

FEDERAL BUREAU OF INVESTIGATION

# OSAGE INDIAN MURDERS

PART 3 OF 19

**BUFILE NUMBER: 62-5033**

**FILE DESCRIPTION**

**BUREAU FILE**

**SUBJECT** Page Indian Murders

**FILE NO.** 62-5033

**SECTION NO.** 3

**SERIALS** 60 - 89

pages 358-598 Stall  
plus 1 other page (n/2)

REVISION - R. 100 - 1. 10010

THIS CASE ORIGINATED AT **Director;** JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

|                                  |                                |  |                                 |
|----------------------------------|--------------------------------|--|---------------------------------|
| REPORT MADE AT:<br>Oklahoma City | DATE WHEN MADE:<br>Jan. 10, 24 | PERIOD FOR WHICH MADE:<br>Jan. 8, 1924 | REPORT MADE BY:<br>T. F. Weiss. |
|----------------------------------|--------------------------------|--|---------------------------------|

TITLE AND CHARACTER OF CASE:  
**W. E. SMITH, et als.** Osage County, : Murder of.  
 Okla.

FACTS DEVELOPED:  
 (O. C. #7060.)  
 DIGEST OF EVIDENCE SECURED TO DATE RE. MURDER OF ANNA BROWN, MAY 22, 1924  
 (C O N F I D E N T I A L)

Continuing, and referring to previous reports, entitled  
 & S  
 above.

As Agent T. F. Weiss has been engaged on these cases, which include the murders of W. E. SMITH, MRS. W. E. SMITH, NETTIE BROOKSHIRE, CHARLES WHITEFORD, HENRY ROAN and ANNA BROWN for about two months actual time, and Agt. J. R. Burger is and has been, since Dec. 15th working in conjunction with Mr. Weiss, this report is made by Agt. Weiss as a joint report and a digest of all the important evidence as to the murder of ANNA BROWN in particular, secured to date. This digest is made because the reports by Agents C. T. Weakley, T. F. Weiss and J. R. Burger in the past have always covered the results in all of said investigations, and are therefore voluminous, full of information that is not strictly essential at this time, and involving all the murders. This digest is made to show the evidence in the ANNA BROWN murder only, and even that in as brief a form as is possible.

MRS. ANNA BITTERLY, Fairfax, Okla.

RECORDS DO NOT WRITE IN THESE SPACES

|                               |             |
|-------------------------------|-------------|
| FILE NO.<br><b>62-5033-60</b> | JAN 28 1924 |
| BUREAU OF INVESTIGATION       |             |
| DEPARTMENT OF JUSTICE         | JAN 30 1924 |
| ROUTED TO:                    | FILE        |

REFERENCE: COPIES OF THIS REPORT FURNISHED TO:  
 3 Washington; 2 file. **1 KE**

*10/11*

COMM. D. - deo - Aff. - 1-35-34  
 257

L. F. Weiss.

Jan. 8, 1924.

-1-

will testify that for some time previous to May 21, 1921 she lived in Fairfax, just across the alley from ANNA BROWN'S home; that she had been employed at different times by ANNA BROWN to do sewing and housework, knew ANNA BROWN well, and was on friendly terms with her; that ANNA, shortly before said date, had had staying with ANNA, at ANNA'S house, one EDITH DAVIS, whom ANNA had a sort of combination friend, servant and parasite; that ANNA often quarreled at EDITH DAVIS, and talked very insultingly to her, which EDITH did not apparently resent greatly, probably because EDITH was "sponging" on ANNA and living on her.

MRS. SITTERLY will testify that on the morning of May 21, 1921 ANNA BROWN came to MRS. SITTERLY'S house and woke her about 5 A. M.; that she got up and went with ANNA to ANNA'S house with ANNA; that ANNA stated she had just got in to Fairfax, and was afraid to go into her house alone, and asked MRS. SITTERLY to go in with her and get her breakfast help her dress, etc.; that ANNA was drinking, which was a common thing with ANNA, as ANNA drank a lot of whiskey and was of very loose morals with white men who had whiskey, etc.; that MRS. SITTERLY helped ANNA bathe and dress and get her breakfast; that shortly before 8 A. M. ANNA was called to the phone and told MRS. SITTERLY that it was ERNEST BURKHART calling her from his home at Grayhorse, and telling her that her mother (LIZZIE "Q", who lived at that time with her daughter, MRS. ERNEST BURKHART) wanted her, ANNA, to come out there, as said mother was very ill; that ANNA then called a taxi driver of Fairfax, named BOB CARTER, and had him come at 8 A. M. and get her, ANNA, and drive her to Grayhorse to see her mother. (Grayhorse is about four miles from Fairfax.); that BOB CARTER came and got ANNA about 8 A. M. and left with her for Grayhorse; that MRS. SITTERLY helped

359

Jan. 8, 1934.

Anna dress beforehand, and get ready, and saw that ANNA when she left had with her a rather large handbag, a quart of corn whiskey, some quilts a small bundle of clothes, and wore red house shoes; that MRS. SITTERLY worked at ANNA'S house till about ten that morning, and made all the beds, cleaned all the rooms, washed the dishes and put the house in clean and complete order all over, and left some of the windows open for fresh air.

MRS. SITTERLY states that this is the last time she saw ANNA alive that on the following Friday, ~~xxx~~ - this was on a Saturday - May 27, 1921 MRS. SITTERLY heard that a murdered Indian woman's body had been found northeast of Fairfax; that as ANNA had never returned, MRS. SITTERLY went and viewed said body where it was found and she and MRS. W. H. or RITA SMITH, ANNA'S sister, identified the body as ANNA BROWN'S; that said body had on no shoes, and no shoes were about, but that she knew it was ANNA, and noticed that she still had on the same shirt she wore away that Saturday morning, a shirt MRS. SITTERLY had made for ANNA.

MRS. SITTERLY will testify that when she and MRS. SMITH returned to Fairfax they entered ANNA'S house with a key MRS. SMITH had, and that MRS. SITTERLY found the house in precisely the same ship shape she had left it the preceding Saturday after ANNA had left; that no beds, dishes etc. had been used, the windows were still raised, but that lying on a table in the front room was the handbag ANNA had taken away with her that morning she went to Grayhorse, but with the whiskey bottle and some toilet articles missing, and that lying over the back of a chair in the front room were the two quilts ANNA had taken when she left for Grayhorse that Friday morning. All of which indicated to MRS. SITTERLY that ANNA, or someone had just stepped into ANNA'S house, left these articles there, and had gone almost immediately out. (MRS. SITTERLY

is outspoken in her belief that BRYAN BURKHART killed ANNA.)

BOB CARTER, taxi man, Fairfax, will testify that he was called by ANNA and got her and took her to Grayhorse that morning, and that ANNA had a round quart bottle full of corn whiskey in her handbag, and offered him a drink, which he refused; that ANNA took a drink or two herself; that he left her out of the car at ERNEST BURKHART'S home at Grayhorse about 8:30 that morning, and never saw her alive again. (CARTER is also convinced that BRYAN BURKHART killed ANNA.)

MRS. MARTHA UPRIGHT DOTY, who now lives five miles west of Yale, Okla., will testify that she went to work as a domestic for MR. and MRS. ERNEST BURKHART at Grayhorse, about May 17th, 1921; that the family there then consisted of MR. and MRS. ERNEST BURKHART, their two children MRS. LIZZIE Q, who was the mother of ANNA, and of MRS. ERNEST or MOLLIE BURKHART, and BRYAN and DUKE BURKHART; that LIZZIE Q was an old Indian, sick abed; that BOB CARTER brought ANNA BROWN to the house that morning; that ANNA had a big bottle of whiskey and was drinking, and quarreled during the day with her mother, her sister MOLLIE, and BRYAN BURKHART; that ANNA spent much of the day sulking in the summer house at ERNEST BURKHARTS with her whiskey; that ANNA told MARTHA that she, ANNA, was jealous of BRYAN, and would kill any woman she caught flirting with him; that BRYAN told MARTHA that ANNA had threatened to kill him unless he married her, and he was going to beat her to it; that MRS. BRIDGES, the BURKHARTS aunt (a sister to BILL HALE) was also there that day, and making very uncomplimentary remarks about Indians, and her nephews having married Indians.

MRS. MARTHA DOTY will testify that about 2 or 3 P. M. all the BURKHART men took the children and went to a horserace at Grayhorse, and did not return till about 5:30 or 6 P. M.; that MRS. BRIDGES returned home

361

to Grayhorse that evening before supper "some way". That ANNA was at the ERNEST BURKHART home all that day; that supper was had about 6 or 6:30 P. M. and all the BURKHART men were present and ate, but ANNA BROWN remained in the summer house, and sulken, and refused to eat; that about 7 P. M. the BURKHART men all left, and ANNA left with them; that they drove two cars, a Ford touring car and a Buick touring car, but she, MARTHA, did not notice who was driving, or riding in each car, nor watch to see where the cars went after leaving the house, but is positive that ANNA BROWN, BRYAN BURKHART and ERNEST BURKHART all left together in the two cars, and that it was just sundown, and that ANNA had been at the ERNEST BURKHART home all that day until she left about 7 or 7:30 that evening with BRYAN and ERNEST BURKHART in the cars; that MRS. ERNEST BURKHART, LIZZIE Q, the children and herself remained at the house; that about dark, about 9 P. M. MR. and MRS. FRED and NORA BENNE came by the BURKHART home, and got MARTHA and her suitcase; that she went to a dance with the BENNE'S that night, and never returned to ERNEST BURKHARTS to work, as they drank too much, and she was afraid of the men, anyway.

(MRS. MARTHA UPRIGHT DOTY will have to be interviewed further by Agents. After getting the above facts and later, we learn that MRS. FRED BENNE was at ERNEST BURKHART'S twice that day, FRED BENNE once, and ELLA HALLET once.)

MRS. NORA BENNE, now of Bartlesville, Okla., will testify that she and her husband, FRED BENNE, were living a few miles northeast of Grayhorse in the spring of 1921; that she has known the BURKHARTS well since before that time; that on the Saturday in May (May 21, 1921) that ANNA BROWN was last visiting at ERNEST BURKHART'S at Grayhorse, she, MRS. BENNE, was at his home in Grayhorse, in order to have a short

362

visit with Martha Upright, nee Brookshire, now Mrs. Doty; that Mrs. Benne called at Ernest Burkhart's place in the late afternoon and talked with Martha Doty and Anna Brown, visiting perhaps half hour or more; that Anna was in the summer house, with a round, qt. bottle of corn whiskey about half empty three-fourths empty; that ANNA was in a bad humor, slightly drunk, but not very drunk; that ANNA offered MRS. BENNE a drink, stating that she, ANNA, could not take it back to Fairfax with her or SAM TULK would get her. MRS. BENNE states that it was about 4:30 or 5 P. M. that she left BURKHART'S to go on home, do her own evening chores and get her husband to come back with her in the car and get MARTHA at ERNEST BURKHART'S that night and take her with them to the dance, as she and MARTHA had agreed upon while talking at BURKHART'S that afternoon.

MRS. NORA BENNE will testify that when she first arrived at BURKHART'S that afternoon, none of the men were there, but had gone to a horserace, so she was informed, at Grayhorse; that no man was at the home at the time, but LIZZIE "G" was there sick abed, and MRS. ERNEST BURKHART, and BURKHART'S aunt, ~~MRS. BENNE~~, and that the said aunt returned to Fairfax about 4:30 P. M. while MRS. BENNE was still there, but ANNA BROWN remained in the summer house, and ~~will~~ was still there when MRS. BENNE LEFT, some minutes later. (MRS. BENNE is somewhat confused, and stated to Agent that her recollection was that BRYAN BURKHART drove said aunt to Fairfax in a Ford car that afternoon, but that she is sure ANNA BROWN did not go either with BRYAN BURKHART or the aunt, but was still in the summer house, grumbling, when MRS. BENNE went on home, about 5 P. M.)

NORA BENNE will testify further that she and her husband returned to ERNEST BURKHART'S that night, about dark, and got MARTHA and her suitcase, and took MARTHA to a dance, and a day or two later returned

213

with MARTHA to BURKHART'S to get some clothes MARTEA had forgotten; that MARTEA told MRS. BENNE that afternoon that she, MARTHA, was not coming back to BURKHARTS to work, as there was too much drinking and quarrelling, and she was afraid of the BURKHART men. (MRS. BENNE was also somewhat confused in her memory of this second trip to BURKHART'S that night as she stated that BRYAN BURKHART was there at that time, and carried MARTHA'S suitcase out to the car. Agents did not know that MRS. BENNE had ever been interviewed before, but were informed later by BILL BRACKETT who worked some months on this case for GUSTAFSON and MORAN that he, BRACKETT, and JEFF HUTCHINSON had interviewed MRS. BENNE thoroughly in June, 1921, and that MRS. BENNE at that time stated that none of the BURKHART men hadk been at the house while she was there that afternoon and that none of them except DUKE BURKHART were there that night, and that the ERNEST BURKHART Buick touring car was not there. MRS. BENNE told Agents that she is convinced that BRYAN BURKHART killed ANNA BROWN as she knows he did not take ANNA home that afternoon like he swore at the inquest he did. In the light of what Agents have since learned from BILL BRACKETT, who is reliable, it will be necessary to confront MR. and MRS. BENNE with their fresh and former statements, and ascertain the truth. FRED BENNE has always been reported as crooked, and friendly to the HALE- BURKHARTS, but he stated positively that he is convinced that BRYAN BURKHART killed ANNA BROWN. MARTEA UPRIGHT DOTY declared this to be her conviction, also.)

I. R. HEDGES, Ralston, Okla., ED HAINEY, Ralston, and JOE MCGUIRE now of Okmulgee, Okla., will all testify that just as it was getting dusk Saturday, May 21, 1921, they and FRED WHEELER and T. B. JONES were in a group on the sidewalk at the south side of the Jones Hotel at Ralston, when BRYAN BURKHART and ANNA BROWN drove up from the east in

364

F. Weiss.

Jan. 8, 1924.

-8-

a Buick touring car; that the car stopped within twelve feet or less of them, and ANNA BROWN called out, "Hello, Joe" and JOE McGUIRE replied, "Hello, Annie"; that ANNA then stated she was hungry and WHEELER or one of them, directed her and BRYAN BURKHART to McSPADDEN'S cafe, about 100 feet west; that BURKHART and ANNA then drove on west, pulled up to the curb at McSpadden's cafe and BRYAN BURKHART got out of the car, went into the restaurant; that after a few minutes JONES started to the car to talk to BURKHART and ANNA, but BRYAN came out of the cafe with a small package in his hand, got into the car and drove off just before JONES got to the car. (JONES stated that as he had sold them whiskey before, he suspected ANNA and BRYAN were after whiskey, and he, WHEELER went to the car to see, or rather started.)

MR. HEDGES, MR. HAINY and Mr. McGUIRE will all testify that they had known ANNA BROWN and BRYAN BURKHART well and personally for years before this occurrence, and that they are positive of the identity as stated above. Also that ANNA and BRYAN BURKHART drove on west after leaving the restaurant that evening, for several blocks, at least.

(The above three named men are very reliable, and positive and each one stated his firm conviction that BRYAN BURKHART murdered ANNA BROWN, and that they are sure he perjured himself when he swore before the coroner's inquest at Fairfax (May 28, 1921) that he had left ANNA BROWN safely at her home in Fairfax between 4:30 and 5 P. M. that afternoon, and had not seen her alive afterward.)

