



FEDERAL BUREAU OF INVESTIGATION

OSAGE INDIAN MURDERS

PART 2 OF 19

BUFILE NUMBER: 62-5033

FILE DESCRIPTION

BUREAU FILE

SUBJECT Trage Indian Murders

FILE NO. 42-5033

SECTION NO. 2

SERIALS 36-59

pages 170-357

est. 189

plus 2 pages (189)

2543

THIS CASE ORIGINATED AT Director: JOURNAL TO BE MADE AT ORIGINATING OFFICE

REPORT MADE AT: Oklahoma City	DATE WHEN MADE: Sept. 6, 23	PERIOD FOR WHICH MADE: Aug. 27 to Sept. 1st	REPORT MADE BY: Calvin S. Weakley
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TITLE AND CHARACTER OF CASE
BILL SMITH and OTHER OSAGE INDIANS : Murder of (State Court)

DEVELOPER
Oklahoma City and Fairfax, Okla. (O. C. #7050.)

Continuing investigation of above matter, reference is made to reports of Oklahoma City office in above case.

On August 25th and 27th a conference was had with Agent in charge Findlay at Okla. City, at which conference a review was made of all the information received to date, also explaining to him that all available leads had been followed out and at present there has been developed no direct evidence but all the information obtained is more rumor and conjecture than facts, and at present there is little or no hopes of being able to secure any definite evidence. Was advised by Agent in charge Findlay to remain at Okla. City until the morning of Aug. 28th, which time Mr. T. F. Weiss would return to Pawhuska with me to conduct further investigation. Mr. Weiss had been employed by State Attorney General Short to make investigation on behalf of the State Attorney General's office. The week was spent with Mr. Weiss going over the case and interviewing parties previously interviewed, but no further facts have been developed, nor any material information received.

Mr. JOHN J. MORAN, of the Moran Detective Agency, of Tulsa, Okla., now

SEP 20 1923 DO NOT WRITE IN THESE SPACES

FILE NO. 62-5333-3-562

BUREAU OF INVESTIGATION

DEPARTMENT OF JUSTICE

ROUTED TO: FILE

COPIES OF THIS REPORT FURNISHED TO:
3 Washington; 3 file. -1-

Common Index. Affairs 9-15-23

1970

Calvin S. Weakley.

Aug. 27 to Sept. 1, 1923.

102544

has in the process of negotiation arrangements with the heirs and administrators of the deceased Indians, contracts of employment to work on these cases, which will in all probability be consummated in the next few days. Have been in touch with and interviewed various parties previously interviewed, but no new facts developed.

Saw G. W. HAGGARD and questioned him as to the attempt to blow up the grave of RUTH TALL CHIEF, as mentioned in Agent Wright's report of April 9th. He advised that beyond the fact of finding this grave partly opened and an attempt to blow the concrete form in which the coffin had been placed, he has no information. That the bottle found by him was just a plain eight-ounce bottle that was found near the grave, and was supposed to have contained nitroglycerine. That this work was a crude job, and evidently done by someone having no knowledge of handling explosive. That it had been reported that some money and jewels had been buried with this body, and evidently that was what prompted this action.

Saw BILL SHAW and he in addition to the gossip previously reported advised that ROY MOSBERGER, who lives on the Ponca Road, eight miles south of Fairfax, told him that quite a while after ANNA BROWN'S death he, MOSBERGER, and BRYAN BURKHART were sitting in front of a store at Gray Horse; that BRYAN BURKHART was at that time very much under the influence of liquor, and BILL SMITH'S auto drove by and stopped down the street; that BRYAN BURKHART said: "I have to get that man some time, and I might as well do it now", or some such words, and went down the street to where this auto had stopped; that he returned and advised that BILL SMITH was not in the auto, but it was his wife and children.

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5 Calvin S. Weakley.

Aug. 27th to Sept. 1, 1923.

102545

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7 I have been advised by both JOHN A. GUSTAFSON and W. W. BRACKETT
8 the detectives working on this case, that they have seen ROY MOSSBERG
9 and he has verified the above statement.
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12 Interviewed J. JONES QUARRELS and FRANK QUARRELS, but beyond the
13 general gossip previously reported, they were unable to give any in-
14 formation.
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17 The week has been spent endeavoring to secure some lead whereby
18 something could be uncovered that would lead to the unravelling of this
19 case, but no progress has been made.
20

21
22 Agent is still of the opinion, as previously expressed to Agent
23 in Charge Findlay personally as well as in my letter to him of August
24 16, 1923, as no one seems to have any information other than rumor,
25 and all of these reports have been investigated by both the private
26 detectives as well as the local authorities who have been working on
27 these cases since their commission.
28

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30 In accordance with instructions of Agent in Charge Findlay will
31 continue to keep in touch with local people and Mr. Weiss of the State
32 Attorney General's office, endeavoring to secure what information
33 possible.
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37 Continued.
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172

JWB-EW
62-5033

12-5033-36

September 15, 1923.

Hon. Charles H. Burke,
Commissioner of Indian Affairs,
Department of the Interior,
Washington, D. C.

My dear Sir:

Further with regard to the case of BILL SMITH
and other Osage Indians -- Murder of -- I am enclosing
herewith copy of a report dated September 6, 1923, made
by Agent Weakley of our Oklahoma City office.

Very truly yours,


Director.

Enc. 21862

MAILED

SEP 17 1923

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THIS CASE ORIGINATED AT Oklahoma City, Okla. JOURNAL TO BE MADE AT ORIGINATING OFFICE

REPORT MADE AT: Cincinnati, O.	DATE WHEN MADE: 9/17/1923	PERIOD FOR WHICH MADE: 9/3to14/1923	REPORT MADE BY: Calvin S. Weakley
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CHARACTER OF CASE:
 BILL SMITH and Other Osage Indians, Fairfax and Pawhuska, Okla. Murder of (State Court)
 Murder of (State Court) (O.C.#7060)

At Okla. City, Fairfax & Pawhuska, Okla.

62-5033

Continuing investigation of matter, reference is made to reports of the Oklahoma City, Okla. Office, entitled as above. The above period was spent at Fairfax and Pawhuska, Okla. with MR TOM F. WEISS, Investigator, operating out of the Office of the State Attorney General, GEORGE S. SHORT, MR WEISS having been detailed by MR SHORT to assist in this investigation.

In company with MR WEISS, we interviewed various parties, previously interviewed, by Agent, which interviews have been covered in previous reports already made, in which interviews these witnesses reiterated to MR WEISS the testimonies already furnished.

Referring to previous reports relating to a possible telephone communication received by ANNA BROWN on the evening of May 21, 1921, between 7 & 8 o'clock, we again interviewed MR HENRY MORGAN, manager of the local telephone company, who, after looking up his call check, showed same to MR WEISS, which check shows call was placed from Ralston, Okla.

thru Telephone No. 41, calling ANNA BROWN at Fairfax, Okla.. MR MORGAN stated that this call, as he remembers, was handled by BYRL SWYNN, who was the operator on the night shift; that as he recalls either

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62-5033-
 BUREAU OF INVESTIGATION
 SEP 19 1923
 DEPARTMENT OF JUSTICE
 ROUTED TO: HOOVER
 FILE
 OCT 3 1923
 GENERAL INVESTIGATIVE
 SEP 20 1923

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 Washington 3; Okla. City, Okla. 3.

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Calvin S. Weakley,
In re: Bill Smith, etc.

ANNA BROWN answered this call or someone at her residence answered the call and either called ANNA BROWN to the phone or advised that they would deliver the message for her, but that as he understands no record was found at Ralston, Okla. of this telephone call.

In interview of SAM TULK, who at the time of this instance was a Law Enforcement Officer, he advised that he had traced this call down and there was nothing to this call; that as he recalls this telephone call was originated from Ralston, Okla. and was placed under the following circumstances - that MRS JEFF SMITH, Indian Squaw, at Ralston, Okla. frequently got on drunks with ANNA BROWN, and upon the occasion of this call, which was 7:53 PM, May 21, 1921, MRS JEFF SMITH had some Indian woman call ANNA BROWN by phone for her, she wanting ANNA BROWN to come to Ralston, Okla. in order to get on another drunk. MR TULK advised that he does not believe that there is anything in this call, as all previous information indicated that ANNA BROWN was not at home at this hour.

