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UNITED STATES ATTORNEY
Seattle, Washington

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DISTRICT OF OREGON

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PORTLAND, OREGON 97207

December 8, 1976

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ADDRESS REPLY TO
"UNITED STATES ATTORNEY"
AND REFER TO
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CR 76-2004

9:gw

Stan Pitkin, Esq.
United States Attorney
Western District of Washington
P. O. Box 1227
Seattle, Washington 98111

Re: United States v. John Doe, aka Dan Cooper,
No. CR 76-229, USDC Oregon

Dear Mr. Pitkin:

In Mr. Iezak's absence I have received your file on
D. B. Cooper. We remain grateful for the material. It will be
interesting to see whether this matter is ever carried further.

Sid Iezak is at this moment approaching the 18,000 ft.
base camp at Mt. Everest in Nepal. Needless to say he will have
some interesting reports of his doings on his return December 20.

With best personal regards, I remain,

Sincerely yours,

Jack G. Collins

JACK G. COLLINS

First Assistant U.S. Attorney



CR-72-0451

SP:scp
CR72-0451

December 3, 1976

Mr. Sidney I. Lezak
United States Attorney
District of Oregon
506 U. S. Courthouse
620 SW Main Street
Portland, Oregon 97205

Dear Sid:

Re: U. S. v. DAN COOPER, a/k/a D. B.

I was cleaning out my office and found the enclosed file. Thought it might be of more assistance to you than to me.

Best wishes.

Sincerely,

STAN PITKIN

Enclosure

is he at the bottom of Lake Merwin or walking the streets?

...airline
...cooperate
...detected
...for was playing it
...slo and calmly, he was ar
...headquarters in Missou
...The company had request
...Federal Bureau of Invest
...not to take any action in tr
...board the plane or capture the
...pect.

...Earl Miles, then-
...agent in charge of the
...Seattle office, agreed to
...with the request in every way.

...nervous
...for the first time, but
...for the wrong rea

...People began to be
...concerned when it circled
...around Whidbey Island for an
...hour or so," Robert Gregory of
...Populish, who sat four seats away
...from the icy nervous jockeyer, re-
...called.

...They thought something
...was wrong with the plane," he said.
...About 3:45, Captain Scott
...touched the plane down and rolled
...smoothly to a stop, but in front
...of the airport's administration
...building, a half mile from the pas-
...senger terminal. At the same mo-
...ment, the awkwardness stood up,
...suddenly blocking the aisle, and
...Scott spoke emphatically over the
...loudspeaker, ordering passengers
...to please remain in their seats and
...not to move until told to.

...They fledged in their seats,
...muttering. Gregory's seat on the
...port side was backed by the aisle-
...rows. This Macklow, standing
...very still.

...What's the problem?" Gregory
...asked.

...The plane, flying with
...wheels and flaps down, would be a
...true disaster if it ever re-
...turned. The plane never reached Phoenix,
...a normal state here.

...A Seattle-Born note was
...a sure choice for a wide jibe
...the letter, a copy of the

...The jibe set a commu-
...Victor 23 flight plan over Port

A minute later,
the front cabin door
opened slowly and 46
passengers, many puzzled
over the delay, were herded
away from the plane in small
groups, then into a bus which
sped toward the terminal.

It was November 24, 1971. The
next day was Thanksgiving.

AIRLINE OFFICIALS referred
to the flight later as a "poddie-
jumper" — routinely tracing the
seat from the East Coast with its
last two scheduled stops Portland
and Seattle — before it homeward

FROM
THE beginning,
the flight was a kind of

[illegible]

then adjusted. No more instructions. Just the subdued rush of air. Then, at 8:13 p.m., slightly more than half an hour after the jump, Cook fell from Sea-Tac, nose of the plane's panel gauges flipped a few times, then stopped.

Passenger Cooper had delayed Flight 30.

"YEAH, I packed his parachute," said Earl Consey, 30, Seattle.

Consey, a long-time sports jumper, provided the authorities with two of the four chutes. "They were just emergency backpacks. Really, they're just used for aerobatic pilots or glider pilots or someone who would use a single parachute for a lifesaving event parachute. It wouldn't be like a sport parachute."

Was Cooper an experienced skydiver?

"Heck, no," said Consey, "at least, not at far as sports jumping."

Consey theorized that the jumper may have been a military parachutist since he at first turned down parachutes coming from McCord Air Force which would open too soon after jumping. The other factor was his selection of which parachute to use.

One was more of a sports-type chute with a harness that was really, really comfortable. Consey explained, "and the other was a military-type with a very serious, horrible harness. And he picked the one that was not comfortable. But they were both equally safe."

In appearances only, as it happened, for one of the two parachutes, hastily borrowed from Linn Enrick of Sky Sports, the chute was a nonfunctional ground training chute with the canopy completely sewn together.

Consey said his remaining chute, left on the floor of the plane, was returned to him and is now a treasured souvenir of the incident. He said, that Cooper had stripped the nylon from the other parachute containers, packed them full of money, walked out on the underground stairway of the 727, and dropped into the rain-blackened sky.

Could he have made it?

"Oh, yeah," Consey insisted, firmly. "In fact, there was a time that I had high hopes of making a duplicate jump. The airline wanted to take that same model airplane and go over in the Seacrest area where it's very open and let a jumper prove that it could be re-

[illegible]

In late 1972, two Knapis County men were convicted by a federal grand jury of extorting \$30,000 from a local television station for a "phony interview" with the anchor.

Northwest Airlines offered a \$25,000 reward for all the money, or 15 per cent of any money amount recovered, and The Oregon Journal paid him \$10,000 for the first \$20 bid from the loot.