F. B. JONES is now dead. FRED or SHORTY WHEELER is a drug addict, unreliable, transitory, and his present address unknown, but he will not be needed, anyway.

HARTY LUNTZKE, torpedo man, Pawhuska, Okla., stated that on that Saturday night (May 21, 1921) he was on his way from shooting a well

Blair

west of Ralston to Pawhuska; that just out of Ralston he had tire trouble and was delayed; that about 9 P. M. he saw a vacant Buick touring car standing at the side of the road, about two miles east of Ralston, on the road from Ralston to Fairfax and Grayhorse; that he stopped his car and looked into the vacant car, and saw a woman's shoe, and shawl or apron. When recently interviewed by Agent LUNTZ did not mention seeing the shoe and shawl, and talked rather irresponsibly, but he will be O. K. when his memory is refreshed.

Agents made personal investigation and ascertained that it would have been a very easy thing for BRYAN BURKHART and ANNA BROWN to have arrived at the place where LUNTZ saw the vacant Buick, within twenty minutes after they left McSpadden's restaurant, as all they had to do was to drive several blocks west, turn south a few blocks, then east a few blocks, then north a few blocks, and come back into the Ralston road back to Grayhorse and Fairfax, without passing by the Jones Hotel where HEDGES, RAINEY, MCGUIRE and the others saw and talked to them. This not only explains how ANNA and BRYAN got back to where LUNTZ saw their car, but also explains how BRYAN could have gotten back & go Grayhorse with ANNA to borrow HAL GOODE'S gun from JOHN CLAREMORE late that night as will be shown later herein.

Confidential informant, whose name and address will be furnished at proper time, will testify that he was an operative for a private detective agency in June and July, 1921; that as such he was employed by ERNEST and BRYAN BURKHART, late in June or early in July, 1921, to get evidence for what they termed BRYAN'S alibi in this case; that BRYAN BURKHART then explained to informant that he, BRYAN, had to get evidence to show innocence of killing ANNA BROWN; that BRYAN then went on to state that he had testified at the inquest that he had taken ANNA BROWN

*File*

to her home that day at 4 or 5 P. M., but that this was not true, and that MRS. JAMES (MRS. GEO. JAMES of Fairfax) had seen him, BRYAN, with ANNA BROWN on ANNA'S porch at her home, about 3 A. M. Sunday after the Saturday he had claimed to have left ANNA at her house; that BRYAN stated further to informant that other people had also seen him, BRYAN, with ANNA that night, and he, BRYAN, had to get evidence to overcome this, "an alibi".

Informant stated, and will testify, that BRYAN then told informant that BRYAN had not taken ANNA BROWN home that Saturday, but had taken her from Grayhorse to Ralston in ERNEST BURKHART'S touring car, and that some people at Ralston had seen him and ANNA at Ralston, about dark, that night; that BRYAN stated further that after he left Ralston that night with ANNA BROWN they drove on due west out of Ralston to the Arkansas River bridge; that they turned north, crossed the said bridge, drove a couple of miles on north to a joint, where they got some whiskey; that he, BRYAN, left this joint in ERNEST'S Buick car and with his uncle, J. L. BRIDGES, drove on north and west, passing through Burbank Okla. and driving to PAUL JOHN'S joint, about two miles east and one north of Burbank; that BRYAN stated that he and his uncle BRIDGES arrived at JOHNS joint about 11 P. M. that Saturday and found ANNA BROWN with another woman (EDITH DAVIS) and a man or two there; that is, that BRYAN stated to informant that at JOHNS joint, BRYAN, BRIDGES, ANNA BROWN, EDITH DAVIS and another man (name never given) made up a party, that, with others, stayed at JOHNS' joint, drinking whiskey until about 1:30 Sunday morning; that BRYAN stated further that when this party left JOHNS joint BRYAN, ANNA BROWN and BRIDGES rode in the BURKHART Buick and EDITH DAVIS and the other man rode in a Ford touring car; that both cars left JOHNS at the same time, the Ford following the

M. L. G.

Buick, and drove to LEE MORGAN'S joint, about a mile south and on the road back to Fairfax and Grayhorse; that both cars stopped at LEE MORGAN'S and the occupants got some more whiskey, but did not get out of the cars; that they all left LEE MORGAN'S about 2 A. M. and drove south on the Fairfax road, the Ford following with EDITH DAVIS and her man; that about a mile north of Fairfax, where the road forks, BRYAN took the right hand road into Fairfax with ANNA BROWN, while the Ford with EDITH DAVIS and her man took the left hand road that goes towards Grayhorse and Pawhuska; that BRYAN stated he had then taken ANNA BROWN home, arriving there about 3 A. M.

Informant states that BRYAN further stated that he, BRYAN, did not get home at ERNEST BURKHART'S at Grayhorse, only four miles from Fairfax, until AFTER daylight, and that BRYAN stated that a man at Grayhorse, who knew him well, saw him just getting home, but that he, BRYAN felt sure he could fix this man so he would not tell, as the man was a friend of his, and informant need not see that man. (This man's name or identity was never given, either, by BRYAN.)

Informant states that BRYAN BURKHART gave informant to understand that his business was to see the persons BRYAN directed him to see, and who had all been prepared beforehand, and get statements, signed, from them, in accordance with BRYAN'S story, but that BRYAN denied that he had killed ANNA BROWN, but indicated that it was understood by informant that of course he had.

Informant states that BRYAN was very vague about the joint north of the bridge, and did not mention how ANNA BROWN got from that joint to PAUL JOHNS, nor how BRIDGES came to join BRYAN there, nor who else was there, nor with whom ANNA BROWN went from there, and did not give the name of the joint keeper, nor any names at all, except BRIDGES and

2104

ANNA BROWN and himself as being at that joint. Informant stated that he has always been convinced that ANNA BROWN and BRYAN did not go to that particular joint at all, if there was in fact any such joint there.

Informant states that BRYAN BURKHART drove him to Burbank, and there introduced him to EDITH DAVIS, who was evidently expecting it; that BRYAN also drove informant to PAUL JOHNS and LEE MORGAN'S, and introduced them, and that they were evidently expecting it. Informant states that one ROBERT J. EWING, then doing some other detective work, was present, and heard much of BRYAN'S statements to informant, and can corroborate informant, if necessary.

Informant states that he interviewed EDITH DAVIS, LEE MORGAN and PAUL JOHNS and wife, and that each made written statements in accordance with BRYAN BURKHART'S story to informant; that, in addition, PAUL JOHNS remarked that BRYAN BURKHART made one big mistake when he took ANNA BROWN into his car with him that night at JOHNS joint, as several people besides he and his wife had seen him do it, and that JOHNS was convinced BRYAN had killed ANNA BROWN that night. That LEE MORGAN stated that none of the party had gotten out of their two cars that night, but had had him bring them whiskey to the cars in pop bottles, which they drank.

Informant states that he made written reports along with the statements he took from these people, and that they were filed with the agency for which he was working at the time. This last December we had informant search said files, and make discreet inquiry, and he reports that said reports are not in said files, but are said to have been destroyed, because of being so old.

In December, 1923, we also had informant reinterview EDITH DAVIS, at 40 E. Yorktown, Tulsa, where she is now living, and he reports that she recognized him, and he recognized her; that she admitted her identity.

W. J. G.

and statements to him, but was unwilling to talk on the subject, and declined to tell him the name of the man she claims to have ridden with in the Ford car that night.

(This Agent interviewed EDITH DAVIS last September, and she denied that she had ever met, or known BRYAN BURKHART, and declared she had not seen ANNA BROWN since the Friday night before the murder, and that that was at Pawhuska, at which time she and ANNA had quarreled and parted; ANNA going on to Fairfax, where they had all started, and EDITH DAVIS returning to Pawhuska, so she claimed. Agent noted at the time, however, that EDITH DAVIS kept laughing to herself, and was convinced that she was not telling the truth, but was concealing some facts in her possession.

[REDACTED] MRS. SITTERLY and others at Fairfax, however, know her to be a sport, and what is called in Osage County a "potlicker", one who associates with the Indians as a sort of parasite or "sponger".

Informant also made a trip to Fairfax for us in December but reports that he was unable to get BRYAN BURKHART to discuss the case at all, but that a certain person, close to BRYAN BURKHART, is working with informant, and on Jan. 7th we received a letter from informant that he would furnish in a few days information that will complete the evidence.

MRS. GEO. JAMES, Fairfax, will testify that about 3 A. M. that Sunday morning, she was awake, worrying because her husband had not come home that night; that she had known ANNA BROWN and BRYAN BURKHART well for a number years; that she lived a short block due south of ANNA BROWN'S home a block due north of the main road at the south side of Fairfax, from Fairfax to Grayhorse and Ralston; that about 3 A. M.

370

that Sunday she saw the lights of a big car stopped on said road just south of her house, and heard a man and woman's voices; that the man exclaimed, "Stop your foolishness, Annie, and get into this car" and a woman's voice answered, but was unintelligible; that in a few minutes the car drove on west a block, turned north for two blocks, and then east a block, and then turned south, with the lights directly toward MRS. JAMES, and stopped at the sidewalk in front of ANNA BROWN'S house; that ANNA BROWN and BRYAN BURKHART got out of the car, and walked up on ANNA'S front porch, where an electric light was burning; that they stopped at ANNA'S front door, and she, MRS. JAMES, recognized ANNA BROWN and BRYAN BURKHART as being the two persons on the porch, and that had just come up from where they had been stopped in the road south of her house. (This MRS. GEO. JAMES is a woman of the best of reputation and her husband is said to be above the average, and both are convinced that BRYAN BURKHART committed this murder. MRS. JAMES has been interviewed by so many detectives and investigators, etc., that she has recently been quoted as saying that she is not positive it was BRYAN BURKHART that she saw that morning, but Agents are very reliably informed that she will testify that she was certain at the time, and still is certain in her own mind, but that, of course, it is possible she might have been mistaken, but does not believe she was, but is convinced it was BRYAN BURKHART, as she knew him well, and saw him plainly, and right in the light of the porchlight, and with a clear view a short distance away, possibly 250 feet. BRYAN BURKHART also told confidential informant that MRS. JAMES saw him, BRYAN, and that that was one of the reasons he, BRYAN, had to change his story.)

E. E. WILSON, Justice of the Peace, Fairfax, before whom the in-

quest in this case was held, can testify and show by the records that on May 28, 1921 BRYAN BURKHART was called, sworn, and testified that on Saturday, May 21, 1921 he brought ANNA BROWN home from ERNEST BURKHARTS that he brought ANNA BROWN from his brother's that day in a Ford car, and let her out at her home in Fairfax, between 4:30 and 5 P. M., and that he had never seen her again until after her dead body was found about three miles northeast of Fairfax, May 27, 1921.

(The examination of BRYAN BURKHART on that date appears to have been very brief and listless, so that the above is practically all that appears of record. The record stated that one WALTER GRAY, attorney at Fairfax, took the testimony, but Agents do not believe GRAY will be a very willing or strong witness for the prosecution, judging from his recent reported attitude.)

Andy Smith, ORA SMITH and I. L. ELLSWORTH of Fairfax will testify that while hunting on Three Mile Creek on May 27, 1921 they discovered an Indian woman's dead body, badly decomposed, at the head of a branch of Three Mile Creek, and about three miles northeast of Fairfax; that they went to Fairfax and reported their discovery to MR. TURDIN, an undertaker, and took him and others back that same day and showed them where the body was.

MR. TURDIN, undertaker, Fairfax, will testify to being shown the body at the spot mentioned, and further that he examined the surrounding carefully, noted the position of the body and the condition and position of the clothes, and is firmly convinced that ANNA BROWN was sitting just where her body was found when she was shot, as the clothes were not disarranged in the least, etc. and the arms in a natural position; that the body was decomposed and swollen ~~in~~ almost to the point of bursting and very malodorous; that because of these things he carefully removed

517

the body to the top of the bank, placed it in a box filled with ice and salt, and allowed it to freeze that night in order that it be better prepared for burial; that MRS. BILL SMITH, MRS. ANNA SITTERLY and others identified the body as that of ANNA BROWN; that while preparing the body the skin of the scalp slipped and disclosed a small bullet hole in the back of the head; that DRs. D. A. and J. G. SHOWN, of Fairfax, performed a rude autopsy in a search for the bullet, and did so by sawing the skull in halves, from front to back, then removing the brain, spreading it on a board, and searching for the bullet by taking sticks and feeling in the brain mass. MR. TURDIN states that no bullet was ever found; that the brain was not preserved; and the body was prepared for burial at that spot and taken direct to the grave, from there; that under the circumstances it is very probable that the bullet was present, but not discovered, and probably lost with the brain, or by dropping out in the process of search, without being noticed. That a round, quart whiskey bottle, with about an inch of corn whiskey in the bottom, was lying near the body on the ground.

MR. TURDIN, confidentially, has preserved and has possession of the left half of said skull, which half contains the bullet hole. We examined this carefully, and find that the hole is undoubtedly a bullet hole, made by a .32 calibre gun at least it is smaller than a .38, and larger than a .25. By inserting a pencil of right diameter it clearly shows that the bullet entered the head about an inch below the "crown" and half an inch from the medial line, on left side, and ranged downward at an angle of about 50 degrees, and slightly to the left, so that it would have struck the floor of the brain cavity, if not deflected, or embedded in the brain. There is no indication that it passed through the brain, and reached the floor of the cavity, no marks, chips or

5/1/24

fractures, so that it is almost a certainty that it was fired from a chap gun of low velocity and lodged in the brain mass. The hole is a clear cut perforation. MR. TURDIN will produce this exhibit whenever called upon, and has promised to keep it in his safe.

DR. J. G. SHOWN stated to us that the search by himself and brother was made in the time, place and manner as related by MR. TURDIN, and that it was very possible, in fact probable that they lost or overlooked the bullet.

Now as to motive. MARTHA UPRIGHT DOTY can testify as to the fact that ANNA was jealous of BRYAN BURKHART, and that BRYAN told MRS. DOTY that ANNA had threatened to kill him if he did not marry her, but he was going to beat her to it, etc.

MRS. ANNA SITTERLY can testify that BILL HALE had been intimate with ANNA BROWN for years, and she was boasting publicly of the fact, to HALE'S dislike, since he became a man of some prominence, and with a family. MRS. BRIDGES, aunt, also according to MRS. DOTY and MRS. BENNE was bitterly opposed to her nephews, the BURKHARTS, marrying Indian women, for whom MRS. BRIDGES expressed the greatest of contempt.

D. E. JOHNSON, attorney, and his brother, CHARLES, and the court records in re. estate of ANNA BROWN will show another motive in that ANNA BROWN'S death was calculated to enrich the ERNEST BURKHART family to the extent of over \$50,000.00.

No direct evidence has been discovered in this case, however, to connect W. K. HALE or ERNEST BURKHART with the actual crime, though it is suspected by many that they suggested and encouraged it beforehand.

