



FEDERAL BUREAU OF INVESTIGATION

# **OSAGE INDIAN MURDERS**

## **PART 12 OF 19**

### **BUFILE NUMBER: 62-5033**

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**FILE DESCRIPTION**

**BUREAU FILE**

**SUBJECT** Wage Indian Murders

**FILE NO.** 62-5033

**SECTION NO.** 12

**SERIALS** 368 - 419

pages 1885 - 2651  
1 com page 1-15 (148)

Department of Justice

TELEGRAM RECEIVED

Oklahoma City, Okla.

March 24, 1926.

Director

B7D

Impossible to fix approximate date release remaining Agents Osage case.

Think within 60 days. Would like to keep these Agents and Informant

██████████ until federal case finally settled. Grimes returning Atlanta

today. Our activities now consist of receiving new information and endeavoring

to keep Hale Ramsey in jail until Supreme Courts action taken. Habeas corpus

for their release to be heard twenty seventh. If court grants same state

expects to file charges murder Rita Smith and servant girl. Burkhardt

preliminary set for April first at which time some of Agents will be

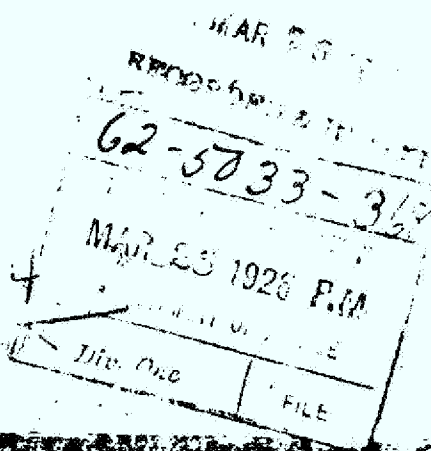
used as witnesses.

Cne White

Rec'd. 1

Decoded J

To Director 1:15



March 24, 1926.

Mr. T.B. White,  
P.O. Box 125,  
Oklahoma City, Okla.

Dear Mr. White:

PERSONAL & CONFIDENTIAL

I received your telegram of the 24th instant in answer to mine inquiring as to when you would be able to release the remaining Agents in the Osage Indian cases. I note you think it will be necessary to retain the Agents now upon the assignment for approximately sixty days. The records in this office show that Agents Burger, Hickey, Street and Smith are at present assigned in your district upon this matter. The other Agents the records show, have returned to their headquarters. Kindly advise me if these records are correct so that I may keep personnel track of these men.

In connection with informant [REDACTED] I would very much like to be able to dispense with his services immediately. I wish that you would advise me as to exactly what work he is doing at the present time. Our appropriation is so limited that I must endeavor to conserve it and I would like, therefore, to relieve it of the salary of [REDACTED] if possible.

Very truly yours,

Director.

1886



2  
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5 ADDRESS REPLY TO  
6 DIRECTOR, BUREAU OF INVESTIGATION  
7 AND REFER TO  
8 INITIALS AND NUMBER  
9

10 WNG: J

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

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14  
15 March 25, 1926.  
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19  
20 MEMORANDUM FOR THE ASSISTANT DIRECTOR:  
21

22 Mrs. John Kenny who you will remember is the wife  
23 of an Osage Indian who visited the Department last year,  
24 telephoned me yesterday and wanted to get some information  
25 with regard to the Osage cases which, of course, I did not  
26 give her. They have been living here since last February.  
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62-5033-369

1887

ANSWER  
EXPECTED

Please give it  
to the messenger  
or telephone  
to

WESTERN UNION

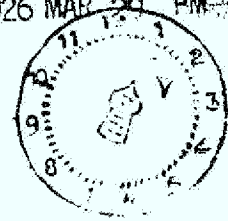
# WESTERN UNION

NEWCOMB CARLTON, PRESIDENT C. WILLEVER, FIRST VICE-PRESIDENT

Nat'l Bank Bldg., 14th & G Sts., N. W. Washington, D. C. ALWAYS OPEN

SYMBOLS	
BLU	Day Letter
NITE	Night Message
NL	Night Letter
LOO	Deferred
CAT	Cable Letter
W	Wire Transfer

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BUREAU OF INV DEPT OF JUSTICE WASHINGTON DC

MAR 29 1926

AND RAMSEY WERE DENIED BOND HABEAS CORPUS HEARING OF TWENTY

SEVENTH INSTANT STOP REFER YOUR LETTER TWENTY FOURTH THIS COMMUNICATION

WOULD LIKE YOUR PERMISSION USE INFORMANT [REDACTED] UNTIL AFTER 870

BURKHART HEARING APRIL FIRST CAN THEN DISPENSE HIS SERVICES ADVISE

ONE WHITE

RECORDED & INDEXED

62-5033-370

MAR 29 1926 P.M.

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MAR 29 1926

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ENCL

MAR 30 1926

March 29, 1926.

T. B. White,  
Department of Justice,  
Federal Building,  
Oklahoma City, Oklahoma

REPLYING YOUR TELEGRAM APPROVE HOLDING [REDACTED] UNTIL  
AFTER BERKHART HEARING APRIL FIRST NOTE YOU CAN THEN  
DISPENSE HIS SERVICES

670

TWO EIGHT

1889



Department of Justice

TELEGRAM RECEIVED

Oklahoma City, Oklahoma

March 29, 1926

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

Refer my telegram nineteenth your letter twenty second instant reference  
witness Williams Osage cases stop Before arrangements could be made peruse  
your letter with Denver Office Williams arrived Pawhuska Have kept him under  
surveillance best possible since his arrival there and am arranging with his  
consent to leave\* there with Agents Burger and Street Advise if this suitable  
to you

ONE WHITE

Rec'd & Decoded  
4:40 p.m.  
\*PCG

BU. OF INVESTIGATION  
FILES



MAR 30 1926

RECORDED & INDEXED

62-5033-371  
BUREAU OF INVESTIGATION  
MAR 30 1926  
DEPARTMENT OF JUSTICE  
Div. Two

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**WAYS OF SERVICE**  
This is a full-rate Telegram or Cablegram unless its character is indicated by a symbol in the check or in the address.

# WESTERN UNION

NEWCOMB CARLTON, PRESIDENT

J. C. WILLEVER, FIRST VICE-PRESIDENT

SYMBOL	
DAY	Day Letter
NITE	Night Message
NL	Night Letter
DCO	Deferred
CLT	Cable Letter
WLT	Week End Letter

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

Received at Commercial Nat'l Bank Bldg., 14th & G Sts., N. W. Washington, D. C. ALWAYS OPEN

1926 APR 1 PM 5

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DIRECTOR

2599

BUREAU OF INV DEPT OF JUSTICE WASHINGTON DC

ERNEST BURKHART BOUND OVER WITHOUT BOND AT PRELIMINARY TRIAL

TODAY TO STATE DISTRICT COURT CONVENING PAWHUSKA LATTER PART OF MAY

ONE WHITE.

RECORDED & INDEXED

APR 3 1926

62-5033-372

BUREAU OF INVESTIGATION	
APR 3 1926 P.M.	
DEPARTMENT OF JUSTICE	
Div. Two	FILE

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RE: MO'B

62-5033-372

RECORDED & INDEXED

APR 5 - 1926

April 3, 1926.

White,  
Department of Justice,  
Federal Building,  
Oklahoma City, Oklahoma.

62-5033

670

IN ACCORDANCE WITH YOUR PREVIOUS TELEGRAM AND IN VIEW OF CONTENTS OF YOUR

WIRE MARCH THIRTY FIRST BUREAU IS TERMINATING SERVICES OF INFORMANT [REDACTED]

TODAY

T. HOOVER

1893

Department of Justice

TELEGRAM RECEIVED

Oklahoma City, Okla.

April 2, 1926.

Director

Reference Roy Sherrill confined Leavenworth Penitentiary who was recently Pawhuska witness, Osage murder cases, have just received registered letter from his father, Bloomington, Indiana that Roy requested through him that account local developments made it imperative Roy's immediate transfer to Atlanta Penitentiary and suggested have him routed Oklahoma City for conference me., that he had talked to Blake on prison investigation Leavenworth and rendered him all assistance possible.

One White.

Rec'd. 9

Decoded J

To Director 9:17



APR 11 1926

RECORDED

APR 7 - 1926

62-5033-373

RECEIVED

APR 6 1926 P.M.

1894

April 3, 1926.

JER/LIN

CODE

62-5033-373

Federal Building,

Oklahoma City, Okla.

Relative your telegram April second concerning Roy, not recommended to Assistant Attorney General Lohring we take no action towards transferring Sherrill from Leavenworth Penitentiary, One.

HOOVER.

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Department of Justice

Bureau of Investigation

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

March 31, 1926.

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

APR 8 1926

12  
CLASSIFIED & RECORDED  
62-5033-314

Dear Sir:

PERSONAL & CONFIDENTIAL.

With reference to your personal and confidential letter of the 24th instant, in answer to my telegram of the same date in reference to the agents assigned to the Osage Indian cases, will say that I have at present especially assigned to this case Agents John R. Burger, J. A. Street, and Frank S. Smith, and have assisting them Special Agent J. V. Murphy of this office, as well as Informant [redacted] Special Agent F. M. Hickay, whom you mention in your letter, is especially assigned to this office, but is assisting Special Agent H. H. Stroud on the bond fraud cases at Tulsa, which involve a number of lawyers and bondsmen there.

As I have advised you, I would like to keep Special Agents Burger, Street, and Smith on these Osage Indian cases. As to Informant [redacted] I will arrange to dispense with his services after the preliminary hearing of Ernest Burkhart, which is now scheduled for trial April 1st at Pawhuska, Oklahoma. [redacted] as I have often told you, has been an exceedingly valuable man in these cases. He has been long a [redacted] in Oklahoma and was [redacted] [redacted], and knows the crooks in Oklahoma better than any man that I know of. During the recent preliminary hearing at Pawhuska of W. K. Hale and John Ramsey, the information that he supplied me with served to avoid a killing there of either some of us agents or some other person connected with the trial of Hale and Ramsey, for [redacted] pointed out a gun-man that they had there by the name of Cady. Before this man could put into execution any of his "dirty" work, he left the city of Pawhuska, as he was given to understand that it would be healthier for him some other place. I don't authoritatively know, of course, that this man Cady was there to kill some of us agents or some other in the case, but that was our information, and I am endeavoring to take all precautions to avoid anything like this. This was my reason for asking for the assistance of [redacted] at the Burkhart hearing.

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Page #Two.

You will find Cady's name mentioned in the file on Blackie Thompson, where he is described as one of the members of the Al Spencer gang and well known as a bank robber of Oklahoma. [REDACTED] particular value in this case has been all along placing us in a position to get the information we did; also, he will be valuable in the trial of the cases in assisting to select the jurors, for, if he don't know himself as to who will make a good juror, he knows someone reliable to refer us to that does. I find that this is very necessary information in the state of Oklahoma, for there are so many that are unreliable that you can't tell but what you are getting into the camp of the crooks in going to parties for information. I know that your appropriation is very much taxed and, of course, I am doing everything I can to relieve it and I will dispense with [REDACTED] services after April 1st. However, I think I could use him further to an advantage. B7D

In further reference to Special Agent F. M. Hickey, will say that I can be able, I think, in the next ten days to relieve this Agent and will have him returned to his headquarters, Kansas City, and will advise you.

I feel that there is no doubt but that Ernest Burkhardt will be bound over without bond at his preliminary hearing set for April 1st. As a matter of fact, I have heard that he is going to waive a hearing and submit to being held without bond. Arrangements are being brought about that I think will be successful in using Burkhardt as a witness at the trial of Hale and Ramsey. He really is willing and wants to testify, but, of course, it is a difficult task to bring himself about so that he can do it, especially when Hale's lawyers and Hale are working upon him. Things, however, are changing rapidly since Hale and Ramsey have been held without bond and Burkhardt, so I understand, is going to get him another lawyer and has made overtures to the prosecution. However, before any advances are to be made to him by the prosecution, he will have to get down in writing and have a definite understanding. I think this will be brought about soon.

