

THE WHITE HOUSE OFFICE

REFERRAL

To: Mr. Lawrence M. Traylor
Pardon Attorney
Department of Justice

Date: July 9, 1971

ACTION REQUESTED

- ☐ Draft reply for:
☐ President's signature.
☐ Undersigned's signature.

☐ Memorandum for use as enclosure to reply.

☐ Direct reply.
☐ Furnish information copy.

☐ Suitable acknowledgment or other appropriate handling.
☐ Furnish copy of reply, if any.

☒ For your information.

☐ For comment.

NOTE

Prompt action is essential.

If more than 72 hours' delay is encountered, please telephone the undersigned immediately, Code 1450.

Basic correspondence should be returned when draft reply, memorandum, or comment is requested.

REMARKS:

A reply has been made to Mrs. Gregory.

Description:

☒ Letter: ☐ Telegram: ☐ Other:

To: John Dean
 From: Mrs. Frank L. Gregory
 Date: June 29, 1971
 Subject: Petition for Commutation of Sentence by Frank L. Gregory.

By direction of the President:

John W. Dean, III
Counsel to the President

clb

July 9, 1971

Dear Mrs. Jennings:

Thank you for your letter of June 30 in regard to the case of Mr. Frank Gregory. We appreciate having the benefit of your views on this matter.

With best regards.

Sincerely,

John W. Dean, III
Counsel to the President

Mrs. William Jennings
1001 West Broadway
Kokomo, Indiana 46901

July 6, 1971

Dear Mrs. Gregory:

This is to thank you and reply to your letter of June 29 concerning your husband's Petition for Executive Clemency.

You are following the correct procedure by filing a formal petition with the Pardon Attorney. However, I regret to inform you that there is very little chance that a decision could be reached on Mr. Gregory's petition before he has finished serving the remaining two months of his sentence due to the stringent administrative processing requirements for these matters.

All petitions filed with the Pardon Attorney are first thoroughly examined by that office. The court record is carefully studied and the character of the petitioner investigated to determine if he is worthy of such an extraordinary remedy. This procedure normally requires at least several months time.

After the Pardon Attorney has completed his investigation and made his recommendation, the case is reviewed again by the Attorney General. The petition and recommendations are then finally presented to the President for a decision. At each of the lower stages, great care is taken to assure that all the relevant facts are correct and every aspect of the case fully considered before the matter is brought to the attention of the President. This concern for accuracy and judicious consideration precludes any undue haste in processing petitions.

Although I realize that this above information will be of no comfort to you, I have nevertheless forwarded your letter to

Mrs. Frank L. Gregory
Page Two
July 6, 1971

Mr. Traylor so that he may be aware of the urgency of your husband's petition. I am sorry that I cannot be of more help.

With best wishes.

Sincerely,

John W. Dean, III
Counsel to the President

Mrs. Frank L. Gregory
229 Conradt Avenue
Kokomo, Indiana

July 6, 1971

Dear Mrs. Gregory:

This is to thank you and reply to your letter of June 29 concerning your husband's Petition for Executive Clemency.

You are following the correct procedure by filing a formal petition with the Pardon Attorney. However, I regret to inform you that there is very little chance that a decision could be reached on Mr. Gregory's petition before he has finished serving the remaining two months of his sentence due to the stringent administrative processing requirements for these matters.

All petitions filed with the Pardon Attorney are first thoroughly examined by that office. The court record is carefully studied and the character of the petitioner investigated to determine if he is worthy of such an extraordinary remedy. This procedure normally requires at least several months time.

After the Pardon Attorney has completed his investigation and made his recommendation, the case is reviewed again by the Attorney General. The petition and recommendations are then finally presented to the President for a decision. At each of the lower stages, great care is taken to assure that all the relevant facts are correct and every aspect of the case fully considered before the matter is brought to the attention of the President. This concern for accuracy and judicious consideration precludes any undue haste in processing petitions.

Although I realize that this above information will be of no comfort to you, I have nevertheless forwarded your letter to

Mrs. Frank L. Gregory
Page Two
July 6, 1971

Mr. Traylor so that he may be aware of the urgency of your husband's petition. I am sorry that I cannot be of more help.

With best wishes.

Sincerely,

John W. Dean, III
Counsel to the President

Mrs. Frank L. Gregory
229 Conratt Avenue
Kokomo, Indiana

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

~~Confidential~~

June 2, 1971

MEMORANDUM TO: John Dean
FROM: DeVan L. Shumway



I am enclosing some background on the case involving Frank L. Gregory, who may come to the President's attention for a possible pardon through the Indiana Republican organization. Or he may not.

Obviously, this is most confidential, but the file was given to me by Richard Blacklidge, whose letter to Herb Klein is the front piece in the packet. I went to the meeting for Herb as his designated representative.

Enclosure

DECLASSIFIED TO BE AN
ADMINISTRATIVE MARKING
N.S. 12000, Section 1.3
By 11/20 NARA, Date 2/14/08



THE KOKOMO TRIBUNE

300 NORTH UNION STREET • KOKOMO, INDIANA 46901

TEL (317) 459-3121

R. H. BLACKLIDGE
PUBLISHER

May 25, 1971

The Honorable Herbert Klein
Director of Communications
The White House
Washington, D. C.

Dear Mr. Klein:

Stan Smith just informed me over the telephone that you will be unable to attend our cocktails and dinner in Reston, Virginia on Wednesday, June 2. He further informed me that a representative of your office would be there. I am sorry you cannot personally attend.

There is a highly confidential matter which I need to discuss with you or your designated representative. The subject has nothing to do with the newspaper business, but may very well be a matter of extreme political importance. Will the man attending this dinner be the type of person that I could talk to?

Sincerely,

Richard H. Blacklidge
Chairman
American Newspaper
Publishers Association

RHB/rc

bc: Stanford Smith

Gregory Admits Using Funds From Trust To Run Newspaper

INDIANAPOLIS — A surprising development in the trial of Frank L. Gregory and Harry R. Fawcett of Kokomo on charges of mail and wire fraud occurred in U. S. District Court here Monday morning when Gregory, former publisher of The Kokomo Morning Times, entered a plea of guilty to aiding and abetting the use of real estate investment trust funds in the operation of The Times.

Gregory and Fawcett, together with George Manuel, of Dayton, Ohio, were scheduled to go on trial before a jury. Selection of a jury had been expected to be the first phase of the trial, but Gregory withdrew an earlier plea of not guilty and offered the guilty plea soon after Special Judge Robert A. Grant convened court.

The guilty plea by Gregory was to three counts in the federal grand jury indictment which was returned Oct. 31, 1969, against the two Kokomo men and Manuel. The three defendants were all former officials of the \$15,000,000 American and Republic National Trusts.

There were 30 counts in the indictment and they charged fraud through the mails, fraud by wire and "fraud by other means."

Gregory said that he accepted trust funds in the Times operation without knowing they were trust funds. His understanding, he said, was that the mo-

ney consisted of personal funds of Fawcett and Manuel.

He said that he did not know otherwise until the spring of 1968 at which time he, as a trustee of the trusts, and Paul (Tony) Hinkle, another trustee, voted to seek voluntary bankruptcy for the trusts.

The government's indictment charged that in 1966 Fawcett, Gregory and Manuel discussed an arrangement for Fawcett and Manuel to furnish money for The Times. Manuel formerly managed real estate holdings of the trusts.

In a hearing in the federal court here in 1968, Gregory said that an arrangement was made between himself and Fawcett whereby \$225,000 was deposited in the Peru, Ind., Trust Co. in an account known as Publishing Associates, Inc., publishers of The Morning Times. He said at that hearing that when the \$225,000 had been spent, he asked Fawcett if he was interested in investing any more in The Times operation and that Fawcett said he was.

Gregory said he received \$10,000 more in cash and \$3,000 in a cashier's check drawn on the trusts and made payable to the Keystone Management Co. which was head by Manuel. Gregory said he received the additional revenue for the operation of The Times be-

(Continued on Page 5)

Gregory . . .

(Continued from Page One)

lieving it to be the personal money of Manuel and Fawcett.

In a statement to The Kokomo Tribune, Gregory discussed his reasons for the guilty plea. His statement follows:

"As I look back, while I was serving as a trustee of the trusts, I signed certain documents that later proved contrary to the trusts' purposes. I believed, at the time, I was taking this action in the best interest of the shareholders. Now I feel that I made some mistakes in judgment. I never intended fraud. I hope that my community record over the past 26 years will bear this out."

"I was not aware that monies received for the operation of the bankrupt Kokomo Times were trust loans or advances. I have witnesses to this fact, and records will show that all funds went to the Publishing Associates for the operation of The Times were used only for these purposes, and records will also show that I never received any of this money personally."

"I realize now that information given to me by trust officials and employees was false and misleading. When I discovered this fact, I convinced my fellow trustee, Paul (Tony) Hinkle, to vote with me to place the troubled trusts in voluntary bankruptcy, because I believed, and still do, it was the only way to save our shareholders investments. I knew that by urging this action, I was 'blowing the whistle' on the entire trust operation, and that I would be vulnerable."

"This was not an easy decision for me, but I sincerely hope that any sacrifices I may have made will benefit the thousands of trust shareholders and those who had faith in The Kokomo Times."

Fawcett has contended that the indictment against him was the product of a clique of judges and attorney-politicians in Indianapolis and that they were bent on vengeance because he has fought their actions in placing the trusts into bankruptcy. He asserted the grand jury indictment was returned at the instigation of a "bankruptcy ring" which he alleged has been exploiting the trusts for financial gain.

In federal court, on Nov. 1, 1968, Fawcett denied authorizing any loan of trust funds for operation of The Times.

27 Counts Against Gregory Dropped As Mail Fraud Trial Opens Today

By FRED ODIET 2/2/71

INDIANAPOLIS — Opening arguments in the criminal trial of Harry R. Fawcett, Kokomo, and George Manuel, Dayton, Ohio, were expected to take most of Tuesday in U.S. District Court here.

The co-defendants are facing 19 counts of fraud by mail and wire under a federal indictment returned Oct. 31, 1969. Eleven other counts were dismissed Monday by John E. Hirschman, first assistant U.S. Attorney.

A third defendant, Frank L. Gregory, Kokomo, pleaded guilty to three counts and 27 were dismissed. He is scheduled to be a witness and will not be sentenced until a presentence investigation is conducted.