A. W. COMSTOCK states to us that MOLLIE MERCER, a full blood Osage Indian woman with a white husband, living at Fairfax, has told him, COMSTOCK, on several occasions that MANDY CLAREMORE and MARY BLACKBIRD

254

LA, full [redacted] women, all three of loose character, know all about BRYAN BURKHART killing ANNA BROWN that night, and that MOLLIE MERCER states that MANDY CLAREMORE and MARY BLACKBIRD heard the two shots that were fired when BRYAN killed ANNA, and that JOHN CLAREMORE, MANDY'S husband, loaned a gun that night to BRYAN BURKHART, and that BRYAN had ANNA BROWN with him at the time; that this gun was one that JOHN CLAREMORE had borrowed from an Indian named HAL GOODE, and that BRYAN BURKHART has never offered to return that gun. (MANDY CLAREMORE and MARY BLACKBIRD NEWALLA are the two eyewitnesses to this murder that MR. COMSTOCK told MR. A. T. WOODWARD, at the Indian Agency at Pawhuska, would come forward when assured Government protection. For the past three months and more Agents have been urging MR. COMSTOCK to get these three women to make their statements direct to Agents, but MR. COMSTOCK states that they have thus far refused to do so, and that MANDY and MARY have even refused to talk to him on the subject. Of course, these women are fearful of their own safety, and even if they know what MOLLIE MERCER states they know, would be very hard to make tell. MOLLIE MERCER, herself, is reported to be refusing to talk direct to Agents, so that we can hardly understand what the play is. However, we do believe these women know about what they are reported to know, but are not satisfied in our own minds what influences are keeping them from telling direct to Agents.

PAUL JOHNS and LEE MORGAN left this county in August and October, 1921. Both are oil field crooks and bootleggers. JOHNS is a fugitive on a state warrant, whiskey at Pawhuska. LEE MORGAN is a fugitive on a Federal warrant at Pawhuska, whiskey. We have spent a number of days trying to locate them, so far without success, but still have lines out, and hope to find them.

19530  
Jan. 8, 1924.

-19-

MERTJ. EWING, at last accounts, sometime about a year ago, is  
to have been in Chicago, headed for Canada where his parents  
He is said to write occasionally to JOE BERNSTEIN, fireman at  
and his wife's parents are said to live "somewhere in western  
oma" but her maiden name is not yet known. We are following this

If this were a Federal case, we would be ready for the Grand Jury  
but as it is a state case, solely, and our best information is  
that it will be best to make no disclosures, and start no prosecutions  
we have practically finished securing all evidence possible; this  
because of associations, influence and money of the guilty persons, and  
because of the weakness and apparent indifference of the state  
authorities.

CONTINUED.

376

THIS CASE ORIGINATED AT Director;

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

|                                  |                                |   |                                 |
|----------------------------------|--------------------------------|---|---------------------------------|
| REPORT MADE AT:<br>Oklahoma City | DATE WHEN MADE:<br>Jan. 10, 24 | PERIOD FOR WHICH MADE:<br>Jan. 1 to 9th | REPORT MADE BY:<br>T. F. Weiss. |
|----------------------------------|--------------------------------|---|---------------------------------|

TITLE AND CHARACTER OF CASE:  
 W. E. SMITH, et als. Osage County, : Murdered Osage Indian  
 Okla.

FACTS DEVELOPED:  
 At Oklahoma City, Okla. 62-50 (K. C. #10675; (O. C. #7060.)

Continuing, and referring to previous reports,

entitled  
as  
above

This is a joint report for both Agent J. R. Burger and this Agent for this period, as we are working jointly on same.

RE: MURDER OF CHAS. WHITEHORN.

Jan. 1st at Okla. City we interviewed and had a conference with MRS. CHAS. CHOUTEAU and MRS. HENRY MCKINLEY at 624 W. Chickasaw Ave. These two ladies are half breed Cheyennes and sisters to HATTIE SMITH-ERMAN, and are in Okla. City looking after HATTIE during her present illness, and have promised to try to induce HATTIE to make a statement of all she knows regarding the murder of her then husband, CHARLES WHITEHORN.

These ladies, however, both stated that they do not believe HATTIE knows anything about said murder, as she has never told them she did, but has always insisted to them that she does not.

These ladies both stated that J. J. FAULKNER, 626 W. Chickasaw, is

DO NOT WRITE IN THESE SPACES

|                         |            |
|-------------------------|------------|
| FILE NO.<br>62-50-11    | JAN 2 1924 |
| BUREAU OF INVESTIGATION |            |
| DEPARTMENT OF JUSTICE   |            |
| ROUTED TO:              | FILE       |

REFERENCE

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

Handwritten initials or signature at the bottom of the page.

exercising some strong, but unexplained influence over HATTIE and her 13-year-old daughter, WINONA; that FAULKNER is not related to HATTIE in any way, but objects to her being anywhere but in his home with him and has been sleeping with said 13-year-old WINONA; that FAULKNER has also been getting a lot of money from HATTIE; that recently HATTIE told MRS. CHOUTEAU that she, HATTIE, has just recalled that she had given FAULKNER a check for \$600.00 while under the influence of a narcotic; that HATTIE also stated a few days ago that FAULKNER proposed that she marry him (though he is a married man, with a living wife.)

These ladies stated that FAULKNER is trying now to get HATTIE out of the hospital and to his home in Okla. City, and is visiting HATTIE frequently at the Hospital, though they (said sisters) have asked the attending physician, Dr. Hubbard, to not allow FAULKNER to do this.

That about a week ago they told FAULKNER to stop this, and stop trying to blackmail HATTIE, and FAULKNER replied in the presence of W. COMSTOCK that he, FAULKNER, knew a lot he had never told about HATTIE'S connection with her husband's murder, and they had better be careful how they talked to him; that MRS. HENRY MCKINLEY had called FAULKNER a s. of a b. and defied him to tell anything and told him to stop blackmailing HATTIE.

They state they now intend to bring HATTIE to her home at 624 W. Chickasaw, Okla. City, and that MRS. CHAS. CHOUTEAU will stay there with her and care for her and keep FAULKNER away, and that they will try to induce HATTIE to tell all she knows to Agents.

These two ladies are married to two full blood Osage Indian husbands and have their homes at Fairfax, Okla. MR. CHOUTEAU was very friendly and frank, and promised readily to help Agents but MRS.

KINLEY stated she was fearful of her and family's lives at Fairfax, because of these many Indian murders. MRS. MCKINLEY was very reticent but corroborated the foregoing when appealed to. She, however, refused to furnish information or assistance to Agents regarding the HENRY W. E. SMITH, et als. murders at Fairfax, saying it was dangerous for her living at Fairfax.

We Agents proposed to these sisters that in view of the fact that HATTIE is incurably ill and diseased, and apparently cannot live many months, that HATTIE will be given full immunity from prosecution if she will make a full and voluntary confession, in writing of all she knows as to CHAS. WHITEHORN murder, and MRS. CHOUREAU promised to begin at once in a determined effort to have HATTIE do this before FAULKNER or someone else furnished the evidence and HATTIE could get no consideration from us.

Jan. 2d Agents inquired at 624 W. Chickasaw and were advised that MRS. CHOUREAU had gone to the hospital to see HATTIE (as per agreement). Upon calling the hospital learned MRS. CHOUREAU had been there and left. We had to leave Okla. City but arranged with all persons concerned for MRS. CHOUREAU or MRS. MCKINLEY to deal with Agent in Charge Findlay in any emergency while we were absent.

Jan. 1st also interviewed J. J. FAULKNER, 628 W. Chickasaw, and grilled him severely. Agent Weiss has known FAULKNER personally and by reputation for several years as an unprincipled, hypocritical crook. FAULKNER, when questioned by Agents as to his actions toward HATTIE, and in the CHAS. WHITEHORN murder case, especially his efforts to keep HATTIE in his house all the time, and her 13-year-old daughter to marry HATTIE, and threatening to HATTIE'S sisters that he had not told what he knew on HATTIE regarding this murder, became very nervous.

and volubly explanatory, and finally denied he had asked HATTIE to murder him. He did not admit or deny that he had told HATTIE'S sisters that he had not told all he knew against HATTIE, but evaded by saying he had told them they had better look out about the way they were talking.

FAULKNER volunteered his "belief" as follows: "That HATTIE planned the murder beforehand with her brother, AMOS CLARK, of El Reno, and friend, one CHAS. BALINTI, a half breed Cheyenne Indian, whose home is at Calumet, Okla.; that CLARK and BALINTI went to Pawhuska and HATTIE brought CHAS. WHITEHORN down from the house that night to CLARK and BALINTI and left WHITEHORN with them and they took him away, as he had been to a ball game that day and was drunk, and murdered him.

FAULKNER stated positively that HATTIE has never admitted or confessed to him that she knew any of the facts as to who planned or committed the murder. FAULKNER declared his "belief" that HATTIE was not present when the murder was done, but planned it with CLARK and BALINTI and they did the murder for HATTIE, in order that they would later share with her the money she would derive from WHITEHORN'S estate.

FAULKNER declared that BALINTI became a chauffeur for HATTIE shortly afterward and that he, FAULKNER, believes HATTIE has been giving money to AMOS CLARK from time to time since.

That HATTIE told him, FAULKNER, that the night WHITEHORN disappeared (May 14, 1921) she came down with him from the MINNIE SAVAGE house to the street at Pawhuska, and left him there, and he, FAULKNER, figures she left him drunk with BALINTI and CLARK to kill.

Later, but in same interview, FAULKNER expressed his "belief" that MINNIE and EARL SAVAGE and LEROY SMITHERMAN had planned the murder, with HATTIE'S knowledge and had carried it out, but not in HATTIE'S presence that their plan, that is, EARL and MINNIE SAVAGE and SMITHERMAN, was to

kill WHITEHORN, then have SMITHERMAN marry HATTIE; then kill HATTIE and thus get the property in SMITHERMAN'S hands; that his, FAULKNER'S reasons for believing this are that LEROY SMITHERMAN at that time was MINNIE SAVAGE'S lover, and HATTIE told FAULKNER that MINNIE SAVAGE and SMITHERMAN had forced her to marry SMITHERMAN by threatening to have her arrested if she refused.

It will be noted that FAULKNER related two distinct and contrary theories as to his "beliefs". He did not seem to note the contradiction. Personally, we are convinced that he was absolutely insincere in both statements, but we are making them of record for possible use in the future. He was undoubtedly unnerved to learn that we had so much information regarding his actions in this case and playing for time. He also took occasion to say that his wife, EUPHEMIA FAULKNER, is "void of every virtue or honor that a woman should have".

We are strongly of the belief that FAULKNER has succeeded in obtaining some sort of confession from HATTIE, and is using it to make her do as he sees fit, by threatening her with prosecution and exposing her, and that his object is to gain control of her child and property at her death, and get money from her while she lives. We also suspect that the separation of FAULKNER and wife, and their proposed divorce is just a scheme between them that FAULKNER may be able to marry HATTIE and inherit part of her estate.

FAULKNER stated that he would see HATTIE at the hospital and make an earnest effort to have her confess, but later the same day, FAULKNER reported to Agent in Charge Findlay that he, FAULKNER, had seen HATTIE at the hospital, and HATTIE had declared she knew nothing about who committed the murder, and that he, FAULKNER, did not believe HATTIE had any knowledge of the murder.

MR. FINDLAY noted that FAULKNER was extremely unnerved, also, and is of the same belief as these Agents as to FAULKNER and his knowledge and schemes.

Jan. 7th. A. W. COMSTOCK states that HARVE TREESE is still working on this case and has recently called several times to confer, but MR. COMSTOCK states he does not know what he, TREESE, is following, what information or evidence TREESE has.

Jan. 8th interviewed HENRY HUNT at Hominy, Okla. HUNT is a young full blood Osage, and told the story of what happened the night LOUIS COPPERFIELD was found drunk by FRANCINAS BURDETTE substantially the same as ANNA RIDDLE HAMON told us. This disposes of that lead fully and shows that the stories by FRANCINAS BURDETTE, ED SNYDER, and A. W. WIDDOWS were all in pursuance of a plot to blackmail the COPPERFIELDS, and were false.

*Handwritten initials*

RE: ANNA BROWN MURDER:

30614

Jan. 21 we interviewed WM. BRACKETT of Tulsa again, as A. E. COMSTOCK stated that JOHN LITTLE STAR, an intelligent Osage Indian who lives at Grayhorse, and sometimes acts as interpreter, had some important information re. this murder, and had talked to BRACKETT when BRACKETT was investigating this case in 1921. MR. COMSTOCK stated that he could not recall what JOHN LITTLE STAR knew, but that JOHN LITTLE STAR is now in a mood to tell it all.

WM. BRACKETT stated today that when he talked to JOHN LITTLE STAR, JOHN LITTLE STAR would not tell much (this was in 1921), and was in fear, but that LITTLE STAR did say that the Indians all knew that BRYAN BURKHART killed ANNA BROWN and had not left her safe at her home in Fairfax at 5 P. M. as BRYAN BURKHART had sworn at the inquest.

MR. COMSTOCK also advised us by all means to see MR. COOK, banker at Fairfax, on this case, stating that MR. COOK will be of great assistance, but not indicating in what particular way.

Jan. 31. While interviewing FOSTER N. BURNS on a car case, suggested that as he had been employed in 1921 by the BURKHART-FALE men to investigate the ANNA BROWN murder for them, that he, BURNS, might be able to be of some assistance to us, but BURNS declared he had not made or had made, any investigation in this case, and had no information on the subject. We know positively that FOSTER N. BURNS did work for the BURKHARTS on this case in 1921, but as he stood pat to us today, we changed the subject.

We have information from three sources that N. E. MITCHELL, an operative for GUSTAFSON, is probably working on these cases, and tracking our movements. BILL FALE and BRYAN BURKHART are reported to be

paying attention to MANDY CLAREMORE and MARY BLACKBIRD during the past two weeks.

36615

Jan. 5th. A. W. COMSTOCK reported to us that MOLLIE MERCER had told him that day that MANDY CLAREMORE and MARY BLACKBIRD heard the two shots that killed ANNA BROWN (only one bullet hole was found in ANNA BROWN'S skull, but her body was so badly decomposed when found that no examination was made, and there might have been a hundred bullet wounds in her body that were not discovered.)

Jan. 6th made extensive inquiry at Shidler, Burbank and Whizbang and learned that LEE HEDGES and ROSE COCHRAN left there some weeks ago that ROSE is said to be at her brother's FRED HOMES, Collinsville, Okla. and LEE HEDGES either there or at his father's place near Maud, Okla. or on the scout, and that ELLA HALLETT had gone to her home at Redfork.

Jan. 7th Received letter from [REDACTED] that he would send results of his recent efforts in a few days that would top the case when followed out.

Jan. 8th A. W. COMSTOCK told us that he had arranged to have MOLLIE MERCER come to Pawhuska and talk direct to us, but, as usual, she did not come.

Jan. 9th. Was informed that ROSE COCHRAN and LEE HEDGES had returned from there to their home at Whizbang. MRS. HOMES? ROSE'S mother and others furnished this information.

At Red Fork was informed by MRS. ANNA HALLETT that her daughter, ELLA, has not been home for two or three months, and was in Shidler when she heard of her last; that Dr. HALL of Pawhuska will know if ELLA is there, and the BROOKSHIRES and BENNE'S will know if ELLA is in Bartlesville; that ELLA is probably at Shidler, Pawhuska or Bartlesville. MRS. ANNA HALLETT gave us a picture of ELLA. When in Shidler, ELLA stayed at the Savoy Hotel, run by GEORGE JENKINS, and is well known to FRED MAJORS, Chief of Police, there.

