



FEDERAL BUREAU OF INVESTIGATION

# **OSAGE INDIAN MURDERS**

**PART 17 OF 19**

**BUFILE NUMBER: 62-5033**

FILE DESCRIPTION

BUREAU FILE

SUBJECT Sage Indian Murders

FILE NO. 42-5033

SECTION NO. 19

SERIALS 491-769

pages 2777-2965

1 Cover Page → total 190 pages

# WESTERN UNION

NEWCOMB CARLTON, PRESIDENT

J. C. WILLEVER, FIRST VICE-PRESIDENT

SEND THE FOLLOWING MESSAGE, SUBJECT TO THE TERMS ON BACK HEREOF, WHICH ARE HEREBY AGREED TO

FAST

DALLAS TEX SEPT 27 1928

P. J. BLAKE  
U. S. DEPARTMENT OF JUSTICE  
FEDERAL BUILDING,  
OKLAHOMA CITY, OKLAHOMA

62-5033  
62189

RETEL P. W. REYNOLDS WITNESS ORAGE CASE ON TWENTY FIFTH INSTANT  
LEFT FORWARDING ORD R EASTLAND TEXAS TO GENERAL DELIVERY SERVICE  
OKLAHOMA GOOD FOR THREE DAYS ONLY. STOP IS IS ONLY STAYING  
THE 3 OR FOUR DAYS IN A PLACE. REQUEST YOU EXPEDITE.

COLVIN

offl bus  
govt rate  
Chg: U.S. Dept Justice  
Bu. Investg  
Dallas.

RECORDED

OCT 3 - 1928

62-5033-691

OCT 1 1928

INDEXED

2777

DETAILS: AT EASTLAND, TEXAS;

F. W. REYNOLDS on 9-25-28 left an order at General Delivery  
office, Eastland, Texas, requesting that his mail be forwarded for three  
days only, to Waurika, Oklahoma.

The Dallas Office was advised by phone in regard to the above in-  
formation and the following telegram was forwarded by SAC Colvin to Sac Blake  
of Oklahoma City on 9-27-28;

"Retel F. W. Reynolds witness Osage Case on Twenty Fifth instant  
left forwarding order Eastland, Texas, to General Delivery Waurika,  
Oklahoma, good for three days only. Stop. He is only staying  
three or four days in a place. Suggest you expedite."

99191

UNDEVELOPED LEAD:

OKLAHOMA CITY OFFICE:

Is respectfully requested to ascertain from the  
Postmaster at WAURIKA, OKLA., the present address  
of F. W. REYNOLDS, witness, W. K. Hale case,  
should that office deem it necessary.

REFERRED UPON COMPLETION TO OFFICE OF ORIGIN.

NO FURTHER ACTION HERE.

62-3033-41

2778



USE ORIGINATED AT

Oklahoma City, Okla.

DATE MADE AT

DATE WHEN MADE:

PERIOD FOR WHICH MADE:

REPORT MADE BY:

Dallas, Texas

9-29-28.

9-25-27-28.

D. W. MAGER.

W. K. HALE ET AL.

CHARACTER OF CASE:

MURDER OF OSAGE INDIANS ON  
GOVERNMENT RESERVATION.

REOPENED.

Dallas file 70-7-7.

SYNOPSIS OF FACTS:

Investigation at San Angelo, Texas, in regard to F. W. Reynolds, witness, this case, discloses that F. W. Reynolds left general delivery forwarding address - Eastland, Texas, on 9-20-28. Investigation at Eastland, Texas, discloses forwarding address was left on 9-25-28, for three days only for general delivery, Waurika, Oklahoma.

R. U. C.

62-5033

REFERENCE: Telegram SAC Blake, Oklahoma City, dated 9-24-28 to SAC Colvin, Dallas.

DETAILS: At Dallas, Texas:

39190

Referenced telegram received at the Dallas office follows:—

"F. W. Reynolds important witness in the W.K. Hale case at SAN ANGELO hotel San ANGELO, September twentieth endeavor to trace so he may be served with subpoena Reynolds apparently avoiding service. Use extreme caution. Expedite."

DETAILS: At San Angelo, Texas.

Mr. T. M. Herring, Superintendent of mails, San Angelo, Texas, informed Agent that F. W. Reynolds on 9-20-28, left forwarding address for three days, only, requesting that mail be sent to general delivery, Eastland, Texas. F.W. Reynolds had been receiving mail at general delivery, San Angelo.

Inquiry at St. Angelus; the Haylor and Roberts Hotels, failed to disclose information of Mr. Reynolds residence at those places or forwarding addresses.

DO NOT WRITE IN THESE SPACES

APPROVED AND  
FORWARDED:

SPECIAL AGENT  
IN CHARGE

62-5033-692

RECORDED AND INDEXED:

OCT 1 1928

COPIES OF THIS REPORT FURNISHED TO:

- 3- Bureau
- 2- Okla. Cty.
- 2- File

BUREAU OF INVESTIGATION

OCT 1 1928 P.M.

DEPARTMENT OF JUSTICE

ROUTED TO:

FILE

CHECKED OFF:

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DETAILS: AT EASTLAND, TEXAS:

F. W. REYNOLDS on 9-25-28 left an order at General Delivery, Eastland, Texas, requesting that his mail be forwarded for three days only, to Waurika, Oklahoma.

The Dallas Office was advised by phone in regard to the above information and the following telegram was forwarded by SAC Colvin to SAC Blake of Oklahoma City on 9-27-28:

"Retel F. W. Reynolds witness George Case on Twenty Fifth instant left forwarding order Eastland, Texas, to General Delivery Waurika Oklahoma, good for three days only. Stop. He is only staying there or four days in a place. Suggest you expedite."

UNDEVELOPED LEAD:

99193

OKLAHOMA CITY OFFICE:

Is respectfully requested to ascertain from the Postmaster at WAURIKA, OKLA., the present address of F. W. REYNOLDS, witness, W. E. Hale case, should that office deem it necessary.

REFERRED UPON COMPLETION TO OFFICE OF ORIGIN.

NO FURTHER ACTION NEEDED.

2780



# APH - COMM

LARENCE H. MACKAY, PRESIDENT

# L CABLES

This is a full-rate Telegram or Cablegram unless otherwise indicated. Signal in the check as to the address.

BLUE	DAY LETTER
NL	NIGHT LETTER
NITE	NIGHT TELEGRAM
LCO	DEFERRED
NLT	CABLE LETTER
WLT	WEEK END LETTER

TO ALL  
AMERICA



TO ALL  
THE WORLD

STANDARD TIME  
ED ON THIS MESSAGE

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21 COLLECT GOVT NITE

ELPASO TEXAS 28

DIRECTOR

BUREAU OF INVESTIGATION DEPT OF JUSTICE WASHINGTON DC  
GENERAL A STREET LEFT ELPASO THIS AFTERNOON FOR PAWTHUSKA

NOVA RESPONSE SUBPOENA OCTOBER FIRST WILLIAM K HALE INDIAN CASE  
DENETTE.

62-5033

693

RECORDED

OCT

62-5033-67

BUREAU OF INVESTIGATION

SEP 29 1928 A.M.

DEPT. OF JUSTICE

Mr. Jones

Mr. Tamm

Mr. E.A. Tamm

FILE

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WASH:EXT:SEB  
62-5033-693  
62-5033-693

RECORDED

October 3, 1928

MEMORANDUM FOR MR. LAHRING  
Assistant Attorney General.

For your information in connection with  
the case entitled: W. K. HALE ET AL. Murder of  
Osage Indians on Government Reservation, there  
are transmitted herewith copies of the following  
reports:-

Report from Special Agent J. E. Burger,  
dated September 24, 1928 at Oklahoma  
City, Oklahoma.

Report from Special Agent D. W. Ligon,  
dated September 29, 1928 at Dallas,  
Texas.

Very truly yours,

Director.

Encl. 104459

BUREAU FILES DIVISION  
MAILED

RECEIVED  
OCT 3 1928  
U. S. DEPT. OF JUSTICE

OR

2782



# TELEGRAPH - COMMERCIAL CABLES

CLARENCE H. MACKAY, PRESIDENT

TELEGRAMS  
TO ALL  
AMERICA



CABLEGRAMS  
TO ALL  
THE WORLD

This is a full-rate Telegram or Cablegram unless otherwise indicated by signal in the check or in the address.