Each of the defendants and the government are expected to take upwards of 45 minutes to present remarks to the nine-woman, three-man jury before Special Judge Robert A. Grant of South Bend.

In addition to the 12 members of the

regular panel, the jury consists of one woman and three men alternates. By agreement the unanimous decision of 10, should the others be sidelined by accident or illness, will be binding on the government and the defense.

Judge Grant elicited the pact after it was determined that the trial could take a month.

The jury was selected Monday in two hours. Only 28 were excused before the 16 were seated and given preliminary instructions by Grant.

He explained that only two counts remaining against Fawcett and Manuel involved alleged fraud by wire, that is telegrams or telephone calls made by the two. The 17 others claim illegal use of the mails.

Judge Grant stressed to the jury that the plea by Gregory should not be considered evidence as to the guilt or innocence of Fawcett or Manuel. He observed that the government must prove the statements alleged in its indictment.

Prior to the start of jury selection, Grant overruled motions by Fawcett and Manuel to suppress government evidence, for copies of United States exhibits and for dismissals of all counts except the three to which Gregory entered pleas of guilty.

The judge, who normally sits in federal court for the Northern District of Indiana, pointed out: "We are going to conduct this trial under the usual rules of evidence, and there will be no irrelevant or extraneous matter."

Another motion by Manuel to grant a week's continuance to the defense after the prosecution has completed its case also was denied by the judge, but he said he might consider it at a later date.

Fawcett is representing himself in the case and said he will present his own opening argument. "No one knows the facts as I do," the Kokomo man stated. He does have a court-appointed attorney, Marshall J. Seidman of Indianapolis.

(Continued on Page 5)

27 Counts . . .

(Continued from Page One)

lis, to assist him as needed.

Manuel also is acting as his own counsel, but likewise has an attorney appointed by the court, M. Dale Palmer of Danville.

The indictment alleges that between Oct. 1, 1966, and Aug. 15, 1968, the defendants devised a scheme to defraud and obtain money and property falsely from the American and Republic National Trusts; the Peru Trust Co.; the Lorain (Ohio) National Bank; and the Michigan Real Estate Investment Trust of Detroit.

At the time of the alleged misconduct, Fawcett was president of the American and Republic National Trusts, Gregory was secretary and Manuel was a manager of certain properties.

Among the regular jury panel is Carl W. Draine, 1308 Wigwam Dr., Kokomo. Other regulars are Delores Wickizer, Shelbyville; Walter Ray, Elwood; Sara J. Pringle, Louise Harvey, Eileen Briskey, Frances Mithcell, Bessie Thompson and Alice Huffman, all of Indianapolis; Julia M. Painter, Zionsville; Richard R. Johnson, Connersville; and Mildred Rafert, Pendleton.

The alternates are Geraldine Campbell and J. Michael Carroll, both of Indianapolis; Ray White, Whiteland; and Roger Williamson, Crawfordsville.

First Witnesses Heard In Fawcett, Manuel Case

By FRED ODIET

INDIANAPOLIS — The first of what promised to be a long parade of witnesses testified here Wednesday in the criminal trial of Harry R. Fawcett, Kokomo, and George Manuel, Dayton, Ohio.

The two men face two counts of illegal use of interstate telegraph wires and 17 counts of fraud by use of the United States mails. Eleven other counts were dismissed by the government.

Special Judge Robert A. Grant, sitting in the U. S. District Court, has estimated that the case, being heard by 12 regular petit jurors and four alternates, will take a month.

John E. Hirschman, first assistant U. S. attorney, said he could not list all of his prospective witnesses at present, but indicated they would be many. One

of the main persons to testify, he said, will be Frank L. Gregory of Kokomo.

Gregory pleaded guilty Monday to three of the counts with which Fawcett and Manuel are charged, and the government dismissed 27 others.

Other government witnesses are expected to include former trustees, managers, attorneys and employees of the American and Republic National Trusts, founded in Kokomo eight years ago and now in bankruptcy.

Fawcett was president of the trusts when they were placed in reorganizational proceedings in 1968, Gregory was secretary and Manuel was a manager.

The other associates of the trusts who may be witnesses include James J. Perrault and Henry H. Brown, both of Indianapolis; Calvin R. Mummert, Rochester; Samuel P. Good, Marion; Seymour

(Continued on Page 23)

M. Bagal, Noblesville; and Ray M. Lawrence, no address given.

Bagal was on the stand a short time Tuesday afternoon, relating events at trustee meetings, and identifying documents in connection with them, which he said occurred in early 1967 following a mass shareholders' meeting held in Indianapolis in December 1966.

At the meeting, Bagal, an attorney, said, some complaint was voiced about the small number of certificates held by three trustees then in charge. He said Perrault at the time had 100 shares in Republic and 36 in American, Mummert had 20 in American and Lawrence had 10 in Republic.

Mummert was president of both trusts and Perrault was secretary. Fawcett and Gregory came into the picture on Jan. 13, 1967, Bagal said, at a special meeting during which they were elected officers.

About a week earlier, he observed, Mummert, Perrault and Lawrence had each received \$50,000 checks signed by Fawcett and Gregory for what Bagal said was listed as "their past services."

Bagal said he advised Fawcett and Gregory, and their attorneys, that the exchange of money was "questionable" and might be interpreted to be "a bribe."

Several other papers which were introduced by Hirschman through Bagal pointed out that American and Republic were established as real estate investment trusts, that their funds were prohibited from being invested in a trustee's property and that the trustees were forbidden from receiving any monetary benefit from the trusts' transactions other than a salary.

It also was testified by Bagal that the trusts were registered with the Securities and Exchange Commission in July 1966 at which time the SEC was informed that investments would be limited to Indiana and that the trusts only owned apartment buildings which were managed by others.

In an opening statement, Hirschman related various transactions carried out by Manuel and Fawcett, without formal meetings, and said evidence would be presented to prove this.

Fawcett told the judge and jury that the Peru Trust Co. has loaned him money on a number of occasions since alleged maneuvering by Manuel and him, involving the Peru bank, as well as the trusts, the Lorain (Ohio) National Bank and the Michigan Real Estate Investment Trust at Detroit.

"I would be the last one to deny that we didn't make mistakes," Fawcett stated, but he said they were honest errors.

He said that before he joined the trusts he "had a half-million-dollar estate accumulated by the hardest kind of work," and that now he is broke.

Fawcett also commented that he will have witnesses which will say that American and Republic were "forced" into bankruptcy, resulting in a receiver being appointed March 3, 1968.

American was formed on May 7, 1963, and Republic on Dec. 11, 1964. Each trust was capitalized for \$7.5 million, consisting of 750,000 shares of beneficial interest which were sold to the public at \$10 a share.

Originally, the trusts were headed by Jack Aldridge, formerly of Kokomo and now of Ormond Beach, Fla.; Mummert and Perrault.

At the time of bankruptcy, American had some 4,500 to 5,000 investors and Republic had 5,000 shareholders. It was estimated that 2,000 to 2,500 persons held certificates in both trusts.

Former Employee Says Trusts Ignored State Aide's Orders

2/5/71
INDIANAPOLIS—A former secretary for the American and Republic National Trusts was being cross examined Friday concerning her testimony about office procedures.

Sanfra Locke contends it was common practice to issue letters of backing on contractors' loans, for a fee, despite instructions from the Indiana securities commissioner to cease.

Mrs. Locke told a U. S. District Court jury before Special Judge Robert A. Grant that the wholesale letter issuance was done consistently during the waning months of the trusts when Harry R. Fawcett of Kokomo was president.

Some contractors brought completed checks, she said, while others handed her checks to be typed, usually for \$1,000 or \$2,000. The amounts guaranteed, Mrs. Locke stated, totaled a minimum of \$100,000.

She claimed there was a steady stream of the requests and letters through the office.

At the time, George Manuel, Dayton, Ohio, was manager for the trusts which were located in Indianapolis. This was in 1967 a few months before the trusts were placed in bankruptcy.

Fawcett and Manuel are being tried under a 19-count indictment alleging fraud by mail and telegraph. The trial began Monday.

Fawcett Trial Moves Into 2nd Week Monday

2/9/71
INDIANAPOLIS — The second week for the criminal trial of Harry R. Fawcett, Kokomo, and George Manuel, Dayton, Ohio, begins Monday in U.S. District Court here.

Fawcett and Manuel are accused of manipulations by mail and telegraph of funds belonging to the American and Republic National Trusts, real estate investment groups now in bankruptcy.

During the time of the alleged fraudulent scheme — Oct. 1, 1966, to Aug. 15, 1968 — Fawcett became president of the trusts and Manuel was manager of some of their holdings.

A 30-count indictment, returned by a federal grand jury on Oct. 31, 1969, has been reduced to 19 counts by the government following the entering of guilty pleas a week ago by Frank L. Gregory of Kokomo to three counts.

It is charged that the transactions involved the Peru Trust Co., the Lorain (Ohio) National Bank and the Michigan Real Estate Investment Trust at Detroit. Witnesses testified during the past week that the American - Republic trust funds were to be invested only in Indiana real estate.

Among other accusations the indictment asserts Fawcett and Gregory became trustees after three former officers were given checks in large amounts, that checks were drawn by Fawcett and Manuel against non-existent accounts, that certain funds were diverted to Gregory for use in his publishing business and that Fawcett and Manuel obtained a large unsecured loan through forgery by Manuel on a promissory demand note.

According to the government, funds,

checks and notes were shifted between banks, trusts and corporations in order to make accounts balance.

One of the government's witnesses was David P. Krebs, an assistant vice president and manager of the main office branch of the Lorain bank.

Krebs outlined the flow of more than a half-million dollars in checks through his bank from the American and Republic trusts.

The transfers of \$557,000, mainly from Republic National at Indianapolis to the Ohio financial institution violated terms of the trust agreement to retain capital in Indiana, Krebs' testimony emphasized.

Fawcett Gets 3-Year Term, Gregory Sentenced To Year

By FRED ODIET

INDIANAPOLIS — Two Kokomo men, former officers of the American and Republic National Trusts, were sentenced Friday afternoon to time in a federal penitentiary.

A one-year sentence for Frank L. Gregory is to begin May 11.

Harry R. Fawcett will not start a three-year term for at least six to eight months when his appeal is expected to be acted upon by the U.S. Court of Appeals at Chicago.