In reference to the witness Matt Williams, will state that, as I have advised you telegraphically, this man left Denver, Colorado, where he was placed with his sister by Agent Burger and was to report to the Denver office, and appeared up at Pawhuska. As to just why he made this move, I have not yet been advised. While in communication with the Agents over the telephone, they stated that they didn't like to discuss it over phone and would advise me personally some time soon, and I will pass the information on to you. 1897

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21 This man, they all tell me, will make a splendid witness in, not only  
22 the Roan case, but the Smith case, and is perfectly willing to tes-  
23 tify at the final trial in the State Courts and in Federal Court.  
24 I have never had an opportunity to talk to him. On account of his  
25 value as a witness, I had two Agents, Agent Burger and Street, ac-  
26 company him out of Pawhuska, and they reported to me yesterday that  
27 they were in Guthrie with him, all of which is entirely satisfactory  
28 to him.  
29

30 It is impossible to try to write you concerning all of  
31 the details in connection with this case and I am desirous, at an  
32 early opportunity, to see you and go over the matter with you per-  
33 sonally. I believe that this is about the best time that I have had  
34 in order to get to do this, for up until the time that Hale and Ramsey  
35 were bound over by the District Judge at their habeas corpus hearing,  
36 they have kept us very busy endeavoring to keep them in jail. Then,  
37 I not only want to discuss the Osage case with you, but I have the  
38 Exile Five case in such shape that I think that we are able to start  
39 prosecution, for, in my opinion, we have enough information at the  
40 present time to get a conviction in this case; also, there are a number  
41 of other cases of a like nature that I would like to go over with you.  
42 Since we have started and made a success with the Osage Indian case,  
43 the information is coming in thick and fast in reference to these Ind-  
44 ian frauds.  
45

46 Respectfully,  
47

48  
49 *T. B. White*  
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51 Special Agent in Charge.  
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60 TBW:B.  
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Department of Justice

Bureau of Investigation

P. O. Box 1535,  
Oklahoma City, Oklahoma.

April 3, 1926.

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

Personal - Confidential.

Dear Sir:

In Re: W. K. (Bill) Hale, John Ramsey,  
Ernest G. Burkhardt - Osage  
Indian Murders.

I am herewith enclosing to you photographs and  
descriptions of the above individuals, which were taken by  
Sheriff Harve M. Freas, of Osage County, Oklahoma.

These are the first photographs taken of these  
parties by the officers, and are handed to you for your per-  
sonal information.

I will have others passed to you for the records  
of the files there.

Respectfully,

*T. E. White*  
T. E. White,  
Special Agent in Charge.

TBW:B.

Encl's.

RECORDED & INDEXED

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APR 7 1926

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Div. One

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April 10, 1926

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Mr. T. B. White,  
P. O. Box 1535,  
Oklahoma City, Okla.

APR 12 1926

In Re: W. E. (Bill) Hale, John Ramsey,  
Ernest G. Burkhardt,  
Osage Indian Murders.

Dear Sir:

Referring to your report dated April 8, 1926, on the  
above subjects, please be advised that an examination  
of the records of our Identification Division discloses  
the following information:

Subject as William K. Hale, #1197, no additional informa-  
tion or data other than that contained on print #1197,  
received from Sheriff's Office, Pawhuska, Okla., March  
25, 1926.

Subject as John Ramsey, #1198, no additional information  
or data other than that contained on print #1198, re-  
ceived March 25, 1926, from Sheriff's Office, Pawhuska,  
Oklahoma.

Subject as Ernest G. Burkhardt, #1199, no additional informa-  
tion or data other than that contained on print #1199,  
received March 25, 1926, from Sheriff's Office, Pawhuska,  
Oklahoma.

Very truly yours,

Director.



JEN: LEE

April 6, 1926.

MEMORANDUM FOR MR. LUTTING.

I am attaching hereto a copy of a telegram received by me from Agent in Charge White at Oklahoma City relative to Roy Sherrill. Personally, I do not believe we should take any steps towards removing Sherrill from the Leavenworth Penitentiary. I have received no word from the Agents in charge of the Penitentiary investigation at Leavenworth requesting that any special consideration be given to Sherrill, so my suggestion is that we should not take any steps towards his transfer.

Very truly yours,

Director.

Incl.

RECORDED & INDEXED

62-5833-376	
APR 8 1926	
FBI	

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THIS CASE ORIGINATED AT Oklahoma City, Okla.

REPORT MADE AT: Guthrie, Okla.	DATE WHEN MADE: 4/3/26	PERIOD FOR WHICH MADE: 3/21 to 4/3/26	REPORT MADE BY: F. S. Smith
TITLE: U. S. vs W. K. Hale and John Ramsey.			CHARACTER OF CASE: Murder of Osage Indians, Anna Brown, et al.

(O. C. File #70-1)

SYNOPSIS OF FACTS:

JOINT REPORT OF ALL AGENTS ON THIS ASSIGNMENT.

W. K. Hale and John Ramsey bound over March 17, 1926, without bond to await trial in District Court of Osage County for murder of W. E. Smith. On March 27, 1926, in habeas corpus hearing in District Court of Osage County, W. K. Hale and John Ramsey were denied bail. Defendant Ramsey repudiated the truth of statements previously made by him to Dept. of Justice Agents. On April 1, 1926, Ernest Burkhart, charged by State of Oklahoma jointly with Hale and Ramsey with murder of W. E. Smith, at preliminary hearing was held without bail. Matt N. Williams questioned by State Prosecutor, T. J. Leahy, and the results thereof. Request made by Matt N. Williams for protection prior to testifying against W. K. Hale, et al. Various leads, furnished by interested citizens of Osage County, now being followed up. CONTINUED.

Reference - Is made to all previous reports in above entitled matter, with special attention to report of Agent Smith dated 3-20-26.

DETAILS AT PAWHUSKA, OKLA.

In a preliminary held before Osage County Judge Justis at Pawhuska, Okla., which ended on March 17, 1926, in the matter of State of Oklahoma versus W. K. Hale and John Ramsey, charged with the murder of W. E. Smith, these defendants were bound over without bond for trial in the District Court of Osage County, Okla., and are in the custody of the Sheriff of Osage County.

On March 27, 1926, in a habeas corpus hearing before the District Judge

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	62-5035-37	RECORDED AND INDEXED
WASHINGTON REFERENCE: Two	COPIES OF THIS REPORT FURNISHED TO: 3 Washington 3 Files	BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE	APR 21 1926
		ROUTED TO:	FILE



of Osage County, at Pawhuska, Okla., W. K. Hale and John Ramsey were denied bail. Defendant Ramsey, at this hearing was placed on the witness stand, and he repudiated all previous statements made by him to Department of Justice Agents at Guthrie, Okla. (See Agent F. S. Smith's report dated 1-21-26 covering statements of Ramsey)

The District Judge of Osage County publically announced that W. K. Hale and John Ramsey will be tried for the murder of W. E. Smith, at Pawhuska, at a date to be determined later during the coming May term of the criminal District Court of Osage County.

On April 1, 1926, in a preliminary hearing before the Justice of the Peace at Pawhuska, Ernest Burkhart, charged by the State of Oklahoma with murder in connection with the killing of W. E. Smith, was found over without bond to await trial in the District Court of Osage County, Oklahoma. No testimony was offered by the defense at this hearing.

STATEMENT MADE BY MATT N. WILLIAMS:

Reference is had to report of Agent Smith dated Feb. 20, 1926, captioned as above, with special attention directed to Page 5, covering statement made by Matt N. Williams.

On March 29, 1926, at Pawhuska, Mr. T. J. Leahy, specially employed to assist the State of Oklahoma in the prosecution of W. K. Hale, et al, questioned Matt N. Williams and obtained from him the following statement in question and answer form:

"State of Matt N. Williams made to Mr. T. J. Leahy on March 29, 1926, at the Oklahoma Hotel, Pawhuska, Okla.

PRESENT: Mr. T. J. Leahy  
Mr. Matt N. Williams  
Examination by Mr. Leahy:

Q. Your name is Matt Williams?

A. Matt N. Williams.

Q. And your residence at the present time is where?

A. Pawhuska, Oklahoma.

Q. You have lived in and around Osage County for how many years?

A. 35 years.

Q. You formerly lived at Ralston, Oklahoma?

A. Yes.

Q. You know W. K. Hale?

A. Yes.

Q. How long have you known him?

A. About 35 years.

Q. I didn't think he had been in this county 35 years -  
I thought about 25 years.

A. Well, I am 48 years old. Yes I have know him 35 years.

Q. Since you have known Hale where has he been living?  
A. Fairfax, Oklahoma.

Q. What has been his occupation?  
A. Cattle man, stock man, farming.

Q. Did you know W. E. Smith?  
A. Yes.

Q. And his wife, Rita Smith?  
A. Yes.

Q. Were you well acquainted with them?  
A. Yes.

Q. How long had you known them before their death?  
A. I have known Bill Smith for 30 years, and Rita I have  
known ever since she was born. She was Lizzie Q's girl.

Q. Did you know anything about the controversy between W. K.  
Hale and Bill Smith over money?  
A. Yes.

Q. Just state what you know about that matter.  
A. Hale informed me that said William Smith had loaned him  
\$6000, and gave him a draft on the Nat Cook Bank.

Q. That is in Ralston?  
A. No, Fairfax. He said he took that draft from that bank  
and deposited it in the First National Bank of Fairfax.  
Bill Smith gave him a check for it.

Q. Bill Smith?  
A. Yes. Nat Cook's records show that.

Q. When was it he told you that?  
A. Let me see - that was - well, I remember the time. I met  
him and Louis in the road. Hale at that time was going to  
Pawnee and he gave me \$200 and we went down to the Jay &  
Jay Drug Store.

Q. Where is that?  
A. Pawnee, and he cashed a check for W. K. Hale, and Cecil  
gave me the \$200.

Q. Who is Cecil?  
A. Cecil Jay.



Q. What was that \$200 for?

A. Just borrowed.

Q. Now go on and tell anything further you know about the controversy between Hale and Smith over this \$6,000.

A. Then Bill Smith's wife, Rita - Bill Smith had met W. E. Hale at the Spurrier Garage, Fairfax, Oklahoma.

Q. That is Spurgeon, isn't it?

A. Yes, Bill Spurgeon. And Smith demanded this \$6,000. In consideration of the same, W. E. Hale had purported to sell a bunch of cattle in the Creek Country to W. E. Smith.

Q. Was that false or true?

A. That is right.

Q. But did he sell the cattle to Smith?

A. No, he went down and showed Rita the cattle. That was just a frame up between Smith and Hale.

Q. A frame-up to keep Mrs. Smith from knowing he had loaned Hale the \$6,000?

A. No, she knew it, but that was supposed to be in payment. They went to the Creek Country, Hale, Smith and his wife, and they showed the squaw these cattle in the Creek Country. Then after that Hale come to my room over the First National Bank.

Q. What time of the day or night was that?

A. Three o'clock in the morning.

Q. Over the First National Bank in what town?

A. Ralston. He called me out. Sleeping with me that night was Everett Goodson. He called me out and says to me, "Matt, I think you made the best witness I ever seen in that Jess Smith case."

Q. That is Hale said that to you?

A. Yes. He said, "I want you, accompanied by John Morris and Louis Oller, to go to Pawhuska tomorrow morning and swear the following: That Bill Smith had told you that I paid him this money in full in cash at different times and places; that he, W. E. Smith, had spent this money for whiskey and on women; that is the only reason he couldn't acknowledge the debt paid in full, because it would bust him up with his wife, Rita." And he solicited my testimony to swear to that, that he received the money in full from W. E. Hale, but the only reason he couldn't acknowledge same was because it would be at the expense of losing his squaw.

Q. Was anyone present when he told you that?

A. No, we was out. Everett was sleeping in the room.

Q. All right, go on.

A. I said, "Bill, this Smith is an uncle of my former wife, and

I am just about to get back again with Rose. While I  
would like to accommodate you, but I don't care to have  
anything to do with it for the reason stated.

Q. Rose was your former wife?

A. Yes.

Q. Now, was the case tried at that time?

A. A continuance was granted. Hale had the case put off.

Q. Did he talk to you about it afterwards again?

A. Yes.

Q. Tell where and what he said and when.

A. Well, he said afterwards, said they practically settled  
the case, because Rita was the only one who was crowding  
him and she was blowed up now and couldn't testify.

Q. Was that before or after the Smith home was blown up?

A. After, about ten days after. Another time, Bill Smith  
come to my home at Ralston, previous to this time, and  
said, "If Hale don't settle up with me I am going to  
inform on him for the murder of Anna Brown. I told Smith  
at the time, "Bill, you are taking a long shot, because  
Hale has already asked me about this thing, and you better  
move off that Creek over there, because he will get you  
there sure. He at that time told me he was going to  
move to Fairfax.

Q. Smith did?

A. Yes.

Q. Now after that, did you tell Hale what Smith said about  
informing on him with reference to the Anna Brown killing?

A. Yes.

Q. Just state what he said.

A. I said, "Bill was over here and told me he was going to tell  
on you, Hale, in connection with the killing of Anna Brown."  
After this murder that morning they come to his house on the  
Grayhorse Creek and informed him of the act being committed.

