



FEDERAL BUREAU OF INVESTIGATION

OSAGE INDIAN MURDERS

PART 5 OF 19

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REPORT MADE BY:

J. R. Burger

TITLE AND CHARACTER OF CASE

W. E. SMITH, et als.

Osage County,
Okla.

: Murders of Osage Indians

FACTS DEVELOPED:

SYNOPSIS OF FACTS:

(O. C. #706.)

Digest 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. R. Burger and T. F. Weiss.

SPECIAL REPORT.

DETAILS:

~~at Ponca City, Okla.~~

MRS. ANNA KYLE 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-cowboy 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 BURKHART (wife of ERNEST BURKHART), MRS. RITA SMITH (wife of W. E. SMITH) and a half sister, MRS. GRACE BIGHEART. W. E. SMITH was a white man, and ERNEST BURKHART is also a white man, being a brother to BRYAN, DUKE and HORACE BURKHART, and the nephew of WM. K. HALE, known generally as "BILL" HALE, who is a wealthy, influential and unprincipled stockman living at Fairfax, Okla., Osage County.

APPROVED AND
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BUREAU OF INVESTIGATION

AUG 18 1924 A.M.

DEPARTMENT OF JUSTICE

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AUG 25 1924

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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 said 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 Grah 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 [REDACTED]

[REDACTED] She had her own home where she lived in Fairfax, Okla.

May 21, 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.

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

Investigation of her murder was at once started by some of her relatives, of whom her brother-in-law, W. E. SMITH, was most active. I. 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 cases 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 BURKHARTS. Apparently, however, these defectives never got very far into the facts.

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.

March 10, 1923 at 2:50 A. M. the home of said W. E. 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 BROWN murder investigation and had stated openly and often that he was convinced that BILL HALE and the BURKHARTS had murdered her for her property. SMITH'S wife, RITA, was a full sister to ANNA BROWN. 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. L. 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 Sitterly 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 Drs. J. G. Shoun and D. 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 in the back of the head slightly to the left of the middle and completely through the skull bone from the back but that no hole was found; that he, Turdin, still has this left side of the skull in

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 MRS. MOLLIE BURKHART, viewed said body and that it was the body of DR. J. G. SHOUN, and Anna Brown. (Mrs. Rita Smith has since been murdered).

DR. J. G. SHOUN 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 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

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

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

WALTER GRAY, attorney, Fairfax, can testify to BRYAN BURKHART'S testimony as stated above by H. E. WILSON and can give names of other witnesses who heard BRYAN testify.

MRS. MARTEA UPRIGHT DOTY, living five miles west of Yale, Ok., can testify that she began working for ERNEST BURKHART family about May 17, 1921; that the family then consisted of ERNEST BURKHART, his wife MOLLIE, their two children; LIZZIE Q. MOLLIE'S old mother, BRYAN BURKHART and DUKE BURKHART, brothers to ERNEST BURKHART; that on May 1921 a MRS. J. L. BRIDGES, an aunt to the BURKHARTS and the sister of BILL HALE, was visiting ERNEST; that on that day, May 21, 1921, Sunday, ANNA BROWN came from Fairfax with BOB CARTER'S jitney in the morning to visit her sick mother at ERNEST'S; that ANNA was drinking and quarreled with MOLLIE, her mother and BRYAN; that BRYAN told her MRS. DOTY, that ANNA had threatened to kill him, but he was going to beat her to it, or words to that effect; that ANNA told MRS. DOTY she, ANNA, was jealous of BRYAN and would kill any woman who flirted with him; that ANNA sulked most of the day in the summer house outside; that all the BURKHART men left with the children to go to the races at Fairfax right after dinner and none of them returned till they all returned shortly before suppertime, about 5:30 or 6 P. M.; that MRS. BRIDGES was making very uncomplimentary remarks about in law that day and left the place before the men returned and before supper; that supper was ready about six or six thirty and all the BURKHART

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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. DOTY, 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 other 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 arrived in the morning till she left with them about sundown. (MRS. DOTY stated that he left the BURKHART'S employ that same night because he was "afraid" but she evaded telling the cause of her fears.) MRS. DOTY can testify further that one MRS. NORA BENNE, who lived a few miles from Grayhorse at that time called on her in company with LUELLA HALLETT about 4 P. M. that day and that MRS. BENNE talked to ANNA BROWN in the summer house; that LUELLA HALLETT 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 HALLETT, Foraker, Okla., can testify that she knew ANNA BROWN pretty well; that on Saturday, about 4 to 5 P. M. she, LUELLA HALLETT, drove with MRS. NORA BENNE to ERNEST BURKHART'S home to see if MARTHA DOTY 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; ANNA said she would come or send a car for LUELLA the next morning and bring LUELLA from where she was staying at MRS. BENNE'S to Fairfax, which was

0 agreed to; that ANNA was drinking; that this was at least 4:30 or
1 5 P. M. when she and MRS. BENNE left ERNEST BURKHART'S home that day
2 and none of the BURKHART men were there, but ANNA was still there
3 when she and MRS. BENNE left; that the next afternoon DUKE BURKHART came
4 to see her at MRS. BENNE'S and asked her to come with him to go to work
5 for MRS. ERNEST BURKHART, as MARTHA had left; that she told DUKE about
6 her promise to go to work for ANNA BROWN and DUKE told her, "what
7 is all right, ANNA has gone away", but did not say where ANNA
8 had gone; that she, LUELLA, did then go with DUKE and work for some
9 time at ERNEST BURKHART'S.

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

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

SHORTY WHEELER, Ralston, can testify that he went to the car with Ralston and went to a whiskey joint west of Ralston with BRYAN and ANNA that night so they could get some whiskey.

GEORGE JAMES, Fairfax, can testify that he and EDITH DAVIS and J. L. BRIDGES (and probably BILL HALE) met BRYAN and ANNA at said whiskey joint west of Ralston that night, May 21, 1921; that there the party stayed till about 10 P. M. drinking at which time BRYAN and BRIDGES got into ERNEST'S Buick and drove off north while ANNA BROWN, EDITH DAVIS, GEORGE JAMES and BILL HALE drove in another direction with the agreement that the party would meet again that night at PAUL JOHN'S roadhouse, three miles northeast of Burbank; that JAMES and the two women did arrive at PAUL JOHN'S about 11 P. M. HALE leaving them somewhere in the meantime; that about 11:30 P. M. BRIDGES and BRYAN arrived at PAUL JOHN'S, where the party reunited and stayed till after midnight drinking; that about 12:30 A. M. the party left JOHN'S place, BRYAN and BRIDGES and ANNA BROWN in ERNEST'S Buick and JAMES and EDITH DAVIS in the Ford touring car; that they drove about a mile towards Fairfax, the Buick in the lead to SHORTY MORGAN'S whiskey joint, two miles east of Burbank; that here they stopped and SHORTY MORGAN sold them all some whiskey in pop bottles; that they did not get out of their cars at MORGAN'S, but drove on in the same way towards Fairfax; that about a mile northeast of Fairfax, where the road forks, JAMES turned east with EDITH DAVIS and away from Fairfax, and BRYAN and ANNA and

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BRIDGES turned west toward Fairfax; that this was just about 2 A. M. Sunday, May 22, 1921; (JAMES can tell what he and EDITH DAVIS did and where they went after this.

PAUL JOHNS, fugitive, can testify that these persons were at his place at the time shown and that they arrived and departed in the manner shown, and that his "wife" can testify to the same effect as well, and that he remarked to E. M. PIKE afterward that he, JOHNS, knew as well that BRYAN BURKEART killed ANNA BROWN but that BRYAN made one big mistake when he let several persons see him, BRYAN, with ANNA, and taking her away in his car that night.

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

E. M. PIKE, 4811 Probst, Kansas City, Mo., can testify that BRYAN and ERNEST BURKHART employed him about the last of June, 1921, as detective to cover up BRYAN'S part in the ANNA BROWN murder; that BRYAN personally took him, PIKE, to GEORGE JAMES and JAMES told him PIKE what he, JAMES knew, as shown above, but that JAMES stated he would never admit it in court as he, JAMES, has such a fine wife and grown girls, and it would disgrace them and cause a lot of trouble between JAMES and his wife if this truth were to become known. PIKE can also testify that BRYAN also took him personally to EDITH DAVIS, and she related the movements of the party that night as shown above; that he saw EDITH DAVIS at 40 N. Yorktown, Tulsa last November (1923) and at first she pretended to not know him, but soon admitted the facts but would not discuss them again; that SHORTY MORGAN and PAUL JOHNS also

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told him the fact related above, and BRYAN BURKHART told him, PIKE, that these people were all that knew it, except LEE HINKLE, who saw him BRYAN, getting in home after daylight that Sunday morning, in ERNEST'S Buick but that he, BRYAN, had HINKLE fixed; it being PIKE'S business to fix the others to not talk; that BRYAN explained to him, PIKE, 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 make up some way to get around MRS. JAMES' testimony. PIKE can also testify that he learned that BILL HALE 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 Halston that Saturday night, between HALE, 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 maudlin; 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 in her front

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 a 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 MRS. JAMES, went back into her own house and did not wait to see either 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.

LEE HINKLE, 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 has 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 HALE and his daughter enroute about 8 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. W. COMSTOCK, Pawhuska, stated that MOLLIE MERCER, Osage woman, Fairfax, told him that MARY BLACKBIRD and ANDY CLAREMORE, Osage women, were near ANNA BROWN when she was killed and heard the shots and know that BRYAN BURKHART killed ANNA. (But the Osage Indian women will not admit this. Practically every Osage Indian is

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

J. W. CARTER, employee Armour & Co., Kansas City, Kans., told MEY MORRISON (after eavesdropping on a conversation between BRYAN HART and BILL HALE in the Pawhuska jail in 1921) "Now I know who killed ANNA BROWN" but CARTER refused to admit this to Agents until we brought MORRISON or gave his name, which we could not do at that time.

The above and foregoing is not a full digest of all the evidence secured, but just mainly the high points. Connecting and corroborating evidence to an equal amount or more has been omitted for the sake of brevity.

We are convinced that it would be very detrimental to the best interests of this investigation, and the allied ones of SMITH, ROAN, et als., to even temporarily discontinue the investigations at this time and that they all should be kept going continuously until as complete as possible without a grand jury, which will almost certainly have to be called as the final step.

NOTE: We are convinced that it would be futile to start any step in the prosecution of this case, or allied ones, unless the State Attorney general first takes complete charge of the county court machinery and appoints special attorneys to handle the cases and special officers to do the Sheriff work and call a special Grand Jury under a Special Judge. The Government should also have an able and fearless U. S. Attorney to assist, and sufficient Special Agents to watch the jurors and the witnesses. No steps toward prosecution should be taken

Aug. 9, 1924.

in this case until the W. E. SMITH, et als. and the HENRY ROAN investigations are as complete as possible. The conditions that exist in this section by reason of fear, indifference, self-interest, cupidit and lack of confidence in the local authorities cannot be appreciated by a stranger to the facts.

