

W.H.G.A  
62-5053-129

FEB 28 1925

February 24, 1925.

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

Dear Sir:-

Reference is made to your letter of  
February 11th further with regard to the OSAGE INDIAN  
cases.

As a matter of general policy in the future  
I do not want any cases undertaken by you unless there  
is a possibility of their being prosecuted in the United  
States Courts, in other words, while you were not re-  
sponsible in any way for the initiation of the Osage  
Indian cases, I nevertheless am convinced there has not  
been a legal basis of authority for our doing the work,  
and want to avoid this in the future, so that when a  
case is referred to you and you find there is no pos-  
sibility of its being handled in a United States Court  
you are to turn it over to the State authorities.

Very truly yours,

Director.

MAILED  
FEB 25 1925

RECORDED & INDEXED

From  
OFFICE OF THE DIRECTOR, BUREAU OF INVESTIGATION

To  
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- Attorney General.....
- General Holland.....
- General Willebrandt.....
- General Donovan.....
- Mr. Martin.....
- Mr. Strong.....
- Mr. Stewart.....
- Mrs. Rishel.....
- Assistant Director.....
- Mr. Baughman.....
- Mr. Cunningham.....
- Bureau Filing Section.....
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- Miss Gandy.....
- Mr. Grimes.....
- Mr. Keep.....
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*See me*

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*to g by ex*

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, ATTENTION # 2.  
Washington, D. C.

Dear Sir:

I have your wireless telegram  
of February 10th regarding investigation to  
determine as to misconduct in connection with  
[REDACTED]

B7D

Unless otherwise instructed,  
Special Agents Street and Smith, who are  
assigned to the Osage Indian murder case,  
will handle this in connection with their  
investigation.

Respectfully,

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

WDB:B.

FEB 20 1925

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Department of Justice,

Bureau of Investigation.

P. O. Box 125,  
Oklahoma City, Oklahoma,  
March 2, 1925.

MAR 12 1925

MAR 15 1925  
DIVISION

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62-503-13
BUREAU OF INVESTIGATION
MAR 5 1925
DEPARTMENT OF JUSTICE
Division 2

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

Attention - #2.

Re: OSAGE INDIAN MURDER CASE

Dear Sir:

At a conference between Attorney General Short, of the State of Oklahoma, and Special Agent Smith, a decision was reached to call a Court of Inquiry on March 9th at Pawhuska, Osage County, Oklahoma to determine whether warrants shall issue in this case and whether sufficient evidence will develop to warrant further prosecution.

Attorney General Short has requested that the United States be represented by counsel, and suggests that the United States Attorney's Office be represented in this. He further stated that he had talked this case over with Assistant United States Attorney, Roy St. Lewis, at Oklahoma City and that he would be glad to invite him to set in the inquiry, and if possible, to continue in the prosecution of the case in the event sufficient evidence is developed.

Agents Smith and Street are of the opinion that the presence of an assistant from the United States Attorney's office would lend prestige to this prosecution, and would greatly assist in bringing about favorable results. Agent Smith consulted with Assistant United States Attorney, Roy St. Lewis, who stated he would be glad to assist the Attorney General in this case, if authorized by the Department to do so, therefore, it is suggested that you secure authority, at the earliest possible date, if you deem it proper and advisable, for Assistant United States Attorney, Roy St. Lewis, or some other Assistant, that they may become familiar with the facts in this case before the calling of the Court of Inquiry, which will be held on March 9th.

Respectfully,

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

WDB/h

*20 Col. [unclear] 3/10/25*

WVG:GA

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MAR 12 1925

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RECORDED & INDEXED

March 10, 1925.

MEMORANDUM FOR COLONEL DONOVAN

I am enclosing herewith copy of a letter received from the Agent in Charge of the Oklahoma City office of the Bureau regarding an OSAGE INDIAN MURDER CASE, in which it is suggested that an Assistant from the United States Attorney's office be authorized to assist the Attorney General of the State of Oklahoma in the case.

Very truly yours,

Director.

Encl. 48048.

MAILED

MAR 10 1925

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THIS PAGE ORIGINATED AT **Wichita;**

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT: **Oklahoma City** DATE WHEN MADE: **Apr. 23, 24** PERIOD FOR WHICH MADE: **Apr. 22 to 26** REPORT MADE BY: **A. F. Weiss.**

TITLE AND CHARACTER OF CASE: **W. W. Smith, et als. Wagon County, Okla. : Murdered Wagon Indians.**

FACTS DEVELOPED: **At Kansas City, Mo., Oklahoma City, Chickasha, Lawhuska and other points in Oklahoma. (P. O. #7000.)**

**Continuing investigation, included as above,**

**This report is a joint report by Agent J. A. Burger, of the Kansas City office, and A. F. Weiss, of the Okla. City office, who have worked jointly on this case, and this joint report is made to avoid an unnecessary duplication.**

**DETAILS:**

**April 22d at Kansas City tried to locate W. W. Smith. Inquired at 4911 Croast St. and was informed by the proprietor there - where Smith has desk room - that Smith left Kansas City April 18th to go to Lawhuska, Okla. and to points in the vicinity of Lawhuska; that Smith expected to return today, April 23d, but apparently had not done so.**

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

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED:

SPECIAL AGENT IN CHARGE

RECORDED AND INDEXED:

REFERENCE

**COPIES OF THIS REPORT FURNISHED TO:  
3 Washington; 1 Kansas City;  
1 O. C. City, Okla. City;  
3 file. -1-**

BUREAU OF INVESTIGATION

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DEPARTMENT OF JUSTICE

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Apr. 22 to 25, 1924.

where he or she could be found.

covered both Bell Street and 910 N. 13th all afternoon and left word at Bill's place of business for him to call, but could not locate him or his wife.

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

BRACKOFF promised to look out for BILLS, or BILLS' work and advise agents when agents are back at Pawhuska, about the 20th. BRACKOFF stated he has nothing of importance to tell us on the case.

Mr. 20th at Chickasha located and interviewed BILL BRACKOFF at Miller's Hotel, which is run by BRACKOFF's uncle, Mr. MILLER.

It will be remembered that BILL BRACKOFF is the man whom BRACKOFF BODDY claims told BODDY that ROSS BROWN and JAMES HICKS, alias JOE, alias, killed ANNA BROWN and that JACK HILL was present at the car when ANNA BROWN was killed,

and that BRACKOFF is the man whom SUGAR BUCHNER claimed told BUCHNER that BILL HILL and the BURCHENETS killed ANNA BROWN and that he, BRACKOFF, heard their plan for the killing beforehand.

FRANK HERRILL was exhaustively questioned by agents today and the result is that he denied positively of having told anyone anything like BRACKOFF BODDY claimed. That in fact he is convinced that ROSS BROWN or JOE HICKS had nothing to do with ANNA BROWN'S murder, and to think they did would be following a cold trail.

That he, BRACKOFF, knows BRACKOFF well and talked with him a lot about this murder and that HILL never said anything that

indicated that he or Joe Hill had the deed; that he, [redacted] was at [redacted] place that night and remembers [redacted] saying he a about 4 [redacted] that Sunday; that [redacted] told about being to [redacted] that night with JOE HILL, ANNIE TABLEY and ROSE BRUCE, but said ANNA BROWN was not along.

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

As to ALGER BROWN, SMITH claimed to remember seeing BROWN in jail at Guthrie in September, 1931 and talking to him about this case, but BROWN denied telling BROWN he, [redacted], had heard ANNA BROWN'S murder planned etc., but states he did probably tell him that BROWN had had her murdered.

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

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dispositioned himself to kill [redacted] and [redacted]. [redacted] states that he knows [redacted] well, and that he was talking with [redacted] after this and [redacted] remarked about having stayed at LOS OLLEN'S ranch; that he, MARSHALL, then asked him if that was when he was waiting to do that job and GREGG said it was; that MARSHALL then asked GREGG what he got for being it and GREGG replied: "We were to get \$1,500.00".

MARSHALL states that he received a letter from STANLEY MORRISON warning him that if he would have [redacted] jumped off if he stayed in Osage County.

MARSHALL states that this lock up at Pawhuska is [redacted] MARSHALL'S wife, but that he does not believe [redacted] knows enough to justify spending money to find him, as he can be located through [redacted].

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

This man, [redacted], has the general reputation of being an inveterate and reckless liar. He probably made both statements attributed to him by [redacted] LEBBY and [redacted] BOGGER. He changed his statements to agents several times and told many palpable lies. Cannot be relied upon at all.

LEBBY MORRISON stated to agents that this MARSHALL is MORRISON'S brother-in-law, is a big liar and that MARSHALL told MORRISON that since he had [redacted] GREGG, a man named [redacted] and [redacted] [redacted] MORRISON, 11 members of the [redacted] [redacted], [redacted] the job. [redacted] is not sure whether MARSHALL meant

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... job or the ... job, and that ...  
... that ... told him, ... also that ...  
is said to have been in the penitentiary, probably Mclester, for  
... in 1923.

However, ... story as to what ... told him fits  
in with some real evidence we have on the ... case, and we  
will investigate ... lester and ...

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W. J. BOYER. ... 22 11 22, 1924.

... and ...

... conferred with Special Agent in Charge J. G. Findley and ... state attorney general. ... stated that Governor M. W. ... had not consented to ... and suggested that Agent Weiss and Special Agent in Charge Findley go jointly with ... the next day to see Governor ...

... Agent in Charge Findley and Agent Weiss went with ... and had a conference with Governor ... outlined the cases to the Governor and suggested that the Governor agree to ... terms and conditions heretofore stated.

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

That in the event

... would and does furnish us the direct information as to who actually killed ... or ... and ... tells us absolutely all he knows of these cases, and testifies if called upon by the state in these cases, and if such evidence, information and testimony by ... is found to be true and ... further renders us all aid and assistance in his power from now on until after the trials are finished, and to remain and assist all the way with us, and if such evidence, information and assistance by ... results in conviction of one or more of the guilty persons in these cases, then, in that event, Governor ... will

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conditioned that [redacted] leave this [redacted] and never return; it being understood that this also includes the fact that [redacted]

[redacted]

R. SHORT agreed that [redacted]

[redacted]

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on 24th we visited [redacted]

[redacted]

The [redacted] communicated the above terms by the Governor, R. WAPP, and Attorney General [redacted] to him and he stated that said terms were satisfactory and accepted them.

Mr. Findley phoned that Mr. [redacted] would send W. O. GORDON, Asst. Attorney General, to talk to [redacted] on the 25th, and that W. O. GORDON had full authority to represent both the attorney General, MR. SHORT, and GOV. WAPP in the cases.

Agents [redacted] and Burger spent five hours interviewing [redacted]

[redacted]

[redacted] found him very slow and cautious and evasive in his talk. His talk and manner indicated plainly that he intends to [redacted] and he will say only what he thinks will be necessary to serve his purpose.

When he asked he declared he had no information as to who

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

In the course of his talk, however, he stated, off guard, that his own belief was that BILLY BORNHART killed [redacted] but he professed to have no information to predicate this belief upon (will keep after him on this).

[redacted] also declared today that he knows nothing about the murder of [redacted] (this is a direct contradiction of the statement he made to Agents Weiss and Burger some days ago that "I know, personally, who killed the [redacted] and [redacted] there is no hearsay to it".) He will also keep after him on this.

It by bit, and very slowly and cautiously, [redacted] started us to hear some of [redacted] and [redacted] life as follows:

Living in the summer of 1920 [redacted] proposed to me and JIMMY JOHNSON several times that JOHNSON and I go to [redacted] SMITH'S house and stick SMITH and his wife up and rob them of some diamonds they then had. [redacted] BORNHART and [redacted] were then living near Grayhorse. [redacted] BORNHART at those times also told us at those times, in 1920, that he wanted us to kill BILLY SMITH and his wife, [redacted] and also the boy who was then living with the [redacted] SMITHS. [redacted] BORNHART proposed that we kill them after we got their diamonds but at the same time, and said he could pay us a thousand dollars and give us a car for the [redacted] we needed for doing the job.

[redacted] also told us he could get this 1,000.00 from his uncle, BILLY [redacted], so say us, and told me to see BILLY [redacted] about it. He also told me that BILLY SMITH wanted to use me, but

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W. F. ... Apr. 22 to 23, 1934. -9-

I never discussed this with ... as I did not intend to kill ... with ... could or could not kill the ... but just put him off from time to time.

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

I stayed several nights, ten or more, with ... brother, and he urged on a number of times to kill the ... as advised and proposed. It seemed to be a family feud ago that ... had asked us to kill the ...

This Buick car that ... proposed to give us at that time was insured for more than its worth, the insurance had only a few days more to run, so I told ... I would take the damned car and he could report it stolen, and get the insurance. ... agreed to this, and filled it up with oil and gas and left it standing in ... house so ... and I could be ... at the car, ... as agreed. ...

