



FEDERAL BUREAU OF INVESTIGATION

# OSAGE INDIAN MURDERS

PART 4 OF 19

BUFILE NUMBER: 62-5033

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REPORT MADE AT <b>Oklahoma City</b>	DATE WHEN MADE <b>June 23, 24</b>	PERIOD FOR WHICH MADE <b>May 24th to June 20, 1924</b>	REPORT MADE BY: <b>T. F. Weiss.</b>
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TITLE AND CHARACTER OF CASE:

**W. B. SMITH, et als. Osage County, Okla. : Murders 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, who are working jointly on cases.

**ANNA BROWN MURDER.**

June 2nd made investigation at Kansas City through MR. RILLIAN, 4811 Troost Ave. and the people at 910 E. 13th but got no further trace of M. M. PIKE. Shall try to have PIKE brought to trial by the state on the now pending charge of highway robbery against him at Tulsa, Okla.

June 8th, FRED TILLMAN, attorney Pawhuska, informed Agent Burger that a certain MRS. NECIA KINNEY, wife of JOHN KINNEY, Osage Indian, is probably directly involved in the ANNA BROWN murder, for the following alleged reasons:

MRS. KINNEY is but the common law wife of JOHN KINNEY and now separated from him; she and JOHN KINNEY were living on his allotment, one one-half miles northeast of Belfort Bridge in

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED:

SPECIAL AGENT IN CHARGE

62-5003-90

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2 T. Weiss,

May 24 to June 20, 1924.

3 Osage County (note this location) in 1921, when ANNA BROWN was murdered

4 JOHN KINNEY was at that time having undue relations with ANNA  
5 BROWN and spending much of his time in her company, both being Osage  
6 Indians, while MRS. KINNEY is a white woman.

7 MRS. KINNEY is of a very violent disposition, having personally  
8 assaulted different men on a number of occasions for fancied wrongs, and  
9 on June 4, 1924 she shot a number of times at FRED TILLMAN at Guthrie,  
10 Okla. shooting him from his rear and hitting him three times, twice in  
11 the legs and once in the arm, using a pistol. She is also said to have  
12 repeatedly horsewhipped JOHN KINNEY and kept him at work with a rifle.

13 TILLMAN states that MRS. KINNEY was insanely jealous of ANNA  
14 BROWN and threatened that she was going to kill ANNA BROWN just a  
15 short time before ANNA was killed.

16 That this threat was made to a certain woman at Fairfax, Okla.  
17 whose name MR. TILLMAN has forgotten, but will procure and furnish to us

18 MR. TILLMAN stated further to Agt. Burger that he was attorney for  
19 MRS. KINNEY and on one occasion asked her what she thought of the Fair-  
20 fax murders, but did not mention ~~any~~ any particular one; that MRS.  
21 KINNEY flew into a rage and asked TILLMAN if he meant to accuse her of  
22 the murder of ANNA BROWN; that he pacified her and reminded her he  
23 had not even mentioned ANNA BROWN'S name to her.

24 TILLMAN states that MRS. NECIA KINNEY lives at 104 State St.,  
25 Wichita, Kans. [REDACTED] B7C

26 That HUGH K. REA, attorney at Wichita, is attorney for JOHN KINNEY  
27 and will gladly assist Agents in every way possible.

28 That JOHN KINNEY is separated from MRS. KINNEY but living at  
29 [REDACTED] ta, but kept "hid out" because of fear that MRS. KINNEY will kill [REDACTED]

30 That HUGH K. REA, however, is in touch with MR. KINNEY and can

2 T. Weiss. ~~From~~ May 24 to June 20 1924. 3

4 have KINNEY meet Agents. 5

6 Agents will investigate this MRS. KINNEY angle thoroughly for the  
7 main reason that she and JOHN KINNEY lived near Belfort Bridge at the  
8 very location [REDACTED] states BRYAN BURKHART told [REDACTED] that BRYAN  
9 BURKHART and ANNA BROWN met J. L. BRIDGES, GEORGE JAMES and EDITH  
10 DAVIS, about 9 P. M. the night of May 21, 1921 (when ANNA BROWN was  
11 murdered) and it now appears possible that MRS. KINNEY and BRYAN BURK-  
12 HART may both have had a hand in ANNA BROWN'S murder. MRS. KINNEY,  
13 according to MR. TILLMAN, owned a .32 calibre pistol at that time as her  
14 husband, JOHN KINNEY, knows. 15

16 June 12th Agents proceeded to Wichita and made appointment with  
17 HUGH K. REA for next day re. this case. 18

19 J. H. WILKINSON, Spiritualist at Wichita, Kans. is said to be ad-  
20 vising MRS. KINNEY, as she is a great believer in spiritualism. WILKIN-  
21 SON is said to have advised her to kill FRED TILLMAN, who, she claimed  
22 has laid a "spell" on her. 23

24 June 13th. These Agents at Wichita, Kans. interviewed HUGH K. REA  
25 attorney, 205 Fourth Natl. Bank Bldg. MR. REA is attorney for JOHN  
26 KINNEY, husband of MRS. KINNEY, named above. 27

28 MR. REA called JOHN KINNEY to the office and instructed KINNEY to  
29 talk freely and fully to us and furnished us a room to talk privately in  
30

31 JOHN KINNEY is a full blood Osage, about forty years of age, hard  
32 of hearing, slow of speech but quite intelligent and speaks English very  
33 well indeed. KINNEY however plainly is of weak will power. He impressed  
34 us very favorably by his desire to be truthful and just in his state-  
35 ments and talked freely with us for three or four hours. 36

37 JOHN KINNEY stated that he and his wife are now separated; that  
38 she is a white woman about forty years old; that they have been married  
39

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4 about fourteen years and have no children; that he owns two and one-fifth  
5 headrights in Osage Tribe; that he is not restricted and did own about  
6  
7  
8  
9 1,650 acres of land in Osage County and a large sum in Liberty Bonds.

10  
11 That during the last few years he has given said wife, at her re-  
12  
13 peated requests and for the alleged purpose of safety of the property,  
14  
15 in trust for them both, Liberty bonds and money in the aggregate sum of  
16  
17 between \$65,000.00 and \$85,000.00 which she still has; that he has also  
18  
19  
20 ~~him~~ deeded to her 1,500 acres of his land; that he has also made a  
21  
22 will which she has by which she is ~~his~~ given his entire estate at  
23  
24 his death.

25  
26 That he and she having not been friendly for several years, though  
27  
28 living together at times, now have an agreement that she is to get a  
29  
30 divorce, keep all the lands and other property he has given her and in  
31  
32 addition get \$100.00 per month alimony from him; that she was peniless  
33  
34 when he married her, and the property he has and has given her was all  
35  
36 acquired by him by inheritance and by reason of his Osage blood, and  
37  
38 Indian rights.

39  
40 It will thus be seen that JOHN KINNEY is badly in need of an honest  
41  
42 guardian and attorney to look after him and his property rights at once  
43  
44 as his wife is of violent, desperate and erratic character.

45  
46 JOHN KINNEY stated further that some years ago he married ANNA  
47  
48 BROWN who was murdered near Fairfax in May, 1921; that however this  
49  
50 marriage was annulled because of his then valid existing common-law  
51  
52 marriage to his present wife, referred to above.

53  
54 That his wife appeared jealous of ANNA BROWN and was unfriendly  
55  
56 to her; that on one occasion this wife asked him if he thought more of  
57  
58 ANNA BROWN than he did of her and he told her "no"; that she replied  
59

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2 T. Miss.

3 May 24 to June 20, 1921

4 that if he did he was liable to be killed some time while out on a drink-  
5 ing party with ANNA BROWN, but did not say who would kill him.

6 JOHN KINNEY stated that in May, 1921 he and his wife lived on his  
7 farm, about one and a half miles northeast of Belford Bridge in Osage  
8 County, but that neither ANNA BROWN nor BRYAN BURKHART was ever at  
9 that place, so far as he knew; that he never heard his wife threaten  
10 any harm to ANNA BROWN; that his wife did not possess any pistol in  
11 1921 that he knew of.

12 JOHN KINNEY stated that he had no reason to believe his wife impli-  
13 cated in ANNA BROWN'S murder and that she told him several times  
14 that she believed BILL HALE and the BURKHARTS were responsible for  
15 ANNA BROWN'S murder as they wanted her death before LIZZIE Q died, so

16 that ANNA'S property would go to LIZZIE Q, ANNA'S mother, who  
17 had a will giving nearly all her property to the ERNEST BURKHART family

18 JOHN KINNEY showed a surprising knowledge of amount and descent of  
19 the ANNA BROWN, LIZZIE Q and family property, and stated that he also  
20 believed the HALE-BURKHARTS were responsible for ANNA BROWN'S murder  
21 but that he had no evidence to that effect, as all the Indians were  
22 afraid to tell anything.

23 JOHN KINNEY stated further that his wife is very courageous and has  
24 had several fights with white business men such as merchants, guardians  
25 and bankers in Osage County; that however he knows that there was jus-  
26 tification for her in these affrays as in several of the cases she was  
27 trying to prevent Indians being grafted by these men, naming CHAS. ASH,  
28 BROOK and others.

29 JOHN KINNEY stated also that during the last year or so his wife has  
30 seemed to have a strong belief in spiritualistic mediums and has been  
31 telling him some strange and weird things; that she has had employed

2 T. Miss.

3 May 24 to June 20, 1941.

4 J. A. GUSTAFSON detective, Kansas City, Mo. a man whom she called WIL-  
5 KINSON another whom she called WILLIAMS and another whose name he did  
6 not learn; that she told him these men were detectives and that WILKIN-  
7 SON was a Spiritualist, and informed her that FRED TILLMAN and others at  
8 Pawhuska were going to lay a spell on KINNEY and have him kill her;  
9 that WILKINSON also told her that FRED TILLMAN has put a spell on her;  
10 that she told KINNEY that on one occasion she was in TILLMAN'S office  
11 at Pawhuska and FRED TILLMAN "mesmerized" her and had her sign a deed  
12 by which she conveyed to FRED TILLMAN the  $\frac{1}{2}$  1,500 acres of land JOHN  
13 KINNEY had deeded to her, as stated before.

