

which is on the corner in Fairfax, that same evening. MR. BRACKETT states further that this was in June, 1921 when he was investigating the case for the Gustafson Agency, and that when he got this information from HALE, he, BRACKETT, interviewed MRS. ROSS at the Ross Cafe immediately and MRS. ROSS stated that she knew ANNA BROWN well and for a long time, and that ANNA BROWN had not eaten in her restaurant that evening. That she, MRS. ROSS, had not seen her and had not heard of anyone else that had seen her, ANNA BROWN, eating there that evening, and that she, MRS. ROSS, was quite positive that ANNA BROWN had not been in her restaurant that evening.

Feb. 9th at Tulsa, BILL BRACKETT let Agent Weiss read the letter which BRACKETT had received from our confidential informant being the letter mentioned above. This letter contained no information as to these crimes, but in substance proposed that he, our informant, would embody all this evidence or information in a report and send it to BRACKETT, and that BRACKETT was then to take the information to the "proper persons" in Osage County and get them to pay money for same, and that if these persons refused to pay money, then the information was to be returned to informant, undisclosed. Informant did not mention any particular sum that he desired for his information, but requested that BRACKETT wire him when he received that letter, and that he, informant, would then furnish the information, which it was proposed to send to the proper persons in Osage County.

MR. BRACKETT stated that by "proper persons" was meant J. B. JOHNSON, attorney at Fairfax, whom Agents have confidence in, in this case as being on the right side, and MR. BRACKETT then

437

arranged with Agent Weiss that he, BRACKETT, would send a telegram to informant, telling informant to forward the evidence to BRACKETT at once and to state what sum he desired for same, and stating that if this sum was not paid then he BRACKETT, would return the evidence to confidential informant, undisclosed.

MR. BRACKETT sent the above telegram and had Agent read it before sending it, and then MR. BRACKETT and Agent Weiss agreed that BRACKETT would keep in touch with Weiss and when the information was received by BRACKETT, Weiss would join him and they would go together to D. E. JOHNSON with informant's proposition, and work it out in the best possible way for the good of this investigation.

Feb. 9th Agent Burger, as per our plans, drove to Foraker, Okla. with JOHN MORAN and got ELLA HALLETT to accompany them. Our plan is to take ELLA HALLETT to Yale, where MARTEA UPRIGHT DOTY now lives, and have as long an interview as is necessary with both of these young women, and obtain from them full signed written statements of all the facts they know, as it appears that they are in possession of vital information. After this is done, an attempt will be made to get a full and truthful statement from MRS. NORA BENNE at Fairfax, with the assistance of BILL BRACKETT who is on very friendly terms with MRS. BENNE, and who interviewed her in June, 1921, at which time she told a different and more favorable story from the one she told Agents when they interviewed her at Bartlesville. At the time Agents interviewed MRS. BENNE at Bartlesville, they were not informed that MRS. BENNE had ever been interviewed by BILL BRACKETT or anyone else before, and therefore were not aware that she was changing her

1 story to favor the BURKHARTS. We are very careful that with  
 2 BRACKETT'S assistance MRS. BENNE will tell her original and  
 3 truthful story, as we have since learned that her husband, who  
 4 was present when Agents interviewed her in the first instance  
 5 is favorable to the BURKHARTS, and that it was probably the in-  
 6 fluence of his presence that induced her to tell the different  
 7 story to Agents.

8 Nothing has been heard of or from KELSEY MORRISON, alias  
 9 LLOYD MILLER, to date since the interview with him at Dallas on  
 0 January 31st last.

1 A lot of hearsay information has been gathered during the  
 2 past ten days re. the BILL SMITH, HENRY ROAN and CHARLES  
 3 WHITEHORN murders, but this report will not be encumbered with  
 4 that information, as we will investigate same and only report  
 5 that which is pertinent and evidence.

6 OPEN.

439

WFG-3  
62-5033-68

MAR 3 - 1924

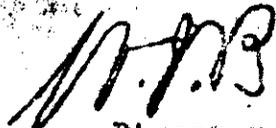
February 25, 1924.

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

My dear Sir:

Further with regard to murders of  
Osage Indians, I am enclosing herewith copy of  
the report of Agent Weiss of our Oklahoma City  
office, dated February 11th, for your informa-  
tion.

Very truly yours,

  
Director.

Encl. 10577.

RECORDED

MAILED  
FEB 25 1924

4740



Feb. 15, 1924.

## STATEMENT OF MARTHA DOUGHTY.

My name is Mrs. Martha Doughty. I am 18 years old. Present home is Norfolk, Okla.

About May 17, 1921 I went to work for Mr. and Mrs. Ernest Burkhart at Grayhorse, Okla. About May 19, 1921 an aunt of the Burkhart men came from Texas, with her children, two boys and a girl, to visit at Ernest Burkhart's. This aunt came in a Ford touring car. I don't remember that this aunt's husband was there.

Ernest Burkhart and wife had a Ford touring car and also a new Buick touring car.

On Saturday, May 21, 1921 Anna Brown came from Fairfax in the morning to visit her mother, Lizzie "Q", who ~~had~~ lived with Mrs. Ernest Burkhart. Mrs. Ernest Burkhart and Anna Brown were sisters and Lizzie "Q" was their mother. They were all Osage Indians.

On that Saturday Duke and Byron and Ernest Burkhart were at the home in the morning but Byron and Ernest went to a horse-race that afternoon, and took one or two of the children. They drove Ernest's Buick touring car to the horse races.

This left Lizzie Q the aunt, the children, Mrs. Ernest Burkhart, Anna Brown, myself and I think Duke Burkhart at home. I am not sure whether Duke Burkhart went to that horse race or not.

During that day there was a lot of fussing between Anna Brown, her mother, the aunt and the others. The aunt said a lot to the effect that she was ashamed that her nephews had married and associated with Indians, of whom she expressed a very poor opinion.

Anna Brown was drinking and told me she would kill any woman that she caught flirting with Byron Burkhart.

The men got back from the horse race about 5 PM. We ate supper about an hour before sundown, about 6 PM; Anna Brown had stayed out in the summer house nearly all day, and had refused to come in and eat dinner, but ate some supper, with Mrs. Ernest Burkhart and I.

About 3 PM that afternoon Mrs. Nora Benne and Ella Hallett and Charley O'Farrell came to see me at Ernest Burkhart's, and we arranged that they would come by and take me to a dance near Ralston that night.

That afternoon the aunt and the Burkharts talked of going to a show at Fairfax that night, and talked of going over and getting Horace Burkhart and his wife to go to the show with them.

Shortly after supper, just before sundown, Ernest Burkhart, Byron Burkhart and Anna Brown got in the Buick car and Mrs. Bridges and some of the children got in her Ford car and they all drove away about the same time. I saw the cars going out north of the house.

447

but did not watch or see which way they turned when they hit the main road, and don't know whether they went to get Porace Burkhart and wife or not. Duke Burkhart stayed at home when the rest started to go to the show that night. It was between six and seven P.M. when they all left to go to the show that night.

About dark Mrs. Benne, Ella Hallett and Mr. Fred Benne came to Ernest Burkhart's and I went with them to the dance.

It was just good dark when we started for the dance and am quite sure Duke Burkhart was at home (Ernest's) when we left. But none of the other Burkharts or Aunt that started to the show had returned I took my suit case and left Ernest Burkhart's for good that night because they quarreled too much, and I was afraid of them.

Byron Burkhart told me that day that Anna Brown had said she would kill him unless he married her, and that he was not going to marry her.

I have never been back to Ernest Burkhart's since that night. Ernest Burkhart kept his Buick in his garage, which was only large enough for one car, and kept the Ford standing in the yard. I don't recall seeing the aunt's husband, J. L. Bridges, there, but he may have been there.

Witnessed: Luella Hallett.

(signed) Mrs. Martha Doughty  
Weiss and Burger."

Feb. 14th, upon our return, received report from GUSTAFSON Agency enclosing some reports on ANNA BROWN murder, and the following, by "Operative #10" (who is J. J. MORAN of Tulsa, Okla.) is hereby copied as it shows additional information and evidence by MRS. MARTHA DOUGHTY, given by her on Aug. 20, 1921, when the facts were fresh in her mind. Said report reads as follows:

"Pawhuska, Aug. 20, 1921.

Leaving Pawhuska about 6:30 AM. in company with #28, in an automobile, we drove to Bartlesville about 8:30 a. m., and shortly after that located Mrs. Martha Brookshire (now Mrs. Martha Doughty) at No. 400 N. Morton Ave. We made ourselves known and talked to her for sometime as to what she knew about the Burkhart family with whom she was staying at the time that Anna Brown was murdered

Mrs Brookshire was at that time a single woman and she worked for Earnest Burkhart four days leaving on Saturday evening May 21st, about 8:30 p. m. when her sister-in-law Mrs. Benny came by and took her to a dance.

Mrs Brookshire says that Anna Brown came to the Burkhart place in

443

the forenoon on Saturday, May 21st, and was there all day; that she was drinking and did not come into the dining room at noon for dinner, but later came in and got something to eat; that she stayed there all afternoon and about 5:30 P.M. while Mrs. Brookshire was getting supper Anna came into the kitchen and asked her to go the store and call a taxi for her (Anna) as she was going home. Mrs. Brookshire told Anna that she was busy, that she had supper to get and she could not go to the store and she did not. She said that later Mrs. Burkhart came in and asked her where she had put the clean clothes that had been ironed and told her that she wanted a clean paron for Anna to wear home, and said that Mrs. Burkhart got the clean clothes and went out; she says that she did not see Anna Brown any more during the evening; that she finished supper did up the work and finished about 8:30 or nine p. m. and that Benny's folks came for her and she took her suit case and left and had never been back.

Mrs. Brookshire says that Bryan Burkhart and all the men were gone all afternoon and came in just before supper; that Bryan came in and talked to her and asked her to go to the dance with him, and said Earnest had refused him the car to go to the dance, but thought that if she would go that he could get the car. Mrs. Burkhart says that she refused him and told him that she was going with Benny's folks. She said that he then went in and changed his clothes and came out to supper; that he wore a pair of dark trousers, light shirt and no coat and wore a white hat, or that is what he usually wore when he dressed up.

Aug. 20, 1921. Mrs. Brookshire says that there was an aunt visiting at the Burkharths, and that she had a Ford car, a touring car; that when she finished the dishes and work after supper that the Ford was gone and she did not see the Buick but it might have been in the garage as they kept it in the garage when they were at home.

Mrs. Brookshire said that Bryan told her about Anna Brown said that she was drunk and wanted him to marry her and that she had drawn a gun on him and said that she would kill him if he didn't marry her and that he had told her that he would beat her to it. Mrs. Brookshire says that she does not think that Anna had a gun as she had opened her stachel when talking to her and that there was just a few toilet articles and an empty pint bottle in her stachel, and she believed that Bryan was just lying to her. Mrs. Brookshire says that when she left the Burkhart home that there was none of the men at home except Duke, the youngest brother and he carried her ~~xxx~~ stachel to the car. Mrs. Brookshire says that Anna did not wear any shoes around the house while she was there, but she did not see her come or go and does not know what she wore.

Mrs. Brookshire says that Anna talked to her and said that she did not think she would live so very long, and when she died she wanted the Burkhart children to have her property; she says that Anna spent most of the day she was there out in the summer house; also says that she did not leave until near six o'clock as it was nearly six when Mrs. Burkhart came for the clean clothes.

This witness is honest in her statements and can be relied on to

444

give what information she knows. She does not like Bryan Burkhart on account of his advances toward her but do not think she would let that prejudice her in her statements."

Feb. 14th also secured following signed statement from MISS

LUELLA HALLETT:

Feb. 14th, 1924.

AFFIDAVIT OF LUELLA HALLETT.

"Personally appeared before me, the undersigned authority, this date, Luella Hallett, who being first duly sworn, upon oath deposes and states:

My name is Ella Hallett. I am 23 years of age. My home is at Redfork, Okla. where my mother, Mrs Anna Hallett lives.

I have known Duke, Horace, Ernest and Byron Burkhart since about 1917 personally and well. I have also known ANNA BROWN, late of Fairfax, Okla. since about the same time. Ernest Burkhart's wife, Mollie, is a sister of Anna Brown. In May, 1921 Duke and Byron Burkhart were living with Mrs and Mr Ernest Burkhart at Grayhorse, Okla. The said Burkharts are brothers, and W. K. Hale is their uncle, and also lived near them at that time.

On Saturday, May 21, 1921 I rode with Chales O'Farrell and Mrs. Nora Benne, whom I was visiting at the time, from her home, about 6 miles east of Grayhorse, to Fairfax, Okla. We rode in O'-Farrell's Ford coupe. We left Mrs Benne's home about 1:30 PM and drove to Fairfax, about 9 miles. We stayed in Fairfax about 2 hours, and then we three drove to Ernest Burkhart's home, at Grayhorse, to visit Martha Upright, now Mrs Martha Doughty.