George M. Manuel of Dayton, Ohio, also was sentenced to three years. He is a former manager for the trusts.

Fawcett and Manuel were found guilty on five counts of an indictment after a month-long trial before a U.S. District Court jury here in February.

Gregory pleaded guilty to three counts of the same indictment.

Judge Robert A. Grant, who normally sits on the District Court bench at South Bend, meted the penalties after lecturing the three defendants during which he stated:

"These men are reputed to know better" than to mishandle other person's funds.

"Hundreds of thousands of dollars of life savings were lost by these manipulations."

Grant went on to note that these same people — Fawcett, Gregory and Manuel — "would shrink from the thought of stealing a car and taking it across the state line."

He foresaw a complete breakdown of the system of justice in this country "if the elite of society is told to go and sin no more" while a poor person of the inner city is jailed for the theft of a small check.

According to Grant, some \$1 to \$2 million was available in the trusts in 1967 when Fawcett became president and Gregory was named secretary. "In a year and a half it was all lost," he said.

Kokomo Attorney Thomas Simmons asked that the sentence of Gregory be stayed in order to prepare post conviction relief documents, but the judge denied the motion because Gregory had pleaded guilty.

Simmons then amended his motion, requesting a few days to allow Gregory time to clear up his business and per-

sonal commitments. That was granted and Gregory was ordered to submit to custody at 10 a.m. May 11.

Where Gregory will serve his sentence will not be reported until he is behind bars as a precautionary measure. It is expected, however, that he will be incarcerated in the penitentiary at Terre Haute.

The sentences of Fawcett and Manuel, and of Gregory, actually consist of three years and one year, respectively, on each of the counts on which they were found guilty, but they were ordered served concurrently, that is, as

(Continued on Page 8)

Fawcett. . .

(Continued from Page One)

one term.

Pleas for probation for the three men were made on their behalf by Simmons, Marshall J. Seidman for Fawcett and M. Dale Palmer for Manuel, prior to sentencing.

Each of the attorneys emphasized that the men had no previous criminal convictions, that they were not apt to repeat mismanagement of money and that imprisonment would not aid in their rehabilitation.

John Hirschman, first assistant U.S. attorney, contended that Fawcett had violated his fiduciary responsibility and "never once disassociated himself from Manuel" who Hirschman called "the money man, the money handler."

He recommended both substantial imprisonment and fines for Fawcett and Manuel, but made no recommendation on a sentence for Gregory, merely calling for a substantial fine.

Gregory To Seek New Trial, Intends To Plead Innocent

Frank L. Gregory, Kokomo advertising man and former newspaper publisher, said Saturday that he plans to file an appeal for a new trial on charges growing out of operations of the American and Republic National Trusts.

Gregory, who pleaded guilty to three counts of a federal grand jury indictment, said he now intends to plead innocent on "all charges" against him.

He was sentenced Friday by Judge Robert A. Grant in U.S. District Court at Indianapolis to serve a year and a day in federal prison. The grand jury indictment, returned on Oct. 31, 1969, contained 30 counts of fraud by mail and telegraph against Gregory, Harry R. Fawcett of Kokomo and George E. Manuel of Dayton, Ohio. The acts were charged as interstate offenses because they involved transfers of money from the trusts' funds to banks at Lorain and Cincinnati, Ohio, and Flint, Mich.

Judge Grant imposed a three-year sentence on Fawcett and Manuel. Fawcett and Gregory were trustees of the two trusts and Manuel was property manager for the trusts.

Gergory said, "I was shocked by the sentence. As I explained to the court, I realize that I made mistakes in judgment while serving as trustee to American and Republic National Trusts. However, there was never any intent on my part at wrongdoing. Records will show that all money received for the operation of The Kokomo Times went only for that purpose."

He said, "I had evidence to prove that I did not know that any of the newspaper money was from trust loans; however the trusts had a legal right to lend the newspaper funds up to five per cent. I just learned Friday that

the three counts on which I been persuaded to plead guilty to aiding and abetting, were three of the counts that my co-defendants were found innocent of by the chosen jury."

Gregory continued, "I was given the understanding by the government, that by entering the plea of guilty and by cooperating with and testifying for them that I would receive a suspended sentence. I also realized that due to personal and family circumstances that I should not go through a lengthy trial."

"Tony Hinkle and I, serving as fellow trustees, were involved in a very small part of trust management and because of this, twice before I have requested a separate trial and was turned down. In addition, I hoped my community record, my Air Corps service, and family circumstances would be in my favor."

Gregory Gets

30-Day Delay

INDIANAPOLIS — A 30-day extension of the date his sentence is to begin was granted Frank L. Gregory of Kokomo Tuesday.

Under the stay of execution issued by Judge Robert A. Grant of U.S. District Court, Gregory is to submit to custody at 10 a.m., June 10.

Gregory, former publisher of a Kokomo newspaper now out of business, was sentenced April 30 to three concurrent terms of one year and one day each at a federal penitentiary on three counts of mail fraud to which he pleaded guilty.

With good behavior, Gregory could be released in approximately six months. He then would be on parole until the term expired.

It has been indicated by Thomas J. Simmons, Kokomo attorney for Gregory, that a petition for post conviction relief will be filed. If granted, that could mean a reduction or elimination of the penalty.

Simmons said the latest stay was allowed because Gregory still has not cleared up his business and personal matters. Gregory now is an advertising man.

Gregory was given a stay of 11 days when the sentence was originally ordered.

Gregory Asks To Withdraw Guilty Plea And Stand Trial On Mail Fraud Charges

5/13/71

INDIANAPOLIS — Frank L. Gregory of Kokomo, scheduled for imprisonment June 10, has asked to withdraw a guilty plea and stand trial.

Gregory, 52-year-old one time publisher of a newspaper now out of business, is under sentence to a year and a day at a federal penitentiary for mail fraud.

He pleaded guilty to three counts of a lengthy indictment and was sentenced to concurrent terms on April 30 by Judge Robert A. Grant of the U. S. District Court here. Grant then allowed Gregory a stay of 11 days and this week extended it an additional 30 days.

Gregory said he now seeks to withdraw his guilty pleas and stand trial before a jury because the U. S. Attorney did not recommend leniency for him. He had been promised leniency, he said, if he pleaded guilty.

John E. Hirschman, first assistant U. S. attorney, denied Gregory's contention:

"We made no such promise. He signed an affidavit that he was making his plea voluntarily, without promise of a lighter sentence, leniency or probation."

On the day of sentencing, Hirschman had no recommendation as to imprisonment of Gregory, but urged a "substantial fine."

Thomas J. Simmons, Gregory's attorney, commented:

"Society is better off with him, than having him in prison."

Simmons also noted that Gregory "has cooperated fully with the government since the beginning" and stated that he did not gain from the American and Republic National Trusts other than salary.

During his tenure as secretary-trustee, Gregory received more than \$500 a week from that post and his job as publisher, he testified during the trial of his

co-defendants, Harry R. Fawcett and George M. Manuel.

Fawcett, 67, Kokomo, and Manuel, 46, Dayton, Ohio, have been sentenced to five concurrent three-year terms, but are free on bond, pending appeals.

Manuel is a former manager for the trusts, now in reorganization, and Fawcett was the trusts' president for the period before they were placed in bankruptcy by a petition from Gregory and Paul J. Hinkle of Indianapolis, a third trustee.

Letters to The Tribune

5/20/71

Asks Letters in Behalf of Gregory

Recently a group of concerned citizens in Kokomo has been circulating petitions in behalf of Frank Gregory. I am glad to be a part of that movement. We believe that all charges against him should be dropped in connection with his duties with the American and Republic National Trusts.

Because of personal and family circumstances Mr. Gregory was willing to accept the advice that it would be to his best interest not to go through a trial, believing he would receive a suspended sentence. Earlier Mr. Gregory refused offers of our aid since he thought it would not be needed and was unne-

cessary but now is the time to show our respect and admiration for Frank Gregory.

All persons who know Mr. Gregory firmly believe him to be incapable of any intentional wrongdoing. He is an honest and trustworthy person, always putting the needs of others first. In the 25 years Mr. Gregory has been a resident of Kokomo he has continuously devoted himself to the betterment of our community. Because of his valiant efforts our community has profited by his presence and deeds.

The humility and hurt Mr. Gregory and his family have suffered are far greater punishment than deserved. We strongly feel that any prison sentence would serve no constructive purpose, only grave harm.

We feel Mr. Gregory should be allowed to continue in his devoted service to his family and our community. We plead that he be restored to us — we need him and want him.

We are now gathering letters written to the President of the United States. Our plan is to get as many together as possible in the next few days and have them personally delivered. We believe this gesture of faith on our part will make the President aware of Mr. Gre-

gory's plight. Do write a letter in Mr. Gregory's behalf and please send it right away. You should use the following inside address:

Honorable Richard M. Nixon,
President of the United States
White House
Washington, D.C.

Then please place your letter in an outside envelope to me. Thank you.

RUTH JENNINGS
1001 W. Broadway

Gregory's Petition To Plead Guilty Refutes Claim of Promised Leniency

By FRED ODIET 5/24/71

INDIANAPOLIS — Frank L. Gregory's petition for change of plea has yet to be acted upon by Judge Robert A. Grant of U. S. District Court, it was reported Friday.

Gregory, 52-year-old one-time Kokomo Morning Times publisher, pleaded guilty to three counts of mail fraud, but since receiving one-year-and-one-day terms wants the action erased and a jury trial held.

On May 2, 1971, Gregory said he would seek to have his guilty plea withdrawn, claiming "I was given the understanding by the government that by entering the plea of guilty and by cooperating with them that I would receive a suspended sentence."

Gregory's Feb. 1, 1971, Petition To Enter a Plea of Guilty clearly states he was aware and understood the meaning of his plea and he had received no "promise or suggestion of any kind" as to any leniency.

It has not been learned whether Grant will hold a hearing or merely rule on documents filed with him by Thomas J. Simmons, attorney for Gregory, and John E. Hirschman, first assistant U.S. attorney.

The 30-count indictment against Gregory, filed Oct. 31, 1969, alleged that he and others "devised and intended to devise a scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises."

It was carried out, the indictment stated, against the American and Republic National Trusts, the Peru Trust Co., the Lorain (Ohio) National Bank and the Michigan Real Estate Investment Trust at Detroit.