... from ...

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

b7D

[REDACTED] saw and talked with ERNEST BURCHART and BILL HILL. ERNEST BURCHART renewed his proposals that we kill BILL HILL and wife, several times. On one occasion BURCHART said that the HILLS had moved to Fairfax, and BURCHART went on to say that we should trail HILL around, so as to be sure he and his wife were in the house, and then put a shot of nitro-glycerine under the house, in the basement, and blow them both up. I kept putting him off, but pulled several deals with him.

One deal was robbing ERD DEMOYA and his wife of their diamonds. ERNEST BURCHART proposed this. BIG JIM BASKER, an ex-convict named RED ROSE and I drove to ERD DEMOYA'S house and we stuck the DEMOYAS up and took their diamonds.

I tried to ~~sell~~<sup>sell</sup> these diamonds to BILL HILL but we did not trade. He is too much Jew. They want all of everything. ERNEST BURCHART is crazy for money. BILL HILL took these DEMOYA diamonds to [redacted] and sold them, but lost what he got in a power game, in the basement of the stone building on the corner in [redacted]. BILL HILL and I got nothing out of them.

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Finally one day [redacted] told me that he had lined up  
to [redacted] deal and that CUNLEY JOHNSON, JIM BORNHALL and [redacted]  
[redacted] would do the job and blow the [redacted] up. About four  
days later [redacted]'S house was blown up.

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

[redacted]. [redacted] was from Texas and I understand has left Cagle  
County. He would be hard to make talk. JIM BORNHALL would not  
be so hard to make talk and CUNLEY JOHNSON will crack if the power  
is put to him, given the third degree. CUNLEY JOHNSON was hang-  
ing around [redacted] at that time. " b7D

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

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and the ARMY ROAD courier, that [redacted] is afraid to tell all he knows of them, for fear they will squeak on him in the ROAD murder.

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

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April 25th, W. O. GORDON, Asst. State Attorney General, was at Chickasha on this date at the direction of Mr. SAOBT, and had long private interview with [redacted]

Agent Weiss and Mr. GORDON also had a joint interview with [redacted] during which Mr. GORDON verified, as representing Gov. [redacted] and Mr. SAOBT, the agreement with [redacted], etc., and Mr. GORDON also renewed the offer that if [redacted] himself took part in any of these murders, at the [redacted] investigation of someone else and would confess freely and fully, then he, [redacted]

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

Later, in another sitting, [redacted] stated that in 1923, while staying at [redacted] BURKHART'S, in Ceege County, about five

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...proposed to ... and ... pick up and rob a widow ... living ... from ... firm.

b7D [redacted] stated that in the course of discussing this proposition ... told them that this widow and her daughter had a nigger hand working for them; that BILL ... was very friendly with the widow, but the widow and BILL ... out; that ... had ascertained while on friendly terms with the widow that she had \$10,000.00 cash in her trunk at ... firm; that this \$10,000.00 was money she got at her husband's ... and was not keeping it in a bank.

That ... further explained that he suspected this ... and her daughter were ... having immoral relations with ... and ... should bump the nigger off when they robbed the widow.

That ... went on to tell that this widow and her daughter and the nigger went to town on Saturdays, and ... proposed that ... and ... "plant" themselves in the widow's house some Saturday when the family was gone, and keep hidden; that they would probably catch the nigger [redacted] b7C and then they should kill the nigger and rob the widow of this money in her trunk.

b7D [redacted] remarked that the ... were so damned ignorant that they not only proposed these deals but even took it upon themselves to plan how they were to be done, as though the men ... should not know better how to do the jobs.

b7D [redacted] also added that he took the two diamonds he and ... and ... and his wife of,

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to [redacted]'s home at [redacted], at night; that [redacted] one [redacted] [redacted] about all that was said was that [redacted] asked [redacted] if he wanted that [redacted] stuff and [redacted] said he did; that [redacted] said "I have it", and [redacted] asked how much [redacted] wanted for it. That [redacted] said \$1,000.00; that [redacted] finally offered \$650.00 and [redacted] told him he would not take less than a thousand and left.

[redacted] stated that [redacted] [redacted] had previously [redacted] and take them to BILL [redacted], who would pay cash for them.

[redacted] states that he had not talked to [redacted] beforehand about this robbery, but that [redacted] asked no questions, and was plainly expecting him when he brought the diamonds to him, and [redacted] about the [redacted].

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

[redacted] have been under cover and working on [redacted] [redacted] last month, but have not been able to see cur under cov [redacted] [redacted]. [redacted] will see him soon.

[redacted] [redacted] [redacted] [redacted] undoubtedly [redacted] about the [redacted] murder, is probably implicated, [redacted] [redacted] the [redacted] [redacted], as [redacted] talk on the [redacted] murder is evasive and does not ring true. [redacted] [redacted]

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ATTENTION - MR. [unclear] &

THIS CASE ORIGINATED AT

Director.

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT: <b>Oklahoma City</b>	DATE WHEN MADE: <b>May 24, 1924</b>	PERIOD FOR WHICH MADE: <b>May 12 to 23</b>	REPORT MADE BY: <b>T. F. Weiss.</b>
TITLE AND CHARACTER OF CASE: <b>W. L. SMITH, et als. Osage County, Okla. : Murders of Osage Indians.</b>			
FACTS DEVELOPED: <b>At Oklahoma City, Okla.</b>			(K. C. #10678; (O. C. #7060.)
<p><b>Supplementing previous reports, entitled as above,</b></p> <p><b>this is joint report for Agents T. F. Weiss and J. R. Burger, who are working jointly on this case.</b></p> <p><b>Agent Weiss was engaged in Federal court at Guthrie re. Herbert ABRAHAM, et als. from and THOS. H. BLINY, et als. from May 7 to May 17th, continuously.</b></p> <p><b>RE: ABRA BROWN MURDER.</b></p> <p><b>KELSEY MORRISON informed Agent Burger that he, MORRISON, went to Sheriff's and County Attorney's office at Pawhuska May 12, 1924, accompanied by BILL HALE; that HALE held whispered conversation with the Sheriff and County Attorney, CHAS. ROFF; that ROFF then told MORRISON to go to Fairfax and give up on the charge there for assaulting W. F. SMITH with THOMAS with intent to kill; that ROFF stated MORRISON'S bond would be \$5,000.00; that ROFF told BILL HALE to call ROFF if there was any trouble about this bond; that BILL HALE</b></p>			
DO NOT WRITE IN THESE SPACES			
APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE	BUREAU OF INVESTIGATION	RECORDED AND INDEXED:
REFERENCE:	COPIES OF THIS REPORT FURNISHED TO: <b>2 Washington; 2 file; 1 Kansas City; 1 U. S. Atty., Okla. City.</b>	DEPARTMENT OF JUSTICE	CHECKED OFF:
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62-5033-133

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L. P. Weiss.

May 12 to 23, 1934.

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went with MORRISON and made MORRISON's bond at Fairfax.

That BILL HALE told MORRISON at that time that he, HALE, is a Deputy Sheriff and would not let any one take MORRISON away from him.

MORRISON also stated that BILL HALE and ERNEST BURKHART both came to see him at Pawhuska; that HALE questioned him about being what the Government had said and when MORRISON replied, "They are right after ERNEST" (BURKHART) ERNEST turned very pale and said nothing, but BILL HALE quickly and loudly remarked, "Oh, bull shit". "Did they tell you the names of any of the fellows?" "If the God damned sons of bitches know who did it, why don't they go and arrest them?"

MORRISON stated it was quite plain to him that BILL HALE was talking to give ERNEST BURKHART opportunity to regain his nerve.

MORRISON also stated that after BILL HALE made bond for MORRISON, HALE gave MORRISON HALE'S Buick roadster to use.

That HALE, who had bought MORRISON'S interest in MORRISON'S wife's Osage estate, told MORRISON he, MORRISON, could have the first payment and said to MORRISON, "You will find I am a good fellow, after all."

As MORRISON was quite often with BILL HALE, Agent Burger kept MORRISON under surveillance May 14th, 15th and 16th.

MORRISON also reiterated that ERNEST BURKHART did bring the saws that were used when the prisoners escaped from jail at Pawhuska, about two years ago; that ERNEST BURKHART delivered these saws to MORRISON, but he, MORRISON, did not want to testify to this, as he was partly responsible himself.

MORRISON assured Agent Burger on May 17th that he, MORRISON, was remaining loyal to us, and would continue to do so, and assist us, but MORRISON divulged no new evidence to Mr. Burger.

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Agent Burger made investigation at Jones and Sand Springs, but failed to get any line on the LUCAS boys, but at Tulsa learned from one JOHN PHILLIPS that a teamster named LUCAS is said to now be in the oil fields near Okemah, Okla.

May 21st, ODA BROWN stated to Agents that he has visited WALTER COLLINS, near Jones; that COLLINS is selling whiskey to practically all comers; that COLLINS recognized ODA BROWN and stated that when ANNA BROWN was murdered he, COLLINS, was running a dance hall at the river near Sulston, Okla. ODA BROWN states that COLLINS said that some man had told him that FRED (SHORTY) WHEELER and MATT WILLIAMS were with ANNA BROWN the night of her murder and that WHEELER was sent to McAlester from Muskogee on a state narcotic charge.

ODA BROWN stated that COLLINS did not admit seeing ANNA BROWN or RAYMOND BUCHART that night at all, and as COLLINS "did not talk right" he, BROWN, left him, but will try him again.

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## THE MURDER OF W. L. SMITH and WIFE.

May 13th, Agent Burger interviewed OPA BROWN and his sister, MRS. ERIC FRAZIER at Ponca, who stated that some weeks ago GRAY H. DRAKE alias EDDIE DAVIS and BLACKIE and COOKIE EDWARDS were all drinking at her house; that GRAY DRAKE remarked that he could put his hands on the party that blew BILL SMITH'S house up; MRS. FRAZIER stated that from GRAY'S talk she believed he had been propositioned, himself, to blow up SMITH'S house, and that BLACKIE and COOKIE EDWARDS also know who blew up SMITH'S house.

OPA BROWN stated that at that time GRAY DRAKE mentioned BILL BOYK-  
WELL, also, as being connected with the SMITH blow-up.

MRS. FRAZIER also stated that GRAY DRAKE is now out on a parole, granted him from Kansas state prison at Lansing, Kans. Apr. 14, 1934; that DRAKE was paroled to the Sheriff at Perry, Okla.; that DRAKE and the EDWARDS are very wary and close-mouthed, but that she has taken care of them several times and been a friend to them so that she may be able to get them to tell her what they know about these cases, and will try her best to do so and keep agents advised.

May 20th and 21st agents again interviewed OPA BROWN and MRS.

MRS. FRAZIER at Ponca. They state they have not been able to see GRAY DRAKE or the two EDWARDS since Agent Burger was at Ponca on the 12th and that as these men are staying around the BEN DAVIS place it would be very unwise to attempt to see them there, as DAVIS is a moon-  
shiner and crook and would be sure to have DRAKE and the others re-  
fuse to talk.

MRS. FRAZIER stated today that GRAY DRAKE will be at her house again May 24th and that she will get all she can out of him; that she has not seen the two EDWARDS for about a month.

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EDS BROWN and his sister both also stated today that A.M. DAVIS and the two EDWARDS were harbored at ARTHUR BURKHART'S one winter.

By cautious questioning we ascertained positively that GRADY DRAKE alias ED DAVIS and BLACKIE and COOKIE EDWARDS are the same men subjects of report by Agent Weiss entitled: "GRADY DRAKE, alias ED DAVIS, and KNOX HILL, alias JIM EDWARDS, and RAYMOND HILL, Viol. Natl. Motor Vehicle Theft Act, Okla. City #7150," dated for May 20 to 31, 1923.

We hope to be able to put pressure on them to tell through Sheriff BILL WICKER at Perry, Okla. in case MR. FRAMER fails to get them to talk.

Agent Weiss conferred with GEORGE SMORT, State Attorney General, relative to getting [REDACTED] a leave of absence, as heretofore explained. MR. SMORT readily promised to secure the leave of absence as proposed, as soon as GOV. FRAPP returned to Okla. City.

GOV. FRAPP returned on the 20th of May but MR. SMORT stated he was too busy to take the matter up that day.

May 22d at Okla. City agents finally succeeded in conferring with GOV. FRAPP and State Attorney General SMORT relative to getting under cover man out of prison on indeterminate leave of absence to work for us in Osage County.

The net result of our conference was that MR. SMORT was in favor of our plan but GOV. FRAPP wanted to talk further tomorrow with SMORT, who had left the Capitol. However, the Governor indicated he would do as we and SMORT advised.

