard leave he entered the shop and waited for the police to arrive. Notice in the 15 minutes that the women were gone, Casey and Penley were alone in the shop and had the opportunity to clean up damaging evidence that the perpetrators left behind. They could have broken the bathroom latch at this time. They would tell the police that the bathroom door was locked and that they broke in just to make sure that Buddy was dead. Ruth and Ms. Howard would have corroborated the story if they were questioned by police.
  - It is unknown why Penley would be in Gainesville.
  - It is unknown why Penley, then a civilian, would be in the uniform of an Army private.
  - The uniform could have been a cover. A soldier was much less conspicuous than a strange civilian in the small town of Gainesville

in 1946. If he were promoted to T5 overseas (most likely), he would have no reason to change the rank on his Class A uniform. The same is true of his Army ID card.

- Casey was on the wrong side of the street to be headed south.
  - If he had been headed south, as he claimed, he would have been positioned on the north side of California Street (on the same side of the street as the shop), not on the south.
  - The route north was Grand Avenue, just a few blocks east of the shop. From Grand Avenue, a southbound motorist would turn right on California Street and proceed west through the center of town to Hwy. 77, headed south toward Dallas.
  - If, for some reason, the newspaper account was wrong about Casey's destination being south and he was, instead, heading north, why would he be standing away from the curb when the car in which Ruth and Ms. Howard were traveling approached? When he saw the car approaching, why would he not have gone to the curb and put his thumb out?
- He is on the wrong end of California Street.
  - There was nothing on the east end of California Street, east of the shop, save residences, closed businesses, etc. Nothing that would have been of interest to a sailor.
  - West of the shop was a lighted downtown area with a bus station, train station, hotels, restaurants, etc.
- He was there at the wrong time of night to catch a ride.
  - At 1 a.m., the streets were deserted. (Ruth and Ms. Howard both state there was no motor or pedestrian traffic when they went to the shop.) How did he expect to find a ride in a small town at this time of night? Why not walk a couple of blocks west to the Turner Hotel or the train station and sleep on a bench until morning?
- He appears to be in a state of alertness.
  - Why is he just standing under a tree, away from the curb, in front of a house? Standing implies a state of alertness.
- His position at a 30- to 45-degree angle from the front door would have allowed him to view the entire length of the east side of the building, including Penley, who was positioned on the northeast corner watching the back door.
- He is hundreds of miles away from his base on a weekday.
  - Why would he be hundreds of miles away from his base on a Thursday? He most likely would not have been on a weekend pass.
- There is no known reason for him to be in or traveling through Gainesville. He had no known relatives or friends north of the town. (Source: Ms. Casey)
- Ruth and Ms. Howard state that Casey was not carrying baggage. If he were en route between duty stations he most likely would be carrying a duffel bag. If he were on leave or overnight pass he most likely would have been carrying an AWOL bag.
- Ms. Casey told Bierman that her husband never mentioned the incident to her during their 50-odd years of marriage. This seems incredible that Casey would never have mentioned this incident to her unless he was prohibited from doing so for some reason, such as a military secret.
- There is no reason to believe that he had ever met Buddy.
- Looking through the crack in the bathroom door.
  - How could he have seen Buddy on the wall if he, a "little guy," did not stand on something (Ms. Howard's version)? It is questionable whether he could have seen the body at the angle produced by a crack below the top of the door. Lance says that he could. I think Casey already knew what was in the bathroom.
- Casey told the women to leave the shop. He stayed inside the shop. (Source: Ms. Howard)
- The inquest record stated that the bathroom door was latched from the inside by a screen door hook. This is confirmed by Ruth and Ms. Howard. However, the inquest record does not state who opened the bathroom door. It was locked when the women left the shop at about 1 a.m. It had been opened when Flint arrived. Was it Casey who opened it or was it the police?

If it was Casey, he had the ability to clean up evidence before the police arrived.

### Working hypothesis

- Penley and Casey may have also been dispatched to clean up evidence that the perpetrators left behind. Casey told the two women to leave the shop. Yet, he stayed inside. I think this is a very likely scenario.

### ANNOTATED TIMELINE - EVENTS OF JUNE 27/28

(PLEASE NOTE: Black Type: Source Based / **Bold Type**: Estimated Guess)

Estimated Time	Event	Source	Comments
2:00 p.m.	Lt. Gov. Smith delivers speech on east steps of courthouse.	Newspaper	
3:00 p.m.	<b>Buddy leaves shop to walk to the lumberyard to get material for work that night.</b>	<b>HDV guess</b>	
3:15 p.m.	<b>Buddy arrives at lumberyard, purchases material and asks for a ride back to the shop on the delivery truck. On the way, he asks the driver to stop by his home.</b>	<b>HDV guess</b>	
4:00 p.m.	Buddy stops by his home to tell Ruth he will be working late.	Newspaper	Ruth remembers Buddy at some time stopping by in a truck. She is not sure of the date. He most likely would have given her an estimated time of arrival (ETA). <b>Guess: The ETA was about 7:30 p.m.</b>
5:00 p.m.	Reece Lance leaves the shop. Buddy is working on cabinets.	Reece Lance	
6:30-7:00 p.m.	Day shift police officers see Buddy talking to "friends" outside the shop.	Newspaper	<b>Guess: Buddy may have exited the shop to walk home and arrive before dinner. Home was about a 40-minute walk from the shop.</b>
7:00 p.m.	Police day shift ends.	Newspaper	
7:30 p.m.	<b>Buddy's ETA at home if he had proceeded uninterrupted. He would have had time to clean up and be ready for dinner at 8:00 p.m.</b>	<b>HDV guess</b>	
About 8:00	Ruth has a dinner of roast and acorn squash on the table before dark, lies down and falls asleep.	Ruth	It appears obvious that Ruth expected Buddy home at this time.

## ANNOTATED TIMELINE - EVENTS OF JUNE 27/28

(PLEASE NOTE: Black Type: Source Based / **Bold Type**: Estimated Guess)

Estimated Time	Event	Source	Comments
Shortly after midnight	Ruth awakens, finds Buddy is not home, goes to the neighbor's home, arouses the neighbor, Ms. Howard, and the two head for the shop.	Newspaper, Ruth, Ms. Howard	
12:30 a.m.	Ruth and Ms. Howard arrive at the shop, notice the lights are out and the door padlocked from the outside. They return home to see if they had missed Buddy on his way home and to get a key to the shop.	Newspaper. Ms. Howard says they made only one trip to the shop. Ruth does not remember two trips to the shop.	Whether the women made one or two trips to the shop seems irrelevant. This scenario assumes two trips.
12:45 a.m.	Ruth and Ms. Howard arrive back at the shop. They enter the shop and notice light coming from the bathroom. Ruth tries the bathroom door and finds it locked.  They cross the street to get Seaman Casey to help them. They all three return to the shop. Casey looks over the top of the door and then looks at Ruth. Ruth: "from his look I knew Buddy was dead."	Newspaper, Ruth, Ms. Howard	Ms. Howard states that Casey, a "little guy," did not stand on anything. If not, how did he see inside the bathroom?
12:59 a.m.	Casey tells the women to leave the shop. Casey stays inside.	Ms. Howard. She and Ruth have both since identified Casey, beyond a doubt, as the sailor on the scene.	
1:00 a.m.	Ruth and Ms. Howard leave for the police station.	Ms. Howard. Ruth does not remember going to the police station; however, she thinks that they did.	
1:01 a.m.	PFC Penley arrives at the shop.	HDV guess. Ruth states Penley was not there when she left. He probably arrived before the police.	As is the case with Casey, it is an odd time and location for Penley to be hitchhiking.
1:05 a.m.	Ruth and Ms. Howard arrive at the police station.		

## ANNOTATED TIMELINE - EVENTS OF JUNE 27/28

(PLEASE NOTE: Black Type: Source Based / **Bold Type**: Estimated Guess)

Estimated Time	Event	Source	Comments
1:15 a.m.	Officers Barnett and Goldston arrive on the scene. Ruth and Ms. Howard go to Ruth's sister's house.	Ms. Howard	
1:20 a.m.	Ruth and Ms. Howard arrive at the home of Dan (Ruth's sister) and Herbert Seright. Herbert gets dressed and leaves for the shop.	Ruth and Ms. Howard	
1:20 a.m.	Asst. Chief of Police Theobald arrives at the scene.		
1:25 a.m.	Dan Flint and Vernie Keel from the funeral home are summoned.		
1:35 a.m.	Dan Flint arrives at the shop.		
1:40 a.m.	Herbert Seright arrives at the shop and removes bra from Buddy's body.	Brenda Seright	Inquest record states that "Ms. Herbert Seright was at the scene." Ruth does not believe that her sister, Dan Seright, ever went to the shop.
2:00 a.m.	Vernie Keel arrives at the shop.		
2:15 a.m.	Theobald and Keel leave to get the justice of the peace.		
2:20 a.m.	COP Theobald and Dan Flint arrive at the justice of the peace's home.	Inquest record	
3:00 a.m.	The justice of the peace arrives at the scene.	Inquest record	The inquest record does not state who opened the bathroom door.
Approx 3:30 a.m.	Herbert calls Rex Gates in Henrietta. He asks Rex to tell his father-in-law, Mayor Gus Blakely, what has happened.	Brenda Seright	
Approx 6:00 a.m.	Gus Blakely arrives on the scene.	Inquest record	

## INTERROGATION SCENARIO

(PLEASE NOTE: THIS IS A SCENARIO-BASED TIMELINE ONLY AND IS NOT SUPPORTED BY SPECIFIC SOURCES OR EVIDENCE.)

Estimated Time	Event	Source	Comments
5:00 p.m.	At least three perpetrators set up surveillance on the shop to wait for dark. My guess would be four to six. One would serve as lookout.		They would wait for dark, or move in if Buddy left the shop before dark.
6:45 p.m.	Buddy exits the shop to go home before dinner. The perpetrators move in. They use a pretext to get Buddy back into the shop.	Newspaper: Police see Buddy talking to friends between 6:30 and 7:00.	It is unlikely that Buddy would be standing outside the shop instead of being inside working.
6:50 p.m.	The lookout is posted at the front door. Phased interrogation begins with persuasion, threats, etc.		
7:10 p.m.	Buddy is made to disrobe and put on panties, girdle and bra.	The donning of women's undergarments most likely took place before the L2 injury, which would have been debilitating.	Purpose: Humiliation, dependency on interrogators, feelings of confinement, to restrict breathing, to keep him ambulatory and to prevent marks on the body.
7:30 p.m.	Beatings begin. Blows were probably aimed below the top of the girdle to prevent marks on the body. The L2 injury probably took place at this time.		
7:45 p.m.	Two perpetrators begin to prepare the torture board while the others use good-guy tactics to get information from Buddy.		
8:13 p.m.	Civil twilight ends.		
8:15 p.m.	Buddy is placed on the torture board, the wooden block is removed so that he is required to stand on his tiptoes to prevent strangulation and physical persuasion continues. The interrogators hit him in the mouth, breaking his tooth.		
8:30 p.m.	Buddy agrees to write what the interrogators want to know. His right hand is untied.		
8:40 p.m.	Buddy loses consciousness and the interrogators cannot revive him.		

## INTERROGATION SCENARIO

(PLEASE NOTE: THIS IS A SCENARIO-BASED TIMELINE ONLY AND IS NOT SUPPORTED BY SPECIFIC SOURCES OR EVIDENCE.)

Estimated Time	Event	Source	Comments
8:41 p.m.	In frustration and disgust, an interrogator hits Buddy with a right hook, causing a fracture to the left side of the bridge of the nose.	This probably occurred within a couple of minutes of death. Otherwise, there would have been swelling, bruising and bleeding.	My guess is that Buddy didn't know anything, because the interrogators appear to lose control of their tempers for the first time. This is a mistake on their part. If there had been an autopsy, the fractured nose would have indicated second-party involvement. Thus, suicide would have been eliminated.
8:42 p.m.	Interrogators exit the bathroom and obtain a block on which to stand to latch the screen door hook from the inside.		They again make another mistake of leaving the knife used to cut the ropes used for the torture board.
8:50 p.m.	Interrogators clean up, turn out the lights and exit the shop. They padlock the front door.		Padlocking the front door was a logical error on the part of the interrogators. It seems to me that latching the bathroom door, turning out the lights and padlocking the front door is indicative of a mild obsessive/compulsive personality on the part of at least one of the interrogators.
Before Ruth arrives	Casey and Penley are sent to observe and influence local authorities and/or retrieve items left at the scene. They set up surveillance on the shop and await events. Or, they are watching Ruth while other perpetrators search her home. Ruth never returned to her home after the death.		Casey and Penley are set up at different locations. Casey is set up to watch the front of the shop and can see Penley, who is set up on the northeast corner, to watch the back door.
12:45 a.m.	Ruth and Ms. Howard arrive. Casey assists them.		
1:00 a.m.	Ruth and Ms. Howard leave for the police station.		
1:01 a.m.	Penley goes over to the shop.		
1:15 a.m.	Police arrive at the shop.		
unknown time	Casey and Penley leave the shop and report back to their principal.		



## ADDENDUM TO THE CRIME SCENE ANALYSIS IRAQI PARADIGM

Recent events involving the interrogation of Al Qaeda and Iraqi prisoners have provided a great deal of insight into the methods used in interrogation scenarios.

The following table and photos were derived from a position paper on U.S. alleged abuse of Iraqi prisoners at Abu Ghraib, Guantanamo Naval Base and Afghanistan<sup>1</sup>. I understand the photos were taken by U.S. government employees and are in the public domain. ( Source: [http://www.phrusa.org/research/torture/pdf/psych\\_torture.pdf](http://www.phrusa.org/research/torture/pdf/psych_torture.pdf))

### INTERROGATION TECHNIQUES SUPPORTED BY EVIDENCE AT THE CRIME SCENE

Technique	Purpose	Comments
Subject forced to strip naked	Humiliation, vulnerability, dependency on the interrogator (DO)	Crime scene
Dress subject in women's undergarments and clothing	DO	Crime scene
Pinion subject's arms to side	DO plus immobilization	Crime scene
Force subject into high-stress positions	Break the subject's will to resist	Crime scene - may have been on his tiptoes in order to breathe. Towel may have been used to prolong consciousness. Girdle and possibly the bra would have made breathing difficult.
Beatings	Break subject's will to resist	Crime scene - fractures
Environmental manipulation – heat and cold	Extreme discomfort	Crime scene - Girdle would be hot, uncomfortable and make it difficult to breathe.
Sleep deprivation	Disorientation and discomfort	Crime scene - At the end of a long day, Buddy would be tired.

### SUPPORTED BY EVIDENCE AT THE CRIME SCENE

Technique	Purpose	Comments
Hooding	Fear	Indeterminable
Threats of rape	Fear	DO
Threats against family	Fear	DO
Invoking fear of animals (dogs, snakes, spiders, etc.)	Fear	DO
Water and food deprivation	Extreme discomfort	DO
Drugs	Lower will to resist	DO
Sleep deprivation	Lower will to resist	DO
Loud music	Lower will to resist	DO
Cavity searches	Humiliation	DO
Mock execution	Trauma	DO

<sup>1</sup>BREAK THEM DOWN Systematic Use of Psychological Torture by US Forces ISBN: 1-879707-45-4. Physicians for Human Rights, 2 Arrow Street, Suite 30, Cambridge, MA 02138, T 617.301.4200, F 617.301.4250 OR 1156 15th Street, NW, Suite 1001 Washington, DC 20005, T 202.728.5335, F 202.728.3053 [phrusa@phrusa.org](mailto:phrusa@phrusa.org) [www.phrusa.org](http://www.phrusa.org)

## OTHER INTERROGATION TECHNIQUES

Technique	Purpose	Comments
Light deprivation	N/A	N/A
Absence of toilet facilities		
Prolonged isolation		
Forced addiction to narcotics		
Sensory deprivation		

## PHOTOS



Notice that this prisoner has his hands strapped to each side. This is not too different from the position in which Buddy was found. Notice also that the prisoner is naked. A white paper submitted by Physicians for Human Rights mentions that several prisoners were required to dress in women's undergarments.



In this picture, the prisoner is naked and has his hands restrained at his side. He is wearing what appear to be

women's panties over his head. The use of women's undergarments in interrogation is widespread.



Notice the position of the interrogator. The prisoner is on the floor. The interrogator's arm from the elbow to knuckle is straight (to prevent injury to the interrogator's hand) and positioned to deliver the blow to impact at the knuckle of the middle finger. The intended blow is well-aimed and deliberate. Rotating his body with the strike would result in the most force.

The blow that resulted in the L2 fracture in Buddy's back could have been similarly delivered. It could also have been delivered by the blunt end of an object, such as a night-stick. Buddy would have been positioned with his back exposed as the interrogator delivered the strike. This means that the blow was delivered before they placed Buddy on the wall.

## PHOTOS, CONT.



Notice the prisoner is standing on an object. Buddy may have been placed on the 4x4x10 wooden block when he was being immobilized to the wall. By removing the block after his neck was in the noose, the interrogators would have forced Buddy to continually stand on his tiptoes (a high-stress position) to prevent being strangled. When combined with the breathing restrictions imposed by the girdle upon his diaphragm and the tight bra around his chest, breathing would have been extremely laborious and he would have experienced feelings of fear nearing panic. All this time, torture is being inflicted by the interrogator.

## APPENDIX II

## SUPPLEMENTARY EVIDENCE OF HOMICIDE

\*\*\* PLEASE READ \*\*\*

DISCLAIMER: This summary is designed to document an independent assessment of the facts and theories surrounding the death of Harold "Buddy" Eugene Vest on June 28, 1946, in order to discover the truth. This summary is not designed to impugn anyone. Readers must understand that many of the statements in this summary are not factual, but rather are opinions, impressions and speculations based on assumptions and interpretations of existing and necessarily incomplete information. This summary includes fictionalized accounts designed to further the investigation. These fictionalized accounts may not be accurate. Indeed, the information contained in this summary is not warranted to be accurate and we assume no responsibility for damages arising from the publication, distribution, use of, or reliance on any such information. This summary is a living document, and as such it is subject to change without notice.

## SUPPLEMENTARY EVIDENCE OF HOMICIDE

The autopsies alone are ample evidence of homicide. However, there is also ample evidence available from the crime scene to draw the same conclusion.

### SUICIDE

Suicide is extremely unlikely because of the lack of a known motive and because of the circumstances surrounding the condition of the corpse. Specifically:

- There is no evidence of post-traumatic stress syndrome from his 1½ months in the European Theater of Operations before the end of WWII. He was in a rear unit.
- There is no evidence of a history of depression.
- There is no evidence of any anxiety-producing stimuli, such as excessive debts.
- Lance, the 13-year-old shop assistant, left work at about 5 p.m. on the date of death. He reported Buddy was working and in good spirits. Lance reported that he knew of no motive for Buddy to commit suicide.
- There was no other known motive for a suicide. Nothing at the time of Buddy's death would provide any motive for him taking his own life.
- Buddy's mother was Catholic. He would have known that suicide would have caused his mother a great deal of emotional stress for the rest of her life.
- There was no suicide note. While some suicidal victims fail to leave a note, the absence of a note is considered somewhat significant.
- A suicide victim would rarely bind his own feet and hands.
- The use of a torture board is an unlikely method for suicide.
- It would be unlikely that a male suicide victim in 1946 would put on women's undergarments before hanging himself.

### ACCIDENTAL DEATH BY AUTOEROTIC ASPHYXIATION

Death by autoerotic asphyxiation (AEA) occurs accidentally as a result of attempting to increase sexual stimulation while masturbating. Hypoxic euphoria is induced by occluding the blood flow or oxygen to the brain with a strangulation device.

A significant percentage of AEA cases involve bondage, presumably as part of a sadomasochistic fantasy. Approximately 1 in 5 AEA cases involve transvestite activities, such as dressing in women's clothes. Some cases involve both. It's likely that in 1946, few people, including law enforcement, would even be aware of the AEA phenomenon.

Investigators consulted a number of experts in law enforcement and psychiatry. The vast consensus among the experts was that circumstances surrounding the death did not coincide with typical autoerotic asphyxiation incidents.

### AUTOPSIES

**Comment:** None of the three forensic examinations of the remains (autopsies) led to a definitive conclusion on the manner of death by the examiner.

**Reply:** The board-certified forensic examiners retained by me to examine Buddy's remains were asked "for signs of perimortem trauma and any other evidence that might inform the questions of cause and manner of his death."

A forensic examiner is an expert in determining the cause of death. He also is an expert in determining the likely cause of injuries that he discovers. His findings are extremely important as evidence for the conclusion on the manner of death.

However, when a forensic examiner leaves the realm of this expertise and also considers other evidence, he is on shaky ground. His expertise is in providing medical opinion only. The final determination on the manner of death is based on the magistrates weighting of all the evidence, including, but not limited to, the forensic examination.

For example, if, upon examination, a corpse is found to have lethal quantities of arsenic, it does not lead to the ineluctable conclusion that the person was poisoned by a second party. He could have taken it intentionally or accidentally. It is up to the legal system to examine all of the evidence, including the report of the forensic examiner, to determine if the poisoning was a suicide, accident or homicide.

It is not surprising then that the examiners would be reluctant to venture beyond their expertise and opine definitely as to the manner of death. Indeed, this should be fully expected.

### Timing of the injuries

All three autopsy reports involving four different board-certified forensic examiners opined that the injuries were perimortem. A perimortem injury is defined as an injury occurring at or near the time of death. Perimortem injuries can be further classified into two distinct periods: injuries occurring shortly before death and injuries occurring shortly after death.

**Comment:** There is no evidence that any of the three perimortem injuries occurred before death.

**Reply:** There is ample evidence to indicate that the injuries were not caused after death and therefore, by deduction, must have been caused before death.

An injury after death can occur as a result of death convulsions. It can occur as a result of dropping or mishandling the body when it is taken from the scene. It can occur as a result of preparing the body for burial. It can also occur as a result of the casket collapsing on the remains and causing injury.

### Evidence that the injuries were not caused by death convulsions

In his supplemental report, Melbye states that "Three injuries (back, nose, tooth) of considerable blunt force, in three discrete areas, (front and back) deems flailing to be unlikely."

Reece Lance, the 13-year-old employee of my dad, states that there were no protrusions from the wall upon which my dad could have struck either his head or back.

The L2 vertebra is a rather thick bone. The number of pounds per square inch of force required to cause a greenstick fracture would be considerable. Further the "wings" of this vertebra are protected by a thick muscle that runs parallel to the spine. While I have not gone to the trouble to obtain expert opinions that death convulsions occurring while the body was pinned that closely to the wall could not have produced the injury, I could easily do so.

The head was positioned in the noose against the wall and could not have convulsed in such a way as to hit the nose against the wall, let alone fracture it. The same is true of the tooth.

### Evidence that the injuries were not caused by dropping or mishandling the body when it was taken from the scene

Dan Flint -- the funeral home employee who took the body down, removed it to the funeral home and prepared it for burial -- has stated definitively that the body was not dropped or otherwise mishandled and that he did not injure it as a result of preparing it for burial. The funeral home director, Vernie Keel, now deceased, was also at the scene and assisted in removing it to the funeral home.

It is inconceivable that any trained funeral home employee, with his employer present, could have mishandled the body to such an extent as to cause three distinct injuries located at both the front and back of the body at the same moment in time. Therefore *two* occurrences of unlikely drops would have had to occur. This is extremely unlikely.

The injury to the back could not have been produced by impact with a flat surface, such as the floor. This scenario would have the funeral home employee dropping the body from a sufficient height to produce the necessary pounds-per-square-inch pressure that would cause the fracture when it struck a protruding object. Lance states that there were no objects protruding from the bathroom floor upon which the body could have impacted. The inquest record does not mention any protruding objects on the floor of the bathroom.

### Evidence that the injuries were not caused by preparing the body for burial

William's report states: "The morphology of the fractured incisor does reveal that high-velocity blunt-force trauma was applied from a labial to lingual direction of the tooth... This would also eliminate the possibility that the tooth was fractured as the result of breaking rigor during funeral preparation, as the spiking effect would be reversed during this procedure."

Flint has stated definitively that the body was not dropped or otherwise mishandled and that he did not injure it as a result of preparing it for burial.

I fail to see how any procedures taken to prepare the body for burial could have produced a greenstick fracture to the left transverse process of the second lumbar vertebra.

It would seem very likely that an injury to the tooth occurring while preparing the body for burial would have caused the fragment to fall inside of the mouth. The missing tooth fragment was not recovered by the Guileyardo/Gill-King examination.

### Evidence that the injuries were not caused by events after burial

The Guileyardo/Gill-King report states definitely: "Deterioration and caving-in of the casket lid would not have produced sufficient force to cause these defects (tooth and nose fracture), and all other delicate structures of the face and dentition are intact."

Williams' report states definitely: "The blunt-force trauma sustained on tooth #10 is not the effect of taphonomic stresses." (Casket collapse or other post burial stress)

### HYOID BONE FRACTURE

**Comment:** The healed fracture of the hyoid bone is indicative that my dad had previously engaged in autoerotic experiences.

**Reply:** In his supplemental report, Melbye opined "It is **very unlikely** (emphasis is Melbye's) that the healed fracture of the hyoid bone is the result of a previous hanging (autoerotic asphyxiation). Hyoid fractures are considered to be the result of manual strangulation. They are **not** (emphasis is Melbye's) caused by ligature strangulation (any constricting band around the neck)."

### SCREEN DOOR LATCH

**Comment:** It is unlikely that the screen door latch could have been latched from the outside.

**Reply:** Lance stated that the door fit very loosely. He stated the door had to be held closed by a block of wood rotating on a nail. He further stated that it could easily be latched from the outside.

### Other evidence against the autoerotic asphyxiation theory

1. My mother, Lance, Buddy's sister Virginia, and his cousins say they never suspected that Buddy engaged in AEA or other unusual sexual activities or other practices involving strangulation.
2. My mother, Lance, Buddy's sister Virginia, and his

cousins say that Buddy had no AEA warning signs such as unexplained neck bruises, bloodshot eyes or unexplained headaches.

3. My mother, Lance and Virginia say Buddy did not have an interest in torture, sadomasochistic literature or pornography.
4. My mother and Virginia say there was no indication of *possible* psychological determinants. Specifically: There was no known history of child abuse, sexual abuse, precocious sexuality or strangulation. There was no known indication of a thrill-seeking personality. There was no known fascination with death or taboo.
5. Lance said he never saw women's undergarments around the shop.
6. According to Flint, the body did not have an erection. Buddy could not have been masturbating at the moment of death.
7. According to Flint, the panties were pulled all that way up. Thus his genitals would not have been exposed. Accordingly, he could not have been masturbating at the moment of death.
8. Ruth said no undergarments were missing and she never suspected that her undergarments had been used by someone else.
9. Ruth said Buddy never requested any unusual sexual practices such as bondage or cross-dressing role-playing.
10. Buddy's feet and left hand were bound and his feet were tethered to the wall by an eye screw. Although experts interviewed stated that victims of AEA often use bondage as part of sexual fantasies, tethering one's feet to the wall would be extremely unusual.
11. The shop was found padlocked from the outside with the main shop lights out (the bathroom light was on). Buddy would have had to:
  - turn the shop lights out (Reece Lance said the shop lights were located at the entrance);
  - exit the shop, padlocking the front door behind him;
  - walk a full block west on California Street;
  - turn north through an alley;
  - then turn east down another alley (the east end of the alley was blocked by a fence, says Lance);
  - enter the back door of the shop;
  - lock it behind him;
  - then walk across the dark shop to the restroom.

This seems like a lot of trouble. If Buddy wanted privacy, it would be a simple matter to secure the front door from the inside. Indeed, since my mother had a key to the front door padlock, securing the door from the inside

was the only way he could have insured privacy.

12. The rope restraint of the right hand was untied, according to the inquest record, Lance and Flint. Buddy would have had to drill the holes for the right-hand restraint, but thread only one end of the rope. Since he would need his right hand free in order to masturbate, he would not have gone to the trouble of drilling the holes for the right-hand restraint and threading the rope in the first place.
  13. Lance states that the nails holding the machine belt were bent back over the belt. To get the belt back off the nails, Buddy would have had to straighten them. Accordingly, he would not have bent the nails in the first place.
  14. For Buddy to get himself unassisted into the position in which he was found would be extremely difficult. (It would have been impossible with a fractured L2 to get into this position unassisted.) Since the nails were bent back over the machine belt, the belt would have had to be in position before he inserted his head into it. After inserting his head he would have had to reach behind his head, pinched the two sides of the belt together and apply tape by feel. The tape would have had to be pre-measured, cut and placed somewhere on his naked body until it was needed.
  15. The suspension belt was *ostensibly* removed from a machine in the shop. The experts interviewed found this was significant, since Buddy would have had to replace the belt upon completion of his fantasy. This would have been inconvenient and would have very likely damaged the belt enough to make the machine he would have to use the next day inoperable.
  16. Buddy would have had to drill holes in the bathroom wall through which to thread the restraining ropes (source: Lance). He would have had to explain the holes the next day to people familiar with the shop. Would he really have wanted peepholes in the bathroom?
3. There is no known reason for Casey to be in Gainesville. From interviews with his family, he did not have relatives or friends in or north of Gainesville.
  4. It was a Thursday night; overnight passes are rarely granted on weekdays.
  5. It was a strange time of night (about 1 a.m.) to be hitchhiking. Both my mother and Ms. Howard state there was no vehicular traffic on the street.
  6. Both my mother and Ms. Howard state that Casey did not have luggage, yet he was 400 miles away from his duty station.
  7. Ms. Howard says that Casey told the women to leave the shop, yet, he stayed inside.
  8. Both women say there was no soldier present while they were there.
  9. When the police arrived about 15 minutes later, there was a soldier -- Penley -- in the shop with Casey. Penley told the police that he was hitchhiking south to Camp Hood.
  10. Buddy and Penley were both based at the Channel Base Section located in Brussels, Belgium, from July 1, 1945, to December 1945, when Penley rotated home. This seems to be a very strange coincidence.
  11. Penley had no known reason to be in Gainesville. Family members say he had no known friends or relatives in the Gainesville area.

### Suspicious characters near the scene of the crime

1. The sailor (Casey) was located across the street from the shop at about a 30- to 45-degree angle east from the front door of the shop in a position to view the entire east side of the shop building. This view includes the northeast corner, the most probable location of his likely accomplice (Penley) who was likely positioned at the northwest corner in order to view the back door of the shop.
2. Casey was located on the south side of the street and therefore not positioned to catch a ride south to his base in Corpus Christi as he claimed. His position





## APPENDIX III

# BASELINE FICTIONAL SCENARIO THAT CONNECTS THE POINTS MADE IN THE MOTIVE ANALYSIS

\*\*\* PLEASE READ \*\*\*

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**(PLEASE NOTE: THIS IS A FICTIONAL SCENARIO ONLY AND IS NOT SUPPORTED BY SPECIFIC SOURCES OR EVIDENCE)**

## METHODOLOGY

In a case such as this, in which inferences from the evidence appear unclear or point to several improbable scenarios, it helps to construct a fictional account of what happened that conforms to all the inferences made. By examining the fictional account in detail, weaknesses in the story can be identified and corrected. Alternately, it may cause investigators to re-examine the inferences made and point to areas of further investigation.