W. E. SMITH and wife, and NETTIE BROOKSHIRE.

26618

Jan. 4. Interviewed C. M. CROSSLAND, Fairfax, who stated that he was night watchman at Fairfax the night of the SMITH explosion; that just a few minutes before the explosion he saw a big car's lights come into Fairfax from the south; that he had just sat down in a chair in the Smith Williams Hotel when the explosion occurred, and threw him over backward in his chair; that he immediately rushed out and heard a big car leaving from the vicinity of the SMITH house and going south, out of town.

That GEO. JAMES, who lives on the south edge of Fairfax, by the road the car was on, stated to him, CROSSLAND, that he, GEO. JAMES, also saw and heard said car and saw said car go east a short distance, turn around and go out of sight, going west at high speed, and later the same night TOM CORNELIUS, living about four miles west of Fairfax, heard a big car passing his house, going west, at a high speed.

HENRY OATS, Fairfax, stated to us that he has learned through two bakers at Fairfax that one CORBETT who works at the city water pump station, Fairfax, stole the nitroglycerine that was used to blow SMITH'S house up, from some oil company's camp; that CORBETT turned it over to two men who did the job, and that these two men lived about twenty-five miles from Fairfax. (We have OATS fishing these bakers out cautiously. This information is consistent with the statement by JOHN TROMPSON, Osage Torpedo Co., Pawhuska, that a magazine of said company, located on the Schidell lease, three miles west and half a mile north of Dewey, was broken into by tearing off some boards, and that ten quarts of nitroglycerine stolen therefrom just a day or two before SMITH'S house was blown up.

It is also consistent with the statement that ROY SMITH was

T. P. Weiss.

Jan. 1 to 9, 1924.

a room at the Huckins Hotel, Okla. City shortly before the SMITH explosion, and heard HENRY GRAMMER and BILL HALE talking; that ROY SMITH, the other two had been drinking and SMITH was lying on the bed, apparently asleep, and heard HALE cursing BILL SMITH and heard HENRY GRAMMER tell HALE that he, GRAMMER, could get men that would bump BILL SMITH off for HALE for a little money. ROY SMITH at that time hung out at HENRY GRAMMER'S which was a rendezvous for criminals of all kinds, and GRAMMER was the king whiskey dealer of Osage County, and a great friend of HALE'S. GRAMMER has since died, and ROY SMITH is now said to be at HENRY CORNETT'S place, northwest of Fairfax. HENRY CORNETT is the successor to HENRY GRAMMER and a big whiskey merchant, and harborer of criminals; ROY SMITH is a bootlegger.

HARVE TREESE told us that ROY SMITH related to him, TREESE, the occurrence at the Huckins Hotel as related above, and TREESE has promised us that he will get all possible further information from ROY SMITH, as he and SMITH are on very friendly terms.

This information is also consistent with the statements of GEO. JAMES and TOM CORNELIUS that he saw a big car going west from Fairfax at a high rate of speed right after the SMITH explosion, as HENRY GRAMMER'S ranch is about twenty-five miles northwest of Fairfax, and the road and direction JAMES and CORNELIUS saw the car taking was in the direction of GRAMMER'S ranch.

We are now trying to learn the names of the two men CORNETT delivered the nitroglycerine to, and who paid CORNETT, and how much was paid him, and what the nitro was to be used for.

Jan. 1 to 9, 1924.

HENRY ROAN MURDER:

Jan. 7. Interviewed C. M. CROSSLAND, Fairfax, who stated that MISS McCLURE, who was a sort of servant for HENRY ROAN, and wife at time of ROAN'S murder, and since then has been in same capacity for ROAN'S widow and ROY BUNCH, told him, CROSSLAND that she, MISS McCLURE, knows all about who murdered HENRY ROAN, but that she will never tell.

MR. CROSSLAND states that this woman is of [redacted] and [redacted] that she has steadfastly refused to tell him any more, and that she is very strongly attached to ROY BUNCH and wife, and will only tell through fear, if ever.

Jan. 8. Interviewed MRS. JOHN WHITEHORN, Hominy, who stated JOHN WHITEHORN was out of town, but had not seen MAMIE FLETCHER yet as promised.

CONTINUED.

Okla. January 8th, 1923

1923

Bindle  
Norma City, Okla.  
and  
Shal Eberstein, Esq.  
Norma City, Mo.

Dear Sirs:-

We are herewith furnishing a confidential report that is a digest of the evidence so far secured in re Murders of Anna Brown, near Fairfax, Okla. May 22, 1921.

We have marked this "Confidential" for the reason that we are firmly convinced that all our reports in these Osage Indian Murder cases should be kept out of any but confidential Government hands until our investigations are finished, as otherwise our results and plans would be prematurely made known, and our work hindered and probably made fruitless.

Another thing that we feel should be stated here in order that the Bureau may be fully advised is that these cases are extremely difficult and slow and tedious to solve because of the following facts: Two of the murders were committed in May, 1921-over two and one half years ago. The others were committed in January and March, 1923-nearly a year ago. Private detectives, especially John A. Gustafson, and his operatives, spent months in 1921 and '22 and '23, on the cases, and interviewed many people many times, and talked too freely of the information thus secured, with the result that many of those interviewed have become unfriendly, or have lost confidence that anything will ever be done toward prosecution, or both, and are unwilling to talk now. Another obstacle is that many of the important witnesses have left the country, leaving no address, and in some cases, as Lee Morgan and Paul Johns, as fugitives under criminal charges. The class of citizenship, in this county, in general is very low, owing to conditions of oil fields, graft, easy Indian money, whiskey, gambling, prostitution and parasites, so that it is very difficult to locate those who have left, or to get the truth out of many that are found. Among the Indians fear and distrust is almost universal, so that they are of almost no use whatever, except in a very few instances.

As these murders are all violations of State law and no violation of Federal law is involved, we cannot get the benefit of Federal Grand Jury to force witnesses to tel

1953

WFO:W  
62-5033

January 28, 1926.

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

62-5033

My dear Sir:

Further with regard to the case of W. E. SMITH et al --  
Murdered Osage Indians -- I am transmitting herewith, for your  
information, two copies of a report dated January 10, 1924, made  
by Agent Weiss, and copy of a report dated January 9, 1924, made  
by Agent Wertz, of our Oklahoma City office.

Very truly yours,

*[Signature]*  
Director.

RECORDED & INDEXED

Enc. 368

62-5033-62

1924

389

FILE NO. - MR. PORTER - 5.

~~XXXXXXXX~~ This case originated by Director and made there.

Oklahoma City Jan. 28, 1924 Jan. 10 to 19th T. F. Weiss.

W. E. SMITH, et als. Osage County : Murder of

At Oklahoma City, Pawnee, Fairfax, Chidler, Moraler, Hominy, Okla., etc. (O. C. #7080)

Continuing investigation, entitled as above,

this is a joint report by Agents J. R. Burger and T. F. Weiss, as both are working jointly on the case.

RE: W. E. SMITH and WIFE MURDER:

From the 10th to 17th instant, inclusive, Agent Weiss was tied up in court at Okla. City on other Government cases, but did some incidental work on this, and arranged with confidential persons, J. M. WRIGHT, County Attorney and REC. BRADGON, city detective, Okla. City, that they will try to get all information possible out of EUSTACE KNIGHT and HERMAN FOX DAVIS as to the real truth in the report that EUSTACE KNIGHT drove the two men that blew up the SMITH family and home March 10, 1923 from Okla. City to Fairfax and back to Okla. City that night.

This is the same HERMAN FOX DAVIS mentioned in previous reports in this case as the State Investigator who worked on this case for GEORGE SHORT, State Attorney General, and who was convicted of accepting bribes from the whiskey, gambling interests of Osage County, while so engaged.

FEB 2 1924  
RECORDED & INDEXED  
62-5033-63

RECEIVED  
JAN 26 1924  
DIVISION

5 Washington; 3 file; 1 Kansas City.

390

JUSTICE KNIGHT and FERRY MOX DAVIS are now in the custody of the state authorities at Okla. City, charged with complicity in the murder of Paul McCarthy, attorney at Okla. City, about Nov 8, 1923. KNIGHT has confessed, implicating DAVIS as the instigator of the McCarthy murder, and Agent is confidentially informed that DAVIS has been positively identified as the man that phoned and lured McCarthy to the spot where he was murdered. KNIGHT and DAVIS are now enemies because DAVIS "squealed" in the McCarthy case, and it is hoped that they, one or both, will now tell the truth in the SMITH case. DAVIS and KNIGHT had heretofore been very close associates and friends, and protected each other.

FERRY WARD and HENRY CATS report to us that they have been informed that FRANK (or CHARLES) HEMBREE, at that time a truck driver for the Carroll Co. in the oil fields, near Fairfax, was coming into Fairfax the morning that the SMITH home was blown up; that HEMBREE stated that his truck was out of order and he was stopped with it at a stone bridge about three miles southeast of Fairfax when he heard the explosion; that about three or four minutes later HEMBREE saw a big enclosed car approaching from the direction of Fairfax, "going like hell"; that HEMBREE states that as the car passed him he saw two men sitting on the front seat; that one of these men was EELSEY MORRISON, driving; that HEMBREE stated that he had known EELSEY MORRISON a long time, and is positive of his identity.

(FRANK - or CHARLES - HEMBREE lived at that time in Fairfax and may still be there. Agent Weakley interviewed HEMBREE at one time - see his report - but we will interview HEMBREE again in view of new information.)

T. P. Weiss.

Jan. 10 to 19, 1941

-3-

WALTER GRAY, attorney, Fairfax, states that he saw JESSEY MORRISON at Okla. City March 10th about 9 or 10 A. M. and that MORRISON was then driving a closed Studebaker car; that on March 9th the roads had been dry, but that it rained that night, and this closed car that MORRISON was driving was muddy, and had red clay on it, indicating that it had been driven that night after the roads had become muddy from the rain.

(It will be remembered that ED FICHER, CLYDE CREED and DR. FRIEDMAN, all of Fairfax, have informed agents that they each and all knew MORRISON well at that time, and are positive that they saw MORRISON, together with his brother-in-law, ---- POWELL, in FICHER'S restaurant at Fairfax about midnight that night, driving a large closed car. But MORRISON told SAM MUEK and others that he, MORRISON, had not been out of Okla. City that night. A Studebaker in good condition could easily drive from Okla. City to Fairfax, or vice versa, in four or four and one-half hours.)

(CHARLES JOHNSON, attorney, knows that CHARLES WEST, Indian of Fairfax, was a good friend of JESSEY MORRISON, and that WEST had turned possession of his Studebaker car over to EUSTACE KNIGHT as security for a loan of \$75.00, so that it is possible that KNIGHT and MORRISON and a third man were in the car, as alleged to have been stated by HERMAN FOX DAVIS to GEORGE ED TITNER, of Pawhuska.

392

I. F. Weiss.

Jan. 10 to 19, 1924.

-4-

RE: ANNA BROWN MURDER, May 22, 1921.

Jan. 11th Agent Darger and J. MORAN interviewed ROSE COCHRAN alias Mrs. LEE HODGES, at Whizbang and she stated that she and LEE HODGES did not take possession of the LEE MORGAN joint, two miles east from Burbank, till latter part of July, 1921; that LEE HODGES however, helped MORGAN start said joint in April, 1921. (This shows definitely that LEE MORGAN was running said roadhouse in May 1921 at time of ANNA BROWN murder, as stated by E. H. PINE.)

Mrs. LEE HODGES stated further that at that time, May 1921, she and HODGES were living at Hominy, Okla. and she was not at said roadhouse yet (so could not have seen the BRYAN BURKHART, ANNA BROWN, EDITH DAVIS, J. L. BRIDGES party the night of the murder). She stated that she knew nothing of that party stopping there that night, and had not heard LEE MORGAN ever mention it; that when MORGAN left, he stated no one would know where he was going, and she has never heard from him since, nor where he went, or is; that MORGAN had a son, called SHORTY MORGAN, who did operate a cafe at Aprerson, Okla.

That a woman named IDA, last name not recalled, but who formerly lived at Tulsa, was a friend of MORGAN, and would probably know where MORGAN is; that this "IDA" had served a term for murder

(LEE HODGES was not at home, but will be interviewed if found, and "IDA" also located, if possible.)

ELLA (LUELLA) HALBETT was located at Foraker, Okla., and stated that on the Saturday (May 21, 1921) that ANNA BROWN was visiting at BRUCE BURKHART'S house at Grayhorse, she, ELLA HALBETT called at said BURKHART home with Mr. MORAN BYRNE about 2:00 PM. to visit ANNA BURKHART, who was working for the BRUCE BURKHART

family; that when ELLA and MRS. BENNE arrived there that day there were no men at home; that the persons at the house at that time were MRS. MOLLIE BURKHART, LIZZIE "Q", MRS. BRIDGES (ERNEST BURKHART'S aunt), MARTHA UPRIGHT, ANNA BROWN and some children;

That ANNA BROWN was out in the summer house, where she, ELLA HALLETT, talked to her, and where ANNA BROWN told her that she, ANNA, was pregnant by BRYAN BURKHART, and that BRYAN had to do something about it; that ANNA was drinking.

ELLA HALLETT stated further that at this time she arranged with ANNA that she, ELLA, would begin to work at ANNA'S house for ANNA on the following day; that she and MRS. BENNE did not stay long at that time, but arranged with MARTHA that they would come back for MARTHA that evening and take MARTHA to a dance with them; that when ELLA and MRS. BENNE left that afternoon MRS. BRIDGES was still there, and none of the men folks had returned.

ELLA HALLETT stated further that she and MR. and MRS. BENNE returned to the ERNEST BURKHART home that evening about 7:30 to get MARTHA and go to the dance; that on this second visit she saw ERNEST BURKHART, his wife, LIZZIE "Q", DUKE BURKHART and MARTHA UPRIGHT (now DOTY), that she did not see BRYAN BURKHART or ANNA at that time; that she saw a Buick car standing in the BURKHART yard, but did not see any other car around; that MARTHA came out and got into the BENNE car, and DUKE BURKHART carried MARTHA'S suitcase from the house and put it in the BENNE car when they left for the dance.

ELLA HALLETT stated further that the next afternoon, Sunday, DUKE BURKHART came to the BENNE'S house, where ELLA was then staying; and asked ELLA to come and work for MRS. ERNEST BURKHART; that she told DUKE that she had promised to work for ANNA BROWN,

J. W. Weiss.

Jan. 10 to 19, 1924

-6-

and DUE BURKHART replied that ANNA was gone; that she, BELLA, knowing that ANNA often went away on sprees, then supposed ANNA had gone away on a spree, and she, BELLA, went back with DUE BURKHART to Mrs. ERNEST BURKHART'S and worked for Mrs. ERNEST BURKHART for the next four weeks.

That the day ANNA'S body was found (the following Friday) BUFORD LATHIC of Fairfax, brought an earring to LIZZIE "Q" and told her it was found with ANNA'S body, and LIZZIE "Q" recognized it as ANNA'S earring; that BUFORD LATHIC then went to DICE SMITH and ERNEST, BRYAN, DUE and MOBBIE BURKHART, who were all at Hominy, at a roping contest, were notified of the finding of the body.

BELLA FALBERT stated that after the finding of the body Mrs. ERNEST BURKHART told BELLA that ERNEST BURKHART and herself had taken ANNA BROWN home about 4 P. M. that Saturday.

BELLA FALBERT stated also that when she agreed with ANNA that Saturday to work for ANNA, ANNA promised to come and get BELLA, at the DENNE'S the next morning, Sunday, and take BELLA to ANNA'S to begin working for ANNA. That after that day, and while she, BELLA, was working for Mrs. ERNEST BURKHART, she, BELLA, saw BILL HALE and ERNEST and BRYAN BURKHART having a number of very private conversations together at ERNEST BURKHART'S house.

