

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

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UNITED STATES OF AMERICA

V.

NELSON BUNKER HUNT  
W. HERBERT HUNT  
RALPH SHANK  
CHARLES TESSMER  
B. H. TIMMINS, JR.  
EDWARD J. HUDSON  
PERCY FOREMAN

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CRIMINAL NO. \_\_\_\_\_

The Grand Jury charges:

COUNT 1

1. From on or about January 16, 1970, to and until on or about February 28, 1973, in the Northern District of Texas and elsewhere, NELSON BUNKER HUNT, W. HERBERT HUNT, RALPH SHANK, CHARLES TESSMER, B. H. TIMMINS, JR., EDWARD J. HUDSON, and PERCY FOREMAN did unlawfully, knowingly, and willfully combine, conspire, confederate, and agree together and with each other to commit offenses against the United States; to wit, to obstruct justice in violation of Title 18, United States Code, Section 1503, all in violation of Title 18, United States Code, Section 371.

2. It was part of the conspiracy to obstruct justice that the co-conspirators would corruptly influence, obstruct and impede and corruptly endeavor to influence, obstruct and impede the due administration of justice in connection with the investigation of violations of federal wiretapping laws, Title 18, United States Code, Sections 2511 and 2512; conspiracy to violate federal wiretapping laws, Title 18, United States Code, Section 371; counseling, procuring, aiding and abetting violations of federal wiretapping laws, Title 18, United States Code, Section 2, and violations of other criminal statutes of the United States, in

the Northern District of Texas and elsewhere, the said investigation beginning on or about January 16, 1970, and continuing until on or about February 28, 1973, and being conducted by federal grand juries sitting in the Northern District of Texas from on or about January 16, 1970, until on or about February 28, 1973, in conjunction with the United States Attorney's office for the Northern District of Texas and the Federal Bureau of Investigation.

3. It was part of the conspiracy that the conspirators would corruptly influence, obstruct and impede, and corruptly endeavor to influence, obstruct and impede, the due administration of justice in connection with the investigation referred to in paragraph two (2) for the purpose of preventing the indictment by the Federal Grand Jury in the Northern District of Texas of NELSON BUNKER HUNT and W. HERBERT HUNT for participation in violations of the federal wiretapping statutes, Title 18, United States Code, Sections 2511 and 2512, and other criminal statutes of the United States in the Northern District of Texas, by corruptly endeavoring to influence, intimidate and impede prospective witnesses who had knowledge of the participation of NELSON BUNKER HUNT and W. HERBERT HUNT in violations of federal wiretapping statutes, Title 18, United States Code, Sections 2511 and 2512.

4. Among the means by which the conspirators carried out the objects of the aforesaid conspiracy were promises of payments of money to attorneys for prospective witnesses who had knowledge of the participation of NELSON BUNKER HUNT and W. HERBERT HUNT in wiretapping in Dallas, Texas, in November and December, 1969, and January, 1970; admonitions to prospective witnesses of possible harm resulting from testifying about the participation of NELSON BUNKER HUNT and W. HERBERT HUNT in wiretapping in Dallas, Texas, in November and December, 1969, and January, 1970; promises that prospective witnesses would not be indicted as a result of contacts with high government officials on behalf of NELSON BUNKER HUNT and W. HERBERT HUNT; offers of monthly payments of money to

prospective witnesses if they went to prison and did not testify about the participation of NELSON BUNKER HUNT and W. HERBERT HUNT in wiretapping in Dallas, Texas, in November and December, 1969, and January, 1970; and secret payment of \$100,000.00 to PERCY FOREMAN to guarantee the silence of prospective witnesses who had knowledge of the participation of NELSON BUNKER HUNT and W. HERBERT HUNT, in wiretapping in Dallas, Texas, in November and December, 1969, and January, 1970.

