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6
7 all, have been put in on these last named cases. Most of the persons
8
9 he interviewed in this case had left Pawhuska when we were assigned to
10
11 the case, over two years after the murder had been committed, and it
12
13 has taken a lot of our time locating them, which we have done. The
14
15 county authorities did nothing of any effect in this case, and have no
16
17 inclination to do anything. Our plan is to wait till we can concentrate
18
19 our efforts on this investigation, though we will work on it as oppor-
20
21 tunity affords in conjunction with the others.

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23
24 UNDEVELOPED LEADS:

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26 All the persons named, as well as a list of others we have secured
27
28 and noted, are still to be questioned exhaustively, though we have ques-
29
30 tioned some of them in a tentative way, already.

31
32
33
34
35 PENDING.

Oklahoma City

AUG. 14, 24 AUG. 9, 1924

J. H. Burger.

W. E. SMITH, et al.

Osage County,
Okla.

: Murders of Osage Indians

SYNOPSIS OF FACTS:

(O. C. #7060.)

Pigest of facts and evidence re. murder of Anna Brown, full blood Osage Indian woman, Osage County, Okla., May 22, 1921. This report joint report of Agents J. H. Burger and T. F. Weiss.

SPECIAL REPORT.

DETAILS:

at Kansas City, Mo.

MRS. ANNA EYRE BROWN was a full blood Osage Indian woman who at the time of her murder, May 22, 1921 was about 35 years of age and the divorced wife of one ODE BROWN, a white man and ex-convict now living at Ponca City, Okla.

She had no children and died intestate, leaving as her surviving heirs her mother known as "LIZZIE Q", her sisters, MRS. MOLLIE BURNHART (wife of ERNEST BURNHART), MRS. NITA SMITH (wife of W. E. SMITH) and a half sister, MRS. GRACE BURNHART. W. E. SMITH was a white man, and ERNEST BURNHART is also a white man, being a brother to BRYAN, BURNHART and GRACE BURNHART, and the nephew of MR. K. HALL, known generally as "BILL" HALL, who is a wealthy, influential and unprincipled stockman living at Fairfax, Okla., Osage County.

3 Washington; 4 file;
Commissioner of Indian
Affairs.

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ANNA BROWN left an estate valued at approximately \$100,000.00, half of which, by the Oklahoma law, descended at her death to her mother, "LIZZIE Q". Said mother at that time was aged, feeble and ill and expected to die at any time. She was living then with her daughter and son-in-law, MOLLIE and ERNEST BURKHART at Graham Horse, near Fairfax, and had a will leaving the great bulk of her said mother's estate to said ERNEST BURKHART's wife and children. LIZZIE Q's estate at that time was worth approximately \$200,000.00. By ANNA BROWN'S death occurring before said mother's death, her estate would be worth approximately \$50,000.00 more, which thus increased the estate to be ultimately the property of the ERNEST BURKHART family that much. LIZZIE Q did in fact die about sixty days after ANNA BROWN'S murder, and died at the home of ERNEST BURKHART.

ANNA BROWN had no serious enemies; was well liked generally but of a dissolute and immoral character being drunk frequently and going out on drinking parties a number of times mostly with white men whom she preferred. She had her own home where she lived in Fairfax, Okla.

May 31, 1921 she was called to the home of ERNEST BURKHART to see her mother, who was very ill. This was in the morning.

May 27, 1921 some men out hunting found her badly decomposed and swollen corpse in a ravine about three miles northeast of Fairfax with a .32 calibre bullet hole in the back of her head that would have caused instant death.

A crude and hasty autopsy was performed where she was found, but the bullet was apparently never found. No examination was made as to other possible wounds, owing perhaps to the terrible state of the body

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6 which was rotten and swollen almost to bursting. The body was hastily
7 buried in the Indian cemetery at Grayhorse, near Fairfax.

8
9 Investigation of her murder was at once started by some of her relatives, of whom her brother-in-law, W. H. SMITH, was most active. J. A. GUSTAFSON, a private detective, was employed and kept his operatives on the case for two years. JOHN MORAN was also employed and worked on the case for about two years, MORAN being also a private detective. All that GUSTAFSON and his operatives learned was conveyed in some way to the chief suspects, W. K. HALE and the BURNHART. Apparently, however, these detectives never got very far into the facts.

10
11 About Sept. 25, 1923, two years and four months after the murder, Agent T. F. Weiss of this Bureau was assigned to the case and on Dec. 15, 1923 Agent J. R. Burger was assigned to work with Agent Weiss. These Agents working on this case along with five other Osage Indian murders that they were working at the same time when not absent as Government witnesses in Federal court.

12
13 March 10, 1923 at 2:30 A. M. the home of said W. H. SMITH was totally demolished at Fairfax by a large charge of nitroglycerine placed in the basement of said house. SMITH had been very active in pushing the ANNA BROOKS murder investigation and had stated openly and often that he was convinced that BILL HALE and the BURNHARTS had murdered her for her property. SMITH'S wife, NITA, was a full sister to ANNA BROOKS. Said wife and their hired girl, NETTIE BROOKSHIRE, were blown to bits by the explosion and died instantly. SMITH lingered a few days and died in a hospital at Fairfax. The house caught fire and was consumed.

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SUSPECTS AND POSSIBLE MOTIVES OR EXPLANATION RE. ANNA BROWN MURDER

These Agents have fully followed out every lead and without going into details will state that the evidence we have secured convinces us that ANNA BROWN was murdered by BRYAN BURKHART about 4 A. M. May 22, 1921 in pursuance of a pre-arranged plan between him and ERNEST BURKHART and their uncle W. K. HALE (who raised them) and possibly J. H. BRIDGES; also the uncle of the BURKHARTS. We have not found any creditable evidence contrary to this. The motive being mainly to insure ANNA BROWN'S death before that of her mother, LIZZIE Q. in order of have ERNEST BURKHART'S family inherit the bulk of ANNA BROWN'S estate, amounting to about \$100,000.00.

D I G E S T O F E V I D E N C E.

Proof of death and its cause; Identification of body.

ANDY SMITH, all of Fairfax, Okla., can testify that while hunting on May 27, 1921 they found the badly decomposed body of an Indian woman lying in a ravine about three miles northeast of Fairfax, Okla.; that they at once notified Mr. --- Turdin, an undertaker at Fairfax, who came out and took charge of said body.

MR. ----- TURDIN, undertaker at Fairfax, can testify that he was thus called; that he went out, could not identify the body; notified Dr. J. G. Shoun of Fairfax and others; that Dr. J. G. Shoun, Mrs. Anna Bitterly and Mrs. Mollie Burkhardt and Mrs. Rita Smith all of Fairfax, subsequently identified the body as that of Anna Brown; that he prepared the body for burial by freezing it where found, attended to the funeral arrangements and was paid out of the Anna Brown estate; that Mrs. J. G. Shoun and Dr. A. Shoun, brothers, performed a sort of autopsy by bisecting the cranium, from front to rear, and searching in the decayed brain mass for the bullet, which they stated was not found; that this autopsy was performed where the body lay, a few feet from where it was found; that more thorough autopsy was not made due to the terrible condition and odor of the body; that the body had apparently been dead five or six days; that in preparing the body the scalp slipped from the skull and he discovered a bullet hole in the back of the head slightly to the left of the middle and going completely through the skull bone from the back but that no hole of egress was found; that he, Turdin, still has this left side of the skull in

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his possession, showing said bullet hole. (Agent Weiss examined said left half of skull carefully and ascertained that the bullet was of a .32 calibre, traveling in a direction slightly downward from the plane of the head and slightly from the left toward the right side, and that no hole of egress existed.)