Of course, **it is extremely unlikely that the actual events will conform to the scenario portrayed in the fiction.** That is not the point. The question is: Why is the fictional account wrong? By constantly working the scenario from the crime scene inferences to the fictional account and back, making adjustments accordingly, eventually the fictional account begins to resemble the most likely actual scenario. Readers are encouraged to send me their comments of this fictional scenario so that I can make adjustments accordingly.

### Inferences from the crime scene

The fictional account assumes that the reader is thoroughly familiar with the *Manner of Death Analysis* and *Crime Scene* documents. The *Motive Analysis* section of the *Manner of Death Analysis* document is abbreviated below:

- Seaman Casey was on the scene as an expert in radar, and therefore the subject of the interrogation had something to do with electronics.
- The interrogation involved something of great perceived value to the U.S.
- The principals at the intelligence group involved believed that Buddy may have been involved in something illegal.
- The interrogation was done only to obtain information. They did not believe that Buddy had any object of value.
- The cause of the inquiry was not fully discovered and/or acted on while Buddy was still in Europe.
- The cause of the inquiry was not something that was already known to the principals.
- Penley was on the scene as an interrogator.
- Buddy knew at least one member of the group, probably Penley.

- The cause of the inquiry involved something in which both the Army and the Navy had a vested interest.
- Buddy had been in Paris during the last two or three months before going home.
- The cause of the inquiry originated while Buddy was in Belgium, from March 1945 to Jan. 6, 1946.
- The Russians were in Antwerp looking at equipment to buy while the 711<sup>th</sup> was there.

### Factual background for the fiction

**(note: for a detailed discussion of Operation Overcast and Project Paperclip, see *Outline of U.S. Intelligence Agencies, Groups, Projects and Individuals in 1946 in Section VII*)**

In May 1945, under the guidance of Dr. Wernher von Braun, a group of German rocket scientists defected to American forces from Peenemuende, Germany. They were interrogated at Garmisch-Partenkirchen in Bavaria until July and were subsequently sent to Fort Bliss, TX, on Sept. 18, 1945.

Toward the end of WWII and immediately after, the U.S. assigned top-secret teams composed of personnel from the Army and Navy, as well as civilians, to retrieve German scientists and material before the Russians entered their zone of occupation.

One such organization was called Alsos. The Alsos mission was to collect prominent German physicists and equipment related to German nuclear research.

Another organization was called T Force. Among other missions, T Force was assigned responsibility for getting German rocket scientists and other specialists to the American zone of occupation.

In addition, the U.S. Army Ordnance Corps' Technical Intelligence in Europe, under Col. Holger Toftoy, was working hard to move missile parts, equipment and documents into the American Sector before the arrival of the Russians.

The Office of Strategic Services was disbanded in October 1945. The Strategic Services Unit, consisting of counterintelligence and operations, was transferred to the War Department at this time. It was not until April 3, 1946, that operational control of the SSU was transferred to the Central Intelligence Group, a forerunner of the CIA, established without congressional approval in January 1946 by presidential directive. On June 10, 1946, Adm. Souers resigned as the director of central intelligence and was replaced by Lt. Gen. Vandenberg.

On July 11, 1946, the deputy director, Kingsley Douglas, resigned. On the same day, Col. Fortier was relieved (fired) from his post as assistant director and acting chief of operational services.

## The Fiction

### **Bold type is fictional**

Black type is supported by evidence

On Oct. 3, 1945, von Braun and Maj. Hamill arrive at Fort Bliss to set up the facilities at White Sands Proving Ground and to inventory the V-2s and equipment that had been procured by Col. Toftoy from German rocket installations.

Meanwhile, six German scientists were sent to Aberdeen Proving Ground in Maryland to inventory, sort and catalog 7 tons of documents that they had hurriedly packed and transported with them from Peenemuende. The scientists **discover that certain documents relating to the V-2 guidance systems were not there. The scientists reason that in their haste to leave Peenemuende they had left the documents behind.**

**The scientists call Hamill at Fort Bliss and inform him of the problem. Hamill checks the V-2-related inventory at the base and finds that a prototype of the guidance system is not listed. Hamill discusses the problem with von Braun. Von Braun tells Hamill that the guidance system documents are of prime importance because the developer has fallen into the hands of the Russians. Von Braun also tells Hamill that the plans had been stored in a cave near Peenemuende.**

Hamill **calls Army Ordnance Technical Intelligence in Europe and requests that a clandestine team be dispatched to the Russian zone to search the caves for the missing documents.**

**The team discovers the documents, successfully extracts them from the Russian zone of occupation and delivers them to Ordnance Intelligence in Paris in mid-November 1945. Ordnance Intelligence calls the Channel Base Section to ask if there were any servicemen from El Paso due to be rotated back to the U.S. right away.**

**When Channel Base Section checks the roster, they find that T5 Howard L. Penley with the 147<sup>th</sup> Combat Engineers is due to rotate soon. Penley is sent to Paris to take custody of the papers from Ordnance Intelligence. They also dispatch Sgt. Vest (Buddy) of the 711<sup>th</sup> with Penley to box the documents and to make sure that the box is placed on Penley's ship, located at Antwerp.**

While in Paris, Buddy purchases some Chanel No. 5 perfume to take home to his wife, Ruth. **He considers mailing it home; however, he knows that he will be rotating soon and decides it would be a nice surprise if he delivered it personally.**

Both the 711<sup>th</sup> (Buddy's unit) and the 147<sup>th</sup> (Penley's unit) were assigned to the Channel Base Section near Brussels. The mission of the 711<sup>th</sup> included operational control of storage facilities at the port of Antwerp.

**Vest makes sure that the box of documents is placed on Penley's ship as ordered, and Penley departs the port of Antwerp toward the end of November. When he arrives at New York in early December, he retrieves the box of documents and proceeds to Fort Bliss.**

**When he arrives at Fort Bliss, he immediately reports to Maj. Hamill as ordered. Hamill, von Braun and other scientists sort through the box of documents. They discover that a vital document with specifications and drawings is missing. Von Braun insists that the document was with the other documents in the cave at Peenemuende. Hamill questions Penley further about his background. Penley informs Hamill that he was assigned to the S2 of his battalion and participated in the interrogation of members of the French underground who were believed to be collaborators.**

Hamill **again calls Ordnance Intelligence in Paris. Hamill requests that Ordnance Intelligence send a team of counterintelligence people to question Buddy and others about the documents. When they arrive in Antwerp, the team questions Buddy. Buddy states that he made sure the box of documents had been loaded on the ship as ordered.**

**The team also questions the company commander of the 711<sup>th</sup>, Capt. Bien, and others in Buddy's unit. No one seems to know anything about the missing documents. However, the team does learn that the Russians had been in the area inspecting U.S. equipment for possible purchase at about the same time.**

**All of this is relayed back to Hamill, who is getting increasingly worried. Finally, Hamill's dilemma reaches the ears of Lt. Gen. Hoyt Vandenburg, the G2 (Intelligence) of the War Department general staff. Vandenburg discusses the situation with Hamill and Col. Fortier, head of the Strategic Services Unit (SSU), then under the War Department.**

Col. Fortier **sends another investigatory team to talk to Penley, other members of the 711<sup>th</sup>, the workers at the**

port of Antwerp and at the port of New York, and all members of the 711<sup>th</sup>. **In the meantime, Fortier begins a dossier on Buddy.**

On the April 4, 1946, the operational control of the SSU is transferred from the Secretary of War to Adm. Souers, the director of Central Intelligence (DCI). In a memo, Souers directs the SSU to report to Fortier.

**In late April 1946, Fortier orders an undercover operation aimed at Buddy. A field office directs that an advance woman (name omitted pending confirmation) be sent to Gainesville to get to know Buddy and find out what she can about his activities.**

**She begins by following Buddy and setting up surveillance on his shop to find out who comes and goes at various times. She notes what lumberyard and other suppliers he uses. She notes his daily activities: the time he leaves home, route that he takes to work, cafes that he frequents, etc. After a while, she introduces herself to Buddy and tells him that she would like to learn more about woodworking. She asks him if it would be all right if she came by to observe. Buddy agrees. She comes by in the mornings and evenings when the 12-year-old boy is off from work. She is observed by a witness (name omitted) twice pulling up across the street from the shop and sitting in her car watching the shop.**

**Once, the witness goes into the cabinet shop during normal business hours and spots the woman there. She tells the witness that she is there to learn about woodworking. The witness describes the woman as in her early 20s, with dark hair, dark complexion, very pretty and nicely dressed. The witness, a lifelong resident of Gainesville, had never seen the woman before and has not seen her since.**

**The woman also observed the police activities: shifts, routes, etc. One policeman, a neighbor of Buddy's, became suspicious of the woman and told Buddy of his suspicions. Buddy tells Ruth of the policeman's warning, but otherwise ignores it.**

**After each visit to Gainesville, the advance woman is debriefed by a field office operative. She relates her description of Buddy and his daily routine. She also relates her activities, including the suspicious policeman and the incident with the witness, to the debriefing operative who places his debriefing notes in Buddy's file.**

**At the same time that the advance woman is conducting her undercover activities, Vandenburg is positioning himself to become the new director of Central Intelligence.**

Meanwhile, the failure of the gyroscopic guidance system on May 29, 1946, **provides dramatic proof that the documents are vital to the success of the nation's rocketry program.**

Vandenburg **approaches** Souers, the DCI, and **recommends that a team from the SSU be sent to question Buddy further about the documents.** Souers is **reluctant. He tells** Vandenburg that he is considering going back to private life. Vandenburg **encourages** Souers **to do just that, and on** June 10, Vandenburg assumes responsibility for the Central Intelligence Group as director of Central Intelligence.

Vandenburg **then orders** Fortier **to send a group to question** Buddy, then in Gainesville, TX, **about the documents.** Vandenburg **is not specific as to the type of questioning to be done.** Fortier **assigns the job to a mission coordinator.** The mission coordinator **discusses the situation with** Hamill. Hamill **recommends that Penley go along with the team since Penley knew Buddy and they both had shared the assignment of delivering the box of documents.**

Hamill **tells the mission coordinator that the team should include an individual knowledgeable in radar and electronics, so that if Buddy had seen the document, it could possibly be reproduced.** They **approach** the Bureau of Aeronautics of the Navy Department, which was partnered with the Army Ordnance Corps at White Sands Proving Ground. The bureau **recommends** Electronics Mate 1<sup>st</sup> Class James L. Casey. Casey served in the Pacific Theater of Operations during the war repairing radar units on aircraft. He is currently assigned as a radar instructor at the Corpus Christi Naval Air Station.

The mission coordinator **contracts with** Penley and four other men for the mission. The mission coordinator **tells the team of their assignment, which is to interrogate** Buddy and get a reproduction of the drawing. The mission coordinator **is not specific as to what interrogation tactics were to be used.** To Penley, the word "interrogate" **brings back memories of his participation with the** French underground in the interrogation of collaborators. **It is the only type of interrogation with which he is familiar.**

Penley **is grateful for the assignment and the contract**

fees, which support his high lifestyle during his 1½ years of unemployment, from December 1945 until the summer of 1947, when he enters the University of Texas to study electrical engineering. Casey will go along as a technical expert to help reproduce the drawings. The team of six men, including Casey, is assembled in El Paso and is briefed by Hamill and a team from Military Intelligence (MI).

Casey gets a special briefing on the guidance system and what questions to ask from Hamill and the German scientists. The team leaves El Paso by military aircraft and arrives at Shepard Air Base in Wichita Falls, TX, before noon on the morning of June 27. They borrow two cars from the provost marshal and proceed to Gainesville, arriving in the early afternoon.

The interrogators wait until near the time for the next police shift change at 7 p.m. As Buddy emerges from his shop to go home, he is approached by the advance woman and the interrogators. They are seen by day shift police officers “laughing and talking” to Buddy. They get him back into the shop on a pretext.

Inside the shop, the interrogation begins. Some of the team members had learned their techniques from the French underground when they interrogated suspected Nazi collaborators. The underground’s hatred of collaborators who turned in their friends and relatives to the Germans was extreme and was reflected in their interrogation style. The style was a strange mix of three conflicting desires: 1) to acquire information, 2) to extract revenge for betrayal, and 3) to set an example for other would-be collaborators. Accordingly, the team uses techniques that are far more extreme than necessary and ultimately result in Buddy’s death.

After the interrogation, the perpetrators turn out the lights and leave the shop, padlocking the front door behind them. They then realize that the team had left a knife, gag and a rubber hose inside of the shop. They consider breaking in, but think better of it. Instead, Casey and Penley set up surveillance on the shop at different locations and wait for Ruth. Casey positions himself on the south side of California Street with a view of the front and the east side of the building. Penley positions himself on the northeast corner of the building in order to view both Casey and the back door of the shop. If asked, they would say they were hitchhiking to their respective bases. This would be a very plausible cover in 1946.

Ruth and Ms. Howard, who arrive at the front of the shop from the west, cannot see the east side. They see

only Casey, and approach him for help. After assisting them, he tells them to leave the shop. When the women leave to go to the police station, Penley enters the shop. Together he and Casey retrieve the gag and rubber hose; however, the knife was inside the locked restroom. They consider breaking in and telling the police that they wanted to see if Buddy was still alive; however, they think it will be better if the police find the door locked.

Meanwhile, the rest of the team reports to the debriefing officer. The team lies about the excessive force. They know that they were under orders not to use excessive force and not to leave evidence such as fractured bones. They were afraid that they would be “severely reprimanded.” They tell the debriefing officer that Buddy’s death was accidental.

When Vandenburg finds out about the situation, he relieves Fortier on July 11, 1946. The deputy director, Kingsley Douglas, resigns the same day.

When the ad appears in the Gainesville paper in September 2003 offering a reward for information concerning Buddy’s death, a friend of a criminal profiler at the CIA asks if there is any file at the Agency on the incident. The criminal profiler finds a file on Buddy and tells his friend. Driven solely by his desire to provide relief for the widow and son and without notifying his superiors, the profiler constructs the M. Smith letter. The M. Smith letter is given by the profiler to his friend who deposits it at the Gainesville Post Office.

The profiler may have also written the letter, with the best of intentions and without knowledge of his superiors, to protect the reputation of the Central Intelligence Group (no longer in existence) and the reputations of officers associated with the group in 1946.

The profiler knew that:

- The newspaper account gave the actual names of two team members.
  - Howard L. Penley was still alive, but had a terminal illness (Penley died on May 31, 2004). In his condition, Penley could not be relied upon to keep quiet. If confronted, he might have “cleared his conscience.”
  - Herb Vest finding out that James L. Casey subsequently went to work for the CIA would have been an unacceptable risk.
- The agency would have debriefing documents from the advance woman’s activities. They would know that, being from out of town, the woman may have been no-

ticed. (She was noticed by (name omitted to protect the witness).) She may have mentioned this witness in her debriefing by name. (The witness saw the advance woman in Buddy's shop. She told him she was there to learn about woodworking.) A quick check would confirm that the witness is still alive. The possibility of other witnesses could not be ignored.

- If the body were exhumed and was not decomposed, fragments of the gag would probably be found. A gag would be clearly indicative of homicide.
- Left unexplained, the crime scene reeks of an interrogation prior to death.

The profiler wanted to divert attention away from these risks and provided abundant false clues to keep the investigation off track.

A criminal profiler is a psychologist who specializes in the study of the mental processes and behavior of criminals. Criminal profilers attempt to deduce a psychological profile of the perpetrator from forensic evidence, such as the crime scene, documents, etc. Agency profilers are also trained in psychological warfare and techniques of disinformation. Their job is to create confusion and doubt on the part of law enforcement, government officials, citizens, soldiers, etc., of the enemies of the United States.

These techniques were used by the Nazis in Germany, including Goebbels, the propaganda minister. They are very effective. They are taught today. The art of disinformation (lying), as applied to the M. Smith letter, uses the following principles:

#### **Tell only lies that the listener is predisposed to believe.**

In all human beings, dislodging a belief is virtually impossible. Therefore, before telling the lie, ask questions. What does the receiver of the message believe and why does he believe it?

Chances are that he believes that he, his friends and his relatives are, deep down, "good guys." Never go against this belief. The listener will react defensively and be out to prove that you are the one who is not the "good guy."

In the M. Smith letter Buddy is portrayed as a nice guy who got caught up in the plans of an evil woman.

#### **Create emotion in the listener**

Logic is your enemy. Create emotion in the listener.

The M. Smith letter is charged with emotion.

#### **Create sympathy for yourself.**

When constructing the lie, be sure to paint yourself as a victim. Failing this, make the listener believe that you were very, very sorry for having done the bad deed.

The profiler concentrates on all of the torture that Smith endured. The reader feels very sorry for her. She admits some responsibility for Buddy's death and tells us how sorry she is. Buddy, on the other hand, gets by with a stomach punch and a couple of strikes with a rubber hose. Thus the profiler keeps the family from developing a revenge motive and the accompanying determination to bring the perpetrators to justice.

#### **Weave the lie into verifiable facts.**

The more facts in the story that the listener verifies, the more likely he is to believe the unverifiable assertions.

The profiler pulled all of the facts at his disposal and made a keyword list before writing the fiction. He was working from the following documents:

- The inquest record.
- Debriefing documents of the advance woman. The advance woman was debriefed after each visit to Gainesville. She was very thorough in her accounts of her visits.
- Debriefing documents of the interrogation team. The problem was that the perpetrators lied when they were debriefed. They wanted to cover up the fact that they had used excessive force in violation of orders. These lies showed up when the autopsy disclosed skeletal fractures which were clearly indicative of excessive force.

The profiler also considered what evidence would emerge from an autopsy in the likely event the body was exhumed. Remember, it was unknown what condition the body would be in. It is possible that the body would be nearly perfectly preserved. If so, fragments of cloth from the gag might be found.

#### **Don't lie about anything that can be readily verified.**

Before you construct the lie, find out the observable facts. Make sure any fabrications are very difficult and time-consuming to verify. Take full advantage of the fact that it is very difficult to prove that something did not happen. This leaves lingering doubts even in the face of evidence to the contrary.

The letter contains an abundance of false clues. Indeed it took us nearly two years to exhaust the leads given in the letter. The demographic information on “Jim” was particularly clever. The city did not keep any police records in 1946. It was extremely difficult just to find out the names of the officers on the force on the date of death. A complete bio had to be composed on each.

### Have a dark fall-guy operative ready to take the heat.

If everything goes wrong and the lie is discovered, have a dark fall-guy operative not readily traceable to the agency take the heat. Go so far as to leave verifiable evidence “proving” that that person did it. Be sure to provide that operative with a cover story that “explains” the evidence and prevents a prosecutor from constructing a “beyond a reasonable doubt” argument. However, everyone will be convinced that the fall guy is responsible. The investigation will, more than likely, end there.

### Critique Sheet for M. Smith Letter

Keyword	Letter	Critique
Thin leather machine belt	I saw Charlie remove a rubber belt from the saw.	The mistake of using “rubber” instead of “leather” could have been intentional to cover the fact that the profiler was working from a keyword list. A little old lady would not know the difference. However, a perpetrator would. Therefore the mistake tends to exculpate a perpetrator as the writer of the letter.
Three nails hammered	I could hear hammering in the restroom.	
Small rope	They got a rope and tied his hands.	

Keyword	Letter	Critique
eye screw	Jim told them to tie his feet and tie him to something to prevent him from escaping.	
	They realized that they had left his feet tied to the wall and that could be a problem.	Nice touch! Smith is relating what she heard from a perpetrator, which accounts for her knowing about the eye screw.
Block of wood		The profiler doesn't mention the block of wood because the woman never went into the bathroom.
Open knife in the restroom	Charlie asked who had a knife.	
	He realized that Charlie had left Jim's knife in the restroom.	Nice one! In case they are too stupid to get it the first time, hammer it in.
Ladies' panties	He then made Buddy put on my panties.	Oops! The profiler didn't know that the funeral home employee was still alive. The panties were on the outside of the girdle. The profiler should have Buddy put on the girdle first, then the panties. A perpetrator would not have made this mistake.



### Critique Sheet for M. Smith Letter

Keyword	Letter	Critique
Lastex girdle	I do not remember if I was wearing a girdle or a garter belt that night, but he made Buddy put on which one it was.	Same as above.
GI towel		She wasn't in the bathroom. Therefore she would not know about the towel. The towel was a dead give-away to an interrogation. Jim, Charlie or Tom would not use a towel. However, the profiler was stumped as to how to account for it, so he ignores the towel.
Restroom	They tied his feet and put him in the restroom.	
Metal screen door hook		Oops! The locked bathroom door is not explained. Further, the profiler writes that after discovering the body, "they panicked." Do people take the time to lock bathroom doors from the outside, turn out shop lights and padlock front entrances when they are in a state of "panic"? This was an egregious mistake on the part of the profiler. It could result in discrediting the whole letter.
Padlocked front door	They could not go back to get the knife because the building was locked.	
Back door locked from inside	Buddy almost escaped out the back door.	Good. Subtle reference — reader infers that they locked the back door after recapturing him.
No marks on the body	He hit Buddy a couple of times in the stomach.	Very good. Blows to the stomach leave no marks
	He said it [the rubber hose] would not leave marks.	Excellent. Just in case they reader hasn't heard the fiction about rubber hoses not leaving marks, the profiler spells it out for him.
	Jim told them not to mark Buddy up.	The profiler was working from both the inquest record and the debriefing documents. The debriefing documents omitted the blows to the kidney, nose and tooth. Therefore, the profiler would not be aware that they would be found in the autopsy.
	He did not want there to be any physical evidence in case Buddy wanted to complain.	Same as above.

### Critique sheet for other documents from which the profiler worked

Letter	Critique
I first saw Buddy in a lumber yard in Gainesville	Debriefing of the advance woman.
I saw him a few days later at a café not far from his cabinet shop.	Debriefing of the advance woman.
He was so good-looking, beautiful eyes and complexion.	Debriefing of the advance woman.
He had an extremely friendly and outgoing personality. He was the type of individual that once you talked to him, you felt like you had known him for years.	Debriefing of the advance woman. Efficiency ratings of Buddy's superiors in the Army may have also been consulted.
I often saw him in the café. I have to admit that I used to go there hoping he would come in. I finally went to his cabinet shop one afternoon. He was not there.	This is from the debriefing documents of the advance woman. It was known that Reece Lance is alive. He might remember this incident so the profiler covers it just in case.
He told me that he visited Buddy one day and told him to stay away from me. He told him to stop talking to me.	Advance woman debriefing concerning the suspicious policeman.
I knew Buddy was going to work late one night.	Advance woman debriefing.
Nothing had happened between Buddy and I (I should say that I had been seeing and talking to Buddy for about two months).	Advance woman debriefing. Notice that an undercover operation was being conducted against Buddy since April 1946.
Buddy kept talking so they stuffed a handkerchief in his mouth and gagged him.	Team debriefing. If an exhumation was ordered and fragments of cloth were found in his mouth, this sentence explains it.
He hit Buddy a couple of times in the stomach. Jim told Tom and Charlie to take Buddy's clothes off of him. They stripped him naked.	Team debriefing.
Buddy was gagged and could not say anything.	Team debriefing.
Jim left ... and came back with a rubber hose.	Team debriefing. The debriefing of Casey and Penley took place after the rest of the team was debriefed. Their debriefing documents were not clear on whether the rubber hose and gag were recovered by Casey and Penley.
I screamed for them not to kill him. That made Jim even crazier. He rolled me over, face down and inserted something into my rectum. I was screaming and he placed his hands over my mouth and told me he was going to kill me. He kept asking me if that felt as good as Buddy.	The continuing references to anal and oral sex are an intentional attempt to create the impression that the perpetrators were homosexual and that Smith is a male homosexual. This is aimed at professional profilers, in case we take the letter to one of them.
He apparently choked to death.	This is another reference to the gag and raises the question as to the cause of death. The profiler appears to be lobbying hard for an autopsy.
Tom did not know if Buddy died from the belt around his neck or if he suffocated from the handkerchief and gag that was in his mouth.	The profiler really wants to us question the cause of death. Again, he appears to be lobbying for an autopsy.

### Critique sheet for other documents from which the profiler worked

Letter	Critique
<p>Jim also realized that he had left the rubber hose and the handkerchief and gag in the cabinet shop.</p>	<p>Team debriefing. Apparently the team also left the hose and handkerchief in the shop. The profiler wants to cover them in the letter just in case some witness saw them and related that information. Since there is no mention of a gag and rubber hose in the inquest record, my guess is that Casey and Penley were able to recover the rubber hose, handkerchief and gag from the main part of the shop before the police arrived. Apparently, the debriefing documents did not note the recovery of these items. Perhaps Casey and Penley were not debriefed at the same time that the rest of the team was. When Casey and Penley stayed at the shop, the rest of the team probably left the vicinity.</p> <p>This suggests that Penley and Casey did not open the restroom door because the knife was found by the police and is mentioned in the justice of the peace report.</p>

**AUTOPSY REPORT  
Dr. Joseph Guileyardo and Dr. H. Gill-King**

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August 10, 2004

Mr. Herb Vest

[REDACTED]  
15305 Dallas Parkway, Suite 300  
Addison, TX 75001*Re: Harold E. Vest  
Our Case No.: 04-002*

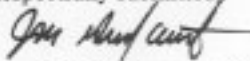
Dear Mr. Vest:

I have completed the initial work as requested on the case of your late father. I, along with Dr. Gill-King have prepared a joint report documenting our initial findings and recommendations. It is my understanding that Dr. Gill-King has forwarded this report to you under separate cover.

As you probably are aware, **I have recommended that the death certificate should be amended, since I do not believe that your father committed suicide based on currently available information.** In addition to the report and photographs prepared by Dr. Gill-King, I am forwarding an additional compilation of photographs which I personally prepared and which also documents the exhumation and my examination of the remains. Perhaps these images will be of some interest, although caution is advised since photographs of these remains and events could obviously be disturbing to family members. I do, however, feel an obligation to provide all information contained in my file.

Our heart certainly goes out to you and your family in your attempts to understand and investigate this troubling and complex case. If we can be of any further assistance please don't hesitate to contact us.

Respectfully submitted,



Joseph M. Guileyardo, MD

JMG/st

Enclosures

cc: Dr. H. Gill-King

## AUTOPSY REPORT

### Dr. Joseph Guileyardo and Dr. H. Gill-King

# UNIVERSITY of NORTH TEXAS

*College of Arts and Sciences  
Department of Biological Sciences  
Laboratory of Forensic Anthropology*

08-02-04

#### **Exhumation and Reexamination** **Harold Vest**

**Background-** We have been asked to exhume the remains of Harold "Buddy" Vest and to examine these, (i.e perform an autopsy), for signs of perimortem trauma and any other evidence which might inform the questions of cause and manner of his death. The request was made by his son, Mr. Herb Vest. Harold Vest expired in Gainsville, (Cooke Co.), Texas on June 28<sup>th</sup>, 1946, and was interred in Henrietta, Texas.

**Procedure-** The grave was opened on the morning of April 23<sup>rd</sup> by the order of Judge Dorothy Lewis, (Pct.#1, Gainsville, TX). H.Gill-King, PhD and Joseph Guileyardo, MD supervised the exhumation. The metal vault and wooden casket were removed to a utility building a few blocks away operated by a local mortuary. The vault was removed exposing the wooden casket which was stabilized and transported to the Laboratory of Forensic Anthropology at the University of North Texas in Denton, TX. The preliminary examination was conducted by Drs Gill-King and Guileyardo on the afternoon of April 23<sup>rd</sup>.

Fragments of the collapsed wooden casket, lining fabric remnants, and human bones were carefully separated, sorted, and reexamined. The remains were inventoried, (see attached), and photographed by anatomical region. All skeletal elements were cleaned by hand. No water was used owing to the loss of periosteum, advanced delamination, and subsequent high porosity of the specimens.

**Description-** The skeletal remains are uniformly stained dark due to humic acids leached from the decomposing wooden casket at slightly below normal pH. High clay content beneath the burial resulted in trapped water causing periodic saturation of the remains with accelerated demineralization of bones on the underside of the skeleton, notably spinous processes, ribs, scapulae, digits, sacrum and innominates. Patches of white powdery mold were noted on the bones and wood fragments.

**Biological Profile-** The skeleton is consistent in all respects with the known sex, age, ancestry and physique of Harold Vest. A specimen of femoral cortex has been retained for authentication of identity via DNA should the need arise. A dental chart is also attached as a means of identification, (i.e. HV may have a military dental record).

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## AUTOPSY REPORT

### Dr. Joseph Guileyardo and Dr. H. Gill-King

**Examination of the Remains-** All components have been examined grossly and at 7x under white fluorescent light and at 7x under UV illumination. Particular attention has been given to areas where defensive injuries might have been induced, (e.g. forearms, hands, etc ). Note:

- The hands, which had been folded across the upper abdomen, gravitated to a lower position where most of the digits and some of the carpals were degraded by water thus precluding examination.
- The ribs, (HV-7,8), scapulae, sternum/manubrium, clavicles, and cervical vertebrae were examined for evidence of instrumentation with negative result.
- The hyoid bone, thyroid cartilage, and cervical vertebrae are normal within the limits of interpretation imposed by decomposition.
- The calotte was removed for internal examination of the skull, (HV-9,10,11). All structures of the endocranium and the inner tables are normal. The exterior of the neurocranium including delicate structures of the base, (e.g. styloids, pterygoid hamuli, etc ), are present and intact.

**Antemortem Trauma-** The decedent sustained a fracture of the left cornu of the hyoid bone at some time in life. The fracture is completely healed, (see HV-6).

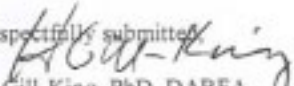
**Perimortem Trauma-**

- There is a small fracture of the left nasal bone near its juncture with the left maxilla. The defect appears as a small missing triangle of bone, (HV-1,5).
- Most of the clinical crown of tooth #10, (upper left lateral incisor), is broken off (HV-2,3,4).

