

May 10, 1939

Members of the North Dakota
Board of Pardons
Bismarok, North Dakota

Gentlemen:

At the request and by the order of the former Pardon Board the Attorney General's office was ~~ordered~~ to make an investigation into the Bannon case. Mr. Bannon appeared before the Board in December and insisted that the people in the community where the crime was committed were of the opinion that he himself was innocent; that this feeling existed from the very time of the commission of the crime and that as proof of this feeling he pointed to the fact that the persons in the lynching party took his son and lynched him and left him, the old man Bannon, unharmed. In order to get a true picture of what the feeling in the community was the December Board of Pardons requested me to make some investigation and to report at the June meeting.

In contacting persons in and about Watford City I endeavored to contact such persons who had some standing in the community and who were in the community at the time of the commission of the crime. The general consensus of opinion of everyone with whom I talked was that Mrs. Bannon, the mother of Charles Bannon and the wife of James Bannon, was without doubt a party of the crime, if not the moving spirit of it.

The first person whom I contacted was a Mr. Lawrence McMaster, who is the manager of the Red Owl Grocery Store in the city of Watford City. McMaster was in Watford City at the time of the Haven murders and for sometime prior thereto and was personally acquainted with all of the parties. Bannon was in fact operating one of McMaster's farms at the time of the commission of the crime. McMaster stated to me that there was much feeling of doubt in the community of Watford City as to the guilt of the defendant, James Bannon, and stated that opinion was fairly evenly divided. The general feeling, however, according to McMaster, is that the father may have known of the son's crime after it had been committed and that he failed to inform the officials of such crime. McMaster stated that he had known the father for a long time, had known him quite intimately and that he personally did not feel that the old man would ever have had any part in as heinous a crime as the killing of the Haaven family. McMaster further stated that prior to the time of the commission of the crime Bannon had advised him, as landlord, that he, Bannon, was going to

quit the following year and go out west; that after Charles Bannon had committed the crime he came to his father and told him that he had all of Haaven's land rented and that he found it impossible to handle it alone and that then the old man stayed to help farm the Haaven farm.

McMaster also was of the opinion that Mrs. Bannon was without doubt involved in the crime; that she had much more money than could be accounted for; that she had had the Haaven house repaired and had put money of her own into remodeling the same, and that it did not seem logical that she would have spent money which was her own for the remodeling of a dwelling to which she had no claim whatever.

McMaster further pointed to the fact that as they were taking Charles Bannon from the jail he made the statement that he alone was responsible and that his father had nothing to do with the killing of the Haavens and pleaded with the lynching party to spare his father who was innocent; that the current rumors around Watford City are that he again made this plea as they were about to push him off the bridge with the rope around his neck; and McMaster pointed out that no man about to die and knowing that he was about to die would be apt to make a false statement deliberately.

The next person whom I interviewed was Barney Iverson, who is the owner of a grocery store, a very fine individual and one who impresses you as being very sincere. He too said that he has never been satisfied that James Bannon was a party to the murder of the Haavens, although he feels that at the time that the father was on the Haaven place with his son he may have discovered that his son had committed the crime and may have known about it for some time prior to the discovery of the bodies by the officials. Mr. Iverson feels very strongly that Mrs. Bannon was involved in the crime; she lived with the boy on the Haaven place and in fact was with him at the time the crime was alleged to have been committed, whereas at the time of the commission of the crime Mr. Bannon was on the McMaster place, although shortly thereafter he moved to the Haaven farm. In further substantiation of the fact that Mrs. Bannon must have been involved, Mr. Iverson points to the fact that when Mrs. Bannon called on her husband in the State Penitentiary that her husband did not care to see her and that when she flung her arms around his neck and cried he pushed her away, which Mr. Iverson thought indicated that Bannon evidently felt that Mrs. Bannon was the cause of his being incarcerated and that he wanted nothing to do with her.

Mr. Iverson, however, does not feel that Bannon should be given an absolute release if he is shown clemency but should be given only a parole.