Back in Clark County, a psychic reportedly offered detailed theories to the F.B.I., and even a "water witch" was hired with a forked stick.

Copier never stood up.

Through it all, the real D.D. seemed the big break had come. Two hunters found a weathered skull 16 miles east of Eugene. It was, what's more, clothing, human remains and a parashutist's hand with the skull.

A medical examiner announced the deceased was a male, all right, but at least ten years younger than the suspect.

SO WHAT'S the answer?

A grown man just doesn't vanish into nothingness, or does he?

The opinions of those who caught to know are mixed. Some say "he was best," are as far-reaching as the boundaries of the search map. Here are some:

Senior S.F.B.I. man:

"I think he made it. I think he slept in his own bed that night. It was a little bit of a stretch. His story is pretty flat. He was flying low over the mountains and it was too dark to see states, and jump."

"He last could have walked out. Right down the road, flail, they weren't even looking for him there at that time. They thought he would walk down the road. There's nothing suspicious about that."

Agreeing that no body was ever found, nor any parachute or weapons, he explained someone could have carried that with him.

Earl Consey, veteran parachutist:

"I have a hard time speculating. I have to admit I don't know much, very small hole in the ground, which means he didn't get the parachute open, or he's landed in it. I can't decide which."

Dick Bobbig, forester:

"It could have been very well been

CONTINUED

CONTINUED

possible for him to land south of the Lewis River. There's quite a bit of flat, open ground. He could have easily landed in that. And if he did, then he'd be home free."

Phil Williams Scott: "Nothing's turned up so I don't have the slightest idea."

Tom Manning, the F.B.I.'s Long-view resident agent: "This is strictly a theory. I have no foundation that I can back it up with, but I feel that he's in the lake, Lake Merwin."

Manning explained that prior to the dayjacking, two fishermen caught their boat in the middle of the lake and their bodies were never recovered. One reason for this, he said, was that the bed of the two-mile-long lake was never



clear-cut of heavy timber prior to the valley being flooded during construction of Arnel Dam at Lake Merwin. Area residents report that heavy winds frequently bring up a lot of floaters and snags from the fairly good-sized trees that were left in there.

"My theory—strictly a theory, understand—is that he did hit the lake, and because of the weight of his body, the money, paralytics, and the force of the landing, he

Manning said, "would be like putting a man into one of those deep freeze."

Stan Pitkin, United States attorney: "I don't think there's any rational conclusion but that the man is long dead. And both he and the money, are probably decomposed."

DOES THERE come a time, then, when you finally give it all up?

Apparently not.

John Reed, special agent in charge of the F.B.I.'s Seattle office reports the total number of persons investigated so far on the Cooper caper has exceeded 800.

How many are they investigating now?

"I would estimate," he said, "that around 20 to 30 suspects are involved."

Body gas, as you know, is the thing that forces (the body) to the surface because of the creation of buoyancy. But Lake Merwin,

went down and is hung up on a snag."

And the parachute's nylon fabric, being underwater, would not deteriorate, as it would under full sun. Moreover, Merwin is an "extremely cold lake," Manning said, which he felt would prevent the generation of body gases.

Body gas, as you know, is the thing that forces (the body) to the surface because of the creation of buoyancy. But Lake Merwin,

Robert Hawkins is a Seattle writer.

Tom Swint

Too many tender memories



MISS Elizabeth Wendrich, 5006 Latona Ave. N.E., is very proud of her ancestors. And well she might be. She's the daughter of a

Carist Russian judge.

Her mother was the daughter of an Austrian baron, who was quite an artist and also a colonel in the pre-World War I Austrian army.

Elizabeth, the youngest of five children, was born September 1, 1896, in Royal, Estonia. Her father was stationed in Thibisi, between the Black Sea and the Caspian Sea, as a Supreme Court justice.

As a young girl in Europe before World War I, she traveled extensively, visiting sisters in Spain and Vienna. In 1914 she was visiting her sister Nina in Vienna when the war began. She served as a hospital interpreter. She spoke Russian, Estonian, German and French.

After the war she went home to live with relatives in Estonia. By this time her sister Jenny had become a nurse. Elizabeth turned her attention to playing the piano and painting.

WHEN THE WAR clouds gathered again over Eastern Europe in the late 1930s, she still was living in Estonia with an aunt and cousin. Russia was at war with Finland, across the Gulf of Finland

from Estonia. Soon, the German army rolled across Poland and her cousin was sent from Estonia to manage a captured estate in Poland. Elizabeth acted as her cousin's secretary. Her story of the Polish estate is that it was magnificent with lovely gardens.

In 1940 when the Red army was pushing back Hitler's troops, Elizabeth and her cousins fled Poland, seeking refuge with a married sister in Czechoslovakia. They stayed a few months. Then civil war was told to leave as the Russians came closer and closer.

Bombs were falling and the whole area was in chaos when she boarded a train as a woman of 35. She was terrified as the train stopped and the passengers had in the bushes when an airplane straddled the tracks.

She was exhausted when she finally got to an Austrian city and begged a soldier to help her get her bags aboard a train for home.

She offered him cigarettes and money. He told her to hold his rifle and he took her bags to see if there was space on a refugee train.

There was none. They waited hours for the second train which had space but all the windows were broken.

When World War II ended, she was in a small village on the Swiss-Austrian border. She and her cousins were sleeping in the attic of a peasant's house when the French Army of Occupation rolled into the area. Their fears were allayed when the French soldiers issued candy bars to the Austrian kids.

Elizabeth went to the village mayor's office and volunteered her services as an interpreter. For 8½ years she worked with the French military government. Her cousins went back to their homes.