Q. Who had done that?

A. Kelsie Morrison and Byron Burkhart. They went to Bill Smith's  
house that morning.

Q. Go on and tell what you told Bill Hale.

A. I told Bill Hale, I said, "Bill Smith's been over here and  
made that assertion, "and I said, "Bill, he is going to  
inform on you." He said, "I will put him away, because it  
ought to have been done years ago." He asked me at that  
time of some man that would put Bill Smith away, and I  
told him Blackie Thompson may due that for him. He said he

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didn't know whether Blackie would do that or not, and wanted me to get in conversation and ask how he could get in touch with Al Spencer. I told him Al Spencer came to see my friend, Ed Snyder, living on Main Street, Pawhuska, Oklahoma, and probably Ed Snyder could arrange a meeting between him, W. K. Hale and Al Spencer, but if Al wouldn't pull that deal I thought John Ramsey would. I think that was about three months before the Smiths was killed.

Q. Now you say you suggested to him at that time that maybe John Ramsey would do it?

A. Yes.

Q. What did he say with reference to that?

A. He said Ramsey was kind of a shuckle-headed boy and he didn't know whether he could trust him or not.

Q. Did you see Ed Snyder?

A. Yes.

Q. Where?

A. Down at his home on Main Street.

Q. Did you tell him what Bill Hale wanted?

A. Yes.

Q. What did he say?

A. He refused to have anything in the world to do with it.

Q. Now between that time and the time the Smith home was blown up did you have any further talk with Hale about it?

A. Before the blowing up?

Q. Yes.

A. Before the blowing up, yes.

Q. Did he talk with you about Ramsey any more?

A. No, I don't believe he did.

Q. After the house was blown up did he talk to you about Ramsey?

A. Yes.

Q. State what he said.

A. That was when he told me, "As far as we are concerned, she will never be able to testify any more. She was really the only one I was afraid of."

Q. What did he say about Ramsey blowing the house up?

A. He said the deal was pulled off according to schedule.

Q. Did he say through Ramsey?

A. No, I don't believe he did. That was the time I phoned for him and he gave me \$38.00.

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Q. Did you have any further talk about it at any other time - about the blowing up of the Smith home or about Ramsey?

A. No, I believe that was the last conversation I had with him.

Q. Where was it you had that?

A. Over at Balston in the middle of the street between the First National Bank and that little restaurant, about five o'clock one afternoon. I phoned his wife and told her to tell Bill to come to me and he came down to see what I wanted. But he at numerous and other times for the last two years had mentioned about killing Bill Smith, with the equity that he may have his estate. In the first place Bill arranged for me to marry Mollie, Ernie Burkhardt's wife. He said, "You can marry Mollie and change from one to the other and finally wind up with the estate. I had been going with Mollie and they moved a house down there on the creek for Mollie and I to get married in. That is the first proposition Bill and I started out with in this deal.

Q. Matt, have you any motive of any kind in telling this story other than to just let the court know what you know?

A. None whatever.

Q. Is there any enmity or ill-feeling on your part toward Bill Hale and John Ramsey and Ernest Burkhardt?

A. Not at all. I never had a cross word with them in my life.

Q. Is there any promise of reward held out to you?

A. None whatever. I have got no indictments or bonds or trouble of any kind in the world.

Q. You have no occasion for seeking immunity from prosecution of any kind?

A. No, there is nothing against me. There aint no warrant no place in the world for me, and further, W. K. Hale solicited my aid. He told my brother-in-law, Thomas Matthews, to come to jail to see him, and he made the statement to my brother-in-law, Thomas S. Matthews, he says, "My God, is Matt going to testify against me? See him and see what you can do with him." He said, "My God, I never in the world had nothing to do with this at all." He says "See Matt as soon as convenient and send him to me." That is what Tom told me down in the street.

Q. Tom Matthews is a brother of Rose?

A. A full brother.

Q. And he is also a member of the Tribe?

A. Yes.

Q. Well, now, suppose we go to the Anna Brown murder. What is the information you have on that matter?

A. Well, that is awful strong.

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Q. Tell the whole thing just as you know it. Who was in it and all about where you first got your information.

A. I think it was on the 21st day of May, my birthday.

Q. What year?

A. That was in -

Q. 1922?

A. I believe Anna was killed in 1921, no 1922, and Smith in 1923 - May 21, 1922. At Ralston, Oklahoma, about 8 o'clock in the evening, Byron Burkhardt and Anna Brown, driving a Buick car, come to Ralston, Oklahoma, come up to my room and purchased two quarts of whiskey, Byron Burkhardt paying for same, \$15.00. He told me at that time he was going to meet Kelsie Morrison at the end of the bridge. I said "What you going to do, Byron?" He said, "I'm going to do some work for Uncle Billie tonight."

Q. Who was Uncle Billie?

A. Hale. He said he had made arrangements with Shorty Wheeler, Fred Wheeler, to bring them some more whiskey at the Salt Creek bridge about nine or ten o'clock. I let Wheeler have my car, a Maxwell roadster. He got there just as they was killing Anna Brown. He heard her scream. Byron Burkhardt was holding her in his arms, Kelsie Morrison beating her over the head with a six-shooter from behind. They carried her to the bank of the creek. She still showed life and they shot her in the back of the head. After that Kelsie Morrison come to my place - my sister lived out here, and he was living with Bill Stutson's widow - and told me "Matt, that was the most brutal deal ever I pulled off." After that Shorty Wheeler was released or escaped from jail somehow and purported to go to Ernest Burkhardt's house to receive expense money to get out of the country and has never been seen or heard of since.

Q. Who told you about how they killed Anna Brown?

A. Shorty Wheeler and Kelsie Morrison both.

Q. You didn't know anything about it until after the killing was over?

A. No.

Q. What you stated here is what they told you?

A. Yes.

Q. Where is Kelsie Morrison now?

A. In the State Penitentiary doing nine years.

Q. Where is Byron Burkhardt?

A. Fairfax. He married Rose LaSarge - not LaSarge, but Lasley - he married his widow.

Q. Did you ever talk to W. K. Hale about the Anna Brown murder?

A. All he ever said to me was "One by one they are going."

Q. Now, to be sure your statement is clear, Matt, Byron Burkhardt and Anna Brown came to your place in Ralston about eight o'clock in the evening.

A. Yes, on May 21st, my birthday.

Q. And they told you they were going to meet Kelsie Morrison at the end of the bridge?

A. Yes, and they did because they went to Katherine Cole's house and left Katherine Cole there and took Anna and went to the creek.

Q. All you know is what they told you?

A. Yes.

Q. Was Anna Brown killed at the place where they told you she was killed?

A. Yes, she was found two days afterwards there. I think they found her on the 23rd to 24th. I remember it plain, because it was on my birthday, the 21st.

Q. Now have you any reason in this Brown murder case or any motive or purpose in telling this story, except to advise the officials of the truth of the matter?

A. Nothing in the world - the same as I would have done a few years ago, but I was afraid of the consequences to a man if he volunteered this information.

Q. You would have been afraid if you told all you knew you would have been bumped off like the others?

A. Yes, and I would too. Bracken's been after me for two or three years, but I never did tell him. I was afraid of this court house on the hill.

Q. You were afraid the State authorities would not give you the proper protection?

A. Absolutely. It looks bad for me, for a man who knows these things, but there is just a lot of people like me who knows these things, and is afraid to tell them.

Q. With reference to the Henry Roan murder. Had anyone talked to you about that prior to the time Henry Roan was killed?

A. Hale.

Q. What did he tell you?

A. Well, he come up about the insurance on that Indian for \$25,000 to Hale, and he asked me at that time and suggested bumping him off on the creek. I said, "Bill, how you going to get off with stuff like that?" he said, "Because I sold him some cattle, and the insurance was for the equity for what he owed me for the cattle, because, "he said, "If Henry lives he would pay me, but if he dies the insurance will make it."



Q. Where was it he told you that?  
A. At Ralston.

Q. How long before Henry was killed?  
A. About 30 days.

Q. What was it he said about bumping him off?  
A. He said in the first place he would not need no more cattle. He said the insurance would cover that up. I said, "How you going to bump him, Bill?" and he said, "Down on the creek sometime." I said, "Bill, if you do that, you better bump him off in town someplace, because if you bump him off on an Indian allotment, the United State will assume jurisdiction."

Q. What did he say to that?  
A. He said, "No, Matt, you are wrong. I talked to John W. Tillman, and Tillman tells me the United States has no jurisdiction whatever in Osage County any longer."

Q. Did he tell you anything about any plans he had further than bumping him off on the creek sometime?  
A. Yes, he told me he had Ramsey to do that.

Q. How did he tell you what, if anything, he was paying Ramsey?  
A. He said he was giving him \$5000.00.

Q. How was he going to pay him?  
A. He was going to pay him \$500 in money, a Ford car, and the rest when he collected the insurance.

Q. After Henry Roan was killed did you talk to Hale any about it?  
A. Yes.

Q. Where?  
A. I talked to him over there. Where was it I talked to him about that - I forget whether it was in Fairfax or Ralston, but I remember the conversation.

Q. What was it?  
A. John Ramsey told me that he would only give him \$200.00.

Q. John Ramsey told you?  
A. Yes. He owed him \$300 and asked me to see Hale and tell Hale he better settle up. I went and told Bill and said "Ramsey is liable to yelp, and you better give him the other \$300." He told me he would.

Q. He told you he would?  
A. Yes. I afterwards seen Ramsey and he told me that he had.

Q. Did you ever talk to Ernest Burkhardt about any of these matters?

A. No, only just in a general way. I talked to Ernest once about his connection with Hale.

Q. With Hale?

A. Yes.

Q. What did he saw?

A. He said it would be his wife next and then he would be the next one. He said he was afraid of Hale and afraid to antagonize him in any way in the world.

Q. Matt, is there anything about any of these Osage murder cases that you have any further information on?

A. No, I don't think so.

Q. Anything you recall now that you omitted in going over this?

A. No. I think that Vaughn case will finally terminate and -

Q. Do you have any information on that that would be of any value?

A. Yes, I think Herb Curt pulled that.

Q. That is just a supposition on your part?

A. Yes. I met Herb in the Grand Jury room and he and Sol Smith was in there, and he said "My God, Matt, I am your friend." I said, "Yes, you are Herb." I owe him \$7000 yet.

Q. You owe him \$7000?

A. Yes. Of course, if he can wiggle out of it, let him wiggle.

Q. How do you feel now, Matt, about the proposition of getting protection from now until this case is disposed of in court?

A. I don't believe anybody - of course, here is the proposition, don't anybody know until I take the stand about my statements. Hale is pretty wise.

Q. Of course, Hale knows what you know.

A. Yes, he knows that very well - he knows that.

Q. You understand that the Government is willing to afford you protection, if you want it, until such time as these cases are disposed of?

A. Yes, I know that. It is just this way, if it hadn't been for you being connected with it, I wouldn't have done what I am doing, because you know a man has got to know a man well to volunteer what I am doing.

Q. You understand, Matt, that I wouldn't for anything have you tell this kind of a story, if it wasn't true?

A. Yes. I know that, and you know me well enough to know that I wouldn't tell it, if it wasn't true. It is bad enough to tell the truth. Being connected like I am, I feel it is a matter of justice. I believe the day is passed when a man will just get shot down by doing right.

Do you also feel that it is a matter of your putting yourself right before the people by telling the truth?

A. That is the only motive I have. I feel I owe that to the nation and tribe and people like you who is interested. I am skeptical, you know, I haven't got confidence in every man, and all these statements - take the records of all those other people, and pretty nearly every bit of that testimony is corroborated to the dot.

Q. That is true, your statement fits in.

A. I didn't know that until I volunteered.

Q. As a matter of fact, it fits in with the confessions of Ernest Burkhardt and John Ramsey.

A. Yes, you know I had really washed my hands of it in Denver, and that is why I stayed there. I told John I washed my hands of it, and if you had not been associated in the case, I wouldn't have done this, and you know I wouldn't do nothing only what is right. Here is the only proposition: it looks bad to a court or jury when a man like me knows this and didn't come out, but you know conditions here and the power Hale had. I wouldn't have been here to tell this story if Hale had known that.

On March 29, 1926, Matt W. Williams made request in writing as follows  
Special Agents of this Bureau for protection prior to testifying against  
Hale, et al:

Pawhuska, Okla.  
March 29, 1926.

J. R. Burger.

J. A. Street.

In view of the fact that I do not feel that it would be safe for me to remain in Osage County, and also feeling that any man who willingly testifies in this case is in danger of losing his life if it is known, I would feel grateful to you men if both or either of you could accompany me until after the trial of the case of State versus Hale & Ramsey.

Yours Truly,  
Matt W. Williams."