I then went to Schafer and called on Mr. Arildson, who is the Clerk of Court at that place. Arildson, who was a witness at the trial of James Bannon is very positive in his assertion that James is guilty of the Haaven murders. In answer to the general belief of the community that if the people had felt that James Bannon was guilty they would also have lynched him Arildson stated that Charles Bannon was not lynched for the murder of the Haavens; that the murder of the Haavens was merely a pretext for wiping Charles out of the picture by fellows with whom he had had illegal dealings involving stolen cattle; that Charles Bannon was being questioned by the officials and was on the point of confessing everything, including his cattle dealings, which would have involved a number of persons in and about Watford City and that for the purpose of forever sealing his lips as to such cattle rustling the persons who were involved organized a lynching party and used the Haaven murders as a pretext for getting rid of young Bannon. This was a new theory and no one else with whom I talked had a similar notion. Arildson, however, is also convinced that Mrs. Bannon was as much involved in this crime as anyone. He feels furthermore that Mrs. Bannon's brother who was visiting the Bannons at the time from out of the State was involved. In answer to a question as to whether he did not know that a lynching party was to be organized Arildson admitted that he had been advised that a lynching would be staged but he added that he had been advised that such lynching party was to be a "fake" for the purpose of making young Bannon talk. Arildson admitted that for a long time he had felt that the old man Bannon perhaps was innocent and that he was merely protecting the boy but he now feels that Charles could not have killed the Haaven family alone and so completely covered up his tracks that by the following morning when strangers called at the place and inquired for the Haavens that no tract or evidence of anything unusual was to be seen. He is now convinced that all three Bannons had a hand in the murders.

Mr. Arildson stated that at the time James Bannon was charged with the murder of the Haavens the state offered to accept a plea to a charge of being an accessory after the fact but that Bannon refused to enter such a plea, insisting that he was innocent; that after the State had rested, however, Mr. McIlrath, one of the attorneys for Bannon, offered to have his client enter a plea of guilty to the charge of being an accessory after the fact but that then the State refused to accept such plea.

Mr. Arildson admitted that the story is that as young Bannon was being lynched he claimed to have killed the Haaven family without any assistance and stated that the father had absolutely nothing to do with the killing and that he was innocent but Arildson insists that young Bannon was suffering from a certain type of

insanity which causes the victim to want to accept all of the blame in a case of this kind/ I have not talked with any doctors to know whether there is in fact such a type of insanity.

Arildson further pointed out that certain witnesses had testified at the time of the trial of James Bannon that James Bannon had told them that he had helped to put Mrs. Haaven in the car at the time that she was taken to Williston and at the time that the Haaven family was alleged to have left the State for Oregon.

I next talked with Charles Hoerauf, the Treasurer of McKenzie County, and O. L. Fritzvold, his deputy. Both of these persons feel that old man Bannon was involved and that he is guilty. They are of the opinion that it is the consensus of opinion in the community that old man Bannon was involved in this crime and point to the fact that he was found out west with considerable money on his person; that if he had acted in good faith he would not have permitted his son to dispose of part of the Haaven's property knowing that he was merely a trustee there and not the owner of such property. They also point out the fact that several witnesses testified at the trial that Bannon had told them that he had helped take Mrs. Haaven and others to Williston early on the February morning when the ~~Bannons~~ *Haavens* disappeared.

I then talked to Frank Frizenger who had been a neighbor of Bannon's at about the time of the Haaven murders. He stated that old man Bannon had always been a very good neighbor, very reliable, and that he was very much shocked when he was informed that old man Bannon was supposed to have been involved in this crime.

Ole Ness, another neighbor stated the same.

Joe Seibold, another neighbor also stated that Bannon had always been the very finest of neighbors but that he has become convinced that the old man was involved in the crime; that the fact that he was on the Haaven place shortly after the crime was committed and remained there during all of the period of time elapsing between the commission of the crime and its discovery convinced him that Bannon must have known of the crime and if he knew of the crime and remained there it is this man's conclusion that he must have had a part in the crime originally.

Seibold is also of the opinion that Mrs. Bannon should have been picked up and prosecuted because he feels that she was the most guilty of the entire group. He also stated that Bannon talked with him at various times about being a reader of detective stories and had made statements that a perfect crime could be committed.

Andrew Hoffman, a farmer living near Watford City, feels that the old man was involved, and in his mind the old man was the leader

because the boy was below his majority and the physical facts would have made it impossible for him to have committed the crime alone. He also feels that Mrs. Bannon was very much involved and should have been arrested. He stated an incident of a time when he, Hoffman, delivered some paint for the Haavens after the Haavens had disappeared from the place; that the Bannons were on the place and acted suspiciously and that he looked about the place and that both of the Bannons followed him about saying nothing but acting queerly.

Albert Botner, another farmer who was living in the community at the time gave approximately the same story as was given by Seibold and Hoffman but added that the only thing that saved the old man from being lynched was that he had not as yet had his preliminary hearing, whereas the young fellow had confessed and there was no doubt as to his guilt.

Helmer Botner stated approximately the same but added that after the discovery of the crime he remembered that Mrs. Bannon's school had been closed at the time of the crime because of the severe weather and that she was at home and no doubt with Charles at the time when the Haavens were killed.