DLIVE	DAY LETTER
NL	NIGHT LETTER
NITE	NIGHT TELEGRAM
LDO	DEFERRED
NLT	CABLE LETTER
WLT	WEEK END LETTER

STANDARD TIME  
ED ON THIS MESSAGE

13 COLLECT GOVT  
14 OKLA CITY OKLA OCT 1 28  
15 REGION BUREAU OF INVESTIGATION,  
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18 WASHN DC.

19 EC AGENT J A STREET REPORTED HERE ASSIGNMENT HALE CASE SEPT  
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OCT 1 1928  
THIRTY EIGHT

62-50336-5  
BUREAU OF INVESTIGATION  
OCT 1 1928 P.M.  
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FILE

2783

# Signal Corps, United States Army

War Department Message Center,  
Room 3433, Munitions Building,  
Washington, D. C.

RADIOGRAM

52 WVC B 31 JUS

12 LOSANGELES CALIF 10A SEP 28TH

13 DIRECTOR BUREAU OF INVESTIGATIONS

15 DEPT OF JUSTICE

17 WASH DC

21 AGENT J V MURPHY IS LEAVING TODAY FOR PAWHUSKA OKLA UNDER SUBPOENA

23 WITNESS IN OSAGE MURDER TRIAL ANTICIPATED WILL BE ABSENT FROM

25 WORKS AT LEAST ONE WEEK OR TEN DAYS

26 GEEHAN

27 827P

62-5033-696

BUREAU OF INVESTIGATION

OCT 1 1928 P. M.

Mr. Tolson Mr. Tamm Mr. E. A. Tamm Mr. Clegg Mr. Glavin Mr. Ladd Mr. Nichols Mr. Rosen Mr. Tracy Mr. Carson Mr. Coffey Mr. Hendon Mr. Jones Mr. Quinn Tamm Mr. Nease Mr. Gurnea Mr. Harbo Mr. Mohr Mr. Pennington Mr. Nease Mr. Gurnea Mr. Harbo Mr. Mohr Mr. Pennington

62-5033

695

2784



# TELEGRAPH - COMMERCIAL CABLES

CLARENCE H. MACKAY, PRESIDENT

TELEGRAMS  
TO ALL  
AMERICA



CABLEGRAMS  
TO ALL  
THE WORLD

This is a full-rate Telegram or Cablegram unless otherwise indicated by signal in the Check or in the address.

BLUE	DAY LETTER
NL	NIGHT LETTER
NITE	NIGHT TELEGRAM
LCO	DEFERRED
NLT	CABLE LETTER
WLT	WEEK END LETTER

STANDARD TIME  
GATED ON THIS MESSAGE

31 12SM 44 COLLECT

GS SANANTONIO TEX OCT 1 28 GOVT

DIRECTOR BUREAU OF INVESTIGATION,

WASHINGTON DC.

AGENT DAVIS LEFT HERE TWO THIRTY PM FOR PAWUSKA OKLAHOMA WITNESS SALE CASE  
JONES.

OCT  
8  
1928

62-5033



RECORDED

62-5033-690	
BUREAU OF INVESTIGATION	
OCT 8 1928	AMMA
DEPARTING	FILE
Div. Three	Div. Two
Div. Five	

2785



# POSTAL TELEGRAPH - COMMERCIAL CABLE

CLARENCE H. MACKAY, PRESIDENT

RECEIVED AT

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STANDARD TIME  
INDICATED ON THIS MESSAGE

TELEGRAMS

TO ALL  
AMERICA



CABLEGRAMS

TO ALL  
THE WORLD

This is a full-rate Telegram or Cablegram. Signal in the check or in the code.

BLUE	DAY LETTER
NL	NIGHT LETTER
NITE	NIGHT TELEGRAM
LCO	DAY CABLE
NLY	CABLE LETTER
WLT	WEEK END LETTER

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P 41 COLLECT GOVT

OKLAHOMA CITY OKLA OCT 2

DIRECTOR BUREAU OF INVESTIGATION

DEPT JUSTICE WASHN DC

LE CASE AT PAWHUSKA CONTINUED UNTIL, NOVEMBER FOURTEENTH SPECIAL AGENT

MURPHY F S SMITH J A STREET WILL BE INSTRUCTED RETURN THEIR RESPECT

HEADQUARTERS UNLESS OTHERWISE ADVISED ADVISE WHETHER SPECIAL AGENT GREEN

SHOULD RETURN HEADQUARTERS OR SPECIAL ASSIGNMENT

BREINMAN

140 PM RECORDED

*cat*

62-503-685  
BUREAU OF INVESTIGATION  
OCT 2 1928  
DEPARTMENT OF JUSTICE  
Div. Two  
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62-5033-697

ENCLAJ

POSTAL

RECORDED

October 2, 1928

OCT 3 - 1928

Breniman  
Dept Justice  
Federal Bldg  
Oklahoma City Okla

REPLYING TELEGRAM WHEN SHOULD RETURN SPECIAL ASSIGNMENT  
OTHER AGENTS IMMEDIATELY TO RESPECTIVE HEADQUARTERS.

Hoover

62-5033

cat

2787



# STAL TELEGRAPH - COMMERCIAL CABLE

CLARENCE H. MACKAY, PRESIDENT

100 AT  
INVESTMENT BLDG.  
15th & K Sts., N.W.  
Phone Main 6600, br. 7

TELEGRAMS  
TO ALL  
AMERICA



CABLEGRAMS  
TO ALL  
THE WORLD

*This is a full-rate Telegram or Cablegram unless otherwise indicated. Signal in the check is in full.*

BLUE	DAY LETTER
NL	NIGHT LETTER
NITE	NIGHT TELEGRAM
LCO	DEFERRED
NLT	CABLE LETTER
WLT	WIRE AND LETTER

STANDARD  
INDICATED ON THE MESSAGE

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14  
15 OKLA CITY OKLA OCT 1 28  
16  
17 DIRECTOR BUREAU OF INVESTIGATION,  
18  
19  
20 WASHINGTON DC.

*15 Cat*

21 SPECIAL AGENT J V MURPHY ARRIVED PAWBUKA, OKLAHOMA LAST NIGHT ATTENDING  
22  
23 L V K HALE

BRENIMAN

505PM

*62-5033*

*62-5033-670*

BUREAU OF INVESTIGATION	
OCT 28 1928 A.M.	
DEPT. OF JUSTICE	FILE

*Dist. Three Dist. Two Dist. One*

*cod*  
*5-36 5 am*  
*[Signature]*

*2788*



# INTERNATIONAL TELEGRAPH - COMMERCIAL CABLES

CLARENCE H. MACKAY, PRESIDENT

## TELEGRAM

TELEGRAMS  
TO ALL  
AMERICA



CABLEGRAMS  
TO ALL  
THE WORLD

Receiver's Name

Check

Time Filed

STANDARD TIME

SERVICE DESIRED	
GRAM	
TELEGRAM	
TELETYPE	

Must mark an X opposite the service desired. If no mark is made, the telegram will be transmitted by a fast telegram.

following Telegram, subject to the terms on back hereof, which are hereby agreed to.

San Antonio Tex Oct 1 1928

enman  
ptr Justice  
derm Hldg  
lsh City Okla

Attorney Davis will arrive Pawhuska tomorrow noon  
Hale case  
Investigation  
B Govt rate paid

Jones

62-5033  
RECORDED

62-5033-679	
BUREAU OF INVESTIGATION	
OCT 4 1928 A. M.	
DEPARTMENT OF JUSTICE	
Mr. Tamm	Mr. Clegg
Mr. Glavin	Mr. Ladd
Mr. Nichols	Mr. Rosen
Mr. Tracy	Mr. Carson



Car

2189

PATRONS ARE REQUESTED TO FAVOR THE COMPANY BY CRITICISM AND SUGGESTIONS

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless indicated by a symbol above or preceding the address.