We again interviewed MRS ANNA SITTERLEY, a neighbor of ANNA BROWN, who also did sewing and house-work for ANNA; ANNA SITTERLEY stated that just a few minutes before 8:00 A.M., May 21, 1921, she was at ANNA BROWN'S house, straightening up and getting ANNA BROWN'S breakfast, when ERNEST BURKHARDT called ANNA BROWN from Gray House and informed her that LIZZIE Q (ANNA BROWN'S MOTHER) wanted her to come to Gray Horse that day, and as the result of this telephone call ANNA left her home and had BOB CARTER drive her to Gray Horse. ANNA SITTERLEY states she believes no telephone call was answered by ANNA BROWN that evening, as she does not think ANNA BROWN was at home, and if she had been at home in the vicinity

Calvin S. Weakley
In re: Bill Smith, Etc.

of the hours between 7 & 8 that she feels confident that ANNA BROWN would have called her to the house or ANNA would have come to her house.

Our interview with BOB PARKER, Chief of Police of Fairfax, Okla. was just merely a reiteration of previous reports made. PARKER believes the opinion that ANNA BROWN was killed by ROSE OSAGE and JIMMIE HICKS, as shown in previous reports. He states that while they were dismissed before the Justice of Peace hearing he still believes that they are absolutely guilty of this crime. Regarding the HENRY ROAN killing, Parker feels that ROY BUNCH had some boy to induce ROAN to drive out the road, near which he was found, under possible guise of securing liquor, and that BUNCH met them en route and forced ROAN, at the point of a pistol, to drive off the road where he was found. PARKER stated that he had never been able to secure any evidence to verify a suspicion, but merely gave as the foundation of this opinion the general rumor and the known hatred which existed between these parties, as well as BUNCH'S association with HENRY ROAN'S wife.

We interviewed HARVE FREISE, former Sheriff of Osage County (MR FREISE recently has been doing some private work on the CHARLES WHITEHORN case, who was killed at Pawhuska, Okla.) and in addition to the information covered by previous reports FREISE advised that recently he had received information that a girl by the name of BURDETTE, who in May, 1921, was playing at a moving picture show at Hominy, Okla., was very friendly with an Indian boy named, LOUIS COPPERFIELD; that on the night when CHARLES WHITEHORN was supposed to have been killed, May 13th or 14th, 1921, th

Calvin S. Weakley,
In re: Bigl Smith, etc.

BURDETTE girl on coming home found CHARLIE COPPERFIELD lying on her front porch under the influence of liquor; that COPPERFIELD had blood on him, and on this occasion made a statement to the BURDETTE girl, and another girl, that he (COPPERFIELD) had killed his very best friend CHARLIE WHITE BORN; that another girl, a friend of the BURDETTE girl, was with her on this occasion; that he (FREISE) has a memorandum of this latter girl's name at his home, and he understands that both of these girls are now some place near Pawhuska, Okla.. FREISE made arrangements to secure the name of this other girl, and FREISE is going to arrange another interview with these girls in order to check up on their statements.

JOHN J. MORAN, operator of private Detective Agency in Tulsa Okla., who formerly worked on these cases at the time JOHN A. GUSTAFSON was employed, has only recently secured contracts of employments, and MR MORAN is arranging to take up further investigation of all these cases, and he (MORAN) has arranged with FREISE to compensate him for securing further information along above line.

A. W. COMSTOCK, an attorney at Pawhuska, Okla., who represents several Osage Indians, claimed in the past that he could produce two Indian women who on the night of ANNA BROWN'S death was in close vicinity to the place where she was found, and on that occasion saw BRYAN BURKHARD with her, and also heard a shot. COMSTOCK claimed that these women will not talk except under his directions. In the past he has declined to either reveal their names or permit them to be interviewed until assured that they will be given proper protection, but recently he has consented to go with JOHN MORAN, MR WEISS, and Agent to interview these witnesses.

Calvin S. Weakley,
In re: Bill Smith, etc.

Arrangements were made to make this interview on September 15, 1923, but due to the heavy rain fall on the night of September 12th, and the morning of September 13th, the roads were so bad that this drive could not be made. MR COMSTOCK then advising that he would be unable to go to see these parties until the first of the week at which time both he, in company with MESSRS WEISS & JOHN MORAN, will interview these parties. I understood from MR COMSTOCK that GEORGE E. TINKER, previously mentioned as representative from Attorney General's Office at Fairfax, Okla. had interviewed these women, but that they had disclaimed any knowledge. Also, I understood from MR W. W. BRACKETT, one of the detectives working on this case, that he had interviewed MARY BLACKBIRD, one of these women, but that she had no information, nevertheless, COMSTOCK claims that he will be able to induce these women to tell what they know, and will do so next week.

During the period for which this report is made numerous witnesses were interviewed by MR WEISS and this Agent, but as they had previously been interviewed by Agent, and reports made of their interviews same is not again repeated, as the information received was merely a repetition, and nothing of benefit further added, but as MR WEISS had not talked with these parties personally he desired to do so and also to see them. At present MR WEISS is working under instructions from the Office, of Attorney General Short, of the State of Oklahoma, endeavoring to assist in this investigation, and JOHN J. MORAN, of the Moran Detective Agency, of Tulsa, Okla., has signed up contracts with the administrator of W.E. RITA SMITH ESTATES, and with the HENRY ROAN ESTATE, whereby he is again

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Calvin S. Weakley,
In re: Bill Smith, etc.

to be employed by these estates working on these cases. He is working in close co-operation with MR WEISS of State Attorney General Short's Office.

Agent received instructions from the Bureau to proceed to Huntington, W. Va. in answer to a court subpoena there, and prior to leaving Oklahoma arrangements were made thru both Mr. Weiss and MR Moran that they would keep in close touch with Agent-in-Charge Findlay, of the Oklahoma City, Okla. Office, furnishing him with information as to the progress of their investigation of this case.

At present practically all available leads have been followed out, except the statement covered in this report as received from HARVEY FRIESE and A. W. COMSTOCK, also I might state that during the pendency of this investigation a train robbery occurred on the lines of the Frisco Railroad Company at Okeysa, Okla.. This latter matter was investigated by the Postoffice Department, and the Railroad Detectives, several arrests being made and two parties confessing the implication. U. S. District Attorney MAURER at Agent's request questioned confidentially a certain party connected with this, as to any knowledge he might have as to these Osage killings, and this [redacted] advised MR MAURER that shortly after these killings AL SPENCER had told him that BILL HALE tried to get him to kill these Indians, but that he (SPENCER) refused, telling HALE that he never did and would not kill a man for money, that the only time he would ever kill a man would be when cornered in a commission of robberies, and [redacted] made necessary to effect his escape; that later this [redacted] also was talking to one DICK GREGG, and GREGG told him that BILL HALE had

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Calvin S. Weakley
In re: Bill Smith, etc.

wanted him to kill these Indians. This [redacted] stated that GREGG did not go any further in this talk, but that he [redacted] had always felt that GREGG was the one whose services HALE had secured in the commission of these offenses. MR MAURER states that this is all the information [redacted] could give, and was given in practically the above words.

Nothing was mentioned by either SPENCER or GREGG as to the names of the Indians, but at the time of their conversation the SUBJECT of discussion was the blowing-up of BILL SMITH'S house, and these other OSAGE killings.

AL SPENCER and DICK GREGG, the above parties mentioned, are notorious outlaws, bank-robbers and bandits, and are now fugitives for the commissions of such offenses.

On September 14, 1923, prior to leaving for Huntington, W. Va. for attendance at Court there, had a long talk with Agent-in-Charge Findlay, and advised him of all previous work done, as well as the further fact that at present there are no available leads, except those mentioned in this report, and that arrangements had been made with both Mr. Moran and Mr. Weiss that they would keep in touch with him, and furnish him with any information they secured that might lead to a solution of this case. At present Mr. Moran is endeavoring to make arrangements with an underworld character, whom he had befriended in the past, to go into this territory and associate with some of the underworld crooks of this vicinity in an endeavor to secure some information that might lead to the solution of these cases, and that should any information develop therefrom, he will immediately get in touch with Agent-in-Charge Findlay.

Calvin S. Weakley
In re: Bill Smith, etc.

MR WEISS is working in close association with MR MORAN

in this investigation.

Due to the fact that Agent has been instructed to proceed
to Huntington, W.Va. in attendance of Court there, further investigation
is continued by Agent, but case is left open as to the Oklahoma City
awaiting further information from results of the investigation by
State Representative, T. F. WEISS, and the MORAN DETECTIVE AGENCY, Tulsa,
Okla., or further instructions from the Bureau.