We arrived at Ernest Burkhart's about 3:30 PM. No men were there that I saw, but Mrs. Ernest Burkhart, Lizzie Q. (Anna Brown's aged mother) Martha Doughty, Anna Brown and some small children were there. Anna Brown was sulking in the out or summer house, and was plainly somewhat under the influence of liquor. I went out and talked with Anna Brown. She asked me to come and work for her at her home in Fairfax, and I agreed to do so. Anna promised to come to Mrs Benne's in a car and get me and take me to her home at Fairfax the next morning, Sunday, and to come for me about 8 A. M. We visited at Ernest Burkhart's about 30 minutes, and agreed to come by there that evening and get Marsha and take her with us to a dance that night, on the Wheeler place, east from Ralston, and south of Grayhorse. None of the men folks returned while we were at Ernest Burkhart's that afternoon, and none of the women folks left.

Mrs. Renne, O'Farrell and I left Burkhart's about 4 PM. drove back to Mrs. Renne's home, about 6 miles, did the work, had supper, and about 7:30 PM. Fred Benne, Mrs Renne and I started in O'Farrell's Ford coupe to get Martha and go to the dance. O'Farrell remained at Mrs Renne's with her children. We arrived at Ernest

Burkharts just as it was getting dark enough that lights were lit. At Burkharts I saw a car standing in their yard, but did not distinguish the make of it. Mrs. Benne got out of our car and went into their house, Mr. Benne and I remained in our Ford. We waited about 20 minutes for Martha, and then she and Mrs. Benne came out and got into our car to go to the dance. At that visit I only saw one man at Burkharts and that was DUKE Burkhardt, who brought Martha's suitcase from the house and put it in our Ford. I did not see Anna Brown at that time.

Martha, Mrs. and Mr. Benne and I then drove to the dance. We stayed at the dance till about 3 AM. and then started for home. Martha went home about the same time, but with Joe Morrell. Our car ran out of gas in a few miles, so that we did not get back to Mrs Benne's till after noon that day, SUNDAY. Martha had been there some hours before we arrived.

That same Sunday afternoon, about 5 PM Duke Burkhardt came in a car to Mrs Benne's and asked me to go back to Ernest Burkhardt's with him to work for Mrs. Ernest Burkhardt. I told Duke that I had promised to work for Anna Brown, and that Anna was to have come for me that morning. Duke replied that Anna Brown was gone, or away, and not at her home, so I went back with Duke and began working at Ernest Burkhardt's, and stayed there with them for about three weeks. I often noticed Bill Hale and the Burkhardt men holding very private conversations. After Anna Brown's body was found I asked Mrs Mollie Burkhardt, Ernest's wife, and Anna's sister, who was with Anna last, and who took Anna home from Burkhardt's that Saturday. Mollie told me that Ernest Burkhardt and herself had taken Anna home from their house that Saturday.

I have read the above and foregoing, understand the contents thereof fully, and the facts therein recited are true and correct.

WITNESSED: J. R. Burger; J. J. Moran;

T. F. Weiss.

(signed) Luella Hallett."

Feb. 15th, we saw BILL BRACKETT, who states that he has received the promised report of evidence from our confidential informant; that said report consists of one report wherein the main facts are stated, but names of suspects and witnesses not given, but designated by numbers; that the other report consists of a key showing these names; that informant insists that this key be kept by BRACKETT, until money is furnished to pay all expenses of informant and necessary witnesses meeting with Agents at Okla. City or some other suitable agreed upon place, where informant promises to have them; that informant insists further that when he thus produces these witnesses, and they furnish the evidence promised, then

446

informant is to be paid \$500.00 for same. MR. BRACKETT states that informant has developed a grudge against J. J. MERRAN (which we know to be a fact) and that informant exacted the word of honor that this proposed new negotiation be kept confidential from every one until completed. We are now trying to work this out, and get informant's evidence. Informant and BRACKETT also exacted the promise that this informant's evidence be never divulged to any state authority, except in the event of arrest and prosecution, assisted by Government, as they both expressed entire lack of confidence in all state authorities in these cases.

MR. BRACKETT turned to Agents, with this understanding, the first part of informant's report, mentioned above, but kept the "key"

These Agents, however, by means of our previous knowledge, have positively worked out said "key" as to all names of "suspects" and "witnesses" with the exception of "witnesses" #5 and #6, and feel confident that we can ultimately work out the name and identity of witness #5, as he is informant's informant, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

New evidence contained in informant's latest report to BRACKETT was that "witness #6" saw BURKHART'S Buick parked at ERNEST BURKHART'S home at Grayhorse about 10 PM that Saturday night.

The balance of said report was practically a statement of the

447

facts as heretofore told us by informant, and reported by us at previous times. MR. BRACKETT turned this latest report of evidence by informant to Agent Weiss, but with the agreement that same will be kept from all state authorities until arrest and prosecution has begun.

The reports re. the ANNA BROWN murder investigation, as furnished by GUSTAFSON, are not complete, but contain some heretofore unknown "leads" that apparently have never been followed out. We will follow these out, which will necessitate interviewing ROBT. KISSEE, WM. KISSEE, LEE UTC, LEE HINKLE and ascertaining the identity of "some cafe man at Fairfax".

Agents upon reading these reports from GUSTAFSON and comparing some of the information therein recited, are strongly of the belief that in some manner the BURKHART-HALE-BRIDGES outfit have secured the information gathered by the GUSTAFSON agency. And this belief is strengthened by the further fact that one MITCHELL, an operative for GUSTAFSON, who worked on this case in 1921 for GUSTAFSON, has been doing some secret work in this section for the past six weeks and MRS. GUSTAFSON told Agent Weiss that GUSTAFSON has an under cover man working on these cases, and that LEAHY, McDONALD, etc. are paying for same. She refused, however, to disclose this under cover man's identity, or to have him consult with Agents, for the good of the investigation.

We received a letter on the 14th from our confidential informant from Dallas, stating that he would be in Oklahoma soon, and communicate with us.

## RE: MURDER OF HENRY ROAN:

Feb. 15th interviewed GEORGE PITTS, heretofore mentioned, and he stated that LAMIE FLETCHER, whom he states he intends to marry, denies positively to him that she knows anything about the HENRY ROAN murder. MR. PITTS stated further that MARY BUNCH, who was MRS. HENRY ROAN, recently told him that MRS. JOHN MCKINLEY told her that MRS. ANGELA MCKINLEY had told her, MRS. JOHN MCKINLEY, that ALFRED MCKINLEY and LAMIE FLETCHER were out riding together about Jan. 26th (the day HENRY ROAN disappeared) at night, and that they, LAMIE FLETCHER and ALFRED MCKINLEY, had seen HENRY ROAN killed, or dead, that night. MR. PITTS stated that he also questioned ANGELA MCKINLEY about this, but she denied telling it. GEORGE PITTS and all the others mentioned in this paragraph, are full blood Osage Indians, and we are endeavoring, through GEORGE PITTS, to get the truth of this information, as GEORGE PITTS is said to be unusually reliable, and well educated, and sincere in his desire to help us.

MR. PITTS reports that MARY BUNCH also told him that she is now willing to tell agents all she knows about ROAN'S murder, and we will take MR. PITTS and interview her at Enid, where she now resides, as soon as possible.

RE: MURDER OF CHARLES WHITEHORN.

Feb. 11th and 12th, Agent Weiss again interviewed MRS. HATTIE SMITHERMAN, but all the new information Agent was able to secure from her on this subject was that DELILA MA-SHUNK-A-SHA, of Pawhuska, had told HATTIE that BRYAN GRIFFIN had twirled a small gun on his finger, and told DELILA that that was the gun that had killed CHARLEY WHITEHORN. BRYAN GRIFFIN has been laying up with MINNIE SAVAGE for the past year or more. We are trying to get the truth of this from DELILA through GEORGE PITTS, as DELILA is also an Osage Indian. Agents are still convinced that HATTIE SMITHERMAN is not telling ALL she knows of WHITEHORN'S murder, and will continue to work on her. We are now convinced, however, that J. J. PAULKNER has no evidence in this case, but is trying to graft HATTIE all he can.

RE: MURDER OF W. E. SMITH, HIS WIFE, and SERVANT.

Feb. 15th. Were informed by J. J. MORAN that one "DOC" HAWKINS, of Webb City, Okla., has stated that he, HAWKINS, has some evidence in this case, and that "BLACKIE THOMPSON" and "CURLEY JOHNSON" are implicated, and also BILL HALE. We will follow this out.

Investigation continued.

618  
-5011-69

RECORDED & INDEXED  
PERSONAL AND CONFIDENTIAL

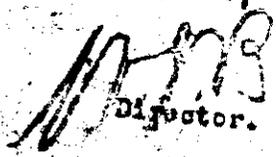
February 26, 1924.

MAR 3 - 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  
February 15, 1924, made by Agent Weiss of our Oklahoma  
City office.

Very truly yours,  
  
Director.

Enc. 10720

MAR 26 1924

452

A. ION - MR. HOOVER - 2.

Director;

THIS CASE ORIGINATED AT

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT: Oklahoma City	DATE WHEN MADE: Feb. 28, 24	PERIOD FOR WHICH MADE: Feb. 16 to 27	REPORT MADE BY: T. F. Weiss.
----------------------------------	--------------------------------	---	---------------------------------

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

FACTS DEVELOPED:  
 At Oklahoma City, Pawhuska, Fairfax, Enid, Okla., (O. C. #7060;  
 Kansas City, Mo., etc. (K. C. #10675.)  
 Continuing, and referring to previous reports, entitled  
 as above,  
 this report is joint report made for both Agents T. F. Weiss and J. R. Burger, as they are working jointly on the case, and this joint report avoids unnecessary duplication and confusion.

**W. E. SMITH MURDERS:**

Feb. 16th interviewed EARL GRAY, Fairfax, who stated in material substance that he drove BILL HALE from Fairfax to Ponca the afternoon of about March 7, 1923 and not March 9th, as reported. EARL GRAY stated that he is positive it was not March 9th, for the reasons that he left Fairfax March 9th at 4:20 PM to attend Federal court at Okla. City the next morning, and that he was at Okla. City on the morning of Mar. 10th and heard that BILL SMITH'S house had been blown up at Fairfax. Also, that several persons had asked him during the ~~morning~~ ensuing few days as to the day he had driven BILL HALE to Ponca and he told them it was two or three or four days before

DO NOT WRITE IN THESE SPACES

62-5033-70  
 62-5033  
 MAR 3 - 1924  
 MAR 17 1924  
 MAR 5 1924  
 DIVISION

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

*Indian Office 3/17/24*  
*Mr. Okla City to submit to Mr. Atty 3/17/24*

the blowing up of SMITH'S house.

Interviewed R. D. COLOMBE, banker, Fairfax, as to what time and circumstances he was driving with BILL SMITH the night SMITH'S house was blown up, what time he and SMITH returned to SMITH'S house that night, etc., but COLOMBE refused positively to answer or to make any statement whatever of the facts, though he was fully advised of Agents' positions and objects. We have arranged for confidential person to try to get facts from COLOMBE.

Feb. 18th interviewed DOC HAWKINS, Chief of Police, Webb City, Okla., who stated that he has known BILL HALE for a long time, and feels sure HALE caused the BILL SMITH explosion.

HAWKINS stated his reason for so believing is that he knows that BILL SMITH would have killed BILL HALE some day, and HALE knew this; that he, HAWKINS, in fact kept SMITH from killing HALE on one occasion. Also that HALE owed SMITH \$7,000.00 and did not intend to pay it.

HAWKINS then stated that BILL HALE suggested to HAWKINS that he, HAWKINS, hi-jack BILL SMITH, HALE saying at the time, "The son of a bitch always has a couple of big rocks (diamonds) and \$300.00 or \$400.00 on him".

That HALE at another time was intimate with a certain widow in Osage County who had no faith in banks, and kept about \$8,000.00 in her house in the country;

[REDACTED] while borrowing the widow's money; that finally the widow and HALE fell out, and the widow hired a tough negro to work for her; HAWKINS states that when the widow and daughter dropped HALE, HALE came to HAWKINS and proposed that HAWKINS go the widow's place, kill the negro and rob the widow.

454

HAWKINS states also that HALE also tried to frame with him to rob a MR. DENOYA of Osage County of some very valuable diamonds, and that shortly afterward someone did rob DENOYA of these diamonds, and HALE later brought DENOYA to HAWKINS for aid in recovering the diamonds, and he, HAWKINS, feels sure HALE had some other man do this job.

HAWKINS states that HALE also proposed that he, HAWKINS, hi-jack a man near Ponca out of some fine diamonds, that HALE offered to show HAWKINS where this man was, and be on hand when HAWKINS robbed the man and buy the diamonds for cash from HAWKINS at once.

HAWKINS states that once while discussing the SMITH murders, CURLEY JOHNSON, an Osage county criminal, told HAWKINS that SMITH'S house was blown up by the man whom SMITH had hurt with his car some time before, and mentioned JIM PARKER, alias BILL PARKER, and BLACKKEY THOMPSON, another Osage County criminal.

HAWKINS was not inclined to go into details regarding this information from CURLEY JOHNSON at this time, but promised to see CURLEY JOHNSON, who is in jail on Federal narcotic charge at Pawhuska, this week, and to get all information possible from him. HAWKINS states it as his opinion that HALE hired JIM PARKER to blow up SMITH'S house and that BLACKKEY THOMPSON and CURLEY JOHNSON were in on the job. This is the same JIM PARKER that KELSEY MORRISON suspects of doing this job.