Gregory is a former trustee of American and Republic, now in bankruptcy, and former publisher of the defunct Kokomo Morning Times. He was an officer in the trusts from Jan. 13, 1967, to March 8, 1968, when they went into reorganization.

His guilty plea was to fraudulent use of the United States Mail at Indianapolis on Feb. 17, 1967, March 5, 1967, and March 10, 1967.

At the time of pleading guilty on Feb. 1 this year, Gregory signed a court affidavit in which he stated: "I understand every accusation made against me in this case."

In the document he said that he has

been adequately advised that the maximum penalty could be five years' imprisonment and a fine of \$1,000 on each count.

Gregory also stated that "probation may or may not be granted" and that "the court may order the sentences to be served consecutively, one after another."

Under Judge Grant's sentencing order on April 30 Gregory is to serve the one-year-and-one-day terms concurrently, in other words as if there was only one sentence. On good behavior he might be released in six months or less.

Grant did not levy a fine against Gregory, although Hirschman asked that a substantial assessment be made.

Gregory's affidavit went on to declare "that no officer or other person has made any promises or suggestion of any kind to me that I would receive a lighter sentence, or probation, or any other form of leniency, if I would plead guilty."

"I hope to receive probation, but am prepared to accept any punishment permitted by law which the court may see fit to impose," it continued.

"I know the court will not accept a plea of guilty from anyone who claims to be innocent and, with that in mind and because I make no claim of inno-

cence, I wish to plead guilty . . ." it further stated.

"I declare that I offer my plea of guilty freely and voluntarily and of my own accord," the petition, certified by Simmons, said.

American National Trust was formed on May 7, 1963, and Republic National Trust on Dec. 11, 1964, both at Kokomo. Their headquarters were moved to Indianapolis in 1965.

Each had a capitalization of \$7.5 million, gained by selling 750,000 shares at \$10 apiece. American shares were purchased by some 4,500 to 5,000 investors, while Republic had about 5,000 shareholders.

In court here it was determined that Gregory received \$10,200 during 1967 as trustee—\$5,800 from American and \$4,400 from Republic. At the same time, it was learned, he was paid about \$300 a week, or \$15,600 a year, as manager of the Times.

A report filed with the court by John I. Bradshaw Jr., trustee in reorganization, shows that in 1967 American's average monthly net loss from operations was \$34,523 and Republic's average monthly net loss was \$61,033.

Trust documents, which were introduced as evidence in a trial here, restricted business transactions of the two organizations to the State of Indiana. Witnesses stated that they knew of numerous transactions outside the state while Gregory was secretary-trustee.

While Gregory was on the witness stand in that trial, he admitted knowing of \$50,000 checks, signed by him, which were turned over to other trustees at the time they resigned and he became a trustee, but claimed not to know the exact amount or what they were for.

Bradshaw noted in a court report that the trusts have received a cash settlement of \$390,000 from two companies which had issued fidelity bonds covering former trustees, including Gregory.

The settlement, he told the court, was reached "after two years of prolonged investigation and research concerning the various losses which the trustee (Bradshaw) felt were attributable to the acts and omissions of former trust officials."

Gregory by pleading guilty avoided the month-long trial before Judge Grant of Harry R. Fawcett, 67, Kokomo, and George M. Manuel, 46, Dayton, Ohio. They were found guilty, but are appealing the decision.

Government's Response to Frank Gregory Motion To Withdraw Plea Clears Way for Judge To Rule

By FRED ODIET

SOUTH BEND, Ind. — With the filing of a government affidavit, the door now is open for U.S. District Judge Robert A. Grant to rule on Frank L. Gregory's motion to withdraw guilty pleas in his mail fraud case.

On Feb. 1, Gregory swore, both in a written document and under oral questioning in open court, that he was guilty of three counts in a 30-count indictment that no promises of any kind had been made to him concerning leniency.

But in his latest petition to the court, filed May 10, Gregory not only asserts he was promised a suspended sentence in return for his guilty pleas, but also that he is innocent of all charges.

In the affidavit made to the court in response to Gregory's latest claims, Stanley B. Miller, U.S. attorney, and John E. Hirschman, his first assistant, both deny that Gregory was promised any leniency whatsoever.

Grant, special judge for Gregory's criminal case at Indianapolis, has until 10 a.m., June 10, to make a decision. That is the date the former publisher of the now defunct Kokomo Morning Times is scheduled to begin a one-year-and-one-day sentence.

Attaches of the judge's office here said no specific time has been set for the ruling, nor whether Judge Grant would issue an order without further hearing.

In his May 10 affidavit, Gregory contends he pleaded guilty Feb. 1 to three counts of mail fraud "only after receiving assurances from the United States Attorney that he would positively recommend the imposition of a suspended sentence and that such recommendations are nearly always followed."

The response from the government states, however:

"That neither the United States Attorney for the Southern District of Indiana nor any of his assistants gave Defendant Frank L. Gregory, or his attorney, any promise, agreement of 'assurance' that a suspended sentence would be recommended in this cause upon his plea of guilty, nor did any such person or persons give any similar 'assurance' that recommendations by the attorneys in such office 'are nearly always followed'."

At other points in a counter-affidavit, signed by Miller and Hirschman, it is noted that Judge Grant in open court personally asked Gregory:

1. If any threats or promises had been made to influence the defendant's request that the court accept his plea of guilty, "to which the Defendant Gregory answered, 'no, sir.'"

2. Whether or not Gregory was making the plea of guilty 'purely voluntarily

and understandingly' after discussion with counsel, "to which the Defendant Gregory answered, 'I do, sir.'"

In his May 10 affidavit, Gregory contends that in entering his guilty plea on Feb. 1, he also considered:

"a. The evidence gathered by the United States Attorney indicated unquestionable guilt on the part of the other two defendants (Harry R. Fawcett and George M. Manuel), and this defendant feared that a jury would find him guilty by reason of association alone.

"b. He had executed some instruments in reliance upon representations by one of the defendants herein, which instruments facilitated the scheme upon which the (30-count) indictment was based."

The government response calls attention to the Feb. 1, 1971, petition to enter a plea of guilty, signed by Gregory, which contained in part the statement:

"I declare that no offer or agent of any branch of government (federal, state or local), nor any other person, has made any promise or suggestion of any kind to me, or within my knowledge to anyone else, that I would receive a lighter sentence, or probation, or any other form of leniency, if I would plead 'GUILTY' . . ."

Referring to Gregory's petition, the government points out that in it Gregory stated he: (1) "made no claim of innocence," (2) "wished to plead guilty" and "offered his plea of guilty freely, voluntarily and of his own accord."

Gregory's attorney, Thomas J. Simmons of Kokomo, interrogated his client in open court prior to their affixing signatures to the indictment, the response observes, and "established the defendant's understanding and knowledge of the charges against him, his various constitutional rights, and specifically elicited from the defendant that no promises of any kind of nature had been made to Defendant Gregory to induce him to enter his plea of guilty."

It also declares Gregory's document was certificated by Simmons who "apprised the court that Defendant Gregory's plea of guilty accorded with his understanding of the facts as related to him by the Defendant Gregory and that such plea was consistent with his advice to the defendant; and . . . that in his opinion the Defendant Gregory's plea of guilty was voluntarily and understandingly made, and said attorney recommended that the court accept the defendant's plea of guilty."

In addition, Gregory was thoroughly questioned by Grant concerning Gregory's rights, his legal representation and his complete understanding of the three criminal charges, each of which was

explained to him.

He answered those questions, a transcript shows, exactly as he had responded to queries from Simmons.

Gregory's new assertion of innocence, which he has now sworn to the court, is based on five alleged points. They are, that he:

1. "Never received for his own personal benefit, other than a salary, any money from either the American or Republic National Trust,

2. "Had no knowledge that the \$200,000 used to purchase the Kokomo Morning Times was the money of the said trusts,

3. "In no way participated in the payment of money to former trustees of said trusts to secure the resignations of said trustees.

4. "In no way intended to participate in nor aid in the perpetration of the scheme and artifice by which they said trusts were defrauded.

5. "Upon learning of the manner in which trust money had been used, openly advocated the insolvency proceedings filed by said trusts, with full knowledge that his activities as a trustee would be fully open to investigation."

Gregory concluded "that he believes himself to be innocent of all charges . . . and that a manifest injustice will be done unless he is permitted to withdraw his plea of guilty and stand trial on the merits of the case."

Sentencing of Gregory, 52-year-old Kokomo advertising man, was made April 30 by Judge Grant, who then issued a stay of execution on the penalty until May 11 to permit Gregory to clear up business and personal matters.

Later, Judge Grant extended the stay on the imposition of the three one-year-and-one-day terms at a federal penitentiary, which are to run concurrently, by 30 days.

Fawcett and Manuel, who had been found guilty by a jury of five counts of mail fraud after a month-long trial, were sentenced the same day as Gregory to concurrent three-year terms. They are appealing the decision to a higher court.

On the day of rendering his verdict, Judge Grant lectured the man as "reputed to know better," adding:

"Hundreds of thousands of dollars of life savings were lost by these manipulations."

He noted that some \$1 to \$2 million was available in the trusts in 1967 when Fawcett became president and Gregory was named secretary. "In a year and a half it was all lost," he stated.

The trusts went into bankruptcy on March 8, 1968, leaving as questionable the return of any portion of \$15 million invested by 9,000 to 10,000 persons throughout Indiana.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

Indianapolis DIVISION

FILED
U. S. DISTRICT COURT
INDIANAPOLIS DIVISION

FEB 1 1971

SOUTHERN DISTRICT OF INDIANA
ARTHUR J. BECK
CLERK

UNITED STATES OF AMERICA,)
)
Plaintiff)
)
Harry R. Fawcett,)
Frank L. Gregory)
and)
George Manuel,)
Defendant)

Cause No. 69-CR-144

PETITION TO ENTER A PLEA OF GUILTY

The defendant above named respectfully represents to the Court,
as follows:

(1) My full true name is : Frank L. Gregory,
and I request that all proceedings against me be had in the name which
I here declare to be my true name.

(2) I was born on MAY 6, 1919, at
PRINCETON in the State of Indiana.
I have attended school and completed my schooling through the college
grade; and I have the ability to read, write, and understand the English
language.

(3) I am represented by counsel and my attorney's name is:
Thomas J. Simmons.

