

T. F. Weiss.

3-21 to 4-9-1924.

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It is quite apparent there is some crooked work on foot by either BRACKETT or PIKE, or both, and we instructed them that unless the third man was produced by the 9th or 10th, we would be forced to consider all previous arrangements with them as cancelled and abrogated, and proceed in any way we deemed best for the Government's interest.

Wrote PIKE special delivery as follows:

"Pawhuska, Okla., April 8, 1924

E. M. Pike, Esq.  
910 East 13th St.,  
Kansas City, Mo.

Dear Sir:

Mr. Brackett has just been in to see us, with your Special Delivery, dated yesterday, stating in effect that the man at Fairfax refuses to talk; refuses to tell the truth, and stating further that the other parties are and have been putting out a lot of money to keep people "quiet". You state that it will be useless for us to see the Fairfax man, and say for us to wait till you see what you can do by further correspondence with persons at Fairfax, etc.

The net effect of all this is that you advise that no further be done by us along the line of your evidence until we hear further from you.

This leaves us just where we were a couple of months ago, so far as your line is concerned. As we explained to you we are now in a position where we cannot delay longer our investigation along certain lines, not only in the best interests of the investigation, but also avoid any question as to our personal integrity and good faith in the case.

In view of all the facts, which we have gone over so carefully with you several times in the past, we are now constrained to inform you that unless we receive word direct from you, not later than the 9th instant that your Fairfax man will meet us and give us the facts, in the manner we have agreed upon, we will have to proceed in any manner that our judgment dictates will be best for the Government's interest, which is to learn the whole truth and all the facts in the case.

Very truly yours,

(signed) T. F. Weiss."

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BRACKETT states today that MATT WILLIAMS just told him that ERNEST BURKHART has said that FRED WHEELER was in Fairplay, Colo. some time ago.

Also that ED TINKER told BRACKETT that "AL CASE", taxi driver of Fairfax, wants to see us on this case.

If PIKE or BRACKETT do not come through with the third man by the morning of the 10th, we will have to disregard them and go direct to this third man and his wife and try to obtain the facts, without the help of PIKE or BRACKETT.

Also got in touch with WM. ZINSEL, phone 64, Skiatook, and arranged for him to come in for interview, which he did.

WM. ZINSEL stated, in addition to what we have heretofore shown from him, that FRANK TERRELL told ZINSEL that JACK HALE knew all about the ANNA BROWN murder, and that JACK HALE did not come home the night of the murder at the time of night as claimed by JOE ALLEN and ROSE OSAGE; that TERRELL also stated that JACK HALE was very nervous and could not sleep that night.

ZINSEL states that TERRELL did not explain any further than above, and he, ZINSEL, never talked to JACK HALE.

(Both FRANK TERRELL and JACK HALE were living at BILL TRENT'S home, near where ANNA BROWN'S body was found, at the time of the murder, and BILL TRENT and FRANK TERRELL saw JOE ALLEN and ROSE OSAGE ASLEEP in FANNIE LASLEY'S car about daylight the morning of the murder, between TRENT'S house and Fairfax.)

ZINSEL states further that a MRS. WEAR, an old lady, white, who kept ROSIE OSAGE'S children at that time, told him, ZINSEL, that she, MRS. WEAR, had found a letter in JOE ALLEN'S hand-bag shortly after the murder; that this letter was to JOE ALLEN, from

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his mother in Kansas, and that the letter in part read that "surely ROSIE will not go back on you now, after that awful thing you did for her", or words to that effect.

ZINSEL states that MRS. WEAR did not preserve or show him that letter and he never saw it, but that MRS. WEAR expressed to him her belief that JOE ALLEN and ROSE OSAGE murdered ANNA BROWN and that ROSE would confess if given immunity; that MRS. WEAR also remarked that she would not be surprised if ALLEN and ROSE had ANNA'S dead body in the car on the trip that night to or from Pawnee.

ZINSEL also stated that when JOE ALLEN and ROSE OSAGE were arrested on this charge BILL HALE told them to not worry as he would get them released soon on bond.

ZINSEL expressed his firm belief that the HALE-BURKHARTS were not implicated at all in ANNA BROWN'S murder, but said he could think of no reason why BILL HALE should have taken an active interest in JOE ALLEN'S and ROSIE OSAGE'S behalf as to sure them bond and release.

ZINSEL also stated that a gambler named JOE GORMLEY pointed out a well dressed young man, then working for BABE DENOYA and said that that young man knew a lot of ANNA BROWN'S murder. But ZINSEL never followed this up. JOE GORMLEY then lived at pawhuska.

April 9th ED TINKER informed us that AL CASE of Fairfax, father of MELVIN CASE, recently told TINKER that he, AL CASE, has some important evidence in the ANNA BROWN case which he will tell to us but wants to be assured he will be paid for his information. (We will see AL CASE.)

That W. H. BRACKETT states that E. M. PIKE told BRACKETT recently that ROBT. KAZEE, Fairfax, has a lot of knowledge to the ef-

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fact that BRYAN BURKHART is the one who killed ANNE BROWN.

(We will see ROBT. KAZEE again, though Agt. Weakley and BILL BRACKETT have talked to him with no results of value.)

April 9th JOE GORMLEY, American Rooms, Pawhuska, stated that in May, 1922, he and his wife were running the Hospital Rooming house at Pawhuska; that two young men from Bristow, Okla. were rooming with them and gambling at the race track at Fair Grounds; that their father was a teamster at the Fair Grounds, Pawhuska; that these two young men were tall.

That at the same time another young man, name not recalled, but short, chunky to medium, well dressed in khaki pants, cowboy boots, leather vest and broad rimmed white hat, was also hanging around the race track, with no apparent occupation.

That these three young men were associates; that this young man with the leather vest seemed uneasy all the time. That the other two young men told MR. GORMLEY that this other young man had confided to them that he had to talk to somebody, and wanted to tell them something; that the third young man had them confided to the two young men that he was in on the ANNA BROWN murder.

GORMLEY states that shortly after this the two young men came to MRS. GORMLEY and told her that this third young man had accused them of telling on him, and they were afraid he would attack them and they borrowed a gun from MRS. GORMLEY to protect themselves; that shortly afterward the two young men and the third one did have a serious fight at the Fair Grounds and the two young men said it was because the third young man had accused them of telling; that the borrowed gun, however, was not used and was returned to MRS. GORMLEY. That these young men all left shortly afterward for

parts unknown.

That several months later GORMLEY saw the third young man at Ponca, Okla. and pointed him out to WM. ZINSEL on the street there; that ZINSEL engaged this third young man in conversation and later reported to GORMLEY that he, ZINSEL, had learned this young man's name, and that he was then working at a place about four miles out from Ponca.

GORMLEY stated that he has heard that this third young man was seen recently around Burbank, Okla.; that he, GORMLEY, will be glad to go with Agents through the oil field towns in that vicinity and point this third man out, if seen, as he, GORMLEY, would know him anywhere.

(Both GORMLEY and ZINSEL remarked about the way this third young man dressed.)

GORMLEY also stated that these two young men told him that MORRIS WATKINS, a ranch man, near Fairfax, knows who killed ANNA BROWN.

GORMLEY suggested that "Old Pete" who took care of the race track at that time is still doing the same thing, and probably will be able to give a line on these three young men, especially the father of the two, as the father was doing team work at the Fair Grounds at the time.

April 10th. E. M. PIKE and W. H. BRACKETT have failed to bring the third man in the party of the night of May 21, 1921 to us for direct interview, as<sup>per</sup> their final and definite agreement of April 4, 1924, and PIKE or BRACKETT or both have plainly decided on some new scheme since our conversation and agreement with them on that date, and are now plainly seeking, for some ulterior

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purpose, to delay and obstruct our investigation along the lines shown by PIKE'S evidence to us.

We have been very patient with them and did finally arrive at a complete and satisfactory agreement, as shown in this report, but it will now be necessary for us to proceed without further delay to investigate along the lines of the evidence they have given us, and probably have to contend with obstructionist tactics on their part, such as advising important witnesses, especially said third man, to disclaim any knowledge, and refuse to talk to us. However, we have now succeeded in obtaining from them practically all their alleged evidence, with the exception of the names of their corroborative witnesses.

We also intend to find out the objects and inducements that caused them to fail us at this critical time.

We are not discouraged by this action of PIKE and BRACKETT, as such has been a very common experience with Agents conducting these present investigations.

It will be noted that there is a strong line of evidence pointing towards JOE ALLEN and ROSE OSAGE as the guilty parties, and an even stronger line pointing toward BRYAN BURKHART, et als. We have carefully considered both lines and can see the possibility of harmonising them in the end.

CONTINUED.

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RE: HENRY ROAN: b7D

April 2d, [REDACTED] states that he knows that big JIM PARKER owned a new Lueger pistol at the time of HENRY ROAN'S ~~murder~~ murder, as he saw PARKER shoot a prairie chicken with it near Foraker, Okla. about that time. (The fact that the bullet went through ROAN'S head and through an extra heavy plate glass windshield indicates it was from a high power pistol or rifle.)

