

CLASS OF SERVICE DESIRED	
DOMESTIC	CABLE
TELEGRAM	FULL RATE
DAY LETTER	DEFERRED
NIGHT MESSAGE	CABLE LETTER
NIGHT LETTER	WEEK END LETTER

Patrons should check class of service desired; otherwise message will be transmitted as a full-rate communication.

WESTERN UNION

NEWCOMB CARLTON, PRESIDENT

J. C. WILLEVER, FIRST VICE-PRESIDENT

NO.	CASH
CHECK	
TIME ELAS.	

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

Okla City Okla Jan 10, 1929

B. J. McIlfee
Department of Justice
Denver, Colorado.

United States Attorney Goldsberry trying Hale murder case at Pawhuska Oklahoma has wired me quote Claude Sawyer reported to be in Cheyenne Wyoming important witness in Hale case stop he is said to be in rodeo business probably connected with one Mr. Early stop have as the jurisdiction locate Sawyer and advise stop Act by wire stop if Sawyer located advise United States Marshal that the district who will hold process for him unquote Endeavor locate at once and advise me. Trial in progress.

Breniman

Nite
Government rate offl business
Paid; Chg Bu Investigation

62-5023-734



RECORDED & INDEXED

JAN 10 1929

JAN 14 1929

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[Handwritten notes: Mr. Tress, Mr. Two, Mr. One]

[Handwritten number: 2870]

POSTAL TELEGRAPH - COMMERCIAL CABLE

CLARENCE H. MACKAY, PRESIDENT

TELEGRAM

TELEGRAMS
TO ALL
AMERICA



CABLEGRAMS
TO ALL
THE WORLD

RECEIVER'S NUMBER

CHECK

TIME FILED

STANDARD TIME

CLASS OF SERVICE DESIRED

5 FAST TELEGRAM

6 DAY LETTER

7 NIGHT TELEGRAM

8 NIGHT LETTER

The sender must mark and prepay the class of service desired. Otherwise the telegram will be sent as a day letter.

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

January 11 1929

CEB:R

E J Geshan
Dept of Justice
Federal Building
Los Angeles Cal

Night Message.

Endeavoring locate Claude Sawyer witness Hale Murder case
Last known address San Ysidro Calif Ascertain if known
there at this time Handle by wire Advise

Breniman

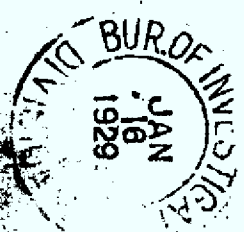
Government Rate - Official Business
PAID - Chg Bureau of Investigation

RECORDED

62-5033-73

JAN 19 1929

JAN 14 1929



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CLASS OF SERVICE DESIRED	
DOMESTIC	CABLE
TELEGRAM	FULL RATE
DAY LETTER	DEFERRED
NIGHT MESSAGE	CABLE LETTER
NIGHT LETTER	WEEK END LETTER

Introduce special charges of service desired; otherwise message will be transmitted at a full-rate price.

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

DENVER COLO.

JAN 11 1929

1929

C. E. BRANNAN
DEPT OF JUSTICE.
FEDERAL BLDG.
OKLAHOMA CITY OKLA.



RETEL MAIL MURDER CASE UNITED STATES MARSHAL

CLARENCE ASCERTAINED LAST KNOWN RESIDENCE CLAUDE SAYOR
SOME TIME PAST SAN YSIDRO CALIFORNIA.

RECORDED & INDEXED

GOVERNMENT OFFICIAL
CHAS J McAfee
328 P O Bldg.

GENE ACTING

JAN 18 1929

62-5032-736

BUREAU OF INVESTIGATION

JAN 15 1929

Div. Two

FILED

Director

McAfee
Acty

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CLASS OF SERVICE DESIRED	
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NIGHT MESSAGE	CABLE LETTER
NIGHT LETTER	WEEK END LETTER

Patrons should note class of service desired. Extra charges will be made for messages & full rates.

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

LOS ANGELES, CALIFORNIA
JANUARY 12, 1920

C. F. BRENNAN
DEPT OF JUSTICE
FEDERAL BUILDING
OKLAHOMA CITY, OKLA

RETEL CLAUDE SAWYER WAS AT HOME C D ERWIN RACE HOUSE MAN SAN YSIDRO
LAST NIGHT

GERMAN

RECORDED & INDEXED
JAN 19 1920

62-5083-732

FILE

JAN 13 1920

Div. Two

CHG, Gov't Rate, Off. Bus.
Dept of Justice
Los Angeles, California

L. A. File 70-21

CHT:T

2875

THIS CASE ORIGINATED AT **Oklahoma City, Oklahoma**

REPORT MADE AT: Oklahoma City, Okla.	DATE WHEN MADE: 1-15-29	PERIOD FOR WHICH MADE: 12/22-28 to 1/12-29	REPORT MADE BY: J. R. Burger
TITLE: W. K. (BILL) HALE			CHARACTER OF CASE: Murder Osage Indians

(O. C. File #70-1)

SYNOPSIS OF FACTS:

Horace G. Burkhardt made affidavit in which he stated Subject Hale requested him to tell Ernest Burkhardt and John Ramsey to "sit steady", that he, Hale, would take care of everything. Said affidavit incorporated in body of this report and with Oklahoma City file. W. S. Burkhardt made affidavit in which he stated Subject Hale requested him to see Ernest Burkhardt and prevail on him, Ernest Burkhardt, not to take the witness stand against him, Hale, etc. Said affidavit incorporated in body of report and with Oklahoma City file. Mrs. W. G. Betts made affidavit in which she stated Subject Hale had requested her to see Ernest Burkhardt and tell him to keep his head and not to tell anything, that if Ernest did he, Hale, was a ruined man. Said affidavit incorporated in body of this report and part of Oklahoma City file. Case continued from January 7th to January 15, 1929.

PENDING.

REFERENCE: This Agent's report dated 12-22-28.

DETAILS:

-At Pawhuska, Oklahoma-

HORACE G. BURKHART made affidavit with reference to conversation with Subject Hale, which reads as follows:

DETAILS:

"State of Oklahoma)
County of Osage) ss.

"My residence is Fairfax, Oklahoma, and I hereby make the following statement free and voluntarily, first being advised that what I may say will be used as evidence in the case of the United States vs. W. K. Hale.

62-5033-738

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	RECORDED AND INDEXED
WASHINGTON REFERENCE:	COPIES OF THIS REPORT FURNISHED TO: 3-Bureau 1-U. S. Atty. Tulsa 1-U. S. Atty. O. C. 1-Edwin Brown 1-T. J. Leahy 2-Okla. City	CHECKED OFF JAN 2 3 1929 RECORDED
BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE		ROUTED TO: FILE

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Copy On File

2876

1-18-29

On the 4th day of January, 1928, Pitts Beatty, W. K. Hale and myself made a trip from Fairfax, Oklahoma to Pawhuska, Oklahoma together and on our arrival at Pawhuska, Oklahoma, Hale was arrested. Pitts Beatty and myself were up to the Sheriff's office and Hale told me up there to go see Ernest Burkhart and John Ramsey and tell them to sit steady, that he, Hale, would take care of everything. While enroute from Fairfax to Pawhuska, Hale remarked to Pitts Beatty and myself that he might be arrested on the Henry Roan case, as there had been some talk about him (Hale) being arrested, but he, Hale, did not believe that he was going to be arrested. While W. K. Hale did request of me to tell my brother, Ernest Burkhart and John Ramsey to sit steady that he, Hale, would take care of everything, judging from his remarks I naturally thought that he meant for them not to talk or tell anything they knew, anyway, I did not deliver Hale's message as requested to Ernest Burkhart and John Ramsey.

About two weeks before Hale was arrested, in December, 1926, he, Hale, came down to my place and told me that there had been some talk going around that he, Hale, was going to be arrested, but he thought the blame would be laid upon Roy Bunch. He, Hale, said that he had talked to Roy Bunch and told him that he, Bunch, had better leave the country. He said to me, you know that Roy Bunch has been going with Henry Roan's wife quite a while, and I said yes. Hale said it would be easy to lay the blame on Roy Bunch because he, Bunch, had been going with Roan's wife.

Along in the fall, to the best of my recollection, about the first of October, 1928, I met J. I. Howard, attorney for Hale, at Hominy, Oklahoma, at which time Howard told me that if Ernest would take the weight off of Hale, that he, Howard, would take the weight off of Ernest. While Howard didn't tell me that he could get Ernest out, he did say that if Ernest would take the weight off of Hale that he, Howard, could help him (Ernest Burkhart) as he was in a position to help him and that he, Howard, would help him (Ernest Burkhart).

(Signed) HORACE G. BURKHART.

Subscribed 7th day of January, 1929, before Louise McLaughlin, Notary Public"

W. S. BURKHART made affidavit with reference to conversation had with Subject Hale, which reads as follows:

"State of Oklahoma ;
County of Osage ; ss

"I reside at Fairfax, Okla. W. K. Hale remarked to me that if I would see the boy, Ernest Burkhart, and get Ernest not to appear on the stand against

2877

him, Hale, he, Hale, would get Ernest out of prison in sight of a year, and he, Hale, believed he could get Ernest out earlier; that he, Hale, knew things against him, Ernest Burkhardt, that would brake his, Ernest's, neck, but, he, Hale, didn't want to tell if he could help it, but, if Ernest went on the stand against him, Hale, he would tell these things. Hale said "I will guarantee I will get him out in sight of a year". This conversation took place in the jail at Pawhuska, Oklahoma, sometime about two or three months ago. W. K. Hale sent me word to come to Pawhuska as he wanted to talk to me. That was the principal of what he had to say to me. Of course he told a while lot - that was the only thing of any importance that he wanted to see me for.

