

Douglas
County

REPORT

5-14983
1-14958
Case No.

KANSAS BUREAU OF INVESTIGATION
TOPEKA, KANSAS

Lawrence, Kansas
Place

WOODS-EMMONS-MALSON
Special Agent

Date

Title

HOMICIDE: Harry Nicholas "Nick" RICE, Deceased
ASSAULT WITH INTENT TO WOUND:
VICTIM: Merton [REDACTED]

In the evening hours of 7-20-70, this Special Agent was patrolling the downtown streets and alleys of Lawrence, Kansas, accompanied by Asst. Lawrence City Attorney, Gary COOLIE, information had been received that the hippie type were going to try and start some kind of trouble on the hill, for all available police units to be there, and a major fire to be started in the downtown area. The Douglas County Sheriff, Rex JOHNSON, and reporting Special Agent decided to patrol the downtown area and attempt to prevent any fires. The evening progressed without any incident until approximately 10:30 p.m. at which time Sheriff JOHNSON contacted this Agent and advised that he had received a report that someone shot upon the hill. (Hill refers to the area on and around the University of Kansas.) It was decided that the reporting Agent proceed to Lawrence Memorial Hospital and confirm the report. Upon arrival at the Lawrence Memorial Hospital emergency room, Special Agent made contact with Dr. James READE who at the time was treating Detective Don DALQUEST of the Lawrence Police Department. After he'd indicated by a nod of his head that the person on the first table was dead on arrival, possibly appeared to be a gunshot wound, the reporting Special Agent then checked the subject found to be a white male, early 20's, medium weight, brown hair wearing a green turtleneck shirt, striped pants and desert boots. A large tear type of wound was noted in the left side of the mouth. Reporting Agent was then contacted by Det. Lyle SUTTON of the Lawrence Police Department who advised that approximately 10:15 p.m. on the night of 7-20-70, a group of subjects were creating a disturbance in the vicinity of 1200 block of Oread. At one point, part of this group of subjects rolled a volkswagen into the street, turned it over on its top and made several attempts to set the vehicle on fire. At this time, several officers of the Lawrence P.D. arrived on the scene at which time some tear gas was thrown, shots were noted in the area. Shortly after the shots, a large group of people who had gathered around the Gaslite Tavern located at the south end of the 1200 block of Oread indicated that someone had been shot. Detective SUTTON further went on to advise that the police dispatcher advised by radio an ambulance was enroute to the Gaslite on a reported shooting.

SUTTON further stated that upon his arrival at the hospital, he had been advised that one subject was dead upon arrival and the second subject was being treated for a gunshot wound in the right leg. He further stated that shortly after the ambulance had departed from the Gaslite, with the two persons, Det. DALQUEST was struck in the face with a projectile causing a laceration underneath the right eye.

The reporting Special Agent inquired of Dr. READE if he desired the body removed to the x-ray section of the hospital and to start a set of skull x-rays on the deceased. Dr. READE stated that would be fine. Reporting agents then accompanied the body of the deceased to x-ray. The interim that had been learned that attentive identification of the body had been made. Identification in the deceased's billfold had been identified as one Harry Nicholis RICE, white male, 17, of Leawood, Kansas.

Reporting Agent was present while skull and chest x-rays were taken of RICE by Mrs. Bonnie [REDACTED] X-ray Technician at the Lawrence Memorial Hospital. Upon completion of the x-rays, the body was then returned to the hospital morgue. At this time the reporting Special Agent contacted Director NYE by telephone and advised him of the occurrence and the present situation in Lawrence at that time. Director NYE inquired if assistance was needed at which time I advised that at the present time I didn't believe so, however some might be needed later. At this time, Director NYE did advise the reporting Special Agent that he did feel it was wise for the reporting Agent to go to the crime scene until after daylight due to the situation in the area.

At this time, Dr. James READE, Douglas County District Coroner, arrived at the morgue and after preliminary examination of the body stated that he had been advised by Dr. John [REDACTED] M.D. (who had been present up to when RICE was brought in) that the deceased had been shot in the mouth, however it was Dr. READE'S opinion that the bullet had not entered the left side of the mouth but was in fact, an exit wound. Dr. READE then decided to re-x-ray the body, this being done in the morgue by Mrs. [REDACTED] with a portable x-ray unit.

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Dr. READE stated he wished to re-x-ray the body due to the fact that the first set of x-rays failed to show any foreign object in the skull.