# WESTERN UNION

NEWCOMB CARLTON, PRESIDENT

J. C. WILLEVER, FIRST VICE-PRESIDENT

SIGNS

DL - Day Letter  
NM - Night Message  
NL - Night Letter  
LCO - Deferred Cablegram  
NLT - Cable Letter  
WLT - Week Letter

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

28 SEP 30 PM 10 12

15B 40 9 COLLECT GOVT=UD LITTLE ROCK ARK 30 844P

DIRECTOR BUREAU OF INVESTIGATION=

DEPT OF JUSTICE WASHINGTON DC=

LEAVING FOR PAVHUSKA OKLAHOMA TO ATTEND MALE TRIAL=

J. K. WREN.

(2- ) (3- ) (5 CAT - 62-5033)

RECORDED

SEP 4 1928

62-5033-700	
BUREAU OF INVESTIGATION	
OCT 4 1928 P. M.	
DEPARTMENT OF JUSTICE	
FILE	FILE

THE QUICKEST, SUREST AND SAFEST WAY TO SEND MONEY IS BY TELEGRAPH OR CABLE

2790



# INTERNATIONAL TELEGRAPH - COMMERCIAL CABLES

CLARENCE H. MACKAY, PRESIDENT

## TELEGRAM

TELEGRAMS  
TO ALL  
AMERICA

CABLEGRAMS  
TO ALL  
THE WORLD



RECEIVER'S NUMBER

CHECK

TIME FILED

STANDARD TIME

SERVICE DESIRED	
TELEGRAM	
LETTER	
DAY TELEGRAM	
NIGHT LETTER	

For each mark on it opposite the class of service desired, the telegram will be transmitted as a fast telegram.

following Telegram, subject to the terms on back hereof, which are hereby agreed to.

October 1 1928

CEB:R.

Gus T. Jones  
Department of Justice  
Federal Building  
San Antonio Texas

Hale case continued until November twelfth

Breniman

Government Rate - Official Business  
Paid - Chg Bureau of Investigation

67-5033-70

BUREAU OF INVESTIGATION

OCT 4 1928

DEPARTMENT OF JUSTICE

Div. Two

Div. Three

FILE

OCT 5 1928

DIVISION

2791



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# Department of Justice

## Bureau of Investigation

CEB:B.

P. O. Box #1535,  
Oklahoma City, Oklahoma,  
October 2, 1928.

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

Dear Sir:

On October 1st I was informed by telephone from Pawhuska that trial of the case of W. K. Hale, et al had been postponed until November 12, 1928. T. J. Leahy, Special Assistant to the Attorney General, in charge of the prosecution, requested me to permit Special Agent John R. Burger to remain at Pawhuska to continue the investigation and keep in touch with witnesses, etc.

I have authorized Agent Burger to remain at Pawhuska as requested and until the Bureau has given its approval therefor.

I am enclosing herewith copy of letter received this date from Agent Burger relative to the matter.

Very truly yours,

*C. E. Breniman*  
C. E. Breniman,  
Special Agent in Charge

RECORDED

OCT 9 1928

62-5033-762

BUREAU OF INVESTIGATION	
OCT 4 1928 P. M.	
Mr. Tamm	FILE
Mr. Clegg	



62-5033

2792

- Copy -

Leahy, MacDonald, Moxey & Files  
Attorneys at Law  
First National Bank Building  
Pawhuska, Oklahoma

October 1st, 1928

T.J. Leahy  
C.S. MacDonald  
J.H. Moxey  
F.W. Files  
-----  
T.R. Leahy  
G.V. Labadie

Mr. C. E. Breniman, S.A.C.  
Oklahoma City  
Oklahoma

Dear Sir:

This is to advise you that the case of United States vs. W. K. Hale was called for trial this date and continued to November 12th, 1928 - further, that Mr. T. J. Leahy, Special Attorney General, and Mr. John Goldesberry, United States Attorney, Tulsa, have requested of me that I remain on case continuously in keeping witnesses in shape and in endeavoring to get further evidence for coming trial of case.

Mr. Leahy advised me that he had called you on 'phone and made this request of you, and Mr. Goldesberry stated that he would write you a letter upon his return to Tulsa.

While there are opportunities, of course, for obtaining further evidence in this case, there remains quite a good deal of work to be done in keeping the witnesses in line to testify as the defense are doing everything possible to intimidate and work on our witnesses.

Agents Smith, Street, Wren and Murphy will be in your office tomorrow, and they can likely give you a better explanation of the present status of this case by talking to you than I can by writing you.

I will remain here until advised by you how to proceed, and, unless otherwise advised, I will proceed with this case.

Very truly yours,

J. R. Burger.

62-5053-793

2793

REC:RME  
62-5033-702

October 6, 1928.

RECORDED

OCT 9 1928

Mr. C. E. Breneman,  
P. O. Box 1535,  
Oklahoma City, Okla.

Re: W. K. (BILL) PALE,  
Murder of Osage  
Indians.

Dear Sir:

Reference is made to your letter dated  
October 2, 1928, relative to the request of Special Assistant to the Attorney General T. J. Leahy that Agent John R. Burger be permitted to continue the investigation of the above entitled matter until November 12, 1928.

In view of the request of Mr. Leahy, you are authorized to instruct Agent Burger to continue the investigation as requested if his services should be necessary until the date of the trial.

Very truly yours,

Director.

BUREAU FILES DIVISION  
MAILED

OCT 6 1928

2794



## Bureau of Investigation

P. O. Box 1535,  
Oklahoma City, Oklahoma  
October 3rd, 1928.

**CEB:R.**

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

Dear Sir:      Re:   W. K. Hale - Murder  
                             Osage Indians.

Trial in the above entitled matter, scheduled to begin at Pawhuska, Oklahoma, on October 1, 1928, was continued until November 12th, at the request of the Government.

There is enclosed herewith clipping from the Daily Journal Capital, Pawhuska, Oklahoma, dated October 1st, which refers to the continuance of this case.

Yours very truly,

C. E. Breniman,  
Special Agent in Charge.

RECORDED

101 8 22

67-5038-703  
BUREAU OF INVESTIGATION  
OCT 5 1928  
Three  
Five

## DEFENSE MAKES MOTION TO QUASH INDICTMENT NOW

That Trial Might Not  
Be Completed Is Set At  
By United States At-  
torney Quickly

### HALE IS JAUNTY

Judge Crowd Is Drawn To  
City With Jurors, Wit-  
nesses, and Friends In At-  
tendance At Trial

The trial of William K. Hale, charged with the murder of Henry Roan, full-blood Osage Indian, in May, 1923, was set up until November 12, at the request of the United States government attorneys, at the afternoon session here before Judge Franklin E. Kennamer of Tulsa. Government attorneys refused to say why the indictment had been made and application of defense attorneys for bail was presented to Judge Kennamer, who took the petition under consideration. He will make an announcement within the next few days, he stated.

O. E. Luring, assistant United States attorney-general, said that if bond were granted and Hale released, Osage county officers would immediately arrest him on another charge as district judge Jesse J. Worton, about two years ago had denied bail in a state case for the same reason. Government attorney left here this afternoon for Oklahoma City and Washington.

A motion to quash the indictment against William K. Hale, charged with the murder of Henry Roan, full-blood Osage Indian, about five years ago, was the first move on the part of defense attorneys to save the Osage County ranchman.

The petition alleges that Hale had been erroneously indicted in the Western Federal district of Oklahoma. "The grand jury which returned the indictment was without jurisdiction of the offense charged," said the motion. "Prior to the return of the indictment against Mr. Hale, congress passed an act transferring Osage county, where the crime is alleged to have occurred, from the western district to the northern district. The indictment in this case could have been returned only in the northern district."

It has been previously determined by the United States Circuit Court of Appeals that the indictment against Hale was legal, government attorneys said.

Meanwhile O. E. Luring, assistant United States Attorney-General Roy St. Lewis, United States attorney for the western district of Oklahoma, John Leahy, special United States attorney, and others were in conference behind closed doors.

At their request 125 prospective jurors called from the entire eleven counties of the northern district, were

impaneled, then dismissed until 10 o'clock to allow the government to prepare its announcements.

Hale appeared at the trial in his county as ever. Not a day in prison has ever been a year in prison shoe factory. Hale, with glistening hair, flaxen eyes, a dark gray suit and a white necktie, he looked like a rancher he was before he was in jail about five years ago.

Judge Kennamer informed the jury that the government had yet completed the filing of its charges. He said that the government had to dismiss the present case and has been tried three times and other charges a fourth time. He promptly denied by O. E. Luring, government attorney.

Hale, wealthy rancher of the Osage near Fairfax, is charged with the murder of Henry Roan, full-blood Osage Indian, in May, 1923, in order that he might obtain \$25,000 from an insurance policy, which was written in his favor on Roan's life.

Dozens of automobiles, perhaps more than has ever been seen on a hill around the courthouse in the last few years, lined up in front of the building. Witnesses, curious from throughout the country were in attendance to what promises to be still one of the most sensational trials here.

A half dozen federal operators who delved into the mysteries surrounding the death and emerged with the charges against Hale, Roan and Ramsey's nephew, Dan, who last were at the courthouse today along with the many witnesses to the defense.

Hale was brought here from the White Garden of the federal prison, who directed the jury in 1923 as superintendent of the federal penitentiaries in Oklahoma.