MRS. ANNA SITTERLY, all of Fairfax, can testify positively that they
MRS. MOLLIE BURKHART, viewed said body and that it was the body of
DR. J. O. SHOWN, and Anna Brown. (Mrs. Rita Smith has since been
SCOTT MATHIS, murdered).

DR. J. O. SHOWN can also testify that said body had apparently been
dead about five or six days and that the bullet
would found would have caused instant death and that the autopsy was
hurried, incomplete and made as described by Mr. Turdin and that he and
and his brother may very probably have lost the bullet while searching
for it, under the circumstances. (This establishes the corpus delicti)

PROOF AS TO WHEN, WHERE AND BY WHOM MURDER WAS COMMITTED.

H. E. WILSON, Justice of the Peace, Fairfax, can testify that he
presided over the coroner's inquest that inquired into the death of
ANNA BROWN: that this inquest was continued over several months; that
BRYAN BURKHART was called, sworn and testified under oath that he was
at his brother's home (ERNEST BURKHART) at Grayhorse most of the day of
May 21, 1921 with the exception of the time he was at the horse races
near Fairfax that afternoon; that LIZZIE Q was also living at ERNEST'S
at that time and was very ill; that ANNA BROWN came to ERNEST'S
home that morning to see her sick mother, LIZZIE Q, and remained there
until about 4 PM; that he, BRYAN, went to the horse races near Fairfax
about 2 P. M. that day but returned to Ernest's home about 4 P. M. and
took ANNA BROWN home in a car, leaving ANNA at her home in
Fairfax about 4:30 PM; that he never saw ANNA again while she
was alive.

H. E. WILSON can testify further that notes of this testimony
were taken by WALTER GRAY, a young attorney, and transcribed and

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6 furnished MR. WILSON and he can produce these notes, and that said GRAY
8 can also testify to BRYAN BURKHART's testimony, as above, as well as
10 others WILSON can name.

12
13 WALTER GRAY, attorney, Fairfax, can testify to BRYAN BURKHART's
14 testimony as stated above by E. M. WILSON and can give names of other
15 witnesses who heard BRYAN testify.

16
17 MRS. MARTHA UPRIGHT DOTY, living five miles west of Yale, Okla.,
18 can testify that she began working for ERNEST BURKHART family about May
19 17, 1921; that the family then consisted of ERNEST BURKHART, his wife,
20 MOLLIE, their two children; LUCIE Q. MOLLIE's old mother, BRYAN BURKHART
21 and DUES BURKHART, brothers to ERNEST BURKHART; that on May 21,
22 1921 a MRS. J. L. BRIDGE, an aunt to the BURKHARTS and the sister of
23 BILLY HALE, was visiting ERNEST; that on that day, May 21, 1921, Satur-
24 day, ANNA BROEN came from Fairfax with BOB CARTER'S jitney in the
25 morning to visit her sick mother at ERNEST'S; that ANNA was drink-
26 ing and quarreled with MOLLIE, her mother and BRYAN; that BRYAN told her
27 MRS. DOTY, that ANNA had threatened to kill him, but he was going
28 to beat her to it, or words to that effect; that ANNA told MR.
29 DOTY she, ANNA, was jealous of BRYAN and would kill any woman who
30 flirted with him; that ANNA sulked most of the day in the summer
31 house outside; that all the BURKHART men left with the children to go
32 to the races at Fairfax right after dinner and none of them returned
33 till they all returned shortly before suppertime, about 5:30 or 6 PM;
34 that MRS. BRIDGE was making very uncomplimentary remarks about Indians
35 that day and left the place before the men returned and before supper;
36 that supper was ready about six or six thirty and all the BURKHART men

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mentioned were present but ANNA refused to come into the house and
eat with them, but remained in the summer house; that after supper,
about 7 P. M. all the BURKHART men including BRYAN, left and took ANNA
BROWN with them; that they left in two cars, a Buick touring car of
ERNEST'S and a Ford touring car; that she, Mrs. DOTT, did not notice
what car each one left in but is positive that ANNA BROWN was at
ERNEST'S up to that time and left with ERNEST, BRYAN and the others in
the two cars, and that it was just about sundown; and that ANNA BROWN
had been at ERNEST'S home that day continuously from the time she ar-
rived in the morning till she left with them about sundown. (Mrs. DOTT
stated that he left the BURKHART'S employ that same night because she
was "afraid" but she evaded telling the cause of her fears.) Mrs. DOTT
can testify further that one Mrs. BORA BEEBE, who lived a few miles from
Grayhorse at that time called on her in company with LUELLA HALETT about
4 P. M. that day and that Mrs. BEEBE talked to ANNA BROWN in the
summer house; that LUELLA HALETT also talked to ANNA BROWN in the
summer house at ERNEST BURKHART'S place about 4 or 5 P. M. that day and
that none of the BURKHART men had returned from the races at that time.

Mrs. LUELLA HALETT, Foraker, Okla., can testify that she knew
ANNA BROWN pretty well; that on Saturday, at about 4 to 5 P. M. she,
LUELLA HALETT, drove with Mrs. BORA BEEBE to ERNEST BURKHART'S home to
see if MARTIN DOTT wanted to go with them to a dance that night; that
she, LUELLA, went to the summer house there and talked fifteen to twenty
minutes to ANNA BROWN; that ANNA BROWN asked her to come and
keep her house at Fairfax and she, LUELLA, agreed to do so; that ANNA
said she would come or send a car for LUELLA the next morning and bring
LUELLA from where she was staying at Mrs. BEEBE'S to Fairfax, which was

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agreed to; that ANNA was drinking; that this was at least 4:30 or 5 P. M. when she and MRS. BENNE left ERNEST BURKHART'S home that day and none of the BURKHART men were there, but ANNA was still there when she and MRS. BENNE left; that the next afternoon DUKE BURKHART came to see her at MRS. BENNE'S and asked her to come with him to go to work for MRS. ERNEST BURKHART, as MARTHA had left; that she told DUKE about her promise to go to work for ANNA BROWN and DUKE told her, "that is all right, ANNA has gone away", but did not say where ANNA had gone; that she, LUNELIA, did then go with DUKE and work for some time at ERNEST BURKHART'S.

