

## Perry Edward Smith inmate case file

### Section 17, Pages 481 - 510

The Kansas State Penitentiary case file on Perry Edward Smith, inmate number 14747. Smith and his accomplice, Richard Hickock, were convicted of first degree murder for the brutal 1959 killings of Herb and Bonnie Clutter, their daughter, Nancy, and son, Kenyon, in Holcomb, Kansas. The murders inspired the non-fiction novel "In Cold Blood" by Truman Capote. Smith was executed by hanging on April 14, 1965. Please note that some images have been removed in accordance with K.S.A. 45-221(a)(29) and have been labeled with pages indicating their removal.

Creator: Kansas State Penitentiary

Date: 1959 - 1965

Callnumber: State Penitentiary, Inmate Files, Executed Prisoners, Box 1

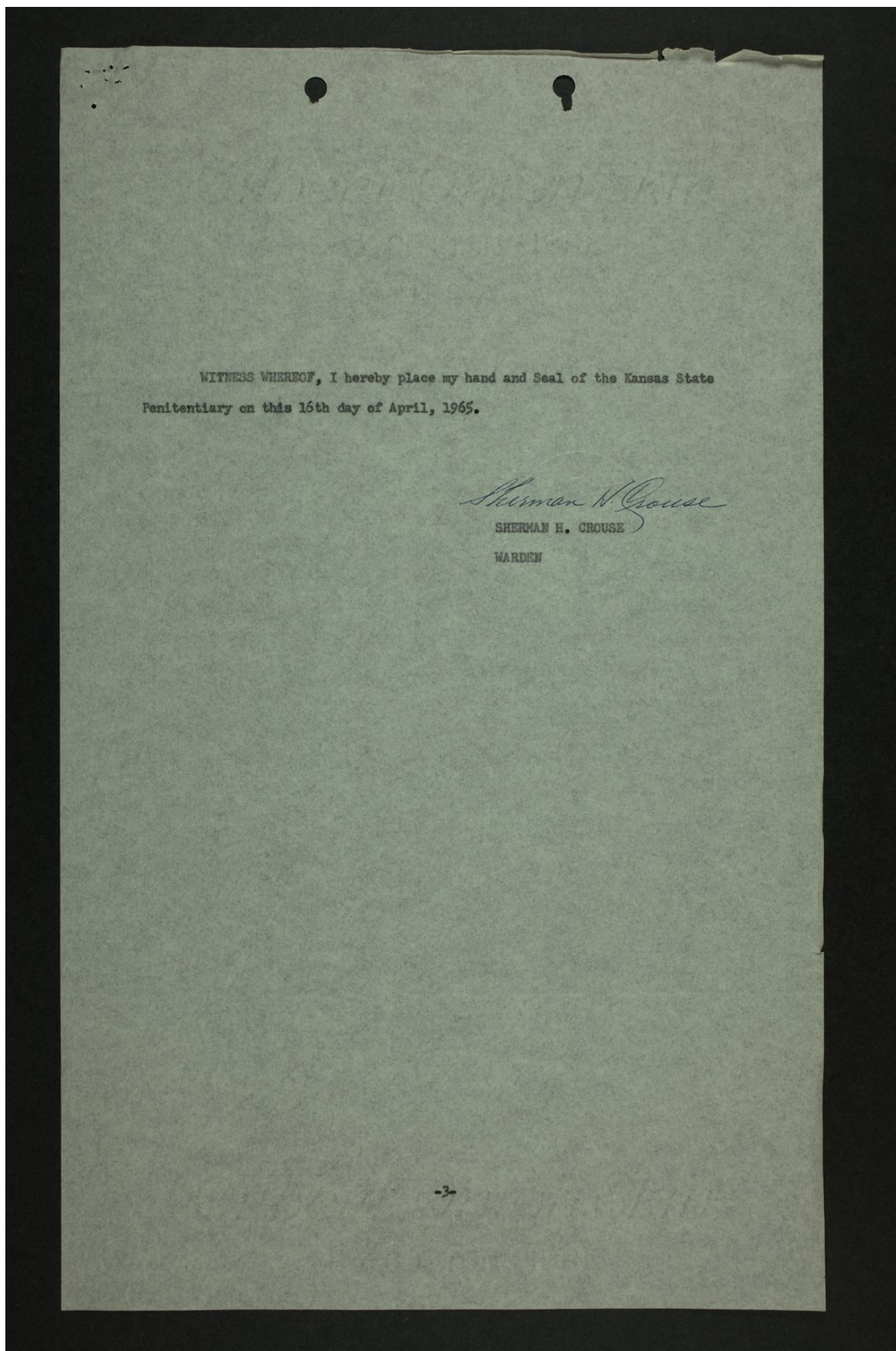
KSHS Identifier: DaRT ID: 208964

Item Identifier: 208964

[www.kansasmemory.org/item/208964](http://www.kansasmemory.org/item/208964)

KANSAS  
HISTORICAL  
SOCIETY

## Perry Edward Smith inmate case file



## Perry Edward Smith inmate case file

STATE OF KANSAS  
WILLIAM H. AVERY, Governor

S. H. CROUSE  
Warden  
Area Code: 913 - Parkview 7-3235



KANSAS STATE PENITENTIARY  
P. O. Box 2  
Lansing, Kansas 66043

RECEIVED  
MAR 31 1965  
OFFICE OF THE GOVERNOR

March 30, 1965

Mr. P.A. Townsend  
Pardon & Parole Attorney  
State House  
Topeka, Kansas

RE: HICKOCK, Richard Eugene - K.S.P. # 14746  
SMITH, Perry Edward - K.S.P. # 14747

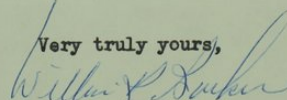
Dear Sir:

I have this date mailed by Certified Letters to the Honorable Bert J. Vance, Judge of the Finney County District Court at Garden City, Kansas, and to Mr. Daniel J. High, County Attorney of Finney County, Garden City, Kansas the proper Notices that the two (2) above named subjects have made application to the Governor for Executive Clemency, and that reply thereto should be made direct to your office.