UNDEVELOPED LEADS:

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

SHORTY WHEELER will have to be located. Ernest Burkhardt is said to have paid him to leave, and BILL HALE to have "squared" the dope charge against him at Pawhuska.

SHORTY MORGAN will have to be located and arrested. He is a fugitive under Federal liquor charge in Osage County, a felony.

W. W. CARTER will have to be located, and confronted with Harrison. Carter jumped his job within a few days after we interviewed him.

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

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

PENDING.

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August 27 1924

WFO:G

62-5033

BOILING
Federal Building
Oklahoma City Okla.

Letter received from Agent Weiss states Cragg
case not completed and interests of Government
would be seriously affected should any change be
made in assignment although he is ready to resign
Stop Wire me today your recommendation as to continuance
investigation and whether Weiss necessary to successful
prosecution Stop One

INCOVER

*Cragg
file
Aug*

RECORDED & INDEXED

62-5033-12

AUG 28 1924 P.M.

DEPARTMENT OF JUSTICE

PHONES OFFICE, FRANKLIN 7573
RESIDENCE COLUMBIA 4271

Page Indian Cases.
SAMUEL M. BROSIUS

AGENT
INDIAN RIGHTS ASSOCIATION

MCGILL BLDG.
P.C.

its representation. The case for Weiss. It is believed that Burger has enough influence to secure an indictment. He is connected with the District Attorney's office located at Kansas City, and was detailed on the case by J. G. Finley, the district attorney. It is understood that Mr. Finley was either let out or has been transferred. Is that the case?

It is reported that Tom Weiss was given a month's leave of absence and is then likely to be dropped from the Service. (Any truth in this?)

There is a strong suspicion that Bill Hale has so much influence that some of his friends will manage to so manipulate things that there will be no real investigation; hence those queries as to the transfer of Finley, the apparent withdrawal of Burger, and the leave of absence to Weiss. There is also suspicion that the U. S. Marshal's office at Oklahoma City is being used to stop any further investigation.

Is there a complete record of this case in the Attorney General's office, and is there a similar file in the State Attorney General's office?

Has the Department of Justice dropped this matter?

ANNA SAMPSON, a full-blood restricted Indian (Osage allottee #407) was married to a white man named Tom McCoy, and died on March 26, 1922 under circumstances that excited suspicion. Shortly after that, McCoy married a woman said to be a niece of Bill Hale.

CHARLES WHITMAN, full-blood restricted Osage Indian, married to a white woman named Mattie Smithman, died suddenly in May, 1921. Believed he was murdered by his wife for his property. She was arrested twice on suspicion, but was discharged both times for lack of evidence.

Meanwhile, many of the Osage Indians in and around Fairfax are in a state of terror; threats continue to be made, and few people are willing to discuss any incidents connected with the murder of Henry Roan, Anna Brown and the Smith family.

(signed) M. K. Sniffen, Secy..

Indian Rights Association,
995 Drexel Building,
Philadelphia, Pa.

December 1, 1924.

these 1 le (Bill Hale) the Burkhardt others, are still
near Fairfax.
Anna Brown was a strong drinker. It is believed she was killed
in a car or elsewhere and then taken to the place where her body
was found.
Did the D. J. men make full reports? Were they sent to
Oklahoma City?

If the Department of Justice would put a man down here (Fairfax)
and not expect him to make a report until his work was completed, I believe
he would get some results. Then his report should go direct to Washington
and be handled from there.

In connection with the blowing up of the Smith house, there was
a bear to be a double motive. It is stated that Wm. E. Smith had loaned
\$6,000. to Bill Hale; there was apparently no note, but Mrs. Smith was
witness to the transaction. When Smith tried to collect the \$6,000. He
denied the debt, and Smith brought suit to recover the amount. It was
understood that Smith had been very active in trying to ascertain who was
dered Anna Brown, and was believed to be near to its solution. Shortly
before the collection suit was to come up in the Court, the Smith home was
blown up, and all evidence as to that loan of \$6,000 was obliterated. At
the same time the wife of Burkhardt would be entitled to a share of the es-
state of Rita Smith.

My attention was called to the fact that George Bigheart was
taken to Oklahoma City by Bill Hale for a surgical operation. He did not
recover from the operation, but died. He is understood to have several
"head rights" or shares of the Osage Tribal funds, which was inherited by
Grace Bigheart (sister of Mollie Burkhardt) and her two children. In
the event of the death of Grace Bigheart, one of the heirs would be Mollie
Burkhardt. This may be only a coincidence, but it is suggestive.

W. F. Vaughan, an attorney of Pawhuska, who had been represent-
ing some of the people who were trying to solve these murders, fell off
the train coming up from Oklahoma City. This seems so unusual, for any
one to fall off of a Pullman car, that foul play is suspected. Facts may
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The first investigation into these murders was paid for by money
contributed by John L. Bird and H. H. Bremner, and Wm. H. Brickett was
on the case.

When the Department of Justice (at the request of the Indian
Bureau) was called in, it was found that the Pullman Company was
the one to be investigated.

From
OFFICE OF THE DIRECTOR, BUREAU OF INVESTIGATION
to

Official indicated below by check mark:

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the blowing up of the Smith house, but later released for lack of evidence.

People in Pawhuska who have been following this matter express the belief that the murders of Anna Brown and Rita Smith are part of a plan to get these estates into the Burkhardt family, and when that is accomplished, they expect that Mollie Burkhardt will be found dead some day, and also her half-sister, Grace Bighamart,--unless the murderers are apprehended and brought to justice.

SUMMARY OF A CONVERSATION WITH WILLIAM H. BRACKETT--permanent address: Box 1853, Tulsa, Oklahoma--who worked on these cases Gustafsen's Detective Agency.

Annie Brown was shot in May, 1921. She was found about four miles out of Fairfax, in one of those canyons, after she had been missing four or five days. Investigation showed that she went to visit her mother and sister (Mrs. Mollie Burkhardt) on the day she disappeared, and she was at their home in Gray Horse until about 7 P. M. Burkhardt's uncle, Bridge, was also visiting Burkhardt, and there were two cars, one driven by Bryan Burkhardt and the other by Ernie Burkhardt, which left the place about the same time. One was a Ford and the other a touring car. The Burkhardt family made the statement before the coroner's jury at Fairfax that Bryan Burkhardt had taken Annie home to Fairfax about 5 P. M. The facts were, no one ever saw Anna Brown at home after leaving it in the morning, nor on the way home, but instead of that they saw Bryan Burkhardt and Anna Brown--three witness did--in Halston (about eight miles south) about 7:30 P. M. They went away in opposite directions to Fairfax. The next time they were seen or heard of in Fairfax was about 3 A. M., the following morning. Mrs. James, who lived about a block away, stated she heard some man "cussing" Anna Brown, telling her to get back in the car. She looked out through the window and she was positive it was Bryan Burkhardt. They went into the house of Anna Brown, and that was the last information had of her until she was found dead. The Burkhardt family was the heir of Anna Brown.

Then, her mother, Aunt Lizzie C., died about three weeks after Anna died. Bill Smith and his wife told me they thought she was poisoned but that was never proved.

In this Anna Brown case--Bill Hale is the uncle of these Burkhardt boys. Her body was taken up and an effort made to locate the bullet. Johnson, an undertaker of Pawhuska, was to take the body up, but Matthis, the guardian, and Bill Hale got their own undertaker in Fairfax (said to be connected with the Big Bill Trading Co.) to take the body up, and so mutilated it--chopping it up in pieces--that they could not find the bullet. The doctor secured for this purpose was told they would give him \$50 if he could find the bullet, but he could not because the body had been so mutilated.

Bill Smith and his wife always felt they were going to be killed, and they told me that many times. He thought that Bill Hale and the Burkhardt family would do this because they would inherit the estate.

The Henry Roan Case. There is a man now in the penitentiary--Frank Pock. At the time Roan was killed, Pock was in this section of the country. Pock says that a fellow by the name of Ben Davis, that used to be around Bartlesville, had talked to him about this matter some time be-

HENRY ROAN was found dead in his automobile on a side road not far from Fairfax, Oklahoma, shot through the head,— apparently murdered. The body was found February 6, 1923.

A short time prior to this, a life insurance policy for \$25,000 was taken out by Henry Roan in the Capital Life Insurance Company, of Denver, Colo., and William K. Hale, of Fairfax, Okla., named as the beneficiary. It appears that the said Wm. K. Hale was present when Henry Roan was examined by a physician in Pawhuska for this policy, and claimed that he had a note from Roan for \$25,000.

Following the death of Henry Roan, the Capital Life Insurance Company, sent a representative to Pawhuska to investigate the circumstances and on the strength of his report, they refused to pay the policy, because everything pointed to foul play and a conspiracy to defraud;—Roan had been examined by a physician for another Insurance Company, and had been rejected on account of his having a venereal disease and incipient tuberculosis. Those conditions, it is believed, existed when Roan was passed by the examining physician at Pawhuska.

The local authorities failed to apprehend the murderer of Roan, although circumstantial evidence pointed to Wm. K. Hale.

It is understood that Hale has brought suit against the Capital Insurance Company to collect the amount of the policy, and that the matter is now pending in the Federal Court, District of Oklahoma City.

ANNA BROWN, a full-blood restricted Osage Indian, was found dead in a canyon off a main road, three or four miles from Fairfax, in the month of May, 1921. She apparently had been murdered—shot through the head. The local authorities were either unable or unwilling to apprehend the murderer. Her property was inherited by three sisters, Mrs. Rita Smith, Mrs. Mollie Burkhardt and Mrs. Grace Bightart.

RITA SMITH, a full-blood restricted Osage Indian (married to a white man named William E. Smith), was killed March 9, 1923—literally blown to pieces by a charge of some high explosive placed under her house, at Fairfax. Her husband and a housekeeper, in the house at the same time, were also killed as a result of the explosion. Various efforts were made to apprehend the party or parties responsible for this outrage, but without result. Judge Wilson, of Fairfax, told me that he kept his Coroner's jury together for four months, but that as so many threats had been made, people were afraid to give any evidence, although circumstances pointed to the criminals responsible for the deaths of Henry Roan and Anna Brown. Judge Wilson was not satisfied with the outcome of his efforts to solve these murders, and he expressed the hope that the Federal authorities would go to the bottom of them.

One of the heirs of Anna Brown and Rita Smith is Mollie Burkhardt, the wife of Ernest Burkhardt, said to be a nephew of Wm. K. Hale. Ernest Burkhardt and his brother, Bryan Burkhardt, were arrested on suspicion in

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MEMORANDUM CONCERNING THE DEATH OF

OSAGE INDIANS.