OVERT ACTS

In furtherance of the conspiracy and to effect the objects thereof, the following overt acts, among others, were committed in the Northern District of Texas and elsewhere:

1. On or about January 17, 1970, W. HERBERT HUNT met W. J. Everett at Love Field, Dallas, Texas.
2. RALPH SHANK, CHARLES TESSMER and W. HERBERT HUNT talked on the telephone January 19, 1970.
3. On or about January 19, 1970, RALPH SHANK purchased a cashier's check in the sum of \$500.00 payable to CHARLES TESSMER.
4. On or about February 4, 1970, in Dallas, Texas, W. HERBERT HUNT told W. J. Everett that financial assistance would be provided Jon Kelly.
5. Jon Kelly met RALPH SHANK and W. HERBERT HUNT in Dallas, Texas, on or about February 6, 1970, and was told that the wiretapping case was being taken care of, that Kelly would not be prosecuted for wiretapping and that CHARLES TESSMER would be his attorney in the traffic hearing.
6. On or about March 6, 1970, in Dallas, Texas, RALPH SHANK purchased a cashier's check in the sum of \$100.00 payable to CHARLES TESSMER.
7. On or about March 6, 1970, RALPH SHANK stated that W. J. Everett should "hang tight" and that the wiretapping case was being worked on at a "higher level."
8. During the summer of 1970, NELSON BUNKER HUNT told W. J. Everett that NELSON BUNKER HUNT would take care of the wiretapping case and there would be no indictments.

9. On or about May 15, 1971, Jon Kelly met with CHARLES TESSMER in Dallas, Texas, and was told by CHARLES TESSMER that "the Hunts" would pay his fee and would provide an attorney for Patrick McCann.

10. On or about June 4, 1971, Patrick McCann was told in Dallas, Texas that "the Hunts" would pay his attorney fees.

11. On or about August 15, 1971, CHARLES TESSMER told Jon Kelly that "the Hunts" were powerful people and that Patrick McCann would be stupid to testify against them.

12. On or about October 15, 1971, CHARLES TESSMER placed a telephone call to Jon Kelly in Houston, Texas, and stated "...and I believe that Ronnie told you that it would be \$500.00 for every month you served in the penitentiary and \$750.00 for your wife while you were gone."

13. On or about October 15, 1971, NELSON BUNKER HUNT, W. HERBERT HUNT and RALPH SHANK caused Patrick McCann to be told that he would receive \$1,250.00 per month while he was in prison if he did not talk to the authorities about the wiretapping case.

14. On or about November 16, 1971, RALPH SHANK, in Dallas, Texas, delivered a check in the sum of \$2,500.00 to B. H. TIMMINS, JR. for legal services for NELSON BUNKER HUNT and W. HERBERT HUNT.

15. On or about December 1, 1971, B. H. TIMMINS, JR. told W. J. Everett in Dallas, Texas, that W. J. Everett would receive \$800.00 per month while he was in prison.

16. On or about December 17, 1971, PERCY FOREMAN stated to EDWARD J. HUDSON that he wanted \$50,000.00 to represent Jon Kelly and \$100,000.00 to represent Jon Kelly and Patrick McCann, to be paid indirectly.

17. On or about January 3, 1972, RALPH SHANK called EDWARD J. HUDSON from Dallas, Texas, and told EDWARD J. HUDSON to agree to pay PERCY FOREMAN \$50,000.00 to represent Jon Kelly.

18. On or about January 3, 1972, PERCY FOREMAN told EDWARD J. HUDSON that he would guarantee that Jon Kelly would not testify before the grand jury.

19. On or about January 4, 1972, EDWARD J. HUDSON spoke to NELSON BUNKER HUNT in London, England, and NELSON BUNKER HUNT confirmed the instructions of RALPH SHANK to pay \$50,000.00 to PERCY FOREMAN.

20. On or about January 12, 1972, EDWARD J. HUDSON purchased a cashier's check in the sum of \$50,000.00.

21. On January 14, 1972, PERCY FOREMAN executed a receipt to EDWARD J. HUDSON for \$50,000.00.

22. On or about January 25, 1972, PERCY FOREMAN told Jon Kelly that Jon Kelly should not testify against "the Hunts" because they would stop at nothing to keep Kelly from testifying.

23. On or about February 4, 1972, PERCY FOREMAN told Jon Kelly that testifying against "the Hunts" would be suicide.

24. On or about March 15, 1972, Jon Kelly asked PERCY FOREMAN if Jon Kelly should give testimony in the wiretapping investigation and PERCY FOREMAN told Jon Kelly that the government could not help him if he were dead.

25. On or about February 2, 1972, W. J. Everett met with PERCY FOREMAN.

26. On or about February 3, 1972, PERCY FOREMAN told EDWARD J. HUDSON he wanted \$50,000.00 to represent W. J. Everett.

27. On or about February 4, 1972, PERCY FOREMAN asked EDWARD J. HUDSON if W. J. Everett would receive the same "treatment as promised Kelly."

