

POSTAL TELEGRAPH - COMMERCIAL CABLE

RECEIVED AT

CLARENCE H. MACKAY, PRESIDENT

DELIVERY NO.

TELEGRAMS

CABLEGRAMS

TO ALL

TO ALL

AMERICA

THE WORLD

This is a fast Telegram unless otherwise indicated by signal after the number of words—"Page" (Day Letter) "N. L." (Night Letter) or "Dir." (Night Telegram)



STANDARD TIME
INDICATED ON THIS

BMB257 45 COLLECT GOVT

B26-405 105

GUTHRIE OKLA 18

J E HOOVER

027
BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE WASHINGTON DC
EVIDENCE ALL SUBMITTED IN MALE RAMSEY CASE NOON TODAY AND
WILL PROBABLY LAST UNTIL TOMORROW WHEN IT WILL BE SUBMITTED TO JUDGE
FOR CONSIDERATION HAVE RELEASED AGENTS DAVIS AND WREN BOTH
PROCEEDING HEADQUARTERS TODAY ADVISE AS TO DISPOSITION OF OTHER
AGENTS ON THIS ASSIGNMENT

ONE WHITE.

RECORDED

AUG 19 1926

62-5033-428

U. S. DEPT. OF JUSTICE

AUG 19 1926 8 A.M.

Rec'd 5:30 pm
JEP

2080

WFOG
62-5033-428

Washington, D.C.
August 16, 1926.

RECORDED AUG 19 1926

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

RETAIN AGENTS DAVIS, WREN AND OTHER AGENTS ON CHARGE CASE AT OKLAHOMA CITY UNTIL
BACK WORK YOUR JURISDICTION IS BROUGHT UP TO-DATE

ONE HOOVER ACTING

62-5033

2681

Department of Justice

TELEGRAM RECEIVED

Los Angeles, Cal.

Aug. 20, 1926.

Director

Replies to your telegram Barnett apprehended this morning. Will
leave noon train today in custody Deputy Marshal for Muskogee.

Three Wheeler

Recd. 9:

Decoded J:

To Director 9:12

62-5733-4231

FEDERAL BUREAU OF INVESTIGATION

Aug. 20, 1926.

RECEIVED

2082

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6 Department of Justice
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9 Bureau of Investigation
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11 P. O. Box 1535,
12 Oklahoma City, Oklahoma.
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14 August 19, 1926.
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Director,
Bureau of Investigation,
Department of Justice,
Washington, D. C.

Dear Sir:

ATTENTION DIVISION FIVE.

Replies to your letter of August 16th, requesting advice as to why Agent John K. Wren was not reported in to this office upon his arrival, July 26th, as per your instructions, will say that this was an oversight of mine. Agent Wren, upon appearing in this territory, proceeded directly to Guthrie, Oklahoma, where he was called in response to a subpoena in the W. K. Hale - John Ramsey Murder case. I, myself, went to Guthrie on July 27th and overlooked notifying the office in Oklahoma City to report Agent Wren in.

The same occurrence was had in the matter of Agent C. R. Davis, who also reported in the same manner that Agent Wren did, July 26th, at Guthrie. I overlooked notifying you as to these two agents. I am very sorry indeed as to this occurrence, but with all the matters to look after at Guthrie incident to the trial of Hale and Ramsey, I neglected to report to you the arrival of these agents, which I will endeavor to not let occur again.

Very truly yours,

EW.B.

B. M. T. *Provision* *SEARCHED INDEXED*
Special Agent in Charge.

AUG 25 1926

62-5033-430

AUG 28 1926

Div. Five *WSB*

ADDRESS REPLY TO
DIRECTOR, BUREAU OF INVESTIGATION
AND REFER TO
DIVISION AND NUMBER
WVR: LCS: ELL

62-5033

Department of Justice

Bureau of Investigation

Washington, D. C.

August 23rd, 1926.

MEMORANDUM FOR MR. J. EDGAR HOOVER, DIRECTOR

Supplementing my memoranda of August 6th and 9th, regarding the JACKSON PARMENTER, Incompetent Creek Indian case, I beg to advise you that on the 20th instant Mr. Parmenter received a telegram from Mr. Selby, at Oklahoma City, dated the 19th, advising that Deputy Marshal Bailey, with attachment for Barnett would reach Los Angeles on August 20th to act under instructions of Mr. McNabb, the United States Attorney at that city. This telegram further advised that Mr. McNabb had been written fully on the 14th and 16th instant, relative to the action desired.

Mr. Barse, of Mr. Parmenter's division, having brought this matter to my attention, the following self-explanatory telegrams were exchanged on August 20th between the Bureau and the Los Angeles office:-

L C WHEELER
DEPARTMENT OF JUSTICE
FEDERAL BLDG
LOS ANGELES CALIF

WASHINGTON, D. C.
AUGUST 20, 1926.

AM ADVISED DEPUTY MARSHAL BAILEY WITH APPREHENSION FOR BARNETT ARRIVING LOS ANGELES TODAY TO ACT UNDER MCNABB STOP SECURE CONTACT IMMEDIATELY AND WIRE FULL DEVELOPMENTS

THREE ACTING MARCHAN."

"DIRECTOR"

LOS ANGELES, CAL.
AUGUST 20, 1926.

RECD ADL

REPLYING TO YOUR TELEGRAM BARNETT APPREHENDED THIS MORNING WILL LEAVE NOON TRAIN TODAY IN CUSTODY DEPUTY MARSHALL FOR MUSKOGEE

THREE WHEELER." 62-5033-4

AUG 24 1926

In view of the wire from Special Agent in Charge Wheeler, the matter of securing Barnett's appearance before the Federal Grand Jury at Muskogee, Oklahoma, seems to have been accomplished satisfactorily.

Very truly yours,

V. W. Daugherty
by D.C.S.

Noted J.W.

STATE RECORDS FALL

Permit For \$30,000 Sets New Summer Mark.

All building records for Oklahoma City were broken Wednesday when a permit for \$30,000 was granted the Miller Construction company to build a warehouse at 117 East California street.

This brought the total building permits for the month above \$1,533,000, which breaks all records in the city for a summer month.

The former record was established in June of this year when permits totaled \$1,486,000.

The previous record was made in 1929 when the permits amounted to \$1,320,000.

It is possible that the permit for the Petroleum building at Second and Robinson streets may be granted this month, and it is this that would top the \$3,000,000 mark.