April 3d, said informant today stated that he had just recalled that a desperate character named KIRBY was arrested on some very serious charge in Osage County shortly after HENRY ROAN was killed and that HENRY GRAMMER put up \$10,000.00 cash bond for KIRBY at Pawhuska; that later KIRBY was shot and killed while attempting to burglarize a store near Burbank, as the owner of the store was waiting with a shotgun at about 2:30 A. M. and shot KIRBY with buckshot, so that KIRBY died in a day or two hospital in Pawhuska.

That he, informant, knew of no reason why GRAMMER should thus go KIRBY'S bond, and suspected that HALE had GRAMMER do this, and later ribbed KIRBY to rob the store and had the store owner tipped off and waiting to kill KIRBY, and thus close KIRBY'S mouth, possibly from telling what KIRBY knew, or did for HALE, in the HENRY ROAN killing.

April 9th. JOHN MORAN informed Agents that DICK STODDER, attorney at Pawhuska, told MORAN that a man, name not disclosed, by STODDER, recently told STODDER that "Little DICK GREGG" and JACK HART are the two men who killed HENRY ROAN. (We are following this up.)

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RE: MURDER OF CHAS. WHITEHORN.

Mar. 27th. Confidential informant stated to Agents that shortly after this murder RAY ROBERTSON, then of Hominy, but now of Pawhuska, approached informant and told him that the then administrators of CHAS. WHITEHORN'S estate would pay them - ROBERTSON and informant - \$5,000.00 if they would swear they heard HATTIE - WHITEHORN'S wife - say before his death that she was going to have him bumped off.

Informant states he had never heard her make any remark of that kind, and refused to listen to ROBERTSON'S talk; that ~~the~~ the idea seemed to be that HATTIE was guilty of the murder and it would be all right to convict her by false testimony.

RAY ROBERTSON is a young white man, married to an Osage woman.

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RE: MURDER OF W. E. SMITH, et als.

April 9th. We note that BLACKKEY THOMPSON was recently sentenced to twenty-five years in McAlester, Okla. penitentiary for bank robbery of bank at Rush Springs, Okla. August, 1923., THOMPSON being sentenced on plea of guilty in state district court at Chickasha, Okla.

BLACKKEY THOMPSON is a "soup man" and is said to be one of the men who blew up the SMITH home.

We have been trying to locate JIM PARKER, but without definite success, yet.

OPEN.

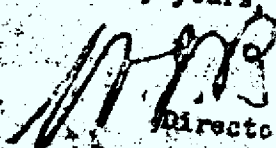
62-3033-80

April 23, 1924.

Hon. Charles H. Burke,  
Commissioner, Indian Affairs,  
Department of the Interior,  
Washington, D. C.

My dear Mr. Burke:

Further with regard to the case of W. E. SMITH et al  
Murdered Osage Indians -- I am transmitting herewith, for your  
information, copy of a report dated April 11, 1924, made by  
Agent Weiss of our Oklahoma City office.

Very truly yours,  
  
Director.

Enc. 15225

RECORDED & INDEXED

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REPORT ORIGINATED AT Director, Washington;

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT Oklahoma City DATE WHEN MADE: Apr. 22, 24 PERIOD FOR WHICH MADE: Apr. 10 to 21st REPORT MADE BY: I. F. Weiss.

TITLE AND CHARACTER OF CASE: W. L. SMITH; et als. Osage County, Okla. : Murder of Osage Indians.

FACTS DEVELOPED: At Pawhuska and other points. (K. C. #10675; (C. C. #7060.)

Continuing, and referring to previous reports,

entitled as above,

this is joint report for Agents I. F. Weiss and J. R. Burger, made thus to avoid needless duplication, as Agents are working jointly.

GENERAL INVESTIGATIVE DIVISION stamp dated APR 24 1924

RE: MURDER OF ANNA BROWN:

April 10th, interviewed ROSE OSAGE ALLEN and her husband JOE ALLEN, alias JIMMIE RICKS. We brought them to Sheriff's office, in private room at Enid, and spent five hours questioning them, from 11 PM to 4 AM.

They were questioned separately and exhaustively, and given severe cross examination. ROSE OSAGE ALLEN talked freely, frankly and without any reluctance. She did not hesitate to answer every question fully, and very rarely stopped a second to consider, but answered with apparent candor and unconcern and at times volunteered information. Her whole demeanor was that of an entirely innocent and unworried person, and she signed her statement after same was

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED:

SPECIAL AGENT IN CHARGE

62-5033-81

RECORDED AND INDEXED

APR 26 1924

RE: OFFICE

COPIES OF THIS REPORT FURNISHED TO:

BUREAU OF INVESTIGATION

CHECKED OFF MAY 2 1924

3 Washington; 2 K. C.; 1 U. S. Atty., Okla. City; 3 file. -1-

APR 25 1924

DEPARTMENT OF JUSTICE

JACKETED

ROUTED TO

FILE

HOOVER

Handwritten number 4

Handwritten number 521

L. F. Weise.

Apr. 10 to 21, 1924.

reduced to writing willingly. Her statement is as follows:

Mid, Okla., April 10th, 1924.  
STATEMENT OF ROSE OSAGE ALLEN.

My true and correct name is Mrs. Rose Osage Allen. Joe Allen, sometimes called Jimmie Hicks in my husband. Mrs. Eliza Bigheart is my mother. I make this statement voluntarily and without any threats or promises of any kind.

As to what I know about the murder of Anna Brown, near Fairfax in May, 1921, will state that the following are the true facts. On a Sunday morning, about a week before Anna Brown's body was found, Bill Trent and Frank Terrell passed the place where Joe Allen and I were sleeping in Fannie Lasley's car. This was about a quarter of a mile north of Bill Trent's house on Three Mile Creek, and it was after sun rise that they passed us. The day before, Saturday, Fannie Lasley, Jack Hale, my sister, Mary Osage, Joe Allen and I had all gone from Fairfax to Pawnee in Fannie's Studebaker sedan. We left Fairfax that afternoon before sundown and drove to Pawnee. At Pawnee Fannie, Mary and I went up to Mrs. Bennett's rooming house, and stayed there a few minutes. There was a street carnival at Pawnee at the time, and Fannie stated that she was going to join it. She asked us to drive her car back to Fairfax, which we said we would do. Fannie stayed at a hotel at Pawnee that night, where we left her between 2 and 3 A. M. Joe Allen and I and Mary and Jack Hale then drove back to Fairfax, where we let Mary out at the Smith Williams Hotel, where Mary and I had a room. Joe Allen and I then drove Jack Hale out to Bill Trent's place, where Hale was staying at the time. We did not drive quite up to Trent's house, but stopped the car about a quarter of a mile north of the house, and Hale got out and walked to Trent's, while Joe Allen and I stayed in the car until Bill Trent and Frank Terrell passed us after sunrise. It was not daylight when we let Jack Hale out. I think Frank Terrell was staying at Bill Trent's place at that time. After Terrell and Trent passed us, Allen and I drove back to Fairfax and I went up to the Smith Williams Hotel. I remember of but one car passing us between Fairfax and Bill Trent's place that morning as we were taking Jack Hale home. This car was a Hudson car and when our lights shown on it, I saw that Lee Uto was driving it. This car met and passed us near the ball park at Fairfax, and was going into Fairfax while we were going out of Fairfax towards Bill Trent's place. I do not remember any car passing us or of meeting any other car between Fairfax and Trent's place that morning. And I did not see Anna Brown or any one else that morning after we left Fairfax.

I never had a quarrel or fight with Anna Brown. The last time I saw Anna was 5 or 6 weeks before, in March, 1921 when the Donaldson boys were holding a roping contest at Burbank, in March, I think it was. On that occasion my husband Lucien Parsonworth and I got her out of rooming house at Burbank, where she was with some white men, and drunk. We brought her back to her home in Fairfax, and Frank Fletcher came with us.

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I remember the occasion when Joe White and Melsie Morrison and Miss Artie Sawyer and I were arrested at Ed Cox's house at Fairfax. This was sometime after Anna Brown was killed. Melsie Morrison and Joe White, who is my cousin, got Artie and I to go riding. They got some whiskey and we all drank some. Melsie kept asking who killed Anna Brown and I told him I did not know. After we went into Ed Cox's house I told Artie to call the law, but Melsie and Joe White would not let her. They had the front doors locked. I yelled and Bob Parker and Earl Gray came and arrested me. Melsie had threatened to whip me to make me tell, and I hit him with a spittoon, knocked him down and kicked him. The next day Melsie told me that he had not told the law that I had said that Jimmie killed Anna, and that he did not believe we had killed Anna. I never learned anything as to who did kill Anna Brown. Laura Con was a Kaw girl living at Kaw City, Okla. and she ran around with my first husband, Lucian Farnsworth, while he and I were living together, and Laura and I quarreled over this while we were living at Kaw City. Joe Allen's mother is Mrs. C. E. Vieux, and she lives at Hiwataa, Kansas. Joe Cox, of Fairfax, told me that he saw Anna Brown going through Fairfax that Sunday afternoon or evening. Iva Johnson married Clarence Daniels, a full blood Osage. They are now in California. Mrs. Johnson, her mother, is said to now live on Ed Cox farm about 10 miles west of Fairfax, near Logie Camp

b7c I positively never did make a remark in Bright Roddy's store, or anywhere else to the effect that I would not talk to Anna Brown, [redacted] The Indians did say that Anna was getting money from Mrs. Osage, my father, but Anna and I never did have a quarrel of any kind. I knew Indian girl named Rose Roubidoux, who lived at Redrock, Okla. and had an aunt at Kaw City. She died at Kaw City about two years ago, and went with Melsie Morrison once or twice.

