Buddy Fallis

As a prosecutor for Tulsa County he has taken some of the most notorious criminals to court.

Chapter 01 – 1:18
Introduction

Announcer: S.M. "Buddy" Fallis graduated from the University of Tulsa law school in 1960 and went on to become the Assistant Tulsa County Attorney in that same year. He was appointed the chief prosecutor in 1964, and elected Tulsa District Attorney in 1967 , holding that office for fourteen years.

Buddy Fallis prosecuted over 70 jury trials which included several high profile trials. He tried and convicted those who were responsible for the bombing of a Tulsa county District court judge's automobile.

In March of 1977 two Tulsa women were kidnapped in a failed extortion plot. Fallis was the prosecutor in the trial which led to a conviction.

The case of the Girl Scout murders in June, 1977 near Locust Grove, Oklahoma was prosecuted by Buddy Fallis in Mayes Country.

After leaving the District Attorney's office Buddy turned to private law practice while teaching as an adjunct professor at the University of Tulsa School of Law and Oral Roberts University law school. He also lectured for the National college of District Attorneys.

The University of Tulsa College of Hall of Fame honored Buddy Fallis with its life time achievement award in 2012.

And now on the oral history website *VoicesofOklahoma.com* former Tulsa District Attorney Buddy Fallis talks about his life story and the very interesting people he prosecuted.

Chapter 02 – 7:10
Selling Fish

John Erling: Today's date is February 16, 2011. My name is John Erling.

Buddy, will you state your full name, please? Your date of birth and your present age?

Buddy Fallis: Yes, it's S. M., my real name is Savier, S-a-v-i-e-r, Moreland Fallis Jr., that became Buddy because my sister could not pronounce or remember that name. So most people know me as Buddy, or S. M. Fallis Jr. I am seventy-six years of age; I was born December 19, 1934.

JE: Where are we recording this interview?

BF: This is the Fidore Law Office, which actually was City Hall beginning in 1917 for the city of Tulsa. It's where I office and where I have officed since I left the prosecution area of law. I guess I've been in this building now for thirty years, maybe.

JE: We should point out that this was officially known as the Tulsa Municipal building at 4th and Cincinnati. Actually, the architectural firm of Rush, Endicott, and Rush were asked to design and construction the building to house the city government of Tulsa.

BF: That is correct.

JE: As a matter of fact, that firm also is responsible for the National Bank building and the Boston Avenue Methodist Church.

BF: Oh yes.

JE: The architect for this building. The city government remained in this building from 1917 until 1969.

BF: Yes, they moved to what was called the new building then, I guess we technically right now on this date have three buildings they refer to as City Hall. I call this the old, old City Hall. Then we have the old City Hall, by the Tulsa County Courthouse, and then we have the new City Hall, which is the building there at Cincinnati and I believe 2nd Street.

JE: Right. And in 1975, this building, the Tulsa Municipal building, was added to the National Registry of Historic Places because of its obvious significance as the long-time seat of city government.

Did you have any work in this building early on? You have a remembrance of this building.

BF: Yes, oh yes. As a young man in junior high school all up through high school I was fortunate to be employed by the City of Tulsa Park Department. We lived right across from Archer Park, that's where I grew up. The park had a softball diamond, softball was quite an organized sport for various leagues back in that time. They played three games at night under the lights, this type of thing. So I first had a job as what I would call the "shag boy," meaning if a foul ball was hit over the fence or a homerun occurred I'm supposed to run out and try to bring the ball back. Because I guess their budget wouldn't allow them to lose the ball.

Then I graduated from that to being scoreboard keeper at Archer Park. And ultimately, when I was in high school, actually started taking care of the park. That meant preparing it for the night's games and that was an all-day job. To get paid I had to come to this building down on the first floor and pick up my paycheck.

So now I figure that in my life I've made the complete circle.

JE: Um-hmm (affirmative).

BF: You know, from paycheck at the old City Hall and when I get a paycheck now it's at the old City Hall.

JE: Yeah. Where were you born?

BF: Tulsa, Oklahoma. At the Flower Hospital and lived here in Tulsa all my life, with the exception of the last ten years. After retirement I moved up into Delaware County, near the Illinois River. I still maintain an office here, still have business here.

JE: What was the name of that hospital?

BF: Flower, I believe, F-l-o-w-e-r. It no longer exists.

JE: Did that become a part of another hospital system then?

BF: I don't believe it did. I think it was a small private hospital somewhere up on North Denver, that area.

JE: Your mother's name? Her maiden name and where she was from?

BF: Her name was Ethel Frew, her maiden name, F-r-e-w. Her family had come to Oklahoma from the Pittsburgh area in 1917. They lived in Tulsa forever after that.

My father was, of course, Savier Moreland Fallis Sr. They came to Oklahoma out of the Dallas, Texas, area. His father and family, they had produce businesses in Tulsa. They had outlets for produce. He had been in the produce business actually in Dallas for some chain store down there—is my understanding. But they came in about 1916 to the Tulsa area.

JE: Your father then had a produce business in Tulsa?

BF: Well, his father had a produce business. The Trenton Market was very active then. He had a place at the Trenton Market where he had an outlet. He had another place on Utica, and he had a third place, I can't remember where that was—they're gone now and all, but in the Depression that business went out.

My dad, as a young man, had worked with his father. So then after his father passed away, Dad continued to try to do produce business.

He had an uncle who was in the fish distribution business, the White River Fish Market, it still exists in Tulsa today. That was his uncle and so he'd do a little bit of work with him.

As the years went by, he got full time into what he called the fresh fish distributors. That was a one-man operation—him—unless I was working with him or helping him. We sold fish and we sold it off the back of a pickup truck. And it was fresh fish, it wasn't frozen. Sold it in places like Muskogee, Okmulgee, Sapulpa. We'd go out and park on the corner of a street.

During the Second World War I can remember very well one of the real hot corners for us to park at was out there near where the casino is now, out on 412. We would park in that area because going to work and coming home from work out of McDonnell Douglas, which was a big, big operation back then, would stop and buy fresh fish, take it home, cook it up, I guess.

But anyway, we were in the fish business then.

JE: Were you then how old when you were helping your father?

BF: Oh, I started helping him on the weekends by going and parking on the street corners probably when I was in the seventh, eighth, ninth grade. We had a lot of activity. They called him the Fish Man.

I remember one time we were going through Sapulpa, I believe it was, in an area in the north part of Sapulpa, that was a black area—I don't know if it still is or not but it was a predominantly black area—little boys were outside and, of course, I was in the seventh or eighth grade. And you know how you are when you're that age, you know everything but you don't know anything. And I was sitting on top of the icebox, Dad had these iceboxes made that would be packed with ice with the fish. He had written on the side of truck in whitewash, I guess he'd call it, "Fresh Fish."

So these little boys said, "Hey, there's the fish laying up on top of that box!"

I was bothered by that, my pride is shattered. (laughing) But anyway, yeah, we did a lot of fish selling.

JE: Where did he get the fish?

BF: You could not sell game fish in Oklahoma, like a game fish like channel catfish was a game fish in Oklahoma. Channel catfish was shipped in from Louisiana, Mississippi, Texas. Rough fish was from right here in Oklahoma, you could sell rough fish: carp, drum, buffalo, the names are changed but some people call things differently, you know. Like Gaspergou is Drum or Drum is Gaspergou, I'm not sure for sure, but anyway, those rough fish were probably right out of Oklahoma—they were fresh. When you got them shipped in on the Railway Express, if they came from out of state, they came in iced and we had to go down and pick them up, load them into those boxes and sell them as quick as we could because you couldn't keep anything, you know, just on ice.

JE: Where was the place in town, the location that you picked them up off the train? You remember?

BF: The Railway Express Agency was right below where the downtown depot is. You could drive underneath the building right down there, they had some loading docks down there. I would help him go down, pick those up, and load them in.

JE: So your father sold fish for a greater part of his life then?

BF: Oh yes, yes, I'd say beginning in about 1945 all the way up until he quit work and retired. That would have been a good number of years, so it was in the '80s.

Chapter 03 – 4:17
Fifties Tulsa

John Erling: Let's bring you up to your first education and the first school you attended.

Buddy Fallis: In Tulsa, the first school I attended was Longfellow. It's gone. There's a new building there, 6th and Peoria. That would have been what they called Pre-Prime Harry and Kindergarten time for me.

Then there was a brief time when we went to Portland, Oregon. Dad had volunteered to go into the army but he'd had polio, what they called back in those early days, infantile paralysis. He had a withered leg. You wouldn't know it if he were wearing long pants because he had learned to adjust so he could walk. Well, it was so withered that they turned him down when he volunteered to go into the service, whenever the war broke out.

So he learned that they were hiring people into the shipyards on the Willamette River in Portland, Oregon. And we went out there and we stayed there about a year, a little over a year, maybe a little less than a year, actually.

Came back to Tulsa. Now when we came back to Tulsa I was enrolled in Whittier School. We were living with an aunt over off of Zunis and 3rd Street. So I was at Whittier from third grade, fourth grade, fifth, and sixth grade.

And then from there to Grover Cleveland Junior High School. And from there, high school at Will Rogers. Graduated in 1953.

JE: The first house you remember, where was that located?

BF: Now these are all rental properties up until Dad bought this little house in 1944 on Archer. But before that we rented out by what we called the "strip pits," it was out by Dawson. There was a little rock house out there. I remember looking at pictures of me and my sister out in that area.

Then there was a house near Whittier School, actually, off of Lewis and Independence area. We lived there for a while in a rental house.

We lived at a rental house at 11th and Peoria, on the north side of the street there. All these houses that I'm referring to are now gone, except when we came back from Oregon we lived with an aunt there at that Zunis address until Dad had found this house on Archer, 2854 East Archer. We lived there from the time I was in the fourth grade, I guess it would have been, all the way up until I was in law school.

JE: What are some of your things you did at that time?

BF: Well, you know, young people hearing what I'm saying won't necessarily identify with it but we had one radio in our house. We got to listen to shows on Saturday for children, *Let's Pretend*, and things like that. Or on Sunday afternoon, seems to me like it was *Your Hit*

Parade and we could listen to some of those, maybe even *Your FBI*, and *Peace and War*. That house is still there, 2854 East Archer. That house was directly across the street from the swings at Archer Park.

Now the park has changed and they've taken a lot of these things out. But as a result, the park was the center of a lot of our entertainment because that's where we played. And the city of Tulsa in those days, I don't know if they do it now, had during the summer months, men and women who would be hired to come over and supervise the park, organize games, things like that.

I remember a man named John who was very active in keeping us busy, which was good.

Also the Circle Theater was a center of entertainment for us. *Hopalong Cassidy* was my hero. There wasn't anything better than having a chance to go up and see *Hopalong* and go into Doc's Candy Store, it was part of that little building, I think it may still be there where the Circle Theater is. The parents would go with us sometimes to these movies, but that was our entertainment.

The only other thing that we looked forward to that was a big thing, this was in the days before what we now know as the fast food type of phenomenon, but there were hamburger stands. And one of the hamburger stands, Mr. Griffin's Hamburger, the one we would go to was at Braden and Anvil. It was a shotgun, you know, looked like a little narrow building with the typical one-counter with stools. No booze or anything, there wasn't room for them if you had them. No air-conditioning, had a ventilator fan that in the hot summertime, man, you could drive up there, Dad would take us up there to get a hamburger, if we were lucky, and you could smell those onions, oh, it was a good odor. It just made you ready. And you'd go inside and watch somebody flop a ball of meat on the grill right there in front of you, cook it up, and get you a Pepsi Cola or whatever we might be drinking. Oh, that was high life for us.

JE: Do you remember any stores downtown?

BF: Oh yes, yes. Brown Duncan, Vandevers, Seidenbach's, Froug's, Field's, all those kind of stores were downtown. I can't remember if Penny's had an outlet down here, but those were active stores.

My mother, one or two Christmases, worked at Brown Duncan selling Christmas cards. But yeah, we would get downtown quite a bit. Street's was another store, I remember that.

Chapter 04 – 4:56
December 7, 1941

John Erling: You refer to the war, December 7, 1941. You would have been seven years old, I guess.

Buddy Fallis: Yes.

JE: Do you have any recollection of when that announcement was made?

BF: Not the announcement. I can remember subsequent to that, I had an uncle who had joined the Marine Corps before the war broke out. He would send letters and cards to us from the Pacific, so I was aware of things that were happening. This would be my mother's older brother.

When we went out to Oregon, which is another story in and of itself, the only transportation we ever had—I'm talking about from the day one that I would be aware of anything—was a pickup truck. It served both as our business and if we had to go somewhere, that's what you drove it. So in a pickup truck, which was a 1939, I think, Chevy, which is a little more narrow than today's pickups. It's not an extended cab, believe me, it's a one-seat job.

We drove from Tulsa, Oklahoma, to Portland, Oregon, with me, my sister, my mom and my dad on that one seat. I had to stand up most of the way. I guess we were violating today's laws because I wasn't in a seatbelt or chair or anything else, I had to stand up and hold on to the dashboard. But on the way up there, I remember all the convoys, military convoys.

I remember one time, I guess sort of the old Okie impression, we had all of our things we could take with us in the back of that truck so there wasn't room for anybody, but there were soldier boys that would hitchhike. And I can remember one time stopping somewhere for a soldier boy who had a sign and he's trying to go somewhere. He was in uniform.

Dad said, "Son, I'd like to help you but I don't know if there's a place for you to climb on back there in the back or not."

He said, "Well, can I stand on the running board?"

He said, "That's fine."

So he stood on that running board. I remember it was a rather pot area so it must have been somewhere out around Barstow or one of those because there were a lot of military camps and activities out around those areas. Him standing up there for a long, long way. That just amazed as a little kid, you know, with that.

But yeah, that brought us very much to be aware. I remember having the blackouts. We stayed on the way up there in Los Angeles and they had rules that said, "You have to curtain these windows real well in the Impurist Court, that's what they called them then.

They were not anything like what you would see today. They had blackouts because of the fear of being on the coast that if we had an air raid or something.

So those reminded me of the war.

JE: There was rationing; do you remember not being—

BF: Oh, gosh yes, I still have some of the old ration stamps and battling buttons too. I think their little red hard ones circular buttons were meat, but they rationed certain groceries, meats, gasoline, oil, tires. Dad, as a matter of fact, had to go down and apply for additional ration stamps in order to make that drive to Oregon because he was going to go into what they would say was defense work.

JE: In the '50s, you're getting to be up in age. You're nineteen, twenty years old. You remember the fear of communism and that kind of talk back then?

BF: Oh yeah, I do. In those days, with the compulsory registration for the draft I would have been eighteen years of age in my senior year. Whenever I turned eighteen I knew I was going to have to sign up for the draft, and did, and registered and then I joined the Naval Reserve. My contract with the government called me a six-year obligor, two years active, two years inactive, and two years stand-by, until that one day that I realized contracts with the government were somewhat unilateral.

They sent me a notice that I was now an eight-year obligor. So I had eight years, so where I served it and took training and all that. But that would have been in my senior year. And at that time, I guess I was sort of fortunate in the sense that the Korean War had ended—I get to call it ended since we're still over there on that thirty-eighth parallel, but in a sense I thought, "Well, you know, I hope nothing else happens."

Well, there was that constant turbulence in the Middle East. I remember getting this call in of unit out at the Naval Reserve Training Center that said, "Hey, pack your sea bag, you're headed for the Middle East." But they had some marines go in there on a disturbance. Then they said, "Oh, stand down." That changed, things like that would happen.