**Interpretation-** It is unlikely that the nasal and dental fractures represent taphonomic artifacts. Deterioration and caving-in of the casket lid would not have produced sufficient force to cause these defects, and all other delicate structures of the face and dentition are intact. The possibility that one or both of the defects was a result of embalming procedures was considered. Cranial embalming may involve intranasal insertion of a trochar into the forebrain. Internal examination of the intact frontal fossa and nasal bones indicates that no such procedure was performed. Closing posts were inserted on the mandible and maxilla to anchor the mouth, but these are in the midline away from tooth #10. A distinct possibility remains that tooth #10 could have been fractured by the embalmer during an attempt to pry open the jaws which may have been clenched in rigor mortis. It is further noted that the widow of the decedent reports that when last seen alive Harold Vest had neither injury.

**Cause and Manner of Death-** Our examination of the remains of Harold Vest reveals no cause of death. However, while not fatal, the perimortem defects noted, (nasal and dental fractures), cannot be satisfactorily explained, and, in our opinion, justify further investigation. Therefore, we believe it would be prudent to amend the death certificate, classifying both cause and manner of death as *undetermined* pending further investigation.

**AUTOPSY REPORT  
Dr. Joseph Guileyardo and Dr. H. Gill-King**

Respectfully submitted  
  
H. Gill-King, PhD, DABFA

  
Joseph M. Guileyardo, MD, DABFP

encl x 4/ CD with 2 x files

### AUTOPSY REPORT Dr. Joseph Guileyardo and Dr. H. Gill-King

CASE #: HAROLD VEST CURATOR: LINT FORANTH.

-----SKELETAL INVENTORY (Page 7)-----

32. INVENTORY: Codes: 1 - present complete 4 - antemortem loss  
2 - present fragmentary 5 - unerupted (dentition)  
3 - absent (postmortem) 6 - congenitally missing

Cranium: \_\_\_\_\_

	Left:	Right:		Left:	Right:
Frontal:	<u>1</u>	<u>1</u>	Maxilla:	<u>1</u>	<u>1</u>
Parietal:	<u>1</u>	<u>1</u>	Nasal:	<u>1</u>	<u>1</u>
Occipital:	<u>1</u>	<u>1</u>	Ethmoid:	<u>1</u>	<u>1</u>
Temporal:	<u>1</u>	<u>1</u>	Lacrimal:	<u>1</u>	<u>1</u>
Zygomatic:	<u>1</u>	<u>1</u>	Vomer:	<u>1</u>	<u>1</u>
Palate:	<u>1</u>	<u>1</u>	Sphenoid:	<u>1</u>	<u>1</u>

Mandible: (INTACT)

	Left:	Right:	Left:	Right:
Body:	_____	_____	Ramus:	_____

Dentition: (SEE CHART ATTACHED)

	Left:	Right:	Left:	Right:
Max. I1:	_____	_____	Mand. I1:	_____
Max. I2:	_____	_____	Mand. I2:	_____
Max. C:	_____	_____	Mand. C:	_____
Max. P1:	_____	_____	Mand. P1:	_____
Max. P2:	_____	_____	Mand. P2:	_____
Max. M1:	_____	_____	Mand. M1:	_____
Max. M2:	_____	_____	Mand. M2:	_____
Max. M3:	_____	_____	Mand. M3:	_____

Postcranium: \_\_\_\_\_

	Left:	Right:		Left:	Right:
Hyoid:	_____	<u>1 (OLD FX)</u>	↓ Thoracic 1-12:	<u>1</u>	_____
Clavicle:	<u>1</u>	<u>1</u>	* Lumbar 1-5:	<u>1</u>	_____
Scapula:	<u>2</u>	<u>2</u>	* Sacrum:	<u>2</u>	_____
Humerus:	<u>1</u>	<u>1</u>	↓ Ilium:	<u>2</u>	<u>2</u>
Radius:	<u>1</u>	<u>1</u>	* Pubis:	<u>2</u>	<u>2</u>
Ulna:	<u>1</u>	<u>1</u>	* Ischium:	<u>2</u>	<u>2</u>
Hand:	<u>2</u>	<u>2</u>	Femur:	<u>1</u>	<u>1</u>
Manubrium:	_____	<u>1</u>	Patella:	<u>1</u>	<u>1</u>
Sternal Body:	_____	<u>1</u>	Tibia:	<u>1</u>	<u>1</u>
* Ribs:	<u>12</u>	<u>12</u>	Fibula:	<u>1</u>	<u>1</u>
↓ Atlas:	_____	<u>1</u>	Calcaneus:	<u>1</u>	<u>1</u>
* Axis:	_____	<u>2</u>	Talus:	<u>1</u>	<u>1</u>
* Cervical 3-7:	_____	<u>1</u>	↓ Foot:	<u>PARTIAL x 2</u>	_____

10 CARPALS  
6 METACARPALS  
ASSORTED PHAL.

(DNA/HT.)  
(7 TARSALS x 2  
5 METATARSALS x 2  
ASSORTED PHAL.)

-----RESEARCH MATERIALS-----

33. SKELETAL MATERIALS: \_\_\_\_\_  
34. DENTAL CASTS: \_\_\_\_\_  
35. HISTOLOGICAL SECTIONS: \_\_\_\_\_  
36. RADIOGRAPHS/PHOTOS: \_\_\_\_\_  
37. OTHER (hair, etc.): \_\_\_\_\_

\* = H<sub>2</sub>O DEMINERALIZATION



### AUTOPSY REPORT Dr. Joseph Guileyardo and Dr. H. Gill-King

CASE #: HAROLD VEIT RECORDER: HG-K DATE: 07/19/04

-----CRANIAL MEASUREMENTS (Pages 52-60)-----

	Left	Right		Left	Right
1. MAXIMUM LENGTH (g-op):	___	___	13. NASAL HEIGHT (n-ns):	___	___
2. MAXIMUM BREADTH (eu-eu):	___	___	14. NASAL BREADTH (al-al):	___	___
3. BIZYGOMATIC BREADTH (zy-zy):	___	___	15. ORBITAL BREADTH (d-ec):	___	___
4. BASION-BREGMA (ba-b):	___	___	16. ORBITAL HEIGHT (OBH):	___	___
5. CRANIAL BASE LENGTH (ba-n):	___	___	17. BIORBITAL BR. (ec-ec):	___	___
6. BASION-PROSTHION L. (ba-pr):	___	___	18. INTERORBITAL BR. (d-d):	___	___
7. MAX. ALVEOLAR BR. (ecm-ecm):	___	___	19. FRONTAL CHORD (n-b):	___	___
8. MAX. ALVEOLAR L. (pr-alv):	___	___	20. PARIETAL CHORD (b-1):	___	___
9. BIAURICULAR BREADTH (AUB):	___	___	21. OCCIPITAL CHORD (l-o):	___	___
10. UPPER FACIAL HGT. (n-pr):	___	___	22. FORAMEN MAGNUM L. (ba-o):	___	___
11. MIN. FRONTAL BR. (ft-ft):	___	___	23. FORAMEN MAGNUM BR (FOB):	___	___
12. UPPER FACIAL BR. (fmt-fmt):	___	___	24. MASTOID LENGTH (MDH):	___	___

-----MANDIBULAR MEASUREMENTS (Pages 61-63)-----

	Left	Right		Left	Right
25. CHIN HEIGHT (gn-id):	___	___	30. MIN. RAMUS BREADTH:	___	___
26. BODY HEIGHT at MENTAL FOR:	___	___	31. MAX. RAMUS BREADTH:	___	___
27. BODY THICKNESS at M. FOR:	___	___	32. MAX. RAMUS HEIGHT:*	___	___
28. BIGONIAL DIAMETER (go-go):	___	___	33. MAND. LENGTH:*	___	___
29. BICONDYLAR BR. (cdl-cdl):	___	___	34. MAND. ANGLE:*	___	___

\* Record only if mandibulometer is used.

-----POSTCRANIAL MEASUREMENTS (Pages 64-76)-----

	Left	Right		Left	Right
CLAVICLE: Epiph. P/A:	___	___	INNOMINATE: Epiph. P/A:	___	___
35. MAXIMUM LENGTH:	<u>155</u>	___	56. HEIGHT:	___	___
36. SAGITTAL DIAM. at MIDSH:	___	___	57. ILIAC BREADTH:	___	<del>___</del> DAMAGE
37. VERTICAL DIAM. at MIDSH:	___	___	58. PUBIS LENGTH:	___	___
SCAPULA: Epiph. P/A:	___	___	59. ISCHIUM LENGTH:	___	___
38. HEIGHT:	<del>___</del> DAMAGE	___	FEMUR: Epiph. P/A:	___	___
39. BREADTH:	___	___	60. MAXIMUM LENGTH:	<u>473</u>	___
HUMERUS: Epiph. P/A:	___	___	61. BICONDYLAR LENGTH:	___	___
40. MAXIMUM LENGTH:	<u>326</u>	___	62. EPICONDYLAR BREADTH:	___	___
41. EPICONDYLAR BREADTH:	<u>56</u>	___	63. MAX. DIAM. of HEAD:	<u>46</u>	___
42. MAX. VERT. DIAM. of HEAD:	<u>45</u>	___	64. A-P SUBTR. DIAMETER:	___	___
43. MAX. DIAM. at MIDSHAFT:	___	___	65. TRANSV. SUBTR. DIAM:	___	___
44. MIN. DIAM. at MIDSHAFT:	___	___	66. A-P DIAM. MIDSH:	___	___
RADIUS: Epiph. P/A:	___	___	67. TRANVS. DIAM. MIDSH:	___	___
45. MAXIMUM LENGTH:	<u>259</u>	___	68. CIRCUMF. AT MIDSH:	___	___
46. SAGITTAL DIAM. at MIDSH:	___	___	TIBIA: Epiph. P/A:	___	___
47. TRANSV. DIAM. at MIDSH:	___	___	69. CONDYLO-MALLEOLAR LN:	<u>392</u>	___
ULNA: Epiph. P/A:	___	___	70. MAX. PROX. EPIPH. BR:	___	___
48. MAXIMUM LENGTH:	<u>278</u>	___	71. MAX. DIST. EPIPH. BR:	___	___
49. DORSO-VOLAR DIAMETER:	___	___	72. MAX. DIAM. NUTR. FOR:	___	___
50. TRANSVERSE DIAMETER:	___	___	73. TRNSV. DIAM. NUTR. FOR:	___	___
51. PHYSIOLOGICAL LENGTH:	___	___	74. CIRCUM. AT NUTR. FOR:	___	___
52. MIN. CIRCUMFERENCE:	___	___	FIBULA: Epiph. P/A:	___	___
SACRUM: No. Segments:	<del>___</del> DAMAGE	___	75. MAXIMUM LENGTH:	<u>386</u>	___
53. ANTERIOR HEIGHT:	___	___	76. MAX. DIAM. at MIDSHAFT:	___	___
54. ANTERIOR SURFACE BREADTH:	<del>___</del>	___	CALCANEUS: Epiph. P/A:	___	___
55. MAX. BREADTH (S-1)	___	___	77. MAXIMUM LENGTH:	<u>85</u>	___
			78. MIDDLE BREADTH:	<u>39</u>	___

### AUTOPSY REPORT Dr. Joseph Guileyardo and Dr. H. Gill-King

COLLECTION ID/CASE #: RE AUTOPSY I.D. NAME: HAROLD VEST  
 CURATOR/ADDRESS: UNIT FORANTH RECORDER: HG-K DATE: 07/20/04

————— EPIPHYSEAL CLOSURE —————

Codes: 1 - No Union 2 - Partial Union 3 - Complete Union

38. BASILAR SUTURE: <u>100%</u>	47. LUMB. VERT. RIM: <u>100%</u>	56. PROX. RADIUS: <u>100%</u>
39. MEDIAL CLAVICLE: <u>95%</u>	48. SACRUM (1/2): <u>*</u>	57. DISTAL RADIUS: <u>"</u>
40. ATLAS-ANTERIOR: <u>100%</u>	49. SACRUM (2/3): <u>*</u>	58. PROX. ULNA: <u>"</u>
41. ATLAS-POSTERIOR: <u>"</u>	50. SACRUM (3/4): <u>*</u>	59. DISTAL ULNA: <u>"</u>
42. AXIS-ANTERIOR: <u>"</u>	51. INNOM. PRIM. ELEM. <u>*</u>	60. FEMUR HEAD: <u>"</u>
43. AXIS-POSTERIOR: <u>"</u>	52. ISCH. TUBEROSITY: <u>*</u>	61. GR. TROCH.: <u>"</u>
44. CERV. VERT. RIM: <u>"</u>	53. ILIAC CREST (ANT 1/3): <u>*</u>	62. DIST. FEMUR: <u>"</u>
45. THOR. VERT. RIM: <u>"</u>	54. PROX. HUMERUS: <u>100%</u>	63. PROX. TIBIA: <u>"</u>
46. L5 BODY-ARCH: <u>"</u>	55. MED. EPIC. HUM.: <u>"</u>	64. DISTAL TIBIA: <u>"</u>

\* H<sub>2</sub>O DAMAGE

————— CRANIAL SUTURE CLOSURE (Pages 10-12) —————

Ectocranial		Endocranial	
0: open	1: up to 50%	2: >50%	3: obliterated
		1: open	2: partial
			3: obliterated

	L	R		L	R	
65. MIDLAMBDOID:	---	---	70. MIDCORONAL:	---	---	75. SAGITTAL:
66. LAMBDA:	---	---	71. PTERION:	---	---	76. LAMBDOID(L):
67. OBELION:	---	---	72. SPHENOFRONTAL:	---	---	77. LAMBDOID(R):
68. ANTERIOR SAGITTAL:	---	---	73. INF. SPHENOTEMP:	---	---	78. CORONAL(L):
69. BREGMA:	---	---	74. SUP. SPHENOTEMP:	---	---	79. CORONAL(R):

VAULT GROUP = 0-1  
ENDOCRANIALY

————— RIB END CHANGES (Pages 13-22) —————

	Left	Right
80. RIB NO.:	<u>(DAMAGE)</u>	Phase: _____

————— PELVIC CHANGES (Pages 23-45) —————

	Left	Right
81. TODD (1920)/(1921):	_____	_____
82. SUCHEY-BROOKS (Suchey and Katz 1986):	_____	_____
83. McKERN AND STEWART (1957):	I: _____ II: _____ III: _____	I: _____ II: _____ III: _____
84. GILBERT AND McKERN (1973):	I: _____ II: _____ III: _____	I: _____ II: _____ III: _____
85. AURICULAR SURFACE:	_____	_____
86. DORSAL PUBIC FITTING: <u>NA</u>	1. ABSENT: _____ 2. TRACE-SMALL: _____ 3. MODERATE-LARGE: _____	1. ABSENT: _____ 2. TRACE-SMALL: _____ 3. MODERATE-LARGE: _____

### AUTOPSY REPORT Dr. Joseph Guileyardo and Dr. H. Gill-King

H. VEST / MILITARY ANTEMORTEMS (?)

EXAMINER HG-K  
DATE 07/20/04 TELEPHONE \_\_\_\_\_

EXISTING PROSTHESIS: MAX. NEG. MAND. NEG.

TOOTH	PRESENT REST	PATHOLOGY
1	X	UNERUPTED
2	✓	OCCLUSAL AMALGAM
3	✓	
4	✓	
5	✓	
6	✓	
7	✓	
8	✓	
9	✓	
10	✓	CROWN FX / PERIMORTEM
11	✓	
12	✓	OCCLUSAL AMALGAM
13	✓	OCCLUSAL AMALGAM
14	✓	
15	✓	OCCLUSAL AMALGAM
16	X	UNERUPTED
17	X	UNERUPTED
18	✓	OCCLUSAL AMALGAM
19	✓	OCCLUSAL AMALGAM
20	✓	
21	✓	
22	✓	
23	✓	
24	✓	
25	✓	
26	✓	
27	✓	
28	✓	
29	✓	
30	✓	OCCLUSAL AMALGAM
31	✓	OCCLUSAL AMALGAM
32	✓	

NAME HAROLD VEST  
CASE NO. \_\_\_\_\_ DATE \_\_\_\_\_  
AGE \_\_\_\_\_ RACE Cauc SEX M.

POLICE AGENCY \_\_\_\_\_  
INVESTIGATOR \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

ANTEMORTEM X-RAYS: YES \_\_\_\_\_ NO \_\_\_\_\_ TYPE \_\_\_\_\_  
RECEIVED ON: \_\_\_\_\_ NO. RECEIVED \_\_\_\_\_  
RETURNED ON: \_\_\_\_\_ NO. RETURNED \_\_\_\_\_  
ATTENDING DENTIST \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

POSTMORTEM X-RAYS: EXPOSED BY \_\_\_\_\_ DATE \_\_\_\_\_  
TYPE \_\_\_\_\_ NO. OF \_\_\_\_\_

NOTES  
1) MINIMAL OCCLUSAL WEAR  
2) " " PERIODONTODCLASIS  
3) AMALGAMS AS NOTED  
4) FX CROWN #10 / PERIMORTEM

### AUTOPSY REPORT Dr. Jerry Melbye

March 27, 2005

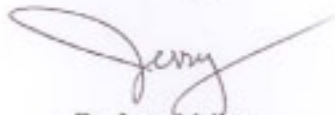
Herb Vest  
c/o Trish Bellows,  
5215 N. O'Connor  
Suite 1600, Irving, TX 75039  
tel: 972-402-4806  
fax: 972-402-4801  
mobile: 214-505-8069

Dear Herb,

Enclosed is a copy of my Report along with an invoice. You had a number of questions which I can address in a Supplemental Report as soon as I research all of the answers. There will be no further charges for this report. I thought it best to get you the main information as soon as possible.

I enjoyed our "conference", and assure you that you have instilled Vicky and me with intellectual curiosity regarding the case. I hope you will keep us informed of developments, and we will be happy to assist in any further endeavors. Should you decide to re-enact the night of your father's death, I would like to offer my services to assist you in evaluating possible areas of trauma.

Kindest Regards



Dr. Jerry Melbye  
Diplomate-American Board of Forensic Anthropology



Texas State University | SAN MARCOS  
A member of the Texas State University System

**JERRY MELBYE, Ph.D.**  
*Professor*  
*Diplomate, American Board Forensic Anthropology*  
*Department of Anthropology*

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**AUTOPSY REPORT  
Dr. Jerry Melbye**

Harold (Buddy) Vest

Case # TSU-016

**A Forensic Anthropology Report**

By

Jerry Melbye, Ph.D., DABFA

Report to: Herb Vest

Dated: March 27, 2005

Signature:  Date: 27 March 05  
Dr. Jerry Melbye - Forensic Anthropologist  
Diplomate-American Board of Forensic Anthropology



**AUTOPSY REPORT**  
**Dr. Jerry Melbye**

2

**Background**

On Monday, March 7, 2005, I contracted with Herb Vest to review the findings of Dr. Gill-King in the case of Harold (Buddy) Vest. On March 7, 2005, arrangements were confirmed with Dr. Gill-King to meet with him on March 24, 2005, at the Laboratory of Forensic Anthropology at the University of North Texas in Denton, Texas.


The remains of Buddy Vest were sealed in a single cardboard container, and the bones were individually wrapped and taped with protective bubble wrap, to protect them from further damage. Dr. Gill-King and I agreed that my work should be independent; and, therefore, without prejudice. I was provided a private lab, and complete access to all of Dr. Gill-King's facilities.

**Inventory**

All of the bones are human, adult, similar in staining, and without overlap. There is one decedent, and the bones are generally intact and in good condition. Because the skeleton is nearly complete, I will only list the exceptions.

1. Right and Left Scapulae (shoulder blades) have severe damage.
2. 6 Carpals (wrist bones) are either severely damaged or missing.
3. 4 Metacarpals (palm bones) are either severely damaged or missing.
4. Several Phalanges (finger bones) are either severely damaged or missing.
5. All Ribs vary in condition from slight to severe damage.
6. All Vertebrae have slight damage, particularly the spinous processes.
7. Right and Left Innominates (hip bones) have severe damage.
8. 6 Phalanges (toe bones) are either severely damaged or missing.

All damage is consistent with water damage. All of the missing parts are very small, and have likely been so severely water damaged that they could not be identified.

Signature:  Date: 27 Mar 05  
Dr. Jerry Melbye - Forensic Anthropologist  
Diplomat-American Board of Forensic Anthropology

**AUTOPSY REPORT**  
**Dr. Jerry Melbye**

3

**Biological Profile**

The decedent is a young, adult, white; male which is consistent with Buddy Vest.

**Examination**

Every surface of every bone was examined macroscopically including the internal surface of the cranium. It should be noted that all surfaces were not available for examination due to water damage. This damage includes large parts of the ribs, hip bones, sacrum, shoulder blades, forearm bones, and the spinous processes of most of the vertebrae.

**Antemortem Pathology**

1. There is a congenital (?) bony mass on the left transverse process of the **fifth lumbar vertebra**. The mass is so large it has formed a pseudoarticulation with the left ala of the sacrum.
2. There is a possible healed fracture of the left cornu of the **hyoid**. (see attached photos)

**Perimortem Trauma**

1. There is a fracture of the **left nasal bone** with about half the bone missing. The adjacent sutures are slightly open which suggests blunt force trauma. (see attached photos)
2. The crown of the maxillary, left, **lateral incisor** is fractured and missing. The edges of the fracture are sharp with absolutely no evidence of wear. This strongly suggests a perimortem event involving a blunt force trauma. (see attached photos)
3. There is a green-stick fracture of the left transverse process of the **second lumbar vertebra**. While several of the transverse processes of the other vertebrae have some water damage, this one is unique, and probably a result of blunt force trauma. (see attached photos)

Signature: Dr. Jerry Melbye - Forensic Anthropologist  
Diplomate-American Board of Forensic Anthropology

Date: 27 June 05

**AUTOPSY REPORT**  
**Dr. Jerry Melbye**


4

**Summary and Conclusions**

Given the evidence in this report and the known facts regarding the discovery of the decedent, the following is concluded.

1. The cause of death is unknown, and will likely remain unknown. The assumption of asphyxiation by a leather belt cannot be confirmed or disputed by any known modern test.
2. The manner of death by "suicide" is false. If autoerotic asphyxiation is the vehicle of death, the correct manner of death should be documented as "accidental".
3. The possibility of autoerotic asphyxiation is, however, mitigated by the presence of three sites of blunt force trauma at or near the time of death. This is inconsistent with either the "suicide" or "accidental" conclusion because it suggests the presence of a second party and violence.
4. If more than one manner of death is possible, the manner is normally stated as "undetermined".

Signature:

  
Dr. Jerry Melbye - Forensic Anthropologist  
Diplomate-American Board of Forensic Anthropology

Date: 27 Mar 05



**AUTOPSY REPORT  
Dr. Jerry Melbye**

Harold (Buddy) Vest

Case # TSU-016

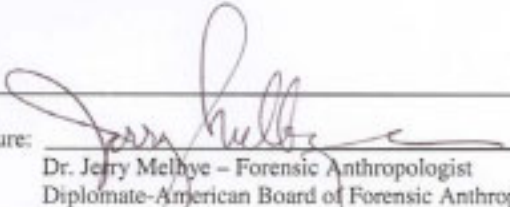
**A Forensic Anthropology Report**

By

Jerry Melbye, Ph.D., DABFA

Supplemental Report to: Herb Vest

Dated: March 28, 2005

Signature:  Date: 28 Mar 05  
Dr. Jerry Melbye - Forensic Anthropologist  
Diplomate-American Board of Forensic Anthropology

**AUTOPSY REPORT**  
**Dr. Jerry Melbye**

2

Supplemental Report

Harold (Buddy) Vest  
Case # TSU-016  
Questions and Responses:

**Question #1**

How long after a blunt force impact does bruising take place?

**Answer**

Superficial bruising appears rapidly, but is relatively faint. Deep bruising is the kind more generally recognizable, and this kind of bruising can take up to 24 hours to appear.

---

**Question #2**

How likely is it that the healed fracture of the hyoid bone is the result of a previous hanging (A&E).

**Answer**

It is **very unlikely**. Hyoid fractures are considered to be the result of manual strangulation. They are generally **not** caused by ligature strangulation (any constricting band around the neck).

---

**Question #3**

Could the three blunt force injuries (spinal injury, nose injury, and broken tooth) be caused by "flailing" during ligature strangulation?

**Answer**

While possible, this would be highly unlikely. Three injuries of considerable blunt force, in three discrete areas, (front and back) deems flailing to be unlikely.

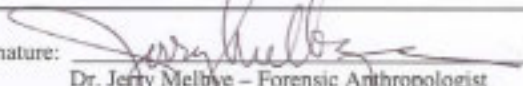
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**Question #4**

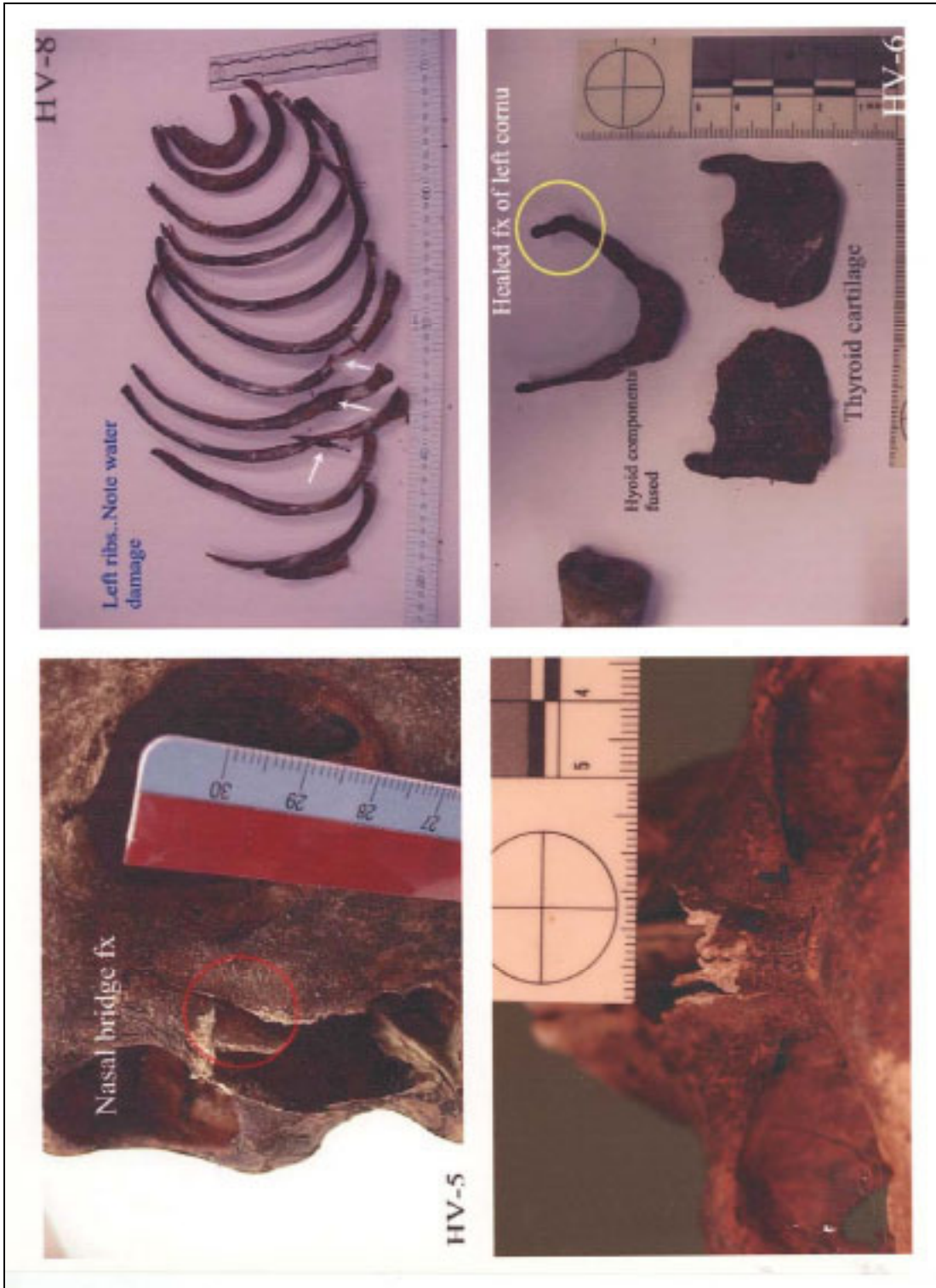
What is the significance of the spinal injury?

**Answer**

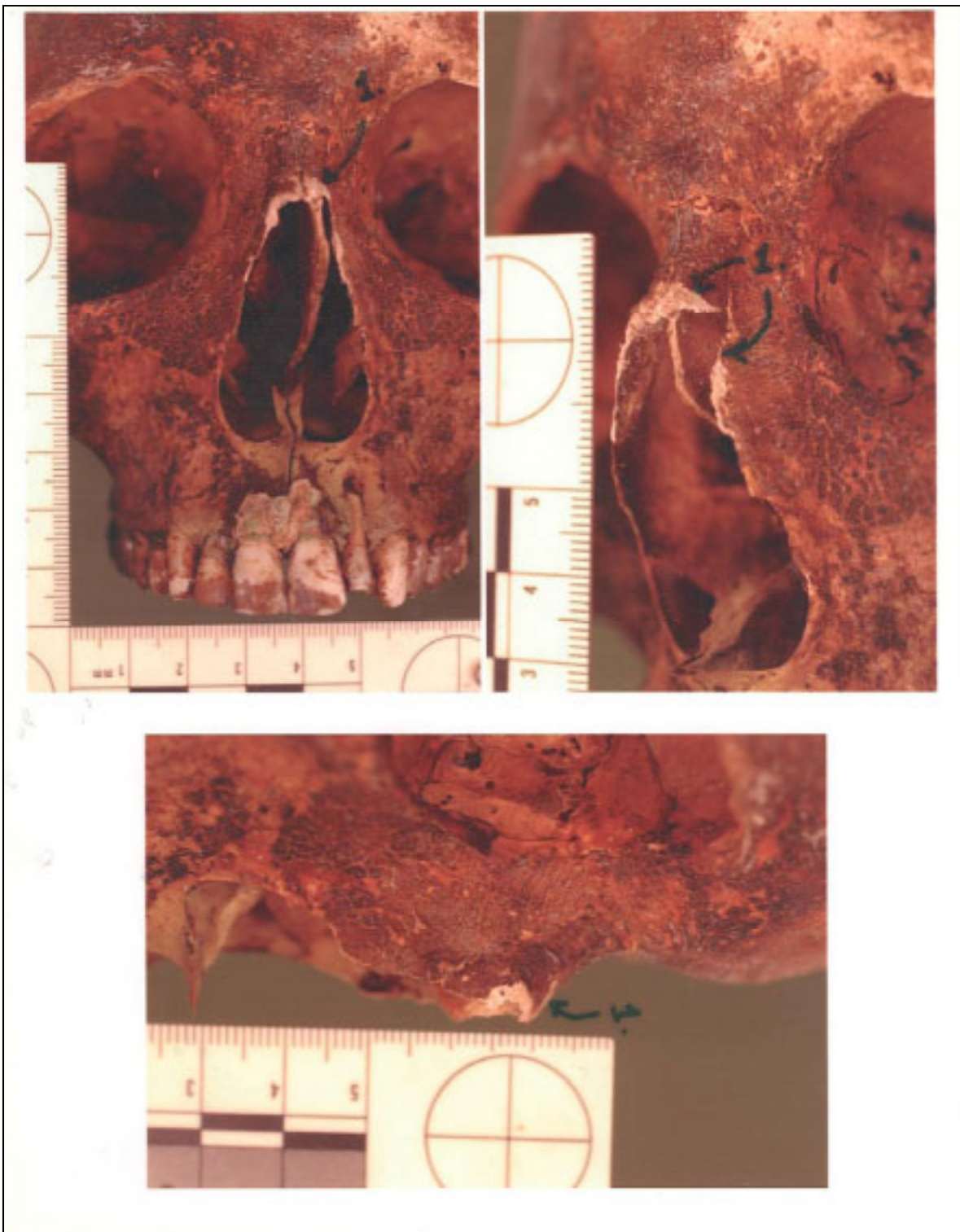
Only one injury was deemed to be relatively clear (reported in the original report). Two bony fractures to the cervical vertebrae (neck) were too small to be certain. They may be simply water damage, or they may be related to the ligature around the neck of the decedent. This is highly speculative.