I have also been informed by Mr. Joe Jenkins, the Attorney for these inmates, that the proper advertisements have been taken care of by his office as per the attached schedules.

The Board of Probation & Parole are also being advised of these facts and the regular is being followed on clemency applications.

Very truly yours,



William R. Barker  
Record Clerk

Encl: Schedules & Statement  
of application for  
Clemency.

CC: Mr. Charles D. McAtee, Director of Penal Institutions  
Mr. W.C. Henry, Director of Probation & Parole  
WRB/ab





## Perry Edward Smith inmate case file

KSP No. 177-C

SPECIAL CASE

KANSAS STATE PENITENTIARY  
Lansing, Kansas

SPECIAL CASE

### CLEMENCY PROGRESS REPORT

Name: SMITH, Perry Edward Reg. No. 14747 APRIL 196 5 CLEMENCY BOARD

OFFENSE: MURDER 1st. DEGREE 4-COUNTS CONCURRENT

TERM: HANG PLACE: Finney County Kansas

DATE SENTENCED: APRIL 4, 1960 DATE RECEIVED: APRIL 5, 1960

TIME; - MIN: HANG Max: HANG CR (or NET MAX): HANG

TIME SERVED: - 5 YEARS, 0 MONTHS AND 25 DAYS

PRIOR CLEMENCY APPLICATIONS: 2nd. Application for Executive Clemency  
PAST DENIED - JULY 28, 1960

NOTE: Subject has advertised in the GARDEN CITY TELEGRAM

NOTE: No other reports are submitted due to subjects DEATH ROW STATUS

DATE PREPARED:  
March 30, 1965

PREPARED BY:  
WRB:ock

*April 6, 1965  
Prisoner interviewed  
By Board &  
Counsel atty.  
in their presence  
re new hearing  
April 12, 1965 - in office*

*William R. Barker*  
WILLIAM R. BARKER, Record Clerk

## Perry Edward Smith inmate case file

KSP 179

t/a  
4-19-60

KANSAS STATE PENITENTIARY  
Lansing, Kansas

### ADMISSION CLASSIFICATION SUMMARY

Committed Name:	SMITH, Perry Edward	Register Number	14747
True Name:	(As Committed)	Age:	31
Alias:	Bob Henry Turner	Color:	White
Place of Birth:	Elko, Nevada	Birthdate:	10-27-28
Offense:	Murder 1st, 4 counts Conc.	Sentenced:	4-4-60
Term:	Hang	Received:	4-5-60
County:	Finney	Minimum:	XXXXXX
Parole Eligibility:		Maximum:	5-13-60
G. T. Release Date:			

Place	Name & Number	Offense	Disposition
	F.B.I. Report Number	975 887 B	
6-13-52, SO, Tacoma, Wash.,	Perry Edward Smith # 5651	Ct. 1 reckless driv ot 2 resist arrest:	
7-5-55, PD, St. Joseph, Missouri	Perry Edward Smith # 14325	SW GL	Rel to Sheriff Phillipsburg, Kans
11-23-55, PD, Worcester, Mass.,	Bob Henry Turner # 11955	Vag VMVL	12-2-55 \$10 pd
1-15-45, Comm 12th ND.,	Perry Edward Smith # 12281224-012-1	Applicant	
5-21-45, PMG, Army	Perry Edward Smith # 109-SEP-4	Applicant	
4-10-47, Interior Div of Territories & Island Possessions Wash., D.C.,	Perry Edward Smith # 30073-ARR		
9-11-47, PMG, Army	Perry Edward Smith # Code KCS	Applicant	
6-3-48, Comm, 13th ND.,	Perry Edward Smith # En-3-10	Grt Rec:	
10-8-48, CSC-A	Perry Edward Smith # 11-49-6024		
11-19-48, Army	Perry Edward Smith # RA-10730139	Fort Richardson, Alaska	
2-24-56, USM, NY., NY.,	Perry E. Smith # - - - -	Unlawful flight to avoid prosecution	





## Perry Edward Smith inmate case file

KSP No. 264  
4-19-60

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KANSAS STATE PENITENTIARY  
Lansing, Kansas

SMITH, Perry E.  
CLASSIFICATION STUDY

14747

Committed Name:

Register No.

2-24-56, Fed Det. Hdqtrs, NY 14, NY.,	Perry Edward Smith # H-6157	Unlaw flight (Burglary)	dkm & to New York City Police
2-23-56, FBI, NY, NY.,	Perry Edward Smith # 88-NEW	UFAP-Burglary	remanded custody of USM SD, NY., 2-24-56 lieu of \$2500 bond:
3-7-56, PD, NY, NY.,	Perry E. Smith # B-371519	Warrant FOA (Burglary)	
3-14-56, SP, Lansing, Kansas	Perry Smith # 12649	Burglary 2nd Ct. 3 GL Ct-2, brk J1 Ct-3(All Conc)	5-10 yrs:(GL 1-5, Brk J1 1-2)(All Concurrently) Cond rel on chg of Burglary 2nd 7-6-59
12-30-59, PD, Las Vegas, Nev.,	Perry Edward Smith # M-31878	Fugitive Kansas	
1-71-60, PD, Garden City, Kans.	Perry Edward Smith # 3-11729 # 19720	4 ctd 1st deg murder	
4-5-60, SP, Lansing, Kansas	Perry Edward Smith # 14747	Murder 1st Degree 4 counts conc.	Hang



## Perry Edward Smith inmate case file

KSP No. 264

t/s  
4-19-60

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KANSAS STATE PENITENTIARY  
Lansing, Kansas

