

- Q. So, we can't tell you what to do. You made the sworn statement here before the jury on two different occasions, bring the signed statement of John Ramsey with reference to the matter of Henry Roan, - you examined it and swore positively on two occasions that that was the statement that was introduced before the grand jury and was not signed.
- A. To the best of my knowledge, yes sir.
- Q. Well, you were positive about it, and I showed you the other one; I gave you the chance to see them both, and I handed you the right statement and I said "That statement there was not signed, was it?"; couldn't fool you, even; you would not be fooled. You remember that, and you have sworn definitely to this jury here that the John Ramsey confession concerning Henry Roan was not signed. Now what can you do about it?
- A. Well, I would be glad to say to them that I could have been mistaken.
- Q. What did Kaspares give you to swear to it; did he offer you any money or tell you there would be something in it for you?
- A. No sir.
- Q. He came all the way to your place to talk to you, didn't he?
- A. I didn't really meet him at my home. Let me tell you how I met him: There is an oil well being drilled just south of my place. My wife and I had been to town; coming home stopped at the oil well to find how the oil well was coming along, how they were progressing. Mr. Kaspars and one of my sons drove up in a car, in Kaspars's car.
- Q. One of your sons?
- A. Yes sir.
- Q. Let me ask you about that. How long had your son known Kaspars?
- A. Never had seen him before in his life.
- Q. Never had?
- A. No sir. And my son told me there was a man wanted to see me, he rather thought perhaps it was an oil man or something, there had been a good many there; and the boys go frequently down to the oil derrick; and Mr. Kaspars expressed a desire to go to the oil derrick, I don't know how he come to go down there, but I met him there, and I got out of the car and discovered Kaspars, shook hands with him, and he told me that he wanted to see me a little bit and to talk to me about the grand jury proceedings, and I said well --
- Q. What day of the week was this?
- A. I believe that was on Tuesday.
- Q. Do you remember what day it was? This case began on the 26th of July.
- A. This must have been the 27th, as near as I can determine; the 27th day of July.
- Q. Was that the day after the trial commenced here that he saw you?
- A. I don't know a thing about the trial, I was not keeping up with the trial, I didn't pay much attention, tried to distract it from my mind. It was on the 27th day of July, and we talked

225/2

probably, - I couldn't be sure about the time, probably ten minutes; my wife sat in my car during the conversation and she was only a little piece from us and she got impatient to start home and started the car, and I went over and joined her and I drove home, and Ximparis left.

Q. This was at the oil well?

A. Yes sir.

Q. How far was that from where you live?

A. Just a half mile from my home; he had been up there hunting for me.

Q. Did he tell you where he lived?

A. I knew where he lived, or I had found out where he lived.

Q. How far from where you live, approximately?

A. I don't want to be just certain about this, but I preach at a little point called Summer, and that is near the Otco country, where he has cattle, and while visiting at a man's home at the time by the name of Sheppard we went over to Otco to look after his stock in the pasture Sunday afternoon, and there was a dwelling house adjoining his land, and he informed me that they were Ximparis and another party stayed there.

Q. How far is that from your home?

A. Well, that is, it is in the neighborhood of 30 miles, between 25 and 30 miles, to just guess at it.

Q. What sort of an automobile did he have?

A. When he came to the well?

Q. Yes.

A. He had a Ford coupe, rather old.

Q. What time of the day was it that you saw him at this well?

A. Well, sir it was about, - I had no occasion to look at the time before.

Q. Just give an estimate.

A. It was probably between 4 and 5 o'clock, I would say.

Q. Did he say how long he had been waiting for you at your house?

A. No sir, I didn't ask him.

Q. And you discussed this grand jury proceeding at the well?

A. Near the well, we were not at the well.

Q. And when that was over with you went your way and he went his way?

A. Yes sir.

Q. You saw him again, didn't you?

A. Not until I came down here.

Q. How soon after that was it Mr. Hamilton came out there?

A. This happened on Tuesday.

Q. I believe it was on Thursday evening, rather late; yes.

A. Thursday evening, rather late, when Mr. Hamilton came out.

Q. Was there anyone with Mr. Hamilton?

A. Yes sir, there were two young men in his car, and my boy informed me that one of them was Mr. Hamilton's son; I did not meet the young men, and didn't have occasion to speak to them, but my boy engaged them in conversation while Mr. Hamilton engaged me in conversation. I told him myself that I was a preacher,

2243

- who is a man just about my age, had gone down to feed our hogs, and I was cutting corn to feed them when he came up.
- Q. You were then in the field with your nephew?
- A. Yes sir.
- Q. What is the name of your nephew?
- A. John R. Hesser.
- Q. Who called you from the field?
- A. I wasn't called from the field.
- Q. Did Mr. Hamilton come down to the field where you were?
- A. He and my nephew came in company one with the other.
- Q. You were alone in the field cutting corn?
- A. Well, I suppose you would call it alone; I wasn't very far from my nephew; he just went to the fence near where I was cutting the corn to throw it over; he is a school teacher and was attending summer school.
- Q. How far from the house were you cutting corn?
- A. From my home or from any house?
- Q. Mr. Hamilton drove up to your home to see you, didn't he?
- A. I don't think he went to my home; he came to this point where I was cutting corn, that is on the public road near a little tenant house that I have, and I think he stopped there, although I wouldn't swear positive as to whether he stopped at my home.
- Q. Is this tenant house on the road to your home?
- A. Very near.
- Q. From the way he was going---
- A. I don't know how he was going.
- Q. Which way was his car headed?
- A. His car was headed towards the west when I saw it.
- Q. Was it headed towards your home or away from it?
- A. Yes, it would rather indicate it was headed towards my home.
- Q. Do you know, as a matter of fact, whether he was at your home or not?
- A. No sir, I don't believe I asked him.
- Q. Did you ask your wife?
- A. I don't think that he was there, but I wouldn't be right positive; he wasn't there to my knowledge.
- Q. Did you go out on the road to talk to him?
- A. No sir, I didn't; he followed me in the field.
- Q. He came to the field?
- A. Yes sir.
- Q. Was any one present when he talked to you and heard his conversation?
- A. My nephew was there and I think heard all the conversation.
- Q. And what was the first thing Mr. Hamilton said to you?
- A. Well, he first introduced himself.
- Q. What did he say?
- A. Well, I think he called himself by name, Hamilton, and gave his initials, but I don't remember the initials, and I --
- Q. Did he tell you what his business was, whether he was a lawyer?
- A. I don't believe he made any explanations, but I thought he was a candidate; there was several at our home, and I so ap-
- 2344

- proached him as a candidate.
- Q. What did you say when he introduced himself?
- A. Well, I said, I believe you are too late because I have already promised my vote to the other fellow, and I had already met --
- Q. What office did you think Mr. Hamilton was running for?
- A. State Senator from Payne and Creek Counties.
- Q. What made you think he was a candidate? Did he look like this other man or anything like that?
- A. I had never saw the other man, but I just got confused on the names, I guess.
- Q. What did he say next?
- A. I think then he informed me that he was counsel for Mr. Hale.
- Q. What did you say then?
- A. Well, I don't really remember just what I did say hardly.
- Q. Now, go ahead and tell, in your own way, just as nearly as you can, what conversation you had with Mr. Hamilton out there.
- A. I hadn't as yet quit cutting corn, and my nephew said, "I will cut the balance of the corn while you talk", and I said "No, I am just going down," and I came to the fence and threw the corn over the fence, and we talked there at the fence, just a few words, and he asked me if I was P. C. Hesser and I told him that was my name. He wanted to know if I was a member of the grand jury last winter that investigated the Osage Indians, I believe, and I said yes, we had it under consideration, some of those Indians while I was a member of the federal grand jury at Guthrie, Oklahoma, and he asked me, I believe, if I knew John Kasparis, or some way he introduced Kasparis' name into the conversation, and I told him that I got quite well acquainted with all the jurymen and he was among the jurymen; he wanted to know if I had seen him lately and I said yes, he was there and talked to me just the other day.
- Q. Did he ask you what was said between you and Kasparis, what you said?
- A. I don't believe he asked me in regard to what was said, I don't know just how he did bring it out, the fact that --
- Q. Well, the conversation between you and Kasparis was discussed, was it not?
- A. I don't think any of the conversation was talked, as I remember it, but merely the fact that he had been there and had talked to me, and I so informed him that he had, and he asked me, I think, if I would be willing to go as a witness to Guthrie on behalf of the defense, and I answered him "Not unless I was compelled to by procedure of subpoena", that I didn't want to be a witness in the matter in any way.
- Q. Just what was it you were to testify to for the defense? What did he want you as a witness?
- A. I don't think he-- the only thing that he ever indicated to me that he would like me to testify to something was when he started off, he said, I don't know that I can word it exactly like
- 7-2815-24

- he said it - he said, You know you are a man of honor and he would like to have you testify, - some sort of a flattering remark about me; I took it to be such, Mr. Lohring.
- Q. All right, now. Naturally you told him that you did not know anything to help the defense, didn't you?
- A. Well, I just merely told him if I was compelled to testify I would have to testify to the truth as I knew it.
- Q. You didn't want to testify you told him?
- A. No, sir, I didn't.
- Q. Now, let's not have any misunderstanding between us here. I have been practicing law for twenty-five years, Mr. Leahy for much longer, and I think we know something about human nature and know lawyers, and this lawyer didn't go to your place and ask you to be a witness for the defense without knowing what you were going to testify to, or talk to you about your testimony. If you want to be fair I want you to tell the truth.
- A. I know that; I have told everything I know.
- Q. Tell me what Mr. Hamilton told you about what your testimony should be.
- A. He didn't ask me. I said he made some flattering remark about me testifying there, and I told him I would sure do it if I was going down; I worked at home and I said "Please don't have me to go on because that interferes with my business."
- Q. Now, let us go back to your conversation with Kasparis at the well. Mr. Kasparis had some motive, some purpose in driving 30 miles to see you to talk about that grand jury proceeding. I want to know just what he said to you and you said to him.
- A. Well, we talked about three cases, I remember in particular, just a little; we talked about this case, and we talked about the case, and we talked about the case at Enid, where a forged money order or check was involved.
- Q. And what was the other one?
- A. I knew the other one but it has slipped my mind now.
- Q. You don't remember it now?
- A. Not at the present time.
- Q. What reason did he give you for wanting to discuss those proceedings with you?
- A. Well, I think he said that he was about to be a witness or had been a witness or expected to be a witness again, I don't know for sure, but it seems to me like he said he was to be a witness and he wanted to discuss it with some body to be certain he was correct.
- Q. Let's get down to the point where he talked to you about the unsigned confession of John Ramsey. Go ahead. What did he say?
- A. I think he asked me if I remembered in regard to the confession of John Ramsey. I don't know if that is the first question that he asked or not; I just declare, at the time I didn't give it a serious thought.
- 2-24-66

- Q. Let me ask you this question: Wasn't the first suggestion that there was an unsigned confession by John Ramsey made by this man Kasparis to you?
- A. I think perhaps there were, yes sir; I would have to say he talked of that, but we didn't agree as to it entirely.
- Q. I want you to be certain about who first suggested that there was such a thing as an unsigned confession of John Ramsey before this grand jury. I want you to be certain.
- A. In our conversation?
- Q. Yes, with Kasparis.
- Q. Well, I am just sure that he asked me about it; I had no occasion to ask him about it, never interested in it in any way, and I am sure he asked me about it.
- Q. He told you then that there was an unsigned confession?
- A. Yes sir, he did. Yes sir, he believed there were one.
- Q. And what did you say?
- A. Well, I said I thought they were both unsigned; I think there were maybe the one signed and one not signed.
- Q. Was that the disagreement you had with him?
- A. Yes sir, that was the disagreement, that is one of the places where we disagreed and I think at the one place in particular.
- Q. Did you agree with him at that time that there was an unsigned confession by John Ramsey?
- A. Well, yes I think I did.
- Q. When he first mentioned it to you didn't you say you were not sure, you didn't know?
- A. No, I think I remembered it that way, Mr. Lohring, probably not thinking, it might have influenced me a little, just quickly in my mind.
- Q. In other words, did he attempt to persuade you into the belief that there was an unsigned statement by John Ramsey?
- A. I wouldn't know what persuasion would mean unless you would say why his making the statement would tend to make me believe it, that might have influenced me some, of course.
- Q. Mr. Kasparis told you positively that he knew that there was an unsigned statement by Ramsey, didn't he?
- A. Yes sir, I think he was pretty positive in his remarks.
- Q. He had a copy with him of John Ramsey's confession, didn't he?
- A. Not that I know of, no sir.
- Q. Didn't you see one?
- A. No sir.
- Q. Didn't he undertake to tell you what was in that unsigned confession?
- A. No sir.
- Q. He mentioned it was Henry Roan's case, was it, didn't he?
- A. Yes, he gave me to understand it was in reference to this case.
- Q. When you said you thought there was one signed and one unsigned statement presented to that grand jury did you have reference to any confession in the Roan case?
- A. Well, I think I just remember that confession, that one was un-

27519

- signed in reference to the Roan case and one signed.
- Q. Did you discuss whether there was an unsigned confession in the Smith case?
- A. No sir, I don't think we discussed the Smith case.
- Q. But you knew there was a confession in the Smith case, didn't you?
- A. I didn't call it to memory at that time, no sir.
- Q. You didn't argue with him that the confession was unsigned in the Smith case?
- A. No sir, we didn't discuss the Smith case at all.
- Q. And then he asked you if you would be willing to swear to what he said to you?
- A. I believe he asked me what I would do if I was called on to swear.
- Q. What did you tell him?
- A. I told him I would ---
- Q. Did you tell him you knew and could recognize and identify the statement that was presented to the grand jury?
- A. No sir.
- Q. How did you happen to identify that in the court room?
- A. Well, I couldn't answer that; from my remembrance, I suppose, and I read it and looked at it pretty thoroughly, at the first part. You men always called out attention to the fact that these men were not, that they would have no promise, and that always was included in each confession, and you always called our particular attention to that, and that being one of the first paragraphs, --- they were some markings on the edge of the paper, I remember it, and I rather identified it from that fact, and then from part of the writings; I read some of the paragraphs, I know, and I think probably I read it about all.
- Q. You remember the Smith statement I showed you there, started out by referring to the confession in the Roan case?
- A. Well, I didn't pay so much attention to the written Smith confession because you had Burkhart on the stand and I thought that he was telling a straightforward story and I believed what he was telling and I just naturally didn't care so much for a confession as I did for his statement.
- Q. Do you recall now whether or not he did present to the grand jury an unsigned statement purported to have been made by Ernest Burkhart?
- A. Well, I don't know so sure whether you did as to Ernest Burkhart or not. I have had this thing on my mind so much, I just declare I am just ready to say --- so many confessions and so many things I just can't get them straightened out in my mind.
- Q. You remember we had statements from Dewey Selph, Cole, - we had only a few statements?
- A. I think I remember quite a little of the Selph incident.
- Q. Did they ask you, Kasparsis or anybody ask you yesterday if you

2748

didn't hear me tell Dewey Selph that the government had already looked after him and we would take care of him if he came through?

A. I don't believe that was the exact wording; he asked me if I remembered about your promising Dewey Selph something, your trade to Dewey Selph, "We have done you a lot of good and can do you a good deal more" - something like that.