(4) I have received a copy of the indictment ~~(information)~~ before
being called upon to plead, and have read and discussed it with my attorney,
and believe and feel that I understand every accusation made against me in
this case.

(5) I have told my attorney the facts and surrounding circumstances as known to me concerning the matters mentioned in the indictment (~~information~~), and believe and feel that my attorney is fully informed as to all such matters. My attorney has since informed me, and has counselled and advised with me, as to the nature and cause of every accusation against me, and as to any possible defenses I might have in this case. ✓

(6) My attorney has advised me that the punishment, which the law provides, is as follows: A maximum of five years imprisonment (and a minimum of _____ years imprisonment) and a fine of \$1,000.00 for the offense charged in (Count 10, 18 & 20 of) the indictment (~~information~~); also that probation may or may not be granted; and that if I plead "GUILTY" to more than one offense, the Court may order the sentences to be served consecutively, one after another.

(7) I understand that I am entitled to have all of my rights which may be involved in this matter explained to me, and that I have the right to have any questions I may have answered for me.

(8) I understand that I may, if I so choose, plead "Not Guilty" to any offense charged against me, and that if I choose to plead "Not Guilty" the Constitution guarantees me: (a) the right to a speedy and public trial by jury in the Southern District of Indiana; (b) the right to be released on reasonable bail until my trial occurs; (c) the right to see and hear all the witnesses against me at my trial; (d) the right to use the power and the process of the Court to compel the production of any evidence, including the attendance of any witnesses, in my favor at my trial; (e) the right to the assistance of counsel at every stage of the proceedings, including upon an appeal if need be; and, (f) that in the event that I should be found guilty of the charge against me, I would have a right to appeal my conviction on such charge to a higher court.

11 [(9) I understand also, that if I plead "GUILTY" the Court may impose the same punishment as if I had pleaded "Not Guilty", had stood trial and been convicted by a jury.]

(10) I declare that no officer or agent of any branch of government (Federal, State or local), nor any other person, has made any promise or suggestion of any kind to me, or within my knowledge to anyone else, that I would receive a lighter sentence, or probation, or any other form of leniency, if I would plead "GUILTY". I hope to receive probation, but am prepared to accept any punishment permitted by law which the Court may see fit to impose. However, I respectfully request that the Court consider in mitigation of punishment at the time of sentence the fact that by voluntarily pleading "GUILTY" I have saved the Government and the Court the expense and inconvenience of a trial. I understand that, before the Court imposes sentence, the Court will afford my counsel an opportunity to speak on my behalf and, further the Court will address me personally and ask me if I wish to make a statement on my behalf and to present any information in mitigation of punishment.

(11) I believe and feel that my attorney has done all that anyone could do to counsel and assist me, and that I now understand the proceedings in this case against me.

[(12) I know the Court will not accept a plea of "GUILTY" from anyone who claims to be innocent and, with that in mind and because I make no claim of innocence, I wish to plead "GUILTY", and respectfully request the Court to accept my plea, as follows: "GUILTY" as charged in (Counts 10, 18 & 20 of) the indictment (~~information~~).]

(13) I declare that I offer my plea of "GUILTY" freely and voluntarily and of my own accord; also that my attorney has explained

to me, and I feel and believe I understand, the statements set forth in the indictment (~~information~~), and in this petition, and in the "Certificate of Counsel" which is attached to this petition.

(14) I further state that I wish the Court to omit and consider as waived by me all reading of the indictment (~~information~~)-in open court, and all further proceedings regarding my arraignment, and I pray the Court to accept and enter now my plea of "GUILTY" as set forth above in paragraph 12 of this petition, in reliance upon my statements made in this petition.

Signed by me in open court in the presence of my attorney this

15 day of February, 1971.


Defendant

CERTIFICATE OF COUNSEL

The undersigned, as attorney and counsellor for the defendant above named Frank L. Gregory, hereby certifies as follows:

(1) I have read and fully explained to the defendant all the accusations against the defendant which are set forth in the indictment (~~information~~) in this case;

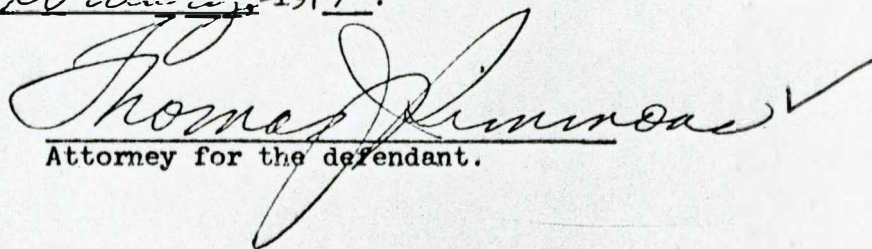
(2) To the best of my knowledge and belief each statement set forth in the foregoing petition is in all respects accurate and true;

(3) The plea of "GUILTY", as offered by the defendant in paragraph 12 of the foregoing petition, accords with my understanding of the facts as related to me by the defendant, and is consistent with my advice to the defendant;

(4) In my opinion the defendant's waiver of all reading of the indictment (information) in open court, and of all further proceedings regarding arraignment as provided in Rule 10, is voluntarily and understandingly made; and I recommend to the Court that the waiver be accepted by the Court;

(5) In my opinion the plea of "GUILTY", as offered by the defendant in paragraph 12 of the foregoing petition, is voluntarily and understandingly made; and I recommend to the Court that the plea of "GUILTY" be now accepted and entered on behalf of the defendant as requested in paragraph 12 of the foregoing petition.

Signed by me in open court in the presence of the defendant above named this 1 day of February, 1971.


Attorney for the defendant.

RECEIVED

MAY 10 1971

U. S. Attorney.
Indianapolis, Ind.

UNITED STATES OF AMERICA)
)
 VS.) No. IP 69-CR-144
)
 FRANK L. GREGORY, ET AL)

Frank L. Gregory, defendant respectfully moves the Court for leave to withdraw his plea of guilty and to enter a plea of "not guilty" on the ground that he is not guilty of the offenses charged in the indictment and that said plea of guilty was entered improvidentially upon the assurances of the United States Attorney that leniency would be granted and that a suspended sentence would result, all as is more fully set out in defendant's affidavit, attached hereto and marked "Exhibit A."

Dated this 6th day of May, 1971.

Frank L Gregory
FRANK L. GREGORY

I hereby certify that I have served a copy of the above upon the United States Attorney, 246 Federal Building, Indianapolis, Indiana, by depositing said copy in the United States Mails, postage prepaid.

Thomas J. Simmons
 THOMAS J. SIMMONS
 Attorney for defendant Gregory

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA)
VS.) No. IP 69-CR-144
FRANK L. GREGORY, ET AL)

AFFIDAVIT

Frank L. Gregory, being first duly sworn upon his oath, deposes and says:

1. That this affidavit is given in support of his Motion to Withdraw Plea of Guilty in the case of United States of America vs. Frank L. Gregory, et al, in the United States District Court for the Southern District of Indiana, Indianapolis Division, Cause No. IP 69-CR. 144.

2. That he entered a plea of guilty to counts X, XVIII and XX of the Indictment filed in the above, only after receiving assurances from the United States Attorney

1. that he would positively recommend the imposition of a suspended sentence and that such recommendations are nearly
2. always followed.

3. That said United States Attorney failed to make the recommendation of leniency as he had agreed to do.

4. That in addition to said assurances, he, in entering said plea of guilty, considered the following:

- a. The evidence gathered by the United States Attorney indicated unquestionable guilt on the part of the other two defendants, and this defendant feared that a jury would find him guilty by reason of association alone.
- b. His wife was suffering severe emotional and mental distress caused by the pending trial and had, on one recent occasion attempted to commit suicide, and he felt that her mental health would be further endangered by a lengthy trial.

*Trial began 2/1/71
Suicide reported
11:39 p.m. 2/5/71*

- c. He had executed some instruments in reliance upon representations by one of the defendants herein, which instruments facilitated the scheme upon which the indictment was based.

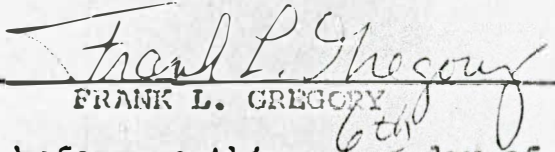
5. That he believes he was, in fact, innocent of all the crimes as alleged in the indictment, and that if he were permitted to stand trial apart from the other two defendants, he would be acquitted.

6. That his claim of innocence is based on the following:

- a. He never received for his own personal benefit, other than a salary, any money from either the American National Trust or the Republic National Trust, as did the other defendants.
- b. He had no knowledge that the Two Hundred Thousand Dollars (\$200,000) used to purchase the Kokomo Morning Times was the money of the said Trusts and not the money of the other two defendants as was represented to him.
- c. He, in no way, participated in the payment of money to former Trustees of said Trusts to secure the resignations of said Trustees.
- d. He, in no way, intended to participate in nor aid in the perpetration of the scheme and artifice by which the said Trusts were defrauded.
- e. Upon learning of the manner in which Trust money had been used, he openly advocated the insolvency proceedings filed by said Trusts, with full knowledge that his activities as a Trustee would be fully open to investigation.

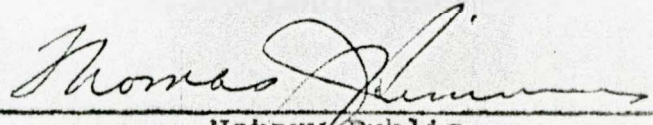
7. That he believes himself to be innocent of all charges as alleged in all counts of the indictment, and that a manifest injustice will be done unless he is permitted to withdraw his plea of guilty and stand trial on the merits of the case.

Dated this 6th day of May, 1971.


FRANK L. GREGORY

Subscribed and sworn to before me this 6th day of May, 1971.

My Commission Expires:


Notary Public

July 27, 1974

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,

Plaintiff

v.

FRANK L. GREGORY,

Defendant

No. IP 69-CR-144

RESPONSE OF GOVERNMENT TO
DEFENDANT GREGORY'S MOTION TO WITHDRAW PLEA OF GUILTY
AND SUPPORTING AFFIDAVIT.