NEW YORK—Irene Franklin wants to bob her red head, but Irvin Husband, who is Jerry Jargin, objects. On a belated honeymoon in Paris they are going to settle the dispute by determining who gets first dibs on the \$1,000,000 mark.

Only five days after Wednesday's rain for payment of paving taxes without the penalty, approximately \$50,000 must be paid before the tax rolls are closed, or out \$1,000, according to Miss Argentina, city clerk.

Additional time will be required after August 21, the date set for the collection of additional assessments.

On the other hand, if the assessments are not paid by Aug. 21, the city will be turned over to the sheriff for collection.

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State's Canvass of Election Results.

SEAS of figures, almost endless lists of names, registered mail, droning voices, and hurrying pens all combine to produce the intense activity attending tabulation of election returns in the offices of the state election board at the Capitol.

But for the mass of work that confronts the workers surprisingly few people are employed in the tabulation. Two members of the board, each with two assistants, record the vote while two adding machine operators stand by to check the board's figures with those of the county boards.

Official reports of county election boards arrive at the capitol by registered mail. Only members of the local, state and national state board are authorized to open reports when they arrive. If no member of the board is present at the time a report reaches the office, the report is received by some (private term to Page 3, Column 4.)

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Inside Today

Dear Anne, New York

Fashion news —

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Burgers, Beertime Stories —

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Times serial —

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The Winning of Barbara Worth,

Page 12

Pages 16-17

The Unwilling Adventures,

Times serial —

Page 18

Glen Frank's daily editorial —

Page 22

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In most cases when a trial results

in a hung jury in a federal court

Judge Conner said, "I find that in

you cannot reach an agreement and therefore order you discharged."

As the 11th left the courtroom,

Howard arose and declared that an application for bail for Hale and Ramsey would be presented to Judge Conner in a day or two.

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Osage Death Trials

Following the dismissal of the Hale-Ramsey case in court at Guthrie, Wednesday, plans immediately were being made by state prosecutors for an immediate conference.

C. K. Templeton, county attorney of Osage county, called the attorney general's office after it became known that the federal jury had been dismissed and asked for an immediate conference.

Ed. Dabney, assistant attorney general, left immediately for Pawhuska to confer with Templeton and make plans for trials.

Hale and Ramsey are charged in the state court with the murder of W. E. Smith and family.

Dabney left for Pawhuska without making any comment on the fact that he had received his certificate of nomination as the democratic nominee for attorney general.

Jury's Release Unfair,

Hale's Counsel Says

The failure of the jury to reach an agreement in the Hale-Ramsey murder trial at Guthrie came as a big surprise to Prince Freeling, former state attorney general and counsel for Hale.

Freeling was advised of the verdict by the parties. He said that the action of the government in dismissing the jury was an act of unfairness towards his client. He asserted that he was of the opinion that a continued discussion of the case by the jurors would have resulted in a favorable verdict for the court and jury.

"I am disappointed," said Freeling, "in that the majority of the jury was convinced of the guilt of the defendant. It is also my opinion that the jury would have been more lenient if they had been given a chance to discuss the case."

Few Persons Are Acquainted With System Employed In State's Canvas Of Election Results.

Upper-State election board at work canvassing returns from Oklahoma's recent primary. Left to right, W. C. McAllister, secretary; Art Walter, chairman; Claude Baker, legal—McAllister's typical save when engaged in checking election figures, a task at which he is an adept. Right—What a candidate fails to show he has been nominated.

CITY BUILDING RECORDS

For 30,000 Sets
Surplus
Building Records



History Of Osage Case

January 24, 1923—Henry Rose, Osage Indian, slain.

January 4, 1923—Federal grand jury begins session at Guthrie. January 5, 1923—Grand jury makes partial report, indicting Hale and Ramsey for Rose's murder.

February 14, 1923—Indictments thrown out and new grand jury re-indicts Hale and Ramsey.

March 1, 1926—Judge Cotter rules that federal government is without jurisdiction in the Rose case.

June 12, 1916—United States supreme court reverses Judge Cotter's decision sustaining defense. June 26, 1916—Hale and Ramsey trial begins at Guthrie.

August 20—Case goes to the jury. August 25—Jury discharges and is discharged.

The defense alleged that the confession was obtained by government agent through force while the government induced him to drive away. Hale started to drive away, but his car hit the head. For this, the government charged Hale gave Ramseys an automobile and \$500.

A confession, alleged to have been obtained from Ramsey at the federal building here last January, was a bone of contention.

The defense alleged that the confession was obtained by government agent through force while the government induced him to drive away. Hale gave Ramseys an automobile and \$500.

The defense of Hale, who pleaded guilty to kidnapping in the murder of W. E. Smith at Tulsa last June, was unable to produce any evidence to support his claim that he was compelled to sign the guilty plea.

John H. Cottrell, attorney for Hale, denied that he was compelled to sign the guilty plea.



CERTIFICATE OF NOMINATION



CERTIFICATE OF NOMINATION

This is to Certify, That at the Primary Election held in the State of Oklahoma, on Tuesday, the third day of August, 1926, for the purpose of nominating candidates for the various political parties for the various offices to be filled by election on the second day of September, of 1926, as provided in the primary and general election laws, you were duly and legally nominated as the nominee for attorney general of the State of Oklahoma, as appears from the official returns of the results of the primary election, and the determination of the State Election Board, record of which is now on file in the office of the State Election Board.

Attest, *John H. Cottrell*, Chairman of the State Election Board, Oklahoma City, Oklahoma.

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THE CIVIL WARS IN OKLAHOMA



Paid Circulation Greater Than Any Other Evening Paper in Oklahoma

The New-York TIMES.

REVIEWS

Energy Day *You Live:*

- Can be bankrupted if you become too strident from tomorrow.
- Begin life all over again.
- you start new with the morning.
- Hee more pleasant things**
- than the greasy.
- in a product. *c* All your teeth
- days.
- is filled with just as many
- opportunities as bankrupts
- which run smoother if you start
- it with a prayer.
- It will be a hundred times

NO VERDICT IS REACHED BY JURY; FRIENDS OF WIFE

Searcy Sues to Become Nominee FOR FIGURES RUN IN SEAS

FELTON JAH
Good Threat to
Wreck Bank.

O. H. Stearns, of Worcester, defected candidly from the general clique, and exposed the insidious of whose secret conspiracy, fraud and corruption, we will be showing up in the primary election.

FIGURES RUN IN SEAS



Prosecutor Says Governor

ment Again. Will Push
Indian Death Case.