### CLASSIFICATION STUDY

Committed Name: SMITH, Perry Edward Register No. 14747

DETAINEES: None

CO-DEFENDANTS: # 14746, Richard Eugene Hickock

PRIOR INSTITUTIONAL RECORD: # 12649, Kansas State Penitentiary, Lansing, Kansas:

ESCAPES: 1956, Phillips County Jail, Kansas:

CIRCUMSTANCES OF OFFENSE: Case No: 2322  
Judge: Roland H. Tate  
County Attorney: Duane E. West  
Defense Attorney: Harrison Smith

#### Count I

"..... On or about the 15th day of November, 1959, in said County of Finney, and the State of Kansas, one Richard Eugene Hickock and one Perry Edward Smith, then and there being, did then and there unlawfully, feloniously, willfully, and with deliberation and premeditation, and while being engaged in the perpetration of a felony, kill and take the life of Herbert W. Clutter: Contrary to the form of the Statutes in such cases made and provided, and against the peace and dignity of the State of Kansas."

#### Count II

"..... On or about the 15th day of November, 1959, in said County of Finney, and the State of Kansas, one Richard Eugene Hickock, and one Perry Edward Smith, then and there being, did then and there unlawfully, feloniously, willfully, and with deliberation and premeditation, and while being engaged in the perpetration of a felony, kill and take the life of Bonnie Mae Clutter: Contrary to the form of the Statutes in such cases made and provided, and against the peace and dignity of the State of Kansas."

#### Count III

"..... On or about the 15th day of November, 1959, in said County of Finney, and the State of Kansas, one Richard Eugene Hickock, and one Perry Edward Smith, then and there being, did then and there unlawfully, feloniously, willfully, and with deliberation and premeditation, and while being engaged in the perpetration of a felony, kill and take the life of Nancy Mae Clutter: Contrary to the form of the Statutes in such cases made and provided, and against the peace and dignity of the State of Kansas."

#### Count IV

"..... On or about the 15th day of November, 1959, in said County of Finney, and the State of Kansas, one Richard Eugene Hickock, and one Perry Edward Smith, then and there being, did then and there unlawfully, feloniously, willfully, and with deliberation and premeditation, and while being engaged in the perpetration of a felony, kill and take the life of Kenyon Neal Clutter: Contrary to the form of the Statutes in such cases made and provided, and against the peace and dignity of the State of Kansas."





## Perry Edward Smith inmate case file

KSP No. 264

t/a  
4-19-60

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KANSAS STATE PENITENTIARY  
Lansing, Kansas

### CLASSIFICATION STUDY

Committed Name: SMITH, Perry Edward Register No. 14747

#### COUNTY OFFICIAL'S STATEMENT:

None

#### INMATE'S VERSION:

Subject stated he doesn't want to put anything down..s/ Chet Moorehead, Inmate Class. Officer

#### DEFENSE ATTORNEY:

No statement.

#### ADMISSION & ORIENTATION REPORT:

Not available.

#### SOCIAL HISTORY:

Family Background Father: Tex John Smith, age 66, last known place of residence Reno, Nevada..V. Is a trapper and prospector by trade and occupation, no previous marriages and no known arrests..V.  
Mother: Florence Julia Smith, died in 1948 at the age of 50..V. Had no prior marriages and no known arrests..V.

#### PARENTAL HOME:

Subject came from a home of below average economical circumstances, family frequently moving from one locale to another..V. During subject's childhood family had no permanent home and they had to seek welfare assistance often..V. Parents divorced when he was quite young, mother getting custody of the three older children, subject remaining with father..V. It is reported that subject and father were not on a congenial basis during subject's formative years..V.

#### SIBLINGS:

1. Dorothy Marchant	Age 33	Albuquerque, N.M.	Sis..V.
2. Subject	31	KSP	

#### PERSONAL HISTORY:

This 31 year old, Protestant, white male was born Oct. 27, 1928 in Elko, Nev., youngest of four children, two deceased..V. His birth was normal and subject has been healthy all his life..V. Subject was raised in rural areas under marginal circumstances and never had the usual childhood advantages..V. Home was never a stable one and father never provided an adequate living..V.

Subject began school at the age of 6, did not make a good adjustment and quit school in the 10th grade to join the Merchant Marines..V. Subject was raised by his father after the parents divorced and evidently father was an inadequate parent in as much as proper training and guidance during formative years was concerned..V.

Subject spent two years in the Merchant Marines and after leaving there enlisted in the Army and was discharged in 1952 after about 4 years service..NV. From 1944 until his enlistment in the





## Perry Edward Smith inmate case file

KSP No. 264

mh  
5-16-60

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KANSAS STATE PENITENTIARY  
Lansing, Kansas

CLASSIFICATION STUDY

Committed Name: SMITH, Perry Edward Register No. 14747

PERSONAL HISTORY: (cont'd)

Army in 1948 subject worked in Alaska..V Due to two motorcycle accidents subject was hospitalized nearly two years. From 1954 to 1955 subject worked as a trucker in Billingham, Wash..V. Subject made friends easily and found employment readily..V. He returned to his home town of Elko, Nev. in 1955 and he and a friend burglarized a sales-barn, 1955..V. They were apprehended and later escaped from the County Jail and later recaptured in New York state..V He has a prior term in this institution, being committed in 1956 on burglary charge and given a conditional release July 6, 1959..V. He was later involved in the current offense with Hickock, #14746, and is presently under a death sentence..V.

RESOURCES:

States he has no funds, owns no property and has no debts..NV

EMPLOYMENT & OCCUPATIONAL RECORD:

Subject lists no employment record, however, records show he worked as a truck driver, among other jobs..V.

