

T. F. Weiss.

3-21 to 4-9-1924.

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It is quite apparent there is some crooked work on foot by either BRACKETT or PIKE, or both, and we instructed them that unless the third man was produced by the 9th or 10th, we would be forced to consider all previous arrangements with them as cancelled and abrogated, and proceed in any way we deemed best for the Government's interest.

Wrote PIKE special delivery as follows:

"Pawhuska, Okla., April 8, 1924

E. M. Pike, Esq.  
910 East 13th St.,  
Kansas City, Mo.

Dear Sir:

Mr. Brackett has just been in to see us, with your Special Delivery, dated yesterday, stating in effect that the man at Fairfax refuses to talk; refuses to tell the truth, and stating further that the other parties are and have been putting out a lot of money to keep people "quiet". You state that it will be useless for us to see the Fairfax man, and say for us to wait till you see what you can do by further correspondence with persons at Fairfax, etc.

The net effect of all this is that you advise that no further be done by us along the line of your evidence until we hear further from you.

This leaves us just where we were a couple of months ago, so far as your line is concerned. As we explained to you we are now in a position where we cannot delay longer our investigation along certain lines, not only in the best interests of the investigation, but also avoid any question as to our personal integrity and good faith in the case.

In view of all the facts, which we have gone over so carefully with you several times in the past, we are now constrained to inform you that unless we receive word direct from you, not later than the 9th instant that your Fairfax man will meet us and give us the facts, in the manner we have agreed upon, we will have to proceed in any manner that our judgment dictates will be best for the Government's interest, which is to learn the whole truth and all the facts in the case.

Very truly yours,

(signed) T. F. Weiss."

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BRACKETT states today that MATT WILLIAMS just told him that ERNEST BURKHART has said that FRED WHEELER was in Fairplay, Colo. some time ago.

Also that ED TINKER told BRACKETT that "AL CASE", taxi driver of Fairfax, wants to see us on this case.

If PIKE or BRACKETT do not come through with the third man by the morning of the 10th, we will have to disregard them and go direct to this third man and his wife and try to obtain the facts, without the help of PIKE or BRACKETT.

Also got in touch with WM. ZINSEL, phone 64, Skiatook, and arranged for him to come in for interview, which he did.

WM. ZINSEL stated, in addition to what we have heretofore shown from him, that FRANK TERRELL told ZINSEL that JACK HALE knew all about the ANNA BROWN murder, and that JACK HALE did not come home the night of the murder at the time of night as claimed by JOE ALLEN and ROSE OSAGE; that TERRELL also stated that JACK HALE was very nervous and could not sleep that night.

ZINSEL states that TERRELL did not explain any further than above, and he, ZINSEL, never talked to JACK HALE.

(Both FRANK TERRELL and JACK HALE were living at BILL TRENT'S home, near where ANNA BROWN'S body was found, at the time of the murder, and BILL TRENT and FRANK TERRELL saw JOE ALLEN and ROSE OSAGE ASLEEP in FANNIE LASLEY'S car about daylight the morning of the murder, between TRENT'S house and Fairfax.)

ZINSEL states further that a MRS. WEAR, an old lady, white, who kept ROSIE OSAGE'S children at that time, told him, ZINSEL, that she, MRS. WEAR, had found a letter in JOE ALLEN'S hand-bag shortly after the murder; that this letter was to JOE ALLEN, from

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his mother in Kansas, and that the letter in part read that "surely ROSIE will not go back on you now, after that awful thing you did for her", or words to that effect.

ZINSEL states that MRS. WEAR did not preserve or show him that letter and he never saw it, but that MRS. WEAR expressed to him her belief that JOE ALLEN and ROSE OSAGE murdered ANNA BROWN and that ROSE would confess if given immunity; that MRS. WEAR also remarked that she would not be surprised if ALLEN and ROSE had ANNA'S dead body in the car on the trip that night to or from Pawnee.

ZINSEL also stated that when JOE ALLEN and ROSE OSAGE were arrested on this charge BILL HALE told them to not worry as he would get them released soon on bond.

ZINSEL expressed his firm belief that the HALE-BURKHARTS were not implicated at all in ANNA BROWN'S murder, but said he could think of no reason why BILL HALE should have taken an active interest in JOE ALLEN'S and ROSIE OSAGE'S behalf as to sure them bond and release.

ZINSEL also stated that a gambler named JOE GORMLEY pointed out a well dressed young man, then working for BABE DENOYA and said that that young man knew a lot of ANNA BROWN'S murder. But ZINSEL never followed this up. JOE GORMLEY then lived at Pawhuska.

April 9th ED TINKER informed us that AL CASE of Fairfax, father of MELVIN CASE, recently told TINKER that he, AL CASE, has some important evidence in the ANNA BROWN case which he will tell to us but wants to be assured he will be paid for his information. (We will see AL CASE.)

~~That~~ W. H. BRACKETT states that E. M. PIKE told BRACKETT recently that ROBT. KAZEE, Fairfax, has a lot of knowledge to the ef-

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fect that BRYAN BURKHART is the one who killed ANNE BROWN.

(We will see ROBT. KAZEE again, though Agt. Weakley and BILL BRACKETT have talked to him with no results of value.)

April 9th JOE GORMLEY, American Rooms, Pawhuska, stated that in May, 1922, he and his wife were running the Hospital Rooming house at Pawhuska; that two young men from Bristow, Okla. were rooming with them and gambling at the race track at Fair Grounds; that their father was a teamster at the Fair Grounds, Pawhuska; that these two young men were tall.

That at the same time another young man, name not recalled, but short, chunky to medium, well dressed in khaki pants, cowboy boots, leather vest and broad rimmed white hat, was also hanging around the race track, with no apparent occupation.

That these three young men were associates; that this young man with the leather vest seemed uneasy all the time; that the other two young men told MR. GORMLEY that this other young man had confided to them that he had to talk to somebody, and wanted to tell them something; that the third young man had then confided to the two young men that he was in on the ANNA BROWN murder.

GORMLEY states that shortly after this the two young men came to MRS. GORMLEY and told her that this third young man had accused them of telling on him, and they were afraid he would attack them and they borrowed a gun from MRS. GORMLEY to protect themselves; that shortly afterward the two young men and the third one did have a serious fight at the Fair Grounds and the two young men said it was because the third young man had accused them of telling; that the borrowed gun, however, was not used and was returned to MRS. GORMLEY. That these young men all left shortly afterward for

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parts unknown.

That several months later GORMLEY saw the third young man at Ponca, Okla. and pointed him out to WM. ZINSEL on the street there; that ZINSEL engaged this third young man in conversation and later reported to GORMLEY that he, ZINSEL, had learned this young man's name, and that he was then working at a place about four miles out from Ponca.

GORMLEY stated that he has heard that this third young man was seen recently around Burbank, Okla.; that he, GORMLEY, will be glad to go with Agents through the oil field towns in that vicinity and point this third man out, if seen, as he, GORMLEY, would know him anywhere.

(Both GORMLEY and ZINSEL remarked about the way this third young man dressed.)

GORMLEY also stated that these two young men told him that MORRIS WATKINS, a ranch man, near Fairfax, knows who killed ANNA BROWN.

GORMLEY suggested that "Old Pete" who took care of the race track at that time is still doing the same thing, and probably will be able to give a line on these three young men, especially the father of the two, as the father was doing team work at the Fair Grounds at the time.

April 10th. B. M. PIKE and W. H. BRACKETT have failed to bring the third man in the party of the night of May 21, 1921 to us for direct interview, <sup>per</sup> as/their final and definite agreement of April 4, 1924, and PIKE or BRACKETT or both have plainly decided on some new scheme since our conversation and agreement with them on that date, and are now plainly seeking, for some ulterior

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purpose, to delay and obstruct our investigation along the lines shown by PIKE'S evidence to us.

We have been very patient with them and did finally arrive at a complete and satisfactory agreement, as shown in this report, but it will now be necessary for us to proceed without further delay to investigate along the lines of the evidence they have given us, and probably have to contend with obstructionist tactics on their part, such as advising important witnesses, especially said third man, to disclaim any knowledge, and refuse to talk to us. However, we have now succeeded in obtaining from them practically all their alleged evidence, with the exception of the names of their corroborative witnesses.

We also intend to find out the objects and inducements that caused them to fail us at this critical time.

We are not discouraged by this action of PIKE and BRACKETT, as such has been a very common experience with Agents conducting these present investigations.

It will be noted that there is a strong line of evidence pointing towards JOE ALLEN and ROSE OSAGE as the guilty parties, and an even stronger line pointing toward BRYAN BURKHART, et als. We have carefully considered both lines and can see the possibility of harmonising them in the end.

CONTINUED.

RE: HENRY ROAN: b7D

April 2d, [REDACTED] states that he knows that big JIM PARKER owned a new Lueger pistol at the time of HENRY ROAN'S ~~murder~~ murder, as he saw PARKER shoot a prairie chicken with it near Foraker, Okla. about that time. (The fact that the bullet went through ROAN'S head and through an extra heavy plate glass windshield indicates it was from a high power pistol or rifle.)

April 3d, said informant today stated that he had just recalled that a desperate character named KIRBY was arrested on some very serious charge in Osage County shortly after HENRY ROAN was killed and that HENRY GRAMMER put up \$10,000.00 cash bond for KIRBY at Pawhuska; that later KIRBY was shot and killed while attempting to burglarize a store near Burbank, as the owner of the store was waiting with a shotgun at about 2:30 A. M. and shot KIRBY with buckshot, so that KIRBY died in a day or two hospital in Pawhuska.

That he, informant, knew of no reason why GRAMMER should thus go KIRBY'S bond, and suspected that HALE had GRAMMER do this, and later ribbed KIRBY to rob the store and had the store owner tipped off and waiting to kill KIRBY, and thus close KIRBY'S mouth, possibly from telling what KIRBY knew, or did for HALE, in the HENRY ROAN killing.

April 9th. JOHN MORAN informed Agents that DICK STODDER, attorney at Pawhuska, told MORAN that a man, name not disclosed, by STODDER, recently told STODDER that "Little DICK GREGG" and JACK HART are the two men who killed HENRY ROAN. (We are following this up.)

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RE: MURDER OF CHAS. WHITEHORN.

Mar. 27th. Confidential informant stated to Agents that shortly after this murder RAY ROBERTSON, then of Hominy, but now of Pawhuska, approached informant and told him that the then administrators of CHAS. WHITEHORN'S estate would pay them - ROBERTSON and informant - \$5,000.00 if they would swear they heard HATTIE - WHITEHORN'S wife - say before his death that she was going to have him bumped off.

Informant states he had never heard her make any remark of that kind, and refused to listen to ROBERTSON'S talk; that ~~the~~ the idea seemed to be that HATTIE was guilty of the murder and it would be all right to convict her by false testimony.

RAY ROBERTSON is a young white man, married to an Osage woman.

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

April 9th. We note that BLACKKEY THOMPSON was recently sentenced to twenty-five years in McAlester, Okla. penitentiary for bank robbery of bank at Rush Springs, Okla. August, 1923., THOMPSON being sentenced on plea of guilty in state district court at Chickasha, Okla.

BLACKKEY THOMPSON is a "soup man" and is said to be one of the men who blew up the SMITH home.

We have been trying to locate JIM PARKER, but without definite success, yet.

OPEN.

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62-5035-80

April 23, 1924.

Hon. Charles H. Burke,  
Commissioner, 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 April 11, 1924, made by  
Agent Weiss of our Oklahoma City office.

Very truly yours,

  
Director.

Enc. 15225

RECORDED & INDEXED

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REPORT ORIGINATED AT Director, Washington;

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT

DATE WHEN MADE

PERIOD FOR WHICH MADE

REPORT MADE BY

Oklahoma City

Apr. 22, 24 Apr. 10 to 21st

I. F. Weiss.

TITLE AND CHARACTER OF CASE

W. L. SMITH; et als.

Osage County, Okla.

: Murder of Osage  
Indians.

FACTS DEVELOPED

at Pawhuska and other points.

(K. C. #10675;

(C. C. #7060.)

Continuing, and referring to previous reports,

entitled  
as  
above,

this is joint report for Agents I. F. Weiss and J. R. Burger, made thus  
to avoid needless duplication, as Agents are working jointly.

RE: MURDER OF ANNA BROWN:

April 10th, interviewed ROSE OSAGE ALLEN and her husband, JOE AL-  
LEN, alias JIMMY RICKS. We brought them to Sheriff's office, in  
private room at Enid, and spent five hours questioning them, from 11  
PM to 4 AM.

They were questioned separately and exhaustively, and given severe  
cross examination. ROSE OSAGE ALLEN talked freely, frankly and without  
any reluctance. She did not hesitate to answer every question fully,  
and very rarely stopped a second to consider, but answered with appar-  
ent candor and unconcern and at times volunteered information. Her  
whole demeanor was that of an entirely innocent and unworried person,  
and she signed her statement after same was

APPROVED AND  
FORWARDED:

SPECIAL AGENT  
IN CHARGE

RECEIVED

COPIES OF THIS REPORT FURNISHED TO:

3 Washington; 2 1 K. C.;  
1 U. S. Atty., Okla. City;  
3 file. -1-

DO NOT WRITE IN THESE SPACES

RECORDED AND INDEXED

APR 26 1924

CHECKED OFF MAY 2 1924

JACKETED

BUREAU OF INVESTIGATION

APR 25 1924

DEPARTMENT OF JUSTICE

ROUTED TO

FILE

HOOVER

4-7-24

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L. F. Weiss.

Apr. 10 to 21, 1924.

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reduced to writing willingly. Her statement is as follows:

"Mid, Okla., April 10th, 1924.  
STATEMENT OF ROSE OSAGE ALLEN.