Joe Allen told me that when they said they had found blood on the Fannie Lasley car that he remembered that Fannie had pinched her finger in the door and made it bleed.

I have read the above and foregoing statement of two pages, and the same is true and correct.

Witnessed: T. F. Weiss  
J. R. Burger."

(signed) ~~Ed~~ Rosie Osage  
Allen

After making the above statement, ROSE OSAGE ALLEN added that MOLLIE BURKHART told ELIZA BIGEART that she, MOLLIE, believed that the same man that killed ANNA BROWN was also the man who killed MARY ROAN and BILL SMITH and wife and NETTIE BROOKSHIRE. ROSE OSAGE would not say so in plain words, but indicated that MOLLIE BURKHART referred to BILL FAIR.

She also added that MELSIE MORRISON had threatened to choke

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her at ED COX'S house that night unless she told who killed ANNA BROWN, and that when MORRISON and JOE WHITE prevented her from calling the law, she laid down on the floor and screamed, so some one would hear. She steadfastly denied having told MORRISON that JOE ALLEN killed ANNA BROWN, but if her story as to what MORRISON and JOE WHITE were doing is so, she may have made the statement as claimed by MORRISON, because she was frightened.

After questioning her we questioned JOE ALLEN closely. He is an Indian Kickapoo and Sac and Fox blood, 24 years old; heavy build, about 5' 7", 160 lbs., very self contained, sullen and wicked appearing. However, he answered readily and fully and statement was no nearly identical with the one made by his wife that we did not reduce it to writing.

The only discrepancies being that JOE ALLEN stated to us that the blood on the car was caused when he turned the car over some weeks previous while riding with MARY LADOT of Pawhuska and that she put out her hand as the car fell and cut her arm on the broken glass; that they were in FANNIE DASLEY'S Studebaker sedan, and that the accident occurred between Fairfax and Pawhuska.

JOE ALLEN also stated that LEE UTO passed him from behind, near the ball park at Fairfax that Sunday morning, and he, JOE ALLEN, does not remember meeting or seeing any other car that morning, between Fairfax and BILL TRENT'S place.

JOE ALLEN states that he does remember passing a big car, going east, just south of Fairfax that morning about 3 AM but states he was very sleepy and did not notice whether the car was a Buick, Hudson or what, but that it was a touring car, and had several people in it.

JOE ALLEN did not appear the least worried or guilty, but has

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a lot of comp~~re~~ssure.

At Ponca interviewed MRS. BROWN, 204 E. 3d St., the mother of ODE BROWN. She stated that ODE BROWN is out of town doing some private work on this case; that RITA SMITH told her that MARTHA UPRIGHT DOPY told RITA SMITH that when ANNA BROWN was at ERNEST BURKHART'S place that Saturday, May 21, 1921, BRYAN BURKHART told MARTHA that ANNA had threatened to kill him unless he married her, but that he was going to beat her to it, and kill her before morning.

Also ascertained from the Postmaster at Ponca that a family named WALTER COLLINS has recently located about five or six miles southwest of Ponca; that there are several men in the family and one woman and the neighbors state this family is selling whiskey (MATT WILLIAMS states that BRYAN BURKHART and ANNA BROWN, et als. got their whiskey from WALTER COLLINS the night of May 21, 1921, COLLINS at that time living near Belford Bridge, but now living near Ponca.)

April 12th ascertained that "Old Pete" at Fair Grounds at Pawhuska is ~~named~~ named PETE SELL. Also drove to Webb City to see DOC FARKINS but he was out of town and could not be seen.

Apr. 16th tried again to see DOC FARKINS but learned he had gone to Enid; tried to locate A. C. CASE, but he was away from Fairfax on a drive somewhere.

W. E. BRACKETT reports that the Cashier of the bank at Ralston recently told him that RITA and BILL SMITH had made a second will, which, however, has never been produced.

Also learned that GEORGE JAMES has moved on to a 400-acre farm that does, or did, belong to BILL WILE, a very valuable bottom

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1. F. Weiss. Apr. 10 to 31, 1934. -6-  
Mrs. and that BILL HALE left word for MURRY MORRISON that he,  
HALE, has fixed it with W. W. THOMPSON that THOMPSON will not pro-  
secute MORRISON, and that he, HALE, has also fixed it with the  
auto agency at Pawhuska that they will not prosecute MORRISON for  
selling a car MORRISON has mortgaged to them. MORRISON says that  
he remembers that BILL HALE was carrying a .32 Colt's automatic  
xxx about the time of the ANNA BROWN murder.

Apr. 15th. In and around Pawhuska and Fairfax, interviewing  
LOYD MILLER, MARIE SMITH and J. MORAN but learned nothing new

Apr. 16th, at Pawhuska and Tulsa. Interviewed ED WINKER, MR.  
McCUBRY, LOYD MILLER and tried to locate AL CASE. Nothing new.  
Drove to Tulsa enroute to interview EUSTACE WRIGHT, HERMAN FOX  
DAVIS and another inmate of penitentiary.

Apr. 16th, at Tulsa and McAlester. Enroute, Tulsa to McAl-  
lester, 175 miles with under cover man. Three blowouts, rain and mud

Apr. 17th, at McAlester, Holdenville and Shawnee. Drove 100  
miles. Interviewed EUSTACE WRIGHT and HERMAN FOX DAVIS. HERMAN  
DAVIS reiterated his denial that he had ever heard or claimed that  
EUSTACE WRIGHT and ALABAMA EDWARDS were connected with the SMITH  
blow-up in any way.

DAVIS repeated his statement of ED BAUGHER'S statement to him  
and added that his firm belief is that SWEE LEWIS at Slidler knows  
all about the SMITH and ROAN murders, but is too close to HALE  
to tell.

LOYD MILLER stated that when SWEE LEWIS heard that  
was out for him, LEWIS, charging bribery with HERMAN FOX DAVIS at  
Pawhuska last year, LEWIS instructed MILLER to see BILL HALE and  
tell HALE to be at Pawhuska to make a bond for LEWIS, but to tell  
HALE to not be afraid, as it was only on a bribery charge against

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DAVIS' bond as requested, and DAVIS' retainer was a farce, and DAVIS was released.

DAVIS declared today that he never talked to BILL PALE in his life, but EUSTACE ~~WRIGHT~~<sup>WRIGHT</sup> declared again today that he saw DAVIS talk to PALE, and that DAVIS told him that he had found out who committed the murders, but he, DAVIS, was not after a prosecution, but after the money he could get out of the guilty parties, and ought to get \$100,000.00 out of them, as they were very wealthy.

Today WRIGHT changed his story that he did not know JESSE MORRISON very well, and stated that he knows MORRISON very well indeed, and knows MORRISON was driving a Studebaker sedan, maroon color and side lights at the time of the SMITH blowup. WRIGHT seemed to want to tell all he knew of these cases, but declared the above was all he knew.

Located EDGAR B. BUCHER, heretofore mentioned. He is now in the county jail at Holdenville and has plead guilty to passing two worthless forged cashiers checks at Holdenville. Has not been sentenced yet, but is almost sure to be sent to the penitentiary, as he is an old offender, and has served three terms heretofore.

BUCHER was very friendly and quite different from when Agent talked to him last October.

BUCHER states now that it was FRANK TERRELL and not FRANK MARRELL to whom he referred and stated that TERRELL'S statement to him, BUCHER, at Guthrie in September, 1922 was:

That he, TERRELL, resided at Fairfax, Okla., was married to an usage squaw; that he knew all about who killed ANNA BROWN, as he, TERRELL, overheard her murder planned to be carried out; that the guilty parties consisted of a very wealthy stockman, living at Fairfax, and well known to him, TERRELL, and some men, also

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1. W. Weiss. Apr. 10 to 21, 1924

wealthy and related to this stockman that these guilty parties  
did see him, TERRELL, when they were planning BILL BROWN'S  
murder, and do not know that he, TERRELL, was near and heard them.

BAUGHER states further that TERRELL then explained that these  
men were dangerous, especially the stockman; as he was wealthy,  
influential and desperate; that these men would surely kill anyone  
whom they feared might tell on them, but he, TERRELL, felt sure  
they would pay big money if handled rightly, but that it was too  
dangerous for him, TERRELL, to attempt this, as he lived at Fair-  
fax, and they knew him well, and would kill him if he made the at-  
tempt, or told what he knew.