W. Williams is now and will be kept under surveillance by Agents

It is respectfully called to the fact that public sentiment in materially changed in the interest of the prosecution of W. H. Hale  
testimony divulged at preliminary and habeas corpus hearings, and being furnished Agents by interested citizens, all of which are with a view of obtaining corroborative evidence.

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13 APR 11 19, 1926.  
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16 MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL LUSKING.  
17

18 I am transmitting herewith for your information  
19 copy of report submitted by Agent Smith at Guthrie,  
20 Okla., dated April 3rd 1926, in further regard to  
21 the case of the U.S. vs W.K. Hale and John Ramsey,  
22 Murder of Osage Indians.  
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29 Very truly yours,  
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April 7, 1926.

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Mr. T. B. White,  
P. O. Box 125,  
Oklahoma City, Okla.

Dear Sir:-

I am in receipt of your communication of  
March 31st, which I have read with considerable  
interest.

I hope that, by this time, you have ar-  
ranged for the return of Agent Hickey to his  
headquarters.

Very truly yours,

Director.

RECORDED & IND.

62-5033-37

APR 10 1926 P.M.

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April 17, 1926.

Mr. T.B. White,  
P.O. Box 1536,  
Oklahoma City, Okla.

Dear Sir:

I have just left a conference with Special Assistant to the Attorney General Brown, in which he requests me to instruct you to arrange to have Special Agents Burger and Smith at your office in Oklahoma City on Saturday morning, April 24th, so that he may have a conference with you, Agent Burger and Agent Smith. He suggests that Special Agent Davis be sent to relieve Agent Burger, who, I am informed, is with Nat Williams.

I wish that you would give this matter proper attention.

Very truly yours,

Director.

62-5033-379

DEPARTMENT OF JUSTICE

THIS CASE ORIGINATED AT

REPORT MADE AT: Guthrie, Okla.	DATE WHEN MADE: Apr. 26, 1926	PERIOD FOR WHICH MADE: 4/4 to 4/23/26	REPORT MADE BY: F. S. Smith
TITLE: U. S. vs W. K. Hale and John Ramsey			CHARACTER OF CASE: Murder of Osage Indians, Anna Brown, et al.

(O. C. File #70-1)

SYNOPSIS OF FACTS:

JOINT REPORT AGENTS F. S. SMITH AND J. V. MURPHY.

Arraignment of Hale and Ramsey on April 14, 1926, in the District Court of Osage County on charge of murder of W. E. (Bill) Smith. Defendants plea of not guilty, date of trial set for May 24, 1926. Severance granted by District Judge. Motion by Counsel representing Burkhart, Hale and Ramsey, filed to disqualify Sheriff and Deputies. Results of interview with Jack Price. Verbal statement by Jim Ballew concerning John Ramsey. Statement by M. M. Richassin, Agent, Indian Agency, concerning Indian allotment leased by John Ramsey. Agents notes. CONTINUED.

Reference: All previous reports captioned as above.

DETAILS:

Re. Murder of W. E. (Bill) Smith et al.

On April 14th defendants Hale and Ramsey were arraigned before District Judge Worton on charge of murder of W. E. Smith. Defendants plead Not Guilty. Trial date May 24, 1926. At this arraignment defendants attorneys asked that the County Attorney designate which of the defendants would be tried first. The District Judge later agreed to allow the County Attorney until May 10th before stating which of the defendants should be tried first. However, later on

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	62-5032-38	RECORDED AND INDEXED: 1926
WASHINGTON REFERENCE:	COPIES OF THIS REPORT FURNISHED TO: 3 Washington 3 Files.	BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE	CHECKED OFF: MAY 7 1926
# 2	<i>[Signature]</i>	ROUTED TO: J. V. Murphy	FILE



the defendants attorneys insisted that the defendant, who is to be tried first be named and Judge Worton set April 24th as date of hearing at which time it will be definitely decided. At this hearing Judge Worton agreed to allow the County Attorney until May 10th before naming which defendant would be tried first.

On April 19th, E. Burkhart, and Hale and Ramsey, through their attorneys, Grinstead, Scott, Hamilton & Gross; Friesling and Howard, and J. H. Springer, filed motion in the District Court of Osage County, asking for an order removing Sheriff Harve M. Freas and all his deputies from participating in the drawing of the Jury or from summoning or subpoenaing jurors to try these defendants, and that the Court appoint some suitable person to act in the place and stead of the Sheriff in the drawing of the jury and the service of the summons or subpoenas for said jury. April 24th was date set for hearing of this motion.

Reference is had to report of Agent F. S. Smith dated July 17, 1925, captioned same, covering statement made by Dick Gregg, with special attention to details of statement shown in this report on page 3.

RESULTS OF INTERVIEW WITH JACK PRICE, FAIRFAX, OKLA.

Jack Price, now working at the Overland & Willys Garage, Fairfax, Oklahoma, was interviewed and stated that he was in the employ of W. E. (Bill) Smith in 1922, on Smith's ranch near Grayhorse, Oklahoma, and that some time in November, 1922, as he recalls three men came to Smith's place about 3 P. M. in an automobile, either a Stutz or a Hudson speedster with red wheels; that they came into the house and talked with Smith in the interest of purchasing Smith's farm. Mr. Price detailed in every particular the occurrences at this meeting and gave a complete description of the three persons at this meeting, which in every particular fitted the description of Dick Gregg, John Gregg and Lee Clingan. Mr. Price was then confronted with Dick Gregg and John Gregg, and stated that the two men in every way resembled two of the men present at the meeting at Smith's ranch in November, 1922, and that while it had been approximately since such meeting that in his best judgment, Dick Gregg and John Gregg were two of the men present there. Mr. Price minutely described Lee Clingan, even to the clothes and color of them that he wore. Both John Gregg and Dick Gregg state that the description of Clingan as given by Price, is correct in every respect.

Re. Murder of Henry Roan.

Verbal statement made by Jim Ballew, Ponca City, Okla.

Informant stated to Agent Smith that sometime in the late Fall of 1922, John Ramsey came to his (Ballew's) ranch and was employed by him (Ballew) during repair work around the ranch; that he (Ballew) aided and assisted Ramsey financially in a small way, for his services; that Ramsey at that time was broke; that sometime around the following Christmas, Ramsey came to him and stated that his family needed some money and requested of



Ballew a loan of \$100.00; that he (Ballew) granted this favor to Ramsey; that continuing on Ramsey assisted Ballew in building a garage and making other improvements on the ranch; that sometime around the middle of January, 1923, Ramsey disappeared from the ranch for a few days, and returned with a new Ford roadster car; that he (Ballew) became suspicious and questioned Ramsey as to where he got the car, and Ramsey stated to him that he purchased the car new and paid cash for it; that following this Ramsey spent a very little of his time at the ranch, claiming to be sick and not feeling well enough to be able to work; that Ramsey would return to the ranch at late hours of the night and appeared rather restless and worried; that sometime around the latter part of January or early part of February, 1923, Ramsey came to him (Ballew) and told him that he (Ramsey) expected to have a bank roll soon and wanted to rent Ballew's ranch; that Ballew told him (Ramsey) that he did not want to rent his ranch, but suggested that Ramsey see Kirk Ballew and rent his place; that Ramsey then left and did not draw wages due him or take his belongings with him; that two or three months later, the exact time he does not recall, Ballew next met Ramsey when Ramsey and his daughter drove to Ballew's ranch in this new Ford car; that Ramsey stated that he came after some things that he left there; Ramsey on being questioned by Ballew as to where he had been and where he was then living, stated that he was down near Fairfax on a ranch, which he got thru Bill Hale or that Bill Hale had helped him get; that it was so late in the season when he got this ranch, that the only thing he could plant was feed stuff, but he expected to raise a good crop of that.

Statement made by M. M. Richessin, Agent, Interior Department, Indian Service Fairfax, Oklahoma.

Mr. Richessin stated to Agent Smith that on a date, which he had forgotten, subjects John Ramsey and Bill Hale came to his office in Fairfax, making inquiry concerning a certain portion of restricted Indian land, which Ramsey desired to lease, this property being situated as follows:

Lots 3 and 4, and Northwest 1/4 of  
Section 1, Township 24, Range 4 East.

Mr. Richessin states that he assigned Agent Henderson, who appraised this property, and that later, as he recalls, Mr. Scott Mathias, who was then trustee for the deceased owner of this property, came to his office in company with John Ramsey, and a lease was consummated in favor of John Ramsey for the above property, same being allotment #162. Mr. Richessin referred these agents to the Interior Department at Pawhuska, Oklahoma, for complete record pertaining to this lease.

Records obtained from Osage Indian Agency Office, Interior Department, at Pawhuska, Oklahoma.

The records of the Osage Indian Agency office disclose that allotment #162, the Northwest 1/4 of Section 1, Township 24, Range 4 East, covering period from 1921 to 1925, was leased in the name of R. P. Martin, however, records disclose the name of John Ramsey as lessee of this tract; that R. P. Martin is credited with the payment of lease rentals on Jan. 3, 1923,

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in the sum of \$475.00, same being paid by Cashier's check #5442, drawn on the First National Bank of Fairfax, Okla.

AGENTS NOTES:

From unauthentic sources information has been obtained to the effect that after the arrest and incarceration of subjects Hale and John Ramsey charged with the murder of Henry Roan, that Mrs. John Ramsey paid rentals on Indian land leases to the Indian Agency at Pawhuska, which were held by John Ramsey, by a Cashier's check drawn on the First National Bank of Fairfax, and this Cashier's check was from funds of W. K. (Bill) Hale. It is very apparent that the records of the Osage Indian Agency at Pawhuska and their branch office at Fairfax, under supervision of Mr. Richessin, do not agree, and a thorough investigation will be made in the interest of determining if the property in question was leased for John Ramsey by W. K. (Bill) Hale, in award for his participation in the murders of Henry Roan and others.

CONTINUED.

*Series of photographs  
taken and by Lester  
April 26 - 1933.  
Riley*



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May 7, 1926.

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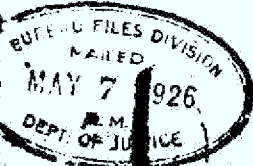
17 MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL LUDWIG.  
18

19 Further with regard to the case of U.S. vs. W.K.  
20 Hale and John Ramsey, Murder of Osage Indians, I  
21 am transmitting herewith copy of report of Agent  
22 Smith at Guthrie, Oklahoma, dated April 26th 1926.  
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BUREAU February 3, 1926.  
MAY 5 1926 P.M.  
Bureau  
Div. One  
Div. Two

THE OSAGE MURDERS.

The "Osage" is located between the crooked Arkansas River and the Kansas State line in the northeasterly part of Oklahoma in what up to only a few years ago was barren, except for a few poor pastures; in fact, when the Osage tribe was forced to leave Kansas and settled into what now is called Osage, it was considered that they had paid a million two hundred thousand dollars for a poor grave for the tribe. The area of the Osage is 2,277 square miles and the total population increased approximately 350 percent between 1900 and 1920, the last census showing 36,536 souls.

In 1901 the mad rush for oil already had brought into the county unscrupulous prospectors and the county actually produced in that year. It was only a short time thereafter that some 2,000 Osages found themselves facing the same problem which drove the Indian from Virginia and Massachusetts which, except for a slight difference in tactic, was to have the same result, - the ultimate acquisition by the white man of all that the Indian possessed. Figuratively, the desert blossomed into a garden of roses and the Osages over night became the wealthiest people per capita in the world. In 1906 there were 2,229 members of the tribe, - today there are but 1,550. The Federal Government on June 28th, 1906 enacted a law known as the Osage Act under which the 2,229 members of the tribe were to receive through the government

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an equal number of shares known as head rights growing out of the leasing of the property or portions thereof for the commercial production of oil, and the total value of each individual share covering the period from 1906 to the present date is \$72,130, exclusive of certain other benefits growing out of civil damages, et cetera. An Osage born subsequent to June 28, 1906 would inherit only his proportionate share of his ancestor's headrights as one of the 2,229 enrolled in 1906, since which time the tribe has received a total of \$185,000,000 through the Government.

The acquisition of this wealth can not be said to have constituted a blessing, either to the tribe as a whole, or the individual members, for after all, wealth while bringing comfort, also brought disease, immorality, and an extravagance which is appalling. Modern homes, with all of the present day conveniences have been built for members of the tribe, only to have them roll up in their blankets and sleep in the yard, and in fact many of the homes have a wigwam or canopy outside in which the Indians spend a large amount of their time when not driving over the country in automobiles, or away on even less wholesome missions.

