

# APPLICATION FOR EXECUTIVE CLEMENCY

CULBERT L. OLSON

To His Excellency, ~~FRANKLIN D. ROOSEVELT~~, Governor of California:

Sir: I hereby make application for Commutation of Sentence to time served and release  
from the State Penetentiary at San Quentin, California  
and respectfully represent as follows:

Name MILFRED R. YANT; Prison No. 62140; Age 39 yrs.;

Nationality American; County where convicted Los Angeles;  
Conspiracy to violate the Corporate Securities Act and to commit Grand  
Crime Theft; Violation of Corporate; Date of sentence February 24th, 1938.;  
Securities Act  
Term of sentence NOT fixed 0-5+1-10; Sentence expires \_\_\_\_\_;

Name of Judge Arthur Crum; of Prosecuting Attorney Herman L. Arterberry

Did you plead guilty? No; Did you have a jury trial? Yes;

Are you now in prison? Yes; If paroled, when? \_\_\_\_\_;

Have you applied for parole? No

Name and address of Attorney who defended. (Whether retained by defendant or appointed by the Court)—

David Coleman, 916 Garfield Bldg., Los Angeles, Calif. )  
Eugene L. Wolver, 318 West Ninth St., Los Angeles, Calif. ) Retained.  
If case appealed to Supreme Court, give its number or other designation \_\_\_\_\_

Criminal 3096 in District Court of Appeal, Second Appellate District

Were you ever before convicted of any crime? Yes; If so, state when, where, and what for  
November 6, 1925, State of Utah, Forgery

What was your former trade or occupation? Real Estate Broker

By whom have you been employed? Self

Have you ever been addicted to the use of liquor, morphine, or opium? No

Are your parents living? My father is alive; If so, state name, age, and place of residence  
Ward Yant, Age 59, Address - South Whitney, Indiana.

Are you married? Yes; If so, give name and place of residence of your husband or wife

My wife's name is Dorothy Yant, residing at 2618 San Marino St., Los  
Angeles, California.

Have you any children or other relatives dependent upon you for support? Yes

If so, state name, age and place of residence My 3 children Robert, 18; Theodore, 16; Betty  
Lou, 12; and my divorced wife, Flora Yant, all residing at 2933 S. Nor-  
mandie Avenue, Los Angeles, Calif.

Were you living with and supporting your family at the time of your conviction? Living with my present wife  
and supporting her, and supporting my children and former wife.  
If not, state reason \_\_\_\_\_

Have you ever made previous application for executive clemency? No

If so, what decision was rendered? \_\_\_\_\_

Attach hereto a short statement setting out reasons why you believe executive clemency should be granted you.

(See my statement attached hereto)

[SIGNATURE OF PRISONER]

Milfred R. Yant

Subscribed and sworn to before me, this 7th day of March, 1939

Notary Public in and for the County of Los Angeles,  
State of California.

My Commission Expires July 23, 1940.

*Approved*

In the Matter of the Application of )  
MILFRED R. YANT, )  
For Executive Clemency )

STATEMENT IN SUPPORT OF  
APPLICATION FOR COMMUTATION.

TO HIS EXCELLENCY, CULBERT L. OLSON, GOVERNOR OF CALIFORNIA:

I

HISTORY OF APPLICANT

MILFRED R. YANT, the Applicant for Executive Clemency in this matter, was born in Hardin County, Ohio, on July 23rd, 1899, being the oldest child of three. His youth was spent on a farm of his parents. He attended the grammar and high schools in Columbia City, Indiana.

During the second year of his high school attendance, his mother died, at which time Applicant was fifteen (15) years of age. He then left school and his parent's farm and went to live with other relatives who were then in Ohio.

During the succeeding years he worked in a factory and he continued his education by attending a night school for two (2) years.

During the Great War, Applicant enlisted in the United States Navy, but was thereafter discharged because of physical disability (thyroid). After his discharge, he enlisted in the Fourth Seaforth Highlanders (a unit of the British army). He served overseas with this unit until the close of the Great War. After the Armistice was declared, he married Flora Yant in Scotland.