WASHINGTON, Aug. 2.—The government will explore like steps immediately for a total of the Oregon Indian

re-
solving case, Oscar H. Pfeiffer,
having been attorney gen-
eral in charge of the prosecu-
tion.

State To Push
Space Fleet

*George Washington identified one of the men
prohibited from voting in the state election.*

owner of the small home owned by a man, who had everything invested in a home that was about to be destroyed in bone value by cheap business arrangements and I am glad that the mayor let me work for him and do all he did. I would not have more time than now if I had been surprised to have been let out just before the election.

Funny Page

Before Mussolini tries to tell the Italian women how to dress, he should remember that the Kaiser also anticipated too much.

Local

Judge O. H. Steary, of Muskogee, defeated candidate for attorney general nomination on democratic ticket, has, however, sought to reveal criticism of nomination of Edwin Dab Dubney 35, Austin Dabney's vote changed to read 48, the audit board said.

A similar fraud is charged here in giving Dabney fourteen votes. In Teller precinct 4, Steary is said to have received 15 and Dabney 13. Dabney should have received 15 and Steary seven. Containing this in his petition, the petition alleged, ten words or less and mail it before Saturday 15 October to Contest Editor, Oklahoma City Times.

Oklahoma county vote required to nominate Graven Lander as secretary of state on democratic ticket.

LABOR HEADS TO IGNORE MEXICAN DIFFICULTIES

MONTREAL, Aug. 26.—(O.P.)—The executive council of the American Federation of Labor meets here today in final session before the annual convention of the organization in Detroit in October. Its chief business will be to draft the annual report.

President William Green declared that Mexico's present economic difficulty would not be discussed, saying that the federation "should not presume to interfere in a problem which might be regarded as purely domestic."

YOUTH KILLS AGED HAMMER

NEW YORK, Aug. 25.—(O.P.)—A boy, 13, whom officials to kill the tool, whom he planned to poison, was killed yesterday afternoon in a room at 110th street and 1st avenue.

The boy, John Joseph Murphy, 13, whom officials to kill the tool, whom he planned to poison, was killed yesterday afternoon in a room at 110th street and 1st avenue.

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Top SECRET

VALENTINO

55.00 for a letter:

The Times wants your opinion as to which of these men made the greatest impression upon the public. Write a letter of 300 words or less and mail it before Saturday 15 October to Contest Editor, Oklahoma City Times.

Ruth Reveals Source Of Brew Information

* * * * *
"Not Ridiculing Officers," Says Justice, "But Officers Make Themselves Ridiculous"

5 Days More

Only five days after "Witches" was taken to bob her head, but it should happen the permits for August would top the \$1,000,000 mark.

Rudolph 'Wild Youth' Say Native Townsmen

* * * * *
"Yes, But He Succeeded; He Was Millionaire Says Younger Generation

He HIRAKI M. MOUNTAIN, CARILLANERA, PROVINCE OF TARAKAN, today in a newspaper from the neighboring city of Samar arrived in the village where Rudolph Valentino was born. The paper reported that some young men had gathered to see the famous movie star.

When a newspaperman from a group of elderly card-players who were playing poker, asked him about Valentino's death, the card players said, "Rudolph died."

PHILADELPHIA (UPI)—Franklin Friend, husband, who is Jerry Jernigan, object. On a related hominem in Park they are going to return the dispute by determining when horses can be bought to fit unbroken horses.

Montreal, Aug. 26.—(O.P.)—The executive council of the American Federation of Labor meets here today in final session before the annual convention of the organization in Detroit in October. Its chief business will be to draft the annual report.

President William Green declared that Mexico's present economic difficulty would not be discussed, saying that the federation "should not presume to interfere in a problem which might be regarded as purely domestic."

A boy, 13, whom officials to kill the tool, whom he planned to poison, was killed yesterday afternoon in a room at 110th street and 1st avenue. The boy, John Joseph Murphy, 13, whom officials to kill the tool, whom he planned to poison, was killed yesterday afternoon in a room at 110th street and 1st avenue.

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Why risk unpardonable perspiration odor?

You can avoid it this pleasant, safe way

WE ALL suffer from it, especially in summer, but unfortunately many do not realize how much they offend.

It's a terrific handicap when people don't want you to come too near them.

Millions have learned that a morning Lifebuoy bath is not only refreshing and stimulating but it actually renders perspiration odorless all day.

The healthful way

It is dangerous to prevent perspiration by stopping the pores. The Lifebuoy way is to clean pores so thoroughly and antiseptically that natural perspiration is without odor.

This wonderful, scorching cleanliness has even greater value than the prevention of perspiration odor—it gently removes germs which spread disease and which constantly get on the skin and thus enter the home. Lifebuoy is more than a delightful toilet soap—it is a very real and needed protection to the health of every member of the family.

If you are used to other soaps, the pungent, hygienic scent of Lifebuoy will surprise you just as its astonishing volume of lather and amazing cleansing power surprise. In fact, everything about Lifebuoy is different—its generous size, its orange-red color (the color of its pure, palm-fruit oils).

Its scent assures protection

But this healthful smell of Lifebuoy gives one such a sense of absolute, antiseptic clean-

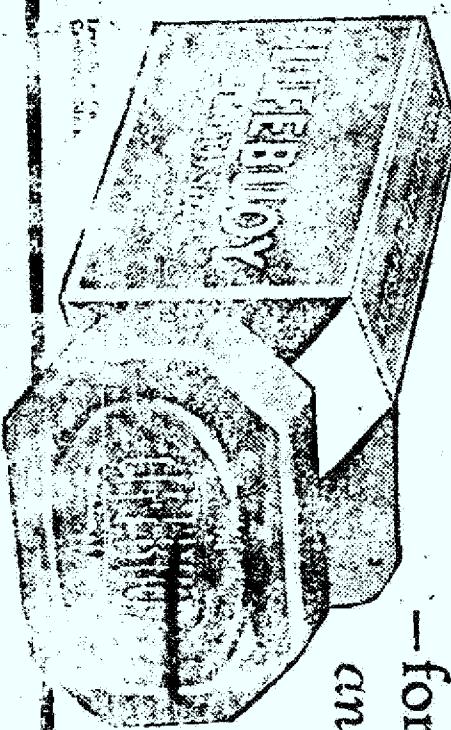
ness, that you will quickly become fond of it. The scent rinses away completely—does not cling.

Costs no more

Even though you will say that Lifebuoy is the finest soap you ever used—the more cleansing and health-guarding—its cost is probably less than you pay for other soap.