14 KINNEY stated that MRS. KINNEY related that FRED TILLMAN on that  
15 occasion told her she could not raise her hands, and when she tried to  
16 do so, she could not move; that TILLMAN then commanded her to sign the  
17 said deed to said land and she obeyed because of the "spell" TILLMAN  
18 had laid on her.

19 KINNEY stated that she kept telling him that he was possessed with  
20 a demon and took him to Kansas City to see a noted Spiritualist who  
21 would call up spirits from Osage County, and that this Spiritualist  
22 would drove the demon out of him, KINNEY.

23 KINNEY stated that he went to Kansas City with his wife to see this  
24 Spiritualist whose name is WOODS, and who lives on Paseo Ave., beyond  
25 Electric Park; that WOODS told him to keep him, WOODS in mind all the  
26 time, etc., and have faith, but that he, KINNEY, did not believe in  
27 such foolishness and told WOODS so, and nothing came of it.

28 That he, KINNEY, was in a hospital at Kansas City and his wife had  
29 JOHN GUSTAFSON do some work in Osage County for her and GUSTAFSON and  
30 wife came to the hospital twice and took him and MRS. KINNEY out riding;  
31 that MRS. KINNEY said she had GUSTAFSON hired to see if FRED TILLMAN

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5 had put the deed to the land on record. (This detective "WILKINSON" is  
6 said to be the man who advised MRS. KINNEY to shoot FRED TILLMAN.)

7  
8 JOHN KINNEY states he is afraid his wife will kill him some time;  
9 that she has attacked him many times and keeps talking about spirits  
10 and demons and "spells" all the time and has him arrested on false  
11 charges, etc.; that he wants to be freed from her and is willing to do  
12 so even at the cost of letting her keep the 1,500 acres and all the li-  
13 berty bonds and money she has gotten from him.

14  
15 JOHN KINNEY states that his wife seemed to be a good honest woman  
16 until a few years ago and made many enemies because she took an interest  
17 in numerous cases where the whites were grafting the Indians, she taking  
18 the Indians' side, but that she has changed.

19 That shortly after GEORGE BIGHEART'S mysterious death in a hospital  
20 at Okla. City he, KINNEY, heard ELIZE BIGHEART, the widow of GEORGE,  
21 telling MRS. KINNEY that BILL HALE had taken GEORGE BIGHEART to a hos-  
22 pital at Okla. City and had induced GEORGE BIGHEART to sign a deed  
23 conveying a lot of land to BILL HALE. KINNEY stated that ELIZE BIG-  
24 HEART was appealing to MRS. KINNEY for help in this matter, but MRS.  
25 KINNEY refused and told ELIZE BIGHEART "I won't do it. You Indians are  
26 all cowards. I have taken your parts in many of these cases, and you  
27 Indians don't stand by me, and I get myself into trouble".

28  
29 (No deed to his land has ever shown up, but the rumor persists  
30 from many quarters that it was secured by HALE. ELIZE BIGHEART has no  
31 principle and is said to be accepting presents from HALE and refusing  
32 to tell anything.)

33  
34 JOHN KINNEY states that the man at his home when JEFF HUTCHINSON  
35 served notice of suit by E. B. SHEPHERD against JOHN KINNEY was F. L.  
36  
37  
38  
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2 T. I. Weiss,

3 May 24 to June 20, 19

4 ROBERTS: that ROBERTS is still on KINNEY'S farm near Belford Bridge.

5  
6 JEFF HUTCHINSON is said to claim that MRS. KINNEY had this man or-  
7  
8 dered to kill HUTCHINSON at that time, but KINNEY says he knows nothing  
9  
10 of that and don't believe it.

11  
12 That the detective WILKINSON told him, KINNEY, that the spirit  
13  
14 talk was all bunk; that WILKINSON is said to work out of the detective  
15  
16 office of A. V. STEPHENSON or STEVENS, Fort Worth, Tex.

17  
18 The rather long account of JOHN KINNEY'S statements are set forth  
19  
20 for two reasons.

21  
22 The main one is that MR. and MRS. KINNEY did live about a mile and  
23  
24 a half northeast of Belford Bridge in May, 1921 when ANNA BROWN was  
25  
26 killed, which is the location of the place that E. M. PIKE states BRYAN  
27  
28 BURKHART told him was where BRYAN BURKHART and ANNA BROWN met J. L.  
29  
30 BRIDGES, GEORGE JAMES and EDITH DAVIS the night ANNA BROWN was killed.

31  
32 There is a possible connection here, that will have to be traced out

33  
34 The other reason is that H. C. HARGIS, FRED TILLMAN, J. S. SIMPSON  
35  
36 ED SCHENCK and others keep insisting that MRS. KINNEY is implicated in  
37  
38 ANNA BROWN'S murder, though none of them has produced any evidence to  
39  
40 that effect, and the only motive assigned is jealousy.

41  
42 There is no doubt that MRS. KINNEY is a desperate character and  
43  
44 determined to get a small fortune out of JOHN KINNEY by any means she  
45  
46 deems necessary.

47  
48 MRS. JOHN KINNEY has made many enemies among the whites in Osage  
49  
50 County. She was not to be found when we were at Wichita on the 13th of  
51  
52 June, but we will locate and interview her fully as soon as possible.  
53  
54 It is possible that she may be of great assistance to us, if so inclined  
55  
56 or persuaded.

57  
58  
59 June 13th, interviewed ED SCHENCK, 1608 S. Waco, Wichita, Kan. *W.C.*

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4  
5 who was evasive and unsatisfactory in his talk, possibly due to his age  
6  
7 72 years. He declared the woman WM. SHAW had in mind was LUELLA HALLETT  
8  
9 but stated that she was unreliable and no account and had told him  
10  
11 nothing.

12  
13 ED SCHENCK has also changed his theory of this murder, so he sta-  
14  
15 ted, and expressed a belief that MRS. KINNEY was implicated in it, but  
16  
17 SCHENCK could not or would not give any reason, motive or information  
18  
19 to support his new theory.

20  
21 Interviewed HUGH K. REA, attorney for JOHN KINNEY, but MR. REA had  
22  
23 nothing to add to what KINNEY told us, but promised to assist us all  
24  
25 possible.

26  
27 June 19th, interviewed LAURA CONN, who now lives with her father,  
28  
29 SILAS CONN at Washunga, Okla. LAURA CONN stated in brief that she never  
30  
31 did say that ROSE OSAGE told her that JOE ALLEN, alias JIMMY HICKS  
32  
33 killed ANNA BROWN and that she, LAURA CONN, never did say that JOE  
34  
35 ALLEN told her that ROSE OSAGE killed ANNA BROWN.

36  
37  
38 LAURA CONN stated that JEFF HUTCHINS took her from Kaw City to  
39  
40 Fairfax and there another man wrote up a statement in which she pur-  
41  
42 ported to state that ROSE OSAGE told her, in the Foley Hotel at Fair-  
43  
44 fax, that JOE ALLEN killed ANNA BROWN and that JOE ALLEN told her,  
45  
46 LAURA CONN, that ROSE OSAGE killed ANNA BROWN; LAURA CONN stated to  
47  
48 agents that she told JEFF HUTCHINS and the other man at the time that  
49  
50 this was not true, but they had her sign the statement anyway.

51  
52 LAURA CONN stated further that JOE ALLEN and ROSE OSAGE both did  
53  
54 tell her that they pawned a ring of ANNA BROWN'S at Wynona, Okla.  
55  
56 for some whiskey but did not say to whom and did not say how or when  
57  
58 they got this ring. Also that JOE ALLEN did tell her, LAURA CONN,  
59  
60

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5 that he and ROSE OSAGE were in FANNIE LASLEY'S car, had a blowout and  
6  
7 stopped SAM TULK and another man for assistance; that ANNA BROWN'S  
8  
9 shoe was in the FANNIE LASLEY car at the time and TULK asked about it,  
10  
11 and JOE ALLEN told him it was ROSE OSAGE'S shoe and JIMMIE HICKS said  
12  
13 he would not have stopped TULK if he had known who he was.

14  
15 Also that ROSE OSAGE nor JOE ALLEN nor anyone else has questioned  
16  
17 her, LAURA CONN, since she was at Fairfax as a coroner's witness in  
18  
19 1921 and that she has never testified nor told that JOE ALLEN or ROSE  
20  
21 OSAGE told her who killed ANNA BROWN.

22  
23 It appears almost certain that there is nothing to the theory that  
24  
25 JOE ALLEN or ROSE OSAGE had any part in ANNA BROWN'S murder.  
26  
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5  
6  
7 HENRY ROAN MURDER.