Upon his discharge, Applicant returned to the United States. Three (3) children were born of this marriage, two (2) boys and one (1) girl. In 1935 Applicant obtained a decree of divorce from Flora Yant, and until his imprisonment he contributed a weekly sum in support of his children. Subsequent to his divorce

1 Applicant married Dorothy Yant, and they are still husband and  
2 wife.

3 After his discharge from the army, Applicant followed  
4 the occupations of railway signalman and salesman. Applicant is  
5 a member of the following organizations: International Brother-  
6 hood of Railway Signalmen, and the Knights of Pythias. During  
7 the past fourteen (14) years he has lived in California -- twelve  
8 (12) of which were spent in Los Angeles County.

9 II

10 HISTORY OF THE CRIME

11 Applicant was indicted with seven (7) other persons.  
12 The indictment contained twenty-one (21) counts, one of which was  
13 a conspiracy to violate the Corporate Securities Act and to commit  
14 Grand Theft. Nine (9) counts charged violation of the Corporate  
15 Securities Act, and eleven (11) counts charged the commission of  
16 Grand Theft. The jury in this case acquitted Applicant of all  
17 the counts of Grand Theft, but he was found guilty of the Conspir-  
18 acy and Corporate Securities Act Violations. The sentence of the  
19 Court imposed imprisonment in the State Prison on these ten (10)  
20 counts, the judgment of the Court being that the term on each  
21 count run concurrently.

22 The indictment and conviction of Applicant arose out of  
23 the sale by Applicant of real property located in Placerita Canyon,  
24 near the City of Newhall, in the County of Los Angeles.

25 In April, 1935, Applicant together with two other per-  
26 sons organized the YANT PETROLEUM CORPORATION, of which he was the  
27 vice-president. The business of this corporation was to engage  
28 in drilling oil sites and operating existing wells. In June  
29 Applicant obtained an option to purchase approximately three hundred  
30 (300) acres of land in Placerita Canyon. Applicant also had an  
31 option to purchase existing oil wells, which he assigned to the  
32 YANT PETROLEUM CORPORATION. His mode of operation was as follows:

1 He sold parts and parcels of the three hundred (300) acres to  
2 purchasers upon acquiring title to the same, giving the purchasers  
3 Grant Deeds to their respective lots. Then he informed the pur-  
4 chasers that they could have their land developed for oil produc-  
5 tion by entering into a community oil and gas lease with the  
6 YANT PETROLEUM CORPORATION.

7 The conviction was had on the ground that in the  
8 issuance of community leases by the purchasers of this real pro-  
9 perty to the YANT PETROLEUM CORPORATION, the Corporate Securities  
10 Act of the State of California was violated.

11 During all of this time, Applicant was a licensed real  
12 estate broker of the State of California, and had complied with  
13 the requirements of the Division of Real Estate of the State of  
14 California in his operations. He had been advised by the Real  
15 Estate Department that he came under the State Real Estate Depart-  
16 ment and the State Real Estate Act, and he paid the Real Estate  
17 Department a license fee for the purpose of permitting him to  
18 sell this property. Applicant filed such questionnaires and other  
19 instruments as were required by the Real Estate Department, and  
20 pursuant to the general custom and with the knowledge of the  
21 Real Estate Department and its respective officers, he commenced  
22 selling said lands, awaiting the rendition of the Real Estate  
23 Department's report thereon.

24 Approximately eight (8) months after the filing of the  
25 questionnaire and papers required by the Real Estate Department,  
26 he was given permission in a formal report by the Department, after  
27 an investigation was made. The Real Estate Division had complete  
28 information during all of this time of the activities of the Appli-  
29 cant, and its Deputy, T. J. FINNERTY, approved the mode of sale  
30 outlined by the Applicant. Furthermore, Mr. Finnerty approved the  
31 copy of the radio broadcasts which were delivered over the radio  
32 by Applicant's employees. In these broadcasts, the community

1 lease feature involved in the sales was explained. Mr. Finnerty  
2 also recommended to various salesmen in Los Angeles County that  
3 they contact Applicant for the purpose of obtaining employment  
4 with him as salesmen on this project.