(W. Z. BRACKETT states that while he was working on this case in 1921, BILL HALE told him, BRACKETT, that he, HALE, met ERNEST BURKHART with ANNA BROWN between Grayhorse and Fairfax that Saturday afternoon going towards Fairfax, about 4 P. M.)

BELLA FALBERT stated further that after she quit the BURKHARTS she later worked for BILL SMITH as domestic, and that she often heard B. and Mrs. SMITH discussing the ANNA BROWN murder,

T. P. Weiss. Jan. 18 to 19, 1934

-7-

and that BILL SMITH always stated that he was sure the BURKHARTS and BILL MALE bunch had killed ANNA BROWN, and heard BILL SMITH state that BILL MALE owed him \$5000.00 and would not pay it and heard BILL SMITH state that BILL MALE would not meet him, BILL SMITH.

(It will be noted that MRS. MOLLIE BURKHART and BILL MALE made statements to the effect that ERNEST BURKHART was the one that took ANNA BROWN home that day, while BRYAN BURKHART later swore that HE was the one who took ANNA home. This apparent change in their stories indicates a guilty knowledge all round.)

ELLA HALBERT stated that she has been questioned on this case twice before this; once in a drug store at Fairfax by WALTER GRAY, attorney, and once by a pig man, whose name she does not recall. She is uneducated, but was very conservative and careful to state the facts accurately. She volunteered no information, and only answered questions put to her. She will make an excellent witness. She was interviewed under unfavorable circumstances, and arrangements were made to see her later, after she had refreshed her memory. She was to meet us a few days later in Pawhuska, but the inclement weather prevented her coming. But she and MARTHA UPRIGHT DOTY and MRS. MORA BEENE will, if possible, all be interviewed again, and their memories mutually refreshed, and all the facts possible recalled and ascertained.

BILL BRACKETT states that when he first worked on this case in 1931, ROBERT WISSEE of Fairfax was questioned by him and that time was very reticent, but that a short time ago he met WISSEE in Tulsa, and WISSEE voluntarily told him that on the Sunday morning that ANNA BROWN disappeared, BRYAN BURKHART came to WISSEE

in the morning, and asked KISSEE to go with him, DUE, to ANNA'S home to see if ANNA was there. That KISSEE went with DUE and ROBERT as requested, and they found ANNA was NOT home. W. BRACKETT states he had to take a train and could not talk further to KISSEE, but that KISSEE indicated that he had more information to impart, and requested that he, KISSEE, be not interviewed by Agents at Fairfax. (ROBERT KISSEE will be further interviewed.)

(Up to this date, Jan. 19, 1924, A. W. COMSTOCK reports that he has been unable to induce MOLLY MERCER or MARY BLACKBIRD or WENDY CLAREMORE to consent to talk to Agents, or tell what they know. Confidential informant has also remained silent, and may have to be seen personally. Cold, snow, rain and mud have also impeded our work, in addition to having to be on Federal court and Grand Jury work for the Government.)

CONTINUED.

WFO: [ ]  
62-5032-63

FEB 2 1924

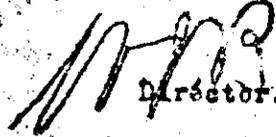
January 22, 1924.

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

Dear Sir:

Further with regard to the case of W. E. SMITH  
et al -- Murdered Osage Indians -- I am transmitting here-  
with, for your information, copy of a report dated January  
22, 1924, made by Agent Weiss of our Oklahoma City office.

Very truly yours,

  
Director.

Enc. 349

RECORDED & INDEXED

M I L E  
JAN 23 1924

398

THIS CASE ORIGINATED AT Director;

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

|                                  |                                |   |                                 |
|----------------------------------|--------------------------------|---|---------------------------------|
| REPORT MADE AT:<br>Oklahoma City | DATE WHEN MADE:<br>Jan. 28, 24 | PERIOD FOR WHICH MADE:<br>Jan. 20 to 26 | REPORT MADE BY:<br>T. F. Weiss. |
|----------------------------------|--------------------------------|---|---------------------------------|

|  |                     |              |
|--|---------------------|--------------|
| TITLE AND CHARACTER OF CASE:<br>W. E. SMITH; et als. | Osage County, Okla. | : Murders of |
|--|---------------------|--------------|

FACTS DEVELOPED:  
 At Oklahoma City, Pawhuska, Fairfax, Okla., Winfield, (K. C. #1067)  
 Kans., Kansas City, Mo. and Ponca City, Okla. (O. C. #706)

Continuing, and supplementing previous reports,  
 entitled as above.

This report is a joint one for Agents J. R. Burger and T. F. Weiss, and made jointly to avoid unnecessary duplication, and as Agents worked together at all times covered herein.

GENERAL INVESTIGATIVE DIVISION

RECORDED & INDEXED

FEB 3 1924

DO NOT WRITE IN THESE SPACES

*Ind. pa. 1-26-24  
W. E. Smith*

|                         |                |
|-------------------------|----------------|
| FILE NO. 62-5033-64     | 1-25-33        |
| BUREAU OF INVESTIGATION |                |
| DEPARTMENT OF JUSTICE   |                |
| ROUTED TO: 5000         | FILE: W. F. P. |

|            |   |     |
|------------|---|-----|
| REFERENCE: | COPIES OF THIS REPORT FURNISHED TO:<br>3 Washington; 1 Kansas City; 3 file. | -1- |
|------------|---|-----|

399

RE: W. E. SMITH Murders.

Jan. 20. Interviewed W. W. Thomason who informed us that he has learned positively that Kelsey Morrison is getting mail under name of DLOYD MILLER at General Delivery, Dallas, and that MARRY EVANS of Fairfax is writing to MORRISON under that name.

Interviewed Mrs. A. T. HEMBREE, Fairfax, who states that both CHARLES and FRANK HEMBREE are now at Winfield, Kansas, working for the O. P. L. Company driving trucks.

Also interviewed JAY MERCER, HARRY ~~ORRIS~~ and MRS. GEO. JAMES who are co-operating with us, but got nothing new from them.

Jan. 21. Interviewed Chas. HEMBREE and FRANK HEMBREE at Winfield, Kansas, where they are working for the Oklahoma Pipe Line Co., staying at the Alexander Rooms and getting mail at General Delivery.

CHAS. HEMBREE stated that the night W. E. SMITH'S home was blown up, he, CHAS. HEMBREE, was living at Fairfax and driving a Studebaker truck; that on that night he was coming in from Belston to Fairfax with his said truck. That about five miles southeast of Fairfax his truck got out of order and he was fixing it -- about 1:15 A. M.; that a stranger, walking, stopped and was asking the way to Belston, about work, etc., when they heard an explosion; that the stranger remarked that it was a gun they heard, but CHAS. HEMBREE replied that it sounded like blasting.

HEMBREE stated further that he had driven on but a short distance and had just turned north on the <sup>main</sup> Highway to Fairfax when he heard a big car coming south from toward Bel-

400

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  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000

tax, running very fast; that he saw the headlights of this car nearly a mile away, and turned out and stopped his truck to let this car pass, as he feared it was being driven by Indians, he wanted to avoid any accident; that he stepped with his own headlights showing across the road, and noticed that the approaching car showed two headlights, also one or two "goose-egg" side lights and was also lighted from the inside; that he saw two men sitting on the front seat and thinks there was one man in the rear; that just before this car reached him, the lights on the inside were turned off, which excited his suspicions, so that he tried to see who was in the car as it passed him, as he thought it was probably some men out with some women; that as this car came into the lights of his truck he saw the faces of two men in the front seat for an instant, and notice what the man driving had a rather small and full face and wore a dark hat.

CHAS. HEMBREE states further that just after this car passed him and took the road leading to the west, into Ralston, he heard the brakes screech, and noticed that the car continued on west towards Ralston; that he proceeded on home to where he lived in Fairfax, 1 block east and two blocks south of Bill Smith's house; that he did not notice any fire that night, and did not learn till next morning that SMITH'S house had been blown up at 1:15 A. M. and he, CHAS. HEMBREE, then knew it was that explosion he had heard.

CHAS. HEMBREE also stated that he might recognize the man he saw driving the car that night, or he might not -- if he were to see him or his picture again, and as his picture description fits EUSTACE KNIGHT as far as it goes, we arranged to send picture

40

of KNIGHT to CHAS. HEMBREE to see if he can identify KNIGHT as that driver.

CHAS. HEMBREE stated that he knew KELSEY MORRISON well, but could not say that he ever thought KELSEY MORRISON was one of the three men he saw in that car that night, although it was possible that this was the fact.

CHAS. HEMBREE states that he is positive that car had at least one side light - or "goose-egg" lit, and says the car had the curtains all on, and does not think it was a sedan or limousine, but did not notice the make.

FRANK HEMBREE was also interviewed but had no information except to state that the explosion occurred at 1:15 A. M.

Chas. HEMBREE was willing to talk, but conservative and accurate.

Jan 21, at Pawhuska we made several efforts to have G. E. MELOTT, U. S. Commissioner furnish us a copy - certified - of the complaint by W. W. THOMASON, Indian Enforcement Officer, against KELSEY MORRISON, but as Mr. Melott's clerk was not at the office he stated he could mail it later in the day to us at Oklahoma City.

Jan. 24. Interviewed A. M. BLOYED, Police Dept., Ponca City, Okla., who was Deputy Sheriff of Osage County on March 10, 1923, when W. E. SMITH'S house was blown up. As DICK DUNHAM had informed us that BLOYED had a lot of evidence that he had not disclosed, but would impart to Agents, we made it a point to interview BLOYED fully.

A. M. BLOYED, however, seemed to have very little information of value, but did state that he had learned that KELSEY

MORRISON was seen in Fairfax the night of the explosion; that nitroglycerine magazine located near Whizbang had been robbed of a can - 4 or 5 gallons - of nitro glycerine a day or two before said explosion and by unknown persons; that KELSEY MORRISON has a brother living at Whizbang at that time, who was not seen nor heard of afterward; that KELSEY MORRISON was said to have given this brother \$500 about that time so that this brother could go to New Mexico for his health, as said brother was said to be suffering from tuberculosis, but was in fact, merely a drug addict.

BLOYED state further that he did not know this brother's first name, nor the name of the company from whom the nitro was stolen. That he knows personally that KELSEY MORRISON at that time was driving a Studebaker Big Six, which had side or goose-egg lights, and an inside light, and was dark maroon in color (which fits the description of the car seen by CHAS. HEMBREE).

BLOYED stated also that KELSEY MORRISON has a sister, a Mrs. "GORVIAN", whose husband is connected with the Minnetonka Lumber Co. at New Orleans, La., and has another sister, a Mrs. "EVA" living at Slick, Okla.

That KELSEY MORRISON is said to now be handling "dope" between Dallas and Fort Worth, and possibly running between New Orleans and Dallas with whiskey.

BLOYED states that we should see FRED WHITTAKER, barber, ex-Deputy Sheriff for CHAS. COOK, Sheriff at Pawhuska, as WHITTAKER has a barber shop at Fairfax and has some information of value. BLOYED states that he will be in Fairfax and Whizbang before long.

and will get all he can for us on this case, and let us know.

Jan. 25, at Oklahoma City, while Agent Weiss was engaged most of the time in Federal Court for Government or another case, we put in all time possible on this and arranged with BRANDOM, City Detective, to get all possible confidential information out of HERMAN FOX DAVIS, who is now held in jail without bond, on murder charge, by State Authorities at Oklahoma City. BRANDOM is in a most favorable relation to DAVIS, to induce DAVIS to talk on this case, but on Jan. 25, MR. BRANDOM reports that DAVIS is declining to tell MR. BRANDOM anything of value on this case -, but MR. BRANDOM will earnestly continue his efforts

Jan. 26. We also exhaustingly questioned EUSTACE KNIGHT, who is also held without bond in same murder case with DAVIS. EUSTACE KNIGHT and HERMAN FOX DAVIS, for about a year past, have been close pals, and associated together in a number of crimes, but are now enemies, as DAVIS squealed in this PAUL MCCARTHY murder and is trying to save his own neck by throwing the guilt on EUSTACE KNIGHT, FRANK BRUMLEY and TOM RUDOLPH. For these reasons we are hopeful of getting information on our Government cases out of KNIGHT and DAVIS.

EUSTACE KNIGHT was very bitter towards DAVIS, and stated that DAVIS was the man who planned a lot of the crimes, including hijacking picture-shows, banks, individuals, etc., and that DAVIS proposed and planned the hijacking of PAUL MCCARTHY, which resulted in PAUL MCCARTHY'S murder, etc.

KNIGHT stated that he was hired by DAVIS to drive DAVIS and a woman of the underworld, ANNABELLE EDWARDS, to Fairfax and Muskogee on two occasions when DAVIS was the State Investigator, etc.

der Governor Walton and State Atty. George Short, last summer, that DAVIS was supposed to be trying to get the evidence for this State as to who blew up W. E. SMITH'S house, who murdered ANNE BROWN and HENRY ROAN, etc., in Osage County.

KNIGHT states that he was with DAVIS several days on each trip, but that DAVIS told him, KNIGHT, that he, DAVIS, was going to make a lot of money out of the case, as the guilty parties were BILL HALE, and others, and that these guilty parties would have to come across to DAVIS, that DAVIS mentioned that he expected to get a hundred thousand dollars out of these guilty parties before he was through; that DAVIS also said he had found out who committed these crimes, and he DAVIS was already getting money from said guilty parties for "covering up."

KNIGHT stated that DAVIS was associating with BILL HALE during the investigation and that on one occasion he, KNIGHT, met BILL HALE and SID DELLEPLAINE at HENRY GRAMMER'S place in Osage County; that BILL HALE had two guns on him, and was said to carry a Deputy Sheriff's commission; that this was last summer, and he KNIGHT, told BILL HALE that DAVIS wanted to see him.

KNIGHT states that DAVIS spent most of his time on those occasions with ED TINKER at Pawhuska, Okla, and [REDACTED]

[REDACTED] b7C  
KNIGHT states that DAVIS may have been just boasting when he said he had learned who the guilty persons were, etc., as DAVIS did not seem to have much money, and also claimed to have 30 men working under him on the case.

KNIGHT stated that he knows KELSEY MORRISON well and knows him to be just the type who could murder, and blow up homes;

465

that he, KNIGHT, tried to get information on these murderers from MORRISON to tell DAVIS, but that MORRISON refused to talk about it at all; that about the time SMITH'S home was blown up, KELSEY MORRISON was driving a Big Six Studebaker touring car, and generally had the curtains up; that said car had side, or "goose-egg" lights.

KNIGHT states that he did not lend CHAS. WEST \$75.00 and kept WEST'S car for some time - a week or more - till WEST paid money back; that this WEST'S car, was a Studebaker, 4 passenger coupe; that it also had side lights, but they were square - or coach lights. KNIGHT states he was not out of Oklahoma City with WEST'S car, and in fact made but one short trip with it in Oklahoma City.

We have sent a picture and description of EUSTACE KNIGHT to CHAS. HEMBREE at Winfield, Kan., to see if he can identify him as the man he saw driving away from Fairfax the morning of the SMITH blow up.

KNIGHT has promised to learn all he can and think the matter over and we will see him again.