Signature:  Date: 28 Mar 05  
Dr. Jerry Melbye – Forensic Anthropologist  
Diplomate-American Board of Forensic Anthropology

**AUTOPSY REPORT  
Dr. Jerry Melby**

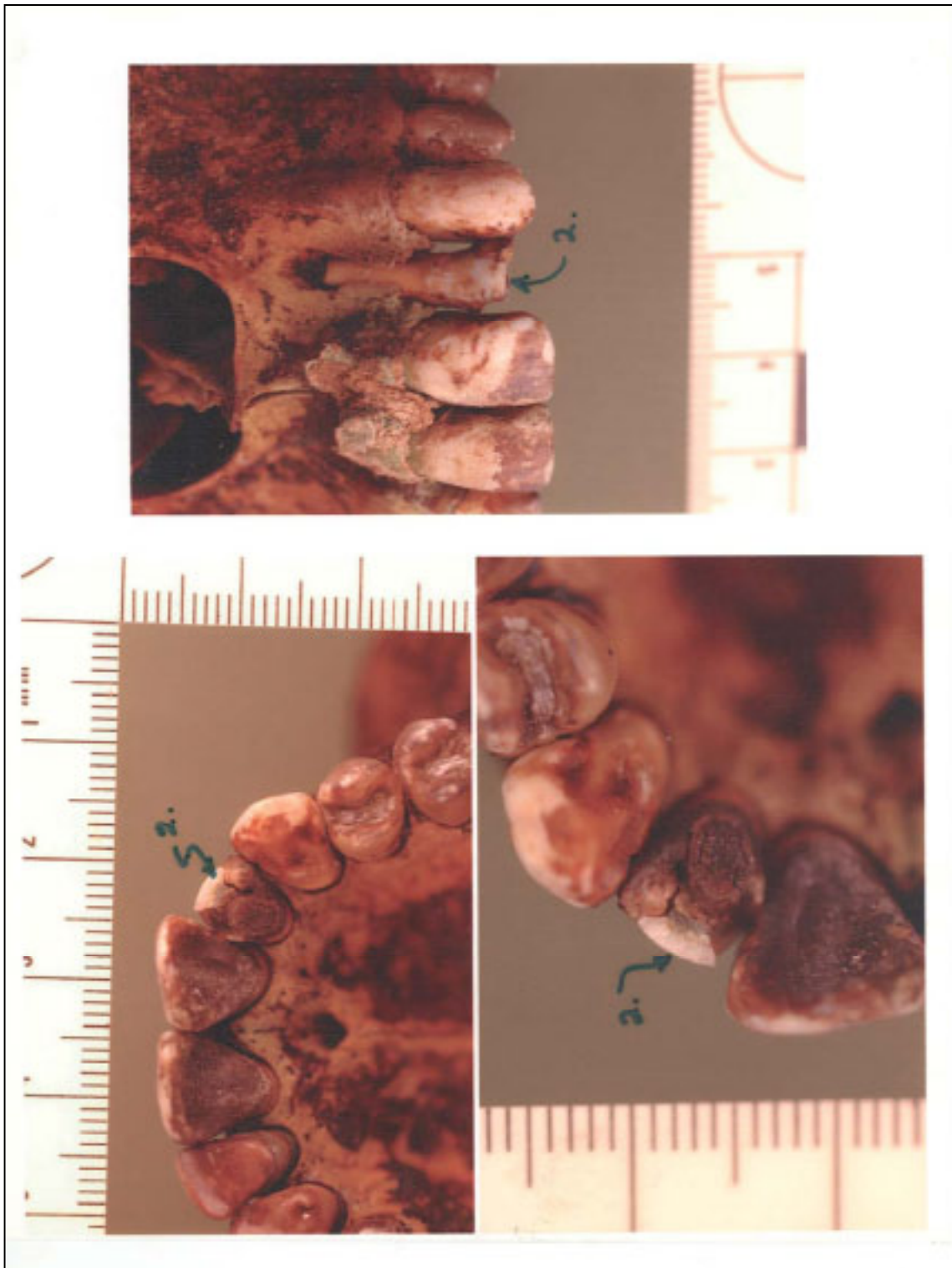


**AUTOPSY REPORT  
Dr. Jerry Melbye**





**AUTOPSY REPORT  
Dr. Jerry Melbye**



**AUTOPSY REPORT  
Dr. Jerry Melbye**



**AUTOPSY REPORT**  
**Dr. Robert G. Williams**

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ROBERT G. WILLIAMS, D.D.S., D.A.B.F.O.



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11-09-05

**Dental Examination and Analysis of Harold "Buddy" Vest**

**Background-** I was contacted by H. Gill King, PhD to perform a dental examination of the remains of Harold Vest that he had in his possession at the Laboratory of Human Identification at University of North Texas in Denton. Dr. Gill-King indicated that the remains had recently been exhumed at the request of his son, Herb Vest.

**Procedure-**The remains were viewed at the UNT Laboratory of Human Identification at which time the dental structures were examined, photographed and dental charting was completed. I requested to the Laboratory Co-coordinator, Mark Ingraham to allow me to radiograph the dental structures at my office to complete the examination. I also indicated that due to the age of the remains that it would be necessary to look at several of the teeth under a Scanning Electron Microscope for a complete analysis.

**Clinical Examination-**Multiple restorations were noted and were consistent with those that would be on mainstream dentistry in the 1940's. Of special interest were the restorations seen on teeth #'s 7 and 10. Tooth #7 has porcelain fused to metal crown placed which prior to 1945 and by standards of the day considered cutting edge technology. The current events of that time make the use of precious metals and porcelain was highly unusual.

Also of interest was the root canal therapy performed on these teeth prior to the placement of the crown on tooth # 7 (figs. A&B). Although root canal procedures of this nature involving obturation of the canal with gutta-percha were not unheard during the 1940's, I do not consider this to be mainstream dentistry during this era and more cutting edge technique.

Of note is the complete horizontal fracture of the coronal aspect of tooth number #10 with a mesio-lingual silicate restoration. A residual peri-apical lesion with osseous labial denuding is seen on the facial aspect of this lateral incisor (fig. C). It not unusual for the artifact of a peri-apical lesion (due to abscess) to remain after completion of root canal therapy and is considered acceptable therapeutics as long as the tooth remains asymptomatic. All other teeth and restorations visually appear to be intact and unremarkable for a dentition of this time period.

**Radiographic Examination-**Full mouth x-rays verified multiple restorations with root canal therapy on teeth #'s 7&10 along with the periapical radiolucency on #10. These teeth also had metal post and core buildups prior to the placement of the porcelain fused

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MEMBER  
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**AUTOPSY REPORT**  
**Dr. Robert G. Williams**

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to metal crown on #7. A fracture of the nasal septum was seen in the maxillary central x-ray.

**Scanning Electron Microscope Examination**-Microscopic examination revealed a spike fracture on the lingual aspect of tooth # 10 (figs. C & D). Other than normal taphonomic deterioration of the mesio-lingual silicate restoration and small micro fractures of the enamel, no other remarkable or unusual artifacts were seen.

**Interpretation**-The blunt force trauma sustained on tooth #10 is not the effect of taphonomic stresses due to the fact that anthropological reports reflect that no remnant of the fractured tooth was recovered at the gravesite. The morphology of the fractured incisor does reveal that high velocity blunt force trauma was applied from a labial to lingual direction of the tooth. This is evident as the fracture spike of the enamel is on the lingual aspect of the incisial edge. This would also eliminate the possibility that the tooth was fractured as the result of breaking rigor during funeral preparation, as the spiking effect would be reversed during this procedure. It should also be noted that the accepted procedure to break rigor (if actually necessary) is to pry the mandible in the posterior aspect of the jaw with a sufficient force to open the jaws and not cosmetically injure the anterior aspect of the mouth. The body of the tooth #10 was intact in the maxilla at the time of exhumation thus eliminating someone attempting to manually luxate the tooth peri-mortem. Even with minimal luxating force, because of the denuding of the labial eminence, forceful peri-mortem removal is highly unlikely without damaging these fragile structures.

It should also be noted that no correlation could be made between the fracture of this tooth (#10) and of the nasal septum other than what was previously alluded to in the anthropological reports. (See to reports, Drs. Melbe & Gill-King).

Respectfully Submitted,

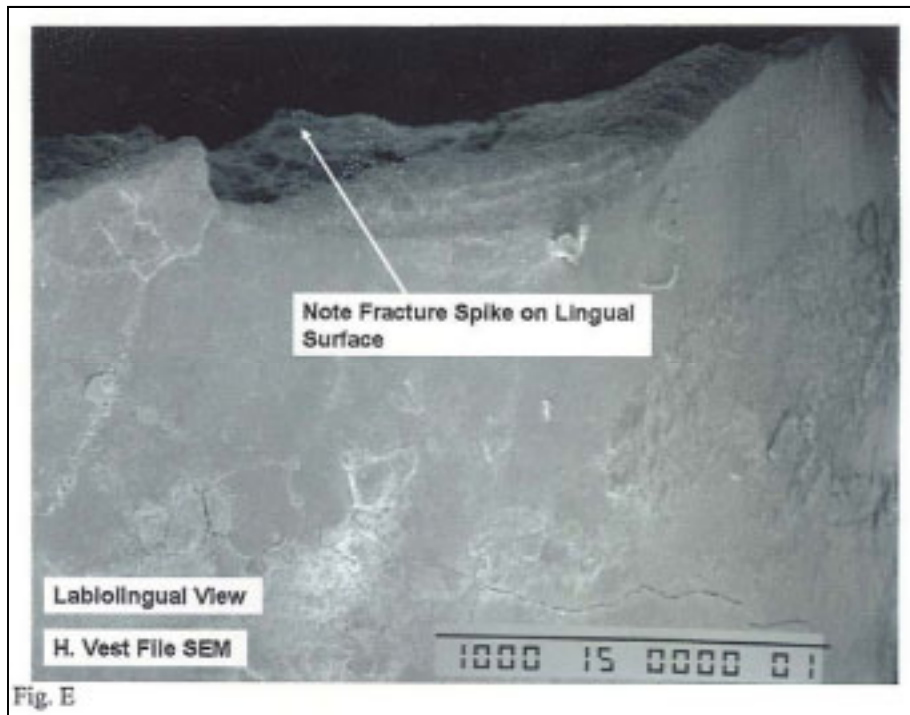
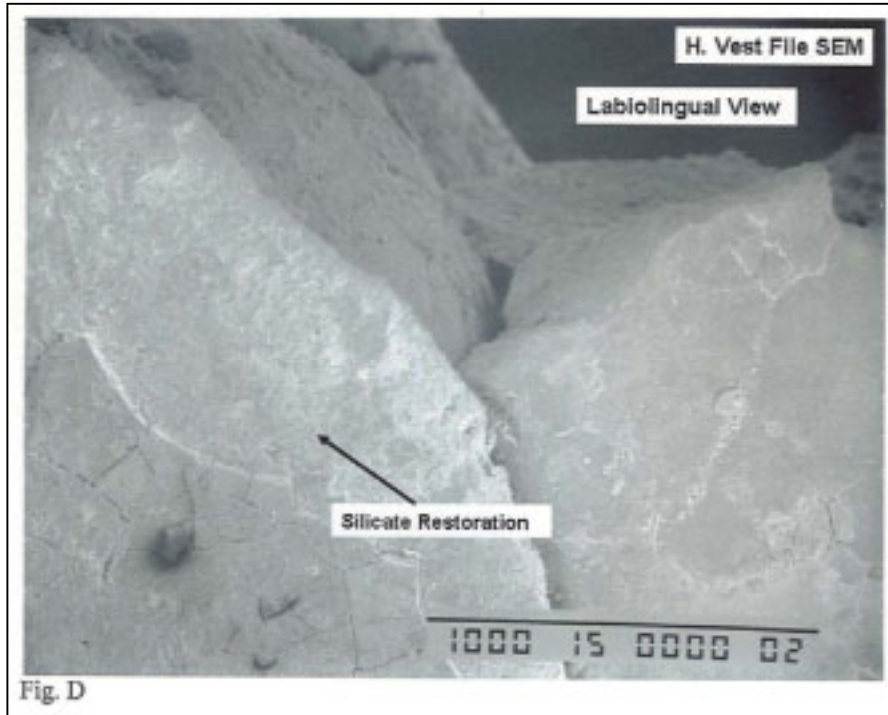
Robert G. Williams, D.D.S., D-ABFO



**AUTOPSY REPORT  
Dr. Robert G. Williams**



**AUTOPSY REPORT  
Dr. Robert G. Williams**





## SECTION IV

## WITNESS SECTION

**\*\*\* PLEASE READ \*\*\***

DISCLAIMER: This summary is designed to document an independent assessment of the facts and theories surrounding the death of Harold "Buddy" Eugene Vest on June 28, 1946, in order to discover the truth. This summary is not designed to impugn anyone. Readers must understand that many of the statements in this summary are not factual, but rather are opinions, impressions and speculations based on assumptions and interpretations of existing and necessarily incomplete information. This summary includes fictionalized accounts designed to further the investigation. These fictionalized accounts may not be accurate. Indeed, the information contained in this summary is not warranted to be accurate and we assume no responsibility for damages arising from the publication, distribution, use of, or reliance on any such information. This summary is a living document, and as such it is subject to change without notice.

**INTERVIEWS WITH EDNA RUTH  
BLAKELY VEST POWERS  
LAST REVISED NOVEMBER 21, 2005**

**Edna Ruth Blakely Vest Powers**

**Relationship to the deceased: Wife**  
**Approximate age on date of death: 22**  
**Residence on date of death: Gainesville, TX**  
**Current residence: Dallas, TX**  
**Source credibility rating: Highly credible**

Ruth grew up in the small town of Henrietta, TX, located about 60 miles west of Gainesville and about 18 miles east of Wichita Falls. Her father, Marion Augustus Ross Blakely (known as Gus) (born 1895 in TX, deceased 1949 in TX), operated a real estate/oil and gas lease acquisition firm with offices in Henrietta and Wichita Falls. On the date of death, Gus was mayor of Henrietta. His business partner was the county chairman of the Democratic Party. Ruth's mother, Neva Genoa Kilcrease Blakely (born 1898 in TX, deceased 1955 in TX), was a homemaker. Ruth was the youngest (born 1923 in TX) of three sisters. Her sisters were Margaret (born about 1917, deceased 1990s) and Billie Dan (known as Dan) (born 1922, deceased 1987). She and her sister Dan were very close.

Dan married Herbert Aaron Seright (known as Herbie or Herb) (born 1916, deceased 1989). When Herbert joined the Army and was stationed at Camp Custer near Battlecreek, MI, in 1942/43, Ruth accompanied them. She worked at the Post Exchange (PX) at Camp Custer. She met Buddy in the PX in about January of 1943. They were married in April 1943 in Henrietta. Upon returning to Battlecreek, they lived in a rented room in the upstairs home of Buddy's 1<sup>st</sup> Sergeant, "Smitty", his wife and 12-year-old daughter. Ruth thinks that Buddy worked as company clerk while at Camp Custer. Buddy and Ruth were friends with the family and they named their son after Smitty's brother, Darwin. She remembers that Smitty was from Cleburne, TX.

On Aug. 12, 1944, Ruth had her only son, Herbie Darwin Vest. In about September of 1944, Ruth and her son returned to Henrietta. Buddy stayed at Camp Custer until about February of 1945. In late February, Buddy took leave and visited his family in Henrietta. He then shipped off to Europe in March.

Ruth remembers Buddy bringing home perfume from Paris after the war. She says that they corresponded while he was overseas but states that she didn't keep the letters.

She remembers no conversations about his overseas tour of duty with Buddy after he returned home. She states that she doesn't remember where Buddy was stationed overseas, his unit, his duties or his rank. She says that Buddy did not talk much about his life in Chicago or overseas.

Ruth describes Buddy as easygoing, with a good sense of humor, of good character, as a loving husband and as a devoted father. She also said that she thought of him as "protected," meaning naive and not worldly. She believes that he was in good physical and mental health during their entire marriage. She never noticed any indications of psychological disorders such as depression, anxiety, nervousness, paranoia, compulsiveness, seeing things, etc. She states that she believes he was mentally well-adjusted, friendly, happy and optimistic. She states that he did not talk excessively, but neither was he excessively quiet or withdrawn.

She states that she never knew of any bad conduct or vices, such as drinking, gambling, excessive lifestyle, womanizing, and the like either during or before their marriage. She knows of no traumatic experiences in Buddy's childhood, such as child abuse (emotional, physical or sexual), bad conduct, unusual friends, etc.

She states that Buddy never requested any unusual sexual acts such as bondage, cross-dressing, etc. She states that Buddy never expressed an interest in strange pornography, S & M literature, books on torture or anything typically associated with S & M activities. She states that Buddy never complained of frequent headaches, redness in the eyes, or had marks or redness in the neck area during their marriage, which would be a sign of AEA activity. She states that she never suspected that he participated in cross-dressing. She states that she never noticed any missing undergarments or ever suspected that he had otherwise acquired women's undergarments. After being informed of the psychological indicators of AEA, she states that Buddy never had any of the symptoms typical of practitioners.

She states that Buddy had no radical political, social or religious beliefs and did not participate in politics or religious activities. His mother was Catholic, but she believes that he did not belong to any church or participate in religious activities. She believes that Buddy was likeable and is unaware of any enemies he might have had. She never suspected him of infidelity, stating "he was not that type." She states that she never suspected that he was jealous of her.

## INTERVIEWS WITH EDNA RUTH BLAKELY VEST POWERS LAST REVISED NOVEMBER 21, 2005

### Edna Ruth Blakely Vest Powers, cont.

She states that Buddy did not complain of head, tooth or back pain the last time she saw him or before. She knows of no accidents that might have broken his tooth or fractured his nose or back. She did not notice a broken tooth.

She said that after leaving the Army, Buddy briefly visited his parents in Chicago. He left a German pistol, which he acquired overseas, with his father to sell. She said that Lloyd, Buddy's father, sold it for \$50. She remembers meeting Buddy at the train station in Gainesville when he returned home from the war in the first part of February 1946. They lived with her parents until about the middle of March and then moved to Gainesville.

They chose Gainesville as their residence because her sister Dan and her sister's husband, Herbert, lived there. During WWII Herbert had been overseas as a truck driver. After VE day, Herbert returned home on leave waiting to go to the Pacific Theater. While he was on leave, the Japanese surrendered and he was discharged in late August 1945. He acquired a filling station and a gasoline distributorship located in Gainesville. Ruth believes that they lived on Clements Street. Herbert's filling station was located a couple of blocks north and west of the courthouse.

Ruth remembers that Buddy brought her Chanel No. 5<sup>®</sup> perfume from Paris. She does not know when he acquired it. She did state that the fact that he brought it home with him instead of mailing it may indicate that he bought it within a month or two of returning to the U.S.

In about the middle of March 1946, Buddy and Ruth moved to a rooming house in Gainesville located across the street and a couple of houses west of the shop. He rented a building for the shop on California Street, purchased used tools and equipment and began cabinet-making operations at that time. She said that she had saved money from her allotment checks and that Buddy had gotten mustering-out pay from the Army. She states that they did not have an automobile or telephone. This was not unusual after the war. She believes that the family lived well within its means.

The business seemed to her to be going well and she knows of no financial problems, unusual working hours, debts, strange behavior or the like. In the first week in June 1946, they purchased a small, two-bedroom home

located on Culberson Street on the GI bill. She states she never saw any suspicious-looking characters around the neighborhood or the shop. She states she never saw any suspicious-looking women in the neighborhood or around the shop.

The newspaper account of the night of June 27, 1946 states that Buddy had stopped by his home at slightly after 4:00 p.m. to tell his wife he would be working late. Ruth remembers that Buddy stopped by one afternoon and was with a vehicle. She was in the backyard with her son. She does not know for certain that it was the day of the homicide.

Ruth states that on the evening of June 27, she had put a dinner of roast beef and squash on the table. She does not remember the time, but does remember it was still light outside (Gainesville was not on daylight-saving time in 1946. Civil twilight ended at 8:13 p.m.). She then lay down with her 22-month-old son to take a nap. She awoke at about midnight to discover that Buddy had not returned home. She went next door and tapped on the window of her neighbor, Ms. Jimmy Howard (Lawanna). Ms. Howard, still in her pajamas, took her to the shop.

They proceeded south on Culberson Street to California Street and turned left on California Street to the shop. The streets were deserted. Ruth stated that there was no vehicular or pedestrian traffic. As they approached the shop, she noticed a sailor standing on the south side of California Street across the street from the shop at about a 330-degree angle from the front door. He was standing under a tree away from the curb. He was not thumbing a ride. She noticed he did not have luggage. He was in his late teens or early 20s. He was wearing a white sailor uniform with cap. He was of average height and medium build. She states she didn't notice hair and eye color, distinguishing scars, etc. She identified a picture of James L. Casey taken in the late 1940s as the sailor that she approached and who helped her. Ms. Howard has also positively identified Casey as the sailor on the scene. Ruth says that from the sailor's position, he could see the entire length of the east side of the shop. She also states that if another man were positioned at the northeast corner of the shop with a view of the backdoor, the sailor could see him.

The women angled the automobile into the curb in front of the shop. They noticed that the front door was padlocked and the lights were out. They emerged from the vehicle, unlocked the front door and entered the shop.

They immediately noticed light coming from the cracks between the door and the wall of the corner bathroom. Ruth tried the door and said that it was locked.

**INTERVIEWS WITH EDNA RUTH  
BLAKELY VEST POWERS  
LAST REVISED NOVEMBER 21, 2005****Edna Ruth Blakely Vest Powers, cont.**

The two women rushed out of the shop to get the sailor to help them. They re-entered the shop. Ruth said that the sailor pulled the bathroom door back enough to create a crack and looked through the crack at the edge of the door into the bathroom. She said that the sailor moved his eyes toward her without moving his head and looked "at me and I knew." She does not remember the sailor looking around for something to stand on. She does not believe that he was standing on anything. She does not know how the sailor was able to see into the bathroom without standing on something.

On Dec. 30, 2005, when presented with two pictures of James L. Casey taken in the late 1940s, Ruth identified him as the sailor who was on the scene. Ms. Howard has also affirmed without a doubt that Casey was the sailor on the scene.

On Jan. 19, 2006, she was presented a picture of Howard L. Penley taken in 1943-44. She stated that she did not recognize the person in the photo. She states definitely that neither the person in the photo (Penley) nor any other soldier was at the cabinet shop on the night of the death.

Ruth does not remember what happened after that in the shop. She does not remember going to the police station, but believes that they probably did. She does remember going to her sister's house that night. She said that Herbert put on his trousers and went to the shop. She and her sister stayed at home. She does not believe that her sister Dan ever went to the shop. She has no explanation as to why the inquest record lists "Ms. Herb Seright" as giving information on the scene.

She remembers traveling with her father back to Henrietta and arriving sometime around noon. Ruth states that she did not ever go back to their home on Culberson Street. She believes that her father handled the details of selling the house and liquidating the contents of the house and shop. She never received Buddy's personal effects, such as clothes, watch, billfold, etc. She states she didn't see anyone unusual attending the funeral.

She says that her father engaged a Wichita Falls attorney, Frank Neville Ikard, to complete the Social Security and Veterans Affairs forms. She says that she has looked back

over the years and questioned why her father would engage an attorney to complete routine paperwork.

She says that some days after the death, her father asked her if Buddy had been despondent. She answered no. He also asked her if Buddy ever used her underwear as rags at the shop. She answered no. Her father told her that Buddy "could have touched his feet to the floor at any time." She does not remember if she owned a girdle at the time. She thinks that she did not because she had a small waist. If she did, she would have remembered if it were missing.

Sometime after the funeral, Herbert Seright wrote Buddy's Army friends and asked them if they knew of any reason why Buddy would commit suicide. Many of the men replied. They stated they were sorry to hear of his death and that they did not know of any reason for Buddy to take his own life. Ruth doesn't know how Herbert obtained the names and addresses of the men. She guesses that Buddy had an address book. She states that she doesn't have the letters now and doesn't know what happened to them. She states that she hasn't kept any correspondence from Buddy.

Ruth was told that Buddy had committed suicide and never questioned it. Later, in the 1960s, her sister Margaret told her that Buddy was wearing women's underwear. Ruth never told her son that his father had committed suicide until about 1996/1997 after the death of her second husband. She had always answered his questions concerning his father's death by claiming that "they don't know how he died." Unbeknownst to her, she was actually telling the truth.

After Buddy's death, Ruth and her son lived with her parents in Henrietta, TX, while she attended psychology classes at Midwestern College in Wichita Falls. She says she took the psychology classes hoping to find an explanation as to why Buddy would have committed suicide.

She remarried in 1948 to Horace Wilson Powers (born December 16, 1920 in TX, died in March 1996 in Irving, TX) of Henrietta and moved to Borger, TX, where Horace was employed as a refinery worker for Phillips Petroleum until his retirement in about 1985. They then moved to the Dallas area where she has lived ever since.

In the summer of 2003, after attending a lecture on the "Great Gainesville Hangings of 1862" with her son and his wife, Ruth encouraged her son to investigate his father's death.



## INTERVIEWS WITH LAWANNA HOWARD

### Lawanna Coulter Howard

**Relationship to the deceased: Next-door neighbor**

**Approximate age on date of death: 19**

**Residence on date of death: TX**

**Current residence: Texas**

**Source credibility rating: Highly credible**

Ms. Howard states that she lived next door to Ruth and Buddy Vest. She reports that the couple was friendly and typical of families in the area. She states that she never noticed Buddy keeping odd hours. She states that she never heard screaming or arguments going on inside the Vest's home. She states that she never heard rumors of Buddy womanizing, gambling, drinking, etc. She states that she never saw anyone that she suspected of being a bill collector visiting the Vest's home. She states that she never noticed any strange or out-of-place activities in the vicinity either on the day and night of the death or before.

Ms. Howard states that she was awakened by a tapping on her bedroom window at about midnight on June 27, 1946. Ruth told her that Buddy had not returned home and asked her for a ride to the cabinet shop. She left the house, still in her pajamas, and they proceeded to the cabinet shop. She states that the streets were deserted.

As they approached the cabinet shop, she says that they noticed a sailor in a white uniform and sailor cap standing under a tree away from the curb at about a 330-degree angle from the front door. She is certain that he did not have luggage. She has positively identified Casey as that sailor. She angled her vehicle into the curb in front of the cabinet shop, noticing that the lights were out and the front door was padlocked. They exited the vehicle and went inside. They noticed the bathroom light, and Ruth tried the door, finding it locked.

They exited the shop with Ms. Howard in the lead and approached the sailor. The three reentered the shop. Ms. Howard says that the sailor pulled the bathroom door back at the top and looked in. At that time, Ruth appeared to be in shock. She says that the sailor told them to leave the shop. The sailor stayed inside. They proceeded to the police station. Ruth stayed in the car. Ms. Howard went inside in her pajamas and reported the incident to a policeman. The policeman was a "big and overweight" guy, but she does not remember his name. She does not remember how long she was in the police station but says that it "wasn't long."

Ms. Howard says that she then took Ruth to her sister's home. She did not return to the shop. She says that she was never questioned by authorities. When she arrived back at her residence, she did not notice any strange activity at Ruth's house or in the vicinity. She never saw Ruth again.

A few days after the incident, a man who looked like Buddy approached her and asked her a couple of questions. (We now speculate it may have been Buddy's brother, Earl.)

**INTERVIEWS WITH  
LAWANNA HOWARD****Lawanna Coulter Howard, cont.**

Interview conducted with Ms. Howard on January 19, 2006, by Dan Bierman

Ms. Howard appeared to be in good physical and mental health. She was alert and had a good memory. At the time of the interview she appeared calm and in good spirits. She had no reservations in discussing the case. I noticed no signs of stress or other indicators of deception. In my opinion she is an excellent witness.

I presented Ms. Howard with a picture of James L. Casey taken in the late 1940s. I did not identify the person in the photo when I presented it to her.

She immediately said, "That's the sailor!"

I asked her to look at and study the photo carefully. She did so and said, "That's him."

I asked her if she was positive that the photo was the same person on the scene at the cabinet shop in the early morning hours of June 28, 1946. She told me again that she was absolutely certain.

I then presented Ms. Howard a photo of Howard L. Penley taken in about 1943-44. I asked her if she recognized him. She told me that she did not. I asked her to think hard. Did she see this person at or near the cabinet shop on the date of death? She said that she is positive that she did not see the person in the photo (Penley) or any other soldier at or near the shop on the night in question.

I asked Ms. Howard to describe again what they did after they left the shop that night.

She said that she is absolutely certain that there was no soldier present when they were in the shop. She stated that the sailor told them to leave the shop. The sailor remained inside.

They drove to the Gainesville Police Station a few blocks away. They arrived in about 2-3 minutes. Ruth stayed in the car. Ms. Howard said that she went inside the station in her pajamas and spoke to a male officer she described as fat. She said that two other officers immediately rushed out of the station to go to the shop. She said that she was not in the police station very long and does not remember exactly what else was discussed. She then took Ruth to

her sister's house and returned home. She estimated the time from when they left the shop until the officers would have probably arrived at much less than 10 minutes.

During the interview she also told me that she had always believed that the Smith letter was a hoax. She said that Buddy was naive and certainly not the type to have an affair. She said he was devoted to Ruth.

