

FEDERAL BUREAU OF INVESTIGATION

~~Division of Investigation~~

U. S. Department of Justice

P. O. Box 1276
Oklahoma City, Oklahoma
November 27, 1935

DB:CGC

AIR MAIL - SPECIAL DELIVERY

Director,
Federal Bureau of Investigation,
U. S. Department of Justice,
Pennsylvania Ave. at 9th St., N. W.,
Washington, D. C.

Dear Sir:

Re: W. K. (BILL) HALE;
APPLICATION FOR PARDON.

On November 27, 1935, Mr. C. E. Bailey, the United States Attorney at Tulsa, Oklahoma, called me by long distance telephone and stated that he has received from the office of the Pardon Attorney, U. S. Department of Justice, Washington, D. C., a voluminous application of W. K. (Bill) Hale, serving life in the U. S. Penitentiary at Leavenworth, Kansas, having been convicted in the Osage Indian murder cases, for a pardon.

Mr. Bailey states that he desires a full and complete discussion of this matter with Special Agent F. S. Smith of this office who participated in the investigation, knows many of the facts and is acquainted with the background of Hale. He stated that it is his desire to confer with Mr. Smith in this matter on December 3, 1935.

Unless the Bureau specifically directs to the contrary, I shall have Agent Smith proceed to Tulsa for this conference with Mr. Bailey.

Very truly yours,

Dwight Brantley
DWIGHT BRANTLEY,
Special Agent in Charge.

DEC - 3 1935

RECORDED

12-50-3-211
DEC 3 1935

3176

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

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

FIM/awb

December 20, 1935

MEMORANDUM FOR MR. EDWARDS

In compliance with the request of Mr. Grimsdell, I am transmitting herewith two copies each of abstracts of criminal records as appearing in the files of the Identification Division of William K. Hale, our file #FBI-39408, and John Ramsey, our file #FBI-34165.

Respectfully,

L. C. Schilder

L. C. Schilder. *per M-24*

RECORDED
&
INDEXED

DEC 26 1935

62-5033-812	
DEC 21 1935 A.M.	
U. S. DEPARTMENT OF JUSTICE	
EDWARDS	ONE
file	
with	
[]	

*2 copies
of
[]
[]*

2

3177

4 Federal Bureau of Investigation
5 U. S. Department of Justice
6 Washington, D. C.

7 December 20, 1935

8 The following is a transcript of the record, including the most recently reported data, as shown in the
9 the Federal Bureau of Investigation concerning our number

FBI-39408

J. E. Hoover

J. E. HOOVER, Director

16 CONTRIBUTOR OF 17 FINGERPRINTS	18 NAME AND NUMBER	19 ARRESTED OR 20 RECEIVED	21 CHARGE	22 DISPOSITION
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	William K. Hale, alias W. K. Hale, #1197	3-3-26	murder	bound over after preliminary hearing without bail
Leavenworth, Kans.	William K. Hale, alias W. K. Hale, #26518	11-17-26	murder	life

* Represents notations unsupported by fingerprints.

For completion of our records, please supply dispositions to this Bureau in any of the foregoing cases where they do not appear.

3178

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

December 20, 1935

The following is a transcript of the record, including the most recently reported data, as shown in the Federal Bureau of Investigation concerning our number

FBI-31165

J. E. Hoover

J. E. Hoover, Director

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
P. Hollister, Okla.	John M. Ramsey, alias John Ramsey, #3327	3-30-12	rec. stolen property	1 yr. and 1 day
Tulsa, Okla.	John Ramsey, #4529	1-1926 (no. not given)	murder	
Pawhuska, Okla.	John Ramsey, #1198	3-3-26	murder	bound over after preliminary hearing without trial
Leavenworth, Kans.	John Ramsey, #26519	11-17-26	murder	life

* Represents notations unsupported by fingerprints.

Completion of our records, please supply dispositions to this Bureau in any of the foregoing cases where they do not appear.

3179

FEDERAL BUREAU OF INVESTIGATION
Division of Investigation

U. S. Department of Justice

Post Office Box 1276
Oklahoma City, Oklahoma
December 28, 1935

DB:VC
75-193

Director,
Federal Bureau of Investigation,
United States Department of Justice,
Pennsylvania Avenue at 9th Street, N. W.,
Washington, D. C.

RE: W. K. (BILL) HALE
Application for Pardon.

Dear Sir:

Please refer to my letter of November 27,
1935 in respect to this matter, wherein it is indicated
that the United States Attorney at Tulsa desired a confer-
ence with Special Agent F. S. Smith of this office.

You are advised that Agent Smith conferred
with Mr. Bailey, the United States Attorney at Tulsa, concern-
ing this case on December 4, 1935. Mr. Bailey advised Mr.
Smith that he does not desire any investigation at this time.

Very truly yours,

Dwight Brantley
DWIGHT BRANTLEY,
Special Agent in Charge.

RECORDED

JAN 15 1936

62-5033-813

DEC 31 1935

*et to [unclear]
1/13/36
[unclear]*

[Handwritten signature]

[Handwritten initials]

3180

FAC:EHG

January 13, 1936.

RECORDED 62-2033-813

Special Agent in Charge,
Oklahoma City, Oklahoma.

Re: W. E. (BILL) HALE;
APPLICATION FOR PARDON.

Dear Sir:

Reference is made to your letters dated November 27, and December 28, 1935, in which you informed the Bureau that Mr. G. E. Bailey, United States Attorney at Tulsa, Oklahoma, advised you that he had received from the Pardon Attorney of the Department, an application for the pardon of W. E. Hale and wished to discuss the matter with Special Agent P. S. Smith on December 4, 1935. It is also noted in your letter of December 28, 1935, that Mr. Bailey informed Agent Smith that he does not desire any investigation at this time.

For your information in this connection, the Bureau directed a memorandum dated January 9, 1936, to the Attorney General, a copy of which is attached hereto, outlining the facts in the investigation conducted by the Bureau which resulted in Hale's being convicted and sentenced to life imprisonment in the United States Penitentiary at Leavenworth, Kansas.

The Bureau desires to be informed immediately in the event the United States Attorney at Tulsa requests any further investigation.

Very truly yours,

John Edgar Hoover,
Director.

COMMUNICATIONS SECTION
MAILED
JAN 14 1936
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

3181

January 9, 1936

MEMORANDUM FOR THE ATTORNEY GENERAL

I am in receipt of information from this Bureau's Oklahoma City, Oklahoma, Office that United States Attorney C. E. Bailey at Tulsa, Oklahoma, has received from the Pardon Attorney of this Department the application of William K. Hale for a pardon. Hale is presently serving a life sentence in the United States Penitentiary at Leavenworth, Kansas, for the crime of murder on the Osage Indian Reservation.

RECORDED & INDEXED

62-5033-814

This Bureau investigated this murder case and, as it may be of interest to you and informative in the event you wish to take any action, I am submitting an outline of the case as disclosed by the investigation conducted by this Bureau.

The Osage Indian country lies in the Osage Hills, situated in the northeastern part of Oklahoma, a beautiful rolling country covered with tall, green limestone grass, and considered the finest cattle grazing country in the world. The Osage Indian Reservation, which is identical with Osage County, Oklahoma, consists of a million and a half acres of Indian allotted land, is the largest county in the State, being larger in area than the entire State of Delaware. It is bounded on the southwest by the Arkansas River, and reaches from Tulsa, Oklahoma, on the south to Ponca City on the north, a distance of approximately sixty miles. It is also sixty miles in width at its widest point. To give an additional idea of its immensity, in 1932 it contained over sixteen hundred public schools.

This reservation was acquired by the Cherokee Treaty from the Cherokee Indians July 9, 1866. The county seat at the time of the events related was Pawhuska, having a population of eight thousand. Other towns and villages in the county are Fairfax, Grayhorse, Hominy, Wynona, Pershing, Skiatook and Welagoney.

Osage County and the surrounding territory contain very wild stretches of country, thickly wooded with timber unsuited for commercial purposes, but affording excellent concealment in addition to its almost inaccessible canyons which served as hide-outs for notorious criminals. At the time of the murders from 1921 to 1923, this country was a haven for all types of desperate criminals who

COMMUNICATIONS SECTION
JAN 11 1936
F. B. I.
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

9
3182

flocked there from all parts of the country due to the nature of the country itself affording such excellent hiding places for wanted criminals. This criminal element to a large extent was attracted by the enormous wealth of the Osage Indians.

Prior to the Osage Indian tribe becoming immensely wealthy over-night through discovery of oil on the reservation, William K. Hale, known as "Bill" Hale and sometimes dubbed "King of the Osage", drifted into this territory from Texas, an uneducated and more or less uncouth cow puncher and cattle thief, but possessed of a domineering personality. He finally succeeded in controlling 45,000 acres of select Osage grazing land by means of leases, and acquired 5,000 acres outright, in addition to controlling a bank at Fairfax, Oklahoma, and owning a part in a store there, growing immensely wealthy from his dealings with the Osage Indians. Eventually he became a millionaire, who dominated local politics and seemingly could not be punished for any of the many crimes which were laid at his door. His method of building up power and prestige was to put various individuals under obligation to him by means of gifts or favors shown to them. Consequently, he had a tremendous following in the vicinity composed not only of the riffraff element which had drifted in, but of many good and substantial citizens.

One of the notorious characters who shared honors with William K. Hale as boss of the criminal element of Osage County was Harry Gresser, a notorious criminal who had complete control of the Osage Liquor traffic, and who was reputed to keep certain woods surrounding his land lighted up by means of a privately owned power plant, where he worked a gang of criminals who had fled from all over the United States day and night in making illicit liquor. Gresser died in an automobile accident prior to the investigation of the murder cases, and at the time of his death had on his person \$15,000.00 in cash. He is supposed to have been murdered by a notorious bandit who was with him at the time of the accident, but no investigation was ever made by local authorities, as his death was considered a good riddance. There was a gaping wound under his left armpit.

To give an idea of the wealth of the Osage Indians after oil was discovered on their reservation, the following is the net per capita income each Osage Indian received from the common fund.

1920	\$ 8,000.00
1921 (the year of the first murder)	8,600.00
1923 (the year of four murders)	12,400.00

3183

To give an additional idea of the enormous wealth of the Osage Indians, they have been paid a total net revenue of \$241,546,269.82 from the time oil was discovered on the reservation until June 30, 1931. It is interesting to note that the tribe consisted of only approximately 2,000 Indians who enjoyed head rights.