5 In addition to the foregoing facts, it appears that  
6 about the time Applicant commenced selling the real property in  
7 Placerita Canyon, namely on June 17th, 1935, one of Applicant's  
8 associates and an officer of the YANT PETROLEUM CORPORATION,  
9 AUBREY PEREIRA, at the request of MR. CHIESA, a Deputy Commissioner  
10 of Corporations of the State of California, went to the latter's  
11 office and submitted all of the papers, instruments and documents  
12 used in the sale of the real property, and discussed the plan of  
13 operations. About three (3) weeks later, MR. CHIESA commenced an  
14 investigation in the matter and sent a MR. FLOWERS to examine all  
15 of the books, records and documents of Applicant and the YANT  
16 PETROLEUM CORPORATION. This was done, and on July 22nd, 1935,  
17 MR. FLOWERS filed his report, which disclosed the whole mode of  
18 operation of Applicant and the YANT PETROLEUM CORPORATION, with  
19 the Corporation Commissioner. This report embraced many of the  
20 transactions upon which Applicant was subsequently convicted.

21 Nothing was done or said by the Corporation Commissioner's  
22 office for a period of approximately six (6) months, and your Ap-  
23 plicant at all times felt that he was operating within the law  
24 and under the jurisdiction of the Real Estate Department of the  
25 State of California, and relied upon the fact that no adverse ac-  
26 tion was taken by the Corporation Commissioner of the State of  
27 California.

28 Again on January 2nd, 1936, MR. FLOWERS made an examina-  
29 tion of the books and records of Applicant and the YANT PETROLEUM  
30 CORPORATION and filed his report, which was a complete resume of  
31 the activities of Applicant and the YANT PETROLEUM CORPORATION.  
32 This report also included transactions which were made the basis

1 of criminal charges against Applicant, upon which he now stands  
2 convicted.

3 It was not until March 14th, 1936 that MR. WALKER, a  
4 Deputy in the office of the Commissioner of Corporations wrote  
5 your Applicant and informed Applicant that in his opinion Appli-  
6 cant was issuing corporate securities. Immediately upon the re-  
7 ceipt of this letter Applicant filed a civil action for the pur-  
8 pose of determining whether he was subject to the jurisdiction of  
9 the Corporation Commissioner. Pending decisions before Appellate  
10 Courts in this State and the absence of Applicant, due to busi-  
11 ness which required his presence in sister states, prevented the  
12 final determination of this civil case.

13 Later, in 1937, the indictment which has been referred  
14 to above, was presented. One defendant, JACK FREEMAN, pleaded  
15 guilty and was given a ninety (90) day sentence in the County  
16 Jail. All other defendants except Applicant and EARL LIBBY were  
17 acquitted of all charges. The defendant LIBBY and your Applicant  
18 were found guilty on the same counts. LIBBY was sentenced to  
19 serve ninety (90) days in the County Jail of Los Angeles County  
20 and was placed on probation for a period of five (5) years,

21 III

22 GROUND'S UPON WHICH APPLICATION IS BASED

23 (1) That specific intent to violate the law is totally  
24 lacking.

25 In this connection it must be borne in mind that Appli-  
26 cant was acquitted of all counts charging the commission of the  
27 substantive crime of Grand Theft. In other words, the jury, with-  
28 out any evidence whatsoever from the Applicant, felt that there  
29 was no proof that Applicant unlawfully took any money or property  
30 belonging to any person. This case leaves no doubt that Applicant  
31 stands convicted of technical violations of the law, involving  
32 the construction of the Corporate Securities Act of this state.

1 The underlying theory of Applicant's business project was that of  
2 selling real property; that was the basis of his plan and that was  
3 the reason why he followed the procedure of and submitted to the  
4 rules and regulations of the Real Estate Department of this state.  
5 At this point it should be stated that the indictment in accusing  
6 Applicant of a violation of the Corporate Securities Act charged  
7 that he "did issue, execute and sell.....a certain certificate  
8 of interest in an oil and gas mining title and lease....."  
9 What constitutes "a certificate of interest in an oil and gas min-  
10 ing title and lease" is in the nature of things a matter of con-  
11 struction and definition by the Courts of this state. It was  
12 Applicant's position that his sales of real property by way of  
13 Grant Deed were not the sales of certificates of interest in an  
14 oil and gas lease, but were sales of specific parts of real proper-  
15 ty. This particular type of transaction had not and was not con-  
16 sidered nor decided by the Appellate Courts of this State until  
17 after the conviction of Applicant, and it would seem that the  
18 Corporation Commissioner's office in its tacit acquiescence with  
19 Applicant's mode of operations was not convinced that he was  
20 violating the law.