I then went back to Watford City and contacted the former State's Attorney, Mr. J. S. Taylor. He stated that he had made an offer to Bannon to accept a plea as an accessory after the fact and that such offer was made to Bannon in the interests of economy and not because he doubted Bannon's guilt. He did say, however, that the evidence did not warrant a death penalty and that if there had been capital punishment in the State of North Dakota he would have opposed a death penalty under the state of record as he was able to establish the facts in the Bannon case. Taylor stated that four or five witnesses established the fact at the trial that James Bannon had told the same story to these witnesses as had been told by the boy concerning the leaving of the Haavens and that the undisputed testimony shows that Bannon went to the Haaven farm the day after the Haavens "left" and that he ran it for Haaven but kept all of the money for himself. Taylor also feels that Mrs. Bannon was involved and believes that she knew all about the murders and further feels that her brother from Oregon, who had a very bad reputation and who was in the country at the time of the killings, was also involved.

Taylor's statement is that if it had not been for one man who was in the lynching party who stood by Bannon's cell with a gun and advised the members of the lynching party that if they touched the old man he would shoot that the old man also would have been lynched. He further pointed to the fact that the morning after

the Haavens were supposed to have disappeared certain people had driven to the Haaven farm; that nothing was out of order to indicate that wholesale murder of six persons had been committed within a few hours prior to such time and that it would have been impossible for one man to have committed six murders and done such a complete job of covering up as was done in this case. He is convinced that Bannon participated in the actual killings from the fact that he moved to the Haaven plane immediately after the Haavens disappeared and forthwith started to steal the Haaven property. He further points out that Bannon had eleven hundred dollars on him at the time when he was picked up and that, although there is no evidence to show that Bannon was attempting to make an escape while in Oregon, that when he was found he was on a trail where he could have stepped fifteen feet from the trail and been completely lost. In other words, he was in one of the wildest parts of Oregon when he was apprehended and at that time he had on him eleven hundred dollars in cash. He further points to the fact that at the time that Bannon was in Oregon, allegedly searching for the Haavens that he wrote a letter to his son Charles which was intercepted by the officials. There was a complete letter in which there was no statement that would lead anyone to suspect that anything was wrong, but that he had added a sheet, which he intended young Bannon could destroy, upon which he advised him to "watch his step". This letter, which was introduced in evidence is to my mind one of the most serious bits of evidence against the old man. Taylor's statement is that the people of the community general believe Bannon to be guilty, especially those who know anything about the facts. He stated that it is immaterial to him whether Bannon is given his freedom or not but that he personally feels that he is right where he belongs. He stated further that if Bannon should ever come back to McKenzie County that he believed he would "disappear."

Taylor further stated that Charles Jacobson, who was the sheriff at the time of the arrest of the Bannons believed that the old man Bannon was as much involved as was the son.

I then talked to Charles Loak, who is engaged in the merchandise business, who stated that he had been acquainted with Bannon for many years, in fact since Bannon had come to the country; that he had had business dealings with him and that he was a very fine man to deal with and a perfect gentleman in every respect. It is Mr. Loak's opinion that the belief as to the guilt of Bannon is fairly well divided and that many people are doubtful as to whether he had any actual part in the killing of the Haavens although most people feel that he must have known of his son's crime

prior to the time when the murders were discovered.

He also feels that Mrs. Bannon was as guilty of these crimes as was any person connected with it.

Mr. Moe, who operates a motor repair shop, was of the opinion that the majority of the people feel that James Bannon was guilty and that he himself shared that view although he did admit that some folks in the community were doubtful.

A Mr. C. Koester stated that he had known Bannon for some time and felt that the old man must have been involved since one man could not have committed the crime which was committed and done such a perfect job of destroying all evidence of the crime in so short a time.

From the statements which I have briefly outlined it is of course impossible to say positively that the man was or was not guilty of the crime of which he is charged. There is no doubt that the defendant's explanation of all of the circumstances might have been considered by the jury as satisfactory and that he might have been acquitted. However, on the other hand, it must be conceded that the jury had sufficient evidence on which to base the verdict which was returned.

There is no doubt in my mind but that some prosecution should have been commenced for the lynching of Charles Bannon. No conviction could have been had in McKenzie County, it is true, but the State might have secured a change of venue and, even though no conviction could have been had it seems to me that such a crime should not be allowed to have been committed without at least an attempt to punish those who perpetrated the same. It may not have been a popular thing to do in McKenzie County but on the other hand it would have been the right thing.

Respectfully submitted,

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Attorney General

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