HAWKINS is a rather notorious gun man, being now Chief of police at Webb City, Okla. and has been known to kill several bad men in the past. HAWKINS is suspected of several bank robberies, etc., but no evidence has ever been found against him, and he has never been arrested, except on murder charges, which he has always come clear from. He has an apparently strong ill will toward BILL HALE, but says it is only because HALE is a murderer, thief and every thing else that is

criminal.

HAWKINS says HALE has the BURKHARTS do just as he tells them, and that BRYAN BURKHART is a real criminal.

Feb. 19th interviewed TOM BOGGUS, Sheriff, Guthrie, Okla., and searched jail records in efforts to trace CHAS. MORGAN, alias JOHN J. SMITH, but no record exists there of that man.

Learned from those records that ED BAUGHER was put in that jail Sept. 21, 1922 on state check charge, plead guilty, sentenced to McAlester state penitentiary for two years, and discharged from McAlester penitentiary in January, 1924. This being so, if FRANK FARRELL told BAUGHER what BAUGHER claimed, FARRELL must have been talking of the ANNA BROWN murder.

GEO. PITTS states he knows FRANK FARRELL well; that FARRELL is a white man, ex-husband of MARY FITCHER, Osage woman of Hominy, Okla.; that FARRELL is said to be in and out of Oilton, Okla., and an oil field crook. (We will investigate this.)

b7D  
[REDACTED] arrived back in Osage County on the 19th inst. and was said to have sent word that he would meet Agents in BILL HALE'S pasture, about sixteen miles from Pawhuska, ~~the~~ Feb. 21st we drove out at night to meet our informant, in a pasture about sixteen miles west of Pawhuska, as per his alleged request, but he did not show up. It may have been because the night was cold, and his messenger was two hours late in getting us to the meeting place.

MURDER OF CHARLES WHITEHORN:

February 25th, Agents have kept in touch with A.W. COMSTOCK and EATTIE SMITHERMAN during past week, but no information of any value has been furnished by them.

SEARCHED \_\_\_\_\_ INDEXED \_\_\_\_\_

SERIALIZED \_\_\_\_\_ FILED \_\_\_\_\_

FEB 27 1924

FBI - [illegible]

457

## ANNA BROWN MURDER:

Feb. 20th, at Okla. City, was informed by LUTHER BISHOP that he was jailer at the county jail at Okla. City in July, 1921; that the man we are seeking as CHARLES MORGAN, alias JOHN J. SMITH, was lodged in said jail on a charge of interstate auto theft, in July, 1921, but not under either of above names.

BISHOP states he remembers the man well as said man was brought to Okla. City from Pawhuska, where a jail delivery had occurred; that said man brought some saws from Pawhuska jail to Okla. City jail in his shoes, and an escape was attempted by said man and others, but frustrated by shooting the first escape as he came out.

BISHOP states his recollection is that this man was known as "CARTER" in the Okla. City county jail; that he is sure this man was about 50 years old, 180 lbs., and was taken to Muskogee by Federal to stand trial on auto theft charge there. This explains why no record of CHAS. MORGAN or JOHN J. SMITH has been found at Okla. City, but we can now trace the man by either the name of CARTER or his removal to the Eastern District of Oklahoma.

Feb. 23d interviewed CLARENCE BARNARD and ROY BUNCH in county jail at Enid. BARNARD states he was not in jail at Okla. City in July, 1921 but knows of the attempted jail delivery at that time, and that one BLAYLOCK was the man who was shot in the attempted escape and that the man "CARTER" (mentioned by BISHOP) was a tall, slim, dark young man in on a whiskey charge. BARNARD claimed to have no knowledge of the man "CHAS. MORGAN", alias JOHN SMITH.

ROY BUNCH stated that he was in jail at the same time with CHAS. MORGAN at Pawhuska in July, 1921; that MORGAN was about fifty years

458

old, ~~has~~ heavy set, big bellied and a check crook; that MORGAN was taken to Okla. City and he, BUNCE, never heard of him since. BUNCE also claimed to not know MORGAN by any names but MORGAN and SMITH, and gave no further information, except that he said he had heard that "MORGAN" had taken the same saws from Pawhuska to Okla. City and same were used at Okla. City for the attempted escape there.

Feb. 25<sup>th</sup> BRIGHT RODDY, Pawhuska, informed Agents that FRANK FARRELL, formerly of Fairfax, now on the scout, had come to him, RODDY, shortly after ANNA BROWN was murdered; that FARRELL told RODDY that on the night of May 21, 1921, he FRANK FARRELL was with JIMMIE HICKS, alias JOE ALLEN, and ROSE OSAGE and ANNA BROWN till about midnight; that he, FARRELL, left JIMMIE HICKS, ROSE OSAGE and JACK HALE together; that afterward JACK HALE told him, FARRELL, that he, JACK HALE, was present at the car that night when ROSE OSAGE killed ANNA BROWN.

MR. RODDY stated that FARRELL stated he was after the reward in the case, RODDY stated further that JACK HALE is now working on the Indian Reservation at Mayetta, Kans., and that he, RODDY, had told all the above to Agent C. S. Weakley, who worked on this case last August. RODDY was quite insistent that we see JACK HALE as soon as possible, and appeared certain that JACK HALE would tell the above to Agents.

BRIGHT RODDY expressed himself as a great friend and admirer of BILL HALE, and lauded HALE highly. RODDY also stated that he fully believes that MOLLIE BURKHART knows the above, and that she and ANNA'S mother knew it before ANNA'S mother died (July 17, 1921).

This is the same BRIGHT RODDY mentioned in Agent Weiss' report re. RALPH W. PONTIUS, auto thief, RODDY being found in possession of a stolen cadillac car he had gotten from PONTIUS.

459

This FRANK FARRELL is the same FRANK FARRELL previously mentioned in Agent Weiss' reports as the man who told ED BAUGHER - confidence man in jail at Guthrie in November, 1922 that he, FARRELL, knew all about the ANNA BROWN murder, heard it planned, and that a very wealthy stockman, living at Fairfax was guilty. FARRELL proposing to BAUGHER that he, FARRELL, furnish all the evidence to BAUGHER and BAUGHER to "shake down" this wealthy stockman for thousands of dollars (by black-mail) and BAUGHER and FARRELL divide this.

(BAUGHER was discharged from the state pen. at McAlester in January, 1924, his third term in prisons.)

Owing to our knowledge of BRIGHT RODDY'S character and friendship for W. K. HALE, and of FRANK FARRELL'S statements to BAUGHER in 1922, we view with great suspicion this new "information" from RODDY, but have arranged with RODDY that he will get FRANK FARRELL, if possible, to make his statement direct to Agents (that we may get a chance to sweat FARRELL fully as to these alleged statements by him to ED BAUGHER and RODDY).

We have been endeavoring during the past four or five days to make some arrangement to get the balance of the evidence our confidential informant claims to have and hope to succeed.

We note that one MELOM CASE testified that LEE JEANNETTE was with ANNA BROWN at Pawhuska the 21st of May, 1921.

From D. E. JOHNSON we learn that LEE JEANNETTE was living at Ralston at that time, and still lives there; that JEANNETTE is a pretty fair sort of a young man.

That MELVIN CASE also lives near Fairfax, but is not considered very straight, and is rather thick with the HALE-BURKHARTS crowd.

It appears very probable that LEE JEANNETTE is our informant's

460

informant, and the third man in the party coming from PAUL JOHNS' and LEE MORGAN'S joints the night of May 21st, with BRYAN BURKHART, J. L. BRIDGES, EDITH DAVIS and ANNA BROWN.

If this is so, then LEE JEANNETTE is a highly important witness in this case, but this will have to be worked out very cautiously, because of our informant's present attitude.

A very decided activity is now becoming manifest toward blocking our progress by cutting off funds from our colleague, who furnishes us automobile transportation and other aid and in the getting to us of alleged but very suspicious appearing information, designed apparently to mislead us, and to extract information and beliefs from us. We are, and at all times have been, exercising the utmost secrecy and caution in these respects.

Feb. 25th Agent Weiss spent several hours at Okla. City searching jail records for trace of CHAS. MORGAN, alias JOHN J. SMITH. Neither of those names appeared of record, but by a process of analysis and elimination Agent ascertained positively that CHAS. MORGAN is really J. W. CARTER, subject of Okla. City file #6277; that MORGAN was lodged by the Government in Okla. county jail Sept. 25, 1921; transferred to Muskogee Oct. 12, 1921; sentenced to two and one-half years in Leavenworth on Natl. Motor Vehicle Theft Act charge on Jan. 16, 1922.

Feb. 26th at Kansas City Agents ascertained that J. W. CARTER, alias CHAS. MORGAN, was paroled in September, 1923 to the Volunteer Warriors of America; that CARTER'S last known address was 1018 E. 15th St. Inquiry at that place elicited information that CARTER left there some weeks ago, was said to work in the sausage dept. of Armour & Co., Kansas City, and possibly living with a MRS. LEVY at 1505 Wyandotte St.

Interviewed confidential informant again in effort to have him

4/61

ful wish us all his evidence, but he insisted that we deal with BILL BRACKETT, stating that BRACKETT had full authority from him to act according to BRACKETT'S judgment in the case, and that GUSTAFSON and MORAN owed BRACKETT about \$600.00 for work BRACKETT had done for them on this case, and that BRACKETT was entitled to get this money, or the requested information would not be furnished to us. (BRACKETT claims informant is demanding the money and informant claims it is BRACKETT who demands this money.)

We have been negotiating with a representative of the ANNA BROWN estate in an effort to make some sort of deal by which the balance of informant's evidence may be secured from him and thus shorten this investigation, but have not been successful to date, but have hopes of final success.

Feb. 24th J. J. MORAN reported that on that date a man came to MORAN and in strictest confidence stated that he would deliver to us (for \$50.00 "expense money") the man who killed ANNA BROWN.

MORAN refused to give us this informant's name, and declined to give the fellow \$50.00 in advance, but offered him \$200.00 when he delivered the goods.

We figure this fellow is either HARVE FREAS or DICK WALLACE, neither of whom is at all reliable.

Feb. 27th, had another talk with confidential informant of Kansas City, but he refused to disclose his evidence further, but stated that BILL BRACKETT has it all now, and that any deal we can make with BRACKETT will be agreeable to him, as BRACKETT has authority from him to do as he sees fit.

Night of the 21st we drove out to meet our Dallas informant, as per his alleged request, but he was not there.

Feb. 27th, interviewed J. W. CARTER in private office of MR.

467

McClain, manager Armour & Co., Kansas City, Kans.

CARTER is an old time crook and "con" man". He was very much on guard, admitted his identity and being in jail in Pawhuska in July, 1921 and that BRYAN and ERNEST BURKHART were in jail at the same time, charged with the murder of ANNA BROWN, but CARTER would not admit remembering any conversation between the BURKHARTS and anyone regarding this murder, and at first declared he had not heard of the murder.

Later, CARTER declared it was a dirty murder, and proceeded to relate that ANNA BROWN was gotten drunk by a man, taken out of town and shot in the top of the head while sitting down, drunk and leaning against a rock or a tree.

We had not mentioned any of these details to him. CARTER also remarked that if the persons guilty learned that a witness had overheard them discussing the crime, they would certainly bump this witness off.

J. W. CARTER has served four terms in prison, according to Warden BIDDLE, two at Jefferson City, Mo. and two at Leavenworth, and was very suspicious.

J. W. CARTER declined to give us his residence address, but stated that he will continue to work in the sausage dept. at Armour & Co., Kansas City, and proposed that our informant meet him personally as it may be that his memory will be refreshed by talking with and seeing our informant.

CARTER asked to see our credentials as Government men, and then asked where this case had any Government jurisdiction. He seemed to fear that we were Agents for the guilty persons, or else after him for some other crimes he is guilty of. We shall try to have our informant get him to talk, as we are convinced he knows something, but is concealing it through fear.

463

## HENRY ROAN MURDER:

Enid, Okla., Feb. 19th and 20, 1924, ROY BUNCH, county jail, stated to Agents that EARNEST NEWTON, who is serving six months sentence at Enid, Okla. on whiskey charge, sent up from Fairfax, Okla., had engaged in conversation with him, BUNCH, and in said conversation said that while he, NEWTON, was at a dance sometime ago, HENRY CORNETT had told him, NEWTON, that ALBERT STEPHENS, who then resided at Burbank, Okla., had killed HENRY ROAN because ROAN had turned in some bootlegger to officers.

That CORNETT was drinking, in fact drunk when he made this remark and at this time someone came up to them and he told CORNETT he did not want to hear anything about the killing, or be witness, and CORNETT did not say anything more about the killing of ROAN.

That this man ALBERT STEPHENS is well known bootlegger at Burbank, Okla., and that vicinity. That recently W. W. THOMASON, Indian Officer, Fairfax, Okla., confiscated a still operated by STEPHENS near Burbank, Okla., and during said raid STEPHENS made good his escape, and now a fugitive. MR. THOMASON will be interviewed in this connection later.