But I do remember the concerns that all my friends and I thought about.

JE: Where were you stationed when you did two years of navy?

BF: As it turned out, I volunteered for active duty. The billets in the navy, apparently everybody thought it was better to be in the navy on a ship rather than be in a foxhole somewhere. So their billets were full. So I volunteered for active duty. It turned out that they never took me to active duty other than you had to go to meeting one night a week in plane and you had to take two weeks training in the summer, every summer.

So when I did my active duty I did it onboard ship. The first two or three years I was onboard ship the "Iowa," onboard the destroyer escort on one occasion I can remember. After that I became part of a security unit and we were working with codes and things like that.

I did that in places like New Orleans, places like a navy base there at Algiers in New Orleans, a navy base up in Cheltenham, Maryland. I believe I went to one out in the Puget Sound area of Washington State. Yeah, I didn't ever have to do two years straight but I put in a lot of weeks and days.

JE: You were eighteen in high school, so was your naval duty right out of high school?

BF: Yes. Because I registered for the draft, and then the minute I turned eighteen I would go down and register with the draft board.

Chapter 05 – 2:06
Good Teachers

John Erling: What was your high school life like? Did you enjoy the academics?

Buddy Fallis: Oh, I have to tell you that I don't want to make it sound like I was some kind of eager student but I thoroughly enjoyed my high school days, and even before that. I had teachers that were just, ah, you know, I can remember them today.

JE: Some names?

BF: Caroline Copeland, she was in charge of the *School Life* and she taught English courses. But she also taught the *School Life* and taught you about writing. And at that time, I sort of thought, "Well, maybe I ought to go into Journalism sometime." I wasn't thinking anything about the law. As a matter of fact, I went into the law by accident, which if you ask me I'll tell you about, but Miss Caroline, her brother was in charge of the Journalism School at the University of Oklahoma. And she encouraged me, because I'd write articles for the *School Life*, and I had a good time.

So I think through her influence they offered me a scholarship, and of course, I went over there and looked at OU, went to what they call Journalism Day, I think they may still do it today. I was impressed but I was also impressed with the fact that I knew I was going to have to work to go to school because even the scholarship wouldn't take care of my room and board and whatever I needed. And as a result, at that time, you didn't have these fast food places like I mentioned earlier so a job was scarce unless you waited tables at a fraternity house or at a sorority house and those were the plums. I'd have to get in line for that, so I knew I would probably have to work, and so I declined—although I didn't like declining, I declined.

And I thought, "Well, I won a cash scholarship," which was two hundred dollars, from Curcuma Club, I believe it was. I could use it wherever I wanted to use it. Well, you could pay a semester at the University of Tulsa for two hundred plus whatever the books was.

Ed Johnson, I believe was the Journalism man at the University of Tulsa at that time. So I was at that time ambivalent. I was thinking, "Okay, Journalism or maybe teaching." I loved history, I read it all the time, it's about all I read. I always had that in the back of my mind, but yeah, I had to not go to OU, come back, live at home with my parents, and they were kind enough until I got a job where I could pay them some rent, to let me stay there.

Mom did my laundry and would cook me food. Later, when I was in college, I got a job at Brookside State Bank as a night poster. So when I got to getting a paycheck Dad decided, and I think he was right, that I ought to pay a little rent, so I did. (laugh)

Chapter 06 – 4:15
University of Tulsa

John Erling: You went to the University of Oklahoma?

Buddy Fallis: I'd been offered this scholarship in the Journalism School, through Caroline Copeland who had been my teachers at Will Rogers. One of those teachers I truly loved. But when I got over there I was looking for two things: "Did I like the school?" and I did, but the second thing was, "Is there going to be some work over here?" because I would have to work to go to University.

And as it turned out, I realized that there were no jobs really available except doing work in the fraternity houses or the sorority houses. And you had to get on a list, I'm sure.

So I came back and decided that I would volunteer to take my active duty. But then I was given this free scholarship by the Curcuma Club, two-hundred dollar scholarship, which would pay a semester at the University of Tulsa.

So I thought, "Well, gosh." Nobody in my family had ever gone to college and I thought maybe I ought to go in and start. So I did and I was able to get a job. A long-time Tulsan, he ran an employment agency in Tulsa, Bobby Likeum, Likeum Employment Agency. He got me an interview with Mr. Barnett at Brookside State Bank, and I'm sure they're still in banking somewhere here, that family.

I had bought a car for ninety dollars; it was a '34 Chevrolet, I like to call it a late '34 Chevrolet. It had been a bootlegger's car. I bought if for ninety dollars and then I had to fix it up and paint it and so on. And I'll never forget going out to apply for that job, because I needed a job badly. Drove out there in that car, parked it on the west side of Peoria, right across from Brookside State Bank. If you go out to Brookside Bank now, you know, it's the same building and all, but it's been added on to and the arrangement is a little bit different.

But the president's desk was right out there by the windows and I'll never forget, Mr. Barnett, he interviewed me for this job. I gave him my letter of introduction from the Likeum Agency.

He sat there and said, "Well, Mr. Fallis, I see where you live over here on East Archer, 2800 block of East Archer."

I said, "Yes sir."

He said, "Well, that's quite a distance from Mattern and Brookside." He said, "You realize you'd have to be here every day if you're going to post those books. We post them in the evening, you know."

And I said, "Well, yes sir, I do."

He said, "Do you have transportation?"

And I said, "Yes sir, and there it is parked right out there."

And he looked at it and he laughed. He said, "Will it make it?"

I said, "It'll make it."

So he gave me a job and I appreciated that. I then worked at Brookside State Bank throughout my undergraduate work at the University of Tulsa. With that money I was able to pay some rent at home and go to school, taking general courses except for the Journalism. And I had no idea about a law school, until one day, I was in my third year at the University of Tulsa. Bill Northgut, a good friend of mine and Jim Poe, another good friend of mine, one of the two of them, maybe both of them, I think it was Bill, said, "Buddy, you want to go to law school?"

I said, "Law school? No, I hadn't planned on it. Why?"

He said, "Wes Fry, the court clerk for Tulsa County is hiring guys and he likes to hire people who are going to go to law school or in law school, because it's good experience in his mind for them to get the courtroom to see what's going on in the courts."

I said, "Well, that's fine, fine. Why?"

He said, "Well, get down there real quick." He said, "Are you registered to vote?"

I said, "No not yet."

He said, "Well, go register and be sure to register Democrat," because Wes Fry was a big Democrat. He said, "Go down there and be interviewed." He said, "It's a good deal, you know, you work all day long and you go to night law school. But," he said, "since you're in your senior year you could take what they call the combined course, where your first year at law school would also apply on your last year of your degree, or your undergraduate degree."

So I thought about it, I thought, "Why would I go to law school, you know? No lawyers in the family or anything like that." Then I thought, "Might as well give it a shot." Did register and (laughing) went down there, and Wes Fry, he's another man that helped me

along in my life, he was a man that was confined to a wheelchair because of a sniper bullet that he took on an island in the Pacific.

But Wes gave me a job, so I then finished up my third year at TU on campus, undergraduate work, then started to law school, which then was just downtown here from this building down on Cincinnati near 6th Street there. It was strictly a night school so you had to go four years and two summers.

So I continued to work at the courthouse during that time, and even for a period of time, continued night posting when I could. I don't think banking has a night posting now but in those days night posting, the big posting machines that you run, it's got a keyboard and you had to put in all the checks, all the deposits and post them on the customer's statement.

So I had two jobs there for a while and continued to work all through law school at the courthouse.

JE: What year did you graduate from the law school?

BF: In 1960.

Chapter 07 – 3:32
Temporary License

John Erling: You graduate in 1960, and what is your first job out of law school?

Buddy Fallis: I was hired while I was still in law school, actually, by Robert D. Simms. Bob Simms was the county attorney. He had followed Howard Edmondson as County Attorney of Tulsa County. And back in those days it was called County Attorney. There was a two-year county office and you ran like any other county official.

Well, I knew Bob Simms because as a clerk I would see him in the courtroom and watch him try cases. So he knew me and I knew him and it seemed like we were always friendly. Well, I was out looking for a job in my senior year at law school and I was dashed in my hopes and in my ambitions because I went to firms in Tulsa. And in those days I knew any lawyer that tried cases in that courthouse, generally I knew their first name and called them by their first name and they did the same. Some of them were what we called the silk stocking firms, you know. Not a street-walking lawyer but a silk stocking firms.

I'd go knock on a door and be interviewed, and they'd say, "Well, Buddy, you know, in this firm we hire only people out of OU," or "We hire people only out of Yale."

Right away I'm catching on, I'm thinking, "Well, all right, that was the way it was and I understand that." But at the same time, that was sort of heartbreaking to me, so I was trying to figure out what I was going to do.

And I get a call from Bob Simms, "Mickey Imel." Now Mickey Imel was a fine lawyer and he was an assistant county attorney with Bob Simms, and he was appointed to the city judicial position. So he was leaving and Simms said, "Buddy, I want you to take his place."

I said, "I'm not out of law school."

"No," he said, "but what you can do, there's a procedure by which you can apply when you have a job offered to you that needs filling. File a lawsuit in the Supreme Court of the state of Oklahoma asking for an early entry, temporary, pending your graduation and pending your successful completion of the requirements." And he said, "I'll be glad to give any kind of an affidavit, whatever I have to give."

Jim Poe had gone through this same procedure. He was ahead of me too in law school and he was already out working for a lawyer here in Tulsa. He gave me his copies of the paperwork to do and I filed a petition. Had a couple of lawyers back me with an endorsement on my petition and I was given—so I became a lawyer before I graduated and worked as an assistant county attorney before I graduated.

John, I never will forget this, there was a secretary to the dean of the night law school. She didn't really like me, I won't give her name out, I don't know if she's still alive today or not, but I never will forget, I'd gone to her first and asked her if she had any of these papers I would need, a petition that I would file with the Supreme Court.

She said, "I do but I'm not going to give you one."

I said, "Why not?"

She said, "Oh, you'll probably flunk the bar and you'll embarrass us all."

I said, "Well, okay." So I went to Jim and I used his.

Well, anyway, there was this little article in the paper that came out, said, "S. M. Fallis Jr. is given a temporary license to practice law." Wow, you know, I made the paper, okay. So we're standing in line going to First Presbyterian Church, the law school senior class, to go to the baccalaureate proceedings, whatever they were.

And this lady who was the secretary was going down our line. We have our caps and gowns on. "Now straighten up that tie," like the mother hen taking care of the guys. She comes up to me and she says, "Well, I see where you got your license."

I said, "Yes ma'am."

She said, "Well, I hope you don't flunk and embarrass all of us now."

I thought, "Oh Lord," you know, and I felt tremendous pressure from that. Luckily, I successfully did my test at the bar association.

JE: Why did she single you out for this?

BF: You know, I really didn't know her that well and I don't know if she had some reason to dislike me. I wasn't ever aware of it, you know. Yeah, who knows?

Chapter 08 – 9:18
Assistant County Attorney

John Erling: You were assistant county attorney in 1960.

Buddy Fallis: Exactly.

JE: You then moved on from that position.

BF: Well, I was an assistant county attorney, and then of course, we took the bar. Then I'm a full time lawyer as an assistant county attorney. I was in the general area, meaning I tried cases and filed cases, investigated a little bit. But in those days I was primarily trying cases. And stayed with Bob Simms. I think I was there with him about two years. And there was a death on the district bench in Tulsa and I think it was Evan Taylor that passed away, if my memory serves me correctly. He either retired or passed away.

But Bob Simms was named to replace him, so he went to the Manchester district judge. Well, it's still a county office and David Hall was an assistant county attorney in that same office where I was and he was appointed to be county attorney by the County Commissioners. It was their appointment under the county attorney system. When a vacancy would occur it would be up to them. I think he ran after that for a term of two years.

I stayed on. I ultimately became chief prosecutor, in theory. I was supervising other people but I still was trying a lot of cases. I stayed in that position and then in 1966, there was a change in the law relating to county attorneys. The county attorney office was not going to be any more and it was made a state office with a four-year term. They took the seventy-seven counties in Oklahoma and divided them up into twenty-seven districts so that you had some districts with four or five counties. Tulsa County was a one-county district because of our population.

So I ran in 1966 for that position. David Hall, in the meantime, was running for governor and was defeated in that race. I then became District Attorney in 1967, January.

JE: Who did you run against?

BF: John Tanner was one of them and John Harland was the other. Both those men were in that same office working with me. John Tanner was a lawyer back in the time of Bob Simms and then with David Hall. He was in the civil division because there are civil responsibility to represent county officials, things like that, by the county attorney.

John Harland was in the same type of work I was doing. He wasn't chief prosecutor but he was another prosecutor trying cases. So I ran against those two persons in the primary race.

John Harland came in third, so we had to have a runoff between me and John Tanner. So we went through another election. John Harland supported me in that effort. So then I defeated John Tanner in the primary runoff election.

Then I had an opponent who was a Republican named Douglas Bishop. He had been county attorney over in Logan County, at Guthrie's, my recall. I won that one so then I became the first District Attorney of Tulsa County.

JE: So why did you win? Were there issues that you—

BF: Oh, I was so brilliant, people just loved me, John. (both laughing) No, the issues, I think, there were several. I made an issue out of a career, and let me tell you what I mean by that. With all due respect to David Hall, to Howard Edmondson, to any previous person, but particularly those two—not Bob Simms—Bob Simms was not politically ambitious, he was a journeyman prosecutor. He was a journeyman judge. But he was not saying, "Hey, I'm running for public office." He never did that I'm aware of.

But Howard Edmondson before him, you know, used the county attorney's office as a springboard to the governorship. And the Prairie Fire was his campaign speech.

David Hall used the county attorney's office as a springboard to his ambitions to be governor and was ultimately successful.

Dixie Gilmore, in the past, had also done the same thing; he ran out of the county attorney's office in Tulsa for governor.

So the issue that I had with them all, without trying to be critical, I said, "I'll treat it like a career. Crime is becoming such that we no longer can just use it as a stopping off place for people who have other ambitions. So if I take that job, if I get hired by the voters in Tulsa County I will treat it as a career and not as a stepping stone."

So that was one issue, not that John Tanner or John Harland were going to do anything other than that too. I don't recall if they took any position on it. That was one issue.

The other issue was I think I pushed very hard in my ads and things about my success in prosecutions. Our literature that we put out would have such things as some examples of some of the cases I'd tried, sentences we'd received, things like that. I had the backing of a lot of lawyers who would sign letters for me and so on.

I think the one sort of side issue that sort of came in to this, Tommy Frazier, bless his heart, he's passed away now, but Tommy had a lot of battles with Howard Edmondson politically. I think Tommy was running for county attorney when Edmondson was and things like that. Tommy was a decorated veteran marine from Second World War and he was

confined to a wheelchair because of a wound that he had received. He was identified in the press as sort of the political kingpin boss of Tulsa County.

I believe John Tanner was backed by Tommy and so I used that, you know, "Here we are, we're going to run this as a full time business and I'm not associated with any political machine."

Matter of fact, one of my granddaughters was at the house and I ran across this audio tape that was a copy of our song to run for office. Now let me tell you how this came about. John Tanner had gone to Nashville and they hired an orchestra and all and a beautiful, beautiful ad that was done to the tune of "The Double Eagle." Big orchestra and it's all for John Tanner. You'd hear people playing it on their radio, driving down the street.

