

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

KATHERINE COLE
(Continued)

with Anna Brown, and I did not again look out of the car. I stayed in the car alone about twenty-five or thirty minutes, until they returned. Anna Brown was not with them, and I never saw her alive again.

1.

2.

3.

4.

1.

DENEY SELPH

Guthrie, Okla. Jail.

(Continued)

2.

Made following statement to N. S. Smith.

Page 909
Par. 1.

3.

Subpoena

4.

My name is Dewey Selph. I was living with my wife at Pawhuska during May, 1925. I had just got back from Colorado. Kelsie Morrison, who was in the Pawhuska County Jail, sent word to me to come to the jail and see him. I went to the jail and saw Kelsie. Kelsie asked me if I would do him a favor. I told him I would. He said that he felt that I was the only one he could trust to do it. Kelsie said that he wanted to make some arrangement to get shut (shed) of Katherine, his wife, because she knew too much about the Anna Brown murder deal. Kelsie said that he would give me a note to Bill Hale and that Hale would fix the arrangements for getting shut of Katherine. Kelsie did not offer me any money to help him get shut of Katherine, but said that Bill Hale would foot the bill, whatever it was. Kelsie gave me the note to Bill Hale, which said that I was a friend of his, Kelsies, and that Hale could trust me to the full extent. I did not take the note, to Hale the same day that Kelsie Morrison gave it to me, but it was a few days later that I went to Fairfax and found Bill Hale in a pool hall where I gave him the note. As I remember, I believe it was the latter part of May or first day or so in June, 1925, that I gave Hale the note. When Hale read the note Kelsie Morrison sent him, he asked me if I wanted to help do the job, and I told him yes. Bill Hale told me to go on

1781

DENEY SIMON
(Continued)

back to Pawhuska, and that he, Hale, would
and a fellow to see me about the plans.
Two or three days later, when I was not at
home in Pawhuska, a fellow came to my house
in Pawhuska and left a note for me to call
him when I came home. He left an address
for me to call, a hotel, which I do not re-
member now, in Ponkawa, Okla. This fellow
gave the name of Little Skeet. When I came
home I called the address he left, but I
could not get him. I called again the next
day and got him, and he told me he would be
over in Pawhuska to see me. I told him I
would either be at the Pappan Hotel or Amer-
loan Cafe. He came over that same day. We
met him at the American Cafe. We commenced
to lay our plans where we would take Kath-
erine Morrison. We decided that I was to
take Katherine out on a drinking party with
some others and go out on Dial Hill, just
back of Pawhuska; that Little Skeet was to
be close by the Dial Hill in another car,
and when I got out on the hill, if I had
Katherine with me, I was to blow my horn,
pretending that it was accidentally blown.
If I did not have Katherine with me I was
to flash my spot light up and down; that
if I blew my horn to let Little Skeet know
I had Katherine with me, then Little Skeet
was to drive up to where our party was
parked and hijack our party and shoot Kath-
erine, and the rest of our party would not
think that it was planned to kill her.
Little Skeet stayed in Pawhuska. During
the latter part of June, 1925, just a few

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

1815

DEWEY SELPH
(Continued)

days before the 4th of July, I told Little Skeet that I would make up a party that night and try to get Katherine Morrison to go along. He said he would be out near Dial Hill and if I got her to go along, when I got out on the hill for me to give the signal to him.

That night I was riding around with a boy from Joplin, Missouri, whose name I have forgotten. This boy borrowed George Brunt's car. We drove down to where Marie Benson was living and I got her to go along with us. We then drove to the White House Pool Hall, where Luther Provenoe worked, and as soon as he got off work we picked him up in our car, then drove down to the Markle Hotel, where Luther got Katherine Morrison and a ukelele. We then drove out on 17th or 18th street and got a gallon of "choo" beer. Katherine Morrison had a gallon of "choo" hid somewhere, and we got that too. We then drove out on Dial Hill, I doing the driving then. As soon as we got out on the hill I pulled off the road and stopped. I was afraid to go through with the plan, and instead of blowing my horn to let Little Skeet know I had Katherine in our party, I flashed my spot light to let him know that I did not have her. Little Skeet, who was parked a little below us at the foot of the hill, then drove off. We drank that "choo" we had, then drove down in Pawhuska and got some "jake" (jamaica ginger). We drank this and then drove around town a while. We took

DWNEY SWEPH
(Continued)

2.

rather than, then took Marie home. Katherine would not get out at her hotel, so we drove on down to the Hotel Rooms and got a room for her and put her to bed. She was pretty drunk then. After I put Katherine to bed, I went down to the Pan-American Cafe, where I met Little Skeet. Little Skeet asked me what was the matter I could not get Katherine Morrison to go on the party with me. I told Little Skeet that Katherine was off somewhere drunk and I could not find her. Little Skeet then said that he did not care, that he was kind of proud of it, that he had half the money and he would just keep it anyway. He asked me if I wanted part of the \$500. Hale had given him, the half of which was to go to me, and I told him I did not want it. I was afraid of getting in a jam if I took any of the money. Little Skeet left for Tonkawa and told me he was going to leave Tonkawa, but did not tell me just where he was going.

When I took the note to Bill Hale that Kelsie Morrison gave me, and after I told Hale that I would help put Katherine out of the way, Hale told me he would pay me \$500. for my part of it; that he would pay half of it before the job was done and he would send a guy to me with the money, and when we done the deal he would pay us the other ~~half~~ \$500. About the 12th or 13th of November, 1925, Frank Kramer, Bessie Rusk, Grace Roun Matteson and I drove in Grace's Buick car from Pawhuskas to Ralston, and got in Ralston about ten or eleven o'clock that night. We drove to the

3.

4.

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

1.

2.

3.

4.

DEWEY SLAPP
(Continued)

Jones Hotel and I let Frank and the girls out and they took the baggage across from the Jones Hotel to get the extra tire fixed. The reason we drove to Ralston was because Bill Hale called me over the telephone and told me he wanted to see me. I got the call and talked to Bill Hale from the Pappan Hotel. When Hale talked to me over the telephone he said he would meet me at Ralston at one of the filling stations. There are only two filling stations in Ralston. When I went to the garage and filling station to get the extra tire fixed Bill Hale was not there. Finally Hale came and asked me why we came to do him as we done. I told Hale I never did see that other guy that he was to send to me; that the guy did not come over to Pawhuska. Bill Hale then told me that he thought it would be a good idea for me to leave that part of the country for a while. I told him all right if he thought so. Hale asked me if I was broke, and I told him I was. Hale then gave me \$100. and told me to take that as that was all he had with him. Hale then asked me if I was going to stay in Ralston that night, and I told him no, that I was going to leave right out. Hale told me to be sure and leave the country. I did not leave that night, but left the next morning, with the two girls and Frank Kramer. We went to Wrom Ralston, Okla. to Arkansas City, Kan., then Wichita, Kan., then to Pueblo, Colo., then on down to El Paso, Texas. I stayed in

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

DENVER SHERIFF
(Continued)

El Paso two weeks or so, and left El Paso with Charlie Choteau for Colorado Springs, where Charlie lived. I stayed with Charlie in Colorado Springs two or three days, then left for Pawnee, stopping on my way at Le Jardin and Los Animas, Colo. When I got to Syracuse, Kansas, the police picked me up there, where I stayed in jail until the Department of Justice brought me to Guthrie, Oklahoma. I have read the above statement and the same is true and correct.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

1819

1.

KELSTIE HORRIBOR
Mollester, Okla.
Penitentiary.

(Continued)

2.

See statement of Katherine Cole regard-
ing her knowledge of the participation
of Kelstie Horrison and Bryan Burkhardt in
the murder of Anna Brown.

See statement of Dewey Solph regarding
his knowledge of participation of Kel-
sie Morrison and W. K. Hale in a plot
to kill Katherine Cole because of her
knowledge of the facts in the Anna
Brown murder.

3.

Pages 912
to 900.

Pages 909
to 907.

4.

Subpoena.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

Handwritten initials or mark.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

"LITTLE SKEET"

See statement of Dewey Selph regarding participation of Little Skeet, with Hale, Selph and Morrison, in a plot to kill Katherine Cole because of her knowledge regarding the murder of Anna Brown.

Pages 809 to 907.

Subj: [unclear]

42-2

1281

1.
BRYAN BURKHART
Fairfax, Okla.
(continued)

2.
See statement of Katherine Cole regard-
ing her knowledge of the participation
of Bryan Burkhart and Kelsie Lorrison
in the murder of Anna Brown.

3.
Pages 912
to 909.

4.
Subpoena.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

228

INDEX TO WITNESSES
 W. E. "BILL" SMITH CASE.

SHEET No.

NAME	SHEET No.
Adams, Frank	93-G
Bell, Walter	74
Bellew, Jim	84-A
Beardmore, John	93-D
Beatty, Pitts	93-B
Betts, W. G.	87
Bighart, Grace	25
Billingsley, Max	72
Blayed, A. H.	39
Boles, Price	96-D
Bolton, Ernest	93-I
Bolton, George	58
Boswell, Charlie	83
Boswell, Jim	82
Brackett, Wm. H.	33
Burkhardt, Miss Mattie	31
Burkhardt, Ernest	97
Burkhardt, Horace "Duke"	98
Burt, H. G.	93-A
Carney, George	29
Clingan, Lee	68
Colombe, R. D.	21
Comstock, A. W.	22
Cook, A. O.	39-A
Cook, Roy	56-A

NAME

Copeland, W. E.
Gorbett, Mr.
Gornett, Henry
Govington, Blanch
Grandall, Dick
Crossland, C. M.
Grove, W. A.
Dodplane, Sid
Doolin, Walter
Durham, R. W.
Willott, Robert
Ewers, Wd
Fincher, Ed
Flannery, Mr.
Fox, Edith
Froes, Harve
Friedman, Dr. A. H.
Girdner, Frank
Gordon, Mrs. Ruth
Gramer, Mrs. Henry
Gregg, Alta
Gregg, Dick
Gregg, John
Gustafson, John A.
Hale, W. K. "Bill"

SHEET No.