Q. When did Kasparis ask you that, at the oil well?

A. No, sir, here, yesterday.

Q. Did Kasparis tell you that he had heard me say that?

A. I don't know if he just made a positive statement, but I think he gave me to understand he heard you say it.

Q. Do you know why he didn't swear that I said that?

A. No sir, I don't know a thing about it.

Q. Did you hear him talk to Mr. Donaldson?

A. No, I don't believe I heard him talk to him.

Q. Were you present when he was talking to Mr. Donaldson about these confessions and what happened before the grand jury?

A. No sir, I don't. This conversation, as I remember it now, took place after Mr. Donaldson came out of the witness room, and Mr. Kasparis and I talked just a little bit about it, and I don't know - they seemed to think probably we might be called upon to testify in regard to it because Mr. Donaldson had made some testimony in regard to it.

Q. You told Kasparis you didn't hear me make that remark, did you?

A. I told him I didn't hear you make that remark. I heard some remarks made by jurors about Dewey Selph, and he strenuously denied that he made the remark; I think he asked him one or two questions, because he asked him if he was a relative to the other Selph. My memory may be wrong, but I think I talked to Dick Gregg and I think Mr. Kasparis talked to Dewey some.

Q. Did Mr. Kasparis tell you that he heard me make that remark?

A. I don't believe I could swear positive that he said he heard you, but he left the impression that he heard you make it.

Q. Can you tell me just about what he said to you about that?

A. Well, I hardly know just how it came about, but we were sitting around there and laying around; I didn't know any one else only Mr. Kasparis and Harry Donaldson, and we engaged one another in conversation, and at this time he just approached me about the Dewey Selph incident and if I recalled it to memory, and I told him I thought I remembered Dewey Selph all right, but I didn't remember much about the incident that happened; I knew there was some talk between the jurors and the convicts and between the government officers and the convicts, I remember some of the jurors asked them what they expected to get, I don't know but what I did myself, Dewey Selph.

Q. In your conversation there did Mr. Kasparis tell you that he had seen Mr. Donaldson and talked with him about it?

2249

A. I would not be positive; I don't believe he said he had said anybody about it; I think he lead me to believe he had not talked to anybody, and he wanted to talk to me, he wanted to be right, he wanted to do the right thing and wanted to talk to me for that purpose. That is the impression I took.

Mr. Lewis:

- Q. You asked Dick Gregg if he knew Paul Jones?
- A. I think I asked him some questions.
- Q. You asked him when he got acquainted with Bill Hale?
- A. Yes sir.
- Q. And you asked him "Did your father know him before you did?"
- A. I remember Dewey Selph, asking him a few questions. I would like to make this statement: Being a minister I tried to forget as much of this as I could because it has no part in my business. I fully expected to ask to be excused when we came here, and the Judge, if you remember, requested that every man who could possibly do so serve, because they were only just enough who answered, and I didn't ask to be excused; and then after this was over I tried to dismiss it from my mind and forget it and go about my business.

Mr. Leahy:

- Q. What is your judgment now after looking over this record as to whether you were in fact mistaken?
- A. Oh, I certainly was mistaken; there is no question that I was honestly mistaken; I don't think there is the least doubt I was mistaken. I am not doubting the testimony I examined here, but I had not been permitted to examine anything; I was only swearing from my memory.
- Q. Would you like to have a chance to go back on the witness stand and make a correction?
- A. I think that would be the proper thing in view of the importance of the facts that have a bearing on the matter, and I want to do the right thing at any time that I can.
- Q. You see the importance of this to this effect: that if the jury believes your statement that the John Ramsey confession was before the grand jury unsigned they won't believe the statements of Smith and White and Brown and Bailey.
- A. You see, I didn't understand it made a bit of difference in the world if one was signed or one unsigned.
- Q. The other contention is that this statement was brought to him already prepared for his signature; that is where the importance of it is.
- A. I don't understand law at all; didn't have the least idea of the importance of the testimony that I was giving.

7250

Mr. Lanning:

- Q. How are you going to explain that on two occasions you saw this particular written statement and swore positively on each occasion that that was the particular statement that was presented to the grand jury, and when it was presented by Mr. Smith it was unsigned?
- A. I don't know any way to explain it only this, to say I was mistaken, honestly mistaken.

.....

Date for the trial of defendant Measser will be set at the January 1927 term of the United States District Court, and will likely be tried at that term.

- ENDING -

2251

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56

TFB:DSS
62-503-456

RECORDED

November 13, 1926.

NOV 17 1926

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL LUMRINE

Further with regard to the
case of W. K. HALE and JOHN RAMSEY, Osage
Indian murders, I am attaching copy of a
report submitted by Agent Smith, at Okla-
homa City on October 30th.

Very truly yours,

Director.

Inc. 245013.

BUREAU FILES DIVISION
MAILED
NOV 15 1926
P.M.
DEPT. OF JUSTICE

THIS CASE ORIGINATED AT OKLAHOMA CITY, OKLA.

REPORT MADE AT: Dallas, Texas	DATE WHEN MADE: 10/27/26	PERIOD FOR WHICH MADE: 10/27/26	REPORT MADE BY: J.A. el
TITLE: W.K. HANE ET AL			CHARACTER OF CASE: MURDER OF OSAGE INDIAN'S ON GOVERNMENT RESERVATION.

Dallas file 70/7

SYNOPSIS OF FACTS:

Leads in telegraphic request from Oklahoma City office to locate witness Forest Matthews supposed to have been in Dallas, Texas investigated but witness could not be found. Oklahoma City later advises witness located there.

R.U.C.

DETAILS:

The Oklahoma City office on Oct. 25, 1926 telegraphed the Texas office a request to locate immediately under cover the witness Forest Matthews wanted in Oklahoma City in connection with this case, who was said to have a brother Duke Matthews operating a motion picture theater in Dallas, Texas. His description was given as;

Age 22, height 6 feet, weight 150 to 155 pounds, fair complexion, blue eyes.

Agent ascertained that Duke C. Matthews travels for the (Associated) Pathe Film Exchange, being in and out of the city constantly. He formerly lived at 3606 Armstrong Avenue, Highland Park, Dallas, Texas but apparently moved to 6376 Yucca street, Hollywood, Calif. He is a member of the Tannehill Lodge 51, A.F.A.M. of Dallas, Texas of which E.W. Speer is Secretary. He is now getting his mail in Dallas, Texas at General Delivery and is temporarily residing on Cedar Springs Road the number of which was not obtained but where he has a telephone under some other name, number 5-5053. His wife is temporarily in Dallas with him and advised Agent that he is out of the city temporarily but that the only brothers he has are Marlow and Owen Matthews and that she does not know Forest Matthews.

The witness Forest Matthews could not be located thru our sources of information, the only person interviewed who knew of such a person ever being in Dallas, Texas, being Mr. Bailey in charge of the general delivery window at the main Post Office who stated that one of his clerks remembers such a person getting mail there nearly a year ago, who left town on account of some trouble.

The Oklahoma City office was advised by telegram and requested to obtain new leads but advised later that the witness was located in Oklahoma City and no further investigation is necessary in Dallas, Texas.

REFERRED BACK TO O. OF ORIGIN (OKLA. CITY) NO FURTHER ACTION AT DALLAS, TEXAS.

APPROVED AND FORWARDED: <i>Snette</i>	SPECIAL AGENT IN CHARGE	62-5033-157	RECORDED AND INDEXED:
WASHINGTON REFERENCE: DIV.	COPIES OF THIS REPORT FURNISHED TO: 3-Dir. 2-Okla. City 2-Dallas	BUREAU OF INVESTIGATION NOV 5 1926 A.M. DEPARTMENT OF JUSTICE	CHECKED OFF: NOV 13 1926 JACKETED:
		ROUTED TO: Div. Two ✓	FILE JFB

OKLAHOMA CITY, OKLA.

Dallas, Texas

10/27/26

10/27/26

3:00 PM

U.S. DEPT. OF JUSTICE

MURDER OF OSAGE INDIAN
ON GOVERNMENT RESERVATION

Dallas File 70, 7

Leads in telegraphic request from Oklahoma City office to locate witness Forest Matthews supposed to have been in Dallas, Texas investigated but witness could not be found. Oklahoma City later advises witness located there.

R.U.

DETAILS:

The Oklahoma City office on Oct. 25, 1926 telegraphed the Dallas Texas office a request to locate immediately under cover the witness Forest Matthews wanted in Oklahoma City in connection with this case, who was said to have a brother Duke Matthews operating a motion picture theater in Dallas, Texas. His description was given as:

Age 23, Height 6 feet, weight 150 to 155 pounds, fair complexion, blue eyes.

Agent ascertained that Duke C. Matthews travels for the (Associated) Pathe Film Exchange, being in and out of the city constantly. He formerly lived at 3606 Armstrong Avenue, Highland Park, Dallas, Texas but apparently moved to 6376 Yucca Street, Hollywood, Calif. He is a member of the Imperial Lodge 52, A.P.A.M. of Dallas, Texas of which E.W. Spear is Secretary. He is now getting his mail in Dallas, Texas at General Delivery and is temporarily residing on Cedar Springs Road, the number of which was not obtained but where he has a telephone under some other name, number 5-9053. His wife is temporarily in Dallas with him and advised agent that he is out of the city temporarily but that the only brothers he has are Darlow and Owen Matthews and that she does not know Forest Matthews.

The witness Forest Matthews could not be located after other sources of information, the only person interviewed who knew of such a person ever being in Dallas, Texas, being Mr. Bailey in charge of the general delivery window at the main Post Office who stated that one of his clerks remembers such a person getting mail there nearly a year ago, who left town on account of some trouble.

The Oklahoma City office was advised by telegram and requested to obtain new leads but advised later that the witness was located in Oklahoma City and no further investigation is necessary in Dallas, Texas.

REFERRED BACK TO C. OF ORIGIN (OKLA. CITY) NO FURTHER ACTION AT DALLAS, TEXAS.

Div.

3-Div.

Okla. City

2-Dallas

1250

TFB:DES
62-5033-457

NOV 18 1926

November 11, 1926.

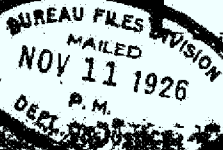
MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL LUNNING

Further with regard to the case
of W. K. HALE, et al, Osage Indian Murders, I
am attaching a report submitted by Agent Appel,
at Dallas, Texas, dated October 27th.

Very truly yours,

Director.

Inc. 245060.



Dallas, Texas,
November 16, 1926.

Mr. C. D. McKean,
P. O. Box #1535,
Oklahoma City, Okla.

Dear Sir:

Referring to your letter of November 10 addressed to
Special Agent Frank Smith, concerning an expense account
submitted by Arch L. Barger, Fairfax, Oklahoma, please
find attached hereto your letter and reply of Agent
Smith, dated November 13.

Very truly yours,

Louis DeNette,
Special Agent in Charge.

DeN:MTU
c.c.Dtr. #5.

RECORDED & INDEXED
NOV 18 1926

62-500-458	
BUREAU OF INVESTIGATION	
NOV 19 1926 A.M.	
DEPARTMENT OF JUSTICE	
FILED	FILE

7256

JEH:MO'B

November 19, 1926.

RECORDED

McKean

Department of Justice,
Federal Building,
Oklahoma City, Oklahoma

ADVISE WHETHER HALE AND RAMSEY HAVE BEEN TAKEN TO LEAVENWORTH PENITENTIARY.

ONE HOOVER

RECORDED

62-5033-459
BUREAU OF INVESTIGATION
NOV 20 1926 P. M.
DEPARTMENT OF JUSTICE
FILE

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

Department of Justice

Bureau of Investigation
P. O. Box 1535,
Oklahoma City, Oklahoma,
Nov. 19, 1926.

McK:h

Director,
Bureau of Investigation,
Department of Justice, ATTENTION DIRECTOR #1.
Washington, D. C.

Dear Sir:

Confirming telegram of even date, please
be advised that the United States Marshal left here
November 17th at 5 A.M. with W. K. Hale and John
Ramsey for the United States Penitentiary, Leaven-
worth, Kansas, in which institution the prisoners
were committed late the same day.

Very truly yours,

Clarence D. McKean
Clarence D. McKean,
Special Agent in Charge.

NOV 23 1926

62-5352-206
BUREAU OF INVESTIGATION
NOV 23 1926 A.M.
Div. One
U.S. DEPT. OF JUSTICE

CLARENCE H. MACKAY, PRESIDENT

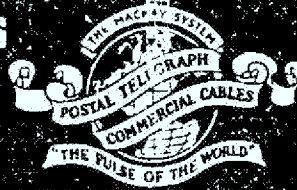
RECEIVED AT

DELIVERED

TELEGRAMS

CABLEGRAMS

TO ALL
AMERICA



TO ALL
THE WORLD

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

STANDARD TIME
INDICATED ON THIS MESSAGE

BMB374 12 1 EXTRA COLLECT GOVT

1926 NOV 19 PM 6

CX OKLAHOMACITY OKLA 19

DIRECTOR BUREAU OF INVESTIGATION

DEPT OF JUSTICE WASHINGTON DC

RETEL EVEN DATE HALE AND RAMSWEY TAKEN LEAVENWORTH SEVENTEENTH

INSTANT

ONE

MCKEAN.

62-5-033-161
FEDERAL BUREAU OF INVESTIGATION
NOV 22 1926 P. M.
Div. One
FILE

*rec'd 7:20 pm
JES*

*25 Nov 1926
H-20-26
JES*

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

JAN 20 '26

62-1033-461

R. CO. D

November 20, 1926.

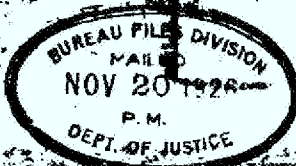
MEMORANDUM FOR MR. LORING.

I am attaching hereto a copy of a telegram from the Agent in Charge of the Oklahoma City office advising that Hale and Ramsey were taken to the Leavenworth Penitentiary on the seventeenth.

Very truly yours,

Encl.

Director.



2

Department of Justice

Bureau of Investigation
P. O. Box 1535,
Oklahoma City, Oklahoma,
Nov. 23, 1926.

McK:h

Director,
Bureau of Investigation,
Department of Justice, ATTENTION DIRECTOR #1.
Washington, D. C.

Dear Sir:

Further referring to your recent telegram to Agent in Charge DeNette, instructing Agent Frank S. Smith to proceed to Oklahoma City, Oklahoma, for conference with United States Attorney, I beg to enclose herewith copy of letter addressed to the Governor of Oklahoma by Agent Smith, relative to the assistance rendered the Federal Government by Ernest Burkhardt, now serving a life sentence in the Oklahoma State Penitentiary. Said letter was prepared by Agent Smith after conference with the District Attorney.

It will be noted that no recommendation is made to the Governor as to what action to take in the premises.

Very truly yours,

Clarence D. McKean
Clarence D. McKean,
Special Agent in Charge.

Encl-

NOV 29 1926

62-5083-462

NOV 26 1926

DEPT. OF JUSTICE

Div. One

November 22nd, 1926.

Hon. M.E. Trapp,
Governor,
Oklahoma City, Okla.

Dear Governor:

I received information through the Honorable A.F. Moss that he has made application to you for executive clemency for Ernest Burkhart, now serving a life sentence in the Oklahoma State Penitentiary, and I was requested by Mr. Moss to furnish you a brief history of Burkhart's knowledge and participation in these numerous cases, his fairness in divulging information in his possession, and his further assistance by his truthful testimony on behalf of the government in the final trial of W.K. Hale and John Ramsey for the murder of Henry Roan.