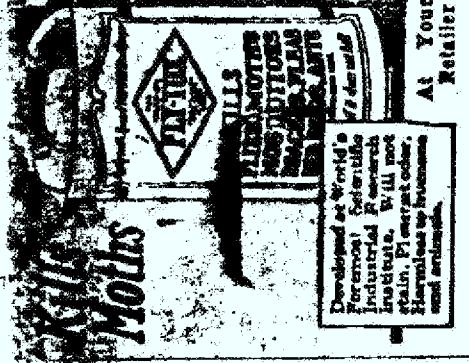
Get Lifebuoy today—in a week it will have become a fixed habit.

— for toilet
and bath



Lifebuoy Soap

© 1928 Procter & Gamble Co.



which the Castellaneta boys must equal if they hope to become leaders of the Castellaneta Society.

It was Rudolfo who organised the club of Calabrian bandits, who terrorised the village idiot. But, said the mayor, he was not always a daring ruffian. He sometimes passed hour + dreams. Of what? He wouldn't tell. But his parents, troubled by his restlessness, knew. He was dreaming of America.

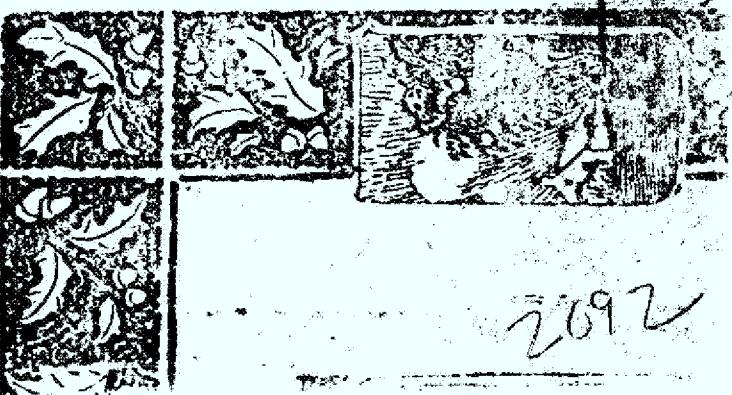
(Copyright 1926, Toledo Daily News)
Even the fellow who prefers the classics would not object to having his salary jarred.—Toledo Blade.

RUDOLPH WAS "WILD YOUTH," SAYS TOWNSMAN

(Continued from Page 1)
is itself officially in mourning. Or is spontaneous grief by his boy playmates and school girl sweethearts a more appropriate tribute? Official mourning has not yet been decided upon, at least until the provincial president gives his assent.

OUR Rudolfo was a wild youth," said the elder, shaking their hands. "His example was bad for the younger generation. He was not content to work and save like an honest villager. He was always discontented. He went to Berlin and then

Fact! The only popular brand not sold at "popular" prices



WILL STOLEN PETITION SAYS

Continued from Page 1.

He was given a chance to draw a figure, and he chose a figure of thirty-seven. In this instance the Muskogee Jurist cites, through his account and court records, which are credited, he was credited with only three votes while ten others were added for Dabney.

Numerous other instances of alleged conspiracy and fraud are cited in connection with the Creek County election.

In Jefferson county among the citations of fraud, Searey alleges that in Oscar precinct he received thirty-seven votes while erasures were made of the "3," and he was credited with only seven votes.

In Logan county, one particular instance is cited in precinct 3 of ward 2, city of Guthrie. Judge Dabney claims he received eleven votes while Dabney received two. However, the returns were later certified, he alleges, to show Dabney receiving thirty-one instead of two.

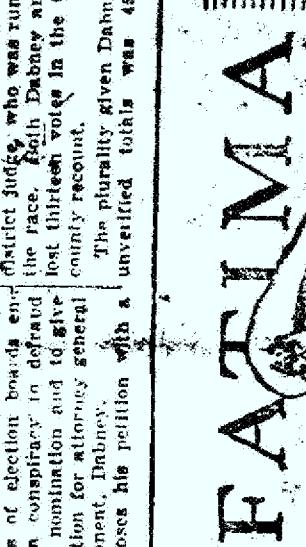
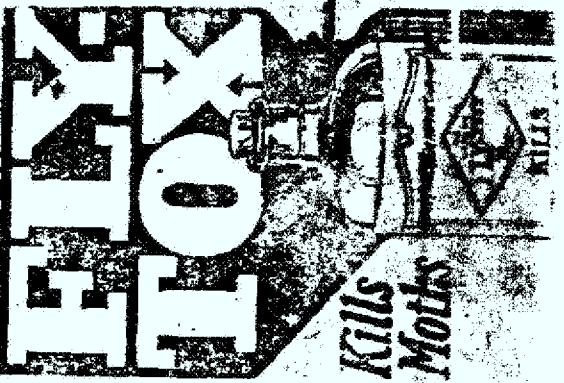
The petition claims that numerous officials of election boards entered into a conspiracy to defraud him of the nomination and to give the nomination for attorney general to his opponent, Dabney.

The petition claims that numerous officials of election boards entered into a conspiracy to defraud him of the nomination and to give the nomination for attorney general to his opponent, Dabney.

The Jackson county election board made no change in the total vote of Dabney and G. H. Searey, Muskogee district judge, who was runner up in the race. Both Dabney and Searey lost thirteen votes in the Oklahoma county recount.

The recount in Oklahoma county made no change in the total vote of Dabney and G. H. Searey, Muskogee district judge, who was runner up in the race. Both Dabney and Searey lost thirteen votes in the Oklahoma county recount.

The plurality given Dabney by the unverified totals was 453 votes.