As the paper went to press final examinations of jurors were made in the case getting ready to start as soon as possible.

62-5033-70

2796



# INTERNATIONAL TELEGRAPH - COMMERCIAL CABLES

CLARENCE H. MACKAY, PRESIDENT

TELEGRAMS  
TO ALL  
AMERICA



CABLEGRAMS  
TO ALL  
THE WORLD

This is a full-rate Telegram or Cablegram unless otherwise indicated by signal in the check or in the address.

BLUE	DAY LETTER
NL	NIGHT LETTER
NITE	NIGHT TELEGRAM
LCO	DEFERRED
NLT	CABLE LETTER
WLT	WEEK END LETTER

STANDARD TIME  
GATED ON THIS MESSAGE

62-20 COLLECT GOVERNMENT NITE

ELPASO TEX 1

1928 OCT 4 PM 10 53

DIRECTOR BUREAU OF INVESTIGATION THE DEPARTMENT OF JUSTICE  
WASHINGTON DC

AGENTS F S SMITH AND J A STREET RETURNED ELPASO TODAY FROM OKLAHOMA

DISTRICT COURT CASE WILLIAM K HALE

DENETTE.

62-5033-5 CA

62-5033-704  
BUREAU OF INVESTIGATION  
OCT 5 1928 A. M.  
DEPARTMENT OF JUSTICE

Div. Three  
Div. Two  
Div. Five

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2797

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ENCLOSURE

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CASE ORIGINATED AT Oklahoma City, Okla.

REPORT MADE AT: Oklahoma City, Okla.	DATE WHEN MADE: 10-8-28	PERIOD FOR WHICH MADE: 9-22-28 to 10-5-28	REPORT MADE BY: J. R. Burger.
TITLE: W. J. (BILL) HALE.			CHARACTER OF CASE: Murder Osage Indians.

(O. C. File #70-1)

SYNOPSIS OF FACTS:

Case called for trial at Pawhuska, Okla., 10-1-28 and continued to Nov. 12, 1928. Toby LaForge, Tulsa, Okla., made statement with reference to interview had by him with Subject Hale in regard to insurance on Henry Roan and headrights of Osage Indians. Statement incorporated in body of this report. W. J. Emery (convict) Okla. State prison, McAlester, stated Subject Hale told him he had job he wanted done in Osage County, Okla., and shortly thereafter told him he, Subject, had arranged with another man to do the job. Statement incorporated in body of this report. Max Billingslea, Okesa, Okla., stated in addition to what he testified to at previous trial that Subject met him at Triangle Building, Pawhuska, Okla., short time before Henry Roan was killed and asked him if he, Billingslea, thought Al Spencer (deceased) would kill a man for money.

- PENDING -

REFERENCE: Report of this Agent dated 9-24-28.

DETAILS:

- At Tulsa, Oklahoma. -

Toby LaForge, Reporter on the Tulsa Oklahoma Tribune, daily paper, made statement with reference to interview had with Subject Hale, which reads as follows:

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>J. R. Burger</i> SPECIAL AGENT IN CHARGE	62-503-705	RECORDED AND INDEXED: OCT 10 1928	
WASHINGTON REFERENCE: COPIES OF THIS REPORT FURNISHED TO: 3-Bureau 1-U.S. Atty. Okla. City 1-U.S. Atty. Tulsa. 1-T.J. Leahy, Spec. Asst. Atty. Gen. 1-Edwin Brown, Spec. Asst. Atty. Gen. 2-Okla. City.	BUREAU OF INVESTIGATION OCT 10 1928 P.M. DEPARTMENT OF JUSTICE	CHECKED OFF: JACKETED: <i>CB</i>	
	ROUTED TO: Duo. Three Duo. Two	FILE	

2798



I was out solely to get an interview and was not interested in the prosecution of Hale. I thought that the elimination of this phase of the interview would not hurt the story and would not create any reaction in the same. I figured that Mr. Hale might refute the statement after he read it in print, as many people do, and that he might later on deny it, and get me in a row, so after discussing the same with my City Editor, Mr. Joseph A. Brandt, the same was eliminated from the story.

(Signed) Toby LaForge.

Subscribed and sworn to before me this 27th day of September A. D. 1928.

(SEAL)

(Signed) Louise Nelson  
Notary Public.

My commission expires March 19, 1928.

W. J. Emery, (convict) Okla. State prison made statement to  
A. F. Weiss, Asst. Supt. Okla. State Bureau of Identification, which reads as follows:

"My name is W. J. Emery. I am 35 years old. I am now serving a sentence of 35 years, upon conviction of robber of the Oklahoma Paper Company payroll in Oklahoma City. I have about 5 years of this sentence served and am trying to do it the shortest way.

Before this robbery I lived on Paseo in Kansas City, Mo. and did some whiskey business with HENRY GRAMMER, of Osage County, who was then in the whiskey business there. Not very long before the murder of Henry Roan of Osage County, Henry Grammer was in Kansas City and told me a big rancher there, named BILL HALE, had a big job he wanted done. Grammer finally stated he would have BILL HALE come to see me. Not very long thereafter BILL HALE, of Fairfax, Oklahoma, did come and see me in Kansas City. I mentioned Grammer, and Hale told me he had a job he wanted to have done in Osage County. As I sometimes drove to Henry Grammer's place in connection with the whiskey business between us, I told Hale I would see him again at Fairfax, Oklahoma. Shortly thereafter I did drive to Osage County, Okla. and did go to Fairfax, and saw Bill Hale, and mentioned our conversation in Kansas City regarding a 'job'. HALE told me he was sorry, but he had already arranged with another man to do this job. Not very long thereafter I learned of the murder of HENRY ROAN, OSAGE INDIAN, and believed, and still believe, that was the job Hale had in mind for me to do or get done.

I know BILL HALE well, now, and hope he is acquitted, tho I believe he is guilty. I have been questioned before on this, by Mr. Frazier, who was then Chief of Police at Oklahoma City, and by J. K. Wright, and Parker La MOORE of Oklahoma City.

299

12 He was assigned to get an interview from Mr. Hale, and I went to the May  
13 Hotel where I met him in the lobby, being introduced to him by Mr. Howard,  
14 his attorney. Mr. Hale and I discussed various phases of his case, and  
15 particularly, he told me about the way newspapers had been publishing and  
16 distorting different phases of the case, and cited me to several instances;  
17 he was very friendly and very talkative, and as my only object was to get an  
18 interview from him, I let him do most of the talking; for a few minutes, Mr.  
19 Hale and Mr. Howard and I talked together, standing up, and then the incoming  
20 friends of Mr. Hale at various intervals, drew Mr. Howard away, and left Mr.  
21 Hale and I together for several minutes. I asked Mr. Hale in regard to the  
22 insurance that was made out on Henry Roan, the man whom he was charged with  
23 having aided and abetted in murdering, and he started in and gave me a  
24 resume on how he happened to take out the insurance on Mr. Roan; he said that  
25 was the only thing the government could connect him with in regard to the  
26 death of Roan; it was the only thing that they had to go on and he explained  
27 it in this way; that all his life he had been engaged in handling cattle and  
28 doing business in large amounts; that he sold cattle in thousands of heads;  
29 that he had the reputation of being a good business man and he admitted that  
30 he was; that he could borrow any amount of money on a moment's notice at any  
31 time and his integrity was never questioned. That years ago, a banker friend  
32 of his was discussing his business affairs with him, and he referred to this  
33 banker as whom I knew (which I did not), saying he was in Tulsa at one time  
34 before a bank failure here, and in the conversation said that this banker  
35 said to him: 'Bill, why don't you get some of those Indians who hold head-  
36 rights indebted to you, and eventually the Government will remove the res-  
37 trictions from their allotments and if some of them are indebted to you  
38 then, you can come into possession of some of these headrights and fix you  
39 up; I thought this was a pretty good idea myself, so he said, and as he had  
40 done quite a lot of business for Roan and sold him horses and cattle and  
41 Roan had become indebted to him in the amount of approximately Twelve  
42 Thousand dollars; he said the newspapers had made this sum somewhat ex-  
43 horbitant; he said that Roan then came to him and told him that he was in-  
44 debted to him in that amount and that he did not think he would ever be able  
45 to pay him, and he wanted to do something to secure the debt to Mr. Hale so  
46 he would not lose the amount, and that he suggested that Mr. Hale pay the  
47 premium on a Twenty five thousand dollars insurance policy for him, stating  
48 that he knew an insurance agent that would write the policy, and Mr. Hale  
49 said, then at Roan's suggestion, he thought it over and decided to pay the  
50 premium on the insurance and become the beneficiary; that after some talk  
51 with the insurance company, he did this, and paid the Thirteen hundred and  
52 some dollars cash for the premium; said that was the only thing he had to do  
53 with the case, and then he rambled on and talked for about one half hour.