MARITAL HISTORY:

Has never married..NV

MILITARY HISTORY:

Enlisted in the Army in 1948 and was honorably discharged in 1952..NV

MEDICAL HISTORY:

Subject is a 31 year old, white male 64" in height, weighing 160 lbs., of short build and fair complexion. Fracture of left acetabular joint and left humerus, 1952. Right tibia fractured in 1953, also skull fracture. Was shot in left lateral part of chest while in Korea. He has no physical complaints, however, he has only 50% use of his left leg. Serology - reactive.

EDUCATIONAL HISTORY:

Quit school in the 10th grade to enter Merchant Marines..no institutional data available...

RELIGIOUS HISTORY:

States he is Protestant.

IMPRESSION:

A wanton antisocial who planned a crime while confined in the institution that resulted in wholesale murder. Subject is dangerous and capable of any commission that will accomplish his desires.


PROGNOSIS:

The sentence imposed makes prognostication uncertain.

CWM/mh

## Perry Edward Smith inmate case file

STATE OF KANSAS  
WILLIAM H. AVERY, Governor



RECEIVED  
APR 1 1965  
OFFICE OF THE GOVERNOR

S. H. CROUSE  
Warden  
Area Code: 913 - Parkview 7-3235

KANSAS STATE PENITENTIARY  
P. O. Box 2  
Lansing, Kansas 66043

March 30, 1965

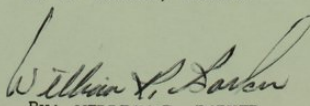
Judge : Bert J. Vance  
County Attorney: Daniel J. High

Dear Sir:

This is to inform you that Perry Edward SMITH - K.S.P. # 14747  
sentenced 4-4-60 , received 4-5-60  
from Finney County, to a term of TO HANG  
years for the crime of Murder 1st Degree & Counts Concurrent.  
will apply to the Governor at his office in Topeka, Kansas, for  
Executive Clemency on date of April 29, 1965.

Complying with the requirements of the law, I am writing, asking  
what recommendations or objections, if any, you have to make in this  
case. Please use this form for your reply.

Respectfully,  
S. H. Crouse, Warden

  
By: WILLIAM R. BARKER  
Record Clerk

Note: Make your reply direct to the Governor's Office in Topeka, Kansas

(KSP No. 172)



## Perry Edward Smith inmate case file

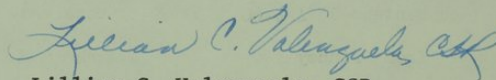
Garden City, Kansas  
March 31, 1965

Honorable William H. Avery  
Governor of Kansas  
Topeka, Kansas

Dear Governor Avery:

Judge Vance is out of the office for a few days but I have talked to him by telephone and he has asked me to advise you that any recommendation for clemency for Perry Edward Smith would be unfavorable.

Very truly yours,



Lillian C. Valenzuela, CSR  
Reporter

## Perry Edward Smith inmate case file

EXECUTIVE OFFICE  
STATE OF KANSAS  
TOPEKA

WM. H. AVERY  
GOVERNOR

March 30, 1965

Mr. Robert H. Bingham  
Attorney at Law  
Minnesota at Fifth  
Kansas City, Kansas

Re: Perry Edward Smith

Dear Mr. Bingham:

It is my understanding that you desire to make application on behalf of Perry Edward Smith for Executive Clemency. If this be true, it is requested that you submit your application to this office on or before April 5, 1965. Immediately upon receipt of that application in this office, it will be referred to the Board for investigation and report as provided by K.S.A. 62-2216.

In accordance with established procedures, I am setting a hearing at the prison with Mr. Smith for April 6, 1965, at which time the Board and I will hear anything that he may have to say or present. If you desire to be present, I am affording you that opportunity.

I am further setting aside April 12, 1965, for a hearing in this office at which time you will be afforded an opportunity to present any other matters in connection with the application that you may choose. At the conclusion of the hearing on April 12, 1965, if the Governor, based upon the report of the Board and recommendations that I shall make, is disposed to consider your application



## Perry Edward Smith inmate case file

-2-

favorably, then a reprieve will be granted for a sufficient length of time to permit notice to the trial judge and prosecuting attorney of the county in which the conviction had, together with the required publication of notice.

This procedure will grant your client the privilege of a full clemency hearing together with every opportunity to present all matters, that are pertinent, and material to the application.