You know, as a candidate, I'm thinking, "Oh gosh," you know, it sounded good.

So Perry Ward was in charge of my campaign. One day my secretary says, "Mr. Fallis, Mr. Ward's here to see you."

I said, "Oh, have him come in." I thought he was going to get a check to buy another ad or something. And here it was his son and his name was John. And he had a guitar.

"Mr. Fallis," he said, "I think I got something for you here."

I said, "You got something for me?"

He said, "Yeah," he said, "listen to this."

To the tune of "When Johnny Comes Marching Home," he'd put these words to it and he was strumming his guitar and singing it. I said, "That sounds pretty good."

Well, we used that. It was Goliath versus the mouse here. Our one guitar local guy singing made up words to a known song and the production out of Nashville. I guess that helped too, maybe.

JE: And you still have that?

BF: I have that recording.

JE: Let's listen to it.

BF: There's just one caveat to that. I want everybody who hears it to understand that everything they say in there that may be flattering to me is absolutely true. (both laughing)

[recording] March along to victory behind our man. He'll lead the fight for you and me, the man who can experience integrity, character, and unity. S. M. Fallis, Fallis is the man.

So cast your vote election day beside his name. He's not the kind of man to play another's game. He's marching on the side of right, he'll fight for justice day and night. S. M. Fallis, Fallis is the man. [end recording]

JE: Ultimately, you served until 1981, so how many campaigns were you involved in?

BF: Well, this is another interesting thing, you get to talking about it and get to remembering. The first time I ran for the election, but the second time up I was unopposed. Remember, I had a primary-primary runoff in general and I didn't have any money. I mean, I guess I

had committed the political sin; I had borrowed money to run for that office. Well, luckily I won.

So I win and I'm thinking, "Oh gosh, in four years, here we go again," you know. Or three years, to get ready for that campaign. In three years, nobody ran against me and it was unheard of in Tulsa County. You always had heavy competition for the prosecutor's job, the county attorney and now district attorney.

People say, "Oh, Buddy, people love you, you're doing great."

Modesty would force me to say, "Oh, well, I hope so," you know?

Anyway, four years go by, unopposed again. Wow! Maybe there's truth to what these people are saying that they really did like me. They wanted to call me Druconi and in bad, but maybe people do like me.

So third time I'm unopposed. And I'll never will forget, there used to be a Sipes store there near 31st and Memorial called The Farm. A beautiful store, it's western clothing now, I think. A man named Jim was the manager, a nice guy, and I knew him because we shopped there. We lived pretty close to that.

And I never will forget that morning when it came out in the paper that I again was unopposed. Jim put it in perspective that I had never thought about before because now I'm thinking, "I'm really great, you know."

I'm down there buying something, he yells at me across the store and he says, "Hey, Buddy, how's it feel to have a job nobody wants?" (laughing)

And I thought, "Oh-oh, that reality." I think, "Okay, that's what's going on here."

JE: And that's probably true.

BF: Well, I think so. You know, in retrospect, if you believe in what you're doing, I don't care what kind of job it is, it's a tough job, if you believe in it because that means you're going to try to do your best.

JE: You were a high profile too all those years so you had a lot of public attention and newspaper and television. Probably that you just seemed like a formidable foe.

BF: Well, I think that's probably part, and you know, let's face it, it's a hard decision to make because of the cost of doing it and so on like that. And it takes a lot out of you. If you're married, got family, it's really tough.

JE: So did you finish off your term in office without—

BF: I resigned during that last term in '81.

JE: Your first election was the only one—

BF: Yeah.

JE: ...and the rest of them you were unopposed.

BF: Isn't that something?

JE: Yeah.

BF: There's a reporter for the *Tulsa Tribune*, I'll never forget, after I was elected that first time, I'm reading the paper and he's got an article, Nolan Bullock was his name. He was something else. He'd come to the courthouse now and then. He was in the end of his career at that point, but he wrote an article about me being a new political power.

And I thought, "Gosh, I've been trying to say, 'No, no, that's not what we're running on.'" He was always nice to me though.

Chapter 09 – 6:32
Bootlegging

John Erling: We're going to get into some bootlegging talk here.

Buddy Fallis: Okay.

JE: We might just lay the background on prohibition in the state of Oklahoma. This state had the distinction of being the only one to come into the union with prohibition already written into its constitution.

BF: Correct.

JE: We started from the very beginning in 1907. It survived for more than fifty years, was also a very disputed law. More than ten times the issue came up before a vote of the people, and each time the prohibitionists won by a small amount. And despite the fact that technically the manufacture, sale, and distribution of alcohol in Oklahoma was illegal the bootlegging industry was a major, major industry in this state.

BF: What you are stating there there's a lot of old statements and sayings about it, you know, "They'll stumble to the polls to vote us dry." Or "Vote dry, drink wet." You know, it was all those kind of things. But yeah, bootlegging, oh gosh, it was well recognized.

That first car that I mentioned to you that I had this '34 Chevy that I drove out to Brookside Bank to apply for my job, I bought that from a bootlegger, a man named Bob who was up at Grand Lake at Langley.

My dad had gone up there to pick up some rough fish and he saw this old car all rusted, sitting out there in a pasture. So once I fixed that car up I drove it. And he had an engine in there that wouldn't stop, which I always assumed that he was making deliveries in in his bootlegging days.

In the back of it it didn't have a rumble seat but it had a place for rumble seat back there. There was a bunch of his cards—bootleggers would have cards like a business card, said, "Call Bob anytime day or night." And they'd also deliver it to your home. I mean, for

people who wanted to drink it's a pretty good deal when you stay home, just call them up and they come and deliver it to you. Had all kind of gimmicks.

Some of them believed that they weren't violating the law. I don't know who would have advised them of this. If I were to have called them, I'm not saying that I ever did, but if I had called them and they came to the house they would not take any money from you. They would put the alcohol, whatever it might be, the bottle, in a chair. You laid your money in the chair and then I could get the bottle later and they'd take the money, see? So I didn't deliver, you know.

I thought, "Well, that's dumb. That does constitute a delivery." But they believed that, you know. And there's all kind of gimmicks. And so many of the criminals that were created—I hate to say created but maybe nurtured—during the prohibition time, they moved from bootlegging into more serious crimes.

JE: We might add that the gubernatorial race of 1958 was a rather rocket selection because this was the controversy between prohibition and repeal and it provided much of the debate material.

But then Governor Edmondson was very adamant about presenting a consistent policy of prohibition. He said, "If liquor is illegal in Oklahoma then let's make it so." That was then when cities, hotels, and other businesses lost massive amounts of revenue from the now impossible traffic in liquor.

As the next possible opportunity came along on April 7 of 1959 the citizens of our state turned out to turn down prohibition. And it was said of the vote that was held that week in '59 that with it Oklahoma was finally ushered into the modern era. And I'm sure you have remembrances of all of that.

BF: (laughing) Oh yes, yes, yes. I remember that very well. A lot of the people whose names started coming across more regularly after that period of time on the blotters of the police department and upon the charges filed in the Clerk's Office in Tulsa County were people who now, I guess, their business was drying up. There was still some bootlegging going on, there's still probably bootlegging going on today, somebody illegally selling liquor, meaning selling without a license or whatever.

But generally speaking, so many of these people who had reputations as bootleggers, that was their business. So now they had to turn to other things. And many of them went into legitimate businesses, others did not stay in legitimate businesses.

You know, in bootlegging in those days, you had to have sort of a network to get the liquor to bring it in. And a lot of them was trafficking to Missouri and other states to bring the liquor in. So you had to have a contact, you had to have a means of transporting and then you got a distribution system. So with all that system in place a lot of them turned to crime.

I mean, as an example, if I was having contacts with people out of state for something and they knew that it was illegal that there were participating in, now if I move into, say, burglary, or if I move into a larceny, or I move into receiving stolen property, then I've got to have a place to take that property to get it changed from property to money. So that network came into play, I think, probably. Sort of a natural move for some of these people.

Some of the bad ones, the real bad ones, had sort of cut their teeth in bootlegging, being runners for bootleggers. Then when it ended, when liquor became legal, at least when it sold through stores and all, then these people turned to very serious crime.

JE: We should also say that when these raids under Edmondson came about that there were numerous state officials that were embarrassed in these raids and confiscations.

BF: Oh yeah.

JE: I don't know if you know of names—

BF: Yeah.

JE: ...or care to mention them or not, but you probably do.

BF: Well, Cannon's Raiders, I remember Cannon's Raiders, I think they even made *Life* magazine, articles I can remember seeing photographs of Joe Cannon. He later became a district judge over there in Oklahoma County. But, you know, I can't think of an instance where—

JE: There was a known...

BF: Right. I do recall that there was a raid at Southern Hills, but it may not have been by Joe Cannon. It may have been by the Tulsa Police Department or something. And I remember that. It raised a lot of eyebrows.

I can remember, no name will be used here, a man whose daddy was a member of a club. And this fellow worked for me at one time as a prosecutor, a very nice man, a very honest man. And his daddy was a member in a different county. This guy left my office, became a prosecutor in this other county, had a raid at the club where his daddy was a member and it created a domestic problem, you might say.

JE: It's interesting now to kind of comment because when we were trying to stop the evils of alcohol it actually produced a class of criminals, as you've already stated here. They got into the criminal business because of bootlegging and then it became a way of life for them.

BF: Oh, I think that's exactly right. I mean, I can think of families, some brothers in Tulsa who, at least three of them, were bootleggers.

There's another man, his son wrote a book about him, Wayne Padgett. The son wrote a book called *Oklahoma Tough* about his father.

JE: And Barry Switzer—

BF: And Barry Switzer.

JE: ...talks about his father.

BF: Yeah.

JE: The book was *Bootlegger's Son*.

BF: Yeah. Well—

JE: That was over in Arkansas.

Chapter 10 – 1:41
Cleo Epps

John Erling: Then we come to a well-known bootlegger by the name of Cleo Epps. She was known as the Queen of Bootleggers during the '40s and the '50s. You have remembrances of her?

Buddy Fallis: Well, yes. She got that name, Queen of the Bootleggers, back during the federal grand jury. The grand jury was here in Tulsa County, in which a police commissioner in Tulsa was indicted and some high officials were indicted and bootleggers were indicted for conspiracy theories of allowing alcohol would be sold illegally in form.

She was subpoenaed to go before the grand jury and I remember looking at newspaper articles about this. Of her standing in the hall waiting, I guess, to go in and testify.

Somebody at one of the papers, used as a caption under the picture, "Cleo Epps the Bootleg Queen." She was a bootlegger, there was no question about that. She was from out of Arkansas, out of areas around the Garden Els over there, as I recall. That's where her family was. But she had, I think, been a schoolteacher at one time.

JE: Yeah. Yeah, and at one time, she controlled the wholesale and retail moonshine traffic in several eastern Oklahoma counties.

BF: Oh yeah, she knew how to move the alcohol. When I knew her and met her, I knew of her, of course, but when I met her she had the little addition she had built, now she was a very physically strong person. She had actually physically participating in the building of these houses where she lived, down almost on the Tulsa County/Creek County line. Lived on Epps Road. She blew stumps out of the ground in order to make room for the building and physically, physically did the labor. She was a physically strong person.

JE: She lived out between Tulsa and Sapulpa?

BF: She did.

JE: And that's where she got her truckloads of illegal booze, I suppose.

BF: Well, I don't think they were there. Well, she may have, I'm not sure of that, but more than likely she probably used a warehouse or barn somewhere.

Chapter 11 – 10:30
Attempted Assassination of Fred Nelson

John Erling: With prohibition repealed in 1959, that put her out of business. But then we move ahead because in October of 1970, Tulsa County grand jury was seated to investigate the attempted assassination of District Judge Fred Nelson. Let's talk about why this all happened.

Buddy Fallis: Well, this isn't just theory but it's a conclusion. You know, when I was DA I had a rule, if there was a homicide or any crime of any magnitude, at least in the eyes of the police officer or the deputy sheriff or of investigators even, I wanted to know about it, whatever time, day or night it was, so that I could go to the scene and it sort of lent itself to becoming aware of what was around at the time it happened. Because later when you're in a courtroom and you're going to try to describe something to a jury, you've been there, you've seen it, the sights, the smells, the sounds. And in my mind it made it a lot easier.

So there were a lot of times where I wasn't doing the investigation. Well, there might have been a couple of exceptions to that but I was basically going to these scenes. Well, one of those was the Nelson bombing because something of that magnitude, the crime itself was of such a nature that you know that this is something that's very important.

Now, the motive after all those years of working with it, talking to people, interviewing people, the motive was political. The two men who bombed Judge Nelson were Lester Pugh and Albert McDonald. Now Lester Pugh and Albert McDonald had a friend who was a lawyer named Charles Pope.

Charles Pope was running for the position of district judge against Judge Nelson. Also a third party, Jack Tharp, was running. He was another lawyer running for the district judgeship.

Well, there's no question if you were to look at the polls and the reports in the paper and all, Judge Nelson, who was a very popular district judge, very fine district judge was running for reelection and it was pretty obvious to anybody that he was going to win again because he just had to get the campaign going and all that.

Apparently, these two yahoos, Albert McDonald and Lester Pugh, thought they were doing a favor to their friend and lawyer Charles Pope, because they thought if they put Nelson out of the race that he would probably win. That's cockamamie thinking but at the same time, these criminal types, they may be sharp in their ways on how to steal and kill but they're not too sharp sometimes when it comes to reasoning.

I believe to this day that the motive initially of that crime, boy, it gave birth to a lot of other crimes, was based upon their desire to get Charlie Pope elected as district judge in Tulsa County.

Now Jack Tharp would not have known anything about that. I mean, he was running but, you know. The time of the explosion was primary election morning, I think it was August 25th of 1970. Judge Nelson and his lovely wife, Ann, had gone to work at the polls that day. Courthouses were closed on election day. She was gone and he went out to get in the car. They had a station wagon then and Judge got into the station wagon to go to vote.

When he turned the key, the car blew up. And he was, oh, critically injured. I always say that by the grace of God and the skill of a surgeon he was saved. He had had a large belt buckle he was wearing that day. The bomb had been placed between the firewall and the engine of the car, under the hood. And it blew parts back into his body and some were deflected by that belt buckle. Else wise, he probably would not have made it.

JE: So did he ultimately recover and lived a full life?

BF: He did recover and he went back to the bench. And then later, he went into private practice and had the firm that is now known as Hall Estill. He passed away, and quite frankly, he was not what I would call old. I'm seventy-six and he wasn't seventy-six.

JE: Um-hmm (affirmative).

BF: And I just always in my mind, I think, "Well, maybe the trauma and the damage done, if that contributed to a death that's probably not the death of an average man today."

JE: Where was this car?

BF: If you go to 41st Street where Edison High School is, directly across the street on the corner, the house sort of sits on that corner. It was, I think it's still the gray house that's still there. The driveway was on the intersecting street. If you were driving west on 41st, his house would have been on the left hand side. There was a street that teed into 41st Street there. I can't remember the name of it. But his house was located there and the garage was on the north side.

JE: Albert McDonald, was he known as Big Al?

BF: Big Al.

JE: Was a primary suspect. But then we bring in Cleo Epps here, do we not? Because Cleo Epps and McDonald were friends.

BF: Well, yes they were. As a matter of fact, one time I think Cleo had anticipated that she and Albert would be getting married. But that didn't come to pass. Instead he married the widow of a big-time fence who lived up in Dewey, Oklahoma. That did not make Cleo real happy.