My true and correct name is Mrs. Rose Osage Allen. Joe Allen, sometimes called Jimmie Hicks in my husband. Mrs. Eliza Bigheart is my mother. I make this statement voluntarily and without any threats or promises of any kind.

As to what I know about the murder of Anna Brown, near Fairfax in May, 1921, will state that the following are the true facts. On a Sunday morning, about a week before Anna Brown's body was found, Bill Trent and Frank Terrell passed the place where Joe Allen and I were sleeping in Fannie Lasley's car. This was about a quarter of a mile north of Bill Trent's house on Three Mile Creek, and it was after sun rise that they passed us. The day before, Saturday, Fannie Lasley, Jack Hale, my sister, Mary Osage, Joe Allen and I had all gone from Fairfax to Pawnee in Fannie's Studebaker sedan. We left Fairfax that afternoon before sundown and drove to Pawnee. At Pawnee Fannie, Mary and I went up to Mrs. Bennett's rooming house, and stayed there a few minutes. There was a street carnival at Pawnee at the time, and Fannie stated that she was going to join it. She asked us to drive her car back to Fairfax, which we said we would do. Fannie stayed at a hotel at Pawnee that night, where we left her between 2 and 3 A. M. Joe Allen and I and Mary and Jack Hale then drove back to Fairfax, where we let Mary out at the Smith Williams Hotel, where Mary and I had a room. Joe Allen and I then drove Jack Hale out to Bill Trent's place, where Hale was staying at the time. We did not drive quite up to Trent's house, but stopped the car about a quarter of a mile north of the house, and Hale got out and walked to Trent's, while Joe Allen and I stayed in the car until Bill Trent and Frank Terrell passed us after sunrise. It was not daylight when we let Jack Hale out. I think Frank Terrell was staying at Bill Trent's place at that time. After Terrell and Trent passed us, Allen and I drove back to Fairfax and I went up to the Smith Williams Hotel. I remember of but one car passing us between Fairfax and Bill Trent's place that morning as we were taking Jack Hale home. This car was a Hudson car and when our lights shown on it, I saw that Lee Uto was driving it. This car met and passed us near the ball park at Fairfax, and was going into Fairfax while we were going out of Fairfax towards Bill Trent's place. I do not remember any car passing us or of meeting any other car between Fairfax and Trent's place that morning. And I did not see Anna Brown or any one else that morning after we left Fairfax.

I never had a quarrel or fight with Anna Brown. The last time I saw Anna was 5 or 6 weeks before, in March, 1921 when the Donaldson boys were holding a roping contest at Burbank, in March, I think it was. On that occasion my husband Lucien Parsonworth and I got her out of rooming house at Burbank, where she was with some white men, and drunk. We brought her back to her home in Fairfax, and Frank Fletcher came with us.

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Apr. 10 to 21, 1907.

I remember the occasion when Joe White and Melsie Morrison and Miss Artie Sawyer and I were arrested at Ed Cox's house at Fairfax. This was sometime after Anna Brown was killed. Melsie Morrison and Joe White, who is my cousin, got Artie and I to go riding. They got some whiskey and we all drank some. Melsie kept asking who killed Anna Brown and I told him I did not know. After we went into Ed Cox's house I told Artie to call the law, but Melsie and Joe White would not let her. They had the front doors locked. I yelled and Bob Parker and Earl Gray came and arrested me. Melsie had threatened to whip me to make me tell, and I hit him with a spittoon, knocked him down and kicked him. The next day Melsie told me that he had not told the law that I had said that Jimmie killed Anna, and that he did not believe we had killed Anna. I never learned anything as to who did kill Anna Brown. Laura Con was a Kaw girl living at Kaw City, Okla. and she ran around with my first husband, Lucian Farnsworth, while he and I were living together, and Laura and I quarreled over this while we were living at Kaw City. Joe Allen's mother is Mrs. C. E. Vieux, and she lives at Hiwatha, Kansas. Joe Cox, of Fairfax, told me that he saw Anna Brown going through Fairfax that Sunday afternoon or evening. Iva Johnson married Clarence Daniels, a full blood Osage. They are now in California. Mrs. Johnson, her mother, is said to now live on Ed Cox farm about 10 miles west of Fairfax, near Logie Camp.

67C I positively never did make a remark in Bright Roddy's store, or anywhere else to the effect that I would not talk to Anna Brown, [REDACTED] The Indians did say that Anna was getting money from Roscoe Osage, my father, but Anna and I never did have a quarrel of any kind. I knew Indian girl named Rose Roubidoux, who lived at Redrock, Okla. and had an aunt at Kaw City. She died at Kaw City about two years ago, and went with Melsie Morrison once or twice.

Joe Allen told me that when they said they had found blood on the Fannie Lasley car that he remembered that Fannie had pinched her finger in the door and made it bleed.

I have read the above and foregoing statement of two pages, and the same is true and correct.

Witnessed: T. F. Weiss  
J. R. Burger."

(signed) ~~EX~~ Rosie Osage  
Allen

After making the above statement, ROSE OSAGE ALLEN added that MOLLIE BURKHART told ELIZA BIGHEART that she, MOLLIE, believed that the same man that killed ANNA BROWN was also the man who killed FERRY ROAN and BILL SMITH and wife and NETTIE BROOKSHIRE. ROSE OSAGE would not say so in plain words, but indicated that MOLLIE BURKHART referred to BILL FAYE.

She also added that MELSIE MORRISON had threatened to choke

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her at ED COX'S house that night unless she told who killed ANNA BROWN, and that when MORRISON and JOE WHITE prevented her from calling the law, she laid down on the floor and screamed, so some one would hear. She steadfastly denied having told MORRISON that JOE ALLEN killed ANNA BROWN, but if her story as to what MORRISON and JOE WHITE were doing is so, she may have made the statement as claimed by MORRISON, because she was frightened.

After questioning her we questioned JOE ALLEN closely. He is an Indian Chickapoo and Sac and Fox blood, 24 years old; heavy build, about 5' 7", 160 lbs., very self contained, sullen and wicked appearing. However, he answered readily and fully and statement was no nearly identical with the one made by his wife that we did not reduce it to writing.

The only discrepancies being that JOE ALLEN stated to us that the blood on the car was caused when he turned the car over some weeks previous while riding with MARY LADOT of Pawhuska and that she put out her hand as the car fell and cut her arm on the broken glass; that they were in FANNIE DASLEY'S Studebaker sedan, and that the accident occurred between Fairfax and Pawhuska.

JOE ALLEN also stated that LEE UTO passed him from behind, near the ball park at Fairfax that Sunday morning, and he, JOE ALLEN, does not remember meeting or seeing any other car that morning, between Fairfax and BILL TRENT'S place.

JOE ALLEN states that he does remember passing a big car, going east, just south of Fairfax that morning about 3 AM but states he was very sleepy and did not notice whether the car was a Buick, Hudson or what, but that it was a touring car, and had several people in it.

JOE ALLEN did not appear the least worried or guilty, but has

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a lot of comm~~ss~~ure.

At Ponca interviewed MRS. BROWN, 204 E. 3d St., the mother of ODE BROWN. She stated that ODE BROWN is out of town doing some private work on this case; that RITA SMITH told her that MARTHA UPRIGHT DOTY told RITA SMITH that when ANNA BROWN was at ERNEST BURKHART'S place that Saturday, May 21, 1921, BRYAN BURKHART told MARTHA that ANNA had threatened to kill him unless he married her, but that he was going to beat her to it, and kill her before morning.

Also ascertained from the Postmaster at Ponca that a family named WALTER COLLINS has recently located about five or six miles southwest of Ponca; that there are several men in the family and one woman and the neighbors state this family is selling whiskey (MATT WHEELERS states that BRYAN BURKHART and ANNA BROWN, et als. got their whiskey from WALTER COLLINS the night of May 21, 1921, COLLINS at that time living near Belford Bridge, but now living near Ponca.)

April 12th ascertained that "Old Pete" at Fair Grounds at Pawhuska is ~~xxxx~~ named PETE SELL. Also drove to Webb City to see DOC FARKINS but he was out of town and could not be seen.

Apr. 15th tried again to see DOC FARKINS but learned he had gone to Enid; tried to locate A. C. CASE, but he was away from Fairfax on a drive somewhere.

W. E. BRACKETT reports that the Cashier of the bank at Ralston recently told him that RITA and BILL SMITH had made a second will, which, however, has never been produced.

Also learned that GEORGE JAMES has moved on to a 400-acre farm that does, or did, belong to BILL WILE, a very valuable bottom

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1. F. Weiss.

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Apr., and that BILL HALE left word for ALBANY MORRISON that he, HALE, has fixed it with J. W. THOMPSON that THOMPSON will not prosecute MORRISON, and that he, HALE, has also fixed it with the Auto Agency at Pawhuska that they will not prosecute MORRISON for selling a car MORRISON has mortgaged to them. MORRISON says that he remembers that BILL HALE was carrying a .32 Colt's automatic ~~xxx~~ about the time of the ANNA BROWN murder.

Apr. 15th. In and around Pawhuska and Fairfax, interviewing LOYD MILLER, MARIE SMITH and J. MORAN but learned nothing new.

Apr. 16th, at Pawhuska and Tulsa. Interviewed ED BINKER, W. McCABRY, LOYD MILLER and tried to locate AL CASE. Nothing new. Drove to Tulsa enroute to interview EUSTACE LIGHT, HERMAN FOX DAVIS and another inmate of penitentiary.

Apr. 16th, at Tulsa and McAlester. Enroute, Tulsa to McAlester, 175 miles with under cover man. Three blowouts, rain and mud.

Apr. 17th, at McAlester, Holdenville and Shawnee. Drove 100 miles. Interviewed EUSTACE LIGHT and HERMAN FOX DAVIS. HERMAN DAVIS reiterated his denial that he had ever heard or claimed that EUSTACE LIGHT and ALABAMA EDWARDS were connected with the SMITH blow-up in any way.

DAVIS repeated his statement of ED BAUGHER'S statement to him and added that his firm belief is that SUE LEWIS at Slidler knows all about the SMITH and ROAN murders, but is too close to HALE to tell.

LOYD MILLER stated that when SUE LEWIS heard that was out for him, LEWIS, charging bribery with HERMAN FOX DAVIS at Pawhuska last year, LEWIS instructed MILLER to see BILL HALE and tell HALE to be at Pawhuska to make a bond for LEWIS, but to tell HALE to not be afraid, as it was only on a bribery charge against

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DAVIS' bond was set as requested, and DAVIS' retainer was a farce, and DAVIS was released.

DAVIS declared today that he never talked to EVEL EALE in his life, but EUSTACE ~~WRIGHT~~<sup>WRIGHT</sup> declared again today that he saw DAVIS talk to EALE, and that DAVIS told him that he had found out who committed the murders, but he, DAVIS, was not after a prosecution, but after the money he could get out of the guilty parties, and ought to get \$100,000.00 out of them, as they were very wealthy.

Today WRIGHT changed his story that he did not know JESSE MORRISON very well, and stated that he knows MORRISON very well indeed, and knows MORRISON was driving a Studebaker sedan, maroon color and side lights at the time of the SMITH blowup. WRIGHT seemed to want to tell all he knew of these cases, but declared the above was all he knew.

Located EDGAR B. BUCHER, heretofore mentioned. He is now in the county jail at Holdenville and has plead guilty to passing two worthless forged cashiers checks at Holdenville. Has not been sentenced yet, but is almost sure to be sent to the penitentiary, as he is an old offender, and has served three terms heretofore.

BUCHER was very friendly and quite different from when Agent talked to him last October.

BUCHER states now that it was ERNEST TERRELL and not FRANK TERRELL to whom he referred and stated that TERRELL'S statement to him, BUCHER, at Guthrie in September, 1922 was:

That he, TERRELL, resided at Fairfax, Okla., was married to an usage squaw; that he knew all about who killed ANNA MORAN, as he, TERRELL, overheard her murder planned beforehand; that the killer parties consisted of a very wealthy stockman, living at Fairfax, and well known to him, TERRELL, and some men, also

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wealthy and related to this stockman that these guilty parties  
had seen him, TERRELL, when they were planning BILL BROWN'S  
murder, and do not know that he, TERRELL, was near and heard them.

BAUGHER states further that TERRELL then explained that these  
men were dangerous, especially the stockman; as he was wealthy,  
influential and desperate; that these men would surely kill anyone  
whom they feared might tell on them, but he, TERRELL, felt sure  
they would pay big money if handled rightly, but that it was too  
dangerous for him, TERRELL, to attempt this, as he lived at Fair-  
fax, and they knew him well, and would kill him if he made the at-  
tempt, or told what he knew.

That TERRELL proposed to BAUGHER that when BAUGHER was re-  
leased, BAUGHER should come to TERRELL, get all the facts that  
TERRELL knew, and then shake these guilty parties down for a big  
amount and divide with TERRELL; that TERRELL stated BAUGHER could  
do this, as he was not known at Fairfax and was much wiser than  
TERRELL, but that it was very dangerous, and BAUGHER would have  
to be extremely careful to keep from being killed.

BAUGHER stated that while TERRELL did not say outright that  
these guilty parties were BILL HALE and some of his relatives then  
at Fairfax, he, BAUGHER, was given to understand that HALE and his  
nephews were the guilty men, as TERRELL described them and their  
relationship so clearly.

BAUGHER stated that he really intended to work with Agent when  
he left the McAlester pen Jan. 26, 1924, but that he could not re-  
sist the temptation to pass some bad checks at Holdenville within  
three days of his release, in consequence of which he was promptly  
caught and jailed.

BAUGHER showed an intimate knowledge of FRANK TERRELL, as he

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U. F. Weise. Apr. 10 to 21, 1937.