That TERRELL proposed to BAUGHER that when BAUGHER was re-  
leased, BAUGHER should come to TERRELL, get all the facts that  
TERRELL knew, and then shake these guilty parties down for a big  
amount and divide with TERRELL; that TERRELL stated BAUGHER could  
do this, as he was not known at Fairfax and was much wiser than  
TERRELL, but that it was very dangerous, and BAUGHER would have  
to be extremely careful to keep from being killed.

BAUGHER stated that while TERRELL did not say outright that  
these guilty parties were BILL HALE and some of his relatives then  
at Fairfax, he, BAUGHER, was given to understand that HALE and his  
nephews were the guilty men, as TERRELL described them and their  
relationship so clearly.

BAUGHER stated that he really intended to work with Agent when  
he left the McAlester pen Jan. 26, 1924, but that he could not re-  
sist the temptation to pass some bad checks at Holdenville within  
three days of his release, in consequence of which he was promptly  
caught and jailed.

BAUGHER showed an intimate knowledge of FRANK TERRELL, as he

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D. F. Weise. Apr. 10 to 21, 1937.

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said TERRILL had folks at Cilton, was a fugitive on a Federal li-  
ar charge, with only a \$150.00 bond to forfeit. He also de-  
scribed TERRILL well, so there is now no doubt that this is the  
same FRANK TERRILL that BRIGHT RODDY ~~last~~ claims told him, RODDY,  
that JIM ALLEN and ROSE OSAGE killed ANNA BROWN. RODDY and PALE  
are very close friends and TERRILL'S story to BAUGHER was some  
time before his story as claimed by RODDY.

BAUGHER has promised to work with us as fully as possible,  
and we intend getting hold of TERRILL as soon as possible.

Apr. 15th, located a well known desperate Osage criminal, who  
pulled off several bank robberies, and was connected closely with  
BILL PALE. This crook is now in a serious jam, and stated that  
he knows all about who blew up SMITH'S house, and who killed  
MERRY RICH; that he was "propositioned" himself several times to  
do this, but declined; that it will raise hell at Fairfax when the  
truth that he knows is known, as he knows it all, personally.

This man finally agreed that if we will square up everything  
against him in the way of criminal charges, and assure that he will  
be given a parole, conditioned that he leave Oklahoma and stay  
away, he then will give us all the facts, and stay with and assist  
us all the way through, even to testifying if necessary, and will  
not ask or expect any favor until he has divulged the facts, and  
we have ascertained the truth or falsity of his statements, and  
the guilty parties have been tried. He states he has not been  
guilty of murder or any heinous crime, simply robbery and thefts,  
and does not ask immunity for anything else.

As we did not have authority to promise quite all he asked,  
we arranged with him to see the State Attorney General, GEORGE

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and get him to agree, if possible, and then go into the cases fully.

Apr. 19th, Agents conferred with G.O. R. SPORT, State Attorney General at Okla. City and were assured that we could assure said man if he asked, on the terms and conditions outlined above, except that pertaining to the proposed parole.

MR. SPORT stated he had not taken this parole question up with Gov. TRAPP as yet, but feels confident Gov. TRAPP will do as we ask. Gov. TRAPP was out of the city today, but MR. SPORT promised positively to see the Governor Monday the 21st and get this parole question settled and advise us at once.

We conveyed this information to our man, who declined to divulge his evidence further than to state that he knows personally - and not by hearsay - who blew up SMITH'S house and killed HENRY ROAN. He added that when the parole question was definitely agreed upon, he would tell us all, and would stay with us and help "jamb up all the way through" until after the trials were over, and then he, in turn, would expect us to be square and with him all the way through. He declined to talk further, but said that he would not expect any favors until his evidence and information had been verified and found to be true.

Arranged with Sheriff to hold this man for a week longer, pending arrangements with Gov. TRAPP and MR. SHORT, etc.

Apr. 20th, drove to Pawhuska Sunday to learn whether PIKE or BAGGETT had word there for us.

April 21st, arranged for our confidential informant in the oil fields to be seen for up-to-date news, and Agents left for Kansas City to make last desperate effort to get PIKE back in

time before seeing our under world character for final trade  
with him.

It will be noted that we have had to spend a lot of time getting PIKE to give us all his evidence and even at this time he is holding back. He claims the third man will not agree to talk, but we strongly suspect that both BRACKETT and PIKE have some ulterior motive in seeking to delay a meeting with said third man at this time. We have carefully checked every point in PIKE'S evidence and find no contradictions or impossibilities, and do find much ~~if~~ if it corroborated by our own investigation, so that we are almost forced to believe his account true.

On the 22d we shall try our best to induce PIKE to get fully in line with us, as we certainly should have all he knows, and his wholehearted assistance in getting the evidence of what he tells, before we begin to question said third man and the others, who seem to have personal knowledge.

We will see the outlaw on the 23d or 24th and if we can satisfy his requests, should be able to get the inside truth as to the [unclear] BROWN, HENRY ROAN and BILL SMITH murders. We have not spent much time on the CHAS. WHITFORTH murder lately, having focused on the above three, but have been getting the confidence of WHITFORTH'S widow and have a good line up to go on.

We feel confident of final success in all these cases, if given time, and fervently hope that some fearless and able United States Attorney or Assistant Attorney General will be assigned to help the state all the way through with the prosecution, and we would feel honored to be allowed to suggest the attorney for the Government.

April 22, 1924.

Hon. Charles H. Burke,  
Commissioner of Indian Affairs,  
Department of the Interior,  
Washington, D. C.

My dear Mr. Burke:

I am transmitting herewith, for your information,  
copy of a report dated April 22, 1924, made by Agent T. P.  
Weiss of our Oklahoma City office, further with regard to  
the case of W. E. SMITH et al — Murdered Osage Indians.

Very truly yours,

*WMB*  
Director.

RECORDED & INDEXED

Enc. 15242

MAILED  
APR 23 1924

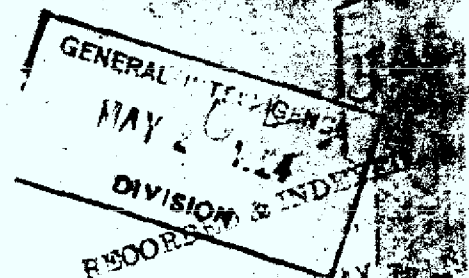
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Department of Justice,

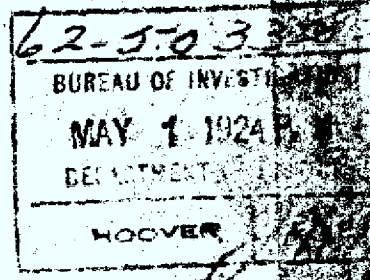
Bureau of Investigation.

Oklahoma City, Okla..

April  
twenty-  
eighth,  
1924



Director, Bureau of Investigation,  
Department of Justice,  
Washington, D. C.



W. E. SMITH, et als.  
Osage Indians, Murder of.

Dear Sir:

I beg to acknowledge receipt of your letter dated April 19, 1924 relative to dispensing with the services of Agent Weiss in connection with this investigation, and in reply thereto will state that this investigation, as you no doubt have observed from the reports submitted, has been a very slow, tedious, difficult investigation. At times it has appeared that the investigation, so far as one or more of the murders was concerned, was almost completed, and it appeared that the evidence in our possession was such as would almost warrant getting out a complaint against certain parties, and especially so if the cases were cases to be prosecuted in Federal court instead of in state court. However, it has seemed that when the investigation was almost to the very point of solution, that something has turned up which has shown the sources of information to be incorrect or unreliable.

As shown by my report dated March 28, 1924, quoting a letter from U. S. Attorney Maurer that he was of the opinion that the investigation should be continued, and that he felt confident from the information already in hand that a final solution of some of these murders could be effected.

You will also note from the investigative reports submitted weekly by Agents Weiss and Burger for April 9th, April 11th, April 22d and April 28th that some of the relatives of the deceased parties have employed ~~\_\_\_\_\_~~ who has been working in direct conjunction with Agents Weiss and Burger, and that we have located and interviewed Irvin Thompson, alias Blackie Thompson, alias Charles Douglas, who is now in jail at Chickasha, Okla., under sentence of twenty-one years in the state penitentiary for bank robbery, who

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admits that effort was made to employ him to blow up the Smith home or otherwise dispose of Smith and his wife, and also the [redacted] states that Curley Johnson is the other man who can tell a great deal of the inside information relative to the actual blowing up of the Smith home, and that they also have a man at the present time working on Curley Johnson and hope that in a very short time they will be able to confront Curley Johnson with information which will cause him to reveal the inside of these murders.

You will also note that Agents Weiss, Burger and myself had a conference with George Short, the Attorney General of the State on April 23d and 24th, and also had a conference with the Governor on the 24th in an effort to secure their assistance and co-operation in bringing about the confessions of these two men, Blackie Thompson and Curley Johnson, whom we believe will be able to furnish the entire evidence which is now missing in at least two and perhaps four of these murders.

Agents Weiss and Burger feel more confident at this time than at any time since they have been on the investigation that a solution of some of these murders is near at hand, and that they feel that the two above named parties are the persons who can furnish the evidence.