In any event, I think the movement of the events after that bombing, if I could sort of give you that maybe that would help sort of line it up in your mind, it was a sunny, hot day there in August. And I was out with Bill Means, who was a judge, we were playing at LaFortune Golf Course and got a call from Chief Purdy—Jack Purdy was the chief of police then—that Judge Nelson had been critically injured in this explosion.

So I jumped in the car, went over there, looked this all over and so on, and immediately went to the office. And Frank Thurman, who later became sheriff of Tulsa County—Donny Creighton just passed away here within the last three weeks or so—we assembled, Frank and I at his office, and then my office. And I'm going through files trying to see if somebody p.o.'d about the judges or some case, blah, blah, blah. We even, you know, were asking around, we were asking people.

Courthouse was closed but I called my people in. Then Frank and I were sitting in there talking. We said, "We need to talk to Jack Tharp and Charlie Pope. Why? Well, because it might sound like something out of Hollywood but you say, "Well, yeah, but maybe they know something since they're running in opposition to him for the spot."

Called Tharp and he was very cooperative, very helpful. Could not talk to Pope, he wouldn't talk to us, which right away sort of made, "Hmm, okay, that doesn't sound too cool."

He had another lawyer call us back and said, "Oh, he'll talk to you when he feels like he can do it now. But he just doesn't feel right about this right now." You know, something that rang bells, obvious bells, in my mind.

Okay, so there's a wonderful old man named Jack McKenzie, he was highway patrolman, then he retired from the Highway Patrol and became an investigator for the Creek County District Attorney's Office. I think Jack became chief of police over there. I don't know if Jack's still there or not.

He calls and advises Thurman that he knew that there was going to be a bombing. He said, "You knew."

Well, he said, "No, I didn't know who was going to get bombed or where it was going to happen." But he said, "I had some information that was given to me by a source that indicated that there was some dynamite that had been taken that might be used in some kind of a bombing."

One thing led to another, ultimately led to a communication that I had with Cleo Epps. Went out and met her in her front yard at this house. She had had a stash of dynamite. She had buried some kind of a can or container in the ground and she kept her dynamite that she used for blowing up stumps in building this area in that can.

Well, she tells me that Albert had come to her with Lester and wanted some of that dynamite. And they took some of it. She became fearful about it and that's whenever she apparently contacted McKenzie, I guess, and told him that.

Now that doesn't mean that that dynamite was used there or anything like that but at least it was a beginning. And from that beginning, in investigating other things we ultimately developed another potential witness.

And oh, by the way, I have to tell you that in talking to Cleo Epps I said, "If there were a grand jury, would you testify?"

And she said, "Yes, if I can do it in disguise." That was quite a leap for her.

And I said, "Okay."

So then artist Delbert Self, a well-known criminal down through the southeast of this United States had been involved in a lot of crime. He'd been brought back from North Carolina to serve some time for crime in Oklahoma at Creek County. Being brought back they had him under some kind of a collared extraditional probation where he was in contact with law enforcement, but at the same time, was not inside the walls. In fact, he was driving a wrecker truck at one point over there in Creek County.

Well, he had been a person who associated with Lester Pugh in particular in crimes. So he through Mr. McKenzie agreed to talk with me. And he had information about how he had instructed, among other things, instructed Albert McDonald how to put a bomb on a car. He even took us out and showed us where they did their teaching, using a small explosive and a piece of pipe and so on. So he agreed to testify before a grand jury.

Under Oklahoma law grand juries would only be called by petition of the people, a certain number of signatures required, or by a district judge. So I went to Bob Simms, my old boss. I asked him if he would do so and he said, "Oh yes."

He called, a grand jury was impaneled in September 1970. Grand jury proceedings are secret. Persons are sworn, including myself, not to divulge testimony or anything that they learned in the grand jury room. Now you can in theory go out and if you were, say, a person being questioned by a grand jury, you can tell them what you said, but not what was asked of things. I mean, in theory, there's theories about that.

But nevertheless, when I had a grand jury to handle I would very scrupulously comply with that so I can't say what is said by any witness and wouldn't even though many years have passed.

But before the grand jury started, we had kept it sort of secret at first, so that we could issue subpoenas for Lester Pugh, Albert McDonald. Now I didn't have any kind of naïve idea that they're going to come in there and spill their guts, you know, but at the same time, you know that something might come up. Lester Pugh, Albert McDonald, Wayne Padgett, Bob Jenkins, Martin Edwards, it would like a who's who of criminal activity around Oklahoma.

Before we could serve Lester and Albert they got word and they left town. Bob Jenkins was not in town, I missed him. His wife was there, Georgia. So anyway, we have the grand jury, Arliss Self, Martin Edwards, and Cleo Epps do testify before the grand jury. Cleo in disguise, matter of fact, I had to look at her twice to recognize who she was when they brought her in there.

In any event, after that the grand jury came back and did not return any indictments. So investigation continues, nothing's happened.

Chapter 12 – 12:24
LaFortune – Wigwam

Buddy Fallis: I might say that during that period of time, well, Lester and Albert were out west where they went to stay cool and not get up before the grand jury. They were pulling robberies out there, house robberies. Mayor LaFortune's mother and father had gone out to a place called the Wigwam Resort, which was outside of Scottsdale, Arizona, a very nice resort. They had gone on their annual trip out there, and Lester, according to my investigation, happened to be on the same airplane they were on. He was going to go out to Phoenix. He had some buddies out there.

He gets on the plane and he's walking down the aisle and I guess he walked past them and I assume they were in the first class. She was wearing some jewelry and Lester, she told me, "Oh, he knew all about jewelry." He later told me this, he could spot a good ring, you know, whatever. He had the criminal talk. And he made it a point then to watch when they got off of the airplane at Phoenix to follow them. He saw their luggage and then he saw a man there from the Wigwam Resort put them in a car, said Wigwam Resort on the side. So he put that all together, put the scheme into scheming and by harassing coming up with all kinds of stories, found out the number of the cottage they were staying in, because there's cottages at the resort.

Went out there and they went in and tied them up, robbed them and all that.

Now that had happened just prior to the grand jury itself, but they'd left already so they were out there and they pulled that, along with other robberies. That became somewhat critical in understanding this whole picture of what's going on. A grand jury comes back with no indictments. Bob's wife calls out there to tell them everything was cool, no indictments.

Okay, so they come back. Bob comes up from down south—

John Erling: Bob?

BF: Bob Jenkins. Ruby Charles, Bob Jenkins or R. C. Jenkins. He was out of Blue Jacket, Oklahoma. He was the older man in this trio. His original conviction, (laughs) he and his criminal record was for cattle rustling in Montana in 1947. Now so he was a senior, I would say.

The trio of Pugh, McDonald, and Jenkins, they were career robbers, I'll call it. They had kits they carried, duffle bags with jumpsuits, masks, tape, anything that could be useful to them of somebody engaged in the career of home robberies. They had sources they could talk to about finding likely victims, you might say, including people who could tell them who had home safes and so on.

JE: Isn't it true that in the case of the attempted assassination of Fred Nelson you really couldn't build a case strong enough to arrest Pugh and McDonald?

BF: That's correct. Even though that's reflected, I think, in the grand jury not returning any indictments. But grand juries, whenever I asked Bob Simms to impanel that grand jury I didn't have any illusions. At the same time, I was hopeful that we could glean information that would ultimately help build toward where we were trying to go.

So that was not a shock or surprise or anything else whenever the grand jury did not return indictments. But I do know that after that August 25th situation, and these people have testified, that there's a period of time there where Cleo disappears. McKenzie and I drove out there, we went out there and she wasn't around the house. To her family, she had some nieces and nephews, I recall, a brother, Tom Gilbert, who lived over in Whitener County over by Whitener, and his son and everybody was curious. "Where's Cleo? What's going on here?"

That would be when she had disappeared, I would say it was sometime in the fall of 1970. One night I remember getting a phone call from a Tulsa police officer, saying, "Buddy, we found Cleo's pickup." Her pickup was abandoned out at the Union Square Shopping Center and her purse was in the pickup. Now which doesn't seem logical.

They processed the truck, the whole bit, to try to figure out what's gone on here. But anyway, somebody knows now there really has got to be some foul play, I mean, that's pretty obvious when her truck's there with her purse. She disappeared sometime in the fall.

And then in February, February of 1971, February the 24th actually, is when her body was found out across from the Paige Belcher Golf Course. I don't know if the buildings are still there or not, but if you came out of the gate of the golf course out there, and you looked across the road to the east side of the road, sitting back, there's a crumbling down, sort of falling down stone structure, a house, that had been an area of just weeds and had been abandoned.

I think somebody told me ironically, at one time it had been a location where a bootlegger lived and sold whiskey out of that place.

JE: 65th and Union? Out there?

BF: Yes, Union, yes sir, that is correct. Again, I don't know if ay part of that structure is still there but Cleo's brother, Tom, and his son, Little Tom, had been looking and looking for her. And this became a big issue, a big dispute by some people that they would go out and look for places where she might have gone. They knew that she had been out in that area before. A lot of these people would pick up stones over there, big sandstones that building this house had been built of.

They were out there, snow on the ground, and they were looking around and they get over by where the septic tank was. There's little marks like animals have been around

there in snow, like they've been walking around there a lot. There's been a hole knocked in the top of the cover of that septic tank. And they look down in there and all they can see is rocks.

Little Tom Gilbert, Cleo's nephew, puts a rod or stick down in there and claims he can feel something down between the rocks that might be a body.

Later on, people thought, "Oh, that's impossible, he couldn't have done that. They must have got a tip. It's all a lie, blah, blah, blah."

Well, I don't know whether they got it on a tip and they couldn't divulge who they paid money to if they did or things like that, but that became later an issue in trying these cases. But they report it, we all go out there, and sure enough, it's Cleo. They take all the rocks out, they take her out of there.

There's an autopsy, she's been shot twice in the back of the head. But it's no question it's her.

JE: Do we know who did that?

BF: I do today, yes.

JE: Who was it?

BF: The shooter was Lester Pugh. Albert was driving the car, Pugh was in the back seat and shot her with a .22 pistol that he had in his boot. They took her out to this location because she was slumped over in the car. He put a towel around her head real quick and rubber band around that to keep blood off the car, best they could.

When they got there to this scene off of Union, it was nighttime, Lester gets out and opens the passenger side door and she falls out, rolls out onto the ground and she comes to and says, "You killed me. You didn't have to do that."

He shot her again, which was the second shot.

Now later on, Dr. Fogel, who was the pathologist who did the autopsy, said, "Assuming this is the first shot it's very possible that she could have regained consciousness before the second shot is fired."

Then they put her down in this septic tank and then kept putting big stones and rocks down on top of it. So that when everybody went out there for this recovery, I never will forget, Tommy Llewellyn, who was an identification officer for the city of Tulsa, he was down in that hole. The fire department had a truck backed up there and they were sucking that water out of there, passing the rocks up. And I thought, "Boy, you know, he's earning his money today."

Finally when he got down to where she was he could see her laying there. She's pulled out and they did the autopsy over at the garage of the Moore Funeral Home because of the condition of Cleo.

JE: That was three months later after the killing.

BF: That is correct. Then within a month, I get a call from Chief Purdy. It's like seven o'clock in the morning. "Buddy, get over here to this address, it's a strip apartment off of 2nd Street. Maybe four or five units, cinderblock apartment, one-story. Arliss Self is laying back there in the bed dead. He's been shot three times in the head, face really, around the face area." Turned out to be a Magnum had been used to shoot him.

I'll never will forget forever what Purdy said to me, because he's waiting on me and he's police officers stationed there holding the scene. And he said, "Well, looks like you've lost another witness."

I didn't think too kindly of that. There's got to be some explanation. Well, Arliss Self had reason to have a lot of enemies. And it turns out there's another reason, if you're looking for motives for Lester Pugh to fear Arliss Self, fear that they don't know what anybody said in front of that grand jury. Was there really a lot of evidence they got against us? Or just was it? Maybe if we shut these people up nobody can testify.

Well, Lester and Arliss had committed arson in Little Rock at a nightclub. Arliss turned state's evidence and was ready to testify in Little Rock. The way this worked out was Lester was afraid of Arliss because he knew he could put the heat on him for sure in Little Rock. But the case had been just laying there, it was sort of dormant over in Pulaski County, that's Little Rock.

So things are cooled, he hadn't been told to come back. He was charged, he knew that one of his own codefendants was going to be turning state's evidence. But there was no heat because while he was charged it had been laying there for months and months. The prosecutor at that time was an older man about ready to retire, I think, in Pulaski County.

Well, Jim Guy Tucker, who later became the governor of Arkansas, got elected as the prosecuting attorney for Pulaski County. And boy, he's a young guy, and he's got a lot of vim and vigor. He starts going through these old cases, just coincidently in time with the bombing of Judge Nelson. One of the cases that comes up is this case for arson and burning this nightclub by Lester Pugh and Arliss Self.

So he said, "Hey, there's nothing wrong with this case. Is this guy, Arliss Self, available?"

They check on him, "Yeah, he's over still in Creek County."

"Okay, fine."

So they contact Lester's lawyer, whose name appeared on this docket sheet when he was arraigned in Little Rock, and said, "Hey, we're sending this down to get a trial date so get your client over here. He's on bond and he needs to be over here."

And that lawyer calls a lawyer in Tulsa. That lawyer in Tulsa is, as I understand it, a friend of Pugh and McDonald, Charlie Pope, the one who ran against Nelson. They say, "You're going to have to go to trial."

Well, okay, so then it becomes more of an emergency for Lester Pugh. Those things are working together. This guy and Jerry hadn't returned the diamonds but he'd testified before them, they knew that, we didn't wear a disguise. Then they get this heat coming now from Pulaski County. That's got him all worried. Motive wise in that case, in my opinion, was to keep him shut up not only about the bombing but information he had there, and also about the arson in Little Rock.

As it turns out, he was shot by Lester. Albert was there and they woke him up to shoot him. He was a heavy drinker, I mean, he was a bad alcoholic. There was a roommate, Buford Borland who was an alcoholic. Just got out of the penitentiary and Arliss Self took him in to let him stay there at the house with him. They would drink all day long, drink and drink and drink. There was an empty bottle of vodka laying beside the bed beside Arliss on the floor. And there was a copy of the book, *The Godfather*, laying there. He had been reading that at some point.

So we had two people who had been before the grand jury who now are dead. Well, their third party that would be involved here if there's any relationship, Martin Edwards, who I told you earlier testified before that grand jury. Martin is missing in the summer of 1971, I guess it would be, he's missing. People are asking about him, his family. He lived in a trailer park out there off of Riverside Drive, south of the Oral Roberts area where you go across a little bridge back to the west.

Frank Thurman and I drove out. His mailbox, a rural type mailbox, mail's following out on the ground so it's obvious he hadn't been around there. So people began to be concerned about Martin and Martin does turn up. His body's found September of 1971. Just barely over the county line into Osage County. He'd been buried in a shallow grave and shot several times.

JE: Why was he murdered?

BF: Well, again, I'm going to have to speculate. I do not know except to say that the unknown is sometimes bothersome. There's no question that based on other information that I had, I have now, that Martin would have information about a lot of criminal activity by Pugh and about McDonald.

The story that came out to law enforcement ultimately about Martin was that Martin had taken an agreement, somebody was mad at somebody else and they were trying to find somebody to do something to that person. Lester Pugh said, "Could you help me with this?" And Lester went out to look at the grave that had already been dug by Martin out in the woods there in Osage County. He shot and killed him, put him in the hole, and he was a friend of the person who was going to be hurt.