We also learned that CURLEY JOHNSON and JIM BOFFWELL forfeited the bonds in Federal court at Guthrie on a possession of whiskey in Indian country charge, on May 19, 1924 and that CHAS. WICK, charged jointly with them, was acquitted.

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May 21st to 23d conferred with Governor M. W. TRAPP and State Attorney General GEO. F. SHORT. Secured temporary and indeterminate parole for under cover man to work under our direction, as heretofore suggested. Getting this parole consumed three days, owing to illness of MR. SHORT'S wife; National Editors Convention and other causes. However, we consider the time well spent.

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## CHARLES WHITMORE MURDER:

May 16th, Agent Burger interviewed RAY ROBINSON, near Pawhuska, who stated that about a year before WHITMORE'S murder, ROBINSON met HETTEL WHITMORE in a hotel at Tulsa and she informed him that she and WHITMORE were not getting along together and that she was going to insure WHITMORE and have him bumped off; that she was then "sweet" on some insurance agent from Muskogee.

ROBINSON stated further that when he heard of WHITMORE'S murder and heard that HETTEL WHITMORE'S guardian was offering \$5,000.00 reward for information and conviction of the murderer, he, ROBINSON, told LESLY MORRISON of the facts and asked MORRISON if he had not also heard HETTEL threaten to have WHITMORE killed; that MORRISON said he did not hear her say that, and he, ROBINSON, did not go any further with the case.

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RE: MURDER OF HENRY ROAN.

RICHARD STODDER, attorney at Pawhuska, informed Agent Burger that a certain prominent settler of Osage County told STODDER that BILL HALL asked AL SPENCER that SPENCER kill HENRY ROAN; that SPENCER refused; that BILL HALL then "propositioned" DICK GREGG, in the presence of JACK HART, to kill ROAN; that GREGG at that time was out on bond and out of money; that shortly after ROAN'S murder this informant saw DICK GREGG, well dressed and with plenty of money.

STODDER states that informant so far has refused to have his name used, or to meet agents, but we are hopeful of overcoming this. Informant fears personal violence if his name is known, as he is surrounded by a lot of outlaws in Osage County.

DICK GREGG is a notorious outlaw bank robber and murderer, and was arrested at Lynas, Okla. in the oil fields of Osage County and is now in jail at Pawhuska charged with the robbery of the bank at Lurbank, Okla. May 21, 1924.

JACK HART is in Leavenworth on Federal whiskey sentence from Osage County.

OPEN.

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W. H. RICE - MR. HOOVER - 2.

THIS CASE ORIGINATED AT

Director:

JOURNAL TO BE MADE AT ORIGINATING OFFICE

REPORT MADE AT:

Oklahoma City

DATE WHEN MADE:

June 23, 24

PERIOD FOR WHICH MADE:

May 24th to  
June 20, 1924

REPORT MADE BY:

T. F. Weiss.

TITLE AND CHARACTER OF CASE:

W. H. SMITH, et al.

Osage County, Okla.

Murders of Osage  
Indians.

FACTS DEVELOPED:

At Pawhuska and other points.

(K. C. #10675;  
O. C. #9060.)

Continuing, and referring to previous reports,

entitled  
as  
above.

This is joint report for Agents T. F. Weiss and J. R. Burger, who  
are working jointly on cases.

**ANNA BROWN MURDER.**

June 2nd made investigation at Kansas City through MR. WILLIAMS, 4811  
Trocet Ave. and the people at 910 E. 13th but got no further trace of  
E. M. PIKE. Shall try to have PIKE brought to trial by the state on the  
now pending charge of highway robbery against him at Tulsa, Okla.

June 8th, FRED WILLIAMS, attorney Pawhuska, informed Agent Burger  
that a certain MRS. BECIA KINNEY, wife of JOHN KINNEY, Osage Indian, is  
probably directly involved in the ANNA BROWN murder, for the follow-  
ing alleged reasons:

MRS. KINNEY is but the common law wife of JOHN KINNEY and now se-  
parated from him; she and JOHN KINNEY were living on his allotment, one  
one-half miles northeast of Belfort Bridge in

DO NOT WRITE IN THESE SPACES

APPROVED AND  
FORWARDED:

SPECIAL AGENT  
IN CHARGE

RECORDED AND INDEXED:

REFERENCE:

COPIES OF THIS REPORT FURNISHED TO:

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

BUREAU OF INVESTIGATION

CHECKED OFF:

DEPARTMENT OF JUSTICE

JACKETED:

ROUTED TO:

FILE

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reiss.

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Osage County (note this location) in 1921, when ANNA BROWN was murdered. JOHN KINNEY was at that time [REDACTED] with ANNA BROWN and spending much of his time in her company, both being Osage Indians, while MRS. KINNEY is a white woman.

MRS. KINNEY is of a very violent disposition, having personally assaulted different men on a number of occasions for fancied wrongs, and on June 4, 1924 she shot a number of times at FRED TILLMAN at Guthrie, Okla. shooting him from his rear and hitting him three times, twice in the legs and once in the arm, using a pistol. She is also said to have repeatedly horsewhipped JOHN KINNEY and kept him at work with a rifle.

TILLMAN states that MRS. KINNEY was insanely jealous of ANNA BROWN and threatened that she was going to kill ANNA BROWN just a short time before ANNA was killed. ↑

That this threat was made to a certain woman at Fairfax, Okla. whose name MR. TILLMAN has forgotten, but will procure and furnish to us b7C ↓

MR. TILLMAN stated further to Agt. Burger that he was attorney for MRS. KINNEY and on one occasion asked her what she thought of the Fairfax murders, but did not mention KINNEY any particular one; that MRS. KINNEY flew into a rage and asked TILLMAN if he meant to accuse her of the murder of ANNA BROWN; that he pacified her and reminded her he had not even mentioned ANNA BROWN'S name to her.

TILLMAN states that MRS. RECIA KINNEY lives at 106 State St., Wichita, Kans. and is apparently [REDACTED]

That HUGH K. KRA, attorney at Wichita, is attorney for JOHN KINNEY and will gladly assist agents in every way possible.

That JOHN KINNEY is separated from MRS. KINNEY but living at Wichita, but kept "hid out" because of fear that MRS. KINNEY will kill him.

That HUGH K. KRA, however, is in touch with MRS. KINNEY and can

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have KINNEY meet agents.

Agents will investigate this MRS. KINNEY angle thoroughly for the main reason that she and JOHN KINNEY lived near Belfort Bridge at the very location informant [redacted] states BRYAN BURKHART told [redacted] that BRYAN BURKHART and ANNA BROWN met J. L. BRIDGES, GEORGE JAMES and EDITH DAVIS, about 9 P. M. the night of May 21, 1921 (when ANNA BROWN was murdered) and it now appears possible that MRS. KINNEY and BRYAN BURKHART may both have had a hand in ANNA BROWN'S murder. MRS. KINNEY, according to MR. TILLMAN, owned a .32 calibre pistol at that time as her husband, JOHN KINNEY, knows. <sup>b7D</sup>

June 12th Agents proceeded to Wichita and made appointment with HUGH K. REA for next day re. this case.

J. E. WILKINSON, Spiritualist at Wichita, Kans. is said to be advising MRS. KINNEY, as she is a great believer in spiritualism. WILKINSON is said to have advised her to kill FRED TILLMAN, who, she claimed has laid a "spell" on her.

June 13th. These Agents at Wichita, Kans. interviewed HUGH K. REA attorney, 208 Fourth Natl. Bank Bldg. MR. REA is attorney for JOHN KINNEY, husband of MRS. KINNEY, named above.

MR. REA called JOHN KINNEY to the office and instructed KINNEY to talk freely and fully to us and furnished us a room to talk privately in JOHN KINNEY is a full blood Osage, about forty years of age, hard of hearing, slow of speech but quite intelligent and speaks English very well indeed. KINNEY however plainly is of weak will power. He impressed us very favorably by his desire to be truthful and just in his statements and talked freely with us for three or four hours.

JOHN KINNEY stated that he and his wife are now separated; that she is a white woman about forty years old; that they have been married

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about fourteen years and have no children; that he owns two and one-fifth headrights in Osage Tribe; that he is not restricted and did own about 1,650 acres of land in Osage County and a large sum in Liberty Bonds.

That during the last few years he has given said wife, at her repeated requests and for the alleged purpose of safety of the property, in trust for them both, Liberty Bonds and money in the aggregate sum of between \$65,000.00 and \$85,000.00 which she still has; that he has also ~~sent~~ decided to her 1,500 acres of his land; that he has also made a will which she has by which she is ~~now~~ given his entire estate at his death.

That he and she having not been friendly for several years, though living together at times, now have an agreement that she is to get a divorce, keep all the lands and other property he has given her and in addition get \$100.00 per month alimony from him; that she was penniless when he married her, and the property he has and has given her was all acquired by him by inheritance and by reason of his Osage blood, and Indian rights.

It will thus be seen that JOHN KINNEY is badly in need of an honest guardian and attorney to look after him and his property rights at once as his wife is of violent, desperate and erratic character.

JOHN KINNEY stated further that some years ago he married ANNA BROWN who was murdered near Fairfax in May, 1921; that however this marriage was annulled because of his then valid existing common-law marriage to his present wife, referred to above.

That his wife appeared jealous of ANNA BROWN and was unfriendly to her; that on one occasion this wife asked him if he thought more of ANNA BROWN than he did of her and he told her "no"; that she replied

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that if he did he was liable to be killed some time while out on a drinking party with ANNA BROWN, but did not say who would kill him.

JOHN KINNEY stated that in May, 1921 he and his wife lived on his farm, about one and a half miles northeast of Belford Bridge in Osage County, but that neither ANNA BROWN nor BRYAN BURKHART was ever at that place, so far as he knew; that he never heard his wife threaten any harm to ANNA BROWN; that his wife did not possess any pistol in 1921 that he knew of.

JOHN KINNEY stated that he had no reason to believe his wife implicated in ANNA BROWN'S murder and that she told him several times that she believed BILL HALE and the BURKHARTS were responsible for ANNA BROWN'S murder as they wanted her death before LIZZIE Q died, so that ANNA'S property would go to LIZZIE Q, ANNA'S mother, who had a will giving nearly all her property to the ERNEST BURKHART family

JOHN KINNEY showed a surprising knowledge of amount and descent of the ANNA BROWN, LIZZIE Q and family property, and stated that he also believed the HALE-BURKHARTS were responsible for ANNA BROWN'S murder but that he had no evidence to that effect, as all the Indians were afraid to tell anything.

JOHN KINNEY stated further that his wife is very courageous and has had several fights with white business men such as merchants, guardians and bankers in Osage County; that however he knows that there was justification for her in these affrays as in several of the cases she was trying to prevent Indians being grafted by these men, naming CHAS. ASH-BROOK and others.

JOHN KINNEY stated also that during the last year or so his wife has seemed to have a strong belief in spiritualistic mediums and has been telling him some strange and weird things; that she has had employed

W. G.



J. A. GUSTAFSON detective, Kansas City, Mo. a man whom she called WILKINSON another whom she called WILLIAMS and another whose name he did not learn; that she told him these men were detectives and that WILKINSON was a Spiritualist, and informed her that FRED TILLMAN and others at Pawhuska were going to lay a spell on KINNEY and have him kill her; that WILKINSON also told her that FRED TILLMAN has put a spell on her; that she told KINNEY that on one occasion she was in TILLMAN'S office at Pawhuska and FRED TILLMAN "mesmerized" her and had her sign a deed by which she conveyed to FRED TILLMAN the \$ 1,500 acres of land JOHN KINNEY had deeded to her, as stated before.

KINNEY stated that MRS. KINNEY related that FRED TILLMAN on that occasion told her she could not raise her hands, and when she tried to do so, she could not move; that TILLMAN then commanded her to sign the said deed to said land and she obeyed because of the "spell" TILLMAN had laid on her.

KINNEY stated that she kept telling him that he was possessed with a demon and took him to Kansas City to see a noted Spiritualist who would call up spirits from Osage County, and that this Spiritualist would drive the demon out of him, KINNEY.

KINNEY stated that he went to Kansas City with his wife to see this Spiritualist whose name is WOODS, and who lives on Paseo Ave., beyond Electric Park; that WOODS told him to keep him, WOODS in mind all the time, etc., and have faith, but that he, KINNEY, did not believe in such foolishness and told WOODS so, and nothing came of it.

That he, KINNEY, was in a hospital at Kansas City and his wife had JOHN GUSTAFSON do some work in Osage County for her and GUSTAFSON and wife came to the hospital twice and took him and MRS. KINNEY out riding; that MRS. KINNEY said she had GUSTAFSON hired to see if FRED TILLMAN

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had put the deed to the land on record. (This detective "WILKINSON" is said to be the man who advised MRS. KINNEY to shoot FRED WILLIAMS.)