We have been advised by G. B. MELOTT that he has no complaint as U. S. Commissioner against KELSEY MORRISON, so that there is warrant by the Government for MORRISON that we can learn of.

400

(RE: ANNA BROWN MURDER.)

Jan. 23d. Interviewed confidential informant at Kansas City, Mo. who was very "sore" because of some treatment by a private detective agency in this case, and was not inclined to talk freely, but remarked several times that the HALE-BURKHART bunch were boasting that they would never be convicted as they had money enough and could buy the judges, etc.

Informant did finally state that he has learned positively that on the Sunday morning of the murder (May 22, 1921) BRYAN BURKHART was seen coming home about 4 A. M. by LEE HINKLE; that LEE HINKLE then lived at Grayhorse and positively met BRYAN BURKHART at Grayhorse and talked to him about 4 A. M. and that BRYAN BURKHART was then on his way home.

Informant states that LEE HINKLE has been "seen" by BRYAN BURKHART, and will not tell this if he can keep from doing so.

Informant also states that he knows positively that J. L. BRIDGES was at Ralston that Saturday evening (May 21, 1921) and that BRIDGES and BRYAN BURKHART and ANNA BROWN and perhaps some others got some whiskey from a joint west of Ralston that evening, and that BRIDGES was with BRYAN BURKHART when they arrived at PAUL JOHNS roadhouse, three miles northeast of Burbank that night, about 11 P. M. and that EDITH DAVIS and ANNA BROWN came with another man to said PAUL JOHNS joint and all met there that night.

Informant intimated that he had heard that MARTHA UPRIGHT ~~with~~ DOTY saw BRYAN BURKHART with ANNA BROWN some time before daylight that Sunday morning (we will question MARTHA about this).

Informant finally promised to send us a written report of all he has learned new, and mail it to us on the 24th.

407

January 24th. Interviewed MR. BROWN, Chief of Fire Department, Ponca, who stated that JOE BERNSTEIN left Ponca last summer, and is said to be in New York City, where BERNSTEIN and his brother run a paper of some kind, called the Follies.

(We have written JOE BERNSTEIN for ROBERT EWING'S address.)

Jan. 26th. Up to date the promised report from confidential informant at Kansas City, Mo. has not been received.

OPEN.

408

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  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000

WGC:EM  
62-5033-64  
RECORDED & INDEXED

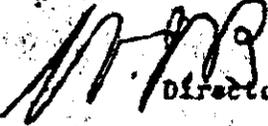
February 2, 1924.

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

My dear Mr. Burke:

Further with regard to the case of W. E. SMITH  
et al — Murdered Osage Indians — I am transmitting  
herewith, for your information, copy of a report dated  
January 28, 1924, made by Agent Weiss of our Oklahoma City  
office.

Very truly yours,

  
Director.

Enc. 7913

MAILED  
FEB 2 1924

January 24, 1924.

Hon. Charles Curtis  
United States Senate,  
Washington, D. C.

My dear Senator:

Receipt is acknowledged of your letter of the  
17th, enclosing a telegram from Mr. A. W. Constock, of  
Pawhuska, Oklahoma, with regard to the assignment of Special  
Agent Berger of the Kansas City office of the Department  
of Justice to investigate certain cases concerning Indians  
in Oklahoma.

I take pleasure in advising you that Mr. Constock's  
request has been complied with.

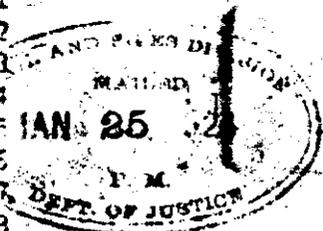
Very truly yours,

(signed) H. M. Daugherty

Attorney General.

RECORDED & INDEXED  
5033.

62-5033-65-



THIS CASE ORIGINATED AT **Director;**

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

|                                  |                               |  |                                 |
|----------------------------------|-------------------------------|--|---------------------------------|
| REPORT MADE AT:<br>Oklahoma City | DATE WHEN MADE:<br>Feb. 2, 24 | PERIOD FOR WHICH MADE:<br>Jan. 27 to<br>Feb. 1, 24 | REPORT MADE BY:<br>T. F. Weiss. |
|----------------------------------|-------------------------------|--|---------------------------------|

TITLE AND CHARACTER OF CASE:  
W. E. SMITH, et als. Osage County, Okla. : Murdered Indians.

FACTS DEVELOPED:  
At Oklahoma City, Dallas and Campbell, Tex. and Pawhusa, Okla. (O. C. 47060)

Continuing, and referring to previous reports, **62-5033**  
entitled  
as  
above,

this is a joint report for Agents J. R. Burger and T. F. Weiss, as we are working jointly on this case.

RE: ANNA BROWN MURDER:

Jan. 29th at Campbell, Tex. we interviewed MRS. J. L. BRIDGES, M. J. L. BRIDGES being absent from home, hauling wood.

MRS. J. L. BRIDGES talked freely and stated that she is an aunt to ERNEST, HORACE and BRYAN BURMART, as their mother is her full sister; that she, MRS. BRIDGES, is a half-sister to BILL HALE; that H. M. BRIDGES is Postmaster at Campbell, Tex., and is a brother to J. L. BRIDGES.

MRS. J. L. BRIDGES stated that in May, 1921 she and her husband  
drove from Texas to Grayhorse and Fairfax,  
Okla. to visit BILLY HALE and ERNEST

BURMART and his brothers, as they had not seen them since they were children; that M. and MRS. BRIDGES drove a Ford

DO NOT WRITE IN THESE SPACES

FILE NO. **62-5033-66**

BUREAU OF INVESTIGATION  
**FEB 9 1924**  
DEPARTMENT OF JUSTICE

ROUTED TO: FILE DIVISION

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

*3-11-24 411*

touring car on this visit, and Mrs. BRIDGES can drive very well herself.

That on Saturday, May 31, 1924 ER. and Mrs. J. L. BRIDGES and their little girl were visiting and staying with ERNEST BURKHART, at his home at Grayhorse, Okla.; that on that day, Saturday, ANNA BROWN came to visit ERNEST BURKHART'S wife, and LIZZIE "Q" who was ANNA'S mother, and Mrs. ERNEST BURKHART'S mother; that LIZZIE "Q" was sick; that ANNA BROWN was drinking, and that ANNA BROWN spent nearly the whole day by herself in the summer house ~~xxx~~ at ERNEST BURKHART'S, but was in the house from time to time, and quarreled some with Mrs. ERNEST BURKHART.

That ANNA did not come into the house to eat, but the girl servant, MARTHA (UPRIGHT DOTY) took some soup out to ANNA BROWN in the summer house.

That all the men folks, which were J. L. BRIDGES, BRYAN BURKHART, and MARCE BURKHART, were at ERNEST BURKHART'S that day, but all of these men folks went to a horse race at Fairfax that afternoon and returned together late that afternoon or evening. That she, Mrs. BRIDGES, stayed at ERNEST BURKHART'S that day and after the men folks returned from the horse race, they all had supper, but ANNA BROWN did not come in to eat with them.

That during the day MARTHA remarked that BRYAN BURKHART was going to take her to a dance that night, and this made ANNA BROWN jealous and ANNA BROWN stated that BRYAN should not take MARTHA to the dance.

Mrs. J. L. BRIDGES stated further that on that day, after they all had had supper, it was agreed that they would go to a show then playing in Fairfax, that this show was "Jiggs and Maggie", and was a tent show.

That they all got ready, and she, Mrs. BRIDGES, dressed her little girl; that BRYAN BURKHART said he would take ANNA BROWN home, and ANNA BROWN and BRYAN BURKHART left ERNEST BURKHART'S home in Mrs. BRIDGES' Ford touring car, and in about fifteen minutes later, J. L.

ERBERT, Mr. J. L. BIRDSONG, their little girl, EMERALD BIRCHARD and HORACE BIRCHARD all left together in EMERALD BIRCHARD'S Buick touring car to go to the show at Fairfax.

That they thus left EMERALD BIRCHARD'S place about sundown, and that EMERALD BIRCHARD and EMMA BROWN had left together about fifteen minutes before in Mr. BRIDGEMAN'S Ford, to take EMMA BROWN home at Fairfax.

Ms. BIRDSONG stated that she and her husband and EMERALD BIRCHARD, etc., set BILL MILL near the store at Fairfax, and she got out and rode with BILL into Fairfax; that her husband and EMERALD BIRCHARD, etc., also came on into Fairfax, and both cars stopped at the Buick Garage in Fairfax, where they all got out; that they arrived at Fairfax as it was getting dark, but not very dark, and while standing there talking together before going to the show, MISS HUTCHINS came up and spoke with them; that EMERALD BIRCHARD also drove by alone, in the Ford car.

That about noon and dark, she and the children went to the "Jiggs and Maggie" show, but J. L. BIRDSONG and EMERALD and EMMA and BRYAN BIRCHARD and BILL MILL did not go into the show.

That when the show ~~was~~ was over, about 11 P. M., she found J. L. BIRDSONG and EMERALD and BRYAN and EMMA waiting outside for her; that EMERALD had his Buick and BRYAN had her Ford; that she rode back with EMERALD BIRCHARD and her husband to EMERALD BIRCHARD'S home and BRYAN also drove just ahead of them back to EMERALD BIRCHARD'S home.

That they arrived at EMERALD BIRCHARD'S home, perhaps between eleven and twelve P. M. and all went to bed, and stayed there that night; that EMERALD BIRCHARD slept in the same room with her and her husband that night, and very close to her; that she is quite sure BRYAN BIRCHARD did not leave the room that night, and knows he was there when she got up about 3 A. M. the next (Sunday) morning.

Ms. J. L. BIRDSONG states that she stayed at EMERALD'S place for

several days after this, and had gone to visit her brother at Hominy when she heard that ANNA BROWN'S dead body had been found.

Mrs. J. L. BRIDGES stated that she knew that many people thought that BRYAN and ERNEST BURBANK were responsible for the murder of ANNA BROWN; that in fact BRYAN and ERNEST had been arrested and charged with this murder at Muskogee, but that they had no evidence against them, and they were discharged; that while under arrest they were treated very fine by the Sheriff (ARVIN FRENDS) and not put in jail, but allowed their liberty to stay around town; that the Sheriff ~~xx~~ said he knew they were innocent, and ordered their release.

Mrs. BRIDGES states that the BURBANK men are very dear and dear to her, and she can swear they are not guilty in this case, <sup>nd</sup> ~~xx~~ she would do anything in the world for them.

She stated that her brother-in-law, W. H. BRIDGES, was not Fairfax or Oklawaha at that time, but that about June, 1928 J. L. and W. H. BRIDGES moved to Fairfax and operated two Dodge cars in the jitney service; that some time later, however, while she was away on a visit, her husband left Fairfax suddenly, leaving their furniture in the house at Fairfax, and they never went back there to live.

Mrs. BRIDGES stated that she was disappointed to find her nephew, W. H. BRIDGES, married to an Indian, and to find them associating with Indians, as she has a very poor opinion of Indians and their ways.

She states that her husband has done considerable work for the Government since 1921, working with C. A. M. BLIER and W. BRADSHAW, who are in the Luratic Govt. service. Agents know both W. BLIER and W. BRADSHAW well, and will interview them as to possible statements or admissions by J. L. BRIDGES.

It will be noted that Mrs. J. L. BRIDGES' story coincides almost

perfectly with the statement by MISS A. WILSON DOTY, so far as the time on Saturday, May 21, 1961 is concerned, up to the time the two cars left the BRIDGES' home that evening, and as MISS A. WILSON DOTY left that place about 9 P. M. that evening she cannot know whether BRUCE and the others returned there about 11:00 PM as Mrs. BRIDGES states, or not.

It will also be noted that Mrs. BRIDGES' story is directly contrary to what confidential informant states BRUCE WILSON told him, regarding being at Palston, Ohio, and RICH JONES' and ERIC S. GALT'S joints from about 8 PM to 1:00 AM that night, etc.

Evidently Mrs. J. L. BRIDGES has not been advised of BRUCE WILSON'S latest version.

We also doubt that the BRIDGES were sleeping at the BRUCE WILSON'S home at that time, for several reasons, but will investigate this.

Mrs. J. L. BRIDGES is plainly prepared to testify to anything deemed necessary to clear BRUCE WILSON, in our opinion, as she repeatedly stated that the WILSON'S were very near and dear to her, and the children of her sister. She stated that the WILSON'S father is not dead - in response to a question - but did not state where he is nor what he is doing. She became somewhat worried and nervous toward the end of the interview and as a witness could not stand up well on untruths on cross examination.

Mrs. J. L. BRIDGES story is undoubtedly false in part, as there can be no doubt that J. L. BRIDGES, JOE McSWINE and ED WILSON positively saw BRUCE WILSON with Miss GALT in a Buick touring car at Palston that evening about 1:15 AM.

Interviewed J. L. BRIDGES upon his return home and found him expecting us and very uncommunicative and on guard. His wife was also present.

J. L. BRIDGES stated, in response to questions by Agents, that he

415

Mr. and Mrs. Weiss and children arrived in their Ford touring car on their said visit to ERNEST BURNHART'S at Grayhorse on Friday in May, 1931, at about 4 P.M.; that they stayed and slept at ERNEST BURNHART'S that night, May 20th, the next day Saturday, May 21st, the night of May 21st; that on Sunday, May 22, BRYAN BURNHART drove them to visit her brother at Hominy; that they ate supper at Hominy that Sunday, May 22, 1931, and returned to ERNEST BURNHART'S that evening and stayed at ERNEST BURNHART'S that night; that during the next few days they stayed at ERNEST BURNHART'S, at Grayhorse, and at Hominy at MRS. BRIDGES' brother, and left for Texas about June 1st.

That they returned to Fairfax to live about June 27, 1931 and ran two Dodge cars in jitney service there for several months, and then moved out to BILL LEE'S ranch at Grayhorse.

That they returned to Texas to live about June, 1932. J. L. BRIDGES stated further, in response to questions by Agents, that on Saturday May 21, 1931 he and BRYAN BURNHART and ERNEST BURNHART and DUNE BURNHART went to the horse race at Fairfax in the afternoon, taking some of the children but leaving MRS. J. L. BRIDGES, MRS. ERNEST BURNHART, LIZZIE "C", MARION VERLON DOWY, LENA BROWN and some of the children at home at ERNEST'S.

That they, the above named men, stayed at the races till they were over, and came back to ERNEST BURNHART'S together in ERNEST'S Buick, which was the car they had gone to the races in.

That the races were over about 4 P.M. and they got back to ERNEST'S about 4:30 P.M.;

That after supper, before dark, BRYAN took BRIDGES' Ford car and took LENA with him to take her to her home at Fairfax.

That later, before dark, ERNEST BURNHART took MRS. and MRS. J. L.

416

BRIDGES, one or two of the children, and FORD STUBBINS in LINDSEY'S Buick to Fairfax to go to the show, "Muggie and Jiggs"; that at Grayhorse they met BILL WILK and MR. BRIDGES got into WILK'S car and both cars drove into Fairfax together, stopping at the Morris-Buick Garage; that it was not dark yet, and BRYAN BURKHART joined them there, but ANNA BROWN was not with him; that while talking there, before going to the show, the WIFE girl remarked "there goes ANNA BROWN" (but no one else seems to have seen ANNA at that time.)