9
7
55
93-B
12
35
46
43
61
89
40
81
43
54
56
22
42
93-J
93-A
59
70
67
69
34
90

Index to Witness - Smith case
 (Continued)

NAME	SHEET NO.	NAME	SHEET NO.
Hallet, Mrs. Luella	24	Mayo, John	62
Hargis, H. O.	85	Mayo, Mrs. John	64
Hawkins, Dock	60	Meaders, George	93-F
Hazen, Sam	5-B	Mentor, Charlie	93-H
Hembree, Charles	38	Mitchell, Dr. J. T.	20
Henderson, John I.	36-C	Mittobell, Mrs. Margaret Hines	19
Hoefler, F. O.	13	Moran, John	35
Horse, Roan	26	Morgan, Henry	30
Hunsacker, A. C.	18	Morrison, Kelcie	57
Hutchinson, J. W.	17	Kosberger, Roy	23
James, George	37	OGE, Ike B.	71
Jarrett, Floyd	75	Oiler, L. L.	93-C
Johnson, D. E.	15	Parker, Claude	86
Jordan, R. S.	80	Pennick, Ray	41
Kastle, Jim	93-E	Philpot, Walter	76
Keys, Campbell	77	Quirk, Charles	81
Lawson, Burt	96-A	Ramsey, John	97-A
Little, Steve	63	Reckman, A. D.	11
Lynn, T. G.	10	Richards, Miss Allie	94
McDowell, C. T.	6	Richessin, W. M.	92
McLean, John	1	Riell, John A.	49
Kolmer, M. C.	2	Rivard, Bill	45
Harrison, Me. Vin. A.	5-A	Roff, Charles	14
Hayes, Frank	61	Rowe, Fred	73
Hayes, Henry	88	Sherrill, Roy D.	65

(Continued)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

1824

Index to witnesses - Smith Case.
(Continued)

<u>NAME</u>	<u>SHEET NO.</u>
Shoun, Dr. D. A.	4
Shoun, Dr. J. G.	3
Skenel, Ralph	66
Smith, Roy	27
Spurgin, W. C.	95
Terrell, Frank	78
Thomason, W. T.	93
Thompson, "Blackie"	79
Thompson, John	6
Tindal, Fred "Wetunka"	97-B
Tinker, George E.	32
Tucker, Amos	44
Tulk, Sam	50
Ward, Henry	16
Welch, Slats	52
Wilson, Alva	96
Wilson, H. E.	8
Wismeyer, L. A.	47
Woodward, A. T.	91
Wright, J. George	90

NAME

SHEET NO.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

Department of Justice.

100016

TELEGRAM RECEIVED

Oklahoma City, Oklahoma

February 22, 1926

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

Handwritten: 22
Stamp: INVESTIGATION
FEB 23 1926

Reference your wire nineteenth Osage matter will endeavor handle with

Agent assigned stop Breniman reported to-day Smith and I returned from

ONE WHITE

Rec'd & Decoded
7:15 pm
*PCG

Handwritten: 5033

62-5033-379
BUREAU OF INVESTIGATION
FEB 23 1926 A.M.
DEPARTMENT OF JUSTICE

FEB 24 1926

Handwritten: 1824

Department of Justice

TELEGRAM RECEIVED

San Antonio, Texas.

Feb. 24, 1926.

5

Director

Mr. [unclear] and Burkhart arrived today. White notified.

Two Jones.

Reg. 2:30

Delivered J. [unclear]

Reg. 2:40



Handwritten initials 'AB'.

FEB 26 1926

RECORDED & INDEXED

62-5033-340

DEPARTMENT OF JUSTICE

FEB 24 1926

DEPARTMENT OF JUSTICE

Div. Five

Div. Five

Handwritten signature or initials.

1837

Vertical list of numbers from 3 to 60 on the left margin.

THIS CASE ORIGINATED AT Oklahoma City, Okla.

REPORT MADE AT: <u>Guthrie, Okla.</u>	DATE WHEN MADE: <u>Feb. 23-26</u>	PERIOD FOR WHICH MADE: <u>Feb. 18-26</u>	REPORT MADE BY: <u>F. S. Smith.</u>
TITLE: <u>U.S. vs W. K. HALE and JOHN RAMSEY.</u>			CHARACTER OF CASE: <u>Murder of Osage Indians, Anna Brown et al.</u>

(O. C. File 70-1)

62-5 32

SYNOPSIS OF FACTS:

REPORT OF SPECIAL AGENT GENE PARKER.

Statements by Henry Ward and George Bolton with reference to their seeing John Ramsey and W. K. Hale in a Ford car together prior to the murder of Henry Roan, and of conversations had between Ward and Bolton.

REFERENCE - previous reports captioned as above.

STATEMENTS MADE BY HENRY WARD AND GEORGE BOLTON AT FAIRFAX:

George Bolton and Henry Ward both reputable citizens of Fairfax, Oklahoma, on Feb. 18, stated to this Agent as follows:

That some days prior to the finding of the body of Henry Roan, both Bolton and Ward were standing together on the streets of Fairfax and saw John Ramsey driving a new Ford Roadster car with W. K.

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>[Signature]</i> SPECIAL AGENT IN CHARGE	62-5033-341	RECORDED AND INDEXED: FEB 25 1926
WASHINGTON REFERENCE: COPIES OF THIS REPORT FURNISHED TO: 3 Washington 3 Files.	BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE FEB 25 1926 ROUTED TO: <i>[Signature]</i>	CHECKED OFF: FEB 25 1926 JACKETED:

1828

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

Hale riding with him in this car. That Ward remarked to Bolton, "I wonder who will be the next one", they both realizing that Hale and Ramsey were preparing to pull some kind of a bad deal. That later Henry Roan was found murdered and on that day Bolton and Ward again met and discussed the finding of Roan's body murdered, and recalled to each other having seen Ramsey and Hale together and immediately concluded that they were responsible for the murder of Roan.

Ward, stated to this Agent that he started to tell his wife of having seen Hale and Ramsey together and of his and Bolton's suspicion that they would pull something bad, but that he felt that it would only cause her worry, and therefore, did not mention it to her.

These witnesses stand ready to answer summons and testify to the above facts.

CONTINUED.

THIS CASE ORIGINATED AT Oklahoma City, Okla.

REPORT MADE AT: Guthrie, Okla.	DATE WHEN MADE: 2-20-1926.	PERIOD FOR WHICH MADE: 2-6 to 2-18-26.	REPORT MADE BY: F. S. Smith.
TITLE: W. E. Smith, W. K. HALE and JOHN RAMSEY.			CHARACTER OF CASE: Murder of Osage Indian, Anna Brown, et al.

(O. C. File-70-1).

SYNOPSIS OF FACTS:

Joint report of Agents J. R. Burger, G. R. Davis, J. V. Murphy, E. H. Parker and F. G. Grimes.

Statements made by John Mayo, Roy D. Sherrill, regarding murder of W. E. Smith and family; Statements made by Dewey Selph and Dr. W. H. Aaron, regarding murder of Henry Roan; Statements made by Henry Ward, George Bolton and Matt H. Williams, regarding murder of Henry Roan. Grand Jury reconvened Feb. 12, 1926. On Feb. 13, 1926, Grand Jury returned True Bill #5728 against W. K. Hale and John Ramsey charging them with murder of Henry Roan. Arraignment and plea day set for Feb. 16, 1926. Defendants' attorneys filed demurrers to indictment and these demurrers were argued on Feb. 18. Demurrers taken under advisement until Feb. 23.

CONTINUED.

REFERENCE - All previous reports captioned as above, and especially report of Agent F. S. Smith dated 7-17-1925, covering statements made by John Mayo and Roy D. Sherrill.

DETAILS:

On February 6, 1926, John Mayo, convict in Kansas State Penitentiary, Lansing, Kansas, was interviewed and made the following additional statement to Agent J. R. Burger, in presence of Edwin Brown, Special Ass't. to the Attorney General, regarding the murder of W. E. Smith and family:

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>[Signature]</i> SPECIAL AGENT IN CHARGE	62-5033-342	RECORDED AND INDEXED: FEB 26 1926
WASHINGTON REFERENCE: No. 2.	COPIES OF THIS REPORT FURNISHED TO: Washington - 3 Okla. City - 3	CHECKED OFF: FEB 27 1926
	DEPARTMENT OF JUSTICE	JACKETED:
	ROUTED TO:	FILE

1530

After being warned by Mr. Burger and Mr. Brown that I do not have to make a statement, and that any statement I do make will be used as evidence in the prosecution of Osage Indian murder cases, I now make the following statement of my own free will, without threat or promise of immunity.

I was raised at Chickasha, Okla., and went to Webb City, Okla., in January, 1923. Asa Kirby and myself operated a rooming house at Webb City for about four months, from Jan. 1923 to April, 1924. During this time Bill Smith's home at Fairfax, Okla., was blown up and Smith and his wife and servant were killed. During this time I was around Henry Grammer's a good deal, and saw John Ramsey at Grammer's place several times.

About two weeks before Bill Smith's house was blown up, John Ramsey came to the rooming house that Asa Kirby and I were running at Webb City, and had private conference with Asa Kirby. The following morning Asa Kirby took me out into the country near Webb City in his car, and told me we could get \$2000 to kill a man and his squaw, meaning Bill Smith and his wife. A few days later Kirby came to our rooming house at Webb City with a roll of fuse about 100 feet long and some dynamite caps, and told me we would get ready to go over to Fairfax and do the job, meaning to blow up Bill Smith's house and kill Smith and wife. Kirby asked me if I knew where a nitro. magazine was located near Webb City, and I told him I did not. Kirby then said John Ramsey had told him, Kirby, that there was a magazine on the road to Kaw City. The next day Kirby and myself went to Henry Grammer's and Kirby looked for magazine but could not find it, and we drove on to Henry Grammer's and had a talk there. The next day John Ramsey came to our house at Webb City, and Ramsey and Kirby had a talk. Ramsey drove away from house in his Ford car and Kirby followed him in his, Kirby's, car. Kirby returned to our house later and told me John Ramsey had showed him where a nitro. magazine was, and the next evening Kirby came to the house at Webb City with a new five gallon oil can and left the can there until dark.