From 1921 to 1924 four deaths occurred in the Osage Indian country under mysterious circumstances. These persons were thought to have been murdered at the instigation of William K. Hale in order to collect insurance and make two of Hale's nephews sole heirs to oil properties of the murdered Indians.

On March 24, 1925, the Commissioner of Indian Affairs, Department of the Interior, Washington, D. C., requested the aid of this Bureau to investigate the murders on this reservation and from that date until William K. Hale was convicted on January 26, 1929, a period of approximately six years, there were actively assigned to the investigation of this case thirteen Special Agents of this Bureau. There were also twenty additional Agents of auxiliary offices of this Bureau engaged in a quasi-active part of this investigation.

Just prior to the investigation conducted by this Bureau, two dozen Osage Indians died under suspicious circumstances, and the entire Osage Indian Tribe, as well as the white citizens of that locality, were terror-stricken and in fear of their lives. This made the task of the Bureau Agents extremely difficult because law abiding citizens actually feared to converse with the Agents relative to the recent deaths. To obtain information the Agents were therefore forced to work under various guises, such as medicine men, cattlemen and insurance salesmen.

Anna Brown, divorced daughter of Lizzie Q an immensely wealthy full blood Osage Indian, was murdered on May 22, 1921, three miles from the town of Fairfax, Oklahoma, on the pasture lands of William K. Hale in the bottom of a small ravine. Investigation disclosed she was murdered by Kelsey Morrison and Bryan Burkhart, who had taken her to this lonely spot. Morrison was married to a full blood Osage Indian and Bryan Burkhart was a nephew of William K. Hale. When Anna Brown was in a drunken stupor, Burkhart held her while Kelsey Morrison shot her in the back of the head with a .32 calibre automatic pistol which had been furnished him for this purpose by William K. Hale a few hours prior to the actual murder. These facts were developed by a confession of Morrison, who testified at the trial of Hale, and were substantiated by the confession of his wife. Nat Williams, a bootlegger, also substantiated these facts, stating that he saw her murdered while he was delivering whiskey ordered by Morrison and Burkhart.

3184

Upon the discovery of Anna Brown's body several days later, Hale ordered an autopsy performed in the back of his store at which time the body was cut up in such a manner that a further autopsy could not have been held if an inquest had been desired.

Henry Roan was a picturesque full blood Osage Indian, six feet tall and a fine looking specimen. He wore his hair in plaits down his back. Roan was an inveterate drunkard, who stayed away from his home for weeks at a time. About a year prior to the murder of Henry Roan, William K. Hale had taken out a \$25,000.00 life insurance policy on Roan. John Ramsey, a member of the Henry Grammer outlaw gang, made friends with Roan by means of Roan's fondness for whiskey and took Roan out on several occasions, ostensibly to furnish him liquor, but in reality to murder him. Upon each occasion, however, Ramsey lost his nerve, but finally persuaded Roan to drive to the bottom of a canyon out of sight of the road, where he shot Roan through the back of the head with a .45 calibre pistol which he had obtained from the arsenal of Henry Grammer. This occurred on January 26, 1923. It was developed by Bureau Agents that William K. Hale hired Ramsey to commit this murder, buying him a \$500.00 Ford automobile prior to the murder and paying him \$1,000 in cash after the murder had been committed. It was developed also that Henry Grammer had furnished John Ramsey to Hale as the killer. Roan's body was discovered several days later sitting in an upright position in his car. The facts surrounding the murder of Roan were proven by John Ramsey's own confession, as well as by the confession of Ernest Burkhardt, nephew of William K. Hale, who was present at all negotiations relative to the murder of Roan. John Ramsey did not even know Roan's name at the time he murdered him, but had simply had Roan pointed out to him on the streets of Fairfax, Oklahoma, by William K. Hale as the Indian whom Hale wanted killed. Hale was a self-appointed pall-bearer at Roan's funeral, and Ramsey, the actual murderer, upon viewing the body of Roan, pretended to be deeply affected.

William E. "Bill" Smith stated openly that he believed William K. Hale had killed Henry Roan and Anna Brown and would not hesitate to kill the last of Lizzie Q's children. In addition to this fact, William E. Smith and William K. Hale had had an argument about \$8,000.00 which Smith claimed Hale owed him. On the night of March 10, 1923, the house of William E. Smith was blown up, having

a five-gallon keg of nitroglycerin exploded under it, killing Rita Smith, wife of William E. Smith, and Nettie Brookshire, a white servant girl, instantaneously, and horribly mangled the body of William E. Smith, who lived a few hours, however, and stated his belief that Hale had had him killed. *dup(?)*

It was developed through investigation by Bureau Agents that William K. Hale had hired John Ramsey and Ace "Ace" Kirby to murder William E. Smith and his wife and had subsequently paid Ramsey approximately \$1800.00 for performing the murder. These facts were proven by a confession obtained from John Ramsey himself, as well as the confession of Ernest Burkhart, who pointed out Smith's house to Ramsey and Kirby, acting under instructions from Hale, and who sought out Ramsey on the day of this murder to inform him that William K. Hale and Henry Grammer, in order to allay suspicion, were going to Fort Worth, Texas, to a cattlemen's conference, and that William E. Smith and his wife should be murdered that night. It developed further that William K. Hale had attempted to hire the notorious outlaw, Al Spencer, to commit this murder. He refused and Hale then attempted to hire "Blackie" Thompson, Dick Gregg, and his father, John Gregg, members of the Al Spencer gang, to murder William E. Smith and his family, all of whom refused.

William K. Hale became afraid that "Ace" Kirby, who participated in the murder of the Smith family and who actually placed the five-gallon keg of nitroglycerin under the Smith house and set it off, would make known Hale's connection with these murders, and accordingly persuaded Kirby to attempt the robbery of a grocery store near the Kansas-Oklahoma State line, assuring Kirby that the owner of the grocery store possessed certain valuable gems. The owner of the store was in turn informed of the exact hour of the contemplated robbery and as Kirby forced entrance into the grocery store through the window, greeted him with several loads of buckshot from a shotgun, thereby removing a witness who could have implicated Hale and his associates.

During their intensive investigation of this case the Agents received confidential information to the effect that Blackie Thompson, a notorious bank robber from the Osage country, confined in the State Penitentiary at McAlester, knew something of the activities of Hale. Thompson was accordingly interviewed, and hinted that Ernest Burkhart,

3186

a nephew of William K. Hale, knew something about the murders. Arrangements were immediately made with the state authorities to release Thompson to the custody of the Agents. Ernest Burkhart, upon being confronted with "Blackie" Thompson and the additional incriminating facts relative to the murders which the Agents had already obtained, finally confessed that he knew all about the murders; that Roy Bunch, who was thought to have committed the murder of Henry Roan, was innocent, and that John Ramsey, who was at that time living on William K. Hale's ranch, had figured actively in all the murders. John Ramsey was immediately located and, upon being confronted by Burkhart and learning that Burkhart had confessed, made a complete confession as to his part in all the murders.

In addition to the solution of the murders themselves, the Agents discovered that Nellie Burkhart, full blood Osage Indian wife of Ernest Burkhart, who alone remained between William K. Hale's nephew, Ernest Burkhart, and the fortune of the Lizzie Q family, at the time the Government commenced its investigation of the case, was dying from what was believed to be slow poisoning. As soon as she was removed from the control of Burkhart and Hale she immediately regained her health.

William K. Hale and John Ramsey were arrested by the State authorities of Oklahoma who were working in close cooperation with this Bureau. The State of Oklahoma filed charges against Hale and Ramsey, charging them with the murder of William E. Smith. The defendants were turned over to the Federal Government for prosecution and on January 9, 1926, the original indictment against Hale and Ramsey was returned at Guthrie, Western District of Oklahoma, charging them with the murder of William E. Smith on an Indian reservation. During the trial at Oklahoma City, Oklahoma, the defense demurred to the indictment and the court held that the United States had no jurisdiction. This decision was appealed directly to the United States Supreme Court which held that the lower court was in error and remanded the case back to the Western District of Oklahoma for trial.

On July 8, 1926, the Federal Grand Jury at Guthrie, Oklahoma, returned another indictment charging William K. Hale and John Ramsey with the murder of Henry Roan on an Indian reservation. The defendants were arraigned and entered a plea of not guilty. The trial commenced July 26, 1926, and lasted until August 26, 1926, resulting in a hung jury, of which five were for acquittal and seven for conviction.

3187

On October 20, 1926, Hale and Ramsey were again brought to trial at Guthrie, Oklahoma. The jury returned a verdict of guilty, without capital punishment, on October 29, 1926, at which time they were both sentenced to life imprisonment in the United States Penitentiary, Leavenworth, Kansas.

Hale immediately filed a motion for a new trial, which on February 14, 1927, was overruled. He thereupon appealed his case to the United States Circuit Court of Appeals which reversed the decision of the United States Federal Court at Guthrie, Oklahoma, on the grounds that the offense was committed in the Northern District of Oklahoma and had been tried in the Western District of Oklahoma.

Another indictment was returned by the Federal Grand Jury charging Hale and Ramsey with the murder of Henry Roan. The case went to trial January 7, 1929, in the Northern District of Oklahoma, at Pawhuska, Oklahoma. On January 26, 1929, the jury found Hale guilty and sentenced him to life imprisonment. John Ramsey was granted a new trial and on November 20, 1929, was also convicted of murder and sentenced to life imprisonment.

During the course of this investigation this Bureau was also called upon to investigate the truth or falsity of some ten defense witnesses, who were subsequently charged with perjury, two of whom were convicted and sentenced in the Federal Court.

Another investigation was made relative to the activities of I. C. Hale, half-brother of William K. Hale, who subsequently was charged with contempt of court in that he attempted to bribe a prospective juror. He was found guilty and sentenced to serve a period of 60 days in jail.

Still another individual was charged with intimidating a Government witness and upon a plea of guilty was sentenced to serve a period of 30 days in the Osage County Jail at Pawhuska, Oklahoma.

