

out to be worth millions of dollars, he said, “everybody wants to get in here and get some of this money.”

In the first days of February 1923, the weather turned violently cold. Icy winds cut across the plains and howled through the ravines and rattled tree branches. The prairie became as hard as stone, birds disappeared from the sky, and the Grandfather sun looked pale and distant.

One day, two men were out hunting four miles northwest of Fairfax when they spotted a car at the bottom of a rocky swale. Rather than approaching it, the hunters returned to Fairfax and informed authorities, and a deputy sheriff and the town marshal went to investigate. In the dying light, they walked down a steep slope toward the vehicle. Curtains, as vehicles often had back then, obscured the windows, and the car, a Buick, resembled a black coffin. On the driver's side, there was a small opening in the curtain, and the deputy peered through it. A man was slumped behind the steering wheel. "He must be drunk," the deputy said. But as he yanked open the driver's door, he saw blood, on the seat and on the floor. The man had been fatally shot in the back of the head. The angle of the shot, along with the fact that there was no gun present, ruled out suicide. "I seen he had been murdered," the deputy later recalled.

Since the brutal slaying of the oilman McBride, nearly six months had passed without the discovery of another suspicious death. Yet as the two lawmen stared at the man in the car, they realized that the killing hadn't stopped after all. The corpse was mummified by the cold, and this time the lawmen had no trouble identifying the victim: Henry Roan, a forty-year-old Osage Indian who was married with two children. He'd once worn his hair in two long braids before being forced to cut them off at boarding school, just as he'd been made to

change his name from Roan Horse. Even without the braids—even entombed in the car—his long, handsome face and tall, lean body evoked those of an Osage warrior.

The lawmen returned to Fairfax, where they notified the justice of the peace. They also made sure that Hale was informed; as the mayor of Fairfax recalled, “Roan considered W. K. Hale his best friend.” Roan was one of the full-bloods whose financial allowance had been officially curtailed, and he had often asked Hale to advance him cash. “We were good friends and he sought my aid when in trouble,” Hale later recalled, adding that he’d given his friend so many loans that Roan had listed him as the beneficiary on his \$25,000 life-insurance policy.



.... **Henry Roan** Credit 27

A couple of weeks before his death, Roan had phoned Hale, distraught. Roan had learned that his wife was having an affair with

a man named Roy Bunch. Hale went to visit with Roan and tried to console him.

Several days later, Hale bumped into Roan at the bank in downtown Fairfax. Roan asked him if he could borrow a few dollars; he was still morose about his wife, and he wanted to get a drink of moon liquor. Hale advised him not to buy any whiskey: “Henry, you better quit that. It’s hurting you.” And he warned him that the Prohibition men were “going to get” him.

“I am not going to bring any to town,” Roan said. “I will hide it out.”

Roan then disappeared, until his body turned up.

Once more, the macabre rituals began. The deputy and the marshal returned to the ravine, and Hale went with them. By then, darkness had enshrouded the crime scene, and the men lined up their vehicles on the hill and shone their headlights down into the depths below—into what one law-enforcement official called “truly a valley of death.”

Hale remained on top of the hill and watched as the coroner’s inquest began, the men bobbing in and out of the silhouetted Buick. One of the Shoun brother doctors concluded that the time of death was around ten days earlier. The lawmen noted the position of Roan’s body—“his hands folded across his breast and his head on the seat”—and how the bullet had exited through his right eye and then shattered the windshield. They noted the broken glass strewn on the hood and on the ground beyond. They noted the things he carried: “\$20 in greenback, two silver dollars, and...a gold watch.” And the lawmen noted nearby tread marks in the frozen mud from another car—presumably the assassin’s.

Word of the murder rekindled the sense of prickly dread. The *Osage Chief*—which, in the same issue, happened to carry a tribute to Abraham Lincoln as an inspiration to Americans—stated on its front page, HENRY ROAN SHOT BY UNKNOWN HAND.

The news jolted Mollie. In 1902, more than a decade before meeting Ernest, she and Roan had been briefly married. There are

few surviving accounts detailing the relationship, but it was likely an arranged marriage: youths—Mollie was only fifteen at the time—pressed together to preserve a vanishing way of life. Because the marriage had been contracted according to Osage custom, there was no need for a legal divorce, and they simply went their own ways. Still, they remained bound by a memory of a fleeting intimacy that had apparently ended with no bitterness and perhaps even some hidden warmth.

Many people in the county turned out for Roan's funeral. The Osage elders sang the traditional songs for the dead, only now the songs seemed for the living, for those who had to endure this world of killing. Hale served again as a pallbearer, holding aloft the casket of his friend. One of Hale's favorite poems echoed Jesus's command in the Sermon on the Mount:

*Man's judgment errs, but there is One who "doeth all things well."
Ever, throughout the voyage of life, this precept keep in view:
"Do unto others as thou wouldest that they should do to you."*

Mollie had always assisted the authorities, but as they began looking into Roan's death, she became uneasy. She was, in her own way, a product of the spirit of American self-construction. She arranged the details of her past the way she tidied up her house, and she had never told Ernest, her instinctively jealous second husband, about her Osage wedding with Roan. Ernest had provided Mollie support during these terrible times, and they had recently had a third child, a girl whom they had named Anna. If Mollie were to let the authorities know of her connection to Roan, she would have to admit to Ernest that she'd deceived him all these years. And so she decided not to say a word, not to her husband or the authorities. Mollie had her secrets, too.

After Roan's death, electric lightbulbs began to appear on the outside of Osage houses, dangling from rooftops and windowsills and

over back doors, their collective glow hollowing the dark. An Oklahoma reporter observed, “Travel in any direction that you will from Pawhuska and you will notice at night Osage Indian homes outlined with electric lights, which a stranger in the country might conclude to be an ostentatious display of oil wealth. But the lights are burned, as every Osage knows, as protection against the stealthy approach of a grim specter—an unseen hand—that has laid a blight upon the Osage land and converted the broad acres, which other Indian tribes enviously regard as a demi-paradise, into a Golgotha and field of dead men’s skulls....The perennial question in the Osage land is, ‘who will be next?’”

The murders had created a climate of terror that ate at the community. People suspected neighbors, suspected friends. Charles Whitehorn’s widow said she was sure that the same parties who had murdered her husband would soon “do away with her.” A visitor staying in Fairfax later recalled that people were overcome by “paralyzing fear,” and a reporter observed that a “dark cloak of mystery and dread...covered the oil-bespattered valleys of the Osage hills.”

In spite of the growing risks, Mollie and her family pressed on with their search for the killers. Bill Smith confided in several people that he was getting “warm” with his detective work. One night, he was with Rita at their house, in an isolated area outside Fairfax, when they thought that they heard something moving around the perimeter of the house. Then the noise stopped; whatever, whoever, it was had disappeared. A few nights later, Bill and Rita heard the jostling again. Intruders—yes, they had to be—were outside, rattling objects, probing, then vanishing. Bill told a friend, “Rita’s scared,” and Bill seemed to have lost his bruising confidence.

Less than a month after Roan’s death, Bill and Rita fled their home, leaving behind most of their belongings. They moved into an elegant, two-story house, with a porch and a garage, near the center of Fairfax. (They’d bought the house from the doctor James Shoun, who was a close friend of Bill’s.) Several of the neighbors had watchdogs, which barked at the slightest disturbance; surely, these

animals would signal if the intruders returned. “Now that we’ve moved,” Bill told a friend, “maybe they’ll leave us alone.”

Not long afterward, a man appeared at the Smiths’ door. He told Bill that he’d heard he was selling some farmland. Bill told him that he was mistaken. The man, Bill noticed, had a wild look about him, the look of an outlaw, and he kept glancing around the house as if he were casing it.

In early March, the dogs in the neighborhood began to die, one after the other; their bodies were found slumped on doorsteps and on the streets. Bill was certain that they’d been poisoned. He and Rita found themselves in the grip of tense silence. He confided in a friend that he didn’t “expect to live very long.”

On March 9, a day of swirling winds, Bill drove with a friend to the bootlegger Henry Grammer’s ranch, which was on the western edge of the reservation. Bill told his friend that he needed a drink. But Bill knew that Grammer, whom the *Osage Chief* called the “county’s most notorious character,” possessed secrets and controlled an unseen world. The Roan investigation had produced one revelation: before disappearing, Roan had said that he was going to get whiskey at Grammer’s ranch—the same place, coincidentally or not, where Mollie’s sister Anna often got her whiskey, too.

Grammer was a rodeo star who had performed at Madison Square Garden and been crowned the steer-roping champion of the world. He was also an alleged train robber, a kingpin bootlegger with connections to the Kansas City Mob, and a blazing gunman. The porous legal system seemed unable to contain him. In 1904, in Montana, he gunned down a sheepshearer, yet he received only a three-year sentence. In a later incident, in Osage County, a man came into a hospital bleeding profusely from a gunshot wound, moaning, “I’m going to die, I’m going to die.” He fingered Grammer as his shooter, then passed out. But when the victim woke up the next day and realized that he wasn’t going to the heavenly Lord—at least not anytime soon—he insisted that he had no idea who had pulled the trigger. As Grammer’s bootlegging empire grew, he held sway over an army of bandits. They included Asa Kirby, a stickup

man who had glimmering gold front teeth, and John Ramsey, a cow rustler who seemed the least bad of Grammer's bad men.



.... ***Henry Grammer received a three-year sentence after he killed a man in Montana.*** Credit 28

Bill and his friend arrived at Grammer's ranch in the gathering dusk. A large wooden house and a barn loomed before them, and hidden in the surrounding woods were five-hundred-gallon copper stills. Grammer had set up his own private power plant so that his gangs could work all day and all night—the furtive light of the moon no longer needed to manufacture moonshine.

Finding that Grammer was away, Bill asked one of the workers for several jars of whiskey. He took a swig. In a nearby pasture, Grammer's prized horses often roamed. How easy it would have been for Bill, the old horse thief, to mount one and disappear. Bill drank some more. Then he and his friend drove back to Fairfax, passing the

strings of lightbulbs—the 'fraid lights, as they were called—that shivered in the wind.