I. E. MADORS, Ralston, Okla., ED HAINES, Ralston, and JOE McGUIRE, Edna Pawluka, can all and each testify that after sundown, but before dark about 8:15 P. M. Saturday, May 21, 1921 they were all in a group talking in front of JONES Hotel at Ralston about nine miles south from Fairfax and Grayhorse when a Buick touring car drove up from the east, direction of Fairfax and Grayhorse road; that the car drove up to the curb within a few feet, three or four, of where they were standing and that BRYAN BURKHART and ANNA BROWN were sitting in the front seat and no one else in the car; that ANNA spoke to JOE McGUIRE, calling him by name and he spoke to her that she said she was hungry, and asked where they could get something to eat, or some sandwiches; that McGUIRE pointed to McSpadden's Restaurant, about a block away, and told her to go there; that she answered McGUIRE and the car then drove to McSpadden's, turned in at the curb, and BRYAN BURKHART got out, went into the restaurant and came out shortly with something in a paper in his hands; got into the car, and drove on west out of town. Each of

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6 these men can testify that they had known BRYAN BROWN and ANNA
7 BROWN personally and well for years and are positive it was then in
8 that Buick touring, which had no curtains up, that evening.
9

10 SHERRY WETTER, Ralston, can testify that he went to the car at
11 Ralston and went to a whiskey joint west of Ralston with BRYAN and
12 ANNA that night so they could get some whiskey.
13

14 GEORGE JAMES, Fairfax, can testify that he and EDITH DAVIS and
15 L. BRIDGES (and probably BILL HALE) met BRYAN and ANNA at said whiskey
16 joint west of Ralston that night, May 21, 1921; that there they made
17 a party stayed till about 10 P. M. drinking at which time BRYAN and
18 BRIDGES got into ERNEST'S Buick and drove off north while ANNA BROWN,
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20 EDITH DAVIS, GEORGE JAMES and BILL HALE drove in another direction,
21 with the agreement that the party would meet again that night at PAUL
22 JOHN'S roadhouse, three miles northeast of Burbank; that JAMES and the
23 two women did arrive at PAUL JOHN'S about 11 P. M. HALE leaving them
24 somewhere in the meantime; that about 11:30 P. M. BRIDGES and BRYAN
25 arrived at PAUL JOHN'S, where the party reunited and stayed till after
26 midnight drinking; that about 12:30 A. M. the party left JOHN'S place,
27

28 BRYAN and BRIDGES and ANNA BROWN in ERNEST'S Buick and JAMES and
29 EDITH DAVIS in the Ford touring car; that they drove about a mile toward
30 Fairfax, the Buick in the lead to SHERRY MORGAN'S whiskey joint, two
31 miles east of Burbank; that here they stopped and SHERRY MORGAN sold
32 them all some whiskey in pop bottles; that they did not get out of their
33 cars at MORGAN'S, but drove on in the same way towards Fairfax; that
34 about a mile northeast of Fairfax, where the road forks, JAMES turned
35 east with EDITH DAVIS and away from Fairfax, and BRYAN and ANNA and
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7 BRIDGE turned west toward Fairfax; that this was just about 2 A. M.
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9 Sunday May 22, 1921; (JAMES can tell what he and EITH DAVIS did and
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11 where they went after this.

12
13 PAUL JOHNS, fugitive, can testify that these persons were at his
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15 place at the time shown and that they arrived and departed in the man-
16
17 ner shown, and that his "wife" can testify to the same effect as he, and
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19 that he remarked to R. M. PIKE afterward that he, JOHNS, knew BRYAN
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21 well that BRYAN BURKHART killed ANNA BROWN but that BRYAN made one
22
23 big mistake when he let several persons see him, BRYAN, with ANNA,
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25 and taking her away in his car that night.

26
27 SHORTY MORGAN, fugitive, can testify that these persons named were
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29 at his place, bought whiskey from him and arrived and departed in the
30
31 time and manner related.

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33 E. M. PIKE, 4311 Troost, Kansas City, Mo., can testify that BRYAN
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35 and ERNEST BURKHART employed him about the last of June, 1921, as de-
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37 tective to cover up BRYAN'S part in the ANNA BROWN murder; that
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39 BRYAN personally took him, PIKE, to GEORGE JAMES and JAMES told him
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41 PIKE what he, JAMES, knew, as shown above, but that JAMES stated he
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43 would never admit it in court as he, JAMES, has such a fine wife and
44
45 grown girls, and it would disgrace them and cause a lot of trouble be-
46
47 tween JAMES and his wife if this truth were to become known. PIKE can
48
49 also testify that BRYAN also took him personally to EITH DAVIS, and
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51 she related the movements of the party that night as shown above; that
52
53 he saw EITH DAVIS at 40 N. Yorktown, Tulsa last November (1923) and at
54
55 first she pretended to not know him, but soon admitted the facts, but
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57 would not discuss them again; that SHORTY MORGAN and PAUL JOHNS also

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told him the facts related above, and BRYAN BURWELL told him, PIER, that those people were all that knew it, except LEO HINKE, who saw him BRYAN, getting in home after daylight that Sunday morning, in HENRY'S Buick but that he, BRYAN, had HINKE fixed: it being PIER'S business to fix the others to not talk; that BRYAN explained to him, PIER, that he BRYAN had sworn at the inquest that he had delivered ANNA BROWN home at 4:30 P. M. Saturday and then learned that MRS. GEORGE JAMES had recognized him and ANNA at ANNA'S home about 3 A. M. the next morning so that he, BRYAN, had to cover up some way to get around MRS. JAMES' testimony. PIER can also testify that he learned that BILL EARN furnished BRYAN the .32 gun to kill ANNA with, as BRYAN had a .44, but it was well known, and a big gun, and would throw suspicion on BRYAN; that all the details of killing ANNA were worked out at the whiskey joint west of Winston that Saturday night, between LARK, BRIDGES and BRYAN.

MRS. GEORGE JAMES, Fairfax, can testify that Sunday morning, about 3 A. M. she was awake, waiting for her husband, who had not yet come home; that at that time she heard voices talking in the road just south of her house, and went out to listen and saw the lights and outline of a big car in the road; that she could distinguish a man's and a woman's voice; the woman's voice being a little mandlin; that she heard the man say, "For God's sake, Annie, stop your foolishness and come and get into the car", or words to that effect; that in a few minutes the car drove on west about a block and she stood and watched it while it drove north two blocks then east a block then turned south, it then being just a block due south of where she was standing on her front

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porch watching it; that it stopped at the curb directly in front of ANNA BROWN'S house, which is not quite a block south of MRS. JAMES' home; that the porch light was on at ANNA BROWN'S house, and the man and woman who got out of the car walked up onto ANNA'S porch and then she could see quite plainly by the porchlight that it was ANNA BROWN and BRYAN BURKHART; that they stood there talking, and she went back into her own house and did not wait to see whether ANNA and BRYAN went into the house or back to the car and did not hear or know when the car left; that her husband, GEORGE JAMES, had not gotten home at that time.

MR. NINKS, Grayhorse, can testify that just after daylight, Sunday, May 22, 1921 he saw BRYAN BURKHART driving east into Grayhorse in ERNEST BURKHART'S Buick car and stopped and spoke to BRYAN and that BRYAN had asked him to not tell this to anyone.