8  
9 May 28th, DICK GREGG was taken from Pawhuska to Sedan, Kans. by  
10 Sheriff BUCKLES of Sedan to answer to a charge of robbing a bank at  
11 Elgin, Kans. (DICK GREGG is the man who we have been informed from three  
12 separate and unconnected sources to and did murder HENRY ROAN, name-  
13 ly, FRANK TERRELL, IKE OGG and DICK STODDER). We will question DICK  
14 GREGG and JACK HART as soon as possible.  
15  
16

17  
18 June 2d arranged with [redacted] in Leavenworth prison  
19 that he will get what he can out of JACK HART and report to Agents when  
20 Agents call. [redacted] but very friendly to  
21 Agent Weiss and HART has made some talk to [redacted] and evinced a de-  
22 sire to be confidential with him for several months past.  
23  
24

25  
26 Agents have been trying to get DICK STODDER [redacted] through his informant  
27 who claims that DICK GREGG killed HENRY ROAN for BILL HALE, and that  
28 JACK HART knows it, and heard the deal made between DICK GREGG and BILL  
29 HALE, but STODDER declares [redacted] will not consent to meeting  
30 Agents or having his name made known through fear.  
31  
32

33  
34 June 3d at Ponca interviewed JAMES AUTIN 19 years old who had told  
35 CHANCE FRAZIER that he, AUTIN, knew all about who killed HENRY ROAN  
36 and the SMITHS and why it was done.  
37  
38

39  
40 JAMES AUTIN is intelligent, but shifty. However, Agent Weiss who  
41 interviewed AUTIN believes AUTIN'S story is probably true, so far as  
42 AUTIN is concerned, but that AUTIN'S informants were just telling AUTIN  
43 some boastful lies to impress him. AUTIN'S statement, in material sub-  
44 stance, is that:  
45  
46

47  
48 AUTIN had some illicit business with one DUFFIELD, alias DUFFEY  
49 and BLACKIE and CURLEY in 1923.  
50  
51  
52  
53  
54  
55  
56  
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That he, AUTIN, does not know any other names than above of these three men that DUFFIELD lived at Fairfax and was in jail at Pawhuska late in 1922 and early 1923 on a whiskey charge.

That BLACKIE was also a resident of Fairfax, being an engineer at the Smith-Williams Hotel there and the Frances Rooms there; that BLACKIE was about 25 years old and was dark complexioned and had dark eyes, and had the upper lid of one eye grown to the eyeball (This cannot be BLACKIE THOMPSON or MELTON).

That "CURLEY" was a young, rather blond man and slim (This cannot be CURLEY alias ARTHUR JOHNSON, as he is about 45 years old.)

JAMES AUTIN stated that these three men were all bootleggers in Osage County and associates to his knowledge, but all are gone from there during the past three or four months and are said to be "below Oklahoma City".

AUTIN states that some six or eight months ago DUFFIELD told AUTIN that he, DUFFIELD, had killed HENRY ROAN because ROAN and he had been partners in bootlegging whiskey and while DUFFIELD was in jail at Pawhuska, ROAN sold their partnership Buick roadster and collected some money due them and refused to divide with DUFFIELD when he was released from jail.

That DUFFIELD told AUTIN "I saw ROAN in his car and went up and spoke; when he looked I shot him and he fell over backward, over the seat back. I met him north of Fairfax."

JAMES AUTIN states that DUFFIELD told AUTIN that he "killed BILL SMITH because BILL SMITH and a MR. BENNETT ordered two quarts of whiskey and when DUFFIELD and CURLEY brought the whisky to Grayhorse SMITH and BENNETT had some officers there to trap them but that DUFFIELD and

610

CURLEY broke one bottle of whiskey and threw the other away.

JAMES AUTIN states that CURLEY also told him that DUFFIELD killed HENRY BORN and blew up the SMITH house.

JAMES AUTIN was very excited while telling the above and stated that if his expenses are paid he will find these three men again and get their confidence and get them to tell him all the facts.

Agent however pointed out to AUTIN the reported rewards in these cases and AUTIN has declared he will work for these rewards.

Agents opinion is firmly that AUTIN'S information is pure bunk, put to him by BLACKIE and DUFFIELD for some ulterior purpose.

AUTIN in response to questions stated that none of the men had indicated in any way that any one had been hired or paid to do these murders, and that no one but DUFFIELD had done the work.

Agent did not indicate to AUTIN that Agent had any doubts of the correctness of AUTIN'S information but encouraged AUTIN to quietly learn all he can and report to Agents.

Agent Weiss had to attend Federal court as Government Agent from June 8th to and including June 10th in another case but Agent Burger remained on this investigation and kept in touch with our under cover man from McAlester. This under cover man is working but is being delayed somewhat to this date owing to fact that his wife is seriously ill and he has no car. However he is on the job and progressing slowly to this date, June 11, 1924.

Agent Burger on June 6th interviewed DICK GREGG at Sedan, Kans. with material result that GREGG finally declared he had not committed any of these murders as he would not be guilty of such acts but that he had been "propositioned" to do the killing, and had refused.

GREGG was very wary in his talk but not hostile. He declined to

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5  
6 tell which particular murder he had been "propositioned" on or by whom  
7  
8 he was propositioned but GREGG did invite Agents to call on him again on  
9  
10 the 10th instant to talk further on the cases. However the Kansas  
11  
12 authorities decided unexpectedly to and did transfer GREGG to the Lans-  
13  
14 ing, Kans. state prison before Agents arrived at Sedan on the 10th, so  
15  
16 that we now shall have to interview GREGG at Lansing. However this will  
17  
18 be almost as well as JACK HART is at Leavenworth as well as [redacted]  
19  
20 [redacted] we know in Leavenworth prison.

21  
22 MR. J. E. BROOKS, attorney, Sedan is well known and friendly to  
23  
24 Agents and is GREGG'S attorney and we feel confident BROOKS will as-  
25  
26 sist us in getting GREGG to tell all he knows.

27  
28 J. H. POWELL, ex-Sheriff, Sedan, Kans. is also a good friend to  
29  
30 these Agents and is an old acquaintance of both DICK GREGG and his fa-  
31  
32 ther and has their confidence. MR. POWELL has promised to assist Agents  
33  
34 in getting both DICK GREGG and his father to tell us all they know.

35  
36 We have also been urging DICK STODDER again to induce [redacted]  
37  
38 to talk direct to us but STODDER reports [redacted] still refuses to  
39  
40 do this and he, STODDER, cannot in honor disclose [redacted] identity  
41  
42 but will continue his efforts to persuade [redacted] to meet our  
43  
44 requests.

45  
46 June 13th talked to J. H. POWELL by long distance but MR. POWELL  
47  
48 stated he has not seen DICK GREGG'S father yet and had nothing to report

49  
50 June 14th JOHN MORAN states that DICK STODDER informed MORAN that  
51  
52 STODDER'S [redacted] informant still refuses to see us direct, but may consent to  
53  
54 do so; that said informant states that GROVER DURELL saw DICK GREGG  
55  
56 with a big roll of money at Okesa shortly after HENRY HOAN'S murder  
57  
58 and intimated that DURELL knows how GREGG got the money. DURELL is now  
59  
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612



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2  
3 T. F. Weiss.

4 May 24 to June 20, 1924.

5 -15-

6 MURDER of CHARLES WHITEHORN.  
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9  
10 June 4th, A. W. COMSTOCK informed Agent Burger that TROY GRIFFIN,  
11 brother of BRYAN GRIFFIN told MR. COMSTOCK that he, TROY GRIFFIN, and  
12 BRYAN GRIFFIN have law offices in Okla. City; that he, TROY GRIFFIN, knows  
13 that BRYAN was generally suspected of knowing who killed CHAS. WHITE-  
14 HORN and he, TROY GRIFFIN, believed BRYAN does know this, and he, TROY  
15 GRIFFIN, was going that day to Tulsa and get MINNIE SAVAGE and take her  
16 to Okla. City and prevail upon her and BRYAN GRIFFIN to tell him the  
17 facts and clear up this murder.  
18

19  
20 To this date, the 12th, however, nothing has come of this, so far  
21 as Agents have been informed. We will see TROY GRIFFIN personally.  
22

23  
24 June 21st. A. W. COMSTOCK states he has learned nothing further  
25 re. above but that he told TROY GRIFFIN to see Agents at Okla. City  
26 some two weeks ago. Also that MINNIE SAVAGE has now moved to Okla. City  
27 JOHN MORAN reports that HARVE FREES recently told MORAN that DEWEY  
28 SUTTON is now at Crowder, Okla. and that he, FREES, has been there and  
29 talked to SUTTON twice and is convinced that SUTTON knows nothing about  
30 the WHITEHORN murder.  
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## 5 W. E. SMITH MURDER.

6  
7 May 24th Agents secured leave of absence for under cover man and  
8  
9 drove from Okla. City to McAlester and arranged matters there.

10  
11 May 25th, secured services of under cover man and drove to Gilton  
12  
13 and outlined work for under cover man from McAlester state prison.

14  
15 May 26th, MRS. ALICE FRAZIER, Ponca, stated to Agents that she had  
16  
17 made earnest effort to have GRADY M. DRAKE, alias ED DAVIS tell her all  
18  
19 he knew about the SMITH murders; that DRAKE was very angry because  
20  
21 of being thus asked to divulge what he knew but did say he knew who had  
22  
23 done it and knew "those parties" had "propositioned" others to blow the  
24  
25 SMITH home and family up with dynamite; that DRAKE also stated that  
26  
27 BLACKIE and COOKIE EDWARDS (TROY and RAYMOND HILL) also knew who had  
28  
29 done the SMITH job, as they had been harbored by ERNEST BURKHART  
30  
31 one winter and had been propositioned by ERNEST BURKHART to do the job  
32  
33 but had not done it.

34  
35 MRS. FRAZIER further stated that when she pressed GRADY DRAKE to  
36  
37 tell her all the facts and to meet Agents and tell them that DRAKE swore  
38  
39 and declared he would not tell, and if Agents questioned him he would  
40  
41 tell them to go to hell.

42  
43 This GRADY DRAKE is well known to Agent Weiss as a car thief and  
44  
45 all around crook. We will look up his record and see if we can't make  
46  
47 him talk or have his parole revoked as he and the HILLS, we are reliably  
48  
49 informed, are all now again engaged in stealing cars and handling moon-  
50  
51 shine whiskey in the country near Ponca and apparently under "protection"

52  
53 BLACKIE and COOKIE EDWARDS are also well known to Agent Weiss (see  
54  
55 Okla. City file entitled "GRADY M. DRAKE, TROY HILL and RAYMOND HILL",  
56  
57 especially Agent Weiss' report on same for May and June, 1923.  
58  
59

65

MRS. ALICE FRAZIER is a sister to ODE BROWN, a former husband of ANNA BROWN, who was murdered May 22, 1921.