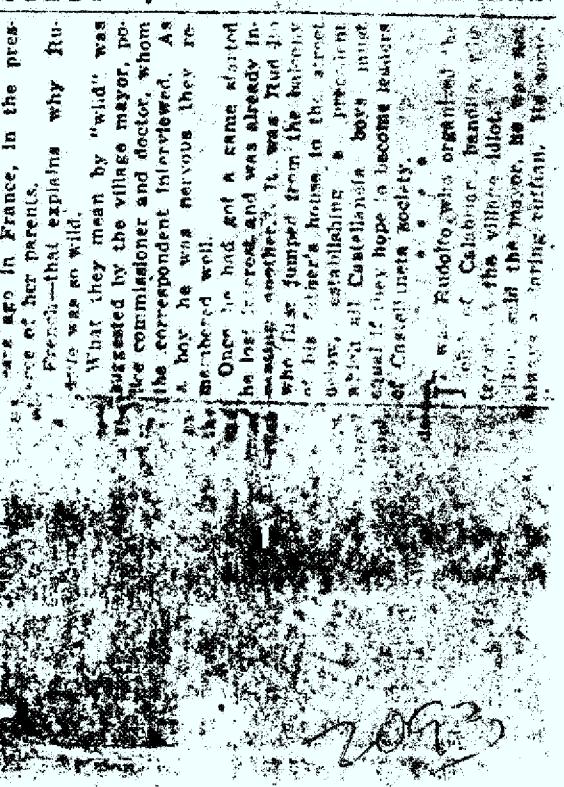
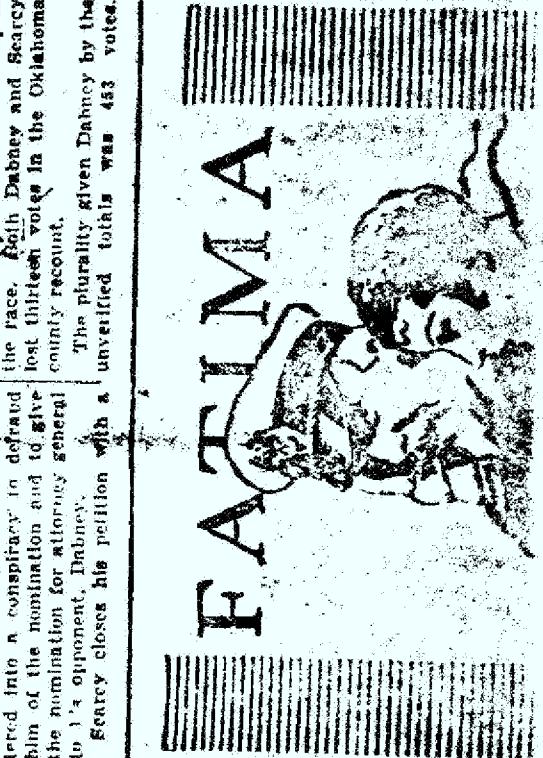


COAL MINE OPERATORS FIX WAGE SCALE BASIS

COLUMBUS, Ohio, Aug. 25.—(UPI)—

While no agreement on a definite wage scale for Ohio miners was reached, the November, 1941, scale of \$6 a day will be the basis upon which operators hope to reopen their mines.

The Jacksonville wage scale now in force and on which union officials say they stand, provided for a \$7.50



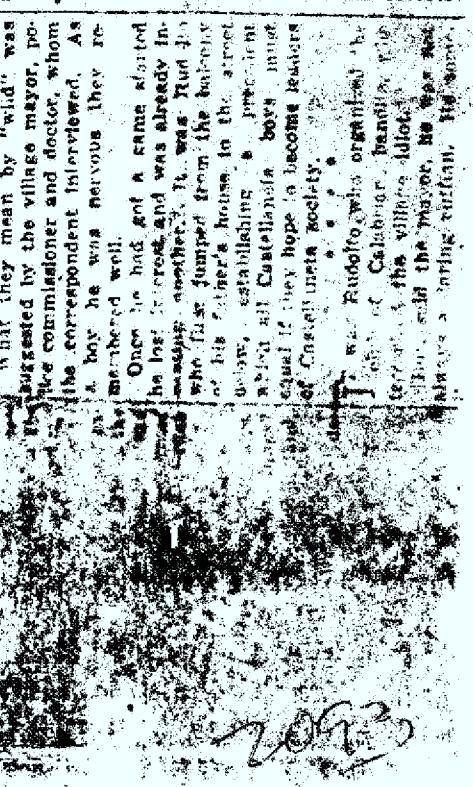
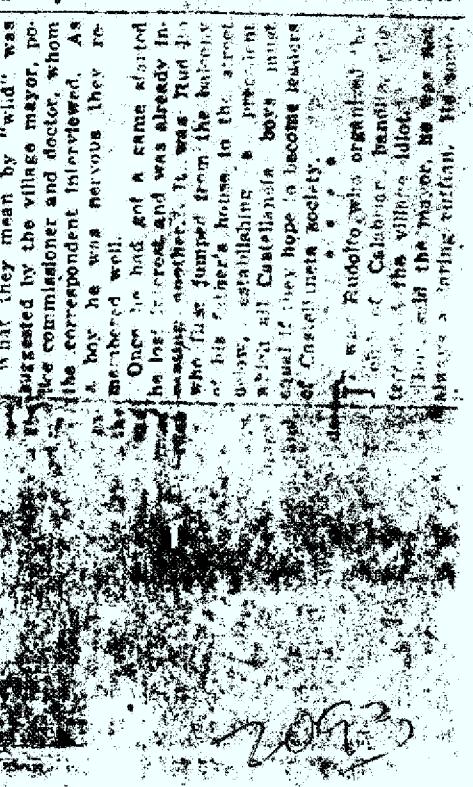
order 140, various county election boards and members to produce the ballots cast in the August primary for the Democratic candidate for attorney general, so that they may be duly canvassed and counted as provided by law, and that it may be adjudged that he had received a higher plurality through which a clear plurality would be given him.

The petition was presented in district court by Attorney Lydick and McPherrin and A. E. Jordan.

Dabney's certificate was issued by the state election board after a recount of the vote in Oklahoma county was completed late Tuesday, and the result of the primary election in Oklahoma county were certified to the state election board by the county election board.

The Jackson county election board made no change in the total vote of Dabney and G. H. Searey, Muskogee district judge, who was runner up in the race. Both Dabney and Searey lost thirteen votes in the Oklahoma county recount.

The plurality given Dabney by the unverified totals was 453 votes.



After pulling the dandelions out of my

own yard myself, I took out three

bushel baskets, packed hard, and I

estimated that was between 7,000 and

8,000 plants because I counted the

plants in one basket.

"In order to keep them dandelons

out of the hands of dandelion wine

makers and so they couldn't spread

to the neighbors I dried the plants

thoroughly and burned them.

"Now, he asks how I got my in-

mation about the manufacture of

dandelion wine. I want to say that I got

this information while serving for

four years as city attorney of Okla-

homa City. I couldn't make whisky

wine, brandy or beer if my life de-

pended upon it. But during these

four years police officers brought in

great quantities of confiscated wines,

"THEY brought in whisky made

from rye, corn and white po-

tatoes. They brought in brandy

made from blackberries, peaches and

apricots. They brought in wine made

from grapes and dandelions. They

brought in "shoo" beer made from

hops, malt, syrup and black-tempered

lemons. I know what these various

"if it were lawful to make whisky,

beer, whiskies or brandies, I

certainly do it to save my soul. That

is, unless someone should tell me

how. I don't mean to say I'm too

SCHOOLS AND COLLEGES

University of Tulsa Law School

New Term Starts September 14

For those men and women who have

the desire to learn, there is no better place to go than the University of Tulsa.