21 It thus appears that Applicant finds himself convicted  
22 of technical charges based upon acts, the criminality of which  
23 was in doubt at the time of their occurrence.

24 It is submitted that because of the lack of specific  
25 intent to violate the law, because of the undefined state of the  
26 law at the time the acts were committed and because of Applicant's  
27 reliance on the lack of interference by the Corporation Commission-  
28 er, that this case furnishes the precise situation where Executive  
29 Clemency should be exercised.

30 (2) Applicant has been subjected to an excessive  
31 penalty of imprisonment by reason of his conviction in this case.

32 This statement is based upon the following facts:

1 In 1925 Applicant pleaded guilty to a charge of forgery in the  
2 State of Utah. He was sentenced to the Utah State Prison where,  
3 after having served a term of five (5) months, the sentence was  
4 terminated in April, 1926, as appears from the certified state-  
5 ment of the Warden of the Utah State Prison, which is attached  
6 hereto. Approximately thirteen (13) years later Applicant was  
7 convicted on the indictment which we are asking for Executive  
8 Clemency on now.

9 In this case, Applicant received an indeterminate sen-  
10 tence of from 0 to 5 years and from 1 to 10 years on the counts  
11 on which he was convicted, running concurrently, but Section 1168,  
12 Subdivision 2-C of the Penal Code of this State provides that for  
13 a person previously convicted of a felony, five (5) years shall be  
14 the minimum term of sentence and imprisonment unless sooner ter-  
15 minated by the Governor, and Subdivision 4 of the same Section pro-  
16 vides that a person having served a previous sentence in a state  
17 prison may not "be paroled until he has served at least two (2)  
18 calendar years". If your Applicant had not been convicted of the  
19 prior felony, his minimum sentence would have been only one (1)  
20 year. Now by reason of the prior conviction upon which Applicant  
21 served only five (5) months he must serve a minimum sentence of  
22 four (4) years additional for a crime which was committed thirteen  
23 (13) years ago where another state found that after imprisonment  
24 for only five (5) months Applicant had paid his debt in full. He  
25 now must pay again for that first offense a larger penalty than  
26 was exacted by the original state wherein it occurred.

27 (43) Applicant has demonstrated his rehabilitation.

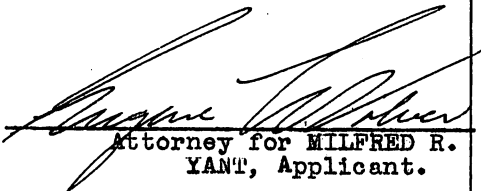
28 In a sincere effort to aid in the reform of the condi-  
29 tions under which he himself was convicted, Applicant after his  
30 conviction, voluntarily assisted the District Attorney's office  
31 of Los Angeles County and gave them valuable information regard-  
32 ing these conditions. He remained in the Los Angeles County Jail



1 approximately four (4) months for this purpose. This appears in  
2 his personal statement attached hereto.

3 It would seem apparent that we do not have here a case  
4 of a vicious criminal, but an individual who stands convicted of  
5 offenses arising out of the complex economic and business back-  
6 ground of our present society.

7 It is respectfully submitted that Executive Clemency  
8 should be granted Applicant, and that his sentence should be  
9 commuted to time served.

  
Attorney for MILFRED R.  
YANT, Applicant.

32  
LAW OFFICES  
EUGENE L. WOLVER

LOUIS MILLER  
THEODORE A. HORN

INSURANCE EXCH. BLDG.  
LOS ANGELES, CALIF.  
HI 3641

TO HIS EXCELLENCY, CULBERT OLSON,  
Governor of the State of California,  
State Capitol,  
Sacramento, California.

Sir:

In support of my application for Executive Clemency and supplementing the pleas for same, filed by my attorneys, I am offering this statement:

At the time of my trial no defense was offered by me. Here is the reason why: The state rested their case and at a recess of the Court a meeting was had between myself, the other defendants, their counsel and mine. It was the unanimous decision of the counsel that no case had been proved -- if the jury brought in a "guilty" verdict a reversal could be had in the Appellate Court, as they all agreed that a reversible error had been committed, in their opinions, by the Trial Judge. Subsequent events proved them wrong.