[Signed] W. S. Burckhart "

Subscribed and sworn 8th day January, 1929 - Johnnie Mohon,
Notary.

MRS. W. G. BETTS made affidavit with reference to conversation had with
Subject Hale which reads as follows:

"State of Oklahoma)
County of Osage) ss.

"I reside at Marlow, Okla. That on the morning that Ernest Burkhardt pled guilty at Pawhuska, Oklahoma, as my daughter, Miss Tina Betts, and I were going from the street to the Court House, at which time W. K. Hale, who was then confined in the County Jail at Pawhuska, Oklahoma, knocked on the window and beckoned for us to come over to the jail which we did, and W. K. Hale told us that Ernest Burkhardt was going to plead guilty, but first he asked if we had talked with Ernest, and W. K. Hale told us to get to Ernest and tell him to keep his head, or some such a word, not to tell anything, that if Ernest did, he, Hale, was a ruined man.

I have known W. K. Hale for the past ten years - in fact, we have been neighbors and friends, and, while Mr. Hale was confined in the Pawhuska County Jail at Pawhuska, Oklahoma, I visited him on several different occasions, and Mr. Hale has told me several different times that Ernest Burkhardt was the only witness that he, Hale, was afraid of and Mr. Hale has, as above stated, appeared worried about Ernest's testimony and wanted me to do anything I could to prevent Ernest from testifying against him, Hale.

[Signed] MRS. W. G. BETTS

Notaried before Johnnie Mohon, January 8, 1929.

Case continued from January 7th to January 15th, 1929.

PENDING.

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MEM:JG
62-5033-738

January 21, 1929.

JAN 23 1929

MEMORANDUM FOR MR. LUMPHAM,
Assistant Attorney General.

With further reference
to the case entitled: - W. E. [BILL]
[BIL], Murder of Osage Indians, there
is transmitted herewith, for your inform-
ation, a copy of a report of Special Agent
J. E. Burger, dated January 15th, 1929,
at Oklahoma City, Okla.

Very truly yours,

Enc. 115407

Director.

RECEIVED
JAN 21 1929

2879

THIS CASE ORIGINATED AT OKLA. CITY OKLA.

REPORT MADE AT: Denver, Colo.	DATE WHEN MADE 1-17-29	PERIOD FOR WHICH MADE 1-11-29	REPORT MADE BY: A.R.GERL.
TITLE: CLAUDE SAWYER			CHARACTER OF CASE: WITNESS IN INDIAN MURDER CASE

SYNOPSIS OF FACTS:

Subject not located at Cheyenne Wyoming and last heard from at San Ysidro, California.

R. U. C.

REFERENCE:

Night Letter from Oklahoma City office 1-10-29.

DETAILS:

AT DENVER

Telegram received from the Oklahoma City office, indicated that subject was wanted as an important witness in the trial of the Hale Murder Case at Pahaska Oklahoma, and that he was reported to be in Cheyenne Wyoming where he was alleged to be engaged in the radio business and probably connected with one Mr. Early.

Agent communicated with Assistant U.S. Attorney, T. Paul Wilcox at Cheyenne Wyoming and at his request the U.S. Marshal at Cheyenne ascertained that the only information he could obtain relative to subject, was that his present residence is San Ysidro, California, and that he had not been heard from for some time. This information was wired to the Oklahoma City office on January 11th.

REFERRED UPON COMPLETION TO THE OFFICE OF ORIGIN NO FURTHER ACTION HERE.

DO NOT WRITE IN THESE SPACES	
APPROVED AND FORWARDED: <i>J. P. [Signature]</i> SPECIAL AGENT IN CHARGE	62-5033-739
COPIES OF THIS REPORT FURNISHED TO: 2-Bureau 1-US Atty Cheyenne 2-Denver 2-Okla City	BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE ROUTED TO: FILE
WASHINGTON REFERENCE:	RECORDED AND INDEXED 2 3 1929

Department of Justice

Bureau of Investigation

P. O. Box 1535,
Oklahoma City, Oklahoma,
Jan. 19, 1929.

CMB:H
70-1.

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

Dear Sir: RE: W. K. Hale,
Osage Indian Murder case.

Attached hereto are clippings from the Tulsa,
Oklahoma, Daily World relative to developments in the trial
of the above named Subject, now in process at Pawhuska, Okla.
Your attention is also invited to the report of Agent Burger
dated January 18th, entitled John Duke, Intimidating Govern-
ment Witnesses.

Very truly yours,

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

Encl's.

62-5033-740

JAN 25 1929

2881

ACQUIT SMITH OF WOMAN'S MURDER

Evangelist Bobs When Jury's Verdict Is Read; Blamed Two Strangers

ALBANY, Ind., Jan. 17 (A.P.)—A private detective, and evangelist,

FINANCE BOARD SALES PUSHED

Campaign Workers Seek to Increase Daily Average; \$552,740 Raised

Encouraged by the reports submitted by team chairman at the Thursday noon meeting of the com-

the United States bureau of mines, who will have charge of the session.

Initiate Yeomen

The Brotherhood of American Yeoman gave the full initiatory work to a large class Wednesday evening at the Carpenters hall at 415 South Detroit. Following the initiation, an oyster supper was served to approximately 200 members.



Oklahoma Girl Got Well Quick

"Just after her first birthday, my little daughter, Patty Lou, had a serious attack of consumption," says Mrs. Neal M. Todd, 1104 W. 27th St., Oklahoma City. "She became very weak and pale. She had no appetite and nothing agreed with her."

"California Fig Syrup had always been a family remedy with us, so I began giving it to her. It made her pick up right away, and now she is as robust and happy as any child in our neighborhood. I give California Fig Syrup often for her wonderful condition. It is a great thing for children."

Children like the rich, fruity taste of California Fig Syrup, and you can give it to them as often as they need it, because it is purely vegetable. For over 50 years leading physicians have recommended it, and its overwhelming sales record of over four million bottles a year shows it gives satisfaction. Nothing compares with it as a gentle but certain laxative, and it does further than this. It regulates the stomach and bowels and gives tone and strength to these organs, so they continue to act normally, of their own accord.

There are many imitations of California Fig Syrup, so look for the name "California" on the carton to be sure you get the genuine.—Adv.

TULSA DAILY WORLD, FRIDAY, JANUARY 18, 1929

WHAT SUMMER BATHER WILL WEAR



MEDICAL EXPERTS

BATTLE OVER HARSH

Dead Rests in Thrill 'Murder' Trial; Case Nears
Jury

REAL REEL ROMANCE!



ACQUIT SMITH OF
WOMAN'S MURDER

Evangelist Sobs When
Verdict Is Read; In
Two Strangers

Evangelist, Ind. J.
J. Case Smith, per
cultural father

2883

Hale Trial Sidelights

Pawhuska is getting "drier and drier," as the Hale trial continues, visitors remark. Layton Mitchell, chief of police, and W. W. Thomason, Tulsa prohibition agent, have conducted a series of raids here.

Several professional gamblers were "asked" to leave town by Chief Mitchell, while Thomason made liquor confiscations. It is understood that federal authorities have asked for strict supervision of liquor and gambling laws as a protective measure for Indian witnesses.

I. B. Howard, one of the defense attorneys, had difficulty in using his right arm yesterday because of a fall he suffered on the hill on which the courthouse stands. Because of the key placement, Oseage county commissioners had a truckload of salt scattered within falling distance of the courthouse.

W. K. Hale, the defendant, during the one and one-half years he spent in the Leavenworth, Kan., prison before receiving a new trial, had varied occupations. For the first two months he worked as a stone cutter. He next developed into a stone planer and then was given the job of polishing large slabs of Bedford limestone used in the construction of new prison buildings. Hale was a shop foreman when he left Leavenworth last July.

Many spectators today were deprived of the thrill of hearing T. J. Leahy, special government prosecutor, in his opening statement to the jury.

Leahy began his statement but because of the noise made by late spectators in taking their seats, Judge Franklin E. Kennamer ordered the courtroom doors locked. Only 12 persons managed to enter.

The government has subpoenaed two dead men for witnesses in this trial. It was disclosed today that Ed Smith, former Fairfax rancher, and John McClain, former Tulsa insurance solicitor, are the witnesses who have died during the last year.

Henry Roan, the Indian, over whose death Hale stands charged with murder, was found in Smith's pasture. McClain said that Hale asked him to make a \$25,000 insurance policy on Roan's life naming him, Hale, beneficiary of the policy, the government claims.

Three automobiles filled with federal agents swarmed out of Pawhuska last night on a mission which, it was said, may possibly develop further information in regard to probe begun by the government yesterday relative to allegations that a prospective juror had been approached in a bribe attempt.

It was said that these federal agents are planning to examine the entire Hale jury venire of 134 men in an effort to learn if any irregularities have occurred since these men were summoned for jury services.