In the initial questioning of Ernest Burkhart by T.B. White, former Agent of the Bureau of Investigation, and myself, at Guthrie, soon after the arrest of Burkhart and Hale in connection with the W.E. Smith murder case by the State, Burkhart stated to Mr. White and myself that he did not participate in any of the various Osage murders but had a general knowledge of them obtained directly from W.K. Hale, his uncle, and from general observations made by him. Mr. Burkhart told us that John Ramsey was hired by W.K. (Bill) Hale to kill Henry Roan, and gave us detailed information concerning Bill Hale purchasing an automobile for John Ramsey to enable Ramsey to get around and manipulate the killing of Henry Roan, telling us where the car was purchased, and many other details which developed to be the truth. Further, Burkhart told us that John Ramsey told him, Burkhart, that he, Ramsey, killed Roan and that he, Burkhart, conveyed this information to Bill Hale; then in detail told us of his knowledge of the W.E. Smith murder case and how Bill Hale got him, Burkhart, to carry a message to John Ramsey telling Ramsey to see Kirby and have the Smith job pulled while he, Hale, was in Fort Worth, for the purpose of an alibi.

2
3
4
5
6
7
8
9 Hon. W.E. Trapp, #8.

10
11
12 Burkhart gave to us a detailed history of W.K. Hale's
13 original life, advising us that he, Burkhart, came to Oklahoma
14 when a mere boy and had lived since under the influence of W.K.
15 Hale, his uncle, and while he realized that Hale was doing many
16 criminal things at the same time he felt that Hale was a big man
17 and really did not know how to refuse to do anything that Hale
18 bid him do.

19
20 After Burkhart divulged the information he had con-
21 cerning John Ramsey's participation in the murder of Roan, he
22 then suggested that we bring Ramsey to Guthrie and that he would
23 confront him and that Ramsey would no doubt tell the truth when
24 he realized that he, Burkhart, had told the truth. Later, Bur-
25 hart requested protection by government agents until such time
26 as he was afforded an opportunity to testify to the true facts
27 before a Court, stating that he would no doubt be killed through
28 Hale's influence when it was known that he, Burkhart, had divulged
29 the information concerning the Roan murder.

30
31 Burkhart was present at Pawhuska, Oklahoma, at the
32 preliminary hearing of W.K. Hale for the murder of W.E. Smith,
33 and a few moments before he went on the stand to testify he told
34 the writer that regardless of everything that he was going on the
35 stand and testify to the true facts. When he was placed on the
36 witness stand attorneys for Hale immediately declared that they
37 were representing Burkhart and demanded the privilege of talking
38 to him a few moments before he testified, permission for the
39 conference being granted by the Court. Before they finished their
40 conference the Court adjourned and Burkhart was taken to Fairfax,
41 Oklahoma, where he was talked to by numerous friends of Hale's,
42 and also Hale's relatives, and advised to comply with instruc-
43 tions of Hale's attorneys. Later, on advice of Hale's attorneys,
44 Burkhart refused to testify, and was then charged by the State of
45 Oklahoma, jointly with Hale and Ramsey, with the murder of W.E.
46 Smith. At a later trial of Burkhart he entered a plea of guilty
47 and immediately came back to the prosecution with a full explana-
48 tion of his action, which was caused, as he stated, by the in-
49 fluence of Hale's lawyers, and he has since in every instance
50 faced the music and testified to his original statement of facts,
51 which were no doubt to a large extent responsible for the convic-
52 tion of W.K. Hale, the principal in the several Osage murders.

53
54 In all the development from our investigations now before
55 does the evidence disclose that Burkhart participated to any ex-
56 tent in the Henry Roan murder case, and only in the W.E. (Bill)
57 Smith murder case to the extent that he delivered a message for
58
59
60
61
62

For H.E. Trapp, #3.

W.K. Hale to John Ramsey, which was to the effect that Bill Hale was going to Fort Worth and for he, Ramsey, to get Asa Kirby to pull that job and do it now while Hale was gone. From the beginning, from our talk with Burkhart, it has unquestionably been his opinion that this act did not make him guilty in any particular, and I wish to state that after careful observation of Burkhart throughout the long period of these investigations that it is my judgment that W.K. Hale's influence over Burkhart was solely responsible for every act of Burkhart in these cases, and that had it not been for this damnable influence of Hale's that today Burkhart would not be involved in any particular.

For your information, I wish to call your attention to the fact that W.E. Hale et al now stand charged by the State of Oklahoma, in Osage County, with the murder of W.E. Smith, his wife, and Nettie Brookshire, a servant girl. Ernest Burkhardt's testimony will be very essential in the trial of these cases and in my judgment Burkhardt can be relied upon to go before the Courts and testify to a true statement of facts as he has done in the government's case against Hale and Ramsey for the murder of Henry Roan.

Yours very truly,

Frank S. Smith,
Special Agent,
Department of Justice.

733-EB

WESTERN UNION

CLASS 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.

NEWCOMB CARLTON, PRESIDENT

J. C. WILLEVER, FIRST VICE-PRESIDENT

Letter or Message	
NLT	Night Letter
DL	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.

Rec'd at Commercial Nat'l Bank Bldg., 14th & G Sts., N. W. Washington, D. C.

ALWAYS OPEN

DAR 188 83 COLLECT GOVT DALLAS TEX

20P

62-3833-4

NOV 27 1926

DIRECTOR DEPARTMENT OF JUSTICE BUREAU OF INVESTIGATION

WASHINGTON DC

NOV 30 1926

FILE

AGENT SMITH JUST RECEIVED WIRE FROM ATTORNEYS FOR EARNEST

BURKHART MATERIAL GOVERNMENT WITNESS HALE RAMSEY CASES NOW

SERVING LIFE TERM OKLAHOMA PENITENTIARY CONVICTED BY STATE

OSAGE MURDER CASES REQUESTING HE COMMUNICATE TO GOVERNOR OF

OKLAHOMA BY NOVEMBER 22 ALL REASONS OCCURRING TO HIM WHY

BURKHART SHOULD BE PAROLED ADVISE IF CONSISTENT AGENT SMITH

FURNISH THIS DATA ASSISTANT US ATTY GENERAL LUHRING ROY

STLEWIS US ATTY.

memo for files
11-23-26

file

WESTER UNION

CLASS 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.

BLT	Day
NITE	Night Message
NL	Night Letter
CCO	Deferred
CLY	Cable Letter
W..	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.

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

NOV 20 PM 3

DA 188 2/16

OKLAHOMA AND FORMER AGENT IN CHARGE WHITE WELL UNDERSTAND AGENT SMITHS POSITION IN THIS CONNECTION.

ONE DENETTE..

NOV 20 1916

7226

JOHN EDGAR HOOVER
DIRECTOR

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

November 23, 1926.

MEMORANDUM FOR THE FILE.

In regard to the attached telegram from Agent in Charge DeNette, at Dallas, concerning the request made of Agent Smith for a statement in connection with the parole of Earnest Burkhart from Oklahoma State Penitentiary, a conference was held with Assistant Attorney Luhring and Agent Smith was ordered to proceed to Oklahoma City and to confer with United States Attorney St. Lewis and be guided by Mr. St. Lewis' advice. Mr. Luhring called Mr. St. Lewis by telephone and indicated that the Department did not desire to have itself committed officially in this matter and further felt that no individual officer of the Department could recommend parole but that if Smith did make any statement it should be made in a personal capacity and merely a statement of facts without any recommendation.

J. E. H.
Director.

NOV 30 1926

62-5033-123	
U.S. DEPARTMENT OF JUSTICE	
NOV 26 1926 A.M.	
DEPARTMENT OF JUSTICE	
FILED	1926

THIS CASE ORIGINATED AT

Oklahoma City, Oklahoma.

REPORT MADE AT: Oklahoma City, Okla.	DATE WHEN MADE: 11-26-25	PERIOD FOR WHICH MADE: 10/22-23-24/26	REPORT MADE BY: F. S. Smith.
TITLE: P. C. HESSER			CHARACTER OF CASE: PERJURY - In Connection with Osage Murder Cases.
O. C. File 74/14/1.			
SYNOPSIS OF FACTS: <u>BEGINNING INVESTIGATION.</u>			
VIOLATION:		Perjury. Committed at Guthrie, Oklahoma, July 31, 1926, while testifying as defense witness in the matter of the United States of America vs. W. K. Hale and John Ramsey, murders of Henry Roan, Osage Indian.	
COMPLAINT:		Filed at Guthrie, Oklahoma, July 31, 1926, before United States Commissioner by United States Attorney Roy St. Lewis.	
ARRESTED:		July 31, 1926. Commissioner's hearing waived by defendant, and he was placed under bond of \$5,000.00 for appearance before the Federal Grand Jury.	
GRAND JURY ACTION: Indictment returned at Oklahoma City, September 22, 1926.			
WITNESSES BEFORE GRAND JURY:		T. B. White and Frank S. Smith, Agents, Bureau of Investigation, Department of Justice, and Roy St. Lewis, United States Attorney, Oklahoma City, Okla. Statement given U. S. Attorney St. Lewis by Subject Hesser.	
<u>PENDING.</u>			
DETAILS:		<u>At Oklahoma City, Oklahoma.</u>	
No previous reports made. This was erroneously overlooked on account of occurrences happening during midst of W. K. Hale and John Ramsey trial, the detail results of which were given direct attention by United States Attorney.			
APPROVED AND FORWARDED:		DO NOT WRITE IN THESE SPACES	
WASHINGTON REFERENCE: #2.		SPECIAL AGENT IN CHARGE 62-5033-464 BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE ROUTED TO: FILE	
COPIES OF THIS REPORT FURNISHED TO: 3-Bureau 1-U.S. Atty. O.C. 2-Okla. City.		RECORDED AND INDEXED: CHECKED OFF: JACKETED:	

EW:

GOVERNMENT PRINTING OFFICE

7-1823

2268

THIS CASE ORIGINATED AT

REPORT MADE AT: Oklahoma City	DATE WHEN MADE: 10-26-26	PERIOD FOR WHICH MADE: Oct. 22, 23 and 24, 1926.	REPORT MADE BY: P.S. Smith.
TITLE: P.C. HESSER		CHARACTER OF CASE: Perjury - In connection with Osage murder cases.	
(O. C. File #74-14-1)			
SYNOPSIS OF FACTS:			
<p>VIOLATION: Perjury. Committed at Guthrie, Oklahoma, July 31, 1926, while testifying as defense witness in the matter of the United States of America vs. W.K. Hale and John Ramsey, murderers of Henry Roan, Osage Indian.</p> <p>COMPLAINT: Filed at Guthrie, Oklahoma, July 31, 1926, before U.S. Commissioner by U.S. Attorney, Roy St. Lewis.</p> <p>ARRESTED: July 31, 1926.</p> <p>Commissioner's hearing waived by defendant, and he was placed under bond of \$5,000.00 for appearance before the Federal Grand Jury.</p> <p>GRAND JURY ACTION: Indictment returned at Oklahoma City, September 22nd, 1926.</p> <p>WITNESSES BEFORE GRAND JURY: T.B. White and Frank S. Smith, Agents Bureau of Investigation, Department of Justice, and Roy St. Lewis, United States Attorney, Oklahoma City, Okla. Statement given U.S. Attorney St. Lewis by Subject Hesser.</p> <p style="text-align: center;">PENDING</p> <p>DETAILS: BEGINNING. No previous reports made. This was erroneously overlooked on account of occurrences happening during midst of W.K. Hale and John Ramsey trial, the detail results of which were given direct attention by U.S. Attorney.</p>			
DO NOT WRITE IN THESE SPACES			
APPROVED AND FORWARDED: <i>Conroy</i>	SPECIAL AGENT IN CHARGE	62-5033-44	RECORDED AND INDEXED: DEC 13 1926
WASHINGTON REFERENCE: #2	COPIES OF THIS REPORT FURNISHED TO: 3 Bureau. 2 Dept. Justice, Okla City. 1 U.S. Atty, Okla. City.	NOV 29 1926 P.M. DEPARTMENT OF JUSTICE	CHECKED OFF: DEC 13 1926 JACKETED:
		ROUTED TO: ✓	FILE ✓

OPTIONAL FORM NO. 10

2268

2
3
4
5
6
7 F.S. Smith 2.
8
9

10
11 Federal Grand Jury convened at Guthrie, Oklahoma, January 4th,
12 1926, to hear evidence in the matter of United States of America
13 versus W.K. Hale, et al - Osage murders - Subject P.C. Hesser
14 being a member of said Grand Jury.

15 AT GUTHRIE:

16 July 31st, 1926, at the trial of W.K. Hale and John Ramsey
17 for the murder of Henry Roan, Subject P.C. Hesser appeared
18 as a witness for the defense and gave testimony conflicting
19 with the facts developed before the Grand Jury, and which
20 were conclusively false, as follows:
21

22
23
24
25 TESTIMONY OF P.C. HESSER,
26 AS GIVEN IN U.S. DIST.
27 COURT AT GUTHRIE, OKLAHOMA:
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

7290

2
3
4
5
6 F.B. Smith

7
8 P.C. HESSER, was thereupon called as a witness on behalf
9 of the defendants, and being first duly sworn, testified as follows:

10
11
12 DIRECT EXAMINATION.

13
14 Q. (BY MR. HAMILTON) Your name is P.C. Hesser?

15 A. Yes, sir.

16 Q. Where do you live?

17 A. I live seven miles northeast of Stillwater; seven miles south-
18 west of Glenco.

19 Q. Were you a member of the grand jury that was called in this
20 court and assembled during the month of January of this year?

21 A. Yes, sir.

22 Q. Do you know Mr. Frank Smith, government employe, who sits just
23 over to your left?

24 A. I met him during the investigation, yes, sir.

25 Q. I will ask you to state whether or not Mr. Smith in your pre-
26 sence during the time you were here as a grand juror made the
27 statement that John Ramsey was a hard one to handle and that
28 they couldn't get a statement or any information from him until
29 they had confronted him with Ernest Burkhardt?

30
31 MR. LUKRING: We object to that. It is not fixed in place or
32 time, no foundation laid for the question as an
33 impeaching question.

34
35 MR. HAMILTON: Mr. Freeling asked the question.

36
37 MR. FREELING: The question was asked in proper form.

38
39 BY THE COURT: Let him answer.

40
41 A. I believe he made some statement. I don't know that it was in
42 that exact words or not, but it referred to that matter in that
43 way.

44 Q. (BY MR. HAMILTON) Was it that in substance?

45 A. Yes, sir, that in substance.

46 Q. Was that during the time that Smith was testifying formally
47 before the grand jury or in the grand jury room when no formal
48 testimony was being given?

49
50 MR. LUKRING: I object to that. They must lay the foundation
51 and fix the time and place when the question was
52 asked of the witness. They can't go and introduce
53 a lot of direct evidence here.

54
55 BY THE COURT: Let him answer.

56
57 A. I don't know whether I know what formal and informal testimony
58 means. It was during the investigation when Mr. Smith was
59

60
61
62 2296

giving his testimony in and talking with the grand jurors. I don't know just what you would call that exactly, whether that would be formal or informal.