CHANCE FRAZIER, husband of ALICE FRAZIER, states that a few days ago one HENRY WELLS told him, FRAZIER that he, WELLS, knows who blew up the SMITH house and that one of the men who did it is now in a hospital; that his man who helped do the SMITH job told WELLS about it and later stole an auto from WELLS.

MR. FRAZIER states that WELLS now works for REYNOLDS REWARD, about 14 miles east of Ponca in Osage County, and that WELLS will tell Agents if we will keep his name confidential.

May 26th Agents arranged with CHANCE FRAZIER for all of us to meet WELLS on the 27th and get his statement.

GRADY DRAKE and BLACKIE and COOKIE EDWARDS are making rendezvous at BERT DAVIS' place, south of Enid. BERT DAVIS is a moonshiner.

On this date, May 26th we also started our under cover man from McAlester prison out to work among the crooks in the oil fields and get the evidence he has promised us.

May 27th CHANCE FRAZIER informed Agents that HENRY WELLS was at pawhuska today but he, FRAZIER, will get WELLS and bring him to Pawhuska for Agents to interview. FRAZIER describes HENRY WELLS as a slim young man about 19 or 20 years old.

May 27th received reply from Denver office of Bureau showing that GRADY DRAKE, alias ED DAVIS plead guilty of violation Natl. Motor Vehicle Theft Act (apparently at Pueblo, Colo. May 31, 1923) and was sentenced to serve eighteen months in Federal prison at Leavenworth, Kans.

That the cases against TROY HILL and RAYMOND HILL, alias BLACKIE and COOKIE EDWARDS were nolle prossed by U. S. Attorney MR. CANN at Denver, Dec. 12, 1923. TROY and RAYMOND HILL were charged jointly

2  
3 T. C. Weiss,

4 May 24 to June 20, 1932

19

5 with GRADY DRAKE.

6  
7 As stated before these three named professional car thieves and  
8 crooks are now hanging out at BERT DAVIS' place near Ponca, Okla. and  
9 plying their business of whiskey making, selling, and stealing cars.

10  
11 May 28th Agents read reply from C. W. WILSON, Record Clerk at Leavenworth  
12 state prison, Kans., to effect that there is no record of GRADY  
13 DRAKE or TROY or RAYMOND HILL, under those names, or aliases at that  
14 prison, so that GRADY DRAKE is evidently now out under parole from  
15 his Federal sentence at Leavenworth.

16  
17 We shall try to make him come clean on this instant investigation  
18 or have his parole revoked. DRAKE and the others are really hardened,  
19 professional criminals and go heavily armed at all times.

20  
21 May 27th, under cover man from McAlester reported in person, as  
22 per his promise, stayed with Agents that night and May 28th left in his  
23 car to do his work for us in Osage County.

24  
25 Agents learned confidentially that a certain prominent stockman,  
26 two bankers and a notorious woman criminal, all of Osage County, and  
27 well known to Agents are involved in a big stolen Liberty Bond deal,  
28 and are planning to effect the release from prison of a certain notorious  
29 criminal also well known to Agents as this criminal knows all about  
30 these stolen Liberty Bonds and these peoples connection with  
31 the deal.

32  
33 This information is inserted here for the reason that these peoples  
34 plans threaten to seriously interfere with our investigation of these  
35 Osage murders. Agents will report on these stolen Liberty Bond deals  
36 later and in detail in a separate report.

37  
38 Agents now have five members of the underworld working under cover  
39 for us on these murder cases, and we expect splendid results from  
40

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T. F. Weiss.

May 24 to June 20, 1936

-20-

as their own personal interests and future welfare behoove them to operate loyally with us. Indications are that for some time to come practically our entire time will be taken up with directing, keeping in touch, and associating with [REDACTED].

This investigation is full of danger, hardships and unpleasant features for us but we are determined and willing to continue to a successful conclusion.

May 30th, interviewed WM. SHAW, Burbank, Okla., who stated that OLLIE CLAY, Grayhorse, Okla., worked two years for BILL SMITH and told WM. SHAW that he, CLAY, knows a lot about the murders of BILL SMITH and wife, but is afraid to tell. (We will see OLLIE CLAY.)

WM. SHAW stated further to Agents that ROY MASSBERGER, Grayhorse, Okla., told him, WM. SHAW, that shortly before BILL SMITH'S murder, ROY MASSBERGER and BRYAN BURKHART were sitting on the steps of the Big store at Grayhorse when they saw BILL SMITH'S car approaching; that BRYAN BURKHART remarked to ROY MASSBERGER "that is BILL SMITH'S car. I have to get the son of a bitch and I might as well do it now". That BRYAN BURKHART took his gun out of his pocket and walked out to the road to meet SMITH'S car but when the car passed it contained only MRS. BILL SMITH and the hired girl; that BRYAN BURKHART held his gun in his hand and came back to ROY MASSBERGER; that ROY MASSBERGER remarked, "That was not BILL SMITH was it," and BRYAN BURKHART replied, "No, and it was damned lucky for him that he was not in the car".

WM. SHAW states that ROY MASSBERGER is also very much afraid to tell what he knows, and asked SHAW to not mention his name nor the above facts. (We will see MASSBERGER.)

WM. SHAW also stated to Agents that ED NATHAN SCHEENCKS told him, SHAW, that a woman who worked for the PALE-BURKHARTS stayed at SCHEENCKS

618

house one night after these murders and told SCHENCKS a lot and that SCHENCK wanted to give this information to some Government Agent.

We interviewed this man ED SCHENCKS, Dec. 26th, at Wichita, Kans. where SCHENCKS lives now, at 1608 S. Waco St. At that time SCHENCKS did not tell us much of value (see our report for that date). But at that interview SCHENCKS' wife and her sister were present, and discouraged him from talking. Today we sent WILEY HAYNES, who is an old friend of SCHENCKS, as well as an old co-officer in the Indian country with SCHENCKS, to see SCHENCKS and get all he can and report to us tomorrow (SCHENCKS will tell HAYNES all SCHENCKS knows).

May 30th interviewed DOCK HAWKINS, Chief of police at Webb City, Okla. who reiterated that W. K. (BILL) HALE had tried to get HAWKINS to rob a certain widow of Osage County of eight or ten thousand dollars as heretofore reported.

DOCK HAWKINS however has changed his attitude as to CURLEY (ARTHUR) JOHNSON and now is very silent and unwilling to do anything affecting CURLEY JOHNSON or getting him to confess, although some weeks ago HAWKINS voluntarily informed us that JOHNSON knows all about the SMITH murders and he, HAWKINS, would get it all out of JOHNSON and report to us and assist in every way possible (looks as though JOHNSON has something on HAWKINS now.)

CURLEY JOHNSON is hanging around Whizbang and CHAS. QUICK is hanging out at Whizbang and Oilton, according to DOCK HAWKINS. B7D

[REDACTED] at Fairfax on the 28th instant, told [REDACTED] that he, HALE, regretted not having bought the DeNoya diamonds for the \$1,000.00. ~~Mr. Smith~~

May 30th and 31st MR. and MRS. CHANCE FRAZIER stated that their

HENRY WELLS, now working for REYNOLDS REWARD (not HENRY WELLS the bank robber) has promised them to come with them and tell Agents what he knows (confidentially) about the SMITH murders (WELLS claimed to the FRAZIERS that one man while drinking told WELLS that he, said man, was in on the SMITH murder). Agents have been trying to get WELLS and the FRAZIERS in a meeting in order to get WELLS' statement and hope to do so soon.

MRS. FRAZIER stated on June 1st that GRADY M. DRAKE just recently charged her with being a "snitch" in regard to these murders, and that DRAKE seemed to be hard boiled about it (DRAKE'S parole should be revoked and he made to give Agents his information. He is a confirmed criminal and has no business being at large, instead of serving his sentence imposed in Federal court for violation of the Natl. Motor Vehicle Theft Act on a plea of guilty.)

June 2d examined prison record of GRADY M. DRAKE, alias ED DAVIS, alias RUBEN E. OWENS and find he was sentenced in Federal court, Denver, Colo. on June 11, 1923 to serve eighteen months at Leavenworth prison for viol. Natl. Motor Vehicle Theft Act, his number being 19770.

That his maximum term expires Jan. 25, 1925. His minimum term expires Oct. 9, 1924. That he was received at Leavenworth July 26, 1923

That on Mar. 19, 1923 he was paroled to W. A. RICKER, Perry, Okla (RICKER is Sheriff of that county). As our information is that DRAKE is handling whiskey and stolen cars, in conjunction with BERT DAVIS (MOONSHINER) and TROY and RAYMOND HILL, criminals, DRAKE'S parole should be revoked in the event he refuses to give us the evidence he possesses regarding these Osage Indian murders.

June 3d interviewed JAMES AUTEN, 19 years of age, who lives on the REYNOLDS REWARD farm in Osage County. AUTEN declared (very

1 T. P. Weiss.

2 May 24 to June 20, 1924

4 confidentially) that one DUFFIELD had boasted to him, AUTEN, that he,  
5 DUFFIELD had blown up the SMITH home for revenge, as BILL SMITH  
6 had tried to trap DUFFIELD and CURLEY for the officers on a whiskey charge  
7  
8

9 We have AUTEN now getting further information along this line, but  
10  
11 have very little confidence in AUTEN'S story, though he may be sincere  
12  
13 in which he tells.  
14

15  
16  
17 H. H. alias ARTHUR alias CURLEY JOHNSON was tried on a Federal  
18  
19 narcotic charge at Guthrie and found guilty June 4, 1924. Sentenced to  
20  
21 18 months at Leavenworth penitentiary.  
22

23 BILL BOTHWELL has a Federal whiskey charge pending at Guthrie.

24  
25 June 6th [redacted] from McAlester reported to Agent Burger that on  
26  
27 that day BRYAN BURKHART told [redacted] he, BURKHART, was expecting to  
28  
29 be arrested any day for blowing up the SMITH house and when [redacted]  
30  
31 [redacted] asked him "Have they got anything on you?" BRYAN BURKHART re-  
32  
33 plied, "I don't know".  
34

35 [redacted] is working cautiously on this particular case.