54  
55 The reason that this was not contained in my published interview of the same  
56 day, was for the reason that I felt that Hale's statement regarding the  
57 manner of having Indians become indebted to him to obtain their headrights  
58 was a very incriminating statement for a man in his position to make. As  
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12 I have made practically this same statement to ERNEST BURKHART a short  
13 time back, while he was in this penitentiary with me, but did not expect  
14 him to repeat it. I know more than I have told, but do not want to  
15 testify, and will not testify, for the reason that I have nothing to gain,  
16 and would make it hard for myself if I did so. I am a member of the prison  
17 band, drummer, and have been for years. I have it as easy as is possible  
18 to have it in prison; have a nice spring cot to sleep on, am first class,  
19 and doing my time the shortest way. When a prisoner here squeals or talks  
20 against some other man being prosecuted, the rest, or many of them, make  
21 life miserable for him, and it would be impossible for me to testify and  
22 then come back here and do my time the easy, shortest way, as I would be  
23 sure to have trouble with some of the others doing time here."

25 Emery to be interviewed by this Agent later.

27 Max Billingslea, Okesa, Oklahoma stated in addition to what he  
28 testified to at previous trial (see transcript of evidence) that Subject Hale met him,  
29 Billingslea, at Triangle Building, Pawhuska, Oklahoma a short time before Henry Roan  
30 was killed and asked him, Billingslea, if he thought Al Spencer, (deceased) and then  
31 a fugitive from justice, would kill a man for money and Billingslea told him he did  
32 not know. Subject Hale then arranged with Billingslea for meeting with Spencer, which  
33 had between Subject Hale and Spencer in presence of Max Billingslea and Ike Ogg.  
34 (See transcript of Ogg's evidence at previous trial.)

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Department of Justice

Bureau of Investigation

P. O. Box 1535,  
Oklahoma City, Oklahoma  
October 18, 1928.

C.E.R.

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

10  
1928  
DIVISION

62-5033

Dear Sir:

Re: W. K. HALE - Indian Murder.

Special Assistant Attorney General T. J. Leahy, in charge of the prosecution of the above entitled matter at Pawhuska, Oklahoma, called me by telephone again today and was rather insistent that another Agent be assigned to work with Special Agent John Burger until the case is again called for trial on November 12th, next. Mr. Leahy stated that it would be preferable to assign an Agent who is thoroughly familiar with the case and mentioned, first, Special Agent Frank Smith or Alex Street of the El Paso office.

Mr. Leahy, and also United States Attorney Roy St. Lewis, at Oklahoma City, mentioned that the defense is very active and they thought that the assignment of an additional Agent, such as Smith or Street, would render the position of the prosecution more secure and it was especially mentioned that it was unfair to Agent Burger that he should be alone during this period of the investigation.

I conferred briefly with Burger over the telephone and while he is not insistent that another Agent be assigned to cooperate with him, he says that he is extremely busy and working night and day to keep up with all the developments and that the services of another Agent, especially Smith or Street who are familiar with the case, in his opinion, would be desirable.

The statement of Mr. Leahy and Mr. St. Lewis, to the effect that it is unfair that Burger should be assigned alone on this matter, is not without some merit for the reason that persons interested in the defense are vicious and unscrupulous and would not hesitate to take some unfair advantage of Burger. I perhaps could arrange to spare one of the local Agents to work with Burger, but it is pointed out that none of the Agents now assigned to the Oklahoma City office is familiar with the case and would be unable to perform any independent or constructive work.

*Refused*

62-5033-701
RECORDED
OCT 20 1928

2802



2: Bureau.

I desire the Bureau to advise me at once whether Agent Smith or Street of the El Paso office could be assigned at once to work with Agent Burger, or should I disregard entirely the request of Special Assistant Attorney General Leahy and Mr. St. Lewis. It is probably true that the attorneys for the prosecution will demand that either Agent Smith or Street be assigned on the case, in any event, sometime prior to the date set for the trial on November 12th.

Yours very truly,

*C. E. Breniman*  
C. E. Breniman,  
Special Agent in Charge.

2803

RECEIVED

61-5033-708

October 22, 1928.

OCT 24 1928

Mr. C. E. Buchanan,  
P. O. Box 1535,  
Oklahoma City, Okla.

Dear Sir:

The Bureau is in receipt of your communication of October 18th., relative to the investigation of W. K. Hale, and notes the conveyance of a request of Mr. Leahy and Mr. St. Louis to the effect that another Agent, preferably Agent Smith or Agent Street, be assigned to assist Agent Burger in his work on this case.

It appears to the Bureau entirely unnecessary that an Agent from another district be assigned to this case at this particular time. It would be appropriate for you to afford Agent Burger all the investigative assistance he required from your office.

Very truly yours,

Director.

BUREAU FILED DIVISION  
MAILED

OCT 22 1928

DEPT. OF JUSTICE

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Department of Justice  
Bureau of Investigation

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

October 23, 1928.

CEB:p

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

Re: W. K. Hale.

Dear Sir:-

I am informed by United States Attorney  
Roy St. Lewis, Oklahoma City, that another panel  
for jury duty will be drawn for trial in the above  
entitled matter set for November 12, 1928, and that  
request will be made of this office to investigate  
this jury panel.

I am at this time requesting authority  
to conduct such investigation when it is called  
for by the United States Attorney, as was done a  
few weeks ago when the case was called for trial  
and later continued.

The matter, of course, will be conducted  
in a discreet manner if authority is granted for the  
investigation.

Very truly yours,

*E. Brennan*  
E. Brennan,  
Special Agent in Charge.

*Copy  
Brennan  
10/26/28*

RECORDED

62-5033-707  
BUREAU OF INVESTIGATION  
OCT 25 1928  
U. S. DEPT. OF JUSTICE

2805

62-5055-707

October 26, 1928.

JUN 27 1928

## MEMORANDUM FOR MR. LUHRING.

There is transmitted herewith, a copy of a letter dated October 23, 1928, which the Bureau has received from its Oklahoma City office indicating that a request will be made by the United States Attorney at Oklahoma City for an investigation of the jury panel which will be drawn for the trial of the case entitled W. K. HALE, et al - Murder of Osage Indians.

The Bureau will be glad to have your advice relative to what action should be taken in connection with the requested investigation.

In connection with this matter, there is transmitted herewith for your information, a copy of the report of Special Agent J. R. Burger, dated October 8, 1928, at Oklahoma City.

Very truly yours,

**Encl. 115398.**

Director.



2806



October 25, 1935.

Mr. C. E. Brennan,  
Department of Justice,  
Federal Building,  
Oklahoma City, Oklahoma.

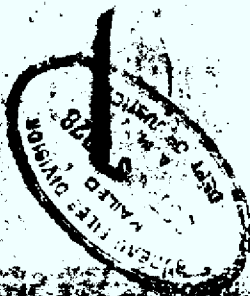
Dear Mr. Brennan:

In conference with Special Assistant to the Attorney General Leahy today, he advised me of a very important angle of the Hale case that needs to be followed out in Kansas City. In view of the familiarity with the details of this case of Special Agent Burger, you are authorized, when Mr. Leahy requests the same, to direct Mr. Burger to proceed to Kansas City and investigate this angle of the case.

I understand from Mr. Leahy that he will be back in Oklahoma City on Saturday of this week. He will then communicate with you as to his wishes in the matter. I wish that you would cooperate fully with him.

Very truly yours,

Director.



62-5033-708

RECORDED

INDEXED

OUT 30 28 A. M.

DEPARTMENT

2807

Postal Telegraph

October 25, 1928.

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

REFERRING YOUR LETTER OCTOBER EIGHTEENTH AND MY REPLY OCTOBER TWENTY-SECOND

AM TODAY DIRECTING SPECIAL AGENT SMITH OF EL PASO OFFICE TO PROCEED IMMEDIATELY

TO OKLAHOMA CITY AND REPORT TO YOU STOP YOU MAY THEREFORE DISREGARD MY

LETTER OF OCTOBER TWENTY-SECOND AND UPON ARRIVAL AGENT SMITH DETAIL HIM TO

THE WORK DESIRED BY SPECIAL ASSISTANT TO THE ATTORNEY GENERAL LEAHY

HOOVER

RECORDED

62-5033-702

OCT 30 1928

2808



HRC:RME  
62-5033-

October 31, 1928.