John Ramsey, upon his trial for murder, offered an alibi to the effect that he was not in Fairfax, Oklahoma, on the date of the murder for which he was being tried. Investigation by the Agents resulted in the production of the hotel register of an old Indian woman who had formerly operated a hotel at Fairfax, Oklahoma, reflecting that Ramsey was actually registered in this hotel on the day of the murder. This Indian woman, it developed, had been furnished

3188

Memorandum for the
Attorney General

- 8 -

1-9-36

whiskey by a lawyer presumably working in the interest of Hale, in an attempt to have her change her testimony. This lawyer was subsequently sentenced to eighteen months in a Federal Penitentiary for this action on his part.

Ernest Burkhart, William K. Hale's nephew, and Kelsey Harrison, a hireling of Hale, each received life sentences in the State Courts for murders in which they participated at Hale's instigation but which did not occur on the Indian reservation. Bryan Burkhart, brother of Ernest Burkhart, turned State's evidence in State Court and was never convicted.

Respectfully,

John Edgar Hoover,
Director.

3189

RECEIVED

FEB 9 1938

FBI OKLAHOMA

RECORDED & INDEXED

DIRECTOR

62-5032-815

W. K. HALE ET AL. UNDER CHARGE INDIAN BOMBING

BY SPECIAL AGENTS OF THE FBI TO HAVE HALE AND RAMSEY

INTO STATE OF OKLAHOMA CHARGED WITH MURDER

AND THEIR SERVANT GIRL NETTIE BROOKSHIRE PRIOR TO DEPARTING

TO FEDERAL GRAND JURY AS FUTURE SO CALLED WITNESSES WOULD BE

INTIMIDATED. FEDERAL GRAND JURY PROMPTLY RETURNED INDICTMENT

HALE AND RAMSEY ON FEBRUARY THIRTEENTH NINETEEN TWENTY SIX

HALE AND RAMSEY WERE BORN IN NEW YORK STATE

ON THE RESPECTIVE DATES OF FEBRUARY TWENTY SEVEN

INDIAN COUNTRY. WHEN THIS INDICTMENT WAS RETURNED

COTTRELL POINTED OUT ERRORS IN THE GRAND JURY

CORRECTED INDICTMENT RETURNED ON FEBRUARY

DEFENDANTS ATTORNEYS DEFERRED TO FEBRUARY

ROSE LITTLESTAR'S NOT INDIAN COUNTRY AND

JURISDICTION. DEFENSE SUSTAINED HALE AND RAMSEY

RECOGNIZANCE OF TWENTY FIVE THOUSAND DOLLARS

GOVERNMENT BUT REFUSE TO SIGN THE

3190

CUSTODY AND RETURNED TO THE...
 OF BILL SMITH. GOVERNMENT IMMEDIATELY APPEARED IN
 COURT AND WITHIN TWENTY FIVE DAYS IT HELD GOVERNMENT...
 HALE AND RAMEY WERE IMMEDIATELY TAKEN INTO FEDERAL...
 HABEAS CORPUS AND TRIAL COMMENCED...
 SIXTH NINETEEN TWENTY SIX AND LASTED UNTIL...
 RESULTING IN HUNG JURY. AT THIS TRIAL FOREMAN OF...
 GRAND JURY TESTIFIED FOR DEFENSE THAT STATEMENTS GIVEN BY...
 BURKHART AND JOHN RAMSEY TO AGENTS WERE NOT...
 TO GRAND JURY BY AGENT D. E. SMITH. THIS FOREMAN...
 AND LATER CONVICTED OF PERJURY ON ABOVE STATEMENTS AND SENTENCE...
 EIGHTEEN MONTHS. TRIAL...
 TWENTY NINE NINETEEN TWENTY...
 PUNISHMENT. THIS TRIAL...
 SHOULD HAVE BEEN HELD IN OSAGE COUNTY...
 BEEN COMMITTED. CASE...
 MURDER. ON JANUARY TWENTY SIX...
 RETURNED. HALE GIVEN FIVE...
 CONVICTION. HALE WAS BORN...
 IN OSAGE COUNTY...
 LATER ESTABLISHED...
 DOMINATED OSAGE COUNTY.

3

ANY CHARGE ALTHOUGH OWN NEPHEW ERNEST BURKHART SAID HE STOLE HIS CATTLE. ERNEST BURKHART SAID THAT HIS UNCLE BILL HALE WAS MURDERED AND THAT HALE BENEFITED BY THE DEATH OF EVERY OSAGE INDIAN IN OSAGE COUNTY BY FILING FALSE CLAIMS AGAINST THEIR ESTATES FOR FEED AND CATTLE ALLEGEDLY SOLD THEM. AS AN INSTANCE OF HALE'S COLD BLOODEDNESS HALE SERVED AS PALL BEARER FOR HENRY ROAN WHOM HE HAD CAUSED TO BE MURDERED WHEN GOVERNMENT SECURED CUSTODY OF HALE FROM STATE AUTHORITIES WHEN HABEAS CORPUS HALE WAS THEN CONFINED IN COUNTY JAIL AT PRAIRIE. HE REFUSED TO DRESS AND STALLED FOR TIME UNTIL U.S. MARSHAL AND AGENTS INFORMED HIM THEY WOULD TAKE HIM IN HIS UNDERWEAR. HE PROTESTED LOUDLY QUOTE THE GOVERNMENT HAS NO JURISDICTION UNQUOTE BUT HE WAS TAKEN INTO FEDERAL CUSTODY ANYWAY. WHEN FIRST TAKEN INTO FEDERAL CUSTODY HE DEMANDED TO KNOW AMOUNT OF BOND. WHEN INFORMED BOND WAS \$100,000 HE PROTESTED STRONGLY SAYING HE COULD MAKE \$100,000 HOWEVER BOND. DURING CHARACTER OF SOME OF WITNESSES WHO APPEARED FOR HALE BEFORE THE COURT. WITNESS GOT DOWN FROM THE WITNESS CHAIR AN INDIAN OFFICER ARRESTED HIM FOR STEALING THE BOND FROM AN INDIAN WHICH HE WAS THEN HEARING. SPECIAL AGENTS S. S. SMITH AND S. J. HURLEY WERE CALLED ANY ADDITIONAL BACKGROUND NOT ALREADY REFORMED. END

ACK

OK FBI WASHINGTON DE 11

3192

OKLAHOMA CITY, OKLAHOMA
SEPTEMBER 25, 1939

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18 Personal

19
20 J. Edgar Hoover, Director
21 Federal Bureau of Investigation
22 Washington, D.C.

23
24 Dear Mr. Hoover:

25
26 Russ Bryan is here in the office and has asked that
27 he be furnished with one of the Bureau's charts of the W. F.
28 Hale murder case, better known as the Osage murder cases. He
29 asked that it be sent to him at his residence, 1419 North 11th,
30 Boise, Idaho.

31
32 I know you will be interested in learning that Russ
33 is looking fine and that he is the same old character of the
34 FBI.

35
36 Sincerely,

37
38
39
40 H. E. ANDERSEN
41 SPECIAL AGENT IN CHARGE

42
43
44 HEA:os

45
46
47
48
49 RECORDED
&
INDEXED

62-5729-81
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
TOLSON
ANDERSON
3193

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

COPI - 10

ELC:BL

October 3, 1939

37-716

33
4

Mr. Russell Bryon,
1419 North Eleventh
Oklahoma City

Dear Mr. Bryon:

Mr. H. E. Andersen, Special Agent in Charge of the Bureau's Oklahoma City Field Division, has advised me of your desire to have a copy of the Bureau's chart in connection with the W. K. Hale murder case, and it is a pleasure indeed to forward to you under separate cover this chart in a size suitable for framing.

With best wishes and kind regards,

Sincerely yours,

cc - Oklahoma City

Under separate Cover
Enlarged Chart #37-46

3194



United States Department of Justice
 Federal Bureau of Investigation
 Washington 25, D. C.

IN REPLY, PLEASE REFER TO

FILE NO. I-C-462-5033

July 10, 1953

OSAGE INDIAN MURDER CASES

The investigation of the Osage Indian murders which occurred in the early twenties was one of the most complicated and difficult investigations ever conducted by the FBI. Just prior to initiation of the FBI's investigation two dozen Osage Indians died under suspicious circumstances and the entire Osage Indian tribe, as well as the white citizens of Osage County, Oklahoma, were horror-stricken and in fear for their lives. Consequently, the tribal council passed a resolution requesting the aid of the Federal Government in solving these murders.

The Osage Indian country, lying in the Osage hills in the northeastern part of Oklahoma, is a beautiful rolling country covered with tall, green limestone grass and is considered by many to be the finest cattle-grazing country in the world. It was not always so. When the Osage tribe was forced to leave Kansas and settle in what became Osage County, it was considered that they had paid \$1,200,000 to buy a poor grave for the tribe. The land was acquired from the Cherokee Indians on July 9, 1866, by the Cherokee Treaty.

The Osage Indian Reservation, which is identical with Osage County, Oklahoma, consists of a million and a half acres of Indian allotted land. Osage County is the largest county in the state and is larger than the entire State of Delaware. It is bound on the southwest by the Arkansas River and extends from Tulsa, Oklahoma, on the south to Ponca City on the north, a distance of approximately sixty miles. It is also sixty miles in width at its widest point.

At the time of the murders Osage County and the surrounding territory contained very wild stretches of country, thickly wooded with timber unsuited for commercial purposes. This area with its almost inaccessible canyons afforded excellent concealment for the many notorious criminals who established their hideouts there. At the time of the murders, from 1921 to 1923, this country was a haven for all types of desperate criminals who flocked to the territory from all parts of the country, attracted, to a large extent, by the enormous wealth of the Osage Indians.

NOT RECORDED
 147

63 JUL 27 1953

July 10 1953

3195

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

The criminal atmosphere of the area at this time is well illustrated by the interview of a Special Agent with a criminal several years after the murders. The bandit, who was serving time in the Oklahoma State Penitentiary, recalled that during the period of the murders he attended a gathering of thirty-two nationally known bank bandits and train robbers in the woods in the Osage Country where they were in hiding as fugitives from justice. The convict stated that during their sojourn they often engaged in pistol practice since skill in the use of pistols was absolutely necessary in their profession.