I realize that this has been a long and difficult investigation, as well as an expensive investigation, but I feel that the investigation should be continued under the present outlook, and Agents Weiss and Burger as well as U. S. Attorney Maurer and State Attorney General Short feel that the investigation should be continued along the present line of information.

I cannot state just how soon this line of information can be completed, as Agent Weiss has now been subpoenaed to court in the Herbert Abraham case, and in the Tom Heiny case for May 7th and May 12th. These two cases will take at least one week's time.

As soon as the line of information furnished by Blackie Thompson and Curley Johnson has been followed up, I will write you immediately and advise you the results of same, and if their information does not come up to expectations, will ask for instructions as to whether or not the investigation should be pursued further.

Very truly yours,

*James G. Findlay*  
James G. Findlay,  
Special Agent in Charge.

F-B

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JH-A  
62-505-182

May 3, 1924.

Honorable Charles R. Burke,  
Commissioner of Indian Affairs,  
Department of the Interior,  
Washington, D. C.

RECORDED & INDEXED

My dear Sir:

Further with regard to the case of  
W. R. Smith, et al. Murder of Osage Indians,  
I am enclosing herewith copy of a letter received  
from our Oklahoma City <sup>Office</sup>, dated April 28th, 1924,  
for your information.

Very truly yours,

  
Director.

MAILED  
MAY 3 1924

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THIS CASE ORIGINATED AT **Director;** JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT: <b>Oklahoma City</b>	DATE WHEN MADE: <b>Apr. 28, 24</b>	PERIOD FOR WHICH MADE: <b>Apr. 22 to 26</b>	REPORT MADE BY: <b>T. F. Weiss.</b>
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TITLE AND CHARACTER OF CASE:  
**W. E. SMITH, et als. Osage County, Okla. : Murdered Osage Indians.**

FACTS DEVELOPED:  
 At Kansas City, Mo., Oklahoma City, Chickasha, Pawhuska and other points in Oklahoma. (O. C. #7060.)  
 Continuing investigation, entitled as above,

62-5033

this report is a joint report by Agent J. R. Buzger, of the Kansas City office, and T. F. Weiss, of the Okla. City office, who have worked jointly on this case, and this joint report is made to avoid unnecessary duplication.

RE: ANNA BROWN:

April 22d at Kansas City tried to locate E. M. PIKE. Inquired at 4811 Troost St. and was informed by the proprietor there - where PIKE has desk room - that PIKE left Kansas City April 17th to go to Pawhuska, Okla. and to points in the vicinity of Pawhuska; that PIKE expected to return today, April 22d, but apparently had not done so.

At 910 E. 13th, where PIKE has been living, found his apartment deserted, but was informed by the landlady that the PIKE family had moved out some days ago, owing \$60.00 rent. No one seemed to know

APPROVED AND FORWARDED: \_\_\_\_\_ SPECIAL AGENT IN CHARGE

REFERENCE: COPIES OF THIS REPORT FURNISHED TO:  
 3 Washington; 1 Kansas City;  
 1 U. S. Atty., Okla. City;  
 3 file. -1-

RECORDED AND INDEXED: MAY 5 1924  
 MAY 2 1924  
 BUREAU OF INVESTIGATION  
 DEPARTMENT OF JUSTICE  
 DIVISION

ROUTED TO: \_\_\_\_\_ FILE  
 HOOVER

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where MR. or MRS. PIKE could be found.

Covered both 4811 Troost and 910 E. 13th all afternoon and left word at PIKE'S place of business for him to call, but could not locate him or his wife.

Got BILL BRACKETT at Pawhuska over long distance at 9:30 PM and was assured by BRACKETT that he has not seen or heard from PIKE for the past week or more, and does not believe PIKE has been in Osage county or busy on this case.

BRACKETT promised to look out for PIKE, or PIKE'S work and advise Agents when Agents are back at Pawhuska, about the 25th. BRACKETT stated he has something of importance to tell us on the case.

Apr. 26th at Chickasha located and interviewed FRANK TERRELL at Antlers Hotel, which is run by TERRELL'S uncle, MR. EZZELL.

It will be remembered that TERRELL is the man whom BRIGHT RODDY claims told RODDY that ROSE OSAGE and JIMMIE HICKS, alias JOE ALLEN, killed ANNA BROWN and that JACK HALE was present at the car when ANNA was killed,

And that TERRELL is the man whom EDGAR BAUGHER claimed told BAUGHER that BILL HALE and the BURKHARTS killed ANNA BROWN and that he, TERRELL, heard them plan the killing beforehand.

FRANK TERRELL was exhaustively questioned by Agents today and the result is that he denied positively of having told anyone anything like BRIGHT RODDY claimed. That in fact he is convinced that ROSE OSAGE or JOE ALLEN had nothing to do with ANNA BROWN'S murder, and to think they did would be following a cold trail.

That he, TERRELL, knows JACK HALE well and talked with him a lot about this murder and that HALE never said anything that

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indicated ROSE OSAGE or JOE ALLEN did the deed; that he, TERRELL was at BILL TRENT'S place that night and remembers JACK HALE coming home about 4 A. M. that Sunday; that HALE told about being to Pawnee that night with JOE ALLEN, FANNIE LASLEY and ROSE OSAGE, but said ANNA BROWN was not along.

TERRELL states that he drove into Fairfax early that Sunday morning and found ROSE OSAGE and JOE ALLEN asleep in their car, about a quarter of a mile west of TRENT'S house, the car headed towards TRENT'S house; that this was about half a mile from where ANNA'S body was found, but that one could not drive direct from where the car was to where ANNA was found, but would have to go back to the Pawhuska road, and around about a mile and a half.

As to EDGAR BAUGHER, TERRELL claimed to remember seeing BAUGHER in jail at Guthrie in September, 1921 and talking to him about this case, but TERRELL denied telling BAUGHER he, TERRELL, had heard ANNA BROWN'S murder planned etc., but states he did probably tell him that BILL HALE had her murdered.

TERRELL then stated further that he has always been convinced that BILL HALE had ANNA BROWN killed and that his reasons are that one GLEN HILL, now in the prison at McAlester, told him, TERRELL, that he, HILL, knows that BILL HALE got three men to do this job; that HALE got these three men at a place about a mile south from where the Pawhuska-Pershing road turns off to Wynona, at a point where a big sign is over a gate to an oil lease; that ~~HILL~~ HILL stated that HALE drove these men to LON OLLER'S ranch, OLLER being a partner of BILL HALE, at which ranch these men were kept for several days before her murder. That HILL said HALE had

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propositioned LITTLE DICK GREGG and AL SPENCER to kill ANNA BROWN

TERRELL states that he knows DICK GREGG well, and that he was talking with GREGG after this and GREGG remarked about having stayed at LON OLLER'S ranch; that he, TERRELL, then asked him if that was when he was waiting to do that job and GREGG said it was; that TERRELL then asked GREGG what he got for doing it and GREGG replied: "We were to get \$1,500.00".

TERRELL states that he received a letter from BLACKIE GORDON warning him that BILL HALE would have TERRELL bumped off if he stayed in Osage County.

TERRELL states that PETE LeCLAIRE at Pawhuska is JACK HALE'S uncle, but that he does not believe JACK HALE knows enough to justify spending money to find him, as he can be located through PETE LeCLAIRE.

That GLEN HILL was sent to McAlester from Vinita, Okla. and is still there, so far as he knows and seems to know a lot about ANNA BROWN'S murder.

This man, FRANK TERRELL, has the general reputation of being an inveterate and reckless liar. He probably made both statements attributed to him by ~~WHITE~~ BRIGHT RODDY and EDGAR BAUGHER. He changed his statements to Agents several times and told many palpable lies. Cannot be relied upon at all.

KELSEY MORRISON stated to Agents that this TERRELL is MORRISON'S brother-in-law, is a big liar and that TERRELL told MORRISON that BILL HALE had DICK GREGG, a man named MAJORS and one named HOLLINGSWORTH, all members of the AL SPENCER GANG, "do the job". But MORRISON is not sure whether TERRELL meant

T. F. Weiss.

Apr. 22 to 26, 1928

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the SMITH job or the ANNA BROWN job, and that TERRELL claimed that DICK GREGG had told him, TERRELL, also that TERRELL is said to have been in the penitentiary, probably McAlester, for sometime in 1923.

However, TERRELL'S story as to what GLEN HILL told him fits in with some real evidence we have on the SMITH case, and we will investigate at McAlester and re. JACK HALE.

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T. F. Weiss. Apr. 22 to 26, 1931

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RE: W. E. SMITH and WIFE;

April 24th at Okla. City conferred with Special Agent in Charge J. G. Findlay and GEO. R. SHORT, State Attorney General. MR. SHORT stated that Governor M. E. TRAPP had not consented to parole IRVIN THOMPSON, and suggested that Agent Weiss and Special Agent in Charge Findlay go jointly with MR. SHORT the next day to see Governor TRAPP.