36  
37 June 10th [redacted] <sup>B7D ALL Deletions</sup> conferred with Agent Burger (Agent Weiss  
38  
39 was in court on Government cases at Guthrie June 4th to June 11th).  
40

41 [redacted] stated that he would take his wife and go fishing for a  
42  
43 few days with suspects and would report to us again on the 13th or 14th  
44

45 June 18th this McAlester [redacted] has not show up, nor sent word.

46  
47 Learned that one COOPER, a Wm. J. Burns detective, told JOHN MORAN that  
48  
49 the Deputy Warden at McAlester prison had told MR. COOPER that [redacted]

50 [redacted] to do some work; that COOPER fur-  
51  
52 ther stated that [redacted] was in the recent Bristow and Burbank and  
53  
54 Arkansas City bank robberies as they had been trailing him and he was  
55  
56 recognized at one robbery and that BILL HALE'S car, a blue Buick, was  
57  
58 used at the Bristow robbery and that it was well known that [redacted]

b21

and BILL HALE and the BURKHARTS were very close, that HALE'S car was claimed to have been stolen before the robbery.

Now the facts as we Agents know positively are that the Burbank robberies took place before [redacted]

[redacted] in Pawhuska at the time of both the Bristow and the Arkansas City robberies.

This talk, and the fact that the Assistant Warden of the state prison at McAlester had divulged our arrangements there regarding [redacted]

is very harmful and may be fatal to our investigation plans; or at least render [redacted]

[redacted] and become a fugitive as he will know that his life would not be worth a ---- nor his efforts if he is thus exposed and the object of his release made known.

[redacted]

ALL Deletions B7D

They were very cautious but finally got over their reticence and stated that [redacted] left them the 10th or 11th saying they would be back Saturday or Sunday (14th or 15th); that they were going to Fairfax and Shidler.

[redacted] the brother-in-law, stated that [redacted] and suggested that

Agents could locate [redacted] through "Wetumpka" at Shidler; that he was also a little worried as [redacted] had taken but a few clothes and had not sent any word since they left. Arranged with [redacted]

[redacted] that he would go to Shidler and vicinity and see Wetumpka and others and if possible locate [redacted] and get him to see us at once. It is possible that [redacted] is being held incommunicado in some jail.

This Burns man also claimed that RELSEY MORRISON has been

622

associating with [redacted] and the bunch hanging around WETUMPKA'S and [redacted] has been assuming name of [redacted] It looks as though someone has maliciously or otherwise deliberately [redacted] in this case

B7D

June 19th Agents learned from DOCK HAWKINS and HARRY STEIN that [redacted] was said to have been at Webb City about June 15, 1924 and learned from MICKEY MCFARLAND at Shidler that June 17th one KILLIAN was arrested at Shidler on charge of being implicated in Bristow bank robbery; that [redacted] left Shidler immediately afterward and has not been back. The report is that FRED WHITTAKER, Deputy Sheriff, has a warrant for [redacted] and that [redacted] is also said to have been in the Bristow bank robbery.

[redacted]

ALL Deletions B7D

MICKEY MCFARLAND states that he personally knows that KILLIAN was in Shidler, drunk, when the Bristow bank was robbed.

Have arranged with [redacted] and MCFARLAND to locate [redacted] and get him in touch with us.

June 19th, J. GEO. WRIGHT, Supt. Osage Indian Agency, furnished us a Ford touring car for use in this investigation and stated that upkeep and supplies for same will be taken care of by the agency.

June 20th talked on phone to [redacted] [redacted] stated that [redacted] came home the evening of June 18th and is still there and that she stated she had left [redacted] at Fairfax June 18th with the understanding that he would

[redacted]

[redacted] stated he would have her get to [redacted] at earliest possible time and have him come to us for conference immediately.

B7D

June 21st, Agents learned from [redacted] at

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May 24 to June 20, 1924.

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consider that [redacted] left there the night of June 17th and apparently had not returned. Also that [redacted] has avoided being in on any job.

We also arranged with [redacted] to get word to [redacted] to come in to us without delay. We also secured the confidence and co-operation of three more members of the underworld, of Osage County from whom we confidently expect material assistance in these investigations.

It is now evident beyond any doubt that the evidence in these cases will have to be secured through the underworld and cannot be secured otherwise. We have succeeded now in getting eight of these underworld characters working with us, most of them not knowing that the others are so working.

It is a significant fact that each one of the three criminals who have admitted that he was "propositioned" to do one or more of these murders has stated that it was ERNEST BURKHART who approached him and that each one stated that he believed BILL HALE was behind the scheme. Not one of these criminals who thus admitted being approached knows of the information given us by the other two.

[redacted] has kept in touch with us but says BILL HALE is nervous and distrustful of him so that he has not been able to do us much good.

Deletions B7D

We are also keeping in touch with WILEY HAYNES who has been an officer in this section for thirty years and has many old friends here. MR. HAYNES has been investigating the HENRY ROAN case in the interest of the Capital Life Ins. Co. for two months, off and on, but MR. HAYNES has had no success to speak of. He is reliable and an old-time friend of Agent Weiss, and will give us all information and assistance possible

624

Agent Weiss was in Federal court for Government June 4th to 10th inclusive on other cases.

Our main efforts during the period covered by this report have been devoted to getting the confidence and assistance of the underworld characters referred to herein and in keeping tab on the man [redacted]

[redacted], and at the same time have great confidence that his knowledge of and acquaintance with the underworld here and with the guilty persons will result in getting the evidence sooner than by any other method.

Of course there is the risk that he [redacted]

[redacted]

ALL Deletions B7D

In concluding this report will state that no one not familiar with the conditions in Osage County, Okla. can begin to appreciate the hindrances, obstacles and difficulties that we Agents have to overcome in these particular investigations and the importance of keeping our own evidence, movements and plans absolutely secret cannot be over-emphasized.

We feel confident that we now have a line of evidence [redacted] that will eventually result in the full solution of the SMITH, ROAN, and ANNA BROWN murders and probably the WHITEHORN murder but it will take hard, cautious and patient work.

We have had to drive thousands of miles in these oil fields, day and night, heat, cold, rain, snow and mud, but are slowly but surely getting results. We are now satisfied as to who the principal guilty persons are and believe, with our present line-up that we will ultimately secure the evidence sufficient to convict.

OPEN.

625 7

Department of Justice,

Bureau of Investigation.

Oklahoma City, Okla.,

June  
twenty-  
third  
1924

62-5033

JUL 1 5 1924

ATTENTION -  
MR. HOOVER - 2  
RECORDED & INDEXED

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

AGENT T. F. WEISS  
and  
W. E. SMITH, et als.,  
Murder of Osage Indians  
Okla. City file 7060.

62-5033-40  
BUREAU OF INVESTIGATION  
JUN 26 12 4 P. M.  
DEPARTMENT OF JUSTICE  
HOOVER

Dear Sir:

I replied to your letter dated June 13, 1924, WWG:OCD, on June 20th, stating that I had requested Agents Weiss and Burger to make a full and complete report to date on the W. E. Smith case, so as to set forth fully and completely the status of that investigation to date. I am enclosing their report dated June 23, 1924 herewith.

Agent Weiss has worked continuously on this investigation, except what time he has been required to be in court as a witness in cases which he had investigated before being assigned to this investigation. It has appeared two or three different times during this investigation that the point had been almost reached where we could say who the guilty parties are in one or more of these murders, but it appears that it has been impossible to get the final and what appears to be a necessary element in this case; that is, a confession from someone who can link the perpetrators of these crimes with the crime itself.

You will note that on May 25, 1924, with the co-operation of the Governor and the Attorney General of the state, [redacted] - 870

[redacted] Agents Weiss and Burger in Osage County on this matter, and it is believed that he will be able to obtain some information which has not been possible to obtain in any other way heretofore. You will also note from Agent Weiss and Burger's report that Dick Gregg, a notorious law violator, is now in the Kansas [redacted] INTELLIGENCE DIVISION

JUN 23 1924

INTELLIGENCE DIVISION

626

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7 Acting Director.

-2-

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11 penitentiary, Lansing, Kansas, being held on the bank robbery  
12 charge committed at Sedan, Kansas, and has not yet been tried,  
13 and that Dick Gregg and his relatives are willing to furnish  
14 them all information that they are able to obtain with respect  
15 to these murders. Also, that they have made arrangements with  
16 some other law violators and underworld characters to secure  
17 certain information for them.

18  
19 That Grady Drake, who was convicted at Denver of automobile  
20 theft, and is now paroled to the Sheriff at Perry, Okla., was  
21 propositioned to commit some of these murders, but that to  
22 the present time they have not been able to make proper con-  
23 nections with Grady Drake to cause him to tell the truth of  
24 what he knows about these murders, and that this matter is  
25 now receiving their attention and they hope in a short time  
26 to obtain valuable information from Grady Drake.

27  
28 You will also note that Osage Indian Superintendent J. Geo.  
29 Wright and Mr. Woodward, the attorney for the Osage Tribe,  
30 have recently been to Washington and have examined the re-  
31 ports of these Agents, and are anxious that the investigation  
32 continue, and also have hopes that the investigation will ul-  
33 timately be successful. Also, that they have agreed to fur-  
34 nish and as a matter of fact have already furnished a Ford  
35 car and the upkeep of same for the use of Agents Weiss and  
36 Burger as they continue the investigation.

37  
38 I realize that this has been a very long, drawn-out and ex-  
39 tensive investigation, as well as expensive. Agents Weiss  
40 and Burger state that they feel confident that they will ul-  
41 timately be able to secure the evidence which will warrant  
42 conviction in some of these cases, but they of course cannot  
43 and neither can I state how long it may take them to secure  
44 said evidence.