The University offers a wide variety of courses, including law, business, education, agriculture, engineering, etc.

For those who prefer to study at home, there is also correspondence courses available.

For more information, write to the Admissions Office.

ANNOUNCING
the opening soon of
Oklahoma City's
newest and smartest
Boot Shop for women
en. Featuring only
the modes of the
Avenue and at spe-
cialized prices.
Watch the papers for
the date of our for-
mal opening.

CRITERION BLDG.



Criterion
Boot Shop
Short Vamp
Shoes
120 WEST MAIN ST.

"For Women Who Care"

Why risk unpardonable odors?
You can avoid it this p-

WE ALL suffer from it, especially in summer, but unfortunately many do not realize how much they offend. It's a terrific handicap when people don't want you to come too near them. Millions have learned that a morning Lifebury bath is not only refreshing and invigorating but it actually renders perspiration odorous all day.

The healthful way to avoid the pores. The Lifebury way is to cleanse pores so thoroughly and satisfactorily that natural perspiration is without odor.

This wonderful, searching cleansing bath has a greater value than short perfumes or respiration odors—it gently removes perspiration which spread disease and which, constantly, get on the skin and thus tends to cause Lifebury is more than a delightful bath. It is a very real and needed protection to the health of every member of the family.

But this healthful smell of Lifebury gives a sense of absolute, absolute

confidence in the personal hygiene of the entire family.

LIFEBURY

Department of Justice

TELEGRAM RECEIVED

Oklahoma City, Okla.

August 25, 1926.

Director

Mistrial just declared in Osage murder cases. Jury
reported evenly divided.

One Tinsley

Rec'd. 2:45

Decoded J

To Director S

25

RECORDED & INDEXED

62-5093-1132

BUREAU OF INVESTIGATION
AUG 26 1926 A.M.
DEPARTMENT OF JUSTICE
File No. 2067

2067

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8 ADDRESSES REPLY TO
9 THE ATTORNEY GENERAL
10 AND REPORT
11 INITIALS AND DATE

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15 DEPARTMENT OF JUSTICE
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17 WASHINGTON, D. C.

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21 August 27, 1926.
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20 MEMORANDUM TO MR. HOOVER.
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In the trial of the case of the United States vs Hale and Ramsey at Guthrie, it was developed that at the preliminary hearing before the county Judge on the State charge against Hale and Ramsey, for the murder of W. E. Smith, Mr. Hamilton, counsel for Hale, asked permission to talk to Ernest Burkhart before Burkhart testified as a witness for the State. Permission was given and Hale and Burkhart retired to the Judge's private office and after a few minutes Mr. Howard, also counsel for Hale was called into the room. The evidence was that Mr. Hamilton advised Burkhart of his constitutional rights to refuse to testify, and that Howard was called in for the same purpose. Court then adjourned and Ernest Burkhart was taken to the home of W. H. Hale at Fairfax, and there met Hale's friends and members of his family. The next morning he returned to Pawhuska and had a further conference with Mr. Hamilton. When the preliminary hearing was resumed Burkhart refused to testify against Hale and Ramsey, and was used as a witness for the defense. He admitted that he committed perjury and blamed the defense counsel for his action.

The Bureau of Investigation is also in possession of evidence indicating that at the trial of Burkhart in the State Court, James M. Springer, also counsel for defense, but particularly representing Ramsey, made an effort to persuade two or possibly three people to testify falsely on behalf of Burkhart. The plea of guilty of Burkhart prevented the use of these witnesses.

I am satisfied that wilful and flagrant perjury was committed in the Federal Court at Guthrie, and I believe also that at least one if not more of the jurors was bribed. There was testimony by two boys named Rowe to the effect that on or about a week or ten days prior to the finding of Roan's body on February 6, 1926, they were present at their Uncle's ranch, assisting in the branding of cattle.

62-5033-42
18 SEP 1 1926
and Lee S. 7098

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and while there they saw Henry Roan, the deceased, Roy Bunch, Harry Bunch, and a man named Taylor, at the ranch about sun down and the later, possibly half an hour later, while they were at their own home, Roy Bunch, Henry Roan, and one Curley Johnson, now dead, drove by the Roan house in the order named, going in the direction of Sol Smith's pasture, the place where the body of Henry Roan was found. The Uncle of these boys is one Henry Cornett, now under sentence of thirty-five years for bank robbery. The date of this instance is fixed as January 27th, 1923, because the cattle that were branded had been shipped from Oklahoma City on the 26th of January, and arrived at Burbank on the morning of the 27th. Burbank is four miles from Henry Cornett's ranch. The purpose of this evidence was to show that Roy Bunch had an opportunity to kill Henry Roan. While the Government took advantage of this evidence to establish that Harry Roan was last seen alive on the 27th day of January, I am confident that the statements of these two witnesses are false and that they were persuaded to testify as they did by their Uncle Henry Cornett. Investigation will most likely disclose that these boys conferred with representatives of the defense and I suggest that they be interviewed simultaneously. Henry Cornett also testified that one Ed. Wade was present, but Wade was not used by the defense as a witness. He should be located and interviewed. One of the Howe boys is now living in Kansas City.

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Russel Berre and his wife Anne, who are now living on one of Hale's ranches, testified to the effect that about three days before Roan's body was found and while they were leaving Sol Smith's home, an automobile drove up about 1:30 or 2 o'clock A. M., and Sol Smith went out to the car and talked with the occupants. Sol Smith denied that this incident took place, but the Government did not see fit to use him as a witness. These witnesses should be confronted by Sol Smith and an effort made to learn who inspired the story.

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The defense also used one Ed Kelso as a witness. He testified that he saw the car in which Roan's body was, on the day before the body was found. His testimony had little effect, but should be further investigated to ascertain his motives.

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Eugene Sawyer and his brother, Harold Sawyer, testified while they were in Sol Smith's pasture looking after their traps, they rode within fifteen or twenty steps of the car, and saw the Indian in the front seat. This was before the body was found. These men should be interviewed and subjected to a thorough examination to

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8 determine whether or not their testimony is true or false.