Bill dropped his friend off, and when he got home, he pulled his Studebaker in to the garage. Rita was in the house with Nettie Brookshire, a nineteen-year-old white servant who often stayed over.



~~~ **Rita Smith and her servant Nettie Brookshire at a summer retreat** Credit 29

They soon went to bed. Just before three in the morning, a man who lived nearby heard a loud explosion. The force of the blast radiated through the neighborhood, bending trees and signposts and blowing out windows. In a Fairfax hotel, a night watchman sitting by a window was showered with broken glass and thrown to the floor. In another room of the hotel, a guest was hurled backward. Closer to the blast, doors on houses were smashed and torn asunder; wooden beams cracked like bones. A witness who had been a boy at the time later wrote, "It seemed that the night would never stop trembling."

Mollie and Ernest felt the explosion, too. "It shook everything," Ernest later recalled. "At first I thought it was thunder." Mollie, frightened, got up and went to the window and could see something burning in the distant sky, as if the sun had burst violently into the night. Ernest went to the window and stood there with her, the two of them looking out at the eerie glow.

Ernest slipped on his trousers and ran outside. People were stumbling from their houses, groggy and terrified, carrying lanterns and firing guns in the air, a warning signal and a call for others to join what was a growing procession—a rush of people moving, on foot and in cars, toward the site of the blast. As people got closer, they cried out, "It's Bill Smith's house! It's Bill Smith's house!" Only there was no longer a house. Nothing but heaps of charred sticks and twisted metal and shredded furniture, which Bill and Rita had purchased just days earlier from the Big Hill Trading Company, and strips of bedding hanging from telephone wires and pulverized debris floating through the black toxic air. Even the Studebaker had been demolished. A witness struggled for words: "It just looked like, I don't know what." Clearly, someone had planted a bomb under the house and detonated it.

The flames amid the rubble consumed the remaining fragments of the house and gusted into the sky, a nimbus of fire. Volunteer firemen were carrying water from wells and trying to put out the blaze. And people were looking for Bill and Rita and Nettie. "Come on men, there's a woman in there," one rescuer cried out.

The justice of the peace had joined the search, and so had Mathis and the Shoun brothers. Even before remains were found, the Big Hill Trading Company undertaker had arrived with his hearse; a rival undertaker showed up as well, the two hovering like predatory birds.

The searchers scoured the ruins. James Shoun, having once owned the house, knew where the main bedroom had been situated. He combed in the vicinity, and that's when he heard a voice calling out. Others could hear it, too, faint but distinct: "Help!...Help!" A searcher pointed to a smoldering mound above the voice. Firemen doused the area with water, and amid the steaming smoke everyone

began clawing the rubble away. As they worked, the voice grew louder, rising over the sound of the heaving, creaking wreckage. Finally, a face began to take shape, blackened and tormented. It was Bill Smith. He was writhing by his bed. His legs were seared beyond recognition. So were his back and hands. David Shoun later recalled that in all his years as a doctor he'd never seen a man in such agony: "He was halloing and was in awful misery." James Shoun tried to comfort Bill, telling him, "I won't let you suffer."

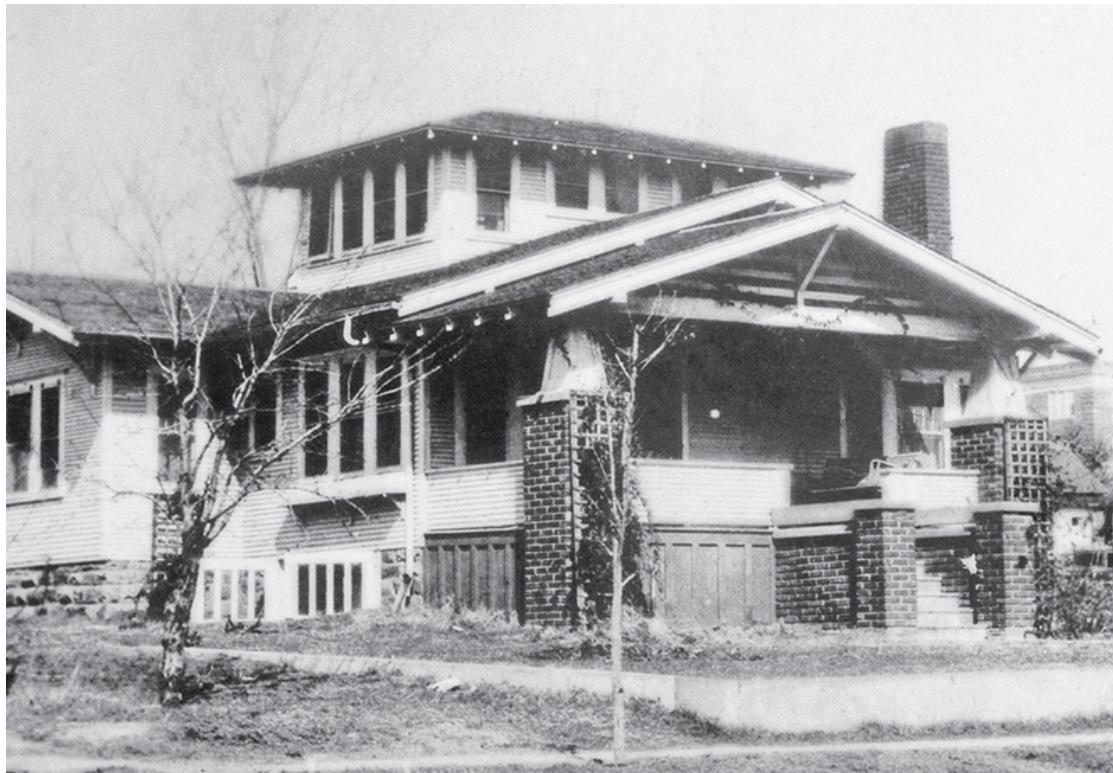
As the group of men cleared the debris, they could see that Rita was lying beside him in her nightgown. Her face was unmarred, and she looked as if she were still peacefully sleeping, in a dream. But when they lifted her up, they saw that the back of her head was crushed. She had no more life in her. When Bill realized that she was dead, he let out a torturous cry. "Rita's gone," he repeated. He told a friend who was there, "If you've got a pistol..."

Ernest, wearing a bathrobe that someone had handed him to cover himself, was looking on. He was unable to turn away from the horror, and he kept muttering, "Some fire." The Big Hill undertaker asked him for permission to remove Rita's remains, and Ernest consented. Someone had to embalm her before Mollie saw her. What would she say when she learned that another sister had been murdered? Now Mollie, once expected to die first because of her diabetes, was the only one left.

The searchers couldn't find Nettie. The justice of the peace determined that the young woman, who was married and had a child, had been "blown to pieces." There weren't even sufficient remains for an inquest, though the rival undertaker found enough to claim the fee for a burial. "I figured on getting back and getting the hired girl with the hearse, but he beat me," the Big Hill undertaker said.

The doctors and the others lifted Bill Smith up as he grabbed for breath. They carried him toward an ambulance and took him to the Fairfax Hospital, where David Shoun injected him multiple times with morphine. He was the lone survivor, but before he could be questioned, he lost consciousness.

It had taken a while for local lawmen to arrive at the hospital. The town marshal and other officers had been in Oklahoma City for a court case. “The time of the deed was also deliberate,” an investigator later noted, because it was done when officers “were all away.” After hearing the news and rushing back to Fairfax, lawmen set up floodlights at the front and rear exits of the hospital, in case the killers planned to finish off Bill there. Armed guards kept watch, too.



.... **Rita and Bill Smith's house before the blast—and then after** Credit  
**30**



Credit 31

In a state of delirium, wavering between life and death, Bill would sometimes mutter, “They got Rita and now it looks like they’ve got me.” The friend who had accompanied him to Grammer’s ranch came to see him. “He just kind a jabbered,” the friend recalled. “I couldn’t understand anything he said.”

After nearly two days, Bill regained consciousness. He asked about Rita. He wanted to know where she was buried. David Shoun said he thought that Bill, fearing he might die, was about to make a declaration—to reveal what he knew about the bombing and the killers. “I tried to get it out of him,” the doctor later told authorities. “I said, ‘Bill, have you any idea who did it?’ I was anxious to know.” But the doctor said Bill never did disclose anything relevant. On March 14, four days after the bombing, Bill Smith died—another victim of what had become known as the Osage Reign of Terror.

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A Fairfax newspaper published an editorial arguing that the bombing was beyond comprehension—“beyond our power to realize

that humans would stoop so low.” The paper demanded that the law “leave no stone unturned to ferret out the perpetrators and bring them to justice.” A firefighter at the scene had told Ernest that those responsible for this “should be thrown in the fire and burned.”

In April 1923, Governor Jack C. Walton of Oklahoma dispatched his top state investigator, Herman Fox Davis, to Osage County. A lawyer and a former private detective with the Burns agency, Davis had a groomed sleekness. He puffed on cigars, his eyes shining through a veil of blue smoke. A law-enforcement official called him the epitome of a “dime-novel detective.”

Many Osage had come to believe that local authorities were colluding with the killers and that only an outside force like Davis could cut through the corruption and solve the growing number of cases. Yet within days Davis was spotted consorting with some of the county’s notorious criminals. Another investigator then caught Davis taking a bribe from the head of a local gambling syndicate in exchange for letting him operate his illicit businesses. And it soon became clear that the state’s special investigator in charge of solving the Osage murder cases was himself a crook.

In June 1923, Davis pleaded guilty to bribery and received a two-year sentence, but a few months later he was pardoned by the governor. Then Davis and several conspirators proceeded to rob—and murder—a prominent attorney; this time, Davis received a life sentence. In November, Governor Walton was impeached and removed from office, partly for having abused the system of pardons and paroles (and having turned “loose upon the honest citizens of the state a horde of murderers and criminals”) and partly for having received illicit contributions from the oilman E. W. Marland that were used to build a lavish home.

Amid this garish corruption, W. W. Vaughan, a fifty-four-year-old attorney who lived in Pawhuska, tried to act with decency. A former prosecutor who vowed to eliminate the criminal element that was a “parasite upon those who make their living by honest means,” he had worked closely with the private investigators struggling to solve the Osage murder cases. One day in June 1923, Vaughan received an

urgent call. It was from a friend of George Bigheart, who was a nephew of the legendary chief James Bigheart. Suffering from suspected poisoning, Bigheart—who was forty-six and who had once written on a school application that he hoped to “help the needy, feed the hungry and clothe the naked”—had been rushed to a hospital in Oklahoma City. His friend said that he had information about the murders of the Osage but would speak only to Vaughan, whom he trusted. When Vaughan asked about Bigheart’s condition, he was told to hurry.

Before leaving, Vaughan informed his wife, who had recently given birth to their tenth child, about a hiding spot where he had stashed evidence that he had been gathering on the murders. If anything should happen to him, he said, she should take it out immediately and turn it over to the authorities. She would also find money there for her and the children.

When Vaughan got to the hospital, Bigheart was still conscious. There were others in the room, and Bigheart motioned for them to leave. Bigheart then apparently shared his information, including incriminating documents. Vaughan remained at Bigheart’s side for several hours, until he was pronounced dead. Then Vaughan telephoned the new Osage County sheriff to say that he had all the information he needed and that he was rushing back on the first train. The sheriff pressed him if he knew who had killed Bigheart. Oh, he knew more than that, Vaughan said.

He hung up and went to the station where he was seen boarding an overnight train. When the train pulled in to the station the next day, though, there was no sign of him. OWNER VANISHES LEAVING CLOTHES IN PULLMAN CAR, the *Tulsa Daily World* reported. MYSTERY CLOAKS DISAPPEARANCE OF W. W. VAUGHAN OF PAWHUSKA.

The Boy Scouts, whose first troop in the United States was organized in Pawhuska, in 1909, joined the search for Vaughan. Bloodhounds hunted for his scent. Thirty-six hours later, Vaughan’s body was spotted lying by the railroad tracks, thirty miles north of Oklahoma City. He’d been thrown from the train; his neck was broken, and he’d been stripped virtually naked, just like the oilman

McBride. The documents Bigheart had given him were gone, and when Vaughan's widow went to the designated hiding spot, it had been cleaned out.

The justice of the peace was asked by a prosecutor if he thought that Vaughan had known too much. The justice replied, "Yes, sir, and had valuable papers on his person."

The official death toll of the Osage Reign of Terror had climbed to at least twenty-four members of the tribe. Among the victims were two more men who had tried to assist the investigation: one, a prominent Osage rancher, plunged down a flight of stairs after being drugged; the other was gunned down in Oklahoma City on his way to brief state officials about the case. News of the murders began to spread. In an article titled "The 'Black Curse' of the Osages," the *Literary Digest*, a national publication, reported that members of the tribe had been "shot in lonely pastures, bored by steel as they sat in their automobiles, poisoned to die slowly, and dynamited as they slept in their homes." The article went on, "In the meantime the curse goes on. Where it will end, no one knows." The world's richest people per capita were becoming the world's most murdered. The press later described the killings as being as "dark and sordid as any murder story of the century" and the "bloodiest chapter in American crime history."