A short time later upon completion of the x-rays, [REDACTED] returned to the morgue and advised that the second set of x-rays also failed to show the presence of any foreign objects. Dr. READE then began a complete inspection and examination of the body. During the examination, Dr. READE made note of a small wound in the back of the neck right below the base of the skull. Stated that it was his opinion that this was the point of entrance of the bullet, that it had passed through the lower portion of the head and exited through the left side of the mouth. He further noted and showed by use of a probe that the bullet had passed through the head almost in a perfectly straight line. At this point, photos of the body were taken by Douglas County Deputy Sheriff Doug McCLEERY (photo show overall of body, point of entrance line in which bullet traveled and exit wound) photographs in color and in black and white.) Clothing and belongings were removed from the body by Dr. READE in the Reporting Agent's presence, were turned over to the reporting agent. The only exception to this is the billfold of the deceased which had been removed from the body shortly after its arrival at the emergency room. Billfold and contents had been locked in the hospital safe by the emergency room nurse. See property receipt on this case. After all the clothing had been removed from the body, Dr. READE made a careful examination of the entire torso and extremities and it was noted that there was no other visible marks which would have a bearing upon the matter. Approximately at this time, Agent MALSON arrived to assist the reporting Special Agent. The reporting Special Agent then inquired of Dr. READE as to feelings regarding a post mortem examination. He stated he didn't feel at this time it was necessary and for the present time, he was finished. Further, it was of his opinion that death was caused mainly by severing of the spinal cord. Reporting Special Agent then accompanied emergency room nurse, Ruth [REDACTED], to the hospital office where Mrs. [REDACTED] secured the release of RICE's billfold at which time she did turn it over to the reporting Special Agent. At this time, the reporting S.A. and S.A. MALSON met with S.A. EMMONS who just arrived. It was decided that S.A. EMMONS would remain at the hospital to interview Mr. Harry D. RICE (father of the deceased), when he arrived at the hospital, to make positive identification of the body. Reporting S.A. and S.A. MALSON then proceeded to the Douglas County Courthouse where upon arriving, we were advised that a meeting was being held at this time in the County Attorney's office to discuss the existing situation.

Those reportedly present were C.A. YOUNG, Asst. County Attorney ELWILL, Sheriff JOHNSON, Chief of Police, STANWIX, City Manager, WATSON, Col. ALBOTT of the Kansas Highway Patrol. Shortly thereafter, we were approached by Sheriff JOHNSON, who advised that the County Attorney and Asst. County Attorney along with Col. ALBOTT were interviewing witnesses in the County Attorney's office. Further that he had received information that Officer STROUD of the Lawrence P.D. had just come to the County Attorney's Office and said that he (STROUD) believed that he might have shot the dead boy. At this time, the reporting S.A. and S.A. MALSON went to the County Attorney's office. Upon arrival, we observed a police officer known to the reporting S.A. as officer STROUD leaving the County Attorney's office. As he departed, the office door was closed, behind him so the reporting S.A. and Agent MALSON did not enter.

Shortly Sheriff JOHNSON entered the County Attorney's office followed by Capt. Merle MCCLURE and Ptl. Mike SEDLAK of the Lawrence P.D. along the door behind them. Presently Sheriff JOHNSON came out and stated that he and other officers were going to the crime scene at the direction of Asst. County Attorney ELWILL, to take photographs and conduct a crime scene search. He asked the reporting Agent and S.A. MALSON to accompany as the Asst. County Attorney had requested us to do so. As both reporting Agent and S.A. MALSON had been advised to stay out of the area until daylight, we declined to go. Sheriff JOHNSON was advised why we would not go with him and he stated this was okay with him, that he wasn't too wild about going up there either. At this time, S.A. MALSON entered the County Attorney's office. Reporting S.A. then returned to the Sheriff's office to see if he might be able to loan or supply any equipment to the officers going to the crime scene. Shortly S.A. MALSON arrived at the Sheriff's office and advised that he had left the interview because he had made a suggestion that it might be proper if only one or two persons be present of Officer SEDLAK. He had been advised by Asst. County Attorney ELWILL that he, ELWILL, and Col. ALBOTT, Kansas Highway Patrol, had started the interviews and they would finish them.