ERNEST BURKHART and MR. and MRS. J. L. BRIDGES, who now live at Campbell, Tex., have all repeatedly stated that BRYAN took ANNA home that Saturday about 4 or 5 P. M., returned to ERNEST'S and all went to the show after supper together meeting BILL BALE and his daughter enroute about 9 P. M. and that BRYAN went home to ERNEST'S with them after the show that night and was not out of the house until next morning.

A. E. CROFTON, Pashuska, stated that MOLLIE WOODS, Ogea woman, Fairfax, told him that MARY B. BIRD and ANNY C. REMORE, Ogea women, were near ANNA BROWN when she was killed and heard the shots and knew that BRYAN BURKHART killed ANNA. (But these two Indian women will not admit this. Practically every Ogea Indian is

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6 afraid he will be killed if he tells anything, and denies things he
7 know these Indians know. They are a very cowardly lot as a whole,
8 both men and women.

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10 J. W. CARTER, employee Armour & Co., Kansas City, Kans., told FBI
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5 J. H. Burger.

Aug. 5, 1924.

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8 In this case until the W. E. SMITH, et al., and the HENRY ROAD murder
9 investigations are as complete as possible. The conditions that exist
10 in this section by reason of fear, indifference, self-interest, cupid-
11 ity and lack of confidence in the local authorities cannot be appreciated
12 by a stranger to the facts.

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UNDEVELOPED LEADS:

20 MOLLY BURKHART is kept very close by her husband. Things should be
21 managed so that she may be interviewed fully and
22 exhaustively by these Agents, away from her husband, and in company
23 with her Indian relatives who are friendly to our investigation.

25 SHORTY BARKER will have to be located. Ernest Burkhardt is said
26 to have paid him to leave, and BILL HALL to have
27 "squared" the dope charge against him at Pawhuska.

29 SHORTY MORGAN will have to be located and arrested. He is a fugi-
30 tive under Federal liquor charge in Osage County,
31 a felony.

33 J. W. CARTER will have to be located, and confronted with Morris-
34 son. Carter jumped his job within a few days after
35 we interviewed him.

37 E. A. PIKE will have to be located and apprehended. He changed
38 his Kansas City address soon after it became known
39 that we were working on him. We feel sure he has been paid to skip.

41 MANDY CLAREMORE, another attempt should be made to force these three
42 MARY BLACKBIRD, Osage women, who are rather dissolute, to tell what
43 MOLLIE MERCER, they know, and if that fails, they should be called
44 before the Grand Jury and grilled in a further at-
45 tempt. It is more than probable that the Claremore and Blackbird women
46 were actually out on a drinking and jassing party at the place Anna
47 Brown was later found dead, at the time the shot or shots were fired
48 that killed her. We have information from three sources that this is
49 so, or at least reported to be so.

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PENDING.

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Oklahoma City Aug. 14, 24 Aug. 9, 24 J. R. Burger

W. E. SMITH, et al. Osage County, : Murders of Osage
Oklahoma Indians.

SYNOPSIS OF FACTS:

(O. O. #7068.)

Digest of facts and evidence re. murder of W. E. (Bill) Smith, Mrs. Rita Smith (his wife) and Nettie Brookshire (servant) at Fairfax, Osage County, Okla., March 10, 1923.

DETAILS:

On March 10, 1923 about 2:50 A. M. at Fairfax, Okla. the home of W. E. SMITH, hereinafter called BILL SMITH, was destroyed by a terrific explosion. In the home at the time were BILL SMITH, his wife, Rita SMITH and their white servant girl about seventeen years old named NETTIE BROOKSHIRE. BILL SMITH was a white man. RITA SMITH, his wife, was a full blood Osage Indian woman. They had no living children.

The explosion killed the two women instantly. BILL SMITH was rescued from the debris alive but died as a result of the explosion in Dr. D. A. SHOWN'S hospital at Fairfax about four days later. So far as we have been able to learn BILL SMITH regained consciousness, but made no statement before he died as to who committed the deed. The house was apparently first soaked on one or more sides with coal oil.

3 Washington; 4 file;
1 Commissioner of Indian Affairs.

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3 J. R. Burger.

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AUG. 1, 1924.

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gasoline or similar substance, as it was seen to blaze up once or twice just a second or two before the explosion, caught fire immediately afterward on the north outside, and was almost totally consumed by the flames.

The house had a basement garage, which garage had a six-inch concrete floor. In the middle of this floor the explosion tore a hole about six feet in diameter and three feet deep, blowing the six-inch concrete to bits and cracking it for several feet outward from the rim of this six-foot hole.

From a 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 it did, and that nitro-glycerine or possibly some similar explosive was used.

The time of the deed was also deliberate, as it was done at a time when SAM TULK, BOB PARKER and JEFF HUTCHINS, officers, were all away, and at Okla. City, attending court, leaving the town of Fairfax with no officer present.

Investigation of the case was begun by relatives of MR. and MRS. W. E. SMITH at once by employing J. A. GUSTAFSON, a private detective, and his operatives, BILL WRIGHT, JOHN MORAN, MITCHELL and others. SAM TULK, Indian officer, then at Fairfax; BOB PARKER and JEFF HUTCHINS police of Fairfax; HERMAN PAUL DAVIS, investigator for State Attorney General GEO. SHORT; ED CLARK of Pawhuska and others also joined in the investigation. In April, 1923 Frank V. Wright, a then Special Agent of this Bureau, joined in the investigation, and in July, 1923, Calvin T. Newley, Agent of this Bureau, was assigned to the case and stayed with

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4 J. R. Burger.

Aug. 9, 1924.

6 it till about August last or at the first of September, 1923, when he
7 was called back to Ohio on Federal court cases. About Sept. 26, 1923,

8 Agent T. F. Weiss of Okla. City was assigned to the case to investigate
9 10, and three other Osage Indian murders at the same time. Dec. 15,

11 1923, Agent J. R. Burger of Kansas City was assigned to work with Agent

12 Weiss. Weiss and Burger have worked on these cases (six murders) from
13 the time of their assignments to same to date, with the exception of

14 about three and one-half months of that time that Agent Weiss has been

15 in Federal Court for the Government and about six weeks that Agent

16 Burger has been in Federal Court for the Government.

17 Suspicion was almost unanimous at Fairfax that W. E. (BILL) HALE

18 was responsible for these SMITH and ANNA BROWN murders, and feeling ran

19 also high that a party was formed to mob and hang him, but cooler heads

20 prevailed.

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M O T I V E S

and

S U S P E C T S.

Agents T. F. Weiss and Burger secured practically all the evidence

and information that the other above named investigators had obtained,

and investigated impartially and exhaustively all other ascertainable

leads and angles, with the result that, to put it shortly, nothing has

ever been discovered that shows any person to have had sufficient ill-

will or motive to have done or caused to be done these murders of W.

SMITH, his wife, and BETTIE BURKHART, other than W. E. HALE, and

his nephews ARNOLD, EMIL, JIM and ERACE BURKHART, who were raised

and dominated by HALE, being the sons of his, HALE'S, sister.