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said TERRILL had folks at Cilton, was a fugitive on a Federal indictment charge, with only a \$150.00 bond to forfeit. He also described TERRILL well, so there is now no doubt that this is the same FRANK TERRILL that BRIGHT RODDY ~~last~~ claims told him, RODDY, that JIM ALLEN and ROSE OSAGE killed ANNA BROWN. RODDY and PALE are very close friends and TERRILL'S story to BAUGHER was some time before his story as claimed by RODDY.

BAUGHER has promised to work with us as fully as possible, and we intend getting hold of TERRILL as soon as possible.

Apr. 18th, located a well known desperate Osage criminal, who pulled off several bank robberies, and was connected closely with BILL PALE. This crook is now in a serious jam, and stated that he knows all about who blew up SMITH'S house, and who killed MARY BROWN; that he was "propositioned" himself several times to do this, but declined; that it will raise hell at Fairfax when the truth that he knows is known, as he knows it all, personally.

This man finally agreed that if we will square up everything against him in the way of criminal charges, and assure that he will be given a parole, conditioned that he leave Oklahoma and stay away, he then will give us all the facts, and stay with and assist us all the way through, even to testifying if necessary, and will not ask or expect any favor until he has divulged the facts, and we have ascertained the truth or falsity of his statements, and the guilty parties have been tried. He states he has not been guilty of murder or any heinous crime, simply robbery and thefts, and does not ask immunity for anything else.

As we did not have authority to promise quite all he asked, we arranged with him to see the State Attorney General, GEORGE

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and get him to agree, if possible, and then go into the cases fully.

Apr. 19th, Agents conferred with G.O. R. SHORT, State Attorney General at Okla. City and were assured that we could assure said man if he asked, on the terms and conditions outlined above, except that pertaining to the proposed parole.

MR. SHORT stated he had not taken this parole question up with Gov. TRAPP as yet, but feels confident Gov. TRAPP will do as we ask. Gov. TRAPP was out of the city today, but R. SHORT promised positively to see the Governor Monday the 21st and get this parole question settled and advise us at once.

We conveyed this information to our man, who declined to divulge his evidence further than to state that he knows personally - and not by hearsay - who blew up SMITH'S house and killed BERRY ROAN. He added that when the parole question was definitely agreed upon, he would tell us all, and would stay with us and help "jamb up all the way through" until after the trials were over, and then he, in turn, would expect us to be square and with him all the way through. He declined to talk farther, but said that he would not expect any favors until his evidence and information had been verified and found to be true.

Arranged with Sheriff to hold this man for a week longer, pending arrangements with Gov. TRAPP and MR. SHORT, etc.

Apr. 20th, drove to Pawhuska Sunday to learn whether PIKE or BACLET had word there for us.

April 21st, arranged for our confidential informant in the oil fields to be seen for up-to-date news, and Agents left for Kansas City to make last desperate effort to get PIKE back in

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W. W. Weiss.

Apr. 10 to 21,

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time before seeing our under world character for final trade  
to him.

It will be noted that we have had to spend a lot of time getting PIKE to give us all his evidence and even at this time he is holding back. He claims the third man will not agree to talk, but we strongly suspect that both BRACKETT and PIKE have some ulterior motive in seeking to delay a meeting with said third man at this time. We have carefully checked every point in PIKE'S evidence and find no contradictions or impossibilities, and do find much ~~if~~ if it corroborated by our own investigation, so that we are almost forced to believe his account true.

On the 22d we shall try our best to induce PIKE to get fully in line with us, as we certainly should have all he knows, and his wholehearted assistance in getting the evidence of what he tells, before we begin to question said third man and the others, who seem to have personal knowledge.

We will see the outlaw on the 23d or 24th and if we can satisfy his requests, should be able to get the inside truth as to the JOHN BROWN, HARRY ROAN and BILL SMITH murders. We have not spent much time on the CHAS. WHITEHORN murder lately, having focused on the above three, but have been getting the confidence of WHITEHORN'S widow and have a good line up to go on.

We feel confident of final success in all these cases, if given time, and fervently hope that some fearless and able United States Attorney or Assistant Attorney General will be assigned to help the state all the way through with the prosecution, and we would feel honored to be allowed to suggest the attorney for the Government.

NO FURTHER.

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April 22, 1924.

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

My dear Mr. Burke:

I am transmitting herewith, for your information,  
copy of a report dated April 22, 1924, made by Agent T. P.  
Weiss of our Oklahoma City office, further with regard to  
the case of W. E. SMITH et al — Murdered Osage Indians.

Very truly yours,

*WMB*  
Director.

RECORDED & INDEXED

Enc. 15242

MAILED

APR 23 1924

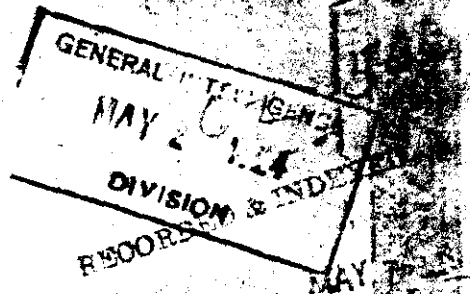
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Department of Justice.

Bureau of Investigation.

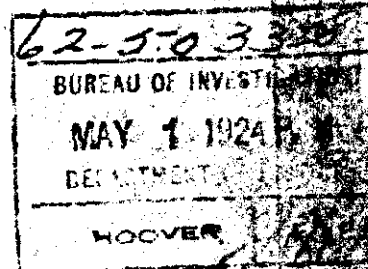
Oklahoma City, Okla..

April  
twenty-  
eighth,  
1924



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

W. E. SMITH, et als.  
Osage Indians, Murder of.



Dear Sir:

I beg to acknowledge receipt of your letter dated April 19, 1924 relative to dispensing with the services of Agent Weiss in connection with this investigation, and in reply thereto will state that this investigation, as you no doubt have observed from the reports submitted, has been a very slow, tedious, difficult investigation. At times it has appeared that the investigation, so far as one or more of the murders was concerned, was almost completed, and it appeared that the evidence in our possession was such as would almost warrant getting out a complaint against certain parties, and especially so if the cases were cases to be prosecuted in Federal court instead of in state court. However, it has seemed that when the investigation was almost to the very point of solution, that something has turned up which has shown the sources of information to be incorrect or unreliable.

As shown by my report dated March 28, 1924, quoting a letter from U. S. Attorney Maurer that he was of the opinion that the investigation should be continued, and that he felt confident from the information already in hand that a final solution of some of these murders could be effected.

You will also note from the investigative reports submitted weekly by Agents Weiss and Burger for April 9th, April 11th, April 22d and April 28th that some of the relatives of the deceased parties have employed ~~one of the relatives~~ who has been working in direct conjunction with Agents Weiss and Burger, and that we have located and interviewed Irvin Thompson, alias Blackie Thompson, alias Charles Douglas, who is now in jail at Chickasha, Okla., under sentence of twenty-one years in the state penitentiary for bank robbery, who

admits that effort was made to employ him to blow up the Smith home or otherwise dispose of Smith and his wife, and also the [redacted] states that Curley Johnson is the other man who can tell a great deal of the inside information relative to the actual blowing up of the Smith home, and that they also have a man at the present time working on Curley Johnson and hope that in a very short time they will be able to confront Curley Johnson with information which will cause him to reveal the inside of these murders.

You will also note that Agents Weiss, Burger and myself had a conference with George Short, the Attorney General of the State on April 23d and 24th, and also had a conference with the Governor on the 24th in an effort to secure their assistance and co-operation in bringing about the confessions of these two men, Blackie Thompson and Curley Johnson, whom we believe will be able to furnish the entire evidence which is now missing in at least two and perhaps four of these murders.

Agents Weiss and Burger feel more confident at this time than at any time since they have been on the investigation that a solution of some of these murders is near at hand, and that they feel that the two above named parties are the persons who can furnish the evidence.

I realize that this has been a long and difficult investigation, as well as an expensive investigation, but I feel that the investigation should be continued under the present outlook, and Agents Weiss and Burger as well as U. S. Attorney Maurer and State Attorney General Short feel that the investigation should be continued along the present line of information.

I cannot state just how soon this line of information can be completed, as Agent Weiss has now been subpoenaed to court in the Herbert Abraham case, and in the Tom Heiny case for May 7th and May 12th. These two cases will take at least one week's time.

As soon as the line of information furnished by Blackie Thompson and Curley Johnson has been followed up, I will write you immediately and advise you the results of same, and if their information does not come up to expectations, will ask for instructions as to whether or not the investigation should be pursued further.

Very truly yours,

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

F-B



JWA-A  
62-50-1-12

May 3, 1924.

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

RECORDED & INDEXED

My dear Sir:

Further with regard to the case of  
W. E. Smith, et al, Murder of Osage Indians,  
I am enclosing herewith copy of a letter received  
from our Oklahoma City <sup>Office</sup>, dated April 28th, 1924,  
for your information.

Very truly yours,

*[Signature]*  
Director.

MAILED  
MAY 3 1924

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ATTENTION - MR. ~~WARR~~ J. HOOVER - 2.

19586

Director;

THIS CASE ORIGINATED AT

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT: Oklahoma City	DATE WHEN MADE: Apr. 28, 24	PERIOD FOR WHICH MADE: Apr. 22 to 26	REPORT MADE BY: T. F. Weiss.
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TITLE AND CHARACTER OF CASE:  
W. E. SMITH, et als.      Osage County, Okla.      : Murdered Osage  
Indians.

FACTS DEVELOPED:

At Kansas City, Mo., Oklahoma City, Chickasha, Pawhuska and other  
points in Oklahoma. (O. C. #7060.)

Continuing investigation,

entitled  
as  
above,

62-5033

this report is a joint report by Agent J. R. Burger, of the Kansas  
City office, and T. F. Weiss, of the Okla. City office, who have  
worked jointly on this case, and this joint report is made to avoid  
unnecessary duplication.

RE: ANNA BROWN:

April 22d at Kansas City tried to locate E. M. PIKE. Inquired  
at 4811 Troost St. and was informed by the proprietor there - where  
PIKE has desk room - that PIKE left Kansas City April 17th to go to  
Pawhuska, Okla. and to points in the vicinity of Pawhuska; that PIKE  
expected to return today, April 22d, but apparently had not done so.

At 910 E. 13th, where PIKE has been living, found his apartment  
deserted, but was informed by the landlady that the PIKE family had  
moved out some days ago, owing \$60.00 rent. No one seemed to know

APPROVED AND  
FORWARDED:

SPECIAL AGENT  
IN CHARGE

MAY 5 1924

RECORDED AND INDEXED:

MAY 2 1924

REFERENCE:

COPIES OF THIS REPORT FURNISHED TO:

3 Washington; 1 Kansas City;  
1 U. S. Atty., Okla. City;  
3 file. -1-

BUREAU OF INVESTIGATION

MAY 1 1924

ROUTED TO:

FILE

HOOVER

GOVERNMENT PRINTING OFFICE

7-1323

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where MR. or MRS. PIKE could be found.

Covered both 4811 Troost and 910 E. 13th all afternoon and left word at PIKE'S place of business for him to call, but could not locate him or his wife.

Got BILL BRACKETT at Pawhuska over long distance at 9:30 PM and was assured by BRACKETT that he has not seen or heard from PIKE for the past week or more, and does not believe PIKE has been in Osage county or busy on this case.

BRACKETT promised to look out for PIKE, or PIKE'S work and advise Agents when Agents are back at Pawhuska, about the 25th. BRACKETT stated he has something of importance to tell us on the case.

Apr. 26th at Chickasha located and interviewed FRANK TERRELL at Antlers Hotel, which is run by TERRELL'S uncle, MR. EZZELL.

It will be remembered that TERRELL is the man whom BRIGHT RODDY claims told RODDY that ROSE OSAGE and JIMMIE HICKS, alias JOE ALLEN, killed ANNA BROWN and that JACK HALE was present at the car when ANNA was killed,

And that TERRELL is the man whom EDGAR BAUGHER claimed told BAUGHER that BILL HALE and the BURKHARTS killed ANNA BROWN and that he, TERRELL, heard them plan the killing beforehand.

FRANK TERRELL was exhaustively questioned by Agents today and the result is that he denied positively of having told anyone anything like BRIGHT RODDY claimed. That in fact he is convinced that ROSE OSAGE or JOE ALLEN had nothing to do with ANNA BROWN'S murder, and to think they did would be following a cold trail.

That he, TERRELL, knows JACK HALE well and talked with him a lot about this murder and that HALE never said anything that

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T. F. Weigs.

Apr. 22 to 26, 1921

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indicated ROSE OSAGE or JOE ALLEN did the deed; that he, TERRELL was at BILL TRENT'S place that night and remembers JACK HALE coming home about 4 A. M. that Sunday; that HALE told about being to Pawnee that night with JOE ALLEN, FANNIE LASLEY and ROSE OSAGE, but said ANNA BROWN was not along.

TERRELL states that he drove into Fairfax early that Sunday morning and found ROSE OSAGE and JOE ALLEN asleep in their car, about a quarter of a mile west of TRENT'S house, the car headed towards TRENT'S house; that this was about half a mile from where ANNA'S body was found, but that one could not drive direct from where the car was to where ANNA was found, but would have to go back to the Pawhuska road, and around about a mile and a half.

As to EDGAR BAUGHER, TERRELL claimed to remember seeing BAUGHER in jail at Guthrie in September, 1921 and talking to him about this case, but TERRELL denied telling BAUGHER he, TERRELL, had heard ANNA BROWN'S murder planned etc., but states he did probably tell him that BILL HALE had her murdered.