OPEN.

ATTENTION - MR. HOOVER - 2.

THIS CASE ORIGINATED AT Okla. City office; JOURNAL TO BE MADE AT ORIGINATING OFFICE

REPORT MADE AT: Oklahoma City	DATE WHEN MADE: Sept. 18, 23	PERIOD FOR WHICH MADE: Sept. 14, 23	REPORT MADE BY: James G. Pindley.
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CHARACTER OF CASE:
 BILL SMITH, et al. : Murdered Osage Indians.

PLACE OF ORIGIN:
 Oklahoma City, Okla. (O. C. #7060.)

Continuing investigation, entitled as above, 62-5033

On this date Agent Weakley having been ordered by subpoena and by letter from the Director to report at Huntington, West Virginia as a witness Agent Weakley arrived in Oklahoma City on the morning of this date and spent a couple of hours going over the entire situation relative to this investigation, covering the entire investigation to date, and Agent Weakley confirmed his opinion formerly expressed that he had little or no confidence that this investigation would or could be solved and the guilty parties brought to justice.

Mr. Weiss, who was working with Agent Weakley on this matter, for the Attorney General of the state, was not present at this conference, he remaining in Osage County working on the investigation.

CONTINUED.

RECORDED & INDEXED
DO NOT WRITE IN THESE SPACES

FILE NO. 62-5033-1
 SEP 29 1923
 BUREAU OF INVESTIGATION
 SEP 21 1923
 DEPARTMENT OF JUSTICE
 GENERAL INTELLIGENCE
 SEP 22 1923
 ROUTED TO: HOOVER
 FILE

COPIES OF THIS REPORT FURNISHED TO:
 3 Washington; 3 file.

Osage Indian Affairs - 9/16/23 JWS

62-503-38
SEP 29 1923

September 26, 1923.

Honorable Charles H. Burke,
Commissioner of Indian Affairs,
Department of the Interior,
Washington, D. C.

My dear Sir:

Further with regard to the case of Bill Smith, et al, Murdered Osage Indians, I am enclosing herewith, for your information, copy of a report dated September 18th, prepared by Agent Findlay of our Oklahoma City office.

RECORDED & INDEXED

Very truly yours,



Director.

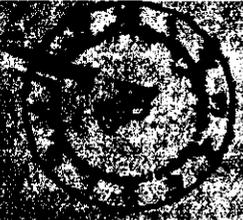
Encl. 22139.

MAILED

SEP 26 1923

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Continued from page 1



TELEGRAM RECEIVED

12 25 42

Re: [Illegible]

From: [Illegible]

Dept. of Justice

Washington

Referring to the report of the United States Attorney General has ordered

Mr. Weiss discontinue investigation account lack of funds and governers martial law program.

End

Handwritten: 1/19/42

THOMAS A. [Illegible]
S-10 [Illegible]
OBB

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RECORDED & INDEXED
62-5033

Department of Justice,

Bureau of Investigation.

Oklahoma City, Okla.,

September

sixth

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OCT 6 - 1923

62-5033-40

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

BILL SMITH, et als.
Murdered Osage Indians
Okla. City file #7060.

ATTENTION - MR. HOOVER - 2.

STRICTLY - - - - - CONFIDENTIAL.

GENERAL INTELLIGENCE
NOV 9 - 1923

Dear Sir:

I enclose herewith a letter by me explaining to some extent the circumstances and conditions surrounding the above entitled matter. While I do not desire to write a long letter, setting forth facts, circumstances and rumors which might find fault or tend to find fault with the lack of law enforcement in Osage County, and to find fault with the state officers as well, I will simply state that a deplorable condition exists in Osage County, and I have no hesitancy whatever in stating that this assertion is fully warranted by the conditions which do exist.

You will also note in Agent Weakley's first report in this matter that the Governor of the state of Oklahoma sent Herman Fox Davis to investigate the murder of Bill Smith and others in Osage County, and also the liquor and other conditions in that county. Without going into any of the facts surrounding the matter, I wish to state that almost immediately Davis was surrounded by a bunch of crooks and the result was that Herman Fox Davis was convicted and sentenced to the penitentiary for two years. He has been in the penitentiary for about two months, and was pardoned September 3d.

I am merely citing this one instance and making the bold statement of the deplorable conditions which exist in Osage County, and to inform you that the people in Osage County have practically no confidence - I might state no confidence whatever - in their county officials and I believe I am stating the unvarnished truth when I state that they have no more confidence in their state officers than they do in their county officers.

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Mr. Hoover.

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Believing and knowing that these conditions do exist, and having confidence that if there is an investigator in the United States who can ferret out these cases that Mr. Weiss can do it, I am requesting and recommending that Mr. Weiss be given a temporary appointment of sixty days to devote to this investigation, and that he be given the assistance of Agent Barkhausen, as requested, and I will state that if some of these murders are not solved in that time, that it is my opinion that it would be worthless and useless to put forth any further effort on them.

As requested by Mr. Weiss that Agent Barkhausen be assigned instead of Agent Weakley, I desire to state that this is not to be construed as any reflection whatever upon Mr. Weakley, and no hesitancy whatever on the part of Mr. Weiss to cooperate with Agent Weakley to the fullest extent, but you will note from Agent Weakley's last two investigative reports that he seems to have come to the conclusion that these murders are impossible of solution. Mr. Weiss thinks that the Annie Brown and Charlie Whitehorn murders can be solved, and his only reason in requesting that Agent Barkhausen be assigned is that Agent Barkhausen worked out of this office for nearly a year and we are familiar with his perseverance, aggressiveness and his desire to accomplish what he undertakes.

Having the confidence that I do that Mr. Weiss can solve these murders, or at least some of them, I am going to request that in case you do not feel your way clear to give Mr. Weiss the sixty-day appointment as requested that if it would be possible to have the Commissioner of Indian Affairs appoint him for sixty days as an investigator in the Interior Department that the same results might be obtained. The only object in asking this appointment is that Mr. Weiss may go to Osage County as a representative of the Federal Government instead of as a representative of the state government. It is the co-operation of the Federal officers in the Interior Department in Osage County and of the citizenship generally which we are seeking, and the plan above outlined is the way in which we believe that these desired results may be brought about.

Very truly yours,

James G. Findlay
James G. Findlay,
Special Agent in Charge.

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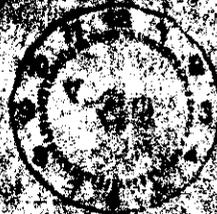
F-B

Department of Justice

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TELEGRAM RECEIVED

Washington City, D.C., September 20, 1925.



SEP 20 1925

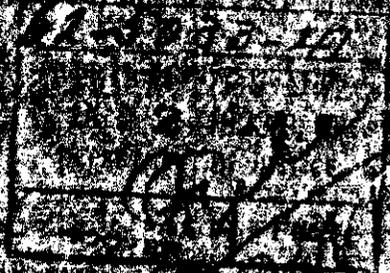
Director,
Bureau of Investigation,
Washington, D. C.

Re: Bill Smith Sago, Indiana murder file stop Agent Venable
now at Huntington West Virginia will be sent to you if you
do not desire continue this investigation stop Please refer
my personal letter September sixth and advise above stop
Attorney General's office desires to know government's plan of
continuing investigation.

Very truly,
Yours,
J. Edgar Hoover

RECORDED & INDEXED

Recd 9/20/25
Filed 9/20/25



*My name
J. Edgar Hoover*

JEB/LMR



September 21, 1923

102540

MEMORANDUM FOR MR. BURNS.

SEP 25

With regard to the attached telegram from the Oklahoma City office concerning the reassignment of Special Agent Weakley to the Hugo Indian murder case, I am attaching hereto the recent reports and letters regarding this matter. In substance, it appears that Agent Weakley is of the opinion that the murder cannot be solved, whereas the Agent in Charge of the Oklahoma City office states that without reflection upon Weakley's ability he believes that former Agent Weiss with Special Agent Barkhausen can bring about a solution of the murder.

I thought that you would particularly want to read the letter of the Agent in Charge at Oklahoma City as he recommends the reinstatement of Agent Weiss for a period of sixty days and he feels that with such reinstatement and the assignment of Agent Barkhausen upon this case a solution of the murders will be brought about.

RECORDED & INDEXED

If you will indicate your wishes in this matter, I will be very glad to draft the necessary correspondence.

respectfully,

E. J. Connelley
 DIRECTOR

1923 62-5033-41

*After Mr. ...
 ...
 ...*

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102533

September 28, 1923.

