

January 1941

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Recommended Citation

Ivor O. Wingren, The Minnequa Bank Robbery, 18 Dicta 328 (1941).

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The Minnequa Bank Robbery

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By IVOR O. WINGREN*

A lonely, shabbily dressed woman sat on the edge of an old iron bed in a cheap rooming house in Los Angeles. Her fingers moved idly through a large assortment of postage stamps, the only memento of her marriage. Most of the stamps were of large denominations; few could be used on letters she would write. Many were air mail stamps of the first issues, now out of print and collectors' items. But her thoughts were not on the stamps.

The expression on her face was hard as she recalled the five thousand dollars she had given to that shyster in San Francisco. It hadn't been easy, raising that much money, but no sacrifice was too great, she had thought, if she could just get her husband out of the pen. She hadn't much liked the looks of the San Francisco mouthpiece, but he said he could spring anyone for five G's. It wasn't any of her business, and she never knew how he did it. She didn't care. All she knew was that a short time after the money was turned over, her husband was released. His cellmate had been sprung at the same time.

But her happiness had been short lived. Within a few months her husband had divorced her and left with his partner and erstwhile cellmate, to go into the automobile business, they had said.

Her thoughts turned to the stamps. They represented the only gift her husband had ever given her. She recalled the first time she had seen them. That was in a cottage camp just outside of Birmingham. It was a little after noon. Her husband and his partner had just returned from robbing a substation of the Birmingham post office. She could see her husband now as he tossed his white cap and the stamps on the bed. In their hurry to get away, she had swept the stamps into her bag, but the cap had been forgotten.

Then there was the badger game the two men had worked on the rich merchant in Los Angeles. That job had been good for ten grand. She berated herself for a fool. It was right after that when her husband

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had left her. Why hadn't she turned them both over to the police then? Instead she had watched them go, her husband and his convict partner, forgetting for the moment that she would be utterly alone and penniless. They had taken all the money; it was just enough to set them up in business.

Henry Williams, the popular Chrysler-Plymouth automobile dealer, limped ever so slightly as he walked down the aisle toward the altar in the little church on the campus of the University of Washington. If you watched closely, you might have noticed that one foot seemed to drag as if that leg were just a little too heavy. But this did not affect the lightness in his heart, for at the altar he was to meet a young and beautiful undergraduate. She was to become his bride.

Not many people knew that Henry Williams had been a champion dirt track automobile racer or that he had lost a leg in a crash. So agile was he that only a few of his friends and employees had noticed the limp or knew that he wore a wooden leg. The loss of the leg had bothered him only very slightly, and he was more than compensated for that handicap by the benefit he derived from his racing experience. Because of it he had been able to make better demonstrations with the fast Chrysler cars that he sold than could his competitors. His partner, Leonard Sharkey, was a good demonstrator, too. He had formerly been an aviator.

After the wedding Henry Williams and his bride went to live in an attractive white cottage near the university campus. The automobile business was reasonably good, but the bridegroom was always short of money. Almost every cent had to be applied to keep creditors from filing suits. It seemed simply a case of lack of working capital. The young bride was deeply concerned about the state of her husband's business, but he assured her that the financial pinch was only temporary and that everything would work out all right. Some people, it seemed, owed him a large amount of money, and when he collected this, all the creditors would be satisfied in full. Then they would have money to do the things he had promised her.

It was in the early part of July, 1937, when Williams told his wife that he had heard from the men who owed him the money. They were ready to pay, and he and his partner were going to California to make

the collection. They were going to drive their Chrysler demonstrator and would be gone only a few days. Down at the agency they put their best mechanics to work on the car, and when finished, it was tuned up to perform like the racing cars that Henry Williams had driven before he lost his leg.

The two partners left Seattle on July 17, and on the morning of July 20, 1937, they were back at the agency. The men looked tired, and the car showed the effects of a hard drive. The attendant grumbled as he washed off the mud and dried bugs. But they had made their collection. All the employees and creditors of the agency were paid in full, and the agency prospered.

The bride's happiness was complete. Her husband was kind, considerate and generous, and now they were able to forget all about creditors. It wasn't long until they took a shopping trip to San Francisco, where she bought a fur coat and other furbelows which delight the heart of a woman.