Hold Joint Meeting.

Representatives of various Tulsa social agencies met at the Y. W. C. A. Thursday night for their first "get together" dinner of the year. Howard W. Meyer, city Boy Scout executive, presided and Miss Kathryn Latt of the Y. W. C. A. led the singing. Several special stunts were staged under the direction of Miss Mabel Allison and C. D. Ellison of the program committee.

Rubbish It Is.

Mr. Fordson—Yes, I can give you a job. I need a chauffeur to run my driver.

The Applicant—A driver, is it? Sorry, but I'll have to pass it up. I ain't got a stationary engineer's license.

Circumstances to bring articles of impeachment against state officials. A. L. Commons of Miami, the third democrat, is a new comer to the senate but has been generally classed as favorable to the administration. The two republicans are C. H. Terwilliger of Tulsa and Ira Bill of Cherokee, both of whom were numbered among the 11.

A new angle was injected into the highway letting muddle late this afternoon when A. C. Blier of Guthrie, state highway commission, said that if the senate passed a resolution similar to that of the house asking postponement of the letting until, in February, that he would advise the commission to drop its fight and let the letting rest until the legislature had shown a willingness that the commission proceed with the big let-

HALE TRIAL QUIZ OF INTIMIDATION CAUSE OF CLASH

Continued from Page One

agents. Judge Kennamer interrupted the declaration by dispatching Grant Victor, United States marshal, for Goldsberry.

Goldsberry said he wanted the Hale contempt matter disposed of immediately when Howard asked that it be continued for hearing until after the present trial.

Judge C. B. Stuart of Tulsa, defense attorney, stated that the government had 24 hours in which to make its investigation of alleged jury tampering charges, that "his matter had been broadcast by the press, and that as the court felt satisfied that the present jury had not been tampered with we would like to keep them from this information and avoid placing them under this strain."

Howard Makes Charge.

At this, Howard jumped to his feet and said to the court: "I make the open charge in court that special government agents and department of justice operatives are spying on the jurors in this case with the purpose of intimidating them."

Marshal Victor mumbled, "people will get into trouble trying to intimidate jurors." Howard immediately turned on him and said: "That's all right, Mr. Victor. I'll stand by my statement and charge. You can't intimidate me ever if you are the United States marshal." Victor made no reply.

Judge Kennamer spoke: "I want counsel defense as well as government, to report to me any time anyone has any complaint to make and I'll be ready to hear it and will take immediate action." Goldsberry then said: "In view of Mr. Howard's charges that the government agents are spying on the jurors I want proof made of it in court." Judge Kennamer reiterated his previous statement, adding, "the matter is now closed, gentlemen."

Fixes Bond.

He then fixed Irvin Hale's bond of \$2,000 and said he would hear the charge at the end of the present term of court, or when the Hale trial is finished. Hale made bond Thursday night and was released. Hale, in denying the charge made against him, said he became bankrupt during a slump in the cattle business in 1918. His friends verified this statement.

The nine government witnesses who testified today included Bob Parker and Jim Rhodes, Fairfax stockmen and former officers; Dr. J. C. Shannon of Fairfax, C. A. Clark of Pawhuska, a surveyor; George C. Campbell, clerk of the Oseage Indian agency at Pawhuska; Fred Ludwig of Oseage county; Rose Littlestar of Pawhuska, Oseage Indian woman; W. M. Crawford, special disbursing agent of the Oseage Indian agency at Fairfax; and Ray Smith of Drumright, former Fairfax undertaker.

Tells of Finding Body.

Parker and Rhodes, who gave similar testimony, said they were called to a pasture four miles north-east of Fairfax, February 1, 1923, and found Henry Roan, Oseage Indian, dead in the front seat of an automobile.

Evidence showed that Roan had been shot in the head with a pistol. Doctor Shannon testified in regard to the nature of Roan's wounds. Clark introduced surveys into the records to show typographically where Roan was slain. Roy E. Lewis of Oklahoma City, United States district attorney, then introduced land titles of the acreage where Roan's body was found.

Campbell said he assisted in a survey of the pasture and gave testimony in regard to the title of the pasture land. Rose Littlestar, the next witness, walked into the courtroom, paraded in a picturesque striped Indian blanket and said:

"She said the pasture where Roan's body was found was part of her allotment of governmental land upon government examination by John Tillman, defense counsel, and admitted that two years ago, a government agent took her to the pasture and showed out the land to her, telling her it was portion of her property."

Because J. George Wright, superintendent of the Indian agency, was in Washington attending the

Burke-Pine Indian investigation hearing, Crawford testified in his behalf.

Establish Jurisdiction.

He said Rose Littlestar was an incompetent Oseage Indian and that her property was restricted land. With this testimony the government established its jurisdiction in the matter insofar as it proved that Roan suffered his death on government property and hence his alleged slaying should be tried by a federal and not state court.

Then, the undertaker, was the next witness for the government. St. Louis, reading from government weather reports for January 30, 31 and February 1, 2, 3, 4, 5 and 6, for 1924, asked Smith how long he figured Roan had been dead.

Stating his opinion on the temperature given him and the fact that Roan's body was frozen when he brought it to his morgue, he testified that he had been dead for 10 days. After this testimony, court recessed.

Court opened at 9:30 a. m. today. Four minutes later, T. J. Leahy, special government prosecutor, began his opening statement to the jury. He read the government charge and indictment against Hale.

Government Ward.

He said Roan was a government ward because he was a spendthrift and a drunkard. He said Roan attempted suicide twice. The government expects to prove by evidence that J. R. McClain, an insurance solicitor, approached Hale with the purpose of having some Indians insured. When asked about a policy for Roan, Hale said "you couldn't get a policy on that drunkard."

Hale said if he could he would pay McClain for premium money. He had to be a creditor of Roan's before this could be done. Hale said Roan owed him between \$15,000 and \$12,000.

Leahy's plea was rejected, however. Later an insurance company at Denver made a policy to Roan in which he was named beneficiary. The policy was for \$25,000.

Leahy then outlined the government's case to be presented against Hale. He said the government would seek to prove that Roan was not indebted to Hale to the extent claimed by the rancher. That Hale made statements that he intended to get someone to kill Roan after the one-year suicide clause in the policy would expire; that Ernest Burkhardt, his nephew (a convict in the state prison now serving a life sentence for murder) was a go-between; and John Ramsey, a cowboy who worked for Henry Grammer, was hired to assassinate Roan.

The prosecutor said the government would prove that Ramsey admitted to several people that he had killed Roan. Hale's request, "Defence Object,"

Defense counsel took objection to this statement, declaring that Ramsey's purported statements were not binding on Hale. The objection was overruled by the court, who pointed out that the statement, as being given by Leahy, was from Burkhardt to Hale. Howard said that Hale never was present at any time when Ramsey made statements or confessions to the effect that he killed Roan. To admit hearsay evidence of this nature would be to deprive Hale of his constitutional rights. Howard declined in a further objection.

Hale and Ramsey were given life sentences in 1925 when convicted on this charge. The circuit court of appeals, in granting Hale a new trial last year, contended he should have been tried separately from Ramsey. In this opinion a greater portion of the Ramsey case was discussed and Ramsey was stricken from Hale's court records. Both defense and government prosecutors cited various legal opinions to sustain their contentions.

Studies Citations.

"I beg the government to show me one case to support its argument. Gentlemen, I beg this but the search will be in vain," said Judge Stuart. Court recessed for two hours while Judge Kennamer studied citations presented. At the afternoon session he held that Leahy could proceed with his statement to the jury. Howard made the defense's opening presentation to the jury.

He said evidence would be shown proving Hale and his nephew, Ernest Burkhardt, were not intimate. That Burkhardt was

a taxi driver in Fairfax until he married Mollie Roan, an Oseage Indian, 12 years ago. Howard said Burkhardt had not worked since that time.

His wife then was the divorced wife of Henry Roan. She divorced Burkhardt last year. Her estate is valued at approximately \$2,000,000. "No contention will be offered by the defense that Roan was not killed," said Howard. "Solely that Hale had nothing to do with it and knew nothing of it. The government says Hale's motive to slay was to get the insurance policy."

Names Roy Bunch.

"Hale never got the policy on Roan's life. He discouraged the proposition when it was broached him by McClain. Roan said if his good friend Bill Hale would guarantee some of the premium payments he would get the policy. Roan admitted owing Hale lots of money. He had the policy with Hale made as beneficiary to secure the money he had previously borrowed from Hale."

The defense attorney charged that Roy Bunch, a former Fairfax meat cutter, who is the present husband of Roan's widow, "either killed Roan or had him killed." He said Bunch began to court Roan's widow three years before the Indians' death.

He became intimate with her and as a result he and Roan became bitter enemies, Howard told the jury.

The two engaged in several fights and Bunch made repeated attempts to have Roan killed. When Roan found his home had been broken up, he took to drinking excessively and when attempted suicide twice. A few days after Roan's body was found, Bunch married his widow.

"Burkhardt was offered immunities from a murder charge if he made a statement implicating Hale in Roan's death. Burkhardt and Bunch were intimate friends."

Charge Perjury.

"Ramsey did not buy his automobile with money Hale gave him as the government charges. The money was given him by McClain. Burkhardt has willfully perjured himself."