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W. C. Tucker, a bootlegger, and Joe Doran the town druggist, testified for the defense, and swore that about nine o'clock the evening of the 27th of January, they drove to Cornett's ranch for whiskey, and on the road, passed Roy Dunch and Harry Dunch. I am advised that Tucker told Roy Dunch that he intended to swear to this story and asked Dunch not to get mad; that he would swear to a lie to save Dunch, if he was in the same trouble as Hale and Ramsey. Tucker should be confronted with Dunch and an effort made to learn the name of the person to whom Tucker first told this story.

Lewis Miller, friend and partner of Hale, has been especially active in this case. I am satisfied it was he who induced the worker at Rawlton to testify to the conversation in which Lewis Miller used to say "Tell old Bill that I am the son of Matt, and I don't know a dam thing about him." The name of this worker is Fossator. The other witness was named "Beck Frazier." In this connection the druggist at Oklahoma City named Frazier should also be interviewed, because he swore that he never saw Hale and Matt Williams together in the J & J Drug Store.

Three of the Grand Jurors testified for the defense, Mr. Donaldson, the foreman, Mr. Hesser and Mr. Casparius. Both Hesser and Donaldson admitted talking to Hamilton, counsel for defense. Casparius manifested his friendship for Hale during the grand jury proceedings. The United States Attorney has a signed statement from Hesser, but in my opinion Hesser has not told all that took place between him, Casparius and the lawyer, Hamilton.

The United States Attorney also has a signed statement of one Ray Smith, who was subpoenaed by the defense but not used as a witness. Smith was to testify that he was present and saw Jerry Johnson fire the shot that killed Harry Dunn. This man should be subjected to a thorough examination to determine who prompted him to agree to tell the proposed story.

An effort should be made to learn exactly how the jurors stood on the question of the guilt and innocence of the defendants. The jurors favorable to the Government should be carefully interviewed for the purpose of ascertaining just what reason the others had for voting for acquittal. I am anxious to know the weakness of the Government case, and I want to know just what facts impressed the jurors.

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7 and what facts did not. The jurors voting against the
8 Government should also be interviewed so that we may have a clear
9 understanding of their position and the reason they voted for guilty
10 for or guilty.
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12 We have every reason to believe that one or two members
13 of the jury were corrupt, and an effort should be made to develop
14 any facts indicating their guilt, and whether or not they made false
15 answers when they were being examined as to their qualifications
16 as jurors. It might be well to talk to their neighbors and
17 associates. I attach hereto a memorandum prepared by Mr. Pagan, which
18 deals with Section 135, Criminal Code. In my judgement investigation
19 should be conducted for the purpose of establishing a conspiracy
20 on the part of the lawyers for the defense and others to obstruct
21 the due administration of justice. This investigation will also
22 be valuable to us when the case is tried again.
23

24 In view of the matters above sent forth, I respectfully re-
25 quest that you direct the Agent in Charge at Oklahoma City, to
26 immediately proceed to investigate these matters.
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29 Respectfully,
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31 *O. R. Lubring.*
32 *See 2101*
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34 O. R. LUBRING.
35 Assistant Attorney General.
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11 Washington, D. C., Aug. 25, 1926.
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19 MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL LUHRING.
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22 Section 135 of the Criminal Code reads as follows:
23

24 Whatever corruptly, or by threats or force, or by any
25 threatening letter or communication, shall endeavor to
26 influence, intimidate, or impede any witness, in any court
27 of the United States or before any United States commissioner
28 or officer acting as such commissioner, or any grand or
29 petit juror, or officer in or of any court of the United
30 States, or officer who may be serving at any examination
31 or other proceeding before any United States commissioner
32 or officer acting as such commissioner, in the discharge
33 of his duty, or who corruptly or by threats or force, or
34 by any threatening letter or communication, shall influence,
35 obstruct, or impede, or endeavor to influence, obstruct,
36 or impede, the due administration of justice therein, shall
37 be fined not more than one thousand dollars, or imprisoned
38 not more than one year, or both.
39

40 The last clause is very broad and covers any corrupt
41 practice whereby justice in any given case is defeated. If
42 a conspiracy to impede justice is charged, it must appear
43 that the conspirators had the particular case in the
44 Federal court in mind--knew that justice was being adminis-
45 tered in the case.

46 The first clause is more specific, and a conspiracy
47 to violate it would be one to impede some witness, etc.;
48 and a conspiracy to suborn witnesses would have to have
49 some particular case and some particular witness and
50 some particular testimony in view.

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EN:BOYD

3-433

RECORDED

August 31, 1926.

SEP -1 1926

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

Dear Sir:-

I am transmitting attached hereto a memorandum forwarded to the Bureau by Assistant Attorney General Lahring requesting that certain investigative action be taken in the matter of alleged violation of Section 125, Criminal Code, arising out of the trial of United States vs. Hale and R -ney at Guthrie, Oklahoma.

Will you please initiate investigation in accordance with the suggestion and wishes of Mr. Lahring.

Very truly yours,

No. 256749

Acting Director.

2163

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Department of Justice

Bureau of Investigation

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

August 27, 1926.

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

ATTENTION DIVISION TWO.

Dear Sir:

Re: W. K. Hale, John Ramsey et al,
Murder of Osage Indians.

With reference to the agents assigned on the above case,
I beg to quote the following from a letter received at this office on
the 26th instant from Special Agent J. R. Burger, dated Kansas City,
Missouri, August 25, 1926:

"After talking with you on the 'Phone Saturday, August
21st, about leaving witness Williams at Pawhuska,
Oklahoma, Mr. Brown, Assistant Attorney General sug-
gested on Sunday, August 22nd, that I get Witness
Williams away from Guthrie, which I did and trans-
ferred him to Pawhuska and from Pawhuska to Kansas City,
at his, William's own expence and consent, and he prom-
ised me that he will leave here tomorrow for Denver and
keep Mr. Leahy advised as to his local address there.

"On releasing him here tomorrow I will start on my twenty
day leave, beginning the 27th.

"Please forward my mail to Kansas City office."

The above letter is self-explanatory. I did not write you
of Agent Burger's presence at Kansas City upon receipt of the above letter,
in view of the fact that he is entering upon annual leave, as indicated
above, which leave has been previously approved by your office.

Very truly yours,

R. W. Tinsley

R. W. Tinsley, Acting
Special Agent in Charge.

SEP 1 1926

Department of Justice

TELEGRAM RECEIVED *T2*

OKLAHOMA CITY, OKLAHOMA

AUGUST 25, 1926.

DIRECTOR,
FEDERAL BUREAU OF INVESTIGATION,
DEPARTMENT OF JUSTICE,
WASHINGTON, D.C.