She confirmed that from the position in which the sailor was standing, he could view the entire length of the east side of the shop.

**AFFIDAVIT AND INTERVIEW REECE LANCE**

**Relationship to the deceased: Employee**  
**Approximate age on date of death: 13**  
**Residence on date of death: Gainesville, TX**  
**Current residence: Lubbock, TX**  
**Source credibility rating: Highly credible**

**Affidavit**

I am Reece Lance; address 6609 Sherman Ave. Lubbock, TX. 79412, telephone 806-745-6294 and I am giving this affidavit freely and voluntarily to [REDACTED].

I worked at the Vest Cabinet Shop for Buddy Vest in 1946. I was 13 years old. I began working in the building at the age of eight for my father who had an automobile body shop. My father's body shop was later moved across the street, California Street, but I continued to work in the original building for Mr. Vest. I worked in the building from the age of eight until I was almost fourteen.

I am now 71 years old. I remember the death of Buddy Vest well. It was a very traumatic experience for me. Mr. Vest as a quiet man. I did not get to know him very well.

I do not remember any women visiting the cabinet shop except one of my schoolteachers who had a table made. She later called me and asked me whom she should pay for the table.

The building that the cabinet shop was in was 25 to 30 feet wide, approximately 60 to 80 feet long, with a ceiling at least 15 feet high. The building had an office in the front. When you entered the front door, there was an eight-foot partition approximately 15 to 20 feet from the front door that created the office and separated it from the work area. The light switches for the workshop were located in the office. The partition extended the width of the building. The door was on the far right side (facing) the building. The front of the building was mostly glass. The windows were 8 feet high, four feet on the bottom and four feet on the top. There was a streetlight in the front of the building. The rear of the building had an alley behind it, but the alley was not a thoroughfare. There was a chain link fence, about four feet high that extended from the Northeast corner of the back of the building across the alley. The fence blocked the entrance to the alley from the East. The building was located on the corner. There were old car parts stored in the alley at the back of the building. The West end of the alley, which was open to Schopmeyer street, had enough room that one car could park in the alley. There were two windows at the rear of the building. They had burglar bars across them.

The restroom was in the Northwest corner of the building. It was 6 to 10 feet long, four feet wide. There was only a commode in the restroom. There was a light in the restroom. There were items that were stored at one end of the restroom. There was a drain in the floor. The back of the building had a loft going across it. The loft served as the ceiling for the restroom, which was eight feet tall.

The restroom door was very flimsy. It had a screen door type latch, hook and eye, on the inside of the restroom. There was a small block of wood with a screw in the center of it that was

**AFFIDAVIT AND INTERVIEW REECE LANCE**

**Relationship to the deceased: Employee**  
**Approximate age on date of death: 13**  
**Residence on date of death: Gainesville, TX**  
**Current residence: Lubbock, TX**  
**Source credibility rating: Highly credible**

installed on the outside of the door. Mr. Lance said the block of wood was on the outside of the door to keep the door closed. The door fit very loose, it had a gap an eighth of an inch to a quarter inch wide between the door and the door facing. The gap was large enough that the door would not stay closed. If the block of wood was not turned across the door, it would stand open and it interfered with their work. The space between the door and the door facing was large enough that it would have been easy to have locked the hook and latch from the outside of the door." The door was approximately 6 feet, 6 inches tall. There was a 2 x 4 across the top of the door facing.

I worked until 5:00PM the day of Mr. Vest's death. I did not see anything that looked suspicious that day, nor did I notice anything unusual about Mr. Vest's personality. Mr. Vest usually worked until sundown. Mr. Vest did some work for Floyd Hurst who owned a used car lot. He built a table for Ms. Self, who was my sixth grade school teacher. My second grade teacher was Ms. Clement. She visited the shop a couple of times. She did not order anything. She lived on California Street in the first house East of the shop. Both teachers taught at Robert E. Lee grade school. I do not remember any other women coming to the cabinet shop. Mr. Vest and I were in Pud's Chat and Chew together a couple of times.

My father telephoned me at home the morning of Mr. Vest's death and told me not to go to work that morning. My father and I visited the cabinet shop the day after Mr. Vest's death. The ropes and the belt with a towel around it were all in place. The ropes had not been removed from the holes that were drilled in the restroom wall. It was an extremely traumatic experience for me, one that I have not forgotten. I remember it like it was yesterday. There were three nails driven into the wall inside the restroom. The nails were about eighteen inches from the door of the restroom, but on the same wall as the restroom door. A belt from a piece of machinery was suspended from the nails and the nails were bent over the belt forcing the heads of the nails into the wall, holding the belt in place. There was a shop towel wrapped around the belt, it was approximately two inches thick. Mr. Vest was placed with his back to the wall, the belt with the towel was placed over his neck, and two holes were drilled on each side of his wrists. A total of four holes. A small rope was threaded through the holes, tying his wrists to the walls, and the ropes were tied into knots on the outside of the restroom wall. There were two blocks of wood 4 to 6 inches high, on the restroom floor, one for each foot. There was an eyebolt screwed into the base of the wall and a rope threaded through the "eye." I was told that his feet were tied and tethered to the wall. The cuttings from the holes that were drilled in the walls were on the floor outside of the restroom. None of the above were present when I left the cabinet shop at 5:00 PM that afternoon.

One end of the rope for the right wrist was untied and that end of the rope had been pulled back through the hole. That end of the rope was hanging loose inside the restroom. The other end of the rope was through the hole with a knot tied on the outside of the restroom wall. I believe the rope was untied by the authorities to free his right hand.

I built a mockup of the wall for [REDACTED]. It was not built to scale, but very close to scale. It is not as wide as I remember the wall being and the studs may have been on 30 inch centers instead of 24. I built it smaller to facilitate the transportation from Lubbock to Dallas.

The manager of the lumber yard where Mr. Vest had an account was Mr. Homer.

**AFFIDAVIT AND INTERVIEW REECE LANCE**

**Relationship to the deceased: Employee**  
**Approximate age on date of death: 13**  
**Residence on date of death: Gainesville, TX**  
**Current residence: Lubbock, TX**  
**Source credibility rating: Highly credible**

I believe that Mr. Vest had a telephone in the cabinet shop.

I later heard rumors that Mr. Vest owed several people money.

I swear that the aforementioned facts are true and correct to the best of my belief and knowledge and I give this affidavit voluntarily and freely.

Signed: Reece Lance

Sworn to and subscribed before me, Kay Langley a Notary in the  
county of Lubbock State of Texas, on this  
date Aug 13, 2004.

My commission expires on: \_\_\_\_\_



Kay Langley  
Notary

**INTERVIEWS WITH REECE LANCE,  
BUDDY'S EMPLOYEE, VIA PHONE  
MARCH 25, 2005****Herb Vest and Patricia Bellows present****Q: Were the nails bent up as you depicted in the mock-up?**

A: Yes – the nails were bent over the belt to hold it in place.

**Q: Why do you believe that the right-hand rope was untied by the authorities?**

A: I assumed this. I found the knot untied and you could see where it had been previously tied.

**Q: Are you sure that there were holes drilled in the wall and that the rope was threaded through the holes?**

A: Absolutely sure. I remember sawdust on the floor where the holes were drilled and the ropes were still in the holes. The hands and feet were tied with ¼ - 5/16 hemp rope. The foot rope was tied in a loop large enough for both feet.

**Q: How high up was the placement of the nails (would Buddy have been able to touch the floor)?**

A: I believe that the placement of the nails was within 2 inches of where I put them on the mock-up. Buddy could have touched the floor only by standing on his tiptoes. There were two blocks of wood (one close to the foot rope and the other one pushed away a few feet).

**Q: Did he think that the belt was from a machine in the shop? Did you check any of the machines to see if they were missing a belt?**

A: Yes, I believe that the belt was off of a piece of machinery in the shop. However, I did not check to see if any piece of machinery was missing a belt.

**Q: Do you remember any women in the shop?**

A: Yes, two schoolteachers:  
Ms. Self – she was slender with glasses and was approximately 40-50 years old at the time. She called Reece after the death to ask how she should pay for the work that Buddy had completed and delivered to her.  
Ms. Fox – she only had one arm.

**Q: Do you remember what he was working on in the shop before the death?**

A: He had two large cabinet jobs that he was working on.

**Q: How would you describe Buddy?**

A: He was a nice guy, friendly, easy to work for, easygoing and didn't talk much.

**Q: Do you remember which cafés Buddy frequented?**

A: There was a café four or five blocks east of the shop and I also remember eating with Buddy at a café on the north side of California Street.

**Q: Which lumberyard did you use?**

A: It was located on the west side of the market square (two blocks west). [Jimmy Homer's father, a friend of Reece's, worked in the lumberyard.] They purchased cabinet hardware from Pulte Lumber Co.

**Q: When he left the shop at 5 p.m. had Buddy complained of back pain? Nosebleed or pain? Tooth pain?**

A: No. Buddy appeared to be well and had not complained of back, nose or tooth pain. He appeared to be in good spirits.

**Q: Are you sure that the nails and belt were placed on the wall between the studs as opposed to on the door frame?**

A: Absolutely sure.

**Q: You stated that there were two blocks of wood. Are you sure?**

A: Yes.

**Q: You stated that you heard rumors about Buddy owing several people money. Do you know where you heard these rumors?**

A: I don't recall. I just heard it somewhere.

**Q: Did you have any personal knowledge that Buddy owed anyone money?**

A: No.

**Q: Do you remember any bill collectors coming by while you worked at the shop or after the death?**

A: No.

**Q: Did you ever suspect that Buddy was having an affair?**

A: No. He worked all the time and seemed to be a good family man.

**Q: Did you ever see Buddy hanging out with suspicious characters?**

A: No.

**INTERVIEWS WITH REECE LANCE,  
CONT.**

**Q: Did you ever notice any women's undergarments around the shop?**

A: No.

**Q: Did you ever notice any pornography, sadomasochistic material or books on torture around the shop?**

A: No.

**Q: Did Buddy ever talk about strange sexual practices or torture?**

A: No.

**Q: Did you ever suspect that Buddy may have been a homosexual?**

A: No. He seemed to be a good family man.

**Q: Did you ever see Buddy drinking? Or, hear about him drinking? Or, ever hear him complain of a hangover?**

A: No.

**Q: What about drugs?**

A: No.

**Q: Did you ever suspect that Buddy may have gambled?**

A: No.

**Q: Did you ever notice red marks on his neck, bloodshot eyes or frequent headaches?**

A: No.

**Q: Did he ever have any big disputes with customers?**

A: No. We did good work. I don't remember anyone complaining.

**Q: Did you ever see him lose his temper?**

A: I don't remember it if he did. He was very pleasant and easygoing.

**Q: Did he ever talk about his Army days?**

A: I don't remember him ever mentioning his time in the Army.

**Q: Did you ever hear anything that would indicate that anyone in town didn't like him?**

A: No. He did not know a lot of people. But he was a likeable guy.

**Q: Can you think why a sailor would be on the east end of California Street looking for a ride?**

A: There was nothing on the east end of California that would have been of interest to him. The town was a few blocks west. The bus stop and train depot was west of the railroad tracks. It did not look like a good location for hitchhiking.



**AFFIDAVIT AND INTERVIEW  
DAN FLINT****Dan Flint**

**Relationship to the deceased: Funeral home employee (removed the body from the scene and prepared the body for burial)**

**Approximate age on Buddy's date of death: 23**

**Residence on date of death: Gainesville, TX**

**Current residence: Gainesville, TX**

**Source reliability rating: Fairly reliable**

**Interview conducted in person Dec. 30, 2003:**

**L.E. Jack Driscoll working for the investigator at the time present**

The investigator told Flint that he wanted him to look at some documents and tell, if he could, whose handwriting was on the documents. The investigator showed him both Buddy's death certificate and the funeral home transfer sheet from Leazer-Keel Funeral Home, where Buddy's body had been transferred to in Henrietta, TX. Flint confirmed that the handwriting on the funeral home transfer record was Keel's. Flint expressed concern regarding the death certificate, because he had always known them to be typed and not handwritten, and that he had typed many of them himself. He expressed this concern three times during the conversation with the investigator. He further stated that he did not recognize the handwriting on the death certificate. Flint also told the investigator that he remembered tape, not a GI towel, on the belt in the area of Buddy's throat. He said there was no knife on the floor, nor any tools lying about. He did not remember that the rope tied to Buddy's ankles was screwed into the wall. He said the belt was fastened by nails to a stud, and not to the door facing.

**Interview conducted in person Oct. 14, 2004:**

**A private investigator present**

Off-the-record comments made by Dan Flint to a private investigator:

There were at least three police officers on the scene; he believes they were:

- Asa Flowers
- Vernon McKenzie (Flint thinks he was the night chief)
- John Barnett

Chief of Police Henry Kirchenbauer was not on the scene;

Asst. Chief of Police Theobald may have been. No one was arguing with the justice of the peace.

Flint said he handled at least half the deaths in the area at the time.

**AFFIDAVIT AND INTERVIEW DAN FLINT  
OBTAINED BY THE INVESTIGATOR AT THE TIME,  
JAN. 13, 2004**

**Relationship to the deceased: Funeral home employee  
(removed the body from the scene and prepared the body for burial)  
Approximate age on Buddy's date of death: 23  
Residence on date of death: Gainesville, TX  
Current residence: Gainesville, TX**

**AFFIDAVIT**

My name is Dan Flint, and I live at [REDACTED] Texas. I am a part-time employee of the Carroll Funeral Home, on Lindsay Street, in Gainesville, Texas. I was shown a document, which was a Death Certificate from Cooke County, Texas, and was a record of the death of one Harold Vest. The date of the death of this person was June 28, 1946. On that date, I was an employee of the Leazer-Keel Funeral Home, and I was present at the time the body was removed from the hanging posture that it was in. I saw Mr. Vest's body clad in a pair of women's panties. The panties were pulled all the way up around the waist of Mr. Vest.

I also know from having experience with the handwriting of L. V. Henry, the Justice of the Peace at the inquest of Harold Vest, that the signature on the Death Certificate is not the signature of Justice of the Peace L. V. Henry. I do not recognize the handwriting and cannot say further whose signature it could be.

Further, Affiant sayeth not.

*Dan Flint*

Affiant

Sworn to and subscribed before me, on this the 13 day of JANUARY, 2004.

*L. E. Jack Driscoll*

NOTARY PUBLIC State of Texas

My Commission expires on 7-14-2004



**AFFIDAVIT AND INTERVIEW DAN FLINT  
OBTAINED BY AN INVESTIGATOR, OCT. 14, 2004**

**Relationship to the deceased: Funeral home employee  
(removed the body from the scene and prepared the body for burial)**

**Approximate age on Buddy's date of death: 23**

**Residence on date of death: Gainesville, TX**

**Current residence: Gainesville, TX**

**Source reliability rating: Fairly reliable**

Voluntary Statement  
Dan Flint  
October 14, 2004  
Gainesville District Attorney's Office

I, Dan Flint...am 82 years of age and I live...Gainesville, Texas 76241. I remember the Harold Vest case very distinctly. I did not personally know Harold Vest. I'm assuming that I was called to the scene by the Gainesville Police as this was the normal procedure. I don't remember if Vernon Keel was at the scene. I do remember that I was on call that night and received the call from the police dispatcher to the address on California Street.

There were two servicemen and two or three city police officers when I arrived at the scene. The police officers were already inside the bathroom with the body. When I got to the location I came in through the back door and I walked directly into the bathroom. (This was stricken from the statement...when I came to the scene I thought that the manner of death was unusual and as far as I was concerned it was a suicide.) I don't remember hearing anything about the door to the bathroom being locked. I do recall that the wife made it to the scene first and that the wife was afraid to enter the cabinet shop and had two servicemen that were traveling through town go into the building where they found Harold Vest hanging in the bathroom. Harold Vest was hanging by a belt that was attached to three nails that were nailed to a stud in the wall. The belt was taped together; it appeared to have been taken from a piece of machinery that was located in the cabinet shop. It appeared to me that Mr. Vest had wiggled two blocks of wood that he had been standing on out from under his feet and that he hadn't actually hung himself, but that he had suffocated from the pressure of the belt that was around his neck. The left hand was tied to his body with a rope. The right hand and arm were hanging down to the side of the body on the right. The feet were tied together and dangling loose from where he had worked the blocks out. Mr. Vest was wearing a pair of women's panties and a panty girdle that was similar to wearing two pairs of panties. I don't remember hearing any references being made by anyone at the scene about Mr. Vest being queer or anything of that nature. He was not wearing any socks and his ankles were tied together.

Usually the Justice of the Peace made the scene, because they were the county coroner. I don't remember seeing L.V. Henry at the scene. I'm sure that L.V. Henry was at the scene at some point, I just don't recall if he was there when I was there. I don't remember seeing a knife laying on the floor, nor any rope or a rubber hose. I don't remember seeing any blood on the floor. I don't remember seeing any bruises or scratches on Mr. Vest. I looked at him pretty well and I never saw any unusual marks on him. The body was never dropped that I know of during the time that I was with Mr. Vest.

I arrived on the scene between 1:00 a.m. and 3:00 a.m., after I arrived I looked at the body, typically then the J.P. would look at the body, the police officers would usually stay out of the investigation performed by the J.P. I assume that the J.P. later told us that

**AFFIDAVIT AND INTERVIEW DAN FLINT  
OBTAINED BY AN INVESTIGATOR, OCT. 14, 2004**

**Relationship to the deceased: Funeral home employee  
(removed the body from the scene and prepared the body for burial)  
Approximate age on Buddy's date of death: 23  
Residence on date of death: Gainesville, TX  
Current residence: Gainesville, TX  
Source reliability rating: Fairly reliable**

we could take the body down. As a rule, typically there was only one person from the funeral home at the scene, so the officers probably helped to take the body down. We placed the body in an ambulance and left the scene to take the body to Leazer-Keel Funeral Home. I don't remember a physician being called to the scene, the typical procedure that I remember is that if the person was dead and that the case was cut and dry; as in everyone's opinion on this case that it was a suicide, then normally a physician would not be called. I'm pretty sure that a physician was not called to Mr. Vest's death.

In the case of a death the Justice of the Peace was considered to have more power than the Chief of Police. The inquest was held at the time while I was at the scene. The death certificate is normally filled out by the Funeral Director, which then was probably filled out the next morning when the Funeral Director came to work. The Funeral Director would obtain the essential personal information about the deceased, excluding the cause of death. The death certificate at that time was normally handwritten. The death certificate was then taken to the J.P. or physician (if a physician had determined the cause of death) approximately within a week to handwrite the cause or manner of death. The death certificate was then filed in the county of which the death occurred at the County Clerk's Office in Texas. The certified copies of the death certificate can only be obtained from the county clerk's office. The death certificate that Investigator Oliver showed me that was certified in 2004 by the Cooke County Clerk did not appear to have the true signatures of L.V. Henry or J.W. Atchison.

This is the end of my statement.  
Dan Flint

**INTERVIEW CONDUCTED WITH  
DAN FLINT, IN PERSON****FEB. 22, 2005****Herb Vest and Patricia Bellows present. Flint's wife was also present and participated in the interview.**

Dan Flint remembers that night well, but he is not sure who was on the scene.

Flint described the scene:

The rope was on the outside of the girdle. The feet were tied together by a rope. Flint does not remember ropes through the wall. There were two 2 X 4 blocks near his feet (it appeared as if he had wiggled them out from under his feet). The V-belt around the neck probably came from a machine in the shop.

When asked about police officer Vernon McKenzie, Flint said that he did not remember him being on the scene (Ms. Flint then volunteered that McKenzie was her uncle and that he was friends with Johnny Barnett. She said that he had died in Gainesville). Flint became irritated with his wife for offering this information.

Flint said that officer Asa Flowers may have been on the scene (he was on the force at the time). Flint said that he knew Woodrow Clegg, but he did not think that Clegg was on the scene that night. (Ms. Flint then offered that Clegg's son, Keith Clegg, works for Joe Walter Lumber Co.).

When asked about the condition of the body, Flint said that he was certain that there were no marks on the body (he said that he turned the body over three times to look for marks and did not find any – he said that he did this “because he knew he would be asked about it.”) He did not see any blood that may have come from the nose fracture. When asked if he thought the body could have been injured during transport, he said no. He then told us that he was the one that embalmed the body and that he was sure that no injuries occurred as a result of this process, including the broken tooth. He did not look under the lips to see if there were any injuries.

The door to the restroom was already open when he arrived and he remembered entering the shop from the back door. He did not move the body until the justice of the peace arrived. He thought that Ruth may have asked the servicemen to enter the shop using the back door.

California Street and Grand Street were the main through-streets in and out of Gainesville during that time.

When asked if he remembered the police officers at the time his wife began naming:

- Asa Flowers
- Henry Kirchenbauer
- Archie Nichols

Flint stopped his wife and seemed irritated again.

He remembered that the V-belt had been taped together behind the neck with black tape. The feet were not tied to the wall and the nails were not turned up over the belt. (He remembers lifting the body up off of the nails to take it down.) There were two 2 X 4 blocks close to the feet. He did not remember a towel.

On Jan. 17, 2006, Flint told Bierman that the soldier and sailor were there when he left the shop.

## STATEMENT OF HERBIE DARWIN VEST

**Relationship to the deceased: Son**

**Age on the date of death: 22 months**

**Residence on date of death: Gainesville, TX**

**Current residence: Dallas, TX**

I have no recollection of the events that occurred on or before the night of June 27-28, 1946.

When I was about 11 years old, while my mother and stepfather were away, my childhood friend, William "Bill" Bennett Nettles and I climbed into the attic of our residence in Borger, TX. There I found a trunk containing letters that were written from some of my dad's Army friends to my uncle, Herbert Seright. The letters were in response to a letter that was written to them by Herbert. The letters stated that they did not know why Buddy would commit suicide.

I never told my mother that I knew the manner of my dad's death. She always told me up until about 1996-97 that she did not know how he died. Sometime after my stepfather died in March of 1996, my mother and I had an open discussion concerning the death.

In October 1966, on my way to Fort Benning, GA, I stopped by the Gainesville library and read the newspaper account of his death. I believe I also stopped by the courthouse and looked at the death certificate.

In the early 1990s, my cousin John Seright told me that his sister Brenda told him that their dad Herbert had told her that my dad's body was discovered wearing women's undergarments. John speculated that he thought the death may have been an accident while engaging in an autoerotic asphyxiation (AEA) experience. I was unfamiliar with AEA at the time. John told me that he never discussed my dad's death with Herbert. He had only discussed it with Brenda.

In September 2003, after discussing Buddy's death with my mother, I engaged a private investigator from Dallas to investigate my father's death. His initial research consisted of the newspaper account and the inquest record. Based on these records alone he told me that he thought that Buddy had been murdered. I told the investigator to place an ad in the Gainesville paper offering a reward of up to \$10,000 (the reward was subsequently raised to \$25,000 and then to \$100,000) for information about the death of my father.

Also in September 2003, I called my cousin Brenda Seright and ask her what Herbert had told her. Brenda stated that Herbert said the body was found with women's panties, a girdle and a bra. She said that Herbert had removed the bra. Herbert made references to "they" without specific identification. So her impression was that Herbert removed the bra in the presence of witnesses.

I now believe that Herbert arrived at my dad's shop on the morning that his body was found after the police and, in their presence, removed the bra before the arrival of the justice of the peace. That may be why there is no mention of the bra in the inquest record or in Flint's statement.

Brenda said that was about all they discussed. She said she didn't know the present whereabouts of the bra or any items relating to my dad's death, including the funeral guest registry. She never discussed the death with her mother. She only discussed the death with Herbert after her mother had died.

When my wife and I returned from our honeymoon in early November 2003, the investigator gave me a letter, purportedly from a Ms. M. Smith. The letter alleged that she was present the night of the death. After an investigation lasting more than two years, I now believe that this account of the alleged events that night is a hoax.

During the course of the investigation, I have talked with numerous people and conducted a great deal of research. I have retained three investigators: The first investigator from Dallas (no longer authorized to investigate my dad's death), another investigator of San Antonio (no longer authorized to investigate my dad's death), and Dan Bierman of the state of Washington, currently retained to investigate the homicide. I have posted numerous notices in the Gainesville paper. I have given interviews to numerous local, state and national publications and broadcasters. The case was the subject of an hour-long program on CBS, *48 Hours with Harold Dow*. I have a website that invites visitors to leave comments, including anonymous messages and emails. I have sent a personal letter to residents of Gainesville over the age of 72. I have researched the background of numerous people in Gainesville in 1946.

With more than one perpetrator, one would expect that they would have told someone, that person would have told someone else, etc. Yet, we have not had one informant with a direct or indirect attribution to a perpetrator (i.e., "Mother told me that Daddy told her that James told him that he did it.") We have investigated numerous leads until they were exhausted.

## STATEMENT OF HERBIE DARWIN VEST, CONT.

**Relationship to the deceased: Son**

**Age on the date of death: 22 months**

**Residence on date of death: Gainesville, TX**

**Current residence: Dallas, TX**

The Dallas investigator petitioned the present justice of the peace of Cooke County to exhume the body. The body was exhumed in the spring 2004 under the supervision of Dr. Gill-King. The skeletal remains were examined by Gill-King.

Based on three independent autopsies by four board-certified forensic experts, interviews with witnesses, and a two-year investigation, I now believe with certainty that Buddy's death was a result of homicide. Further, I now believe with a high degree of confidence that he was interrogated before his death. I also believe with a high degree of confidence that the motive for the homicide did not originate in Gainesville. I believe that, more likely than not, the motive originated while Buddy was in the Army stationed in Belgium between March 1945 and January 1946.

In 2004, Justice of the Peace Dorothy Lewis told me that she had changed the official manner of death from suicide to homicide.

In January 2005, I received a letter from the Cooke County district attorney stating that she believes my dad's death was the result of homicide. Since that January until January 2006, the district attorney was unresponsive to my phone calls, emails and overnight deliveries.

In November 2005, I was contacted by Hank Whitman, a Texas Ranger with the Cold Case Unit in San Antonio. He told me that he would like to investigate my dad's case. However, he needed the Cooke County district attorney to make a formal request before he could begin an investigation. This call was made by the district attorney in January 2006.

Since the start of the investigation I have spoken with Buddy's sister, Virginia, several times. She told me that their parents were loving, responsible and caring toward their children and each other. She stated that the three children had a normal and well-adjusted childhood.

She said no member of the household, including her parents, herself and her brothers, Buddy and Earl, had any vices such as excessive drinking, drug abuse, gambling,

excessive lifestyle, womanizing, excessive debts and the like. She said her parents did not abuse the children in any way. She said Buddy had no interest in strange sexual practices, AEA, sadomasochism and the like. She said Buddy didn't complain of headaches or exhibit redness on or around the neck area. She said that Buddy was friendly and well-adjusted. She states that he did not suffer from depression or any mental problems. She said that Buddy never got into serious trouble as a child. His friends were well-behaved. She knew of no problems that Buddy had in the months preceding death. She stated that he was proud of his newborn son and was a loving parent and devoted husband.

Since the start of the investigation, I have spoken with Buddy's cousin and best friend, Dorothy from Kansas. Dorothy said that Buddy was friendly and likeable. She said Buddy did not engage in sexual practices typical of AEA. She said Buddy had no vices such as excessive drinking, drugs, gambling, excess debt or lifestyle, womanizing or the like. She said that about a month before he died, he sent her a letter stating that he was looking forward to her visit to Gainesville in July and that he was anxious for her to see his newborn son.

I also spoke to Buddy's cousin Dale in Kansas. He stated that one summer he went to work in Chicago at Buddy's place of employment. He stated that Buddy was friendly and upbeat. He said that he was free of vices frequently associated with homicides or suicides. He said Buddy did not engage in any unusual sexual practices associated with AEA. He believes that Buddy was promoted to foreman before he left for the Army.



# SECTION IV

# WITNESS SECTION

## INQUEST RECORD PREPARED BY THE JUSTICE OF THE PEACE, L.V. HENRY

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### INQUEST RECORD

NAME AND DESCRIPTION OF DECEASED

*Richard Eugene Det*  
*White - male*  
*born May 29, 1921*

Date of Decease if Known			WHERE DIED OR WHERE BODY WAS FOUND	DATE OF INQUEST				WHERE IN
Month	Day	Year		Month	Day	Year	TIME a. m. p. m.	
<i>6</i>	<i>24</i>	<i>46</i>	<i>Det cabinet shop 735 E. Cal. St Hainault, Tex</i>	<i>6</i>	<i>24</i>	<i>46</i>	<i>3:00</i>	<i>W. L. ... found</i>

NATURE OF INFORMATION AND BY WHOM GIVEN

*Dr. J. W. Stinson -*  
*Louis Weckhold*  
*Jimmie Hall*  
*Miss Frank Sammit*  
*Miss W. L. Kelly*

DATE OF ARREST OF SUSPECTED PERSONS	WHERE CONFINED	DATE OF BALL BOND	AMOUNT OF BALL BOND	RESIDENCE OF PERSON
Month Day Year		Month Year Day		

COPY



INQUEST RECORD PREPARED BY  
THE JUSTICE OF THE PEACE, L.V. HENRY

On the 28th day of June, A.D. 1946, at about 2:20 AM o'clock, Vernie Keel, in company with Louis Theobald, came to my home and informed me that a person had been discovered dead and the circumstances surrounding it strange. Upon arriving the body was shown to be suspended by a thin leather belt, ostensibly removed from one of the wood working machines in the building. Three nails hammered to the door facing supported the belt. Deceased had a small rope tied around his waist, with the left arm pinioned to his side. A small rope was tied around the legs at and just above the ankles and this was fastened to the wall by a small "eye" screw. A block of wood approximately 4 inches square and about ten inches long was lying on the floor about eight inches from the feet. An open knife was lying near a drain in the floor. The body was clad in socks and ladies panties and a womans lastex girdle. A "GI" towel was placed in the loop around deceaseds neck as a cushion. The body was hanging in a small rest room in the northwest corner of the building and the opening in said rest room was a wooden door, that fit extremely tight and was locked from the inside by means of a metal screen door hook. The outside building was locked, the front door from the outside by means of a padlock and the back door from the insides. There were no marks of violence on the body save a few scratches and an indenture around the neck and produce from the belt of suspension.

The deceased had informed his wife that he would work late and upon his failure to come at 12:00 o'clock PM, his wife made a trip to his cabinet shop at 735 S. California Street; upon finding the door locked she returned home. When deceased failed to come home she again went back to the shop and unlocked the door. She procured a passing soldier and sailor to go into the building and they noticed a light burning in the bath room and, peeking through a crack discovered the body. The informed her to call the police. His father-in-law stated that deceased had no financial troubles and his marital life was apparently happy and congenial.