Howard then told the jury that Hugh Washburn was held a prisoner in the county jail here on a federal statutory charge, but that he was placed in Hale's cell as a "snitch."

"He was put there to get something on Hale. He attempted to engineer a jail break but Hale reported the matter to proper authorities. After Washburn got what he thought he wanted, he said he wanted to go to Tulsa. He was immediately taken over there to the office of Mr. Goldsberry. Washburn then sent Hale a letter wishing him the best of luck in his forthcoming trial," Howard said.

12 PERSONS HURT ON BRISTOW ROAD

Three Injured Seriously; All on Way From Sand Springs to Depue for Funeral.

Special Dispatch to The World.

BRISTOW, Jan. 17.—Twelve persons were injured, three seriously, when the heavily loaded car in which they were riding skidded into a ditch 13 miles north of here Thursday. One man, four women and seven children, residents of Sand Springs, were on their way to attend the funeral of a relative at Depue.

Mrs. Dora Hale and her son, Buster, 10 years old, and Christine McDaniels, 16 years old, sustained serious lacerations and bruises. Other occupants of the car, all bruised and scratched, included Mr. and Mrs. Jess McDaniels, Mrs. Dora Bruner, Mrs. Norma Wandell and five small children.

Tulsa's Largest



January 24, 1929.

In connection with the investigation of the case entitled: - W. K. "BILL" HALE, Murder of Osage Indians, there are transmitted herewith, for your information, copies of the following reports. -

Report of Special Agent J. R. Burger, dated
January 19, 1920, at Oklahoma City, Okla.

Very truly yours,

Director.

1A-24

2885

THIS CASE ORIGINATED AT Oklahoma City, Oklahoma.

REPORT MADE AT Oklahoma City, Okla.	DATE WHEN MADE: 1-19-29	PERIOD FOR WHICH MADE 1-8 & 16-29	REPORT MADE BY J. R. Burger
TITLE JOHN DUKE			CHARACTER OF CASE Intimidating Government Witnesses.

Beginning Investigation

(O. C. #72-14-4)

SYNOPSIS OF FACTS:

Subject threatened life of Matt Williams, a Government witness in case of U. S. vs. W. K. Hale. Statements of Matt Williams and Maude Brown Williams. U. S. Attorney Goldesberry authorized complaint against Subject. Complaint filed on January 8, 1929 before U. S. Commissioner Melott, Pawhuska, Oklahoma. Subject arrested and arraigned before Commissioner Melott, January 8, 1929. Preliminary hearing set for January 16, 1929. Statement of Ike B. Ogg. Preliminary hearing held Jan. 16, 1929 before Commissioner. Subject held for action of Grand Jury under bond of \$2500 and in default of same was remanded to custody of U. S. Marshal and placed in Osage County Jail.

- PENDING -

DETAILS:

At Pawhuska, Oklahoma

The above captioned case is predicated upon complaint made to United States Attorney Goldesberry by Matt Williams, a Government witness in the case of United States vs. W. K. Hale, Matt Williams stating that his life had been threatened by Subject if he, Williams, should take the witness stand against W. K. Hale. Matt Williams made the following affidavit:

State of Oklahoma
County of Osage ss.

DETAILS:

Matt M. Williams, of lawful age, after being first duly sworn upon oath, says:

I reside at Pawhuska, Oklahoma. On yesterday, John Duke stopped my wife, Mrs. Williams, on the street in Pawhuska and was talking to her relative to her being a witness in the W. K. Hale trial. She left and come across the street, meeting me. Duke hollered over to me "Don't you like it?" "If you don't come across, NOT WRITING IN THESE SPACES"

APPROVED AND FORWARDED: <i>J. R. Burger</i>	SPECIAL AGENT IN CHARGE	62-5033-741	RECORDED AND INDEXED
WASHINGTON REFERENCE:	COPIES OF THIS REPORT FURNISHED TO: 2-Bureau 1-U.S. Atty. Tulsa 2-Oklahoma City	BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE	CHECKED OFF: JAN 24 1929 JACKETED
ROUTED TO:		FILE	

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GOVERNMENT PRINTING OFFICE

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1-19-29

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"where". I went across to where he was and Duke then told me about her being a witness in the Hale trial, that he was going to blow her testimony all to hell. I said "I don't care anything about you being a witness and being subpoenaed in these cases, but I am also witness for the Government". Duke said "If you take the stand, I'll blow you and your testimony all to hell". I told him I didn't care to talk with him further in these matters but I didn't want him to say anything insulting to Mrs. Williams because she was a witness or to ever speak to me again pertaining to this trial. This morning he came to the Elks Hotel in Pawhuska. As I started to leave the door of my house, he called my name, putting his hands in his pocket and stepped back. I engaged in no conversation with him and immediately informed the Government Agents and attorney of his mission there. I am satisfied, owing to his mental condition, that he had been ribbed to pick a racket with me in order to kill me. I have known him for a period of a year and a half. He is a whiskey peddler and for the last six months has served two terms in the County Jail here and just recently was liberated.

Matt M. Williams

Subscribed and sworn to before me this 8th day of Jan. 1929.

Johnnie Mohon, Notary Public

My commission expires
March 29th, 1932.

-o-

Mrs. Maude Brown Williams, wife of Matt Williams, was interviewed on January 8, 1929, and made the following affidavit:

State of Oklahoma
County of Osage ss.

Mrs. Maud Brown Williams, of lawful age, after being first duly sworn upon oath, says:

On yesterday, January 7th, 1929, my little girl and I was going down West Main Street in Pawhuska, Oklahoma, and just as we started to step off of the side-walk, there being quite a bit of snow there, my little girl asked me to help her across, saying that she could not step over the white place in the snow. Just about that time John Duke came walking up and said "I got me a hand full of papers this morning". I said, "I care nothing about your papers". He said "Howard sent for me to come up in his office and when I went there he shoved me a hand full of papers". I said "that is nothing to me", and he said "it may mean something to you". He said "my evidence is going to be on you". I said "how's that, you know

2887

nothing about me". He said "I know a plenty of what you have told me". I said, "Well, I haven't told you nothing". He said "you have told me plenty of what Matt Williams has tried to get you to do about the Hale case". I said "Matt has talked to me never about the Hale case - he never talked to me about it". He says, "well, I told Howard this morning just to put me up on the stand and tell me what to say, that I will say anything to keep a man out of jail but I don't say nothing to put him in". I just turned off and left him here, and then I walked across the street and met Matt on the other corner. That is when he hollered to Matt.

About one week ago John Duke called me on the phone from some place in Pawhuska, Oklahoma, and he said "where is that husband of yours?" I said "I guess he is down in town", and he said "well, after the 7th, I am going to have you". I said "what do you mean", and he said "one of yours will be out of the way after the 7th."

Maude Brown Williams

Subscribed and sworn to before me this 8th day of January, 1929.

My com. expires 3-29-32.

Johnnie Mohon, Notary Public.

-0-

This matter was submitted to United States Attorney Goldsberry at Pawhuska, Oklahoma, who authorized the filing of a complaint against Subject, charging him with intimidating Government witnesses. Complaint was filed by this Agent before United States Commissioner Melott on January 8, 1929, at Pawhuska, Okla. On same date Subject was arrested and arraigned before Commissioner Melott. Preliminary hearing was set for January 16, 1929.

Ike B. Ogg, of Artesia, N. M., was interviewed at Pawhuska, Okla., where he was in attendance as witness in case of U. S. versus W. K. Hale, on January 9, 1929 and made the following statement:

"Pawhuska, (Okla.), January 8, 1929.

My name is Ike B. Ogg. I reside at Artesia, N. M. On January 7, 1929 John Duke came to my room, #18, at Oklahoma Hotel, Pawhuska, Okla. and told Max Billingsba and myself that Mat Williams who was Government witness in the W. K. Hale case would never live to testify for the Government as he John Duke was going to kill Williams, the god damn son of a Bitch. Chas. Davis of Okesa, Okla. and Demsey Smith of Pawhuska, Okla. was also present and heard John Duke make above remarks.

Ike B. Ogg.

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1-19-29

10 R. O. Burger, Pawhuska, Okla., stated that on January 7, 1929, he
11 went to the Oklahoma Hotel, Pawhuska, where he lived, and his attention was called
12 by Mrs. Blanc, the landlady, to a man who was going down the halls and knocking on
13 various rooms and who had made ungentlemanly remarks to her daughter in the office
14 of the hotel, and to look after the man and see what he wanted; that he, Burger,
15 approached this man, who had only one good leg, and asked him what he wanted and he
16 stated he was looking for Max Billingsly and for me to attend to my damn business,
17 and he turned and ran down the hall to Room 18. Mr. Burger further stated that he
18 followed this man around the hall to Room 18 and this man stated to some others in
19 Room 18 "come on boys, this fellow is going to throw us out"; that this man then left
20 the hotel.

21
22 J. V. Murphy, Special Agent, Department of Justice, a witness in
23 attendance at trial of U. S. vs. W. E. Hale, stated that he went to the Oklahoma
24 Hotel and in passing down the hall passed Room 18 which is occupied by Ike B. Ogg
25 and noticed Ogg and a couple others in there; that Ogg spoke to him and he stopped
26 and stepped in the door; that he noticed in the room a man who has a peg leg and
27 another man who was sitting down, but whom he did not recognize, but was afterwards
28 told was Dempsey Smith; that Ogg introduced the peg leg man to him as John Duke;
29 that Duke appeared to be under the influence of liquor, and he, Murphy, left the
30 room and proceeded to his room down the hall.