CONF

RECORDED & INDEXED

Finally,
Federal Building,
Oklahoma City, Okla.

62-5033

Replying your wire nine/tenth you are advised that Agent Weiss may be reengaged as Special Employee for purpose of completion Oage murder case. Am directing Agent Barkhausen report to you immediately for special assignment on this case. Appointment of Weiss not to exceed sixty days. Two.

BURME.

RECORDED & INDEXED

MISS DIVISION

(Initial Here)

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SEP 8 - 1923

Department of Justice,
Bureau of Investigation,
Oklahoma City, Okla.,

62-503
62-1033-43

September
sixth
1923

J.H.P.

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

RECORDED & INDEXED
BILL SMITH, et al.
Murdered Osage Indians
Okla. City file 7060.

ATTENTION - MR. HOOVER - 2.

PERSONAL and CONFIDENTIAL.

GENERAL INVESTIGATION
OCT 1 - 1923

Dear Sir:

Referring to our reports, this title and number. T. F. Weiss, who was an Agent with this Department until August 28, 1923, became special investigator for the Governor and Attorney General's office of this state in the above entitled cases on Aug. 28, 1923, working in conjunction with this office, as per our instructions.

Mr. Weiss conferred fully with this Agent and Agent Weakley relative to the co-operation between the Attorney General's office and this office before starting. Mr. Weiss and Agent Weakley have now spent one week in Osage County and vicinity, interviewing persons in a position to know the circumstances and conditions, and obtaining as much preliminary evidence as possible, and Mr. Weiss now states to me that in his opinion at least two of these murders can be solved and the evidence to convict the guilty parties secured, if the investigation is made in the best and most favorable manner possible.

Mr. Weiss requests that he be reinstated or appointed a Special Agent temporarily for the purpose of investigating these cases only, and states that in his opinion it will not be more than sixty or ninety days before he will have the evidence sufficient to convict the murderers of at least two of the victims.

Mr. Weiss gives as his reasons for requesting that he be reinstated temporarily as Special Agent for this Bureau the following:

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(1) That as such Special Agent of this Bureau his authority will not be circumscribed to the territorial boundaries of this state, as it is as a state investigator, as it is known at this time that this investigation runs into Missouri, Kansas, Colorado and Texas.

(2) That he finds that there is a large element of fear and intimidation present among persons having information and knowledge of these murders and that he, Mr. Weiss, finds that these persons will talk much more readily, fully and truthfully to a man representing the Government than they will to a state representative, for the reason they have faith and confidence in the Government, but have but little confidence in the state, as the state has never endeavored to prosecute these murderers.

(3) That he also finds that unfriendly persons are more careful and more truthful when talking to a representative of the Government than to a representative of the state.

(4) That he also finds that he has much more success in getting necessary papers and records from firms and individuals as a Government representative than as a state representative, and in this case it will be necessary to get some reports and papers along that line.

(5) That he also finds that the system under which a Special Agent works for this Bureau is much more calculated to bring ultimate results than the state system of bringing results; also, that he cannot get a flat expense account, but has to take a receipt for every item, revealing his identity at all times.

Mr. Weiss further requests that in the event he is thus reinstated for the purpose of these investigations that Agent L. J. Barkhausen of Denver be detailed immediately to work with him, as Agent Barkhausen was an Agent of this office for about a year, was western reared and understands the people and conditions here, and has worked with and co-operated with Mr. Weiss in investigations heretofore made.

Mr. Weiss states that in his opinion it is conservative to state that the possibilities of solving these murders will be more than doubled by the arrangement he suggests, as in addition to the advantages already enumerated, he knows that

Mr. Hoover.

-3-

he will get far more and in fact unlimited assistance from the Federal officers and officials in Osage County which he knows he will not get as fully as a state representative. (You will understand that the Osage Indian Agency located at Pawhuska has a great many employes and also has quite a number of special officers for the enforcement of the liquor traffic amongst the Indians who are personally acquainted with all persons connected with these cases, and who are personally interested in having this matter solved, and some of whom have had many years of experience getting information from members of the Osage Indian Tribe, and they will all willingly and gladly devote their unlimited time to assisting any Federal officer in solving these crimes.)

I have talked this matter over thoroughly with Mr. Weiss, and am convinced that his statements and opinions are absolutely correct, and I unhesitatingly recommend that his suggestions be followed at once.

Please advise by wire, at the earliest possible moment, whether or not you will approve these suggestions, in order that this investigation may get under way, without the loss of more time.

Very truly yours,

James G. Findlay
James G. Findlay,
Special Agent in Charge.

192

SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

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

WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

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

RECEIVED AT COMMERCIAL NAT'L BANK BLDG., 14th & 6 STS., N. W. WASHINGTON, D. C. ALWAYS OPEN

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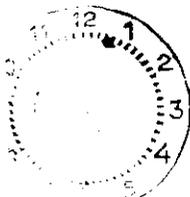
DIRECTOR DEPT OF JUSTICE

2135

WASHINGTON DC

MCAFFEE ADVISES AGENT BARKHAUSEN WILL BE ENGAGED GRAND JURY AND COURT THIRTY DAYS STOP WEISS NOW IN OSAGE COUNTY PROCEEDING WITH INVESTIGATION WEISS WILL ALSO BE IN COURT FROM OCTOBER EIGHTH UNTIL ABOUT TWENTY FIFTH STOP THINK IT ADVISABLE TO WAIT UNTIL WEISS AND BARKHAUSEN HAVE COMPLETED COURT TERMS

OCT 9 - 1923



FINDLAY.

RECORDED & INDEXED

3033
62-3033-43
FILE

OCT 14 1923
DIRECTOR

193

October 4, 1933.

JRH/LMR

OCT 5

62-5033-43

OCT 9 - 1943

Mr. James G. Findlay,

P.O. Box 125,

Oklahoma City, Okla.

Handwritten: A large checkmark and the number "5033" written vertically.

Dear Sir:

Replying to your telegram of the 3rd instant, I approve your suggestion that the matter in Osage County be held in abeyance until Special Agents Weiss and Barkhausen have completed their testimony before the various courts in which they have been subpoenaed.

Very truly yours,

Director.

RECORDED & INDEXED

Handwritten: 1100
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Department of Justice,

Bureau of Investigation.
Oklahoma City, Okla.,

October
third
1923

OCT 10

OCT 13 4

62-5033

DEPARTMENT OF INVESTIGATION
OCT 9 1923 A.M.
DEPARTMENT OF JUSTICE
HOOVER

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

ATTENTION -
MR. HOOVER - 2.

BILL SMITH, et al.
Murdered Osage Indians
(O. C. #7060.)

GENERAL INTELLIGENCE
DIVISION
OCT 10 1923

Dear Sir:

Referring to above entitled matter, and to the several telegrams passing between your office and this office, and also between this office and the Denver office, will state that upon receipt of your telegram dated September 28th, on September 29th the oath of office by T. F. Weiss was executed, as instructed in your telegram, and he immediately began the continuation of this investigation for the Government, instead of for the state, as he has been doing during the last month, making investigation at El Reno and Oklahoma City on September 29th and 30th. He has now returned to Osage County.

Relative to taking this matter up with the Denver office to have Agent Barkhausen assigned to assist Mr. Weiss in this investigation, will state that the telegrams from the Denver office are in substance as follows:

The first telegram states that Agent Barkhausen would have to return to Denver by October tenth, as he is an important witness before the Grand Jury, and stated that Agent Cathcart could be assigned immediately.

Agent wired the Denver office, asking how soon Agent Barkhausen would be through with Grand Jury work. The answer to that telegram stated:

"Your telegram received Agent Barkhausen October first. Grand Jury meets October fifteenth; possibly take thirty days to finish cases in court."

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10 Director.

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13 By this time, Mr. Weiss had received a subpoena to be before
14 the Grand Jury at Tulsa, Oklahoma on October eighth in a
15 number of important cases, including the Ardmore bank cases,
16 which are to be presented to that Grand Jury. He has also
17 received a subpoena to attend court at Ardmore, which begins
18 October 15th. He has also received a subpoena to attend
19 court at Lawton, Okla. on October 16th.