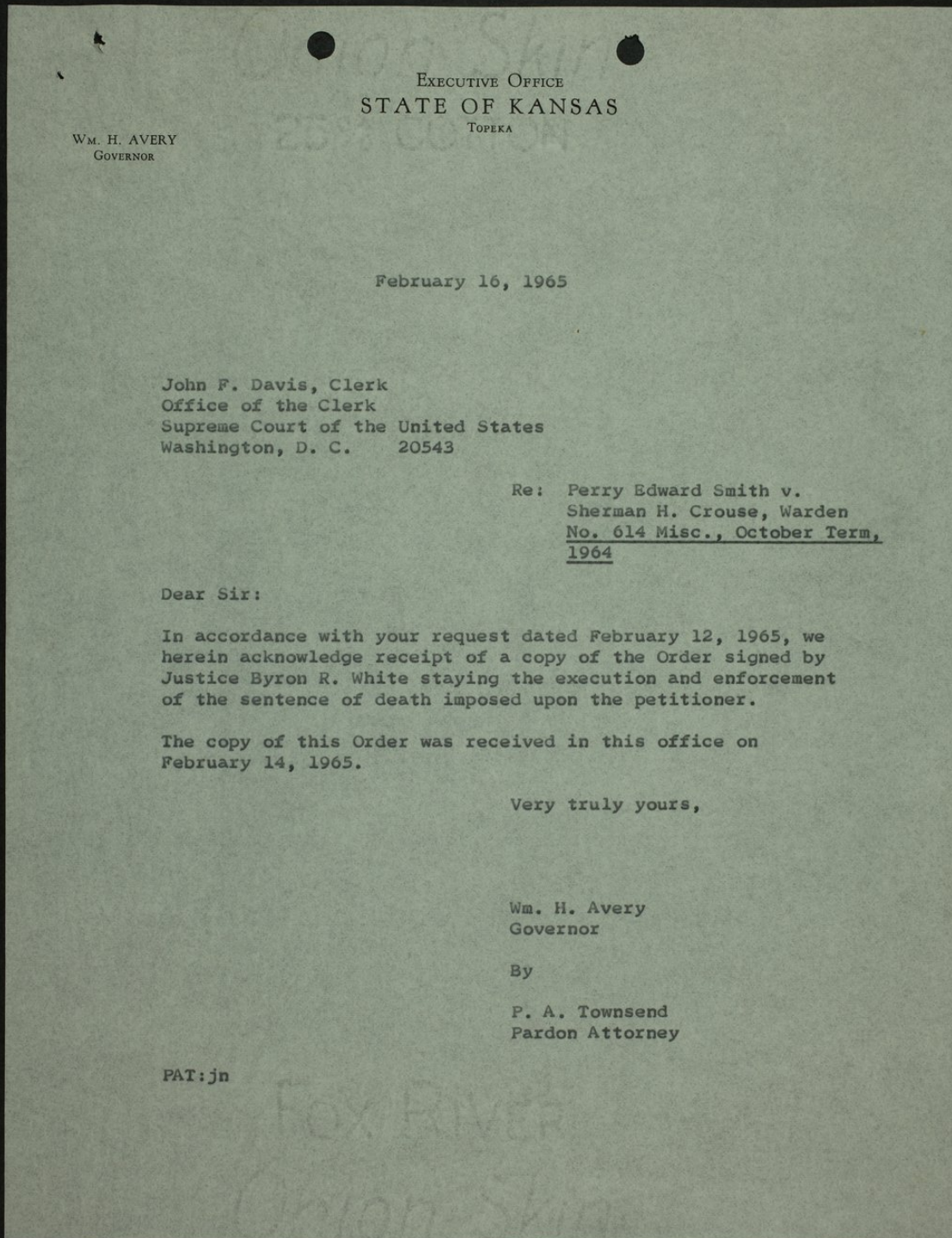
Yours truly,

P. A. TOWNSEND  
Pardon Attorney

PAT:jn

cc: Mr. Perry Edward Smith  
Board of Probation and Parol  
Mr. William Barker, Records Clerk

## Perry Edward Smith inmate case file





## Perry Edward Smith inmate case file

<p><b>CLASS OF SERVICE</b> This is a fast message unless its deferred character is indicated by the proper symbol.</p>	<h3>WESTERN UNION</h3> <h3>TELEGRAM</h3> <p>W. P. MARSHALL, PRESIDENT</p>	<p><b>SYMBOLS</b> DL=Day Letter NL=Night Letter LT=International Letter Telegram</p>
<p>The filing time shown in the date line on domestic telegrams is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination.</p>		
<p>KA227 RA217 WF177 (38)</p>		
<p>WW NFA120 XV GOVT PD=NF WASHINGTON DC 12 436P EST=</p>		
<p>THE HON JOHN ANDERSON JR, GOVERNOR OF KANSAS</p>		
<p>TOPEKA KANS=</p>		
<p>JUSTICE WHITE TODAY STAYED EXECUTION OF PERRY EDWARD SMITH CERTIFIED COPY ORDER IN MAIL. KINDLY WIRE RECEIPT THIS TELEGRAM=</p>		
<p>JOHN F DAVIS CLERK=</p>		
<p style="text-align: right;">RECEIVED FEB 12 1965 OFFICE OF THE GOVERNOR</p>		
<p>THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE</p>		

## Perry Edward Smith inmate case file

OFFICE OF THE CLERK  
SUPREME COURT OF THE UNITED STATES  
WASHINGTON, D. C. 20543

February 12, 1965

RECEIVED  
FEB 14 1965

OFFICE OF THE GOVERNOR

The Honorable John Anderson, Jr.  
Governor of Kansas  
Topeka, Kansas

RE: PERRY EDWARD SMITH v.  
SHERMAN H. CROUSE, WARDEN  
No. 614 Misc., October Term, 1964

Dear Sir:

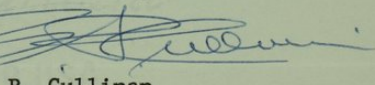
Confirming my wire of today's date, I enclose  
a certified copy of the order signed today by Mr.  
Justice White, staying the execution of Perry Edward  
Smith.

Kindly acknowledge receipt of this order.

Very truly yours,

JOHN F. DAVIS, Clerk

By

  
E. P. Cullinan  
Chief Deputy

EPC:jmh  
Enclosure

AIR MAIL





Supreme Court of the United States

No. 614 Misc. , October Term, 19 64

PERRY EDWARD SMITH,

Petitioner,

vs.

SHERMAN H. CROUSE, WARDEN

O R D E R

UPON CONSIDERATION of the application of counsel for  
the petitioner,

IT IS ORDERED that the execution and enforcement of  
the sentence of death imposed upon the petitioner be, and the  
same is hereby, stayed pending this Court's consideration and  
decision on the petition for rehearing in the above-captioned  
case. Should the petition for rehearing be denied, then this  
stay is to terminate automatically. In the event the petition  
for rehearing is granted, then this stay is to continue pending  
the issuance of the mandate of this Court.

S/ BYRON R. WHITE  
Associate Justice of the Supreme  
Court of the United States.

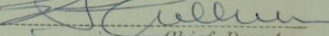
Dated this 12th  
day of February, 1965.

