

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DANIEL A. ADAMS,)	
)	
Plaintiff,)	
)	Civil Action No. 02-320 (R.R.)
v.)	
)	
U. S. DEPARTMENT OF JUSTICE,)	
)	
Defendant.)	

DECLARATION OF DANIEL A. ADAMS

1. My name is Daniel A. Adams and I am a writer and film maker by profession. Prior to making films, I was an agent for the Federal Bureau of Investigation (FBI) for four years.

2. As an FBI agent, I investigated white collar crime and general crime in Detroit and New York. As part of my job I occasionally monitored official wiretaps for hours on end, and I began writing as something to do during these long periods. I eventually left the FBI and made writing my career. Since then, I have written several screenplays, including the feature film "Second Chances," which was released in November 1998. I also wrote and directed an unreleased film called "Intrusions," and have made several short films as well.

3. While I was employed at the FBI, I learned of the mystery of FBI Agent Paul E. Reynolds' death. I was initially interested simply because it is the only unsolved murder of an FBI agent in Bureau history. As I learned more about it, the event became even more interesting to me. Reynolds' murder occurred in 1929, during Prohibition or

what the Bureau refers to as the “Lawless Years.” Black Tuesday and the start of the Great Depression were only weeks away. J. Edgar Hoover, director for most of the Bureau’s history, had only been appointed to that post five years earlier. The agency was still called the Bureau of Investigation (BOI), its first official name, rather than the FBI. In 1929, Hoover was still attempting to transform the agency from an ad hoc group of agents used for political investigations (for example by President Harding to investigate his election opponents), into a professional law enforcement organization. The Bureau’s jurisdiction was still narrow. There were few federal laws on the books and of those, agencies other than the BOI had responsibility for the most important ones, such as enforcing Prohibition and pursuing gangsters. Nevertheless the Bureau used federal laws it could enforce, such as the Mann Act, directed at combating “white slavery,” and the Stolen Motor Vehicles Act, in creative ways to pursue notorious criminals like Al Capone. Federal agents like Reynolds pursued bootleggers and bank robbers into far reaches of the American west made newly accessible to criminals and government agents alike by the transcontinental expansion of railroads and telegraph lines. Reynolds’ death took place in the frontier state of Arizona, which had gained statehood only seventeen years earlier. Arizona nevertheless had a full-blown bootlegging operation of its own, and possibly political corruption as well, both of which Reynold was investigating when he was killed. Reynolds’ murder was only the second death of an agent in the line of duty, the first occurring in 1925.

4. I submitted a FOIA request to the FBI for records of the Reynolds murder investigation because it sounded like an interesting and mysterious historical event, and I had decided to make a documentary or film about it and possibly write a book.

5. At the time I decided to write about the Reynolds murder and submitted a FOIA request, I knew only that the event was the only unsolved murder of an agent in the history of the FBI. Since then, I have learned from FBI records and research of my own that the investigation itself and the additional facts it revealed about Reynolds make for a colorful story, and the “unsolved murder” involves a surprise ending that is not publicly acknowledged by the Bureau. The additional information I have learned make this story not only more historically significant but also more interesting and compelling and therefore worth sharing with the public.

6. Agent Reynolds’ body was found floating in a canal north of Phoenix, Arizona on August 12, 1929. Reynolds had been shot once through the heart with a .380 automatic pistol. Director J. Edgar Hoover sent a dozen agents to investigate the murder. Numerous telegraphs to and from Hoover indicate he monitored the investigation fairly closely, at least at first. Early in the investigation, indications were that Reynolds’ murder was related to his pursuit of political corruption in Arizona.

7. As agents dug deeper, however, they began to find evidence suggesting that the reason for Reynolds’ murder related to his personal life, not his professional one. One of the first surprises for investigators was that Reynolds was married with a wife and son in

Boise, Idaho. Reynolds was considered a bachelor and lady's man, and had openly attended a number of wild parties where he actively pursued both single and married women. Information from several sources linked Reynolds to a half-Indian woman named Marion Godon, who had dated Reynolds and two bootleggers at the same time. The more ruthless of the two, a man named Tom Irving, was a man of savage temper and jealous disposition. When confronted by investigators as to his whereabouts on the night Reynolds was killed, Irving offered a questionable alibi that could not be confirmed.