JOHN KINNEY states he is afraid his wife will kill him some time; that she has attacked him many times and keeps talking about spirits and demons and "spells" all the time and has him arrested on false charges, etc.; that he wants to be freed from her and is willing to do so even at the cost of letting her keep the 1,500 acres and all the Liberty Bonds and money she has gotten from him.

JOHN KINNEY states that his wife seemed to be a good honest woman until a few years ago and made many enemies because she took an interest in numerous cases where the whites were grafting the Indians, she taking the Indians' side, but that she has changed.

That shortly after GEORGE BIGHEART'S mysterious death in a hospital at Okla. City he, KINNEY, heard ELIZE BIGHEART, the widow of GEORGE, telling MRS. KINNEY that BILL HALE had taken GEORGE BIGHEART to a hospital at Okla. City and had induced GEORGE BIGHEART to sign a deed conveying a lot of land to BILL HALE. KINNEY stated that ELIZE BIGHEART was appealing to MRS. KINNEY for help in this matter, but MRS. KINNEY refused and told ELIZE BIGHEART "I won't do it. You Indians are all cowards. I have taken your parts in many of these cases, and you Indians don't stand by me, and I get myself into trouble".

(No deed to his land has ever shown up, but the rumor persists from many quarters that it was secured by HALE. ELIZE BIGHEART has no principle and is said to be accepting presents from HALE and refusing to tell anything.)

JOHN KINNEY states that the man at his home when JEFF HUTCHINSON served notice of suit by E. K. SHEPHERD against JOHN KINNEY was F. L.

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ROBERTS: that ROBERTS is still on KINNEY'S farm near Belford Bridge. 27

JEFF HUTCHINSON is said to claim that MRS. KINNEY had this man ordered to kill HUTCHINSON at that time, but KINNEY says he knows nothing of that and don't believe it.

That the detective WILKINSON told him, KINNEY, that the spirit talk was all bunk; that WILKINSON is said to work out of the detective office of A. V. STEPHENSON or STEVENS, Fort Worth, Tex.

The rather long account of JOHN KINNEY'S statements are set forth for two reasons.

The main one is that MR. and MRS. KINNEY did live about a mile and a half northeast of Belford Bridge in May, 1921 when ANNA BROWN was killed, which is the location of the place that R. M. PIKE states BRYAN BURKHART told him was where BRYAN BURKHART and ANNA BROWN met J. L. BRIDGES, GEORGE JAMES and EDITH DAVIS the night ANNA BROWN was killed.

There is a possible connection here, that will have to be traced out

The other reason is that M. C. HARGIS, FRED TILLMAN, J. S. SIMPSON ED SCHECK and others keep insisting that MRS. KINNEY is implicated in ANNA BROWN'S murder, though none of them has produced any evidence to that effect, and the only motive assigned is jealousy.

There is no doubt that MRS. KINNEY is a desperate character and determined to get a small fortune out of JOHN KINNEY by any means she deems necessary.

MRS. JOHN KINNEY has made many enemies among the whites in Osage County. She was not to be found when we were at Wichita on the 18th of June, but we will locate and interview her fully as soon as possible. It is possible that she may be of great assistance to us, if so inclined or persuaded.

June 18th, interviewed ED SCHECK, 1608 S. Face, Wichita, Kans.

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who was evasive and unsatisfactory in his talk, possibly due to his age 72 years. He declared the woman WM. BEAF had in mind was LUELLA HALLNET but stated that she was unreliable and no account and had told him nothing.

ED SCHEKCK has also changed his theory of this murder, so he stated, and expressed a belief that MRS. KINNEY was implicated in it, but SCHEKCK could not or would not give any reason, motive or information to support his new theory.

Interviewed HUGH K. REA, attorney for JOHN KINNEY, but Mr. REA had nothing to add to what KINNEY told us, but promised to assist us all possible.

June 15th, interviewed LAURA COHN, who now lives with her father, SILAS COHN at Washunga, Okla. LAURA COHN stated in brief that she never did say that ROSE BRAGE told her that JOE ALLEN, alias JIMMY HIGGS killed ANNA BROWN and that she, LAURA COHN, never did say that JOE ALLEN told her that ROSE BRAGE killed ANNA BROWN.

LAURA COHN stated that JEFF HUTCHINS took her from Law City to Fairfax and there another man wrote up a statement in which she purported to state that ROSE BRAGE told her, in the Foley Hotel at Fairfax, that JOE ALLEN killed ANNA BROWN and that JOE ALLEN told her, LAURA COHN, that ROSE BRAGE killed ANNA BROWN; LAURA COHN stated to Agents that she told JEFF HUTCHINS and the other man at the time that this was not true, but they had her sign the statement anyway.

LAURA COHN stated further that JOE ALLEN and ROSE BRAGE both did tell her that they pawned a ring of ANNA BROWN'S at Wynona, Okla. for some whiskey but did not say to whom and did not say how or when they got this ring. Also that JOE ALLEN did tell her, LAURA COHN,

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that he and ROSE OSAGE were in FANNIE LANEY'S car, had a blowout and stopped SAM TULK and another man for assistance; that ANNA BROWN'S shoe was in the FANNIE LANEY car at the time and TULK asked about it, and JOE ALLEN told him it was ROSE OSAGE'S shoe and JIMMIE NICKS said he would not have stopped TULK if he had known who he was.

Also that ROSE OSAGE nor JOE ALLEN nor anyone else has questioned her, LAURA COBB, since she was at Fairfax as a coroner's witness in 1921 and that she has never testified nor told that JOE ALLEN or ROSE OSAGE told her who killed ANNA BROWN.

It appears almost certain that there is nothing to the theory that JOE ALLEN or ROSE OSAGE had any part in ANNA BROWN'S murder.

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## HENRY ROAN MURDER.

May 28th, DICK GREGG was taken from Pawhuska to Sedan, Kans. by Sheriff BUCKLES of Sedan to answer to a charge of robbing a bank at Elgin, Kans. (DICK GREGG is the man who we have been informed from three separate and unconnected sources to and did murder HENRY ROAN, namely, FRANK TERRELL, IKE JOG and DICK STODDER). We will question DICK GREGG and JACK HART as soon as possible.

June 24 arranged with confidential informant in Leavenworth prison that he will get what he can out of JACK HART and report to Agents when Agents call. This informant is also a prisoner but very friendly to Agent Weisz and HART has made some talk to informant and evinced a desire to be confidential with him for several months past.

Agents have been trying to get DICK STODDER to produce his informant who claims that DICK GREGG killed HENRY ROAN for BILL HALE, and that JACK HART knows it, and heard the deal made between DICK GREGG and BILL HALE, but STODDER declares his informant will not consent to meeting Agents or having his name made known through fear.

June 24 at Ponca interviewed JAMES AUTIN 19 years old who had told CHASCE FRAZIER that he, AUTIN, knew all about who killed HENRY ROAN and the SMITHS and why it was done.

JAMES AUTIN is intelligent, but shifty. However, Agent Weisz who interviewed AUTIN believes AUTIN'S story is probably true, so far as AUTIN is concerned, but that AUTIN'S informants were just telling AUTIN some boastful lies to impress him. AUTIN'S statement, in material substance, is that:

AUTIN had some illicit business with one RUFFIN, alias RUFFY and BLACKIE and CURLEY in 1923.

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That he, AUSTIN, does not know any other names than above of these three men; that DUFFIELD lived at Fairfax and was in jail at Pawhuska late in 1922 and early 1923 on a whiskey charge.

That BLACKIE was also a resident of Fairfax, being an engineer at the Smith-Williams Hotel there and the Frances Rooms there; that BLACKIE was about 25 years old and was dark complexioned and had dark eyes, and had the upper lid of one eye grown to the eyeball (This cannot be BLACKIE THOMPSON or WELTON).

That "CURLY" was a young, rather blond man and slim (This cannot be CURLY alias ARTHUR JOHNSON, as he is about 45 years old.)

JAMES AUSTIN stated that these three men were all bootleggers in Osage County and associates to his knowledge, but all are gone from there during the past three or four months and are said to be "below Oklahoma City".

AUSTIN states that some six or eight months ago DUFFIELD told AUSTIN that he, DUFFIELD, had killed HENRY ROAN because ROAN and he had been partners in bootlegging whiskey and while DUFFIELD was in jail at Pawhuska, ROAN sold their partnership Buick roadster and collected some money due them and refused to divide with DUFFIELD when he was released from jail.

That DUFFIELD told AUSTIN "I saw ROAN in his car and went up and spoke; when he looked I shot him and he fell over backward, over the seat back. I met him north of Fairfax."

JAMES AUSTIN states that DUFFIELD told AUSTIN that he "killed BILL SMITH because BILL SMITH and a MR. BENNETT ordered two quarts of whiskey and when DUFFIELD and CURLY brought the whisky to Grayhorse SMITH and BENNETT had some officers there to trap them but that DUFFIELD and

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CURLY broke one bottle of whiskey and threw the other away.

JAMES AUTIN states that CURLY also told him that DUFFIELD killed HENRY ROAN and blew up the SMITH house.

JAMES AUTIN was very excited while telling the above and stated that if his expenses are paid he will find these three men again and get their confidence and get them to tell him all the facts.

Agent however pointed out to AUTIN the reported rewards in these cases and AUTIN has declared he will work for these rewards.

Agents opinion is firmly that AUTIN'S information is pure bunk, put to him by WACKIN and DUFFIELD for some ulterior purpose.

AUTIN in response to questions stated that none of the men had indicated in any way that any one had been hired or paid to do these murders, and that no one but DUFFIELD had done the work.

Agent did not indicate to AUTIN that Agent had any doubts of the correctness of AUTIN'S information but encouraged AUTIN to quietly learn all he can and report to Agents.

Agent Weiss had to attend Federal court as Government Agent from June 6th to and including June 10th in another case but Agent Burger remained on this investigation and kept in touch with our under cover man from Leicester. This under cover man is working but is being delayed somewhat to this date owing to fact that his wife is seriously ill and he has no car. However he is on the job and progressing slowly to this date, June 11, 1924.

Agent Burger on June 6th interviewed DICK GREGG at Sedan, Kans. with material result that GREGG finally declared he had not committed any of these murders as he would not be guilty of such acts but that he had been "propositioned" to do the killing, and had refused.

GREGG was very wary in his talk but not hostile. He declined to

SM



T. P. Weiss.

May 24 to June 10, 1934.

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tell which particular murder he had been "propositioned" on or by whom he was propositioned but GREGG did invite Agents to call on him again on the 10th instant to talk further on the cases. However the Kansas authorities decided unexpectedly to and did transfer GREGG to the Lansing, Kans. state prison before Agents arrived at Sedan on the 10th, so that we now shall have to interview GREGG at Lansing. However this will be almost as well as JACK HART is at Leavenworth as well as a confidential man we know in Leavenworth prison.

MR. J. E. BROOKS, attorney, Sedan is well known and friendly to Agents and is GREGG'S attorney and we feel confident BROOKS will assist us in getting GREGG to tell all he knows.

J. E. POWELL, ex-Sheriff, Sedan, Kans. is also a good friend to these Agents and is an old acquaintance of both DICK GREGG and his father and has their confidence. MR. POWELL has promised to assist Agents in getting both DICK GREGG and his father to tell us all they know.

We have also been urging DICK STODDER again to induce his informant to talk direct to us but STODDER reports his informant still refuses to do this and he, STODDER, cannot in honor disclose informant's identity but will continue his efforts to persuade his informant to meet our requests.

June 13th talked to J. E. POWELL by long distance but MR. POWELL stated he has not seen DICK GREGG'S father yet and had nothing to report.

June 14th JOHN MORAN states that DICK STODDER informed MORAN that STODDER'S informant still refuses to see us direct, but may consent to do so; that said informant states that GROVER DURELL saw DICK GREGG with a big roll of money at Okesa shortly after HENRY ROAN'S murder and intimated that DURELL knows how GREGG got the money. DURELL is now

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in Leavenworth prison for mail robbery near Okem, Okla. last August. We will follow this up.

June 16th Agent Burger again interviewed DICK GREGG at Lansing, Kans. prison with net results that GREGG stated that ERNEST BURKHART had propositioned him GREGG, to do the job, of these murders, but GREGG would not disclose which particular murders in this case ERNEST BURKHART had sought to have him do.

GREGG stated that he could not betray a man's confidence by telling Agent Burger the facts as he, GREGG knows them, but that he, GREGG, will tell BLACKIE THOMPSON if THOMPSON can come and see GREGG personally and assure GREGG that it will benefit THOMPSON and put THOMPSON'S feet on the ground.

GREGG stated further that he could tell BLACKIE enough of the facts that BLACKIE would have no trouble getting all the evidence in the case.