Description of ALBERT STEPHENS, possibly STEVENS: Age, 40; weight, 200; height, six feet and last lived on JOHN CARRELL farm.

MARY BUNCH stated that a short time before her husband ~~six~~ disappeared and later found shot, BILL HALE came to their home at a time when she, her husband and children were all ready to go the country for dinner, and called her husband out and talked with him for some time and her husband then told her to go ahead to dinner, that he was going with BILL HALE; that she went on to dinner in the country and

464

returned late that day and found her husband home drunk and he told her about HALE taking him to some bootlegger who had an old Dodge car with booze in it. That her husband told her this bootlegger had said he wanted to meet her, and her husband prevailed on her to make the trip to see said bootlegger but she never made the trip with him and did not see the bootlegger.

That WILLIE WABASH, who ran around with her husband, had made the trip with her husband and their bootlegger refused to sell him any booze while he was with WABASH and told her husband that he had warned him not to bring anyone with him other than his, ROAN'S, wife.

That WABASH was with ROAN a great deal while alive, and they had had BERTHA, a one-half breed Pawnee squaw that worked for PEARL MCKINLEY, out on several parties.

NEWTON further stated to BUNCH that SOL SMITH knew who killed ROAN (Note: ROAN found on or near SMITH'S farm. [REDACTED] <sup>62D</sup> [REDACTED], says JACK HALE, Kansas Indian, was with ROSE OSAGE when ANNA BROWN was killed and knows ROSE killed ANNA. HALE resides at Maryetta, Kans. on Indian Reservation.

Informed by J. J. MORAN and WM. BRACKETT that HALE has not been questioned in this connection other than talked to by BRACKETT about others that night of being implicated in murder, etc.

MRS. MARY (ROY) BUNCH stated to Agents that MRS. PEARL MCKINLEY, wife of JOHN MCKINLEY, Fairfax, told MRS. BUNCH (who was formerly MRS. HENRY ROAN) that ANGELA MCKINLEY told MRS. PEARL MCKINLEY that her husband, ALFRED MCKINLEY and MAMIE FLETCHER were out joyriding together a week or so before ROAN'S body was found by the officers, and that while so joyriding said MAMIE FLETCHER and ALFRED MCKINLEY saw HENRY ROAN dead; that MAMIE FLETCHER remarked to ALFRED MCKINLEY

465

(now dead) "that is my cousin, HENRY ROAN"; that ALFRED MCKINLEY and MAMIE FLETCHER kept this secret and ALFRED told ANGELA that "they" will kill us if we tell".

MRS. BUNCH, MAMIE FLETCHER, ANGELA MCKINLEY, MRS. PEARLY MCKINLEY and ALFRED MCKINLEY are all full blood Osages, and as usual very cowardly. Agents have interviewed MAMIE FLETCHER personally and have had JOHN WHITEHORN and GEORGE PITTS, two full blood Osage men, close to her. Also questioned her, but she curtly denies any knowledge of the above alleged facts, and declares same to be untrue.

ANGELA MCKINLEY is reported to have denied all the above to GEORGE PITTS, but we shall continue on this line, as MRS. DAN SCOTT declares positively that ANGELA MCKINLEY told her the same story. (These Osages are all in craven fear of telling anything of their own personal knowledge regarding these murders, for fear of their own personal safety.)

OPEN.

4/16/4



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

WWG-S  
62-5033

March 13, 1924.

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

My dear Sir:

Further with regard to the case  
of W. E. Smith, et al, Murdered Osage Indians,  
I am enclosing copy of the report of Agent  
Weiss of our Oklahoma City office, dated  
February 28th, 1924. This is for your in-  
formation.

Very truly yours,

*[Handwritten Signature]*  
Director.

Encl. 14279.

62-5033  
RECORDED & INDEXED

62-5033-11

DEPARTMENT OF INVESTIGATION	
MAR 14 1924 A.M.	
DEPARTMENT OF JUSTICE	
	FILE

MAILED

MAR 13 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  
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

HWG-1  
62-5033-72

MAR 21 1924

March 19, 1924.

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

My dear Sir:

Further with regard to the case  
of W. E. Smith, et al, I am enclosing here-  
with copy of the report of Special Agent  
Weiss of our Oklahoma City office, dated  
March 10th, for your information.

Very truly yours,

  
Director.

Encl. 10461.

RECORDED & INDEXED

MAILED  
MAR 19 1924

469

Honorable W. J. Burr  
Director, Bureau of Investigation,  
Department of Justice,  
Washington, D. C.

Re W. E. Smith Et Als, Okla. Cy. #7060  
Osage Indian Murders K. City. #10675.

Dear Sir;

Inasmuch as we, the undersigned Agents, have been working on these murder cases for some months, we believe the following facts in this letter form are appropriate and advisable for your information.

Agent Weiss was assigned specially to these cases Sept 29, 1923. Since said date Agent Weiss has been engaged in Federal Court, under subpoena for the Government, and other investigations, about two and a half months, the balance of the time being engaged on these cases.

Agent Burger was assigned specially to work jointly with Agt Weiss on these case Dec. 16th, 1923, but has been in Federal Court, under subpoena for the government in other cases about 15 or 20 days.

We have directed most of our efforts to the solving of the Anna Brown murder, for the reason that we believe that solving that will also furnish the key to the Smith and Rean Murders, as these three cases seem to be interrelated, and in many instances the persons having knowledge or information re the Anna Brown Murder, also have some re one or both of the others. We have ascertained the real facts in the Anna Brown Murder, but still have the difficult task of locating certain known witnesses, and inducing them and others to tell the truth, and this is now our immediate work.

We have just recently gained the confidence of two members of the underworld, who have promised to work under cover for us, and who are in positions to get all the underworld information on these cases. These two men have already furnished us information on these cases that justifies our hopes that they are working in good faith with us.

We also have a list of some 25 names of persons to be interviewed, whom we have not heretofore seen, owing to the fact that persons intimately with these persons to be interviewed have been promising us to arrange interviews under the most favorable conditions, but have not kept these promises. We are now convinced that we shall have to locate personally, and go direct to interview said persons, wherever found, whether in or out of this State. Many persons necessary to be interviewed have left this County and State; some as fugitives from criminal charges, some for ordinary reasons, and some, we are informed, have been paid by suspects to go away and stay away. A number of reputable and conservative citizens have repeated advised us that in view of suspects known desperate characters Agents should be together at all times and prepared for any kind of trouble on short notice. We have no reason to doubt that this is good advice, and intend to follow it.

As will be noted, we have held the expense of this investigation down to the minimum. It has been necessary to travel thousands of miles by automobile, through the oil fields and across country, but we have avoided all expense on that score by availing ourselves of the car and man furnished by the heirs of the murdered Indians. These investigations are very difficult, tedious and with many hardships, as explained in our regular reports, but because of our personal pride, and pride in this Bureau's record, we are determined to continue to a successful end, and not be quitters for any cause, while assigned to the case.

We have short conferences from time to time with the officials of the Osage Indian Agency at Pawhuska, and are pleased with their interest in the cases, and expressions of their satisfaction with our work. They are unanimous in stating that they earnestly desire that we continue the investigations to a definite conclusion, and the guilty parties prosecuted.

1 c. Beerstein, Kansas City.  
1 c. Findlay, Oklahoma City.

Very truly yours,  
*J. F. Weiss*  
J. F. Weiss, Spl. Agt. J. E. Burr  
Oklahoma City. Kansas

RECORDED & INDEXED  
42-3033-73  
MAR 24 1924 A.M.  
DIVISION

470

CASE ORIGINATED AT **Lawton;**

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT: <b>Oklahoma City</b>	DATE WHEN MADE: <b>Mar. 10, 24</b>	PERIOD FOR WHICH MADE: <b>Feb. 28 to Mar. 8, 1924</b>	REPORT MADE BY: <b>T. F. Weiss.</b>
TITLE AND CHARACTER OF CASE: <b>W. E. SMITH, et als. Osage County, Okla.</b>			<b>: Murdered Osage Indians.</b>

ACTS DEVELOPED:  
**At Oklahoma City, Okla.** **62-5033** (K. C. #10875;  
(O. C. #7060.)

Continuing, and referring to previous reports,

entitled  
as  
above.

This is a joint report of Agents T. F. Weiss and J. R. Burger,  
who are working jointly on these cases.

**W. E. SMITH MURDER:**

March 3d. Received letter from CHAS. HEMBREE, general delivery,  
Winfield, Kans., stating that "from a careful inspection of the picture  
(of EUSTACE KNIGHT) I am inclined to think it is not the face of the  
man I saw driving the car the night the SMITH home was blown up".

(However, said picture was not a good likeness, and we shall in-  
vestigate further.)

Also received word that MR. W. C. SPURGIN of Fairfax had some in-  
formation to the effect that he saw KELSEY MORRISON driving a car at  
Fairfax the night of the SMITH murders (will see MR. SPURGIN)

March 5th. Interviewed FRANK  
SHAW and CHAS. JOHNSON at Fairfax,  
who stated that tanky CLONBE informed  
that that on Mar. 9, 1923, the night  
on which W. E. SMITH and wife were

DO NOT WRITE IN THESE SPACES

FILE NO. **62-5033-72**

BUREAU OF INVESTIGATION  
**MAR 15 1924**  
DEPARTMENT OF JUSTICE

ROUTED TO:  
**HOOVER**

RECORDED & INDEXED  
GENERAL INVESTIGATIVE  
**MAR - 8 1924**  
DIVISION

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

*Reverend Indian Ullman 3/11/24*

*471*

blown up. SMITH and CLOMBE were riding in SMITH'S car till about 9 P. M., at which time they returned to SMITH'S home, put up the car, in SMITH'S basement garage, and CLOMBE left; that SMITH and CLOMBE'S business on that drive was that they went to HENRY GRAMMER'S place and got four quarts of Four Roses whiskey -- GRAMMER'S place being about 30 miles from Fairfax. This seemed to be all the information CLOMBE has, and CLOMBE gave information informants a personal reason, connected with a woman, for not wanting to tell these facts to Agents, but the above facts indicate that some one was probably watching SMITH'S home to be sure he was in when the house was blown up. ERNEST BURKHART at that time lived within a block of SMITH'S home.

Interviewed W. E. SPURGIN, who stated his firm belief that the BILL HALE - BURKHARTS were responsible for the ANNA BROWN, HENRY ROAN, SMITH murders. But SPURGIN had no new evidence.

March 7, Interviewed GEORGE BALTON who states that he is convinced that KELSEY MORRISON had nothing to do with SMITH'S murder, but probably knows all about these murders, and MORRISON was very intimate with BILL HALE; that MORRISON was a drug and whiskey addict. BALTON expressed himself as convinced that BILL HALE engineered the blow up and that HENRY GRAMMER assisted him; that he, BALTON, knew GRAMMER personally and intimately and that GRAMMER harbored criminals and fugitives; that the car TOM CORNELIUS saw driving west the morning of the explosion was going in the direction of GRAMMER'S ranch. Also that right after the explosion GRAMMER stayed night after night in Fairfax, something he had never done before, and he BALTON figured GRAMMER was staying there for BILL HALE'S protection.

477

BALTON intimated strongly that it would be a good thing to get KELSEY MORRISON to tell all he knew of these murders.

As up till recently Agents had relied on information given to Agent Wesley to effect that the night ED FINCHER, DR. H. H. FRIEDMAN et al. has seen KELSEY MORRISON and his brother-in-law, POWELL, in Fairfax was March 8, 1923 and not March 9 -- which was the night of the explosion, we did not verify further.

But on March 6 and 7, 1924, D. H. HEFLIN, Fairfax, informed Agents that he is positive that ED FINCHER told him, HEFLIN, about 9 A. M. March 10, 1923, that he, FINCHER, and H. H. FRIEDMAN, et al., positively saw KELSEY MORRISON and POWELL in Fairfax, with a car, with curtains up, just three or four hours before the explosion -- that same morning.

Dr. H. H. FRIEDMAN on March 7, 1924, informed Agents that he is positively certain that he, and ED. FINCHER, and others saw KELSEY MORRISON and POWELL, MORRISON'S brother-in-law, in FINCHER'S restaurant at Fairfax, about 11 P. M. March 9, 1923. DR. FRIEDMAN stated further that he is positive of this, and that a dance was going on that Friday night, but that he did not go to the dance, and that it is not true that he or the others, so far as he knows, was at any poker party the night of the explosion; that he plays poker and don't care who knows it.

ED FINCHER also fully corroborated DR. FRIEDMAN'S statement as to seeing KELSEY MORRISON and BILL POWELL in his, FINCHER'S, restaurant that night but thinks it was about midnight.

Neither FRIEDMAN nor FINCHER knew the make of the car MORRISON had, but both stated it was not a Ford, but was a big car, with the curtains all on.

473

March 8th. C. B. McNEW stated to Agents that he has learned nothing further than reported by Agent Weakley, but that he, McNEW, has the telegram safely stored where it can be used for evidence by the prosecution if needed.