.... *W. W. Vaughan with his wife and several of their children* Credit  
32

All efforts to solve the mystery had faltered. Because of anonymous threats, the justice of the peace was forced to stop convening inquests into the latest murders. He was so terrified that merely to discuss the cases, he would retreat into a back room and bolt the door. The new county sheriff dropped even a pretense of investigating the crimes. "I didn't want to get mixed up in it," he later admitted, adding cryptically, "There is an undercurrent like a spring at the head of the hollow. Now there is no spring, it is gone dry, but it is broke way down to the bottom." Of solving the cases, he said, "It is a big doings and the sheriff and a few men couldn't do it. It takes the government to do it."

In 1923, after the Smith bombing, the Osage tribe began to urge the federal government to send investigators who, unlike the sheriff or Davis, had no ties to the county or to state officials. The Tribal Council adopted a formal resolution that stated:

WHEREAS, in no case have the criminals been apprehended and brought to justice, and,

WHEREAS, the Osage Tribal Council deems it essential for the preservation of the lives and property of members of the tribe that prompt and strenuous action be taken to capture and punish the criminals...

BE IT FURTHER RESOLVED, that the Honorable Secretary of the Interior be requested to obtain the services of the Department of Justice in capturing and prosecuting the murderers of the members of the Osage Tribe.

Later, John Palmer, the half-Sioux lawyer, sent a letter to Charles Curtis, a U.S. senator from Kansas; part-Kaw, part-Osage, Curtis was then the highest official with acknowledged Indian ancestry ever elected to office. Palmer told Curtis that the situation was more dire than anyone could possibly imagine and that unless he and other men of influence got the Department of Justice to act, the “Demons” behind the “most foul series of crimes ever committed in this country” would escape justice.

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While the tribe waited for the federal government to respond, Mollie lived in dread, knowing that she was the likely next target in the apparent plot to eliminate her family. She couldn’t forget the night, several months before the explosion, when she had been in bed with Ernest and heard a noise outside her house. Someone was breaking into their car. Ernest comforted Mollie, whispering, “Lie still,” as the perpetrator roared away in the stolen vehicle.

When the bombing occurred, Hale had been in Texas, and he now saw the charred detritus of the house, which resembled a wreckage of war—“a horrible monument,” as one investigator called it. Hale promised Mollie that somehow he’d avenge her family’s blood. When Hale heard that a band of outlaws—perhaps the same band responsible for the Reign of Terror—was planning to rob a store owner who kept diamonds in a safe, he handled the matter himself. He alerted the shopkeeper, who lay in wait; sure enough, that night the shopkeeper saw the intruders breaking in and blew one of them away with his single-barreled, 12-gauge shotgun. After the other

outlaws fled, authorities went to inspect the dead man and saw his gold front teeth. It was Asa Kirby, Henry Grammer's associate.



.... ***Mollie with her sisters Rita (left), Anna (second from left), and Minnie (far right)*** Credit 33

One day, Hale's pastures were set on fire, the blaze spreading for miles, the blackened earth strewn with the carcasses of cattle. To Mollie, even the King of the Osage Hills seemed vulnerable, and after pursuing justice for so long, she retreated behind the closed doors and the shuttered windows of her house. She stopped entertaining guests or attending church; it was as if the murders had shattered even her faith in God. Among residents of the county, there were whispers that she'd locked herself away lest she go mad or that her mind was already unraveling under the strain. Her diabetes also appeared to be worsening. The Office of Indian Affairs received a note from someone who knew Mollie, saying that she was "in failing health and is not expected to live very long." Consumed by fear and ill health, she gave her third child, Anna, to a relative to be raised.

Time ground on. There are few records, at least authoritative ones, of Mollie's existence during this period. No record of how she felt when agents from the Bureau of Investigation—an obscure branch of the Justice Department that in 1935, would be renamed the Federal Bureau of Investigation—finally arrived in town. No record of what she thought of physicians like the Shoun brothers, who were constantly coming and going, injecting her with what was said to be a new miracle drug: insulin. It was as if, after being forced to play a tragic hand, she'd dealt herself out of history.

Then, in late 1925, the local priest received a secret message from Mollie. Her life, she said, was in danger. An agent from the Office of Indian Affairs soon picked up another report: Mollie wasn't dying of diabetes at all; she, too, was being poisoned.

## CHRONICLE TWO

# THE EVIDENCE MAN



A conspiracy is everything that ordinary life is not. It's the inside game, cold, sure, undistracted, forever closed off to us. We are the flawed ones, the innocents, trying to make some rough sense of the daily jostle. Conspirators have a logic and a daring beyond our reach. All conspiracies are the same taut story of men who find coherence in some criminal act.

—Don DeLillo, *Libra*

## **8**    DEPARTMENT OF EASY VIRTUE

One day in the summer of 1925, Tom White, the special agent in charge of the Bureau of Investigation's field office in Houston, received an urgent order from headquarters in Washington, D.C. The new boss man, J. Edgar Hoover, asked to speak to him right away—in person. White quickly packed. Hoover demanded that his staff wear dark suits and sober neckties and black shoes polished to a gloss. He wanted his agents to be a specific American type: Caucasian, lawyerly, professional. Every day, he seemed to issue a new directive—a new Thou Shall Not—and White put on his big cowboy hat with an air of defiance.

He bade his wife and two young boys good-bye and boarded a train the way he had years earlier when he served as a railroad detective, riding from station to station in pursuit of criminals. Now he wasn't chasing anything but his own fate. When he arrived in the nation's capital, he made his way through the noise and lights to headquarters. He'd been told that Hoover had an "important message" for him, but he had no idea what it was.

White was an old-style lawman. He had served in the Texas Rangers near the turn of the century, and he had spent much of his life roaming on horseback across the southwestern frontier, a Winchester rifle or a pearl-handled six-shooter in hand, tracking fugitives and murderers and stickup men. He was six feet four and had the sinewy limbs and the eerie composure of a gunslinger. Even when dressed in a stiff suit, like a door-to-door salesman, he seemed to have sprung from a mythic age. Years later, a bureau agent who had worked for White wrote that he was "as God-fearing as the mighty defenders of the Alamo," adding, "He was an impressive sight

in his large, suede Stetson, and a plumb-line running from head to heel would touch every part of the rear of his body. He had a majestic tread, as soft and silent as a cat. He talked like he looked and shot—right on target. He commanded the utmost in respect and scared the daylights out of young Easterners like me who looked upon him with a mixed feeling of reverence and fear, albeit if one looked intently enough into his steel-gray eyes he could see a kindly and understanding gleam."

White had joined the Bureau of Investigation in 1917. He had wanted to enlist in the army, to fight in World War I, but he had been barred because of a recent surgery. Becoming a special agent was his way of serving his country, he said. But that was only part of it. Truth was, he knew that the tribe of old frontier lawmen to which he belonged was vanishing. Though he wasn't yet forty, he was in danger of becoming a relic in a Wild West traveling show, living but dead.



.... **Tom White** Credit 34

President Theodore Roosevelt had created the bureau in 1908, hoping to fill the void in federal law enforcement. (Because of lingering opposition to a national police force, Roosevelt's attorney general had acted without legislative approval, leading one congressman to label the new organization a "bureaucratic bastard.") When White entered the bureau, it still had only a few hundred agents and only a smattering of field offices. Its jurisdiction over crimes was limited, and agents handled a hodgepodge of cases: they investigated antitrust and banking violations; the interstate shipment of stolen cars, contraceptives, prizefighting films, and smutty books; escapes by federal prisoners; and crimes committed on Indian reservations.

Like other agents, White was supposed to be strictly a fact-gatherer. "In those days we had no power of arrest," White later recalled. Agents were also not authorized to carry guns. White had seen plenty of lawmen killed on the frontier, and though he didn't talk much about these deaths, they had nearly caused him to abandon his calling. He didn't want to leave this world for some posthumous glory. Dead was dead. And so when he was on a dangerous bureau assignment, he sometimes tucked a six-shooter in his belt. To heck with the Thou Shall Nots.

His younger brother J. C. "Doc" White was also a former Texas Ranger who had joined the bureau. A gruff, hard-drinking man who often carried a bone-handled six-shooter and, for good measure, a knife slipped into his leather boot, he was brasher than Tom—"rough and ready," as a relative described him. The White brothers were part of a small contingent of frontier lawmen who were known inside the bureau as the Cowboys.

Tom White had no formal training as a law-enforcement officer, and he struggled to master new scientific methods, such as decoding the mystifying whorls and loops of fingerprints. Yet he had been upholding the law since he was a young man, and he had honed his skills as an investigator—the ability to discern underlying patterns and turn a scattering of facts into a taut narrative. Despite his sensitivity to danger, he had experienced wild gunfights, but unlike

his brother Doc—who, as one agent said, had a “bullet-spattered career”—Tom had an almost perverse habit of *not* wanting to shoot, and he was proud of the fact that he’d never put anyone into the ground. It was as if he were afraid of his own dark instincts. There was a thin line, he felt, between a good man and a bad one.

Tom White had witnessed many of his colleagues at the bureau cross that line. During the Harding administration, in the early 1920s, the Justice Department had been packed with political cronies and unscrupulous officials, among them the head of the bureau: William Burns, the infamous private eye. After being appointed director, in 1921, Burns had bent laws and hired crooked agents, including a confidence man who peddled protection and pardons to members of the underworld. The Department of Justice had become known as the Department of Easy Virtue.