On June 28, 1906, the Federal Government enacted a law under which the 2,229 members of the tribe were to receive an equal number of shares known as head rights. This number of head rights remained stationary whether the number of the tribe increased or decreased. That is, an Osage Indian born after June 28, 1906, would inherit only his proportionate share of his ancestor's head rights. Various Osage Indians drew revenue from or were allotted tracts of land based upon these head rights. The original allotment of a homestead to each Osage Indian consisted of 160 acres. This was later supplemented by various land grants until each head right allotment consisted of approximately 657 acres. The Osage Indian Agency, with headquarters at Pawhuska, Oklahoma, superintended the affairs of the Osage Indians and attended to the distribution of amounts due them.

Oil was later discovered on the Osage reservation and overnight the Osage tribe became the wealthiest people per capita in the world. The number of actual producing oil wells on the reservation as of June 30, 1920, was 5,859. As of June 30, 1922, the number had increased to 8,579. Practically all of the land in the reservation was leased for oil or natural gas production purposes.

Distribution of funds to the Osage Indians differed somewhat from other tribes, in that a common pool was made of all earnings derived from the territory and divided among all the Indians of the tribe entitled to allotment rights. Certificates of competency were issued to Indians deemed capable of handling their own financial affairs and the recipients of these certificates could dispose of their head rights and allotted land holdings as they saw fit. Indians considered incompetent had a guardian appointed to guide them in their financial transactions.

In 1880 the net per capita annual payment to each Osage Indian entitled to receive income from the common fund was \$10.50; in 1923 the annual payment was \$12,400.

The acquisition of this wealth, however, cannot be said to have constituted a blessing, either to the tribe or to the individual members. While bringing comfort it also brought disease, immorality, human parasites and an extravagance which was appalling. It was not uncommon for the grocery bill of numerous Osages to run between \$500 and \$1,000 per month.

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

Homes with all the modern conveniences were built for members of the tribe, only to have them roll up in their blankets and sleep in the yard. In fact many of the homes had a wigwam or canopy outside in which the Indians spent a large amount of their time when not driving about the country in their automobiles.

Stomp dances were indulged in several times a year by the tribe, at which time members of other Indian tribes were invited to attend as guests. Gifts were exchanged between the various tribes and individuals. These stomp dances were the occasion for all-night and all-day feasts during which the Indians, clad in picturesque costumes, would dance in a circular formation to the rhythmic beat of the tom-tom. After the dance they would retire for further feasting while professional Indian dancers amused the assembled audience. This dance was participated in not only by the young and enthusiastic members of the tribes, but also by the older men and women.

Marriages, by fullblood Osage Indians were solemnized according to tribal customs.

The tribal officers of the Osage Indians, the Chief, Assistant Chief and eight Tribal Councilmen, were elected every two years.

In 1901 the mad rush for oil had already brought into the county unscrupulous prospectors and in a short time some 2,000 Osages found themselves facing the same problem which drove the Indian from other parts of the country - the attempted acquisition by the white man of all the Indian possessed.

Among the many adventurous prospectors and other white men who drifted into the Osage territory was a man whose desire for riches and power was devoid of scruple - William K. Hale, later dubbed "King of the Osage," an uneducated and more or less uncouth cowpuncher from Texas who possessed a domineering personality. Hale was of medium stature but had a prepossessing figure. He was a neat dresser and had a ruddy complexion. He was self-confident and affected a military air by carrying his shoulders back and his chest out.

Hale succeeded in controlling 45,000 acres of select Osage grazing land by means of leases and acquired 5,000 acres outright. He became immensely wealthy through his dealing with the Osage Indians and eventually became a millionaire and owned a stable of fine horses. He controlled a bank at Fairfax, Oklahoma, and owned an interest in a store there. He owned a home in Fairfax, Oklahoma, and a ranch house near Grayhorse, Oklahoma, in the center of his immense holdings. He dominated local politics and seemingly could not be punished for the many crimes which were laid at his door. His method of building up power and prestige was to put various individuals under obligation to him by means of gifts or

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

favours shown to them. Consequently, he had a tremendous following in the vicinity composed not only of the riffraff element which had drifted in but of many good and substantial citizens.

At one time Hale allegedly insured a 30,000-acre tract of his land for one dollar per acre, then one night had his cowboys set fire to the grass on this land. As a result Hale collected \$30,000 on the insurance policy.

Hale's nephews, Ernest and Bryan Burkhart, who either came with Hale to Osage or joined him later, were employed by Hale and completely dominated by him. Hale also had in his employ from time to time a number of reckless characters many of whom were either ex-convicts or fugitives from justice and were known killers for a price.

Lizzie Q, otherwise known as Lizzie Kile, was an Osage squaw who in 1920 was already old and in poor health. Lizzie Q's estate approximated \$200,000. She had three daughters, Anna, Mollie and Rita.

Anna was a dissolute character and notorious in the Osage. She had a preference for white men with several of whom, from time to time, she had affairs. She had previously been married to one Odie Brown, a white man. In 1920 Anna's estate approximated \$100,000.

Rita married one William E. Smith, a white man, with whom she lived up to the time of her death.

Mollie became the wife of Ernest Burkhart, Hale's nephew. Mollie appears to have been the intended means of drawing to Hale, through the Burkharts, the assets of the entire family.

Anna had been somewhat intimate with at least one of the Burkhart boys but apparently she was too notorious for even the Burkharts to contract a formal marriage. But Anna Brown had money and the stake was large.

In 1920 Lizzie Q, the aged mother, was brought to Ernest Burkhart's home at Grayhorse and was living with her daughter, Mollie. She was the second of the family taken directly under the wing of Hale in the general scheme.

Early in 1921 Lizzie Q developed a malady which very evidently would result in her death. She had been induced to make a will, leaving the bulk of her estate to Ernest Burkhart's wife and children. But there were even higher stakes to be won.

If the old woman should outlive Anna Brown, then, under the law of the State, Lizzie Q's fortune would be increased by half of Anna Brown's estate. But if Anna should outlive her mother, the greater part of her fortune would be diverted to collaterals.

1
2
3
4
5 On May 27, 1921, a hunting party found the badly
6 decomposed and swollen corpse of Anna Brown in a ravine about
7 three miles from Fairfax, Oklahoma, just off the Pawhuska - Fairfax
8 Road. She had apparently been dead for five or six days. The
9 woman was wearing a blue broadcloth skirt, a white undershirt
10 and was barefoot. A shawl, apparently hers, was found a few feet
11 from the bank.

12
13 The hunters immediately notified an undertaker who came
14 and took charge of the body. The body was rotten and swollen
15 almost to bursting. While the body was being prepared for burial
16 the scalp slipped from the skull and a bullet hole was discovered
17 in the back of the head slightly to the left of the middle and
18 penetrating the skull bone. No hole of egress was found. Due to
19 the terrible odor and condition of the body only a crude and hasty
20 autopsy was performed by bisecting the cranium from front to rear
21 and searching in the decayed brain mass for the bullet. Apparently
22 none was found.

23
24 After Anna Brown's death, an investigation was immediately
25 started and her brother-in-law, W. E. Smith, was the most active
26 member of the family in pursuing the investigation. Both he and
27 his wife were very outspoken in their belief that Bill Hale and his
28 nephews were responsible for the murder.

29
30 Bryan Burkhart was arrested and charged with the murder
31 of Anna Brown in the state courts but Hale furnished bond for him
32 and Bryan was acquitted.

33
34 At Anna's death the estate of Lizzie Q was augmented by
35 half of Anna's estate.

36
37 The next expected happening occurred two months after
38 Anna Brown's death when Lizzie Q passed away at the home of her
39 daughter, Mollie Burkhart, the wife of Ernest Burkhart. Lizzie Q's
40 estate plus half of Anna Brown's estate therefore passed in bulk
41 to the Burkharts.

42
43 Anna Brown had a cousin, a picturesque full-blooded
44 Osage Indian named Henry Roan. He wore his hair down his back in
45 plaits, stood six feet tall and was a fine looking specimen of
46 Osage manhood. In January, 1923, Roan was living with his wife
47 Mary, also a full-blooded Osage, and their children at Fairfax,
48 Oklahoma. Roan was an inveterate drunkard and frequently left home
49 for as long as three or four weeks at a time on drinking sprees.
50 When he was not seen for several days, therefore, no excitement
51 was aroused.

52
53 On February 6, 1923, an Indian boy found an automobile
54 in a rocky swale a few miles northwest of Fairfax and about 200
55 yards off the back road between Fairfax and Burbank. The boy ran
56 to Fairfax and returned with two law enforcement officers who found

2
3
4
5
6 Roan's body on the front seat of his car. A bullet hole in his
7 head indicated that the bullet entered just back of the left ear
8 and merged just over the right eye breaking the windshield glass
9 which was strewn for about 20 feet back along the car tracks. Two
10 pieces of glass were still lying on the hood of the car.

11
12 Roan was lying on the front seat with his feet just off
13 the pedals and his head, with his cap under it, resting on the
14 right hand side of the seat. The position of the body plainly
15 indicated that Roan had been driving when shot.

16 The body had apparently been dead for approximately 10
17 days. It had first been frozen stiff, but had begun to thaw and
18 decompose at the time it was found. It was observed that from
19 January 26 to February 3 or 4, it had been very cold so Roan must
20 have been killed about January 26.

21
22 Shortly after Roan's death, Bill Hale presented for
23 payment a \$25,000 insurance policy on the life of Henry Roan. The
24 insurance company refused to pay the indemnity on the grounds of
25 fraud and misrepresentation and Hale instituted a suit in Federal
26 court. In this connection an examination of the various court
27 records disclosed that Roan had petitioned the District Court of
28 Osage County for the appointment of a guardian and at that time he
29 owed Hale \$6,000, the balance due on a house in Fairfax. There was
30 no evidence of other indebtedness.

31
32 Roan had no enemies except one, Dave Belnap, a worthless
33 sort of white man who had been associating with Roan's wife for
34 some time and who married her a few months after Roan's death.
35 Hale attempted to capitalize on this enmity by circulating a rumor
36 that Belnap was responsible for the death. It was later necessary
37 for Agents to conduct an exhaustive investigation to prove Belnap
38 innocent.

39
40 Other false rumors and statements by Hale and his many
41 friends and henchmen caused Agents to make needless trips to
42 California, New Mexico, Old Mexico, Kansas, Colorado, Texas and
43 Arizona.