McNEW also stated that he is personally well acquainted with the HALE and BURKHARTS, but has never succeeded in getting any of them to talk of these murders, although BILL HALE had often told in a confidential way, of his, HALE'S, friendly relations with a lot of bank robbers and other criminals hiding out in that section.

Also interviewed CHAS. JOHNSON, Atty., who states that he saw KELSEY MORRISON at Oklahoma City Friday afternoon, March 9, and Saturday morning, March 10, 1923. Also that the dance at Fairfax was Friday night, March 9.

Also interviewed WARD LINN, who states shortly before SMITH'S house was blown up, KELSEY MORRISON told him that something terrible was going to happen at Fairfax and that shortly afterward, MORRISON told LINN that he, KELSEY MORRISON, knew who blew SMITH'S house up.

Interviewed W. W. THOMASON who states that BILL HALE is making himself very friendly to THOMASON, and gave THOMASON a turkey recently; that HALE told THOMASON that MORRISON was recently in Fairfax, but went to Arkansas City and will go from there to Chickasha; that HALE also told THOMASON that he, HALE, wants THOMASON to lay off MORRISON until HALE got MORRISON'S signature to MORRISON'S oil rights in Osage County, and then HALE will help THOMASON get MORRISON.

We cautioned THOMASON and he promised to not let any one know if he located for caught MORRISON but to advise us, so we can see

474

and talk to MORRISON. We hope that when MORRISON learns of HALF'S double crossing, MORRISON will talk.

7  
Interviewed A. J. ELLIOTT, one mile east of Fairfax, who states that the morning of March 10, 1923, the night SMITH'S house was blown up, he and family were awakened by the explosion; that they learned over the phone that SMITH'S home was blown up; that they dressed at once. ROBERT ELLIOTT, RAY PENNICK, and an Uncle JOHN, ran their car out of the garage and started for Fairfax.

RAY PENNICK, about five miles southeast of Fairfax stated to Agents that the night of the SMITH'S home was blown up he was at A. J. ELLIOTT'S home; that he and ROBERT ELLIOTT and the Uncle JOHN dressed at once and pushed their car out of the garage; that on the way from the garage to the main road, A Ford car, with a delivery body, curtains up, and a box in the back end, passed on the main road, going west towards Fairfax; that this car passed in view of ELLIOTT'S car's lights and about 150 to 200 feet distant; that both he, RAY PENNICK and ROBERT ELLIOTT remarked that that was ERNEST BURKHART'S car, but he does not remember which one said it first; that he and ROBERT ELLIOTT and the Uncle drove at once to Fairfax and said car was in their sight until it reached the main street, where it turned north while they reached the street on which BILL SMITH'S house was located, where they also turned north, down to SMITH'S house, which was on fire, that he, PENNICK, saw them taking one of the woman's bodies out of the debris, and afterward noticed ERNEST BURKHART in the crowd, but did not see him come or go.

475

Feb. 28 to Mar. 6, 1924.

RAY PENNICK states that he had seen ERNEST BURKHART'S car many times before this and that he and HOBART ELLIOTT recognized it instantly when it came within the lights of their car, but that they could not see who or how many were in the BURKHART car, as that car had the curtains on.

476

RE: CHAS. WHITEHORN MURDER.

Feb. 28th at Topeka, Kans. conferred with JOHN FREE, Asst. U. S. Atty., re. filing case against LEROY SMITHERMAN on Mann Act charge, in connection with this present investigation, and it was decided to present SMITHERMAN'S case to the Federal Grand Jury at Wichita March 10th. Agent Weiss being subpoenaed to be there on that date for that purpose.

Feb. 29th Agents proceeded to Arkansas City to locate ROY LOCKLIN and made search for him that night.

March 1st at Arkansas City interviewed ROY LOCKLIN, 722 N. 2nd St., who was apparently quite frank in his statements and is a prepossessing young man. LOCKLIN stated that on one occasion, about a week or ten days before CHAS. WHITEHORN was last seen alive, the LOCKLIN, found WHITEHORN drunk at Pershing, Okla. and in a quarrel with a man at a rooming house there; that this man had drawn a gun on WHITEHORN, but LOCKLIN managed to get WHITEHORN away and brought WHITEHORN back to Pawhuska in the Ford roadster he, LOCKLIN, was then using to haul the U. S. mail from Pershing to Pawhuska.

LOCKLIN states that this was the only time he did bring WHITEHORN back from Pershing drunk and that on this occasion he hauled WHITEHORN to where WHITEHORN and his wife were living at MINNIE SAVAGE'S house; that he arrived there about 5 AM and WHITEHORN was too drunk to walk, so that LOCKLIN and MINNIE SAVAGE carried him into the house upon arrival.

That HATTIE WHITEHORN was at the house and knows all about this, and as he, LOCKLIN, told her at the time of the man drawing a gun on WHITEHORN at Pershing.

477

LOCKLIN states that he was hauling the mail between Pawhuska and Peshing at the time, and living with his wife, who is a sister to MINNIE SAVAGE, about seven blocks from the SAVAGE house.

That this occurred about May 4, 1921 and not on May 15th, as related by LUTHER BOSTER to Agent Weiss.

LOCKLIN stated that some time previous to May, 1921 he had traded a .38 Colt's automatic with pearl handles to MINNIE SAVAGE for a .38-.40 Colt's, his reason for trading being that he wanted this larger gun for use in carrying mail; that MINNIE SAVAGE had this .38 automatic for some before and after WHITEHORN'S murder. LOCKLIN saw her showing it some time after the murder; that he, LOCKLIN, traded the .38-.40 to a Jew pawnbroker later and that said pawnbroker is now at Shidler, Okla., but he cannot recall his name.

LOCKLIN stated further that at the time of WHITEHORN'S murder one DANZEL HUGHES, now in charge of Tourist Park, Nevada, Mo. brother to MINNIE SAVAGE, was living with MINNIE SAVAGE and that DANZEL HUGHES had then a Hudson touring car; that EARL SAVAGE MINNIE'S divorced husband, lived at Foraker at the time, but spent a lot of his time hanging around MINNIE SAVAGES' at Pawhuska, crying and trying to get her to take him back; that BRYAN GRIFFIN was "playing up" with MINNIE SAVAGE at the time, and extremely intimate with her.

That MINNIE and EARL SAVAGE and DANZEL HUGHES and DEWEY SUTTON and even BRYAN GRIFFIN were all bootlegging whiskey; that BRYAN GRIFFIN drank a lot and carried a pistol in one pocket and a bottle of whiskey in another.

That he, LOCKLIN, is certain that HATTIE WHITEHORN and LEROY SMITHERMAN knew each other well before WHITEHORN'S murder, as,

478

he, LOCKLIN, saw them very friendly together at MINNIE SAVAGE'S house before that time.

LOCKLIN stated further that BRYAN GRIFFIN has been "laying up" with MINNIE SAVAGE ever since, but that they are reputed to have separated about ten days ago, and that MINNIE SAVAGE is talking of moving to Okla. City.

LOCKLIN states that when EARL SAVAGE was arrested in this case in 1921, MINNIE SAVAGE sent him word to not talk, and told SAVAGE many times to not talk; that when EARL SAVAGE was first arrested by the Sheriff, SAVAGE was given the third degree and did talk, but that MINNIE SAVAGE worked on Sheriff FRESS and Deputy DICK WALLACE and others, sleeping with them, etc., and shut that up.

That BRYAN GRIFFIN has been getting drunk at MINNIE SAVAGES' house since and breaking furniture and glass, etc., but MINNIE SAVAGE seems to be afraid to try to stop him.

LOCKLIN stated that he knows no further facts, but believes in his own mind that MINNIE SAVAGE and BRYAN GRIFFIN engineered WHITEHORN'S murder in order to marry HATTIE to LEROY SMITHERMAN when HATTIE inherited WHITEHORN'S estate; that SMITHERMAN was possibly in on the murder before it was done, but he, LOCKLIN, doubts that HATTIE WHITEHORN knew of it beforehand; that DENZEL HUGHES may have also been implicated by the use of Hudson car, as WHITEHORN would go anywhere to get whiskey to drink.

That he, LOCKLIN, believes that HATTIE WHITEHORN, MINNIE SAVAGE, EARL SAVAGE, BRYAN GRIFFIN or EVA LOCKLIN, or probably all of them, and certainly EARL and MINNIE SAVAGE and BRYAN GRIFFIN, know all about WHITEHORN'S murder.

That JESS BALINTI, a cousin of HATTIE WHITEHORN and CLARENCE HOYT were both "sweet" on HATTIE at the time.

479

ROY LOCKLIN at the conclusion of the interview stated that owing to the way the Sheriff's office and private detectives had handled the case he had made no effort to get evidence for them, but that he was and is really interested and will now quietly work on his wife, EARL SAVAGE and the others named an opportunity affords, and advise us promptly of all he learns.

We did not interview MRS. EVA LOCKLIN for the reason that she displayed hostility as soon as we mentioned the subject, and when asked if she had any information or desire to help us, she was very positive in saying she had not.

MRS. EVA LOCKLIN did state that she visits Pawhuska frequently and saw and talked to JOHN A. GUSTAFSON in Pawhuska near the Worten Bldg. about ten days ago but, when questioned by Agents, denied that GUSTAFSON had questioned her on this case.

MRS. LOCKLIN also stated that she knew where we officed in the Worten Bldg. at Pawhuska and that her sister, MINNIE SAVAGE, has separated from BRYAN GRIFFIN and is going to move to Okla. City March 24. Interviewed HATTIE SMITHERMAN again, but got nothing new, owing perhaps to the fact that she had company.

March 6th, H. C. HARGIS, attorney, Pawhuska, states he and BRYAN GRIFFIN were attorneys for MINNIE and EARL SAVAGE when they were arrested, in 1921, for murder of CHARLES WHITMORE.

That MINNIE SAVAGE never gave him, HARGIS, any information re. the murder, but he, HARGIS, believes she and EARL SAVAGE are implicated as she stopped HARGIS from investigating the murder, and kept EARL SAVAGE from talking to anyone about it.

HARGIS states that he has never been able to get any information from BRYAN GRIFFIN re. this murder.

498

## RE: MURDER OF ANNA BROWN.

Feb. 28th learned from A. R. SYNDER, Supt. Indian Agency at Mayetta, Kans. that JACK HALE has left there and was heard from at Boston, Mass. a few days ago. MR. SNYDER promised to try to learn HALE'S more definite address and to let us know the following day.

Feb. 29th at Topeka, Kans. learned from A. R. SNYDER that JACK HALE left Mayetta, Kans. about a week or ten days ago, and his present address is care of Princess Blue-Feather, 539 Tremont St., Boston, Mass. (Looks suspicious.)

Also received letter from CHAS. HEMBREE, General Delivery, Winfield, Kans. stating that from a careful study of the photograph we sent him of EUSTACE KNIGHT he, HEMBREE, is "inclined to think" KNIGHT is not the man he, HEMBREE, saw driving the car south of Fairfax the night of the SMITH home blow-up.

March 5d interviewed ODE BROWN, former husband of ANNA BROWN and now living at 204 E. 5d St., Ponca City, Okla.

ODE BROWN was quite free in talking. Stated he had never heard of any cafe man or other having seen ANNA BROWN before daylight May 22, 1921 with two men.

ODE BROWN stated however that FRED WHEELER alias SHORTY WHEELER, formerly of Ralston, Okla. but now floating in unknown parts, told him, ODE BROWN, the name and location of the place where BRYAN BURKHART and ANNA BROWN got whiskey after leaving Ralston about 8:30 PM May 21, 1921.

BROWN states that as WHEELER explained this, this place was about three-fourths of a mile from the Belfore Store and a place where two brothers sold whiskey.

BROWN stated that WHEELER told him the names of these two

brothers, but he cannot now recall their names; that he, BROWN, knows WHEELER well, and will try to locate him, get these brothers names, and such other and further information possible from WHEELER, and get WHEELER to meet and talk to agents if possible. But that he, BROWN, believes that BILL HARRIS is paying FRED WHEELER to stay away from Osage County.

(This information is important as confidential informant states that ERNEST BURKHART told him of this meeting and getting whiskey near the Belford Bridge and in Osage County.)

March 4th. Also informed on first hand authority that the present Indian wives of ERNEST and BRYAN BURKHART are fearful of their lives and are going to leave their husbands and take their children, and move away, and hire a personal guard, to save themselves from being killed for their property.

Also interviewed MRS. NORA BENNE at Bartlesville, who corrected for former statement to the effect that it was DUKE and not ERNEST BURKHART that carried MARTHA'S suit case to the car the night of May 21, 1921 at ERNEST BURKHART'S home. She also states now that there was a touring car standing in BURKHART'S yard at the time that she thought was a Buick, but might as well have been a Ford touring as it was dusk at the time.

MRS. BENNE is a very irresponsible and unreliable.

March 4th. Interviewed BILL BRACKETT who declared confidential informant has not furnished him the names of the two important witnesses. This now makes it stand that BRACKETT and informant are contradicting each other, and both apparently bent on concealing the rest of their evidence unless paid, as heretofore reported.

March 6th, W. BRACKETT reported that he had learned that FRED

Ralston the night of May 21, 1921 but BRACKETT did not say whether WHEELER got this whiskey in Ralston or went out of Ralston west with BRYAN BURKHART and ANNA BROWN to get it.