After dark Dock Hawkins and Asa Kirby came to the house and got the oil can and wrapped it with an old quilt and put the can in Kirby's car and they drove away in Kirby's car between eight and nine P. M., the night before Bill Smith's house was blown up. Kirby returned home after midnight the same night, and the next morning Kirby told me he had taken the "stuff", meaning nitroglycerine, over there and left it and was going back that night as he wanted to be sure Smith and wife were at home. The night Smith's house was blown up, Dock Hawkins and Asa Kirby left our house in Webb City in Kirby's car about dark.

1831

Kirby woke me when he came in the following morning about 5 A. M. About 11 A. M. the same day, when Kirby got up, Kirby said to me that it was a dandy job; that they heard her explode when they were about seven or eight miles away. The following day Kirby went to Grammer's place and returned home the same day.

About two days later John Ramsey came to our house in Webb City, and shortly after Ramsey arrived, Dock Hawkins came into the house, and Ramsey told Kirby and Hawkins, in my presence, that they done a good job - that they had killed two of them, Smith's wife and servant girl, and blowed Smith's privates off and he was in the hospital and would be gone in a day or two.

Two days later Kirby and myself went to Grammer's to get some whiskey, and while at Grammer's, Asa Kirby and Grammer went down to Grammer's barn and had a long talk. When Kirby came back to where I was, he said he would be ready to go as soon as Grammer gave him some money. Kirby walked to Grammer's back door and Grammer handed Kirby a big roll of money. We then returned to our house at Webb City, and Dock Hawkins came into our house. Kirby then took the roll of money from his pocket and counted out \$500 to Hawkins, and told Hawkins that they would get the rest of it if Smith died. About two days later John Ramsey called at our house and told Asa Kirby that Smith was dead and he, Kirby, would get the rest of his money.

On Feb. 11, 1926, Roy D. Sherrill, convict in Federal Penitentiary, Leavenworth, Kansas, was interviewed and stated in substance as follows:

That in the winter of 1923, to be exact during January, February and the first part of March, 1923, he, Sherrill, was at and around Henry Grammer's place in Osage County, Oklahoma, and on a number of occasions met and talked with John Ramsey, who was also around there. That sometime during February, 1923, he, Sherrill, drove with John Ramsey from Grammer's place to Fairfax and while in Fairfax, Ramsey was looking at an auto with the view of purchasing it, but did not do so; that from Fairfax he, Sherrill, and Ramsey drove over near Grayhorse to the home of W. E. Smith (this was before Smith moved to Fairfax) and as they were going by Smith's house, Ramsey said to Sherrill in substance that there was someone lived in that house that they wanted taken care of and that there is a nice piece of money in it. Ramsey went ahead and told Sherrill that all there would be to do to bump them off would be get a can of "soup" and set it near the house and light a fuse; that they

1832

7 were talking about this on the way back to Fairfax, and that
8 Ramsey some time during the conversation told him, Sherrill,
9 the names of the people who should be bumped off were W. E.
10 Smith and wife.

11 Sherrill also stated that at this time John Ramsey was
12 doing carpenter work around Henry Grammers and at James Ballew's,
13 and was staying at Grammer's most of the time; That some time
14 later Ramsey bought a new Ford roadster and he, Sherrill, saw
15 Ramsey on several occasions driving it around there; that at
16 this time he, Sherrill, was living with a woman by the name of
17 Lillian Stroud; that he believes this woman knows, or at least
18 knows considerable about these murder cases for the reason
19 she had an opportunity and did talk to a number of the gang
20 around Grammer's at that time; that the last time he heard from
21 this woman she was in Griffin, Ark., Box 55, and her parents'
22 name is Garner and live at Clayton, Okla., and believes that she
23 can be located thru them; that he, Sherrill, remembered receiv-
24 ing a letter from Lillian Stroud while he was in the penitentiary
25 about a year ago, in which she said she did have some good infor-
26 mation about the murder cases.

27 Sherrill further stated that on one occasion while he was at
28 a still near Henry Grammer's place, Grammer brought a man to him
29 and introduced him to Sherrill as Snake Eye Thompson, but that
30 he knew Thompson and knew that the man introduced to him was not
31 Thompson and that he later learned that it was W. K. Hale, and
32 said to Grammer that he, Sherrill, knew this; that Grammer
33 laughed, and in a few days Hale returned and told him, Sherrill,
34 to come over to Fairfax and see him, Hale, as he wanted him to
35 stage a robbery and get some papers out of a safe in an office;
36 that there would be about \$1000 in money found in the safe and
37 that he, Sherrill, could have the money, but that he, Hale,
38 wanted the papers; that he, Sherrill, did not go as he was an
39 escaped convict at the time and was afraid of being caught.

40 That he, Sherrill, overheard a conversation between W. K.
41 Hale and Henry Grammer at Grammer's home, in which Hale told
42 Grammer that he, Hale, had an insurance policy on Henry Roan's
43 life, however, Sherrill could not remember enough of the
44 conversation to make same of any value.

45 -----
46 With regard to Lillian Stroud, mentioned in above
47 statement, this matter is now being followed up to locate her
48 and interview.

1833

3
4
5
6
7 Dr. W. H. Aaron, Pawhuska, Okla., who made the physical
8 examination of Henry Roan when W. K. Hale secured a \$25,000
9 insurance policy on Roan's life in Hale's favor, stated that at
10 the time he examined Henry Roan for the insurance, W. K. Hale was
11 in his office, and he, Dr. Aaron, asked Hale "Now after you get
12 this \$25,000 policy on Roan, what are you going to do", and Hale
13 answered him and said, "I'M going to bump him off."
14

15 Dewey Selph, who is now in Guthrie jail, stated that
16 while John Ramsey was confined in the Guthrie city jail in the
17 same cell with him, Ramsey told him, Dewey Selph, that he, Ramsey,
18 made a confession to the Government telling them all about the
19 killing of Henry Roan; that Ernest Burkhart had "put it on him"
20 and there was nothing for him to do but tell the truth and tell
21 it all.
22

23 On February 12, 1926, the Grand Jury reconvened at
24 Guthrie for further consideration of evidence in the Osage Murder
25 cases. The following witnesses were used before the Grand Jury:
26

27 John Mayo,
28 Roy D. Sherrill,
29 Dr. W. H. Aaron,
30 Dewey Selph.
31

32 On February 13, 1926, the Grand Jury returned true bill
33 No. 5728 against W. K. Hale and John Ramsey, charging them with
34 the murder of Henry Roan, an Osage Indian.
35

36 On February 14, 1926, Matt M. Williams, Pawhuska, Okla.,
37 made the following statement to Agents J. R. Burger, J. V. Murphy,
38 and E. H. Parker:
39

40 My name is Matt M. Williams. I now reside at Pawhuska, Okla.
41 I was born in Sigourney, Iowa, May 21, 1877. I came to the State
42 of Oklahoma in the year 1891 and settled at Ralston, Okla., in the
43 Spring of 1894, where I resided until about thirteen years ago, when
44 I went to Pawhuska, Okla., and have since lived there except for
45 about fourteen months, while I was at Denver, Colorado.
46

47 During the time I lived at Ralston and Pawhuska, Okla., I
48 became well acquainted with W. K. Hale, in fact had business deal-
49 ings with him and was closely associated with him for the past
50 twenty years.
51

52 In the year 1921, in the month of May, I think about the 17th
53 of May Bryan Burkhart and Anna Brown came to my room over the
54 First National Bank, Ralston, Okla., and Bryan Burkhart bought from
55 Fred (Sharty) Wheeler two quarts of whiskey, and paid Wheeler \$15.00
56 for same, and Bryan Burkhart at that time remarked that he had to
57
58
59
60
61

1839

3
4
5
6 take care of some business for Uncle Bill Hale that night, and
7 that Kelsie Morrison was going to meet them at the end of the Arkansas
8 River bridge at Ralston. I remember the date quite well, as that
9 was the time Anna Brown was last seen alive on Saturday night pre-
10 ceeding the following week when she was found murdered.

11
12 Three or four days after Anna Brown was found dead, Kelsie
13 Morrison saw me at Pawhuska, and told me that Bill Hale had had
14 him to do the worst job he had ever pulled, and that Hale had
15 promised him \$5000, and had paid him \$200 and now refused to pay
16 him the balance, and that the job was a terrible one; that while
17 Ernest Burkhart was loving Anna Brown, he, Morrison, knocked her
18 head from behind with a pistol, and she hollered so loud
19 she showed so much life that he, Morrison, and Bryan Burkhart
20 carried her from the car to where she was found murdered, and
21 laid her down and she still had some life, and he, Morrison, shot
22 her in the back of the head with a gun. Morrison further stated
23 to me that Katherine Cole was with them on the party for a while
24 and that they had let her out of the car before Anna Brown was
25 killed. Morrison also told me that if Hale did not pay him in
26 full for killing Anna Brown, he was going to kill Bill Hale.

27
28 A few days later Hale came to my room at Ralston about three
29 o'clock A. M., and told me he was afraid that damn son of a bitch
30 Kelsie Morrison was going to squeak about the Anna Brown killing,
31 and asked me if I could help him, Hale, to keep his, Morrison's,
32 mouth shut. I then told Hale I thought if he would pay Morrison
33 it would be all right. Hale then asked me to see Morrison, and use
34 my influence in keeping his mouth shut, and I told Hale I did not
35 think Morrison could afford to hallow. I later saw Morrison, and
36 told him what Hale had said to me, and Morrison said Hale had
37 given him some more money, and if he did not pay him the balance,
38 he would bump him off too.

39
40 I asked Hale what he had Anna Brown bumped off for, and he,
41 Hale, said so Ernest Burkhart's wife would get the Anna Brown
42 estate.