MEMORANDUM FOR MR. LUNNING.

Your attention is invited to the Bureau's memorandum dated October 26, 1928, requesting advice as to whether or not an investigation of the jury panel, which will be drawn for the case entitled W. K. HALE, et al, Murder of Osage Indians, should be conducted by the Bureau.

In view of the fact that it appears that this case is set for trial on November 12, 1928, the Bureau would appreciate your advice as to proper action in connection with the request.

Very truly yours,

Director.

OCT 31 1928

62-5033-710	
BUREAU OF IN	
NOV. 1 1928	
DEPT. OF JUSTICE	FILE

2809

LEAHY, MACDONALD, MAXEY & FILES  
ATTORNEYS AT LAW

FIRST NATIONAL BANK BUILDING  
PAWHUSKA, OKLAHOMA

October 30th, 1928

LEAHY  
C. M. MACDONALD  
J. M. MAXEY  
F. W. FILES  
T. R. LEAHY  
& V. LABADIE

Attorney General  
Washington, D. C.

Attention - Mr. L. J. Edgar Hoover, Director:

Dear Sir:

Doubtless you have been advised that the case of United States against W. K. Hale has been continued to January 2nd, 1929. This was done by the court on its own motion and after the prosecution had announced to him that it was ready to go to trial on November 12th. However, under the conditions that are prevailing, the court was justified in taking the action he did.

In the past thirty days some very valuable evidence has been discovered, and we seem to be in a position at this time to gather considerable more - hence, I am in hopes that Special Agent Burger will be kept constantly on this job as he has the matter well in hand and I am sure he will work it out in the best possible shape. A little later, when things develop more, I would like to have Special Agent Smith from the El Paso office assigned here to assist Mr. Burger. The conditions that confront the prosecution in this case, because of the manner in which the defense is being conducted and the vast amount of money that is being used in the defense, renders it absolutely necessary that there be no let up in conducting our investigations and in keeping in touch with our witnesses so that we may know whether any improper influences or conduct are being used.

The Bureau of Investigation has done wonderful work in this case and is entitled to the very highest of praise.

Very sincerely yours,

*T. R. Leahy*  
to the  
Special Assistant Attorney General

62-5033-11  
BUREAU OF INVESTIGATION  
NOV 1 1928  
2810

Please note that every assistance  
needed is given.



Los Angeles, California,  
October 31, 1928.

Mr. C. E. Brennan,  
P. O. Box 1535,  
Oklahoma City, Oklahoma.

Re: U. S. versus W. K. Hale

Dear Sir:-

Will you kindly advise at the earliest possible date whether or not trial of W. K. Hale is to be held on November 12th, date to which trial was postponed in October, and whether or not Special Agent J. V. Murphy's presence is desired at Pawhuska as witness on November 12th.

Very truly yours,

E. J. Geehan  
SPECIAL AGENT IN CHARGE

JVM:IE  
cc Director



RECORDED

62-5033-712

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 8 1928	
FBI - LOS ANGELES	

2811

# POSTAL TELEGRAPH - COMMERCIAL CABLE

CLARENCE H. MACKAY, PRESIDENT

## TELEGRAM

TELEGRAMS  
TO ALL  
AMERICA



CABLEGRAMS  
TO ALL  
THE WORLD

RECEIVER'S NUMBER

TIME

STANDARD TIME

### CLASS OF SERVICE DESIRED

7	FAST TELEGRAM	
8	DAY LETTER	
9	NIGHT TELEGRAM	
10	NIGHT LETTER	

The sender must mark the telegram with the class of service desired; otherwise the telegram will be transmitted as a day telegram.

Send the following Telegram, subject to the terms on back hereof, which are hereby agreed to.

November 3 1928

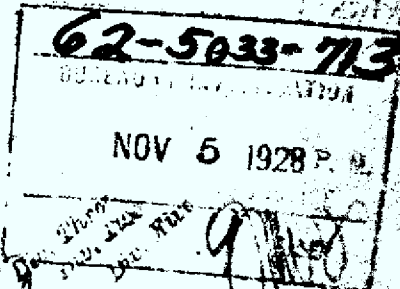
CEB:R.

E. J. Geehan  
Department of Justice  
Federal Building  
Los Angeles Calif

Osage case continued January second next No request made yet  
for Agent Murphys presence here

Breniman

Government Rate - Official Business  
PAID - Chg Bureau of Investigation.



RECORDED  
NOV 6 1928

2812



THIS CASE ORIGINATED AT Oklahoma City, Oklahoma.

REPORT MADE AT: Oklahoma City, Okla.	DATE WHEN MADE: 11-2-28	PERIOD FOR WHICH MADE: 10/5-25/28	REPORT MADE BY: J. R. Burger
TITLE: W. K. (BILLY) HALE			CHARACTER OF CASE: Murder Osage Indians.

SYNOPSIS OF FACTS:

(O. C. #70-1)

Hugh M. Washburn made signed statement in which he stated that while confined in the Osage County Jail at Pawhuska, Oklahoma, with Subject Hale, Hale told him that he, Hale, was friendly with jailors Dick Conner, John Henderson and Dempsey Smith, and that he had given Conner and Henderson both money for favors done by them for same. Subject also told Washburn that he, Subject, had made a great mistake in getting Ramsey to make away with Henry Roan; that he told Ramsey not to shoot Roan in the back - to do the job right and shoot him in front, making it appear that Roan had committed suicide. Washburn's entire statement incorporated in the body of this report. Original affidavit in the Oklahoma City file. Irwin (Blackie) Thompson made signed statement in which he stated that Subject Hale had told him that he would furnish him a gun that he might break jail in order to kidnap Ernest Burkhardt and take him to old Mexico and do away with him there and not be available to testify for the Government. Copy of statement of Thompson incorporated in the body of this report. Original signed statement in the Oklahoma City file. Miss Tina Betts made signed statement in which she stated that Subject Hale had requested of her on two different occasions to ask Ernest Burkhardt not to testify against him - to do so and tell the truth that he, Subject, would be a ruined man. Signed statement incorporated in the body of this report and original statement is in the Oklahoma City file. Efforts are being made to locate and interview Will Revard with reference to false statement he was requested to sign by Subject Hale, as set forth in statement of Hugh M. Washburn. For the information of the Agent in Charge at Oklahoma City and the Bureau, Agent has found defense's attorneys and friends to be very unscrupulous in that they have attempted to intimidate Government witnesses by reflecting on the attorneys for the Government and Agents assigned on this case and others who are friendly to the prosecution.

- PENDING -

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>W. C. Brannan</i> SPECIAL AGENT IN CHARGE	COPIES OF THIS REPORT FURNISHED TO: 3-Bureau 1-U. S. Atty. Okla. City 1-U. S. Atty. Tulsa 1-T. J. Leahy, Spec. Asst. Atty. Gen. 1-Edwin Brown, " " " 2-Oklahoma City	62-5033-74 BUREAU OF INVESTIGATION NOV 5 1928 DEPARTMENT OF JUSTICE	RECORDED AND INDEXED: NOV 6 1928 CHECKED OFF: JACKETED:
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2813

REFERENCE:- Report of this Agent dated October 6, 1928.

## DETAILS

Hugh M. Washburn, who is now confined in the Tulsa County Jail, Tulsa, Oklahoma, on alleged white slave charge, wrote Hon. Roy St. Lewis, United States Attorney, Oklahoma City, requesting an interview with some Government Agent with reference to what Subject Hale had told him while confined in the Osage County Jail at Pawhuska, Oklahoma. Mr. Washburn was interviewed at the office of John M. Goldesberry, United States Attorney, Tulsa, Oklahoma, on October 22nd, 1928, by Goldesberry and this Agent and made statement in this connection which reads as follows:-

"STATE OF OKLAHOMA, )  
COUNTY OF TULSA. ) SS.

## A F F I D A V I T

Hugh M. Washburn of lawful age, being first duly sworn upon his oath, and in the presence of John M. Goldesberry, United States Attorney for the Northern District of Oklahoma, and John R. Burger, Special Agent of the Bureau of Investigation, Department of Justice, and Miss Louise Nelson, employee in the United States Attorney's office of Tulsa, Oklahoma, after having been advised of his constitutional rights to the effect that any statement that he might make could be used as competent evidence in the United States or other courts against him or other persons wherein it might be material, and that whatever statement he desired to make must be made by him free and voluntarily and without any promise or hope of reward on account thereof, states as follows:

My name is Hugh M. Washburn. I am thirty five years of age; my place of residence is Tulsa, Oklahoma; I am now confined in the Tulsa County Jail of Tulsa, Oklahoma, having been transferred here from the Osage County Jail at Pawhuska, Oklahoma, on the 20th day of October, 1928, and I am being held by the United States Government on a charge of an alleged violation of the White Slave Traffic Act, for which I am now under indictment in the United States District Court for the Northern District of Oklahoma; I was arrested and placed in the Osage County Jail on the 9th day of May, 1928, and have been continuously in such jail until October 20, 1928, when I was transferred to Tulsa as above stated.