28. On or about February 8, 1972, NELSON BUNKER HUNT told EDWARD J. HUDSON to offer PERCY FOREMAN \$75,000.00 to represent W. J. Everett and Patrick McCann.

29. On or about February 8, 1972, PERCY FOREMAN told EDWARD J. HUDSON that he would take \$50,000.00 to handle Patrick McCann and W. J. Everett.

30. On or about February 18, 1972, NELSON BUNKER HUNT gave an I.O.U. in the sum of \$100,000.00 to EDWARD J. HUDSON.

31. On or about March 2, 1972, EDWARD J. HUDSON purchased a cashier's check in the sum of \$50,000.00.

32. On or about March 2, 1972, PERCY FOREMAN executed a receipt to EDWARD J. HUDSON for \$50,000.00.

COUNT 2

On or about October 15, 1971, in the Northern District of Texas, CHARLES TESSMER, RALPH SHANK, NELSON BUNKER HUNT and W. HERBERT HUNT, unlawfully, willfully and knowingly did corruptly influence, obstruct and impede and did corruptly endeavor to influence, obstruct and impede the due administration of justice in connection with an investigation being conducted by the Federal Bureau of Investigation and the United States Attorney's office for the Northern District of Texas in conjunction with the grand jury of the United States District Court for the Northern District of Texas into violations of federal wiretapping statutes, Title 18, United States Code, Sections 2511 and 2512; conspiracy, Title 18, United States Code, Section 371, and other federal crimes in the Northern District of Texas by offering to Jon Kelly, a person with knowledge of the identities of persons responsible for and participating in the activities which were the subject of the investigation and a prospective witness, payments of \$1,250.00 per month for every month he was in prison if he did not testify and provide information about the participation of NELSON BUNKER HUNT and W. HERBERT HUNT in the wiretapping activities which were the subject of the investigation, in violation of Title 18, United States Code, Section 1503 and Title 18, United States Code, Section 2.

COUNT 3

On or about October 15, 1971, in the Northern District of Texas, NELSON BUNKER HUNT, W. HERBERT HUNT and RALPH SHANK unlawfully, willfully, and knowingly, did corruptly influence, obstruct and impede and did corruptly endeavor to influence, obstruct and impede the due administration of justice in connection with an investigation being conducted by the Federal Bureau of Investigation and the United States Attorney's office for the Northern District of Texas in conjunction with the grand jury of the United States District Court for the Northern District of Texas, into violations of federal wiretapping statutes, Title 18, United States Code, Sections 2511 and 2512; conspiracy, Title 18, United States Code, Section 371, and other federal crimes by causing an offer to be made to Patrick McCann, a person with knowledge of the identities of persons responsible for and participating in the activities which were the subject of the investigation and a prospective witness, payments of \$1,250.00 per month for every month he was in prison if he did not testify and provide information about the participation of NELSON BUNKER HUNT and W. HERBERT HUNT in the wiretapping activities which were the subject of the investigation, in violation of Title 18, United States Code, Section 1503, and Title 18, United States Code, Section 2.



COUNT 4

On or about November 4, 1971, in the Northern District of Texas, W. HERBERT HUNT, RALPH SHANK and NELSON BUNKER HUNT unlawfully, willfully and knowingly did corruptly influence, obstruct and impede and did corruptly endeavor to influence, obstruct and impede the due administration of justice in connection with an investigation being conducted by the Federal Bureau of Investigation and the United States Attorney's office for the Northern District of Texas in conjunction with the grand jury of the United States District Court for the Northern District of Texas into violations of federal wiretapping statutes, Title 18, United States Code, Sections 2511 and 2512; conspiracy, Title 18, United States Code, Section 371, and other federal crimes in the Northern District of Texas by offering to Jon Kelly, a person with knowledge of the identities of persons responsible for and participating in the activities which were the subject of the investigation and a prospective witness, payments of \$1,250.00 per month for every month he was in prison if he did not testify and provide information about the participation of NELSON BUNKER HUNT and W. HERBERT HUNT in the wiretapping activities which were the subject of the investigation, in violation of Title 18, United States Code, Section 1503 and Title 18, United States Code, Section 2.