1. Henry Roan (full-blood), allottee #721

2. Anna Brown, do

3. Rita Smith do

4. Anna Sanford, do allottee #407

5. Charles Whitehorn do

and others.

(Information secured by E. K. Sniffen, secretary of
the Indian Rights Association, at Pawhuska and
Fairfax, Oklahoma, November 17-19, 1924)

Bureau) began an investigation, the data collected by [redacted] was given its representatives, — John R. Burger and Tom Weiss. It is believed that Burger has enough evidence to secure an indictment. He is connected with the District Attorney's office located at Kansas City, and was detailed on the case by J. G. Finley, the district attorney. It is understood that Mr. Finley was either let out or has been transferred. Is that the case?

It is reported that Tom Weiss was given a month's leave of absence and is then likely to be dropped from the Service. (Any truth in this?)

There is a strong suspicion that Bill Hale has so much influence that some of his friends will manage to so manipulate things that there will be no real investigation; hence these queries as to the transfer of Finley, the apparent withdrawal of Burger, and the leave of absence to Weiss. There is also suspicion that the U. S. Marshal's office at Oklahoma City is being used to stop any further investigation.

Is there a complete record of this case in the Attorney General's office, and is there a similar file in the State Attorney General's office?

Has the Department of Justice dropped this matter?

ANNA SANFORD, a full-blood restricted Indian (Osage allottee #407) was married to a white man named Tom McCoy, and died on March 24, 1922 under circumstances that excited suspicion. Shortly after that, McCoy married a woman said to be a niece of Bill Hale.

CHARLES WHITEHORN, full-blood restricted Osage Indian, married to a white woman named Hattie Smitherman, died suddenly in May, 1921. Believed he was murdered by his wife for his property. She was arrested twice on suspicion, but was discharged both times for lack of evidence.

Meanwhile, many of the Osage Indians in and around Fairfax are in a state of terror; threats continue to be made, and few people are willing to discuss any incidents connected with the murder of Henry Ross, Anna Brown and the Smith family.

(signed) M. K. Sniffen,

Indian Rights Association,
995 Drexel Building,
Philadelphia, Pa.

December 1, 1924.

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All these, he (Bill Hale) the Burkhardt, others) are still living at or near Fairfax.

Anna Brown was a strong drinker. It is believed she was killed in a car or elsewhere and then taken to the place where her body was found.

Did the D. J. men make full reports? Were they sent to Washington, and were copies forwarded to the Attorney General's office at Oklahoma City?

If the Department of Justice would put a man down here (Fairfax) and not expect him to make a report until his work was completed, I believe he would get some results. Then his report should go direct to Washington and be handled from there.

In connection with the blowing up of the Smith house, there would appear to be a double motive. It is stated that Wm. K. Smith had loaned \$6,000. to Bill Hale; there was apparently no note, but Mrs. Smith was a witness to the transaction. When Smith tried to collect the \$6,000. Hale denied the debt, and Smith brought suit to recover the amount. It was also understood that Smith had been very active in trying to ascertain who murdered Anna Brown, and was believed to be near to its solution. Shortly before the collection suit was to come up in the Court, the Smith home was blown up, and all evidence as to that loan of \$6,000 was obliterated. At the same time the wife of Burkhardt would be entitled to a share of the estate of Rita Smith.

My attention was called to the fact that George Bigheart was taken to Oklahoma City by Bill Hale for a surgical operation. He did not recover from the operation, but died. He is understood to have several "head rights" or shares of the Osage Tribal funds, which was inherited by Grace Bigheart (a sister of Mollie Burkhardt) and her two children. In the event of the death of Grace Bigheart, one of the heirs would be Mollie Burkhardt. This may be only a coincidence, but it is suggestive.

W. W. Vaughan, an attorney of Pawhuska, who had been representing some of the people who were trying to solve these murders, fell off the train coming up from Oklahoma City. This seems so unusual, for any one to fall off of a Pullman car, that foul play is suspected. Facts may be brought out later on, as his family has brought suit against the Pullman Company.

NOTES OF AN INTERVIEW WITH A. W. COMSTOCK, JOHN L. BIRD, et al.

The first investigation into these murders was paid for by money contributed by John L. Bird and H. H. Bremner, and Wm. H. Brickett was put on the case.

When the Department of Justice (at the request of the Indian

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON

21-18-1923.

NOV 17 1924



Mr. J. E. Hoover,
Acting Director,
Bureau of Investigation,
Department of Justice.

Dear Mr. Hoover:

The last report of record covering the investigation being conducted by your Bureau into the death of W. E. Smith, et al, murdered Osage Indians, is that of Agent Weiss dated August 16th, in which it appears that he was instructed to take leave from August 14th to 30th. The Office would appreciate information as to whether these investigations have been discontinued, and if so, whether finally or only temporarily.

It would seem unfortunate after all the time and labor expended in this investigation not to carry same to a conclusion either definitely finding that a prosecution is not warranted or that the cases should be presented to the proper official for grand jury and other proceedings.

Your courtesy in advising me of the present status of this matter will be appreciated.

Sincerely yours,

Commissioner.

62-5035-11

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Bill Smith and his wife always felt they were going to be killed, and they told me that many times. He thought that Bill Hale and the Burkhardt family would do this because they would inherit the estate.

The Henry Roan Case. There is a man now in the penitentiary--Frank Pock. At the time Roan was killed, Pock was in this section of the country. Pock says that a fellow by the name of Ben Davis, that used to be around Bartlesville, had talked to him about this murder some time before it happened, and tried to get him to go in with him to kill Roan. Pock asked how they could get any money out of it and how it would be done. The reply was, through notes and mortgages; and they would take up

HENRY ROAN was found dead in his automobile on a side road not far from Fairfax, Oklahoma, shot through the head,--apparently murdered. The body was found February 6, 1923.

A short time prior to this, a life insurance policy for \$25,000 was taken out by Henry Roan in the Capital Life Insurance Company, of Denver, Colo., and William K. Hale, of Fairfax, Okla., named as the beneficiary. It appears that the said Wm. K. Hale was present when Henry Roan was examined by a physician in Pawhuska for this policy, and claimed that he had a note from Roan for \$25,000.

Following the death of Henry Roan, the Capital Life Insurance Company, sent a representative to Pawhuska to investigate the circumstances and on the strength of his report, they refused to pay the policy, because everything pointed to foul play and a conspiracy to defraud;--Roan had been examined by a physician for another Insurance Company, and had been rejected on account of his having a venereal disease and incipient tuberculosis. Those conditions, it is believed, existed when Roan was passed by the examining physician at Pawhuska.

The local authorities failed to apprehend the murderer of Roan although circumstantial evidence pointed to Wm. K. Hale.

It is understood that Hale has brought suit against the Capital Insurance Company to collect the amount of the policy, and that the matter is now pending in the Federal Court, district of Oklahoma City.

ANNA BROWN, a full-blood restricted Osage Indian, was found dead in a canyon off a main road, three or four miles from Fairfax, in the month of May, 1921. She apparently had been murdered--shot through the head. The local authorities were either unable or unwilling to apprehend the murderer. Her property was inherited by three sisters, Mrs. Rita Smith, Mrs. Mollie Burkhart and Mrs. Grace Bigheart.

RITA SMITH, a full-blood restricted Osage Indian (married to a white man named William E. Smith), was killed March 9, 1923--literally blown to pieces by a charge of some high explosive placed under her house, at Fairfax. Her husband and a housekeeper, in the house at the same time, were also killed as a result of the explosion. Various efforts were made to apprehend the party or parties responsible for this outrage, but without result. Judge Wilson, of Fairfax, told me that he kept his Coroner's jury together for four months, but that as so many threats had been made, people were afraid to give any evidence, although circumstances pointed to the criminals responsible for the deaths of Henry Roan and Anna Brown. Judge Wilson was not satisfied with the results of his efforts to solve these murders, and he expressed the hope that the Federal authorities would go to the bottom of them.

One of the heirs of Anna Brown and Rita Smith is Mollie Burkhart, the wife of Ernest Burkhart, said to be a nephew of Wm. K. Hale. Ernest Burkhart and his brother, Bryan Burkhart, were arrested on suspicion of the blowing up of the Smith house, but later released for lack of evidence.

People in Pawhuska who have been following this matter express the belief that the murders of Anna Brown and Rita Smith are part of

MEMORANDUM CONCERNING THE DEATH OF

OSAGE INDIANS.

1. Henry Roan (full-blood), allottee #721
 2. Anna Brown, do
 3. Rita Smith do
 4. Anna Sanford, do allottee #407
 5. Charles Whitehorn do
- and others.

(Information secured by M. K. Sniffen, secretary of
the Indian Rights Association, at Pawhuska and
Fairfax, Oklahoma, November 17-19, 1924)

62-5033

20
Chas. E.
12/13/24

file
MK



WMS:SA

November 12, 1934.

MEMORANDUM FOR MR. HOOVER

On the 8th instant you referred to me Mr. Samuel M. Brosius, an agent of the Indian Rights Association. He wanted to know whether the Department could issue a statement to his association on the murders among the Osage Indians, he having been advised that we are interested in the matter by the Indian Office.

I explained to Mr. Brosius that we are interested in all Indian criminal matters generally, but that it was contrary to our policy to divulge any information on our activities. He appeared to be satisfied and has offered us the assistance of his association in the event that we ever need it.

Respectfully,

62-5033-113

RECORDED
INDEXED
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U.S. DEPT. OF JUSTICE
P.M.

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62-5033-114

DEC 20 1924

December 18, 1924.

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

Dear Sir:

Reference is made to your letter of the 17th ultimo,
File 21718-1923, which I have read with considerable interest.

I have had an examination made of the case of investigation of the murder of W. E. Smith and other Osage Indians, and have taken up the matter specially with our Oklahoma City office. The case has been discontinued as we have been on work in connection with the recapture of one individual who has material information on these murders, but who disappeared some time ago.

I want to assure you that the Bureau is ready and willing to exert every possible effort consistent with the law, to close this case to the satisfaction of both yourself and the State authorities, and I have issued special instructions today to our Oklahoma City office to take up the matter *de novo*, and advise me as to the particular men to be assigned in addition to those already at work on same.

I will see to it that you receive copies of all reports received.

Very truly yours,

Acting Director.

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December 13, 1924.

62-5033-5

BUREAU OF INVESTIGATION

DEC 14 1924

DEPARTMENT OF JUSTICE

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

Dear Sir:

Reference is made to the reports submitted from your office in the case of the murder of W. E. Smith, et al, and the investigation of the Cange Indians situation generally, so far as crime is concerned.

I am enclosing herewith a copy of a very interesting and serious memorandum left at the Department, which you will see demands immediate and very careful attention. I have my own idea as to the original source of inspiration of this memorandum. However, I want you to take it up and let me have the benefit of any information in your possession.