Prior to my incarceration in the Osage County Jail, I had never met or known William K. Hale; neither have I ever met or do I know John Ramsey; neither have I ever met or know Curley Johnson, and personally, I know nothing of the facts and have never known anything with reference to the facts surrounding the alleged killing of Henry Roan, or the killing of Bill Smith and Emily or Anna Brown, or any of the other so-called Osage Indian Murders, except what I have heard with reference to the same.

The first time I saw Bill Hale was when they brought him to the Pawhuska jail and they placed him in a cell just across from where they had me.



I saw a number of people coming in and out and talking to him and one of them, Dick Conner, one of the jailors, was sent down town by Bill Hale to see a fellow on some business for him; somebody happened to mention something about it and said that Dick Conner was snitching for Hale, and Demsey, one of the jailors, said he would have to look Hale up for a few days until it blew over, and they put him in the cell with me, where they had me in solitary confinement. Dick Conner, Demsey and old man Hutchinson told him he would have to watch me because I was the worst snitch they had in the jail; Hale told me that they told him that and for him to watch me and not let me know anything, and then I told Hale why they had it in for me, which I learned was because they found out that I used to be an officer over at Bartlesville, and I told Hale that it was all a mistake and that I was not a snitch, and that if I had saws in the jail, as they said I had, I would try to break out, and after a while I seemed to have gained Hale's confidence and he began to talk to me, and he asked me once if I could get my former wife up there, whose name is Louise Washburn, and she formerly lived at 1224 North Boston in Tulsa, but I do not think she now resides at that place; he said "\*\*\*\*\* if I would write her to come up right away and she would testify to whatever he wanted her to; I told him I would write for her but I did not write; He told me he would pay me well if I would get up on the stand and swear for him as follows: He wanted me to swear I was living at Shidler, Oklahoma, where I had never lived in my life and state as follows:

"While I were living at Shidler, Oklahoma, I and Curley Johnson were working on my Ford car, and two fellows drove up to where we were at and one of them ask Curley where Ramsey were and if he had seen him. that he wanted to know if he was going to do that job, and Curley said he didn't know and then Roy Bunch spoke up and said if he wasn't going to do it he would get someone that would and told Curley to come over to Fairfax that next night and I and Curley went to Fairfax and stoped our car in front of the pool hall on East Side of the street and pretty soon out come Blackie Thompson and ask if we would go and get some whiskey, and we drove East for a ways and then turned south down to a car and there we met two fellows, Ramsey and Roy Bunch, and they were talking of bumping off an Indian and I ask who the Indian was and Curley said it was Henry Roan."

Hale wrote the above statement out and gave it to me and I copied it off and then he tore his copy up and destroyed it. I now hand to the United States Attorney copy of Mr. Hale's statement that I wrote out from his copy before he tore up the same, on which I have placed my initials for identification purposes.

Mr. Hale told me in the cell one night that he had made a great thing by getting Ramsey to make way with Henry Roan; that he told Ramsey not to shoot him in the back but to do the job right and shoot him in front, making it appear that Roan had committed suicide.

11-2-28

While Bill Hale and I were in the cell together, he passed notes to Blackie Thompson, and I, myself, crawled upon the radiator and shoved the notes into a small hole where a radiator pipe went through the ceiling and Blackie Thompson sent a note down to Bill Hale, asking if Hale would help him out, by getting some friend of his to slip him a rod (meaning a six-shooter) and Bill Hale told him he thought he had a friend who would put one in there for him and the next day, Blackie Thompson told Bill Hale if he could get him a rod, he would not testify against him and Bill Hale wrote a note to Thompson and asked him if he could do a job for him if he would get him a rod; He had reference to a man named Ernest Burkhardt, and he told Blackie Thompson in his note that he would not want him killed anywhere around here where they could use his evidence if they found him dead; said he would want him taken across into Old Mexico and whatever happened to him over there was immaterial to him, and he told Blackie where he could find this man; said there would probably be a young man with him and to watch his corner as there might be a gun on him, and Blackie told Hale that it would probably take him about three to five days after he hit the ground.

All the above statements were made by notes passed between Hale and Blackie Thompson through this hole above mentioned; sometimes Hale would hand me the notes to read, and sometimes I would receive them through the hole and read them, to all of which Hale did not object, after I had gained his confidence.

Hale asked me if he would get a couple of rods, otherwise six-shooters, if Thompson and I would take the keys and unlock Harry Cornett and Red Ramsey (son of John Ramsey), and wanted us to take all the jailors and himself and lock them up in the basement, and by us taking him and getting hard with him, it would make the thing clear that he had nothing to do with it, and I told him that I would. I told him this to gain his confidence because they all accused me and told him that I was a snitch and my purpose was not only to gain the confidence of Hale but also the jailors because of the mistreatment they had given me and also for such information as I could get. no intention of breaking jail or attempting to, or assisting anyone else breaking jail.

I now know Bill Revard and first became acquainted with him in the Osage County Jail at Pawhuska, where he was serving time on a liquor charge. Bill Hale showed me a note he had that was a statement he had procured Bill Revard to make and said he was going to make him an awful good witness; said he had arranged with Bill Revard to testify falsely to the following effect: That Roy Bunch was going out and kill Henry Roan and he said if Bill Revard would get up and swear that state of facts, that he would make him an awfully good witness; Bill Revard told him, in my presence, that he would not swear to that at all because he might get himself in a jack-pot, but said he would swear that he heard Roy Bunch ask another fellow to go with him. Bill Hale had in his possession a typewritten statement with reference to what the testimony was that he wanted Bill Revard to swear to, which I got out of Hale's pocket in our cell and copied the same, a copy of which I now identify by my initials and hand to the United States Attorney, said statement being as follows, to-wit:



11-2-28

"Bill Revard, from my original notes.

An Indian of Fairfax will testify that he ran around with Roy Bunch and Mary Roan for two years before the killing of Henry Roan, that they were on frequent drunken parties together; that he has seen Bunch at Henry Roan's house on an average of two or three times a week for a year before the death of Henry Roan; that Roy Bunch would occupy the same room with Mary and that he was very jealous of Mary and was actually in love with her; that one time he and Roy Cook went up to Henry Roan's when Roan was away and Roy Bunch found out about this visit and said you are a god dam fine friend and went so far as to threaten to shoot Revard, and Revard said he thought that he was going to shoot him over the matter. That about a year before Henry Roan was killed, Revard and Roy Bunch were standing in front of Roy Cook's pool hall talking and Henry Roan started to Burbank and Roy Bunch said to Revard that if he would go with him that he would go and kill Henry Roan on this trip and Revard said to Bunch that he would not be a party to a murder. Was out on a drinking party with John Ramsey, Amos Tucker and Roy Bunch; one time a short time before the death of Roan; out on Pawhuska Road, near got to Bill Trent's pasture, Bunch and Ramsey talked of killing Roan".

There was also some woman in the Osage County Jail, whose name was Brown, and Hale told me that he had been up to her cell in the jail and stayed up there until about 12 o'clock and said he was going to get her to make him a good wife.

During the time I was with Hale in the jail, he spent considerable of his time in the womens' part of the jail, in fact he had the privilege of liberty of going most anywhere he wanted to most of the time. I had one real a day in his cell and would leave the cell at 9 o'clock or near that in the morning and return at 12 or 1 o'clock that night. The jailors would let people come in at the side-door to see him most any time.

I make the foregoing statement of my own free will and accord, and the same is true and correct.

Hugh M. Washburn

Subscribed and sworn to before me this 23 day of October, 1928.

(Seal)

Louise Nelson,  
My commission expires March 19, 1932. Notary Public.

2817

Hugh M. Washburn also made statement with reference to jailors at the Osage County Jail, John Henderson, Dick Conner and Dempsey Smith, which reads as follows:

"STATE OF OKLAHOMA, )  
COUNTY OF TULSA. ) SS.