At this time, S.A. MALSON stated that he left the room leaving Ptl. SEDLAK to be interviewed by the Asst. County Attorney ELWILL, and Col ALBOTT of the Highway Patrol, the law student presently employed by the County Attorney's office, name unknown, Capt. McClure and another officer of the Lawrence P.D.

At this point, it appeared to the reporting Agent and S.A. MALSON that the Asst. County Attorney, ELWILL, Col. ALBOTT and members of the police department were going to handle the investigation regards to the homicide and wounding of subject [REDACTED]. Reporting S.A. and S.A. MALSON left the jail and returned to the Lawrence Memorial Hospital accompanied by KAHILL, of the Alcohol, Tobacco and Firearms Division, Internal Revenue Service. Shortly thereafter, the Agents had arrived at the Lawrence Memorial Hospital advised S.A. EMMONS of the situation, Officer SEDLAK of the Lawrence P.D. arrived stated that he had been told by the Asst. County Attorney ELWILL to come to the hospital and view the body of the deceased, see if it was the same person seen attempting to fire bomb or start a fire in the VW which had been overturned on Oread street. The reporting Agent asked Officer SEDLAK to describe the person he had seen around the vehicle and running away, he (SEDLAK) said a white male, 5'8" to 5'10", long hair wearing a white T-shirt and dark pants. It was obvious from the description given by SEDLAK this did not match that of the deceased as he was approximately 6'5", hair of medium length, was wearing a green turtle neck shirt and striped pants. However, Ptl. SEDLAK was escorted to the hospital morgue by the reporting Agent and S.A. EMMONS at which time he viewed the body. His first comment was (referring to Officer SEDLAK) that's him. At this time, the reporting agent said "are you sure". SEDLAK's reply "No, I'm not." Again, we ask Officer SEDLAK if he was sure if the person he just viewed was the one he had seen at the VW, trying to start a fire and running away and he said at this time he was not sure. The viewing of the body was then concluded. Reporting Agent's returned to the hospital lounge to await the arrival of Mr. Harry D. RICE, father of the deceased. Sometime later a subject was brought to the emergency waiting room by the night supervisor, Mrs. [REDACTED], and was introduced to the reporting Agent and other Agents present as Mr. Harry D. RICE. All the Agents present identified themselves to Mr. RICE and presented their credentials.

It would be noted that at the time we had been advised that Mr. RICE had been notified of the death of his son and requested that he come to the hospital, a period of approximately 2½ hours had elapsed. Mr. RICE was asked by Agent KAHILL if he had some difficulty finding the hospital or arranging transportation due to the time element, his answer was somewhat evasive. Stated that he had attempted to make contact with his wife who is presently on vacation in California.

Mr. Harry D. RICE then asked of the Agents if they had any idea what had happened to this son and he was given a brief resume of the events leading up to the death of his son by S.A. MALSON. At this time, Mr. RICE asked if he might view the body to make the positive identification. He was escorted to the hospital morgue by S.A. WOODS and EMMONS, allowed to view the body and Mr. RICE stood silent approximately 30 seconds then stated "that was my son." Viewing completed, we then left the morgue, returned to the hospital waiting room at which time Mr. RICE asked several more questions concerning events leading to the death of his son. He also answered a few questions put to him by the Agents as to where his son was living at present, he stated that he had completed a year at the University of Kansas, employed during the summer at the Baptist Memorial Hospital in Kansas City, Missouri, feeling that he was out on his own, had rented his own apartment at 4104 Warwick, Kansas City, Mo. Mr. RICE was asked by Agent MALSON if he would at some later time accompany one of the Agents to his son's apartment so the Agent might make an examination to determine if there was any evidence available in the deceased boy's apartment which might provide clues as to his death. Mr. RICE readily agreed sat silent for a minute, then stated he didn't believe that he would allow the Agents to search his son's apartment. Mr. RICE was then asked by Agent MALSON why he had changed his mind regards to allowing the Agents to inspect his son's apartment and stated that he would not deny that possibly his son might be using some pot, he didn't want anything noted or recorded that might prove detrimental to the image of his son.

It was noted by the Agents during the interview of Mr. RICE that possibly due to the shock of the death of his son or possibly his normal personality, his questions and some of his answers seem somewhat strange. RICE then inquired of the Agent's what information they might have as to the whereabouts of his son's blue Volkswagon. At this time the reporting S.A. contacted the Lawrence P.D. to see if the VW owned by RICE was the same one that had been offended in the 1200 of Oread. It was advised by the police dispatcher that it was not and further that they had no information on a blue VW being towed from the vicinity of 1200 block of Oread.