In 1951 Paul Lee of Mansfield, Ohio, agreed to sponsor her as an immigrant to the United States. She came to America as part of a Lutheran Church program. She crossed the Atlantic on a troop transport from Bremen, Germany, arriving in New York Valentine's Day, 1952.

Paul Lee was a Westinghouse engineer. She had thought he was a pastor. He and his family helped her get a job in the diet kitchen of a hospital. She stayed in Ohio until June 10, 1952, when she came to Seattle.

Her cousin, Claus and Margaret Wrangel of Kent, helped her get

squared away. Mrs. Wrangel teaches art at Green River Community College.

AS WE SHIPPED coffee, Miss Wendrich showed me a sketch of miniature paintings by her maternal grandfather, Baron Prince von Schreck of Montevia. She explained that Baron Schreck won a battle at Montevia in a war with Italy and the Emperor of Austria made him a peer of the empire.

I asked Miss Wendrich if she remembered the Russian Revolution. She looked quizzical and asked which one. In 1905 she remembered a revolt in Estonia and the Russian Cossacks riding through Riga. She and an aunt were sent to Potsdam, Germany. She was working as an interpreter in Vienna when the Communists overthrew the czar.

Miss Wendrich never has been back to Europe, although her cousins have. She says too many tender memories are stored away there. It would rekindle too much sadness. Sometimes she wonders if she was wise to come to America when she was 52.

I asked if she were an American citizen. Yes, she said, she took the examination, just the questions were so easy. She had expected them to be harder.

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All Things Remembered

By Rod Belcher

BACK ON January 11, we trotted out a somewhat different type of quiz, based on a mix of famous, semi-famous and a few rather obscure names from the worlds of both show business and sports.

Today's offering might be called a second chorus of the same tune.

For want of a more aptly descriptive name, we referred to it as a "name sandwich" exercise.

We begin with the first name of a show-business person and end with the last name of a sports figure. In between, we ask for the name which fits both persons.

Example: Ginger — Hornsby. The answer is the name common to both—Roger.

The group in Part One should be, I think, an easier warm-up for the tougher collection in Part Two.

Here's the Part One list:
1—Christopher — Blonda.
2—Leslie — Twilley.
3—Edith — Schoendienst.
4—George — Maschberger.
5—Beatrice — Ashe.
6—Dean — Martin.
7—Gertrude — Bertra.
8—Jack — Quinterban.
9—Johnny — Wubburn.
10—Sylvia — Wicks.
11—Lloyd — Ryan.
12—Forrest — Frederickson.

Now here's Part Two, perhaps with the missing name being less obvious:

1—Frances — Forsy.
2—William — Dobbs.
3—Trevor — Casady.
4—John — Sanderson.
5—Eleanor — Hall.
6—Gregory — Hickman.
7—David — Briles.
8—Diana — Shackelford.
9—Cliff — Cooper.
10—Conne — Guinet.

Finally, Part Three, in which the first name is from the sports world; the last name is that of a showbiz type:

1—Fred — Bart.
2—Maurice — Thomas.
3—Clay — O'Connor.
4—George — Brooks.
5—Joe — Haystack.
6—Clifford — Charles.

Answers: (Part One)
1—George
2—Albert
3—Arthur
4—Brent
5—Dick
6—Martin
7—Lawrence
8—Benny
9—Ray
10—Sally
11—Nolan
12—Tucker

(Part Two)
1—Doe
2—Conrad
3—Howard
4—Derek
5—Parker
6—Pek
7—Nelson
8—Lynn
9—Walter
10—Francis

(Part Three)
1—Lynn
2—Richard
3—Carrall
4—Foster
5—Louis
6—Ray

Way Back When

By Cliff Skovon

78 years ago: 1898

TURNING BACK The Times: A committee is meeting in Quebec to decide the possible creation of Southeastern Alaska — including such towns as Juneau, Skagway and Dena — to Canada.

The Seattle Chamber of Commerce chimes in with a vigorous protest, declaring the thousands of miles to be turned over to the Canadians would represent "substantially all the developed part of Alaska."

Sam McGee, from Tennessee, is yet to be pulled on his preference, but he is on record favoring any country that can provide some heat.

TIMELY TRIO: Editorial thoughts for today from The Daily Times — "By the aid of an Almighty Providence, Mr. James J. Hill (railroad tycoon) and the gold discoveries on the Klondike, Seattle is now the most prosperous

town on the continent. B. Haskell, editor of The Minneapolis Times, said the latter, and we assert the former."

BIG SALE: "The Greatest Bargain-Basket That Mortal Man Has Ever Been Privileged to Partake" is being staged by Public Supply Co. "The Imperial Merchant Prince" of 608 Second Ave. have added 50 salomons "for her already large force" for this fantastic clothing event.

WHAT PRICE EMPIRE? With the United States annexing new territory in both the Pacific and Caribbean at the expense of the Spaniards, and possibly the native populations, a cautionary note is sounded by Hilary Herbert, former secretary of the Navy, who cites the experiences of the British, Dutch and French in their West Indian domains.

"The insuperable objection to the colonization of tropical countries is that they are inhabited by an inferior population," he says.

"Experiments have been tried there for 200 years and they have not been successful."

And now that the United States has defeated Spain, The Skagit Valley Times reports: "The President is finding out there are a

THE OLD FARMER'S ALMANAC

OCT. 4-10, 1976
The flowers are fading.

Frame your trees now... Pope Pius XII died Oct. 9, 1958... Full Hunters' Moon Oct. 7... Yom Kippur Oct. 4... Drive of Texas steers invaded N.Y.C. Oct. 4, 1874... Average length of days for the week, 11 hours, 28 minutes... End of six-day rain in Oklahoma Oct. 5, 1959... First two-way phone talk, Boston-Cambridge Oct. 9, 1876... Never let the bottom of your pants or your mind be seen.