COUNT 5

On or about December 1, 1971, in the Northern District of Texas, B. H. TIMMINS, JR., RALPH SHANK, W. HERBERT HUNT and NELSON BUNKER HUNT, unlawfully, willfully, and knowingly did corruptly influence, obstruct, and impede, and did corruptly endeavor to influence, obstruct and impede the due administration of justice in connection with an investigation being conducted by the Federal Bureau of Investigation and the United States Attorney's office for the Northern District of Texas in conjunction with the grand jury of the United States District Court for the Northern District of Texas, with violations of federal wire-tapping statutes, Title 18, United States Code, Sections 2511 and 2512; conspiracy, Title 18, United States Code, Section 371, and other federal crimes, by offering to W. J. Everett, a person with knowledge of the identities of persons responsible for and participating in the activities which were the subject of the investigation, and a prospective witness, payments of \$800.00 per month for every month he was in prison if he did not testify and provide information about the participation of NELSON BUNKER HUNT and W. HERBERT HUNT in the wiretapping activities which were the subject of the investigation in violation of Title 18, United States Code, Section 1503 and Title 18, United States Code, Section 2.

COUNT 6

On or about January 4, 1972, in the Northern District of Texas, NELSON BUNKER HUNT, W. HERBERT HUNT, RALPH SHANK, EDWARD J. HUDSON, and PERCY FOREMAN unlawfully, willfully and knowingly did corruptly influence, obstruct and impede and did corruptly endeavor to influence, obstruct and impede the due administration of justice in connection with an investigation being conducted by the Federal Bureau of Investigation and the United States Attorney's office for the Northern District of Texas in conjunction with the grand jury of the United States District Court for the Northern District of Texas, into violations of federal wiretapping statutes, Title 18, United States Code, Sections 2511 and 2512; conspiracy, Title 18, United States Code, Section 371, and other federal crimes, by agreeing to secretly pay to PERCY FOREMAN the sum of \$50,000.00 to represent Jon Kelly, a person with knowledge of the identities of persons responsible for and participating in the activities which were the subject of the investigation and a witness, for the purpose of guaranteeing that Jon Kelly would not testify before the federal grand jury in the Northern District of Texas which was conducting the investigation into wiretapping activities in the Northern District of Texas, in violation of Title 18, United States Code, Section 1503 and Title 18, United States Code, Section 2.

COUNT 7

On or about February 8, 1972, in the Northern District of Texas, NELSON BUNKER HUNT, W. HERBERT HUNT, RALPH SHANK, EDWARD J. HUDSON and PERCY FOREMAN, unlawfully, willfully and knowingly did corruptly influence, obstruct and impede and did corruptly endeavor to influence, obstruct and impede the due administration of justice in connection with an investigation being conducted by the Federal Bureau of Investigation and the United States Attorney's office for the Northern District of Texas in conjunction with the grand jury of the United States District Court for the Northern District of Texas, into violations of federal wiretapping statutes; Title 18, United States Code, Sections 2511 and 2512; conspiracy, Title 18, United States Code, Section 371, and other federal crimes, by agreeing to secretly pay to PERCY FOREMAN the sum of \$50,000.00 to represent W. J. Everett, a person with knowledge of the identities of persons responsible for and participating in the activities which were the subject of the investigation and a prospective witness, for the purpose of preventing W. J. Everett from testifying before the federal grand jury in the Northern District of Texas which was conducting the investigation into wiretapping activities in the Northern District of Texas, in violation of Title 18, United States Code, Section 1503 and Title 18, United States Code, Section 2.

COUNT 8

1. On or about August 29, 1974, in the Northern District of Texas, CHARLES TESSMER, having duly taken an oath that he would testify truthfully, and while testifying in a proceeding before a grand jury of the United States, duly empanelled and sworn in the United States District Court for the Northern District of Texas, on January 22, 1974, did knowingly make false material declarations as hereinafter set forth, all in violation of Title 18, United States Code, Section 1623.

2. At the time and place alleged, the said grand jury was conducting an investigation in conjunction with the United States Attorney's office for the Northern District of Texas and the Federal Bureau of Investigation to determine whether violations of Title 18, United States Code, Sections 371 (conspiracy), 1503 (obstruction of justice), and of other statutes of the United States, had been committed in the Northern District of Texas and elsewhere, and to identify the individual or individuals who had committed, caused the commission of, and conspired to commit such violations.