Q. Were you present in the grand jury room when a purported statement of John Ramsey was brought to the grand jury room?

A. Yes, sir.

Q. I will ask you to state if that statement was signed that was brought to the grand jury room, signed by John Ramsey when you first saw it in the grand jury room?

A. The first statement we received was unsigned.

Q. Was that relating to the Henry Roan death?

A. Yes, sir.

Q. Did you see the statement and have it in your hand?

A. Yes, sir, I did, the first one.

Q. Examined it sufficiently to know it was not signed. What time of day was that when that was brought in?

A. I really don't remember the exact time of day. We examined it just shortly after adjournment, either at noon or in the evening; I think in the evening.

MR. ST. LEWIS: May I ask this witness one question.

(BY MR. ST. LEWIS: How many sheets in Exhibit J, the confession?

A. I don't know what it is.

Q. The confession, Exhibit J.

A. I don't know. I wouldn't be sure.

Q. You don't know whether it was three or four do you?

A. It was in lead pencil, a written statement.

Q. How many of the statements did you see that day?

A. That lead pencil --- I think only one.

Q. One sheet?

A. No, one statement. I don't know how many sheets it had in it.

Q. About how many?

A. It wouldn't be any more than a guess. I don't exactly know how many.

Q. That is the extent of your testimony, just a guess?

A. No, it is not.

(BY MR. HAMILTON) I hand you this instrument which has been identified as Exhibit J and ask you to look at that and examine it and tell the court whether or not that is the statement you saw unsigned before the grand jury?

A. Yes, sir, that is the statement.

Q. With the exception of the signature appended thereto could you say that is in the same condition or approximately the same condition it was when you first saw it?

A. I think that was exactly the same condition with the exception of the signature. We were informed it would be typewritten and that he would sign it, when it was first presented to us.

2292

CROSS EXAMINATION

- Q. (BY MR. ST. LEWIS) What is your business?
A. I am a farmer, preacher.
Q. An itinerent preacher. You just travel around over the country preaching?
A. No, sir.
Q. What do you mean by farmer-preacher?
A. Well, I farm for a living and preach for the good I can do out of it.
Q. Good to who, you?
A. Yes, to myself.
Q. Whatever you get out of your preaching you do it for yourself, is that it?
A. Well, principally, yes, sir.
Q. Did you vote to indict this man Ramsey?

MR. FREELING: To which we object as incompetent, irrelevant and immaterial.

BY THE COURT: Overruled.

MR. FREELING: Exception.

- A. Yes, sir, I voted to indict him.
Q. Were you satisfied?
A. I was or I certainly wouldn't have voted that way.
Q. You were under oath were you?
A. Yes, sir.
Q. To keep whatever you heard and whatever was said in there a secret?
A. Yes, sir.
Q. When did you first disclose that?
A. I didn't disclose it, to anyone excepting to Mr. Joe Casparis. I talked to him the first of the week. He came by.
Q. He was the grand juror I called down in the grand jury room----

MR. FREELING: We object to that as incompetent, irrelevant and immaterial.

BY THE COURT: Ask the question and then we will have the objection.

- Q. You were present in the grand jury room when I had occasion to call down Mr. Casparis?
A. I was.
Q. For associating with Lew Oller, the partner of Hale, and when I told him that Lew Oller bought his shave that morning.
A. I don't recall that part of it. I remember you calling him down.
Q. I told him to quit associating with Hale's partner and friend didn't I?

2293

F.S. Smith

A. I don't remember that part of it.

MR. HAMILTON: I object to that as incompetent, irrelevant and immaterial.

BY THE COURT: I think it is wholly immaterial.

A. How did you happen to disclose this to him?

A. He come by and we were talking because he said he had been subpoenaed down here, and he didn't know whether he was clear on some matters or not and he came by and we were talking the matters over.

Q. He appeared here when the motion to quash the indictment was heard didn't he?

A. I don't know.

MR. HAMILTON: I object to that as incompetent, irrelevant and immaterial. We subpoenaed him here on that date.

A. I don't know whether he appeared here or not.

Q. He has been here everyday this case has been on trial hasn't he?

MR. HAMILTON: Object to that as immaterial.

BY THE COURT: That is immaterial.

A. I never saw him from the day we left until he came to my place.

Q. Who else read this unsigned statement?

A. A number of the jurymen looked at it.

Q. Name them?

A. I don't know as I could name them or not.

Q. Was it read to the jury by any of them?

A. Sir?

Q. Was it read to the rest of the grand jurors by any one of you?

A. It seems like to me Mr. Smith read most of it to us. I wouldn't be certain.

Q. To whose attention did you call the fact it wasn't signed?

A. I don't believe I called any one's attention to the fact.

Q. Was I in the grand jury room at the time you discussed that?

A. What do you mean by that?

Q. The fact it wasn't signed?

A. I don't think we discussed that at that time, no, sir.

Q. Did you discuss it at any time?

A. No, sir. We were later given a typewritten copy which was signed.

Q. What time of the day did you get that typewritten statement?

A. Well, I think it was presented to us in the morning, but I wouldn't be certain. If it was at adjournment in the evening when we first considered it, it would have been the following morning when the typewritten statement was presented.

2389

- Q. Was that signed by John Ramsey?
A. Yes, sir, it was.
Q. Did that purport to be his confession in that matter?
A. Yes, sir.
Q. You live over around Stillwater do you?
A. Yes, sir.
Q. Do you know Mr. Springer?
A. I do.
Q. How long have you known him?
A. About 25 years.
Q. Did he talk to you about your testimony in this case?
A. No, sir.
Q. Who did you talk to first as to what you were going to testify here today?
A. I didn't talk to any one about what I was going to testify here.
Q. Do you mean to tell his honor they called you not knowing what you were going to testify to?
A. No, sir, I never said that.
Q. Sir?
A. No, sir.
Q. Tell this court who you first told what you were going to testify to?
A. I was instructed to go to Mr. Treeling this morning.
Q. Who sent for you?
A. Mr. Iwing, one of the officers came and served me with a subpoena and served me about three twenty yesterday afternoon.
Q. Who had you talked to before the issuance of that subpoena?
A. Talked to Mr. Casparis and Mr. Hamilton.
Q. When did you talk to Mr. Hamilton?
A. Mr. Hamilton come by my place. I believe it was Tuesday or Wednesday.
Q. Lawyer Hamilton here?
A. Yes, sir.
Q. Knew you had been a grand juror?
A. Yes, sir, he did.
Q. What did Mr. Hamilton say to you?
A. He asked me in regard to the fact of whether or not I would be willing to come down and testify. I told him I wouldn't unless I was properly subpoenaed.
Q. Without asking you what you would testify to?
A. He didn't ask me what I would testify to. He remarked as he went off he was trying to get all the facts of the case.
Q. As a minister of the gospel do you tell this court they subpoenaed you here and you did not tell them what you were going to testify to?
A. I did not.
Q. Until right now?
A. Yes, sir, I did not tell them at no time.

F.J. Smith

8

Q. Sir?

A. I didn't tell them no time or they didn't even ask me.

Q. Did you tell anybody before you saw Mr. Hamilton?

A. I talked to Mr. Casparis and we talked the testimony over.

Q. Did you frame what story you were going to testify to then?

A. No, sir.

Q. What did you tell him you would testify to?

A. I believe I remarked I would have to swear in regard to those two confessions being presented to us, one was written with a lead pencil and one on a typewriter.

Q. How many confessions of John Ramsey did you see?

A. Just two.

Q. What did they relate to?

A. I think the same thing. One was a copy of the other was it not? The way I understand it.

Q. You saw just the one confession that was all, one was just a copy?

A. That is my understanding. I never read the typewritten statement. My understand is it was a copy of it.

Q. Do you remember a statement being read that John Ramsey made before the grand jury relative to the blowing up of the Smith house?

MR. SPRINGER: Object to that as not proper cross-examination.

BY THE COURT: It may be preliminary to something else. Overruled.

MR. SPRINGER: Exception.

Q. You positively swear there was a typewritten confession read to that grand jury do you?

A. I didn't swear it was read to them. I said it was presented to them.

Q. A typewritten confession?

A. Yes, sir.

Q. Signed by John Ramsey?

A. Yes, sir.

Q. You read it did you?

A. No, sir.

Q. How do you know it was a confession?

A. I read extracts of it I think or looked at it while other were reading it.

Q. You are sure it was a confession are you?

A. Yes, sir.

Q. It was typewritten?

A. Yes, sir, I am sure it was a confession.

Q. Lets go back to this conversation you had with this lawyer, Hamilton. What did he say to you when he first approached you?

2215

A. Mr. Hamilton used to live in our country about twenty years ago, in our country, and he came by my place on his road down here I suppose. I hadn't saw him for a number of years, and I was cutting corn for my hogs near the road, and he stopped and engaged me in conversation, asked me what I was doing, and I told him. I asked him what he was doing and he told me, and I remember he asked me if it wasn't "P.O." and I told him it was; he wanted to know if I was the one that was a member of the grand jury. I told him I was, and he asked me if I would come down to Guthrie if I was called to testify in the case, and I told him I would certainly if I was properly notified, and I believe he said, "We wouldn't expect you to come unless you were subpoenaed."

Q. What did he ask you to say he wanted you to testify to?

A. He didn't ask me what he wanted me to testify to.

Q. Didn't you know he knew he could come here and get service at any time and compel you to come down here?

A. I suppose he could.

Q. Did you think it was unusual for him to drive by in that way?

A. Well, yes, I thought it was a little unusual.

Q. A few days before this case was set for trial?

A. I didn't know when it was set only what the newspapers said.

Q. Did he tell you he knew you had been talking to Casparis?

A. No, sir, he didn't. I believe I told him Mr. Casparis had come by. I think I did in the course of our conversation.

Q. Did you tell him what you told Casparis?

A. No.

Q. What did you talk about?

A. Well, he was not there more than --- I don't suppose more than two minutes and I was busy most of the time cutting corn for my hogs, and we talked while I worked; very little conversation passed between us.

Q. How did you happen to mention the fact that Casparis had been by to see you?

A. There was one other party present during our conversation.

Q. (Question read).

A. Well, because of his mentioning the fact that he was the attorney, one of the attorneys for Hale.

Q. Who mentioned that?

A. Mr. Hamilton. I rather had him mixed up with Mr. Johnson. I knew a Christian preacher who was an attorney at Pawlaska and knew he was connected with the case, but I rather had him confused with Johnson of Fairfax. I hadn't met him for a number of years.

Q. Do you believe in oaths?

A. I certainly do.

Q. You didn't pay any attention to the one his honor mentioned to you when he told you to keep your matters secret did you?

MR. HAMILTON: We object to that question. There is no obligation

on a witness to answer after an indictment has been returned and the prisoner is apprehended. The district attorney

2277

F.S. Smith

ney evidently knows that rule.

BY THE COURT: Objection sustained.

Q. You didn't explain fully to me why you mentioned to Mr. Hamilton that Casparis had been by to see you?

A. I tried to.

Q. Just tell me again.

A. When he mentioned the fact that he was an attorney in the case of Hale and Ramsey, why, I remarked to him that Mr. Casparis had come by the other day, and I thought it was unusual, because I had never saw Mr. Casparis after we had adjourned here from the grand jury room until he came by my home. I thought it rather unusual he should come by but very glad to see him.

Q. To see who?

A. Mr. Casparis when he came.

Q. When was he at your home?

A. I believe it was Tuesday evening.

Q. What did he say to you?

A. He and I talked over the proceedings in regard to the investigation of the Osage cases that we heard during our membership as jurors.

Q. How far does he live from where you live?

A. Well, I think it is about twenty-five miles.

Q. And he came by just to have a social conversation with you?

A. He certainly did. I never had met him before from that day until then.

(WITNESS EXCUSED)

Agent F.S. Smith and former Agent T.B. White, on the night of January 6th, 1936, obtained from John Ramsey a signed statement, witnessed by Edwin Brown, Special Assistant to the U.S. Attorney General, detailing the murder of Henry Roan and his participation therein.

On the following morning, January 7th, 1936, Agent F.S. Smith and former Agent T.B. White obtained a signed statement, witnessed by Agents J.V. Murphy, C.R. Parker, John Aren and John Burger, detailing the murder of W.E. (Bill) Smith, his wife and servant girl, and his participation therein.

FACTS CONCERNING TESTIMONY
GIVEN BY AGENT F.S. SMITH
BEFORE GRAND JURY CONCERNING
STATEMENTS OF JOHN RAMSEY:

33

2298

Following his arrest Subject Hesser appeared before Roy St. Lewis, United States Attorney, and made the following statement:

33

STATEMENT OF P. C. HESSER.

By Mr. Lewis:

Q. Mr. Hesser, I understand you want to talk to me about this matter of your having testified before the court the other day relative to the confession of John Ramsey?

A. Yes sir, I expressed a desire to talk to you as District Attorney.

Q. What did you have in mind, please sir?

A. Well, I just want to show you that I made no intentional mistake whatever; if I made a mistake I did it unintentionally; I was ready to do anything I could that could be possible to assist the government in any way I could, or you as their representative.

Q. You have been advised that Mr. Donaldson was again on the stand today and made a correction?

A. I read that in the newspaper, and I think you mentioned it to me, and also heard a correspondent talk with him about it.

Q. He did go back on the stand and state that he was undoubtedly wrong and his statements as made yesterday were not so. He was honestly mistaken but he was undoubtedly wrong; that is what he testified?

A. That is what I understand by the paper.

Q. I don't believe that Mr. Donaldson did intend to be untruthful, and he did what any good man would do, just come in and admit that he was wrong.

A. Yes.

Q. Now, how do you feel about your matter?

A. Well, the Saturday when I came down here I was going to my place to preach, and I was very anxious to get away, and I made the statement believing it to be honest and truthful and thinking that I was telling just exactly as it occurred, and I still continue to think so, and Mr. Luhring, when he questioned me yesterday, he showed me that there were more than one lead pencil confession, which showed me the possibility of my being mistaken; up until then I only had remembrance of that pencil confession. I am sure I don't want to do nothing wrong in any way; I wanted to do the best and right thing to do.

By Mr. Luhring:

Q. I tell you where you made the mistake: Yesterday on cross-examination I showed you the Smith statement, and you said that was signed and read to you; that the witness Smith had both statements with him at the time, one referring to Henry Roan had been signed but the one referring to Wm. E. Smith had not been signed. The truth of the matter is that the statement from Wm. E. Smith was the last statement that had

2280

7
8
9 been taken from John Ramsey, and therefore it is an easy
10 matter to show to the jury where you don't know what you are
11 talking about.

12 A. I realize how it had been seven months and such a volume of
13 business and so many things happening, of course I can very
14 easily be mistaken; but I was swearing positive because I
15 thought a positive question demanded a positive answer.

16 Q. I tell you what I am more concerned in than anything else
17 is the reason that prompted you to do it; the men that talk-
18 ed to you before you swore, the men to whom you first told
19 the story; you did then know what you were going to testify
20 to before the grand jury. That is the important thing.

21 A. I would just be glad to answer any question you ask me.

22 Q. But you didn't answer them very fairly to us when we were
23 asking you there. You said the lawyer came out to see you
24 and was not talking about this case at all. Did this lawyer
25 talk to you about your testimony. Mr. Hamilton?

26 A. No sir, he did not ask me about the testimony any further
27 than asking me if I had talked to Mr. Kaspares; he did not
28 ask me in regard to my testimony, no sir.