The motives on the part of these HALE-BURKHARTS are shown by the

following facts: ANNA BROWN, full blood, wealthy, unmarried Osage

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1944.

BILL SMITH had also sued BILL HALE for \$7,000.00 which SMITH claimed he had loaned HALE but which HALE denied and refused to pay. This suit was set for trial and pending at the time of BILL SMITH'S murder. MRS. BETTIE SMITH had also voiced her opinion that the LAMBERTS had murdered ANNA BROWN, her sister, but had not been as open in her accusations as BILL SMITH.

ETHEL BROWNE was a 17-year-old white servant girl who had been with BILL SMITH'S family for a long time and suspected of knowing some of the family knowledge, etc.

The death of BILL SMITH and his wife simultaneously was also

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3
4 J. R. Burger.

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5 calculated to have enriched W. E. Smith's wife, MARY, about \$50,000.00
6 by inheritance as SMITH and wife had no living children but SMITH
7 wife, it later developed, had made a will that circumvented this.
8

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10 D I G E S T o f E V I D E N C E.

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12 Proof of death and its cause. Identification of bodies.

13 JOHN MOLMAN,

Insurance Agent for the Capitol Life Insurance Co.
formerly of Tulsa, Okla., but later of Los Angeles.

14 can testify that about 3 A. M. Mar. 10, 1923 he was occupying a room
15 at the Smith-Williams Hotel, Fairfax, Okla.; that at that time he had
16 arisen and looking out of his bedroom window which faced south, he no-
17 ticed a bright flame that flared up and died out rapidly for two or
18 three times; that this flame was located about two blocks southwest,
19 almost south of where he was standing; that by its light he could see
20 the next gable of the north end of the house from which the flame ap-
21 peared to be flaring; that the flame rose as high as this gable; that
22 almost immediately the flame went out and a terrific explosion occurred
23 which threw him back on his bed and broke the glass in his window; that
24 he later went out and found that the explosion was at Bill Smith's home;
25 that the home was demolished and in flames.

26
27 M. C. MOREW,

Santa Fe Ry. Agent, Fairfax, Okla., can testify that
on March 10th, 1923 at 2:50 A. M. he was up with a sick

28 member of his family when a terrific explosion occurred that shook and
29 damaged his home, located two doors south of the then W. E. Smith home
30 in Fairfax, Okla.; that he went out to investigate and found the Smith
31 home demolished by the explosion and in flames; and saw the mangled
32 corpses of Mrs. Rita Smith and Nettie Brookshire recovered from the
33 burning ruins and the still living body of W. E. Smith rescued from the
34 debris. Mr. Morew can also furnish the names of other neighbors who can
35 testify to substantially the same effect.

36
37 DR. J. G. SHOWN and

Fairfax, can testify that W. E. Smith was taken
from the ruins of said demolished home at that

38 time to their hospital at Fairfax, where he died
39 four days later as a result of the injuries sustained in said explosion.

40
41 C. T. MORRIS,

Professor of Chemistry, A. & M. College, Stillwater,
Okla., can testify that he was called and examined

42 the ruins of said home a few days later and that his opinion is firmly
43 that said explosion was caused by a large charge of C. M. C., nitro-
44 glycerine or similar high explosive and could not have been caused by
45 gas or gasoline, and can testify as to the physical results of said ex-
46 plosion on the concrete basement in said house, and the walls and other
47 parts of the house.
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J. R. Burger.

Aug. 9, 1924.

JOHN MURRAY and
W. B. BARNETT.

Tulsa, Okla., and others, can testify that they examined said ruins carefully and noted that the siding of said house had been charred on the outside indicating that it had been soaked with kerosene or gasoline and fired at or just prior to the time of the explosion with the apparent object of assuring that the house would burn after being demolished. They also testify to the six-foot hole blown out of the six-inch concrete basement floor, the damage done to the stone foundation, and other parts of the house, etc.

J. H. WARD.
W. E. GOSPELAND.
W. M. CRANDALL.
W. C. LYNN.
I. D. MCCLELLAN and
F. C. BOWFER

each can testify that they sat as the coroner's jury to inquire into the death of Mrs. Rita Smith, Nettie Brookshire and F. E. Smith, viewed the bodies and premises and found that said three named persons came to their deaths as the result of some high explosive, deliberately and designed set off at the time and place shown above, and with the object and purpose of causing the immediate death of said three named persons. (This establishes cause of death and corpus delicti.)

EVIDENCE AS TO WHERE, WHEN and BY WHOM MURDERS WERE COMMITTED:

IRVIN, alias fugitive, can testify that in the summer of 1920 "BLACKIE" THOMPSON, Ernest Burkhardt proposed several times to Blackie and to one Arthur, alias Curley Johnson that they should go to Bill Smith's home where Smith was then living on a farm near Grayhorse southeast of Fairfax and kill Smith and his wife, Rita, and the boy that was then employed at the Smith home; that Ernest said that Smith always carried a roll of \$300.00 or \$400.00 on his person, and that Smith and his wife had some very valuable diamonds, all of which Thompson and Johnson should take; that after getting these valuables they were to kill Smith and his wife and the boy; that in addition Ernest would give them his Buick car and \$1000.00; that Bill Gale would furnish the \$1000.00. Ernest told Thompson and Johnson to see Bill Smith about the money but Thompson stated he never did mention this to Bill Gale; that Ernest made this proposition to them in each other's presence several times in 1920 in the summer and urged haste, stating that Lizzie Q. Rita Smith's mother was old and ill and feeble and liable to die at any time and Mrs. Ernest Burkhardt would get a lot of property at Lizzie Q's death, including what Lizzie Q would inherit if the Smiths died before Lizzie Q died; that he, Thompson, evaded giving Ernest a definite refusal as they were "pulling jobs" with him from time to time and later Thompson ran Ernest's Buick off with Ernest's consent so that Ernest was to claim the car was stolen, and collect the insurance, which was more than the car was worth, and would soon have had to be renewed; that he was caught with Ernest's car but did not squeal as Ernest promised to take care of him; that he, Thompson, was sent to McAlester, Okla. prison for car theft in November, 1920 and released on parole Mar. 7, 1922, his sentence being five years; that he then returned to Fairfax and vicinity "pulled off some jobs with Ernest Burkhardt" and for him, including robbing Fred McCoy and wife of some diamonds and taking them to Bill

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7 HALE: That HALE however wanted them too cheaply and did not get them;
8 that after his return to Fairfax Ernest again several times propositioned
9 him and Curley Johnson to kill W. E. Smith, suggesting that
10 Smith's home be blown up with nitro-glycerine and suggesting how easy
11 it would be to steal the glycerine from one of the several oil companies
12 magazines in that section; that Ernest stated that of course Thompson
13 son should be sure that Smith and his wife were in the house and should
14 trail them to be sure and then explode the nitro-glycerine in the basement.
15 Thompson states further that he evaded giving Ernest a direct
16 answer and that a few days before Smith's home was in fact blown up,
17 Ernest came to him and told him he, Ernest, had arranged to have this
18 job done by someone else and he, Thompson, need not bother; that he,
19 Thompson, was later told by Ernest that he, Ernest, had had Curley
20 Johnson, Charles Quirk and Jim Bothwell. Thompson however stated that
21 he had never mentioned this job to Johnson, Bothwell or Quirk and had
22 never heard of them telling anyone anything about it but promised to
23 associate again with them and get all the details from them and the
24 rest of the underworld and let us have it for an agreed consideration
25 that his understanding of the reason of Ernest Burkhardt telling him to
26 forgo and of having secured others to do the Smith job was that he,
27 Thompson, could be away from Fairfax when it was pulled off, and have
28 his alibi proof, as he would surely be suspected and that he was at
29 Gilton, Okla. when he heard of the blowup and knew in his own mind who
30 did it, etc.; that Ernest Burkhardt and Bill Hale are regular Jews in
31 wanting all the best of deals and Ernest is money mad and a miser.