But could have had no relationship at all but I say it's what you don't know sometimes that worries you. If I can conceive that Pugh or McDonald would say, "We don't know what

he said in there but he must think that he knows something about the bombing." If it was a tangential motive or the motive.

But those three witnesses before the grand jury meet very grisly demise.

Chapter 13 – 2:43
Second Grand Jury

John Erling: Wasn't there a second grand jury looking into the bombing of Judge Nelson's car?

Buddy Fallis: Well, yeah, we had that first one in September. And then there was a second one that took place in like February, I could be wrong. Again, keep in mind that it was like trying, from our standpoint in law enforcement, to keep generating, generating trying to find something by subpoenaing different people and so on like that to see if we could get a different result.

As it worked out, I guess it was just as well. The grand jury can only operate on the evidence that's there at the time, like any jury, so I don't have any quarrel with either of the jurists. As a matter of fact, I would give them a slap on the back for approval of how seriously they took the job.

JE: There was this lounge, the Inn Court Lounge, that was bombed.

BF: Yeah, as a matter of fact, somebody thought that was a message for the people in the courthouse.

JE: It was near the Tulsa County Courthouse.

BF: While that jury was going on, that grand jury. The Inn Court Lounge was on the east side of Denver and at the opposite end of the block where the YMCA is, I can't think what street that would be, about 5th Street, probably. I mean, a little old shotgun bar. They put a bomb out there, they made a bomb out of fertilizer like they used in some of these bombings like Oklahoma City, I believe. It broke some windows in the courthouse and so on.

I don't recall that we ever determined for sure who did that. But I do know there was speculation somebody was trying to send a message to the grand jurors. Well, I don't know if that's what that was or not.

JE: So am I right, we never convicted anybody in the attempted assassination of Judge Nelson?

BF: That is correct. Nobody was ever tried on that.

JE: Do you have a speculation as to who did it?

BF: Oh, well, these guys did it.

JE: These guys did it? You know that?

BF: I mean, it would be the same—oh, yes, definitely.

JE: But you never had enough evidence to try them for it.

BF: No, had enough evidence but it was a matter of I've got Lester with a life sentence, another life sentence plus ten years. I've got him with thirty years, I've got him with sixty years. And since we can't get the death penalty for the murder in Little, so-and-so, it seems to me like our resources could be better utilized. There's no question in my mind, if I wasn't convinced of somebody's guilt I never tried them. And I think that I would probably even have a higher standard than maybe a juror on occasion.

Now people say, "Well, then, how come people were acquitted?"

Well, because the juries, they may have felt like there was a reasonable doubt based on their interpretation of the evidence and so on like that. But you got to be cautious in those things, but no, based on what I've been told by all the witnesses that I used in those trials—as a matter of fact, like in trying Albert McDonald down in Durant for the trial of the murder of Epps, part of the evidence we showed was the bombing of Judge Nelson's car. That was part of the motivation, I had to show that.

With Arliss Self, we get into the same motivation. So in a way, the cases were tried, but not separately. But I thought economically Albert was dead, I couldn't get him. Lester, and as it turned out, I think probably from a financial standpoint it was just as well to let Lester die in the penitentiary.

Chapter 14 – 8:05
Cleo Epps Funeral

John Erling: It's interesting about Cleo Epps. She was buried in Sapulpa, February 27, 1971. And among the 150 who attended her funeral, and this was the Bootleg Queen, were US Representative Ed Edmondson, District Court Judge Bill Heyworth of Muskogee.

Buddy Fallis: Yes.

JE: Former State Senator Edward Collins of Sapulpa, and city and county law enforcement officials.

BF: Oh yeah, Cleo—

JE: Why would they attend this bootlegger's funeral?

BF: In my communications with Cleo Epps, she was actually a very soft-spoken woman who seemed truly compassionate toward people. She was generous in her reputation of helping people in that community. Was she a bootlegger? Yes. She probably would have been the first to, "Yeah, I've done that, I've sold whiskey." But I think that you'd have to

look at how black was that crime in view of the times. I mean, again, it was a state that would vote dry and buy wet. So I'm not apologizing for it. But I'd say, I found her to be a compassionate person and a person that was well liked.

As a matter of fact, there's a couple, a little couple that testified in these trials that lived in one of her houses. She would have dinner with them just about every night. They were older people. And the husband in that family, he had been helping Cleo because she helped them. He'd been helping her paint a barn on the day that she disappeared. That was a very common practice. You know, come in the back door, sit down at the table, have a meal. And that's when Albert came and got her and took her away on the night she was killed. They remembered him coming to the house and being the last person that had seen Cleo alive.

But yeah, I think that probably it's sort of like a character out of Damon Runyan situation, you might say. Did she have a negative standpoint from the standpoint of being a bootlegger at one time? I guess. But did she do a lot of good? The people over there apparently thought she did.

I think the other thing too is law enforcement likes to curry and criminals sometimes like to curry a communication line with them. So that they can tell you things and rest assured that they're not going to be exposed in that. Or who knows, maybe even not tell you things. But she was liked.

JE: It seems strange that Ed Edmondson would attend that funeral, doesn't it?

BF: I think again that if he would know here, heck, everybody in Creek County knew Cleo.

JE: And she married a Tulsa attorney?

BF: Two, she married two here. I didn't know.

JE: I don't know, all I know is that she married a Tulsa attorney and divorced him because he drank too much.

BF: (laughing) Yeah.

JE: And then she married a second time and she married a bootlegger. At her death, her estate, thirteen pieces of real estate, more than fifteen hundred acres worth almost $250 thousand, thirty-four mortgages and notes valued at $432 thousand. Her total estate was listed at $740,452.

BF: Yes. She had a motel out on the bypass, that's what we called it. Arliss Self had been shot up in a robbery down south and recuperated there. And allegedly while he was recuperating there is whenever he was instructed in the art of being able to make a bomb. Albert was instructed in this because Albert would be around there a lot, he was around Cleo a lot. That's why people thought that Cleo and Albert were going to get married.

And then whenever this widow of a fence north of Bartlesville there, when he passed away, Albert, he starts seeing her, you know, got married.

JE: So the point where she was thought of in a positive way they say on the day her body was discovered a grand jury witness in the Tulsa courthouse said, "Anybody who would kill Cleo would have to be crazy. She had a heart as big as Texas."

BF: She did. She impressed me that way and I had several conversations with her in that investigation. But I certainly didn't know her like some of those people like Jack McKenzie and others knew her. But they truly felt something for her or they wouldn't have been at that funeral, I'm sure.

JE: These characters, were they part of what was known as the Dixie Mafia?

BF: In a sense. You know, the Dixie Mafia term is a term that I guess was sort of like the Bootleg Queen created I think by media. And that's fine, there's nothing wrong with referring to them that way.

I mentioned earlier that bootlegging lent itself to moving right into other crime with the demise of the prohibition against liquor in Oklahoma. Because, again, it takes an area where you can go and hide, cool off, so people in crime in Tennessee might be accommodating to the people in crime in Oklahoma, and I think that went on with some of these people here that I've talked about.

I think also that there's a system, stolen property, work and we fence it. If you fence it locally you have a better chance of getting caught than if you fence it somewhere else. And people can move some of that stuff.

Now I do remember there are certain names that I'm satisfied would have been identified with the Dixie Mafia in a sense. There was a murder in the Liberty Towers, had to be in the 1970s, I think. Liberty Towers is down there 15th and uh...

JE: Boulder.

BF: Boulder, yeah.

JE: KRMG was on the twenty-third floor.

BF: Well, okay, well, the man who was killed was at a party there. There was a lady with some financial wealth apparently in that building and they're having a party. These people came through that door and it was a professional job. You know, it's not like when somebody's running down to the store and trying to stick up the store with a gun. But these were professionals, in a sense. I'm satisfied they probably today would be called somebody from the Dixie Mafia. Never were caught.

However, when I was working with the police, the man's name was Rumley, R-u-m-l-e-y, that was killed. Frank Thurman and I had some information that there was a man in jail down in Monroe, Louisiana. We called and made arrangements to do down there and see if we couldn't try to talk to him. And it was going to be information about this particular crime.

Well, whenever we got down there, they said, "Oh, yeah, Sheriff's going to let you use his office in there to talk to him. He's going to talk to you."

And I said, "Well, I got to go around to the Clerk's Office." And I went to the Clerk's Office, I said, "I need to see the docket sheet on this criminal." He had killed two highway patrolmen and he was awaiting trial down there.

I go in there and the guy says, "What's the name?" And I told him. He said, "Oh, where you from?"

I said, "I'm from Oklahoma," and I showed him my credentials.

"Okay," he said, "what kind of place you people running up there?"

I said, "What do mean what kind of place are we running?"

He said, "This guy that you're getting ready to talk to, they brought him in, booked him in and all. He said, 'I want to make my phone call,' and he made his phone call." He said, "You know where he called? He called to the state capitol in Oklahoma and called for the Court of Criminal Appeals."

Now the coincidence, I don't know, it may have meant nothing but to me, I'm thinking, "Wow, people can have a bad child, child that goes bad, and I assume that's probably what we're talking about here." Because Kirksey Nix Jr. would be the son of Kirksey Nix, who was a longtime member of the Court of Criminal Appeals in the state of Oklahoma, which was equivalent to a branch of the Supreme Court in the state of Oklahoma. But the name, Kirksey Nix Jr., is probably, to my knowledge, the one name that is most usually identified as being Dixie Mafia.

Kirksey Nix Jr. is not the guy I talked to in Monroe, Louisiana, but I'm just trying to point out that people in Louisiana are saying, "Yay, we got a guy in here that we booked in right over there."

Well, this guy ran with Kirksey Nix, the one in Monroe. Now Kirksey was convicted of an armed robbery where Mr. Corso was killed down in New Orleans, Louisiana. Corso was a wealthy man in the produce goods that were sold in stores, wholesaler, something like that. He was killed during that robbery.

And last I heard of Kirksey Nix he was still in prison down in the South there, for that crime.

JE: You started out with the Liberty Towers murder.

BF: Okay.

JE: And so—

BF: Well, the Liberty Towers was the reason I had gone to Monroe with Frank Thurman, the undersheriff, the sheriff later, to talk to this man who was going to allegedly give us information about the Liberty Towers. He didn't really have any good information, he was just sort of a BS type guy. But while I was there is when I'm told by the man in the Clerk's Office, this guy when he's booked in, this guy that's charged with killing these two troopers, his phone call was to the Court of Criminal Appeals in the state of Oklahoma.

JE: He was a friend of Kirksey Nix Jr.?

BF: Oh yeah, yeah, that was, oh yes, yes, they were both of that generation, yeah.

JE: They were buddies and so apparently he was calling who knows?

BF: Well, yeah, he might have been calling trying to get a number for Kirksey Nix Jr., for all I know. I mean, I don't know, I mean, it could be someone—

JE: Or Senior.

BF: Like I say, it could have been totally innocent.

JE: Right.

BF: (laughing) No.

JE: Right.

Chapter 15 – 3:34
Pugh and McDonald

John Erling: Pugh and McDonald, were these pleasing people to talk to? I mean, if you sat and talked to them were they friendly people? That you would never suspect them if you encountered them?

Buddy Fallis: McDonald I would say, I wouldn't even talk to him. Well, I tried to talk to him but he never would even talk to me. He looked mean, he looked sadistic, was mean, was sadistic. He was everything he looked to be and what he did, murderer, bomber, you name it, thief.

Lester Pugh, he and his wife had been sort of the stars of Glenpool High School, someone who is shorter like me. But he had been the sports man down there and she was the beauty queen and she was a very pretty lady. They had what he called his little ranch down by Glenpool. Go down the Okmulgee Beeline and hook a right and go off to the west there, not very far. They had an old house on some land down there and he had some cows.

Matter of fact, Frank Thurman used to say, "You know, Lester Pugh's got the most unusual cows in the world. They'll give multiple births two or three times a year." (laughing) I think it was Frank's way, bless his heart, of saying that there may be some stolen cattle on that property.

Lester's folks had a grocery store at Glenpool. Lester and his wife were popular. And I think probably the bootlegging business got him into the wrong side. Would he talk to you? Oh yeah, and he could be very pleasing in verse, but I'll call your attention to the fact that, again, you could not, in later years, put any trust in what he was saying to you because he had every motive to protect himself.

On one of the occasions, Frank Thurman, Frank Hagedorn, and I took Lester Pugh out of the Tulsa County Jail to drive him back to Arizona, back to his thirty-year sentence there because they had been keeping Lester down at the state penitentiary while all these trials were going on. The thing is they spent so much money flying people back and forth, back and forth. Frank got word that Lester had bought privileges inside the penitentiary, that he had him a job lined up, that he had what they would call green money on the yard, meaning that he's loaned out money.

So one day, Frank says, "We got to get him out of here. Let's take him back."

They brought him back to the Tulsa County Jail and the next day me and Thurman and Hagedorn, in Thurman's car, went down and got Lester. We start out and he said, "Where we going?"

And I said, "We're going to the penitentiary." And I had these papers from governors on both side.

He said, "Oh, okay." And he wasn't bothered at all. He was sitting beside me in the back seat. And we went down like you're going to go on the Okmulgee Beeline and instead when we got to Skelly Bypass, we get up there and he's talking, "Oh yeah, I'm going back to the penitentiary, blah, blah, blah." And he made remarks like that. He thought I was a great actor. He said, "You put on a real show acting these cases, you know."

JE: In the courtroom?

BF: Yeah, in the courtroom, oh yeah. So we're just talking and all of a sudden, Thurman, when he hit the Skelly Bypass he hooks a right like he's going out to the turnpike gate. And boy, you talk about the change of day and night, he said, "Well, I thought we were going to the penitentiary."

I said, "We are."

"Which penitentiary?"

I said, "Hey, we're going back home to Florence."

"You're kidnapping me, this is kidnapping, you can't do this."

I took my papers off my lap and said, "Look at these, Lester," I said, "this is for you right here."

Well, he was mad at us and he made some comments, "There's at least two guys in this car, when I get out I'm going to take care of," you know, stuff like that.

I passed that off as just being the criminal talking this way. You learn a lot about him at that time. He boasted to me about how Mary Jo, his wife, was not aware of some of his criminal activities because he hid it from her and the kids. He was so proud of that one boy who would keep it a secret too about what he knew.

And I thought, "That's sad, I mean, real sad." But whenever I'm down there after he got captured in Texas, on account of that robbery and they had publicized that he had been sitting on my house.

He denied all that, "Oh, Buddy, you don't believe all that junk, you know. We've known each other a long time," and blah, blah, blah. You know, that type stuff. (laughing) We were old buddies.

JE: Right.

Chapter 16 – 6:58
Rick Brinlee

John Erling: There was a very notorious cold-blooded murderer, a plumber from Tahlequah, by the name of Rex Brinlee.

Buddy Fallis: Garland Rex Brinlee.

JE: He started out stealing cattle and an occasional pickup truck.

BF: Yeah, his reputation as a problem for law enforcement started, as I recall, I think he had a plumbing company or his family had a plumbing company, something like that. But he had a bar over in Tahlequah by the school there. That's Northeastern I guess, Tahlequah.

JE: Um-hmm (affirmative).

BF: He'd received some legal advice for something about how in Oklahoma the law, at that time, and it may still be the law, provided you could not dance at a place where beer was sold unless it was a hotel. So he had this bar and he had a room on the back. The rumor was, and the reputation was, that he put a bed back there and he said, "Ah, we got a hotel. Now we can dance." And of course, that was good news to the students who like to go out and party a little bit out of their university there.