In 1924, after a congressional committee revealed that the oil baron Harry Sinclair had bribed the secretary of the interior Albert Fall to drill in the Teapot Dome federal petroleum reserve—the name that would forever be associated with the scandal—the ensuing investigation lay bare just how rotten the system of justice was in the United States. When Congress began looking into the Justice Department, Burns and the attorney general used all their power, all the tools of law enforcement, to thwart the inquiry and obstruct justice. Members of Congress were shadowed. Their offices were broken in to and their phones tapped. One senator denounced the various “illegal plots, counterplots, espionage, decoys, dictographs” that were being used not to “detect and prosecute crime but...to shield profiteers, bribe takers and favorites.”

By the summer of 1924, Harding’s successor, Calvin Coolidge, had gotten rid of Burns and appointed a new attorney general, Harlan Fiske Stone. Given the growth of the country and the profusion of federal laws, Stone concluded that a national police force was indispensable, but in order to serve this need, the bureau had to be transformed from top to bottom.

To the surprise of many of the department’s critics, Stone selected J. Edgar Hoover, the twenty-nine-year-old deputy director of the

bureau, to serve as acting director while he searched for a permanent replacement. Though Hoover had avoided the stain of Teapot Dome, he had overseen the bureau's rogue intelligence division, which had spied on individuals merely because of their political beliefs. Hoover had also never been a detective. Never been in a shoot-out or made an arrest. His grandfather and his father, who were deceased, had worked for the federal government, and Hoover, who still lived with his mother, was a creature of the bureaucracy—its gossip, its lingo, its unspoken deals, its bloodless but vicious territorial wars.

Coveting the directorship as a way to build his own bureaucratic empire, Hoover concealed from Stone the extent of his role in domestic surveillance operations and promised to disband the intelligence division. He zealously implemented the reforms requested by Stone that furthered his own desire to remake the bureau into a modern force. In a memo, Hoover informed Stone that he had begun combing through personnel files and identifying incompetent or crooked agents who should be fired. Hoover also told Stone that per his wishes he had raised the employment qualifications for new agents, requiring them to have some legal training or knowledge of accounting. “Every effort will be made by employees of the Bureau to strengthen the morale,” Hoover wrote, “and to carry out to the letter your policies.”

In December 1924, Stone gave Hoover the job he longed for. Hoover would rapidly reshape the bureau into a monolithic force—one that, during his nearly five-decade reign as director, he would deploy not only to combat crime but also to commit egregious abuses of power.

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Hoover had already assigned White to investigate one of the first law-enforcement corruption cases to be pursued in the wake of Teapot Dome. White took over as the warden of the federal penitentiary in Atlanta, where he led an undercover operation to catch officials who, in exchange for bribes, were granting prisoners nicer living conditions and early releases. One day during the

investigation, White came across guards pummeling a pair of prisoners. White threatened to fire the guards if they ever abused an inmate again. Afterward, one of the prisoners asked to see White privately. As if to express his gratitude, the prisoner showed White a Bible, then began to lightly rub a mixture of iodine and water over its blank fly page. Words magically began to appear. Written in invisible ink, they revealed the address where a bank robber—who had escaped before White became warden—was hiding out. The secret message helped lead to the bank robber's capture. Other prisoners, meanwhile, began to share information, allowing White to uncover what was described as a system of “gilded favoritism and millionaire immunity.” White gathered enough evidence to convict the former warden, who became prisoner No. 24207 in the same penitentiary. A bureau official who visited the prison wrote in a report, “I was very much struck with the feeling among the inmates relative to the action and conduct of Tom White. There seems to be a general feeling of satisfaction and confidence, a feeling that they are now going to get a square deal.” After the investigation, Hoover sent a letter of commendation to White that said, “You brought credit and distinction not only to yourself but to the service we all have at heart.”

White now arrived at headquarters, which was then situated on two leased floors in a building on the corner of K Street and Vermont Avenue. Hoover had been purging many of the frontier lawmen from the bureau, and as White headed to Hoover’s office, he could see the new breed of agents—the college boys who typed faster than they shot. Old-timers mocked them as “Boy Scouts” who had “college-trained flat feet,” and this was not untrue; as one agent later admitted, “We were a bunch of greenhorns who had no idea what we were doing.”

White was led into Hoover’s immaculate office, where there was an imposing wooden desk and a map on the wall showing the locations of the bureau’s field offices. And there, before White, was the boss man himself. Hoover was then remarkably slim and boyish looking. In a photograph taken of him several months earlier, he is wearing a

stylish dark suit. His hair is thick and wavy, his jaw is held tight, and his lips are pressed together sternly. His brown eyes have a watchful gaze, as if he were the one looking through a camera.



.... *Hoover at the Bureau of Investigation in December 1924* Credit 35

White and his cowboy hat loomed over the diminutive Hoover, who was so sensitive about his modest stature that he rarely promoted taller agents to headquarters and later installed a raised dais behind his desk to stand on. If Hoover was intimidated by the sight of this monstrous Texan, he didn't show it: he told White that he needed to discuss a matter of the utmost urgency with him. It had to do with the murders of the Osage. White knew that the sensational case was one of the bureau's first major homicide investigations, but he was unfamiliar with its details, and he listened as Hoover spoke in staccato bursts—a strategy that Hoover had devised in his youth to overcome a bad stutter.

In the spring of 1923, after the Osage Tribal Council had passed the resolution seeking the Justice Department's help, the then director, Burns, had dispatched an agent from the bureau to investigate the murders, which by then totaled at least twenty-four Osage. The agent spent a few weeks in Osage County before concluding that "any continued investigation is useless." Other agents were subsequently dispatched to investigate, all to no avail. The Osage had been forced to finance part of the federal investigation with their own money—an amount that would eventually reach \$20,000, the equivalent today of nearly \$300,000. Despite this expenditure, Hoover had decided, after assuming command of the bureau, to dump the case back on state authorities in order to evade responsibility for the failure. The FBI agent who was in charge of the Oklahoma field office had assured Hoover that the transfer could be handled without any "unfavorable comment" in the press. Yet that was before the bureau, Hoover's bureau, had blood on its hands. A few months earlier, agents had persuaded the new governor of Oklahoma to release the outlaw Blackie Thompson, who'd been captured and convicted of bank robbery, so that he could work undercover for the bureau to gather evidence on the Osage killings. In field reports, the agents noted excitedly that their "undercover man" had begun to work among "the crooks in the oil fields and get the evidence he has promised us." The agents proclaimed, "We expect splendid results."

But while the agents were supposed to be keeping Blackie under close surveillance, they'd lost him in the Osage Hills. He then proceeded to rob a bank. And kill a police officer. It took months for authorities to apprehend Blackie, and, as Hoover noted, "a number of officers had to take their lives in their hands to correct this mistake." So far, Hoover had managed to keep the bureau's role in the affair out of the press. But behind the scenes there was a growing political uproar. The state attorney general had sent Hoover a telegram indicating that he held the bureau "responsible for failure" of the investigation. John Palmer, the tribe's well-known advocate, sent an angry letter to Charles Curtis, the Kansas senator,

insinuating that the bureau's investigation had been tainted by corruption: "I join in the general belief that the murderers have been shrewd enough and politically and financially able enough to have honest and capable officers removed or sent to other parts, and also to quiet dishonest officials whose duty it was and is to hunt the perpetrators of these awful crimes." Comstock, the Oklahoma lawyer who had served as the guardian to several Osage, had personally briefed Senator Curtis on the bureau's catastrophic bungling.

When Hoover met with White, his grip on power remained tenuous, and he was suddenly confronting the one thing that he'd done everything to avoid since becoming director: a scandal. The situation in Oklahoma, Hoover believed, was "acute and delicate." Even a whiff of misconduct coming so soon after Teapot Dome could end his career. Only weeks earlier, he'd sent a "confidential" memo to White and other special agents, stating, "This Bureau cannot afford to have a public scandal visited upon it."

As White listened to Hoover, it became evident why he'd been summoned. Hoover needed White—one of his few experienced agents, one of the Cowboys—to resolve the case of the Osage murders and thereby protect Hoover's job. "I want you," Hoover said, to "direct the investigation."

He ordered White to set out for Oklahoma City and assume command of the field office there. Later, Hoover pointed out to White that because of the region's lawlessness, the field "office is probably turning out more work than any other office in the country and, consequently, has to have in charge of it a thoroughly competent and experienced investigator and one who can handle men." White knew that relocating to Oklahoma would be a great burden to his family. But he understood the stakes of the mission, and he told Hoover, "I am human enough and ambitious enough to want it."

White had no doubt what would happen if he didn't succeed: previous agents on the case had been banished to distant outposts or cast out from the bureau entirely. Hoover had said, "There can be no excuse offered for...failure." White was also aware that several of

those who had tried to catch the killers had themselves been killed. From the moment he walked out of Hoover's office, he was a marked man.

## **9    THE UNDERCOVER COWBOYS**

After taking over the Oklahoma City field office in July 1925, White reviewed the bureau's voluminous files on the Osage murders, which had been amassed over the previous two years. Murder cases that are not solved quickly are often never solved. Evidence dries up; memories fade. More than four years had elapsed since the killings of Anna Brown and Charles Whitehorn, and frequently the only way to crack such cases is to find an overlooked clue submerged within the original cache of records.

The files on the murders of the Osage contained history in its rawest form: bits of data vacuumed up without any chronology or narrative, like a novel whose pages were out of order. White scoured this randomness for a hidden design. Though he was accustomed on the frontier to dealing with violent death, the brutality detailed in the reports was breathtaking. An agent wrote of the bombing of the Smiths' house, "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." Previous agents had concentrated on the six cases that seemed most likely to be solved: the bombing deaths of Rita Smith and her husband, Bill Smith, and their servant Nettie Brookshire, and the fatal shootings of Anna Brown, Henry Roan, and Charles Whitehorn.