BRACKETT has promised to try to locate FRED WHEELER through MATT WILLIAMS and others and let us know.

Wm. Vth. BNS BOLTON states that LEO JANSEN lived in Fairfax in the spring of 1921 and drove a good car, and is now about 26 years old and an associate of the HALE-BURKHART men; that JENNETTE is said to live with ~~him~~ his mother near Ralston, Okla., or with PAT LINN near Belford Store, Osage County.

That in the spring of 1921 ROBERT KISSEE (or KAGER) and folks lived northwest of the Belford Bridge in Osage County, and were reported to be selling whiskey. (WM. KISSEE was arrested for selling whiskey in Osage County in the spring of 1921 on Federal charge, and while in jail at Guthrie threatened to tell on the BURKHARTS if they did not get him out.)

CHAS. JOHNSON, attorney Fairfax, states that ROBT. KISSEE was questioned at the inquest over the ANNA BROWN murder, and became sick on the stand and was excused.

BILL BRACKETT states that ROBT. KISSEE recently told him that he, KISSEE, had some information to ~~divulge~~ <sup>divulge</sup> that he has so far not told in the ANNA BROWN murder case. BRACKETT states that KISSEE however cautioned him to not talk to KISSEE on the street or in public at Fairfax. BRACKETT has promised to arrange for KISSEE to meet us under cover and tell us all he knows. (The facts now indicate that it was at the KISSEE place, northwest of the Belford bridge that BRYAN BURKHART and ANNA BROWN met J. L. BRIDGES and EDITH DAVIS and the ~~a~~ third man the night of May 21, 1921 and

that this third man is LEE JENNETTE.)

MRS. ANNA BITTERLY stated today that she knows LEE JENNETTE and that she knows that in 1921 LEE JENNETTE was driving a red wheeled good car, thinks it was a Hudson, in taxi service at Fairfax; that ANNA BROWN often had LEE JENNETTE drive her, and she has BITTERLY had some with ANNA BROWN to EARNEST BURKHART'S is LEE JENNETTE'S car, but that ANNA did not tell her who brought ANNA BROWN back from Pawhuska the early morning of May 21, 1921, before daylight (confidential informant says this "third man" was with ANNA BROWN at Pawhuska, May 20, 1921 and MELVIN GASK says LEE JENNETTE was with ANNA BROWN that day at pawhuska

We are now almost convinced that both BILL BRACKETT and confidential informant know this third man's name, and know the place where ANNA BROWN and BRYAN BURKHART met EDITH DAVIS, J. L. BRIDGES and this third man, and that FRED alias SHORTY WHEELER also knows this and has told BRACKETT.

And that the third man is LEE JENNETT; the place northwest of Belford Bridge where the parties meet was the KISSEE place, and that FRED WHEELER either went there with the party or directed them there.

FRED WHEELER is said by ED HAINY to have left Ralston over a year ago but reported to have been at Whistang last fall.

LEE JENNETT is said to be living with his mother four miles west and two miles south of Ralston.

Confidential informant and BILL BRACKETT are still refusing to deliver us all their evidence until they are paid \$500.00 and necessary expenses of getting their witnesses to us, and pay for their time. We are negotiating and hope to get their evidence.

Feb. 28 to Mar. 6, 192

-15-

So far, we have been unable to locate ~~LEE~~ MORGAN or ~~LEE~~ PAUL JOHNS, but are always trying to get a line on them.

As HERMAN FOX DAVIS has been convicted in the PAUL MCCARTHY murder case, and is now in the prison at McAlester serving a life sentence for same, and EUSTACE KNIGHT is also at McAlester prison, serving a life sentence for the same murder, we shall question these two men again, as they are now bitter enemies, having testified against each other in said murder case.

465

Department of Justice,

Bureau of Investigation,  
Oklahoma City, Okla.,

RECORDED & INDEXED

March  
twenty-  
second,  
1924

19526

62-5033-1

BUREAU OF INVESTIGATION

MAR 24 1924

DEPARTMENT OF JUSTICE

HOOPER

MAR 31 1924

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

W. E. SMITH, et al.  
Murdered Osage Indians.

Dear Sir:

ATTENTION - MR. HOOVER - 2.

Division

2

Replying to your letter dated March 13, 1924, I beg to state that on March 18th and 19th Agent Weiss was in Oklahoma City, and this matter was taken up with U. S. Attorney Maurer personally, and will state that Mr. Maurer has been furnished with reports on this case from time to time heretofore, but on this date we secured from him the reports which had been given to him from time to time and made him up one complete file, and bound and pagged same, so that it would be possible to make ready reference to any particular and important items and facts in the various reports.

On March 19th Mr. Weiss and Agent went over this matter very thoroughly and completely with U. S. Attorney Maurer.

Mr. Maurer stated that he was not prepared at this time to give a definite opinion relative to this matter, but that he believed that the facts in the Anna Brown case were in such shape as to warrant a prosecution, but that he would go over the entire file, consisting of 360 pages, at his very earliest opportunity and give us a more definite decision in the matter, and also any suggestions which he may have relative to further investigation in the Anna Brown case, before same is definitely submitted to the Attorney General of the State, and the County Attorney of Osage County, and also any suggestions relative to the further investigation of the Henry Roan, Charlie Whitehorn and W. E. Smith murders.

I might state at this time that as shown by the reports, it is believed that there is some connection between these several murders.

I instructed Agent Weiss that he and Agent Burger should write a letter to you relative to this matter, as they are of course

484

49-37

Mr. Hoover.

-2-

more familiar with many entanglements in these investigations in Osage County, which cannot very well be set forth in the reports, but which do have a very great bearing on the investigations.

They have written said letter dated March 21st, which has been transmitted to you direct.

I will follow this matter up closely, and as soon as United States Attorney Maurer is prepared to give further suggestions and recommendations in this matter, I will communicate same to you promptly.

Very truly yours,

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

F-3

487

19535

WVC-1  
62-538-74

March 27, 1924.

RECEIVED & INDEXED

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

My dear Sir;

Further with regard to the case of  
W. E. Smith, et al, Murdered Osage Indians, I  
am enclosing copy of the letter of our Agent  
in Charge at Oklahoma City, Oklahoma, for your  
information.

Very truly yours,



Encl. 14108.

MAILED  
MAR 27 1924

488



MR. WARD LIND has promised to get all further possible information from MARY COLL TERRELL, who is also the divorced wife of FRANK TERRELL, mentioned heretofore, and we have now ascertained is the man BRIGHE RODDY claims told RODDY that JACK HALE had said he, HALE, was at the car when ROSE OSAGE and JIMMIE HICKS killed ANNA BROWN.

## RE: MURDER OF ANNA BROWN:

March 14th, upon close inquiry of BRIGHT RODDY and WARD LINN were today informed that RODDY'S informant re. ANNA BROWN'S murder is named FRANK TERRELL, and not FRANK FARRELL, as heretofore stated by RODDY, also that FRANK TERRELL is divorced husband of MARY COLE.

It now appears certain that there is no FRANK FARRELL witness in this case, as claimed to Agent Weiss by ED BAUGHER and FERRAN FOX DAVIS, but that FRANK TERRELL is the man they meant.

FRANK TERRELL is well known, is a drug addict and pedaler. We will locate him and sweat him out.

Also on this date, Mar. 14th, tried for three and one-half hours to induce BILL BRACKETT to furnish the balance of informant's evidence, and trust to getting the \$500.00 demanded later, but BRACKETT refused to do this.

Mar. 15th, found from U. S. Commissioner's docket at Pawhuska that FRANK TERRELL was arrested by SAM TULK, Mar. 24, 1922, at Fairfax, Okla. charged with possession of whiskey Indian country; had hearing April 8, 1922, bound over on \$200.00 bond.

CAPT. JACK, Chief Indian police at Mayetta, Kans. states JACK HALE draws payment from Indian agency at Mayetta every month.

(We have written A. R. SNYDER, Superintendent of said agency for information as to whether HALE will return to Mayetta soon or not.)

March 16th at Okla. City searched U. S. Attorney's and Marshal's records and find no record of any FRANK FARRELL being arrested in 1922.

Do find that FRANK TERRELL was arrested by TOM HUBBARD at Pawhuska in March, 1922, on charge of possession of liquor in Indian

491

l. Weiss.

Mar. 9 to 20, 1924.

100-4-

country. That FRANK TERRELL was put in the Federal jail at Guthrie on this charge Nov. 15, 1922 and made bond there before Commissioner GREENE Nov. 23, 1922 and is now a fugitive on indictment on above charge. As this date, November, 1922, was when ED BAUGHER was in said Guthrie jail, it is undoubtedly FRANK TERRELL, and not FARRELL, that gave BAUGHER his information and this FRANK TERRELL is the ex-husband of MARY COLE, ~~an~~ Osage Indian now in hospital at Claremore, Okla., and is therefore BRIGHT RODDY'S alleged informant.

GEORGE PITTS, Osage Indian, informed Agent on March 16th that this FRANK TERRELL still visits MARY COLE, his ex-wife, at Claremore. Arrangements have been made to get FRANK TERRELL through his ex-wife.

On March 17th Agent was informed by J. K. WRIGHT, County Attorney at Okla. City, that EUSTACE WRIGHT had insisted to him that he, WRIGHT, had no information of value re. any of the Osage murders.

REGG BRANDOM informed Agent that HERMAN FOX DAVIS remarked to him before being sent to McAlester for the MCCARTHY murder that he DAVIS, had a lot of papers in his trunk that "they", meaning the Attorney General of Oklahoma and Osage County persons, would give a lot to get hold of, intimating that said papers contained evidence DAVIS had secured while working as state investigator on Osage County murders, and certain bank cases.

Agent and BRANDOM located a man with an order from DAVIS for this trunk, and on March 18th searched said trunk thoroughly, but found nothing bearing on these cases. MR. T. R. BORDEN, 815 W. California, who is holding said trunk for room rent due from DAVIS stated that MR. YOUNG, attorney for DAVIS, got some papers out of said trunk some months ago. Have arranged to have these papers

4/9 J

examined under cover.

March 20th, in pursuance to letter from Director, Special Agent in Charge Findlay furnished the complete file in this case to date (200 pages) to W. Laurer, United States Attorney, Okla. City, and we three had a conference, during which this Agent explained some of the most x salient facts in the cases and our plans for further investigation.

Agents feel absolutely confident of getting the completion of the evidence re. the murder of ANNA BROWN within the next three weeks, but do not think it will be at all wise to start any prosecution till we have gone further in the HENRY ROAN and W. J. WIRTH murders, for the reason that to start a prosecution in the ANNA BROWN case would force two underworld informants, from under cover, and expose some of our evidence in the unfinished cases.

Lijh

RE: MURDER OF CHARLES WHITEHORN:

March 10th, J. S. SIMPSON, Commercial Hotel, Pawhuska, informed Agent confidentially that BRYAN GRIFFIN shot CHARLEY WHITEHORN the night of May 14, 1921; that BRYAN GRIFFIN was at that time insanely jealous of WHITEHORN'S relations with MINNIE SAVAGE, and that on that night DEBEL HUGHES had taken MINNIE SAVAGE and CHARLEY WHITEHORN up to Dial Hill to the place where WHITEHORN'S body was found; that BRYAN GRIFFIN followed and killed WHITEHORN by shooting him with a .32 automatic, as GRIFFIN caught WHITEHORN and MINNIE SAVAGE together in the brush.

When Agents asked SIMPSON what evidence he had of this, SIMPSON stated that he had taken a .32 automatic from BRYAN GRIFFIN'S possession shortly after WHITEHORN'S body was found; that the holes in WHITEHORN'S head showed they were made by a .32 caliber gun, and that H. C. HARGIS, at that time a law partner of GRIFFIN'S, has recently come into possession of a diary by BRYAN GRIFFIN, showing the above to ~~be~~ be the case, and that MR. HARGIS has other evidence that proves it which MR. SIMPSON wanted MR. HARGIS to convey direct to Agents.

This was just as Agents were taking the train for Federal court at Wichita, and we arranged to meet HARGIS and SIMPSON jointly upon our return to Pawhuska, and go into the evidence fully.

March 12th, saw SIMPSON again, but he stated he had an appointment that afternoon, but would go with Agents to HARGIS next day.

March 10th SMITHERMAN case presented to Federal Grand Jury at Wichita, and turned down, jury refusing to indict.

For the past three days, March 9th, 10th and 11th, Agents

494

have been putting in several hours per day with FANNIE SMITH and her maid, MABLE B. HARRIS, enroute to court and at Wichita in an effort to win their confidences, but got no different story out of either. MABLE knows nothing.