Among the many adventurous prospectors and other white men who came to Oklahoma, was one WILLIAM K. ("BIG BILL") HALE, who had been identified with the cattle business in Texas, an old friend of frontier showmen, and a man whose desire for riches and power was devoid of scruples. There either came with him, or later

joined him, in Osage County, his nephew <sup>and</sup> ERNEST/BRYAN BURKHART

who, with their brothers, were employed by and under the dominance of HALE, who by one means and another had acquired sufficient wealth to become known as "the King of the Osage". He had in his employ from time to time a number of reckless characters many of whom were either ex-convicts or fugitives from justice and were known killers for a price. There are attached hereto, and marked as 1, 2, 3, and 4, respectively, two photographs of HALE, his ranch house at Greyhorse, Okla. and one of the entrances to his pastures, the last giving a fair idea of the nature of the country, and incidentally, the full faced view of HALE having the accidental background of prison bars.

LIZZIE Q, otherwise known as LIZZIE KILE, was an Osage squaw, who, in 1920 already was old and in bad health. Her own estate approximated \$200,000. She had three daughters, Anna, Mollie and Rita. Anna was a dissolute character and notorious in the Osage, with a preference for white men, with several of whom from time to time she had had affairs, and at least one of whom, Odie BROWN, she married. In 1920 her estate approximated \$100,000. Rita married one W. E. ("BILL") SMITH a white man with whom she lived up to the time of the destruction of both of them. MOLLIE became the wife of ERNEST BURKHART and is living with him today. MOLLIE appears to have been the first means to draw to HALE, through the BURKHARTS, the assets of the entire family.

Anna had been somewhat intimate with at least one of the BURKHART boys but apparently she was too notorious for even the BURKHARTS to contract a formal marriage. No one knows what became of her husband, Odie BROWN, and the disappearance of a squaw-man in the Osage, or the re-marriage of a squaw without any inquiry or investigation as to the existence of her husband, were matters which too evidently did not concern anyone. But Anna BROWN had money, and the stake was large. In 1920, LIZZIE Q, the aged mother, had been brought to ERNEST BURKHART'S home at Greyhorse and was living with her daughter. She was the second of the family taken directly under the wing of HALE in the general scheme. Early in 1921 she developed a malady which very evidently would result in her death. She had been induced to make a will, leaving the bulk of her estate to ERNEST BURKHART'S wife and children, and with the control exercised by the BURKHARTS and HALE this meant that the white men really had the money within their grasp. But there were higher stakes which might be won. If the old woman should outlive ANNA BROWN then, under the law of the State, the fortune would be increased by half of ANNA BROWN'S, whereas, if ANNA should outlive her mother, the greater part of her fortune would be diverted to collaterals.

LIZZIE Q was sinking and something had to be done.

On May 27th, 1921, the decomposed and swollen corpse of



ANNA BROWN was found in a ravine just off the Pawhuska - Fairfax Road and not far from the road which leads from Greyhorse. Photograph #5 shows the Greyhorse road at the head of the ravine where the body was found. Photograph #6 shows a general view of the ravine, and photograph #7 the exact spot in which the body was found. Photograph #8 is an old picture of ANNA BROWN. The hunters who found the body went at once to Fairfax and notified F. S. TURTEN an undertaker who, with Doctors J. G. and D. A. SHOUN proceeded to the place and found a crowd of persons had assembled. The body was identified as being that of ANNA BROWN and a rude autopsy was held showing that death had resulted from a gun shot wound, evidently from a 32 calibre revolver, the bullet entering the head from the rear. It was very evident that death had taken place a number of days prior to that time, and the last time that ANNA BROWN had been seen alive was on the night of May the 22nd, 1921. The undertaker and doctors made a very hurried examination and for some reason they began their search for the bullet by opening the skull by sawing it in half vertically, rather than removing a cap horizontally. They were unable to find the bullet and the body was buried, although half of the skull was preserved by the undertaker.

W. E. SMITH, the husband of Rita, suspecting the parties responsible and the entire county having been disturbed over the many murders and mysterious disappearances of Indians shortly

theretofore, immediately started an investigation independent of the authorities and it soon became known that through an expenditure of a large amount of money, SMITH had acquired sufficient evidence to justify his suspicions that HALE was responsible for the death.

There was no doubt but ANNA BROWN was dead and that the estate of LIZZIE Q, her mother, had acquired at least half of her property. The next expected happening actually occurred two months after ANNA BROWN died, old LIZZIE Q passed away at the home of her daughter, MOLLIE BURKHART, the wife of ERNEST, and the niece of BILL HALE by marriage, and with her death the estate augmented by half of ANNA BROWN'S, passed in bulk to the BURKHARTS. BRYAN BURKHART was arrested and charged with the murder of ANNA BROWN in the State courts. HALE furnished bond for him and BRYAN was acquitted.

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Things apparently were running favorable to HALE and his nephews and nothing of particular interest in this story occurred until January 1923, other than the finding of the bodies of JOE GREYHORSE, ANNA SANDFORD and others who evidently had been the victims of similar plots.

ANNA BROWN had a cousin, a full-blooded Osage Indian, named HENRY ROAN who, in January 1923, was living with his wife MARY, also a full-blooded Osage, and their children at Fairfax, Oklahoma. ROAN frequently left home for as much as three or four weeks at a time on drunken sprees, so that when he left the house on January 26th, 1923 and was not seen for several days, there was no excitement. However, on February 6th, an Indian boy ran across an automobile in a swale or small canyon about five miles northwest of Fairfax and about 200 yards from the road. He ran to Fairfax and brought two officers who found ROAN'S body on the front seat of his car where he evidently had been dead several days, shot through the head from the rear. An inquest did not develop any information other than that he came to his death by a gun shot wound. This, in itself, was not particularly indicative, but a short time thereafter, HALE presented for payment an insurance policy issued by the Capitol Life Insurance Company of Colorado, for \$25,000 on the life of HENRY ROAN. The Company refused to pay the indemnity on the ground of fraud and misrepresentation and HALE entered a suit in the Federal



Court. This brought forth an examination of the various court records which in themselves disclosed that at the time ROAN petitioned the District Court of Osage County for the appointment of a guardian, he owed HALE \$6,000, balance due on the purchase of a house in Fairfax, and there evidently was no other insurable interest of HALE in the life of Roan. A short time prior to his death, ROAN was known to have had some personal difficulties with one ROY BUNCH, a white man who was unduly attentive to ROAN'S wife. It was known that ROAN and BUNCH had been looking for each other on several occasions when use would be made of arms. Therefore, when ROAN'S body was found, a rumor was started that BUNCH was responsible for the death. This rumor appeared to be confirmed by the fact that BUNCH married ROAN'S widow a very short time after the finding of ROAN'S body. The rumor was started by HALE himself. There appears to have been at the time no serious attempt to identify and prosecute anyone for ROAN'S murder.

W. E. SMITH, the husband of RITA and the brother-in-law of ANNA BROWN was living in a comfortable home, as shown by photograph #9, with his wife and a white servant girl named NETTIE BROOKSHIRE, see photograph #10. SMITH had continued his active investigation of the murder of ANNA BROWN and had had an open break with HALE, due not only to his letting it be known that he had the evidence involving HALE in the murder of ANNA, but also because of a demand which he had made upon HALE for \$6,000 and which HALE had refused to pay. SMITH was known to be apt to take action to enforce his claim against HALE and at 2 o'clock on the morning of March the 10th, 1923, less than two months after the finding of HENRY ROAN'S body, SMITH'S home at Fairfax was blown up, his wife RITA and the servant NETTIE BROOKSHIRE being killed instantly, and SMITH himself being mutilated so that he died within a few days, but not before making a dying declaration to the effect that the only enemies he had in the world were HALE and the BURKHARTS.

With the passing of RITA SMITH, the last of the members of the family of LIZZIE Q was done away with, leaving alone her daughter MOLLIE who now lives at Pawhuska with her husband ERNEST BURKHART, the nephew of HALE; and in addition to the wiping out of the \$6,000 claim which SMITH held against HALE, RITA'S property it was felt also would go to the surviving sister, MOLLIE BURKHART. However, a will had been made by RITA and her husband, under which the survivor of the two was to acquire the estate of the first to die, and SMITH

having survived RITA by approximately four days, all of the property

went to a daughter of SMITH'S by a former marriage, a girl in Arkansas unknown to HALE and the BURKHARTS. The debris of what once had been a home, remained for some time a horrible monument to HALE, - but neither he nor anyone else, for that matter, was run down until the Department of Justice sent into the country a number of its men carefully selected because of their knowledge of Indian and frontier life, their indomitable courage and persistence over seemingly insurmountable obstacles. How they posed as "medicine men", prospectors, cattlemen; how they many times were framed; how they were hunted and lost; how they uncovered scores of false leads and faked confessions; how they gathered from all parts of the country the small bits of evidence and finally why they took prisoner the "King of the Osage", will not be told until the evidence comes from the witnesses on the stand.



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NITE	Night Message
NL	Night Letter
LOC	Deferred
CLT	Cable Letter
WLT	Week End Letter

NEWCOMB CARLTON, PRESIDENT

J. C. WILLEVER, FIRST VICE-PRESIDENT

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

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BU. OF INVESTIGATION

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BRYAN BURKHART AND KELSEY MORRISON FILED ON PAWUSKA BY

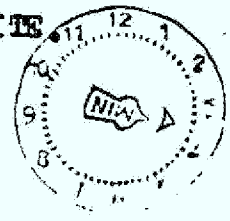
STATE AUTHORITIES MURDER ANNA BROWN BURKHARTS PRELIMINARY

HEARING YESTERDAY RESULTING IN COMMITTING MAGISTRATE HOLDING HIM

WITHOUT BOND

BU. OF INVESTIGATION  
FILES DIVISION

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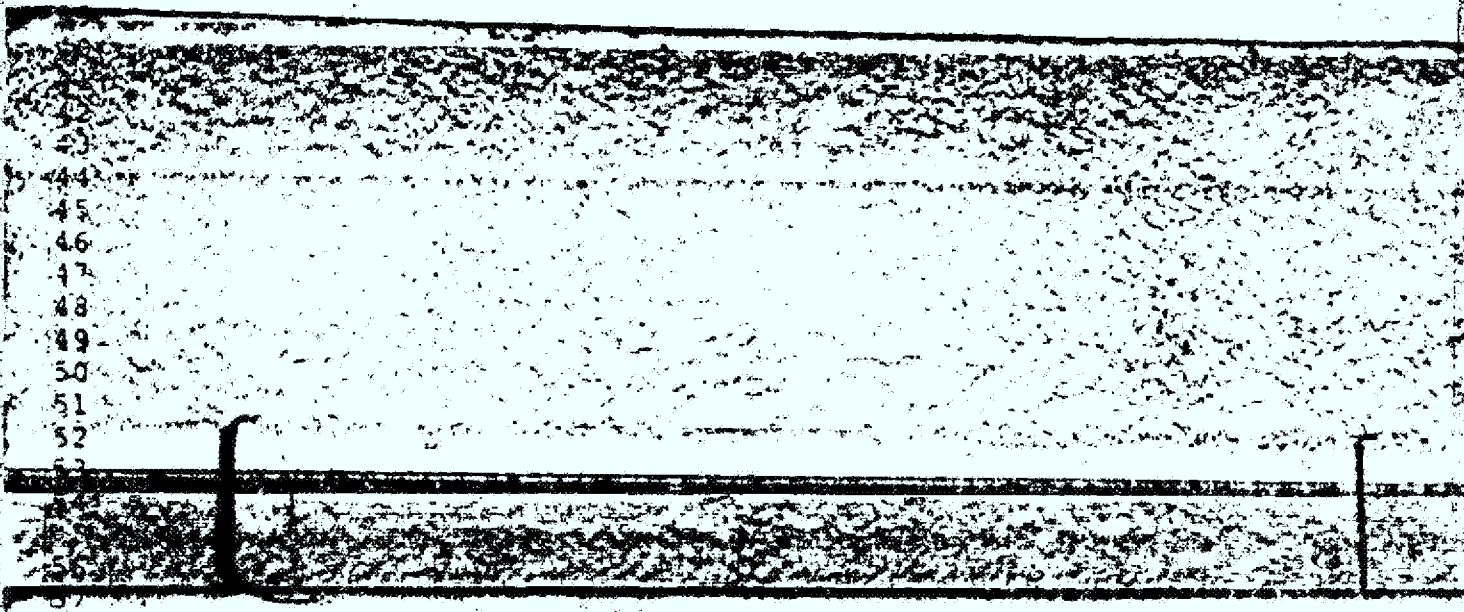
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1926

62-6033-382

MAY 19 1926

May 15, 1926.

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL LUHRING.