Wherefore it is the opinion that the deceased, Richard Eugene Vest, came to his death by asphyxiation by strangulation, produced by suicidal hanging.

COPY

## GAINESVILLE NEWSPAPER ACCOUNT

AGRICULTURE — LIVESTOCK		HOMEMAKING — DAIRYING
VOL. 68      GAINESVILLE, COOKE COUNTY, TEXAS, THURSDAY, JULY 4, 1946      NUMBER 52		

## Harold Vest, 25, Found Hanging in Shop Early Today

Coroner's Verdict Is  
Suicide by Asphyxiation  
Through Strangulation

Harold Vest, 25, operator of Vest's Cabinet shop, 805 East California street, was found dead in the rest room at his place of business when police broke into the room about 2 a. m. Friday morning.

Vest apparently had died of strangulation from hanging, and Justice of Peace L. V. Henry, Jr., who conducted an inquest, reported that the man's neck was in a loop formed with what appeared to be a belt from an electric motor, with a cushion made of a GI towel.

Shortly before noon Mr. Henry officially reported the cause of death to be "suicide by asphyxiation through strangulation."

The body was clothed only in underwear, the left arm was in the loop of a rope tied about his waist, and his feet were in two rope loops attached to the wall. Lying a few inches in front of him was a wooden block, which Henry reasoned he might have kicked from under his feet, which were only a few inches from the floor.

Lying nearby were his work clothes, which he had apparently removed, preparatory to donning his street clothes.

### Expected to Work Late

Vest was last seen by his wife at their home, 1400 Culberson street, shortly after 4 p. m. Thursday, when he told her he would probably work late in the evening, as he had often done.

When he failed to come home at midnight, Mrs. Vest asked Mrs. Jimmie Howard, her next door neighbor, to drive her to the shop, and when they reached the building, she found the padlock on the front door locked and the lights out.

Reasoning that Vest had closed shop and started home, Mrs. Vest and Mrs. Howard returned home, but Mr. Vest was not there.

Mrs. Vest waited until 2 a. m., and when her husband had not come in, Mrs. Howard again took her to the shop and Mrs. Vest unlocked the door with her key.

Fearing to enter the building, Mrs. Vest asked a soldier, Pfc. Howard L. Pendley, Camp Hood, and a sailor, James L. Casey, U. S. navy, en route to an assignment at Corpus Christi, to investigate. The men were hitchhiking through town.

The service men went into the building and saw a light in the restroom. Looking through cracks in the wall, they could see a man's body and they returned to the front of the building and advised Mrs. Vest to call police.

Mrs. Vest went to the police station and Officers John Barnett and Cecil Goldston investigated, finding Vest's body. Mrs. Vest was advised her husband was dead and Mrs. Howard took her home.

Justice of Peace Henry, Assistant Chief of Police Louis Theobald and a physician were summoned. The physician reported a death apparently caused by hanging, and found no marks on the body to indicate other violence. The body was taken to Leazer-Keel Funeral home.

Mrs. Vest reported her husband in good spirits when he left home Thursday afternoon, and city policemen reported seeing him laughing and talking with several friends in front of his shop between 6:30 and 7 p. m. A thorough search of his shop revealed no communication of any kind that might have a bearing on the tragedy.

Vest's home had been in Chicago and he was stationed at Camp Howze during the war. He and Mrs. Vest, daughter of Mayor Gus Blakeley of Henrietta, Texas, were married three years ago and have an 18 months old son. They came here in February of this year and Mr. Vest established a cabinet shop. He had been engaged in cabinet making since an early age.

**NEWSPAPER ARTICLE  
GAINESVILLE DAILY REGISTER  
FRIDAY AFTERNOON, JUNE 28, 1946:  
HAROLD VEST, 25, FOUND HANGING  
IN SHOP EARLY TODAY**

The newspaper article does not give the name of the reporter who wrote the story. The reporter does not attribute his or her quotes or sources of information. My mother and Ms. Howard state that they were never interviewed by a reporter, the police, justice of the peace or anyone else.

This analysis attempts to identify the reporter's sources of information by inference and deduction. It also attempts to make inferences based on these sources. Some of the inferences are a stretch. The reader should keep in mind that we have very little to go on in this case and must attempt to make the most of what we have. Accordingly, I ask the reader not to think in terms of whether there is enough evidence to support the inferences made. Instead I ask him or her to consider what alternative interpretations there are and if there is a more reasonable interpretation. If so, please notify me so that I may consider them.

**The reporter's most likely sources of information**

The reporter most likely interviewed some of the individuals who appeared at the scene after Ruth and Ms. Howard left the shop. In the most likely order of their appearance these were:

- Electronics Mate First Class James L. Casey
- PFC Howard L. Penley
- Officers Barnett and Goldston
- Asst. Chief of Police Louis Theobald
- Funeral home employee Dan Flint
- Herbert A. Seright, Buddy's brother-in-law
- Funeral home employee Vernie Keel
- Justice of the Peace L.V. Henry
- Gus Blakely, Buddy's father-in-law

The newspaper was published in the afternoons. Accordingly, the reporter's deadline was probably no later than 3:00 p.m. Since he states that Justice of the Peace L. V. Henry's ruling was made "shortly before noon," he most likely concluded his interviews by noon. This gave him time to interview the two policemen (most likely day shift officers) who spotted Buddy outside of his shop at about 6:30 to 7:00 p.m.

There is nothing to indicate that the reporter began work on the story before normal business hours. Accordingly, he probably did not interview Casey or Penley, who probably left the scene shortly after the justice of the peace arrived at 3:00a.m.

**Analysis of the article's content**

**Newspaper account:** "The police broke into the room about 2:00 a.m. Friday morning."

**Analysis:** *The police had to have arrived before 2:00 a.m. The justice of the peace report states that Vernie Keel and Louis Theobald arrived at his home at 2:20 p.m. In the interim, Theobald, Flint and Keel had to be called, get dressed and drive to the scene. My guess is that the police arrived about 1:15 a.m., not 2:00 a.m.*

*The reporter's assumption that it was the police who broke into the room is highly questionable. Since the bathroom door was open when Flint arrived, then either the soldier and sailor or the police broke in. This is an open question. The important point is that the soldier and sailor were alone in the shop for at least 15 minutes. It is possible that they broke into the bathroom and told the police that they wanted to check to make sure Buddy was dead. They had already established with two witnesses that the door was locked when the sailor arrived.*

**NP:** "Ms. Vest asked a soldier, PFC Howard L. Penley, Camp Hood, and a sailor, James L. Casey, U.S. Navy, en route to an assignment at Corpus Christi, to investigate. The men were hitchhiking through town."

**A:** *As discussed elsewhere, Penley was not on the scene when Ruth and Ms. Howard left the shop to go to the police station. Casey and Penley probably told this story to the police, who relayed it to the reporter.*

**NP:** "City policemen reported seeing [Buddy] laughing and talking with several friends in front of his shop between 6:30 and 7 p.m." Later, "Vest's home had been in Chicago and he was stationed at Camp Howze during the war."

**A:** *This probably came from the day shift officers, whom the reporter interviewed the next morning. If it had been Barnett or Goldston, the reporter probably would have used their names. The day shift ended at 7:00 p.m. Day shift officers were Chief of Police Kirchenbauer and patrolmen Welch, Clegg and Farwell.*

**NEWSPAPER ARTICLE  
GAINESVILLE DAILY REGISTER  
FRIDAY AFTERNOON, JUNE 28, 1946:  
HAROLD VEST, 25, FOUND HANGING  
IN SHOP EARLY TODAY, CONT.**

*Buddy had been in town only three months at the date of his death. He was busy starting a business, had a family and did not have an automobile. It is unlikely that that he had made many friends in Gainesville.*

*My mother confirms this, saying, "we didn't know anybody and never went out." It is my guess, then, that the policemen were relating their impressions to the reporter, not stating a known fact that they were friends.*

*When people see an event from a distance, they tend to interpret that event based on their impression of what is occurring. When people are laughing and talking together it appears that they are friends. My guess is that Buddy knew at least one of the persons, probably Penley. I believe that the persons whom he was talking to included Penley and Casey. They then got him back into the shop on a pretext and went to work. There is a high probability that Buddy and Penley knew each other. Both were in the same unit (Channel Base Section) near Brussels between July 1 and December of 1945.*

*When most people use the term "several" they are referring to an impression of an uncounted number. If the impression was one, two or three they normally state the exact count. When the number exceeds three, people may not be sure of their impression and will use the term "several" to mean "more than a few." Accordingly, I interpret the word "several" attributed to the unidentified policemen as meaning more than three. Elsewhere, I estimated the number of perpetrators as being between four and seven. (One lookout, one interrogator, Casey, two handlers, and two to prepare the torture board. A lesser number could suffice by combining the duties.)*

*Herbert Seright, Buddy's brother-in-law, probably told the reporter that Buddy was from Chicago. However, Herbert knew that Buddy had not been stationed at Camp Howze during the war. It is a reach, but perhaps the people whom the policemen saw may have been in uniform (both Penley and Casey were later in uniform when the police arrived). If so, when they saw Buddy talking to several servicepersons, they may have assumed that the servicepersons were from Camp Howze (near Gainesville) and that Buddy, known to be from Chicago, had recently been dis-*

*charged and elected to stay in Gainesville after the war.*

*Given the limited number of interviewees, I know of no other way to explain why the reporter thought Buddy had been stationed at Camp Howze.*

**NP:** "Vest was last seen by his wife ...shortly after 4 p.m. ..."

**A:** *There is no explanation for the attribution of this statement. Perhaps Ruth told Herbert this before he left for the shop.*

**NP:** The reporter states that the two women made two trips to the shop.

**A:** *There is no explanation for the attribution of this statement. Whether two trips were made remains a mystery. Neither of the women believe that they made two trips. I have ignored the statement in this document because of its seeming irrelevance.*

**NP:** "Looking through cracks in the wall ... they returned to the front of the building and advised Mrs. Vest to call police."

**A:** *The women both state they were inside the shop, not outside.*

**M. SMITH LETTER  
MOST LIKELY A HOAX**

October 19, 2003

Mr. {Name Deleted}  
{Name Deleted}  
{Address Deleted}  
{Address Deleted}

Dear Mr. {Name Deleted},

I saw the reward posted in the Gainesville newspaper by your company. I have talked to some of the people that you have talked to and I have been told you are trying to learn about the circumstances surrounding the death of Buddy Vest. {Name deleted} I cannot identify myself. I have family and I know the families of those who were responsible for his death. I too was partly responsible for his death. Please, please do not try to identify me. I have thought about writing this letter for weeks. I have hesitated and written this letter seven times. This is the eighth time. I do not know if I will mail this one. I will tell you what happened. Buddy did not commit suicide. I have the newspaper article about his death and I know it was ruled a suicide, but it wasn't. This is a bizarre story and I guess I need to tell it to someone. When I was a younger woman I was considered very attractive and sexy. I had my share of boyfriends. I knew that I could have just about any man I wanted. I loved to party, drink, and dance. I was considered to be a wild girl, very few inhibitions, and I had fun. I lived life to the fullest. I first saw Buddy in a lumber yard in Gainesville. He was buying wood for his cabinet shop. He was the most handsome man I had ever seen. I saw him a few days later at a café not far from his cabinet shop. He was so good looking, beautiful eyes and complexion. I had never had a man to affect me the way he did. I was completely smitten by him. He had an extremely friendly and outgoing personality. He was the type of individual that once you talked to him, you felt like you had known him for years. I often saw him in the café. I have to admit that I used to go there hoping he would come in. I finally went to his cabinet shop one afternoon. He was not there. I was so disappointed. The young man there said he had gone to measure for some cabinets. I would often go the cabinet shop if I had not seen him in the café for several days. I enjoyed flirting with him even though I would go there with the pretense of learning how to do something with the wood. I enjoyed talking and flirting with him. I knew he was married and had a baby. I did not care about that, I only wanted to have fun. Now for the ugly part. I was dating a cop who was married and very jealous. It was exciting and we had to slip around to see each other. Some of the other cops knew we were dating and I think they were envious of Jim. (Not his real name.) He died a few years ago but his wife and children live in Gainesville. I would not do anything to hurt them. I never did date Buddy but I wanted to. Jim knew that I had a crush on Buddy and he was angry about it. He told me that he visited Buddy one day and told him to stay away from me. He told him to stop talking to me. Jim always promised me that he would leave his wife when the timing was right and we would get married. I was young and foolish and thought he would someday marry me, but I was not sure that I wanted to marry Jim. I guess I wanted to be so important to him that he would leave his wife for me. I know that sounds horrible, but I was out for a good time and I was immature. Buddy never told me about Jim visiting him or talking to him, if he did. Buddy sometimes had a quiet side about him. There were some things he would not talk about, like his wife, family, or personal life. I knew Buddy was going to work late one night. I put on my best party dress, fixed my hair, and went to see Buddy at the cabinet shop right after dark. Jim and two of friends, Tom and Charlie, followed me that night. I later learned that Jim had been following me for a week or so. Tom is still living, but his memory is not good. His wife lives in Gainesville, one

**M. SMITH LETTER  
MOST LIKELY A HOAX, CONT.**

child in Gainesville and two children are elsewhere. Charlie is dead. His children live in Gainesville. I had been at the cabinet shop talking to Buddy for about twenty minutes when Jim, Tom, and Charlie entered. Nothing had happened between Buddy and I (I should say that I had been seeing and talking to Buddy for about two months) Jim went berserk. He pulled a gun and said he was going to kill both of us. I thought he was going to do just that. He was crazy. I knew he was jealous but I had never seen him that crazy. He grabbed me by my hair and pulled my head way back. He then forced the barrel of the gun into my mouth. I fell to the floor and I thought he was going to kill me. He said he was going to blow my head off. Buddy yelled at him to stop and let me go. He told him that nothing was going on between us. Jim told Tom and Charlie to find something to tie Buddy up. They got a rope and tied his hands. Buddy kept talking so they stuffed a handkerchief in his mouth and gagged him. Jim was absolutely berserk. He was crazy. He was trying to decide what he was going to do with both of us. He was cussing and yelling, waving his gun in the air. He hit Buddy a couple of times in the stomach. Jim told Tom and Charlie to take Buddy's clothes off of him. They stripped him naked. Jim said he was going to watch Buddy and I have sex. He knew we were having an affair and wanted to see it. We were pleading with him to stop the insanity. It was horrible. Jim made me take off my clothes, but when he saw Tom and Charlie, especially Charlie who was a half mental case, glaring at me, he told me to put my dress back on. He told me to take off my panties. He then made Buddy put on my panties. I do not remember if I was wearing a girdle or a garter belt that night, but he made Buddy put on which one it was. He was crazy that night. He asked Buddy how it felt to finally get into my panties. Tom and Charlie thought that was funny. Buddy was gagged and could not say anything. Jim left for about fifteen minutes and came back with a rubber hose. I knew he often talked about using the hose to whip minorities in his police work. He said it would not leave marks. He beat Buddy across his buttocks a few times with the hose and asked him how he liked that. He then beat me with the hose. I thought he was going to kill me. While he was beating me, Buddy almost escaped out of the back door. Tom and Charlie was trying to stop Jim from beating me, and they were not paying attention to Buddy. I think Buddy was trying to escape to get help. Tom and Charlie caught Buddy. Jim told them to tie his feet and tie him to something to prevent him from escaping or he was going to kill them. They tied his feet and put him in the restroom. Jim was doing things to me during all of this that were so despicable, that I cannot describe all of them to you. He had me on the floor with no underwear on, my dress over my waist. He tortured me by inserting various tools from the cabinet shop into my body, asking me how I liked them. Did they feel like Buddy? It seemed like hours passed, when in reality, it lasted about twenty minutes. I knew he was going to kill me. I could hear hammering in the restroom and I saw Charlie remove a rubber belt from a saw. I thought they were going to use the belt on me. I did not see what they did to Buddy. Charlie asked who had a knife, I screamed for them not to kill him. That made Jim even crazier. He rolled me over, face down, and inserted something into my rectum. I was screaming and he placed his hands over my mouth and told he was going to kill me. He kept asking me if that felt as good as Buddy. Charlie said he needed the knife to cut some rope. Jim gave his knife to Charlie. Jim said to Charlie when he walked over to get Jim's knife, watch this and inserted something very large into my rectum. It hurt so bad that I almost passed out. Charlie was enjoying all of it. I cannot tell you what Jim let Charlie do to me next. It caused me to throw up. Jim then left me alone. I bled from my rectum for three days. I was afraid to go to a doctor. When Charlie came out of the restroom, I heard him say, that will hold the son of a bitch, he cannot get down from there. Jim told them not to mark Buddy up. He did not want there to be any physical evidence in case Buddy wanted to complain. He told Buddy that if he complained, he would return some night and kill him. Jim was trying to decide what he was going to do with

**M. SMITH LETTER  
MOST LIKELY A HOAX, CONT.**

Buddy. He talked about killing him and disposing of the body. Tom talked him out of that. Someone said why don't we tar and feather him. They thought that was a good idea and later realized they did not have any tar. Someone came up with the idea of putting honey, or molasses, on him and putting the feathers on the honey or molasses. They were going to use the honey, or molasses, in lieu of tar. They were going to dump him on the main drag of town, California Street, for everyone to see. Jim said Buddy would have to leave town because no one would want to do business with him after he was found wearing ladies underwear honey and feathers. He would be the laughing stock of the town. Jim told Charlie to stay and guard Buddy. Jim took me home and told me he would kill me if I ever said anything about any of this to anyone. I knew he meant it. Tom went to get the honey, or molasses, and a pillow with feathers. I did not see what happened after that. I did not have a telephone. I knew I could not go to the police because they would protect Jim and he would kill me if he knew that I complained. Tom stopped by my house the next day to see how I was doing and he was very apologetic. He told me some of what had happened. I talked to Tom about it a couple of times. He said he returned before Jim. Jim returned about thirty minutes after Tom. When Jim went into the restroom, Buddy was dead. He apparently choked to death. Tom did not know if Buddy died from the belt around his neck or if he suffocated from the handkerchief and gag that was in his mouth. They panicked. Jim told them to keep quiet and let him handle it. He told them if they ever said anything, they could all fry in the electric chair. Tom was extremely scared. Tom said Jim removed the handkerchief and gag from Buddy's mouth. Tom said they were so scared that they left without thinking what they should have done. They wanted to get out of there. After they left, they discussed what they had done. They realized that they had left his feet tied to the wall and that could be a problem. Tom later told me that Jim became scared, and mad, at Charlie when he realized that Charlie had left Jim's knife in the restroom. Jim bought another one just like it when the stores opened. His son had given him that one for Christmas. They could not go back to get the knife because the building was locked. Jim also realized that he had left the rubber hose and the handkerchief and gag in the cabinet shop. They would have had to broken into the cabinet shop to get the hose, the knife, and the handkerchief. They might have gotten caught doing that, so they decided not to go back. Tom said Jim told them to go home. He would ride with the police officer on duty and tell him that he had been with me, and we had gotten into a fight. That was why he was out late. He would tell the officer that he was not sleepy and did not want to go home. He often used that as an excuse when we saw one another. The cops knew when he was with me, but they covered for each other when they were with other women, which was frequently. If their wives asked, they could say they were riding with the police officer on duty that night and he would vouch for them. They all covered for each other. Jim was surprised that Buddy's body was found so soon. I later asked Jim what happened when Buddy's body was discovered. He was reluctant to talk about it, but he later said he never meant to kill him. He never had intentions of killing him. He only wanted to scare him. He said Buddy was dead when he returned to the cabinet shop after taking me home. He did not know how it happened. He did not want to talk about it. I almost felt sorry for him until I remembered how sadistic and crazy he was that night. He later said that the Chief was called to the scene and other police officers arrived. When they saw Buddy in ladies underwear they immediately thought he was a queer (Gay). The Justice of the Peace was called to the scene. While they were waiting for the Justice of the Peace to arrive, Jim was convincing the Chief that the death was a suicide. Jim said that the Justice of the Peace had to make the ruling about the cause of the death. The Chief then sided with Jim, he too thought it was a suicide. The Justice of the Peace did not believe it



**M. SMITH LETTER  
MOST LIKELY A HOAX, CONT.**

was a suicide. Some of the other officers did not believe it was suicide. The Chief and the Justice of the Peace apparently argued about the cause of death. Jim said the Chief told the Justice of the Peace he was not going to spend time and money investigating the death of a queer, who was from out of town, and a person no one knew. Jim was elated when the Justice of the Peace later ruled Buddy's death a suicide. I think he was pressured into that ruling. I did not want to see Jim again. I wanted as far away from him as I could get. I talked to him three or four times after Buddy's death. I know he swayed the investigation to get a ruling of suicide so the case would be closed. I left Gainesville about two months after Buddy's death. The guilt ate away at me for years. I moved back to Gainesville years later. Jim later left the police department. If I told you when or what he did, you would be able to identify him, and I cannot do that. I am not trying to protect him, but there are innocent people who have no idea of what actually happened. His family and others suffered enough from that Bastard. Pardon my language, but they do not deserve anymore embarrassment. He may have been involved in a similar death (Suicide) the same year or the following year. You might check on that. I went to an attorney in Gainesville about five years after Buddy's death. I told him what had happened. He said he would look into it and get back with me. About two weeks later he told me that there was not any physical evidence to prove what I had said. The case was ruled a suicide, it was closed, and it could only cause trouble for everyone. I was married by then. He told me to forget about it, put it in the past, and live my life. I often wondered what happened to Buddy's family. I heard that his wife was from a wealthy family in Wichita Falls, the newspaper article said she was from Henrietta. I hope that they were able to put their lives back together. I am so truly sorry for what I caused to Buddy and his family. Please convey that to them for me. I will go to my grave knowing that I caused Buddy's death. I have wished a million times that it could all have been a bad dream. I never had an affair with Buddy. I guess you could say that I had a mental affair with him. I wish I had left him alone. He was a very fine man and did not deserve to die at a young early age, especially in the manner in which he died. I hope this answers your questions about the circumstances surrounding his death. I do not know anything more than what I have told you. I have thought about this since I saw the reward posted in the paper. That is a lot of money to me, a tremendous amount. I do not think that I deserve a reward, but I would accept it. I am not sure how you could arrange payment without me exposing my identity. My son, who knows some of this, (I told him it happened to a friend of mine) suggested you could put cash in an envelope addressed to General Delivery, M. Smith, 73063, Gainesville, Texas and give it to the post office in Gainesville. If you cannot do this, I understand. This occurred many years ago and I will not cause embarrassment to any of the families involved. Some of the children of the families involved are very fine people today. I do not want to accept the money if that would cause someone else to get hurt. There has been enough hurt and pain. The identities of the persons involved could not serve a meaningful purpose. Please understand.

I hope this has helped you. It may have helped me.

M. Smith

## M. SMITH LETTER MOST LIKELY A HOAX, CONT.

**M. Smith (alias):** She wrote a letter postmarked Sept. 23, 2003 alleging that she was present at the scene when the homicide took place. When received, the letter was believed to be genuine. However, we did make the following observations:

- Smith describes times when she was being tortured. It seemed strange that a victim of torture would remember the exact length of time involved.
- The letter was addressed to Gainesville, but had a Mulhall, OK, zip code. The letter would have gone to the Mulhall post office, not the Gainesville post office. If the zip code error was intentional, then M. Smith had to have knowledge of postal procedures or have an accomplice. Since it was addressed to General Delivery then either a postal worker had to be an accomplice or she would have had to make frequent inquiries at the post office. If she made frequent inquiries, then the postal workers would remember her.
- Virtually every major point in the inquest record is referred to in the letter. It seemed strange that a person could have remembered and included this much detail 58 years after the incident.
- It seemed strange that she would give the detailed demographic information on the perpetrators, yet be reluctant to disclose their actual identities. It would seem obvious that if we had the demographics, we could eventually find someone who matched. If the demographics were intentionally changed to protect the identities of the perpetrators, why would she give the demographics at all?
- The Smith letter describes "Jim" as being extremely angry and in a rage. Rage normally requires an immediate outlet, not a staged approach. Typically, rage homicides are preceded by severe beatings followed by immediate dispatch. It seemed strange that a perpetrator in a rage would take the time to construct a torture board and even place a towel around the belt at the neck area.

**The letter is currently believed to be a hoax based on the following:**

- The investigator at the time, a licensed private investigator with extensive experience as a police officer, failed to preserve the chain-of-evidence after receiving the letter.
- This investigator's DNA was found on the flap of the

envelope.

- An extensive investigation of the demographics attributed to the main perpetrator (Jim, a police officer) has failed to identify any police officer on the Gainesville Police Department at the time who matches. One officer came close to matching with the only variance being that his eldest son lives in Dallas, not Gainesville. However, Flint does not believe that that officer was on the scene while Flint was there.
- Interviews of residents of Gainesville at the time of the murder failed to turn up any police officer suspects.
- The postmistress of the Mulhall, OK post office where the reward was directed to be mailed states that no one came by to claim a general delivery letter addressed to M. Smith. She states that the private investigator had called her several times in November and December 2003 to see if she received an envelope addressed to M. Smith. She says that when our reply letter was received in January 2004, she crossed through the zip code and sent it back to Gainesville. After an interview with the postmistress, investigator Dan Bierman believes that she is not attempting deception.
- We were unsuccessful at connecting the postmistress to any friend or relative in Gainesville. There is no indication that she had ever even been in Gainesville.
- An extensive investigation of Gainesville residents has failed to identify anyone who could have been M. Smith. Indeed, the investigation failed to produce any evidence at all that would support the theory that the perpetrators were local. This conclusion is based on the following:
  - 12 weeks of interviews of Gainesville residents conducted by Dan Bierman failed to identify anyone who could have been M. Smith.
  - Letter addressed to Gainesville residents over the age of 72 soliciting information failed to have anyone come forth.
  - Numerous ads were run in the Gainesville newspaper offering rewards up to \$100,000 for information concerning M. Smith. Very few leads were generated, and the ones that were generated were dead ends.
  - An hour long episode of the television program "48 Hours" ran twice with about 10 million viewers. No substantial leads were generated.
  - Numerous articles and broadcasts about the homicide have been published. No leads were generated that would lead to M. Smith.

**M. SMITH LETTER  
MOST LIKELY A HOAX, CONT.**

- With four local perpetrators one would expect that at least one of the perpetrators would have talked to someone else about the homicide. We have failed to turn up even one indirect attribution to a possible suspect (e.g., "Mama told me that Daddy told her that John told him that he (John) did it.")



# SECTION V

# GAINESVILLE SECTION

**\*\*\* PLEASE READ \*\*\***

DISCLAIMER: This summary is designed to document an independent assessment of the facts and theories surrounding the death of Harold "Buddy" Eugene Vest on June 28, 1946, in order to discover the truth. This summary is not designed to impugn anyone. Readers must understand that many of the statements in this summary are not factual, but rather are opinions, impressions and speculations based on assumptions and interpretations of existing and necessarily incomplete information. This summary includes fictionalized accounts designed to further the investigation. These fictionalized accounts may not be accurate. Indeed, the information contained in this summary is not warranted to be accurate and we assume no responsibility for damages arising from the publication, distribution, use of, or reliance on any such information. This summary is a living document, and as such it is subject to change without notice.

**DAN C. BIERMAN**  
2905- 71<sup>ST</sup> AVENUE NE  
MARYSVILLE, WA 98270  
425-737-2905  
425-334-1784

January 3, 2006

Herb Vest  
Dallas, TX

Re: Report of my investigation into the matter of the homicide of Harold Eugene "Buddy" Vest on June 27, 1946.

Dear Dr. Vest:

You engaged me in August 2005 to investigate the death of your father. The purpose of my engagement was to determine if the motive for his homicide originated in Gainesville, TX, and whether or not Gainesville residents might have been involved.

You instructed me to conduct whatever interviews and other investigatory methods that I, in my sole judgment, deemed appropriate. You placed no monetary or other restrictions on my investigation. You instructed me to continue the investigation until I felt extremely confident in my opinion.

### **Qualifications**

I was a police officer from 1968 until 1992. During that time I conducted numerous homicide investigations. I have attended many courses on Advanced Crime Scene Investigation, Homicide Investigations, Witness Interrogation, Profiling and other related areas of criminal investigations.

Based on my experience and training, I consider myself an expert in homicide investigations. I also consider myself an expert in witness interrogation.

### **Extent of investigation**

I began the investigation by reviewing the documentation of the case then existing. I reviewed the reports of the previous investigators. I reviewed the inquest record, death certificate and an anonymous letter from the woman who refers to herself as M. Smith. I then conducted interviews with primary witnesses who are still living.

I then proceeded to interview numerous people in the

Gainesville area with emphasis on persons age 72 and above. I also interviewed Marla Bennett, the postmistress of Mulhall, OK.

I investigated the backgrounds of numerous of these individuals for possible links to the victim. I also looked for possible motives for the homicide.

In total I spent 12 weeks in interviews of individuals in Gainesville and elsewhere.

### **Conclusions**

M. Smith Letter

Marla Bennett denies that anyone ever presented themselves to claim a return letter addressed to M. Smith. She states that when the reply letter from the investigator at the time addressed to M. Smith was received in January 2004 she retained it for 30 days, then crossed through the ZIP code and placed it back in the mail, knowing that it would be returned to the Gainesville post office.

If the writer's motive for writing the letter was to obtain a reward, then it had to either be claimed or a postal employee would have had to intercept the letter. I found no links of Marla Bennett to anyone in Gainesville. Based on my interview with her, I believe that she was not involved with anyone who might have written the letter. The Gainesville PO has over 50 employees. I do not believe that a viable conspiracy to obtain the reward could have been constructed between the writer of the letter and a postal employee.

Interviews and follow-ups with individuals in Gainesville produced no suspects for the writer of the letter. I found from interviews with Gainesville residents that there were several women who were suspected of having affairs with police officers and other women who were considered sexually promiscuous. I was unsuccessful at establishing any plausible link between these women and your father.

It is my opinion that the letter from M. Smith postmarked Oct. 23, 2003, is a hoax. This opinion is reinforced by DNA and other evidence, which was not considered in arriving at my opinion.

## DAN C. BIERMAN LETTER, CONT.

### Motive

Based on the evidence, there is no doubt that the cause of death was homicide.

The crime scene is atypical of most homicides. It would have had to involve at least three individuals, probably four to six. The evidence indicates that the suspects were using torture to gain information from the deceased and may have also wanted to punish him.

The MO does not conform to homicides involving:

- Jealousy or rage
- Hate crimes
- Mob hits or brutal slayings
- Interrupted burglaries
- Blackmail or extortion
- Financial gain
- Sociopathic disorders
- Other homicides of which I am aware

I questioned many people in Gainesville. I found no evidence that would indicate that the deceased had excessive debt, unaccounted-for funds, used drugs or alcohol to excess, engaged in illegal activities, engaged in gambling, engaged in womanizing, had abnormal sexual interests, had an affair, had homosexual tendencies, or engaged in other activities typically associated with homicides.