45  
46 I will state that Agents Weiss and Burger are confident that  
47 they can complete this investigation satisfactorily, and I  
48 know of no Agents in this service in whose ability I place  
49 more confidence than in these two Agents, and will state that  
50 I believe if these murders can be solved, that they can ul-  
51 timately solve them.

52  
53 Knowing as I do that this has been a long, drawn-out inves-  
54 tigation, with the statement above, I leave it entirely to  
55 you to state whether or not the investigation should be  
56 continued or discontinued.

57  
58 Very truly yours,

59  
60  
James A. Stralaw, Spec. Agt. in Charge. 629

XXXX

62-5032-90

July 14, 1924

JUL 16 1924

Hon. Charles M. 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 June 23, 1924, and copy of  
a report dated July 2, 1924, made by Agent Weiss of our Oklahoma  
City office.

Very truly yours,

Acting Director.

Enc. 22052

MAILED

JUL 16 1924

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

June  
twentieth,  
1924.

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

ATTENTION - MR. HOOVER - 2.

Dear Sir:

AGENT WEISS.

Replying to your letter dated June 13, 1924, WWG:  
OCD. I beg to state that you will note from the  
reports of Agents Weiss and Burger that with the  
advice, consent and approval of the Governor and  
the Attorney General of the state, George F.  
Short,

[REDACTED]

B7D

I have requested Agents Weiss and Burger over long  
distance phone on this date to make a full and  
complete report on this matter to date. Same will  
be submitted on Monday, June 23d and on that date  
I will give you a more full and complete answer to  
your letter.

Very truly yours,

62 5033

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

F-B

RECORDED & INDEXED

JUL 15 1924

62-5033-12  
BUREAU OF INVESTIGATION  
JUN 24 1924  
DEPARTMENT OF JUSTICE  
HOOVER

GENERAL INTELLIGENCE  
JUL 8 - 1924  
DIVISION

GENERAL INTELLIGENCE  
JUL 15 1924

629

GENERAL INTELLIGENCE

Department of Justice.

Bureau of Investigation. Pawhuska, Okla. June 24, 1924

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J. E. Hoover, Esq.  
Acting Director,  
Bureau of Investigation,  
Department of Justice,  
Washington, D. C..

62-5033  
JUL 21 1924

62-5033-43  
BUREAU OF INVESTIGATION  
JUN 27 1924 A.M.  
DEPARTMENT OF JUSTICE  
HOOVER

Re W. E. Smith Et als.  
Murders of Osage Indians

Dear Sir;

Referring to your letter of 21st instant, initialed WVG:EW.--just received.

As to our suggestion that we should not report in these cases as frequently as in ordinary cases, beg to state that owing to the fact that these murders do not constitute violations of the Federal statutes, and will have to be prosecuted in State Court of Oklahoma, copies of our reports to date have always been furnished to the State Attorney General's office, Oklahoma City; to the U.S. Attorney's office, same place; to the Interior Department, and to this Bureau at Washington, as well as to our Oklahoma City office.

This makes five separate offices getting copies of our reports, and it was our idea to avoid any possible leaks that might result in preventing us getting best results in shortest time.

However, on the 21st instant we made a report covering the period from the date of the last preceding report to that date. From this report of the 21st inst. it will be seen that we now have lined up with us a number of the members of the underworld in Osage County. To have these informants identified, or purposes revealed would not only render their services of no benefit to us, but would also hinder, and possibly prevent altogether, the success of our efforts in these cases.

We realize that these cases have already taken a long time, but several months of that time have been taken up by Agents having to be in Federal Court, as Government witnesses, under subpoenas, in other cases. Another element has been that most of our work has been in the oil fields of Osage County, where the population is of the usual transitory, criminal and insatisfactory character. Some of these murders were committed as much as 2 years prior to Agents being assigned to the cases. Also, many of the so-called better element of Whites in the County have been of no assistance, owing to their self interest, prejudice, or fear. The Indians, themselves, are almost universally of no assistance, through fear. A lot of time has been necessary tracing and locating persons to be interviewed.

All these elements together are responsible for the length of time consumed by us. We have, at all times, worked steadily, and as fast as circumstances would permit.

As to present prospects of concluding investigations, can only state that we now hope, with the assistance of [redacted] to secure the evidence to convict in at least 2 of the cases inside of 2 or 3 weeks. However it is impossible to state this definitely

630

Department of Justice,  
Bureau of Investigation.

We shall continue to work and progress just as fast as we possibly can, with the sole object of getting the best results in the shortest possible time. At this time we feel confident in our ultimate success innt the Smith and Brown cases, and ~~XXXXX~~ probably in the Roan and Whitehorn cases, also. No one who is not personally familiar with all the facts and circumstances can possibly appreciate the multitude of hindrances and obstacles we have to contend with, although our reports reflect some of them.

Very truly yours,

J. R. Burger  
J. R. Burger, Special Agent.

T. F. Weiss  
T. F. Weiss, Special Employee.

Box 1465, Pawhuska, Okla.

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Director:

THIS CASE ORIGINATED AT

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT: Oklahoma City	DATE WHEN MADE: July 2, 24	PERIOD FOR WHICH MADE: June 22 to 30th	REPORT MADE BY: T. F. Weiss.
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TITLE AND CHARACTER OF CASE:  
 W. E. SMITH, et als.                      Osage County, Okla.                      : Murders of Osage Indians.

FACTS DEVELOPED:  
 At Pawhuska, Okla.                      (O. C. #7060; (K. C. #10675.)

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

this is joint report, made by T. F. Weiss for Agents Weiss and J. R. Burger, as they are working jointly on these cases.

MURDER OF W. E. SMITH, et als.:

June 22d. Interviewed [redacted] who stated that [redacted] [redacted] June 21st to see [redacted] and have him report to us at once. B7D All Deleted

June 23. Interviewed [redacted] who declared she had not been able to see [redacted]. However, she was plainly lying and admitted she had been away "on a visit".

She finally opened up and stated that on Tuesday, June 17th she and [redacted] were at Shidler and that a man named CYNDALL, who runs a business at Shidler, came to her and told her that ARCH COOPER (a W. J. Burns operative) and CHAS. COOK (Sheriff of Osage County), were in town looking for [redacted] that COOPER

DO NOT WRITE IN THESE SPACES

FILE NO. 62-5033-94	GENERAL INTELLIGENCE 13 1924
BUREAU OF INVESTIGATION JUL 7 1924	SECTION
DEPARTMENT OF JUSTICE	RECORDED & INDEXED
ROUTED TO:	FILE JUL 19 1924

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

632

claimed to want to talk to [redacted] but would not arrest him. She stated that she believed they would arrest [redacted] as COOK was alone and so she refused to tell where [redacted] was.

She also stated that [redacted] had told her he feared to go to Pawhuska [redacted] as the detectives and officers would be almost sure to arrest him and charge him with the Bristow and other recent bank robberies [redacted]

[redacted] also had heard that someone had divulged the fact [redacted]

B7D

[redacted] stated finally that [redacted] had not left Osage County [redacted] She promised to personally go to him on the 24th and tell him that he must meet [redacted] for a conference at once, and that she will drive him to a point near Pawhuska and [redacted]

B7D

It appears quite certain that COOPER has also told others what he COOPER was told by the Deputy Warden at McAlester regarding the fact that [redacted] and these unwarranted disclosures by COOPER and said Deputy Warden are interfering seriously with our efforts.

[redacted] states she left [redacted] at Fairfax on Thursday June 19th.

ALL Deletions B7D 1133

June 23. [REDACTED] Sr. also confidentially informed Agents that [REDACTED] as not been seen at Chidler since June 17th (when COOPER and COOK were there.)

June 24. Interviewed ROY MOSSBERGER at Grayhorse, who stated that after ANNA BROWN'S death and before the SMITH blow-up, he ROY MOSSBERGER, was sitting on the store porch at Grayhorse and BRYAN BURKHART was with him; that he, MOSSBERGER, had known BILL SMITH and the BURKHARTS a long time before these murders, and at the time he and said BRYAN BURKHART were sitting on the store porch, as stated above, he, MOSSBERGER, recognized BILL SMITH'S car approaching and said to BRYAN BURKHART: "Here comes BILL SMITH"; that BURKHART became very nervous, stood up, put his hand in his whip pocket and said "Let the s--- off a b---- come".

MOSSBERGER states that he, then saw that BILL SMITH was not in the car, but just MRS. BILL SMITH and the hired girl; that he, MOSSBERGER, then said to BRYAN BURKHART "It is not BILL SMITH" and BURKHART took his hand from his pocket and replied, "It is a d-- good thing for him".

MOSSBERGER at first refused to tell the above, stating as an excuse that everybody around there knew the BURKHART and HALE bunch had done, or caused all those Indian murders, and that they would bump him off too, if they just heard he was telling things like the above, and that while he is no coward, he has a wife and two children dependent upon him and doesn't want to be murdered by "that bunch".

(MOSSBERGER'S attitude is the common one in that vicinity of Fairfax, and Grayhorse.)

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June 22 to 30, 1924.

It developed that LEE HINKLE is a cousin to MRS. ROY MOSSBERGER, who has ascertained that OLLIE CLAY is living at Whizbang or Shidler, doing concrete work on bridges in that section.

June 25. At Oilton, [redacted] stated that her daughter, [redacted] the evening of June 25d and has not returned, nor been heard from. That said daughter reported that [redacted] has been drinking and was stubborn and just laying around with the bunch at Shidler and Fairfax.

However, on this date, [redacted] called the office over long distance and said she was talking from Oilton and that she had not been able to go to [redacted] as yet, but would do so "as soon as possible", and suggesting that we might get a line on [redacted] whereabouts by inquiry "in the oil fields".