TERRELL then stated further that he has always been convinced that BILL HALE had ANNA BROWN killed and that his reasons are that one GLEN HILL, now in the prison at McAlester, told him, TERRELL, that he, HILL, knows that BILL HALE got three men to do this job; that HALE got these three men at a place about a mile south from where the Pawhuska-Pershing road turns off to Wynona, at a point where a big sign is over a gate to an oil lease; that ~~HILL~~ HILL stated that HALE drove these men to LON OLLER'S ranch, OLLER being a partner of BILL HALE, at which ranch these men were kept for several days before her murder. That HILL said HALE had

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propositioned LITTLE DICK GREGG and AL SPENCER to kill ANNA BROWN

TERRELL states that he knows DICK GREGG well, and that he was talking with GREGG after this and GREGG remarked about having stayed at LON OLLER'S ranch; that he, TERRELL, then asked him if that was when he was waiting to do that job and GREGG said it was; that TERRELL then asked GREGG what he got for doing it and GREGG replied: "We were to get \$1,500.00".

TERRELL states that he received a letter from BLACKIE GORDON warning him that BILL HALE would have TERRELL bumped off if he stayed in Osage County.

TERRELL states that PETE LeCLAIRE at Pawhuska is JACK HALE'S uncle, but that he does not believe JACK HALE knows enough to justify spending money to find him, as he can be located through PETE LeCLAIRE.

That GLEN HILL was sent to McAlester from Vinita, Okla. and is still there, so far as he knows and seems to know a lot about ANNA BROWN'S murder.

This man, FRANK TERRELL, has the general reputation of being an inveterate and reckless liar. He probably made both statements attributed to him by ~~BRIT~~ BRIGHT RODDY and EDGAR BAUGHER. He changed his statements to Agents several times and told many palpable lies. Cannot be relied upon at all.

KELSEY MORRISON stated to Agents that this TERRELL is MORRISON'S brother-in-law, is a big liar and that TERRELL told MORRISON that BILL HALE had DICK GREGG, a man named MAJORS and one named HOLLINGSWORTH, all members of the AL SPENCER GANG, "do the job". But MORRISON is not sure whether TERRELL meant

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T. F. Weiss.

Apr. 22 to 26, 1928

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the SMITH job or the ANNA BROWN job, and that TERRELL claimed that DICK GREGG had told him, TERRELL, also that TERRELL is said to have been in the penitentiary, probably McAlester, for sometime in 1923.

However, TERRELL'S story as to what GLEN HILL told him fits in with some real evidence we have on the SMITH case, and we will investigate at McAlester and re. JACK HALE.

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T. F. Weiss.

Apr. 22 to 26, 1936

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RE: W. E. SMITH and WIFE:

April 24th at Okla. City conferred with Special Agent in Charge J. G. Findlay and GEO. R. SHORT, State Attorney General. MR. SHORT stated that Governor M. E. TRAPP had not consented to parole IRVIN THOMPSON, and suggested that Agent Weiss and Special Agent in Charge Findlay go jointly with MR. SHORT the next day to see Governor TRAPP.

April 25th, Agent in Charge Findlay and Agent Weiss went with MR. SHORT and had a conference with Governor TRAPP. MR. SHORT outlined the cases to the Governor and suggested that the Governor agree to parole THOMPSON on the terms and conditions heretofore stated.

The Governor was very reluctant to do this, but after about an hour's discussion between us all, the ~~Government~~ Governor agreed to the following:

That in the event IRVIN THOMPSON, known also as BLACKIE THOMPSON, alias GEORGE DOUGLAS, would and does furnish us the direct information as to who actually killed HENRY ROAN, or W. E. SMITH, MRS. W. E. SMITH and NETTIE BROOKSHIRE, and THOMPSON further tells us absolutely all he knows of these cases, and testifies if called upon by the state in these cases, and if such evidence, information and testimony by THOMPSON is found to be true and THOMPSON further renders us all aid and assistance in his power from now on until after the trials are finished, and is square and honest all the way with us, and if such evidence, information and assistance by THOMPSON results in a conviction of one or more of the guilty persons in these cases, then, in that event, Governor TRAPP will parole THOMPSON out of the

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penitentiary said parole conditioned that THOMPSON leave this state and never returns; it being understood that this also includes the fact that THOMPSON will not be returned on the parole he secured from former Gov. WALTON, under which THOMPSON was at liberty when he robbed the Rush Springs, Okla. bank in August, 1923, for which offense THOMPSON received a sentence of twenty-five years, at Chickasha, Okla., on a plea of guilty.

MR. SHORT agreed that THOMPSON is to have immunity, under the same terms and conditions, from prosecution for all other crimes THOMPSON has committed in this state, murder, arson and rape excepted.

May 24th we visited THOMPSON at Chickasha, where he is confined in jail, awaiting transfer to the state penitentiary at McAlester, on the Rush Springs sentence. We ~~communicated~~ communicated the above terms by the Governor, MR. TRAPP, and Attorney General SHORT to him and he stated that said terms were satisfactory and accepted them.

Mr. Findlay phoned that MR. SHORT would send W. O. GORDON, Asst. Attorney General, to talk to THOMPSON at Chickasha on the 25th, and that W. O. GORDON had full authority to represent both the attorney General, MR. SHORT, and GOV. TRAPP in the cases.

Agents Weiss and Burger spent five hours interviewing IRVIN alias BLACKIE THOMPSON after he had agreed to the terms and conditions, but found him very slow and cautious and evasive in his talk. His talk and manner indicated plainly that he intends to cover up as much as possible and to not tell any more than he thinks will be necessary to serve his purpose.

At the outset he declared he had no information as to who



killed ANNA BROWN, explaining that he was in the state prison at McAlester during the entire year of 1921, having been committed there in November, 1920 and not released till March, 1922.

In the course of his talk, however, he stated, off guard, that his own belief was that BRYAN BURKHART killed ANNA BROWN, but he professed to have no information to predicate this belief upon (will keep after him on this).

BLACKIE THOMPSON also declared today that he knows nothing about the murder of HENRY ROAN (this is a direct contradiction of the statement he made to Agents Weiss and Burger some days ago that "I know, personally, who killed the SMITHS and HENRY ROAN. There is no hearsay to it".) We will also keep after him on this

Bit by bit, and very slowly and cautiously, THOMPSON Stated as to the murders of W. E. SMITH and wife as follows:

Along in the summer of 1920 ERNEST BURKHART proposed to me and CURLEY JOHNSON several times that JOHNSON and I go to BILL SMITH'S house and stick SMITH and his wife up and rob them of some diamonds they then had. ERNEST BURKHART and BILL SMITH were then living near Grayhorse. ERNEST BURKHART at these times also told us at those times, in 1920, that he wanted us to kill BILL SMITH and his wife, ~~and~~ and also the boy who was then living with the SMITHS. ERNEST BURKHART proposed that we kill them after we got their diamonds but at the same time, and said he would pay us a thousand dollars and give us a Buick car he then owned for doing the job.

ERNEST BURKHART told us he would get this \$1,000.00 from his uncle, BILL HALE, to pay us, and told me to see BILL HALE about it. He also told me that BILL HALE wanted to see me, but

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I never discussed this with BILL HALE, as I did not intend to kill the SMITHS. I have done a lot of deals with ERNEST BURKHART, and so did not tell him I would or could not kill the SMITHS, but just put him off from time to time.

ERNEST BURKHART at that time in 1920, explained to us that the reason he wanted SMITH and his wife killed was that SMITH'S wife and BURKHART'S wife were sisters; that their mother was very old and sick and liable to die any time; that if the old mother died first, SMITH'S wife would inherit part of her wealth, but if MRS. SMITH died first, the old mother's wealth or most of it, would be inherited, at her death, by ERNEST BURKHART'S wife, so that he wanted MRS. W. E. SMITH killed before the old mother died. At one time, in 1920, BURKHART was in a big rush for us to kill the SMITHS right away, as he said the old lady might die any time, as she was sick and old.

I stayed several nights, ten or more, with DUKE BURKHART, ERNEST'S brother, and he urged me a number of times to kill the SMITHS as ERNEST had proposed. It seemed to be a family knowledge that ERNEST had asked us to kill the SMITHS.

This Buick car that ERNEST proposed to give us at that time was insured for more than its worth, the insurance had only a few days more to run, so I told ERNEST I would take the damned car and he could report it stolen, and get the insurance. ERNEST agreed to this, and filled it up with oil and gas and left it standing away from his house so CURLEY JOHNSON and I could get it at night. We did get the car, CURLEY and I, as agreed. I wanted to get a load of whiskey from the border.

ERNEST reported the car as stolen, but I got caught with it

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Apr. 22 to 26, 1924.

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at Oilton in a day or two, and was put in jail at Pawhuska, charged with stealing it. ERNEST sent me word to stand pat, and he would have a certain man paid \$500.00 and get me out in four or five months. He did not tell me who this certain man was.

I plead guilty to stealing the car, and exonerated CURLEY JOHNSON. I was given five years sentence and went to McAlester penitentiary in November, 1920 and stayed there over fifteen months, but was paroled out March 7, 1922, with no help from ERNEST BURKHART or CURLEY JOHNSON.

After I got out of the penitentiary in 1922 I was back in Osage County and saw and talked with ERNEST BURKHART and BILL HALE. ERNEST BURKHART renewed his proposals that we kill BILL SMITH and wife, several times. On One occasion BURKHART said that the SMITHS had moved to Fairfax, and BURKHART went on to say that we should trail SMITH around, so as to be sure he and his wife were in the house, and then put a shot of nitro-glycerine under the house, in the basement, and blow them both up. I kept putting him off, but pulled several deals with him.

One deal was robbing FRED DENOYA and his wife of their diamonds. ERNEST BURKHART proposed this. BIG JIM PARKER, an ex-convict named ANDERSON and I drove to FRED DENOYA'S house and we stuck the DENOYAS up and took their diamonds.

I tried to <sup>sell</sup> ~~take~~ these diamonds to BILL HALE but we did not trade. He is too much Jew. They want all of everything. ERNEST BURKHART is crazy for money. ANDERSON took these DENOYA diamonds to Ponca and sold them, but lost what he got in a poker game, in the basement of the stone building on the corner in Ponca. JIM PARKER and I got nothing out of them.

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Finally one day ERNEST BURKHART told me that he had fixed up the SMITH deal and that CURLEY JOHNSON, JIM BOTHWELL and CHAS. QUICK would do the job and blow the SMITHS up. About four days later SMITH'S house was blown up.

I have never discussed this SMITH job since with ERNEST BURKHART or CHAS. QUICK or CURLEY JOHNSON or JIM BOTHWELL. Nor have they mentioned it to me nor to anyone else, that I have heard. I never heard where they got the nitro to blow up the SMITH house, but that would have been easy and there were a lot of shacks around there that contained dynamite and it was easy to steal all anyone wanted.

CHAS. QUICK was from Texas and I understand has left Osage County. He would be hard to make talk. JIM BOTHWELL would not be so hard to make talk and CURLEY JOHNSON will crack if the power is put to him, given the third degree. CURLEY JOHNSON was hanging around Shidler at that time. "

After getting the above from THOMPSON, we told an under cover man, underworld character, that THOMPSON was holding back and not meeting his full obligation of our agreement. This confidential man then had a private talk with THOMPSON, to urge him to tell the whole truth freely, and reported that THOMPSON had remarked to him, "Hell, I've told them all I could without being into it myself". This confidential man is a close friend and associate of THOMPSON and declared that he is convinced that THOMPSON or his alleged wife, or both, are the ones who killed HENRY ROAN and that THOMPSON is not going to confess that if he can avoid it, and that the others mentioned know so much about THOMPSON

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and the HENRY ROAN murder, that THOMPSON is afraid to tell all he knows of them, for fear they will squawk on him in the ROAN murder.

THOMPSON is very insistent that it shall not be divulged to anyone that he is telling, and proposed that it be arranged that he be given an opportunity to talk with ERNEST BURKHART, in a place where a diotagraph has been planted, so that we can hear BURKHART admit all the above, and then we say the source of our information was this conversation between ERNEST BURKHART and THOMPSON, thus covering THOMPSON'S part up. THOMPSON states he is sure ERNEST BURKHART will meet him and talk whenever he demands it of BURKHART.

April 25th, W. O. GORDON, Asst. State Attorney General, was at Chickasha on this date at the direction of MR. SHORT, and had long private interview with THOMPSON.

Agent Weiss and MR. GORDON also had a joint interview with THOMPSON, during which MR. GORDON verified, as representing Gov. TRAPP and MR. SHORT, [REDACTED] b7D

etc., and MR. GORDON also renewed the offer that if THOMPSON himself took part in any of these murders, at the ~~instigation~~ instigation of someone else and would confess freely and fully, then he, THOMPSON, would be given immunity for that also.

THOMPSON then recounted, in MR. GORDON'S presence, practically all he had stated to Agents Burger and Weiss, as reported above, but added nothing new up to the time MR. GORDON had to leave to return to Oklahoma City.

Later, in another sitting, THOMPSON stated that in 1922, while staying at DUKE BURKHART'S, in Osage County, about five

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T. F. Weiss.

Apr. 22 to 26, 19

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miles, south of Grayhorse, DUKE BURKHART proposed to THOMPSON and CURLEY JOHNSON that they stick up and rob a widow woman living on a farm about two miles east from DUKE'S farm.

THOMPSON stated that in the course of discussing this proposition ~~robbery~~ sed robbery DUKE BURKHART told them that this widow and her daughter had a nigger hand working for them; that BILL HALE had been very friendly with the widow, but the widow and BILL HALE had fallen out; that HALE had ascertained while on friendly terms with the widow that she had \$10,000.00 cash in her trunk at said farm; that this \$10,000.00 was money she got at her husband's death and was not keeping it in a bank.