Ask the Old Farmer: Does the 20th century end Dec. 31, 2000? Could a man born in 1900 and living to 100 and one day, be alive in three centuries? S.J. Scranston, Pa.

The answer to the first question is December 31, 2000. All because we started counting at 1 instead of 0. The answer to your second question is yes. You expect to be around that long?

Home Hints: When cutting quilt blocks, try using a pattern not from fine sandpaper. It will stay right in place and you will be able to cut a neat block every time.

OLD FARMER'S WEATHER FORECASTS
New England: Week begins cloudy, then rain and warmer; fair and cool later part.

Southwest Desert: Week begins clear and very hot; then cloudy and cooler; rain in east end of week.

Pacific Northwest: First part of week sunny and warm; then light rain, week ends with clearing and very warm temperatures.

California: Partly cloudy at first, then light rain; clearing and hot later part.

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NEVER THE TWAIN: In a Page 1 article, "How Englishmen View Mark Twain," a London dispatch reports the American visitor is something of an enigma to his British admirers — a humorist who wants to be taken seriously.

The calls upon Mark Twain for lectures at which he is to amuse the audience at so much a head, gall the author of "The Innocents Abroad" territory. He would prefer to talk on any serious subject — the evolution of man, for instance.

PRESS NOTES: In a sterling example of free-wheeling frontier journalism, the cross-town gaceta is almost invariably referred to in these private pages as "The Morning Organ" — and not altogether flatteringly.

Headline of the day — "Aguinaldo Is a Great Big Ignoramus." This unbiased reportage refers to an overseas interview of the Filipino insurrectionary hero, Emilio Aguinaldo, whose prime shortcoming, it appears, is naive knowledge of parliamentary procedure.

WOOD NEWS: "WOOD NEWS" is a new section in the Seattle Times, starting this week.

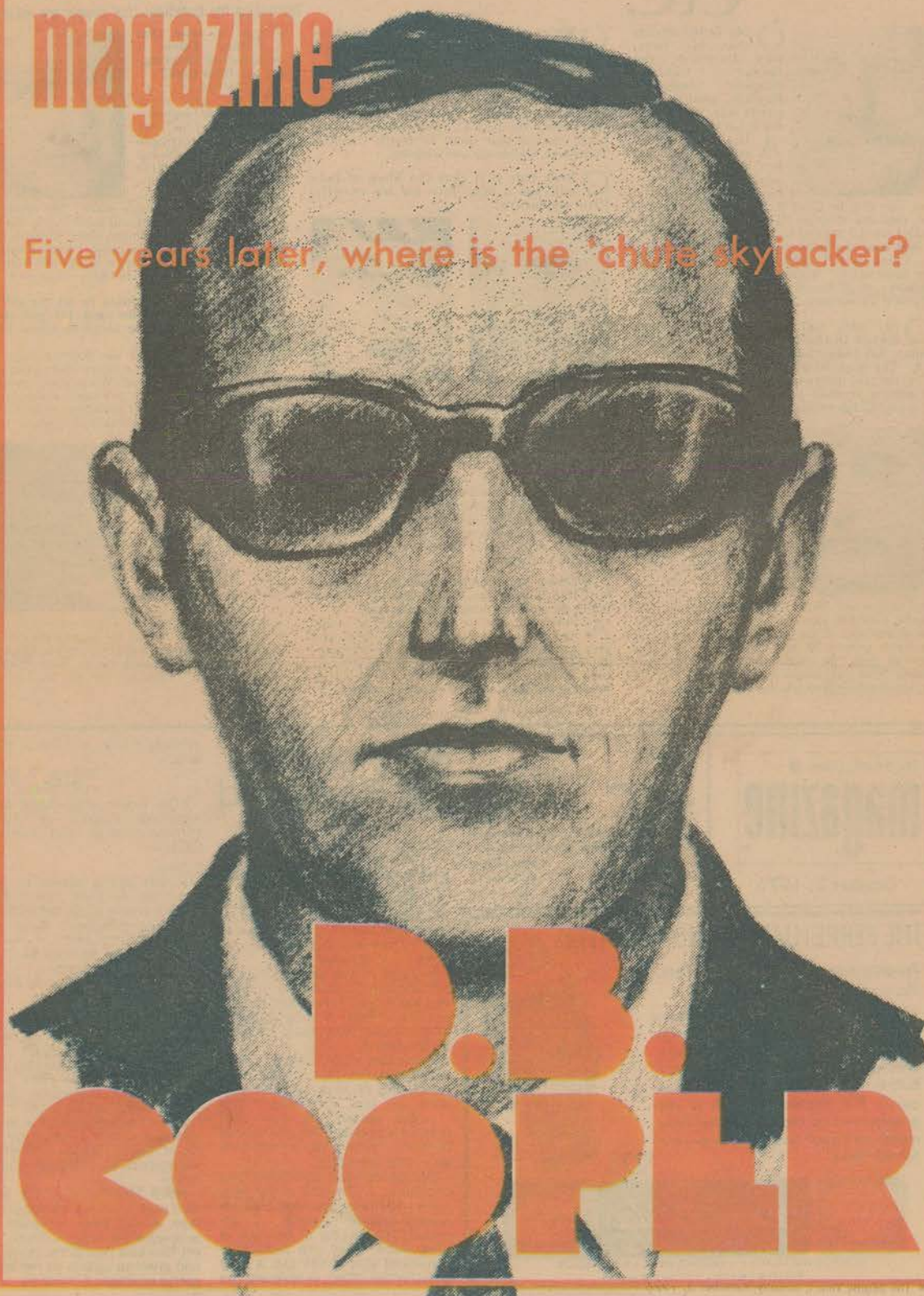
MAIL MATTERS: "MAIL MATTERS" is a new section in the Seattle Times, starting this week.