Due to a prior felony conviction, I was not allowed to file for probation. Therefore, up until now I have never had an opportunity to defend myself or at least state my side of the case.

My first allegation is that I never at any time intended to defraud or harm anyone through my operations. In support of this statement I can truthfully state the entire proceedings surrounding the commission of the crime instead of making me any money, it cost me money, and I came out of the transaction without any funds whatsoever. Had I intended to do so, I could have, under the ample opportunity offered me, come out thousands of dollars richer.

Now my plea, as prepared by my counsel, may cover a number of the facts which I intend to cover here, but I think you would like it in my own words. Therefore, I am now starting at the beginning and will cover my operations fully up to the time they closed.

I secured a fifty acre lease on some land in Los Angeles County in May of 1935, the same being a part of one hundred twenty acres which the Nile Oil Co. had on lease from the Estate of Milton J. Trumble. For this lease I paid the sum of Five Hundred (\$500.00) Dollars. Desirous of drilling for oil on the lease, and not having a sufficient amount of capital to do so, I went to the State Division of Real Estate to get permission to sell to the general public portions of my lease.

I fulfilled the requirements of the State Division of Real Estate, filled out all the necessary applications, and paid all of the fees, then I commenced the selling of these portions of my lease. Shortly thereafter, I was called into their office and informed that due to a lien on the land held by the Federal Government for unpaid income taxes by the Trumble Estate, I must cease selling these portions of my lease. I complied with their request and secured an option to purchase some land nearby. Then I filed again with the Division an

application for permission to sell parts and parcels of this property. I showed them the price paid for the land and the selling price. Then a short time after filing these papers, Deputy Commissioner, T. J. FINNERTY, accompanied me to the project and was present when sales were being made and listened to the lecture given there to the prospective customers. He also on that occasion told the lecturer it was a good deal and urged one Mr. Campbell, who was not working for me but was a licensed salesman under another broker, to go to work for me.

Thereafter, when I desired to broadcast on the radio for prospective customers Mr. Finnerty signed a radio broadcast for me, O.K'ing it to go upon the air. Nothing was ever hid from them at any time, and I fully relied upon their jurisdiction over these sales.

The District Attorney at Los Angeles now has the original broadcast, secured by him since my conviction. They also examined the files and records of the Division of Real Estate and know that all I allege is true. Further, they took statements from Meyers, the lecturer, and Campbell, the salesman, in my presence since my conviction. Both statements corroborate this statement.

In fact, the Division of Real Estate assumed jurisdiction over my operations at all times and had complete knowledge of them. A report was issued on the project by them to be given to the purchasers, which was done. This report was given to me fully six (6) months after the filing of the papers and the last paragraph of it contained words to the effect that I must submit the question of the jurisdiction of the sales to the Corporation Commissioner, which I did. At a conference held in his office between Real Estate Commissioner Clark and my counsel and myself, Commissioner Clark made this statement to us, "Submit a letter setting forth the facts to the Corporation Commissioner and go ahead selling. If he assumes jurisdiction, he will issue a cease and desist order, then you can change your set-up. I complied with his request and no order was ever issued against me.

Shortly after I had started operations, an auditor from the Corporation Department called upon me and was given a complete line-up of my activities and copies of Deeds and Leases used. He was told by me that if any question ever arose at any time, to come to me with it. I did not want to get into difficulties with them or anyone else.

Some six (6) months after starting the sales, I commenced drilling a well on the Lease and entered into a contract to purchase the remainder of the Lease and its three producing oil wells. Thereafter I spent night and day at the property, being out there almost continuously, as was testified at my trial. The well I drilled went deeper than any other ever was drilled in that area. No production was recovered by it below the top oil sand, which was found in the other wells on the Lease.

I did make an honest test of it, and not like some of the wells which have been drilled for profit from the investors instead of for oil. I drilled 24 hours a day and used every modern and known effort to secure a real test. I again repeat, I did not come out of this transaction one cent richer, in fact, I came out poorer, less eighteen months of very hard work.

I was found guilty and have been in custody since the 18th of February, 1938. In August 1938 I wrote to the Deputy District Attorney who prosecuted me, Mr. H. L. ARTERBERRY, asking him to come and see me here. He did come in September, and I told him of all my dealings with the Division of Real Estate, and made certain allegations which were true to him.