A true copy JOHN F. DAVIS

Test:

Clerk of the Supreme Court of the United States

BY

  
Chief Deputy

## Perry Edward Smith inmate case file

EXECUTIVE OFFICE  
STATE OF KANSAS  
TOPEKA

JOHN ANDERSON, JR.  
GOVERNOR

December 4, 1963

H. L. Austin  
Rural Route 1  
South Haven, Kansas

Dear Mr. Austin:

Governor Anderson has requested me to reply to your letter of November 11 with reference to the Clutter case.

It is difficult for laymen to understand the delays which have occurred in carrying out the death sentences in this case.

As you know, the Constitution gives anyone accused of a criminal offense, the right to a fair and impartial trial. They men were tried in the District Court of Finney County and were found guilty of Murder. They appealed the sentence to the State Supreme Court and the sentences were affirmed. They then attempted to appeal to the United States Supreme Court. In the meantime, they filed a petition for a Writ of Habeas Corpus in the United States District Court claiming in substance that they had not been given a fair trial. This matter came on for hearing before Judge Templar who carefully reviewed their contention and found that they had had a fair trial and refused to grant a new trial.

I understand that the attorneys for the defendants are seeking to appeal that decision to the Tenth Circuit Court of Appeals. The State, through the Attorney General's office, is doing all it can to expeditiously handle these matters.

Under our present criminal laws, however, these delays cannot be unexpected. I have every reason to believe, however, that the sentences will be carried out.





## Perry Edward Smith inmate case file

H. L. Austin  
December 4, 1963  
Page Two

Governor Anderson and I appreciate your interest in  
this case and your letter will be placed in the inmates'  
files for future reference.

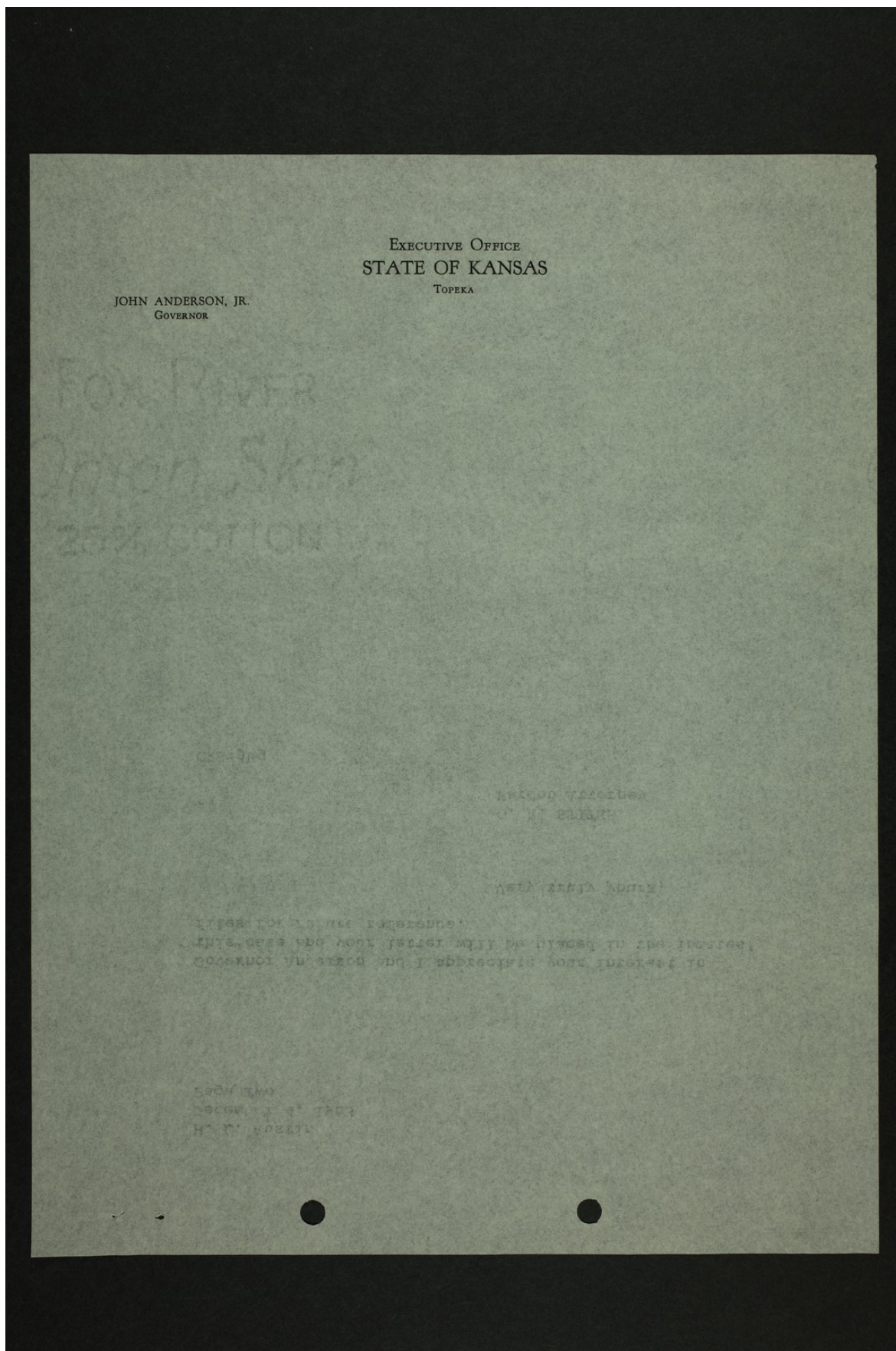
Very truly yours,

O. R. STITES  
Pardon Attorney

ORS:jkg

GOVERNOR  
HON. ANDERSON JR.

STATE OF KANSAS  
EXECUTIVE OFFICE







## Perry Edward Smith inmate case file

South Haven Kansas  
November 11 1963

RECEIVED  
NOV 13 1963

Hon John Anderson Jr.  
Governor of Kansas.