43
44 In January, 1923, W. K. (Bill) Hale met me at Ralston, Okla.,
45 and told me that he had got some insurance company from Denver,
46 Colorado, to insure Henry Roan's life for \$25,000 in his, Hale's,
47 favor; that the insurance company at Pawhuska had failed to write
48 the insurance, but he, Hale, had got by with the Denver Insurance
49 company. Hale asked me what I thought about John Ramsey, if he was
50 all right. Hale told me that he, Hale, had arranged with Ramsey
51 to bump Roan off, and collect the \$25,000 insurance. I asked Hale
52 how he expected to get by with that kind of stuff, and Hale said
53 he had let Roan have some cattle, and he, Hale, could make it
54 appear that the insurance was for security on the cattle deal,
55 and would be for insurance on the cattle trade, and that he could
56
57
58
59
60
61

1835

get by with it all right. I then told Hale that I thought Ramsey would do as he agreed to do, and in a short time Roan was found dead, shot in the back of the head, near Fairfax, Okla.

Three days after Roan was found I met John Ramsey at Mike Foley's Hotel at Fairfax, Okla., and Ramsey told me about killing Henry Roan, where he was found shot; that he, Ramsey, had done as Hale told him to do, that he had told Roan to meet him out there alone to get some whiskey, and when Roan met him he, Ramsey, opened the side door of the car and shot Roan in the back of the head while he, Roan, was in the car, and that Hale had promised \$10,000 that Hale had only paid him \$500 and given him a Ford car; and he, Ramsey, asked me to help him prevail on Hale to pay the balance of the money. I afterwards talked to Hale about the balance of the money due Ramsey for killing Roan, and Hale told me that he had told Ramsey he would pay him the balance when he collected the insurance, and that was the agreement he, Hale, had had with Ramsey for the killing of Henry Roan.

Hale told me several times that he had every thing squared in Osage County, from the Road Overseer to the top, and he was exempt from prosecution for the murders and the Roan insurance policy. I then told Hale that he had better be careful about pulling off jobs on restricted Indian lands, and Hale told me he had talked to his lawyers about Government jurisdiction, and Hale said his lawyers had told him that the Government had no jurisdiction, and he was in the clear so far as the Government was concerned.

I have read this statement, which is true and correct, and stated voluntarily, of my own free will, without threat or promise of any kind, first being advised by J. R. Burger that the same would be used as evidence in the prosecution of the Osage Indian murder cases.

(Signed) MATT M. WILLIAMS.

Witnesses:

E. H. PARKER,
J. V. MURPHY,
F. G. GRIMES, Jr.

On February 17th, 1926, at Fairfax, Okla., George Bolton and Henry Ward, both of Fairfax, stated to Agent C. R. Davis, that just before the murder of Henry Roan, they saw W. K. Hale and John Ramsey riding around Fairfax together in Ramsey's new Ford roadster, on several occasions.

1836

February 16, 1926, was date set for arraignment and plea of defendants, W. K. Hale and John Ramsey. On that date defendant's attorneys filed demurrers to indictment, and February 18, 1926, was date set for hearing of arguments. On February 18th the demurrers were taken under advisement by Judge John H. Cotteral until Feb. 19, 1926.

CONTINUED.

1837

P. O. Box 123,
Oklahoma City, Oklahoma.

100015

February 24, 1926.

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

In Re: W. K. Hale - John Ramsey,
Murder Osage Indians.

I am advised in the above connection that the attorneys for the above parties, Prince Preslin and J. I. Howard, of Oklahoma City, have employed the Marx Detective Agency of Kansas City, Missouri to handle their investigation. I am further informed that this agency has a very bad reputation.

I would like for you to make investigation at Kansas City and ascertain if there is such an agency, and advise me as to their reputation; also, if possible, endeavor to verify the report that I have that this agency has been employed by this law firm and, if so, ascertain, if you can, the names and descriptions of agents assigned to the case.

Very truly yours,

V. B. White
V. B. White,
Special Agent in Charge.

TBY:2.
c.c. Dir. -S.A.O.
Letter #572 -Att.#2.

RECORDED & INDEXED

62-5033-243
343

MAR 2 1926

1838

Kansas City, Missouri,

February 25, 1926.

White,

City, Okla.

Re: W. H. Boyle - John R. ...
Murder, Osage Indians.

Replying to your letter of the 24th instant, concerning the above matter, you are advised that the Detective Agency of this city is owned and operated by Phil Kirk. This Agency has been operated by ... for a number of years.

My best information is that the following operatives work for this Agency:

Phil Kirk, owner, 517 Commerce Trust Bldg.

Louis A. Bonfante, " " " " " "

H.S. Holliday, 2432 Park Ave., residence.

Harry A. Boyle, 317 Bank of Commerce Bldg.

J.G. Baker, " " " " " "

I have not been able to ascertain whether or not this Agency has been employed by Freeling and Howard, but I have been advised that in the event of such employment, operatives Holliday and Boyle are the men most likely to be assigned to the investigation. The description of these two men is as follows:

X	Harry A. Boyle
Age	44 years
Height	5' 11"
Weight	200lbs.
Hair	light
Complexion	smooth
Appearance	light complexion
	Neat dresser and neat appearance.

X	H. S. Holliday
Age	55 years
Height	5' 9"
Weight	150 lbs.
Hair	gray
Eyes	large gray
Appearance	Deep lines in face side of mouth
	Neat dresser and aggressive.

62-5033-344

RECORDED

1839

It is my further information that Phil Kirk
is guilty in the Federal Court in this district to
charge of Black mail which grew out of one of his in-
vestigations. Boyle and Holliday, I am informed are un-
scrupulous and will resort to any means to secure results.
The reputation of the Agency as a whole is that it seeks
results regardless of the method of obtaining them.

I have been unable to get a description of
the other operatives. As I say I do not know whether this
Agency has been employed by the attorneys, but I was in-
formed by Holliday's wife that he was out of the city and
was not expected back for some time.

Very truly yours,

F. J. Blake
Agent in Charge.

CC-Director #2

H. S. C.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

CLASS OF SERVICE	SYMBOL
TELEGRAM	
DAY LETTER	BLUE
NIGHT MESSAGE	WTE
NIGHT LETTER	NYL

If none of these three symbols appears after the check (number of words) this is a telegram. When its character is indicated by the symbol appearing after the check.

CLASS OF SERVICE	SYMBOL
TELEGRAM	
DAY LETTER	BLUE
NIGHT MESSAGE	WTE
NIGHT LETTER	NYL

If none of these three symbols appears after the check (number of words) this is a telegram. When its character is indicated by the symbol appearing after the check.

TELEGRAM

NEWCOMB CARLTON, PRESIDENT GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

The time shown in the date line on full rate telegrams and day letters, and the time of receipt at destination as shown on all messages, is STANDARD TIME.
 Received at Commercial Nat'l Bank Bldg., 14th & G Sts., N. W. Washington, D. C. ALWAYS OPEN

23 OVT

1926 MAR 1 PM 5

BR OKLAHOMACITY OKLA 1 421P

100014

DEPARTMENT

BUREAU OF INVESTIGATION DEPT OF JUSTICE WASHINGTON DC

ORDER OF JUDGE IN HALE RAMSEY CASE AM RELEASING AGENTS

MAXSON AND BRENNAMAN AND AM INSTRUCTING THEM TO RETURN TO THEIR

HEADQUARTER

RECORDED & INDEXED

TWO WHITE.

Recd 7:15 pm
[Signature]

2 15

MAR 8 1926

62-5033-345

BUREAU OF INVESTIGATION

MAR 2 1926 A.M.

DEPARTMENT OF JUSTICE

[Signature]

1926

WESTERN UNION



TELEGRAM

NEWCOMB CARLTON, PRESIDENT GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

NIGHT MESSAGE	NITE
NIGHT LETTER	N L

... symbol ...
... character is ...
... appearing at ...

CLASS OF SERVICE	...
TELEGRAM	...
DAY LETTER	...
NIGHT MESSAGE	...
NIGHT LETTER	...

... symbol appears after ...

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

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

... 50 COLLECT GOVT

1926 MAR 1 AM 11

BR OKLAHOMA CITY OKLA 1 958A

100012

... BUREAU OF INV

875

DEPT OF JUSTICE WASHINGTON DC

JUDGE COTTERAL HAS JUST RULED THE GOVERNMENT HAS NO JURISDICTION IN

THE TALE RAMSEY MURDER OF HENRY BOAN AND HAS ORDERED THE DEFENDANTS

TURNED OVER TO THE SHERIFF OF OSAGE COUNTY FOR PROSECUTION STATE

COURT ADVISE QUICK AS TO HOW FAR YOU DESIRE ME TO GO IN STATE COURT

ONE WHITE.

RECORDED & INDEXED

62-5033-346

BUREAU OF INVESTIGATION

MAR 1 1926 P.M.

DEPARTMENT OF JUSTICE



[Large handwritten scribbles and marks]

1-8-47

100013

Feb March 1, 1926.

CODE

6-2503

ilding.

Oklahoma City, Okla.

Reference your telegram Osage cases. You are to be guided in your

action by advise from attorney handling case. Osa.

HOOVER.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

1-2843

100011

March 1, 1926.

62-5033

MEMORANDUM FOR MR. LORING.

I am attaching hereto for your information a copy of a telegram received by me from my Agent in Charge at Oklahoma City, together with a copy of my reply thereto.

I assume that you will have the proper instructions issued to the attorney handling the case.

Very truly yours,

Director.

Encl.

RECORDED INDEXED

62-5033-347

BUREAU OF INVESTIGATION

MAR 2 1926

FEDERAL BUREAU OF INVESTIGATION

[Handwritten signature]

184/19

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

100010

March 3, 1926.

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

Dear Mr. White:

PERSONAL & CONFIDENTIAL.

I received your telegram yesterday, advising me of the outcome in the federal court of the Osage murder cases and I was considerably disappointed for I had hoped that the court would sustain the federal jurisdiction, which would enable us to proceed vigorously in these cases.

I received your telegram this morning, advising me that you had released Agents Dreniman and Paxson. I sincerely trust that you will be able to release some of the other Agents upon this assignment for I am being pressed for Agents in the various field offices from which these Agents were taken.

Very truly yours,

Director.

62-5033

RECEIVED

62-5033-348

RECEIVED
INVESTIGATION
DEPT. OF JUSTICE
FILE

27/11

J. Edgar Hoover

100008

March 6, 1925.