44
45 W. E. Smith, the husband of Rita and the brother-in-law
46 of Anna Brown, was living in a comfortable home with his wife and
47 a white servant girl named Nettie Brookshire. Smith had continued
48 his active investigation of the murder of Anna Brown and had a
49 bitter altercation with Hale, due not only to his letting it be
50 known that he had evidence involving Hale in the murder of Anna,
51 but also because he demanded that Hale pay him \$6,000 he allegedly
52 owed him. Hale refused to pay.

53
54 At about 2:50 A.M., on March 10, 1923, less than two
55 months after Henry Roan's body was found, Smith's home at Fairfax
56 was demolished by an explosion. His wife, Rita, and their 17-year-
57 old white servant, Nettie Brookshire, were killed instantly, their

58 *Fictitious

2
3
4
5
6
7
8
9
10
11
bodies being blown asunder. Pieces of their flesh were later found plastered on a house 300 feet away. Smith himself was rescued from the debris and lingered for about four days when he died. Before he passed away he made a dying declaration that the only enemies he had in the world whom he could suspect of blowing up his home were Hale and the Burkharts.

12
13
14
15
16
17
18
19
20
21
22
The house had apparently been soaked on one or more sides with kerosene or some similar substance since it was seen by witnesses to blaze up once or twice a second or two before the explosion. It caught fire immediately on the north side and was almost totally consumed by fire. The house had a basement garage with a 6-inch concrete floor. In the middle of this floor the explosion tore a hole approximately 6 feet in diameter and 3 feet deep, blowing the concrete floor to bits. The debris of what once had been a home remained for some time as a horrible memorial to Hale and his cohorts.

23
24
25
26
27
28
29
30
31
32
33
34
35
After the passing of Rita Smith, the only member of Lizzie Q's family remaining was Mollie Burkhart, Ernest's wife. In addition to wiping out Smith's \$6,000 claim against Hale and eliminating a man anxious to see the Hale-Burkhart faction brought to justice, this triple murder was calculated to further enrich the Ernest Burkhart family by approximately \$150,000 from the estate of Rita Smith, since Mollie Burkhart was Rita's only surviving sister. However, this had been circumvented by a joint will made by Rita and her husband under which the survivor of the two was to acquire the estate of the first to die. Since Smith survived Rita by approximately four days all of the property passed to him and, at his death, to a daughter of Smith's by a former marriage, a girl living in Arkansas unknown to Hale and the Burkharts.

36
37
38
39
40
41
The FBI entered the investigation of these brutal murders in 1923 and spent years of painstaking investigation in unraveling the mystery and gathering from all parts of the country the necessary evidence to convict the guilty parties.

42
43
44
45
46
47
48
Special Agents, carefully selected because of their knowledge of Indian and frontier life, demonstrated their indomitable courage and perseverance in the face of seemingly insurmountable obstacles. They drove thousands of miles through the oil fields day and night in the heat, cold, rain, snow and mud in running out innumerable leads, many of which were designed to confuse them and throw them off the trail of the true perpetrators.

49
50
51
52
Another great obstacle was the fact that many of the important witnesses had left the country leaving no address and in many cases as fugitives under criminal charges.

53
54
55
56
57
58
59
60
61
Private detectives, many of whom were hired by the murderers themselves to frustrate the investigation, had spent many months on the cases, interviewing numerous persons many times.

1
2
3
4
5
6
7 Many of these detectives talked too freely about the information
8 secured with the result that many of those interviewed became
9 unfriendly and reluctant to talk. In addition, the fact that the
10 Osage Tribal Council, businessmen and the estates of murdered
11 individuals had offered rewards for the solution of the murders
12 attracted numerous amateur detectives who further frustrated the
13 FBI's work. The law-abiding citizens actually feared to converse
14 with the Agents about the killings, thinking the murderers would
15 learn that they had told and would kill them. They had lost con-
16 fidence that anything would ever be done about the murders. FBI
17 Agents had to rebuild their confidence in law enforcement.

18
19 The general class of citizenry in the territory was
20 very low. The rich oil fields produced not only an abundance of
21 oil but also graft, easy money, gambling, prostitution, whisky
22 and parasites bent on milking the Indian of all he owned. As a
23 result, among the Indians themselves fear and distrust of the white
24 man was almost universal. Consequently, most of them were hesitant
25 in talking to FBI Agents about the murders.

26 To overcome this situation some of the Agents assumed
27 undercover capacities including an insurance salesman, an Indian
28 "medicine man," a cattleman and a prospector.

29
30 The Agent posing as a "medicine man" claimed he was
31 searching for relatives who had moved to Oklahoma several years
32 before. He made medicine, consisting mostly of sweetened water,
33 and was warmly accepted by the Indians. Through this medium he
34 gained their confidence and cooperation. He visited in their homes
35 and attended their ceremonials thereby gathering much valuable
36 information about the murders. He also served as "medicine man"
37 in the inner circle and tribal councils, helping the Osages to make
38 plans for the administration of their tribal government and in
39 solving their problems.

40
41 The Agent who assumed the identity of an insurance sales-
42 man actually sold legitimate insurance policies and in doing this
43 gained entrance to the homes of citizens and learned of many
44 details which the citizens, through fear of Bill Hale, refused to
45 give the Government Agents openly. The information gained in
46 connection with the insurance policies themselves often had a direct
47 bearing on the various angles of the murder cases. This Agent even
48 contacted William Hale himself and almost succeeded in selling him
49 an insurance policy.

50
51 This Agent originally met Hale at a hotel in Fairfax,
52 Oklahoma, and after that time saw him on several occasions. The
53 Agent found that Hale was very talkative about his cattle deals
54 and his boyhood days, relating how he ran away from home and became
55 a cowboy. Hale had the reputation of having a very high opinion of
56 himself and was described as "money mad" and "woman crazy."

3
4
5
6
7
8 Hale was very nervous and complained to the Agent that
9 he had stomach trouble and was having trouble sleeping lately.
10 He remarked that he had sold all of his cattle interests retaining
11 only 250 head of cattle and about 75 tons of cottonseed cake. He
12 said he did not know exactly what he was going to do but felt he
13 needed a long rest. The Agent learned that Hale had already earned
14 \$75,000 that year (1925) in his cattle dealings and other interests.

15
16 Hale was very friendly to the undercover Agent and
17 introduced him to several prominent citizens of Fairfax. The
18 Agent learned that Hale was conducting a propaganda campaign to
19 win as many friends as he could. He gave away many presents to
20 various individuals, bought them suits of clothes, co-signed
21 notes for persons, gave ponies to young boys and was exceedingly
22 kind to old people and those suffering from afflictions.

23
24 The Agent ascertained that Hale had ordered a new suit
25 of clothes and an overcoat from a tailor to whom he remarked that
26 he was going to take a trip to Florida. He also learned that Hale's
27 18-year-old daughter had remarked that the family had everything
28 packed and they were prepared to leave at a moment's notice. Hale
29 stated to others in the presence of the undercover Agent that he
30 was too slick and keen to catch cold and he was tired of two-bit
31 crooks riding the public on his reputation.

32
33 Another undercover Agent who played the role of a plain
34 Texas cowboy established close association with many of Hale's
35 intimates and employees, all of whom unknowingly contributed
36 valuable information.

37
38 The lives of the Agents investigating these murders were
39 constantly in danger since the area abounded with robbers and
40 killers. Agents working undercover often met late at night in remote
41 and dangerous places in Osage County, such as the woods which were
42 used as a meeting place by Al Spencer, who used the area as a
43 hideout for his notorious band of bank robbers, and Dead Man's Hill
44 where many murders and robberies had been plotted.

45
46 Agents learned that W. K. Hale had attempted to hire
47 Spencer to murder Indians. Other members of the Spencer ring later
48 testified at Hale's trial that Hale had also tried unsuccessfully
49 to hire them to murder certain Indians.

50
51 "Curley" Johnson, another bank bandit active in this
52 area, was at one time approached by a nephew of William Hale, at
53 Hale's instigation, for the purpose of hiring Johnson to murder
54 certain Indians. Johnson was later killed under mysterious circum-
55 stances and the rumor was common that he had been killed at the
56 instigation of Hale who feared he might "talk."

57
58 Another notorious criminal, Henry Grammer who monopolized
59 the Osage liquor traffic, shared honors with Hale as boss of the
60 criminal element of Osage County. He reputedly kept certain woods

32B

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

surrounding his land illuminated by means of a privately owned power plant where a gang of criminal fugitives from all over the United States worked day and night making illegal liquor. Grosser died in an automobile accident prior to the FBI's investigation and at the time of his death he had on his person \$15,000 in cash. He had a gaping wound under his left armpit and it was rumored that he was killed by a criminal who had been with him at the time of the accident.

Information obtained by an FBI Agent indicated that in connection with the mysterious deaths of a large number of Indians the perpetrators of the crime would get an Indian drunk, have a doctor examine him, pronounce him intoxicated and give him a hypodermic injection of morphine. After the doctor departed the gang members would inject an enormous amount of morphine under the armpit of the drunken Indian which would result in his death. The doctor's certificate would subsequently read, "Death from alcoholic poisoning."

To further complicate the task of the FBI in investigating these murders, Burt Lawson, a convict confined in the Oklahoma State Penitentiary at McAlester, Oklahoma, made several confessions to the murders, in which he claimed to have been employed by Hale to murder W. E. Smith and his family. Fainstaking investigation by Special Agents developed that Hale had concocted this story himself, knowing full well that he could prove a perfect alibi for Lawson and thereby absolve himself at the same time. These confessions caused Agents many hours of weary work in disproving the details of Lawson's confessions before developing the true facts of the case.

Lawson, incidentally, while in the custody of FBI Agents proved to be a glutton who ate T-bone steak and French-fried potatoes three times a day. During his first visit to a cafeteria with Agents, Lawson appeared at the cashier with four pieces of pie and three pieces of cake on his tray and complained of the fact that he had no room for a meat dish.

Agents learned that in 1920, Ernest Burkhardt explained to a criminal that he wanted Bill Smith and his wife killed for the following reasons: his (Ernest Burkhardt's) wife and Mrs. Smith were sisters; their mother was old and very ill and liable to die at any time; that if the old woman died first, Smith's wife would inherit part of her estate, but if Mrs. Smith died first the old mother's wealth, or most of it, would pass at her death to Ernest's wife. As compensation for this deed, Burkhardt said the perpetrators could rob the Smiths of their diamonds and in addition he said he would pay them \$1,000 and give them a Buick automobile.