8. Another lead that pointed to Reynolds' personal life came from an anonymous caller who told Bureau agents that Reynolds had been killed at a house in central Phoenix. Agents found a bloody towel, blood splatters, and a hole filled with quick lime in the basement. One of the inhabitants of the house identified Reynolds as being involved in an affair with a woman named Sadie Morris who also lived at the house. As it turns out, Sadie Morris was married to another bootlegger named Morris Fenenboek who was insanely jealous about other men who might be involved with his wife.

9. Other evidence pointed to two local attorneys Reynolds had been investigating for corruption in the United States Attorney's Office, Guy Axline and John Sullivan. Guy Axline had been an Assistant United States Attorney for several years and had recently formed a law practice with John Sullivan. Reynolds was investigating the possibility Axline had used his government position to obtain secret information to gain clients and money for the new firm.

10. Agents also looked into rumors that Reynolds might have been murdered by the William Berry Gang, which Reynolds had investigated in connection with several liquor hijackings and the murder of three Mexican burglars. Buck Guernsey, a Phoenix Police officer, had been arrested for his part in the murders and had turned “state’s evidence.” Reynolds had interviewed Guernsey three weeks earlier about his attempt to hijack a liquor shipment from a local restaurant owner named James Minotto who was a friend of Reynolds.

11. The Bureau also investigated United States Commissioner Henry Davidson. Davidson had also dated Marion Godon and was known to have a violent temper and jealous nature. After Godon broke off her relationship with Davidson, and Davidson learned she had also been having an affair with a bootlegger named Charles Underwood, Davidson had purchased a gun and vowed to kill Underwood. Investigators wondered if Davidson had found out about Reynolds’ involvement with Godon and shot him.

12. Another suspect, a man named Guy Alsap, was probably the most dangerous of the suspects in the case. His wife, Callie, a beautiful and seductive woman, had openly flirted with Reynolds. What made Alsap a good suspect was that another man, Guy Dernier, had had an affair with Callie and Dernier had ended up in a canal with a broken neck. Investigators had never been able to pin the murder on Alsap, but police knew he had done it.

13. With so many suspects and motives, it appeared investigators would be able to solve the case in short order. Surprisingly, however, the suspects and motives disappeared one by one as agents learned more. None of the promising leads panned out.

14. Faced with no suspects and no motives, agents reviewed the case from beginning to end and came up with a new angle. In the days and weeks before his death, Reynolds had done some very unusual things. On a trip two days before he was killed, he purchased a \$5,000 insurance policy, naming his wife as the beneficiary. The afternoon before he was killed, Reynolds left his brief case, with his commission card inside, in the United States Attorney's Office, even though agents were required, under penalty of being fired, to have their commission card on their person 24 hours a day. Letters Reynolds wrote to his wife the day before his death seemed to be explanations of the family's financial condition and who owed him money. Almost everyone who saw Reynolds the day he died noted he wore a full three-piece suit and hat. While not unusual in some parts of the country, wearing a three-piece suit in August in Phoenix – fifty years before air conditioning became common – was akin to wearing a swimsuit in the winter in Antarctica.

15. After a thorough study of the evidence, agents concluded Reynolds had committed suicide but had planned and executed it to look like murder so his wife could collect the \$5,000 insurance policy. But why would a man in the prime of life, with no apparent problems, kill himself? An interview with his wife provided a possible

explanation. She said Reynolds had been suffering from repeated bouts with gonorrhea. Agents discovered Reynolds had suffered a week-long bout with a serious illness while stationed in El Paso a few months before being transferred to Phoenix. Although not identified by a physician as a bout of gonorrhea, the symptoms could certainly have been that of the dreaded and fatal disease.

16. As the details above show, in spite of the numerous theories and suspects the agency pursued, the evidence is that Paul Reynolds committed suicide and successfully tricked the most respected investigative agency in the world into believing he was murdered. Even so, the FBI still lists Reynolds' death as one that occurred in the line of duty, and still presents it as an "unsolved murder." The real story behind his death, even if it is accepted by the FBI privately, is not well-known in spite of its fascination and the fact that it does not involve murder in the line of duty at all, except by Reynolds' own successful orchestration of appearances.