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

Dear Sir:-

Reference is made to my letter of February 10th relative to a statement made in a newspaper article appearing in the Washington Post of January 12, 1925 with regard to the Osage Indian cases.

Up to the present time the information requested relative thereto has not been received and it is desired that same be expedited.

Very truly yours,

Director.

62-5733-550
SEARCHED
SERIALIZED
INDEXED
FILED

1847

10000

THIS CASE ORIGINATED AT

OKLAHOMA CITY, OKLAHOMA.

REPORT MADE AT:

Kansas City, Mo.

DATE WHEN MADE:

3-2-26

PERIOD FOR WHICH MADE:

2-25 to 3-1-26

REPORT MADE BY:

W.A.KITCHEN.

W. H. HAIR
JOHN RAMSEY

CHARACTER OF CASE:

MURDER OSAGE INDIANS.

K.C. 62-71-23.

REOPENED

SYNOPSIS OF FACTS:

JOINT REPORT BY AGENTS-

R.L.SHIVERS & W.A.KITCHEN.

Names of operatives of Kirk Detective Agency obtained and description of various personnel submitted. This Agency and operatives connected therewith of bad reputation. Alleged employment of this Agency by subjects not established.

Further investigation discontinued in view of Court ruling sustaining demurrer.

R.U.C.

REFERENCE:

Entire file in above entitled matter.

DETAILS:

AT KANSAS CITY, MISSOURI.

This office is in receipt of the following letter from Agent in Charge WHITE, Oklahoma City, Oklahoma, dated February 24, 1926:

"I am advised in the above connection that the attorneys for the above parties, Price Freeling and J. I. Howard, of Oklahoma City, have employed the Kirk Detective Agency of Kansas City, Missouri, to handle their investigation. I am further informed that this agency has a very bad reputation.

I would like for you to make investigation at Kansas City and ascertain

APPROVED AND FORWARDED:	<i>J. J. Blake</i>	SPECIAL AGENT IN CHARGE	62-5733-35/	RECORDED AND INDEXED:
WASHINGTON REFERENCE:	COPIES OF THIS REPORT FURNISHED TO:		BUREAU OF INVESTIGATION	CHECKED OFF:
DIVISION:	3 Director	2 Oklahoma City	DEPARTMENT OF JUSTICE	JACKETED:
	2 File		ROUTED TO:	FILE:

189/8

if there is such an agency, and advise me as to their reputation. If possible, endeavor to verify the report that I have that this agency has been employed by this law firm and if so, ascertain if you can, the names and description of agents assigned to the case.

The KIRK DETECTIVE AGENCY, 317 Commerce Building, Kansas City, Missouri is owned and operated by PHIL KIRK, now about 60 years of age, Height 5 ft. 1 in; weight 215-225 lbs; full long face; smooth shave; gray hair, always wears gray suit and light Fedora hat, neat, clean dresser, several gold teeth, wears glasses, always twists mouth while talking, strong on gestures. KIRK has reputation for being cunning and "slippery".

About ten years ago at Kansas City KIRK became involved in a blackmail case in which he is alleged to have pleaded guilty and fined \$1000. He also is alleged to have received from a Kansas farmer \$1500 to murder one of the farmer's enemies. The murder was not committed, however, but KIRK represented that the act had been committed and collected the \$1500.

Records at the Kansas City, Missouri Police Station show that the KIRK detective Agency has the following operatives:

PHIL KIRK, owner, 317 Commerce Building,

LOUIS A. BONAFANTE, 317 Commerce Building,

HOMER S. HOLLIDAY, 2432 Park Ave, residence.

HARRY A. BOYLE, 317 Commerce Building,

J. G. BAKER, 317 Commerce Building.

This Agency, together with all connected with it, has a reputation for unscrupulous practices and will do anything for money.

LOUIS A. BONADANTA, description not obtained, is known as a bond fixer around Federal Court and Police courts of Kansas City.

HOMER S. HOLLIDAY — Age 50 years
 Height 5 ft 9 or 10 in
 Weight 150 lbs
 Hair, gray
 Eyes, large gray
 Slim face
 Medium slender build
 Wears glasses at times
 Deep lines in face side of mouth
 Smooth shaven, wears dark clothes
 soft black hat, neat dresser and
 aggressive.

HARRY A. BOYLE - - Age 42 or 44 years
 Height 5 ft 9 to 11 in
 Weight 200 lbs
 Hair, brown
 Full round face
 Smooth shaven
 Light complexion
 Wears dark clothes, dark soft hat
 Neat dresser and aggressive.
 Ex-Police officer.

100007

REPUTATION—that of a crook, formerly with Mid-west
 Detective Agency, which was ran by John
 Hagan, a notorious bank robber and auto-
 mobile thief. Hagan is now a fugitive.
 On Aug. 8, 1924 Hagan held up Henry Bundscher,
 attorney in the Commerce Building, Kansas
 City and made away with damage suit records
 of value. BOYLE framed this holdup and pro-
 cured the necessary information for Hagan who
 did the work.

J. G. BAKER - - - - Age 36 years
 Height 5 ft 9 in
 Weight 135 lbs
 Hair, brown, combed pompadour
 Eyes, brown
 Long jaw, very slender build;

Agents ascertained that KIRK is in his office most of the time,
 that two young men, apparently office boys, are in the office daily.

Agent, J.R. BURGER, knows BOYLE and BONAFANTE.

To date Agents have been unable to ascertain if the KIRK AGENCY
 has been employed by Attorneys FREELING and HOWARD, but in the event of such employ-
 ment it is believed operatives HOLLIDAY and BOYLE most likely would be assigned to
 the investigation.

HOLLIDAY'S wife has advised that he is out of the city and is
 not expected back for some time.

In view of the ruling of Judge COTTRILL sustaining the demurrer
 to the indictment in this case, Agent in Charge, BLAKE, instructed Agents not to
 further investigate this matter at this time. This report being written for possible
 future reference.

REFERRED BACK TO OFFICE OF ORIGIN;
 NO FURTHER ACTION HERE.

WAK-m

1850

THIS CASE ORIGINATED AT Oklahoma City, Okla.

July file 70-7 / 11

REPORT MADE AT Jacksonville, Fla.	DATE WHEN MADE: 3-5-26	PERIOD FOR WHICH MADE: 2/15-27/26	REPORT MADE BY: W. K. Bruner.
TITLE W. C. HALE, et al.			CHARACTER OF CASE: MURDER OSAGE INDIANS.

(Typed 3-6-26)

SYNOPSIS OF FACTS:

Information from different informants tend to show that SETH LEWIS has probably returned to Oklahoma.

100004

R U C - NO PROSECUTION.

DETAILS:

Reference is made to letter addressed to Director, by Agent WHITE of the Oklahoma City office, dated 1/14/26, and to report by the writer dated 2/5/26.

Agent has been in touch with several confidential informants who are in a position to know whether or not SETH LEWIS is still at Homestead, Florida, and from the information gotten, it seems that he has left there and returned to Oklahoma. The writer, who knew his brother DAMON LEWIS, while SETH LEWIS was Chief of Police at Miami Beach has talked to DAMON LEWIS, and in a careful manner has endeavored to determine the present whereabouts of SETH LEWIS, without exciting suspicion of DAMON, and he stated that SETH had first gone to Tampa to settle some real estate he owned there and had gone back to his home in Oklahoma. This information has been partially verified by the informant who states that SETH has not been seen around Homestead in the last several weeks.

R U C - NO PROSECUTION.

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>Fred D. Parks</i>	SPECIAL AGENT IN CHARGE	62-5033-357	RECORDED AND INDEXED MAR 8 1926
WASHINGTON REFERENCE	COPIES OF THIS REPORT FURNISHED TO: Wash. - 3. Oklahoma City 2. File 2,	BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE	CHECKED OFF JACKETED
		ROUTED TO: FILE	

50-1023

7-1223

MPD

1851

Department of Justice

TELEGRAM RECEIVED

100003

Oklahoma City, Okla.

Mar. 9, 1926.

Director

On my return here found your letter third reference Osage cases. According to the Attorney General's instructions to Brown he had State prosecuting attorney file murder charges Pawhuska against Hale Ramsey for Smith murder to hold them if possible pending appeal Federal case. Preliminary State case set for 12th and as per Browns request I have arranged to have witnesses there to bind them over without bond if possible and to allow public to know details of this atrocious crime and defendants connections therewith, which will I think allow us to gracefully withdraw and pass to State should our case fail in Supreme Court. Brown has been sick in bed since I telephoned you and will no doubt be unable assist in the preliminaries. I believe it imperative we have all legal assistance possible. Am leaving for Pawhuska tomorrow. Will advise you developments.

Rec'd. 9

Decoded J

To Director 9:20

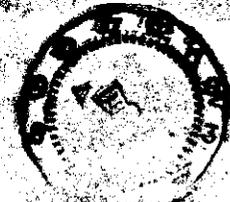
RECORDED & INDEXED

MAR 15 1926

62-5733-353

BUREAU OF INVESTIGATION
 MAR 13 1926 P.M.
 DEPARTMENT OF JUSTICE

Div. One	FILE
----------	------



MAR 10

ack 3-12-26
man for taking
Jack

1852

100002

March 12, 1936.

1-573-353
RECORDED & INDEXED

MAR 15

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

Dear Mr. White:

PERSONAL & CONFIDENTIAL.

I received your telegram of the 9th instant relative to the Cooze Indian cases and at once called the matter to the attention of Assistant Attorney General Lohring, to whom I also spoke when I received your long distance telephone call of last week.

Kindly keep me advised of any developments in this situation.

Very truly yours,

Director.

Handwritten initials and a large flourish or signature.

Handwritten initials or signature at the bottom right.

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

100000

March 12, 1925.

MEMORANDUM FOR MR. LURING.

I am attaching hereto for your information a copy of a telegram received by me from Agent in Charge White at Oklahoma City.

I respectfully call your attention to the last portion of the telegram in which Mr. White requests legal assistance.

Very truly yours,

Director.

Encl.