April 25th, Agent in Charge Findlay and Agent Weiss went with MR. SHORT and had a conference with Governor TRAPP. MR. SHORT outlined the cases to the Governor and suggested that the Governor agree to parole THOMPSON on the terms and conditions heretofore stated.

The Governor was very reluctant to do this, but after about an hour's discussion between us all, the ~~Government~~ Governor agreed to the following:

That in the event IRVIN THOMPSON, known also as BLACKIE THOMPSON, alias GEORGE DOUGLAS, would and does furnish us the direct information as to who actually killed HENRY ROAN, or W. E. SMITH, MRS. W. E. SMITH and NETTIE BROOKSHIRE, and THOMPSON further tells us absolutely all he knows of these cases, and testifies if called upon by the state in these cases, and if such evidence, information and testimony by THOMPSON is found to be true and THOMPSON further renders us all aid and assistance in his power from now on until after the trials are finished, and is square and honest all the way with us, and if such evidence, information and assistance by THOMPSON results in a conviction of one or more of the guilty persons in these cases, then, in that event, Governor TRAPP will parole THOMPSON out of the

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penitentiary said parole conditioned that THOMPSON leave this state and never returns; it being understood that this also includes the fact that THOMPSON will not be returned on the parole he secured from former Gov. WALTON, under which THOMPSON was at liberty when he robbed the Rush Springs, Okla. bank in August, 1923, for which offense THOMPSON received a sentence of twenty-five years, at Chickasha, Okla., on a plea of guilty.

MR. SHORT agreed that THOMPSON is to have immunity, under the same terms and conditions, from prosecution for all other crimes THOMPSON has committed in this state, murder, arson and rape excepted.

May 24th we visited THOMPSON at Chickasha, where he is confined in jail, awaiting transfer to the state penitentiary at McAlester, on the Rush Springs sentence. We ~~communicated~~ communicated the above terms by the Governor, MR. TRAPP, and Attorney General SHORT to him and he stated that said terms were satisfactory and accepted them.

Mr. Findlay phoned that MR. SHORT would send W. O. GORDON, Asst. Attorney General, to talk to THOMPSON at Chickasha on the 25th, and that W. O. GORDON had full authority to represent both the attorney General, MR. SHORT, and GOV. TRAPP in the cases.

Agents Weiss and Burger spent five hours interviewing IRVIN alias BLACKIE THOMPSON after he had agreed to the terms and conditions, but found him very slow and cautious and evasive in his talk. His talk and manner indicated plainly that he intends to cover up as much as possible and to not tell any more than he thinks will be necessary to serve his purpose.

At the outset he declared he had no information as to who

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killed ANNA BROWN, explaining that he was in the state prison at McAlester during the entire year of 1921, having been committed there in November, 1920 and not released till March, 1922.

In the course of his talk, however, he stated, off guard, that his own belief was that BRYAN BURKHART killed ANNA BROWN, but he professed to have no information to predicate this belief upon (will keep after him on this).

BLACKIE THOMPSON also declared today that he knows nothing about the murder of HENRY ROAN (this is a direct contradiction of the statement he made to Agents Weiss and Burger some days ago that "I know, personally, who killed the SMITHS and HENRY ROAN. There is no hearsay to it".) We will also keep after him on this

Bit by bit, and very slowly and cautiously, THOMPSON Stated as to the murders of W. E. SMITH and wife as follows:

Along in the summer of 1920 ERNEST BURKHART proposed to me and CURLEY JOHNSON several times that JOHNSON and I go to BILL SMITH'S house and stick SMITH and his wife up and rob them of some diamonds they then had. ERNEST BURKHART and BILL SMITH were then living near Grayhorse. ERNEST BURKHART at these times also told us at those times, in 1920, that he wanted us to kill BILL SMITH and his wife, ~~and~~ and also the boy who was then living with the SMITHS. ERNEST BURKHART proposed that we kill them after we got their diamonds but at the same time, and said he would pay us a thousand dollars and give us a Buick car he then owned for doing the job.

ERNEST BURKHART told us he would get this \$1,000.00 from his uncle, BILL HALE, to pay us, and told me to see BILL HALE about it. He also told me that BILL HALE wanted to see me, but

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Apr. 22 to 26, 19 .

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I never discussed this with BILL HALE, as I did not intend to kill the SMITHS. I have done a lot of deals with ERNEST BURKHART, and so did not tell him I would or could not kill the SMITHS, but just put him off from time to time.

ERNEST BURKHART at that time in 1920, explained to us that the reason he wanted SMITH and his wife killed was that SMITH'S wife and BURKHART'S wife were sisters; that their mother was very old and sick and liable to die any time; that if the old mother died first, SMITH'S wife would inherit part of her wealth, but if MRS. SMITH died first, the old mother's wealth or most of it, would be inherited, at her death, by ERNEST BURKHART'S wife, so that he wanted MRS. W. E. SMITH killed before the old mother died. At one time, in 1920, BURKHART was in a big rush for us to kill the SMITHS right away, as he said the old lady might die any time, as she was sick and old.

I stayed several nights, ten or more, with DUKE BURKHART, ERNEST'S brother, and he urged me a number of times to kill the SMITHS as ERNEST had proposed. It seemed to be a family knowledge that ERNEST had asked us to kill the SMITHS.

This Buick car that ERNEST proposed to give us at that time was insured for more than its worth, the insurance had only a few days more to run, so I told ERNEST I would take the damned car and he could report it stolen, and get the insurance. ERNEST agreed to this, and filled it up with oil and gas and left it standing away from his house so CURLEY JOHNSON and I could get it at night. We did get the car, CURLEY and I, as agreed. I wanted to get a load of whiskey from the border.

ERNEST reported the car as stolen, but I got caught with it

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at Oilton in a day or two, and was put in jail at Pawhuska, charged with stealing it. ERNEST sent me word to stand pat, and he would have a certain man paid \$500.00 and get me out in four or five months. He did not tell me who this certain man was.

I plead guilty to stealing the car, and exonerated CURLEY JOHNSON. I was given five years sentence and went to McAlester penitentiary in November, 1920 and stayed there over fifteen months, but was paroled out March 7, 1922, with no help from ERNEST BURKHART or CURLEY JOHNSON.

After I got out of the penitentiary in 1922 I was back in Osage County and saw and talked with ERNEST BURKHART and BILL HALE. ERNEST BURKHART renewed his proposals that we kill BILL SMITH and wife, several times. On one occasion BURKHART said that the SMITHS had moved to Fairfax, and BURKHART went on to say that we should trail SMITH around, so as to be sure he and his wife were in the house, and then put a shot of nitro-glycerine under the house, in the basement, and blow them both up. I kept putting him off, but pulled several deals with him.

One deal was robbing FRED DENOYA and his wife of their diamonds. ERNEST BURKHART proposed this. BIG JIM PARKER, an ex-convict named ANDERSON and I drove to FRED DENOYA'S house and we stuck the DENOYAS up and took their diamonds.

I tried to ~~buy~~<sup>sell</sup> these diamonds to BILL HALE but we did not trade. He is too much Jew. They want all of everything. ERNEST BURKHART is crazy for money. ANDERSON took these DENOYA diamonds to Ponca and sold them, but lost what he got in a poker game, in the basement of the stone building on the corner in Ponca. JIM PARKER and I got nothing out of them.

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Finally one day ERNEST BURKHART told me that he had fixed up the SMITH deal and that CURLEY JOHNSON, JIM BOTHWELL and CHAS. QUICK would do the job and blow the SMITHS up. About four days later SMITH'S house was blown up.

I have never discussed this SMITH job since with ERNEST BURKHART or CHAS. QUICK or CURLEY JOHNSON or JIM BOTHWELL. Nor have they mentioned it to me nor to anyone else, that I have heard. I never heard where they got the nitro to blow up the SMITH house, but that would have been easy and there were a lot of shacks around there that contained dynamite and it was easy to steal all anyone wanted.

CHAS. QUICK was from Texas and I understand has left Osage County. He would be hard to make talk. JIM BOTHWELL would not be so hard to make talk and CURLEY JOHNSON will crack if the power is put to him, given the third degree. CURLEY JOHNSON was hanging around Shidler at that time. "

After getting the above from THOMPSON, we told an under cover man, underworld character, that THOMPSON was holding back and not meeting his full obligation of our agreement. This confidential man then had a private talk with THOMPSON, to urge him to tell the whole truth freely, and reported that THOMPSON had remarked to him, "Hell, I've told them all I could without being into it myself". This confidential man is a close friend and associate of THOMPSON and declared that he is convinced that THOMPSON or his alleged wife, or both, are the ones who killed HENRY ROAN and that THOMPSON is not going to confess that if he can avoid it, and that the others mentioned know so much about THOMPSON

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and the HENRY ROAN murder, that THOMPSON is afraid to tell all he knows of them, for fear they will squawk on him in the ROAN murder.