GREGG'S position was that he would tell a member of his underworld gang, BLACKIE, but not an outsider.

Arranged with GREGG to do as he requested and bring BLACKIE there to get GREGG'S information as soon as possible.

Agent Burger also interviewed our confidential man in Leavenworth, [redacted] who stated he has been making friends with JACK HART and that HART has told him that he, HART, first met DICK GREGG at Pookingtown at Okla. City when some girl was shot there, and that DICK GREGG is now at Sedan, Kans. being held on bank robbery charge.

[redacted] states that HART, when he heard that [redacted] expected to be released soon, told [redacted] that he, HART, would tell [redacted], where he could make some money for bumping a man off; that "SHANTY" at Webb City, Okla. (Osage County) would be with him on this bumping off deal, but JACK HART would have to be in on the money.

b7D

This indicates HART'S association with DICK GREGG and HART'S moral calibre. [redacted] will continue to try to "rope" HART for us. DICK GREGG mentioned one "DENEY" to Agt. Burger as being a close pal of BLACKIE THOMPSON. (We will look into this.)

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## MURDER of CHARLES WHITEHORN.

June 4th, A. W. COMSTOCK informed Agent Burger that TROY GRIFFIN, brother of BRYAN GRIFFIN told Mr. COMSTOCK that he, TROY GRIFFIN, and BRYAN GRIFFIN have law offices in Okla. City; that he, TROY GRIFFIN, knew that BRYAN was generally suspected of knowing who killed CHAS. WHITEHORN and he, TROY GRIFFIN, believed BRYAN does know this, and he, TROY GRIFFIN, was going that day to Tulsa and get MINNIE SAVAGE and take her to Okla. City and prevail upon her and BRYAN GRIFFIN to tell him the facts and clear up this murder.

To this date, the 12th, however, nothing has come of this, so far as Agents have been informed. We will see TROY GRIFFIN personally.

June 21st. A. W. COMSTOCK states he has learned nothing further re. above but that he told TROY GRIFFIN to see Agents at Okla. City some two weeks ago. Also that MINNIE SAVAGE has now moved to Okla. City

JOHN MORAN reports that HARVEY FRANKS recently told MORAN that DREWY SUTTON is now at Crowder, Okla. and that he, FRANKS, has been there and talked to SUTTON twice and is convinced that SUTTON knows nothing about the WHITEHORN murder.

JTB

## A. K. SMITH MURDER.

May 24th Agents secured leave of absence for under cover man and drove from Okla. City to McAlester and arranged matters there.

May 25th, secured services of under cover man and drove to Gilton and outlined work for under cover man from McAlester state prison.

May 26th, MRS. ALICE FRAZIER, Ponca, stated to Agents that she had made earnest effort to have GRAY M. DRAKE, alias ED DAVIS tell her all he knew about the SMITH murders; that DRAKE was very angry because of being thus asked to divulge what he knew but did say he knew who had done it and knew "those parties" had "propositioned" others to blow the SMITH home and family up with dynamite; that DRAKE also stated that BLACKIE and COOKIE EDWARDS (TROY and RAYMOND HILL) also knew who had done the SMITH job, as they had been harbored by ERNEST BURKHART one winter and had been propositioned by ERNEST BURKHART to do the job but had not done it.

MRS. FRAZIER further stated that when she pressed GRAY DRAKE to tell her all the facts and to meet Agents and tell them that DRAKE swore and declared he would not tell, and if Agents questioned him he would tell them to go to hell.

This GRAY DRAKE is well known to Agent Weiss as a car thief and all around crook. We will look up his record and see if we can't make him talk or have his parole revoked as he and the HILLS, we are reliably informed, are all now again engaged in stealing cars and handling moonshine whiskey in the country near Ponca and apparently under "protection"

BLACKIE and COOKIE EDWARDS are also well known to Agent Weiss (see Okla. City file entitled "GRAY M. DRAKE, TROY HILL and RAYMOND HILL", especially Agent Weiss' report on same for May and June, 1923.

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MRS. ALICE FRAZIER is a sister to GOR BLAKE, a former husband of ANNA BROWN, who was murdered May 21, 1921.

CHANCE FRAZIER, husband of ALICE FRAZIER, states that a few days ago one HENRY WELLS told him, FRAZIER that he, WELLS, knows who blew up the SMITH house and that one of the men who did it is now in a hospital; that his man who helped do the SMITH job told WELLS about it and later stole an auto from WELLS.

MR. FRAZIER states that WELLS now works for HENRYHOLDS REWARD, about 14 miles east of Ponca in Osage County, and that WELLS will tell Agents if we will keep his name confidential.

May 26th Agents arranged with CHANCE FRAZIER for all of us to meet WELLS on the 27th and get his statement.

GRAY BRAYNE and BEACIE and COOKIE EDWARDS are making rendezvous at BERT DAVIS' place, south of Enid. BERT DAVIS is a moonshiner.

On this date, May 26th we also started our under cover man from McAlester prison out to work among the crooks in the oil fields and get the evidence he has promised us.

May 27th CHANCE FRAZIER informed Agents that HENRY WELLS was at Pawhuska today but he, FRAZIER, will get WELLS and bring him to Pawhuska for Agents to interview. FRAZIER describes HENRY WELLS as a slim young man about 19 or 20 years old.

May 27th received reply from Denver office of Bureau showing that GRAY BRAYNE, alias ED DAVIS plead guilty of violation Natl. Motor Vehicle Theft Act (apparently at Pueblo, Colo. May 21, 1923) and was sentenced to serve eighteen months in Federal prison at Leavenworth, Kans.

That the cases against TROY HILL and RAYMOND HILL, alias BEACIE and COOKIE EDWARDS were nolle prossed by U. S. Attorney MR. CANN at Denver, Dec. 12, 1923. TROY and RAYMOND HILL were charged jointly

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with GRADY DRAKE.

As stated before these three named professional car thieves and crooks are now hanging out at BERT DAVIS' place near Ponca, Okla. and plying their business of whiskey making, selling, and stealing cars.

May 28th Agents read reply from C. W. WILSON, Record Clerk at Lansing State prison, Kans., to effect that there is no record of GRADY DRAKE or TROY or RAYMOND HILL, under those names, or aliases at that prison, so that GRADY DRAKE is evidently now out under parole from his Federal sentence at Leavenworth.

We shall try to make him come clean on this instant investigation or have his parole revoked. DRAKE and the others are really hardened, professional criminals and go heavily armed at all times.

May 27th, under cover man from McAlester reported in person, as per his promise, stayed with Agents that night and May 28th left in his car to do his work for us in Osage County.

Agents learned confidentially that a certain prominent stockman, two bankers and a notorious woman criminal, all of Osage County, and well known to Agents are involved in a big stolen Liberty Bond deal, and are planning to effect the release from prison of a certain notorious criminal also well known to Agents as this criminal knows all about these stolen Liberty Bonds and these peoples connection with the deal.

This information is inserted here for the reason that these peoples plans threaten to seriously interfere with our investigation of these Osage murders. Agents will report on these stolen Liberty Bond deals later and in detail in a separate report.

Agents now have five members of the underworld working under cover for us on these murder cases, and we expect splendid results from them.

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L. P. Weiss.

May 24 to June 20, 1934.

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as their own personal interests and future welfare behoove them to operate loyally with us. Indications are that for some time to come practically our entire time will be taken up with directing, keeping in touch, and associating with our under cover informants.

This investigation is full of danger, hardships and unpleasant features for us but we are determined and willing to continue to a successful conclusion.

May 30th, interviewed WM. SHAW, Burbank, Okla., who stated that OLLIE CLAY, Crayhorse, Okla., worked two years for BILL SMITH and told WM. SHAW that he, CLAY, knows a lot about the murders of BILL SMITH and wife, but is afraid to tell. (We will see OLLIE CLAY.)

WM. SHAW stated further to Agents that ROY MOSSBERGER, Crayhorse, Okla., told him, WM. SHAW, that shortly before BILL SMITH'S murder, MOSSBERGER and BRYAN BURKHART were sitting on the steps of the Big store at Crayhorse when they saw BILL SMITH'S car approaching; that BRYAN BURKHART remarked to MOSSBERGER "that is BILL SMITH'S car. I have to get the son of a bitch and I might as well do it now". That BRYAN BURKHART took his gun out of his pocket and walked out to the road to meet SMITH'S car but when the car passed it contained only MRS. BILL SMITH and the hired girl; that BRYAN BURKHART held his gun in his hand and came back to MOSSBERGER; that MOSSBERGER remarked, "that was not BILL SMITH was it," and BRYAN BURKHART replied, "No, and it was damned lucky for him that he was not in the car".

WM. SHAW states that ROY MOSSBERGER is also very much afraid to tell what he knows, and asked SHAW to not mention his name nor the above facts. (We will see MOSSBERGER.)

WM. SHAW also stated to Agents that ED H. TEAS SCHENCK told him, SHAW, that a woman who worked for the PAINE BURKHARTS stayed at SCHENCK

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house one night after these murders and told SCHEENCKS a lot and that SCHEENCKS wanted to give this information to some Government Agent.

We interviewed this man ED SCHEENCKS, 2 Dec. 16th, at Wichita, Kans. where SCHEENCKS lives now, at 1608 S. Waco St. At that time SCHEENCKS did not tell us much of value (see our report for that date). But at that interview SCHEENCKS' wife and her sister were present, and discouraged him from talking. Today we sent WILLY HAYNES, who is an old friend of SCHEENCKS, as well as an old co-officer in the Indian country with SCHEENCKS, to see SCHEENCKS and get all he can and report to us tomorrow (SCHEENCKS will tell HAYNES all SCHEENCKS knows).

May 30th interviewed DOCK HARKINS, Chief of Police at Webb City, Okla. who reiterated that W. K. (BILL) HALE had tried to get HARKINS to rob a certain widow of Osage County of eight or ten thousand dollars as heretofore reported.

DOCK HARKINS however has changed his attitude as to CURLEY (ARTHUR) JOHNSON and now is very silent and unwilling to do anything affecting CURLEY JOHNSON or getting him to confess, although some weeks ago HARKINS voluntarily informed us that JOHNSON knows all about the SMITH murders and he, HARKINS, would get it all out of JOHNSON and report to us and assist in every way possible (looks as though JOHNSON has something on HARKINS now.)

CURLEY JOHNSON is hanging around Whistang and CHAS. QUICK is hanging out at Whistang and Dilton, according to DOCK HARKINS.

Informant from McAlester reports that ERNEST BURKHART "framed" three diamond robberies for the near future with informant at Fairfax on the 28th instant, told informant that he, HALE, regretted not having bought the DeLoys diamonds for the \$1,000.00. MAY 28th

May 30th and 31st M. and MRS. CHAS. FRAZIER stated that their

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HENRY WELLS, now working for RAYHOLDS REWARD (not HENRY WELLS the bank robber) has promised them to come with them and tell Agents that he knows (confidentially) about the SMITH murders (WELLS claimed to the FRAZERS that one man while drinking told WELLS that he, said man, was in on the SMITH murder). Agents have been trying to get WELLS and the FRAZERS in a meeting in order to get WELLS' statement and hope to do so soon.

MRS. FRAZIER stated on June 1st that GRAY M. DRAKE just recently charged her with being a "snitch" in regard to these murders, and that DRAKE seemed to be hard boiled about it (DRAKE'S parole should be revoked and he made to give Agents his information. He is a confirmed criminal and has no business being at large, instead of serving his sentence imposed in Federal court for violation of the Natl. Motor Vehicle Theft Act on a plea of guilty.)

June 24 examined prison record of GRAY M. DRAKE, alias ER DAVIS, alias ROBERT E. DWERS and find he was sentenced in Federal court, Denver, Colo. on June 11, 1923 to serve eighteen months at Leavenworth prison for viol. Natl. Motor Vehicle Theft Act, his number being 19770.

That his maximum term expires Jan. 25, 1925. His minimum term expires Oct. 9, 1924. That he was received at Leavenworth July 26, 1923

That on Mar. 19, 1923 he was paroled to W. A. RICKER, Perry, Okla (RICKER is sheriff of that county). As our information is that DRAKE is handling whiskey and stolen cars, in conjunction with BERT DAVIS (HOCKENHINER) and TROY and RAYMOND HILL, criminals, DRAKE'S parole should be revoked in the event he refuses to give us the evidence he possesses regarding these Osage Indian murders.

June 24 interviewed JAMES AUTER, 19 years of age, who lives on the RAYHOLDS REWARD farm in Osage County. AUTER declared (very

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(confidentially) that one DUFFIELD had boasted to him, AUTRE, that he, DUFFIELD had blown up the SMITH home for revenge, as BILL SMITH had tried to trap DUFFIELD and <sup>one</sup> CURELY for the officers on a whiskey charge

He have AUTRE now getting further information along this line, but have very little confidence in AUTRE'S story, though he may be sincere in which he tells.