I also am forwarding herewith copy of a letter from the Commissioner of Indian Affairs on the same case, and I want you to take the file in your office, which contains practically everything which has been submitted, today, and satisfy yourself as to any leads which have not been run out, as it is my intention to see that the investigation proceeds and that nothing is left undone until everyone is perfectly satisfied that we have done all that reasonably could be expected.

I am particularly anxious that the Commissioner of Indian Affairs has the benefit of every effort which can be exerted and it was my impression that we had gone as far as in your opinion the promises of solution would justify. However, I want you to let me know immediately whether you need the services of Agent Burger, or any other Agent, or any reasonable number of Agents, and if you care to specify the individual men, I prefer that you do it, and I will order them at once to report to you for assignment, until the case is closed to the satisfaction of all.

This includes, of course, the recapture of Blackie Thompson, which may demand the assignment of a specially picked man, and in connection with the Blackie Thompson angle. I am also forwarding to you herewith carbon copies of letters received from former Agent in Charge Findlay and Special Agent Burger, Kansas City, which very evidently contain mis-statements on the subject of reports having been made to the Department at the time Blackie Thompson was paroled to them.

Please let me have an expression of your opinion at the earliest practicable date, and if you desire Mr. Burger or any other Agents, wire me, so that they can be assigned at once.

Very truly yours,

Acting Director.

Enc. 33912.

Department of Justice,

Bureau of Investigation.

P. O. Box 125,
Oklahoma City, Oklahoma.

December 19, 1924.

62-5033-116

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

Dear Sir:

Reference is made to your letter of December 13th, 1924, Initials WAG-MFA, enclosing copy of reports submitted by Special Agents Lindley and Burger, [REDACTED] also memorandum from reports submitted on investigations of the Osage Indian Murders.

The reports submitted on this investigation by former Agent Weiss, and Agent Burger, total many hundreds of pages, which I have not had the time to go over fully, however, have had this Indian murder case under consideration since my arrival in this District on July 1st, 1924. Have conferred with the state officials, as well as many people living in the Osage territory.

Have never been convinced that this case could not be successfully handled, however, I do not believe that Agent Burger can do more than he has done heretofore. It is my opinion that two or three competent agents can at least secure enough evidence to warrant court action against some one for the murder of some of these Osage Indians. I have not found any evidence against any person or persons in reports of Agents Weiss or Burger, that would be admissible as evidence.

I hesitate to suggest any particular men to be assigned to this case, but I agree with you that the case should be investigated to warrant court procedure.

This investigation, I believe, will demand men who are well versed in police methods in a wild country, where practically all of their dealings will be with outlaws, as Osage County is the base of most of the bank robbers operating in this and adjoining states. The only agents in the Bureau, to my knowledge, that have apparently had any experience of the kind, which I believe

would be required in the Osage Country, are Agents Frank S. Smith of the Dallas Office, and J. A. Street of the El Paso Office, however, I feel that neither one of them would take kindly to this assignment, as they probably know better than others, the hardships which they would have to go up against.

As for the apprehension of [REDACTED] I have been working with United States Marshal, Alva McDonald and through [REDACTED] who are [REDACTED] in the Osage Country, and believe that we will eventually be able to apprehend him. We have, we believe, reliable information that [REDACTED] another outlaw, have established a base of operation about fifteen miles from Stroud, Oklahoma, the exact location at this time unknown. It is believed that shortly he will be definitely located, when a posse can be organized to capture him.

ALL Deletions 870

Special Agent Murphy has been assigned to this case to get [REDACTED] definitely located, however, his being called to Washington on special assignment leaves no one here who can take up the task of locating this fugitive.

All of the agents, which this office now has, with the exception of me, are new men in the service. This requires constant supervision of their investigations and I have very little time left to take up this case.

I would suggest that at least two competent agents be assigned to this case immediately, and as they go over the ground, they can decide whether or not additional men will be need. In handling this investigation, I believe the agents will uncover a great number of cases of frauds against Indians, these frauds being perpetrated by the persons responsible for the murder of Indians, and involving other people who have been instrumental in covering up the evidence in these murder cases.

Respectfully,

W. D. Bolling
W. D. Bolling,
Special Agent in Charge.

WDB/H

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Department of Justice,

Bureau of Investigation.

P. O. Box 125,
Oklahoma City, Oklahoma.

January 28, 1925.

62-5033-117 MAR 5 - 1925

Hon. J. E. Hoover, Director
Bureau of Investigation,
Department of Justice,
Washington, D. C.

ATTENTION - #2.

RECORDED & INDEXED
Re: Osage Indian Murder Cases.

Dear Sir:

Special Agents Smith and Street are submitting a report which shows conferences with the Attorney General, Short.

Attorney General Short intends to call a Grand Jury in Osage County on February 16th, and suggests that no further investigation be made until that time, when he intends to have the witnesses which Agents Smith and Street have set out to appear before the Grand Jury, for returning indictment on at least one of these cases, and at the same time have other witnesses called in an effort to dispose of all seven of the murder cases.

As per my night letter of January 26th, Special Agent Street is returning to El Paso, Texas in accordance with your instructions, for attendance at the United States District Court, and pending advice from you, Special Agent Smith has returned to Ft. Worth to complete an important investigation which he was handling in that District.

Attorney General Short appears well satisfied with the progress made by Special Agents Smith and Street, and believes they have this case in such shape as to warrant the calling of a special Grand Jury, however, he intends calling a Grand Jury on other matters in the Osage County for February 16th, and desires to take up this case at that time. It will,

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5 therefore, be necessary for Agents Smith and Street
6 to be here on that date.
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8 In this connection, wish to state that
9 as there has been so many rumors as to the reason of
0 [REDACTED] I would suggest that
1 these Agents be authorized to take up this feature
2 of the investigation in connection with the murder
3 cases. B7D
ALL

4 While there is nothing to indicate that
5 any undue influence was used, [REDACTED]
6 [REDACTED] the general opinion among the
7 local officers throughout the state is that such is
8 the case, and I believe it would be to the interest of
9 the Department to ascertain if this is a fact, so that
0 proper steps may be taken, or the rumors repudiated.
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5 Respectfully,
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7 *W. D. Bolling*
8 W. D. Bolling,
9 Special Agent in Charge.
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THIS CASE ORIGINATED AT

REPORT MADE AT: Oklahoma City	DATE WHEN MADE: 1-26-25	PERIOD FOR WHICH MADE: 1-10 and 26 Inclusive	REPORT MADE BY: F. S. Smith J. A. Street
TITLE: BRYAN BURKHART et al X			CHARACTER OF CASE: Murder of Anna Brown, Osage Indian, woman

SYNOPSIS OF FACTS:

O.C. 70/1/2

SYNOPSIS:

Digest of evidence and names of witnesses in the ANNA BROWN murder case. Activities of Attorney General of Oklahoma in bringing about criminal prosecution in this and numerous other Indian murder cases.

REFERENCE:

The following is a brief digest of evidence with reference to the murder of ANNA BROWN assembled from a series of reports captioned Bill Smith, et al. W. L. Smith, et al. Conspiracy to murder Osage Indians in the Indian Osage Reservation. Setting out names of witnesses whom it is alleged in former reports who can give evidence with reference to the murder of ANNA BROWN, the finding and the identifications of her remains. It is the expressed belief of those investigators that these witnesses are in possession of material information.

DETAILS:

EVIDENCE WITH REFERENCE TO FINDING OF THE BODY.

DETAILS:

WITNESSES TO PROVE.

<u>Andy Smith</u> <u>Ona Smith</u> <u>I. L. Ellsworth</u>	}	Fairfax, Oklahoma.
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These witnesses are alleged to have found murdered body of ANNA

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>W. D. Ballou</i>	SPECIAL AGENT IN CHARGE	62-5033-118	RECORDED AND INDEXED: FEB - 2 1925
WASHINGTON REFERENCE: #2	COPIES OF THIS REPORT FURNISHED TO: Washington 2; Atty General 2; File 2;	BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE	CHECKED OFF: FEB 2 1 1925
	<i>In Indian office</i> 2-12-25	ROUTED TO: FILE	JACKETED:

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BROWN on May 27, 1921.

(For details, see report of Former Agent)
(Weiss, dated Jan. 10, 1924, page 15.)

EVIDENCE OF CAUSE OF DEATH

WITNESSES TO PROVE.

Mr. Turnden: Undertaker, Fairfax, Okla.

This witness examined wounds, and prepared remains for burrial, and is alleged to now have in his possession part of skull bearing bullet wound. (See details in report of Former Agent)
(Weiss, dated Jan. 10, 1924, page 15.)

Dr. D. A. Shoun) Fairfax, Oklahoma.
Dr. J. G. Shoun)

These physicians are alleged to have performed an autopsy on remains of ANNA BROWN. (For details, see report of Former Agent)
(Agent Weiss, dated Jan. 19, 1924)

The Coroner: Fairfax, Oklahoma.

Who conducted inquest. (For details, see report of Former Agent)
(Agent Weiss, dated Jan. 10, 1924)

IDENTIFICATIONS OF BODY.

WITNESSES TO PROVE.

Mrs. Anna Sitterly)
Mrs. Molly Burkhardt)
Mr. Scott Matthers } Fairfax, Okla.
Dr. J. G. Shoun)

These witnesses are alleged to have made positive identifications of the dead body found as that of ANNA BROWN.

(For details see report of Former Agent)
(Weiss dated Jan. 10, 1924)

EVIDENCE OF THE MOMENTS OF THE VICTIM, ANNA BROWN, ON MAY 21, 1921. .
AND THE MORNING OF MAY 22d, 1921 THE LAST TIME SEEN ALIVE.

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WITNESSES TO PROVE.

Mrs. Anna Sitterly: Residence Fairfax, Okla.

Who it is alleged will testify as follows: That she was called to the home of ANNA BROWN in the early morning of May, 1921, and assisted ANNA BROWN in house work, that about 7:30 A.M. ANNA BROWN received a telephone call to come to Greyhorse. That ANNA BROWN after receiving this call stated to Mrs. Sitterly that she had just received this telephone call from Earnest Burkhardt to come to Greyhorse on account of the sickness of her mother; that she, Mrs. Sitterly assisted ANNA BROWN in packing a handbag; that in this handbag ANNA BROWN had a quart of corn-whiskey. That ANNA BROWN left this premises about 8 A. M. carrying on her arm two quilts and wearing an Indian apron, and left in a cab with Bob Carter for Greyhorse.

It is further alleged that Mrs. Sitterly will testify that when ANNA BROWN left her home for Greyhorse, she had in her handbag a 32 Caliber Revolver, which she usually carried, that she, Mrs. Sitterly did not again see ANNA BROWN alive, but the next time she saw ANNA BROWN she was dead, on May 27, 1921. That she, Mrs. Sitterly after viewing the dead remains of ANNA BROWN on May 27, in company with officers went to the home of ANNA BROWN and there found the handbag which she, Mrs. Sitterly had assisted ANNA BROWN in packing on May 21st, laying in a chair, that the 32 revolver was missing from this bag, that the premises of ANNA BROWN at this time did not indicate that it had been disturbed, or that anyone had remained at the house any period of time, but just simply entered and placed the bag on the chair and left.