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21 The cases in which he is subpoenaed to Lawton will take un-
22 til about October 23d or 24th. In view of this situation,
23 Agent sent the following telegram to you:

24
25 "MoAfee advises Agent Barkhausen will be engaged
26 Grand Jury and court thirty days. Weiss now in
27 Osage County proceeding with investigation. Weiss
28 will also be in court from October 8th until about
29 25th. Think it advisable to wait until Weiss and
30 Barkhausen have completed court terms."

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32 It was deemed inadvisable to have Agent Barkhausen come from
33 Denver to Osage County, Oklahoma for the short period from
34 October third to October sixth, as Mr. Weiss would have to
35 discontinue the investigation on October seventh to be at
36 the Grand Jury at Tulsa October eighth.

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38 I might state here that heirs of some of the murdered parties
39 in Osage County, with the approval of the Indian Superinten-
40 dent, have employed the J. J. Moran Detective Agency to work
41 on this case. Mr. Moran for six or seven years was a Deputy
42 Marshal in the Eastern District of Oklahoma, and is a fairly
43 competent investigator, and has heretofore and is now co-op-
44 erating with Mr. Weiss and this office in this investigation.

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46 When Mr. Weiss comes to Oklahoma City the sixth or seventh,
47 I will have a talk with him and communicate with you further
48 relative to having another Agent assigned to assist him, be-
49 ginning about October 25th, when he is released from being a
50 witness in court.
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52 Very truly yours,

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54 *James G. Findlay*
55 James G. Findlay,
56 Special Agent in Charge.
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REPORT ORIGINATED AT **Director;**

JOURNAL TO BE MADE AT ORIGINATING OFFICE

REPORT MADE AT: Oklahoma City	DATE WHEN MADE: Oct. 10, 23	PERIOD FOR WHICH MADE: Sept. 29 to Oct. 9, 23	REPORT MADE BY: T. F. Weiss.
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TITLE AND CHARACTER OF CASE:
BILL SMITH and other Murder of **Fairfax and**
POSSAGE INDIANS **102535** **Pawhuska, Okla.**

PLACE DEVELOPED:
Oklahoma City, Okla. (O. C. #7060.)

On September 29, 1923, Agent was assigned to this case. [redacted] had worked on this case as Special Investigator for GEO. F. SHORT, Attorney General, state of Oklahoma for about two weeks in September, 1923, Agent attaches hereto, and makes part of this report a report made by this Agent of Agent's investigation for MR. SHORT. MR. SHORT discontinued this investigation September 21st, owing to lack of funds.

RE: CHARLES WHITEHORN MURDER.

At El Reno, Okla., September 30th, interviewed JOHN J. FAULKNER, 414 N. Wade, El Reno, and questioned him closely.

FAULKNER admitted writing the letter to HATTIE WHITEHORN, threatening to tell the County Attorney all about HATTIE WHITEHORN having said she was going to kill CHAS. WHITEHORN or have him killed, but FAULKNER declared to Agent that he, FAULKNER, was angry when he wrote said letter; that he really did hear HATTIE WHITEHORN threaten this once or twice, but that it was when CHAS. WHITEHORN had been whipping her and she was angry.

FAULKNER declared that the above

DO NOT WRITE IN THESE SPACES

NOV 6 1923

FILE NO. **62-5033-167**

BUREAU OF INVESTIGATION
OCT 29 1923

DEPARTMENT OF JUSTICE

GENERAL INTELLIGENCE DIVISION

ROUTED TO: FILE

COPIES OF THIS REPORT FURNISHED TO:
3 Washington; 2 file.

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102536

was all he knew and that he really doubted that HATTIE WHITEHORN knew who killed CHAS. WHITEHORN.

FAULKNER informed Agent that HATTIE (now HATTIE SMITHERMAN) had come to FAULKNER'S place about three weeks ago, and is making her home with FAULKNER and wife at El Reno.

Interviewed HATTIE WHITEHORN SMITHERMAN, hereinafter called HATTIE SMITHERMAN, found living at FAULKNER'S.

She talked freely and stated that she was married to PETER WHITEBEAR at El Reno during 1917 (in August, 1917); that WHITEBEAR went to the army and she did not hear from him for a year or two, so that she assumed he was dead; that she then married CHAS. WHITEHORN; that in 1920 she learned that PETER WHITEBEAR was alive, and in order to straighten her marriage to WHITEHORN she got a divorce from both WHITEBEAR and WHITEHORN (from WHITEBEAR at El Reno in July, 1920 and from WHITEHORN at Pawhuska in December, 1920); that she remarried CHAS. WHITEHORN at Pawhuska after the six months period from her divorce from WHITEBEAR had elapsed.

Agent notes that the court records show she married PETER WHITEBEAR at El Reno in August, 1917 and married CHARLEY WHITEHORN at Okla. City in May, 1918, only ten months later.

C. D. LOUHAN, Assistant State Attorney General, now informs Agent that C. O. GREER of El Reno, claims that HATTIE has just recently filed suit for divorce against CHARLES WHITEHORN at El Reno.

(This does not look possible, but will be investigated.)

HATTIE further stated to Agent that on Friday, May 13, 1921, CHAS. WHITEHORN took her down to the doctor's office at Pawhuska about 8 PM;

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that she and CHARLEY WHITEHORN and DEWEY SUTTON were then living with MINNIE and EARL SAVAGE at Pawhuska; that CHARLEY WHITEHORN and DEWEY SUTTON were playing cards just before she and CHARLEY left to go to the doctor's; that DEWEY SUTTON remained at the house; that CHARLEY took her nearly home that evening about 8 P. M. but left her before reaching the house, and told her he was going to Pershing that night with LEWIS JAMES and ROY MAKIN and for her to not be worried if he did not get in home before morning.

HATTIE stated further that after CHARLEY had disappeared ROY LOCKLIN, mail carrier at Pawhuska, told her positively that he, LOCKLIN saw CHARLEY WHITEHORN at Pershing that Friday night, in company with two other men, but that LOCKLIN did not give the names of these other two men.

HATTIE also stated that CHARLEY had not been drinking that day and was not drunk when he left her, but that he had been on drunken parties many times before; that on one occasion ROY LOCKLIN brought CHARLEY home dead drunk and LOCKLIN claimed then that CHARLEY had quarreled with two men who had guns and would have killed CHARLEY if LOCKLIN had not kept them from it.

HATTIE stated further that DEWEY SUTTON was living at MINNIE SAVAGE'S house at that time and had been out of work for a time, but had been bootlegging whiskey for EARL SAVAGE, MINNIE'S husband.

HATTIE states that when she returned to the house that evening no one was at home but herself and EARL SAVAGE; that in order to not be in the house alone with SAVAGE she phoned RED JACOBS, a taxi driver (and also bootlegger) to come for her; that JACOBS came and drove her around

till about 10 or 10:30 PM. and then took her home; that when she returned EARL SAVAGE, MINNIE SAVAGE and DEWEY SUTTON were all there, and so far as she knows none of them left any more that night; that she recalled members that DEWEY SUTTON was telling about a picture show he had just come from.

HATTIE stated further that DEWEY SUTTON had shown her and CHARLEY a letter he had received from his, SUTTON'S wife, that day, enclosing \$15.00 for him to come home on; that SUTTON'S wife was then living at Crowder, Okla. and SUTTON said he was going home the next day, Saturday; that SUTTON did leave Pawhuska the next day.

HATTIE stated that she believes MINNIE and EARL SAVAGE know all about CHARLEY'S murder, but HATTIE could not or would not give any reasons for this suspicion. She stated that her guess is that WHITEHORN was killed in a fight that arose during a drunken quarrel that night, but that she has no idea who was present, though DEWEY SUTTON and EARL SAVAGE were bootlegging whiskey and may know, or have been in the crowd.

HATTIE states that as to CLARENCE HOYT, that HOYT and she were good friends at that time; that HOYT was an electrician and left Pawhuska shortly after the murder; that she has not seen nor heard of him for over two years; that she heard he was in Denver, but was not able to locate him there; that HOYT had a friend, CHARLES WOODS, at Pawhuska who could probably tell where HOYT is.

HATTIE states that as to LEROY SMITHERMAN the facts are that she first met SMITHERMAN at MINNIE SAVAGE'S home at Pawhuska about the last of July, 1921; that on August 2, 1921 she and SMITHERMAN were married at

T. F. Weiss.

Sept. 29th to Oct. 9, 1923.