29 Q. Did you get the impression or understanding that he had sent
30 Kaspares out there to see you?

31 A. Well, I hardly thought that, no sir. It was the first time
32 I had ever met the man and really took me by surprise, and
33 I didn't want to be a witness, and I just appeared to answer
34 him any way to get rid of him.

35 Q. The first you heard of an unsigned statement of John Ramsey's
36 you heard from Kaspares, he informed you of it. Let's be
37 honest with each other.

38 A. Well, he and I talked it together.

39 Q. He mentioned the subject to you first, didn't he?

40 A. Well, I think he must have.

41 Q. He says, now, you know there was an unsigned confession of
42 John Ramsey also before the grand jury, didn't he?

43 A. Well, I wouldn't -- from his words -- I just talked with
44 him a little while, and he and I didn't entirely agree for
45 the reason I thought there was one signed and he said there
46 was one unsigned.

47 Q. He didn't take any part in the grand jury proceeding like
48 you did, did he?

49 A. I remember he took a rather conspicuous part with one or two
50 witnesses, especially this man Dewey Selph; he asked him
51 some questions.

52 Q. No, did he ask him questions?

53 A. Yes, I think he asked him a few.

54 Q. That is true; I didn't know whether he had sat by a juror.

55 A. Well, I just remember it; my memory might be at fault.

56 I am sure that I am just attempting to do the right thing.

57 Q. Well, what do you want to do?

58 A. I want you men to tell me what to do.
59
60
61
62

2286

Q. No, we can't tell you what to do. You made the sworn statement here before the jury on two different occasions, using the signed statement of John Ramsey with reference to the matter of Henry Roan, - you examined it and swore positively on two occasions that that was the statement that was introduced before the grand jury and was not signed.

A. To the best of my knowledge, yes sir.

Q. Well, you were positive about it, and I showed you the other one; I gave you the chance to see them both, and I handed you the Smith statement and I said "That statement there was not signed, was it?"; couldn't fool you, even; you would not be fooled. You remember that, and you have sworn definitely to this jury here that the John Ramsey confession concerning Henry Roan was not signed. Now what can you do about it?

A. Well, I would be glad to say to them that I could have been mistaken.

Q. What did aspares give you to swear to it; did he offer you any money or tell you there would be something in it for you?

A. No sir.

Q. He came all the way to your place to talk to you, didn't he?

A. I didn't really meet him at my home. Let me tell you how I met him: There is an oil well being drilled just south of my place. My wife and I had been to town; coming home stopped at the oil well to find how the oil well was coming along, how they were progressing. Mr. Kasparis and one of my sons drove up in a car, in Kasparis's car.

Q. One of your sons?

A. Yes sir.

Q. Let me ask you about that. How long had your son known Kasparis?

A. Never had seen him before in his life.

Q. Never had?

A. No sir. And my son told me there was a man wanted to see me, he rather thought perhaps it was an oil man or something, there had been a good many there; and the boys go frequently down to the oil derrick; and Mr. Kasparis expressed a desire to go to the oil derrick, I don't know how he come to go down there, but I met him there, and I got out of the car and discovered Kasparis, shook hands with him, and he told me that he wanted to see me a little bit and to talk to me about the grand jury proceedings, and I said well --

Q. What day of the week was this?

A. I believe that was on Tuesday.

Q. Do you remember what day it was? This case began on the 26th of July.

A. This must have been the 27th, as near as I can determine; the 27th day of July.

Q. Was that the day after the trial commenced here that he saw you?

A. I don't know a thing about the trial, I was not keeping up with the trial, I didn't pay much attention, tried to dislodge it from my mind. It was on the 27th day of July, and he talked

2282

Probably, - I wouldn't be sure about the time, probably ten minutes; my wife sat in my car during the conversation and she was only a little piece from us and she got impatient to start home and started the car, and I went over and joined her and I drove home, and Kasparis left.

Q. This was at the oil well?

A. Yes sir.

Q. How far was that from where you live?

A. Just a half mile from my home; he had been up there hunting for me.

Q. Did he tell you where he lived?

A. I knew where he lived, or I had found out where he lived.

Q. How far from where you live, approximately?

A. I don't want to be just certain about this, but I preach at a little point called Sumner, and that is near the Otse country, where he has cattle, and while visiting at a man's home at the time by the name of Sheppard we went over to Otse to look after his stock in the pasture Sunday afternoon, and there was a dwelling house adjoining his land, and he informed me that they were Kasparis and another party stayed there.

Q. How far is that from your home?

A. Well, that is, it is in the neighborhood of 20 miles, between 25 and 30 miles, to just guess at it.

Q. What sort of an automobile did he have?

A. When he came to the well?

Q. Yes.

A. He had a Ford coupe, rather old.

Q. What time of the day was it that you saw him at this well?

A. Well, sir it was about, - I had no occasion to look at the time before.

Q. Just give an estimate.

A. It was probably between 4 and 5 O'clock, I would say.

Q. Did he say how long he had been waiting for you at your home?

A. No sir, I didn't ask him.

Q. And you discussed this grand jury proceeding at the well?

A. Near the well, we were not at the well.

Q. And when that was over with you went your way and he went his way?

A. Yes sir.

Q. You saw him again, didn't you?

A. Not until I came down here.

Q. How soon after that was it Mr. Hamilton came out there? This happened on Tuesday.

A. I believe it was on Thursday evening, rather late; yes, Thursday evening, rather late, when Mr. Hamilton came out.

Q. Was there anyone with Mr. Hamilton?

A. Yes sir, there were two young men in his car, and my boy informed me that one of them was Mr. Hamilton's son; I did not meet the young men, and didn't have occasion to speak to them, but my boy engaged them in conversation while Mr. Hamilton engaged me in conversation. My son and myself and my nephew,

2283

who is a man just about my age, had gone down to feed our hogs, and I was cutting corn to feed them when he came up.

Q. You were then in the field with your nephew?

A. Yes sir.

Q. What is the name of your nephew?

A. John R. Hesser.

Q. Who called you from the field?

A. I wasn't called from the field.

Q. Did Mr. Hamilton come down to the field where you were?

A. He and my nephew came in company one with the other.

Q. You were alone in the field cutting corn?

A. Well, I suppose you would call it alone; I wasn't very far from my nephew; he just went to the fence near where I was cutting the corn to throw it over; he is a school teacher and was attending summer school.

Q. How far from the house were you cutting corn?

A. From my home or from any house?

Q. Mr. Hamilton drove up to your home to see you, didn't he?

A. I don't think he went to my home; he came to this point where I was cutting corn, that is on the public road near a little tenant house that I have, and I think he stopped there, although I wouldn't swear positive as to whether he stopped at my home.

Q. Is this tenant house on the road to your home?

A. Very near.

Q. From the way he was going---

A. I don't know how he was going.

Q. Which way was his car headed?

A. His car was headed towards the west when I saw it.

Q. Was it headed towards your home or away from it?

A. Yes, it would rather indicate it was headed towards my home.

Q. Do you know, as a matter of fact, whether he was at your home or not?

A. No sir, I don't believe I asked him.

Q. Did you ask your wife?

A. I don't think that he was there, but I wouldn't be right positive; he wasn't there to my knowledge.

Q. Did you go out on the road to talk to him?

A. No sir, I didn't; he followed me in the field.

Q. He came to the field?

A. Yes sir.

Q. Was any one present when he talked to you and heard his conversation?

A. My nephew was there and I think heard all the conversation.

Q. And what was the first thing Mr. Hamilton said to you?

A. Well, he first introduced himself.

Q. What did he say?

A. Well, I think he called himself by name, Hamilton, and gave his initials, but I don't remember the initials, and I --

Q. Did he tell you what his business was, whether he was a lawyer?

A. I don't believe he made any explanations, but I thought --
was a candidate; there was several at our home, and I so ap-

2284

preached him as a candidate.

Q. What did you say when he introduced himself?

A. Well, I said, I believe you are too late because I have already promised my vote to the other fellow, and I had already met --

Q. What office did you think Mr. Hamilton was running for?

A. State Senator from Payne and Creek Counties.

Q. What made you think he was a candidate? Did he look like this other man or anything like that?

A. I had never saw the other man, but I just got confused on the names, I guess.

Q. What did he say next?

A. I think then he informed me that he was counsel for ~~xx~~ Hale.

Q. What did you say then?

A. Well, I don't really remember just what I said say hardly.

Q. Now, go ahead and tell, in your own way, just as nearly as you can, what conversation you had with Mr. Hamilton out there.

A. I hadn't as yet quit cutting corn, and my nephew said, "I will cut the balance of the corn while you talk", and I said "No, I am just going down," and I came to the fence and threw the corn over the fence, and we talked there at the fence, just a few words, and he asked me if I was P. C. Hesser and I told him that was my name. He wanted to know if I was a member of the grand jury last winter that investigated the Osage Indians, I believe, and I said yes, we had it under consideration, some of those Indians while I was a member of the federal grand jury at Guthrie, Oklahoma, and he asked me, I believe, if I knew John Kasparis, or some way he introduced Kasparis' name into the conversation, and I told him that I got quite well acquainted with all the jurymen and he was among the jurymen; he wanted to know if I had seen him lately and I said yes, he was there and talked to me just the other day.

Q. Did he ask you what was said between you and Kasparis, what you said?

A. I don't believe he asked me in regard to what was said, I don't know just how he did bring it out, the fact that --.

Q. Well, the conversation between you and Kasparis was discussed, was it not?

A. I don't think any of the conversation was talked, as I remember it, but merely the fact that he had been there and had talked to me, and I so informed him that he had, and he asked me, I think, if I would be willing to go as a witness to Guthrie on behalf of the defense, and I answered him "Not unless I was compelled to by procedure of subpoena", that I didn't want to be a witness in the matter in any way.

Q. Just what was it you were to testify to for the defense? Why did he want you as a witness?

A. I don't think he-- the only thing that he ever indicated to me that he would like me to testify to something was when he started off, he said, I don't know that I can word it exactly like

he said it - he said, You know you are a man of honor and we would like to have you testify, - some sort of a flattering remark about me; I took it to be such, Mr. Lohring.

Q. All right, now. Naturally you told him that you did not know anything to help the defense, didn't you?

A. Well, I just merely told him if I was compelled to testify I would have to testify to the truth as I knew it.

Q. You didn't want to testify you told him?

A. No, sir, I didn't.

Q. Now, let's not have any misunderstanding between us here. I have been practicing law for twenty-five years, Mr. Leahy for much longer, and I think we know something about human nature and know lawyers, and this lawyer didn't go to your place and ask you to be a witness for the defense without knowing what you were going to testify to, or talk to you about your testimony. If you want to be fair I want you to tell the truth.

A. I know that; I have told everything I know.

Q. Tell me what Mr. Hamilton told you about what your testimony should be.

A. He didn't ask me. I said he made some flattering remark about me testifying there, and I told him I would sure do it if I was going down; I worked at home and I said "Please don't have me to go on because that interferes with my business."

Q. Now, let us go back to your conversation with Kasperis at the well. Mr. Kasperis had some motive, some purpose in driving 30 miles to see you to talk about that grand jury proceeding. I want to know just what he said to you and you said to him.

A. Well, we talked about three cases, I remember in particular, just a little; we talked about this case, and we talked about the case, and we talked about the case at Enid, where a forged money order or check was involved.

Q. And what was the other one?

A. I knew the other one but it has slipped my mind now.

Q. You don't remember it now?

A. Not at the present time.

Q. What reason did he give you for wanting to discuss these proceedings with you?

A. Well, I think he said that he was about to be a witness or had been a witness or expected to be a witness again, I don't know for sure, but it seems to me like he said he was to be a witness and he wanted to discuss it with some body to be certain he was correct.

Q. Let's get down to the point where he talked to you about the unsigned confession of John Ramsey. Go ahead. What did he say?

A. I think he asked me if I remembered in regard to the confession of John Ramsey. I don't know if that is the first question that he asked or not; I just declare, at the time I didn't give it a serious thought.

228

- Q. Let me ask you this question: Wasn't the first suggestion that there was an unsigned confession by John Ramsey made by this man Kasparis to you?
- A. I think perhaps there were, yes sir; I would have to say he talked of that, but we didn't agree as to it entirely.
- Q. I want you to be certain about who first suggested that there was such a thing as an unsigned confession of John Ramsey before this grand jury. I want you to be certain.
- A. In our conversation?
- Q. Yes, with Kasparis.
- A. Well, I am just sure that he asked me about it; I had no occasion to ask him about it, never interested in it in any way, and I am sure he asked me about it.
- Q. He told you then that there was an unsigned confession?
- A. Yes sir, he did. Yes sir, he believed there were one.
- Q. And what did you say?
- A. Well, I said I thought they were both unsigned; I think there were maybe the one signed and one not signed.
- Q. Was that the disagreement you had with him?
- A. Yes sir, that was the disagreement, that is one of the places where we disagreed and I think at the one place in particular.
- Q. Did you agree with him at that time that there was an unsigned confession by John Ramsey?
- A. Well, yes I think I did.
- Q. When he first mentioned it to you didn't you say you were not sure, you didn't know?
- A. No, I think I remembered it that way, Mr. Lohring, probably not thinking, it might have influenced me a little, just quickly in my mind.
- Q. In other words, did he attempt to persuade you into the belief that there was an unsigned statement by John Ramsey?
- A. I wouldn't know what persuasion would mean unless you would say why his making the statement would tend to make us believe it, that might have influenced me some, of course.
- Q. Mr. Kasparis told you positively that he knew that there was an unsigned statement by Ramsey, didn't he?
- A. Yes sir, I think he was pretty positive in his remarks.
- Q. He had a copy with him of John Ramsey's confession, didn't he?
- A. Not that I know of, no sir.
- Q. Didn't you see one?
- A. No sir.
- Q. Didn't he undertake to tell you what was in that unsigned confession?
- A. No sir.
- Q. He mentioned it was Henry Roan's case, tho, didn't he?
- A. Yes, he gave me to understand it was in reference to this case.
- Q. When you said you thought there was one signed and one unsigned statement presented to that grand jury did you have reference to any confession in the Roan case?
- A. Well, I think I just remember that confession, that one was un-

287

signed in reference to the Roan case and one signed.

Q. Did you discuss whether there was an unsigned confession in the Smith case?

A. No sir, I don't think we discussed the Smith case.

Q. But you knew there was a confession in the Smith case, didn't you?

A. I didn't call it to memory at that time, no sir.

Q. You didn't argue with him that the confession was unsigned in the Smith case?

A. No sir, we didn't discuss the Smith case at all.

Q. And then he asked you if you would be willing to swear to what he said to you?

A. I believe he asked me what I would do if I was called on to swear.

Q. What did you tell him?

A. I told him I would. ---

Q. Did you tell him you knew and could recognize and identify the statement that was presented to the grand jury?

A. No sir.

Q. How did you happen to identify that in the court room?

A. Well, I couldn't answer that; from my remembrance, I suppose, and I read it and looked at it pretty thoroughly, at the first part. You men always called out attention to the fact that these men were not, that they would have no promise, and that always was included in each confession, and you always called our particular attention to that, and that being one of the first paragraphs, --- they were some markings on the edge of the paper, I remember it, and I rather identified it from that fact, and then from part of the writings; I read some of the paragraphs, I know, and I think probably I read it about all.