(For details see report of Agent Weekley,
(dated August 22, 1923.)

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Bob Carter: Taxi Driver, Fairfun, Okla.

Who will testify that he was called to the house of ANNA BROWN on the morning of May 21st, 1921, arriving there about 8 A.M. and drove ANNA BROWN from her home to the residence of Earnest Burkhart, leaving her there between 8:30 and 9 A.M. This being the last time he saw her alive.

(For details, see report of Agent)
(Weakley, August 22, 1923.)

Mrs. Martha Wright Doty, (Nee Brookshire) Norfolk, Okla.

It is alleged that Mrs. Doty will testify that she was doing domestic work at the home of Earnest Burkhart, Greyhorse, Okla. in May, 1921, that those living at the Burkhart home at that time consisted of Earnest Burkhart, and family. BRYAN BURKHART, Duke Burkhart, and mother of ANNA BROWN. That sometime in the morning of May 1921, ANNA BROWN came to the home of Earnest Burkhart. That ANNA BROWN was drinking, and had a bottle of whiskey; that ANNA BROWN remained at Earnest Burkhart's all day. That J. L. Bridges, and wife, (relatives of the Burkharts) were visiting Earnest Burkhart at that time. That ANNA BROWN seemed despondent, and mad, and spent a greater portion of the day in a summer house, drinking whiskey. That ANNA BROWN told her, Mrs. Doty that she was jealous of BRYAN BURKHART and stated she would kill any woman she caught flirting with him. That BRYAN BURKHART told Mrs. Doty on this day, that ANNA BROWN had threatened to kill him unless he married her, and that he was going to beat her to it. That sometime about 7 or 7:30 P. M., the evening of May 21, BRYAN BURKHART, Earnest Burkhart, and ANNA BROWN left the home of Earnest Burkhart, in two cars, a ford and a buick, the latter Earnest Burkhart's car. This witness is unable to state in which car ANNA BROWN left the premises, or which car either

of the Burkharths were driving. That she, Mrs. Doty left the premises later with a Mrs. Benne. (For details see report of Agent Weiss) (dated Jan. 13, 1924, page 4 and 5.) (also see statement given by Mrs. Doty) (dated September 16, 1921)

Mrs. Ella (Luella) Hallett: Residence, Poncha, Okla.

It is alleged this witness will testify that she met ANNA BROWN at the residence of Earnest Burkhardt, at Greystone on May 21, 1921, that ANNA BROWN told this witness that she was pregnant by BRYAN BURKHART and that BRYAN BURKHART had to do something about it. Then ANNA BROWN asked her if she would work for her, and that she entered into an agreement to start to work for ANNA BROWN the following day as a domestic. ANNA BROWN stating that she would send after her the next morning. That ANNA BROWN did not send for her the next morning as agreed, but in the afternoon of the following day, May 22d, Duke Burkhardt came to her house and asked her to work for Mrs. Earnest Burkhardt. That she stated to Duke Burkhardt that she had promised to work for Mrs. ANNA BROWN. That Duke Burkhardt stated that ANNA BROWN had gone, and that she supposed ANNA BROWN had gone away on a spree, that she accompanied Duke Burkhardt to the house of Earnest Burkhardt, where she worked for the next four weeks. That she was at the home of Earnest Burkhardt when the remains of ANNA BROWN was found, and that Mrs. Earnest Burkhardt stated to her that Earnest Burkhardt and herself had taken ANNA BROWN home on Saturday evening, May 21st, about 4.P.M.

(For details, see report of Former Agent)
(Weiss, dated Jan. 22, 1924, page 4-5-6-)

Mrs. Nora Benne: Residence, Bartlesville, Okla.

It is alleged that this witness will co-öperate statements of

of Lantna Upright Doty, and Mrs. Ella (Luella) Hallett, concerning ANNA BROWN'S movements at Earnest Burkhardt's residence on May 21st, 1921.

(For details, see report of Former Agent)
(Weiss, dated Jan. 10, 1924, page 5-6-7)

TESTIMONY OF BRYAN BURKHART: Residence Greyhorse, Okla. Taken at inquest of ANNA BROWN. This testimony discloses that Burkhardt testified that he carried ANNA BROWN home from Greyhorse to Fairfax, about 4 P.M. on the evening of May 21, 1921, and left her at her home, and has not seen her since.

(See testimony given by BRYAN BURKHART at)
(Inquest of ANNA BROWN at Fairfax, Okla)
(May 21, 1921.

Testimony of Earnest Burkhardt: Taken at inquest of ANNA BROWN. No material information developed from this witness.

See Oto: Residence, Fairfax, Okla.

It is alleged that this witness will testify that he visited the home of ANNA BROWN sometime about 8 P.M. and also 11 P.M. the evening of May 21st, and found no one at home.

(For details see report of Agent Neahly,)
(dated August 22, 1923.

J. L. Bridges.)
Mrs. J. L. Bridges) Residence, Campbell, Texas.

These witnesses are alleged to have stated that they were at the home of Earnest Burkhardt in May 1921. That ANNA BROWN was there on that date, and that BRYAN BURKHART in Bridges ford touring car left Earnest Burkhardt's home with ANNA BROWN presumably to take her home to Fairfax, leaving the premises after supper, and just before dark that BRYAN BURKHART later joined them at a show, after which he returned with them to Earnest Burkhardt's home, and slept in the same room with Mr. and Mrs. Bridges the night of May 21, 1921, remaining in this room.

all night, and was there the morning of the 22d.

(For details, see report of Former Agent)
(Weiss, dated Feb. 21, 1924.)

Fred Wheeler }
I. R. Hedges }
E. D. Rainy }
J. McGuire }

Ralston, Oklahoma.

It is alleged that these witnesses will testify to seeing BRYAN BURKHART and ANNA BROWN in a Buick Car, at Ralston, Okla. on the night of May 21, 1921, about 8. P.M.

(See sworn statement of Fred Wheeler)
(dated Sep. 16, 1921. See report of)
(Agent Weiss, dated Jan. 10, 1924.)
(page 7 and 8.)

GEORGE JAMES: Residence, Fairfax, Okla.

The following is a statement of facts it is alleged that this witness can testify to:

George James, Fairfax, can testify that he and Edith Davis, and

J. L. Bridges (and probably Bill Hale) met Bryan and Anna at said whiskey joint west of Ralston, that night, May 21st, 1921; that there they made a party, stayed until about 10 P.M. drinking, at which time Bryan and Bridges got into Earnest's Buick, and drove off north while Anna Brown, Edith Davis, George James and Bill Hale drove in another direction, with the agreement that the party would meet again that night at Paul John's Road house, three miles N.E. of Burbank; that James and the two women did arrive at Paul Johns about 11 P.M. Hale leaving them somewhere in the meantime; that about 11:30 P.M. Bridges and Bryan arrived at Paul Johns, where the party reunited and stayed until after midnight; drinking; that about 12:30 A.M. the party left John's Place and Edith Davis in the Ford touring car, that they drove about a mile toward Fairfax, the Buick in the lead, to Shorty Morgan's whiskey joint, 2 miles east of Burbank, that here they stopped and Shorty Morgan sold them all some whiskey in pop bottles; that they did not get out of their cars at Morgans, but drove on in the same way towards Fairfax; that about a mile N.E. of Fairfax, where the road forks, James turned east with Edith Davis, and away from Fairfax, and Bryan and Anna and Bridges turned west toward Fairfax; that this was just about 2 A.M. Sunday, May 22d, 1921; (James can tell what he and Edith Davis did, and where they went after this.)

LEE L. LEBLANC: Residence unknown at present, did live near Fairfax, Okla.

It is alleged that this witness can testify that he positively saw Earnest Burkhart and ANNA BROWN near Fairfax, at 1:30 A.M. May 22.

(For details, see report of Former Agent Weiss)
(dated Nov. 30, 1923, page 2; Paragraph 3.)

Paul Johns: Residence unknown.

It is alleged that this witness can testify that he saw BRYAN BURKHART and ANNA BROWN together at his Road House, near Halston on the morning of May 22, about 1:30 A.M.

(For details, see report of Agent Weiss,)
(dated Nov. 30, 1923, page 11.)

Mrs. Geo. James: Residence, Fairfax, Okla.

It is alleged that this witness can testify that on Sunday morning, May 22, 1921, about 3 A.M. she was waiting for her husband, and that she heard voices talking on the road South of her house, and saw a car, and that she heard a man's voice remark "For 'God Sake Anna' stop your foolishness, and come get in this car." That this car then drove to the residence of ANNA BROWN stopping in front of the house. That she saw the porch light turned on at ANNA BROWN'S house, and saw a man and woman walk up on ANNA BROWN'S porch. That when they came up under the porch light, she could plainly see that the man was BRYAN BURKHART and the woman ANNA BROWN. that she paid no further attention, and last saw them on the porch.

(For details see report of Agent Weiss,)
(dated August 1924.)

Lee Hinkle: Resident Greyhorse, Okla.

It is alleged that this witness can testify that just after daylight Sunday morning, May 22, 1921, he saw BRYAN BURKHART drive in to

Greyhound in Earnest Burkhardt's Buick car, and he stopped and spoke to BRYAN BURKHART. That BRYAN BURKHART has since asked him to not tell anyone of this occurrence.

(For details, see Agent Weiss's report, dated)
(August 9, 1924.)

B. M. Pike: Last address 4811 Troost St. 910 East 13th St.,
Kansas City, Mo.

It is alleged that this witness can testify that he was employed by Bryan Burkhardt and Earnest Burkhardt as a detective after the arrest of BRYAN BURKHART on a charge of murder of ANNA BROWN, to obtain evidence to cover up the guilt of BRYAN BURKHART. That he Pike accompanied BURKHART and was introduced to numerous state witnesses in the interest of blocking the state prosecution of BURKHART.

(For details, see report of Agent Weiss, dated)
(Jan. 10, 1924, Page 9-10-11-12-13. Also April)
(19th and 20th. 1924.)

Having reviewed the files containing the pre-ported testimony of this witness, B. M. Pike, it is the opinion of these Agents that the presence of this witness is very important, and that every effort should be made to have him present before the Grand Jury.

Attention is respectfully called to the fact, that the Bureau files covering investigations of the several murders of Osage Indians, contain voluminous reports from several Government agents, and in which is imbedded the preported investigation of several Detective Agencies, and private investigators, covering a period of more than three years. In these various records will be found reference to numerous persons, whom are alleged to have made statements, and others whom are alleged to be in possession of material information, relative

to some of the murders of the Osage Indians.