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Tulsa, Okla.; that MINNIE SAVAGE engineered this marriage; that SMITHERMAN was a painter by trade and after they were married she and he moved to Arkansas City, Kans.; that in June, 1923 SMITHERMAN induced her to deposit her money in his name in a bank at Arkansas City by telling her that MR. DENTON, the banker, had said that some people from Oklahoma had been inquiring as to her bank account, and they suspected that she would be attached; that about June 20, 1923 she gave SMITHERMAN \$1,500.00 to deposit for her in his name; that she went to Colorado, leaving SMITHERMAN at Arkansas City; that she later learned that on June 28th SMITHERMAN drew the \$1,500.00 out of the bank, expressed two trunks in fictitious names to Albuquerque, N. M., and took her Wills-St. Claire roadster and left the country; that one MAUDE WILLIAMS also left Arkansas City at the same time and later one ROY RHINEHART, a taxi driver of Arkansas City, told her that MAUDE WILLIAMS had told him beforehand that she was going to leave with SMITHERMAN.

HASTIE stated further that she has not seen nor heard from SMITHERMAN since, but that his brother, GEO. SMITHERMAN, 115 N. Summit, Arkansas City, showed her a letter from LEROY SMITHERMAN, somewhere in New Mexico, saying that he was going to South America.

(A separate report will be made, entitled "LEROY SMITHERMAN and MAUDE WILLIAMS, Violation White Slave Traffic Act", as it is possible that SMITHERMAN has valuable information regarding the WHITEHORN murder that he will tell when prosecuted on the White Slave charges.)

LUTHER P. MOSIER, Pawhuska, has information through his wife that she heard MINNIE SAVAGE and EVA LOCKLIN discussing the fact that ROY LOCKLIN took CHARLEY WHITEHORN to Pershing the night of Friday, May

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T. F. Weiss.

Sept. 29th to Oct. 9, 1923.

13, 1921 and that LOCKLIN also brought CHARLEY WHITEHORN back in LOCKLIN'S truck that night, about 1 A. M. and that WHITEHORN was then so drunk that he could not walk from LOCKLIN'S truck into the day house, and that ROY LOCKLIN did not go home at all that night. (GUTHRIE MOSIER gave JOHN MORAN the above information.) This will be investigated.

Interviewed HERMAN FOX DAVIS, former Special Investigator for State Attorney General's office, who stated that he had spent a little over two months on this case, but had learned nothing of value re. this CHAS. WHITEHORN murder. (DAVIS plead guilty to accepting bribes from gambling and whiskey selling ring, was sentenced to two years in prison last spring, but later was pardoned by Gov. J. C. WALTON. DAVIS' address now is 203 Weaver Bldg., Oklahoma City.)

Oct. 4th, A. G. MATTESON, Pawhuska, informed Agent that he had been told confidentially that the attorneys for MINNIE SAVAGE and EARL SAVAGE had been overheard discussing the fact that said SAVAGES had told them that EARL SAVAGE had killed CHAS. WHITEHORN in a drunken quarrel at SAVAGE'S house, and had then hauled his body out to where it was afterward found.

MATTESON'S [REDACTED] [REDACTED] said attorney's office at the time.

Later on MR. MATTESON informed Agent in strictest confidence that his [REDACTED] [REDACTED] [REDACTED] [REDACTED]

MR. MATTESON also stated that [REDACTED] had heard MR. COMSTOCK

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5 F. F. Weiss.

Sept. 29th to Oct. 9, 1923.

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7 (C. W.) and the attorneys for MINNIE and EARL SAVAGE (Vaugh & Hargis)
8 discussing the above.

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11 [REDACTED] is at present out of town somewhere and A. G. MATTE-
12 [REDACTED] is leaving to go to Albuquerque, New Mexico, but MATTESON stated to
13 Agent that [REDACTED] will tell Agent the facts if assured his name will
14 not be divulged. (This will be followed up.) B7D
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19 HARRIS, now in the hospital at Pawhuska, owned the house
20 where MINNIE SAVAGE, the WHITEHORNS, et als. lived at the time of the
21 murder, and HARRIS lived in an adjoining house, in the rear, but had no
22 information of value.
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27 From FRED MOHON, who was Post Office clerk at that time, and FRANK
28 DOUGLAS, whose brother had the contract for carrying the mail, learned
29 that the mail left Pawhuska by car or truck at 9 PM. or later, met the
30 two mail trains at Pershing at 2 and 4 A. M. and then returned to Paw-
31 huska about 5 A. M.; that no records were kept that would show who took
32 the mail to Pershing or brought the mail from Pershing that night.
33 (This was of interest because BILL LOCKLIN, father of ROY LOCKLIN, told
34 JOHN MORAN he, BILL LOCKLIN, hauled the mail that night, but MCSIELE'S
35 story is that ROY LOCKLIN hauled it, and had CHAS. WHITEHORN with
36 him, drunk, etc.)
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39 Also interviewed MR. MUSELLER, present Postmaster, and VAN WHITING
40 Postmaster when the murder occurred, and verified that no mail records
41 were kept, just as stated by JOHN MOHON.
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44 MR. WHITING had no knowledge as to who did haul the mail that night

45 At Arkansas City, on Oct. 8th, interviewed CHAS. HUNT, Postmaster,
46 ROY RHINEHART, taxi man and various other old timers, in an effort to
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Sept. 29 to Oct. 9, 1923.

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locate EVA LOCKLIN and e---- BEDFORD, race follower, but found neither of them known of at Arkansas City.

(JOHN MORAN had information that EVA LOCKLIN and BEDFORD are at Arkansas City, but this is evidently erroneous.)

At Ponca on Oct. 8th interviewed CATHERINE COLE STARR, who lives at Ponca, and is the Osage woman reported to have heard HATTIE WHITE-
ate she was going to bump CHARLEY WHITEHORN off, or have it done.

CATHERINE COLE STARR stated she had never met HATTIE WHITEHORN at any time, and had never heard of her making such threats.

Interviewed CATHERINE COLE STARR fully, as she is a daughter of MAMIE FLETCHER, cousin to HENRY ROAN, but she declared she had no information of value.

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HENRY ROAN MURDER.

At Oklahoma City, Oct. 1st, HERMAN FOX DAVIS stated to Agent that he had gotten no evidence of value while he worked on this case but that he, DAVIS, met a man named ED BOGER, or BAUGHER, -serving time, at McAlester prison when DAVIS was serving time there this summer; that BOGER was sent to McAlester from Guthrie, Okla. on check forgery charge; that BOGER told him, DAVIS, that he, BOGER, while in jail at Guthrie, Okla. met a man named FRANK FARRELL, who lives at or near Fairfax, Okla. and that FARRELL told BOGER that he, FARRELL, was in a room and heard that HENRY ROAN murder planned, and that he, FARRELL, knows the man and his nephews who planned the ROAN murder, and that these people are rich and desperate, but that FARRELL proposed to BOGER that when BOGER is free again, he come to Fairfax and FARRELL will give him all the evidence as to who killed HENRY ROAN and that BOGER, being a stranger and an experienced crook, can then "shake down" HALE and the BURKHARTS for thousands of dollars (blackmail) and BOGER can then divide with FARRELL and leave the country.

(This will be investigated. BOGER'S sentence expires in November, according to DAVIS.)

HATTIE WHITEHORN SMITHERMAN states that MRS. ANGELA MCKINLEY has returned to Fairfax.

Agent and JOHN MORAN looked the spot over where ROAN'S car and body were found. The broken glass from the windshield was still there and the pieces where the bullet had struck indicated at least a .38 high-power shell, as the hole was quite large, and the glass thick, and the bullet had gone through clean.

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ANNIE BROWN MURDER.

At Pawhuska, Okla., Oct. 3d, JOHN MORAN states that DAVE MERCER, Fairfax, has told A. W. COMSTOCK that MANDY CLAREMORE told MERCER that on the night ANNIE BROWN was murdered, BRYAN BURKHART, ANNIE BROWN and HALL GOODE (Indian name EGRO-OP-PE) came to JOHN CLAREMORE and GOOD borrowed a .32 automatic from JOHN CLAREMORE, and that MANDY and JOHN CLAREMORE saw BRYAN BURKHART, ANNIE BROWN and HALL GOODE together in a Buick car on that occasion.

Also interviewed JOE McGUIRE, who saw BRYAN BURKHART and ANNIE BROWN together in a car at Ralston, about 7:30 PM. Saturday, May 21, 1921.