33 S. J. HAWKINS.

Webb City, Okla., can testify that in 1919 he and
34 one Walter Poolen of near Pawnee and Yale, Okla.

35 were at Bill Hale's ranch house; that Bill Hale at that time suggested
36 to them that they hire Jack Bill Smith and his wife out of their diamonds
37 Hale explaining that Smith always had a roll of \$300.00 or \$400.00 on
38 him, and that Hawkins and Poolen should catch Smith somewhere "between
39 the house and the barn", and stating further that they could do something
40 thing with Smith and his wife after robbing them; that Hale at that
41 same time told them of some widow who lived with her daughter on a farm
42 in Osage County telling them that this widow was afraid of tanks and
43 kept about \$7,000.00 hidden at the house; that Hale stated he had been
44 intimate with this widow and had borrowed money from her, but had fallen
45 out with her because of the daughter; that the widow had then employed
46 a negro man, a mean one, to stay with her at the farm; that Hale,
47 suspected this negro was intimate with these women and suggested
48 that Hawkins and Walter Poolen rob this widow and "kill the nigger";
49 Hawkins can also testify that Arthur (Curley) Johnson told Hawkins
50 that he knows who killed the Bill Smith family. (Hawkins added that
51 he was convinced that Curley Johnson was in on the job). Hawkins is an
52 old friend of Curley Johnson and at one time stated "Curley knows all
53 about this and will squeal if the power is put to him".

56 LEE OGG.

present address unknown, can testify that Dick
57 Gregg told him that Bill Hale propositioned him
58 to do one of these Fairfax murders but did not specify whether he,

Gregg was approached to kill Bill Smith and wife, or one of the others. Ogg can testify that Gregg did not state whether he did the job or turned it down (but Ogg stated that Al Spencer also told him that Bill Hale had approached him, Spencer, on one of these murders or more and he, Spencer, had flatly declined but that he, Ogg, rather believes Dick Gregg went in on one of them.)

FRANK TERRELL, Chickasha, Okla., can testify that he asked Dick Gregg what he got for the Fairfax job (did not specify which one) and Gregg replied, "We were to get \$1,500.00", and that Dick Gregg told him, Terrell, that Bill Hale had picked Gregg and another man or two up near Wynona in his car and drove them over to his ranch near Fairfax and kept them there till the job was done. (Frank Terrell has the general reputation of being a notorious liar. His statements are extremely unreliable.)

DICK GREGG, Lansing, Kans. prison, can testify that Ernest Burkhardt and Bill Hale propositioned him and Al Spencer to do one or more of these Osage murders at Fairfax; that Marshall Powell of Nowata, Okla., Campbell Keys (half-brother to Al Spencer) and Morris Watkins, Fairfax, know all about the deal; that Max Billings, a notorious crook at Okesa, acted as the go-between for Bill Hale who had "the job" done, and the men who did it for them; that Hale kept these men hidden in his ranch pasture near Fairfax for some weeks before the job was pulled and that they left there shortly after the job was pulled when informed by Fred Rowe, now of Pawhuska, but then of Euston, and a close friend of Bill Hale that "the law had a line on them". (We have to deal with Dick Gregg and his father, John Gregg, both notorious outlaws, chiefly through J. H. Powell, a very reliable man, ex-Sheriff of Egin, Kans. who has a hold on them and their confidence, for the reason we have not yet been able to get Gregg to specify whether he is referring to the Smith, Roan or Anna Brown murder, though he did state that Bill Hale and the Burkhardts were behind all three of these murders, "When I have told all I know and Dad (John Gregg) gets what Max Billings knows, you will have it all in your hands. It will be short work then." Mr. Powell is now working with John Gregg to get the details from Max Billings who does not suspect John Gregg.) Dick Gregg told Mr. Powell that Frank Nash, Grover Durrell, Riley Dixon Al Spencer and a man known as "Curley" did this W. E. Smith job. (But Agents suspect that Gregg falsified as to the names to blind Mr. Powell at least for a while, and Mr. Powell also suspects this. We suspect that Dick Gregg was in on one of the murders and is covering up to a certain extent at this time.) Dick Gregg stated to Agent Burger "Curley Johnson knows all about the Smith blowup and will squeal if made to do so."

JOHN THOMPSON, Pawhuska, Okla., Osage Torpedo Co., can testify that one or two days before the Smith home was blown up, a magazine of said company situated on the Scheidel farm about fifteen miles north of Fairfax in Osage County was broken into by tearing off some boards and ten quarts of nitro-glycerine stolen; that said

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5 J. R. BURGESS

Aug. 9, 1924.

6
7 stolen nitro-glycerine had never been located or recovered and no clues
8 found as to who had stolen it; that said magazine is situated in an
9 isolated section.

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11 M. C. McHEW,

station Agent, Santa Fe Ry., Fairfax, can testify

12 that on March 9, 1923 Lou Oller, intimate friend
13 and associate of Bill Hale sent from Fairfax, Okla. to W. E. Hale,
14 Campbell, Tex., a telegram reading, "Deal stands good. I will go in
15 the morning". (signed) L. L. Oller". M. C. McHew, who lived just two
16 doors south of the Smith home at the time of the explosion, can testify
17 also that he was up with a sick member of his family early morning Mar.
18 10, 1923 and heard what appeared to be a Ford car which passed his home
19 going south; that this car stopped at the south end of the block; that
20 a man got out and walked back north toward the Smith home, a block north
21 that he paid no attention to this, which was about 2 A. M.; that about
22 2:35 A. M. that morning he heard a car going south at a high rate of
23 speed and judging from the sound it was a big car; that at 2:50 A. M.
24 the Smith home was blown up, the explosion breaking the windows in Mc-
25 Hews home and showering pieces of wood on his house and in his yard.