THOMPSON is very insistent that it shall not be divulged to anyone that he is telling, and proposed that it be arranged that he be given an opportunity to talk with ERNEST BURKHART, in a place where a diotagraph has been planted, so that we can hear BURKHART admit all the above, and then we say the source of our information was this conversation between ERNEST BURKHART and THOMPSON, thus covering THOMPSON'S part up. THOMPSON states he is sure ERNEST BURKHART will meet him and talk whenever he demands it of BURKHART.

April 25th, W. O. GORDON, Asst. State Attorney General, was at Chickasha on this date at the direction of MR. SHORT, and had long private interview with THOMPSON.

Agent Weiss and MR. GORDON also had a joint interview with THOMPSON, during which MR. GORDON verified, as representing Gov. TRAPP and MR. SHORT, [REDACTED] b7D

etc., and MR. GORDON also renewed the offer that if THOMPSON himself took part in any of these murders, at the instigation of someone else and would confess freely and fully, then he, THOMPSON, would be given immunity for that also.

THOMPSON then recounted, in MR. GORDON'S presence, practically all he had stated to Agents Burger and Weiss, as reported above, but added nothing new up to the time MR. GORDON had to leave to return to Oklahoma City.

Later, in another sitting, THOMPSON stated that in 1922, while staying at DUKE BURKHART'S, in Osage County, about five

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miles, south of Grayhorse, DUKE BURKHART proposed to THOMPSON and CURLEY JOHNSON that they stick up and rob a widow woman living on a farm about two miles east from DUKE'S farm.

THOMPSON stated that in the course of discussing this proposition ~~robbery~~ sed robbery DUKE BURKHART told them that this wodow and her daughter had a nigger hand working for them; that BILL HALE had been very friendly with the widow, but the widow and BILL HALE had fallen out; that HALE had ascertained while on friendly terms with the widow that she had \$10,000.00 cash in her trunk at said farm; that this \$10,000.00 was money she got at her husband's death and was not keeping it in a bank.

That DUKE BURKHART further explained that he suspected this widow and her daughter were ~~having~~ having immoral relations with this negro farmhand/<sup>and</sup>that THOMPSON and CURLEY JOHNSON should bump the nigger off when they robbed the widow.

That DUKE BURKHART went on to tell that this wodow and her daughter and the nigger went to town on Saturdays, and DUKE BURKHART proposed that THOMPSON and JOENSON "plant" themselves in the widow's house some Saturday when the family was gone, and keep hidden; that they would probably ~~\_\_\_\_\_~~

~~\_\_\_\_\_~~ and then they should kill the nigger and rob the widow of this money in her trunk

THOMPSON remarked that the BURKHARTS were so damned ignorant that they not only proposed these deals but even took it upon themselves to plan how they were to be done, as though the men to do them should not know better how to do the jobs.

THOMPSON also added that he took the two diamonds he and JIM PARKER and ANDERSON robbed FRED ~~WAT~~ DENOYA and his wife of,

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to BILL HALE'S home at Fairfax, at night; HALE came outside to talk; that about all that was said was that THOMPSON asked HALE if he wanted that DENOYA stuff and HALE said he did; that THOMPSON said "I have it", and HALE asked how much THOMPSON wanted for it. That HALE THOMPSON said \$1,000.00; that HALE finally offered \$650.00 and THOMPSON told him he would not take less than a thousand and and left.

THOMPSON stated that ERNEST BURKHART had previously directed him to rob the DENOYAS of these diamonds and take them to BILL HALE, who would pay cash for them.

THOMPSON states that he had not talked to HALE beforehand about this robbery, but that HALE asked no questions; and was plainly expecting him when he brought the diamonds to him, and knew all about the deal.

THOMPSON also stated that if it becomes necessary it can be arranged to put ERNEST BURKHART in jail and bring THOMPSON to him if he refuses to confess, and that he, THOMPSON, knows how to make ERNEST confess. THOMPSON remarked, "I'll just tell the son of a bitch, 'You damned double crossing son of a bitch; you have caused others to fall and now you are going to get yours. You tell all about the murders, or I'll tell all I know'". THOMPSON intimated that this, in his opinion, would force ERNEST BURKHART to confess about the murders to avoid a lot of other crimes being found out or told on him and others.

We have had an under cover man working on CURLLEY JOHNSON for the past month, but have not been able to see our under cover man for three weeks. Will see him soon.

It is our surmise that BLACKIE THOMPSON undoubtedly knows all about the ROAN murder, is probably implicated, or at least shielding the guilty parties, as THOMPSON'S talk on the ROAN

CONTINUED.

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MAY 5 1924

May 2, 1924.

Hon. Charles M. Burke,  
Commissioner of Indian Affairs,  
Department of the Interior,  
Washington, D. C.

My dear Mr. Burke:

Further with regard to the case of W. E. SMITH  
et al — Murdered Osage Indians — I am transmitting  
herewith copy of a report dated April 28, 1924, made by  
Agent Weiss of our Oklahoma City office.

Very truly yours,  
  
Director.

Enc. 114693

RECORDED & INDEXED

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Department of Justice,

Bureau of Investigation,  
Oklahoma City, Okla.,

May  
third  
1924

Director, Bureau of Investigation,  
Department of Justice,  
Washington, D. C.

ATTENTION -  
MR. HOOVER - 2.

W. E. SMITH, et al.  
Osage Indians, Murder of.

Dear Sir:

I answered your letter dated April 19, 1924, WWG:  
AS, relative to this matter on April 28th.

At that time I instructed Agents Weiss and Burger  
to make up a summary or special report relative  
to this investigation, in order that the status  
of the investigation to date could be very clear-  
ly shown in about ten pages.

I am enclosing herewith Agents Weiss and Burger's  
report dated April 30, 1924, which is a summary  
of these investigations, and which will give you  
a very good idea of the status of these investi-  
gations of this date.

Very truly yours,

*James G. Findlay*  
James G. Findlay,  
Special Agent in Charge.

P-B

GENERAL INTELLIGENCE  
DIVISION

62-5033-84  
BUREAU OF INVESTIGATION  
MAY 5 1924 P.M.  
DEPARTMENT OF JUSTICE  
HOOVER  
FILE

5033  
MAY 13 1924

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JTB:P  
62-5033 - 84

May 9, 1924.

MAY 13 1924

Hon. Charles H. Burke,  
Commissioner of Indian Affairs,  
Department of the Interior,  
Washington, D. C.

My dear Mr. Burke:

I am transmitting herewith, for your information,  
copies of two reports dated April 30, 1924, made by Agent  
Weiss of our Oklahoma City office, further with regard to  
the case of W. E. SMITH et al -- Murdered Osage Indians.

Very truly yours,

*M. J. B.*  
Director.

Enc. 114697

RECORDED & INDEXED

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THIS CASE ORIGINATED AT **Director:**

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT: <b>Oklahoma City</b>	DATE WHEN MADE: <b>Apr. 30, 24</b>	PERIOD FOR WHICH MADE: <b>Apr. 29, 1924</b>	REPORT MADE BY: <b>T. F. Weiss.</b>
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TITLE AND CHARACTER OF CASE:

**W. E. SMITH, et als. Osage County, Okla. : Murders of Osage Indians.**

FACTS DEVELOPED:

**At Oklahoma City, Okla.**

**(K. C. #10675;  
(O. C. #7060.)**

**SPECIAL REPORT. CONFIDENTIAL.**

**SUPPLEMENT TO CONFIDENTIAL REPORT,  
"RE: MURDER OF ANNA BROWN", by Agent and dated Jan. 8, 1924.**

**Continuing investigation,  
entitled  
as  
above,**

our confidential informant mentioned in said report of Jan. 8, 1924, is **E. M. PIKE**, 4811 Troost St., K. C. Mo., residence 910 E. 13th St., Kansas City, Mo.

**PIKE** has told us further that the man who was with **BRYAN BURKHART** and **ANNA BROWN** at Ralston, and the whiskey joint west of Ralston and at **PAUL JOHNS** whiskey joint north of Burbank, and at **LEE MORGAN'S** whiskey joint east of Burbank, and at least back to within a mile of Fairfax is **GEORGE JAMES**, a well known gambler and business man of Fairfax. This trip by **JAMES** and the others was the night of May 21st (Saturday), 1921, and the morning of May 22d.

**PIKE** states that said party consisted of **BRYAN BURKHART, ANNA**

APPROVED AND FORWARDED:

SPECIAL AGENT IN CHARGE

**62-5733-85**

DO NOT WRITE IN THESE SPACES

INDEXED AND INDEXED

REFERENCE:

COPIES OF THIS REPORT FURNISHED TO:  
**3 Washington; 2 file;  
1 U. S. Atty., Okla. City;  
1 Kansas City. -1-**

BUREAU OF INVESTIGATION

CHECKED OFF

**MAY 14 1924**

DEPARTMENT OF JUSTICE

ROUTED TO

**GENERAL INVESTIGATIVE DIVISION**

6161

April 29, 1924.

BROWN, J. L. BRIDGES, EDITH DAVIS and GEORGE JAMES, and their movements that night were as related in our Special Report of Jan. 8, 1924.

PIKE states that ERNEST BURKHART introduced him to GEORGE JAMES and told JAMES, in effect, to talk to PIKE.