Contrary to some previous reports, Agent found Mr. McGUIRE to be a man of A-1 intelligence and good health and strength. MR. McGUIRE reiterated all the facts set forth in his heretofore reported affidavit, and stated that he is positive it was BRYAN BURKHART and ANNA BROWN he saw that evening, after sundown, in a Buick car at Ralston; that BURKHART ran into a restaurant a minute and came out, and drove out of Ralston, going west; that he has known BRYAN BURKHART and ANNIE BROWN for years and cannot be mistaken; that ANNA BROWN spoke to him that evening at Ralston.

JOE McGUIRE states that J. R. HODGES is the HODGES, Senior that lives at Ralston, but he, McGUIRE, does not know whether MR. HODGES saw BRYAN BURKHART and ANNA BROWN that night at Ralston or not.

That he does not believe FRED WHEELER, alias "SECRTY" is dead, but will find out for sure.

That his, McGUIRE'S, address will be Pawhuska in the future, as he

will be in the employ of JIM BLAINE, an Osage Indian living near Pawnee

Interviewed WM. BRACKETT who states that E. M. PIKE has not furnished the promised reports, but that PIKE gave him, BRACKETT, to understand that he, PIKE, was working for ERNEST BURKHART when he, PIKE secured the information and evidence contained in said reports, and that the BURKHARTS ~~with~~ ~~for~~ ~~ER~~ were evidently preparing an alibi for BRYAN BURKHART when they first employed PIKE, but discharged him when they saw he was carrying the investigation too far, and that he, PIKE, did find witnesses who saw BRYAN BURKHART, ANNA BROWN and one or two others together in a Buick car late at night at Burbank, Okla. on Saturday, May 19, 1923, and that his, PIKE'S said reports will show the names of these persons who saw ANNA BROWN and BRYAN BURKHART at Burbank, as well as the names of the others with BRYAN BURKHART and ANNA BROWN in said car.

JOHN MORAN states that E. M. PIKE now lives at 1317 Charlotte St., Kansas City, Mo. and that he, MORAN, has wired PIKE for said reports, and that on Oct. 7th, has received no reply nor reports; that if necessary BILL BRACKETT will go to Kansas City to get these reports from PIKE.

Interviewed J. GEORGE WRIGHT, Superintendent Osage Indian Agency, and A. T. WOODWARD, attorney, same agency, regarding the statement in MR. WRIGHT'S letter to MR. BURKE, Indian Commissioner, of date of March 20, 1923, to the effect that they had been recently informed that two eye-witnesses to the ANNIE BROWN murder had been found who were ready to come forward as soon as assured of Government protection.

A. T. WOODWARD stated to Agent that the man who gave them that information was A. W. COMSTOCK; that they believed COMSTOCK sincere at the

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time, but have changed their minds, and now he, MR. WOODWARD, has no confidence in COMSTOCK'S statement.

MR. WOODWARD and MR. WRIGHT had no other information to give.

It is now certain that this information as to the two alleged eye witnesses to the ANNA BROWN murder all comes from COMSTOCK and that GEO. ED TINKER, WM. BRACKETT and GRACE BIGHEART'S statements to the general effect that MARY BLACKBIRD NEWALLA and MANDY CLAREMORE (and others as yet not named) saw BRYAN BURKHART and ANNA BROWN together (with one or two other unnamed persons) at the spot where ANNA BROWN was murdered, and heard the shots, early in the morning of May 22, 1921, all emanate from A. W. COMSTOCK, who, for some reason, will not state definitely whether MARY BLACKBIRD and MANDY CLAREMORE told him this, personally, or whether he is getting it through DAVE MERCER and his wife, MOLLIE MANTEL MERCER.

Agent has been diplomatically urging A. W. COMSTOCK to state definitely and exactly the source and substance of this alleged evidence for the past two weeks, and MR. COMSTOCK has repeatedly promised to get these parties in to give Agent their evidence or to take Agent to them and get it, but to date, Oct. 8th, MR. COMSTOCK has not done this.

In justice to MR. COMSTOCK will have to state that owing to heavy and continual rains, and these persons being away at times, there is some excuse for the delay.

But, on the other hand, Agent is confidentially informed that both COMSTOCK and GEO. ED TINKER are making money selling morphine to Indians and are very unreliable and crooked.

On Oct. 6th, MR. COMSTOCK related, casually, that ROSIE LASLEY,

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Sept. 29th to Oct. 9, 1923.

divorced from BRYAN BURKHART on MR. COMSTOCK'S own plea, is now again living with BRYAN BURKHART at Fairfax, and that ROSIE LASLEY, who is an incompetent Osage Indian girl, now has a baby by BRYAN BURKHART, and further that ROSIE LASLEY and BRYAN BURKHART have been coming frequently to Pawhuska of late.

MR. COMSTOCK states that ROSIE LASLEY visits him and tells him she is married to BRYAN BURKHART, but that BURKHART and he, COMSTOCK, do not speak. This does not look well, and Agent suggested to MR. COMSTOCK that he get ROSIE LASLEY to bring BRYAN BURKHART to COMSTOCK'S office with her and allow Agent to interview BURKHART, but MR. COMSTOCK would not agree to do this.

In the matter now stands, it appears that as soon as Agent gets through with Federal court, about Oct. 20th, Agent will have to give MR. COMSTOCK ~~three~~ two or three days to produce his witnesses, and then if he fails to do so, MR. J. GEO. WRIGHT can demand that he do so, in view of COMSTOCK'S statement to MR. WRIGHT and MR. WOODWARD, related above.

Then if COMSTOCK still fails or refuses, Agent will go direct to DAVE MERCER, MOLLIE MERCER, JOHN CLAREMORE, MANDY CLAREMORE and MARY BLACKBIRD, NEWALLA and endeavor to get them to tell all they really know. If that fails to bring results all that will remain will be to get them before a Grand Jury and perhaps use a dictaphone.

Of course, all other leads or sources of information will also be followed up, such as E. M. PIKE'S statements, and seeing ED HAINES and R. HEDGES, at Ralston, etc.

Continual and heavy rains, impassable roads, persons away or out of the state, etc., make this investigation very slow.

W. E. SMITH and WIFE MURDER.

At Oklahoma City on Oct. 1st, interviewed J. R. SPIELMAN, attorney
at First Natl. Bank Bldg., and he promised to have the records for long
distance calls at Ralston, Okla. on March 10, 1923 searched, and to fur-
nish Agent, confidentially, any records relating to any calls on that
date or BILL HALE. MR. SPIELMAN is the legal adviser for the
Southwestern Bell Telephone Co.

Also interviewed HERMAN FOX DAVIS, who stated that he had secured
no evidence of value during his two months investigation of these cases
for the State Attorney General's office.

Agent talked about three hours with DAVIS, questioning DAVIS much
of the time; DAVIS stated that he had taken ANNABELLE EDWARDS and
EUSTACE KNIGHT to Pawhuska to work on this case, but that he only had
them there a day or two when ED TINKER told Governor WALTON about it,
and GOV. WALTON told him to not employ ANNABELLE and KNIGHT longer, so
he, DAVIS, had to let them go.

DAVIS stated that there was no truth in the statement by ED TINKER
to this Agent, to the effect that ANNABELLE EDWARDS had told him, DAVIS
that she knew who the men were that blew the SMITH home up; that in
fact ANNABELLE EDWARDS had no information, but had just begun to work
for him, DAVIS, when he had to discharge her.

DAVIS stated positively that he would gladly furnish Agent any
information possible, but that he simply had not secured any.

On October 9th, J. R. SPIELMAN, attorney for the telephone company
permitted Agent to examine all long distance calls from Ralston, Okla.

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5 T. F. Weiss.

Sept. 29th to Oct. 9th, 1923.

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8 on March 10, 1923 and no record was shown therein that any call had been
9 made on that date to Texas, nor by or to L. L. OLLER or W. K. HAIR.

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11 (This was in reference to information that L. L. OLLER had called
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14 W. K. HAIR by long distance March 10, 1921, the day the SMITH home
15 was blown up, and had told HAIR the details.)

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18 The Skeedee phone office records will be investigated, as the call
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20 possibly from there.

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24 Investigation continued.
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OSAGE INDIAN MURDERS.

Preliminary report by T. F. Weiss, made Sept. 1, 1923.

Agent makes this report as a preliminary report, necessary to an intelligent understanding of the cases involved, but this report will not deal with the evidence, so far secured, as said evidence is not now in a position to be accurately and definitely reported. But as soon as the evidence has been digested and arranged by this agent to date, it will be reported in a further report.