That DUKE BURKHART further explained that he suspected this widow and her daughter were ~~having~~ and having immoral relations with this negro farmhand/that THOMPSON and CURLEY JOHNSON should bump the nigger off when they robbed the widow.

That DUKE BURKHART went on to tell that this widow and her daughter and the nigger went to town on Saturdays, and DUKE BURKHART proposed that THOMPSON and JOHNSON "plant" themselves in the widow's house some Saturday when the family was gone, and keep hidden; that they would probably [REDACTED] b7c

[REDACTED] and then they should kill the nigger and rob the widow of this money in her trunk

THOMPSON remarked that the BURKHARTS were so damned ignorant that they not only proposed these deals but even took it upon themselves to plan how they were to be done, as though the men to do them should not know better how to do the jobs.

THOMPSON also added that he took the two diamonds he and JIM PARKER and ANDERSON robbed FRED ~~RAY~~ DENOYA and his wife of.

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to BILL HALE'S home at Fairfax, at night; HALE came outside to talk; that about all that was said was that THOMPSON asked HALE if he wanted that DENOYA stuff and HALE said he did; that THOMPSON said "I have it", and HALE asked how much THOMPSON wanted for it. That ~~HALE~~ THOMPSON said \$1,000.00; that HALE finally offered \$550.00 and THOMPSON told him he would not take less than a thousand and left.

THOMPSON stated that ERNEST BURKHART had previously directed him to rob the DENOYAS of these diamonds and take them to BILL HALE, who would pay cash for them.

THOMPSON states that he had not talked to HALE beforehand about this robbery, but that HALE asked no questions; and was plainly expecting him when he brought the diamonds to him, and knew all about the deal.

THOMPSON also stated that if it becomes necessary it can be arranged to put ERNEST BURKHART in jail and bring THOMPSON to him if he refuses to confess, and that he, THOMPSON, knows how to make ERNEST confess. THOMPSON remarked, "I'll just tell the son of a bitch, 'You damned double crossing son of a bitch; you have caused others to fall and now you are going to get yours. You tell all about the murders, or I'll tell all I know'". THOMPSON intimated that this, in his opinion, would force ERNEST BURKHART to confess about the murders to avoid a lot of other crimes being found out or told on him and others.

We have had an under cover man working on CURLEY JOHNSON for the past month, but have not been able to see our under cover man for three weeks. Will see him soon.

It is our surmise that BLACKIE THOMPSON undoubtedly knows all about the ROAN murder, is probably implicated, or at least shielding the guilty parties, as THOMPSON'S talk on the ROAN murder is very suggestive and does not ring true.

CONTINUED.

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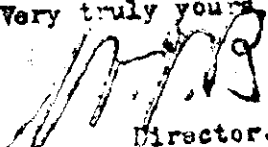
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May 2, 1924.

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 -- Murdered Osage Indians -- I am transmitting  
herewith copy of a report dated April 28, 1924, made by  
Agent Weiss of our Oklahoma City office.

Very truly yours  
  
Director.

Enc. 114693

RECORDED & INDEXED

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Department of Justice,

Bureau of Investigation,  
Oklahoma City, Okla.,

May  
third  
1924

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

ATTENTION -  
MR. HOOVER - 2.

W. E. SMITH, et al.  
Osage Indians, Murder of.

Dear Sir:

I answered your letter dated April 19, 1924, WWG:  
AS, relative to this matter on April 28th.

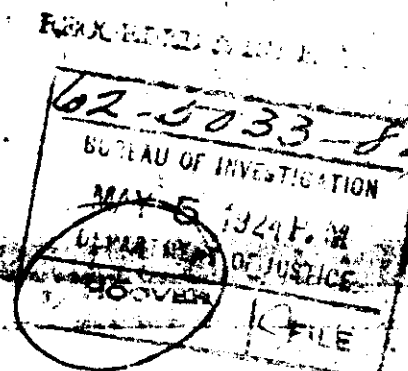
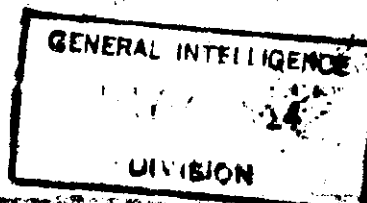
At that time I instructed Agents Weiss and Burger  
to make up a summary or special report relative  
to this investigation, in order that the status  
of the investigation to date could be very clear-  
ly shown in about ten pages.

I am enclosing herewith Agents Weiss and Burger's  
report dated April 30, 1924, which is a summary  
of these investigations, and which will give you  
a very good idea of the status of these investi-  
gations of this date.

Very truly yours,

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

P-B



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JTB:P

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May 9, 1924.

MAY 13 1924

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

My dear Mr. Burke:

I am transmitting herewith, for your information,  
copies of two reports dated April 30, 1924, made by Agent  
Weiss of our Oklahoma City office, further with regard to  
the case of W. E. SMITH et al — Murdered Osage Indians.

Very truly yours,

*[Signature]*  
Director.

Enc. 114697

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THIS CASE ORIGINATED AT **Director;**

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT: <b>Oklahoma City</b>	DATE WHEN MADE: <b>Apr. 30, 24</b>	PERIOD FOR WHICH MADE: <b>Apr. 29, 1924</b>	REPORT MADE BY: <b>T. F. Weiss.</b>
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TITLE AND CHARACTER OF CASE:

**W. E. SMITH, et als.**      **Osage County, Okla.**      : **Murders of Osage Indians.**

FACTS DEVELOPED:

**At Oklahoma City, Okla.**

(K. C. #10675;  
(O. C. #7060.)

**SPECIAL REPORT.      CONFIDENTIAL.**

**SUPPLEMENT TO CONFIDENTIAL REPORT,**  
**"RE: MURDER OF ANNA BROWN",      by Agent and dated Jan. 8, 1924.**

**Continuing investigation,**

**entitled**  
**as**  
**above,**

our confidential informant mentioned in said report of Jan. 8, 1924, is **E. M. PIKE**, 4811 Troost St., K. C. Mo., residence 910 E. 13th St., Kansas City, Mo.

**PIKE** has told us further that the man who was with **BRYAN BURKHART** and **ANNA BROWN** at Ralston, and the whiskey joint west of Ralston and at **PAUL JOHNS** whiskey joint north of Burbank, and at **LEE MORGAN'S** whiskey joint east of Burbank, and at least back to within a mile of Fairfax is **GEORGE JAMES**, a well known gambler and business man of Fairfax. This trip by **JAMES** and the others was the night of May 21st (Saturday), 1921, and the morning of May 22d.

**PIKE** states that said party consisted of **BRYAN BURKHART**, **ANNA**

APPROVED AND  
FORWARDED:

SPECIAL AGENT  
IN CHARGE

REFERENCE:

COPIES OF THIS REPORT FURNISHED TO:

**3 Washington; 2 file;**  
**1 U. S. Atty., Okla. City;**  
**1 Kansas City.**      **-1-**

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BUREAU OF INVESTIGATION

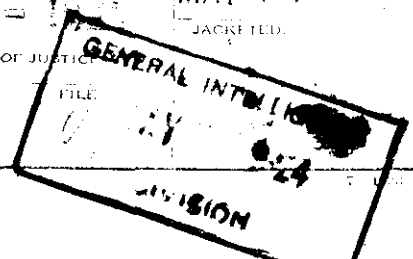
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DEPARTMENT OF JUSTICE

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April 29, 1924.

BROWN, J. L. BRIDGES, EDITH DAVIS and GEORGE JAMES, and that their movements that night were as related in our Special Report of Jan. 8, 1924.

PIKE states that ERNEST BURKHART introduced him to GEORGE JAMES and told JAMES, in effect, to talk to PIKE.

PIKE states that JAMES is square, and is the man who knows that BILL HALE furnished BRYAN BURKHART the .32 pistol to kill ANNA BROWN with that night, and overheard HALE and BURKHART and J. L. BRIDGES planning ANNA BROWN'S murder that evening.

GEORGE JAMES, however, has recently been given the use of a 400-acre farm near Fairfax by BILL HALE, and is having said farm worked, though still living in Fairfax.

PIKE states that JAMES, who has a fine wife and family, is very unwilling to tell what he knows; first, because of fear of HALE and the BURKHARTS. Second, because of JAMES' own liability for concealing his knowledge of this crime, both before and after it was committed, and third, because of his, JAMES', wife learning that he was out with EDITH DAVIS on that trip.

PIKE states that LEE HINKLE, now near Grayhorse, is the young man who saw BRYAN BURKHART getting in home at Grayhorse, at daylight, with ERNEST BURKHART'S Buick car that Sunday morning, May 22, and that HINKLE is the one that BRYAN BURKHART claims to have fixed so he will not tell.

FRED WHEELER told ODE BROWN that he, WHEELER, went with ANNA BROWN and BRYAN BURKHART that Saturday evening, May 21, 1921, to a place west of Ralston, where they got some whiskey, and told ODE BROWN the name of those from whom they got this whiskey, but BROWN has forgotten this name, but remembers it

was on a farm run by some brothers.

FRED WHEELER told MATT WILLIAMS this same thing, and that the name of the man west of Ralston, where they got this whiskey, was WALTER COLLINS, and that there were others in the party besides WHEELER, ANNA BROWN and BRYAN BURKHART.

We have located a WALTER COLLINS and brother about five miles south of Ponca City, and believe him to be the one who sold the BRYAN BURKHART - ANNA BROWN - FRED WHEELER party the whiskey that night, as WHEELER told MATT WILLIAMS that WALTER COLLINS had moved to a place near Ponca.

We have had ODE BROWN working on WALTER COLLINS, but have not learned with what results.

MATT WILLIAMS also states that ERNEST BURKHART and BILL HALE paid FRED WHEELER money to leave Osage County and stay away.

To this date, April 29th, A. W. COMSTOCK has not produced the "two eye~~x~~ witnesses" he spoke of. MR. COMSTOCK states they are two Osage Indian women, living at Fairfax, named MARY CLAREMORE and MARY BLACKBIRD, and that they are refusing to admit <sup>having</sup> ~~knowing~~ any knowledge of the facts.

We have checked and investigated the theory that ROSE OSAGE and JOE ALLEN killed ANNA BROWN and are convinced there is no truth to it, as we have investigated that line exhaustively.

PIKE states that he and GEORGE JAMES can give us the names of seven or eight persons, not named as yet, whose knowledge will corroborate JAMES' evidence, fully and make the case airtight.

PIKE, however, has been evading an actual conference with us, and GEORGE JAMES and has been talking with J. A. GUSTAFSON and an operative of GUSTAFSON'S named MITCHELL, so that we suspect

PIKE of at least trying to sell out to the HALE-BURKHART bunch.

MRS. J. A. GUSTAFSON told Agent Weiss, sometime ago, that her husband and an operative of his were working on this case in Osage County, but we have not been able to learn who is paying them. We know positively, however, that they have been working in Osage County, and that GUSTAFSON slipped into Pawhuska about April 20th and left in a few hours with a suspect in the HENRY ROAN murder case.

We feel confident that the true facts of ANNA BROWN'S murder are as shown in this special report, and that the only thing now remaining is to make GEORGE JAMES, FRED WHEELER and the other witnesses named tell the truth.

We apprehend that heavy pressure may be necessary to do this.

After we have had an opportunity to see GEORGE JAMES, LEE HINKLE, WALTER COLLINS, ODE BROWN, FRED WHEELER and a few others, if it then becomes necessary, all the witnesses may have to be brought before a Grand Jury, specially handled by Attorney General SHORT, and forced to tell all they know.

However, this Grand Jury should not be called until we have done some more work on our present evidence, as to the SMITH and HENRY ROAN murders, <sup>for</sup> ~~in~~ the reason that all these cases should be handled at once as to take up one at a time would result in the witnesses being bought off, and run out of the country.

We feel confident of final success in solving all three of these cases, so far as getting the evidence is concerned.

OPEN.

ATTENTION - MR. ~~WASH~~ HOOVER - 2.

CASE ORIGINATED AT		Director;		JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY	
REPORT MADE AT	DATE WHEN MADE	PERIOD FOR WHICH MADE	REPORT MADE BY		
Oklahoma City	Apr. 30, 24	Apr. 29, 1924	T. F. Weiss.		
TITLE AND CHARACTER OF CASE					
RE: W. E. SMITH, et als.		Osage County, Okla.		: Osage Indian Murders	
SPECIAL REPORT (Confidential)					
At Oklahoma City, Okla.			(K. C. #10675; (O. C. #7069.)		
RE: MURDER OF W. E. SMITH and WIFE, and NETTIE BROOKSHIRE.					
Continuing investigation,					
entitled as above,					
this is a Special Report, being a confidential digest of the evidence secured to date re. the particular three murders named in caption hereof. This report is made by T. F. Weiss as a joint report for Agents Weiss and Burger, who are working jointly at all times on these Osage murders.					
SUMMARY:					
Mar. 10, 1923 about 2:50 A. M. at Fairfax, Okla., Osage County, the home of W. E. SMITH (commonly called BILL SMITH) was destroyed by a terrific explosion.					
In the home at the time was W. E. SMITH, his wife, RITA SMITH and a domestic, a girl named NETTIE BROOKSHIRE, who was about seventeen years of age.					
BILL SMITH and the servant, NETTIE, were white people.					
DO NOT WRITE IN THESE SPACES					
APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE		RECORDED AND INDEXED:		
REFERENCE:	COPIES OF THIS REPORT FURNISHED TO:		BUREAU OF INVESTIGATION		
	3 Washington; 2 file; 1 U. S. Atty., Okla. City; 1 Kansas City. -1-		CHECKED OFF: MAY 14 1924 JACKETED:		
			ROUTED TO: FILE		
			HOOVER		

MRS. RITA SMITH was an Osage Indian woman, wife of BILL SMITH. They had no living children.