17. After the FBI partially denied my FOIA request by, in part, withholding many names from the records it released to me, I conducted some research on my own. I determined that several of the individuals whose names the FBI would not release – in fact all individuals about whom I could locate any information – are dead. I first obtained the names of several individuals whose names were not released to me by the FBI from local newspaper articles published around the time of the murder investigation. I researched these names in the Social Security Death Index and, if I found a death of

someone with the same or similar name in a place near where the individual had lived, I concluded that the individual I was researching was dead. This research showed that the FBI had withheld information regarding twelve individuals I have identified as dead.

Those twelve individuals and their birth and death dates are as follows:

<u>Name</u>	<u>Birth Date</u>	<u>Death Date</u>	<u>Place of Death</u>
Charles Wright	11/25/1889	April 1978	Kingman, AZ
Fred Morse	6/11/1891	March 1980	Yavapai, AZ
Henry Davidson	12/21/1891	June 1973	Tucson, AZ
George Wilson	08/05/1882	June 1982	Winslow, AZ
Guy Axline	09/04/1898	November 1975	Holbrook, AZ
John Sullivan	06/14/1898	February 1977	Phoenix, AZ
William Berry	04/09/1894	March 4, 1997	Sun City, AZ
John Deubler	02/07/1904	March 1976	Phoenix, AZ
John Brazill	10/16/1881	January 1974	Glendale, AZ
Frank Gonzales	04/02/1899	August 1990	Mesa, AZ
David Montgomery	05/24/1879	June 1971	Phoenix, AZ
Guy Alsap	(unknown)	July 13, 1935	Phoenix, AZ

18. Every individual about whom I could obtain information is dead. I discovered no information that indicates any individual whose name the FBI has withheld is still alive. I have a great interest in finding someone who is still alive who was associated with Reynolds and/or his murder investigation, so that I may interview them for my film and book. My research has nevertheless left me certain that it is extremely unlikely any such person is still alive.

19. I informed the FBI of the results of my research in a letter dated April 30, 2001, specifying the names, birth dates, and death dates of the individuals. Subsequently,

when the FBI reprocessed my FOIA request, it released information about some — although not all — of the individuals I had identified as dead, but it did not change its decision not to release information about many other individuals who are just as likely to be deceased.

20. I am aware from working for the FBI and from my discussions with the FBI in connection with my FOIA request that the FBI creates a document called a "Form FD-302" when it interviews someone. The form records the person's name, address, social security number, date of birth, and driver's license number. These forms therefore contain information that would make it extremely easy for the FBI to determine whether a given individual is alive or dead. For example, access to a person's social security number makes it possible to check whether the person's death is recorded in the Social Security Death Index; with birth dates the FBI can check when the person last had a driver's license recorded in national databases that track all driver's licenses. I was told by agency personnel who were processing my request that the Reynolds files include these forms. Therefore I know the FBI could obtain more information than it has, and more information than a layperson such as myself can obtain, about whether specific individuals are alive or dead.

21. The names that have been withheld are key players in this story. They include sheriffs in Arizona who took part in the investigation, suspected criminals being investigated by Agent Reynolds just before his death, friends and acquaintances who

spent some of Reynolds' last days with him, and others intricately involved in this story. While I have been able to identify some of the missing names through my own research, I am still unable to speak affirmatively about the FBI investigation using these names without FBI confirmation of the identities of these individuals. It will be extremely difficult to make a documentary with a huge portion of the relevant names missing from that story, and essentially impossible to write a book about it. In general it will compromise the story that I can tell to the public to try to do so without these missing individuals.

22. This case is important historically because it is the only unsolved murder of an FBI agent in the history of the agency. But what makes this case unique is Paul Reynolds and the colorful personalities who surrounded him. As a sworn federal agent, Reynolds was supposed to uphold the laws of the land and be of good and moral character. In the end, however, the evidence indicated Reynolds drank liquor, caroused with single and married women, and played fast and loose with the law. The fact that the murder occurred 73 years ago, accompanied by fascinating characters and a compelling

historical setting, make this part of early FBI history an even more interesting and valuable event to share with the public. The information the FBI has withheld is a vital part of that story.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on _____

Daniel A. Adams