RECORDED & INDEXED

62-5033-3-4	
BUREAU OF INVESTIGATION	
MAR 13 1926 P.M.	
DEPARTMENT OF JUSTICE	
	FILE

[Handwritten signature]

[Handwritten initials]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

100069

MAR 19 1935

March 16, 1935.

CODE

White,
Federal Building,
Cleveland, Ohio.

Transfer of Sherrill from Leavenworth Penitentiary to Atlanta may be ar-
ranged end of this week. Desire you immediately interview Sherrill rela-
tive to any irregularities or affairs in Leavenworth Penitentiary, par-
ticularly in extension of special privileges by Warden or Deputy Warden t
For your confidential information conditions at Leavenworth ap-
pear to be worse than at Atlanta last year. Sherrill may be able to fur-
nish valuable information. Endeavor to secure such facts as he has. Advise me result of your efforts in this matter as well as general contents of statement made by Sherrill in present Ocase case. One.

HOOVER.

RECORDED & INDEXED

62-8033-355
BUREAU OF INVESTIGATION
MAR 17 1935 A.M.
DEPARTMENT OF JUSTICE

Handwritten initials and scribbles.

1885

CLASS OF SERVICE	SYMBOL
TELEGRAM	BLUE
DAY LETTER	BLUE
NIGHT MESSAGE	WITE
NIGHT LETTER	N L

If none of these symbols appears after the check mark, this is a telegram. Otherwise its character is indicated by the symbol appearing after the check mark.

WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
TELEGRAM	BLUE
DAY LETTER	BLUE
NIGHT MESSAGE	WITE
NIGHT LETTER	N L

If none of these symbols appears after the check mark, this is a telegram. Otherwise its character is indicated by the symbol appearing after the check mark.

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

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

1926 MAR 17

55 54 CONNECT GOVT

PAWUSKA OKLA 17 257P

1807

DIRECTOR

DEPARTMENT OF JUSTICE WASHINGTON DC

[Handwritten signature]

62-5033

HEARING HALE RAMSEY JUST COMPLETED WERE BOUND OVER

DISTRICT COURT WITHOUT BOND STOP BURKHART REPUDIATED HIS

TESTIMONY AND WAS USED AS WITNESS FOR DEFENSE STOP WILL ADVISE

NO AT LENGTH LATER STOP SHERRILL DID NOT WANT TO BE USED STATE

DOES EXPRESSED WILLINGNESS TESTIFY FEDERAL COURT STOP AM

MUST THIS MINUTE GOING INTO THE OTHER MATTER WITH HIM AND

WILL ADVISE

ONE WHITE.

[Handwritten initials]

Rec'd 4:35 pm
[Handwritten signature]

62-5033-386
BUREAU OF INVESTIGATION
MAR 18 1926 A.M.
DEPARTMENT OF JUSTICE
J. B. O.

1856

NYC

356

20 1926

RECORDED & INDEXED

March 18, 1926.

MEMORANDUM FOR MR. LUHRING:

For your information in connection with the Osage case, there is quoted below a telegram received in the Bureau from the Agent of our Oklahoma City office. The telegram reads as follows:

"Preliminary hearing Hale Ramsey just completed were bound over District Court without bond. Burkhardt repudiated his testimony and was used as witness for defense. Will advise you more at length later. Sherrill did not want to be used State Courts expressed willingness testify Federal Court. Am just this minute going into the other matter with him and will advise."

Very truly yours,

Director.

A

1852

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59

March 18, 1926.

CODE

White,
Federal Building,
Oklahoma City, Okla.

Wire me what disposition was made of Burkhart. It is opinion
of Assistant Attorney General Lohring that Sherrill should be
returned Leavenworth Penitentiary as soon as he is no longer
needed by you. One.

HOOVER.

RECORDED & INDEXED
62-5733-357
FEDERAL BUREAU OF INVESTIGATION
MAR 19 1926 P.M.
DEPARTMENT OF JUSTICE

1858

Department of Justice

TELEGRAM RECEIVED

Oklahoma City, Oklahoma

March 19, 1926

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

15

releasing Agents E H Parker C R Davis and John J Wren from Osage
special assignment. They are to-day leaving for headquarters

ONE WHITE

Read & Decoded
1:05 P.M.
POG

RECORDED & INDEXED

62-5733-358
BUREAU OF INVESTIGATION
MAR 20 1926 A.M.
DEPARTMENT OF JUSTICE
L.S. 2006 113

MAR 22 1926

1859

Department of Justice

089999

TELEGRAM RECEIVED

7-1062

Oklahoma City, Okla.

March 18, 1926.

Director

Re Osage cases. Osage county attorney filed charges against Ernest Burkhart for murder Bill Smith. Preliminary set for April 1st. Upon State placing Burkhart on the stand attorneys for Hale made plea to court that he had not been advised as to his rights and that they be allowed to talk with him privately. This the court allowed and Burkhart in their hands over night. Murder complaint was filed next day against him and he is placed in jail. When Deputy Sheriff allowed Hale to talk to him and in this manner he repudiated his statement he was used as a witness by defense cross examination. Extracted ridiculous story from him but sufficient information to connect Hale with the murder of Bill Smith. Admitted that he had made a statement to us and testified before the Federal Grand Jury that same was obtained under duress. Information with reference to case given by Burkhart can be supplied by Nat William now Denver, Colorado. Arrangements being brought about to have Gamsey (Ramsey?) testify at the trial. Don't think it possible to secure Burkharths testimony.

RECORDED & INDEXED

MAR 20 1926

62-5033-359 white

BUREAU OF INVESTIGATION
 MAR 20 1926 A.M.
 DEPARTMENT OF JUSTICE

Div. One FILE



Rec'd. 9

Decoded J

To Director 9:30

Handwritten notes:
 rec'd 3-19-26
 Mr. [unclear]
 [unclear]

MAR 18 1926

26
1860

12-5033-359

RECORDED & INDEXED

March 19, 1935.

JH/LM

CODE

White,
Federal Building,
Oklahoma City, Okla.

Reference your wire eighteenth Assistant Attorney General
Luhring suggests that William not be brought back from
Denver at this time but that his identity be kept con-
fidential. One.

HOOVER.

Handwritten signature/initials

1861

March 20, 1926.

MEMORANDUM FOR MR. LUERLING.

The following telegram I have received from the Special Agent in Charge at Oklahoma City, Mr. White, dated March 19, 1926:

"Reference to your telegram date concerning William this party's identity not known; was under surveillance Burger until he reached Denver on account having to use Burger Pawhuska at preliminary. William was left with his sister Denver and is reporting office there. Is a splendid witness and states has no hesitancy whatever in testifying federal court or at final trial state court. De-
murred somewhat in testifying preliminary account fear Hale would be released and his life would be endangered. am not contemplating bringing William back from Denver. Will if you think necessary have Agent put him under surveillance."

Very truly yours,

Director.

47
2

1862

Department of Justice

TELEGRAM RECEIVED

Oklahoma City, Oklahoma

March 19, 1926

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

099397

Reference to your telegram date concerning William this party's identity not known was under surveillance Burger until he reached Denver an account having to use Burger Pawhuska at preliminary William was left with his sister Denver and is reporting office there is a splendid witness and States has no hesitancy whatever in testifying federal court or at final trial State court demurred somewhat in testifying preliminary account Fear Hale would be released and his life would be endangered Am not contemplating bringing William back from Denver Will if you think necessary have Agent put him under surveillance stop Would like to have conference with you as soon as possible reference Gage case

ONE WHITE

MAR 20 1926

Rec'd & Decoded
6:05 p.m.
*P04

RECORDED & INDEXED

62-5093-300	
BUREAU OF INVESTIGATION	
MAR 20 1926 P.M.	
DEPARTMENT OF JUSTICE	
THE CHIEF	FILE

*memo Mr. Tarkenton
3-20-26
Jut*

1863

039995

March 19, 1936.

MEMORANDUM FOR MR. LEHRING.

I am attaching hereto for your information a copy of a telegram received by me from Agent in Charge White at Oklahoma City relative to the Osage Indian murder cases. There is also attached hereto a copy of a telegram which I have today sent to Mr. White.

Very truly yours,

Director.

Encs.

RECORDED & INDEXED

62-5033-361	
BUREAU OF INVESTIGATION	
MAR 20 1936 AM	
DEPARTMENT OF JUSTICE	
	FILE

2

1864

085993

March 18, 1926.

Mr. J. S. White,
P. O. Box 125,
Oklahoma City, Okla.
Dear Mr. White:

The Department is in receipt of a telegram from Special Assistant to the Attorney General Brown relative to the recent developments in the Osage cases. In view of the fact that these cases have been taken up by the state, you will have to use your discretion as to the extent of investigative work which must still be done. Final disposition has not been made of the federal case and pending the final disposition of the same we are still in court, so to speak. We, of course, are not to carry on major investigations for the state but I shall have to leave to you the extent to which the investigative work should continue until final disposition is made of the case in the federal courts.

Very truly yours,

Director.

RECORDED & INDEXED

62-5033-362

BUREAU OF INVESTIGATION	
MAR 20 1926 A.M.	
DEPARTMENT OF JUSTICE	
	FILE

[Handwritten signature]

1865

2

Guthrie, Okla.

033004

March 18, 1926.

The Attorney General

Re Osage murder cases. Supplementing my wire today prosecution for State and Humphries, Osage tribal attorney, urge that agents continue work on cases for time being at least. Matters in such shape now that good work can be done. Have conferred with White and I request that he be instructed keep such agents as necessary here on case. Reference Ernest Burkhardt's failure believe same can be cured by witnesses. Tell Williams now in Denver, Colorado. We are in touch with him. Feel that no fault should be found with White for Burkhardt's arrest as same was necessary.

Edwin Brown

18662

Department of Justice,

Bureau of Investigation.

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

March 19, 1926.

2

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

ATTENTION #2.

Dear Sir:

Receipt is respectfully acknowledged of your letter of February 11th, which had reference to the article appearing in the Washington Times, January 12, 1926, in connection with the Osage Indian cases.