FANNIE related freely that ROY LOCKLIN brought CHARLEY WHITEHORN home about 5 A. M. one morning; that this was about April 1, 1921, two or three weeks before WHITEHORN disappeared; that LOCKLIN on the occasion that he brought WHITEHORN home, told how WHITEHORN was drunk at Pershing when he, LOCKLIN, ran across him, and in a quarrel with two white men there, one of whom drew his gun; that LOCKLIN then brought WHITEHORN back on a rail car, and MINNIE SAVAGE and LOCKLIN had to get CHARLEY into the house, as WHITEHORN was dead drunk.

disposes of the theory that this occurrence was May

I had long interview with H. J. MARGIS, who states MARGIS'S diary discloses no information re. this murder. MARGIS, has no information; that J. S. SIMMONS seemed to have any evidence, but talks a lot, with no show his foundation; that he, MARGIS, does not believe implicated, but believes BRIEFER and MINNIE SAVAGE and and FANNIE know the facts, and that MINNIE or EARL RICHARDSON, or RICHARDSON, or FANNIE WHITEHORN, or he, MARGIS, was EARL SAVAGE'S attorney. EARL SAVAGE did not admit any guilt or and EARL SAVAGE both had him, MARGIS find the guilty parties, and that BRYAN and refuses to discuss the case.

495

id t.  
les his,

others, a  
it of property;

that CONSTOCK could

1935

March 19th, learn  
at Pawhuska, whom A. W.

THAT that the Dr. GRIGGS  
ently treating HATTIE

SHIMMERMAN was arrested several days ago by WITTEB, charged with  
violation of the Harrison Narcotic Act.

Agents also know that said HATTIE SHIMMERMAN showed a small  
puncture in her right arm, slightly inflamed, which she said was  
made when DR. GRIGGS gave her a shot there, March 3, 1924, to re-  
lieve her pains in the stomach. WITTEB claims that DR. GRIGGS  
had a lucrative practice of getting Indian patients "on the dope"  
and then supplying them, in conjunction with another.

4/9/4

WFG-AS  
22-5033-76

March 27, 1924.

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

My dear Sir:

Further with regard to the case  
of W. E. Smith, et al, Murders of Osage In-  
dians, I am enclosing herewith copy of the  
report of Special Agent Welles of our Okla-  
homa City office, dated March 21st.

Very truly yours,

Director.

Encl. 14106.

RECORDED

497

ORIGINATED AT

Director;

JOURNAL TO THE ORIGINATING OFFICE ONLY

MADE AT: Oklahoma City	DATE WHEN MADE: Mar. 28, 24	PERIOD FOR WHICH MADE: Mar. 25, 1924	REPORT MADE BY: James G. Findlay
---------------------------	--------------------------------	---	-------------------------------------

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

FACTS DEVELOPED:  
 at Oklahoma City, Okla. (O. C. 7060.)

Continuing investigation,  
 entitled 62-5033  
 as above,  
 and referring especially to Agent's letter to the Director giving the facts relative to the conference with Agent Weiss and Agent had with S. S. Attorney MAURER on March 18th and 19, 1924, in which MR. MAURER stated that he desired to give this matter further consideration and then give a written statement relative to same, on this date Agent received the following letter from United States Attorney MAURER:

"I have gone over the report of T. F. Weiss with reference to the investigation into the death of Anna Brown, and it is my opinion that some further investigation in this matter will undoubtedly disclose who the guilty parties are, and also sufficient facts on which to base a charge of murder; however, I am further of the opinion that the filing of the charges at this particular time might be detrimental in the further investigation hereof. Further investigation, in my judgment, will eventually lead to a solution of this matter.

As soon as I have gone over the reports in the other cases I will advise you."

Investigation continued.

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE	RECORDED AND INDEXED: MAR 31 1924
COPIES OF THIS REPORT FURNISHED TO: Washington; file; Kansas City.	BUREAU OF INVESTIGATION MAR 31 1924 DEPARTMENT OF JUSTICE	CHECKED OFF: APR 7 1924
	ROUTED TO: HOOVER	JACKETED:

4/2/24

DIVISION





RE: MURDER OF ANNA KYLIE BROWN,  
murdered May 22, 1921;

ANNA KYLIE BROWN - - - - -	(	
MRS. MOLLIE BURKHART, (wife	(	were all sisters,
of Ernest Burkhart) - - - - -	(	
	(	and
MRS. RITA SMITH (wife of	(	full blood
W. E. Smith) - - - - -	(	Osage Indians.

OLD LIZZIE KYLIE, called LIZZIE "Q", was the mother of ANNA,  
MOLLIE and RITA (named above)

W. E. SMITH, was husband of RITA SMITH, and brother-in-law  
of MRS. MOLLIE BURKHART (and son-in-law of LIZZIE Q)

ERNEST BURKHART - - - - -	(	
BYRON BURKHART - - - - -	(	are
HORACE BURKHART - - - - -	(	
WILLIAM BURKHART - - - - -	(	brothers.

W. E. (BILL) HALE is the uncle of these four Burkharths; they be-  
ing HALE'S sister's sons.

MRS. J. L. BRIDGES - - - ( are aunt and uncle to these four Burk-  
--- ( harts; Mrs. J. L. Bridges being a sister  
and J. L. BRIDGES - - - ( to Bill Hale, and to the Burkharths' mother

ANNA BROWN was murdered at Fairfax May 22, 1921.

OLD LIZZIE KYLIE, alias LIZZIE "Q", died at ERNEST BURKHART'S  
home in July, 1921.

MRS. RITA SMITH and her husband, W. E. (BILL) SMITH (and  
their servant girl, BETTIE BROOKSHIRE) were killed by a large  
charge of nitroglycerine being discharged in the basement of the  
SMITH home at Fairfax about 2:50 A. M. Mar. 10, 1923. W. E.

SMITH lived four days, but the women were killed instantly, one  
being blown to pieces, and pieces of her flesh being found stick-  
ing on a house roof across the street.

511

March 27, 1924.

RE: ~~XXXXX~~ MURDER OF HENRY ROAN, about Jan.  
30, 1923, near Fairfax, Oklahoma.

HENRY ROAN, was a full blood Osage;  
MARY ROAN, his wife, was also a full blood Osage.  
ROY BUNCH, a white young man, poor but weak character, lover  
of MRS. MARY ROAN, now her husband.  
W. H. (BILL) HALE, showed up with a \$25,000.00 policy on  
ROAN'S life, after the murder.

The ROANS are not related in any way to the BURKHARTS,  
or to BILL HALE or W. E. SMITH, but it is a firm belief  
among many that HALE either killed or caused ROAN to be  
killed so HALE could collect the \$25,000.00 which HALE  
now claims ROAN owed him.

562

MURDER OF CHARLES WHITEHORN at Pawhuska, May 15, 1921.

There is no connection in any way between this murder and the ones mentioned above.

CHARLES WHITEHORN, full blood Osage.

HATTIE WHITEHORN, now	)	his then wife, half blood Cheyenne
HATTIE SMITHERMAN, alias	)	woman. WHITEHORN was her third hus-
HATTIE CLARK, alias	)	band. Her maiden name was MISS HATTIE
HATTIE WHITEBEAR,	)	CLARK. Her first husband being white

man named HOSKINS, who died; her second husband was an Indian named PETER WHITEBEAR, whom she divorced; her third husband was CHARLES WHITEHORN, murdered; her fourth husband and present one, is BEROY SMITHERMAN, who abandoned her, robbing her of her fine car and taking one MAUDIE WILLIAMS, 19-year-old girl with him from Arkansas City to San Diego, Calif., where they were at last accounts. HATTIE SMITHERMAN is now at Pawhuska

MINNIE SAVAGE, - - - - - )	} are sisters
MRS. EVA LOCKLIN - - - - - )	
DANZEL HUGHES - - - - - )	

and brother.

EARL SAVAGE,	is ex-husband of MINNIE SAVAGE;
ROY LOCKLIN,	is husband of EVA LOCKLIN;
BRYAN GRIFFIN,	is "lover" of MINNIE SAVAGE.

563

WTC AS  
62-033-78

PR 5 1924

April 3, 1924.

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

My dear Sir:

Further with regard to the case  
of W. E. Smith, et al, Murdered Osage Indians,  
I am enclosing copy of the report of Special  
Agent Weiss of our Oklahoma City office,  
dated March 29th. This is for your informa-  
tion.

Very truly yours,



Director.

Encl. 14132.

RECORDED & INDEXED

APR 3 1924

504

ORIGINATED AT

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE BY: [Name]

TITLE AND CHARACTER OF CASE: [Case Title]

FACTS DEVELOPED: [Detailed report text]

CONCLUSIONS: [Concluding text]

APPROVED AND FORWARDED:

DO NOT WRITE IN THESE SPACES

SPECIAL AGENT IN CHARGE

62-5033-79

RECORDED AND INDEXED

COPIES OF THIS REPORT FURNISHED TO: [List of recipients]

BUREAU OF INVESTIGATION

APR 16 1924

APR 11 1924

GENERAL INVESTIGATIVE DIVISION

ROUTED TO

APR 22 1924

HOOVER

DIVISION

4-14-

565



FIG:EM  
62-5033

62-5033-79

April 14, 1924

APR 16 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 -- Murder of Osage Indians -- I am transmitting  
herewith, for your information, copy of a report dated  
April 9, 1924, made by Agent Weiss of our Oklahoma City  
office.

Very truly yours,

*J. Edgar Hoover*  
Director.

Enc. 10831

RECORDED & INDEXED

MAILED  
APR 14 1924

509

MR. HOOVER 2.

Director;

100-15

ORIGINATED AT

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

City of Oklahoma City DATE WHEN MADE: Apr. 11, 24 PERIOD FOR WHICH MADE: Mar. 21 to Apr. 9, 1924 REPORT MADE BY: T. F. Weiss.

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

FACTS DEVELOPED: at Pawhuska and other points. (K. C. #10675; (O. C. #7060.)

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

This is joint report for Agents T. F. Weiss and J. R. Burger, made thus to avoid unnecessary duplication, as Agents are working jointly.

RE: MURDER OF ANNA BROWN:

Mar. 21st received word from under cover man for us to see him in day or two at some point in Kansas.

Informed by HARVEY O. BROWN, Deputy Marshal, Pawhuska, that he has warrants, whiskey charges for FRANK TERRELL and RAY R. SMITH and LEE MORGAN, and arranged with MR. BROWN to call us if he succeeded in locating them, so we can question them.

JACK ALLEN, alias JIMMIE HICKS, is in jail, Federal whiskey charge at Pawhuska, but we want, if possible, to interview FRANK TERRELL and JACK HALE before questioning JACK ALLEN and his wife, ROSIE.

Interviewed W. H. BRACKETT, who still refuses to divulge the balance of the confidential evidence unless he is first paid the \$500.00

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED

SPECIAL AGENT IN CHARGE

62-5033-80

RECORDED AND INDEXED

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

BUREAU OF INVESTIGATION

CHECKED OFF: APR 26 1924

APR 21 1924 DEPARTMENT OF JUSTICE

GENERAL INVESTIGATIVE DIVISION

ROUTED TO

FILE

DIVISION

Indian Office - 53-24

508

is demanding. BRACKETT is showing himself in a bad light now.

Interviewed A. W. COMSTOCK and urged upon him the urgent necessity of him producing his promised "eye witnesses" at once, but MR. COMSTOCK was very busy.

Arranged with BILL CROW, HARVEY BROWN, TOM HUBBARD and HUGH MAYES, all officers, to let us know at once of any information they may get as to whereabouts of FRANK TERRELL or LEE MORGAN.

Mar. 22d worked under cover at Pawhuska in effort to get a line on FRANK TERRELL and LEE MORGAN and JACK HALE.

March 23d and 24th interviewed confidential informant at Wichita, who stated that he knows personally that ERNEST BURKHART planned the robbery by which BILL SMITH and his wife, RITA, were robbed of valuable diamonds, as he, informant, drove the men who did the job, and that CHARLEY McDONALD, Okla. City crook, was one of these men; that he, informant, knows these men robbed the SMITHS at the request of ERNEST and BRYAN BURKHART, as ERNEST BURKHART told informant the robbers were back in Okla. City before the report was out.

Informant further states that BLACKIE THOMPSON (said to have been in jail at Newkirk on fur robbery in Feb. 1924) and BIG JIM PARKER, and a third man are the men who robbed FRED DENOYA and wife of valuable diamonds; that BIG JIM PARKER told this to informant, and also said that the third man took the diamonds to Ponca to dispose of them, but later reported he had lost the proceeds in a poker game; that informant drove BLACKIE THOMPSON and JIM PARKER out twice to do this job.

(DOCK HAWKINS says BILL HALE framed this DENOYA diamond robbery, and that the third man was CURLEY JOHNSON.)

569

Informant states that BILL HALE now claims great influence over W. W. THOMASON, Indian police officer, Fairfax; that KELSEY MORRISON recently signed over to H. G. BURT the same oil interests he, MORRISON, once signed over to BILL HALE; that these papers to BURT were signed at Arkansas City about three weeks ago and HALE knows now where MORRISON is. (Looks as though THOMASON is being fooled by, or has understanding with HALE.)

That HAROLD BURT, son of H. G. BURT and SAM TURNER, Mayor of Shidler, met MORRISON at Arkansas City and paid him \$250.00 to sign these papers to H. G. BURT. As H. G. BURT and HALE are very intimate, looks as though this was done for HALE.

Informant also stated that H. G. BURT and HALE split on the hoodle they got when GEO. BIGHEART, Osage Indian, was apparently poisoned at a hospital in Okla. City.