It is further disclosed that there is other witnesses mentioned in the numerous files that are fugitives from Justice. This report only attempts to set out material matter, relative to the murder of ALMA BROWN and this evidence having been reviewed by the State Attorney, General, of Oklahoma, Mr. Short, and his assistant Mr. King, it is their expressed opinion that this evidence is sufficient to warrant the filing of criminal complaints, the placing in custody all the principals and the presenting of this evidence and other evidence in the files concerning Indian murder to the Grand Jury. Attorney General Short advises that he is laying plans for his relentless prosecutions in these matters, that he will proceed to ascertain if he can get the co-operation from the local county officers in the district in which these crimes were committed, and if he can, he will convene a Grand Jury in that district sometime around February 16, 1925, and will proceed with the prosecution of these cases, and should he fail to get such co-operations, as he deems necessary, that he will then formulate plans by which these cases will be relentlessly prosecuted somewhere in the State of Oklahoma, and will so advise this Bureau.

Attorney General Short expresses the inadvisability of the Government agents now assigned on the investigations of this case, attempting to pursue further investigation on these cases in the Osage sections prior to his effective arrangements to present those cases to a Grand Jury due to the danger of the principals becoming active and causing witnesses to be molested.

No further action on the part of these agents will be attempted pending the consummation of Attorney General's plans for prosecution.

CONTINUED.

WGL:LL

12-5033 - 118

FEB 2 1925

RECORDED & INDEXED

February 12, 1925.

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

Dear Sir:

I am transmitting herewith, for your
information, a copy of a report dated the
26th ult. made by Agents F. S. Smith and
J. A. Street of our Oklahoma City office,
with reference to the case of BRYAN BURK-
HART, et al, Murder of Anna Brown, Osage
Indian Woman.

Very truly yours,

Director.

Enc. 33015

MAILED

FEB 12 1925

805

Department of Justice.

Bureau of Investigation.

P. O. Box 125
Oklahoma City, Okla.



February 2, 1935

RECORDED

Mr. J. E. Hoover, Director
Bureau of Investigation,
Department of Justice,
Washington, D. C.

Attention #2

62-5033
FEB 5
DEPARTMENT

Dear Sir:

In reply to your night letter of January 29th, regarding the Osage Indian Murder cases, will advise that I have taken this case up with States Attorney General, George F. Short.

Attorney General Short states that he has made all arrangements for calling State Grand Jury in Osage County on February 18th, and intends to have witnesses present in an effort to secure an indictment for the murder of at least one of the Indians, and believes that with the assistance of Special Agents, Street and Smith, that he will either be able to get indictment in all these cases, or definitely established that prosecution will be unsuccessful.

Both Attorney General Short, and Assistant U. S. Attorney St. Lewis have looked up the authorities, and failed to find where the Government would have jurisdiction in these cases. However, Attorney General Short is desirous of inviting the Department of Justice to be represented in the trial of these in the event an indictment is secured, and suggested that the Assistant U. S. Attorney, Roy St. Lewis, of Oklahoma City be designated to represent the Government.

For information, Special Agent in Charge, Blake, and DeNette of El Paso, February 16th has been definitely set as date convening Grand Jury in Osage County, so that Agent Smith and Street may be there at that time.

Respectfully,

W. D. Bolling

Special Agent in Charge, El Paso

868

February 3, 1935.

Mr. Marshall Elstein,
Lathrop Building,
Kansas City, Mo.

Dear Sir:

I wish that you would immediately direct Special Agent Burger of your office to proceed to Oklahoma City to confer with Special Agent in Charge Bolling relative to the Indian murder cases. Agent Burger should proceed to Oklahoma City prepared for a temporary assignment at that office if necessary in connection with this work.

This matter is of considerable importance and is quite urgent and I wish that Agent Burger would leave immediately for Oklahoma City.

Very truly yours,

Director.

62-5033-120

RECORDED & INDEXED

FILE

2/13 - 1925



Hon J. E. Hoover,
J. I. just left J. George Miska
Supt, Osage Agency,

He appreciates very much
your sending John R. Burger back
to finish investigation.

We will help him under his
direction in every possible way
and work with anyone he recommends.

There is evidence to convict
the murders of Osage Indians
but the parties being investigated
are able and making a strong
fight to protect themselves.

I will help keep up this
work until the guilty parties are
convicted

MAR 2 1925

62-5033-12
RECORD OF INVESTIGATION
FEB 6 1925
U.S. DEPT. OF JUSTICE
PAWBUKA OKLA.

Respectfully,

A. W. Comstock

RECORDED & INDEXED

Pawhuska Okla.

Mr. Barnes

February 5, 1925.

62-5033-121

MAR 2 1925

62-5033

Mr. A. W. Constock,
Pawhuska, Okla.

My dear Mr. Constock:

I received your letter of the 3rd instant which you left at my office and appreciate your offer of co-operation in endeavoring to bring to justice the parties responsible for the murders of Osage Indians in Oklahoma.

As I suggested to you when in conference with you, I think it would be desirable for you to personally call upon Mr. W. D. Bolling, the Special Agent in Charge of our office at Oklahoma City, who has been charged by me with the responsibility of bringing about a satisfactory termination of the investigation that has been in progress.

Very truly yours,

Director.

RECORDED & INDEXED

February 5, 1925.

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

Dear Sir:

I am enclosing herewith for your information
a copy of a letter which I have received from Mr. Com-
stock, together with a copy of my reply to the same.

Very truly yours,

Director.

Encl. 29632.

RECORDED & INDEXED

62-5033-122

FEB 11 1925

JOHN L. BIRD

VICE PRESIDENT
CITIZENS NATIONAL BANK
PAWUSKA, OKLA.

January 28, 1925.

Hon. Chas. Curtis, Senator,
Washington, D. C.

My dear Senator:-

Our mutual friend, A. W. Comstock, of this city, will call on you in regard to several murders that have been committed against the full-blood Osage Indians in the past few years.

Our state courts seem helpless, or disinterested, in these matters and the best friends of the Indians in this community think it all important that the Government investigate these cases thoroughly in order that the guilty may be punished and as a protection to the Indian in the future.

Any assistance in this matter will be greatly appreciated.

Very truly yours,

JLB-gea

John L. Bird

PAWHUSKA, OKLA.

January 28, 1925.

Sen. Chas. F. Curtis,
U. S. Senator,
Washington D. C.

Dear Sir:

The Osage Tribe of Indians are vitally interested in the investigation of the Fairfax murders being continued.

A. V. Constock has worked with the officers investigating and can tell you the situation. He should be able to explain the situation to the Attorney General.

Responsibility:

J. M. Renshaw

Pawhuska, Oklahoma.

January 28th, 1925.

Senator Chas. M. Curtis,
Washington, D. C.

Dear Sir:-

A most unusual condition exists here. A reign of crime which has resulted in the death of many members of the Osage Tribe of Indians covering a period of several years, has not been checked nor have the offenders been brought to justice.

It is believed locally that the murders referred to have been committed by organized thugs for the purpose of securing vast estates of the Osages who have been murdered, and that further murders will follow.

With those of my associates who have given much study to the situation, I join in the general belief that the murderers have been shrewd enough and politically and financially able enough to have honest and capable officers removed or sent to other parts, and also to quiet dishonest officials whose duty it was and is to hunt the perpetrators of these awful crimes.

The situation, Senator, is much worse than you can possibly imagine it to be. Unless you with other men of influence can urge the Department of Justice to activity some of the greatest criminals in history will go unpunished.

The above statements are not based on hysterical fantasy, nor are they prompted by special or personal interests in the murdered Osages mentioned, but by a desire to have the Osages protected at the hands of the general Government because we who live here feel it impossible to safe-guard our own people by reliance upon the good people who live here and upon the laws of the state.

I feel sure that if you knew one tenth part of what comes to me as reliable information, you would do all in your power to bring these Demons to justice.

In connection with the above, I have to suggest that Mr. John R. Burger, An Agent of the Department of Justice and who is now working as such agent out of Kansas City, Missouri should be placed back on the job of ferreting out these crimes at once. From the information that has come to me, it is evident that he is more efficient than any other officer who has been actively engaged on the scene in bringing these offenders to justice.

Different men, officers as before stated, have been dismissed or sent to other parts of the country to work on other matters and these men had they been allowed to continue their efforts might have fully ferreted out the crimes above mentioned.

814

I am sending this letter to you by a person who knows more about the situation, much more than I do and who would gladly tell you all he knows about the same.

Trusting that the great interest that you have for the Csages will prompt you to add to the already great burden of your official duties to the extent of urging the Department of Justice to such activities as will result in the punishment of the perpetrators of the most foul series of crimes ever committed in this country, or so far as I know in the United States.

With sincere personal regards I remain as ever,

John Palmer



RECEIVED & INDEXED

February 3, 1915.

62-5033-123
2

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

Dear Sir:

PERSONAL & CONFIDENTIAL

Mr. A. W. Comstock of Pawhuska, Oklahoma, called at the Department yesterday and had a conference with Assistant Attorney General Donovan and me relative to the Indian murder cases in Oklahoma. He had previously conferred with Senator Curtis and it was Mr. Comstock's apparent opinion that these cases had not been properly handled. However, he could not specifically name the parties responsible for the failure to handle these cases in proper form. He expressed himself as feeling that Agents Burger and Weiss had done very effective work but that they were not allowed sufficient time to carry out their work so as to get the proper results. He did not seem to know that we had recently had two other Agents working upon this matter from Texas. I asked him whether he had ever met you and he said that he had not and I told him I wished immediately upon his return to Oklahoma City that he would confer with you and give to you the benefit of his observations and information.

There have been a number of parties present to the Department criticism of the way these Indian murder cases have been handled and the fact that results had not been obtained. I am today directing Special Agent Burger of Kansas City to proceed to Oklahoma City for conference with you and I wish that you would go over this matter with him and if, after conferring with him, you are of the opinion that these cases may be expedited by his working upon the same, I will be very glad to detail him temporarily upon this work upon the receipt of a telegram from you.

I cannot too strongly emphasize my desire that this situation be cleared up at the earliest possible moment. I understand that the presentation of the evidence in these cases will be in the state courts by state prosecuting officers. I, of course, understand that much of the evidence in the cases has been gathered by Agents of this Bureau. I want the situation to be such that insofar as the evidence is concerned, there can be no excuse offered for the failure of the cases to be brought to a satisfactory conclusion. I also would like to be advised as to whether or not there are any of the prosecuting officers of the state who are obstructing the handling of this work. I wish that you would give this matter your personal attention and go over the same very thoroughly with Agent Burger and then with Mr. Comstock so that there may be no grounds for criticism or complaint to be filed against Agents of this Bureau.

814

I would like to have an early reply from you with regard to this matter, to which I am giving my personal attention.