Mr. RICE then inquired as to when the funeral home from Overland Park might be permitted to come to Lawrence to claim the body of his son. We advised that no answer could be given at this time, that the investigation was still in the preliminary stages, that possibly more inspection of his son might be needed. Answer supplied by the Agents did not seem to satisfy Mr. RICE, stated that it was intention to return with the body of his son. He was apprised that this was a question for the County Attorney and perhaps he should contact the County Attorney and clarify this. Reporting Agent then agreed to accompany Mr. RICE to the Sheriffs office where he might contact the County Attorney and receive more information. Agents MALSON, EMMONS, and CAHILL advised Mr. RICE that they would check the area around the 1200 block of Oread and attempt to locate the vehicle. Upon leaving the hospital, Mr. RICE, Reporting agent and a younger son, Mr. RICE'S name unknown, did drive upon the area known as the hill, the area surrounding and the campus of the University of Kansas. RICE stated that he, himself, wished to look for the car and attempt to locate it. Several streets were driven with no success, then proceeded to the sheriffs office where the reporting agent introduced Mr. RICE to the Asst. County Attorney, ELWILL, and explained Mr. RICE'S question. Mr. RICE and the Asst. County Attorney, ELWILL, then retired to the Sheriffs private office to confer. Shortly after conferring with Mr. RICE, the Asst. C.A. ELWILL approached Agents WOODS and MALSON stated that he would like some tests run on the hands of the deceased, attempted to determine if the deceased had, in fact, been involved in the attempted arson of the VW. Asst. C.A. was not sure what kind of tests he wanted ran, however he did feel that some traces of sulphur from the matches would be found upon the deceased's fingers. Both reporting Agents did advise ELWILL that was a possibility that something could be found there, however it would not prove anything substantially. Suggested that he contact one of the Agents in the lab division and confer with them in regards to what possible tests might be run and the irrelevance of anything found upon the hand.

A short time the Asst. C.A. ELWILL, advised the reporting agent and S.A. MALSON that he had conferred with Agent HARVEY of the KBI lab division. HARVEY stated that possibly some tests could be derived from the victim's hands, requested that some of the KBI Agents in Lawrence go to the hospital and place both the deceased's hands inside sealed plastic bags. This was done by S.A. WOODS and EMMONS. Prior to Asst. C.A. ELWILL'S conference with Mr. RICE, ELWILL had been advised of the finding of RICE'S vehicle being located in the KU University parking lot, directly across from the Gaslite Tavern. Mr. RICE requested that he be allowed to remove the vehicle and

return it to his residence. Agents protested to the County Attorney that they felt that the search warrant be issued for the vehicle if the deceased was involved in the fire bombing or attempted arson of the vehicle, possibly some item or object of the evidence nature would be found at or in the deceased's car. It was ELWILL's opinion that this search would serve of no use and he allowed Mr. RICE to retrieve the car.

A little after daylight on the morning of 7-21-70, Agents WOODS, MALSON and EMMONS accompanied by Agents SAHILL of the Tobacco, Alcohol and Firearms Division, Internal Revenue, went to the 1200 block of Oread to survey the area and make a late crime scene search. It was noted that in the driveway of the Westminster Foundation located on the corner of 12th and Oread a blue plastic clorox type bottle contained an unknown type of fluid, had been set afire and been burned in two different locations. The object was photographed and collected and preserved as possible evidentiary nature. Photographs were then taken of the area in which the VW had been overturned, the approximate area of where the deceased had fallen, approximate area of where the subject Merton had been shot, photos were also taken of the surrounding area. Two matches were noted by Agent MALSON in the street, approximately vicinity of the overturned VW, these were photographed and collected.

Also located by Agent MALSON approximately the middle of the 1200 block of Oread the east side of the street, location just west of the city water tanks, a plastic wadding from an apparent 12 gauge shotgun shell. This wadding was identified, photographed and collected. S.A. then photographed the approximate area of the crime scene, search was made by Agents EMMONS and MALSON, also the reporting agent. Nothing of evidentiary value was noted.

James W. Woods, SA
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Kansas Bureau of Investigation

JWW:mlm
8-4-70

cc: Woods, Emmons, Malson