I will say in this connection that I have been so busy with this case and other matters in connection with the office, that I have delayed somewhat in getting the information to you of the investigation I made in pursuance to your instructions in your letter. I have made a thorough investigation to try and ascertain the individual responsible for this article, but I have been unable to locate any party responsible for putting out this news item. The article appearing in the Washington Times was probably a clipping from some of the Oklahoma newspapers and rewritten in the Washington Times office. They possibly have in their files there such article, showing the source of the story and it may be possible to get the correspondent's name from their files.

If you care to have an investigation made there and obtain further information for me to work upon here, I will be glad to interview the party responsible. I am sorry that I was unable to get more information for you and that I have delayed the investigation.

Respectfully,

[Signature]
Special Agent in Charge

62-5033-363

SEARCHED INDEXED
SERIALIZED FILED
MAR 23 1926
FBI - WASH DC

MAR 23 1926

There is no use pursuing the matter for I had an Oklahoma headline & it is foolish to talk about finding out who wrote it at Wash. D.C. like putting the card before the horse.

*W. C. A.
3/27/26*

186

Department of Justice

TELEGRAM RECEIVED

Oklahoma City, Okla.

March 19, 1936.

Director.

Advise as to whether or not I should release [redacted] on Oore special assignment.

One White

Rec'd. 1:40

Enclosed J

To Director 1:50



MAR 20 1936

62-5030-3

MAR 20 1936

62-5030-3
J. Edgar Hoover

7868

March 19, 1926.

CODE

Write,

Federal Building,
Oklahoma City, Okla.

Reference your wire nineteenth you may, of course, release
any Agents who are not necessary for investigative purposes.
Cno.

HOOVER.

RECORDED & INDEXED

42-5000

2-11-26
5-11-26

7569

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

Department of Justice,

Bureau of Investigation

Washington, D. C.

March 20, 1926.

33382

MEMORANDUM FOR MR. LUBRING.

The following telegram I have received from the Special Agent in Charge at Oklahoma City, Mr. White, dated March 19, 1926:

"Reference to your telegram date concerning William this party's identity not known; was under surveillance Burger until he reached Denver on account having to use Burger Pawhuska at preliminary. William was left with his sister Denver and is reporting office there. Is a splendid witness and states has no hesitancy whatever in testifying federal court or at final trial state court. Demurred somewhat in testifying preliminary account fear Hale would be released and his life would be endangered. Am not contemplating bringing William back from Denver. Will if you think necessary have agent put him under surveillance."

Very truly yours,

J. E. Hoover

Director. RECORDED & INDEXED

62-5033-365

MAR 23 1926 P.M.

Suggest you keep Williams under surveillance.
Lubring

7870

5 J.M.L.M.

March 22, 1938.

2-5033-345

ADDRESSEE

13838

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

Dear Sir:

I am in receipt of your telegram of the 19th instant relative to certain angles of the Osage Indian cases and with particular reference to William.

I have talked with Assistant Attorney General Lanning about this matter and Mr. Lanning feels that William should be kept under surveillance. I wish that you would, therefore, communicate with the Denver office and arrange for an office to place him under surveillance until needed by you.

Very truly yours,

Director.

RECEIVED
MAR 23 1938
COMMUNICATIONS SECTION

2-11

18871

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

038580

March 28, 1951.

JES/LSC

CONF

White,
Federal Building,
Oklahoma City, Okla.

Please advise me approximate date when remaining Agent's case will be released. One.

ROOVIN.

62-5023-266

SEARCHED
SERIALIZED
INDEXED
FILED
MAR 29 1951
FBI - OKLAHOMA CITY

18722

THIS CASE ORIGINATED AT

Oklahoma City, Oklahoma.

REPORT MADE AT: Guthrie, Okla.	DATE WHEN MADE: 3/20/26	PERIOD FOR WHICH MADE: 2/18 to 3/20	REPORT MADE BY: + F. S. Smith
-----------------------------------	----------------------------	--	----------------------------------

TITLE: U. S. vs. W. K. HALE and JOHN RAMSEY	CHARACTER OF CASE: Murder of Osage Indians Anna Brown et al.
--	--

Oklahoma City File #70-1

SYNOPSIS OF FACTS:

Joint report of all Agents on this assignment.

Demurrer to indictment sustained and defendants released on own recognizance in sum of \$25,000. pending appeal by Government. Defendants immediately arrested and charged in Osage County with murder of W. E. Smith. John Leahy specially employed to conduct prosecution. Ernest Burkhardt interviewed by Leahy, to whom he repeated all his previous statements, again stating some were true. At preliminary hearing of Hale and Ramsey, Burkhardt refused to testify for State and repudiated all statements and his testimony before U. S. Grand Jury. Burkhardt immediately arrested and charged with murder of W. E. Smith. Hale and Ramsey held without bond for trial in District Court of Osage County. Burkhardt's preliminary hearing set for April 1. Agents T. B. White, F. S. Smith, Alex Street and John H. Wren, Special Asst. to the Atty. Genl. Edwin Brown and A. W. Comstock, a lawyer of Pawhuska, sued by Ernest Burkhardt for \$250,000.00. Continued.

DETAILS:

Reference is made to previous reports, the last being that of Agents F. S. Smith dated February 23, 1926.

On March 1, 1926 Judge John H. Cotteral rendered his decision on the demurrer to the last indictment against subjects, returned by the U. S. Grand Jury. The opinion held that the allotment of Rose Little Star, on which it was alleged that Roan was murdered,

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	62-5033-217	RECORDED AND INDEXED:
WASHINGTON REFERENCE:	COPIES OF THIS REPORT FURNISHED TO:	BUREAU OF INVESTIGATION	CHECKED OFF:
	Washington 3 ✓	DEPARTMENT OF JUSTICE	JACKETED:
	Oklahoma City 3	ROUTED TO:	FILE

DEPARTMENT OF JUSTICE OFFICE

1873

was not "Indian Country" and therefore not within the jurisdiction of the United States. Notice of appeal was given, and the defendants were released on their own recognizance in the sum of \$25,000.00. Copy of the opinion of the Court is attached hereto and made a part of this report.

On the same date all information regarding the murder of W. E. Smith was placed in the hands of the County Attorney of Osage County, who filed an information charging W. K. Hale and John Ramsey with the murder of W. E. Smith. The U. S. Marshal had held the defendants (on suggestion of the Court) and then turned them over to the Sheriff of Osage County. The preliminary hearing was set for March 12.

Mr. John Leahy, of Pawhuska, was employed as Special Counsel to assist in the prosecution. On March 11, 1926, Mr. Leahy interviewed Ernest Burkhart, in the presence of Asst. County Attorney Jeffries, but out of the presence of any Government employees. Mr. Leahy told Burkhart that he wanted to know the whole truth and to know exactly what stand Burkhart was going to take. Burkhart reaffirmed the truth of his statements and testimony before the U. S. Grand Jury, and Agents are informed that he also gave Mr. Leahy additional information regarding these murders.

Near the close of the first day of the preliminary hearing Burkhart was put on the stand. Hale's attorneys announced in Court that Burkhart was their client and demanded the right to talk with him. Questioned by the Court, Burkhart said he had no attorneys, but that he was willing to talk to Hale's attorneys. They were allowed five minutes, and at the expiration of half an hour, were called back to the court room. An adjournment was taken, and Burkhart, together with the defendants, their attorneys and relatives, locked themselves in a room in the Court House. The following day, without being out on the stand, Burkhart refused to testify, and repudiated all of his statements. C. K. Templeton, County Attorney, then filed an information charging Burkhart with the murder of W. E. Smith. Burkhart later took the stand as a witness for the defense and denied the truth of his statements to Agents and his testimony before the U. S. Grand Jury. He also denied that he had ever made a statement to Mr. Leahy. At the conclusion of the preliminary Hale and Ramsey were held without bond for trial before the District Court of Osage County.

The preliminary was marked by a constant effort on the part of Hale's attorneys to discredit and defame all Government employees who had participated in this investigation. The defense

-1879

subpoenaed all Agents, and they were placed under the rule excluding witnesses. Burkhart testified that he had signed his statement at the point of a pistol, with a fountain pen put in his hand by Agent White. (Note: Burkhart's statement is written and signed with a lead pencil.)

Burkhart's preliminary hearing has been set for April 1, 1926.

On March 17 Burkhart filed suit in the District Court of Osage County, for \$250,000.00, against Special Assistant to the Attorney General Edwin Brown, A. W. Comstock, a lawyer of Pawhuska, and Agents T. B. White, F. S. Smith, Alex Street and John E. Wren. Copy of the petition is attached hereto and made a part of this report.

Continued.

1-8-25

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,

No. 5728.

John Ramsey and Wm. K. Hale,
Defendants.

OPINION ON DEMURRERS TO INDICTMENT

BY THE COURT:

Since the demurrers were sustained to the original indictment, the defendants have been again indicted, and the facts have been fully alleged, and as far as may be, to show that the place of the offense was at the time Indian country. From the averments it appears to be surplus land allotted to Rose Little Star, an enrolled Osage Indian, and held in trust by the United States, no certificate of competency having been issued to her by the Secretary of the Interior and no sale authorized by him. Demurrers being again interposed, counsel have been indulged to present elaborate arguments and briefs upon the question whether the allotment was Indian country, where the United States has jurisdiction over the offense.