PIKE states that JAMES is square, and is the man who knows that BILL HALE furnished BRYAN BURKHART the .32 pistol to kill ANNA BROWN with that night, and overheard HALE and BURKHART and J. L. BRIDGES planning ANNA BROWN'S murder that evening.

GEORGE JAMES, however, has recently been given the use of a 400-acre farm near Fairfax by BILL HALE, and is having said farm worked, though still living in Fairfax.

PIKE states that JAMES, who has a fine wife and family, is very unwilling to tell what he knows; first, because of fear of HALE and the BURKHARTS. Second, because of JAMES' own liability for concealing his knowledge of this crime, both before and after it was committed, and third, because of his, JAMES', wife learning that he was out with EDITH DAVIS on that trip.

PIKE states that LEE HINKLE, <sup>now</sup> near Grayhorse, is the young man who saw BRYAN BURKHART getting in home at Grayhorse, at daylight, with ERNEST BURKHART'S Buick car that Sunday morning, May 22, and that HINKLE is the one that BRYAN BURKHART claims to have fixed so he will not tell.

FRED WHEELER told ODE BROWN that he, WHEELER, went with ANNA BROWN and BRYAN BURKHART that Saturday evening, May 21, 1921, to a place west of Ralston, where they got some whiskey, and told ODE BROWN the name of those from whom they got this whiskey, but BROWN has forgotten this name, but remembers it

was on a farm run by some brothers.

FRED WHEELER told MATT WILLIAMS this same thing, and that the name of the man west of Ralston, where they got this whiskey, was WALTER COLLINS, and that there were others in the party besides WHEELER, ANNA BROWN and BRYAN BURKHART.

We have located a WALTER COLLINS and brother about five miles south of Ponca City, and believe him to be the one who sold the BRYAN BURKHART - ANNA BROWN - FRED WHEELER party the whiskey that night, as WHEELER told MATT WILLIAMS that WALTER COLLINS had moved to a place near Ponca.

We have had ODE BROWN working on WALTER COLLINS, but have not learned with what results.

MATT WILLIAMS also states that ERNEST BURKHART and BILL HALE paid FRED WHEELER money to leave Osage County and stay away.

To this date, April 29th, A. W. COMSTOCK has not produced the "two eyes witnesses" he spoke of. MR. COMSTOCK states they are two Osage Indian women, living at Fairfax, named MARY CLAREMORE and MARY BLACKBIRD, and that they are refusing to admit ~~knowing~~ <sup>having</sup> any knowledge of the facts.

We have checked and investigated the theory that ROSE OSAGE and JOE ALLEN killed ANNA BROWN and are convinced there is no truth to it, as we have investigated that line exhaustively.

PIKE states that he and GEORGE JAMES can give us the names of seven or eight persons, not named as yet, whose knowledge will corroborate JAMES' evidence, fully and make the case airtight.

PIKE, however, has been evading an actual conference with us, and GEORGE JAMES and has been talking with J. A. GUSTAFSON and an operative of GUSTAFSON'S named MITCHELL, so that we suspect

PIKE of at least trying to sell out to the HALE-BURKHART bunch.

MRS. J. A. GUSTAFSON told Agent Weiss, sometime ago, that her husband and an operative of his were working on this case in Osage County, but we have not been able to learn who is paying them. We know positively, however, that they have been working in Osage County, and that GUSTAFSON slipped into Pawhuska about April 20th and left in a few hours with a suspect in the HENRY ROAN murder case.

We feel confident that the true facts of ANNA BROWN'S murder are as shown in this special report, and that the only thing now remaining is to make GEORGE JAMES, FRED WHEELER and the other witnesses named tell the truth.

We apprehend that heavy pressure may be necessary to do this.

After we have had an opportunity to see GEORGE JAMES, LEE HINKLE, WALTER COLLINS, ODE BROWN, FRED WHEELER and a few others, if it then becomes necessary, all the witnesses may have to be brought before a Grand Jury, specially handled by Attorney General SHORT, and forced to tell all they know.

However, this Grand Jury should not be called until we have done some more work on our present evidence, as to the SMITH and HENRY ROAN murders, <sup>for</sup> ~~is~~ the reason that all these cases should be handled at once as to take up one at a time would result in the witnesses being bought off, and run out of the country.

We feel confident of final success in solving all three of these cases, so far as getting the evidence is concerned.

OPEN.

ATTENTION - MR. ~~WASH~~ HOOVER - 2.

CASE ORIGINATED AT **Director;**

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT: <b>Oklahoma City</b>	DATE WHEN MADE: <b>Apr. 30, 24</b>	PERIOD FOR WHICH MADE: <b>Apr. 29, 1924</b>	REPORT MADE BY: <b>T. F. Weiss.</b>
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CHARACTER OF CASE  
**RE: W. E. SMITH, et als. Osage County, Okla. : Osage Indian Murders**

SPECIAL REPORT (Confidential)

(K. C. #10675;  
(O. C. #7060.)

At Oklahoma City, Okla.

RE: MURDER OF W. E. SMITH and WIFE, and NETTIE BROOKSHIRE.

Continuing investigation,  
entitled  
as  
above,

this is a Special Report, being a confidential digest of the evidence secured to date re. the particular three murders named in caption hereof. This report is made by T. F. Weiss as a joint report for Agents Weiss and Burger, who are working jointly at all times on these Osage murders.

S U M M A R Y:

Mar. 10, 1923 about 2:50 A. M. at Fairfax, Okla., Osage County, the home of W. E. SMITH (commonly called BILL SMITH) was destroyed by a terrific explosion.

In the home at the time was W. E. SMITH, his wife, RITA SMITH and a domestic, a girl named NETTIE BROOKSHIRE, who was about seventeen years of age.

BILL SMITH and the servant, NETTIE, were white people.

APPROVED AND FORWARDED:

SPECIAL AGENT IN CHARGE

62-5033-86

RECORDED AND INDEXED

REFERENCE:

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- 1 Kansas City.

-1-

BUREAU OF INVESTIGATION

MAY 5 1924  
DEPARTMENT OF JUSTICE

CHECKED OFF:

MAY 14 1924

JACKETED

ROUTED TO:

FILE

HOOVER

565

MRS. RITA SMITH was an Osage Indian woman, wife of BILL SMITH. They had no living children.

The two women perished instantly, their bodies being blown asunder, and pieces of their flesh being later found plastered on a house 300 feet away.

BILL SMITH lived three or four days, but apparently made no statement before he died as to any knowledge he may have had as to who committed the deed. The house was apparently first soaked on one side or more with gasoline or similar substance, as it was seen to blaze up once or twice a second or two before the explosion.

The house had a basement garage, which basement had a six-inch concrete floor. In the center of this floor the explosion tore a hole approximately six feet in diameter, and three feet deep, blowing the six inches of concrete to bits.

From careful and thorough investigation there is no doubt that this explosion was caused by a carefully and deliberately planned purpose to kill all the inmates - which was done - and that nitroglycerine or some similar high explosive was used for the purpose.

#### M O T I V E:

This case was investigated for months by private detectives, to-wit: JOHN A. GUSTAFSON and his operatives, W. E. BRACKETT, JOHN MORAN and a man named MITCHELL. Also by HERMAN FOX DAVIS, for the state of Oklahoma, Calvin S. Weakley, Special Agent, Department of Justice, and Agents Weiss and Burger.

We, Weiss and Burger, have learned practically all that all of said investigators ascertained, and in addition have exhaustively sought for possible motives ourselves for the past five or six



months, with the result that no motive can be found for anyone to have done this cold-blooded triple murder except W. E. HALE, commonly known as BILL HALE, and his nephews, ERNEST BURKHART and his brothers BRYAN, DUKE and HORACE BURKHART, all of whom were raised by BILL HALE and are his nephews.

This HALE-BURKHART bunch are absolutely the only ones to whom suspicion points as being the instigators and perpetrators of this deed, and the reasons for them doing it are as follows:

BILL HALE is the uncle of the BURKHARTS, and raised them, and has complete domination over them.

RITA SMITH was a sister to ANNA BROWN, murdered near Fairfax, undoubtedly by BRYAN BURKHART, May 22, 1921. ANNA BROWN and RITA SMITH were also sisters to MOLLIE BURKHART, who is and then was, the wife of ERNEST BURKHART.

RITA, ANNA and MOLLIE were all wealthy full blood Osage Indian women.

ERNEST BURKHART'S wife, MOLLIE, inherited approximately property worth \$80,000.00 to \$50,000.00 by reason of ANNA BROWN'S death (murder - shot in the back of the head).

BRYAN BURKHART was and is almost universally believed to be the murderer of ANNA BROWN and BILL SMITH, before his death openly charged BILL HALE as instigating the BURKHARTS to murder ANNA BROWN.

BILL SMITH had also sued BILL HALE for \$7,000.00, which he said BILL HALE denied and refused to pay. That case was set for trial at the time BILL SMITH, et als. was blown up, so that HALE has a good chance of beating that case since SMITH is dead. BILL and RITA SMITH and their servant, BEPTIL BROCKWELL,