REFERENCE MY WIRE TODAY OSAGE CASE AND YOUR WIRE TWENTY THIRD DIVISION WIRE
REFERENCE RETURN WREN TO EL PASO U.S. DISTRICT ATTORNEY STATES DATE FOR NEW
TRAIL UNCERTAIN NO EXPRESSION FROM COURT EXCEPT MOTION FOR BAIL BE ARGUED
SOON TRIAL DATE MAY BE SET THEN U.S. DISTRICT ATTORNEY STATES INVESTIGATION
SHOULD BE MADE OF PROBABLE PERJURY OR FIXING OF JURORS ALSO TO REFUTE ALIBI
ADVISE WHETHER WREN WOULD* RETURN EL PASO NOW

ONE TINSLEY ACTING

Rec'd & Decoded
9:00 P.M.
TMC

RECORDED

62-5885-436

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 30 1926 8 A.M.	
FEDERAL BUREAU OF INVESTIGATION	

5/27/26
70

edit
THIS CASE ORIGINATED AT Oklahoma City, Oklahoma.

REPORT MADE AT: Oklahoma City, Okla.	DATE WHEN MADE: 8-26-26	PERIOD FOR WHICH MADE: 8-26-26	REPORT MADE BY: J. A. Street
TITLE: W. K. HALE JOHN RAMSEY		CHARACTER OF CASE: Murder of Henry Roan Osage Indian	

SUMMARY OF FACTS:

(O. C. # 70/1)

Fred Backhaus, Juror in the mistrial of Subjects, interviewed in regard to conduct of Jury during trial.

- PENDING -

REFERENCE:- Previous report in this case.

DETAILS:-

- At Guthrie, Oklahoma -

Fred Backhaus, 2 South Street, Guthrie, Oklahoma, was a member of the Jury in the trial of W. K. Hale and John Ramsey, charged with the murder of Henry Roan, a restricted Osage Indian, which resulted in a mistrial after several hours of deliberation. Mr. Backhaus stated to this Agent that after receiving instructions from the Court and retiring to the Jury room they soon took a ballot, the results being seven for conviction and five for acquittal. The case was given them August 20th, 1926, at 10:10 A.M., and they continued to ballot Friday afternoon and the forenoon of Saturday in that position. When Juror Mills became slightly ill, Mr. Hayes, Foreman, told him (Backhaus) and Dwinell, who was strong for conviction, that he was going to vote for acquittal for once and see what effect it would have; that on the next ballot there were seven for acquittal and five for conviction, that only lasting for one ballot. Mr. Hayes next time voted for conviction. His belief is that Mills changed his vote at the same time and continued to vote for acquittal, as the vote was six and six from that time on. Mr. Backhaus gave Agent the names of Jurors and how he believed they voted.

- FOR CONVICTION -

Backhaus, Fred
Dwinnell, W.J.
Galvan, Martin
Goodson, Matt
Hayes, Perry W.
Markes, I. G.

2 South Street, Guthrie, Okla.
West Noble Street, " " "
Navina, Oklahoma.
Blackwell, Oklahoma.
Stillwater, Oklahoma.
Perkins, Oklahoma.
DO NOT WRITE IN THESE SPACES

APPROVED AND
FORWARDED:

R.W. Lindsey, ack

SPECIAL AGENT
IN CHARGE

RECORDED AND INDEXED

62-5033-436

CHECKED OFF

SEP 3 - 1926

JACKETED

WASHINGTON
REFERENCE:

COPIES OF THIS REPORT FURNISHED TO:
3-Director
1-Edwin Brown
1-U.S. Atty. Okla. City
3-File

BUREAU OF INVESTIGATION

DEPARTMENT OF JUSTICE

ROUTED TO: FILE

7/16

7
8 Mills voted several times for conviction Friday afternoon, changing his
9 ballot Saturday for acquittal.

10 - FOR ACQUITTAL -

11
12 Fry, W. E.
13 Ford, Jessie T.
14 Herman, J. H.
15 Smith, Alba H.
16 Sullins, Arthur
17 Mills, Elmer
18 Perry, Oklahoma.
Blackwell, Oklahoma.
Billings, Oklahoma.
10 Mi. N.E. Newkirk
5 Mi. W. Redrock
5 Mi. W. Mulhall

19 Mr. Backhaus states that Jurors Fry, Herman and Ford were the leaders for
20 acquittal.

21 Mr. Fry stated early in the trial that he was well acquainted with S. R.
22 Burch and Henry Grammer; that he met them at Rodeos and Hoping Matches and they were
23 friends of his; that he also knew the tactics used by Federal Agents and Detectives
24 in obtaining confessions and there was no question in his mind but what duress was
25 used in obtaining John Ramsey's confession; he also believed the testimony of Ramsey
26 Agent Smith making him sign the confession; that he also believed testimony of
27 certain Grand Jurors that the confession of Ramsey was not signed at the time it was
28 first presented to the Grand Jury, using argument that the confession should not be
29 considered; also that from testimony and instructions from the Court, he did not believe
30 that Henry Roar was murdered at the spot where his body was found and not sufficient
31 proof that he was murdered in restricted land.

32 Juror Herman's contention was that Ramsey had proven a perfect alibi and
33 the evidence pointed to Roy Bunch, much stronger than to John Ramsey. In his
34 opinion was not killed at the place where body was found and, if so, there was
35 insufficient proof of restricted land.

36 Juror Ford contended that Roy Bunch was the murderer and not John Ramsey
37 that Ramsey's confession was obtained under duress and should not be considered
38 all; that he believed Ramsey told the truth as to how the confession was obtained.

39 Mr. Backhaus stated that the jury slept in separate rooms, six in each
40 room, one bailiff in each room, and was permitted to use the telephone in the presence
41 of one of the bailiffs to talk to their families when so desired and they did talk to
42 their families on several on several occasions.

43 Jurors Smith, Sullins and Mills did not use much argument for the defendants
44 but always voted for acquittal, except on a few occasions Mills voted for conviction.

45 It will be noted that Mrs. Hale's maiden name is Fry. Mr. Backhaus stated
46 that Fry denied any relation to Mrs. Hale.

47 - PENDING -

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2109

~~RECORDED~~

September 1, 1926.

62-5033-436-

SEP 8 - 1926

MEMORANDUM FOR MR. LURING.

I am transmitting herewith copy of report
of Agent Street, dated August 28, 1926, regarding
W. K. Hale and John Hansey.

Very truly yours,

Enc. 256763

Acting Director.

1926