Leonard Sharkey bought an airplane, took a vacation, and went barnstorming in Wyoming. There he crashed and he and his two passengers were killed. But in a way even this was beneficial to Henry Williams, for now he was the sole owner of the prosperous agency.

At about eleven o'clock in the morning of July 19, 1937, a man drove a large car slowly down the main street in Pueblo, Colorado. He was staying abreast of another man who was walking along the sidewalk. The man on the sidewalk was apparently looking for something in the cars parked along the curb. Suddenly he stopped near a yellow Ford V-8. There was no one in the yellow car, but the ignition keys were in the lock. He looked quickly one way and then the other along the street, then stepped into the Ford, started the motor and drove away from the curb. In the meantime the driver of the large car had slowed up almost to a stop, then as the yellow Ford pulled away from the curb, both cars moved forward at a leisurely pace. The big car, followed by the Ford, was driven to the edge of town. There the big car was parked near a cemetery exactly as anyone might do who wished to decorate the grave of a loved one. A short time later the yellow Ford was back in town and parked in front of the Minnequa Bank.

It was the noon hour, and the only employees who had not gone to lunch were the assistant cashier and two tellers. Suddenly two men

stepped out of the yellow Ford and hurried into the bank. One had a pistol in his hand and a green handkerchief over a part of his face. The other carried a white pillow slip.

"Turn around," the gunman growled to the assistant cashier, "and reach for the sky." The tellers were commanded to lie face-down on the floor.

To the assistant cashier, there was something familiar about this man who menaced him with the gun. He noticed that as the gunman spoke and the handkerchief moved, a deep crease appeared in the line from the nose to the mouth. Also there was a peculiar cold glint in the gunman's eyes. His voice was hard, and his manner highly abusive, but still the bank officer could not place him. He did not know then that fourteen years before he had waited on the man behind the green handkerchief many times.

The gunman's partner jumped through the swinging gate into the cages and began stuffing bills into the pillow slip. He ordered the assistant cashier to open the safe. In the excitement, the latter was unable to do so until the third try and then only after a threat that if he failed again he would have his "brains blown out."

As the gunman's partner scooped currency out of the open safe, a Negro preacher walked into the bank carrying in his hand a check, the contribution of his congregation.

"Get down on the floor, you black s—— b——, and don't you look up," the gunman shouted.

The preacher dropped to the floor as if he had been shot, the check fluttering down near the gunman's foot. And the Negro didn't look up, either. Not only had the gunman ordered him not to, but he wanted to keep his eye on the check. That was his. He heard the gunman's rough voice and his abusive language, but his gaze remained on the floor—on his check and on the gunman's shoes. He noticed that the gunman teetered back and forth on one foot and that the shoe on that foot was badly worn at the toe. The other foot and shoe looked just like anyone else's.

In a few minutes the robbers were gone, and with them went thirty-nine thousand dollars, tucked in the pillow slip. The alarm was sounded immediately, and the yellow Ford, with all fingerprints carefully wiped off, was found near the cemetery a short time later. But there the trail ended.

The FBI submitted many photographs of suspects to the witnesses, the assistant cashier, the two tellers and the Negro preacher. Sometimes

one of them would identify a photograph as that of one of the robbers only to fail to identify the suspect when brought face to face.

Finally in checking convicts who had been released within the past few years, the FBI discovered that Henry Williams and Leonard Sharkey, cellmates in the same prison, had been released on the same day. One had been an automobile racing driver and the other an aviator. In a routine checkup on these men in Seattle, it was discovered that one of them limped. The other had been killed while piloting his plane in Wyoming. Their automobile agency, which had been hard pressed before July 19, 1937, had suddenly become quite prosperous. With the post office inspectors, they then called upon Williams' divorced wife in Los Angeles, the woman he had so ruthlessly abandoned. Her bitterness had not subsided, and she was more than eager to taste the sweet fruit of revenge, particularly when it could be combined with the added lure of a reward for the apprehension of the post office robbers. She gave them the stamps, which were found to check with the robbery in Birmingham. She told them about the white cap, and the post office employee who had been robbed remembered the cap and the abusive language of the robber who wore it.

Here, then, was such a pair as could have robbed the bank.