Thereafter, on September 24th, I was again taken to Los Angeles and a meeting was had between Chief Deputy District Attorney Williams, Deputy District Attorney Arterberry, Attorneys Miller and Horn, representing me, and myself. I again repeated my story, then Mr. Williams stated that if I would cooperate with them, he would do all he could for me in the matter of the commutation of my sentence.

Thereafter, I started to cooperate and help them secure the facts. I worked very hard and under a handicap, being in custody. However, I went to the Hall of Records in Los Angeles for many days and with my knowledge of what and where to look, I secured much valuable information, all of which was turned over to the District Attorney. I went over my records and files, which they secured from the Division of Real Estate, with them. I urged Myers and Campbell to give their statements to them. I furnished them with all the names and addresses I could get to assist them in every way. I believe this investigation is still being carried on by them.

However, certain of the allegations made by me were not as yet corroborated, but this fact does stand out - that for every crime I am guilty of, the Division of Real Estate is equally guilty of aiding and abetting same. Now no criminal action may ever result due to this investigation, but I am sure that the District Attorney will see that the evils uncovered by it are taken care of by some means, either legislative or otherwise, because it definitely shows that the public is not being properly protected by this Department of the Division. I refer to the Oil and Gas Department of the Division of Real Estate.

In summing up my attitude on the whole thing, I wish to state I definitely severed all ideas of any operations of this kind from myself long before I was ever arrested or tried on these charges. I quit them in November, 1936, and up to the time of my arrest

I was employed by the Scripps Howard Newspapers in Washington D.C. as an advertising salesman.

I do not think that I would be now in prison, were it not for a prior conviction; because Mr. Libby who was tried jointly upon the same charges as myself, and found guilty on the same counts as myself, was allowed to file for, and received probation. I was not allowed to file for probation because of this prior conviction, which was suffered by me 13 years ago in another state. I only served 5 months on a 1 to 20 year sentence, my sentence then being terminated because of mitigating circumstances. Mr. Libby got 5 years probation and I was sent to prison, when we were both found guilty of the same charges.

I think that this is one of the grounds the Legislature had in mind when they amended subdivision C2 of section 1168 of the Penal code to read; "unless sooner terminated by the Governor."

Also I must stay in prison 2 calendar years before my case will even be considered by the Board of Prison Terms and Paroles. See letter of Mr. Duffy attached hereto. Therefore my only relief is to appeal to your Excellency for executive clemency.

I pray your Excellency will grant my plea, and I will abide by any restriction or condition imposed upon me, and I will never do any act which cause you to regret it. I further promise that I will go to work and support my dependants as I have in the Past.

I beg to remain,

Very Truly Yours,  
*Melfred R. Yant*  
#62140 - San Quentin, Calif.

In the matter of the application of )  
Milfred R. Yant, )  
for Executive Clemency )

SUPPLEMENTARY STATEMENT IN  
SUPPORT OF APPLICATION FOR  
COMMUTATION.

TO HIS EXCELLENCY CULBERT L. OLSON, GOVERNOR OF CALIFORNIA;

Supplementing my previous statement to your Excellency, I wish to respectfully submit the following:

Among the Documents filed by my attorney in support of my application for Executive clemency, is a letter from Mr. Kew, Chief Geologist for the Standard Oil Co. of California. In respect to this letter, I wish to state that Mr. Kew is one of the leading Geologists of this State, if not of the nation, and his professional and business integrity is beyond question. Were you to select an Expert to give an opinion on this matter I'm sure everyone who knows him would recommend Mr. Kew.

The statements he makes concerning my intentions and activities are made from a personal knowledge of them.

During all my operations, for which I am now in prison, he was constantly in touch with me. His representative called at the Project regularly; took samples of all Cores, and they were analyzed in the laboratory of his department. The results of all these tests were given me for my guidance, furthermore on every occasion (and there were many) that I so desired, I consulted Mr. Kew, who freely gave me advice on my operations.

Mr Kew in writing that letter, in my behalf and stating that my intentions and operations were honest, I feel is giving your Excellency a true impression of what an unbiased person who knows the true facts would say. Coming from such a man, who stands at the top of his profession, I feel that my former statement in reference to my operations and intentions, has been amply corroborated.

Respectfully Yours,

Milfred R. Yant

Milfred R. Yant  
#62140 San Quentin, Cal.