For your information I am quoting below a telegram

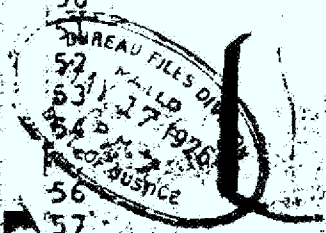
just received in the Bureau from our Oklahoma City

**Office:**

"BRYAN BURKHART AND KELSEY MORRISON FILED ON PAYEUSKA  
BY STATE AUTHORITIES MURDER ANNA BROWN BURKHARTS  
PRELIMINARY HEARING YESTERDAY RESULTING IN COMMITTING  
MAGISTRATE HOLDING HIM WITHOUT BOND."

Very truly yours,

**Director.**



Department of Justice

TELEGRAM RECEIVED

Oklahoma City, Okla.

May 19, 1926.

Director

Kelsey Morrison confessed yesterday his part in connection killing Anna Brown, implicating Bryan Burkhart and Bill Hale, also told of propositions made him by Hale to blow up Smith home. Report follows. If possible have Agent Wren Pawhuska May 24th to testify in Ernest Burkhart case.

Two-White.

Rec'd. 3:15

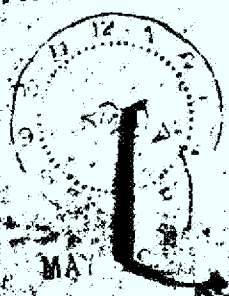
Decoded J

To Director 3:40

62-5033

*Mr. Lohmeyer & Wren 6/20/26*

BU. OF INVESTIGATION  
FILES DIVISION



RECORDED & INDEXED  
MAY 21 1926  
62-5033-383  
MAY 19 1926 P.M.  
Mr. Loo



WHS:LEW  
62-558-783

MAY 1 1926

RECORDED

May 20, 1926.

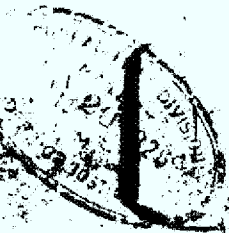
MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL LOHRING.

Further with regard to the Osage Murder case I am  
quoting below a telegram received from our Oklahoma  
City Office:

"KELSEY MORRISON CONFESSED YESTERDAY HIS PART IN  
CONNECTION KILLING ANNA BROWN, IMPLICATING BRYAN  
BURKHART AND BILL HALE. ALSO TOLD OF PROPOSITIONS  
MADE HIM BY HALE TO BLOW UP SMITH HOME. REPORT  
FOLLOWS. IF POSSIBLE HAVE AGNET WERN PAMHUSKA MAY  
24th TO TESTIFY IN ERNEST BURKHART CASE."

Very truly yours,

Director.



P. O. Box 1535,  
Oklahoma City, Oklahoma.

May 19, 1926.

Mr. Frank J. Blake,  
Department of Justice,  
Lathrop Building,  
Kansas City, Missouri.

Dear Sir:

Re: W. K. Hale, et al,  
Osage Indian Murders.

On May 24th the trial of Ernest Burkhardt is scheduled to take place at Pawhuska, Oklahoma and Alex Street will probably be a witness in this case. Therefore, I wish you would pass this information to him and instruct him to be present at that time, leaving the assignment he is on there to John R. Burger to take care of until such time as he can be released to return to the assignment.

I believe that Agents Street and Burger reported to your office about a week ago upon their appearance on assignment that they had of taking care of one of the witnesses in the above case.

Very truly yours,

T. B. White,  
Special Agent in Charge.

TB: B.  
c.c. Dir. Att. #2.

RECORDED

62-5033-284

BUREAU OF INVESTIGATION	
MAY 21 1926 P.M.	
DEPARTMENT OF JUSTICE	
Div. Two	<i>[Signature]</i>

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May 20, 1926.

Colvin,  
Department of Justice,  
Federal Building,  
Paso, Texas

Instruct Agent Wren proceed Pawhuska Oklahoma testify May twenty fourth  
in Ernest Burkhardt case.

Two Hoover.

62-5033-385

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RECORDED  
62-5033-385  
INDEXED  
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L



Kansas City, Mo.

May 20, 1926

Mr. T. B. White  
Box 1535  
Oklahoma City, Oklahoma

Dear Sir:

RE: W. K. Hale, et al

Receipt is acknowledged of your letter of May 19th, wherein you set forth that Agent Street will probably be a witness in the above mentioned case, trial of which is scheduled to take place at Pawhuska, Oklahoma, May 24th.

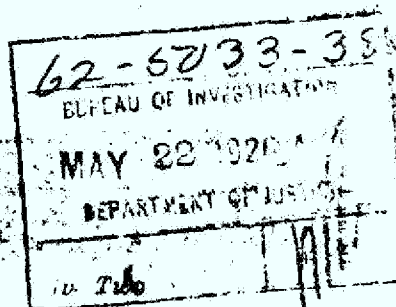
You are advised that Agent Street has been apprised of the contents of your letter.

Very truly yours,

DWIGHT BRANTLEY  
Acting Agent in Charge.

DB:J

C C Division No. 2



THIS CASE ORIGINATED AT

REPORT MADE AT: Guthrie, Okla.	DATE WHEN MADE: May 21-1926	PERIOD FOR WHICH MADE: 4-24 to 5-21-26	REPORT MADE BY: F. S. Smith.
TITLE: W. K. HALE, JOHN RAMSEY, ERNEST BURKHART, BYRON BURKHART, AND KELSIE MORRISON. (Previously reported U. S. vs W. K. Hale and John Ramsey)			CHARACTER OF CASE: MURDER OF OSAGE INDIAN.
(O. C. File 70-1) 62-5033			
SYNOPSIS OF FACTS: JOINT REPORT OF AGENTS F. S. SMITH AND J. V. MURPHY			
<p>Complaints charging Byron Burkhardt and Kelsie Morrison with murder of Anna Brown, Osage Indian woman, filed by County Attorney of Osage County; Arraignment and preliminary hearing of Byron Burkhardt; Status of Kelsie Morrison; Confession made by Kelsie Morrison. Reference to filing complaint against W. K. Hale. Election of Ernest Burkhardt for trial May 24, 1926, by State of Oklahoma, for murder of W. E. Smith. CONTINUED.</p>			
REFERENCE Is made to reports of Agent F. S. Smith, dated 2-8-1926, attention statements Katherine Cole and Dewey Selph; Feb. 20, 1926, attention statement Matt M. Williams; April 3, 1926, attention statement Matt M. Williams.			
DETAILS at Pawhuska, Okla.			
RE. MURDER OF ANNA BROWN			
<p>On April 29, 1926, complaint was filed before the Justice of the Peace, at Pawhuska, Osage County, by the County Attorney, charging Byron Burkhardt and Kelsie Morrison with the murder of Anna Brown, an Osage Indian woman, committed May 21, 1921, in Osage County, Oklahoma. Warrants were issued, and Subject Byron Burkhardt was taken into custody and was arraigned April 30, 1926, and denied bail. On May 14, 1926, at preliminary hearing, Byron Burkhardt was bound over to await</p>			
APPROVED AND FORWARDED: <i>[Signature]</i>	SPECIAL AGENT IN CHARGE <i>[Signature]</i>		RECORDED AND INDEXED: MAY 28 1926
WASHINGTON REFERENCE:	COPIES OF THIS REPORT FURNISHED TO: 3 Washington 3 files.	BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE	CHECKED OFF: JUN 2 - 1926 JACKETED:
		ROUTED TO: <i>[Signature]</i>	FILE: <i>[Signature]</i>

GOVERNMENT PRINTING OFFICE

1-1323

trial in the District Court of Osage County, and denied bail.

Subject Kelsie Morrison being in custody of the Federal Government, serving sentence, in the Western District of Oklahoma, a retainer was placed against him for his custody at the expiration of his sentence, by the Sheriff of Osage County.

County Attorney Templeton advises that at the completion of the trial of W. K. Hale for the murder of W. E. Smith, now pending in the District Court of Osage County, a complaint will be filed charging W. K. Hale jointly with Kelsie Morrison and Byron Burkhardt with the murder of Anna Brown.

GUTHRIE, OKLAHOMA.

On May 18, 1926, Special Agents T. B. White, F. S. Smith, and J. V. Murphy obtained from Kelsie Morrison a verbal confession of his participation, with W. K. Hale and Byron Burkhardt, in the murder of Anna Brown. Morrison was later questioned by T. J. Leahy, Special Prosecutor employed by the Osage Indian Council in the prosecution of Osage Indian murderers.

STATEMENT MADE BY KELSIE MORRISON.

"Guthrie, Okla.

May 18, 1926.

STATEMENT OF KELSIE MORRISON MADE TO MR. T. J. LEAHY ON MAY 18, 1926, AT THE FEDERAL BUILDING, GUTHRIE, OKLA., IN PRESENCE OF F. S. SMITH AND J. V. MURPHY, SPECIAL AGENTS, DEPT. OF JUSTICE, AND ASS'T ATTORNEY GENERAL DABNEY, STATE OF OKLAHOMA.

Examination by Mr. Leahy:

Q. Kelsie, you knew Anna Brown during your life?

A. Yes sir.

Q. How long did you know her?

A. How long? About six or eight months.

Q. You also knew W. K. Hale and Byron Burkhardt?

A. Yes sir.

Q. How long did you know them?

A. About five years.

Q. You remember of the death of Anna Brown?

A. Yes sir.

Q. Were you present when that happened?

A. Yes sir.

Q. Who else was present?

A. Byron Burkhardt.



Q. Did Byron Burkhart have anything to do with the killing of Anna Brown?

A. Yes, he held her up.

Q. And you fired the shot, did you?

A. Yes sir.

Q. What kind of a place was it where Anna Brown was killed, with reference to a canyon or ravine?

A. It was a ravine, rocky, trees around it and very little water.

Q. About how far is that from Fairfax?

A. About three miles from Fairfax.

Q. Is there a spring in this canyon?

A. Yes sir.

Q. About how far from the head of the canyon was Anna Brown killed?

A. About 75 yards.

Q. Do you know how Anna Brown came to be there?

A. Yes. Byron Burkhart and I took her there.

Q. Was anyone else with you?

A. Yes, Katherine Morrison.

Q. She was your wife then?

A. Yes sir.

Q. Is she known as Katherine Cole?

A. Yes sir.

Q. At the time you took Anna Brown down there, what kind of a car was you riding in?

A. A Buick.

Q. Whose car was it?

A. Ernest Burkhart.

Q. Who drove the car?

A. Byron Burkhart.

Q. Was you sitting in the front seat or back seat?

A. The back seat.

Q. Who was in the back seat with you?

A. Anna Brown.

Q. When you drove out to this place and stopped the car, how did Anna Brown get out of the car?



Byron helped to take her out.

Q. What was her condition with reference to being drunk?

A. She was drunk.

Q. When you took her out of the car, what did you do with her?

A. Took her down in the ravine.

Q. About how far from the car?

A. About 40 steps.

Q. After you got there what did you do with her?

A. Gave her a big drink and left her.

Q. Was she so drunk as to be helpless?

A. Yes sir.

Q. What did you do then?

A. Went back and got in the car.

Q. Where did you go?

A. Rode around two or three hours.

Q. Did you take Katherine home?

A. Yes sir.

Q. Did you come back again to where Anna Brown was?

A. Yes sir.

Q. And was that when she was killed?

A. Yes sir.

Q. At whose instance did you and Byron Burkhardt take Anna Brown out there?

A. Bill Hale.

Q. Did he request you to kill her?

A. Yes sir.

Q. Did he furnish the gun?

A. Yes sir.

Q. And did you kill her with Bill Hale's gun?

A. Yes sir.

Q. Did he pay you for it?

A. Yes sir.

Q. How much?

A. One thousand dollars and what I owed him.

Q. How much did you owe him?

A. About six hundred dollars.

1926

After Anna Brown was killed, did you report to Bill Hale?

A. Yes sir.

Q. The same night?

A. Yes sir.

Q. Where was he then?

A. He was out to the ranch house.

Q. You mean his ranch house?

A. Yes sir.

Q. When did he pay you this one thousand dollars?

A. About thirty days after it happened.

Q. How did he pay it?

A. He paid it in signing notes at the Osage Bank at Fairman.

Q. You mean he signed the notes with you?

A. Yes sir.

Q. Did he afterwards pay the notes?

A. Yes sir.

Q. Now Kelsie, with reference to the killing of Bill Smith and his family, say whether or not Hale ever talked to you about killing Smith?