WINDY PAPER: "WINDY PAPER" is a new section in the Seattle Times, starting this week.

The Seattle Times •

magazine

Five years later, where is the 'chute skyjacker?



Staff illustration by Steve McKinstry

October 3, 1976

PEOPLE etc.



Q My father insists that my hero, Ben Davidson, the former Oakland Raiders' defensive lineman, used to be a porno star. Please tell me it isn't so!

A Big Ben — 275 pounds and six feet eight — not only admits to a role in "Behind the Green Door," but says that he loved it. "It was a lot of fun," he explains simply. "The Mitchell brothers asked me if I wanted to be in this dirty movie. I had read the book and thought, 'Why not?' ... I kept my full tuxedo on, so it was just guilt by association." Davidson's newest venture, however, is all American — he plays Rhino in the new TV comedy, "Ball Four."

Q My kids claim juvenile crime was higher in the turbulent '60s than it is today, but I say, "hogwash." Who's right?

A The moppets are putting a number over on you, daddy-o. Since 1960 the number of youths arrested for murder, robbery, rape and assault has skyrocketed 254 per cent.



Q I'm a 24-year-old mother and my friends tease me because I still watch "Captain Kangaroo." Am I the only grown-up who loves Mr. Green Jeans?

A Now in its twenty-second season, "Captain Kangaroo" remains the favorite TV show for the six-and-under set. However, Bob Keeshan, the gentle Captain, says that adult women make up 30 per cent of his audience. "The mother is probably around 22, and chances are that she herself grew up with the show," he explains. "Our mail response proves that." Happily, the mothers print plainer than the kids.

Q We're planning a visit to the Rockies, and I wondered what our chances are of getting Rocky Mountain spotted fever?

A Ironically, you're less likely to get the tick-transmitted disease in the Rockies than you are in the Smokies. Only a few cases have been reported in the Rocky Mountain region during the past 35 years, whereas nearly 1,000 cases a year occur in North Carolina, Tennessee, Oklahoma and Virginia.

Q How true is it that the Shah of Iran still has a deep love for his ex-wife, Princess Soraya?



A The attitude of the Shah towards his former consort, whom he divorced 18 years ago because she could not bear him an heir, appears to be softening. After nearly two decades spent in exile, the Princess is returning to Iran, and furniture from her villa in Rome has already been secretly transported to a luxury villa in Teheran. Earlier, the Shah had provided Soraya with bodyguards as a protection against kidnapping, and this summer he sent her a gold necklace encrusted with rubies to celebrate what would have been their silver wedding anniversary.

Q Going on a tennis court these days is like joining the Easter Parade — how much do women spend on tennis togs?

A Forty per cent of the 21 million tennis players in this country are women, and they spend \$100 million a year on clothes suitable for a court appearance. Did anyone suspect, back in 1949, that Gussy Moran's lace panties would seem like staid bloomers 27 years later?

Answering the questions that people are asking

Q Is it true that Bette Davis is considering marriage for the fifth time?

A The legendary actress, who entitled her autobiography "The Lonely Life," says that all her marriages were farces and she has no plans for another trip to the altar. Sadly, however, she does not seem happy in her single state. "My children have grown up, married and gone," sighs Bette, 67. "Now I'm living alone, alone without the love of a man I always wanted. I knew I would end up this way one day, a lonely old woman on a hill ... Bette Davis in her no-man show."



Q My boyfriend refuses to let me get a suntan because he says I'll get skin cancer. Give me some facts to show him how rare it is.

A It isn't. Nearly all the 300,000 cases of skin cancer in this country every year are caused by Old Man Sun. What many people fail to realize is that 75 per cent of the sun's most dangerous rays can penetrate clouds, overcast skies and even three feet of water.

Q Is it true that Kirk Douglas, like Ronald Reagan, is planning to give up his acting career for politics?

A The "Champion," now 55, admits he's tempted. "The word 'patriotic' is so corny I'm almost embarrassed to use it," he grins, "but I'd like to do something in government. I'd never run for office, and I'm not looking for an imposing title. But I've traveled extensively on State Department tours, and I could be an international troubleshooter." Like at the O. K. Corral, maybe?



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The Seattle Times
magazine

October 3, 1976

Staff

Editor: Larry Anderson
Assistant Editor: John Haigh
Book Editor: Larry Rumley
Staff Writers: Chef Skreen,
Dale Douglas Mills, Herb Belanger
Artists: Dick Miller, Steve McKinstry,
Jacques Rupp
Photographers: Josef Scaylea,
Roy Scully



Readers Respond

Editor:

I was in Seattle recently and purchased a copy of your August 29 paper ... I was delighted to see the article by Dale Douglas Mills in your Magazine. I thought the article was very well done and very objective and fair in all directions ... a splendid job.

I placed a call to Ms. Mills to tell her that (I intend to) prepare reprints of the article and distribute them to the 44 state affiliates of the American Council on Alcohol Problems.

Some nine states have a ... law which specifies that a blood alcohol reading of .10 is a specific violation of law. In most states ... that amount or more just creates a presumption of violation of law ... which can be rebutted by ... the defendant.

During the last legislative session here ... the head of the Minnesota Highway Patrol and an assistant attorney general ... explained the success of that law in their state. They are thoroughly convinced that it has had a very constructive effect in lowering the

drinking-driving problem in Minnesota.