June 25. JOHN MORAN reported that DICK HAWKINS stated that it was common rumor in the oil fields at Webb, Shidler, etc. that [redacted] [redacted] and that ARCE COOPER, the Burns detective is looking for [redacted] and that [redacted] will be taken across the line into Kansas for his alleged participation in the Grainola, Kans. bank robbery several months ago. (This information has apparently been put out by said COOPER and others). Deletions B7D

H. O. BROWN, also of the W. J. Burns Detective Agency, was in Pawhuska June 26th, and WM. BRACKETT informed Agents confidentially that BROWN told BRACKETT that he, BROWN, had been informed that [redacted] [redacted] that BROWN also stated that he was trying to locate and arrest MELSEY MORRISON for the Arkansas City bank robbery. MORRISON called on Agents twice this date at Pawhuska.

1035

and stated he had also called Sheriff COOK and had been informed by COOK that no warrant was out and he, MORRISON, was not wanted.

For some reason these Burns detectives are telling a lot of people that [REDACTED] and that KELSEY MORRISON is wanted for bank robbery, but still neither MORRISON nor [REDACTED] are arrested. Looks like a studied effort to obstruct our investigation.

June 25th JOHN MORAN reports that H. O. BROWN, Burns operative, was in pawhuska and also told Chief of Police HOWARD that [REDACTED]

[REDACTED]  
(so HOWARD told JOHN MORAN).

ALL Deletions B7D

June 26. Agents talked to KELSEY MORRISON till 2 A. M. He was drinking heavily and stated that he had had several conversations with BILL HALE but that HALE showed plainly he was suspicious of MORRISON. MORRISON stated repeatedly "HALE and the BURKEARTS are the guilty ones, and you Agents must get them, or they will surely get me, for HALE knows everything and knows I am helping you men".

MORRISON told of pawning a diamond ring to HALE early in the month and stated he was at HALE'S house after midnight and that HALE was very nervous and overpaid him \$55.00 on the ring, and kept putting his, HALE'S, hand over MORRISON'S mouth repeatedly so that no one should hear them talking. MORRISON finally stated that he had an important thing in the case to tell us when he sobered up, and promised to come around in the morning and drive Agent Weiss to Okla. City and to then tell this important thing.

Agent Weiss left pawhuska June 26 under subpoena to be in Federal court at Guthrie 9 AM the 27th.

5  
6  
7  
8 On the 27th Agent Weiss met SAM TULK, Chief of police at Ponca,  
9 CHAS. BUZZIE, Enforcement Officer, W. W. THOMASON and HENRY OATS, In-  
10 dian Police from Fairfax and BOB PARKER, Town Marshal at Fairfax.

11  
12 Every one of the officers named stated that COOPER and H. O.  
13 BROWN, W. J. Burns detectives, had told them to arrest [redacted]  
14 and ELSEY MORRISON on sight and hold them for the Bristow and Arkansas  
15 City bank robberies. Some of these officers intimated that these Burns  
16 men had also told them that [redacted] CHAS.

17  
18 BUZZIE stated that ARCH COOPER, Burns detective, told him that he,  
19 COOPER, has seventeen warrants for BLACKIE THOMPSON.

20  
21 JOHN W. LONG, police dept., Okla. City stated to Agent Weiss that  
22 on June 2d ARCH COOPER told LONG that he, COOPER, had been informed  
23 that [redacted]

24  
25 JOHN MORAN states that about June 27th ANDY HENDERSON phoned him  
26 from Bartlesville - where HENDERSON is Sheriff - that "the Burns de-  
27 tectives are telling it all around here that [redacted]

28  
29 [redacted]  
30  
31 HENDERSON stated that it looked very queer that these Burns men  
32 [redacted] in that way.

33  
34 H. O. BROWN, Burns detective, was at Bartlesville that day,  
35 June 27th.

36  
37 Agents know both H. O. BROWN and ARCH COOPER quite well. Both have  
38 been in pawhuska repeatedly of late, but both have avoided Agents al-  
39 together, but seemed to have told everybody they met that [redacted]  
40 [redacted]

ALL Deletions  
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T. F. Weiss.

June 22 to 30, 1924.

-7-

Comment on these actions and purposes of these two Burns operatives is unnecessary by Agents. Their conduct is reprehensible and is certainly hurting our investigation. Which, we are convinced, is their sole object. Someone must be paying them to do this, as our relations with them have always been pleasant and friendly.

June 27. BOB PARKER informed Agent Weiss that he, PARKER, had arrested KELSEY MORRISON at Fairfax the morning of June 26th and that MORRISON is now in jail waiting for a banker from Bristow Bank to identify him as one of the robbers. PARKER stated that he arrested MORRISON upon request of a W. J. Burns detective and added that if MORRISON is not identified as a robber in the Bristow case, he will hold him for BILL HALE, as HALE has asked him to do this. That HALE says he is through with MORRISON and is going to withdraw from his band have him put in jail.

W. W. THOMASON states that BILL HALE told him he believed MORRISON stole HALE'S car (which was found abandoned north of Bristow the day of the robbery).

However, the description COOPER gave MORAN of the Bristow robbers does not fit either MORRISON or THOMPSON but one description does fit ERNEST BURKHART very well.

MORAN informed H. O. BROWN of this fact.

At any rate, these Burns men have succeeded in getting [REDACTED] and are doing their apparent best to run him out of the country.

June 28. Interviewed [REDACTED]

[REDACTED] she states positively that [REDACTED]

B7D

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4 T. F. Weiss.

June 22 to 30, 1924.

5  
6 left Clinton Monday evening to find [REDACTED] in the oil fields around  
7 Shidler, etc. and has not returned, but that when she left she said she  
8 would find him and make him come to [REDACTED]  
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*B7D ALL Deletions*

15  
16 Also that an oil field worker told her yesterday that [REDACTED]

17  
18 [REDACTED] were near Shidler together last Thursday, June 26th.

19  
20 [REDACTED] possibly "stalled" JOHN MORAN, as she has been cap-  
21 tioned against talking to anyone besides Agents.  
22  
23

24  
25 June 27, Agent Burger arranged with J. H. POWELL for POWELL'S very  
26 valuable assistance in persuading DICK GREGG, Jr. to give Agents all  
27 his information without waiting to have BLACKIE THOMPSON present, as  
28 GREGG is insisting upon.  
29  
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31

32  
33 Agent Burger also interviewed MRS. ALICE FRAZIER, who stated that  
34 she has been unsuccessful in getting any more out of GRADY M. DRAKE.  
35 but that she is convinced DRAKE told her the truth, so far as he went.  
36  
37

38  
39 Agent. Burger also met WM. RICKER, Sheriff of Noble County, who is  
40 an old friend of Agent Weiss, and MR. RICKER readily stated that he  
41 will get GRADY DRAKE to his office in a few days and "work" the in-  
42 formation out of DRAKE if possible, and then call Agents by phone;  
43 that if DRAKE refuses to give up this information, he, RICKER, will  
44 put him in jail and hold him for us, and phone us. DRAKE is paroled  
45 to MR. RICKER and MR. RICKER has promised that unless DRAKE does come  
46 clean he will have his parole revoked and use all legitimate pressure  
47 to co-operate with us.  
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56 We really think that when KELSEY MORRISON realizes the intentions  
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4 T. F. Weiss,

June 22 to 30, 1924. -5-

5  
6 HALE and BURKHARTS have toward him, he will tell all he knows and to  
7 the limit for us.

8  
9 June 29. E. W. HAZLETT, police dept., Bartlesville, stated that  
10 on Thursday, June 26th a MR. HUFF and W. J. SHRYOCK, W. J. Burns oper-  
11 atives, were at Bartlesville and told him, one or both of them, that

12  
13 [REDACTED]  
14 [REDACTED] in Osage County and that they, HUFF and SHRYOCK, were hunting  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]

18 and requested the Bartlesville police dept. to arrest [REDACTED] on sight.

19 MR. HAZLETT stated that he and his Chief wondered why these Burns men

20 [REDACTED]  
21 [REDACTED] Agent noticed a recent letter on the police  
22 dept. desk from MR. HERMAN, Chief of Police at Bristow, stating that  
23 G. W. JARRETT was one of the men who robbed the Bristow bank and ask-  
24 ing his arrest. B7D all deletions

25 June 29. Agent Burger was unable to find anyone at Fairfax who  
26 had charge of the city jail where KELSIE MORRISON has been kept since  
27 the morning of June 26th and finally had to talk to MORRISON through  
28 the outside window, and in presence of three or four other inmates.  
29 However, a short whispered conversation was held with MORRISON, who  
30 stated that no one has been to see him, or to identify him as a Bristow  
31 bank robber; that he has been just kept in jail, with no hearing of  
32 any kind, and nothing done towards showing whether or not he is one of  
33 said robbers, no one to look him over to see if he can be identified  
34 or not. In short, that he has just been kept in jail.

35 MORRISON affirmed his innocence and stated that he does not want  
36 a lawyer, and has no fear, except that he does fear harm to himself  
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from the Fairfax bunch if he is not released or transferred soon.

MORRISON stated that IRVIN THOMPSON was in Fairfax on June 27th but MORRISON did not get to see him and wanted to know if we had THOMPSON out.

Referring to BILL HALE, MORRISON said, "I will report to you two Agents when I am out and we will now get that s-- of a b--- sure".

On June 26th MORRISON while intoxicated, informed Agent Weiss, "I have something important I have not told you men in these cases, but will tell you today when we drive to Okla. City".

However, BOB PARKER put MORRISON in jail at Fairfax and Agent Weiss had to go to Court, and did not learn what had become of MORRISON till the 27th.

MORRISON also remarked at that time, "you men will have to get those s---s of b-----s (BILL HALE and the BURKEHARTS) or they will get me. They are behind this talk that I have robbed a bank, and are ribbing officers up to kill me".

MORRISON today stated he has no fear of any bank robbery charge, as he is innocent but does fear bodily harm because of being suspected of helping us. He must be protected.

On this date Agent Burger was passed near Fairfax by a man and woman driving swiftly in a Ford roadster which man and woman Agent Burger is morally certain were IRVIN THOMPSON and wife. They were driving toward Shidler.