J. L. BRIDGES stated further that he and BRYAN and BOACE and ERNEST BURKHART stayed at the Buick Garage until after the show, and then J. L. BRIDGES rode with BRYAN in BRIDGES' Ford and ERNEST BURKHART, MR. J. L. BRIDGES, the children and MR. and MRS. HORACE BURKHART, all rode in ERNEST BURKHART'S Buick touring car and both cars drove together to ERNEST BURKHART'S home at Grayhorse, where they arrived about 10 PM.; that ERNEST BURKHART then drove HORACE BURKHART and wife home and returned about 11 PM.; that they all went to bed soon thereafter and BRYAN BURKHART slept in the same room with J. L. BRIDGES and wife that night, and was there next morning, and did not leave that night at any time; that BRYAN BURKHART could not have used BRIDGES' Ford that night as he, BRIDGES, had the key.

J. L. BRIDGES stated that he had heard from "someone" that a man living at Palston was seen with ANNA BROWN at Pawhuska, in a car, that Saturday night, but BRIDGES could not remember who told him this, nor the name of the man from Palston, nor the kind of car, nor what time it was that ANNA BROWN and this man were said to have been seen at Pawhuska.

J. L. BRIDGES stated that he had also heard that some Indian had said she saw ANNA BROWN eating in BOSS' Restaurant at Fairfax that Saturday night but BRIDGES could not give the name of this Indian

...man, ... the name of the person who told him, BRIDGES, about this.

J. L. BRIDGES stated also that so far as he had heard, none of the ... nor BILLY ... had ever employed anyone personally to investigate the ... or other murders.

As stated above, J. L. BRIDGES was very uncommunicative, wary and nervous, and volunteered no information at all, except to state three or four times that he was sure BILLY was home at ERNEST BISHART'S all that night and could not have been out and killed ... BROWN.

Our opinion is that J. L. BRIDGES was prepared to stick to the above ... story and to not elaborate on anything voluntarily. He was plainly very much relieved when we left.

Jan. 27th. At Oklahoma City. ... informed us that MOLLIE ... does not reside at room 602 Lawrence Hotel, Okla. City; that on that date she had again told ... that LINDY CLARKMORE had told her, ... MERCER, that LINDY CLARKMORE had loaned a gun, belonging to ... to ... the night of May 31, 1921 and that ... has never returned that gun; that JOHN CLARKMORE DOES NOT know this.

That LINDY CLARKMORE also stated to MOLLIE MERCER that ... heard ... with him at that time and she, LINDY, heard the two shots that killed ... but that LINDY CLARKMORE will not now admit to these things.

Jan. 28th at Dallas, Tex. we found at Post Office that a LLOYD ... description of ... was getting mail at General Delivery; that LLOYD MILLER called irregularly, sometimes every day, and sometimes missing several days.

... arranged by means of a registered decoy letter to "spot" this ... and covered the Post Office the rest of that day, but

4 18

no one called for that mail.

On Jan. 28th we arranged with C. E. Freeman, Spec. Agt. in Charge Dallas, and he had Sgt. J. P. Huddleston cover the post office while we went to Marshall, Tex. to interview the BRIDGES.

Jan. 28th we returned to Dallas and found Sgt. Huddleston had apprehended "Lloyd Miller" through the decoy letters, and had him in the city jail.

We interviewed "Lloyd Miller" who for about an hour ~~xxxx~~ denied that he was ~~WISLY MORRISON~~ but finally admitted that he was WISLY MORRISON.

As some of the descriptions we had previously received of MORRISON are wrong, we will give his correct description here for possible future use.

WISLY MORRISON, alias LLOYD MILLER, alias MILL, is about six ft. one and one-half inches, 160 lbs., slim build, a little stooped shouldered, loose jointed in action; light brown hair; grayish blue, small eyes; thin face and features; well formed nose; rather full upper lip; narrow between the eyes; large hands. Has decided scar over right eye, extending from under edge of eyebrow into eyebrow for an inch or more. Has decided cleft in chin, one upper right front tooth is gold crowned; middle finger on right hand shows bullet scar at middle joint, which joint is considerably enlarged. Also has scars on back of right hand from auto accident. Complexion rather sallow and light. Talks and smokes ~~xxxx~~ cigarettes a lot. Sniffs nose and works mouth and nose like rabbit almost continuously, especially when excited.

We had MORRISON fingerprinted and measured at Identification Bureau, Police Dept. Dallas, and have been promised three copies of his picture and finger-prints. Spec. Agt. J. P. Huddleston will procure these when finished and mail to us.

On the 30th we conferred with Mr. Hindley, Spec. Agt. in Charge

419

At Okla. City in the knowledge of the fact that he had been in jail, and had a free written agreement from ELSEY WINDLEY to waive preliminary hearing, Government charge, and return to Oklahoma with Federal officers without any surealty. Mr. Morrison stated he would procure and mail a certified copy of Federal charge against MORRISON at once, but on what received word from Mr. Windley that U. S. Attorney's office at Okla. City were of the opinion that MORRISON'S assault on W. M. JOHNSON Indian Insurgent officer, was not in violation of any Federal law, and that they declined to have any Federal warrant issued for MORRISON on that count.

MORRISON was very evasive as to answering questions, but volunteered a lot of confidential information regarding himself and persons and officials and officers of the state in Osage County. That part of MORRISON'S information that does not bear on this case will not be reported, as it was received confidentially and would not tend to prove any of the facts in these cases.

As to these cases, MORRISON stated that he is certain no convictions can ever be had in state courts of Osage County; that he knows personally practically every state Judge, officer and official in Osage County, and practically all of the prominent and wealthy men, and that he has drunk, gambled, or been drunk with nearly every one, and knows that money will buy the protection or acquittal of any man for any crime in Osage County. MORRISON mentioned in detail two cases of deliberate murder where this was done and stated outright that he knows that the Sheriffs and County Attorneys office at Pawhuska can both be bought.

MORRISON also stated that he knew personally that the detective who worked on the ALVIN BROWN - HENRY HALL and BILL SMITH murders had "sold out" to BILL HARR; that said detective told him, MORRISON, last

420

"I am in this for the money; I am going to take all I have and sell it to BILL HALL and get out of here", or words to that effect.

MORRISON could not give this detective's name outright, but admitted it was J. H. WHEELER or HITCHELL, and then indicated that it was MORRISON.

MORRISON also stated that if results were ever expected to be obtained all information secured would have to be kept absolutely within Government's own investigators knowledge; that in the past the private detectives, like WHEELER, HITCHELL and BRACKETT, had all made it a practice to tell all they had heard and learned, as well as their plans with the result that suspects and nearly everybody else, knew all the time who the detectives were and what they were learning, doing and planning; that WHEELER and HITCHELL and BRACKETT all told him, from time to time, what they were learning and doing, and planning, and that he, MORRISON, on one or two occasions went to BILL HALL with this information; that however he saw one of the main detectives associating with BILL HALL and is sure that BILL HALL has bought and secured all their evidence from them.

MORRISON stated that he was in jail at Pawhuska when BRYAN and ERNEST BURBANK were being held there as suspects in the ALMA BROWN murder (about June, 1931); that among others in that jail at that time was a man of about 50 years of age, whose name MORRISON thinks was DAVIS; that this man was being held for the Federal authorities and was later transferred to Guthrie or Oklahoma City and thence to Muskogee; that at Muskogee this man was said to have plead guilty to transporting an auto and received a sentence of five years at Leavenworth.

MORRISON states that BILL HALL often visited BRYAN BURBANK in jail during that time and had private talks with BRYAN BURBANK there;

421

that this man "DAVIS" was standing near where HINE and BILL STEWART were then conversing one day, and that DAVIS told HARRISON of overhearing HINE and BILL STEWART talking and listening to them, and that "DAVIS" told HARRISON "I know for sure who killed ANNA BROWN".

HARRISON stated that ~~xxx~~ he understood from this that "DAVIS" had learned who killed ANNA BROWN from the conversation DAVIS had eaves on <sup>on</sup> dropped/between HINE and BILL STEWART (This will be run down.)

HARRISON also stated that shortly after the ANNA BROWN murder he and BILL STEWART arranged for HARRISON to get ROSE OSAGE out on a party with them to protect HARRISON as to the whiskey in the party, and HARRISON to try to get ROSE OSAGE to tell about the ANNA BROWN murder; that he, HARRISON, and JOE HINE, a cousin to ROSE OSAGE and ROSE OSAGE did have the proposed party in Mrs. GLEN'S house at Fairfax, and all got drunk; that he, HARRISON, said to ROSE OSAGE, "I know all about who killed ANNA BROWN. Why did you do it, Rose?" and ROSE OSAGE yelled out, "You don't know a g-- d-- thing about it, Slim, I did not kill Anna. Jimmie Hicks killed her. The g-- d-- son of a b-- jumped on me, and SHIRTLE killed her."

HARRISON states that JOE WHITE heard this, and said, "Slim, you have to split the reward with me, I get half"; that HARRISON told JOE WHITE he would give him half the reward, and that at that time BOB PRIMER, City Marshal, came in, found them all drunk, and found the jug of whiskey and put them all in jail.

HARRISON states that he tried to explain to PRIMER and induce PRIMER to not arrest them, but allow them to stay so HARRISON could get the facts from ROSE OSAGE, but that PRIMER just laughed at him, refused to listen, took them to jail, and "blew the whole thing up"; that later ROSE OSAGE denied making the statement, and JOE WHITE also denied hearing her make it, but ~~Slim~~ <sup>WILEY</sup> protected HARRISON on the

422

...ing they had at the time, as WALK had promised. HERRISON said everybody was so determined that REYNOLD SPARKMAN had killed ANNA BROWN that they would not listen to any information to the contrary.

HERRISON states that he can and will, at the first opportunity, get JIM WHITE and RAY SAGE to admit the above where agents can hear it for themselves, but that it would mean death to him if anyone outside should learn he is working on these cases for the prosecution, and would mean also that he could do and learn nothing.

We held HERRISON in jail at Dallas from Jan. 29th to 31st, inclusive, and on the 31st received word from Sgt. Findlay that the Government would not authorize HERRISON'S arrest and return to Oklahoma.

In view of all circumstances, and especially conditions in Osage County, we released him and staked him to some money in consideration of his solemn promise to keep us advised as to his whereabouts, and to cooperate with us on these cases, which are paramount to all else in the matter. This arrangement is strictly confidential and not to be divulged outside of this Bureau to anyone, under any circumstances, so long as HERRISON keeps his part of the agreement.

HENRY HERRISON states his parents are dead, but that he has a brother, IRVING HERRISON, in the Soldiers Tubercular Hospital at Dulmer, Okla.

As stated before, we have his picture, description, measurements and fingerprints in the event we have cause to apprehend him again.

Feb. 1st we ascertained that the man to whom HERRISON referred as "DICK" was O. W. MORGAN, alias JOHN SMITH, age 50; height 5' 10"; weight 150; eyes gray; hair brown; complexion, fair. In Osage county jail at Pankuska, Jul 18th to Aug. 25, 1921; bailed to T. B. Marshall, Okla. City and transferred there on Federal charge Aug. 25, 1921. State charge of bad checks. Federal charge not shown.

423

RE: MURDER OF WEN Y. RAIN.

Jan. 30th and 31st interviewed PERSBY MARRISON at Dallas, Tex. He was evasive and oily but stated, materially that all he knew was that if WEN Y. RAIN was not killed by "the law", JIM PARKER, cousin to BOB PARKER, Fairfax, had killed RAIN.

That his reasons for so suspecting were that he knows JIM PARKER well, and knows him to be a desperate criminal and an ex-convict from McAlester.

That a short time before WEN Y. RAIN'S death, BILL PARKER was out on parole for which he had paid \$300.00; that PARKER was trying to raise money to buy a pardon and had gone to BILL HALE to raise the money.

That BILL PARKER reported to MARRISON that when he, PARKER, had asked HALE for this aid, HALE had asked PARKER "How g-- d-- tough are you" and PARKER had replied, "I am not so tough, but I am pretty damned tough, and I need the money".

MARRISON states that PARKER was then broke and hard pushed to get the money for his pardon before his parole terminated; that a short while after RAIN was killed, BILL PARKER was going around with a new suit, hat and shoes, and was arrested at Shidler by the police, drunk and with over \$300.00 on him; that the policeman "rolled" PARKER for the money and kept it, and denied PARKER had the money when arrested. Also, that PARKER did evidently get his pardon money, for he secured his pardon soon.

MARRISON states that afterward HALE cursed about PARKER getting WEN Y. RAIN stuck on a note, but that he, MARRISON, suspected all HALE'S talk was just a blind.

MARRISON states that he will get all the true facts out of PARKER and inform us, but that his, MARRISON'S name or identity must never be disclosed, which we promised.

MARRISON MARRISON is in a position to be of invaluable help in these cases, if he chooses to do so, but his part must not be disclosed outside of this Bureau, under any circumstances.

424

RE: CHAS. WILLMORE MURDER.

Jan. 27th at Okla. City we interviewed ~~MISS~~ ~~WILLMORE~~ again, as  
W. H. W. had reported that she was feeling well, and willing to  
tell freely. She is still at Dolter's Hospital, but expects to re-  
cover fully.

MISS ~~WILLMORE~~ reiterated her former statements and had nothing  
new to tell, except that she stated that on the night of ~~WILLMORE'S~~  
murder she had ~~WILLMORE~~ drive her around town between about 9:30  
and 11:00 and that the purpose of this was for her to find her "friend"  
~~WILLMORE~~, the electrician, but that she did not find ~~WILLMORE~~ that night.

She also stated that ~~WILLMORE~~ ~~WILLMORE~~, an Indian woman of  
Okla. Co., told her later that ~~WILLMORE~~ ~~WILLMORE~~, who is "hanging up" with  
~~WILLMORE~~ ~~WILLMORE~~, showed her, ~~WILLMORE~~, a general ledger, ~~WILLMORE~~, that  
it was the ~~WILLMORE~~ ~~WILLMORE~~ ~~WILLMORE~~. (This will be  
investigated.)

425

Re: MURKIN on MURKIN, and MURKIN  
and MURKIN BROOKSHIRE.

SA. [redacted] interviewed MURKIN MURKIN at Dallas, Tex.,  
he stated that on the night of Mar. 9, 1934 when the house was blown up  
at Fairfax he was at Okla. City, where he then lived with his wife in  
separate rooms at 911 W. 9th St.; that a Mrs. GILL was his landlady,  
and she still lives there.

That at that time he was driving a big six Studebaker touring car,  
and it was in the garage at Fairfax, Okla.

That for two or three days previous to Mar. 9, 1934 he had been  
staying with his mother-in-law, Mrs. POWELL, in Fairfax; that he then  
was on good terms with her and her son, BILL POWELL, but is not on good  
terms with them now; that at that time the timing gear on his said car  
was out of order, and he had waited a day or two for BILL RICHARDSON,  
of Fairfax, Tex. whom he had purchased the car, to get him new ones.

That on Mar. 10th he told RICHARDSON that he, MURKIN, had to be  
at Okla. City next morning for trial in Federal court on whiskey charge  
and had RICHARDSON take the timing gears out of a new car and put in his  
car.

That about noon March 10th he, MURKIN, left Fairfax and drove in  
said car to Okla. City, arriving in Okla. City about 5 PM; that he took  
several other men from Fairfax to Okla. City with him, and they had a  
gallon of whiskey; that at Okla. City he, MURKIN, drove out home, 911  
W. 9th, and being drunk and sleepy, went to bed and stayed there till  
the next morning when he got up and went to court; that he believes  
Mrs. GILL will remember this, as his wife was not a very good driver  
and took the car down town to the garage that night.