Comes now the United States of America, by counsel, and respectfully moves the Court to deny, in all respects, the motion of Defendant, Frank L. Gregory, to withdraw his plea of guilty, and in support thereof, would urge and show the Court as follows:

1. That neither the United States Attorney for the Southern District of Indiana nor any of his assistants gave Defendant Frank L. Gregory, or his attorney, any promise, agreement or "assurance" that a suspended sentence would be recommended in this cause upon his plea of guilty, nor did any such person or persons give any similar "assurance" that recommendations by the attorneys in such office "are nearly always followed."

2. That on February 1, 1971, Defendant Frank L. Gregory, accompanied by his hired attorney, Thomas J. Simmons, moved the Court for leave to withdraw his former plea of not guilty and enter a plea of guilty to Counts 10, 13, and 20 of the indictment (p. 3 of the transcript of the guilty plea of Frank L. Gregory which is attached hereto, made a part hereof, and marked for identification as Exhibit "A") and they further presented the Court with said defendant's "Petition to Enter a Plea of Guilty," a copy of which is attached hereto, made a part hereof, and marked for identification as Exhibit "B".

A. In the said Petition (Exh. "B") which the Defendant Gregory signed in open court, he stated in paragraph numbered (10), at page 3:

I declare that no officer or agent of any branch of government (Federal, State, or local), nor any other person, has made any promise or suggestion of any kind to me, or within my knowledge to anyone else, that I would receive a lighter sentence, or probation, or any other form of leniency, if I would plead "GUILTY."....

B. In paragraph numbered (12) of said Petition (Exh. "B") at page 3, the Defendant Gregory stated that he made no claim of innocence and that he wished to plead guilty.

C. In paragraph numbered (13) of said Petition (Exh. "B"), Defendant Gregory further declared that he offered his plea of guilty freely, voluntarily, and of his own accord.

D. At the same time, (Exh. "A", p. 14) in the same immediate proceeding, on February 1, 1971, Defendant Gregory's hired attorney executed in open court a Certificate of Counsel as a part of the same said Petition to Enter a Plea of Guilty and, in that certificate (Exh. "B", para. # (3), p. 4) apprised the Court that Defendant Gregory's plea of guilty accorded with his understanding of the facts as related to him by the Defendant Gregory and that such plea was consistent with his advice to the defendant; and thereafter, in paragraph numbered (5) of said certificate, Attorney Simmons certified to the Court that in his opinion the Defendant Gregory's plea of guilty was voluntarily and understandingly made, and said attorney recommended that the Court accept the defendant's plea of guilty.

E. Defendant's hired attorney examined the Defendant Gregory prior to his execution of said "Petition to Enter a Plea of Guilty" (Exh. "B",

pp. 5-10), and in the course of such interrogation further established the defendant's understanding and knowledge of the charges against him, his various constitutional rights, and specifically elicited from the defendant that no promises of any kind or nature had been made to Defendant Gregory to induce him to enter his plea of guilty (Exh. "A", p. 8, q. 24).

F. Thereafter, and still prior to the execution of said petition by the defendant and his attorney, the Court personally addressed the defendant, asking whether any threats or promises had been made to influence the defendant's request that the Court accept his plea of guilty, to which the Defendant Gregory answered, "No, sir." (Exh. "A", pp. 12-13)

G. The Court also personally addressed itself to the Defendant Gregory as to whether or not the plea of guilty was "purely voluntarily and understandingly" made after discussion with counsel, to which the Defendant Gregory answered, "I do, sir." (Exh. "A", p. 13)

3. In both the said "Petition to Enter a Plea of Guilty," the interrogation by the defendant's hired attorney, and the personal inquiry made of defendant by the Court, these matters kept within and satisfied loudly the standards laid down in McCarthy v. United States, 394 U.S. 659, 89 S.Ct. 1166, 22 L.ed.2d 418 (1969). See also, United States v. Al Berlin, 437 F.2d 901 (7th Cir. 1971), and also, United States v. Fred G. Amick, et al., Nos. 17084-087, 17089-095, January 22, 1971). For a consideration of a defendant's "Petition to Enter a Plea of Guilty" by the United States Court of Appeals for the Seventh Circuit, see Parker v. United States, 433 F.2d 15 (7th Cir. 1970).

WHEREFORE, the Government would urge immediate and summary
denial of Defendant Gregory's motion to withdraw his plea of guilty.

Respectfully submitted,

Stanley B. Miller
United States Attorney

John E. Hirschman
Assistant United States Attorney

CERTIFICATE OF SERVICE

This is to certify that I have served the foregoing pleading
upon the defendant herein by mailing a copy thereof to attorney of record,
MR. THOMAS J. SIMONS, 203 Armstrong-Landon Building, Kokomo, Indiana
46901, this 21st day of May, 1971.

John E. Hirschman
Assistant United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

Mr. [unclear]
pp 8, 12, 13
15

UNITED STATES OF AMERICA,)

v3.)

NO. IP 69-CR-144

HARRY R. FAWCETT,)
FRANK L. GREGORY,)
GEORGE MANUEL.)

BEFORE THE

HONORABLE ROBERT A. GRANT

TRANSCRIPT OF GUILTY PLEA
OF FRANK L. GREGORY ON
FEBRUARY 1, 1971 TO COUNTS
10, 18 AND 20 OF INDICTMENT

Bertha L. Harrison
Official Court Reporter
201 Federal Building
Indianapolis, Indiana 46204

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,

VS.

HARRY R. FAWCETT,
FRANK L. GREGORY,
GEORGE MANUEL.

NO. IP 69-CR-144

APPEARANCES:

FOR GOVERNMENT:

MR. JOHN HIRSCHMAN,
Assistant United States Attorney

FOR DEFENDANT,
FAWCETT:

MR. MARSHALL J. SEIDMAN

FOR DEFENDANT,
GREGORY:

MR. THOMAS J. SIMMONS

FOR DEFENDANT,
MANUEL:

MR. M. DALE PALMER

BE IT REMEMBERED, that on the 1st day of February 1971, at 10:15 A.M., in the United States District Court for the Southern District of Indiana, Indianapolis Division, at the United States Courthouse in the City of Indianapolis, the above-entitled case came on for trial before the Honorable Robert A. Grant and the following proceedings were had.

THE COURT: Mr. Clerk, you may call the case.

DEPUTY CLERK (Mr. Heede): Indianapolis 69, Criminal 144, United States of America versus Harry R. Fawcett; Frank L. Gregory and George Manuel.

THE COURT: For the record, the Court should probably note the filing of the form provided by the Criminal Justice Act for the appointment of counsel, although an entry was made concerning the appointment of Mr. M. Dale Palmer as attorney for Mr. George Manuel, but the regular form provided for appointment in the cases is now signed and filed and made a copy of this record.

Are there other matters that should be considered before we go any farther in this proceeding?

MR. SIMMONS: May it please the Court.

THE COURT: Mr. Simmons.

MR. SIMMONS: At this time the defendant, Frank Gregory, would move the Court for permission to withdraw his plea of not guilty and enter a plea of guilty to Counts 10, 18 and 20 in the indictment.

THE COURT: 10, 18 and 20?

MR. SIMMONS: Yes, sir.

THE COURT: I have previously known, and am acquainted with the facts in this District, a written form is used in such cases.

MR. SIMMONS: I have one.

THE COURT: Would you hand it up so the Court may examine it?

MR. SIMMONS: Yes. Mr. Gregory has not signed the petition, nor have I executed the certificate.

THE COURT: May I have just a moment to take a look? Mr. Frank L. Gregory, will you step forward?

MR. GREGORY: Yes, sir.

MR. SIMMONS: May it please the Court. I would request to place Mr. Gregory on the stand and examine him as to that, prior to his execution of that, if the Court so desires.

THE COURT: I think it would be well. Mr. Gregory, raise your hand and be sworn.

You do solemnly swear that the testimony you are about to give concerning the matter here on trial will be the truth, the whole

truth, and nothing but the truth, so help you
God.

MR. GREGORY: Yes, sir.

THE COURT: Will you take the stand?

Mr. Simmons, you may inquire.

DIRECT EXAMINATION,

QUESTIONS BY MR. THOMAS J. SIMMONS:

1 Q Would you state your name, please?

A Frank L. Gregory.

2 Q And are you the same Frank L. Gregory that has been
named as Defendant in this cause now pending before
this Court?

A I am.

3 Q Where do you live, Mr. Gregory?

A Kokomo, Indiana.

4 Q What is your age?

A I am 51.

5 Q What is your educational achievement?

A I had three years at Indiana University and a year
and a half at Air Force Technical Schools.

6 Q You have discussed this case with me, did you?

A Yes.

7 Q At great length?

A I have.

- 8 Q You have read the indictment, have you not?
A Yes I have.
- 9 Q Do you understand each and every accusation and each and every count in the indictment against you?
A I have.
- 10 Q You read it thoroughly and you understand it?
A Yes.
- 11 Q And you have discussed this case with me thoroughly and I have advised you and counseled you, have I not?
A Yes, sir.
- 12 Q And this has taken several conferences?
A Yes, sir.
- 13 Q You are aware of the potential punishment that can be handed down in this case, that there is a maximum prison term of five years on each count and a \$1,000 fine; you are aware of that?
A Yes, sir.
- 14 Q Are you also aware that if there is more than one sentence handed down, the Court may order sentences to be served consecutively, that is one after another?
A I do.
- 15 Q You fully understand that?
A Yes.
- 16 Q You understand all of your rights, we have discussed these, have we not?

A Yes, we have.

17 Q You have the right to plead not guilty and the right to a trial by jury?

A I do.

18 Q And you have a right to a speedy trial, a public trial, right here in this Court in the Southern District?

A Yes, sir.

19 Q You have the right to call witnesses on your behalf, you understand that?

A Yes, sir.

20 Q And you understand you have a right to use the process of this Court to compel attorneys of witnesses to compel production of evidence, you understand those rights?

A I do.

21 Q You understand that if you enter a plea of guilty and this Court accepts your plea of guilty that the possible punishment is the same as if you entered a plea of not guilty, were tried and convicted by a jury, you understand that?

A Yes, I do.

22 Q Completely?

A Yes, sir.

23 Q Has any official made any threat to you to coerce you to enter this plea?

A No.

24 Q Have any promises of any kind or any nature been made to you to induce you to enter this plea of guilty?

A No, sir.

25 Q And you realize that there is every possibility of conviction, the same as if you were tried and found guilty?

A Yes, I do.