NAMES, DATES AND PLACES OF THE OSAGE INDIAN MURDERS,
AS COVERED BY THIS REPORT:

Mrs. Annie Kyle Brown, Osage Indian woman, home Fairfax, Okla., last seen alive May 21, 1921. Body found in ravine near Fairfax, Okla. May 27, 1921 with bullet hole, which caused death, entering front top of head.

Charles Whitehorn, Osage Indian man, home Pawhuska, Okla., last seen alive at Pawhuska May 14, 1921. Body found on hill, a short distance north of Pawhuska, about May 22, 1921 with two bullet holes which caused the death, in forehead.

Henry Roan, Osage Indian man, home at Fairfax, Okla., last seen alive at Fairfax Jan. 26, 1923. Body found in Roan's own car in woods at side of road about three miles out of Fairfax on Feb. 6, 1923, with bullet hole, which evidently caused death, in back of head.

Mrs. Rita Kyle Smith and Mr. Wm. E. Smith, husband of said Mrs. Rita Kyle Smith, and Hettie Brookshire, servant to the Smith family, March 10, 1923, the home of the said Smiths at Fairfax, Okla., which

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was then occupied by them, and said servant, was destroyed by an explosion. Mrs. Rita Kyle Smith and Nettie Brookshire, the servant, were killed instantly, while Wm. E. Smith died from the effects of the explosion four days later.

From conferences and interviews with James G. Findlay, Special Agt. in Charge, Dept. of Justice, Okla. City, Geo. B. Tinker, of Fairbault, Minn., Calvin S. Weakley, Special Agt., Dept. of Justice, John [redacted], private detective, Tulsa, D. R. Johnson, attorney, Fairfax, Okla. and other parties, and from a careful reading of the files in this case with the U. S. Bureau of Investigation at Okla. City, Agent has ascertained the following:

PERTINENT FACTS AND CIRCUMSTANCES AS TO POSSIBLE EXPLANATIONS OF AND MOTIVES FOR SAID MURDERS:

IN THE ANNIE BROWN MURDER CASE:

Annie Kyle Brown was an Osage Indian woman of good appearance, but extremely loose morally. [redacted]

[redacted] was possibly a user of narcotics. The evidence is that she would join almost any party where whiskey and a good time were in prospect. These facts are mentioned for the reason that they show a possibility that Annie Brown might have been out on one of these drunken jazz parties which she would get up at any time at night to join, at the time she was murdered, and that there is a possibility that the murder was not premeditated, and that she may have been with

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5 some persons whose identity has not yet been mentioned or ever heard of.
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7 This explanation, however, is practically untenable, in view of the evi-
8 dence secured as to Annie Brown's actions, companions and behavior for
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10 the days previous to the time she was last seen alive. It is a moral
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12 certainty that she was murdered.

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16 Mr. K. Hale, a wealthy farmer-stockman white man living at Fairfax,
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18 a man of financial and political influence in Oeage County, is
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20 supposed by a large number of well informed and reliable men of being
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22 implicated and of having instigated the Annie Brown murder. The reasons
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24 and motives assigned by the people holding this opinion and belief are
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26 as follows:

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28 Said Hale is an uncle to the three Burkhardt brothers who live at
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30 Fairfax. These Burkhardt brothers' names are Bryan, Ernest and Horace.
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32 Ernest Burkhardt is married to a sister of Annie Brown, deceased. Horace
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34 Burkhardt works on the ranch for Hale. Bryan Burkhardt is unmarried.
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36 Hale is said to have been a sort of foster father to the Burkhardts,
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38 and is said to now and for a long time past dominate them and their
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40 properties.

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42 Mrs. Annie Kyle Brown, murdered, was a wealthy Oeage Indian woman
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44 whose maiden name was Kyle. The estate which she left is estimated at
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46 \$110,000.00.

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48 Mrs. Rita Kyle Smith, murdered in the explosion mentioned above,
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50 was a sister of Annie Brown, murdered, and left an estate estimated at
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52 \$110,000.00. Mrs. Ernest Burkhardt, nee Hollie Kyle, was also a sister
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54 of Annie Brown and Mrs. Rita Kyle Smith. Mrs. Burkhardt has two child-
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56 ren, miners.

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Lizzie Q. Kyle was the common mother of Annie Kyle Brown, Rita Kyle, and Mollie Kyle Burkhart. This mother had property rights as an Osage Indian woman estimated at about \$350,000.00. The said father, Kyle, was deceased.

The valuable property which said mother, Lizzie Kyle, and her three said daughters possessed consisted mainly of what is commonly termed "rights" or tribal shares vested in them by reason of their Indian blood in the Osage Nation, and their proportions were as follows:

Lizzie Q., three shares, and the three said sisters, each one and one-sixth shares.

Lizzie Q. Kyle, just previous to Annie Brown's murder, was a rather old lady and her expectation of life therefore short. She had made a will which, in effect, willed two-thirds of the entire estate, of which she might die vested, to her daughter, Mrs. Mollie Kyle Burkhart, - Ernest Burkhart's wife - and said Burkhart's two children.

Annie Kyle Brown had been previously married to a worthless sort of fellow named Ode Brown, from whom, however, she had been divorced, and she had no children. Under the laws of this state, Annie's estate would descend at her death, in the event Annie had made no will, to the contrary, to her mother en toto, Lizzie Kyle, thus augmenting by \$110,000.00 the estate of Lizzie Kyle, of which two-thirds, by Lizzie Kyle's will, would become the property of Ernest Burkhart's wife and two children, at Lizzie Kyle's death.

Annie Brown died intestate; at least, no will has ever been found or produced since she was murdered. The motive then ascribed in having Annie Brown murdered was that Ernest Burkhart's wife and children

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should benefit by approximately \$70,000.00.

Annie Brown's murder occurred between May 21st and May 27, 1921. She died intestate, leaving her mother, Lissie Q. Kyle, sole surviving heir, but the question of the inheritance of Annie Kyle Brown's estate has not been determined judicially at this time. Her former husband, [redacted], is not making any claim to any part of the estate, and is now living with an Indian woman near Pawnee, Okla.

Lissie Q. Kyle, Annie Brown's mother, died July 17, 1921, and therefore survived Annie Brown by about two months. Lissie Q. Kyle is a will which has been submitted for probate, which in effect will distribute of her estate to Mrs. Ernest Burkhart, nee Mollie Kyle, as stated above.

(The above information as to these relationships and property interests was furnished this Agent by D. E. Johnson, attorney at Fairfax, who is representing the Wm. Smith and other estates, and who is well versed as to the facts and the law involved in these cases. Sub Spec. Agent C. S. Weakley informs this Agent that the will produced for probate and signed by Lissie Q. Kyle is dated June 8, 1921, which date is after the date of Annie Brown's death. Mr. Johnson will have to be seen again to determine whether this will that Mr. Weakley has in mind is the will that Mr. Johnson had in mind, or perhaps a later will, executed to avoid suspicion.)

Mr. W. Hale's interest in Annie Brown's death is explained by the fact that he practically dominates all the Burkharts and their property.

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Another motive advanced on the part of Hale to have Annie Brown killed is that it is alleged that she at one time was very intimate with Hale and claimed to have had an illegitimate child by him. Later, she and Hale became unfriendly, and she is reported to have repeatedly annoyed Hale and his wife by calling his wife on the telephone, and in various small and mean ways making herself obnoxious.

MOTIVES ADVANCED FOR ASCRIBING MURDER OF ANNIE BROWN TO ERNEST BURKHART AND TO BRYAN BURKHART:

There is some conflicting evidence that Bryan Burkhart was the person last seen with Annie Brown she she was alive. A rather general belief is that Bryan Burkhart murdered Annie Brown, partly at the instigation of Hale, and for the purposes above indicated, and also because it was alleged by one Martha Spright, a domestic in the Ernest Burkhart family, that Bryan Burkhart had told her that Annie Brown would kill him, Bryan Burkhart, unless he married her, but he intended to test her to it, thus furnishing a presumable motive for Bryan Burkhart to murder Annie Brown.

MOTIVES ADVANCED FOR ROSE OSAGE AND JIMMIE RICKS MURDERING ANNIE BROWN:

A third common theory, but not generally believed, is that Annie Brown was murdered by Rose Osage, an Indian Osage girl, and her then lover, but now husband, one Joe Allen, alias Jimmie Ricks. It is of matter of common knowledge that Rose Osage was of a violent and jealous disposition, and had repeatedly quarrelled with Annie Brown because of Rose Osage was jealous of Annie Brown's relations at different

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