William M. Plymat
Des Moines, Iowa

(The writer is president of the American Council on Alcohol Problems and an Iowa state senator.)

Editor:

It was like a breath of fresh, clean air to read Janice Krenmayr's article in the September 12 Magazine ("Burien's Betsy Ross and Chief Promoter").

Please keep her articles coming; don't let her retire.

Mrs. R. Fischer

The cover

WHATEVER happened to the man who called himself D. B. Cooper and parachuted into Southwestern Washington after getting \$200,000 in a skyjacking the day before Thanksgiving in 1971?

No definite signs of the middle-aged man or the money have been found since, despite intensive investigations by law-enforcement officers.

Steve McKinstry of the Magazine staff used the composite picture drawn from witnesses' descriptions for today's cover. Robert Hawkins recalls the skyjacking and gives an update on the investigation on Pages 8, 9 and 10.

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Renowned quartz accuracy combined with the elegance of Seiko design. Continuously shows hours, minutes, seconds, AM-PM and days of week. Built-in illumination of button command. The perpetual watch is pre-programmed to show the exact date, month and year (including leap year) for 40 Years.

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the diamond people
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JEO:jt

CR 72-0451

August 14, 1975

Mr. Philip T. Basher
Special Agent in Charge
Federal Bureau of Investigation
710 Federal Building
915 Second Avenue
Seattle, WA 98174

Attention: SA Ronald Nichols

Re: Unknown Subject, a/k/a DAN COOPER,
a/k/a D. B. COOPER
Our Ref: CR 72-0451

Dear Sir:

We provided a copy of a letter to the Department of Justice dated March 31, 1975 to Agent Nichols. That letter inquired as to the applicable statute of limitations on the D. B. Cooper skyjacking.

Enclosed is a copy of the Department's response which indicates that there is no statute and we may prosecute him at any time he may be found.

Very truly yours,

STAN PITKIN
United States Attorney

JERALD E. OLSON
Assistant U. S. Attorney

Encl.



UNITED STATES DEPARTMENT OF JUSTICE

UNITED STATES ATTORNEY
Seattle, Washington

WASHINGTON, D.C. 20530

AUG 14 1975

Address Reply to the
Division Indicated
and Refer to Initials and Number

CWB:JFB:mac
88-61-20

CIVIL ☐ CRIM ☐ ADMIN ☐

Olson

August 11, 1975

Mr. Stan Pitkin
United States Attorney
Seattle, Washington

Attention: Mr. Jerald E. Olson
Assistant U. S. Attorney

Dear Mr. Pitkin:

Reference is made to your letter of March 31, 1975, requesting our views on the applicability of the statutes of limitation to the matter of the D. B. Cooper aircraft hijacking.

As you pointed out in your letter, prosecution of Cooper may, upon his apprehension, be sustained after expiration of the five-year limitation period on two possible grounds: 1) he may be considered a fugitive for purposes of 18 U.S.C. 3290, and 2) there is no limitation on an offense punishable by death, pursuant to 18 U.S.C. 3281. It is our position that the provisions of section 3281 clearly apply to Cooper, and that he may be prosecuted if apprehended after November 24, 1976. Whether Cooper is a fugitive for purposes of section 3290 is not clear.

As you know, section 3281 provides that an indictment may be brought at any time on an offense punishable by death. In 1971 when Cooper committed air piracy, 49 U.S.C. 1472(i) contained a death penalty provision which was struck down in 1972. See Furman v.



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Georgia, 408 U.S. 238 (1972) and United States v. Bohle, 346 F. Supp. 577 (N.D.N.Y. 1972). Following the Furman and Bohle decisions, Congress did not repeal the air piracy statute nor delete the death penalty provision. In 1974 the statute was amended to include a death penalty provision that Congress believed remedied the deficiencies set forth in Furman. It should be noted that the air piracy statute did not suffer from the constitutional infirmity delineated in United States v. Jackson, 390 U.S. 570 (1968); therefore, air piracy was punishable by death in 1971 when Cooper committed the hijacking.

Since the death penalty provision of 49 U.S.C. 1472(i) was valid law in 1971, section 3281 should apply to the Cooper matter, and free the government of the normal five-year limitation. See United States v. Coon, 411 F.2d 422 (8th Cir., 1969) and United States v. Watson, 496 F.2d 1125 (4th Cir., 1973). In the Watson case, the court held that 18 U.S.C. 1111 (murder) is a "capital crime" despite the unconstitutionality of its death penalty provision because Congress had not repealed the provision, and had not amended any of the statutes creating special procedural rules applicable to capital cases since the Furman decision. See also United States v. Massingale, 500 F.2d 1224 (4th Cir., 1974) in which the court held that by eliminating the death penalty provision in the kidnapping statute (18 U.S.C. 1201), Congress expressed the intent that kidnapping shall no longer be a capital offense for procedural purposes. The court's reliance on congressional intent is well placed. In enacting section 3281, Congress recognized society's interest in prosecuting certain serious crimes without regard to a time limitation. H.R. Rep. No. 1337, 76th Cong., 1st Sess. (1939). The inclusion in 1961 of a death penalty provision in the air piracy statute evidenced Congress' intent that section 3281 should apply to air piracy violations. See generally, 1 Am. J. Crim. Law 318 (1972) which contains a discussion of the federal procedural implications of Furman v. Georgia.