RICHARDSON stated that BILL BALSAM and others had told him that  
MURKIN had been in Fairfax about midnight that night,

426

the night of the explosion, but that that did not worry him, as he knew he was not in Fairfax as claimed, and that he certainly was not such a fool as to go to a restaurant and meet people that knew him in Fairfax at that time if he were going to blow up the SMITH house that night.

MORRISON stated that the only explanation he could make of the people's statements that they saw him as claimed was that BOB BARNER and others wanted to put the blame on him; that he did not believe these people were honestly mistaken, though it was possible they might have seen him a night or two before.

MORRISON stated that he shared the common belief that BILL FOLE was responsible for the explosion, and that the BURNHARDS were also probably implicated; that he knows FOLE well, and knows him to be a thorough crook and capable of anything but that his opinion is that whatever crimes FOLE is guilty of in these cases will be found to have been committed by FOLE and the BURNHARDS, as FOLE is too smart to run the risk of blackmail by hiring outsiders; that anyone of the BURNHARDS could do anything FOLE told them to do; that ERNEST BURNHARD is a shallow sort of talkative fellow, but WYLL BURNHARD is close mouthed and hard to read.

MORRISON states that his information is that on March 9th BILL FOLE had EARL GARY of Fairfax drive him, FOLE, from Fairfax to Ponca, at which point FOLE claimed he was going to take the train to Ft. Worth to attend the Cattleman's Convention.

MORRISON states also that on that night BILL SMITH was out riding with ~~XXXXX~~ banker BOB GLOUCE of Fairfax and that they returned to SMITH'S house, because of car trouble, about 10:30 PM; that BOB GLOUCE put SMITH'S car up in SMITH'S garage, the basement of

427

Smith's house, and will have the key to the car.

That Mr. EST BURNHAM lived across the street from SMITH'S home and a little west, in the same block. HARRISON states that his opinion is that whoever blew the house up kept an "eagle eye" on it that night beforehand to make sure SMITH was in it when it was blown up, and further that he suspects that WALTER BURNHAM watched SMITH'S house for that purpose, and that HALE was probably there to do the deed, and had the Ft. Worth trip for an alibi, or that in any event, the deed was done by the BURNHAMS and HALE, or by the BURNHAMS, at HALE'S directions.

HARRISON stated that HALE SMITH and CAROL SMITH are straight and can be relied upon in this case.

HARRISON stated that he knows CHARLES SMITH well; that at the time SMITH'S house was blown up SMITH had a 4-passenger Studebaker coach, and that about that time SMITH had borrowed \$75.00 from EUGENE SMITH in Okla. City, and had left said car in SMITH'S possession as security for the loan.

HARRISON stated that his best recollection is that SMITH had this car for a few days previous and some days after SMITH'S house was blown up, but he was not certain, but that he does remember seeing SMITH driving SMITH'S car in Osage county while holding it in pledge, and after the blow-up.

HARRISON first denied knowing of EUGENE SMITH at all, but finally pretended he had just recalled him. HARRISON denied knowing CURTIS FOX SMITH at all but we are convinced he knows SMITH well. HARRISON also tried at all times, in an artful way, to get information and learn what we thought and had learned. He is an unusually shrewd, and reckless and self-confessed criminal.

END CONTINUED.

428

WUG:EW  
62-5033-66

PERSONAL AND CONFIDENTIAL

February 11, 1924.

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  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100

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

RECORDED & INDEXED

My dear Mr. Burke:

Further with regard to the case of W. E. SMITH  
et al -- Murdered Indians -- I am transmitting herewith,  
for your information, copy of a report dated February 2,  
1924, made by Agent Weiss of our Oklahoma City office.

You will note that certain portions of this  
report are strictly confidential, and it is requested  
that they be so treated.

After you have read the report I shall appreciate  
it if you will return it to me.

Very truly yours,

  
Director.

Enc. 7958

MAILED  
FEB 11 1924

429

ORIGIN:-OKLAHOMA CITY.

|  |                                    |   |  |
|--|------------------------------------|---|--|
| REPORT MADE AT:<br><b>Dallas, Texas.</b> | DATE WHEN MADE:<br><b>2-4-1924</b> | PERIOD FOR WHICH MADE:<br><b>1-28-29-30-1924.</b> | REPORT MADE BY:<br><b>JAB. P. HUDDLESTON</b> |
|--|------------------------------------|---|--|

TITLE AND CHARACTER OF CASE:  
**KELSIE MORRISON alias Oklahoma. (Not informed as to exact nature of alias)**  
**LLOYD MILLER. alias FLETCHER.**

FACTS DEVELOPED:  
**At Dallas, Texas:-**

Reference is made to reports of Agent Weiss and Burgher of January 28-29-30, in the above entitled matter.

Agent having been assigned to assist Agents Weiss and Burgher, who deposited a decoy registered letter in the Dallas Post office on January 28th, addressed to LLOYD MILLER, General Delivery, (they having information that Subject was receiving mail at the Dallas Post office under the alias of LLOYD MILLER) covered the registry window and at 5 P.M. January 29th, apprehended Subject and placed him in the City Jail to be held for an interview by Agents Weiss and Burgher.

Agent arranged with Eddie Stallworth, in charge of the Bertillon Department, Police Station, who took Subject's fingerprints and photograph, and same - 3 copies of each - was sent to Agent Weiss of Oklahoma City Office, as requested by him. Other copies photograph and fingerprint classification is being retained in this Bureau office.

C l o s e d.

RECORDED & INDEXED  
 DO NOT WRITE IN THESE SPACES  
 FEB 15 1924  
 BUREAU OF INVESTIGATION  
 DEPARTMENT OF JUSTICE  
 FILE NO. **62-5033-67**  
 ROUTED TO: **JAB**  
 DIVISION

|            |  |
|------------|--|
| REFERENCE: | COPIES OF THIS REPORT FURNISHED TO:<br><b>2-Washington. 2-Oklahoma City.</b> |
|------------|--|

430

Okla. City office;

THIS CASE ORIGINATED AT

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

|                                  |                                |   |                                 |
|----------------------------------|--------------------------------|---|---------------------------------|
| REPORT MADE AT:<br>Oklahoma City | DATE WHEN MADE:<br>Feb. 11, 24 | PERIOD FOR WHICH MADE:<br>Feb. 2 to 9th | REPORT MADE BY:<br>T. F. Weiss. |
|----------------------------------|--------------------------------|---|---------------------------------|

TITLE AND CHARACTER OF CASE:  
 W. E. SMITH, et als., Osage County, : Murdered Osage Indians  
 Murders of Oklahoma.

FACTS DEVELOPED:

At Okla. City, Tulsa, pawhuska, Fairfax, Morager and (K. C. #10675;  
 Shidler, Okla., and Kansas City, Mo. (O. C. #7060.)

Continuing, and referring to previous reports,  
 entitled  
 as  
 above.

This is a joint report made for Agents T. F. Weiss and John R. Burger, and made jointly for the reason that both Agents are working jointly on this case during their entire period, and this report is made jointly to avoid unnecessary duplication and confusion.

RE: MURDER OF ANNA BROWN:

On Feb. 2d Agents were informed by FRANK SHAW of Fairfax, that ex-judge STURGILL of pawhuska had informed him, SHAW, that KELSEY MORRISON had been taken into custody for the Federal at Dallas, Tex. the preceding day.

Agents interviewed Judge G. B. STURGILL, who stated that this information was given him by a party living at

Fairfax, and that the information was confidential, and he, MR. STURGILL, could not disclose his informant's name. We investigated and found that

*On Indian file 7/75/74*

MAR 3 - 1924

DO NOT WRITE IN THESE SPACES

|   |                  |
|---|------------------|
| FILE NO.<br><i>62-5033-68</i>                                   | SEARCHED INDEXED |
| BUREAU OF INVESTIGATION<br>FEB 11 1924<br>DEPARTMENT OF JUSTICE | 5033             |
| ROUTED TO:  | FILE<br>DIVISION |

REFERENCE:

COPIES OF THIS REPORT FURNISHED TO:

3 Washington; 1 Kansas City; 3 file.

431

this rumor was unfounded. Our main object of inquiry of MR. STUR GILL was to feel him out, as we had been confidentially informed that he was on the wrong side in this investigation, and we did find him very unwilling to disclose any information.

Feb. 4th at Pawhuska, WM. BRACKETT stated that he had recently seen confidential informant at Kansas City, and that informant had told him, BRACKETT, that he, informant, knows the name of the third man, the man that was with EDITH DAVIS and J. L. BRIDGES and BRYAN BURKHART and ANNA BROWN at PAUL JOHNS' and LEE MORGAN'S roadhouses after midnight on May 21, 1921 and that said man is a resident of Fairfax, and is the man that has been furnishing confidential information to our informant.

Feb. 6th at Kansas City we interviewed confidential informant exhaustively and diplomatically, and from him extracted the following information:

That the third man referred to above is a man of standing, living at Fairfax, Okla.; that said third man wants this crime solved, and the guilty persons punished, but is fearful of his own life if the HALE-BURKHARTS ever learn or suspect that said third man is furnishing any information or assisting in the investigation in any way.

Our confidential informant stated further today that said third man is furnishing him, informant, with information from time to time, and that he, our informant, has known and talked with this third man off and on since July, 1921, and that said third man has stated at all times positively that BRYAN BURKHART killed ANNA BROWN between two and five A. M. on Sunday morning, May 22, 1921, and that BRYAN BURKHART used a .32 automatic

432

pistol and shot ANNA BROWN in the head with it, and that BILL HALE furnished this pistol to BRYAN BURKHART that night for that very purpose; that said third man states further that BRYAN BURKHART at that time owned a big gun, a .41 or a .45 calibre, but HALE and the BURKHARTS agreed and HALE furnished this .32 calibre to BRYAN BURKHART because of the fact that it was generally known that BRYAN BURKHART had the larger calibre gun, and they wanted to use a smaller gun to avoid suspicion.

Informant states further that this .32 automatic that BRYAN BURKHART used has since changed hands several times, but that said third man knows where said gun now is, and that possession of it can be obtained, as it is out of the possession of the HALE-BURKHARTS, and that said third man will probably be able to get that gun himself or ~~we~~ tell Agents where we can secure it.

Confidential informant also stated on this date further that LEE HINKIE was positively warned by BRYAN BURKHART that Sunday morning of the murder to never tell anyone that he, HINKIE, saw BRYAN BURKHART coming home with ERNEST BURKHART'S Buick touring car, and that BRYAN BURKHART has paid money to LEE HINKIE to keep his mouth shut.

Informant also states that this third man states that MARTHA UPRIGHT DOTY overheard the HALEs and BURKHARTS, or at least some of the BURKHARTS, planning the killing of ANNA BROWN at ERNEST BURKHART'S that Saturday, May 21, 1921, and that this was what frightened MARTHA UPRIGHT DOTY into leaving the employ of MRS. ERNEST BURKHART that night. Informant also states that he has information that MARTHA UPRIGHT DOTY is also "understood" to have seen BRYAN BURKHART with ANNA BROWN between midnight and

daylight of the night of the murder, and that MARTHA UPRIGHT DOTY is extremely frightened because of the knowledge which she possesses of this murder.

Informant stated further on this date that this third man was with ANNA BROWN and EDITH DAVIS at Pawhuska on Friday, May 20 1921, and is the man who drove ANNA BROWN and EDITH DAVIS to PAUL JOHNS whiskey joint, about three miles northeast of Burbank the night of May 21, 1921, arriving there between ten and eleven o'clock, and being joined there about half an hour later by agreement by BRYAN BURKHART and J. L. BRIDGES.

Confidential informant states further that he will try to have this third man meet Agents personally at some neutral and secret place, probably Oklahoma City, and talk directly to Agents, but that this will have to be with the full agreement that said third man's identity is to be kept absolutely secret from any but this Bureau's Agents; that this third man is very close and in the confidence of the HALES-BURKHARTS; and has some inside knowledge in regard to the BILL SMITH and HENRY ROAN murders also.

The above and foregoing information was rather reluctantly given by our confidential informant, as he stated again that from what he learns the BURKHARTS and HALE are not worried at all that they will ever be convicted or made to serve or pay any penalty for these murders, because of their alleged influence and money with the state authorities, and informant stated positively that he did not have any hopes of getting any reward for his information, because of the fact that the reward was conditioned upon the arrest and conviction of the guilty parties, and he had no confidence that they could ever be convicted.

424

Informant indicated plainly that he had more information and in fact ~~he~~ did state that he had the names of three other reliable witnesses who could substantiate this third man's evidence, and our confidential informant ~~had~~ finally stated that he would write this third man and arrange with this third man to meet with Agents and our informant at Okla. City, and possibly bring three other heretofore unnamed witnesses with him, and lay all the evidence on the table which would prove conclusively that the murder was planned by BILL HALE and the BURKHARTS and carried out by BRYAN BURKHART with an automatic .32 gun furnished by BILL HALE to BRYAN BURKHART.

Informant, however, stated that he was a close friend of WM. BRACKETT, and had the utmost confidence not only in BRACKETT'S integrity, but in BRACKETT'S ability to keep his mouth shut, and not disclose the evidence, and that he, informant, had an ill will toward JOHN MORAN, and did not have confidence in MORAN'S ability to keep his mouth shut, although he did have confidence in MORAN'S integrity.

Informant stated therefore that as BILL BRACKETT had done a lot of work on this case for which BRACKETT had received no commensurate pay or credit, <sup>he,</sup> and informant wanted BRACKETT to be in these final negotiations, so that BRACKETT would get the credit due him and also possibly some recompense for his past work.

Informant finally stated at night, at our second interview, that he had written WM. BRACKETT that afternoon, and that his informant's decision was that Agents should see BRACKETT upon their return to Oklahoma, and BRACKETT would furnish the name of the third man and the other three heretofore unnamed witnesses.

435

and a lot of other evidence that has not as yet been disclosed by our informant, and that his, informant's, plan was for BRACKETT to go to D. E. JOHNSON at Fairfax and produce this evidence and have JOHNSON pay the money to pay the expenses of the meeting at Okla. City, and to recompense BRACKETT for his services. Informant stated that Agents were authorized to read all the letters and information that he would furnish BRACKETT.

(This was all that could be extracted from informant, and it was quite plain to Agents that informant was wanting more money in hand before he would disclose all of his evidence, for the reason apparently that informant feels that he would not be recompensed by any reward because of the reasons stated above, and Agents agreed with informant that they would work with BRACKETT along the line indicated.)

Feb. 8th at Pawhuska learned from WM. BRACKETT that a letter from informant to BRACKETT was at Tulsa, and MR. BRACKETT arranged with Agent Weiss that Agent Weiss should go to Tulsa with BRACKETT and get the letter.

Feb. 9th, \* BILL BRACKETT stated confidentially that BILL HALE told him, BRACKETT, that he, HALE, with his wife and daughter met ANNA BROWN and BRYAN BURKHART near Grayhorse the evening of May 21, 1921, and that BRYAN BURKHART was taking ANNA BROWN home in a Ford car at that time. BRACKETT stated further that HALE also told him, BRACKETT, that later that evening he, that is HALE, and his daughter were sitting in HALE'S car in Fairfax after lights had been lit that evening, and that they saw ANNA BROWN pass; that HALE stated further that there was a rumor that some Indian women had seen ANNA BROWN eating in ROSS' restaurant

436