31 Preliminary hearing was held before U. S. Commissioner Melton on
32 January 16, 1929 at Pawhuska, Okla., and Subject was held for the action of next
33 Grand Jury, bond being placed at \$2500. In default of bond, Subject was remanded to
34 the custody of the U. S. Marshal and placed in the Osage County Jail.

35
36 Description of Subject JOHN DUKE:

37
38 Age - 30 Height - 5' 8"
39 Weight - 150 Complexion - light
40 Right leg off above knee Left arm off near shoulder.

41
42 Following is a list of witnesses for the grand jury:

43
44 Matt M. Williams
45 Care Elks Hotel,
46 Pawhuska, Okla.

47
48 Maude Brown Williams,
49 Care Elks Hotel,
50 Pawhuska, Okla.

51
52 Ike B. Ogg,
53 P. O. Box 363,
54 Artesia, N. M.

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J. R. Burger

1-19-29

#5

Chas. Davis,
Okesa, Okla.

Max Billingsly,
Okesa, Okla.

Dempsey Smith,
Pawhuska, Okla.

J. V. Murphy, Special Agent,
Department of Justice,
Washington, D. C.

R. O. Burger,
Care J. R. Burger, Special Agent,
Department of Justice,
Oklahoma City, Oklahoma

J. R. Burger, Special Agent,
Department of Justice,
Oklahoma City, Okla.

The above case is held pending action of next Grand Jury.

PENDING.

2890

THIS CASE ORIGINATED AT **OKLAHOMA CITY.**

REPORT MADE AT: El Paso, Texas.	DATE WHEN MADE: 1-25-29	PERIOD FOR WHICH MADE: 1-25-29	REPORT MADE BY: Dwight Brantley.
TITLE: W. K. HALE.			CHARACTER OF CASE: OSAGE INDIAN MURDER.

SYNOPSIS OF FACTS:

At the request of T. J. Leahy, Government attorney in this case, Pawhuska, Oklahoma, 1-25-29, John Degnan, Tom Powers and Joe Brown, El Paso, prospective witnesses this case interviewed; substance interviews with them furnished Mr. Leahy, who requested that Powers and Brown proceed immediately to Pawhuska as Government witnesses. They left El Paso, 1-25-29 for Pawhuska. Tom Johnson, another prospective witness, now at Los Angeles; this information furnished Mr. Leahy.

R. U. C.

REFERENCE: Telephonic conversation with Agent Frank S. Smith, 1-25-29 who called from Pawhuska, Oklahoma.

DETAILS:

At El Paso, Texas.

The telephonic conversation with Special Agent Smith was to the effect that Mr. T. J. Leahy, one of the Government attorneys in the Hale case, desired that the El Paso Bureau office make inquiries of John Degnan of the St. Regis Hotel; Tom Johnson of the Shallop Hotel; Joe Brown, who formerly worked for M. T. (Tom) Powers, who ran the "Coney Island Saloon" and also Tom Powers, in an effort to ascertain whether these parties or any of them recall that in 1910, 1911 or 1912 that one Henry Grammer, deceased, was in El Paso, Texas; that said Grammer was supposed to have been in El Paso at the aforesaid time in company with a man by the name of Ross T. Erickson; that Degnan, Johnson, Powers and Brown would probably be able to recall Erickson and Grammer, as they both are cattlemen and that Grammer was a rodeo performer.

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>Dwight Brantley</i> SPECIAL AGENT IN CHARGE	62-5033-742 BUREAU OF INVESTIGATION	RECORDED AND INDEXED: JAN 28 1929 CHECKED OFF: FEB 1 - 1929 JACKETED:
COPIES OF THIS REPORT FURNISHED TO: PACIFIC 2 OKLAHOMA CITY 3 (T. J. Leahy) THIS 1	DEPARTMENT OF JUSTICE ROUTED TO: FILE	

2891

Agent Smith further stated that this information was needed at once as the Hale case is now being tried at Pawhuska and that in the event any of these parties can testify that Grammer was in El Paso, that the parties who can so testify are wanted in Pawhuska as Government witnesses. It was further stated by Agent Smith that the substance of the interviews with these men concerning this matter be furnished him direct at Pawhuska, that Mr. Leary might be apprised thereof; that should these parties be able to give him foregoing testimony, that efforts be made to have them transported by airplane from El Paso by officials at Fort Bliss, Texas to Fort Sill, Oklahoma and from Fort Sill taken by plane to Pawhuska and that should it be found that they can testify as requested and that no airplane is available it is desired they take the first train to Pawhuska.

Special Agent P. A. Watt of the El Paso office ascertained that Tom Johnson left El Paso quite sometime ago and is now to be found at 306 North Citrus Street, Los Angeles, California.

The writer interviewed John Degnan, cattleman, residing at the St. Regis hotel. He stated that he remembers Ross Erickson very well but does not recall any Henry Grammer. Mr. Degnan stated that he had been in telephonic conversation with Ross Erickson within the last day or two, Erickson being in Pawhuska, concerning this matter and that he had told Erickson that he was willing to go to Pawhuska but that he could not give any testimony concerning the presence in El Paso in 1910, 1911, or 1912 of any Henry Grammer.

Information concerning the address of Tom Johnson and the fact that John Degnan could give no testimony concerning Grammer, was furnished Agent Smith at Pawhuska, Oklahoma by telegram.

Special Agent P. A. Watt interviewed Joe Brown who lives on Randolph Street in El Paso and who has an interest in the Toltie Bar at Jansen, Mexico. Brown stated to Agent Watt that he recalls Henry Grammer being in El Paso in the company of Ross Erickson; that he also remembers that Grammer was a rodeo performer but that he could give no testimony as to the year that Grammer and Erickson were in El Paso.

M. T. (Tom) Powers, employed by the school board at El Paso and residing at 1127 Wyoming Street, El Paso, was interviewed by this agent. Powers stated that he recalls Ross T. Erickson and Henry Grammer being in El Paso in 1911 or 1912 attending a rodeo; that he does not recall that they were in El Paso on but one such occasion; that he knew Henry Grammer all of the latter's life and that he was one of the relatives of said Grammer and that said Henry Grammer is now deceased; that he would gladly go to Pawhuska and give testimony to this effect for the Government.

The information concerning what testimony Brown and Powers could give was furnished Agent Smith by long distance telephone to the writer at El Paso, Texas, 1912.

2892

At 4:05 P.M. a telegram was received from T. J. Leahy, Pawhuska, Oklahoma requesting that Tom Powers and Joe Brown be advised that their presence is necessary at Pawhuska as Government witnesses and requests that they proceed in a manner to reach Pawhuska at the earliest possible moment; that traveling expenses of these two men will be taken care of at Pawhuska and that Mr. Leahy be advised of the time of their departure and the time of their arrival at Pawhuska .

Agent then got in touch with Powers and Brown and advised them of the wishes of Mr. Leahy. These two men left El Paso at 7:15 P.M., January 23, 1929 via Texas Pacific Railroad for Pawhuska, Oklahoma. Agent saw them at the Union Depot, El Paso about ten minutes before the departure of said train.

Powers went willingly, but it was with reluctance that Brown went.

On the night of January 23, Special Agent F. S. Smith again called the writer by long distance telephone and stated that Mr. Leahy was desirous of knowing whether or not Brown and Powers would proceed to Pawhuska as requested. Agent Smith was informed of the departure of Brown and Powers from El Paso, advising that if they made the proper connections at Fort Worth, Texas and Oklahoma City, Oklahoma that they should arrive in Pawhuska on the morning of January 25, 1929.

REFERRED UPON COMPLETION TO OFFICE OF ORIGIN -
NO FURTHER ACTION HERE.

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HHG:JG
62-8033-742

January 31, 1929.

FEB 1 - 1929

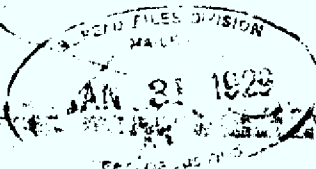
MEMORANDUM FOR MR. LUDWIG,
Assistant Attorney General.

With further reference to the case
entitled: - V. K. (BILL) HALE, Murder
of Osage Indians, there is transmitted
herewith, for your information, a copy
of a report of Special Agent Dwight
Prantley, dated January 25, 1929,
at El Paso, Texas.

Very truly yours,

Enc. #115487

Director.

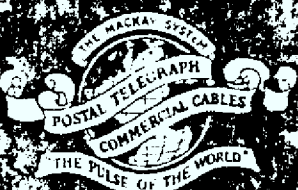


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STANDARD TELEGRAPH - COMMERCIAL CABLES

CLARENCE H. MACRAY, 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
WTE	NIGHT TELEGRAM
LDN	DEFERRED
NLT	OASIS LETTER
WLT	WEEKEND LETTER

STANDARD TIME
ON THIS MESSAGE

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21 FULLY ADVISED W & HALE CONVICTED PAWHUSKA TODAY RECEIVED

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62-5033-743

JAN 28 1928

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EX-100
62-5033

January 30, 1929.