In view of this and MORRISON'S statement that THOMPSON was in Fairfax June 27th and

1641

[redacted] to report to us we are confident that [redacted]

Also called J. H. POWELL, who states he can go with us to Lansing in a day or two and feels very hopeful that he can induce DICK GREGG to tell us what he knows along the lines heretofore stated.

June 30. [redacted]

[redacted] was with "BURR HEAD CODY" and two slim young men and the four of them were together at FRED TYNDALL'S and MRS. FRANK POCKS joints, drinking. ALL Deletions B7D

[redacted] talked with him at

said places [redacted]

However, this proves that [redacted] is staying in Osage County and [redacted] though he has neglected [redacted] as he promised and should

[redacted]

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[REDACTED]

June 30. DOCK HAWKINS, Chief of Police of Webb City, who has known [REDACTED] for years, stated that about two weeks ago [REDACTED] was in Webb City with a drunken party; that he, HAWKINS, wrote the Governor and was informed simply [REDACTED]

HAWKINS ~~xx~~ stated further that recently FRED WHITTAKER, Deputy Sheriff at Pawhuska, told him, HAWKINS, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] That WHITTAKER saw [REDACTED] in Fairfax about June 19th, but told no one.

HAWKINS stated that WHITTAKER did not tell him who told WHITTAKER that [REDACTED] We have a faint suspicion that MORAN may have done this himself, and are going to find out, as MORAN is worrying over being let out of this case, and talking too much.

ALL Deletions  
870

HAWKINS stated that he feared [REDACTED] and suggested that [REDACTED] has probably gone to Mexicalia, across from Clerico" as a number of [REDACTED] crooked friends are there.

However, HAWKINS based this on reports that [REDACTED] has been seen with BILL HALE around Fairfax a number of times, which has just an opposite meaning to us.

We are writing thus fully as to [REDACTED] movements as we realize the risk that he might abscond, and desire to have the facts as to his movements and our keeping track of him in the record.

643

U. F. Weiss.

June 22 to 30, 1924.

-13-

Of course, [redacted] task has been made almost impossible by the disclosures being made since June 2d of the fact that [redacted] [redacted] but he is working among old time underworld friends in Osage County, apparently in dogged good faith, and may succeed through them, even though the HALE-BURKHARTS are "wise to him". HAWKINS remarked that [redacted] is mighty apt to be killed if he stays in Osage County.

June 30. J. H. POWELL phoned that DICK GREGG, Sr. had just been to see him and had gone on to Lansing to see DICK Jr., and that he, POWELL, believes he and DICK, Sr. can induce DICK, Jr. to divulge his evidence in these cases.

Agent Burger therefore left this date to take MR. POWELL to Lansing, where a conference will be held with the two GREGGS under very favorable circumstances to get DICK GREGG'S statement, and also to see the [redacted] we have on the inside at Leavenworth prison.

June 30. KELSEY MORRISON is still unidentified as to any bank robbery and in jail at Fairfax. He is reported to have made a statement accounting for his whereabouts during the time involved, and that this statement is now being checked up.

ALL  
Deletions

B7D

APPROVED:

*M. D. Bolling*  
Special Agent in Charge

644

1  
2  
3 T. F. Weiss.

4 June 22 to 30, 1924.

5 RE: ANNA BROWN MURDER:

6  
7  
8 June 24. RAY MOSSBERGER, Grayhorse, Okla., stated that LEE HINKLE  
9 his wife's cousin, and lives in Grayhorse, and is a shiftless sort of  
10  
11 man who works very little and "gets by" in some way.

12  
13 That in May, 1921 at the time of ANNA BROWN'S murder, LEE  
14  
15 HINKLE was living with his father, about a mile north and one-half west  
16  
17 of Grayhorse (about half way between the place where ANNA BROWN was  
18  
19 murdered and where BRYAN BURKHART lived, and on the road.)

20  
21 RAY MOSSBERGER stated that BRUCE HINKLE, an uncle to LEE HINKLE,  
22  
23 however, was living near the schoolhouse at Grayhorse in May, 1921 and  
24  
25 he, MOSSBERGER, was living in the same house with BRUCE HINKLE at that  
26  
27 time: that BRUCE HINKLE left Grayhorse "sometime ago" and is said to be  
28  
29 in New York state, address not known.

30  
31 MOSSBERGER, when questioned on the point, replied, "I don't think  
32  
33 I ever heard that LEE or BRUCE HINKLE saw BRYAN BURKHART just after day-  
34  
35 light coming home to Grayhorse that Sunday morning, May 22, 1921."

36  
37 . MOSSBERGER, however, refused to state he had not heard of this, but  
38  
39 evaded giving a positive answer and finally said that he has a wife and  
40  
41 two children and doesn't want to run the rusk of the HALE-BURKHART bunch  
42  
43 bumping him off because he talked of these murders, and told what he knew.

44  
45 OLLIE CLAY is doing some concrete bridge work in the vicinity of  
46  
47 Shidler, Denoya or Burbank. He will be seen.

48  
49 BILL BRACKETT reports he has heard nothing as to E. M. PINE, and  
50  
51 feels sure PINE has sold out to the BURKHARTS and fled.

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Department of Justice,

Bureau of Investigation,  
Oklahoma City, Okla.,

July  
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1924.

62-5033  
JUL 16 1924

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

RECORDED & INDEXED

ATTENTION  
MR. HOOVER

62-5033-95  
BUREAU OF INVESTIGATION  
JUL 12 1924 A.M.  
DEPARTMENT OF JUSTICE  
HOOVER

RE: W. E. SMITH, et als.  
Murdered Osage Indians  
Okla. City No. 7060.

Dear Sir:

As per our recent conversations regarding the investigation of the Indian murders now being conducted by Special Agents T. F. Weiss and J. R. Burger, will advise that I have discussed this case with former Agent in Charge Findlay and with Special Agents Burger and Weiss.

It appears that there were six Indians murdered that are being investigated by Agents Burger and Weiss, at the expense of the Interior Department, on request from the Attorney General of this state.

Agents Weiss and Burger state that their investigation so far tends to show that these murders were committed at the instance of some white men who were desirous of securing the property of these Indians, and that these white men are so entrenched with the state authorities that no cognizance of the murders was ever taken by the state officials.

The files, which are voluminous, reflect that some evidence has been secured, but not enough to warrant the presentation before the Grand Jury. However, Agents Weiss and Burger state that they are confident that within the next few days they will be able to secure some confessions from some of the participants. Both Agents Weiss and Burger state that they believe that thirty days more should be given these investigations, and if at that time sufficient evidence is not developed to warrant a presentation to the Grand Jury, that the case should be dropped.

After talking this case over with Agents Weiss and Burger, I would suggest that they be allowed to remain on this investigation until August first, and if at that time

GENERAL INTELLIGENCE

JUL 18 1924

SECTION

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11 sufficient evidence has not been developed to warrant a pre-  
12 sentation to the Grand Jury, that the case be dropped, and a  
13 brief be made of the entire file, so that when new state of-  
14 ficers are elected that the case can be again taken up.  
15

16 Heretofore, copies of the reports have been furnished  
17 the Attorney General for the state of Oklahoma; however,  
18 the Agents on the investigation believe that some of these  
19 reports have been read by some of the state officers who  
20 possibly had access to the Attorney General's files during  
21 his absence, and they have therefore been very careful not  
22 to put anything into their reports that would tend [redacted]  
23 cover their information. This is the matter which Mr. Weiss  
24 took up with you regarding not sending reports until the  
25 investigation was completed.  
26

27 It is probable that it would be a good idea not to sub-  
28 mit further reports to the State Attorney General until the  
29 first of August, his copy being held in this office until  
30 that time, as there is no one connected with the state con-  
31 ducting an investigation, and keeping the state authorities  
32 advised as to the progress during the period of thirty days  
33 cannot possibly assist the investigation.  
34

35 This office will be guided by your instructions regard-  
36 ing continuance of this investigation, and unless instructed  
37 will hold the copy of the report made for the State's At-  
38 torney General until August first, sending the Washington  
39 copies in, as usual.  
40

41 I might add that Agents Weiss and Burger [redacted]  
42 [redacted] and they believe that shortly he will  
43 be able to furnish them with enough information to enable  
44 them to secure a confession from some of the participants  
45 in these murders.  
46

47  
48 Trusting this is the information you desire. I am,

49  
50 Respectfully,

51  
52 *W. D. Bolling*  
53 W. D. Bolling,  
54 Special Agent in Charge.

55 ALL Deletions  
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Acting Director, Bureau of Investigation,  
Department of Justice,  
Washington, D. C.

ATTENTION -  
MR. HOOVER - 2.

AGENT T. F. WEISS  
and  
W. E. SMITH, et als.,  
Murder of Osage Indians  
Okla. City file 7060.

Dear Sir:

I replied to your letter dated June 13, 1924, WWC:OCD, on June 20th, stating that I had requested Agents Weiss and Burger to make a full and complete report to date on the W. E. Smith case, so as to set forth fully and completely the status of that investigation to date. I am enclosing their report dated June 23, 1924 herewith.

Agent Weiss has worked continuously on this investigation, except what time he has been required to be in court as a witness in cases which he had investigated before being assigned to this investigation. It has appeared two or three different times during this investigation that the point had been almost reached where we could say who the guilty parties are in one or more of these murders, but it appears that it has been impossible to get the final and what appears to be a necessary element in this case; that is, a confession from someone who can link the perpetrators of these crimes with the crime itself.

You will note that on May 25, 1924, with the co-operation of the Governor and the Attorney General of the state, [REDACTED]

[REDACTED], and it is believed that he will be able to obtain some information which has not been possible to obtain in any other way heretofore. You will also note from Agent Weiss and Burger's report that Dick Gregg, a notorious law violator, is now in the Kansas

B7D  
L.H.S.