Q. You remember the Smith statement I showed you there, started out by referring to the confession in the Roan case?

A. Well, I didn't pay so much attention to the written Smith confession because you had Burkhardt on the stand and I thought that he was telling a straightforward story and I believed what he was telling and I just naturally didn't care so much for a confession as I did for his statement.

Q. Do you recall now whether or not he did present to the grand jury an unsigned statement purported to have been made by Ernest Burkhardt?

A. Well, I don't know so sure whether you did as to Ernest Burkhardt or not. I have had this thing on my mind so much, I just declare I am just ready to say --- so many confessions and so many things I just can't get them straightened out in my mind.

Q. You remember we had statements from Dewey Selph, Cole, - we had only a few statements?

A. I think I remember quite a little of the Selph incident.

Q. Did they ask you, Gasparis or anybody ask you yesterday if you

2288

didn't hear me tell Dewey Selph that the government had already looked after him and we would take care of him if he came through?

A. I don't believe that was the exact wording; he asked me if I remembered about your promising Dewey Selph something, your trade to Dewey Selph, "We have done you a lot of good and can do you a good deal more" - something like that.

Q. When did Kasparris ask you that, at the oil well?

A. No, sir, here, yesterday.

Q. Did Kasparris tell you that he had heard me say that?

A. I don't know if he just made a positive statement, but I think he gave me to understand he heard you say it.

Q. Do you know why he didn't swear that I said that?

A. No sir, I don't know a thing about it.

Q. Did you hear him talk to Mr. Donaldson?

A. No, I don't believe I heard him talk to him.

Q. Were you present when he was talking to Mr. Donaldson about these confessions and what happened before the grand jury?

A. No sir, I don't. This conversation, as I remember it now, took place after Mr. Donaldson came out of the witness room, and Mr. Kasparris and I talked just a little bit about it, and I don't know - they seemed to think probably we might be called upon to testify in regard to it because Mr. Donaldson had made some testimony in regard to it.

Q. You told Kasparris you didn't hear me make that remark, did you?

A. I told him I didn't hear you make that remark. I heard some remarks made by jurors about Dewey Selph, and he strenuously denied that he made the remark; I think he asked him one or two questions, because he asked him if he was a relative to the other Selph. My memory may be wrong, but I think I talked to Dick Gregg and I think Mr. Kasparris talked to Dewey some.

Q. Did Mr. Kasparris tell you that he heard me make that remark?

A. I don't believe I could swear positive that he said he heard you, but he left the impression that he heard you make it.

Q. Can you tell me just about what he said to you about that?

A. Well, I hardly know just how it came about, but we were sitting around there and laying around; I didn't know any one else only Mr. Kasparris and Harry Donaldson, and we engaged one another in conversation, and at this time he just approached me about the Dewey Selph incident and if I recalled it to memory, and I told him I thought I remembered Dewey Selph all right, but I didn't remember much about the incident that happened; I knew there was some talk between the jurors and the convicts and between the government officers and the convicts, I remember some of the jurors asked them what they expected to get, I don't know but what I did myself, Dewey Selph.

Q. At your conversation there did Mr. Kasparris tell you that he had already seen Mr. Donaldson and talked with him about it?

2286

A. I would not be positive; I don't believe he said he had saw anybody about it; I think he lead me to believe he had not talked to anybody, and he wanted to talk to me, he wanted to be right, he wanted to do the right thing and wanted to talk to me for that purpose. That is the impression I took.

Mr. Lewis:

Q. You asked Dick Gregg if he knew Paul Jones?

A. I think I asked him some questions.

Q. You asked him when he got acquainted with Bill Hale?

A. Yes sir.

Q. And you asked him "Did your father know him before you did?"

A. I remember Dewey Selph, asking him a few questions. I would like to make this statement: Being a minister I tried to forget as much of this as I could because it has no part in my business. I fully expected to ask to be excused when we came here, and the Judge, if you remember, requested that every man who could possibly do so serve, because they were only just enough who answered, and I didn't ask to be excused; and then after this was over I tried to dismiss it from my mind and forget it and go about my business.

Mr. Leahy:

Q. What is your judgment now after looking over this record as to whether you were in fact mistaken?

A. Oh, I certainly was mistaken; there is no question that I was honestly mistaken; I don't think there is the least doubt I was mistaken. I am not doubting the testimony I examined here, but I had not been permitted to examine anything; I was only swearing from my memory.

Q. Would you like to have a chance to go back on the witness stand and make a correction?

A. I think that would be the proper thing in view of the importance of the facts that have a bearing on the matter, and I want to do the right thing at any time that I can.

Q. You see the importance of this to this effect: that if the jury believes your statement that the John Ramsey confession was before the grand jury unsigned they won't believe the statements of Smith and White and Brown and Bailey.

A. You see, I didn't understand it made a bit of difference in the world if one was signed or one unsigned.

Q. The other contention is that this statement was brought to him already prepared for his signature; that is where the importance of it is.

A. I don't understand law at all; didn't have the least idea of the importance of the testimony that I was giving.

5-27(1)

Mr. Luhring:

- Q. How are you going to explain that on two occasions you saw this particular written statement and swore positively on each occasion that that was the particular statement that was presented to the grand jury, and when it was presented by Mr. Smith it was unsigned?
- A. I don't know any way to explain it only this, to say I was mistaken, honestly mistaken.
-

Date for the trial of defendant Hesser will be set at the January 1927 Term of the United States District Court, and will likely be tried at that term.

- PENDING -

62-5033-664

December 11, 1926.

I am attaching hereto copy of a report submitted by Agent F. S. Smith, at Oklahoma City, Okla., concerning P. C. HESSER, charged with perjury on account of his testimony in the trial of United States versus William K. Hale and John Ramsey, convicted of the murder of Henry Roan, Osage Indian.

This report is forwarded as of possible
interest to you.

Very truly yours,

Director.

Inc. 252534.

FILE
ONE
TWO

FILE DESCRIPTION

BUREAU FILE

SUBJECT Boage Indian Murders

FILE NO. 62-5033

SECTION NO. 15

SERIALS 465 - 470

4/11/46 - 4/11/46
4/11/46 - 4/11/46

(112)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

Assistant

rom
ney General Luhring

to

Official indicated below by check mark

Memorandum

Attorney General
Solicitor General
Assistant to Attorney General
Assistant Attorney General Galloway
Assistant Attorney General Marshall
Assistant Attorney General Willebrandt
Assistant Attorney General Letts
Assistant Attorney General Parmenter
Director, Bureau of Investigation
Mr. White
Mr. Finch
Mr. Baldwin
Mr. Sornborger
Mr. Reeb
Mr. Ridgely
Mr. Parrish
Mr. Wixson
Mr. Fisher
Mr. Ramsey
Miss Linton
Mr. Chase

Here is the
Statement of
no money made
to Treeling & Harvards
his att. U.S. att.
Tewles sent to him

What do you think
about having a
copy made and
sent to him?

62-50000-10000

62-50000-10000

62-50000-10000

62-50000-10000

62-50000-10000

62-50000-10000

62-50000-10000

62-50000-10000

62-50000-10000

62-50000-10000

62-50000-10000

62-50000-10000

62-50000-10000

Statement of John Ramsey made to J. I. Howard
and C. E. Freeling, at the County Jail at Oklahoma
City, on Tuesday, November 9th, 1923.

At that time, John Ramsey stated that he would be glad to make a statement if he thought it would be of help to Mr. Hale. Both Mr. Freeling and Mr. Howard stated to him that no possible statement he could make would be of any benefit to Mr. Hale if it were not the truth, but that if he made a truthful statement with reference to the killing of Henry Roan was killed at the place where his body was found, on Monday evening, January 29th, 1923, about 8:30 at night. That Curley Johnson shot and killed him, and that Ernest Burkhardt and himself were nearby, and that the arrangements had been made by Roy Bunch, but who was in the town of Fairfax at the time. In support of this, he made the following detailed statement:

That some time in the summer of 1922, the exact date I cannot remember, Curley Johnson, myself and Hank Kidder drove from the town of Ripley to Whizbang, in Osage County, and went to the hotel of Seth Lewis, where I went to bed soon after reaching there. Curley Johnson did not come to bed until early the next morning. We let Kidder out of the car just before reaching Whizbang. The next morning I got up about 8:00 o'clock, and went to a cafe for breakfast, and while there I heard of someone being hi-jacked the night before, about \$30.00 being taken in the holdup. I then went back to the room at the Lewis Hotel about 10 o'clock, and found Curley Johnson in bed, but awake, and I picked up the trousers of Johnson, and was fumbling around in the pockets, and I asked Johnson about the hi-jacking the night before, and told him I thought I ought to have \$30.00, or the \$30.00 that he got in the holdup. Johnson made

1294

no reply to this, but in a few minutes he gave me some money, and I went and got a half pint of whiskey and he and I drank this whiskey. Curley Johnson then stated, while still in the bed room at the Lewis Hotel, that he had a chance to get some long money for knocking off an Indian, but that he had to have some help to get this Indian, out of the country. That this Indian lived at Fairfax, and that he (Curley Johnson) was not welcome in Fairfax. Johnson further said that Burkhardt and Roy Bunch wanted this Indian (Henry Roan) knocked off, and stated that there was \$5000.00 in it for whoever would do the job, and Johnson wanted to know if I knew Henry Roan, and I said yes, that I had known him a good many years. Johnson then said that I tell him out of town and that he could then knock him off, and they could make this money. Johnson went into considerable detail as to why Burkhardt and Bunch wanted the Indian killed. I suggested that either Bunch or Burkhardt could get him out, and that I was not going to tell an Indian or anyone else off to have him killed. Johnson said, no, Roy Bunch was playing Henry Roan's wife, and that he and Roan were on shooting terms, and were not on speaking terms, and that Bunch could not approach him, and that Ernest Burkhardt didn't have the nerve to do it. I said that I didn't have the nerve to take a man out in the country, thinking he was going to get a drink and have some one kill him. That substantially ended the talk with him at that time, and I remained there a day or so, and either went to Ponca City or to Henry Grewman's.

Some time later I saw Ernest Burkhardt at McInroy's pool hall at Fairfax, saw him either in the pool hall or just in front of it, and Burkhardt asked me how I would like to have a little drink. I said fine if it is not too little. Burkhardt then pointed to his car sitting right in front of the drug store

2295

12 next to the pool hall, and said for me to get in the car.

13 and I went and took a seat on the front seat of his car.

14
15 Burkhart went back in the pool hall, and in a few minutes
16 came back out with Roy Bunch, Burkhart taking the driver's
17 seat, and Roy Bunch getting in the back seat, and the three
18 of us drove out to Bill Trent's hay meadow and went about
19 three quarters of a mile north of the road and into a
20 little swag. There was a gallon jug of whiskey hidden in
21 the tall grass, and we all took a drink from this jug, and
22 then Bunch walked away a short distance, and Burkhart asked
23 me if Curly Johnson had mentioned the deal to me, and I said
24 yes he had mentioned something about it. Burkhart asked me
25 what I thought about it, and I said I had not thought much
26 about it, that that was not in my line of work. Burkhart
27 said well it's a cinch. It is just like falling off a log;
28 that that Indian would follow a man to hell for a drink of
29 whiskey, and that Curly Johnson was rearing to turn the trick
30 if he could get someone that knowed him to get the Indian out
31 of the country. Burkhart said that there would never be a
32 rumble over the killing, that Bill Hale had a life insurance
33 policy on Roan, and that Roy Bunch was in love with Roan's
34 wife, and that one or the other of them would be charged with
35 the killing, but that both could prove an alibi. I told
36 Burkhart I would give the Indian a drink whenever I saw him
37 and he wanted one, but that I would not take him into a decent
38 trap. Burkhart said if I would take him out to where Curly
39 Johnson could kill him, he would pay me \$2000.00 as soon as
40 it was done. Burkhart and me talked 15 or 20 minutes, and
41 would up by me telling him a story about some cowboys figuring
42 on holding up a Santa Fe train, and about talking with Charlie
43 McCarty about it, and Charlie McCarty said he didn't want in
44 on any train robbery, but if they wanted to do it, to go ahead.

2296

and he would never say a word. Burkhart also told me that Bunch would pay \$5000 to Carly Johnson as soon as he could get it out of the squaw. Bunch came back and joined the two of us, and said that he could pay as soon as he married the squaw and could get his hands on some of her money. This trip was made about good dark or a little after, and it was still warm weather, probably late in the summer of 1922. Bunch, Burkhart and myself then took some more drinks out of the jug, and left the jug at the same place and drove back to Fairfax and got out at the pool hall. I think I saw Carly Johnson again before I saw Burkhart. I again talked the deal over with Burkhart a number of times, in fact almost every time I saw Burkhart the deal was mentioned, and the same was true as to Hoy Bunch.

Some time later Burkhart bought a gallon of whiskey and said he was going to take it and place it where I could have some whiskey to furnish Henry Roan, and also have some to drink myself when I came there. Burkhart took this gallon of whiskey and tied a baling wire to the jug and let it down in an old oil well on a dirt road something like a mile southeast from Three Mile Canyon, east of Fairfax, and told me where it was, and Burkhart and I went out there and filled a pint bottle and put it under a rock in a dry branch nearby, and shortly after that I took Henry Roan out there and gave him some drinks out of the bottle, and when Roan left going towards Grayhorse, I went back to the oil well and refilled the pint bottle and put it back in the same place.

After Burkhart and I had gone out in this venture and had taken some drinks out of this jug, and after I had filled a pint bottle and put it under the rock in the little drain which was dry, I saw Ernest Burkhart at Fairfax and he asked me if I had seen Henry Roan, and I told him no, and he said Henry Roan was roaring for a drink, and that he had told Roan I would get him a drink if he could see me, and said Roan was very anxious to see me so he could get a drink, and

2297

I did see Roan in Fairfax shortly after that, and took him out there and gave him a drink out of this pint bottle. The next time I saw Roan at Fairfax, he again asked me for a drink, and I told him he would have to go to the same place in this pasture, and that he would find this pint bottle in the same place where we had taken a drink a day or two before. The next time I saw Roan he told me he had gone out there and got the pint bottle of whiskey.

The next time I went with Roan was out in Round Mound pasture south of John Dilliner's, where the whiskey was hid under a flat rock, and I couldn't tell him just where it was. It was my whiskey, but was given to Henry Roan as a part of the deal by which I was to furnish Roan whiskey whenever he wanted it, and following this up, every time I was in Fairfax and would see Burkhardt, I would talk with him about the killing of Roan.

The third time I furnished Roan whiskey in person, was about the same place where he was killed. Curly Johnson had six or seven gallons hidden in this ravine, and had told me about it. Roan and I went out there, and Roan left his car on top of the hill, and we drove down under the hill in the car I was driving, which was a Ford coupe, as it was before I bought my car. This was about two months before the killing of Roan. I let Roan drink whiskey out of a beer bottle filled with whiskey and placed there by Curly Johnson. The whiskey was in a little draw, and when we drank the whiskey, I threw the bottle down in the draw.

A day or two after the gallon of whiskey was placed in the oil well, Burkhardt, Bunch and I went out and pulled up the jug and took several drinks therefrom. I do not recall the exact conversation, but the general run of it was the killing of this Indian. This trip was suggested by Burkhardt. An hour or two after supper that evening, he said let's go out and get a drink, and the three of us drove out there and he pulled up

2298

the jug by the baling wire. This trip was before I had given Roan any of the whiskey out of this jug. Bunch said that he wanted this squaw and had made up his mind to have her, and that he and Roan were on killing terms, and that unless Roan was killed, it would mean a divorce between Roan and his wife, and that if there was a divorce, that Roan would take Mollie Burkhardt, as he was in love with her, and Burkhardt also stated that if there was a divorce, Roan would take his wife.