A. He did.

Q. More than once?

A. Yes sir.

Q. About how many times?

A. I could not say, any number of times.

Q. Did he suggest that he would pay you well for it?

A. Yes sir.

Q. Ever give you any figure?

A. No sir.

Q. What did you tell him about it?

A. I told him I did not want to do it.

Q. What way did he suggest that you might kill him?

A. Told me to shoot him.

Q. Shoot him in the day time or night?

A. In the night.

Q. Where?

A. At his home at night.

Q. Did he ever suggest to you about burning the Smith home?

A. Yes sir.

Q. What did he want you to burn the house for?

A. He wanted me to set it on fire and when Bill Smith run out to shoot him.

Q. Shoot who?

A. Bill Smith and his wife.

Q. Did he tell you why he wanted you to kill Bill Smith and wife?

A. No sir.

Q. Bill Smith's wife was a sister of Anna Brown?

A. Yes sir.

Q. Did you ever hear him suggest that he wanted to get all the estates of those sisters in the hands of Mollie Burkhardt?

A. Yes sir.

Q. Just how did he express that?

A. Well, he said Mollie would fall heir to the estates, and then Ernest Burkhardt would make it right with me.

Q. Make it right with you for what?

A. For the killing.

Q. Was that when he suggested to you about killing Rita Smith and Bill Smith?

A. Yes sir.

Q. Did you ever discuss the matter with Ernest?

A. No sir.

Q. When you refused to do the killing and told Hale you did not want to do the killing, did he say he would get someone else to do it?

A. He said he would get someone else to do it.

Q. How long before Smith and wife were killed in the explosion was it when Hale wanted you to kill them?

A. It was six or eight months.

Q. Was that while Smith and wife were living at Grayhorse?

A. Yes sir.

Q. You know where that house was?

A. Yes sir.

Kelsie Morrison "

RE. MURDER OF W. E. SMITH.AT PAWNEE, OKLA.

In the matter of the State of Oklahoma versus W. K. Hale, John Ramsey and Ernest Burkhardt, charged jointly with the murder of W. E. Smith, pending in the District Court of Osage County. On May 10, 1926, the State elected to try Ernest Burkhardt May 24, 1926.

Agents assigned are keeping in close touch with progress of State's prosecution, having in mind the ultimate results of the Government's appeal now pending before the United States Supreme Court in the Henry Roan case, on the question of Government jurisdiction, and lending the State undivided co-operation in the preparation of the prosecution of Osage Indian murder cases pending against defendants Hale, Ramsey, et al.

CONTINUED.



June 1, 1926.

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL LUHRING.

Further with regard to the Osage Indian Murder case  
I am transmitting herewith copy of report submitted  
by Agent Smith at Guthrie, Okla. on the 21st ultimo.

Very truly yours,

Director.

Enc.  
82255

RECORDED

62-5083-388
BUREAU OF INVESTIGATION
JUN 2 1926 A.M.
DEPARTMENT OF JUSTICE

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CODE

June 1, 1926.

White,  
Federal Building,  
Oklahoma City, Okla.

Supreme Court has held United States has jurisdiction in Osage cases.  
Wire me status and developments in state cases. One.

HOOVER.

RECORDED

62-5633-389	
BUREAU OF INVESTIGATION	
JUN 2 1926 A.M.	
DEPARTMENT OF JUSTICE	
	FILE

Handwritten signature or initials.

Department of Justice

TELEGRAM RECEIVED

Oklahoma City, Oklahoma

June 1, 1926.

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

Referring to your telegram this date relative Osage case SAC White informed  
and advises case in midst Ernest Burkhart trial and will advise fully upon his  
return

ONE GRAHAM ACTING

Rec'd & Decoded  
7:30 p.m.  
\*FCG

JUN 8 - 1926

RECORDED

62-5033-380

SUPPLEMENTAL

JUN 8 1926

DEPT. OF JUSTICE

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*ack 6-2-26*  
*Wm. Burkhart*



JUN 2 1926

June 2, 1926.

RECORDED

JUN 3 1926

Mr. T.B. White,  
P.O. Box 1535,  
Oklahoma City, Okla.

Dear Mr. White:

PERSONAL & CONFIDENTIAL.

I am enclosing herewith a copy of a telegram which I addressed to you under date of June 1st relative to the Osage Indian cases and I am also calling to your attention the enclosed telegram received from Acting Agent in Charge Graham, to the effect that he has informed you concerning the telegram which I sent yesterday and you state that the case was in the midst of the Ernest Burkhardt trial and that you would fully advise me upon your return.

I do not understand why you could not have wired me direct as to the general status of the state cases. I had been requested by Assistant Attorney General Lohring to obtain this information and the telegram sent by Agent Graham was far from satisfactory. I, of course, was cognizant of the fact that the cases were on trial. What I wanted to learn was exactly what had developed so that I might intelligently inform Mr. Lohring. I appreciate the fact that you probably were in court at the time the message was delivered to you by Agent Graham but I do not understand why, at the end of the day, you could not have wired me fully as to the developments and general situation.

It is particularly embarrassing not to be able to obtain information from Agents in Charge, especially when the information is desired by an Assistant Attorney General.

Very truly yours,

Director.

Encl.



JER. L.

June 2, 1926.

MEMORANDUM FOR MR. LUNTING.

I am attaching hereto for your information  
a copy of a telegram received by me from the Acting  
Agent in Charge at Oklahoma City relative to the  
Osage cases.

Very truly yours,

Director.

Encl.

Fuller

62-5033-39

JUN 2 1926

U.S. DEPT. OF JUSTICE

21

Department of Justice

TELEGRAM RECEIVED

Oklahoma City, Okla.

June 3, 1926.

Director

Just returned to Oklahoma City from Pawhuska where have been attending trial Ernest Burkhardt which is still in progress with excellent chances for conviction. Most we can fear for is hung jury. Do not expect Hale and Ramsey trials to follow Burkharts in State courts and will be passed pending Federal action Bryan Burkhardt was arrested and had preliminary hearing, held without bond for killing Anna Brown, but upon habeas corpus was released twenty five thousand bond. This action caused by not having Kelsey Morrison as a witness who confessed his part this killing and implicated Bryan Burkhardt. No action taken in State courts in Roan case and we are ready trial in Federal Courts this case at any time Since our success obtaining Federal jurisdiction Roan case and success trial Ernest Burkhardt killing Bill Smith in State courts and holding Hale and Ramsey without bond, have been informed by Attorney General Short Oklahoma that attorney for Ramsey is planning to have Ramsey testify. Advise if I should file on Ernest Burkhardt in Henry Roan case and if opinion Supreme Court will allow us Federal action against Morrison and Bryan Burkhardt for killing Anna Brown.

Rec'd. 3:50  
Decoded J  
To Director 4:20

62-5033-36 One White.

JUN 7 1926

Div. One

Div. One

June 4, 1925.

62-5033-392

RECORDED

JUN 7 - 1925

MEMORANDUM FOR MR. LUEHRIG.

I am attaching hereto for your information a copy of a telegram received by me from Agent in Charge White at Oklahoma City dated June 3rd relative to the Osage cases. You will note in the last portion of this telegram Agent White requests certain instructions and I would appreciate receiving word from you as to the instructions which I should convey to him.

Very truly yours,

Encl.

62-5033

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Department of Justice

Bureau of Investigation

Washington, D. C.

June 4, 1926.

MEMORANDUM FOR MR. LUDWIG.

I am attaching hereto for your information a copy of a telegram received by me from Agent in Charge White at Oklahoma City dated June 3rd relative to the Osage cases. You will note in the last portion of this telegram Agent White requests certain instructions and I would appreciate receiving word from you as to the instructions which I should convey to him.

Very truly yours,

J. Edgar Hoover  
Director.

Encl.

[Doubt if we have jurisdiction  
for murder of Anna Brown  
Tell white what to let that  
Holliday get away from us  
Say this in Code]

JUN 8 - 1926

JUN 8 - 1926

Ludwig



RECORDED & INDEXED

June 1, 1926.

CODE

JUN 8 - 1926

White,  
Federal Building,  
Oklahoma City, Okla.

Reference your telegram June third Assistant Attorney General Lohring advises  
as follows: Quote: Doubt if we have jurisdiction for murder of Anna Brown.

Tell White not to let Nat Williams get away from us. Unquote. One.

HOOVER.

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Department of Justice

Bureau of Investigation

P. O. Box 1535,  
Oklahoma City, Oklahoma.

June 5, 1926.

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

Dear Sir:

PERSONAL & CONFIDENTIAL.

I have just this minute received your personal and confidential letter in reference to my advising you as to the status of the Osage Indian Murder cases, as requested in your telegram of June 1st.

Will state in this connection, that I am very sorry indeed if I caused you any embarrassment by delaying the transmission of this information to you and it was far from my intention to embarrass you in any way in this or any other case which I am handling.

The principal reason why I did not telegraph you from Pawhuska was that in my hurried departure from Oklahoma City to Pawhuska I failed to take my code book with me and, having no code book to transmit a telegram to you, I did not think it advisable to send the information in an open telegram, nor did I think it advisable to call you over the telephone. I knew when your telegram came on June 1st that I was to return to the Oklahoma City office in the next day or so and I thought I could delay the matter until my return. Upon my return to the office on June 3rd, I sent you the following telegram in reference to these cases which I trust covered the matter to your satisfaction:

"Just returned to Oklahoma City from Pawhuska where have been attending trial Ernest Burkhart which is still in progress with excellent chances for conviction. Most we can fear for is a hung jury. Do not expect Hale and Ramsey trials to follow Burkhart's in State Courts and will be passed pending Federal action. Bryan Burkhart was arrested and had preliminary hearing, held without bond for killing Anna Brown, but upon habeas corpus was

JUN 9 1926

62-5033-344

JUN

RECORDED

1956



released twenty five thousand bond. This action caused by not having Kelsey Morrison as a witness who confessed his part this killing and implicated Bryan Burkhardt. No action taken in State Courts in Roan case and we are ready trial in Federal Courts this case at any time. Since our success obtaining Federal jurisdiction Roan case and success trial of Ernest Burkhardt killing Bill Smith in State Courts and holding Hale and Ramsey without bond have been informed by Attorney General Short, Oklahoma that attorney for Ramsey is planning to have Ramsey testify. Advise if I should file on Ernest Burkhardt in Henry Roan case and if opinion Supreme Court will allow us Federal action against Morrison and Bryan Burkhardt for killing Anna Brown."

I cannot begin to tell you and describe to you what the agents went through at Pawhuska in preparing this case for trial. I was short of agents and, therefore, I assisted in the investigation myself and was busy from the early morning hours until midnight and after. Sometimes we worked all night in order to have our case in shape for the next morning's session. The first sixty jurors drawn from the box were dismissed due to the good work of the agents handling this case, as it was found by our investigation that there were not, out of the sixty, ten good men, the rest of them being the worst kind of characters. An additional sixty men were drawn from the box and they were investigated by our agents, who worked day and night to do so. Out of these men I think we secured three jurors. Then a hundred men were drawn from an open venire and, of course, we had to look into these also. From this number we secured what looks to me like a good jury and went into the trial of the Ernest Burkhardt case.

In trying this case in the State Courts at Pawhuska we met every conceivable means of opposition. We succeeded in offsetting the most of it and were able to get a case against two parties of Bill Hale's gang and they were arrested for interfering with witnesses and both released on a \$5000.00 bond. Besides all of the above and many other obstacles that we had it was necessary that we guard most of our witnesses and keep them from being harmed personally or interfered with otherwise by Bill Hale's faction.