On March 4, 1924, Agents were informed that the Indian wives of Ernest and Bryan Burkhardt were in great fear for their lives and contemplated taking their children and fleeing from their

2
3
4
5
6
7 husbands. After moving away, they intended to hire a personal guard
8 to prevent their being killed for their property.

9
10
11 Agents were advised that Ernest Burkhardt and his wife
12 had Joe Bigheart, an Osage Indian, and his wife Bertha adopt the
13 youngest of Ernest Burkhardt's children, a baby girl named Anna after
14 Anna Brown. After this adoption Joe Bigheart died and the Burkhardt
15 child inherited half of his estate worth approximately \$75,000.
16 Bertha and Joe Bigheart had no other children so the child also
17 stood to inherit half of Bertha Bigheart's estate which was worth
18 approximately \$150,000. At the time a rumor was circulating that
19 the Hale-Burkhardt faction intended to do away with Bertha Bigheart
20 and her parents, so that the adopted child would inherit the entire
21 estate.

22 A woman who had been in Anna Brown's employ stated to
23 Agents that Anna Brown was at home on May 21, 1921, when she
24 received a telephone call requesting her to go to Grayhorse to
25 see her mother who was very ill. She left home about 8:00 A.M.
26 in a taxicab, taking with her a handbag of personal effects. This
27 woman went to Anna's house after Anna's murdered body was found
28 on May 27, 1921, and the house was found to be unlocked and in the
29 same condition as when Anna left on the morning of May 21. The
30 beds had not been used nor was there any sign of disturbance.
31 However, Anna's handbag, which she had carried away with her, was
32 there. This indicated that Anna or someone else has been there to
33 return the bag.

34 A domestic in the home of Ernest Burkhardt stated that
35 a taxicab driver had brought Anna Brown to the Ernest Burkhardt
36 home to see Anna's mother on the morning of May 21. Anna was
37 drinking and quarreled during the day with her mother, her sister
38 Mollie, and Bryan Burkhardt. Anna spent most of the day in the
39 summerhouse drinking. This woman remarked that Anna had told
40 her that she was jealous of Bryan and would kill any woman she
41 caught flirting with him. Bryan had told this same woman that Anna
42 threatened to kill him unless he married her, but that he was
43 going to beat her to it and kill her.

44
45 This domestic stated that the Burkhardt men took the
46 children to a horse race at Grayhorse about 2:00 P.M. and did not
47 return until 5:30 or 6:00 P.M. Anna remained at the Ernest Burkhardt
48 home all that day. Supper was served about 6:30 P.M. and all of
49 the Burkhardt men were present. Anna, however, remained in the
50 summerhouse sulking and refused to eat. At about 7:00 P.M. the
51 Burkhardt men left taking Anna with them.

52
53 Another witness was located who stated that he had met
54 Bryan Burkhardt and Anna Brown at a whisky joint just west of Ralston
55 on the night of May 21, 1921. They stayed at this establishment
56 until 10:00 P.M. when they left with the agreement that the party
57 would meet again at another roadhouse three miles northeast of
58 Burbank. The party stayed at this second roadhouse until about
59
60
61

1
2
3
4
5
6
7
8 12:30 A.M. He said Bryan Burkhart, Anna Brown and another individual
9 were in Ernest Burkhart's car and other members of the party were
10 in a second car. They proceeded to another roadhouse two miles east
11 of Burbank where they bought some whisky in pop bottles and remained
12 in their car. He said the two cars proceeded toward Fairfax, but
13 that about a mile northeast of Fairfax at a fork in the road one
14 car turned east and the other car, containing Bryan Burkhart, Anna,
15 and a third individual, turned west from Fairfax. The time was
16 believed to be 2:00 A.M. Sunday, May 22.

17 This witness said that he knew Bill Hale had furnished
18 Bryan Burkhart the .32 caliber pistol to kill Anna Brown that
19 night and he had overheard Hale, Bryan and the third individual
20 planning Anna Brown's murder that evening, May 21.

21
22 Further investigation revealed that on the night of her
23 murder, Anna had been plied with liquor by Kelsey Morrison, a
24 neat-appearing white man of very bad reputation, and Bryan Burkhart,
25 who were accompanied by Morrison's fullblood Osage wife. They
26 drove by the ranch house of William K. Hale who gave Morrison a
27 .32 caliber automatic pistol to kill Anna. From Hale's house the
28 party drove to within a few hundred feet of where the body was
29 later found and while Bryan Burkhart held the drunken Anna,
30 Morrison shot her through the back of the head. Morrison later
31 confessed that he had murdered Anna at the instigation of Hale.
32 Morrison testified to these facts at Hale's trial and was corroborated
33 by his wife and a bootlegger who stated from the witness
34 stand that he saw Anna Brown murdered while delivering whisky
35 ordered by Morrison and Burkhart.

36
37 FBI investigation also disclosed that Hale had hired
38 John Ramsey, a 50-year-old bootlegger and typical rough type
39 western criminal who had served a penitentiary term for cattle
40 rustling, to murder Henry Roan, William E. Smith, Rita Smith and
41 Nettie Brookshire.

42
43 It developed that Henry Grammer had furnished John
44 Ramsey to Hale as the killer. Hale bought Ramsey a \$500 Ford car
45 prior to the Roan murder as part payment for the deed and paid him
46 \$1,000 in cash after the murder had been committed.

47
48 John Ramsey did not even know Roan's name when he
49 murdered him but had simply had Roan pointed out to him on the
50 streets of Fairfax, Oklahoma, as the Indian Hale wanted killed.

51
52 Ramsey made friends with Roan through Roan's fondness
53 for whisky and took him out on several occasions, ostensibly to
54 furnish him liquor but in reality to murder him. Upon each
55 occasion, Ramsey lost his nerve but on January 26, 1923, he
56 persuaded Roan to drive to the bottom of a canyon. Here, out of
57 sight of the nearby road, he shot Roan through the back of the head
58 with a .45 caliber pistol which he had obtained from the arsenal
59 of Henry Grammer. Hale later expressed anger that Ramsey had shot
60

1
2
3
4
5
6 Roan in the back of the head since it had been planned to make
7 it appear that Roan committed suicide.
8

9 Hale was a self-appointed pallbearer at Roan's funeral
10 and Ramsey upon viewing the body pretended to be deeply affected.

11
12 The facts surrounding the murder of Roan were corroborated
13 by the confessions of Ramsey and Ernest Burkhardt who was
14 present at all negotiations relative to the murder.
15

16 It was developed through investigation that Hale hired
17 John Ramsey and Asa "Ace" Kirby to murder William E. Smith and
18 his wife, subsequently paying Ramsey \$1,600. Ernest Burkhardt,
19 acting under instructions from his uncle, pointed out Smith's
20 house to Ramsey and Kirby and sought Ramsey out on the day of the
21 murder to tell him that Hale and Henry Grammer were going to
22 Fort Worth, Texas, to a cattlemen's convention in order to allay
23 suspicion, and that the Smiths should be murdered that night.
24

25 Agents learned that a five-gallon keg of nitroglycerin
26 had been placed under the Smith residence and ignited.
27

28 Agents also learned that Hale had attempted to hire
29 Al Spencer, the notorious outlaw, to kill the Smiths but Spencer
30 declined, saying that he had no compunction at robbing a train or
31 blowing a safe and killing individuals in the course of such
32 crimes but he had not sunk so low as to murder helpless individuals
33 for money. After Spencer's refusal Hale attempted to hire other
34 criminals to murder William Smith and his wife but all refused.
35

36 After the Smith massacre, Hale became afraid that "Ace"
37 Kirby would make known Hale's connection with the murders.
38 Accordingly he persuaded Kirby to attempt the robbery of a grocery
39 store where he would allegedly find valuable gems. The owner of
40 the store was in turn informed of the exact hour of the contemplated
41 robbery and as Kirby forced entrance into the store through a window
42 he was greeted with several shotgun blasts resulting in his death.
43 Thus another witness who could have implicated Hale and his
44 associates was removed.
45

46 Ernest Burkhardt proved to be the weak link in the Hale
47 organization and was the first to confess. Burkhardt was a weak-
48 willed individual completely dominated by Hale and would not
49 hesitate to do anything his uncle desired. When John Ramsey learned
50 how much evidence the FBI Agents had compiled, he too made a complete
51 confession of his part in the murders.
52

53 Hale and his conspirators attempted to get Ernest Burkhardt
54 under their control again to make him revoke his confession. Ernest
55 himself pleaded with the FBI for protection since he feared that
56 Hale would have him killed. When Ernest Burkhardt was placed on
57 the witness stand at Hale's preliminary hearing, Hale's attorney
58 declared they were representing Burkhardt and demanded the privilege
59 of talking to him a few minutes before he testified. This permission
60
61

1
2
3
4
5
6 was granted and while the lawyers were conferring with Ernest,
7 the court adjourned and he was taken to Fairfax, Oklahoma,
8 where he was talked to by numerous friends and relatives of Hale
9 who urged him to comply with the instructions from Hale's attorneys.
10 Later, on advice of Hale's attorneys, Burkhart refused to testify.
11 At a later trial, however, he returned to the prosecution with a
12 full explanation of his actions which he stated were caused by the
13 influence of Hale's attorneys.

14
15 In addition to the solution of the murders, Agents
16 discovered that Mollie Burkhart, Ernest's fullblood Osage wife,
17 was dying from what was believed to be slow poisoning. It is
18 an established fact that when she was removed from the control
19 of Burkhart and Hale she immediately regained her health. At
20 Mollie's death Ernest, Hale's nephew, would have acquired the
21 entire fortune of the Lizzie Q family.

22
23 William K. Hale and John Ramsey were tried four times -
24 twice in the Federal District Court at Guthrie, Oklahoma, once
25 in the Federal District Court at Oklahoma City, Oklahoma, and
26 once in the Federal District Court at Pawhuska, Oklahoma. They
27 were convicted and sentenced to life imprisonment in the Federal
28 Penitentiary at Leavenworth, Kansas, for the murder of Henry Roan.
29 The United States had jurisdiction only over the place where Henry
30 Roan was murdered.