The two women perished instantly, their bodies being blown asunder, and pieces of their flesh being later found plastered on a house 300 feet away.

BILL SMITH lived three or four days, but apparently made no statement before he died as to any knowledge he may have had as to who committed the deed. The house was apparently first soaked on one side or more with gasoline or similar substance, as it was seen to blaze up once or twice a second or two before the explosion.

The house had a basement garage, which basement had a six-inch concrete floor. In the center of this floor the explosion tore a hole approximately six feet in diameter, and three feet deep, blowing the six inches of concrete to bits.

From careful and thorough investigation there is no doubt that this explosion was caused by a carefully and deliberately planned purpose to kill all the inmates - which was done - and that nitroglycerine or some similar high explosive was used for the purpose.

#### M O T I V E:

This case was investigated for months by private detectives, to-wit: JOHN A. GUSTAFSON and his operatives, W. E. BRACKETT, JOHN MORAN and a man named MITCHELL. Also by HERMAN FOX DAVIS, for the state of Oklahoma, Calvin S. Weakley, Special Agent, Department of Justice, and Agents Weiss and Burger.

We, Weiss and Burger, have learned practically all that all of said investigators ascertained, and in addition have exhaustively sought for possible motives ourselves for the past five or six

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months, with the result that no motive can be found for anyone to have done this cold-blooded triple murder except W. E. HALE, commonly known as BILL HALE, and his nephews, ERNEST BURKHART and his brothers BRYAN, DUKE and HORACE BURKHART, all of whom were raised by BILL HALE and are his nephews.

This HALE-BURKHART bunch are absolutely the only ones to whom suspicion points as being the instigators and perpetrators of this deed, and the reasons for them doing it are as follows:

BILL HALE is the uncle of the BURKHARTS, and raised them, and has complete domination over them.

RITA SMITH was a sister to ANNA BROWN, murdered near Fairfax, undoubtedly by BRYAN BURKHART, May 22, 1921. ANNA BROWN and RITA SMITH were also sisters to MOLLIE BURKHART, who is and then was, the wife of ERNEST BURKHART.

RITA, ANNA and MOLLIE were all wealthy full blood Osage Indian women.

ERNEST BURKHART'S wife, MOLLIE, inherited approximately property worth \$30,000.00 to \$50,000.00 by reason of ANNA BROWN'S death (murder - shot in the back of the head).

BRYAN BURKHART was and is almost universally believed to be the murderer of ANNA BROWN and BILL SMITH, before his death openly charged BILL HALE as instigating the BURKHARTS to murder ANNA BROWN.

BILL SMITH had also sued BILL HALE for \$7,000.00, which debt BILL HALE denied and refused to pay. That case was set for trial at the time BILL SMITH, et als. was blown up, so that HALE has a good chance of beating that case since SMITH is dead.

HALE and RITA SMITH and their servant, BETTIE BROOKSHIRE,

were also said to have real knowledge that BRIAN BURKHART killed ANNA BROWN.

The death of BILL SMITH and his wife, RITA, simultaneously was also calculated to have enriched the BURKHARTS, by having MOLLIE, ERNEST BURKHART'S wife, inherit property worth approximately \$150,000.00 from said RITA SMITH.

Another motive was that HENRY ROAN, a full blood Osage Indian, was found murdered near Fairfax (shot also through the back of the head) in January, 1925, six or seven weeks before SMITH'S murders, and BILL HALE <sup>showed</sup> ~~showed~~ up with an insurance policy on ROAN'S life, payable to BILL HALE in the sum of \$25,000.00. HALE could show no evidence why ROAN should have owed him this \$25,000.00 and BILL SMITH and his wife openly accused BILL HALE of also having had HENRY ROAN murdered, and SMITH was very active in having the ANNA BROWN and HENRY ROAN murders investigated.

We have concentrated most of our efforts on the ANNA BROWN murder, in the past, but recently have been concentrating more on this.

E V I D E N C E:

IRVIN, alias BLACKIE THOMPSON, alias GEORGE DOUGLAS, informed Agents Weiss and Burger recently:

That in the summer of 1920 ERNEST BURKHART proposed several times to THOMPSON and one CURLEY JOHNSON that THOMPSON and JOHNSON stick up BILL SMITH and wife, rob them of some valuable diamonds and money and then kill both of them and also the boy that was then working at the SMITH house; that ERNEST BURKHART stated that BILL SMITH always carried a roll of \$300.00

to \$400.00 on his person and THOMPSON and JOHNSON would get the diamonds and this money.

That ERNEST BURKHART made this proposition to THOMPSON and JOHNSON several times in 1920, and on one occasion urged haste, explaining that he, BURKHART, wanted the SMITHS killed as soon as possible, because LIZZIE "Q", MRS. SMITH'S and MRS. MOLLIE BURKHART'S mother (Osage woman) was very old and ill and liable to die any time; that by killing the SMITHS this mother and MOLLIE BURKHART would inherit RITA SMITH'S wealth, then when the old mother (LIZZIE "Q") died, ERNEST BURKHART'S wife, MOLLIE, would inherit a lot more from said mother, including what said mother had inherited from RITA SMITH, BILL SMITH'S wife.

BLACKIE THOMPSON stated that ERNEST BURKHART offered to pay him and CURLEY JOHNSON a thousand dollars and give them his, ERNEST BURKHART'S, Buick touring car to do this job.

That, however, he and JOHNSON did not give ERNEST BURKHART a definite answer but did finally take the Buick car, in collusion with ERNEST BURKHART, so BURKHART could collect the insurance; that he, THOMPSON, was caught with said Buick, which ERNEST BURKHART had reported stolen, in a few days; that ERNEST BURKHART prevailed upon him to take a plea of guilty and take all the guilt, by promising to get him out in four or five months; that he, THOMPSON, got five years on this plea of guilty, was sent to McAlester in November, 1920 and paroled out on Mar. 7, 1922.

That he then returned to Osage County and "pulled off some jobs with ERNEST BURKHART" and others and ERNEST BURKHART again tried several times to get him to kill BILL SMITH and wife.

That finally ERNEST BURKHART proposed that THOMPSON should

J. M. Weiss.

Apr. 29, 1924.

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blow up the SMITH home in Fairfax with Nitroglycerine and explained how it could be placed in the basement of said house so as to do the work, and that, of course, THOMPSON would want to be sure that SMITH and his wife were in the house when it was blown up; that BURKHART explained that SMITH could be trailed so that they would be sure he was home and in the house, etc.

THOMPSON states that about four or five days before the SMITHS were blown up, he saw ERNEST BURKHART at Grayhorse, and ERNEST BURKHART told THOMPSON that he, BURKHART, had arranged to have others blow SMITH'S house up; that THOMPSON talked with BURKHART and BURKHART told him that the men who would do this job were CUMLEY JOHNSON, JIM BOTWELL and CHAS. QUICK.

THOMPSON stated that he was at Oilton, Okla. four or five days later and read of the blowing up of SMITH'S house and knew then who had done it.

THOMPSON states that both JIM BOTWELL and CHAS. QUICK know how to handle nitroglycerine, and that ERNEST BURKHART and he talked of how easy it would be to steal all the glycerine they wanted from the magazines in the oil fields nearby.

THOMPSON told of several hi-jackings for diamonds, etc., ERNEST BURKHART had been in on with him, and stated that he, THOMPSON, is positive he can make ERNEST BURKHART confess all the truth about these SMITH murders, by telling ERNEST BURKHART that he, THOMPSON, will tell all he knows on all of them, unless ERNEST BURKHART confesses all the truth in this SMITH case.

BLACKIE THOMPSON is evidently covering up and not telling us all he knows but we hope to get him to tell us all he knows as soon as he has spent a few weeks in the Mclester penitentiary

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on his present sentence of twenty-five years for robbing the Rush Springs bank last August.

We are trading with THOMPSON and he is evidently trying to give us as little information as possible and still get his requests granted.

We have ascertained that CURLEY JOHNSON still hangs around Shidler; that JIM BOTHWELL is at Perry, and CHAS. QUICK has a father and brother at Oilton, Okla.

An under cover man in the oil fields stated to us some weeks ago that CURLEY JOHNSON told him that he, CURLEY JOHNSON, knew all about who blew ~~up~~ the SMITHS up.

HENRY GRAMMER is also quoted as saying that JIM BOTHWELL, CURLEY JOHNSON and CHAS. QUICK did the job, but GRAMMER is dead.

CURLEY JOHNSON hung around DeNoya at that time, and the magazine of the Osage Torpedo Co., near Denoya, was broken into a few days or nights before the SMITH blow-up and twelve quarts of nitroglycerine stolen.

BLACKIE THOMPSON stated that he has pulled a lot of jobs in conjunction with ERNEST BURKHART, and that ERNEST BURKHART is money mad, and a miser.

As to BILL HALE, THOMPSON was very wary, but stated that ERNEST BURKHART told him and CURLEY JOHNSON that HALE would furnish the \$1,000.00 to pay for killing the SMITHS and told BLACKIE to see HALE about it.

Also that ERNEST BURKHART "framed" THOMPSON and JIM PARKER and ANDERSON to rob FRED DENOYA and wife of their diamonds, telling them to take the diamonds to BILL HALE when they got them; that ERNEST BURKHART trailed FRED DENOYA for them on one

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occasion.

That THOMPSON and JIM PARKER and ANDERSON did in fact stick up FRED DEMOYA and wife and take their two diamonds; that he, THOMPSON, as per ERNEST BURKHART'S directions, took these two diamonds to BILL HALE; that HALE evidently knew all about the deal, as he asked no questions; that THOMPSON simply told HALE, "I have that DEMOYA stuff; do you want it?" and HALE SAID: "Yes, how much do you want?"; that he told HALE a thousand dollars, and HALE offered only \$650.00, and they were not sold to him.

THOMPSON remarked that they, the BURKHARTS and HALE, "are too much Jew; they want everything for nothing".

These things are reported to show the real characters of HALE and the BURKHARTS.

BLACKIE THOMPSON, ALLEY MORRISON and others have told us of numberless cases of this nature where they were personally connected with BILL HALE <sup>or</sup> ~~the~~ the BURKHARTS in the crimes.

We are convinced that THOMPSON has told the truth about the SMITH murders, so far as he has gone, but has not told all he knows, either of it or regarding the HENRY ROAN murder, but we expect to get a lot more from him.

OPEN.

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

REPORT MADE AT: <b>Oklahoma City</b>	DATE WHEN MADE: <b>May 13, 1924</b>	PERIOD FOR WHICH MADE: <b>Apr. 27 to May 12, 1924</b>	REPORT MADE BY: <b>E. F. Weiss.</b>
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TITLE AND CHARACTER OF CASE:  
**W. E. SMITH, et als.** **Osage County, Okla.** : Murders of : Osage Indians.

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

Supplementing previous reports.

entitled  
as  
above.

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

RE: ANNA BROWN MURDER:

April 28th. At Pawhuska, BILL BRACKETT states that a MR. WILSON whom BRACKETT knows well, informed BRACKETT that J. A. GUSTAFSON came to Pawhuska about a week ago and got WILSON to go with him and got BUCK HOLLINGSWORTH; that GUSTAFSON then left with HOLLINGSWORTH and said they were going to Bartlesville, but did not tell WILSON what business they had.

AL CASE stated that he was at Healdton, Okla. in March, 1924 and was informed by FRANK TERRELL that he, TERRELL, and MELSEY MORRISON and a third unnamed man were the only three men who knew who killed ANNA BROWN; that she was transferred from one car to another and the whiskey found near her was not hers.

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED:

SPECIAL AGENT IN CHARGE

RECORDED AND INDEXED

JUN 2 1924

CHECKED OFF

JUN 2 1924

GENERAL INTELLIGENCE

MAY 21 1924

DIVISION

REFERENCE:

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3 Washington; 3 file;  
1 U. S. Atty., City;  
1 Kansas City.

-1-

ROUTED TO:

MOORE

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AL CASE declared that GEO. E. TUCKER, Healdton, Okla., brother-in-law to CASE, heard TERRELL make this statement, and that said TUCKER runs a rooming house at Healdton.

AL CASE states that he went back the next day to get more information from TERRELL but TERRELL had left.

(Note: This is the same FRANK TERRELL mentioned in preceding report. Compare statements made by him to various persons and note contradictions.)

April 29th to May 31, inclusive, Agent Weiss was engaged on other cases, by subpoena and in court on trials.

April 29th Agent Burger interviewed PENE STATES, Fair Grounds, Pawhuska, who stated that the three young men to whom JOE GORLLEY referred were not very well known to him; that he did not know their names etc., but that BEN TYNER, a racehorse man at Barnsdall, Okla. knew those three young men's names.

Apr. 30th Agent Burger interviewed BEN TYNER at Barnsdall, where TYNER has some race horses. BEN TYNER stated that he remembered these three young men. That one was named BILL PIKE and the other two were sons of LUCY LUCE; that he did not remember the first names of the LUCE boys, but that their father was probably at Bristow, Okla. teaming.

That BILL PIKE is now at the Fair Grounds at Muskogee with a race horse. BEN TYNER stated that BILL HALE brought the two LUCE boys to Fairfax about the time ANNA BROWN was murdered, and thinks HALE took the LUCE boys to Pawhuska in the spring of 1922.

That TYNE does not know where these LUCE boys stayed while at Fairfax, nor where they are now, but that they did not seem to be

working, were very tough and gambled a lot; that BILL PIKE was also

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very tough; that PIKE is the odd dresser mentioned by BILLIE QUINCE and JOE GORMLEY.

TYNER states that he was at Pawhuska at the Fair grounds when PIKE and the LUCE boys were there in the spring of 1922, and did not hear of any fight between them.