As I advised you in my telegram, we have an excellent chance to convict Ernest Burkhardt. The worst we can look for is a hung jury. The State authorities in Oklahoma have assisted us in every way possible in these cases and through their help we have been able to keep Hale, Ramsey, and Ernest Burkhardt in jail without bond. Bryan Burkhardt

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11 Mr. Hoover. Page #3.  
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14 secured bond in the amount of \$25,000.00, due to the fact that at the  
15 habeas corpus held he brought forth some witnesses that swore to having  
16 been with Katherine Cole, one of the witnesses in the preliminary, at  
17 a tent show in Fairfax the night that Anna Brown was killed and that  
18 it would have been, therefore, impossible for Katherine Cole to have  
19 been out with Kelsey Morrison and Bryan Burkhart when they killed Anna  
20 Brown. We have since been able to find out that there was no tent show  
21 on the night that these witnesses claimed to have attended one in Fairfax  
22 the month that Anna Brown was killed, the month before or the month after-  
23 wards. If we could have been able to use Kelsey Morrison's testimony in  
24 the preliminary hearing of Bryan Burkhart, I believe that he would have  
25 been held without bond. Since he is released on bond-I am told, accord-  
26 ing to the laws of Oklahoma, that he cannot be reconfined without bond.  
27 We secured Morrison's confession several days after Bryan Burkhart was  
28 allowed bond. Morrison has recently testified for the state in the case  
29 of Ernest Burkhart.  
30

31 The state authorities are anxious for Hale and Ramsey and  
32 probably both of the Burkharts to be tried in Federal Court, trying Hale,  
33 Ramsey, and Ernest Burkhart for the killing of Henry Roan and Bryan  
34 Burkhart for the killing of Anna Brown. The Hale and Ramsey case for  
35 their part in the killing of W. E. Smith will be passed until we get a  
36 chance to try them in Federal Court for the killing of Henry Roan; also,  
37 Bryan Burkhart's case is to be passed up by the State for any Federal  
38 action that might be had against him for the killing of Anna Brown.  
39

40 I had a long conference yesterday with U. S. Attorney Roy  
41 St. Lewis of Oklahoma City and we went over the case of the Henry Roan  
42 killing thoroughly and decided that probably the case would be in better  
43 shape if it were passed for trial at the fall term of Federal Court. At  
44 the time that Judge Cotteral held the Government had no jurisdiction, we  
45 had the case in perfect shape and had Ernest Burkhart in such shape that  
46 I am positive that he would have testified in Federal Court, but at this  
47 time if we went to trial with Hale and Ramsey, we would have to use the  
48 testimony of Matt Williams to connect up Bill Hale with the Roan killing.  
49 Williams, as you will probably recall from the reading of previous re-  
50 ports, had conversations with John Ramsey and Bill Hale in reference to  
51 the Henry Roan killing, in which conversations they admitted their par-  
52 ticipation in this killing. The passing over of this case in Federal  
53 Court until the September term will probably bring about John Ramsey  
54 coming in and testifying in the case, inasmuch as Attorney General George  
55 Short of Oklahoma told me before I left Pawhuska that Ramsey's attorney,  
56 who had been employed by some of his friends, had come to him, Short, and  
57 had made a proposition in reference to Ramsey testifying in the State  
58 Courts, but stated that he hesitated in doing this due to the fact that  
59 he now had the Government to deal with and did not know whether arrange-  
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1958



Mr. Hoover. Page #4.

ments could be brought about to have Ramsey testify for the Government in the case of Henry Roan. I discussed this matter with Roy St. Lewis so that he would be conversant with these arrangements, should Ramsey's attorney see him with reference to testifying. If Ernest Burkhardt is convicted, which I look for in the case he is now on trial for, for his participation in killing W. E. Smith, I believe that he will be willing to take the stand in the Hale, Ramsey case and testify. I think that he had his mind fully made up to testify at the preliminary hearing of Hale and Ramsey recently held at Pawhuska, but when he got on the stand and faced Hale and all of his relatives, old friends and cronies his nerve went back on him and, after he was allowed to see Hale and once more be placed under his domination, there was no hope of his testifying then.

I am having the place where Anna Brown was killed closely investigated to see whether or not, at the time she was killed, the property she was killed upon was restricted. It is my impression that it was restricted land at the time of the killing, but in reviewing the file I see that there is some question about this. I will notify you later as to what developments we have in this connection and would like to know, if we find this restricted land, as to whether or not we should seek to file a complaint or have Bryan Burkhardt and Kelsey Morrison indicted.

I will keep you advised as to developments in the Ernest Burkhardt case.

Respectfully,

TBW:B.

*T. B. Williams*  
Special Agent in Charge.

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Department of Justice

Bureau of Investigation  
P. O. Box 1535,  
Oklahoma City, Oklahoma.

June 5, 1926.

RECEIVED  
JUN 9 1926

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

PERSONAL

Dear Sir: In Re: Osage Indian Murder Cases.

I have just today received your telegram advising me that Assistant Attorney General Lohring advises that we have no jurisdiction in his opinion in the murder of Anna Brown, and to keep Matt Williams, our important witness in the Roan case, under surveillance.

Will say, as I telegraphed you today, Williams is now in our hands and is being kept under surveillance, which will be continued until the Henry Roan case is held. It is rather a hard task to keep Williams in line, inasmuch as in his time he has been a very hard drinker and has associated with this gang of crooks in the Osage County so long, that it is hard to keep him straight. He has almost worked out two of the agents - John Burger and Alex Street - in keeping up with him, but these agents are doing it beautifully and have succeeded in giving him the Keeley cure in a form and have separated him from his old associates to some extent. It seems that it is the most troublesome during the time we have had to have this man at Pawhuska attending and testifying in the State trial there, but he has come across splendidly so far and he states that he will continue to do so, and I thoroughly believe that he will. In all of his testimony nothing yet has been brought out concerning his knowledge in reference to the Roan case and we still have that as our "trump card" in the case against Bill Hale for his part in the murder of Henry Roan.

I will continue my efforts in having Williams with us until our trial of the Henry Roan murder.

Respectfully,

RECORDED & INDEXED

62-5033-395

TBW:JLN  
Special Agent in Charge.

JUN 9 1926

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HE:MC'B

June 8, 1926.

MEMORANDUM FOR MR. LUTWING.

I am forwarding herewith, for your information, copy of the Daily Journal-Capital, of Pawhuska, Oklahoma, referring to the progress of the trial, and various elements bearing upon the Osage Indian cases.

Very truly yours,

Enc. 256044

Director.

RECORDED

62-5033-396

1961



2 Thompson, state attorney, said that he had been told by the state and federal officers that they went to Oltter to look for the key to Burkhardt's car. He pleaded guilty to the theft of the automobile and the theft of Burkhardt. He said, "After they had him when he charged his mind about Burkhardt."

3 "About a year ago when I heard he was 'Jury' about me," he said. Thompson said he also served a term for robbery of a bank but got out when federal men came down to see him on the Osage cases.

4 The sentence, he said, was for 25 years. Thompson said he pleaded guilty to the murder, bank robbery and car theft charges.

5 Thompson, state attorneys said, was given a life sentence, after pleading guilty to the slaying of a Creek county deputy sheriff.

6 The trial of Ernest Burkhardt, charged with the murder of W. E. Smith, Osage county ranchman, went before the jury on Tuesday morning.

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2 testimony statement made by Burkhardt, should be excluded from the jury.

3 Testimony statements obtained at Guthrie January 5 and 6 by federal officers was excluded from the jury by order of the judge who held that the purported confession and statement were made involuntarily after officers had kept Burkhardt up for hours on the two nights.

4 State Wins Point.

5 The state believed it won a point, however, when the judge held that testimony in connection with statements alleged to have been made by Burkhardt to T. J. Leamy, Pawhuska attorney, at Arkansas City and before a federal grand jury at Guthrie, were admissible before the jury.

6 Dabney Satisfied

7 "Our case has not been hurt a bit by the ruling out of part of the testimony," Edwin Dabney, assistant state attorney-general and chief prosecutor, said.

8 The jury was excluded three days ago when the question of admissibility of the testimony in connection with the purported statement arose.

9 In his ruling Judge Werten was to hold the testimony inadmissible if it was shown that the purported statement was obtained under duress, and admissible if found to have been given voluntarily.

10 The ruling was given at 3:30 p. m. and the jury was not returned to the room when counsel for both sides decided to spend the remainder of the afternoon before the court.

2 ANTONIO, Jan. 1. — Mexico's new migratory law, raising the bars to admission into the republic, went into effect today. All persons going into Mexico hereafter should first obtain an individual card of identification from the Mexican consulate in their city, the local consuls announced. This card will not be granted unless the applicant's nationality, status in life, moral standards, and in some cases, existence of a labor contract to work in Mexico are satisfactorily proved. The law bars from Mexico escaped convicts, liquor smugglers, drug peddlers, women of questionable reputation and anarchists.

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# with your neighbors! HOME!

amount of civic pride---that sort of pride  
e village a town, and a town a metropolitan city.

the support given its citizens. If you fail in

1937

# Extra THE DAILY JC

Entered as Second Class Matter, January 1, 1904. At St. Paul, Minn.

LEASED TELETYPE

CAPITAL VOL. XXII JOURNAL VOL. IV.

No. 279

PAWHLUS A. GIL

# Morrison Adm

**ONE TIME PAL OF  
BURKHART TURNS  
ON HIM AT TRIAL**

In the silence of the startled court room Kelsie Morrison, 28 year old youth, today admitted as a state's witness in the Ernest Burkhart trial for the slaying of W. E. Smith that he had killed Anna Brown, Osage Indian Woman.

**PORTRA  
CUST**

**WE DO VETERAN JERRY**  
found in a ravine in 1922.

**JCPennyCo**  
A NATIONAL INSTITUTION  
DEPARTMENT STORES  
618-620 Kihikah—Phone 690

**TIRE SHOP**  
HAMLINS  
with a risk.  
It's time to retire  
Phone 854-W  
535 Leahy

**PAWHUSKA FLORAL CO.**  
"SAV IT WITH FLOWERS"  
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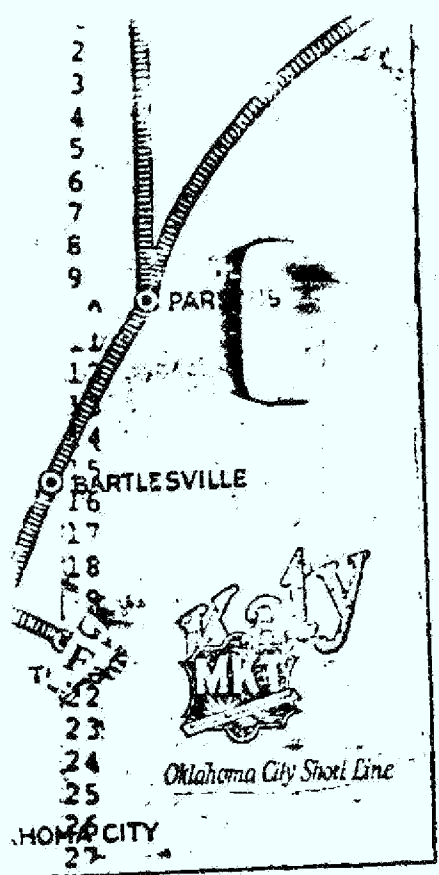
and others who have the interests  
they will help you to greater val-  
the support of the town. Let's  
prosperity.

Help yourself  
Help your City!

1928



It Gets there Sooner



Southbound "SOONER"		Northbound
10:10 P. M.	Kansas City Ar.	7:25 A. M.
3:40 A. M.	Bartlesville Lv.	1:50 A. M.
6:45 A. M.	Tulsa Lv.	11:00 P. M.
6:14 A. M.	Cushing Lv.	11:09 P. M.
8:10 A. M.	Oklahoma City Lv.	9:30 P. M.

Ask yticket agent to route  
you pis new fast train

Mr. and Mrs. James B. Allen, assisted by Margaret and Lois Briscoe motored to Bristow Sunday for a short pleasure trip.

Mrs. Lester Mitchell, of Arkansas City, will arrive Wednesday for a short visit at the home of Mr. and Mrs. Robert Stuart.

Valiant Mothers of Fighting Men. It

Mrs. G. W. Wilk and her sister, Mrs. Bernard Cooper and Mr. Cooper of Miami, Florida, who are her guests spent the week end in Columbus, Kansas, returning here Monday.

Being every covered wagon there  
was a Mother's Throbbing Heart. 1:

Mr. and Mrs. E. E. Rosenfield returned from Tulsa Monday after a short visit with friends.

Mr. and Mrs. Roy Hislop, Miss Hazel Titte, and Mr. Francis Hislop returned Monday evening from Council Grove, Kansas, after a short visit with friends.

**Sustains Serious Injuries in Fall—**  
**Miss Ann York met with painful**

Mrs. Kenoyer will be in her later years. Kenoyer is Mrs. H. H. Kenoyer's sister.

Charles Coleman has returned from Fort Worth where he spent the last few weeks visiting.

Valiant Mothers Fighting Men. 11

S. T. Carmen arrived home Saturday from Memphis, Tenn., where he spent the last two weeks on a vacation trip visiting relatives.

Behind every ~~erred~~ Wagon there  
was a Mother's ~~probbink~~ Heart. It

Pawhuskan 10 Wichita Hospital.  
—Friends received word today of the seriousness of Oscar Burdette who has a parent for some time at the Western Hospital.

Miss Viola, of Arkansas City was the lover the week end at the home of A. M. Calvert.

Valiant Men Fighting Men. 11

To See  
"THE FLYING JACKET"  
Come Jackson

The Members of the Episcopal Church thank the Bazaar and individuals who contributed so generously to our May Festival. The firms who utilized the booth space and the general Public in attending the Carnival have helped us greatly in paying our Church debt.

## Committee



REPRESENTATIVE FOR  
—THIS EDITION—

WHICH WILL BE PUBLISHED  
AT THE REGULAR LOCAL  
RATE OF ALL FIRMS AND  
INSTITUTIONS IN PAWHUS-  
KA—

This will be the only  
issue of the Journal-  
Capital for the Conven-  
tion.

Pone

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APARTMENT

Merchants are request-  
ed to have their copy  
ready by Friday eve-  
ning.

Daily Journal-Capital

196