31
32 Other sentences were imposed in the state courts for
33 murders over which the United States had no jurisdiction. Ernest
34 Burkhart received life imprisonment for his part in the murder of
35 William E. Smith and family. Kelsey Morrison was given life
36 imprisonment for the murder of Anna Brown. Bryan Burkhart
37 turned state's evidence in state court and was never convicted.

38
39 In the first trial of Hale and Ramsey the Federal District
40 Court ruled that it had no jurisdiction over the case only to be
41 reversed by the Supreme Court of the United States within the
42 comparatively short period of twenty-five days. The second trial
43 of Hale and Ramsey in the Federal Court at Guthrie resulted in a
44 hung jury. The case was retried at Oklahoma City, Oklahoma, in
45 the Federal District Court, and both Hale and Ramsey were convicted
46 and given life sentences. Hale appealed and his conviction was
47 reversed upon the ground that the case had been tried in the wrong
48 district. This decision automatically reversed Ramsey's conviction
49 also. Upon their last trial Hale and Ramsey asked for a severance
50 and were tried separately in the Federal District Court at Pawhuska,
51 Oklahoma, resulting in conviction and life sentences for both.

52
53 Hale's lawyers employed every device, legal and illegal,
54 to obtain their client's freedom. Defense witnesses committed
55 perjury and many of the prosecution's witnesses were intimidated
56 and threatened.
57
58
59
60
61

1
2
3
4
5
6
7 One lawyer located two tramps and, carefully schooled
8 them in helping to prepare a phony defense for Hale. FBI Agents
9 investigated this situation, as well as the perjured testimony
10 of many other witnesses, and many individuals subsequently received
11 sentences for perjury as a result of FBI investigation. Still
12 other friends and relatives of Hale were sentenced for being in
13 contempt of court and for interfering with the legal process of
14 the court.

15 While one of the trials was actually in progress a
16 Special Agent obtained information to the effect that Hale was
17 receiving letters from a witness who had perjured himself at
18 Hale's former trial. In the bedding of his cell were found
19 two letters from the witness stating that he had perjured himself
20 in Hale's behalf at the last trial and intended to do so again.
21 This witness was subsequently sent to the State Penitentiary for
22 life on a charge of murder, and the statements were introduced
23 against Hale at his final trial.

24 Dewey Selph, a material Government witness, testified
25 to the fact that he was hired by William K. Hale to murder Kelsey
26 Morrison's wife, a witness to the Anna Brown slaying, but lost
27 his nerve. While being held at Guthrie, Oklahoma, with other
28 material witnesses he escaped and was subsequently located by
29 FBI Agents. At the time Selph was clad only in his underclothing
30 and was attempting to hide in a barrel at a pressing shop at
31 Pawhuska, Oklahoma, where he was having his suit pressed. He gave
32 as his reason for the jail break that he wanted to call on a lady
33 friend who, incidentally, was his ex-wife, a fullblooded Osage
34 woman. On another occasion Selph walked out on a drunken jailer,
35 taking with him the jailer's pistol, and afterwards stole an
36 automobile, in which he made his escape. He was recaptured by
37 FBI Agents at a subsequent date and returned to testify at the
38 trial of Hale. Dewey Selph's next attempt to escape, after having
39 been returned to the Arkansas State Penitentiary to complete a
40 sentence there, resulted in his death.

41 John Ramsey, during his trial for murder, offered an
42 alibi to the effect that he was not in Fairfax, Oklahoma, on the
43 date of the murder. Investigation by Agents resulted in the
44 production of the hotel register of an old Indian woman who had
45 formerly operated a hotel at Fairfax, Oklahoma. These records
46 reflected that Ramsey was actually registered in this hotel on the
47 day of the murder. This Indian woman, it developed, had been
48 furnished whisky by a lawyer presumably working in the interest of
49 Hale in an attempt to have her change her testimony. This lawyer
50 was subsequently sentenced to eighteen months in a Federal Peniten-
51 tiary for this action.

52
53 Upon the successful conclusion of the cases against Hale
54 and Ramsey and the other individuals involved in the murders, the
55 Osage Indians, through their tribal council, passed resolutions
56 which are enrolled on the records of the tribe. These resolutions
57 express appreciation for the great service rendered by Agents of the
58 Federal Bureau of Investigation in breaking up the vicious murder ring
59 which had been preying upon the Osage tribe for years.



**Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.**



IN REPLY, PLEASE REFER TO

November 6, 1958.

FILE NUMBER _____

70-5033
I. C. 482-3703

WILLIAM KING HALE;
JOHN TANSBY.

NUMBER OF INDIAN RESERVATION

The Osage Indian country lies in the Osage Hills, situated in the northeastern part of Oklahoma, a beautiful rolling country covered with tall, green limestone grass, and considered the finest cattle grazing country in the world.

The Osage Indian Reservation, which is identical with Osage County, Oklahoma, consists of a million and a half acres of Indian allotted land, is the largest county in the State, being larger in area than the entire State of Delaware. It is bounded on the southeast by the Arkansas River, and reaches from Tulsa, Oklahoma, on the south to Ponca City on the north, a distance of approximately sixty miles. It is also sixty miles in width at its widest point. To give an additional idea of its immensity, it contains over sixteen hundred public schools.

This reservation was acquired by the Cherokee Treaty from the Cherokee Indians July 9, 1866. The county seat at the time of the events related was Pawhuska, having a population of eight thousand. Other towns and villages in the county are Fairfax, Grayhorse, Hominy, Wynona, Pershing, Skiatook and Delaney.

The Osage Indian Agency, with headquarters at Pawhuska, superintends the affairs of the Osage Indians, and attends to the disbursing of amounts due them. The agency is in turn under the Commissioner of Indian Affairs, handling the affairs of all Indian tribes under the protection of the United States Government, this Commission being under the direct supervision of the Department of the Interior.

By an enactment of 1867, head rights for 2,229 duly enrolled members of the Osage tribe were created. This number of head rights remains stationary, although the actual number of the tribe may increase or decrease, and various Osage Indians draw revenue from or are allotted tracts of land based upon their head rights. The original allotment to each Osage Indian

62-5033-817

3210

consisted of 160 acres as a homestead, which was supplemented subsequently by various other land grants until each head right allotment consisted of approximately 657 acres.

To give an idea of the wealth of the Osage Indians in former times as compared with the large amounts of money received by them after oil was struck on the reservation, the following net per capita payment to each Osage Indian entitled to receive income from the common fund is set out:

Net Per Capita Distribution

1880	\$ 10.50	per year
1900	200.00	per year
1910	250.00	per year
1915	221.31	per year
1920	8,090.00	per year
1921, (the year of the first murder)	8,600.00	per year
1923 (the year of four murders)	12,400.00	per year

To give an additional idea of the enormous wealth of the Osage tribe at this period of time, this tribe, consisting of approximately 2,000 Indians who enjoyed head rights since the discovery of oil on the reservation until June 30, 1931, were paid a total net revenue of \$241,546,289.82, in addition to various other expenditures made in their behalf.

The tribal officers of the Osage Indians are elected every two years, and consist of a Chief and Assistant Chief, and of a Tribal Council of eight.

Certificates of competency were issued to Indians deemed to be able to handle their own financial affairs, the recipients being permitted to dispose of their head rights and allotted land holdings as they saw fit.

The number of actual producing oil wells on the reservation as of June 30, 1920, was 5,859, and had increased to 8,579 as of June 30, 1922. Practically all of the land contained in the reservation is leased for oil or natural gas production purposes.

Distribution of the funds to the Osage Indians differed somewhat from that of other tribes in that a common pool was made of all earnings derived from the territory which was divided among all the Indians of the tribe entitled to allotment rights, which at no time during the last decade has totaled more than two thousand.

3011

To illustrate the profligacy of the majority of these Indians, they owed at the end of the fiscal year 1921 \$691,000 to various individuals. It was no uncommon thing from 1920 to 1925 for the grocery bills of numerous Osage Indians to run from \$500 to \$1,000 each per month.

Stomp dances are still indulged in several times a year by the tribe, at which time members of other Indian tribes are invited to attend as guests, and gifts are exchanged between the various tribes and individuals. These stomp dances are the occasion for all night and all day feasts, during which the members of the Osage tribe, as well as visiting tribes, clad in picturesque costumes, dance in a circular formation to the rhythmic beat of the tom-tom. Under the stimulating influence of the dance, which begins in a more or less orderly fashion, the dancers soon wax more enthusiastic and "paw the ground like a bunch of wild steers", after which they will retire for further feasting, during part of which professional Indian dancers will amuse the assembled audience. This dance is participated in not only by the young and enthusiastic members of the tribe, but also by the older men and women of the tribes, who perhaps, are remembering the feasts of earlier years and are trying to bring back their happy recollection by participating in these native dances.

Marriage by full-blood Osage Indians, whose number constitute between one-fourth and one-third of the total number on the tribal rolls, are still solemnized according to tribal customs.

Osage County and the surrounding territory contain very wild stretches of country, thickly wooded with timber unsuited for commercial purposes, but affording excellent concealment in addition to its almost inaccessible canyons which served as hide-outs for notorious criminals. At the time of the murders from 1921 to 1923, this country was a haven for all types of desperate criminals who flocked there from all parts of the country due to the nature of the country itself affording such excellent hiding places for wanted criminals. This criminal element to a large extent was attracted by the enormous wealth of the Osage Indians.

Bandits and robbers abounded. The notorious Al Spencer gang of bank robbers used this country for their hide-out. This particular robber was at one time approached by W. K. Hale, who attempted unsuccessfully to hire him to murder Indians. Dick Gregg, a member of the Al Spencer gang, and his father, John Gregg, testified against Hale at his murder trial to the effect that Hale tried unsuccessfully to hire Al Spencer, as well as both of the Greggs, to murder certain Indians.

"Curley" Johnson, another notorious bank bandit, was also active in this country, and was at one time approached by a nephew of William Hale at Hale's instigation, for the purpose of hiring Johnson to murder certain Indians. Johnson was later killed under mysterious circumstances, and the rumor was common that he had been killed at the instigation of Hale, who feared that he might talk.