Informant stated further that just recently HALE, in response to overtures, suggested to KELSEY MORRISON that he, HALE, would arrange and persuade LIZA BIGHEART, wealthy Osage widow, to marry KELSEY MORRISON. (The significance of this is that MORRISON had told HALE he, MORRISON, was going to marry some rich Osage woman, and not wait for her to die, but was going to get her money in short order, meaning kill her or have her killed.

Informant also reiterated his former statement that about July, 1923, he was in jail at Pawhuska; that BRYAN BURKHART was in jail on ANNA BROWN murder charge at same time; that BILL HALE paid frequent visits to, and had conversations with BRYAN BURKHART at said jail; that on one of these occasions the conversation took place near where J. W. CARTER (criminal) was lying down; that when HALE left on this occasion, CARTER told informant, "I know now who killed ANNA BROWN."

51

J. F. Weiss.

3-21 to 4-9-1924.

5-10-1-4-

Informant states that CARTER is an old crook, and "hot"; that CARTER knows HALE and the BURKHARTS and will be hard to catch, but informant will have him tell us what he overheard, if we can locate him, and to try to locate CARTER for us.

Mar. 26th. Learned from MR. McCLAIN, manager Armour Co., Kansas City, Kans. that J. W. CARTER left their employ right after our talk with CARTER some weeks ago, and that CARTER left no address. Made effort to locate CARTER, but with no success as yet, but have a good picture of him and will continue to look for him.

Mar. 26th and 27th also had long talk with confidential informant of Kansas City, trying to induce him to furnish balance of information he possesses, but he insisted he has turned everything complete, including names of third man in party and #6 witness, to BILL BRACKETT, and promised BRACKETT to let BRACKETT handle it, as BRACKETT claims MORAN and GUSTAFSON have not paid him in full, nor treated him squarely. The real truth is that BRACKETT and this informant are determined to get some cash or conceal their information

This informant finally stated he would phone BRACKETT on the 27th and urge BRACKETT to accede to Agent's requests to furnish the information and trust that their demanded money would be gotten somehow, if their information and witnesses stood up.

Mar. 28th, informant added today that in July, 1921 it was ERNEST BURKHART who brought informant the two fine steel saws and some nitric acid to informant at the pawhuska jail; that informant gave these to J. W. CARTER and who made a sort of cup out of soap to hold the nitric acid to soften the steel, then sawed same and made the hole by which about twelve prisoners escaped; that the hole was too small for CARTER who, however, stripped and soaped his

body in a vain effort to get through.

Informant also reiterated that BILL HALE had proposed that he would help ELSEY MORRISON marry ELIZA BIGHEART.

That this proposition came up by MORRISON remarking to HALE recently that he, MORRISON, was going to square himself of present charges, marry an Osage squaw and when she died he, MORRISON, would sell the estate he would get by her death for \$10,000.00; that HALE replied that LIZA BIGHEART liked MORRISON, and suggested that MORRISON marry her; that could help.

Informant stated that LIZA BIGHEART would not live a month after this proposed marriage, but informant could not figure whom HALE had in mind to bump her off.

LIZA BIGHEART'S estate is worth between \$150,000 and \$300,000.

Mar. 28th, arranged with this under cover informant to go into Osage County with us for some under cover work next day.

Mar. 29th, confidential informant [REDACTED] <sup>b7D</sup> stated that his information was that on the Saturday ANNA BROWN was last seen alive, that ROSE OSAGE and JIMMIE HICKS and a Kaw Indian girl named ROSEY, who lived at Kaw City, Okla., were at the Foley Hotel, Fairfax, and were driving FANNIE LASLEY'S car; that ROSE OSAGE and JIMMIE HICKS and this ROSEY ---- picked ANNA BROWN up in said car from in front of the Foley Hotel, Fairfax, about 10:30 PM and all drove out of Fairfax toward the north; that ROSE OSAGE, JIMMIE HICKS and this ROSEY --- returned to Fairfax in about half an hour, but ANNA BROWN was not with them; that upon this return the three named got some sandwiches and food at some restaurant and again drove out of Fairfax, going north; that FANNIE LASLEY was not with them so far as informant [REDACTED] had heard. <sup>b7D</sup>

Informant claims to not be able to recall this ROSEY'S last

512

1. F. Weiss.

3-21 to 4-9-1924.

-6-

name, but stated that she was an associate of ROSE OSAGE and some girl of Fairfax is the person who saw all the above. But informant declined to tell us the name of the person from whom he had gotten this alleged information. Arranged with informant to go with us and do some under cover work in Osage County under our direction.

Received following self-explanatory letter from E. M. PIKE re. the evidence he is withholding until the \$500.00 he and BRACKETT are demanding is paid:

DONDE HOSIERY COMPANY

E. M. Pike, State Manager  
523 Bryant Building  
Kansas City, Missouri

3/27/24

Mr. Weiss -

Just had a call from one of my salesmen who need some assistance - so had to leave - I have not heard from Brackett yet. Will write you at Pawhuska when I hear from him - or he may see you - wrote him Spec. Dely. today to go ahead as far as I was concerned.

Yours

(signed) Pike."

513

T. F. Weiss.

3-21 to 4-9-1934.

10752 -7-

Mar. 30th. Got BILL BRACKETT on phone and he stated he had received word from E. M. PIKE regarding the balance of the evidence; that he, BRACKETT, would be in Pawhuska April 2d and proposed that Agents arrange to defray BRACKETT'S expenses for a trip to Kansas City, where we would all see PIKE and come to some terms regarding the information and evidence they have thus far refused to give us.

Also learned that JOE ALLEN, alias JIMMIE HICKS, was released from jail on his Federal charge, under \$500.00 bond during our absence.

*Allen*  
April 1st, confidential informant told Agents that BILLIE ZINSEL told informant in 1921 that MRS. WARE, Fairfax, who was keeping ROSE OSAGE'S children at that time, had a letter to JOE ALLEN from ALLEN'S mother in which said mother stated in substance: "Surely ROSE will not throw you down after that terrible deed you did for her." (ZINSEL told Agent Weiss this same thing last ZINSEL wrote us from Skiatook, Okla., a few weeks ago, and promised to come to Pawhuska for an interview, but has not shown up as yet.

b7D Informant [redacted] stated that it is his belief that BRYAN BURKHART was present when ANNA BROWN was killed, but informant would not tell what he founded this belief upon.

Owing to BILL BRACKETT'S absence, and JOE ALLEN'S release and the further fact that FRANK TERRELL and FRED WHEELER are Federal fugitives and JACK HALE is in Boston, we have had to go slow for the past three days in order to avoid flushing some witnesses and exposing our evidence. We now have a very confidential informant under cover.

ELIZA BIGHEART is mother of ROSE OSAGE (now MRS. JOE ALLEN) and the three live together near Fairfax, but ELIZA BIGHEART is

514

unfavorable to this investigation by reason of certain influences and fear.

April 2d. Arranged to take W. H. BRACKETT to Kansas City in final effort to have E. M. PIKE give us all his evidence. BRACKETT states positively that PIKE has never furnished him the "third" man's name, but he, BRACKETT, will assist us all possible with PIKE

BRACKETT today furnished us following additional information which he secured from MATT WILLIAMS of Pawhuska, to-wit:

That in May, 1921, FRED WHEELER and MATT WILLIAMS roomed together at Ralston, Okla.; that FRED WHEELER was bootlegging whiskey and on the night of May 21, 1921 FRED WHEELER went with ANNA BROWN and BRYAN BURKHART to the place of WALTER COLLINS for the purpose of getting some whiskey; that COLLINS then lived west of Ralston, but now lives east of Ponca, Okla.; that FRED WHEELER got out of the car at WALTER COLLINS that night and got the whiskey for BRYAN BURKHART and ANNA BROWN, getting a quart and pint and bringing it back to them at the car.

MATT WILLIAMS tells BRACKETT that FRED WHEELER told WILLIAMS these facts, and further that BILL HALE, ERNEST BURKHART gave FRED WHEELER money afterward, and later when WHEELER was in jail at Pawhuska HALE fixed Sheriff FREES to let FRED WHEELER out as trusty, and ERNEST BURKHART furnished \$40.00 to FRED WHEELER to leave the country on.

That MATT WILLIAMS states that FRED WHEELER is probably at a rooming house in K. C. Mo., run by ARCH LOOPE, and that LOOPE will know where WHEELER is if gone; that ERNEST BURKHART pays WILLIAMS some money from time to time now. (This corroborates ODE BROWN'S statement to Agents that FRED WHEELER told him where ANNA BROWN

and BRYAN BURKHART got the whiskey that night, west from Ralston. Probable ODE BROWN will recognize the name of "WALTER COLLINS" as WHEELER told BROWN the name of the man from whom they got that whiskey.) WALTER COLLINS is said to have since served a thirty-days sentence for whiskey violation.

April 3d, W. H. BRACKETT and Agents went together to Kansas City to have final conference with E. M. PIKE and endeavor to locate and get statement from FRED WHEELER, said to be rooming with ARCH LOOPE, who runs a rooming house~~xxx~~ of forty-four rooms, on East 12th St., Kansas City, Mo.

BRACKETT today promised to arrange so that MATT WILLIAMS will talk direct to and work with Agents, and also promised to urge PIKE to give us all the evidence, information, names and assistance possible in this case.

April 4th, finally succeeded in getting name of third man, and arranged to have him meet Agents on Apr. 8th for per~~sonal~~ and full interview. Also are informed that said third man can give us names of about a dozen witnesses, and that both J. A. GUSTAFSON and his operative MITCHELL have had several talks with our informant during past three months, trying to get information on this case, evidently for HALE-BURKHARTS. Said third man is said to have been present with ANNA BROWN and BRYAN BURKHART within twenty minutes of the time ANNA was murdered, and ERNEST BURKHART personally took our informant to this third man and this third man personally told our informant the above, and also that informant heard the murder plotted by BRYAN and ERNEST BURKHART, BILL HALE and J. L. BRIDGES, and knows personally that HALE furnished BRYAN BURKHART the .32 gun to kill ANNA BROWN with. This third

*See*

516

TM NO 1  
T. P. Weiss.

3-21 to 4-9-1924.

3 1925 1  
-10-

man's reasons for keeping silent in the past are said to be because he was with a sporting woman that night, and is afraid to have his wife learn it, and also because he fears violence from the guilty ones if he is known to have told.

He is said, however, to be a man of courage, who really desires to see the guilty ones punished, and to be willing to assist when assured the prosecution will be ably, honestly and fearlessly pushed to the limit, regardless of expense, and danger, and in a way that will insure no selling out by the prosecution. (This fear that the prosecution will be bought off is almost universal in Osage County, and the consensus of opinion is that the Government should have an able, honest, fearless Government attorney from without the state, appointed to assist from start to finish of the prosecution.

Informant states he has ~~no~~ more evidence that ~~he~~ give us after our interview with said third man, and reiterated today that J. L. BRIDGES was present when the murder was committed.

Informant has promised to talk further to GUSTAFSON and MITCHEL who have been keeping tab on him, and try to draw them out as to their interests and objects in the case at this time.

Apr. 5th, confidential informant told Agents personally that the third man with BRYAN BURKHART, ANNA BROWN, J. L. BRIDGES and EDITH DAVIS on the trip the night of May 21, 1921 when ANNA BROWN was murdered, was and is now living at Fairfax, and gave us this man's name, under our promise to conceal same till trial if possible and further that said man heard the plan between HALE, BRYAN BURKHART and J. L. BRIDGES made that night to murder ANNA BROWN, and knows personally that HALE furnished BRYAN BURKHART

517

T. F. Weiss.

3-21 to 4-9-1924.

11-

the gun to kill ANNA BROWN with, and that this third man can give us the names of ten or fifteen witnesses who can corroborate this evidence.

Arrangements were made to meet this third man at Pawhuska ~~xxx~~. April 8th and have him give Agents his statement direct.

Apr. 8th met BRACKETT at Pawhuska as per agreement, but instead of having the third man as had been promised, BRACKETT produced a letter from PIKE reading as follows:

~~Pawhuska~~ telephone Delaware 2501.

Copy of letter from E. M. Pike to W. H. Brackett.

Kansas City, Mo.  
4811 Troost St.  
April 7th, 1924.

W. H. Brackett,  
Pawhuska, Okla.

Dear Brackett:

Am just in receipt of a letter from our friend down here, and am sending this special delivery so that it will reach you early tomorrow morning.

There has been so much pressure to bear on this case recently that he is going to refuse to divulge anything to anyone and after his explanation I cannot hardly blame him, for he says that he will ignore all requests to talk in the matter, or that he knows anything whatsoever about the case.

For the information of all concerned, as most of us all know, there has been a great deal of pressure in this case during the last few weeks, and as I see it now there is only way in which the matter can be handled successfully, and that is by setting steady in the boat for a few days, and see if I can successfully accomplish anything by further correspondence with parties in that vicinity.

I will keep you fully advised as to what success I have with other parties. There has been a lot of cash put out for quietness, and it looks like they are going to be quiet.

Let me hear from you often. With best wishes, I am,

Very truly yours,

E. M. PIKE.  
X

518