White struggled to find links among all the two dozen murders, but a few things were evident: rich Osage Indians were being targeted, and three of the victims—Anna Brown, Rita Smith, and their mother, Lizzie—were blood related. Surprisingly, agents hadn't spoken to Lizzie's surviving daughter, Mollie Burkhart. Investigators were taught to see the world through the eyes of others. But how

could White fathom what this woman had seen—from being born in a lodge on the wild prairie to being catapulted into a fortune to being terrorized as her family and other Osage were picked off one by one? The files offered few insights about Mollie’s life, mentioning only that she was ill with diabetes and had secluded herself in her house.

A few details in the files seemed telling. Repeat killers tend to rigidly adhere to a routine, yet the Osage murders were carried out in a bewildering array of methods. There was no signature. This, along with the fact that bodies turned up in different parts of the state and country, suggested that this was not the work of a single killer. Instead, whoever was behind the crimes must have employed henchmen. The nature of the murders also gave some insight into the mastermind: the person was not an impulsive killer but a connoisseur of plots who was intelligent enough to understand toxic substances and calculating enough to carry out his diabolical vision over years.

As White scrutinized the data in reports, one plausible story line after another seemed to cohere. But upon close inspection, the information invariably traced back to the same dubious sources: private eyes and local lawmen, whose opinions were based on little more than hearsay. Given that corruption seemed to permeate every institution in Osage County, these sources might be intentionally spreading disinformation in order to conceal the real plot. White realized that the greatest problem with the earlier investigations was not that agents had failed to uncover any leads; it was that there were *too* many. Agents would develop one, then simply drop it, or fail to corroborate it or to conclusively disprove it. Even when agents seemed to be moving on the right track, they had not managed to produce any evidence that would be admissible in a court of law.

As White strove to be a modern evidence man, he had to learn many new techniques, but the most useful one was timeless: coldly, methodically separating hearsay from facts that he could prove. He didn’t want to hang a man simply because he had constructed a seductive tale. And after years of bumbling, potentially crooked investigations into the Osage murders, White needed to weed out

half facts and build an indubitable narrative based on what he called an “unbroken chain of evidence.”

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White preferred to investigate his cases alone, but given the number of murders and leads to follow, he realized that he would need to assemble a team. Yet even a team wouldn’t overcome one of the main obstacles that had stymied previous investigators: the refusal of witnesses to cooperate because of prejudice, corruption, or, as an agent put it, an “almost universal fear of being ‘bumped off.’” So White decided that he would be the public face of the investigation, while most of the agents operated undercover.

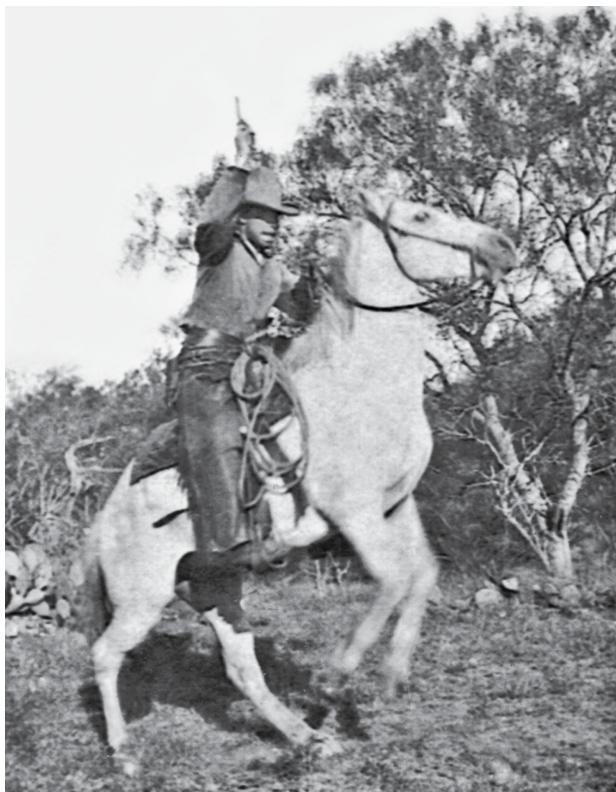
Hoover promised him, “I’ll assign as many men as you need.” Recognizing the limits of his college boys, Hoover had kept on the rolls a handful of other Cowboys, including White’s brother Doc. These agents were still learning scientific sleuthing, still adjusting to completing their reports on a typewriter. But White decided that these men were the only candidates who could handle such an assignment: infiltrating wild country, dealing with outlawry, shadowing suspects, going days without sleep, maintaining cover under duress, and handling deadly weapons if necessary. White began putting together a squad of Cowboys, but he didn’t include Doc: since serving in the Rangers, he and his brother had avoided being assigned to the same cases, in order to protect their family from potentially losing two members at once.

White first recruited a former New Mexico sheriff, who, at fifty-six, became the oldest member of the team. Though reserved to the point of being shy, the sheriff was adept at assuming undercover identities, having pretended to be everything from a cow rustler to a counterfeiter. White then enlisted a stocky, garrulous, and blond-haired former Texas Ranger who, according to a superior, was best suited for situations “where there is any element of danger.” In addition, White brought on an experienced deep-cover operative who looked more like an insurance salesman—perhaps because it was his former profession.

One agent from the previous investigation, White decided, should be retained: John Burger. He had a comprehensive knowledge of the case—from the suspects to the trails of evidence—and he had developed an extensive network of informants that included many outlaws. Because Burger was already well known in Osage County, he would work openly with White. So would another agent, Frank Smith, a Texan who listed his interests thus: “Pistol and rifle practice—Big game hunting—Game fishing—Mountain climbing—Adventures—Man hunting.” In Hoover’s bureau, Smith was classified as one of “the older type of uneducated Agents.”

Finally, White brought in the singular John Wren. A onetime spy for the revolutionary leaders in Mexico, Wren was a rarity in the bureau: an American Indian. (Quite possibly, he was the only one.) Wren was part Ute—a tribe that had flourished in what is today Colorado and Utah—and he had a twirled mustache and black eyes. He was a gifted investigator, but he’d recently washed out of the bureau for failing to file reports and meet regulations. A special agent in charge had said of him with exasperation, “He is exceedingly skilled in handling cases, and some of his work can only be described as brilliant. But of what avail are many nights and days of hard application to duty if the results are not embodied in written reports? He has all the information in his head but will not commit it to paper.” In March 1925, Hoover had reinstated Wren but only after warning him, “Unless you measure up to the standards that are now in effect in this Bureau, I will be compelled to request your resignation.” White knew that Wren would bring an essential perspective to the team. Some of the previous agents on the case, including Burger, had betrayed the kind of casual prejudice toward the Osage that was then commonplace. In a joint report, Burger and another agent had stated, “The Indians, in general, are lazy, pathetic, cowardly, dissipated,” and Burger’s colleague insisted that the only way to make “any of these dissolute, stubborn Osage Indians talk and tell what they know is to cut off their allowance...and if necessary, throw them in jail.” Such contempt had deepened the Osage’s distrust of the federal agents and hindered the investigation. But

Wren, who referred to himself as one of Hoover's "braves," had capably handled many delicate cases on reservations.



.... *White's team included a former Texas Ranger who was said to be suited for "any element of danger."* Credit 36

White relayed to Hoover which men he wanted, and those not already assigned to the Oklahoma office received urgent orders, in code, from headquarters: "PROCEED UNDER COVER IMMEDIATELY REPORTING TO AGENT IN CHARGE TOM WHITE." Once the team had been assembled, White grabbed his gun and set out for Osage County—another traveler in the mist.

## **10** ~~~ **ELIMINATING THE IMPOSSIBLE**

One after the other, the strangers slipped into Osage County. The former sheriff showed up, in the guise of an elderly, quiet cattleman from Texas. Then the talkative former Texas Ranger appeared, also presenting himself as a rancher. Not long afterward, the onetime insurance salesman opened a business in downtown Fairfax, peddling bona fide policies. Finally, Agent Wren arrived as an Indian medicine man who claimed to be searching for his relatives.

White had counseled his men to keep their covers simple so they didn't betray themselves. The two operatives acting as cattlemen soon ingratiated themselves with William Hale, who considered them fellow Texas cowboys and who introduced them to many of the leading townsfolk. The insurance salesman dropped by the houses of various suspects, under the pretense of hawking policies. Agent Wren made his own inroads, attending tribal gatherings and gleaning information from Osage who might not otherwise talk to a white lawman. "Wren had lived among the Indians...and had gotten away with it in remarkable shape," White told Hoover, adding that his undercover men seemed to be able to "withstand the rigor of the life."

It was hard for White to know where to begin the investigation. The records from the coroner's inquest into the death of Anna Brown had mysteriously vanished. "My desk was broken into and the testimony disappeared," the justice of the peace in Fairfax said.

Virtually no evidence had been preserved from the various crime scenes, but in the case of Anna, the undertaker had secretly kept one object: her skull. About the size of a melon, the hollow chamber felt unnervingly light in one's hand, air blowing through as though it

were a sun-bleached shell. White examined the skull and could see the hole in the back where the bullet had entered. He concluded, as earlier investigators had, that the bullet must have come from a small-caliber gun—a .32 or perhaps a .38 pistol. He, too, noticed the oddity that there was no exit wound in the front of Anna’s skull, which meant that the bullet had lodged inside her head. The bullet would’ve been impossible to miss during the autopsy. Someone on the scene—a conspirator or even the killer—must have swiped it.

The justice of the peace admitted that he had harbored such suspicions as well. He was pressed on the matter: Was it possible that, say, the two doctors, David and James Shoun, had taken it? “I don’t know,” he said.

When David Shoun was questioned, he conceded that there was no exit wound, but he insisted that he and his brother had “made a diligent search” for the bullet. James Shoun protested similarly. White was convinced that somebody had altered the crime scene. But, given the number of people present during the autopsy—including the local lawmen, the undertaker, and Mathis, the Big Hill Trading Company owner—it seemed impossible to say who the culprit was.

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To separate the facts from the hearsay contained in the bureau’s case files, White settled upon a simple but elegant approach: he would methodically try to corroborate each suspect’s alibi. As Sherlock Holmes famously said, “When you have eliminated the impossible, whatever remains, however improbable, must be the truth.”

White relied upon Agent Burger to guide him through the murk of the previous federal investigation. Agent Burger had worked on the case for a year and a half, and during that time he had pursued many of the same leads as the private eyes hired by Hale and Mathis and Mollie’s family. By drawing on Agent Burger’s findings, White was able to quickly rule out many of the suspects, including Anna’s ex-

husband, Oda Brown. His alibi—that he was with another woman—checked out, and it became clear that the forger who had implicated Brown had fabricated his story hoping to bargain with prosecutors for better prison conditions. Further investigation eliminated other suspects, like the ruffian oil workers who had been pinpointed by Harve Freas, the ousted sheriff.

White then explored the rumor that Rose Osage had killed Anna because Anna had tried to seduce her boyfriend, Joe Allen. (Rose and Joe had since married.) White learned of the statement that private investigator No. 28 had obtained from the Kaw Indian woman, in which Rose had confessed to being the murderer. In a field report, an agent from the bureau observed, “It is a matter of common knowledge that Rose...was of a violent and jealous disposition.” The Fairfax town marshal also shared with agents a disturbing detail: around the time of Anna’s murder, he had found a dark stain on the backseat of Rose’s car. It looked like blood, he said.