He called it the Tab Hotel. He came to the attention of law enforcement down there and it was over a lot of that that he got into other things. The ultimate crime in Rex Brinlee's situation was this terrible, terrible crime involving Mrs. Fern Bolding. Her husband had been a lawman in Tahlequah and he'd had a lot of little run-ins with Rex Brinlee. It was over those run-ins that Rex had a real hatred for this man.

As I remember this, there was a situation where here in Tulsa County we had Rex Brinlee charged with the theft of an automobile. It was a pickup truck off of a downtown car lot. And we're getting hooked up, ready to go to trial on that. There had already been this bombing that took place in Creek County where Mrs. Bolding was killed. This was a bomb put on their truck [that killed] Mrs. Bolding, the wife of Don Bolding, the man that Rex hated.

JE: That was Bristow, right?

BF: Yeah, it was in Creek County. I thought it was outside Sapulpa but it was Creek County. Anyway, the story that I always heard is that they had a little daughter and the mother

left and got in the truck that day to drive their truck. And the daughter was waving goodbye to her mother, standing on the front porch. And the explosion from the bomb being on that automobile happened right in front of that little child. And it was a horrible crime, horrible.

Well, information drifts in that part of the motivation behind all this is this hatred for Bolding, and of course, Creek County would be the ones dealing with this more than Tulsa County. But we were interested for another reason. This theft of a vehicle from this lot in Tulsa, that was pending for trial and I was told later that part of the motivation here for the bombing was, again, it's sort of like what was happening in the Little Rock case with Arliss Self and Lester Pugh.

Now we're getting ready to go to trail in this case, at that time he's not charged with the bombing. He [Bolding] was going to testify against him [Rex] on the stand. Bolding was prepared, as I recall, and did testify that he saw him driving this stolen pickup truck over there in Tahlequah or somewhere.

So again, we're getting ready to go to trial. We did go to trial, Rex was convicted in that trial by a jury trial. He had told me one time sitting in the jury box waiting for something, he was dressed in a suit that I couldn't afford, shoes I couldn't afford, he liked to put on the show, we're sitting here on a recess or something, he says, "Fallis," he said, "I got to tell you something, I'm going to save you guys a lot of trouble." He said, "Why don't you leave me alone? If you give me another year, you guys all give me another year to do what I want to do then I can retire and I won't be a bother to you anymore."

I said, "Sure, that'd be fine."

Well, then he's convicted on the car theft, he's charged with the bombing then, and he's convicted on the bombing. I don't remember if he got the death penalty under the new death penalty law at that time or not. He didn't get a death sentence ultimately, but he had the six years for car theft in Tulsa. I think it was six years. And he had at least a life out of Creek County. And we had a grand jury going, some grand jury came up and we subpoenaed Rex Brinlee out of jail.

People who are dressed into the jail, now they got the jumpsuits. In those days, they had a pair of old dungarees and a Chambray shirt that says, "Tulsa County Jail" on the back. He's sitting in the jury box and I couldn't resist. I walked over to him. This was after he's got the life sentence, this is after he's been convicted on the car theft. The same guy that told me that if we'd just leave him alone a year he'd be in good shape. The same guy dressed like a million dollars, you know.

They tied a piece of rope to the front of his pants to hold them up. This Chambray shirt was too small, he had a big belly on him, you could see his pink skin under that. It looks horrible. I don't think he had any shoes on.

I walked over to him and I said, "Hey, Rex, you changed wardrobes here on me. I didn't recognize you at first." He didn't appreciate that.

He later died in the penitentiary. Gave it a couple of three times, but finally died.

JE: Yeah, he was dubbed the Bristow Bomber and he said about Fern Bolding getting in that truck, "The horse got in the wrong stall."

BF: Yeah, he's sort of like Lester in a way about his conversations. He'd say things to you and I think he really got a thrill out of making comments, you know, sort of tempting and tantalizing comments.

JE: It was in July of '73 that he made headlines when he escaped. There was a huge prison riot at the Oklahoma State Penitentiary. Three people died, prisoners burned twenty-four buildings at the McAllister facility, and he hid in a six-foot hole before he scaled the wall and landed on the FBI's Most Wanted list.

BF: Um-hmm (affirmative). He escaped more than once but I think that particular escape he stayed at large with several other inmates that had gone out with him. Over a period of time he got complaining, he had to come in and give himself up because the chiggers were eating on him. One of those escapes he made a lot of headlines.

JE: His lawyer was Tommy D. Frazier.

BF: Yes.

JE: Brinlee threatened to kill you and his own attorney.

BF: Yeah, he threatened a lot of people. He was big on threats. Yes he did, as a matter of fact, whenever I was on my way, and Thurman was with me again, we traveled a lot in pursuit of these cases and we were on some case, we had to change planes in Chicago. As I get off the plane there's an announcement on the loud speaker, "Mr. Fallis! Mr. Fallis! Pick up the white phone."

I went over and picked it up. There was a call from my office saying, "Hey, we just got to alert you, Brinlee's escaped."

I said, "What am I going to do up here?" you know. Anyway, yeah, everybody was aware that he had threatened him. That was very typical, very typical, always threatening somebody. In all fairness, I have to say though that there were times when he would assure me, "No, no, no, I would never do that. I didn't say that."

JE: You never trusted him though?

BF: It'd be a little tough to. (laughing)

JE: Before his second escape he told Governor David Hall in a letter that he owed Hall and Tulsa attorney Pat Williams about four sticks of dynamite.

BF: Oh yeah.

JE: Hall had signed the extradition request to bring him back from Mississippi. And Pat represented Brinlee's wife in a divorce suit.

BF: Oh yeah, he had a list and he'd always boast about that list. But like I say, you know, there was a lot of the personality I see, now that I think about it, in Brinlee that I saw in Pugh. Physically they were similar, whatever that's got to do with it. Nothing, I'm sure, but Pugh would like to boast, and of course, he would play it to the edge. He's not making an admission, but, "What if some guy, you know..." hypothetical stuff.

Chapter 17 – 8:03
Threats On Life

John Erling: You had many threats to your life. How did that affect you and then your family had to know that this was going on, or did you keep it from them?

Buddy Fallis: Yeah. No, they were aware because for a while I had a listed telephone number so that it was not unusual for me, in addition to any calls I got from law enforcement, in the middle of the night to get a call. They would be just a voice saying that I was going to get killed or gonna die.

One time it was in 1966, I remember this well, it was springtime so sort of warm. At that time, we had a routine. Our routine was that Diane would load the dishwasher and turn it on before we would go to bed. The dishwasher in the kitchen area looked out on our driveway of our house there at that time on 85th East Avenue. There was a gas light out there beside the driveway. I had a 1960-something Chevy, I guess it was. I'm in what I euphemistically call our television room, (laughing) which is a little black and white and a couch and I could sit in there and watch TV. And it was a movie where James Cagney was playing Bull Holsey or something. I can't remember the name of the movie but it was a famous movie at that time. And they were shooting those big guns, those big old sixteen inches, so you could hear boom! Boom!

Diane called me in there and said, "Buddy, what's that explosion?"

I said, "Oh, it's this TV here. James Cagney's going to kill all the Japanese here."

She said, "No, no, I heard it outside."

I got up and I was barefoot, I remember that, I opened the front door and I looked out. I walked and I looked down on the pavement there beside my car and I could see pieces of glass. When I walked around behind there what they call deer slugs, I guess, out of a shotgun, two of them had been shot into the back of my car and tore out some of the back deck area, the window, and the whole thing. It didn't take me long to check that out. I immediately ran back into the house. And when I did I called and here came the police on.

So me, and I remember Harry Steegy was there. He later became chief in Tulsa. We're looking at it and he's talking in there taking some photographs and Diane goes back in the house. And I hear the phone ring and then she comes out and she said, "Oh, my God!"

And I said, "What's the matter?"

Well, this guy had called and he said, "Tell that SOB, next time it'll be right between his eyes."

The calls, the threats, and all these things, you can't take them cavalierly as these cases prove, but at the same time, it does have an effect. With the boys, we had rules in our house, "Never give out your address." We got an unlisted number that gave us some relief. "Never answer the door unless you know who's on the other side. That means, you look out that window and you see and if you don't know them you talk to them through a window, just to be very cautious."

The boys, they lived a more guarded life, not by choice. "We don't do that," "We don't do this," "You can't do that," because of an exposure, so yeah, it affected the family. And I think, "Yeah, you know, there's some crazy people out there that do bad things." So it's not that it wasn't fun.

JE: Did you wonder about your car having a bomb set in it and every time you got into that?

BF: Well, as a matter of fact, they always checked, as much as I could and I would keep the car in the garage if I was home. If I was out, I made sure that I would have ways I could look to see if that hood had been opened on my car. People, when that happened, very nice people, they would call and say, "Buddy, is there something we can do?"

One man sent me a lock, a special lock that you could put through the hood of your car and lock it up. Of course, somebody could have cut it off with cutters, but at the same time, I mean, citizens were concerned and I really appreciated that. But I was very cautious and carried a gun.

JE: You have any idea who shot into your car?

BF: Oh, well, as a matter of fact, I learned that about a year later. We went through the routine of trying to figure out who would hate me. Everybody decided that so many people that the world would be the suspect but we couldn't come up with anything that was going on right then that in some way would have spawned such an act.

And so time goes by and I get a phone call from a police officer. He said, "Hey, I got so-and-so here, wants to talk to you." I knew it was a woman, a name I knew.

So I went over to the station and sat down and talked to her. Well, she said, "I've been going with this guy," she named him.

I said, "Yeah."

She said, "Well, he's the one that shot your car up." He was sort of a two-bit criminal.

I said, "Why would he do that?" I'd handled a case or two with him, nothing of any major, major consequence.

She said, "Well, because it was on a bet, on a dare." She said, "Those guys got drunk and he said he'd do it, so he's the one that did it."

I said, "Well, I've been wondering for a year, why didn't you tell me?"

She said, "Well, because now I can."

The officer said, "Yeah, he was killed." They called him Curly Bill.

Curly Bill apparently got into an argument with this woman and was chasing her around outside the house of her father, over by Cleveland Junior High School. Old Curly Bill is chasing her and she screaming, I guess, and the father steps out with his shotgun and he ends the chase, so as to speak, I mean, he flat killed him. So she said she felt comfortable in being able to communicate with us now about that.

I thought I might digress here just a minute. There was a guy, they called him Chigger. Chigger was ultimately convicted of murdering two women down on Boulder. Horrible murder. He had gone to the penitentiary and allegedly had left some valuables with them. And he came back from his stint in the penitentiary and they didn't have the stuff. That was his story. So he sort of went kooky and he killed them.

He was ultimately arrested over in the Oklahoma City by police officers. I get a call that he wants to talk to me. Floyd Cumby was his name and they called him Chigger. He was a Tulsa product.

I go over there and Smokey Stover. There's an FBI agent by the name of Moose Mullins and Cumby had drawn a plat. And Moose Mullins had shown it to me, he said, "Buddy, do you know what this is?"

I looked at it and I said, "I sure do."

He said, "What's that?"

I said, "That's the floor plan of the garage apartment behind the house down there on Boulder, before you get to 18th." I said, "That's the floor plan of that place where these two women were murdered." There was no question, it was him. And I said, "Where did you get that?"

He said, "From Floyd. He wants to talk to you."

I go in and I said, "You did this?"

He said, "Yeah." He did the crime, confessing to me and Smokey.

I said, "Wow, okay." And I asked him a few other questions just to make sure that he wasn't just making this up or something.

He would say, "Oh, and by the way, over here on this one," he'd name something that was on the shelf there. He said, "After I did all this I shaved and cleaned up before I left."

So we hid him out of the Oklahoma City Jail, me and Smokey Stover, who is a retired police officer now, and we called Purdy on the way, Jack Purdy. I wouldn't tell you this except that Jack Purdy has passed away, okay? He would forgive me.

At that time, the old police station was down there at 4th and Elgin, not where they are now. They got several locations now, but they were at 4th and Elgin at that old building. So we call and say we're bringing Cumby in, and he said, "Okay, I'll meet you down there." So he came.

On the way back, Cumby starts laughing. He's sitting there in the car. "What the hell you laughing at? What's so funny about all this?"

He said, "Where we going?"

I said, "We're going to see Jack Purdy."

He said, "Okay."

I said, "You looking forward to that?"

"Oh boy," he said, "oh yeah."

I said, "Well, what are you talking about?"

He said, "Well, I'll tell you. I've been to Purdy's office several times, as you can imagine," and he would have been because Jack would see him on the street, talk to him, see if he could get any information. And he said, "There's a little toilet room there in Purdy's office."

I said, "Okay."

And he said, "There's a green locker. Missy Miller had picked me up at the bus station and took me up there to talk to Jack one day," and he said, "I didn't tell him anything but I had a pistol on me. They left the room," and he said, "I didn't know what to do. I didn't want them to find me with a pistol so," he said, "I put it underneath that locker."

I said, "Come on."

He said, "No, I bet it's still there."

I said, "Oh, come on." Because it had been a lot of time, you know.

We go in there, Purdy's sitting there, and I said, "Jack, before we get started we need to perform something here."

He said, "What are you talking about?"

I said, "Well, can you just wait a minute?"

He said, "Okay."

I said, "Tell me where to go, Floyd."

He said, "Go to that door." I went through that door. He said, "Open it up."

I said, "Okay, I'm opening it."

He said, "Is there a green locker there?" and he couldn't see it from where he was sitting.

I said, "Sure is."

He said, "Now reach down way back behind it on the floor." It was there.

Purdy went mad. He said, "What?"

I said, "Hey, it's not me! Now wait a minute." I said, "Jack, you need to get a different janitorial service here."

But Jack, he was a good guy.

JE: That was Floyd Cumby, quickly, what was his crime that he was convicted of?

BF: He killed these two women near 18th and Boston over some stolen property that he had left with them when he had to go to the penitentiary on one of his trips. Now he's died since then, but Floyd, I think he walked away from the penitentiary a couple of times. They had him at Stringtown. He was ah, a strange guy.

Chapter 18 – 6:31
Girl Scout Murders

John Erling: On June 13, 1977, eight-year-old Lori Farmer, nine-year-old Michelle Guse of Broken Arrow, and ten-year-old Doris Milner of Tulsa were found dead at Camp Scott near Locust Grove. Gene Leroy Hart had been at large since escaping four years earlier from the Mayes County Jail. He'd been convicted of raping and kidnapping two pregnant women as well as four counts of first degree burglary. He was raised about a mile from Camp Scott.

All three girls were in tent number eight. They had been raped, bludgeoned, and strangled. Hart was arrested a year later at the home of a Cherokee medicine man and tried in March of 1979.

That sets the stage.

Buddy Fallis: Um-hmm (affirmative).

JE: And you, Buddy, were brought in as a special prosecutor.

BF: Yeah, I'm not sure whose idea this was but Sid Wise was the district attorney over in Mayes County at that time. He was either being disqualified or whatever on that case. And I was approached by a member of the OSBI, the Oklahoma State Bureau of Investigation, saying that some members in the family had asked that I would agree if the governor wanted to appoint me to go do that.

Well, I met with Dr. Farmer and his wife and I met with the Guses, and I can't remember if Mrs. Milner was there or not. But in meeting with these folks they expressed that same desire. I thought, "There's no way I can say no because these are very fine people that suffered such a loss. If we can be a part of setting something straight I would like to do that."