One morning in November, 1938, Henry Williams left his home to go to his automobile agency. Within a few hours he was in a showup box in the King County jail. The Negro preacher saw that Williams' shoe was worn at the toe like the shoe worn by the robber in the bank. Later that day, at a hearing before the Commissioner, a newspaper photographer's flashlight bulb exploded near Williams' face. Williams became startled and angry. The deep crease appeared in his face, and his voice as he swore took on the rough tone used by the gunman in the bank. Both the assistant cashier and the preacher were able to identify him immediately as one of the robbers.

Several months later Henry Williams, whose true name was Henry William Howard, confessed that he and Leonard Sharkey, whose true name was William Otis Bashaw, had robbed the Minnequa Bank of Pueblo on July 19, 1937. After the robbery, they had driven the yellow Ford to the cemetery, where it was abandoned. Then leaving Pueblo by a back route, they had driven the rest of the day, all night and a part of the next morning until they arrived in Seattle, thirteen hundred miles from the scene of their crime. One slept while the other drove, and no stops were made except for gasoline, a few candy bars and a bottle or two of wine, which they drank to keep themselves awake.

Howard was sentenced by Judge Symes to nine years in the penitentiary.*

*This story has been condensed from the files in the United States District Attorney's office at Denver, Colorado.

Pueblo Bar Honors Judge Symes

Judge J. Foster Symes of the federal district court was the guest of honor at a banquet held on November eighth at Pueblo, where more than fifty lawyers of the Pueblo Bar Association gathered to tender felicitations and best wishes to the federal jurist, who begins his twentieth year on the bench. As the principal speaker of the evening, Judge Symes delivered an address on "Three Years Under the New Rules of Civil Procedure," which is printed in this issue of DICTA. Wallace W. Platt, state bar president, related the accomplishments of the Colorado Bar Association which led to the National Award of Merit.

A legal institute was held preceding the banquet devoted to the subjects of bankruptcy and federal practice. The bankruptcy section featured short talks about some of the more usual types of practice under the Chandler Act. Among the speakers were Referees Frank McLaughlin, Charles J. Moynihan and Sperry S. Packard, G. Walter Bowman of Denver, and J. Gregory Donohue, Vincent Cristiano and John L. Faricy, all of Pueblo.

Civil matters in the federal courts was the subject of the second session of the institute. A brief outline of some aspects of federal practice was given by Edward L. Wood and Ivor Wingren, both of Denver.

The institute was planned by the Pueblo Bar Association in conjunction with the state association. Sam Parlapiano of Pueblo presided over the institute and banquet, and Sperry Packard arranged the institute on bankruptcy. Entertainment details were supervised by Harry Petersen.

Mandamus and Other Writs

Many Denver lawyers are still following the old procedure of using the Alternative Writ in mandamus and the old writs in other cases. This is a lot of needless work as the forms of writs are abolished by rule 106.

Rule 12 (a) provides, "In actions under subdivisions (1) to (4), inclusive, of rule 106, the court, *ex parte*, before process issues, may shorten the time for answer, and thereafter may shorten any of the periods fixed in these rules."

The procedure is to prepare a complaint and a summons under rule 106 and file the complaint with the clerk, then take the complaint and the unissued summons to the court.

There you make an oral application to shorten the time for answer, put that time in the summons instead of the twenty days, attach a copy

of the order shortening the time to the summons, issue the latter, and serve copies of the complaint, summons and order.

—Philip S. Van Cise.

State Bar Officials Attend New Mexico Meeting

W. W. Platt and R. J. Moses of Alamosa attended the meeting of the New Mexico State Bar Association, recently held at Roswell. Both men reported that they enjoyed the meeting and were handsomely entertained by that association. Mr. Platt addressed the New Mexico bar convention and related the program which the Colorado Bar Association had followed during the past year. Mr. Moses was the chief speaker at the meeting of the Junior Bar convention held Saturday noon.

Boulder Bar Discusses New Probate Procedure

A meeting of the Boulder County Bar Association was held in Longmont on October 7th with twenty-five present. Judge William E. Buck of the county court led a discussion on new court rules and new probate forms.

The regular October meeting was held in Boulder on October 20. Frank Dolan and Harlan Howlett discussed the application of the Soldiers' and Sailors' Civil Relief Act of 1940 to estate matters. A motion was passed that it be the well considered opinion of the Boulder County Bar Association that the Soldiers' and Sailors' Civil Relief Act of 1940 does not apply to probate, administration or determination of heirship proceedings.

—L. B. Flanders, Jr.



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