That the only fight he knows of at that time was when BILL PIKE tried to hold up GEO. TYNER, BEN TYNER'S brother, with the result that TYNER'S brother shot PIKE; that he, TYNER, had never heard of PIKE or the LUCE boys being implicated in ANNA BROWN'S murder, but that they were not too good to have done it.

A. W. COMSTOCK informed Agent Burger that COMSTOCK had recently talked with ROSE LASLEY, Osage wife of BRYAN BURKHART and that she had expressed herself as of the belief that BRYAN BURKHART is innocent of the ANNA BROWN murder, but that she believes BILL HALE is responsible for all of the Fairfax murders, and that BRYAN BURKHART and BILL HALE are on bad terms.

May 4th Agents ascertained that WALTER COLLINS and brother live a few miles southwest of Ponca and formerly lived in Osage County.

We also interviewed ODE BROWN who stated that he could not recall whether it was at COLLINS' place FRED WHEELER had said the ANNA BROWN BRYAN BURKHART party had gotten their whiskey the night of May 21, 1921 or not.

ODE BROWN also stated he had not yet seen the COLLINS brothers (though we ~~xxx~~ told BROWN where they were some weeks ago). BROWN promised to see them May 5th and talk to them cautiously and let us know the results.

We consider it best to let ODE BROWN approach the COLLINS first.

F. P. Weiss.

Apr. 27 to May 12

as he and his wife probably know them, and they are (the COLLINS) bootleggers of long standing and very wary of strangers.

ODE BROWN is very shiftless and easy going, but may be of use to us, as he is an old time squaw man and horse trader of that section.

At Tulsa we were confidentially informed that [REDACTED]

[REDACTED] that [REDACTED] plead guilty and was given sixty days in Muskogee jail by the Federal Judge.

Also that [REDACTED] has a charge of [REDACTED] Tulsa, Okla. about a year ago; that [REDACTED] is under bond in this latter case, which is expected to be called for trial in the near future.

W. H. BRACKETT reports that a Special Delivery letter he recently wrote to [REDACTED] at Kansas City was returned "unclaimed" and that he has been unable to get [REDACTED] over the telephone. ALL Detention [REDACTED]

May 5th, Agents again interviewed BLACKIE THOMPSON at the state prison, McAlester, Okla. THOMPSON has never talked freely and fully to us. Today he stated frankly that his wife does not approve of him telling all he knows, and that she, for some reason, doubts that the promises to him will be kept, even if he does tell it all. THOMPSON intimated several times to us that he would like us to talk to his wife.

[REDACTED] However, we are convinced he has not told us nearly all he knows of these cases yet, and we shall continue to work on him.

THOMPSON Stated again today, emphatically, that he is sure that it can be arranged for him to confront ERNEST BURGLART, in jail or

anywhere else he can make ERNEST BURKHART talk about the blowing up of the SMITH home and that he, ERNEST BURKHART, had it done.

THOMPSON also states that the day he and ANDERSON and JIM PARKER robbed FRED DENOYA and wife of their two diamonds, ERNEST BURKHART went to Fairfax and talked to the DENOYAS at Fairfax, to make sure they had the diamonds on, and came back to where JIM PARKER and THOMPSON were waiting at Grayhorse and told them it was all right; that the DENOYAS had their diamonds; that ERNEST BURKHART told them to rob the DENOYAS that night, and take the diamonds to BILL HALE in Fairfax and HALE would buy them.

That ERNEST BURKHART told them to come back and see him when they had pulled this job, as he had another, "a real job for them to pull".

THOMPSON states that he knew ERNEST BURKHART was referring to his previous proposals that THOMPSON and others get some nitroglycerine and kill the SMITHS by blowing up their home. THOMPSON states that at that time he knew of three magazines near Whizbang where nitroglycerine was stored and could be easily stolen.

THOMPSON states that the man ANDERSON who was with him and JIM PARKER when they did rob the DENOYAS was at that time just recently released from the Kansas state prison, where ANDERSON had been serving a term for burglary and auto theft. (This was about June, 1922.)

THOMPSON states that on that Saturday when ERNEST BURKHART went in from Grayhorse to spot the DENOYAS and their diamonds and returned with the word that it was all right was the Saturday on which night THOMPSON, ANDERSON and JIM PARKER held FRED DENOYA and his wife up at the DENOYA residence garage, about four miles north of Fairfax (in Osage County) and took the two diamonds.

THOMPSON states that a few days later he took these diamonds to

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T. F. Weiss.

Apr. 27 to May 12, 1924.

BILL HALE'S home at Fairfax, about 1 A. M. and told HALE he had them; that HALE asked him what he wanted for them but did not ask to see them; that he asked HALE \$1,000.00 and HALE offered \$600.00 or \$650.00; that he refused HALE'S offer and left; that later ANDERSON took these diamonds to Ponca and disposed of them, but lost the proceeds gambling.

THOMPSON stated that he had learned beforehand that FRED DEMOYA'S diamond cost about \$3,200.00 but MRS. DEMOYA'S diamond was a small one, worth probably \$75.00.

May 7th Agent Burger made investigation at Bristow to locate, if possible, IKE LUCE and sons, but found no trace of IKE LUCE more recent than 1921, at which time IKE LUCE was a poor teamster in the oil fields near Bristow. Found at Post Office at Bristow, however, that one VESTER LUCE, answering description of oldest LUCE son, had gotten mail at General Delivery, Bristow in 1922 but had left for parts unknown, leaving no address.

Exhaustive investigation at Bristow produced no further results.

May 7th Agent Burger learned that one FRANK and ROBERT LUCE resided at 424 Wilson, Sand Springs, and ELLA LUCE at 220 Wilson, Sand Springs, near Tulsa, Okla. (This will be followed up.) Also learned that E. M. PIKE is charged in state court at Tulsa, case #2809 with highway robbery, the case being filed May 14, 1923 and now pending, PIKE being out on bond

May 8th and 9th at Kansas City Agent Burger made further attempt to locate PIKE at Kansas City and found that the Post Office has no change of address for E. M. PIKE and wife.

At 910 E. 15th, PIKE'S former residence, found they had no trace of PIKE since he left.

At 4911 Groest St., W. L. GAMBELL, proprietor, stated that PIKE

T. F. Weiss.

Apr. 27 to May 12, 1924

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has not returned there, but that about May 1st he received a postal card signed "DAVIS" and directing that mail for E. M. PIKE be forwarded to General Delivery, St. Louis, Mo. MR. GILLIAN stated further that he has received a letter from the Donde Hosiery Co., Chicago, which company PIKE was representing, requesting information as to PIKE'S whereabouts, and that their letters to PIKE be returned to them.

Also endeavored to get trace of J. W. CARTER, alias JOHN J. SMITH, without success.

A. P. Weiss.

Apr. 27 to May 12, 1924.

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RE: HENRY ROAN.

Apr. 29th JOHN MORAN was told by DICK STODDER, attorney at Pawhuska that a certain man, who had extensive grazing leases in Osage County, told STODDER recently that said man had learned that BILL HALE had DICK GREGG and JACK HURT kill HENRY ROAN and paid them \$1,500.00 for the deed; that DICK GREGG'S father knows all about this deal.

DICK GREGG'S father now has a murder charge pending against him.

DICK GREGG has numberless felony charges pending against him, is a fugitive from justice and is said to be wounded and in hiding in Oklahoma near the Arkansas line.

This makes three separate and distinct sources of information connecting DICK GREGG and BILL HALE with the murder of HENRY ROAN, to-wit: LEE OGC'S statement to Wm. Maurer, U. S. Attorney, at Okla. City; FRANK TERRELL'S statement to Agents Weiss and Burger, and DICK STODDER'S statements to J. MORAN. The similarity of the information bears the earmarks of truth.

JACK HURT is now in Leavenworth penitentiary, where he was recently - March 3, 1924, sentenced to serve a sixteen-months sentence imposed in Federal court at Okla. City for possession of liquor in Osage County, Okla. HURT'S number is 20776. We have his picture.

(This will be investigated, but DICK STODDER states his informant is afraid to meet Agents and tell all he knows, for fear of BILL HALE. However, we expect to overcome this, and to see DICK GREGG'S father, etc.

April 30th were informed that BILL HALE has accepted \$2,000.00 in full settlement of his suit for \$25,000.00 on the policy HALE made on the life of HENRY ROAN.

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That this \$2,000.00 is just about what HILL had paid to the insurance company as premiums on that policy, so that it was, in effect, accepting a return of the premiums and cancelling the policy. Judge SPURGILL at Pawhuska furnished this information.

May 10th, Agent Burger questioned JACK HART at Leavenworth, Kans. prison, but HART denied having any knowledge of the HENRY ROBIN murder, and stated that he, HART, and BILL HILL are good friends, and he, HART, was never propositioned on any of these murders.

HART stated he had heard of DICK GREGG and heard DICK GREGG had murdered a man but that was all HART would admit.

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F. P. Weiss.

Apr. 27 to May 13, 1934.

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Re: W. E. SMITH, et als.

Apr. 28th at Webb City and Shidler, were informed by confidential informant that CURLEY JOHNSON is now at Whizbang, Okla., staying at SETH LEWIS' Hotel and under the protection thus afforded.

That CHAS. QUICK is also around Whizbang, under the same conditions.

That JIM BOWEN and wife are now living at Perry, Okla.

That CHAS. QUICK has a father and brother living at Oilton; ~~that~~ the brother being named IVAN; that there are five QUICK brothers, JIM, NUNN, CHARLES, GEORGE and IVAN; that all are crooks except IVAN, who runs a soft drink place at Oilton.

Informant states that SETH and DICKON LEWIS at Whizbang and HENRY MAJORS at Shidler are the head men who run the whiskey, dope gambling and prostitution in those places, and protect the crooks, in conjunction with the county and other officers; that SETH LEWIS is a close friend of BILL HALL, etc.

That CHAS. QUICK and JIM BOWEN are both known as "soup" or nitroglycerine men.

May 5th and 6th, Agents had further interviews with BLACKIE THOMPSON, who stated that

The man who told him, THOMPSON, about the BILL SMITH diamond robbery was ANDY QUICK, who is a cousin of CHAS., NUNN and IVAN QUICK.

That ANDY QUICK lives on his uncle's farm (also named QUICK) three or four miles from Claremore.

THOMPSON then related the SMITH diamond robbery as follows  
That in the summer of 1920 ERNEST BURCHART proposed to CURLEY JOHNSON and BLACKIE that they stick BILL SMITH (W. E. SMITH)

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and wife up, rob them of their diamonds, and the roll of money that SMITH always carried, and then kill them; that he, ERNEST BURKHART, would pay them \$1,000.00 and a Buick car to do this SMITH job; that BURKHART stated BILL HALE would furnish the money and told THOMPSON several times that HALE wanted to see him.

THOMPSON states that ERNEST BURKHART proposed this SMITH murder and robbery several times to him in 1920, at which time both W. E. SMITH and ERNEST BURKHART lived near Grayhorse, Okla

THOMPSON states that he was sent to McAlester prison from Osage County in November, 1920 and paroled out by Gov. ROBERTSON in March, 1922; that shortly before he left that prison, ANDY QUICK, whom he had known before, and who is an underworld character, was brought to said prison to serve a term for possession of narcotics; that he talked to ANDY QUICK and ANDY QUICK stated in substance, "Well, we histed BILL SMITH and his wife for those diamonds that ERNEST BURKHART was always wanting done"; that QUICK told that he and a man known as SHILL (and perhaps others) had robbed BILL SMITH and his wife, near Fairfax, one winter day when there was a lot of snow on the ground, and that their car became stalled - a Ford car - and they were delayed in getting away

LOYD MILLER stated to Agents that ERNEST BURKHART told him about this job and that BURKHART told him that the robbers took the diamonds to Okla. City and sold them to one CHARLES McDONALD there.

We are reporting these SMITH and ERLO DENOYA'S diamond robberies for the reason that ERNEST BURKHART planned both of them, and our opinion is that when we do finally arrest him on the SMITH murders charge, that he should also be charged at

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May 10th, Agent Burger interviewed JACK HART at Leavenworth prison and HART stated to Agent Burger that he, HART, had been informed that a day or two before or after the SMITH murders ERNEST BURKHART met JIM BOTHWELL at a store or cold drink place.

on the southern edge of Fairfax; that BOTH was traveling in Paige car and had with him a high power rifle, some nitroglycerine and some burglar tools.

HART refused to tell from whom he had gotten this information.

HART stated that BILL HALE is generally believed to be the head of these Fairfax Indian murders, but that he and BILL HALE are friends but that JIM BOWENWELL is tough enough to do anything.

May 10th, Agent Burger interviewed MR. HUDSPETH, Deputy Warden, State Prison, Lansing, Kans., who stated that JIM ANDERSON was an inmate of said prison on a robbery or burglary charge and had been released; that JIM ANDERSON was said to have a sister at Bartlesville, Okla.

MR. HUDSPETH stated the record room was then closed, but promised to forward photos and record and data on JIM ANDERSON to Agent Burger at Oklahoma City.

OPEN.

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JUN 2 1924

May 22, 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 Indians,  
I am enclosing copy of the report of Special  
Agent Weiss of our Oklahoma City office,  
dated May 13th, for your information.

Very truly yours,

Acting Director.

Incl. 22061.

RECORDED & INDEXED

586

ORIGINATED AT - Director.

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

DE PT:

DATE WHEN MADE:

PERIOD FOR WHICH MADE:

REPORT MADE BY:

oma City

May 24, 1924

May 12 to 23d

T. F. Weiss.

TITLE AND CHARACTER OF CASE:

W. E. SMITH, et als.

Osage County, Okla.

: Murders of Osage  
Indians.

FACTS DEVELOPED:

At Oklahoma City, Okla.