### Suspects

Interviews with Gainesville residents failed to provide any reasonable suspect.

Gainesville apparently had many unsolved homicides during the 1940s and early 1950s. There were many more homicides than would be expected in a town of that size. Interviews with residents produced many names of individuals who may have been involved in several of these homicides.

I reviewed the newspaper accounts of these homicides. I interviewed as many people as I could find who might know about the circumstances surrounding the homicides.

In none of the homicides that I looked at did the perpetrator use a MO even remotely similar to that used in the homicide of your father.

I found many people who alleged that a certain man or

men were involved in these unsolved murders. I tried to find a link between alleged murderers during the period and your father. I was unable to find a plausible motive for any of these individuals to have killed your father. I was unsuccessful at finding any evidence that would indicate that your father even knew these men.

I find it very significant that, with three suspects involved and hundreds of interviews conducted, I failed to interview anyone who alleged having heard a direct or indirect attribution to an individual who might have been involved. It is highly likely that each of the perpetrators would have told at least one other person and that person would have told others.

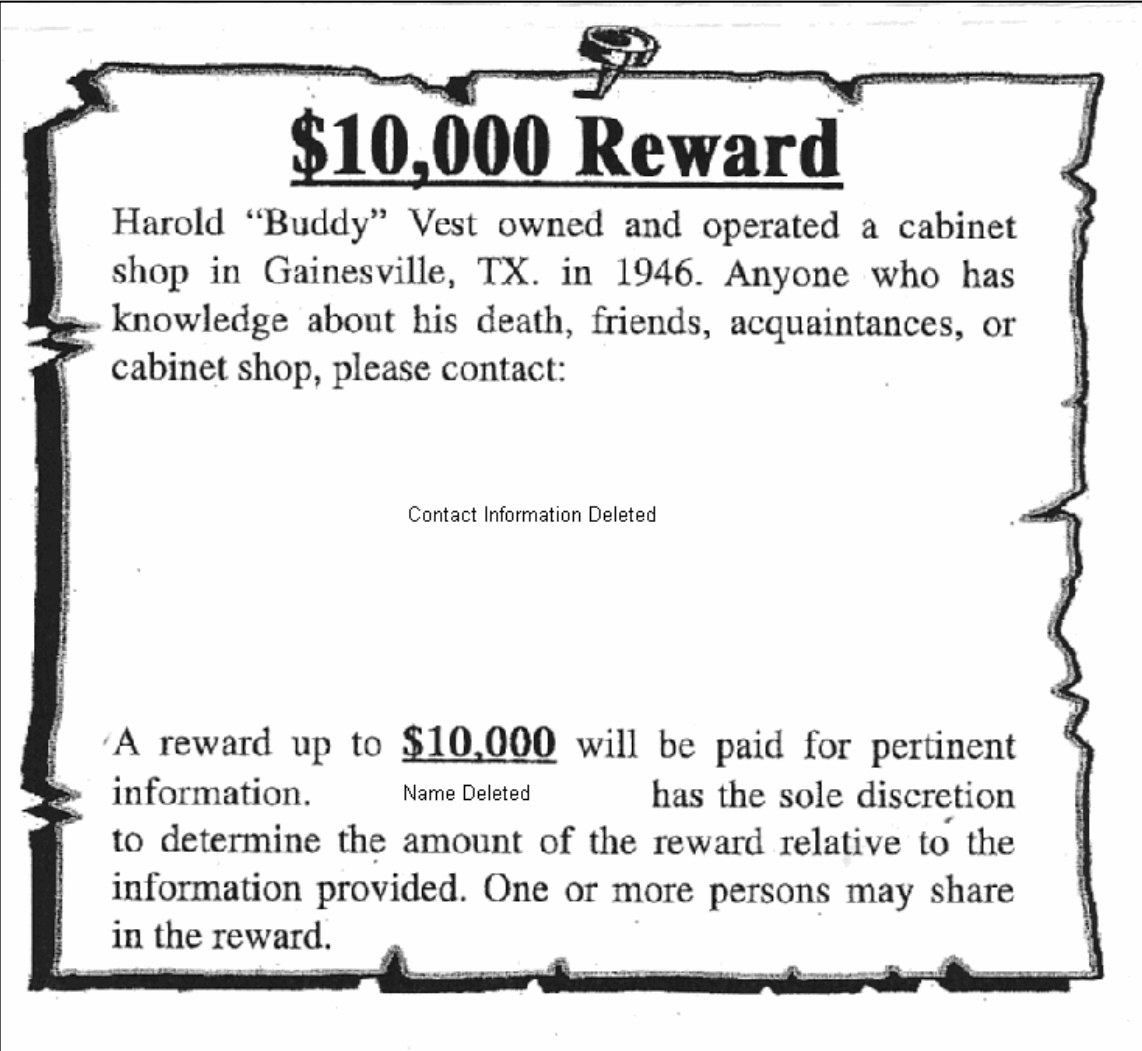
### Opinion

It is impossible to state for certain that the motive did not originate in Gainesville. I have at this time exhausted all plausible leads and believe that further investigation would not produce any fruitful results. I have, however, conducted more than a sufficient number of interviews of Gainesville residents to have achieved an extremely high level of confidence in my opinion.

Your father's death was without doubt a homicide. In my opinion the motive for the homicide did not originate in Gainesville and Gainesville residents were not directly involved in his death.

Dan Bierman

REWARD ADVERTISEMENT  
RUN DATE: SEPT. 2003



**\$10,000 Reward**

Harold "Buddy" Vest owned and operated a cabinet shop in Gainesville, TX. in 1946. Anyone who has knowledge about his death, friends, acquaintances, or cabinet shop, please contact:

Contact Information Deleted

A reward up to **\$10,000** will be paid for pertinent information. Name Deleted has the sole discretion to determine the amount of the reward relative to the information provided. One or more persons may share in the reward.



**REWARD ADVERTISEMENT  
RUN DATE: FEB. 9, 2005****\$25,000 Reward**

My Father, Harold (Buddy) Eugene Vest (pictured here), owner of Vest's Cabinet Shop was found dead in the rest room of his place of business at 805 East California Street, Gainesville, TX between midnight and 2 am on the morning of Friday, June 28, 1946. My elderly mother and I are desperately seeking the truth regarding the circumstances of his death. For more information on the case go to <http://www.murderingainesville.com>.



If you have any information that will help my mother and me learn the truth, call me at 972-402-4806 or email me at [herb.vest@true.com](mailto:herb.vest@true.com).

A reward of up to \$25,000 will be paid for pertinent information. Herb Vest has the sole discretion to determine the amount of the reward relative to the information provided. One or more persons may share in the reward.

## REWARD ADVERTISEMENT AND OPEN LETTER RUN DATE: JUNE 24, 2005

### From Herb Vest: To Those Involved in my Dad's Death

On June 27, 1946 you caused the death of another human being. Because of your actions Buddy Vest's life was extinguished before he had a chance to live. At the time you coldheartedly watched his agony as he suffered your torture. Because of your actions a widow was left to forever blame herself for what she thought was her husband's suicide. Because of your actions a child grew up, never knowing his father. Because of your actions his Catholic mother went to her grave thinking her son was suffering in purgatory. You committed the vilest of acts!

People think that for 59 years, you have gotten away with it. You and I know differently. Progressively, over the years, you have had more and more trouble sleeping. You awake in the middle of the night in a cold sweat. You feel the shroud of depression surrounding you at all times. At moments you think you are free, only to suddenly find yourself in a flashback to that night. **You** know what you have done!

Now, as you are growing older, you know that soon you will face your last moments of existence. At that time, will you think of your family and the happy moments or will you face the horrible truth: that it would have been far better for humanity that you had never lived at all?

For the last 59 years you have feared that you will be brought to account for your actions. I hope now that you are beginning to see the reality that societal judges are not to be feared. The harshest of all judges awaits you: the judge that knows every last detail of the circumstances and every emotion that you felt. In your final moments of life you will face your own conscience. Beware: That judge is merciless.

As an infantry officer in combat in Viet Nam I was directly responsible for the deaths of many "enemy" troopers. I contributed to the deaths of many others. The men that I killed were young men with children, wives, mothers, fathers, brothers, sisters, and friends. I took the lives of men whose chief "sin" was their willingness to die for a cause in which they believed.

But, for one thing, you and I await the same fate. That one thing is that I have fully and openly admitted and taken responsibility for my actions. As retribution, I resolve every morning to make the world a better place. Every evening I examine my actions and see that I have fallen far short of my goal. Every evening, I see missed opportunities to make people's lives better. Those opportunities are forever lost. My redemption is in **my intent today**. My actions yesterday cannot be changed. Only today is important!

Society may judge us differently—let society judge itself. You and I are brothers; we share the common human trait of fallibility.

Now brother, I urge you to come forward and admit your fallibility as I have admitted mine. When you do, you will feel the weight of guilt lifted from your shoulders. You will know a courage that few people know. You will be scorned by those who take the more comfortable route of finding fallibilities in others while rationalizing their own. But **I will be there for you**. You and I will take the blame together.

My dad is dead. Nothing can change that. No amount of regret can breathe life into his skeletal remains. No amount of punishment can restore what you have taken. What is left is your own fate. How will you face your last moments on this planet?

I can think of no more suitable memorial to my dad than your redemption. When you come forth and take responsibility for your actions and resolve to henceforth make the world a better place, my dad can finally rest in peace.

When you come forward, **I will be there for you every step of the way**. I will recommend to the authorities that your case not be tried. I think there will be no trial; but, if there is I will pay for your defense. I will walk beside you, as your brother, until the end of our days.

However, if you do not come forward, all bets are off! I will seek vengeance to the full extent of the law. In civil actions, I will take your last dime. In criminal actions, I will seek prosecution for **all crimes** that you have committed. There will be no mercy from me!

It is up to you. You know what I have uncovered -- you see the hints in this letter. I do not want to make it public. You know it will not be long until you feel my breath on your back. **The time to come forward is now**, before it is too late. Do you have the grit to stand up with me and together take responsibility? Or, will I continue to have to hunt you down like a dog? I assure you that I will not rest, **ever**, until I find you.

I remain your brother (or your worst enemy?).



Herb Vest



Up to a \$100,000 reward for relevant information about this case.

Contact Herb Vest at 5215 N. O'Connor, Suite 1600, Irving, TX 75039  
Office telephone: 972-402-4806 FAX: 972-402-4801 Email: herb.vest@true.com  
For further details visit [www.murderingainesville.com](http://www.murderingainesville.com)

\*Herb Vest has the sole discretion to determine the amount of the reward.

**LETTER TO GAINESVILLE RESIDENTS AGE 72 AND OLDER  
SENT JULY 24, 2004**

July 24, 2004

XXX XXXXX  
XXX XXXXXX  
Gainesville, Tx 762XX

Dear XXX XXXXX,

I am writing to ask for your help.

In June 1946, my Dad, Harold Eugene (Buddy) Vest was murdered in his cabinet shop on California street. He had just returned from the war and had moved to Gainesville with my mother and me (age 2) in April.

My mother found his 25 year old body hanging in the restroom of his shop. She was told by the police that he committed suicide. She was devastated. Left to raise her 2 year old son alone, she carried the effects of the suicide all of her life.

I found out that my Dad committed suicide when I was 11 years old. I did not tell my mother that I knew until recently. I cursed my father for having left us alone. I questioned, "Why would this cowardly man kill himself and leave his young widow and baby?"

There was no apparent reason. He was a happy man. He was a Godly man with a kind word for everyone. In 1937, he quit school to help support his parents, brother, and sister. He joined the Army during the war and served his country admirably. When he met my mother, Ruth, early in 1943 they fell in love and got married.

I am sick at heart to think that my Dad's parents went to their grave believing that their son had to stand before God, having committed the vile sin of suicide.

After my step father died, I asked {Name Deleted}, a private investigator to try to determine why my father would commit suicide.

After reading the inquest record, {Name Deleted} told me that it looked like murder, not suicide. My mother and I were so relieved to know that he had not committed suicide and, therefore, did not voluntarily abandon us.

{Name Deleted} ran an ad in the Gainesville paper asking for information from anyone who knew Buddy. He received a three page letter in reply. The letter was from a woman who identifies herself as M. Smith. I do not believe that is her real name.

In her letter, M. Smith states that, as a young woman she "was considered very attractive and sexy." She "loved to party, drink, and dance." She "was considered a wild girl." She saw my father "in a lumber yard in Gainesville." She was immediately "smitten by him." She said, "He was the type of individual that once you talked to him, you felt like you had known him for years."

**LETTER TO GAINESVILLE RESIDENTS AGE 72 AND OLDER  
SENT JULY 24, 2004**

She goes on to say "I often saw him in the café. I have to admit that I used to go there hoping he would come in." She "knew he was married and had a baby." She "did not care about that, I only wanted to have fun." She "never did date Buddy but wanted to."

M. Smith says, that she "was dating a cop who was married and very jealous." The police officer knew that she "had a crush on Buddy and he was angry about it."

She knew that "Buddy was going to work late one night." So she put on her "best party dress, fixed my hair, and went to see Buddy at the cabinet shop right after dark."

Shortly thereafter, her married police officer boyfriend entered the shop with two of his friends. They began to beat both of them. Afterward, M. Smith was taken home. Buddy was taken to the bathroom and hanged.

One of the hardest tasks that I have in life is to attend a funeral of a young person. I never fail to be overcome with grief, even though I might only have known them for a short time. A young person, it seems to me, is given the precious gift of life.

To have their life extinguished at an early age is tragic, not only for them but also for their young family. My Dad deserved to experience the love of his wife. He deserved to teach me baseball. He deserved to bounce my children on his knee. He deserved to be at the bedside of my grandmother when she passed into the next life.

Instead, he has spent the last 58 years in his grave in Henrietta. Thankfully, he never knew how many times I cursed him for committing suicide. I never referred to Buddy as "my Dad" until I found out what really happened. I did so the other day. It was, perhaps, the greatest single moment of my life. Suddenly, the burden of hate had been lifted and was replaced with love.

I have no desire for vengeance. In Viet Nam, I, myself, have killed people in war. I know firsthand that those involved in my Dad's death have dragged the heavy chains of regret with them throughout their lives and will continue to drag it into the next life. Knowing this about their harsh punishment makes me sad for their plight. I do not feel hatred for them. Sadly they know the truth: that which is past is past. Transgressions, once committed, cannot be undone.

The message is clear to me now some fifty-eight years since my Dad's death. I have learned it, sometimes at an egregious price. To receive compassion, one must choose compassion rather than apathy; to receive joy, one must choose joy rather than sorrow; to receive love, one must choose love rather than hate. These words have been spoken over and over for all of man's existence. But, all must learn the meaning for themselves; in their own way.

For my mother's sake, for my Dad's sake, for my grandparents sake, for M. Smith's sake, for the sake of the men involved in my Dad's death and their families, and for my own sake, I must talk to M. Smith or anyone who can help me fill in the remaining details of what happened to my Dad.

**LETTER TO GAINESVILLE RESIDENTS AGE 72 AND OLDER  
SENT JULY 24, 2004**

I have no desire to embarrass them. I certainly have no desire to seek prosecution. But, I must know the truth! The lie has gone on long enough. No more lies. No more cover-ups. Only the truth will set all us free!

As I said at the beginning of this letter, I desperately need your help!

I ask you to read the enclosed letter from M. Smith. Does the writing style match anyone you know?

Do you know of any rumors, at the time, concerning the attached list of police officers?

Do you know anyone who matches the profiles of M. Smith and the men involved?

Once in a great while, God gives us the opportunity to be of service to others. This letter presents such opportunity to you. Please help me to find the truth!

Be assured that I have no desire to prosecute or publicly disclose embarrassing information about M. Smith or the others. I will keep your reply in strictest confidence to the best of my ability. I will not jump to conclusions on any information that you may give me.

Pick up the phone now and call {Name Deleted} at:

{Name and Contact Information Deleted}

May God bless and keep you!

Yours very truly,



Herb Vest  
Son of Harold Eugene Vest

## LIST OF MEDIA COVERAGE

07.02.2005 NBC 5 airs photo of Buddy Vest and alerts public to increased reward  
06.29.2005 Reward amount bumped up in unsolved slaying - Star Telegram  
06.25.2005 Reward increased in search for killer - Times Record News  
06.25.2005 48 Hours: Postmarked for Murder. Re-airing June 25, 8 p.m. ET on CBS  
06.24.2005 Vest Increases Reward to \$100,000 for Relevant Information in Father's Murder - Houston Chronicle  
06.24.2005 (Ad) Open Letter to Those Involved in Vest Murder - Gainesville Daily Register  
06.24.2005 Vest Increases Reward to \$100,000 for Relevant Information in Father's Murder  
06.23.2005 (Ad) Reward Increased to \$100,000 - Gainesville Daily Register  
06.01.2005 Texas Prison News Issues Notice of Buddy Vest Homicide Investigation - The ECHO  
05.01.2005 (Ad) Open Letter to M. Smith - Gainesville Daily Register  
02.12.2005 Cracking Murder Mystery - Times Record News  
02.12.2005 Unsolved Gainesville Murder to Get Airtime - Denton Record-Chronicle  
02.10.2005 48 Hours: Postmarked for Murder. Airing Feb 12, 10 p.m. ET on CBS  
02.10.2005 CBS 48 Hours to air story of Buddy Vest's murder  
02.06.2005 Vest murder investigation making national news again: 48 hours talks with son  
08.24.2004 1946 'suicide' may be murder, cover-up - Houston Chronicle  
08.24.2004 Investigator seeks additional information in Vest's death - Gainesville Register  
08.21.2004 Official reclassifies man's 1946 hanging death as murder - Fort Worth Star Telegram  
08.21.2004 Official reclassifies man's 1946 hanging death as murder - Denton Record Chronicle  
08.21.2004 True believer -- A slain veteran's son looks for clues to a cover-up  
08.01.2004 Family Secret - D Magazine  
06.10.2004 CourtTV: The 1946 hanging death of Texas Cabinet Maker Buddy Vest  
04.24.2004 1946 suicide now a murder mystery - Kansas City Star  
04.24.2004 Interview: Herb Vest speaks about exhuming father's body after 58 years to see if he was murdered - Today, Weekend Edition  
04.24.2004 Profile: 58 years after reported suicide authorities look into possibility man was murdered - Today, Weekend Edition  
04.24.2004 Investigative TV show takes interest in case - Times Record News  
04.24.2004 Officials exhume remains of man who died in 1946 - Denton Record Chronicle  
04.24.2004 Quest leads to gravesite - Times Record News  
04.24.2004 Texas officials reopen 1946 hanging case - KRON 4  
04.24.2004 Letter prompts officials to exhume man's body - Fort Worth Star Telegram  
04.23.2004 What really happened to Buddy Vest? - Dallas Morning News  
04.23.2004 Officials reopen 1946 hanging case - CNN  
04.23.2004 Body exhumed in 58-year-old case - Dallas Morning News  
04.23.2004 Death in 1946 investigated - Gainesville Daily Register  
04.22.2004 Officials reopen decades-old case - Dallas Morning News  
04.23.2004 Cooke County reopens decades-old hanging case - WFFA, Dallas/Fort Worth | Channel 8  
04.23.2004 Body of man who died in 1946 exhumed - Associated Press  
04.23.2004 Texas Officials Reopen 1946 Hanging Case - Associated Press  
04.23.2004 Hanging case reopened in Texas - New York News Day  
04.23.2004 Death was ruled a suicide but letter suggests murder - San Diego Union-Tribune  
04.23.2004 Texas officials reopen 1946 hanging case - USA Today  
04.23.2004 Texas officials reopen 1946 hanging case - Worcester Telegram & Gazette  
04.23.2004 1946 Suicide Now Looks Like Murder - FOX News Channel  
04.23.2004 Body of man who died in 1946 exhumed - Denton Record-Chronicle  
04.23.2004 Texas officials reopen 1946 hanging case - The Guardian  
04.23.2004 Texas officials reopen 1946 hanging case - Pioneer Press  
04.23.2004 Officials reopen 1946 hanging case - KVUE NEWS  
04.23.2004 HALF-CENTURY OLD SUICIDE CASE REOPENED - KFDX NEWSCENTER 3  
04.23.2004 Cold Case Reopened - Murder Mystery? - KXII-TV, Channel 12-CBS, Sherman, TX  
04.23.2004 County officials reopen 1946 hanging case - San Antonio Express-News

## SECTION VI

## SUSPECTS SECTION

**\*\*\* PLEASE READ \*\*\***

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# SECTION VI

# SUSPECTS SECTION

## SUSPECT: HOWARD L. PENLEY

PLEASE NOTE: *Italicized type* = Civilian // **Black type** = Military // **Bold type** = Overlap with Buddy

<i>May 31, 1923</i>	<i>Born in El Paso, TX, to Pete and Jeanette Penley. He has a brother, P.A. Penley (currently lives in Austin, TX)</i>
<i>About 1929 to 1941</i>	<i>Attends Austin High School in El Paso</i>
Nov. 25, 1942	Enters Army at Fort Bliss, El Paso, TX, serial No. 18090400 SSN: 455-20-2081
April 1, 1943	147 <sup>th</sup> Engineering Combat Battalion is activated at Camp Swift, TX (28 miles east of Austin)
<i>1943/1944</i>	<i>Attends the Army Specialized Program at Oklahoma University in Norman (program only in existence from 8/1943 to 2/1944). Exact dates of attendance unknown</i>
Jan. 8, 1944	147th departs from New York
Jan. 17, 1944	147th lands in England
June 6, 1944	147th with Penley lands in France on Omaha Beach
Sept. 15, 1944	Chateau D'Enlesqueville La Percee, France, VT 6192, 4 miles west of Sur Mer
Dec. 2, 1944	Julouville, France
Dec. 24, 1944	Linas, France
Jan. 9, 1945	St. Trond, Belgium attached to 1143 <sup>rd</sup> Engineering Combat Group
Jan. 16, 1945	Maastricht, Holland
Feb. 7, 1945	Assigned to 9 <sup>th</sup> Army (12 <sup>th</sup> Army Group)
Feb 28, 1945	Assigned to 1124 <sup>th</sup> Engineering Combat Group (attached to 2 <sup>nd</sup> British Army)
March 3, 1945	Helmond, Holland
March 27, 1945	Keppeln, Germany — road and bridge maintenance
March 30, 1945	Mehr, Germany
April 9, 1945	Rheinberg, Germany
April 17, 1945	Hervest, Germany
April 27, 1945	Talgte, Germany
April 30, 1945	Werle, Germany
May 4, 1945	Detmold, Germany
May 31, 1945	Bettenhausen, Germany
June 14, 1945	Liege, Belgium — guarding POWs and engineering dumps
<b>July 1, 1945</b>	<b>Assigned to Channel Base Section</b>
<b>Aug. 22, 1945</b>	<b>Penley is listed as a T5</b>
<b>Sept. 5, 1945</b>	<b>Tongres, Belgium, assigned to Channel Base Section and the 1195<sup>th</sup> Engineering Base Depot. This overlaps with the 711<sup>th</sup> Engineering Base Depot Company, Buddy's unit</b>
<i>December 1945</i>	<i>Penley is believed to have left the Army</i>



**SUSPECT: HOWARD L. PENLEY**

**PLEASE NOTE:** *Italicized type* = Civilian // **Black type** = Military // **Bold type** = Overlap with Buddy

<b>June 27-28, 1946</b>	<b>Penley is in Gainesville, TX, in the uniform of a PFC. He tells the newspaper that he is hitchhiking to Camp Hood</b>
<i>Summer of 1947</i>	<i>Moves to Austin to attend the University of Texas. Graduates with a degree in electrical engineering</i>
<i>1947</i>	<i>Marries Virginia Ruth Smith Penley</i>
<i>After 1947</i>	<i>He goes to work for El Paso Electric Co. as an engineer and becomes manager of systems planning. He becomes a licensed engineer (Texas license #20422)</i>
<i>Sept. 18, 1951</i>	<i>Son, Howard L. Penley, Jr. is born (currently lives in El Paso)</i>
<i>May 23, 1953</i>	<i>Daughter, Leslie Ruth Penley (married Chris Johnston, has 3 daughters, currently lives in El Paso)</i>
<i>Jan. 6, 1974</i>	<i>Wife, Virginia Ruth Smith Penley, dies in El Paso of "probable suicide" by alcohol and drug overdose. She may have been psychotic. She took Thorazine and Amobarbital</i>
<i>July 15, 1976</i>	<i>He marries Olga L. Penley</i>
<i>July 7, 1977</i>	<i>He divorces Olga</i>
	<i>He marries Martha Jane Penley (currently lives in El Paso)</i>
<i>1986</i>	<i>He retires from El Paso Electric</i>
<i>May 31, 2004</i>	<i>He dies in El Paso of hypoxia caused by 15-year illness, chronic obstructive pulmonary disease, no autopsy</i>

## WHY HOWARD L. PENLEY IS A SUSPECT

Both my mother and Ms. Howard state that there was no soldier present when they left the shop. When the police arrived about 15 minutes later, the soldier, Howard L. Penley, was on the scene. He told the police that he was hitchhiking to Camp Hood.

- It is highly unlikely that a hitchhiking soldier would be wandering down California Street at 1 a.m. in the morning, then enter the cabinet shop uninvited. (Only Casey was inside when the women left.)
- It is highly unlikely that a soldier would be hundreds of miles away from his duty station on a week night. Penley told the justice of the peace that he was stationed at Camp Hood.
- There is high probability that Penley and Buddy knew each other. Penley and Buddy were both in units assigned to the Channel Base Section located in Brussels, Belgium.
- Penley had gotten out of the Army six months before, yet he was wearing the uniform of a PFC.
- Penley, from El Paso, had no known reason to be in

Gainesville. He had no known relatives or friends near Gainesville.

- He reportedly was maintaining a lifestyle in excess of that expected of a returning GI for a year and a half after his discharge

### Other relevant facts about Penley

- Penley was selected for the Army Specialized Training Program at the University of Oklahoma in electrical engineering subjects.
- He is reported to have been assigned to Battalion S2 (intelligence).
- There is reason to believe that the Battalion S2 participated in the interrogation of members of the French underground who were thought to have collaborated with the Germans. This type of interrogation may have used the same modus operandi as that found at the crime scene.
- He was from El Paso. He enlisted at Fort Bliss. He was discharged at Fort Bliss. Fort Bliss was the location of the White Sands Proving Ground, where captured German scientists tested V-2 rockets captured after the war.
- He went on to get a degree in electrical engineering.

**HOWARD L. PENLEY**



**SUSPECT: JAMES L. CASEY**

**PLEASE NOTE:** *Italicized type* = Civilian // **Black type** = Military // **Bold type** = Overlap with Buddy

<i>April 26, 1926</i>	<i>James L. Casey is born in Portales, NM, to George E. and Nora Casey</i>
<i>1930</i>	<i>He is living in Rockport, TX, near Corpus Christi</i>
<i>Before entering the Navy</i>	<i>He worked for Brown and Root</i>
<b>Summer 1943</b>	<b>He enters the Navy and serves in the Pacific Theater of Operations as a radar technician repairing radar on aircraft</b>
<b>Subsequent to Aug. 15, 1945</b>	<b>He is assigned to the Grand Prairie Naval Air Station near Dallas and is then transferred to the Corpus Christi Naval Air Station, where he is a radar instructor</b>
<b>June 27-28, 1946</b>	<b>He is in Gainesville, TX</b>
<i>Aug. 15, 1947</i>	<i>He leaves the Navy and goes to work for the Navy as a civilian radar instructor. He also worked at a golf course</i>
<i>1948</i>	<i>He marries Mary and stays married the rest of his life. During their 50 years of marriage, James Casey never mentions the Buddy Vest incident to his wife.</i>
<i>Jan. 15, 1950</i>	<i>He enters Texas A&amp;M</i>
<i>May 30, 1952</i>	<i>He graduates from Texas A&amp;M with a degree in math (engineering, according to his wife)</i>
<i>June 1952</i>	<i>He goes to work for the CIA in the Washington, DC, area. He was involved with the U-2 spy plane and with the Bay of Pigs operation</i>
	<i>He retires to Rockport</i>
<i>Oct. 21, 2000</i>	<i>He dies in Rockport, TX. He was survived by his wife, Mary; a son, James Casey of Houston; a daughter, Gwen Higgins of Berryville, VA; a sister, Ruby Simmons of Bastrop; and two grandchildren</i>

**WHY CASEY IS A SUSPECT**

When my mother and Ms. Howard arrived at the shop at about 1 a.m. on the morning of June 28, 1946, they saw a sailor standing across the street from the cabinet shop. The sailor was standing under a tree away from the curb at about a 30- to 45-degree angle east from the front door. Casey later told the police that he was hitchhiking to his duty station located at the Corpus Christi Naval Air Station. He has been identified through photos by both Ruth and Ms. Howard as the sailor who helped the women.

- Casey was on the wrong side of the street to be headed south.
  - If he had been headed south, as he claimed, he would have been positioned on the north side of California Street (on the same side of the street as the shop), not on the south.
  - The route north was Grand Avenue, just a few blocks east of the shop. From Grand Avenue,

a southbound motorist would turn right on California Street and proceed west through the center of town to Hwy. 77, headed south toward Dallas.

- If for some reason the newspaper account was wrong about Casey's destination being south and he was instead heading north, why would he be standing away from the curb when the car in which Ruth and Ms. Howard were traveling approached? When he saw the car approaching, why would he not have gone to the curb and put his thumb out?
- He is on the wrong end of California Street.
  - There was nothing on the east end of California Street, east of the shop, save residences, closed businesses, etc. -- nothing that would have been of interest to a sailor.
  - West of the shop was a lighted downtown area with a bus station, train station, hotels, restaurants, etc.