By the opinion of this court, sustaining the former demurrers, it was held essential to jurisdiction, that the allotment was Indian country, that is, that the allotment was held in trust by the United States. That ruling is deemed to be sound and is adhered to upon the authority of *Pelican v. United States*, 232 U. S. 442. There the reservation was Indian country and the allotments were held to be the same, as they were reserved from the lands opened to settlement and entry and held in trust, subject to governmental control, and inalienable by the allottees. They were accordingly found to be but diminished portions of the reservation, retaining their Indian character and deriving their source from the reser-

1876
1880

11
12
13
14 vation itself. The allotments were not held to be so, merely because they
15 were inalienable, by virtue of a temporary limitation on the power of sale,
16 for such a title is not essentially of an Indian character, (Libby v. Clark,
17 118 U. S. 250) and the contention that it is, while ably asserted, appears
18 to be inconsistent with the Pelican case, and it is not sustained by au-
19 thority.
20
21
22
23
24

25
26 The same test must be applied to the Osage allotments, that is, whether
27 the trust title by which the Osage Reservation was held by the United States
28 (Brewer-Elliott Oil Co. vs. United States, 260 U. S. 77) continued into the
29 allotments.
30
31
32

33
34 The views of this court as to their character, heretofore entertained
35 in advance of the corrected indictment and the further arguments of coun-
36 sel, must yield, if the Supreme Court has determined that the Osage allot-
37 ments were not held in trust by the United States; and two of the cases
38 which have been cited appear clearly to hold that they were not, although
39 the question of jurisdiction was not directly involved.
40
41
42
43
44

45
46 The first of these cases is United States vs. Bowlby, 256 U. S. 433,
47 where it is said, in terms, that "the allotments to the Osages and to mem-
48 bers of the Five Civilized Tribes were not trust but restricted allotments."
49
50
51

52 The other case is McCurdy vs. United States, 264 U. S. 484. The
53 question was whether a surplus Osage allotment was taxable for the year
54 1909. Lands were in the State on March 1, but the allotment deeds
55 were executed and approved by the Secretary of the Interior later, in that
56 year. In denying the validity of the tax, the opinion necessarily sanctions
57 the issuance of the deeds and holds that by them there was a termination
58 of the trust character of the Osage title. It was held: "Title was in the
59 United States on the date as of which the assessment was made, and did not
60 pass until the execution and delivery of the deeds. The lands were not
61 taxable while held in trust by the United States."
62

11
 12
 13 These cases do not leave the controversy over the title of Rose
 14 Little Star to her allotment open to original opinion by this Court,
 15 but are found to exclude it. They are determinative that the allot-
 16 ment of Rose Little Star, for which, concededly, a deed had been is-
 17 sued, was not held in trust by the United States, and for this reason,
 18 although inalienable, it was not Indian country at the date of the
 19 alleged offense, wherefore, the jurisdiction of the United States was
 20 not there in force at the date of the alleged offense, but the juris-
 21 diction had been succeeded to by the state court.

22
 23 The demurrers must be and they are sustained and the indictment
 24 is set aside.

25
 26 Oklahoma City, Oklahoma,

27
 28 March 1, 1926.

29
 30 (Signed) JOHN E. COTTRELL
 31 District Judge.

32
 33 *****

1878

IN THE DISTRICT COURT OF OSAGE COUNTY, OKLAHOMA.

1
2
3
4
5
6
7
8
9
10
11
12
13
14 EARNEST G. BURKHART,

15
16 Plaintiff,

17
18 VS.

No. 10466.

19 T. B. WHITE, FRANK S. SMITH,

20
21 JOHN K. WREN, ALEX STREET,

22
23 EDWIN BROWN and A. W. COMSTOCK,

24
25 Defendants.
26
27

28
29 P E T I T I O N
30

31 Comes now Earnest G. Burkhart, plaintiff above named, and
32
33 for his causes of action against the defendants, T. B. White,
34
35 Frank S. Smith, John K. Wren, Alex Street, Edwin Brown and A. W.
36
37 Comstock, alleges and states:
38

39
40 FIRST CAUSE OF ACTION.

41 1. That the defendants, T. B. White, Frank S. Smith, John
42
43 K. Wren, Alex Street, Edwin Brown and A. W. Comstock, and each
44
45 of them, unlawfully and maliciously joined and confederated them-
46
47 selves and acting together, in an unlawful conspiracy against
48
49 this plaintiff in the following manner, to-wit:
50

51 That on the morning of the 5th day of January, 1926, at the
52
53 hour of about 12:30 o'clock, the defendants, T. B. White and
54
55 Frank S. Smith, unlawfully and maliciously took this plaintiff
56
57 to the Federal Building in the city of Guthrie, Oklahoma, and
58
59 kept this plaintiff on the fourth floor of said building from
60
61 said 12:30 o'clock A. M. to about 4:30 o'clock A. M., thereby
62
depriving this plaintiff of his natural and necessary sleep.

That this plaintiff was not permitted to sleep during the
daylight hours of January 5th, 1926, and that the defendants,

Frank S. Smith, at about 1:30 o'clock P. M. on said 5th day of January, came to this plaintiff while confined in the jail at Guthrie, Oklahoma and conversed with this plaintiff for a period of more than three hours, thereby depriving this plaintiff of needed rest.

That thereafter, and shortly after dark of said 5th day of January, 1926, and immediately after this plaintiff had retired for the evening, the defendants, Frank S. Smith, T. B. White, Alex Street and John K. Wren, caused this plaintiff to be again removed to the fourth floor of the Federal Building in the city of Guthrie, Oklahoma, and said last named defendants from said time questioned, abused and threatened this plaintiff with bodily injury.

That said defendants kept this plaintiff in said Federal Building, as aforesaid, until about 4:30 o'clock of the morning of the 6th day of January, 1926.

That while said plaintiff was in said Federal Building and while the defendants, T. B. White and Frank S. Smith were in a room with this plaintiff, and about 3:00 o'clock in the morning on the 6th day of January, 1926, the defendant, Frank S. Smith unlawfully and willfully and maliciously and wantonly and in utter disregard of the rights of this plaintiff, placed a revolver, which was loaded, against the side of plaintiff and commanded plaintiff to sign a statement, the contents of which were unknown to this plaintiff at the time of signing same; that the defendant, T. B. White, at the time that the said Smith placed said revolver against the side of plaintiff, commanded this plaintiff to sign said statement and handed plaintiff his fountain pen for the purpose of signing same.

That the acts of said defendants produced in the mind of

1848

2
3
4
5
6
7
8 Page 3 - Petition.
9
10

11
12 this plaintiff a fear that said defendants would maim, injure
13 and kill this plaintiff unless this plaintiff signed his name
14 to said statement, the contents of which were unknown to this
15
16

17
18
19
20 That said defendants thereafter, compelled by coercion
21 intimidation, threats and promises to sign other statements,
22 all of which were false and untrue.
23
24
25

26 That said defendants continued by threats, coercion, in-
27 timidation and promises to keep this plaintiff under such mor-
28 tal fear, that this plaintiff believed that unless he did as
29 said defendants directed and commanded, that he would be maimed,
30 injured or killed by said defendants.
31
32
33

34 That said defendants promised this plaintiff that if he
35 would testify to such false and untrue statements before the
36 purported Federal Grand Jury in session at Guthrie, Oklahoma,
37 that said defendants would liberate and turn this plaintiff
38 loose.
39
40
41
42
43
44
45

46 That while this plaintiff was in a state of mind and while
47 said defendants had produced in the mind of this plaintiff the
48 fear that if this plaintiff refused to testify to said false
49 and untrue statements, that this plaintiff would be maimed,
50 injured or killed by said defendants and criminally prosecuted,
51 said defendants compelled this plaintiff to go before said pur-
52 ported Federal Grand Jury and testify falsely and untruly.
53
54
55

56 That by reason of the defendants acting together, as afore-
57 said, and by reason of their unlawful, malicious and wanton acts,
58 this plaintiff has been injured and damaged in the sum of One
59 Hundred Twenty-five Thousand (\$125,000.00) Dollars.
60
61
62

1988

11
12 SECOND CAUSE OF ACTION.
13

14 Plaintiff for his second cause of action against said de-
15 fendant, alleges and states:
16

17 That said defendants and each of them joined and confed-
18 erated themselves into an unlawful conspiracy and while acting to-
19 gether, restrained plaintiff of his liberty in the following man-
20 ner, to-wit:
21
22
23

24 That on the 19th day of January, 1926, plaintiff who was then
25 charged in the State Court of Oklahoma, with the crime of murder,
26 which said charge was on said date dismissed by the authorities
27 of the state, and this plaintiff liberated and given his freedom
28 from the jail at Guthrie, Oklahoma, that the defendant, Frank S.
29 Smith, without authority of law and unlawfully took this plain-
30 tiff in custody and kept him in custody all of said 19th day of
31 January, 1926.
32
33

34 That this plaintiff was compelled to and did stay in the same
35 room with one of the defendants above named during the night of
36 the said 19th day of January.
37

38 That said defendants and each of them, through force and fear,
39 compelled this plaintiff on the 20th day of January, 1926 to leave
40 the State of Oklahoma, and go to the city of Fort Worth in the
41 State of Texas, and from that point to other points in the States
42 of Texas and New Mexico and into Mexico, and that during all of
43 this period of time, which continued from said 19th day of January,
44 1926 to and including the 12th day of March, 1926, this plaintiff
45 was in the custody of and under the control of said defendant and
46 held against his will.
47

48 That during all of said period of time, one or more of said
49 defendants were with this plaintiff, and this plaintiff was never
50 out of sight of said defendants during said period of time.
51

52 That this plaintiff was not permitted to go where he pleased.
53
54
55
56
57
58
59
60
61
62

1882

desired but was under the control and direction of said defendants during all of said period of time.

by reason of the acts of the defendants, which said acts of said defendants were unlawful, willful, malicious, wanton and in utter disregard of the rights of this plaintiff, and said defendants were acting together, jointly and confederated in said unlawful conspiracy, and that by reason thereof, this plaintiff has been damaged and injured in the sum of One Hundred Twenty-five Thousand (\$125,000.00) Dollars.

WHEREFORE, plaintiff prays the court that he have and recover of and from the defendants and each of them on his said two causes of action, the sum of Two Hundred Fifty Thousand (\$250,000.00) Dollars, together with the costs of this action, and for such other and further relief as the court may deem just and proper.

Y

Attorneys for Plaintiff.

Endorsements:

10466

Copy.

District Court Osage County

Filed

March 17, 1926

Thomas Leahy, Court Clerk

By _____ Deputy.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

10035 - 367

RECORDED & INDEXED

March 30, 1926.

LETTER FROM ASSISTANT ATTORNEY GENERAL LUMBERG

For your further information in connection with the case of W. E. Hale and John Ramsey - Murder of George Indiana, there is enclosed a report submitted by Agent Smith at Guthrie, Oklahoma on the 20th instant.

Very truly yours,

Director.

encl.
42962

18804