26 Q Do you feel that I and other attorneys with which you have counseled have done everything to advise you completely and fully of all matters in this trial?

A I do.

27 Q You have had aid and assistance of counsel throughout this trial, have you not?

A Yes, sir.

28 Q And that individual is your own personal attorney that has been your attorney for several years?

A That's right.

29 Q Mr. Gregory, do you now make a claim of innocence of any nature to the charges to which you are asking

to plead guilty; are you now making any claim of innocence?

A Would you re-state the question?

30 Q At this time are you making any claim that you are innocent of the charges to which you are now pleading guilty?

A I just did not want to -- in other words, I am pleading guilty and I understand I am not claiming innocence.

31 Q Is that your answer, you are not claiming any innocence now?

A No. I was afraid I would answer improperly.

32 Q But you have read the indictment, counseled with attorneys, because there were other attorneys, were there not?

A Yes.

33 Q And upon reviewing the record, reviewing all the facts, as you have stated them to me, reviewing all the evidence there is, obtained through discovery proceedings, and otherwise investigation, you are not at this time claiming any innocence to these three charges, is that correct?

A Yes, sir.

34 Q And you are voluntarily, and with full knowledge,

asking this Court to accept your plea of guilty to those three counts, that is, 10, 18 and 20?

A I am.

35 Q And are you prepared today, Mr. Gregory, to execute in open court your petition requesting that your guilty plea be accepted?

A Yes, I am.

MR. SIMONS: I have no further questions, Your Honor.

THE COURT: Mr. Gregory, the first 66 paragraphs of Count 1 of the indictment charges, in substance, that there was a scheme and artifice to defraud the American National Trust, the Peru Trust Company, and Lorain National Bank, the Michigan Real Estate Investment Trust, and the 66 paragraphs of Count 1 are incorporated into each of the subsequent counts. Thus we come to which your request is made to enter a plea of guilty to the charges that on or about the 17th of February, 1967, at Indianapolis, Indiana, the three defendants, including you that is, for the purpose of executing that scheme and artifice to defraud, and attempting so to do unlawfully, willfully and knowingly caused

to be placed in an authorized depository for mail matter a letter addressed to the Lorain National Bank, Lorain, Ohio, to be sent and delivered by the Post Office Department of the United States. You understand that?

THE WITNESS: Yes, sir.

THE COURT: And that Count 18, incorporating those 66 paragraphs in Count 1 alleging the scheme and artifice to defraud continues to charge that on about the 5th day of March, 1967 at Indianapolis, Indiana the three defendants, including yourself, Frank L. Gregory, again, for the purpose of executing the said scheme and artifice to defraud, and attempting so to do unlawfully, willfully, and knowingly caused to be placed in an authorized depository for mail matter a letter addressed to Mr. James H. Herbert, President, Lorain National Bank, Lorain, Ohio to be delivered by the Post Office Department of the United States. You understand that?

THE WITNESS: Yes, sir.

THE COURT: And further, Count 20, incorporating the 66 paragraphs from Count 1, re-alleging thereby the scheme and artifice to defraud

alleges that on or about the 10th day of March, 1967 at Indianapolis, Indiana, the defendants, three of them, including Frank L. Gregory, yourself, for the purpose of executing the said scheme and artifice to defraud and attempting so to do, unlawfully, willfully and knowingly caused to be placed in an authorized depository for mail matter a letter addressed to the Lorain National Bank, Lorain, Ohio to be delivered by the Post Office Department of the United States and in violation of Section 3241 and Section 2 of 518 of the United States Code. You understand specifically what each of these three counts charges you with?

THE WITNESS: Yes, sir.

THE COURT: You have read the written petition to enter a plea of guilty?

THE WITNESS: Yes, sir.

THE COURT: You understand fully what each paragraph therein says?

THE WITNESS: Yes, sir.

THE COURT: Again, however, I will ask you if anybody connected with this Court, or outside this Court, has made any promises to you or

any threats against you to influence this request you make to the Court today?

THE WITNESS: No, sir.

THE COURT: You have made this and you make this purely voluntarily and understandingly after having talked it out with your counsel?

THE WITNESS: I do, sir.

THE COURT: You make this request to enter this plea of guilty to Counts 10, 18 and 20 completely and fully without any reservation of any kind whatsoever?

THE WITNESS: Yes, sir.

THE COURT: In this petition you have suggested that the Court omit the reading of this indictment and we would do that, if that is your request, if you would tell me again you have read it thoroughly, that you understand it and that that is your request.

THE WITNESS: Yes, sir, I understand it, sir.

THE COURT: And you ask that we waive the reading thereof again?

THE WITNESS: Yes, Your Honor.

THE COURT: Very well. The Court will accept this petition, and the Court will

also ask you and your counsel to execute the written petition and hand it back to the Court.

MR. FAWCETT: May I be heard, Your Honor?

THE COURT: No, sir. This is a matter between the Court and the Defendant, Mr. Gregory.

(Mr. Gregory and attorney sign documents.)

MR. SIMMONS: May the record show I, as Mr. Gregory's counsel, have executed the certificate?

THE COURT: You may assume your position in front of the Court.

Let the record show the execution and the filing of the written petition for leave to enter a plea of guilty to Counts 10, 18 and 20 of the indictment, together with the execution thereof by his counsel, Mr. Thomas J. Simmons. The petition is received and filed.

Again, for the record, Mr. Frank L. Gregory, the Court now asks you, to the matter charged in Count 10 of this indictment, how do you now plead?

THE WITNESS: I plead guilty, sir.

THE COURT: To the matter charged in Count 18 of this indictment, how do you now plead?

THE WITNESS: I plead guilty, sir.

THE COURT: To the matter charged in Count 18 of this indictment, how do you now plead?

THE WITNESS: I plead guilty.

THE COURT: To the matter charged in Count 20 of this indictment, how do you now plead?

THE WITNESS: I plead guilty, sir.

THE COURT: You may step down.

Mr. Hirschman, what is the Government's position with respect to the other counts of this indictment, as concerns the Defendant, Frank L. Gregory?

MR. HIRSCHMAN: Your Honor, as to the Defendant Frank Gregory, the Government would consider subsequently dismissing the remaining counts as to him.

THE COURT: You speak of subsequent, you mean at such time as there is a disposition of the three counts?

MR. HIRSCHMAN: Yes, sir.

THE COURT: Where does that put us with respect to this matter on trial?

MR. HIRSCHMAN: Your Honor, the Court has

my assurance that this is the Government's purpose, and I think the Government will very well be bound by that.

THE COURT: Will you make your motion?
I will reserve ruling on it.

MR. HIRSCHMAN: The Government then, at this time, would move to dismiss as to the Defendant, Frank L. Gregory, those counts remaining in the indictment other than Count 10, Count 18 and Count 20, for the reason that, in the opinion of the Government, it would serve no good purpose to have the remaining counts on the record charging Mr. Gregory and that any punishment he would receive would probably not exceed that which would, or might well be Mr. Gregory's, should the said remaining counts be left in the record. We feel it would be in the public interest to so dismiss.

THE COURT: This motion to dismiss with respect to Defendant Gregory will be taken under advisement by the Court to be acted upon at, or near, the time of disposition.

Do you have anything further?

MR. HIRSCHMAN: As to the Defendant Gregory,

no, Your Honor, at this time.

(And this concluded the proceedings regarding the Defendant Frank L. Gregory's plea of guilty to Counts 10, 18 and 20 of indictment.)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)

VS.)

NO. IP-CR-144

HARRY R. FAWCETT,)
FRANK L. GREGORY,)
GEORGE MANUEL.)

REPORTER'S CERTIFICATE

I, Bertha L. Harrison, Official Reporter of the United States District Court, Southern District of Indiana, Indianapolis Division, do hereby certify that the foregoing 17 pages of transcript constitute a true and accurate record of the proceedings regarding the guilty plea of Frank L. Gregory on February 1, 1971 to Counts 10, 18 and 20 of indictment as recorded by me and transcribed from my original Gray Audograph recording made at the time of said proceedings.

Bertha L. Harrison

Bertha L. Harrison
Official Court Reporter

THE WHITE HOUSE

WASHINGTON

Date _____

TO: _____

FROM: David G. Wilson

ACTION:

_____ Approval/Signature

_____ Comments/Recommendations

_____ For Your Information

X File

*Gregory file in
Friedl. office*

REMARKS:

THE WHITE HOUSE
WASHINGTON

July 6, 1971

*Letter not sent
but substance related
to Mrs Gregory per phone
call of July 9 by JWD.
She was also told that
B of Prison stated her
husband was in good health.
sent prison & in good health.
JW*

Dear Mrs. Gregory:

This is to thank you and reply to your letter of June 29 concerning your husband's Petition for Executive Clemency.

You are following the correct procedure by filing a formal petition with the Pardon Attorney. However, I regret to inform you that there is very little chance that a decision could be reached on Mr. Gregory's petition before he has finished serving the remaining two months of his sentence due to the stringent administrative processing requirements for these matters.

All petitions filed with the Pardon Attorney are first thoroughly examined by that office. The court record is carefully studied and the character of the petitioner investigated to determine if he is worthy of such an extraordinary remedy. This procedure normally requires at least several months time.

After the Pardon Attorney has completed his investigation and made his recommendation, the case is reviewed again by the Attorney General. The petition and recommendations are then finally presented to the President for a decision. At each of the lower stages, great care is taken to assure that all the relevant facts are correct and every aspect of the case fully considered before the matter is brought to the attention of the President. This concern for accuracy and judicious consideration precludes any undue haste in processing petitions.

Although I realize that this above information will be of no comfort to you, I have nevertheless forwarded your letter to

Mrs. Frank L. Gregory
Page Two
July 6, 1971

Mr. Traylor so that he may be aware of the urgency of your husband's petition. I am sorry that I cannot be of more help.

With best wishes.