Re: the Clutter murderers.

Dear Governor:

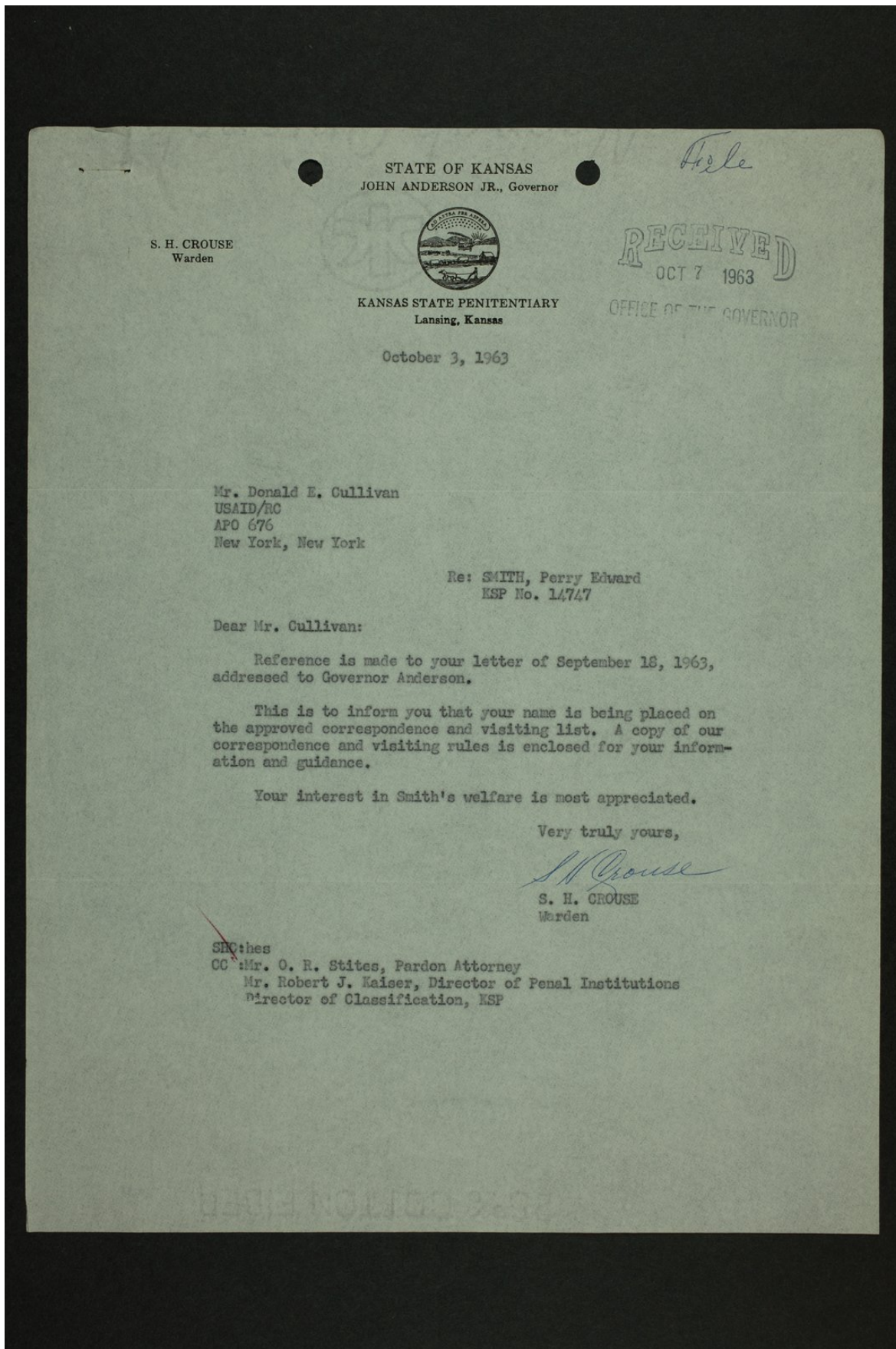
Would you please tell me why we taxpayers are still paying out thousands of dollars to keep these men from being disposed of? I am not blood-thirsty, and dislike the death penalty, and think it is too good for these men. All news media have reported that they confessed to the crime and the evidence corroborated their confession. There seems to be no sensible reason why they should not have been executed or sent to work in the mines for life within three months after their apprehension. Lets dispose of the case and quit spending our money on such unworthy characters!

Sincerely

*Herbert L. Austin*

Herbert L Austin

## Perry Edward Smith inmate case file





## Perry Edward Smith inmate case file

File. In reply - anonymous letter) 1963  
 Dear Governor John Anderson  
 Topeka / Kansas  
 How many more trials are  
 they going to give that Smith and  
 Hickock the public in general and  
 Phiney Co here are really fed up  
 on it as they admitted the crime  
 in killing the Clutters and I was  
 well acquainted with the family and  
 seems more crime has & will be  
 done after letting fellows like that get  
 by and it will also be more & more and  
 they will just take over these criminals  
 which will not be safe for anyone as  
 its getting worse all the time as  
 the justice & honesty seems to be out  
 of the book and its all done for the money  
 they get out of it, they should of been  
 hanged the next day. what do they think  
 of that poor father, brother & sister