(K. C. #10675;  
(O. C. #7060.)

Supplementing previous reports.

entitled  
as  
above,

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

Agent Weiss was engaged in Federal court at Guthrie re. Herbert  
ABRAHAM, et als. ~~from~~ and THOS. H. HEINY, et als. from May 7 to May  
17th, continuously.

RE: ANNA BROWN MURDER.

KELSEY MORRISON informed Agent Burger that he, MORRISON, went to  
Sheriff's and County Attorney's office at Pawhuska May 12, 1924, accom-  
panied by BILL HALE; that HALE held whispered conversation with the  
Sheriff and County Attorney, CHAS. ROFF; that ROFF then told MORRISON  
to go to Fairfax and give up on the charge there for assaulting W. E.  
~~SMITH~~ with THOMASON with intent to kill; that ROFF stated MORRISON'S  
bond would be \$5,000.00; that ROFF told BILL HALE to call ROFF if there  
was any trouble about this bond; that BILL HALE

DO NOT WRITE IN THESE SPACES

APPROVED AND  
FORWARDED:

SPECIAL AGENT  
IN CHARGE

62-5033-88

RECORDED AND INDEXED

REFERENCE:

COPIES OF THIS REPORT FURNISHED TO:

3 Washington; 2 file;  
1 Kansas City; 1 U. S.  
Atty., Okla. City.

BUREAU OF INVESTIGATION

CHECKED OFF

MAY 27 1924

JUN 6 1924

DEPARTMENT OF JUSTICE

GENERAL INTELLIGENCE

ROUTED TO:

HOOVER

MAY 23 1924

DIVISION

-1-

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Weiss.

May 12 to 23, 1924

men. with MORRISON and made MORRISON'S bond at Fairfax.

That BILL HALE told MORRISON at that time that he, HALE, is a Deputy Sheriff and would not let any one take MORRISON away from him.

MORRISON also stated that BILL HALE and ERNEST BURKHART both came to see him at Pawhuska; that HALE questioned him about being what the Government had said and when MORRISON replied, "They are right after ERNEST? (BURKHART) ERNEST turned very pale and said nothing, but BILL HALE QUICKLY and loudly remarked, "Oh, bull shit". "Did they tell you the names of any of the fellows?" "If the God damned sons of bitches know who did it, why don't they go and arrest them?"

MORRISON stated it was quite plain to him that BILL HALE was talking to give ERNEST BURKHART opportunity to regain his nerve.

MORRISON also stated that after BILL HALE made bond for MORRISON, HALE gave MORRISON HALE'S Buick roadster to use.

That HALE, who had bought MORRISON'S interest in MORRISON'S wife's Osage estate, told MORRISON he, MORRISON, could have the first payment and said to MORRISON, "You will find I am a good fellow, after all."

As MORRISON was quite often with BILL HALE, Agent Burger kept MORRISON under surveillance May 14th, 15th and 16th.

MORRISON also reiterated that ERNEST BURKHART did bring the saws that were used when the prisoners escaped from jail at Pawhuska, about two years ago; that ERNEST BURKHART delivered these saws to MORRISON, but he, MORRISON, did not want to testify to this, as he was partly responsible himself.

MORRISON assured Agent Burger on May 17th that he, MORRISON, was remaining loyal to us, and would continue to do so, and assist us, but

MORRISON divulged no new evidence to Mr. Burger.

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May 12 to 23, 192

Agent Burger made investigation at Ponca and Sand Springs, but failed to get any line on the LUCE boys, but at Tulsa learned from one JOHN PHILLIPS that a teamster named LUCE is said to now be in the oil fields near Okemah, Okla.

May 21st, ODE BROWN stated to Agents that he has visited WALTER COLLINS, near Ponca; that COLLINS is selling whiskey to practically all comers; that COLLINS recognized ODE BROWN and stated that when ANNA BROWN was murdered he, COLLINS, was running a dance hall at the river near Ralston, Okla. ODE BROWN states that COLLINS said that some man had told him that FRED (SHORTY) WHEELER and MATT WILLIAMS were with ANNA BROWN the night of her murder and that WHEELER was sent to McAlester from Pawhuska on a state narcotic charge.

ODE BROWN stated that COLLINS did not admit seeing ANNA BROWN or BRYAN BURKHART that night at all, and as COLLINS "did not talk right" he, BROWN, left him, but will try him again.

Weiss.

May 12 to 23, 1924

RE: MURDER OF W. E. SMITH and WIFE.

May 13th, Agent Burger interviewed ODE BROWN and his sister, MRS. ALICE FRAZIER at Ponca, who stated that some weeks ago GRADY M. DRAKE alias EDDIE DAVIS and BLACKIE and COOKIE EDWARDS were all drinking at her house; that GRADY DRAKE remarked that he could put his hands on the party that blew BILL SMITH'S house up; MRS. FRAZIER stated that from GRADY'S talk she believed he had been propositioned, himself, to blow up SMITH'S house, and that BLACKIE and COOKIE EDWARDS also know who blew up SMITH'S house.

ODE BROWN stated that at that time GRADY DRAKE mentioned BILL BOHEWELL, also, as being connected with the SMITH blow-up.

MRS. FRAZIER also stated that GRADY DRAKE is now out on a parole, granted him from Kansas state prison at Lansing, Kans. Mar. 14, 1924; that DRAKE was paroled to the Sheriff at Perry, Okla.; that DRAKE and the EDWARDS are very wary and close-mouthed, but that she has taken care of them several times and been a friend to them so that she may be able to get them to tell her what they know about these cases, and will try her best to do so and keep Agents advised.

May 20th and 21st Agents again interviewed ODE BROWN and MRS. ALICE FRAZIER at Ponca. They state they have not been able to see GRADY DRAKE or the two EDWARDS since Agent Burger was at Ponca on the 12th and that as these men are staying around the BEN DAVIS place it would be very unwise to attempt to see them there, as DAVIS is a moonshiner and crook and would be sure to have DRAKE and the others refuse to talk.

MRS. FRAZIER stated today that GRADY DRAKE will be at her house again May 24th and that she will get all she can out of him; that she has not seen the two EDWARDS for about a month.

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Weiss.

May 12 to 23, 1924

ODE BROWN and his sister both also stated today that BEN DAVIS and the two EDWARDS were harbored at ERNEST BURKHART'S one winter.

By cautious questioning we ascertained positively that GRADY DRAKE alias ED DAVIS and BLACKIE and COOKIE EDWARDS are the same men subjects of report by Agent Weiss entitled: "GRADY DRAKE, alias ED DAVIS, and TROY HILL, alias JIM EDWARDS, and RAYMOND HILL, Viol. Natl. Motor Vehicle Theft Act, Okla. City #7150," dated for May 28 to 31, 1923.

We hope to be able to put pressure on them to tell through Sheriff BILL RICKER at Perry, Okla. in case MRS. FRAZIER fails to get them to talk.

Agent Weiss conferred with GEORGE SHORT, State Attorney General, relative to getting [REDACTED] as heretofore explained. MR. SHORT readily promised to secure the leave of absence as proposed, as soon as GOV. TRAPP returned to Okla. City.

GOV. TRAPP returned on the 20th of May but MR. SHORT stated he was too busy to take the matter up that day.

May 22d at Okla. City Agents finally succeeded in conferring with GOV. M. E. TRAPP and State Attorney General SHORT relative to getting under cover man out of prison on indeterminate leave of absence to work for us in Osage County.

The net result of our conference was that MR. SHORT was in favor of our plan but GOV. TRAPP wanted to talk further tomorrow with SHORT, who had left the Capitol. However, the Governor indicated he would do as we and SHORT advised.

We also learned that CURLEY JOHNSON and JIM BORNWELL forfeited the bonds in Federal court at Guthrie on a possession of whiskey in Indian country charge, on May 19, 1924 and that CHAS. QUICK, charged jointly with them, was acquitted.

F. Weiss.

May 12 to 23, 1924.

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May 21st to 23d conferred with Governor M. E. TRAPP and State Attorney General GEO. F. SHORT. Secured temporary and indeterminate parole for under cover man to work under our direction, as heretofore suggested. Getting this parole consumed three days, owing to illness of MR. SHORT'S wife; National Editors Convention and other causes. However, we consider the time well spent.

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1. Weiss.

May 12 to 23, 1924.

-7-

CHARLES WHITEHORN MURDER:

May 16th, Agent Burger interviewed RAY ROBINSON, near Pawhuska, who stated that about a year before WHITEHORN'S murder, ROBINSON met HATTIE WHITEHORN in a hotel at Tulsa and she informed him that she and WHITEHORN were not getting along together and that she was going to insure WHITEHORN and have him bumped off; that she was then "sweet" on some insurance agent from Muskogee.

ROBINSON stated further that when he heard of WHITEHORN'S murder and heard that HATTIE WHITEHORN'S guardian was offering \$5,000.00 reward for information and conviction of the murderer, he, ROBINSON, told KELSEY MORRISON of the facts and asked KELSEY if he had not also heard HATTIE threaten to have WHITEHORN killed; that MORRISON said he did not hear her say that, and he, ROBINSON, did not go any further with the case.

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May 12 to 23, 1924.

## RE: MURDER OF HENRY ROAN.

RICHARD STODDER, attorney at Pawhuska, informed Agent Burger that a certain prominent cattleman of Osage County told STODDER that BILL HALE asked AL SPENCER that SPENCER kill HENRY ROAN; that SPENCER refused; that BILL HALE then "propositioned" DICK GREGG, in the presence of JACK HART, to kill ROAN; that GREGG at that time was out on bond and out of money; that shortly after ROAN'S murder this [redacted] saw DICK GREGG, well dressed and with plenty of money.

STODDER states that [redacted] so far has refused to have his name used, or to meet Agents, but we are hopeful of overcoming this. [redacted] fears personal violence if his name is known, as he is surrounded by a lot of outlaws in Osage County.

DICK GREGG is a notorious outlaw bank robber and murderer, and was arrested at Lyman, Okla. in the oil fields of Osage County and is now in jail at Pawhuska charged with the robbery of the bank at Burbank, Okla. May 21, 1924.

JACK HART is in Leavenworth on Federal whiskey sentence from Osage County.

OPEN.

All Deletions

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62-5033-80

May 29, 1924.

JUN 1 1924

JUN 1 1924

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

My dear Mr. Burke:

Further with regard to W. E. SMITH et al. --  
Murdered Osage Indians -- I am transmitting herewith,  
for your information, copy of a report dated May 24, 1924,  
made by Agent Weiss of our Oklahoma City office.

Very truly yours,

Acting Director.

Kno. 10531

RECORDED & INDEXED

FILED

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Department of Justice,

Bureau of Investigation.

Pawhuska, Okla. June 12, 1924

Postoffice Box 1465

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

Re W. E. Smith et als. Okla. City #7000  
Osage Indian Murders of . Kans. City #10375

Dear Sir:

Referring to above entitled investigation, upon which we are now engaged. It is our firm conviction that it is absolutely necessary for the best interests of and results in this investigation that the evidence and information we are securing, as well as our plans, movements and the names of our confidential agents, be kept entirely secret as long as possible. For this reason, and solely in the interest of best results, we shall in the future, unless otherwise directed, write up and send in our formal reports only at such times as in our judgments will be best for the good of the work.

In this connection shall state here that we now have [redacted] and undercover men working with and assisting us, to wit:

Trapp, Governor of Oklahoma, and is now in Osage County for us in these cases.

[redacted] Sheriff at Perry, Okla. and we are getting some information from [redacted] now in Kansas State Prison, Lansing, Kans. awaiting trial on charge of Bank Robbery. [redacted] is also furnishing us evidence.

[redacted] is reliably said to have heard one of the murders discussed in advance. [redacted] out on appeal bond on sentence of 6 months in jail for Possession of whiskey in Osage County, Okla. [redacted] is intimate with suspects and has furnished us valuable evidence in the past and is now in Osage County making effort to secure more for us. All these men, with the exception of [redacted] are Osage County criminals and well acquainted with practically all the many criminals in Osage County, and each one has furnished some direct evidence in these murder cases. They have exacted our promise that we will not their names or work, and for their identity or purposes to become known would render their services futile.

Another advantage in reporting less frequently is that in this way the reports may be made much shorter and not burdened with information that further investigation by us proves erroneous or unfounded.

We shall continue to furnish promptly and as usual our Weekly Reports showing names of persons interviewed, travel, etc., which reports will reflect our work and efforts from day to day, and these reports do not come out of the possession of this Bureau.

We will be pleased to receive a letter from you as soon as possible, expressing your approval or disapproval of this plan.

Very truly yours.

J. R. Burgen  
Special Agent

J. H. [redacted]  
Special Agent

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June 21, 1926.

Messrs. J. E. Burger and T. V. Weiss,  
Post Office Box 1485,  
Pawnee, Oklahoma.

RECORDED & INDEXED

Gentlemen:

Receipt is acknowledged of your joint letter of  
June 18th with regard to an exception to the rule as to the  
submission of case reports on W. E. SMITH et al — Murdered  
Osage Indians.

I see no reason whatever for a departure from the  
rule in this case, and have found almost without exception  
that where a departure is made results are very unsatisfactory.  
I notice that your basis for the suggestion is the protection  
of your movements, plans and identity of ~~the~~ <sup>the</sup> ~~investigation~~ <sup>investigation</sup>. In it 810  
matter you are not facing any situation different from that  
throughout the country. If you have anything to give us  
which to base your inference that your reports are not being  
treated with absolute confidence I want to know it and I will  
take steps to have it corrected.

I am not altogether satisfied with the extended period  
covered by this investigation. I realize it could not be  
accomplished in a week. I want to know the prospects as to the

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conclusion of the investigation.

Very truly yours,

Acting Director.

MAILED

JUN 21 1924