~~~~ **Agent John Burger** Credit 37

Agent Burger informed White that he had once brought Rose Osage and Joe to the sheriff's office for questioning. The two suspects were placed in separate rooms and left to stir. When Agent Burger interrogated Rose, she insisted that she'd nothing to do with Anna's killing. "I never had a quarrel or fight with Anna," she stated. Agent Burger then confronted Joe, who, in the agent's words, was "very self-contained, sullen and wicked appearing." Another investigator had separately asked Joe, "Were you thick with Annie?"

"No, I was never," he said.

Joe gave the same alibi Rose did: on the night of May 21, 1921, they had been together in Pawnee, seventeen miles southwest of Gray Horse, and had stopped at a rooming house. The owner of the rooming house—which was one of those seething places that often reeked of sex and moonshine—supported Joe and Rose's claims. The investigators noticed, however, that the stories told by Rose and Joe were almost verbatim, as if they had rehearsed them.

Rose and Joe were released, and afterward Agent Burger sought the help of an informant—the bootlegger and dope peddler Kelsie Morrison, who seemed an ideal source of intelligence. He'd once been married to an Osage woman, and was close to Rose and other suspects. Before Agent Burger could recruit Morrison, though, he needed to find him: Morrison had fled Osage County after assaulting a local Prohibition officer. Burger and other agents made inquiries and learned that Morrison was in Dallas, Texas, using the alias Lloyd Miller. The agents sprang a trap. They had a registered letter sent to the P.O. box listed under Miller's name, then they nabbed Morrison when he went to retrieve it. "We interviewed 'Lloyd Miller' who for about an hour denied that he was Kelsie Morrison but finally admitted that he was," Agent Burger reported.

Morrison, whom Agent Burger described as an "unusually shrewd and reckless and self-confessed criminal," dressed like a dance-hall hustler. Tall, bullet scarred, small-eyed, and jittery, he seemed to be wasting away from within—hence his nickname, Slim. "Talks and smokes cigarettes a lot," Agent Burger noted in a report. "Sniffs nose

and works mouth and nose like rabbit almost continuously, especially when excited.”

The feds cut a deal with Morrison: in return for getting his arrest warrant for assault quashed, he would work as an informant on the Osage murder cases. Agent Burger told headquarters, “This arrangement is strictly confidential and not to be divulged outside of this Bureau to anyone, under any circumstances.”

There was a risk that Morrison might slip away, and before releasing him, Agent Burger made sure that he’d gone through a rigorous process known as Bertillonage. Devised by the French criminologist Alphonse Bertillon in 1879, it was the first scientific method for identifying repeat criminals. Using a caliper and other special tools, Agent Burger, with the help of the Dallas police, took eleven of Morrison’s body measurements. Among them were the length of his left foot, the width and length of his head, and the diameter of his right ear.

After Agent Burger informed Morrison of the purpose of these measurements, he also commissioned a mug shot, another of Bertillon’s innovations. In 1894, Ida Tarbell, the muckraking journalist, wrote that any prisoner who passed through Bertillon’s system would be forever “spotted”: “He may efface his tattooing, compress his chest, dye his hair, extract his teeth, scar his body, dissimulate his height. It is useless.”

But Bertillonage was already being displaced by a more efficient method of identification that was revolutionizing the world of scientific detection: fingerprinting. In some cases, a suspect could now be placed at the scene of a crime even without a witness present. When Hoover became the bureau’s acting director, he created the Identification Division, a central repository for the fingerprints of arrested criminals from around the country. Such scientific methods, Hoover proclaimed, would assist “the guardians of civilization in the face of the common danger.”

Agent Burger had Morrison’s fingertips dabbed in ink. “We have his picture, description, measurements and fingerprints in the event we have cause to apprehend him,” he informed headquarters.

He then gave Morrison some spending money. Morrison promised to visit Rose Osage and Joe Allen as well as members of the underworld, to see what he could learn about the murders. Morrison warned that if anyone discovered he was working for the feds, it would mean his death.

He reported back that he had asked Rose, regarding Anna's murder, "Why'd you do it?" And she replied, "You don't know a god damn thing about it, Slim, I did not kill Anna." In a memo, Agent Burger noted of his prized informant, "If he is not bumped off too soon he can do us a lot of good."

White now reviewed all the information that had been gathered by Morrison and the agents regarding Rose Osage and Joe Allen. In light of Rose's statement to Morrison and the fact that the rooming house owner had confirmed Rose and Joe's alibi, the Kaw Indian's statement that Rose had confessed to her seemed puzzling. One detail, in particular, was curious. According to the Kaw Indian's account of Rose's confession, Anna was in the car when Rose shot her, and her body was then dumped at Three Mile Creek, where Rose also discarded her own bloodstained clothes.

The autopsy findings were telling. Criminologists had come to understand that blood coagulates at the lowest point of a body after death, producing dark splotches on the skin. If, when one finds a corpse, these splotches appear on the higher regions, it is a sign that someone has moved the body. In Anna's case, the doctors had not reported any indications of this, and from all the descriptions of the crime scene there had been no trail of blood from the car down to the creek.

It seemed that the witness must be lying and that Rose and Joe were innocent. This would explain why the Dictograph set up by the private detectives working for Mollie Burkhart's family had never picked up any incriminating statements, and why Rose's clothes had never been found in the creek. When agents interrogated the Kaw

Indian, it didn't take much for her to crack. She admitted that Rose had never told her any such story about the killing. In fact, a strange white man had come to her house, written up the statement, and forced her to sign it, even though none of it was true. White realized that the conspirators were not only erasing evidence—they were manufacturing it.

11 ~~~~ THE THIRD MAN

Hoover immediately began pestering White for updates. Once, when White was in the field and did not respond immediately, Hoover chastised him, saying, “I do not understand why, at the end of the day, you could not have wired me fully as to the developments and general situation.” Hoover’s attention to the case had waxed and waned over the years, but he had become so agitated about the growing criticism he was receiving in Oklahoma that prior to White’s arrival he had started to investigate matters himself. Though he was not one to venture into the muck of the field (he had a phobia of germs and had installed in his home a special filtration system to purify the air), he would sit in his office, poring over incoming reports from agents—his eyes and ears on the menacing world.