## Perry Edward Smith inmate case file

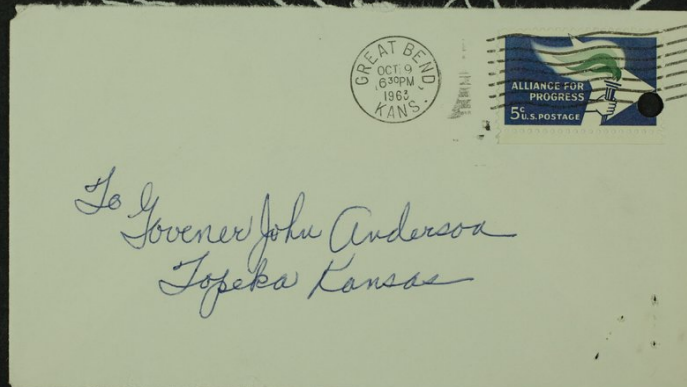
as such a brutal crime I attended  
the funeral which was one of the  
saddest I've ever seen, and  
such brutes still at large.  
I believe in capital punishment  
as all such deeds committed are  
not fit to live & don't want to work  
only steal & kill; but seems they  
get by, what's wrong. they are put  
in prison for certain length  
of time then let them out after  
so long and they are right back  
in there old track & they know  
nothing will be done. I say give all  
these criminal the works as  
that's all they are good for  
put them where they cannot get  
away & buried for ever.  
and just how would these lawyers  
like to have there families taken  
out in such away and as cruel as



## Perry Edward Smith inmate case file

they were to poke a knife down  
Herbert's throat and tie up the  
others, such low down characters  
are just not fit to live only hang  
and since that happened we  
everybody is living in fear  
as nothing is done.

## Perry Edward Smith inmate case file





## Perry Edward Smith inmate case file

September 25, 1963

Donald E. Cullivan  
USAID/RC  
A.P.O. 676  
New York, New York.

Re: PERRY E. SMITH  
K. S. P.

Dear Mr. Cullivan:

Your request of September 18, to be placed on the mailing list of Perry E. Smith, has been referred to Robert J. Kaiser, Director of Penal Institutions.

Mr. Kaiser will take such action on your request as he deems proper.

Very truly yours,

O.R. STIFES  
Pardon Attorney

ORS:jkg

cc: Robert J. Kaiser





## Perry Edward Smith inmate case file

RECEIVED  
SEP 23 1963

OFFICE OF THE GOVERNOR

DONALD E. CULLIVAN  
USAID / RC  
APO 676  
NEW YORK, N.Y.

SEPTEMBER 18, 1963

Dear Governor Anderson:

Although I do not live in your state I would like to place before you for your consideration the following petition:

"That as an act of kindness, the name of Donald Cullivan be added to the authorized mailing list for state prisoner Perry E. Smith, now awaiting execution at the state penitentiary in Lansing, Kansas."

Following is a brief account of my reasons for making this request.

I first met Perry when we were in an army engineering unit together at Fort Lewis, Washington. We served together for about three months and we enjoyed a casual friendship. In 1960 I was working as a consulting engineer in Boston, Mass., when I read about Perry and the crime he had committed.

I wrote him while he was awaiting trial at Garden City and we exchanged letters for a month or so before the trial. I then received a letter from Perry's lawyer asking me to appear at the trial as a "character" witness. He advised me that there were no funds to pay for the trip but I went to Kansas using my own money. My appearance on the witness stand was about as brief and as futile as I expected it would be.

However, during my 3 days in Garden City I had several long talks with Perry which solidified our friendship. Following his conviction I returned to Boston and he was taken to Lansing to await execution. Perry was allowed to send me a Christmas card last year but my letters to him are returned to me.

I am now living in Recife, Brazil, working as a water supply engineer for the "Aliance for Progress".





## Perry Edward Smith inmate case file

(2)

Because of this I am almost completely out of touch with news about Perry and about his series of appeals.

I have no illusions about Perry's guilt and I am all too well aware of the horrible nature of this crime. But he is still a human being, and, in many ways, a remarkably gifted one, as well. He was a man without a friend when I first wrote to him over three years ago. If you will permit it, I would like to renew that friendship now by being permitted to write him.

Sincerely,

Donald E. Sullivan

## Perry Edward Smith inmate case file

November 15, 1962

Mr. O. E. Bonecutter  
1500 Homestead  
Wichita 8, Kansas

Dear Mr. Bonecutter:

Reference is made to your letter dated November 2, 1962, addressed to the Governor, concerning the stay of execution which had been granted Perry Edward Smith.

In answer to your first question, Judge Stanley does have the power to stay this execution, not as long as he sees fit, but as long as there are legal avenues of appeal and review open to be pursued. In this case, all such avenues of appeal and review which are inherent in the American system of justice have not been exhausted. Until they have been exhausted, the judgment of the jury cannot be carried out. These rights of appeal and review, granted by the Constitution, Federal and State law, are equally applicable to the guilty as well as the innocent.

In answer to your question as to whether Judge Stanley is elected or appointed, please be advised that Federal District Judges are appointed by the President of the United States for a term of life. The Federal District of Kansas includes the entire State of Kansas.

Very truly yours,

CHARLES D. McATEE  
Pardon Attorney

CDM:srr



## Perry Edward Smith inmate case file

### Writ Hearing Delayed for Clutter Killer

KANSAS CITY, Kan. (AP)—Hearing on the application by Perry Edward Smith for a writ of habeas corpus was postponed Tuesday by U.S. Dist. Judge Arthur J. Stanley Jr.

A stay of execution granted Smith last Tuesday by Judge Stanley, 37½ hours before Smith's scheduled hanging, will remain in effect.

Smith, 33, and Richard Eugene Hickok were convicted of murdering four members of the Herbert Clutter family near Garden City, Kan., in 1959.

O. E. BONECUTTER  
1500 HOMESTEAD  
WICHITA 8, KANSAS

11-2-62

John Anderson  
House

RECEIVED  
NOV 5 1962

OFFICE OF THE GOVERNOR

10 p.m., Kansas

Dear Sir:-

Does Judge Stanley have  
it in his power to stay this  
execution as long as he sees  
fit?

Is Judge Stanley elected to  
his position or appointed?

If appointed who appointed  
him?

If elected what district is  
he elected from?

Will appreciate an answer to  
these questions. O. E. Boncutter