Mr. C. E. Brennan,
P. O. Box 1635,
Oklahoma City, Okla.

Dear Sir:

Reference is made to your report dated December 27, 1928, relating to certain alleged conspiracies to commit perjury in connection with the trial of S. E. HART by CORPENT and others.

As it appears that the trial of S. E. Hart on a charge of murder has been concluded, it is suggested as being advisable that summary reports be prepared and submitted to the United States Attorney in each of the individual perjury cases covered by the aforesaid mentioned report. It is also required, prior to the preparation of the summary reports in question, that any additional necessary investigation be made in connection with the various cases so that a complete summary report might be prepared in each case.

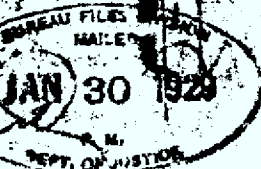
Your attention is invited particularly to the Confidential Manual of Instructions for Agents in Charge which sets forth certain essential information in connection with perjury cases. Kindly compare the facts which have already been obtained in connection with these cases with the requirements for prosecution in such matters so that these facts be summarized and presented to the United States Attorney. It is believed that by so doing you may be able to expedite a decision as to prosecutive action in connection with these matters.

Very truly yours,

Director.

62-5033-744

RECORDED



2896

THIS CASE ORIGINATED AT **Oklahoma City, Oklahoma**

REPORT MADE AT: Oklahoma City, Okla.	DATE WHEN MADE: 1-30-29	PERIOD FOR WHICH MADE: 1-30-29	REPORT MADE BY: J. R. Burger
TITLE: W. K. (BILL) HALE			CHARACTER OF CASE: Parole Report

(O. C. #70-1)

SYNOPSIS OF FACTS:

W. K. (BILL) HALE
Murder Osage Indians

Subject **W. K. (Bill) Hale**, known as **Osage King of Crime**, indicted at **Guthrie, Oklahoma**. Convicted by Jury at **Pawhuska, Oklahoma**, 1-26-29, and sentenced by Federal Judge **Kenamer** on 1-26-29 to life imprisonment at **Federal Penitentiary, Leavenworth, Kansas**.

Age of Subject, 54 years. Married, has wife and daughter, **Mrs. Willard Oller**, who makes her home with Subject's wife at **Fairfax, Oklahoma**.

Subject - known as **Osage King** - has dominated in **Osage County, Oklahoma**, for past twenty years prior to his arrest on murder charge. Subject also wanted by **Osage County** authorities on two other murder charges for which **County Attorney, Osage County**, holds warrants.

Subject's activities and participation in murder and other crimes are almost unbelievable, however, true - his motive in such murders and crimes committed by Subject for money and revenge, and to cover up his numerous crimes.

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED:

SPECIAL AGENT IN CHARGE

62-5033-745

RECORDED AND INDEXED

WASHINGTON REFERENCE:

COPIES OF THIS REPORT FURNISHED TO:

BUREAU OF INVESTIGATION

UNITED STATES

3-Bureau

2-Oklahoma City

DEPARTMENT OF JUSTICE

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REC: LK
62-5023-743

February 9, 1929.

FEB 12 1929

Mr. A. E. Conner,
President, Boards of Parole,
Washington, D. C.

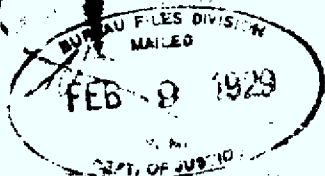
Dear Sir:

With reference to the Bureau's memorandum dated January 21, 1927, with which was transmitted a parole report relating to W. K. (BILL) HALE, who was convicted and sentenced on a charge of murder, there is transmitted herewith a supplemental parole report relating to the same subject and giving the results of his recent re-trial in the Federal Court.

Very truly yours,

Director.

Encl. 115184.



2898

THIS CASE ORIGINATED AT Oklahoma City, Oklahoma

REPORT MADE AT Oklahoma City, Okla.	DATE WHEN MADE: 1-30-29	PERIOD FOR WHICH MADE: 1-12-29 - 1-28-29	REPORT MADE BY: J. R. Burger
TITLE: W. K. (BILL) HALE			CHARACTER OF CASE: Osage Indian Murders

(O. C. #70-1)

SYNOPSIS OF FACTS:

Subject convicted by jury at Pawhuska, Okla.,
1-26-29, and sentenced by Federal Judge
Kennamer to life imprisonment at Federal Prison,
Leavenworth, Kansas.

ONE CONVICTION:
ONE SENTENCE: LIFE TERM

- CLOSED -

REFERENCE:

This Agent's report, 1-12-29.

DETAILS:

At Pawhuska, Oklahoma

Subject W. K. (Bill) Hale convicted by jury at
Pawhuska, Oklahoma, January 26, 1929, and sen-
tenced by Federal Judge Kennamer to life impris-
onment in Federal Prison at Leavenworth, Kansas.

- CLOSED -

DETAILS:

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED:	<i>J. R. Burger</i> SPECIAL AGENT IN CHARGE	62-5033-746	RECEIVED AND INDEXED
WASHINGTON REFERENCE:	COPIES OF THIS REPORT FURNISHED TO: 3-Bureau 1-U.S. Atty. Tulsa 1-U.S. Atty. O.C. 1-T. J. Leahy, S.A. to Atty. Genl. 1-Edwin Brown " " " " 2-Okla. City.	BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE ROUTED TO: FILE	FILED JAN 31 1929 JACKETED

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2899

THIS CASE ORIGINATED AT Oklahoma City, Oklahoma

REPORT MADE AT: Los Angeles, Calif.	DATE WHEN MADE: 1-28-29	PERIOD FOR WHICH MADE: 1-25-29	REPORT MADE BY: E. J. Gochan
TITLE: HULL HALE et al			CHARACTER OF CASE: MURDER ON INDIAN RESERVATION

SYNOPSIS OF FACTS:

L. A. File 70-21

Two witnesses for the Government in the Osage Indian cases - O. C. Webb and Claude Sawyer - located for the Oklahoma City office.

R. U. C.

DETAILS:

AT LOS ANGELES, CALIFORNIA

Upon receipt of telegraphic advises from the Oklahoma City Bureau office, December 12, 1928, and January 11, 1929, to endeavor to locate O. C. WEBB and CLAUDE SAWYER, that they may be subpoenaed as witnesses for the Government in the Hale, et al case, both witnesses were located.

It was found that O. C. WEBB had been at Whittier, California, and left, later returning, and believed to be employed in the oil fields near Whittier.

CLAUDE SAWYER was located at the home of C. D. ERWIN at San Ysidro, California.

This information was sent to the Oklahoma City Bureau office by telegram.

REFERRED UPON COMPLETION TO OFFICE OF ORIGIN
NO FURTHER ACTION HERE

62-5033-747

APPROVED AND FORWARDED: <i>E. J. Gochan</i> SPECIAL AGENT IN CHARGE	RECORDED AND INDEXED: 62-5033-747
WASHINGTON REFERENCE: COPIES OF THIS REPORT FURNISHED TO: Bureau 2 Oklahoma City 1 Los Angeles 1	BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE ROUTED TO: <i>7</i> FILE
CHECKED OFF: 7 FEB 1929 JACKETED:	

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12 HHC:JC

13 62-5003-747

February 8, 1929.

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17 MEMORANDUM FOR MR. LUTHERING,
18 Assistant Attorney General.

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22 With further reference to the case
23 entitled: - W. K. (BILL) HALE - Murder of
24 Osage Indians, there is transmitted herewith,
25 for your information, a copy of a report of
26 Special Agent in Charge E. J. Goshan, dated
27 January 28, 1929, at Los Angeles, Cal.

28
29 There is also transmitted herewith,
30 a copy of a report of Special Agent J. R. Burger,
31 dated January 30, 1929, at Oklahoma City, Okla.

32
33 Very truly yours,

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37 Enc.#115044

38 Director.

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FEB 8 1929
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CONFIDENTIAL

Guthrie, Oklahoma.

January 20, 1931.

P. O. Box 313.

Hon. J. Edgar Hoover,
Department of Justice,
Washington, D. C.

Dear Mr. Hoover:

I should have written to you before telling you of the splendid result in the case of United States vs W. K. Hale (Osage Murder case). You doubtless know by now, that Hale was convicted of murder in the first degree and was sentenced to life imprisonment.

You also know without my telling you, that this fine outcome is due very largely to the splendid work of your office and your agents on the ground. I desire particularly to call your attention to the work of Agent John R. Burger, who has been there so long and so faithfully working up the evidence in the case. This is no wise detract from the excellent work of the other agents, who came to work later.

You may recall that last summer, I wired to you and to the Department requesting that Mr. Burger be sent down here to resume work on this case; he was sent and as I say, the other agents appeared several months later. As you know, Mr. Burger has a home in Kansas City with his wife and daughter and I believe a grandson, who he is raising and sending to school, and I know that he will be very anxious to return there to the Kansas City Office, so that he can be at home. I say this without having discussed it in anywise with Mr. Burger; if you can see your way clear to return him to your Kansas City office, his old post, I am sure that he will be glad, although, as I say, I have not discussed it with him.