26
27 CHARLES HEMBREE,

Fairfax, Okla. can testify that that night he was

28 coming home from Talston, south of Fairfax; that
29 about six miles from Fairfax he heard a heavy explosion in the direction
30 of Fairfax, about three A. M.; that a minute or two later he saw the
31 headlights and heard the roar of some big car coming south from Fairfax
32 at a high speed; that he thought it was some drunken Indian, and turned
33 off the road and stopped his truck with the headlight thereof pointing
34 into the road and lit; that the approaching car passed him at high speed
35 and when it came into the light of his truck headlights he noted that
36 there were two men in the front seat, and the man driving was a strange-
37 er to him and had a small face; that the car had the curtains up, both
38 headlights lit and two "goose egg" side lights, and a light inside the
39 in the roof in the car; that the car passed him and he heard its tires
40 screeching when it took the turn into Talston a few seconds later.
41 Chas. Hembree thinks he may recognize the driver if he ever sees him
42 again, but is doubtful. Hembree states that he knew Kelsey Harrison
43 well and that it was not Harrison driving the car that night but could
44 not state whether there were any persons in the back seat of the car or
45 who they might be. Later Hembree viewed a photo of Gustace Knight and
46 stated he did not recognize him as one of the men in the car.

47
48 ROY MOESTERGER,

Grayhorse, Okla., can testify that shortly before

49 the Smith murders he was sitting on the store porch
50 at Grayhorse, a few miles east of Fairfax, when a car approached; that
51 Moesterger remarked to Bryan Burkhardt that it was Bill Smith coming; that
52 Burkhardt got up, put his hand to his hip pocket and said, "Let the
53 son of a b--- come"; that when the car got close it was seen that only
54 Mrs. Smith and the girl were in it and Moesterger told Bryan that "Bill
55 Smith is not in the car" and Bryan remarked, "It is a d---d good thing
56 for him."

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3. R. Burger.

Aug. 1, 1924.

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D. P. JOHNSON,

J. G. BRUCE,

HENRY WARD and

WILLIAM C. HENSACKER,

all of Fairfax, and A. W. COMBES, of Fairfax, all can testify that W. E. Smith stated a number of times after the Anna Brown murder that Bryan and Ernest Burkhardt and Bill Hale had killed her and that he, Smith, expected them to blow him up or kill him at any time.

REMARKS.

The above and foregoing is a rather summary digest, much substantive and corroborative evidence being omitted. W. E. HALE and the BURKHARTS, though knowing that people generally are convinced of their guilty, have at no time proffered any assistance or information that might assist in the investigation. People generally almost universally are afraid to tell what they know or have it known that they are even interested in the investigation. The Indians are especially cowardly in this respect. No information or evidence of any kind has been furnished Agents by the County Attorney's or Sheriff's offices, which HALE is reliably reported to dominate completely. This case is allied with the Henry Roan and Anna Brown murders and the notes at the conclusion of the digest of the ANNA BROWN murder, dated Aug. 9, 1924 as to prosecution, etc., are equally applicable to this case.

UNDEVELOPED LEADS:

IRVIN THOMPSON

should be located and further questioned exhaustively.

DICK CROGG and
JOHN CROGG

should be given time to produce their promised information and evidence.

THEODORE BISHOP

should be given opportunity to "rope" JACK HARRIS.

KELSEY MORRISON

promising openings.

is now working in earnest and should be given some time to get results. He has good opportunity and

ORRIN DRAKE

should be located and questioned exhaustively.

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Aug. 9, 1924.

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5 J. H. Burger.

9 CURLEY JOHNSON

should be located and questioned exhaustively (at
opportune time.

12 J. H. POWELL

should be given time to work on the two Greggs.

14 JAMES ALLEN

should be interviewed again. He is willing.

16 WENDALL POWELL and

should be interviewed discreetly.

17 CAMPBELL KEYS

18 FRANK NASH.

should all be interviewed but as a last resort.

20 RILEY DIXON.

They are each and all at Leavenworth prison under

21 GROVER DREVELL

25-year sentences, for robbing M. K. & T. mail

23 1923. FRANK NASH

train near Oressa, Osage County, Okla. in August.

24 fairly have to be made with them if they will talk at all.

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26 And last of all a special Grand Jury should be called, as indicated in

27 the Anna Brown murder digest.

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31 PENDING.

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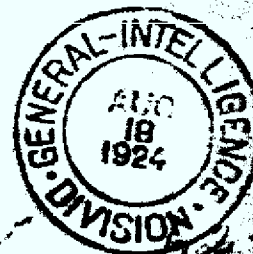
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Department of Justice,

Bureau of Investigation.
Oklahoma City, Okla.,

August
fifteenth,
1924.



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

ATTENTION

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

AUG 29 1924	
AUG 18 1924 A.M.	
DEPARTMENT OF JUSTICE	
HOOVER	FILE

Dear Sir:

Attached hereto find four separate reports, these being
briefs of the case investigated by Special Agents T. F.
Weiss and J. R. Burger.

Heretofore this case has been carried under the caption
of W. E. Smith, et als., Murder of Osage Indians. I have
had this case separated as the case involved four separate
and distinct murders, each of the enclosed briefs being a
separation of the evidence developed and the undeveloped
leads in each individual case.

Agents Weiss and Burger have been engaged on this inves-
tigation several months and apparently the investigation has
not reached a state where a successful prosecution can be
started. I am therefore submitting these four briefs, show-
ing just what has been done and the undeveloped leads, so
that the Bureau can decide whether this case justified fur-
ther investigation or whether it should be held in abeyance
until such time as the Bureau or the Department of Interior
desires it again taken up.

I am sending three copies of this file to the Bureau,
and am enclosing an extra copy for submission to the Com-
missioner of Indian Affairs, and respectfully request that
this copy be forwarded from your office.

I am holding four copies of this brief in the files of
this office, so that one of them may be furnished the At-
torney General for the State of Oklahoma and one furnished
the United States Attorney, should he so desire it. How-
ever, in view of the fact that apparently there is an ef-
fort on the part of some of the state officers and interested

Director.

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parties to block this investigation and because of their system of securing facts from the State Attorney General, I will deliver his copy to him in person when he is ready for it.

Respectfully,

W. D. Bolling

W. D. Bolling,
Special Agent in Charge.

B-b

James
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JEB:EU

62-5033-105

RECORDED & INDEXED

August 25, 1924.

Mr. W. D. Bolling,
P. O. Box 125,
Oklahoma City, Okla.

Dear Sir:

Receipt is acknowledged of your letter of August 15, 1924, with regard to W. E. SMITH et al -- Murdered Osage Indians.

I desire this investigation continued, and every reasonable assistance given Agent Burger, until you are satisfied that every lead has been exhausted. You are further directed to inform this Bureau of your conclusions relative to the investigation, taking into consideration the time and expense already consumed and the probable further time necessary to complete it, in order that your conclusions may be presented to the Commissioner of Indian Affairs for his consideration.

Please see that Agent Veles retains no copies of any reports on this case, and he is to receive no information relative to the investigation subsequent to his retirement therefrom. It is further desired that you guard carefully your reports on this matter, and furnish to the Attorney General of Oklahoma personally the summary mentioned in your letter.

Very truly yours,

Acting Director.