3212

Another notorious character who shared honors with W. K. Hale of the original element of Osage County was Henry Gramer, a notorious bandit who had complete control of the Osage liquor traffic, and who was reported to keep certain woods surrounding his land lighted up by means of a privately owned power plant, where he worked a gang of criminals who had fled from all over the United States day and night in making illicit liquor. Gramer died in an automobile accident prior to the investigation of the murder cases, and at the time of his death had on his person \$15,000.00 in cash. He is supposed to have been murdered by a notorious bandit who was with him at the time of the accident, but no investigation was ever made by local authorities, as his death was considered a good riddance. There was a gaping wound under his left armpit.

A bandit who was serving time in the Oklahoma State Penitentiary, recalled while being interviewed by a Special Agent of the Federal Bureau of Investigation that during the period of the murders he attended a gathering of thirty-two nationally known bank bandits and train robbers in a group of woods in the Osage Country, where they were in hiding as fugitives from justice, and during their sojourn they often engaged in pistol practice, skill in the use of pistols being absolutely necessary to their profession at this time.

Prior to the Osage Indian tribe becoming immensely wealthy overnight through discovery of oil on the reservation, William K. Hale, known as "Bill" Hale and sometimes dubbed "King of the Osage", drifted into this territory from Texas, an uneducated and more or less uncouth cowpuncher and cattle thief, but possessed of a denigrating personality. He finally succeeded in controlling 45,000 acres of select Osage grazing land by means of leases, and acquired 5,000 acres outright, in addition to controlling a bank at Fairfax, Oklahoma, and owning a part in a store there, growing immensely wealthy from his dealings with the Osage Indians. Eventually he became a millionaire, who dominated local politics and seemingly could not be punished for any of the many crimes which were laid at his door. His method of building up power and prestige was to put various individuals under obligation to him by means of gifts or favors shown to them. Consequently, he had a tremendous following in the vicinity composed not only of the riffraff element which had drifted in, but of many good and substantial citizens.

The various characters concerned in this story were as follows:

WILL ("BILL") KING HALE, master mind behind the five murders investigated, 55 year old typical westerner of medium stature, black hair, turning gray, possessing figure, neat dresser, ruddy complexion, who affected a military air, with shoulders back and chest out, a self-confident, the owner of many fine horses, having a home in Fairfax, Oklahoma, and a ranch house near Granger, Oklahoma, in the middle of his famous holdings.

3913

JOHN RAMSEY, a bootlegger, fifty year old typical rough type
western criminal who had served a penitentiary term for rustling cattle,
is a member of the notorious Henry Grammer gang, actual murderer of
William E. Smith, Rita Smith, Nettie Brookshire, and Henry Roan.

ERNEST BURKHART, "Squaw Man", in his early thirties, nephew
of W. K. Hale, who completely dominated him, a weak-willed individual who
did his uncle's bidding; married to Mollie Burkhart, full-blood Osage
Indian, daughter of Lizzie Q, wealthy in her own right; a very friendly
individual who seemingly thought he had done no wrong in participating in
the crimes he admitted; implicated in the murder of Henry Roan and of the
W. E. Smith family. He was the weak link in William K. Hale's organization,
the first to confess the true state of affairs, giving Special Agents of
this Bureau their first real lead in the case, actually implicating Hale
and Ramsey.

KELSEY MORRISON, "Squaw Man", 35 years old, a real appearing
man of very bad reputation, married to a full-blood Osage Indian woman
named Katherine Cole; admitted murder of Anna Brown, with help of Bryan
Burkhart at instigation of W. K. Hale.

BRYAN BURKHART, a "Squaw Man", younger brother of Ernest
Burkhart, who turned State's evidence in the State Courts.

DEWEY SELPH, a "Squaw Man", former husband of Cecilia Bighart,
full-blood Osage woman, who was hired by W. K. Hale to murder an Indian,
but who lost his nerve and later confessed.

LIZZIE Q, also known as Lizzie Kile, full-blood Osage Indian
between 70 and 80 years of age, immensely wealthy in her own right, mother
of ANNA BROWN, MOLLIE BURKHART, wife of ERNEST BURKHART, and RITA SMITH,
wife of W. E. "BILL" SMITH. This Indian woman and her three daughters
were all immensely wealthy, each being the owner of Osage head rights, and
receiving royalties from oil and gas wells.

The Government's theory in the investigation of the murder cases,
which subsequently proved to be substantially true, was that W. K. Hale
dominated his nephew, Ernest Burkhart, the husband of Mollie Burkhart, and
planned to do away with Lizzie Q and her remaining two daughters, and
finally Burkhart's own wife, so that Burkhart would fall heir to the head
rights of all four, Burkhart being under the domination of Hale, who would,
if necessary, eventually have killed Burkhart, and as a result acquired
the wealth of these four Indian women.

Just prior to the investigation of the Osage Indian murder
cases by the Federal Bureau of Investigation, two dozen Osage Indians
died under suspicious circumstances, and the entire Osage Indian Tribe, as
well as the white citizens of that locality, were terror-stricken and in
fear of their lives. The tribal council passed a resolution requesting the
aid of the Government in solving these murders. The fact that law-abiding

32/4

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

citizens actually feared to converse with the agents of this Bureau relative to the recent killings made the task of the Bureau's agents extremely difficult.

Information obtained by an agent of this Bureau indicated that in connection with the mysterious deaths of a large number of Indians the perpetrators of the crime would get an Indian drunk, have a doctor examine him and pronounce him intoxicated, following which a morphine hypodermic would be injected into the Indian, and after the doctor's departure the members of the gang would inject an enormous amount of morphine under the arm pit of the drunken Indian, which would result in his death. The doctor's certificate would subsequently read, "death from alcoholic poisoning".

To further complicate the task of the Bureau in investigating these murders, Eurt Lawson, a convict confined in the Oklahoma State Penitentiary at McAlester, Oklahoma, made several confessions to the murders, in which he claimed to have been employed by Hale to murder W. E. Smith and his family. Painsstaking investigation by Bureau agents developed that Hale had concocted this story himself, by which Lawson pretended to implicate Hale, knowing full well that Hale could prove a perfect alibi for Lawson and thereby absolve himself at the same time. It was necessary to disprove the details of Lawson's confession before investigation looking toward the development of the true facts could be commenced.

In addition to this effort on Hale's part to mislead the investigators, he had hit upon the further plan of throwing suspicion upon one Roy Bunch, who had been intimately associated with Roan's wife for a year or two prior to Roan's murder and who had subsequently married her. Circumstances did point the finger of suspicion at Bunch and it was necessary for Bureau agents to prove Bunch innocent before they proved Ramsey and Hale guilty of the murder. This was accomplished through the confessions of Ernest Burkhardt and John Ramsey, which vindicated Bunch. False rumors and statements on the part of William K. Hale's friends of friends and henchmen caused Bureau agents to make needless trips to California, New Mexico, Old Mexico, Kansas, Colorado, Texas, and Arizona.

Anna Brown, daughter of Lizzie Q, was murdered on the night of May 22, 1921, about three miles from the town of Fairfax, Oklahoma, on the pasture lands of William K. Hale, and her body thrown into the bottom of a small ravine. Investigation by Bureau agents revealed that on the night of her murder she had been plied with liquor by Volney Davis and Bryan Burkhardt, who, accompanied by Catherine Cole Morrison, full-blood Osage wife of Morrison, drove by the ranch house home of William K. Hale, who furnished Morrison with a .32 automatic pistol. From Hale's ranch house they drove to within a few hundred feet of where the murdered body of Anna Brown was later found, and while Bryan Burkhardt held the driver, Morrison shot her through the back of the head, with the automatic pistol furnished him by Hale for the purpose.

3215

Upon the discovery of Anna Brown's body several days later, an autopsy performed in the back of his store, at which he ran, the Anna Brown's body was chopped up into small pieces, in an effort to prevent the discovery of the fact that she had been murdered. All of these facts were developed from the questioning of Kelsey Morrison, himself, who testified to them at the trial of William K. Hale for murder, being substantially corroborated as to the details of the murder by his wife, Catherine Cole Morrison, and by Matt Williams, a bootlegger, who stated from the witness stand that he saw Anna Brown murdered while delivering whisky ordered by Morrison and Burkhart.

Henry Roan was a picturesque full-blood Osage Indian, six feet tall and a fine-looking specimen. He wore his hair in plaits down his back. Roan was an inveterate drunkard, who stayed away from his home for weeks at a time. About a year prior to the murder of Henry Roan, William K. Hale had taken out a \$25,000.00 life insurance policy on Roan. John Ramsey made friends with Roan by means of Roan's fondness for whisky and took Roan out on several occasions, ostensibly to furnish him liquor, but in reality to murder him. Upon each occasion, however, Ramsey lost his nerve, but finally persuaded Roan to drive to the bottom of a canyon out of sight of the nearby road, where he shot Roan through the back of the head with a .45-caliber pistol which he had obtained from the arsenal of Henry Grammer.

This murder occurred on January 26, 1925, and investigation by Bureau agents developed that William K. Hale hired Ramsey to commit this murder, buying Ramsey a \$500.00 Ford car prior to the murder as a part payment for the deed and paying him \$1,000 in cash after the murder had been committed. It was developed that Henry Grammer had furnished John Ramsey to Hale as the killer. Roan's body was discovered several days later sitting in an upright position in his car frozen stiff. The facts surrounding the murder of Roan were proven by John Ramsey's own confession as well as by the confession of Ernest Burkhart, nephew of William K. Hale, who was present at all negotiations relative to the murder of Roan.

John Ramsey did not even know Roan's name at the time he murdered him, but had simply had Roan pointed out to him on the streets of Fairfax, Oklahoma, by William K. Hale as the Indian whom Hale wanted killed. Hale was a self-appointed pall-bearer at Roan's funeral, and Ramsey, the actual murderer, upon viewing the body of Roan, pretended to be deeply affected.

Henry Roan was the only one of the five individuals proved to have been murdered at the instigation of William K. Hale who was killed on restricted Indian land, thereby giving the United States jurisdiction over the crime. Roan's murdered body was found upon the restricted landstead allotment of Rosa Little Star, a full-blood Osage, whose Indian name was Tom-Fah Pe.

After the death of Anna Brown and Henry Roan, William K. ("Bill") Smith stated openly that he believed William K. Hale had killed Henry Roan

2216