Please let me reiterate, Mr. Hoover, what in particularly praising Mr. Burger's work, I do not want to minimize the work of any of the other agents for they all did more than splendid work carrying out the unstinted praise, that I gave each of them in my former letters to you in that regard.

62-5033-748

JAN 21 1931

2902

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7 Hon. J. Edgar Hoover--#2
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11 Please, again, let me offer you and your
12 office my hearty congratulations upon the outcome of this
13 case.
14

15 Incidentally, Mr. Hoover, let me hear from you
16 and tell me what the news around Washington is.
17

18 Sincerely your friend,
19

20
21 EDWIN BROWN.
22

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24 EB/L
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2903

JEH:MO'B

67-8033-748

PERSONAL

February 1, 1929.

RECORDED
FEB 2 1929

Hon. Edwin Brown,
P. O. Box 513,
Guthrie, Oklahoma.

Dear Mr. Brown:

I received your letter of the 29th ultimo, and was very glad to hear from you. First, I want to extend to you my heartiest congratulations upon the successful outcome of the W. F. Hale case. The result should certainly tend to strengthen the confidence in the Federal Law Enforcement Agencies in the State of Oklahoma and indicate to the lawless element that when the Federal Government takes up a matter it intends to go through with it irrespective of the many harassing obstacles that may be placed in its way.

It is gratifying to note that the Agents of the Bureau were so satisfactory in their work upon this case. I realize what a difficult investigation it has been and each and every man who has worked upon it deserves all of the credit that can be accorded to him for his efforts.

In regard to Agent Burger, I well appreciate his indefatigable application to duty throughout the many long months that this case has been pending. In regard to sending him back to Kansas City, I shall be very glad indeed to keep this in mind. Just at the present moment, however, I think it would be very inadvisable to send him back to Kansas City until all angles of the Hale matter have been concluded. I want to make certain that there is no possibility of a recurrence of the situation which developed previously after the trial of Hale. As soon as there is a certainty of this being passed, I will then endeavor to have Mr. Burger sent back to his original office of assignment.

Sincerely,

2904

LEAHY, MACDONALD, MAXEY & FILES
ATTORNEYS AT LAW
FIRST NATIONAL BANK BUILDING
PAWBUKA, OKLAHOMA

February 1st, 1929

LEAHY
MACDONALD
MAXEY
FILES
T. R. LEAHY
G. V. LABADIE

Hon. J. Edgar Hoover, Director
Department of Justice
Washington, D. C.

Dear Mr. Hoover: IN RE - United States vs. Hale

I want to give you this letter for the purpose of showing my appreciation personally of the splendid assistance rendered by your Department in the investigation and prosecution of the case of United States vs. Hale. It must be highly gratifying to you to know that largely as a result of the efforts of your agents that one of the greatest criminal prosecutions in the history of the country has been brought to a successful termination. I do not doubt but that more good will result throughout the Southwest over this prosecution than any one of a similar nature that has been had.

Mr. John R. Burger, one of your special agents, was locally in charge of the work, and it will not be possible to say too much in behalf of his efforts and ability. He has earned the everlasting gratitude of the public.

Mr. Frank Smith, another one of your agents, who was assigned here to work with Mr. Burger during the last six weeks prior to the trial, also rendered exceedingly valuable service, and he also is entitled to and has the gratitude of the public and should receive along with Mr. Burger the warm commendation of their superiors.

The State of Oklahoma was very much interested in this case because of other charges of a similar nature pending against W. K. Hale and which in a way are more or less connected with the Roan murder case in which he was convicted, and, because of that, the State furnished a representative of the State's Bureau of Investigation and Identification, Mr. T. B. Weiss, who gave valuable assistance and proved himself a capable investigator.

Again personally thanking you for your hearty

FEB 7 1929

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15 Hon. J. Edgar Hoover, Director:
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co-operation and the splendid result that was obtained from your kind
I am,

Very sincerely,
J. D. Leahy

III-J

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EXHIBITS

62-1033-749

February 5, 1929.

Mr. F. J. Leahy,
Special Assistant to the
Attorney General,
First National Bank Bldg.,
Pawhuska, Oklahoma.

Dear Mr. Leahy:

I beg to acknowledge receipt of your
communication of February 1st., and want you to know
how much I appreciate the complimentary contents thereof.

It has been a pleasure to cooperate with
you in the Hale case and I am sure the efforts of the
Bureau's Agents, no matter how devoted they may have
been, would have failed to meet with ultimate success
had it not been for the prosecutive talent displayed by
you and your associates in presenting the case in Court.

Copies of your comments relative to the
individual Agents of the Bureau will be placed in their
personal files and I trust I will have the pleasure of
cooperating with you again in the future.

Very truly yours,

Director.

BUREAU FILES DIVISION
MAILED

FEB 5 1929

DEPT. OF JUSTICE

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Department of Justice

Bureau of Investigation

P. O. Box 1535,
Oklahoma City, Oklahoma
February 14, 1929

EB:R
70-1

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

Dear Sir: Re: W. K. Hale - Osage Murders

Under date of February 9, 1929, Hon. John M. Goldesberry,
United States Attorney, Tulsa, Oklahoma, has written me as follows:

"In the matter of United States v. W. K. Hale, the
court this morning made an order continuing the hearing
on his motion for new trial until February 23rd.

In connection with hearing counsel for Hale made
some statement in court to the effect that probably an
amended application or motion would be filed based on new-
ly discovered evidence, which we assume might be in the
way of affidavits obtained from persons with reference to
some of the government's testimony introduced in the trial
of this case, and in view of these facts, after consulta-
tion with Mr. Roy St. Lewis, we have deemed it advisable
to request your office to allow Mr. John R. Burger to re-
main on this case and until after such motion for new trial
is finally disposed of by the court, and this letter is to
request the further continuance of such an assignment of
Mr. Burger to the case. "

I have authorized Agent Burger to continue on the case
at Pawhuska as requested by Mr. Goldesberry.

Yours very truly,

C. E. Brennan
C. E. Brennan,

Special Agent in Charge.

cc: Agent Burger.

62-5033-750

FEB 18 1929

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12 P. O. Box 1533,
13 Oklahoma City, Oklahoma
14 March 4th, 1929
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16 CEB:R
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18 Director,
19 Bureau of Investigation,
20 Department of Justice,
21 Washington, D. C.
22

23 Dear Sir:

24 Re: John R. Burger,
25 Special Agent.
26

27 I have been informed by Hon. John M. Goldesberry,
28 United States Attorney, Northern District of Oklahoma, that after
29 March 12, 1929 he will no longer need the services of J. R.
30 Burger on the W. K. Hale murder case.
31

32 Special Agent Burger is regularly assigned to
33 this Bureau office, and I will be in a position to dispense with
34 his services in this district when he is released from assignment
35 on the Hale case. Such further investigation as may be needed on
36 any angle of the Hale case in the future, so far as I am able to
37 ascertain at this time, will be handled by one or more of the
38 agents regularly assigned to this office, if Agent Burger is as-
39 signed elsewhere.
40

41 Agent Burger has informed me that he very much
42 desires a re-assignment to the Kansas City office.
43

44 Yours very truly,
45 C. E. Brennan,
46 Special Agent in Charge
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2909

LEAHY, MACDONALD, MAXEY & FILES
ATTORNEYS AT LAW
FIRST NATIONAL BANK BUILDING
PAWHUSKA, OKLAHOMA

February 1st, 1929

T. J. LEAHY
C. S. MACDONALD
J. H. MAXEY
F. W. FILES
T. R. LEAHY
G. V. LABADIE

Hon. J. Edgar Hoover, Director
Department of Justice
Washington, D. C.

62-5033

Dear Mr. Hoover: IN RE - United States vs. Hale

I want to give you this letter for the purpose of showing my appreciation personally of the splendid assistance rendered by your Department in the investigation and prosecution of the case of United States vs. Hale. It must be highly gratifying to you to know that largely as a result of the efforts of your agents that one of the greatest criminal prosecutions in the history of the country has been brought to a successful termination. I do not doubt but that more good will result throughout the Southwest over this prosecution than any one of a similar nature that has been had.

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FEB 4 1929

Mr. John R. Burger, one of your special agents, was locally in charge of the work, and it will not be possible to say too much in behalf of his efforts and ability. He has earned the everlasting gratitude of the public.

Mr. Frank Smith, another one of your agents, who was assigned here to work with Mr. Burger during the last six weeks previous to the trial, also rendered exceedingly valuable service, and he also is entitled to and has the gratitude of the public and should receive along with Mr. Burger the warm commendation of their superiors.

The State of Oklahoma was very much interested in this case because of other charges of a similar nature pending against W. K. Hale and which in a way are more or less connected with the Roan murder case in which he was convicted, and, because of that, the State furnished a representative of the State's Bureau of Investigation and Identification, Mr. T. B. Weiss, who gave valuable assistance and proved himself a most capable investigator.

Again personally thanking you for your hearty

4 13.8

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Hon. J. Edgar Hoover, Director:

co-operation and the splendid result that was obtained from your Bureau,
I am,

Very sincerely yours,

T. J. Leahy

TJL-J

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11 LEAHY, MADCONALD, MAXEY & FIELDS
12 ATTORNEYS AT LAW
13 FIRST NATIONAL BANK BLDG.,
14 PAWBUKA, OKLAHOMA.
15

16 February 1st, 1929.

17
18 RECEIVED

62-5033-751

19
20 Attorney General,
21 Washington, D. C.

