

August 10, 1935.

MEMORANDUM

The following memorandum is prepared for the purpose of setting forth the facts in connection with the shooting of John Dillinger on the evening of July 22, 1934, at Chicago, Illinois by Special Agents of the Federal Bureau of Investigation, accompanied by officers of the East Chicago, Indiana Police Department. In view of allegations that instructions were issued by the Director of the Bureau that Dillinger was not under any circumstances to be taken alive and that Dillinger was not armed at the time he was shot, did not reach for his pistol or make any other move which necessitated his shooting, and that he was to be killed rather than apprehended, only those portions of statements obtained from various Agents, which pertain to these specific matters are set forth.

The files of the Federal Bureau of Investigation contain absolutely nothing indicating that any instructions were issued at that time to Agents of the Chicago Office or of any other office of the Bureau that Dillinger was to be "shot on sight" or any similar instructions. It does not appear from the files of the Bureau that any instructions were issued by the Director with reference to the manner in which Dillinger's apprehension was to be effected.

The report of Special Agent V. W. Petersen, dated at Chicago, Illinois, August 4, 1934, outlines previous contacts of the Chicago Office with representatives of the East Chicago, Indiana Police Department and states that on the afternoon of July 21, 1934, Sergeant Martin Karkovich and Captain Timothy O'Hail of the East Chicago, Indiana Police Department contacted the then Special Agent in Charge E. H. Purvis and Inspector E. P. Cowley and advised that a confidential informant had in the recent past been attending theatres in Chicago, accompanied by the informant's girl friend and John Herbert Dillinger. The informant stated that her girl friend was "keeping company" with Dillinger and that Dillinger was in the habit of attending the Martro Theatre in Chicago.

The report states that about 5:30 P.M. on July 22, 1934 the informant advised the Chicago Office that she had received word from her girl friend that Dillinger, the girl friend and informant would attend either the Martro or Biograph Theatre in Chicago on the evening of July 22, 1934, the party proceeding to the theatre about 8:00 P.M. Agents of the Chicago Bureau Office were called to the office where former Inspector Cowley, and former Agent in Charge Purvis outlined the plans for effecting the apprehension of Dillinger at the theatre on that evening, it being unknown at the time the plans were made which theatre Dillinger would attend. At approximately 7:30 P.M. on the night of July 22, 1934, Mr. Purvis and Special Agent E. D. Brown proceeded to a point near the Biograph Theatre and Sergeant Karkovich of the East Chicago, Indiana Police Department and Special Agent

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Under date of July 28, 1934 former Special Agent in Charge M. H. Purvis and the late Inspector S. P. Cowley executed an affidavit, sworn to before Helen Dunkel, a notary public of Cook County, Illinois, which sets forth the facts surrounding the shooting of Dillinger. Contained in this affidavit are the following statements:

"Upon identifying Dillinger, affiant Purvis gave the pre-arranged signal for the men to close in. Special Agents H. E. Hollis, Charles Winstead, Clarence Hurt, R. D. Brown, and affiant Purvis immediately surrounded John Dillinger, all being stationed on the southeast side of the Biograph Theater. Officers Sopsic and Stretch of the East Chicago, Indiana Police Department had assumed a position at a point in a northwesterly direction from the theater, and at the time the signal was given Sergeant Zarkovich, who had been stationed at a point diagonally across the street from the Biograph Theater, ran across the street and notified Officers Sopsic and Stretch, who had not seen the signal. Captain O'Neill and Officer Conroy of Captain O'Neill's squad had assumed roving positions during the entire covering of this matter. John Dillinger was seen to draw his gun, which was later found to be a .380 automatic pistol, from his right trousers pocket. He assumed a dodging, semi-crouching position and drew his gun from his pocket. At that time he was shot by Special Agents H. E. Hollis, C. O. Hurt and C. B. Winstead, who fired one shot each, except the last named, who fired three shots. Immediately after the shooting the above mentioned automatic pistol was taken from his hand and an ambulance was called, inasmuch as it appeared he was not dead."

It will be noted that the report of Special Agent Peterson does not give the positions of Captain Timothy O'Neill and Sergeant Conroy of the East Chicago, Indiana Police Department at the time of the shooting. It will be further noted that the affidavit submitted by former Special Agent in Charge Purvis and the late Inspector S. P. Cowley states that Captain O'Neill and Officer Conroy had assumed roving positions during the entire covering of this matter.

Attached hereto are two photostatic copies of a chart showing the position of each Agent and each officer of the East Chicago, Indiana Police Department at the time the shooting occurred. This chart accompanied a letter under date of July 24, 1934 written by the late Inspector Cowley. It will be noted that, according to this chart, Captain O'Neill was near a garage on the opposite side of the street from the Biograph Theater. It will also be noted that a question mark appears as to this position. Special Agent E. L. Richmond, who is presently assigned at the seat of government, in a memorandum dated October 2, 1935, stated that it is his belief that Captain O'Neill was on the opposite side of the street from the Biograph Theater, and