H. E. alias ARTHUR alias CURELY JOHNSON was tried on a Federal narcotic charge at Guthrie and found guilty June 4, 1934. Sentenced to 18 months at Leavenworth penitentiary.

BILL SCHWELL has a Federal whiskey charge pending at Guthrie.

June 6th informant from McAlester reported to Agent Burger that on that day BRYAN BURKHART told informant he, BURKHART, was expecting to be arrested any day for blowing up the SMITH house and when informant asked him "Have they got anything on you?" BRYAN BURKHART replied, "I don't know".

Informant is working cautiously on this particular case.

June 10th informant [redacted] conferred with Agent Burger (Agent Weiss was in court on Government cases at Guthrie June 4th to June 11th).

Informant stated that he would take his wife and go fishing for a few days with suspects and would report to us again on the 13th or 14th

b7D June 10th this McAlester informant has not show up, nor sent word. Learned that one COOPER, a Wm. J. Burns detective, told JOSE MORAN that the Deputy Warden at McAlester prison had told MR. COOPER that [redacted]

[redacted] that COOPER further stated that [redacted] was in the recent Bristol and Burbank and Arkansas City bank robberies as they had been trailing him and he was recognized at one robbery and that BILL HALL'S car, a blue Buick, was used at the Bristol robbery and that it was well known that [redacted]

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May 24 to June 20, 1924.

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and BILL PALE and the WICKHARTS were very close, that PALE'S car was claimed to have been stolen before the robbery.

Now the facts as we Agents know positive y are that the Bartank robberies took place [REDACTED]

[REDACTED]

June 18th we drove to [REDACTED]

They were very cautious but finally got over their reticence and stated that [REDACTED] and his wife left them the 10th or 11th saying they would be back Saturday or Sunday (14th or 15th); that they were going to Fairfax and Shidler. ↑  
b7D

[REDACTED] stated that [REDACTED] and suggested that Agents could locate [REDACTED] through "Yetampka" at Shidler; that he was also a little worried as [REDACTED] and his wife had taken but a few clothes and had not sent any word since they left. Arranged with [REDACTED] that he would go to Shidler and vicinity and see Yetampka and others and if possible locate [REDACTED] It is possible that [REDACTED] is being held incommunicado in some jail. ↓

This Burns has also claimed that BENNY W. BRISON has been

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x. J. Weiss.

May 24 to June 20, 1924.

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associating with [redacted] and the bunch hanging around STURDY'S and [redacted] has been assuming name of [redacted]. It looks as though someone has maliciously or otherwise deliberately uncovered [redacted] in this case.

June 19th Agents learned from DOCK HAWKINS and HARRY STEIN that [redacted] was said to have been at Webb City about June 16, 1924 and learned from MICKY McFARLAND at Shidler that June 17th one KILLIAN was arrested at Shidler on charge of being implicated in Bristol bank robbery; that [redacted] left Shidler immediately afterward and has not been back. The report is that FRED WHITTAKER, Deputy Sheriff, has a warrant for [redacted]

[redacted]

[redacted]

[redacted]

MICKY McFARLAND states that he personally knows that KILLIAN was in Shidler, Ark., when the Bristol bank was robbed.

Have arranged [redacted] and McFARLAND to locate [redacted]

June 19th, J. G. WRIGHT, Supt. Oange Indian Agency, furnished us a Ford touring car for use in this investigation and stated that upkeep and supplies for same will be taken care of by the agency.

June 20th talked on phone [redacted] [redacted] stated that [redacted] came home the evening of June 18th and is still there and that she stated she had left [redacted] at Fairfax June 18th with the understanding that he would meet us at Washnaka the 19th or 20th [redacted]

[redacted] stated he would have her get to [redacted] at earliest possible time and have him come to us for conference immediately.

June 21st, Agents learned from four reliable under cover sources at

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T. P. Weiss.

May 24 to June 30, 1924.

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Whidler that [redacted] left there the night of June 17th and apparently had not returned. Also that [redacted] has avoided being in on any job.

We also arranged with our under cover informants there to get word to [redacted]. We also secured the confidence and co-operation of three more members of the underworld, of Seage County from whom we confidently expect material assistance in these investigations.

It is now evident beyond any doubt that the evidence in these cases will have to be secured through the underworld and cannot be secured otherwise. We have succeeded now in getting eight of these underworld characters working with us, most of them not knowing that the others are so working.

It is a significant fact that each one of the three criminals who have admitted that he was "propositioned" to do one or more of these murders has stated that it was HERBERT BERNHART who approached him and that each one stated that he believed BILL HALE was behind the scheme. Not one of these criminals who thus admitted being approached knows of the information given us by the other two. b7D

Informant [redacted] has kept in touch with us but says BILL HALE is nervous and distrustful of him so that he has not been able to do us much good.

We are also keeping in touch with WILEY HAYNES who has been an officer in this section for thirty years and has many old friends here. MR. HAYNES has been investigating the HENRY ROAN case in the interest of the Capital Life Ins. Co. for two months, off and on, but MR. HAYNES has had no success to speak of. He is reliable and an old-time friend of Agent Weiss and will give us all information and assistance possible

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T. P. Weiss.

May 14 to June 20, 1934.

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Agent Weiss was in Federal court for Government June 4th to 10th inclusive, on other cases.

Our main efforts during the period covered by this report have been devoted to getting the confidence and assistance of the underworld characters referred to herein [REDACTED]

[REDACTED]

b7D

In concluding this report will state that no one not familiar with the conditions in Osage County, Okla. can begin to appreciate the hindrances, obstacles and difficulties that we agents have to overcome in these particular investigations and the importance of keeping our own evidence, movements and plans absolutely secret cannot be over-emphasized.

We feel confident that we now have a line of evidence and informants that will eventually result in the full solution of the SMITH, ROAN, and ANNA BROWN murders and probably the WHITEHORN murder but it will take hard, cautious and patient work.

We have had to drive thousands of miles in these oil fields, day and night, heat, cold, rain, snow and mud, but are slowly but surely getting results. We are now satisfied as to who the principal guilty persons are and believe, with our present line-up that we will ultimately secure the evidence sufficient to convict.

ONE.

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COPY.

Oklahoma City, Okla.

June  
twentieth,  
1924.

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

ATTENTION - MR. HOOVER - 2.

Dear Sir:

AGENT WEISS.

Replying to your letter dated June 13, 1924, WWG:  
OCD, I beg to state that you will note from the  
reports of Agents Weiss and Burger that with the  
advice, consent and approval of the Governor and  
the Attorney General of the state, George F.  
Short,

[REDACTED] 1370

I have requested Agents Weiss and Burger over long  
distance phone on this date to make a full and com-  
plete report on this matter to date. Same will be  
submitted on Monday, June 23d and on that date I  
will give you a more full and complete answer to  
your letter.

Very truly yours,

(Signed) James G. Findlay,  
Special Agent In Charge.

F-B.

62-5093

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Oklahoma City, Okla.,

June  
twenty-  
third  
1924.

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

ATTENTION -  
MR. HOOVER - 2.

AGENT T. F. WEISS  
and  
W. E. SMITH, et als.,  
Murder of Osage Indians  
Okla. City file 7060

Dear Sir:

I replied to your letter dated June 13, 1924, WVG:OCD, on June 20th, stating that I had requested Agent Agents Weiss and Burger to make a full and complete report to date on the W. E. Smith case, so as to set forth fully and completely the status of that investigation to date. I am enclosing their report dated June 23, 1924 herewith.

Agent Weiss has worked continuously on this investigation except what time he has been required to be in court as a witness in cases which he had investigated before being assigned to this investigation. It has appeared two or three different times during this investigation that the point had been almost reached where we could say who the guilty parties are in one or more of these murders, but it appears that it has been impossible to get the final and what appears to be a necessary element in this case; that is, a confession from someone who can link the perpetrators of these crimes with the crime itself.

You will note that on May 25, 1924, with the cooperation of the Governor and the Attorney General of the state,

~~in Osage County on this matter, and it is believed that he will be able to obtain some information which has not been possible to obtain in any other way heretofore. You will also note from Agent Weiss and Burger's report that Dick Gregg, a notorious law violator, is now in the Kansas penitentiary, Lansing, Kansas, being held on the bank robbery charge committed at Sedan, Kansas, and has not yet been tried, and that Dick Gregg and his relatives are willing~~

B7D

62-5033-123

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to furnish them all information that they are able to obtain with respect to these murders. Also, that they have made arrangements with some other law violators and underworld characters to secure certain information for them.

That Grady Drake, who was convicted at Denver of automobile theft, and is now paroled to the Sheriff at Perry, Okla., was propositioned to commit some of these murders, but that to the present time they have not been able to make proper connections with Grady Drake to cause him to tell the truth of what he knows about these murders, and that this matter is now receiving their attention and they hope in a short time to obtain valuable information from Grady Drake.

You will also note that Osage Indian Superintendent J. Geo. Wright and Mr. Woodward, the attorney for the Osage Tribe, have recently been to Washington and have examined the reports of these Agents, and are anxious that the investigation continue, and also have hopes that the investigation will ultimately be successful. Also, that they have agreed to furnish and as a matter of fact have already furnished a Ford car and the upkeep of same for the use of Agents Weiss and Burger as they continue the investigation.

I realize that this has been a very long, drawn-out and extensive investigation, as well as expensive. Agents Weiss and Burger state that they feel confident that they will ultimately be able to secure the evidence which will warrant conviction in some of these cases, but they of course cannot and neither can I state how long it may take them to secure said evidence.

I will state that Agents Weiss and Burger are confident that they can complete this investigation satisfactorily, and I know of no Agents in this service in whose ability I place more confidence than in these two Agents, and will state that I believe if these murders can be solved, that they can ultimately solve them.

Knowing as I do that this has been a long, drawn-out investigation, with the statement above, I leave it entirely to you to state whether or not the investigation should be continued or discontinued.

Very truly yours,

(Signed) James G. Findlay,  
Special Agent in Charge.

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COPY.

OKLAHOMA STATE PENITENTIARY

McAlester, Oklahoma.

Office of  
W. S. Key  
Warden

June 20, 1924.

Mr. T. F. Weiss,  
Special Agent,  
Department of Justice,  
Pawhuska, Oklahoma.

Dear Sir:

This will acknowledge receipt of your  
letter with reference to the indeterminate [REDACTED]

B7D

I note with interest your statement  
that you are informed that one of our Deputy  
Wardens has disclosed the facts surrounding [REDACTED]

In reply, I wish to assure you that I  
have no knowledge of any such action on the  
part of any of my assistants and I assure you  
that we appreciate fully the character of the  
work now being carried on by you [REDACTED]  
[REDACTED] and wish to cooperate with you  
in every particular. I am sending a copy of  
this letter to Mr. John W. Long, Superintendent  
of Identification, Oklahoma City Police Force,  
who I believe, was assistant deputy warden at  
the time this man was delivered to you. Mr.  
Long, I am sure, will do everything possible to  
cooperate with you in your work and I have no  
reasons to believe that he or any other official  
or exofficer of this institution will at any time  
make any statement or take any action which might  
embarrass you in your work.

All  
Deletions  
B7D

Very truly,

(Signed) W. S. Key  
Warden.

WSK-C:

895

Department of Justice,

Bureau of Investigation.

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

MAR 18 1925



RECORDED & INDEXED

62-5033

March 9, 1925.

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

ATTENTION # 2.

62-5033-133
BUREAU OF INVESTIGATION
MAR 11 1925 P.M.
DEPARTMENT OF JUSTICE
Division 2

Dear Sir:

Reference is had to your letter of February 10, 1925, initialed WWG:JL, enclosing copy of letter from Special Agent James G. Findlay, regarding his connection with [REDACTED]

I have checked over the file in the case of "W. K. Smith, et al, Murders of Osage Indians", and find reports dated April 28, 1924, May 24, 1924, and June 23, 1924, which set out the full details of conferences with the Governor and Attorney General regarding [REDACTED]

B7D

I am attaching to this letter a copy of these reports, together with a copy of letters dated June 20, and June 23, 1924, written by Special Agent Findlay to the Director. Also, a copy of letter, dated June 20, 1924, from W. S. Key, Warden State Penitentiary, addressed to T. F. Weiss.

The State Bankers' Association claim to have evidence that "Blackie" Thompson was implicated in the robbery of the Bristow bank on June 4, 1924. However, I presume that he will never be brought to trial on this case, as he is now serving a life sentence for the murder of W. S. Lennox on July 2, 1924.