FEB 28 1929

22 In re: United States vs. E. E. Hale.
23

24 Dear Sir:

25
26 No doubt you have already learned of the
27 result of the trial of the above case in the United States
28 District Court for the Northern District of Oklahoma at this
29 place. The case has been assigned for Saturday, February 9th,
30 1929, for the purpose of hearing the motion for a new trial.
31 I do not apprehend that there is any likelihood of a new trial
32 being granted.

33
34 I think it proper at this time to say that
35 remarkable work was done in this case under the direction of the
36 Bureau of Investigation in your office.

37
38 Special Agent John R. Burger was the
39 principal operator locally for the past year and what he
40 accomplished is worthy of the highest mention.

41
42 Mr. Frank Smith, Special Agent of the Bureau
43 of Investigation, was assigned here during the last month or two
44 weeks previous to the trial and rendered most valuable assistance
45 in the case along with Mr. Burger.

46
47 The State of Oklahoma was vitally interested
48 in the prosecution because of the other murder charges against Hale
49 which were pending in the State Court, all of which are more or
50 less connected up together. Because of that, the Governor assigned
51 to assist in the case, from the State Bureau of Investigation and
52 Identification, Mr. T. D. Kelas, who rendered valuable assistance.

53
54 Mr. Roy St. Lewis, United States Attorney
55 for the Western District of Oklahoma, and Mr. John M. Goldsberry,
56 United States District Attorney for the Northern District of Oklahoma,
57 both gave a large amount of their time and labor and both rendered
58 valuable service before and during the trial of the case.
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We regretted that the Honorable O. R. Dearing, Assistant Attorney General, was not present to aid us, but are most happy over the result as we feel that the success of this prosecution is one of the greatest indications of law and justice that has been realized in the country.

As you know, I was employed under a special act, of Congress authorizing the Osage Indians to employ someone, and I am very grateful to you for giving me recognition in appointing me as a Special Assistant to the Attorney General so that I could fully cooperate and do all things that were necessary and proper to a successful termination of the case and to aid me in carrying out the terms of my employment.

Very truly yours,

(signed) T. J. Leahy.

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174
UNITED STATES

62-5033-751

February 27, 1929.

FEB 28 1929

RECORDED FEB 28 1929

MEMORANDUM FOR MR. LUEHRING.

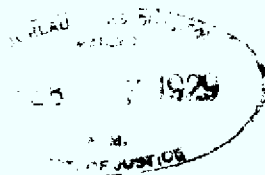
I am returning, attached hereto, letter of February 1st., addressed to the Attorney General by Mr. T. J. Leahy, relative to the case of United States vs W. K. Hale.

The Bureau is pleased to note the favorable comments of Mr. Leahy relative to the work performed by Agents of this Bureau in said case and notations thereof have been placed in their personnel files.

Very truly yours,

Director.

Encl. 139400.



United States Attorney
Tulsa, Oklahoma,
Feb. 23, 1929.

Mr. C. E. Breniman,
Special Agent in Charge,
Bureau of Investigation,
Department of Justice,
Oklahoma City, Okla.

RE: W. K. Hale,
Osage Murder Case.

Dear Sir:

The motion for new trial in the above entitled case was continued from this date, February 23rd, to March 12th, 1929.

Agent has carefully surveyed the activities of defense counsel, also kept in close touch with the government witnesses who testified at the trial of said case, and, while the defense counsel has been quite active in looking for some irregularity or cause for a new trial, they have not to date filed any affidavit or any documents other than their alleged errors at the trial of said case which, in the judgment of counsel for the government, would not in any way have any bearing on the motion for new trial.

I have on this date conferred with Mr. John M. Goldesberry, United States Attorney for the Northern District, and Mr. Roy St. Lewis, United States Attorney for the Western District of Oklahoma, and Mr. Goldesberry expressed to me that in his judgment the defense would rely solely on decision in the Lewis case which is now before the United States Supreme Court, to argue the motion for new trial in the W. K. Hale case, and my services as to further investigation in the W. K. Hale case or motion for new trial could be dispensed with at this time. However, Mr. Goldesberry requested that I meet him at Pawhuska, Oklahoma, on the following Tuesday or Wednesday for a conference with reference to irregular conduct of parties with reference to some of the jurors and witnesses in the W. K. Hale case at the trial at Pawhuska, Oklahoma.

Mr. Goldesberry further advised me that he had talked with you over long distance and made such arrangement with you, and, unless otherwise advised by you, I will proceed as requested to do by Mr. Goldesberry.

Very truly yours
RECORDED

MAR 1 1929 J. R. Burger,
Special Agent.

JRB-h
cc-Bureau

62-5633-75	
BUREAU OF INVESTIGATION	
MAR 1 1929	
DR.	FILE

2915

HHC:ES

62-5033-752

February 28, 1929.

Mr. C. E. Brennan,
P. O. Box 1536,
Oklahoma City, Okla.

62-5033

Dear Sir:

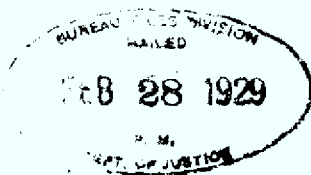
There is transmitted herewith the original of an unsigned letter addressed to your office by Special Agent J. R. Burger, in connection with the case entitled: W. K. HALE - Osage Murder.

A copy of Agent Burger's letter is being retained in the Bureau's file and the original is enclosed herewith as it apparently was intended for your office.

Very truly yours,

Director.

Inc. No. 129216.



2916

POSTAL

JPM:RBN:MB

MARCH 8 1936

R H COLVIN
BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE
1308 DALLAS NATIONAL BANK BLDG
DALLAS TEXAS

SUPERINTENDENT OF PRISONS REQUESTS VERIFICATION REPORT FUGITIVE OF
FATHER OF FEDERAL PRISONER W K HALE LEAVENWORTH TO BE HELD CALIFORNIA
TEXAS MARCH TENTH STOP MAKE IMMEDIATE INVESTIGATION BY TELEPHONE IF
NECESSARY WIRING RESULTS

JOHN EDGAR HOOVER DIRECTOR

2917

P. O. Box 1535,
Oklahoma City, Oklahoma
March 5th, 1929.

CEB:W
72-14-S.

Hon. J. M. Goldsberry,
United States Attorney,
Tulsa, Oklahoma.

Dear Sir:

RE: John Duke - Intimidating
Government Witnesses.

Please refer to your file in the above entitled
case and advise me whether this matter was presented to the
recent grand jury at Tulsa; if so, the date thereof, and whether
an indictment was returned against the Subject.

Yours very truly,

cc: Bureau

C. E. Brenden,
Special Agent in Charge

RECORDED - 100

62-5027-25

MAR 11 1929

2918

OFFICE OF ORIGIN: Oklahoma City, Okla.

REPORT MADE AT: Okla. City, Okla. 3-8-29 3-8-29 C. E. Brannen

JOHN DUKE

Intimidating Government
Witness

(C. C. #72-14-7)

SYNOPSIS:

United States Attorney at Tulsa, Northern District of Oklahoma, has advised that case not presented to grand jury at Tulsa which adjourned on February 25th last but that information is being prepared.

- P -

REFERENCE:

Report of Agent Burger, Oklahoma City, 1-29-29.

DETAILS:

- At Oklahoma City, Oklahoma -

Under date of March 6th, 1929, United States Attorney, Northern District of Oklahoma, at Tulsa, has advised this Bureau office that the above entitled case was not presented to the Federal Grand Jury adjourned at Tulsa on February 25th; that information is being prepared and this office will be advised when the same is filed.

- PENDING -

Approved and
Forwarded

C. E. Brannen Special Agent in Charge

Copies to:

2-Bureau
1-U.S. Atty. Tulsa
2-Okla. City.

ER:

MAR 13 1929

2919

Tulsa, Oklahoma. March 7, 1929.

Honorable C. E. Breniman,
Special Agent in Charge,
Bureau of Investigation,
Department of Justice,
Oklahoma City, Oklahoma.

Dear Sir:

I have on this date conferred with the Honorable Harry Beaton, Assistant United States Attorney at Tulsa, Oklahoma, who is looking after the motion for a new trial in the T. K. (Bill) Hale Osage Murder case in the absence of Mr. Goldesberry, United States Attorney, who advised me that defense counsel has not to date filed any additional affidavits or documents with reference to motion for a new trial in this case which will be held before the Honorable Judge Kennamer on March 12, 1929. *at Tulsa Okla.*

I have also conferred with and made a careful survey as to our witnesses and have failed to find any noticeable activities of defense in this connection. *lately*

I am enclosing herewith, clipping from the Tulsa Tribune under date of 3-5-29, with reference to the Lewis brothers case in which the United States Supreme Court held valid the Lewis sentences which case the defense counsel based their request for a continuance for a motion for a new trial until March 12th, and there is nothing new that this agent or the United States Attorney's office have been able to discover in asking further continuance of motion for a new trial other than the alleged errors by defense during the trial at Pawhuska, Oklahoma.

Very truly yours,

JRB:LMH
cc-Bureau ✓

J. R. Burger.

Spec Agent

62-5033-756

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