As Hoover studied the reports on the Osage murders, he found it an “interesting observation” that Anna Brown and Roan were both killed with a bullet to the back of the head, and “after carefully going over all of the angles,” he came to believe that a white woman, Necia Kenny, who was married to an Osage man, might hold the key to the case. Kenny had told agents that A. W. Comstock, the attorney who served as a guardian for several Osage, was likely part of the conspiracy. Hoover hadn’t forgotten that Comstock had criticized the bureau and had threatened to turn Senator Curtis against him—which made Comstock, in Hoover’s eyes, a malicious rat. “I am convinced that Mrs. Kenny is pretty well on the right track,” Hoover had told one of his agents.



~~~ *A. W. Comstock with an Osage Indian* Credit 38

Kenny had a history of mental instability—she claimed to be possessed by spells—and she had once even attempted to murder another local attorney. Still, Hoover himself had interviewed her in Washington, not once, but twice, and he arranged for a government expert on “mental diseases” to evaluate her. The doctor concluded that she was paranoid, but noted, as Hoover put it, that she “perceives items which would escape the observation of the average individual.” As a result, Hoover said, Kenny “is of greater value to us in furnishing leads than she would be possibly as a witness.”

White hadn’t been able to substantiate Kenny’s allegations, but he wasn’t sure what to make of Comstock, either. Armed with his English Bulldog revolver, Comstock was one of the few prominent white citizens in Osage County who seemed willing to assist investigators. He had told agents that he was sure he could secure critical evidence—if only he could have access to the bureau’s files. White refused to share any confidential records. Still, Comstock

would routinely come to see White, sharing helpful tidbits of information and checking on the progress of the investigation. Then he would disappear into the streets with his gleaming English Bulldog.

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By the end of July 1925, White had turned his full attention to the last of the listed suspects in Anna Brown's murder: Bryan Burkhardt, Mollie's brother-in-law. White learned that during the inquest, in 1921, Bryan had stated that on the night Anna disappeared he'd taken her straight home from Ernest and Mollie's house, dropping her off between 4:30 and 5:00 p.m.; Bryan then headed into Fairfax, where he was seen with Hale, Ernest, and his visiting uncle and aunt, who went with him to watch the musical *Bringing Up Father*. There wouldn't have been time for him to go to the creek, shoot Anna, and return to town before the show started. His alibi seemed airtight.

To corroborate it, Agent Burger and a colleague had earlier traveled to Campbell, a town in northern Texas, where Ernest and Bryan's aunt and uncle lived. The agents sped past the old trails that cowboys had once followed—trails that were now supplanted by cattle cars pulled by shrieking locomotives. Agents discovered that Hale had grown up in a wooded grove only a few miles from Campbell. His mother had died when he was three years old—the King of the Osage Hills, too, burdened by a past.

In Campbell, agents stopped at the austere house of Bryan's uncle and aunt. The uncle was away, but the aunt invited the investigators inside and launched into a venomous rant about how Ernest had married one of those red millionaires. Burger asked her about the night Anna disappeared. Oh, she'd heard the whispers about how Bryan was responsible for killing that drunken Indian, she said. But none of it was true. After dropping Anna off, Bryan had joined the rest of the party in Fairfax.

The uncle suddenly appeared at the front door. He seemed displeased to find a pair of federal agents inside his home. He was

reluctant to speak, but he confirmed that Bryan had met them in Fairfax after dropping Anna off. He added that after the show he and his wife had spent the evening in the same house with Bryan and that Bryan was there the whole time; he simply couldn't have been the murderer. The uncle then made it clear that he wanted the agents to get the hell out.

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In August 1925, White sent his undercover operatives to infiltrate the town of Ralston. White wanted his team to investigate a lead that had not been properly followed up: on the night Anna Brown disappeared, case records showed, she might have been spotted in a car by a group of white men who were sitting in front of a hotel on Ralston's main street. Previous investigators, including local lawmen and the private eyes, had spoken to these valuable witnesses and then seemingly buried what they had learned. At least one of the witnesses had since vanished, and White was convinced that, as one agent had noted in a report, such people were being "paid by suspects to go away and stay away."

White and his men tried to track down some of the witnesses outside the hotel, including an elderly farmer who had been questioned earlier by an agent. During that initial interview, the farmer had seemed to be suffering from dementia: he had stared at the agent blankly. After a while, though, he had perked up. His memory was just fine, he explained; he'd simply wanted to make sure that the investigators were who they said they were. Talking to the wrong person about these murders was liable to get one planted in the ground.

The farmer now spoke to White and his men. According to testimony that the farmer subsequently gave under oath, he remembered that evening well, because he'd often discussed it with friends of his who gathered regularly at the hotel. "We old fellows have a lot of time in town and that is where we sit down," he said. He recalled that the car had stopped by the curb and through its open

window he could see Anna—she was right there in front of him. She said hello, and someone in the group said back, “Hello, Annie.”

The farmer’s wife, who had been with him in Ralston that night, was also certain that the woman in the car was Anna, though she didn’t talk to her. “There was Indians so much around there,” she testified. “Sometimes I spoke to one, and sometimes I didn’t. Sometimes when I spoke to one they didn’t speak.” Asked if Anna had been slumped over from drinking, she said, “Just sitting like they all sit, just about like this.” She posed herself straight and rigid, like a statue, her rendition of a stoic Indian.

At one point, she was asked if anyone had been with Anna in the car.

“Yes, sir,” the farmer’s wife said.

“Who?”

“Bryan Burkhart.”

Bryan, she said, had been driving the car and wearing a cowboy hat. Another witness said that he also saw Bryan with Anna in the car. “They went straight west from there right on through town and I don’t know where they went from there,” the witness recalled.

It was the first proven crack in Bryan’s alibi. He might have taken Anna home, but he’d eventually gone back out with her. As an agent wrote in a report, Bryan “perjured himself when he swore before the coroner’s inquest at Fairfax...that he had left Anna safely at her home in Fairfax between 4:30 and 5 p.m.”

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White needed to establish where the two had gone after leaving Ralston. Piecing together details from Agent Burger’s previous informants as well as from witnesses located by the undercover team, White was able to create a time line. Bryan and Anna had stopped at a nearby speakeasy and stayed there until about 10:00 p.m. Then they headed to another hell joint, several miles north of Fairfax. Bryan’s uncle was spotted with them, so perhaps the uncle had been lying to Agent Burger, to cover not only for Bryan but for himself as

well. The owner of the place told agents that Bryan and Anna had been drinking there until about 1:00 a.m.

Accounts of where Bryan and Anna went after that grew murkier. One witness said that they'd stopped, alone, at another speakeasy closer to Fairfax. Others reported seeing Bryan and Anna leave the speakeasy in the company of a "third man" who wasn't the uncle. "Third man is said to have been present with Anna Brown and Bryan Burkhart," Agent Burger noted. The last sighting of Anna and Bryan together that the investigators heard about had been at approximately 3:00 a.m. A witness who knew them both said that she'd heard a car stop near her house in Fairfax. A man whom she believed to be Bryan shouted, "Stop your foolishness, Annie, and get into this car."



.... **Bryan Burkhart** Credit 39

After that, there was no trace of Anna—she'd been ghosted. Bryan's neighbor, though, spotted him returning home at sunrise. Bryan

later told the neighbor not to say a word to anybody, and gave him money to keep quiet.

White had homed in on a prime suspect. But, as with many mysteries, each answer to a question opened up another question. If Bryan had killed Anna, what was his motive? Was he involved in the other murders? And who was the third man?

## **12**    ~~~ A WILDERNESS OF MIRRORS

By the end of that summer, White began to suspect that there was a mole inside the investigation. When one of his agents was questioning a seedy local attorney—who, according to an informant, was trying to “strangle” the government’s probe—the attorney betrayed a shocking knowledge of the inner workings of the case. Finally, he admitted that he’d “seen part of the reports made by the Bureau...and had an opportunity to see more of them.”

The bureau’s probe had long been plagued by leaks and sabotage. One agent complained that “information contained in reports immediately gets into the possession of unauthorized and unscrupulous persons.” A U.S. attorney also discovered that the reports furnished to him by the bureau had vanished from his office. The breaches threatened the lives of agents and created insidious doubts, with officials questioning each other’s loyalty. One federal prosecutor demanded that no copy of his report be “handed to any representative of the State of Oklahoma.”

Perhaps most damagingly, two private eyes, including one from the Burns agency, tried to expose the bureau’s main informant, Kelsie Morrison. These private eyes leaked to several local officials that Morrison was working with the bureau, then went so far as to detain him on a trumped-up robbery charge. Agent Burger said that the conduct of one of these private detectives was “reprehensible” and was “certainly hurting our investigation.” Obstruction, he noted, appeared to be these private detectives’ “sole object,” adding, “Someone must be paying them to do this.” An agent reported that Morrison, after being released from jail, seemed “frightened out of his wits.” During one of their meetings, Morrison beseeched agents

to get the “son-of-bitches” who did the killings before they got him. Agent Burger warned Morrison, “Look out for double crossing and traps.”

At night, White sometimes met with his team in the countryside, the men huddling in the dark like fugitives. Agents in the past had sensed that they were being followed, and White gave his men advice in case their cover was blown: “Keep your balance, avoid any rough stuff if possible.” Making it clear that they should carry weapons, he added, “But if you have to fight to survive, do a good job.”



.... *The former New Mexico sheriff who played the role of a cattleman on White's team* Credit 40

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White found himself wandering through a wilderness of mirrors—his work more akin to espionage than to criminal investigation. There were moles and double agents and possibly triple agents. No one had aroused more suspicion than the private eye called Pike. A

gentleman in Osage County had once approached Agent Burger and introduced himself as an intermediary, a go-between, for Pike. Agents were aware that Pike had been hired by William Hale back in 1921 to solve the Osage murders but had abandoned the case after failing to make any progress.

The intermediary, however, said that Pike had actually withheld a crucial piece of information that he had discovered during his investigation: he knew the identity of the third man who'd been spotted with Bryan and Anna around the time that she was killed. Agent Burger wrote that Pike apparently "has known and talked with this third man." But the intermediary made it clear that Pike would share this information under one condition: that he be paid a king's ransom. "It is quite apparent there is some crooked work afoot," Agent Burger wrote in a report.

Agents demanded, through the intermediary, that Pike come forward. But again he didn't comply, evidently determined to extort money and obstruct justice. Agents launched a manhunt for Pike, whose last known address was in Kansas City. "Pike will have to be located and apprehended," Agent Burger wrote. "He changed his Kansas City address soon after it became known that we were working on him. We feel sure he has been paid to skip."

Not long after, Pike was caught allegedly committing highway robbery in Tulsa. Out of angles to play, he gave up a name of a local gambler. Agents could confirm that the gambler had been at one of the speakeasies drinking with Bryan and Anna on the night of May 21. But further investigation proved that the gambler had gone home too early to be the third man.

It seemed as if the agents had once more been duped. But they continued to work on Pike, to pressure him, and over time he began to reveal, little by little, a hidden dimension to the case. He disclosed that he'd never really been hired to solve the murder of Anna Brown; in fact, he'd been asked to conceal Bryan's whereabouts on the night of the crime.