In the first talk I had with Bunch, I told him that if he was afraid Roan would kill him that he could kill Roan much better by doing it some other way, that he could get two or three friends that he knew he could trust, and could meet Roan right in the town of Fairfax at a time when he knew Roan had a gun, and then he could blast him and plead self-defense. I told Bunch to be sure that Roan had a gun before he pulled this kind of a stunt, and that would best Bunch's way 400 different ways. Bunch said he didn't want to do it that way. Burkhardt again said that Roan would take Mollie away from him if he ever lost Mary. I again told him I was not favorable to tolering this Indian offi and making him think he was going to get a drink and then having him killed. At the time we were at the oil well taking a drink, Bunch and Burkhardt talked about getting me a car if I knew where I could buy a good second-hand car, that it would be lots of help to me in going out and meeting Henry Roan. I told them if I ever got a car I was damn sure going to bet it myself and not have anybody else mixed up in it. The testimony as to how I got the car and how it was paid for, which I testified to in the trial, was absolutely true, and the testimony of Fred Lindell and his wife and Mrs. Henderson was true. My testimony about my financial transactions with Bill Hale was absolutely true, and Hale had nothing in the world to do with buying the car, and knew absolutely nothing about the deal or with my giving Roan whiskey. I would get whiskey from Burkhardt on different occasions

2299

to give to Roan, one time a half pint in his barn, another time a pint in Trent's madow, and another time a pint under a culvert on the Ponca City road west of Fairfax. I took this whiskey on each occasion and gave it to Roan as directed by Burkhart, as a part of the deal that I would place whiskey at certain designated points and tell Roan where it was so he could get it, sometimes in Sol Smith's pasturo, sometimes up the railroad track, and other places. I suppose I furnished him whiskey in this way at least twenty times.

While these negotiations were going on, some time before the death of Roan, I saw Burkhart at Mainroy's pool hall in Fairfax, and he asked me if I would give Curly Johnson a gun. I said I would, and Burkhart got a 45 Colts automatic and brought it and gave it to me in the telephone booth in the pool hall. I put the gun in my pocket and started for my car at Spurgeon's Garage, and in the street just south of the First National Bank, I saw Harry Corbett, I think he came from behind and overtook me, and told me that if that was a bottle causing the bulge in my clothes, I had better get rid of it or would cause me trouble. I told him it was a gun and that I was going to the gara-o to put it in my car, and I did put the gun in my car and kept it there until I gave it back to Burkhart the night Roan was killed. After this I went to Ripley and did not see Curly Johnson until Burkhart and Jahhson came to Tipley a week or two later. When they came to Ripley they were in a red bulck automobile of Bill Hale's. They came from the south,

~~As they drove in, Burkhart honked his horn and I paid no attention to it, he then drove up by me and asked me if the gun was handy, and I told him not right handy, that it was in the car down at the barn and the barn was locked. Burkhart said all right, he would get it later. Burkhart spoke about a farm, and I told him I would be up in a few days and look at it. This talk about the farm was a stall, and was so understood by Burkhart and me.~~

As they drove in, Burkhart honked his horn and I paid no attention to it, he then drove up by me and asked me if the gun was handy, and I told him not right handy, that it was in the car down at the barn and the barn was locked. Burkhart said all right, he would get it later. Burkhart spoke about a farm, and I told him I would be up in a few days and look at it. This talk about the farm was a stall, and was so understood by Burkhart and me.

4302

The following Sunday I went to Fairfax, taking my wife with me, which was two or three days later, and we stopped at J.O. Irons'. I did not leave the house during the day, and about supper time, while the folks were at supper, I called Burkhart over the phone and told him I was there and ready to look at that farm. Burkhart said all right, that he would see me the next day. The next day Burkhart drove by Irons' house a time or two, and I went out in the yard and talked to him. Burkhart said that the Indian had been missing several days, and that Roy Bunch was then out looking for him. Later on I went to the post office with Evelyn Irons, and Burkhart came out of the postoffice and came to my car and wanted to know if I would be down town that night. I told him I would be or else would be at Irons'. Burkhart called the Irons residence after supper, and as I recall, Hazel Irons answered the telephone and called me to the phone. Burkhart asked me if I could come down right away. I said yes, and asked him where he was and he said at the pool hall, but for me to meet him in the alley between the Ross Cafe and the lumber yard. I drove down right away, and when I reached the alley, Burkhart stepped out and asked me if I had that gun. I said I did, and Burkhart got in the car and told me to drive to Main street and turn south, which I did, driving to the south end of Main street where the Texaco filling station is now located, and turned west. Just after turning west, Burkhart said for me to let him drive, that he could drive faster, and he skinned over my lap and drove. As we were leaving town, Burkhart said that Bunch had just come in from Henry Cornatt's and that Curly Johnson had Roan out in Col Smith's pasture, and wanted Burkhart to get him a gun as soon as possible, as Johnson didn't have a gun with him. Burkhart drove quickly to the top of the big hill in Col Smith's pasture, and we saw the Ford car of Curly Johnson about 100 yards east. Burkhart stopped the car right

W. B. G. 1

in the road opposite the place where Moan was killed, and left the car, taking the gun with him when he got out. We walked to the car of Curly Johnson. When we got to his car, Burkhard whistled, and Johnson whistled from down the hill. Burkhard and I went down the hill, and found Henry Moan and Curly Johnson on the left side of the car. Both had been sitting on the running board, and one or both got up. They had a gallon jug of whiskey there, and when we walked up, one of them said "Where are the girls?" This was the first I had heard of any girls in connection with the deal, and Burkhard answered and said they were coming out in his car. This was on Monday night, a week and one day before the body of Moan was found. We all then took a drink, and Burkhard, Curly Johnson and myself passed around to the rear of the car, leaving Henry Moan on the left side, and Burkhard quickly passed the gun to Curly Johnson, and we came back around the car and took another drink, and Burkhard said we had better be getting out of there, as the girls would be coming, and Burkhard and I started walking up the hill. As we left the car, Moan was on the left side of the car, and Curly Johnson near him. The jug of whiskey was the same kind of jug which Curly Johnson had hidden there some time prior.

I do not recall the starting of the car, but Burkhard and I were some 15 or 20 steps up the hill when we heard the gun fire, and Burkhard ran rapidly up the hill, and I walked as rapidly as I could to my car, and Burkhard and I got in, and Burkhard started driving north. I asked him where he was going, and he said he was going up there where he wouldn't make any more tracks than possible. He drove 200 or 300 yards up the road, and just as he was turning around, we met Curly Johnson, and Burkhard said for Curly to beat it back to Cornett's, and that he and I must be getting away from there as soon as possible, and Burkhard drove back to Fairfax as fast as possible, and got out of the car just a half

12 block from where I had picked him up, and I turned west and drove into
13 the back yard of Quince Irons' place, and went on in the house.

14 There was no discussion between me and Burkhardt as to the pay-
15 ment of money, either going out or coming back. Carly Johnson after-
16 wards told me that his gun was either in the house or that he was out
17 of shells that night, was the reason that he had to have another gun
18 to go this killing. Ernest Burkhardt and Carly Johnson both told me
19 afterwards that Carly Johnson refused to let Henry Loan have whiskey
20 at Cornett's that day because he was drinking, and also that while
21 Henry Loan was there, they saw a car down south, which they thought was
22 Roy Bunch, and that Johnson told Loan to go back down in this canyon in
23 Sol Smith's pasture, where he had gotten whiskey from me and Johnson be-
24 fore, and that he would let him have a gallon of whiskey there, and also
25 that they would have some girls out there from Fairfax that night. That
26 as soon as Henry Loan left, Bunch came on down and talked with Carly
27 Johnson, and Johnson told Bunch to beat it back to Fairfax and get him
28 a gun, that he had an appointment with Henry Loan down in Sol Smith's
29 pasture to give him some whiskey and to meet some girls, and that if he
30 had the gun he would kill him.

31 Ernest Burkhardt gave me some money, \$50.00 at one time, and at di-
32 ferent times small sums. I had a whiskey case at Tulsa in 1924, and had
33 letter from J. M. Springer, telling me that if I did not raise \$50.00 that
34 I would be stuck and my bond forfeited. This was just two days before
35 the case was called, and I went to Fairfax and ran on to Burkhardt and told
36 him I had to raise \$50.00. Burkhardt put up every excuse in the world and
37 wanted me to wait until the next day. I told him that would be too late,
38 so about eight o'clock he went around and claimed he couldn't find anyone
39 with that much money. I told him I would have to have it, and he went
40 and got it, and said Arch Carroll, who ran the filling station there,
41 had cashed a check for him for that amount.

2363

In April, 1924, a Fort Worth man shipped in a carload of Jersey cows to Fairfax, and I wanted to buy one. I only had \$21.00 or \$22.00, and Charlie Ashbrock agreed to loan me the balance if I had enough to pay the purchase price of the cow. I bought one cow for \$41.00 or \$42.00. I saw Burkhardt there at the auction, and told him what I had done. He said he had some money in his pocket, and if I could buy another cow that way he would let me have the money. We went into the barn, and he let me have \$35.00. Either Clark Farmer or a man by the name of Paul was nearby and probably saw the money transaction.

Burkhart would give me money along at different times, in \$2.00, \$3.00, \$5.00 or \$10.00 amounts. When I rented the farm where my family are now living, I was trying to find a team, and I saw Burkhardt and told him what I was trying to do, and he told me that the Clay boy at Grayhorse had a damn good team to sell, and that I could probably trade him my Ford car for it. I went out that night and looked at the team, and went back the next morning and proposed to trade, and Clay did not much want my car, but tried it out and then offered to trade if I would pay him \$75.00 to boot. I offered him \$25.00 and he refused. I came to town and told Ernest Burkhardt about the deal, and Burkhardt said the shape my car was in I had better trade for this team and harness, that if I kept my car six months it would not be worth as much as the lines on this harness. I asked him to go with me the next morning and look at the team, and as we started to Grayhorse, we met Clay near Salt Creek bridge. We sparred around a while and finally agreed to trade if I would pay him \$40.00 to boot. I told him I would give him that if I could get the money. Burkhardt said for me to go to the bank and see if I could borrow the money and that he would give me the money to repay it at the bank. He was to wait at Ross' Cafe,

2524

and if I borrowed the money I was to highball him and he would go on, otherwise he would get the money and give me. I borrowed the money at the bank, and did give Burkhart the highball, and later he gave me the \$40.00 to pay off this note. During the spring and summer of 1924, he gave me \$10.00 a week to make a crop on. He paid me this money for at least three months and possibly longer. I made the notation on a board by the granary door of my barn, of the amounts, and kind of feed that I bought, and later on Burkhart gave me a good roping and riding saddle that would cost anywhere from \$100 to \$125. Burkhart said he was going to help me, that he could give me \$200 or \$300 at one time but that it wouldn't look well, and that I was out on a farm and that he would furnish me money from time to time to buy feed, or cows or things of that kind, and would help me get on my feet, and that I would then be in good shape to do for myself. He further stated that he had bought the Brush farm just north and west of Fairfax, and that as soon as Pitts Beatty's lease ran out on this farm that I could move on it and live on it as long as I lived, and it wouldn't cost me a cent except for upkeep. He bought a carload of hedge posts, and I was to put them in and build an expensive fence around this fence, and I was to do other work around the farm at a long price which would just about equal the rent.

Burkhart talked to me repeatedly about the killing of all of these Indians who were the heirs of Lizzie Q, so he would have their headrights. He stated time and again that when all of them were killed off but Hollie that she would be the heir, and that he could then kill her. In many of his conversations he would figure about the amount of his

2365

income when he was able to draw all the headrights of these Indians. On one occasion, a month or two before Henry Roan was killed, Roy Bunch and Amos Tucker drove out to Bill Trent's pasture northeast of Fairfax, together with Bill Revard and myself, to drink some whiskey that Amos Tucker was furnishing or selling. After we got out there Bunch started a conversation which I knew was leading up to the killing of Henry Roan, before Tucker and Revard, I cannot now recall his exact language, but I stepped away as I did not want to hear such talk in the presence of these men.

On January 4th, the day Ernest Burkhardt was arrested, I went to town that morning, and saw Burkhardt. I think at McInroy's pool hall, and he said this grand jury was meeting at Guthrie and it looked like it was a damn cinch they were going to arrest Bill Hale and maybe himself, for this Roan murder. In the conversation Burkhardt said it was damn funny that my name had never been mentioned in connection with the killing. I said no, it had not, and it won't be unless you mention it. Burkhardt said he was not going to say anything to implicate me or any one, that he was going to stand pat, and that if he didn't tell it that it would not be told. He said that if it got to where it looked like he was in a track that he would damn sure squeeze out of it, and that he and I would then lay all the blame on Bill Hale. Burkhardt said he didn't want me to ever mention his name in connection with this killing. We did a part of this talking in Burkhardt's car, and then went over to the Buick garage and went back and sat in a storage car and talked the matter over. Burkhardt said repeatedly that he wouldn't mention my name in connection with the Roan killing.

2306

About noon, Byron Burkhart and I drove out in Bill Trent's pasture and got a drink of whiskey, and late that evening I suggested to Ernest Burkhart that we go out and take another drink. We went out there, and the whiskey was gone, and I asked Byron about it and he said Tom Boone had gotten it. Burkhart told me at Guthrie after the Federal men had talked to him about Grammer, Kirby and Johnson in connection with this killing, that Tom White said to him, "Ernest, this looks awful funny, the story you are telling. These men that you mention are all dead," and Burkhart said the Federal man would agree to help him out if he would give them the names of some live person who could corroborate his statement, and that that was the first time he had mentioned my name in connection with it, as he had made up his mind that that was the only way out for him and me was for us to put the blame on Bill Hale.

After the killing of Henry Roan, Roy Bunch talked to me many times and each time said he would fix me up as soon as he could get his hands on something. I told him just to forget it.

Burkhart and Carly Johnson were both figuring on the killing of Smith. They were figuring with Blackie Thompson on this deal, but when Blackie came back from the penitentiary for stealing Burkhart's car, he went to see Burkhart about getting some expense money, and Burkhart gave him \$1.50, saying that he didn't consider that he owed Thompson anything, that they were both taking chances, and that Thompson got stung.

After Henry Roan was killed, Burkhart talked to me about the death of Anna Brown. Burkhart said he had been having illicit relations with her, and that Anna Brown had been telling Mollie Burkhart about his relations with white women, and that this was causing trouble between him and Mollie, and that he had made up his mind that Anna Brown was going to separate him and Mollie, and that he was going to get rid of her to end this trouble with Mollie, and that if she was killed that it would also add to his estate. He said the day that Anna Brown was killed they had been drinking at his house all day, and that they came into Fairfax late that evening, drove up in front of Anna Brown's house and honked the horn and she came out and got in the car and they drove to Three Mile Canyon and drove around on the south side of the canyon and stopped the car, and went down into the canyon to get a drink; that she sat down on a rock and he gave her a drink and while she was drinking he stepped around to the side and shot her in the top of her head.