"Blackie" Thompson admitted the robbery of the Avery Bank and the murder of W. S. Lennox on July 2, 1924, and also admitted the robberies of the Oilton bank on November 21, 1923 and October 10, 1924. He refused to give any informa-

890

Director. #2.

tion regarding other banks which he admitted as having robbed, neither did he admit or deny having had anything to do with the Bristow bank robbery on June 4, 1924.

It is noted that "Blackie" Thompson was interviewed by Agent Burger on June 10, 1924, which would have been after the Bristow bank was robbed.

VI [REDACTED] B7D  
[REDACTED]

I might add that Special Agent Smith is now working in an effort to secure sufficient evidence to prosecute "Blackie" Thompson for the killing of the W. B. Smith family, and has some evidence of this fact.

Respectfully,

*W. D. Bolling*  
W. D. Bolling,  
Special Agent In Charge.

WDB:B.  
Encl.

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P.H.

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W. J. BURNETT  
DIRECTOR



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

62-5037-13

February 18, 1925.

MEMORANDUM FOR THE DIRECTOR

You referred to me today Mr. Belmont, who is Assistant Chief and Business Manager of the Kaw Indian Tribe in Oklahoma, and a close friend of Senator Curtis, who is the Chief of the Kaw Tribe.

Mr. Belmont desires to render every possible assistance in connection with the Indian matters in Oklahoma and has explained to me some of his connections there. He indicated that he could be of assistance to Special Agent in Charge Bolling in the investigation of the Indian murders. Mr. Belmont is a man of course of independent means and is not after a position. He is a full blooded Kaw Indian, very highly educated, and appears to be upstanding. I have told him that we could take no action on the matter here without the advice of Special Agent in Charge Bolling at Oklahoma City, and have suggested that he see Mr. Bolling there, which he has promised to do.

Mr. Cleary happened to meet Mr. Belmont in the hall and knows the latter very well. Mr. Cleary states that Belmont knows, and that he is thoroughly reliable.

Respectfully,

MAR 5 1925

RECORDED & INDEXED

62-5037-135	
BUREAU OF INVESTIGATION	
FEB 28 1925	
DIVISION OF INVESTIGATION	
Division 1	

848

62-5033

March 16, 1925.

JH/LM:

CODE

RUSH

Bolling.

Federal Building.

Oklahoma City, Okla.

Several inquiries from newspaper correspondents have been made concerning status Osage Indian cases. Wire me what present status is, whether ~~present~~ case is being presented to grand jury and general indications of whether indictments will be obtained. One.

HOOVER.

RECORDED & INDEXED

62-5033-134	
BUREAU OF INVESTIGATION	
MAR 16 1925 P.M.	
DEPARTMENT OF JUSTICE	
	FILE

899

Department of Justice

TELEGRAM RECEIVED

Oklahoma City, Okla.

March 15, 1925

Hoover

Replying to your telegram re: Indian cases. No immediate prospect court or Grand Jury action. State authorities apparently believe Government should take lead in prosecution.

Arriving Washington eighteenth

ONE ROLLING

62-5073

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To Dir: 9:35

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RECORDED & INDEXED

MAR 21 1925

62-5073-135
BUREAU OF INVESTIGATION
MAR 17 1925 A.M.
DEPARTMENT OF JUSTICE
Division 2
Room 2

Handwritten number 900





From

OFFICE OF THE DIRECTOR, BUREAU OF INVESTIGATION

To

OFFICIAL INDICATED BELOW BY CHECK MARK

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- 3 Attorney General
- 4 General Holland
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- 6 General Willebrandt
- 7
- 8 General Donovan
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- 0 Mr. Martin
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- 2 Mr. Strong
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- 4 Mr. Stewart
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- 6 Mrs. Rishel
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- 8 Assistant Director
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- 0 Mr. Baughman
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- 2 Mr. Boddis
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- 6 Mr. Cunningham
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- 8 Miss Gandy
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- 0 Mr. Grimes
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*See memo*

*3/17/25*

*How 3/20/25*

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GOVERNMENT PRINTING OFFICE

March 16, 1925.

J.H./RAM  
62-5033-136

MAR 18 1925

CODE

ROOM

**RECEIVED & INDEXED**  
62-5033

Belling,

Federal Building,

Oklahoma City, Okla.

Am just in receipt of telegram from Attorney General Oklahoma stating your investigation Osage murders not satisfactorily concluded, adding that he regrets Department of Justice unable assign law representative who could pursue investigation to conclusion. Wire me immediately exactly what situation is. From telegram Attorney General Short indications are that he holds Bureau of Investigation responsible for failure of investigation. You can appreciate embarrassing situation in which Bureau will be placed if actions of our Agents have resulted in failure to bring investigation to satisfactory conclusion. Wire me fully all angles of situation as I am being pressed by newspapers relative this matter. One.

HOOVER.

*Mr. Gines*

903

From

OFFICE OF THE DIRECTOR, BUREAU OF INVESTIGATION

To

OFFICIAL INDICATED BELOW BY CHECK MARK

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- 2 Attorney General .....
- 3 General Holland .....
- 4 General Willebrandt .....
- 5 General Donovan .....
- 6 Mr. Martin .....
- 7 Mr. Strong .....
- 8 Mr. Stewart .....
- 9 Mrs. Rishel .....
- 10 Assistant Director .....
- 11 Mr. Baughman .....
- 12 Mr. Boddis .....
- 13 Bureau Filing Section .....
- 14 Mr. Cunningham .....
- 15 Miss Gandy .....
- 16 Mr. Grimes .....
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*See me.*

*YMA*

*3/17/25*

*63-3333*

REARRANGED BY DIVISION OFFICE



*904*

March 12, 1925.

The Honorable the Attorney General,  
Washington, D.C.

In re Osage investigation,  
Pawhuska, Oklahoma.

Sir:

I beg to submit the following report regarding the investigation of the murder of certain Osage Indians supposed to have been started at Pawhuska on the 9th inst.

I received the Department wire on Monday March 9th, and immediately got in touch with the Attorney General of Oklahoma's office, and found that the investigation would not start until Wednesday March 11th, and in accordance therewith I arrived in Pawhuska yesterday and immediately got in touch with Mr. J. Berry King, Assistant Attorney General of the State of Oklahoma, in charge of the investigation on behalf of the state, and with the Department of Justice agents, Berger, F. B. Smith and Street, who have been in charge of the investigation of these murders during the past several months. The entire time since my arrival has been spent in conferences, in the interviewing of witnesses and in an attempt to agree upon some definite plan of action. The Judge of the District Court, Judge Vorten, apparently, upon the request of the Attorney General's office and the Department of Justice agents, had set aside the week of March 9th to 14th to hold a court of inquiry, upon the understanding that available witnesses would be presented before him in the course of the week. As a matter of fact matters have not progressed sufficiently to warrant this procedure at this time. During the past four years there have been a series of murders committed upon Osage Indians to the number of four or five, apparently all traceable to one man or group of men living near Fairfax, Oklahoma. The head of this group is wealthy, powerful and shrewd, and the Department of Justice agents have been confronted with an unusually difficult task in developing any testimony whatever. In my judgment they have at this stage of the proceedings barely sufficient testimony in one case, to-wit, the Anna Brown case, to warrant the arrest of a nephew of the head of the particular group above mentioned. The evidence so far gathered would probably warrant the holding of this one man by a magistrate for the murder of the Osage woman Anna Brown, but hardly sufficient to obtain a conviction upon a trial before a jury. The evidence in the other cases is hazy, but points to the same man or group of men as the perpetrators of the murders, but sufficient testimony has not as yet been gathered to warrant arrests in any of these other cases. The county attorney of Osage county is believed by the Department of Justice agents to be honest and willing to do anything in his power to assist

MAR 2 1925

62-5033-137

BUREAU OF INVESTIGATION	
MAR 18 1925 P.M.	
DEPARTMENT OF JUSTICE	
Division 2	FILE

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RECORDED & INDEXED

No. 2.

in bringing the guilty persons to justice, and the Attorney General of Oklahoma has assigned his assistant Mr. J. Berry King to these cases, and will cooperate on them as long as necessary or until the cases are finally concluded. All of the evidence in the various cases has been gathered and the cases themselves have been worked up by government agents, and although there is no federal question involved, the Attorney General's office, through Mr. King, feels that the government should lend its assistance to the prosecution of these cases, and is very positive and very frank in its declaration that they do not care to proceed either with a court of inquiry or with the issuance of warrants and the preparation of the cases until and unless they are assured that they will not only have the assistance of the government's agents, but that the government will assign one of its original prosecutors to assist their office in the entire handling of the cases, which will mean that whoever is assigned by the Department of Justice to assist the Attorney General of Oklahoma's office will have to devote his entire time and attention to these cases until they are finally concluded. The Assistant Attorney General, Mr. J. Berry King is very anxious to have Special Assistant Attorney General Osborne assigned to these cases if possible. If not, they want some other Department prosecutor specially assigned to these cases.

There is no question in my judgment but what these Indians were murdered as the result of a conspiracy headed by one William Hale of Fairfax, the actual perpetrators of the various crimes being either his nephews or underworld characters hired by him or them. This impression prevails in Pawhuska and throughout Osage county, but the perpetrators of these crimes are powerful, influential, and by the crimes themselves have so terrorized the Osage Indians and the people living in and near Fairfax, Oklahoma, that it has been an almost impossibility for the Department of Justice agents to get at the real facts in the cases. It is my judgment that the first arrest will be of material assistance to the government's agents, and may uncover the weak link in the conspiracy, and perhaps bring about the break that will bring the whole thing to light. This, however, is only a guess, and as above stated it is certain that unless a weak link is discovered some place there are going to be unusually difficult cases.

The Assistant Attorney General of Oklahoma, Mr. King, has determined to postpone the court of inquiry until a later date for two reasons; first, to enable the Department agents to examine more fully several witnesses who have not talked freely as yet, and; second, for the purpose of

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No. 3.

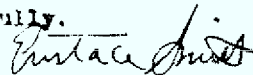
obtaining assurance from the Department of Justice that a government prosecutor will be assigned to this case to cooperate and assist in this matter in its entire management, preparation and trial. Without this assurance the indications are at present that it will be impossible to get the Attorney General of Oklahoma's office to act in the cases. This statement of the state's attitude was finally made just prior to my sending my second telegram on this date cancelling the suggestion that Mr. Roy St. Louis of the District Attorney's office at Oklahoma City be requested to come here tomorrow, March 13th. This step being entirely unnecessary at the present time, in view of the postponement of the court of inquiry.

I desire to take this opportunity to commend agents Smith, Berger and Street very highly for the work they have done in this case, especially in view of the almost insurmountable obstacles that have been placed in their way and the powerful influences that have been working against them continuously.

Regarding the matter of assigning a government prosecutor to assist throughout these cases as above stated, these are primarily the State of Oklahoma cases. There is no federal jurisdiction, and none but a moral reason for the assignment of a government attorney to these cases. However, the victims of these murders have all been Orages, wards of the government, and the whole conspiracy is a parently directed towards the obtaining the victims funds and allotments. The case has been entirely worked up to this point by Department of Justice agents, and the moral effect, as well as the assistance to the State of Oklahoma of having a government prosecutor in the case would be of material assistance.

I would suggest that the Department's decision in this matter be communicated as speedily as possible to the Attorney General of Oklahoma at Oklahoma City, and would respectfully request that I may receive a copy of the same, as I shall endeavor to keep in touch with the situation until some one else is assigned to these cases.

Respectfully,



Justice Smith,  
Special Assistant to the  
Attorney General.

907

DIRECTOR



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

*File*

March 12, 1925.

MEMORANDUM FOR THE DIRECTOR

Following is a list of Osage Indian murders which are included in the investigation conducted for some time past in Oklahoma:-

- May, 1921; victims: Anna Brown  
Charles Whitehorn
- 1921 victim, Joe Grayhorse
- 1922 " Minnie Kile
- March 26, 1922, victim Anna Sanford
- January 15, 1923, victim Henry Roan
- March 10, 1923; victims: Rita Smith  
W. E. Smith, her husband  
Nettie Brookshire, servant

March 22, 1923, Blowing up of tomb of Ruth Tallchief

The following is a list of the individuals who are being investigated in connection with the murders:

- Wm. Hale
- Ernest Burkhart, nephew of Hale
- Bryan " " " " (first name unknown)
- One " " " " (first name unknown)
- Kelsey Morrison, alias "Slim",
- One Morris, alias Moires,
- Bill Revard
- Amos Tucker
- Shorty Wheeler
- Shorty Morgan
- J. W. Carter
- E. M. Pike
- Mandy Claremore
- Mary Blackbird
- Mollie Mercer
- Tom McCoy

MAR 25 1925

62-5033-38

MAR 24

Division I

924

Anna Brown, full blooded Osage Indian woman was murdered on May 22, 1921 in Osage County, Oklahoma. She was about 35 years of age and the divorced wife of one Odie Brown, a white man and ex-cowboy now living in Ponca City, Oklahoma. She had no children and died intestate, leaving as her 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 Bighart. W. E. Smith was a white man as is also Ernest Burkhart, the latter being a brother of Bryan, Duke and Horace Burkhart, and all nephews of Wm. Hale.