I got the request and I said, "Yes." And so myself and Ron Shaffer and a couple of my investigators, we became involved in that case.

JE: Did you believe then as you began to study the case that Gene Leroy Hart was indeed the person, or was he one of others that could have done it?

BF: Well, I have to answer your question this way: Yes, I did believe and do believe to this day that Gene Leroy Hart was responsible for this. Were others involved? That I can't say. Is it possible? Certainly it's possible. But as far as from what I was provided in the way of information in the investigations and things like that, other than people just wondering that very same thing, your answer is yes, it's possible. Did I have the evidence that others were? No.

People could argue, "Well, one man couldn't have done this."

And then I think, "Well, that sort of sounds reasonable." But on the other hand, I can remember that man in Chicago who held, oh gosh, seven or eight nurses and raped and killed them. I thought, "Yeah, one man can do it. Can commit horrible crimes with multiple victims."

But anyway, to make a long story short, my answer is, I don't know if other people were involved. I saw no evidence myself of that.

JE: And you felt then you had a very strong case against him?

BF: Well, I can't say it's a very strong case, but yeah, I had a case against him. I thought the evidence was sufficient to try him. The case had a lot of ins and outs from the standpoint of local instances. I remember one man who, oh gosh, there's some publicity about the DA or somebody was trying to sell a book about this and ran an ad. Some guy that worked for him ran an ad looking for people to back a book. The case hadn't even been tried. There were a lot of things going on on the outside there that weren't very helpful.

JE: Well, it was also kind of like O. J. Simpson. For some reason, Hart had some kind of charisma about him and he had a large following that believed that he was innocent.

BF: Oh yeah.

JE: Even though he had these other crimes. He was of Cherokee descent and Mayes County residents just could not believe that this man could murder these girls.

BF: Yeah, he was apparently well thought of in the Locust Grove area, which is a little town there near Camp Scott. At that time, his mother, last I knew, she still lived in that vicinity.

The funeral was attended by tons of people, they tell me. Yes, there's no question. They put out bumper stickers during the period of the trial that would say, "In the Hart of Gene Country." They had fundraising dinners while the trial was going on.

JE: For him?

BF: Yes. Bean dinners, things like that. On the courthouse lawn. You could see assemblies of Native Americans all very supportive of Gene Hart. And they felt strongly about it, there's no question about that.

Now I find it a little difficult for people to say, "Well, he's just not the kind of person that would do that." Well, there's a loyalty and you don't want to believe things. I would never want to believe, you know, somebody I knew or somebody I had deemed to be a good person to have done something like this. But it happens. People do bad things sometimes. In this instance, he had the kidnapping charges and the rape charges that he was serving time for when he escaped at the Mayes County Jail. And then was out and could have done, did do these crimes.

Those women he took down into, as I remember correctly, it was the bottomlands of the Grand River. Tied them to trees, sexually abused them, raped them. That's pretty strong stuff right there.

JE: He was on the lam for four years and he was arrested at the home of a Cherokee medicine man. All that four years, there had to be those who had to help him.

BF: Yeah, in the trial and thinking back on the evidence, one item of evidence had to do with a place, we called it the cellar cave. I don't know if you're familiar with that area or a little south and maybe a little bit west of Locust Grove called the Twin Bridges and down in that area. We even went down and looked for caves and found caves, but we also found, it was like a house had been there at one time. And it had a cellar built on top and that cellar was gone but there was a roof on, so I guess it was like a storm shelter. Part of the evidence that was there, there were some pictures that were shots that Gene Leroy Hart had developed for a photographer when he was in the penitentiary. A man who was a photographer on the side, he worked there, apparently he'd bring stuff back and have Gene Hart print those pictures out for weddings. He would take weddings and things like that. Now the man was not an inmate, he was an employee there, the official photographer, but he had his own business on the side.

There was testimony that Gene Hart had developed these particular pictures. And the people in the wedding pictures even identified him, found in that cellar cave.

JE: Why would you have Gene Leroy Hart develop pictures when you could have gone to a professional some place. And he had that equipment? While he was escaped?

BF: No, no, no, it wasn't while he was escaped. This is while he was doing time in the penitentiary. It would be like this was a previous conviction that he had. He's in the penitentiary—

JE: Before he escaped?

BF: Yeah, it was before he escaped that he did these. There were other items there that were intriguing, but I got the impression that other people knew that he was using that cellar cave and was around that area. It seems to me like some of those lawmen down there said they had people who claimed they had seen him. Now I can't remember if I had any evidence from the witness stand saying they'd seen him down in those areas.

But his mother, Mama Buckskin, I think was what her name was, lived real close there to Camp Scott.

Chapter 19 – 4:23
Acquittal of Hart

John Erling: As a chief prosecutor you couldn't talk to him personally? You couldn't go to his cell or anything. You saw him in the courtroom, obviously.

Buddy Fallis: Um-hmm (affirmative).

JE: And you were as close to him as the table next to you, I guess.

BF: True.

JE: How would you have described him?

BF: Calm, didn't seem to show a lot of emotion. Never made any outbursts, I'd never heard him speak. They never indicated a dark signal to me in any way or anything like that.

JE: Hart's attorney was Garvin Isaac?

BF: Yes.

JE: Represented Hart at the trial. He always believed that Hart was innocent.

BF: Right. And to this day, there's a book out, you may have seen it, it's about courthouses in Oklahoma. I guess it came out within that few months. And in that, the people who put the book together have taken pictures of all the courthouses and they tried to have some story about events at the courthouse.

And one of those is, of course, the Mayes County Courthouse. Garvin's picture is in there and he expresses, he's convinced that Gene Hart is not guilty.

And of course, I'm saying, "Well, I still believe that he was guilty." And, well, you know, that's the way things end sometimes.

JE: But the jury acquitted Hart. Talk about that and talk about when you heard the decision.

BF: Oh. I, the emotion of the trial was set by the photograph of those little girls. And of course, we were introducing those to the jury. But when I first saw those and met those folks, you know, thinking about little children. We're talking about small kids.

JE: Eight, nine, and ten.

BF: Yeah. There might have been a seven-year-old. I thought one of them might be seven, yeah.

JE: Seven, yes, yes.

BF: She was the youngest, and I think that was Sherrie Farmer's, Beau Farmer's daughter, I think it was Lori. Anyway, bless her heart, I know after this was all over with, after the trial and the whole thing Dr. Farmer and his wife invited my wife and I to their home for dinner.

We went, and in the course of being there she showed us a little room in the house where she had left it the same way. And I thought, "Gosh, a parent has to go through this pain, has to go through all this." And I wished that there had been a different outcome in the sense that I believed so strongly that he was guilty. And I still do, nothing has changed.

Now since the trial there has been efforts and I'll give you example of what I mean. After I was out of that office, somebody decided to do a DNA on some slides that had been made from these little girls. In the course of doing this, and this was somewhat early in the use of DNA, because it wasn't in use at the time of that trial, people wanted to go back and get the exemplars from little girls and the slides that had been made and see if that would either exonerate totally or show otherwise about the outcome of this trial.

They called me. This is after I left that office and was in private practice in this building. I remember talking to them on phone. I said, "Well, that'll be interesting to see what happens." I've never quite understood this because I haven't worked with DNA that much, but they said that there was a lot of damage done over the passage of time. The storage of the exemplars. They still worked with them. They want so many points of identification. The FBI has a standard like nine points. If you get nine, that's an ID. That number is my number not the FBI. But I'm saying that how they try to find these comparisons.

Well, with DNA, it's my understanding too, that there's so many blocks that you try to get consistent. The number thirteen sticks in my mind for some reason. So the report came back after some time and they said they could get like eleven of these compare to what it is with Gene Hart's. But since they can't get the number they need it's inconclusive.

Time goes by, somebody decides to try again. And within the last two or three years there's been another try, I think. And with that there's even more damage to the materials, just over time.

But if I'm correct, and if I'm not correct in I have a misunderstanding that regardless of how many points there, points there and so on, everything was tending to be consistent with the DNA, which means Gene Hart, as to what I understood. Again, I'm not a scientist and I probably didn't understand correctly, but it's inconclusive, there's nothing that came out of it.

I got an email last week from this guy up in Kansas City. He's wanting to talk with me, which I don't think I'll be available. He and his partner want to go to the site of the crime and see if they can't bring this thing to a halt. They go and try to see if there's ghosts in a place. I just thought I'd write him back and say, "Forget it, no, I can't help you."

But people are curious about it. People are intrigued by it, I guess. One of those mysteries of life. Will we ever know? I feel I know. I don't think I can convince people otherwise who believe the other way. I'm sure that they couldn't convince me.

Chapter 20 – 3:22
Corn Cob Pipe

John Erling: Can you name one or two pieces of evidence that you entered that connected to Gene Leroy Hart?

Buddy Fallis: Yeah. First place, I mentioned the picture that's tied to Gene Hart that's in that cave, puts him in the area. At the time of his arrest with the medicine man down somewhere up around Sallisaw. He was living with a medicine man down there. At the time he was arrested, a couple of things, one was a little pipe, a little corn cob pipe like a miniature pipe that was tied to this matter in this way. Counselors at the Girl Scout camp, Camp Scott, back in those days they would use college age girls, high school or what.

There was one counselor, it was her first year to be going to the camp. She was instructed to bring with her to Camp Scott items for the Brown Bag Follies, they called it. Little girls would sit around the campfire and everybody puts their items in the bag, all the counselors, and a little child reaches in and takes it out and it's a red rubber ball. And she's supposed to make up a story about the red rubber ball.

Well, this girl whose father was a professor at OSU, she was a student there, as a matter of fact, she went to get all the belongings to these people who worked there and all, collect it up together, put it on a truck and take it to the Girl Scout Headquarters. And then they were called and said, "Do you want to come and pick up your stuff?" This is after the horrible tragedy.

She picked it up and she noticed that there was another item but also that little pipe wasn't there. This little miniature pipe. And it was gone, it wasn't in there.

I guess we had talked to her and she had mentioned this brown bag thing. And one of these OSBI agents say, "Wait a minute! We picked that up down there when we arrested Gene Hart, down there by the medicine man."

And the little girl looked at it, she said, "That's it."

That was another thing we had. Additionally, the proximity of Gene. People testified about having seen him in that area.

Had a doctor from a university up in Columbia. He was a colleague of Dr. Papanicolaou, who developed the pap smear test for women. What he was working toward, he was preceding the DNA, he had a theory. You can in some instances identify a man by his sperm, because the sperm has certain forms. And he began to create a system of identification of this and this and this and this.

Somebody at the OSBI heard about that and we went to New York City and talked with him. He took us through the routine. He had examined the known sperm of Gene

Leroy Hart, and the reason they knew is because they would give him a clean pair of underwear there in the jail and collect it from him daily. Occasionally there would be a sample there.

They had samples of his sperm and then they had what the lady used, they tried to work with the DNA, the slides from the little girls on it.

I said, "Well, how strong can you go here?"

Well, this guy's credentials were tremendous associated [indiscernible]. He says, "There's two reasons, you'll notice his sperm is consistent in all these samples I've got." He said, "It's unique because it's got a damaged sperm there." He said, "I wonder if they ever tried to do a vasectomy on this guy." Sometimes that would cause it and he had thoughts about that.

But anyway, he testified. He acknowledged that he was satisfied this was his. So we had that.

JE: Was there a flashlight?

BF: There was a flashlight, yeah, that had been adapted. You know, in the Second World War you'd see military personnel with just a slit down the middle, they'd use that to minimize somebody seeing that light from a distance or from another location. So they tape it off. I guess it's manufactured that way in the war, but this had been taped off that same way. There was talk about that. That was found at the cellar cave, as I recall also.

Chapter 21 – 5:00
"I'll Kill Him"

Buddy Fallis: The Milner girl, she'd been hit up side the head, like if you took a hatchet and used the hammer end of it. You know, you've seen the hatchet where there's a blade on one end and it's a square hammer head on the other. Her little hands were taped together with duct tape.

We had a hair; now hair is not an absolute means of identification, but with other things it helps and it's admissible in a court of law. So an OSBI hair person found this hair that was between the tape, like it dropped off. She identified it as having in all aspects the same characteristics and Gene Leroy Hart's hair. I remember that. To me that was some strong stuff there, particularly since Hart did not take the witness stand.

Of course, the jury's not supposed to drawn any inference from that. Part of what bothered me here, Garvin Isaacs was held in contempt of court at the end of this trial. It was based upon, I had asked the judge to enter a motion in limiting, that means before the

action here, at the beginning of the trial so that there would be no reference to the fact that Gene Hart was under several hundred years of sentences for these other crimes.

Now if he took the witness stand I could have used that to impeach his credibility but he didn't take the witness stand. You say, "Well, why wouldn't you want that in? If Isaacs wants to put that in that would help the jury. You know, it might inferentially help the jury."

So I have this, "Well, not necessarily because they might think, "Well, he's taken care of. Why should we convict? That may not be the healthiest thing to do."

So I had to ask the judge. He entered the order. And during the closing arguments, Garvin, I can't remember the words that he used, but he said sort of as a throw-in at the last minute, "Oh, and by the way, he's already under three hundred years of sentences, he's not going to go anywhere."

So Judge Whistler, who was the judge presiding, he held him in contempt and then if I'm correct in my memory, and I think I am, he asked him to purge the contempt by apologizing to the court.

But anyway, Mr. Milner was a police officer, the little black girl's daddy was a police officer. At the time that I was getting involved in that case his beat was in the downtown area, which used to be the mall. I don't know if it's a street or a mall now, we've changed again. That was his beat. So when Judge Whistler had us all get together in preparation for the trial, he said, "We're going to have a crowd, I'm afraid." And he was right about that. "We're going to reserve some seats for the parents and the family of the victims. And seats for family of the defendant so they'll have a place there and they won't have to fight the crowd." So he said, "How many seats would you need?"

I took an inventory with my people, with the Farmers and the Guses, and Mrs. Milner, she said, "I'll be there." And I think her mother was going to be with her. She and Walt Milner, was his name, Walt, they were separated or divorced at that time.

So we go through the preliminary hearing, that's merely to see if there's sufficient evidence for it to go to trial. And the judge said yes. I said, "I'd better call Walt and tell him that we're going to trial here and I know that he'll want to be there."

So I can't remember if he came up to my office or if I saw him on the street, and said, "Oh, you didn't show up at the preliminary hearing and we still have that seat for you over there in that trial."

He said, "I can't come."

I said, "You can't come?"

He said, "No, I won't be there."

This is his daughter. I said, "Do you not approve of this prosecution?"

"No, not that at all." He said, "If I come it'll all be ruined."

I said, "What do you mean it'll all be ruined?"

He said, "I'll kill him." He said, "I'll kill him." The man was just shaking, he said, "I can't trust myself if I go there." And he didn't. But he's passed away, I think, with a heart attack some years back.

The tragedy to the families, the tragedy to the Gene Leroy Hart's family, I mean, there's just a horrible, horrible tragedy and the outcome can never be good in a thing like that. The only thing about it is, bringing some peace to the minds of people, and I'm not sure that will ever happen in this case.

John Erling: Gene Leroy Hart then goes back to prison after he's acquitted of the Girl Scout murders.

BF: That is correct and he still had those sentences out of Tulsa County for the rapes and the kidnappings. So he's in the penitentiary and within four months he dies in the penitentiary. Apparently he had eaten dinner and was doing some jogging or something and it appeared that he'd had a heart attack.