Whether Cooper is a fugitive for purposes of section 3290 is not certain. A fugitive is one who, having committed a crime against the United States, flees from the jurisdiction of the court where the crime was committed, or leaves his usual place of abode and conceals himself within the court's jurisdiction. Jhirad v. Ferradina, 486 F.2d 442 (2d Cir., 1973) and Forthoffer v. Swope, 103 F.2d 707 (9th Cir., 1939). We do not know whether Cooper fled the court's jurisdiction or whether he is concealing himself within your jurisdiction. Consequently, the applicability of section 3290 should be evaluated when Cooper is ultimately apprehended, at which time it may be clear whether he has been a fugitive from justice.

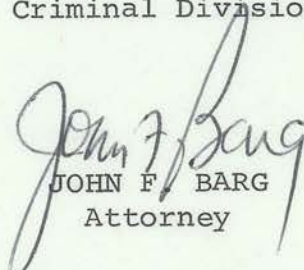
In view of the above considerations, it is our position that Cooper may be prosecuted without regard to the five-year statute of limitations. Therefore, it is recommended that the FBI be advised to continue its investigation of the Cooper matter.

It is hoped that we have been of assistance to you in this matter.

Sincerely,

CARL W. BELCHER
Chief, General Crimes Section
Criminal Division

By:


JOHN F. BARG
Attorney

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATIONUNITED STATES ATTORNEY
Seattle, Washington

MAY 30 1975

CIVIL ☐ CRIM ☒ ADMIN ☐

Copy to: 1 - USA, Seattle

Attention: Mr. Jerald E. Olson
Assistant United States Attorney

Report of: RONALD N. NICHOLS

Office: SEATTLE

Date: May 23, 1975

Field Office File #: 164-81

Bureau File #: 164-2111

Title: UNKNOWN SUBJECT; Also Known As
Dan Cooper
NORTHWEST AIRLINES FLIGHT 305
FROM PORTLAND, OREGON TO
SEATTLE, WASHINGTON, 11/24/71

Character:
CRIME ABORAD AIRCRAFT - HIJACKING; EXTORTION

Synopsis: Investigation to identify Unknown Subject to date has been negative. Assistant United States Attorney JERALD E. OLSON has made inquiry to the Department of Justice concerning the statute of limitations for this crime. Investigation continuing. ARMED AND DANGEROUS.

-P-

DETAILS:

Investigation to identify Unknown Subject to date, negative.

On March 18, 1975, Assistant United States Attorney JERALD E. OLSON was contacted regarding a statute of limitations as it pertains to this crime. Assistant United States Attorney OLSON advised he would have a law clerk research this question.

The following letter, dated March 31, 1975, was received by the Seattle Division of the FBI:

072-0451

Mr. Carl W. Belcher
Chief, General Crimes, DJ
March 31, 1975 (JEO:jt)
Page 2

(B) if the death of another person results from the Commission or attempted commission of the offense, by death or by imprisonment for life."

Title 18 U.S.C. Section 3282 sets out the 5 year limitation for non-capital offenses. Title 18 U.S.C. Section 3290 tolls that statute as to "fugitives from justice." And Title 18 U.S.C. Section 3281 sets out that there is no statute of limitations for "any offense punishable by death," i.e., capital offenses.

Since Title 49 U.S.C. §1472(i) at the date of the crime was an offense punishable by death, it would appear there is no statute of limitations on that charge, even though under the present statute, since no one was killed, Cooper's crime would not be punishable by death and only the 5 year statute would apply if the crime were committed today.

Our inquiry, is whether any of the court decisions on capital punishment have created or changed crimes which by statute had a death penalty into non-capital offenses because of a constitutional infirmity, and hence affected the applicable statute of limitations; or whether the amendment of the sky-jacking statute in 1974 affected the statute of limitations. For example, we note that death penalty provisions of the kidnapping statute (Title 18 U.S.C. Section 1201) which once read much like the death penalty provisions of Title 49 U.S.C. §1472(i) in effect in 1971, were held unconstitutional.

One other inquiry is that if, by chance, the 5 year statute of limitations is applicable, does Title 18 U.S.C. §3290 extend the time, i.e., is Cooper a "fugitive from justice" within that section.

This issue is important to us and to the F.B.I., since, if the statute of limitations will run in November 1976 (5 years) it may affect F.B.I. action between now and then

Mr. Carl W. Belcher
Chief, General Crimes, DJ
March 31, 1975 (JEO:jt)
Page 3

and it will definitely affect our action after that date as the case will, in effect, be closed. It is also important if the statute doesn't run by November 1976, in that, should Cooper ever be identified and caught, the statute of limitations would surely be an issue raised as a defense in the case.

We would appreciate any light you can shed on this question.

Very truly yours,

STAN PITKIN
United States Attorney

JERALD E. OLSON
Assistant U.S. Attorney

✓ cc: Ronald N. Nichols
FBI, Seattle, WA

JEO:jt
CR 72-0451

March 31, 1975

Mr. Carl W. Belcher
Chief, General Crimes Section
Criminal Division
Department of Justice
FTRI Building
Washington, D.C. 20530

Re: UNKNOWN SUBJECT, a/k/a Dan Cooper,
a/k/a D.B. Cooper
Air Piracy - Hijacking - Extortion
Our: CR 72-0451
FBI-Field Office File # 164-81
FBI-Bureau File # 164-2111

Dear Sir:

Recently the local office of the F.B.I. inquired if there was a statute of limitations on the "D.B. Cooper" case, at this point an unsolved sky-jacking case which, as you know, received much publicity.

The date of the sky-jacking was November 24, 1971. At that time, Title 49 U.S.C. Section 1472(i), provided punishment:

"(A) by death if the verdict of the jury shall so recommend, or, in the case of a plea of guilty, or a plea of not guilty where the defendant has waived a trial by jury, if the court in its discretion shall so order; or

(B) by imprisonment for not less than twenty years, if the death penalty is not imposed."