Sincerely,

John W. Dean, III
Counsel to the President

Mrs. Frank L. Gregory
229 Conradt Avenue
Kokomo, Indiana

July 1, 1971

Dear Miss Owen:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Miss La Rue B. Owen
1904 Mohr Drive
Kokomo, Indiana 46901

JWD:mls

July 1, 1971

Dear Miss Vogley:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Miss Marjorie L. Vogley
3330 West Sycamore Road
Kokomo, Indiana

JWD:mls

July 1, 1971

Dear Miss White:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Miss Evelyn M. White
3412 Melody Lane East
Kokomo, Indiana

JWD:mls

July 1, 1971

Dear Miss Sosbe:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Miss Debora K. Sosbe
825 North Leeds
Kokomo, Indiana 46901

JWD:mls

July 1, 1971

Dear Miss Hiatt:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Miss Ann Hiatt
506 Rainbow
Kokomo, Indiana

JWD:mls

July 2, 1971

Dear Miss Rhodes:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean, III
Counsel to the President

Miss Dorothy A. Rhodes
5501 Menomonee Drive
Kokomo, Indiana

THE WHITE HOUSE

WASHINGTON

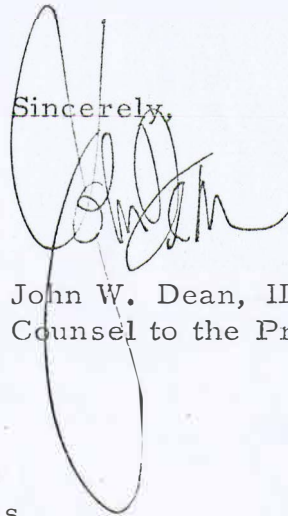
June 29, 1971

Dear Mr. Hillis:

Attached for your information is our response to Mrs. William M. Jennings, who forwarded the letters and petitions concerning Mr. Frank Gregory which you transmitted to the President. Your courtesy in bringing these items to our attention is appreciated.

With best regards.

Sincerely,

A handwritten signature in dark ink, appearing to read "John W. Dean, III". The signature is fluid and cursive, with a large loop at the end.

John W. Dean, III
Counsel to the President

Honorable Elwood Hillis
House of Representatives
Washington, D. C. 20515

Enclosure

THE WHITE HOUSE

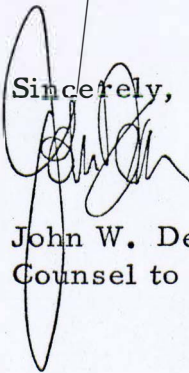
WASHINGTON

June 23, 1971

Dear Mssrs. Hilton:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,



John W. Dean III
Counsel to the President

Mr. Michael C. Hilton
Mr. C. J. Hilton
4408 Mayfield Drive
Kokomo, Indiana 46901

THE WHITE HOUSE

WASHINGTON

June 22, 1971

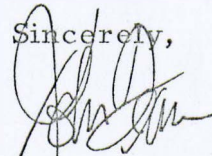
Dear Mrs. Burge:

The President has requested that I thank you and reply to your recent letter in regard to the legal proceedings against your son-in-law, Mr. Frank Gregory.

Since the case is still subject to appeal, it would be inappropriate to comment on its merits. Our policy toward petitions for executive clemency also is to consider them only after all remedies by appeal are exhausted. However, your interest and concern in bringing this matter to our attention are appreciated.

With my best regards.

Sincerely,



John W. Dean III
Counsel to the President

Mrs. W. L. Burge
206 Conradt Avenue
Kokomo, Indiana 46901

June 18, 1971

MEMORANDUM FOR: MIKE SMITH
FROM: DAVID WILSON
SUBJECT: Letters Concerning
Frank Gregory

Attached is a packet of letters to the President concerning Frank Gregory. Also attached is a form reply to the letters under John Dean's signature. Please prepare replies to all the letters which can be answered. Unlike the Calley mail, this should be the last of this correspondence.

Thank you.

THE WHITE HOUSE

WASHINGTON

June 18, 1971

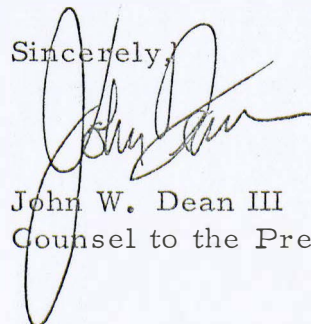
Dear Mr. Gregory:

I have for acknowledgment your recent letters to Miss Rose Mary Woods and Mr. Herbert Klein concerning your indictment and sentencing in a case involving the alleged misuse of trust funds. Both Miss Woods and Mr. Klein wish to thank you for informing them of your current problems.

The letters and petitions written on your behalf have been forwarded to the President by Congressman Hillis. Since your case is still subject to appeal, it would be inappropriate to make any comment aside from expressing appreciation to all your friends for bringing their views to our attention.

With my best regards.

Sincerely,

A handwritten signature in dark ink, appearing to read "John W. Dean III", written over the typed name and title.

John W. Dean III
Counsel to the President

Mr. Frank Gregory
229 Conradt Avenue
Kokomo, Indiana 46901

JWD-13

Mr Dean
RESTRICTED USAGE

Re: Legal proceedings against Mr. Frank Gregory

//////////, 1971

Dear /////
:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

/////
/////
/////

(Per MBS 6/19/71)

June 16, 1971

MEMORANDUM FOR:

ROSE MARY WOODS
HERBERT KLEIN

FROM:

JOHN DEAN

SUBJECT:

Frank Gregory

Attached for your information is my reply to the letters addressed to you from Frank Gregory concerning his recent indictment and sentencing for misuse of trust funds. You might be interested in learning that on rehearing the Judge reduced his sentence from one year to three months.

June 16, 1971

Dear Mrs. Jennings:

The President has requested that I acknowledge receipt and thank you for your recent letter forwarded by Congressman Hillis which enclosed correspondence and petitions concerning Mr. Frank Gregory. Your interest and concern in bringing the views of Mr. Gregory's friends to our attention are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Mrs. William M. Jennings
1001 West Broadway Street
Kokomo, Indiana 46901

JWD:jhs

June 16, 1971

Dear Mr. Gregory:

I have for acknowledgment your recent letters to Miss Rose Mary Woods and Mr. Herbert Klein concerning your indictment and sentencing in a case involving the alleged misuse of trust funds. Both Miss Woods and Mr. Klein wish to thank you for informing them of your current problems and are sorry to learn of your plight.

The letters and petitions written on your behalf have been forwarded to the President by Congressman Hillis. Since your case is still in process with appeal available, it would be inappropriate for the President to make any comment aside from expressing his appreciation to all your friends for bringing their views to his attention.

With my best regards.

Sincerely,

John W. Dean III
Counsel to the President

Mr. Frank Gregory
229 Conradt Avenue
Kokomo, Indiana 46901

GENERAL

PR 15 / 5717

June 2, 1971

Dear Congressman Hillis:

This will acknowledge receipt
from you of a number of letters
and petitions in behalf of Mr.
Frank Gregory of Kokomo, Indiana.

With kind regards,

Sincerely,

Max L. Friedersdorf
Special Assistant to
the President

Honorable Elwood Hillis
House of Representatives
Washington, D. C. 20515

MLF:nb

June 21, 1971

Dear Mr. and Mrs. Boice:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Mr. and Mrs. William D. Boice
1501 Pleasant Drive
Kokomo, Indiana 46901

MH:cjd

June 21, 1971

Dear Mr. and Mrs. Cox:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Mr. and Mrs. John Cox
2149 North Ohio
Kokomo, Indiana

MH:cjd

June 21, 1971

Dear Mr. Floyd:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Mr. Frederick C. Floyd
513 Wapew Lane
Kokomo, Indiana 46901

MH:cjd

June 21, 1971

Dear Friends:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

The Gifford Family
211 South Western Avenue
Kokomo, Indiana

MH:cjd

June 21, 1971

Dear Mrs. Gilpin:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Mrs. Roy L. Gilpin
1710 West Jefferson Street
Kokomo, Indiana 46901

MH:cjd

June 21, 1971

Dear Mrs. Henderson:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Mrs. L. R. Henderson
819 West Virginia Avenue
Kokomo, Indiana 46901

MH:cjd

June 21, 1971

Dear Mrs. Holland:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Mrs. Pat Holland
146 Couradt Avenue
Kokomo, Indiana 46901

MH:cjd

June 21, 1971

Dear Mr. and Mrs. Howe:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Mr. and Mrs. Paul Howe
Williams Road
R.R. 3
Frankfort, Indiana 46041

MH:cjd

June 21, 1971

Dear Mrs. King:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Mrs. Michael D. King
313 South Western Avenue
Kokomo, Indiana 46901

MH:cjd

June 21, 1971

Dear Mrs. Luellen:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Mrs. Nellie C. Luellen
1830 South Wabash
Kokomo, Indiana 46901

MH:cjd

June 21, 1971

Dear Dr. and Mrs. Michael:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Dr. and Mrs. Robert L. Michael
3423 C South LaFountain Street
Kokomo, Indiana 46901

MH:cjd

June 21, 1971

Dear Mr. Moore:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Mr. Herbert M. Moore
203 West Elm Street
Kokomo, Indiana 46901

MH:cjd

June 21, 1971

Dear Mr. Pierce:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Mr. Don W. Pierce
Coapstick Insurance Agency, Inc.
7 South Main Street
Frankfort, Indiana 46041

MH:cjd

June 21, 1971

Dear Mr. and Mrs. Reese:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Mr. and Mrs. Howard Reese
1914 North Waugh
Kokomo, Indiana 46901

MH:cjd

June 21, 1971

Dear Mr. Seitz:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

The Reverend Earl P. Seitz
Eastgate Christian Church
9100 East 16th Street at
Franklin Road
Indianapolis, Indiana 46219

MH:cjd

June 21, 1971

Dear Mr. and Mrs. Shaffer:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Mr. and Mrs. Bob Shaffer
145 South Western
Kokomo, Indiana 46901

MH:cjd

June 21, 1971

Dear Mr. Shean:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Mr. Alfred H. Shean
122 West Markland Avenue
Bokomo, Indiana 46901

MH:cjd

June 21, 1971

Dear Mr. and Mrs. Watts:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Mr. and Mrs. Tim J. Watts
2923 East 34th Street
Minneapolis, Minnesota 55406

MH:cjd

June 21, 1971

Dear Mrs. White:

Your views in regard to the legal proceedings against Mr. Frank Gregory have been brought to the attention of the President, who has requested that I acknowledge receipt and thank you. The interest and concern which you have expressed in this matter are appreciated.

Sincerely,

John W. Dean III
Counsel to the President

Mrs. Floyd White
RR 1
Greentown, Indiana 46936

MH:cjd