I am enclosing herewith for your confidential information copies of letters left at the Department by Mr. Comstock which were addressed to Senator Curtis from Mr. John H. Palmer, Mr. John L. Bird and Mr. F. E. Revard.

Very truly yours,

Director.

Encl. 29617.

THE RALEIGH
PENNSYLVANIA AVE & 11TH ST.
WASHINGTON, D.C. U.S.A.

2/6 - 1925.

Hon J. E. Hoover
Department of Justice
Washington D.C.
Dear Sir:

I am leaving for
home at 4 P.M. today.
A few people in Adams
County have tried to
secure evidence in the
Indian Murder cases
and one of the main
reasons for wanting
Mr. Burger back was to
keep from losing the
evidence of witnesses who

FEB 10 1925

62-5033

RECORDED & INDEXED

62-5033-124

BUREAU

FEB

10



who may not take a
new agent in the field.

The great difficulty will
be to hold witnesses
until their evidence is
used at the trial.

Informants will be
slow to trust new men.

A few of us have
taken a position that
makes it necessary to
keep up this fight in
order to live in Osage
County.

I am returning
home hoping to be

of some help under
Mr. Burgers direction;

But in any event
will help in the
prosecution of these cases
in every possible way

Respectfully

A. W. Coon



Hon. J. E. Hoover
Department of Justice
Washington
D. C.

Vermont Ave
N. H. W.

CLASS OF SERVICE	SYMBOL
TELEGRAM	
DAY LETTER	BLUE
NIGHT MESSAGE	NITE
NIGHT LETTER	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
TELEGRAM	
DAY LETTER	BLUE
NIGHT MESSAGE	NITE
NIGHT LETTER	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

The filing time as shown in the date line on full-rate telegrams and day letters, and the time of receipt at destination as shown on all messages, is STANDARD TIME.

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1925 FEB 9 PM 12 06

AA178 69 COLLECT GOVT

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DIRECTOR

688

62-5033

BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE WASHINGTON DC
TWO STOP AGENT BURGER REPORTED HERE ON OSAGE INDIAN CASE STOP
HAVE CONFERRED STATES ATTORNEY GENERAL WHO SUGGESTS THAT INVESTIGATION
BE TAKEN UP IMMEDIATELY IN ORDER HAVE ALL EVIDENCE AVAILABLE FOR
GRAND JURY WHICH WILL BE CALLED AS SOON AS CASE IN PROPER SHAPE
HAVE REQUESTED DALLAS DIRECT AGENT SMITH REPORT HERE
IMMEDIATELY AND SUGGEST AGENT STREET BE SENT HERE FROM PECOS
TEXAS WHERE HE IS ATTENDANCE COURT

BOLLING.

62-5033-124

BUREAU OF INVESTIGATION

FEB 9 1925

DEPARTMENT OF JUSTICE

Division 2

Division 5

(2) 65

2/9/25

821

WVG:QA
62-6033 - 125
FEB 11 1925

C O D E

February 9, 1925.

RECORDED & INDEXED

Bolling
Federal Bldg
Oklahoma Cy Okla

HAVE INSTRUCTED STREET AND SMITH PROCEED OKLAHOMA CITY

AT ONCE - 100-110

Hoover

5-
HRC

From

OFFICE OF THE DIRECTOR, BUREAU OF INVESTIGATION

To

OFFICIAL INDICATED BELOW BY CHECK MARK

- 0
1
2 Attorney General ☐
3
4 General Holland ☐
5
6 General Willebrandt ☐
7
8 General Donovan ☐
9
10 Mr. Martin ☐
11
12 Mr. Strong ☐
13
14 Mr. Stewart ☐
15
16 Mrs. Rishel ☐
17
18 Assistant Director ☐
19
20 Mr. Baughman ☐
21
22 Mr. Cunningham ☐
23
24 Bureau Filing Section ☐
25
26 Personnel Filing Section ☐
27
28 Miss Gandy ☐
29
30 Mr. Grimes ☐
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32 Mr. Keep ☐
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34 Mr. McKean ☐
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36 Mr. Boddie ☐
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*Take care at
once!*

*yes
2/9/25*

Department of Justice,
Bureau of Investigation.

Kansas City, Missouri.
Feb. 5th, 1925.

Mr. M. Eberstein,
Special Agent in Charge,
Bureau of Investigation,
Department of Justice,
Washington, D.C.

Dear Sir:

I beg to reply to the following letter received from the
Director addressed to you which you have referred to me
for answer:

"WWG:JL

January 26, 1925.

I wish you would call to the attention of Special
Agent Findlay the following matter and have him
forward to me, through you, any additional explana-
tion that he desires to make:

In connection with the investigation in Oklahoma
in the matter of Osage Indian murders, while
Mr. Findlay was Agent in Charge at Oklahoma City,

[REDACTED]

This has been re-
ferred to in detail in previous correspondence
and Mr. Findlay has stated that the reports submitted
at the time contained the information [REDACTED]
I have had an examination made of the reports submitted
to the Bureau and also have had the Special Agent in
Charge at Oklahoma City examine the papers there and
the only reference in the reports made covers the
fact that conferences were held with the Governor and
the Attorney General of the State and there is an in-
dication that [REDACTED]

B7D

ALL

- Deletion

copy to Oklahoma City

2-12-25

624

0 The Department has been put to considerable em-
1 barrassment and actual expense and, in fact, a
2 number of officers have had to take their lives
3 in their hands to correct this mistake which
4 was made as much by Agent Findlay, if not more
5 so, than the Agents who were working under his
6 supervision, for his position and experience should
7 have dictated a more common sensible arrangement.

8 Mr. Findlay has insisted that [REDACTED]
9 [REDACTED] was reported to the Department at the time
0 but I am unable to find it, so I would like to have
1 an additional explanation before I take action."

2 (Signed) J. E. Hoover, Director.

3 I know of very little, if any, additional information that
4 I can give in this matter; that is, in addition to what was
5 stated in my former letter. In the Director's letter of
6 January 28th it is stated [REDACTED]

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
0 [REDACTED]
1 My understanding was that Governor Trapp and
2 Attorney General Short had sent their man, a Mr. Gordon, to
3 Chickasha to make arrangements with [REDACTED] and what
4 those arrangements were I never at any time know or heard,

5 [REDACTED]
6 the agreement between [REDACTED] and Gordon were they never
7 at any time told me. It is true that [REDACTED]

8 [REDACTED] and took [REDACTED] from McAlester to
9 Osage County in an automobile, but it was not at any time
0 agreed or understood [REDACTED]

1 The very nature of the investigation that it was hoped that
2 [REDACTED] would make would have made futile any efforts
3 which [REDACTED] might have put forth if it had been known
4 that [REDACTED]

5 [REDACTED] and he certainly could
6 not have associated with the Burkharts, Hale and the other
7 suspects [REDACTED] The whole object
8 of taking [REDACTED] to Osage County was to have him associate
9 with Hale, the Burkharts and the other suspects and let
0 them relate to him what they knew about the murders and what
1 they were doing to offset the investigation being made and
2 [REDACTED] and entirely unknown
3 to Hale, the Burkharts and other suspects.
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All Deleted

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So far as any arrangements having my approval, will state that in the first place I knew nothing about the arrangements which had been made with [REDACTED] and in the second place I am satisfied that [REDACTED] had no arrangements with him, and therefore had no approval from me.

The arrangements were made, at least I was informed that they were made, [REDACTED]

[REDACTED] allowed to return to Osage County and associate with the suspects that he could find out who had committed the murders, and that he would do so [REDACTED]

These statements of [REDACTED] were conveyed to Governor Trapp and Attorney General Short by Agent Weiss in my presence. So far as I know this is the substance of the information conveyed to them, on which they arrived at a decision [REDACTED]

I note that you state in your letter that the files at Washington and also at Oklahoma City have been examined and that they only show "that conferences were held with the Governor and Attorney General, and there is an indication [REDACTED] My recollection is that in at least two reports it was rather fully set forth what information [REDACTED] had given, and what he stated he would be able to obtain, and that this information had been conveyed to the Governor and Attorney General. There should also be a letter or report from me in the file which states in substance that "the Governor and Attorney General had [REDACTED] and [REDACTED] he could obtain the information which he claimed that he could get, we hoped that one or more of the murders could be solved, etc."

07D
ALL
Deletions

82

The facts and circumstances which caused us to confer with Attorney General Short and seek his advice and assistance in this matter were fully reported in the reports of Agents Burger and Weiss covering their interviews with [REDACTED]

You state that "most certainly the arrangement which actually was made is not referred to and would not have been condoned had it been mentioned." I will state that "the arrangement which actually was made" between Mr. Gordon, representing the Governor and the Attorney General, and [REDACTED] was not made known to me as I never saw the Governor, the Attorney General or Mr. Gordon after Mr. Gordon's conference [REDACTED] and both Agents Burger and Weiss informed me that the terms of that arrangement or agreement were never made known to them, and this was so stated in my former letter.

It appears from the wording of the Director's letter that some one has made it appear that there was some agreement or arrangement in this matter, which, I am, or we are trying to conceal or deny. There is absolutely nothing of that kind that I know anything about, and if anyone has stated that there was some arrangement or agreement other than as stated in this letter and my former letter, I will be very glad, indeed, to explain anything that I may know about it, or the reasons for it if same will be submitted to me, and I respectfully request an opportunity to do so.

During the ten years that I was Agent in Charge in Oklahoma the office conducted nearly 8,000 investigations, in which about 15,000 individuals were involved; and collected the evidence on which about 2,000 men and women were sent to jail or the penitentiary, so that it is quite natural that some one may have caused something to be reported which is not supported by facts.

I will also state that at least a dozen persons connected with this investigation were investigated by the Oklahoma City office while I was there and several of them were convicted. I will also state that among those investigated were Governor Trapp, before he was Governor, and a brother of Attorney General Short, but I did only my duty in those investigations, and I hope that they are not at this time stating the facts differently from what they really are in order to cause me injury at this time.

BID
Delete

0
1 As stated in my former letter, I think [REDACTED] B7D
2 [REDACTED] was reported; and my recollection is that I
3 reported it in a letter marked "personal and confidential,"
4 and entitled, "W. E. Smith, Osage Murders?" or in a personal
5 file of Agent T. P. Weiss relating to continuing his ser-
6 vices. -I am at a loss to understand why it cannot be found.
7 Copies were sent to Washington and also retained in the file
8 at Oklahoma City, neither of which is available to me at
9 this time.
0

1 The real error, if an error was made, seems to have been
2 in the failure to report the whole [REDACTED] matter to the B7D
3 Bureau, specifically and in detail and to have asked for
4 instructions before taking any action. This was not done for
5 the reason that I had received two or three letters from the
6 Director W. J. Burns instructing us to confer fully and free-
7 ly with Attorney General Short and to cooperate with him to
8 the fullest extent, which we had done, and he had furnished
9 two state employes to work with us before the [REDACTED]
0 matter came up. When the [REDACTED] matter came up it was
1 referred to him and the manner in which it was handled has
2 been fully set forth in my former letter and this letter.
3 I can add nothing more.
4

5 Very truly yours,
6

7
8 *J. C. Findlay*
9 J. C. Findlay
10 Special Agent.
11

12 JGF-c
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Department of Justice,

Bureau of Investigation.