AFFIDAVIT

Hugh M. Washburn of lawful age, being first duly sworn upon his oath, states that from May, 1928, until October 20, 1928, he was confined in the Osage County Jail at Pawhuska, Oklahoma, under a charge the Federal Government had against him; that during a portion of that time, he occupied the same cell in the jail, with W. K. Hale, and was in the jail during all the time that W. K. Hale had been confined there until October 20, 1928; that he occupied the same cell with him approximately four weeks, and that when Bill Hale was placed in the cell with him, all the jailors cautioned Hale that he would have to watch him and tell him nothing because he was the biggest snitch in the jail, and Hale laughed about it and told them that he knew a man when he saw him and he said to me: "Washburn, you have had a dirty deal", and He told me that John Henderson, one of the jailors, and Dick Conners, one of the jailors, had told him that they could not trust me at all; I would see Henderson and Dick Conners come to my cell door and whisper to Hale and I would see Hale hand money to John Henderson and Dick Conner and Hale told me that money would do almost anything, and he told Dick Conners, in my presence, that if he would help him out and do what he could, that he would put him on a small ranch near Elgin, Kansas, and Dick Conner said he would, and Hale told me that he was going to put Conner on a ranch, but he would have to do all the managing, as Dick Conner was an awfully good worker but a poor manager; and Bill Revard went out to Harve Freas' farm one morning about 7 o'clock with Harve Freas and came back that night with Harve Freas and he, Revard, was drunk, and Revard told me that Harve Freas told Dick Freas, as follows: "For God sake, take him away until he sobers up" and Bill Revard later said that they took him over to Fairfax.

Harve Freas, the above mentioned, is the sheriff of Osage County and Dick Freas is his son.

At one time, Bill Hale came into the cell and put his hat and coat on and the jailors, Henderson, Dick Conners, and Dempsey called him out and they all were standing out in the office talking and Dick Conners went outside the door and John Henderson was standing looking out the door toward the court house and Dempsey and Bill Hale went downstairs through the kitchen, and Hale was gone about three or four hours and when Hale came back, he told me that he was out around the trash burner and he said the country sure looked fine, and when they came back they had three or four watermelons with them. When Hale returned, Dempsey was with him, and the best of my recollection and best judgment, it must have been around 6 o'clock when they left, anyway it was about dark, and when they returned they must have been gone three or four hours.



One afternoon there was a man and woman and little girl that came to the front door of the county jail and Dick Conner refused to let them in and told them to go to the side door and so they went to the side door and Dick Conner let them in, and they came back and talked to W. E. Hale privately for thirty or forty minutes and when they were gone, Bill Hale told me that this fellow was a good friend of his and he had him to come up from Old Mexico; that he would make him a good witness; said he was in the silver mining business down there, but did not tell me his name; he was a light complected fellow and I judge he must have been about thirty five or forty years old, weight about 150 pounds and about five feet nine inches tall. The woman was a small, slim woman and would weigh about one hundred and twenty pounds, and the little girl looked to be about eight or ten years old.

I saw Hale hand money to John Henderson and Dick Conner on different occasions and Hale told me that the information he was getting and the work he was getting done by and from the jailors was costing him plenty, but it was worth the money.

Bill Hale told me he sent Dick Conner to do some work for him, to see a fellow, but did not tell me his name, and that someone saw him and snitched on him, and accused him of being his, Hale's, stool-pigeon, and Demsey told him he would have to lock him up for a few days until it blew over, and he told me about some house or street where he went. him, but I don't remember either the house number or street; Dick Conner told Bill Hale and myself the morning he locked Hale up "I got myself in a jack-pot but going down there, but we won't pay any mind to that. We will make it any way".

My best recollection is that Dick Conner and Demsey accused Smith Leahy of snitching on Dick Conner with reference to that occasion. I will not be positive of this man's name, but I asked Hale who Smith Leahy was and if he was an ex-convict or something and Hale never did tell me who he was. Every day, Hale was let out of his cell at about 9 o'clock in the morning and was not let back until 12 or 1 o'clock at night, with the exception of sometimes when they would put him in about the noon hour, letting him stay an hour or so and then let him out again, and on other occasions, when they would see someone coming into the jail, they would put him into his cell until they would leave and then let him out again. He was always allowed the privileges of the jail when he wanted them, to go where he pleased and was permitted to use the telephone at his pleasure; on one occasion, I remember a man came to the jail that someone said was a federal officer and when they saw him coming, they put Hale in the back part of the jail where the jailors sleep and when this man left they brought him back and put him in the cell.

The above statement is made free and voluntarily of my own free will and accord without any promise of immunity or hope for reward.

Edgar M. Nashburn

J. R. Burger

11-2-28

Subscribed and sworn to before me this 23 day of October, 1928.

(Seal)

Louise Nelson,  
Notary Public.

My commission expires March 19, 1932.

Irwin (Blackie) Thompson, now confined at the Bartlesville, Oklahoma, County Jail awaiting to be removed to Pawhuska to testify as a Government witness at the trial November 12th, 1928, made a signed statement, which reads as follows:

Bartlesville, Okla.  
10-23-28

My name is Irwin (Blackie) Thompson. I was placed in the Osage Co. Jail Sept. 30 - 1928 in a cell above one occupied by W. K. (Bill) Hale and Hale spoke to me and called me Blackie and asked how I was getting along. About one week later Hale wrote me a note which he handed me through hole in floor of my cell, in which note Hale stated he would favor me any way he could and would not be anything said about it and asked me in this note what I wanted to not testify against him, and I wrote one note that I would not testify against him if he would get me out. Hale then wrote another note to me in which he stated he had a friend that he could get to slip him rod into jail and when I got gun and got out he wanted me to take Earnest Burkhart to Old Mexico and said he did not care what happened to Burkhart after I got him into Old Mexico but did not want Burkhart killed in this country where he would be found. as to find him dead here the Government could then use his evidence as given by him at previous times. Hale also told me that there would be guard with Burkhart that would likely have gun and I would have to be careful.

Hale later told me he had arranged with his friend to get gun into jail for me but never told me who his friend was.

The above conversation between Hale and myself was by written notes in which Hale would write me and have me to write on same note and return to him Hale so Hale could destroy the notes, and several of these notes was passed between Hale and myself by Hugh M. Washburn who was in the same cell with Hale.

The above statement made by me of my own free will and accord 1st being advised by J.R. Burger that what I said would be used as evidence against W.K. Hale.

Irwin Thompson "

Miss Tina Betts of Calumet, Oklahoma, made signed statement October 9th, 1928, at El Reno, Oklahoma, which reads as follows:

El Reno, Okla.  
Oct. 9, 1928.

"First being advised of my constitutional rights that what I may say will

2820



J. R. Burger

11-2-28

As used as evidence in the case of U.S. vs W. K. Hale.

My name is Tina Betts and I reside at Calumet, Okla. I am now teaching in Calumet Graded school. I live in the home of Mrs. Cockrell, Calumet, Okla.

I have known W. K. Hale, formerly of Fairfax, Okla., for the past ten years.

While at Pawhuska, Okla. during the trial of Ernest Burkhardt in June, 1926, I called at the County jail and visited with W. K. Hale at which time W. K. Hale requested of me to tell Ernest not to tell the truth on him. "If he tells the truth on me I'm ruined. Whatever you do, you get to Ernest and tell him not to tell the truth because if he does I'm a ruined man."

W. K. Hale again requested of me the day Ernest plead guilty. "For God's sake get to that boy and tell him not to open his mouth. If he does and tells the truth I'm a ruined man".

My parents, Mr. and Mrs. W.G. Betts, reside at Marlow, Okla.

Tina Betts

Witness J. R. Burger."

Efforts are being made to locate and interview Will Revard with reference to statement as set forth in statement made by Hugh M. Washburn, alleged to have been prepared by W. K. Hale and by his attorney, Howard, for the purpose of having Revard sign and testify to falsely.

This agent has been reliably informed by Government witnesses and informants that defense's counsel and friends to defense have been quite active in talking with Government witnesses in which they would reflect upon the character and reputation of attorneys and agents representing the Government and no doubt are very unscrupulous in their manner and activities in defense of this law suit.

- PENDING -

2821

REC-208  
62-5335-714

November 2, 1928.

RECORDED

NOV 13 1928

MEMORANDUM FOR MR. LORING.

With further reference to the case entitled W. K. (BILL) HALE, Murder of Osage Indians, there is transmitted herewith for your information, a copy of the report of Special Agent J. E. Burger, dated November 2, 1928, at Oklahoma City, Okla.

Very truly yours,

Director.

Encl. 115444.

BUREAU FILES DIVISION  
MAILED

NOV 8 1928

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