3. It was material to said investigation that the grand jury ascertain, among other things, whether offers of monthly payments were made to Jon Kelly and others if they went to prison and did not testify about the participation of NELSON BUNKER HUNT and W. HERBERT HUNT in the wiretappings in Dallas, Texas in November and December, 1969, and January, 1970, and the identity and motives of the individual or individuals who were responsible for, participated in, or had knowledge of the making of such offers to Jon Kelly and others.

4. At the time and place alleged, CHARLES TESSMER, appearing as a witness under oath before the said grand jury, did knowingly declare with respect to the material matters alleged in paragraph 3 as follows:

Q. Did you ever have any conversations with Mr. Jon Kelly in which you conveyed to him an offer of a

sum of \$1,250 a month for all the months he served in the penitentiary:

A. No, sir.

Q. Did you ever have any conversation with him in which you told him, approximately the middle of October, 1971, that the sum of \$1,250 would be paid \$750 to his wife and \$500 to him for each of these months?

A. No, sir. Not with the fee I was getting, with three years in the penitentiary if he had to stay there. I just didn't do that. Never have. . . .

Q. Did you ever convey such an offer on behalf of any other parties.

A. No, sir. . . .

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Q. You did not, on behalf of Ralph Shank or any other party, convey such an offer?

A. No, Sir. . . .

Q. . . . Did you ever have any conversation with Mr. Shank in which you discussed money to be paid Mr. Kelly or any other defendant, in the sum of approximately \$1,250 a month?

A. No, sir.

FOREMAN OF THE GRAND JURY: . . . did you have any conversation with any of the defendants relative to their financial support while they were incarcerated, independent of the source of that money.

THE WITNESS: No, sir. I surely didn't.

5. The answers quoted in paragraph 4 made by CHARLES TESSMER were material to the said investigation and, as he then and there well knew, were false, in violation of Title 18, United States Code, Section 1623.

COUNT 9

1. On or about October 31, 1974, in the Northern District of Texas, CHARLES TESSMER, having duly taken an oath that he would testify truthfully, and while testifying in a proceeding before a grand jury of the United States, duly empanelled and sworn in the United States District Court for the Northern District of Texas, on January 22, 1974, did knowingly make false material declarations as hereinafter set forth, all in violation of Title 18, United States Code, Section 1623.

2. At the time and place alleged, the said grand jury was conducting an investigation in conjunction with the United States Attorney's office for the Northern District of Texas and the Federal Bureau of Investigation to determine whether violations of Title 18, United States Code, Sections 371 (conspiracy), 1503 (obstruction of justice), and of other statutes of the United States, had been committed in the Northern District of Texas and elsewhere, and to identify the individual or individuals who had committed, caused the commission of, and conspired to commit such violations.

3. It was material to said investigation that the grand jury ascertain, among other things, whether CHARLES TESSMER had ever been requested to represent or had ever represented the personal interests of NELSON BUNKER HUNT or W. HERBERT HUNT in connection with their participation in the wiretappings in Dallas, Texas, in November and December, 1969, and January, 1970, either prior to or during the pendency of the representation of Jon Kelly by CHARLES TESSMER.

4. At the time and place alleged, CHARLES TESSMER, appearing as a witness under oath at the proceeding before the said grand jury, did knowingly declare with respect to the material matters alleged in paragraph 3 as follows:

Q. Were you hired as counsel for Herbert or Bunker Hunt at that time?

A. No, sir.

Q. When were you hired to represent Herbert or Bunker Hunt?

A. I never was hired to represent Herbert or Bunker Hunt.

Q. Were you asked to represent Herbert or Bunker Hunt at any time?

A. No, sir.

Q. Prior to the time you represented Jon Kelly, did you -- were you solicited to represent Herbert or Bunker Hunt?

A. No, sir.

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Q. Were you ever asked to represent Herbert Hunt in January of 1970?

A. No, sir. . . .

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Q. Were you ever asked by Mr. Shank, or told by Mr. Shank that your services in this matter, as an attorney, were on behalf of Herbert Hunt?

A. No, sir.

5. The answers quoted in paragraph 4, made by CHARLES TESSMER, were material to the said investigation and, as he then and there well knew, were false, in violation of Title 18, United States Code, Section 1623.

A TRUE BILL

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FOREMAN

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FRANK D. MCCOWN  
United States Attorney

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RICHARD H. STEPHENS, Assistant  
United States Attorney