Kansas City, Missouri.
Feb. 7th, 1925.

Ref: WVG:JL

Mr. J. Edgar Hoover, Director,
Bureau of Investigation,
Department of Justice,
Washington, D.C.

Dear Sir:

Referring to your communication of
Jan. 28, 1925, WVG:JL, in re conduct of Agent Find-
lay in the "Osage Indian Murders" in Oklahoma, I
submitted your letter to him, and herewith enclose
his answer.

Personally I know nothing about the in-
vestigation of those matters myself - only what Agents
Burger and Findlay have told me, and I never have seen
the reports of either; therefore, I am not in a posi-
tion to furnish any information that would enlighten
you on the conduct in Oklahoma of either of these
Agents.

Very truly yours,

W. Eberstein
Marshall Eberstein
Agent in Charge.

ME-c

RECORDED & INDEXED

FEB 18 1925

62-5033-1-6

FILED	INDEXED
SERIALIZED	FILED
FEB 10 1925	
OWEN	145

Letter to Osage City
2-10-25

WFO:JL

62-5033-126

FEB 18 1925

February 10, 1925.

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

Dear Sir:

I am forwarding herewith a copy of another
letter received from Special Agent James G. Find-
lay further with regard to his connection with
the [REDACTED]

I would like to have your comment on Mr.
Findlay's explanation.

Very truly yours,

Director.

Inc. 38397

RECORDED & INDEXED

B7D

834

From
OFFICE OF THE DIRECTOR, BUREAU OF INVESTIGATION
To
OFFICIAL INDICATED BELOW BY CHECK MARK

- 0
- 1
- 2 Attorney General..... ☐
- 3
- 4 General Holland..... ☐
- 5
- 6 General Willebrandt..... ☐
- 7
- 8 General Donovan..... ☐
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- 0 Mr. Martin..... ☐
- 1
- 2 Mr. Strong..... ☐
- 3
- 4 Mr. Stewart..... ☐
- 5
- 6 Mrs. Rishel..... ☐
- 7
- 8 Assistant Director..... ☐
- 9
- 0 Mr. Baughman..... ☐
- 1
- 2 Mr. Cunningham..... ☐
- 3
- 4 Bureau Filing Section..... ☐
- 5
- 6 Personnel Filing Section..... ☐
- 7
- 8 Miss Gandy..... ☐
- 9
- 0 Mr. Grimes..... ☐
- 1
- 2 Mr. Keep..... ☐
- 3
- 4 Mr. McKean..... ☐
- 5
- 6 Mr. Boddis..... ☐
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*copy to Okla City
for comment.*

GOVERNMENT PRINTING OFFICE

Department of Justice,

Bureau of Investigation.

P. O. Box 125,
Oklahoma City, Oklahoma.

February 5th, 1925.

Hon. J. E. Hoover, Director
Bureau of Investigation,
Department of Justice,
Washington, D. C.

ATTENTION - #2.

Re: Osage Indian Murder Case.

Dear Sir:

With farther reference to my letter of February 2nd, I am today in receipt of a letter from the Honorable George F. Short, Attorney General for the State of Oklahoma, dated February 4th, as follows:

"Mr. W. O. Gordon has returned this morning from Pawhuska, where he went to see the district judge of Osage County in re grand jury for February 16th. The district judge advised Mr. Gordon that he had found the condition of his court fund to be such that he cannot call a grand jury at this time and that he is presiding during the month of February in the trial of assigned cases so that he cannot sit over a court of inquiry on February 16th.

I am, therefore, writing to request you to advise Mr. Smith and Mr. Street, and the proper officials, that the Osage matter will have to go over until some time in March."

Special Agent in Charge, Blake, of Dallas, and Special Agent in Charge, DeNette, of El Paso, are both being advised of the delay in calling this Grand Jury and will advise them as soon as the Grand Jury in Osage County is called, which I presume will be shortly after March 1st.

RECORDED & INDEXED

Respectfully,

FEB 16 1925

W. D. Bolling,
Special Agent in Charge.

WDB/gh

FEB 10 1925
DIVISION

62-5033

62-5033-127
FEB 16 1925
W. D. Bolling
Special Agent in Charge

832

RECEIVED AT
EVANS BUILDING
1418 NEW YORK AVENUE
WASHINGTON, D. C.
TELEPHONE MAIN 6600

This is a fast Telegram unless other-
wise indicated by signal after the
number of words—“Blue” (Day Let-
ter) “N.L.” (Night Letter) or “Nite”
(Night Telegram)

COMMERCIAL CABLE TELEGRAM

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STANDARD TIME
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R11 CHMU 145AM 24 COLLECT NL GOVT

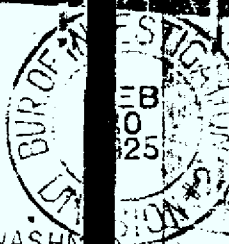
JOPLIN MO FEB 6 25

J E HOOVER

BUREAU OF INVESTIGATION DEPT OF JUSTICE, WASH

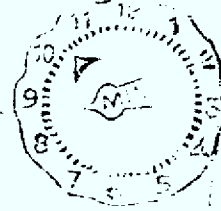
PLEASE AUTHORIZE AUTHORITY CONFERENCE YOU AND SENATOR COTIS
BEFORE PROCEEDING OKLA INDIAN MURDER CASES INTERVIEW WITH YOU
AND SENATOR IMPORTANT ADVISE KANSASCITY OFFICE

J F BURGER



RECORDED & INDEXED

62-503-12



FEB 11 1925

FEB 11 1925
DEPT OF JUSTICE

Division 1
Division 2
Division 3

From

OFFICE OF THE DIRECTOR, BUREAU OF INVESTIGATION

To

OFFICIAL INDICATED BELOW BY CHECK MARK

0 _____
1 _____
2 Attorney General _____ ☐
3 _____
4 General Holland _____ ☐
5 _____
6 General Willebrandt _____ ☐
7 _____
8 General Donovan _____ ☐
9 _____
0 Mr. Martin _____ ☐
1 _____
2 Mr. Strong _____ ☐
3 _____
4 Mr. Stewart _____ ☐
5 _____
6 Mrs. Rishel _____ ☐
7 _____
8 Assistant Director _____ ☐
9 _____
0 Mr. Baughman _____ ☐
1 _____
2 Mr. Cunningham _____ ☐
3 _____
4 Bureau Filing Section _____ ☐
5 _____
6 Personnel Filing Section _____ ☐
7 _____
8 Miss Gandy _____ ☐
9 _____
0 Mr. Grimes _____ ☐
1 _____
2 Mr. Keep _____ ☐
3 _____
4 Mr. McKean _____ ☐
5 _____
6 Mr. Boddie _____ ☐
7 _____ ☐
8 _____ ☐
9 _____ ☐
0 _____ ☐
1 _____

GOVERNMENT PRINTING OFFICE

834

62-503

February 7, 1925.

JEE/LER

62-503-128

FEB 11 1925

RECEIVED

Eberstein,

Laboratory Building,

Kansas City, Mo.

Agent Burger wishes to know if you are requesting conference relative to the Indian cases. Do not deem conference necessary at this time. Desire you proceed Omaha City to confer with Agent in Charge. If upon conclusion of that conference matter should be taken up personally with Washington I will then give request consideration. One.

HOOVER.

5

m

835

Department of Justice,

Bureau of Investigation.

Oklahoma City, Okla.

P. O. Box #125.

February 11, 1925.

Mr. J. Edgar Hoover, Director,
Bureau of Investigation,
Department of Justice,
Washington, D. C.

ATTENTION MR. HOOVER, #1.

Dear Sir:

RECORDED AND INDEXED

I have your letter of February 3rd regarding the
Osage Indian matters, and particularly regarding the visit
of Mr. A. W. Comstock, of Pawhuska, Oklahoma, to Washington

Mr. Comstock came to Oklahoma City yesterday, and
conferred with this agent and Agents Burger and Smith. I
do not believe that Mr. Comstock has any information or ev-
idence bearing on the Indian murder cases. However, he ap-
pears to be a close friend of Senator Curtis, who is interest-
ed in these murders. Special Agents Smith and Burger have
again started the investigation of this case, and will keep
in touch with Mr. Comstock, and accept any assistance he may
be able to render.

Mr. Comstock, I understand, is attorney for a Frater-
nal Order of the Osage Indians at a salary of \$150.00 per
month. He also handles many of the minor legal matters of
various Indian families, as well as being guardian for sever-
al Indians.

Mr. Comstock expressed a desire to have access to the
files on the investigations of the Osage murder cases, and
stated that he believed that he could be of material assist-
ance in securing evidence in these murder cases, if he could
only have access to the files of this Bureau, and ascertain
what has been done, and, also, be kept advised of what is be-
ing done. He stated that it was his desire to have some of fi-
cial appointment, and that he does not desire a salary attach-
ed to the appointment.

I think this office can handle this situation, and would
not recommend such an appointment, as I am not aware of Mr. Com-
stock's reason for desiring access to the files.

No doubt Agent Burger can assist Special Agents Smith
and Street in this investigation. However, inasmuch as Agent

Miss was on this case a year and a half, and agent Burger several months, and succeeded in getting very little evidence, believe that agent Smith is more competent to handle this investigation than agent Burger, as suggested by Mr. Comstock and Senator Curtis. At any rate, within thirty days, I feel assured that there will either be a case developed, or it will be definitely ascertained that there will be no need of again taking up this case.

The state Attorney General has promised to do everything in his power to assure that the case will be vigorously prosecuted, and asks that he be furnished with enough evidence to get into court. His intention is to call a special grand jury as soon as possible, with view to securing indictments. However, he suggests that if agents from this Bureau can secure sufficient evidence to warrant filing information, he will have this course of prosecution started, instead of waiting on a grand jury investigation.

Special Agent in Charge DeNette of El Paso advised that special agent Street would be in court at Pecos, Texas on February 12th, and I have advised him that he will be able to attend court at Pecos, and then proceed here, while arrangements are made with the District Judge in Osage County.

Senator Curtis is reported to be half-Indian, and has taken a great interest in the matters of the Osage nation. He is a close friend of agent Burger, and no doubt the retaining of agent Burger on this investigation will please the senator.

However, if this office is not able to show some evidence in this case in a short time, will take up with you with view of closing it out.

Respectfully,

W. D. Bolling

W. D. Bolling.
Special Agent In Charge.

WDB:B.