Subsequent to that, in 1974, the statute was amended to provide punishment [49 U.S.C. §1472(i)]:

"(A) by imprisonment for not less than 20 years; or

Mr. Carl W. Belcher
Chief, General Crimes, DJ
March 31, 1975 (JEO:jt)
Page 2

(B) if the death of another person results from the Commission or attempted commission of the offense, by death or by imprisonment for life."

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Chief, General Crimes, DJ
March 31, 1975 (JEO:jt)
Page 3

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We would appreciate any light you can shed on this question.

Very truly yours,

STAN PITKIN
United States Attorney

JERALD E. OLSON
Assistant U.S. Attorney

cc: Ronald N. Nichols
FBI, Seattle, WA



In Reply, Please Refer to
File No.

164-81

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

1015 Second Avenue
Seattle, Washington 98104
September 22, 1972

Mr. Stan Pitkin
United States Attorney
United States Court House
Seattle, Washington 98104

RE Publication of a "D. B. Cooper Story"
in the Seattle Flag, Seattle, Wash.,
May 10, 1972

Dear Sir:

Enclosed is one copy of an interview by Agents of
the FBI with Thom Gunn on May 18, 1972.

In the May 10, 1972, issue of the "Seattle Flag,"
the editor of which is shown in the newspaper as "Thom Gunn,
carried a headline, "D. B. Cooper Found!"

The paper also contained an enlarged reproduction
of a \$20 bill alleged to be from among the ransom money paid
on November 24, 1971, during the hijack at Seattle, Wash-
ington, of Northwest Airlines' Flight No. 305, during which
\$200,000 ransom was paid by the airline company.

The newspaper contained a story which allegedly
was an interview with "Cooper."

An examination by the FBI Laboratory of the \$20
bill reproduced in the article established that it was not
part of the ransom money, although the number was the same.

Enclosure (1)

RECEIVED AT SEATTLE, W.N.
OFFICE OF THE U.S. ATTY.

OCT 2-'72

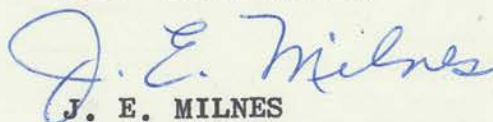
Stan Pitkin.....
Chief, Civil Sec.....
Chief, Crim. Sec.....
Admin. Officer.....
Docket Clerk.....
ASST U.S. ATTY. ASSIGNED
Susan L. Barnes.....
Chas. W. Billingshurst.....
Douglas F. Graham.....
Bruce J. Carter.....
Laurence B. Finegold.....
Charles F. Mansfield.....
Thos. F. Gier.....
Douglas D. McBroom.....
John S. Cbenour.....
Jerald E. Olson.....
Stuart F. Pierson.....
Charles Pinnell.....
Wm. H. Rubidge.....
Irwin H. Schwartz.....
Ernest Scott Jr.....
Albert E. Stephan.....
FILE OF REFER

CR 72-0451

Mr. Gunn was interviewed by Agents of the FBI on May 18, 1972, and freely discussed the story appearing in the publication, but insisted that the paper did pay \$1,000 for the story, and that the photograph of the \$20 bill was given to them when they purchased the story. Gunn, however, stated that he was more than willing to furnish the FBI with surrounding information, but under no circumstances would he identify the person who sold the story to the newspaper.

The above facts were discussed with AUSA Jerald E. Olson on September 14, 1972, at which time he advised that in his judgment the facts in this matter do not constitute a violation within the jurisdiction of the FBI.

Very truly yours,

A handwritten signature in blue ink, reading "J. E. Milnes". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

J. E. MILNES
Special Agent in Charge

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/19/72

THOM GUNN, Editor, "Seattle Flag, Inc.," was interviewed at the offices of that publication, 222 Dexter North, Seattle, Washington, concerning an article appearing in the "Seattle Flag", Volume 1, #5, under date of May 10, headlined, "D.B. COOPER FOUND." Although the paper is dated May 10, it was placed on the newsstands 5/1/72.

GUNN was advised by SA CHARLES E. FARRELL of his right to remain silent and that anything he might say could be used against him in court; of the fact he had the right to the services of an attorney and that if he did decide to speak, he could cease to do so at any time he chose.

GUNN advised that the paper did pay \$1,000 for the story as indicated in the newspaper, but he refused to disclose from whom the story was obtained. He said the story was furnished to him on tapes and that the reproduction of a \$20 bill appearing in the "Seattle Flag" was made by them from a photograph of a \$20 bill which was given to them when they purchased the story.

GUNN advised that the "Seattle Flag" normally has a circulation of 25,000 copies, but the issue carrying the "D.B. COOPER" story sold 28,000. They were prepared to print another 25,000 when the story appeared in the newspapers about the arrests of two individuals in the Bremerton area, who perpetrated a hoax on Newsweek Magazine. Because of that hoax story, they did not reprint the issue and their sales immediately dropped off.

GUNN advised he would be willing to cooperate with the FBI in furnishing "surrounding information" (but would never disclose the identity of the person who sold the story) in exchange for information as to where the discrepancies were in the "Seattle Flag" story. GUNN was advised that no such information would be furnished to him.

The above interview was conducted in GUNN's office and began at approximately 10:48 AM and was concluded at approximately 11:05 AM.

Interviewed on 5/18/72 at Seattle, Washington File # SE 164-81

by SA CHARLES E. FARRELL &
SA ROBERT ROSS REYNOLDS:CEF/klb Date dictated 5/18/72



In Reply, Please Refer to
File No.

164-81

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

1015 Second Avenue
Seattle, Washington 98104
September 22, 1972

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Special Agent in Charge