Pike told agents that he was supposed to manufacture evidence and to generate false witnesses—to "shape an alibi," as he put it.

What's more, he claimed that his orders had come directly from William Hale.

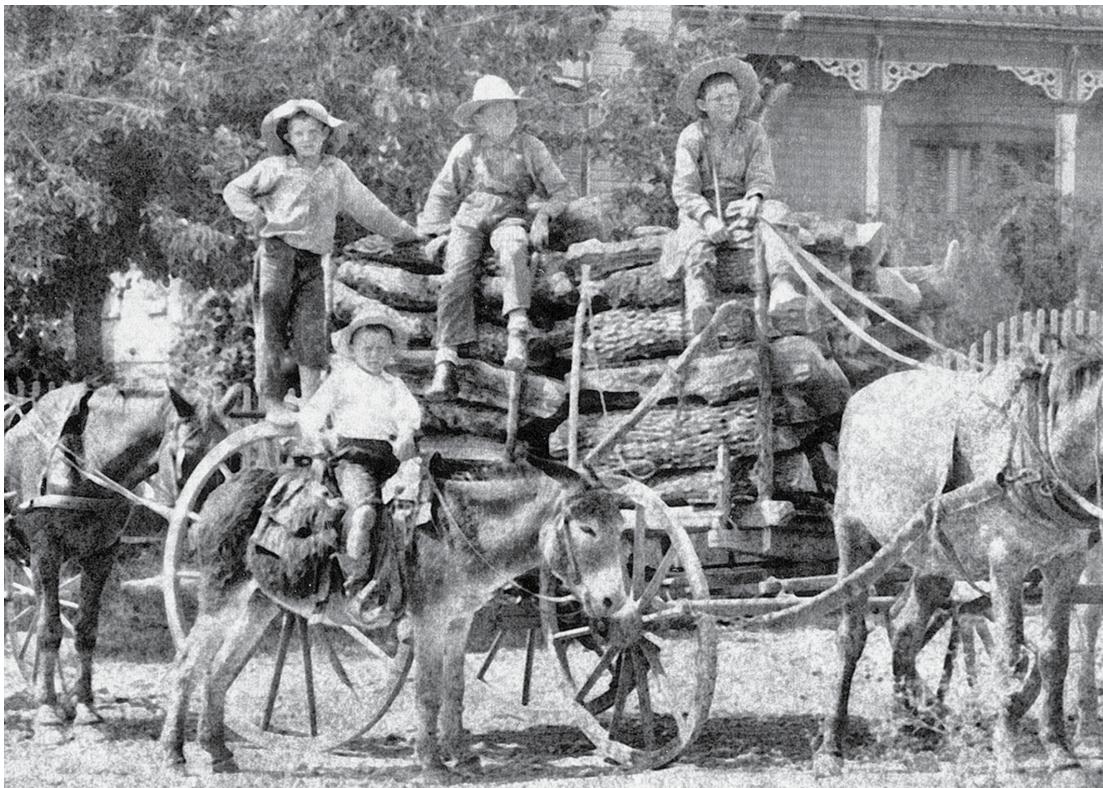
Pike explained that Hale took pains never to say explicitly that Bryan had been involved in Anna's murder, but this was evident from what Hale was asking him to do. If Pike was telling the truth, it meant that Hale—a seeming paragon of law and order who had held himself up as Mollie Burkhart's most staunch protector—had been lying all these years about Anna's murder. Pike could not answer what White wanted to know most: Was Hale merely protecting Bryan, or was he part of a more intricate, nefarious design?

Pike, though, told agents one more thing that was startling. When he met with Hale and Bryan, Pike said, there was sometimes another person present: Ernest Burkhart. Pike added that Ernest was careful never to "discuss this case or talk it over with him in the presence of Mollie Burkhart."

## 13    ~~~ A HANGMAN'S SON

The first time that Tom White saw a criminal hanged he was just a boy, and the executioner was his father. In 1888, his father, Robert Emmett White, was elected sheriff of Travis County, Texas, which included Austin, then a city of fewer than fifteen thousand people. A towering man with a dense mustache, Emmett, as Tom's father liked to be called, was poor, stern, hardworking, and pious. In 1870, at the age of eighteen, he migrated from Tennessee to the still-wild frontier of central Texas. Four years later, he married Tom's mother, Maggie. They lived in a log cabin, in the desolate hill country outside Austin, where they herded cattle and scratched the earth for whatever food it might yield. Tom, who was born in 1881, was the third of their five children; among them was Doc, the youngest, and Dudley, Tom's bruising older brother with whom he was particularly close. The nearest schoolhouse—which had one room and a single teacher for eight grades—was three miles away, and to get there, Tom and his siblings had to walk.

When Tom was six, his mother died, apparently from complications after childbirth. Her body was laid in a plot where Tom could see the grass growing over her. Emmett was left to raise Tom and his siblings, all of whom were under the age of ten. A nineteenth-century book profiling distinguished Texans said of Emmett, "Mr. White belongs to that class of solid, substantial farmers of which Travis county can boast....He is well known in the county, and the people have the greatest confidence in his energy and integrity of character." In 1888, a delegation of townsfolk beseeched Emmett to run for county sheriff, which he did, winning easily. And so Tom's father became the law.



.... ***Tom (standing to the left) and his brothers, including Doc (on the donkey) and Dudley (far right)*** Credit 41

As sheriff, Emmett was in charge of the county jail, in Austin, and he moved with his children into a house adjoining the building. The jail resembled a fortress, with barred windows and cold stone passageways and tiered cells. In Emmett's first year, the jail held nearly three hundred prisoners, including four murderers, sixty-five thieves, two arsonists, twenty-four burglars, two forgers, five rapists, and twenty-four inmates classified as lunatics. Tom later recalled, "I was raised practically right in the jail. I could look down from my bedroom window and see the jail corridor and the doors to some of the cells."

It was as if the Scripture were unfolding before his eyes: good and evil, redemption and damnation. One time, a melee broke out in the prison. As Sheriff White tried to quell the riot, his children ran to the nearby courthouse, calling for help. The *Austin Weekly Statesman* published a story about the incident under the headline BLOOD, BLOOD,

BLOOD; THE COUNTY JAIL TURNED INTO A VERITABLE SLAUGHTER PEN. The reporter described the scene that young Tom had encountered: "The writer has seen many bloody and sickening sights in his experience in newspaper work, but none of them approached the disgusting sight that met his gaze when he entered the county jail yesterday afternoon about half past five o'clock. Turn which way he might nothing was to be seen but blood."

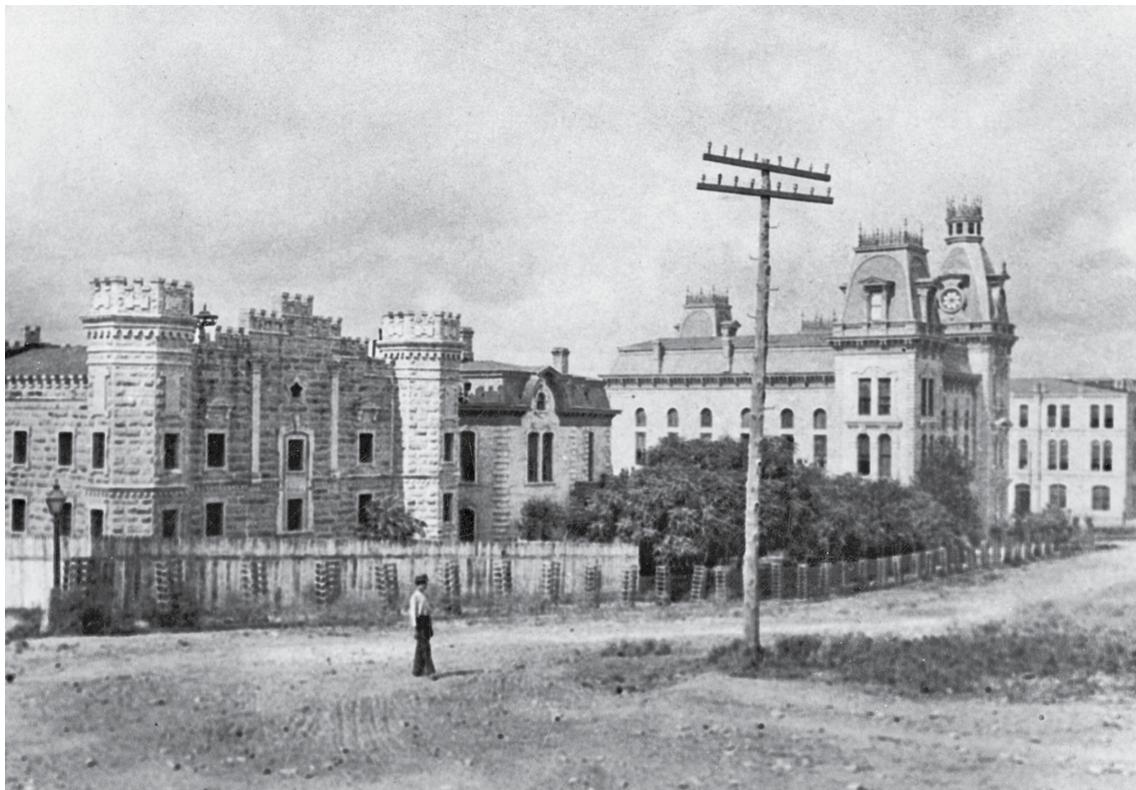
After the incident, in which five men were badly injured, Emmett White became a firm, even unyielding, sheriff. Still, he showed remarkable consideration toward the people in his custody and insisted on making arrests without brandishing his six-shooter. He did not philosophize about the law or his responsibilities, but Tom noticed that he always maintained the same manner, no matter whether the prisoners were black or white or Mexican. At the time, extrajudicial lynchings, particularly of blacks in the South, were one of the most egregious failures of the American legal system. Whenever Emmett heard that locals were planning to throw a "necktie party," he would rush out to try to stop it. "If a mob attempts to take the negro" from the sheriff, a reporter noted in one case, "there will be trouble." Emmett refused to put young, nonviolent prisoners in the jail alongside older, more dangerous convicts, and because there was no other place for them, he let them stay in his own house, living with his children. One girl remained with them for weeks on end. Tom never knew why she was in jail, and his father never discussed it.

Tom often puzzled over why criminals did what they did. Some of the prison's inmates seemed bad through and through, the devil born in them. Some seemed sick in the head, seeing things that other people couldn't see. Many of the prisoners, though, had been driven to a desperate act—often, something violent and despicable—and afterward they were penitent, seeking redemption. In some ways, these convicts were the most frightening to contemplate, for they demonstrated that badness could take hold of anyone. Tom attended a local Baptist church with his family, and the preacher said that everyone was a sinner—even Emmett, the upholder of justice. These

were mysteries that Tom might never solve, though he seemed to spend most of his life trying.

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Tom watched his father work. At all hours of the day, including on the Sabbath, Emmett would be summoned to hunt men. Criminology was still primitive: Emmett grabbed his gun, canvassed any witnesses to the crime, then mounted his horse and went in pursuit. He also kept a pack of bloodhounds, which he sometimes deployed in the chase.



Tom's father oversaw the county jail, in Austin. Credit 42

One summer day in 1892, when Tom was eleven, his father hurried out with the bloodhounds: a family man had been gunned down while riding his horse. Tom's father noticed that, thirty paces from where the victim lay, there was a spot of trampled earth and a burned ammunition wad; it was the place where the killer had stood. White

unleashed the hounds and they picked up the killer's trail, which curiously led right back to the dead man's house. As Sheriff White gathered evidence from witnesses, he learned that the victim's slayer was his own son.

A few weeks later, Tom's father was summoned again, this time in pursuit of a rapist. A headline in the *Statesman* read "RAVISHED IN BROAD DAY...Mrs. D. C. Evans Dragged from Her Buggy, Brutally Assaulted and Then Outraged—the Officers Hot on the Trail of the Brutal Wretch." Despite a grueling chase, the rapist eluded capture. In such cases, Tom's father withdrew into himself, as if tormented by some dreadful sickness. Once, before he apprehended a fugitive, a reporter observed, "Truth to tell, Sheriff White's every thought day and night" was of the man, so much so that "his capture soon became a part of Sheriff White's very existence."

Every time the sheriff headed out into the dark, the bloodhounds howling, Tom had to live with the terrible uncertainty that his father might never return—that, like Tom's mother, he might disappear from this world forever. Though it took enormous courage and virtue to risk your life in order to protect society, such selflessness also contained, at least from the vantage point of your loved ones, a hint of cruelty.

Once, a desperado put a gun to Emmett's head; somehow, he managed to wrestle the weapon free. Another time, at the jail, a prisoner pulled a knife and stabbed his father from behind. Tom could see the knife protruding from his father's back, blood gushing onto the floor. It was amazing how much blood was inside a man, inside his father. The prisoner tried to twist the knife, and his father seemed ready to give up the ghost, when suddenly he drove his finger into the prisoner's eye, causing the eye to pop out—Tom could see it dangling from the socket. His father subdued the prisoner. But Tom would relive that scene all his life. How could one forgive a sinner who tried to kill one's own father?

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The first hanging that Tom witnessed was carried out in January 1894. A nineteen-year-old black man, Ed Nichols, had been convicted of raping a girl and sentenced to be “hung by the neck until he is dead.” The duty of performing an execution, which hadn’t occurred in the county for a decade, fell to the sheriff.

Tom’s father hired a carpenter to construct the gallows near the southern wall of the prison, the only place where the ceiling was sufficiently high. The location was ten feet from Nichols’s cell, and the condemned man—who maintained his innocence and still hoped for a reprieve from the governor—could hear the planks being sawed and nailed, sawed and nailed, the pace quickening. Tom’s father was determined to make the killing mercifully swift, and once the apparatus was completed, he repeatedly tested it with sacks of sand.

The governor rejected Nichols’s final appeal, saying, “Let the law take its course.” Tom’s father broke the news to Nichols, who was in his cell, deep in prayer. Nichols tried to stay calm, but his hands began to tremble. He said that he’d like to be clean-shaven and wear a fine black suit for his appointment with death, and Tom’s father promised to honor his wishes.

On the day of the execution, Tom, who was twelve years old, stood on a tier inside the jail. No one shooed him away, not even his father, and he could see Nichols, who was dressed in his new suit, being led by Tom’s father to the scaffolding, time measured in each step and breath. As Tom listened, a preacher read Nichols’s final statement: “Sheriff White has been very accommodating to me indeed. I feel prepared to meet death. My soul is at peace with all mankind.” Then the preacher offered his own holy words. “Ed Nichols is to swing into eternity,” he said. “Sheriff Death is on his black steed, is but a short distance away, coming to arrest the soul of this man to meet the trial at the higher bar where God himself is supreme ruler, Jesus, his son the attorney, and the Holy Ghost the prosecutor.”

When the preacher finished, Tom heard a familiar voice. It was his father, reading the death warrant. The noose was fitted around Nichols’s neck, and a black hood placed over his head. Tom could no longer see Nichols’s face, but he could see his father holding the lever

for the trapdoor. At two minutes before four in the afternoon, his father sprang the trap. The body fell before jerking violently upward. Then a sound of astonishment and horror rippled through the crowd. Despite all the meticulous construction, Nichols was still moving, still trembling with life. “He kicked and jerked around a long time,” Tom later recalled. “It seemed like he would never give up and die.” Finally, his body stopped moving and was cut down from the rope.

Perhaps because he witnessed this—and other executions—or perhaps because he had seen the effect of the ordeal on his father, or perhaps because he feared that the system could doom an innocent man, Tom grew to oppose what was then sometimes called “judicial homicide.” And he came to see the law as a struggle to subdue the violent passions not only in others but also in oneself.

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In 1905, when Tom was twenty-four, he enlisted in the Texas Rangers. Created in the nineteenth century as a volunteer citizen militia to fight American Indians on the frontier and, later, Mexicans along the border, the Rangers had evolved into a kind of state police force. American Indians and Mexicans had long despised the Rangers for their brutal, shoot-first methods. But among white Texans they were widely mythologized. As Lyndon B. Johnson later put it, “Every school boy in Texas cuts his eye teeth on stories about the Texas Rangers. I wasn’t any exception.”

Tom’s brother Dudley, equally entranced by the Ranger mystique, entered the force the same year as Tom, and Doc soon joined them. Later, Tom’s brother Coley followed even more closely in their father’s footsteps, becoming the sheriff of Travis County. Doc recalled the simple advice that his father gave him upon becoming a lawman: “Get all the evidence you can, son. Then put yourself in the criminal’s place. Think it out. Plug up those holes, son.”

Like Doc and Dudley, who were each placed in separate Ranger companies, Tom received a meager salary of \$40 per month—“the same as a cowpuncher,” as he put it. Tom joined his company at a