Well, when that happened, my gosh, you can imagine the reaction. I can remember Mr. Guse saying, making a comment, which I totally agree with about how a man's justice may be halting and slow at times and uncertain, whereas the Lord's judgments are certain, when they happen.

Then I got to thinking and I remember hearing somebody said, "Oh, you know, somebody got to him." It was not a natural death, is what they were suggesting. But as a result, I got a hold of the state medical examiner. The state medical examiner, not just a county medical examiner, and asked him if he would personally do the autopsy, knowing that there was going to be, you know, a lot of question about that.

He did. He said that there'd been some other heart attacks that Gene Hart had had, so he apparently had a damaged heart there. That was not a happy time for a lot of people either.

JE: Yeah, he died but it still didn't put an end to the...

BF: Oh no, no, it just makes the mystery even broader.

JE: Yeah.

BF: And greater. And people like mysteries. That was a mystery.

Chapter 22 – 4:05
Forman of the Jury

John Erling: Did the jurors ever speak out? Did they ever say, "We believe he is the man but we couldn't satisfy that doubt"?

Buddy Fallis: No, not to me. I don't remember seeing any published remark that might have been. I do know this that the, this, the coincidence of things in life is a partner of mine in this building, with that law firm, came to me. He said, "Buddy, I need your help."

I said, "What kind of help do you need?" And this is when I'm in private practice.

"Well," he said, "I've got this," you might say just a technicality of having to go through a quick procedure, he just has to get the judge to sign an order after asking some questions of the witness. He said, "I can't be there. I've got to be out of town on this other case." He said, "Do you mind taking care of that for me like next Wednesday?"

And I said, "Where is it?"

"It's over in the county courthouse and it'll be Judge So-and-so."

And I said, "Sure, I'll do it."

He said, "Okay, not this guy will come up. I'll tell him to meet you here at the office." He said, "But you may not want to do it."

I said, "Why would I not want to do it?"

He said, "He was the foreman of the jury in Gene Leroy Hart."

And I said, "Ah, that's all right, Skip, I'll do it."

Later that guy, they said he was out there, and I said, "Well, send him around."

He came around and he threw his hat into my office. He started to say something, and I said, "Let's not talk about it." So we didn't.

JE: Weren't you curious to kind of ask him questions and what was going on in the jury deliberation room?

BF: Oh, well, it's sort of like mystery, it's sort of like the juror down there in Shawnee with Albert McDonald. In that instance I asked that question, "Are you afraid?" or something like that. And I look back on it in my mind and I'm sure I was probably pretty aggressive in the way that I asked that question. I wasn't very happy. And I didn't want to get into that. I thought, "Gosh, I shouldn't have to make him stand up and defend how he voted in a jury."

Yeah, I was curious, very curious. I had my own theory about all that and it has to do, in part, with that several-hundred-year sentencing. If people are the least bit, like this is close, he's going to die in the penitentiary, the man can't live three hundred years. They don't understand that three hundred years is not three hundred years, it could be as quick as a parole board would want to recommend somebody get out and the governor sign on it.

JE: Garvin Isaacs would know what he's going to do, he knew he was going to be held in contempt of court by doing that and he did it to save his client.

BF: Oh, I can't say it. I don't know what was I Garvin's mind. He's a fine lawyer. I think later I represented the State of Oklahoma in a prosecution of a judge that he represented before the court on the judiciary. You know, I don't know what was in his mind. It's possible that

just the pressure of a trial and things happening you forget some of these things. There's a lot of things that happen around you.

JE: You don't know if it was premeditated?

BF: I'm not—no, I'm not—

JE: It was just at the last minute or what have you.

BF: Right.

JE: He said that.

BF: I do not know, I'm not going to—

JE: Well, it had to be shocking and devastating to you and you've gone over that hundreds of times.

BF: Oh yes.

JE: As to, "What could I have done differently?" or how the jury could not understand that this tied Gene Leroy Hart.

BF: Well, you know, of those many, many cases I tried, those kind of cases do make you wonder that. But at the same time, if you don't believe in what you're doing—somebody said, "Well, you're strictly supposed to be neutral." Well, if I'm neutral, why did I file the case? Or why was I pursuing it?

So I start off that in my mind I'm thinking, "Okay, here's the evidence. Well, boom, I think that's sufficient." If I didn't believe that I can't convince anybody else to that. So if every time something did not go the way I thought it should go, and there were other times, this is hurting me bad. I say hurting me in the sense that what I said to you earlier, the humanistic aspect of it. Seeing those little girls. Seeing their parents, their grandmas.

JE: We might point out here that Sherrie Farmer, the mother of Lori, formed the first Oklahoma chapter of Parents of Murdered Children. And that Richard Guse, father of Michelle Guse, also helped found the chapter and was the first chairman of the Oklahoma Victims Compensation Board.

BF: Yes sir. As a matter of fact, I spoke to that group early on, and I don't know whether I was the first person to speak to them at a meeting. But Sherrie Farmer had invited me to do so.

JE: Here we are in 2011, and that happened in 1977, and most people didn't even have a final conclusion on that. But in their minds and everybody else's they knew.

Chapter 23 – 5:46
Ashmore-Brown Murders

Buddy Fallis: There's somebody we didn't talk about. It dawned on me, I don't know if we need to be interested in this or not. The kidnapping of Mrs. Ashmore and her horse trainer,

Kathy Brown. Mr. Ashmore was a builder of homes. And they lived in a house out on 33rd West Avenue. In 1970s, I can't remember the exact year, they built the wonderful stables out there and she trained Morgan horses. They loved Morgan horses.

She took care of them and she hired this lady who was a young lady, twenty-one, twenty-two years of age, Kathy Anne Brown, who lived in Indiana. They built her a place to live up over the stables, nice quarters for her so that she could work for them taking care of training horses. Together they would do so.

In the meantime, Mr. Ashmore, Phillip Ashmore was his name, would be taking care of business. One day when Mrs. Ashmore and Kathy Anne Brown went out to get some hay, they had some horses getting ready to foal, they don't come home for dinner.

And the phone call rings, Phil Ashmore gets it and this guy says, "I got your old lady and that honky that works for her. Get ready to get another message telling you what you're going to have to give us." There was a series of phone calls, there was all that.

Wow, FBI was checking on it. I didn't know anything about it. Mr. Ashmore, technically he lived in Creek County, but as it turned out, the jurisdiction would have been in Tulsa County.

I got a call from Larry Derryberry who was the attorney general. He said, "Buddy, are you aware of this kidnapping?"

I said, "No."

He said, "Oh, heck, I wanted to tell you. I was afraid somebody hadn't told you about this," but he said, "you need to touch base with the FBI over there."

So I went over there, sent an investigator and told him to stay with them. And of course, they didn't like that, necessarily, to see what was going on. Because in theory, it didn't, you know, go across state lines, they could be dumping this right back on our office and I'd like to know things and where we're headed.

Well, anyway, the kidnappers made other calls, ultimately, I had to make a decision. They asked me to make the decision as to whether or not to rush this guy Larry Chaney. Larry Leon Chaney. He'd had a conviction for some type of forgery and that's about all that was on his record.

But he claimed to be a contractor of sorts. Lived down in Jenks in a trailer house. For several days, they're still hoping that the women are alive.

But in the meantime, it was decided that we needed to go ahead, that we knew he was in his trailer and we figured that he would be disposing of evidence, if there was some there. And we had a ton of evidence already. We had a traced call from the kidnapper that came into the Ashmore residence that traced to his phone there at Jenks. Ashmore lived fairly close to Jenks.

We had his car seen in an area where the FBI tried to make the drop that had been demanded. The car fit his description, coming back on a side road. He never picked up the money.

We had at that time also his fingerprint on a pay telephone that was outside a business at 61st and Yale. On that corner, the kidnapper had called from that pay phone to make another demand, or whatever it was. They got the print immediately. They went to that location.

So we had those items. We had found at his house, Chaney's house, a note with all kind of information that related to the Ashmores torn up and thrown in a waste basket. There was a ton of it.

Of all the cases I've ever tried it had more forensic evidence in it than any. And so, where are these ladies? And he won't talk to us. Me and this FBI agent, Tom McClain, tried to talk to him and he just sort of looked at us, not talk, very surly.

Well, we knew he was building a house on some property outside of Sallisaw. We go down in the woods, we look all around, come back, then we get some more information and the information is we go back. There's some agents, me, some investigators, sheriff's office, police department, and there near a cow pond down in Moray, in a secluded place, a big pile of brush.

We were told by a source that we should look in that area for the bodies. And when we removed the brush, the deputies were digging, both women were buried and they had ligatures. They died of ligature strangulation, which is one of the hardest ways to kill a person.

John Erling: What's that?

BF: Either choking or using a garrote of some kind. Well, in this case, they were tied with strips of a towel, like you'd tear up a terry towel, tie them together and use it as a rope. They were both tied, they were both in the same grave. The evidence even mounted more. Here you got the bodies found on his property. Telephone calls, they traced the calls to him. The notes, FBI found matching dirt on a map of his property in Jenks that matched the dirt samples at that location where the bodies were found.

The towels, there was a motel there where he stayed all night the night before the kidnapping down there in Sallisaw. And when they checked the motel the next day to clean it up the towels were missing, white towels. These looked like those kind of towels.

He was seen going into the area where the bodies were found by two Indian fellas who lived down in that area. Also on the same day, he had his cousin working with him down at the site to help him build on the house. The cousin came back home that same day in a separate car.

Cheney was down there in an old truck. He drives that old truck back to Tulsa the next day and then drives back down there in another car, in what they call a Jimmy, I guess. Lot of incriminating and very ample evidence.

I tried that case. He was given the death penalty. They modified it to life. I think he may still be in the penitentiary, as far as I know. But it was a horrible case that created a

whole lot of pain for a lot of people. He became to a lot of people, a reporter in particular, sort of a type of guy that would go to bat for him. He never took the witness stand nor did he ever offer any evidence, that I recall.

He began to tell reporters, "Oh, there was some guys out of Missouri, I didn't mention this before. They were mad about some horse deal or something." You know how that goes. It was a very, very important case in a lot of ways but it was sort of toward the end of my career.

Chapter 24 – 5:11
Buddy's Advice to Future Lawyers

John Erling: People are going to listen to this for decades beyond us. Any advice for young people considering the law, particularly as a prosecutor, defense attorney, and that type of thing, what advice would you give them?

Buddy Fallis: I would say, "Do not try to emulate what you see on the silver screen or TV." The real world is so much different that I think people get the wrong impression. You can't have a crime, have it investigated and solved and tried in thirty minutes, but they seem to do that in many instances on television.

I would say this, I never intended to be a lawyer, as you know. I mean, that was sort of happenstance. Fate turns you in funny ways. I think that the legal profession, like so many professions, has changed dramatically. And I meant that in both a positive but critical way. By positive I mean I think there are some better tactics and things that are utilized, particularly in, say, a criminal war, defense and prosecution, and technical work. That's very helpful to try to make sure that as best we can if there's a reasonable doubt or not in something.

There's also the other side, and the other side has to do with the idea that lawyers are in the game only for money. You need only to turn on the TV during the day and watch the ads. I mean, the worst thing that ever happened to the American Bar Association and members of the bar, if they think about it, was the billable hour and the idea of advertising.

When I first became a lawyer that was unethical, you couldn't do that. Now I watch some of these ads and I can't believe it. It's just like, "Let's go out there and try to figure out some lawsuits," and everybody knows that your client didn't want to pay to defend this crap, and it may be crap, but we'd be better off here just to settle, save you a little money. And they're right. That's the sad part. It costs so much and it's such a lengthy process.

I didn't do anything wrong but how can I get rid of this case? I would like some people dig in their heels and say, "To heck with it," but there again, that's somebody else's money.

Anyway, I would tell people, particularly if they think they'd like to be a prosecutor, I'd say, "Okay, then, if you want to follow my advice," and what I've told people I hired as prosecutors, it's the same way I thought of myself. Take it and treat it like a profession beyond being a lawyer. You serve two goals.

Unlike the defense lawyer whose responsibility is to represent the client, the prosecutor has a two-edged sword. If you find a case for all this I'll tell you that you have to be concerned about the rights of the accused as well as vindicating the victim, you might say. That's some responsibilities there.

I remember going to the West coast on some of the Pugh-McDonald stuff and I couldn't believe, of course, they had such a bigger volume of cases at that time than we had. You know, they're running down the hall and they're going to an arraignment and they've got a stack of files and they're being trailed by these defense lawyers. "What about my case? Which one is that?"

"That's yours."

"Oh, okay. What do you have? Will you take three years?"

"Yeah, okay." You know, that's pretty bad when it gets to that point. Pressure of just numbers, sheer numbers.

I always told people, I said, "If you're going to be a prosecutor you need to look at that as a profession beyond being in the profession of the law." But I do think the law, we need to have, oh boy, an examination of all this. We, we've allowed it to get out of hand with the ads, with the quest for big billable hours, and your success is measured by how much you charge somebody, you know.

Before that there's like, "How much is a divorce?"

And the Bar Association had a recommendation. "Here's the recommended fees for an uncontested divorce or a will." And you used that as a guideline.

Then somebody brought to Oklahoma, well, I guess it had been on the East coast for some time, billable hours. I just sort of shook my head. I couldn't believe some of these rates people were charging for their services. But I guess everything went up in cost.

But the law is a noble profession and the lawyers have been the subject of criticism for centuries, and will be, because they're dealing with the innermost secrets and thoughts and rights of individuals, and that makes them more of a target.

But at the same time, we got plenty of people that need to be rooted out.

JE: You still have things in that head of yours that you can't talk about.

BF: Oh yes.

JE: And haven't.

BF: That's right.

JE: You still harbor those and will take those to your grave.

BF: Some I will. There are a couple or three things that I said today that I feel uneasy about only in the sense that I thought, "Well, maybe I shouldn't have told this or told that." Yeah, there are some things that I almost said today that deal with Pugh-McDonald cases and dealing with other agencies and things like that. But I think about it, that's not going to do anybody any good. (laughing)

JE: How would you like to be remembered?

BF: Well, I would like to be remembered as an able prosecutor, whatever the term able means. I think that way. I'm a lawyer and I'm proud of that fact too, but I'm a lawyer now hoping to find cases to try. And that's what I try to do here in this firm or would do with any firm. Because, surprisingly, some of the skills that I think I learned as a prosecutor translate very well into the civil practice: picking a jury, selecting a jury, you're doing cross examination of people and so on. So that can translate fine.

But I find fewer and fewer cases being tried because of the cost and the expense. There are a lot of settlements, so I would say I like to be remembered as an able prosecutor and a good trial lawyer.

JE: Very good. I thank you.

BF: Okay.

JE: You have given me hours here.

BF: Well, I'm sorry to keep you—

JE: No, no, it's extremely interesting and you remember so many details.

BF: Well—

JE: And this is very valuable for our oral history website, VoicesofOklahoma.com. and I do appreciate it very much.

BF: John, I'm happy to do it, I'm glad to do it.

Chapter 25 – 0:33
Conclusion

Announcer: This oral history presentation is made possible through the support of our generous foundation-funders. We encourage you to join them by making your donation, which will allow us to record future stories. Students, teachers, and librarians are using this website for research and the general public is listening every day to these great Oklahomans share their life experience. Thank you for your support as we preserve Oklahoma's legacy one voice at a time, on *VoicesofOklahoma.com*.