Anna Brown was without enemies so far as is known but of a dissolute and immoral character, frequently going out with white men, whom she preferred. On May 27, 1921 her decomposed and swollen corpse was found in a ravine and a 32-calibre bullet hole was discovered in the back of the head. An investigation immediately was started and her brother-in-law, W. E. Smith, was the most active member of the family in pursuing the investigation which had not proceeded far before it pointed pretty closely to Hale and the Burkharts.

Anna Brown left an estate of approximately \$100,000, half of which under the Oklahoma law went to her mother, Lizzie Q, who was very old and sick and expected to die at any time. Lizzie Q was living with her daughter and son-in-law Mollie and Ernest Burkhart, at Grayhorse, and she had made a will leaving the bulk of her estate to Ernest Burkhart's wife and children. Her estate at that time was approximately \$200,000, in addition to the \$50,000 left her by Anna Brown. It meant that Ernest Burkhart's wife and children had prospects of acquiring the fortune as soon as Lizzie Q passed away. She did pass away at Ernest Burkhart's home 60 days after Anna Brown's murder.

Bryan Burkhart was arrested charged with the murder of Anna Brown and Hale, et al, furnished bond for him and he was acquitted.



Late in 1921 Joe Grayhorse, an Osage Indian, died very suddenly immediately following a land deal which he had had with William Hale.

The Charles Whitehorn murder occurred in the latter part of 1921, his body having been found near Pawhuska. There is no evidence up to the present to connect this death with the suspected motive causing the others. The same is true in connection with the death of Minnie Kile, who died in the first part of 1922, however, on March 26, 1922, under circumstances which warranted suspicion, one Anna Sanford, a full blooded restricted Indian, died. She was married to a white man named Tom McCoy, and shortly after her death McCoy married a woman said to be a niece of Bill Hale.

On January 15, 1923 the body of Henry Roan was found four miles northwest of Fairfax, where they all lived, there being a bullet hole through the head. The interesting connection of this murder with the others is that Roan, a relative of Lizzie Q, carried a \$25,000 life insurance policy payable to William Hale.

Minnie Kile was the sister of Rita Kile Smith. Minnie was married to W. E. Smith and living with him at the time of her very sudden death, and after her death, Smith married Rita, who was killed with him as shown later.

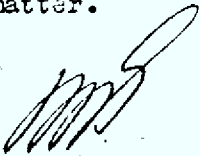
On March 10, 1923 Rita Smith, her husband, W. E. Smith, and a servant, Nettie Brookshire, were killed by the blowing up of their home at Fairfax at about three o'clock in the morning. The two women were killed instantly and Smith died a few days after the explosion, he having made a dying declaration to the effect that the only enemies he had in the world were Hale and the Burkarts.

Thus it will be seen that the following members of the same family have either positively been murdered or have died under very suspicious circumstances: Lizzie Q, mother of them all, Anna Brown, Minnie Kile, Rita Smith, all daughters of Lizzie Q; Henry Roan, W. E. Smith, and collaterals of the family.

Nettie Brookshire and Anna Sanford, and in each instance the persons who would have benefitted by the death have been the Burkharts.

The only surviving daughter of Lizzie Q now resides at Pawhuska with her husband, Ernest Burkhart, who is a nephew of William Hale.

The blowing up of the vault containing the remains of Ruth Talch on March 23, 1923 is a collateral matter.



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From

OFFICE OF THE DIRECTOR, BUREAU OF INVESTIGATION

To

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- 4 General Holland.....
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from

Assistant Attorney General Donovan

to

Official indicated below by check mark

Memorandum

*Mr. Grimes*  
Confidential

*For Bureau*

*filed*

*WHR*

- 0
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- 2 Attorney General
- 3 Solicitor General
- 4 Assistant to Attorney General
- 5 Assistant Attorney General Lovett
- 6 Assistant Attorney General Holland
- 7 Assistant Attorney General Willebrandt
- 8 Assistant Attorney General Ottinger
- 9 Assistant Attorney General Wells
- 0 Director, Bureau of Investigation
- 1 Mr. Votaw
- 2 Mr. Finch
- 3 Mr. Strong
- 4 Mr. Sornborger
- 5 Mr. Robb
- 6 Mr. Ridgely
- 7 Mr. Byrnes
- 8 Mr. Wixson
- 9 Mr. Fisher
- 0 Mr. Ramsey
- 1 Miss Seitz

*WHR*

BUREAU OF INVESTIGATION  
 MAR 24 1925 A.M.  
 DEPARTMENT OF JUSTICE  
 DIVISION 2 FILE

GOVERNMENT PRINTING OFFICE

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March 15, 1925.

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9 The Honorable  
0 The Attorney General,  
1 Washington, D. C.  
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5 Sir: In re Osage Investigation at  
6 Pawhuska, Oklahoma.  
7

8 I beg to submit the following report as  
9 supplemental and in addition to the report previously  
0 sent under date of March 12th from Pawhuska, Oklahoma.  
1

2 I am making this supplemental report for the  
3 reason that I was obliged to use the State's stenographer  
4 in making the report of March 12th at Pawhuska, and also  
5 to submit copy of the same to Assistant Attorney General  
6 of the State of Oklahoma, Mr. J. Berry King. I was  
7 further obliged to leave for St. Louis, Missouri, im-  
8 mediately thereafter, and am taking this, the first op-  
9 portunity that I have since had, to make a confidential  
0 supplemental report upon said investigation.  
1

2 As stated in the previous report, no witnesses  
3 were called, and a great many had left the County of Osage  
4 and the State of Oklahoma for the reason that there had been  
5 too much premature publicity in all of the Oklahoma papers  
6 regarding the proposed court of inquiry to be held at  
7 Pawhuska. A personal telegram might as well have been sent  
8 to each suspect and witness connected with these Osage  
9 murders. It is my judgment that all of this publicity came  
0 either from the Governor of Oklahoma's office or the At-  
1 torney General's office at Oklahoma City. At any rate, it  
2 absolutely prevented any investigation. It is probable that  
3 a subsequent investigation will be secretly held some time  
4 in the next three or four weeks, but it will have to be done  
5 with the utmost secrecy and only can be done after the year  
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of witnesses and suspects have been allayed and they have returned to Osage County.

I was also unable to state in my report of March 12th that, in my judgment, the Department of Justice has more than performed its moral duty in providing its agents, who have developed all of the testimony so far secured in this case. There is no federal jurisdiction attaching and no sound reason, that I can see, for the assignment of a government attorney to assist the County Attorney of Osage County, who is honest and conscientious if not able, and the Attorney General's office of Oklahoma. It is a State matter, and the State of Oklahoma, with its enforcement officers and its legal staff, ought to be able to cope with these cases, assisted, as they have been and will be, by some of the best agents in the employ of the Department of Justice. Mr. J. Berry King, however, is apparently sincere in his statement that the Attorney General's office and the State of Oklahoma will do nothing further unless a government attorney is assigned to assist in the preparation, handling and trial of these cases.

I was of the opinion at Pawhuska, and am still of the opinion, that sufficient evidence has been gathered to warrant the arrest of Bryan Burkhart, nephew of William Hale, charging him with the murder of Anna Brown. The Department of Justice agents believe that the arrest of this one individual would have heartened a number of witnesses who are at the present time afraid to tell what they know, and would have assisted them in the discovery of additional facts regarding the other murders. As above stated, however, the Attorney General of Oklahoma's office did not agree with our agents or my opinion, hence no action was taken.

I do not need to say that this supplemental report is confidential, and I would respectfully request that no copy of it be handed to any representative of the State of Oklahoma.

Respectfully,

*Eustace Smith*

Eustace Smith.  
Special Assistant to the Attorney General.

ES-K

From  
Assistant Attorney General Donovan  
to

WHR

Official indicated below by check mark

Memorandum

*Copy for your files, R.*

- 0
- 1 Attorney General
- 2 Solicitor General
- 3 Assistant to Attorney General
- 4 Assistant Attorney General Lovett
- 5 Assistant Attorney General Holland
- 6 Assistant Attorney General Willebrandt
- 7 Assistant Attorney General Ottinger
- 8 Assistant Attorney General Wells
- 9 Director, Bureau of Investigation
- 0 Mr. Votaw
- 1 Mr. Finch
- 2 Mr. Strong
- 3 Mr. Sornborger
- 4 Mr. Robb
- 5 Mr. Ridgely
- 6 Mr. Byrnes
- 7 Mr. Wixson
- 8 Mr. Fisher
- 9 Mr. Ramsey
- 0 Miss Seitz
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Department of Justice,

Bureau of Investigation.

P. O. Box 125,  
Oklahoma City, Okla.,  
March 25, 1925.



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Director,  
Bureau of Investigation, Attention - #2.  
Department of Justice,  
Washington, D. C.

Re: Osage Indian Cases.

Dear Sir:

62-5033-37
BUREAU OF INVESTIGATION
MAR 27 1925
DEPARTMENT OF JUSTICE
Division 2

Referring further to the Osage Indian case, Special Agent Smith and Burger are still assigned to this investigation.

Special Agent Blake, just at this time, has an important investigation, which Agent Smith was handling at the time he was assigned to this office, and owing to the fact that there is some delay on this Osage case, Special Agent Blake requested that Agent Smith be allowed to complete his investigation. I have, therefore, taken the liberty of permitting Agent Smith to return to Ft. Worth to get his case in shape for the Grand Jury.

I have had this investigation up with the State Attorney General, and hope to be able to advise you within the next few days whether it will be possible to get this in the state court without further delay. However, the State Attorney General is still of the opinion that a prosecutor should be assigned by the Government to assist the state in the prosecution of these cases, and I presume you will advise me in due time whether such a course will be followed.

Agent Burger is still making investigation on this case and report has been prepared, which will follow in the next day or so.

I realize that permitting Agent Smith to return to Dallas, Texas, without first securing authority, is not in accordance with the regulations, however, as I am

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1 endeavoring to keep the expense of this case down to  
2 the minimum, and not getting straightened out after my  
3 trip to Washington, I have not had the time to devote  
4 proper attention to the Indian case, and trust permit-  
5 ting Agent Smith to assist Agent Blake in an important  
6 case, while technically assigned to this investigation,  
7 will be approved.  
8

9 As soon as I am advised by you if a  
0 Government attorney can be assigned to assist the State's  
1 Attorney General, will be able to arrive at some definite  
2 conclusion with the state authorities as to the further  
3 procedure in this case.  
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7 Respectfully,  
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10 *W. D. Bolling*  
11 W. D. Bolling,  
12 Special Agent in Charge.  
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Department of Justice,

Bureau of Investigation.

P. O. Box 125,  
Oklahoma City, Oklahoma,  
April 3, 1925.

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

ATTENTION - #2.

Re: OSAGE INDIAN MURDER CASES.

62-50	3-148
BUREAU OF INVESTIGATION	BUREAU OF INVESTIGATION
APR 3 1925	APR 3 1925
Division 2	Division 2

Dear Sir:

RECORDED & INDEXED

Special Agent Smith and this Agent conferred with Mr. Barry King, Assistant to the Attorney General for the State of Oklahoma, relative to commencing court action in connection with the Osage Indian Cases.

Mr. King agrees with this Agent that sufficient evidence has been developed to warrant prosecution of Bryan Burkhart for the murder of Anna Brown, however he intimated that he was not willing to institute prosecution, at this time, and be blamed for failure to convict in the event prosecution is unsuccessful. He agreed, however, to take charge of the Court of Inquiry as soon as the arrangements could be made to have this Court opened by the District Judge, provided the Government would furnish an attorney to assist in the inquiry.

Mr. King finally stated that if the local attorney for the Indian Agency at Pawhuska, Oklahoma, would agree to represent the United States in this inquiry, that he would proceed at once and Special Agent Smith is now endeavoring to make this arrangement with the District Judge and the Agent in Charge of the Indian Agency at Pawhuska.

I believe we are in a fair way to either get this case in the court where it can be turned over to the state, or else the case can be referred to them for their attention at such a time as they desire to take up the case.

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-2-Director

In the event that we can succeed in getting this Court of Inquiry opened, I believe it will only be a matter of a few days until we can get into court and get out of the case creditably. However, if we are unsuccessful I intend, with your permission, to close this case up by referring it to the state for prosecution.

I believe that I will be able to keep any unfavorable comment out of the local papers, even though the state authorities should attempt to give out any interviews reflecting on the Government's handling of the case.

Respectfully,

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

WDB/gh

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