MAILED

AUG 25 1924

THIS CASE ORIGINATED AT

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT

DATE WHEN MADE

PERIOD FOR WHICH MADE

REPORT MADE BY

Oklahoma City

Aug. 16, 24 Aug. 1 to 15th

T. F. We

TITLE AND CHARACTER OF CASE

W. E. SMITH, et als.

Osage County,
Oklahoma

: Murdered Osage Indians

FACTS DEVELOPED:

At Perry, Okla. and other points.

(O. C. #7060.)

REFERENCE: Entire file, captioned identically.

~~DETAILS:~~

SYNOPSIS OF FACTS:

Prepared digest on each of the four cases separately.

Drove about 500 miles. Ascertained name of person who alleges they know all about this deal, and put party to work on them.

DETAILS:

August 1st. Interviewed WM. RICKER, Sheriff at Perry, who stated he had got hold of GRADY DRAKE at Three Sands where DRAKE is said to be working as oil driller; that DRAKE denied any knowledge of these murders and denied ever having claimed any knowledge.

MR. RICKER stated further that he talked to DRAKE on July 31st and told DRAKE to be at Perry the next day and see GEORGE FOSTER, Undersheriff.

That he, RICKER, called FOSTER on the phone and told FOSTER to interrogate DRAKE fully and to get in touch with Agents and hold DRAKE till we got to Perry.

Aug. 2d. Interviewed GEORGE FOSTER, Undersheriff, Perry, Okla.,

APPROVED AND
FORWARDED:

REFERENCE:

COPIES OF THIS REPORT FURNISHED TO:

3 Washington; 4 file;
1 Commissioner of Indian
Affairs.

SPECIAL AGENT
IN CHARGE

BUREAU OF INVESTIGATION

AUG 19 1924 A.M.

DEPARTMENT OF JUSTICE

ROUTED TO

HOOVER

RECORDED AND INDEXED:

AUG 29 1924

FILED

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who stated that he had also questioned GRADY DRAKE discreetly but that DRAKE insisted he had no knowledge or information on the subject of these murders.

MR. FOSTER also stated that he had tried to get Agents by phone when DRAKE was at Perry July 31st at night, but without success. Agents were at Pawhuska at the time, but MR. FOSTER had evidently lost our telephone number.

MR. RICKER and MR. FOSTER promised that some time soon after Aug. 5th (election day) they would get DRAKE into Perry and phone us and hold him, after trying again to get his information.

Aug. 2d conferred with Special Agent in Charge W. D. Bolling and were instructed to have digest prepared of each of these cases separately and submitted on August 11th.

August 3d. Saw WM. RICKER, who renewed his promise to get hold of DRAKE again, etc. Also stopped to see GEORGE JAMES at Fairfax, but found he was out of town.

Also called J. H. POWELL and urged him to push JOHN GREGG'S work as fast as possible.

Also saw D. E. JOHNSON, Fairfax, who stated he had heard of WHITEY TINKER'S statement concerning KELSEY MORRISON being at Fairfax the night the SMITH house was blown up, but that he, JOHNSON, placed no credence in TINKER'S statement, owing to the fact that TINKER is notoriously loose-mouthed and unreliable and the circumstances under which TINKER made his statement.

D. E. JOHNSON states that FRED ROWE, mentioned by DICK GREGG as the man who warned FRANK NASH, et als. that "the law" had a line on

them formerly lived near Ralston, Okla., now lives at or near Pawhuska and was reputed to be close to BILL HALE.

Aug. 5th. J. H. POWELL stated that he has had no further word from the GREGGS but will push them as fast as he can to verify their statements. We suspect that GREGGS did some lying to MR. POWELL.

A. W. CONSTOCK also reports that CATHERINE COLE told him a few days ago that she knows a lot re. the Fairfax murders, but did not tell MR. CONSTOCK what she claimed to know. Arranged to have her meet Agents as soon as possible, though she was interviewed by Agent Weiss months ago and disclaimed all knowledge. However, she is the daughter of MAMIE FLETCHER, who is reliably reported to have been out the night HENRY ROAN, her cousin, was murdered and to have seen him murdered, or right afterward, and to know who did it.

Aug. 6th. Interviewed NELSEY MORRISON at Sapulpa and brought him back to Pawhuska, when TOM WALLACE, County Attorney at Sapulpa, released MORRISON and dismissed the bank robbery charge that he was being held on, as he was sure MORRISON was not guilty.

Aug. 7th at Pawhuska MORRISON, who is now bitter towards BILL HALE and ERNEST BURKHART, declared he, MORRISON, is now going to get the evidence against BILL HALE, et als. in these murders. That EDITH FOX had just told him that BILL HALE was his enemy and her enemy, and intimate with SOL SMITH'S wife and a God d---d double-crossing s--- of a b---; that HALE recently tried to sell her two diamond ear-screws, and two diamond finger rings, but SOL SMITH warned her to not buy them; that SOL suspects HALE of trifling with SOL'S wife, etc.

That EDITH FOX also told him, referring to HALE, "I know all

T. F. Weiss.

Aug. 1 to 15, 1924.

-4-

about the SMITH blow-up. ACE KIRBY set it afire, and was framed"; that KELSEY replied, "I know all about it and have saved his d---d neck till now", referring to HALE. That EDITH FOX, who is very thick with SOL SMITH, told K. M. further that SOL would be over this evening and for K. M. to be sure to come back when SOL was there today.

MORRISON states that he gathered that EDITH DAVIS and SOL SMITH and others are turning against HALE for his ~~money~~, many double-crossings and that EDITH and SOL know ~~how~~ he, K. M.? is ~~very~~ angry and through with HALE and expect to furnish K. M. the "dope" on these murders to convict HALE with the idea that he will pass it on to us and not make them appear. MORRISON said, "And I'll d---d sure do it. By G-- I'll get it all now".

We cautioned MORRISON against telling anything to anyone, and to look out for double crossing and traps (If he is not bumped off too soon he can do us a lot of good).

B7D

give

Drove on in to Okla. City to submit digest, as per instructions.

Drove 200 miles.

B7D ALL Deletions

August 11th, 12th, 13th and 14th Agent Weiss was at Okla. City awaiting instructions.

August 12th Agent Burger was assigned to another case and left

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3
4 T. F. Weiss.

Aug. 1 to 1st, 1924.

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7 Oklahoma City.

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9 Much of Agent's time from August 4th to 8th was occupied in pre-
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11 paring a digest on each of these four cases separately and showing,
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13 among other things, the many undeveloped leads to be followed yet,
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15 and that this investigation should by all means be carried on without
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17 interruption.

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19 August 15th, Agent Weiss received notice from Acting Director J.
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21 E. Hoover to apply for leave from Aug. 14th to 30th, inclusive, with
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23 pay, which was done by Agent Weiss.
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MAIL

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August 20, 1924

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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,
for your information, copy of a report dated August
12, 1924, copy of a report dated August 13, 1924, and copies
of two reports dated August 14, 1924, made by Agent Burger
of our Oklahoma City office.

Very truly yours,

Acting Director.

Enc. 4624

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AUG 20 1924

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