Burkhart also talked to me several times about furnishing poison whiskey to Mollie Burkhart. He wanted me to furnish this whiskey to Mollie. I told him I wouldn't do that, that I wasn't in that kind of business, and that he could furnish it as well as anyone else. Burkhart said that he had started it and that he was going to kill the whole outfit, but was going to kill Mollie last. He proposed to ~~come to my house and ask for him and of course he~~ wouldn't be there, and I could give the whiskey to Mollie with the poison in it and tell her it was for Ernest, and if there wasn't more than a pint that Mollie would drink it

22008

all before he came home. He said he would be suspicioned if he gave her the whiskey, and that he would have to be away so he could prove his innocence. When I rejected this proposition Burkhart then proposed that he could go out on the road either towards Pawhuska or out in Sci Smith's pasture, and have me and Carly Johnson hold them up and shoot Mollie, and to be sure she was killed, and also shoot up the car and shoot him in the leg so it would appear that she was killed in a hijacking deal. I flatly rejected this proposition, and told Burkhart I would have nothing to do with it or with killing his wife.

I delivered whiskey to Burkhart at Fairfax many times, by the gallon. The last time I delivered him whiskey he gave me a check payable to Henry Grammer for \$15.00, and marked on it for the purchase of a hog. I think this check shows up in his annual report as guardian.

Burkhart at one time told me that Bill Smith was making so much talk about the killing of Anna Brown, and was making the statement around Fairfax that he knew who killed her, that Burkhart figured he would have to get rid of Smith; that Smith was telling that he had uncovered who killed Anna Brown, and that was the reason Burkhart had to get him out of the way.

2309

Department of Justice

McK:W.
74-14-2.

Bureau of Investigation

P. O. Box 1535,
Oklahoma City, Oklahoma.
Dec. 11th, 1926.

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

Attention: Division Two.

Dear Sir:-

With reference to report of Agent F. S. Smith of this office, dated October 26, 1926, entitled "P. C. Hesser -- Perjury In Connection with Osage Murder Cases", I beg to advise that this report was typed for Agent Smith by a stenographer in the office of the United States Attorney at Oklahoma City, for the reason that the stenographers in this office were unable to write the report promptly due to other work. The report as written, failed to show the office of origin, which is Oklahoma City, and also should have shown the date when made as November 26th, instead of October 26th.

I am, therefore, enclosing herewith corrected copies of Page 1 of said report, with the suggestion that same be substituted for the first page as previously submitted.

Yours very truly,

Clarence D. McKean
Clarence D. McKean,
Special Agent in Charge.

Encl.

62-5033-265
BUREAU OF INVESTIGATION
DEC 14 1926
U. S. DEPARTMENT OF JUSTICE
Div Two

a City, Oklahoma.

Oklahoma City, Okla. 11-26-25 10/22-23-24/26 P. 2 11th.

P. G. HESSE

PERJURY - In Connection with
Osage Murder Cases.

C. C. File 74/14/1.

BEGINNING INVESTIGATION.

VIOLATION: Perjury. Committed at Guthrie, Oklahoma, July 31, 1926, while
testifying as defense witness in the matter of the United States
of America vs. W. K. Hale and John Ramsey, murders of Henry Boon,
Osage Indian.

COMPLAINT: Filed at Guthrie, Oklahoma, July 31, 1926, before United States
Commissioner by United States Attorney Roy St. Lewis.

ARRESTED: July 31, 1926.

Commissioner's hearing waived by defendant, and he was placed
under bond of \$5,000.00 for appearance before the Federal Grand
Jury.

GRAND JURY ACTION: Indictment returned at Oklahoma City, September 22, 1926.

WITNESSES BEFORE

GRAND JURY: T. B. White and Frank C. Smith, Agents, Bureau of Investigation,
Department of Justice, and Roy St. Lewis, United States Attorney,
Oklahoma City, Okla. Statement given U. S. Attorney St. Lewis by
Subject Messer.

PENDING.

DETAILS:

At Oklahoma City, Oklahoma.

No previous reports made. This was erroneously overlooked on account
of occurrences happening during midst of W. K. Hale and John Ramsey trial, the detail
results of which were given direct attention by United States Attorney.

3-Bureau
1-U.S. Atty. O.C.
2-Okla. City.

RM:

3
4
5
6
7
8
9
10
11
12
13 RM:GAJ
14
15 5033-465
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

January 10, 1927.

Mr. F. B. White,
Acting Warden,
United States Penitentiary,
Leavenworth, Kansas.

Dear Sir:-

I am transmitting attached hereto copy
of a statement of John Ramsey to J. I. Howard and
S. P. Freeling, at the County Jail at Oklahoma City,
on Tuesday, November 9, 1926.

This is forwarded for your information.

Very truly yours,

Director.

Encl. 245210.



2377

THIS CASE ORIGINATED AT Oklahoma City, Oklahoma.

REPORT MADE AT Oklahoma City	DATE WHEN MADE: 11-30-26	PERIOD FOR WHICH MADE: 11-23-26	REPORT MADE BY: F.B. Smith
TITLE: C.C. Raddabaugh			CHARACTER OF CASE: Perjury. Committed in connection with trial of W.K. Hale and John Ramsey, murder of Henry Roan

(O.C. File # 74-16-1)

SYNOPSIS OF FACTS: Subject Raddabaugh testified at Guthrie and Oklahoma City, in the matter of U.S. vs. W.K. Hale and John Ramsey, murder of Henry Roan, George Indian, as a defense witness, and in the interest of substantiating an attempted alibi by John Ramsey, a defendant, placing John Ramsey at Ripley, Oklahoma, from January 9 or 10 to January 28th, 1923, which was contrary to the facts developed and conclusively false.

Testimony of Subject Raddabaugh and summary of testimony of numerous witnesses to refute.

- PENDING -

DETAILS: BEGINNING. At Guthrie, Oklahoma, Subject Raddabaugh testified as a defense witness in case of U.S. vs. W.K. Hale and John Ramsey, and again at Oklahoma City to substantially the same set of facts, which were in the interest of establishing an alibi attempted by John Ramsey in the Henry Roan murder case, such testimony being contrary to the true facts developed, and conspicuously false as follows:

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>L. W. G. [Signature]</i>	SPECIAL AGENT IN CHARGE	62-1033-466	RECORDED AND INDEXED
WASHINGTON REFERENCE: # 2	COPIES OF THIS REPORT FURNISHED TO: 3 Bureau 2 Dept. of Justice, C.C. 1 U.S. Atty, C.C.	BUREAU OF INVESTIGATION DEC 14 1926 A.M. DEPARTMENT OF JUSTICE	CHECKED OFF: JACKETED:
		ROUTED TO: Mr. Tamm ✓	FILE JFK

DEPARTMENT OF JUSTICE

7-1-26

2313

2
3
4
5
6
7
8 F.S. Smith
9

10
11 Testimony of C.C. Raddabaugh
12 given at Guthrie, Oklahoma:
13

14 Called as a witness on behalf of the
15 defense, duly sworn, and testified as
16 follows:
17

18 Direct Examination
19 by
20 Mr. Springer.

21 Witness lives at Ripley, Oklahoma, working in the oil field and
22 teaming. Knows John Ramsey for five or six years. Knew where he
23 lived in 1921 and '22, and until the fall of '23. Lived about
24 three blocks of the Ramsey family and kept his horses in salt water
25 Ramsey's barn in January, 1923, about a hundred feet from where the
26 Ramsey family lived.
27

28 Q. What were you working at in January, 1923?

29 A. Well, I will have to refer to work I have done. I have got it
30 down here.

31 Q. Have you got a statement of some kind that would show?

32 A. Yes, sir.

33 Q. Just tell the jury what work you were doing in 1923 in January.

34 A. On the 3rd and 4th of January I worked at road work in the City
35 of Ripley.
36

37 By Mr. Leahy: I observe that the witness is testifying from a page
38 of the calendar. I think the government ought to be
39 permitted to ask him something about that.

40 BY MR. LEAHY: Yes, if he is going to testify from a memorandum.

41 By Mr. Springer: I have no objection to the government asking him
42 about it.
43

44 By Mr. Leahy: You hold in your hand, as I take it, a calendar for
45 the month of January, 1923?
46

47 A. Yes, sir.

48 Q. There is certain memoranda on the calendar?

49 A. Yes, sir.

50 Q. When was that memorandum made there?

51 A. At the time the work was done in January.

52 Q. Who made the memorandum?

53 A. I made it.

54 Q. How did you make it, write it down while was happening?

55 A. Yes, sir.

56 Q. Did you have the same kind of memorandum before 1923?

57 A. Yes, sir.
58
59
60
61
62

2314

F.S. Smith

Q. For every month?

A. No, not altogether. I took sick and had not been doing much.

Q. How long since you kept a memorandum of that kind?

A. About this year 1933.

Q. Did you have one for December, 1922?

A. No, sir.

Q. Did you have one for January, 1924?

A. No, sir.

Q. Did you have one for November, 1922?

A. No, sir. I have none excepting the calendar. I have a book where I keep work, but not like this. This was laid away and I happened to find it.

Q. How did you happen to find it?

A. I was looking over the books where I kept my accounts, and I would call a day book.

Q. Where was that book?

A. At home.

Q. What was the occasions of looking through the book?

A. I wanted to see about these dates.

Q. Why did you want to see about the dates?

A. They said I was going to be a witness down here and I wanted to get it straight.

Q. Who said that?

A. Well, I was told that I was going to be subpoenaed for a witness, and I looked these dates up after I was subpoenaed.

Q. Who told you you were going to be subpoenaed as a witness?

A. I don't know who it was.

BY THE COURT: I think this inquiry is too broad. Let the counsel for the defense proceed with the examination. He is not here for cross-examination at this time.

By Mr. Springer:

Q. Now referring to your memorandum that you have there, tell the jury what you did on the 9th day of January, I mean 1933?

BY THE COURT: If you testify from a memorandum you will have to qualify.

By Mr. Springer: Did you keep that memorandum yourself and is it in your handwriting?

A. Yes, sir.

Q. Can you refer to that memorandum and tell what you were doing on the 9th day of January, 1933?

A. Yes, sir.

Q. Have you any independent recollection that you can testify to what you were doing, or will you have to refer to your memorandum?

17315

F.B. Smith

- Q. Yes, sir, I can tell that. I know where I was working.
Q. Have you a recollection independent of your memorandum where you were working?
A. Yes, sir.
Q. Now tell us where you were working on the 9th day of January 1933?

OBJECTION.

BY THE COURT: Are you testifying from memorandum?

- A. I expect I could tell without the memorandum where I was working on the 9th day of January.

BY THE COURT: Will testify without it then?

- A. Yes, sir. I was working for Roy Williamson at team work.

By Mr. Springer:

- Q. I will ask you to state whether or not you saw Mr. Ramsey in the month of January, 1933?
A. Yes, sir.
Q. Where did you see him?
A. At Ripley.
Q. Now I will get you to state if you remember where you saw Mr. Ramsey in Ripley.
A. Well, to get back, the time this work shows, I worked five days for Williamson and quit on the 9th of January, and was doing rip-rapping on the dam and lifting rocks and I didn't do any more work then for a week or ten days, and it was during this time, after I had quit work for Roy, that I seen John Ramsey at Ripley.
Q. Now, how long, or for how long a period of time did you observe John Ramsey there in Ripley?
A. Well, I would say a week or ten days perhaps.
Q. Now, do you know of John Ramsey and his wife leaving there at any time for a trip?
A. Yes, sir, I know when they left.
Q. Now do you remember what day in the week that was?
A. I would not be sure whether it was Saturday or Sunday, but I think one or the other; either Saturday or Sunday.
Q. Now had John Ramsey been there at Ripley and had you seen him there from the time you first saw him until he and his wife left to go up to Fairfax on a visit?
A. Well, I could not say positively I seen him every day, I think I did.
Q. Do you know where he kept his car?
A. Yes, sir.

2314

F.S. Smith

- Q. Where did he keep his car?
- A. He kept it in the barn where I kept my horses.
- Q. Did you see that car every day during the time you kept your horses there until Mr. and Mrs. Ramsey left to go up to Fairfax on a visit?
- A. Not all the time. I think Walt used the car part of the time, fishing or something, had the car.
- Q. I will get you to state to the jury what the condition of Mr. Ramsey's health was at that time if you observed it.
- A. Well, I would say it was bad.
- Q. You say you have known John Ramsey four, five or six years?
- A. Yes, sir.
- Q. Did you know his general reputation was for peace and quietitude during the time that you knew him there at Ripley?

REPEATED OBJECTION.

- Q. What was it, good or bad?
- A. Good. . . How long have you lived in Ripley?
- A. Ever since the town started, twenty years or more.
- Q. Did you know of the bank being robbed in January, 1933?
- A. Yes, sir.
- Q. Do you know what date that was?

OBJECTION. OVERHEARD.

- Q. Do you remember what date it was?
- A. Why I think it was the 30th of January.

.....

Testimony of C.C. Raddabaugh
given at Oklahoma City, Okla.:

Direct Examination.

By Mr. Springer:

- Q. State your name.
- A. C.C. Raddabaugh.
- Q. Where do you live Mr. Raddabaugh?
- A. Ripley.
- Q. How old are you?
- A. Sixty-four.
- Q. Do you know John Ramsey?

2317

2
3
4
5
6
7
8
9 F.S. Smith

- 10
11
12 A. Yes, sir.
13 Q. How long have you known John Ramsey?
14 A. Five or six years.
15 Q. Did you know John Ramsey when he lived in Ripley, Oklahoma?
16 A. Yes, sir.
17 Q. How far did you live from where John Ramsey lived in Ripley
18 when he lived there?
19 A. A little over two blocks.
20 Q. Did you keep your horses in Ramsey's barn there at Ripley?
21 A. Yes, sir, at Walter Ramsey's.
22 Q. John Ramsey lived in his brother Walter's house there at
23 Ripley?
24 A. Yes, sir.
25 Q. Do you remember the occasion of Mr. and Mrs. Ramsey making
26 trip some time the latter part of January, 1923?
27 A. Yes, sir, I do.
28 Q. Do you remember what day in the week it was they made the
29 trip?
30 A. It was on Sunday.
31 Q. Now, had you seen John Ramsey in Ripley before he and his wife
32 made that trip?
33 A. Yes, sir.
34 Q. About how long had you observed him there in Ripley at that
35 time?
36 A. Well, the time you have reference to was about eight or ten
37 days.
38 Q. Do you know about how long Mrs. Ramsey was gone on that occa-
39 sion before she returned?
40 A. No, I don't.
41 Q. Do you know Curley Johnson, that is you knew him in his life
42 time didn't you?
43 A. Yes, sir.
44 Q. How long had you known Johnson in his life time?

45 OBJECTION by Mr. Lohring. Overruled.

- 46
47 A. Two or three years, I guess.
48 Q. Did you see Curley Johnson with some other person there in
49 Ripley during the time that John Ramsey was there in January
50 of 1923?
51

52 OBJECTION by Mr. Lohring. Overruled.

- 53
54 Q. Do you know about when it was that you saw Curley Johnson there
55 in Ripley with this other man?
56 A. I would say it was past the middle of the month, the 12th or
57 23rd.
58 Q. Do you know when the Ripley bank was robbed?
59 A. Yes, sir.
60 Q. What day in the month was that?
61
62

2-318