- He was there at the wrong time of night to catch a ride.
  - At 1 a.m., the streets were deserted. (Ruth and Ms. Howard both state there was no motor or pedestrian traffic when they went to the shop.) How did Casey expect to find a ride in a small town at this time of night? Why not walk a couple of blocks west to the Turner Hotel or the train station (and sleep on a bench until morning)?
- He appears to be in a state of alertness.
  - Why is he just standing under a tree, away from the curb, in front of a house? Standing implies a state of alertness.
- His position at a 30- to 45-degree angle from the front door would have allowed him to view the entire length of the east side of the building including Penley, who may have been positioned on the northeast corner watching the back door.
- Casey is hundreds of miles away from his base on a weekday.
  - Why would he be hundreds of miles away from his base on a Thursday? He most likely would not have been on a weekend pass.
- There is no known reason for him to be in, or traveling through, Gainesville. He had no known relatives or friends north of the town.
- Ruth and Ms. Howard state that Casey was not carrying baggage. If he were en route between duty stations, he most likely would be carrying a duffle bag. If he were on leave or overnight pass he most likely would have been carrying an AWOL bag.
- Casey's widow told Dan Bierman that her husband never mentioned the incident to her during their 50-odd-year marriage. It seems incredible that Casey would never have mentioned this incident to her unless he was prohibited from doing so for some reason, such as a military secret.
- Looking through the crack in the bathroom door.
  - How could Casey have seen Buddy on the wall? It is questionable to me that he could have seen the body at the angle produced by a crack produced at, say, 12 inches below the top of the door. Reece Lance says that Casey would have been able to see. I think Casey already knew what was in the bathroom.
  - It would seem that the natural impulse of most people, particularly a serviceman home from the war (trained and possibly experienced in dealing with emergency situations), would be to break the latch and immediately check to see if the victim was still alive and could be revived.
- Casey told the women to leave the shop. He stayed inside the shop. (Source: Ms. Howard)
  - It would seem that the normal impulse would be for Casey to escort the women to their car and stay outside until the police arrive.
- The inquest record stated that the bathroom door was latched from the inside by a screen door hook. This is confirmed by Ruth and Ms. Howard. However, the inquest record does not state who opened the bathroom door. It was locked when the women left the shop at about 1:00 a.m. It had been opened when Dan Flint arrived. Was it Casey who opened it or was it the police? If it was Casey, he had the opportunity to clean up evidence before the police arrived.

### Other relevant facts about Casey

- Electronics Mate First Class James L. Casey repaired radar on airplanes in the Pacific during WWII. Most likely he would have had to have a high-level security clearance.
- There is no reason to believe that Casey had ever met Buddy or Penley before that night. Accordingly, the nexus between Casey and Penley would most likely be a principal.
- His position as an aviation radar technician instructor at Ward Island just off the Corpus Christi Naval Air Station was under the Navy's Bureau of Aeronautics. Ward Island was heavily guarded and not part of the base. (The Bureau of Aeronautics was partnered with Army Ordnance in the White Sands Proving Ground project at Fort Bliss, about 35 miles north of El Paso, TX. The White Sands project tested captured German V-2 rockets during 1946.) After receiving a degree in mathematics from Texas A&M (and reportedly also studying electrical engineering) in May 1952, Casey went to work for the Central Intelligence Agency (CIA). He reportedly worked on the U-2 spy plane project during the 1950s.

**JAMES L. CASEY**



## **SUSPECTS: SIMILARITIES AND DIFFERENCES**

### **SIMILARITIES**

#### **Both had high Intelligence Quotients**

Being selected for the Army Specialized Training Program (ASTP) would mean that Penley would have had to have an IQ in at least the top 1 percent of the general population.

To be selected for radar training in WWII and to be selected to work for the CIA, Casey would have had to score very high on IQ test equivalents. He would likewise be estimated as being in the top 1 percent.

The joint probability of finding two men with this level of IQ randomly being at Buddy's shop simultaneously would be less than 10,000-to-1.

Buddy: While my mother states that Buddy was intelligent, I have found nothing in his background that would suggest that he would have scored particularly highly on an IQ test.

#### **Both had training and skills in electrical engineering (electronics)**

Penley studied electrical engineering at the University of Oklahoma while enrolled in the Army Specialized Training Program. After the Army, Penley went to the University of Texas and graduated with a degree in electrical engineering and was licensed in Texas as a professional engineer.

Casey studied and worked in radar technology while in the Navy. After the Navy he went to Texas A&M, majoring in mathematics while taking many engineering courses. His degree, combined with his Navy training and experience, would qualify him as an electrical engineer.

Buddy: Before the war, Buddy worked in carpentry. I have found nothing in his background that would suggest that he had either an interest in or aptitude for electronics. He apparently received no training before or during the Army in electronics.

#### **Both lived in Texas**

Penley grew up in El Paso, TX, returned there after the war and lived there until his death in 2004.

Casey grew up in Rockport, TX, returned there after his employment with the CIA and continued to live there until his death in 2000.

Buddy: Before the war, Buddy lived in Chicago. He had no apparent connection with individuals living in Texas until his marriage in 1943.

### **DIFFERENCES**

#### **They were in different services**

Casey was in the Navy, while Penley was in the Army. Interservice rivalry exists between the Army and the Navy. At the officer level, the rivalry begins at the service academies during the Army/Navy football games. At the highest level, the services compete for congressional appropriations and turf. One such turf battle was fought between the three services for control of the rocket program.

In 1946, the competition for control of the rocketry program was extremely intense among the Army, Army Air Corps (not a separate branch until 1947), and the Navy. Cooperation between the Army and Navy at White Sands may have come more from political pressures to cooperate and a public relations-standpoint than from a willingness on the part of the Army to relinquish even partial control to the Navy.

At the lower ranks, fistfights between sailors and soldiers often broke out in bars. The enlisted men of the two services tended to not associate with each other unless they happened to be friends before the war. It would be very unusual to see enlisted men from the two different services traveling together.

At the lower ranks, fistfights between sailors and soldiers often broke out in bars. The enlisted men of the two services tended to not associate with each other unless they happened to be friends before the war. It would be very unusual to see enlisted men from the two different services traveling together.

If the government was involved in Buddy's death, it would require a nexus of organization and interest between the Army and Navy. The organizational nexus could be the Central Intelligence Group (the Defense Intelligence Agency was not established until 1961) which drew resources from both of the branches. The nexus of interest could be White Sands Proving Ground near El Paso. The Army Ordnance branch and the Navy bureaus of Ordnance and Aeronautics were partnered in the project beginning in

October 1945. Casey was stationed on Ward Island, under the Bureau of Aeronautics at the Corpus Christi Naval Air Station. Penley was then a civilian (Army veteran) living in El Paso near White Sands.

Buddy was an enlisted man in the Army until January 1946.

**They served in different Theaters**

Penley was with the S2 (intelligence) of the 147<sup>th</sup> Combat Engineering Battalion in the European Theater of Operations (ETO). Casey repaired radar on aircraft in the Pacific Theater of Operations (PTO).

**Their subsequent civilian employment was in different sectors**

After leaving college, Penley worked as an electrical engineer in the private sector (El Paso Electric). I have found no connection between El Paso Electric and U.S. government contracts in the late 1940s or early 1950s.

After leaving the Navy, Casey continued to work for the Navy and then for the CIA. Both are agencies of the U.S. government.



**SUSPECT: WOODROW ULYSSES CLEGG**

Year	Description	Source
	"A son of Mr. & Mrs. C. P. Clegg of Dexter" "Reared in the Dexter community."	Newspaper, July or August 1946 deputy sheriff article
1935	Graduates from Gainesville HS	NP
Jan. 9, 1937	Enlists in the Navy. Attains rank of Radioman 2 <sup>nd</sup> Class (E5) Stationed at NRS Dallas, NTS San Diego, USNH San Diego Education: Sealc; RM3c; RM2c Place of Entry: N.R.S. Dallas	FOI & NP
Jan. 8, 1941	Separated from the Navy	FOI & NP
1941-1942	Border Patrol at Del Rio for 1½ years	NP
1942	Marries Marcella Burrow of Dexter	
1942-1943	Radio Instructor at Kelley Field in San Antonio	NP
April 1, 1943	U.S. Army	NP
January 1944	Attends OCS in FL	Memory from unknown source
Feb. 26, 1944	Separates from the Army as a 2 <sup>nd</sup> Lieutenant	FOI & NP
March 1944	Son, Phillip, is born in Bexar County	Memory
1944-1945	Radio instructor at Kelley Field in San Antonio	NP
August 1945	Joins the Gainesville Police Department	NP
About August 1946	Joins Sheriffs Department as chief deputy sheriff under Sheriff Emory Horn. Other members of the SD are A. E. Cogburn, deputy sheriff, and Ben R. Butler, jailer. He lives with his wife and son at 1404 Culberson Street, two doors north of Buddy, next to Ms. Howard.	NP



## SECTION VII

## OUTLINE OF U.S. INTELLIGENCE AGENCIES, GROUPS, PROJECTS AND INDIVIDUALS IN 1946

\*\*\* PLEASE READ \*\*\*

DISCLAIMER: This summary is designed to document an independent assessment of the facts and theories surrounding the death of Harold "Buddy" Eugene Vest on June 28, 1946, in order to discover the truth. This summary is not designed to impugn anyone. Readers must understand that many of the statements in this summary are not factual, but rather are opinions, impressions and speculations based on assumptions and interpretations of existing and necessarily incomplete information. This summary includes fictionalized accounts designed to further the investigation. These fictionalized accounts may not be accurate. Indeed, the information contained in this summary is not warranted to be accurate and we assume no responsibility for damages arising from the publication, distribution, use of, or reliance on any such information. This summary is a living document, and as such it is subject to change without notice.

## EARLY HISTORY OF THE CIA

Intelligence-gathering functions are necessarily decentralized. In the Army at the tactical level, units as small as a Battalion have a staff function called S2 (Intelligence). This staff officer is in constant contact with the battalion S3 (Operations) officer. As the unit size increases, the intelligence staff function is performed by field-grade officers called G-2. At the level of the Army Chief of Staff, the G-2 is a general. He or she is responsible for strategic intelligence.

In addition, each branch typically has branch intelligence staff functions. For example, in WWII the ordnance branch had an intelligence function with responsibility for accessing enemy ordnance capabilities. In most countries during WWII, rocketry was artillery ordnance.

The Navy's intelligence staff function is carried out on the strategic level by Office of Naval Intelligence, the oldest U.S. intelligence organization, under the director of Navy intelligence.

In addition, there were other intelligence organizations operating in the various departments. Among these other intelligence-gathering organizations were the Department of State and the Counter-Intelligence Corps (CIC).

The whole decentralized system resulted in duplication of effort, lack of communication between departments, and a lack of a big-picture perspective from which the president could make decisions.

The need for a centralized system through which intelligence data could be funneled up to be processed and analyzed from a strategic perspective became acute at the time the U.S. entered WWII. Recognizing the problem, President Roosevelt recruited a New York attorney named William "Wild Bill" Donovan to organize the intelligence function. The organization was called the Office of Strategic Services (OSS).

Anyone familiar with turf fights engaged in by government bureaucracy will not be surprised to learn that the OSS drew fire from all quarters (especially the FBI under J. Edgar Hoover). Donovan was, however, protected by President Roosevelt and managed to build a highly effective central intelligence capability.

Donovan was an "ignore the rules, laws, protocols, regulations, and other red tape" kind of guy. He was focused on getting the job done, not worrying about how it got done. Donovan is the originator of the motto: *to*

*reason is treason.* OSS agents were to obey orders and not to think too much. Donovan recruited from the Ivy League and preferred a James Bond-type, who was intelligent, politically connected at home and overseas, liked danger and intrigue, accepted orders without question, and thought in terms of the best interests of the United States, as opposed to what is legal or moral.

Of course the phrase "the best interests of the United States" is subject to interpretation. Many Americans have never been trustful of the masses to determine what is in their own best interests. Often the elite believe that what is in their own best interests is obviously what is in the best interest of the United States.

The Nixon Administration defined those interests in terms of getting elected. Their use of CIA types in the Watergate break-in accentuated publicly the Donovan mentality of unquestioning obedience and loyalty to a higher calling than the Constitution and laws of the United States.

Donovan's tenure as head of the OSS was characterized by decentralization and undocumented verbal approval of his subordinates' plans of action. This policy got things done without bureaucratic holdup and, no doubt, was responsible for the great effectiveness of the organization in a short period of time during WWII. However, it left an administrative nightmare that had to be cleaned up after the war.

Cleaning up after Donovan was Col. Louis Fortier's job. On March 21, 1946, Fortier, under Adm. Souers' signature, issued Central Intelligence Group (CIG) Top Secret Directive No. 3, ordering a survey of all clandestine methods for collecting foreign intelligence information, except the intercept of electronic communication. This directive paved the way for the CIG to assume responsibility for these activities.

By pandering to Hoover's paranoia, by including the FBI in the CIG survey and by low-profiling the presence of the CIG personnel in Washington and decentralizing day-to-day control over actual operation to CIG field offices, Fortier was an effective behind-the-scenes administrator. He successfully maneuvered the CIG into the prominent role of its successor organization -- the CIA.

OSS personnel spanned the Army and the Navy, as well as civilians. For example, Donovan was an Army general and William Casey (no apparent relation to sailor James L. Casey), the head of OSS in Europe, was in the Navy. When being a Navy officer no longer served his purposes, Casey became a civilian but continued to perform the same job functions. Donovan was highly effective

### EARLY HISTORY OF THE CIA, CONT.

and succeeded in propelling the OSS into a world-class intelligence gathering organization in a short period of time.

Donovan's influence is felt today in the CIA. The recruitment of the elite and their subsequent indoctrination to the reason-is-treason and anything goes philosophies -- as long as actions were in the best interests of the United States -- has led to decades of scandals as more CIA dirty tricks come to light.

During the 1940s these clandestine activities were not much in the public eye. In the 1950s the downing of Francis Gary Powers' U-2 spy plane cracked the door for the media to glimpse at the real world of clandestine, no-holds barred international espionage.

Today, U.S. citizens are not surprised at anything that their CIA might do to achieve what the agency (or the then current administration) may perceive to be in the best interests of the United States. Internationally, it is as dreaded as the KGB (the Russian intelligence organization that grew out of the Czarist secret police).

The agency is, no doubt, the cause of a great deal of suspicion of the U.S. and its motives among the international community. Whether the CIA's activities have in the long run netted out to be in the best interest of the citizenry of U.S. is debatable. The fact that the organization considers itself above legal and moral restraints is not.

After President Roosevelt's death, the bureaucratic wolves descended upon Donovan and his organization. President Truman wasted no time in disbanding the OSS immediately after the war. Donovan was out. The rock he had pushed up the bureaucratic hill during the war rolled back down crushing him in the process. It was up to Donovan's deputy, Brig. Gen. Magruder, to begin the long, arduous task of pushing it back up.

It soon became evident to Truman and the rest of the government that a centralized intelligence gathering and processing capability was needed. Accordingly, Truman created the Central Intelligence Group (CIG) by directive. This group became the CIA in 1947 by act of Congress. During the interim period from January 1946 until August 1947, the CIG was in a state of confusion, struggle and compromise with other departments as it struggled to define its role.

It is in this period of flux that Buddy's murder occurred. There exists a high probability that his death may have been the result of both disorganization within the intelligence community and the concomitant scramble of these organizations to procure German scientific advancement before the Russians.

The following table identifies key dates in the evolution of the CIA (**bold type denotes events that may have significance in the case**):

#### Transitional events from the OSS to the CIA

July 1941	President Roosevelt appoints William Donovan, a New York attorney, as coordinator of information
December 1941	U.S. enters WWII
June 1942	Office of Strategic Services (OSS) is established
August 1945	WWII ends
October 1945	The OSS is disbanded by Truman. Responsibilities are transferred to State (R & A) and War departments (SSU)
Jan. 22, 1946	Truman establishes the Central Intelligence Group (CIG) by presidential directive. It has access to all sources of intelligence. It is under the National Intelligence Authority (NIA), composed of presidential representative (Fleet Adm. William D. Leahy) and the secretaries of State (William L. Clayton, chairman), War (Robert P. Paterson) and the Navy (James Forrestal)
Jan. 23, 1946	Rear Adm. Sidney W. Souers, the deputy chief of Navy Intelligence, is appointed as the first director of central intelligence (DCI) by President Truman
March 2, 1946	Kingman Douglas appointed deputy director. Later goes to Office of Special Operations
April 2, 1946	National Intelligence Authority approves the transfer of the Strategic Services Unit to Central Intelligence Group

### EARLY HISTORY OF THE CIA, CONT.

April 3, 1946	In a memo to the director of the SSU, acting Secretary of War Howard C. Petersen turns over operational control to Souers, the director of central intelligence. The War Department's hands are washed of SSU activities at this point
April 4, 1946	In a memo to the director of the SSU, the director assumes operational control of the SSU. Responsibility for SSU activities now rest with the director, who further delegates control of the unit to Fortier, assistant director and acting chief of operational services, CIG. Fortier's deputy is Capt. Thomas F. Cullen
<b>June 10, 1946</b>	<b>Souers resigns as DCI</b>
<b>June 10, 1946</b>	<b>Hoyt Stanford Vandenberg, Lt. General, US Army Air Forces, becomes DCI. He commands the 9th Air Force in Europe during WWII, then becomes G2, War Department general staff, from January to June 1946. Vandenberg attends the meetings of the NIA. Note that Gen. Vandenberg (3 stars) outranked Adm. Souers (2 stars)</b>
<b><u>June 28, 1946</u></b>	<b><u>Buddy is found hanged in Gainesville, TX</u></b>
<b>July 11, 1946</b>	<b>Fortier is relieved (fired) as assistant director and acting chief of operational services. Relieving a high-ranking officer, especially during peacetime, is rarely done because of the damage to the officer's career. When it is done it is usually under the most egregious circumstances. Note that Vandenberg only had one month to observe Fortier's performance.</b>
<b>July 11, 1946</b>	<b>Deputy DCI Kingman Douglas leaves office. There is no deputy director until Jan. 20, 1947</b>
About August 1947	The National Intelligence Authority and the CIG are disestablished. The National Security Council (NSC) and Central Intelligence Agency (CIA) are established under the National Security Act of 1947. The Air Force becomes a separate branch under Vandenberg as chief of staff from 1948 to 1953.

### Other intelligence organizations

- U.S. Department of State
- Army G2 (Intelligence)
- Various branch intelligence organizations under the Army (e.g., Ordnance Intelligence)
- Office of Naval Intelligence (ONI)
- Counter-Intelligence Corps (CIC)
- Alsos - the Alsos mission was to collect prominent German physicists and equipment related to German nuclear research. It was composed of military personnel from both the Army and Navy as well as prominent civilian scientists. It was under the command of Lt. Col. Boris T. Pash.
- T Force - Among other missions, T Force was assigned responsibility for getting German scientists, their documents and equipment over the American zone of occupation before the Russians occupied their sector.

### Other relevant players in the U.S. intelligence community in 1946

- J. Edgar Hoover, Director of the FBI
- Robert Porter Patterson, Secretary of War from Sept. 27, 1945, to July 18, 1947
- James F. Byrnes, Secretary of State from July 3, 1945, to Jan. 21, 1947
- George Catlett Marshall, chief of staff of the Army during WWII and secretary of state from Jan. 21, 1947, to Jan. 20, 1949
- William D. Leahy, fleet admiral, chief of staff from July 20, 1942, to March 21, 1949
- Dwight Eisenhower, chief of staff of the Army, 1945-48
- John Magruder, general, deputy director of OSS. Planned for dissolution of OSS
- Chester W. Nimitz, fleet admiral, chief of Navy operations from Dec. 15, 1945, to Dec. 15, 1947
- James V. Forrestal, secretary of the Navy from May 19, 1944, to Sept. 17, 1947
- Thomas B. Inglis, admiral, chief of Navy intelligence in 1946

**EARLY HISTORY OF THE CIA, CONT.**

Please note: **Bold type** notates my speculation

**Operation Overcast and Project Paperclip, with emphasis on German rocket scientists**

Toward the end of WWII there was a tremendous competition between the U.S. and the Soviets to acquire German technology developed during the war. The effort to acquire German scientific technology spanned all of the sciences, including medical experiments with human subjects. German scientists and engineers were taken prisoner, interrogated and many were offered consulting positions within the U.S.

Both projects flew in the face of existing laws and regulations against the entry of persons with known Nazi ties into the U.S. Many of the scientists were wanted as war criminals. The War and Navy departments changed the dossiers of many scientists in order to minimize their involvement with the Nazi party. The State Department was intentionally misled into allowing the entry of many individuals otherwise denied entry by law. It was a dance orchestrated by various intelligence agencies in order to accomplish ends that they perceived as being in the best interests of the U.S.

The two areas of greatest perceived importance were German nuclear research and rocketry. The Alsos<sup>1</sup> mission found the leading German physicists (grabbing most of them out of the Russian sector just before the Russians arrived) and acquired stockpiles of material used in nuclear research. An interrogation of Werner Heisenberg and other prominent German scientists disclosed that the Germans were far behind the U.S. in developing atomic weaponry. As a matter of fact, when the first atomic bomb exploded over Hiroshima, Japan, in August 1945, Heisenberg was surprised. He had come to the conclusion that critical mass could not be achieved. The bottom line is that the German nuclear advancements were of little perceived value to the U.S.

Rocketry, however, was a different matter. The Nazis poured huge amounts of money into a program to develop rockets. The V-1 "buzz" bomb was a bomb with wings that would fly over London then cut off its engine and fall onto its target. The V-2 was a rocket launched from various places in Europe.<sup>2</sup> It carried a conventional warhead. However, it was very inaccurate. Plans were under way at the end of the war for more advanced missiles that would have greatly improved accuracy and range (to hit the continental U.S.)

The German rocket program was many years ahead of both the U.S. and the Russians. It was obvious to both sides of the Cold War that nuclear devices would be the strategic weapons of the future. The problem was that an effective delivery system was missing. Accordingly, the intelligence communities of both the U.S. and the Soviets were frantically trying to acquire German rocket technology, which would cut years off their own development programs. Both sides did acquire a significant number of scientists, documents and equipment. However, the U.S. came out far better in the deal.

Wernher von Braun headed the German rocketry program under Heinrich Himmler. Toward the end of the war, von Braun led a group of his best scientists and engineers, including Johann J. "Hans" Klein (an expert in guidance-control), out of their quarters in Peenemuende to a resort town near the Austrian border. On May 2, 1945, Wernher's brother, Magnus, surrendered the group to the U.S. 3<sup>rd</sup> Armored Division.

The group was taken to Counter-Intelligence Corps headquarters in Reutte, Austria. Initial interrogations began there. They were moved to military barracks in Garmisch-Partenkirchen in Bavaria. Here von Braun was held for questioning until July 1945.

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<sup>1</sup>Alsos in Greek means "groves" and is a play on words after the head of the U.S. atomic program Gen. Groves. (If you thought that the word "intelligence" as used by the government means "intelligent", this fact should relieve you of that notion. Code names are used to conceal the nature of the project.)

At the head of the Alsos mission was Col. Boris Pash. He was both a colorful and a capable individual who used his initiative and cunning to retrieve the Nazi nuclear advancements. The U.S. was so far ahead of the Germans in nuclear research, however, that the scientists and equipment procured was essentially worthless.

I speculate that the German nuclear research program was not of much help to the Soviets. Russia acquired nuclear weapons a few years later largely as a result of communist moles in the U.S. program. When Truman told Stalin about the weapon in 1945, Stalin didn't show much interest. He was already aware of U.S. capability.

<sup>2</sup>The first V-2 missiles were launched on Sept. 8, 1944 from The Hague. They carried an unimpressive 1 metric ton conventional warhead and were aimed at London and Paris. Over 2,500 V-2s were launched during the war. The favorite targets were London, Antwerp and Paris. Due to its inability to carry a large warhead and its inaccuracy, the V-2 failed to provide any significant military advantage to the Germans—certainly not enough to warrant the huge costs involved.

However, the program dramatically demonstrated to the Allies that rocket technology would be the delivery system of choice in the future. The missing components of the program were range, accuracy (guidance systems) and warhead size. Of course, the advent of the age of nuclear weapons occurred concomitantly with the rocket's initial deployment. Fitting nuclear warheads to accurate long-range missiles and the resulting strategic advantages were obvious to all who knew that the Soviets were a potential threat. Rocketry was, indeed, a high-stakes game and intelligence agencies of both sides were determined that their nation would be the first to acquire the lethal combination of warhead with delivery system.

**EARLY HISTORY OF THE CIA, CONT.**

Please note: **Bold type** notates my speculation

I have been unable to find von Braun's exact whereabouts from July to September 1945. Neither have I been able to find his point of departure from Europe to the U.S. Some time during this period, he was in Paris, probably at the headquarters of Col. Holger N. "Ludy" Toftoy. In August, von Braun and other scientists were flown to London for questioning. **I speculate that von Braun may have visited Antwerp sometime after leaving Garmisch-Partenkirchen, in the July-August timeframe, to inspect Toftoy's haul and account for any missing inventory. In the *Fictional Scenario* section, I speculate that von Braun might have been missing plans, specifications, diagrams and possibly a prototype of an improved guidance system aimed at enhancing the V-2's accuracy. Here was the first time that von Braun could have become aware of missing item. However, it is more likely that the rockets were transported to New Orleans before von Braun could inventory them.**

Meanwhile, Toftoy worked frenetically to remove the missile parts and equipment out of the Russian zone of occupation only days before their arrival.

They also recovered tons of missile documents that von Braun's group had sealed in caves. The booty was transported between May 22 until June 1 by train to Antwerp where it filled 16 Liberty ships headed to New Orleans for further shipment to El Paso. I have been unable to find the date of departure or arrival of these ships. It would be reasonable to assume that the ships arrived in New Orleans sometime in late July or August 1945.

On Sept. 18, 1945, von Braun and other scientists arrived by C54 cargo plane to Newcastle Army Air Base in Wilmington, DE, en route to the Fort Bliss. From Newcastle, the men flew to Fort Strong in Boston for interrogation and processing and later to the White Sands Proving Ground, 35 miles north of El Paso.

On Oct. 1, 1945, Maj. James P. Hamill signed custody papers for the scientists. Hamill took von Braun to Washington for meetings with high-ranking Army Ordnance officers. The other six scientists were sent to Aberdeen Proving Grounds in Maryland. At Aberdeen, the scientists inventoried, sorted and cataloged 7 tons of documents that they had hurriedly packed and transported with them from Peenemuende. **Here is another opportunity for the scientists to discover that they had left important documents and possibly a prototype in their haste to leave Peenemuende before the Russians arrived.**

On Oct. 3, 1945, Hamill and von Braun arrived in El Paso. Von Braun was soon admitted to the William Beaumont Army Hospital at Fort Bliss and treated for hepatitis for several weeks. Hamill went on to set up the Army's guided-missile program. By Feb. 23, 1946 more than a hundred German rocket scientists had arrived at Fort Bliss.

In about October 1945, the Navy's Bureau of Aeronautics<sup>3</sup> and Ordnance accepted an invitation to participate in the activities at White Sands. The Navy made funds available and augmented the facilities, greatly enhancing White Sands' importance.

The Germans had successfully fired about 2,900 V-2's during a period of about 190 days during the war. In other words, the Germans successfully launched an average of more than 15 missiles a day (one ever 96 minutes) at the allies during the term of the program in Germany. The last was launched March 17, 1945. After three other less-than-successful tests, a rocket fired on May 29, 1946 crashed in Mexico. The gyroscopic guidance system had malfunctioned. A sailor from the Naval Research Laboratories was handling the signal transmission equipment.

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<sup>3</sup>The Chief of the Bureau of Aeronautics was RADM Harold B. Sallada from June 1, 1945, until May 1, 1947.

**EARLY HISTORY OF THE CIA, CONT.**

Please note: **Bold type** notates my speculation

**Important implications in Buddy's death**

- The proximity of high-level resignations within the Central Intelligence Group before and after Buddy's date of death:
  - Souers replaced by Vandenberg 17 days before the date of death
  - The firing of Fortier as assistant director and acting chief of operational services exactly two weeks after the date of death
  - Relieving a high-ranking officer, especially during peacetime, is rarely done because of the damage to the officer's career. When it is done it is usually under the most egregious circumstances. Note that Vandenberg only had one month to observe Fortier's performance.
  - The resignation of Kingman Douglas as deputy director of central intelligence, and his repositioning within the group exactly two weeks after the date of death
- The vesting of the Navy's Bureau of Aeronautics with an interest in the rocketry program at White Sands in the fall 1945 provides a nexus between Casey and Penley
  - As a radar technician skilled at repairing aviation radar on planes in the Pacific, Electronics Mate First Class Casey would be an ideal low-profile candidate, easily trainable in a short time by the scientists to get what they needed from Buddy. It may have involved radar-controlled guidance systems
  - The Corpus Christi Naval Air Station top-secret aviation radar training facilities at Ward Island were under the Navy Bureau of Aeronautics
- Two opportunities for the German scientists to discover documents and material that had not been recovered by Ordnance Intelligence
  - Possibly in July-August of 1945
  - October 1945 in Aberdeen (most probable)
- The German scientists' problem in initial test firings at White Sands is a curiosity. (Between March 15, 1946 and May 29, 1946, the Germans test fired only four missiles at White Sands. Only one was semi-successful.)
  - The fourth rocket landed in Mexico. This fact would have caused huge waves at the very top levels of the U.S. government all the way

up to the president and secretary of state. President Truman would have been very upset about the incident. Pressure from him and the State Department to get control of the rocket program would have been felt throughout the War Department.

The Army chief of staff, Gen. Dwight D. Eisenhower would have undoubtedly consulted Vandenberg, the Army G2 (Intelligence). Vandenberg would have demanded an accounting from both the head of Ordnance Intelligence (Toftoy) and Maj. Hamill (Ordnance Intelligence), in charge of the German scientists at White Sands.

Vandenberg was an officer with the Army Air Corps. He had his eye on becoming chief of staff of the Air Force when that branch was formed (1947). It seems strange, then, that he would interrupt his Army career path to take over the Central Intelligence Group (CIG), a fledgling group without even agency status. The group was also taking significant amounts of political heat from other government agencies in the ensuing struggle for Intelligence turf. There would be plenty of opportunity for Vandenberg to make enemies who could derail his lofty ambitions.

The first director of central intelligence, Souers, had stated publicly that he only took the position as a favor to President Truman. Souers wanted to return to the private sector. He probably would have been very receptive to a proposal by Vandenberg that he resign and go back to civilian life.

I speculate that when the May 29, 1946, launch landed in Mexico, Vandenberg was pressured to take over the CIG in order to gain access to the SSU. The SSU could dispatch a team to question Buddy. Vandenberg may have also seen an opportunity to get the rocket program back on track and possibly procure the missing component. He might have even seen an opportunity to get the rocket program reassigned to the Air Force when it became a separate branch in 1947 (foreseeable in 1946) under his direction as chief of staff.

- It seems incredible that the same scientists and technicians who had just successfully launched over 2,900 V-2s at the Allies during the six-month period from September 1944 to March 1945 (one missile every 96 minutes) could not immediately successfully test fire the same missile at White Sands using the same missiles, parts and equipment.
- The May 29, 1946 gyroscopic guidance system problem with the fourth rocket could be related to lost documents and material left at Peenemuende.
- The fact that the scientists were stationed at Fort Bliss and the fact that Penley was from El Paso may be more than just a coincidence.
  - Penley could have been delivering something on his way to be discharged.